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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

SENATE—Tuesday, July 20, 2010

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, in whom we live and move and have our being, from whom we come and to whom we go at last, quiet our spirits and give us the grace to faithfully serve You during these challenging times. Lead our Senators to do justly, to love mercy, and to walk humbly before You. May they offer to You their bodies, minds, and spirits in service, that they may fulfill Your purpose for humanity. Lord, give them joyful and dauntless hearts, prepared for surprises and ready always for fresh opportunities. Infuse them with the belief that You can accomplish what seems to be humanly impossible.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 20, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following any leader remarks, there will be a period of morning business. Senators will be allowed to speak for up to 10 minutes each. That will be until 12:30 p.m. today. The time will be equally divided and controlled between the two leaders or their designees. The majority will control the first 30 minutes, the Republicans will control the next 30 minutes.

The Senate will recess from 12:30 p.m. to 2:15 p.m. for our weekly caucus meetings. At 2:15 p.m., CARTE GOODWIN of West Virginia will be sworn in as Senator from West Virginia to replace Senator Byrd. Then, at 2:30 p.m., there will be a cloture vote with respect to H.R. 4213, legislation extending unemployment insurance benefits.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FISCAL RESPONSIBILITY

Mr. MCCONNELL. Madam President, later today, the Senate will vote to extend Federal unemployment benefits to millions of Americans who are out of work and struggling to make ends meet in a terrible recession.

Ordinarily, this is not a controversial piece of legislation. Everyone agrees we should help people who are struggling to get back on their feet and keep food on the table. Unfortunately, the President has decided to turn this debate into a political exercise.

In his weekly radio address over the weekend and again yesterday at the White House, the President accused Republicans of doing something we have not done. In doing so, he cheapens political discourse and does a disservice to the people this bill is meant to help.

As a former Senator, the President is well aware of how the Senate works. He knew today's vote to extend these benefits had already been scheduled days before he told the Nation, in two national broadcasts, that Republicans were holding it up. He also knew it would pass. But he intentionally implied otherwise, leaving the public without all the facts.

So here are the facts: Republicans support extending benefits to the unemployed. As the President himself said yesterday, we have repeatedly voted for similar bills in the past, and we are ready to support one now. What we do not support—and we make no apologies for this—is borrowing tens of billions of dollars to pass this bill at a time when the national debt is spinning completely out of control.

That is why Republicans have proposed an alternative bill five times that would enable us to extend these benefits without adding a nickel to the debt—a bill Democrats have repeatedly rejected.

There should be no doubt as to what constitutes fiscal responsibility in this debate. Last November, the President himself described a bill to extend unemployment benefits as fiscally responsible because it did not add to the debt. So according to the President's own logic, Democrats who vote to pass this bill and add nearly \$34 billion more to the national debt will be doing so in a fiscally irresponsible way, and Republicans who insist on passing it without adding to the debt are being responsible.

The fact is, this debate is not about unemployment insurance. There is no debate in the Senate about whether we should pass a bill. Everyone agrees we should. This debate is about whether, in extending those benefits, we should add to the debt.

If Democrats were as concerned about passing this bill as they say they

are, they would find a way to do it without adding to the debt. After all, there is no law that says we are required to exacerbate one crisis in an effort to alleviate another. Most Americans I talk to think a \$13 trillion debt is one crisis we cannot afford to put off any longer.

If Republicans have done anything wrong in this debate, it was to underestimate how committed Democrats are to spending money we do not have. Given the choice to extend these benefits without adding to the debt or allowing them to expire, Democrats chose the latter on five separate occasions. They do not seem to appreciate the fact that by adding to the national debt, they are increasing the long-term burden on everyone—the unemployed, the employed and our children and grandchildren who will have to pay for it.

The President likes to point out that Congress has added to the debt in years past. What he does not mention is we were not in the middle of a debt crisis then. We were not being lectured by the French about the need to cut back on our spending. People were not rioting in Greece. We did not have a President who came into office with a list of legislative priorities that would double the national debt in 5 years and triple it in 10.

The President also says Republicans are playing politics in this debate. But by pointing the finger at Republicans, he is attempting to deflect attention not only from his own party's unwillingness to take the debt seriously, he is attempting to deflect attention from Democrats' own fiscal recklessness and its potential consequences for our future.

None of us likes to see good people struggling to find work. We all empathize with the people the President highlighted yesterday at the White House. But let's not forget the role this administration's own policies have played in all this.

If ever there was an indictment of this administration's economic agenda, it was yesterday's press conference. The administration asked taxpayers to foot the bill on a \$1 trillion stimulus that he claimed would create 4 million jobs. A year and a half later, the President is standing with three chronically unemployed Americans, some of the victims of a 9.5-percent unemployment rate, asking taxpayers for another \$34 billion in deficit spending to continue paying their unemployment benefits. I think most Americans see the connection here.

The President also tried to score political points yesterday by mischaracterizing the debate over the small business bill. Here is another bill that both parties support. Yet the President would have the American people believe that somehow we are trying to hold it up just because the

majority leader would rather move on to some of his other legislative priorities than have a vote on a couple of amendments to this bill that would help to create more jobs.

So either the President is misinformed about what has been going on over here or he is deliberately mischaracterizing the situation. The fact is, the Senate is already on this bill and both sides have offered improvements. If the President wants to criticize someone for slowing it down, he should point the finger at his own party for repeatedly taking it off the floor, which brings me to the supplemental war spending bill.

I will remind my colleagues the Secretary of Defense has indicated that failure to pass this bill before the August recess could actually keep our soldiers and marines from getting paid, a point he reiterated in a letter to the majority leader, sent yesterday.

So what is the holdup?

Some Democrats in the House do not want to pass this funding for our troops unless the Senate agrees to tack on billions in unrelated domestic spending. It is time for House Democrats to get serious and stop holding our troops hostage. Let's strip this unrelated funding and pass this war funding bill.

Yesterday, the Democratic chairman of the House Armed Services Committee made it clear that he recognizes the need for the Senate to pass the troop funding bill quickly and get it to the President's desk.

Every Member of this Chamber should unite behind this goal. The Defense Department finds itself in the last weeks of the fiscal year with little flexibility to meeting funding shortfalls of the operations and pay for our forces in the field. That leaves it to us to act, and I suggest we do so this week.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

The Senator from Illinois.

UNEMPLOYMENT INSURANCE

Mr. DURBIN. Madam President, this afternoon is a historic moment in the

history of this great Chamber. Our beloved and now departed Senator from West Virginia, Robert C. Byrd, will be succeeded in office with a temporary appointment from West Virginia, and we will swear in his successor at 2:15 this afternoon. A few minutes later, the Senate will take up a historic measure. It is a question of whether we should provide unemployment benefits to the millions of Americans who have lost their job, through no fault of their own, and are victims of this recession.

In my home State, 115,000 people have fallen off the unemployment rolls while we have debated whether to extend unemployment benefits. Across America, 1.2 million Americans have lost basic unemployment benefits.

What do these benefits mean to these families out of work? Literally, bread on the table; literally, whether the lights go on when you flick the switch; literally, whether they have a roof over their heads.

This did not use to be a political issue. We did not get involved in a partisan debate about unemployment benefits when it came to other Presidents. But under this President, Barack Obama, the Republicans have decided to take a stand and the stand says this: When it comes to people who are victims of this recession, we will not help them unless we find some way to add a new tax or cut some spending in other areas.

That was never the standard before. We viewed this as an economic emergency, which we responded to, to get America back on its feet.

Those who are involved in watching our budget and our deficit and our economy, such as Bob Bixby, the president of the Concord Coalition, puts it very clearly. Mr. Bixby says:

As a deficit hawk, I wouldn't worry about extending unemployment benefits. It is not going to add to the long-term structural deficit, and it does address a serious need. I just feel like unemployment benefits wandered onto the wrong street corner at the wrong time, and now they are getting mugged.

That is Bob Bixby of the Concord Coalition.

What about David Brooks? I respect David Brooks, a conservative Republican writer but a thinker. Here is what he says, in writing in the New York Times last week about unemployment benefits:

Well, there's a few short-term things you can do [about this economy]. First, extend unemployment insurance; that's a foolish place to begin budget-balancing.

David Brooks knows what we all know: a dollar handed to an unemployed person is spent almost immediately, recirculates through the economy, and creates \$1.60 in economic activity. It is the best way to create more consumer demand—more demand for goods and services and greater opportunities for jobs, while it provides the basic necessities of life for those who are out of work.

But when it comes to this issue, the Republicans have said: No, we are going to take a stand on the deficit and we are going to take a stand when it comes to unemployed people because the deficit is a serious issue.

I agree with them; it is a serious issue. But last week, the Republican minority whip, JON KYL of Arizona, was asked: Well, let me ask you about tax cuts for the wealthiest people in America. If you cut taxes, doesn't that add to the deficit? It is hard to argue that it doesn't.

They said to JON KYL of Arizona: So you don't want to add to the deficit; you don't want to make it worse, so we would have to pay for or find some new revenue or some cut for tax cuts; correct? Senator KYL said: No; tax cuts don't count when it comes to the deficit.

So here is the double standard. The double standard says when we are helping unemployed people in America, it is a deficit problem, but if we are giving tax breaks to the wealthiest people in America, it is not a deficit problem. That kind of double standard is fundamentally unfair. When it comes to unemployed Americans who lost their jobs through no fault of their own, Americans literally faced with living in their cars, the Republicans tell us: Sorry, we can't help; the deficit just requires us to say no to unemployed Americans. But when it comes to wealthy Americans who are living comfortably, Americans who can take a tax cut and buy a new car, the Republicans say that is all right; we can give those tax cuts to the wealthy; it doesn't hurt the deficit. It makes no sense.

Why are we in this situation today? We are here because of the worst economic recession since the Great Depression. This President inherited it from Republican Bush economic policies that failed America, and in that failure the victims can be found in every community across our great Nation. I met with three of them in Chicago on Sunday. We sat down and talked about what life is like when you are out of work for more than a year—more than a year.

One was a veteran, a man who had served in our Coast Guard and worked for years and years in the advertising business in Chicago. He has MS and now he has no paycheck and now he has no health insurance. If the VA will not cover some of his needs, he is on his own.

Another was a young woman. She was a woman who worked hard and had a good job and lost it a year ago but has been looking ever since. Every day, she is on the Internet, answering the ads, doing everything she can.

She said: I am almost afraid to come to this press conference. I don't want my landlord to see me and realize my unemployment is over. I am 2 months away from living in my car.

The third was a man who had been out of work for over a year; a productive, good man who was clearly broken by this experience but determined to keep trying. He was cut off from unemployment benefits by a Republican Party which will not join us in what has been a bipartisan effort under Presidents, both Republican and Democrat.

This afternoon we have a chance to stand for those people in Illinois, in New Hampshire, in Maryland, and in Kentucky. We have a chance to say we as an American family stand together, we care for our own, we help our own. We are going to help them get back to a life of productive activity, paying taxes, and retiring our deficit.

We remember on the Republican side not that long ago under President Bush when the national debt of America doubled under President Bush, from \$5 trillion worth of accumulated debt in the history of the United States of America to the day when President Bush left office and the national debt was \$12 trillion. It more than doubled with the budgets offered by President Bush under his administration. In those days, Vice President Cheney used to say: Deficits don't count.

Well, they count.

We are going to bring ourselves out of this deficit crisis, but first we are going to get this economy moving, create the jobs and put people back to work. Until we do that, the deficit just gets worse.

This afternoon we have a chance to give a helping hand to people who have lost their jobs through no fault of their own and need just a little assistance from us as a nation so they can move forward and help this Nation move forward again.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Thank you, Madam President.

I wish to thank the Senator from Illinois for his remarks and his leadership on this topic because I feel the same way.

Finally, finally, finally, we are going to vote and have enough votes to pass the extension of unemployment insurance—unemployment insurance. It is insurance against being unemployed. That is what it is. It is not some grant. It is not some giveaway. It is not an earmark. It is insurance. It is social insurance, created by the United States of America in partnership with the private sector and the people who work every day so that when they hit a speed bump and have to be laid off through no fault of their own, there will be a safety net so they do not fall. It is insurance. It is social insurance. It is a social contract, and it is a social compact.

In my mind, it is like having a treaty with the American people. We don't

violate treaties, and we shouldn't violate this social contract. But oh, no, not our Senate. We had to dilly-dally around for month after month with the obstructionist tactics of the other side, using out-of-date procedures of this institution that belong in another century and another economy.

My constituents are frustrated. They are frustrated about their lives, they are frustrated about the direction of the country, and they are sure frustrated with the Senate—and put me in that corner. It is time we not only get the country moving, it is time we get the Senate moving. We have to first look at reform for ourselves, and I want everyone here to know I am on the side and definitely part of the reform movement in this institution to get rid of out-of-date procedures that belong to another century whose only job is not to slow us down so that we do due diligence but that we don't do anything at all.

Right now, we have a compelling need in our country. People who have been laid off through no fault of their own do need that safety net. Our failure to act has brought untold harm to people. When we left for the Fourth of July, I couldn't believe we walked out to carry the flag and say: Let's hear it for the red, white, and blue, and we were going to leave America without income insurance that they themselves had paid into to be able to get. We forget that for part of the insurance, private sector employers pay into it and so do the workers. It is insurance.

When I went around Maryland during the break, whether it was the workers themselves—people who had jobs—and even those who were well off said: Why can't you pass unemployment insurance. If you can't do that, you can't do anything. And they were absolutely right.

When I talked to the workers, I saw in their eyes the loss of energy, the loss of hope, and the loss of hope about a way of life, such as in manufacturing where in some areas it is being challenged. It is terrible to lose a job and then to lose unemployment insurance—no job, no income, no hope. Wow. What a bitter pill.

The Baltimore Sun in an editorial pointed out how unemployment benefits are helping the U.S. economy. This isn't BARB MIKULSKI, a moderate liberal talking about it. This is hard-nosed analysis saying, in Maryland, why it is good for the Maryland economy. Unemployment compensation would help put \$819 million into our economy for the fiscal year ending June 30.

Over 17,000 Marylanders have lost their unemployment insurance. In our State, unemployment insurance certainly isn't lavish. The average is \$312 a week. The maximum is \$410 a week. In our State, it is only enough to pay electricity or rent or for food, but it is

certainly not some big lavish program. This is what the insurance is meant to do. It is meant to be a safety net.

In our country people believe if they work hard and they play by the rules, the rules should be on their side. Well, hello. We make the rules. We rule. So let's rule out this endless delay.

Today, I want us to pass this extension, and I want us to remember this is social insurance. I have sat here and listened to the debate minimizing and trivializing workers: Oh, unemployment is a way to discourage people to look for work. I don't know who these people talk to. Maybe they are too busy fundraising to talk to people. Maybe they are too busy trying to extend those Bush tax credits that added very little to our economy but added a lot to our debt. Maybe they are too busy. I am not too busy. I enjoy being out there with the people, listening to the stories of their lives. What does it mean to public policy?

What they want us to do is get off of our filibuster, pass this extension, and at least let people have a safety net. Then let's continue to concentrate on helping create jobs in the private sector in the United States of America by passing the Landrieu-Snowe small business bill and actually do something of which we can be proud.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I join with Senator MIKULSKI from Maryland and her comments about extending unemployment benefits.

We all know these numbers. In my State, 47,000 Ohioans lost their unemployment benefits. At the end of June, that number increased dramatically to more than 90,000. If we don't pass the extension today, or this week, at the end of July more than 80,000 additional Ohioans will lose their benefits. These numbers are incredible. I think it is important to put a human face on these numbers, in large part because 41 Members of the Senate, overwhelmingly Republicans and one Democrat, have consistently voted to filibuster, to block extending unemployment insurance.

I guess the reason for that is they think of these as numbers. They don't think of these as people because I cannot imagine, when they call their names out in the well and they respond and say no over and over and over, as has happened over the last 7 weeks—it is just an amazing thing to me. I think my colleagues who vote no, the 39 or 40 Republicans who vote no, must see this unemployment insurance as welfare. I know some of them think that. But it is insurance. We don't call it unemployment welfare, we call it unemployment insurance.

That means they pay in when they are working, and they get help when

they are not. That is done to help individual people, of course. It matters to the community because the dollars they get in their pockets, the \$300, \$320, roughly, that people get a week on average in unemployment insurance are spending it at the local drugstore. They are spending it at a local grocery store. They are buying clothes for their kids. They are paying rent, paying utilities. They serve as an economic stimulus. It is not just helping those individuals, it is an economic stimulus, as Senator McCain's top aide and his top economic adviser in his Presidential campaign said. This is the best kind of stimulus for the economy. Put a dollar in somebody's pocket for unemployment insurance and they spend it, and it is spent over and over in the community.

President Obama said yesterday that there has been a tradition under both Democratic and Republican Presidents to offer emergency relief to the unemployed. When the economy is bad, that is when we need to do this. For the Republicans to say we need to cut other programs to pay for this—they never said that when we were spending hundreds of billions of dollars on the wars in Iraq and Afghanistan. They didn't say pay for that; they said charge that to our grandchildren.

They didn't say pay for it when it was a bailout to the drug and insurance companies in the name of Medicare privatization; they said just bill that to our grandchildren.

When it was tax cuts for the rich—and some of our Republican Senate colleagues said it again this last week—we don't pay for tax cuts for the rich; we just add it to our children's and our grandchildren's credit cards and their tax burden in the future. But when it comes to workers, they look at it differently. Tax cuts for the rich, a bailout for the drug and insurance companies, spending it on the war in Iraq and Afghanistan, it is OK. But it is not OK to spend it on unemployed workers.

So I just am not sure my colleagues ever put a human face on this. They just see these as numbers. I don't know how many of my colleagues sit down and listen to unemployed workers who have lost their jobs—a worker who lost her job, then she lost her health insurance and had to explain to her children that: We are going to have to move because we are going to have our house foreclosed on; we cannot afford the mortgage. They are going to switch school districts, with all of the uncertainties. Can you imagine that—sitting down with your children and doing that? It is happening all too often that people are explaining to their children that they are going to have to move, they are not going to have their own room anymore and they will not go to the same school, and they will not be able to buy the tennis shoes they thought they would get. All those

kinds of discussions are happening all over America, in part because people are losing their unemployment insurance.

I will share four brief letters with my colleagues. This is trying to help people understand that real people are losing their unemployment benefits. It is a real hardship.

First is Jillian from Holmes County in Millersburg, OH, one of the smallest, least populous counties. She wrote:

My husband is one of the 83,000 Ohioans who lost unemployment benefits in June. He was working in the same job for 14 years until he was recently laid off. Our family has struggled to keep the bills paid. Our mortgage has been consistently one month behind. And each month, more late fees are tacked on. Now that his unemployment benefits have expired, our utility bills are now one month behind. Please help to get this extension passed.

This is exactly what I hear from constituent after constituent in Ohio. They work hard. Many have worked the same jobs for years, and many have been in the same line of work for 10 to 20 years. These are not lazy people who don't want to work. They lost their jobs through no doing of their own. They have nowhere to turn, and their unemployment benefits have run out.

I ask my colleagues—today we have another chance to vote to join us in helping Jillian and others.

Larry is from Shelby County, another rural county close to the Indiana border, a town called Sidney, the county seat. He wrote:

The lack of movement on extending unemployment benefits is causing major system devastation to workers unable to find employment. Loss of these benefits has become devastating to me and my family. The extreme added emotional and financial stress has exacerbated an otherwise manageable physical condition into a borderline disability. I do not want to lose my capacity to search for and secure employment due to physical stress brought on by economic hardship. Please fight to extend these critical benefits.

So often, what my Republican colleagues seem to think is that people don't have to go out and look for work, but they are out looking for work. These people are not staying home not trying to find a job. To receive unemployment benefits, you have to demonstrate to the local employment office that you are looking for a job.

With all of the economic hardships and the troubles and potential loss of car, house, job, and potentially insurance, there is also an emotional toll taken on people. Larry illustrates that.

Richard is from Summit County, the Akron area. He wrote:

I am a 67-year-old American who has worked for more than 50 years of my life. I got laid off last year and had been receiving unemployment benefits since then. I was thankful for it because it helped me make my house payments. But when I got cut off last month, I went into panic mode. My blood pressure shot up and I ended up in the ER. I have never felt so scared and uncertain

of the future as I am now. I didn't plan to stop working. It just happened. I am headed to the welfare office today.

I just hate what this country has become where Senators can't relate to us common folk. Is there any hope for us?

The answer is yes. With the appointment of a new Senator from West Virginia, we will likely have the 60th vote. We have 39 Republicans and 1 Democrat who have voted consistently to allow us to filibuster. A majority of us, 59, have voted—the Presiding Officer and I and 57 others have consistently voted to extend unemployment benefits. Yet, because of a minority of 41, they have been able to stop the debate and this bill from moving forward. Look at the stress it has caused Richard and the anguish it has caused Larry from Shelby County. Look at what Jillian and her husband are facing.

Here is the last letter. This is from Joan from Montgomery County, which is Dayton:

I am an unemployment accountant with a college degree. I was laid off last year when my small law firm merged with a larger one. There was no position for me in the new firm. I decided to go back to school, using up much of my retirement and my husband's savings. I reduced my hours at school and went part-time. I was able to collect unemployment benefits, but since it has run out, my savings are dwindling rapidly.

Given the high level of unemployment in Ohio, extending federal unemployment benefits is imperative. We can't afford further delay. Two weeks is a long time for someone whose only means of support is unemployment benefits. I hope the Senate passes an extension in the next few days.

As I said to her, we hope we will do that today, and the President will sign it quickly and the benefits will go out. I hope more than a couple of Republicans will join us so we can pass this with a significant vote. Some of these are people who have gone back to college, and they work hard. They are people who have been in the workplace for 10, 20, 30 years. They have a good work ethic.

Again, Joan is from Montgomery County—a county that has been hit especially hard, as DHL shut down there and the GM plant shut down, and National Cash Register up and moved to Atlanta. There have been some good things happening but not enough. That is why we need to extend these benefits today, get this done so we can focus on job creation and help people get back to work.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. BROWN of Ohio assumed the chair.)

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I am pleased, though frustrated, like my colleagues, to be here this morning on the floor to talk about the critical need to extend unemployment insurance.

Across the Nation, there are almost 15 million Americans who are out of work, and although we are making progress on our unemployment rate, it is still too high at 9.5 percent. We need to extend unemployment insurance, and we need to do it now, today, before one more family is put on the street and before one more child goes to bed hungry.

This legislation is every bit as important to our economy as it is to those who are struggling to get by. Nearly 7 million people, or half of all Americans collecting unemployment insurance, have been out of work for 6 months or longer. They have run out of the insurance that is provided by their State. These are the workers who will collect this Federal unemployment extension, which they are using, as my colleagues have said—the Senator from Ohio, with his letters, was eloquent as he reported on the people from Ohio who are talking about why they need this to pay their rent, to make mortgage payments, to buy groceries, and to put gas in their cars to go out and look for their next job.

As the Senator said so eloquently, sometimes the real people whom this legislation affects are forgotten during this debate. While Members of this body stand and give economic lessons and talk about the macro situation, there are honest hard-working people out there who are suffering because of our failure to act.

I recently heard from a woman in Canterbury, NH, named Jo Ellen. She is a professional psychiatric nurse with a graduate degree. She had a good job until she was laid off because of cutbacks to our mental health system. She is in her sixties and has been working since she was 11 years old. Since being laid off, she has applied for dozens of jobs, from part time to retail positions. She has cut back on her professional experience on her resume so that she is not ruled out for being overqualified. She always mentions that she is willing to accept any salary, but nonetheless she has not yet been called for an interview—not once.

Jo Ellen wrote to me not just because her unemployment was going to run out but because she is so troubled by what she keeps hearing from people who voted against the extension of unemployment benefits, who say that people who are collecting unemployment are irresponsible or that they are not looking for a job, they are looking for a handout. Jo Ellen is not looking for a handout; she is looking for a job.

While we still face one of the most difficult job markets in history, with

five applicants for every one job, we need to make sure people such as Jo Ellen stay afloat. There are millions of people across this country who are just like Jo Ellen, who are working hard, who want to find a new job, who are one step away from disaster if they don't get an extension of unemployment benefits.

In New Hampshire, 20,000 people could see their unemployment insurance expire within the next 4 months if we don't act. By supporting the legislation today, we can make sure New Hampshire's unemployed workers receive \$75 million in essential Federal assistance. This money, as has been pointed out, won't sit quietly in savings accounts; it will go to grocery stores, pharmacies, and small businesses in the communities where the unemployed are living. In fact, conservative economist Mark Zandi, a former adviser to Senator MCCAIN, has cited unemployment insurance as one of the three most effective uses of Federal funding. According to his analysis, every dollar we invest today will create \$1.61 in economic growth.

When I was Governor, after the September 11 attacks, when this country went into a recession, one of the first things we did in New Hampshire was to increase unemployment benefits because we knew what Mark Zandi said was correct—that people would put that money back into the economy, help stimulate the economy, and help create economic growth. We did that with bipartisan support from a Republican legislature. I don't know what has changed in the last 9 years since September 11 that we have our colleagues on the other side of the aisle who, by and large, say we can't support unemployment benefits and extending those benefits but we can have tax cuts for the wealthy without funding those. There is something wrong with that kind of logic.

These benefits that, hopefully, we are going to pass today will help people all across America invest in their community. At a time like this, with our economy poised to turn the corner, this funding is critical to our future. Quite simply, these are investments we can't afford not to make.

I am pleased to join my colleagues, and I hope we will get those 60 votes and extend the unemployment benefits for millions of Americans.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. UDALL of New Mexico.) Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN ENERGY

Mr. KAUFMAN. Mr. President, 2 years ago for the first time global investments in clean energy technology exceeded those for fossil fuels. This is clearly a trend that will continue, and a good trend. Unfortunately, America is not keeping up with the clean energy revolution. Today, 90 percent of the market for production of clean energy is outside the United States. We are losing the race to develop those technologies in nearly every market.

Of the top 10 solar panel companies in the world, only 1 is American. Similarly, of the top 10 wind turbine manufacturers, only 1 is American. And of the top 10 advanced battery manufacturers, only 2 are American.

For decades we have talked about the need to reform our Nation's energy policy. Every President since Franklin Delano Roosevelt has included energy reform in their policy agenda, and in virtually every Congress we passed an energy bill. But these efforts have not been successful in revolutionizing our Nation's energy system because they did not go far enough. Our oil imports have tripled since 1974. Today we rely on fossil fuels to meet 86 percent of our energy needs and we are one of the largest contributors to global carbon pollution.

The truth is simple and unmistakable. If we want to move away from dirty fossil fuels, we need to put a price on carbon pollution and we need to do it now. Putting a price on carbon will reflect the true costs of our energy sources and enable market forces to drive American ingenuity to develop clean energy technologies that will create jobs, enhance U.S. competitiveness, strengthen national security, and cut carbon pollution.

We are in the worst economic recession our country has seen since the Great Depression. We need to invest in sectors of the economy that can create jobs today and then long into the future. Studies have shown that investments in clean energy jobs create more jobs per dollar than fossil fuel-based energy products. These clean energy jobs use American ingenuity to turn Sun and wind into electricity, waste into fuel, and reduce the energy we use to power our homes, businesses, cars, and trucks. These are the sectors that will provide the long-term economic security and job creation we desperately need.

Studies by numerous academic institutions show that by putting a price on carbon, we could create up to 1.7 million net new jobs over the next 10 years. That is 170,000 jobs per year and includes any jobs that may be lost in the transition away from fossil fuels. Many clean energy jobs cannot be

shipped overseas. From installing insulation to building offshore wind turbines, these are jobs that can exist only on American soil. The creation of these new clean energy jobs will themselves create a multiplier effect, allow Americans to do more with their income—such as eat out at a restaurant, take a vacation, or buy a home. These activities could add an additional \$39 billion to \$111 billion boost to the economy. It is clear that investing in clean energy will give us the best bang for the buck by creating more jobs today and for generations to come, paving a long-term sustainable path to economic recovery.

The good news is that we do not have to wait for these clean energy technologies to be developed. We can get started today. Over the last few decades we made great strides in improving green energy technologies. For example, advances in wind energy technology have reduced the cost from 30 cents per kilowatt hour in the early 1980s to less than 5 cents per kilowatt hour today. The Obama administration as well as cities and States across the country have recognized the potential for these technologies. In fact, the energy provisions of the Recovery Act represent the largest single investment in clean energy in American history.

The truth is, as much as that is, it is still not nearly enough. The rest of the world also faces an economic recession, energy insecurity, and carbon pollution, and many countries have also begun to take significant steps to transition to a new clean energy economy, including China.

We have some things in common with China. We each contribute roughly 20 percent of the world's carbon pollution, and we both rely heavily on foreign oil to meet our energy needs. However, China is outpacing the U.S. investments in clean energy. From 2005 to 2009, China's investment in clean energy increased by 148 percent. This surge of financing led China to surpass the United States for the first time last year, spending nearly twice as much on renewable energy technology.

China is now the largest manufacturer of wind turbines and the largest manufacturer of solar panels, 95 percent of which they export to other countries.

My home State of Delaware is a leader in renewable energy development. In fact, we are on the verge of constructing one of the first offshore wind farms in the United States. The project leaders are working hard to make sure that the turbines off the Delaware coast will proudly wear the label "Made in the U.S.A."

Today, the average wind tower has 50 percent American-made components. If we want to ensure that 100 percent of future wind and other renewable energy projects are made in America, then we must make it a national pri-

ority. Only then will we have the capacity to meet our own rising demands for clean energy.

We must also recognize the fact that our reliance on foreign oil is a serious threat to our national security. The United States imports nearly 60 percent of the oil we use, and 70 percent of the imports come from outside North America. All told, we send \$1 billion overseas every day for foreign oil. Some of the nations we buy oil from do not share our interests and may be hostile to the United States or their own people, and some of these nations are unstable, corrupt, and dangerous. Because of this, we send our troops overseas to ensure the secure flow of oil around the world. This stretches our military thin, and puts our troops in harm's way.

Even during times of peace, we have spent \$50 billion a year to patrol shipping lanes and secure Middle Eastern oilfields and transport routes. Our dependence on foreign oil also forces us to deal with undemocratic nations in order to protect our interests in oil. It reduces our leverage and forces us to make oil security part of our international diplomatic and military strategies.

Furthermore, because we consume 25 percent of the world's oil, our high demand drives up prices worldwide. So no matter from whom we choose to buy oil, oil-rich nations, some of which are unstable and hostile to the United States, will reap the benefits.

This dependence on oil also leaves us vulnerable to price manipulation by entities such as OPEC, which can influence global oil prices at any time, as they have done so many times in the past. We have the opportunity now to make this right. We can eliminate the threat of foreign oil to our national security by transitioning to a clean energy economy. We can harness American ingenuity and regain our competitive edge in the global markets. We can create hundreds of thousands of new jobs in America for generations to come.

By putting a price on carbon, we will send a signal to investors, industries, manufacturers, and global competitors that the future of the American economy lies in clean energy.

Pricing carbon is the most cost-effective policy tool available to transition the United States away from dirty fossil fuels. It will create incentives for businesses and industry to find low-cost solutions to reduce carbon pollution, and it will send a clear signal that offers predictability in the marketplace. It will allow businesses and investors to finance long-term projects in renewable energy knowing that they are standing on the same common ground as their competitors.

Many of the new clean energy technologies require decades of lead time before they are ready for commercial-

scale development. Therefore, it is imperative that we start investing in them immediately. Furthermore, because market barriers exist, we must also provide additional investments such as loan guarantees, grants, tax incentives, and other assistance to encourage early and significant action toward clean energy technology development and deployment.

We can no longer afford to pay for the high cost of a fossil-based economy. Putting a price on carbon will reflect the true costs of our energy sources and enable market forces to drive American ingenuity to develop clean energy technologies. We have the most creative and talented workforce in the world. We can transform our energy system to one that creates jobs and enhances U.S. competitiveness, strengthens national security, and cuts carbon pollution. But we have to take the bull by the horns. Now is the time to chart a new course for the country.

I urge my colleagues to join me and seize this moment.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ESTATE TAX

Mr. SANDERS. Mr. President, each and every day it gets harder and harder to listen to my Republican friends who race to the Senate floor breathlessly telling the American people how concerned they are about the \$13 trillion national debt and how we have got to get our financial house in order. They are just very, very upset about that.

But, as you know, under the leadership of President George W. Bush, these same Republicans turned a record-breaking Federal surplus left by the Clinton administration into record-breaking deficits.

Back then, their rallying cry was "deficits don't matter," articulated by then-Vice President Dick Cheney. This "deficits don't matter" philosophy gave us two wars that were not paid for. There are estimates that the war in Iraq alone will end up costing some \$3 trillion, unpaid for. They gave us some \$700 billion in tax breaks that went to the wealthiest 1 percent. They gave us a \$400 billion unpaid for prescription drug program written by the insurance and drug companies. They gave us a \$700 billion bailout of Wall Street.

But under President Obama, Republicans have seemingly taken a 180-degree turn. Apparently, deficits do matter. Now they say we can't afford to ex-

tend unemployment insurance to 2 million Americans who lost their jobs during the worst recession in modern history, and they say we just don't have the money to create millions of new jobs by investing in rebuilding our crumbling infrastructure and transforming our energy system. We just don't have the money to do that.

The Republican hypocrisy is now about to advance to a whole new level. In the name of fiscal responsibility, they are opposing virtually every effort to help the middle-class and working families. We just can't afford to do it. But when it comes to the needs of millionaire and billionaire families, our Republican friends have no problem reducing revenue by hundreds and hundreds of billions of dollars. In other words, they are deficit hawks when it comes to the needs of ordinary people, but they are very big spenders when it comes to the needs of the rich.

Four years ago, every Republican but two voted to completely eliminate the estate tax, a tax that has been in existence since 1916, and impacts only the very wealthiest families, the top three-tenths of 1 percent. Under the estate tax, 99.7 percent of American families do not pay one nickel. This huge tax break for the wealthy, repealing the estate tax, which Republicans are fighting to do, would increase the national debt by more than \$1 trillion over a 10-year period. These deficit hawks, who are so concerned about the national debt and record-breaking deficits, want to increase the national debt by over \$1 trillion in a 10-year period.

Let me tell my colleagues who the major beneficiaries of this tax break would be. Would it be the average middle-class worker who during the Bush years saw a \$2,200 decline in his income? We have a collapsing middle class, working people desperately in need. Would Republican repeal of the estate tax help those workers? Not a chance. Nobody in the middle class would get one nickel of a tax break.

Would Republican repeal of the estate tax help a single mother struggling to send her daughter to college, maybe for the first time ever in that family's history? College costs are going up. Working people can't afford college. Would it help that single mom? No, I am afraid not. That single mom would not get one penny.

Would it help one of the millions of senior citizens struggling to maintain their dignity on Social Security benefits? This year there is no COLA for senior citizens. I tried to get some help there. Republicans voted against it. Couldn't do it. Would it help senior citizens struggling with the high cost of medicine? No. Those senior citizens would not get one penny of help by Republican repeal of the estate tax.

I must be honest. Sadly, there are also a few Democrats who are supporting this giveaway, all Republicans and a few Democrats.

Who are the major beneficiaries of the repeal of the estate tax or, as Republican pollsters like to call it, "the death tax"? If we completely eliminated the estate tax, it would provide an estimated \$32 billion tax break for the Walton family, the founders of Walmart. We have a family whose fortune today is worth an estimated \$86.8 billion. If, as the Republicans want, we eliminate the estate tax completely, this family—obviously of desperate need, obviously struggling hard to keep their family above water economically, struggling hard to stay off welfare—would receive an estimated \$32.7 billion in tax breaks, if the estate tax is completely eliminated.

Let's be clear. This policy being pursued by Republicans is designed to help the very richest people in our society.

Interestingly enough, our Republican friends today in all likelihood are going to vote against providing a \$35 billion emergency extension of unemployment benefits that will help 2 million Americans who have lost their jobs through no fault of their own. We can't afford to do it. We just don't have the money. But apparently we do have the money to provide almost \$33 billion to a family worth \$86 billion, one of the richest families in the world.

It is not only the Walton family our Republican friends and a few Democrats want to help. Permanently repealing the estate tax will also provide an \$11 billion tax break to the Mars candy bar family. We all eat Mars candy bars. They are going to get an \$11 billion tax break.

It would provide a \$9 billion tax break to the Cox Cable family and a \$2.5 billion tax break to the family who founded Campbell Soup. No one in the bottom 99.7 percent of the population, nobody in the working class, nobody in the middle class, no low-income person, nobody even in the upper middle class will gain one cent of benefit from these tax breaks.

Today, while Republicans may not have the votes to permanently eliminate the estate tax, they are working feverishly to push legislation to substantially lower that tax. In fact, they have already succeeded in eliminating the estate tax this year, and this year alone, as result of President Bush's \$1.35 trillion 2001 tax cut legislation. Wiping out this tax in 2010, when billionaires are dying, for the first time in 95 years their families will not pay one cent in taxes. That has already cost our Treasury, in the midst of a \$13 trillion national debt, billions and billions of dollars in needed revenue.

It seems to me that at a time when this country has a \$13 trillion national debt, at a time when 22 percent of our children are living in poverty—the highest rate of childhood poverty in the industrialized world—at a time when our infrastructure is crumbling, at a time when we have a desperate

need to transform our energy system and by doing that we can put millions of people to work rebuilding America, transportation infrastructure, energy, it is beyond comprehension, literally beyond comprehension that anyone can come down to the floor of this Senate and argue with a straight face that we should provide hundreds of billions of dollars in tax breaks for millionaires and billionaires.

I should add all of this takes place within the context of the United States already having by far the most unequal distribution of wealth of any major country on Earth. The top 1 percent own more wealth than the bottom 90 percent. When we give away billions more in tax breaks to the very rich, we are only exacerbating that. We are making that wealth gap even greater.

That is why I have introduced the Responsible Estate Tax Act, S. 3533, along with Senators HARKIN, WHITEHOUSE, SHERROD BROWN, and Senator FRANKEN. This legislation would raise \$318 billion over the next decade by establishing a graduated inheritance tax on estates of over \$3.5 million. I actually cannot take credit for this legislation. I would like to, but I cannot. It would be dishonest. This is an idea developed 100 years ago by a good Republican President named Teddy Roosevelt.

In 1910 he pushed this idea which eventually became adopted in 1916. This is what Teddy Roosevelt, as this chart indicates, said 100 years ago. I think my Republican friends probably will not be quoting Teddy Roosevelt, though he is one of our great Presidents. This is what Teddy Roosevelt said:

The absence of effective State, and, especially, national, restraint upon unfair money-getting has tended to create a small class of enormously wealthy and economically powerful men, whose chief object is to hold and increase their power.

That sounds pretty familiar. A small group of incredibly wealthy people whose sole objective is to hold and increase their power.

Therefore, I, [Teddy Roosevelt] believe in . . . a graduated inheritance tax on big fortunes, properly safeguarded against evasion, and increasing rapidly in amount with the size of the estate.

What he was talking about was not from a financial point of view of bringing in revenue. He was expressing fear about America becoming an oligarchic aristocracy in which a few people had incredible wealth and used that wealth to perpetuate their position in society. If that is not what is happening today, then I don't know what is happening.

When we look at Wall Street spending \$300 million trying to stop any real reform of Wall Street at a time when these guys are making all kinds of money, having been bailed out by taxpayers, if we look at the oil companies and all of their lobbyists around here,

that is precisely what is going on. A small number of incredibly wealthy people are perpetuating their power through their wealth.

In order to gain support for the permanent repeal of the estate tax or a major reduction in estate tax rates, Republicans and lobbyists representing the super rich are doing what they do best, and that is distorting reality. We will not hear any of my Republican friends who talk about repealing the estate tax tell us that the richest families in America are going to be receiving \$10, \$20, \$30 billion in tax breaks. What they have done, both as politicians and through their lobbyists, has created a mythology that a responsible and a fair estate tax—or as their pollsters have framed it, “a death tax”—will somehow destroy family farms and small businesses.

In other words, what they are doing is what they very often do. They say: It is not the very rich, the billionaires we are interested in protecting. It is not the Walmart people. We are interested in family farmers and small businesses. Those are the people we are trying to protect. But nothing could be further from the truth.

As usual, they are using their old tactic of pretending to worry about the needs of ordinary people as a smoke-screen to serve extremely wealthy special interests.

Let's talk a little bit about what they are saying. In terms of the preservation of the family farm, something I happen to believe in passionately—we have a lot of family farms in Vermont—the American Farm Bureau was asked some years ago to come up with a single example of one family farm being lost as a result of the estate tax. They could not find one farm, not one farm that had to be sold as a result of the estate tax, not one.

I should tell you, the legislation I have authored provides even more protections to family farms than previous law. So they are not protecting the family farmers; they are protecting the Walton family and other billionaire families.

In terms of small businesses—something that is obviously vital to our economy; small business is the engine of job creation; we have to protect small businesses—this is what the nonpartisan Tax Policy Center has estimated: that only 80 small businesses and farm estates throughout the country paid an estate tax in 2009—80; 8-0—representing, as this chart shows, 0.003 percent of all estates. In other words, virtually every single small business and family farm in this country would not pay one penny in estate taxes under my bill, and because of protections in the Tax Code, their effective, real tax rate would only be 14 percent. And the relatively few people who inherit small businesses who pay an estate tax are given 14 years to pay it off. They do not have to pay it off in 1 year.

So when our Republican friends come down here and tell us they are fighting to protect the family farm or small businesses, that just is not the case. What they are coming down here to do is to protect the Walton family and the Steinbrenner family and the other billionaire families who are spending a whole lot of money in a major lobbying effort to make sure the richest people in this country become even richer.

So I think what this debate is really all about is what the old Woody Guthrie song framed and described as “which side are you on?”—which side are you on?—and the Republicans have answered very loudly and clearly, when it comes to the needs of the unemployed and the uninsured, when it comes to protecting the interests of the struggling middle class, they are just not there. When it comes to ordinary people, the Republicans are deficit hawks. But if you are a millionaire or a billionaire family and if you need a huge tax break that will cost our government hundreds and hundreds of billions of dollars, you can count on Republicans for your support. That is what this issue is about.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

UNEMPLOYMENT INSURANCE

Mr. BAUCUS. Mr. President, at 2:30 this afternoon, the Senate will vote again on unemployment insurance. This bill is about jobs. This bill is about compassion. This bill would extend unemployment insurance for people who have lost their jobs.

This bill is about jobs because unemployment insurance goes to people who spend it immediately. That would increase economic demand, and that would help support our fragile economic recovery. The nonpartisan Congressional Budget Office says that additional unemployment benefits would have one of the largest effects on economic output and employment per dollar spent compared with any other policy. A fancy term is the “multiplier effect.” Dollars spent on unemployment benefits have a much greater effect on the economy, a bigger bang for the buck than almost any other dollar expended by the Federal Government. It stimulates the economy. Unemployment benefits stimulate the economy, and clearly it helps the people who have lost their jobs. Of the 11 policies CBO analyzed, the Congressional Budget Office ranked increasing aid to the unemployed first. It is No. 1. CBO says it will create the most jobs per dollar of budgetary cost.

As I mentioned, this vote is really about compassion. As of this week, more than 2.5 million out-of-work Americans have stopped receiving unemployment insurance benefits because Congress has failed to enact this

bill. That is more than 2.5 million people who are not getting a paycheck to pay the bills. That is more than 2.5 million Americans who are not getting any help from unemployment insurance to tide them over. These 2.5 million Americans are trying to get work. But there are still five people looking for work for every job opening—five looking for every job available. They need to get help until they can find that job.

A woman from Helena, MT—the town I was born in—called my office and told us that unemployment benefits are keeping her family afloat. She was laid off when she was 8 months pregnant. She wants the Senate to know she has worked since she was a teenager. She wants to work. And she will work again.

For these 2.5 million Americans, this bill is about the roof over their heads. For these 2.5 million Americans, this bill is about keeping the electricity on. For these 2.5 million Americans, this bill is about food on the table. It is that simple. It is that important.

A Montana father with three small children was laid off after 18 years of service because the company could no longer pay his wages. Now he has no income. But he continues to look for work. His home is going into foreclosure. Unemployment insurance has been his only income. It is what puts food on the table for his family.

This is America. When there is an emergency, we in America do not leave people behind. Let's not leave the unemployed behind. We have stripped this measure down to the bare essentials. We simply must pass this bill. This afternoon, I urge my colleagues to vote for cloture and move this important bill.

SMALL BUSINESS LENDING FUND ACT

Mr. BAUCUS. Mr. President, this week the Senate also returns to the small business jobs bill. Small businesses are central to our efforts to create jobs. Unemployment insurance helps people who are out of work. We want to help create the jobs so people can get the work.

Small businesses employ half of America's private sector workforce. In my home State of Montana, small businesses employ more than 90 percent of all private sector employees. Over the past 15 years, small businesses have created two-thirds of Americans' new jobs. That is about 12 million new jobs.

Historically, during recessions, small businesses bear the brunt of employment losses. The great recession has been no exception. Over the course of the great recession, small firms have accounted for between 64 percent and 80 percent of net job losses. Plainly, to create jobs, we need to find ways to help small businesses.

Small businesses continue to face significant obstacles to expanding and hiring. One of the biggest obstacles is getting capital. A recent study by the National Federation of Independent Business found that only half of small businesses trying to borrow are able to get the capital they need. Nearly a quarter are not able to get any credit at all. Compare that to 2005. Five years ago, 90 percent of small businesses were able to get the capital they needed, and only 8 percent were not able to get any credit at all—a big change.

Small business lending has dropped. From the second quarter of 2008 to the third quarter of 2009, small business borrowing fell by more than \$20 billion. A number of factors have contributed to this decline. Banks have tightened lending standards and terms for new credit. Banks have reduced risky assets to improve their capital positions. Falling real estate values have limited the ability of small business owners to use their own assets to guarantee or collateralize loans. And credit card terms have also worsened.

Over the course of the great recession, small businesses in my home State of Montana have faced many of these obstacles. For example, Grains of Montana—that is a restaurant and bakery based in Billings—had trouble finalizing the terms of its SBA loan. This delayed the expansion of their bakery. And when a potential franchisee in Arizona was unable to secure funding, the deal fell through. Companies such as Grains of Montana need to get capital to grow and to hire new employees. We must act to get credit flowing. We must increase access to capital so small employers can begin hiring again. That is exactly what the small business jobs bill would do.

The small business jobs bill includes a provision that would completely eliminate the tax on the sale of certain small business stock purchased from the date of this bill's enactment through to the end of 2010 and held for 5 years. This proposal would provide a powerful incentive to invest in small entrepreneurial firms right now.

The bill also includes a provision for certain small businesses that expands the carryback period for general business credits determined this year from 1 year to 5 years, and our bill allows these general business credits against the alternative minimum tax.

Another provision would temporarily shorten the holding period required after a C corporation converts to an S corporation in order to avoid triggering a gain on assets. This provision would allow small businesses to increase their liquidity by selling assets that would otherwise be subject to an additional layer of tax.

All of these provisions free up business capital for expansion and job growth. In past recessions, small firms were the first to begin hiring again. We

must ensure that this trend continues as we recover from the great recession. We can achieve this by helping small businesses get the capital they need.

I urge my colleagues to support the small business jobs bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNEMPLOYMENT INSURANCE

Mr. CASEY. Mr. President, I rise to talk about an issue we are going to be voting on today, thank goodness. We are going to be voting on an extension of unemployment insurance, which is something many of us in the Senate have tried to pass for many weeks now. We have been blocked by the Republican side of the aisle.

We are finally at a point now where we think we can get the votes today to extend unemployment insurance. It is badly needed. You don't have to be a Senator or a Member of Congress to have heard from people all across this country about what this means to them. Those of us who are serving in the Senate have received letters, e-mails, phone calls, and other communications from people within our States.

In Pennsylvania, the people have made it abundantly clear to me and my office over many weeks now about how urgent a problem this is in their lives. This isn't about some complicated, remote issue; this is an issue of life and death, in some instances. But for most, it is an issue of getting by every week, making ends meet, paying bills, providing health care for their children, those who have lost their jobs, through no fault of their own, being able to have the dignity that comes from providing for your family. We know we have more than 14 million Americans out of work. In Pennsylvania, we have over 591,000 people out of work. If that is not a record, it is very close to one. I know it is a high for the last quarter century in Pennsylvania.

The last unemployment extension expired 5 weeks ago, on June 4. Without an extension, just about 1.2 million people have lost their benefits in the month of June, just last month. If this continues to be blocked in the Senate, we know another 2 million will be without benefits by the end of this month, July. In the Commonwealth of Pennsylvania, over 200,000 will have exhausted their unemployment benefits by the end of this month. That means one-third of Pennsylvania's jobless will be without benefits by the end of this month.

To say this is anything but an emergency is an understatement. To continue to block an unemployment insurance extension is irresponsible, in a word, and I think callously irresponsible. Also, I think it is an action that is harmful to our economy. We know, for example, that if you spend a buck in unemployment insurance, you will get a lot more than a buck in return for the economic impact. The Congressional Budget Office has an estimate to the effect that for the GDP, gross domestic product, it may be as high as \$1.90 for every \$1 you spend on unemployment insurance. So you spend a buck and get a \$1.90 back. That is an even higher number than a lot of us have pointed to prior to this.

Mark Zandi, one of our leading economists, said years ago, I think, that if you spend a buck on unemployment insurance, you get about \$1.60 back. Such as when you spend \$1 on food stamps, you get more than that—maybe \$1.70—in return. Now we have the CBO saying the return might be as high as \$1.90 for every \$1 you spend on unemployment insurance.

There are those in Washington and around the country who are trying to make political arguments against extending this and using a lot of hot air in the process to oppose the extension, block the extension, slow down the effort to provide this bridge that unemployment insurance is, for people who paid into this program for years, in many instances, for just this purpose—when the economy is in the ditch, when they lose jobs and they are trying to get this help.

We have had weeks and weeks of efforts to block this. We should be at the end—we hope. In the end, this isn't simply about a program or about an extension or about what the Federal Government is doing; this is about real people and their lives and the challenges in their lives.

I have received lots of correspondence—whether they are letters, e-mails or phone calls—and I will highlight a few examples. We had a letter from Frank—I will just use the first name so we don't disclose people's names. He has been seeking employment for a long time. He said:

I have gone through a lot of health situations since being home—

Meaning since being home after losing his job.

constantly worrying will I get a job, is there going to be enough money, or when are my benefits going to be cutoff. . . . The worries are overpowering and devastating.

A lot of these letters we are getting speak in those terms. This isn't a mechanical thing or a question about a program or whether the Senate will do this or that; this is about whether Frank, in this instance, who lives in the Commonwealth of Pennsylvania, is going to be able to have enough money to provide for his family. So this is

about worry and emotion and about real anxiety that people feel in the midst of the most horrific recession since the 1930s. This isn't some far off remote problem; this is real life for someone such as Frank. Then he goes on from there to say:

My ex-wife came home from work to advise me and our children that she will be losing her job on August 6, 2010, due to her company outsourcing [the work of that company] to India. She was employed there for 21 years. She carries our medical insurance and 80 percent of our income. We have a 12-year-old [child] with Cystic Fibrosis, which is a fatal disease, and this precious child will be without [health] insurance that pays for the very medicine that keeps her alive.

He goes on from there in his letter. I will end the quote with that line about his daughter with cystic fibrosis. So this isn't just about paying the light bill or paying the mortgage or making ends meet in a general way; this is about whether this family can provide health insurance for a 12-year-old with cystic fibrosis. That is what we are talking about, in many instances. We are talking about health care. When you lose your job, unfortunately, the direct impact isn't just on income; it is about whether you have health insurance. That is Frank's story in Pennsylvania.

I will give one more example because we are short on time.

Rachel, from Pennsylvania, writes to us in an e-mail. She says this:

I am writing for my husband.

Sometimes a person who loses a job is too embarrassed to write or doesn't want to express the feelings that are tearing them apart inside. They don't want to write down on paper the anxiety they are living with—the horror of not having enough to provide for your family. She is writing for her husband, saying he was laid off from his job as a GPS operator. She said the best way to take care of his family, he thought at that point, was to become an airman in the National Guard. He enlisted this year, and he entered the program for the Air National Guard. He excelled in the program, but he couldn't proceed to basic training because he needs dental work. Rachel and her husband, similar to so many others, have no health and dental insurance.

She says—and this is direct quotation from the letter:

I am doing everything I can, including working 2 jobs, to keep us above water, and we are drowning at a speed I never imagined. I bring home \$700 a month, which doesn't cover our rent, let alone car insurance, groceries, the electric bill, et cetera. We do not want to live extravagantly. We just want to live.

That is what Rachel says about her situation because of the loss of a job that her husband had to experience. He is becoming an airman in the National Guard to try to make ends meet. I could go on, but I will not because we don't have the time.

That is what this is about. This isn't a theoretical issue or some government program over here that none of us fully understands. This is about real lives, providing health insurance for families, making ends meet, and basic dignity that people feel robbed of because they lost their job, and some people in Washington don't want to lift a finger to help them. It doesn't take much to say aye when your name is called to vote for an extension of unemployment insurance. That is what the program is for. It is for emergencies, when people's lives are at risk—at least the life of their family to be able to make ends meet. That is what we are talking about. That is why I urge every Member of the Senate not to vote for your own political priorities but to vote for Frank and Rachel in Pennsylvania, who have written to us, and people similar to them all across this country. I think we are going to finally get an affirmative vote, but it is long overdue.

With that, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

CERTIFICATE OF APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate a certificate of appointment to fill the vacancy created by the death of the late Senator Robert C. Byrd of West Virginia. The certificate, the Chair is advised, is in the form suggested by the Senate.

If there be no objection, the reading of the certificate will be waived, and it will be printed in full in the RECORD.

There being no objection, the certificate was ordered to be printed in the RECORD, as follows:

STATE OF WEST VIRGINIA

Office of the Executive

Joe Manchin III

Governor

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of West Virginia, I Joe Manchin III, the Governor of said State, do hereby appoint Carte

Patrick Goodwin a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the death of Robert C. Byrd, is filled by election as provided by law.

Witness: His excellency our Governor Joe Manchin III, and our seal hereto affixed at Charleston, West Virginia this the Sixteenth day of July in the year of our Lord 2010.

By the Governor:

JOE MANCHIN III,
Governor.

NATALIE E. TENNANT,
Secretary of State.

[State Seal Affixed]

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-designate will now present himself to the desk, the Chair will administer the oath of office.

Mr. GOODWIN, escorted by Mr. ROCKEFELLER, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senator.

(Applause, Senators rising.)

Mr. REID. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 4213, which the clerk will report.

The legislative clerk read as follows:

House message to accompany H.R. 4213, an act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid amendment No. 4425 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute.

Reid Amendment No. 4426 (to amendment No. 4425), to change the enactment date.

Reid motion to refer in the amendment of the House to the amendment of the Senate to the bill to the Committee on Finance, with instructions, Reid amendment No. 4427, to provide for a study.

Reid amendment No. 4428 (to the instructions (amendment No. 4427) of the motion to refer), of a perfecting nature.

Reid amendment No. 4429 (to amendment No. 4428), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, the time until 2:30 will be equally divided and controlled between the two leaders or their designees. That time has expired.

CLOTURE MOTION

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant editor of the Daily Digest read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 4213, the American Jobs and Closing Tax Loopholes Act, with a Reid amendment No. 4425.

Harry Reid, Max Baucus, Jack Reed, Edward E. Kaufman, John F. Kerry, Sheldon Whitehouse, Carl Levin, Roland W. Burris, Richard J. Durbin, Jeff Merkley, Benjamin L. Cardin, Christopher J. Dodd, John D. Rockefeller, IV, Barbara Boxer, Patty Murray, Robert P. Casey, Jr., Charles E. Schumer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 4213, the American Jobs and Closing Tax Loopholes Act, with a Reid amendment No. 4425, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 60, nays 40, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—60

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Goodwin	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Snowe
Carper	Landrieu	Specter
Casey	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—40

Alexander	Coburn	Grassley
Barrasso	Cochran	Gregg
Bennett	Corker	Hatch
Bond	Cornyn	Hutchison
Brown (MA)	Crapo	Inhofe
Brownback	DeMint	Isakson
Bunning	Ensign	Johanns
Burr	Enzi	Kyl
Chambliss	Graham	LeMieux

Lugar
McCain
McConnell
Murkowski
Nelson (NE)
Risch
Roberts
Sessions
Shelby
Thune

Vitter
Voinovich
Wicker

The PRESIDING OFFICER. Upon the reconsideration of this vote, the yeas are 60, the nays are 40. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked on the motion to concur with amendment in the House amendment, the motion to refer falls, as it is inconsistent with cloture.

The Senator from Vermont.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. LEAHY. Mr. President, I see the Republican leadership and the distinguished Senator from Tennessee on the floor. I would note that I am hopeful the Senate Republican leadership would take the opportunity to enter into a time agreement on 1 of the more than 20 judicial nominees who have been stalled from Senate consideration. I am referring to the nomination of Jane Stranch of Tennessee. Her nomination was reported by a bipartisan majority of the Senate Judiciary Committee last November, 8 months ago.

A native of Nashville, Mississippi, Ms. Stranch has practiced law in that community for 32 years, and has often appealed before the Sixth Circuit—the court to which she is now nominated. She has decades of experience in labor and employment law, an expertise she put to good use when she taught a class on labor law at Nashville's Belmont University. Ms. Stranch also has an active appellate practice, as well as significant experience with alternative forms of dispute resolution, such as mediation and arbitration. She is a leader in her community who dedicates significant time to pro bono work, civic matters, and her church. She also has impressive academic credentials, having earned both her J.D., Order of the Coif, and her B.A., summa cum laude and Phi Beta Kappa, from Vanderbilt University.

Since this nomination was reported last November, all Democratic Senators have been prepared to debate and vote on her nomination. I had given my friend, the distinguished senior Senator from Tennessee, my assurance about that. I, myself, have spoken about this nomination a number of times because it is one of the oldest on the calendar.

I know the senior Senator from Tennessee has expressed his frustration to me about the fact that this nomination has not been voted on in the last 8 months. So I went to him last week and said I was going to make a unanimous consent request for a time agreement to consider her nomination. The Senator asked me if I would wait until today, which I was glad to do. We have waited 8 months already.

I, in no way, fault the senior Senator from Tennessee. He has been very clear to me he is ready to vote whenever this nomination comes forward. So seeing the Republican leader on the floor, I will now propound a unanimous consent request. I ask unanimous consent, as if in executive session, at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to executive session and consider Calendar No. 552, the nomination of Jane B. Stranch, of Tennessee, to be a judge on the U.S. Court of Appeals for the Sixth Circuit; there be 3 hours of debate with respect to the nomination, with the time equally divided and controlled between the chairman and ranking member of the Judiciary Committee, myself and Senator SESSIONS, or our designees; that upon the use or yielding back of time, the Senate proceed to vote on the confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table; any statements related to the nomination be printed in the RECORD; the President be immediately notified of the Senate's action; the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Mr. President, reserving the right to object, I thank the Senator from Vermont, the chairman of the Judiciary Committee, for his request. Jane Stranch is a well-qualified nominee.

It has long been my position, without going into the history in this body, that a President's judicial nominees deserve an up-or-down vote. She is President Obama's longest pending circuit court nominee yet to be confirmed. She was nominated last August. The committee reported her in November. She has my support, that of Senator CORKER.

I know it is difficult, with the amount of matters we have on the Senate floor, to schedule anything, including a circuit judge.

But it would be my hope that the Republican leader and the majority leader could, before long, set a time certain for an up-or-down vote on Jane Stranch, the President's nominee for the Sixth Circuit Court of Appeals. I thank the Senator from Vermont for his request. I will not object.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Republican leader.

Mr. MCCONNELL. Reserving the right to object, I know my good friend from Tennessee is interested in this nomination. There were, however, some no-votes on the nominee in committee. We will be running the traps on our side and seeing if we can work out both the debate time and a time to take up this nominee in the not too distant future. But for the short term, I must object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont.

Mr. LEAHY. Madam President, I am terribly disappointed. With this objection, Senate Republicans have further ratcheted up the obstruction and partisanship that has become commonplace this Congress with regard to judicial nominees. I had honestly hoped that working with the respected senior Senator from Tennessee, we would be able to obtain a standard time agreement. I am not asking any Republican Senator to vote for the nominee, but simply to vote. I am not asking Republican Senators to vote before they have had a chance to debate the nomination, only to agree to a reasonable time for debate. If they do not think 3 hours reasonable, I wish they would indicate what time they think they need for such a debate. During the past 2 years, their demands for time have gone unused in debates on the nominations. Often, hours will be demanded in opposition without any of it being used for that purpose. If it were just a matter of the number, I would hope we could have worked that out and reached an agreement. Instead, this objection is like the Republican leader's objection last week to the request from the Senator from North Carolina to consider two nominees from that State to the Fourth Circuit. They were both reported by the Judiciary Committee last January, more than 6 months ago. One was reported by a vote of 18 to 1 and the other by a vote of 19 to 0; they are supported by both home State Senators, one a Republican and one a Democrat. Still the Republican leadership refuses to allow the Senate to consider them.

I was disappointed to see my friend from Kentucky object last week. He did not speak about the nominees, or to their unquestioned qualifications, including their backgrounds in military service. It seemed as if his justification was along the lines of tit-for-tat. That is most unfortunate. I note that when I became chairman of the Judiciary Committee midway through President Bush's first tumultuous year in office, I worked very hard to make sure Senate Democrats did not perpetuate the judge wars as tit-for-tat. In fact, we did not. Despite that fact that Senate Republicans pocket filibustered more than 60 of President Clinton's judicial nominations and refused to proceed on them, including one of the nominees from North Carolina now pending before us, again, during the 17 months I chaired the committee during President Bush's first 2 years in office, the Senate proceeded to confirm 100 of his judicial nominees. By contrast, during these first 2 years of President Obama's term, Senate Republicans have allowed only 36 Federal circuit and district court nominees to be considered by the Senate, 100 to 36.

Ironically, the history of the Sixth Circuit and our efforts to turn away from the destructive practices that Republicans had followed during the Clinton years is detailed in my July 29, 2002, Senate statement in support of another Tennessee nominee, Judge Julia Gibbons. As chairman, I proceeded to a confirmation hearing for Judge Gibbons in April 2002; it was the first hearing for a Sixth Circuit nominee in 5 years. Despite the well-qualified nominees of President Clinton, the Republican majority did not consider them. Republicans refused to consider the nominations of Judge Helene White, an experienced State court judge; Kathleen McCree Lewis, an accomplished attorney and the daughter of former Solicitor General of the United States and former Sixth Circuit Judge Wade McCree; and Kent Markus, a law professor and former Justice Department official who had the support of his Republican home State Senator. This was the partisan record Senate Democrats overcame when in the Senate majority. Republicans' pocket filibusters of President Clinton's nominees resulted in numerous Sixth Circuit vacancies. By proceeding with President Bush's nominations of Judge Julia Gibbons of Tennessee and then his nomination of Judge John Rogers of Kentucky, to the Sixth Circuit in 2002, the Democratic Senate majority did not engage in a tit-for-tat but acted to break the logjam the Republican obstruction had created.

When I resumed the chairmanship of the Judiciary Committee in 2008, we were able to fill the last remaining vacancies on the Sixth Circuit when we confirmed President Bush's nominations of Judge Helene White and Judge Ray Kethledge of Michigan to the Sixth Circuit. Judge White had been one of President Clinton's nominations in 1997 who was pocket filibustered after having waited in vain for a hearing for more than 1,450 days. During the Bush years the Sixth Circuit went from half vacant to full.

With respect to Senate Republican leadership's current practice of holding, delaying and obstructing Senate consideration of judicial nominees reported favorably by the Judiciary Committee, this is a tactic they reserve for nominees of Democratic Presidents. Indeed, when President Bush was in the White House, Senate Republicans took the position that it was unconstitutional and wholly inappropriate not to vote on nominees approved by the Senate Judiciary Committee. With a Democratic President, they have reverted to their secret holds that resulted in pocket filibusters during the Clinton years. Last year, Senate Republicans successfully stalled all but a dozen Federal circuit and district court nominees. That was the lowest total for judges confirmed in more than 50

years. They have continued that practice despite the fact that judicial vacancies continue to hover around 100, with more than 40 declared judicial emergencies.

No one should be confused: The current obstruction and stalling by Senate Republicans is unprecedented. There is no systematic counterpart by Senate Democrats. In fact, during the first 2 years of the Bush administration, the 100 judges confirmed were considered by the Senate an average of 25 days from being reported by the Judiciary Committee. The average time for confirmed circuit court nominees was 26 days. The average time for the 36 Federal circuit and district and circuit court judges confirmed since President Obama took office is 82 days and the average time for circuit nominees is 126 days.

Overall judicial vacancies were reduced during the Bush years from almost 10 percent to less than 4 percent. Federal judicial vacancies are now over 10 percent. During the Bush years, the Federal circuit court vacancies were reduced from a high of 32 down to single digits. That progress has not continued with President Obama. Instead, Republican obstruction is putting that progress at risk. During the Bush years, we reduced vacancies on nine circuits. Since then, vacancies on six circuits have risen. I note that during the Clinton years, Republican obstruction succeeded in virtually doubling Federal circuit vacancies.

I trust that the Republican leader remembers how I treated and Senate Democrats treated judicial nominees from Kentucky. During the 17 months I chaired the Judiciary Committee during President Bush's first 2 years, we proceeded to consider and confirm Judge John Rogers of Kentucky to the Sixth Circuit by voice vote before the end of the session in 2002, having already confirmed Judge Danny Reeves and Judge Karen Caldwell to the Eastern District of Kentucky, and of course, Judge David Bunning to the Eastern District of Kentucky by voice vote, as well. During the more than 4 years that Republicans were in the majority during the Bush Presidency, one other judge for the Eastern District of Kentucky was confirmed, Judge Gregory Van Tatenhove, a former aide to the senior Senator from Kentucky. The year I resumed the Judiciary Committee chairmanship, we proceeded to confirm Judge Amul Thapar to the Eastern District of Kentucky. Nominees the Republican leader supported for his home State's vacancies were very well treated.

I am confident the senior Senator from Tennessee remembers how fairly we treated judicial nominees from his State. I was chair when we broke a longstanding logjam on the Sixth Circuit by confirming Judge Julia Gibbons of Tennessee in July 2002. During the

first 2 years of the Bush administration we worked to see the Senate also confirm Samuel Mays, Jr., as a judge for the Western District of Tennessee and Judge Thomas Phillips as a judge for the Eastern District of Tennessee. When I resumed the chairmanship in 2008, we also facilitated the Senate confirmation of Judge Stanley Anderson to be a judge for the Western District of Tennessee. During the intervening years three other nominees were considered and confirmed to be Eastern District of Tennessee judges, Judge Thomas Vartan, Judge Ronnie Greet and Judge Harry Mattice, Jr. In addition Judge J. Daniel Breen was confirmed to be a judge in the Western District of Tennessee.

There did come a time in the 108th Congress when President Bush and Senate Republicans were intent on packing the courts with ideologues and the Republican Chairman of the Judiciary Committee violated the rules and practices of the committee in support of this effort. They forced filibusters of 10 nominees, 6 of which were ultimately confirmed.

I have not done what the Republican chairman did. I have respected and protected the rights of the minority. President Obama has not made nominations opposed by home State Senators but has instead reached out and worked with home State Senators from both parties. He has by and large nominated well-qualified moderates.

I have tried to ratchet up the cooperation between parties and branches in my role as chairman. It is disappointing to see the Senate Republican leadership take the opposite approach. They are holding up consideration of nominees reported unanimously from the Judiciary Committee for weeks and months for no reason. Just last week, after a needless 3-month delay, the Senate confirmed a judge for the Northern District of Illinois unanimously. That is more evidence of the pattern of stall and obstruct. Earlier this year the majority leader had to file cloture to get to a vote on the nomination of Judge Barbara Keenan of Virginia to the Fourth Circuit. When the vote was held, she was confirmed unanimously.

Republicans' sense of injury is misplaced in my view. Moreover, the disproportionateness of their response disserves the American people and our Federal justice system.

Jane Stranch of Tennessee is just one example of the harm they are causing. Judge James Wynn of North Carolina is another example, as is Judge Albert Diaz, also of North Carolina. The list includes the 21 judicial nominees currently stalled by Republican objection from final Senate consideration but also many of the 36 who were needlessly delayed. What is being perpetuated is a shame.

I thank the distinguished senior Senator from Tennessee for his efforts in

moving this forward. I am obviously disappointed, but I am not disappointed in the actions of the distinguished Senator from Tennessee. He did work very hard.

The PRESIDING OFFICER. The Republican leader

TRIBUTE TO SENATOR PAUL COVERDELL

Mr. MCCONNELL. Madam President, about 10 years ago, one of our dear friends, the Senator from Georgia, Paul Coverdell, was unexpectedly taken from us. He became ill and passed away. Here we are 10 years later, and we wish to commemorate his life and service. His good friends, the Senators from Georgia, Mr. CHAMBLISS and Mr. ISAKSON, are both here. We all want to say a few words about our departed friend Paul Coverdell.

Paul was a patriot. I admired him a great deal. Nobody worked harder than Paul Coverdell, and nobody wanted less credit for it. We were talking on the floor a few moments ago. Senator Lott, who was the Republican leader at the time, used to call him Mikey. What he meant by that was some character we believe was in a commercial named Mikey who always got the job done and didn't care where the credit ended up. That is exactly how Paul was. No matter how tough the task, no matter how thankless the job, Paul was ready to pitch in with good humor and credible persistence and see it through to completion.

He had a distinguished career in the private sector before he entered public life. He spent a long time toiling in the Georgia State Senate before he came here. In fact, he used to joke that he knew all too well what it was like to be an underdog because he spent 15 years representing all five Republicans in the Georgia State Senate against 51 Democrats. That gives one a certain humility, shall I say.

Paul's deep understanding of the power of freedom is well known, and his efforts to promote and spread freedom are a big part of his legacy. As Director of the Peace Corps in the late 1980s, Paul sent the first Peace Corps volunteers into Eastern Europe to work with nations about to experience freedom for the very first time.

In a speech he delivered shortly before his death, Paul said:

I believe that in the 20th century, America has helped plant the seeds of democracy and freedom around the world. I hope that when the stories are written at the end of this new century, it is said of this nation that we tended to liberty, nurtured it around the world, and sustained freedom and prosperity here in this Hemisphere.

That was Paul shortly before his death.

He served in this Chamber for nearly a decade, and those of us who served alongside him know he never, ever sought the spotlight. He was a decent hard-working guy who was dedicated to his wife Nancy, the people of Georgia,

the American people, and to promoting what he called the three pillars of freedom: economic liberty, security for persons and property, and a well-educated citizenry. Paul often said that an uneducated mind can never truly be free. It is an idea he shared with the men who founded our Nation. As Washington put it in his first annual address to Congress:

Knowledge is, in every country, the surest basis of public happiness.

As with all the lessons Paul liked to share, he delivered it with a smile.

Paul is deeply missed by all of us in this room, but his contributions are lasting. Ten years after his sudden passing, we continue to learn from the life and example of Paul Coverdell.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Madam President, I rise, like my leader from Kentucky, to celebrate the life of Paul Douglas Coverdell. I thank the leader for his kind comments about a very personal friend to both Senator ISAKSON and me as well as to the leader.

Paul Coverdell served in this body from 1993 until his untimely death on July 18, 2000. Paul was a longtime politician in our State, having first run for office in 1968. He lost the first election and then was elected to the State senate in 1970. He rose to the rank of minority leader in the Georgia State Senate and had a successful career there. He then decided to run for Congress and lost his first race for the House of Representatives.

Paul did something that is so Coverdell-like in the summer of 1978. He was then the chairman of the Georgia Republican Party. He was on vacation in Maine. He knew, obviously, of the soon-to-be Vice President, George H.W. Bush, but he didn't know him and he wanted to get to know him. So he walked up to his house in Kennebunkport—didn't have to worry about the Secret Service back then—and knocked on his front door. President Bush came to the front door. He introduced himself. They became fast friends after that.

When President Bush was elected, Paul Coverdell was very involved in his campaign. He wrote him a simple note. He said: If I can help you, I would like to. Well, the President took that to heart and appointed Paul to be the Director of the Peace Corps. Anything Paul undertook, he put his whole heart and soul into. When he became Director of the Peace Corps, he did exactly that. He also was a very good thinker. He created what was called World Wise Schools within the Peace Corps. Those schools all of a sudden cropped up all around the world under the sponsorship of Peace Corps volunteers and all under Paul's leadership. Paul led the first Peace Corps volunteers into Eastern Europe after the fall of the wall.

I will never forget going to the Peace Corps building as a Member of the

House after Paul's death when the Peace Corps building was named after Paul. To hear the many tributes of volunteers who had served for so long under Paul and the personal stories they had about the involvement of their leader and their affection for their leader was truly humbling and moving.

When Paul was elected to the Senate in 1992, he actually had to be elected four times that year. He was in a primary which he won after a runoff. He then came in second in the general election in November, but because of the rules being what they are in Georgia, as I experienced myself in 2008, Paul was in a runoff with the incumbent because an independent third-party candidate got enough votes so that the incumbent did not get 50 percent plus one. Paul then won, after coming in second, the runoff election and, thus, his fourth election in 1992.

In 1998, he became the first Georgia Republican to ever be reelected to the Senate. He was such a class guy here that he was respected and admired by folks on both sides of the aisle. I went back and looked at some of the comments Republicans and Democrats made on the floor of the Senate after Paul's death. It truly was, again, a very moving experience to read those comments.

He created what is called the Coverdell ESA, or the Coverdell education savings accounts—they are really education IRAs—to allow families to set aside money on a tax-free basis to educate their children. Paul loved education. It was very near and dear to him. He was very proud of being able to establish those IRAs for future leaders of the country.

A quick story about Paul. He was a very unique individual. He never wore anything but a dark suit, never wore anything but a long-sleeve white shirt. I remember one day I had an event down in the very southern part of my congressional district, down at the Okefenokee Swamp. It was in July or August, I don't remember which, but I do remember it was extremely hot. The humidity in south Georgia on a June or July or August day is extremely high. We were all there, and some other Members of Congress who were there were in shorts and golf shirts. Whatever we could put on to stay cool or somewhat cool, that is what we had on. Paul showed up. As always, Paul had on a dark suit and a white shirt. We finally did get him to take his tie and coat off because we were going to ride out into the swamp. I used to kid Paul about that really until the time of his death.

The leader is right, Senator Lott had a term for Paul Coverdell. He called him Mikey because anytime Trent needed to get something done, he would go to Mikey. Paul just had a way of making sure that whatever the chal-

lenge was, it got done and got done in a very efficient way.

The photograph I cherish most of all my political photographs is a black-and-white photo. It is a picture of Paul and myself sitting in his office at one of our weekly meetings that took place while I was in the House and he was in the Senate, the two of us just sitting there talking. The expression on Paul's face is so classic Coverdell. It always makes me feel good and is a great reminder of Paul.

Paul's wife Nancy has always been a dear friend. She was such a great asset to him. She has chaired my military academy appointment committee in all of my years in the Senate. She is a wonderful lady. Again, we have some very fond conversations together about Paul from time to time.

Paul Coverdell was not just a great Georgian; he was a great American. He certainly loved our State and our country as much as anybody who has ever served in this body. It is a sad day but yet a very good day from the standpoint of having the opportunity to remember the strong and positive leadership of Senator Paul Coverdell.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, I am honored and privileged to join Leader MCCONNELL and Senator CHAMBLISS to take a few minutes to talk about one of my great friends, Paul Coverdell, and his lovely wife Nancy. MITCH MCCONNELL has done some great recollections of Paul's service in the Senate. Senator CHAMBLISS told some great stories of his relationship with Senator Coverdell. I wish to share some of mine to certify and document that everything they have said is absolutely correct.

I met Paul Coverdell in 1972, 2 years after he was elected to the Georgia State Senate as the fifth Republican to serve there. I was running for the Georgia House of Representatives. Although I lost in 1974, I won in 1976. A few years later, I became the leader of the Republicans in the Georgia House of Representatives, and Paul was the senate leader. The senate had their caucus elections every January after elections. I always loved the senate election. They had five caucus officers and five Republican Senators. So instead of having an election, they drew straws. They drew straws and they drew Paul Coverdell, to which he was forever reelected as leader of Republicans in the Georgia State Senate.

Paul was the most organized guy I have ever known and was the most goal-oriented guy I have ever known.

His goal—when we were outnumbered 10 to 1 in the senate, Democrat to Republican, and 8 to 1, Democrat to Republican, in the house—he dreamed of the day when we were in the majority. As the Republican leader of the house, he would summon me, by kind invitation, on every Monday morning, to the

Buckhead Waffle House or the Buckhead IHOP where we would have coffee and talk about how one day we were going to be the majority party in Georgia.

Now, I am an optimist. I was a salesman all my life. I believed we could get there too. But Paul had a step-by-step plan—a plan that in 1976 seemed tantamount to impossible but a plan that was realized with his election to the Senate in 1992, a congressional majority for Republicans in Georgia in 1994 and, ultimately, the first Republican Governor in the history of our State Post-Reconstruction, in 2002.

Paul meticulously was a partisan, but he was, above that, an American. Paul Coverdell was also a man of ideas. Folks have talked about the Coverdell education savings accounts, which he authored in the Senate and are now law. But I remember, in Georgia, in the 1970s and 1980s, when he championed the mandatory seatbelt law. Believe me, in a State such as Georgia where you have a lot of pickup trucks and a lot of rural communities, wearing a seatbelt was not the most popular thing in the world. But Paul knew it was good for saving lives. He knew it was good for lowering insurance rates because he was an insurance man. He fought against a majority that did not want it, but he prevailed and he won, and today many lives have been saved because of the efforts of Paul Coverdell in the Georgia Legislature.

Senator CHAMBLISS told his story of Paul in his dark suit and his red tie and his white shirt. I want to tell mine.

Back in 1982, I was on the beach at Jekyll Island, GA, following a joint house Republican-senate Republican conference. The late Haskew Brantley—then a Georgia State senator—and I were on the beach under an umbrella enjoying the beautiful coast of Georgia on our great island, Jekyll Island. In the distance we could see this figure coming toward us that looked from a distance as having on a suit, walking on the beach with his shoes in his hand and his pant legs rolled up. The closer he got, the more Haskew and I realized: That is Paul Coverdell.

Paul came in his red tie, his buttoned-down white shirt, his dark pin-striped suit but with his shoes in his hand. He sat in the sand with us, talked, got up, walked back to the parking lot, and drove to Atlanta. In fact, I am not sure I ever saw Paul when he did not have on the dark suit, the red tie, and the white shirt.

He was always dressed to the nines, and he was always ready for whatever challenge came. His wife Nancy, who is a beautiful lady I saw just a few weeks ago on the coast of Georgia, actually had her real estate license in my company. So not only did I know Paul, but I knew Nancy, and for 35 years they were as close of friends as I have ever

had. But for 35 years they served Georgia day in and day out in whatever capacity they could to make it a better State.

I think it is a great tribute to tell this story: When Paul was elected to the Georgia State Senate as the fifth Republican in history in 1970, for somebody to think a Republican majority could ever have taken place, they would have laughed. But shortly after Paul's death, the legislative office building where every member of the Georgia House and Senate in downtown Atlanta has an office was named the Paul D. Coverdell Legislative Office Building. He went from the bottom in terms of numbers, and he went to the top, but he climbed it one step at a time; he climbed it one commitment at a time, and he never lost sight of the fact that he was an American first and a Republican second but always committed to the values of Georgia and the values and the conservative principles we shared.

So on this day, just 10 years after his passing, we rise to pay tribute to a great American, a great Member of the Senate, and a leader who made it possible for people such as Senator CHAMBLISS and myself to follow in his footsteps and one day, ultimately, serve in the greatest deliberative body in the world, the U.S. Senate.

I pay tribute to Paul Coverdell and his legacy and his beautiful wife Nancy.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MERKLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Thank you, Madam President.

OIL INDEPENDENCE

Madam President, today I come to this Chamber to speak about oil independence for a stronger America. Many folks across America are continuously talking about the downside of our addiction to overseas oil. Today I am going to be presenting a plan embodying a bill with that name: Oil Independence for a Stronger America.

One of the big issues of our dependence on foreign oil is national security. We send \$1 billion a day overseas to governments that often don't share our core American values; governments in the Middle East, in Nigeria, in Venezuela. Sometimes those dollars end up directly in the hands of terrorists. As some national security analysts have noted, in our current wars we are

sometimes funding both sides of the battle, and that is not a good place to be.

In addition, to maintain our access to that overseas oil, we have to maintain a significant national security military force. Some analysts have estimated the cost of that additional security, that additional access to guarantee oil for America, has a value or a cost of up to \$5 per gallon. So those aren't dollars we pay at the pump, but we certainly pay them in terms of our national security overhead.

In addition to national security, our addiction to overseas oil is terrible for our economy. We are sending \$1 billion a day overseas. Two years ago, when the cost of a barrel of oil surged upwards, we were sending \$2 billion a day overseas. It will be that again. It will go higher, because the world's demand for oil is only increasing. As the economies of Asia, and particularly the economy of China, are growing, the demand for oil is growing as well, and with it we will be paying more.

Take that \$1 billion a day. That is \$3 for every man, woman, and child in America. I have a family of four: \$12 a day for my family. A significant sum, hundreds of dollars a month for my family, goes overseas. When those dollars go overseas, they create jobs overseas instead of creating jobs here in America. Try to picture the difference between spending \$1 billion a day overseas and spending \$1 billion a day on red, white, and blue American-made energy. That is the difference between families who have jobs, a stronger economy, or a weaker economy.

Oil addiction makes us weaker as a nation. Oil independence makes us stronger as a nation. Isn't it time to choose strength over weakness?

I wish to take a look at the numbers demonstrating the challenge before us. The estimate for the amount of oil we will be importing as a nation 20 years from now is between 6 million to 7 million barrels per day, as indicated by this column. If we were to put together a plan that would reduce our consumption of oil by more than 6 million to 7 million barrels per day, then we would have a plan that equates to independence from oil so that we would be able to eliminate the requirement, the need to import oil from overseas.

The good news is that the tools are at hand to have such a strategy. What we have lacked is the will, the political will to move forward; the will to say, yes, we are going to have a plan and we are going to stay on that plan over the course of time, the two decades necessary to implement it.

So what are the major strategies through which we can end our addiction to overseas oil? The first strategy I wish to talk about is changing the consumption of gasoline in passenger vehicles. Right now we have a number of hybrid cars that consume a lot less

oil. We have coming on the market next year the Nissan LEAF, the Chevrolet Volt. We have the Tesla sedan. We are going to have numerous options for customers in America to be able to satisfy their domestic transportation needs in ways that consume vastly less gasoline, and that means less overseas oil. So the question is whether we promote adoption of these strategies. There is a tremendous amount to gain by promoting adoption of these strategies.

I wish to thank Senator BYRON DORGAN and Senator LAMAR ALEXANDER who partnered with me, the three of us together, on the Electric Vehicle Deployment Act. This is an act that will take a half dozen or so communities across this country and create deployment communities to test drive, if you will; building the infrastructure necessary for electric vehicles in partnership with the deployment of electric vehicles, because the two have to work together. From what we learn from those deployment communities, we can develop an accelerated strategy to shift to electricity from gasoline across this Nation. The potential savings are 3.2 million barrels per day.

The second strategy is to have more efficient freight transportation. There is a lot to be gained in this area as well—up to 2 million barrels of oil per day. We have a group out in Oregon, a nonprofit called Cascade Sierra. Cascade Sierra works in partnership with the trucking community to make sure there is a one-stop shop to acquire different technologies designed to increase the efficiency of trucks. They deploy airfoils to make the trucks go down the highway more efficiently. They provide the technology for automatic tire inflation which makes a huge difference in mileage over time. Cascade Sierra makes available different types of generators so that a truck, instead of running its large diesel engine to provide electricity when it is stopped, can instead run a small generator. Now they are working to help develop charging stations where the trucks can actually plug in to power up their electric infrastructure on the truck rather than running their diesel engine.

There are many ways to increase efficiency on trucks as well as increasing efficiency by shifting a percentage of our freight transportation from trucks to barges and rail. Rail and barges are incredibly efficient. I am constantly amazed at the statistic of how far you can take a ton of freight with one gallon of diesel. For all of my colleagues who may be wondering: Well, how far can you go? Can you go 50 miles? Can you take a ton of freight 50 miles with one gallon? Well, no, it is higher than that. Is it 100 miles? No, it is over 400 miles, a ton of freight, with one gallon on rail or by barge. Significant savings are available in that area.

The third section is smart metropolitan transportation options. Portland, OR, is a city that is working very hard to provide options to its citizens on how they commute back and forth to work. We have light rail not too dissimilar from what we have here in Washington, DC. Back home in Oregon, we also are building streetcars, and streetcars create a whole infrastructure around efficient electric transportation for neighborhoods. Then we are working on other strategies, including bike lanes, and so forth, that create a network of options for effective noncar transportation. Those types of strategies can do an enormous amount in reducing the amount of fuel we consume, not to mention reducing the congestion and, therefore, improving the quality of life for Americans throughout metropolitan areas. Potential savings: 1.7 million barrels of oil per day.

The fourth area is in alternative fuels. There have been natural gas forklifts since I was a little kid. Compressed natural gas is an effective fuel. Through recent developments in drilling technology, we have discovered we can produce a lot more natural gas in our Nation, which means a lot more potential to power up trucks with natural gas rather than diesel. So that is a technology that will have a big impact.

A second area is advanced biofuels. Certainly I wish to see the forests of Oregon generating some advanced cellulosic ethanol for our truck fleet and to do so in a fashion which is environmentally sustainable so the power of plants, if you will, can be a significant factor in strengthening our domestic energy economy and creating more jobs here in America and reducing our oil imports from overseas.

The fifth area is energy-efficient homes and buildings. In this case, the savings are more modest: 200,000 barrels of oil per day. They are more modest because most buildings are not heated by heating oil. But we should pay attention to those buildings that are heated by heating oil, because the savings, when you increase the energy characteristics of a building, are substantial. So that merits attention.

If one combines these strategies, we are looking at savings of well over 8 million barrels per day, as compared to the estimate for imports 20 years from now of 6 million to 7 million barrels per day. So it is unquestionable that we can end our oil addiction if we have the political will, if we have the determination to sustain a plan through every 4-year cycle over 20 years.

Here in America, we tend to oscillate back and forth as Presidencies change, and that is why this bill, the Oil Independence for Stronger America Act, calls for a National Energy Security Council that will sustain the attention to the national plan as Presidents come and go, as Members of Congress come and go.

There should be little question in any of our minds that America will be stronger as an oil-independent nation rather than an oil-addicted nation. There should be little question that creating jobs here, buying American-made energy at \$1 billion a day is far preferable to sending billions of dollars a day overseas, where they are no longer in our retail stores and are no longer creating jobs.

Certainly, many of these strategies will have a very positive influence on creating cleaner air and having American leadership and stewardship of our planet. So numerous positive factors go together. I want to be sure to thank my original cosponsors of the bill. Senator TOM CARPER has done terrific work on CAFE and CLEAN TEA, which involves metropolitan transportation options. TOM UDALL brought insights on freight, rail, natural gas, and biofuels. Senator MICHAEL BENNET has a comprehensive understanding of energy issues that is of real value in the Senate Chamber.

I will conclude with this: Let's choose a stronger oil-independent America over a weaker oil-addicted America.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUGO BOSS

Mr. BROWN of Ohio. Mr. President, last April a German clothing company, Hugo Boss, announced it was planning to close down its only North American manufacturing plant located in Brooklyn, OH, outside of Cleveland. Hugo Boss told us they were going to expand their American sales force but shut down all U.S. production. Despite the Cleveland plant being profitable—a plant that had been in existence for decades and decades prior to Hugo Boss purchasing it—Hugo Boss planned to move its Cleveland production to the country of Turkey.

I recognize Hugo Boss's desire to expand their sales force by eliminating production in the United States and shipping it to Turkey—a sad but all too common story in our Nation today—but it was a devastating announcement for the workers and for the community in Brooklyn, OH. Cleveland has a long and storied history of manufacturing clothes and apparel, in addition to chemicals and steel and autos and so much else. In Brooklyn, a suburb of

Cleveland, a factory is a source of pride and economic prosperity. Yet despite the shock and disappointment of the announcement, the community rallied behind the workers.

In the ensuing months, Governor Strickland and I met Hugo Boss executives and workers. I talked to the Hugo Boss people in Germany by phone. I went to the plant and talked to workers, heard their stories—often workers who had been there 10, 20, 30 years, husbands and wives working together at the plant making no more than \$15 an hour. So these were not jobs that paid a lot of money or made a lot of people rich, but they were jobs that gave particularly immigrant workers a real opportunity in this country to work. They had decent health benefits, and they made a wage that they could at least make a go of it.

Earlier this year, in February, when I traveled to meet with some of those 400 workers, I began to hear these stories. As I said, the workers make no more than \$15 an hour, and many make less than that. They are paid decent benefits but barely enough to keep these working families in the middle class. These workers did everything they could to keep this plant profitable. Their work meant everything to the community.

When the decision to close the factory was made, Joe Costigan, Sue Brown, Mark Milko, and Dallas Sells—all of Workers United—fought tirelessly on behalf of these workers. Mayor Richard Balbier rallied the community to help keep the plant open, recognizing a healthy manufacturing sector means a healthy and prosperous community. In the meantime, management, workers, elected officials, and community leaders all continued to work together to find a way to keep the factory open.

Exactly a year later, in April 2010, an agreement was made that would keep workers in their jobs and would sustain that community's economy. These workers agreed to absorb wage cuts. Many of them went from \$12 or \$13 an hour down to \$10 or \$11 an hour.

Yesterday, we celebrated what happens when we work together to save a plant and a community. Yesterday, Governor Strickland and I joined 200 workers and Hugo Boss executives to celebrate the first suit off the line of this restarted manufacturing plant. Wanda Navarro and Sheila McVay were among those who spoke. Sheila McVay introduced the Governor, and Ms. Navarro introduced me. But before they did so, they spoke eloquently of what being back to work means. I am proud to have stood by Wanda and Sheila and those who fought for the classic American success story.

I wear a suit. The suit I have on today was union made in Cleveland, OH, by these workers. One of these workers came up to me as I was stand-

ing there and she pointed to the vest pocket of the suit, saying: I make those vest pockets; I probably sewed that one. It makes me proud to have worked with Workers United and Hugo Boss to ensure that a premier global company continues to invest in this town, in this State, in American manufacturing.

Yesterday marked a new chapter for this company's global competitiveness and for our community's economic prosperity. But that celebration yesterday must be viewed in the context of what is happening all too often in our country. The closing of a plant too often means moving it offshore. It looks like a good deal for the company's quarterly financial statement. That is initially what Hugo Boss thought when they were going to close this plant—a profitable plant—and move to it Turkey: manufacture more clothes, sell more clothes in Turkey, increase their U.S. sales force, and sell more of them back into the United States. We know that story can be told again and again, when U.S. trade law, U.S. tax laws, and companies think about the next quarter more than they do the next year or the next decade and outsource those jobs, then sell the products back into the United States.

As an example, I was meeting with someone today who is working to push the Commerce Department to simply enforce U.S. trade law and enforce or stop some of the currency manipulation by the People's Republic of China. He told me that only 10 years ago we had 19 million manufacturing jobs in the United States. Today, we are down to about 11 million. Yet China has some 100 million people working in manufacturing.

For the last two decades, manufacturing has steadily declined, as financial services expanded. The Presiding Officer from Delaware has worked on and has talked about this. He understands this in terms of what has happened with manufacturing versus what has happened with financial services. Only 30 years ago, manufacturing made up more than a quarter of our Nation's GDP, our Nation's gross domestic product. Financial services was only 11 percent of our gross domestic product. Today, those numbers are almost reversed, where manufacturing is only about half of what it was as a percentage of GDP and financial services is double what it was. Look where that brought us as a nation. Look what happened to our jobs. Look what happened to the middle class.

People at Hugo Boss and these other companies make things. People in this country who make things can provide a middle-class lifestyle for their loved ones and their families. If we stop relying on manufacturing as something that is important to us as a nation—not everything but something important to us as a nation—we will see the

middle class continue to atrophy and decline.

We need a national manufacturing strategy that ensures that trade agreements and tax laws come down on the side of workers and communities, not encourages investors to go overseas, make things in China and always then send them back to the United States. We need a national manufacturing strategy that once again invests in American workers and incentivizes companies to promote manufacturing innovation. We need a national manufacturing strategy that recognizes manufacturing has been and always will be a ticket to the middle class for millions of Americans. That is what manufacturing means to workers at the Hugo Boss plant in Brooklyn, OH, a suburb of Cleveland. That is what it means to workers in communities in Toledo and Dayton and Cincinnati and Lima and Mansfield, OH, and that is what it means to the middle class all over this great country.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, what is our parliamentary position?

The PRESIDING OFFICER. We are in a period postcloture.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NASA AUTHORIZATION

Mr. NELSON of Florida. Mr. President, I wish to compliment a lot of Senators on both sides of the aisle for the extraordinary bipartisanship—no, the extraordinary nonpartisanship that occurred in coming together unanimously to pass the NASA authorization bill out of the full Commerce Committee last week.

The budget for NASA was about to be blown apart by centrifugal force—having different elements, different interests all going off in different directions. Everybody seemed to have their own agenda. Geographical circumstances came into it as to whose States were being affected. The companies were at war with each other. There was a lack of cooperation that was going on between the legislative branch and the executive branch. All I can say is hallelujah, it all came together, and we passed the NASA bill out of the Commerce Committee last week unanimously, with all the Senators who spoke singing its praises.

I am going to outline it in just a minute, but let me make note of another fact. We had unprecedented cooperation between the authorizers; that is, the authorizing committee, and the appropriators. As we speak, the Appropriations Subcommittee on Commerce, State, Justice, which includes the NASA appropriations—are preparing the markup. We will find out the result tomorrow afternoon. But I can tell you the cooperation was extensive and so was the communication, the likes of which we have not seen around here this year, particularly in this year when there is so much gridlock and we have so much difficulty getting anything done. That has not been the case with the NASA bill.

There are a host of Senators, they all know who they are, to whom this Senator wants to express his appreciation for their coming together. As the Good Book says: "Come, let us reason together," and it happened. As I said at the time we passed it, I think it was a near miracle, but I believe in miracles. Indeed, it happened.

Let me tell you what is in the bill. A good part of what the President requested is there. That is why we had the verbal and the written support of the President of this consensus that developed, which we passed. We had the President's recommendations on the top line of the spending for NASA, about \$19 billion for this next fiscal year starting in October.

The President recommended the extension of the International Space Station to 2020, which was originally supposed to expire in 2015, which was absolutely ridiculous. We are just now getting it built and it is about a \$100 billion investment. The President wants to start a commercial rocket industry, already under contract with NASA—two companies, SpaceX and Orbital Sciences—to deliver cargo to the International Space Station. Those contracts are already underway and the testing is beginning. We put in the President's recommendation on that commercial cargo in this bill, which was a recommendation for \$300 million.

We agreed with the President to start the process of human-rating commercial rockets for the purpose of being, in effect, a taxi service to and from the International Space Station. Human rating of a rocket is no small measure, because when you strap in to a rocket, there has to be all kinds of redundancies in order to protect human life. Safety is one of our major watchwords. That was authorized as well—at a different level from what the President had originally recommended and over 6 years as opposed to 5 years that the President had recommended, but nevertheless it gets the project started.

The main thing we did differently from the President's recommendation is this. When the President came to the

Kennedy Space Center a few months ago and said he wanted to develop a new heavy-lift rocket that will ultimately take us out into the cosmos, the President set the goal—and I gave him great credit for this because you have to have a goal when you are developing cutting-edge technology—he set that goal of going to Mars by a flexible path. The first way station he pointed to, with a date 2025, is an asteroid. He said he wanted that heavy-lift rocket to start to be developed by 2015. That is a 5-year wait. Our committee did not want to wait that long. We want to get started now. In the authorization bill, in a congressional committee, we cannot design a rocket. But we can set policy guidelines to the executive branch of government and to the agency, in this case NASA, as to using shuttle-derived technology and building on that, making it, in the parlance of the space community, evolvable, and that is what we did in the authorization bill. We want to start it now instead of waiting until 2011.

We also did another thing differently. Although the White House was contemplating this, by them embracing the consensus that we built, now they have supported it; that is, to fly an extra flight of the space shuttle. This is not a space shuttle that we have to go out and build the parts for. It is a space shuttle, a stack with the external tank and the two solid boosters as well as the orbiter we already have and ready to be on the pad as a rescue shuttle for the remaining two flights, one of which will come this November, the other next February. We wish to fly that third flight. It is likely to be the orbiter Atlantis. That would come a year from now, probably next June.

There is a lot more stuff to take up to the space station. There is a lot more equipment, supplies, and, interestingly and importantly, there is a lot of stuff up there that you need the big volume of that cargo bay of the orbiter to be able to bring back to Earth. That third flight will supply that.

We continue the President's recommendations on all the other parts of NASA—on the science part, on the aeronautics part, and on the acceleration of research and development for new technologies. We continue that. We focus some of that development of technologies in our authorization bill toward the building, the designing, and ultimately the flying of this heavy-lift vehicle, complete with a crew compartment, which more than likely will be in the form of what we thought of in the old days as the capsule.

Therefore, at the beginning of the new fiscal year, which comes this October, assuming that we have the authorization in place—if that is the decision of the Appropriations Committee as well, and we can get that appropriation passed and signed into law by the

President—then, come October 1, they will start on the development of that new heavy-lift vehicle.

This has been met with wide consensus. The research and development on new technologies will continue. They will be more focused and directed. They will be more immediate. The capability of having the commercial rockets be human rated, to be the trip to and from the space station, will be there, and it will start immediately.

All this dissonance and argument and criticism, it all came together and it passed unanimously. I await very expectantly and very hopefully for the Appropriations Committee—they are acting as we speak—on seeing the results of their work.

Let me say in conclusion, I could name a dozen Senators. They all know who they are. I have said it in press conferences, and so forth, singing their high praises. Somewhere down the line, if this Chamber is still in gridlock on so many other issues that we have and if we get to the point we are not able to pass appropriations bills and if we, in fact, have to go back in order to fund the government starting October 1 on what is called a continuing resolution, which usually is a continuance of the previous year's funding—hopefully, we will have passed by the Senate Appropriations Committee their bill that is very similar to the authorization bill I have just described. In that case, if we are in gridlock, it would be my hope, it would be the hope of some dozen of us Senators that we would be able, then, to take that Appropriations Committee bill, passed by the Senate Appropriations Committee, if we have to go to a continuing resolution, and put that NASA appropriations bill in the continuing resolution.

The alternative would be disaster. It would be appropriating on the basis of last year's bill that would completely blow apart the consensus I have just described. It would have the manned space program dead in its tracks by the funding at last year's levels without the policy direction.

But, despite gridlock, I am an optimist. I believe what I have laid out is the mere expression of support of so many of our Senators on both sides of the aisle so that when it comes to this little \$19 billion agency, the National Aeronautics and Space Administration, the agency that carries the hopes and dreams of a lot of Americans, it is my hope that under those circumstances, as we get on into the fall, that that is how we can fund NASA with an appropriations bill, if we cannot pass the overall CJS appropriations bill in its entirety.

I come as someone who 2 weeks ago didn't know where in the world we were going or how we were going to get the votes. But Senators came together, and I, for one, this Senator, hope for the sake of all those young people out

there whose hearts beat a little bit faster when they see that rocket as it climbs into the heavens, who had the dreams of understanding what is out there in that universe that we are exploring—for the sake of all those young people, for the sake of this country and its technological prowess, for the sake of this country and its people, for the technological spin-offs that come out of the research and development of the space program that absolutely pervades our everyday life to make our quality of life better, for the sake of the future of this country, that we stay on the cutting edge, inspiring our young people into math and science and technology and engineering so we can stay as the leader in this global marketplace, because we have the ingenuity, the creativity, the inventiveness.

A lot of that inspiration comes out of our space program, both manned and unmanned. It is our destiny as a people to explore. It is our heritage as a people that we have explored. We have always had a frontier. When we developed this country, we expanded westward on the frontier. Now that frontier is upward. We can do no less than to continue the quest.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, after months of obstruction, we have overcome a shameful effort by the Republican minority to block the extension of emergency unemployment benefits.

Because of the obstructionism of those on the other side of the aisle, more than 2 and a half million unemployed Americans have seen their benefits terminated in recent weeks—49 days ago, to be exact. They are among the nearly 6.8 million Americans who have been out of work for more than half a year. That is the highest number of long-term unemployed we have had since we started keeping track in 1948. Again, this is the highest number of long-term unemployment we have had since 1948.

In recent weeks, I have come to the Senate floor several times to share the heartbreaking letters and e-mails I have received from long-term unemployed workers in Iowa. These families are struggling to survive. These Iowans are trying their hardest, doing everything they can to find any kind of work. But the jobs just aren't there.

Officially, there are five job seekers for every new job opening. Unofficially, and more accurately, there are more than eight job seekers for every open-

ing. Here on the chart, it says that when you include the discouraged workers who aren't counted in the official numbers, unemployment has gone up to 26 million. Yet there are 3.2 million job openings. So there is between five and eight unemployed workers for every job opening.

I say to those desperate families in Iowa and across America that we have listened to you, we have heard you, and we have been fighting desperately over the last 49 days here to get an extension of unemployment insurance benefits. Every time we have tried it, we have been obstructed by the minority, the Republicans. So thanks, today, to the first vote cast by the new Senator from West Virginia, Mr. CARTE GOODWIN—by the way, I might say to Senator GOODWIN, who was just sworn in at about 2 p.m. and then cast his first vote, he can be rightfully proud of the first vote he cast in the Senate—to help lift up people who, in many cases, have lost all hope, to make sure families get the necessary wherewithal to put food on the table and keep their families together. Thanks to the first vote of the new Senator from West Virginia, today we were able to get cloture and stop the filibuster.

I also thank the two Republicans—Senator SNOWE and Senator COLLINS—who also voted with us today to make sure we were able to get this extension into law.

Just remember, on three occasions this summer Republican Senators pulled out the stops to filibuster and kill efforts to extend unemployment benefits. During that time, we heard a rising chorus on talk radio and even from some Senators. They said that extending unemployment benefits would be a bad idea because, in so many words, people are lazy, and they are just relying on their benefits instead of looking for work.

As the distinguished minority whip, the Senator from Arizona, Mr. KYL, put it:

... continuing to pay people unemployment compensation is a disincentive for them to seek new work.

I believe that is woefully out of touch with the reality of trying to survive on unemployment benefits. Let's look at the facts. While the numbers vary from State to State, the average weekly unemployment benefit nationwide is only about \$300 a week. As this chart shows, \$300 a week in UI benefits adds up to about \$15,000 a year. That is the average. The poverty line for a family of four is \$22,000 a year. So is the Senator from Arizona saying someone who is getting \$15,000 a year—a family of four—would rather get that than find a job and make well over \$22,000 a year, which would be the poverty line? Would they rather exist on \$15,000 a year than, say, \$45,000 a year or \$55,000 or \$60,000 a year?

It is incredible to think that someone would say that when there is one job

for five to eight people out there looking. To say that somehow by giving them \$15,000 a year—\$300 a week—that will keep them from going to work is preposterous.

This line of argument is not just absurd and factually wrong, it is shameful. It is shameful to say that about hard-working Americans, who, through no fault of their own, are out of a job. I keep saying every time I come to the Senate floor that we all have jobs here. Every time I come here and look around, I see fellow Senators and staff—we all have jobs. We are not worried about tomorrow. Think about your own family. What if you were out of work and have been out of work for a year and you are out there looking for work, and for every job there are eight other people out there looking for that job? You have to put yourself in the shoes of those kinds of families.

It is shameful to say somehow that by giving people unemployment benefits, they are not going to go back to work because of that—I have more faith in the American people. The American people want to work. In fact, the figures show that we are still the most productive Nation on Earth. Does that somehow point to lazy Americans? No. Given the opportunity, Americans can outwork anybody anywhere in the world—if there is only a job.

To say that somehow giving unemployment benefits encourages people to be lazy flies in the face of the facts about hard-working Americans—how hard they work and how productive American workers are. Well, there is little question that the long-term unemployed would like nothing more than to pull themselves up by the bootstraps. But this economy right now is very short on bootstraps.

Our Republican colleagues have trotted out another justification for stopping extending unemployment benefits. They say that extending the benefits will add to the deficit. They argue that we should cut off some of the most desperate people in our economy. We should take away their last meager lifeline out of a concern for the deficit.

Yet these very same Senators today are demanding that the 2001 and 2003 tax breaks for the wealthiest 1 percent of Americans be extended for another 10 years. Let me repeat that. These same Senators on the Republican side who are arguing that we can't extend the unemployment benefits because it would add to the deficit are some of the same Senators who are saying these tax breaks President George Bush and a Republican Congress gave to the wealthiest 1 percent of Americans in 2001 and 2003 should be extended for another 10 years. And they are saying the cost of those tax breaks should not be offset, they should simply be added to the deficit.

So let's be clear about what our Republican friends are saying. They are

saying the roughly \$33 billion cost of extending unemployment benefits for some of the most desperate workers in our society is unacceptable if it adds to the deficit, but extending tax breaks for the most fortunate and privileged Americans, which would cost a whopping \$670 billion over the next decade, well, we can just add that to the deficit. So, again, \$33 billion to help people who are out of work, who are desperate, to help them feed their children, stay in their homes, pay their mortgages, keep their families together, that \$33 billion we can't spend because it adds to the deficit; however, we can extend these tax breaks that cost \$670 billion for another 10 years. Oh, yes, we can add that to the deficit. That is what my Republican friends are saying. Well, this is breathtaking. It is breathtaking to hear this line of argument. It is nothing more than a return to the Bush years when the President, with a Republican majority here, dragged us into trillion dollar wars and turned major surpluses into historic deficits—historic deficits. Well, today, finally, the Senate said: No, we are not going to go any further on this. We drew the line. We had our vote. Shortly, we will vote on passage of the bill—49 days too late.

Imagine, if you will, that you are one of those persons and you have a family. Maybe you have an illness in the family. Maybe you have a child who is sick or a child with a disability or maybe some other unfortunate things have happened to you. Maybe you have been out of work and you lost your unemployment benefits 49 days ago. What have you done for those 49 days? Think about it. Think about what you would do. Well, I am sorry. I apologize to all those Americans, on behalf of the Senate, that we didn't pass this 49 days ago. But the Republican minority would not let us do it because of a filibuster—because of a filibuster—which requires 60 votes. We didn't have 60 votes until today. So I am sorry people had to wait 49 days, but the unemployment extension we will pass today will be retroactive, so it will fill in those last 49 days. I hope and trust that many of the bills that piled up on those kitchen tables—maybe the mortgage payment that wasn't made or maybe the mortgage company is calling all the time and hounding you about it, maybe you have had to go out and get one of those awful payday loans with high interest rates to tide you over—I hope that will soon get taken care of, that you will get your unemployment benefits and be able to pay those off. These will be extended until the end of November. So we can now say to the people who are unemployed: You will get your unemployment benefits until the end of November. And I hope the programs we are working on will turn this economy around.

Tomorrow, the President will sign into law the financial reform bill we

passed here last week. This is going to go a long way toward reassuring the markets that we are going to have openness and transparency and that we are going to now deal openly and forthrightly with our financial institutions and demand of them that they deal openly and forthrightly with the American people. I am hopeful the economy will turn around, but the economists say things are still kind of dicey. Well, if that is the case, our obligation is to make sure we have a safety net, and the biggest safety net of all is unemployment insurance benefits.

I am sorry we had to wait 49 days because of Republican intransigence and their raising the filibuster on this, but we finally got it done today, and pretty soon those checks will be going out to our American families. I just hope we don't have to keep extending it. I hope the economy turns around. But if it doesn't—if it doesn't—I say to my Republican friends right now, as we go into next year, these tax breaks they want to extend for the wealthiest 1 percent, I am sorry, that is going to have to take a backseat to the people who are unemployed in this country. We need to make sure we do everything possible to get them jobs, to get them back to work, and to make sure they get the unemployment benefits they need until such time as those jobs do return.

Madam President, with that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. CARDIN. I ask unanimous consent I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAN

Mr. CARDIN. Mr. President, I rise today to express my deep concerns over Iran's nuclear ambitions and to applaud new and tougher U.S. sanctions recently passed by Congress.

With both of the sanctions imposed in U.N. Resolution 1929, and the Comprehensive Iran Sanctions, Accountability, and Divestment Act becoming law, we are finally poised to inflict real damage to Iran's nuclear program. But only a strong, unified, and forceful implementation of a sanctions regime will stop Iran from continuing on its current dangerous path.

While Iran still clings to the myth that its recent Turkish-Brazilian compromise proposal is an antidote to the global and U.S. sanctions, we must not waste time pretending this is a sign they are halting their nuclear program.

Under this proposal, Iran would ship only half of its low enriched uranium out of the country for further enrichment while continuing to violate a multitude of U.N. Security Council resolutions. The international community cannot afford to be fooled by Tehran into slowing the implementation of the sanctions and this is precisely why we should step up pressure on the regime.

Make no mistake: Iran wants to become a world nuclear power, with the ability to threaten Israel, the United States, and the global community.

Containing a nuclear Iran would be virtually impossible and this growing threat looms large in all international diplomacy. If they acquired this capability, it would be an unequivocal "game changer" in the Middle East and, indeed, throughout the world. An undeniable threat to Israel and the United States, a nuclear Iran cannot become a reality. We therefore must do all in our power to prevent Iran from acquiring nuclear capabilities.

I am heartened to see the administration embrace both tough global, but more importantly, stringent Congressional sanctions. The enactment of powerful and effective economic sanctions against Iran—and the foreign companies that do business with Tehran—will go a long way in further isolating this rogue nation.

Mr. LEVIN. Mr. President, millions of Americans all across the country, and hundreds of thousands in my State, have lost their jobs. To soften the blow of those job losses, we seek to extend the emergency unemployment insurance benefits that many of these Americans receive. Since the beginning of this crisis, we have extended these benefits several times, but more recently, a Republican filibuster has kept us from doing so.

I hope we will finally clear the way to extend these benefits today, because the failure to do so has been deeply wrong. It has done great harm to millions of American families. Already coping with an economy that is not yet creating the jobs they need, these families must also cope with the fact that because of a Republican filibuster, Congress has failed to provide the help they need.

The arguments offered in opposition to this extension aren't just a matter of differing opinions. They are fictions. And based on these fictions, the opponents seek not just to block an extension of unemployment benefits for millions of jobless Americans, but to stop us from even holding a vote.

Some opponents tell us they oppose this extension because jobless benefits encourage workers to stay on unemployment instead of seeking work. In fact, the Bureau of Labor Statistics reported just last week that in May of this year, there were about 3.2 million job openings in the United States. There were at the same time roughly 15

million unemployed Americans. With nearly five jobless workers for every job opening, desire to work on the part of the American people is definitely not the problem. Instead of disparaging the work ethic of Americans, these members should help us get desperately needed aid to workers who lack not the desire to work, but the opportunity.

These opponents also tell us they oppose this extension because it will add to the deficit. This is an odd position to take after having supported proposals, such as the Bush tax cuts, that added far more to the deficit than this legislation would add. To account for this clear contradiction, they say that they do not believe those tax cuts added to the deficit. The Republican leader was quoted last week as saying, "There's no evidence whatsoever that the Bush tax cuts actually diminished revenue." He went on to say that this is "the view of virtually every Republican."

Tax cuts decrease tax revenue. This is not debatable. The entire economic team from President Bush's White House will tell you so. Alan Viard, former chief economist of President Bush's Council of Economic Advisers, has said, "Federal revenue is lower today than it would have been without the tax cuts. There's really no dispute among economists about that." And according to the Congressional Budget Office, roughly half the increase in our deficits since 2001 is due to those tax cuts. By contrast, the unemployment extension would barely move the needle on our debt.

And what is the consequence of making these inaccurate arguments? It is millions of Americans dealing with tragedy on top of tragedy. Not only have they lost the jobs that provided a decent living for themselves and their families, but the benefits that could help them keep food on the table and help clothe their children are held up by politicians who fail to see that their justifications are fictional.

It is deeply frustrating and sad that so many of our colleagues do not see the need to help these families. It is disappointing that they justify their obstruction with clearly false arguments. And it is outrageous that they would oppose even our ability vote on this measure.

Michigan families who need us to act should not have to wait 1 more day for the help they need. Voting to approve this cloture motion is the only justifiable course.

Mr. CARDIN. Mr. President, I rise today to thank my colleagues for voting to extend the emergency unemployment compensation program through November 30, 2010. This vote is long overdue. While we have been debating the issue, families across the country dealing with long-term unemployment have been suffering. While we have

been arguing about this extension, they have been struggling to survive. I am pleased that this body has finally taken action to ease the burden they face.

Extension of the emergency unemployment compensation program provides additional weeks of unemployment benefits to out-of-work Americans once regular State unemployment benefits have been exhausted. The number of weeks of benefit is determined by a State's unemployment rate.

The legislation also extends full Federal funding of the extended benefits program. This program provides 13 to 20 weeks of benefits to unemployed workers who have exhausted regular and emergency unemployment compensation benefits in States with threshold unemployment rates.

Thanks in part to some of the actions of this Congress, including the American Recovery and Reinvestment Act, we are beginning to see some upturn in what is considered the most severe economic recession this Nation has experienced since the Great Depression. The recovery, though, is not a quick and easy process.

Even though job loss has slowed, unemployment remains high at 9.5 percent. This translates into 14.6 million unemployed Americans. Further, an unprecedented number of Americans have been without jobs for more than 6 months. The average length of unemployment is now stretching to 35 weeks. To put it simply, there are more job seekers than jobs available. For every job, there are five applicants.

Americans want to work and are willing to work but until the job market improves, many rely on unemployment compensation to support themselves and their families. That is why the passage of the extension of emergency unemployment insurance benefits is so crucial; many unemployed Americans quite literally can't survive without this support.

More than 19,000 Marylanders have lost their benefits due to the delay in passing the legislation. The average benefit in Maryland is \$312 a week. This isn't "money in the bank." It is food on the table. It is gas in the car. It is medicine and other necessities.

Unemployment checks contribute to the local economy as they are spent almost immediately on basic goods. For Maryland, the delay in passing the legislation dealt a 6 million dollar blow to the State's economy each week. Nationally, 2.5 million Americans have lost their benefits, costing the economy approximately \$775 million a week.

Again, I thank my colleagues for standing up for American workers and families. Workers like 57-year-old Cynthia Allen of Baltimore County, MD. Cynthia was laid off from her data management position in January 2009. Outsourcing has made it difficult to

find another job in that field. So, here she is, 19 months later, savings expended, credit cards maxed, and unemployment benefits exhausted. Until this point, throughout her work history she had never drawn unemployment. Still, Cynthia perseveres. She continues her job search and she hopes something will open up for her soon. Our thoughts go out to Cynthia and to the millions of Americans who are struggling to survive in these difficult times.

It is time to finish the job of extending these desperately needed benefits to people like Cynthia Allen.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING SENATOR ROBERT C. BYRD

Mr. HATCH. Mr. President, I rise today to pay tribute to our dear departed friend and colleague, Senator Robert Byrd of West Virginia. I have been deeply moved by the words of remembrance we have heard here in the Senate this week and I am honored to have been here today as Senator Byrd has lied in repose on the Senate floor. It is a fitting tribute to the man who, over the course of an astounding tenure of 52 years, came to embody the Senate, its traditions, and its rules.

Robert Byrd was born in North Wilkesboro, NC, in 1917. He was valedictorian of Mark Twain High School and, through the course of his life, attended four separate colleges in West Virginia as well as the American University College of Law. In the early days of his career, he was, at one time or another, a grocery clerk, a butcher, and a shipyard welder before beginning his political career in 1946, when he was elected to the West Virginia House of Delegates. After 5 years in the West Virginia Legislature, he was elected to the House of Representatives in 1952, beginning what would be the longest tenure in the history of the U.S. Congress.

Senator Byrd came to the Senate in 1959. He served right up until his death on June 28 of this year. During his time

on the Senate, he was known for his skills as a parliamentarian and his knowledge of Senate rules and procedure. He put these abilities to great use, serving in the Democratic leadership—as either the whip or the leader—for nearly two decades. Senator Byrd's ability to use the parliamentary rules to his advantage is legendary. Indeed, I can think of few others who had such a great understanding of what can be an arduous and difficult set of rules and procedures.

His knowledge of the traditions and history of the Senate were also quite noteworthy. In 1989, the bicentennial anniversary of our cherished Constitution, Senator Byrd published a four-volume series on Senate history, which is a definitive work in describing and outlining the storied traditions of this great Chamber. Senator Byrd's love of this body was known to all. He expressed his love for the Senate at every opportunity and much of his time was spent trying to preserve those rules and traditions he held dear.

Mr. President, this Chamber has suffered a great loss. But, my sadness is tempered by the thought that Senator Byrd is now reunited with his wife Erma, to whom he was married for nearly 70 years. I want to express my sincerest condolences to Senator Byrd's family.

Mr. BUNNING. Mr. President, today I want to speak on the loss of the great statesman, orator, and author, Senator Robert Byrd. Senator Byrd served the State of West Virginia and this great Nation in the Senate for over 50 years. It has been an honor to serve and craft legislation with Senator Byrd to protect and promote the values of our two States, which share a common border and economy. He represented his State well.

Following my election to the Senate, Senator Byrd offered me valuable advice and direction on the operations and rules of the U.S. Senate. Upon learning of his passing, my wife Mary and I were deeply saddened by the news.

Starting from humble beginnings, Senator Byrd was a great example of the virtue of hard work and determination. After losing his mother during the influenza epidemic of 1918, Senator Byrd was sent to live with his aunt and uncle in the coal-mining region of southern West Virginia. With a combination of his strong work ethic and quest for knowledge, Senator Byrd graduated as valedictorian of his high school class. Despite his stellar academic achievements, Senator Byrd was unable to attend college following his high school commencement due to financial constraints.

At the age of 19, Senator Byrd married his high school sweetheart and lifetime soulmate Erma Ora James. In an effort to support his growing family, Senator Byrd took jobs, which included

working as a gas station attendant and butcher, to put his family first.

After serving in the West Virginia House of Delegates and Senate, Senator Byrd was first elected to the U.S. House of Representatives and began serving in 1953. Unable to stop his quest for knowledge, Senator Byrd began attending night classes at the American University's Washington College of Law where he received his degree a decade later.

Senator Byrd's love for this country and the Senate itself could be seen in many ways such as the copy of the U.S. Constitution tucked away in his jacket pocket and his vast knowledge of the rules of the Senate. As he said to many of us, "he who knows the rules will rule."

He believed, as I do, in the power of the Senate. He understood that the Senate should not be beholden to the executive branch, but must remain separate and equal to provide the necessary checks. As he stated, "We must never, ever, tear down the only wall—the necessary fence—this Nation has against the excesses of the Executive Branch and the resultant haste and tyranny of the majority."

Even in his frustration of the current political climate and through his remaining days, Senator Byrd continued to fight for the protection of the rules of the Senate and the rights of the minority, because as he wrote, "I know what it is to be Majority Leader, and wake up on a Wednesday morning in November, and find yourself a Minority Leader."

I extend my thoughts and prayers to his surviving children, grandchildren, and great-grandchildren. During this time of difficulty, there is strength in knowing Senator Byrd has once again been reunited with his sweetheart and the son he missed dearly.

CYPRUS

Mr. CARDIN. Mr. President, I rise today to draw the attention of my colleagues to the legacy of the July 20, 1974, invasion of Cyprus by Turkey and its ongoing occupation of that island nation. Thirty-six years later, the human dimension of the conflict and the artificial division of the country is evident in many areas. As Chairman of the Helsinki Commission, I am particularly mindful of the violations of human rights stemming from the occupation. I have walked along the U.N.-monitored buffer zone that cuts through the capital city of Nicosia. A visitor to Cyprus need not look far to discover the scars left by the artificial division of a capital and a country.

A year ago this week, the Helsinki Commission held a public briefing, "Cyprus' Religious Cultural Heritage in Peril," to draw attention to this aspect of the legacy of the events of 1974. Experts at that briefing documented

the scope of the destruction of sites in the north, including Orthodox churches, chapels and monasteries as well as those of other Christian communities. According to Archbishop Chrysostomos II, leader of the Church of Cyprus, over 500 religious sites in the area have been seriously damaged or destroyed. Subsequent to the briefing that Church of Cyprus filed a formal case with the European Court of Human Rights regarding its religious sites and other property in the north. A report prepared by the Law Library of Congress, "Destruction of Cultural Property in the Northern Part of Cyprus and Violations of International Law" was released at the briefing.

Helsinki Commission staff traveled throughout the region, visiting numerous churches, each in various stages of deterioration, all plundered, stripped of religious objects, including altars, iconostasis and icons. Other sites have been turned into tourist resorts, storage warehouses or other purposes, including stables, shops, and night clubs. Among photos on display at the briefing were those showing the desecrated ruins of graves with all of the crosses broken off of their bases and smashed. A nearby shed was stacked with broken headstones. A number of Jewish cemeteries in the region, according to reports, have likewise been vandalized and left in shambles. Finally, even the rare occasions when Orthodox services that are allowed to be conducted in the north such exceptional events are occasionally marred by security forces preventing worshipers from crossing into the area or the disruption of religious services.

The Commission recently received an update from Dr. Charalampos Chotzakoglou, one of the experts who testified at our 2009 briefing. He reports a number of disturbing developments over the past year, including road construction through a church yard; transport of grave markers robbed from desecrated cemeteries, reportedly to be recycled as scrap metal; the further looting of artifacts from churches; and the known conversion of another church building into a night club. Dr. Chotzakoglou also reports on the continued difficulties in securing permission to conduct religious services at some of the sites in the north.

The events of 1974 have taken a tremendous toll in so many areas, including Cyprus' rich religious cultural heritage. As we mark this 36th anniversary, let us join in the hope that a resolution of the Cyprus question hammered out, by the Cypriots and for the Cypriots, will be found.

Ms. SNOWE. Mr. President, I rise in remembrance of a deeply tragic anniversary for the Cypriot-American community, their friends and relatives in Cyprus, and for people everywhere who believe in timeless values such as liberty and human dignity. Thirty-six

years ago today, the armed forces of Turkey invaded Cyprus in flagrant violation of international law, occupied the north of the island state, and put in place a heavily armed force that continues to occupy nearly 37 percent of Cyprus' territory.

There are more than 43,000 Turkish troops on Cyprus—that is approximately one Turkish soldier for every two Turkish Cypriots. Meanwhile, the occupation, expropriation, and destruction of Greek Cypriot-owned property in the north of the island continues unabated. Indeed, thousands of U.S. citizens of Cypriot descent have claims to such properties. So too continues the egregious desecration of Greek Orthodox churches and sacred religious artifacts that are not only sacred to hundreds of millions of faithful believers but beautiful and historic sites and objects of inherent cultural value to all of humanity.

The international community, speaking through resolution after resolution by the United Nations Security Council and General Assembly, has since 1974 called for an end to the division of Cyprus and the return of refugees to their homes. After 36 frustrating years of diplomatic stops and starts, a cavalcade of U.N. special representatives and envoys, and untold hours of negotiations, the time has come for Turkey to concede that the Cyprus question is one that can only be resolved through mutual agreement on a solution, not the imposition of one. It is essential for Turkey to contribute practically and substantively to the negotiating effort and embrace in concrete terms a reunified and prosperous Cyprus where Greek Cypriots and Turkish Cypriots can live together in peace.

Unfortunately, in a world that has witnessed the collapse of the Berlin Wall and the fall of communism, Cyprus remains as the last divided country in Europe. Yet despite a generation of suffering such injustices, the Greek Cypriot community continues to demonstrate remarkable magnanimity in seeking a fair solution to the division of the island. Cyprus and the U.S. share a deep and abiding commitment to upholding the ideals of freedom, democracy, justice, human rights, and the international rule of law. We must, in our solemn role as a nation that champions human rights and adherence to the rule of law, stand with the Cypriots to bring peace and stability to their island.

I therefore urge my colleagues to join me today in bearing witness to the 36 years of injustice wrongfully brought upon the people of the Republic of Cyprus, and in recommitting ourselves to the urgent task of fairly and finally reuniting the island.

REQUEST FOR CONSULTATION

Mr. COBURN. I ask unanimous consent to have printed in the RECORD a

letter dated July 20, 2010, to Senator MCCONNELL.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
July 20, 2010.

Hon. MITCH MCCONNELL,
Senate Minority Leader,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: I am requesting that I be consulted before the Senate enters into any unanimous consent agreements or time limitations regarding S. 3466, the Environmental Crimes Enforcement Act. My concerns with this bill include, but are not limited to, those outlined in this letter.

Individuals and corporate entities who commit environmental crimes must be held accountable for their actions. However, while this bill is well-intentioned, I believe current law provides sufficient penalties for environmental wrongdoers, and I am concerned this bill goes too far in increasing enforcement provisions by mandating restitution to victims of environmental crimes.

This bill expands the list of crimes which require mandatory restitution by adding environmental crimes covered by the criminal enforcement provisions of the Clean Water Act. Currently, the list of crimes subject to mandatory restitution is limited to violent crimes, certain offenses against property under the Controlled Substances Act, and crimes relating to tampering with consumer products. No environmental law is listed under the mandatory restitution statute.

It is clear this bill is intended as a response to the current oil spill in the Gulf of Mexico. However, it should be noted there is already a basis for holding BP liable for the Deepwater Horizon oil spill, if it is found to be negligently or willfully responsible—the Oil Pollution Act of 1990. The Oil Pollution Act allows for liability up to all removal costs plus \$75 million, and would eliminate any cap whatsoever if the spill was a result of “gross negligence or willful misconduct” or a “violation of an applicable Federal safety, construction, or operation regulation.”

There are also criminal penalties for violations of the Clean Water Act. These penalties, which may be enforced for negligent, knowing, and “knowing endangerment” violations, include up to 3 years in prison and up to \$1 million in fines for each violation. Finally, according to Attorney General Holder, BP may also face civil and criminal action under the Migratory Bird Treaty Act and the Endangered Species Act.

If Congress feels these civil and criminal penalties are insufficient, we should consider increasing them by amending the relevant penalty provisions. Similarly, if Congress believes mandatory restitution should be expanded into areas beyond the limited crimes to which it currently applies, we should address restitution as a whole, rather than singling out certain issues or individual crimes. Legislation expanding victim restitution has been introduced in the past, and if Congress now believes expansion is appropriate it should take the time to consider broad legislation on the topic, rather than a specific, targeted response to a current event.

Furthermore, I believe this bill is overly broad, as it will criminalize ordinary Clean Water Act violations. For example, this bill would create mandatory restitution as a response to: a property owner who constructed feeder ditches and discharged fill without a permit; a mining company that discharged drainage into navigable creeks without a federal permit; and coastal landowners who

discharged sand and dirt in their ditching activities without a permit. While these actions are all violations of the Clean Water Act, I do not believe they are intended to be brought under the mandatory restitution statute. Nevertheless, as currently constructed, this bill would indeed expose the violators to mandatory restitution.

I am concerned the changes specified in this legislation may be unnecessary, overly broad, and may contribute to the over-criminalization of federal law. In addition, adding the Clean Water Act to the mandatory restitution statute will create increased liability, additional private rights of action, and increased litigation. Finally, it does not appear this bill is needed in order to prosecute legitimately liable companies for violations of the Clean Water Act. Nevertheless, this bill has been expedited through the legislative process, with no hearings scheduled to explore its need and little time allowed to properly evaluate the consequences of the mandatory restitution provision.

In the end, I believe there are more appropriate responses Congress should pursue if current penalties for environmental wrongdoers are insufficient, and I believe expedited, targeted legislation of this nature is likely to create unintended consequences which outweigh any positive value it may add to our environmental law matrix.

Sincerely,

TOM A. COBURN, M.D.,
United States Senator.

ADDITIONAL STATEMENTS

NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES

• Mr. CARDIN. Mr. President, I wish to take this opportunity to congratulate the National Association of Clean Water Agencies, NACWA, on the occasion of its 40th anniversary. NACWA is a dynamic national organization, involved in all facets of water quality protection. As a key stakeholder in the legislative, regulatory, and legal arenas, NACWA has built credible collaborative relationships with Members of Congress, the Environmental Protection Agency, the Federal courts and other governmental bodies.

The emergence of NACWA as a nationally recognized leader in environmental policy and a sought-after technical resource on water quality and ecosystem protection issues has paralleled the maturation of one of the Nation's most successful environmental laws—the Clean Water Act. NACWA was established in 1970 by a group of individuals representing 22 large municipal sewerage agencies to secure Federal funding for municipal wastewater treatment and serve as a forum to discuss the emerging national interest in improving the quality of the Nation's waters. Based upon the shared goal of effectively representing the interests and priorities of public clean water agencies and the communities they serve, they formed NACWA.

Over the past 40 years, NACWA has expanded its member base and issue platform. It has changed its name, replacing the word “sewerage” with

“clean water” to better reflect the end-product of its members’ treatment services—clean water. The organization also partners with diverse stakeholders while always advocating for sound science in advancing water quality protection. Today, as the leading clean water association, NACWA represents nearly 300 member organizations.

Recent years have reflected heightened involvement for the association in a broadening array of complex 21st century water quality issues, including green infrastructure, climate change, watershed-based approaches, and clean water funding and financing. As chairman of the Senate’s Water and Wildlife Subcommittee, under the Environment and Public Works Committee, I am in a good position to observe that NACWA has met the goal that its founders established 40 years ago. NACWA continues to pursue every opportunity to develop and implement sound water quality policies that advance clean water and a healthy environment.

It is my sincere pleasure to congratulate NACWA on the occasion of its 40th anniversary. This committee has relied on NACWA’s strategic input for decades and will undoubtedly continue to do so as we shape the course of environmental protection for our Nation’s waters in the decades to come.●

REMEMBERING SYL METZGER

● Mr. DORGAN. Mr. President, last week I received notice from a North Dakota constituent about a funeral that was held on Friday. The funeral was for Syl Metzger from Langdon, ND. Reading about the life of this extraordinary man reminded me again about how much we owe to people we seldom thank.

Syl Metzger was not a politician or a business executive or celebrity. But he was a hero. He was one of what Tom Brokaw called the “greatest generation.” He was one of those young Americans who seven decades ago was called on by his country to put on a uniform, pick up a rifle, and wage the fight for freedom half way around the world.

Syl Metzger landed on the beaches of Normandy during the D-day invasion. He fought in the campaign in northern Europe, including the Battle of the Bulge. The fights that he and his fellow soldiers waged have become legendary.

Following the Second World War, all across our country those young soldiers returned home and lived down the street, up the block, or out on the farm, and seldom spoke of their experiences in World War II. They became the members of the community who you could count on to do things. They built homes, schools, and communities and became the glue that made America work. Because they knew the horrors of war and the pain of losing fel-

low soldiers in the battlefield, they perhaps more than any other Americans treasured the freedoms that they had risked their lives to save.

Now with the passage of time those young soldiers have become older Americans, in many cases reaching their ninth decade of life. Every day across this country, friends and neighbors gather in the sanctuary of a local church to say goodbye to a relative or an old friend. In many cases, only then do they remember and celebrate the heroic commitment of service to our country by those American patriots.

It was Syl Metzger’s son who informed me of his father’s death. I had met Syl Metzger only once last fall when he and a group of World War II veterans came to Washington, DC, on an Honor Flight to see the World War II Memorial. So our lives touched only briefly. But when his son sent me the e-mail about his funeral, it reminded me again that he and his fellow soldiers did things for our country that touched all of our lives. Yet we seldom understand the magnitude of their sacrifice and the benefit of their courage that was a gift to all Americans.

God bless the memory of Syl Metzger and the rest of the “greatest generation.” America says thank you.●

REMEMBERING FIRST SERGEANT NICK BACON

● Mr. PRYOR. Mr. President, today I pay tribute to the life, service, and memory of 1SG Nick Bacon, U.S. Army (Ret.). First Sergeant Bacon, the last living Medal of Honor recipient from Arkansas, passed away July 17, 2010, at the age of 64. His life will be remembered not just for his heroic military service, which earned him the prestigious Medal of Honor, but also for his work on behalf of veterans in Arkansas and across this Nation.

Narrowly surviving a helicopter crash in his first tour of duty, then Staff Sergeant Bacon volunteered for a second tour of duty in Vietnam; this time he was leading a squad with the 1st Platoon of B Company of the 4th Battalion, 21st Infantry, 11th Infantry Brigade, Americal Division. On August 26, 1968, in an operation west of Tam Ky, Staff Sergeant Bacon and Company B drew heavy resistance from enemy forces. In the ensuing action, Bacon led two platoons in stifling the enemy assault, singlehandedly killing multiple enemy soldiers, destroying an antitank weapon, and directing fire on enemy positions as Company B rescued multiple soldiers trapped to the front.

Due to these brave actions, President Nixon awarded Bacon the Medal of Honor on November 24, 1969. The Medal of Honor is the highest military decoration awarded by the U.S. Government. It is reserved for those members of the United States Armed Forces who distinguish themselves “conspicuously

by gallantry and intrepidity at the risk of his or her life above and beyond the call of duty while engaged in an action against an enemy of the United States.” That definition most certainly fits the heroism that Nick Bacon, then a staff sergeant, took the night of August 26, 1968.

Nicky Daniel Bacon was born November 25, 1945, in Caraway, AR. Following his family’s move to Arizona, he joined the army to escape the difficulties of farm labor. He forged his mother’s signature so that he could join the army at age 17. He served in the U.S. Army from 1963 to 1984, retiring at the rank of first sergeant.

First Sergeant Bacon returned home to Arkansas in 1990, where he continued to seek opportunities to serve his community, particularly the men and women of the U.S. military. He was appointed director of the Arkansas Department of Veterans Affairs in 1993 and was essential to the development of the Arkansas State Veterans Cemetery, the Arkansas State Veterans Cemetery Beautification Foundation and the founding of the Arkansas Veterans’ Coalition.

In addition to his work on behalf of Arkansas veterans, First Sergeant Bacon was a former president of the Congressional Medal of Honor Society. In 2004, he was appointed to serve on the Veterans’ Disability Benefits Commission, which made more than 100 recommendations to Congress on ways to improve veteran benefits.

I ask that my colleagues join me in recognizing the life and service of 1SG Nick Bacon. I join all Americans in lifting up his wife Tamera, his children, and all his loved ones. First Sergeant Bacon was not only a great Arkansan, but a great American, and I am humbled to express my gratitude for his life and service.●

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:03 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 4861. An act to designate the facility of the United States Postal Service located at 1343 West Irving Park Road in Chicago, Illinois, as the “Steve Goodman Post Office Building”.

H.R. 5051. An act to designate the facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, as the “Zachary Smith Post Office Building”.

H.R. 5099. An act to designate the facility of the United States Postal Service located at 15 South Main Street in Sharon, Massachusetts, as the “Michael C. Rothberg Post Office”.

S. 1508. An act to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

At 10:20 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1855. An act to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con Res. 126. Concurrent resolution recognizing the 50th anniversary of Title VI international education programs within the Department of Education.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1855. An act to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 126. Concurrent resolution recognizing the 50th anniversary of Title VI international education programs within the Department of Education; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar:

H.J. Res. 83. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on July 20, 2010, she had presented to the President of the United States the following enrolled bill:

S. 1508. An act to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6739. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Contract Re-

porting Requirements of Intrastate Natural Gas Companies" (FERC Docket No. RM09-2-000) received in the Office of the President of the Senate on July 15, 2010; to the Committee on Energy and Natural Resources.

EC-6740. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-445, "Commercial Driver's License Minimum Age Requirement Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6741. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-446, "Community Impact Statement Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6742. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-462, "Fiscal Year 2011 Budget Support Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6743. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-472, "Families Together Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6744. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-473, "Closing of a Public Alley in Square 6172, S.O. 08-7590, Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6745. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-478, "Adoption Reform Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6746. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-479, "Rental Housing Commission Quorum Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. SCHUMER for the Committee on Rules and Administration.

William J. Boarman, of Maryland, to be Public Printer.

By Mr. LEAHY for the Committee on the Judiciary.

Elena Kagan, of Massachusetts, to be an Associate Justice of the Supreme Court of the United States.

James Michael Cole, of the District of Columbia, to be Deputy Attorney General.

Timothy Q. Purdon, of North Dakota, to be United States Attorney for the District of North Dakota for the term of four years.

Willie Ransome Stafford III, of North Carolina, to be United States Marshal for the Middle District of North Carolina for the term of four years.

Arthur Darrow Baylor, of Alabama, to be United States Marshal for the Middle District of Alabama for the term of four years.

J. Patricia Wilson Smoot, of Maryland, to be a Commissioner of the United States Pardon Commission for a term of six years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 3616. A bill to withdraw certain land in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. WYDEN, and Mrs. SHAHEEN):

S. 3617. A bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes; to the Committee on Finance.

By Mr. VOINOVICH:

S. 3618. A bill to further enable a nuclear renaissance in the United States to improve energy security, reduce future pollution and greenhouse gas emissions, provide large, reliable sources of electricity, and create thousands of high-quality jobs for the citizens of the United States, and for other purposes; to the Committee on Finance.

By Mr. TESTER:

S. 3619. A bill to amend the Energy Independence and Security Act of 2007 to improve geothermal energy technology and demonstrate the use of geothermal energy in large scale thermal applications, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WARNER (for himself, Ms. KLOBUCHAR, Mr. UDALL of New Mexico, and Mr. BEGICH):

S. 3620. A bill to require the Secretary of Commerce to conduct a study on the economic competitiveness and innovative capacity of the United States and to develop a national economic competitiveness strategy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself and Mr. MCCAIN):

S. Res. 586. A resolution supporting democracy, human rights, and civil liberties in Egypt; to the Committee on Foreign Relations.

By Mr. BURR (for himself and Mr. BURRIS):

S. Res. 587. A resolution designating August 26, 2010, as "Montford Point Marines Day"; to the Committee on the Judiciary.

By Mr. WICKER (for himself, Ms. LANDRIEU, Mr. COCHRAN, Mr. CORNYN, Mrs. HUTCHISON, Mr. LEMIEUX, Mr. NELSON of Florida, Mr. SESSIONS, Mr. SHELBY, and Mr. VITTER):

S. Res. 588. A resolution recognizing the economic and environmental impacts of the British Petroleum oil spill on the people of the Gulf Coast and their way of life and urging British Petroleum to give all due consideration to offers of assistance, products, or services from the States directly impacted

by the Deepwater Horizon oil spill; considered and agreed to.

ADDITIONAL COSPONSORS

S. 653

At the request of Mr. CARDIN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from California (Mrs. FEINSTEIN) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 754

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 754, a bill to provide for increased Federal oversight of methadone treatment.

S. 831

At the request of Mr. KERRY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 1089

At the request of Mr. DODD, his name was added as a cosponsor of S. 1089, a bill to facilitate the export of United States agricultural commodities and products to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000, to establish an agricultural export promotion program with respect to Cuba, to remove impediments to the export to Cuba of medical devices and medicines, to allow travel to Cuba by United States citizens and legal residents, to establish an agricultural export promotion program with respect to Cuba, and for other purposes.

S. 1703

At the request of Mr. DORGAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1703, a bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes.

S. 1709

At the request of Ms. STABENOW, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1709, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

S. 2781

At the request of Ms. MIKULSKI, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2781, a bill to change references in Fed-

eral law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

S. 2909

At the request of Mr. SANDERS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2909, a bill to provide State programs to encourage employee ownership and participation in business decisionmaking throughout the United States, and for other purposes.

S. 3018

At the request of Mr. WYDEN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 3018, a bill to amend the Internal Revenue Code of 1986 to make the Federal income tax system simpler, fairer, and more fiscally responsible, and for other purposes.

S. 3034

At the request of Mr. SCHUMER, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Michigan (Ms. STABENOW), the Senator from Maryland (Ms. MIKULSKI), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3034, a bill to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center.

S. 3184

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3238

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3238, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001, and to the memorials established at the 3 sites that were attacked on that day.

S. 3262

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 3262, a bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 3467

At the request of Mr. SCHUMER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3467, a bill to require a Northern Border Counternarcotics Strategy.

S. 3493

At the request of Mr. SPECTER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3493, a bill to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers.

S. 3526

At the request of Mr. WICKER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3526, a bill to require the GAO to evaluate the propriety of assistance provided to General Motors Corporation under the Troubled Asset Relief Program, and for other purposes.

S. 3567

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3567, a bill to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the "Navy Corpsman Jeffrey L. Wiener Post Office Building".

S. 3578

At the request of Mr. JOHANNES, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 3578, a bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

S. 3585

At the request of Mr. UDALL of Colorado, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3585, a bill to amend title 10, United States Code, to reform Department of Defense energy policy, and for other purposes.

S. 3600

At the request of Mr. ROCKEFELLER, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 3600, a bill to amend the Jones Act and related statutes with respect to the liability of vessel owners and operators for damages.

S. RES. 546

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 546, a resolution recognizing the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum in the United States dedicated exclusively to exploring and preserving the American Jewish experience.

AMENDMENT NO. 4464

At the request of Mr. DEMINT, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 4464 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 586—SUPPORTING DEMOCRACY, HUMAN RIGHTS, AND CIVIL LIBERTIES IN EGYPT

Mr. FEINGOLD (for himself and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 586

Whereas the Governments of the United States and Egypt have long shared a strong bilateral working relationship;

Whereas the people and the Government of Egypt play an important role in global and regional politics, including with respect to the Middle East peace process, as well as in North and East Africa;

Whereas Egypt has been and continues to be an intellectual and cultural center of the Arab world;

Whereas respect for democracy, human rights, and civil liberties are fundamental principles of the United States and critical to our national security objectives;

Whereas, in his June 4, 2009, speech in Cairo, Egypt, President Barack Obama noted, “[G]overnments that protect [human] rights are ultimately more stable, successful and secure. Suppressing ideas never succeeds in making them go away”;

Whereas the United States National Security Strategy, released in May 2010, states, “And we reject the notion that lasting security and prosperity can be found by turning away from universal rights—democracy does not merely represent our better angels, it stands in opposition to aggression and injustice, and our support for universal rights is both fundamental to American leadership and a source of our strength in the world.”;

Whereas the authorities in Egypt continue to harass, intimidate, arbitrarily detain, and engage in violence against peaceful demonstrators, journalists, human rights activists, and bloggers;

Whereas, despite President Hosni Mubarak's pledge in 2005 that Egypt's controversial emergency law would only be used to fight terrorism and that he planned to abolish the state of emergency and adopt new antiterrorism legislation as an alternative, in May 2010 the Government of Egypt again extended the emergency law, which has been in place continuously since 1981, for another two years, giving police broad powers of arrest and allowing indefinite detention without charge;

Whereas in renewing the emergency law, the Government of Egypt asserted that the law would be used only in drug and terrorism

cases and it would release all emergency law detainees in other cases, a pledge it has made in the past but failed to fulfill;

Whereas, in response to the emergency law extension, Secretary Hillary Clinton released a statement noting, “This extension is regrettable given the pledge made by the government to the Egyptian people in 2005. We are confident that Egypt can draft and adopt effective counterterrorism legislation that conforms to international standards for civil liberties and due process. And the United States urges Egypt to complete this legislation on an urgent basis and to rescind the State of Emergency within the coming months.”;

Whereas opposition lawmakers and human rights and democracy activists have protested the extended emergency law because of concerns that it would continue to be used to silence critics and stifle dissent;

Whereas the Department of State's 2009 Human Rights Report notes with respect to Egypt, “The government's respect for human rights remained poor, and serious abuses continued in many areas. The government limited citizens' right to change their government and continued a state of emergency that has been in place almost continuously since 1967.”;

Whereas Human Rights Watch reports that “[h]uman rights violations in Egypt are widespread and routine, including arbitrary detention, torture, and unfair trials before state security and military courts . . . State Security Intelligence (SSI), a bureau of the Ministry of Interior, polices the political sphere and considers any exercise of freedom of assembly a security threat, frequently beating and arresting peaceful demonstrators”;

Whereas the independence of the judiciary in Egypt continues to be undermined through exceptional parallel court systems, executive administrative orders overriding judicial decisions, and politically motivated lawsuits;

Whereas past elections in Egypt, including the June 2010 elections to the Shura Council (the lower house of parliament), have seen irregularities at polling and counting stations, security force intimidation and coercion of voters, and obstruction of peaceful political rallies and demonstrations;

Whereas excessive use of force by security forces in Egypt is occurring in violation of Egypt's obligations to protect fundamental human rights and may undermine the country's long-term stability;

Whereas political reform in Cairo would significantly enhance the leadership of Egypt throughout the Middle East and Africa and could help ensure constructive political engagement in these regions for years to come; and

Whereas, in April 2010, a bipartisan “Working Group on Egypt” wrote in a letter to Secretary of State Clinton, “[W]ith three sets of elections coming up over the next eighteen months, Egypt now has the opportunity to energize a process of political, economic, and social reform. If the government responds to demands for responsible political change, Egypt can face the future as a more democratic nation with greater domestic and international support. If, on the other hand, the opportunity for reform is missed, prospects for stability and prosperity in Egypt will be in doubt.”; Now, therefore, be it

Resolved, That, the Senate—

(1) reaffirms that respect for basic human rights is a fundamental value of the United States and that providing unconditional support for governments that do not respect

those basic human rights undermines the credibility of the United States and creates tensions, including in the Muslim world, that can be exploited;

(2) recognizes that, while the Government of Egypt faces legitimate security threats, genuine political reform in that country will help to counter extremism while also solidifying prospects for stability and prosperity;

(3) encourages the Government of Egypt to promptly honor its commitment to permanently repeal the state of emergency, which is a significant obstacle to consolidation of the rule of law in Egypt;

(4) calls on the Government of Egypt—

(A) to take all steps necessary to ensure that upcoming elections are free, fair, transparent, and credible, including granting independent international and domestic electoral observers unrestricted access to polling and counting stations and instructing its security forces not to engage in violence;

(B) to end all arbitrary detention, torture, and other forms of harassment against media professionals, human rights defenders and activists, and opposition figures, fully respect freedom of expression and association, and release all individuals detained for peaceful expression as well as those detained under the emergency law for issues unrelated to drug or terrorism allegations; and

(C) to lift legislative restrictions on freedoms of assembly, association, and expression in advance of the 2010 elections;

(5) urges the President and the Secretary of State—

(A) to make respect for basic human rights and democratic freedoms a priority in the ongoing relationship and dialogue between the Governments of the United States and Egypt, and to focus on the importance of these issues, including free and fair elections, during all bilateral meetings; and

(B) to broaden the engagement of the United States Government with the people of Egypt and support efforts in the country to help promote human rights and democratic reform, including by providing appropriate funding to international and domestic election observers, as well as to civil society organizations for democracy and governance activities;

(6) emphasizes the importance of ensuring and strengthening the independence of the judiciary in Egypt; and

(7) recalls that pursuant to the laws of the United States, organizations implementing United States assistance for democracy and governance activities, and the specific nature of that assistance, shall not be subject to the prior approval of the Government of Egypt.

SENATE RESOLUTION 587—DESIGNATING AUGUST 26, 2010, AS “MONTFORD POINT MARINES DAY”

Mr. BURR (for himself and Mr. BURRIS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 587

Whereas on June 25, 1941, President Franklin D. Roosevelt issued Executive Order 8802, which established the fair employment practices that began to erase discrimination in the Armed Forces;

Whereas in 1942, President Franklin D. Roosevelt issued a Presidential Directive that integrated the United States Marine Corps;

Whereas approximately 20,000 African-American Marines received basic training at Montford Point in the State of North Carolina between 1942 and 1949;

Whereas the African-American Marines trained at Montford Point became known as the Montford Point Marines;

Whereas the African-American volunteers who enlisted in the United States Marine Corps during World War II—

(1) joined the United States Marine Corps to demonstrate their commitment to the United States, despite the practice of segregation;

(2) served the United States in a most honorable fashion;

(3) defied unwarranted stereotypes; and

(4) achieved distinction through brave and honorable service;

Whereas during World War II, African-American Marine Corps units fought and served in the Pacific theatre, participating in the liberation of the Ellice Islands, the Eniwetok Atoll, the Marshall Islands, the Kwajalein Atoll, Iwo Jima, Peleliu, the Marianas Islands, Saipan, Tinian, Guam, and Okinawa;

Whereas Robert Sherrod, a correspondent for Time magazine in the central Pacific during World War II, wrote that the African-American Marines that entered combat for the first time in Saipan were worthy of a 4.0 combat performance rating, the highest performance rating given by the Navy;

Whereas the heroism, commitment, and valor demonstrated by the Montford Point Marines—

(1) changed the negative attitudes of the military leadership toward African-Americans; and

(2) inspired the untiring service of future generations of African-Americans in the United States Marine Corps;

Whereas in July 1948, President Harry S. Truman issued Executive Order 9981, which ended segregation in the military;

Whereas in September 1949, the Montford Marine Camp was deactivated, ending 7 years of segregation in the Marine Corps;

Whereas in September 1965, over 400 former and active duty Marines met in Philadelphia, Pennsylvania at a reunion to honor the Montford Point Marines, leading to the establishment of the Montford Point Marine Association;

Whereas 2010 marks the 45th anniversary of the establishment of the Montford Point Marine Association; and

Whereas the sacrifices, dedication to country, and perseverance of the African-American Marines trained at Montford Point Camp are duly honored and should never be forgotten: Now, therefore be it

Resolved, That the Senate—

(1) designates August 26, 2010, as “Montford Point Marines Day”;

(2) honors the 68th anniversary of the first day African-American recruits began training at Montford Point;

(3) recognizes the work of the members of the Montford Point Marine Association—

(A) in honoring the legacy and history of the United States Marine Corps; and

(B) in ensuring that the sense of duty shared by the Montford Point Marines is passed along to future generations;

(4) recognizes that—

(A) the example set by the Montford Point Marines who served during World War II helped to shape the United States Marine Corps; and

(B) the United States Marine Corps provides an excellent opportunity for the advancement for persons of all races; and

(5) expresses the gratitude of the Senate to the Montford Point Marines for fighting for the freedom of the United States and the liberation of people of the Pacific, despite the practices of segregation and discrimination.

SENATE RESOLUTION 588—RECOGNIZING THE ECONOMIC AND ENVIRONMENTAL IMPACTS OF THE BRITISH PETROLEUM OIL SPILL ON THE PEOPLE OF THE GULF COAST AND THEIR WAY OF LIFE AND URGING BRITISH PETROLEUM TO GIVE ALL DUE CONSIDERATION TO OFFERS OF ASSISTANCE, PROJECTS, OR SERVICES FROM THE STATES DIRECTLY IMPACTED BY THE DEEPWATER HORIZON OIL SPILL

Mr. WICKER (for himself, Ms. LANDRIEU, Mr. COCHRAN, Mr. CORNYN, Mrs. HUTCHISON, Mr. LEMIEUX, Mr. NELSON of Florida, Mr. SESSIONS, Mr. SHELBY, and Mr. VITTER) submitted the following resolution; which was considered and agreed to:

S. RES. 588

Whereas on April 20, 2010, the Mobile Drilling Unit Deepwater Horizon experienced a tragic explosion, resulting in the loss of 11 men;

Whereas the explosion resulted in the sinking of the Mobile Drilling Unit Deepwater Horizon and a discharge of hydrocarbons from the Macondo well;

Whereas since the tragic day of April 20, 2010, a significant amount of oil has flowed into the Gulf of Mexico;

Whereas resources such as fishing, tourism, shipping, and energy exploration in the Gulf of Mexico generally account for over \$200,000,000,000 in economic activity each year;

Whereas the release of oil has caused a Federal fishery closure since May 2, 2010, which has encompassed up to 37 percent of the Gulf of Mexico exclusive economic zone;

Whereas the impact on the Gulf Coast economy has amounted to over \$175,000,000 in reported claims to date;

Whereas tourism is down significantly on the Gulf Coast as a result of the oil spill;

Whereas the workforce in Louisiana, Mississippi, Alabama, Florida, and Texas has been negatively impacted as a result of the oil spill; and

Whereas Federal disaster response procurement law recognizes a preference for local firms in the award of contracts for disaster relief activities: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the impact of the Deepwater Horizon oil spill on the way of life, economy, and natural resources of the Gulf Coast States;

(2) supports the continued public and private efforts to stop the oil spill, mitigate further damage to our treasured Gulf Coast, and clean up of this environmental disaster; and

(3) urges British Petroleum (BP) to give all due consideration to individuals, businesses, and organizations of the States directly impacted by the Deepwater Horizon oil spill where practicable, as BP considers services or products related to ongoing efforts in the Gulf of Mexico associated with this tragic oil spill.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4488. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table.

SA 4489. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4490. Mr. DODD (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4491. Mr. SANDERS (for himself, Mr. HARKIN, Mr. WHITEHOUSE, Mr. BROWN of Ohio, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4492. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed to amendment SA 4425 proposed by Mr. REID to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 4493. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4425 proposed by Mr. REID to the bill H.R. 4213, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4488. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, between lines 3 and 4, insert the following:

(c) WORKING CAPITAL EXPRESS PROGRAM.—

(1) PROGRAM ESTABLISHED.—

(A) WORKING CAPITAL EXPRESS PROGRAM.—Section 7(a)(31) of the Small Business Act (15 U.S.C. 636(a)(31)) is amended by adding at the end the following:

“(G) WORKING CAPITAL EXPRESS PROGRAM IN RESPONSE TO ECONOMIC CRISIS.—

“(i) LOAN GUARANTEES.—The Administrator may guarantee loans under the Express Loan Program made by lenders designated in accordance with clause (iii)(I) to small business concerns that have been in business for not less than 2 years before the

date on which the small business concern submits an application for a loan under this subparagraph.

“(ii) LOAN TERMS.—

“(I) MINIMUM AMOUNT.—The Administrator may guarantee a loan under this subparagraph of not less than \$100,000.

“(II) GUARANTEE RATE.—Notwithstanding subparagraph (A)(iii), the guarantee rate for a loan under this subparagraph shall be 75 percent.

“(iii) PROGRAM SAFEGUARDS.—

“(I) ELIGIBILITY.—The Administrator shall, by rule, establish criteria for the designation of lenders that are eligible to make a loan guaranteed under this subparagraph.

“(II) UNDERWRITING STANDARDS.—The Administrator shall, by rule, establish underwriting standards for loans guaranteed under this subparagraph, to ensure that the Administrator may guarantee new loans under this subparagraph until 1 year after the date of enactment of this subparagraph. The standards established under this subclause shall require the borrower to submit income tax returns to provide verification of business income.

“(III) PENALTIES FOR FRAUD.—Notwithstanding section 16, a lender that knowingly makes a false statement with respect to the income, assets, or other qualifications of a small business concern in connection with a loan or application for a loan guaranteed under this subparagraph shall be fined not more than \$500,000, imprisoned for not more than 5 years, or both.

“(iv) AUTHORITY OF PARTICIPATING LENDERS.—A lender designated in accordance with clause (iii) shall have the same authority with respect to the underwriting and liquidation of a loan guaranteed under this subparagraph as a lender participating in the Certified Lenders Program under paragraph (19).

“(v) TOTAL AMOUNT OF LOANS.—The Administrator may guarantee a total of not more than \$3,000,000,000 in loans under this subparagraph.

“(vi) DEFAULT RATE.—The Administrator shall calculate the default rate for loans guaranteed under this subparagraph separately from the default rate for any other loans made or guaranteed by the Administration.”.

(B) CONFORMING AMENDMENT.—Section 7(a)(25)(B) of the Small Business Act (15 U.S.C. 636(a)(25)(B)) is amended by inserting “, and does not include loans under paragraph (31)(G)” after “by law”.

(C) IMPLEMENTATION.—Not later than 45 days after the date of enactment of this Act, the Administrator shall begin guaranteeing loans under section 7(a)(31)(G) of the Small Business Act, as added by this subsection.

(2) FUNDING.—

(A) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, \$75,000,000, to remain available until 1 year after the date of enactment of this Act, for an additional amount for the appropriations account appropriated under the heading “BUSINESS LOANS PROGRAM ACCOUNT” under the heading “SMALL BUSINESS ADMINISTRATION” for the cost of loan guarantees under section 7(a)(31)(G) of the Small Business Act, as added by this subsection.

(B) OFFSETS.—There are permanently rescinded from the appropriations account appropriated under the heading “FEDERAL BUILDINGS FUND” under the heading “REAL PROPERTY ACTIVITIES” under the heading “GENERAL SERVICES ADMINISTRATION”, \$50,000,000 from Rental of Space and

\$25,000,000 from Building Operations, to be derived from unobligated balances that were provided in previous appropriations Acts.

(3) PROSPECTIVE REPEAL.—

(A) IN GENERAL.—Effective 1 year after the date of enactment of this Act, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(i) in paragraph (25)(B), by striking “, and does not include loans under paragraph (31)(G)”;

(ii) in paragraph (31), by striking subparagraph (G).

(B) PENALTIES.—Notwithstanding subparagraph (A), subclause (III) of section 7(a)(31)(G)(iii) of the Small Business Act, as added by this subsection, shall continue to apply on and after the date described in subparagraph (A), to loans guaranteed under section 7(a)(31)(G) of the Small Business Act.

(C) SAVINGS PROVISION.—A loan guaranteed under section 7(a)(31)(G) of the Small Business Act, as added by this subsection, before the date described in subparagraph (A) shall remain in full force and effect under the terms, and for the duration, of the loan.

SA 4489. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part III of subtitle A of title II, insert the following:

SEC. . . . RURAL MICROBUSINESS INVESTMENT CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following new section:

“SEC. 45S. RURAL MICROBUSINESS INVESTMENT CREDIT.

“(a) IN GENERAL.—For purposes of section 38, the amount of the rural microbusiness investment credit determined under this section for any taxable year with respect to a rural microbusiness is equal to 35 percent of the qualified new investments in the rural microbusiness for the taxable year.

“(b) LIMITATIONS.—

“(1) PER BUSINESS LIMITATIONS.—The amount allowed as a credit under subsection (a) with respect to any rural microbusiness for a taxable year shall not exceed—

“(A) \$10,000, reduced (but not below zero) by

“(B) the amount allowed under subsection (a) to the rural microbusiness for all preceding taxable years

“(2) PER TAXPAYER LIMITATIONS.—The amount allowed as a credit under subsection (a) with respect to any taxpayer with respect to all rural microbusinesses of the taxpayer for a taxable year shall not exceed—

“(A) \$10,000, reduced (but not below zero) by

“(B) the amount allowed under subsection (a) to the taxpayer with respect to rural microbusinesses for all preceding taxable years.

“(c) DEFINITIONS.—For purposes of this section—

“(1) QUALIFIED NEW INVESTMENT.—The term ‘qualified new investment’ means the excess of—

“(A) qualified expenditures paid or incurred for the taxable year, over

“(B) the greater of—

“(i) qualified expenditures paid or incurred for the preceding taxable year, or

“(ii) the average annual qualified expenditures paid or incurred over the preceding three taxable years.

If the rural microbusiness was not in existence (or expenditures relating to such microbusiness were not taken into account under subsection (a)) for the entire 3-year period referred to in subparagraph (B)(ii), such subparagraph shall be applied on the basis of the period during which such entity (or trade or business) was in existence or such expenditures taken into account.

“(2) QUALIFIED EXPENDITURES.—

“(A) IN GENERAL.—The term ‘qualified expenditures’ means any amount which is paid or incurred with respect to a rural microbusiness which is not described in subparagraph (B). Such term includes costs for capital plant and equipment, inventory expenses, and wages.

“(B) EXCEPTION.—Such term does not include—

“(i) any interest cost, or

“(ii) the cost of any vehicle and costs associated with purchasing a vehicle.

“(3) RURAL MICROBUSINESS.—

“(A) IN GENERAL.—The term ‘rural microbusiness’ means a trade or business carried on as a proprietorship, partnership, trust, S corporation, or other pass-thru entity if—

“(i) such trade or business is carried on in a distressed rural area for the first taxable year in which the credit under subsection (a) is allowable to the trade or business,

“(ii) such trade or business meets the gross revenue test under subparagraph (C) for the first taxable year in which the credit under subsection (a) is allowable to the trade or business,

“(iii) such trade or business and all other trade or businesses in which any partners, shareholders, or members of such trade or business owns a majority interest employed not more than 5 full-time equivalent employees during the taxable year, and

“(iv) in the case of a trade or business substantially all of the activity of which is in agricultural production, each individual who is an owner, shareholder, or holds a capital interest, profits interests, or beneficial interests (as the case may be) in such trade or business is a first-time farmer (as defined in section 147(c)(2)(C)).

“(B) EXCEPTIONS.—Such term shall not include—

“(i) any trade or business which includes, in whole or in part, any private or commercial golf course, country club, massage parlor, hot tub facility, sunbath facility, race-track or other facility used for gambling, or any store the principal business of which is the sale of alcoholic beverages for consumption off premises, or

“(ii) any trade or business with respect to which records are required under section 2257 of title 18, United States Code, to be maintained with respect to any performer.

“(C) GROSS REVENUE TEST.—

“(i) IN GENERAL.—A trade or business meets the gross revenue test of this subparagraph for any taxable year if the average annual gross revenue of the trade or business for the 3-taxable year period ending with the taxable year does not exceed \$1,000,000.

“(ii) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) or section 52 or subsection (m) or (o) of section 414 shall be treated as on trade or business for purposes of clause (i).

“(iii) SPECIAL RULES FOR ENTITIES NOT IN EXISTENCE FOR ENTIRE 3-YEAR PERIOD, ETC.—Rules similar to the rules of subparagraphs (A), (B), and (D) of section 448(c)(3) shall apply for purposes of this subparagraph.

“(D) SPECIAL RULES RELATING TO EMPLOYEES.—For purposes of this paragraph—

“(i) SELF-EMPLOYED INDIVIDUALS.—If, with respect to a trade or business, an individual is treated as an employee under section 401(c), such individual shall be treated as an employee of such trade or business for purposes of the preceding sentence.

“(ii) FULL-TIME EQUIVALENT EMPLOYEE.—The term ‘full-time equivalent employee’ has the meaning given such term under section 45R(d)(2).

“(4) DISTRESSED RURAL AREA.—

“(A) IN GENERAL.—The term ‘distressed rural area’ means any area in the United States that—

“(i) has lost at least 5 percent of its population over the last 10 years,

“(ii) has lost at least 10 percent if its population over the last 20 years,

“(iii) has median family income below 85 percent of the national median family income,

“(iv) has a poverty rate that exceeds 12.5 percent, or

“(v) has experienced a sudden and severe economic dislocation and job loss over the last ten years.

“(B) EXCEPTION.—Such term does not include any area which is—

“(i) a city or town that has a population of more than 50,000 inhabitants, or

“(ii) an urbanized area contiguous and adjacent to a city or town described in clause (i).

“(C) RELEVANT SOURCES OF INFORMATION.—In determining whether an area is a distressed rural area under subparagraph (A) or (B), such determination shall be made in accordance with the most recent information from the Bureau of the Census, the Bureau of Labor Statistics, or other government entity with relevant information.

“(5) RELATED PERSONS.—A person shall be treated as related to another person if the relationship between such persons would result in the disallowance of losses under section 267 or 707(b) (but, in applying section 267(b) and (c) for purposes of this section, paragraph (4) of section 267(c) shall be treated as providing that the family of an individual shall include only his spouse, ancestors, and lineal descendants).

“(d) MATERIAL PARTICIPATION.—No amount shall be allowed as a credit under subsection (a) to a taxpayer unless that taxpayer materially participates in the qualified rural microbusiness with respect to which the qualified expenditure is paid or incurred. For purposes of the preceding sentence, material participation shall be determined under rules similar to the rules of section 469(h).

“(e) DENIAL OF DOUBLE BENEFIT.—No deduction or credit shall be allowed under any other provision of this chapter for any amount taken into account in determining the credit under this section.

“(f) OTHER RULES.—

“(1) MARRIED COUPLE MUST FILE JOINT RETURN.—Rules similar to the rules of paragraphs (2), (3), and (4) of section 21(e) shall apply for purposes of this section.

“(2) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to

any individual with respect to whom a deduction is allowed under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's calendar year begins.”.

(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of such Code (defining current year business credit) is amended by striking “plus” at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting “, plus”, and by adding at the end the following new paragraph:

“(37) the rural microbusiness investment credit determined under section 45R(a).”.

(c) CARRYOVER OF UNUSED CREDIT.—Subsection (a) of section 39 of such Code, as amended by this Act, is amended by adding at the end the following new paragraph:

“(5) 5-YEAR CARRYBACK FOR RURAL MICROBUSINESS INVESTMENT CREDIT.—Notwithstanding subsection (d), in the case of the rural microbusiness investment credit—

“(A) this section shall be applied separately from the business credit and the marginal oil and gas well production credit (other than the rural microbusiness investment credit),

“(B) paragraph (1) shall be applied by substituting ‘each of the 5 taxable years’ for ‘the taxable year’ in subparagraph (A) thereof, and

“(C) paragraph (2) shall be applied—

“(i) by substituting ‘25 taxable years’ for ‘21 taxable years’ in subparagraph (A) thereof, and

“(ii) by substituting ‘24 taxable years’ for ‘20 taxable years’ in subparagraph (B) thereof.”.

(d) CONFORMING AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 45R. Rural microbusiness investment credit.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made in taxable years beginning after the date of the enactment of this Act.

SA 4490. Mr. DODD (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —PAYCHECK FAIRNESS

SEC. 01. SHORT TITLE.

This title may be cited as the “Paycheck Fairness Act”.

SEC. 02. FINDINGS.

Congress finds the following:

(1) Women have entered the workforce in record numbers over the past 50 years.

(2) Despite the enactment of the Equal Pay Act of 1963, many women continue to earn significantly lower pay than men for equal work. These pay disparities exist in both the private and governmental sectors. In many instances, the pay disparities can only be

due to continued intentional discrimination or the lingering effects of past discrimination.

(3) The existence of such pay disparities—
(A) depresses the wages of working families who rely on the wages of all members of the family to make ends meet;

(B) undermines women's retirement security, which is often based on earnings while in the workforce;

(C) prevents the optimum utilization of available labor resources;

(D) has been spread and perpetuated, through commerce and the channels and instrumentalities of commerce, among the workers of the several States;

(E) burdens commerce and the free flow of goods in commerce;

(F) constitutes an unfair method of competition in commerce;

(G) leads to labor disputes burdening and obstructing commerce and the free flow of goods in commerce;

(H) interferes with the orderly and fair marketing of goods in commerce; and

(I) in many instances, may deprive workers of equal protection on the basis of sex in violation of the 5th and 14th amendments.

(4)(A) Artificial barriers to the elimination of discrimination in the payment of wages on the basis of sex continue to exist decades after the enactment of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.).

(B) These barriers have resulted, in significant part, because the Equal Pay Act of 1963 has not worked as Congress originally intended. Improvements and modifications to the provisions added by the Act are necessary to ensure that the provisions provide effective protection to those subject to pay discrimination on the basis of their sex.

(C) Elimination of such barriers would have positive effects, including—

(i) providing a solution to problems in the economy created by unfair pay disparities;

(ii) substantially reducing the number of working women earning unfairly low wages, thereby reducing the dependence on public assistance;

(iii) promoting stable families by enabling all family members to earn a fair rate of pay;

(iv) remedying the effects of past discrimination on the basis of sex and ensuring that in the future workers are afforded equal protection on the basis of sex; and

(v) ensuring equal protection pursuant to Congress's power to enforce the 5th and 14th amendments.

(5) The Department of Labor and the Equal Employment Opportunity Commission have important and unique responsibilities to help ensure that women receive equal pay for equal work.

(6) The Department of Labor is responsible for—

(A) collecting and making publicly available information about women's pay;

(B) ensuring that companies receiving Federal contracts comply with anti-discrimination affirmative action requirements of Executive Order 11246 (relating to equal employment opportunity);

(C) disseminating information about women's rights in the workplace;

(D) helping women who have been victims of pay discrimination obtain a remedy; and

(E) being proactive in investigating and prosecuting equal pay violations, especially systemic violations, and in enforcing all of its mandates.

(7) The Equal Employment Opportunity Commission is the primary enforcement

agency for claims made under the provisions added by the Equal Pay Act of 1963, and issues regulations and guidance on appropriate interpretations of the law.

(8) With a stronger commitment by the Department of Labor and the Equal Employment Opportunity Commission to their responsibilities, increased information about the provisions added by the Equal Pay Act of 1963, wage data, and more effective remedies, women will be better able to recognize and enforce their rights.

(9) Certain employers have already made great strides in eradicating unfair pay disparities in the workplace and their achievements should be recognized.

SEC. 03. ENHANCED ENFORCEMENT OF EQUAL PAY REQUIREMENTS.

(a) BONA FIDE FACTOR DEFENSE AND MODIFICATION OF SAME ESTABLISHMENT REQUIREMENT.—Section 6(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(1)) is amended—

(1) by striking “No employer having” and inserting “(A) No employer having”;

(2) by striking “any other factor other than sex” and inserting “a bona fide factor other than sex, such as education, training, or experience”;

(3) by inserting at the end the following: “(B) The bona fide factor defense described in subparagraph (A)(iv) shall apply only if the employer demonstrates that such factor (i) is not based upon or derived from a sex-based differential in compensation; (ii) is job-related with respect to the position in question; and (iii) is consistent with business necessity. Such defense shall not apply where the employee demonstrates that an alternative employment practice exists that would serve the same business purpose without producing such differential and that the employer has refused to adopt such alternative practice.”

“(C) For purposes of subparagraph (A), employees shall be deemed to work in the same establishment if the employees work for the same employer at workplaces located in the same county or similar political subdivision of a State. The preceding sentence shall not be construed as limiting broader applications of the term ‘establishment’ consistent with rules prescribed or guidance issued by the Equal Opportunity Employment Commission.”

(b) NONRETALIATION PROVISION.—Section 15 of the Fair Labor Standards Act of 1938 (29 U.S.C. 215) is amended—

(1) in subsection (a)(3), by striking “employee has filed” and all that follows through “committee;” and inserting “employee—

“(A) has made a charge or filed any complaint or instituted or caused to be instituted any investigation, proceeding, hearing, or action under or related to this Act, including an investigation conducted by the employer, or has testified or is planning to testify or has assisted or participated in any manner in any such investigation, proceeding, hearing, or action, or has served or is planning to serve on an industry committee; or

“(B) has inquired about, discussed, or disclosed the wages of the employee or another employee;”;

(2) by adding at the end the following:

“(c) Subsection (a)(3)(B) shall not apply to instances in which an employee who has access to the wage information of other employees as a part of such employee’s essential job functions discloses the wages of such other employees to an individual who does not otherwise have access to such informa-

tion, unless such disclosure is in response to a charge or complaint or in furtherance of an investigation, proceeding, hearing, or action under section 6(d), including an investigation conducted by the employer. Nothing in this subsection shall be construed to limit the rights of an employee provided under any other provision of law.”

(c) ENHANCED PENALTIES.—Section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)) is amended—

(1) by inserting after the first sentence the following: “Any employer who violates section 6(d) shall additionally be liable for such compensatory damages, or, where the employee demonstrates that the employer acted with malice or reckless indifference, punitive damages as may be appropriate, except that the United States shall not be liable for punitive damages.”;

(2) in the sentence beginning “An action to”, by striking “either of the preceding sentences” and inserting “any of the preceding sentences of this subsection”;

(3) in the sentence beginning “No employees shall”, by striking “No employees” and inserting “Except with respect to class actions brought to enforce section 6(d), no employee”;

(4) by inserting after the sentence referred to in paragraph (3), the following: “Notwithstanding any other provision of Federal law, any action brought to enforce section 6(d) may be maintained as a class action as provided by the Federal Rules of Civil Procedure.”; and

(5) in the sentence beginning “The court in”—

(A) by striking “in such action” and inserting “in any action brought to recover the liability prescribed in any of the preceding sentences of this subsection”; and

(B) by inserting before the period the following: “, including expert fees”.

(d) ACTION BY SECRETARY.—Section 16(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(c)) is amended—

(1) in the first sentence—

(A) by inserting “or, in the case of a violation of section 6(d), additional compensatory or punitive damages, as described in subsection (b),” before “and the agreement”; and

(B) by inserting before the period the following: “, or such compensatory or punitive damages, as appropriate”;

(2) in the second sentence, by inserting before the period the following: “and, in the case of a violation of section 6(d), additional compensatory or punitive damages, as described in subsection (b)”;

(3) in the third sentence, by striking “the first sentence” and inserting “the first or second sentence”; and

(4) in the last sentence—

(A) by striking “commenced in the case” and inserting “commenced—

“(1) in the case”;

(B) by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(2) in the case of a class action brought to enforce section 6(d), on the date on which the individual becomes a party plaintiff to the class action.”.

SEC. 04. TRAINING.

The Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs, subject to the availability of funds appropriated under section 10, shall provide training to Commission employees and affected individuals and entities on matters involving discrimination in the payment of wages.

SEC. 05. NEGOTIATION SKILLS TRAINING FOR GIRLS AND WOMEN.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Labor, after consultation with the Secretary of Education, is authorized to establish and carry out a grant program.

(2) GRANTS.—In carrying out the program, the Secretary of Labor may make grants on a competitive basis to eligible entities, to carry out negotiation skills training programs for girls and women.

(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this subsection, an entity shall be a public agency, such as a State, a local government in a metropolitan statistical area (as defined by the Office of Management and Budget), a State educational agency, or a local educational agency, a private nonprofit organization, or a community-based organization.

(4) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary of Labor at such time, in such manner, and containing such information as the Secretary of Labor may require.

(5) USE OF FUNDS.—An entity that receives a grant under this subsection shall use the funds made available through the grant to carry out an effective negotiation skills training program that empowers girls and women. The training provided through the program shall help girls and women strengthen their negotiation skills to allow the girls and women to obtain higher salaries and rates of compensation that are equal to those paid to similarly-situated male employees.

(b) INCORPORATING TRAINING INTO EXISTING PROGRAMS.—The Secretary of Labor and the Secretary of Education shall issue regulations or policy guidance that provides for integrating the negotiation skills training, to the extent practicable, into programs authorized under—

(1) in the case of the Secretary of Education, the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), and other programs carried out by the Department of Education that the Secretary of Education determines to be appropriate; and

(2) in the case of the Secretary of Labor, the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), and other programs carried out by the Department of Labor that the Secretary of Labor determines to be appropriate.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Labor and the Secretary of Education shall prepare and submit to Congress a report describing the activities conducted under this section and evaluating the effectiveness of such activities in achieving the purposes of this title.

SEC. 06. RESEARCH, EDUCATION, AND OUT-REACH.

The Secretary of Labor shall conduct studies and provide information to employers, labor organizations, and the general public concerning the means available to eliminate pay disparities between men and women, including—

(1) conducting and promoting research to develop the means to correct expeditiously the conditions leading to the pay disparities;

(2) publishing and otherwise making available to employers, labor organizations, professional associations, educational institutions, the media, and the general public the

findings resulting from studies and other materials, relating to eliminating the pay disparities;

(3) sponsoring and assisting State and community informational and educational programs;

(4) providing information to employers, labor organizations, professional associations, and other interested persons on the means of eliminating the pay disparities;

(5) recognizing and promoting the achievements of employers, labor organizations, and professional associations that have worked to eliminate the pay disparities; and

(6) convening a national summit to discuss, and consider approaches for rectifying, the pay disparities.

SEC. 07. ESTABLISHMENT OF THE NATIONAL AWARD FOR PAY EQUITY IN THE WORKPLACE.

(a) IN GENERAL.—There is established the Secretary of Labor's National Award for Pay Equity in the Workplace, which shall be awarded, as appropriate, to encourage proactive efforts to comply with section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)).

(b) CRITERIA FOR QUALIFICATION.—The Secretary of Labor shall set criteria for receipt of the award, including a requirement that an employer has made substantial effort to eliminate pay disparities between men and women, and deserves special recognition as a consequence of such effort. The Secretary shall establish procedures for the application for and presentation of the award.

(c) EMPLOYER.—In this section, the term "employer" includes—

(1)(A) a corporation, including a nonprofit corporation;

(B) a partnership;

(C) a professional association;

(D) a labor organization; and

(E) a business entity similar to an entity described in any of subparagraphs (A) through (D);

(2) an entity carrying out an education referral program, a training program, such as an apprenticeship or management training program, or a similar program; and

(3) an entity carrying out a joint program, formed by a combination of any entities described in paragraph (1) or (2).

SEC. 08. COLLECTION OF PAY INFORMATION BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

Section 709 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-8) is amended by adding at the end the following:

"(f)(1) Not later than 18 months after the date of enactment of this subsection, the Commission shall—

"(A) complete a survey of the data that is currently available to the Federal Government relating to employee pay information for use in the enforcement of Federal laws prohibiting pay discrimination and, in consultation with other relevant Federal agencies, identify additional data collections that will enhance the enforcement of such laws; and

"(B) based on the results of the survey and consultations under subparagraph (A), issue regulations to provide for the collection of pay information data from employers as described by the sex, race, and national origin of employees.

"(2) In implementing paragraph (1), the Commission shall have as its primary consideration the most effective and efficient means for enhancing the enforcement of Federal laws prohibiting pay discrimination. For this purpose, the Commission shall consider factors including the imposition of burdens

on employers, the frequency of required data collection reports (including which employers should be required to prepare reports), appropriate protections for maintaining data confidentiality, and the most effective format for the data collection reports."

SEC. 09. REINSTATEMENT OF PAY EQUITY PROGRAMS AND PAY EQUITY DATA COLLECTION.

(a) BUREAU OF LABOR STATISTICS DATA COLLECTION.—The Commissioner of Labor Statistics shall continue to collect data on women workers in the Current Employment Statistics survey.

(b) OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS INITIATIVES.—The Director of the Office of Federal Contract Compliance Programs shall ensure that employees of the Office—

(1)(A) shall use the full range of investigatory tools at the Office's disposal, including pay grade methodology;

(B) in considering evidence of possible compensation discrimination—

(i) shall not limit its consideration to a small number of types of evidence; and

(ii) shall not limit its evaluation of the evidence to a small number of methods of evaluating the evidence; and

(C) shall not require a multiple regression analysis or anecdotal evidence for a compensation discrimination case;

(2) for purposes of its investigative, compliance, and enforcement activities, shall define "similarly situated employees" in a way that is consistent with and not more stringent than the definition provided in item 1 of subsection A of section 10-III of the Equal Employment Opportunity Commission Compliance Manual (2000), and shall consider only factors that the Office's investigation reveals were used in making compensation decisions; and

(3) shall reinstate the Equal Opportunity Survey, as required by section 60-2.18 of title 41, Code of Federal Regulations (as in effect on September 7, 2006), designating not less than half of all nonconstruction contractor establishments each year to prepare and file such survey, and shall review and utilize the responses to such survey to identify contractor establishments for further evaluation and for other enforcement purposes as appropriate.

(c) DEPARTMENT OF LABOR DISTRIBUTION OF WAGE DISCRIMINATION INFORMATION.—The Secretary of Labor shall make readily available (in print, on the Department of Labor website, and through any other forum that the Department may use to distribute compensation discrimination information), accurate information on compensation discrimination, including statistics, explanations of employee rights, historical analyses of such discrimination, instructions for employers on compliance, and any other information that will assist the public in understanding and addressing such discrimination.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$15,000,000 to carry out this title.

(b) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to subsection (a) for purposes of the grant program in section 05 of this title may be used for a congressional earmark as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives.

SEC. 011. SMALL BUSINESS ASSISTANCE.

(a) EFFECTIVE DATE.—This title and the amendments made by this title shall take effect on the date that is 6 months after the date of enactment of this Act.

(b) TECHNICAL ASSISTANCE MATERIALS.—The Secretary of Labor and the Commissioner of the Equal Employment Opportunity Commission shall jointly develop technical assistance material to assist small businesses in complying with the requirements of this title and the amendments made by this title.

(c) SMALL BUSINESSES.—A small business shall be exempt from the provisions of this title to the same extent that such business is exempt from the requirements of the Fair Labor Standards Act of 1938 pursuant to clauses (i) and (ii) of section 3(s)(1)(A) of such Act (29 U.S.C. 203(s)(1)(A)).

SEC. 12. RULE OF CONSTRUCTION.

Nothing in this title, or in any amendment made by this title, shall affect the obligation of employers and employees to fully comply with all applicable immigration laws, including any penalties, fines, or other sanctions.

SA 4491. Mr. SANDERS (for himself, Mr. HARKIN, Mr. WHITEHOUSE, Mr. BROWN of Ohio, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —RESPONSIBLE ESTATE TAX REFORM

SEC. 01. SHORT TITLE.

This title may be cited as the "Responsible Estate Tax Act".

SEC. 02. REINSTATEMENT AND EXTENSION OF ESTATE AND GENERATION-SKIPPING TAXES; REPEAL OF CARRYOVER BASIS.

(a) IN GENERAL.—The following provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such provisions, are hereby repealed effective December 31, 2009:

(1) Subtitles A and E of title V.

(2) Subsection (d), and so much of subsection (f)(3) as relates to subsection (d), of section 511.

(3) Paragraph (2) of subsection (b), and paragraph (2) of subsection (e), of section 521. Any provision of the Internal Revenue Code of 1986 amended by such provisions are amended to read as such provisions would read if such sections had never been enacted.

(b) CONFORMING AMENDMENT.—Subsection (c) of section 2511 of the Internal Revenue Code of 1986 is hereby repealed effective December 31, 2009.

(c) SUNSET NOT TO APPLY.—

(1) Subsection (a) of section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking "this Act" and all that follows and inserting "this Act (other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010."

(2) Subsection (b) of such section 901 is amended by striking " , estates, gifts, and transfers".

(d) TRANSITION RULES.—Notwithstanding any provision of the Internal Revenue Code

of 1986, in the case of decedent dying or a transfer made after December 31, 2009, and before the date of the enactment of this Act—

(1) the due date for any return under section 6018 or 6019 of such Code (including any election required to be made on such a return) and any payment of tax under chapter 11, 12, or 13 of such Code shall be the later of—

(A) the date that is 4 months after the date of the enactment of this Act, or

(B) the date otherwise required by law (determined without regard to this subsection), and

(2) any disclaimer of an interest in property shall be treated as a qualified disclaimer under section 2518 of such Code if such disclaimer meets the requirements of paragraphs (1), (3), and (4) of section 2518(b) of such Code and is received in writing by a person described in section 2518(b)(2) of such Code not later than—

(A) the date that is 4 months after the date of the enactment of this Act, or

(B) the date otherwise required under section 2518(b)(2) of such Code.

SEC. 03. MODIFICATION OF RATES AND MAINTENANCE OF UNIFIED CREDIT AGAINST THE ESTATE TAX.

(a) MODIFICATION OF RATES.—

(1) IN GENERAL.—The table in paragraph (1) of section 2001(c) of the Internal Revenue Code of 1986 is amended by striking the last 6 rows and inserting the following:

“Over \$750,000 but not over \$3,500,000.	\$248,300 plus 39 percent of the excess of such amount over \$750,000
Over \$3,500,000 but not over \$10,000,000.	\$1,320,800 plus 45 percent of the excess of such amount over \$3,500,000
Over \$10,000,000 but not over \$50,000,000.	\$4,245,800 plus 50 percent of the excess of such amount over \$10,000,000
Over \$50,000,000	\$24,245,800 plus 55 percent of the excess of such amount over \$50,000,000”.

(2) SURTAX ON WEALTHY ESTATES.—Paragraph (2) of section 2001(c) of such Code is amended to read as follows:

“(2) SURTAX ON ESTATES OVER \$500,000,000.—Notwithstanding paragraph (1), if the amount with respect to which the tentative tax to be computed is over \$500,000,000, the rate of tax otherwise in effect under this subsection with respect to the amount in excess of \$500,000,000 shall be increased by 10 percentage points.”.

(b) EXTENSION OF APPLICABLE 2009 CREDIT AMOUNTS.—The table in subsection (c) of section 2010 of the Internal Revenue Code of 1986 (relating to applicable credit amount) is amended by inserting “and thereafter” after “2009”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2009.

SEC. 04. MODIFICATION OF RULES FOR VALUE OF CERTAIN FARM, ETC., REAL PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 2032A(a) of the Internal Revenue Code of 1986 is amended by striking “\$750,000” and inserting “\$3,000,000”.

(b) INFLATION ADJUSTMENT.—Paragraph (3) of section 2032A(a) of such Code is amended—

(1) by striking “1998” and inserting “2009”,

(2) by striking “\$750,000” and inserting “\$3,000,000” in subparagraph (A), and

(3) by striking “calendar year 1997” and inserting “calendar year 2008” in subparagraph (B).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2009.

SEC. 05. MODIFICATION OF ESTATE TAX RULES WITH RESPECT TO LAND SUBJECT TO CONSERVATION EASEMENTS.

(a) MODIFICATION OF EXCLUSION LIMITATION.—The table in paragraph (3) of section 2031(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking “or thereafter” in the last row and inserting “through 2009”, and

(2) by adding at the end the following row:

“2010 and thereafter \$2,000,000”.

(b) MODIFICATION OF APPLICABLE PERCENTAGE.—Paragraph (2) of section 2031(c) of the Internal Revenue Code of 1986 is amended by striking “40 percent” and inserting “60 percent”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2009.

SEC. 06. CONSISTENT BASIS REPORTING BETWEEN ESTATE AND PERSON ACQUIRING PROPERTY FROM DECEDENT.

(a) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after section 6034A the following new section:

“SEC. 6035. BASIS INFORMATION TO PERSONS ACQUIRING PROPERTY FROM DECEDENT OR BY GIFT.

“(a) INFORMATION WITH RESPECT TO PROPERTY ACQUIRED FROM DECEDENTS.—

“(1) IN GENERAL.—The executor of any estate required to file a return under section 6018(a) shall furnish to the Secretary and to each person acquiring any interest in property included in the decedent’s gross estate for federal estate tax purposes a statement identifying—

“(A) the fair market value of each interest in such property acquired by such person as reported on such return,

“(B) in the case of any property to which the exclusion under section 2031(c) applies or to which section 1014(e) applies, the adjusted basis of such property in the hands of the decedent,

“(C) in the case of any property which consists of stock in a DISC or former DISC (as defined in section 992(a)), the basis of the decedent in such stock reduced by the amount (if any) which would have been included in gross income under section 995(c) as a dividend if the decedent had lived and sold the stock at its fair market value on the estate tax valuation date (determined under the rules of section 1014(d)), and

“(D) such other information with respect to such interest as the Secretary may prescribe.

“(2) STATEMENTS BY BENEFICIARIES.—Any person required to file a return under section 6018(b) shall furnish to the Secretary and to each other person who holds a legal or beneficial interest in the property to which such return relates a statement identifying the information described in paragraph (1).

“(3) TIME FOR FURNISHING STATEMENT.—

“(A) IN GENERAL.—Any statement required to be filed under paragraph (1) or (2) shall be filed not later than the earlier of—

“(i) the date which is 30 days after the date on which such return was required to be filed (including extensions, if any), or

“(ii) the date which is 30 days after the date such return is filed.

“(B) ADJUSTMENTS.—In any case in which there is an adjustment to the information required to be included on a statement filed under paragraph (1) or (2) after such statement has been filed, a supplemental statement under such paragraph shall be filed not later than the date which is 30 days after such adjustment is made.

“(b) INFORMATION WITH RESPECT TO PROPERTY ACQUIRED BY GIFT.—

“(1) IN GENERAL.—Each person making a transfer by gift who is required to file a return under section 6019 with respect to such transfer shall furnish to the Secretary and to each person acquiring any interest in property by reason of such transfer a statement identifying—

“(A) the donor’s adjusted basis in each interest in property acquired by such person,

“(B) the fair market value of each interest in such property at the time of the transfer as reported return,

“(C) in the case of a transfer in trust, the amount of the gain or loss recognized by the grantor on such transfer,

“(D) the amount, if any, of gift tax paid by the transferor with respect to such interest, and

“(E) such other information with respect to such interest as the Secretary may prescribe.

“(2) TIME FOR FURNISHING STATEMENT.—

“(A) IN GENERAL.—Any statement required to be filed under paragraph (1) shall be filed not later than the earlier of—

“(i) the date which is 30 days after the date on which such return was required to be filed (including extensions, if any), or

“(ii) the date which is 30 days after the date such return is filed.

“(B) ADJUSTMENTS.—In any case in which there is an adjustment to the information required to be included on a statement filed under paragraph (1) after such statement has been filed, a supplemental statement under such paragraph shall be filed not later than the date which is 30 days after such adjustment is made.

“(c) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out this section, including regulations relating to—

“(1) the application of this section to property with regard to which no estate or gift tax return is required to be filed, and

“(2) situations in which the surviving joint tenant or other recipient may have better information than the executor regarding the basis or fair market value of the property.”.

(2) PENALTY FOR FAILURE TO FILE.—

(A) RETURN.—Subparagraph (B) of section 6724(d)(1) of the Internal Revenue Code of 1986 is amended by striking “or” at the end of clause (xxiv), by striking “and” at the end of clause (xxv) and inserting “or”, and by adding at the end the following new clause: “(xxvi) section 6035 (relating to returns relating to basis information to persons acquiring property from decedent or by gift), and”.

(B) STATEMENT.—Subparagraph (A) of section 6724(d)(2)(A) of such Code is amended by inserting “6035,” after “6034A.”.

(3) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6034A the following new item:

“Sec. 6035. Basis information to persons acquiring property from decedent or by gift.”.

(b) CONSISTENT USE OF BASIS.—

(1) PROPERTY ACQUIRED FROM A DECEDENT.—Section 1014 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(f) BASIS MUST BE CONSISTENT WITH INFORMATION REPORTS.—Except as provided by the Secretary in regulations, in any case in which the executor of the estate was required to make a return under section 6035, the basis of an interest in property in the hands of the person acquiring such property shall not exceed—

“(1) except as provided in paragraph (2), shall not exceed the value of such interest as determined for purposes of chapter 11, and

“(2) in the case of property to which subsection (a)(4) or (d) applies, shall be calculated using the information reported to such person under section 6035(a).”.

(2) PROPERTY ACQUIRED BY GIFTS AND TRANSFERS IN TRUST.—Section 1015 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(f) BASIS MUST BE CONSISTENT WITH INFORMATION REPORTS.—Except as provided by the Secretary in regulations, in any case in which the transferor was required to make a return under section 6035, the basis of the property in the hands of the person acquiring such property shall be calculated using the information reported to such person under section 6035(b).”.

(c) PENALTY FOR INCONSISTENT REPORTING.—

(1) IN GENERAL.—Subsection (b) of section 6662 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (7) the following new paragraph:

“(8) Any inconsistent estate or gift basis reporting.”.

(2) INCONSISTENT BASIS REPORTING.—Section 6662 of such Code is amended by adding at the end the following new subsection:

“(k) INCONSISTENT ESTATE OR GIFT BASIS REPORTING.—For purposes of this section, the term ‘inconsistent estate or gift basis reporting’ means the portion of the understatement which is attributable to the failure by the taxpayer to use the information reported to such taxpayer under section 6035 in calculating the basis of any property acquired from a decedent or by gift or transfer in trust.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers for which returns are filed after the date of the enactment of this Act.

SEC. 7. VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS; LIMITATION ON MINORITY DISCOUNTS.

(a) IN GENERAL.—Section 2031 of the Internal Revenue Code of 1986 (relating to definition of gross estate) is amended by redesignating subsection (d) as subsection (f) and by inserting after subsection (c) the following new subsections:

“(d) VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS.—For purposes of this chapter and chapter 12—

“(1) IN GENERAL.—In the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092)—

“(A) the value of any nonbusiness assets held by the entity with respect to such interest shall be determined as if the transferor had transferred such assets directly to the transferee (and no valuation discount shall be allowed with respect to such nonbusiness assets), and

“(B) such nonbusiness assets shall not be taken into account in determining the value of the interest in the entity.

“(2) NONBUSINESS ASSETS.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘nonbusiness asset’ means any asset which is not used in the active conduct of 1 or more trades or businesses.

“(B) EXCEPTION FOR CERTAIN PASSIVE ASSETS.—Except as provided in subparagraph (C), a passive asset shall not be treated for purposes of subparagraph (A) as used in the active conduct of a trade or business unless—

“(i) the asset is property described in paragraph (1) or (4) of section 1221(a) or is a hedge with respect to such property, or

“(ii) the asset is real property used in the active conduct of 1 or more real property trades or businesses (within the meaning of section 469(c)(7)(C)) in which the transferor materially participates and with respect to which the transferor meets the requirements of section 469(c)(7)(B)(ii).

For purposes of clause (ii), material participation shall be determined under the rules of section 469(h), except that section 469(h)(3) shall be applied without regard to the limitation to farming activity.

“(C) EXCEPTION FOR WORKING CAPITAL.—Any asset (including a passive asset) which is held as a part of the reasonably required working capital needs of a trade or business shall be treated as used in the active conduct of a trade or business.

“(3) PASSIVE ASSET.—For purposes of this subsection, the term ‘passive asset’ means any—

“(A) cash or cash equivalents,

“(B) except to the extent provided by the Secretary, stock in a corporation or any other equity, profits, or capital interest in any entity,

“(C) evidence of indebtedness, option, forward or futures contract, notional principal contract, or derivative,

“(D) asset described in clause (iii), (iv), or (v) of section 351(e)(1)(B),

“(E) annuity,

“(F) real property used in 1 or more real property trades or businesses (as defined in section 469(c)(7)(C)),

“(G) asset (other than a patent, trademark, or copyright) which produces royalty income,

“(H) commodity,

“(I) collectible (within the meaning of section 401(m)), or

“(J) any other asset specified in regulations prescribed by the Secretary.

“(4) LOOK-THRU RULES.—

“(A) IN GENERAL.—If a nonbusiness asset of an entity consists of a 10-percent interest in any other entity, this subsection shall be applied by disregarding the 10-percent interest and by treating the entity as holding directly its ratable share of the assets of the other entity. This subparagraph shall be applied successively to any 10-percent interest of such other entity in any other entity.

“(B) 10-PERCENT INTEREST.—The term ‘10-percent interest’ means—

“(i) in the case of an interest in a corporation, ownership of at least 10 percent (by vote or value) of the stock in such corporation,

“(ii) in the case of an interest in a partnership, ownership of at least 10 percent of the capital or profits interest in the partnership, and

“(iii) in any other case, ownership of at least 10 percent of the beneficial interests in the entity.

“(5) COORDINATION WITH SUBSECTION (b).—Subsection (b) shall apply after the application of this subsection.

“(e) LIMITATION ON MINORITY DISCOUNTS.—For purposes of this chapter and chapter 12, in the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092), no discount shall be allowed by reason of the fact that the transferee does not have control of such entity if the transferee and members of the family (as defined in section 2032A(e)(2)) of the transferee have control of such entity.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after the date of the enactment of this Act.

SEC. 8. REQUIRED MINIMUM 10-YEAR TERM, ETC., FOR GRANTOR RETAINED ANNUITY TRUSTS.

(a) IN GENERAL.—Subsection (b) of section 2702 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and by moving such subparagraphs (as so redesignated) 2 ems to the right;

(2) by striking “For purposes of” and inserting the following:

“(1) IN GENERAL.—For purposes of”;

(3) by striking “paragraph (1) or (2)” in paragraph (1)(C) (as so redesignated) and inserting “subparagraph (A) or (B)”;

(4) by adding at the end the following new paragraph:

“(2) ADDITIONAL REQUIREMENTS WITH RESPECT TO GRANTOR RETAINED ANNUITIES.—For purposes of subsection (a), in the case of an interest described in paragraph (1)(A) (determined without regard to this paragraph) which is retained by the transferor, such interest shall be treated as described in such paragraph only if—

“(A) the right to receive the fixed amounts referred to in such paragraph is for a term of not less than 10 years,

“(B) such fixed amounts, when determined on an annual basis, do not decrease relative to any prior year during the first 10 years of the term referred to in subparagraph (A), and

“(C) the remainder interest has a value greater than zero determined as of the time of the transfer.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers made after the date of the enactment of this Act.

SA 4492. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed to amendment SA 4425 proposed by Mr. REID to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Unemployment Compensation Extension Act of 2010”.

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “June 2, 2010” each place it appears and inserting “November 30, 2010”;

(B) in the heading for subsection (b)(2), by striking “JUNE 2, 2010” and inserting “NOVEMBER 30, 2010”; and

(C) in subsection (b)(3), by striking “November 6, 2010” and inserting “April 30, 2011”.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “June 2, 2010” each place it appears and inserting “December 1, 2010”; and

(B) in subsection (c), by striking “November 6, 2010” and inserting “May 1, 2011”.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “November 6, 2010” and inserting “April 30, 2011”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (D), by striking “and” at the end; and

(2) by inserting after subparagraph (E) the following:

“(F) the amendments made by section 2(a)(1) of the Unemployment Compensation Extension Act of 2010; and”.

(c) CONDITIONS FOR RECEIVING EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 4001(d)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended, in the matter preceding subparagraph (A), by inserting before “shall apply” the following: “(including terms and conditions relating to availability for work, active search for work, and refusal to accept work)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Continuing Extension Act of 2010 (Public Law 111-157).

SEC. 3. COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.

(a) CERTAIN INDIVIDUALS NOT INELIGIBLE BY REASON OF NEW ENTITLEMENT TO REGULAR BENEFITS.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

“(c) COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.—

“(1) If—

“(A) an individual has been determined to be entitled to emergency unemployment compensation with respect to a benefit year,

“(B) that benefit year has expired,

“(C) that individual has remaining entitlement to emergency unemployment compensation with respect to that benefit year, and

“(D) that individual would qualify for a new benefit year in which the weekly benefit amount of regular compensation is at least either \$100 or 25 percent less than the individual’s weekly benefit amount in the benefit year referred to in subparagraph (A),

then the State shall determine eligibility for compensation as provided in paragraph (2).

“(2) For individuals described in paragraph (1), the State shall determine whether the individual is to be paid emergency unemployment compensation or regular compensation for a week of unemployment using one of the following methods:

“(A) The State shall, if permitted by State law, establish a new benefit year, but defer the payment of regular compensation with respect to that new benefit year until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

“(B) The State shall, if permitted by State law, defer the establishment of a new benefit year (which uses all the wages and employment which would have been used to estab-

lish a benefit year but for the application of this paragraph), until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

“(C) The State shall pay, if permitted by State law—

“(i) regular compensation equal to the weekly benefit amount established under the new benefit year, and

“(ii) emergency unemployment compensation equal to the difference between that weekly benefit amount and the weekly benefit amount for the expired benefit year; or

“(D) The State shall determine rights to emergency unemployment compensation without regard to any rights to regular compensation if the individual elects to not file a claim for regular compensation under the new benefit year.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals whose benefit years, as described in section 4002(g)(1)(B) the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by this section, expire after the date of enactment of this Act.

SEC. 4. USE OF STIMULUS FUNDS TO OFFSET SPENDING.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded in order to offset the net increase in spending resulting from the provisions of, and amendments made by, this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SEC. 5. SUNSET OF TEMPORARY INCREASE IN BENEFITS UNDER THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

Section 101(a) of title I of division A of Public Law 111-5 (123 Stat. 120) is amended—

(1) in paragraph (1), by inserting before the period, “, if the value of such benefits and block grants would thereby be greater than in the absence of this subsection”; and

(2) by striking paragraph (2) and inserting the following:

“(2) TERMINATION.—The authority provided by this subsection shall terminate after May 31, 2014.”.

SEC. 6. BUDGETARY PROVISIONS.

(a) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ‘Budgetary Effects of PAYGO Legislation’ for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

(b) EMERGENCY DESIGNATIONS.—This Act—

(1) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g));

(2) in the House of Representatives, is designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 4493. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4425 proposed by Mr. REID to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. SENATE SPENDING DISCLOSURE.

(a) IN GENERAL.—The Secretary of the Senate shall post prominently on the front page of the public website of the Senate (<http://www.senate.gov/>) the following information:

(1) The total amount of discretionary and direct spending passed by the Senate that has not been paid for, including emergency designated spending or spending otherwise exempted from PAYGO requirements.

(2) The total amount of net spending authorized in legislation passed by the Senate, as scored by CBO.

(3) The number of new government programs created in legislation passed by the Senate.

(4) The totals for paragraphs (1) through (3) as passed by both Houses of Congress and signed into law by the President.

(b) DISPLAY.—The information tallies required by subsection (a) shall be itemized by bill and date, updated weekly, and archived by calendar year.

(c) EFFECTIVE DATE.—The PAYGO tally required by subsection (a)(1) shall begin with the date of enactment of the Statutory Pay-As-You-Go Act of 2010 and the authorization tally required by subsection (a)(2) shall apply to all legislation passed beginning January 1, 2010.

NOTICES OF INTENT TO SUSPEND THE RULES

Mr. BROWN of Massachusetts. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, paragraph 2, for the purpose of proposing and considering the following amendment:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Unemployment Compensation Extension Act of 2010”.

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “June 2, 2010” each place it appears and inserting “November 30, 2010”; and

(B) in the heading for subsection (b)(2), by striking “JUNE 2, 2010” and inserting “NOVEMBER 30, 2010”; and

(C) in subsection (b)(3), by striking “November 6, 2010” and inserting “April 30, 2011”.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “June 2, 2010” each place it appears and inserting “December 1, 2010”; and

(B) in subsection (c), by striking “November 6, 2010” and inserting “May 1, 2011”.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “November 6, 2010” and inserting “April 30, 2011”.

(b) **FUNDING.**—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (D), by striking “and” at the end; and

(2) by inserting after subparagraph (E) the following:

“(F) the amendments made by section 2(a)(1) of the Unemployment Compensation Extension Act of 2010; and”.

(c) **CONDITIONS FOR RECEIVING EMERGENCY UNEMPLOYMENT COMPENSATION.**—Section 4001(d)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended, in the matter preceding subparagraph (A), by inserting before “shall apply” the following: “(including terms and conditions relating to availability for work, active search for work, and refusal to accept work)”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the Continuing Extension Act of 2010 (Public Law 111-157).

SEC. 3. COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.

(a) **CERTAIN INDIVIDUALS NOT INELIGIBLE BY REASON OF NEW ENTITLEMENT TO REGULAR BENEFITS.**—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

“(g) **COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.**—

“(1) If—

“(A) an individual has been determined to be entitled to emergency unemployment compensation with respect to a benefit year,

“(B) that benefit year has expired,

“(C) that individual has remaining entitlement to emergency unemployment compensation with respect to that benefit year, and

“(D) that individual would qualify for a new benefit year in which the weekly benefit amount of regular compensation is at least either \$100 or 25 percent less than the individual's weekly benefit amount in the benefit year referred to in subparagraph (A),

then the State shall determine eligibility for compensation as provided in paragraph (2).

“(2) For individuals described in paragraph (1), the State shall determine whether the individual is to be paid emergency unemployment compensation or regular compensation for a week of unemployment using one of the following methods:

“(A) The State shall, if permitted by State law, establish a new benefit year, but defer the payment of regular compensation with respect to that new benefit year until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

“(B) The State shall, if permitted by State law, defer the establishment of a new benefit year (which uses all the wages and employment which would have been used to establish a benefit year but for the application of this paragraph), until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

“(C) The State shall pay, if permitted by State law—

“(i) regular compensation equal to the weekly benefit amount established under the new benefit year, and

“(ii) emergency unemployment compensation equal to the difference between that weekly benefit amount and the weekly benefit amount for the expired benefit year; or

“(D) The State shall determine rights to emergency unemployment compensation without regard to any rights to regular compensation if the individual elects to not file a claim for regular compensation under the new benefit year.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to individuals whose benefit years, as described in section 4002(g)(1)(B) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by this section, expire after the date of enactment of this Act.

SEC. 4. USE OF STIMULUS FUNDS TO OFFSET SPENDING.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded in order to offset the net increase in spending resulting from the provisions of, and amendments made by, this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SEC. 5. SUNSET OF TEMPORARY INCREASE IN BENEFITS UNDER THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

Section 101(a) of title I of division A of Public Law 111-5 (123 Stat. 120) is amended—

(1) in paragraph (1), by inserting before the period, “, if the value of such benefits and block grants would thereby be greater than in the absence of this subsection”; and

(2) by striking paragraph (2) and inserting the following:

“(2) **TERMINATION.**—The authority provided by this subsection shall terminate after May 31, 2014.”.

SEC. 6. BUDGETARY PROVISIONS.

(a) **STATUTORY PAYGO.**—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ‘Budgetary Effects of PAYGO Legislation’ for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

(b) **EMERGENCY DESIGNATIONS.**—This Act—

(1) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g));

(2) in the House of Representatives, is designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

Amend the title so as to read: “To extend unemployment insurance benefits, and for other purposes.”.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII for the

purpose of proposing and considering the following amendment to amendment No. 4425 to the House amendment to the Senate amendment to H.R. 4213, including germaneness requirements:

At the appropriate place, insert the following:

SEC. __. SENATE SPENDING DISCLOSURE.

(a) **IN GENERAL.**—The Secretary of the Senate shall post prominently on the front page of the public website of the Senate (<http://www.senate.gov>) the following information:

(1) The total amount of discretionary and direct spending passed by the Senate that has not been paid for, including emergency designated spending or spending otherwise exempted from PAYGO requirements.

(2) The total amount of net spending authorized in legislation passed by the Senate, as scored by CBO.

(3) The number of new government programs created in legislation passed by the Senate.

(4) The totals for paragraphs (1) through (3) as passed by both Houses of Congress and signed into law by the President.

(b) **DISPLAY.**—The information tallies required by subsection (a) shall be itemized by bill and date, updated weekly, and archived by calendar year.

(c) **EFFECTIVE DATE.**—The PAYGO tally required by subsection (a)(1) shall begin with the date of enactment of the Statutory Pay-As-You-Go Act of 2010 and the authorization tally required by subsection (a)(2) shall apply to all legislation passed beginning January 1, 2010.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII for the purpose of proposing and considering the following motion to recommit with instructions of H.R. 4213:

The Senator from Oklahoma [Mr. Coburn] moves to recommit H.R. 4213 to the Committee on Finance with instructions to report the same back to the Senate with changes to include:

(A) a reduction in unnecessary government printing and publishing costs to save \$4.6 billion over ten years;

(B) a requirement to sell off \$15 billion worth of unused and unneeded federal real property;

(C) a requirement for the Internal Revenue Service to collect any unpaid taxes from federal employees, which would bring in \$3 billion, including nearly \$2.5 million owed by employees of the U.S. Senate;

(D) a prohibition on bogus bonuses for government contractors whose projects are over budget, behind schedule, or do not meet basic performance standards, saving more than \$8 billion over ten years;

(E) a prohibition on nonessential travel by government employees to save \$10 billion over ten years; and

(F) a requirement the Secretary of the Senate post on the Senate's public website the total dollar amount of new borrowing and spending and other violations of PAYGO approved by the Senate since the PAYGO law was signed into law.

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention

to move to suspend rule XXII for the purpose of proposing and considering the following Motion to Commit with instructions to the House message with respect to H.R. 4213:

Mr. DeMint moves to commit the House Message with respect to H.R. 4213 to the Committee on the Judiciary with instructions to report the same back forthwith with an amendment as follows:

At the appropriate place, insert the following:

SEC. _____. No funds made available in any provision of law may be used to participate in any lawsuit that seeks to invalidate those provisions of the Arizona Revised Statutes amended by Arizona Senate Bill 1070, 49th Leg., 2nd Reg. Sess., Ch. 113 (Az. 6 2010) (as amended by Arizona House Bill 2162, 49th 7 Leg., 2nd Reg. Sess., Ch. 211 (Az. 2010)).

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII for the purpose of proposing and considering the following Motion to Commit with instructions to the House message with respect to H.R. 4213:

Mr. DeMint moves to commit the House Message with respect to H.R. 4213 to the Committee on Finance with instructions to report the same back to the Senate with changes to include a permanent repeal of the estate and generation-skipping transfer taxes, and to include provisions which decrease spending as appropriate to offset such permanent repeal.

NOTICE OF HEARING

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing entitled, "Social Security Disability Fraud: Case Studies in Federal Employees and Commercial Drivers Licenses." The Subcommittee hearing will focus on the findings of a Government Accountability Office Report, "Social Security Administration: Cases of Federal Employees and Transportation Drivers and Owners Who Fraudulently and/or Improperly Received SSA Disability Payments." Witnesses for the hearing will include The Honorable Michael J. Astrue, the Commissioner of the Social Security Administration, and Mr. Gregory D. Kutz, Managing Director of Forensic Audits and Special Investigations at the Government Accountability Office.

The Subcommittee hearing has been scheduled for Tuesday, July 27, 2010, at 9 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 20, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on July 20, 2010, at 10 a.m., to conduct a hearing entitled "Continuing Oversight on International Cooperation to Modernize Financial Regulation."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 20, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 20, 2010, at 10 a.m., in SH-216 of the Hart Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on July 20, 2010, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CASEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 20, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following members of my staff be given floor privileges during the consideration of the small business jobs bill: Jamie Bedwell, Drew Colling, Emily Freeman, Chris Goble, Michael Grant, Nicole Marchman, Lindsay Novis, and Jim Zadick.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Gabriela

McCall Delgado, Jacob Sheahan, Conor McRitchie, Tom Stanley-Becker, and Anthony Tucci of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL BUILDINGS PERSONNEL TRAINING ACT OF 2010

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 437, S. 3250.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant editor of the Daily Digest read as follows:

A bill (S. 3250) to provide for the training of Federal building personnel, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3250) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Buildings Personnel Training Act of 2010".

SEC. 2. TRAINING OF FEDERAL BUILDING PERSONNEL.

(a) IDENTIFICATION OF CORE COMPETENCIES.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Administrator of General Services, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, and after providing notice and an opportunity for comment, shall identify the core competencies necessary for Federal personnel performing building operations and maintenance, energy management, safety, and design functions to comply with requirements under Federal law. The core competencies identified shall include competencies relating to building operations and maintenance, energy management, sustainability, water efficiency, safety (including electrical safety), and building performance measures.

(b) DESIGNATION OF RELEVANT COURSES, CERTIFICATIONS, DEGREES, LICENSES, AND REGISTRATIONS.—The Administrator, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall identify a course, certification, degree, license, or registration to demonstrate each core competency, and for ongoing training with respect to each core competency, identified for a category of personnel specified in subsection (a).

(c) IDENTIFIED COMPETENCIES.—An individual shall demonstrate each core competency identified by the Administrator

under subsection (a) for the category of personnel that includes such individual. An individual shall demonstrate each core competency through the means identified under subsection (b) not later than one year after the date on which such core competency is identified under subsection (a) or, if the date of hire of such individual occurs after the date of such identification, not later than one year after such date of hire. In the case of an individual hired for an employment period not to exceed one year, such individual shall demonstrate each core competency at the start of the employment period.

(d) CONTINUING EDUCATION.—The Administrator, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall develop or identify comprehensive continuing education courses to ensure the operation of Federal buildings in accordance with industry best practices and standards.

(e) CURRICULUM WITH RESPECT TO FACILITY MANAGEMENT AND OPERATION OF HIGH-PERFORMANCE BUILDINGS.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Administrator, acting through the head of the Office of Federal High-Performance Green Buildings, and the Secretary of Energy, acting through the head of the Office of Commercial High-Performance Green Buildings, in consultation with the heads of other appropriate Federal departments and agencies and representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall develop a recommended curriculum relating to facility management and the operation of high-performance buildings.

(f) APPLICABILITY OF THIS SECTION TO FUNCTIONS PERFORMED UNDER CONTRACT.—Training requirements under this section shall apply to non-Federal personnel performing building operations and maintenance, energy management, safety, and design functions under a contract with a Federal department or agency. A contractor shall provide training to, and certify the demonstration of core competencies for, non-Federal personnel in a manner that is approved by the Administrator.

COMMEMORATING THE 2010 SPECIAL OLYMPICS USA NATIONAL GAMES

Mr. REID. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration and the Senate now proceed to the consideration of S. Res. 584.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant editor of the Daily Digest read as follows:

A resolution (S. Res. 584) commemorating the 2010 Special Olympics USA National Games.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 584) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 584

Whereas the 2010 Special Olympics USA National Games will be held in Lincoln, Nebraska, from July 18 to July 23, 2010;

Whereas nearly 4,000 athletes and coaches from 49 State delegations will participate in the Games;

Whereas approximately 30,000 people, including families and friends of the athletes, and enthusiastic supporters, are expected to visit or attend the Games;

Whereas more than 8,500 volunteers will contribute time and talent to make the Games a success;

Whereas, for decades, the Special Olympics has provided athletes with a unique opportunity to participate in athletic competition while developing confidence, skill, and determination;

Whereas the 2010 Special Olympics USA National Games continues the great tradition begun by Eunice Shriver in 1968, and proves the belief of Ms. Shriver that through sports, people with intellectual disabilities "can realize their potential for growth";

Whereas 70 Nebraska communities are participating in the Law Enforcement Torch Run, in which law enforcement officials from the State of Nebraska and across the United States carry the "Flame of Hope" through Nebraska; and

Whereas the State of Nebraska, the city of Lincoln, and more than 100 State and local businesses and organizations have made major contributions and opened their doors so that people from across the United States can participate in and enjoy the 2010 Special Olympics USA National Games: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the participants and coaches of the 2010 Special Olympics USA National Games, as well as the volunteers and law enforcement officers who support the Games; and

(2) thanks all the people who contributed to the Games for their generous efforts and gifts to make the Games a reality.

RECOGNIZING IMPACTS OF THE BRITISH PETROLEUM OIL SPILL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 588.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant editor of the Daily Digest read as follows:

A resolution (S. Res. 588) recognizing the economic and environmental impacts of the British Petroleum oil spill on the people of the Gulf Coast and their way of life and urging British Petroleum to give all due consideration to offers of assistance, products, or services from the States directly impacted by the Deepwater Horizon oil spill.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or

debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 588) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 588

Whereas on April 20, 2010, the Mobile Drilling Unit Deepwater Horizon experienced a tragic explosion, resulting in the loss of 11 men;

Whereas the explosion resulted in the sinking of the Mobile Drilling Unit Deepwater Horizon and a discharge of hydrocarbons from the Macondo well;

Whereas since the tragic day of April 20, 2010, a significant amount of oil has flowed into the Gulf of Mexico;

Whereas resources such as fishing, tourism, shipping, and energy exploration in the Gulf of Mexico generally account for over \$200,000,000,000 in economic activity each year;

Whereas the release of oil has caused a Federal fishery closure since May 2, 2010, which has encompassed up to 37 percent of the Gulf of Mexico exclusive economic zone;

Whereas the impact on the Gulf Coast economy has amounted to over \$175,000,000 in reported claims to date;

Whereas tourism is down significantly on the Gulf Coast as a result of the oil spill;

Whereas the workforce in Louisiana, Mississippi, Alabama, Florida, and Texas has been negatively impacted as a result of the oil spill; and

Whereas Federal disaster response procurement law recognizes a preference for local firms in the award of contracts for disaster relief activities: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the impact of the Deepwater Horizon oil spill on the way of life, economy, and natural resources of the Gulf Coast States;

(2) supports the continued public and private efforts to stop the oil spill, mitigate further damage to our treasured Gulf Coast, and clean up of this environmental disaster; and

(3) urges British Petroleum (BP) to give all due consideration to individuals, businesses, and organizations of the States directly impacted by the Deepwater Horizon oil spill where practicable, as BP considers services or products related to ongoing efforts in the Gulf of Mexico associated with this tragic oil spill.

ORDERS FOR WEDNESDAY, JULY 21, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, July 21; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between

the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes; that following morning business, the Senate resume consideration of the House message on H.R. 4213; finally, I ask that the time during any recess, adjournment, and morning business count postcloture.

Before the Chair rules, I want everyone who is watching these proceedings tonight to understand again what the Republicans are doing. We just passed badly needed legislation to help 2.5 million unemployed people. To show the lack of understanding and feeling and compassion of the Republicans, they are making us waste 30 hours. There are people who are desperate for this money—desperate—and they are making us wait because that is what the rule of the Senate is.

I hope the American people understand how callous this is. People are desperate. They can't make house payments or car payments. They can't pay for their kids' food, and they are having us wait for 30 hours. Cloture has been invoked. We only need a simple majority to pass this bill now, but they are making us wait. I can't articulate in strong enough feelings how unfair this is to 2.5 million people.

So would the Chair rule on my unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, earlier today the Senate invoked cloture on the legislation to extend unemployment insurance benefits. As a result, debate on the measure is limited to 30 hours. We can finish this 30 hours after this passes, sometime around 9 o'clock tomorrow night. If that gives these people over here some feeling that 2.5 million people deserve this, then let them do it. I hope we come in, in the morning, and get this thing done so this bill can go on to the House—the House has to pass it—and then to the President. Every hour that is delayed is more misery for 2.5 million people.

The debate over whether it is paid for is over. It is clear; all experts say this money that is spent will return to us—CBO says twofold. JOHN MCCAIN's chief economic adviser says \$1.61 will come back for every \$1 we spend. So if they think they are getting even—with whom, 2.5 million people—because it passed?

So I hope we reach an agreement to yield back some of the postcloture

time so we can complete action on this bill at a reasonable time tomorrow.

Upon disposition of unemployment insurance legislation, the Senate will resume consideration of the small business jobs bill, which is also a job-creating bill we would like to get to.

I want everyone to understand. The Republicans better be ready tomorrow to defend their position because we are going to have people come during this 30 hours and show how ridiculous it is that we are having to wait for 30 hours. No amendments can be offered. Nothing can be done during that 30 hours except speeches. So I alert my friends: Come and explain to the American people how this 30 hours has helped the American people.

There will be rollcall votes possibly throughout the day tomorrow.

ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 6:57 p.m., adjourned until Wednesday, July 21, 2010, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—Tuesday, July 20, 2010

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. CUELLAR).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.

July 20, 2010.

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,

Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

CONGRATULATING ANA SOTORRIO ON RETIRING AS ASSOCIATE AVIATION DIRECTOR FOR MIAMI-DADE COUNTY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize an outstanding constituent and a dedicated public servant, Ana Sotorrio, who will be retiring after 30 years of public service.

As the associate aviation director for Miami-Dade County, Ana has worked tirelessly to ensure that Miami International Airport remains one of the finest airports in the world.

As a recipient of the International Women in Business award, Ana must be commended for receiving this distinguished and prestigious award last year. Her exceptional leadership in promoting and enhancing trade and international business between Miami International Airport and the Americas is truly inspiring.

In addition, Ana's advocacy on Capitol Hill helped Miami International Airport become the Nation's number one international cargo airport and the number two international passenger airport.

Ana, enjoy your well-deserved retirement and your extra time with family and friends.

Mr. Speaker, speaking of wonderful people who deserve our congratulations, I would like to recognize all of the caring teachers in my South Florida community and commend them for their wonderful contributions to the development of our children.

As a woman who has been on all sides of our education system, as a student, as a former Florida certified teacher, as a recipient of a doctorate from the University of Miami in education, and as a proud parent and grandmother, I truly know how instrumental and exceptional a teacher can be.

Teachers have the power to intrigue and open whole new horizons and vistas for our youth, setting them on a positive path with high hopes and expectations for the future. A teacher can inspire a child in a specific subject matter such as math, science, art, or history, and fundamentally alter, often focusing, their enthusiasm. And there are few greater rewards than the satisfaction gained from instilling a lifelong love of learning in a child.

Fulfilling this great responsibility takes a tremendous degree of perseverance and commitment from our teachers. Our educators' unwavering dedication gives our students the ambition to achieve one of the most important aspects of life's endeavors: love of learning. These teachers are driven to present each and every child with the opportunities that they so rightfully deserve.

Certainly South Florida and the Keys, areas that I represent, are fortunate to have many outstanding educators such as the ones that I have described. Educators who are willing to do everything possible to ensure that our students are the best in our great Nation. Their commitment to our community and to our students is exemplary, and we are forever grateful for their services.

It was our teachers many years ago who gave us, the legislators, the foundations and the directions that we needed to get ahead. Each person in this great elected body is testimony to the talent and commitment of their hardworking teachers along the way. I am certainly grateful for the support I received while in school, and I'm sure that I would not be the same person without it. And I will forever be a product of the Florida public education system.

I graduated from West Miami Middle School, Southwest Miami Senior High

School. I have an associate of arts degree from Miami-Dade College, a master's and a bachelor's degree from Florida International University in education—all public institutions.

As an older adult, as I mentioned, I completed a doctorate in education from the University of Miami. But even if I had finished my education at the high school level, other than family, there has been no greater influence on who all of us are than our teachers.

Through the mentoring of our teachers, students are provided with near limitless potential and possibilities. Teachers make sure that children can be creative with their minds. They get their minds on a task. And this education will allow them to accomplish the many great things that they want to achieve throughout their lifetimes. This continues to be my guiding principle, inspired in me by my many great teachers, allowing me to work tirelessly for my community. Today's students will undoubtedly be inspired to even greater heights with unwavering commitment to bettering our community and our country.

For the professionalism and care that our teachers have shown in the pursuit of this most noble of professions, I thank each of them from the bottom of my heart. They have shaped the lives of countless students, and we are truly privileged to have such wonderful individuals taking on this great challenge.

Mr. Speaker, at this time I will submit in the CONGRESSIONAL RECORD the names of the teachers who have received awards for excellence in education throughout South Florida and the Florida Keys in this past school year.

From Centennial Middle School: Frederic Gabriel, Teacher of the Year.

From Citrus Grove Elementary School: Edward Slater, Teacher of the Year; Jonny Jones, Rookie Teacher of the Year.

From Coconut Grove Elementary School: Emely Yanes, Teacher of the Year.

From Coral Shores High: Nancy Ellsworth, District Teacher of the Year.

From Excelsior Language Academy: Ms. Reagan Weissenberg, Teacher of the Year.

From Fairlawn Elementary Community School: Ileana Estrella, Teacher of the Year.

From Gerald Adams Elementary: Gloria Pascual, Teacher of the Year; Michael Sommer, Inclusion Teacher of the Year.

From Glynn Archer Elementary: Terri Sims, Inclusion Teacher of the Year; Lottie Edwards, Teacher of the Year; Jalynn Frazier, Beginning Teacher of the Year.

From Horace O'Bryant Middle School: Christina Beza, Beginning Teacher of the Year; Kristen Condella, Inclusion Teacher of the Year; Stephanie Manaher, Teacher of the Year.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

From Henry M. Flagler Elementary School: Marielena Lago, Teacher of the Year.
 From Kensington Park Elementary School: Maria D. Reinoso, Teacher of the Year; Kendra Ceasar, Rookie Teacher of the Year.

From Key Largo School: Laura Lietaert, Teacher of the Year; Eva Brown, Elementary School Inclusion Teacher of the Year; Nicole Elliot, Middle School Inclusion Teacher of the Year.

From Key West High School: Dina Kinnune, Inclusion Teacher of the Year; Rebecca Provost, Teacher of the Year.

From Kinloch Park Elementary School: Felicia Fina, Teacher of the Year.

From Marathon Middle/High School: Andrea Rapach, Beginning Teacher of the Year; Mike Lettau, Teacher of the Year.

From Merrick Educational Center: Maude Weiss, Teacher of the Year; Krista Caballero, Beginning Teacher of the Year; Lydia Chico, Paraprofessional of the Year.

From Miami Lakes K-8 Center: Ada Romeu, Teacher of the Year; Amy Castillo, Rookie Teacher of the Year; Rosy Calvo, Miami-Dade Public Schools District Principal of the Year.

From Plantation Key School: Barbara Berry, Teacher of the Year; Amy Bence, Inclusion Teacher of the Year.

From Poinciana Elementary: Jessica Eden Lockwood, Inclusion Teacher of the Year; Martha Wyker, Teacher of the Year.

From Ruth Owens Kruse' Educational Center: Dr. Ana Menendez-Londono, Teacher of the Year; Mr. Luis Farach, Paraprofessional of the Year.

From Sigsbee Elementary: Ellie Riley, Inclusion Teacher of the Year; Lynly Hill, Teacher of the Year; Callie Hubble, Beginning Teacher of the Year.

From South Dade Middle School: Ronald Dennis, Teacher of the Year; Susana Skinner, Rookie Teacher of the Year.

From Somerset Academy Silver Palms: Adreia Da Costa, Young Student Teacher of the Year; Alejandra Guzman, Middle and High School Teacher of the Year.

From South Florida Autism Charter School: German Garcia, Teacher of the Year; Roxana Rojas, Teacher Assistant of the Year.

From Stanley Switlike Elementary: Suzanne Terpos, Teacher of the Year; Erin Voelliger, Inclusion Teacher of the Year.

From Sunny Isles Beach Community School: Ms. Christine Peck, Teacher of the Year; Rose Belizaire, Rookie Teacher of the Year.

From Sylvania Heights Elementary School: Anna-Maria Losada, Teacher of the Year.

From Vineland K-8 Center: Ms. Laurie Sharron, Teacher of the Year.

SUPPORTING OUR SENIORS—RECOGNIZING THE OLDER AMERICANS ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, last week we celebrated the 45th anniversary of the adoption of the Older Americans Act. Later this month we will celebrate the 45th anniversary of Medicare and next month the 75th anniversary of Social Security.

Seniors are vital to our communities, having spent a lifetime building and

shaping this Nation. Increasingly, our seniors have been able to continue to make important contributions throughout all of their lives, volunteering their time, mentoring our youth, and often remaining active in the workforce.

As a former Chairman of Fairfax County, Virginia, I was proud of the work I helped lead in the creation of a 50+Plus Action Plan outlining more than 60 initiatives to support our senior population. We expanded transportation opportunities, ensured communities were planned to provide housing options for all ages, pursued respite options for caregivers. And it was necessary to bring that focus to Washington.

This Congress has made strategic investments to assist these efforts through actions such as the Edward M. Kennedy Serve America Act that expanded opportunities for seniors to remain active. But it wasn't always this way, which is why we needed the Older Americans Act.

The Older Americans Act facilitates the provisions of necessary social services and nutritional support to seniors through a partnership with various State agencies. In addition to establishing the Administration on Aging, the act established the National Family Caregiver Support Program, recognizing the critical role that family caregivers provide and the need to make sure they have the necessary resources. That act also provides for home-based services, disease prevention and wellness programs to promote better health.

The Older Americans Act was a continuation of the improvements in the quality of life begun in 1935 when Congress enacted the Social Security Act. The poverty rate among seniors in 1935 exceeded 45 percent. Today it is 10 percent. Few acts of Congress have made such a dramatic difference on a single demographic group.

In addition to the Older Americans Act, in 1965 Medicare was established to protect seniors' health. Before its enactment almost half of all senior citizens lacked health insurance. Given the traditionally higher costs of senior health care without Medicare, for many Americans there was no prospect of health insurance. Our efforts to further enhance the quality of life for our Nation's senior citizens continue to this day. The Health Care Reform Act enhances Medicare benefits.

What's interesting to me is I was a young high school debater when Medicare was adopted, and the national high school debate topic that year was, Would the adoption of Medicare constitute socialized medicine in America? Would it, in fact, discourage the private sector? Would it, in fact, make us look a lot more like the health care system in the United Kingdom or Canada?

Much of the rhetoric we hear today about health care reform was echoed 45 years ago against Social Security, and much of it came from the same sources who oppose health care reform today. They consistently opposed Medicare. Yet when you go to a retirement community, when you meet with seniors across this country, certainly in my district, I can't find one who thinks that we ought to repeal Medicare. They know that Medicare has made a huge difference in the quality of their lives, and going from being maybe the most vulnerable demographic group in America in terms of health care coverage, today they have the most protected. That's the efficacy of an effective government program that has made a difference in the quality of lives.

Mr. Speaker, as we celebrate the anniversaries of the Older Americans Act, the Social Security Act, and Medicare, we also celebrate the adoption of the Health Care Reform Act that will make the same kind of difference in years to come in millions of lives now and in the future.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to not traffic the well while another Member is under recognition.

UNCERTAINTY—THE ENEMY OF JOB CREATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Good morning, Mr. Speaker.

With the United States unemployment rate steadily hovering around 10 percent, Americans are continuing to ask, "Where are the jobs?" The response to this jobless crisis from congressional Democrats and the Obama administration seems to be focused on higher taxes, increased government spending, and more government mandates and regulation. All of this has led to great uncertainty in the business community, especially among small businesses which employ over half of all private sector employees.

In a recently released letter, the U.S. Chamber of Commerce explains how the current policies of the administration and congressional Democrats are not working. The high spending and high tax agenda has created an atmosphere of uncertainty. As the Chamber's letter correctly states, "Uncertainty is the enemy of growth, investment, and job creation. Through their legislative and regulatory proposals—some passed, some pending, and others simply talked about—the congressional majority and the administration have injected tremendous uncertainty into the

economic decision-making process and business planning. This is why banks are reluctant to lend and why American corporations are sitting on well over a trillion dollars. It is why America's small businesses and entrepreneurs, the engines of innovation and job creation, are starving for capital and are either struggling to survive or simply unable to expand. In the process, we are also eroding our competitive position globally, as other nations take steps to cut taxes, reduce regulations, and restrain the appetites of big government. For all of these reasons, the known and unknown costs that come with expanding operations and adding to payrolls in the United States are simply perceived to be too high."

As the Chamber's letter highlights, the continued expansion of the Federal Government into all areas of our economy is stunting economic growth and prohibiting private sector job creation. The Democrats' congressional agenda includes one piece of job-killing legislation after another. The new health care law includes thousands of expensive and burdensome mandates and hundreds of billions of dollars in business taxes and penalties. It contains thousands of pages of new regulations to be followed by individuals, employers, health care providers and States.

The House passed climate change bill, the cap and trade bill, would create nearly 1,500 new regulations and mandates and carry a price tag of well over a trillion dollars, according to the Chamber. Furthermore, the Environmental Protection Agency is engaging in an unprecedented level of regulatory action by moving forward with 29 major economic rules and 173 major policy rules.

The list keeps going. The recently passed financial regulatory reform legislation creates 243 new formal rule-makings by 11 different Federal agencies, 47 studies and 74 reports. It is really no wonder American businesses are hesitant to expand and hire.

In addition to the regulatory uncertainty, the Federal Government's appetite for spending needs to be controlled. American families and small businesses are simply making tough choices in this economic climate but Federal spending continues to soar. The Federal Government is spending \$31,000 per household, the highest ever, and running up a \$1.5 trillion deficit in 2010, the largest deficit since the end of World War II.

Recent yearly budget deficits have reached unprecedented levels, accounting for 11 percent of the GDP. By comparison, the historical average budget deficit is only 2.9 percent of the GDP. In 2008, publicly held debt as a percentage of the GDP was about 21 percent, nearly five points below the post-war average. Under President Obama's budget, this figure would more than double to 90 percent of the GDP by the

year 2020. This continued structural debt poses serious economic risks to this country. As the Chamber's letter notes, "By crowding out available capital for business expansion and eventually triggering increases in interest rates and inflation, rising deficits and debt add to uncertainty, inhibit growth, and smother job creation."

The way out of this recession and toward job creation is to get Federal spending under control and enact policies that free up capital and encourage businesses to grow. We need to reduce uncertainty and restore confidence in our economy. We cannot do this if the administration and congressional Democrats continue to impose more and more burdensome mandates and increase taxes on job creators. It's time to reduce the unnecessary meddling of the Federal Government and let the American entrepreneurial spirit flourish.

THE 9/11 HEALTH AND COMPENSATION ACT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Mrs. MALONEY) for 5 minutes.

Mrs. MALONEY. Mr. Speaker, for too long the heroes and survivors of the 9/11 attacks have struggled to receive the health care and compensation that they need and deserve. They came to Ground Zero to aid in America's recovery. Now we must aid in their recovery.

After 8½ years of hard work, we are closer than ever to passing H.R. 847, the 9/11 Health and Compensation Act. The bill, which would provide health care and compensation, is nearing consideration on the House floor next week.

But another tragedy threatens the health of cleanup workers. The warnings from 9/11 must be heeded as crews restore the gulf after the BP oil spill.

I urge my colleagues to remember and support those who aid our country in time of need. They were there for us; we must be there for them, with their health care and with support.

STOP THE DROP HOUSES ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona (Mr. MITCHELL) for 5 minutes.

Mr. MITCHELL. Mr. Speaker, I rise in support of bipartisan legislation I introduced yesterday with my colleague Congressman BRIAN BILBRAY: the Stop the Drop Houses Act.

The Federal Government's failure to secure the border and fix our broken immigration system has allowed smugglers and Mexican cartels to set up vast networks of drop houses, which operate as way stations for criminal enterprises. In Phoenix we have as many as 1,000 drop houses. They are dangerous magnets for violent crime.

Even more alarming is the fact that a loophole in Federal law prevents authorities from using civil forfeitures to seize these houses. Authorities can seize vehicles or even airplanes, but they can't use civil forfeiture against the actual drop house itself. The Stop Drop Houses Act would close the loophole and allow authorities to use civil forfeitures to seize these drop houses.

Obviously it will take much more to fix our broken system, but this is one obvious and important step that Congress can take right now to make our communities safer.

I urge my colleagues to pass the Stop the Drop Houses Act.

EXTENSION OF UNEMPLOYMENT BENEFITS

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. PAYNE) for 5 minutes.

Mr. PAYNE. Mr. Speaker, I believe that it is critical to our economic recovery to extend unemployment benefits for several more months and assist struggling States and local governments so that they can avoid layoffs of teachers, police officers, firefighters, and others.

Right now there are 15 million out-of-work Americans who are waiting on the Senate to extend unemployment benefits, which contribute to paying mortgages, health care, utility bills, and the cost of food. The Democratic unemployment bill would provide unemployment checks averaging about \$300 to people whose 26 weeks of State-paid benefits have run out. The benefits would be extended through the end of November.

We know these benefits not only are a much-needed lifeline for jobless Americans and their families. They also provide a proven boost to our struggling economy.

Mr. Speaker, the Democrats are fighting to help middle class Americans while the majority of the Republicans are blocking a commonsense bill at a time of great economic challenge.

I urge the Senate to pass the unemployment extension to those Americans who are seeking employment every day as they go and look at the Web sites and visit companies and are told there is no work. How could the Republicans then say that extending unemployment is going to keep people from looking for work? They want work. We know that the jobs have gone. We need to recreate jobs.

So let's save middle America so that they will be able to provide for the needs of their families.

REPRODUCTIVE RIGHTS UNDER ATTACK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, I rise today because women's reproductive rights are under attack.

Four months ago we passed a health care bill to ensure that every man, woman and child in this country has access to the medical care they need. But yesterday, a rule was announced that restricts choice coverage in the new high-risk insurance pools—even if the woman pays for that coverage with her own money.

This rule means women with pre-existing conditions such as cancer, AIDS, diabetes, who have been denied coverage and are counting on the high-risk pools, won't be able to get reproductive health coverage; not even if they pay for it with their own money.

This incomplete and conditional care is not what our mothers, daughters, sisters and wives need. This is not the status quo.

We must remember the health care bill we passed, protect a woman's right to choose, and stop this harmful provision before it takes effect.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 53 minutes a.m.), the House stood in recess until noon.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God faithful through the ages, You take delight in Your people, even when we are distracted from lasting purpose or impatient because there is no immediate results from our determined actions.

Give us the wisdom to accomplish great deeds because we are drawn closer to Your designs for this Nation and our place in the globalized world.

Strengthen us lest we become tired. Further us in our search to deepen the commitment of serious study and hard work until we find security and justice for Your people, especially those in most need.

May Your kingdom come, Your will be done through our humble efforts, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri (Mr. LUETKEMEYER) come forward and lead the House in the Pledge of Allegiance.

Mr. LUETKEMEYER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HONORING THE LIFE OF PATRICIA DECIO

(Mr. DONNELLY of Indiana asked and was given permission to address the House for 1 minute.)

Mr. DONNELLY of Indiana. Mr. Speaker, I rise today to honor and celebrate the life of Patricia Decio of Elkhart, Indiana. Mrs. Decio made everyone she touched a better person through her caring, loving ways.

She was born in 1930, graduated from Mundelein College, and married Art, the love of her life, in 1951. Art always said how lucky he felt to be married to Pat, and their devotion to one another is an example for everybody.

Pat was the proud mom of five children, 14 grandchildren, and three great grandchildren. She devoted her life to her family, her church and her community. Her work with the Women's Care Center was summed up by the plaque that stated "we would not be serving so many women and babies today if it were not for the vision and faith of this wonderful woman." Her dedication to our community, St. Mary's, Notre Dame, Elkhart, the NAACP, is legendary.

We know she is surrounded by God's grace, a loving family, and we know we will see her again.

Pat, thank you for all the kindness you showed and the lives you touched. May God hold you in the palm of His hand.

WHERE ARE THE JOBS?

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, the American people are asking, "Where are the jobs?"

And just this morning we found out that housing starts fell in the month of June to the lowest level in 8 months. Consumer confidence has fallen to its lowest level in the last 11 months.

We need to get Americans back to work, and we need to get American businesses back open again. But we're not going to get there if the President continues to take money and freedom away from American employers, whether it's through the stimulus bill,

ObamaCare, the national energy tax, or this financial regulatory bill.

With 3 million jobs lost, unemployment at 9½ percent, and with trillion-dollar deficits, it's clear to everyone except the President that his big government agenda is not working.

We need to cut spending now in order to help create jobs in America. But we have no budget to clean up the mess. We have no plan to move free trade agreements that could create millions of American jobs. And we have no plan to stop the largest tax increase in history for American families and small businesses.

Republicans are listening, through America Speaking Out, and offering better solutions that will limit the size of this government and empower small businesses across our country.

COMMEMORATING THE 36TH ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Mr. Speaker, I rise today in commemoration of the 36th anniversary of the Turkish invasion of Cyprus. Turkey's invasion and continued occupation of this tiny island republic is a symptom of Turkey's indifference to human rights, religious tolerance, and democratic values.

Today, Turkey continues to illegally resettle some 180,000 Anatolian Turks into the homes and possessions of the 200,000 Greek Cypriots evicted from the occupied territories. The Turkish military is also systematically eradicating Hellenic and Christian heritage, with all but five of the 500 Greek Orthodox Churches located there having been looted, desecrated or destroyed.

On this, the 36th anniversary of the invasion and occupation of Cyprus, the United States should demand an immediate withdrawal of the 45,000 Turkish soldiers now occupying northern Cyprus, and should continue to press this issue in every interaction with Turkish officials. This will promote a values-based alliance with Turkey that will serve to bring justice to the people of Cyprus, strengthen NATO, and reinforce collective western security.

THE BITTER FEUD BETWEEN THE WHITE HOUSE AND AMERICAN BUSINESSES

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, last week a bitter feud erupted in Washington, and it wasn't your typical partisan spat between liberals and conservatives, or even Democrats and Republicans. The fight was between the White House and American businesses.

Since when, Mr. Speaker, has it been acceptable for American employers and the White House to be on opposing teams? How can we expect American businesses of all sizes to get the economy back on track when they have become so frustrated by the ideological and anti-competitive agenda coming out of Washington?

To fend off criticism from business groups, including the NFIB, the White House has embarked on a summer PR campaign in an attempt to show that they are not, in fact, anti-business. But even the best PR operations aren't outfitted with time machines.

Over the past 18 months, stimulus, cap-and-trade, health care and FinReg have contributed to a perfect storm of uncertainty and debt, forcing American businesses to hunker down and hoard capital, rather than hire more workers.

Mr. Speaker, American businessmen and women aren't just a part of our economy or some constituency to be dealt with. They are our economy.

TRICKLE DOWN ECONOMICS IS BACK

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Well, trickle down economics is back. It worked so well before.

We just heard the minority leader: Tax cuts will solve everything. Tax cuts targeted toward the wealthiest among us, the super rich, will have a trickle down effect that will put people back to work and lower the deficit.

That's kind of magic, isn't it?

The Republicans forget that one-half of the so-called stimulus, nearly one-half, was tax cuts. Didn't put anybody back to work. Most people don't know they got them. Eight bucks a week out of your lower withholding.

And guess what?

We borrowed all that money. It will be paid back for 30 years. Now they want to borrow more.

There's two sides to solving the deficit problem in this country. Cut unnecessary spending and, yes, the wealthiest among us are going to have to pay a little bit of their fair share by repealing the Bush tax cuts on those folks.

They want to deny that. They want to say, oh, we can have the cake and eat it too. We'll lower revenues and we'll balance the budget.

Now, if you eliminated the entire Federal Government, except for about 60 percent of the Pentagon, no justice, no prisons, no border patrol, nothing, you still wouldn't get to balance. You have to deal with revenue.

□ 1210

DON'T LET THE TAX CUTS EXPIRE

(Mr. PENCE asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PENCE. This is a difficult time in the life of our Nation. The American people are focused on jobs. But given the recent political rhetoric from the White House and what we just heard about letting tax cuts expire, one thing is clear: Democrats in Washington still don't get it. It's amazing.

In the midst of the worst economy in 25 years, Democrats are actually talking about embracing the largest tax increase in American history. You know, I don't know anybody back in Indiana who thinks they pay too little in taxes. The American people deserve to know that should Democrats get their way, every income tax bracket will increase on January 1, 2011. Every single one.

You know, you don't raise taxes on every American taxpayer during the worst recession in 25 years. Here's our commitment: As we did on their government takeover of health care, their national energy tax, and their failed stimulus policy, Republicans are going to stand in the gap against their job-killing agenda. We will protect taxpayers from the largest tax increase in American history with everything we've got. The American people know Washington doesn't tax too little; Washington spends too much. And Republicans are on the side of the American people.

PASS THE DREAM ACT

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, there are hundreds of thousands of children in our country, cheerleaders on a high school cheerleading squad, members of the high school football team, students who work hard and play by the rules, get ready for college, and yet they are unable to ever enter the workforce legally or go to college. Why? Because their parents violated the law and brought them here when they were 1 or 2 or 3 years old.

The DREAM Act will address and help these hundreds of thousands of de facto Americans who in most cases don't even have a memory of another country, and frequently don't even speak any other language other than English fluently.

Regardless of where one is on the larger issue of immigration reform, surely we should not visit the sins of the parents upon the children. In no other area of law do we do this, nor should we with regard to immigration.

The bipartisan DREAM Act would recognize the hundreds of thousands of de facto Americans as actual Americans. It catches up with where people already are and helps our Nation be able to benefit from the hard work and study of these wonderful Americans. I

call upon my colleagues to pass the DREAM Act.

VOTE ON CONTRIBUTING TO THE IMF

(Mrs. McMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McMORRIS RODGERS. Mr. Speaker, Margaret Thatcher once said, "The problem with socialism is that eventually you run out of other people's money." It's true. And we see it in Europe today. Greece and others in the European Union have spent their way into bankruptcy, and unfortunately we are following in the same path. They're requesting \$300 billion from the IMF.

What most people in America don't realize is America is the largest contributor to the IMF, so we are really underwriting a European bailout. I have introduced a resolution in Congress calling for an up-or-down vote by Congress on this proposal. And I posted my idea on America Speaking Out.

Right now any citizen can go to America Speaking Out to discuss and vote on this idea. I encourage them to vote "yes" and to spread the word to others. Let's keep the momentum going.

SOCIAL SECURITY'S 75TH ANNIVERSARY

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. One in every four American households relies on Social Security, including 33.5 million retirees, 7.8 million disabled workers, and 4.2 million children. Its benefits are modest. The average retiree benefit is about \$14,000 a year, less than \$12,000 for women retirees, but essential. One in four retirees depends on Social Security for almost all of their income.

On August 14, Social Security turns 75 years old. It has never missed a check, and is cherished by Americans of all ages. We are able to celebrate its anniversary because in 2005 Democrats beat back President Bush's and congressional Republicans' privatization efforts.

Today there are new Republicans calling for privatization. Once again, Democrats will step forward to protect and strengthen Social Security so we can celebrate this national treasure for generations to come.

THE NUMBERS THAT ARE DRIVING OUR ECONOMY RIGHT NOW

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, the American people are hurting. We all know

that. There are some specific numbers to which we can point that underscore that pain: First, 9.5, the current percentage of unemployment; 14, the number of consecutive months that the unemployment rate has been in excess of 9.4 percent; 125,000, the number of jobs that were lost last month; \$13 trillion, the level of our national debt; \$1 trillion, the annual deficit as we head towards the end of the fiscal year; 0, the number of times before this year that the House has ever failed to debate and pass a budget; 0, the number of proposals by the Democratic majority to cut wasteful spending and provide accountability for their out of control spending practices; 0, the number of pro-growth proposals that the Democratic majority has offered.

The American people want nothing more, Mr. Speaker, than to create jobs and get our economy back on track. Unfortunately, the refusal to pass a budget, the refusal to rein in wasteful spending, the refusal to allow proven pro-growth economic policies to be put into place is impinging our opportunity to do that.

Republicans stand ready to put into place the kinds of policies that will ensure that the pain the American people are feeling will be diminished.

SOCIAL SECURITY'S 75TH ANNIVERSARY

(Mr. WALZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ. Mr. Speaker, as we approach the 75th anniversary of the founding of Social Security, it's a time to reflect on the generations and the hundreds of millions of Americans who through good times and bad counted on Social Security to be there to have dignity in retirement, to provide quality of life.

There is millions of stories out there very similar to the one in my family. As a young man watching my father die of a lengthy illness, and a 9-year old brother at home, and a stay-at-home mother, watching Social Security survivor benefits be there to allow my little brother to go on and go to college and my mother to retrain as a nurse and go back into the workforce. Many people will say, and they're absolutely right, pull yourself up by your bootstraps. They are right about that. We just didn't have any boots. They were loaned to us by Social Security. And for that we have paid that back 10 times over.

A family is stronger, a community is stronger, our country is stronger. In August we should celebrate the 75th anniversary and many more to come.

WHERE ARE THE JOBS?

(Mr. CARTER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, I love these debates about Social Security and this conversation about Social Security. But if you don't have a job, who's going to pay the Social Security? So it's really about jobs.

I had an interview today with some radio folks back in my district, and they asked a question, Have we created any jobs but government jobs? And how come we are creating government jobs that get paid more than the private-sector jobs? When did we get confused about that? They wanted me to answer the question, Where are the jobs for the folks in Texas? Where are the jobs for the folks in the other States? Why are all the jobs just in Washington, DC, growing the government?

This administration has destroyed thousands of private-sector jobs by taking over and Federalizing the student loan program and making loans harder to get and taking longer to be processed. Now President Obama and this administration have unilaterally killed tens of thousands of jobs in the gulf, in direct violation of a Federal court order.

Now, is this a way we create jobs for America? The question they want to know, Where are the jobs, so, with a job, we can pay our share of Social Security?

SOCIAL SECURITY'S 75TH ANNIVERSARY

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today to commemorate the upcoming 75th anniversary of Social Security and express my support for the financial security of millions of retired Americans.

Representing Maryland's Fourth Congressional District, I serve many who oversee and administer the Social Security Administration. One of my constituents I had the honor of meeting out at Collington retirement community in Mitchellville, Maryland.

Robert M. Ball was one of the chief architects of Social Security, the program we know today. Mr. Ball was Social Security's chief administrator from 1962 to 1973. He was described once as "the undisputed spiritual leader, and its chief advocate and defender." He served three presidents, Republicans and Democrats, to make sure it remained strong for all of us. He passed away in January 2008, but he left a legacy barely known outside Washington, but a program that's the backbone of America's social safety net.

At a time when Republicans are threatening the privatization of Social Security, Mr. Ball would say not now.

Can you imagine what would have happened just a year ago when our Nation suffered its worst financial crisis since the Great Depression? Our seniors would have lost everything, and our young people would be starting from scratch. The American people deserve better. Democrats are going to give them better. And we need to get our economy back on track, put people back to work, contribute to Social Security, and strengthen our most successful program of the 21st century.

□ 1220

PAT BOONE: AMERICAN ICON

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in addition to being a legendary actor, writer, and singer, American actor Pat Boone serves as spokesman for 60 Plus, an advocacy group led by Jim Martin for senior citizens. Pat is an advocate for liberty and a defender of the Constitution. His contributions for our military service-members are inspiring. Pat developed the documentary "For My Country" to promote the significance of the National Guard.

Pat Boone is ahead of his times. Back in 2004, at a commencement speech at Pepperdine University, Boone stressed the need for citizen involvement and called for a new Boston Tea Party movement. Today, as the Tea Party is a household term, we should note Boston was not the only city with the tea rebellion during the Revolutionary War. Before the famous Boston Tea Party, patriots in Charleston, South Carolina, impounded tea in 1773 to protest taxes and in 1776 sold the tea to finance the Revolution.

Concerned citizens still feel T-E-A, Taxed Enough Already. It's time to give Americans tax relief and create jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

UNEMPLOYMENT INSURANCE EXTENSION

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Mr. Speaker, I rise today to support the millions of Americans caught in the crosshairs of Republican political calculations. Today, a partisan minority blocks relief to those laid off during this recession.

This obstruction doesn't just keep food off American tables; it keeps Americans out of work. People like Annette Tornberg. Last month, she lost her benefits. Now she can't afford the gas she needs to drive to job interviews. Like the vast majority of those

on unemployment, Annette uses the funds as a bridge to her next job—not to replace it.

The notion that relief discourages people from seeking jobs is not only wrong but outrageous. So today, I call on Republicans to stop hurting American workers. Stop playing politics with their lives and start letting the Senate and millions of Americans get back to work.

WHERE ARE THE JOBS?

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, last week the State of Ohio announced that its unemployment rate for June was 10.5 percent. Every county in my district saw an increase, and in some areas it's higher than 14 percent. And that's before taking into account those people that have given up looking for work and the underemployed. No wonder my constituents continually ask, "Where are the jobs?"

Business leaders in my district and around the country continue to say the same thing. We need to stop this reckless spending in Washington and stop pursuing job-killing policies. When businesses are faced with new taxes to cover the government takeover of health care, the uncertainty of cap-and-trade tax legislation, and the litany of other taxes, how are they expected to hire new workers and reinvest in their business?

I am gravely concerned about the direction this Congress is taking with our economy. The reckless spending has to stop, and the massive debt which we are saddling our children and grandchildren with is unconscionable. It is time to put sound fiscal policies in place. Let's spend less, keep taxes low, and help create an environment in which small businesses can thrive. Only then in Ohio can we finally say, "Here come the jobs."

SOCIAL SECURITY

(Mr. SCHAUER asked and was given permission to address the House for 1 minute.)

Mr. SCHAUER. Mr. Speaker, over the last 75 years, Social Security has been secure and reliable for Americans approaching retirement. For some Americans, it's the backbone of their retirement; for others, it's all they have. Six out of 10 senior citizens in our country receive the majority of their income from Social Security and four out of 10 widows do. As a matter of fact, after our country's most recent economic disaster, even more seniors were left with only Social Security to rely on because they saw their retirement accounts dwindle at the hands of Wall Street.

We've already seen what can happen when we let Wall Street CEOs gamble with our life savings—we lose. We cannot afford to gamble with our Nation's golden years, and privatization is just that—gambling.

We must work together to strengthen the promise of Social Security for our children and for our grandchildren and still meet the needs of those who depend on it now for income.

WHERE ARE THE JOBS?

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, everyone is asking, "Where are the jobs?" When will the liberal leadership in the House take action to get us out of this perpetual economic slump and have a plan to provide the jobs that American families need?

Unemployment nationally remains high at 9.5 percent for June, with the U.S. economy losing 125,000 jobs in that month alone. South Florida's unemployment rate has steadily increased to 12.8 percent. To add insult to injury, in my congressional district, we're still reeling from the perception of the gulf oil spill in our area. BP might have temporarily sealed the leak, but the damage has been done to south Florida's tourism economy. Commercial fishermen, charter boat captains, mom-and-pop restaurants, they're all feeling the economic pinch.

It is time to take a proven approach of providing tax relief, regulatory relief for families and small businesses, while reducing the debt, which is delaying future economic growth.

NATIONAL OCEANS POLICY

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. Mr. Speaker, 10 years ago, the United States Congress enacted legislation to create an Oceans Commission to look at how we can prevent the oceans from dying. Yesterday, the President of the United States enacted, by Executive order, the first national oceans policy and governance for the oceans and Great Lakes of the United States—our greatest national heritage and our greatest national trust.

We, the people, are going to be taking care of the oceans like they've never been taken care of before. We're not going to allow the conflicts of the sea of overfishing, of overmining, of overdrilling, of overeverything and dumping all of our waste and garbage and sewage into the oceans. We're now going to have a policy that's like the clean air policy, where we cleaned up the air in America, cleaned up the water in America with the Clean Water Act.

Thank you, Mr. President, for being the best steward our oceans have ever had and implementing the recommendations of the National Oceans Commission, which Congress enacted but could not enact legislation. Hopefully, we'll move out from here and the world will see and the children will appreciate the actions that the President took yesterday.

IN SUPPORT OF SMALL BUSINESS

(Mr. LANCE asked and was given permission to address the House for 1 minute.)

Mr. LANCE. Mr. Speaker, over the Fourth of July district work period, I met with small business leaders in central New Jersey. We discussed the state of the economy and how New Jersey's job creators are in dire need of free market solutions that will help them create jobs. Instead, Congress has put forth job-killing policies that include higher taxes, unchecked spending, and new health care mandates that continue to put a drag on small businesses across the Nation.

That's why I have joined a number of my colleagues from the Northeast in authoring a small business assistance plan that provides important tax relief, reduces paperwork requirements, and boosts small business lending. Our proposed measure focuses on letting small business owners keep more of what they earn to hire workers, buy new equipment, expand their companies, and spend less time filling out paperwork created by Federal mandates.

I urge my colleagues to help small businesses across the Nation and co-sponsor H.R. 5554.

□ 1230

SOCIAL SECURITY

(Ms. SUTTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SUTTON. Mr. Speaker, next month we will be celebrating the 75th anniversary of Social Security. Before 1935, half of America's seniors lived in poverty. Since FDR signed Social Security into law, we have upheld a sacred trust to our parents and grandparents that after decades of hard work, raising their children, and defending the U.S. against foreign enemies, that they would be able to retire with dignity and respect.

Three weeks ago, my colleague from Ohio, the House Republican leader, implied that we should raise the retirement age to 70 for everyone, office workers and construction workers alike, and cut Social Security benefits to help reduce the deficit and pay for the war in Afghanistan. Raiding Social Security in this way is both irresponsible, and it is a breach of trust.

We should not be gutting Social Security and breaching our sacred trust to America's seniors. It's amazing that Republicans are willing to gut Social Security and refuse unemployment compensation during these challenging times while at the same time arguing that we must preserve the tax cuts for the superwealthy.

WHERE ARE THE JOBS?

(Mr. LUETKEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUETKEMEYER. Mr. Speaker, hardworking individuals and entrepreneurs have always been the life blood of our economy. They create jobs. They spur innovation. They have made the American free enterprise system the envy of the world.

As Americans, we all understand that if you work hard you can be successful. Unfortunately, that spirit appears to be undergoing a fundamental transformation in which government comes before the spirit of free enterprise.

The trend began early in 2009 when the government passed the so-called "stimulus package" that was supposed to boost the economy and keep unemployment under 8 percent. More than a year after stimulus, unemployment remains well above 9 percent.

Around this country there is an atmosphere of uncertainty caused by Washington's anti-worker agenda. New taxes, mandates, and regulations in countless new laws and proposed laws are threatening to strangle our Nation's entrepreneurs and workers. As I travel around my district, a prevailing feeling of uncertainty about what lies ahead has made employers hesitant to create new jobs; and until this fear and uncertainty about the future is allayed, the American people will continue to wonder and ask the question: Where are the jobs?

UNEMPLOYMENT BENEFIT EXTENSION

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Mr. Speaker, unemployment benefits and Social Security benefits are a safety net. They are not a lottery handout; and as we struggle to try to get the Senate to pass an extension of unemployment benefits, with 15 million out-of-work Americans who are depending on us to pay their bills, it's important to remember that the nonpartisan Congressional Budget Office has said that passage of unemployment benefit extensions is one of the most cost-effective and fast-acting ways to stimulate the economy.

But lost in all of this debate and all of this delay is the human side. So I

want to share the story fresh from the headline of today's Dubuque Telegraph Herald with the headline: "Desperation sets in for jobless parents." A family with a 32-year-old dad and 30-year-old mom could provide for their children a year ago, but times have changed because Mom suffered an injury at work and hasn't been able to work since March. Dad lost his job a couple of months later, and their unemployment benefits expired in July. The family includes girls, 14 and 10, and boys, 11 and 7.

These are the Americans who need us to act now.

IT'S POLITICS AS USUAL

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, last week, President Obama was in Holland, Michigan, announcing the award of an economic stimulus grant to a Korean Company: 300 jobs, \$150 million, all at a cost of \$500,000 per job, all financed by the American taxpayer.

Every Republican in this Chamber voted against the stimulus because we don't think that having the Federal Government pick winners and losers is a way back economically. We don't think borrowing over 40 cents for every dollar that we spend is the way to create jobs. We don't think that this out-of-control spending and piling mountains and mountains of debt on future generations is the kind of America that our Founding Fathers envisioned.

But then the President, while accepting our State's gracious hospitality and respect for his office, chose to take a cheap, partisan, political shot at Congressman PETE HOEKSTRA, whose district he was in. President Obama is proving himself to be the most partisan President in our Nation's history, and instability will not create jobs. Instead, it's politics as usual. It is certainly not change that we can believe in.

REJECT PROPOSALS TO PRIVATIZE SOCIAL SECURITY OR MEDICARE

(Ms. MARKEY of Colorado asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MARKEY of Colorado. Mr. Speaker, as we debate ways to tackle our growing deficit and create jobs, I call today on this Congress to reject proposals that would privatize Social Security or Medicare.

Colorado seniors rely on Social Security and Medicare; and as we struggle to climb out of a deep recession, the security provided by these programs is more critical than ever.

Dismantling Medicare and adding trillions of dollars to the deficit with a risky privatization scheme that gambles seniors' financial security in the stock market is just the wrong way to go. Rolling the dice on the financial security our seniors depend on, in a financial system that recently almost collapsed, is reckless in the extreme and has been roundly rejected by the American people.

We can cut waste, fraud, and abuse from Social Security and Medicare without cutting a penny in benefits, and I will fight to protect the promise that we made to America's seniors.

COLOMBIA FREE TRADE AGREEMENT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, as the American people ask where are the jobs, the President's economic advisers reply with weak statistics about the wasteful government stimulus program. All the while, we're losing billions of dollars to tariffs that could have been eliminated years ago.

It has been 1,337 days since the U.S. and Colombia negotiated a free trade agreement. For over 3 years, the Democrat leadership in Congress has refused to consider the legislation to ratify that treaty. In that time, American businesses have paid an estimated \$2.8 billion in tariffs. This is \$2.8 billion that could have gone to good American jobs, and this number grows higher every day. You can see it on the Republican Ways and Means Committee Web site.

We need to stop wasting our time, hoping that more government spending and borrowing will revive the economy. Instead, we need to unleash American businesses and entrepreneurs to expand into new markets. Passing the Colombia, South Korea, and Panama Free Trade Agreements would give real, tangible benefits to American workers and create jobs.

MAINTAINING CURRENT RETIREMENT AGE FOR SOCIAL SECURITY BENEFITS

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, during the first decade of this century, the Bush economy destroyed the middle class. Today, we are at a point where 72 percent of Social Security retirees have elected early retirement at age 62 because they had no other financial choice.

But despite the fact that they have voted with their feet in unprecedented numbers, what is Mr. BOEHNER's proposal for Social Security, which he told

the Pittsburgh Gazette a couple of weeks ago? He wants to raise the retirement age to age 70. If there is a more out-of-touch statement about what the middle class of this country is going through and what an out-of-touch proposal, to basically totally knock the stuffing out of the retirement security, Mr. BOEHNER's proposal to raise the Social Security retirement age to 70, to means test benefits would decimate what's left of the American middle class.

We cannot let that happen. Democrats will protect this program, which is celebrating its 75th anniversary this August, by maintaining the retirement age which exists today, a program which is solvent until 2037 and with moderate, balanced changes can protect its solvency for future years and generations.

MAJORITY REJECTS SPENDING FREEZE

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. In the last month alone, I've hosted 11 listening sessions around Montana, promising to bring their message back to Washington with me. The message is Montanans are fed up with the reckless spending that every man, woman, and child is on the hook for more than \$40,000 in Federal debt.

I heard them, which is why I joined the House Republicans in their earmark moratorium, but not everyone is listening. In three appropriations subcommittee meetings, I have offered amendments to freeze spending at fiscal year 2010 levels. My amendments would have saved the taxpayers more than \$18 billion.

But each time, they were rejected on a party-line vote. See, the President has even promised a spending freeze next year. So this year they're increasing spending to compensate. It's a sneaky shell game that only ensures that the taxpayers lose.

But Montanans told me loud and clear they want spending reform, and that's what I'm going to do, and I'm going to keep fighting for it every day I'm here.

□ 1240

SUPPORTING OUR NATION'S SENIORS

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise to strongly support our Nation's seniors. The government programs upon which they most depend, Medicare and Social Security, are being threatened by congressional Republicans.

Recently those on the other side of the aisle have been championing drastic changes to both programs. They want to cut Social Security benefits, raise the retirement age to 70, and turn Social Security benefits over to the stock market. They want to convert Medicare to a voucher program so that seniors would get a coupon to go out of their own way to buy a regular, individual insurance policy.

And what do congressional Republicans propose to do with these savings? Certainly, they want to pay for the war. I will not stand for stripping senior benefits down. I will not stand for balancing the budget on the backs of hardworking retirees.

Social Security and Medicare benefits belong to our Nation's seniors, and congressional Democrats will not stand for whittling them down or stealing them away. Social Security represents a promise, and that is if you work hard and pay into the system, you will have financial security in your retirement years.

It's been that way for 75 years. Now is not the time to change it.

JOBS MORATORIUM

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, while the unemployment rate is 9.5 percent and while the gulf coast continues to recover from a devastating oil spill, the people of Louisiana are wondering what they did to deserve President Obama's moratorium on jobs.

According to a recent report by LSU Professor Jim Richardson, the Obama administration's 6-month moratorium on offshore drilling will result in the loss of over 17,400 good-paying jobs in Louisiana alone, just another piece of the Democrat job-killing machine.

Hundreds of millions of dollars in State and local revenue will also be lost as well, all in the name of a moratorium that Federal courts and the administration's own expert advisers have rejected completely. The people of Louisiana would much prefer to have jobs than unemployment benefits.

It's truly unbelievable that when Washington should be focused on helping the gulf coast recover from a catastrophic tragedy, the White House is putting forth policies that do more economic damage than the spill itself.

HONORING SOCIAL SECURITY'S 75TH ANNIVERSARY

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, next month we celebrate the 75th anniversary of Social Security. As we mark this important anniversary, I believe it's important to reflect on the mil-

lions of seniors that have been helped by Social Security over the years.

I have met with hundreds of Ohioans recently, and they are concerned about Social Security's future. The message to me has always been clear. They don't want to undermine any part of Social Security, and certainly not with privatization. They oppose any measure that would jeopardize the safety net that Social Security provides them in retirement, and I agree.

It's true that Social Security is facing some real challenges. However, I strongly believe that Congress can focus on keeping these promises to our seniors instead of putting the entire Social Security at risk, leaving it to the whims of Wall Street.

TIME TO ACT ON TRADE IS NOW

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, for far too long, the approval of pending trade agreements with countries such as Colombia, South Korea, and Panama have languished, awaiting approval by Congress.

According to research conducted by our colleagues on the Ways and Means Committee, the inaction of these trade agreements is costing America jobs and market access. In fact, implementing the Colombia trade agreement alone could create an estimated 8 million U.S. jobs. Every day we delay, the more ground our Nation and our economy lose to our international competitors.

Earlier this month, the Canadian Parliament ratified a trade agreement with Colombia, improving their access to this market and putting our producers at even more of a disadvantage. Trade is an indispensable part of American prosperity, and Congress needs to take immediate, decisive action on these trade agreements.

NEVER FORGET HOW WE GOT INTO THIS ECONOMIC MESS

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, let us never forget, never forget how we got into this economic mess. It was the losing Republican ideas that brought forward an economic policy that drove our economy into the ditch, and now they want the keys to the car back. But after driving our economy into the ditch, we cannot allow that to happen.

What did they deliver? Two wars at the same time without paying a dime, a \$400 billion handout to big drug companies, helping to ship our jobs overseas, an \$8 trillion loss of wealth in our housing bubble as we crashed into a deep recession.

We cannot allow them to have the keys to this car again. We are beginning to turn this economy around. We are rebuilding America, job by job, block by block and city by city.

We need to work together in this, but we can't go back to those failed and losing policies of the past.

DISCOURAGING PRIVATE-SECTOR JOB GROWTH AND DRIVING JOBS OUT OF THE UNITED STATES

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. Mr. Speaker, just last week the Haldex brake plant in Iola, Kansas, announced it was shutting down and taking 160 good jobs from American workers and sending those jobs to Mexico, where they won't have to deal with a government intent on hitting them with stifling tax increases and job-killing regulations. This administration is discouraging private-sector job growth and driving jobs out of my district and out of the United States.

But as for the 160 workers losing their jobs, they won't give up. In fact, Iola's mayor, Bill Mannes, is an employee at Haldex. Even though he is losing his job, he and the Iola City Commission and the Iola Chamber are initiating a plan to recruit a new manufacturer to town.

So if any business is out there looking to grow who needs a strong and ready workforce in a great Midwest community, Iola, Kansas, could be the place for you.

PROTECT THE PROMISE OF SOCIAL SECURITY

(Mr. TEAGUE asked and was given permission to address the House for 1 minute.)

Mr. TEAGUE. Mr. Speaker, I rise today to protect the promise made to more than 50 million Americans who depend on Social Security to keep a roof over their heads and food on the table.

Seventy-five years ago, in the wake of our country's worst economic crisis, we introduced Social Security as a pledge to stand by hardworking Americans, despite old age, disability, or the death of a loved one. And, as we emerge from hard financial times, we are still keeping this promise to our mothers and our fathers, to our grandparents and to our children.

Unfortunately, there are those who would like to break this promise. By privatizing Social Security, we would be gambling with this important safety net that many of our seniors rely on, subjecting people's entire life savings to the whim of the stock market and threatening our own financial stability.

We cannot allow America's retirement to be gambled away. I stand by this commitment I made to southern New Mexico, and I urge my colleagues to join me in protecting Social Security.

WHERE ARE THE JOBS?

(Mr. GRAVES of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAVES of Georgia. Mr. Speaker, I rise again today to urge Democrats to hear the voice of the American people as they ask, where are the jobs? There is no budget, there is still no plan to create jobs to get this economy rolling again.

The Democrats have got to stop their crazy out-of-control spending and get serious about job creation. This will happen through the expansion of the private sector and not through the expansion of government.

We have got to encourage small businesses, not penalize them with more taxes and regulations. House Republicans have offered commonsense solutions to get our economy back on track. Rolling back taxes, cutting spending, cutting the deficit and the debt, removing regulations and balancing the budget, these crucial actions must happen to get this House in order and get Americans back to work.

So, Mr. Speaker, the American people want to know, where are the jobs? I want to know where are your solutions? We have offered ours.

□ 1250

WHERE ARE THE JOBS?

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Where are the jobs? Well, my friends in the party opposite should know; they're the ones who lost them. The fact is that, in Bush's last month in August, he lost 741,000 jobs, an amazing feat.

My friends in the party opposite talk about debt. Is this the same party that had two unpaid-for wars, \$700 billion in cuts for the wealthy unpaid for, a \$400 billion handout to big PhRMA? Do they speak of debt? My friends of the party opposite sat by and did nothing while foreclosures, predatory lending, and explosions in executive pay brought us the largest number of foreclosures since the Great Depression, refused to regulate in any particular way, and now they say, "Where are the jobs?" and they talk of debt. This is an amazing amount of audacity.

I wonder, where are the jobs? They should know; they're the ones who lost them. We're trying to find them, and we're being successful.

SOCIAL SECURITY

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, a new USA Today poll reported that three-fourths of those 18 to 34 don't expect to get a Social Security check when they retire. They deserve much better. In '35–1935, that is—workers were told that the payroll tax would never exceed 2 percent of the first \$3,000 of earnings. Sadly, since then, Congress has raised the payroll tax 14 times, now at 12.4 percent, and the taxable wage base 10 times.

Time and history prove Congress cannot resist the temptation to raise taxes on Social Security. We've got to find a better way forward without raising taxes, without any changes to those in or near retirement.

Americans want action, not scare tactics. Let's start working together on fair, commonsense solutions so we can ensure Social Security will be there for those who need it most without raising taxes.

CELEBRATING THE 75TH BIRTHDAY OF SOCIAL SECURITY

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Mr. Speaker, this year we celebrate the 75th birthday of Social Security.

Since Democratic President Franklin Roosevelt signed the Social Security Act in 1935, Americans have known that they can rely on Social Security benefits when they retire.

Today, over 160,000 Hawaii seniors and millions of seniors in every other State receive monthly Social Security benefits, but Republican leaders in Congress have a new plan to privatize Social Security, balancing the budget on the backs of our seniors. Does this sound familiar?

George Bush and congressional Republicans fought to privatize Social Security in 2005. Seniors all across the country rose up in angry protest. If Republicans had succeeded then, seniors would have lost trillions in the stock market meltdown of the Bush recession.

Unbelievably, the Republicans still have not given up on their idea to privatize Social Security. You have to ask, what is it that makes them so deaf to what seniors in our country tell me loud and clear—preserve Social Security.

WE MUST PASS A CLEAN SUPPLEMENTAL BILL

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of California. Mr. Speaker, we are hearing welcome news that House leaders may accept a clean supplemental appropriations bill if it is sent back from the Senate. I introduced a House version of that bill last week. If we had voted it out then, it would be on the President's desk right now.

The Army and Marine Corps operating accounts are about to run into the red. Without these supplemental funds, the Pentagon will begin cutbacks—reduced training, delayed equipment purchases, possibly even delayed pay for our soldiers and marines.

By passing this clean supplemental, we can avert that dangerous situation. We can provide disaster relief funds to the areas that need it. We can avoid adding tens of billions of dollars to the Federal deficit that would have come from add-ons passed by this House 2 weeks ago.

I urge my colleagues, please pass a clean supplemental bill now.

KEEP SOCIAL SECURITY THE WAY IT IS

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, the supplemental that this leadership passed was to create jobs, and I hope that the bill that comes from the Senate will embrace the need for American jobs.

In Ohio, the home of our minority leader, there is a 10.5 percent unemployment. Can anyone explain to me why the Republicans continue to obstruct the extension of unemployment benefits, benefits that will benefit those who work and who have worked and who need to pay their mortgages and provide food on the table? We need to extend unemployment benefits for unemployed Americans now.

Again, we have another story. Here is a story of privatizing Social Security or extending the age before receiving Social Security. I remember the fight. I was here on the floor of the House when seniors were calling our phone lines and saying don't privatize Social Security. Thank goodness for the wisdom of our seniors. If we had privatized Social Security, it would have collapsed in the abysmal disgrace of Wall Street—no money. But Social Security has been paying on a faithful basis now for decades.

We know that 72 percent of the American public don't want us to raise the age to be eligible for Social Security, but yet the minority leader wants to raise it so he can pay for the Iraq and Afghan war. Bring the soldiers home. Recognize that 36 million families are in need of Social Security. Seniors are in need of Social Security. Keep our Social Security the way it is—strong and solvent.

POLITICAL PRISONERS IN CUBA

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, today is Dr. Oscar Elias Biscet's 49th birthday. This physician and peaceful advocate of freedom has dedicated his life to defending human rights and advancing democracy in Cuba, and for that he was sentenced to 25 years in prison.

So while Dr. Biscet and thousands of political prisoners sit in Castro's gulags, the Castro regime is using political prisoners as a bargaining chip in a calculated attempt to gain concessions from the United States and the European Union.

Even more troubling, however, is the evident collaboration between the Cuban Catholic Church and the Castro regime. The church is cooperating with the regime and reaching out to only those families of political prisoners that the regime asks them to talk to, while Dr. Biscet and others don't even get a call from the church.

Mr. Speaker, we must continue to stand tall, to stand with the Cuban people, and to demand the release of every single political prisoner in the Cuban gulags. Until every single one is released, we cannot shut up, we cannot stop speaking.

The United States should not be fooled. We will continue to stand with the political prisoners.

SOCIAL SECURITY UNDER ATTACK

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, for 75 years, older Americans have relied on the guaranteed benefit that Social Security provides. This monthly check provides a safety net from poverty and is a key component to a dignified retirement after a lifetime of work. Seniors contributed to Social Security. They earned it. They deserve it. They depend on it.

As we celebrate 75 years of this outstanding program, it is once again under attack by Republicans who want to dismantle the system and spend trillions of dollars in a risky privatization scheme that gambles senior citizens' savings in the stock market while lining the pockets of Wall Street. Does that sound familiar? Well, it should. Republicans tried to do the same thing under the Bush administration. This represents yet another attempt to return to the failed policies that created the worst economic situation since the Great Depression.

Well, I stand here committed to fighting back against such programs and protecting Social Security so that 30,000 seniors in southern Nevada who

depend on it won't be abandoned in their golden years.

IN MEMORY OF SENATOR PAUL COVERDELL

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, Senator Paul Coverdell, one of the most kind and thoughtful and deliberate Members of Congress, passed away 10 years ago this past Sunday. Senator Coverdell was a strong leader in Georgia for decades, serving as a State senator for 19 years and as a United States Senator for 7 years before his untimely death of a cerebral hemorrhage on July 18, 2000.

His dedication extended far beyond the political arena. He was a veteran of the United States Army and served as the Director for the Peace Corps from 1989 to 1991.

In honor of Senator Coverdell, the Centers for Disease Control established the Paul Coverdell National Acute Stroke Registry that helps implement State-based registries able to track care for acute stroke and help expand the knowledge and improve the quality of care. His legacy lives on.

Senator Coverdell was an inspiration to so many of us to dream big dreams and to answer the call to preserve this great Nation. He knew that the wonder and the awe of America rests in the principles of our founding documents and our people. We will always remember his patriotism and his wisdom.

PROTECTING SOCIAL SECURITY

(Mr. DEUTCH asked and was given permission to address the House for 1 minute.)

Mr. DEUTCH. Mr. Speaker, when it comes to Social Security, Americans have two choices: On the one hand, there is the Democratic Party that created Social Security, strengthened it, and will continue to defend it from attacks. On the other, there are the Republicans on a never-ending crusade to dismantle this sacred program.

The ranking member of the Budget Committee plans to slash benefits, hike taxes on middle class families, and turn Social Security over to Wall Street. If former President Bush and Republicans had their way, trillions would have been lost during the financial crisis. Instead, the American people said "no" to privatization, and when the markets crashed, the trust fund did not lose a penny.

The American people have consistently rejected these failed Republican ideas that threaten the financial security of seniors. Don't be misled. We can protect Social Security's solvency for the ages, and we can do it without slashing benefits, privatizing the program, or making people work into their golden years.

I stand to defend America's seniors, and they deserve nothing less.

□ 1300

THE COLLAPSE OF THE AMERICAN DREAM

(Mr. GRIFFITH asked and was given permission to address the House for 1 minute.)

Mr. GRIFFITH. Mr. Speaker, I rise today to speak to the ongoing destruction of the American Dream.

As the dense fog of increasing debt suffocates our economy, joblessness creates the uncertainty in which small businesses cannot survive. Credit is not available. Increasing taxes are creeping in at every level. We now know that we cannot keep our doctors or our insurance. We, the people, see no leadership.

As the President treads water, as America looks for leadership, as small business is paralyzed with uncertainty, as our elderly watch their health care rationed and as they are fearful for their future, as our families lose their confidence in leadership, all of this poses the virtual collapse of the American Dream.

The denial on the part of the administration is pathologic. The refusal to acknowledge reality is causing undue human suffering, prolonging the agony of massive unemployment, creating confusion and doubt in our military, and sending international messages of U.S. indecision and weakness.

It is time for action. It is time for us, the American people, to restore the American Dream.

CELEBRATING 75 YEARS OF SOCIAL SECURITY

(Mr. MCINTYRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCINTYRE. Mr. Speaker, I rise to express my strong support of Social Security. This year, we celebrate 75 years of this critical program, and we must reaffirm our commitment not only to protect it but to ensure its continuing viability.

America's senior citizens have lived through wars and recessions as well as periods of unprecedented prosperity. They have pioneered technologies in medicine, communications, transportation, and industry. These remarkable achievements demonstrate the strength and character of our older Americans, underscoring the debt of gratitude that we owe to generations that have given so much—one generation which includes my own parents, who are celebrating birthdays this week and next.

Unfortunately, the recent recession has reminded us that economic prosperity is never a guarantee; and in times of such uncertainty, our Nation's

seniors need the steadiness of Social Security now more than ever.

Some have suggested that privatizing certain aspects of Social Security will somehow strengthen it. Well, I say not. I urge my colleagues to fiercely resist any such effort to privatize Social Security and to risk our seniors' well-being with the volatile, unpredictable nature of the market. I ask my colleagues to come together and to continue the promise that was made 75 years ago for those who have given so much to our society.

DEMOCRATS' IRRESPONSIBLE DEFICIT SPENDING

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. ROE of Tennessee. Mr. Speaker, nearly a year and a half after the President told our country that an \$800 billion-plus stimulus package was needed to keep unemployment below 8 percent, we are in the midst of our 14th straight month with unemployment above 9 percent. Many economists predict that nearly every major policy passed since that time, such as cap-and-trade, health care and so on, will result in a net loss of jobs. Now the Democrats are telling our country we need to double down on their economic policies and increase our debt and deficits to finance more spending.

How does that make any sense whatsoever?

If you don't have a job, we want you to find one. However, we know that, if Congress continues irresponsible spending, it will make economic growth and job creation less likely. That is why Republicans are insisting on finding spending cuts. It is time to tell the administration that they have maxed out America's credit card and to ask them to start working with the American people to get our fiscal house in order.

PASS THE EXTENSION OF UNEMPLOYMENT BENEFITS

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, 2.5 million Americans have lost their unemployment benefits—more than 33,000 of them in my home State of Massachusetts. I have heard from many of these struggling families.

From Chelmsford: "My UI benefits have just run out. A UI check is food and other necessities while I draw down savings to keep my house."

From Lowell: "I have always had a very good job. I work hard, pay taxes, and I certainly have not been living in excess. Last July, my company had to cut staff, and my entire team was let go. I have never had a problem finding a job, but this search has been extremely difficult. Unemployment bene-

fits helped me to stay on track with life's basic necessities, such as food, gas and insurance. Losing them has caused desperate action on my part."

From Westford: "Please extend unemployment benefits for all Americans. I know many solid citizens who are actively and vigorously job hunting to no avail, including my wife. Help."

I urge my Senate colleagues to pass this desperately needed extension.

REPEATING THE LESSON OF THE GREAT DEPRESSION

(Mr. MCCLINTOCK asked and was given permission to address the House for 1 minute.)

Mr. MCCLINTOCK. Mr. Speaker, when the stimulus bill became law, unemployment stood at 8.2 percent. Today, a year and a half and hundreds of billions of dollars later, unemployment is 9.5 percent.

This spending binge hasn't made things better. It has made things demonstrably worse because, before government can put money into the economy, it first takes that money out of the economy. We see the jobs created when government puts the money back, but we don't see the jobs that are lost, because government first took that money out of the economy.

When we borrow trillions of dollars, we crowd out the very same capital pool that would otherwise have been available for businesses to create jobs; so those jobs don't get created, and the ranks of the unemployed grow.

These are the same policies that turned the recession of 1929 into the Depression of the 1930s. Do we really want to repeat that lesson?

STRENGTHEN THE SOCIAL SECURITY PROGRAM FOR FUTURE GENERATIONS

(Mr. OWENS asked and was given permission to address the House for 1 minute.)

Mr. OWENS. Mr. Speaker, Social Security is a pledge to hardworking Americans that they will be able to retire with the dignity they deserve. As this treasured program reaches its 75th anniversary, we have a responsibility to guarantee that it remains strong for future generations; but as we work toward improving the long-term solvency of this program, we must avoid making ill advised changes, like creating volatile private accounts that could throw millions of seniors into poverty.

These are tough economic times, particularly for seniors on fixed incomes. Rising health care, energy and housing costs mean too many seniors do not have the resources they need to live comfortably. Now, more than ever, Social Security is a critical safety net for millions of Americans.

I urge my colleagues on both sides of the aisle to work together to strengthen the Social Security program for current and future generations. Hard-working Americans deserve to look forward to financially secure retirements.

EDIBLE ROAD SIGNS

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to point out the obvious: You cannot feed road signs to your kids. They are made of aluminum, degreasing agents, and reflective film. They don't taste good. In fact, you can't even pay the rent with road signs because landlords prefer checks.

That's why Americans are so confused about the Obama administration and why they are spending tens of millions of dollars of taxpayer money on road signs, touting the success of the stimulus. I should have said the so-called "success" of the stimulus.

President Obama assured the American people that he would not waste the stimulus money. In fact, he even said that he would not waste one single nickel and that he would make famous anyone who wasted the money. Well, I guess I'm making the President famous then because these signs are the most obscenely wasteful and gratuitous things that we have seen out of him yet.

There is a reason why the majority has lost all credibility with the American people, and there is a reason you haven't created any jobs. That reason is posted on the sides of our roads.

SOCIAL SECURITY

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Mr. Speaker, I rise today to express my strongest possible support for Social Security—an essential lifeline that some 130,000 seniors in my congressional district depend on every day.

Social Security is an earned benefit that American workers have paid into over a lifetime of their careers. That is why it is outrageous, at least from my perspective, to hear some of my colleagues propose to cut Social Security as a mechanism to reduce the national deficit or to pay for the war in Afghanistan.

This is irresponsible, shortsighted, and overwhelmingly reckless; and I personally won't stand for it. Social Security is one of the only Federal programs that has a dedicated source of revenue, what we pay into that has paid for itself in full for over 75 years now without contributing to the na-

tional deficit. In south Florida and around the country, seniors rely on Social Security as a stable, guaranteed source of income in their retirement years, particularly in these tough economic times.

I adamantly oppose and will work to defeat any attempts to weaken America's retirement security and pay down national debt unrelated to the Social Security program—all on the backs of our Nation's seniors.

□ 1310

UNCERTAINTY—THE ENEMY OF JOB CREATION

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, with the U.S. unemployment rate steadily hovering around 10 percent, Americans continue to ask, "Where are the jobs?" The answer to this crisis from congressional Democrats and the Obama administration is, higher taxes, increased government spending, and more government regulation.

The passage of ObamaCare, cap-and-trade in the House, and financial regulation has created an atmosphere of tremendous uncertainty, especially among small businesses, which employ over half of all the private sector employees. Uncertainty, as we all know, is the enemy of growth, investment and job creation.

The way out of this recession and towards job creation is enact policies that free up capital, reduce uncertainty, and restore confidence in our economy. We cannot do this if the administration and Congressional Democrats continue to impose costly regulations, higher taxes on job creators, and create uncertainty in the marketplace.

SOCIAL SECURITY IS A SACRED TRUST

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, for 75 years, Social Security has lifted millions of seniors and disabled Americans out of poverty. That is why I can't believe that Republicans would cut Social Security benefits and make it harder for people who worked all their lives to get benefits.

Social Security is a sacred trust. It is a trust between the American government and the American people. It is a trust between parents and children, between those working and those in retirement. It is the greatest example of the beloved community in America.

We will not allow anyone to cut Social Security. We will hold this sacred trust for generations yet to come.

NO END IN SIGHT

(Mr. ROGERS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Alabama. Mr. Speaker, I want to talk to you about jobs. I come into this Chamber often and hear my Democrat colleagues talk about how bad things were under the past administration, how much better off we are under this President.

Well, I'll tell you one thing President Bush gave us that this President can't give us, and that's jobs. In 2003 we passed the second largest tax cuts in American history, and we had 55 consecutive months of job growth in this country, the longest period of job growth in American history.

This President came into office, said, if you'll give me nearly \$1 trillion in a stimulus bill, I'll make sure unemployment doesn't go over 8 percent. Well, we're at 10, we've been here for most of his Presidency, and we see no end in sight.

Well, now we're talking about the unemployed. We've got 10 percent of the people hurting. They're in pain. They need our help. They need unemployment benefits, and we want to give them to them.

The President says, and Speaker PELOSI says, well, the Republicans are standing in the way. They're cold-hearted.

No, the problem is, they can't get the Democrats to vote for it because they want to borrow the money.

We've said we want to vote for unemployment benefits, we just want to pay for them. We've told the President, just reach into your stimulus bill, unfunded stimulus funds, and pay for them there. He doesn't want to do that because that's a political trust fund.

He's using the unemployed as a political football, and if that doesn't make you mad, it ought to.

NO PRIVATIZATION OR CUTTING OF SOCIAL SECURITY

(Mr. GARAMENDI asked and was given permission to address the House for 1 minute.)

Mr. GARAMENDI. It's always good to go back to the district. I was there over the weekend. Among the many things was a family wedding.

My 89-year old mother came up to me and said, JOHN, does that Republican leader really mean to cut Social Security to pay for the war?

And I said, well, apparently that's what he means. But I'll tell you this, Mom, and to every other mother and father out there that's on Social Security, no way, no how will the Republicans get their way, either privatizing Social Security, or cutting it to pay for the war. That's not going to happen.

The Democrats have been for Social Security since 75 years ago when it was

first established, and we remain strong to that commitment. It is there. It is the fundamental opportunity for retirees to have a foundation. No privatization and no cutting of Social Security, despite what the Republican leader might say.

QUIT BANKRUPTING AMERICA AND PAY FOR UNEMPLOYMENT INSURANCE

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Mr. Speaker, under this administration and this Congress, we have now seen the largest deficits in history, the largest national debt in history, the failed stimulus plan, the health care takeover, cap and energy tax, a permanent Wall Street bailout, all of which has led to the loss of millions of jobs, near double-digit unemployment, the highest in a generation. So, unfortunately, under their policy, yes, we do need another extension of unemployment.

But here's the difference. The Democrats want to borrow 43 cents on the dollar, mainly from the Chinese, and send the bill to our children and grandchildren. That's unacceptable.

Republicans say pay for it. And almost every week we come to the floor under the YouCut program and offer spending reductions to do just that.

The second difference is, Democrats actually believe more unemployment leads to more employment. The Speaker of the House has said, unemployment checks create jobs faster than almost any other initiative you can name.

Mr. Speaker, give me a break. Republicans know that Americans want paychecks, not more unemployment checks. Quit bankrupting America and pay for this unemployment insurance.

GOING FORWARD

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, one thing good about our country, we always go forward, not backwards. And we are not going to go backwards to allow the privatization of Social Security. We are not going to go backwards to allow the removal of important protections against Wall Street, abuses of the U.S. economy. We're going to go forward.

And we're not going to go backward on environmental protection. I'll say why this is important. This morning we were doing our investigation of the BP oil spill. We had President Bush's Secretary of the Interior, Gail Norton, testify. And you know what we discovered?

During the Bush administration's rapid ramp-up of offshore drilling, they

learned that 50 percent of the blow-out preventers that were supposed to be the fail-safe system to prevent these massive oil spills, 50 percent of them didn't work. But they refused to do anything about it.

They learned that they had a problem with their own investigators, that the wells weren't being cemented appropriately, but they refused to do anything about it.

We are not going to let folks go backwards on Social Security, go backwards on Wall Street reform, or go backwards on environmental protection. This is a country that goes forward.

NO BUDGET THIS YEAR

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute.)

Mr. FRELINGHUYSEN. Mr. Speaker, it's official. In late June the majority leader confirmed what we've known all along and suspected: There will be no budget this year.

Yes, for the first time since 1974, the House will not even consider a budget resolution that's necessary to begin the appropriations process beginning October 1.

Now, this may sound like inside baseball or congressional housekeeping, but it's much more than that.

Over this past month, I've met with hundreds of constituents who have the same question, "Where are the jobs?"

My colleagues, we should be spending this summer working to improve our financial outlook, positioning our Nation to create an environment for private sector job growth and opportunity.

Instead, the majority has chosen to increase domestic spending by 84 percent since the President took office on inefficient programs that have succeeded only in adding to the public debt. To finance this spending binge, we're borrowing more and more money from nations like China, Japan, and Saudi Arabia.

The people of New Jersey and people across the Nation know that we spend too much, tax too much, and we borrow too much. It's got to stop.

□ 1320

EXTEND UNEMPLOYMENT BENEFITS

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of Connecticut. Mr. Speaker, this past weekend I went door to door in Waterbury, Connecticut, where unemployment today is 14.1 percent. Guess what everybody wanted to talk about? They wanted to talk jobs. People in Waterbury never shied away

from hard work. This is the Brass City. It's due to its rich history of manufacturing, making things from Boulder Dam in Colorado to munitions for World War II and Korea.

And today the unemployed in Waterbury aren't just sitting on their hands waiting for a job to drop in their lap. And unlike some on the right try to suggest, they're not looking for a hand-out either. They just need some help getting through this recession.

Outside the city limits of D.C., patience is running thin with the Republicans who are playing politics with people's ability to buy groceries and simply make ends meet during tough times.

We can come out of this recession stronger than ever, but Congress needs to do the right thing and extend unemployment benefits for people in Waterbury and all across this country.

THE UNARMED NATIONAL GUARD WILL GUARD COMPUTERS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the administration says they will be sending 1,200 National Guard troops to the southern border region on August 1. But they're not going to the actual border. They'll be far behind the lines, guarding computers. And the National Guard will be unarmed while they are guarding the computers.

The Border Patrol welcomes the National Guard at the border. They appreciate the help. But the Border Patrol agents made it real clear they need armed National Guard to help them stop the criminal cartels at the border. Further, the Border Patrol will need to guard the National Guard. Now, how does that make sense?

Mr. Speaker, we have 15 million unemployed Americans already. We should hire some of those 15 million unemployed to do the technical work behind the lines, and the National Guard should be armed and on the front lines of the border doing what they're trained to do: Protect the country. We need the National Guard with boots on the ground on the border, not rebooting computers somewhere behind the border.

And that's just the way it is.

SOCIAL SECURITY'S 75TH ANNIVERSARY

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Mr. Speaker, Republicans in Congress are talking about dismantling our Social Security system. They want to privatize this important program, raise the retirement age, and make our seniors pay for the wars in Iraq and Afghanistan. This is simply unacceptable.

Seventy-five years ago our Nation made a promise to our seniors. We promised to help them through their golden years. This promise has served our Nation well, allowing those who built this great country an opportunity to enjoy the fruits of their hard work. Social Security is one of the most important, successful programs in the United States' history, an invaluable program that helps more than 50 million seniors and disabled Americans.

Our seniors depend on their monthly checks to put food on the table and a roof over their heads. Without this critical help, many of them would fall into poverty. Social Security should not be privatized, and must remain intact for America's future generations.

ECONOMY AND JOBS— MORATORIUM

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, as Americans ask, Where are the jobs, we see the job creation of one family at risk thanks to the President's ill-conceived offshore drilling moratorium.

Sunbelt Machine Works Corporation was founded 32 years ago by Frank and Mary Scantlin. While Frank ran the shop, Mary served as secretary and a truckdriver to help out. Their children grew up sweeping the floors and learning the business, working their way up in a company that today employs 70 people in the district that I represent.

The President's moratorium will cause Sunbelt to lay off people soon if production doesn't restart quickly. Jobs have already headed overseas, as two rigs have left the gulf. The CEO of one of those rigs' owners apologized for the "loss of U.S. jobs" because of the moratorium.

Mr. Speaker, we must lift this job-killing moratorium now. Americans are tired of asking, Where are the jobs?

PRESIDENTIAL ACCOMPLISHMENTS

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. The American people know that we cannot go back to the failed policies of the Bush administration and the Republicans in Congress. Their lack of accountability and oversight caused 8 million Americans to lose their jobs and led to the worst economic conditions since the Great Depression.

Thankfully, President Obama has led our efforts to rebuild a strong economy for the middle class and expand new job creation for Americans. With his leadership, we have enacted laws, created millions of jobs, given 98 percent of the working families a tax break, increased

Pell programs, made student loans more affordable, jump-started the auto industry with the Cash for Clunkers program, and provided health coverage to 32 million previously uninsured.

The truth of the matter: President Obama and the Congressional Democrats continue to move in the right direction. I ask my colleagues, where would we be right now if we were still stuck with the same Republican policies of the past?

AMERICA SPEAKS OUT

(Mr. ROONEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROONEY. Mr. Speaker, across this country and certainly throughout Florida, people have been asking and speaking out, but leaders in Washington have not been listening. From the new health care law to a national energy tax, Americans have repeatedly said "no" to what this Congress has had to offer.

I have been listening, and I've heard loud and clear that my constituents, like most Americans, are tired of new taxes, new spending, and record-breaking deficits. That's why the House Republicans have launched AmericaSpeakingOut.com, a new forum where people across the country can share and discuss their ideas on a wide range of critical issues.

We plan to offer a new set of policy solutions grounded in the principles of smaller, more accountable government, and we want to engage the American people directly in building those solutions together from the start. Changing course in Washington will require Americans to speak out and Congress to start listening.

Please visit AmericaSpeakingOut.com and start speaking out.

75TH ANNIVERSARY OF THE SOCIAL SECURITY ACT OF 1935

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, Social Security benefits make a significant contribution to the well-being of many Americans. Today, 83,545 persons in the Seventh District of Illinois rely upon these payments to sustain their monthly living expenses. Fifty-nine percent of them are elderly, and 11 percent are children. These persons receive an average monthly benefit of \$996 a month, with the cost of living for rent and utilities in Illinois being \$957 per month, equating to 96 percent of their Social Security income.

While we celebrate Social Security for the last 75 years for the American aged, disabled, and survivor populations and their children, I encourage

my colleagues to make sure that these funds are sustained without further impact on the economic well-being of our most challenged populations. Thank you, Social Security.

HONORING ATF SPECIAL AGENT WILLIAM G. CLARK

(Mr. LEE of New York asked and was given permission to address the House for 1 minute.)

Mr. LEE of New York. Mr. Speaker, on Monday I introduced a resolution honoring ATF Special Agent William G. Clark of Rochester, New York.

One morning in 2008, while stationed in the United States Virgin Islands, Special Agent Clark witnessed a domestic dispute between his neighbor and her boyfriend, who was drunk and on drugs. His neighbor was being threatened and pleaded for his assistance. And Special Agent Clark did what his training taught him to do: he helped someone in need.

While attempting to protect his female neighbor from being beaten, Special Agent Clark was charged by her boyfriend, who was swinging a large metal flashlight after threatening to retrieve a gun. Special Agent Clark fired in self-defense. The man subsequently died from his injuries, and Special Agent Clark is now being charged with second-degree murder.

A Justice Department incident review panel has cleared Special Agent Clark, who remains on active duty. The panel unanimously found that Special Agent Clark was acting within the scope of employment and authority, and that there was no evidence of misconduct or inappropriate action on the part of Special Agent Clark.

ATF Special Agent William G. Clark is a hero who was protecting a battered woman, and Congress should recognize his heroic acts.

□ 1330

CELEBRATING SOCIAL SECURITY'S 75TH BIRTHDAY

(Mr. NEAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL. Mr. Speaker, I want to join all of you in wishing Social Security a happy 75th birthday.

Social Security and Medicare are two of the most successful legislative accomplishments in the history of the world. But not everyone in this body is celebrating Social Security's overwhelming success.

There are many in this body on the other side who would like to privatize Social Security. Remember the Bush plan—to tie Social Security to the fluctuation of the stock market. This is a gamble we should not take.

It is an extraordinary American success story. For those who are simultaneously trying to educate college-aged

children and the thought of caring for elderly parents, let me give you the actuarial reality. It's impossible. Simply put, the reason that Mom and Dad are not living in your attic is because of Social Security and Medicare. It is the greatest achievement in legislative history domestically for all American families.

Happy birthday, Social Security.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DOYLE). Members are reminded not to traffic the well while another Member is under recognition.

CELEBRATING THE 2010 SPECIAL OLYMPICS NATIONAL GAMES

(Mr. FORTENBERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORTENBERRY. Mr. Speaker, on a happier note, this weekend I had the great honor of participating in the 2010 Special Olympics National Games opening ceremony in my hometown of Lincoln, Nebraska.

The pomp and pageantry of the official ceremony appropriately welcomed a very enthusiastic and excited audience of more than 3,000 athletes, 1,000 coaches, and 13,000 fans gathered at the University of Nebraska. As I marched in with Nebraska's delegation to the Games, I was struck by how inspiring the moment was as the community boisterously and loudly gathered to celebrate these very special athletes.

The Special Olympics have grown tremendously both in the number of participants but also in the heart of our Nation. The Special Olympics oath is, "Let me win. But if I cannot win, let me be brave in the attempt."

Mr. Speaker, to all of these brave and special athletes in Lincoln's 2010 Special Olympics National Games, I wish to extend a heartfelt congratulations.

PASS THE EXTENSION OF UNEMPLOYMENT BENEFITS

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Mr. Speaker, Thomas Currier and his family are my constituents, and they're suffering needlessly because Republicans are shamelessly blocking the extension of unemployment insurance. The Republicans argue that people like Thomas are lazy and would rather collect unemployment than work. Well, let me tell you about Thomas Currier.

He's 62. He's worked his entire life and at one time even owned his own business. After 25 years in the IT field,

he was laid off in August of 2008, and last month he finally lost his unemployment insurance. His wife needs surgery they can't afford. His daughter dropped out of college because they can't pay her tuition. Not only has Mr. Currier lost his income, but as a result of the GOP opposition, he's lost his dignity.

I urge my Republican colleagues in the Senate to drop their indefensible opposition to extending unemployment insurance immediately, and with it, provide needed relief to millions of people like Thomas Currier.

STOP EARLY FEDERAL RETIREMENT

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, last week there were headlines saying that leaders on both sides of the aisle agree that we need to raise the Social Security retirement age to 70. Before we do that, we need to stop spending hundreds of billions we do not have on very unnecessary foreign wars, but we also need to revise the entire Federal retirement system—both civilian and military.

We cannot change the retirement benefits for those already in the system. The political opposition would just be too strong. But we need to inform new Federal hires and new military recruits that we can no longer allow healthy, able-bodied people to retire in their late thirties or even in their forties or fifties.

Local police fight street crime. Almost no Federal law enforcement today is physical in nature. Early retirement in most Federal law enforcement can no longer be justified. Working as a waiter or waitress is more physically demanding than most Federal Government positions for which we now grant early retirement.

With a \$13 trillion national debt, Mr. Speaker, we simply cannot afford to give relatively young people lavish retirement benefits.

SOCIAL SECURITY

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, my Republican colleagues are singing the same old tune again. This past Sunday on "Meet the Press," the Republicans top campaign leader let the truth be known. If the Republicans take power in Congress, he said, "We need to go back to the exact same agenda." The exact same agenda. The one that lost 8 million manufacturing jobs in this country, the one that tried to privatize Social Security, the one that drove our country into a ditch. Yep, that same agenda.

What does privatization of Social Security really mean? It means taking your money and letting Wall Street play with it. We saw how well that worked over the past few years when the Republicans controlled this House. Private retirement accounts lost one-third of their value during the Republican recession. Heads they win, tails you lose.

But the Republicans don't learn from their mistakes; so they want to return to the exact same agenda of the Bush Republican years.

America, make sure Congress knows Social Security is your money. You earned it. You paid for it. It is your future.

SPEND, SPEND, SPEND

(Mr. DJOU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DJOU. Mr. Speaker, the American people expect Congress to act responsibly and be trustworthy, but how can this happen when this Congress has no plan? No plan for a budget, no plan to create jobs, no plan to turn around our economy other than to spend, spend, and spend some more of the people's money. We spent more than a trillion dollars to create jobs, but as of yet, our unemployment rate still languishes at 9.5 percent.

Our Nation is plagued with debt, and not creating a budget further amplifies the problem.

Mr. Speaker, we are spending too much money. Even worse, we are spending too much money on programs that do not work. And even worse than that, we have no plan to pay any of this money back. And this problem is further compounded by this House's refusal to pass a budget.

It's time to cut spending and enact real, meaningful tax relief and put more money in the hands of the American people.

SOCIAL SECURITY AND MEDICARE

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Mr. Speaker, most people understand that we have a real tangible need for the safety nets of Social Security and Medicare. The hard lessons of history compelled us to create protections for our seniors who have given us a lifetime of hard work and deserve security in their golden years.

But Washington Republicans just don't get it. They want to privatize Social Security and put seniors' retirement at the mercy of the stock market. They want to repeal the benefits we provided through Medicare. If Republicans had their way, they'd reopen

the doughnut hole. They'd take away free, preventative health care under Medicare, and they'd play roulette with our seniors' retirement, their access to doctors, and their prescription drugs.

Washington Republicans have turned their backs on our seniors. I'm proud to stand by our seniors and make sure they have quality, affordable health care, safety and security in retirement, and peace of mind that these benefits are here to stay.

WHERE ARE THE JOBS?

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, it's a little over 18 months since President Obama signed the so-called economic "stimulus" bill into law. To say now, as many of my Democratic colleagues continue to do, that this stimulus was somehow a success, that's really an insult to the millions of Americans who are now unemployed and continue to look for work.

We've heard repeatedly from our business leaders and economists that one of the biggest impediments to job creation is what this Congress has been doing here every day. I mean, how can businesses be expected to invest and to create jobs when they read in the paper such things that our government is expected to run trillion dollar deficits as far as the eye can see, that banks will now have to conform to 243 new regulations because of that 2,300-page Dodd-Frank bill we just passed, and that next year we will experience in this country the largest tax increase in American history?

And, also, the energy prices. Energy prices may skyrocket because of the House-passed cap-and-trade bill. And health insurance premiums, they were promised to go down, but they are going to increase because of the recently passed health care bill.

Mr. Speaker, uncertainty is the enemy of economic growth. Thank goodness it's the August recess.

SOCIAL SECURITY

(Ms. MATSUI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MATSUI. Mr. Speaker, I rise today in strong support of Social Security and to highlight its importance as we approach the 75th anniversary since its founding.

Social Security is a pillar of a society based on the premise that if you work hard and play by the rules, you will have the stability and security of a minimum level of guaranteed income as you get older. And the reality is Social Security provides nearly all of the retirement income for six out of 10 seniors in this country.

Mr. Speaker, for 75 years, Social Security has never been a day late or a dollar short. And as we approach this historic achievement, we must commit ourselves to strengthening Social Security, not privatizing it. We must continue to provide the foundation for Americans' retirement security for generations and generations to come.

□ 1340

UNCERTAINTY IN THE PRIVATE SECTOR

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, one business organization after another has made it clear: The policies of this President and this Democrat-controlled Congress are creating uncertainty all throughout the private sector. Whether it's the Chamber of Commerce or the National Federation of Independent Businesses, the message is the same: Washington is giving them no reason for confidence in the economy.

All across this country, business owners are looking at higher costs for health care, the potential for higher energy costs, the threat of more taxes, and the reality of oppressive, costly government regulations. It's no wonder the private sector isn't hiring. The only sector of the economy that's really growing is government. The endless deficit spending in Washington is expanding government and sucking the life out of the private sector.

This has to stop. House Republicans have commonsense solutions. We need to rein in out-of-control spending, cut taxes and get a massive Federal Government off the back of free enterprise.

UNEMPLOYMENT INSURANCE

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, for the first time in history, the other body has to wait for a new Member to be sworn in today to take up unemployment insurance and break a filibuster. Even in the mildest of turndowns, there has always been bipartisan support for unemployment benefits. Ask the average American: Give us your definition of emergency spending: unemployment benefits paid for in part from employee paychecks or more tax cuts for the wealthy?

The question answers itself, for all except my Republican friends in this House. They've gone further and insulted the unemployed by offering as an excuse that benefits keep people from looking for and taking jobs. The Bush recession left one job for every five job-seekers. It's cruel to blame the unemployed for not finding work in the

midst of the great recession. It is worst to deny them food to put on the table.

CONGRESS' RAMPANT ACTIVISM

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, after four stimulus packages over the past 2 years, Americans are asking: Where are the jobs? Why aren't businesses hiring? In a word, uncertainty.

We've seen a great deal of activist government over the past 2 years with enormous budget deficits, the government takeover of car companies, bank bailouts, mandatory national health care, misguided financial regulation and more. Still, President Obama and the congressional leadership have additional disruptive plans on tap, including big tax increases and cap-and-trade legislation. Not only are businesses being burdened with new taxes and other requirements, they also know that further afflictions are coming, but the form and extent of those afflictions are still a mystery.

Business people plan to succeed, but when the government is making major burdensome and, as yet largely unspecified, changes, it is very difficult to plan. Rather than hiring and investing, many are choosing to wait and see.

America's working people are the victims of this administration's and this Congress' rampant activism.

SOCIAL SECURITY

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of Social Security as it approaches its 75th anniversary. When FDR signed this historic legislation into law, he understood that the whims of Wall Street were sweeping many hardworking Americans into financial ruin. At the time, more than half of America's seniors lacked sufficient income to be self-supporting.

Social Security changed all of that. Indeed, today, in my home State of Florida, 53 percent of seniors would be below the poverty line without Social Security. That hasn't stopped Republicans from wanting to end the guarantee of Social Security. In 2005, President Bush proposed privatizing Social Security, which would have cut benefits for 70 percent of retired Americans. Well, it's *deja vu* all over again.

While President Bush may be gone, his plans live on. House Republicans are once again calling to privatize Social Security, and Medicare for good measure. We simply cannot risk tossing millions of seniors into poverty.

Let us rededicate ourselves to Roosevelt's vision and to the economic security of all of our citizens and not throw our seniors out in the cold.

DEEPWATER DRILLING JOBS MOVING TO OTHER NATIONS

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, the people of Louisiana have suffered a lot of catastrophes: the BP explosion, fishing industry's down, the tourism industry is down. Now, to add insult to injury, we have the moratorium which is costing thousands of jobs in Louisiana.

What's the result? "Three deepwater drilling rigs to be moved from sites south of Cameron Parish." "First rig sails away over drilling ban" to Egypt. "Brazil sees silver lining in BP spill: more rigs."

Mr. Speaker, where are the jobs? Well, in the deepwater drilling they're going to be moved to other nations.

SOCIAL SECURITY BRINGS A SENSE OF PRIDE

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEKS of New York. Sometimes when I listen to the debate, you would think that President Obama inherited a large surplus and growing jobs. No, what my Republicans forget, that's not what President Obama inherited. That's what George Bush inherited and lost in 8 years.

Why are we in this problem? It is for 8 years of bad economic principles that George Bush put forward. Obama inherited deficits and loss of jobs, 750,000 of them a year; and now we hear again the same old policy, attacking and wanting to privatize Social Security.

Well, Democrats and the American people rejected that idea during the failed policies of the 8 years of George W. Bush, and we reject that policy again because we understand the significance and the importance that Social Security brings to our families, it brings to children and those who are retired who without Social Security would be in poverty.

Social Security brings a sense of pride to those who have worked hard all of their lives so that they can have something at the end.

TENNESSEANS FRUSTRATED WITH CONGRESS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, my home State of Tennessee has an em-

ployment rate of over 10 percent. The Tennesseans that I know are very frustrated with Washington. They've lost faith that this Chamber can or will do anything meaningful about jobs this year. They look at Washington and see us living out that maxim: if at first you don't succeed, spend and spend again. They look at us and they said where are the jobs.

Now Tennessee's Governor and State legislature have made some very different choices. Instead of expanding the size of government, they scaled it back. Instead of increasing taxes, they've offered incentives for investment. Many in this Chamber say those are policies of the past. Well, in Tennessee, those choices have worked. They attracted over \$4 billion of investment in the past 18 months. It is investment that creates sustainable growth and good, solid paying jobs.

By contrast, the stimulus program we hear so much about in this Chamber has sent just over \$1 billion to the State of Tennessee. At 10 percent unemployment, what do Tennesseans have to show for those stimulus jobs? No jobs and a lot of expensive road signs.

REPUBLICANS WANT TO PRIVATIZE SOCIAL SECURITY

(Mr. WEINER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEINER. If you're one of those folks who has one of those new, modern TVs with the "what the heck are they talking about button" on the TV, you're going to need it for this side of the aisle because, frankly, it is insane for them to wrap their arms around the idea that deficits are growing, they're booming, and then get this, they want to offer tax breaks to billionaires this year. Millionaires and billionaires. And you know how they're going to pay for it? They don't say. They want to add to the deficit.

But there is one moment of clarity we saw recently that I have got to tell you that in my 12 years in Washington is refreshing. The Republican head of the Budget Committee, their ranking member, came out with a proposal to privatize Social Security. And you know what, that's not some obscure Member. I actually like the guy. I commend him for being honest. Finally, the Republicans have come out and said what, frankly, they've said for 75 years. They want to eliminate Social Security. Not actually eliminate it. They want to invest it in the stock market. Boy, talk about lessons unlearned.

The Democrats, who created Social Security, are here to celebrate 75 years of keeping it strong and another, God willing, 75 years. The Republicans want to privatize it, invest it in the stock

market. You decide for yourself what the right policy is.

□ 1350

IMMIGRATION LAW

(Mr. GARY G. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY G. MILLER of California. Mr. Speaker, last week the Department of Justice filed a lawsuit challenging the State of Arizona's recently enacted immigration law.

DOJ bases its groundless lawsuit on the supremacy clause, preemption, and the commerce clause. However, DOJ's officials should take note—and maybe even read the bill, for that matter—that the new Arizona law mirrors Federal law, which already requires aliens to register and carry their documents with them. Arizona's law simply states that violating Federal immigration law is now a State crime as well.

Because illegal immigrants are, by definition, in violation of Federal immigration law, under the new provisions they can now be arrested by local law enforcement in Arizona. This week DOJ officials have stepped up their attack on the Arizona immigration law by stating that they may file another lawsuit if the law leads to racial profiling.

Once again, read the bill. Arizona's law expressly prohibits racial profiling four separate times. All in all, DOJ's lawsuit reveals the Obama administration's contempt for immigration law, the people of Arizona, and for the majority of the American people who support Arizona's efforts to reduce human smuggling, drug trafficking, and illegal immigration.

Arizona takes a responsible and constitutional approach to defending the immigration laws.

RESPECT VIRGIN ISLANDS' LAW ENFORCEMENT

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Mr. Speaker, I came to the floor originally to reassure our seniors about Democrats' determination to save Social Security as it approaches its 75th birthday, but I must respond to my colleague who raised the issue of the ATF Agent William Clark.

Neither he nor I know exactly what happened the day that Agent Clark shot and killed Mr. Sukow. Yes, he did come to the aid of a lady who was at least being verbally assaulted by the victim, and the victim had a flashlight in his hand.

But the investigation raised serious questions about the level of the threat and whether the reaction of Agent

Clark was excessive. Given the information received by witnesses, an attorney, and a security guard, as well as the medical examiner and the police investigation, our attorney general acted responsibly by charging the agent.

Agent Clark has and will continue to have a fair hearing in our courts, and Congress should not do anything to interfere with the judicial process. We wish the incident did not happen.

In the meantime we are working with Federal law enforcement to make sure that the authority under which they carry out their duties will be clear. We respect their work, and we ask that they respect the Virgin Islands' law enforcement in return.

BROKEN GOVERNMENT

(Mr. REICHERT asked and was given permission to address the House for 1 minute.)

Mr. REICHERT. Mr. Speaker, I was home again this weekend and, guess what, the American people are still sick and tired of this broken government and business as usual, and so am I.

They said that new government leaders promised them change, and that's what they got. And that's what they still get when they stick their hand in their pocket, a handful of change.

The new government said we will pay for everything we do. They call it "pay as you go." The people I talk to say what we got instead was tax to the max, borrow like there's no tomorrow, and spend to the end. Spend to the end of American ingenuity, spend to the end of American innovation, spend to the end of our children's future, the end of a great American experiment, the end of our freedom.

Instead of building our country on the word "change," let's get America back on track, build it on words like responsibility, accountability, God, family, country. Mr. Speaker, how about faith, a little faith in the American people?

SOCIAL SECURITY

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, for 75 years Social Security has been a promise, an investment in the future of our Nation's workforce. An estimated 159 million Americans are eligible for Social Security benefits, and they have earned them.

It is their money, but many worry that these benefits won't be around when they need them. These workers can rest assured that my Democratic colleagues and I intend to preserve and strengthen Social Security for generations to come.

Social Security is a major income source for retired Americans, and

workers should receive back what they have paid into Social Security over the years. Our children and grandchildren also deserve to have Social Security available to them upon their retirement.

We can and we will protect the core values of the Social Security system.

DO SOMETHING BESIDES BLAME PEOPLE WHO ARE NOT IN OFFICE

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, well, I keep hearing our friends across the aisle end up talking about George W. Bush. They keep forgetting that got them the majority in November of 2006. My friends across the aisle have been in charge ever since 2006.

It's time to do something besides blame people who are not in office. Take responsibility, that's a good thing.

And then we just hear this weekend, our administration, our friends, want to give \$500 million more to Pakistan because we are not worried enough about folks here. We already gave them maybe a billion bucks. I have the new results from last year. They voted against us in the U.N. 87.5 percent of the time.

You don't have to pay people to hate you; they'll do it for free. Let's get the money where it will do us some good instead of helping our enemies cause us problems.

SOCIAL SECURITY

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to speak in support of the most successful program the United States Government has ever created, Social Security.

Since its inception in 1935, Social Security has become the great promise that each generation will take care of those who came before it. In our district in Texas, nearly 65,000 recipients receive over \$61 million monthly from the Social Security administration. It's a blue-collar district, home to thousands of hardworking families who have overcome wars and natural disasters in becoming the backbone of the American economy.

The national average benefit for the retiree is \$14,000 a year, a majority of income for 6 out of 10 seniors. This modest amount guarantees that tens of millions of parents, grandparents, friends and neighbors can retire with dignity.

I believe it's important to consider what would have happened if Congress had followed along the lines of then-President George W. Bush in 2005 to

partially privatize Social Security and make Social Security subject to the stock market.

Or consider what could happen if Congress follows along the plans of some of my colleagues across the aisle in cutting Social Security to reduce the national debt. I believe that cutting Social Security is irresponsible and wrong as we approach the 75th anniversary of Social Security.

SOCIAL SECURITY

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I guess the polls show that the Democrats are in trouble, because every time that happens, Social Security is pulled out of their back pocket. Republicans are going to destroy Social Security. This party is the only party to save Social Security.

Democrats must be behind in the polls because they are pulling out George W. Bush. I have looked all over this campus. I can't find him. I went down to 1600 Pennsylvania Avenue. He left. Maybe you folks didn't notice.

President Obama is there. And what a real shame it is that current Democrats are running away from the Democratic Party of John F. Kennedy. He told us, forget about class warfare; a rising tide lifts all boats.

Maybe you ought to listen to some of those on your side who didn't talk about fear but talked about hope.

75TH ANNIVERSARY OF SOCIAL SECURITY

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, next month marks the 75th anniversary of Social Security, which has been there for generations of Americans and will be for generations to come.

Social Security is a bedrock promise to all Americans. You have paid into the system, the money is yours, and it is our responsibility to do everything we can to guarantee that it will be there for you when you retire.

That's why we are so fortunate that our friends on the other side of the aisle were unsuccessful in their attempt to privatize Social Security at exactly the time the American financial markets were nearing collapse. 401(k)s and IRAs lost one-third of their value during the stock market plunge of 2008 and 2009. Imagine what would have happened to those retirees' income if their Social Security earnings had also been gambled away in the stock market.

Mr. Speaker, rather than risk a lifetime of savings, Social Security will continue to be the stable, reliable,

safety net that it was created to be 75 years ago.

□ 1400

GETTING THE ECONOMY MOVING AGAIN

(Mr. GUTHRIE asked and was given permission to address the House for 1 minute.)

Mr. GUTHRIE. Mr. Speaker, just Friday I was in my district in Barren County, Kentucky—voted the number one rural county in America to live in—and I was at the Chamber of Commerce. I sat and talked at a roundtable with business leaders, people who own franchises and other types of small businesses, and their concerns about getting the economy moving again didn't have to do with George W. Bush or even when the majority took over in 2006. Their concern was this Congress, the debt from the stimulus bill that didn't keep unemployment from going above 8 percent. They were concerned about the energy cost that is going to greatly affect the great Commonwealth of Kentucky, the cap-and-trade. And also, they were talking about how they're going to implement the health care bill that was passed by this majority. Those were their concerns.

I left with them saying, if we got back to our belief in limited government and unlimited faith in the American people, that we will get this economy moving again and bring back the jobs they need.

SOCIAL SECURITY MUST BE PRESERVED

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute.)

Ms. PINGREE of Maine. Mr. Speaker, 75 years ago Frances Perkins, a wonderful woman who came from a long line of Maine farmers and craftsmen, addressed the Nation as the Secretary of Labor. In addition to being the first woman Cabinet member in our Nation's history, she was also the person President Roosevelt put in charge of creating the Social Security system. In her address, she talked about creating a system to "provide safeguards against the misfortunes which cannot be wholly eliminated in this man-made world of ours."

Nearly 300,000 people in my State now receiving benefits are living proof that for 75 years Social Security has done just what Frances Perkins hoped for—assuring a decent standard of living in good times and in bad for seniors and for countless others.

From disability insurance and survivors' benefits to providing a cushion during retirement, Social Security has allowed Americans to retain their independence and their dignity. It must be preserved.

GOVERNMENT-RUN STIMULUS HAS FAILED

(Mr. MARCHANT asked and was given permission to address the House for 1 minute.)

Mr. MARCHANT. Mr. Speaker, we must end this culture of uncertainty. It is delaying our economic recovery. Businesses are unwilling to hire new workers because they do not know what new taxes and regulations Washington will enact on them. ObamaCare's chilling effect on hiring and new jobs was just the beginning. The cap-and-trade bill will further hurt our economic recovery if it is enacted.

As a result of policies adopted by this administration, businesses are sitting on huge stockpiles of cash to brace themselves for further interference from the government. Economist Larry Kudlow noted that corporations are sitting on \$2 trillion worth of cash. If allowed to be injected into our economy, this could unleash a tremendous private sector stimulus of our economy.

The government-run stimulus has failed. We now need to get government out of the way of the private sector to let it save our economy.

SOCIAL SECURITY

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today to call on Congress to defend Social Security.

For many years, I've had the privilege of working to bring commonsense policies that benefit middle class families in North Carolina and across America. I was proud to help lead the fight against President Bush's misguided effort to privatize Social Security and to cut benefits. We won that fight, but now some Washington politicians are threatening Social Security again with risky Wall Street schemes.

During this current economic crisis, more than 50 million Americans depend on Social Security to make ends meet. Without Social Security, one out of every two American seniors would fall into poverty. Dismantling Social Security would eliminate the safety net for millions of disabled Americans and survivors and many of their children.

No politician in Washington, D.C., has the right to threaten the American institution of Social Security. As we approach the 75th anniversary of the Social Security Act, I call on this Congress to defeat the proposals to cut Social Security benefits.

WHERE ARE THE JOBS?

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. Mr. Speaker, over the last several weeks, I've done numerous America Speaking Out town halls all across the 10th Congressional District in Georgia. And what I hear from my constituents, from the most liberal communities all the way to the most conservative ones, is people in my district are asking, "Where are the jobs?" They understand that our economy is suffering and they understand that the stimulus bill has been an abject failure. They want to say, "Where are the jobs?" and that's what they're saying through americaspeakingout.com.

We need to get the ball rolling and leave dollars in the hands of small business, as well as the consumers, so that we can create jobs in the private sector. But that's not what our colleagues on the other side are doing. They're creating bigger government and creating more jobs in Washington, D.C., not in Georgia or any other State around this country. Only a few jobs are being created other than here.

I encourage people to go on americaspeakingout.com and speak about what we should be doing right here in Congress today, what we should be focusing on. What I'm hearing the American people saying is, "Where are the jobs?" We're trying to answer that question.

DEMOCRATS STAND BEHIND SOCIAL SECURITY

(Mr. LARSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARSON of Connecticut. Madam Speaker, I rise today to talk about Social Security. I rise because our colleagues on the other side of the aisle in this past weekend alone have said they want to return—they want to return to the Bush years. They want to return to privatizing Social Security. They want to do so so that they can help balance the deficit by cutting Social Security.

Can you imagine, had the Bush tax cuts gone through, had the Bush proposal for Social Security gone through, what would happen to so many of our citizens during this great recession? People who rely solely on Social Security would not have anywhere to turn to.

The concept and the idea we often criticize our colleagues saying they have no plan, but in fact they do. They want to privatize Social Security. Yes, they want to privatize Social Security. They want to voucher Medicare. They want to block grant Medicaid, and then they want to turn around and take your health benefits and treat them as ordinary income and tax them.

Ladies and gentlemen, members of the Democratic Caucus stand firmly behind Social Security and its benefits to all the American people.

THE HEROES OF CUBA

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute.)

Mr. LINCOLN DIAZ-BALART of Florida. The world, and especially the press and the media in the United States, continue to treat the political prisoners in the gulags of the Cuban dictatorship as nonpersons.

The most well-known and respected political prisoner in Cuba is Dr. Oscar Elias Biscet. He has been in the gulags of the Castros for a decade due to his peaceful, pro-democracy work inside that enslaved island. Dr. Biscet is the Mandela of Cuba. Today is his 49th birthday. I wish him Godspeed and freedom, and freedom for Cuba.

To the press I ask, how long do the heroes of Cuba have to suffer before you acknowledge their existence?

THANK GOD BUSH IS GONE

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Madam Speaker, it's been interesting listening to the discussions this morning and this afternoon. Social Security is 75 years old. It came about because of Franklin Roosevelt, a great Democratic President, and a Democratic Congress, evolving out of a Depression caused by Republican Herbert Hoover. And now 75 years later, we look at the situation where another Republican President, a Hoover George Bush, caused us the next worst financial crisis.

Republicans talk about privatizing Social Security. Social Security is money that needs to be there to preserve people's standards of living when Republicans who let the economy get out of hand because they don't have any regulations let it happen. This is the most foolish thought I've ever seen, if we didn't learn from September of 2008 that the market is a gamble and comes up and down. It's not social security; it's social insecurity.

People have gotten up here and said, You haven't noticed that Bush is gone? That's all they can say is Bush is gone. Nobody can defend him, rated the second worst President in the history of the United States. A man who earned record deficits by giving tax breaks to millionaires and billionaires and fighting a war based on lies to raise great deficits, and now all they can say is he's gone. Thank God he's gone.

SOCIAL SECURITY

(Ms. CORRINE BROWN of Florida asked and was given permission to address the House for 1 minute.)

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise in memory of a great Floridian, Claude Pepper, who

served this body and the other body for over 32 years. He was one of the greatest advocates for senior citizens in the history of this body, and I rise today in his memory to talk about the importance of Social Security to maintain the safety net for all Americans as we celebrate 75 years of Social Security being that safety net for seniors.

And I have some breaking news for everyone. Social Security is not the cause of the deficit. Let me repeat, Social Security is not the cause of the deficit. And the Republican plan to privatize Social Security is going to be dead on arrival.

□ 1410

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Ms. JACKSON LEE of Texas). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

NATIONAL COMMISSION ON CHILDREN
AND DISASTERS REAUTHORIZATION ACT OF 2010

Ms. NORTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5266) to extend the final report deadline and otherwise reauthorize the National Commission on Children and Disasters.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5266

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Commission on Children and Disasters Reauthorization Act of 2010".

SEC. 2. NATIONAL COMMISSION ON CHILDREN
AND DISASTERS REAUTHORIZATION.

(a) DEADLINE FOR FILLING VACANCIES.—Paragraph (2) of section 605(g) of the Kids in Disasters Well-being, Safety, and Health Act of 2007 (title VI of division G of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1844, 2213)) is amended by inserting "not later than 90 days after the date of vacancy" after "shall be filled".

(b) FREQUENCY OF INTERIM REPORTS.—Subsection (a) of section 611 of the Kids in Disasters Well-being, Safety, and Health Act of 2007 is amended—

(1) in the subsection heading, by striking "INTERIM REPORT" and inserting "INTERIM REPORTS"; and

(2) by inserting "and annually thereafter" after "first meeting".

(c) DEADLINE FOR FINAL REPORT.—Subsection (c) of section 611 of the Kids in Disasters Well-being, Safety, and Health Act of 2007 is amended by striking "not later than 2 years after the date of its first meeting" and inserting "not later than December 31, 2012".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 612 of such Act is amended to read as follows:

"SEC. 612. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this title \$1,500,000 for each of fiscal years 2008 through 2012, and \$1,000,000 for fiscal year 2013.

"(b) AVAILABILITY.—Amounts made available pursuant to subsection (a) shall remain available until expended."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 5266.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia? There was no objection.

Ms. NORTON. I yield myself such time as I may consume.

Madam Speaker, I rise to support H.R. 5266 and ask for the support of the House. It is a bill to reauthorize the National Commission on Children and Disasters, sponsored by my colleague from Florida, Representative CORRINE BROWN.

The National Commission on Children and Disasters was created as a result of the indelible lessons of Hurricane Katrina and as a result of the effects that disaster had on children. The commission was authorized by the Committee on Transportation and Infrastructure in the Kids in Disasters Well Being Act of 2007, which was also sponsored by Chairwoman BROWN.

The commission's work has been well received, and many of its recommendations have been implemented, especially those related to the Federal Emergency Management Agency. I was pleased to chair a hearing of the Subcommittee on Economic Development, Public Buildings and Emergency Management that received testimony from Mark Shriver, the chair of the commission, on its interim report when it was issued last October.

The commission just issued a progress report on May 11, and I recently had a talk with Chairman Shriver about that report. While FEMA has made good progress on many of the recommendations, other agencies have not; and, therefore, the commission's work remains incomplete. The subcommittee will continue to work with the commission on the implementation of its recommendations.

H.R. 5266, the National Commission on Children and Disasters Act of 2010, reauthorizes the commission by extending the deadline for its final report until December 31, 2012, and requires

annual interim reports from the commission. The commission will sunset 180 days after the date of its final report.

H.R. 5266 authorizes appropriations of \$1.5 million in fiscal years 2011 and 2012 and \$1 million in fiscal year 2013, the final year of the commission. The bill also rectifies a problem the commission experienced at the outset when it took nearly 5 months for all of the members of the commission to be appointed. The bill requires vacancies to be filled in 90 days, which should help minimize any delays in the commission's work in the event of a vacancy.

Madam Speaker, I urge my colleagues to join me in supporting H.R. 5266, and I reserve the balance of my time.

Mr. CAO. I yield myself such time as I may consume.

Madam Speaker, I stand to support H.R. 5266.

In 2007, Congress created the National Commission on Children and Disasters to examine the needs of children in preparing for, responding to, and recovering from disasters. One lesson we learned from Hurricane Katrina is that we must ensure that our preparation for and response to disasters incorporate the unique needs of children. During Hurricane Katrina, many children were separated from their families, and schools and child care facilities were destroyed.

I had a personal experience of that as it took me about 2 weeks after Hurricane Katrina to find a child care facility for my daughters. At that time, one was 3 years old, and the other was around 9 months. It became clear that focused attention to children would be critical to helping families through a major disaster and through the recovery process.

The National Commission on Children and Disasters was created to ensure there is focused attention on the needs of children in disasters. The commission submitted an interim report last year, and under current law, a final report is due in October 2010. However, additional time is needed to allow for the proper review of the issues and to ensure full implementation of the commission's interim recommendations.

This legislation will provide the commission with the additional time to complete this important work. H.R. 5266 will ensure that the needs of children are properly incorporated in our preparation for and response to disasters.

I support the passage of this legislation, and urge my colleagues to do the same.

I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield such time as she may consume to the sponsor of the bill, the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today to urge my colleagues to support H.R. 5266, the National Commission on Children and Disasters Reauthorization Act.

I would like to thank Chairman OBERSTAR and subcommittee Chairwoman NORTON for their hard work and assistance in bringing this bill forward.

I would also like to thank Mark Shriver, the commission chair, for his work and dedication to children.

You all have provided crucial support in the creation of the National Commission on Children and Disasters and continue to do so in advancing this important bill to allow the commission to continue its important work.

The passage of H.R. 5266, the National Commission on Children and Disasters Reauthorization Act of 2010, is of extreme importance to our Nation's efforts in protecting our Nation's children before, during, and following a disaster.

In the aftermath of Hurricanes Katrina and Rita, I authored the KIDS WiSH Act to improve Federal, State, tribal, and local disaster preparedness, response and recovery efforts for children who make up nearly 25 percent of our population but whose needs are often overlooked in disasters. Children are not little adults, and their needs are unique and cannot be easily inferred from disaster plans prepared only for adults.

The commission delivered its interim report in October 2009, which identified numerous gaps and made recommendations related to disaster management and recovery, child physical and mental health, education, child care, child welfare, juvenile justice, emergency sheltering, housing, evacuation, and family reunification.

As President Obama's administration has taken shape, the commission has played a vital role in fostering communication and coordination among Federal agencies and their partners in implementing the recommendations. While there are encouraging signs that the unique needs of children are receiving greater attention, there is still a great deal of important work ahead for the commission beyond the current fiscal year.

Just recently, in fact, in its interim report issued 8 months ago, the commission released a report which tracks the progress toward the implementation of the recommendations. Although the commission found that Federal agencies have taken some initial positive steps, many crucial recommendations remain substantially undressed, leaving children needlessly vulnerable in disasters. Therefore, I wholeheartedly believe that more work is needed to be done to bring about sweeping and permanent changes in the Nation's disaster planning and management, which still heavily favor able-bodied adults.

I encourage all of my colleagues to support our Nation's children and to vote "yes" on this bill.

Mr. CAO. I have no further requests for time, and I yield back the balance of my time.

Ms. NORTON. Madam Speaker, I want to join the chairwoman, Ms. CORRINE BROWN, not only in asking the House to pass this bill, but to commend her.

□ 1420

The chairwoman discovered this issue and acted on it. She discovered it in Florida, when there were refugees, as it were, from Katrina. She was moved by it. She decided to do, in fact, work on the ground in Florida for these children and others who were caught in Katrina, and she followed up with legislation, and never let up until this very day. And I know she won't let up until the other body sees fit also to pass the bill.

So I want to commend her for her discovery of a vital issue that my own committee, which has jurisdiction over FEMA, had not noted with nearly as much attention as the gentlelady from Florida.

I want also to note the work of Mark Schreiber, whose work on the commission went far beyond his chairmanship. He took this cause unto his own, pressed it with all that he had, and deserves great credit for making sure that we got to the day when we would pass the bill.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H.R. 5266, the "National Commission on Children and Disasters Reauthorization Act of 2010", which extends the authorization for the Commission on Children and Disasters for an additional two years. I thank the gentlewoman from Florida (Ms. BROWN) for introducing this bill and the attention she has brought to the issue of the needs of children in disasters.

In 2007, Congress enacted the Kids in Disasters Well-being, Safety, and Health Act of 2007 as part of the Consolidated Appropriations Act (P.L. 110-161). This legislation established a 10-member Commission to examine the needs of children in response to and recovery from disasters and emergencies. The bill required the Commission to submit a final report to Congress with its findings two years after the date of the first meeting of the Commission, and sunset the authorization for the Commission 180 days after the submission of the final report.

Under current law, the report of the Commission is due in October 2010. H.R. 5266 extends the date for the final report to December 31, 2012, and requires annual interim reports from the Commission in the intervening years.

The Commission was created as a result of lessons learned from Hurricane Katrina, a disaster that affected thousands of children. As the Commission's May 2010 Progress Report reminds us, more recent disasters—such as last year's tsunami in American Samoa, this year's devastating earthquake in Haiti, and the recent H1N1 outbreak—disproportionately affected children compared to adults. However,

serious impacts on children can occur in a disaster of any magnitude. Last month, tornadoes spread across my home state of Minnesota. The hardest hit area was Wadena, in my district, where preliminary damage assessments indicated that the community bore 90 percent of the damage to infrastructure and emergency response costs.

Shortly after the storm, I was in Wadena and saw the damage first-hand. One of the worst hit facilities was the Wadena Deer Creek High School, which was damaged beyond repair. Following a disaster, it is essential to reopen schools as quickly as possible in order to restore a sense of normalcy and stability for children and families. Children need to resume their education and reconnect with their friends, and with schools open, parents can get back to work. We are fortunate in Wadena that while the high school is being restored, the district will be able to use a recently closed parochial school and a local community and technical college campus.

We are also fortunate, as the Commission's May 2010 Progress Report points out, that Federal Emergency Management Agency (FEMA) has made good progress in implementing the recommendations of the Commission, including the appointment of a Children's Working Group that reports directly to the Administrator. Unfortunately, other Federal agencies have been slow to implement the Commission's recommendations and, as a result, the work of the Commission remains incomplete.

In October 2009, the Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing on the then-newly issued interim report of the Commission. Based on the testimony at this hearing and the Commission's findings, I included language in H.R. 3377, the "Disaster Response, Recovery and Mitigation Act of 2009", to require the Administrator of FEMA to take into account the recommendations of the Commission when drafting or updating agency plans, strategies, regulations, and policies. It is important for the Commission to be extended so it can advise Congress and the President on how FEMA is meeting this requirement.

I urge my colleagues to join me in supporting H.R. 5266.

Madam Speaker, I submit the attached exchange of letters on H.R. 5266, the "National Commission on Children and Disasters Reauthorization Act of 2010" between the Committee on Transportation and Infrastructure and the Committee on Homeland Security.

COMMITTEE ON HOMELAND SECURITY,
Washington, DC, July 20, 2010.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and
Infrastructure, House of Representatives,
Washington, DC.

DEAR CHAIRMAN OBERSTAR: I write to you regarding H.R. 5266, the "National Commission on Children and Disasters Reauthorization Act of 2010."

H.R. 5266 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security

waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of an appropriate number of Members of the Committee on Homeland Security to be named as conferees during any House-Senate conference convened on H.R. 5266 or similar legislation. I also ask that a copy of this letter and your response be included in the Congressional Record during floor consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, July 20, 2010.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
Washington, DC.

DEAR CHAIRMAN THOMPSON: I write to you regarding H.R. 5266, the "National Commission on Children and Disasters Reauthorization Act of 2010".

I agree that provisions in H.R. 5266 are of jurisdictional interest to the Committee on Homeland Security. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Homeland Security has jurisdiction in H.R. 5266.

This exchange of letters will be inserted in the Congressional Record as part of the consideration of H.R. 5266 in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Chairman.

Ms. RICHARDSON. Madam Speaker, I rise today in support of H.R. 5266, to extend the final report deadline and otherwise reauthorize the national commission on children and disasters. H.R. 5266, is an important piece of legislation that assists a commission whose job is to report to Congress and the President on the necessary precautions and actions needed before major disasters or emergencies.

I would like to thank Speaker PELOSI, Majority Leader HOYER, and Chairman OBERSTAR for their leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, Congresswoman BROWN, for her important work on the reauthorization of the national commission on children and disasters through 2013.

Madam Speaker, in an average 3-year period, roughly 5 hurricanes strike the coastlines of the United States. The 2009 Atlantic hurricane season included 9 named storms, including 3 hurricanes, 2 of which were category 3 or higher. In 2009 there were 1843 earthquakes in the United States between the magnitudes of 3.0 and 6.0. From 2007 to the present, 269 fatalities have resulted from tornadoes. As Chair of the Subcommittee on Emergency Communications, Preparedness, and Response, my Subcommittee recently held a hearing on the difficulties of reaching those with special needs, such as children, during emergencies such as a hurricane or

tornado. Children comprise about 25 percent of our population and have unique needs during a disaster that require specific recognition and coordination on the part of federal, state, Tribal and local governments and their non-governmental disaster-relief partners. The rise in major disaster declarations over the past two decades, and more recent disasters have highlighted the need to improve the gaps in preparedness, response and recovery policies that should specifically address the needs of children.

Madam Speaker, I am pleased that H.R. 5266 would reauthorize the National Commission on Children and Disasters through 2013. The National Commission on Children and Disasters examines and reports to the Congress and the President on the needs of children during the preparation for, response to, and recovery from major disasters and emergencies. Under current law, the commission would terminate in 2011.

I conclude, Madam Speaker, I support this legislation to keep our children safe. I am pleased that Congress is taking action to promote increased safety measures in emergency situations as well as providing the funds in support.

Madam Speaker, I urge my colleagues to join me in supporting H.R. 5266.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to support H.R. 5266, the National Commission on Children and Disasters Reauthorization Act of 2010. I commend my colleague on the Transportation Committee, Representative BROWN, for her work on this legislation and I urge my colleagues to support this bill.

Madam Speaker, the National Commission on Children and Disasters is conducting a comprehensive study that examines and assesses children's needs as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies. The Commission will review relevant laws, regulations, and policies and report its findings and recommendations to the President and Congress.

This legislation, which reauthorizes this important commission, will also extend the deadline for submission of the final report to December 31, 2012. Due to delays in the appointment of Commission members and receipt of funding, the Commission was unable to hold its first meeting until 10 months after it was created. As a result, the work of the Commission remains incomplete and, without reauthorization, the Commission will be required to issue its final report on October 14, 2010, and will sunset 180 days thereafter.

According to the committee report for this bill, children comprise nearly 25 percent of the U.S. population; however, disaster plans are written largely for able-bodied adults, meaning that before, during, and after disasters, the unique needs of children are overlooked, unmet, and misunderstood. This legislation is necessary to ensure that the commission can complete its important work which will have lasting effects on the safety of children before, during, and after a disaster.

I urge my colleagues to support this bill.

Ms. NORTON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 5546.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DEAUTHORIZING PORTION OF POTOMAC RIVER WATER PROJECT

Ms. NORTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5545) to deauthorize a portion of the project for navigation, Potomac River, Washington Channel, District of Columbia, under the jurisdiction of the Corps of Engineers.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROJECT FOR NAVIGATION, WASHINGTON CHANNEL, DISTRICT OF COLUMBIA.

Upon the date of enactment of this Act, the following portion of the project for navigation, Potomac River, Washington Channel, District of Columbia, authorized by the Act of August 30, 1935 (chapter 831; 49 Stat. 1028) is deauthorized: Beginning at Washington Harbor Channel Geometry Centerline of the 400-foot-wide main navigational ship channel, Centerline Station No. 103+73.12, coordinates North 441948.20, East 1303969.30, as stated and depicted on the Condition Survey Anacostia, Virginia, Washington and Magazine Bar Shoal Channels, Washington, D.C., Sheet 6 of 6, prepared by the United States Army Corps of Engineers, Baltimore district, July 2007; thence departing the aforementioned centerline traveling the following courses and distances: N. 40 degrees 10 minutes 45 seconds E., 200.00 feet to a point, on the outline of said 400-foot-wide channel thence binding on said outline the following three courses and distances: S. 49 degrees 49 minutes 15 seconds E., 1,507.86 feet to a point, thence; S. 29 degrees 44 minutes 42 seconds E., 2,083.17 feet to a point, thence; S. 11 degrees 27 minutes 04 seconds E., 363.00 feet to a point, thence; S. 78 degrees 32 minutes 56 seconds W., 200.00 feet to a point binding on the centerline of the 400-foot-wide main navigational channel at computed Centerline Station No. 65+54.31, coordinates North 438923.9874, East 1306159.9738, thence; continuing with the aforementioned centerline the following courses and distances: N. 11 degrees 27 minutes 04 seconds W., 330.80 feet to a point, Centerline Station No. 68+85.10, thence; N. 29 degrees 44 minutes 42 seconds W., 2,015.56 feet to a point, Centerline Station No. 89+00.67, thence; N. 49 degrees 49 minutes 15 seconds W., 1,472.26 feet to the point of beginning, such area in total containing a computed area of 777,284 square feet or 17.84399 acres of riparian water way.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from New Jersey (Mr. LoBIONDO) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5545.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume, and I rise to support H.R. 5545.

This noncontroversial bill will allow development of the Southwest Waterfront in the District of Columbia. This bill will benefit not only residents here, but also regional residents and U.S. and international visitors by permitting the District to extend docks and increase maritime activity just a short eyeshot from the U.S. Capitol building.

In order for the District to make these improvements, the Federal Government must redesignate part of the water designated by the Federal Government as the Washington Channel so that more and larger docks can be built by the District to accommodate increased boating and waterside activity.

The original width of the Washington Channel was established in the early 1800s to accommodate industrial and maritime commerce at the Southwest Waterfront prior to the construction of East Potomac Park.

Today, however, the Southwest Waterfront is no longer a major port, and does not accommodate large vessels. In fact, the U.S. Coast Guard, the U.S. Navy, and the U.S. Army Corps of Engineers have agreed that this redesignation will not affect navigation interests or adversely affect navigation safety.

I ask Members to support this noncontroversial change that will reinvigorate the Southwest Waterfront for the city, region, and visitors alike to enjoy.

Madam Speaker, I reserve the balance of my time.

Mr. LoBIONDO. Madam Speaker, I yield myself such time as I may consume.

Today we're considering the deauthorization of a portion of a navigation channel in Washington, DC. The Washington Channel was authorized in 1935. Ms. NORTON's bill would deauthorize a small portion of the project that is no longer necessary to ensure safe commercial navigation along the northern end of the Washington Channel. Neither the Army Corps of Engineers nor the U.S. Coast Guard has objections to this change in the Federal navigation channel.

The bill is noncontroversial. There are no costs associated with deauthorizing this portion of the Washington Channel. I fully support passage, and recommend my colleagues vote for and approve H.R. 5545.

I yield back the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself the balance of my time.

Almost 10 years ago this House approved a bill to revitalize the Southeast Waterfront. The Southeast Federal Center is now being reinvigorated just down the street from the Southwest Waterfront. It is now called The Yards.

I very much appreciate that this House understood that it was far better for the Southeast Waterfront, owned by the Federal Government, to be revitalized than to lie fallow. And already, it is blossoming and blooming.

But the Southwest Waterfront has been awaiting concurrent action, not by this House, and not at the expense of the Federal Government, but by the District of Columbia.

This action, the action of the House today, should this bill be passed, will allow the District of Columbia to move forward on a multi-use development of the Southwest Waterfront, to which tourists and international visitors are always welcome, and will be even more welcome because it will be fit. It will be a fit place to come and see.

Mr. OBERSTAR. Madam Speaker, I rise in support of H.R. 5545, a bill to deauthorize a portion of the project for navigation, Potomac River, Washington Channel, District of Columbia, under the jurisdiction of the Corps of Engineers.

This bill deauthorizes one-half of the Federal navigation project width of the Washington Channel, District of Columbia. The channel deauthorization runs from the northern limit of the Federal navigation project to just south of the Maine Police pier which includes the Spirit Ship Dock.

The Committee on Transportation and Infrastructure consulted with the U.S. Army Corps of Engineers, the U.S. Coast Guard, and the U.S. Navy regarding this proposed deauthorization and we have not been made aware of any opposition to the proposed deauthorization of this segment of the Washington Channel, District of Columbia. This noncontroversial bill was reported favorably out of our Committee by voice vote, without amendment.

I urge my colleagues to join me in supporting H.R. 5545.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise in support of H.R. 5545. H.R. 5545 would deauthorize one-half of the federal navigation project width of the Potomac River, Washington Channel, District of Columbia.

This change to the width of the navigation channel will enable Washington, DC to better develop and utilize the waterfront near this channel.

To ensure that this action will not affect public safety, Committee staff checked with the Coast Guard, Navy, and Corps of Engineers. None of these agencies oppose the deauthorization of the segment of channel.

I am unaware of any controversy concerning this legislation, and I ask my colleagues to join me in supporting H.R. 5545.

Ms. NORTON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 5545.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DELAYING EPA FISHING BOAT DISCHARGE RULES

Mr. OBERSTAR. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5301) to extend the period during which the Administrator of the Environmental Protection Agency and States are prohibited from requiring a permit under section 402 of the Federal Water Pollution Control Act for certain discharges that are incidental to normal operation of vessels, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

SEC. 101. DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

Public Law 110-299 (122 Stat. 2995, 33 U.S.C. 1342 note) is amended in section 2(a) by striking “during the 2-year period beginning on the date of enactment of this Act” and inserting “during the period beginning on the date of enactment of this Act and ending December 18, 2013”.

TITLE II—CLEAN ESTUARIES

SEC. 201. SHORT TITLE.

This title may be cited as the “Clean Estuaries Act of 2010”.

SEC. 202. NATIONAL ESTUARY PROGRAM AMENDMENTS.

(a) PURPOSES OF CONFERENCE.—

(1) DEVELOPMENT OF COMPREHENSIVE CONSERVATION AND MANAGEMENT PLANS.—Section 320(b)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1330(b)(4)) is amended to read as follows:

“(4) develop and submit to the Administrator a comprehensive conservation and management plan that—

“(A) identifies the estuary and its associated upstream waters to be addressed by the plan, with consideration given to hydrological boundaries;

“(B) recommends priority corrective actions and compliance schedules addressing point and nonpoint sources of pollution to restore and maintain the chemical, physical, and biological integrity of the estuary, including restoration and maintenance of water quality, a resilient and diverse indigenous population of shellfish, fish, and wildlife, and recreational activities in the estuary, and assure that the designated uses of the estuary are protected;

“(C) considers current and future sustainable commercial activities in the estuary;

“(D) addresses the impacts of climate change on the estuary, including—

“(i) the identification and assessment of vulnerabilities in the estuary;

“(ii) the development and implementation of adaptation strategies; and

“(iii) the impacts of changes in sea level on estuarine water quality, estuarine habitat, and infrastructure located in the estuary;

“(E) increases public education and awareness with respect to—

“(i) the ecological health of the estuary;

“(ii) the water quality conditions of the estuary; and

“(iii) ocean, estuarine, land, and atmospheric connections and interactions;

“(F) identifies and assesses impairments, including upstream impairments, coming from outside of the area addressed by the plan, and the sources of those impairments;

“(G) includes performance measures and goals to track implementation of the plan; and

“(H) includes a coordinated monitoring strategy for Federal, State, and local governments and other entities.”.

(2) MONITORING AND MAKING RESULTS AVAILABLE.—Section 320(b)(6) of such Act (33 U.S.C. 1330(b)(6)) is amended to read as follows:

“(6) monitor (and make results available to the public regarding)—

“(A) water quality conditions in the estuary and its associated upstream waters, as identified under paragraph (4)(A);

“(B) habitat conditions that relate to the ecological health and water quality conditions of the estuary; and

“(C) the effectiveness of actions taken pursuant to the comprehensive conservation and management plan developed for the estuary under this subsection.”.

(3) INFORMATION AND EDUCATIONAL ACTIVITIES.—Section 320(b) of such Act (33 U.S.C. 1330(b)) is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following:

“(7) provide information and educational activities on the ecological health and water quality conditions of the estuary; and”.

(4) CONFORMING AMENDMENT.—The sentence following section 320(b)(8) of such Act (as so redesignated) is amended by striking “paragraph (7)” and inserting “paragraph (8)”.

(b) MEMBERS OF CONFERENCE; COLLABORATIVE PROCESSES.—

(1) MEMBERS OF CONFERENCE.—Section 320(c)(5) of such Act (33 U.S.C. 1330(c)(5)) is amended by inserting after “institutions,” the following: “not-for-profit organizations,”.

(2) COLLABORATIVE PROCESSES.—Section 320(d) of such Act (33 U.S.C. 1330(d)) is amended—

(A) by striking “(d)” and all that follows through “In developing” and inserting the following:

“(d) UTILIZATION OF EXISTING DATA AND COLLABORATIVE PROCESSES.—

“(1) UTILIZATION OF EXISTING DATA.—In developing”; and

(B) by adding at the end the following:

“(2) UTILIZATION OF COLLABORATIVE PROCESSES.—In updating a plan under subsection (f)(4) or developing a new plan under subsection (b), a management conference shall make use of collaborative processes to—

“(A) ensure equitable inclusion of affected interests;

“(B) engage with members of the management conference, including through—

“(i) the use of consensus-based decision rules; and

“(ii) assistance from impartial facilitators, as appropriate;

“(C) ensure relevant information, including scientific, technical, and cultural information, is accessible to members;

“(D) promote accountability and transparency by ensuring members are informed in a timely manner of—

“(i) the purposes and objectives of the management conference; and

“(ii) the results of an evaluation conducted under subsection (f)(3);

“(E) identify the roles and responsibilities of members—

“(i) in the management conference proceedings; and

“(ii) in the implementation of the plan; and

“(F) seek resolution of conflicts or disputes as necessary.”.

(c) ADMINISTRATION OF PLANS.—Section 320(f) of such Act (33 U.S.C. 1330(f)) is amended to read as follows:

“(f) ADMINISTRATION OF PLANS.—

“(1) APPROVAL.—Not later than 120 days after the date on which a management conference submits to the Administrator a comprehensive conservation and management plan under this section, and after providing for public review and comment, the Administrator shall approve the plan if the Administrator determines that the plan meets the requirements of this section and the affected Governor or Governors concur.

“(2) IMPLEMENTATION.—Upon approval of a comprehensive conservation and management plan under this section, the plan shall be implemented. Funds authorized to be appropriated under titles II and VI and section 319 may be used in accordance with the applicable requirements of this Act to assist States with the implementation of the plan.

“(3) EVALUATION.—

“(A) IN GENERAL.—Not later than 4 years after the date of enactment of this paragraph, and every 4 years thereafter, the Administrator shall complete an evaluation of the implementation of each comprehensive conservation and management plan developed under this section to determine the degree to which the goals of the plan have been met.

“(B) REVIEW AND COMMENT BY MANAGEMENT CONFERENCE.—In completing an evaluation under subparagraph (A), the Administrator shall submit the results of the evaluation to the appropriate management conference for review and comment.

“(C) REPORT.—

“(i) IN GENERAL.—In completing an evaluation under subparagraph (A), and after providing an opportunity for a management conference to submit comments under subparagraph (B), the Administrator shall issue a report on the results of the evaluation, including the findings and recommendations of the Administrator and any comments received from the management conference.

“(ii) AVAILABILITY TO PUBLIC.—The Administrator shall make a report issued under this subparagraph available to the public, including through publication in the Federal Register and on the Internet.

“(D) SPECIAL RULE FOR NEW PLANS.—Notwithstanding subparagraph (A), if a management conference submits a new comprehensive conservation and management plan to the Administrator after the date of enactment of this paragraph, the Administrator shall complete the evaluation of the implementation of the plan required by subparagraph (A) not later than 4 years after the date of such submission and every 4 years thereafter.

“(4) UPDATES.—

“(A) REQUIREMENT.—Not later than 18 months after the date on which the Administrator makes an evaluation of the implementation of a comprehensive conservation and management plan available to the public under paragraph (3)(C), a management conference convened under this section shall submit to the Administrator an update of the plan. The updated plan shall reflect, to the maximum extent practicable, the results of the program evaluation.

“(B) APPROVAL OF UPDATES.—Not later than 120 days after the date on which a management conference submits to the Administrator an updated comprehensive conservation and management plan under subparagraph (A), and after providing for public review and comment, the Administrator shall approve the updated plan if the Administrator determines that the updated plan meets the requirements of this section.

“(5) PROBATIONARY STATUS.—The Administrator may consider a management conference convened under this section to be in probationary status if the management conference has not received approval for an updated comprehensive conservation and management plan under paragraph (4)(B) on or before the last day of the 3-year period beginning on the date on which the Administrator makes an evaluation of the plan available to the public under paragraph (3)(C).”

(d) FEDERAL AGENCIES.—Section 320 of such Act (33 U.S.C. 1330) is amended—

(1) by redesignating subsections (g), (h), (i), (j), and (k) as subsections (h), (i), (j), (k), and (m), respectively; and

(2) by inserting after subsection (f) the following:

“(g) FEDERAL AGENCIES.—

“(1) ACTIVITIES CONDUCTED WITHIN ESTUARIES WITH APPROVED PLANS.—After approval of a comprehensive conservation and management plan by the Administrator, any Federal action or activity affecting the estuary shall be conducted, to the maximum extent practicable, in a manner consistent with the plan.

“(2) COORDINATION AND COOPERATION.—The Secretary of the Army (acting through the Chief of Engineers), the Administrator of the National Oceanic and Atmospheric Administration, the Director of the United States Fish and Wildlife Service, the Chief of the Natural Resources Conservation Service, and the heads of other appropriate Federal agencies, as determined by the Administrator, shall, to the maximum extent practicable, cooperate and coordinate activities, including monitoring activities, related to the implementation of a comprehensive conservation and management plan approved by the Administrator. The Environmental Protection Agency shall serve as the lead coordinating agency under this paragraph.

“(3) CONSIDERATION OF PLANS IN AGENCY BUDGET REQUESTS.—In making an annual budget request for a Federal agency referred to in paragraph (2), the head of such agency shall consider the responsibilities of the agency under this section, including under comprehensive conservation and management plans approved by the Administrator.

“(4) MONITORING.—The heads of the Federal agencies referred to in paragraph (2) shall collaborate on the development of tools and methodologies for monitoring the ecological health and water quality conditions of estuaries covered by a management conference convened under this section.”

(e) GRANTS.—

(1) RECIPIENTS.—Section 320(h)(1) of such Act (as redesignated by subsection (d) of this section) is amended by striking “other pub-

lic” and all that follows before the period at the end and inserting “and other public or nonprofit private agencies, institutions, and organizations”.

(2) EFFECTS OF PROBATIONARY STATUS.—Section 320(h) of such Act (as redesignated by subsection (d) of this section) is further amended by adding at the end the following:

“(4) EFFECTS OF PROBATIONARY STATUS.—

“(A) REDUCTIONS IN GRANT AMOUNTS.—The Administrator shall reduce, by an amount to be determined by the Administrator, grants for the implementation of a comprehensive conservation and management plan developed by a management conference convened under this section if the Administrator determines that the management conference is in probationary status under subsection (f)(5).

“(B) TERMINATION OF MANAGEMENT CONFERENCES.—The Administrator shall terminate a management conference convened under this section, and cease funding for the implementation of the comprehensive conservation and management plan developed by the management conference, if the Administrator determines that the management conference has been in probationary status for 2 consecutive years.”

(3) CONFORMING AMENDMENT.—Section 320(i) of such Act (as redesignated by subsection (d) of this section) is amended by striking “subsection (g)” and inserting “subsection (h)”.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 320(j) of such Act (as redesignated by subsection (d) of this section) is amended to read as follows:

“(j) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to the Administrator \$50,000,000 for each of fiscal years 2011 through 2016 for—

“(A) expenses related to the administration of management conferences under this section, except that such expenses shall not exceed 10 percent of the amount appropriated under this subsection;

“(B) making grants under subsection (h); and

“(C) monitoring the implementation of a conservation and management plan by the management conference, or by the Administrator in any case in which the conference has been terminated.

“(2) ALLOCATIONS.—Of the sums authorized to be appropriated under this subsection, the Administrator shall provide—

“(A) at least \$1,250,000 per fiscal year, subject to the availability of appropriations, for the development, implementation, and monitoring of each conservation and management plan eligible for grant assistance under subsection (h); and

“(B) up to \$5,000,000 per fiscal year to carry out subsection (k).”

(g) RESEARCH.—Section 320(k)(1)(A) of such Act (as redesignated by subsection (d) of this section) is amended—

(1) by striking “parameters” and inserting “parameters”; and

(2) by inserting “(including monitoring of both pathways and ecosystems to track the introduction and establishment of nonnative species)” before “, to provide the Administrator”.

(h) NATIONAL ESTUARY PROGRAM EVALUATION.—Section 320 of such Act (33 U.S.C. 1330) is amended by inserting after subsection (k) (as redesignated by subsection (d) of this section) the following:

“(1) NATIONAL ESTUARY PROGRAM EVALUATION.—

“(1) IN GENERAL.—Not later than 4 years after the date of enactment of this para-

graph, and every 4 years thereafter, the Administrator shall complete an evaluation of the national estuary program established under this section.

“(2) SPECIFIC ASSESSMENTS.—In conducting an evaluation under this subsection, the Administrator shall—

“(A) assess the effectiveness of the national estuary program in improving water quality, natural resources, and sustainable uses of the estuaries covered by management conferences convened under this section;

“(B) identify best practices for improving water quality, natural resources, and sustainable uses of the estuaries covered by management conferences convened under this section, including those practices funded through the use of technical assistance from the Environmental Protection Agency and other Federal agencies, and assess the reasons why such practices result in the achievement of program goals; and

“(C) identify any redundant requirements for reporting by recipients of a grant under this section, and develop and recommend a plan for limiting reporting redundancies.

“(3) REPORT.—In completing an evaluation under this subsection, the Administrator shall issue a report on the results of the evaluation, including the findings and recommendations of the Administrator.

“(4) AVAILABILITY.—The Administrator shall make a report issued under this subsection available to management conferences convened under this section and the public, including through publication in the Federal Register and on the Internet.”

(i) CONVENING OF CONFERENCE.—Section 320(a)(2) of such Act (33 U.S.C. 1330(a)(2)) is amended—

(1) by striking “(2) CONVENING OF CONFERENCE.—” and all that follows through “In any case” and inserting the following:

“(2) CONVENING OF CONFERENCE.—In any case”; and

(2) by striking subparagraph (B).

(j) GREAT LAKES ESTUARIES.—Section 320(m) of such Act (as redesignated by subsection (d) of this section) is amended by striking the subsection designation and all that follows through “and those portions of tributaries” and inserting the following:

“(m) DEFINITIONS.—In this section, the terms ‘estuary’ and ‘estuarine zone’ have the meanings such terms have in section 104(n)(4), except that—

“(1) the term ‘estuary’ also includes near coastal waters and other bodies of water within the Great Lakes that are similar in form and function to the waters described in the definition of ‘estuary’ contained in section 104(n)(4); and

“(2) the term ‘estuarine zone’ also includes—

“(A) waters within the Great Lakes described in paragraph (1) and transitional areas from such waters that are similar in form and function to the transitional areas described in the definition of ‘estuarine zone’ contained in section 104(n)(4);

“(B) associated aquatic ecosystems; and

“(C) those portions of tributaries”.

□ 1430

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from New Jersey (Mr. LOBIONDO) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Madam Speaker, both of these bills have passed the

House, have been duly fully considered by the Committee on Transportation and Infrastructure, reported to the House and passed substantially. We combined them in this measure to send them to the other body, where we expect prompt action to be taken to send the bills on to the President.

I rise in support of H.R. 5301. This bill extends a provision prohibiting the Environmental Protection Agency (EPA) and States from requiring permits under Section 402 of the Clean Water Act for certain discharges that are incidental to the normal operation of vessels less than 79 feet in length. H.R. 5301 also reauthorizes EPA's National Estuary Program.

I'd like to thank the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from New York (Mr. BISHOP) for their work on this legislation.

Title I of H.R. 5301 extends a narrowly-tailored provision enacted by Congress in 2008 to establish a moratorium permit requirements under the Clean Water Act for certain discharges from commercial fishing vessels and other commercial vessels. This title ensures that EPA has sufficient time to consider the implications of discharges incidental to the normal operation of a vessel, while preserving the goals of the Clean Water Act to restore and maintain the chemical, physical and biological integrity of the nation's waters.

When Congress established the moratorium two years ago, EPA was directed to conduct a study on discharges incidental to the normal operation of a vessel. This study was intended to provide EPA and Congress with additional information on the nature, types, volumes, and composition of vessel discharges, and the potential impact of these discharges on human health, welfare, and the environment.

EPA completed this study earlier this year and determined that discharges from these smaller vessels are not benign. Appropriately, EPA plans on bringing these vessels within the scope of the National Pollutant Discharge Elimination System, NPDES, program. Currently, however, EPA does not have the framework in place or the resources to expand NPDES coverage to these smaller vessels.

Without an extension, the permit prohibition expires on July 31, 2010. H.R. 5301 extends the current moratorium to December 18, 2013. This will allow EPA time to implement the appropriate Clean Water Act mechanisms for controlling, minimizing, and properly addressing these types of vessel discharges. It will also allow the agency to plan for the inclusion of these smaller vessels when the agency renews its Vessel General Permits program.

Title I of H.R. 5301 was previously included in H.R. 3619, the "Coast Guard Authorization Act of 2010", which passed the House on November 2, 2009.

Title II of H.R. 5301 reauthorizes the National Estuary Program. Title II consists of the text of H.R. 4715, the "Clean Estuaries Act of 2010", as passed by the House on April 15, 2010. Estuaries and associated coastal areas are major economic forces for the nation. Commercial and recreational fishing annually accounts for \$185 billion in revenues, and more than two million direct jobs. Estuaries are habitat for approximately 75 percent of the

U.S. commercial fish catch and 80 to 90 percent of the recreational fish catch. Beyond fishing, estuaries produce significant economic value through tourism, energy production, and navigation. Estuaries also provide recreational opportunities such as boating, fishing, swimming, surfing, and bird watching. The University of California and the Ocean Foundation have determined that, on an annual basis, "beach-going" generates up to \$30 billion of economic value, and that "coastal wildlife viewing" generates up to \$49 billion.

Title II includes four important modifications to the existing National Estuary Program.

First, Title II calls for increased transparency and accountability through regular evaluation and management plan updates with a public disclosure requirement.

Second, the title requires Federal agencies to be active partners in the restoration and protection of the estuaries where they are situated. This includes taking part in the development of the management plans, cooperating and coordinating their activities to implement the plans, and considering their financial responsibilities under any estuary management plan when submitting their annual budget requests.

Third, Title II requires programmatic changes to the National Estuary Program such as identifying vulnerabilities to climate change and developing responsive adaptation actions; engaging in educational activities to better inform the public about their local estuaries; requiring that estuary programs consider sustainable commercial activities in the watershed; and ensuring that commercial entities along estuary waterfronts will be active participants in estuary programs.

Fourth, this title increases the authorization for the program from \$35 million to \$50 million per year and establishes a minimum funding level for each of the 28 approved estuaries in the program of \$1.25 million per year. If the program were fully funded at \$50 million, 12 new estuaries could enter the National Estuary Program and each be funded at a level of \$1.25 million. EPA reports that entities representing 38 additional estuaries have expressed interest in joining the National Estuary Program.

H.R. 4715, the "Clean Estuaries Act of 2010," was considered by the House earlier this year and passed by a roll call vote of 278-128. I am pleased to say that we received solid support on both sides of the aisle.

I strongly urge my colleagues to join me in supporting H.R. 5301.

I reserve the balance of my time.

Mr. LOBIONDO. I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 5301.

Effective 11 days from now, commercial fishermen, charter boat operators, and owners of other commercial vessels less than 79 feet will have to apply for and receive individual permits from the EPA to discharge from their vessels such things as deck wash, bilge water, and condensation from air conditioning units. Vessels that operate without these permits could be subject to citizen lawsuits and fines that exceed \$32,000 a day.

My bill simply extends the current moratorium for a few more years to ensure that the EPA has time to analyze the results of the study they conducted and develop proper permitting regulations. As the chairman indicated in his statement, we have the Clean Estuaries Act which is combined with this bill. We are happy to do this with Mr. BISHOP.

Having said that, I am hopeful that we can move this bill today. I appreciate Chairman OBERSTAR's effort, but I just have a cautionary note, as the chairman has sort of indicated on a number of times, that the other body does not always act in a manner that we consider something they should do.

Mr. OBERSTAR, I think you understand that. And I hope we have a continued commitment to be able to make sure that this fishing boat problem can get solved before we leave one way or the other.

I yield back the balance of my time.

Mr. OBERSTAR. I yield myself such time as I may consume.

Yes, indeed I will say, first of all to compliment the gentleman from New Jersey on his leadership on the issue of vessel discharge. He has been a champion on this subject. We have heard his strong appeal, his reasoned approach to the issue. That's why we moved the bill earlier. We now joined it with this estuaries bill.

We expect always with hope that the other body acts promptly, but if not, there are backup plans to deal with the vessel discharge issue in advance of the deadline that the distinguished gentleman from New Jersey cited. We are together on this. We are going to assure that the issue is resolved. And hopefully, both of these bills, combined in this fashion, will bring enough interest in the other body to have a concentration of effort to pass both measures together.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to support H.R. 5301, legislation to extend the period during which the administrator of the Environmental Protection Agency and States are prohibited from requiring a permit under section 402 of the federal water pollution control act for certain discharges that are incidental to normal operations of vessels, to reauthorize the national estuary program and for other purposes. I commend my colleague, Representative LOBIONDO for his word on this bill and urge the House to support this legislation.

Madam Speaker, in light of the disaster caused by the Deepwater Horizon oil spill, it is important that this Congress pay particularly close attention to the well being of our Nation's aquatic ecosystems.

H.R. 5301 accomplishes two things. First, this bill extends an existing moratorium for vessels less than 79 feet in length to obtain a permit under the Clean Water Act for discharges incidental to their normal operation. The Environmental Protection Agency has

been studying the impacts of incidental discharges from these vessels and made the determination that these discharges are not universally benign. The agency has acknowledged however, that it will be unable to develop and issue appropriate permits for these vessels before the current moratorium expires on July 31, 2010. Extending the moratorium will allow for the additional time necessary to develop and issue appropriate guidelines to address such discharges consistent with the goals of the Clean Water Act.

Second, H.R. 5301 includes H.R. 4715, the "Clean Estuaries Act of 2010", as passed by the House of Representatives on April 15, 2010, which reauthorizes the National Estuary Program. Established in 1987, the National Estuary Program is charged with attaining or maintaining water quality in an estuary, places where rivers meet the sea. Reauthorizing this program is essential to protection of public water supplies and the protection or indigenous population of shellfish, fish, and wildlife.

I urge my colleagues to support this bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise to speak in support of H.R. 5301. H.R. 5301, proposed by my colleague, the gentleman from New Jersey, Mr. LOBIONDO, consists of two titles.

Title I of H.R. 5301 is an extension of an already existing moratorium. The Committee on Transportation and Infrastructure recently passed this bill out of Committee with no amendments and no objections. This extension is necessary because the Environmental Protection Agency, EPA, recently completed a study that indicates that discharges from vessels under 79 feet in length are not benign. However, the EPA needs additional time to set appropriate Clean Water Act requirements to protect the nation's waters from these types of discharges.

This legislation would extend the current moratorium until December 18, 2013, giving EPA the opportunity to include these vessels in the next round of permitting under the EPA Vessel General Permit.

I would like to point out to my colleagues that this Chamber has already passed this same language earlier this Congress, in H.R. 3619, the "Coast Guard Authorization Act of 2010."

The second title of this legislation is the "Clean Estuaries Act of 2010," which reauthorizes the National Estuary Program. This Chamber successfully passed this legislation 278–128 in April of this year, with support from both sides of the aisle.

Estuaries are unique environments that are extremely productive in terms of their ecosystem values. The ecological productivity of estuaries translates directly into important economic output in terms of commercial fishing and recreational fishing.

The Clean Estuaries Act of 2010 will give these regions the resources and means to effectively manage watersheds and protect estuaries. At the same time, the legislation does an excellent job of including all levels of government and all types of stakeholders.

This legislation increases the authorization for appropriations; allows for increased and improved federal coordination; increases accountability; and, includes some necessary programmatic changes.

The National Estuary Program needs an increase in authorized appropriation levels in order to provide more resources to on-the-ground stakeholders and to enable more communities and estuaries to join the Program.

I ask all members of this Chamber to once again join me in supporting communities and estuaries through the passage of this bill.

Mr. OBERSTAR. I yield back the balance of my time.

GENERAL LEAVE

Mr. OBERSTAR. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on the subject of these two bills.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 5301, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to extend the period during which the Administrator of the Environmental Protection Agency and States are prohibited from requiring a permit under section 402 of the Federal Water Pollution Control Act for certain discharges that are incidental to normal operation of vessels, to reauthorize the National Estuary Program, and for other purposes."

A motion to reconsider was laid on the table.

SUPPORTING RAILROAD RETIREMENT DAY

Ms. CORRINE BROWN of Florida. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1463) supporting the goals and ideals of Railroad Retirement Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1463

Whereas the rail industry established the first formal industrial pension plan in North America on the Grand Trunk Railway in 1874;

Whereas by the late 1920s more than 80 percent of all railroad workers in the United States were employed by companies with existing pension plans, but the benefits provided by these plans were generally inadequate, liable to capricious termination, and of little assistance to disabled employees;

Whereas when the Great Depression drove the already unstable railroad pension system into a state of crisis, the railroad industry was beset by retirees who needed immediate assistance but the planned Social Security system would not cover work performed prior to 1937 and was not scheduled to begin paying benefits until 1940;

Whereas railroad workers sought a separate railroad retirement system which would continue and broaden the existing railroad programs under a uniform national plan;

Whereas, on August 29, 1935, President Franklin D. Roosevelt signed into law the Railroad Retirement Act, establishing the beginnings of a new social insurance system for the Nation's rail industry that today protects working families against loss of income due to the retirement, disability, or death of a wage earner and assists in meeting the medical expenses of the elderly and long-term disabled;

Whereas the Railroad Retirement Act was amended numerous times between 1937 and 2002, including a major restructuring in 1974 and most recently by enactment of the Railroad Retirement and Survivors' Improvement Act of 2001, the most significant railroad retirement legislation in almost 20 years;

Whereas the benefit and financing provisions of the legislation, like those provisions of most previous railroad retirement legislation, were based on joint recommendations negotiated by a coalition of rail freight carriers and rail labor organizations;

Whereas the Act liberalized early retirement benefits for 30-year employees and their spouses, eliminated a cap on monthly retirement and disability benefits, lowered the minimum service requirement from 10 years to 5 years of service if performed after 1995, and provided increased benefits for some widows and widowers;

Whereas the Act reduced tier II tax rates on rail employers in calendar years 2002 and 2003 and beginning with 2004 provided automatic adjustments in the tier II tax rates for both employers and employees, and also repealed the supplemental annuity work-hour tax rate;

Whereas as a result of this provision, the tier II tax rate on employers has decreased from 16.1 percent in 2001 to 12.1 percent in 2010 and the tax rate on employees has decreased from 4.9 percent in 2001 to 3.9 percent in 2010;

Whereas the law also created the National Railroad Retirement Investment Trust, which manages and invests railroad retirement funds in nongovernmental assets, as well as in governmental securities;

Whereas since creation of the Trust, its assets have grown from \$20,700,000,000 in 2002 to \$25,200,000,000 as of March 31, 2010, and that amount does not include an additional \$8,900,000,000 transferred by the Trust to the Treasury to pay railroad retirement benefits during this period;

Whereas, during the past 75 years, railroad retirement benefits have been paid by the Railroad Retirement Board to more than 2,000,000 retired workers, 1,100,000 spouses, and 2,400,000 survivors;

Whereas the first retirement annuities awarded under the 1935 Railroad Retirement Act averaged \$60 a month with no monthly benefits for spouses or survivors;

Whereas today employee annuity awards average about \$2,700 a month, annuities for spouses average over \$900 a month, and annuities to aged and disabled widows and widowers just over \$1,700 a month;

Whereas in 2010, nearly 600,000 beneficiaries will receive retirement and survivor benefits and about 42,000 persons will receive unemployment and sickness benefits;

Whereas today more than 200,000 people work in railroad employment and pay railroad retirement taxes;

Whereas the rail industry and its workers continue to be an integral part of our Nation's transportation system and vital to our economy; and

Whereas the Railroad Retirement Board has designated August 29, 2010, as "Railroad Retirement Day" to celebrate the success and importance of the railroad retirement system to America's working families: Now, therefore be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Railroad Retirement Day as designated by the Railroad Retirement Board;

(2) recognizes the important contributions that the rail industry, rail workers, and retirees make to the national transportation system; and

(3) urges the people of the United States to recognize such a day as an opportunity to celebrate the importance of the railroad retirement system to America's working families.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. CORRINE BROWN) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. CORRINE BROWN of Florida. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous materials on House Resolution 1463.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CORRINE BROWN of Florida. I yield myself such time as I may consume.

Madam Speaker, I strongly support House Resolution 1463, supporting the goals and ideas of Railroad Retirement Day, and encourage all of my colleagues to support this important legislation. This resolution recognizes Railroad Retirement Day and the 75-year anniversary of the Railroad Retirement Act.

The railroad industry established the first formal industrial pension plan in North America in the year 1874. The Railroad Retirement Act came because the Great Depression wiped out the private system before the Social Security program could meet the needs of railroad retirees. Additionally, the State-based unemployment insurance system had failed to serve those whose work took them across the country.

Under the Railroad Retirement and Railroad Unemployment Insurance Acts, railroad workers and employees fund retirement, survivors, unemployment, and sickness benefits programs for the Nation's railroad workers and their families. During the past 75 years, more than 2 million retired workers, 1.1 million spouses, and 2.4 million survivors have received benefits through the Railroad Retirement Board.

Finally, the program fosters a close relationship between railroad employees and employers. The change in the system over the years has been the result of cooperation between management and labor, and stands as an example of how government, labor, and businesses can work together to serve the Nation's needs. Clearly, the railroad retirement programs serve a valid need in a very efficient manner, and is worthy of our recognition.

I reserve the balance of my time.

Mr. SHUSTER. I yield myself such time as I may consume.

I rise today in support of H. Res. 1463, which designates Railroad Retirement Day on August 29, 2010. Railroad Retirement Day is established in this resolution to celebrate the success and importance of the Railroad Retirement System, which has benefited generations of hardworking railroad workers and their families.

I am proud to support the railroad retirement system, which predates Social Security and provides comprehensive retirement, survivor, and disability benefits. More than 600,000 beneficiaries receive approximately \$10 billion in benefits each year from the railroad retirement system.

For the last 7 years, a portion of retiree assets has been managed in the National Railroad Retirement Investment Trust. The NRRIT invests in U.S. and global equity markets, fixed income, and real estate and commodities, much like many private-sector retirement funds. This innovative fund has already returned \$7.9 billion to retirees, and has grown 16 percent in the last 7 years, despite payouts and the volatility in the markets and the global economy.

I believe we should take a close look at the success of this system as one of the potential solutions to the looming crisis in Social Security. So I congratulate and applaud the majority for bringing this up today, as I have heard so many of my other colleagues talk about Social Security and how those on my side want to privatize Social Security. That just is not true. Nobody on our side of the aisle wants to privatize Social Security. But we have to look at innovative ways to be able to keep Social Security viable.

Just today there was a poll in USA Today that says that the overwhelming majority of Americans under 34 years old do not believe they will get anything from Social Security. So once again, looking at the railroad retirement system is a potential solution to Social Security. And again, it's not privatizing. It's taking a small portion of it and investing it in different ways. And as I said, the success of this over the last 7 years, even in these volatile times, has proven to be successful.

□ 1440

It has grown 16 percent over the last 7 years.

I would urge my colleagues on the other side of the aisle to stop the rhetoric, stop the scare tactics in talking about the way we want to privatize Social Security. This is a viable solution that we need to consider. This is something that we need to take a look at as we move forward in this country.

So, again, I applaud the majority for bringing this up today when, as I've said, I've heard so much talk about privatizing Social Security. And we all need to look at Social Security and figure out how to reform it, because I have two children—22 years old and soon-to-be 19—and Social Security will not be there for them. And we're not talking about the folks who are retired today. We need to make sure we are going to keep that ironclad guarantee with today's retirees and those that are soon to retire, that we are not going to affect their Social Security.

But as we move forward, as I said, let's look at the railroad retirement system as a model for how we can improve Social Security for those in America that are just moving into the job market who won't be retiring for 20 and 30 and 40 years. The freight rail industry strongly supports the railroad retirement system because these good benefits attract and retain highly skilled workers. This is a system that has worked well for generations. And I would encourage the railroads and the unions to protect the system by ensuring that benefits are distributed fairly and to remain vigilant for fraud and abuse in this system.

Madam Speaker, I reserve the balance of my time.

Ms. CORRINE BROWN of Florida. My dear friend, I am so happy that you support the railroad retirement system. And I can tell you that some people have not always been supportive of Social Security. I remember when Social Security passed, it passed without any Republican vote. And constantly, year after year, Bush and the Republicans tried to privatize it, and the American people said "no" and the Democrats said "no" and I say "no, no."

Now, I support the railroad retirement, and I'm glad that we stand together for the railroad workers. I hope we can get that same kind of support for the Social Security benefits.

Madam Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. I thank the chairwoman for yielding time and for all of her leadership on all of the issues related to the railroad, such an important asset in our country and part of our competitive advantage and part of our need to make sure that we continue to build and make things here in America.

I rise today in support of H. Res. 1463, Supporting the Goals and Ideals of Railroad Retirement Day.

The railroad system is an integral part of our Nation's transportation system and provides us with the capacity to move both passengers and freight around the country. For over 200 years, this system has proven to be one of the best methods of transport available. Today, railroads are responsible for moving over 40 percent of the freight transported in the United States, and we depend upon rail for daily supply and demand.

It is important to honor both the commitment and labor of the railroad industry workers. Without them, our country would not have experienced such success in westward expansion and in the growth of industry.

Today, the railroad industry remains an important piece of our Nation's transportation infrastructure, and it would not be able to run without the ongoing efforts of railroad workers. Thus, I feel that we must honor the hard work of railroad workers, both past and present, by recognizing Railroad Retirement Day on August 29, 2010.

The railroad industry has created one of the most successful models for retirement plans of any sector of the economy. On August 29, 1935, the railroad industry created a unified retirement plan. For over 70 years, the retirement plan has been successful, even with the changes to the industry and fluctuations in the economy, including the \$9 billion hit that it took in the recent economic meltdown and the challenges that presented to the system.

The pension plan now provides benefits to over 600,000 beneficiaries and is supported by an industry of over 20,000 workers. Even within my own district, there are nearly 3,000 railroad retirees. In 2010 alone, the plan will provide more than \$11 billion in retirement and survivor benefits. Supporting this resolution shows our commitment to the railroad industry and our recognition of the hard work of retirees and the success of their retirement program.

I request your support for this resolution.

Mr. SHUSTER. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Pennsylvania has 16½ minutes remaining, and the gentleman from Florida has 16 minutes remaining.

Mr. SHUSTER. I yield myself such time as I may consume.

Again, I want to make sure we set the record straight here. There is a lot of rhetoric, a lot of talk going on on the floor today about Social Security, and I just want to make sure that the record stands clear that in 1935, the Social Security Act, on April 19, 1935, was passed with 79 percent of the Republicans in the House voting for it in the House. There weren't many Republicans in 1935, I might add. Seventy-seven Republicans voted for it, and

there were 18 that voted against; 288 Democrats voted for it and 13 voted against.

So let the record show that Republicans have supported Social Security, and we continue to support Social Security. Nobody that I know of on my side has talked about privatizing Social Security. We look to something like the railroad retirement system, how they've taken a portion of it, 7 years ago—under the Bush administration, I might add—under a Republican Congress, moved a portion of that to be able to be invested into different investment vehicles that has given a much greater return. As I've said, 17 percent growth in the last 7 years, even in these tough economic times. So it can be done.

And as I mentioned earlier, there was a poll out today that 18- to 34-year-olds in today's USA Today poll, 75 percent of them do not believe they will receive Social Security benefits. So standing up talking about railroad retirees, I'm here. I applaud the system. I want to applaud the railroad retirees and the freight system in this country, the railroads in this country.

But we've got to talk about all retirees, future retirees. That's who we owe it to, to the future generations to look at ways that we can strengthen and reform Social Security. And as I will go back to, as I've continued to state, I want to make sure that we hear this loud and clear, this is a system that we can look at as potentially a model. We have to consider this to make sure that we save Social Security for future generations.

With that, I continue to reserve the balance of my time.

Ms. CORRINE BROWN of Florida. I wasn't here in 1935 but I certainly was here in 1995, and I do know where the Republicans stood as far as not only privatizing Social Security but gambling with Social Security and where would they be with the crash in Wall Street.

I would like to yield such time as he may consume to the chairman of our committee, the gentleman from Minnesota (Mr. OBERSTAR), who's the guru and has all of the figures and the statistics on the history of Social Security and those who support it and those who have never supported it.

Mr. OBERSTAR. I thank the gentleman for yielding and her strong, stout defense of the Railroad Retirement program; Mr. PERRIELLO for his leadership and advocacy for the bill supporting the goals and ideals of Railroad Retirement Day; and for the gentleman from Pennsylvania, Mr. SHUSTER, a strong supporter of our railroad system, both passenger and freight in this country, and for the Railroad Retirement fund.

Now, the gentleman cited a figure about the vote in the House in 1935 on Social Security, and that figure is ac-

curate. But that was on the conference report. And when the rule providing for consideration of Social Security came to the floor, only one Republican supported it in 1935.

Now, I understand that a vote on the rule is a party-line vote and that, as a matter of party discipline, only one Member on the other side broke ranks to vote for the rule, but we must acknowledge that the Social Security program has saved the Nation, has been a bulwark for blue collar working Americans and upper middle class and upper class.

□ 1450

In all of its 76 years, Social Security has never missed a payment. It has never bounced a check. You don't have to get up in the morning and look on the financial pages of the newspaper to see whether your retirement fund is intact or whether it's bottomed out or has dropped out of sight, as you have to do if your retirement fund is in the hands of the Pension Benefit Guaranty Corporation, corporation that you worked for went into bankruptcy or retirement fund was put in the hands of the PBGC and those assets were invested by the company for which you worked in the marketplace, and suddenly those assets lost value, enormous value.

Some people have seen their retirement funds lose 50 percent to 60 percent of their value because the investments they had made proved unsound or vulnerable—sound to begin with, but vulnerable to this worldwide recession that we've experienced. Indeed, the Railroad Retirement Fund itself has lost \$9 billion because of the recession.

So let's not have this haphazard, careless, thoughtless rhetoric that we heard in this Chamber in 1995–96 from the other side—not the gentleman from Pennsylvania, not his father who served with great distinction in this body then and still a great friend of mine—saying we're going to rip the system out by its roots, are going to replace it, we're going to privatize it, and a host of other schemes that eventually Members on the other side voted against. There's a very wise core of Members in the Republican side who understand the value of the Social Security program and who want to sustain and support it; and this is the most significant Social Security, most significant important social contract in America, in our history, the most successful; and Medicare's right behind it in its success, and right alongside it is the railroad retirement system.

People who have worked hard, they've saved, they've contributed into the system; the employers, the railroads have contributed into the system. Our purpose ought to not to be pointing fingers or using scare rhetoric, but rather to say let's work together to keep our economy going, to

keep investment expanding in this country, to expand employment so that there are more people working, contributing into the Railroad Retirement Fund and into the Social Security fund. That ought to be the purpose of our efforts.

And that is why Mr. PERRIELLO was so thoughtful to bring out the goals and ideals of Railroad Retirement Day and our champion advocate for passenger rail, freight rails, Ms. BROWN, and an equally passionate advocate for rail service, the gentleman from Pennsylvania (Mr. SHUSTER).

Let's put the rhetoric aside. Let's join the visionaries of seven decades ago so that seven decades from now there will be retirement programs that will be the safety—they will be the safety net for those who worked hard all their lives and expect dignity in their retirement years.

Thank you again, Madam Chairman, for yielding your time.

Madam Speaker, I rise today in support H. Res. 1463, which celebrates 75 years of the success and importance of the railroad retirement system to America's working families, commemorates the day (August 29, 1935) when President Franklin D. Roosevelt signed into law the Railroad Retirement Act, and recognizes August 29, 2010 as "Railroad Retirement Day", as designated by the Railroad Retirement Board.

I thank the gentleman from Virginia (Mr. PERRIELLO) for his leadership in introducing this resolution.

In 1874, the first modern railroad pension system was established in North America by the Grand Trunk Railway of Canada. Its stated purpose was "to help workers worn out from long service to retire." The American Express Company, then a railroad freight agency, established the first railroad pension system in the United States shortly thereafter in 1875.

The Baltimore and Ohio Railroad created a pension system in 1880, followed by the Pennsylvania Railroad in 1886; other railroads soon followed suit. By the late 1920s, more than 80 percent of all railroad workers in the United States were covered by a pension plan. However, these plans were generally inadequate, liable to capricious termination, and of little assistance to disabled employees.

The Great Depression drove the already unstable and inadequate railroad pension systems into a state of crisis. By 1928, over 250,000 railroad workers had lost their jobs and by 1931, 16 percent of all railroad employees nationally were laid off.

Older railroad workers eligible for retirement exercised their seniority rights and continued working, deciding that a steady paycheck was preferable to pension systems that could not meet their obligations. This decimated the ranks of younger workers, affecting the railroad industry for years to come as the labor pool of younger workers disappeared.

Congress passed the Railroad Retirement Act of 1934 "to promote economy, improve employee morale and promote the efficiency and safety of interstate transportation." This law created a fund into which all railroad employers and employees paid. The Railroad Re-

tirement Act was the first major piece of Federal retirement legislation under President Roosevelt's "New Deal" and set the precedent for later, more general retirement legislation. It allowed older workers to retire with the promise of a reliable income from a stable pension system for the first time in history, and enabled younger workers to return to work.

However, after the Railroad Retirement Act became law, the United States Supreme Court held that the law was unconstitutional. Congress passed similar legislation the following year, which President Roosevelt signed into law on August 29, 1935. Railroad management and labor had to come to the table and resolve their differences and less than a year after the passage of the 1935 legislation, the first annuity payments to railroad retirees were made. In July 1937, the benefit payments of more than 50,000 pensioners were taken over by the Railroad Retirement Board.

In 2001, Congress enacted the most sweeping changes to railroad retirement law since the 1930s, with enactment of the Railroad Retirement and Survivors Improvement Act. The Act liberalized early retirement benefits for 30-year employees and their spouses, eliminated a cap on monthly retirement and disability benefits, and lowered the minimum service requirement to under 10 years if at least five years of service occurred after 1995.

By the beginning of 2010, railroad retirement benefits have been paid to two million retired employees, 1.1 million spouses, and 2.4 million survivors. This year, nearly 600,000 beneficiaries will receive retirement and survivor benefits and about 42,000 railroad workers will receive unemployment and sickness benefits.

H. Res. 1463 recognizes the vitally important contributions that the rail industry, rail workers, and retirees make to the Nation's transportation system. It recognizes the success of the legislation signed into law by President Roosevelt 75 years ago, and celebrates the importance of the railroad retirement system to America's working families.

I urge my colleagues to join me in supporting H. Res. 1463 and celebrating Railroad Retirement Day on Sunday, August 29, 2010.

Mr. SHUSTER. I yield myself such time as I may consume.

In response to the chairman of the committee and his comments—and it is always dangerous challenging the chairman on his historical notes and happenings in the House, but as I recall in 1995, although I was not here, don't recall the debate, I do recall that it was a commission set up by President Clinton that made some of these recommendations.

So, to continue, for the majority to point to Republicans as not voting for it, as trying to rip it out by the roots, as trying to privatize, just simply is not accurate, and that's some of the rhetoric we hear from the other side.

Today, as we move this resolution forward, as I have said before, this is something we should be looking at as a model, as something we should try to understand how this works, the railroad retirement works, how it has grown 16 percent in the last 7 years de-

spite these very volatile times in our economy. We did not privatize railroads' retirement. We took a portion of it, and we know that the retirees are receiving greater benefits because of what we've done here.

So I urge my colleagues on the other side as we debate this, as we talk about—a lot of folks talk about Social Security, as the chairman and the chairman of the subcommittee has mentioned Social Security, I'm not so sure, and I guess I have to ask the question: Do you support the National Railroad Retirement Investment Trust which does something very similar to many on both sides of the aisle, the commission that was set up by President Clinton and others on my side of the aisle talked about, as one of the ways to reform the Social Security system?

So we can stand up here today and talk about in glowing terms about the Railroad Retirement Investment Trust, when it's doing something that is very positive and it's a potential to help reform, to help make sure that those 18 to 34 years old in this country, that 75 percent of them do not believe they are going to get any money out of Social Security when they retire.

It just seems to me that the majority is using a lot of rhetoric, trying to hype up retirees in this country which we have to make sure that we keep that ironclad guarantee that those who are retired, those that are soon to retire are going to get the Social Security benefits that they've earned, that they have been promised by the Government of the United States.

But we have to look to the future generation, those that are going to retire in 20 and 30 years. Social Security, as the chairman pointed out, has not bounced a check. The check comes every month; but if we don't figure out a way, a bipartisan way, how to reform Social Security, there's going to come a day when there's not going to be any money there, or we are just going to continue what we've been doing over the past 18 months, spending money, borrowing money that we don't have, which is going to be inflationary; and then that tax on our retirees, on our Social Security beneficiaries, is going to be an even more brutal tax when you lose value because of inflation. When inflation soars to four and five and seven, and those that have been on this Earth for more than 35, 40 years, remember the days of double-digit inflation and how brutal that was to the economy and how brutal that is to our retirees.

So this is an opportunity for us to look at a system that both sides of the aisle here talking, standing up today, as I said talking about in glowing terms the Railroad Retirement Fund, and we should look at this as a potential to help reform and strengthen Social Security for future generations.

Mr. OBERSTAR. Would the gentleman yield for a response to his very thoughtful question?

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. In House floor consideration of the railroad retirement program, it was made very clear time and again by both sides of the aisle that this plan for railroad retirement was not a formula for Social Security. Both sides were at pains to say that because of the difference in scale of the programs and the difference in purpose of the two retirements, Social Security and railroad retirement act. That's not to say that it couldn't be reconsidered at some future time, but it was made very clear then.

You have some 600,000-plus railroad retirees and 33 million Social Security retirees. We all realized at the time the scale is vastly different. The purpose and the revenue streams are very different. So it was a very clear purpose on both sides of the aisle, not to confuse, not to roll over from one to the other. And I thank the gentleman for yielding.

□ 1500

Mr. SHUSTER. I appreciate the gentleman's comments but, again, we can use this as an experiment, it's working.

I understand the scale is different, but the principles can be the same. Business principles, running an efficient operation, making sure of a return on investment. All those things that we use in a small business that I operated, they use those same fundamentals when they are operating large companies in this country.

My suggestion, my urging is that the majority, as we move down the road, look at this as something to consider on how we can reform Social Security and strengthen it for those future generations. As I want to continue to stress, for the folks that are retired today and those that are going to retire soon, we have got to keep that guarantee that it is going to be there. But if we don't do something, don't consider some other way to strengthen Social Security, those who are 18 to 35 that have stated in that poll, 75 percent of them do not believe there is going to be anything available for them in Social Security when they retire.

I continue to reserve the balance of my time.

Ms. CORRINE BROWN of Florida. Madam Speaker, let me just say that I welcome a debate on how we can reform Social Security any time, but I can truly say, having been here during the 1990s, one way that you shore it up is not to privatize it.

Coming from Florida, I mentioned earlier that I come from the State where Claude Pepper served in this body and the other body for over 32 years. He was one of the strongest ad-

vocates for Social Security. Clearly, we can see what happened on Wall Street and what has happened with other programs and pension funds.

Social Security is a safety net. Being in this body, let me say you stand for something or you fall for everything, and one of the things we are going to stand up for on this side is for Social Security.

We are very happy that we are having before us today the railroad retirement that we all can support.

I reserve the balance of my time.

Mr. SHUSTER. I yield myself the balance of my time.

I will close by making the final note, again, the urging, the plea to my colleagues on the other side of the aisle, to stop using the rhetoric that those of us on our side want to privatize.

We do not want to privatize Social Security. We want to find reforms to make sense. We want to find reforms that are going to strengthen Social Security and not just for those today, but, most importantly, those that are going to retire in 20, 30 years from now.

Because if we in this Congress do nothing, then we are going to continue to see Social Security going in the wrong direction and nobody in this country wants to see the Social Security system continue to go down, having less money, moving towards insolvency. So we have got to do something.

I say, let's look at the railroad retirement fund that has returned \$7.9 billion to its retirees and has grown 16 percent in the last 7 years, despite pay-outs, volatility in the markets, in the global economy. This is a system that, again, 7 years ago, we have taken a small portion of it and invested it in U.S. and global equity markets, fixed income, real estate, commodities, not the entire amount, but a portion of it. Our railroad retirees are benefiting greatly by that.

I stand here today in support of this resolution. I hope it passes overwhelmingly, and I hope that we look to future generations to try to solve our problems, solve the reform of Social Security by looking at railroad retirement, which has been a tremendous success.

I yield back the balance of my time.

Ms. CORRINE BROWN of Florida. Madam Speaker, let me just say that we, on our committee, always stand ready to work in a bipartisan manner, and we would certainly be interested in ideas that don't include privatizing Social Security. But for Members to come on this floor and act as if Social Security is the reason why we have the deficit—for several years, I know there is no institutional memory, we had what we call reverse Robin Hood, robbing from the poor and working people to give tax breaks to the rich. That's what got us in this hole.

Now I am glad we all can support the bill that is before us today, but as far as I am concerned it's the Ways and

Means that handled this particular issue, and I am prepared to debate and discuss and work with my colleagues to come up with solutions as to how we can tweak the program.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to support H. Res. 1463, legislation supporting the goals and ideals of Railroad Retirement Day. I commend my colleague, Representative PERRIELLO, for his efforts on this bill and urge Congress to pass this important legislation.

Railroad Retirement Day, as designated by the U.S. Railroad Retirement Board, recognizes the important contributions that the rail industry, rail workers, and retirees make to the national transportation system. This legislation urges the American people to recognize Railroad Retirement Day, which is August 29, 2010, as an opportunity to celebrate the success and importance of the railroad retirement system to America's working families.

This year, nearly 600,000 beneficiaries will receive retirement and survivor benefits and about 42,000 railroad workers will receive unemployment and sickness benefits through the railroad retirement system. After the great depression, and years of decline, President Roosevelt and Congress worked with railroad management and labor to pass legislation that would allow for a secure and stable retirement system for railroad workers. The law has been updated and expanded over the years to increase benefits for dependents, liberalize early retirement benefits, and add survivor and spousal benefits. In the beginning of this year, its 75th year, railroad retirement benefits had been provided to 2 million retired employees, 1.1 million spouses, and 2.4 million survivors.

Madam Speaker, you may not have been aware that the City of Atlanta, Georgia, was named "Terminus" because it was the eastern terminus of the Western and Atlantic Railroad. The city became known as Atlanta after the Chief Engineer of the Georgia Railroad suggested that the area be renamed "Atlantica-Pacific", a name that was soon shortened to Atlanta. Atlanta has served as an important railroad hub for many years, and today thousands of workers help ensure that Atlanta's passenger and freight rail keep people and goods moving throughout Georgia and the southeastern United States. These workers have and continue to make Atlanta the wonderful world-class city that it is and it is because of them that I am proud to support this bill and Railroad Retirement Day.

I urge my colleagues to support this bill.

Ms. CORRINE BROWN of Florida. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CORRINE BROWN) that the House suspend the rules and agree to the resolution, H. Res. 1463.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SURFACE TRANSPORTATION SAVINGS ACT OF 2010

Mr. PERRIELLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5604) to rescind amounts authorized for certain surface transportation programs.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5604

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Surface Transportation Savings Act of 2010".

SEC. 2. SAFETY BELT PERFORMANCE GRANTS.

(a) IN GENERAL.—Subject to subsection (b), of the amounts authorized for fiscal year 2010 by section 2001(a)(4) of SAFETEA-LU (119 Stat. 1519) to carry out section 406 of title 23, United States Code, \$80,994,029 is rescinded.

(b) LIMITATION.—The amount rescinded pursuant to subsection (a) shall be decreased as necessary to ensure that not less than \$28,505,971 is available for fiscal year 2010 to carry out section 406 of title 23, United States Code.

SEC. 3. ADMINISTRATIVE EXPENSES.

Of the amounts authorized for fiscal year 2010 by section 2001(a)(11) of SAFETEA-LU (119 Stat. 1520), \$6,547,000 is rescinded.

SEC. 4. NATIONAL DRIVER REGISTER.

Of the amounts authorized for fiscal year 2010 by section 2001(a)(7) of SAFETEA-LU (119 Stat. 1520) for the National Driver Register authorized under chapter 303 of title 49, United States Code, \$78,000 is rescinded.

SEC. 5. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION OPERATIONS AND RESEARCH.

Of the amounts authorized for fiscal year 2010 by section 2001(a)(2) of SAFETEA-LU (119 Stat. 1519) to carry out section 403 of title 23, United States Code, \$1,829,000 is rescinded.

SEC. 6. TRANSIT FORMULA AND BUS GRANTS.

Of the amounts authorized for fiscal year 2010 by section 5338(b)(1) of title 49, United States Code, to carry out sections 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 of title 49, United States Code, and section 3038 of the Federal Transit Act of 1998 (112 Stat. 392), \$17,394,000 is rescinded.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. PERRIELLO) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. PERRIELLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 5604.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. PERRIELLO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of the Surface Transportation Savings Act of 2010 and appreciate the

work of Congressman SCHAUER and the chairman and many others in working for this.

In the long journey towards reducing this Nation's deficit, we also need to look at small steps as well as large ones. As we look at pay-as-you-go legislation and bipartisan budget commissions, we also must find in every place that we can look opportunities to save some money.

One of those places we should be able to start, if nothing else, is looking at areas where the agencies themselves have said we cannot use this money or we do not want this money. We have compiled within Transportation and Infrastructure's jurisdiction over \$107 million that is left sitting on the table. But we know too often in this town, money left on the table disappears very quickly.

This bill will lead to real savings. It reduces the contract authority that is currently available for certain highway safety and transit programs by \$107 million. In fiscal year 2010, it takes this \$107 million off the table so that it cannot be used to increase spending in the future.

There are two ways that this money could be used to increase spending in the future if not rescinded now. First, the future appropriations act could increase the obligations limitations that control spending for these highway safety and transit programs, thereby allowing this \$107 million to be spent instead of reducing the deficit.

Second, the future appropriations act could rescind this authority and use it as a rescission to offset increased spending on other programs. In fact, and unfortunately, we have already seen attempts to do this. They become somewhat routine for appropriations bills to rescind contract authority to offset other spending. In fact, H.R. 4899, the FY 2010 emergency supplemental, used about \$2.2 billion in rescissions of highway contract authority.

What we see here is a commonsense attempt with ideas from both sides of the aisle to look at opportunities where the agencies have said these are resources we will not spend or cannot spend. To me, this is one step where we should be able to agree at least in such areas that that money and that contracting authority should be taken off the table so that it is not spent and put towards deficit reduction.

I rise today to support this savings act, to appreciate all those and thank all of those who have worked on it. While these savings may seem small relative to the size of a budget deficit, it is a start. As they say, even the longest journey can begin with a single step. I urge my colleagues to consider H.R. 5604 in this light and support this bill.

I reserve the balance of my time.

□ 1510

Mr. DUNCAN. Madam Speaker, I yield myself such time as I may consume.

I rise in support of this bill, and I commend the gentleman from Virginia, who just finished making his remarks.

H.R. 5604 rescinds \$106.8 million in contract authority from the National Highway Traffic Safety Administration and the Federal Transit Administration. This rescission of contract authority will come from the following programs: \$81 million from NHTSA's safety belt performance grant program; \$8.5 million from NHTSA's administrative expenses, the National Driver Registry, and research and development programs; and \$17.4 million from FTA's formula and bus grant programs.

In total, H.R. 5604 rescinds approximately \$107 million in contract authority, which is a type of budget authority. However, the Congressional Budget Office has determined that H.R. 5604, while certainly well intentioned and worthy of support, will not have any impact on outlays or direct spending.

According to the CBO, the budget deficit is defined as the amount by which the Federal Government's total outlays exceed its total revenues. Because CBO's official cost estimate for H.R. 5604 finds that this legislation will not reduce the Federal Government's outlays, this bill, unfortunately, will not reduce the budget deficit. This bill could ultimately lead to savings if the Congress does not simply spend this money someplace else.

For the first 9 months of fiscal year 2010, we are running a budget deficit of \$1 trillion, and the deficit will reach at least \$1.4 trillion by the end of the fiscal year on September 30. These are staggering, incomprehensible sums, and these deficits will only add to our growing Federal debt, which is already at over \$13 trillion.

By the end of this year, the Federal debt will represent 62 percent of the Nation's economy, the highest percentage since World War II, according to CBO. This mounting debt will be passed on to our children and grandchildren. I believe, and most people believe, that Congress isn't doing enough to reduce the current budget deficit or our swelling national debt.

While this bill is certainly a step in the right direction, it will not reduce the current budget deficit or the national debt. And so while this is good legislation that I do support, we are going to have to go further if we're going to do what the American people expect and need us to do.

I reserve the balance of my time.

Mr. PERRIELLO. I appreciate the support of the gentleman from Tennessee and his concern about the deficit. We certainly need to continue to look at the big picture with pay-as-

you-go legislation and budget commissions and other ways to get it to balance. In the meantime, there is nothing wrong with taking smaller steps in the right direction, whether that's looking at blocking congressional pay raises or anyplace that we can save. \$107 million is nothing to sneeze at, even if it's not large by Washington standards.

Madam Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. SCHAUER).

Mr. SCHAUER. Thank you, Mr. PERRIELLO and Mr. DUNCAN.

We need common sense in Washington, and unfortunately there is too little of it at this time. That's why I decided to sign on and be a primary cosponsor of this bill, the Surface Transportation Savings Act of 2010. The bill will lead to real savings and real deficit reduction, and we need to fight for that at this very difficult time in our country.

As has been said, the Surface Transportation Savings Act of 2010 reduces the contract authority that is currently available for certain highway safety and transit programs by \$107 million. Let me say that again, \$107 million. That's real money. While this may not, in and of itself, directly reduce outlays this current fiscal year, it takes \$107 million off the table so that it cannot be used to increase spending in the future.

Now, as my colleague, Mr. PERRIELLO, said, there are a couple of ways that this \$107 million could be used to increase spending and increase the Federal budget deficit. We know that a future appropriations act could use these dollars and appropriate them and spend them on these current programs within the Department of Transportation. But let's be clear, there is a very real threat. The Congressional Budget Office may not see it, and I can understand why they may not trust the Congress to act responsibly, but twice already this Congress has tried to use these available dollars within other programs.

H.R. 4899, the FY 2010 Emergency Supplemental Appropriations bill that was passed by the House of Representatives earlier this month included \$2.2 billion of rescinded highway contract authorities. So these are dollars that were budgeted but were not spent. And again, if we don't act, those kinds of available dollars will be spent.

Now, to make it even more directly relevant to this bill and to the Congressional Budget Office's analysis, H.R. 4899, this Emergency Supplemental Appropriations bill, tried to spend \$25 million that would be taken off the table by this Surface Transportation Savings Act. So I don't think we could be any more clear than the threat that is before us.

I couldn't agree more that we must address real deficit reduction one step

at a time. This is a critical, critical step to do that. And I'll tell you, the people in Michigan's Seventh Congressional District believe \$107 million is real money.

By not acting, the threat is real that these available dollars will be spent. By passing this bill today, the United States House of Representatives will remove \$107 million that would likely be spent for some other program.

We must act to make sure that we restrain and constrain spending in a way that results in deficit reduction. That's why I'm proud to stand in support of this bill and hope that both my Democratic and Republican colleagues take decisive action to make sure that neither this Congress nor future Congresses spend money that we can't afford.

Mr. DUNCAN. I continue to reserve the balance of my time.

Mr. PERRIELLO. I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the chairman.

Mr. OBERSTAR. I thank the gentleman for yielding and for his leadership on this issue.

The gentleman from Virginia has been very diligent and vigilant on deficit reduction and on careful investment of the public resources, as has the gentleman from Michigan (Mr. SCHAUER), and there is no one who can exceed those qualities other than the gentleman from Tennessee (Mr. DUNCAN), a gentleman whose entire career has been one of public probity and clarity.

As the gentleman from Michigan said, where he comes from and where I come from in northern Minnesota, where the gentleman from Virginia comes from, \$107 million is real money. We could build 100 lane miles of new road at \$1 million a mile in my part of the country. But being very clear, this is contract authority that is not going to be used. It's very clear it's not going to be used. The agencies have said they're not going to use it.

But in the curious construct of our budget processes in both the executive branch and the legislative branch, on this side of the Hill and the other side of the Hill, that money can be used in an obscure fashion that it takes a very long time to explain to ordinary citizens. Say, in a passing comment in a Fourth of July parade, you can't plumb the depths of this curious budget process. Sure, there are no outlay savings, but that's why the Appropriations Committee year in and year out, under both Republican and Democratic leadership, have used the rescission process to claim savings on the one hand and spend money on the other hand, real general revenue dollars on the other hand for projects that they consider to be important.

The supplemental appropriation bill earlier this month rescinded \$25 mil-

lion of highway safety contract authority that will be rescinded by the bill before us.

□ 1520

The supplemental appropriation bill rescinds \$2.2 billion of Federal-aid highway contract authority so they can use it as something else.

This is real. What we are doing here is saying this is done. These authorities that exist in law that will not be used, for which obligations will not be made, and for which projects will not be advanced is terminated, and the Appropriations Committee then can't use that gimmick for something else they want to do.

So what we do is real in this legislation. It takes \$107 million off the table. It makes it unavailable for rescission and unavailable for gimmickry through the appropriation process in either this body or the other body. We take a real positive step, one that is within the authority of this committee. We are not the Budget Committee. We are not Ways and Means. We have jurisdictional issues, and we are identifying other savings of this nature that will be considered on the House floor in the coming week before the August recess.

So I applaud the deficit hawks of our committee on both sides of the aisle for their vigilance and for pursuing this matter.

Madam Speaker, I rise in strong support of H.R. 5604, the "Surface Transportation Savings Act of 2010". I commend the work of the gentleman from Virginia (Mr. PERRIELLO) and the gentleman from Michigan (Mr. SCHAUER) for introducing this legislation.

This bill rescinds \$107 million in excess contract authority that the National Highway Traffic Safety Administration (NHTSA) and the Federal Transit Administration (FTA) cannot use in fiscal year (FY) 2010. In doing so, H.R. 5604 will take these funds off the table so that they cannot be used to increase spending in the future.

The largest rescission contained in this legislation will occur in NHTSA's safety belt performance grants program. This program received \$124.5 million in FY 2010 to carry out an incentive grant program to encourage States to enact and enforce laws requiring the use of safety belts. This funding level is equal to the amount authorized for this program in FY 2009 under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (P.L. 109-59).

According to NHTSA, only three States are expected to qualify to receive an incentive grant under this program this year, requiring no more than \$28.5 million in FY 2010 to carry out the authorized activities of the program.

NHTSA does not have the authority to redistribute the unused program funds this fiscal year, and they will remain unallocated in 2010. H.R. 5604 rescinds \$81.0 million in unusable contract authority from this program.

The Surface Transportation Savings Act also rescinds \$8.5 million in contract authority from NHTSA's administrative expenses, the National Driver Register, and research and development programs.

This excess contract authority was made available under the extension of current surface transportation programs passed as part of the Hiring Incentives to Restore Employment Act (HIRE Act).

Because the amounts of contract authority provided for these programs under the HIRE Act is greater than the funding levels provided by the FY 2010 Consolidated Appropriations Act, NHTSA cannot use these funds this year.

H.R. 5604 also rescinds \$17.4 million of contract authority from FTA's formula and bus grant programs. The HIRE Act provides \$8.361 billion in FY 2010 to carry out FTA's formula and bus grant programs, \$17.4 million more than the funding level provided in the FY 2010 Consolidated Appropriations Act. FTA does not have the ability to utilize these funds this year.

Although the \$107 million that would be rescinded by H.R. 5604 cannot be used at the present time, there are two ways this \$107 million could be used to increase spending in the future if it is not rescinded now. First, a future appropriations act could increase the obligation limitations that control spending for these highway safety and transit programs, thereby allowing this \$107 million to be spent. Second, a future appropriations act could rescind this \$107 million and use that rescission to offset increased spending on other programs.

There are skeptics who claim that this bill will not reduce spending. They are closing their eyes to the budgetary shell game played out in this body over the past decade. It has become somewhat routine for appropriations bills to rescind surface transportation contract authority in order to offset other spending that no appropriations committee proposes. In fact, H.R. 4899, the "Supplemental Appropriations Act, 2010", that passed the House earlier this month, rescinds \$25 million of the highway safety contract authority that would be rescinded by the bill before us today. The Supplemental Appropriations bill also rescinds \$2.2 billion of Federal-aid highway contract authority.

The Committee on Appropriations includes such rescissions in appropriations bills because they offset other spending that the committee supports. Even if a contract authority rescission is "scored" as only reducing budget authority, not outlays, a budget authority offset is often all that is needed to facilitate additional spending in an appropriations bill.

To the extent that this bill takes \$107 million off the table and makes that amount unavailable for rescission, or use, by some future appropriations bill, it will indeed result in "real" savings.

H.R. 5604 is one step in a continuing effort to find savings within programs under the jurisdiction of the Committee on Transportation and Infrastructure. While these savings may seem small relative to the size of our budget deficit, it is a start. Even the longest journey begins with a single step.

I want to again thank Mr. PERRIELLO and Mr. SCHAUER for their hard work on behalf of the American taxpayers in introducing this legislation. This proposal is a common sense step toward improving the Nation's fiscal foundation and ensuring that the nation's Federal surface transportation funds are invested as efficiently as possible.

I urge my colleagues to join me in supporting H.R. 5604.

Mr. DUNCAN. Madam Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR), our outstanding chairman of the full committee, for his very accurate explanation of the confusing, convoluted way we go about the budget and contract authority differences in this Congress.

I want to commend the gentlemen from Virginia and from Michigan for bringing this legislation to the floor. It is a good bill.

As I said, even though the CBO may not count it as reducing the deficit by \$107 million, it is a step in the right direction, and we should be looking for savings in every Department and agency in this Federal Government, and we are going to have to if we are ever to get the Federal deficit and our national debt under any type of control.

What we first need to be doing, though, is to stop spending hundreds of billions of dollars on very unnecessary foreign wars and turning the Department of Defense into the Department of Foreign Aid with all the nation-building that they are doing. Then we need to go to every Department and agency, and instead of building other countries with money that we don't have, we need to start building our own country. I think no one has been more of a leader in that regard than our chairman, Chairman OBERSTAR, but we need to start taking care of our own country and start putting the American people first once again.

I do think that this bill is a step in the right direction; so I urge my colleagues to join me in supporting this legislation.

Mr. OBERSTAR. Will the gentleman yield to me for just a moment?

Mr. DUNCAN. I will be happy to yield.

Mr. OBERSTAR. I would like to make the observation, Madam Speaker, that the gentleman took the lead in our Public Buildings Subcommittee many years ago, during his first term in Congress, on courthouses. The gentleman has saved the taxpayers of this country tens of millions of dollars, perhaps now in the hundreds of millions, by requiring, through his persistent campaign, courtroom sharing.

Madam Speaker, I'll say to the gentleman from Tennessee that I don't know how CBO scores that, but I know that, in our committee, I score it as a net savings to the public. We have built better courthouses, more courthouses and more efficient service to the public in requiring this very simple step of sharing courtrooms. To his great credit, the gentleman from Tennessee led the effort on it; and it has resulted in real savings, just as this legislation is resulting in real savings.

I tip my hat to the gentleman from Tennessee for his persistence in looking at those very specific ways in which we can achieve our goals.

Mr. DUNCAN. Well, I thank the gentleman from Minnesota, Chairman OBERSTAR, for those kind words. No one in this Congress admires the chairman more than I do. Certainly no one knows the work of the Transportation and Infrastructure Committee better than Chairman OBERSTAR.

I yield back the balance of my time.

Mr. PERRIELLO. Madam Speaker, again, I want to thank the gentleman from Tennessee and the others who have been a part of this.

If we can't at least agree to take the money that agencies say they don't even want or can't even use and put that to deficit reduction, how on Earth will we ever move forward in the simplest possible terms?

If this \$107 million is left on the table, it will be spent on something. If we remove this contracting authority, it will not; and that will save the taxpayers money. That is the important thing. If we can't at least agree on these small steps, how are we going to take the big steps together?

So I appreciate the cooperation on this bill to find \$107 million, to take that off the table and to make sure that it does not get spent wastefully.

Mr. CONYERS. Madam Speaker, I rise today in support of H.R. 5604, "The Surface Transportation Savings Act of 2010." By rescinding amounts authorized for certain surface transportation programs, our nation will save about \$107 million and thus reduce our budget deficit.

This legislation would rescind millions of dollars in excess contract authority from programs including the National Highway Traffic Safety Administration's safety belt performance grants program, which according to the NHTSA, only three states are expected to qualify to receive an incentive grant this year. The amount rescinded is reduced as necessary to ensure that 28.5 million is still available to carry out safety belt grants programs in Fiscal Year 2010.

In addition, H.R. 5604 rescinds funds that The Hiring Incentives to Restore Employment Act (HIRE Act) already provides funding for, including NHTSA's administrative expenses, transit formula and bus grant programs.

It is clear that the public is concerned about the current fiscal state of the federal government. An NBC/Wall Street Journal Survey conducted in May showed that the share of individuals rating "the deficit and government spending" as a top priority for the federal government to address has jumped since January from 13 to 20 percent—second only to job creation and economic growth. According to Gallup, "federal government debt" now ties with terrorism for the top spot in perceived threats to our future well-being.

The public's attitudes reflect our need to tackle our nation's serious budget challenge and exercise fiscal belt-tightening where it makes sense. H.R. 5604 is one step towards that goal. It contains no intergovernmental or private-sector mandates and would impose no costs on state, local, or tribal governments. This legislation is a small but necessary effort

to help us gradually get our fiscal house in order.

With the Nation's budget deficit forecasted to swell 14 percent this year, largely due to the longest war in our history and unfunded tax cuts for the wealthy, we must explore common ground to achieve fiscal responsibility. If we don't, then by the time our grandchildren or great grandchildren are in college, our debt will exceed our GDP.

I will continue to support smart measures designed to return our Nation to fiscal health and strength as steadily and as sustainably as possible. To this end, I urge my colleagues to support H.R. 5604 to help reduce our budget deficit.

Mr. PERRIELLO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. PERRIELLO) that the House suspend the rules and pass the bill, H.R. 5604.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PERRIELLO. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING 65TH ANNIVERSARY OF END OF WORLD WAR II

Mr. SKELTON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1516) recognizing the 65th anniversary of the end of World War II, honoring the servicemembers who fought in World War II and their families, and honoring the servicemembers who are currently serving in combat operations.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1516

Whereas World War II was the largest and most violent armed conflict in the history of mankind, with fatality estimates ranging between 22,000,000 and 70,000,000 military and civilian deaths;

Whereas America's finest men and women risked life and limb to protect the American way of life and to halt foreign tyranny and aggression;

Whereas over 16,000,000 Americans served in uniform and 405,000 members of the United States Armed Forces paid the ultimate sacrifice for the protection of the American people and for the formation of a more stable world;

Whereas World War II demonstrated how the American people unite in times of great peril;

Whereas the united efforts of Americans from all walks of life made the American homefront the Arsenal of Democracy for the worldwide triumph of the Allied powers;

Whereas Allied forces faced vicious combat, exhibited unmatched bravery, and suf-

fered untold tragedy in places like Southeast Asia, the Philippines, the islands of the Southwest and Central Pacific, the deserts of North Africa, across great stretches of the Atlantic Ocean, and from the beaches of Western Europe to the icy Russian tundra;

Whereas World War II ended 65 years ago with the surrender of the Japanese upon the deck of the U.S.S. Missouri on September 2, 1945;

Whereas the trauma and the exultant triumph of the events of World War II still reside in the collective American psyche today through contemporary tales in novels, cinema, and oral telling; and

Whereas approximately 2,000,000 surviving World War II veterans are still alive today: Now, therefore, be it

Resolved, That the House of Representatives—

(1) on the 65th anniversary of the end of World War II, recognizes the service and sacrifices of all of the brave men and women who fought and contributed to American victory in that conflagration;

(2) honors the families and decedents of those men and women, and the men and women themselves, whose lives were taken in defense of liberty and freedom; and

(3) remembers and honors the service members today who are actively fighting for freedom and to protect the American way of life in ongoing combat operations, including Operation Enduring Freedom and Operation Iraqi Freedom.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. SKELTON. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. I yield myself such time as I may consume.

Madam Speaker, I rise today, and I request that the House support House Resolution 1516, which is a resolution recognizing the 65th anniversary of the end of World War II and honoring the service and sacrifice of the men and women in uniform who fought.

I am proud to note that I introduced this resolution alongside the committee's ranking member, the gentleman from California, BUCK MCKEON.

Madam Speaker, I grew up around veterans of the First World War; and during World War II, as a young teenager, I looked up to all my friends and neighbors in uniform as living, breathing American heroes. My father served in the Navy aboard the USS *Missouri* during World War I. It was on the next USS *Missouri*, the "Mighty Mo," that Japan signed the official surrender papers to end World War II. It was 65 years ago this September. So the 65th anniversary of the end of World War II is a big thing for me. It is a big thing

for this great Nation, and it is a big thing for the free nations of the entire globe.

It is difficult to explain to people who did not grow up during those tense years how it felt to be a young person in America the day Pearl Harbor was attacked. America had already participated in efforts to prevent the tyrannical expansion of Axis powers by providing material and industrial support to the Allied powers long before we were attacked; but all of a sudden, the front lines of war were on our shores. I am no longer that young teenager, but the memories of the extraordinary valor and selfless sacrifice of the over-16 million American men and women in uniform are still with me today. Their efforts echo across these lands in many complex ways, the simplest and most fundamental of those being the fact that we continue to be free.

Allied forces faced vicious combat, exhibited unmatched bravery, and suffered untold tragedy in places like southeast Asia, the Philippines, the islands of the Southwest and Central Pacific, the deserts of North Africa, across great stretches of the Atlantic Ocean, and from the beaches of Western Europe to the icy Russian tundra. Not only did Americans serve in uniform; Americans from all walks of life contributed to making the American home front the Arsenal of Democracy. It was the united efforts of everyone, of every last citizen, that resulted in triumph.

Ultimately, over 405,000 servicemembers lost their lives in World War II. To them, their spouses, their children, we as American citizens will be eternally indebted. We say thank you.

Before I reserve the balance of my time, I would also like to take a moment to acknowledge the service of our brave men and women in uniform who are serving in our ongoing conflicts today. In some ways, the war we find ourselves in today is like World War II: our American homeland was attacked—unprovoked—and our uniformed servicemembers are fighting to keep us free and safe from a war that has reached our shores.

□ 1530

This Nation has been blessed with generation after generation of patriotic Americans who have selflessly served our country. And you have carried on this tradition, and to them we say thank you.

Madam Speaker, there are only about 2 million World War II veterans with us today. On the 65th anniversary of the Allied victory and the end of World War II, I request that the House of Representatives pass this resolution, House Resolution 1516, to recognize the service and sacrifices of all of the brave men and women who fought and contributed to American victory in World War II; honor the families and descendants of those men and women and the

men and women themselves whose lives were taken in defense of liberty and freedom; and remember and honor the servicemembers today who are actively fighting for freedom, and to protect the American way of life in ongoing combat operations today, including Operation Enduring Freedom and Operation Iraqi Freedom.

Madam Speaker, I reserve the balance of my time.

Mr. MCKEON. Madam Speaker, I yield myself such time as I may consume.

I rise today, Madam Speaker, in strong support of House Resolution 1516 that recognizes the 65th anniversary of the end of the Second World War, and that honors our veterans' tradition of service and sacrifice that continues to this day.

I want to thank the chairman for making this opportunity possible, for his love of history, and his understanding of the sacrifices that our men and women have made since the founding of this great country.

I particularly remember, as a young boy, World War II, my dad served in the Philippines. And I remember the excitement of when he returned home after the war. There was a chain link fence that separated us from the plane. And as my dad got off the plane, he was carrying a little baby of a lady that was getting off the plane at the same time. And my mom, a very enthusiastic young lady, started to climb that chain link fence. She wanted to see her "Cookie" as she referred to my dad.

You know, that same scene was happening all across America, and it's happened many times since, as young men and young women have returned home.

They have shouldered a burden that subsequent generations have not been forced to share. Our entire Nation mobilized to fight a war of national survival. Men and women of all races and creeds put aside their differences and rallied around our national colors, turning our Depression woes into industrial and military might.

These were Americans of incredible courage and dedication. Even with the millions of stories about the heroes of the Second World War, you don't have to look past our own back yard to find Americans who did incredible things in the service of our country.

In California's 25th District, men like retired Air Force General Chuck Yeager, who, as an enlisted airman, was stationed at George Air Force base in Victorville. After General Yeager earned his commission and pilot's wings, he deployed to fight the Nazi war machine in Europe, where he was shot down, evaded capture, returned to friendly lines and returned to fight, earning the coveted title of "Ace" for shooting down Luftwaffe fighters.

After the war he returned to California and Palmdale, where he became the first man to break the sound bar-

rier on October 14, 1947. Today, the rolling desert wind that Chuck Yeager soared over inspires the next generation of Air Force test pilots at Edwards Air Force Base.

Central California is home to an incredibly diverse environment, from soaring mountains to barren desert to dense urban sprawl. It was the open desert that in 1942 became the home of Marine Corps Logistic Base Barstow. Vital equipment and vehicles for the Marine Corps island hopping campaign was shipped to Barstow in preparation for deployment to the Pacific theater. Barstow later became the home to many of these veterans who made their homes and developed the economy of San Bernardino County.

Central California is also home to one of the more difficult passages of the Second World War, the Manzanar Internment Camp, where Japanese Americans were relocated and held captive. Many of these young Americans jumped at the chance to prove their devotion to America, and enlisted from Manzanar, deployed to the European theater, and distinguished themselves in combat service to their true native country, the United States of America.

In 1940, an aerial gunnery range was established in the Mojave Desert, which grew into what is now the National Warfare Training Center at Fort Irwin. Fort Irwin is the premiere military training facility in the Western Hemisphere, where servicemen and women from all our Armed Forces receive the finest training available to prepare them to face our enemies in combat and build damaged peoples into civil societies.

Then, as now, what has set our Armed Forces apart is their commitment to a moral war, a just war, an American way of war.

Today the legacy of these men and women lives on in our servicemembers who serve around the country, around the world in defense of freedom, fighting for those who cannot fight for themselves. The soldiers who liberated Dachau are no different from those soldiers who today ensure that young Afghan girls can go to school without being murdered by Taliban thugs.

The Marines who held the line on Wake Island today ensure that a shaky government in Marjah will be given a legitimate chance to succeed. Our Air Corps that decisively proved itself over the skies of Europe and the Pacific is now a unique branch of service and a force with truly global reach. The sacrifices our Navy made in the Second World War leave behind a tradition of absolute dedication to duty, and a role of unquestioned dominance on the high seas.

I urge the House to join me and pass this resolution to commemorate the end of the Second World War, and honor the servicemembers who are cur-

rently serving in combat operations abroad.

Madam Speaker, I reserve the balance of my time.

□ 1540

Mr. SKELTON. Madam Speaker, I yield 2 minutes to my friend, the gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. Madam Speaker, I am privileged to represent a district that's home to a large number of World War II veterans, veterans to whom I feel a tremendous gratitude for their heroic service, and so many other veterans of my district who served bravely in Korea, Vietnam, the gulf war, and the ongoing wars in Iraq and Afghanistan.

Our country has a sacred obligation to our troops, the brave servicemembers who risk their lives in defense of our country from the time they sign up to serve and well into their retirement.

I would like to thank Chairman SKELTON for his work on behalf of our servicemembers, and in honoring the courage and bravery of our veterans on the 65th anniversary of the end of World War II with this resolution.

I would like to particularly mention just a few of the many Americans who served our country during World War II, veterans in my district like Will Lapidus, who sacrificed so much of themselves to serve this country in a time of great need. Josephine Anton was among the first women to join the Women's Army Auxiliary Corps. She left college in her last year to serve as a lieutenant in the WAACs. And like so many veterans, Josephine continues to seek out opportunities to serve her community.

I would also like to recognize Ed Safarty, who served with my late father Bernard Deutch. Their 84th Infantry Division fought valiantly at the Battle of the Bulge. My father volunteered to serve his country as a teenager, earned a Purple Heart, and like every veteran I know, shared his passionate patriotism with his children and with his community for the rest of his life.

The legacy of service and self-sacrifice from this generation of Americans, exemplified by these veterans and so many others, is humbling. Our country owes all servicemembers an enormous debt of gratitude. It's important to recognize the tremendous sacrifices as well that the families of our servicemembers make, whose invaluable support and encouragement is a gift to our Nation, and one that is too often overlooked.

Madam Speaker, I am proud to support House Resolution 1516 here on the House floor today. And to all the veterans and those servicemembers presently serving, as well as their families, I offer you my most profound thanks.

Mr. MCKEON. In closing, I would like to just again thank the chairman for bringing this resolution to the floor.

Again, we have personal remembrances of people that fought in that great war and those of their families that have continued on and those who continue to serve in the armed services today.

We just had a memorial service a couple of months ago in my community where I live, and we had a couple of men there that were still able to wear their World War II uniforms. It was and continues to be an honor to see them each Memorial Day. I don't know how many more years we will have them with us. But they are a great reminder of the wonderful things that they stood for and continue to stand for, as they have been called the Greatest Generation.

I encourage all of our Members to support this resolution.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SKELTON. I yield myself the balance of my time.

Madam Speaker, it was 1943. I was a young boy standing across the street from my home on Franklin Street in Lexington, Missouri. I heard an airplane overhead, and I looked up, and it is what I learned later was a C-47 towing a glider. I also later learned that this airplane and the glider came from the Sedalia Army Airfield near Sedalia, Missouri, between Sedalia and Warrensburg, out of a small community known as Knob Noster.

It was June 6, 1944, when I stayed up late in the evening listening to the radio with my father. That was of course the occasion on the Normandy landing. It was the C-47s pulling gliders that were trained at the Sedalia Army Airfield over Normandy that helped in the landing and the successful assault there in France.

Today, the Sedalia Army Airfield is not called that anymore. It's called Whiteman Air Force Base, named after a lieutenant who in his P-40 at Hickam Field on December 7, 1941, got about 10 feet off the ground to go after the Japanese attackers and was shot and killed.

These are memories of a young boy. And seeing the soldiers and sailors and marines come home, they were my heroes. And Madam Speaker, today they are still my heroes.

Mr. CONYERS. Madam Speaker, I rise today in support of H. Res. 1516, which recognizes the 65th anniversary of the end of World War II. The Allies' victory in Europe in 1945 ended an era of unspeakable atrocities and widespread human suffering.

World War II was the largest war in history as nations around the globe mobilized 100 million souls to fight in the name of either the Allied or Axis powers. The battle between the two resulted in the most deadly war in human history: 60 to 70 million deaths, 45 million of whom were civilians. The United States lost 345,000 brave soldiers in both the European and Pacific theaters, which was second only to the Civil War in the amount of American blood spilled in war.

America rallied over 16 million citizens into uniform and its factories and farms provided the largest mobilized support network in the world. The war helped bring the country out of the Great Depression, and vitalized my own Detroit as the manufacturing industry expanded greatly during this period.

It is also worth noting that during this time, the United States, in its fight against racist and genocidal opponents, was forced to confront its own racism. In one of our most shameful acts, Japanese-Americans were interned at camps throughout the war while segregation continued to separate whites and blacks back home. Despite these sad examples of discrimination, Japanese-American, African-American, and Hispanic-Americans all proudly took up arms to defend their nation and demonstrate their loyalty. I have no doubt that their courage laid the groundwork for the victories for equality and civil rights for all that would follow decades later.

Madam Speaker, as we honor our World War II veterans, we must also recognize the incredible sacrifices made by those currently serving overseas. We must also not forget the values for which World War II was fought. Our level of international cooperation at the end of that war was a clear example of our commitment to diplomacy and peaceful resolutions. We have and always will be a Nation that supports liberty and justice for all.

Mr. BUYER. Madam Speaker, I rise in support of H. Res. 1516 which recognizes the 65th anniversary of the end of World War II and honors the service and sacrifices made by the members of our Armed Forces and their families, as well as those serving in combat operations today.

Madam Speaker, September 2nd marks the conclusion of one of the most devastating confrontations in the world's history. On that day, 65 years ago, the Japanese offered their surrender on the deck of the U.S.S. *Missouri*, ending World War II and marking the defeat of foreign tyranny and aggression. It was a momentous day in America's history, not only were the Allies successful in defeating the Axis powers, but it defined America in a new light, launching a much larger role for our nation on the world stage.

Our nation's victory on September 2, 1945 came at a great cost. World War II was one of the most violent and deadly conflicts in our nation's history, claiming the lives of 405 thousand American men and women from all walks of life and every corner of the country. 16 million Americans came together to serve for a common good, joining our nation's fight to protect democracy and promote justice, changing the course of history forever. Their sacrifices for future generations are their everlasting legacy.

Our men and women in uniform also prevailed because of the valiant efforts of millions of Americans on the home front who steadfastly worked in war industries to produce and create the munitions, the ships, and the aircraft necessary for the war effort. There are few other times, if any, in our nation's history in which so many Americans bonded together and worked toward a common purpose with such strength and resolve.

Madam Speaker, each day over 1,000 veterans from this "greatest generation" pass

from our midst and it is indeed appropriate that we honor their service and sacrifice today. Their labors have led to great wealth and prosperity for our country and allowed America to continue to be a beacon of justice and democracy for all people across the globe.

I thank my colleagues Mr. SKELTON and Mr. McKEON for introducing this resolution, and I urge all my colleagues to support its passage.

Ms. RICHARDSON. Madam Speaker, I rise today in support of H. Res. 1516, which recognizes the 65th anniversary of the end of World War II, honors the service members who fought in the war, and honors the brave men and women in uniform who are currently serving in combat operations. This important measure honors a generation of Americans who united in the fight against tyranny and fascism, sacrificing to protect America and help achieve a more stable, democratic world.

I thank Chairman SKELTON for his leadership in bringing this resolution to the floor and for his commitment to ensuring that America never fails to show gratitude for the sacrifices of the Greatest Generation.

Madam Speaker, World War II was the largest and most violent conflict in human history, with fatality estimates ranging from 22 million to 70 million military and civilian deaths. Over 16 million Americans served in the Armed Forces in World War II, 405,000 of them making the ultimate sacrifice on behalf of their country and the cause of democracy and freedom. I am forever grateful for the men and women who served, especially those who gave their lives so that we might live in a better world.

World War II demonstrated how the American people unite in times of peril. In addition to the bravery of our Armed Forces, Americans from all walks of life came together to make the American home front the Arsenal of Democracy. The men and women at home sacrificed, working long hours in our factories to help power the Allied efforts in Europe and the Pacific. The Allied Forces' victory over tyranny would not have been possible without the dedication of the Americans at home.

Sixty-five years ago, the Allied Forces, led by the United States, defeated a tyrannical force that threatened to eradicate human freedom. World War II still plays prominently in the American psyche, both as a trauma and a triumph. Looking back at World War II, we cannot help but feel an immense gratitude for the Greatest Generation and their willingness to sacrifice everything for our country. But we also look back and see the immense cost of war, the human, psychological, and financial toll that war takes on a nation. Hopefully, World War II will forever live on as a tribute to American courage and unity, as well as a reminder that war should always be a last resort.

Madam Speaker, 23,000 veterans live in the 37th district of California, many of them veterans of World War II. I am deeply grateful for their service and show my gratitude by working to ensure that they have the benefits that they need and deserve. Also, Long Beach is home to the Gold Star Manor, which provides affordable and quality housing to mothers who have lost sons or daughters in the service of their country. We must continue supporting the family members of our men and women in uniform and always express our gratitude for our

troops' willingness to risk their lives on behalf of our nation.

I urge my colleagues to join me in supporting H. Res. 1516.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to recognize the 65th anniversary of the end of World War II.

Following the Japanese attack on Pearl Harbor, thousands of young Americans flooded their local recruiting offices to enlist in the Armed Services. In total, over 16 million served in uniform to defend their families, their homes, and our freedoms.

Those serving on the front lines were not the only Americans making sacrifices during America's 4 years in World War II. From Victory Gardens to sugar and gasoline rations, World War II united all Americans. The cooperation and patriotism shown during those times illustrate the best of the American spirit. It is no wonder that these Americans are so often referred to as "the Greatest Generation."

Today, approximately 20,000 World War II veterans live in Florida's Fifth Congressional District. I regularly meet with these veterans. Almost always, what I hear from them is their concerns about where our Nation is going. They fear that we have abandoned the goals and ideals that they fought for, and that 405,000 members of the Armed Forces died for, during World War II.

I would like to thank my colleague from Missouri, Mr. SKELTON, for introducing this resolution to recognize the service and sacrifices of all of the brave men and women who fought against some of the greatest evil the world has ever known. I hope that as we honor these veterans with this resolution, we will also honor them with our acts—returning to the beliefs in democracy, liberty, and freedom from tyranny that made our great Nation what it is today.

With that I ask my colleagues to support this resolution.

Mr. SKELTON. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and agree to the resolution, H. Res. 1516.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. SKELTON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING 111TH FIGHTER WING

Mr. CRITZ. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1411) honoring the service and commitment of the 111th Fighter Wing, Pennsylvania Air National Guard, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1411

Whereas the 111th Fighter Wing's roots date back to the establishment of the 103rd Observation Squadron on June 27, 1924, in the sod fields of the Philadelphia Airport;

Whereas on February 17, 1941, the 103rd was ordered to active service, performing anti-submarine patrols off the coast of New England;

Whereas the squadron deployed to the China-Burma-India (CBI) Theater of World War II in 1943, executing support operations for the duration of the war;

Whereas the 391st Bombardment Group (Medium), constituted on January 15, 1943, earned the Distinguished Unit Citation for its service during World War II, performing ground attack missions in France and the Low Countries in advance of the invasion of Normandy, and in Germany in support of and in the aftermath of the Battle of the Bulge;

Whereas in 1946, the 391st was redesignated the 111th Bomb Group (Light), and the 111th Bomb Group and the 103rd Squad were designated to the Pennsylvania National Guard;

Whereas when the 111th Composite Wing was activated in April 1951, members honorably performed various missions in support of the U.S. war effort in Korea;

Whereas in 1963, the 111th ended its 39-year history at Philadelphia Airport, and moved into new housing on the north end of the Willow Grove Naval Air Station;

Whereas the 111th Air Transport Group flew numerous airlift missions in support of the U.S. war effort in Vietnam;

Whereas in 1995, the newly designated 111th Fighter Wing volunteered for deployment to Kuwait, where they conducted Combat Search and Rescue alert, Kill Box flights over Iraq, Airborne Forward Air Control, and joint training missions in support of Operation Southern Watch;

Whereas in 1999, the 111th again deployed to Al Jaber, Kuwait, to support joint combat flight operations for Operation Southern Watch;

Whereas immediately following the attacks of September 11, 2001, the 111th Fighter Wing voluntarily deployed on very short notice to support joint combat operations for Operation Southern Watch and Operation Enduring Freedom;

Whereas between 2002 and 2003, the wing was the lead unit for short notice, voluntary, out-of-cycle Air Expeditionary Force deployments to Bagram Air Base, Afghanistan, performing joint combat flight operations with the Army, Special Forces, and coalition ground troops despite total 'black out' conditions, a substantial number of mines on and around the airfield, extreme weather conditions, and unremitting enemy shelling;

Whereas in 2003, the 111th once again volunteered for deployment to Al Jaber, Kuwait, directly supporting coalition armor forces during the invasion of Iraq from the Kuwaiti border;

Whereas the 111th Fighter Wing was awarded the Air Force Outstanding Unit Award, with Valor, for voluntarily deploying to austere bases in two separate combat operations within a five-month period;

Whereas the unit was also awarded the Reserve Family Readiness Award in 2003 and the Air National Guard Distinguished Flying Unit Award in 2004;

Whereas in its 86-year history, the wing has flown aircraft that includes the JN-4 Jenny, PT-1 Trusty, BT-1, Curtiss O-1 Falcon, Douglas O-2H, Curtiss O-11 Falcon, Douglas O-38, North American O-47A and O-

47B, Stinson O-49 Vigilant, Curtiss O-52 Owl, Taylorcraft O-57 Grasshopper, Piper L-4 Grasshopper, Stinson L-1B Vigilant, Lockheed P-38(F-5) Lightning, Douglas A-26 Invader, Boeing RB-29 Superfortress, North American F-51 Mustang, Lockheed T-33 Shooting Star, Republic F-84 Thunderjet, Lockheed F-94 Starfire, Northrop F-89 Scorpion, Boeing C-97 Stratofreighter, Cessna U-3A Blue Canoe, Cessna O-2 Skymaster, Cessna OA-37 Dragonfly, and Fairchild A-10 Thunderbolt II;

Whereas the members of the 111th Fighter Wing of the Pennsylvania Air National Guard have served with courage, selflessness, and compassion in every role they have been asked to fulfill, and have earned the respect and gratitude of the citizens of Pennsylvania and of all Americans;

Whereas the ruling of the Base Realignment and Closure Commission of 2005 marks the end of an era for the 111th Fighter Wing at Willow Grove Naval Air Station; and

Whereas even though the Base Realignment and Closure Commission of 2005 removed the 111th's flying mission, the unit will continue proudly serving the United States through new missions: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the exemplary service of members of the 111th Fighter Wing of the Pennsylvania Air National Guard; and

(2) honors and thanks all members of the 111th Fighter Wing of the Pennsylvania Air National Guard, past and present, for their tremendous contributions to the defense and security of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. CRITZ) and the gentleman from Texas (Mr. CONAWAY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. CRITZ. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CRITZ. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1411, recognizing the service and sacrifice of the members of the 111th Fighter Wing of the Air National Guard. I would like to thank my colleague from Pennsylvania (Ms. SCHWARTZ) for bringing this resolution before the House.

The distinguished history of the 111th Fighter Wing began in 1924. Since then, the men and women of this outstanding unit have, with great honor and dignity, represented the finest of America's Armed Forces. Thoroughly immersed in the greatest conflict of our time, they protected the coasts of New England, aided missions in the China-Burma-India theater of World War II, and earned the Distinguished Unit Citation for their contributions to the invasion of Normandy and the Battle of the Bulge.

Members of the 111th Fighter Wing also remained involved during the Korean and Vietnam wars, honorably performing various airlift missions in support of the war efforts.

The 111th Fighter Wing has not shied from battle, but has time and time again demonstrated their dedication to defending the United States and its principles. The 111th Fighter Wing volunteered to deploy in support of Operation Southern Watch and Operation Enduring Freedom on very short notice immediately following the September 11 attacks of 2001.

To honor their commitment and to recognize their contributions by voluntarily deploying to the heart of the conflict in two separate combat operations within a 5-month period, the 111th Fighter Wing was awarded the Air Force Outstanding Unit Award, with Valor.

Madam Speaker, the courage and commitment consistently demonstrated by the 111th Fighter Wing over the last 86 years deserves the thanks of the United States Congress today. The success of the United States is contingent upon the bravery and honor of units like the 111th Fighter Wing.

I urge my colleagues to join me in honoring the patriotism and valor of the 111th Fighter Wing by supporting House Resolution 1411.

I reserve the balance of my time.

Mr. CONAWAY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Resolution 1411, as amended, which honors the service and commitment of the 111th Fighter Wing, Pennsylvania Air National Guard. I would like to thank the gentlelady from Pennsylvania for introducing this resolution.

I am honored to pay tribute to the current and former Members of the 111th Fighter Wing who have steadfastly and courageously defended and served this great country on our shores and in distant lands.

With roots that date back to the 103rd Observation Squadron, operating out of the Philadelphia Airport, the unit first saw action in World War II patrolling for submarines off the east coast of the United States. The squadron then deployed to the China-Burma-India theater to support the war operations there.

A second parent organization, the 391st Bombardment Group (Medium), earned the Distinguished Unit Citation for its service in the European Theater in support of the Normandy invasion and the Battle of the Bulge.

Later designated the 111th Composite Wing, the unit supported the war effort in Korea, and as the 111th Air Transport Group the members flew numerous airlift missions to support military operations during the war in Vietnam.

More recently, the 111th Fighter Wing has participated in Operation Southern Watch in Kuwait, supporting joint combat flight operations. During Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq, the 111th has directly supported coalition ground troops despite extreme conditions and at times unremitting enemy shelling.

□ 1550

Madam Speaker, I would also like to read into the RECORD today the aircraft flown and operated, maintained, armed, and fought with during the proud history of this group. Just the names of these airplanes will invoke memories and wonderful nostalgic feelings about some of them just by saying their names out loud.

The 111th Fighter Wing has flown the JN-4 Jenny, PT-1 Trusty, the BT-1, the Curtiss 0-1 Falcon, the Douglas 0-2H, the Curtiss 0-11 Falcon, the Douglas 0-38, the North American 0-47A and 0-47B, the Stinson 0-49 Vigilant, the Curtiss 0-52 Owl, the Taylorcraft 0-57 Grasshopper, the Piper L-4 Grasshopper, the Stinson L-1B Vigilant, the Lockheed P-38 Lightning, the Douglas A-26 Invader, the Boeing RB-29 Superfortress, the North American F-51 Mustang, the Lockheed T-33 Shooting Star, the Republic F-84 Thunderjet, the Lockheed F-94 Starfire, the Northrop F-89 Scorpion, the Boeing C-97 Stratofreighter, the Cessna U-3A Blue Canoe, the Cessna 0-2 Skymaster, the Cessna OA-37 Dragonfly, and the Fairchild A-10 Thunderbolt II.

Madam Speaker, I would be remiss if I did not pay tribute today to the incredible families of these brave airmen who waited at home while their loved ones answered our Nation's call.

The entire Nation joins the citizens of Pennsylvania to say thank you to the members and the veterans of the 111th Fighter Wing Pennsylvania Air National Guard. We are all proud of their service and, therefore, Madam Speaker, I strongly urge Members to support this resolution.

I reserve the balance of my time.

Mr. CRITZ. Madam Speaker, I yield such time as she may consume to my friend and colleague and the sponsor of this resolution, the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. I thank the gentleman for yielding.

I rise today to honor the service and the commitment of the Pennsylvania National Guard 111th Fighter Wing. Their bravery and sacrifice over the years has helped to ensure our Nation's safety and freedom.

Originally growing out of the sod fields of the Philadelphia airport in 1924, the squad was first called to active service in February of 1941 to perform antisubmarine patrols off the coast of New England. The squad saw a lot of action during World War II. In

1943, they deployed and performed support operations in the China-Burma-India theater of combat. The same year, they earned the Distinguished Unit Citation for their execution of ground attack missions in France and the low countries in advance of the invasion of Normandy and in Germany for their support in the aftermath of the Battle of the Bulge.

Members of the 111th honorably served in support of the U.S. war efforts during both the Korean and Vietnam wars. In 1963, the 111th ended their 39-year history at the Philadelphia airport and relocated to the Willow Grove Naval Air Station now in my district.

In 1995 and 1999, they performed combat operations in support of Operation Southern Watch. Immediately following the attacks of September 11, 2001, the 111th Fighter Wing deployed on very short notice to support our joint combat operations for Operation Enduring Freedom.

In 2002 and 2003, the wing was the lead unit on short notice, voluntary, out-of-cycle air expeditionary force deployments to Bagram Air Force Base in Afghanistan.

In 2003, they volunteered for deployment yet again, this time in support of Operation Iraqi Freedom. So outstanding was their service during this period that they earned the Air Force Outstanding Unit Award, with Valor, for voluntarily deploying to austere bases in two separate combat operations within a 5-month period.

It has been my honor to represent the 111th Fighter Wing as a Member of Congress. Though the latest round of BRAC decisions removed the squad's fighter mission, they will remain stationed at Willow Grove, Pennsylvania, and will undoubtedly continue to serve our Nation.

To quote the resolution before us, "Members of the 111th Fighter Wing of the Pennsylvania National Guard have served with courage, selflessness, and compassion in every role that they have been asked to fulfill and have earned the respect and gratitude of the citizens of Pennsylvania and of all Americans."

I appreciate the bipartisan support for Resolution 1411 and thank the members of the 111th Fighter Wing—I have met many of them—who currently serve in the 111th Fighter Wing, for the dedication, honor, service, and sacrifice to this country.

Mr. CONAWAY. Madam Speaker, I urge my colleagues to support this resolution honoring the 111th Fighter Wing from Pennsylvania.

I yield back the balance of my time.

Mr. CRITZ. Madam Speaker, I would like to commend Ms. SCHWARTZ for her leadership in bringing the 111th to our attention and honoring their service.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Pennsylvania (Mr. CRITZ) that the House suspend the rules and agree to the resolution, H. Res. 1411, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CRITZ. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING 14TH ARMORED DIVISION

Mr. CRITZ. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1483) recognizing the exemplary service and sacrifice of the soldiers of the 14th Armored Division of the United States Army, known as the Liberators, during World War II, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1483

Whereas the 14th Armored Division was activated on November 15, 1942, at Camp Chaffee, Arkansas, as a unit of the United States Army;

Whereas the Division's 19th, 62d, and 68th Armored Infantry Battalions traced their lineage back to the 62d Infantry Regiment, which was organized in 1917;

Whereas the Division landed in southern France on October 29, 1944, and first entered combat on November 20, 1944;

Whereas the Division participated in the Rhineland, Ardennes-Alsace, and Central Europe campaigns;

Whereas the Division participated in the liberation of most of the French province of Alsace in late November, 1944, and was engaged in an offensive against the Siegfried Line itself when, on December 19, General Dwight D. Eisenhower ordered the 7th Army to withdraw from Germany in response to the serious threat posed by a major German offensive in the Ardennes;

Whereas when the German army launched Operation Nordwind, the last major German offensive of the European war, against 7th Army positions, elements of the Division engaged several German divisions between January 1 and January 7, 1945, contributing materially to deflecting the initial German attacks;

Whereas it was during one of these engagements on January 3 and 4, 1945, that the Division's Private First Class George B. Turner earned the Medal of Honor for his heroic actions in helping to repel repeated German attacks at Philippsbourg, France;

Whereas, on January 9, 1945, the Division stopped the German XXXIX Panzer Corps from breaking through the 7th Army's lines at the villages of Hatten and Rittershoffen;

Whereas, between January 9 and January 21, 1945, the Division fought the 21st Panzer

Division, 25th Panzer Grenadier Division, 20th Regiment of the 7th Parachute Division, and the 104th Regiment of the 47th Volksgrenadier Division to a standstill during the ensuing Battle of Hatten-Rittershoffen;

Whereas elements of the Division were awarded two Presidential Unit Citations;

Whereas, on March 24, 1945, after days of heavy fighting, the Division broke through the Siegfried Line and advanced to the Rhine River;

Whereas, after crossing the Rhine River, the Division liberated Stalag XIII-C and Oflag XIII-B, two large prisoner of war camps at Hammelburg, Germany;

Whereas, during April 1945, the Division rapidly advanced hundreds of miles across southern Germany, fighting numerous battles before crossing the Danube River north of Munich;

Whereas, on April 29, 1945, the Division, after a fierce engagement with several thousand SS troops, liberated Stalag VII-A, one of the largest prisoner of war camps in Germany;

Whereas the Division is designated a "Liberating Unit" by the United States Holocaust Memorial Museum in recognition of its liberation of civilians of many nationalities and ethnicities from forced labor and concentration camps, including several large sub-camps of the notorious Dachau concentration camp system;

Whereas the Secretary of the Army awarded the Division the distinctive unit designation, "Liberators", in recognition of the Division's role in liberating large numbers of U.S. and Allied prisoners of war; and

Whereas the proud fighting tradition and accomplishments of the Division and its men, especially those who made the ultimate sacrifice, must not be forgotten: Now, therefore, be it

Resolved, That the House of Representatives recognizes the exemplary service and sacrifice of the soldiers of the 14th Armored Division of the United States Army, known as the Liberators, during World War II.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. CRITZ) and the gentleman from Texas (Mr. CONAWAY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. CRITZ. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CRITZ. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1483, recognizing the exemplary service and sacrifice of the soldiers of the 14th Armored Division of the United States Army, known as the Liberators, during World War II. I'm very grateful to my colleague from Georgia, Dr. GINGREY, for his work in authoring this resolution.

Madam Speaker, the distinctive designation "Liberator" is a title well-

earned by the brave men of the 14th Armored Division for their valor, heroism, and sacrifice in the Allied invasion of Western Europe and the liberation of prisoners of war, forced laborers, and concentration camps.

Crossing over the Danube River in southern Germany through the concentration camps at Dachau, the troops of the 14th Armored Division became witness to evidence of some of the most appalling and brutal atrocities the world has ever seen. The resolve in the face of unspeakable evil is testament to the strength of their conviction in the American ideals of freedom and democracy that eventually led the Allies to victory in 1945.

As the soldiers of the 14th Armored Division advanced toward the Stalag VII A POW camp near Moosburg, Allied prisoners of war, including American soldiers, sailors, and airmen waited in nervous hope as the sounds of fighting and the prospect of their own freedom grew even closer. Despite being outnumbered by SS troops, the men of the 14th fought valiantly to overpower them and went on to carry out the liberation of one of the largest POW camps in Germany.

The flag of the 14th Armored Division, along with those of many other liberating units, is displayed at the entrance of the United States Holocaust Memorial Museum as a permanent reminder of the courage of these and other American liberators who put their own lives in danger so that others could be free from oppression and fear.

Madam Speaker, I urge my colleagues to recognize and commend the service of the soldiers of the 14th Armored Division, of whom it has been said that heroism, sacrifice, and achievements above and beyond the call of duty were everyday occurrences, by voting in favor of House Resolution 1483.

I reserve the balance of my time.

Mr. CONAWAY. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of House Resolution 1483, as amended, which recognizes the service and sacrifices of the members of the 14th Armored Division during World War II and want to commend my friend, PHIL GINGREY of Georgia, for sponsoring this legislation.

□ 1600

The 14th Armored Division first went into action in November 1944 and established an impressive fighting record in France and Germany during more than 130 days of combat.

In January 1945, a 46-year-old World War I marine veteran, Private First Class George B. Turner, earned the Medal of Honor for his extraordinary heroism that helped the division repel repeated German attacks. Turner was a graduate of Wentworth Military Academy in Missouri, that fine educational

institution long supported by our chairman, IKE SKELTON, and despite Pfc Turner's age and prior service, he again volunteered for military service out of a sense of duty.

As the division history notes: "During training, many of the young soldiers and officers with whom he served came to admire his quiet strength and dedication to duty. Turner soon gained the reputation of being a good soldier who truly wanted to come to grips with the enemy."

"Coming to grips with the enemy" is something that Turner and his fellow soldiers of the 14th Armored Division did unhesitatingly and very well.

As we approach the 65th anniversary of the end of World War II, it's fitting that this House honor the sacrifices of the men of that division who served the Nation in securing a lasting victory.

Today, our soldiers, sailors, airmen and marines have made the same commitment to this Nation. We must heed the lessons to be learned from the 14th Armored Division and today fully support our troops and families with the resources necessary for them to finish the job in the wars America is fighting today.

I urge every Member of our body to support this resolution.

Madam Speaker, it's with great pleasure I yield such time as he may consume to my good colleague from Georgia, PHIL GINGREY.

Mr. GINGREY of Georgia. Madam Speaker, I rise today in support of House Resolution 1483, to honor the service and sacrifice of the 14th Armored Division during World War II; and I thank my friend, the distinguished chairman of the House Armed Services Committee, IKE SKELTON of Missouri, for being an original cosponsor and also want to thank Representative CRITZ of Pennsylvania and Representative CONAWAY of Texas for their support.

As Americans learn about World War II, most are familiar with the Battle of the Bulge; yet few know about Hitler's last major offensive along the Western front. Operation Nordwind was Hitler's final attempt at pushing back the Allied march toward Germany. The Allies blocked the German counterattack, and the Germans began withdrawing to defensive positions. But victory came with a heavy price, Madam Speaker. Of the approximately 41,000 casualties, roughly 16,000 were from Allied forces.

Today, I ask all of my colleagues to join me in honoring one armored division, the 14th, that played a vital part in stopping this offensive. Madam Speaker, the 14th Armored Division arrived in Marseilles, France, on October 29, 1944, and soon after participated in the liberation of the French province of Alsace that November. The 14th went on to enter Germany on December 6, 1944. In addition to its efforts in Operation Nordwind, the men of the 14th

Armored Division liberated tens of thousands of Allied personnel from German captivity. Among them were thousands of Americans.

So celebrated is the legacy of the 14th, Madam Speaker, that the division has been distinguished and designated as a "Liberating Unit" by the United States Holocaust Memorial Museum in recognition of its liberation of civilians of many nationalities from concentration camps. All in all, Madam Speaker, in their selfless efforts to free those confined to these camps, 447 of the 14th's finest were killed in action, 1,998 were wounded in combat, and to this day, 442 are missing in action.

Madam Speaker, I came to know the storied history of the 14th Armored Division through my deputy district director, John O'Keefe, whose grandfather, Private First Class Norman Narsted, served in the 62nd Armored Infantry Battalion of the 14th Armored Division; and he, indeed, was killed in action on March 1, 1945. With John's help and that of the division's historian, Jim Langford, we were able to put together House Resolution 1483. It is especially timely given that the 14th Armored Division Association will be holding its 45th annual reunion on September 8, and with the anniversary of the end of World War II right around the corner.

In honor of this occasion, Madam Speaker, I ask all of my colleagues to join me today in honoring the liberators.

Mr. CONAWAY. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CRITZ. Madam Speaker, I urge support of H. Res. 1483. I commend Dr. GINGREY for his leadership.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CRITZ) that the House suspend the rules and agree to the resolution, H. Res. 1483, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

HOMELAND SECURITY SCIENCE AND TECHNOLOGY AUTHORIZATION ACT OF 2010

Ms. CLARKE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4842) to authorize appropriations for the Directorate of Science and Technology of the Department of Homeland Security for fiscal years 2011 and 2012, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4842

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeland Security Science and Technology Authorization Act of 2010".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. References.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

- Sec. 101. Authorization of appropriations.

TITLE II—MANAGEMENT AND ADMINISTRATION

- Sec. 201. Research prioritization and requirements; professional development; milestones and feedback.
- Sec. 202. Testing, evaluation, and standards.
- Sec. 203. External review.
- Sec. 204. Office of Public-Private Partnerships.

TITLE III—REPORTS

- Sec. 301. Directorate of Science and Technology strategic plan.
- Sec. 302. Report on technology requirements.
- Sec. 303. Report on venture capital organization.

TITLE IV—DIRECTORATE OF SCIENCE AND TECHNOLOGY PROGRAMS

- Sec. 401. Limitations on research.
- Sec. 402. University-based centers.
- Sec. 403. Review of university-based centers.
- Sec. 404. Cybersecurity research and development.
- Sec. 405. National Research Council study of cybersecurity incentives.
- Sec. 406. Research on cyber compromise of infrastructure.
- Sec. 407. Dual-use terrorist risks from synthetic genomics.
- Sec. 408. Underwater tunnel security demonstration project.
- Sec. 409. Threats research and development.
- Sec. 410. Maritime domain awareness and maritime security technology test, evaluation, and transition capabilities.
- Sec. 411. Rapid biological threat detection and identification.
- Sec. 412. Educating the public about radiological threats.
- Sec. 413. Rural resilience initiative.
- Sec. 414. Sense of Congress regarding the need for interoperability standards for Internet protocol video surveillance technology.
- Sec. 415. Homeland Security Science and Technology Fellows Program.
- Sec. 416. Biological threat agent assay equivalency.
- Sec. 417. Study of feasibility and benefit of expanding or establishing program to create a new cybersecurity capacity building track at certain institutions of higher education.
- Sec. 418. Sense of Congress regarding centers of excellence.
- Sec. 419. Assessment, research, testing, and evaluation of technologies to mitigate the threat of small vessel attack.
- Sec. 420. Research and development projects.

- Sec. 421. National Urban Security Technology Laboratory.
 Sec. 422. Homeland security science and technology advisory committee.

TITLE V—DOMESTIC NUCLEAR DETECTION OFFICE

- Sec. 501. Authorization of appropriations.
 Sec. 502. Domestic Nuclear Detection Office oversight.
 Sec. 503. Strategic plan and funding allocations for global nuclear detection architecture.
 Sec. 504. Radiation portal monitor alternatives.
 Sec. 505. Authorization of Securing the Cities Initiative.

TITLE VI—CLARIFYING AMENDMENTS

- Sec. 601. Federally funded research and development centers.
 Sec. 602. Elimination of Homeland Security Institute.
 Sec. 603. GAO study of the implementation of the statutory relationship between the Department and the Department of Energy national laboratories.
 Sec. 604. Technical changes.

TITLE VII—COMMISSION ON THE PROTECTION OF CRITICAL ELECTRIC AND ELECTRONIC INFRASTRUCTURES

- Sec. 701. Commission on the Protection of Critical Electric and Electronic Infrastructures.

TITLE VIII—BORDER SECURITY TECHNOLOGY INNOVATION

- Sec. 801. Ensuring research activities of the Department of Homeland Security include appropriate concepts of operation.
 Sec. 802. Report on basic research needs for border and maritime security.
 Sec. 803. Incorporating unmanned aerial vehicles into border and maritime airspace.
 Sec. 804. Establishing a research program in tunnel detection.
 Sec. 805. Research in document security and authentication technologies.
 Sec. 806. Study on global positioning system technologies.
 Sec. 807. Study of mobile biometric technologies at the border.
 Sec. 808. Authorization of appropriations.

SEC. 3. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEE.**—The term “appropriate congressional committee” means the Committee on Homeland Security and the Committee on Science and Technology of the House of Representatives and any committee of the House of Representatives or the Senate having legislative jurisdiction under the rules of the House of Representatives or Senate, respectively, over the matter concerned.

(2) **DEPARTMENT.**—The term “Department” means the Department of Homeland Security.

(3) **DIRECTORATE.**—The term “Directorate” means the Directorate of Science and Technology of the Department.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Homeland Security.

(5) **UNDER SECRETARY.**—The term “Under Secretary” means the Under Secretary for Science and Technology of the Department.

SEC. 4. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the reference

shall be considered to be made to a provision of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Under Secretary \$1,121,664,000 for fiscal year 2011 and \$1,155,313,920 for fiscal year 2012 for the necessary expenses of the Directorate.

TITLE II—MANAGEMENT AND ADMINISTRATION

SEC. 201. RESEARCH PRIORITIZATION AND REQUIREMENTS; PROFESSIONAL DEVELOPMENT; MILESTONES AND FEEDBACK.

(a) **IN GENERAL.**—Title III (6 U.S.C. 181 et seq.) is amended by adding at the end the following new sections:

“SEC. 318. RESEARCH PRIORITIZATION AND REQUIREMENTS.

“(a) **REQUIREMENTS.**—The Secretary shall—

“(1) by not later than 180 days after the date of enactment of this section, establish requirements for how basic and applied homeland security research shall be identified, prioritized, funded, tasked, and evaluated by the Directorate of Science and Technology, including the roles and responsibilities of the Under Secretary for Science and Technology, the Under Secretary for Policy, the Under Secretary for Management, the Director of the Office of Risk Management and Analysis, the Director of the Domestic Nuclear Detection Office, and the heads of operational components of the Department; and

“(2) to the greatest extent possible, seek to publicize the requirements for the purpose of informing the Federal, State, and local governments, first responders, and the private sector.

“(b) **CONTENTS.**—In the requirements, the Secretary shall—

“(1) identify the Directorate of Science and Technology’s customers within and outside of the Department;

“(2) describe the risk formula and risk assessment tools, including the risk assessment required under subsection (e)(1) that the Department considers to identify, prioritize, and fund homeland security research projects;

“(3) describe the considerations to be used by the Directorate to task projects to research entities, including the national laboratories, federally funded research and development centers, and university-based centers;

“(4) describe the protocols to be used to assess off-the-shelf technology to determine if an identified homeland security capability gap can be addressed through the acquisition process instead of commencing research and development of technology to address that capability gap;

“(5) describe the processes to be used by the Directorate to strengthen first responder participation in identifying and prioritizing homeland security technological gaps, including by—

“(A) soliciting feedback from appropriate national associations and advisory groups representing the first responder community and first responders within the components of the Department; and

“(B) establishing and promoting a publicly accessible portal to allow the first responder community to help the Directorate develop homeland security research and development goals;

“(6) describe a mechanism to publicize the Department’s funded and unfunded homeland security technology priorities; and

“(7) include such other requirements, policies, and practices as the Secretary considers necessary.

“(c) **ACTIVITIES IN SUPPORT OF THE RESEARCH PRIORITIZATION AND REQUIREMENTS.**—Not later than one year after the date of the issuance of the requirements, the Secretary shall—

“(1) carry out the requirements of subsection (a);

“(2) establish, through the Under Secretary for Science and Technology and Under Secretary for Management, a mandatory workforce program for the Directorate’s customers in the Department to better identify and prioritize homeland security capability gaps that may be addressed by a technological solution based on the assessment required under section 319(a)(2);

“(3) establish a system to collect feedback from customers of the Directorate on the performance of the Directorate; and

“(4) any other activities that the Secretary considers to be necessary to implement the requirements.

“(d) **BIANNUAL UPDATES ON IMPLEMENTATION.**—One hundred and eighty days after the date of enactment of this section, and on a biannually basis thereafter, the Inspector General of the Department shall submit a biannually update to the appropriate congressional committees on the status of implementation of the research prioritization and requirements and activities in support of such requirements.

“(e) **RISK ASSESSMENT.**—The Secretary shall—

“(1) submit to the appropriate congressional committees by not later than one year after the date of enactment of this subsection and annually thereafter—

“(A) a national-level risk assessment carried out by the Secretary, describing and prioritizing the greatest risks to the homeland, that includes vulnerability studies, asset values (including asset values for intangible assets), estimated rates of occurrence, countermeasures employed, loss expectancy, cost/benefit analyses, and other practices generally associated with producing a comprehensive risk assessment;

“(B) an analysis of the Directorate’s approach to mitigating the homeland security risks identified under subparagraph (A) through basic and applied research, development, demonstration, testing, and evaluation activities, as appropriate;

“(C) an analysis, based on statistics and metrics, of the effectiveness of the Directorate in reducing the homeland security risks identified under subparagraph (A) through the deployment of homeland security technologies researched or developed by the Directorate, as appropriate;

“(D) a description of how the analysis required under subparagraph (A) shall be used to inform, guide, and prioritize the Department’s homeland security research and development activities, including recommendations for how the Directorate should modify or amend its existing research and development activities, including for purposes of reducing the risks to the homeland identified under subparagraph (A); and

“(E) a description of input from other relevant Federal, State, or local agencies and relevant private sector entities in conducting the risk assessment required by subparagraph (A); and

“(2) conduct research and development on ways to most effectively communicate information regarding the risks identified under

paragraph (1)(A) to the media as well as directly to the public, both on an ongoing basis and during a terrorist attack or other incident.

“(f) REPORT ON HSARPA ACTIVITIES.—

“(1) IN GENERAL.—Consistent with the Federal Acquisition Regulation and any other relevant Federal requirements, not later than 60 days after the date of enactment of this subsection and annually thereafter, the Secretary shall submit a report to the appropriate congressional committees containing the research, development, testing, evaluation, prototyping, and deployment activities undertaken by the Homeland Security Advanced Research Projects Agency during the previous fiscal year, including funds expended for such activities in the previous fiscal year.

“(2) CONTENTS.—For each activity undertaken, the report shall—

“(A) describe, as appropriate, the corresponding risk identified in subsection (e)(1)(A) that supports the decision to undertake that activity; and

“(B) describe any efforts made to transition that activity into a Federal, State, or local acquisition program.

“(3) ADDITIONAL ACTIVITIES.—The Secretary shall include in each report a description of each proposal that was reviewed in the period covered by the report by the Director of the Homeland Security Advanced Research Projects Agency under section 313(d)(3), including a statement of whether the proposal received a grant, cooperative agreement, or contract from the Director.

“SEC. 319. PROFESSIONAL DEVELOPMENT.

“(a) REPORTING REQUIREMENT.—Sixty days before establishing the mandatory workforce program as required by section 318(c)(2), the Secretary shall report to the appropriate congressional committees on the following:

“(1) A description of how homeland security technological requirements are developed by the Directorate of Science and Technology’s customers within the Department.

“(2) A description of the training that should be provided to the Directorate’s customers in the Department under the mandatory workforce program to allow them to identify, express, and prioritize homeland security capability gaps.

“(3) A plan for how the Directorate, in coordination with the Domestic Nuclear Detection Office and other Department components, can enhance and improve technology requirements development and the technology acquisition process, to accelerate the delivery of effective, suitable technologies that meet performance requirements and appropriately address an identified homeland security capability gap.

“(4) An assessment of whether Congress should authorize, in addition to the program required under section 318(c)(2), a training program for Department employees to be trained in requirements writing and acquisition, that—

“(A) is prepared in consultation with the Department of Veterans Affairs Acquisition Academy and the Defense Acquisition University; and

“(B) if the Secretary determines that such additional training should be authorized by Congress, includes specification about—

“(i) the type, skill set, and job series of Department employees who would benefit from such training, including an estimate of the number of such employees;

“(ii) a suggested curriculum for the training;

“(iii) the type and skill set of educators who could most effectively teach those skills;

“(iv) the length and duration of the training;

“(v) the advantages and disadvantages of training employees in a live classroom, or virtual classroom, or both;

“(vi) cost estimates for the training; and

“(vii) the role of the Directorate in supporting the training.

“(b) USE OF RESEARCH AND DEVELOPMENT CENTER.—The Secretary is encouraged to use a federally funded research and development center to assist the Secretary in carrying out the requirements of this section.

“SEC. 320. CUSTOMER FEEDBACK.

“In establishing a system to collect feedback under section 318(c)(3), the Secretary shall—

“(1) create a formal process for collecting feedback from customers on the effectiveness of the technology or services delivered by Directorate of Science and Technology, including through randomized sampling, focus groups, and other methods as appropriate;

“(2) develop metrics for measuring customer satisfaction and the usefulness of any technology or service provided by the Directorate; and

“(3) establish standards and performance measures to be met by the Directorate in order to provide high-quality customer service.

“SEC. 321. RESEARCH PROGRESS.

“(a) IN GENERAL.—The Secretary shall establish a system to monitor the progress of Directorate for Science and Technology research, development, testing, and evaluation activities, including the establishment of initial and subsequent research milestones.

“(b) SYSTEM.—The system established under subsection (a) shall—

“(1) identify and monitor the progress toward research milestones;

“(2) allow the Directorate to provide regular reports to its customers regarding the status and progress of research efforts of the Directorate;

“(3) allow the Secretary to evaluate how a technology or service produced as a result of the Directorate’s programs has affected homeland security capability gaps; and

“(4) allow the Secretary to report the number of products and services developed by the Directorate that have been transitioned into acquisition programs.

“(c) GUIDANCE.—The Under Secretary for Science and Technology shall publicize and implement guidance on setting valid initial and subsequent research milestones for homeland security research funded by the Directorate.

“SEC. 322. REPORT.

“(a) IN GENERAL.—The Under Secretary shall submit a report to the appropriate congressional committees—

“(1) by not later than one year after the date of enactment of sections 320 and 321 identifying what actions have been taken to carry out the requirements of these sections; and

“(2) annually thereafter describing—

“(A) research milestones for each large project with a Federal cost share greater than \$80,000,000 that have been successfully met and missed, including for each missed milestone, an explanation of why the milestone was missed; and

“(B) customer feedback collected and the success of the Directorate in meeting the customer service performance measures and standards, including an evaluation of the effectiveness of the technology or services delivered by the Directorate.”.

(b) CLERICAL AMENDMENTS.—The table of contents in section 1(b) is amended in the items relating to subtitle D of title II—

(1) in the item relating to the heading for the subtitle, by striking “Office of”;

(2) in the item relating to section 231, by striking “office” and inserting “Office of Science and Technology”; and

(3) by adding at the end the following new items:

“Sec. 318. Research prioritization and requirements.

“Sec. 319. Professional development.

“Sec. 320. Customer feedback.

“Sec. 321. Research progress.

“Sec. 322. Report.

SEC. 202. TESTING, EVALUATION, AND STANDARDS.

Section 308 (6 U.S.C. 188) is amended by adding at the end of the following new subsection:

“(d) TEST, EVALUATION, AND STANDARDS DIVISION.—

“(1) ESTABLISHMENT.—There is established in the Directorate of Science and Technology a Test, Evaluation, and Standards Division.

“(2) DIRECTOR.—The Test, Evaluation, and Standards Division shall be headed by a Director of Test, Evaluation, and Standards, who shall be appointed by the Secretary and report to the Under Secretary for Science and Technology.

“(3) RESPONSIBILITIES, AUTHORITIES, AND FUNCTIONS.—The Director of Test, Evaluation, and Standards—

“(A) is the principal adviser to the Secretary, the Under Secretary of Management, and the Under Secretary for Science and Technology on all test and evaluation or standards activities in the Department; and

“(B) shall—

“(i) prescribe test and evaluation policies for the Department, which shall include policies to ensure that operational testing is done at facilities that already have relevant and appropriate safety and material certifications to the extent such facilities are available;

“(ii) oversee and ensure that adequate test and evaluation activities are planned and conducted by or on behalf of components of the Department in major acquisition programs of the Department, as designated by the Secretary, based on risk, acquisition level, novelty, complexity, and size of the acquisition program, or as otherwise established in statute;

“(iii) review major acquisition program test reports and test data to assess the adequacy of test and evaluation activities conducted by or on behalf of components of the Department; and

“(iv) review available test and evaluation infrastructure to determine whether the Department has adequate resources to carry out its testing and evaluation responsibilities, as established under this title.

“(4) DEPUTY DIRECTOR OF OPERATIONAL TEST AND EVALUATION.—Within the Division there shall be a Deputy Director of Operational Test and Evaluation, who—

“(A) is the principal operational test and evaluation official for the Department; and

“(B) shall—

“(i) monitor and review the operational testing and evaluation activities conducted by or on behalf of components of the Department in major acquisition programs of the Department, as designated by the Secretary, based on risk, acquisition level, novelty, complexity, and size of the acquisition program, or as otherwise established in statute;

“(ii) provide the Department with assessments of the adequacy of testing and evaluation activities conducted in support of major acquisitions programs; and

“(iii) have prompt and full access to test and evaluation documents, data, and test results of the Department that the Deputy Director considers necessary to review in order to carry out the duties of the Deputy Director under this section.

“(5) **STANDARDS EXECUTIVE.**—Within this Division, there shall be a Standards Executive as described in Office of Management and Budget Circular A-119. The Standards Executive shall—

“(A) implement the Department’s standards policy as described in section 102(g); and

“(B) support the Department’s use of technical standards that are developed or adopted by voluntary consensus standards bodies in accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note).

“(6) **LIMITATION.**—The Division is not required to carry out operational testing.

“(7) **EVALUATION OF DEPARTMENT OF DEFENSE TECHNOLOGIES.**—The Director of Test, Evaluation, and Standards may evaluate technologies currently in use or being developed by the Department of Defense to assess whether they can be leveraged to address homeland security capability gaps.”.

SEC. 203. EXTERNAL REVIEW.

(a) **RESPONSIBILITIES AND AUTHORITIES OF THE UNDER SECRETARY.**—Section 302 (6 U.S.C. 183) is amended by striking “and” after the semicolon at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting “; and”, and by adding at the end the following new paragraph:

“(15) developing and overseeing the administration of guidelines for periodic external review of research and development programs or activities, including through—

“(A) consultation with experts, including scientists and practitioners, about the research and development activities conducted by the Directorate of Science and Technology; and

“(B) ongoing independent, external review—

“(i) initially at the division level; or

“(ii) when divisions conduct multiple programs focused on significantly different subjects, at the program level.”.

(b) **REPORT.**—The Secretary shall report to Congress not later than 60 days after the completion of the first review under section 302(15)(B) of the Homeland Security Act of 2002, as amended by subsection (a) of this section on—

(1) the findings of the review; and

(2) any future efforts to ensure that the Department’s research programs or activities are subject to external review, as appropriate.

SEC. 204. OFFICE OF PUBLIC-PRIVATE PARTNERSHIPS.

(a) **ESTABLISHMENT.**—Section 313 (6 U.S.C. 193) is amended to read as follows:

“SEC. 313. OFFICE OF PUBLIC-PRIVATE PARTNERSHIPS.

“(a) **ESTABLISHMENT OF OFFICE.**—There is established an Office of Public-Private Partnerships in the Directorate of Science and Technology.

“(b) **DIRECTOR.**—The Office shall be headed by a Director, who shall be appointed by the Secretary. The Director shall report to the Under Secretary for Science and Technology.

“(c) **RESPONSIBILITIES.**—The Director, in coordination with the Private Sector Office of the Department, shall—

“(1) engage and initiate proactive outreach efforts and provide guidance on how to pur-

sue proposals to develop or deploy homeland security technologies (including regarding Federal funding, regulation, or acquisition), including to persons associated with small businesses (as that term is defined in the Small Business Act (15 U.S.C. 631 et seq.));

“(2) coordinate with components of the Department to issue announcements seeking unique and innovative homeland security technologies to address homeland security capability gaps;

“(3) promote interaction between homeland security researchers and private sector companies in order to accelerate transition research or a prototype into a commercial product and streamline the handling of intellectual property; and

“(4) conduct technology research assessment and marketplace analysis for the purpose of identifying, leveraging, and integrating best-of-breed technologies and capabilities from industry, academia, and other Federal Government agencies, and disseminate research and findings to Federal, State, and local governments.

“(d) **RAPID REVIEW DIVISION.**—

“(1) **ESTABLISHMENT.**—There is established the Rapid Review Division within the Office of Public-Private Partnerships.

“(2) **PURPOSE AND DUTIES.**—

“(A) **IN GENERAL.**—The Division—

“(i) is responsible for maintaining a capability to perform business and technical reviews to assist in screening unsolicited homeland security technology proposals submitted to the Secretary; and

“(ii) shall assess the feasibility, scientific and technical merits, and estimated cost of such proposals.

“(B) **SPECIFIC DUTIES.**—In carrying out those duties, the Division shall—

“(i) maintain awareness of the technological requirements of the Directorate’s customers;

“(ii) establish and publicize accessible, streamlined procedures allowing a participant to have their technology assessed by the Division;

“(iii) make knowledgeable assessments of a participant’s technology after receiving a business plan, a technology proposal, and a list of corporate officers, directors, and employees with technical knowledge of the proposal, within 60 days after such a submission;

“(iv) review proposals submitted by components of the Department to the Division, subject to subsection (e); and

“(v) in reviewing proposals submitted to the Secretary, give priority to any proposal submitted by a small business concern as defined under section 3 of the Small Business Act (15 U.S.C. 632).

“(3) **COORDINATION.**—The Director shall submit for consideration promising homeland security technology research, development, testing, and evaluation proposals, along with any business and technical reviews, to the appropriate subcomponents of the Directorate and the appropriate operational components of the Department for consideration for support.

“(e) **LIMITATION ON CONSIDERATION OR EVALUATION OF PROPOSALS.**—The Office may not consider or evaluate homeland security technology proposals submitted in response to a solicitation for offers for a pending procurement or for a specific agency requirement.

“(f) **SATELLITE OFFICES.**—The Under Secretary, acting through the Director, may establish up to 3 satellite offices across the country to enhance the Department’s outreach efforts. The Secretary shall notify the appropriate congressional committees in

writing within 30 days after establishing any satellite office.

“(g) **PERSONNEL.**—The Secretary shall establish rules to prevent the Director or any other employee of the Office from acting on matters where a conflict of interest may exist.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) is amended by striking the item relating to such section and inserting the following:

“Sec. 313. Office of Public-Private Partnerships.”.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amount authorized by section 101, there is authorized to be appropriated \$30,000,000 for the Office of Public-Private Partnerships for each of fiscal years 2011 and 2012.

TITLE III—REPORTS

SEC. 301. DIRECTORATE OF SCIENCE AND TECHNOLOGY STRATEGIC PLAN.

(a) **IN GENERAL.**—Title III (6 U.S.C. 181 et seq.), as amended by section 201, is further amended by adding at the end the following new section:

“SEC. 323. STRATEGIC PLAN.

“(a) **REQUIREMENT FOR STRATEGIC PLAN.**—Not later than 1 year after the date of enactment of this section and every other year thereafter, the Under Secretary for Science and Technology shall prepare a strategic plan for the activities of the Directorate.

“(b) **CONTENTS.**—The strategic plan required by subsection (a) shall be prepared in accordance with applicable Federal requirements, and shall include the following matters:

“(1) The long-term strategic goals of the Directorate.

“(2) Identification of the research programs of the Directorate that support achievement of those strategic goals.

“(3) The connection of the activities and programs of the Directorate to requirements or homeland security capability gaps identified by customers within the Department and outside of the Department, including the first responder community.

“(4) The role of the Department’s risk analysis in the activities and programs of the Directorate.

“(5) A technology transition strategy for the programs of the Directorate.

“(6) A description of the policies of the Directorate on the management, organization, and personnel of the Directorate.

“(c) **SUBMISSION OF PLAN TO CONGRESS.**—The Secretary shall submit to Congress any update to the strategic plan most recently prepared under subsection (a) at the same time that the President submits to Congress the budget for each even-numbered fiscal year.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b), as amended by section 201, is further amended by adding at the end of the items relating to title III the following new item:

“Sec. 323. Strategic plan.”.

SEC. 302. REPORT ON TECHNOLOGY REQUIREMENTS.

Section 302 (6 U.S.C. 182) is amended by inserting “(a) **IN GENERAL.**—” before the first sentence, and by adding at the end the following new subsection:

“(b) **REPORT ON TECHNOLOGY REQUIREMENTS.**—

“(1) **IN GENERAL.**—Within 90 days after the date of enactment, the Under Secretary shall, for each current project conducted by the Directorate and having a Federal cost share greater than \$80,000,000, and on an ongoing basis thereafter for any new project

conducted by the Directorate and having a Federal cost share greater than \$80,000,000, provide to the appropriate congressional committees a description of—

“(A) the Department components and customers consulted during the development of the operational and technical requirements associated with the project; and

“(B) the extent to which the requirements incorporate the input of those components or customers.

“(2) **LARGE PROJECTS.**—Within 90 days after the date of enactment, the Secretary shall, for each current project conducted by a component of the Department besides the Directorate, and having a life-cycle cost greater than \$1,000,000,000, and on an ongoing basis thereafter for any new project conducted by a component of the Department besides the Directorate, and having a life-cycle cost greater than \$1,000,000,000, provide to the appropriate congressional committees detailed operational and technical requirements that are associated with the project.”

SEC. 303. REPORT ON VENTURE CAPITAL ORGANIZATION.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees—

(1) assessing the current role of the venture capital community in funding advanced homeland security technologies, including technologies proposed by small business concerns as defined under section 3 of the Small Business Act (15 U.S.C. 632); and

(2) providing recommendations about creating a nonprofit organization for the purposes of delivering advanced homeland security technologies to the homeland security community to further its missions.

(b) **CONTENTS.**—The report shall include the following:

(1) An assessment of the current awareness and insight that the Department has regarding advanced private sector homeland security innovation, and the Department's ability to quickly transition innovative products into acquisitions.

(2) A description of how the Department currently finds and works with emerging companies, particularly firms that have never done business with the Federal Government, small business concerns, small business concerns that are owned and operated by women, small business concerns that are owned and operated by veterans, and minority-owned and operated small business concerns.

(3) An assessment and analysis of the current role that venture capitalists play in the development of homeland security technologies, including an assessment of how the venture capital community could be leveraged to accelerate technology, foster development, and introduce new technologies needed by the homeland security community.

(4) An assessment of whether the Department could help nascent commercial technologies mature into commercial-off-the-shelf products the homeland security community could acquire.

(5) An analysis of whether the Central Intelligence Agency's In-Q-Tel organization or the Department of Defense's OnPoint Technologies organization could serve as a model for the development of homeland security technology at the Department.

(6) Recommendations of the Secretary regarding how Congress could authorize the establishment of a private, independent, not-for-profit organization to bridge the gap between the technology needs of the homeland

security community and new advances in commercial technology, including specifics on potential funding levels, activities for the organization, including the provision of technical assistance, and whether to establish set-asides for small businesses that are minority-owned and operated or located in socially and economically disadvantaged areas.

(c) **USE OF RESEARCH AND DEVELOPMENT CENTER.**—The Secretary is encouraged to use a federally funded research and development center to produce the report under this section.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amount authorized by section 101, there is authorized to be appropriated \$500,000 for the report under this section.

TITLE IV—DIRECTORATE OF SCIENCE AND TECHNOLOGY PROGRAMS

SEC. 401. LIMITATIONS ON RESEARCH.

Section 302(a)(4), as designated by section 302, is further amended by inserting after “extramural programs,” the following: “that, to the greatest extent possible, addresses a prioritized risk to the homeland as identified by a risk analysis under section 226(e) of this Act”.

SEC. 402. UNIVERSITY-BASED CENTERS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amount authorized by section 101, there is authorized to be appropriated \$40,000,000 for fiscal year 2011 and \$41,200,000 for fiscal year 2012 to the Secretary to carry out the university-based centers program of the Department.

(b) **CRITERIA FOR DESIGNATION.**—Section 308(b)(2)(B)(iii) (6 U.S.C. 188(b)(2)(B)(iii)) is amended by inserting before the period at the end the following: “, including medical readiness training and research, and community resiliency for public health and healthcare critical infrastructure”.

(c) **EXPLOSIVE COUNTERMEASURES OR DETECTION.**—Section 308(b)(2)(B)(iv) (6 U.S.C. 188(b)(2)(B)(iv)) is amended by striking “and nuclear” and inserting “nuclear, and explosive”.

SEC. 403. REVIEW OF UNIVERSITY-BASED CENTERS.

(a) **GAO STUDY OF UNIVERSITY-BASED CENTERS.**—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States shall initiate a study to assess the university-based centers for homeland security program authorized by section 308(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 188(b)(2)), and provide recommendations to the appropriate congressional committees for appropriate improvements.

(b) **SUBJECT MATTERS.**—The study under subsection (a) shall include the following:

(1) A review of the Department's efforts to identify key areas of study needed to support the homeland security mission, and criteria that the Department utilized to determine those key areas for which the Department should maintain, establish, or eliminate university-based centers.

(2) A review of the method by which university-based centers, federally funded research and development centers, and Department of Energy national laboratories receive tasking from the Department, including a review of how university-based research is identified, prioritized, and funded.

(3) A review of selection criteria for designating university-based centers and a weighting of such criteria.

(4) An examination of best practices from other agencies efforts to organize and use university-based research to support their missions.

(5) A review of the Department's criteria and metrics to measure demonstrable progress achieved by university-based centers in fulfilling Department taskings, and mechanisms for delivering and disseminating the research results of designated university-based centers within the Department and to other Federal, State, and local agencies.

(6) An examination of the means by which academic institutions that are not designated or associated with the designated university-based centers can optimally contribute to the research mission of the Directorate.

(7) An assessment of the interrelationship between the different university-based centers.

(8) A review of any other essential elements of the programs determined in the conduct of the study.

(c) **MORATORIUM ON NEW UNIVERSITY-BASED CENTERS.**—The Secretary may not designate any new university-based centers to research new areas in homeland security prior to the completion of the Comptroller General's review.

SEC. 404. CYBERSECURITY RESEARCH AND DEVELOPMENT.

(a) **IN GENERAL.**—The Under Secretary shall support research, development, testing, evaluation, and transition of cybersecurity technology, including fundamental, long-term research to improve the ability of the United States to prevent, protect against, detect, respond to, and recover from acts of terrorism and cyber attacks, with an emphasis on research and development relevant to large-scale, high-impact attacks.

(b) **ACTIVITIES.**—The research and development supported under subsection (a) shall include work to—

(1) advance the development and accelerate the deployment of more secure versions of fundamental Internet protocols and architectures, including for the domain name system and routing protocols;

(2) improve and create technologies for detecting attacks or intrusions, including real-time monitoring and real-time analytic technologies;

(3) improve and create mitigation and recovery methodologies, including techniques and policies for real-time containment of attacks, and development of resilient networks and systems that degrade gracefully;

(4) develop and support infrastructure and tools to support cybersecurity research and development efforts, including modeling, testbeds, and data sets for assessment of new cybersecurity technologies;

(5) assist the development and support of technologies to reduce vulnerabilities in process control systems;

(6) develop and support cyber forensics and attack attribution; and

(7) test, evaluate, and facilitate the transfer of technologies associated with the engineering of less vulnerable software and securing the information technology software development lifecycle.

(c) **COORDINATION.**—In carrying out this section, the Under Secretary shall coordinate activities with—

(1) the Under Secretary for National Protection and Programs; and

(2) the heads of other relevant Federal departments and agencies, including the National Science Foundation, the Defense Advanced Research Projects Agency, the Information Assurance Directorate of the National Security Agency, the National Institute of Standards and Technology, the Department of Commerce, and other appropriate working groups established by the

President to identify unmet needs and cooperatively support activities, as appropriate.

(d) **AUTHORIZATION OF CYBERSECURITY PREPAREDNESS CONSORTIUM AND TRAINING CENTER.**—

(1) **CYBERSECURITY PREPAREDNESS CONSORTIUM.**—Subtitle C of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following new section:

“SEC. 226. CYBERSECURITY PREPAREDNESS CONSORTIUM.

“(a) **IN GENERAL.**—To assist the Secretary in carrying out the requirements of section 404(a) of the Homeland Security Science and Technology Authorization Act of 2010, the Secretary may establish a consortium to be known as the ‘Cybersecurity Preparedness Consortium’.

“(b) **FUNCTIONS.**—The Consortium shall—

“(1) provide training to State and local first responders and officials specifically for preparing and responding to cybersecurity attacks;

“(2) develop and update a curriculum and training model for State and local first responders and officials;

“(3) provide technical assistance services to build and sustain capabilities in support of cybersecurity preparedness and response;

“(4) conduct cybersecurity training and simulation exercises to defend from and respond to cyber attacks; and

“(5) coordinate all cybersecurity preparedness training activities conducted by the Department.

“(c) **MEMBERS.**—The Consortium shall consist of academic, nonprofit, and government partners that—

“(1) have demonstrated expertise in developing and delivering cybersecurity training in support of homeland security;

“(2) have demonstrated ability to utilize existing courses and expertise developed by the Department;

“(3) have demonstrated ability to coordinate with the National Domestic Preparedness Consortium and other training programs within the Department; and

“(4) include at least 3 academic institutions that are any combination of historically Black colleges and universities, Hispanic-serving institutions, or tribal colleges and universities, that fulfill the criteria of paragraphs (1), (2) and (3) of this subsection.

“(d) **DEFINITIONS.**—In this section:

“(1) **HISTORICALLY BLACK COLLEGE OR UNIVERSITY.**—The term ‘historically Black college or university’ has the meaning given the term ‘part B institution’ in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

“(2) **HISPANIC-SERVING INSTITUTION.**—The term ‘Hispanic-serving institution’ has the meaning given that term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101(a)).

“(3) **TRIBAL COLLEGE OR UNIVERSITY.**—The term ‘tribal college or university’ has the meaning given that term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).”

(2) **CLERICAL AMENDMENT.**—Section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following new item:

“Sec. 226. Cybersecurity Preparedness Consortium.”

(3) **CYBERSECURITY TRAINING CENTER.**—Subtitle C of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following new section:

“SEC. 227. CYBERSECURITY TRAINING CENTER.

“The Secretary may establish where appropriate a Cybersecurity Training Center to provide training courses and other resources for State and local first responders and officials to improve preparedness and response capabilities.”

(4) **CLERICAL AMENDMENT.**—Section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following new item:

“Sec. 227. Cybersecurity Training Center.”

(e) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amount authorized by section 101, there is authorized to be appropriated \$75,000,000 to the Department for each of fiscal years 2011 and 2012 for the cybersecurity research and development activities of the Directorate to prevent, detect, and respond to acts of terrorism and other large-scale disruptions to information infrastructure.

SEC. 405. NATIONAL RESEARCH COUNCIL STUDY OF CYBERSECURITY INCENTIVES.

(a) **STUDY.**—Not later than 90 days after the date of enactment of this Act, the Under Secretary and the Under Secretary for National Protection and Programs of the Department shall seek to enter into an agreement with the National Research Council of the National Academy of Sciences to conduct a study to assess methods that might be used to promote market mechanisms that further cybersecurity and make recommendations for appropriate improvements thereto.

(b) **SUBJECT MATTERS.**—The study required under subsection (a) shall include the following:

(1) Liability that subjects software and system vendors and system operators to potential damages for system breaches.

(2) Mandated reporting of security breaches that could threaten critical functions, including provision of electricity and resiliency of the financial sector.

(3) Regulation that under threat of civil penalty, imposes best practices on system operators of critical infrastructure.

(4) Certification from standards bodies about conformance to relevant cybersecurity standards that can be used as a marketplace differentiation.

(5) Accounting practices that require companies to report their cybersecurity practices and postures and the results of independently conducted red team simulated attacks or exercises.

(6) Cybersecurity risk insurance, including analysis of the current marketplace and recommendations to promote cybersecurity insurance.

(c) **SUBMISSION TO CONGRESS.**—Not later than two years after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees the results of the study required under subsection (a), together with any recommendations of the Secretary related thereto.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amount authorized by section 101, there is authorized to be appropriated \$500,000 to the Department for fiscal year 2011 to carry out this section.

SEC. 406. RESEARCH ON CYBER COMPROMISE OF INFRASTRUCTURE.

(a) **IN GENERAL.**—Pursuant to section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121) and in furtherance of domestic preparedness for and collective response to a cyber attack by a terrorist or other person, the Secretary, working with the heads of other national security and intelligence agencies, shall periodically conduct research to determine if the security of federally owned pro-

grammable electronic devices and communication networks, including hardware, software, and data, essential to the reliable operation of critical electric infrastructure has been compromised.

(b) **SCOPE OF RESEARCH.**—The scope of the research required under subsection (a) shall include the following:

(1) The extent of any compromise.

(2) An identification of any attackers, including any affiliations with terrorists, terrorist organizations, state entities, and non-state entities.

(3) The method of penetration.

(4) Ramifications of any such compromise on future operations of critical electric infrastructure.

(5) Secondary ramifications of any such compromise on other critical infrastructure sectors and the functioning of civil society.

(6) Ramifications of any such compromise on national security, including war fighting capability.

(7) Recommended mitigation activities.

(c) **REPORT.**—Not later than 30 days after the date a determination has been made under subsection (a), the Secretary shall submit to the appropriate congressional committees a report on the findings of such determination. The report may contain a classified annex if the Secretary determines it to be appropriate.

SEC. 407. DUAL-USE TERRORIST RISKS FROM SYNTHETIC GENOMICS.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the field of synthetic genomics has the potential to facilitate enormous gains in fundamental discovery and biotechnological applications, but it also has inherent dual-use homeland security risks that must be managed.

(b) **REQUIREMENT.**—The Under Secretary shall examine and report to the appropriate congressional committees by not later than one year after the date of enactment of this Act on the homeland security implications of the dual-use nature of synthetic genomics and, if the Under Secretary determines that such research is appropriate, may conduct research in that area, including—

(1) determining the current capability of synthetic nucleic acid providers to effectively differentiate a legitimate customer from a potential terrorist or other malicious actor;

(2) determining the current capability of synthetic nucleic acid providers to effectively screen orders for sequences of homeland security concern; and

(3) making recommendations regarding screening software, protocols, and other remaining capability gaps uncovered by the study.

SEC. 408. UNDERWATER TUNNEL SECURITY DEMONSTRATION PROJECT.

(a) **IN GENERAL.**—The Under Secretary, in consultation with the Assistant Secretary of the Transportation Security Administration, shall conduct a demonstration project to test and assess the feasibility and effectiveness of certain technologies to enhance the security of underwater public transportation tunnels against terrorist attacks involving the use of improvised explosive devices.

(b) **INFLATABLE PLUGS.**—At least one of the technologies tested under subsection (a) shall be inflatable plugs that may be rapidly deployed to prevent flooding of an underwater public transportation tunnel.

(c) **REPORT.**—Not later than 180 days after the completion of the demonstration project under subsection (a), the Under Secretary shall submit to the appropriate congressional committees a report on the results of the demonstration project.

SEC. 409. THREATS RESEARCH AND DEVELOPMENT.

(a) **IN GENERAL.**—The Under Secretary, in carrying out responsibilities under section 302 of the Homeland Security Act of 2002 (6 U.S.C. 182), may support research, development, testing, evaluation, and transition of technology that increases the Nation's preparedness against chemical and biological threats and strengthens the Nation's preparedness and collective response against those threats through improved threat awareness and advanced surveillance, detection, and protective countermeasures, and to enhance the development of border security technology.

(b) **BIOLOGICAL SECURITY.**—To carry out subsection (a), the Under Secretary may conduct research to develop understanding, technologies, and systems needed to protect against biological attacks on the Nation's population or infrastructure, including—

(1) providing advanced planning tools, concepts of operations (including alarm resolution protocols), and training exercises for responding to and recovering from biological attacks;

(2) developing biological assays and improved detection technology that will operate with faster detection times, lower costs, and the potential for increased geographical coverage to the Nation when compared to existing homeland security technologies;

(3) characterizing threats posed by biological weapons, anticipating future threats, conducting comprehensive threat and risk assessments to guide prioritization of the Nation's biodefense investments, and developing population threat assessments that inform the issuance of material threat determinations;

(4) conducting bioforensics research in support of criminal investigations to aid attribution, apprehension, and prosecution of a terrorist or other perpetrator of a biological attack, and providing tools and facilities that Federal law enforcement investigators need to analyze biological threat evidence recovered, including operation of the National Bioforensic Analysis Center; and

(5) conducting appropriate research and studies that will increase our understanding of and uncertainties associated with risk and threats posed by biological agents through the Biological Threat Characterization Center and other means as determined by the Secretary.

(c) **AGRICULTURAL SECURITY.**—The Under Secretary may conduct research and development to enhance the protection of the Nation's agriculture and food system against terrorist attacks, and other emergency events through enhancement of current agricultural countermeasures, development of new agricultural countermeasures, and provision of safe, secure, state-of-the-art biocontainment laboratories for researching foreign animal and zoonotic diseases, including—

(1) developing technologies to defend the Nation against the natural and intentional introduction of selected foreign animal diseases, developing next-generation vaccines and diagnostics in coordination with the Department of Agriculture, and modeling the spread of foreign animal diseases and their economic impact to evaluate strategies for controlling outbreaks; and

(2) leading the Department effort to enhance interagency coordination of research and development of agricultural disease countermeasures.

(d) **CHEMICAL SECURITY.**—The Under Secretary may develop technology to reduce the Nation's vulnerability to chemical warfare

agents and commonly used toxic industrial chemicals, including—

(1) developing a robust and enduring analytical capability in support of chemical countermeasures development, including developing and validating forensic methodologies and analytical tools, conducting risk and vulnerability assessments based on chemical threat properties, and maintaining infrastructure including the Chemical Security Analysis Center;

(2) developing technology to detect a chemical threat release; and

(3) developing technologies and guidance documents to foster a coordinated approach to returning a chemically contaminated area to a normal condition, and to foster analysis of contaminated areas both before and after the restoration process.

(e) **RISK ASSESSMENTS.**—

(1) **IN GENERAL.**—The Under Secretary shall produce risk assessments for biological and chemical threats, and shall coordinate with the Director of the Domestic Nuclear Detection Office of the Department, the Assistant Secretary of the Office of Health Affairs of the Department, and the Assistant Secretary of Infrastructure Protection of the Department on an integrated risk assessment, including regarding chemical, biological, radiological, nuclear, and explosive threats.

(2) **USAGE.**—The assessments required under paragraph (1) shall be used to inform and guide the threat assessments and determinations by the Secretary regarding agents and toxins pursuant to section 302(9) of the Homeland Security Act of 2002 (6 U.S.C. 182(9)), and to guide prioritization of other homeland defense activities, as appropriate.

(3) **TASK FORCE.**—The Under Secretary for Science and Technology shall convene an interagency task force of relevant subject matter experts to assess the proposed methodology to be used for each assessment required under paragraph (1), and to provide recommendations to the Under Secretary as to the adequacy of such methodology.

(f) **BORDER SECURITY.**—The Under Secretary may develop technology, in coordination with the Commissioner of Customs and Border Protection, to gain effective control of the international land borders of the United States within 5 years after the date of enactment of this Act. In carrying out such development activities, the Under Secretary shall ensure coordination and integration between new technologies developed and those already utilized by U.S. Customs and Border Protection.

SEC. 410. MARITIME DOMAIN AWARENESS AND MARITIME SECURITY TECHNOLOGY TEST, EVALUATION, AND TRANSITION CAPABILITIES.

(a) **GLOBAL MARITIME DOMAIN AWARENESS AND MARITIME SECURITY TECHNOLOGY TEST, EVALUATION, AND TRANSITION CAPABILITIES.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish capabilities for conducting global maritime domain awareness and maritime security technology test, evaluation, and transition, as provided in this subsection.

(2) **PURPOSE.**—The purpose of such capabilities shall be to—

(A) direct technology test, evaluation, and transition activities in furtherance of border and maritime security; and

(B) evaluate such technology in diverse environments including coastal, seaport, and offshore locations.

(b) **COORDINATION.**—The Secretary, acting through the Under Secretary, shall ensure that—

(1) technology test, evaluation, and transition efforts funded by the Department in furtherance of border and maritime security

avoid duplication of efforts, reduce unnecessary redundancies, streamline processes, increase efficiencies, and otherwise complement existing Department and other efforts in border and maritime security; and

(2) the results of such efforts are shared with the appropriate congressional committees and others as determined appropriate by the Secretary.

SEC. 411. RAPID BIOLOGICAL THREAT DETECTION AND IDENTIFICATION.

(a) **IN GENERAL.**—Notwithstanding section 302(4) of the Homeland Security Act of 2002 (6 U.S.C. 182(4)), the Secretary shall require the Under Secretary, in consultation with other relevant operational components of the Department, to assess whether the development of screening capabilities for pandemic influenza and other infectious diseases should be undertaken by the Directorate to support entry and exit screening at ports of entry and for other purposes.

(b) **DEVELOPMENT OF METHODS.**—If the Under Secretary determines that the development of such screening capabilities should be undertaken, the Secretary shall, to the extent possible, initiate development of safe and effective methods to rapidly screen incoming travelers at ports of entry for pandemic influenza and other infectious diseases.

(c) **COLLABORATION.**—In developing methods under subsection (b), the Secretary may collaborate with other Federal agencies, as appropriate.

SEC. 412. EDUCATING THE PUBLIC ABOUT RADIOLOGICAL THREATS.

(a) **PUBLIC AWARENESS CAMPAIGN.**—The Secretary shall develop a public awareness campaign to enhance preparedness and collective response to a radiological attack, including the following:

(1) A clear explanation of the dangers associated with radioactive materials.

(2) Possible effects of different levels of radiation exposure, including a clear description of the how radiation exposure occurs and the amount of exposure necessary to be of concern.

(3) Actions that members of the public should take regarding evacuation, personal decontamination, and medical treatment.

(b) **RECOVERY.**—The Secretary shall develop a plan for postevent recovery from a radiological attack. Such plan shall include the following:

(1) A definition of the demarcation between response and recovery from a radiological attack.

(2) Consideration of multiple attack scenarios, including a worst-case scenario.

(3) Consideration of multiple recovery strategies, including decontamination, demolition and removal, and relocation.

(4) Consideration of economic, health, and psychological effects.

SEC. 413. RURAL RESILIENCE INITIATIVE.

(a) **IN GENERAL.**—The Under Secretary shall conduct research intended to assist State, local, and tribal leaders and the private sector in developing the tools and methods to enhance preparation for, and response and resilience to, terrorist events and other incidents.

(b) **INCLUDED ACTIVITIES.**—Activities under this section may include—

(1) research and implementation through outreach activities with rural communities;

(2) an examination of how communities employ resilience capabilities and response assets;

(3) a community resilience baseline template for determining the resilience capacity of a rural community;

(4) a plan to address community needs for resilience;

(5) an education program for community leaders and first responders about their resilience capacity and mechanisms for mitigation, including via distance learning; and

(6) a mechanism by which this research can serve as a model for adoption by communities across the Nation.

SEC. 414. SENSE OF CONGRESS REGARDING THE NEED FOR INTEROPERABILITY STANDARDS FOR INTERNET PROTOCOL VIDEO SURVEILLANCE TECHNOLOGY.

It is the sense of Congress that—

(1) video surveillance systems that operate over the Internet are an emerging homeland security technology that has the potential of significantly improving homeland security forensic and analytical capability;

(2) to realize the full security benefits of such emerging homeland security technology, there should be interoperability standards for such technology;

(3) the Directorate, working with the National Institute of Standards and Technology and any other appropriate Federal agencies, should encourage the private sector to develop interoperability standards for such emerging homeland security technology; and

(4) such efforts will help the Federal Government, which is one of the largest users of surveillance technology, in detecting, deterring, preventing, and responding to terrorist attacks.

SEC. 415. HOMELAND SECURITY SCIENCE AND TECHNOLOGY FELLOWS PROGRAM.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is further amended by adding at the end the following new section:

“SEC. 324. HOMELAND SECURITY SCIENCE AND TECHNOLOGY FELLOWS PROGRAM.

“(a) ESTABLISHMENT.—The Secretary, acting through the Under Secretary for Science and Technology, shall establish a fellows program, to be known as the Homeland Security Science and Technology Fellows Program, under which the Under Secretary shall facilitate the temporary placement of scientists in relevant scientific or technological fields for up to two years in components of the Department with a need for scientific and technological expertise.

“(b) UTILIZATION OF FELLOWS.—

“(1) IN GENERAL.—Under the Program, the Under Secretary may employ fellows—

“(A) for the use of the Directorate of Science and Technology; or

“(B) for the use of Department components outside the Directorate, under an agreement with the head of such a component under which the component will reimburse the Directorate for the costs of such employment.

“(2) RESPONSIBILITIES.—Under such an agreement—

“(A) the Under Secretary shall—

“(i) solicit and accept applications from individuals who are currently enrolled in graduate programs, or have received a graduate degree within 3 years prior to the time of application in scientific and engineering fields related to the promotion of securing the homeland, including—

“(I) biological, chemical, physical, behavioral, social, health, medical, and computational sciences;

“(II) geosciences;

“(III) all fields of engineering; and

“(IV) such other disciplines as are determined relevant by the Secretary;

“(ii) screen applicant candidates and interview them as appropriate to ensure that they possess the appropriate level of scientific and engineering expertise and qualifications;

“(iii) provide a list of qualified applicants to the heads of Department components seeking to utilize qualified fellows;

“(iv) pay financial compensation to such fellows;

“(v) coordinate with the Chief Security Officer to facilitate and expedite provision of security clearances to fellows, as appropriate; and

“(vi) otherwise administer all aspects of the fellows’ employment with the Department; and

“(B) the head of the component utilizing the fellow shall—

“(i) select a fellow from the list of qualified applicants provided by the Under Secretary;

“(ii) reimburse the Under Secretary for the costs of employing the fellow selected; and

“(iii) be responsible for the day-to-day management of the fellow.

“(c) APPLICATIONS FROM ASSOCIATIONS.—The Under Secretary may accept applications under subsection (b)(2)(A) that are submitted by science or policy associations on behalf of individuals whom such an association has determined may be qualified applicants under the program.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to title III the following new item:

“Sec. 324. Homeland Security Science and Technology Fellows Program.”.

SEC. 416. BIOLOGICAL THREAT AGENT ASSAY EQUIVALENCY.

(a) IN GENERAL.—Title III (6 U.S.C. 181 et seq.) is further amended by adding at the end the following new section:

“SEC. 325. BIOLOGICAL THREAT AGENT ASSAY EQUIVALENCY PROGRAM.

“(a) IN GENERAL.—To facilitate equivalent biological threat agent identification among federally operated biomonitoring programs, the Under Secretary, in consultation with other relevant Federal agencies, may implement an assay equivalency program for biological threat assays.

“(b) FEATURES.—In order to establish assay performance equivalency to support homeland security and public health security decisions, the program may—

“(1) evaluate biological threat detection assays, their protocols for use, and their associated response algorithms for confirmation of biological threat agents, taking performance measures and concepts of operation into consideration; and

“(2) develop assay equivalency standards based on the findings of the evaluation under paragraph (1).

“(c) UPDATE.—The Under Secretary shall update the program as necessary.

“(d) IMPLEMENTATION.—The Secretary shall—

“(1) require implementation of the standards developed under subsection (b)(2) for all Department biomonitoring programs; and

“(2) make such standards available to support all other Federal biomonitoring programs.

“(e) ASSAY DEFINED.—In this section the term ‘assay’ means any scientific test that is—

“(1) designed to detect the presence of a biological threat agent; and

“(2) of a type selected under criteria established by the Secretary.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) is further amended by adding at the end of the items relating to title III the following new item:

“Sec. 325. Biological threat agent assay equivalency program.”.

SEC. 417. STUDY OF FEASIBILITY AND BENEFIT OF EXPANDING OR ESTABLISHING PROGRAM TO CREATE A NEW CYBERSECURITY CAPACITY BUILDING TRACK AT CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

(a) IN GENERAL.—Within 90 days of enactment, the Secretary, in coordination with the National Science Foundation, shall commission a study by a nonprofit research institution to determine the feasibility and potential benefit of expanding the Federal Cyber Service Scholarship for Service Program, or establishing a parallel program, as methods to create a new cybersecurity or information assurance capacity building track at institutions of higher education that are not currently designated as a National Center of Academic Excellence in Information Assurance Education or a National Center of Academic Excellence in Research.

(b) SUBJECT MATTERS.—The study under subsection (a) shall include examinations of the following:

(1) The feasibility and potential benefit of allowing the following types of institutions into the existing Federal Cyber Service program:

(A) Community colleges.

(B) Institutions offering an undergraduate degree, graduate degree, or post-graduate degree, but do not qualify under the existing program.

(C) Institutions offering a certificate or industry-recognized credential.

(2) The feasibility and potential benefit of establishing a new program modeled after the Federal Cyber Service program to build capacity at—

(A) community colleges;

(B) institutions offering an undergraduate degree, graduate degree, or post-graduate degree, but do not qualify under the existing program; or

(C) institutions offering a certificate or industry-recognized credential.

(3) The projected extent to which an expansion of the existing Federal Cyber Service program as described in paragraph (1) would—

(A) expand the availability of qualified individuals to work in information assurance and cybersecurity within the Department and other Federal, State, local, and tribal agencies, and the private sector;

(B) encourage institutions of higher education to develop a new information assurance or cybersecurity education undergraduate degree programs, graduate degree programs, or programs conferring a certificate or industry-recognized credential;

(C) increase the number of students graduating annually from existing information assurance or cybersecurity education undergraduate degree programs, graduate degree programs, or programs conferring a certificate or industry-recognized credential; or

(D) improve existing information assurance or cybersecurity education undergraduate degree programs, graduate degree programs, or programs conferring a certificate or industry-recognized credential.

(4) The projected extent to which the establishment of a new program modeled after the Federal Cyber Service program as described in paragraph (2) would—

(A) expand the availability of qualified individuals to work in information assurance and cybersecurity within the Department and other Federal, State, local, and tribal agencies, and the private sector;

(B) encourage institutions of higher education to develop a new information assurance or cybersecurity education undergraduate degree programs, graduate degree

programs, or programs conferring a certificate or industry-recognized credential;

(C) increase the number of students graduating annually from existing information assurance or cybersecurity education undergraduate degree programs, graduate degree programs, or programs conferring a certificate or industry-recognized credential; or

(D) improve existing information assurance or cybersecurity education undergraduate degree programs, graduate degree programs, or programs conferring a certificate or industry-recognized credential.

(c) REPORT.—Not later than 30 days after receiving the findings of the study, the Secretary shall transmit the findings, together with any comments thereon by the Secretary, to the appropriate congressional committees.

SEC. 418. SENSE OF CONGRESS REGARDING CENTERS OF EXCELLENCE.

It is the sense of Congress that centers of excellence have the potential—

(1) to be a very useful tool in developing defensive countermeasures to secure critical infrastructure and prevent terrorism; and

(2) to play a key role in the Department's efforts to research and develop new technologies to secure the homeland.

SEC. 419. ASSESSMENT, RESEARCH, TESTING, AND EVALUATION OF TECHNOLOGIES TO MITIGATE THE THREAT OF SMALL VESSEL ATTACK.

The Under Secretary may—

(1) assess what technologies are available to mitigate the threat of small vessel attack in secure zones of ports, including the use of transponders or radio frequency identification devices to track small vessels; and

(2) conduct research, testing, and evaluation of new technologies that might be capable of tracking small vessels.

SEC. 420. RESEARCH AND DEVELOPMENT PROJECTS.

Section 831 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking “2010,” and inserting “2012,”;

(2) in subsection (a), by adding at the end the following new paragraph:

“(3) PRIOR APPROVAL.—In any case in which the Under Secretary for Science and Technology intends to exercise other transaction authority, the Under Secretary must receive prior approval from the Secretary after submitting to the Secretary a proposal that includes the rationale for why a grant or contract issued in accordance with the Federal Acquisition Regulation is not feasible or appropriate and the amount to be expended for such project. In such a case, the authority for evaluating the proposal may not be delegated by the Secretary to anyone other than the Under Secretary for Management.”; and

(3) by redesignating subsection (e) as subsection (i), and by inserting after subsection (d) the following new subsections:

“(e) ANNUAL REPORT ON EXERCISE OF OTHER TRANSACTION AUTHORITY.—

“(1) IN GENERAL.—The Secretary shall submit to the appropriate congressional committees an annual report on the exercise of other transaction authority.

“(2) CONTENT.—The report shall include the following:

“(A) The subject areas in which research projects were conducted using other transaction authority.

“(B) The extent of cost-sharing for such projects among Federal and non-Federal sources.

“(C) The extent to which use of other transaction authority has addressed a homeland security capability gap identified by the Department.

“(D) The total amount of payments, if any, that were received by the Federal Government as a result of such exercise of other transaction authority during the period covered by the report.

“(E) The rationale for using other transaction authority, including why grants or contracts issued in accordance with the Federal Acquisition Regulation were not feasible or appropriate.

“(F) the amount expended for each such project.

“(f) TRAINING.—The Secretary shall develop a training program for acquisitions staff in the use of other transaction authority to help ensure the appropriate use of such authority.

“(g) REVIEW AUTHORITY.—The exercise of other transaction authority shall be subject to review by the Comptroller General of the United States to ensure that an agency is not attempting to avoid the requirements of procurement statutes and regulations.

“(h) OTHER TRANSACTION AUTHORITY DEFINED.—In this section the term ‘other transaction authority’ means authority under subsection (a).”.

SEC. 421. NATIONAL URBAN SECURITY TECHNOLOGY LABORATORY.

(a) IN GENERAL.—The National Urban Security Technology Laboratory (formerly the Environmental Measurements Laboratory) is authorized within the Directorate for fiscal years 2011 and 2012.

(b) RESPONSIBILITIES.—The Under Secretary shall utilize the National Urban Security Technology Laboratory to test, evaluate, and analyze homeland security capabilities and serve as a technical authority to first responders and State and local entities, including by—

(1) conducting test programs, pilots projects, demonstrations, and other forms of evaluations of homeland security technologies both in the field and in the laboratory;

(2) applying knowledge of operational end-user environments and support for operational integration to technology development, including—

- (A) training;
- (B) exercises;
- (C) equipment;
- (D) tactics;
- (E) techniques; and
- (F) procedures;

(3) representing interests and requirements between technology developers and operational end-users; and

(4) supporting development and use of homeland security equipment and operational standards.

SEC. 422. HOMELAND SECURITY SCIENCE AND TECHNOLOGY ADVISORY COMMITTEE.

Section 301 of the Homeland Security Act of 2002 (6 U.S.C. 191) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) There is established within the Department a science and technology advisory committee (in this section referred to as the ‘advisory committee’). The advisory committee shall make recommendations with respect to the activities of the under secretary for science and technology, including—

“(1) identifying research areas of potential importance to the security of the Nation; and

“(2) providing advice in developing and updating the strategic plan required under section 318.”.

(2) by striking subsection (j).

TITLE V—DOMESTIC NUCLEAR DETECTION OFFICE

SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Domestic Nuclear Detection Office of the Department—

- (1) \$305,840,000 for fiscal year 2011; and
- (2) \$315,005,000 for fiscal year 2012.

SEC. 502. DOMESTIC NUCLEAR DETECTION OFFICE OVERSIGHT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Directorate should conduct basic and innovative research and non-developmental testing on behalf of the Domestic Nuclear Detection Office (in this section referred to as “DNDO”), in order to advance next generation nuclear detection technologies.

(b) INTERNAL REVIEW OF PROJECT SELECTION AND EVALUATION METHODOLOGY.—Not later than 90 days after the date of enactment of this Act, the Director of the DNDO, the Under Secretary, and the heads of all operational components of the Department that own, operate, or maintain nuclear or radiological detection equipment shall begin an internal review of the methodology by which research, development, testing, and evaluation is identified, prioritized, and funded within the Department.

(c) CONTENTS OF REVIEW.—In carrying out the review under subsection (b), the Director of the DNDO shall—

(1) identify the process by which basic and applied research and operational testing that should be conducted in concert and under agreement with the Directorate;

(2) describe the roles, responsibilities, common definitions, standard operating procedures, and decision process for research, development, testing, and evaluation activities;

(3) describe and implement a transparent system for tracking research, development, testing, and evaluation requirements;

(4) describe and implement a mechanism to provide regular updates to components of the Department on the progress of such research;

(5) evaluate the degree to which needs of the operational components of the Department and State and local first responders are being adequately addressed by the existing project selection process, and if not, how such process can be improved;

(6) establish a method to collect and evaluate Department component feedback;

(7) utilize departmental matrices and systems to determine if technologies produced by the Directorate have enhanced the ability of Department components to perform their missions;

(8) identify appropriate five-year levels of investment in basic and applied research and development, in particular among the Department laboratories, federally funded research and development centers, university-based centers, Department of Energy national laboratories, and other Federal laboratories;

(9) project balance of use of the entities referred to in paragraph (8) among the Directorate and other Department components; and

(10) establish a formal merit review process, with external peer review where appropriate.

(d) REPORT.—Not later than one year after the completion of the review required by subsection (b), the Director of the DNDO shall submit to the Secretary and the appropriate congressional committees a report containing the findings of such review, together with information on the systems, methods, and mechanisms established, and

recommendations for additional improvements.

(e) **UPDATES ON IMPLEMENTATION.**—One hundred and twenty days after the date of enactment of this Act, and annually thereafter, the Inspector General of the Department shall submit to the appropriate congressional committees an update on the status of implementation of this section and activities in support of such implementation.

SEC. 503. STRATEGIC PLAN AND FUNDING ALLOCATIONS FOR GLOBAL NUCLEAR DETECTION ARCHITECTURE.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing the following:

(1) A strategic plan for the global nuclear detection architecture to deter and detect the transport of nuclear or radioactive materials by all means possible, with specific focus on establishing the goals, objectives, and cost projections for the next five years, including a discussion of—

(A) technological and nontechnological methods to increase detection capabilities;

(B) the preventive nature of the global nuclear detection architecture, including projected impact on would-be terrorists;

(C) detection capability enhancements for the various transportation modes, at ports of entry and between ports of entry;

(D) balanced risk-based deployment of detection assets across all border and other pathways; and

(E) any emerging threat vectors identified by the Director of the Domestic Nuclear Detection Office.

(2) In consultation with the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Nuclear Regulatory Commission, the Intelligence Community, and the Attorney General, an analysis of overall budget allocations that determines whether Government wide nuclear detection resources clearly align with identified priorities to maximize results and minimize duplication of efforts.

SEC. 504. RADIATION PORTAL MONITOR ALTERNATIVES.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that in view of the Secretary's decision not to certify advanced spectroscopic portal monitors for primary screening applications because they do not offer a significant increase in operational effectiveness over existing technology, the Director must attempt to identify viable alternatives.

(b) **ANALYSIS AND REPORT.**—The Director of the Domestic Nuclear Detection Office shall analyze and report to the appropriate congressional committees by not later than 90 days after the date of enactment of this Act on both existing and developmental alternatives to existing radiation portal monitors and advanced spectroscopic portal monitors that would provide the Department with a significant increase in operational effectiveness for primary screening for radioactive materials.

SEC. 505. AUTHORIZATION OF SECURING THE CITIES INITIATIVE.

(a) **FINDINGS.**—Congress finds the following:

(1) The Securing the Cities Initiative of the Department uses next generation radiation detection technology to detect the transport of nuclear and radiological material in urban areas by terrorists or other unauthorized individuals.

(2) The technology used by partners in the Securing the Cities Initiative leverages radiation detection technology used at ports of entry.

(3) The Securing the Cities Initiative has fostered unprecedented collaboration and coordination among its Federal, State, and local partners.

(4) The Securing the Cities Initiative is a critical national capability to detect the dangerous introduction of nuclear and radiological material.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Of amounts authorized by section 501, there is authorized to be appropriated to the Director of the Domestic Nuclear Detection Office of the Department for the Securing the Cities Initiative such sums as may be necessary for each of fiscal years 2011 and 2012, including—

(1) for each city in which it has been implemented by fiscal year 2009—

(A) \$20,000,000 for fiscal year 2011; and

(B) \$10,000,000 for fiscal year 2012; and

(2) for additional Securing the Cities initiatives to be implemented in not fewer than 2 sites participating in the Urban Area Security Initiative, such sums as may be necessary each fiscal year to implement and sustain each additional initiative.

TITLE VI—CLARIFYING AMENDMENTS

SEC. 601. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

Section 305 (6 U.S.C. 184) is amended—

(1) by inserting “(a) ESTABLISHMENT.—” before the first sentence; and

(2) by adding at the end the following new subsections:

“(b) **CONGRESSIONAL TASKING.**—Upon a request of the chairman and the ranking minority member of an appropriate congressional committee, a federally funded research and development center established under this section may perform independent analysis of homeland security issues and report its findings to the appropriate congressional committees and the Secretary.

“(c) **CONGRESSIONAL OVERSIGHT.**—Federally funded research and development centers established under this section are encouraged, upon request of the chairman and the ranking minority member of an appropriate congressional committee, to provide to the committee a copy of any report it produces for the Department or any of its components.

“(d) **CONFLICTS OF INTEREST.**—The Secretary shall review and revise, as appropriate, the policies of the Department relating to personnel conflicts of interest to ensure that such policies specifically address employees of federally funded research and development centers established under this section who are in a position to make or materially influence research findings or agency decisionmaking.

“(e) **ANNUAL REPORTS.**—Each federally funded research and development center established under this section shall transmit to the Secretary and appropriate congressional committees an annual report on the activities of the center.”.

SEC. 602. ELIMINATION OF HOMELAND SECURITY INSTITUTE.

(a) **REPEAL.**—Section 312 (6 U.S.C. 192) is repealed.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) is amended by striking the item relating to such section.

SEC. 603. GAO STUDY OF THE IMPLEMENTATION OF THE STATUTORY RELATIONSHIP BETWEEN THE DEPARTMENT AND THE DEPARTMENT OF ENERGY NATIONAL LABORATORIES.

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study to assess the implementation of the statutory relationship between

the Department and the Department of Energy national laboratories, as established by section 309(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 189(a)(2)); and

(2) submit recommendations to the appropriate congressional committees for appropriate improvements to such relationship.

(b) **STUDY SUBJECTS.**—The study shall include the following:

(1) Review of how the Department and the Department of Energy national laboratories—

(A) communicate needs and capabilities; and

(B) select projects to be performed by the Department of Energy national laboratories under such statutory relationship.

(2) Review of contracting mechanisms that the Department and the Department of Energy national laboratories use to initiate and track work under such statutory relationship.

(3) Review of the fraction of Department of Energy national laboratory work performed for the Department under such statutory relationship, compared to other Department of Energy national laboratory work performed for the Department on a “work for others” basis.

(4) Review the cost savings identified by the Department and the Department of Energy achieved through use of such statutory relationship, compared to other Department of Energy national laboratory work performed for the Department on a “work for others” basis.

SEC. 604. TECHNICAL CHANGES.

Section 1902 of the Homeland Security Act (6 U.S.C. 592) is amended by—

(1) striking paragraph (6); and

(2) redesignating paragraphs (7) through (14) as paragraphs (6) through (13), respectively.

TITLE VII—COMMISSION ON THE PROTECTION OF CRITICAL ELECTRIC AND ELECTRONIC INFRASTRUCTURES

SEC. 701. COMMISSION ON THE PROTECTION OF CRITICAL ELECTRIC AND ELECTRONIC INFRASTRUCTURES.

(a) **ESTABLISHMENT.**—There is established the Commission on the Protection of Critical Electric and Electronic Infrastructures (in this section referred to as the “Commission”).

(b) **PURPOSES.**—

(1) **IN GENERAL.**—The purposes of the Commission are to—

(A) assess vulnerabilities of electric and electronic infrastructures, including—

(i) all components of the United States electric grid, including electricity generation, transmission, distribution and metering; and

(ii) all computerized control systems used in all United States critical infrastructure sectors;

(B) provide a clear and comprehensive strategy and specific recommendations for protecting these critical electric and electronic infrastructures; and

(C) test, evaluate, and report on specific mitigation protection and recovery devices or methods.

(2) **IN PARTICULAR.**—The Commission shall give particular attention to threats that can disrupt or damage critical electric and electronic infrastructures, including—

(A) cyber attacks or unintentional cyber disruption;

(B) electromagnetic phenomena such as geomagnetically induced currents, intentional electromagnetic interference, and electromagnetic pulses caused by nuclear weapons; and

(C) other physical attack, act of nature, or accident.

(c) COMPOSITION OF COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of 9 members, of whom—

(A) 1 member shall be appointed by the Chairman of the House of Representatives Committee on Homeland Security;

(B) 1 member shall be appointed by the ranking minority member of the House of Representatives Committee on Homeland Security;

(C) 1 member shall be appointed by the Chairman of the House of Representatives Committee on Energy and Commerce;

(D) 1 member shall be appointed by the ranking minority member of the House of Representatives Committee on Energy and Commerce;

(E) 1 member shall be appointed by the Chairman of the Senate Committee on Homeland Security and Governmental Affairs;

(F) 1 member shall be appointed by the ranking minority member of the Senate Committee on Homeland Security and Governmental Affairs;

(G) 1 member shall be appointed by the Chairman of the Senate Committee on Energy and Natural Resources;

(H) 1 member shall be appointed by the ranking minority member of the Senate Committee on Energy and Natural Resources; and

(I) 1 member who shall serve as the Chairman of the Commission, and who shall be appointed by the Speaker of the House of Representatives with the concurrence of the President Pro Tempore of the Senate.

(2) QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should have significant depth of experience in electric and electronic infrastructures, their function, and their protection, as well as the threats to these infrastructures as identified in subsection (b)(2).

(3) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed within 30 days after the date of enactment of this Act.

(4) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(5) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the Chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) RESPONSIBILITIES OF COMMISSION.—The Commission shall address—

(1) the quantification of the threats identified in subsection (b)(2) to the United States electric and electronic infrastructure, and a cost-benefit analysis of possible protection and recovery strategies;

(2) the roles, missions, and structure of all relevant Federal, State, and local government departments and agencies with responsibilities for ensuring protection and reliability for electric and electronic infrastructures;

(3) the roles, missions, and structure of all relevant private sector entities with responsibilities for ensuring protection and reliability for electric and electronic infrastructures;

(4) inter-agency coordination between and among the entities identified in paragraphs (2) and (3); and

(5) recommendations for protections and recovery devices and measures.

(e) POWERS OF COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such designated subcommittee or designated member may determine advisable.

(2) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriations Acts, enter into contracts to enable the Commission to discharge its duties under this subtitle.

(3) STAFF OF COMMISSION.—

(A) APPOINTMENT AND COMPENSATION.—The Chairman of the Commission, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level I of the Executive Schedule under section 5316 of title 5, United States Code.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any employees of the Commission shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(C) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(D) CONSULTANT SERVICES.—The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level I of the Executive Schedule under section 5315 of title 5, United States Code.

(E) SECURITY CLEARANCES.—The Chairman shall place an emphasis on hiring and retaining employees, contractors, and detailees with active security clearances. For employees who do not have security clearances but are determined by the Chairman to need them, the Central Intelligence Agency, Department of Energy, Department of Defense, and any other relevant agency shall expedite the necessary clearance processes.

(F) FORMER EMP COMMISSION STAFF AND RESOURCES.—The Chairman may make use of any existing and viable staff and resources previously employed by the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack established by section 1401 of Public Law 106-398 (114 Stat. 1654A-345).

(4) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this section. Each department,

bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(B) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis and as necessary, administrative support and other services for the performance of the Commission's functions.

(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(f) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate;

(2) release public versions of the report required under subsection (g); and

(3) conduct any public hearing in a manner consistent with the protection of sensitive or classified information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

(g) REPORT.—Not later than 180 days after the appointment of the Commission, and annually thereafter, the Commission shall submit to the President and Congress a report containing such findings, conclusions, and recommendations for protection and recovery measures for electric and electronic infrastructures as have been agreed to by a majority of Commission members.

(h) FUNDING.—Of the amounts authorized by section 101, there is authorized to be appropriated for the activities of the Commission under this section—

- (1) \$4,000,000 for fiscal year 2011; and
- (2) \$4,000,000 for fiscal year 2012.

TITLE VIII—BORDER SECURITY TECHNOLOGY INNOVATION

SEC. 801. ENSURING RESEARCH ACTIVITIES OF THE DEPARTMENT OF HOMELAND SECURITY INCLUDE APPROPRIATE CONCEPTS OF OPERATION.

The Under Secretary shall ensure that any Federal Government interagency or intra-agency agreement entered into by the Under Secretary to develop and transition new technology explicitly characterizes the requirements, expected use, and concept of operations for that technology, including—

- (1) the manpower needed to effectively operate the technology;
- (2) the expected training requirements; and
- (3) the expected operations and maintenance costs.

SEC. 802. REPORT ON BASIC RESEARCH NEEDS FOR BORDER AND MARITIME SECURITY.

Not later than 6 months after the date of enactment of this Act, the Under Secretary shall enter into an arrangement with the National Research Council for a one-year assessment of the basic science research needs in the border and maritime security domain. The assessment shall include consideration of—

- (1) detection, tracking, and identification technologies for cargo and people;
- (2) personal protective equipment;
- (3) document security and authentication technologies;
- (4) nonradiological advanced screening technologies at ports of entry; and
- (5) technologies for real time tactical scene awareness.

SEC. 803. INCORPORATING UNMANNED AERIAL VEHICLES INTO BORDER AND MARITIME AIRSPACE.

(a) RESEARCH AND DEVELOPMENT.—The Secretary and the Director of the Joint Planning and Development Office shall research and develop technologies to permit routine operation of unmanned aerial vehicles, including autonomously piloted drones, within the national airspace for border and maritime security missions without any degradation of existing levels of safety for all national airspace system users.

(b) PILOT PROJECTS.—The Secretary shall coordinate with the Administrator of the Federal Aviation Administration and the Director of the Joint Planning Office to enter into pilot projects in sparsely populated, low-density Class G air traffic airspace to conduct experiments and collect data in order to accelerate the safe integration of unmanned aircraft systems into the national airspace system as part of research activities of the Joint Planning and Development Office.

SEC. 804. ESTABLISHING A RESEARCH PROGRAM IN TUNNEL DETECTION.

(a) RESEARCH AND DEVELOPMENT.—The Under Secretary shall research and develop technologies to permit detection of near surface voids, such as tunnels, with an emphasis on technologies with real time capability.

(b) COORDINATION.—The Secretary shall coordinate with other appropriate Federal agencies, including the Department of Defense and the United States Geological Survey, and ensure the integration of activities under subsection (a) with relevant efforts of such other agencies and the Department's Centers of Excellence Program.

SEC. 805. RESEARCH IN DOCUMENT SECURITY AND AUTHENTICATION TECHNOLOGIES.

(a) ESTABLISHMENT OF PROGRAM.—The Under Secretary, in coordination with the Director of the National Institute of Standards and Technology, shall conduct a research and development program on document security, validation, and authentication technologies and standards. The program may include assessment or development of imitation-resistant and tamper-resistant documentation, imitation-resistant or tamper-resistant devices, document validation and authentication technologies, and document identification standards.

(b) COORDINATION.—In carrying out the program in subsection (a), the Under Secretary shall coordinate with other Federal agencies engaged in similar activities, including Immigration and Customs Enforcement, the Department of State, the Department of Defense, the United States Coast Guard, and the Department of Justice.

(c) REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this

Act, the Under Secretary and the Director of the National Institute of Standards and Technology shall provide to the Committee on Homeland Security and the Committee on Science and Technology of the House of Representatives, and the Committee on Homeland Security and Government Affairs of the Senate, a report detailing the actions taken by the Under Secretary and the Director under this section.

SEC. 806. STUDY ON GLOBAL POSITIONING SYSTEM TECHNOLOGIES.

(a) IN GENERAL.—The Under Secretary shall conduct a study of the need for next generation global positioning system technology as it relates to border security, including—

- (1) conducting an analysis of the frequency of unintended border crossings and the capability of global positioning system technologies to address unintended border crossings by government personnel;

(2) undertaking an examination of the potential end user requirements for global positioning system technologies, including cost limitations, accessibility, and reliability; and

- (3) developing recommendations for potential near-term and long-term research, development, testing, and evaluation of border security-focused global positioning technologies.

(b) CONSULTATION.—In conducting the study under subsection (a), the Under Secretary shall consult with U.S. Customs and Border Protection, the National Institute of Standards and Technology and appropriate Federal, State, and local law enforcement officials.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Under Secretary shall report to Congress the findings of the study conducted under this section.

SEC. 807. STUDY OF MOBILE BIOMETRIC TECHNOLOGIES AT THE BORDER.

(a) IN GENERAL.—The Under Secretary, in coordination with the Commissioner of United States Customs and Border Protection, shall establish a research program on the use of mobile biometric technology at the Nation's borders between the ports of entry, including—

- (1) conducting an analysis of existing mobile biometric technologies and the extent to which they can be deployed in Border Patrol agents' vehicles and used at the border, in terms of operability, reliability, cost, and overall benefit to border operations;

(2) undertaking an examination of the potential end-user requirements of mobile biometric technology by the Border Patrol and other relevant end-users;

- (3) developing recommendations for addressing capability gaps in mobile biometric technologies; and

(4) examining the feasibility of implementing a pilot program for use of mobile biometric technologies at the border.

(b) CONSULTATION.—In conducting the research program under subsection (a), the Under Secretary shall consult the National Institute of Standards and Technology, other appropriate Federal agencies, and appropriate Federal, State, and local law enforcement officials.

(c) COORDINATION.—The Secretary shall ensure that the research program is coordinated with other biometric identification programs within the Department.

(d) REPORT.—Not later than 6 months after the date of enactment of this Act, the Under Secretary shall transmit to Congress a report on the findings of the research program conducted under this section.

SEC. 808. AUTHORIZATION OF APPROPRIATIONS.

Of the amount authorized by section 101 of this Act, such sums as may be necessary are authorized to be appropriated to carry out this title.

The SPEAKER pro tempore (Mr. DEUTCH). Pursuant to the rule, the gentlewoman from New York (Ms. CLARKE) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. CLARKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. CLARKE. I yield myself such time as I may consume.

Mr. Speaker, there are hundreds of thousands of Americans who work day in and day out to protect our communities and our Nation. They perform a wide range of services for the country, responding to emergencies, screening bags and cargo, watching our borders. They are outstanding public servants, and we thank them for their service. We know that without them we are less secure. They know that without science and technology they can't accomplish their mission.

So today we consider H.R. 4842, to acknowledge the importance of science and technology research, development, testing and evaluation, to ensuring the safety and security of the American people and our Nation.

□ 1610

H.R. 4842, the Homeland Security Science and Technology Authorization Act of 2010, reauthorizes the Department of Homeland Security, Science and Technology Directorate, and Domestic Nuclear Detection Office through fiscal year 2012. Since 2003, S&T has been responsible for developing technologies to address Homeland Security capability gaps as identified by DHS and its operational components, most notably Customs and Border Protection, the U.S. Coast Guard, the Transportation Security Administration, and the Federal Emergency Management Agency. DNDO was established in 2006 to develop detection technologies for nuclear and radiological devices, a high-consequence terrorist threat.

This bipartisan legislation reauthorizes the activities of S&T and DNDO and puts these two DHS components on a path to greater effectiveness and efficiency by requiring strategic plans, benchmarking, and accountability systems.

For nearly a year, Mr. LUNGREN and I worked with my colleagues on the

committee to craft this bipartisan authorization bill, which would ensure that the Department of Homeland Security Science and Technology Directorate has the right tools available to be successful. Success in this context means delivering products into the hands of our first responders, law enforcement officials, or critical infrastructure owners, to help them achieve their mission and make America more secure.

In conducting our review, we examined the Homeland Security Act and the Department's use of the authorities the Congress has vested in it. We have also received insight and information from DHS leadership, stakeholders, the R&D community, private sector leaders, and independent analysts.

I believe that by reaching out to key stakeholders, we developed a very good bill that will authorize important management functions and programs within the S&T Directorate while emphasizing efficiency and cost savings.

Within this legislation, we institutionalize the process by which research and development is identified, prioritized, and funded within DHS. We emphasize the importance of strategic planning and require DHS S&T to do so every 2 years.

We establish training programs for developing technology requirements at DHS. We authorize an Office of Testing and Evaluation designed to prevent problems that occurred in major acquisition programs like SBInet, the infamous virtual fence, which will help curb wasteful spending in the Department.

We create an Office of Public-Private Partnerships and establish within S&T a streamlined review process for unsolicited proposals. We authorize twice the current amount of funding for cybersecurity R&D.

We explore alternatives for ASP technologies for detecting nuclear and radiological materials, and we affirm the committee's support for university programs and small businesses.

I look forward to discussing these and other matters with my colleagues today.

Finally, I want to express my appreciation and thanks to our chairman, Mr. THOMPSON, and Ranking Member KING for their support of this important legislation.

Mr. LUNGREN was very instrumental in crafting the bill, and I thank him for working with me on it. I want to also thank the majority and minority committee and personal office staffs for their efforts.

We often say that Homeland Security is not a partisan issue, and that is evidenced today by this bipartisan legislation.

Hon. BENNIE G. THOMPSON,
*Chairman, Committee on Homeland Security,
Ford House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the

Committee on Science and Technology in H.R. 4842, the Homeland Security Science and Technology Authorization Act of 2010.

H.R. 4842 was favorably reported by the Committee on Homeland Security on May 18, 2010. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner, and, accordingly, I will waive further consideration of this bill in Committee. However, agreeing to waive consideration of this bill should not be construed as the Committee on Science and Technology waiving its jurisdiction over H.R. 4842.

Further, I request your support for the appointment of Science and Technology Committee conferees during any House-Senate conference convened on this legislation. I also ask that a copy of this letter and your response be placed in the Congressional Record during consideration of this bill on the House floor.

Thank you for your attention to this matter.

Sincerely,

BART GORDON,
Chairman.

JUNE 25, 2010.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I write to you regarding H.R. 4842, the "Homeland Security Science and Technology Authorization Act of 2010."

I agree that provisions in H.R. 4842 are of jurisdictional interest to the Committee on Science and Technology. I acknowledge that by forgoing further consideration, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Science and Technology has jurisdiction in H.R. 4842.

This exchange of letters will be inserted in the Congressional Record as part of the consideration of this legislation in the House.

I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4842, the Homeland Security Science and Technology Authorization Act of 2010. It gives me great pleasure to work with the gentlewoman in bringing forward this authorization bill to the floor.

This bipartisan legislation reauthorizes the Science and Technology Directorate and the Domestic Nuclear Detection Office for fiscal years 2011 and 2012, and I want to thank the chairwoman for her bipartisan leadership on this legislation.

This process started last summer with numerous stakeholder meetings, followed by meetings and recommendations from the Department of Homeland Security and concluding with the recent improvements and support of

the House Science and Technology Committee. When it comes to homeland security, there is no room for partisanship. Chairwoman Clark and the chairman of our full committee, Chairman THOMPSON, working together with Mr. KING from New York, the ranking Republican on the committee, all deserve a great deal of credit for reaching out across the aisle to craft a more effective bill, and, I must say, it does include provisions of importance to our Republican members.

These provisions would include the establishment of research initiatives to bolster border and maritime security; the development of tools to enhance resilience to terrorist attacks and other incidents, especially in rural communities; research and testing of technologies to help secure the border and ensure the safety of our underground mass transit systems; as well as an assessment of how useful rapid screening tools for influenza and other biological threats would be at our border ports of entry.

Our bill emphasizes management and administrative reforms that target the needs of the Science and Technology customers, those being the Border Patrol, TSA, Coast Guard, FEMA, and ICE, by most closely aligning the Directorate's research and development activities with identified homeland security risks so there will be a more rapid application of the technology to the true needs as identified by S&T's customers.

It will improve our homeland security by establishing a more rigorous process within the S&T Directorate for identifying, prioritizing, and funding these important research opportunities.

It recognizes the need to prioritize research around risk and authorizes the establishment of a Testing, Evaluation, and Standards Division within the S&T Directorate to help ensure that technology is properly evaluated.

So, Mr. Speaker, in order to foster closer collaboration between the Science and Technology Directorate and commercial companies with promising Homeland Security technologies, our bill authorizes the Office of Public-Private Partnerships to be established within the S&T Directorate.

Importantly, title VII of our legislation establishes a Commission on the Protection of Critical Electric and Electronic Infrastructures to assess the vulnerabilities of this infrastructure and make recommendations for better securing this critically important infrastructure in the future.

While we rely on the cyberworld for much of our embedded command and control systems, perhaps it is no more important than in the area of critical electric and electronic infrastructure, and it is our hope that this commission will help us in the Congress to prioritize those needs with respect to

the vulnerabilities of the infrastructure and the protection of that infrastructure.

We depend on the Science and Technology Directorate to develop state-of-the-art technology to protect our citizens and critical infrastructure from terrorist attacks. Timely and accurate intelligence is always our best defense against the terror threat. However, when we have no actionable intelligence, we must rely on the skill of our personnel and the effectiveness of our technology in order to detect, deter, and defend against the terrorist enemy. The better technology we develop and deploy, the stronger, therefore, our homeland security. We believe this legislation will help provide the necessary technology tools to bolster our homeland defenses.

Mr. Speaker, I would also like to highlight a very important provision in this bill that is critical to both Ranking Member KING and the security of New York City, as well as to our Nation as a whole. It is the authorization and expansion of the Securing the Cities program.

Securing the Cities is a vital Homeland Security program to help prevent terrorist attacks in major cities using nuclear radiological weapons such as a dirty bomb. The program has enabled the establishment of a network ring of radiological detectors on highways, toll plazas, bridges, tunnels, and waterways leading into and out of New York City, which, as we know, is perhaps the top terrorist target for al Qaeda and affiliated terrorist organizations.

□ 1620

The detonation of a nuclear or dirty bomb in the New York City Tri-State area or any other major metropolitan area would inflict serious damage to our country's economy in addition to the terrible tragedy of the human lives involved, and it would be much like the 9/11 attacks.

Securing the Cities is a successful program that can and should be replicated in other areas around the country. That's why language in this bill would expand the program to at least two additional high-risk cities where these capabilities are most needed, therefore leveraging what we already have learned about building defenses against nuclear and radiological weapons in New York City to erect similar security perimeters in and around other cities.

I want to remind our colleagues that the threat of nuclear or radiological terrorism is real. It's not just an academic exercise. It's not just some fiction. It is real. The Weapons of Mass Destruction Commission, the WMD Commission, warned in 2008 that an attack using a weapon of mass destruction was likely to happen somewhere in the world by 2013. Commissioners Graham and Talent, appearing before our

committee on April 21 of this year, repeated this warning.

The President's National Security Strategy that was released earlier this year concluded this: "The American people face no greater or more urgent danger than a terrorist attack with a nuclear weapon. The potential of nuclear or radiological terrorism is a nightmare scenario that we must guard against with every available capability and resource. We believe that authorizing and expanding Securing the Cities will help protect our country, not just New York City but the entire country, from such a danger."

Now, let me close, Mr. Speaker, by saying that while I'm pleased we are considering this bill today, I do believe that the House should be considering a comprehensive authorization bill for the Department of Homeland Security. This House has not done so since 2007, with one of the reasons being that we, frankly, have too many committees and subcommittees having jurisdiction over homeland security.

The 9/11 Commission recommended, in 2004, that "Congress should create a single, principal point of oversight review for homeland security." Unfortunately, the current jurisdictional web of congressional oversight under the Department of Homeland Security results in conflicting guidance to the Department and is a serious drain on its time and resources. And, Mr. Speaker, I don't say this as a Republican criticizing the majority in the House. This was true when the Republicans were in control. It is the remaining recommendation by the 9/11 Commission that has not been enacted into law here by this House.

The chairman and the vice chairman of the 9/11 Commission, Governor Kean and Congressman Hamilton, testified that this jurisdictional maze is unworkable, and they said it could make our country less safe. Those are strong words, but they repeated them in their testimony before our committee.

I hope that we can streamline congressional jurisdiction moving forward so that Congress can enact a comprehensive authorization bill for the Department, which, I say, has not happened since its creation in 2003. The failure to do so jeopardizes our ability to ensure that our Nation's homeland security policies are as robust as they need to be to meet the evolving nature of terrorism.

I want to again thank Chairman THOMPSON, Chairwoman CLARKE, and Ranking Member KING for all their help in crafting a very good bipartisan bill that strengthens our homeland security capabilities, and I would, of course, urge all my colleagues to support passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. CLARKE. Mr. Speaker, I yield 3 minutes to the gentlewoman from

Texas, the subcommittee chairwoman of the Transportation Security and Infrastructure Protection Committee of Homeland Security, Ms. JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the gentlelady who chairs the Subcommittee on Cybersecurity and has done an excellent job. I thank the ranking member that shares that responsibility with her, Mr. LUNGREN.

I rise today to congratulate these members for the Homeland Security Science and Technology Authorization Act of 2010 and to make the point that under Chairman THOMPSON we have, in actuality, passed more authorization bills on our committee, and particularly those that relate to subcommittees. The Committee on Transportation Security has passed H.R. 2200 and is waiting for action in the Senate.

I join my friend from California and indicate that homeland security is not a partisan issue; it is a bipartisan issue, as he has indicated. And I join him in wondering when we can adhere to the 9/11 Commission report and get a more single-focused review of homeland security in the Homeland Security Committee. I hope that maybe we will have the opportunity to work in a bipartisan manner, to work with the other body, and to really accomplish the idea of maintaining homeland security issues in the Homeland Security committees, both in the House and the Senate.

This legislation shows what our committee can do under the leadership of Chairwoman CLARKE and Ranking Member LUNGREN to be able to establish a roadmap for Science and Technology. After listening to the oversight findings of the Committee on Homeland Security, the GAO, and the DHS Inspector General, H.R. 4842 requires Science and Technology to establish requirements for how basic and applied homeland security research is identified, prioritized, funded, passed, and evaluated, and emphasizes the need to prioritize research around risk.

We all know that Science and Technology really is the backbone of our homeland security efforts. It is to keep us ahead of the terrorists who want to do us harm. H.R. 4852 authorizes the establishment of a more quasi-autonomous Testing, Evaluations and Standards Division within S&T to help ensure that technology is properly evaluated.

Additionally, in an effort to foster better collaboration between S&T and the private sector firms—most especially small firms—with promising homeland security technologies, H.R. 4842 authorizes the Office of Public-Private Partnerships. I want to congratulate the chairwoman and the ranking member on this issue.

Before my committee, the Subcommittee on Transportation Security, many times small businesses will come before us and really act in angst about

the fact that their new technology is languishing at the Department of Homeland Security. Now we have, because of this legislation, the Rapid Review Division that is in charge of establishing an accessible, streamlined system to conduct timely reviews of unsolicited technology proposals in order to more effectively harness the ingenuity of the American private sector in an area where DHS continues to struggle. It is important that we do that.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. CLARKE. I yield an additional 2 minutes to Ms. JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the gentlelady for her courtesy.

To be able to help our small businesses is a leap forward, and I congratulate them for this innovative division that will help move these technologies forward. I hope that small businesses are listening. They now have a rapid ear under Science and Technology to listen to them in the Department of Homeland Security.

I am very excited about handheld detectors for the Department of Homeland Security to do rapid detection of biological threats at ports and airports and the dual-use terrorist risks of synthetic genomics.

I think it is also important that we have enhancements to unmanned aerial surveillance technology for safe and effective deployment for border and maritime missions. We had a hearing on this just recently. Many of us questioned the safety or the results-oriented work of that unmanned aerial surveillance being used at the border. We need to have those results, and I believe that this legislation will help us do so.

So this is a great step forward, in addition to the authorization of \$20 million for the Securing the Cities program for fiscal year 2011 and directs DNDO, in fiscal year 2012, to add at least two new cities, based on risk, to this radiation detection program in operation in New York City. We all know that the threat of nuclear attacks as a homeland security threat is evident, and radiation detection is crucial for us to be sure that we have a number of elements to assess the potential of that kind of threat.

This legislation takes advantage of the concerns we all have of making sure our science and technology is an integral part of defending the homeland. I believe this legislation, H.R. 4842, takes a giant leap forward in being part of the work that we do for defending this Nation, the work that is done by this committee, led by Chairman THOMPSON and Ranking Member KING, and of course the work of this subcommittee, Chairwoman CLARKE and Ranking Member LUNGREN. I thank them for their work and ask my colleagues to support this legislation, H.R. 4842.

H.R. 4842, the "Homeland Security Science and Technology Authorization Act of 2010" reauthorizes the Department of Homeland Security's (DHS) Science and Technology Directorate (S&T) and Domestic Nuclear Detection Office (DNDO) through 2012, and puts these two DHS components on a path to greater effectiveness and efficiency by requiring strategic plans, milestones, and accountability systems.

This bipartisan legislation was introduced by the Committee on Homeland Security's Subcommittee on Emerging Threats, Cybersecurity, Science and Technology Chairwoman YVETTE CLARKE and Ranking Member DAN LUNGREN.

In advance of floor consideration, the Committees on Homeland Security and Science and Technology collaborated extensively on this legislation and worked together to deliver a bill with the bipartisan support of both committees.

Since 2003, S&T has been responsible for developing technologies to address homeland security capability gaps, as identified by DHS and its operational components—Customs and Border Protection (CBP), the U.S. Coast Guard (USCG), the Transportation Security Administration (TSA), Immigration and Customs Enforcement (ICE), Infrastructure Protection (IP), and the Federal Emergency Management Agency (FEMA).

DNDO was established in 2006 to develop detection technologies for nuclear and radiological devices—a high-consequence terrorist threat.

H.R. 4842 takes a two-layered approach to authorizing S&T and DNDO: an overarching approach aimed at creating more accountability and effective management of each component; and a more targeted approach focused on specific programs and activities.

In response to oversight findings of the Committee on Homeland Security, the Government Accountability Office, and the DHS Inspector General, H.R. 4842 requires S&T to establish requirements for how basic and applied homeland security research is identified, prioritized, funded, tasked, and evaluated and emphasizes the need to prioritize research around risk.

H.R. 4842 authorizes the establishment of a more quasi-autonomous Testing, Evaluations and Standards Division within S&T to help ensure that technology is properly evaluated.

Additionally, in an effort to foster better collaboration between S&T and private sector firms—most especially small firms—with promising homeland security technologies, H.R. 4842 authorizes the Office of Public-Private Partnerships. Within this office, the Rapid Review Division is charge with establishing an accessible, streamlined system to conduct timely reviews of unsolicited technology proposals in order to more effectively harness the ingenuity of the American private sector, an area where DHS continues to struggle.

With respect to specific programs, H.R. 4842 directs S&T to work towards giving DHS new tools to address the threat of terrorism and enhance homeland security by conducting researching and development regarding: Mobile biometric technologies for deployment at the border (Sec. 807), technology to enhance detection of border tunnels (Sec.804), and uti-

lization of global positioning satellite systems for detection of unauthorized border crossings (Sec. 806);

Hand-held detectors for DHS to do rapid detection of biological threats at ports and airports (Sec. 411) and the dual-use terrorist risks of synthetic genomics (Sec. 407);

Maritime domain awareness enhancements (Sec. 410), technologies to improve the security of underwater public transportation tunnels against explosives (Sec. 408), and technologies to mitigate the threat of small vessel attack (Sec. 419);

Cyber compromises to federally-owned networks and devices that are essential to the reliable operation of critical infrastructure (Sec. 406);

Enhancements to unmanned aerial surveillance technology for safe and effective deployment for border and maritime missions (Sec. 803); and

Technologies to strengthen document security and authentication (Sec. 805).

H.R. 4842 requires S&T to give particular attention to the border security mission. Specifically, the Homeland Security Science and Technology Authorization Act of 2010 authorizes S&T, in coordination with CBP, to pursue research and development to improve effective control of the international land borders of the United States within 5 years (Sec. 409).

In addition to the S&T directorate, H.R. 4842 reauthorizes the DNDO.

Important provisions regarding this vital agency include:

Language to codify in statute the movement of basic and transformational nuclear and radiological research and development activities to S&T;

Requirements for strategic planning, milestones, and accountability in place at DNDO that are parallel to the requirements for S&T;

Authorization of \$20 million for the Securing the Cities program for fiscal year 2011 and directs DNDO, in fiscal year 2012, to add at least two new cities, based on risk, to this radiation detection program in operation in New York City. (The House approved H.R. 2611, which authorized the Securing the Cities program on January 20, 2010.)

AUTHORIZATION OF APPROPRIATIONS

S&T—\$1.12 billion for fiscal year 2011 (\$12 million over the President's request to restore funding for the University Programs) and \$1.15 billion for fiscal year 2012 (3% increase over the 2011 level).

DNDO—\$305.8 million for fiscal year 2011 (President's request) and \$315 million for fiscal year 2012 (3% increase over 2011 level).

Mr. DANIEL E. LUNGREN of California. I continue to reserve the balance of my time.

Ms. CLARKE. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WU), who is a leader on the Science and Technology Committee, who worked very closely with our committee to make this legislation a reality. We want to thank him for his leadership in that regard.

□ 1630

Mr. WU. I thank the gentlewoman for her kind comments.

I rise in support of the Homeland Security Science and Technology Authorization Act of 2010, which reauthorizes

the activities of the Science and Technology Directorate and the DNDO at the Department of Homeland Security.

As the chair of the Science and Technology Committee's Subcommittee on Technology and Innovation, I very much appreciate the important role that technology plays in empowering DHS to carry out its very, very important mission. The Science and Technology Directorate is responsible for ensuring that those who are responsible for keeping us safe have the best tools and the most up-to-date technologies to get their job done.

Over the last year and a half, my subcommittee, the Technology and Innovation Subcommittee, has held multiple hearings on the work being carried out by the Science and Technology Directorate and the DNDO. Through these hearings, we were able to identify critical areas where the directorate could use new tools or, in some cases, new direction to help it achieve its mission effectively and efficiently.

I look forward to working with the Homeland Security Committee to address some of the issues that arose during my subcommittee's hearings, particularly those relating to the public's acceptance of new technologies.

For example, I remain very concerned about TSA's decision to spend hundreds of millions of dollars to deploy full-body scanners in airports across the country without fully understanding the potential reluctance of the public to accept these technologies. This research into acceptance should be done before purchase to avoid wasting taxpayer money.

I want to thank Chairman THOMPSON, Chairwoman CLARKE, Ranking Member KING, and Ranking Member LUNGREN for their work on this important legislation.

I am pleased that our committees were able to work together over the last couple of months to craft this important bipartisan legislation, and I hope that this reauthorization bill will improve the way the Department sets priorities for its research and involves the end users of equipment to ensure that new technology is actually deployable and usable in the field. This has been a gaping shortfall to date.

The reauthorization bill we are considering today takes important steps forward in improving the research and development conducted by DHS, and I look forward to having the Science and Technology Committee work with the chairwoman's subcommittee in exercising our oversight and in continuing to improve the vital research capacity at the Department of Homeland Security.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield 2 minutes to a very valuable member of our committee, the gentleman from Ohio (Mr. AUSTRIA).

Mr. AUSTRIA. I thank the gentleman from California for yielding.

Mr. Speaker, I rise in support of H.R. 4842, the Homeland Security Science and Technology Authorization Act of 2010. This bipartisan legislation is the first authorization bill for the Science and Technology Directorate of the Department of Homeland Security since the Department was created in 2002.

The Science and Technology Directorate is a critical component within the Department of Homeland Security as it works in collaboration with national laboratories, universities and other public and private entities to develop the technologies needed to address our Nation's security needs.

The Homeland Security Committee included an important amendment to this bill. It would add "medical readiness and community resiliency for health care critical infrastructure" to the existing criteria for the university-based Homeland Security Centers of Excellence program. In bringing together leading experts and researchers in university-based settings, the Centers of Excellence program has been successful in facilitating the development of homeland security solutions.

While this program does a good job in strengthening the use of technology and the role of our first responders, such as law enforcement officers, firefighters and EMTs, when it comes to recovering from and responding to a man-made or natural disaster, it currently lacks a distinct focus on medical readiness and community resiliency for existing health care critical infrastructure.

First responders and medical care providers are critical to our Nation's ability to recover from a terrorist attack or from a natural disaster, and they deserve our support and the support of the Department of Homeland Security. In adding medical readiness to the criteria for the university-based Homeland Security Centers of Excellence program, this gap will be addressed, further advancing our country's homeland security initiatives.

Again, I strongly support this important and much needed piece of legislation.

I would like to thank Chairwoman CLARKE and Ranking Member LUNGREN for their hard work as well as Chairman THOMPSON and Ranking Member KING.

Ms. CLARKE. Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I would just like to say in my remaining time that I hope that this is a unanimous vote in support of this legislation. It gives a framework to the S&T directorate, and it is an assertion of the proper jurisdiction of this committee and of this House, and I do believe this moves us in the right direction.

I have no further requests for time, and I yield back the balance of my time.

Ms. CLARKE. I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support this important Homeland Security legislation. This legislation authorizes a program that has been very instrumental in keeping the City of New York and its environs safe, and that is securing the city. This initiative has proven to be an effective tool, and we are looking forward to a whole range of other important R&D programs to come forth as a result of this reauthorization. Securing the city should be expanded and will be expanded through this authorization to other environs throughout this Nation that could use that level of security through our efforts, as has been the case with securing the cities.

So I am urging my colleagues, once again, to make sure that this authorization passes.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in strong support of H.R. 4842, the "Homeland Security Science and Technology Authorization Act of 2010."

This bill authorizes the Department of Homeland Security's Science and Technology Directorate, S&T, and Domestic Nuclear Detection Office, DNDO, through fiscal year 2012.

Introduced by Representatives YVETTE CLARKE and DAN LUNGREN—the Chairwoman and Ranking Member of the Committee's Emerging Threats, Cybersecurity, and Science and Technology Subcommittee—H.R. 4842 seeks to strengthen our homeland security by ensuring more effective research, development, testing, and evaluation activities.

As Chairman of the Homeland Security Committee, I strongly believe that recurring authorizations are important mechanisms to effectuate oversight findings and help steer an agency on the right course.

This legislation represents the first reauthorization of S&T—which was authorized in 2002—and DNDO—which was established in 2006.

Taking into account the Committee's extensive oversight findings as well as findings of GAO, the Inspector General, and the National Academy of Sciences, H.R. 4842 directs DHS to put robust management, administration, and programmatic systems in place at S&T and DNDO.

Specifically, to foster greater alignment between S&T research and the needs of DHS' operational components—such as TSA, CBP, and the Coast Guard—H.R. 4842 directs the establishment of rigorous processes within S&T for identifying, prioritizing, and setting requirements for research opportunities.

The bill also recognizes that, in order to conduct the best research, we need the best people.

H.R. 4842 contains advanced professional development provisions and creates fellowship opportunities for new scientists and engineers to bring their skills to DHS.

H.R. 4842 also takes into account that innovation is often fueled by the private sector and that the challenging and evolving nature of the terrorist threat demands closer collaboration between S&T and the private sector.

Accordingly, in an effort to improve collaboration between S&T and the private sector, H.R. 4842 authorizes an office of Public-Private Partnerships and, within the office, establishes a "Rapid Review Division" to evaluate technological proposals and provide feedback within 60 days.

A common concern that I hear from firms with novel homeland security technologies is that they do not know who to contact at S&T to pursue research opportunities and that they cannot seem to get anyone at S&T to look at their technologies.

Establishment of this new review division will go a long way to improving collaboration and innovation.

Further, H.R. 4842 directs DHS to evaluate whether establishing a venture capital program—modeled after the Defense Department's InQtel program—could facilitate swifter development of homeland security technologies.

H.R. 4842 also authorizes several specific programmatic areas for research including: mobile biometric technologies for deployment at the border; enhanced detection of border tunnels; hand-held detectors for DHS to do rapid detection of biological threats at ports and airports; technologies to mitigate the threat of small vessel attack; research to assess the extent of cyber compromises to federally-owned networks and devices; and enhancements to unmanned aerial surveillance technology for safe and effective deployment for border and maritime missions.

From the very beginning, H.R. 4842 was developed in an open, collegial, and bipartisan manner.

The Full Committee favorably reported H.R. 4842—which authorizes \$2.3 billion to S&T and \$620 million to DNDO through 2012—by a unanimous vote of "26 to 0".

H.R. 4842 also reflects collaboration between my Committee and the Committee on Science and Technology.

I would like to thank Chairman BART GORDON and Ranking Member RALPH HALL for their contributions to the bill and for working with us to get H.R. 4842 to the floor today.

I think our process has proven that the barriers of partisanship and jurisdiction can be overcome when we put the good of the country first.

Finally, I would like to thank Under Secretary for Science and Technology Tara O'Toole, and the Acting Director of the Domestic Nuclear Detection Office Bill Hagan, as well as the dozens of stakeholders who took the time to give their input, as we worked through the process of developing this bill.

Again, I congratulate Representatives CLARKE and LUNGREN on their solid work steering this important homeland security bill and urge my colleagues to support H.R. 4842.

Mr. KING of New York. Mr. Speaker, I rise in support of H.R. 4842, the Homeland Security Science and Technology Authorization Act, which will authorize needed funds for important activities and programs within the Department of Homeland Security to help make our country more secure.

This bill is the product of extensive bipartisan work dating back to last summer, which includes input from numerous stakeholder meetings, the Department of Homeland Security,

and the House Committee on Science and Technology.

I want to recognize the work of Chairwoman CLARKE—the author of the bill—and Ranking Member LUNGREN, whose Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology marked up this bill on March 16 and reported the bill favorably by voice vote.

The Full Committee then considered this bill and reported it unanimously by a vote of 26–0 on April 15, 2010.

We appreciate the Majority working with us in a bipartisan way, and including a number of provisions of importance to Republican Members.

These provisions include the establishment of research initiatives to bolster border and maritime security, development of tools to enhance resilience to terrorist attacks and other incidents, especially in rural communities, research and testing of technologies to help secure the border and ensure the safety of our underground mass transit systems, and an assessment of how useful rapid screening tools for influenza and other biological threats would be at our border ports of entry.

I also want to highlight a very important provision in this bill that is critical both to the security of New York City and surrounding areas as well as to our Nation as a whole, which is the authorization and expansion of the Securing the Cities program.

Securing the Cities is a vital homeland security program to help prevent terrorist attacks in major cities using nuclear or radiological weapons, like a dirty bomb. The program has enabled the establishment of a networked ring of radiological detectors on highways, toll plazas, bridges, tunnels, and waterways leading into and out of New York City, which as we have seen, is the top terror target for al-Qaeda and affiliated terrorist organizations.

Securing the Cities is both a regional capability and a national asset. The program provides the operational capability to interdict a radiological or nuclear weapon in one city so that it cannot be delivered to and detonated in another.

Recent attacks on New York City came from other regions: Najibullah Zazi traveled from Denver to New York City in a plot to possibly bomb the subway system and Faisal Shahzad traveled from Connecticut to New York and attempted to detonate a car bomb in Times Square.

The detonation of a nuclear or dirty bomb in the New York tri-state area, or in any major metropolitan area, would inflict serious damages to our country's economy, much like the 9/11 attacks did.

Securing the Cities is a successful program that can and should be replicated in other areas around the country. That is why language in this bill would expand the program to at least two additional high-risk cities where these capabilities are most needed, leveraging what we have already learned about building defenses against nuclear and radiological weapons in New York to erect similar security perimeters in and around other cities.

Securing the Cities is an excellent example of the type of coordination between Federal, State, and local partners that Congress has demanded and the Department has worked to

facilitate. We absolutely must enhance our nuclear detection architecture in a world where the threat of nuclear terrorism is on the rise.

The House has voted in favor of the Securing the Cities program on four separate occasions. These include last year, when the full House supported similar language when it passed H.R. 2611 under Suspension of the Rules by voice vote on January 20, 2010. The House again voiced strong bipartisan support when it adopted an amendment Representative Clarke and I offered in June 2009 to H.R. 2892, the Fiscal Year 2010 Department of Homeland Security Appropriations Act, to restore funding for this vital program.

House passage of this bill will reaffirm the continuing bipartisan support for this program in the House and send a strong signal to the United States Senate to pass legislation to authorize Securing the Cities prior to adjournment of the 111th Congress.

I want to remind our colleagues that the threat of nuclear or radiological terrorism is real. The WMD Commission warned in 2008 that an attack using a weapon of mass destruction was likely to happen somewhere in the world by 2013. Commissioners Graham and Talent repeated this warning before the Committee on Homeland Security on April 21 of this year.

The President's National Security Strategy that was released earlier this year concluded that "the American People face no greater or more urgent danger than a terrorist attack with a nuclear weapon."

The potential of nuclear or radiological terrorism is a nightmare scenario that we must guard against with every available capability and resource. Authorizing and expanding Securing the Cities will help better protect our country from such danger.

Let me close by saying while I am pleased we are considering this bill today, I believe the House should be considering a comprehensive authorization bill for the Department. The House has not done so since 2007, with one of the reasons being too many committees and subcommittees have jurisdiction over homeland security issues.

The 9/11 Commission recommended in 2004 that "Congress should create a single, principal point of oversight and review for homeland security." The current jurisdictional web of congressional oversight of the Department of Homeland Security results in conflicting guidance to the Department and is a serious drain on its time and resources.

The Chairman and Vice Chairman of the 9/11 Commission—Governor Kean and Congressman Hamilton—have testified this jurisdictional maze is unworkable and could make our country less safe.

I hope that we can streamline congressional jurisdiction moving forward so that Congress can enact a comprehensive authorization bill for the Department, which has not happened since its creation in 2003. The failure to do so jeopardizes our ability to ensure that our nation's homeland security policies are as robust as they need to be to meet the evolving nature of terrorist threats.

I again want to thank Chairman THOMPSON, Congresswoman CLARKE, and my friend from California, Mr. LUNGREN, for crafting a very good bill that will help improve our homeland security capabilities.

I urge my colleagues to support passage of H.R. 4842.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 4842, the Homeland Security Science and Technology Authorization Act of 2010, which authorizes important management functions and programs within the Department of Homeland Security Science & Technology (S&T) Directorate.

I would like to acknowledge Speaker PELOSI and Majority Leader HOYER for their leadership in bringing this important resolution to the floor. I would also like to thank my colleagues Chairman THOMPSON and Congresswoman CLARKE, who authored this legislation, which represents a milestone for the S&T Directorate and the Homeland Security Committee. It is the first authorization bill for S&T since the Department was created in 2002.

As Chair of the Homeland Security Subcommittee on Emergency Communications, Preparedness, and Response, I have been concerned about these issues. Through the Committee's years of oversight work, I have a great appreciation for not only S&T's strengths and successes, but also its weaknesses, which include a lack of accessibility, transparency, and responsiveness.

H.R. 4842 addresses those weaknesses and acknowledges the importance of science and technology research, development, testing, and evaluation in ensuring the safety and security of the American people and our nation. This bill ensures that the Science and Technology Directorate has the right tools available to be successful, such as delivering products into the hands of our first responders, law enforcement officials, or critical infrastructure owners to help them achieve their mission and make America more secure. This legislation also authorizes critical management functions and programs within S&T, including the Securing the Cities program.

In conclusion, Mr. Speaker, I support this legislation because we need the very best science and technology available to defend the threats against our homeland. I am pleased that Congress and the Committee on Homeland Security are taking action to promote these improvements and adequately fund the areas of government responsible for science and technology research.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 4842.

Ms. CLARKE. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. CLARKE) that the House suspend the rules and pass the bill, H.R. 4842, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL SEPTEMBER 11 MEMORIAL & MUSEUM COMMEMORATIVE MEDAL ACT OF 2010

Mrs. MALONEY. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 4684) to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National September 11 Memorial & Museum Commemorative Medal Act of 2010".

SEC. 2. STRIKING AND DESIGN OF MEDALS.

(a) STRIKING OF MEDALS.—In commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center, the Secretary of the Treasury (hereinafter referred to as the "Secretary") shall strike and make available for sale not more than 2,000,000 silver medals, each of which shall contain 1 ounce of silver.

(b) DESIGN REQUIREMENT.—

(1) IN GENERAL.—The design of the medals struck under this Act shall be emblematic of the courage, sacrifice, and strength of those individuals who perished in the terrorist attacks of September 11, 2001, the bravery of those who risked their lives to save others that day, and the endurance, resilience, and hope of those who survived.

(2) INSCRIPTIONS.—On each medal struck under this Act, there shall be—

(A) an inscription of the years "2001–2011"; and

(B) an inscription of the words "Always Remember".

(c) SELECTION.—The design for the medals struck under this Act shall be—

(1) selected by the Secretary, after consultation with the National September 11 Memorial & Museum at the World Trade Center and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 3. ISSUANCE OF MEDALS.

(a) QUALITY OF MEDALS.—The medals struck under this Act shall be made available for sale in the quality comparable to proof coins.

(b) MINT FACILITY.—

(1) IN GENERAL.—Only 2 facilities of the United States Mint may be used to strike medals under this Act.

(2) USE OF THE UNITED STATES MINTS AT WEST POINT, NEW YORK, AND PHILADELPHIA, PENNSYLVANIA.—It is the sense of Congress that, to the extent possible, approximately one-half of the medals to be struck under this Act should be struck at the United States Mint at West Point, New York, and approximately one-half struck at the United States Mint at Philadelphia, Pennsylvania.

(c) DATE OF ISSUANCE.—The Secretary may make the medals available for sale under this Act beginning on January 1, 2011.

(d) TERMINATION OF AUTHORITY.—No medals shall be struck under this Act after December 31, 2012.

SEC. 4. NUMISMATIC ITEMS.

For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 6. SALE OF MEDALS.

(a) SALES PRICE.—The medals made available for sale under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the cost of designing and selling such medals (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping); and

(2) the surcharge provided in section 7 with respect to such medals.

(b) BULK SALES.—The Secretary shall make bulk sales of the medals at a reasonable discount.

(c) INTRODUCTORY ORDERS.—

(1) IN GENERAL.—The Secretary shall accept introductory orders for medals made available for sale under this Act.

(2) DISCOUNT.—Sale prices with respect to introductory orders under paragraph (1) shall be made at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of medals made available for sale under this Act shall include a surcharge of \$10 per medal.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of medals under this Act shall be paid to the National September 11 Memorial & Museum at the World Trade Center to support the operations and maintenance of the National September 11 Memorial & Museum at the World Trade Center following its completion.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the National September 11 Memorial & Museum at the World Trade Center as may be related to the expenditures of amounts paid under subsection (b).

SEC. 8. BUDGET COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MALONEY) and the gentleman from New York (Mr. LEE) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. MALONEY).

GENERAL LEAVE

Mrs. MALONEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on this legislation and to insert any additional material that they wish to insert on this issue.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY. I yield myself such time as I may consume.

Mr. Speaker, first of all, I would like to commend my colleague from New

York (Mr. NADLER) for his leadership on this bill and on so many other issues and for working selflessly to help the survivors and the residents and to help the city recover from 9/11. This is an example of another one of his efforts to help the city, to help our country, and to help us remember the terrible events of 9/11.

The monumental events in a nation's life have always warranted memorialization. The events of 9/11/2001 are no different.

□ 1640

Those who died on that day, just going about their lives, just going to work that day, as we went to work today, they truly deserve to be honored forever as heroes and heroines.

We know that we lost almost 3,000 lives on 9/11, but many thousands more lost their health. Those who came to the aid of those at the sites of the attack also deserve to be honored and remembered.

And each of us in this body who lived through that day, each of us in this country who lived through that day, we each have vivid memories of our own seared in our minds, which deserve recognition as well.

Thus, it is very fitting that, as we approach the ninth anniversary of the 9/11 attacks, we offer a means to honor the dead, and our memories, and the victims, and the heroes, and the heroines, and the responders, and the residents, with H.R. 4684, the National September 11 Memorial & Museum Commemorative Medal Act.

This bill authorizes the U.S. Mint to strike a commemorative medal in honor of the 10th anniversary of 9/11 next year, the price of which will include a \$10 donation to support operations and maintenance of the National September 11 Memorial & Museum at the World Trade Center site, with a design which will include the inscription, and I quote, "Always Remember."

This medal will allow all Americans and, indeed, anyone around the world, an opportunity to remember and to honor the thousands of men, women and children who died on that horrible day.

This medal also supports the mission of the National September 11 Memorial & Museum, to "Recognize the endurance of those who survived, the courage of those who risked their lives to save others, and the compassion of all who supported us during our darkest hour."

The Memorial & Museum will demonstrate the consequences of terrorism on individual lives and its impact on communities at the local, national and international levels. The museum will attest to the triumph of human dignity over human depravity, and it will affirm an unwavering commitment to the fundamental value of human life.

Mr. Speaker, those not yet born cannot understand in the same way that we do the events of that day, so we who do understand must establish a means by which generations to come may, in their own way, note and remember what our generation went through. The National September 11 Memorial & Museum Commemorative Medal Act provides this means, this opportunity.

I am proud to recognize my fellow New Yorker and colleague, JERROLD NADLER, who is the chief sponsor of this bill, and I yield to him such time as he may consume.

Mr. NADLER of New York. Mr. Speaker, I rise today in support, and I want to congratulate my colleague from New York (Mrs. MALONEY) for the incredible amount of work she has put in over the years, with me and with others, on trying to improve the lives of those who survived September 11. And hopefully, one of the main products of that work will be on the floor next week on the health care legislation.

But today I rise in support of H.R. 4684, the National September 11 Memorial & Museum Commemorative Medal Act. Next year our Nation will mark the 10th anniversary of the September 11 attacks. It will have been 10 years since the most lethal terrorist attack ever committed on U.S. soil, when thousands lost their lives as planes were turned into missiles in the skies over New York, Pennsylvania, and right here in Washington, D.C.

In the years that have followed, that day's events have been transformed from searing headlines to indelible history. To pay tribute to those who lost their lives and to those still suffering because of the attacks of 9/11, I have introduced this bill, the National September 11 Memorial & Museum Commemorative Medal Act.

This bill will authorize the U.S. Mint to strike up to 2 million silver medals commemorating the 10th anniversary of the 9/11 attacks. The medals will be inscribed with the phrase "Always Remember" with the final design to be selected by the Treasury Secretary, in consultation with the National September 11 Memorial & Museum.

A surcharge of \$10 on the sale of each medal will go directly to support the operations and maintenance of the National September 11 Memorial & Museum at the World Trade Center following the completion of the construction of the museum. These funds will help to preserve the history of 9/11 so that posterity will long remember the bravery and sacrifices of that day.

Issuing a 9/11 commemorative medal is a simple but poignant way to mark the 10th anniversary of the attacks on our Nation, while simultaneously supporting the World Trade Center Memorial.

I want to thank the more than 300 Members of the House from both par-

ties who have signed onto this bill as cosponsors. I want to extend my special appreciation for the support given by Chairman FRANK and Ranking Member BACHUS as this bill passed through the Financial Services Committee. I also want to thank the leadership of the House for bringing this bill to the floor.

This medal will be a tribute to the terrible loss that we experienced on 9/11. And to truly honor those still suffering from the 9/11 attacks, we must finally provide them with the health care and compensation that their courage and sacrifice deserves.

After the towers fell on 9/11, thousands of firefighters, police officers, paramedics and volunteers from all across the country came to Ground Zero to search for survivors and to begin the rebuilding process. Once there, they, along with thousands of community members, students and area workers, were exposed to toxic dust from the collapsed towers that filled their lungs and, in many cases, caused lasting health problems.

It is our moral obligation to care for those who still bear the physical scars from this national tragedy. And, along with Mrs. MALONEY, we are working with the leadership to bring the 9/11 Health and Compensation Act to the floor, hopefully, next week. That bill is essential because the best way to truly pay our respect to the victims and heroes of 9/11 is with the proper health care and compensation for their 9/11-related injuries.

But today, let us honor those whose lives were lost in the attacks of 2001, and commit to preserving the memory of 9/11 for future generations. With this bill, let us reaffirm that no matter the passage of time, we will never forget.

I urge all of my colleagues to vote for this bill.

Mrs. MALONEY. I thank the gentleman for his statement and for his leadership. I also thank my good friend and colleague on the other side of the aisle, CHRISTOPHER LEE. This has been a strong bipartisan effort, and I congratulate him on his leadership in passing this important bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 19, 2010.

Hon. BARNEY FRANK,
Chairman, Financial Services Committee,
Washington, DC.

DEAR CHAIRMAN FRANK: I am writing regarding H.R. 4684, a bill requiring the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center.

As you know, the Committee on Ways and Means maintains jurisdiction over bills that raise revenue. H.R. 4684 contains a provision that establishes a surcharge for the sale of commemorative medals that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative medals and in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4684, and would ask that a copy of our exchange of letters on this matter be included in the Record.

Sincerely,

SANDER M. LEVIN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, July 19, 2010.

Hon. SANDER M. LEVIN,
*Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing in response to your letter regarding H.R. 4684, a bill requiring the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11th Memorial and Museum at the World Trade Center. This bill was introduced in the House and referred to the Committee on Financial Services on February 24, 2010. It is my understanding that this bill will be scheduled for floor consideration shortly.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative medals that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters. However, I appreciate your willingness to forego committee action on H.R. 4684 in order to allow the bill to come to the floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance.

BARNEY FRANK,
Chairman.

I reserve the balance of my time.

Mr. LEE of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 4684, the National September 11 Memorial & Museum Commemorative Medal Act.

No one can forget the September morning, where we were, the way we felt, what we feared. As the tragedy unfolded, all of us wondered what it meant for the future.

The attacks of September 11 occurred during a time of relative tranquility for this Nation. The country had entered a new decade, excited about the boundless opportunities that lay ahead of the new century and confident it would realize the potential of its people.

9/11 shook that confidence. The downed planes and the burning buildings and the shattered lives and families showed us just how vulnerable we truly were. At that moment the paths of prosperity and progress, of safety and liberty that our Nation had so surely followed seemed in jeopardy.

□ 1650

But more telling than that day was not how vulnerable we felt when the terrorists struck, but more so how resolute we were in our response and in the comforting arms extended to help our fellow citizens. First responders rushed to the scene. Upon seeing the devastation before them, these men and women rushed into the buildings knowing their lives were in danger. They put aside their personal safety and rushed to the aid of those in need. They epitomized the bravery and resilience that has been the foundation of this Nation since its inception, the compassion and the will that built the United States into truly what it is today.

As Americans and the world witnessed the response, it became clear that although the attacks would change the decisions and circumstances of our Nation, it would not change our resolve. Alongside the tragedy of that day, we watched America's greatness as ordinary citizens showed their capacity, America's capacity, in meeting challenges knows no bounds.

This bill, which enjoys the support of over 300 cosponsors and the entire New York delegation, asks us to remember the individuals who perished that fateful day. It directs the Secretary of the Treasury to make available 2 million silver medals designed to be emblematic of the courage, sacrifice, and strength of those individuals who died in the terrorist attacks and the bravery of those who risked their lives to save others that day.

These medals will be sold with a \$10 surcharge that will be paid to the National September 11 Memorial Museum at the World Trade Center. All of this will be accomplished at no cost to the taxpayers.

Mr. Speaker, I stand here today in remembrance of those who lost their lives on September 11. They will never be forgotten.

I commend my colleague from New York (Mr. NADLER), the chief sponsor of this measure, for his commitment to getting this issue before the House today. I encourage my colleagues to support this legislation.

I reserve the balance of my time.

Mrs. MALONEY. I thank the gentleman for his statement, and I thank my colleague Mr. NADLER for his hard work in securing the 300 cosponsors. The World Trade Center site and museum will be in the district that he is honored to represent. And he has continued to be an outstanding, forceful

spokesperson, as Mr. LEE has, in support of not only the suffering of those who lost their lives, but for the men and women who lost their health and who are in dire need of health care and support.

I reserve the balance of my time.

Mr. LEE of New York. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MALONEY. I thank my colleagues in this Chamber. I thank Americans across this country.

On 9/11 many people remember the attack, but they do not remember that this was also one of the greatest rescue efforts in history. I was at the site on September 12, and they were estimating that 25,000 Americans perished. But because of the brave work of volunteers, of police and fire, of responders, many, many lives were saved. Many people on that day lost their lives, but more people lost their health.

As we know in this body, this was a response not only from New York, but 432 different congressional districts sent first responders, volunteers, help. They worked at the pile, they worked at the site, and they helped America recover. These men and women were there for us. We need to be there for them. That's why this bill is so important. I urge all of my colleagues to collectively vote and support it. I congratulate Mr. NADLER and Mr. LEE for their leadership in moving this to the floor for a vote.

I urge a "yes" vote.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 4684, which authorizes the Secretary of the Treasury to create medals to commemorate the 10th anniversary of the September 11, 2001 terrorist attacks. I am proud to cosponsor H.R. 4684, and I thank my colleague, Congressman NADLER for introducing this legislation.

September 11, 2001 was a day that changed America. Everyone remembers the events that unfolded that day, when we put differences aside and came together united and determined to respond to the unprovoked attack on our country.

As a member of the Homeland Security Committee, I have worked with my colleagues to ensure that another terrorist attack like 9/11 never again occurs on our soil. This committee was formed in response to the events that occurred on that day. We must continue to vigilantly defend our country against potential threats.

Mr. Speaker, there were so many brave and courageous acts that occurred on September 11, 2001. The creation of these medals is a token of our appreciation to those individuals who put their lives on the line to save others. It also serves as a reminder of those who lost their lives on 9/11. It is especially appropriate that the medals will be inscribed with the words "always remember" since the medals will help support the operations and maintenance of the National September 11 Memorial & Museum at the World Trade Center.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 4684, which honors and

remembers the courage and sacrifice of those who perished in the terrorist attacks on September 11, 2001. The creation of these medals serves as a tribute to them, and also commemorates the brave men and women who risked their lives to save countless others. These medals remind us of the resilience of the people who live in our great country.

Mrs. MALONEY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and pass the bill, H.R. 4684, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

JOYCE ROGERS POST OFFICE BUILDING

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5341) to designate the facility of the United States Postal Service located at 100 Orndorf Drive in Brighton, Michigan, as the "Joyce Rogers Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOYCE ROGERS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 100 Orndorf Drive in Brighton, Michigan, shall be known and designated as the "Joyce Rogers Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Joyce Rogers Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

On behalf of the Committee on Oversight and Government Reform, I am pleased to present H.R. 5341 for consideration. This measure designates the facility of the United States Postal

Service located at 100 Orndorf Drive in Brighton, Michigan, as the Joyce Rogers Post Office Building.

H.R. 5341 was introduced by our colleague, the gentleman from Michigan, Mr. JOHN DINGELL, on May 19, 2010. It was referred to the Committee on Oversight and Government Reform, which waived consideration of the measure to expedite its consideration to the floor today. It enjoys the support of the entire Michigan delegation to the House.

Joyce A. Rogers was born March 16, 1931, in Birmingham, Alabama, and passed away at her Brighton, Michigan, home on November 4, 2009, at the age of 78. Joyce Rogers was married to John Rogers for 57 years, and was the mother of five sons, including Michigan State Representative Bill Rogers, Major General James Rogers of the United States, and Congressman MIKE ROGERS.

Beyond her devotion to her family, Joyce Rogers was also a dedicated public servant who worked tirelessly to improve the Brighton community, serving an integral role in the economic development of the Brighton business community during the 1980s and 1990s.

She was an active member of the Livingston County Board of Commissioners from 1985 to 1992, and completed her public service career as executive director of the Greater Brighton Area Chamber of Commerce. Through her efforts, Brighton was able to transform into a thriving business community, attracting new residents and customers to the area. She is especially remembered as a tireless advocate for small businesses and a mentor to many women in the Brighton business community.

In closing, she has left a lasting impression on the Brighton community as well as a legacy which demonstrates the importance of public service. I therefore urge my colleagues to join me in supporting this measure.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 5341, to designate the facility of the United States Postal Service located at 100 Orndorf Drive in Brighton, Michigan, as the Joyce Rogers Post Office Building.

Mr. Speaker, it is altogether fitting and proper that we name this Post Office in Brighton for Joyce Rogers, a woman who fought day and night, day in and day out to promote business development and spur economic growth in and around Brighton, Michigan.

Known by many as the queen bee and matriarch of Brighton, Joyce Rogers was born in Birmingham, Alabama, in 1931. Mrs. Rogers and her husband, John Rogers, moved to Brighton in 1968. Within a few years of her relocation to Brighton, Mrs. Rogers became an executive director of the Greater

Brighton Area Chamber of Commerce. When Mrs. Rogers took over the fledgling organization back in 1972, it consisted of roughly 50 members. Remarkably today, the chamber boasts well over 1,000 members. And under her stewardship, the chamber embarked on an ambitious journey to put Brighton on the map. The economic expansion that has followed in and around the Brighton area is truly remarkable and can be attributed to the leadership and perseverance of Mrs. Rogers.

For her tireless efforts, Mrs. Rogers was named the Most Powerful Person in Livingston County in 1996, and fittingly the Chamber of Commerce building has been named the Joyce A. Rogers Business Center. Aside from being executive director of the Chamber of Commerce, Mrs. Rogers also served in various other local organizations, including the Livingston County Board of Commissioners, the City of Brighton Downtown Development Authority, and the Livingston County Economic Development Council.

In 2001 Mrs. Rogers' health began to decline. In that year, she underwent open heart surgery. The following year she decided to step down from the chamber after three decades as the executive director. Sadly, on November 4, 2009, Mrs. Rogers lost her long battle with a chronic illness and passed away at the age of 78. She is survived by her husband of 57 years and her five sons.

The legacy left behind by Mrs. Rogers is not only marked by the economic development seen around Brighton, but also in the family that survives her, a family that, like their mother, is truly dedicated to public service. In fact, her youngest son, MIKE, is a colleague of ours here in the House of Representatives. It is truly a great privilege to have the opportunity to speak on the floor today to honor the mother of this distinguished colleague.

Aside from my colleague from Michigan, Mrs. Rogers' eldest son, Bill, served on the Livingston County Board of Commissioners and now represents Michigan's 66th district in the Michigan State House of Representatives. Another son, Jim Rogers, is a major general in the United States Army, making us all proud.

□ 1700

And still today her husband, John, is serving his community as the trustee of the Brighton Township Board of Trustees.

Mr. Speaker, it is proper that we pass this legislation to honor the memory of a true leader and public servant, Joyce Rogers. I urge all Members to support this bill.

Mr. Speaker, I yield such time as he may consume to my colleague from Michigan, MIKE ROGERS.

Mr. ROGERS of Michigan. I would like to thank the gentlewoman from the District of Columbia for her help

and support, and I also want to thank Mr. DINGELL from Michigan. It's great to know that leadership and statesmanship is still alive in the people's House here in Washington, D.C.

You know, it is fitting, I think, that this great body, this great deliberative body stop along the way of its important business, its really world-changing business and Nation-changing business, to recognize that some of the greatest acts happen locally. The great things don't really happen here; they are just reflected here. And the great things do happen in communities like Brighton, Michigan, and every other State in this great Union. And today is really that day.

Very, very few times do you get to come to the floor and talk about some great community leader that you have such a personal relationship with, my mother. And this post office is being named, in short, for her great work in what is a great community in the great State of Michigan.

And I will tell you, nobody would be more, I think, shocked and embarrassed that we are doing this today than Joyce Rogers. As a matter of fact, she would often say that her greatest accomplishment was raising five boys and surviving. But she did more than that. She got involved in the schools, in the local community. And her biggest accomplishment, I think, was the fact that she would talk to so many women and get them involved in small business and get them involved in politics and community service.

After her funeral service late last year, I can't tell you how many times people came up to me or one of my family members and talked with tears in their eyes about how she would take the time to sit them down as small business women and talk them through to a plan for success or offer them encouragement. One woman said, I know she came to shop at my store three and four times. She must have bags of my stuff. I know she didn't need any of it.

That's the kind of person she was. A kind of person where people of all stripes, of all political philosophies believe she made an impact on a community. And she certainly did that. I know she made an impact on five boys who are doing their best to do half as well as she did in life.

So, to this body, I thank you; to the Michigan delegation, for recognizing this wonderful woman, I thank you.

Ms. NORTON. May I commend the gentleman from Michigan for his honor to his mother, whom I'm sure would be particularly proud of him as he should be proud of what we do today in her name.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 5341, legislation I have introduced on behalf of my friend and colleague from Michi-

gan, Congressman MIKE ROGERS (MI-08). The bill would name the postal facility on Orndorff Drive in Brighton Michigan, the "Joyce Rogers Post Office Building."

Joyce Rogers, the late mother of Congressman MIKE ROGERS, passed away at her Brighton, Michigan home on November 4, 2009 at the age of 78.

Joyce Rogers was a long-time Brighton resident and a tireless public servant, devoting much of her time to the betterment and economic development of the Brighton community. As executive director of the Greater Brighton Area Chamber of Commerce, Joyce Rogers played an integral role in building the business organization into the area's most important political and business networking organization. Through her efforts, Brighton was transformed into a thriving business community, attracting new residents and customers to the area. In addition to being a small business advocate, Joyce Rogers always remembered her role as a leader, taking time to serve her community by acting as a mentor to Brighton women. She has left a lasting impression on the Brighton business community and imparted on her community the importance of public service.

Mr. Speaker, the Michigan delegation has thrown its support behind Congressman ROGERS. Every member of the delegation is an original cosponsor of H.R. 5341. I urge the rest of my House colleagues to show their support for Congressman ROGERS, whose mother accomplished much, both in the public sphere and in her private life as a devoted wife of 57 years and mother of three. I ask my colleagues to join me in supporting H.R. 5341.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 5341.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. NORTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CONGRATULATING SARATOGA RACE COURSE ON 142ND SEASON

Ms. NORTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1513) congratulating the Saratoga Race Course as it celebrates its 142nd season, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1513

Whereas, July 23, 2010, marks the start of the Saratoga Race Course's 142nd season;

Whereas the Saratoga Race Course is the oldest continuously operating thoroughbred race track in the United States;

Whereas the Saratoga Race Course is the oldest organized sporting venue in the United States;

Whereas 2010 marks the 141st running of the Travers Stakes, the oldest major thoroughbred race in the United States;

Whereas horseracing enjoys a rich history whose traditions are beloved throughout the world;

Whereas the Saratoga Race Course welcomes an average of nearly 30,000 visitors per day throughout its race season and 1,000,000 visitors annually, tripling the population of Saratoga Springs each summer;

Whereas the Saratoga Race Course welcomes the best thoroughbreds from across the United States and from around the world;

Whereas the Saratoga Race Course has a total economic impact of approximately \$200,000,000 throughout Saratoga County and the surrounding communities;

Whereas the Saratoga Race Course contributes more than 2,500 jobs to Saratoga Springs and the surrounding area as well as nearly 17,000 jobs in related fields;

Whereas Saratoga Springs is a top destination for tourists from around the world;

Whereas the Saratoga Race Course has been able to maintain its Victorian charm and original traditions; and

Whereas the Saratoga Race Course has been recognized by Sports Illustrated Magazine as one of the world's greatest sporting venues and has contributed to the town of Saratoga receiving the first "Great American Place" Award from American Heritage Magazine: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Saratoga Race Course as it celebrates its 142nd season; and

(2) recognizes the Saratoga Race Course's important place in horseracing history.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia? There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

On behalf of the House Committee on Oversight and Government Reform, it is my privilege to rise in support of H. Res. 1513. This measure congratulates the Saratoga Race Course on its 142nd season. H. Res. 1513 was introduced by our colleague, the gentleman from New York, Representative SCOTT MURPHY, on July 13, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it favorably by unanimous consent on July 15,

2010. The measure enjoys the support of 60 Members of the House.

The Saratoga Race Course was opened August 3, 1863, and it is the oldest organized sporting venue of any kind in the United States. The course is a top destination for tourists from all over the country and from all over the world. It now receives over 1 million visitors each year and supports thousands of jobs in Saratoga Springs and the surrounding communities.

Mr. Speaker, this venerable race course is one of the world's greatest sporting venues. It has continued many of its original traditions since its founding and has contributed to the town of Saratoga receiving the First Great American Place award from the American Heritage Magazine in 1997.

Let us now take the time to congratulate this historic race course on its 142nd season through the passage of this measure. I urge my colleagues to support it.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

Bills brought before the House, the majority gets to direct which bills are brought up and which are not brought up, and with all due respect to Mr. MURPHY, a great Member of Congress, this is a wonderful race course—I know there are many Americans that enjoy horse racing—but candidly, I struggle to go through this and understand why on the floor of the House of Representatives that this seems to rise to the level of recognition.

We have so many problems and challenges facing this country, so many issues that we could and should be debating. We should be debating a budget, for instance, which is not being brought before this body. We should be talking about the debt and the deficit and those other things that are going to affect every Americans' life. And I recognize that there are times when we need to step up and recognize some truly worthy accomplishments, and we honor and name post offices and whatnot, but when it comes to the world of sport, I continue to voice my opposition that this is the time and the place to actually have a "debate" about whether or not the 142nd season is worthy of recognition in a resolution from the House of Representatives.

Mr. Speaker, I'm sure there are some young kids that are here. They're going to go back and talk about their time at the House of Representatives, and they're here in the audience. And they're going to go back and talk to their teachers and the teachers are going to ask, What did you talk about? Did you talk about the war on terror? Did you talk about the debt? Oh, no. They were honoring a race course. A race course. So it's terribly frustrating.

There is a way to honor and recognize, through Members of Congress,

great accomplishments and a new racing season at a local race track, but, honestly, I just don't believe this is the way to do it.

I reserve the balance of my time.

□ 1710

Ms. NORTON. Mr. Speaker, I want to respond, and I yield myself such time as I may consume.

If I had a dime for every trivial bill the minority has put on this floor, I could retire as a rich woman. This is not a trivial bill. This is the oldest racing course in the United States, a historic racing course that has been so recognized by the American Heritage Foundation. It ill-behoves the other side to trivialize a bill by a Member of this proportion. I know that my good friend on the other side would not like me to go through and call the roll on bills that would make us laugh. Nobody can think that this bill commemorating the oldest sporting venue in the United States would make us laugh. It ill-behoves us not to respect the bills each side puts up, particularly since the minority gets to put up an equal number of such bills that have been requested by their constituents, and we all ought to at least grant one another that privilege without demeaning it.

I'm pleased to yield such time as he may consume to the gentleman from New York (Mr. MURPHY), who proudly sponsored the bill before us today, and I commend him for doing so.

Mr. MURPHY of New York. I rise today to congratulate and commend the Saratoga Springs Race Course. In just 3 days, it will open its doors and embark on its 142nd consecutive season.

The Saratoga Race Course has a critical impact on our local community, contributing both its historic and economic value to upstate New York. Saratoga is the oldest continuously operating thoroughbred racetrack in the United States and the oldest organized sporting venue in the entire country.

The Graveyard of Champions, as Saratoga is so often known, has a rich history of competition. In 1973 Secretariat was defeated at Saratoga after winning the Triple Crown. But Secretariat was not the first to lose at Saratoga after coming in a heavy favorite. Others like Gallant Fox and Man o' War have also been bested by Saratoga at the Travers Stakes. Travers Stakes, the country's oldest major thoroughbred race, is held each year at the Saratoga summer meet and is arguably the most important and well-known thoroughbred event each summer.

Each year people from across the Nation and the world come to experience Saratoga's wonderful atmosphere and heart-stopping races. Perhaps that is why Saratoga has been recognized by Sports Illustrated as one of the world's great sports venues and has contrib-

uted to the town of Saratoga receiving the first "Great American Place" Award from American Heritage Magazine.

This past weekend an article in the Saratogian talked about the impact that each season has on the local economy and community. Shopkeepers, homemakers, hoteliers, and local restaurants all rely on the income generated from the Saratoga season to help promote and grow the economy, and it brings together the community so that they can celebrate this rich racing tradition.

The race course is one of the economic backbones not only for Saratoga Springs, but for all of upstate New York and my entire district. Racing in Saratoga provides for more than 2,500 local jobs in the immediate community and 17,000 jobs in the surrounding communities. Each year over 30,000 visitors come each day to the racetrack and over 1 million visitors will visit annually. Racing will contribute more than \$200 million annually to our local economy.

This year's season is extra long. We've added a few days, and it will be a 40-day season. That extra weekend will create even more revenue than usual and opportunities for tourists to come and see Saratoga's wonderful historic track and downtown.

Horse racing is the heart and soul of the Saratoga community, and I am proud to rise today to offer this resolution honoring the Saratoga Race Course and acknowledging the important place that it has in racing history, in our economy, and to join with my community and my colleagues here in congratulating Saratoga on opening its doors this Friday for another great season.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

Again, Mr. Speaker, I voice my opposition. The idea, the notion that while there have been silly bills passed and offered by the minority, it's certainly not an argument to continue the status quo. I think the frustration of the American people is we're not dealing with the serious business. We're not offering a budget resolution. We're not debating appropriations bills. We're down here talking about racetracks. That's the frustration. You've got people at home right now watching on C-SPAN because they don't have a job, and we're here talking about race courses? Seriously?

I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I did not hear the gentleman rise to voice the same opposition to a resolution that will be voted on in the next series of resolutions by a Member from his side of the aisle, Mr. WILSON of South Carolina; and it says congratulating the University of South Carolina Gamecocks on winning the 2010 NCAA

Division. If you're going to rise because you think some bill shouldn't be on the floor, then you ought to rise all the time.

As for what we should be devoting our time to, both sides of the aisle give time to resolutions requested by their constituents, and we give equal time. That doesn't mean we don't give time to very important matters, and we have given very significant time to very important matters this session, which is why it is considered one of the most historic sessions of the Congress of the United States.

I yield such time as he may consume to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Thank you, Madam Chair.

I do want to acknowledge the great work done in bringing to focus the importance of Saratoga and its race course and its season to the local economy. I commend my colleague SCOTT MURPHY, the Representative in the neighboring district. While he hosts the track in his district, I know the value to the entire region, to my district economically and certainly to his with this season. It is an important economic engine for the tourism economy. It strengthens our economy; and economic recovery is important, in whatever measure we can ascertain.

Today, I want to join my colleagues in celebration of Saratoga Race Course's 142nd season. Saratoga Race Course, located just outside the southern Adirondack region of New York State, is the oldest organized sporting venue in the country. Since 1863, Saratoga Race Course has been a summer destination enjoyed by many families, racing enthusiasts, and individuals from across this Nation and, indeed, around the world. The history in Saratoga Springs and at the track provide visitors with a window into the vibrant past of upstate New York.

Saratoga Race Course is also the home of the oldest major thoroughbred horse race in America, the Travers Stakes. The Travers Stakes, named after William R. Travers, the first president of the race course, has been exciting patrons since 1864. Travers Weekend, which is one of the most widely attended events at the track, attracts thousands of individuals and families to upstate New York.

Each year, that dynamic is felt vibrantly in the economy, and it showcases Saratoga's rich horse racing history. Today, racing enthusiasts who visit Saratoga Race Course are able to enjoy dozens of graded stakes races and thoroughbred races, in addition to the region's local cuisine and rich history and culture.

I applaud this important venue and the economic engine of upstate New York that it is for the beginning of yet another season of racing.

Again, I want to compliment and commend Representative MURPHY for

his work on this commemorative resolution. It brings to focus the value added that is instilled into our regional economy with yet another season that will be falling upon us.

□ 1720

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

My colleagues here, these are good Members of Congress. My point is, we need to raise the bar and start doing some serious work around here. I would agree, this is a historic Congress, because we are doing nothing right now. We are doing nothing.

I would agree with you, I will stand here, and I will have the political guts to vote against the resolution for the South Carolina recognition of the men's—I think it's the Men's College World Series.

It's ridiculous that we bring it up. I don't care if it's a Democrat, I don't care if it's a Republican. If it's in the world of sport, they get enough recognition.

And to cite this as, oh, it's important because Sports Illustrated recognized it, well, they have a swimsuit edition. I haven't seen a resolution on that yet, and I hope we never do. The people of the United States deserve better than to debate whether or not to recognize a racetrack on its 142nd anniversary.

We have got important business. We have troops that are in harm's way. We have yet to bring up a supplemental that the President is asking for.

We have not, since, I think it was 1974 when they changed the budget rules, we have not brought before this body—for the very first time since then—we have not brought up a budget resolution to discuss the outrageous deficit that we are suffering through.

This body has not brought up appropriations bills. These are the important things that we should be doing here. We flew in yesterday to do what, debate this, men's baseball and a racetrack?

The Democrats have the House, the Senate, and the presidency. They get to determine what bills are brought up, and I will grant you, there are silly bills offered by both sides, but it's time to get serious about the people's work. There are people who are suffering out there, and the frustration is that we waste our time on this.

These people in the audience travel from around the country, around the world, to come see us, what, debate a racetrack? It's an embarrassment. It is an absolute embarrassment.

I reserve the balance of my time.

Ms. NORTON. I yield myself such time as I may consume.

Well, just to indicate for the record, this has been called a historic Congress, not by the Democrats, but by historians who have looked at prior Congresses, including Republican-controlled Congresses, and, indeed, the

last Congress before this side took control, which was especially historic in taking the country down to its knees, leaving it to a new, an entirely different administration in Congress, to pick the country up.

I do commend the gentleman for saying he will vote against Mr. WILSON's bill, having been called out, I guess he has to, to show he has any guts at all. But then we are going to be looking to see if he votes against all such bills in the future.

I want to say again that it is quite possible to make a point about what you want to see on the floor without trivializing a bill that is perfectly in order, perfectly respectable, in fact, helps the economy, commemorating a venue that helps the economy of another Member's district.

If you want to make the point that you think the Congress ought to be doing other things, then make the point, but don't do it by putting down other Members. That's not the model of civility either side should be offering on this floor.

I reserve the balance of my time.

Mr. CHAFFETZ. I yield myself such time as I may consume.

I am trivializing it because it is trivial. It is trivial. There are other ways to recognize a racetrack without taking the time of this body and this country on this floor. I am trivializing it, and I think that's the proper course.

Weeks ago I took a position I would not vote in favor of any sports resolutions. I don't care if they are Republican, I don't care if they are Democrat. I think the principle is these people receive more than adequate recognition for what they have.

And, hey, look, I have stood behind some of these in the past. I am here long enough. I am just a freshman. I didn't create this mess here, but I am here to help clean it up. And given my months in Congress, yes, I took a position I am not going to support any of them. I don't care who offers them, and it's time this body starts to operate on principle.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Does the gentleman yield back or does he want to keep this going?

I just want to say to the gentleman, it has been pointed out to me that the gentleman cosponsored a resolution, H. Res. 942, commending the Real Salt Lake Soccer Club for winning the 2009 Major League Soccer Cup.

* * *

Mr. CHAFFETZ. Mr. Speaker, I move to take the gentlewoman's words down.

The SPEAKER pro tempore. Members will suspend. The gentlewoman from the District of Columbia will take her seat.

The Clerk will report the words.

Ms. NORTON. Mr. Speaker, I ask unanimous consent to remove from the

RECORD an idiomatic expression that apparently was misunderstood. I never called the gentleman dishonest. I want to strike the words "lie in his mouth," which is an idiomatic expression that means the gentleman has no business saying what he said. But if it is construed to mean that I'm calling him a liar, then I would certainly ask that that be stricken from the RECORD. Indeed, my comments were begun with words about civility here, so I certainly did not intend to call the gentleman dishonest or a liar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the District of Columbia?

Mr. CHAFFETZ. Mr. Speaker, reserving the right to object, I just want to be clear; our intention here is pure. If she were asking for civility, I will take her word for it. We do have certain decorum here in the House. I just ask that we abide by that. To suggest that any Member is being dishonest or deceitful or a liar is obviously not within the history of the ongoing proceedings of this House. That's all I ask.

I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, the offending words are withdrawn.

There was no objection.

The SPEAKER pro tempore. The gentleman from the District of Columbia may proceed.

Ms. NORTON. Well, I appreciate that the gentleman is withdrawing his objection, and I appreciate that he understood. He knows me well. He is the ranking member of one of my committees. He knows that I do not engage in pointless, uncivil remarks. Indeed, the whole import of my objection to the issues with the gentleman's resolution from Saratoga was I wanted to make sure everybody understood that we ought to respect one another, and I certainly respect the gentleman and certainly would not have meant otherwise through my remarks.

Mr. Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

Let me make the point that, yes, I've voted for sports resolutions, I've even cosponsored resolutions, but I came to realize what a waste of time that is. So a number of weeks ago, I took the pledge that I was no longer going to participate. But there are examples in my past, and being a freshman year, I made some mistakes. That's one of them. But I just believe that there are more important, more worthy things that this body ought to be participating in. And probably the next thing we ought to be doing is voting on some things today; so I urge my colleagues to vote against House Resolution 1513.

Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I accept the gentleman's change on how he

thinks these matters ought to be considered. I certainly don't think we ought to take it out on the Member from Saratoga, and I ask that we approve the resolution that was before us commemorating the 142nd anniversary of the Saratoga Race Course.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 1513, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CHAFFETZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order: H. Res. 1491; H.R. 5604; and H. Res. 1516, each by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

CONGRATULATING UNIVERSITY OF SOUTH CAROLINA GAMECOCKS ON WINNING 2010 COLLEGE WORLD SERIES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1491) congratulating the University of South Carolina Gamecocks on winning the 2010 NCAA Division I College World Series, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution.

The vote was taken by electronic device, and there were—yeas 400, nays 6, answered "present" 2, not voting 24, as follows:

[Roll No. 451]

YEAS—400

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire

Arcuri
Austria
Baca
Bachmann
Bachus
Baider

Baldwin
Barrett (SC)
Bartlett
Barton (TX)
Bean
Becerra

Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccheri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Emerson

Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta

Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markley (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCauley
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olson
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perrillo
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich

serving in combat operations, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 24, as follows:

[Roll No. 453]

YEAS—408

Ackerman	Cole	Harman
Aderholt	Conaway	Harper
Adler (NJ)	Connolly (VA)	Hastings (FL)
Akin	Cooper	Hastings (WA)
Alexander	Costa	Heinrich
Altmire	Costello	Heller
Arcuri	Courtney	Hensarling
Austria	Crenshaw	Herger
Baca	Critz	Herseth Sandlin
Bachmann	Cuellar	Higgins
Bachus	Culberson	Hill
Baird	Cummings	Himes
Baldwin	Dahlkemper	Hinchey
Barrett (SC)	Davis (CA)	Hirono
Bartlett	Davis (IL)	Hodes
Barton (TX)	Davis (KY)	Holden
Bean	Davis (TN)	Holt
Becerra	DeFazio	Honda
Berkley	DeGette	Hoyer
Berman	Delahunt	Hunter
Berry	DeLauro	Inglis
Biggert	Dent	Inslee
Bilbray	Deutch	Israel
Bilirakis	Diaz-Balart, L.	Issa
Bishop (GA)	Diaz-Balart, M.	Jackson (IL)
Bishop (NY)	Dicks	Jackson Lee
Bishop (UT)	Dingell	(TX)
Blackburn	Djou	Jenkins
Blumenauer	Doggett	Johnson (IL)
Boccieri	Donnelly (IN)	Johnson, E. B.
Bonner	Doyle	Johnson, Sam
Bono Mack	Dreier	Jones
Boozman	Driehaus	Jordan (OH)
Boren	Duncan	Kagen
Boswell	Edwards (MD)	Kanjorski
Boucher	Edwards (TX)	Kaptur
Boustany	Ellison	Kennedy
Boyd	Emerson	Kildee
Brady (PA)	Engel	Kilpatrick (MI)
Brady (TX)	Eshoo	Kilroy
Braley (IA)	Etheridge	Kind
Bright	Farr	King (IA)
Broun (GA)	Fattah	Kingston
Brown (SC)	Filner	Kirk
Brown, Corrine	Flake	Kirkpatrick (AZ)
Brown-Waite,	Fleming	Kissell
Ginny	Forbes	Klein (FL)
Buchanan	Fortenberry	Kline (MN)
Burgess	Foster	Kosmas
Burton (IN)	Fox	Kratovil
Butterfield	Frank (MA)	Kucinich
Buyer	Franks (AZ)	Lamborn
Calvert	Frelinghuysen	Lance
Camp	Fudge	Langevin
Campbell	Galleghy	Larsen (WA)
Cantor	Garamendi	Larson (CT)
Cao	Garrett (NJ)	Latham
Capito	Gerlach	LaTourette
Capps	Giffords	Latta
Cardoza	Gingrey (GA)	Lee (CA)
Carnahan	Gohmert	Lee (NY)
Carney	Gonzalez	Levin
Carson (IN)	Goodlatte	Lewis (CA)
Carter	Gordon (TN)	Lewis (GA)
Cassidy	Granger	Linder
Castle	Graves (GA)	Lipinski
Castor (FL)	Graves (MO)	LoBiondo
Chaffetz	Grayson	Loeb
Chandler	Green, Al	Loeb
Childers	Green, Gene	Lowey
Chu	Griffith	Lucas
Clarke	Grijalva	Luetkemeyer
Clay	Guthrie	Lujan
Cleaver	Gutierrez	Lummis
Clyburn	Hall (NY)	Lungren, Daniel
Coble	Hall (TX)	E.
Coffman (CO)	Halvorson	Lynch
Cohen	Hare	Maffei

Maloney	Payne	Sherman
Manzullo	Pence	Shimkus
Marchant	Perlmutter	Shuler
Markey (CO)	Perrilli	Shuster
Markey (MA)	Peters	Simpson
Marshall	Peterson	Sires
Matheson	Petri	Skelton
Matsui	Pingree (ME)	Slaughter
McCarthy (CA)	Pitts	Smith (NE)
McCarthy (NY)	Platts	Smith (NJ)
McCaul	Poe (TX)	Smith (TX)
McClintock	Polis (CO)	Smith (WA)
McCollum	Pomeroy	Snyder
McCotter	Posey	Space
McDermott	Price (GA)	Speier
McGovern	Price (NC)	Spratt
McHenry	Putnam	Stark
McIntyre	Quigley	Stearns
McKeon	Radanovich	Stupak
McMahon	Rahall	Sullivan
McMorris	Rangel	Sutton
Rodgers	Rehberg	Tanner
McNerney	Reichert	Taylor
Meeks (NY)	Richardson	Teague
Melancon	Rodriguez	Terry
Mica	Roe (TN)	Thompson (CA)
Michaud	Rogers (AL)	Thompson (MS)
Miller (FL)	Rogers (MI)	Thompson (PA)
Miller (MI)	Rohrabacher	Thornberry
Miller (NC)	Rooney	Tiberi
Miller, Gary	Ros-Lehtinen	Tierney
Miller, George	Roskam	Titus
Minnick	Ross	Tonko
Mitchell	Rothman (NJ)	Towns
Mollohan	Roybal-Allard	Tsongas
Moore (KS)	Royce	Turner
Moore (WI)	Ruppersberger	Upton
Moran (VA)	Rush	Van Hollen
Murphy (CT)	Ryan (OH)	Velázquez
Murphy (NY)	Ryan (WI)	Walden
Murphy, Patrick	Salazar	Walz
Murphy, Tim	Sánchez, Linda	Wasserman
Myrick	T.	Schultz
Nadler (NY)	Sarbanes	Waters
Napolitano	Scalise	Watson
Neal (MA)	Schakowsky	Watt
Neugebauer	Schauer	Waxman
Nunes	Schiff	Weiner
Nye	Schmidt	Welch
Oberstar	Schock	Westmoreland
Obey	Schrader	Whitfield
Olson	Schwartz	Wilson (OH)
Olver	Scott (GA)	Wilson (SC)
Ortiz	Scott (VA)	Wittman
Owens	Sensenbrenner	Wolf
Pallone	Serrano	Woolsey
Pascarell	Sessions	Wu
Pastor (AZ)	Sestak	Yarmuth
Paul	Shadegg	Young (AK)
Paulsen	Shea-Porter	Young (FL)

NOT VOTING—24

Andrews	Ehlers	Meek (FL)
Barrow	Ellsworth	Moran (KS)
Blunt	Fallin	Reyes
Boehner	Hinojosa	Rogers (KY)
Capuano	Hoekstra	Sanchez, Loretta
Conyers	Johnson (GA)	Tiahrt
Crowley	King (NY)	Visclosky
Davis (AL)	Mack	Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1821

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HELLER. Mr. Speaker, on rollcall No. 453, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to express my apologies for my absence on July 20, 2010, and for missing recorded votes held on this day. I regret that matters in my district required my personal attention and prevented me from being present to cast my vote. Although I was unable to vote, I wish to let my constituents and my colleagues know how I would have voted had I been present.

On H. Res. 1491—Congratulating the University of South Carolina Gamecocks on winning the 2010 NCAA Division I College World Series—I would have voted "aye."

On H.R. 5604—Surface Transportation Savings Act of 2010—I would have voted "aye."

On H. Res. 1516—Recognizing the 65th anniversary of the end of World War II, honoring the service members who fought in World War II and their families, and honoring the service members who are currently serving in combat operations—I would have voted "aye."

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111–552) on the resolution (H. Res. 1537) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, I was unavoidably detained and unable to vote on H.R. 5604, rollcall No. 452. Had I been present, I would have voted "aye."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ADLER of New Jersey). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

INTERNATIONAL ADOPTION HARMONIZATION ACT OF 2010

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5532) to amend the Immigration and Nationality Act with respect to adopted alien children, as amended.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 5532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “International Adoption Harmonization Act of 2010”.

SEC. 2. MODIFICATION OF ADOPTION AGE REQUIREMENTS.

Section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) is amended—

(1) in subparagraph (E)—
(A) by striking “(E)(i)” and inserting “(E)”;

(B) by striking “sixteen” and inserting “eighteen”;

(C) by striking “; or” and inserting a semicolon; and

(D) by striking clause (ii);

(2) in subparagraph (F)—

(A) by striking “(F)(i)” and inserting “(F)”;

(B) by striking “sixteen” and inserting “eighteen”;

(C) by striking “Attorney General” and inserting “Secretary of Homeland Security”;

and

(D) by striking clause (ii); and

(3) in subparagraph (G)—

(A) by striking “sixteen” and inserting “eighteen”; and

(B) by striking “Attorney General” each place such term appears and inserting “Secretary of Homeland Security”.

SEC. 3. HARMONIZING ADOPTIONS BETWEEN HAGUE CONVENTION AND NON-HAGUE-CONVENTION COUNTRIES.

Section 212(a)(1)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)(ii)) is amended by striking “section 101(b)(1)(F),” and inserting “subparagraph (F) or (G) of section 101(b)(1).”.

SEC. 4. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. I yield myself such time as I may consume.

I introduced H.R. 5532, the International Adoption Harmonization Act

of 2010, to correct two longstanding problems and inconsistencies with respect to adoptions of foreign children by U.S. citizen parents.

First, the bill would harmonize the age requirements of such adoptions and provide some needed flexibility in cases where adoptions take longer than expected. Currently, our law contains two age requirements related to the adoption of foreign children. The general rule is that an adoption must be finalized before a child turns 16 in order for the child to qualify for legal status in the United States. For any sibling of such a child, the adoption must be finalized before the sibling’s 18th birthday, but only if the sibling comes from the country that has not signed The Hague Convention on Intercountry Adoptions. The age cutoff for siblings from signatory countries is 16. These different requirements create confusion; and, in particular, with respect to more stringent requirements for the signatory countries, the 16-year-old cutoff provision, failing to meet the cutoff can have disastrous consequences.

Every year, the 16-year-old age requirement prevents a small number of foreign children who have been adopted by U.S. citizen parents from obtaining legal status in the United States. If an adoption takes longer than expected, even for reasons outside the parent’s control, and the deadline is missed even by 1 day, the child is left with no remedy whatsoever. Although the child may be legally adopted by U.S. citizen parents, he or she cannot legally remain with them in the United States. Obviously, this is a nonsensical result where one’s child has to be removed from the United States or, more likely, the individual comes to us for private relief which we may or may not succeed in granting.

H.R. 5532 remedies the above problem by harmonizing the provisions to require that all adoptions be finalized before a child’s 18th birthday. This would provide an additional 2 years by which to complete an adoption before a child is barred from living in the United States with his or her parents. As adoptions for foreign children are rarely completed beyond a child’s 16th birthday—China, for example, allows adoptions only up to the age of 14—this bill would affect very few children; but for those few children, this bill is critical.

Second, H.R. 5532 would also harmonize immunization requirements with respect to international adoptions. Current law requires adopted children to have certain vaccinations prior to arrival, but there is an exemption for children under 10 if the adoptive parents certify that necessary vaccinations will be obtained within 30 days of entry.

□ 1830

This exemption, which was created by Congress in 1997, was designed to

prevent parents from having to subject their children to numerous and often unsafe immunizations in foreign nations and to allow them to safely immunize their children in the United States.

This exception, however, applies only to children adopted from countries that are not signatories to the Hague Convention. It does not apply to children from signatory countries. This bill fixes this nonsensical discrepancy by expanding the definition to also cover children regardless of whether their home country is a signatory to the Hague Convention.

I want to thank the chairman of the Judiciary Committee, JOHN CONYERS; the ranking member, LAMAR SMITH; and Representative JEFF FORTENBERRY, for their support on this measure.

I urge my colleagues to support this important legislation.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I cosponsored this legislation introduced by Congresswoman LOFGREN, chair of the Immigration Subcommittee, and I urge my colleagues to support it.

Our Nation has a wonderful tradition of welcoming newcomers. We admit more than 1 million legal immigrants a year, as many as all other nations combined. This legislation continues that generosity by ensuring that American parents who want to open their homes and hearts to children from around the world are able to do so.

The Immigration and Nationality Act provides that U.S. citizens can adopt foreign children and have the children considered immediate relatives for immigration purposes if the children are adopted while under the age of 16 years.

American families who initiated adoptions of foreign children by their 16th birthdays but were not able to complete the adoptions by that date have often sought relief from their Representatives in Congress. We have responded sympathetically.

Congress has routinely passed private bills over the years to allow these families to sponsor their adopted children for permanent resident status in the U.S. In fact, Congress has so routinely passed such private bills that it makes sense for us to simply modify the law and provide a broad remedy.

This legislation provides that for immigration purposes, adoptions by U.S. parents have to be completed by the age of 18 instead of 16. Under the bill, the parents are still obligated to finalize the adoption by the 18th birthday in order to receive immigration benefits for their child.

Of course, we expect U.S. Citizenship and Immigration Services to continue to be on guard against any possible fraud in the foreign adoption process.

This bill accomplishes one more objective by making a technical correction regarding the Hague Convention on Intercountry Adoptions.

Under current law, prospective immigrants have to be vaccinated against certain diseases. The law provides an exemption to the general immunization requirement for adopted children if, one, a child is 10 years of age or younger and, two, the adoptive parents certify that the child will receive the necessary vaccinations within 30 days of entry into the U.S.

This exemption, enacted in 1997, is designed to ensure that parents don't have to subject their children to sometimes unsafe immunizations in foreign nations. Rather, they can more safely immunize their children in the United States.

However, when the Hague Convention on Intercountry Adoptions was later adopted, this exception was not extended to the children from signatory countries. Ms. LOFGREN's bill simply extends the exemption to cover children from these countries.

I urge my colleagues to support this legislation.

I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members and staff are reminded not to traffic the well while other Members are under recognition.

The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 5532, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HELP HAITIAN ADOPTEES IMMEDIATELY TO INTEGRATE ACT OF 2010

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5283) to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as—

- (1) the "Help Haitian Adoptees Immediately to Integrate Act of 2010"; or
- (2) the "Help HAITI Act of 2010".

SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN HAITIAN ORPHANS.

(a) IN GENERAL.—The Secretary of Homeland Security may adjust the status of an

alien described in subsection (b) to that of an alien lawfully admitted for permanent residence if the alien—

(1) subject to subsection (c), applies for such adjustment;

(2) is physically present in the United States on the date the application for such adjustment is filed; and

(3) is admissible to the United States as an immigrant, except as provided in subsection (d).

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—An alien is described in this subsection if the alien was inspected and granted parole into the United States pursuant to the humanitarian parole policy for certain Haitian orphans announced on January 18, 2010, and suspended as to new applications on April 15, 2010.

(c) APPLICATION.—In the case of a minor, an application under this section may be submitted on behalf of the alien by—

(1) an adoptive parent; or

(2) a legal guardian.

(d) GROUNDS OF INADMISSIBILITY.—Paragraphs (4) and (7)(A) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply to adjustment of status under this section.

(e) VISA AVAILABILITY.—When an alien is granted the status of having been lawfully admitted for permanent residence under this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(f) ALIENS DEEMED TO MEET DEFINITION OF CHILD.—An unmarried alien described in subsection (b) who is under the age of 18 years shall be deemed to satisfy the requirements applicable to adopted children under section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) if—

(1) the alien obtained adjustment of status under this section; and

(2) a United States citizen adopted the alien before, on, or after the date of the decision granting adjustment of status under this section.

(g) NO IMMIGRATION BENEFITS FOR BIRTH PARENTS.—No birth parent of an alien who obtains adjustment of status under this section shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this section or the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 3. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5283, the Help HAITI Act of 2010, was introduced by Representative JEFF FORTENBERRY and is an important bill to help us finish the job we undertook when we rescued just over 1,200 Haitian orphans immediately after the earthquake that devastated Haiti on January 12 of this year.

Six months after the earthquake, it is easy to forget how terrible this tragedy was. More than 220,000 people were killed and over 300,000 were injured. Over 300,000 homes were destroyed or severely damaged, and more than 1,300 schools and 50 health centers were reduced to rubble.

At least 1.5 million people were directly affected by the quake. In terms of human and economic impact, it's the worst natural disaster ever recorded in the Western Hemisphere.

In response to this disaster, I am proud that our country responded quickly and in many different ways. Many know about the search and recovery efforts, the dissemination of food and water, the private donations totaling more than \$1.3 billion, the thousands of military, civilian, and medical personnel that went to Haiti to provide critical care and save lives, but there are other ways that our country provided humanitarian assistance.

Soon after the earthquake hit, the Department of Homeland Security's U.S. Citizenship and Immigration Services, otherwise known as USCIS, took several steps to provide critical assistance to vulnerable populations in Haiti. This included creating a humanitarian parole policy for the immediate evacuation of Haitian orphans who had been adopted or were in the process of being adopted by U.S. citizens.

These children had been previously identified as being available for intercountry adoptions, so they were not at risk of being separated from their families during the chaos that followed the earthquake. Now in the United States with their adoptive or prospective adoptive American parents, these children need one more bit of assistance from us so they can live lives like Americans.

Had the earthquake not hit and disrupted the adoption processes in Haiti, each of these children would have entered the country as U.S. citizens under current immigration law. But because of the current emergency procedures that were used to evacuate these children, they must now wait years before they can get permanent residency and years more before they can qualify for citizenship. Some are even in danger of aging out before they

can get their residency, which would make them ineligible for legal status in this country.

H.R. 5283 would simply treat these children as if the earthquake had not happened and they had come to the U.S. under normal procedures.

Specifically, the bill would allow an adoptive parent or legal guardian in the United States to apply for permanent residency on behalf of one of the 1,200 Haitian orphans brought to the U.S. under the USCIS parole policy announced on January 18 and terminated on April 15 of this year. This is the least we can do to help the orphans we rescued and the U.S. citizen parents who have adopted or are seeking to adopt them.

I commend Representative JEFF FORTENBERRY for introducing this bill and committee Ranking Member LAMAR SMITH for his support on this measure.

I urge my colleagues to support this important legislation.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the beginning of this year, a devastating earthquake hit Haiti and claimed 200,000 lives. The Department of Homeland Security quickly acted in the best American humanitarian tradition.

DHS announced a humanitarian parole policy to allow orphaned Haitian children who were in the middle of adoption proceedings with American parents to quickly enter the U.S. DHS paroled about 1,200 Haitian orphans into the U.S. as a result of this policy.

Adoption proceedings had not yet been completed when these children were airlifted to the U.S. Under the Immigration and Nationality Act, the children will have to live with their U.S. adoptive parents for 2 years before their parents can apply for permanent resident status for the children. During the interim period, the children must have their temporary parole status renewed each year.

As a result, these children will wait an appreciable amount of time in parole status.

□ 1840

Representative FORTENBERRY was concerned about how this delay could affect the new lives of these young children in the U.S.; for instance, what happens if the adoptive parents die during their parole period? In order to address these concerns and ensure the futures of these Haitian orphans, Representative FORTENBERRY introduced the Help HAITI Act of 2010. The bill allows the Haitian orphans brought to the U.S. in the aftermath of the earthquake to receive permanent residence immediately. This legislation helps future American citizens who have already suffered much but who will have bright futures in the United States.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. FORTENBERRY), who is the sponsor of this legislation.

Mr. FORTENBERRY. I thank the gentleman from Texas for the time.

Mr. Speaker, I would also like to add that, as we heard, more than 1,000 Haitian orphans who were already in the process of being adopted by American families prior to the earthquake that struck Haiti last January stand today in legal limbo; and, as mentioned by Chairwoman LOFGREN, in the tragic aftermath, these orphans were evacuated by the U.S. Department of Homeland Security for humanitarian reasons and with the Haitian Government's permission to American soil. Catastrophic circumstances prompted the evacuation of these children to the United States before their adoptions could be finalized in Haitian courts.

Happily, in my home State of Nebraska and throughout the United States, many of these Haitian orphans were able to unite with the very American families who were seeking to adopt them and who are now working to finalize their adoptions in the courts of the United States. Due to a technicality in the law, however, these Haitian children, upon establishing a legal relationship with their adoptive U.S. parents, will have to wait 2 years before they become legal permanent residents.

As international adoption case workers can attest, much can happen to these orphans and their families in 2 years. So long as their status in the United States remains temporary, these vulnerable children will have few legal protections. They may not be eligible for critical resources, and they may face the risk of being forced to repatriate to Haiti if something were to happen to their adoptive families.

To mitigate the risks that these orphaned children from Haiti face, I introduced the Help Haitian Adoptees Immediately to Integrate Act of 2010, also known as the Help HAITI Act. This legislation is the product of continual dialogue and outreach both to the United States Department of Homeland Security's U.S. Citizenship and Immigration Service and to my Republican and Democratic colleagues in the House of Representatives and the Senate. The Help HAITI Act would provide legal certainty and protections to these evacuated Haitian orphans by enabling adoptive American families to obtain permanent residency for these children more quickly and more efficiently.

Had the earthquake not happened, these orphaned Haitian children would have gone through the normal process for international adoptions. American families would have finalized the adoption of these orphans in Haitian courts. Then, upon entering the United States to join their adoptive families, these

children would have automatically received U.S. citizenship. However, the catastrophe disrupted the normal process for international adoption for these children.

The Help HAITI Act would help to normalize the immigration procedures that these adopted orphans now face. It would allow adoptive American families to apply immediately to obtain legal, permanent residency for these vulnerable children and enable them eventually to qualify for U.S. citizenship. This legislation, I would like to point out, would also help reduce the staff, monetary and other resource demands on the Department of Homeland Security's U.S. Citizenship and Immigration Service.

As we all know, Mr. Speaker, these orphaned Haitian children have endured great hardships, and they have also endured heartbreaking tragedy to come to this country and unite with their American adoptive parents. Given the uncertainty and danger that these children have faced, we now are in a position to provide them with a measure of comfort and certainty as to their future with their adoptive families here in America.

So, with that, I would like to thank Chairwoman LOFGREN for her leadership and work on this bill, along with Ranking Member SMITH. I appreciate your input and support.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to express my support for H.R. 5283, the Help Haitian Adoptees Immediately to Integrate Act, which provides for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010. This legislation will give legal resident status to over 1,000 Haitian orphans whose adoptions by U.S. citizens had already been processed prior to the earthquake in Haiti on January 12, 2010.

When the earthquake crippled the Haitian governmental infrastructure, Haiti was no longer able to provide the paperwork necessary to give these children U.S. citizenship. As a result, their final approval of citizenship has been held up since the earthquake in January, and could continue to be delayed indefinitely. In the meantime, the U.S. has provided them with humanitarian parole visas, but it could take years for them to achieve legal resident status. The Help HAITI Act will empower the U.S. Secretary of Homeland Security to allow American parents who adopted Haitian children before the earthquake to apply for legal permanent-resident status on behalf of their children. This will finally set these orphans on the path to citizenship.

The devastating earthquake created significant trauma for all Haitians that will last for generations. While the United States assists in the rebuilding efforts, with my support and the support of this Congress, we should also act now to remove the unnecessary complications the Haitian orphans are experiencing as they try to start a new life with their American families. Under normal circumstances, these would have been routine adoptions, and I urge Congress to pass the Help HAITI Act, which will

enable the Department of Homeland Security to quickly relieve the hardships these orphans and their new families have encountered since the earthquake.

I encourage my colleagues to support this important resolution.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I am pleased to ask our colleagues to support this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 5283, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HONORING CHIEF JUSTICE WILLIAM S. RICHARDSON

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1470) honoring the life, achievements, and distinguished career of Chief Justice William S. Richardson.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1470

Whereas William S. Richardson was born on December 22, 1919, and spent most of his childhood in Palama and Kaimuki;

Whereas William S. Richardson was born to a working class family of Hawaiian, Chinese, and Caucasian ancestry;

Whereas William S. Richardson served as a platoon leader in the United States Army during World War II and was later inducted into the Infantry Officer Candidate School Hall of Fame;

Whereas William S. Richardson served as Lieutenant Governor of Hawaii from 1962–1966;

Whereas William S. Richardson led the Hawaii Democratic Party from 1956–1962;

Whereas William S. Richardson served as the Chief Justice of the Hawaii Supreme Court from 1966–1982;

Whereas the William S. Richardson School of Law honors his leadership by opening educational and professional avenues for the Islands' most disadvantaged groups;

Whereas William S. Richardson upheld traditional Hawaiian laws and expanded public rights for Native Hawaiians and all people in Hawaii;

Whereas as William S. Richardson was awarded the Spirit of Excellence Award from the American Bar Association; and

Whereas, on June 21, 2010, at the age of 90, William S. Richardson passed away in Honolulu, Hawaii: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life, achievements, and distinguished career of Chief Justice William S. Richardson;

(2) emphasizes that, among his judicial accomplishments, Chief Justice William S.

Richardson changed the face of higher education in Hawaii by opening avenues for the Islands' most disadvantaged groups and by building a more equitable society for the people of Hawaii; and

(3) recognizes the William S. Richardson School of Law, the educational institution that bears his name, as a significant part of the legacy of William S. Richardson.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Hawaii (Mr. DJOU) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 1470 honors the life, achievements, and distinguished career of Chief Justice William S. Richardson. Chief Justice Richardson was a leading proponent of the rights of Native Americans throughout his 16-year tenure as Hawaii State Supreme Court Chief Justice.

He was primarily known for drawing on ancestral Hawaiian customs rather than Western common law in his decisions. He has been credited with triggering a "renaissance" in pride in native identity and the language and culture of Native Hawaiians.

Born in 1919, William Richardson worked his way through the University of Hawaii, where he received his undergraduate degree. He went on to earn a law degree from the University of Cincinnati.

Upon graduating from law school in 1941, he volunteered for the Army Air Corps, and later served as a platoon leader with the 1st Filipino Infantry Regiment. After World War II ended, he returned to Hawaii, where he served in the Judge Advocate General Corps. He was later inducted into the Infantry Office Candidate School Hall of Fame.

Fueled by a sense of patriotism, William Richardson aligned himself with the emerging Hawaii Democratic Party, eventually serving as its chairman from 1956 to 1962.

In 1963, he became the lieutenant governor under Governor John Burns. Just a few years later, he was appointed Chief Justice of the Hawaii Supreme Court, where he served for 16 years.

Under Chief Justice Richardson's guidance, the Hawaii Supreme Court oversaw judgments ensuring public beach access, expanding Native Hawaiian rights to use private property, and affirming public ownership of natural resources.

He was famously quoted as saying that "the Western concept of exclusivity is not universally applicable in Hawaii."

Education was paramount to Chief Justice Richardson. One of his proudest accomplish-

ments was his successful effort to see a law school opened in Hawaii. In 1973 The University of Hawaii opened the only law school in the State. It was named the William S. Richardson School of Law upon his retirement from the bench.

I urge my colleagues to support this important resolution.

Mr. Speaker, I yield such time as she may consume to the gentlelady from Hawaii (Ms. HIRONO).

Ms. HIRONO. Mr. Speaker, I thank my colleague, Mr. SCOTT, for yielding me time.

I rise today in support of House Resolution 1470, which recognizes the life, achievements, and distinguished career of the late Bill Richardson, Chief Justice of the Hawaii Supreme Court.

William Shaw Richardson was born in Honolulu on December 22, 1919. Raised in Kaimuki and a graduate of a public school, Roosevelt High School, Bill worked in pineapple canneries to pay his way through the University of Hawaii. He then earned a law degree from the University of Cincinnati. Bill later enlisted in the Army and served as platoon leader with the 1st Filipino Infantry Regiment during World War II.

In 1956, Bill served as chairman of Hawaii's Democratic Party. He was elected to the office of Lieutenant Governor in 1962. In 1966, Governor John A. Burns appointed him as chief justice of the Hawaii Supreme Court. C.J. Richardson served on the court for 16 years.

C.J. Richardson was our Nation's first native Hawaiian Supreme Court chief justice. Working closely with his fellow justices, C.J. incorporated native Hawaiian traditional and customary practices into State law and expanded public rights. In perhaps his most famous case, in 1968, C.J. Richardson, in essence, asked, "Why should Hawaii follow Anglo-American common law rather than its own ancient traditions regarding the use of property?" C.J. recalled not being allowed on the beach in front of Waikiki's Royal Hawaiian and Moana hotels as a boy. The historic 4-to-1 ruling he wrote incorporated Hawaiian customs by preserving public access to the shoreline. No Hawaii beach could be considered a private beach like on the mainland.

Under his leadership, the court also established the water rights of people living downstream from privately owned property that surrounded rivers or streams. It awarded new land created by lava flows to the State instead of adjacent property owners, and it ruled that native Hawaiians could cross private property to gather traditional cultural resources, like particular plants used by hula dancers as part of their ceremonies.

Among C.J. Richardson's proudest achievements was the opening of Hawaii's only law school in 1973. He knew that those with the greatest stake in

building a more just and equitable society were often denied the opportunity to attend law school because of the high cost. He fought a lengthy uphill battle to create and shape the law school that now proudly bears his name. Over the last years, C.J. had an office at the school, where he was a regular source of support and inspiration to students and faculty alike.

I would like to extend my deepest condolences to C.J. Richardson's son, William; his two daughters, Barbara Richardson-Phillips and Corinne Wolfe; his two sisters, Amy Kahoiwai and Pearl Nishimura; his six grandchildren and two great grandchildren. Mahalo nui loa—Hawaiian for thank you very much—for sharing the great C.J. with all of us.

□ 1850

Mr. DJOU. I yield myself such time as I may consume.

Mr. Speaker, I support House Resolution 1470.

I want to thank my colleague from Hawaii for her kind words, and I want to echo much of her sentiment—a voice on the life of Chief Justice William S. Richardson.

Mr. Speaker and colleagues, this resolution honors the life, achievements, and the distinguished career of William S. Richardson, the former chief justice of the Hawaii Supreme Court, Lieutenant Governor of the State of Hawaii and former Democratic chairman of the Democratic Party of Hawaii.

Chief Justice Richardson passed away on June 21 of this year. He was one of Hawaii's most influential figures. As Hawaii's Governor, Linda Lingle, recently stated, "The former chief justice played an integral role in shaping Hawaii's political and legal landscape."

For myself and my family, personally, Chief Justice Richardson touched my wife and I, as my wife is a graduate of the William S. Richardson School of Law, and I taught at the law school that bears his name.

Chief Justice Richardson was born on December 22, 1919, and always referred to himself as "just a local boy from Hawaii." He graduated from the University of Hawaii at Manoa, and he later attended law school at the University of Cincinnati.

Then, at the outset of World War II, he volunteered to serve in the U.S. Army. He saw combat as a platoon leader with the 1st Filipino Infantry Regiment. He was later inducted into the Infantry Officer Candidate School Hall of Fame.

After service in World War II, he returned to Hawaii where he played a key role in promoting Hawaii statehood. In 1959, when Hawaii became a State, Chief Justice Richardson was one of the most prominent figures, and he deserves the thanks of all of us for Hawaii's becoming the 50th State.

In 1962, Hawaii elected John Burns as its Governor. Chief Justice Richardson was his Lieutenant Governor, serving one term as the Lieutenant Governor of Hawaii from 1962 to 1966, as a Democrat. He was the first person of Hawaiian ancestry to hold that office.

Then, from 1966 to 1982, Richardson served as the chief justice of Hawaii's Supreme Court. During his 16 years as chief justice, he made a number of landmark rulings that have shaped Hawaii and our Nation's case law to this day.

Most of all, he is much loved by his family. As his son Bill Richardson recently stated, we should always remember him as a grandfather: "When school ended, I could always count on him ready to pick me up. He'd come by and watch my practices as much as he could."

I think that is the legacy all of us want to remember Chief Justice Richardson for.

For many years, Chief Justice Richardson fought for the establishment of a law school. His efforts culminated in 1973, establishing the first and, thus far, only law school in the State of Hawaii: the University of Hawaii's William S. Richardson School of Law. Chief Justice Richardson shared his wealth of knowledge with students, attorneys and judges; and he leaves a lasting legacy in our State.

Mr. Speaker and colleagues, this resolution honors this long-time leader and path-breaking American. I urge my colleagues to join me in support of this resolution.

Mahalo and aloha.

I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I want to thank my two colleagues from Hawaii for their bipartisan cooperation on this resolution. I urge my colleagues to support it.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 1470.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PREVENTION OF INTERSTATE COMMERCE IN ANIMAL CRUSH VIDEOS ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5566) to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prevention of Interstate Commerce in Animal Crush Videos Act of 2010".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Federal Government and the several States have a compelling interest in preventing animal cruelty.

(2) Each of the several States and the District of Columbia criminalize intentional acts of animal cruelty.

(3) The clandestine nature of certain acts of animal cruelty allows the perpetrators of such crimes to remain anonymous, thus frustrating the ability of Federal and State authorities to enforce the criminal statutes prohibiting such behavior.

(4) These criminal acts constitute an integral part of the production of and market for so-called crush videos and other depictions of animal cruelty.

(5) The creation and sale of crush videos provide an economic incentive for, and are intrinsically related to, the underlying acts of the criminal conduct.

(6) The United States has a long history of prohibiting the interstate sale of obscene and illegal materials.

(7) Animal crush videos appeal to the prurient interest and are obscene.

SEC. 3. ANIMAL CRUSH VIDEOS.

(a) IN GENERAL.—Section 48 of title 18, United States Code, is amended to read as follows:

"§ 48. Animal crush videos

"(a) PROHIBITION.—Whoever knowingly and for the purpose of commercial advantage or private financial gain sells or offers to sell, or distributes or offers to distribute, an animal crush video in interstate or foreign commerce shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) RULE OF CONSTRUCTION.—Subsection (a) does not prohibit the sale, distribution, or offer for sale or distribution, of any visual depiction of—

"(1) customary and normal veterinary or agricultural husbandry practices; or

"(2) hunting, trapping, or fishing.

"(c) DEFINITION.—In this section the term 'animal crush video' means any obscene photograph, motion-picture film, video recording, or electronic image that depicts actual conduct in which one or more living animals is intentionally crushed, burned, drowned, suffocated, or impaled in a manner that would violate a criminal prohibition on cruelty to animals under Federal law or the law of the State in which the depiction is created, sold, distributed, or offered for sale or distribution."

(b) CLERICAL AMENDMENT.—The item relating to section 48 in the table of sections at the beginning of chapter 3 of title 18, United States Code, is amended to read as follows:

"48. Animal crush videos."

SEC. 4. BUDGETARY EFFECTS PROVISION.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. GALLEGLY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, this legislation addresses a disturbing subject in need of congressional action.

In the late 1990s, Congress was made aware of a growing market of videotapes and still photographs depicting animals, typically small animals, being slowly and sadistically crushed to death. These depictions are commonly referred to as "crush videos." Much of the material features women inflicting torture with their bare feet or while wearing high-heeled shoes. The depictions often appeal to people with a very specific sexual fetish.

Even in States where harming the animals in such a way itself violates State laws prohibiting cruelty to animals, prosecutors had difficulty obtaining convictions. For example, the faces of the persons inflicting the torture were often not shown in the videos; and the locations, times and dates of the acts could not be ascertained from the depictions themselves. So defendants were often able to successfully assert as a defense that the State could not prove its jurisdiction over the place where the acts occurred nor that it could prove that the actions took place within the statute of limitations.

In short, it has been difficult enough to find the perpetrators of the underlying acts of cruelty to animals. Then, even after they have been found, it has been difficult to obtain convictions.

So Congress enacted a new law prohibiting the creation, sale, and possession of the depictions of such acts. The new law was codified as section 48 of title XVIII of the U.S. Code. The motivation for passing the law was to address the sale of crush videos, but the statute was written in such a way that it also could be read, in some circumstances, to apply to more mainstream material, such as videos depicting hunting and fishing and other activity protected by the First Amendment of the Constitution.

Because of this susceptibility to a broader reading, in April the United States Supreme Court invalidated the entire statute in the case *United States v. Stevens*, holding that the law

was overbroad and violated the First Amendment. The Court made it clear, however, it did not rule out the possibility of Congress' adopting a bill that would hold up under constitutional scrutiny.

In May, the Subcommittee on Crime held a hearing about the decision. It heard from witnesses who testified that a narrower legislative approach would likely be constitutional and survive court challenge.

The bill before us is much more narrow than the original law. The most important difference is that the bill would only prohibit the sale of crush videos that are obscene under current law. This would address a key flaw in the original statute because obscenity is outside the protections of the First Amendment. Whereas some of the activity covered by the prior law under the broader reading was, in fact, protected by the First Amendment, a much narrower range of conduct is covered in the depictions prohibited by this bill. Furthermore, this legislation specifically makes it clear that hunting and fishing videos would not be covered by the prohibition.

I commend my colleague from California (Mr. GALLEGLY) and my colleague from Michigan (Mr. PETERS), who worked together to produce this bipartisan bill. I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. GALLEGLY. I yield myself such time as I may consume.

Mr. Speaker, I want to thank Chairman CONYERS; my good friend, subcommittee chairman BOBBY SCOTT; and, of course, our ranking member, LAMAR SMITH, for working closely with me to draft a bill that would help put a stop to the sale of animal crush videos while, at the same time, addressing the First Amendment concerns that were raised by a recent Supreme Court ruling.

The district attorney of Ventura County, California, first brought this issue to my attention back in 1999. He explained that, although crush videos were illegal under State laws, the crime was difficult to prosecute because video producers moved their goods through interstate commerce to avoid prosecution.

The FBI, the U.S. Department of Education, and the U.S. Department of Justice consider animal cruelty to be one of the early warning signs of potential violent youth. The Boston Strangler, the Unabomber, Jeffrey Dahmer, and Ted Bundy all tortured animals before they began to murder people.

□ 1900

Everyone agrees that these disgusting videos must be stopped. My first bill passed the House in 1999 by a bipartisan vote of 372–42, by unanimous consent in the Senate, and was signed into law by then-President Bill Clin-

ton. The Supreme Court ruled in April of this year that the 1999 law was too broad, but indicated it may uphold a law that is more narrowly drafted.

In response to the court's decision, I, along with my good friend Representative GARY PETERS, introduced H.R. 5566, the Prevention of Interstate Commerce in Animal Crush Videos Act of 2010. Based on the testimony of the constitutional experts at the May 26 Crime Subcommittee hearing, I worked with Members on both sides of the aisle to craft legislation that is narrowly focused on prohibiting crush videos rather than prohibiting depiction of animal cruelty.

Immediately after the 1999 bill became law, the crush video business virtually disappeared. It has recently re-emerged in light of the court ruling. Quick passage of H.R. 5566 will once again stop these revolting videos that depict the torture of animals and killing defenseless animals.

I strongly urge my colleagues to join me in support of H.R. 5566.

I reserve the balance of my time.

Mr. SCOTT of Virginia. I yield such time as he may consume to the gentleman from Michigan (Mr. PETERS), who has worked extremely hard on this legislation.

Mr. PETERS. Mr. Speaker, animal torture videos are heinous, barbaric, and completely unacceptable, and we must stop them once and for all. It's hard to believe that this sort of thing even exists, and that a new law is needed to prevent it. Animal torture is outrageously disturbing, and common decency and morality dictates that those engaged in it should not be profiting from it. They should be in prison.

This is why I have introduced H.R. 5566, along with Representatives GALLEGLY and MORAN, the Prevention of Interstate Commerce in Animal Crush Videos Act of 2010. This legislation will ban the sale or distribution of so-called crush videos, depictions of small animals being tortured and slowly crushed to death, and other videos depicting abhorrent animal torture. Our bill responds to the Supreme Court's recent holding that a 1999 statute banning crush videos was overbroad, and therefore invalid under the First Amendment. H.R. 5566 carefully parses and responds to the Stevens decision, and it is written to survive another round of judicial review if challenged after enactment.

I appreciate the leadership of my colleagues, Representatives GALLEGLY, MORAN, and BLUMENAUER, on animal protection issues generally, and specifically on animal crush legislation. As cochairs of the Congressional Animal Protection Caucus, of which I am a member, Representatives MORAN and GALLEGLY are committed to advancing commonsense animal protection legislation.

I would also like to thank the Humane Society for their help throughout

the drafting process, and for all of their tireless animal protection efforts. Finally, I would like to thank Chairman CONYERS, Chairman SCOTT, and the members of the Judiciary Committee for their commitment to advancing this necessary, commonsense legislation. I urge its passage.

Mr. SCOTT of Virginia. Mr. Speaker, I yield as much time as she may consume to the gentlelady from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the gentleman from Virginia for the time and for his leadership on this very important issue.

I rise today in strong support and as a cosponsor for the Prevention of Interstate Commerce in Animal Crush Videos Act. And I thank Mr. GALLEGLY and Mr. PETERS, and all of those who are involved in dealing with this horrific, horrific problem.

The recent Supreme Court decision overturned 10 years of Federal law that outlawed animal crush videos. They said that the 1999 law was overbroad. And the Supreme Court also left open an avenue for a more targeted law. So today we make it clear, again, that the intentional crushing, burning, drowning, suffocating, and impaling of animals for profit is beyond sick, and it must be stopped.

Today, with this narrowly tailored measure, we will end the trade of crush videos, videos where animals are tortured for profit. Animal abuse and profiting from these actions are beyond wrong. It's our responsibility to close the loopholes to crack down and end the trade in crush videos, and I urge a "yes" on the Prevention of Interstate Commerce in Animal Crush Videos Act to end this unconscionable practice.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this, as I appreciate his hard work with the Judiciary Committee, and my friend Mr. GALLEGLY from California.

This is an area, Mr. Speaker, that I personally think that we ought to be able to come together. I supported the original legislation. I found it horrific that we would have people profiting from the most obscene displays of cruelty to animals. I understand the arguments that were made before the Supreme Court, but I think they made it clear that there was an opportunity to craft it more narrowly, and I think the Judiciary Committee has done a good job in doing so.

I am pleased that this is one of the areas where Congress has been able to come together, people on both sides of the aisle, to act quickly in an area that actually is important to avoid demeaning us all.

Mr. Speaker, cruelty to animals is not something that is just sort of an

esoteric issue that is one that is only nominally of interest. This is something that speaks to the fundamentals of whether or not our communities are going to be livable, whether or not we can relate positively to one another. There is study after study that documents that people who are abusive to animals are also people who are likely to be abusive to their fellow human beings. It is a broad, far-reaching problem we have in our communities still.

Having worked with the committee in the past on issues that relate to animal fighting, there is a dark subculture here with people who get satisfaction, emotional, sexual, out of seeing animals suffer. It seems to me that it is important for us to respond quickly to be able to fill the gap. I don't think anybody benefits from this type of activity other than people who profit from it and people who have their own sadomasochistic satisfaction.

I appreciate what the committee has done to meet the court's First Amendment concerns and still speak to making sure that there are not people who are engaged in these activities and profiting from it. At the time of the original legislation, there were thousands of animal crush videos, for example on the Internet. But after the enactment of the original ban, they essentially disappeared. Now, after the Supreme Court decision, we have seen a resurgence, one that is not in anybody's interests. I hope that we are able to move with dispatch passing this today, and moving onto the Senate, to be able to enact this and have one significant, discrete area of progress that we can all take pride in.

Mr. GALLEGLY. Mr. Speaker, I ask my colleagues to join us in passing this bill, and yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I want to thank all the people who have spoken and worked hard on this bill to get it in a form which we believe will pass constitutional muster. Any time you deal with a subject like this you have to deal with the First Amendment. The last bill didn't quite make it, but we believe, based on the testimony we have had today and the testimony we had at the hearing, that this bill will survive constitutional muster and deal with the trash that is being profited on.

So I thank my colleagues and urge my colleagues to support the bill.

Mr. MORAN of Virginia. Mr. Speaker, I want to first thank Congressman GALLEGLY for his effort to bring this to the floor.

It is Congressman GALLEGLY who originally brought this issue to the attention of Congress 10 years ago, and I have enjoyed working with him as Co-Chairs of the Animal Protection Caucus to pass this important bill.

Quite simply, animal crush videos contain some of the vilest treatment of animals imaginable. They feature scantily clad women crushing, impaling, or burning small animals of

all types, apparently for the sexual gratification of some sick people. These videos have no redeeming value and clearly fall outside the realm of protected speech.

But although these videos contain behavior that would be considered animal cruelty under state and federal laws, it is nearly impossible to prove who produces the videos, making a ban on their sale through interstate commerce the only means of ending the market for this smut.

A law was passed by Congress 11 years ago that did just that, but earlier this year the Supreme Court struck down that law, claiming it could be used to violate free speech rights.

While I didn't agree with that decision, it was clear that Congress could not just stand by while these videos once again proliferated on the Internet. Not only are they viciously inhumane to the animals involved, but they also teach behavior that can lead to other violent crimes against animals and humans.

As demonstrated by the its long list of bipartisan cosponsors and its unanimous passage out of Committee, this bill represents a good faith effort by Members of both parties to maintain the effectiveness of the original law while addressing the constitutional concerns raised by the Court.

Those who attempt to make a profit off the sale of crush videos showing the torture of animals should not be allowed to hide behind the claim that they did not produce the content.

This bill will take away that pathetic excuse, and I urge my colleagues to support its passage.

Mr. GOODLATTE. Mr. Speaker, I rise in support of H.R. 5566, the Prevention of Interstate Commerce in Animal Crush Videos Act.

Crush videos are videotapes depicting small animals, including cats, dogs, and even monkeys, being slowly crushed to death. Many of these videos feature women inflicting the torture with their bare feet or while wearing high heeled shoes. These videos capture the cries and squeals of the animals, obviously in great pain.

In 1999, Congress enacted H.R. 1887 to criminalize the commercial creation, sale, or possession of these heinous videos. However, in April of this year, the Supreme Court struck down as unconstitutional this Federal statute. The court held that the language of the statute was overly broad and would have extended to legitimate activities.

In response, Congressman GALLEGLY introduced and I cosponsored The Prevention of Interstate Commerce in Animal Crush Videos Act. This legislation amends the Federal criminal code to cure the defects in the Federal statute. The bill prohibits a person from knowingly selling or distributing an animal crush video in interstate or foreign commerce for the purpose of commercial advantage of private financial gain. This legislation also excludes from its scope the sale or distribution of any visual depiction of hunting, trapping, fishing, or customary and normal veterinary or agricultural husbandry practices.

In addition, the bill narrows the definition of "Animal Crush Video" to make clear that it is not targeting legitimate products and to tie the activity to the violation of a state or Federal law.

I believe it is important to stop these heinous activities, and I support this legislation that more effectively targets these crimes without affecting other, legitimate activities like hunting and fishing videos.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H.R. 5566, Prevention of Interstate Commerce in Animal Crush Videos Act of 2010. As a cosponsor of this bill, I know how important it is to pass this piece of legislation to protect animals from being abused for crush videos.

Mohandas Gandhi once said "The greatness of a nation and its moral progress can be judged by the way its animals are treated." This wise man was correct; and we must uphold our nation's moral standards by protecting our animals. Animal crush videos depict conduct in which a living animal is intentionally maimed, mutilated, tortured, wounded or killed. In 1999, Congress passed a law outlawing the creation and trafficking of these videos. Recently, however, the Supreme Court struck down that law on first amendment grounds; arguing that law covered too much speech. This legislation was written, in response to the Supreme Court ruling, to narrowly outlaw animal crush videos while preserving all American's first amendment rights. I support this bill because animal crush videos depict living animals being tortured for human gratification. While all Americans have the right to free speech and expression, I can not in good conscience use the first amendment to justify allowing torture and abuse of animals.

I urge my colleagues to support this bill.

Mr. FARR. Mr. Speaker, I rise today in strong support of H.R. 5566, the Prevention of Interstate Commerce in Animal Crush Videos Act of 2010. This bill will ban the sale and distribution of so-called animal crush videos. In reality, they are shocking displays of animal cruelty.

This bill was introduced in response to the Supreme Court's decision in *U.S. v. Stevens* to strike down a previous law that banned these videos, as unconstitutional. The sponsor of the new bill, Congressman GALLEGLY, worked with law and constitutional scholars to ensure that this bill is narrowly tailored to be able to survive strict First Amendment scrutiny while still banning the sale and distribution of these horrific videos.

Additionally, for the opponents out there who incorrectly object to the bill on the grounds that it may restrict hunting and fishing rights, the bill clarifies that depictions of hunting, fishing, trapping and common animal husbandry practices are exempt.

As many of my colleagues know, I have had a lifelong love and compassion for animals of all kinds. That is why I am simply shocked at the cruelty exhibited in these videos. What upsets me more is that there is an audience out there that enjoys the brutality depicted in these videos.

I supported the original legislation that banned the depiction of animal cruelty in the 106th Congress. Today I want to strongly add my support to H.R. 5566, the Prevention of Interstate Commerce in Animal Crush Videos Act of 2010.

Mr. Speaker, it is past time that this inhumane and cruel practice is once and for all put to an end.

Mr. SCOTT of Virginia. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HIMES). The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 5566, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GALLEGLY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1910

CELL PHONE CONTRABAND ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1749) to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cell Phone Contraband Act of 2010".

SEC. 2. WIRELESS DEVICES IN PRISON.

Section 1791 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "or (d)(1)(E)" and inserting ", (d)(1)(E), or (d)(1)(F)"; and

(B) in paragraph (5), by striking "(d)(1)(F)" and inserting "(d)(1)(G)"; and

(2) in subsection (d)(1)—

(A) in subparagraph (E), by striking "and" at the end;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

"(F) a phone or other device used by a user of commercial mobile service (as defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))) in connection with such service; and".

SEC. 3. GAO STUDY.

Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to Congress with research and findings on the following issues:

(1) A study of telephone rates within Federal prisons to include information on interstate, intrastate and collect calls made by prisoners, including—

(A) the costs of operating inmate telephone services;

(B) the general cost to prison telephone service providers of providing telephone services to the Federal prisons;

(C) the revenue obtained from inmate telephone systems;

(D) how the revenue from these systems is used by the Bureau of Prisons; and

(E) options for lowering telephone costs to inmates and their families, while still maintaining sufficient security.

(2) A study of selected State and Federal efforts to prevent the smuggling of cell phones and other wireless devices into prisons, including efforts that selected State and Federal authorities are making to minimize trafficking of cell phones by guards and other prison officials and recommendations to reduce the number of cell phones that are trafficked into prisons.

(3) A study of cell phone use by inmates in selected State and Federal prisons, including—

(A) the quantity of cell phones confiscated by authorities in selected State and Federal prisons; and

(B) the reported impact, if any, of (1) inmate cell phone use on the overall security of prisons and (2) connections to criminal activity from within prisons.

SEC. 4. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, the Cell Phone Contraband Act of 2010 will address an ongoing problem of cell phones being smuggled into prisons by visitors and prison guards. Prison inmate cell phone accessibility has resulted in offenders facilitating and committing crimes with the use of the cell phones. Gangs have also become far more organized because members in prison have cell phone access.

S. 1749 amends Federal law to make cell phones and similar devices contraband that Federal prisoners are prohibited from possessing. Some have argued that cell phone smuggling is a direct reaction to the outrageous costs inmates and their families pay for telephone calls while a person is incarcerated. Prisons and jails require that inmates call their families collect or pay for calls with their prison accounts.

And, indeed, phone companies charge much more for calls from prisons than they charge for calls made from outside prison. For example, one organization found that a 15-minute collect call made from San Quentin Prison to Oakland, both in California, would cost \$5; whereas, the same collect call made from outside the prison would be about \$2.55. That's for a collect call. It would be even cheaper if a reliable way were established for inmates to pay for their own calls.

S. 1749 requires the GAO to study the issue of exorbitant prison telephone rates and the gulf between those rates as the first step to finally bringing those rates down to reasonable levels so that inmates and their families have a much easier time staying in touch. In addition, the study will look at State and Federal efforts to prevent smuggling of cell phones into prisons and jails.

Although we should not allow prisoners to have access to cell phones while incarcerated, it is appropriate to provide them with telephone service at reasonable rates in order for them to maintain ties with their families and children.

I urge my colleagues to support this important legislation, and I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

The use of illegal cell phones by prisoners is on the rise. In California, for example, news stories report that the number of cell phones confiscated in prisons doubled from 2007 to 2008. In 2008, over 2,800 cell phones were found in California, but more than 2,800 were found just in the first 6 months of 2009. The Alabama Department of Corrections found more than 3,000 cell phones in 2009. In fact, there were more cell phones than any other type of contraband found in all of Alabama prisons.

Other State prison systems are experiencing the same increase in the number of contraband cell phones. As a result, many States are considering legislation that specifically prohibits prisoners from possessing cell phones in State prisons.

S. 1749 takes a step in the same direction at the Federal level. S. 1749, the Cell Phone Contraband Act of 2010, does two things. First, the bill makes it a crime for Federal prisoners to possess cell phones. Second, the bill directs the GAO to study the cost and use of landlines and smuggled cell phones in Federal and selected State prisons and jails.

This legislation is timely. Inmates use smuggled cell phones to coordinate drug deals on the outside, also, gang violence and other crimes, all committed outside the prison by use of smuggled cell phones to coordinate this activity that are used in the prison system.

Last year, an inmate in Maryland was accused of using a cell phone to ar-

range a murder of a witness who had testified against him at a trial. And in 2008, a condemned murderer on death row in my home State of Texas used a smuggled cell phone to threaten a State senator. That State senator happened to be the chairman of the Criminal Justice Committee in the State senate. Since that time, at least nine death row inmates in Texas were found to be in possession of contraband cell phones.

I don't personally think that inmates should have such open access to cell phones at all in State prisons.

To get more data on this issue, S. 1749 directs the General Accountability Office, or the GAO, to study the costs and revenues associated with the operation of landline telephones in the prison system. The study will examine select State and Federal efforts to prevent the smuggling of cell phones and other wireless devices into prisons, including efforts made to minimize trafficking of cell phones by prison guards, who are the number one source of getting cell phones in the penitentiary, and also other officials.

News stories report that prison guards are a major means in which cell phones are smuggled into prison, and prisoners pay anywhere from \$300 for a normal cell phone and up to \$1,000 for the smartphone. A prison guard in California made \$100,000 just dealing in cell phones in the penitentiary.

It's my hope and expectation that the GAO study will help Congress and the States in the effort to combat the smuggling of cell phones into penitentiaries.

I support S. 1749. I'm also a cosponsor of another piece of legislation dealing with this specific issue, H.R. 560, the Safe Prisons Communications Act of 2009. This was introduced by my colleague from the Woodlands, Texas, area, KEVIN BRADY. This bill would allow the State or the Federal Bureau of Prisons to petition the FCC to permit them to use devices that jam cell phone signals within the prison boundary. Prisoners would then have no use for a smuggled cell phone as they would not work within the prison confinement. Along with making cell phone possession a crime, I believe Congress should also look at Mr. BRADY's bill, H.R. 560, as a way to prevent the use of cell phones in the penitentiary.

I urge all Members to support S. 1749.

Mr. BRADY of Texas. Mr. Speaker, no one disagrees prisoners shouldn't have cell phones. Prisons ban them already. But some prisoners have a habit of getting around the rules—even if it's a federal crime. And it's a dangerous problem. In Texas, we've had cases where prisoners on death row made threatening calls to victims, prosecutors and their families.

Senator FEINSTEIN's bill takes a baby step—but little more. We need to give our prison officials a more reliable weapon. The answer is

allowing them to use devices that jam the cell signals—making it impossible for the phones to even work.

We have the technology to do this and do it in a way that doesn't interfere with legitimate use—such as for communities that live nearby.

I've introduced legislation, H.R. 560, the Safe Prisons Communications Act, that would create a process whereby a State or prison could petition the FCC to allow them to use the jamming devices, which are currently prohibited. This bill would save lives, and give our prisons the tools they need to really combat this problem.

I ask my House colleagues to support bringing my legislation to the floor.

Mr. GOODLATTE. Mr. Speaker, I rise in support of the Cell Phone Contraband Act.

The illegal use of wireless phones in prisons is a serious problem. Smuggled cell phones are used by prisoners to maintain connections with their criminal enterprises beyond prison walls and even to commit crimes from within prison.

A recent Washington Post article reported the following incidents:

A drug dealer behind bars in Maryland used a phone to arrange to have a witness assassinated outside his home last summer.

In Kansas, a convicted killer sneaked out of prison after planning the 2006 escape using a cell phone smuggled by an accomplice. The following year, two inmates escaped another Kansas prison with the help of a former guard and a smuggled cell phone.

California prison officials confiscated about 2,800 cell phones statewide in 2008, double the number discovered the year before.

The Cell Phone Contraband Act makes it a crime for Federal prisoners to possess cell phones while incarcerated. The bill also directs the GAO to study the cost and use of landlines and smuggled cell phones in Federal and selected State prisons and jails. The study will additionally examine selected State and Federal efforts to prevent the smuggling of cell phones and other wireless devices into prisons, including efforts made to minimize trafficking of cell phones by prison guards and other officials.

This is a commonsense bill to ensure that when criminals are locked up, their ability to harm citizens is completely cut off. This legislation will send a strong signal to those that either smuggle or receive contraband cell phones that they will be held accountable.

Mr. POE of Texas. I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, S. 1749, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CHILD PROTECTION IMPROVEMENTS ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1469) to amend the National Child Protection Act of 1993 to establish a permanent background check system, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Child Protection Improvements Act of 2010”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In 2006, 61,200,000 adults (a total of 26.7 percent of the population) contributed a total of 8,100,000,000 hours of volunteer service. Of those who volunteer, 27 percent dedicate their service to education or youth programs, or a total of 16,500,000 adults.

(2) Assuming recent incarceration rates remain unchanged, an estimated 6.6 percent of individuals in the United States will serve time in prison for a crime during their lifetime. The Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation maintains fingerprints and criminal history records on more than 65,000,000 individuals, many of whom have been arrested or convicted multiple times.

(3) A study released in 2002, found that, of individuals released from prison in 15 States in 1994, an estimated 67.5 percent were rearrested for a felony or serious misdemeanor within 3 years. Three-quarters of those new arrests resulted in convictions or a new prison sentence.

(4) Given the large number of individuals with criminal history records and the vulnerability of the population they work with, human service organizations that work with children need an effective and reliable means of obtaining relevant information about criminal histories in order to determine the suitability of a potential volunteer or employee.

(5) The large majority of Americans (88 percent) favor granting youth-serving organizations access to conviction records for screening volunteers and 59 percent favored allowing youth-serving organizations to consider arrest records when screening volunteers. This was the only use for which a majority of those surveyed favored granting access to arrest records.

(6) Congress has previously attempted to ensure that States make Federal Bureau of Investigation criminal history background checks available to organizations seeking to screen employees and volunteers who work with children, the elderly, and individuals with disabilities, through the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.) and the Volunteers for Children Act (Public Law 105–251; 112 Stat. 1885). However, according to a June 2006 report from the Attorney General, these laws “did not have the intended impact of broadening the availability of NCPA checks.” A 2007 survey conducted by MENTOR/National Mentoring Partnership found that only 18 States allowed youth mentoring organizations to access nationwide Federal Bureau of Investigation background searches.

(7) Even when accessible, the cost of a criminal history background check can be prohibitively expensive, ranging from \$5 to

\$75 for a State fingerprint check, plus the Federal Bureau of Investigation fee, which ranges from \$15.25 to \$30.25, depending on the method of processing, for a total of between \$21 and \$99 for each volunteer or employee.

(8) Delays in processing such checks can also limit their utility. While the Federal Bureau of Investigation processes all civil fingerprint requests in less than 24 hours, State response times vary widely, and can take as long as 42 days.

(9) The Child Safety Pilot Program under section 108 of the PROTECT Act (42 U.S.C. 5119a note) revealed the importance of performing fingerprint-based Federal Bureau of Investigation criminal history background checks. Of 68,000 background checks performed through the pilot program as of May 2009, 6 percent of volunteer applicants were found to have a criminal history of concern, including very serious offenses such as sexual abuse of minors, assault, child cruelty, murder, and serious drug offenses.

(10) In an analysis performed on the volunteers screened by the Child Safety Pilot Program, it was found that over 41 percent of the individuals with criminal histories had committed an offense in a State other than the State in which they were applying to volunteer, meaning that a State-only search would not have found relevant criminal results. In addition, even though volunteers knew a background check was being performed, over 50 percent of the individuals found to have a criminal history falsely indicated on their application form that they did not have a criminal history.

(11) The Child Safety Pilot Program also demonstrates that timely and affordable background checks are possible, as background checks under that program are completed within 3 to 5 business days at a cost of \$18.

SEC. 3. BACKGROUND CHECKS.

The National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.) is amended—

(1) by redesignating section 5 as section 6; and

(2) by inserting after section 4 the following:

“SEC. 5. PROGRAM FOR NATIONAL CRIMINAL HISTORY BACKGROUND CHECKS FOR CHILD-SERVING ORGANIZATIONS.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘background check designee’ means the entity or organization, if any, designated by or entering an agreement with the Attorney General under subsection (b)(3)(A) to carry out or assist in carrying out the duties described in subsection (c);

“(2) the term ‘child’ means an individual who is less than 18 years of age;

“(3) the term ‘covered entity’ means a business or organization, whether public, private, for-profit, nonprofit, or voluntary that provides care, care placement, supervision, treatment, education, training, instruction, or recreation to children, including a business or organization that licenses, certifies, or coordinates individuals or organizations to provide care, care placement, supervision, treatment, education, training, instruction, or recreation to children;

“(4) the term ‘covered individual’ means an individual—

“(A) who has, seeks to have, or may have unsupervised access to a child served by a covered entity; and

“(B) who—

“(i) is employed by or volunteers with, or seeks to be employed by or volunteer with, a covered entity; or

“(ii) owns or operates, or seeks to own or operate, a covered entity;

“(5) the term ‘criminal history review designee’ means an entity or organization, if any, designated by or entering an agreement with the Attorney General under subsection (b)(3)(B) to carry out or assist in carrying out the criminal history review program;

“(6) the term ‘criminal history review program’ means the program established under subsection (b)(1)(B);

“(7) the term ‘identification document’ has the meaning given that term in section 1028 of title 18, United States Code;

“(8) the term ‘participating entity’ means a covered entity that is—

“(A) located in a State that does not have a qualified State program; and

“(B) approved under subsection (f) to receive nationwide background checks in accordance with subsection (c) and participate in the criminal history review program;

“(9) the term ‘qualified State program’ means a program of a State authorized agency that the Attorney General determines is meeting the standards identified in subsection (b)(2) to ensure that a wide range of youth-serving organizations have affordable and timely access to nationwide background checks;

“(10) the term ‘open arrest’ means an arrest relating to which charges may still be brought, taking into consideration the applicable statute of limitations;

“(11) the term ‘pending charge’ means a criminal charge that has not been resolved through conviction, acquittal, dismissal, plea bargain, or any other means;

“(12) the term ‘State’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau; and

“(13) the term ‘State authorized agency’ means a division or office of a State designated by that State to report, receive, or disseminate criminal history information.

“(b) ESTABLISHMENT OF PROGRAM.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Child Protection Improvements Act of 2010, the Attorney General shall—

“(A) establish policies and procedures to carry out the duties described in subsection (c); and

“(B) establish a criminal history review program in accordance with subsection (d).

“(2) ASSESSMENTS.—The Attorney General shall conduct—

“(A) an annual assessment of each State authorized agency to determine whether the agency operates a qualified State program, including a review of whether the State authorized agency—

“(i) has designated a wide range of covered entities as eligible to submit State criminal background check requests and nationwide background check requests to the State authorized agency;

“(ii) charges a covered entity not more than a total of \$25 and the fee charged by the Federal Bureau of Investigation for a nationwide background check; and

“(iii) returns requests for State criminal background checks and nationwide background checks to a covered entity not later than 10 business days after the date on which the request was made; and

“(B) in addition to an annual assessment under subparagraph (A), an assessment described in that subparagraph of a State authorized agency if—

“(i) a State authorized agency that does not have a qualified State program requests such an assessment; or

“(ii) the Attorney General receives reports from covered entities indicating that a State authorized agency that has a qualified State program no longer meets the standards described in subparagraph (A).

“(3) **DESIGNEES.**—The Attorney General may—

“(A) designate one or more Federal government agencies or enter into an agreement with any other entity or organization, or entities or organizations to carry out or assist in carrying out the duties described in subsection (c); and

“(B) designate a Federal government agency or enter into an agreement with 1 or more Federal, State, or local government agencies to carry out or assist in carrying out the criminal history review program.

“(c) **ACCESS TO NATIONWIDE BACKGROUND CHECKS.**—

“(1) **PURPOSE.**—The purpose of this section is to streamline the process of obtaining nationwide background checks, provide effective customer service, and facilitate widespread access to nationwide background checks by participating entities.

“(2) **DUTIES.**—The Attorney General or the background check designee shall—

“(A) handle inquiries from covered entities and inform covered entities about how to request nationwide background checks—

“(i) for a covered entity located in a State with a qualified State program, by referring the covered entity to the State authorized agency; and

“(ii) for a covered entity located in a State without a qualified State program, by providing information on the requirements to become a participating entity;

“(B) provide participating entities with access to nationwide background checks on covered individuals in accordance with this section;

“(C) receive paper and electronic requests for nationwide background checks on covered individuals from participating entities;

“(D) to the extent practicable, negotiate an agreement with each State authorized agency under which—

“(i) that State authorized agency shall conduct a State criminal background check within the time periods specified in subsection (e) in response to a request from the Attorney General or the background check designee and provide criminal history records to the Attorney General or the criminal history review designee; and

“(ii) a participating entity may elect to obtain a State criminal background check, in addition to a nationwide background check, through 1 unified request to the Attorney General or the background check designee;

“(E) convert all paper fingerprint cards into an electronic form and securely transmit all fingerprints electronically to the national criminal history background check system and, if appropriate, the State authorized agencies;

“(F) collect a fee to conduct the nationwide background check, and, if appropriate, a State criminal background check, and remit fees to the Attorney General or the criminal history review designee, the Federal Bureau of Investigation, and, if appropriate, the State authorized agencies; and

“(G) coordinate with the Federal Bureau of Investigation, participating State authorized agencies, and the Attorney General or the criminal history review designee to ensure that background check requests are being

completed within the time periods specified in subsection (e).

“(3) **REQUIRED INFORMATION.**—A request for a nationwide background check by a participating entity shall include—

“(A) the fingerprints of the covered individual, in paper or electronic form;

“(B) a photocopy of a valid identification document; and

“(C) a statement completed and signed by the covered individual that—

“(i) sets out the covered individual's name, address, and date of birth, as those items of information appear on a valid identification document, and demographic characteristics defined at subsection (j)(2)(A);

“(ii) notifies the covered individual that the Attorney General and, if appropriate, a State authorized agency may perform a criminal history background check and that the signature of the covered individual on the statement constitutes an acknowledgment that such a check may be conducted;

“(iii) notifies the covered individual that the signature of the covered individual constitutes consent to participate in the criminal history review program, under which the participating entity may be informed if the criminal history records of the covered individual reveal a criminal history that warrants special concern or further inquiry;

“(iv) notifies the covered individual that the covered individual shall be provided with a copy of the criminal history records of the covered individual and shall have 10 business days to review the records, challenge the accuracy or completeness of any information in the records, or withdraw consent to participate in the criminal history review program before any information about the criminal history of the covered individual is provided to the participating entity; and

“(v) notifies the covered individual that prior to and after the completion of the background check, the participating entity may choose to deny the covered individual access to children.

“(4) **FEES.**—

“(A) **IN GENERAL.**—The Attorney General or the background check designee may collect a fee to defray the costs of carrying out the duties described in this subsection, the costs of the Federal Bureau of Investigation and State and local agencies in resolving the accuracy of criminal history records of covered individuals, and the duties of the criminal history review designee under this section—

“(i) for a nationwide background check and criminal history review, in an amount not to exceed the lesser of—

“(I) the sum of—

“(aa) the actual cost to the Attorney General or the background check designee of conducting a nationwide background check; and

“(bb) the actual cost to the Attorney General or the criminal history review designee of conducting a criminal history review under this section; or

“(II) to the extent practicable, no greater than \$25 for a covered individual who volunteers with a covered entity except that where practicable the fee may be waived by the Attorney General upon a showing of substantial hardship; and

“(ii) for a State criminal background check described in paragraph (2)(D), in the amount specified in the agreement with the applicable State authorized agency, not to exceed \$25.

“(B) **PROHIBITION ON FEES.**—

“(i) **IN GENERAL.**—A participating entity may not charge another entity or individual

a surcharge to access a background check conducted under this section.

“(ii) **VIOLATION.**—The Attorney General shall bar any participating entity that the Attorney General determines violated clause (i) from submitting background checks under this section.

“(d) **CRIMINAL HISTORY REVIEW PROGRAM.**—

“(1) **PURPOSE.**—The purpose of the criminal history review program is to provide participating entities with reliable and accurate information regarding whether a covered individual has been convicted of, or has an open arrest or pending charges for, a crime that may bear upon the fitness of the covered individual to have responsibility for the safety and well-being of the children in their care.

“(2) **REQUIREMENTS.**—The Attorney General or the criminal history review designee shall—

“(A) establish procedures to securely receive criminal history records from the Federal Bureau of Investigation, if necessary, and from State authorized agencies, if appropriate;

“(B) after receiving a criminal history record from the Federal Bureau of Investigation transmit to the covered individual—

“(i) the criminal history records;

“(ii) a detailed notification of the rights of the covered individual under subsection (g); and

“(iii) information about how to contact the Attorney General or criminal history review designee for the purpose of challenging the accuracy or completeness of any information in the criminal history record or to withdraw consent to participate in the criminal history review program;

“(C) if the covered individual informs the Attorney General or criminal history review designee that the covered individual intends to challenge the accuracy or completeness of any information in the criminal history record, assist the covered individual in contacting the appropriate persons or offices within the Federal Bureau of Investigation or State authorized agency;

“(D) make determinations regarding whether the criminal history records received in response to a criminal history background check conducted under this section indicate that the covered individual has a criminal history that may bear on the covered individual's fitness to provide care to children, based solely on the criteria described in paragraph (3);

“(E) unless the covered individual has withdrawn consent to participate in the criminal history review program, convey to the participating entity that submitted the request for a nationwide background check—

“(i) which of the 3 categorizations described in paragraph (3) criminal conviction of special concern identified, further inquiry recommended, or no criminal records of special concern identified apply to the covered individual;

“(ii) information and guidance relating to the appropriate use of criminal history information when making decisions regarding hiring employees and using volunteers;

“(iii) if a criminal history that meets the criteria set forth in subparagraph (A) or (B) of paragraph (3) is found, a recommendation to the participating entity to consult with the covered individual in order to obtain more information about the criminal history of the covered individual, and a list of factors to consider in assessing the significance of that criminal history, including—

“(I) the nature, gravity, and circumstances of the offense, including whether the individual was convicted of the offense;

“(II) the period of time that has elapsed since the date of the offense or end of a period of incarceration or supervised release;

“(III) the nature of the position held or sought; and

“(IV) any evidence of rehabilitation; and

“(iv) instructions and guidance that, in evaluating the considerations described in clause (iii), the participating entity should consult the Equal Employment Opportunity Commission Policy Statement on the Issue of Conviction Records under Title VII of the Civil Rights Act or any successor thereto issued by the Equal Employment Opportunity Commission;

“(F) if a covered individual has withdrawn consent to participate in the criminal history review program, inform the participating entity that consent has been withdrawn;

“(G) work with the Attorney General or the background check designee and the Federal Bureau of Investigation to develop processes and procedures to ensure that criminal history background check requests are completed within the time periods specified in subsection (e); and

“(H) serve as a national resource center to provide guidance and assistance to participating entities on how to interpret criminal history information, the possible restrictions that apply when making hiring decisions based on criminal histories, and other related information.

“(3) CRIMINAL HISTORY REVIEW CRITERIA.—The Attorney General or the criminal history review designee shall, in determining when a criminal history record indicates that a covered individual has a criminal history that may bear on the fitness of the covered individual to provide care to children—

“(A) assign a categorization of criminal conviction of special concern identified if a covered individual is found to have a conviction that would prevent the individual from being approved as a foster or adoptive parent under section 471(a)(20)(A) of the Social Security Act (42 U.S.C. 671(a)(20)(A));

“(B) assign a categorization of further inquiry recommended if a covered individual is found to have—

“(i) a conviction for a serious misdemeanor, committed against a child, involving the same type of conduct prohibited by a felony described in section 471(a)(20)(A) of the Social Security Act (42 U.S.C. 671(a)(20)(A));

“(ii) a conviction for a serious misdemeanor, not committed against a child, involving the same type of conduct prohibited by a felony described in section 471(a)(20)(A) of the Social Security Act (42 U.S.C. 671(a)(20)(A)) unless 5 years has elapsed since the later of the date of conviction and the date of release of the person from imprisonment for that conviction;

“(iii) an open arrest or pending charge for a felony described in, or a serious misdemeanor involving the same type of conduct prohibited by a felony described in, section 471(a)(20)(A) of the Social Security Act (42 U.S.C. 671(a)(20)(A)); and

“(C) assign a categorization of no criminal records of special concern identified for a covered individual that does not meet the criteria described in subparagraph (A) or (B).

“(e) TIMING.—

“(1) IN GENERAL.—Unless exceptional circumstances apply, criminal background checks shall be completed according to the time frame under this subsection. The Attorney General or the background check designee shall work with the criminal history review designee and the Federal Bureau of

Investigation to ensure that the time limits under this subsection are being achieved.

“(2) APPLICATION PROCESSING.—The Attorney General or the background check designee shall electronically submit a national background check request to the Federal Bureau of Investigation and, if appropriate, the participating State authorized agency not later than 2 business days after the date on which a request for a national background check is received by the Attorney General or the background check designee.

“(3) CONDUCT OF BACKGROUND CHECKS.—The Federal Bureau of Investigation and, if appropriate, a State authorized agency shall provide criminal history records to the Attorney General or the criminal history review designee not later than 2 business days after the date on which the Federal Bureau of Investigation or State authorized agency, as the case may be, receives a request for a nationwide background check from the Attorney General or the background check designee.

“(4) PROVISION OF RECORDS TO COVERED INDIVIDUALS AND OPPORTUNITY TO CHALLENGE.—When the Attorney General or the criminal history review designee finds that a covered individual's criminal history records fall with the categorizations described in subparagraph (A) or (B) of subsection (d)(3), the Attorney General or criminal history review designee shall provide the covered individual with the criminal history records of the covered individual and a detailed notification of the rights of the covered individual under subsection (g) not later than 1 business day after the date on which the Attorney General or criminal history review designee receives a criminal history record from the Federal Bureau of Investigation and, if necessary, resolves any potentially incomplete information in accordance with subsection (d)(2)(B). The covered individual shall have 10 business days from the date sent to challenge the accuracy or completeness of any information in the criminal history record or to withdraw consent to participate in the criminal history review program.

“(5) CRIMINAL HISTORY REVIEWS.—Unless the Federal Bureau of Investigation certifies that further time is required to resolve a challenge brought by a covered individual, the Attorney General or the criminal history review designee shall convey to the participating entity the information set forth in subparagraph (F) or (G) of subsection (d)(2), as appropriate, 10 business days after providing the covered individuals with the criminal history records of the covered individual and a notification of their rights under subsection (g).

“(f) PARTICIPATION IN PROGRAM.—

“(1) IN GENERAL.—The Attorney General or the background check designee shall determine whether an entity is a covered entity and whether that covered entity should be approved as a participating entity, based on—

“(A) whether the entity is located in a State that has a qualified State program; and

“(B) the consultation conducted under paragraph (2).

“(2) CONSULTATION.—In determining how many covered entities to approve as participating entities, the Attorney General or the background check designee shall consult quarterly with the Federal Bureau of Investigation and the criminal history review designee to determine the volume of requests for national background checks that can be completed, based on the capacity of the criminal history review program and the

Federal Bureau of Investigation, the availability of resources, and the demonstrated need for national background checks in order to protect children.

“(3) PREFERENCE FOR NONPROFIT ORGANIZATIONS.—In determining whether a covered entity should be approved as a participating entity under paragraph (1), the Attorney General or the background check designee shall give preference to any organization participating in the Child Safety Pilot Program under section 108(a)(3) of the PROTECT Act (42 U.S.C. 5119a note) on the date of enactment of the Child Protection Improvements Act of 2010 and to any other nonprofit organizations.

“(g) RIGHT OF COVERED INDIVIDUALS TO CHALLENGE ACCURACY OR COMPLETENESS OF RECORDS.—A covered individual who is the subject of a nationwide background check under this section may challenge the accuracy and completeness of the criminal history records in the criminal history report as provided in subsection (d)(2)(D), without submitting a separate set of fingerprints or an additional fee.

“(h) DUTIES OF THE FEDERAL BUREAU OF INVESTIGATION.—

“(1) RESPONSE TO A REQUEST FOR CRIMINAL BACKGROUND RECORDS.—Upon request by the Attorney General or background check designee, the Federal Bureau of Investigation shall conduct a nationwide background check and provide any criminal history records to the Attorney General or criminal history review designee.

“(2) RESOLUTION OF CHALLENGES.—If a covered individual challenges the accuracy or completeness of any information in the criminal history record of the covered individual, the Federal Bureau of Investigation, in consultation with the agency that contributed to the record, shall—

“(A) investigate the challenge with relevant departments and agencies of the Federal Government and State and local governments;

“(B) promptly make a determination regarding the accuracy and completeness of the challenged information; and

“(C) correct any inaccurate or incomplete records.

“(i) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to the Attorney General for each of fiscal years 2011 through 2014 such sums as are necessary to carry out the provisions of this Act.

“(2) SENSE OF THE HOUSE.—It is the sense of the House of Representatives that in fiscal year 2011, and each fiscal year thereafter, the fees collected by the Attorney General or the background check designee should be sufficient to carry out the duties of the Attorney General or the background check designee under this section and to help support the criminal history review program.

“(j) COLLECTION OF DATA AND REPORT TO CONGRESS.—

“(1) IN GENERAL.—Not later than 1 year after the establishment of the program created under subsection (b), and annually thereafter, the Attorney General shall prepare and submit to Congress and make available to the public a report on the programs and procedures established under this Act.

“(2) COLLECTION OF DATA.—

“(A) DEFINITION OF DEMOGRAPHIC CHARACTERISTICS.—In this paragraph, the term ‘demographic characteristics’ includes information pertaining to race, color, ancestry, national origin, age, sex, and marital status.

“(B) COMPILING.—Beginning within 90 days after the establishment of the program under

subsection (b), the Attorney General shall compile data regarding—

“(i) the number and types of participating entities;

“(ii) the fees charged to participating entities under this section;

“(iii) the time interval between nationwide background check submissions and responses under this section;

“(iv) the fiscal impact of this section on State authorized agencies;

“(v) the number and demographic characteristics of covered individuals submitting a statement described in subsection (c)(3)(A)(iii) as part of a request for a nationwide background check;

“(vi) the number and demographic characteristics of covered individuals determined to have a criminal history;

“(vii) the number, type (including the identity of the offense and whether the offense was committed while the covered individual was a juvenile or adult), and frequency of offenses, and length of the period between the date of the offense and the date of the nationwide background check for any covered individuals found to have a criminal history under this section;

“(viii) the procedures available for covered individuals to challenge the accuracy and completeness of criminal history records under this section;

“(ix) the number and results of challenges to the accuracy and completeness of criminal history records under this section;

“(x) the number and types of corrections of erroneous criminal history records based on a challenge under this section; and

“(xi) the number and types of inquiries for assistance on interpreting a criminal history received by the criminal history review program.

“(C) AGGREGATING DATA.—The Attorney General shall—

“(i) aggregate the data collected under this paragraph by State and city; and

“(ii) aggregate the data collected under clauses (v), (vi), and (vii) of subparagraph (B) by race, color, ancestry, national origin, age, sex, and marital status.

“(D) REPORTS.—

“(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Child Protection Improvements Act of 2010, and annually thereafter, the Attorney General shall prepare and submit to Congress a report concerning the data compiled and aggregated under this paragraph.

“(ii) CONTENTS.—Each report submitted under clause (i) shall contain—

“(I) the data compiled and aggregated under this paragraph, organized in such a way as to provide a comprehensive analysis of the programs and procedures established under this section;

“(II) information regarding and analysis of—

“(aa) the programs and procedures established under this section; and

“(bb) the extent such programs and procedures have helped screen individuals who may pose a risk to children; and

“(III) information regarding and analysis of whether and to what extent the programs and procedures established under this section are having a disparate impact on individuals based on race, color, ancestry, national origin, age, sex, or marital status.

“(iii) RECOMMENDATIONS.—A report submitted under clause (i) may contain recommendations to Congress on possible legislative improvements to this section.

“(iv) ADDITIONAL INFORMATION.—Upon the request of any member of Congress, the At-

torney General shall make available any of the data compiled or aggregated under this paragraph. The Attorney General shall not make available any data that identifies specific individuals.

“(K) LIMITATION ON LIABILITY.—

“(1) IN GENERAL.—

“(A) FAILURE TO CONDUCT CRIMINAL BACKGROUND CHECKS.—No participating entity shall be liable in an action for damages solely for failure to conduct a criminal background check on a covered individual.

“(B) FAILURE TO TAKE ADVERSE ACTION AGAINST COVERED INDIVIDUAL.—No participating entity shall be liable in an action for damages solely for a failure to take action adverse to a covered individual upon receiving any notice of criminal history from the Attorney General or the criminal history review designee under subsection (d)(2)(F).

“(2) RELIANCE.—A participating entity that reasonably relies on criminal history records received in response to a background check under this section shall not be liable in an action for damages based on the inaccuracy or incompleteness of that information.

“(3) CRIMINAL HISTORY REVIEW PROGRAM.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C) the background check designee and the criminal history review designee, including a director, officer, employee, or agent of the background check designee, or the criminal history review designee, shall not be liable in an action for damages relating to the performance of the responsibilities and functions of the background check designee and the criminal history review designee under this section.

“(B) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subparagraph (A) shall not apply in an action if the background check designee, or the criminal history review designee, or a director, officer, employee, or agent of the background check designee, or the criminal history review designee, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard to a substantial risk of causing injury without legal justification, or for a purpose unrelated to the performance of responsibilities or functions under this section.

“(C) ORDINARY BUSINESS ACTIVITIES.—Subparagraph (A) shall not apply to an act or omission relating to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.

“(4) CIVIL CLAIMS OF DAMAGES.—Nothing in this subsection shall apply in actions for damages based upon title VII of the Civil Rights Act of 1964 or the Fair Credit Report Act.

“(1) PRIVACY OF INFORMATION.—

“(1) PROHIBITION ON UNAUTHORIZED DISCLOSURE OR USE OF CRIMINAL HISTORY RECORDS.—Except for a covered individual, any entity or individual authorized to receive or transmit fingerprints or criminal history records under this Act—

“(A) shall use the fingerprints, criminal history records, or information in the criminal history records only for the purposes specifically set forth in this Act;

“(B) shall allow access to the fingerprints, criminal history records, or information in the criminal history records only to those employees of the entity, and only on such terms, as are necessary to fulfill the purposes set forth in this Act;

“(C) shall not disclose the fingerprints, criminal history records, or information in the criminal history records, except as specifically authorized under this Act;

“(D) shall keep a written record of each authorized disclosure of the fingerprints, crimi-

nal history records, or the information in the criminal history records; and

“(E) shall maintain adequate security measures to ensure the confidentiality of the fingerprints, the criminal history records, and the information in the criminal history records.

“(2) COMPLIANCE.—

“(A) IN GENERAL.—The Attorney General shall promulgate regulations to ensure the enforcement of the nondisclosure requirements under paragraph (1) and to provide for appropriate sanctions in the case of violations of the requirements.

“(B) PARTICIPATING ENTITIES AND DESIGNEES.—The participation in any program under this section by an entity or organization that enters into an agreement with the Attorney General to carry out the duties described in subsection (c) or to carry out the criminal history review program shall be conditioned on the person—

“(i) establishing procedures to ensure compliance with, and respond to any violations of, paragraph (1); and

“(ii) maintaining substantial compliance with paragraph (1).

“(3) DESTRUCTION OF RECORDS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Attorney General, the background check designee, and the criminal history review designee shall destroy any fingerprints, either in paper or electronic form, or criminal history record received for the purpose of carrying out the provisions of this Act after any transaction based on the fingerprints or criminal history record is completed, and shall not maintain the fingerprints, the criminal history records, or the information in the criminal history record in any form. This paragraph shall not apply to the retention of fingerprints by the FBI, upon consent of the covered individual or in accordance with State or Federal procedures, for the purpose of providing fingerprint verification or subsequent hit notification services, or for the retention of criminal history record information which updates the criminal history record.

“(B) REPEAT APPLICANTS.—A covered individual may sign a release permitting the Attorney General or background check designee to retain the fingerprints of the covered individual for a period not to exceed 5 years, for the sole purpose of participating in the criminal history review program on a subsequent occasion.”.

SEC. 4. EXTENSION OF CHILD SAFETY PILOT.

Section 108(a)(3)(A) of the PROTECT Act (42 U.S.C. 5119a note) is amended—

(1) by striking “92-month”; and

(2) by adding at the end the following:

“‘The Child Safety Pilot Program under this paragraph shall terminate on the date that the program for national criminal history background checks for child-serving organizations established under the Child Protection Improvements Act of 2010 is operating and able to enroll any organization using the Child Safety Pilot Program.’”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include

extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, H.R. 1469, the Child Protection Improvements Act of 2009, will permanently authorize the National Child Safety Program.

Passed in 2003 as part of the PROTECT Act, the National Child Safety Pilot Program assists organizations in checking criminal records of volunteers before placing them as mentors with children. Every year, millions of Americans generously give their time and energy to volunteer and mentor children across the country. While most of these volunteers and mentors are only interested in being good role models to children, it is important that we are able to identify those who seek to do harm.

The National Child Safety Pilot Program has enabled youth-serving organizations to access the FBI's national fingerprint-based background check system since 2003. By providing access to the more comprehensive data in the FBI's database, rather than just the in-State background check that would otherwise be available, the program has helped to prevent child predators and sex offenders from getting access to children through legitimate mentoring programs.

□ 2020

Notably, 6 percent of checks have come back showing serious criminal records.

In a study of the pilot program, it was found that over 41 percent of the individuals with criminal histories had committed an offense in a State other than the State in which they were applying to be a volunteer. In these cases, a State-based search would not have provided a complete picture of the person's criminal record.

Over 50 percent of the individuals found to have a criminal history had falsely indicated on their application form that they did not have a criminal history, even when the volunteers knew a background check was going to be performed.

This is a noncontroversial fee-based program that has successfully provided invaluable information to mentoring organizations at no cost to taxpayers. It makes sense to now make the program permanent.

I want to thank my colleague from California (Mr. SCHIFF) for his hard work on this bill, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, children are our greatest resource in this country. As citi-

zens, as legislators, as parents and grandparents, it's our job to keep them safe, to be vigilant about protecting these children from those who wish to do them harm.

The Child Protection Improvements Act of 2010 goes a long way toward ensuring that our children are not harmed by those that they are told to trust. Specifically, this bill extends the Child Safety Pilot Program which provides a background check for volunteer organizations that work with children. The bill also creates a mechanism to replace the pilot program with a permanent background check system that will enroll any organization using the Child Safety Pilot Program.

Originally created in 2003 under the PROTECT Act, the Child Safety Pilot Program has been a proven and effective resource for protecting America's children. Of almost 90,000 background checks performed through the pilot program, 6 percent of volunteer applicants were found to have a criminal history of some concern. These included serious offenses such as sexual abuse of minors, assault, child cruelty, drug offenses, and even homicide.

Since inception of the Child Safety Pilot Program, over 42 percent of those with criminal histories had convictions in a State other than the State in which they were applying to volunteer. If the volunteer group had performed a search of only State records, many relevant criminal convictions would not have been identified. Access to the national criminal database is crucial to ensuring thorough background checks.

During a study of over 1,600 applicants, even though volunteers knew that they would be subjected to a background check, 50 percent or more of them lied on their applications about having a criminal history and, in fact, did have a record that contained criterion offenses. Of the applicants with criminal records, 22 percent had a different name reflected on their record than the one used when they had to volunteer.

Through the pilot program, nonprofit organizations that provide youth-focused care may request criminal history background checks from the FBI on applicants for volunteer or employee positions that entail working with children. The bill builds on the pilot program and would allow other child-serving organizations to better screen volunteers or employees.

Volunteer and other child-serving organizations across the country are working hard to provide safe learning and growing environments for our children. That means hiring professional and responsible employees without a criminal history. H.R. 1469 provides a permanent program that will help these groups do just that.

H.R. 1469 is supported by the Boys and Girls Clubs of America; the YMCA; the Salvation Army; Big Brothers, Big

Sisters of America; and Volunteers of America, as well as many other important organizations.

Many Members of this body are parents and grandparents first and Members of Congress second, and this legislation is critical to keeping America's children safe from predators and other criminals. If one less child becomes a victim of crime because of this program, then we have succeeded.

Mr. Speaker, with all the sophisticated information we have, if we are able to find out the criminal history of individuals, this act will allow us to do so.

I urge all my colleagues to join in supporting this important legislation.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. SCHIFF) a former prosecutor and the sponsor of the legislation.

Mr. SCHIFF. I thank the gentleman for yielding, and I thank Chairman SCOTT for his leadership on this issue.

Mr. Speaker, I rise in support of H.R. 1469, the Child Protection Improvements Act. I first introduced this legislation in 2007 with my colleague MIKE ROGERS of Michigan. The Child Protection Improvements Act would ensure that any mentoring organization or child-serving nonprofit will be able to obtain an affordable, fast, and accurate background check of a potential volunteer.

About 25 years ago, I began as a volunteer with Big Brothers, Big Sisters. Big Brothers paired me with an extraordinary young man named David. I've always said that I've learned as much or more from David as he ever learned from me. The experience also helped me understand the huge amount of trust we put in volunteers at organizations all around the country. In the vast majority of cases, the trust is well placed; but, unfortunately, there are exceptions.

For that reason, in 2003, Congress created the Child Safety Pilot Program to demonstrate the feasibility of allowing youth-serving nonprofits to access FBI background checks. The FBI maintains a database of criminal histories from every State in the Nation searchable by fingerprint. An FBI search is the gold standard background check, as it cannot be evaded by using a fake name and it will find convictions from every State. I believe the gold standard is what we should strive for when it comes to protecting children who are put in potentially a vulnerable situation.

Since 2003, almost 90,000 background checks have been performed through the pilot. In 94 percent of the cases, the background check returns no serious criminal history. However, in 6 percent of the cases, a record of some kind was found, in some cases an extensive record which the applicant attempted

to conceal. In 23 percent of those cases, the applicant gave a name other than the one in their criminal history. Applicants were found with convictions for everything from murder to child abuse to sexual assault; and frequently those convictions were from out of State so that only an FBI background check would have found them.

We have demonstrated that background checks for nonprofits working with children can be conducted quickly, affordably, and accurately. Three times since 2003, Congress has acted to extend the pilot so that thousands of community organizations all over the country don't lose access to background checks for their volunteers. It's time to create a permanent system, one that will protect children while ensuring the civil rights and privacy of volunteers.

Again, I want to thank Chairman CONYERS, one of the original cosponsors; Chairman SCOTT, the chairman of the subcommittee; my colleague, MIKE ROGERS; and all other Members who have contributed to this effort and urge the Members to vote "yes."

Mr. POE of Texas. Mr. Speaker, I want to thank Chairman SCOTT and Chairman CONYERS and also the gentleman from California (Mr. SCHIFF) for sponsoring this legislation and also want to thank Mr. SCHIFF for not just this piece of legislation but other pieces of legislation in his relentless effort as a Member of Congress to make sure that the greatest resource in our country, children, are protected from child predators.

With that, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume just to, again, thank the gentleman from California for his leadership on this issue.

I ask my colleagues to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 1469, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1930

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FEDS SUING ARIZONA FOR DOING A JOB THE FEDS WON'T DO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the Justice Department is suing Arizona for enforcing Federal laws that are already on the books. Other States and counties already have enforcement laws like Arizona's.

Prince William County in Virginia has laws almost identical to the new Arizona Senate Bill 1070 enforcement law. Police are allowed to check legal status at any time. Police are also required to check immigration status if anyone is arrested for anything, including DUI or public drunkenness.

According to Corey Stewart, the county board chairman, there has been a 37 percent drop in violent crime in the first 2 years of enforcement of this law. Overall, crime in Prince William County, Virginia, is at a 15-year low. Criminal aliens have fled that part of Virginia and gone somewhere else where the laws are not enforced. Stewart says there has not been one substantiated claim of racial profiling.

Also, the State of Rhode Island enforces Federal immigration law by executive order, like the sanctuary cities, only in reverse. The Governor said his law enforcement officers must enforce this Federal law.

There are more States that follow suit. In Missouri, if police want to see your ID papers to prove legal status, they are free to ask. Sanctuary cities are illegal in Missouri and they enforce the E-Verify system for employers. That's the free system set up by the Federal Government where all employers can check someone's immigration status. In Missouri, you have to be legal to get a driver's license and there is no in-State tuition for illegals at State junior colleges.

So why the double standard at the Justice Department and suing Arizona? Why are the Fed's picking on Arizona and not these other States?

On the other hand, there are two laws that expressly forbid States from having sanctuary cities. The laws are found in title 8, section 1373 and title 8, section 1644 of the United States code.

These statutes say cities may not have policy that prohibits peace officers from communicating with the Federal Government about a person's immigration status. But there are cities across the country with policies banning their police from calling the Federal Government to report even criminal illegals.

In San Francisco, one recent case turned tragic. In 2008, there were three

members of a family that were gunned down by Salvadoran illegals. Edwin Ramos is a member of the MS-13 narco-terrorist gang, and he is on trial for gunning down one of the members of this family. Two young sons of that family were also gunned down, Matthew and Michael were their names.

They were all in a car driving home from a family barbecue after church. They were not gang members, they were just citizens. They were in the wrong place at the wrong time, and Ramos, their accused killer, had been previously arrested three times.

San Francisco police knew he was an illegal alien MS-13 gang member. The San Francisco Chronicle reported after the shooting that the city's sanctuary policy was the reason authorities never called the Federal Government. I repeat. The newspaper, the San Francisco Chronicle, reported after the shooting that the city's sanctuary policy was the reason the authorities did not call the Fed's.

Instead of being detained and deported, gang member Edwin Ramos was released, and he killed a father and the two young brothers because of the Federal Government's tolerance to sanctuary cities. So the blood is on the hands of those who support the concept of sanctuary cities. There was even an eyewitness to the shooting, and Tony's youngest son, who survived the hail of bullets, was that witness.

Is the Justice Department suing San Francisco to stop this sort of irresponsible action? No, of course not.

Instead, the Justice Department is using taxpayer dollars to sue the State of Arizona for enforcing Federal laws. Arizona is not creating any new laws, they are merely enforcing the Federal law under concurrent jurisdiction.

The sanctuary cities pose a greater danger to American cities because they give a sanctuary to all illegals. They shield criminal aliens from being detained and deported by the Federal Government, and sanctuary cities, in my opinion, operate in violation of the Federal Government law prohibiting such. But because of politics, the administration is suing Arizona for upholding the law and refuses to sue sanctuary cities for violating Federal law.

We hear the rhetoric that illegals do jobs Americans won't do. Now we have an actual situation where Arizona is getting sued for doing a job the American government won't do—protecting the security of the country and enforcing the law.

And that's just the way it is.

AMERICA'S ECONOMY IS STRUGGLING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BRADY) is recognized for 60 minutes as the designee of the minority leader.

Mr. BRADY of Texas. Mr. Speaker, America's economy is struggling. Despite all of the spending and promises out of Washington, a lot of average Americans, more than 15 million, are wondering where are the jobs, because they don't have one.

This Democrat Congress and this White House promised a lot to these workers and to the American taxpayer if they would just give them a blank check, if they could just write money like there was no tomorrow, that they, Washington, would know best how to get this economy back on track.

Unfortunately, the reality of the past 16 months since the stimulus bill passed has unfortunately been much less than what was promised.

The Obama administration likes to tout right now, they call this "the summer of recovery," but you don't see them touting. Because what their original promises were for that \$862 billion—more than a trillion dollars, when you add the interest to it, the taxpayers will actually have to pay back. The reality is that the Obama administration, the Democrats in Washington, failed on all three key promises to the American people about its economy.

They said our first promise is if you will pass this stimulus, the unemployment rate would remain below 8 percent. They said nonfarm payroll employment, that's most workers, would increase to 137.6 million by the end of this year. And then finally they said if you pass our stimulus bill, 90 percent of payroll jobs created would be in the private sector.

Well, let's look at the reality. It's been 16 months, a lot of the stimulus has been spent, not all, but a lot of it. So 16 months later, what do we see?

The Obama forecast was supposed to be at this point, almost 7.5 percent. Today it's actually 9.5 percent. That's a little lower than it's been. The reason it's lower: 650,000 Americans last month just gave up, gave up looking for work, gave up hope looking for work.

So that employment rate went down, not because the economy is getting better, but people have given up hope that they will get a job, 16 months after this magical stimulus bill was passed, so the actual versus the forecast is very sad.

□ 1940

Second promise, that the stimulus would raise employment, jobs in America, 137 million. This is where we're at right here, as stagnant as can be. In fact, right now, congressional Democrats and the White House, they are 7 million jobs short of where they promised they would be by the end of the year, 7 million jobs short. The economy has never created 7 million jobs in 6 months before. Short on promise number two, failed by a wide margin.

And here I think is the reason. I think this sums up why the stimulus failed, why so many Americans are disappointed with the Obama administration. I think the last poll was 13 percent of Americans believe the stimulus helped them in any way, 90 percent of Americans believe this economy is in bad shape, and almost three-fourths don't believe it's going to get better any time soon. So, so much for restoring consumer confidence in America's economy. And this is the real reason why, promise number three.

Remember, promise number one, below 8 percent, didn't come close; promise number two, we would have 137 million jobs by the end of this year, 7 million short. This is promise number three, that 90 percent of all the new jobs created by the stimulus would come from the private sector, not from government. They would come from small businesses back home along Main Street, the same small business and private sector jobs that have always brought America out of a deep recession.

Well, here's the actuality: Since the stimulus passed 16 months ago, hundreds of billions of dollars of money spent and wasted in America, guess what's happened? The only sector that has grown—the Federal Government. The Federal Government has added 400,000 government workers. How about the private sector? How about our small businesses in every State across America? Lost almost 3.3 million jobs. Federal Government workers grew. State government came down a little, but they pumped a lot of stimulus money into more government workers. The private sector, the businesses that bring us out of the recession, lost 3.3 million jobs. That's why this economy is so subpar.

America is blessed. We are, I think, genetically predisposed to bouncing back from tough economic times. We hate to be in recession. But not this time. This recession, unfortunately, is continuing, not from a statistical sense, but from a jobs sense. It is one-third as strong a recovery as the Reagan recovery, and we can talk about that in a minute. But here's the reason why.

Washington has poured all this money into government workers and wasteful stimulus spending and they expect the economy to just jump-start. As they said, it will jump-start and consumer confidence will grow. The opposite has happened. Consumers, families are holding on to their money. They're frightened by the dangerous levels of debt in this country. They're frightened by \$13 trillion of national debt America owes in publicly held debt. And businesses are frightened these days.

As one of the Secretaries of Labor here in Washington said: Businesses aren't adding jobs because they're

waiting to see what government can do for them; businesses aren't adding jobs because they're frightened by what government will do to them. They see an environment in Washington, proposals that dramatically increase taxes, increase regulation, increase their health care costs, increase their energy costs, that broaden government, expand regulation into almost every nook and cranny of this economy. And they look at that and they say, No, you know, we're going to delay rehiring people we laid off, hiring new ones. We're going to delay that critical investment decision, that expansion decision, the decision to buy that new piece of equipment because we don't want to be punished by Washington for adding jobs. We don't want to be punished if we go out and hire that new worker or buy that new piece of equipment. And that uncertainty, unfortunately, is an anchor around our economic recession. And that uncertainty means that American businesses are holding on to almost \$2 trillion of cash, \$2 trillion, normally enough to, again, start bringing us out of this recession. They're not willing to do that.

They're frightened by this White House. They're frightened by Washington, DC. They look at what's happening in Congress and these wild proposals, extreme, ideologically driven agendas, and they're saying, We're going to play it safe and stand pat with their money. Consumers are doing it because of the debt, businesses because of these terrible antibusiness, antijob, growth-killing proposals coming out of Washington, DC.

We've seen this before. We've seen this before. Economists refer to this phenomenon as "regime uncertainty." What I would call it is a rational expectation. Families know America is so deep in debt, someone's got to pay it back. You can't tax the wealthy just to pay that back. You can double everyone's taxes in America. Double them this year, we would still be running a deficit.

You can't tax away this problem. But businesses and families are worried that's exactly what's going to happen. Middle class, small businesses will end up shouldering a bigger and bigger burden of government. That means less money in their paycheck. They know that. Rationally, they expect it, so they're holding back. Businesses are doing the same.

We saw this before as President Franklin Roosevelt's contradictory and rapidly shifting economic policies delayed recovery from the Great Depression. The U.S. was the last country to recover from the Great Depression.

Today, unfortunately, this White House, this Washington is following the same formula of spending, of uncertainty, of poor governance, poor decisions, and at times, as we saw in the gulf, sheer incompetence. But again,

businesses look at what they see out of the White House—higher taxes, new laws, the entrepreneurs who are frightened to hire. That's why—back to this chart. That's why the Federal Government is the only sector that has grown. And whenever there are government jobs, they only last as long as that money keeps coming out of your paycheck. But in the private sector, when a business creates a job, when a local company hires a worker, buys that new piece of manufacturing equipment, those economic benefits multiply across the community. But unfortunately, private sector in America lost over 3 million jobs.

Don't take my word for it. The National Federation of Independent Businesses recently surveyed a number of their small business owners, and here's what they said: U.S. economy faces hurricane-force headwinds and the government is at the center of the storm, making an economic recovery very difficult. This is small businesses.

By the way, I am Congressman KEVIN BRADY. I represent the Eighth District of Texas. It's a great area—11 counties from the Louisiana border through east Texas and down through Montgomery County and the Woodlands. I'm the fourth senior Republican on the Ways and Means Committee, the ranking Republican on the Trade Subcommittee, and the ranking House Republican on the Joint Economic Committee.

So we've been studying these businesses and these economic numbers for some time. And what the NFIB, the small independent businesses has said, in addition, Either policymakers have no idea how to help the economy or they are intentionally committing it to unsustainable expenditure growth and deficits so large there will be no alternative but to raise taxes, a slow suicide for a dynamic economy. Just what I said, the National Federation of Independent Businesses has confirmed that it is the hurricane-force winds coming out of Washington, DC, that's holding this economy back.

They go on to say this: With an unemployment rate of nearly 10 percent, the President travels the country touting the health care bill that few like, selling wealth redistribution and the need for more taxes. What should ordinary citizens and small business owners expect from all this? A growing and more dynamic economy? Not likely. Taxing success is a terrible path to growth and real investment. And adding to the misery and pessimism, massive government deficits threaten future capital availability for the private sector.

So our independent businesses along Main Street say just what those of us who have been in business before say: It is Washington that's holding back this economic recovery. It's the White House that's holding back this economic recovery with this very extreme agenda.

I'm going to yield in a moment to another Texan, one of our more studious members of the Joint Economic Committee, from Texas, Dr. MICHAEL BURGESS, but I want to take this quote from the Business Roundtable, because, while the NFIB represents tens of thousands of independent businesses, Business Roundtable represents businesses from every sector in America who are selling here in the United States, competing around the world to sell American as well.

And here's what the Business Roundtable just said: Many regulations and legislation, both existing and proposed, exacerbate the uncertainty created by today's volatile economic environment. Virtually every new regulation has an impact on recovery, competitiveness, and job creation. Often that impact is negative. On an individual basis, most businesses can cope with each new regulation, but the collective impact on the economy is enormous and often harmful. And with the massive new health care law—this is from the Business Roundtable—with the massive new health care law and financial reform legislation looming, companies are more worried than ever about the impact new regulations and legislation will have on their operations and their bottom line. Not knowing what to expect from these pending regulations, businesses are acting cautiously to forestall any negative impact. These actions are squelching economic growth and job creation as companies are forced to freeze investment and hiring until they understand how they will be affected by these new mandates.

□ 1950

So, despite hundreds of billions of dollars of spending and despite all this government intervention and expansion of government, the American economy is stalled because businesses—those job creators who bring us out of recessions—are frightened by Washington and these policies. They don't want to be pushed. They are holding onto almost \$2 trillion of cash, and that capital is what would fuel our economic recovery. So Washington and the White House is the single largest obstacle to America's getting back on its economic feet.

Joining me tonight is a Congressman from Texas who serves on the Energy and Commerce Committee. He is one of the leading Republicans there, but he also serves with me on the Joint Economic Committee. He focuses not just on health care but on businesses along Main Street.

I would yield to the honorable Congressman from Texas, from the Fort Worth area, Dr. MICHAEL BURGESS.

Mr. BURGESS. Well, I thank the gentleman for yielding.

Of course, the gentleman is correct. You know, I believe in the American economy. I believe in the ability of the

American people to recover this economy. I don't think that the United States House of Representatives, the Senate and the White House combined can keep this economy down forever, but they can give it a good shot at keeping it down longer than it needs to be; and, we all know, because of the prolonged effect of joblessness, the economy is having a tougher time recovering.

The gentleman said it so well as to the reason small- and medium-sized businesses are reluctant to add jobs right now, and I know you see the same thing in your district that I'm seeing in my district. Some things look like they're picking up a little bit—parking lots are a little fuller—but when you talk to the small business people and ask them, Are you doing a little bit better this year? they answer, Yeah, maybe a little bit.

Do you think you might add a job soon? Might you be able to take someone else into your business?

Well, I might, but I don't know what you're going to do to me in this health care bill. I still haven't figured it out. I have no idea what this financial regulatory scheme that you've passed is going to do to me. I sure can't afford the tax increases that you're going to be delivering at the end of this year. So, no, I don't think I can add a job and that, if you further do something with energy prices, I know that the future is just too uncertain, so I'll just stand pat right now. I'm doing okay, but I'm not going to be adding any jobs.

Well, that may be one or two jobs at a single business at a strip mall shopping center; but extrapolated across the larger economy, those are the jobs that should be fueling our recovery, and the activities here in Washington, DC, are what are having the dampening effect on that.

Now, today's Wall Street Journal had kind of an interesting lead editorial on the editorial page, appropriately titled, "Stimulating Unemployment." It's kind of a novel approach as to how you might attack a problem of the economy.

According to the Wall Street Journal today, they talked about how Presidents typically invite Americans to appear at Rose Garden press conferences to trumpet a policy success; but yesterday, we saw what may have been a first. President Obama introduced three Americans—an autoworker, a fitness center employee and a woman in real estate—who have been out of work for so long that they underscore the failure of his entire economic program.

Going on, they say, But Mr. Obama was nonetheless obliged to concede that 18 months after his \$862 billion stimulus there are still five job seekers for every job opening and that 2.5 million Americans will soon run out of unemployment benefits. Only last week, Vice President JOE BIDEN was hailing

the stimulus for saving or creating 3 million jobs. This week, the White House says we need even more stimulus in the form of jobless checks to make up for the jobs his original stimulus spending did not create.

Here is an interesting issue. Of course, we hear over and over and over again how it's the Republicans who are obstructing the extension of unemployment insurance benefits; but realistically, there is still money left in that stimulus bill. Since the stimulus has been such a failure in creating jobs and since the money is available to pay for those unemployment benefits, that seems like a reasonable suggestion. I get calls in the office all day long that, yes, that is a reasonable suggestion. Why don't we proceed with that? Instead, we continue to pass bills where this money is just simply going to be added to the deficit.

If the money weren't just sitting there, languishing in the stimulus bill, then maybe you could see their point; but realistically, the money is there. It should be used to offset the extension of unemployment benefits because one thing that we do know is that there is a consequence for borrowing these vast sums of money. We know that expanding the deficit to the \$1.4 trillion or \$1.6 trillion that we are going to see this year is ultimately money which is going to have to be borrowed; and because that money will ultimately have to be borrowed, it could raise the interest rate and could, subsequently, have an effect on inflation.

So why not do the sensible thing and spend the money that you have already allocated in the stimulus bill, which isn't doing anyone any good anyway? If you need to extend unemployment insurance, that would be the correct place to do it.

I have some other points that I'd like to share, but I'll yield back to the gentleman and hear his thoughts on that.

Mr. BRADY of Texas. Well, I'd like to follow up on your point about unemployment benefits.

The Republicans support helping people when they're down on their luck. There is no question about it. There has been extension after extension. Our point and our principle on this whole issue has been don't make matters worse for people by adding to the debt, by adding to the uncertainty about the economy, by frightening more consumers into saving more of their money. You pay for this bill.

Our point was, White House, congressional Democrats, you haven't even spent one half of that stimulus money yet. You know, some of it has been allocated, but you still have nearly half of it left.

Rather than waste it on what you've wasted it on, I want to talk for a second about our just creating government jobs. Why don't we pay for the unemployment benefits with that

money? Let's start just stimulating private sector jobs. Again, we've lost more than 3 million since the stimulus took effect.

Dr. BURGESS, you know, people back home look at some of the wildly exaggerated claims from the stimulus. Do you remember all of the phantom congressional districts? This White House actually made up districts that don't exist today and credited them with certain job creations. Some of the examples of job creation were just wild—\$1 million for each pair of boots. That it created jobs is crazy. We can look at some of them, you know, from the stimulus money:

\$71,000 to the University of Wake Forest, of taxpayer funds, to study the effects of cocaine addiction on monkeys. The University of New York at Buffalo received \$390,000 in stimulus funds to conduct a study on the relationship between drinking malt liquor beer and using marijuana. One hundred people were paid \$45 a day or will be paid \$45 a day for 3 weeks by taxpayers to drink malt liquor to compare it with marijuana. Arizona State University received \$500,000 to study the genetic difference between queen and worker ants. There was \$3 million awarded for a turtle-crossing in Florida. There was \$50,000 granted for a hand puppet.

In the Midwest, Bloomington, Indiana, received \$40,000 for 10 solar-powered trash compactors, which reminds me that New York City received stimulus funds for a homeless program, and they said, Well, we didn't ask for this money. We don't have a homeless problem. The response from Washington was, Well, get creative.

I don't know, does that mean get creative in creating homeless people?

With the stimulus dollars, Florida, for example, used \$8 million of their funds to pay off a backlog of people who had already completed work for the State. So they used it to pay their bills, creating zero net jobs. The National Science Foundation gave funding to North Carolina University for a dance draw, which involved students' attaching wireless mice to their chests and wrists and dancing to form abstract geometric shapes on a computer.

So, when the President stands at the White House and says that we need help for the unemployed, Republicans agree. We want to stop wasting stimulus money.

Help people who actually need help. Stop playing politics with them. Is money for mice, studying malt liquor beer and the hand puppets more important than helping people down on their luck? We don't think so.

□ 2000

We also don't think adding to this terrible deficit and making it tougher for consumers to have confidence in their country again helps either. I just wanted to expand on that point be-

cause I think it's a critical one for people watching tonight who really are wondering if Congress is functioning at all or listening at all. I honestly don't think this Congress is.

I yield back to you, Dr. BURGESS.

Mr. BURGESS. I was just going to make the point—The Wall Street Journal editorial today talks about the five applicants for every job that is available. And you know, we had in our committee today in Energy and Commerce, we had yet another hearing on the oil spill down in the Gulf of Mexico. And once again, it came up about the issue of the Secretary of Interior proposing a moratorium on drilling in the Gulf of Mexico.

Well, here we kind of reverse the situation. Here we can kill five jobs for the price of one. For every job that we destroy on the drilling rigs in the Gulf of Mexico, five jobs that are also directly related to that activity in the gulf, five jobs are lost. So the moratorium in the Gulf of Mexico in a very real way is going to affect families all up and down the gulf, families that have already been hurt by this spill, already been hurt by the fact that the Federal Government did not exercise its due diligence and oversight in leasing that well to BP in the first place.

BP, a foreign oil company that has one of the worst records as far as safety to be able to drill a well like this, with all kinds of passes and waivers on all of the NEPA regulations, wasn't required to put out a spill plan before they did this drilling.

Well, now the poor people in the gulf, they've lost their shrimping, they've lost their fishing, they've lost their tourism, and now they're going to lose what's left of their economy because of the imposition of this moratorium. At a time when we should be tasked with creating jobs, a time when we should be getting out of the way of the private sector and let the productive sector of the American society do what it does best, and that's grow and prosper and create jobs. Instead, we're putting additional impediments up there that are going to make it even more difficult for an area of the United States that's been hard hit by hurricanes, and now hard hit by this gulf oil spill.

And we are all grateful that the spill appears to be contained at the present time, but we all know this is not over. The cleanup is not over. The well is not yet shut in. They're facing some tough problems down there. And then we add to the problem by a moratorium that's ill-advised. The President's own panel said there is no reason to do this. And yet the Secretary of the Interior just pushes ahead, and would not even provide us today with any of the data that was used, any of the risk data that was used to say that there must be a moratorium, or any of the economic data that was available to him, and presumably to the President, about what the effects of this moratorium would be.

So here we are in the face of the worst recession, we got an area of the country that's really hurting, and let's see if we can't hurt 'em a little worse. It just makes no sense. I yield back to the gentleman from Texas.

Mr. BRADY of Texas. You raise great points. I would like to follow it up. I don't think this White House or Washington has a clue as to how damaging this drilling moratorium has been just on average American workers who are tied not just to the gulf, but energy production offshore that spreads out. I saw a study the other day, nearly all 50 States, nearly every congressional district risks job losses as a result of this drilling moratorium.

We're already seeing companies who are redeploying their rigs to Egypt, moving their investments out of the United States, to Brazil, West Africa, the Middle East. And those rigs won't be coming back any time soon. Typical rig in the gulf in deep water has 1,500 workers tied to it, a thousand or more vendors. When they leave the gulf they don't come back for years.

So we already have businesses laying off workers, moving equipment, infrastructure outside the United States, already cutting their capital budget for future investment in the United States. And it doesn't take long before you have our energy infrastructure and headquarters leaving the United States as well. There are literally tens of thousands of workers tied directly to the gulf, more than 170,000 at immediate risk of this.

And yet two thoughts: One, Monday the President was in front of the White House talking about playing politics with people's jobs. Playing politics with people's jobs. That's exactly what his drilling moratorium is doing along the Gulf of Mexico.

And I find it frustrating, today I picked up—or actually went online and read *The Houston Chronicle*. And there it said the President is coming down to Texas, to Houston August 9 to raise money for his party. And I read that, realizing that we have had a standing invitation by letter to the President asking him to come down to Houston to meet face-to-face with these energy workers, the ones whose jobs he is killing right now, and explain to them his reasoning.

Listen to these American workers, Democrat, Republican, independent, it doesn't matter, they are all ages, all ethnic categories, all income categories. They just want to work. And his moratorium is destroying their livelihood. We are still waiting for an answer for that invitation. But apparently he doesn't have time to talk to our workers or to sit down face-to-face with them because he's got to raise campaign cash.

So we said today, we said Mr. President, can you give us an hour to meet with these workers? Can you give us 15

minutes? You know, do you have time at all for workers in Texas along the gulf who now they see their hopes of their small business, of putting their kids through college, of keeping their home dashed because of a poorly thought out drilling moratorium that is taking an environmental disaster in the gulf and creating an economic disaster for a lot of innocent families who had nothing to do with that spill.

I know you sense that in Dallas-Fort Worth, as one business from Dallas told me. He said, what small business can survive without 6 months of revenue? That's a great question, because the answer is not many. Not many at all. Maybe the big guys can. But they're going to be laying people off, they're not going to be buying from vendors. The damage is going to be wholesale.

With that, I know you feel that pain in Dallas-Fort Worth, and I guess we are just frustrated that—I am at least—that the President won't at least listen to reason, come down and face our energy workers. Just have the courage to sit down with them. Give us an hour out of your busy campaign fundraising and tell them your reason.

I yield to you, Dr. BURGESS.

Mr. BURGESS. Well, and it does get to your point of playing politics with people's jobs. I just want to say a couple of other things about the predominant Democratic agenda items that have been pushed through this House of Representatives largely on—well, in fact almost entirely on—party line votes. In fact, the only thing that has been bipartisan about these bills has been the opposition. The health care bill, financial regulatory bill, cap-and-trade, probably more Democratic votes against, and made it a truly bipartisan opposition, and very few Republican votes in favor.

But Vice President BIDEN over the weekend, in talking on an interview on one of the Sunday shows, said, "Look, these are gigantic packages to deal with the problem we inherited. The vast majority of the American people and a lot of people really involved don't even know what's inside the packages." I assume he's talking about people involved in, like, conference committees and people involved in congressional committees who actually wrote this legislation. Going back to quote then, "People don't know a lot of what's going on in the Recovery Act. Understandably, because this has been so much stuff that's been flowing our way."

Well, Mr. Vice President, with all due respect, this is the problem. Because people don't know what's in this stuff, because no one bothered to take the time to bring along even public opinion while this stuff was done, as a consequence you've got people who are fearful of what is contained within this health care bill. We are now 3 months into it. The rules and regulations are

being written in secret by the Department of Health and Human Services.

And this new CMS, Centers for Medicare and Medicaid Services, director that nobody knows, the most important man in the country that no one ever heard of, Donald Berwick, it's no wonder that people are of necessity concerned. They're concerned for their own survival because they don't know what the implications are for these big things that we've already passed. And yes, Mr. Vice President, people are confused by the stimulus bill because, as Mr. BRADY pointed out, there's so much stuff in there that was absolutely unnecessary, had nothing to do with stimulating the economy.

I remember one morning in our Joint Economic Committee where it was revealed that there were so many jobs created in Arizona's Ninth Congressional District. Well, that was news to everyone because Arizona's Ninth Congressional District hasn't even been created yet. It may in the reapportionment after the census, but right now it doesn't exist. They stop at number eight. So is it any wonder that people have lost faith with their government's ability to do the things necessary to help this economy recover?

□ 2010

It has certainly been educational to sit on that Joint Economic Committee to hear the testimony like we heard last week, all the happy talk coming from the administration that things are great, it's the recovery summer. I don't think so. Have you been out beyond the confines of Washington, DC to look at what's happening to real people and real people's lives?

I know the gentleman has a number of facts and charts that he wants to share with us, so I will leave it to him at this point, but I did want to come and share with you some of the thoughts I had on this very important topic that I am so grateful that you brought up tonight.

Mr. BRADY of Texas. I thank you, Congressman BURGESS, for joining us tonight on trying to get the economy going, and you are so right. This recovery is so subpar. Most Americans don't realize. I talked earlier about—we are predisposed, excited about bouncing out of recessions as fast as we can, but not this time.

We took a look at recessions the country has gone through since the Great Depression, and the one that's closest to it, that had the most damage, happened in the early 1980s. And if you compare how President Obama's performance was—is today versus President Reagan's in 1982, 1983, it's pretty stunning.

The Reagan recovery, which had a higher unemployment rate to begin with, and if you look at three key areas, in the first three quarters after the recession ended under President

Reagan, his economy grew twice as fast as the Obama recovery. If you look at the number of jobs created, it isn't even close. The first year of the Reagan recovery, the United States added 3 million jobs. We've actually lost them under President Obama. And look at this chart. You can see what the job numbers are. Reagan continues to increase. Obama, even under the best scenario right now, it is a very slow, subpar, very stagnant type of economic recovery. And similarly, the unemployment rate fell by more than 2 points under President Reagan, while it's increased under President Obama.

You ask what is the difference, and it's what Congressman BURGESS talked about, two things. President Obama's decided Washington would create jobs. Washington knew best. They didn't put an economic stimulus together; they put a political stimulus together. And what it's produced is government jobs and no economic recovery.

It's also balanced with—offset higher tax increases, higher energy costs, the fear of new health care costs, new regulations, taxes everywhere. So job creators aren't adding jobs.

The Reagan recovery is just the opposite. He created certainty for this country. They lowered taxes. They spurred investment. They told businesses, if you create jobs, you can keep them. You won't be punished; you'll be rewarded. And what did the private sector do? It created jobs. It created jobs in America.

Now what we're facing is a country at a time when we have 50 million workers, almost 50 million workers looking for jobs, many of them who, almost half, have been out of work for more than 6 months. That's the longest since they started keeping numbers.

Those with a high school education struggle with, gosh, it's almost 16, 17 percent unemployment. Certain ethnic categories have much, much higher unemployment rates than others, and it's because this President and this Congress, when faced with the choice between lowering taxes and creating small business jobs or spending, raising taxes, and creating government jobs, they chose the latter.

And so America's recovery has stalled. It is subpar. It offers little hope to most people. It certainly hasn't, as the President claimed, jump-started the economy or restored consumer confidence. Just the opposite.

We talk about taxes. We talked earlier about families so worried about this debt that this country has gotten just a staggering amount of debt under President Obama. In fact, when Republicans lost control of Congress, the annual debt to that year was about \$160 million. Too high, in my view, and I think too high in most Americans' views. Now, within 3 years, that debt is almost eight times, almost nine times higher at \$1.4 trillion. The Republicans'

debts of a year are now the Democrats' debts of a month. Each and every month we're adding that equivalent, and that debt has exploded.

And the cost, a great example. Right now, America's debt is more than 60 percent of the size of our economy. That's in the yellow warning category. If we continue to move this direction, we will be at a hundred percent of the economy by the end of this decade. And it will skyrocket to an incredible, almost 10 times the size of our entire economy, everything we make and produce in America, by the year 2084 if we stay on this path.

And that debt has real cost. It means we have a bigger government for families and workers to drag around on their back. Younger people will pay more out of their paycheck to haul, drag this economy around. It creates an anchor on America's prosperity. In fact, most economists tell us that when a country's debt gets to about 90 percent of the size of their economy of everything that they produce and create, when the debt gets to 90 percent, it drags down your economy substantially by about 1 percentage point. That doesn't sound like a lot, but what that means is, instead of America growing at 3 percent a year—good, steady, strong 3 percent a year—we grow at a more anemic 2 percent a year. So you really lose a third of your economic prosperity. It puts you in the category of Europe, which has had this Big Government mentality. They've had this anchor around their economy, and it's cost them.

I took a look at the five most troubled countries in Europe. We've all been following Greece's problem with their debt, but also what they call the PIIGS, and it stands really for Portugal, Italy, Ireland, Greece, and Spain—the five most troubled European countries. If you look at their gross debt, the United States is right in the middle of them, of the five most troubled countries in Europe. If you look at the budget deficit as a percent of our economy, the United States ranks third worst as well. Third worst in gross debt, third worst in budget deficit, and we are on a bullet headed their direction.

We're not necessarily in the same shape as Greece today, but we're on the trajectory, we're on the path. That's why we need to focus on education, America. Make sure people can say these things. We're on the path to calamity, financially, unless we change our ways.

One thing I want to point to that Congressman BURGESS talked about, people know taxes are coming. What's frightened a lot of job creators and I think a lot of just average families—certainly in Texas, in southeast Texas and east Texas that I represent—families tell me spending is out of control and it scares them. Small businesses,

they look at all of these programs that House Democrats try to pass each week. They say that won't create jobs or customers. That just frightens people more. They know they're going to end up being taxed for it.

And you look at there's taxes, proposed increased taxes on health care, Cadillac health care plans, on income for Americans, on capital gains, on dividends, on death taxes. There's all the private health insurance plans, pharmaceutical, medical device taxes, the cap-and-trade legislation, which is just a tax on all of the energy you use in your home and in your vehicle. They're talking about now a VAT tax, a value-added tax, which would come on top of what we have today. The value-added tax, which has worked in European countries, added on top of everything we have, it's the politician's perfect tax. It's an ideal tax. It's hidden from the public. It sounds small, and people pay for it in everything they buy. It's hidden. It's a hidden tax. Politicians can play with it any way they choose, and the public rarely knows.

And people look at that and they think the Bush tax cuts, which was so helpful for our economy and our middle class, the average Texas family would have to pay \$3,000 more a year if those tax cuts go away, \$3,000 more every year. I know in Washington that doesn't sound like a big deal, but for most families across America, that's a lot of money, especially right now. That's all their utility bills for the year, probably throw in this cable bill as well.

I took a look at a study I saw the other day about how out-of-control spending burdens our youth. We all know how much our debt has increased over the last 3 years since Democrats took control of Congress, but just look at two things.

□ 2020

Just look at the impact of the 2008 and 2009 bailouts and stimulus. According to economist Dr. Edward Stringham of Trinity College, just the costs from those two events will cost the average 22-year-old coming out of college this year \$145,000 over their working life. That's \$280 a month, equivalent of a second car payment. That's the impact spending has on people, and that's just two spending bills. That's not the trillion and a half dollars of debt from last year and the year before that continue to pile up; and, again, we're \$13 trillion of spending and getting higher.

I know the excuse in Washington is that it's Bush's fault. Everything is Bush's fault. America's not going all the way in the World Cup was Bush's fault, I think some people believe in Washington. But if you look at where the jobs have traded in America, you can see here is when Republicans fully

controlled Congress and added in their tenure 6.6 million jobs. Since Speaker PELOSI took the gavel, what we've seen is a loss of over 6 million jobs. So almost every job Republicans created, Democrats have destroyed, and the reason this is going to get even worse is because this White House and this Congress is the most job-killing, anti-business, anti-growth Congress perhaps in the history of the United States.

We see this not just in tax increases and cap-and-trade and health care costs but wild provisions coming out of the House and, of course, now the drilling moratorium that is beginning to destroy jobs and lives and small businesses in the Gulf of Mexico. What's, I guess, perhaps most saddening is that along the gulf coast, many families in Louisiana and Alabama and Mississippi who are bearing the brunt of BP's oil spill and bearing the brunt of this administration's failure to contain the spill, they're the ones who are begging this President not to continue this drilling moratorium, allow our workers to go back to work because they know, as bad as the environmental damage has been, the drilling moratorium damage on their jobs and livelihood will add even more misery to their lives. We can't allow that to happen.

Mr. President, I would ask you again, come down to Houston, meet with our energy workers, see whose lives and jobs you're destroying. Meet with our independent businesses. Meet with our mid-sized businesses. Meet with the companies that are out there in the gulf today wanting to go back to work, who don't want their rigs to go to other countries, who don't want the jobs to go to other countries, the equipment to go to other countries, our capital to go to other countries, and eventually our energy infrastructure to go around the rest of the world to the detriment of U.S. energy workers in America.

Mr. President, while you're fund-raising in Houston, give us an hour to meet with our workers. Give us 15 minutes if you're so busy fund-raising you can't spare the time for our workers, to sit down with them. We won't have press there. You pick the workers if you choose. Although, if I were you, I would ask the average Americans who are facing a job loss, so you can listen outside the Beltway, no Tele-Prompters, no big speeches, just listen to our energy workers and perhaps you will see just how damaging this drilling moratorium is and will be for America.

What you will hear is that they are already suffering and people are being laid off. Businesses are contemplating not being able to survive and filing bankruptcy.

What you will see is that energy prices will go up as a result of your moratorium because the Gulf of Mexico produces so much of the energy we use in America.

What you will hear is that we are giving more power and more energy strength to countries outside the United States, some of whom can't stand anything that America stands for, and that we'll face an energy shortage in 2011, 2012 if this drilling moratorium continues.

You will hear from shallow well operators who have drilled down in the Gulf of Mexico without an incident, but now what they find is they can't get a permit to continue working so they're facing layoffs of their workers and their financial struggles.

In the deep water, which has drilled 14,000 wells around the world safely, but for the BP incident, you will see that one rig is already leaving for Egypt, others are planning to leave and won't be back anytime soon, years perhaps, 1 year, 2 years, 3 years. In the meantime what do our workers do? What do those small businesses do? What do the people who do manufacturing, who do oil field services and supplies throughout the country, who reach literally into every State and almost every congressional district in America, what do those businesses do?

Mr. President, we're not asking much. We're asking you to help get this economy back on track. Take off the table the drilling moratorium, end it today. Take off the table cap-and-trade and the high energy prices that it will create. Take off the table the new regulations, the new taxes. Agree to extend the Bush tax cuts. Don't raise taxes on capital and dividend investment. Lower them to get this economy going. Reassure consumers that we have a path to balance the budget. Reassure businesses they won't be punished for hiring that new worker, bringing back that old worker or hiring that new one, buying that new piece of equipment. Listen to the businesses around you who are telling you that you are the problem, this Washington Congress is the problem, because of the uncertainty, because of the taxes, because of, again, the extreme ideological agenda that is holding our economy back.

Mr. President, if you want to turn this chart around, if you want to—and we'll help Democrats in Congress. We'll help you lower taxes. We'll help you take these items off the table, if you will listen to our small businesses, listen to our energy workers, listen to our families, because right now most people in America believe this Washington is so arrogant, this Congress isn't listening, that they seem to know what's best for them, that they go any route, don't read any bill, rush massive measures through without any knowledge of what their impact is, and we learn months later that they're nothing like they were promised.

So average families are listening tonight. Workers are desperate for jobs. Yet they see a Congress off on cap-and-

trade and all sorts of schemes instead of encouraging the job creators to create more jobs.

America cannot survive this job-killing agenda much longer. As strong as we are, as resilient as we are, as quick as we are to bounce back from recessions, it's not happening this time, and Washington is the obstacle.

Look in the mirror, congressional Democrats. President Obama, respectfully, look in the mirror; and if you're serious about changing this economy, if you really want to answer where are the jobs, we'll help you create those jobs where they belong, not in the government but along Main Street in every State and every community in America.

By the way, it isn't enough anymore—the world has changed—it's not enough to just buy American. We have to sell American. We have to sell our products and services all throughout the world. But when we try to do that, what we find is a lot of countries have an “America need not apply” sign. Mr. President, you're not doing enough to tear down those signs. Give us a chance to sell American goods and services. When we get a chance to compete, we win; we create jobs; we sell America successfully.

But, unfortunately, this Congress for 3 years has taken off the table any opportunity to go out and compete; and while we've voluntarily benched ourselves, the Democrats in Congress have stopped trade, while the President took a time-out, now starting to step back I think a little more so, but while we voluntarily benched ourselves, other countries—China, Europe, Canada and others—are stepping right around us, cutting agreements that create jobs and sell their products. So U.S. farmers, U.S. businesses, U.S. manufacturers, U.S. service companies, U.S. workers find themselves at a disadvantage because this White House, this Congress are more interested in special interests than in the interests of our workers, of our economy, of our jobs.

So, tonight, I would say respectfully to our Speaker of the House, the majority leader of the Senate, to President Obama: if you want an answer and a partner in creating jobs, Republicans are here. We have solutions and we're ready to fight for jobs, but we've got to tackle the debt. We've got to create incentives to create jobs.

□ 2030

We have got to stop frightening consumers, frightening workers. If we do that, America is capable of bouncing back and getting this economy on the right path again.

Mr. President, work with us. Get America strong again.

Mr. Speaker, I yield back the balance of my time.

FAILED POLICIES OF PREVIOUS
ADMINISTRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Michigan (Mr. SCHAUER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAUER. Mr. Speaker, it's an honor to be here to address the House of Representatives, to address the people of America, especially to address the people of Michigan. No State has suffered more under the failed policies of the previous administration than the people of Michigan.

We are very resilient people, and I will say, for my colleagues to understand, and for everyone watching, the people of Michigan and Michigan's economy, never came out of the last economic recession.

This, and as a first-term Member of Congress, I remember being sworn in just about a year and a half ago, and it was that time, this was January of 2009, that we learned that our economy had been in recession for a full year, for a full year.

So my freshman colleagues and I, regardless of what side of the aisle they come from, all walked in to a year into the deepest economic recession since the Great Depression. The closest thing I can remember was when I was in college in the early 1980s, not being able to find a job, and it was very, very difficult at that time. But that's the story of many in Michigan. It has hit my family just like practically every family in America.

So what I am here to talk about this evening, and I will be joined by some of my Democratic colleagues, is really where are we in America with our economy? What is the policy direction that we should be going in? What is the choice for America?

This is the body, this is the people's House, where we discuss and debate these choices, and the American people hear what my Republican colleagues say and there isn't necessarily a complete partisan difference, I don't want my constituents to feel that, because I always look for that common ground.

But I think the choice is very clear: Does America and our economy, our fragile economy, that is recovering, continue to move forward and dig out of this economic hole, this economic mess that we are in, or do we go backwards?

I would like to share a quote, and I am hoping that people can see it, and this is a statement that one of my Republican colleagues made, one of the Republican leaders. He was on one of the Sunday morning talk shows. I don't get to watch these very often. I guess some of my constituents and the American people do, but this is one of the national shows, "Meet the Press," this Sunday, July 18.

The host of the show said "I think what a lot of people want to know is if

Republicans do get back into power, what are they going to do?" And I think the American people deserve to know that, because we have a new President that has helped us move in a new direction, we have a Congress that I am a part of, that the Democrats control, that is working to move us in a new direction.

But Congressman PETE SESSIONS of Texas said, here is his quote, "We need to go back to the exact same agenda."

Well, that is the choice. Do we, as the House of Representatives, as a Congress, go back to those exact same policies that created this economic catastrophe, or do we move in a new direction, do we continue in the direction that we are going in?

Now, I want to be clear that as a Member from Michigan, where our unemployment rate is still slightly over 13 percent, in my district in south central Michigan it's slightly under the State average, but we are gradually digging out of this hole. Or do we want to go back to the policies that created this economic catastrophe? These are very, very important questions, and what I have been working on, my Democratic colleagues and I have been working on, is addressing the problems that created this economic catastrophe, and it is a catastrophe.

I will tell you a personal story. My son-in-law, a journeyman electrician, a trade that, you know, should guarantee you employability for sure for life, with intermittent unemployment, I understand, that's the nature of that business, he was unemployed for the better part of a year. He is married to our oldest daughter, who is a nurse. They had a baby. She was on maternity leave, and our son-in-law, Paul, living in Ypsilanti, just outside of Ann Arbor just east of my district, was laid off from the steel mill where he had been employed for some time, for the better part of a year. Unfortunately, that's the story that's the result of economic policies that this Congress inherited.

But why did this happen? Unfortunately, there was an ideology under the former administration that said, you know, we need to let the marketplace regulate itself.

Well, I remember about a month or so before the last election, even Alan Greenspan, the former Federal Reserve Chairman, said, I was wrong. I thought Wall Street, I thought the markets could regulate themselves. We saw the meltdown that resulted from that, a gambling mentality on Wall Street that played a cruel game that affected millions of families, and it was a game of heads I win, tails you lose, gambling irresponsibly with the retirement savings of the American people.

So this week, this week, the President will sign a landmark Wall Street reform bill that will crack down on the big banks, that will protect consumers, and this is perhaps the biggest con-

sumer protection legislation in decades, and it will bring greater economic security to families and small businesses across our country.

And my wife and I own a small business. She runs a business, it's her business, she employs three people. She is thinking about employing another person, probably part-time. That's the story of America, and it's businesses that went bankrupt during this Wall Street meltdown and families that lost their homes, but this Wall Street reform bill puts in place the strongest consumer protections in history, with an independent watchdog whose sole purpose is to enforce those protections and look out for the American consumer.

So, let's go back to what Alan Greenspan said. He said that I thought the markets, I thought Wall Street could regulate itself. I was wrong.

□ 2040

Now, my colleagues on the other side of the aisle somehow are trying to convince the American people that this legislation is somehow, to use their words, another "bailout." Well, we saw the bailout that resulted from the Republican philosophy of deregulation. We saw the almost complete meltdown of our economy, and we saw the results of that and this mentality. And it's a similar approach to protecting the environment that has resulted in this catastrophic oil spill, the BP oil spill in the Gulf of Mexico. But the reforms in this Wall Street reform bill will protect consumers when they take out a mortgage or sign up for a credit card. It will prevent the kind of shadowy deals that led to this crisis and will never again put taxpayers on the hook for Wall Street's mistakes.

Now, let's talk about this bailout. And I want to be clear to my constituents at home, I said when I was running for office I never would have supported that bailout. And when I had to vote, and a number of us took this position, voted against the second part of this bailout, but the problem with the bailout was that it put more money in the hands of the big banks that actually caused the economic collapse in the first place. Those big Wall Street banks refused to lend to small manufacturers, tool and dye shops, machine shops, auto suppliers, those businesses that I work with every day in my district that are diversifying into renewable energy technology, life sciences technology, defense technology, and so many ways to create jobs. But these big banks even that were bailed out wouldn't lend to them.

So under this Wall Street reform legislation, the American people, the taxpayer will never be stuck with a tab again, never under any Democratic legislation that finally passed the Senate, and I will commend some of my Republican colleagues in the Senate that saw

that that was the right thing to do for the American people.

Despite the benefits the American people will enjoy from these reforms, the Republican leader in the House is already calling for its repeal. So even before the President has signed this bill, which he will do this week, the Republican leader in the House of Representatives has called for its repeal. But let's be clear, America cannot afford to go backwards to the days when our financial laws were written by the corporate lobbyists. And the fact of the matter is that corporate lobbyists, the Wall Street banks and their lobbyists were huddling with Republican leadership as the House was taking up this legislation, actually trying to kill this legislation, devising a plan, coming up with language trying to fool the American people that this historic Wall Street reform legislation was another bailout when it couldn't be anything further from the truth. Failure to act would doom us to repeat the same kind of economic catastrophe that the failed policies of the Bush administration created in the first place.

So to move forward, we not only need to demand greater accountability from Wall Street. We need to help those people who are struggling on Main Street, those folks who are facing the loss of their home, the loss of their business, looking for capital, for basic loans to expand their businesses. That's why the President and Democrats in the House of Representatives are fighting to provide emergency relief to American workers who have been laid off in this recession due to no fault of their own.

It is tragic that millions of workers—and 23,000 in my district alone in south central Michigan—are facing losing their unemployment benefits by the end of this year. And talk about a failed ideology, even JOHN MCCAIN's own economist told us—us collectively, the American people, Members of Congress—that for every dollar of unemployment insurance—and it is insurance. It is a form of insurance, unemployment insurance. For every dollar of unemployment insurance that is provided to a family of a laid off worker, there is \$1.61 in economic impact.

So not only were the Republicans holding hostage families who are losing their unemployment benefits in a tough economy, in a recession caused by the failed policies of the Bush administration, but they were also holding our economy hostage, where these unemployment benefits of about—it's less than the wages that people were earning, but those dollars were actually being put into local grocery stores, local gas stations, local businesses. And for every dollar of unemployment benefits, there was \$1.61 of economic impact. But those emergency benefits for American workers are in jeopardy because those same Republicans who

didn't have any problem spending hundreds of billions of dollars on tax breaks for the wealthiest Americans are now saying we shouldn't offer relief to middle class families who really need help.

So we have an economic storm, and the choice is a very clear one: Do we rebuild our economic foundation for a stronger future or do we return to the failed policies of the previous administration?

Let's have a little history lesson here. When I came to office a year and a half ago, when Barack Obama came to office a year and a half ago, our economy was losing an average of 750,000 jobs each month; 750,000 jobs each month were being lost in this economy. During the last 5 months of the Bush administration, our economy lost an average of almost 640,000 jobs. In the last 5 months, we have added an average of 174,000 jobs a month. So let's do the comparison.

Now, I don't want to give anyone in my district or in my State in Michigan the idea that we are anywhere where we need to be from an economic standpoint. Nationally, the unemployment rate is still 9.5 percent. We are digging out of this hole. We've got a long way to go. But if you look at during the last 5 months of the Bush administration, our economy lost an average of almost 640,000 jobs. In the last 5 months, our Nation's economy has added an average of almost 174,000 jobs. So if my math is right, that's a swing of almost 800,000 jobs, almost 800,000 jobs a month net increase.

Let's talk about our Nation's economic health as a whole. During the last quarter of the Bush administration, the economy shrunk by over 5 percent, almost 5.5. Almost 5.5 percent our economy was shrinking. Hello. I think we really need to take stock—and I heard it earlier today in the House of Representatives, my Republican colleagues, their mantra is, "Where are the jobs?" Well, I don't know if they were asking that question in January of 2009, or 1 year prior to that when the recession began or when the economy collapsed because of Wall Street's behavior. So where was the hue and cry when our economy was shrinking by almost 5.5 percent and we were losing, on average, 640,000 jobs a month?

Now, during the last three quarters, so the last 9 months, there has been economic growth. The most recent economic growth is 2.7 percent. It's not enough, it's not nearly enough, but we are seeing the economy gradually beginning to rebound.

□ 2050

But the question is: Which path do we take?

The choice is very clear to me. What I have seen in my own district in south central Michigan—and we have seen it

all over the State—is a transformation of our economy.

Now, what I have told the President of the United States personally and have told some of his chief economic advisers is that our recovery has one hand tied behind our back. One of the biggest reasons is that the big Wall Street banks have refused to lend to businesses, to manufacturers. A lot of these are small automotive suppliers, suppliers in the aviation and aerospace industries and the defense industry.

I told a story on the House floor about a bank in my district—Citizens Bank. I'll mention it again—that had had a relationship for many years with a company in my district, RTD Manufacturing. This company won an Army contract. It won an Army contract to build a bracket to go on a mine resistant vehicle, an MRAP, in Afghanistan, to protect our warfighters. This bank would not make the loan. Their loan officer said that they would be fired if they made a loan to a Michigan manufacturer. This was a bank that was bailed out by the taxpayers.

So our recovery would be much further along if these banks that were bailed out by the taxpayer due to failed economic policies would actually use that money and invest it in businesses that were hanging on and had the potential to grow. Yet what I am seeing in my district are businesses just like RTD Manufacturing, which are working hard, which are diversifying from—in this case, they were 100 percent automotive and had begun doing work for the Department of Defense to protect our warfighters.

The American Recovery and Reinvestment Act is having an impact in my district and all around our State. The American people may know that President Obama was in Holland, Michigan, which is about an hour and a half from where I live in Battle Creek. He was at the groundbreaking for a new battery plant for the automotive industry—400 new jobs in addition to all of the construction jobs that are being created for this new technology.

Now, that's not the only battery plant in Michigan that has been jump-started by American Recovery and Reinvestment Act dollars. There is a company in my district, in Battle Creek, that is called Toda America. It received \$35 billion in American Recovery and Reinvestment Act funds to attract the private investment to locate this battery facility there. This could have gone anywhere in the world.

Because of a proactive policy to invest in clean and renewable energy technology, in this case for the automobile industry, I think the question we have to ask is: Are we going to continue to manufacture here in America, or are we going to be buying everything from South Korea, from China, from Japan, from all of our global competitors?

You know, we have put a stake in the ground in Michigan—and there are stories like this all over the country—that we will make things here. In this case, as a result of the American Recovery and Reinvestment Act, we are making batteries for vehicles of the future. We are making technology for our warfighters.

I want to tell you another great story about a wind energy cluster that didn't just happen by accident. It happened, in part, because of policies that the Michigan legislature adopted, some of which were put in place when I was still in the legislature there. It happened with investment through the Department of Energy to help wind energy companies.

There is a new company in Eaton Rapids, Michigan, called Astraeus, which is developing the best technology—the best technology in the world—to develop windmill blades and windmill turbine components, and they have actually attracted—this is a great story. You know, we often don't hear this from colleagues on the other side of the aisle because they don't want to acknowledge some of the successes of the American Recovery and Reinvestment Act.

There is a company based in Finland that has a U.S. subsidiary. It is called URV USA, which is a foundry. We used to have foundries all over my State and all over the country. This company, URV USA, whose parent company is in Finland, is locating a foundry in Eaton Rapids, Michigan, to manufacture some of the heavy components for windmill turbines.

So we have a cluster of wind energy companies locating in this town of about 2,500 people, south of Lansing, that will be the home for thousands of jobs, for thousands of renewable energy jobs; and these companies there are positioning themselves to actually export this technology. So it is not just about beating the competition from China, but it is about being able to build it faster, more cheaply and to be able to export that technology.

So, when my Republican colleagues ask, Where are the jobs? the choice is: what policies do we put forward here, and do we continue with policies that are creating jobs, that are transforming our economy or do we go backwards to what Congressman SESSIONS says—that we need to go back to the exact same agenda? This is the agenda that nearly bankrupted the United States of America, that drained the retirement funds of millions of senior citizens, that made the dream of retirement slip away for many Americans, and that really left us with an economy completely on its knees.

The industrial sector talked about that. It is very much a part of Michigan's past, a part of Michigan's present and, I hope, a part of Michigan's future. Total industrial production in

America has increased 8.2 percent during the past year. That is the largest 12-month gain since 1998. I need to repeat that because, you know, what you hear from folks on the other side of the aisle would make you think that the economic challenges we face magically began in January of 2009.

Total industrial production—making things, making things in America—has increased 8.2 percent during the past year, which is the largest 12-month gain since 1998. In June, industrial production increased a tenth of a percent. It grew to a 7 percent annual rate in the first quarter to a 6.6 percent rate in the second quarter, and this rapid industrial expansion is consistent with solid growth for our Nation's economy, and that is according to the Federal Reserve. Don't take my word for it. That is according to the Federal Reserve.

□ 2100

Trade, which is an issue that's very important to me. I was recently named to the President's Export Council. So I look forward to fighting for American companies to sell their goods abroad and to tear down trade barriers, like I am working on with China, to make sure that American companies can compete. But nominal exports are up 21 percent from a year ago. In May, nominal exports grew rapidly by \$3.5 billion, or 2.4 percent. Year-to-date, exports are up 18 percent for the first 5 months of the last year.

So we've got a big hole to dig out of. Remember, the last 5 months of the Bush administration our economy, our country lost an average of almost 640,000 jobs. Just in the last 5 months we've added an average of 174,000 jobs. There is a swing. We have a long way to go.

Initial unemployment insurance claims fell by 29,000 in the week that ended July 10. Too many people are unemployed. I will not be satisfied until everyone who is looking for a job has a job. Spending in core retail sales rose by two-tenths of 1 percent in June. Small business owner economic confidence increased by 2.6 percent during the second quarter. This is the largest 3-month increase since last July. So there are signs of progress.

I think the question, again, is do we move forward or do we go back to the exact same agenda? That is the choice. I'm not willing to go back. Too many people in my district are hurting. And too many families are hurting. And candidly, many people have lost hope. But we must continue to move forward and we must put the American people over any political agenda. You know, this is not the time to put the next election before the American people. The American people must come first. Their ability to have opportunities for jobs in new economic sectors is what the Democrats stand for and we will continue fighting for.

I also want to talk a little bit more about manufacturing, and particularly about Buy American provisions. I am looking forward to having a very vigorous debate in the House of Representatives, candidly, about whose side we are on. And we must be on the side of the American people. I have been pushing in every way possible that we expand and strengthen Buy American provisions.

I just received a letter from the Vice President of the United States in response to a very real situation that a company in my district faces, a company called Full Spectrum Solutions. They make high-tech, energy-efficient lighting. And they have been more and more making their light fixtures in America from suppliers all over my State and all over the Midwest. And they have been bidding on energy-efficient lighting contracts with municipalities. They received American Recovery and Reinvestment Act funds.

Unfortunately, some of their competitors—and there are Buy American provisions. I was asked by a reporter today, Why are Buy American provisions important? Here's the point. American Recovery and Reinvestment Act dollars are your tax dollars. So I think the American people expect a little common sense out of their government, which unfortunately there's not enough of. But they expect that their tax dollars be used to create jobs here in America, not jobs in China.

And so there is a Buy American provision in the American Recovery and Reinvestment Act. What Full Spectrum Solutions found was some of their competitors were actually taking light fixtures made in China and putting a label on these light fixtures that says "Made in the USA" to defraud the government, defraud the taxpayers, and hurt American companies and cost us American jobs.

So I worked with Mike Nevins, the CEO of Full Spectrum Solutions, and went down every path to find relief for this company. I went to the Department of Energy, Department of Commerce, Customs and Border Protection, the U.S. Attorney's office. No relief. No mechanism for relief for complaints of competitors cheating and mislabeling their products as made in America.

So I wrote the Vice President about 3 weeks ago, and I received a very, very specific response that is creating a new hotline within the Department of Energy for complaints about companies that are mislabeling their products as made in the USA, a means to investigate these complaints, and a notice to all grant recipients of these American Recovery and Reinvestment Act funds to be aware that there are some companies, unfortunately some American companies, that are defrauding the taxpayers and cheating and using our tax dollars to buy goods made in China rather than goods made in America.

So I received this very specific response, and it underscored just what we should be fighting for. We need to be fighting for American workers, American companies, and strengthen these Buy American provisions. I look forward to taking up legislation, Democratic-sponsored, hopefully bipartisan, but I know there are Democratic bills that I cosponsored as a part of the House Bipartisan Trade Working Group that will strengthen Buy American provisions.

I talked about a week ago about another fair trade bill with China. We are letting China eat the lunches of American workers. We are letting them do it. China, when they joined the World Trade Organization in 2001, never signed the government procurement agreement. This is the agreement that sets the terms for companies in one country to bid on and compete for government contracts with other countries.

Well, China, they know what they're doing. Just like they know what they're doing when they manipulate their currency. Just like they know what they're doing when they steal our patents, our intellectual property. Just like they know what they're doing when they subsidize their companies, tilting the playing field in their favor. And so what they've done for the last 9 years is they have blocked our companies from doing business with their government, while for some reason, I haven't been able to figure out yet, it's because there's no good reason, we're allowing Chinese companies to bid on and win contracts with our Federal Government paid for by your tax dollars. I don't think the American people have in mind that we use their tax dollars to create jobs in China rather than jobs in America.

So my bill, H.R. 5312, is very simple. It's a reciprocal trade bill. It truly is a fair trade bill. It says to China that their companies can do the same dollar amount of business with our government as our companies can do with their government.

Now, I flew when I came to Washington from my home in Battle Creek, Michigan, yesterday. There was a Ford Motor Company engineer on the plane. And we talked about this issue. I talk about this issue everywhere I go. And I said, "Do you manufacture in China?" He says, "Yeah, we manufacture in China." And I said, "You are not able to do business with the government in China, right, for any of their vehicle purchases or motor pools, whatever it might be?" And he said, "No, you know, now that you mention it, we're not able to do that." So I said, "Well, you know, China can do business with our government even though they're blocking our companies from doing business with their government?" Even, here is the point of the Ford conversation, even when they're manufac-

turing in China. So our companies are investing there, they're making their products there.

□ 2110

Include, even with that, China's policy. They know what they're doing. They didn't sign this government procurement agreement 9 years ago when they joined the World Trade Organization, and they are playing us for fools.

You know, according to the Economic Policy Institute, in Michigan, we have lost 68,000 jobs due to China's unfair trade policies since 2001. In Michigan, in my district—I represent seven counties in south central Michigan—2,700 jobs. That's the size of a medium-sized village within my district, wiped out completely, because of China's unfair trade.

So I want to stop in a moment. I want to yield to an outstanding leader, Congresswoman DEBBIE WASSERMAN SCHULTZ from Florida, to talk about our economy. I have been talking about the choice. I've been talking about the choice. Do we move forward and dig out of this economic hole that was caused by the failed economic policies of the Bush administration? And one of our Republican colleagues on one of the national press shows on Sunday says, when asked—they often don't like to talk about policy. They don't like to do that. When they were asked to talk about Medicare, their solution was to voucherize Medicare. Even though they don't like the term that is really true about their position on Social Security, they want to privatize Social Security. They don't like to talk about policy ideas. But when they were asked if Republicans get back into power what are you going to do, PETE SESSIONS says, We need to go back to the exact same agenda.

We cannot go backwards. We must go forward, and we must continue to fight for the American people. We must continue to fight for the American workers. We must continue to fight for manufacturing, for making things in this country. And I talked earlier about great progress that's being made in renewable energy, battery technology, wind energy technology, life sciences technology, the Chevy Volt. The Chevy Volt will be the first battery electric car, will roll off the assembly line in October in Hamtramck, Michigan. We are making things.

And if we don't have the kind of policy foresight that Democrats in this House of Representatives have been putting forward and will continue to put forward aggressively, we will go backwards.

So we've got a long way to go. I am not satisfied. I said I will not be satisfied until every unemployed worker in my district that's looking for a job has a job, until seniors again feel secure with the promise of Social Security. You know, these are the basic values

that I hold, and this is the fight that I signed up for.

So it's been a pleasure to talk a little bit about Michigan, a little bit about my home, a little bit about what's going on. I even talked a little bit about my family and my son-in-law that was unemployed for the better part of a year and, unfortunately, I don't think I finished that story. The good news is they're still in Michigan. They moved to the beautiful Upper Peninsula. It's where my wife, Christine, is from, from the Upper Peninsula. They got a job there. They bought a house.

But too many families can't tell that story. And we are fighting for the American people.

It is my pleasure to yield to my colleague, DEBBIE WASSERMAN SCHULTZ from south Florida, to talk about this choice.

Ms. WASSERMAN SCHULTZ. Thank you so much. And my colleague from Michigan, MARK SCHAUER, who's been holding down the fort here and who cares so passionately and so deeply about his district, about the people that he represents in Michigan, you have fought so hard to make sure that they have a voice because Americans are struggling, and you know that Americans are struggling. You're in the midst of an economic crisis in Michigan, as we all have been coming out of, and you're absolutely right when you talk about the fact that we have a choice.

I mean, Americans in November are going to have a choice. We can go back to the agenda of the Republicans, which now is right there in blue and white, and where they clearly have said, making no bones about it, that they would take us back to the exact same agenda that they pursued before, which included focusing on tax cuts exclusively for the wealthiest Americans, not caring in the least about working families or the middle class or having an agenda that did anything for anyone in a working family or the middle class, focusing on making sure that we could only spend time worrying about the well-being of major corporations and leaving working families to twist in the wind. Or we can choose to continue to move in the new direction the Democrats have taken the country under President Obama's leadership, under the leadership of the Democrats here in the House and the Senate when we took the majority back in 2006 and ended the culture of corruption that literally hung over this capital under Republican leadership. We ended the focus exclusively on the wealthy and focused on trying to turn things around.

President Obama on his first day in office inherited an economy where we were bleeding 700,000-plus jobs a month. And I'm not sure if Mr. SCHAUER talked about this, but we have now fast-forwarded a year and a half later and the

economy is adding about 100,000 to 125,000 jobs a month.

And if you look at manufacturing—and I know that's a particularly important area for Michigan. American workers are so proud and have always been so proud of the fact that we in America make things. We are the ones that make sure that machines run, that the manufacturing that is the proud tradition of the United States of America should continue. We have had 11 straight months of growth in the manufacturing sector under President Obama's leadership, under the policies, the economic decisionmaking that we've made since he took office, and that's incredibly important for Americans to understand. Because even though we have a long way to go, we've begun to turn the corner. We've begun to turn things around, and we need to continue to push hard to make sure that we can invest in infrastructure and balance those investments with tax cuts targeted to middle class and working families.

Last year, in the Recovery Act, the economic stimulus that has been talked about so much in the last year, we invested \$787 billion to make sure that we could create those jobs and invest in shovel-ready projects that were ready to go so that we could get people back to work who literally were left twisting in the wind after the Bush administration drove us into a ditch. And now you have the same people, the same people who drove us into the ditch in the first place are asking to get the keys back so that they can return to the exact same agenda that they pursued during the time that they were in charge. Why Americans would give them back the keys when they got us into this mess in the first place is beyond me, but that is what they are aggressively pursuing, nonetheless.

This morning, a number of us on the House floor had an opportunity to talk about the approach of Social Security's birthday. We're approaching the 75th anniversary of Social Security, 75 years of making sure that Social Security provides the safety nets to Americans who are in their retirement years, making sure that they have something to fall back on, and making sure that they have the ability to make ends meet each and every day.

And as Mr. SCHAUER so rightfully put it, under the exact same agenda that the Republicans pursued then, we would return to an effort—and they readily admit this, that we would return to their effort, which was first proposed by President Bush, to privatize Social Security.

□ 2120

What privatizing Social Security means is allowing people to invest their Social Security in the stock market. Now, if you watched the volatility of the stock market over the last num-

ber of years, I shudder to think about how the seniors in my district, my seniors in south Florida, I shudder to think how they would be able to make ends meet over the last few years if their Social Security investments evaporated into oblivion after the stock market downturn. We had stock market downturn, then it went back up, then it went back down again. The stock market is not the place for funds that are there and designed to be a safety net. In my home State, 53 percent of seniors without Social Security would be living in poverty, and that's just simply unacceptable. If that's the agenda that the Republicans want to take us back to, then Americans need to know that that's the direction that they would go.

I want to focus on some other comments because we should make sure that people know exactly what's being said on the other side so that when they make a decision on which direction they want to go, when they make a decision on which candidate for Congress, which Members they choose to have represent them, they should know what some of the Republican leadership on the other side has been saying.

If you recall, we had a lot of commentary on the other side about the stimulus, about the economic Recovery Act; and I remember that Mr. CANTOR, their Republican whip, I remember he actually has consistently said that the stimulus has not produced jobs. Now, I'm not sure what planet he's been living on, but one thing that has been very clear is that the economic Recovery Act, the stimulus bill, created millions of jobs. We wouldn't have been able to go from bleeding 700,000-plus jobs a month to adding about 100,000 private sector jobs a month without the investment that was made under the Democratic leadership.

Now, in spite of the fact that Mr. CANTOR has consistently said that the stimulus produced no jobs, that didn't prevent him from hosting a job fair with companies that received \$52 million in his community to create jobs from the stimulus. He actually held a job fair at a Virginia high school with a number of private companies that were seeking to hire and who benefited from the funds in the American Recovery and Reinvestment Act. So he's not the only one that has essentially tried to have it both ways, be opposed to the stimulus, vote against the stimulus, stated it didn't do anything, but then take credit in their community when the checks are being handed out and the celebrations were being had for the jobs that are created in the district by the economic Recovery Act.

And, I mean, I don't want to directly call any of our colleagues hypocritical, but that type of action seems pretty hypocritical to me Mr. TONKO, and I'm really pleased that we're joined this evening by my good friend Mr. TONKO

from New York who's joined us every week, week after week, to make sure that we can help America understand and talk to the American people about how this economy has turned around and how we have been able to create jobs, balance investments with tax cutting policy, and I would be happy to yield to the gentleman for his comments.

Mr. TONKO. Thank you, Representative WASSERMAN SCHULTZ. It's so encouraging to have people see the difference in how we approach reform here in Washington. There are those who will suggest that the 8.2 million jobs lost during the Bush recession were a tremendous blow to this Nation's economy, to working families, to households across this country. There are those who would suggest that the \$17.5 trillion worth of household wealth lost in the last 18 months of President Bush's final stage of his Presidency, some of that's been recaptured, recovered, some \$6 trillion.

But that painful outcome is sometimes lost. People forget that there were these trillions of dollars lost to the household incomes, that there were 8 million jobs lost in this country. Why would people want to go back to those failed policies?

And, today, we just do a litmus test based on other dynamics. Medicare, the Republicans suggest that we should voucher the system, allow people to have a voucher to go and invest in a private insurance plan.

There are those in the Republican ranks, the leadership, talking about reforming Social Security, raising the age limit, providing savings so that they can pay for the war, wanting to adjust a system that's very much part of the security for our Nation's retirees. To balance a budget on the backs of our hardworking retirees, people who have invested in the system, is telling us what their philosophy is all about. They're not supporting Wall Street reform. Attacking it, demeaning it, that it was an atom bomb used on an ant, totally misrepresents the situation; the fact that they wanted our President to apologize for coming down hard on BP and the oil spill and the failures in the gulf.

So we see that same thinking that brought about the failure of our economy, that brought this Nation's economy to its knees. They want us to go back to those standards? I think what we have here are improvements. There's a road to recovery. It's painfully slow, but it's moving in the right direction. It's a sweep upward after several months of a sweep downward. The V formation, that constant dip down south, southward with the economy, now transitions upward, has told the story, has told the story; and I see it in my district.

I see the capital region of New York responding to an innovation economy,

investing in opportunity, in innovation. Advanced Battery Manufacturing, they're to open a new facility in our district that will move to something that now transitions our economy because it will be able not only to store intermittent power; it will also be able to generate electricity and also be used for heavy fleets. This is the way we create jobs. This is the investment of the Recovery Act that invested in Advanced Battery Manufacturing, invested in renewable technologies for energy generation, invested in smart grid, smart thermostats, smart meters.

These were the opportunities that really transition our economy and create a new day for America because we become more self-sufficient in our energy policy, with our energy policy. We allow for generation to be done here by embracing the American intellect. These are the dynamics of reform that were long overdue. They're creating American jobs to produce American power. A tour with the veterans of this country about American power, about how we can create jobs here and not send hundreds of billions of dollars to foreign-nation treasuries and those nations are unfriendly to the U.S. That's the changed thinking, not the failure of the past that drained household incomes by \$17 trillion to \$18.5 trillion, that lost 8 million jobs.

Do we go back to those failed policies, or do we transition over to what has been the road to recovery, albeit not as fast as we would like, but it's progress, it's movement in the right direction, and it's innovation and it's embracing the American intellect.

Ms. WASSERMAN SCHULTZ. Thank you so much, Mr. TONKO, and I just wanted to add a couple of things and then I know Mr. SCHAUER will close us out.

But one of the things that I think is important to note that we also have done—because deficits are really an issue and deficit spending is an issue—were, when we took the majority back, reestablished the PAYGO rules and then enshrined them in statute in this Congress to make sure that legislation that we pass is paid for, that we don't, like most families have to do, like every family I know, can't spend more than they take in.

The Republicans let those rules which were originally adopted under the Clinton administration and resulted in the record surpluses that President Bush inherited, they let those rules lapse. Well, we reestablished them because when they let those rules lapse, that's when we ended up in a huge deficit situation.

□ 2130

Because of that, we are able to, with the budget that we have adopted, cut the deficit in half over the next number of years and focus on deficit reduction while also making sure that we balance

that with investments so that we can get our economy back on track.

That's the difference between us and them, and I hate to say it like that, but, really, there hasn't been a more stark contrast in the choice that Americans have to make in this election, and I look forward to spending some more time on the floor talking with my colleagues about it.

Mr. SCHAUER. I would like to thank my colleagues, DEBBIE WASSERMAN SCHULTZ of Florida, PAUL TONKO of New York. Our time is about up, but I will give you two numbers that summarize the Bush policies: 8 million lost jobs, \$14 trillion in wealth lost to American households—8 million, \$14 trillion. Trillion.

Now, Americans can do it. We have been through tough times before, but we have always pulled together as a Nation to overcome our challenges. After challenges, Americans return stronger, more determined and more united.

Democrats came together and faced the challenges that we were handed by mismanagement of the Bush Republicans and, together, we are pulling our economy back from the brink of economic ruins.

As Americans, I know we can do it. That's why we are here tonight. I received a couple of texts from folks at home. They are watching. Americans know we can do it. We can turn our economy around and get our economy back on track.

I will yield back. Thank you.

GET THE COUNTRY IN THE RIGHT DIRECTION

The SPEAKER pro tempore (Mr. HEINRICH). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker. Now, as always, it is a great honor to speak on this floor where so many have given so much trying to get the country in the right direction.

I do need to address some things that have come up. For one thing, I would like to read an article from The Washington Examiner, June 9, 2010, written by Timothy Carney.

"As BP's Deepwater Horizon oil rig was sinking on April 22, Senator John Kerry, D-Mass, was on the phone with allies in his push for climate legislation, telling them he would soon roll out the Senate climate bill with the support of the utility industry and three oil companies—including BP, according to the Washington Post.

"Kerry never got to have his photo op with BP chief executive Tony Hayward and other regulation-friendly corporate chieftains. Within days, Republican cosponsor Lindsey Graham, R-S.C, repudiated the bill following a spat about immigration, and Democrats went back to the drawing board.

"But the Kerry-BP alliance for an energy bill that included a cap-and-trade scheme for greenhouse gases pokes a hole in a favorite claim of President Obama and his allies in the media—that BP's lobbyists have fought fiercely to be left alone. Lobbying records show that BP is no free-market crusader, but instead a close friend of big government whenever it serves the company's bottom line."

It goes on to point out that British Petroleum has lobbied for tax hikes, greenhouse gas restraints, for the stimulus bill, the Wall Street bailout and for subsidies for things like oil pipelines, solar panels, natural gas and biofuels.

"Now that BP's oil rig"—this is the article written by Timothy Carney, "Now that BP's oil rig has caused the biggest environmental disaster in American history, the Left is pulling the same bogus trick it did with Enron and AIG: Whenever a company earns universal ire, declare it the poster boy for the free market.

"As Democrats fight to advance climate change policies, they are resorting to the misleading tactics they used in their health care and finance efforts: posing as the scourges of the special interests and tarring 'reform' opponents as the stooges of big business. Expect BP to be public enemy No. 1 in the climate debate."

Again, this is the article by Timothy Carney, June 9 of this year.

Carney goes on, "There's a problem: BP was a founding member of the U.S. Climate Action Partnership (USCAP), a lobby dedicated to passing a cap-and-trade bill. As the Nation's largest producer of natural gas, BP saw many ways to profit from climate legislation, notably by persuading Congress to provide subsidies to coal-fired plants that switched to gas."

Well, it goes on, it talks more. It mentions that "BP signed off on Kerry's Senate climate bill, which was hardly a capitalist concoction. One provision BP explicitly backed, according to Congressional Quarterly and other media reports: a higher gas tax. The money would be earmarked for building more highways, thus inducing more driving and more gasoline consumption.

"Elsewhere in the green arena, BP has lobbied for and profited from subsidies for biofuels and solar energy, two products that cannot break even without government support. Lobbying records show the company backing solar subsidies, including Federal funding for solar research. The U.S. Export-Import Bank, a Federal agency, is currently financing a BP solar energy project in Argentina.

"Ex-Im has also put up taxpayer cash to finance construction of the 1,094 Baku-Tbilisi-Ceyhan pipeline carrying oil from the Caspian Sea to Ceyhan, Turkey—again profiting BP.

"Lobbying records also show BP lobbying on Obama's stimulus bill and Bush's Wall Street bailout. You can guess the oil giant wasn't in league with the Cato Institute or Ron Paul on those.

"BP has more Democratic lobbyists than Republicans. It employs the Podesta Group, cofounded by John Podesta, Obama's transition director and confidant. Other BP troops on K Street include Michael Berman, a former top aid to Vice President Walter Mondale, Steven Champlin, former executive director of the House Democratic Caucus, and Matthew LaRocco, who worked in Bill Clinton's Interior Department and whose father was a Democratic Congressman."

"Two patterns have emerged during Obama's presidency: (1) Big business increasingly seeks profits through more government, and (2) Obama nonetheless paints opponents of his intervention as industry shills. BP is just the latest example of this tawdry sleight of hand.

"Once a government pet, BP now a capitalist tool." Again, this is from The Washington Examiner's lobbying editor, Timothy P. Carney. Interesting.

Some of my friends come to the floor and talk about, make it sound like the Republicans and BP are really tight. You look at the lobbying records for BP, you look at the contribution records for the Wall Street firms that benefited so dramatically from the ridiculous bailout, yes, it was a Republican President, should have known better.

You don't set aside free market principles to save the free market, because if only socialism works in a crisis, we got no business going back to free market in the good times.

□ 2140

But the trouble is it was no free market. In this world in which people are not perfect and you have some greedy people, you have some people that lust for power, you have got to have a government intervention to make sure everyone is playing fairly; not that everyone has equal assets but that people have an equal opportunity. That's what a free market is supposed to be about in this world. In the next, we won't need a government. God will reign. But in this one, we need a government, and it needs not to be a player on the field and also the referee. We've had enough of that, got that going on in the flood insurance program. We now have been told in this last year and a half that, gee, we need the Federal Government playing in the health care field just to give an option. That's what we heard in the flood insurance program, and now the Federal Government is the only flood insurance program because nobody can compete with a government that gets to run in the red all the time.

So I appreciate my friends trying to lay BP at the feet of the Republicans,

but the fact is that the reason, apparently, that it took so long for this administration to finally turn on BP was—they did have to turn on them because they were together, working together on the crap-and-trade bill because BP was right there with them, supporting that crap-and-trade bill. And then you had Senator KERRY, the administration, I mean, BP was their buddy. They were helping them on the stimulus package, of all things. Most of the true free market people that don't want the government taking over everything were not supportive of the stimulus bill because they knew exactly what has happened would happen. That's what people knew, that when the government starts sucking all the capital out of the country for its own uses and its own devices, then the great job creator, small business, private business across the country, cannot get loans.

And I so agree with my friend Mr. SCHAUER when he talks about how difficult it is for people to get loans in this country; it is just so difficult. We've got regulators breathing down their throats requiring them to hold more in reserve than the law requires, requiring them not to lend money to people that have been with them 20 and 30 years as great banking clients, threatening the full vengeance of the Federal Government if they were to make loans that some regulators told them not to make so that people can't get capital. The Federal Government is sucking it up, and it is a terrible, terrible shame.

And I appreciated my friends across the aisle pointing out that, as Mr. SCHAUER said, I think it's 600,000, 700,000 jobs were lost the last 5 months of the Bush administration, and then he went on and pointed out that over the last 5 months the average has been 170,000 jobs a month that have been added. My friend from Florida came in and didn't realize he had said that. Her figure was 125,000 jobs per month. But we won't haggle over 50,000 jobs average per month. We would love to have those jobs. But unfortunately, to get to an average, whether it's 125,000 or 170,000, you have to have things like we did in June. 430,000 jobs created in the month of June. Great news. 431,000, actually. Unfortunately, 411,000 of those were temporary census workers. Oh, yeah, the economy is just booming, isn't it?

It gets so tiresome hearing my friends across the aisle talk about that last year that Bush was in office and the damage he did to the economy. It's deeply troublesome because the fact is, in November of 2006, our Democratic friends took the majority by promising America that Republicans would not control spending but they would. They promised that we will get rid of this ridiculous \$100 billion, \$200 billion deficit for 1 year of spending by the Repub-

licans who controlled Congress because, as anybody who has had any decent education in this country knows, the President and the executive branch can only spend money that is appropriated by the Congress. So we also know, then, for the last 2 years of the Bush Presidency, every stinking bill that passed only did so because the majority wanted it to pass. There was nothing Republicans could do in 2007 and 2008 to stop any bill in Congress that our friends across the aisle wanted to have passed. We tried. We made points of order, objections when we could see that the rules were not being followed and then would be ruled down from the Chair in order for us to appeal the ruling, which was voted down every single time that we appealed the ruling of the Chair because they had the votes to do so, not because it was a violation of the rule.

So we come to the point a fair analysis has to indicate that if the spending was out of control in 2007 and 2008, obviously it wasn't because of the Bush administration. They can't appropriate anything to themselves. And if the policies of spending caused this great loss of jobs in the fall of 2008, then it was either the responsibility of the majority party, the majority party either caused the massive problems in 2008 to our economy, or the majority party was the most incompetent ever to be in the majority in this House. I don't think they were that incompetent. I think they passed exactly what was intended.

We heard talk about the wonderful health care bill. It got pretty tiresome over the last year and a half hearing friends across the aisle accuse me and others of misrepresenting the real facts. How could we not understand what the bill was about? Well, the truth is, for those of us that read the ridiculous bills that were brought forth that were not about health care but were about the GRE—"government running everything"—we knew problems that were going to be forthcoming. Some of us came to this very podium and other podiums here and talked about what was in the bill because we were reading these provisions that deeply troubled us.

And I note, General Electric is a big backer of this administration, been so excited about the health care bill because they were going to get to have the contract for bringing together all of the health care records in the country, that the Federal Government was going to be the repository, the depository for every health care record in America. The personal, private, biological situations of every person in America would be within the control of the Federal Government.

□ 2150

You know, there are people who have made incredible deals happen, who

have made the economy purr, and though they knew they were dying, others didn't know. The Federal Government didn't know, and so they made things happen because their biological lives were their own lives. Their lives were their own business. As a result of the ObamaCare bill that needs desperately to be repealed, if it is not, every man's most private, personal lives will be under the electronic control of the Federal Government.

We have noticed that, when someone stands up against this administration, private information seems to surface from out of nowhere about that person. So anyone who stands up against them is liable to have the full power of the Democratic government come down on them.

We know that in the days preceding the impeachment vote, or the vote to remove President Clinton from office, the White House was found to have over 1,000 FBI files in the White House. In the possession of every one of those files was a felony, meaning years in prison to anyone who possessed them, to anyone who was complicit in having them brought over from the FBI, because they had to be physically brought into the White House. They were, and you had to know there were a lot of people involved. Yet not one person was prosecuted.

They could have certainly made the case against the person who had them. I believe it was 2 years in prison—it could have been 4—and I'm sure there are different ways to charge it so you could lump on different Federal charges, but at least 2,000 years in prison minimum for having those files. Any good prosecutor knows how you work that.

You go to the guy who has the files, and you say, You're looking at 2,000 years in prison. You'll never get out, but you know what? If you'll help us successfully prosecute those who have caused you to get those 1,000 FBI files—because we know you can't do it on your own—and if you help us to know who it was who told you to get these files, who went through these private FBI files—if you help us with all of that, we can work a deal. Maybe you'll do 4 years.

That's the way prosecutions normally work, and you work up the food chain until you find the highest person who was involved in bringing those files to the White House. None of that happened. None of it. For most prosecutors, they would see that as lay-down cases that are just so easy. You know, you've got them dead to rights. Now it's just a question of how far up the food chain you get to send people to prison. It didn't happen, and that was with the physical possession of FBI files.

Now we're talking about a private company overseeing this operation. We're talking about the Federal Gov-

ernment's having control over all of these records. I know I've heard people ask, Well, what makes you think that anybody could ever get access to these private medical records of each individual in America?

How could anybody be so naive when you see the kind of things that have already happened in this country and the disclosure of secret information? Do you think that if this Federal Government cannot keep secret the identity of our most secret agents that they will be able to keep secret the medical records of someone who has become an enemy of the reigning party in the White House or in Congress? There are always leaks these days, it seems. There are always leaks.

We've found out, in the past few days, that the government, apparently, is going to require everybody in America to have a body mass index because the Federal Government wants to know how fat everybody in America is, and it doesn't take an Einstein to figure out that, once the Federal Government knows what your body mass index is, then they will be able to make decisions based on that information.

Now, I've been belittled; I've had blogs take all kinds of shots at me; I've had people on the other side of the aisle belittle this comment I'm about to make that I've made over the last year and a half; but, boy, is it turning out that I was right and that the naysayers simply hadn't read the bill and could not see what was going to be allowed unto the Federal Government.

Here is what I would say:

Think about it. The Federal Government has all of your personal medical records. We've been told that the Federal Government has the capability of monitoring every credit card purchase, every debit card purchase that anyone in America makes. We are also told it doesn't do that, but that it has the capability. But once the Federal Government, through tax dollars, is paying for people's health care, then it will proclaim the right to know what you're spending your money on.

For example, if you have too high of a cholesterol rate and if you have too high of a body mass index, then it's quite conceivable at some point that you'll get an email or you'll get a letter from your Federal Government, saying, We noticed your cholesterol was 160, and we noticed that you bought bacon at the grocery store this weekend. Accordingly, since you were on a Federal program, we are going to have to increase the amount that you pay to participate in the Federal ObamaCare program in which you're found.

Well, now, as we hear these things come out, now that we are a few months past the bill's becoming law, things for which I was belittled are now appearing to be quite accurate in their projections.

I heard my friends across the aisle talking about Social Security. If people are going to represent what I believe and what I have pushed for my 5½ years here in Congress, I would wish that they would get it right, because it wasn't. What I pushed with my Republican colleagues the year I got here in 2005, what I continue to push today and what I will continue to push next year, whether or not Republicans are in the majority or not, is this:

Social Security tax dollars should go into the Social Security trust fund. Statements I made back in 2005 are easy to find. I pointed out back then that I had my staff do an experiment, which was to contact the Texas Employment Retirement System, the Galveston retirement system and the Social Security system and to pose this hypothetical:

Suppose somebody had worked for 30 years, averaging \$30,000 a year. What would be a person's retirement income per month?

□ 2200

I talked about this in 2005, in 2006, 2007, 2008, 2009, this year. I spoke of it recently back home in East Texas. Well, what we got from Social Security was, well, you say average. A lot will depend on how many years, it was at what level, how you ended, all these other factors. So the best we can give you is somewhere between \$600 a month and \$900 a month. Tragic. Six hundred dollars to \$900 a month. After someone has spent a lifetime paying into Social Security that's all you get? My goodness, the prescription drugs can eat that up in a heartbeat. And if you hadn't had your home already paid for, you are in big trouble.

Six hundred dollars a month in your senior years, when you ought to be a glory to your family? No, you become a drag, because this government did not do what it said it would do—put that money in a Social Security trust fund. You look at some societies throughout history, and they point out that when you pay tribute to your seniors because of their wisdom, because of what they've learned through the years, and one society they always made, at any gathering, the oldest person the center of attention. It gave people a reason to continue to live longer, so people there did live longer. It's not what we do here, and it's tragic. We relegate our seniors, who are our greatest source of wisdom and experience and knowledge, to \$600 a month for Social Security.

Well, on the other hand, checking with the Texas Employment Retirement System, they came back and said, well, because it's a hypothetical and we don't have the exact years and how much was at the end and all that, the best we can say is somewhere \$2,700 to \$2,800 per month in retirement income. Wow. Several times the amount you would get from Social Security in

the same scenario. What's the difference? The main difference is Social Security, since its inception in the 1930s, has never had a dime go into the Social Security trust fund. I thought it had until I got here. Come to find out this has been going on from the beginning. I thought it was a more recent development, maybe since the Great Society. Not true. Since the 1930s, never a dime of Social Security tax money going into the trust fund.

How about that for a start? That's what I have been advocating. Try to lay a privatizing label on me. I have been advocating this for 5½ years. Put Social Security tax money into the trust fund. Now, we've got people on our side of the aisle too, a tiny minority that say uh-oh, if you were to do that it would make the government own too much in the way of bonds. But some of them also voted for the Wall Street bailout, so apparently they got beyond that concern in the 3 intervening years since they opposed my proposal.

But there are just not a lot of people in the majority, it doesn't appear, who want to put Social Security tax dollars in the Social Security trust fund so that we can ensure that it will be there for years to come and it will draw interest. And we could do so much better by the seniors, who are the Greatest Generation, the seniors who have laid the groundwork, the foundation for this greatest advancement in human history. And now we're treating them so poorly by giving them \$600 a month after all they've done because we won't put money in a trust fund so it can grow and they could get more in their senior years so that they don't have to worry whether they'll have to eat or get their drugs. We owe them so much better.

And if my friends in the majority would want to do that we could do it like that. And the President wouldn't have a choice. He'd have to sign it because you would have more than two-thirds in both Houses that would vote for that. What a great day for seniors that would be. What a great day for people moving toward their senior years to know, finally, money's going into the trust fund that will start growing. First time in American history. That's the kind of thing we need to be doing.

Now, we keep hearing about this financial reform bill. It's a financial reform bill, pure and simple. It still continues this ridiculous notion of a systemic risk panel, so that the government gets to pick and choose which companies will live and which will die. Because the way it's set up, that's what's going to happen. We already saw that with Goldman Sachs and AIG, two companies that had historically given contributions four to one to the Democratic Party over Republicans. But boy didn't George W. Bush do them

a favor? He let Hank Paulson talk him into bailing out his buddies, all these big Democratic donors, to the tune of billions of dollars when they got their own cart in the ditch.

Some of us realize it's nice when you help somebody get their cart out of the ditch, but you sure shouldn't let them run over you with it once they do. And that's what's happened. Goldman Sachs had their biggest profiting year in their history. So you can bet they'll be able to donate lots and lots of money this year to keep their friends that have done them the most good in office. And it won't be Republicans.

Another problem in this financial reform act is that it creates a system of bailouts as far into the future as anybody living today can see. When anyone says that a company or a bank is too big to fail, then it is absolutely essential that they be allowed to go through bankruptcy, be declared a failure, reorganized, sell off some of their attractive assets, and reorganize so never again will they be so big that they will pose a risk to our economy. That's not what happened with the Wall Street bailout. It's not what has continued to happen.

And one of the things that has grieved so many of us, that we could not believe that any White House, Republican or Democrat, could appoint a task force, a bunch of czars, and they make decisions about who lives and who dies in the automotive industry. They picked the winners and losers. They take property from people without due process of law. They force dealers, who owe money to the banks for buying the dealerships, into losing their dealership, take it away from them without any due process of law, without a chance to go to the bankruptcy court and say we have an alternative plan. Without a chance to come to the courts and say, you know what, you're not going to sell more cars by having so many less dealers.

They didn't have a chance to come to the bankruptcy courts or to the courts of America and say why in the world would you have some idiot proclaim that in a terrible recession we're going to close down tens of thousands of jobs and put them out of business, put them out of their jobs, put their families out wanting and begging because we felt like it?

□ 2210

We wanted our friends to be in business, didn't want our enemies to be in business. Well, the Founders were scared to death that a government might ever have that kind of power, so they took pains, they fought for, they died for the chance to have a government with not just one House in Congress but two. So if one got too far afield, the other could rein them in, keep them from doing something stupid. And if both of them did something

stupid, then the executive branch, the President, could stop them with a simple veto. And if both of them got out of hand, you had a judicial branch, and they could cancel out what the others did.

And if the executive branch gets too far afield and appoints an auto task force that's going to violate the Constitution by taking property without due process of law and they're going to just run roughshod over the laws passed by the Congress that says this is the way bankruptcy proceedings go and you don't violate that, that if an executive branch ran roughshod over both the law and the Constitution, then the Congress would be upset and they would say, Wait a minute. The Congress passed those bankruptcy laws. We don't care if you did get a bankruptcy judge who wants to be reaffirmed as a judge in a few years or be a district judge down the road. We don't care if you got them to sign that bill. We're going to cut off funding for all of these czars, all of these task forces you've appointed who have no accountability to us. We're going to cut off your money. We'll cut off your task force at the knees. We'll cut off your czars at the knees because we're going to defund them.

That power was given to Congress to make sure that you don't let an executive branch appoint a bunch of czars without the consent of the Senate and then make rules and decide who loses their property without any accountability to anybody.

The Founders knew that with people in Congress in numbers in the House and Senate, they would never let the laws they passed be run over in such a fashion. They would stop the executive branch from doing that. But, unfortunately, it didn't happen.

Congress let the executive branch, through the auto task force, disregard the Constitution, disregard the law, disregard creditors' rights in the law, disregard the rights of secured creditors, promote unsecured creditors and make them owners, put secured creditors down to getting pennies and tell the secured creditors, if you say anything about it, you'll have the full force of the Federal Government executive branch come on you and you will be done in business for good. Don't you dare stand in our way. There were threats that we heard were made. And so they couldn't fight. Their only hope was that Congress would protect the power that it was entrusted with to keep the executive branch from running over the Constitution.

Congress let it happen.

But the Founders were so clever. They knew they didn't trust government, so they had this third branch, the court. And of course the Supreme Court was the only court actually created in the Constitution. Every other court in America owes its existence to

this body. But the Supreme Court, thank goodness the Founders had the foresight to create that third branch. They'll stop the auto task force from disregarding the Constitution and disregarding the laws passed by Congress. Even though Congress didn't, they will. And God bless Ruth Bader Ginsburg, to her credit, put a 24-hour hold on that whole deal.

But the executive branch scared the Supreme Court sufficiently into thinking that if they extended that 24-hour hold any further, then apparently they made the Supreme Court believe that they would be responsible for the loss of every job related to the auto industry and all of those lost jobs would be on the Supreme Court's head. Why else would they let the Constitution be trampled on in such a fashion? Why else would they allow the laws to be trampled on in such a fashion?

None of the safeguards worked and people lost their businesses.

And then we get this article, July 19, from Bloomberg of all sources, and I'll read: "The Obama administration's push to accelerate General Motors Co. and Chrysler Group LLC's dealership closings aimed at helping the companies compete may not have been necessary and added to unemployment, a U.S. watchdog said.

"The Treasury Department should have considered whether speeding up the closings was worth the potential loss of tens of thousands of jobs, according to a report released yesterday by Neil Barofsky, special inspector general of the Troubled Asset Relief Program." TARP, of course.

The article goes on, "The U.S. had rejected reorganization plans from the carmakers in March 2009, in part citing a 'slow pace' for GM to scale back its dealer network.

"Such dramatic and accelerated dealership closings may not have been necessary and underscores the need for Treasury to tread very carefully when considering such decisions in the future," Barofsky concluded.

"The report made prompt congressional criticism of the administration's handling of the automaker bailouts. Lawmakers have already complained about the job losses in their districts from dealership closings and the process by which retailers were selected for shutdowns.

"This sobering report should serve as a wake-up call as to the implications of politically orchestrated bailouts," Representative Darrell Issa, a California Republican and ranking member on the House Committee on Oversight and Government Reform, said yesterday in a statement.

"Obama's Treasury Department, which has spent \$80.7 billion on auto assistance under the TARP program, criticized the inspector's audit and said without government aid both companies faced failure and possible liquidation.

"The Department's auto task force in early 2009 found Detroit-based GM's plan for closing 1,650 dealers by 2014 too slow, according to Barofsky's report. In response, GM identified 1,454 dealerships to be shut down by October, Barofsky said.

"Auburn Hills, Michigan-based Chrysler, which planned to shut almost 1,200 dealerships by 2014, instead decided to immediately close 789 in bankruptcy after Treasury's urgings, according to the report.

"The Treasury Department, using advice received from industry experts, had encouraged smaller dealership networks to help the carmakers boost sales and better compete with Japan's Toyota Motor Corp. and Honda Motor Co., according to the report.

"GM, which later moved to trim the closers by about half, said in a statement that events described in the report 'have since been overtaken by a new GM and a stronger dealer network to match.' The statement added, 'The new GM is also moving forward to improve dealer relations and has already reinstated several hundred.'"

Reinstated several hundred? After the executive branch forced these people to lose their property without due process of law?

Continuing on with the article.

"General Motors Co. was formed last year out of bankruptcy from the best-performing assets of General Motors Corp. while a group led by Fiat S.p.A. purchased most of the bankrupt Chrysler LLC assets, forming Chrysler Group LLC. Taxpayer aid made the reorganizations possible."

Not bad enough to put tens of thousands of people out of business and take millions and millions of dollars without due process, we also took taxpayer money. This administration and this majority let it happen.

"Dealer complaints about closures prompted lawmakers, including Senator Jay Rockefeller, a West Virginia Democrat, to ask Barofsky to investigate.

□ 2220

"There is substantial confusion, even among dealers themselves, as to how GM and Chrysler selected dealerships for termination," Rockefeller, chairman of the Commerce, Science and Transportation Committee, said in a letter to Barofsky.

"The report found that Chrysler, which made decisions on a case-by-case basis, followed the criteria for targeting dealers for termination. GM was inconsistent and retained more than 1,300 dealers who would have been shut based on sales, consumer satisfaction and profitability, according to the report."

"The fact that Treasury was acting in part as an investor in GM and Chrysler does not insulate Treasury from its responsibility to the broader economy,"

Barofsky said. "Treasury should have taken special care given that the auto team's determinations had the potential to contribute to job losses." Herbert Allison, assistant Treasury secretary for financial stability—"isn't that a misnomer. Anyway, he "said in a letter included in the report that the restructuring process 'was not easy' and required 'deep and painful sacrifices' from all parties.

"We strongly disagree with many of your statements, your conclusions and the lessons learned," Allison told Barofsky.

"President Barack Obama signed a law in December that required the automakers to offer binding arbitration to dealers whose outlets were being closed. GM said in March it planned to reinstate 661 dealers after the company began reevaluating the closing of 1,100 retailers."

And who's going to pay them back for all the property that was stolen from them by this administration? But I have to add stolen legally because Congress didn't stop them; the Supreme Court didn't stop them. So, accordingly, it must have been legal. They weren't stopped by the people that could have.

Well, back to the article: "Chrysler said that same month it was offering new franchises to 50 dealers who applied for arbitration, in addition to 36 previous offers or new agreements. Chrysler terminated 789 dealers last year and said in January that 409 had applied for arbitration."

I tell you what, we've heard from dealers who were some of the most profitable, who were doing well, and this administration took them away from them and got a bankruptcy judge to sign off, to his shame. Should be eternal shame, the damage that judge and those auto task force people caused. Shameless.

And yet when the House and Senate asked for information, notes from their meetings, they said, We're not accountable to you. We're a rogue government, is basically what they, in essence, were saying. We're a rogue government; we're czars. We do what we want. You can't touch us. Only the President who put us in these positions can get rid of us, and he likes what we've done. That's the message in essence.

When I hear my friends across the aisle talk about the importance of PAYGO, I was a Republican that voted for that in the previous term because I supported that, and then I come to find out it was a joke. It didn't mean what they were talking about with PAYGO, because every time there's a big bill, including extending the unemployment benefits, they have no intention of paying for that, just creating an exception over and over. Here it comes with a rule. Well, PAYGO suspended, we're not going to apply here.

Well, what good was it ever passing it in the first place? I learned my lesson.

I thought that I could believe my friends across the aisle: yeah, we need to vote for PAYGO. People on this side of the aisle said don't believe them. I said, no, they're pushing this PAYGO bill; I'm going to vote for it. I did, and boy, did I learn. There was no seriousness about following through on that.

And it still blows my mind to hear people say over and over that tax breaks for the wealthiest Americans are wrong. They're right. If you do nothing but have tax breaks for the wealthiest Americans, it is wrong, should not happen. But how about when you have a tax break for the people paying taxes? That's fair. When it's an across-the-board tax cut, evenly cut across the board, that's fair.

Unfortunately, we are quickly approaching the point where 50 percent or more of Americans will not pay income tax. Historians have warned about this point, that it is the point of no return. It is the line of demarcation. Once you pass it, you can't get back. Only with a miracle from God can a Nation be saved once a representative government has more than 50 percent of its voters not paying the taxes that run the government. When you get past that point, you're done.

It's one of the reasons I came here. It's one of the reasons I don't sleep much, keep working away, trying to figure out ways to hold this place together until we can have a fair deal for everybody.

Heck, I'm the guy that came up with the tax holiday idea. When the Bush administration and Obama administration were talking about, you know, really trillions of dollars to get the economy going, heck, I found out you're talking about trillions, Federal Reserve, trillions, to get the economy going. \$1.21 trillion was all that was expected to be paid in personal income tax for year 2008. That's when it hit me, wow, we'd be a whole lot better off if we just said no income tax for 2008. It'd be a lot cheaper than all these bailout programs, and the American public would get their own money, and they would get to decide what car to buy. They would get out of trouble on their mortgages.

But now, this administration—and they can only do it with this Congress getting it done because Congress passes the money bills. This administration, this majority have spent trillions and trillions of dollars; and we are so obligated, there's no way to have a tax holiday right now. We've got us so deeply in debt we can't do that now. It sure would have spurred the economy a whole lot more cheaply than what we've done.

I want to finish tonight by taking, Mr. Speaker, one back to 1755. We know that there are those, including the President, who have said this is not a Christian Nation, and I will not de-

bate that point whether we are or not now, but I know where we came from.

In 1755, George Washington was in his early 20s, 6-foot, three and a half, at least that's what he was measured when he died. Some books say six-two, six-four, six three and a half at his death, big, strapping guy, full of emotion, powerful man, athletic man. He was riding a horse, leading 100 American militiamen. They were accompanying 1,300 British Red Coats in the French and Indian War. They were heading up to Fort Duquesne in Pennsylvania. And the British generals—there were 82 officers including Washington on horseback.

The British generals had decided to go take the path of least resistance, through the woods, through this low area, sort of a ravine, passing through that area. Well, Washington got concerned they could be walking into an ambush. So he asked the general, Let me send some of the men ahead that know this area, make sure we're not walking into a trap. He was belittled by the general. You think you know more about military than I do? This was a guy that was described as self-taught, described himself that way, George Washington.

□ 2230

So they didn't send Washington's men. They had to check, they walked into an ambush. The Indians, the French opened up, for 2 hours, firefight.

After 2 hours, over 713 British redcoats were dead, they had gone shoulder to shoulder, back to back. They were getting wiped out. The Americans, none were killed, some were wounded, but they had immediately taken cover.

Washington, at the end of 2 hours, was the only officer still on horseback, still fighting. He had had one shot out from under him, at least one. He is still on horseback fighting. Brave, he is fighting, he is calling out orders, incredible man.

All his men were amazed at this gallant, brave, courageous 20-something year old. After 2 hours, he could see the rest of the British were going to be wiped out if they didn't retreat. They retreated.

Two days later he wrote to his mother and brother, he hadn't met Martha yet. He said, in essence, when we got to a place of safety and camped for the night, I took off my hat, shook out my hair. Bullet fragments flew everywhere, had not a scratch on my head. Took off my jacket, I had bullet holes through and through, had not a scratch on me. Truly, divine providence. God protected me.

Fifteen years later, George Washington, he became a hero out of that, because word spread from all the Americans about how courageous and brave

this young man was, big, tall, strong, strapping guy, how brave he was, what a fighter he was. He never lost his head. He kept his cool, kept fighting, calling out orders, just a leader of leaders, a man who was quoted as saying, men unused to restraint must be led; they will not be drove.

Fifteen years later, he was going with a friend, Larry Craig, up through that same area. Dr. Craig was with him when he died, unfortunately, but he was going to show him the area that was so famous where this occurred. They got up there where there were Indians there that wanted to sit down and meet with him. The Indian chief, the lead chief, said, we were in these woods 15 years ago, you and I were here. I ordered my men to fire at you before they fired at anyone else, and they did that. We came all this way to meet the man that God would not let die. It used to be in history books and every American history book until 1910 and began to disappear.

I won't debate whether we are a Christian nation now, but Washington knew what we knew, knew what we were.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCOTT of Virginia) to revise and extend their remarks and include extraneous material:)

Mr. BRIGHT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mrs. HALVORSON, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, July 27.

Mrs. MILLER of Michigan, for 5 minutes, today.

Mr. WOLF, for 5 minutes, July 22 and 23.

Mr. JONES, for 5 minutes, July 27.

Mr. GINGREY of Georgia, for 5 minutes, today.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 21, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5283, the Help HAITI Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5283, THE HELP HAITI ACT OF 2010, AS AMENDED

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

H.R. 5283 would make it easier for certain Haitian children adopted by U.S. citizens to obtain permanent U.S. residence. This legislation would affect a small number of children, and CBO estimates that it would have no significant effect on direct spending by the Department of Homeland Security.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5532, the International Adoption Harmonization Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5532, THE INTERNATIONAL ADOPTION HARMONIZATION ACT OF 2010, AS AMENDED

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

H.R. 5532 would raise the maximum age (from 16 to 18) for foreign children adopted by U.S. citizens to be eligible for permanent U.S. residence. CBO estimates that this legislation would affect very few children and would have no significant effect on direct spending by the Department of Homeland Security or on federal assistance programs.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5566, the Prevention of Interstate Commerce in Animal Crush Videos Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5566, THE PREVENTION OF INTERSTATE COMMERCE IN ANIMAL CRUSH VIDEOS ACT OF 2010, AS AMENDED

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

H.R. 5566 would modify the current laws that prohibit the sale of certain videos or other items that depict animal cruelty. Thus, the government might be able to pursue cases that it otherwise would not be able to prosecute. Because those prosecuted and convicted under H.R. 5566 could be subject to criminal fines, the federal government might collect additional amounts if the legislation is enacted. Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and later spent. CBO estimates that any additional revenues and direct spending would not be significant because of the small number of cases likely to be affected.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of a House amendment to the bill S. 1749, the Cell Phone Contraband Act of 2010, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR THE HOUSE AMENDMENT TO S. 1749, THE CELL PHONE CONTRABAND ACT OF 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

S. 1749 would prohibit the possession of cell phones or similar wireless devices by federal prisoners (use of cell phones by prisoners is currently banned in the federal correctional system). Because the bill would establish a new crime, the government might be able to pursue cases that it otherwise would not be able to prosecute. Because those prosecuted and convicted under S. 1749 could be subject to criminal fines, the federal government might collect additional amounts if the legislation is enacted. Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and later spent. CBO estimates that any additional revenues and direct spending would not be significant because of the small number of cases likely to be affected.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8411. A letter from the Office of Research and Analysis, Chief, PRAB, Department of Agriculture, transmitting the Department's final rule — Supplemental Nutrition Assistance Program: Quality Control Provisions of Title IV of Public Law 107-171 [FNS-2009-0045] (RIN: 0584-AD31) received June 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8412. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Ac-

quisition Regulation Supplement; Ownership or Control by a Foreign Government (DFARS Case 2010-D010) received June 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8413. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Payments in Support of Emergencies and Contingency Operations (DFARS Case 2009-D020) received June 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8414. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received June 25, 2010, pur-

suant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8415. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Availability of Information to the Public [DOCKET ID: ED-2008-OM-0011] (RIN: 1880-AA84) received June 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8416. A letter from the Assistant Deputy Secretary for Safe and Drug-Free Schools, Department of Education, transmitting the Department's final rule — Catalog of Federal Domestic Assistance (CFDA) Number: 84.215F received June 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8417. A letter from the Acting Director Division of Interpretations and Regulatory Affairs, Department of Labor, transmitting the

Department's final rule — Child Labor Regulations, Orders and Statements of Interpretation (RIN: 1215-AB57) (RIN: 1235-AA01) received June 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8418. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Culebra, Puerto Rico, Charlotte Amalie, and Christianssted, Virgin Islands) [MB Docket No.: 08-243] (RM-11490) received June 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8419. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-29, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

8420. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-33, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

8421. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-09, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

8422. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Addition and Removal of Certain Persons on the Entity List: Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States; Removal of Person Based on Removal Request [Docket No.: 100429205-0248-01] (RIN: 0694-AE92) received June 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8423. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations based upon a Systematic Review of the Commerce Control List; Additional Changes [Docket No.: 090126064-0122-01] (RIN: 0694-AE56) received June 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8424. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Encryption Export Controls: Revision of License Exception ENC and Mass Market Eligibility, Submission Procedures, Reporting Requirements, License Application Requirements, and Addition of Note 4 to Category 5, Part 2 [Docket No.: 100309131-0195-02] (RIN: 0694-AE89) received June 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8425. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-071, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8426. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-070, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8427. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-037, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8428. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-062, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8429. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-055, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8430. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-061, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8431. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-065, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8432. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-049, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8433. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-059, certification of proposed issuance of an export license pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8434. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-468 "Elected Attorney General Referendum Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

8435. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-478 "Adoption Reform Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

8436. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-471 "Priority Sidewalk Assurance Act of 2010"; to the Committee on Oversight and Government Reform.

8437. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-461 "Fiscal Year 2010 Balanced Budget Support Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

8438. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-449 "Georgia Avenue Main Street Authorization Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

8439. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-446 "Community Impact Statement Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

8440. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-445 "Commercial Driver's License Minimum Age Requirement Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

8441. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-470 "Tenant Organization Petition Standing Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

8442. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-472 "Families Together Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

8443. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-479 "Rental Housing Commission Quorum Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

8444. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-473 "Closing of a Public Alley in Square 6172, S.O. 08-7590, Act of 2010"; to the Committee on Oversight and Government Reform.

8445. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-462 "Fiscal Year 2011 Budget Support Act of 2010"; to the Committee on Oversight and Government Reform.

8446. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Absence and Leave; Definitions of Family member, Immediate relative, and Related Terms (RIN: 3206-AL93) received June 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8447. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — General Schedule Locality Pay Areas (RIN: 3206-AL96) received June 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8448. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 0908191244-91427-02] (RIN: 0648-XW47) received June 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8449. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; 2010 Atlantic Bluefish Specifications [Docket No.: 100204079-0199-02] (RIN: 0648-XQ49) received June 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8450. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 31; Correction [Docket No.: 090225243-0170-03] (RIN: 0648-AX67) received June 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8451. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Red Snapper Closure [Docket No.: 090508900-91414-02] (RIN: 0648-AX75) received June 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8452. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 feet (18.3 m) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XW55) received June 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8453. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Restrictions and Observer Requirements in Purse Seine Fisheries for 2009-2011 [Docket No.: 090130104-91027-02] (RIN: 0648-XW12) received June 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8454. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Shark Management Measures; Amendment 3 [Docket No.: 080519678-0217-02] (RIN: 0648-AW65) received June 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8455. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Disaster Assistance Loan Program (RIN: 3245-AF98) received June 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Florida: Committee on Rules. H. Res. 1537. A resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules. (Rept. 111-552). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ROSS (for himself and Mr. SHIMKUS):

H.R. 5778. A bill to facilitate the implementation of the Renewable Fuel Standard, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HIMES (for himself, Mr. PETERS, and Mr. WELCH):

H.R. 5779. A bill to reduce deficits and government spending through the elimination of wasteful agriculture subsidies and programs; to the Committee on Agriculture.

By Mr. PETERS (for himself and Mr. WELCH):

H.R. 5780. A bill to reduce deficits and government spending through the elimination of wasteful energy subsidies and programs; to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, Ways and Means, Transportation and Infrastructure, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON of Tennessee (for himself, Mr. HALL of Texas, Ms. GIFFORDS, and Mr. OLSON):

H.R. 5781. A bill to authorize the programs of the National Aeronautics and Space Administration, and for other purposes; to the Committee on Science and Technology.

By Mr. ADLER of New Jersey (for himself, Mr. PETERS, Mr. HIMES, and Mr. WELCH):

H.R. 5782. A bill to implement cost savings within the Department of the Treasury and the Department of Housing and Urban Development, and to terminate the Overseas Private Investment Corporation; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 5783. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on currency transactions; to the Committee on Ways and Means, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELCH (for himself and Mr. PETERS):

H.R. 5784. A bill to reduce deficits and government spending through the elimination of wasteful defense subsidies and programs; to the Committee on Armed Services.

By Ms. SHEA-PORTER:

H.R. 5785. A bill to direct the Mine Safety and Health Administration to provide to mine operators for distribution to miners wallet cards and similar devices containing the phone number of the Administration's national hazard reporting phone number; to the Committee on Education and Labor.

By Ms. SCHAKOWSKY (for herself, Mr. MARKEY of Massachusetts, and Ms. BALDWIN):

H.R. 5786. A bill to amend title VI of the Federal Food, Drug, and Cosmetic Act to ensure the safe use of cosmetics, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MELANCON:

H.R. 5787. A bill to provide for the refinancing and consolidation of disaster loans under the Small Business Act, and for other purposes; to the Committee on Small Business.

By Mrs. CAPITO:

H.R. 5788. A bill to honor the Nation's fallen miners by requiring improved mine safety practices and compliance in order to prevent future mine accidents; to the Committee on Education and Labor.

By Mr. CARNAHAN (for himself and Mr. SHIMKUS):

H.R. 5789. A bill to create clean energy jobs and set efficiency standards for small-duct high-velocity air conditioning and heat pump systems, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OLSON:

H.R. 5790. A bill to extend the expenditure deadline for the social services block grant funds provided for recovery from Hurricanes Ike and Rita; to the Committee on Ways and Means.

By Mr. GARAMENDI (for himself, Mr. HARE, Mr. HINCHEY, Mr. KAGEN, Ms. KAPTUR, Mr. McDERMOTT, Mrs. NAPOLITANO, Mr. PERLMUTTER, Mr. SCHAUER, and Ms. SUTTON):

H.R. 5791. A bill to amend title 49, United States Code, to eliminate waivers to Buy America to strengthen the requirement that steel, iron, and manufactured goods used in a capital project are produced in the United States; to the Committee on Transportation and Infrastructure.

By Mr. GARAMENDI (for himself, Mr. PERRIELLO, Mr. McDERMOTT, Mrs. NAPOLITANO, Mr. DEFAZIO, Mr. HARE, Ms. SUTTON, Mr. SCHAUER, Mr. HINCHEY, Ms. KAPTUR, Mr. PERLMUTTER, and Mr. KAGEN):

H.R. 5792. A bill to require 100 percent domestic content in green technologies purchased by Federal agencies or by States with Federal funds and in property eligible for the renewable energy production or investment tax credits; to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARAMENDI (for himself, Mr. McDERMOTT, Mrs. NAPOLITANO, Mr. DEFAZIO, Mr. HARE, Ms. SUTTON, Mr. SCHAUER, Mr. HINCHEY, Ms. KAPTUR, Mr. KAGEN, and Mr. PERLMUTTER):

H.R. 5793. A bill to amend the Internal Revenue Code of 1986 to close foreign tax loopholes; to the Committee on Ways and Means.

By Mr. BACA:

H.R. 5794. A bill to amend the Help America Vote Act of 2002 to establish requirements for the treatment of absentee ballots in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. BLUMENAUER (for himself, Ms. BALDWIN, Mrs. CAPPS, Mr. HOLT, Mr. KIND, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, and Mr. WU):

H.R. 5795. A bill to amend the Social Security Act to provide for coverage of voluntary advance care planning consultation under Medicare and Medicaid, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana:

H.R. 5796. A bill to withdraw Federal funds from States and political subdivisions of States that interfere with enforcement of Federal immigration law; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSEN of Washington:

H.R. 5797. A bill to expand export promotion activities with respect to small- and medium-sized manufacturers in the United States, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR (for himself, Mr. POLIS, Mr. PERLMUTTER, Ms. DEGETTE, Ms. MARKEY of Colorado, Mr. LAMBORN, and Mr. COFFMAN of Colorado):

H.R. 5798. A bill to name the Department of Veterans Affairs telehealth clinic in Craig, Colorado, as the "Major William Edward Adams Department of Veterans Affairs Clinic"; to the Committee on Veterans' Affairs.

By Mr. SESTAK:

H.R. 5799. A bill to require the Secretary of the Department of Transportation to conduct a study and develop a national intermodal transportation plan, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TEAGUE:

H.R. 5800. A bill to withdraw certain land in the State of New Mexico, and for other purposes; to the Committee on Natural Resources.

By Mr. THORNBERRY:

H.R. 5801. A bill to prohibit the use of Federal funds for the subsidization of Amtrak sleeper class service, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. UPTON:

H.R. 5802. A bill to repeal a provision of the Patient Protection and Affordable Care Act providing for funds to a health care facility and rescind funds made available under such section; to the Committee on Energy and Commerce.

By Ms. HARMAN (for herself and Mr. MCKEON):

H. Res. 1535. A resolution honoring the members of the Armed Forces from Los Angeles County and their families for their exceptional service and sacrifice protecting the United States while serving in support of Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Pennsylvania (for himself and Mr. HOLDEN):

H. Res. 1536. A resolution supporting Take a Child to a Park Week; Declaring The Third Week In July as "National Take a Child to a Park Week"; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California (for herself, Mr. CASTLE, Mr. GARAMENDI, Mr. SMITH of New Jersey, Mr. ACKERMAN, Mr. ROYCE, Ms. WOOLSEY, Mr. WILSON

of South Carolina, Mr. ROSS, Mr. MCCAUL, Mr. SHERMAN, Mr. PIERLUISI, Ms. GIFFORDS, Ms. BORDALLO, Ms. JACKSON LEE of Texas, Mr. MCGOVERN, Ms. BERKLEY, Mr. CROWLEY, Ms. WATSON, Mr. GENE GREEN of Texas, Mr. MANZULLO, Mr. POE of Texas, Mr. PENCE, Mr. BURTON of Indiana, Mr. SIREN, Mr. CONNOLLY of Virginia, Mr. TANNER, Mr. SMITH of Washington, and Mr. KLEIN of Florida):

H. Res. 1538. A resolution condemning the July 11, 2010, terrorist attacks in Kampala, Uganda; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida:

H. Res. 1539. A resolution expressing solidarity with human rights defenders in the Russian Federation, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HERGER (for himself, Mr. BISHOP of Utah, Mr. ISSA, Mr. DANIEL E. LUNGREN of California, Mr. GALLAGLY, Mr. POE of Texas, and Mr. CHAFFETZ):

H. Res. 1540. A resolution supporting the goal of eradicating illicit marijuana cultivation on Federal lands and calling on the Director of the Office of National Drug Control Policy to develop a coordinated strategy to permanently dismantle Mexican drug trafficking organizations operating on Federal lands; to the Committee on the Judiciary.

By Ms. MARKEY of Colorado (for herself and Mr. COURTNEY):

H. Res. 1541. A resolution expressing support for designation of October 7, 2010, as national "Jumpstart's Read for the Record Day"; to the Committee on Education and Labor.

By Ms. PINGREE of Maine:

H. Res. 1542. A resolution amending the Rules of the House of Representatives to require that Members' official websites include congressional earmark requests and video presentations for requests submitted to committees; to the Committee on Standards of Official Conduct.

By Mr. POLIS:

H. Res. 1543. A resolution honoring the educational significance of Dr. Jane Goodall's work on this the 50th anniversary of the beginning of her work in Tanzania, Africa; to the Committee on Education and Labor.

By Ms. SCHWARTZ (for herself and Mr. SHUSTER):

H. Res. 1544. A resolution reaffirming the strength of the relationship between the United States and the Republic of Georgia; to the Committee on Foreign Affairs.

By Mr. STEARNS:

H. Res. 1545. A resolution expressing support for designation of the week beginning on the third Monday in September as "National Postdoc Appreciation Week"; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 272: Mr. POSEY.
H.R. 275: Mr. PITTS.
H.R. 336: Mr. BERRY.
H.R. 430: Mr. HARE.
H.R. 503: Ms. PINGREE of Maine and Mr. SMITH of Washington.
H.R. 560: Mr. GARRETT of New Jersey.
H.R. 571: Mr. BARTON of Texas and Mr. LEWIS of Georgia.
H.R. 847: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 932: Mr. SIREN.

H.R. 944: Mr. HALL of New York.

H.R. 1124: Ms. KILPATRICK of Michigan, Ms. BERKLEY, Mr. RANGEL, Ms. TSONGAS, Mr. HOLT, Ms. JACKSON LEE of Texas, and Ms. BORDALLO.

H.R. 1189: Mr. COHEN.

H.R. 1230: Mr. OLVER and Mr. PITTS.

H.R. 1362: Mr. NADLER of New York and Mrs. MCMORRIS RODGERS.

H.R. 1458: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1547: Mr. SULLIVAN.

H.R. 1646: Mr. BARROW, Ms. RICHARDSON, and Mr. OLSON.

H.R. 1844: Mr. RODRIGUEZ, Mr. BISHOP of Georgia, Mr. CARSON of Indiana, and Mr. PITTS.

H.R. 1924: Mr. FALCOMA VEGA.

H.R. 2000: Mr. ISRAEL, Mr. DEUTCH, Ms. LORETTA SANCHEZ of California, and Mr. BERRY.

H.R. 2031: Mr. LATTA.

H.R. 2103: Mr. SALAZAR and Ms. RICHARDSON.

H.R. 2115: Mr. BACA.

H.R. 2132: Ms. CASTOR of Florida.

H.R. 2143: Ms. BALDWIN.

H.R. 2218: Mr. FRANKS of Arizona.

H.R. 2324: Mr. PIERLUISI.

H.R. 2365: Mr. ARCURI.

H.R. 2406: Mr. SENSENBRENNER.

H.R. 2579: Mr. FILNER.

H.R. 2594: Mr. ROTHMAN of New Jersey.

H.R. 2598: Ms. RICHARDSON.

H.R. 2630: Mr. CHAFFETZ.

H.R. 3024: Mr. FRANK of Massachusetts and Mr. ROGERS of Alabama.

H.R. 3077: Ms. BALDWIN.

H.R. 3251: Mr. SCHOCK.

H.R. 3267: Mr. WITTMAN and Ms. JACKSON LEE of Texas.

H.R. 3274: Mr. MCCOTTER.

H.R. 3463: Mr. BRIGHT.

H.R. 3586: Mr. REICHERT and Mr. KAGEN.

H.R. 3656: Ms. TSONGAS.

H.R. 3697: Mr. GRIFFITH.

H.R. 3699: Mr. BLUMENAUER.

H.R. 3716: Mr. SKELTON.

H.R. 3729: Mr. WALDEN, Mr. HINCHEY, Ms. BALDWIN, Ms. BEAN, Mr. QUIGLEY and Mr. CARNAHAN.

H.R. 3742: Ms. PINGREE of Maine, Mr. SALAZAR, Mr. GRIFFITH, Mr. MICHAUD, and Mr. REHBERG.

H.R. 3749: Mr. HILL.

H.R. 3754: Mr. ROTHMAN of New Jersey.

H.R. 3787: Mr. PATRICK J. MURPHY of Pennsylvania and Mr. KLINE of Minnesota.

H.R. 3790: Mrs. KIRKPATRICK of Arizona and Mr. FRELINGHUYSEN.

H.R. 3858: Mr. GRAYSON.

H.R. 4056: Mr. PETERS.

H.R. 4181: Mr. CUMMINGS, Mr. BISHOP of New York, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. HARE, and Ms. WOOLSEY.

H.R. 4199: Mr. LARSEN of Washington.

H.R. 4224: Ms. LINDA T. SANCHEZ of California.

H.R. 4347: Mr. REHBERG.

H.R. 4403: Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 4436: Mrs. BACHMANN.

H.R. 4480: Mr. MEEKS of New York, Mr. MATHESON, Mr. PIERLUISI, Mr. ORTIZ, and Mr. CUMMINGS.

H.R. 4553: Mr. KISSELL.

H.R. 4557: Ms. LORETTA SANCHEZ of California.

H.R. 4596: Ms. TITUS.

H.R. 4599: Mr. SCOTT of Virginia.

H.R. 4662: Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. NAPOLITANO, and Mr. HOLT.

H.R. 4693: Mr. RUPPERSBERGER and Ms. KILROY.

H.R. 4745: Ms. TSONGAS.
H.R. 4753: Mr. SPRATT.
H.R. 4772: Mr. DAVIS of Tennessee.
H.R. 4788: Mr. CUMMINGS and Mr. CRITZ.
H.R. 4856: Mr. SCOTT of Georgia.
H.R. 4888: Mr. KILDEE.
H.R. 4891: Mr. ELLISON.
H.R. 4914: Mr. JACKSON of Illinois and Mr. SARBANES.
H.R. 4933: Mrs. MALONEY.
H.R. 4943: Mr. SCHOCK.
H.R. 4947: Ms. TSONGAS and Ms. TITUS.
H.R. 4993: Mr. KANJORSKI.
H.R. 4995: Mr. SCHOCK.
H.R. 5012: Mr. DOYLE.
H.R. 5015: Ms. LINDA T. SÁNCHEZ of California.
H.R. 5023: Mr. LUJÁN.
H.R. 5028: Ms. CORRINE BROWN of Florida.
H.R. 5032: Mr. AL GREEN of Texas.
H.R. 5034: Ms. MCCOLLUM, Mr. PRICE of Georgia, and Mr. LUJÁN.
H.R. 5041: Mrs. HALVORSON.
H.R. 5058: Mr. COBLE and Mr. BOUSTANY.
H.R. 5081: Ms. CHU, Mr. YOUNG of Alaska, and Mr. ARCURI.
H.R. 5138: Ms. GRANGER.
H.R. 5141: Mr. BUCHANAN, Mrs. BLACKBURN, Mr. SENSENBRENNER, Mr. COBLE, Mr. MICA, Mr. ROE of Tennessee, Mr. BRIGHT, and Mr. KINGSTON.
H.R. 5234: Mr. GERLACH.
H.R. 5268: Ms. TSONGAS.
H.R. 5283: Ms. CLARKE and Mr. MORAN of Kansas.
H.R. 5309: Mr. COHEN.
H.R. 5323: Mr. GOODLATTE and Mr. SMITH of Nebraska.
H.R. 5348: Mr. SCHOCK.
H.R. 5360: Mr. TEAGUE.
H.R. 5369: Mr. JONES.
H.R. 5418: Ms. ZOE LOFGREN of California.
H.R. 5424: Mr. SCHOCK.
H.R. 5434: Ms. DELAURO, Mr. WEINER, Ms. KILROY, Mr. RANGEL, Mr. BOUCHER and Ms. BERKLEY.
H.R. 5441: Ms. BALDWIN and Mr. ROTHMAN of New Jersey.
H.R. 5449: Mr. BISHOP of New York.
H.R. 5454: Mr. ALTMIRE, Mr. BACA, Mr. BARROW, Mr. BOREN, Mr. BRIGHT, Mr. CHILDERS, Mr. COSTA, Mr. DAVIS of Tennessee, Ms. FUDGE, Ms. HARMAN, Ms. HERSETH SANDLIN, Mr. HOLT, Mr. KRATOVIL, Ms. MARKEY of Colorado, Mr. ROSS, Mr. SCHAUER, Mr. SHULER, Mr. TANNER, and Mr. WILSON of Ohio.
H.R. 5458: Mr. MILLER of North Carolina, Ms. DEGETTE, Mr. STARK, and Mr. LANCE.

H.R. 5460: Ms. CORRINE BROWN of Florida.
H.R. 5461: Mr. WILSON of Ohio.
H.R. 5476: Mr. BRALEY of Iowa, Mr. KILDEE, and Mr. BLUMENAUER.
H.R. 5477: Mr. MCGOVERN and Mr. MELANCON.
H.R. 5522: Ms. NORTON and Mr. SARBANES.
H.R. 5554: Mr. PAULSEN.
H.R. 5564: Mr. SHADEGG.
H.R. 5567: Mr. GENE GREEN of Texas.
H.R. 5575: Ms. MOORE of Wisconsin and Ms. SPEIER.
H.R. 5577: Mrs. MALONEY.
H.R. 5598: Ms. ROS-LEHTINEN.
H.R. 5625: Mr. LEE of New York, Ms. KAPTUR, and Mr. RYAN of Ohio.
H.R. 5628: Mr. ELLISON and Mr. ROTHMAN of New Jersey.
H.R. 5636: Mr. COURTNEY.
H.R. 5637: Mr. SHULER.
H.R. 5652: Mr. PETERS, Ms. WOOLSEY, Mr. COHEN, Mr. FRANK of Massachusetts, Mrs. LOWEY, Ms. EDWARDS of Maryland, and Mr. HOLT.
H.R. 5663: Mr. TIERNEY, Mr. ARCURI, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. BRADY of Pennsylvania, Mr. POLIS, and Ms. ZOE LOFGREN of California.
H.R. 5680: Mr. LUCAS.
H.R. 5690: Mr. PRICE of Georgia.
H.R. 5692: Mr. MOORE of Kansas and Ms. MCCOLLUM.
H.R. 5718: Mr. WEINER.
H.R. 5725: Mr. FLEMING.
H.R. 5729: Mr. MCINTYRE.
H.R. 5743: Ms. CHU and Ms. TITUS.
H.R. 5744: Mr. BOOZMAN.
H.R. 5747: Mr. GRIJALVA.
H.R. 5754: Ms. JACKSON LEE of Texas.
H.R. 5760: Mr. SABLAN.
H.R. 5772: Ms. FALLIN, Mr. PAUL, and Mr. HARPER.
H.J. Res. 42: Mr. SCHOCK.
H.J. Res. 47: Mr. MCCOTTER.
H. Con. Res. 274: Ms. JENKINS, Mrs. MILLER of Michigan, Mrs. BLACKBURN, Mr. LOBIONDO, Mr. GRAVES of Missouri, Mr. HALL of Texas, Mr. OLSON, Mr. SCHOCK, and Mr. MARSHALL.
H. Con. Res. 281: Mr. MILLER of Florida.
H. Con. Res. 287: Mr. CAO.
H. Con. Res. 292: Mr. PERLMUTTER.
H. Con. Res. 296: Mr. CAMPBELL, Mr. MCINTYRE, and Mr. MURPHY of New York.
H. Res. 173: Ms. KILPATRICK of Michigan and Mr. ALEXANDER.
H. Res. 771: Mr. PETERSON.
H. Res. 982: Mrs. BACHMANN.
H. Res. 1207: Mr. BACA.

H. Res. 1209: Mr. COURTNEY.
H. Res. 1217: Mr. COURTNEY, Mr. ROONEY, Mr. ISRAEL, and Ms. GIFFORDS.
H. Res. 1251: Mr. TURNER, Mr. MCINTYRE, Mr. MURPHY of New York, and Mr. PLATTS.
H. Res. 1267: Mr. BURTON of Indiana, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MARIO DIAZ-BALART of Florida.
H. Res. 1346: Mr. ROYCE, Mr. DJOU, Mr. BACHUS, and Mr. THOMPSON of Pennsylvania.
H. Res. 1365: Mr. GERLACH.
H. Res. 1384: Mr. JONES and Mr. SCHOCK.
H. Res. 1411: Mr. GINGREY of Georgia.
H. Res. 1420: Mr. DJOU.
H. Res. 1445: Mr. WOLF, Mr. ROE of Tennessee, Mr. BUCHANAN, Mr. REHBERG, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. DINGELL.
H. Res. 1449: Mr. SENSENBRENNER, Ms. BEAN, Mr. ROYCE, and Mr. PATRICK J. MURPHY of Pennsylvania.
H. Res. 1456: Mr. ROE of Tennessee, Mr. BURTON of Indiana, and Mr. TIM MURPHY of Pennsylvania.
H. Res. 1476: Mr. CONYERS and Mr. AL GREEN of Texas.
H. Res. 1485: Mr. MCCOTTER, Mr. POLIS, Mr. ROONEY, Mr. CONYERS, Mr. KLINE of Minnesota, Mr. MEEKS of New York, Mr. MORAN of Virginia, Mr. CAO, Mr. CARTER, Mr. BARTON of Texas, Mrs. BLACKBURN, Mr. COBLE, Ms. MOORE of Wisconsin, Mr. LATTA, Ms. WASSERMAN SCHULTZ, Mrs. BACHMANN, Mr. REICHERT, Mr. HARPER, Mr. LEE of New York, Mr. SENSENBRENNER, and Mr. THOMPSON of Pennsylvania.
H. Res. 1486: Mr. CLEAVER and Mr. SHULER.
H. Res. 1494: Mr. SKELTON, Ms. SCHAKOWSKY, and Mr. DRIEHAUS.
H. Res. 1498: Mr. MARSHALL.
H. Res. 1511: Mr. SABLAN and Mr. POLIS.
H. Res. 1516: Mr. SABLAN, Ms. BORDALLO, and Mr. BUYER.
H. Res. 1518: Mr. COHEN, Ms. JACKSON LEE of Texas, Mr. CONYERS, Mr. HASTINGS of Florida, Mr. GEORGE MILLER of California, Mr. FILNER, Mr. JACKSON of Illinois, Ms. RICHARDSON, Ms. BORDALLO, Mr. MORAN of Virginia, Mr. MCDERMOTT, Mr. GUTIERREZ, Mr. STARK, Mr. BUTTERFIELD, Mr. LEVIN, Mr. FALEOMAVAEGA, and Ms. LEE of California.
H. Res. 1523: Mr. GORDON of Tennessee and Mr. KIRK.
H. Res. 1527: Mr. LEWIS of California, Mr. KLEIN of Florida, Mr. COBLE, Mr. DOYLE, Mr. MORAN of Virginia, and Mr. HOLT.
H. Res. 1529: Mr. McMAHON and Mr. GRIJALVA.

EXTENSIONS OF REMARKS

LETTER FROM INDIANA ATTORNEY GENERAL GREG ZOELLER

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. PENCE. Madam Speaker, I submit the following letter.

DEAR CHAIRMAN LEVIN AND RANKING MEMBER CAMP: I write to express my serious concerns about H.R. 4976, the "Internet Gambling Regulation and Tax Enforcement Act of 2010," and the legislation it implements, H.R. 2267, the "Internet Gambling Regulation, Consumer Protection, and Enforcement Act." The "optimum" revenue effects of these bills can be achieved only by massive and unprecedented expansion of gambling and by preempting the powers of the States to regulate gambling within their borders.

Gambling regulation has traditionally been conducted by the States and Indian tribes. H.R. 2267, the substantive proposal that underlies the revenue provisions of H.R. 4976, creates an Internet gambling licensing system that vests regulatory authority in the United States Treasury Department. While H.R. 2267 allows the Treasury to partner with States to carry out regulatory and enforcement activities, the bill also provides all Federal licensees with a "complete defense against any prosecution or enforcement action under any Federal or State law." This "safe harbor" provision effectively nullifies existing State laws by placing all Federal license-holders outside the scope of the States' own gambling enforcement powers.

H.R. 2267 also preempts current Federal laws that are vital to State gambling and regulatory frameworks. State laws are reinforced by Federal statutes that either rely on substantive State provisions or prevent interstate incursions on State-level public policies. The Federal Wire Act of 1961, for instance, supplements State gambling controls by barring interstate wagers. The Unlawful Internet Gambling Enforcement Act of 2006 is structured, in part, around State gambling laws. By exempting licensees from laws such as the Wire Act or UIGEA, H.R. 2267 severely impairs this long-standing, complimentary relationship between Federal and State regulatory systems.

Importantly, the revenue-generating power of H.R. 4976 depends almost entirely on the Federal preemption made possible by H.R. 2267. H.R. 2267 does provide a restrictive opt-out mechanism through which the States may decline to participate in the Federal licensing system. However, the Joint Committee on Taxation's most expansive of four different estimates—\$42 billion—is based on discarding even these State opt-out rights in favor of complete Federal preemption. In that estimate, the Joint Committee explicitly assumed that "no State or tribal government will be permitted to limit federally licensed Internet gambling operators from providing online gambling services in their jurisdictions." In other words, H.R. 4976 will generate \$42 billion only if H.R. 2267's opt-

out procedure—its principal State-protective provision—is eviscerated.

The Joint Committee on Taxation estimate that is most clearly based on the texts of H.R. 2267 and H.R. 4976 indicates that the bills will generate approximately \$10 billion in Federal revenue. This much more modest estimate appears to assume that many States will choose to opt-out in order to prevent the expansion of gambling on the Internet. While we realize that H.R. 4976 provides license fee revenue and grants to the States, these incentives do not assuage my concerns.

Thank you for considering my view.

Sincerely,

GREGORY F. ZOELLER,
Indiana Attorney General.

CONGRATULATING MVP DIANA TAURASI

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Diana Taurasi on being voted the 2009 Women's National Basketball Association (WNBA) Most Valuable Player, the 2009 WNBA Finals Most Valuable Player, and the recipient of the 2010 ESPY Award for Best WNBA Player.

During Ms. Taurasi's 2009 MVP campaign, she ranked among the WNBA's top ten leaders in nearly every statistical category, including points per game, three point field goals made, three-point field goals attempted, three-point field goal percentage, free throws made, free throws attempted, free throw percentage, field goals made, field goals attempted, blocks per game and defensive rebounds per game.

In 2009, Ms. Taurasi became the fastest WNBA player to reach 4,000 career points, while leading the WNBA with 20.4 points per game. Ms. Taurasi also ranks 13th in WNBA history for points scored and third in all-time points per game. Ms. Taurasi is one of two players in WNBA history to win an MVP Award, a WNBA championship and the finals MVP in the same season.

I am truly privileged to honor Ms. Taurasi for her accomplishments. Her commitment to excellence should serve as an inspiration for all.

Madam Speaker, please join me in recognizing Diana Taurasi as she is honored as being the 2009 WNBA Most Valuable Player, the 2009 WNBA Finals Most Valuable Player and the 2010 ESPY Best WNBA Player.

WHAT IS WRIGHT—A TRIBUTE TO AN AMERICAN HERO, LANCE CORPORAL RANDAL WRIGHT, UNITED STATES MARINE CORPS

HON. WALT MINNICK

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. MINNICK. Madam Speaker, I rise today to honor a great American Hero from my state of Idaho, Lance Corporal Randal Wright of Cottonwood, Idaho, of the 1-2 Marine Division. On May 23, 2010, Lance Corporal Wright almost lost his life in an I.E.D. explosion that took his two fine legs and arm. Against all odds he survived, and now courageously goes forward with his new battle to rebuild his life. His faith and his courage is a lesson to us all, about to what heights a heart can soar. In less than three months, Randal has come so far, so fast in his recovery. On Friday July 23, Randal plans to marry the love of his life, Vanessa Hylton. In honor of his courage, and selfless sacrifice, and his family and the upcoming wedding on this Friday, I submit this poem penned in honor of them by Albert Carey Caswell for the RECORD. And may they have a wonderful life together.

WHAT IS WRIGHT

What Is Wright?
What is bold? What is bright?
To fight the darkness, for hearts to hold . . .
to bring the light!
Who evil must fight!
And what is true, to make all hearts believe
in . . . ignite!
Is but a man who will go off to war, all for
his country such burdens bore . . .
Who'll walk through the valley of death, all
for our nation to so bless . . .
A man who wears the uniform, of a United
States Marine so very warm . . .
What Is Wright?
Are all of these magnificent's, who evil must
fight!
Is but a heart, that will bring its light!
For in that moment Randal, when you
looked down. . . .
And saw, all of what you had lost . . . that
you had found!
How easily you could have given up, let
down!
As the tears, broke upon your fine face so
now . . .
As when Marine, your fine heart began to
pound!
And told you, that you have to cover some
ground. . . .
For you have a life to live!
So much more to give!
To Beseech Us! To So Teach Us! To So Reach
Us!
As you Marine, do so now!
For all in this world of darkness,
and wrong. . . .
Your fine life Randal, is but a bright light
. . . a song!
Of what is Wright, to take with us into those
darkest of all nights . . . so now!

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

To lead the way, but with your light!
 Of, all on God's green earth . . . of what is
 Wright!
 And if ever I but have a son. . .
 May he shine Randal, as bright as you fine
 one!
 Of What Is Wright!
 Thy will be done!

CONGRESS SHOULD SUPPORT
 ETHANOL

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. DAVIS of Illinois. Madam Speaker, Members of Congress are working to remedy the current economic imbalance, immense unemployment, job creation and both domestic and international energy based issues. As we look to the future; we must confront the many dimensions of these complex challenges to create solutions that will have a lasting positive benefit for America. I believe investing in renewable energy sources, including ethanol, is an efficient and effective economic stimulus. Ethanol serves as an aid to meet energy policy goals by promoting domestic production of renewable energy, reducing green house gas emissions and providing financial support for the agriculture sector.

Nationwide, ethanol has increased tax revenues for both State and local governments by over \$5 billion. Ethanol production and use today reduces green house gas emissions compared to gasoline by 59 percent. According to the Congressional Budget Office report as of this July, Argonne National Lab concluded corn based ethanol produced 20 percent less green house gas emissions in its life cycle compared to gasoline and petroleum diesel. Ethanol production contributed \$53.3 billion to the Nation's gross domestic product and created over 200,000 jobs in all sectors of the economy. The state of Illinois produces over 1.5 billion gallons of ethanol annually and is ranked third in ethanol production with 14 facilities. Just as ethanol has been a valuable tool for the state of Illinois, I strongly believe support for this renewable energy source can be a great benefit to the Nation.

Our current energy economy is not sustainable. It is imperative we restructure our energy infrastructure in a sustainable manner while simultaneously reducing our green house gas emissions. Investing in ethanol and other renewable energy sources are an important piece of our Nation's economic and energy future.

PERSONAL EXPLANATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. SHUSTER. Madam Speaker, on rollcall No. 448, I was not present due to my flight being delayed. Had I been present, I would have voted "yes."

HONORING THE TWENTIETH ANNIVERSARY OF THE ENACTMENT OF THE AMERICANS WITH DISABILITIES ACT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to join me in recognizing the twentieth anniversary of the enactment of the Americans with Disabilities Act.

The Americans with Disabilities Act was signed into law on July 26, 1990. Twenty years ago, I proudly supported the passage of this landmark legislation in the House of Representatives along with 376 of my colleagues.

The Americans with Disabilities Act is often described as the most sweeping non-discrimination legislation since the Civil Rights Act of 1964.

The Act's purpose is to "provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." It prohibits discrimination on the basis of disability in employment, public services, and public accommodations to enable millions of disabled Americans to fully function in society.

As a result of this Act, employers are no longer allowed to single out disabled individuals in hiring, firing or advancement practices. State and local governments must now follow specific design standards when constructing or altering new buildings to accommodate individuals restricted to wheelchairs, and restaurants and retail stores are required to make reasonable accommodations for disabled individuals. The Act also requires that telecommunication services be provided 24 hours a day, seven days a week for individuals with hearing or speech impairments.

Twenty years after its inception, Americans across the country continue to benefit from this legislation. Many of the everyday services and accommodations we now take for granted are a direct result of this ground-breaking law.

For example, mass transit systems are now equipped with voice messages to help the visually impaired independently navigate their daily routines, and new stadiums feature accessible seating for those in wheelchairs and their guests.

The Americans with Disabilities Act's footprint can be strongly felt throughout my district in Northeastern Pennsylvania. Whether it is access to handicapped parking spaces at the Steamtown Mall, or sidewalk ramps around the public square in Wilkes-Barre, my constituents continue to benefit everyday from this legislation.

Madam Speaker, please join me in recognizing the twentieth anniversary of the enactment of the Americans with Disabilities Act. It is my sincere hope that in the coming years we continue to remove barriers that prevent our fellow citizens from fully functioning in society.

CONGRATULATING THE PHOENIX MERCURY

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. MITCHELL. Madam Speaker, I rise today to commend the Phoenix Mercury for their championship victory during the 2009 Women's National Basketball Association (WNBA) Finals.

On October 9, 2009, the Phoenix Mercury defeated the Indiana Fever in a best-of-five series. The Phoenix Mercury has won the WNBA Championship twice in the last three seasons and they are now set to solidify their mark in women's basketball. The Mercury proved to be the best team in the WNBA from start to finish, ending with the best record in their conference and in the league.

The Mercury succeeded through the dedication, hard work, and passion of the players, coaches, and staff. More importantly, this team owes a great deal of its success to their fans, which have demonstrated their support in record numbers. Arizonans and WNBA fans across the world share in the excitement and pride that the Phoenix Mercury displayed both on and off the court during this inspiring victory.

Madam Speaker, I am honored to congratulate the Phoenix Mercury team, including Head Coach Corey Gaines and his Assistant Coaches, Julie Hairgrove and Bridget Pettis; and players Dawanna Bonner, Candice Dupree, Sequoia Holmes, Tameka Johnson, Taylor Lilley, Nicole Ohlde, Brooke Smith, Tangelia Smith, Ketia Swanier, Penny Taylor, and Diana Taurasi.

I ask my colleagues to join me in celebrating the remarkable success of this team, whose achievements and camaraderie should be models for other teams across the country. Congratulations to the Phoenix Mercury on an impressive season and best of luck in continuing your championship stride.

RICHARD J. WILDING

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Richard J. Wilding. Richard will be retiring July 31 after 19 years on the Mid-Continent Public Library Board of Directors.

Richard has served as Director of Libraries for the past four years, providing the leadership and vision that has provided the Kansas City area with a fiscally sound library program and expanded the Mid-Continent Public Library system into the largest in the State of Missouri. Richard has also taken an active part in the construction and renovation of libraries throughout Clay, Jackson and Platte Counties throughout his many years serving as Business Manager, Assistant Director and Director of Libraries.

Madam Speaker, I proudly ask you to join me in commending Richard J. Wilding for his

accomplishments with the Mid-Continent Public Library System and in wishing him the best of luck in the years to come.

HONORING SIERRA NO. 3

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate the Railtown 1897 State Historic Park volunteers upon their diligent work and commitment to restoring the famous Sierra No. 3 locomotive. The restored Sierra No. 3 made its debut at the Railtown 1897 State Historic Park in Jamestown, California on Friday, July 2, 2010.

Sierra No. 3 is an 1891 vintage steam locomotive built by Rogers Locomotive Works in Paterson, New Jersey. The locomotive was originally purchased in 1891 for use on the Prescott and Arizona Central, a railroad owned by Thomas Bullock. Due to the failure of the Prescott and Arizona Central railroad, Sierra No. 3 was transported to California and used in the building of the Sierra Railway from Oakdale, California.

In the early 1900's, Hollywood producers first discovered Tuolumne County and its historic trains. Since then, Hollywood has been filming Sierra No. 3, the photogenic steam locomotive along the Sierra Railroad's scenic route, to satisfy America's love affair with Western movies. Starring in more than 100 movies and television productions, Sierra No. 3 has appeared in more motion pictures, documentaries and television productions than any other locomotive. It appeared in The Virginian with Gary Cooper in 1929, the first sound movie filmed outside of a Hollywood sound stage. Shortly after it appeared in The Texan, Sierra No. 3 was derailed from the movie business as the depression hit and the Sierra Railway was struggling with bankruptcy and reorganization. In 1948, repairs were made to Sierra No. 3 and the locomotive hit the movie scene once more, appearing in High Noon, The Great Race, Bound for Glory, Back to the Future III and Unforgiven. The locomotive also appeared on numerous commercials and television shows, including Lone Ranger, Tales of Wells Fargo, Petticoat Junction, Rawhide, Death Valley Days, Lassie, Gunsmoke, Bonanza, The Wild, Wild West, and Little House on the Prairie.

After sitting idle for many years, Sierra No. 3 was overhauled and returned to service in 1948. It operated for many years pulling special excursion trains and starring in movies. It was Sierra No. 3's use in the movies that preserved the Historic Jamestown Shops and Roundhouse when most railroads were scrapping their locomotives and demolishing the old railhouses. In 1995, the Federal Railroad Administration implemented new requirements to ensure the safe operation of the aging American steam locomotives. The 110-year-old Sierra No. 3 was assessed and it was determined that major repairs were required for it to be in compliance with the new regulations. In early 2000, a crew began to disassemble the locomotive, but the project was put on hold

until a major fundraising effort was initiated in 2007. The restoration process took almost three years and cost 1.5 million dollars to complete.

Today, Sierra No. 3 is fully repaired, restored and ready for its debut. The locomotive is housed at the original Historic Jamestown Shops and Roundhouse (now Railtown 1897 State Historic Park). Railtown 1897 operates, preserves and interprets one of just two remaining, fully intact and still functioning steam-era shortline railroad roundhouse complexes in the United States. With the dedication of many volunteers and partnerships, Sierra No. 3, originally built almost 120 years ago, will be available to carry passengers along the historic gold country route.

Madam Speaker, I rise today to commend and congratulate the Railtown 1897 State Historic Park volunteers and the partners involved upon their success in bringing back Sierra No. 3. I invite my colleagues to join me in wishing all involved many years of continued success.

HONORING JACK SAUM FROM MARYLAND AS TRUCK DEALER OF THE YEAR

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. BARTLETT. Madam Speaker, I rise today to honor a constituent of mine who was recently honored by his peers within the trucking industry. Mr. John "Jack" Saum was named the 2010 Dealer of the Year by the American Truck Dealers, ATD, and Heavy Duty Trucking magazine during the annual ATD Convention and Expo in Orlando, FL. The award recognizes excellence in dealership performance, industry leadership, civic contributions and community service. The winner was chosen by a panel of distinguished professors from Indiana University's Kelley School of Business.

Mr. Saum is Chairman of the Board of Beltway Companies, LLC, which is headquartered in Baltimore, Maryland in my Congressional district. Beltway Companies LLC is a truck dealership with six locations in Maryland which provide sales, parts and service to a large number of trucking companies and their truck fleets. Two of Jack's dealerships are in the Sixth District. Central Maryland International Truck is in Hagerstown, Maryland. Central Maryland International Truck and Idealease is in Frederick.

Mr. Saum has been involved in the truck business for more than 40 years having begun his career with International Harvester as a sales trainee in 1969. He held a series of management positions with International Harvester in the Northeast region of the country before joining Beltway International in 1984. Mr. Saum initially served as general manager at the Beltway dealership and assumed the role of dealer principal in 1997 when he purchased the dealership.

Under his leadership, the dealership grew exponentially from a single point location in Baltimore to six locations throughout Maryland.

Mr. Saum is also a strong supporter of green technologies both in commercial trucks as well as dealership fixed operations. His innovative business approach is exemplified in his "A New Truck is a Green Truck" initiative which focuses on environmentally friendly truck technologies. With support from the National Automobile Dealers Association, NADA, and Navistar, Mr. Saum has led efforts to educate public officials about the environmental and fuel efficiency advantages of new truck design improvements with a focus on new diesel-powered trucks, diesel-electric hybrid trucks, auxiliary power units, APUs, and retrofit programs. Another example of Jack's commitment to being a green truck dealer was his incorporation of "green" features at his newest dealership in Frederick. Jack installed a recycled oil heating system at this state-of-the-art facility that reduces the carbon footprint of Beltway's operations.

As part of his education outreach, Jack contributed a new class 8 18-wheeler "green truck" as an exhibitor at the second annual Go Green Conference that I hosted in Frederick, Maryland on June 7, 2010. This free community service event featured more than 125 exhibitors including over 25 energy efficient, low emissions green vehicles. These exhibitors were mainly small and local businesses, like Jack's, committed to help homeowners and small business owners discover practical ways you can save money, use less energy, protect our environment and go green on any size budget.

Jack has been a winner of multiple awards from International for dealership performance, financing, lease and rental and operations excellence. More importantly, Mr. Saum was named International Dealer of the Year for 2004 which is the highest honor an International dealer can earn.

Madam Speaker, I am honored to represent Mr. Jack Saum and many of his employees at Beltway Companies, LLC. I ask that you and other Members of Congress join me in congratulating him for this recent honor and for his effort on behalf of his fellow customers, his fellow business owners and all Marylanders. I wish him the best for continued success in the future.

HONORING LEIGHTON STUART

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Leighton Stuart. Leighton is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and earning the most prestigious award of Eagle Scout.

Leighton has been very active with his troop, participating in many scout activities. Over the many years Leighton has been involved with scouting, he has not only contributed to his community through his Eagle Scout project and earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Leighton Stuart for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE 36TH ANNIVERSARY OF THE
TURKISH INVASION OF CYPRUS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Ms. ROS-LEHTINEN. Madam Speaker, on July 20, 1974, a heavily armed Turkish invasion force landed on the beaches of its sovereign, independent neighbor—Cyprus.

While ostensibly on a peaceful mission to restore order, the Turkish military carried out a brutal campaign against Greek Cypriots, called "Operation Atilla".

Over five thousand Greek Cypriots were estimated to have been killed; an additional sixteen hundred Greek Cypriots were reported missing; and over two hundred thousand Greek Cypriots were evicted from their homes, never to return.

Demetris Drakos, who was a child during the invasion, recently recalled his impressions to the BBC: "Fear and confusion as the Turks invaded, running out under the cover of night with nothing but the clothes on our backs, leaving behind our ancestral homes, our lives and in some cases our loved ones."

Subsequently, as part of an "ethnic cleansing"-style campaign, as some have deemed it, the occupying Turkish forces converted churches to mosques and brought Turkish squatters to settle in homes from which Greek Cypriots had been forced to flee.

The violent military occupation that began in July 1974 and the subsequent illegal actions by Turkey on Cyprus have been repeatedly criticized by the international community.

The United Nations Security Council has passed seventy-five separate resolutions calling for Turkey to allow Greek Cypriots to return to their homes and to withdraw its troops from Cyprus.

In 1976, 1983 and again in 2009, the European Court of Human Rights ruled that Turkey was illegally occupying Cyprus and must return all seized properties to their Greek Cypriot owners.

Turkey continues to ignore such condemnations of its actions.

While both the United States and the United Kingdom have unequivocally stated their support for a Cypriot-authored solution for the reunification of the country with a bi-zonal, bi-communal federation enjoying a single sovereignty and citizenship, to date no similar commitments or comments have been issued by the Turkish government.

Turkey has a moral obligation to grant the Turkish Cypriot community full autonomy in the reunification negotiations and to clearly commit to abiding by any terms agreed upon in a Cypriot reunification agreement.

Above all, Turkey must withdraw its occupation troops from Cyprus.

Those actions would go farther toward achieving peace and stability in Cyprus than

all the rhetoric of good intentions we have heard over and over again from Ankara.

On this 36th anniversary, we reaffirm our commitment to supporting Cypriot efforts to establish a lasting, peaceful solution to the conflict that has ravaged their country and divided their people for far too long.

RECOGNIZING THE CAREER AND
RETIREMENT OF TOM CALIPER

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the career of Tom Caliper as he retires as business manager of Plumbers and Pipefitters Local 551 and as executive director of the Egyptian Building and Construction Trades Council.

Tom Caliper is the son of Frank and Lola Caliper. Frank, in addition to serving as Mayor of the Village of Colp, Illinois, for 52 years, was the owner of Caliper Plumbing and Heating. Tom undoubtedly learned the plumbing trade from his father, but Tom says his father also taught him a great deal about leadership and about caring for others, qualities that Tom has put to good use both as a labor leader and through his extensive charitable work.

Through 29 years in leadership for the Plumbers and Pipefitters Local 551 and 25 years at the head of the Egyptian Building and Construction Trades Council, Tom Caliper has made an indelible mark on the labor landscape of Southern Illinois. One of his most effective achievements was the implementation of a project labor agreement whereby all publicly funded projects in Southern Illinois would be constructed by Southern Illinois tradesmen and women. This led to increased economic and community development in the region as wages earned by Southern Illinois workers were re-invested within Southern Illinois communities.

Not only was Tom Caliper a driving force for organized labor but he was also responsible for improving the lives of countless area families through his volunteer and charitable efforts. Tom was instrumental in starting the "Coats for Kids" campaign which, through his tireless fund-raising and organizational efforts over the years, has provided needed warm-weather clothing for area children. It was important to Tom that the children who were the beneficiaries of the "Coats for Kids" program received only new, good-quality clothing, nothing second-hand.

Tom Caliper has been the model of leadership throughout his career. He has worked effectively in representing and advocating for his members, he has helped create additional opportunities for job creation and he realized the importance of giving back to his community.

Madam Speaker, I ask my colleagues to join me in an expression of appreciation to Tom Caliper for his years of dedicated service to the working men and women of Southern Illinois and to wish him the very best in the future.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. SMITH of Washington. Madam Speaker, on Monday, July 19, 2010, I would have voted "yes" on rollcall vote No. 450, on the motion to suspend the rules and agree to H. Res. 1219, had I been present for the last vote of the series.

HONORING CHRISTOPHER BAKER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Christopher Baker. Christopher is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many scout activities. Over the many years Christopher has been involved with scouting, he has not only contributed to his community through his Eagle Scout project and earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Christopher Baker for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

SOCIAL SECURITY

HON. LOUISE MCINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Ms. SLAUGHTER. Madam Speaker, I rise today in support of Social Security as its 75th birthday nears.

Social Security is among the most important programs ever created by our Government. Older Americans have worked hard and made sacrifices to ensure a better, stronger country for future generations. They deserve a secure, healthy retirement.

Without Social Security, one out of every two seniors would fall into poverty, and the disabled and survivors—including millions of children—would find themselves without this critical safety net in their time of need.

In my district alone, over 120,000 people received Social Security benefits in 2009, including over 77,000 seniors and nearly 13,000 children who receive benefits because a family member has retired, become disabled, or died. Today, as we approach its 75th anniversary, Social Security is once again under assault by Congressional Republicans.

The ranking Republican member on the House Committee on the Budget introduced

H.R. 4529, the Roadmap for America's Future, which purports to rescue and strengthen Medicare, Medicaid, and Social Security, allowing them to fulfill their missions and making them permanently solvent—all while putting the federal budget on a sustainable path. If this were true, I would be the first in line to cosponsor the legislation.

However, independent analysis of the bill revealed the plan would raise taxes for most middle-income families, privatize a substantial portion of Social Security, and replace Medicare with a voucher system that would cover fewer and fewer health care services as the years went by.

What I find most disturbing about this proposal is the failure to acknowledge a connection between the recent volatility of the stock market and the effect that would have on privatized Social Security accounts.

When a trillion dollars of wealth can disappear in 30 minutes, as it did on May 6, 2010, we know that the stock market is not the place for seniors' life savings. Privatization, or partial privatization, of the Social Security system would have been disastrous for millions of senior citizens that depend on their Social Security checks every month.

Too many seniors in this country saw their retirement savings decimated by President Bush's economic crisis. I rise today to assure seniors that I and the Democrats in Congress will continue to stand firmly opposed to any and all efforts to privatize Social Security. Seniors can count on us to preserve Social Security for both current beneficiaries and generations to come.

TURKISH INVASION OF CYPRUS

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. ROYCE. Madam Speaker, today marks the 36th anniversary of the Turkish invasion of Cyprus. The 1974 invasion claimed the lives of approximately 5,000 Greek Cypriots, while 200,000 were forcefully expelled from their homes. This is a dark chapter not only for Hellenes, but for all of Europe.

As this occupation continues, nearly 43,000 Turkish soldiers—nearly one soldier for every two Turkish Cypriots—are embedded in Cyprus, occupying over 35 percent of the island. This occupied area is one of the most militarized areas in the world.

Yet despite this military presence, Turkish and Greek Cypriots live in relative harmony. Since Ledra Street was opened, connecting occupied Cyprus to the south, over 13 million Greek and Turkish Cypriots have crossed the partition without incident. One can't help but wonder whom the Turkish military is protecting.

While Turkey's influence continues to wreak havoc on reunification negotiations, Cypriot President Demetrios Christofias continues to make the solution to the Cyprus problem his top priority. Having met with him in Nicosia last year, his commitment to finding a solution greatly impressed me. There was certainly no lack of will on the Greek Cypriot side.

To conclude, as we remember the invasion that split Cyprus in two, it is important to note that there are concrete efforts underway by the heads of the respective communities to reunify. Greek and Turkish Cypriots alike want to see a solution. What stands in the way is Turkey. If it still cares about ascending to the European Union, Turkey would be wise to remove its troops and stop impeding progress. For the sake of Cyprus, I hope Turkey wakes up.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Ms. LEE of California. Madam Speaker, yesterday I missed rollcall vote No. 448 on H. Res. 1472, rollcall vote No. 449 on H. Con. Res. 126, and rollcall vote No. 450 on H. Res. 1219. Had I been present, I would have voted "aye" on each of these rollcall votes.

HONORING ZACHARY AULGUR

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Zachary Aulgur. Zachary is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and earning the most prestigious award of Eagle Scout.

Zachary has been very active with his troop, participating in many scout activities. Over the many years Zachary has been involved with scouting, he has not only contributed to his community through his Eagle Scout project and earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Zachary Aulgur for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

COMMEMORATING THE 36TH ANNIVERSARY OF THE TURKISH OCCUPATION OF CYPRUS

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Ms. BERKLEY. Madam Speaker, I rise to commemorate once again the anniversary of Turkey's illegal invasion and occupation of Cyprus, beginning in 1974, lasting up to the present time. The division of Cyprus has wreaked havoc on the island nation and left its Turkish-occupied section in disarray. It is cruel that the Cypriot people should continue to be subjected to this conflict.

This anniversary is particularly troubling, given Turkey's role in recent events in the Mediterranean. In May, the Turkish government supported a flotilla of boats attempting to run Israel's blockade of Gaza. Those so-called "peace activists" attacked the Israeli soldiers with bats, clubs and bricks, demonstrating their real intent: to harm Israel, rather than to help the people of Gaza.

In the aftermath of these events, Turkey had the audacity to criticize Israel's behavior toward Gaza, as though they themselves had "clean hands." Before they criticize Israel, the world must remember that Turkey has occupied and continues to occupy Cyprus, for no apparent reason, other than to increase their own sphere of influence in the region.

I hope Turkey will do in Cyprus as Israel did in Gaza: remove their troops and grant the people there a chance to govern themselves, without foreign interference. Unfortunately, the people of Gaza turned to violence rather than peaceful coexistence with their neighbor. By contrast, I believe the people of Cyprus are truly ready for peace, as has been demonstrated by the millions of incident-free crossings between the two sides. It is time for Turkey to remove their troops from Cyprus. That way, the Cypriots—and the Cypriots alone—can make the decisions affecting their future.

36TH ANNIVERSARY OF THE TURKISH INVASION OF THE REPUBLIC OF CYPRUS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. CALVERT. Madam Speaker, I rise today to recognize the 36th Anniversary of the Turkish invasion of the Republic of Cyprus. In 1974 Turkey illegally invaded the northern part of the island nation Cyprus, and that occupation continues today. As a member of the Hellenic Caucus, I recognize and support the Republic of Cyprus as the sovereign political government of the island. This position is supported by the United Nations, and since 1974, more than 75 resolutions have been adopted by the U.N. Security Council calling for the return of the refugees to their homes and properties and for the withdrawal of the Turkish troops from Cyprus.

In 2006, I cosponsored H. Res. 603, which urged the U.S. government to advocate for the immediate withdrawal of Turkish forces from the territories of the Republic of Cyprus. I will continue to support Cypriots as they seek a peaceful solution to the conflict dividing the island. It is my prayer that these two countries can find a solution to serve the best interest of all the people in the region, and one day live in peace.

HONORING THE MOSES AND AARON FOUNDATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. CROWLEY. Madam Speaker, I rise today to call attention to a worthy organization—one committed to special needs children and their families. The Moses and Aaron Foundation's significant and enduring efforts under the direction and visionary leadership of president Rabbi Yaacov Kaploun and executive vice president Yehuda Kaploun deserve high praise, as do the philanthropists who have given of themselves to fulfill its mission.

The Moses and Aaron Foundation Special Fund for Children, an all-volunteer organization, is dedicated to assisting children with disabilities, or, as the Foundation prefers to recognize them, "Outstanding Children." The organization provides these children and their families with a wide range of programs, including social, physical, financial and wheelchair assistance, as well as counseling and guidance.

It also provides scholarship funding to educational institutions; collects, purchases and distributes clothing for children in need; and remembers them with presents at holiday time or when hospitalized.

The Foundation has arranged for sound and musical equipment in other institutions and has distributed gifts to thousands of children during the holiday season—including hundreds of toys given to the U.S. Marines Toys for Tots and local law enforcement agencies' programs.

The corporate and individual supporters of the Foundation include concert chairmen Mr. and Mrs. Richard Gans, Mr. Avi and Dr. Laura Greenbaum, Mr. and Mrs. Elisha Rothman, the Jelly Belly Candy Company, Metropolitan Lumber Company, Mr. Robert Gans and the Croton Watch Company, as well as Ms. Rachel Sapoznik, Mrs. Janice Lipton, Mr. and Mrs. Yakov Bertram, Mr. and Mrs. Chaim Rubin, Ms. Patti Shlesinger and Esther Kaploun, who heads the Division of Volunteers.

On July 24, 2010, at the Sullivan County Community College in Lock Sheldrake, New York, the Moses and Aaron Foundation, under the Honorary Chairmanship of Nobel Laureate Elie Wiesel, will sponsor its 14th annual Summer "Chazak-Strength" Concert honoring and paying tribute to Special and Outstanding Children and their families.

The Guests of Honor will be the Special and Outstanding Children, many of whom will join the entertainers on stage to perform. More than forty organizations, camps and schools serving the physically and mentally disabled children will be represented.

The Chazak Concert, like all the Moses and Aaron Foundation's programs, demonstrates a caring and compassionate concern for others' quality and dignity of life and merits the appreciation of all those who have benefited from its services.

The Moses and Aaron Foundation was founded in memory of Rabbi Dr. Maurice I. Hecht of New Haven, Connecticut, and Aaron

Kaploun, both of whom led lives of exemplary community service. It is in this sentiment of communal dedication that the Moses and Aaron Foundation has devoted itself to serving the needs of a unique group in the community.

I urge my colleagues to join me in honoring the Moses and Aaron Foundation as an organization which exemplifies the generosity of spirit in American society.

HONORING NATHAN SCHLAUD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Nathan Schlaud. Nathan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and earning the most prestigious award of Eagle Scout.

Nathan has been very active with his troop, participating in many scout activities. Over the many years Nathan has been involved with scouting, he has not only contributed to his community through his Eagle Scout project and earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Nathan Schlaud for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN REMEMBRANCE OF TERRY WEIDEN

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mrs. HALVORSON. Madam Speaker, today I rise to pay tribute to a distinguished veteran, an amazing community servant, a true patriot. Terry Weiden selflessly worked for the residents of LaSalle County, not the least of which were his fellow veterans. Mr. Weiden passed away Tuesday, July 6th, leaving a deep void in our hearts.

Born in Utica in 1954, Terry Weiden would eventually serve his country in the Armed Forces. As a military police officer in the United States Army, he rose through the ranks to become a Sergeant and served with distinction for thirteen years.

After his distinguished military career, Mr. Weiden became an active member of the Utica American Legion Pierce Davis Post 731 and the LaSalle Veterans of Foreign Wars Post 4668. He is perhaps best known for his work as chairman of the Utica Veterans Day Parade, the largest Veterans Day parade in north-central Illinois.

Mr. Wiedens reach in LaSalle County was broad and extended beyond the veterans community. Mr. Weiden also served as the commissioner of the Utica Emergency Medical Training program for four years and led his

local Knight of Columbus chapter, which helps make up one of North America's largest Catholic charities.

Mr. Weiden made his community and our country a better place. For the generations of Americans to come, his service and philanthropy stands as a splendid example.

COMMEMORATING THE 36TH ANNI- VERSARY OF TURKISH PEACE OPERATION

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. WHITFIELD. Madam Speaker, I rise today to commemorate the 36th anniversary of the Turkish peace operation which prevented an attempt by Greece to annex the island of Cyprus. Although peace prevails in Cyprus today, the social, economic and political development of the Turkish Cypriots has been restricted for more than four decades.

Despite their continued commitment to achieving a just and lasting settlement that respects the political equality of the two peoples on the island, the Turkish Cypriot people are still waiting for the international community to honor the promises it made to them that their isolation would be lifted. While the Greek Cypriots were given full membership in the European Union, despite rejecting a United Nations plan to unify the island, Turkish Cyprus is still largely isolated from the international community.

Madam Speaker, if the process is to move forward toward a lasting settlement it is important that the United States Congress recognize the unwavering commitment of the Turkish Cypriot people to unify the island and encourage the lifting of their isolation.

The current opportunity for a settlement arises from the ongoing negotiations conducted under the auspices of the United Nations Secretary-General. The Turkish Cypriot side needs to be commended for the seriousness and commitment it has displayed in the negotiations. I would particularly like to applaud the new Turkish Cypriot president, Dr. Dervis Eroglu, who wasted no time after his election in resuming negotiations. It is time that this positive stance of the Turkish Cypriots be reciprocated. The Greek Cypriots should be encouraged to respond in kind to these gestures of good will.

We now find ourselves at a critical juncture in the history of Turkish and Greek Cypriot relations. It is vital that the United States joins a number of other voices in the international community who hope that a mutually acceptable settlement might be reached. In order to promote the spirit of good will generated during the recent meetings, I encourage this body to seize this opportunity to support the two Cypriot leaders as they work toward reunification.

RECALLING THE THIRTY-SIXTH
ANNIVERSARY OF THE TURKISH
INVASION OF CYPRUS

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to recall the tragic anniversary of the Turkish invasion of Cyprus that occurred on July 20, 1974.

Thirty-six years ago, Turkey attacked the Republic of Cyprus. Tragically, the legacy of that brutal act continues to this day. To this day, approximately 40,000 Turkish troops continue to occupy Cyprus. Turkish troops, in blatant disregard for the Rule of Law and the basic rights of the Cypriot people, continue to illegally divide the island into two areas. As a result, the Republic of Cyprus is one of the most militarized areas in the world.

I strongly urge both sides to fully comply with the guiding principles of the July 8, 2006 agreement. This agreement sought to establish working groups to operate together to reunify Cyprus into one bizonal, bicomunal federation with political equality. The July 8 agreement is an important achievement that has given both parties the framework to work toward a permanently unified and free Cyprus. Since September 3, 2008, the leaders of the two communities have held direct talks that are continuing regularly.

On March 5, 2010, President Demetris Christofias of the Republic of Cyprus sent a letter to President Obama and other world leaders to assist him in moving forward a proposal that would allow experts under the umbrella of the United Nations to enter the city of Famagusta and conduct a study to plan for the restoration of the city and refurbishment of its infrastructure, among other things, so that its inhabitants may return.

These are positive steps toward liberating the Cypriot people. A lasting and equitable solution for the people of Cyprus, the goal of a united Cyprus, and the restoration of the human rights and fundamental freedoms of all Cypriots is too important to abandon.

While the international community should support the Cypriot and Turkish leaders as they work toward a solution, the solution to the illegal occupation of Cyprus must be solved by the Cypriots themselves. Any solution must serve the interests of the people of Cyprus and must not be imposed by outside parties or subject to arbitrary timeframes.

Madam Speaker, I remain committed to the goal of a united and free Cyprus. After 36 years of illegal occupation, the Cypriot people deserve to be free from division and oppression at last.

INTRODUCING THE INVESTING IN
OUR FUTURE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. STARK. Madam Speaker, I rise today to introduce the Investing In Our Future Act. This

bill will discourage currency speculation while investing in future generations here at home and in vulnerable communities around the world.

The world's largest financial institutions regularly buy and sell world currencies for a quick profit. In fact, the global currency transaction market has a daily trading volume of \$4 trillion. A significant amount of these trades are purely for speculative purposes. These speculative trades make wealthy individuals and companies even richer, but add no value to our economy. On the contrary, speculation distorts markets, increases market volatility, and destabilizes our economy.

The Investing in Our Future Act will place a 0.005 percent tax on the trillions of dollars of currency trades that take place each day. The revenue generated would go into three separate trust funds: one to provide domestic long-term, sustainable funding for child care; another for global health funding; and a third trust fund for climate change mitigation in the developing world.

A tax of 0.005 percent on all currency transactions is a trivial amount for those who engage in trades for legitimate purposes. One study estimated a worldwide tax on currency transactions involving the dollar would decrease currency speculation and shrink the volume of the market by 14 percent. This legislation would, in the words of the late Nobel laureate James Tobin who first proposed such a tax, "throw some sand in the well-greased wheels" of speculation.

The imposition of a currency transaction tax is a minor inconvenience to a financial institution, but could represent a major step forward to meet and exceed our commitments to our children and to impoverished nations and communities.

A Child Care Assistance Trust Fund will receive 20 percent of the revenue generated by this tax. In our own country only one in seven children eligible for subsidized childcare actually receives it. The fund will help working parents of the 15.3 million children under the age of six find affordable childcare.

The Multilateral Global Health Trust Fund will receive 40 percent of the revenue generated by this tax. Dozens of poor countries lack the basic medical infrastructure to diagnose, treat, and prevent diseases like malaria and tuberculosis. With funding towards these major diseases in developing nations, we can save lives and eliminate the threat of many of these illnesses within a generation.

The Global Climate Change Adaptation and Mitigation Trust Fund will receive the other 40 percent of funds generated by this tax. Climate change brings the side effects like hunger, poverty, and natural resource exhaustion to many developing countries. Conservative estimates are that \$100 billion is needed annually to help developing countries adapt to climate change and this fund will bring much needed assistance to them.

By contributing revenues from this bill towards these causes, we would be investing in the future of the residents of the developing world, and ours as well. I urge my colleagues to support the Investing in Our Future Act.

RECOGNITION OF THE 75TH ANNI-
VERSARY OF SOCIAL SECURITY

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Ms. RICHARDSON. Madam Speaker, Social Security is the most successful and important antipoverty program for seniors in our nation's history. It has helped millions of American seniors achieve retirement security and live with dignity in their old age. At Social Security's 75th birthday, we must increase our efforts to ensure that this critical government program is strong for future generations. We can leave no better legacy for our children and grandchildren than a commitment to eradicating poverty among senior citizens, the men and women who fought our wars, educated our children, and built our bridges and interstates.

We have all heard Minority Leader Boehner's comments on his plan to take Social Security benefits away from the men and women who need it most. Democrats are committed to stopping any Republican efforts to gamble away this bedrock program. Democrats led the efforts to establish Social Security in 1935 and strengthen it in the 1950s and 1960s. Democrats will continue to stand by Social Security. We are committed to ensuring this program's long-term solvency so that future generations will be guaranteed basic level of security in their old age. Social Security is a promise made to the American people that old age will not force hard-working Americans into poverty and destitution. As we have for 75 years, we intend to continue delivering on that promise.

IN RECOGNITION OF THE 36TH AN-
NIVERSARY OF THE TURKISH IN-
VASION OF CYPRUS

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. McMAHON. Madam Speaker, I rise today to recognize the 36th anniversary of the division of the Island of Cyprus.

Thirty-six years ago, Turkish troops invaded and occupied the island of Cyprus and divided a community. While time may heal all wounds, the wounds of the division of Cyprus remain fresh today with thousands of Turkish troops continuing to occupy the northern third of the island, with continuing support from the Ankara based government.

The Republic of Cyprus is a member of the European Union, a strong ally of the United States and a stable democracy in the Mediterranean. The Republic has opened the benefits of EU citizenship to both Greek and Turkish Cypriots on both sides of the divide. Since 2003 there have been confidence building exchanges and partnerships between the two communities and the residents have the ability to travel freely between the Republic of Cyprus and the occupied North.

With all these positive developments happening, some things still remain intractable.

The Turkish troop levels continue to be at the level present thirty-six years ago and Greek religious sites in the North still suffer from neglect. Communities may be free to travel but the Island is still divided based on ethnicity.

Bringing the Greek and Turkish communities together in a bi-zonal, bi-communal federation is the goal of President Obama, the European Union and most importantly it is the goal of the Cypriot people. On the thirty-sixth anniversary of the division of Cyprus, I urge both Cypriot President Demetrius Christofias and Turkish Cypriot leader Dervis Eroglu to re-double their efforts to insure the removal of Turkish troops, free movement between the Greek and Turkish communities and for a final end to the division of the Island. The time is now for us as a Congress and with our President's commitment to move Cyprus to a future of peace and prosperity.

IN HONOR AND REMEMBRANCE OF
LT. FRANK W. FOUTS V

HON. DEBORAH L. HALVORSON
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 20, 2010

Mrs. HALVORSON. Madam Speaker, today I rise with a heavy heart to pay tribute to Lieutenant Frank W. Fouts V, a hero of his community, a proud father, and a loving husband. Lieutenant Fouts served the people of Kankakee as a firefighter and paramedic with honor and courage. Lieutenant Fouts passed away in the line of duty on July 1st, leaving behind an unimpeachable record of service to his fellow citizens and a deep love for his family.

Frank Fouts V was born on October 29, 1972 in Chicago Heights, IL. As a kid, Frank greatly admired his maternal grandparents, who were an active part of his upbringing. He attended local schools and enjoyed playing with his brother. When Frank Fouts graduated from Bloom Trail High School, he volunteered with the Grant Park Fire Department. Frank eventually was hired by the department and was certified as a paramedic. Frank continued to improve himself, attending Southern Illinois University and earning a Bachelor of Arts Degree in Fire Science.

Frank then joined the Kankakee City Fire Department, where he literally wrote the book on responding to medical emergencies. A testament to his skill and knowledge, his texts on the subject are required reading for all incoming Kankakee firefighters. Frank would build an impressive career, achieving the rank of Lieutenant in the Kankakee City Fire Department.

Frank Fouts was more than a firefighter. He was a family man, who cared deeply for his two young boys, Grant and Parker, and his loving wife, Kathy. A dedicated father, Frank set aside time each week for a boys' night, where he would spend time with his children. When his wife became ill, Frank was at her side, through the hardest hours of illness and recovery.

Lieutenant Fouts' commitment to community and deep affection to family are reasons why

he was so adored and why his loss has brought such deep sadness. His service is in keeping with his profession's highest traditions of integrity and courage. We are forever in Frank's debt.

RECOGNIZING SNAP-ON
INCORPORATED

HON. TOM LATHAM
OF IOWA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 20, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Snap-on Incorporated, headquartered in Kenosha, Wisconsin, on the celebration of the company's 90th anniversary.

The company was formed in 1920 by Joseph Johnson and William Seidemann as the Snap-on Wrench Company. Johnson and Seidemann used the new concept of interchangeable sockets and wrench handles to start the company.

Snap-on products are the foundation for many technicians throughout the state of Iowa and America who earn a living working their skills. Snap-on Incorporated has exported their business and ideals across the country and the world, including a manufacturing facility located in Algona, Iowa. Snap-on also continues to be a supplier to the U.S. Government since World War II. At the present time, Snap-on directly supplies the Armed Forces of the United States of America and NASA. Tools from Snap-on can be seen throughout the military operations in both Iraq and Afghanistan.

I congratulate Snap-on Incorporated and current chairman and CEO, Nicholas Pinchuk on this historic anniversary. I am proud to have a Snap-on facility located within my district and wish them great success in the future.

COMMEMORATING THE 36TH ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. PETER J. ROSKAM
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 20, 2010

Mr. ROSKAM. Madam Speaker, I rise today to remember the anniversary of the Turkish invasion of the Republic of Cyprus. Thirty-six years ago today, Turkish troops entered the country in violation of international law, and have since maintained, and even increased their occupation of the Northern portion of Cyprus. Besides turning over Greek Cypriot property to new Turkish immigrants it is widely reported that there are currently roughly one Turkish soldier for every two Turkish Cypriots that they are claiming to defend.

Over the past 36 years, the occupation of Cyprus has grown to the point where Turkish troops can be found in almost 37 percent of the country's territory. This increase in occupation has occurred despite the fact that countless resolutions have been adopted by the U.N. Security Council and the U.N. General Assembly discouraging Turkey's contin-

ued occupation. These resolutions, which call for the return of refugees and the withdrawal of Turkish troops, have been blatantly ignored.

Turkey's invasion and continued occupation of Cyprus represents a violation of human rights and creates an unnecessary ongoing situation of tension and uncertainty throughout the island. It has resulted in ethnic segregation and a noticeable division between the Greek Cypriots and Turkish Cypriots. Most notably, the Turkish occupation has provoked the forcible expulsion of both Greek and Turkish Cypriots from their homes, leaving nearly one-third of the country in an ambiguous state of homelessness waiting to see if an agreement will ever be reached and their land will ever be returned.

Just weeks ago we celebrated America's Independence Day. We celebrated our freedom and thriving representative democracy. Please join me in taking a moment today to remember and recognize the country of Cyprus as they continue to push for a restored democracy and a safe resolution to Turkish occupation.

THIRTY-SIXTH ANNIVERSARY OF
THE TURKISH INVASION OF CYPRUS

HON. PETER J. VISCLOSKY
OF INDIANA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 20, 2010

Mr. VISCLOSKY. Madam Speaker, I rise today to mark the thirty-sixth anniversary of Turkey's invasion, and subsequent occupation, of Cyprus. It is deeply concerning to me that every year we are compelled to gather in this chamber to remind the world of the devastating events that led to the division of Cyprus, and to remember those who were killed, injured, or displaced when Turkey invaded the island in 1974. It remains very clear to me, and to most of my colleagues, as well as the vast majority of the international community, that Cyprus must be made whole again and Turkey must be held accountable for its reprehensible actions in dividing the island.

Just fourteen years after gaining its independence from Great Britain, Cyprus was illegally invaded by 6,000 Turkish troops and 40 tanks. These troops swept over the northern section of Cyprus, occupying nearly 40 percent of the island, and forcing hundreds of thousands from their homes. To date, more than 1,600 people remain unaccounted for, including five American citizens.

Thirty-six years after the invasion, we gather to honor and remember those who died. The world does not forget that Cyprus remains a nation divided and that over three thousand Turkish troops still illegally occupy almost half of the island in violation of international law.

As Cyprus is a member of the European Union (EU), a strong ally of the United States, and a stable democracy in the Mediterranean, we need to continue to send a clear message to Turkey that the illegal and immoral occupation of Cyprus will not be tolerated.

In an effort to move forward, Cyprus has extended the benefits of EU citizenship to both Greek and Turkish Cypriots on both sides of

the divide, and there have been subtle exchanges and partnerships between the two communities since 2003. Residents now have the ability to travel freely between Cyprus and the occupied North.

Even with these positive developments, some aspects of the division remain intractable. The number of Turkish troops in the North is the same as thirty-six years ago. Greek religious sights in the North continue to suffer from neglect. Communities may be free to travel, but the island is still divided into ethnic enclaves.

I am optimistic that President Obama has identified bringing the Greek and Turkish communities together in a bi-zonal, bi-communal federation as a priority, along with the EU. Most importantly, this is also the goal of the Cypriot people. On the thirty-sixth anniversary of the division of Cyprus, I encourage Cypriot President Demetrios Christofias and Turkish Cypriot leader Mehmet Ali Talat to strengthen their efforts to remove Turkish troops, free movement between the Greek and Turkish communities, and end the division of Cyprus. It is time for us in Congress, with President Obama's commitment, to move Cyprus to a future of peace and prosperity.

Madam Speaker, I am proud to join with my colleagues in standing against Turkish oppression in Cyprus. Thirty-six years is a long time to wait, but it is my sincerest hope that our actions will persuade Turkey to end its unlawful occupation of Cyprus.

RECOGNITION OF HONDA'S MARYSVILLE PLANT AS IT PRODUCES THE 10-MILLIONTH ACCORD

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Ms. KILROY. Madam Speaker, I rise today to recognize a significant milestone for central Ohio auto manufacturers. On the morning of July 20, 2010, the ten millionth domestically-produced Honda Accord was manufactured at Honda's Marysville Auto Plant. The production center, located near Marysville, Ohio, has created thousands of jobs and brought billions of dollars in capital investments to central Ohio and the country as a whole.

In its 28th year of production, the Marysville automobile plant has undergone expansion along with continuous innovation and improved efficiency. It is one of the most flexible and efficient plants in North America, achieving top quality performance. In fact, the Marysville plant ranked among the top five in North America in the 2010 Initial Quality Survey conducted by J.D. Power and Associates.

The factory has evolved from its completion of 967 Accords in its first year of business to its current production capacity of 1,800 vehicles per day. Nearly all Accords sold in North America are now manufactured at the Marysville plant. The success of this plant represents the achievements of the hard-working Ohioans who run its daily operations as well as our country's continued strength as a major global manufacturer.

Honda partners with 530 suppliers in the U.S. and 160 in Ohio in the production of pas-

senger cars and light trucks. These purchases totaled \$12 billion last year, with \$5.5 billion in parts coming from suppliers in Ohio. The Accord has achieved considerable success in the United States, where it has remained a top-5 overall seller for the past twenty years. Numerous tests, past and present, rate the Accord as one of the world's safest and most reliable automobiles.

Honda has provided key investments in our community. Central Ohioans have demonstrated their skills and work ethic and have made the Marysville Auto Plant a leader in the region and world. I am proud to recognize this accomplishment as they produce the ten millionth Honda Accord in the United States, and I invite my colleagues to join me in congratulating Honda and the Marysville Auto Plant on this achievement.

THE 36TH COMMEMORATION OF THE TURKISH INVASION OF CYPRUS

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. SPACE. Madam Speaker, 36 years ago today, Turkish forces invaded the sovereign nation of Cyprus, killing 5,000 Greek Cypriots and displacing nearly 200,000. This blatant violation of international law and lack of respect for a country's right to self-determination is made worse by the fact that Turkish occupation of the northern area of Cyprus continues to this day.

This is a dark anniversary to mark, one that represents an entire generation of Cypriots expelled from their homes—their property confiscated, family members missing and religious artifacts vandalized and destroyed. This occupation desecrates the basic freedoms and rights of the Cypriot people. Nearly 37 percent of the island of Cyprus remains under Turkish military control insistent on an illegitimate sovereignty that is unrecognized by any nation but Turkey. This is completely unacceptable.

In the past 36 years, there have been more than 75 resolutions adopted by the U.N. Security Council—a council of which Turkey is a member. These resolutions call for the return of refugees to their homes and withdrawal of troops from Cyprus. President Demetrios Christofias has followed through on his election promise to make the solution of this problem his top priority and has had several full-fledged negotiations with the leader of the Turkish Cypriot community. Yet, the negotiations' success has been consistently thwarted by Ankara, which has not given great freedom to the Turkish Cypriot leaders to negotiate within the agreed-upon framework.

The legitimate, internationally recognized Republic of Cyprus stands firmly for peaceful resolution of the conflict. This path to a resolution calls for a single citizenship, a single sovereignty, and two politically equal communities. The solution to proceed with a bi-zonal, bi-communal federation is, most importantly, Cypriot in design.

Cyprus must be the author of its own path forward. Yet, the United States can and must

do more to encourage Turkey to support the process and the reunification of the island. We should use our influence with Turkey to urge it to actively support the reunification of the island and to withdraw its troops from the island. We must provide support and assistance to the process and those working to move it forward.

As a Greek American and as a member of the Hellenic Caucus, I could not feel more strongly about the reunification of Cyprus. Cyprus is a nation that has endured occupation long enough. For us, the issue is straightforward and clear: we must do all we can to aid our ally, the Republic of Cyprus, in righting the wrongs of the past 36 years and in so doing, to promote peace and security in the Mediterranean.

HONORING THE STATLER CENTER

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. HIGGINS. Madam Speaker, I rise today to commend the Statler Center, a program of the Olmsted Center for Sight, on its tenth anniversary of service and commitment to blind, visually impaired and disabled individuals across the nation to achieve their highest level of independence.

The Elizabeth Pierce Olmsted, M.D. Center for the Visually Impaired was founded in 1907 to serve the needs of blind and visually impaired individuals of all ages who reside in the eight counties of Western New York. It remains the only agency within its region specifically mandated to provide comprehensive blind rehabilitation, health-related and human services to this highly specialized population.

Consistent with the agency's mission to assist blind and otherwise disabled individuals achieve their highest levels of independence in their homes, communities and places of work, the Olmsted Center founded the Statler Center program in response to a critical need to create meaningful career opportunities for blind and physically challenged working age adults who are capable and motivated to live productive self-sufficient lives.

Now in its tenth year of operation, the Statler Center remains the first and only program of its kind in the nation, annually drawing students from throughout the United States and world. It offers an intensive ten-week curriculum that includes classroom instruction, technology training, job readiness skills and comprehensive and continuous placement and career advancement services upon completion of the program.

While the national unemployment rate for people without disabilities is upwards of 9%, physically or visually impaired individuals suffer at a strikingly higher rate of 70%. The Statler Center is instrumental in combating this disparity as their job placement rate is currently 82% with a starting salary that is well above minimum wage. In addition, the staff works intensively with Statler students and graduates throughout the entire application, job search and employment orientation process. Its active and extensive network of corporate partners in both the public and private

sectors has resulted in this unprecedented job placement rate in a variety of positions in hospitality and customer service.

A cost-benefit analysis conducted by the State University of New York at Buffalo concluded that the "benefits of training blind and physically disabled persons for employment in the hospitality industry far outweigh the costs." The analysis found that "Statler Center graduates have employment rates significantly higher than national averages for persons with disabilities" with a return on investment for training the disabled found to be as high as \$51 for every \$1 invested.

A member institution of the Buffalo Niagara Medical Campus, The National Statler Center for Careers in Hospitality Service is located within this exciting 1200 acre world-class location in downtown Buffalo, New York where the focus is on clinical care, research, education and entrepreneurship.

On Thursday, July 29, 2010, the generous support of the center's contributing national and local foundation, community partners, staff, faculty, and most of all our dedicated students will be deservedly recognized as the 10th Anniversary of the Statler Center is celebrated. The festivities will begin with the graduation of the 34th Statler Class. These graduates will then join the more than 340 alumnae who are working in an array of jobs including: front desk clerks and managers in New York, night auditors in Michigan, PBX operators in California, customer service agents in Florida and a proprietor of a new hotel in Costa Rica opened by a truly entrepreneurial graduate.

The Statler Center's job-readiness training and follow-up advisement helps students become, and remain productive, valued employees and it is my honor to pay tribute to this outstanding program for ten years of exemplary service to individuals and their families. The efforts of this organization continue to make a difference in people's lives and are deserving of the highest recognition.

ON THE 36TH ANNIVERSARY OF
THE TURKISH INVASION AND
SUBSEQUENT OCCUPATION OF
CYPRUS

HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Ms. TSONGAS. Madam Speaker, today marks the thirty-sixth anniversary of the Turkish invasion and subsequent occupation of Cyprus. Since the late 1970s, the UN, with US support, has promoted negotiations aimed at reuniting the island. Despite high hopes for reconciliation in 2008, and despite some progress in that direction, the normalization process appears stalled.

We have a moral and ethical obligation to stand with Cypriots to reunify their island as a single sovereignty, with a single citizenship based on human rights, democracy and fundamental freedoms. It is time to acknowledge and rectify abuses against Greek Cypriots whose rights have been ignored or violated over these many years. It is time to find com-

mon ground and help Cyprus build a unified economy. According to the Peace Research Institute in Oslo, a successful federalist settlement could lead to an additional ten percent GDP growth within seven years.

I have spoken out on this issue before, and will continue to press for the day in which we have a reunified and prosperous Cyprus where Greek Cypriots and Turkish Cypriots can live together in peace, security and stability, free from foreign aggression and intervention.

HONORING PRIVATE FIRST CLASS
RICHARD M. DAWSON, USA

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. WITTMAN. Madam Speaker, I rise today to honor and pay tribute to a fallen hero. Private First Class Richard M. Dawson of the United States Army served this country proudly and with the highest level of honor. He gave the ultimate sacrifice to this nation by paying with his life while fighting for freedom in one of this country's most trying conflicts, World War II.

PFC Dawson grew up on a farm in Haynesville in Richmond County, known affectionately by his family as "Norris". He enlisted in the U.S. Army in 1938 and was one of a select few chosen to join the Allied effort to regain control of Burma from the Japanese. In 1944, his Army Air Force unit was stationed in Dinjan, India, flying transport missions over "the Hump" of the Himalaya Mountains to supply American, British and Chinese forces fighting the Japanese in China and Burma. Despite reported bad weather conditions, his aircraft commander demonstrated extreme courage and elected to carry out its vital cargo-drop mission in the northern most portion of Burma. The Army reported the twin-engine C-47 Skytrain and its crew of seven took off to drop ammunition at Myitkyina in the mountains of northern Burma. Tragically, the aircraft never reached the drop zone and all seven crewmembers perished. Efforts to find the cargo plane were unsuccessful until late 2002 when a missionary provided U.S. officials with a data plate from a C-47 crash site approximately 31 miles northwest of Myitkyina. A Joint POW/MIA Accounting Command team excavated the crash site in 2003 and 2004, recovering additional remains and crew-related equipment which included an identification tag for Dawson.

The remains of the Richmond County airman were buried July 15, 2010 in Arlington National Cemetery with full military honors.

PFC Dawson is survived by his 78 year-old sister Christine King, who remembers the day in 1944 that a telegram arrived to tell the Dawson family that their son and brother was missing. He was 25 years old at the time. Dawson was a loving son who wrote frequent letters to his mother, beginning each one imploring her not to worry about him. This is a prime example of Dawson's selflessness which was exemplified throughout the duration of his service.

I extend to PFC Dawson's relatives my sincere condolences and deep appreciation for his service to our nation. We are forever appreciative of the sacrifice he made to further the cause of freedom. We hope that his remaining family will find comfort in knowing he will rest in peace among America's finest who answered our nation's call to duty and who did so with bravery and valor.

HONORING JAMES R. WALKER,
CRNA, DNP, PRESIDENT OF THE
AMERICAN ASSOCIATION OF
NURSE ANESTHETISTS

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. OLSON. Madam Speaker, today I pay tribute to James R. Walker, CRNA, DNP, of Pearland, Texas, in my congressional district. Dr. Walker will soon complete his year as national president of the American Association of Nurse Anesthetists (AANA). I am very pleased that a fellow Texan was elected by his colleagues as the 2009-2010 President of this prestigious national organization.

Founded in 1931 and celebrating its 79th anniversary, the AANA is the professional organization that represents more than 40,000 practicing Certified Registered Nurse Anesthetists (CRNAs) and nurse anesthesia students nationwide. As you may know, CRNAs are advanced practice nurses who administer more than 32 million anesthetics in the United States each year. CRNAs practice in every setting in which anesthesia is delivered: traditional hospital surgical suites and obstetrical delivery rooms; critical access hospitals; ambulatory surgical centers; the offices of dentists, podiatrists, ophthalmologists, plastic surgeons; in the U.S. military, Public Health Service, and in Department of Veterans Affairs healthcare facilities. CRNAs also specialize in the management of pain. CRNAs provide anesthesia for all types of surgical cases and in some States are the sole anesthesia providers in the vast majority of rural hospitals, affording these medical facilities obstetrical, surgical and trauma stabilization services.

Dr. Walker was educated in the art and science of Nurse Anesthesia, at the Baylor College of Medicine in Houston, Texas. He earned his Bachelor of Science in Nursing (BSN) degree from the University of Oklahoma Health Sciences Center in Oklahoma City, Oklahoma. In addition, Dr. Walker holds a Doctor of Nursing Practice (DNP) from Texas Christian University in Fort Worth, Texas, and he is currently working on a Doctor of Philosophy (PhD) in Nursing at the Texas Women's University in Houston, Texas. Currently, he is the Director of the Graduate Program in Nurse Anesthesia at the Baylor College of Medicine, where he also serves as an Associate Professor of Anesthesiology.

Dr. Walker has held numerous leadership positions in the AANA as Regional Director and President-elect before becoming the National President of the AANA in August 2009. In addition, he has served terms as President, President-Elect, Vice-President, and Federal

Political Director, for the Texas Association of Nurse Anesthetists (TANA).

While at the Baylor College of Medicine, he was awarded the J. David Holcomb Achievement Award for Allied Health Sciences Education, Research, Faculty Development, and Scholarship; the Fulbright & Jaworski Faculty Excellence Award for Educational Leadership; and has been named Outstanding Academic Instructor numerous times. In 2004, the American Association of Nurse Anesthetists named him Program Director of the Year. Dr. Walker has been a Member of the Texas Nurses Association; a Member of the American Nurses Association; a Member of the American Academy of Pain Management (AAPM), and served as an On-site Team Reviewer for the Council on Accreditation of Nurse Anesthesia Educational Programs. Adding to his professional accomplishments, Dr. Walker has been recognized for speaking on anesthesia- and sleep apnea-related topics over the years.

During his AANA Presidency, Dr. Walker advocated for CRNAs and patients before the Centers for Medicare & Medicaid Services, the Health Resources Services Administration, and other federal agencies. In addition, Dr. Walker represented the AANA before the House Appropriations Subcommittee on Military Construction, Veterans Affairs and Related Agencies, testifying about the contributions of CRNAs in the Veterans Affairs and military health systems. Finally, Dr. Walker has been an invaluable advocate for the value of CRNAs in the environment of health reform, as the attention of the Nation and this Congress has been upon making high quality healthcare more accessible and less costly to patients, households, employers and our country. In particular, he has demonstrated leadership in promoting provider non-discrimination, supporting equity in anesthesia payment in educational settings, advancing patient access to rural CRNA services, and in reversing Medicare Part B cuts for anesthesia and physician services. Through his leadership, a landmark study on the cost effectiveness and quality of anesthesia professionals was published this summer in the journal *Nursing Economics*, showing specifically how CRNA services contribute to cost-effective and well-managed healthcare delivery in hospitals and ambulatory surgical centers.

Madam Speaker, I rise to ask my colleagues to join me today in recognizing the outgoing President of the American Association of Nurse Anesthetists, Dr. James R. Walker, CRNA, DNP, for his notable career and outstanding achievements.

INTRODUCTION OF THE PERSONALIZE YOUR CARE ACT OF 2010 WHICH WOULD PROVIDE COVERAGE UNDER MEDICARE AND MEDICAID FOR VOLUNTARY ADVANCE CARE PLANNING CONSULTATIONS; MAKE GRANTS AVAILABLE FOR COMMUNITIES TO DEVELOP PROGRAMS TO SUPPORT "PHYSICIAN ORDERS FOR LIFE SUSTAINING TREATMENT" TO SUPPORT PATIENT AUTONOMY ACROSS THE CONTINUUM OF CARE; REQUIRE ADVANCE CARE PLANNING STANDARDS FOR ELECTRONIC HEALTH RECORDS; AND ALLOW PORTABILITY OF ADVANCE DIRECTIVES ACROSS STATES

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. BLUMENAUER. Madam Speaker, today I am proud to introduce the Personalize Your Care Act of 2010.

Advances in healthcare have led to increasingly complex health care decisions and more treatment options than we have ever had the benefit, or the burden, of choosing between. Both Democrats and Republicans agree that individuals should be fully involved in decisions related to their health care, making informed decisions that reflect their values and their needs. We also agree that when people have expressed their wishes, those wishes should be known and respected.

While there is widespread agreement in these principles, too often this is not the reality. Most adults have not completed an advance directive; if documents are completed, they are not regularly revisited and can be difficult to locate. Because these issues are difficult to discuss, surrogates can feel ill-prepared to interpret their loved ones' written wishes.

These shortcomings often leave families and health care proxies faced with the burden of determining their loved ones' wishes in the midst of crisis, sometimes with little or no information about how best to direct care. This adds not only stress and anxiety to an already difficult situation, but studies show that lack of advance care planning actually prolongs the grieving process after losing a loved one.

One of the greatest misconceptions about advance care planning is that it is a one-time event. Attempting to plan for all possibilities in a single document or within a single conversation is both overwhelming and impossible. Early advance care planning is important because a person's ability to make decisions may diminish over time and he or she may suddenly lose the capability to participate in his or her health care decisions. Ongoing conversations are also necessary.

For advance care planning to be successful, it must become less about legal documentation and more about facilitating ongoing communication about future care wishes among individuals, their health care providers, and surrogates. This approach recognizes that advance care documents like advance directives

are not the "ends", but the "means"—the tools for documenting care preferences based on informed decisions that incorporate an individual's values, personal goals, and current circumstances.

This process not only provides higher quality care, but personalized care.

The Personalize Your Care Act aims to support advance care planning by providing Medicare and Medicaid coverage for voluntary consultations about advance care planning every 5 years or in the event of a change in health status. This periodic revisiting of advance care documents and goals of care recognizes that individual's preference may change over time. More so, should an individual develop a serious or chronic illness, additional curative and palliative treatment options may be available and the advance care plan should be updated to reflect the individual's current circumstances and preferences.

Honoring the expressed wishes of individuals must also be a priority and for this to occur, advance care planning documents must be accessible where care is provided. To this end, the bill would ensure that an individual's electronic health record is able to display his or her current advance directive and/or physician orders for life sustaining treatment (POLST), so that his or her wishes would be more easily accessible and respected. Furthermore, advance directives would be more portable to help individuals ensure that advance directives completed in one state are honored in another state in which the individual needs care.

And lastly, the bill provides grants to states to establish or expand physician orders for life sustaining treatment programs. These programs have a track record of promoting patient autonomy through documenting and coordinating a person's treatment preferences, clarifying treatment intentions and minimizing confusion, reducing repetitive activities in complying with the Patient Self Determination Act, and facilitating appropriate treatment by emergency personnel.

These investments in advance care planning will reinforce patient-centered care—engaging individuals in planning and decision-making about their future care and ensuring that those preferences are documented, accessible, and can be honored in any state and care setting.

I am proud to introduce the Personalize Your Care Act with the support of patient advocates, physicians, nurses, and the faith community who see everyday how advance care planning improves individuals' and families' peace of mind and the quality of their care.

I would like to submit for the RECORD letters of support from the AARP, Supportive Care Coalition, National Hospice and Palliative Care Organization, and American Hospital Association.

AMERICAN ASSOCIATION OF
RETIRED PERSONS,
July 19, 2010.

Hon. EARL BLUMENAUER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BLUMENAUER: AARP is pleased to endorse the Personalize Your Care Act of 2010. Your bill ensures that more Americans have the opportunity to better

plan and prepare for their future health care needs. Early advance care planning informs physicians, other health care providers, and family members of an individual's treatment preferences should he or she become unable to direct their own care. This planning and informed decision-making between patients, families, and their health care providers aligns treatment with patients' wishes.

To help encourage advance care planning, the Personalize Your Care Act would provide Medicare and Medicaid coverage of voluntary advance care planning consultations between individuals and their doctor, nurse practitioner, or physician assistant. Such consultations would occur no more often than every five years unless there is a significant change in the health, health-related condition or care setting of the individual.

Honoring the expressed wishes of individuals must be a priority regardless of where the care is provided. To this end, the bill would ensure that an individual's electronic health record would include their current advance directive and/or physician orders for life sustaining treatment (POLST), so that their wishes would be more easily accessible and respected. Furthermore, advance directives would be more portable to help individuals ensure that advance directives executed in one state are honored in another state in which the individual needs care.

Finally, the bill would also authorize grants to establish statewide programs for physician orders for life sustaining treatment or to expand or enhance existing POLST programs. POLST translates the wishes of patients with advanced chronic progressive illness into medical orders that health care systems understand.

AARP supports your bill to help give Americans peace of mind knowing their wishes for care are understood and respected. If you have any further questions, please feel free to call me or have your staff contact Rhonda Richards on our Government Relations staff at (202) 434-3770.

Sincerely,

DAVID P. SLOANE,
Senior Vice President,
Government Relations
and Advocacy.

SUPPORTIVE CARE COALITION,
July 15, 2010.

Hon. EARL BLUMENAUER,
House of Representatives,
Washington, DC.

Re: Personalize Your Care Act of 2010

DEAR REPRESENTATIVE BLUMENAUER: The Supportive Care Coalition is pleased to endorse the "Personalize Your Care Act of 2010" which promotes advance health care planning and provides individuals the opportunity to fully participate in decisions related to their health care or the care of a person for whom they are the proxy or surrogate. The Coalition supports providing a Medicare and Medicaid benefit for voluntary patient-physician consultations regarding advance care planning. These consultations will ensure that an individual's values and goals for care are identified, understood and respected. This legislation also provides grants to states to create Physician Orders for Life Sustaining Treatment programs, allows portability of advance directives across states, and requires standards to include completed advance care planning documents within a patient's electronic record, increasing the likelihood that these documents are kept up-to-date and available.

The Supportive Care Coalition, comprised of 19 Catholic health organizations with ap-

proximately 425 acute care hospitals and 150 long-term care facilities nationwide, works to assure excellence in palliative care in all Catholic health care settings.

We envision a society in which all persons living with or affected by a chronic or life-threatening condition receive compassionate, holistic, coordinated care. This will include relief of pain, suffering and other symptoms from the time of diagnosis throughout the process of living and dying. Such excellent care will be provided according to need, respecting the values and goals of individuals, their families and other loved ones. It will assist them to live fully in community and will support survivors in their bereavement. Through such care, we believe that God's healing love is revealed.

The Coalition commends you on your leadership in promoting advance health care planning and we look forward to collaborating with you to facilitate available and accessible high-quality palliative care services across the continuum of care.

Sincerely,

JAMES SHAW, MD.,
Chair, Board of Directors.

TINA PICCHI, MA, BCC,
Executive Director.

NATIONAL, HOSPICE AND
PALLIATIVE CARE ORGANIZATION,
Alexandria, VA, July 6, 2010.

Hon. EARL BLUMENAUER,
Rayburn House Office Building, Washington,
DC.

DEAR REPRESENTATIVE BLUMENAUER: On behalf of the National Hospice and Palliative Care Organization and its more than 30,000 provider and individual members, I am writing in support of the Personalize Your Care Act of 2010. While research shows that a large majority of Americans would prefer to die at home, more than seventy-five percent die in hospitals each year. At the same time, additional research shows that when people facing a life-limiting illness have discussions with their physician about end-of-life care preferences, they experience less physical and psychological distress and overall, a better quality of death.

Your proposed legislation recognizes that with appropriate Medicare and Medicaid coverage for voluntary advance care planning consultations, grants for programs in support of Physician Orders for Life Sustaining Treatment (POLST), advance care planning standards for electronic health records and portability of advanced directives, the American healthcare system can meet the complex needs of our aging population.

The Personalize Your Care Act would empower patients, decrease the burden on families, and produce end-of-life care outcomes, while increasing care quality and adherence to patient wishes. Enactment of your legislation would mean the realization of many long-time NHPCO goals, especially the provision of coverage for voluntary advance care planning consultation between a patient and their health care practitioner. Discussing advance care planning before a Medicare or Medicaid beneficiary finds him or herself in a medical crisis will help ensure the patient gets the care that he or she wants. One of the most frequent comments from family caregivers that hospice providers hear is "Why didn't we know about this sooner?" Coverage for advance care planning consultations would ensure patients and family caregivers knew all of their options earlier.

NHPCO commends your leadership on the advancement of end-of-life care planning. We

strongly support passage of this important legislation, and look forward to working with you on this and future legislation that meets the need for all Americans to have access to quality end-of-life care.

Sincerely,

J. DONALD SCHUMACHER, PSYD
President/CEO.

AMERICAN HOSPITAL ASSOCIATION,
Washington, DC, July 20, 2010.

Hon. EARL BLUMENAUER,
House of Representatives,
Washington, DC.

DEAR MR. BLUMENAUER: On behalf of the American Hospital Association's (AHA) more than 5,000 member hospitals, health systems and other health care organizations, and the physicians and other practitioners that work in hospitals, I commend you for introducing the Personalize Your Care Act of 2010.

Your legislation recognizes that today's fast-paced health care environment often impedes effective communication between patients, families and caregivers—physician visits and hospital stays are shorter, medical care more complex, and more patients want to take an active role in care decisions. Hospitals have been doing ever more to foster clearer, more frequent and more satisfying communication during the hospital experience, and these discussions add quality and value to patient care. Your legislation rightly addresses the need for Medicare and Medicaid to recognize the time and training required of physicians and other practitioners to talk with patients in advance to clearly articulate their wishes for treatment if they suffer a life-threatening medical crisis.

Three years ago, the AHA joined in a campaign designed to encourage patients to articulate their wishes for care—a campaign we called "Put it in Writing." Your bill would ensure that patients could draw on the knowledge and perspective of a trusted clinician as they seek to articulate their desires. We look forward to working with you toward enactment of this important initiative.

Sincerely,

RICK POLLACK,
Executive Vice President.

HONORING BOY SCOUT TROOP 463
OF NORTHFORD, CONNECTICUT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Ms. DeLAURO. Madam Speaker, I rise today to honor Boy Scout Troop 463 for its forty-five years of service to our community, and to congratulate them for being chosen to represent Connecticut, the Connecticut Yankee Council, and the Boy Scouts of America by carrying the Council's flag in the Centennial Parade in Washington, D.C.

Originally chartered in March of 1965 and sponsored by Northford Acres Volunteer Fire Department Company #3, Troop 463 of Northford, CT, was established to provide character development and citizenship training and promote mental and physical fitness among the youth of the community.

The boys of Troop 463 have dedicated at least forty weekends a year to Scout related activities. Community Service is a fundamental part of the Scouting Program, and the Troop has volunteered with organizations such as

Relay For Life, Habitat for Humanity and Town Leaf Recycling. They have also participated in food drives, clothing drives, and community and church cleanups.

Since 2007, six Scouts have achieved scouting's highest rank, Eagle Scout, bringing Troop 463's total to an impressive 23. Recently, Life Scout Joseph L. Parisi completed the Troop's latest Eagle Scout Project, the planning and construction of a 200 foot long pedestrian bridge on a town hiking trail.

I share Troop 463's pride in being nominated as a "Super Troop" for four years, three of which have been consecutive. The Super Troop honor is bestowed upon the Troop which exemplifies the best in Scout Spirit, competitive edge, good attitude and demonstrates a positive example to others.

Madam Speaker, the young men of Boy Scout Troop 463 have shown dedication to their peers, their community, and their cause. The Troop's accomplishments reflect the best values of Scouting and should not go unnoticed.

TRIBUTE TO LIEUTENANT
GENERAL R. STEVEN WHITCOMB

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. SKELTON. Madam Speaker, it has come to my attention that Lieutenant General R. Steven Whitcomb will retire after 40 years of service in the United States Army on October 1, 2010. He has served his country well and will be sorely missed.

Lieutenant General Whitcomb graduated from the University of Virginia in 1970 with a Bachelor's degree in History. From there, he went on to receive degrees from the California University of Pennsylvania, the United States Army Command and General Staff College, and the United States Army War College. He was commissioned through ROTC and entered the U.S. Army as an Infantry Officer.

First stationed at Fort Bragg in North Carolina, he steadily rose through the ranks and excelled at each assignment he was given. From combat operations in Desert Shield/Desert Storm to Operation Joint Forge to Operation Iraqi Freedom, he effectively led our men and women into battle and never forgot that the Army's most precious assets are those who wear the uniform of our Nation's military. Throughout his career he consistently showed his dedication to the youngest members of the U.S. Army. As a professor and a mentor for ROTC, he made sure the young cadets of the U.S. Army were well-trained with high morale and in excellent physical condition.

At the Pentagon, Lieutenant General Whitcomb served several roles including Executive Officer for the Vice Chief of Staff of the Army and Deputy Chief of Staff for Operations and Plans. He ended his forty years of distinguished service as the Inspector General for the Office of the Secretary of the Army.

Madam Speaker, throughout his lifetime of service, Lieutenant General R. Steven Whitcomb has shown uncommon profes-

sionalism and dedication to the mission of the United States Army. I wish him the very best in his well-earned retirement.

PERSONAL EXPLANATION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. JORDAN of Ohio. Madam Speaker, I was absent from the House Floor during yesterday's three rollcall votes.

Had I been present, I would have voted in favor of H. Res. 1472, H. Con. Res. 126, and H. Res. 1219.

RECOGNIZING THE 36TH ANNIVERSARY OF TURKEY'S ILLEGAL INVASION OF CYPRUS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. PALLONE. Madam Speaker, tonight I join my colleagues on the House floor to remember the 36th anniversary of Turkey's illegal occupation of Cyprus.

On July 20th 1974, Turkey invaded Cyprus in violation of international law and at great cost to the citizens of Cyprus. Turkish troops established a heavily-armed force which occupied the northern part of Cyprus and continues to occupy close to 37 percent of Cyprus' territory. The invasion forced nearly 200,000 Greek Cypriots to flee their homes—making one-third of the Cypriot population refugees in their own country.

Today, Turkey continues to illegally occupy northern Cyprus with a force of 43,000 troops. This unbelievable number of troops amounts to almost one Turkish soldier for every two Turkish Cypriots. This military occupation flies in defiance of international pressure to achieve a peaceful settlement.

Beyond the military occupation of northern Cyprus it is important to consider the mass colonization which has resulted in 160,000 Turkish mainland settlers illegally living on property owned by Greek Cypriots or even U.S. citizens. Once again this illegal colonization comes despite international pressure on Turkey to take action to stop the illegal occupation and ensure the return of properties to their rightful owners.

In fact, since 1974 more than 75 resolutions have been adopted by the U.N. Security Council and more than 13 by the U.N. General Assembly calling for a withdrawal of Turkish troops and the return of refugees to their rightful homes. However, the Turkish government continues to remain defiant, plainly ignoring these calls to withdraw.

In recent months we have continued to see Turkey pursue policies that not only hurt its relations with nations that should serve as true democratic allies, but also policies that hurt regional relations and stability. I have been an outspoken opponent of Turkey's irresponsible regional relations, which in many ways nega-

tively affect the U.S. Whether it is the illegal blockade on its border with Armenia, the failure to take proper recourse to investigate a domestic group that incited a deadly incident with Israeli troops, their continued violations of Greek airspace or their illegal occupation of northern Cyprus, Turkey disrespects international law and regional partners of the United States.

There comes a time when the United States must say enough is enough and take principled steps to prevent further destabilizing actions. As a member of the Hellenic Caucus, I have long advocated for the withdrawal of Turkish forces from northern Cyprus and called on Turkey to support a settlement that comes from the Cypriots themselves.

The United States must do its part to foster a united Cyprus. It is in the best interest of the United States, and I believe all involved parties to ensure that the goal is a reunified Cyprus where Greek Cypriots and Turkish Cypriots live together in peace and security. A successful settlement effort must build on the work towards a bizonal, bicommunal federation with political equality that represents U.N. Security Council resolutions. In the end, Cyprus must have a single sovereignty and single citizenship which all Cypriots can enjoy.

Now is the time for Turkey to show that they are willing to take a sincere approach to allowing a peaceful resolution to the dispute. The leadership in Ankara must show that the will and support behind a peaceful settlement is in the best interest of Turkey and that it is fully supported. Without such a signal by the government of Turkey, a final settlement will continue to dwindle as Turkish settlers pursue the policies of their home nation.

It is now thirty-six years since the illegal Turkish invasion and subsequent occupation of Cyprus. However, the resolve has never been greater to ensure that Greek Cypriots and Turkish Cypriots alike benefit from a united nation that affords them the stability and security that all citizens deserve. The Government of the Republic of Cyprus has shown their willingness to work constructively with the Cypriots towards a reunified island. It is time for Turkey to do the same.

Last Congress, I introduced the bipartisan American Owned Property in Occupied Cyprus Claims Act. Through this legislation, Americans who are being denied access to their property and even their ancestral homes will finally be able to seek restitution. I am currently working with different stakeholders to strengthen this bill before reintroduction.

Madam Speaker, as we remember the 36th Anniversary of Turkey's illegal invasion and occupation of Cyprus, I remain hopeful a united Cyprus can become a reality. However, the United States can not be complacent in this goal.

COMMEMORATING THE 36TH ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. ACKERMAN. Madam Speaker, I rise today, on the thirty-sixth anniversary of Turkey's invasion of Cyprus, to sadly commemorate this tragic event. Turkey's illegal occupation has continued for far too long. After decades of stagnation, the situation in Cyprus demands a just and comprehensive solution.

Throughout my tenure in Congress, I have passionately, aggressively, and persistently called for an end to the devastating artificial division of the island of Cyprus. I have been an outspoken critic of Turkey's obstinate belligerence on this issue and a supporter of what seems like countless bills and resolutions pleading, urging, and demanding a just and peaceful resolution.

My voice has been just one in a rising chorus of international leaders asking Turkey to end its occupation and help facilitate a solution that is amenable to all Cypriots. Since Turkey's 1974 invasion, numerous United Nations resolutions have condemned Turkey's actions and called for the withdrawal of all foreign forces from Cyprus. Turkey remains the only nation to recognize the Turkish Republic of Northern Cyprus. The consensus of the world community is apparent—Turkey's control over the island's future is unjust and must end.

As we and other nations work to forge a path towards a free and unified Cyprus that fulfills the needs of all its citizens, we should give special attention to the refugees who have been yearning to return to their homes in safety. A solution must be found that respects the sovereignty, independence, and territorial integrity of the Republic of Cyprus and provides to all Cypriots the dignity to which they are entitled. Difficult problems rarely have easy solutions—and Cyprus is no exception. Only a Cypriot state that reflects the needs and consent of all its people will be able to thrive. The international community—including Turkey—must help facilitate this transition. I hope Istanbul will find the political will and courage to at last be part of the solution.

Thirty-six years is far too long for this tragedy to continue in search of a solution we know is possible. We who live every day in a nation of different ethnic backgrounds and divergent religious beliefs know coexistence and self-governance is possible, and that pluralism is no pipedream. The citizens of Cyprus yearn for a government of, by, and for the people and deserve it as much as any of us.

HONORING GEORGE STEINBRENNER

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. BILIRAKIS. Madam Speaker, I rise today to honor the life of George Steinbrenner.

While he is readily associated with the accomplishments of the New York Yankees under his ownership, I would like to recognize his incredible contributions to the Tampa Bay area.

In the 1970s, Mr. Steinbrenner chose to call Tampa his home, but he did much more than just reside there. While George Steinbrenner's name is apparent throughout the Tampa Bay area—prominently displayed on the Yankees spring training stadium—his generosity and contributions reach much further than the eye can see.

Much of Mr. Steinbrenner's generosity revolved around bettering the lives of youth. In 1981, he developed the Gold Shield Foundation to assist dependents of fallen law enforcement officials and firefighters both in their immediate time of need and with higher education costs.

He is also widely known for his contributions to the Boys and Girls Club, youth baseball organizations, the Pediatric Emergency Center at St. Joseph's Children's Hospital, and numerous other organizations across the region.

I had the privilege of knowing Mr. Steinbrenner, and his impact on our community is immeasurable. Through his contributions, countless lives have been changed for the better. The effects of his generosity are sweeping and the effects will likely be visible for generations to come.

It is my honor to recognize Mr. Steinbrenner before the House of Representatives for his great generosity in building Tampa Bay communities.

PAYING TRIBUTE TO JOYCE ROGERS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. ROGERS of Michigan. Madam Speaker, I rise today to pay tribute to an outstanding public servant, Mrs. Joyce Rogers.

A long-time Brighton, Michigan, resident until her passing late last year, Joyce Rogers was a tireless public servant, devoting much of her time to the betterment and economic development of the Brighton community. As executive director of the Greater Brighton Area Chamber of Commerce, Joyce Rogers played an integral role in rebuilding the business organization into the area's most important political and business networking organization. Through her efforts, Brighton was able to transform into a thriving business community, attracting new residents and customers to the area. Joyce Rogers was a pioneer in Michigan, forging the way for what we know today as economic development.

In addition to her work as a small business advocate, Joyce Rogers always remembered her role as a woman leader, taking time to serve her community by acting as a mentor to Brighton business women. Joyce Rogers not only supported women in small business, but also encouraged them to become involved in public service and politics in the Brighton community.

Joyce raised 5 successful sons, was an active participant in area charities, touched

countless lives and helped change our community for the better. She lived every day believing that you could make a difference through hard work, respecting others and believing if you set your mind to it you could accomplish it. She was a leader in every aspect of her life and leaves a strong legacy of accomplishment and kindness to others. She is to be commended for her contribution to her family, her community and to the State of Michigan.

LA COUNTY VETS RESOLUTION INTRODUCTORY STATEMENT

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Ms. HARMAN. Madam Speaker, I rise to introduce a resolution with my California colleague Representative McKEON and members of the Los Angeles delegation to honor the service and sacrifice of Los Angeles County soldiers and their families.

In the midst of two of the longest engagements of U.S. forces in American history, our troops are enduring some of the most challenging and dangerous conditions imaginable.

More than 6,000 Angelenos are now deployed to Afghanistan and Iraq, serving with honor while enduring hardships and lengthy separations from their loved ones. Since the two wars began, more than 100 county residents have been killed in battle. More than 1,200 have suffered physical wounds, and many more suffer from PTSD.

They fight a war unlike those of their predecessors, against an enemy who targets and brutalizes its own citizens—innocent women and children—to advance its agenda.

While the enemy is cruel, our troops practice restraint. Where the enemy levels schools, clinics and businesses to demonstrate its power, our troops show even greater strength by helping to rebuild them. They do this to build trust and win the confidence of the people of Iraq and Afghanistan—the people who must ultimately stand up and fight for their own countries.

This generation of troops shows a level of bravery and discipline every day few of us possess in the face of grave danger, and they face those risks to protect their fellow Americans.

Thousands have returned home with physical and emotional wounds. Some heal, but other wounds remain with them and their families for a lifetime.

We declare our support for providing veterans and their families with the best medical care, and our support for veterans' continuing education, vocational training, and opportunities to enter new careers as civilians.

We support efforts to break the cycle of homelessness that haunts so many veterans, and to prevent more from suffering the same fate.

We encourage all Americans to show their support and enduring gratitude for our returning troops, many of whom face a difficult adjustment to a life not at war.

They answered a call for service in the midst of two brutal wars. We owe them and

their families a great debt. Our resolution today is but a small testament to their dedication and valor.

HONORING THE LATE ARNOLD
FRIBERG

HON. JASON CHAFFETZ

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. CHAFFETZ. Madam Speaker, I rise today to remember and honor the late Arnold Friberg, a proud Utahn and world-renowned artist. Mr. Friberg passed away July 1, 2010 at 96 years young, just nine days following an agreement to create the Arnold Friberg Museum of Art. The Utah Cultural Arts Foundation will manage the museum and ensure the masterpieces of Mr. Friberg will be enjoyed by generations to come.

Mr. Friberg's patriotic depictions of General George Washington, his sketches for the famed "The Ten Commandments" movie, and his paintings of individuals and events from The Book of Mormon will forever be remembered in this newly created Museum.

In preparation of what became Mr. Friberg's defining artistic moment, Mr. Friberg traveled to Valley Forge, in the dead of winter, to identify with the bitter conditions General George Washington and the Continental Army experienced during the winter of 1777-1778. As Mr. Friberg put it, "Art to me is a service, to bring enrichment to people's lives. That's why I want my art to be perfectly understood. One of the things I work for is clarity." The completed piece was released during an American bicentennial ceremony and captures the very essence of American pride and patriotism. For those of you who have seen "The Prayer at Valley Forge", the suffering, the pressure, and General Washington's faith in America is perfectly understood and visualized.

In the 1950's, Mr. Friberg partnered with Hollywood producer Cecil B. DeMille to serve as chief artist and designer for DeMille's epic motion-picture, "The Ten Commandments." Mr. Friberg's 15 paintings for "The Ten Commandments" served as the pictorial basis for the scenes, characters, and costumes of the legendary film. For his efforts, Mr. Friberg earned an Academy Award Nomination in 1956.

Other famous works include Mr. Friberg's work for his church, The Church of Jesus Christ of Latter-day Saints. Mr. Friberg painted and designed covers for the children's magazine, The Friend, and has depicted well-known scenes and moments from The Book of Mormon. These paintings are loved and celebrated by members of the LDS Church around the world.

Mr. Friberg was born in a Chicago suburb, but by the 1950's, he was an established resident of Utah. Utah Governor Gary Herbert recently called Mr. Friberg Utah's "adopted son." His Utah family will miss him, but his memory and his artwork will live on forever.

CHECHNYA A YEAR AFTER THE
KILLING OF NATALYA
ESTEMIROVA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. HASTINGS of Florida. Madam Speaker, a year ago this month Natalya Estemirova, the leading human rights defender in Chechnya was abducted near her apartment building in the capital city of Grozny by unidentified men, transported to the neighboring republic of Ingushetia, and brutally killed. She led a courageous life of denouncing corruption, calling for a fair judicial system, and standing up for human rights. For that she was cut down. While her killers may have ended her life, they will never silence the voice she brought to these issues. Ms. Estemirova's work was well known to the Helsinki Commission, which I co-chair, and colleagues there recall her 2006 visit to discuss the situation in Chechnya. Like Estemirova, all too many of her fellow human rights defenders and journalists are targeted because they have the temerity to speak out about human rights abuses.

Today, inspired by Estemirova's work, I introduce a measure expressing solidarity with human rights defenders in the Russian Federation; urging the Russian authorities to take appropriate steps to end the harassment, persecution and attacks against activists; and calling for an end to impunity for those responsible for such acts, including through the conducting of timely, transparent and thorough criminal investigations into the unresolved murders of human rights defenders, journalists, and political opposition members and the prosecution of all of those responsible for these crimes.

The Helsinki Commission has been at the forefront of drawing attention to the human rights situation in Chechnya and elsewhere in the North Caucasus region of Russia, having held numerous hearings and briefings. Notwithstanding the assertions by the powers that be in Moscow that the situation in Chechnya has returned to normal, the reality on the ground reveals otherwise. The recently released 2009 Country Reports on Human Rights Practices, issued by the Department of State, found that the Russian government's already poor human rights record in the North Caucasus worsened during the reporting period, with a marked increase in extrajudicial killings by both government and rebel forces and politically motivated disappearances in Chechnya as well as in neighboring Ingushetia and Dagestan. The Helsinki Commission remains deeply concerned over ongoing human rights abuses, legal impunity, and the permeating climate of fear in the North Caucasus.

While one cannot discount that terrorist elements are responsible for some of the rights violations in that region, many of the reported abuses are perpetrated by federal and local security forces in Chechnya, including the private militia of Chechen strongman Ramzan Kadyrov, the republic's Kremlin-backed president. While it remains unclear what, if any role Kadyrov had in Estemirova's killing, his contempt for her and other human rights defend-

ers is palpable. Earlier this month Kadyrov publicly labeled independent journalists and rights activists as "traitors and enemies of the state." Among those targeted by the Chechen leader is the respected Russian rights organization Memorial.

Madam Speaker, as Co-Chairman of the Helsinki Commission I remain concerned over the deterioration of the human rights situation in the North Caucasus generally, and Chechnya specifically. I am not alone in this regard, as the Council of Europe's Parliamentary Assembly adopted a resolution late last month on the North Caucasus. The measure pointed to a series of specific concerns in Chechnya against the backdrop of what it characterized as "a climate of pervading fear" nurtured by the current authorities: recurrent disappearances of government opponents and human rights defenders still remain widely unpunished; continuing threats and reprisals, including abductions of relatives of persons suspected of belonging to illegal armed factions; and ongoing intimidation of the media and civil society, among others.

Ramzan Kadyrov's utter contempt for human rights and fundamental freedoms was again manifested recently in his reaction to paintball gun attacks against women on the streets of Grozny apparently because they were not wearing headscarves. Instead of condemning the assaults, the Chechen president reportedly praised the perpetrators. While Kadyrov has largely been given free rein in Chechnya, that does not absolve his backers in Moscow from responsibility for the deteriorating human rights situation in that part of the Russian Federation.

As a participating State of the Organization for Security and Cooperation in Europe, it is incumbent upon the Russian authorities to ensure that fundamental freedoms are respected throughout the country, including in the North Caucasus. Turning a blind eye to human rights violations is unacceptable. I urge President Medvedev and Prime Minister Putin to take effective measures to stop the harassment, persecution and attacks against human activists and journalists in the Russian Federation and to end the impunity for those responsible for the murder of Natalya Estemirova and others. Only then will there be hope that the situation in Chechnya will return to anything approaching normal.

IN HONOR OF PENNSYLVANIA
STATE REPRESENTATIVE BRYAN
BARBIN AND HIS EFFORTS TO
RAISE AWARENESS OF TRAUMATIC
BRAIN INJURY

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. CRITZ. Madam Speaker, I rise today to recognize the hundreds of thousands of U.S. service members and veterans impacted by traumatic brain injuries.

Earlier this morning, Congressman BILL PASCRELL and I welcomed Pennsylvania State Representative Bryan Barbin to the U.S. Capitol. Representative Barbin completed a seven-

day motorcycle ride through seven state capitals to raise awareness of the impact of traumatic brain injuries, and to deliver the following resolution that was adopted by the House of Representatives of the Commonwealth of Pennsylvania on June 23, 2010. It reads:

Whereas, More than 1.5 million United States military personnel have deployed to Iraq or Afghanistan since the start of military operations in 2001, and military statistics show that at least 115,000 troops have suffered brain injuries related to IED explosions since the Iraq and Afghanistan wars began; and

Whereas, Brain injury has been labeled a signature injury of the wars in Iraq and Afghanistan and brain injuries occurring among soldiers deployed to Iraq and Afghanistan are strongly associated with post-traumatic stress disorder and physical health problems after soldiers return home; and

Whereas, Concern has been emerging about the possible long-term effects of combat-related brain injuries. Significant numbers of undiagnosed injuries and the failure by medical personnel to include such information in soldiers' permanent medical files has been identified as serious in studies prepared by medical and army experts; and

Whereas, Without diagnosis and official documentation, soldiers with head wounds have struggled to receive appropriate treatment, sometimes receiving psychotropic drugs instead of rehabilitative therapy that could help retrain their brains; and

Whereas, The Defense and Veterans Brain Injury Center, DVBIC, in Johnstown has been assisting returning veterans with rehabilitative therapy since 2006; and

Whereas, In January 2009, Congress mandated DVBIC to establish an assisted living pilot program to determine the best practices to rehabilitate soldiers with mild, moderate or severe traumatic brain injuries to enable them to return to their own communities, therefore be it

Resolved, That the House of Representatives designate July 7, 2010, as "Combat-Related Brain Injury and Post Traumatic Stress Disorder Awareness Day" in Pennsylvania to promote public understanding and encourage all citizens to help bind the wounds of our returning soldiers.

Madam Speaker, I would like to commend State Representative Barbin for his advocacy on behalf of this important cause.

36TH ANNIVERSARY OF THE TURKISH INVASION OF THE REPUBLIC OF CYPRUS

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Ms. LORETTA SANCHEZ of California. Madam Speaker, today marks the 36th anniversary of Turkey's invasion of the Republic of Cyprus. July 20, 1974 began the Turkish occupation of the northern part of Cyprus and to this day 43,000 Turkish troops occupy nearly 37 percent of Cyprus' territory.

Since 1974, the people of Cyprus have endured mass violation of their human rights and fundamental freedom along with forcible ethnic segregation. The people of Cyprus also witnessed the destruction of their culture and their religious heritage destroyed.

The international community has been actively involved in developing a solution for the people of Cyprus. However, Turkey has repeatedly ignored all international pressure including 75 resolutions that have been adopted by the United Nations Security Council and more than 13 by the United Nations General Assembly since 1974.

Members of Congress along with the international community must continue to work diligently to reach a comprehensive settlement of the Cyprus problem. We must strongly urge Turkey to respect human rights and ultimately withdraw its forces from Cyprus.

Cyprus and the U.S. share a deep commitment to uphold the ideals of freedom, democracy, justice, human rights, and the international rule of law. I believe the international community has a moral and ethical obligation to stand with the Cypriots to reunify their island and end the military occupation.

HONORING THE SERVICE AND SACRIFICE OF UNITED STATES ARMY SPECIALIST CHRISTOPHER J. MOON

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Ms. GIFFORDS. Madam Speaker, I rise today to honor United States Army Specialist Christopher J. Moon, who passed away on July 13, 2010 from wounds sustained during an IED attack in Afghanistan.

Originally from Tucson, Chris was a natural athlete and stand-out baseball player. While attending Tucson High Magnet School, he received many accolades including 2006 Southern Arizona Player of the Year and a scholarship to the University of Arizona.

Known for his outstanding personality and attitude, Chris was always willing to help out anyone who needed it.

"Specialist Moon was the type of person we have all heard of but have very seldom ever met," said First Sergeant Derek Gondek, Moon's company First Sergeant. "He was one of those men who, no matter what he put his mind to he became a star at it, whether it was on the baseball field or on the battlefield. He will truly be missed by his fellow warfighters."

Assigned to Headquarters and Headquarters Company, 2nd Battalion, 508th Parachute Infantry Regiment, part of the Army's 82nd Airborne Division based at Fort Bragg, Chris was on a combat mission in the Arghandab Valley when he triggered an IED device, wounding him severely. Chris succumbed to his injuries at Landstuhl Regional Medical Center in Germany on July 13, 2010.

We remember Chris and offer our deepest condolences and sincerest prayers to his family. My words cannot effectively convey the feeling of great loss nor can they offer adequate consolation. However, it is my hope that in future days, his family may take some comfort in knowing that Chris made a difference in the lives of many others and serves as an example of a competent and caring leader and friend that will live on in the hearts and minds of all those he touched.

Specialist Chris Moon leaves behind his mother Marsha, his father, Brian, and his sister Sunday.

This body and this country owe Chris and his family our deepest gratitude, and we will today and forevermore honor and remember him and his service to our country.

A GENOCIDE SURVIVOR FROM PIRAN: SARKIS SARYAN'S STORY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. SCHIFF. Madam Speaker, I rise today to memorialize and record a courageous story of survival of the Armenian Genocide. The Armenian Genocide, perpetrated by the Ottoman Empire from 1915 to 1923, resulted in the death of 1.5 million Armenian men, women, and children. As the U.S. Ambassador to the Ottoman Empire, Henry Morgenthau documented at the time, it was a campaign of "race extermination."

The campaign to annihilate the Armenian people failed, as illustrated by the proud Armenian nation and prosperous diaspora. It is difficult if not impossible to find an Armenian family not touched by the genocide, and while there are some survivors still with us, it is imperative that we record their stories. Through the Armenian Genocide Congressional Record Project, I hope to document the harrowing stories of the survivors in an effort to preserve their accounts and to help educate the Members of Congress now and in the future of the necessity of recognizing the Armenian Genocide.

This is one of those stories:

TRANSLATED BY LEVON A. SARYAN, PH.D.

In January of 2008, I traveled to Beirut to participate in the International Symposium on the Culture of Cilician Armenia, which was held under the sponsorship of His Holiness Aram I, Catholicos of the Great House of Cilicia. One morning, as I took my seat in the meeting hall, I turned around and introduced myself to two women scholars seated behind me, Dr. Verjine Svazlyan and her daughter Knarik Avagyan. Both were among the contingent of academics from Yerevan who were participating in the symposium. As we got to talking (the usual "where are you from, where are your parents from" questions that Armenians are so fond of), Dr. Svazlyan removed from her briefcase a small book that she had written and opened it to a page containing several photographs. After searching for a moment, she pointed to one of the photos. It was a picture of my father, whose account was one of several hundred that Dr. Svazlyan has been collecting over the years. Dr. Svazlyan transcribed my father's story in July 1999 at the Louvre Museum in Paris, when they were both attending the Sixth International Conference of Armenian Linguistics. My father's account was not contained in the small book she showed me, but it is recorded in Armenian in Dr. Svazlyan's major work, *Hayots Tseghaspanutun: Aganades Verabroghneri Vgayutiunneruh* (Armenian Genocide: The Testimonies of Eyewitness Survivors), published in Yerevan by the Republic of Armenia National Academy of Sciences in 2000.

After returning to Yerevan, Knarik kindly sent me a scan of the relevant pages from this book, enabling me to prepare this translation.

The village of Piran is located on the southern slopes of the Taurus mountain range, approximately midway between the towns of Palu (to the north) and Diarbekir (to the south). Kharpert is to the west, and Sassoun is to the east. Piran was a relatively small village, with probably less than 1,000 inhabitants. It does not appear on most maps. As we will see, it did not escape the fate of other Armenian towns and villages in the region. In 1915, through murder and deportation, Piran was nearly emptied of its Armenian inhabitants.

I present here an English translation of my father's account as transcribed by Prof. Svazlyan. Some additions and clarifications are noted in brackets. I have also made a few minor factual adjustments based on our personal family knowledge.

* * * * *

For the most part, the inhabitants of our village were Kurds; there were a few Turks, and the rest were Armenians. Our village was not far from the source of the Tigris River. The Tigris begins at Dzovk Lake; Dzovk is where Nerses Shnorhali was born. Dzovk was one and one-half days away from us. In the spring, the Tigris River flowed so swiftly that it would carry trees with their roots in its current. I have seen how, if the trees became tangled in the river, some swimmers would enter the water and straighten the trunks so that the water could flow unimpeded. Four or five miles from Piran, our village, there was a red rock outcropping, where wild bees made honey which would collect in a hole [in the rock]. Our villagers would go [to this place] with pans to collect the honey, fill their pans, and take it home.

I was born in 1911. My father's name was Krikor, my uncle's name was Garo, my grandfather, Sarkis. Three months before the Great Catastrophe, I awoke to find myself on my grandmother's back. My father had been taken in handcuffs to the police house. The last time I saw my father he was tied with handcuffs. All of the Armenian men in the village were taken from the prison and driven to the northeast. Later, the Kurds told us that all of them had been killed.

It was a hot day in the month of July, 1915. The Kurds had come; they were sitting in the shade of a tree watching the proceedings. The command for deportation had arrived and everywhere there was confusion. The Turkish gendarmes were saying to each other: "Firman geldi, bir giavourn kafa kalmaiaachak." (Turkish for "an official command has arrived, not one infidel (Armenian) head shall remain.")

Although at that time I was only 4 years old, I remember it well. I did not want to go into exile. Our family was put onto the road before noon. They were taking the road toward the nearby Kurdish village of Kalbin, the one we used when taking our herds to graze. The flocks went, the dust rose and our family went. My mother, my older sister Haygouhi (seven years old), my younger sister Esther (2 years old), and my four-month old brother Haygaz. My little sister and my brother became tired on the road to exile, and began to cry. The gendarme [accompanying the caravan] took Esther and Haygaz and threw them into the Tigris River. My mother fled and my older sister Haygouhi was kidnapped. My father's brother's son was small; they killed his mother

with a dagger, and they also killed little Ghevont since his mother would not obey the soldiers. Hermig, one of our neighbors, had escaped from the caravan. She returned to the village and told us what had happened to them.

I did not go with them. Because I sensed the coming danger I went and hid in our stable. A military policeman came, found me and took hold of me, and placed me on a donkey. I did not want this, and started to cry. I got down from the donkey, and again went and hid myself in the stable. Once more, the military police came and found me, and again they placed me on the donkey. Again I let myself down, and this time I went to the tree where the Kurds were sitting, and mixed with them. They belonged to the Zaza tribe and spoke the Kurmanji dialect; they were our friends and neighbors. Imagine, just at that moment my grandmother came from behind me. She was a folk doctor; she would dry various types of flowers and use them to treat eye diseases, and cure people. People would compensate her for her services with tomatoes, peppers, madzoun (yogurt), and so forth. [Because of this skill, she was allowed to remain in the village.]

I had a 15-year-old uncle [whose name was Kaloust], who was taken all day for interrogation. It was he who shod all the horses in our village. Consequently, the Turks needed a craftsman like him in the village. For that reason they allowed him to remain in the village, and I stayed with him. The next year we were Islamized, we became Zaza and Kurmanji, but in the house we spoke Armenian. A mullah came, and my name became Sefer. I, my uncle, and Hovhannes (whose name became Haso) were circumcised. I remember that there was a terrible pain. That part of my body felt like it was on fire. They took that part of my body and dried it in the sun, keeping it as evidence.

We stayed with the Kurds for four years, until 1919. In those years we would travel by donkey north, south, east, and west, tinning copper pots. My job was to [stoke the fire by] working the bellows. Hovhannes-Haso worked with us. He would pulverize rocks, fill them in the copper pots and mix them with his foot, cleaning the inside of the pot so that the tin would adhere. My uncle would collect old nails which we would warm in a fire until they became soft, and make new nails. One day, in this fashion, we made 1,500 nails.

Southeast of our village were Kurdish villages named Kalbin and Shekhmalan. I have been to those villages. There was an Islamized Armenian married woman who lived there. I was there one night. I heard some whispering that the Islamized Armenians, because they had been reduced to starvation, had decided to enter the wheat fields at nighttime and steal grain. The grain belonged to them, they had cultivated the wheat in those fields, but the Kurds had taken it. The following day it became apparent that they had taken the grain, since one of their bags had a hole in it and the grain, falling out of the bag, had left a trail.

East of our village was the Kurdish village of Deiran, where the Kurds lived in conical stables. I went, and saw that the wheat was ripe in the fields around us as we walked to Deiran village. The weather was so hot that the fields behind us ignited and started to burn, but we were not harmed. The Kurds were the losers, since for them this was ill-gotten gain.

The war was over by 1919. My father's brother Simon had enlisted as a volunteer [gamavor in Armenian] in the Armenian le-

gion of the French Army. The young men trained in Cyprus, and then went to Adana and fought.

[Simon came to our village and found that I had survived. He wanted to take me to America. First,] we came to Dikranagert [Diarbekir], then Mardin, where there was a railway. There was a fortress on a very high hill. The railroad was down below, in a valley. The train only came once a week, so we went to the station a day early and slept there, waiting for the train.

Many Armenians were going to Aleppo and we, with them, were also going to Aleppo. There was nothing to eat, and I was ill with a strong fever. My Uncle Simon somehow got me into the railway wagon, so that I could reach Aleppo quickly. From one side the French soldiers were pulling me onto the train, while on the other side the Turkish soldiers were trying to pull me off. Simon was unable to come with me, but he gave me his volunteer's cap. This was the Berlin-Baghdad railway that brought us to Aleppo. When I reached Aleppo, I put the cap on my head, and the Armenian volunteers found me and took [care of] me. We had a relative named Baghdadian, who had reached Aleppo with his young son, but a Turk had struck him in the head and blinded him. He took me in and kept me until my uncle arrived the following week. Since my uncle was a volunteer, he could travel for free. First he returned to America, and in 1921 he sent me money and I also came to America.

I became a chemist. Later, I went to Befit to study Armenian at the Jemaran [Collège Arménien]. There, my teachers were Levon Shant, Nigol Aghbalian, and others. We learned to sing in Gananchian's chorus. There I met Armine [Manoukian, my future wife]. Later, she came to America. Now we have two sons and two daughters. One son is a physician and the other is a biochemist. Our daughters work in the financial industry. We have eight grandchildren. The Turks reduced our numbers, but we increased them.

I am also a writer and I study the relationship of Armenian to other sister Indo-European languages. I have published a book on this topic [Language Connections: Kinship of Armenian with Sister Indo-European Languages].

CENTENNIAL CELEBRATION OF RICHARD ATLEY DONALD'S LIFE

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. HARPER. Madam Speaker, I rise today to celebrate the life of the only major league baseball player to be born in Morton, Mississippi, located in the congressional district in which I serve. His name: Richard Atley Donald.

Donald's ancestors traveled in a covered wagon from South Carolina to Mississippi in pursuit of the American Dream. The family ultimately settled in Morton, in central Mississippi, where Atley was born on August 19, 1910. A year and a half later they moved to Downsville, Louisiana, where Atley's love for the game of baseball would commence.

A star college baseball player, Atley attended Louisiana Tech University in Ruston after graduating from high school in 1929. Atley earned four lettermen's, and as a freshman, he was said to be "the most promising

of the Bullpups" by a 1930 review of the freshman baseball team.

Although the New York Yankees southern region scout, Johnny Nee, had received a recommendation letter from Atley's head coach and had witnessed him pitch, the Yankees did not sign him. But Atley did not let this hinder him from following his dreams of playing for the Yankees. With \$25 in his pocket and his brother's rain coat, he hitchhiked to St. Petersburg, Florida where the Yankees held spring training. Nee introduced Atley to the Yankee's skipper, Joe McCarthy, who sent the young pitcher to the mound against some of baseball's greatest players, such as Babe Ruth and Lou Gehrig. Atley prevailed and signed a minor league contract in 1936 where he pitched and hit his way into the major league by 1939.

Richard Atley's career is highlighted by playing for the 1939 Newark Bears who are considered to be one of the minor league's greatest teams, throwing a 94.7 mph record pitch in 1939, setting the American League record for most wins by a rookie in 1939, and pitching in the 1941 World Series won by the Yankees. The first major league pitcher from Louisiana Tech, Atley was inducted into the Louisiana Tech University Hall of Fame with a .663 winning percentage.

After Atley pitched his last game on July 13, 1945, he spent 29 years as a scout for the Yankees, recruiting players in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee and Texas. His recruits included Ron Guidry, Clint "Scrap Iron" Courtney, Jack Reed, and Ron Blomberg.

In all, Richard Atley spent 39 years wearing the pinstripes of the New York Yankees. Atley passed away on October 19, 1992 in West Monroe, Louisiana, leaving behind his wife, Betty. Although he is no longer with us, his legacy lives on 100 years later in the hearts of all of us who continue to celebrate America's favorite pastime.

THE RETIREMENT OF MS. LESLIE
JUDITH GOLDBERG, R.N.

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. LEWIS of Georgia. Madam Speaker, I rise to pay tribute to Ms. Leslie Judith Goldberg, R.N. to thank her for her 20 years of service to the Members and staff of the U.S. House of Representatives.

Almost every staffer in the House complex, particularly those who work in the Cannon House Office Building, knows Nurse Leslie. Always smiling, extremely knowledgeable, and thorough, she has a legendary ability to help staff find the best possible health care services for their needs. For years, she has collected feedback on the quality of health practitioners and shared both praise and concerns with prospective patients. As a result, she was well-known in doctors' offices throughout the region; they were always asking, "Ahhh, you were referred by Nurse Goldberg? Who is this Nurse Leslie?"

Born in Providence, Rhode Island, Leslie joined her mother and sister in this vital profession after graduating from the Jewish Hospital of Brooklyn. She went on to work at the New York University Hospital in neurosurgery and the Regional Institute for Children and Adolescents.

In 1990, Nurse Goldberg joined the Office of the Attending Physician and dedicated the end of her great career to serving and caring for the Members and staff of this institution. She is a part of our family. We mourned with her when her loving husband, Alan Goldberg, passed away far too early in life; and we celebrated when she returned to us—her adoptive, extended family.

We all know how much she adores her three sons, Michael, Aaron, and David and daughters-in-law, Lisa and Amy. And her grandson, Ari, is the light of her life. While we will miss her laughter, her smile, her caring, skillful techniques, and infinite knowledge, I applaud her for taking the time to fulfill her personal dreams—travel, volunteer, and most importantly take care of Ari and the grandchildren to come.

Nurse Goldberg, we will miss you terribly; you leave enormous shoes to fill. Thank you for your 20 years of service and for keeping us safe, healthy, informed, and always smiling.

PERSONAL EXPLANATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. CONYERS. Madam Speaker, on July 19, 2010, I regret that I was not present to vote on H. Res. 1491, H.R. 5604, and H. Res. 1516.

Had I been present, I would have voted "yea" on all bills.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. PUTNAM. Madam Speaker, on Monday, July 19, 2010, I was not present for three recorded votes. Had I been present, I would have voted the following way: roll No. 448—"yea"; roll No. 449—"yea"; roll No. 450—"yea."

IN RECOGNITION OF THE 60TH
WEDDING ANNIVERSARY OF
TROY AND PATSY KILGORE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. ROGERS of Alabama. Madam Speaker, I would like to pay tribute to a very special occasion today, the 60th wedding anniversary of Troy and Patsy Kilgore.

In April of 1948, Troy Kilgore and Patsy Morrison met while attending Anniston High School. Troy and Patsy married 2 years later on April 9, 1950.

The couple resided in Anniston and raised three children, Dana K. Lloyd, Debbie K. Owen, and Patrick "Sparky" Kilgore. Mr. Kilgore worked at The Anniston Star newspaper retiring after 50 years of employment.

The Kilgores attend Alexandria Baptist Church, and are proud grandparents of Jamey Lloyd Robertson, Robert Owen, Rachel Owen Dietrich, Randa Owen Cash and Morrison Kilgore. They have two great grandchildren, Anna Kate and Parker Robertson.

I salute this lovely couple on their 60th year of their life together and join their family in honoring them on this special occasion.

PERSONAL EXPLANATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. THOMPSON of Pennsylvania. Madam Speaker, on rollcall No. 448 on Monday, July 19th, 2010, I was unintentionally late upon return to the House Chamber. As a result of travel delays due to inclement weather, I consequently missed the vote on H. Res. 1472. I share the overwhelming sense of the House and supporting the designation of the week of September 13th as National Adult Education and Family Literacy Week.

Had I been present, I would have voted "yes."

COMMEMORATING THE 36TH ANNI-
VERSARY OF THE TURKISH IN-
VASION OF CYPRUS

HON. SUZANNE M. KOSMAS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Ms. KOSMAS. Madam Speaker, on the 36th anniversary of the invasion of Cyprus, it is important to remind ourselves of the continuing human rights violations that have left the island and its people divided. The occupation that began on July 20, 1974 has resulted in the forced removal of Greek Cypriots from their homes in the occupied zone, the destruction and desecration of Greek Orthodox churches and chapels, and years of suffering for families with missing relatives whose fates may never be known.

An occupation force of over 40,000 Turkish troops has allowed for the colonization of the seized lands by 160,000 settlers from mainland Turkey. These settlers are unlawfully occupying property seized from Greek Cypriots that have either fled their homes or been expelled in the wake of the invasion. This unlawful occupation has resulted in the adoption of 75 resolutions by the U.N. Security Council calling for the return of the refugees to their homes and properties and for the withdrawal of the Turkish troops from Cyprus.

In the face of continuing oppression and hardship, President Demetris Christofias has

been partaking in continuing negotiations with the leader of the Turkish Cypriot community in an effort to reach a comprehensive settlement based on a bizonal, bicomunal federation as a single sovereignty, with a single citizenship that is recognized as a single international entity. The only acceptable solution must reunite the island, its people, its institutions and its economy while safeguarding the rights and freedoms of all Cypriots and ensuring the withdrawal of Turkish occupation forces from Cyprus.

Such a solution would not only serve the best interests of all Cypriots, but it would also serve the interests of Turkey and ultimately the interests of the United States in promoting peace and stability in the Eastern Mediterranean.

COMMEMORATING THE 36TH ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. SARBANES. Madam Speaker, I rise today to commemorate what is now the 36th year since Turkey's invasion and occupation of the tiny island Republic of Cyprus. On this commemoration last year, I cautioned this chamber that Turkey's failure to honor democracy, human rights and the rule of law would accelerate Turkey's drift away from the West, on a course openly adverse to the interests of NATO, America and the European Union.

Over the past year, Turkey's conduct has validated this concern. To many, this comes as a surprise. Yet, had we been honestly engaged with our NATO ally over the past three and half decades, we would have long ago recognized that the invasion and continued occupation of Cyprus is a symptom of Turkey's indifference to human rights, religious tolerance and democratic values. That indifference, which is engrained in Turkey's broader approach to world affairs, makes it an unreliable partner for the United States and a weak link in the NATO alliance.

In the summer of 1974, NATO member Turkey invaded and occupied more than one-third of the island Republic of Cyprus. Coming at the height of the Cold War, and at a time of delicate relations between Greece, Cyprus, Turkey, and the NATO alliance, Turkey's invasion of Cyprus risked war with NATO member Greece and a resultant rupturing of the NATO alliance.

Adding insult to injury, the weapons used by the Turkish military to invade Cyprus were those of its NATO benefactors, principally the United States. In 1975, the Congress imposed an arms embargo on Turkey for its offensive use of American weapons. Rather than fulfill its NATO obligations, or follow its legal obligations as demanded by Congress, Turkey retaliated by closing all American military installations on Turkish soil, and by severely restricting American access at two NATO bases. At that time, military installations in Turkey were deemed essential surveillance posts in the Cold War fight against the Soviet Union.

Turkey refused to reopen these facilities until the U.S. lifted the arms embargo, signaling that its relationship with the United States was never more than a transactional one, rather than one rooted in a shared commitment to the rule of law, individual liberties, democracy, and collective Western security.

July 20th marks 36 years that the Turkish military has occupied Cyprus. In that time, neither the Republic of Cyprus nor its people have directed any aggression towards Turkey. In stark contrast, Turkey maintains an active colonization program where it is illegally resettling some 180,000 Anatolian Turks into the homes and possessions of the 200,000 Greek Cypriots it evicted from the occupied territories. The Turkish military is also systematically eradicating the Hellenic and Christian heritage from the occupied territories. All but 5 of the 500 Greek Orthodox Churches in the occupied territories have been looted, desecrated, or destroyed. To no avail, the international community including the United States, the European Union, the United Nations, the European Court of Human Rights and the European Court of Justice have all called on Turkey to honor its international obligations and cease and desist from these hostilities against the people of Cyprus.

The Republic of Cyprus is a full-fledged member of the European Union. Turkey seeks that status as well, but as a NATO member illegally occupying European Union soil, Turkey put NATO and the EU at loggerheads. The result is that the EU and NATO are unable to cooperate in the consolidation of their economic and strategic interests in the Eastern Mediterranean.

Turkey's ongoing occupation of Cyprus is compelling evidence that it has little interest in meeting the standards of individual liberties, human rights and religious tolerance shared by America and other democratic nations. Lacking the ties that bind, Turkey is apparently quite willing to jeopardize relations with its long-time allies. Witness its 2003 denial of the deployment of U.S. forces along the Northern Iraq border and its recent vote in the U.N. against Iran sanctions.

The United States and its allies must call upon Turkey to abide by international law and meet its responsibilities as a dependable NATO partner. And on this, the 36th anniversary of the invasion and occupation of Cyprus, the United States should demand an immediate withdrawal of the 45,000 Turkish soldiers now occupying northern Cyprus. Until that occurs, policymakers in the White House and in the Congress must press the issue in every interaction with their Turkish counterparts. In this way, the United States can work towards establishing a strong, enduring, and values based alliance with Turkey that will serve to bring justice to the people of Cyprus, strengthen NATO, and reinforce collective Western security.

CONFERENCE REPORT ON THE WALL STREET REFORM AND CONSUMER PROTECTION ACT (H.R. 4173)

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Ms. MCCOLLUM. Madam Speaker, I rise in strong support of the Wall Street Reform and Consumer Protection Act (H.R. 4173). This legislation will finally bring accountability to big banks and ensure Minnesota families are protected from high-stakes Wall Street speculation. I want to thank my colleagues on the House-Senate conference committee for their hard-fought negotiations to finalize this landmark bill.

In the fall of 2008, our country's financial system stood on the brink of collapse. The failure of large financial institutions quickly led to sinking home prices, a collapse in retirement savings, and job losses on a scale not seen since the Great Depression. Despite overwhelming opposition from Republicans and relentless lobbying from special interests, Congress has responded with legislation that imposes the toughest regulation of Wall Street in a generation.

House Republican Leader JOHN BOEHNER told the Pittsburgh Tribune-Review on June 29th, 2010 that these tough new rules are like "killing an ant with a nuclear weapon." I could not disagree more. Wall Street's recklessness cost Americans 8 million jobs and \$17 trillion in retirement savings. When Republicans controlled Congress and the White House, they weakened the regulations American families relied upon for protection and left the economy vulnerable to financial crisis. H.R. 4173 restores common sense rules for banks and creates new protections for consumers after a decade of recklessness. The passage of this legislation protects taxpayers and their retirement funds, college accounts, and homes from risky decisions by CEOs, lenders, and speculators. The era of Wall Street gambling with the economic security of the American people is over, and a new age of financial accountability and transparency is about to begin.

Rebuilding the American economy and putting people back to work requires a stable financial sector that is regulated responsibly. I urge my colleagues to join me in supporting this historic legislation.

HONORING THE SERVICE AND SACRIFICE OF UNITED STATES ARMY SERGEANT CHRISTIAN G. RATA CZAK

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Ms. GIFFORDS. Madam Speaker, I rise today to honor United States Army Sergeant Christian G. Rataczak, who passed away on July 9, 2010.

Born in Minneapolis, Christian moved to Phoenix with his family when he was five

months old. After high school and college, he joined the National Guard and was deployed to Afghanistan for a year where he served as an Apache helicopter mechanic in Bravo Company, 1/285th Attack Reconnaissance Battalion. Wearing the uniform of the United States Army and serving his country was something he never took for granted. He was an outstanding soldier who will be remembered fondly by his Officers, NCOs and fellow Soldiers for his outstanding personality and attitude.

Christian worked for Dillon Aero of Scottsdale, and loved his job. His coworkers remember him as someone who was a joy to work with and was always willing to help no matter the circumstance.

We remember Christian and offer our deepest condolences and sincerest prayers to his family. My words cannot effectively convey the feeling of great loss nor can they offer adequate consolation. However, it is my hope that in future days, his family may take some comfort in knowing that Christian made a difference in the lives of many others and serves as an example of a competent and caring leader and friend that will live on in the hearts and minds of all those he touched.

Christian is survived by his mother Cheryl, his father Dave, his sister Jennifer, brother-in-law Todd, nephew Tanner, niece Hailey and many aunts, uncles, and cousins. His father, Dave, the former Adjutant General of the Arizona Guard, and his wife Cheryl are both close members of the Arizona military family and we mourn this tragic loss with them.

This body and this country owe Christian and his family our deepest gratitude, and we will today and forevermore honor and remember him and his service to our country.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,242,893,842,328.75.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,604,468,096,034.95 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING THE UNL PANHANDLE RESEARCH AND EXTENSION CENTER FOR 100 YEARS OF SERVICE

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. SMITH of Nebraska. Madam Speaker, on Saturday, July 24, the University of Ne-

braska-Lincoln Panhandle Research and Extension Center will celebrate 100 years of service to Western Nebraska.

It goes without saying agriculture is the lifeblood of Nebraska's Third District, and the entire state as well. The Third District of Nebraska encompasses 65,000 square miles. It is not unheard of for one area of the state to be dealing with drought conditions while another area is having flooding.

This is exactly why this facility is so important to the panhandle of Nebraska. Western Nebraska grows a completely different set of crops from the eastern areas of our state. The land is different, the growing season is shorter, even the kinds of bugs and weeds are different. Timely and appropriate information and research can mean the difference between a successful growing season and a disappointing one.

The original experimental substation was constructed on 160 acres provided by the U.S. Bureau of Reclamation to the U.S. Department of Agriculture. By July 1910 an office and laboratory had been built, in addition to a barn, grain bin, machine shed and other structures. USDA managed the plots until 1948, when the land and management were turned over to the State of Nebraska, and subsequently the University of Nebraska-Lincoln.

Today, the Panhandle Research and Extension Center has over a dozen faculty members—most of which hold joint appointments in research and extension. Disciplines such as entomology, weed science, irrigation management, machinery systems, plant pathology, alternative crops, dry bean breeding, cow-calf production and range management, and entrepreneur and business development—among others—are represented.

The Center has made a tremendous difference over the last 100 years, and I fully expect the impact to continue on long into the future.

RECOGNIZING THE SERVICE OF RICHARD D. GASKALLA, FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. PUTNAM. Madam Speaker, I rise today to honor a dedicated public servant, who has made an invaluable contribution toward safeguarding the future of agricultural production in our State and Nation. Richard D. Gaskalla, serving as Director, Division of Plant Industry, has distinguished himself through a marked career at the Florida Department of Agriculture and Consumer Services. His exemplary service over the last 25 years is to be commended. I rise to honor Richard Gaskalla on the occasion of his retirement from the Florida Department of Agriculture, and congratulate him on his future endeavors as he moves on to serve and protect our Nation through the Department of Homeland Security.

Raised in Jacksonville, Florida, Mr. Gaskalla graduated from Florida State University in

1975 with a degree in Biological Sciences. He began his career as a District Agricultural Products Specialist in Fort Lauderdale, Florida with the Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Plant Inspection.

He quickly progressed, promoted to Agricultural Products Specialist Supervisor responsible for interpretation and dissemination of plant import and export regulations, post entry quarantine programs, and the Bureau of Plant Inspection's interactions with the Division of Inspection, Bureau of Road Guard Agricultural Inspection Stations. In 1988, he was appointed Director of the Division of Plant Industry overseeing all division programs, including emergency pest and disease eradication activities and other functions.

Under his direction, the Division of Plant Industry has strengthened the state of preparedness against threats of serious agricultural pests and diseases. His steadfast and committed efforts, in collaboration with many agencies and organizations at the State, regional, and national level have directly enhanced policies affecting Florida and U.S. agriculture.

As a dedicated and knowledgeable leader in the field of plant pest regulatory programs, Richard Gaskalla has made valuable contributions through his service on many national panels and oversight bodies. His work on the Safeguarding American Plant Resources Review set forth a comprehensive policy designed to improve United States agriculture protection programs. Mr. Gaskalla also served on the National Plant Board Advisory Council, which provides a direct line for input and communication on policies, issues, quarantines that affect U.S. and international agricultural production.

He has facilitated safe trade among nations, based on sound phytosanitary scientific standards, formulating several successful export certifications for U.S. agricultural products to foreign markets. In his tenure with the Division of Plant Industry, Mr. Gaskalla was involved in several efforts to combat dangerous pests and disease threatening the State and region's agricultural production including the Mediterranean fruit fly, imported Fire Ants, shipment and preservation of nursery and foliage stock, biological control activities against exotic predators, and noxious weed detection. In addition, his leadership responsibilities strengthened and bolstered other regulatory programs involving honey bee inspections, boll weevil eradication, Caribbean fruit fly protocol, and commodity treatments.

Most recently, Mr. Gaskalla has been involved in the development and implementation of the Citrus Health Response Program, a critical national program designed to help mitigate the impact of dangerous pests and diseases facing North American citrus.

Richard Gaskalla has been awarded numerous awards and citations, including among other prestigious honors, the United States Department of Agriculture Honor Award.

It is my privilege to honor Richard Gaskalla's outstanding public service upon his retirement from the Florida Department of Agriculture and Consumer Services, and thank him for his countless contributions and tireless efforts to safeguard and sustain American agriculture. I commend and recognize his efforts,

and am pleased that our nation will continue to benefit from his future endeavors to protect America's valuable resources and secure our food supply.

IN RECOGNITION OF COLONEL
ROGER A. WILSON, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. SKELTON. Madam Speaker, it has come to my attention that Colonel Roger A. Wilson, Jr. is retiring as the U.S. Army Corps of Engineers Kansas City District Commander. He has diligently served in this role for three years.

After earning degrees from The Citadel, the University of Colorado at Boulder, and the U.S. Army War College, Colonel Wilson went on to lead engineering battalions across the United States and around the world. In addition to these assignments, he served in combat operations in Bosnia and Herzegovina and Afghanistan.

As Commander of the U.S. Army Corps of Engineers Kansas City District, Colonel Wilson oversaw many military and civil works projects throughout the District. From overseeing construction projects at the region's many military installations to ensuring our levees and dams are structurally sound, Colonel Wilson ably led an office with diverse mandates and responsibilities. Although his résumé boasts many accomplishments, Colonel Wilson's work to maintain the superiority of the Emergency Operations Center, which plays a vital role in responding to natural disasters whenever and wherever they may occur, is most impressive.

Madam Speaker, Colonel Wilson is a true professional and has exhibited remarkable leadership during his time as the U.S. Army Corps of Engineers Kansas City District Commander. I trust my fellow members of the House will join me in wishing him well in the days to come.

RECOGNIZING THE 150TH ANNIVERSARY
OF KENTUCKY'S
METCALFE COUNTY AND CITY
OF EDMONTON

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. WHITFIELD. Madam Speaker, I rise today to recognize the 150th anniversary of Kentucky's Metcalfe County and city of Edmonton. Metcalfe County became the 106th county in the Commonwealth of Kentucky on May 1st 1860 and was named in honor of Kentucky's 10th governor, Thomas Metcalfe. Its sesquicentennial is a significant milestone for Metcalfe County and one I am pleased to honor.

Through the course of the history of Edmonton and Metcalfe County, its citizens have endured hard times and sacrifices. Its sons and daughters have answered the call to serve in

every war beginning with the Civil War and continuing through this day. The town of Edmonton was settled as a result of the sacrifice, work and vision of Edmund Rogers, a Revolutionary War veteran and cousin to General George Rogers Clark and William Clark. In March of 1826, the first United States Post Office was established in Edmonton, which changed its image from that of a trading post to a more permanent settlement. By an act of the Kentucky Legislature in 1836, the settlement of Edmonton became officially established as a town and gradually became the largest population center in the area.

The citizens of Edmonton and Metcalfe County have a deep appreciation for the sacrifice and struggles endured by their predecessors in the development of their hometown. Today its citizens continue the rich history of their forefathers and it is with great pride we celebrate this momentous occasion.

36TH ANNIVERSARY OF THE
TURKISH INVASION OF CYPRUS

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. CROWLEY. Madam Speaker, I rise today to recognize and commemorate the 36th anniversary of the Turkish invasion of Cyprus.

On July 20, 1974, the Turkish military invaded Cyprus in direct violation of international law. Turkish troops illegally occupied the northern part of Cyprus, and established local armed forces that continue to control 37 percent of the Island. As a result of the Turkish invasion, nearly 200,000 Greek Cypriots were forcibly expelled from their homes and approximately 5,000 Cypriots were killed.

There was no justification for Turkey's invasion of Cyprus, and there is no justification for continued interference to this day.

It is appropriate that on the anniversary of the invasion, we mourn those whose lives were lost as well as condemn the occupation.

Although that is the focus of today, I also want to acknowledge my strong belief that it is possible for there to be a settlement of the conflict over Cyprus. To date, the process has not been easy, and I don't think anyone in the U.S. Congress thinks the matter can be resolved without hard work and sustained focus, but it is a process we must continue.

The ongoing talks between Cyprus' President Demetris Christofias and the Turkish Cypriot community leader Dervis Eroglu have the potential to produce real progress, beyond confidence building measures. Clearly, we need more forward momentum in strongly supporting the Cypriot's goal of reunification with a single internationally supported and recognized government. I very much hope this can be achieved by the end of this year.

For today, however, we rise to again commemorate and recognize a historic travesty and those that suffered as a result.

CONGRATULATING CHRIS DIMATTIO
ON BEING SWORN IN AS THE
NATIONAL PRESIDENT OF UNICO
NATIONAL

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to join me in congratulating Mr. Chris DiMattio on being sworn in as the national President of UNICO National.

Mr. DiMattio was born in Dunmore, Pennsylvania, in 1966 as the youngest of three children of Louis and Catherine DiMattio. Growing up in Dunmore, he attended St. Anthony of Padua's Grade School and Bishop O'Hara High School.

In 1988, Mr. DiMattio graduated from Marywood University in Scranton where he majored in Business Administration and was a member of the Academic Dean's Roundtable and the Student Government.

He is currently a Senior Vice President at FNCB Wealth Management Services in Dunmore. Previously, he was an Assistant Vice President at NatWest Financial Markets Group in Scranton.

Throughout his academic and professional career, Mr. DiMattio has consistently volunteered his time and efforts throughout Northeastern Pennsylvania. He has served on the Board of Directors of the Lackawanna Branch of the American Cancer Society and the American Red Cross, and has also volunteered with the United Way of Lackawanna County and the Scranton Cultural Center.

Mr. DiMattio has been a member of the Scranton Chapter of UNICO National since 1990 and served as the Chapter's President from 1997 to 1999.

UNICO was originally founded in 1922 by Dr. Anthony P. Vastola as an Italian American service organization to, "engage in charitable works, support higher education, and perform patriotic deeds."

In 1947, UNICO merged with another Italian American service organization, the National Civic League, to create UNICO National.

Today, UNICO National remains the largest Italian American service organization in the United States. Every year it donates approximately \$1 million to numerous charities throughout the country, and, through its Anti-Bias committee, works to overcome negative stereotypes of Italian Americans.

Mr. DiMattio has served on UNICO National's National Executive Committee as National Membership & Retention Director from 2003 to 2006 and as Vice President from 2006 to 2010.

Mr. DiMattio will be sworn in as the national President of UNICO National at its annual convention being held from July 28 to August 1 in Hershey, Pennsylvania. He will become the second Northeastern Pennsylvania resident in the past thirty years to be appointed to this position.

Mr. DiMattio currently resides in Moscow, Pennsylvania, with his wife, the former Ann Celli of Peckville, and their two children, Louis Carlo and Robert.

Madam Speaker, please join me in congratulating Mr. DiMattio on this auspicious occasion. His exemplary community service record demonstrates he is most deserving of this achievement.

PERSONAL EXPLANATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. SHUSTER. Madam Speaker, on rollcall No. 449 I was not present due to my flight being delayed. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. MCINTYRE. Madam Speaker, on July 14, 2010, I inadvertently voted "yes" on rollcall No. 437 on H. Res. 1509 when I meant to vote "no."

**36 YEARS OF TURKISH MILITARY
OCCUPATION OF THE REPUBLIC
OF CYPRUS**

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to recognize the unconscionable 36 years of Turkish military occupation of the Republic of Cyprus.

On July 20, 1974, tens of thousands of Turkish military troops invaded Cyprus, in a blatant and deliberate violation of international law. This caused the forcible expulsion of approximately 200,000 Greek Cypriots from their homes, which at the time amounted to almost one-third of the total population on the island. Nearly 5,000 Cypriots were also killed.

Three decades after the initial invasion, Turkey still has over 40,000 troops illegally occupying about 37 percent of Cypriot territory. During the occupation, the Turks expelled thousands of Greek Cypriots from their own homes who were then forced to flee to other parts of the island leaving behind their property and other belongings. These seized properties, many of them belonging to American citizens of Cypriot descent, were unlawfully distributed to and are currently being occupied

by thousands of illegal settlers from Turkey. The European Court of Human Rights has stated again and again that displaced Greek Cypriots have not lost the title to their properties and thus remain the only legal and lawful owners of the properties in question. Unfortunately, Turkey has repeatedly ignored countless UN Resolutions calling for an end to the occupation.

Cypriots want a unified island and continue to demonstrate their commitment toward a genuine reunification of their country. However, no realistic solution can occur without Ankara's complete and constructive cooperation. I strongly urge Turkey to show a commitment to international law and basic human rights by ending its military occupation, withdrawing its thousands of troops, and removing the illegal settlers.

I am encouraged that both sides continue their negotiations toward reaching a long-lasting comprehensive settlement of the Cyprus problem based on a bizonal, bicomunal federation. This solution must be made by the Cypriots and for the Cypriots.

Madam Speaker, I ask my colleagues to join with me in standing up for human rights and freedom, and urge Turkey to negotiate an end to this occupation in good faith and cooperation.

HOUSE OF REPRESENTATIVES—Wednesday, July 21, 2010

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

Reverend Herbert Brooks, Jr., St. John Missionary Baptist Church, Joliet, Illinois, offered the following prayer:

Our Heavenly Father and Creator, we acknowledge Your presence and power on this day.

Today, Lord, we ask for Your blessings upon this House of government and remind us of Your Words, "the government shall be upon His shoulder." We humbly ask, Lord, to guide them, direct them, rest Your spirit upon their shoulders during this decision-making time.

We ask, Lord, You endow them with the ability to make the right decisions that is pleasing to our Lord and to all mankind. Keep every Representative of this great country strong, a sound mind and a willing heart to continue to serve. Protect those that are protecting us, Lord, as we ask You to be our heavenly Protector.

Bless the staff, as well as the families of this House of Representatives. Fill us all with Your brotherly love, Your "one accord spirit," and Your peace. We pray all this in Your precious name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Missouri (Mr. CLEAVER) come forward and lead the House in the Pledge of Allegiance.

Mr. CLEAVER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REV. HERBERT BROOKS, JR.

The SPEAKER. Without objection, the gentlewoman from Illinois (Mrs. HALVORSON) is recognized for 1 minute.

There was no objection.

Mrs. HALVORSON. Madam Speaker, I rise today with great pride to intro-

duce Pastor Herb Brooks, who kindly delivered this morning's opening prayer. Herb Brooks is not just the pastor at St. John Baptist Church in Joliet, Illinois. He is a husband to wife Gwen, and a proud father and grandfather.

He serves as a member of the Will County Board, where he represents his constituents with passion, integrity, and intelligence. And he has been an outspoken advocate for civil rights and the need for better health care in our community. It is all of these reasons why he is considered a true leader in our district, and why I have invited him here today to continue this great tradition.

Pastor Brooks embodies the spirit and pride that defines our community, and I could not think of anyone better to represent our district during the opening prayer. I thank him for being here, and I am so proud to introduce him.

□ 1010

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further 1-minutes on each side of the aisle.

THE STATE OF THE HOUSE TODAY

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Madam Speaker, I came to the floor today to talk about Social Security, but having spent most of last evening watching the news on a variety of stations and reading several newspapers this morning, I decided I just wanted to speak about what I am seeing.

This body has gone from "states craft" to demagoguery and witchcraft. The Hill has become a sick setting for everything wrong and ugly about politics. We're not about a way to fix. We're about pure nasty politics. We can be partisan without being poisonous.

And when I look back at our young pages, young Americans who are gifted, I cannot help but wonder whether we are teaching them through our actions to become peace sowers or bomb throwers. We make the choice.

We can be partisan without being poisonous, and on this day, July 21, 2010, we are poisonous.

AMERICA COMPETES FOR JOBS

(Mr. PITTS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the United States competes on a global level for businesses and jobs, and when international investors look at our Nation, they have some concerns about the future.

Our country has the second highest corporate income tax rate in the industrialized world; and come January 1, we will see the largest tax increase in our Nation's history as the 2001 and 2003 tax cuts, all taxes, snap back to the old higher levels. There's uncertainty with on-again/off-again tax cuts and increases.

Starting today, our financial regulatory agencies will write hundreds of new rules governing investment. And we're now completely remaking our health care system with extensive government oversight, taxes, and thousands of pages of new regulations.

With all of these things together, it's perfectly understandable why we have weak job growth. Uncertainty about the United States business climate is directly caused by what Congress is doing to the American economy. We need to stop harming our economy with new taxes and complicated regulations and opportunity for new litigation and, instead, free American entrepreneurs and businesses to be able to compete on a global level to create jobs.

HONORING DR. PAM CARBEANER

(Ms. KOSMAS asked and was given permission to address the House for 1 minute.)

Ms. KOSMAS. Mr. Speaker, it is my distinct honor and privilege today to recognize on the floor of the United States House of Representatives Dr. Pam Carbeaner for her extensive community service and her spirit of volunteerism.

Dr. Carbeaner has dedicated her life's work to helping people in need. She's had a particular focus on women and children, and she has dedicated her energies to a wide range of causes including eating disorders, children's advocacy, sexual assault, and maternal health.

Additionally, she has served the public with her expertise on the Halifax Health Board of Commissioners, which is the governing body of the area's largest health service providers. Dr. Carbeaner currently practices medicine at Halifax OB/GYN Associates in Daytona Beach, Florida, and she resides in

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Ormond Beach with her husband, Frank, and their three wonderful children, Sarah, Charlie, and Katie.

Today I would like to officially thank Dr. Carbeaner for her tireless work and her dedication to the health, wellbeing, safety, and care not only of her patients but also to the countless citizens who her volunteerism has served. She is recognized as an accomplished and outstanding community leader for the greater Halifax region of central Florida.

Thank you, Dr. Carbeaner.

HONORING MITCH MENLOVE

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, just days ago the State of Arizona lost a kind and gentle soul when Mitch Menlove passed away at the tender age of 36.

Mitch leaves behind a record of honor and integrity among those he worked with in a successful career in public affairs. He leaves behind a rich heritage of service in his church and his community.

Most important by far, however, is the legacy Mitch built, a legacy that will continue for generations to come with his wife Elizabeth, his children Max, Morgan, and Makenna, and a fourth child, Mitchell Kent, Jr., who will be born any day now.

Just hours before Mitch passed from this life, he climbed Arizona's highest peak. He stands even higher today.

Those of us who are left momentarily behind will be forever grateful for the exemplary life he lived, the service he rendered, and for the wonderful family that will carry on his legacy.

PRESIDENTIAL ACCOMPLISHMENTS

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Today when President Obama signs into law sweeping Wall Street reform, it will mark another important change—I state, another important change—from the failed Republican policies of the past.

The irresponsible policies of the Bush administration and the Republican Congress cost us 8 million jobs. Thankfully, this new financial reform puts us on a path of restoring accountability to our financial system and ending the era of tax-funded bailouts.

President Obama and the congressional Democrats have fought to move America forward. We have enacted significant new laws to create new jobs and increase small business lending, end pay discrimination in the workplace, extend Medicare sovereignty, and make college education more affordable.

Unfortunately, my Republican colleagues continue to support policies

that will ship jobs overseas, privatize Social Security, and dismantle Medicare. We can no longer afford the policies of the past. We must continue to work with our President and move America forward.

NINE COUNTRIES VERSUS ARIZONA

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, seven more countries now join Mexico and the United States to sue the State of Arizona. They are Nicaragua, El Salvador, Colombia, Peru, Bolivia, Paraguay and Guatemala. Not exactly all champions of human or civil rights.

They say their illegals in Arizona might be mistreated if Arizona enforces Federal law. But here's the real kicker: our own State Department has sided with these other nations against the American people. It has filed a declaration in the lawsuit saying the Arizona law is causing an international incident and hurting foreign policy. Now it's nine countries versus Arizona.

The nerve of our government to side with foreign powers and sue American people. Foreign countries have no business meddling in and dictating American national security. Our government is on the wrong side. It should support and defend the Constitution and the people of Arizona. It should not be siding with nations that have illegals in our country.

It's nine countries versus Arizona. I cast my lot with the people of Arizona. And that's just the way it is.

CUBA'S ELECTION TO U.N. HUMAN RIGHTS COUNCIL

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Mr. Speaker, I am outraged by the persistent failure of the United Nations Human Rights Council to fulfill its responsibilities to promote and protect human rights. The U.N. Human Rights Council has consistently targeted Israel and recently displayed a flagrant disregard for a strong human rights agenda with the election of the Cuban ambassador as vice president of the council.

The State Department 2009 report on human rights described Cuba as a totalitarian state that continues to deny its citizens their basic human rights and commits numerous and serious abuses. It is appalling that a country with such a poor human rights record has been elected as a leader of a body to create, to protect, and promote universal human rights.

While these election results are absurd, they are reflective of a larger problem—the overall state of the U.N. Human Rights Council. The council

doesn't need to improve its record on protecting human rights; it needs to reverse its record. If the council continues to ignore its own members' egregious human rights records and persists in its anti-Israel campaign, then maybe the United States should move its funds and participate elsewhere.

TRIBUTE TO CORPORAL LARRY D. HARRIS, JR., USMC

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN of Colorado. Mr. Speaker, I rise to pay tribute to a hero: United States Marine Corps Corporal Larry D. Harris, Jr., of Thornton, Colorado.

Corporal Harris, a Marine Corps veteran of Iraq and Afghanistan, graduated in 2003 from Boulder High School where he played football and ran track. He loved being an infantry marine on the front lines.

Corporal Larry Harris displayed heroism and service to others both overseas and at home. He was awarded the Navy and Marine Corps Achievement Medal for helping civilians severely injured in an automobile accident near Camp Pendleton.

On July 1, 2010, while on patrol in Helmand province in Afghanistan, another marine was shot in the leg. Picking up his fellow wounded marine to carry him to safety, Corporal Harris tripped an explosive device, absorbing the blast. Though he died in the explosion, his effort saved the life of the wounded marine.

Corporal Harris is a shining example of the Marine Corps' service and sacrifice. As a Marine Corps veteran, my deepest sympathies go out to his family and to all who knew him.

□ 1020

JOBS

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, day after day my Republican colleagues stand in the well of this Chamber blaming Democrats for failing to create jobs. As a Democrat who voted time and time again in this House of Representatives to create jobs for working families, I am shocked.

Right now, and today, Senate Republicans are blocking the passage of five critical bills that would create at least 1.5 million jobs for the American people, and House Republicans, after not having cast votes for these bills, have the audacity to accuse Democrats of not doing enough to create jobs? Shame on them.

I urge Republican Senators to vote for the America COMPETES Act, the

Small Business Jobs and Credit Act, the Jobs for Main Street Act, and the Small Business and Infrastructure Act to provide desperately needed jobs. If they're serious about creating jobs, then they will urge their Senate Republicans to take immediate action and pass these bills.

Senate Republicans, it's payday for the American workers. It's time to write a check to the American people and finish the job that the House started.

**CONGRATULATING FORMER
SHREVEPORT POLICE CHIEF
HENRY WHITEHORN**

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, I rise today to congratulate former Shreveport Police Chief Henry Whitehorn on being sworn in as the United States marshal for the Western District of Louisiana. Prior to becoming the first African American police chief in Shreveport's history, Marshal Whitehorn served 29 years in the Louisiana State Police, eventually becoming appointed to the posts of deputy secretary for Public Safety Services and Louisiana State Police Superintendent by Governor Kathleen Blanco. Marshal Whitehorn also served 4 years as a sergeant in the United States Air Force.

I thank Marshal Whitehorn for his many years of public service and wish him the best as he continues to serve the people of Louisiana in this new position.

WALL STREET REFORM

(Ms. KILROY asked and was given permission to address the House for 1 minute.)

Ms. KILROY. Mr. Speaker, today our President signs the Frank-Dodd Act, the Wall Street reform bill. I was very proud to be able to serve on the Financial Services Committee and conference to help craft a bill and to stand with the people of Main Street, to stand with the regular people of our community against the special interests that have had too much power in Washington. We were able to put in place a bill that has a real watchdog with teeth, to protect our consumers and our country, to protect American savings and pensions and investments, and be on the lookout for those unscrupulous financial practices that can hurt our economy. It has a consumer protection bureau. It has an early warning system and a plan so that any future failing institution will not be bailed out at taxpayer expense. Taxpayers will no longer be on the hook or be forced to deal with something that's called too big to fail. It puts an end to TARP. It brings transparency to the

market, and because of this bill Wall Street will no longer be able to act like a casino that will do such damage to our economy again.

STATE JOBS NUMBERS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the new State job numbers confirm that 47 States are suffering since the so-called stimulus bill passed while D.C. bureaucrats are benefiting from increasing jobs. The Politico reported on such a discrepancy in an article titled, "Reality gap: U.S. struggles, D.C. booms."

The article says, "America is struggling with a sputtering economy and high unemployment, but times are booming for Washington's governing class."

"The massive expansion of government under President Barack Obama has basically guaranteed a robust job market for policy professionals, regulators and contractors for years to come. The housing market, boosted by the large number of high-income earners in the area, many working in politics and government, is easily outpacing the markets in most of the country."

The American people want Congress to focus on small business job growth instead of spending more of the people's money to create more government jobs. Americans understand TEA, Taxed Enough Already.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

SOCIAL SECURITY

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Mr. Speaker, as we approach the 75th anniversary of the Social Security program, two things are very clear. First, the program which keeps fully half of our seniors from living in poverty must be preserved and sustained for the long run. Second, preservation of Social Security must not, cannot mean increasing the risk that we ask our seniors to take.

Already, just a year or two after financial disaster obliterated \$17 trillion of American household wealth, we hear the proposals of privatization, of turning Social Security money over to the vagaries of the market. Mr. Speaker, could you imagine if that monthly Social Security check that 50 million Americans get was hammered the way retirement accounts have been hammered?

Every American who can should have private accounts that they fund with

their savings. They shouldn't just rely on Social Security. But when things go wrong, they need to be able to rely on that Social Security with no risk that it disappears.

MARIJUANA ON PUBLIC LANDS

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, the Federal Government must do more to dismantle Mexican drug trafficking organizations operating marijuana plantations on our Nation's Federal lands. This is a severe and growing problem in the northern California congressional district I represent. These traffickers pose a threat to the visitors of the national parks and forests, and local law enforcement, and the Federal Government is fundamentally responsible for addressing it. I have introduced a resolution that I hope will garner sufficient support to focus more attention and begin a process of greater cooperation and coordination among the agencies responsible for protecting our Federal lands and the citizens who want to enjoy them.

Mr. Speaker, it's essential that we stay focused on addressing this important issue.

**HONORING THE LIFE OF NICKY
DANIEL BACON**

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. With the death of Nick Bacon from cancer, Arkansas and America have lost a hero, a Vietnam veteran and Army retiree, and a Medal of Honor winner. Yet for those of us who knew Nick, mostly we have lost a friend.

Advocacy for veterans was his life's work: touching the lives of military families by helping them with a problem; touching the life of Arkansas by participating in so many public events honoring our military.

The last time I talked with Nick he was working on some end-of-life financial issues, but in his matter of fact blunt way he said, But other than that I'm good to go. But other than that I'm good to go.

Nick Bacon is now gone, and we will miss him. Our condolences and gratitude go to his wife, Tamara, his six children, his grandchildren, and his brothers and sisters.

□ 1030

**ENCOURAGE INVESTMENT AND
CREATE JOBS**

(Mr. REICHERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REICHERT. Mr. Speaker, the American people are sick and tired of broken government. They are sick and tired of business as usual, which means no business at all. No business at all means no jobs.

And why are there no jobs? Business is being taxed to the max. Government borrows like there is no tomorrow. Government spends to the end, the end of American ingenuity, the end of American business.

Here is what we need to do. Don't raise the capital gains tax. Don't increase taxes on families and small businesses. Hey, I know, let's repeal the estate tax. What about make the R&D tax a permanent tax credit? Allow small businesses to deduct the cost of expensive machinery.

I mean, there are ideas after ideas after ideas about what we can do to make this country grow. How about this, Mr. Speaker? Have a little faith in the American people.

REPEAL DON'T ASK, DON'T TELL

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIGLEY. Mr. Speaker, I rise today to reaffirm my commitment to an immediate repeal of Don't Ask, Don't Tell.

I applaud the Department of Defense for initiating a plan, but I remain deeply disappointed that instead of moving forward immediately, we are on hold. We are spending millions on a 32-page survey asking servicemembers how they feel about the repeal when polls show that this is unnecessary.

What's worse, as a country founded on liberty and equality, we are denying basic human rights to some of our brave men and women who are defending those very principles. And, unlike more than 25 of our allies, including every original NATO signatory other than the U.S. and Turkey, we have not ended discrimination.

Experts say what is needed is not a study but, rather, a quick and authoritative top-down repeal. Our military leaders must act now before our pace destroys our mission.

TAX HIKES

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, when the clock strikes midnight on December 21, 2010, a \$3.8 trillion Democrat tax increase will ring in the new year.

The Democrats' ticking tax bomb means all tax-paying Americans will face higher taxes starting on January 1. For married couples, get ready to give up date nights in order to pay the

tax penalty for I saying "I do." For families with children, get ready to give up the family summer vacation so that you can fork over to Uncle Sam an extra \$500 per kid.

For already struggling small business owners, get ready to share more of your hard-earned profits with Uncle Sam, hard-earned profits that could be used to hire new workers. The American people want, need, and deserve better than the Democrats' massive tax hikes to pay for their Big Government agenda.

Let's stop the big tax increase and protect America's future.

WHEN REPUBLICANS WERE IN CONTROL, THEY DIDN'T PAY FOR ANYTHING

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, Sunday on "Meet the Press," the chairman of the National Republican Congressional Committee, Mr. SESSIONS of Texas, said that if the Republicans took over the House next Congress, that we could count on the exact same agenda that we had under the Bush administration.

Now, you know, there is some good news and bad news to that. The good news is we wouldn't have to fight about extending desperately needed unemployment insurance benefits to American citizens, because when the Republicans were in control they didn't pay for anything—not for two wars, not for a massive tax cut for the rich, and certainly not for a massive prescription drug program.

Of course, the bad news is that we would be once again turning the country over to big banks and big insurance companies and Big Oil because, as Minority Leader BOEHNER said, he is for a moratorium on regulation in this country.

No. I know the Republicans would like the American people to get collective amnesia this fall, but they remember, just like the elephants. They remember the Bush agenda, and they don't want that exact same agenda repeated in the 112th Congress.

AMERICAN PEOPLE WANT LESS GOVERNMENT AND MORE RESPONSIBILITY

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, out on the plaza a few minutes ago, the new Tea Party Caucus met with a bunch of Tea Party members from across the country.

I have heard a lot of my colleagues and people across the country and in the media criticize the Tea Party as being racist and a whole host of other

things. But when we were out there and met with these people, we found African Americans. We found Hispanics. We found people from all ethnic groups out there saying very clearly they want less government spending, less government regulation, lower taxes, and the things that everybody believes in this country, and better and closer constitutional government. That's what the Tea Party is all about, and we are here in the Tea Party Caucus not to tell them anything but to listen to them, because they are speaking from the heart for the American people.

It's time that people realize on both sides of the aisle that the Tea Party movement is not something that's just not really speaking for the American people. These are people from all across the country that want Congress and the American Government to know that they want less government and more responsibility.

FINANCIAL RISKS

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Mr. Speaker, 3 years ago Professor Elizabeth Warren warned about the financial risks associated with subprime and no doc mortgages and the shell games that were being masked as risk-free investments.

She said that consumers can't buy a toaster that has a 1-in-5 chance of bursting into flames, but they can enter into a mortgage that has the same 1-in-5 chance of putting them out on the street. In the end, she told us what would happen, and it did.

But Professor Warren didn't just limit herself to warnings. She laid out the foundation of what would soon become the Consumer Financial Protection Bureau. With the President's signing of the Wall Street reform today, the time has finally come to appoint a director to this new bureau. We need a proven fighter at the helm with a strong record of being tireless, independent, and willing to speak out for consumers when others won't.

She is the best choice for the job. I urge the President to appoint Elizabeth Warren to the post.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PASTOR of Arizona). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

UNITED STATES MANUFACTURING
ENHANCEMENT ACT OF 2010

Mr. LEVIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4380) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “United States Manufacturing Enhancement Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Reference.

**TITLE I—NEW DUTY SUSPENSIONS AND
REDUCTIONS**

Sec. 1004. Certain reusable grocery bags.

Sec. 1009. Epilink 701.

Sec. 1011. Certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning.

Sec. 1012. Acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for spinning.

Sec. 1013. Acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for spinning, containing at least 85 percent by weight of acrylonitrile units.

Sec. 1014. Certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning, not dyed or pigmented.

Sec. 1015. Certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning, raw white (undyed).

Sec. 1016. Certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning, containing at least 85 percent by weight of acrylonitrile units.

Sec. 1017. Certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning, not pigmented.

Sec. 1020. Acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for spinning, containing 2 percent or more but not over 3 percent of water.

Sec. 1021. Acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for spinning, not pigmented.

Sec. 1022. Acrylic or modacrylic synthetic filament tow.

Sec. 1023. Acrylic or modacrylic synthetic filament tow, containing 2 percent or more but not over 3 percent of water.

Sec. 1024. Acrylic or modacrylic synthetic filament tow containing 85 percent or more by weight of acrylonitrile units.

Sec. 1025. Acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for spinning, raw white (undyed).

Sec. 1026. Certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning, containing 85 percent or more of acrylonitrile units.

Sec. 1027. Certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning containing 2 percent or more but not over 3 percent of water.

Sec. 1028. MDA50.

Sec. 1029. Nourybond 276 Modifier.

Sec. 1030. Polycaprolactone Diol #1.

Sec. 1032. Certain acrylic synthetic staple fiber.

Sec. 1033. Certain acrylic synthetic staple fiber, containing by weight 92 percent or more of polyacrylonitrile.

Sec. 1034. Certain acrylic synthetic staple fiber dyed but not carded, combed for spinning.

Sec. 1035. Certain acrylic staple fiber.

Sec. 1037. ϵ -Caprolactone-2-ethyl-2-(hydroxymethyl)-1,3-propanediol polymer.

Sec. 1038. ϵ -Caprolactone-neopentylglycol copolymer.

Sec. 1041. Cetalox.

Sec. 1049. Propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, polymers with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane and reduced methyl esters of reduced polymerized, oxidized tetrafluoroethylene, compounds with trimethylamine.

Sec. 1052. Ortho-Nitro-Phenol.

Sec. 1053. Certain acrylic synthetic staple fiber, containing 2 percent or more but not over 8 percent of water.

Sec. 1054. Certain acrylic synthetic staple fiber, containing not more than 0.01 percent of zinc.

Sec. 1062. 3-Chloro-2-methylphenyl methyl sulfide.

Sec. 1065. 1,3-Dimethyl-1H-pyrazol-5-ol and 1,3-Dimethyl-5-pyrazolone.

Sec. 1067. Neodymium oxide.

Sec. 1068. DMDPA.

Sec. 1070. Certain air pressure distillation columns.

Sec. 1071. nPBAL.

Sec. 1072. Primid XL-552.

Sec. 1074. Certain imaging colorants.

Sec. 1075. Certain imaging colorants of fast yellow, cyan, fast black, and magenta.

Sec. 1076. Copper oxychloride and copper hydroxide.

Sec. 1079. DCDNBTF Benzene, 2,4-dichloro-1,3-dinitro-5-(trifluoromethyl).

Sec. 1080. Mixtures containing n-butyl-1,2-benzisothiazolin-3-one (Butyl benzisothiazoline) and application adjuvants.

Sec. 1081. Mixtures containing n-butyl-1,2-benzisothiazolin-3-one, 1-hydroxypyridine-2-thione, zinc salt (Zinc pyrithione) and application adjuvants.

Sec. 1089. Bis(4-t-butylcyclohexyl) peroxydicarbonate.

Sec. 1091. Didecanoyl Peroxide.

Sec. 1093. Glycerol ester of dimerized gum.

Sec. 1097. Mixtures containing Fenoxaprop-p-ethyl, Pyrasulfotole, Bromoxynil octanoate, and Bromoxynil heptanoate.

Sec. 1110. Dry adhesive copolyamide pellets.

Sec. 1113. Corvus herbicide.

Sec. 1114. Evergol.

Sec. 1115. Liberty, Rely, and Ignite herbicides.

Sec. 1126. Cyclopropylaminonicotinic acid.

Sec. 1127. Gribbond IL 6-50%F.

Sec. 1128. Primid QM-1260.

Sec. 1136. 1-Chloro-2-chloromethyl-3-fluorobenzene.

Sec. 1142. Dimerized gum.

Sec. 1149. Pyrasulfotole.

Sec. 1151. Helional.

Sec. 1160. Over-the-range microwaves.

Sec. 1162. Porous hollow fibers.

Sec. 1163. Cellular plastic sheets for filters.

Sec. 1164. Certain Woven Mesh for Use in Filters.

Sec. 1165. Plastic fittings of perfluoroalkoxy.

Sec. 1167. 2-Hydroxypropylmethyl cellulose.

Sec. 1170. Mixtures containing 2,4,6-Tripentyl-1,3,5,2,4,6-trioxatrisphosphinane 2,4,6-trioxide.

Sec. 1174. N-phenyl-p-phenylenediamine.

Sec. 1176. Dilauroyl peroxide.

Sec. 1181. 4-Chloro-3,5-dinitro- α,α,α -trifluorotoluene.

Sec. 1187. AE 0172747 Ether.

Sec. 1191. Yarn of carded hair of Kashmir (cashmere) goats, of yarn count less than 19.35 metric, not put up for retail sale.

Sec. 1192. Yarn of carded camel hair.

Sec. 1200. Certain laundry work surfaces.

Sec. 1203. Certain mixtures of perfluorocarbons.

Sec. 1204. Certain perfluorocarbon morpholines.

Sec. 1205. Certain perfluoroamines.

Sec. 1206. Certain perfluoroalkanes.

Sec. 1207. Perfluorobutanesulfonyl fluoride.

Sec. 1209. Grilamid TR 90.

Sec. 1210. Stainless steel single-piece exhaust gas manifolds.

Sec. 1211. Effective date.

**TITLE II—EXISTING DUTY SUSPENSIONS
AND REDUCTIONS**

Sec. 2001. Extension of certain existing duty suspensions and reductions and other modifications.

Sec. 2002. Effective date.

**TITLE III—ADDITIONAL EXISTING DUTY
SUSPENSIONS AND REDUCTIONS**

Sec. 3001. Extensions of certain existing duty suspensions and reductions and other modifications.

Sec. 3002. Effective date.

**TITLE IV—CUSTOMS USER FEES; TIME
FOR PAYMENT OF CORPORATE ESTI-
MATED TAXES; PAYGO COMPLIANCE**

Sec. 4001. Customs user fees.

Sec. 4002. Time for payment of corporate estimated taxes.

Sec. 4003. PAYGO compliance.

SEC. 2. REFERENCE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

TITLE I—NEW DUTY SUSPENSIONS AND REDUCTIONS**SEC. 1004. CERTAIN REUSABLE GROCERY BAGS.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.01	Shopping bags with an outer surface of spun bonded polypropylene fabric or nonwoven polypropylene fabric (provided for in subheading 4202.92.30)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1009. EPILINK 701.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.02	Aqueous emulsion of a modified aliphatic amine mixture of: decanedioic acid, compounds with 1,3- benzenedimethanamine-bisphenol A-bisphenol A diglycidyl ether-diethylenetriamine glycidyl phenyl ether reaction product- epichlorohydrin- formaldehyde- propylene oxide-triethylenetetramine polymer (provided for in subheading 3911.90.45)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1011. CERTAIN SYNTHETIC STAPLE FIBERS THAT ARE NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.03	Modacrylic staple fibers containing 35 percent or more but not over 85 percent by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, not pigmented (ecru), crimped, with an average decitex of 2.2 (plus or minus 10 percent) and fiber length of 51 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1012. ACRYLIC OR MODACRYLIC SYNTHETIC STAPLE FIBERS, NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.04	Acrylic staple fibers (polyacrylonitrile staple) containing at least 85 percent by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, colored, crimped, with an average decitex of 3.0 (plus or minus 10 percent) and fiber length of 50 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1013. ACRYLIC OR MODACRYLIC SYNTHETIC STAPLE FIBERS, NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING, CONTAINING AT LEAST 85 PERCENT BY WEIGHT OF ACRYLONITRILE UNITS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.05	Modacrylic staple fibers containing 35 percent or more but not over 85 percent by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, not pigmented (ecru), crimped, with an average decitex of 1.9 (plus or minus 10 percent) and fiber length of 51 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1014. CERTAIN SYNTHETIC STAPLE FIBERS THAT ARE NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING, NOT DYED OR PIGMENTED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.06	Acrylic staple fibers containing at least 85 percent by weight of acrylonitrile units and 2 percent or more but not more than 3 percent of water, not dyed or pigmented (ecru), crimped, with an average decitex of 1.9 (plus or minus 10 percent) and fiber length of 51 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1015. CERTAIN SYNTHETIC STAPLE FIBERS THAT ARE NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING, RAW WHITE (UNDYED).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.07	Acrylic staple fibers containing at least 85 percent by weight of acrylonitrile units and 2 percent or more but not more than 3 percent of water, raw white (undyed), crimped, with an average decitex of 2.2 (plus or minus 10 percent) and fiber length of 38 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1016. CERTAIN SYNTHETIC STAPLE FIBERS THAT ARE NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING, CONTAINING AT LEAST 85 PERCENT BY WEIGHT OF ACRYLONITRILE UNITS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.08	Acrylic staple fibers containing at least 85 percent by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, raw white (undyed), crimped, with an average decitex of 1.3 (plus or minus 10 percent) and fiber length of 38 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1017. CERTAIN SYNTHETIC STAPLE FIBERS THAT ARE NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING, NOT PIGMENTED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.09	Modacrylic staple fibers containing 35 percent or more but not over 85 percent by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, not pigmented (ecru), crimped, with an average decitex of 2.2 (plus or minus 10 percent) and fiber length of 38 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1020. ACRYLIC OR MODACRYLIC SYNTHETIC STAPLE FIBERS, NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING, CONTAINING 2 PERCENT OR MORE BUT NOT OVER 3 PERCENT OF WATER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.10	Acrylic staple fibers (polyacrylonitrile staple) containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, colored, crimped, with an average decitex of 2.2 (plus or minus 10 percent) and fiber length of 45 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1021. ACRYLIC OR MODACRYLIC SYNTHETIC STAPLE FIBERS, NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING, NOT PIGMENTED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.11	Acrylic staple fibers (polyacrylonitrile staple) containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, not pigmented (ecru), crimped, with an average decitex of 1.3 (plus or minus 10 percent) and fiber length of 40 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1022. ACRYLIC OR MODACRYLIC SYNTHETIC FILAMENT TOW.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.12	Acrylic filament tow containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, raw white (undyed), crimped, with an average decitex of 4.1 (plus or minus 10 percent) and an aggregate filament measure in the tow bundle from 660,000 to 1,200,000 decitex, with a length greater than 2 meters (provided for in subheading 5501.30.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1023. ACRYLIC OR MODACRYLIC SYNTHETIC FILAMENT TOW, CONTAINING 2 PERCENT OR MORE BUT NOT OVER 3 PERCENT OF WATER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.13	Acrylic filament tow containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, raw white (undyed), crimped, with an average decitex of 2.2 (plus or minus 10 percent) and an aggregate filament measure in the tow bundle between 660,000 and 1,200,000 decitex, with a length greater than two meters (provided for in subheading 5501.30.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1024. ACRYLIC OR MODACRYLIC SYNTHETIC FILAMENT TOW CONTAINING 85 PERCENT OR MORE BY WEIGHT OF ACRYLONITRILE UNITS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.14	Acrylic fiber tow containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, raw white (undyed), crimped, with an average decitex of 3.3 (plus or minus 10 percent) and an aggregate filament measure in the tow bundle between 660,000 and 1,200,000 decitex, with a length greater than 2 meters (provided for in subheading 5501.30.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1025. ACRYLIC OR MODACRYLIC SYNTHETIC STAPLE FIBERS, NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING, RAW WHITE (UNDYED).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.15	Acrylic staple fibers containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, raw white (undyed), crimped, with an average decitex of 1.1 (plus or minus 10 percent) and fiber length of 38 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1026. CERTAIN SYNTHETIC STAPLE FIBERS THAT ARE NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING, CONTAINING 85 PERCENT OR MORE OF ACRYLONITRILE UNITS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.16	Acrylic staple fibers (polyacrylonitrile staple) containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, non-pigmented (ecru), crimped, with an average decitex of 2.2 (plus or minus 10 percent), and fiber length of 50 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1027. CERTAIN SYNTHETIC STAPLE FIBERS THAT ARE NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING CONTAINING 2 PERCENT OR MORE BUT NOT OVER 3 PERCENT OF WATER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.17	Acrylic staple fibers (polyacrylonitrile staple) containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, colored, crimped, with an average decitex of 2.2 (plus or minus 10 percent) and fiber length of 50 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1028. MDA50.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.18	Mixtures of formaldehyde polymers with aniline (CAS No. 25214-70-4) and with 4,4'-methylenedianiline (CAS No. 101-77-9) (provided for in subheading 3909.30.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1029. NOURYBOND 276 MODIFIER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.19	Mixtures of alkene polymers with maleic anhydride, 2-(1-piperazinyl) ethylimides, diisononyl phthalate (CAS No. 28553-12-0) and bis(1-methylethyl)-naphthalene (CAS No. 38640-62-9) (provided for in subheading 3908.90.70)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1030. POLYCAPROLACTONE DIOL #1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.20	Caprolactone- diethylene glycol copolymer (CAS No. 75035-33-5) (provided for in subheading 3907.99.01)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1032. CERTAIN ACRYLIC SYNTHETIC STAPLE FIBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.21	Acrylic filament tow (polyacrylonitrile tow) containing by weight 92 percent or more of polyacrylonitrile, not more than 0.01 percent of zinc and 2 percent or more but not over 8 percent of water, imported in the form of 8 sub-bundles crimped together, each containing 24,000 filaments (plus or minus 10 percent) with an average decitex of 4.0 to 5.6 (plus or minus 10 percent) and length greater than 2 meters (provided for in subheading 5501.30.00)	1.2%	No change	No change	On or before 12/31/2012	”.
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SEC. 1033. CERTAIN ACRYLIC SYNTHETIC STAPLE FIBER, CONTAINING BY WEIGHT 92 PERCENT OR MORE OF POLYACRYLONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.22	Acrylic filament tow (polyacrylonitrile tow) containing by weight 92 percent or more of polyacrylonitrile, not more than 0.01 percent of zinc and 2 percent or more but not over 8 percent of water, imported in the form of bundles of crimped product each containing 214,000 filaments (plus or minus 10 percent) with an average decitex of 4.0 to 5.6 decitex (plus or minus 10 percent) and length greater than 2 meters (provided for in subheading 5501.30.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1034. CERTAIN ACRYLIC SYNTHETIC STAPLE FIBER DYED BUT NOT CARDED, COMBED FOR SPINNING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.23	Acrylic staple fibers (polyacrylonitrile staple), dyed but not carded, combed or otherwise processed for spinning, containing by weight 92 percent or more of polyacrylonitrile, not more than 0.01 percent of zinc and 2 percent or more but not over 8 percent of water, the foregoing with a decitex of 4.0 to 6.7 (plus or minus 10 percent), with a fiber shrinkage of from 0 to 22 percent (plus or minus 10 percent), and with a cut fiber length of 100 mm to 135 mm and a target length of 120 mm (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1035. CERTAIN ACRYLIC STAPLE FIBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.24	Acrylic staple fibers (polyacrylonitrile staple), not dyed and not carded, combed or otherwise processed for spinning, containing by weight 92 percent or more of polyacrylonitrile, not more than 0.01 percent of zinc and 2 percent or more but not over 8 percent of water, the foregoing with a decitex of 4.0 to 6.7 (plus or minus 10 percent), with a fiber shrinkage of 0 to 22 percent (plus or minus 10 percent) and with a cut fiber length of 89 mm to 140 mm and a target length of 115 mm (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1037. ε-CAPROLACTONE-2-ETHYL-2-(HYDROXYMETHYL)-1,3-PROPANEDIOL POLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.25	ε-Caprolactone-2-ethyl-2-(hydroxymethyl)-1,3-propanediol polymer (CAS No. 37625-56-2) (provided for in subheading 3907.99.01)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1038. ε-CAPROLACTONE-NEOPENTYLGlyCOL COPOLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.26	ε-Caprolactone-neopentylglycol copolymer (CAS No. 69089-45-8) (provided for in subheading 3907.99.01)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1041. CETALOX.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.27	Dodecahydro-3a,6,6,9a-tetramethylnaphtho(2,1-b)furan (CAS No. 3738-00-9) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1049. PROPANOIC ACID, 3-HYDROXY-2-(HYDROXYMETHYL)-2-METHYL-, POLYMERS WITH 5-ISOCYANATO-1-(ISOCYANATOMETHYL)-1,3,3-TRIMETHYLCYCLOHEXANE AND REDUCED METHYL ESTERS OF REDUCED POLYMERIZED, OXIDIZED TETRAFLUOROETHYLENE, COMPOUNDS WITH TRIMETHYLAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.28	Propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-, methyl polymers with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane and reduced methyl esters of reduced polymerized, oxidized tetrafluoroethylene, compounds with trimethylamine (CAS No. 328389-91-9) (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1052. ORTHO-NITRO-PHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.29	2-Nitrophenol (o-nitrophenol) (CAS No. 88-75-5) (provided for in subheading 2908.99.25)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1053. CERTAIN ACRYLIC SYNTHETIC STAPLE FIBER, CONTAINING 2 PERCENT OR MORE BUT NOT OVER 8 PERCENT OF WATER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.30	Acrylic staple fiber (polyacrylonitrile staple), dyed, not carded, combed or otherwise processed for spinning, the foregoing containing by weight 92 percent or more of polyacrylonitrile, not more than 0.01 percent of zinc and 2 percent or more but not over 8 percent of water, with a decitex of 4.0 to 6.7 (plus or minus 10 percent), a fiber shrinkage of from 0 to 22 percent (plus or minus 10 percent) and a cut fiber length of 89 to 140 mm, with a target length of 115 mm (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1054. CERTAIN ACRYLIC SYNTHETIC STAPLE FIBER, CONTAINING NOT MORE THAN 0.01 PERCENT OF ZINC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.31	Acrylic staple fiber (polyacrylonitrile staple), not dyed, not carded, combed or otherwise processed for spinning, the foregoing containing by weight 92 percent or more of polyacrylonitrile, not more than 0.01 percent of zinc and 2 percent or more but not over 8 percent of water, with a decitex of 4.0 to 6.7 (plus or minus 10 percent), with a fiber shrinkage of from 0 to 22 percent (plus or minus 10 percent) and a cut fiber length of 100 mm to 135 mm, with a target length of 120 mm (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1062. 3-CHLORO-2-METHYLPHENYL METHYL SULFIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.32	3-Chloro-2-methylphenyl methyl sulfide (CAS No. 82961-52-2) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1065. 1,3-DIMETHYL-1H-PYRAZOL-5-OL AND 1,3-DIMETHYL-5-PYRAZOLONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.33	1,3-Dimethyl-1H-pyrazol-5-ol (CAS No. 5203-77-0) and 1,3-dimethyl-5-pyrazolone (CAS No. 2749-59-9) (provided for in subheading 2933.19.90)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1067. NEODYMIUM OXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.34	Neodymium oxide (CAS No. 1313-97-9) (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1068. DMDPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.35	4'-Methoxy-2,2',4-trimethyl diphenylamine (CAS No. 41374-20-3) (provided for in subheading 2922.29.61)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1070. CERTAIN AIR PRESSURE DISTILLATION COLUMNS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.36	Pressure distillation columns, designed to liquefy air and its component gases, the foregoing containing brazed aluminum plate-fin heat exchangers (provided for in subheading 8419.60.10)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1071. nPBAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.37	4-Propylbenzaldehyde (CAS No. 28785-06-0) (provided for in subheading 2912.29.60)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1072. PRIMID XL-552.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.38	N,N,N',N'-Tetrakis(2-hydroxyethyl)-hexanediamide (CAS No. 6334-25-4) (provided for in subheading 2924.19.80)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1074. CERTAIN IMAGING COLORANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.40.39	Black 661 inkjet printing ink: Aryl substituted pyrazonyl [[[substituted phenyl azo]substituted naphthenyl] Azo phenyl]azo, sodium salt (PMN No. P99-105) (provided for in subheading 3215.11.00)	0.3%	No change	No change	On or before 12/31/2012	
	9902.40.40	Black 820 inkjet printing ink: Substituted naphthalene [[substituted pyridinyl azo] alkoxyphenyl azo]azo, potassium / sodium salt (PMN No. P04-390) (provided for in subheading 3215.11.00)	0.3%	No change	No change	On or before 12/31/2012	
	9902.40.41	Cyan 854 inkjet printing ink: Copper phthalocyanine substituted with sulphonic acids and alkyl Sulphonoamides, sodium/ammonium salts (PMN No. P02-893) (provided for in subheading 3215.19.00)	0.3%	No change	No change	On or before 12/31/2012	
	9902.40.42	Cyan 1 RO inkjet printing ink: Copper phthalocyanine substituted with sulphonic acids and sulphonoamides, sodium salts (CAS No. 90295-11-7) (provided for in subheading 3215.19.00)	0.3%	No change	No change	On or before 12/31/2012	
	9902.40.43	Cyan 226 inkjet printing ink: Copper phthalocyanine substituted with sulphonic acids and alkyl sulphonoamides, sodium salt (PMN No. P99-105) (provided for in subheading 3215.19.00)	0.3%	No change	No change	On or before 12/31/2012	
	9902.40.44	Black 263 inkjet printing ink: [[Substituted naphthalenylazo] alkoxyphenyl azo] carboxyphenylene, lithium salt (PMN No. P-00-351) (provided for in subheading 3215.11.00)	0.3%	No change	No change	On or before 12/31/2012	
	9902.40.45	Cyan 9075 inkjet printing ink: Copper phthalocyanine substituted with sulphonic acids and sulphonoamides, sodium salts (CAS No. 90295-11-7) (provided for in subheading 3215.19.00)	0.3%	No change	No change	On or before 12/31/2012	
	9902.40.46	Yellow 1 Stage inkjet printing ink: Substituted naphthylene [[aminoalkyl triazinediyl]bis substituted phenylene azo]bis, sodium salt (CAS No. 50925-42-3) (provided for in subheading 3215.19.00)	0.3%	No change	No change	On or before 12/31/2012	
	9902.40.47	Fast Black 286 inkjet printing ink: [(substituted naphthalenylazo) substituted naphthalenyl azo] carboxyphenylene, sodium salt (PMN No. P-90-394) (provided for in subheading 3215.11.00)	0.3%	No change	No change	On or before 12/31/2012	
	9902.40.48	Magenta 3BOA inkjet printing ink: [[Chloro[[[substituted naphthylzao]substituted naphthalene] Amino] triazinyl] amino] benzoic acid, sodium/lithium salts (PMN No. P-83-386) (provided for in subheading 3215.19.00)	0.3%	No change	No change	On or before 12/31/2012	

9902.40.49	Yellow 746 inkjet printing ink: Aryl [Substituted phenylazo] pyridine, sodium/lithium salt (PMN No. P-02-234) (provided for in subheading 3215.19.0060)	0.3%	No change	No change	On or before 12/31/2012	”.
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SEC. 1075. CERTAIN IMAGING COLORANTS OF FAST YELLOW, CYAN, FAST BLACK, AND MAGENTA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

9902.40.50	Fast Yellow 2 inkjet printing ink: Substituted phenylene [[morpholinyl triazinediyl]bis phenylene azo]bis, ammonium/sodium/hydrogen salt (PMN No. P-94-36) (provided for in subheading 3215.19.00)	Free	No change	No change	On or before 12/31/2012	”.
9902.40.51	Cyan 1 inkjet printing ink: Copper phthalocyanine substituted with sulphonic acids and sulphonamides (PMN No. P94-580) (provided for in subheading 3215.19.00)	Free	No change	No change	On or before 12/31/2012	”.
9902.40.52	Cyan 485 inkjet printing ink: Copper phthalocyanine substituted with sulphonic acids and alkyl sulphonamides, sodium salt (PMN No. P-99-105) (provided for in subheading 3215.19.00)	Free	No change	No change	On or before 12/31/2012	”.
9902.40.53	Fast Black 287NA: [(substituted naphthalenylazo) substituted naphthalenyl azo] carboxyphenylene, sodium salt (PMN No. P-90-391) (provided for in subheading 3215.11.00)	Free	No change	No change	On or before 12/31/2012	”.
9902.40.54	Magenta M700: Nickel [substituted naphthenyl azo] substituted triazole, sodium salt (PMN No. P-03-307) (provided for in subheading 3215.19.00)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1076. COPPER OXYCHLORIDE AND COPPER HYDROXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.40.55	Copper oxychloride (CAS No. 1332-40-7) and copper hydroxide (CAS No. 20427-59-2) (provided for in subheading 3808.92.30)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1079. DCDNBTF BENZENE, 2,4-DICHLORO-1,3-DINITRO-5-(TRIFLUOROMETHYL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.40.56	Benzene, 2,4-dichloro-1,3-dinitro-5-(trifluoromethyl) (CAS No. 29091-09-6) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1080. MIXTURES CONTAINING N-BUTYL-1,2-BENZISOTHIAZOLIN-3-ONE (BUTYL BENZISOTHIAZLINE) AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.40.57	Mixtures containing n-butyl-1,2-benzisothiazolin-3-one (Butyl benzisothiazoline) (CAS No. 4299-07-4) and application adjuvants (provided for in subheading 3808.92.15 or 3808.99.08)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1081. MIXTURES CONTAINING N-BUTYL-1,2-BENZISOTHIAZOLIN-3-ONE, 1-HYDROXYPYRIDINE-2-THIONE, ZINC SALT (ZINC PYRITHIONE) AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.40.58	Mixtures containing n-butyl-1,2-benzisothiazolin-3-one (CAS No. 4299-07-4), 1-hydroxypyridine-2-thione, zinc salt (Zinc pyrithione) (CAS No. 13463-41-7) and application adjuvants (provided for in subheading 3808.99.08)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1089. BIS(4-T-BUTYLCYCLOHEXYL) PEROXYDICARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.40.59	Bis(4-t-butylcyclohexyl) peroxydicarbonate (CAS No. 15520-11-3) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1091. DIDECANOYL PEROXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.60	Didecanoyl peroxide (CAS No. 762-12-9) (provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1093. GLYCEROL ESTER OF DIMERIZED GUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.61	Glycerol ester of dimerized gum (100 percent) rosin, catalyzed with sulfuric acid, softening point not less than 104 °C, acid number 3 to 8, (CAS No. 68475-37-6) (provided for in subheading 3806.30.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1097. MIXTURES CONTAINING FENOXAPROP-P-ETHYL, PYRASULFOTOLE, BROMOXYNIL OCTANOATE, AND BROMOXYNIL HEPTANOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.62	Mixtures containing ethyl (R)-2-[4-(6-chloro-1,3-benzoxazol-2-yloxy)phenoxy]propionate (Fenoxaprop-p-ethyl) (CAS No. 71283-80-2), 5-hydroxy-1,3-dimethylpyrazol-4-yl 2-mesyl-4-(trifluoromethyl)phenyl ketone (Pyrasulfotole) (CAS No. 365400-11-9), 2,6-dibromo-4-cyanophenyl octanoate (Bromoxynil octanoate) (CAS No. 1689-99-2), and 2,6-dibromo-4-cyanophenyl heptanoate (Bromoxynil heptanoate) (CAS No. 56634-95-8) (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1110. DRY ADHESIVE COPOLYAMIDE PELLETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.63	Piperazine co-polymerized copolyamide resin high-temperature melt adhesive pellets (CAS No. 118106-10-8, 1000189-84-3, or 1000189-29-6) (provided for in subheading 3908.10.00 or 3908.90.70)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1113. CORVUS HERBICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.64	Mixtures containing thiencarbazone-methyl (methyl 4-[(4,5-dihydro-3-methoxy-4-methyl-5-oxo-1H-1,2,4-triazol-1-yl)carbonylsulfamoyl]-5-methylthiophene-3-carboxylate), isoxaflutole (5-cyclopropyl-1,2-oxazol-4-yl)(α,α,α -trifluoro-2-mesyl-p-tolyl)methanone and cyprosulfamide (N-(4-[(cyclopropylamino)carbonyl]phenyl)sulfonyl)-2-methoxybenzamide) (CAS Nos. 317815-83-1, 141112-29-0, and 221667-31-8) (provided for in subheading 3808.93.15)	1.9%	No change	No change	On or before 12/31/2012	”.
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SEC. 1114. EVERGOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.65	Mixtures containing 5-cyclopropyl-4-(2-methylsulfonyl-4-trifluoromethylbenzoyl)isoxazole (Isoxaflutole) (CAS No. 141112-29-0) and N-(4-[(cyclopropylamino)carbonyl]phenyl)sulfonyl)-2-methoxybenzamide (Cyprosulfamide) (CAS No. 221667-31-8) (provided for in subheading 3808.93.15)	3.5%	No change	No change	On or before 12/31/2012	”.
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SEC. 1115. LIBERTY, RELY, AND IGNITE HERBICIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.66	Mixtures of ammonium (2RS)-2-amino-4-(methylphosphinato)butyric acid (Glufosinate-ammonium) (CAS No. 77182-82-2) with application adjuvants (provided for in subheading 3808.93.50)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1126. CYCLOPROPYLAMINONICOTINIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.67	2-Cyclopropylaminonicotinic acid (CAS No. 639807-18-4) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1127. GRILBOND IL 6-50°F.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.68	N,N'-(Methylenedi-p-phenylene)bis[hexahydro-2-oxo-1H-azepine-1-carboxamide (CAS No. 54112-23-1) (provided for in subheading 2924.19.80) ..	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1128. PRIMID QM-1260.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.69	N,N,N',N'-Tetrakis(2-hydroxypropyl)- hexanediamide (CAS No. 57843-53-5) (provided for in subheading 2924.19.80)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1136. 1-CHLORO-2-CHLOROMETHYL-3-FLUOROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.70	1-Chloro-2-chloromethyl-3-fluorobenzene (CAS No. 55117-15-2) (provided for in subheading 2903.69.80)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1142. DIMERIZED GUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.71	Partially polymerized (dimerized) rosin, catalyzed with sulfuric acid, softening point not less than 92°C, acid number not less than 140 (CAS No. 65997-05-9) (provided for in subheading 3806.90.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1149. PYRASULFOTOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.72	(5-Hydroxy-1,3-dimethylpyrazol-4-yl)(α,α,α -trifluoro-2-mesyl-p-tolyl)methanone (Pyrasulfotole) (CAS No. 365400-11-9) (provided for in subheading 2933.19.23)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1151. HELIONAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.73	3-(1,3-Benzodioxol-5-yl)-2-methylpropanal (Helional) (CAS No. 1205-17-0) (provided for in subheading 2932.99.70)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1160. OVER-THE-RANGE MICROWAVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.74	Microwave oven and range hood combinations with oven capacity exceeding 45.0 liters (provided for in subheading 8516.50.00)	1.8%	No change	No change	On or before 12/31/2012	”.
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SEC. 1162. POROUS HOLLOW FIBERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.75	Porous hollow filaments of perfluoroalkoxy (PFA) copolymer resin, the foregoing certified by the importer as having pore sizes of less than 0.05 microns and with a maximum fiber diameter of 1 mm (provided for in subheading 5404.19.80)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1163. CELLULAR PLASTIC SHEETS FOR FILTERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.76	Cellular plastic membrane sheets of polytetrafluoroethylene resin measuring 10 microns to 140 microns thick that, when tested, retain polystyrene latex beads of 0.15 microns diameter; and cellular plastic membrane sheets of polysulfone resin of various thicknesses and porosity, each certified by the importer for use in manufacturing filters of heading 8421 (provided for in subheading 3921.19.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1164. CERTAIN WOVEN MESH FOR USE IN FILTERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.77	Woven mesh of perfluoroalkoxy copolymer resin with fibers measuring 100 to 120 microns in diameter, which is used as a textile support medium in filters of heading 8421 or 5911 (provided for in subheading 5407.71.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1165. PLASTIC FITTINGS OF PERFLUOROALKOXY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.78	Plastic fittings composed of perfluoroalkoxy (PFA) resin with internal diameters ranging from 1.59 mm to 35.1 mm (provided for in subheading 3917.40.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1167. 2-HYDROXYPROPYLMETHYL CELLULOSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.79	2-Hydroxypropylmethyl cellulose containing a hydroxypropyl content of 7–17 percent by weight and a methoxyl content of 28–30 percent by weight per ASTM D–2363 (CAS No. 9004–65–3) (provided for in subheading 3912.39.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1170. MIXTURES CONTAINING 2,4,6-TRIPROPYL-1,3,5,2,4,6-TRIOXATRIPHOSPHINANE 2,4,6-TRIOXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.80	Mixtures containing 2,4,6-Tripropyl-1,3,5,2,4,6-trioxatriphosphinane 2,4,6-trioxide (CAS No. 68957–94–8) and organic solvents (provided for in subheading 3824.90.92)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1174. N-PHENYL-P-PHENYLENEDIAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.81	N-phenyl-p-phenylenediamine (CAS No. 101–54–2) (provided for in subheading 2921.51.50)	5.4%	No change	No change	On or before 12/31/2012	”.
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SEC. 1176. DILAULOYL PEROXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.82	Dilauroyl peroxide (CAS No. 105–74–8) (provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1181. 4-CHLORO-3,5-DINITRO- α,α,α -TRIFLUOROTOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.83	4-Chloro-3,5-dinitro- α,α,α -trifluorotoluene (CAS No. 393–75–9) (provided for in subheading 2904.90.15)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1187. AE 0172747 ETHER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.84	Benzoic acid, 2-chloro-4-(methylsulfonyl)-3-[(2,2,2-trifluoroethoxy)methyl]- (CAS No. 120100–77–8) (provided for in subheading 2930.90.29)	3.3%	No change	No change	On or before 12/31/2012	”.
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SEC. 1191. YARN OF CARDED HAIR OF KASHMIR (CASHMERE) GOATS, OF YARN COUNT LESS THAN 19.35 METRIC, NOT PUT UP FOR RETAIL SALE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.85	Yarn of carded hair of Kashmir (cashmere) goats, of yarn count less than 19.35 metric, not put up for retail sale (provided for in subheading 5108.10.80)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1192. YARN OF CARDED CAMEL HAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.86	Yarn of carded camel hair (provided for in subheading 5108.10.80)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1200. CERTAIN LAUNDRY WORK SURFACES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.87	Laundry work surfaces, each comprising a molded polyvinyl chloride plastic base with backguard supply tray and having a chemical and scratch-resistant synthetic rubber work mat insert on the top surface, the foregoing designed for placement across the tops of household front-loading clothes washer and dryer pairs to make a single work surface (provided for in subheading 4016.99.05)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1203. CERTAIN MIXTURES OF PERFLUOROCARBONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.88	Mixtures of C5–C18 perfluorocarbon alkanes, perfluorocarbon amines, and/or perfluorocarbon ethers (CAS No. 86508–42–1) (provided for in subheading 3824.90.92)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1204. CERTAIN PERFLUOROCARBON MORPHOLINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.89	C1–C3 Perfluoroalkyl perfluoromorpholine (CAS No. 86508–42–1) (provided for in subheading 2934.99.90)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1205. CERTAIN PERFLUOROAMINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.90	C9–C15 Perfluorocarbon amines (CAS No. 86508–42–1) (provided for in subheading 2921.19.60)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1206. CERTAIN PERFLUOROALKANES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.91	C5–C8 Perfluorocarbonalkanes (CAS No. 86508–42–1) (provided for in subheading 2903.39.20)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1207. PERFLUOROBUTANESULFONYL FLUORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.92	Perfluorobutanesulfonyl fluoride (CAS No. 375–72–4) (provided for in subheading 2904.10.50 or 2904.90.50)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1209. GRILAMID TR 90.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.93	Dodecanedioic acid, polymer with 4,4'-methylenebis(2-methylcyclohexanamine) (CAS No. 163800–66–6) (provided for in subheading 3908.10.00)	Free	No change	No change	On or before 12/31/2012	”.
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SEC. 1210. STAINLESS STEEL SINGLE-PIECE EXHAUST GAS MANIFOLDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.40.94	Cast stainless steel single-piece exhaust gas manifolds, suitable for use solely or principally with spark-ignition internal combustion engines and certified by the importer as capable of withstanding exhaust gas temperatures of 900° C or higher (provided for in subheading 9902.01.50)	0.6%	No change	No change	On or before 12/31/2012	”.
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SEC. 1211. EFFECTIVE DATE.

The amendments made by this title apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

TITLE II—EXISTING DUTY SUSPENSIONS AND REDUCTIONS**SEC. 2001. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSIONS AND REDUCTIONS AND OTHER MODIFICATIONS.**

(a) EXTENSIONS.—Each of the following headings is amended by striking the date in the effective period column and inserting “12/31/2012”:

(1) Heading 9902.10.48 (relating to a mixture of 1,3,5-Triazine-2,4,6-triamine,N,N''-[1,2-ethane-diyl-bis [[4,6-bis-[butyl (1,2,2,6,6-pentamethyl-4-piperidinyl)amino]-1,3,5-triazine-2-yl] imino]-3,1-propanediyl] bis[N',N''-dibutyl-N',N''-bis(1,2,2,6,6-pentamethyl-4-piperidinyl)- and Butanedioic acid, dimethylester polymer with 4-hydroxy-2,2,6,6-tetramethyl-1-piperidine ethanol).

- (2) Heading 9902.24.76 (relating to 2-Nitro-aniline).
- (3) Heading 9902.10.78 (relating to lutetium oxide).
- (4) Heading 9902.10.77 (relating to phosphoric acid, lanthanum salt, and cerium terbium-doped).
- (6) Heading 9902.02.21 (relating to yttrium oxides having a purity of at least 99.9 percent).
- (9) Heading 9902.23.28 (relating to parts for use in the manufacture of certain high-performance loudspeakers).
- (10) Heading 9902.24.08 (relating to the mixture of 5,5-Bis[(g,v-perfluoro-(C4-20)alkylthio)methyl]-2-hydroxy-2-oxo-1,3,2-dioxaphosphorinane, ammonium salt and 2,2-bis[(g,v-perfluoro-(C4-20)-alkylthio)methyl]-3-hydroxypropyl phosphate, diammonium salt and di-[2,2-bis[(g,v-perfluoro-(C4-20)alkylthio)methyl]-3-hydroxypropyl phosphate, ammonium salt and 2,2-bis[(g,v-perfluoro-(C4-20)alkylthio)methyl]-1,3-di-(dihydrogenphosphate)propane, tetraammonium salt).
- (11) Heading 9902.25.66 (relating to Glycine, N,N-Bis[2-hydroxy-3-(2-propenyloxy)propyl]-, monosodium salt, reaction products with ammonium hydroxide and pentafluoroiodoethane-tetrafluoroethylene telomer).
- (12) Heading 9902.24.07 (relating to 3-Cyclohexene-1-carboxylic acid, 6-[(di-2-propenylamino)carbonyl]-, rel-(1R,6R)-, reaction products with pentafluoroiodoethane-tetrafluoroethylene telomer, ammonium salt).
- (13) Heading 9902.12.47 (relating to Bis(2,2,6,6-tetramethyl-4-piperidyl) sebacate).
- (14) Heading 9902.02.15 (relating to Tetraethylammonium perfluorooctanesulfonate).
- (15) Heading 9902.28.01 (relating to Thionyl chloride).
- (16) Heading 9902.24.64 (relating to 1,1,2,2,3,3,4,4,4-Nonafluorobutanesulfonic acid, potassium salt).
- (17) Heading 9902.24.62 (relating to Phosphoric acid, tris (2-ethylhexyl)ester).
- (18) Heading 9902.24.61 (relating to certain plasticizers).
- (19) Heading 9902.11.93 (relating to 1,4-benzenedicarboxylic acid, polymer with n,n'-bis(2-aminoethyl)-1,2-ethanediamine, cyclized, methosulfate).
- (21) Heading 9902.03.03 (relating to sulfur black 1).
- (22) Heading 9902.22.45 (relating to cyanuric chloride).
- (23) Heading 9902.22.87 (relating to magnesium peroxide, minimum 25 percent purity).
- (24) Heading 9902.11.06 (relating to DEMBB).
- (25) Heading 9902.29.06 (relating to diphenyl sulfide).
- (26) Heading 9902.29.16 (relating to 4,4-Dimethoxy-2-butanone).
- (27) Heading 9902.29.08 (relating to 3-Amino-5-mercapto-1,2,4-triazole).
- (28) Heading 9902.22.10 (relating to 2-Phenylphenol sodium salt).
- (29) Heading 9902.25.40 (relating to Styrene, ar-ethyl-, polymer with divinylbenzene and styrene beads with low ash).
- (30) Heading 9902.29.26 (relating to 1,3-Dimethyl-2-imidazolidinone).
- (31) Heading 9902.25.34 (relating to 3,4-Dichlorobenzotrifluoride).
- (32) Heading 9902.25.41 (relating to mixtures of fungicide).
- (33) Heading 9902.02.90 (relating to halofenozide).
- (34) Heading 9902.02.96 (relating to isoxaben).
- (35) Heading 9902.32.87 (relating to fenbuconazole).
- (36) Heading 9902.30.49 (relating to ethalfluralin).
- (37) Heading 9902.05.17 (relating to tebufenozide).
- (38) Heading 9902.25.38 (relating to quintec).
- (39) Heading 9902.29.61 (relating to quino-line).
- (40) Heading 9902.02.93 (relating to mixed isomers of 1,3-dichloropropene).
- (41) Heading 9902.25.39 (relating to 1,2-Benzisothiazol-3(2H)-one (9CI)).
- (42) Heading 9902.32.92 (relating to β -Bromo- β -nitrostyrene).
- (43) Heading 9902.25.37 (relating to mixtures of insecticide).
- (44) Heading 9902.32.90 (relating to diiodomethyl-p-tolylsulfone).
- (45) Heading 9902.11.86 (relating to methyl hydroxyethyl cellulose).
- (46) Heading 9902.11.84 (relating to methyl hydroxyethyl cellulose products).
- (47) Heading 9902.02.92 (relating to 1,2-Benzenedicarboxaldehyde).
- (48) Heading 9902.29.25 (relating to 2-Phenylphenol).
- (49) Heading 9902.02.85 (relating to 3,4-Dichlorobenzonitrile).
- (50) Heading 9902.29.17 (relating to 2,6-Dichloroaniline).
- (51) Heading 9902.10.62 (relating to certain hydraulic control units).
- (52) Heading 9902.24.09 (relating to 1-(3H)-Isobenzofuranone, 3,3-bis(2-methyl-1-octyl-1H-indol-3-yl)-).
- (53) Heading 9902.32.14 (relating to 2-methyl-4,6-bis[(octylthio)methyl]phenol).
- (54) Heading 9902.24.43 (relating to 2-Methyl-1-[4-(methylthio)phenyl]-2-(4-morpholinyl)-1-propanone).
- (55) Heading 9902.24.77 (relating to 2,2-(2,5-Thiophenediyl)bis(5-(1,1-dimethylethyl)benzoxazole)).
- (56) Heading 9902.24.91 (relating to reactive black 5).
- (57) Heading 9902.02.44 (relating to Reactive red 266 (2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[[2-[[4-fluoro-6-[[5-hydroxy-6-[[4-methoxy-2-sulphophenyl]azo]-7-sulfonaphthalenyl]amino]-1,3,5-triazin-2-yl]amino]-1-methylethyl]amino]-1,3,5-triazin-2-yl]amino]-3-[[4-(ethenylsulfonyl)phenyl]azo]-4-hydroxy, sodium salt)).
- (58) Heading 9902.13.26 (relating to diuron).
- (60) Heading 9902.13.24 (relating to linuron).
- (61) Heading 9902.23.49 (relating to Dimethyl malonate).
- (64) Heading 9902.23.56 (relating to certain 6V lead-acid storage batteries).
- (66) Heading 9902.12.43 (relating to dimethyl carbonate).
- (67) Heading 9902.01.48 (relating to ethyl pyruvate).
- (68) Heading 9902.01.44 (relating to benzyl carbazate).
- (69) Heading 9902.12.45 (relating to famoxadone, Cymoxanil, and application adjuvants).
- (70) Heading 9902.12.42 (relating to DPX-KN128).
- (71) Heading 9902.29.91 (relating to Methyl-4-trifluoromethoxyphenyl-N-(chlorocarbonyl) carbamate).
- (72) Heading 9902.23.64 (relating to acetoacetyl-2,5-dimethoxy-4-chloroanilide).
- (73) Heading 9902.23.63 (relating to 3-amino-4-methylbenzamide).
- (74) Heading 9902.23.61 (relating to basic blue 7).
- (75) Heading 9902.23.60 (relating to basic violet 1).
- (76) Heading 9902.23.59 (relating to 5-chloro-3-hydroxy-2-methyl-2-naphthanilide).
- (77) Heading 9902.23.58 (relating to 5-chloro-3-hydroxy-2-methoxy-2-naphthanilide).
- (78) Headings 9902.22.17 and 9902.22.18 (relating to O-Chlorotoluene).
- (79) Heading 9902.22.19 (relating to bayderm bottom dlv-n).
- (80) Heading 9902.24.55 (relating to certain ethylene-vinyl acetate copolymers).
- (81) Heading 9902.04.09 (relating to 3,6,9-trioxaundecanedioic acid).
- (82) Heading 9902.22.98 (relating to 3-(trifluoromethyl) benzoate).
- (83) Heading 9902.01.14 (relating to 5-MPDC).
- (84) Heading 9902.23.01 (relating to 4-methylbenzonitrile).
- (85) Heading 9902.22.99 (relating to 4-(trifluoromethoxy) phenyl isocyanate).
- (86) Heading 9902.10.31 (relating to trichloroacetaldehyde).
- (87) Heading 9902.10.72 (relating to 4-chlorobenzaldehyde).
- (88) Heading 9902.10.65 (relating to 2-acetylbutyrolactone).
- (89) Heading 9902.01.83 (relating to ethoprop).
- (90) Heading 9902.11.49 (relating to product mixtures containing foramsulfuron and iodosulfuronmethyl-sodium).
- (91) Heading 9902.01.36 (relating to Methanol, sodium salt).
- (92) Heading 9902.24.60 (relating to 2-ethylhexyl 4-methoxycinnamate).
- (93) Heading 9902.11.78 (relating to ion-exchange resin powder, dried to less than 5 percent moisture).
- (94) Heading 9902.02.29 (relating to 10,10'-oxybisphenoxarsine).
- (95) Heading 9902.02.33 (relating to a certain ion exchange resin).
- (96) Heading 9902.11.79 (relating to a ion-exchange resin powder, dried to less than 10 percent moisture).
- (97) Heading 9902.02.32 (relating to a certain ion exchange resin).
- (98) Heading 9902.22.33 (relating to trichlorobenzene).
- (99) Heading 9902.12.06 (relating to (IPN) isophthalonitrile).
- (100) Heading 9902.12.05 (relating to 1-chloro-2-propanone).
- (101) Heading 9902.13.29 (relating to brodifacoum).
- (102) Heading 9902.23.04 (relating to mixtures or coprecipitates of yttrium oxide and europium oxide).
- (103) Heading 9902.23.06 (relating to mixtures or coprecipitates of yttrium phosphate and cerium phosphate).
- (104) Heading 9902.11.35 (relating to DPA).
- (105) Heading 9902.12.50 (relating to Pigment Brown 25).
- (110) Heading 9902.10.80 (relating to Permethrin).
- (111) Heading 9902.11.74 (relating to Cypermethrin).
- (112) Heading 9902.13.27 (relating to Bromacil and Diuron).
- (113) Heading 9902.13.45 (relating to Pyriithiobac-sodium).
- (114) Heading 9902.05.01 (relating to mixtures of methyl 2-[[[[[4-(dimethylamino)-6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-yl]-amino]carbonyl]amino]sulfonyl]-3-methylbenzoate and application adjuvants).
- (115) Heading 9902.13.32 (relating to trifloxysulfuron-sodium technical).
- (116) Heading 9902.04.11 (relating to 1,3-Benzenedicarboxamide, N, N'-bis-(2,2,6,6-tetramethyl-4-piperidyl)-).
- (117) Heading 9902.04.07 (relating to reaction products of phosphorous trichloride with 1,1'-biphenyl and 2,4-bis(1,1-dimethylethyl)phenol).

- (118) Heading 9902.04.05 (relating to preparations based on ethanediamide, N-(2-ethoxyphenyl)-N'-(4-isodecylphenyl)-).
- (119) Heading 9902.04.12 (relating to 3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolidinedione).
- (120) Heading 9902.04.06 (relating to 1-Acetyl-4-(3-dodecyl-2, 5-dioxo-1-pyrrolidinyl)-2,2,6,6-tetramethylpiperidine).
- (121) Heading 9902.84.91 (relating to certain manufacturing equipment).
- (122) Heading 9902.23.47 (relating to self contained, carafe-less automatic drip coffeemaker with electronic clock).
- (123) Heading 9902.23.48 (relating to under the counter mounting electric can openers).
- (124) Heading 9902.23.46 (relating to self contained, carafe-less automatic drip coffeemaker).
- (125) Heading 9902.23.45 (relating to open top, electric indoor grills).
- (126) Heading 9902.23.44 (relating to electric juice extractors).
- (127) Heading 9902.23.43 (relating to electric juice extractors).
- (128) Heading 9902.23.42 (relating to sandwich toaster grills).
- (129) Heading 9902.23.41 (relating to ice shavers).
- (130) Heading 9902.23.40 (relating to combination single slot toaster and toaster ovens).
- (131) Heading 9902.23.39 (relating to electric knives).
- (132) Heading 9902.23.38 (relating to handheld electric can openers).
- (136) Heading 9902.02.08 (relating to cyprodinil).
- (137) Heading 9902.02.12 (relating to difenoconazole).
- (138) Heading 9902.12.53 (relating to mixtures of difenoconazole and mefenoxam).
- (139) Heading 9902.13.31 (relating to formulations of Thiamethoxam, Difenoconazole, Fludioxonil, and Mefenoxam).
- (140) Heading 9902.02.09 (relating to mixtures of cyhalothrin and application adjuvants).
- (141) Heading 9902.02.05 (relating to mucochloric acid).
- (142) Heading 9902.02.04 (relating to mixtures of mefenoxam, fludioxonil, and cymoxanil with application adjuvants).
- (143) Heading 9902.01.16 (relating to epdc).
- (144) Heading 9902.24.18 (relating to mixtures of 2-amino-2,3-dimethylbutanenitrile and toluene).
- (145) Heading 9902.24.19 (relating to 2,3-quinoline dicarboxylic acid).
- (147) Heading 9902.24.20 (relating to 3,5-Difluoroaniline).
- (148) Heading 9902.24.17 (relating to quinolinic acid).
- (150) Heading 9902.13.44 (relating to 2-methyl-4-methoxy-6-methylamino-1,3,5-triazine).
- (151) Heading 9902.13.42 (relating to 2-amino-4-methoxy-6-methyl-1,3,5-triazine).
- (152) Heading 9902.33.63 (relating to 3-(ethylsulfonyl)-2-pyridinesulfonamide).
- (153) Heading 9902.33.61 (relating to carbamic acid).
- (154) Heading 9902.25.05 (relating to Direct Yellow 119).
- (155) Heading 9902.02.37 (relating to 2-amino-6-nitrophenol-4-sulfonic acid).
- (156) Heading 9902.02.38 (relating to 2-amino-5-sulfobenzoic acid).
- (157) Heading 9902.01.66 (relating to 2,4-disulfobenzaldehyde).
- (158) Heading 9902.01.65 (relating to p-cresidinesulfonic acid (4-amino-5-methoxy-2-methylbenzenesulfonic acid)).
- (159) Heading 9902.23.66 (relating to synthetic indigo powder, (3h-indol-3-one, 2-(1,3-dihydro-3-oxo-2h-indol-2-ylidene)-1,2-&fnl;dihydro-)).
- (160) Heading 9902.02.39 (relating to 2,5-bis(1,3-dioxobutyl)amino]benzenesulfonic acid).
- (161) Heading 9902.25.04 (relating to Basic Yellow 40 chloride based).
- (162) Heading 9902.23.37 (relating to metal halide lamps designed for use in video projectors).
- (163) Heading 9902.05.11 (relating to 3,3',4,4'-biphenyltetracarboxylic dianhydride).
- (164) Heading 9902.05.14 (relating to pyromellitic dianhydride).
- (165) Heading 9902.11.71 (relating to lewatit).
- (166) Heading 9902.32.82 (relating to 2,6-Dichlorotoluene).
- (167) Heading 9902.04.10 (relating to Crotonic acid).
- (168) Heading 9902.03.05 (relating to Fluorobenzene).
- (169) Heading 9902.24.67 (relating to unicycles).
- (170) Heading 9902.24.69 (relating to bicycle wheel rims).
- (171) Heading 9902.10.41 (relating to o-Anisidine).
- (172) Heading 9902.23.65 (relating to Phenyl salicylate (benzoic acid, 2-hydroxy-, phenyl ester)).
- (173) Heading 9902.22.80 (relating to Titanium mononitride).
- (174) Heading 9902.11.37 (relating to 1-Fluoro-2-nitrobenzene).
- (175) Heading 9902.10.43 (relating to 2,4-Xylidine).
- (176) Heading 9902.24.45 (relating to Vat Black 25).
- (177) Heading 9902.12.34 (relating to Chloroacetic acid, sodium salt).
- (178) Heading 9902.02.75 (relating to esters and sodium esters of parahydroxybenzoic acid).
- (179) Heading 9902.11.01 (relating to Glyoxylic acid).
- (180) Heading 9902.22.41 (relating to Isobutyl 4-hydroxybenzoate and its sodium salt).
- (181) Heading 9902.34.01 (relating to sodium petroleum sulfonic acids, sodium salts).
- (182) Heading 9902.29.70 (relating to Tetraacetylenethylenediamine).
- (183) Heading 9902.85.42 (relating to certain cathode-ray tubes).
- (184) Heading 9902.23.21 (relating to a certain specialty monomer).
- (185) Heading 9902.01.62 (relating to THV).
- (186) Heading 9902.13.86 (relating to certain refracting and reflecting telescopes).
- (187) Heading 9902.03.34 (relating to Penta Amino Aceto Nitrate Cobalt III).
- (188) Heading 9902.11.44 (relating to mixtures of methyl 4-iodo-2-[3-(4-methoxy-6-methyl-1,3,5-triazin-2-yl)ureidosulfonyl] benzoate, sodium salt (Iodosulfuron methyl, sodium salt) and application adjuvants).
- (189) Heading 9902.11.48 (relating to mesosulfuronmethyl).
- (190) Heading 9902.24.34 (relating to tetramethrin).
- (191) Heading 9902.25.69 (relating to flumioxasin).
- (192) Heading 9902.10.83 (relating to Resmethrin).
- (194) Heading 9902.23.07 (relating to oysters (other than smoked), prepared or preserved).
- (195) Heading 9902.05.22 (relating to fenpropathrin).
- (196) Heading 9902.24.35 (relating to tralomethrin).
- (197) Heading 9902.24.29 (relating to Bispyribac-sodium).
- (198) Heading 9902.24.30 (relating to dinotefuran).
- (199) Heading 9902.24.31 (relating to etoxazole).
- (200) Heading 9902.24.27 (relating to Pyriproxyfen).
- (201) Heading 9902.05.24 (relating to Uniconazole).
- (202) Heading 9902.12.03 (relating to Previcur).
- (203) Heading 9902.13.97 (relating to Ziram).
- (204) Heading 9902.03.79 (relating to mixtures of thiophanate methyl and application adjuvants).
- (205) Heading 9902.03.77 (relating to thiophanate methyl).
- (206) Heading 9902.02.87 (relating to Methyl sulfanilylcarbamate, sodium salt (asulam sodium salt)).
- (207) Heading 9902.12.10 (relating to 2-Oxepanone polymer with 1,4-butanediol and 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, 2-ethyl-1-hexanol-blocked).
- (208) Heading 9902.11.83 (relating to Polyisocyanate cross linking agent products containing triphenylmethane triisocyanate in solvents).
- (209) Heading 9902.11.87 (relating to Trimethylpropane tris(3-aziridinylpropanoate)).
- (210) Heading 9902.11.82 (relating to Hexane, 1,6-diisocyanato-, homopolymer, 3,5-dimethyl-1H-pyrazole-blocked in solvents).
- (211) Heading 9902.11.80 (relating to 1,2,3-Propanetriol, polymer with 2,4-diisocyanato-1-methylbenzene, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, methyloxirane and oxirane).
- (212) Heading 9902.10.22 (relating to acrylic or modacrylic staple fibers, carded, combed, or otherwise processed for spinning).
- (213) Heading 9902.23.27 (relating to filament tow of rayon).
- (214) Heading 9902.23.33 (relating to certain staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning).
- (215) Heading 9902.23.34 (relating to certain staple fibers of viscose rayon, carded, combed, or otherwise processed for spinning).
- (216) Heading 9902.10.93 (relating to certain transaxles designed for use in hybrid vehicles).
- (217) Heading 9902.10.94 (relating to certain static converters designed for use in hybrid vehicles).
- (218) Heading 9902.10.95 (relating to certain controllers for electric power assisted braking systems, designed for use in hybrid vehicles).
- (219) Heading 9902.10.64 (relating to 2,4-Dichloroaniline).
- (220) Heading 9902.10.38 (relating to Fenamidone).
- (221) Heading 9902.10.36 (relating to Pyrimethanil).
- (222) Heading 9902.02.99 (relating to cis-3-Hexen-1-ol).
- (223) Heading 9902.02.98 (relating to polytetramethylene ether glycol).
- (224) Heading 9902.24.14 (relating to C12-18 alkenes).
- (225) Heading 9902.03.59 (relating to acid black 132).
- (226) Heading 9902.01.75 (relating to acid black 172).
- (227) Heading 9902.03.67 (relating to acid blue 113).
- (228) Heading 9902.03.65 (relating to acid orange 116).
- (229) Heading 9902.03.58 (relating to disperse blue 56).
- (230) Heading 9902.24.90 (relating to Reactive Blue 250).
- (231) Heading 9902.24.41 (relating to Lycopene 10 percent).

(232) Heading 9902.22.07 (relating to 3,7-dichloro-8-quinolinecarboxylic acid).

(233) Heading 9902.01.19 (relating to 3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione).

(234) Heading 9902.32.85 (relating to Bis(4-fluorophenyl)methanone).

(235) Heading 9902.23.20 (relating to Morpholine, 4-[4,5-dihydro-4-[3-[5-hydroxy-1-methyl-3-(4-morpholinylcarbonyl)-1H-pyrazol-3-yl]-2-propenylidene]-1-methyl-5-oxo-1H-pyrazol-3-yl]carbonyl-, potassium salt; 1,4-benzenedisulfonic acid, 2-[4-[5-[1-(2,5-disulphophenyl)-1,5-dihydro-3-[(methylamino)carbonyl]-5-oxo-4H-pyrazol-4-ylidene]-3-(2-oxo-1-pyrrolidinyl)-1,3-pentadienyl]-5-hydroxy-3-[(methylamino)carbonyl]-1H-pyrazol-1-yl]-, pentapotassium salt).

(236) Heading 9902.25.30 (relating to certain cores used in remanufacture).

(237) Heading 9902.25.31 (relating to certain cores used in remanufacture).

(238) Heading 9902.25.32 (relating to certain cores used in remanufacture).

(239) Heading 9902.12.19 (relating to D-Mannose).

(240) Heading 9902.02.57 (relating to Propoxur).

(241) Heading 9902.13.77 (relating to Desmedipham in bulk or mixtures).

(242) Heading 9902.22.96 (relating to triphenyltin hydroxide).

(243) Heading 9902.22.94 (relating to MCPB Acid and MCPB Sodium Salt).

(244) Heading 9902.23.31 (relating to lamp-holder housings of aluminum, containing sockets).

(245) Heading 9902.23.32 (relating to lamp-holder housings of brass, containing sockets).

(246) Heading 9902.23.29 (relating to lamp-holder housings of plastic, containing sockets).

(247) Heading 9902.23.30 (relating to lamp-holder housings of porcelain, containing sockets).

(248) Heading 9902.01.43 (relating to Thymol).

(249) Heading 9902.01.40 (relating to Menthyl anthranilate).

(250) Heading 9902.01.35 (relating to 2-Phenylbenzimidazole-5-sulfonic acid).

(251) Heading 9902.24.47 (relating to Methyl Salicylate).

(252) Heading 9902.01.38 (relating to p-Methylacetophenone).

(253) Heading 9902.01.39 (relating to 2,2-Dimethyl-3-(3-methylphenyl)propanal).

(254) Heading 9902.38.31 (relating to mixtures of n-phenyl-n-((trichloromethyl)thio)benzenesulfonamide, calcium carbonate, and mineral oil).

(255) Heading 9902.80.05 (relating to cobalt boron).

(256) Heading 9902.02.49 (relating to 4-(trifluoromethyl)-benzaldehyde).

(257) Heading 9902.22.03 (relating to 3-oxido-5-oxo-4-propionylcyclohex-3-enecarboxylic acid calcium salt).

(258) Heading 9902.22.91 (relating to mixtures of methyl (E)-methoxyimino-[(α -(o-tolylloxy)-o-tolyl]acetate (Kresoxim methyl) and application adjuvants).

(259) Heading 9902.10.75 (relating to Phosphorus Thiocloride).

(260) Heading 9902.01.56 (relating to 2-Chlorobenzyl chloride).

(261) Heading 9902.10.82 (relating to N-[3-(1-methylethoxy)phenyl]-2-(trifluoromethyl)benzamide).

(262) Heading 9902.24.42 (relating to mixtures of propoxycarbazone-sodium, Mesosulfuron-methyl, and application adjuvants).

(264) Heading 9902.05.19 (relating to ethofumesate in bulk or mixtures).

(265) Heading 9902.11.15 (relating to Tetraconazole).

(266) Heading 9902.22.44 (relating to sodium hypophosphite).

(267) Heading 9902.01.41 (relating to Allyl isothiocyanate).

(268) Heading 9902.10.44 (relating to Crotonaldehyde (2-butenaldehyde)).

(269) Heading 9902.23.50 (relating to lightweight digital camera lenses).

(270) Heading 9902.23.51 (relating to digital zoom camera lenses).

(271) Heading 9902.23.53 (relating to certain color video monitors).

(272) Heading 9902.23.52 (relating to certain color video monitors).

(273) Heading 9902.23.55 (relating to certain black and white monitors).

(274) Heading 9902.23.54 (relating to certain color video monitors).

(275) Heading 9902.03.01 (relating to yarn of combed cashmere or yarn of camel hair).

(276) Heading 9902.12.20 (relating to camel hair, processed beyond the degreased or carbonized condition).

(277) Heading 9902.12.21 (relating to waste of camel hair).

(278) Heading 9902.12.22 (relating to camel hair, carded or combed).

(279) Heading 9902.12.23 (relating to woven fabrics containing 85 percent or more by weight of vicuna hair).

(280) Heading 9902.12.24 (relating to camel hair, not processed in any manner beyond the degreased or carbonized condition).

(281) Heading 9902.12.25 (relating to noils of camel hair).

(282) Heading 9902.23.36 (relating to multi-format DVD camcorders).

(283) Heading 9902.23.35 (relating to multi-format DVD camcorders).

(284) Heading 9902.72.02 (relating to Ferro Boron).

(285) Heading 9902.10.63 (relating to shield asy-steering gear).

(286) Heading 9902.23.16 (relating to Ethene, tetrafluoro, oxidized, polymerized, reduced, decarboxylated).

(288) Heading 9902.22.05 (relating to methoxyacetic acid).

(289) Heading 9902.24.58 (relating to Zeta-cypermethrin).

(290) Heading 9902.11.60 (relating to 1,2-Pentanediol).

(291) The first heading 9902.85.06 (relating to certain 120 volt/60 Hz electrical transformers).

(292) Heading 9902.02.95 (relating to 2-Propanoic acid, polymer with diethenylbenzene).

(b) OTHER MODIFICATIONS.—

(1) 4-CHLOROBENZONITRILE.—Heading 9902.25.24 is amended—

(A) by striking “p-Chlorobenzonitrile” and inserting “4-Chlorobenzonitrile”;

(B) by striking “1.5%” and inserting “Free”; and

(C) by striking “12/31/2009” and inserting “12/31/2012”.

(2) CYCLOPENTANONE.—Heading 9902.11.02 is amended—

(A) by striking “Free” and inserting “1.7%”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(3) MICRO-POROUS, ULTRAFINE, SPHERICAL POLYAMIDE POWDERS OF POLYAMIDE 6; POLYAMIDE-12; AND POLYAMIDE 6, 12.—Heading 9902.39.08 is amended—

(A) by amending the article description to read as follows: “Micro-porous, ultrafine, spherical polyamide powders of polyamide 6 (CAS No. 356040-79-4); polyamide-12 (CAS No.

338462-62-7); and polyamide 6, 12 (CAS No. 356040-89-6) (provided for in subheadings 3908.10.00 and 3908.90.70)”;

(B) by striking “12/31/2009” and by inserting “12/31/2012”.

(4) 9,10-ANTHRACENEDIONE, 2-(1,1-DIMETHYLPROPYL)- AND 9,10-ANTHRACENEDIONE, 2-(1,2-DIMETHYLPROPYL)-.—Heading 9902.24.05 is amended—

(A) by striking “9,10-Anthracenedione, 2-pentyl- (CAS No. 13936-21-5)” and inserting “9,10-Anthracenedione, 2-(1,1-dimethylpropyl)- (CAS No. 32588-54-8) and 9,10-anthracenedione, 2-(1,2-dimethylpropyl)- (CAS No. 68892-28-4)”;

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(5) MESOTRIONE.—Subchapter II of chapter 99 is amended—

(A) by striking heading 9902.25.80; and

(B) in heading 9902.11.03, by striking the date in the effective period column and inserting “12/31/2012”.

(6) ADTP.—Heading 9902.25.33 is amended—

(A) by striking “Free” and inserting “3%”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(7) CYHALOFOP-BUTYL.—Heading 9902.02.86 is amended—

(A) by inserting “(Cyhalofop-butyl)” after “(2R)”;

(B) by striking “1.5%” and inserting “2%”; and

(C) by striking “12/31/2009” and inserting “12/31/2012”.

(8) 2-CYANOPYRIDINE.—Heading 9902.22.35 is amended—

(A) by striking “Free” and inserting “3.2%”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(9) BENFLURALIN.—Heading 9902.29.59 is amended—

(A) by inserting “(Benfluralin)” after “to-luidine”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(10) DMDS.—Heading 9902.33.92 is amended—

(A) by striking “Free” and inserting “1%”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(11) MCPA ESTER.—Heading 9902.10.54 is amended—

(A) by amending the article description to read as follows: “2-Ethylhexyl (4-chloro-2-methylphenoxy)acetate (MCPA-2-ethylhexyl) (CAS No. 29450-45-1) (provided for in subheading 2918.99.20)”;

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(12) MCPA ACID.—Heading 9902.13.60 is amended—

(A) in the article description, by inserting “(MCPA)” before “(CAS)”;

(B) by striking “Free” and inserting “2.8%”; and

(C) by striking “12/31/2009” and inserting “12/31/2012”.

(13) PROPICONAZOLE.—Heading 9902.29.80 is amended—

(A) in the article description, by inserting “(Propiconazole)” before “(CAS)”;

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(14) MYCLOBUTANIL.—Heading 9902.02.91 is amended—

(A) by striking “3%” and inserting “2.3%”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(15) METHOXYFENOZIDE.—Heading 9902.32.93 is amended—

(A) by inserting “(Methoxyfenozide)” after “hydrazide”;

(B) by striking “1.0%” and inserting “4.3%”; and

(C) by striking “12/31/2009” and inserting “12/31/2012”.

(16) TRIFLURALIN.—Heading 9902.05.33 is amended—

(A) in the article description, by inserting “(Trifluralin)” before “(CAS)”;

(B) by striking “2.6%” and inserting “2.4%”; and

(C) by striking “12/31/2009” and inserting “12/31/2012”.

(18) DEPCT.—Heading 9902.29.58 is amended—

(A) by striking “phosphorochlorodithioate” and inserting “phosphorochlorodithioate”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(19) BICYCLE SPEEDOMETERS.—Heading 9902.24.65 is amended—

(A) by striking “Free” and inserting “0.9%”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(20) 11-AMINOUNDECANOIC ACID.—Heading 9902.32.49 is amended—

(A) by striking “2.3%” and inserting “2.6%”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(21) BIAXIALLY ORIENTED POLYPROPYLENE DIELECTRIC FILM.—Heading 9902.25.75 is amended—

(A) by striking “3.7%” and inserting “Free”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(22) PALM FATTY ACID DISTILLATE.—Heading 9902.11.32 is amended—

(A) by striking “1%” and inserting “1.2%”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(23) 5-CHLORO-1-INDANONE.—Heading 9902.12.44 is amended—

(A) by striking “Free” and inserting “1.1%”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(24) 1-PROPENE, 1,1,2,3,3,3-HEXAFLUORO-, OXIDIZED, POLYMERIZED, REDUCED HYDROLYZED.—Heading 9902.23.10 is amended—

(A) by striking “(provided for in subheading 3907.20.00)” and inserting “(provided for in subheading 3904.69.50)”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(25) ETHENE TETRAFLUORO-OXIDIZED, POLYMERIZED REDUCED, METHYL ESTERS, REDUCED, ETHOXYLATED.—Heading 9902.23.17 is amended—

(A) by striking “(provided for in subheading 3907.20.00)” and inserting “(provided for in subheading 3904.69.50)”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(26) 1, 1, 2-2-TETRAFLUOROETHENE, OXIDIZED, POLYMERIZED.—Heading 9902.23.14 is amended—

(A) by striking “(provided for in subheading 3907.20.00)” and inserting “(provided for in subheading 3904.69.50)”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(27) METHOXYCARBONYL-TERMINATED PERFLUORINATED POLYOXYMETHYLENE-POLYOXYETHYLENE.—Heading 9902.23.15 is amended—

(A) by striking “(provided for in subheading 3907.20.00)” and inserting “(provided for in subheading 3904.69.50)”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(28) ETHENE, TETRAFLUORO, OXIDIZED, POLYMERIZED REDUCED, METHYL ESTERS, REDUCED.—Heading 9902.23.19 is amended—

(A) by striking “(provided for in subheading 3907.20.00)” and inserting “(provided for in subheading 3904.69.50)”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(29) OXIRANEMETHANOL, POLYMERS WITH REDUCED METHYL ESTERS OF REDUCED POLYMERIZED OXIDIZED TETRAFLUOROETHYLENE.—Heading 9902.23.18 is amended—

(A) by striking “(provided for in subheading 3907.20.00)” and inserting “(provided for in subheading 3904.69.50)”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(30) 1-PROPENE, 1,1,2,3,3,3-HEXAFLUORO-, OXIDIZED, POLYMERIZED.—Heading 9902.23.11 is amended—

(A) by striking “3907.20.00” and inserting “3904.69.50”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(31) VINYLIDENE CHLORIDE-METHYL METHACRYLATE-ACRYLONITRILE COPOLYMER.—Heading 9902.23.09 is amended—

(A) by striking “(provided for in subheading 3904.50.00)” and inserting “(provided for in subheading 3904.90.50)”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(32) 1-PROPENE, 1,1,2,3,3,3-HEXAFLUORO-, TELOMER WITH CHLOROTRIFLUOROETHENE, OXIDIZED, REDUCED, ETHYL ESTER, HYDROLYZED.—Heading 9902.23.12 is amended—

(A) by striking “(provided for in subheading 3907.20.00)” and inserting “(provided for in subheading 3904.69.50)”; and

(B) by striking “12/31/2006” and inserting “12/31/2012”.

(33) PRODIAMINE.—Heading 9902.03.19 is amended—

(A) by amending the article description to read as follows: “2,4-Dinitro-N,N,3,3-dipropyl-4-(trifluoromethyl)-1,3-benzenediamine (Prodiamine) (CAS No. 29091-21-2) (provided for in subheading 2921.59.80)”; and

(B) by striking “12/31/2006” and inserting “12/31/2012”.

(34) BENTAZON.—Heading 9902.05.10 is amended—

(A) by amending the article description to read as follows: “3-Isopropyl-1H-2,1,3-benzothiadiazin-4(3H)-one-2,2-dioxide, sodium salt (Bentazon, sodium salt) (CAS No. 50723-80-3) (provided for in subheading 2934.99.15)”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(35) IPRIDIONE.—Heading 9902.01.51 is amended—

(A) by striking “2%” and inserting “2.4%”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(36) β -CYFLUTHRIN.—Heading 9902.02.54 is amended—

(A) by striking “4.3%” and inserting “4.8%”; and

(B) by striking “12/31/2006” and inserting “12/31/2012”.

(37) CYFLUTHRIN.—Heading 9902.10.67 is amended—

(A) by striking “3.5%” and inserting “Free”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(38) CLOTHIANIDIN.—Heading 9902.10.84 is amended—

(A) by striking “5.4%” and inserting “Free”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(39) TRIFLOXYSTROBIN.—Heading 9902.10.76 is amended—

(A) by striking “2.4%” and inserting “5.4%”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(40) FOE HYDROXY.—Heading 9902.03.38 is amended—

(A) by striking “5.2%” and inserting “0.6%”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(41) HELIUM.—Heading 9902.01.47 is amended—

(A) by inserting “(CAS No. 7440-59-7)” before “(provided for in subheading 2804.29.00)”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(42) A CERTAIN CHEMICAL.—Heading 9902.22.11 is amended—

(A) by striking “Adsorbent resin comprised of a macroporous polymer of diethenylbenzene” and inserting “Macroporous poly(divinylbenzene)”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(43) ACM.—Heading 9902.10.79 is amended—

(A) by striking “0.7%” and inserting “1.7%”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(44) OXADIAZON.—Heading 9902.10.73 is amended—

(A) by amending the article description to read as follows: “2-*tert*-Butyl-4-(2,4-dichloro-5-isopropoxyphenyl)- Δ^2 -1,3,4-oxadiazolin-5-one (Oxadiazon) (CAS No. 19666-30-9) (provided for in subheading 2934.99.11)”; and

(B) by striking “Free” and inserting “0.9%”; and

(C) by striking “12/31/2009” and inserting “12/31/2012”.

(45) N-CYCLOHEXYLTHIOPHTHALIMIDE.—Subchapter II of chapter 99 is amended—

(A) by striking heading 9902.03.30 (relating to N-Cyclohexylthiophthalimide); and

(B) in heading 9902.22.26 (relating to N-Cyclohexylthiophthalimide), by striking “12/31/2009” and inserting “12/31/2012”.

(46) 4,4-DITHIODIMORPHOLINE.—Heading 9902.22.27 is amended—

(A) by striking “2930.90.91” and inserting “2934.99.90”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(48) CERTAIN MEN’S FOOTWEAR COVERING THE ANKLE WITH COATED OR LAMINATED TEXTILE FABRICS.—Heading 9902.25.60 is amended—

(A) by striking “12.8%” and inserting “16.5%”; and

(B) in the effective period column, by striking the date contained therein and inserting “12/31/2012”.

(49) CARFENTRAZONE-ETHYL.—Heading 9902.01.54 is amended—

(A) by amending the article description to read as follows: “ α -2-Dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl]-4-fluorobenzenepropanoic acid, ethyl ester (Carfentrazon-ethyl) (CAS No. 128639-02-1) and formulations thereof (provided for in subheadings 2933.99.22 and 3808.93.15)”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(50) 4,4'-OXYDIANILINE.—Heading 9902.05.12 is amended—

(A) by striking “1.5%” and inserting “1.0%”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(51) REACTIVE BLUE 235.—Heading 9902.02.47 is amended—

(A) by inserting “(Reactive Blue 235)” after “trisodium”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(52) REACTIVE RED 238.—Heading 9902.02.48 is amended—

(A) by inserting “(Reactive Red 238)” after “tetrasodium salt”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(53) IMAZALIL.—Heading 9902.38.09 is amended—

(A) in the article description—

(i) by inserting “(Imazalil)” after “enilconazole”; and

(ii) by striking “or 73790-28-0”; and

(B) by striking “12/31/2006” and inserting “12/31/2012”.

(54) MIXTURES OF SODIUM SALTS.—Heading 9902.29.83 is amended—

(A) in the article description, by inserting “(CAS No. 144538-83-0)” after “acid”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(55) ISOXAFLUTOLE.—Heading 9902.11.46 is amended—

(A) by striking “4.8%” and inserting “Free”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(56) ISOXADIFEN-ETHYL.—Heading 9902.11.45 is amended—

(A) in the article description, by striking “(Isoxadifenethyl)” and inserting “(Isoxadifen-Ethyl);” and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(57) SPIROMESIFEN.—Heading 9902.10.71 is amended—

(A) in the article description—

(i) by inserting “(Spiromesifen)” after “ester”; and

(ii) by inserting “No.” after “CAS”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(59) CERTAIN MEN’S FOOTWEAR NOT COVERING THE ANKLE WITH COATED OR LAMINATED TEXTILE FABRICS.—Heading 9902.25.61 is amended—

(A) by striking “15.2%” and inserting “17.5%”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(60) 2-METHYL-5-NITROBENZENESULFONIC ACID.—Subchapter II of chapter 99 is amended—

(A) by striking heading 9902.02.36; and

(B) in heading 9902.29.23, by striking “12/31/2009” and inserting “12/31/2012”.

(61) METHIDATHION.—Heading 9902.02.02 is amended—

(A) by inserting “(Methidathion)” before “(CAS);” and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(62) TRINEXAPAC-ETHYL.—Heading 9902.29.93 is amended—

(A) by striking all before “(CAS)” and inserting “Ethyl (RS)-4-

cyclopropyl(hydroxy)methylene-3,5-dioxocyclohexanecarboxylate (Trinexapac-ethyl);” and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(63) RIMSULFURON.—Heading 9902.33.60 is amended—

(A) by inserting “(Rimsulfuron)” before “and application adjuvants”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(64) CERTAIN ION-EXCHANGE RESINS.—Heading 9902.39.30 is amended—

(A) by amending the article description to read as follows: “Ion-exchange resin, copolymerized from acrylonitrile with divinylbenzene, ethylvinylbenzene and 1,7-octadiene, hydrolyzed (CAS No. 130353-60-5) (provided for in subheading 3914.00.60);” and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(65) BRAKES DESIGNED FOR BICYCLES.—Heading 9902.24.71 is amended—

(A) by striking “Free” and inserting “6.3%”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(67) REACTIVE YELLOW 7459.—Heading 9902.02.46 is amended—

(A) by inserting “(Reactive Yellow 7459)” before “(CAS No. 143683-24-3);” and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(68) CERTAIN CATALYTIC CONVERTER MATS OF CERAMIC FIBERS.—Heading 9902.25.72 is amended—

(A) by amending the article description to read as follows: “Catalytic converter mounting mats of ceramic fibers, 4.7625 mm or more in thickness, such fibers containing over 65 percent by weight of aluminum oxide, in bulk, sheets or rolls (provided for in subheading 6806.10.00), the foregoing designed for use in motor vehicles of heading 8703”; and

(B) by striking “1.5%” and inserting “Free”; and

(C) in the effective period column, by striking the date contained therein and inserting “12/31/2012”.

(69) FLUMICLORAC-PENTYL.—Heading 9902.24.36 is amended—

(A) in the article description—

(i) by striking “CAS No. 87547-04-4” and inserting “CAS No. 87546-18-7”; and

(ii) by striking “subheading 2926.90.25” and inserting “subheading 2925.19.42”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(70) ACEPHATE.—Heading 9902.25.68 is amended—

(A) by striking “1.8%” and inserting “2.9%”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(71) PHENMEDIPHAM.—Subchapter II of chapter 99 is amended—

(A) in heading 9902.13.76, by striking the date in the effective period column and inserting “12/31/2012”; and

(B) by striking heading 9902.31.13.

(72) ORYZALIN.—Heading 9902.05.16 is amended—

(A) by amending the article description to read as follows: “4-(Dipropylamino)-3,5-dinitrobenzenesulfonamide (Oryzalin) (CAS No. 19044-88-3) (provided for in subheading 2935.00.95);” and

(B) by striking “12/31/2006” and inserting “12/31/2012”.

(73) POLY(TOLUENE DIISOCYANATE).—Heading 9902.12.04 is amended—

(A) by striking “dissolved in organic solvents”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(74) ALUMINUM TRIS (O-ETHYLPHOSPHONATE) (FOSETYL-AL).—Heading 9902.01.73 is amended—

(A) by inserting “(Fosetyl-Al)” before “(CAS);” and

(B) by striking “Free” and inserting “0.4%”; and

(C) by striking “12/31/2009” and inserting “12/31/2012”.

(75) CYCLOPROPANE-1,1-DICARBOXYLIC ACID, DIMETHYL ESTER.—Heading 9902.10.69 is amended—

(A) by striking “1.8%” and inserting “Free”; and

(B) by striking the date in the effective period column and inserting “12/31/2012”.

(76) CLETHODIM.—Heading 9902.24.74 is amended—

(A) by striking “3808.93.20” and inserting “3808.93.50”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(77) ACID BLACK 107.—Heading 9902.03.61 is amended—

(A) by striking “3204.12.45” and inserting “3204.12.50”; and

(B) by striking “12/31/2006” and inserting “12/31/2012”.

(78) DISPERSE RED 356.—Heading 9902.24.97 is amended—

(A) by amending the article description to read as follows: “Disperse red 356 (3-phenyl-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b']difuran-2,6-dione) (CAS No. 79694-17-0) (provided for in subheading 3204.11.35);” and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(79) IMIDACLOPRID PESTICIDES.—Heading 9902.02.52 is amended—

(A) by inserting “(imidacloprid)” before “(CAS);” and

(B) by striking “5.7%” and inserting “4.2%”; and

(C) by striking “12/31/2009” and inserting “12/31/2012”.

(80) IMIDACLOPRID TECHNICAL.—Heading 9902.10.32 is amended—

(A) by striking “pyridinyl” and inserting “pyridinyl”; and

(B) by striking “Free” and inserting “4.2%”; and

(C) by striking “12/31/2009” and inserting “12/31/2012”.

(81) OPTION AND REVOLVER HERBICIDES.—Heading 9902.10.37 is amended—

(A) by striking “2.6%” and inserting “Free”; and

(B) by striking the date in the effective period column and inserting “12/31/2012”.

(82) CERTAIN LIGHT ABSORBING PHOTO DYES.—Heading 9902.29.34 is amended—

(A) by amending the article description to read as follows: “4-[4-[3-[4-(Dimethylamino)phenyl]-2-propenylidene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl]benzenesulfonic acid, compound with N,N-diethylethanamine (1:1) (Acid Violet 520T Pina) (CAS No. 109940-17-2) (provided for under subheading 3204.12.45); 4-[3-[3-carboxy-5-hydroxy-1-(4-sulfophenyl)-1H-pyrazole-4-yl]-2-propenylidene]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, sodium salt, compound with N,N-diethylethanamine (CAS No. 90066-12-9) (provided for in subheading 2933.19.37); 4-[4,5-dihydro-4-[[5-hydroxy-3-methyl-1-(4-sulfophenyl)-1H-pyrazol-4-yl]methylene]-3-methyl-5-oxo-1H-pyrazol-1-yl]benzenesulfonic acid, dipotassium salt (CAS No. 94266-02-1) (provided for in subheading 2933.19.37); 4-[4-[[4-(dimethylamino)phenyl]methylene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl]benzenesulfonic acid, potassium salt (CAS No. 27268-31-1) (provided for in subheading 2933.19.37); 4,5-dihydro-5-oxo-4-[(phenylamino)methylene]-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, disodium salt (provided for in subheading 2933.19.37); and 4-[5-[3-carboxy-5-hydroxy-1-(4-sulfophenyl)-1H-pyrazol-4-yl]-2,4-pentadienylidene]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, tetrapotassium salt (CAS No. 134863-74-4) (provided for in subheading 2933.19.37);” and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(83) ASPIRIN.—Heading 9902.12.11 is amended—

(A) by striking “aspirin” and inserting “Aspirin”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(84) 4-(2,4-DICHLOROPHENOXY) BUTYRIC ACID AND 4-(2,4-DICHLOROPHENOXY) BUTYRIC ACID, DIMETHYLAMINE SALT.—Heading 9902.23.26 is amended—

(A) by amending the article description to read as follows: “4-(2,4-Dichlorophenoxy) butyric acid (2,4-DB) (CAS No. 94-82-6) (provided for in subheading 2918.99.20); and 4-(2,4-dichlorophenoxy) butyric acid, dimethylamine salt (2,4-DB-dimethylammonium) (CAS No. 2758-42-1) (provided for in subheading 2921.11.00);” and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(85) BROMOXYNIL OCTANOATE.—Heading 9902.22.97 is amended—

(A) in the article description—

(i) by inserting “(Bromoxynil octanoate)” before “(CAS)”; and

(ii) by striking “1689-84-5” and inserting “1689-99-2”; and

(B) by striking “Free” and inserting “2.6%”; and

(C) by striking “12/31/2009” and inserting “12/31/2012”.

(86) DICHLOROPROP-P, DICHLOROPROP-2-ETHYLHEXYL, AND DICHLOROPROP-P-DIMETHYLAMMONIUM.—Heading 9902.23.25 is amended—

(A) by amending the article description to read as follows: “(+)-(R)-2-(2,4-Dichlorophenoxy) propanoic acid (Dichloroprop-p) (CAS No. 15165-67-0) (provided for in subheading 2918.99.20); (+)-(R)-2-(2,4-dichlorophenoxy) propanoic acid, 2-ethylhexyl ester (Dichloroprop-2-ethylhexyl) (CAS No. 79270-78-3) (provided for in subheading 2918.99.20); and (+)-(R)-2-(2,4-dichlorophenoxy) propanoic acid, dimethylamine salt (Dichloroprop-P-dimethylammonium) (CAS No. 104786-87-0) (provided for in subheading 2921.11.00);” and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(87) MCPA DIMETHYLAMMONIUM.—Heading 9902.25.42 is amended—

(A) by inserting “(MCPA dimethylammonium)” before “(CAS)”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(88) LACTIC ACID, MENTHYL ESTER AND FRESCOLAT.—Heading 9902.01.42 is amended—

(A) by amending the article description to read as follows: “5-Methyl-2-(methylethyl)cyclohexyl-2-hydroxypropanoate (Lactic acid, menthyl ester) (Frescolat) (CAS No. 59259-38-0) (provided for in subheading 2918.11.51);” and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(89) BENZALDEHYDE, 4-METHOXY.—Heading 9902.11.57 is amended—

(A) by striking “Benzaldehyde” and inserting “Benzaldehyde”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(90) MIXTURES OF INDOXACARB.—Heading 9902.01.46 is amended—

(A) by amending the article description to read as follows: “Mixtures of (4aS)-7-chloro-2,5-dihydro-2-[[[methoxycarbonyl][4-(trifluoromethoxy) phenyl]amino] carbonyl]indeno[1,2-e]-[1,3,4] oxadiazine-4a (3H)-carboxylic acid methyl ester and inert ingredients (CAS No. 173584-44-6) (provided for in subheading 3808.91.25);” and

(B) by striking “12/31/2006” and inserting “12/31/2012”.

(91) PACLOBUTRAZOL.—Heading 9902.01.99 is amended—

(A) by striking “(RS)” and inserting “(2RS)”; and

(B) by striking “paclobutrazol” and inserting “Paclobutrazol”; and

(C) by striking “12/31/2006” and inserting “12/31/2012”.

(92) PACLOBUTRAZOL 2CS.—Heading 9902.02.01 is amended—

(A) by striking “(RS)” and inserting “(2RS)”; and

(B) by striking “paclobutrazol” and inserting “Paclobutrazol”; and

(C) by striking “12/31/2006” and inserting “12/31/2012”.

(93) CERIUM SULFIDE PIGMENTS.—Heading 9902.22.90 is amended—

(A) by amending the article description to read as follows: “Pigment preparations based on cerium sulfide or mixtures of cerium sulfide and lanthanum sulfide (CAS Nos. 12014-93-6 and 12031-49-1) (provided for in subheading 3206.49.60);” and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(94) MIXTURES OR COPRECIPITATES OF LANTHANUM PHOSPHATE, CERIUM-DOPED LANTHANUM PHOSPHATE, CERIUM PHOSPHATE, AND TERBIUM PHOSPHATE.—Heading 9902.23.05 is amended—

(A) by amending the article description to read as follows: “Mixtures or coprecipitates of lanthanum phosphate, cerium-doped lanthanum phosphate, cerium phosphate, and terbium phosphate (CAS Nos. 13778-59-1, 95823-34-0, 13454-71-2 and 13863-48-4) (provided for in subheadings 2846.10.00 and 2846.90.80);” and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(95) CERTAIN MANUFACTURING EQUIPMENT.—Heading 9902.84.83 is amended—

(A) by amending the article description to read as follows: “Machine tools for working wire of iron or steel, numerically controlled, the foregoing certified for use in production of radial tires designed for off-the-highway use and for use on a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40, or 4011.99.45), and parts thereof (provided for in subheading 8463.30.00 or 8466.94.85);” and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(96) CERTAIN MANUFACTURING EQUIPMENT.—Heading 9902.84.81 is amended—

(A) by amending the article description to read as follows: “Shearing machines used to cut metallic tissue, numerically controlled, the foregoing certified for use in production of radial tires designed for off-the-highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40, or 4011.99.45), and parts thereof (provided for in subheading 8462.31.00 or 8466.94.85);” and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(97) SULFENTRAZONE.—Heading 9902.25.57 is amended—

(A) in the article description—

(i) by striking “methanesulfona-mide” and inserting “methanesulfonamide”; and

(ii) by striking “(provided for in subheading 2935.00.75)” and inserting “and formulations thereof (provided for in subheadings 2935.00.75 and 3808.93.15);” and

(B) by striking “1.2%” and inserting “3.2%”; and

(C) by striking “12/31/2009” and inserting “12/31/2012”.

(98) N-ETHYL-N-(3-SULFOBENZYL)ANILINE (BENZENESULFONIC ACID, 3-[(ETHYLPHENYLAMINO)METHYL]-).—Heading 9902.01.68 is amended—

(A) by amending the article description to read as follows: “N-Ethyl-N-(3-sulFOBENZYL)aniline (3-[(ethylphenylamino)methyl]-benzenesulfonic acid) (CAS No. 101-11-1) (provided for in subheading 2921.42.90);” and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(99) AN ULTRAVIOLET DYE.—Heading 9902.28.19 is amended—

(A) in the article description, by striking “9-Anthracene-carboxylic acid, (triethoxysilyl)-methyl ester” and inserting “9-Anthracenecarboxylic acid, (triethoxysilyl)methyl ester”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(100) DELTAMETHRIN.—Heading 9902.01.49 is amended—

(A) by amending the article description to read as follows: “(S)-α-Cyano-3-phenoxybenzyl (1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylate (Deltamethrin) (CAS No. 52918-63-5) in bulk, or put up in forms or packings for retail sale (provided for in subheading 2926.90.30 or 3808.91.25);” and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(101) BIOALLETHRIN.—Heading 9902.24.32 is amended—

(A) by amending the article description to read as follows: “(RS)-3-allyl-2-methyl-4-oxocyclopent-2-enyl (1R,3R)-2,2-dimethyl-3-(2-methylprop-1-enyl)cyclopropanecarboxylate (Bioallethrin) (CAS No. 584-79-2) (provided for in subheading 2916.20.50);” and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(102) S-BIOALLETHRIN.—Heading 9902.24.33 is amended—

(A) by amending the article description to read as follows: “(S)-3-allyl-2-methyl-4-oxocyclopent-2-enyl (1R,3R)-2,2-dimethyl-3-(2-methylprop-1-enyl)cyclopropanecarboxylate (S-Bioallethrin) (CAS No. 28434-00-6) (provided for in subheading 2916.20.50);” and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(103) POLYFUNCTIONAL AZIRIDINE.—Heading 9902.11.88 is amended—

(A) in the article description, by striking “Polyfunctional aziridine” and inserting “Pentaerythritol tris (3-(1-aziridinyl) propionate);” and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(104) DESMODUR RF-E.—Heading 9902.12.17 is amended—

(A) by striking “and ethyl acetate and monochlorobenzene as solvents”; and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(105) DESMODUR HL BA.—Heading 9902.12.18 is amended—

(A) by amending the article description to read as follows: “1,3-Diisocyanatomethylbenzene, polymer with 1,6-diisocyanatohexane (CAS No. 63368-95-6) (provided for in subheading 3911.90.45);” and

(B) by striking “12/31/2009” and inserting “12/31/2012”.

(106) CERTAIN SEMI-MANUFACTURED FORMS OF GOLD.—Heading 9902.71.08 is amended—

(A) by amending the article description to read as follows: “Wire containing 99.9 percent or more by weight of gold and with dopants added to control wirebonding characteristics, having a diameter of 0.05 mm or

less, for use in the manufacture of diodes, transistors or similar semiconductor devices or electronic integrated circuits (provided for in subheading 7108.13.70)"; and

(B) by striking "12/31/2009" and inserting "12/31/2012".

(107) 2,2-DIMETHYLBUTANOIC ACID 3-(2,4-DICHLOROPHENYL)-2-OXO-1-OXASPIRO(4.5)DEC-3-EN-4-YL ESTER.—Heading 9902.12.02 is amended—

(A) by amending the article description to read as follows: "3-(2,4-Dichlorophenyl)-2-oxo-1-oxaspiro[4.5]dec-3-en-4-yl 2,2-dimethylbutyrate (Spirodiclofen) (CAS No. 148477-71-8) (provided for in subheading 2932.29.10)"; and

(B) by striking "12/31/2009" and inserting "12/31/2012".

(108) 4-ANILINO-3-NITRO-N-PHENYLBENZENESULFONAMIDE.—Heading 9902.03.52 is amended—

(A) by amending the article description to read as follows: "Disperse Yellow 42 (4-Anilino-3-nitro-N-phenylbenzenesulfonamide) (CAS No. 5124-25-4) (provided for in subheading 3204.11.50)"; and

(B) by striking "12/31/2006" and inserting "12/31/2012".

(109) MAGNESIUM ZINC ALUMINUM HYDROXIDE CARBONATE HYDRATE.—Heading 9902.24.13 is amended—

(A) by amending the article description to read as follows: "Magnesium zinc aluminum hydroxide carbonate (CAS No. 169314-88-9) coated with stearic acid (CAS No. 57-11-4) (provided for in subheading 3812.30.90)"; and

(B) by striking "12/31/2009" and inserting "12/31/2012".

(110) MAGNESIUM ALUMINUM HYDROXIDE CARBONATE HYDRATE.—Heading 9902.05.32 is amended—

(A) by amending the article description to read as follows: "Magnesium aluminum hydroxide carbonate (synthetic hydrotalcite) (CAS No. 11097-59-9) (provided for in subheading 2842.90.90); and magnesium aluminum hydroxide carbonate (synthetic hydrotalcite) (CAS No. 11097-59-9) coated with stearic acid (CAS No. 57-11-4) (provided for in subheading 3812.30.90)"; and

(B) by striking "12/31/2009" and inserting "12/31/2012".

(111) DIRECT BLACK 22.—Heading 9902.25.25 is amended—

(A) in the article description, by inserting "(trisodium 6-[(2,4-diaminophenyl)azo]-3-[[4-[[[7-[(2,4-diaminophenyl)azo]-1-hydroxy-3-sulphonato-2-naphthyl]azo]phenyl]amino]-3-sulphonatophenyl]azo]-4-hydroxynaphthalene-2-sulphonate)" after "Direct Black 22"; and

(B) by striking "12/31/2009" and inserting "12/31/2012".

(112) DISPERSE BLUE 60.—Heading 9902.03.50 is amended—

(A) by amending the article description to read as follows: "Disperse blue 60 (4,11-diamino-2-(3-methoxypropyl)-1H-naphth(2,3-f)isindole-1,3,5,10(2H)-tetrone) (CAS No. 12217-80-0) (provided for in subheading 3204.11.50)"; and

(B) by striking "12/31/2006" and inserting "12/31/2012".

(113) DISPERSE BLUE 79:1.—Heading 9902.03.46 is amended—

(A) by amending the article description to read as follows: "Disperse blue 79:1 (N-[5-bis[2-(acetyloxyethyl)amino]-2-[(2-bromo-4,6-dinitrophenyl)azo]-4-methoxyphenyl]acetamide) (CAS No. 3618-72-2) (provided for in subheading 3204.11.50)"; and

(B) by striking "12/31/2006" and inserting "12/31/2012".

(114) DISPERSE ORANGE 30.—Heading 9902.03.45 is amended—

(A) by amending the article description to read as follows: "Disperse orange 30 (3-[[2-(acetyloxyethyl)-[4-[(2,6-dichloro-4-nitrophenyl)azo]phenyl]amino]-propanenitrile) (CAS No. 5261-31-4) (provided for in subheading 3204.11.50)"; and

(B) by striking "12/31/2006" and inserting "12/31/2012".

(115) DISPERSE RED 60.—Heading 9902.03.49 is amended—

(A) by amending the article description to read as follows: "Disperse red 60 (1-amino-4-hydroxy-2-phenoxy-9,10-anthracenedione) (CAS No. 17418-58-5) (provided for in subheading 3204.11.50)"; and

(B) by striking "12/31/2006" and inserting "12/31/2012".

(116) DISPERSE RED 73.—Heading 9902.03.57 is amended—

(A) by amending the article description to read as follows: "Disperse red 73 (2-[[4-(2-cyanoethyl)ethylamino]phenyl]azo]-5-nitrobenzonitrile) (CAS No. 16889-10-4) (provided for in subheading 3204.11.10)"; and

(B) by striking "12/31/2006" and inserting "12/31/2012".

(117) DISPERSE RED 167:1.—Heading 9902.03.47 is amended—

(A) by amending the article description to read as follows: "Disperse red 167:1 (N-[5-bis[2-(acetyloxyethyl)amino]-2-[(2-chloro-4-nitrophenyl)azo]phenyl]-acetamide) (CAS No. 1533-78-4) (provided for in subheading 3204.11.50)"; and

(B) by striking "12/31/2006" and inserting "12/31/2012".

(118) DISPERSE YELLOW 64.—Heading 9902.03.48 is amended—

(A) by amending the article description to read as follows: "Disperse yellow 64 (2-(4-bromo-3-hydroxy-2-quinolinyl)-1H-indene-1,3(2H)-dione) (CAS No. 10319-14-9) (provided for in subheading 3204.11.50)"; and

(B) by striking "12/31/2006" and inserting "12/31/2012".

(119) 2-(CARBOMETHOXY)BENZENESULFONYL ISOCYANATE.—Heading 9902.11.97 is amended—

(A) by amending the article description to read as follows: "2-(Carbomethoxy)benzenesulfonyl isocyanate (CAS No. 74222-95-0) (provided for in subheading 2930.90.29)"; and

(B) by striking "12/31/2009" and inserting "12/31/2012".

(120) CERTAIN CAPERS.—Heading 9902.10.26 is amended—

(A) by amending the article description to read as follows: "Capers, prepared or preserved by vinegar or acetic acid, in containers holding 3.4 kg or less (provided for in subheading 2001.90.20)"; and

(B) by striking "12/31/2009" and inserting "12/31/2012".

(121) CERTAIN CAPERS.—Heading 9902.10.28 is amended—

(A) by amending the article description to read as follows: "Capers, prepared or preserved by vinegar or acetic acid, in immediate containers holding more than 3.4 kg (provided for in subheading 2001.90.10)"; and

(B) by striking "12/31/2009" and inserting "12/31/2012".

(122) FRESCOLAT MGA.—Heading 9902.24.49 is amended—

(A) by amending the article description to read as follows: "6-Isopropyl-9-methyl-1,4-dioxaspiro[4.5]decane-2-methanol (Menthone glyceryl ketal) (CAS No. 63187-91-7) (provided for in subheading 2932.99.90)"; and

(B) by striking "12/31/2009" and inserting "12/31/2012".

(123) O-PARAQUAT DICHLORIDE.—Heading 9902.13.06 is amended—

(A) by striking "Paraquat" and all that follows through "dichloride)" and inserting "o-Paraquat dichloride";

(B) by striking "4.41%" and inserting "Free"; and

(C) by striking "12/31/2009" and inserting "12/31/2012".

(124) 4-[(4-AMINOPHENYL)AZO]BENZENESULFONIC ACID.—Heading 9902.02.41 is amended—

(A) by amending the article description to read as follows: "4-[(4-Aminophenyl)azo]benzenesulfonic acid (Food Yellow 6) (CAS No. 104-23-4) (provided for in subheading 3204.12.50)"; and

(B) by striking "12/31/2009" and inserting "12/31/2012".

(125) TSME.—Heading 9902.11.85 is amended—

(A) by amending the article description to read as follows: "o-Toluenesulfonic acid, methyl ester (CAS No. 23373-38-8) and p-toluenesulfonic acid, methyl ester (CAS No. 80-48-8) (provided for in subheading 2904.90.40)"; and

(B) by striking "12/31/2009" and inserting "12/31/2012".

(126) 324 (4-[[3-(ACETYLAMINO)PHENYL]AMINO]-1-AMINO-9,10-DIHYDRO-9,10-DIOXO-2-ANTHRACENESULFONIC ACID, MONOSODIUM SALT).—Heading 9902.25.02 is amended—

(A) by amending the article description to read as follows: "Acid blue 324 (4-[[3-(acetylamino)phenyl]amino]-1-amino-9,10-dihydro-9,10-dioxo-2-anthracenesulfonic acid, monosodium salt) (CAS No. 70571-81-2) (provided for in subheading 3204.12.45)"; and

(B) by striking "12/31/2009" and inserting "12/31/2012".

(127) FERRATE(3-), TRIS[5,6-DIAMINO-1,3-NAPHTHALENEDISULFONATE(2-)-N,N']-TRIPOTASSIUM.—Heading 9902.32.62 is amended—

(A) by amending the article description to read as follows: "Ferrate(3-), tris[5,6-diamino-1,3-naphthalenedisulfonate(2-)-N,N']-, tripotassium (CAS No. 85187-44-6) (provided for in subheading 2942.00.10)"; and

(B) by striking "12/31/2009" and inserting "12/31/2012".

(128) 2,6-DIBROMO-4-CYANOPHENYL OCTANOATE/HEPTANOATE.—Heading 9902.10.57 is amended—

(A) by amending the article description to read as follows: "Mixtures of 2,6-dibromo-4-cyanophenyl octanoate (bromoxynil octanoate) (CAS No. 1689-99-2) and 2,6-dibromo-4-cyanophenyl heptanoate (bromoxynil heptanoate) (CAS No. 56634-95-8) (provided for in subheading 3808.93.15)"; and

(B) by striking "12/31/2009" and inserting "12/31/2012".

(129) TRIMETHYL CYCLO HEXANOL.—Heading 9902.05.03 is amended—

(A) in the article description, by striking "-1-"; and

(B) by striking "12/31/2009" and inserting "12/31/2012".

(130) METHYL CINNAMATE.—Heading 9902.05.04 is amended—

(A) by amending the article description to read as follows: "Methyl cinnamate (methyl phenylprop-2-enoate) (CAS No. 103-26-4) (provided for in subheading 2916.39.20)"; and

(B) by striking "12/31/2009" and inserting "12/31/2012".

(131) CIS-2-TERT-BUTYLCYCLOHEXANOL ACETATE.—Heading 9902.11.62 is amended—

(A) by amending the article description to read as follows: "cis-2-tert-Butylcyclohexyl acetate (Agrumex) (CAS No. 20298-69-5) (provided for in subheading 2915.39.45)"; and

(B) by striking "12/31/2009" and inserting "12/31/2012".

(132) YARN OF CARDED CASHMERE OF 19.35 METRIC YARN COUNT OR HIGHER.—Heading 9902.03.02 is amended—

(A) in the article description, by striking “finer” and inserting “higher”; and
(B) by striking “12/31/2009” and inserting “12/31/2012”.

(133) TETRAETHYLTHIURAM DISULFIDE.—Heading 9902.22.28 is amended—

(A) in the article description, by inserting “(Disulfiram)” before “(CAS)”; and
(B) by striking “12/31/2009” and inserting “12/31/2012”.

(134) TETRAMETHYLTHIURAM DISULFIDE.—Heading 9902.22.29 is amended—

(A) in the article description, by inserting “(Thiram)” before “(CAS)”; and
(B) by striking “12/31/2009” and inserting “12/31/2012”.

(135) FINE ANIMAL HAIR OF KASHMIR (CASHMERE) GOATS.—Heading 9902.22.77 is amended—

(A) in the article description, by inserting “, processed beyond the degreased or carbonized condition” after “goats”; and
(B) by striking “12/31/2009” and inserting “12/31/2012”.

(136) FIPRONIL.—Heading 9902.24.16 is amended—

(A) by striking “Free” and inserting “5.2%”; and
(B) by striking “12/31/2009” and inserting “12/31/2012”.

(137) NOA 446510 TECHNICAL.—Heading 9902.12.07 is amended—

(A) by striking “α” and inserting “2”; and
(B) by striking “12/31/2009” and inserting “12/31/2012”.

(138) HYDROXYLAMINE.—Heading 9902.01.03 is amended—

(A) by striking “0.6%” and inserting “1.0%”; and
(B) by striking “12/31/2006” and inserting “12/31/2012”.

(139) PHBA.—Heading 9902.29.03 is amended—

(A) by striking “3.1%” and inserting “4.3%”; and
(B) by striking “12/31/2009” and inserting “12/31/2012”.

(140) THIAMETHOXAM TECHNICAL.—Heading 9902.03.11 is amended—

(A) in the article description, by striking “[” before “(2-chloro” and by striking the closed parentheses after “thiazolyl”;
(B) by striking “Free” and inserting “5%”; and

(C) by striking “12/31/2009” and inserting “12/31/2012”.

(142) TRIADIMEFON.—Heading 9902.10.33 is amended—

(A) by striking “Free” and inserting “0.7%”; and
(B) by striking “12/31/2009” and by inserting “12/31/2012”.

(143) CERTAIN 12V LEAD-ACID STORAGE BATTERIES.—Heading 9902.03.87 is amended—

(A) by striking “Free” and inserting “0.1%”; and
(B) by striking “12/31/2009” and by inserting “12/31/2012”.

(144) SORBIC ACID.—Heading 9902.10.25 is amended—

(A) by striking “1.9%” and inserting “2%”; and
(B) by striking “12/31/2009” and by inserting “12/31/2012”.

(145) DIETHYL KETONE.—Heading 9902.25.67 is amended—

(A) by striking “1.3%” and inserting “1.4%”; and
(B) by striking “12/31/2009” and by inserting “12/31/2012”.

(146) ETHOXYQUIN.—Heading 9902.22.32 is amended—

(A) by striking “Free” and inserting “0.5%”; and

(B) by striking “12/31/2009” and by inserting “12/31/2012”.

(147) FLUMETRALIN.—Heading 9902.02.07 is amended—

(A) by amending the article description to read as follows: “N-(2-Chloro-6-fluorobenzyl)-N-ethyl-α,α,α-trifluoro-2,6-dinitro-p-toluidine (Flumetralin) (CAS No. 62924-70-3) (provided for in subheading 2921.49.45)”; and
(B) by striking “12/31/2006” and by inserting “12/31/2012”.

(149) POWDERED ION EXCHANGE RESIN COMPRISING A COPOLYMER OF STYRENE CROSSLINKED WITH DIVINYLBENZENE, SULPHONIC ACID, SODIUM FORM.—Heading 9902.02.34 is amended—

(A) by amending the article description to read as follows: “Powdered ion exchange resin comprised of a copolymer of styrene, cross linked with divinyl-benzene, further reacted to provide sulfonic acid functionality (sodium form), having a nominal particle size of 0.075 mm to 0.150 mm, dried to a moisture content of not more than 10 percent (CAS No. 63182-08-1) (provided for in subheading 3914.00.60)”; and
(B) by striking “12/31/2006” and by inserting “12/31/2012”.

(150) CERTAIN FIBERGLASS SHEETS.—Heading 9902.70.19 is amended—

(A) by amending the article description to read as follows: “Smooth nonwoven fiberglass sheets, 0.40 mm or more but not over 1.65 mm in thickness, predominantly of glass fibers bound together in a polyvinyl alcohol matrix, of a type primarily used as acoustical facing for ceiling panels (provided for in subheading 7019.32.00)”; and
(B) by striking “12/31/2009” and by inserting “12/31/2012”.

(151) CLOMAZONE.—Heading 9902.24.21 is amended—

(A) by adding at the end of the article description the following: “and any formulations containing such compound (provided for in subheading 3808.93.15)”; and
(B) by striking “12/31/2009” and by inserting “12/31/2012”.

(152) CYAZOFAMID.—Heading 9902.24.56 is amended—

(A) by adding at the end of the article description the following: “and any formulations containing such compound (provided for in subheading 3808.92.15)”; and
(B) by striking “12/31/2009” and by inserting “12/31/2012”.

(153) FLONICAMID.—Heading 9902.24.57 is amended—

(A) by adding at the end of the article description the following: “and any formulations containing such compound (provided for in subheading 3808.91.25)”; and
(B) by striking “12/31/2009” and by inserting “12/31/2012”.

(154) COPOLYMER OF METHYLETHYL KETOXIME AND TOLUENE DIISOCYANATE.—Heading 9902.12.12 is amended—

(A) in the article description, by striking “toluenediisocyanate” and inserting “toluene diisocyanate”; and
(B) by striking “12/31/2009” and by inserting “12/31/2012”.

(155) N,N-DIMETHYLPIPERIDINIUM CHLORIDE.—Heading 9902.13.25 is amended—

(A) in the article description, by striking “2933.39.25” and inserting “2933.39.27”; and
(B) by striking “12/31/2009” and by inserting “12/31/2012”.

SEC. 2002. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title apply to goods entered, or withdrawn from warehouse for consumption, on

or after the 15th day after the date of the enactment of this Act.

(b) RETROACTIVE APPLICABILITY.—

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to paragraph (2), the entry of an article described in any heading of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (as amended by this title)—

(A) which was made on or after January 1, 2010, and before the 15th day after the date of the enactment of this Act, and

(B) with respect to which there would have been no duty or a reduced duty (as the case may be) if the amendment or amendments made by this title applied to such entry, shall be liquidated or reliquidated as though the entry had been made on the 15th day after the date of the enactment of this Act.

(2) REQUESTS.—A liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with U.S. Customs and Border Protection not later than 180 days after the date of the enactment of this Act that contains sufficient information to enable U.S. Customs and Border Protection—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

(3) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry of an article under paragraph (1) shall be paid, without interest, not later than 90 days after the date of the liquidation or reliquidation (as the case may be).

(4) DEFINITION.—As used in this subsection, the term “entry” includes a withdrawal from warehouse for consumption.

TITLE III—ADDITIONAL EXISTING DUTY SUSPENSIONS AND REDUCTIONS

SEC. 3001. EXTENSIONS OF CERTAIN EXISTING DUTY SUSPENSIONS AND REDUCTIONS AND OTHER MODIFICATIONS.

(a) EXTENSIONS AND RENEWALS.—Each of the following headings is amended by striking the date in the effective period column and inserting “12/31/2012”:

(1) Heading 9902.01.01 (relating to bitolylene diisocyanate (TODI)).

(2) Heading 9902.64.04 (relating to certain ski boots, cross country ski footwear, and snowboard boots).

(3) Heading 9902.12.08 (relating to hexythiazox technical).

(4) Heading 9902.23.85 (relating to lug bottom boots for use in fishing waders).

(5) Heading 9902.12.56 (relating to Avermectin B).

(6) Heading 9902.02.10 (relating to primsulfuron).

(7) Heading 9902.12.58 (relating to metalaxyl-M).

(8) Heading 9902.13.30 (relating to pymetrozine technical).

(9) Heading 9902.01.59 (relating to etridiazole).

(10) Heading 9902.01.60 (relating to 2-Mercaptoethanol).

(11) Heading 9902.01.61 (relating to bifentazate).

(12) Heading 9902.02.14 (relating to phenyl isocyanate).

(13) Heading 9902.22.20 (relating to 2,3-Dichloronitrobenzene).

(14) Heading 9902.22.71 (relating to a mixture used in ceramic arc tubes).

(15) Heading 9902.22.58 (relating to Solvent Red 227).

(16) Heading 9902.22.57 (relating to 2-Aminothiophenol).

- (17) Heading 9902.22.56 (relating to 3,4-Dimethoxybenzaldehyde).
- (18) Heading 9902.25.09 (relating to Propargite).
- (19) Heading 9902.03.06 (relating to high tenacity multiple (folded) or cabled yarn of viscose rayon).
- (20) Heading 9902.05.07 (relating to high tenacity single yarn of viscose rayon with a decitex equal to or greater than 1,000).
- (21) Heading 9902.05.13 (relating to 4,4'-Oxydipthalic anhydride).
- (22) Heading 9902.25.07 (relating to 2,2,6,6-Tetramethyl-4-piperidinone).
- (23) Heading 9902.32.07 (relating to certain organic pigments and dyes).
- (24) Heading 9902.29.07 (relating to 4-Hexylresorcinol).
- (25) Heading 9902.29.37 (relating to certain sensitizing dyes).
- (26) Heading 9902.24.10 (relating to mixtures of poly[[6-[(1,1,3,3-tetramethylbutyl)amino]-1,3,5-triazine-2,4-diyl] [2,2,6,6-tetramethyl-4-piperidinyl]imino]-1,6-hexanedyl[(2,2,6,6-tetramethyl-4-piperidinyl)imino]] and bis(2,2,6,6-tetramethyl-4-piperidyl) sebacate).
- (27) Heading 9902.25.22 (relating to diisopropyl succinate).
- (28) Heading 9902.25.14 (relating to p-chloroaniline).
- (29) Heading 9902.33.59 (relating to phenyl (4,6-dimethoxy-pyrimidin-2-yl) carbamate).
- (30) Heading 9902.01.45 (relating to (S)-cyano(3-phenoxyphenyl)methyl (S)-4-chloro- α -(1-methylethyl)benzeneacetate (Esfenvalerate)).
- (31) Heading 9902.24.23 (relating to N,N-Hexane-1,6-diylbis(3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionamide))).
- (32) Heading 9902.25.06 (relating to pentaerythritol tetrakis[3-(dodecylthio)propionate]).
- (33) Heading 9902.85.09 (relating to certain AC electric motors of an output exceeding 37.5 W but not exceeding 72 W).
- (34) Heading 9902.02.30 (relating to macroporous ion-exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, thiol functionalized).
- (35) Heading 9902.25.08 (relating to Iponazole).
- (36) Heading 9902.23.86 (relating to parts or accessories of instruments or apparatus for measuring or checking electrical quantities).
- (37) Heading 9902.01.80 (relating to certain optical instruments).
- (38) Heading 9902.23.88 (relating to sub-assemblies for instruments or apparatus for measuring or checking electrical quantities).
- (39) Heading 9902.23.93 (relating to mixtures of 2-butyl-2-ethylpropane-1,3-diol and neopentyl glycol).
- (40) Heading 9902.23.91 (relating to allyl pentaerythritol).
- (41) Heading 9902.23.92 (relating to 2-Butyl-2-ethylpropane-1,3-diol).
- (42) Heading 9902.23.97 (relating to trimethylol propane).
- (43) Heading 9902.23.98 (relating to poly(oxy-1,2-ethanediyl), a-hydro-v-hydroxy-ether with 2,2'-(oxybis(methylene)) bis(2-hydroxymethyl)-1,3-propanediol)).
- (44) Heading 9902.24.01 (relating to trimethylolpropane diallyl ether).
- (45) Heading 9902.24.02 (relating to trimethylolpropane monoallyl ether).
- (46) Heading 9902.23.96 (relating to 1,3-Dioxane-5-methanol, 5-ethyl-).
- (47) Heading 9902.25.21 (relating to 1,8-Naphthalimide).
- (48) Heading 9902.25.18 (relating to p-Acetoacetanilide).
- (49) Heading 9902.25.20 (relating to Copper Phthalocyanine Green 7, Crude).
- (50) Heading 9902.25.13 (relating to p-aminobenzamide).
- (51) Heading 9902.22.23 (relating to Basic Red 1:1).
- (52) Heading 9902.25.15 (relating to p-chloro-2-nitroaniline).
- (53) Heading 9902.23.95 (relating to polymer of propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-polymer with 2,2-bis(hydroxymethyl)-1,3-propanediol and oxirane, decanoate octanoate).
- (54) Heading 9902.23.94 (relating to polymers of propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-with 2,2-bis(hydroxymethyl)-1,3-propanediol and oxirane).
- (55) Heading 9902.25.11 (relating to p-toluenesulfonyl chloride).
- (56) Heading 9902.24.03 (relating to trimethylolpropane oxetane).
- (57) Heading 9902.05.15 (relating to 1,3-bis(4-Aminophenoxy)benzene).
- (58) Heading 9902.25.19 (relating to 1-Hydroxy-2-naphthoic acid).
- (59) Heading 9902.25.17 (relating to 2-Chloroacetoacetanilide).
- (60) Heading 9902.25.16 (relating to 3-Chloro-4-methylaniline).
- (61) Heading 9902.38.15 (relating to aqueous catalytic preparations based on iron (III) toluenesulfonate).
- (62) Heading 9902.29.87 (relating to 3,4-Ethyleneedioxythiophene).
- (63) Heading 9902.39.15 (relating to aqueous dispersions of poly(3,4-ethyleneedioxythiophene) poly(styrenesulfonate) (cationic), whether or not containing binder resin and organic solvent).
- (64) Heading 9902.01.90 (relating to certain twisted synthetic filament yarns).
- (65) Heading 9902.01.91 (relating to certain untwisted synthetic filament yarns).
- (66) Heading 9902.13.10 (relating to volleyballs).
- (67) Heading 9902.13.08 (relating to leather basketballs).
- (68) Heading 9902.12.72 (relating to mixtures of zinc dialkyldithiophosphate with an elastomer binder of ethylenepropylene-diene monomer and ethyl vinyl acetate, dispersing agents and silica).
- (69) Heading 9902.12.76 (relating to mixtures of zinc dicyanato diamine with an elastomer binder of ethylene-propylene-diene monomer and ethyl vinyl acetate, and dispersing agents).
- (70) Heading 9902.12.75 (relating to mixtures of N'-(3,4-dichloro-phenyl)-N,Ndimethylurea with acrylate rubber).
- (71) Heading 9902.12.74 (relating to mixtures of caprolactam disulfide with an elastomer binder of ethylene-propylene-diene monomer and ethyl vinyl acetate, and dispersing agents).
- (72) Heading 9902.12.78 (relating to mixtures of benzenesulfonic acid, dodecyl-, with 2-aminoethanol and poly(oxy-1,2-ethanediyl), α -[1-oxo-9- octadecenyl]-w-hydroxy-, (9Z)).
- (73) Heading 9902.12.77 (relating to 4,8-Dicyclohexyl -6-2,10-dimethyl -12H-dibenzof[d,g][1,3,2]-dioxaphosphocin).
- (74) Heading 9902.24.89 (relating to Reactive Red 123).
- (75) Heading 9902.24.93 (relating to 5-[[2-Cyano-4-nitrophenyl] azo]-2-[[2-(2-hydroxyethoxy)ethyl]amino]-4-methyl-6-(phenylamino)-3-pyridine carbonitrile).
- (76) Heading 9902.24.94 (relating to Cyano[3-[[6-methoxy-2-benzothiazolyl]amino]-1H-isindol-1-ylidene]acetic acid, pentyl ester).
- (77) Heading 9902.24.95 (relating to [(9,10-Dihydro-9,10-dioxo-1,4-anthracenediyl)bis[imino[3-(2-methylpropyl)-3,1-propanediyl]] bisbenzenesulfonic acid, disodium salt).
- (78) Heading 9902.24.96 (relating to [4-(2,6-Dihydro-2,6-dioxo-7-phenylbenzo[1,2-b:4,5-b']difuran-3-yl)phenoxy]acetic acid, 2-ethoxyethyl ester).
- (79) Heading 9902.03.51 (relating to 9,10-Anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenyl-amino)-).
- (80) Heading 9902.24.86 (relating to Acid Red 414).
- (81) Heading 9902.24.87 (relating to Solvent Yellow 163).
- (82) Heading 9902.24.88 (relating to 4-Amino-3,6-bis[[5-[[4-chloro-6-[methyl[2-(methylamino)-2-oxoethyl]amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-2,7-naphthalenedisulfonic acid, lithium potassium sodium salt).
- (83) Heading 9902.22.48 (relating to certain children's footwear with outer soles of leather and uppers of leather).
- (84) Heading 9902.22.47 (relating to certain work footwear for women).
- (85) Heading 9902.22.85 (relating to certain lights designed for use in aircraft).
- (86) Heading 9902.22.84 (relating to certain seals designed for use in aircraft).
- (87) Heading 9902.22.81 (relating to marine sextants of metal designed for use in navigating by celestial bodies).
- (88) Heading 9902.23.82 (relating to certain women's footwear, valued over \$20/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches, with a coated or laminated textile fabric).
- (89) Heading 9902.23.83 (relating to certain women's footwear, valued over \$20/pair, not covering the ankle, with a coated or laminated textile fabric).
- (90) Heading 9902.25.01 (relating to 7-[[2-[(Aminocarbonyl)amino]-4-[[4-[2-[[4-[[3-[(aminocarbonyl) amino]-4-[(3,6,8-trisulfo-2-naphthalenyl)azo]phenyl]amino]-6-chloro-1,3,5-triazin-2-yl]amino]ethyl]-1-piperazinyl]-6-chloro-1,3,5-triazin-2-yl]amino]phenyl]azo]-1,3,6-naphthalenetrisulfonic acid, lithium potassium sodium salt).
- (91) Heading 9902.24.99 (relating to 2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[(3-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[[4-[[2-(sulfoxy)ethyl]sulfonyl]phenyl]azo]-, sodium salt).
- (92) Heading 9902.24.98 (relating to 2-[[[2, 5-Dichloro-4-[(2-methyl-1H-indol-3-yl)azo]phenyl]sulfonyl]amino]-ethanesulfonic acid, monosodium salt).
- (93) Heading 9902.13.46 (relating to certain decorative plates, sculptures, and plaques).
- (94) Heading 9902.23.02 (relating to diaminodecane).
- (95) Heading 9902.22.04 (relating to methyl methoxyacetate).
- (96) Heading 9902.03.92 (relating to N1-[(6-Chloro-3-pyridyl)methyl]-N2-cyano-N1-methylacetamidine).
- (97) Heading 9902.25.27 (relating to 2,2-(6-(4-Methoxyphenol)-1,3,5-triazine-2,4-diyl)bis(5-(2-ethylhexyl)oxy)phenol)).
- (98) Heading 9902.25.26 (relating to 2,2-Methylenebis[6-(2H-benzotriazolyl-2-yl)-4-(1,1,3,3-tetramethylbutylphenol)phenol]).
- (99) Heading 9902.12.01 (relating to Butralin).
- (100) Heading 9902.24.39 (relating to di-phenyl (2,4,6-trimethylbenzoyl) phosphine oxide).
- (102) Heading 9902.22.83 (relating to vacuum relief valves).
- (b) OTHER MODIFICATIONS.—
- (1) CERTAIN TEXTURED ROLLED GLASS SHEETS.—Heading 9902.70.03 is amended—

(A) by striking the article description and inserting the following: "Rolled glass in sheets, yellow-green in color, not finished or edged-worked, textured on one surface, suitable for incorporation in cooking stoves, ranges or ovens described in subheading 8516.60.40 (provided for in subheading 7003.12.00 or 7003.19.00)"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(2) PYRIDABEN.—Heading 9902.22.08 is amended—

(A) by striking the article description and inserting the following: "2-*tert*-Butyl-5-(4-*tert*-butylbenzylthio)-4-chloropyridazin-3(2*H*)-one (Pyridaben) (CAS No. 96489-71-3) (provided for in subheading 2933.99.22)"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(3) CLOQUINTOCET-MEXYL.—Heading 9902.12.57 is amended—

(A) in the article description, by striking "2933.49.30" and inserting "2933.49.60"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(4) CLODINAFOP-PROPARGYL.—Heading 9902.12.55 is amended—

(A) by striking "1.7%" in the column 1 general rate of duty column and inserting "2.9%"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(5) FLUDIOXONIL.—Heading 9902.12.54 is amended—

(A) by striking the article description and inserting the following: "1*H*-Pyrrole-3-carbonitrile, 4-(2,2-difluoro-1,3-benzodioxol-4-yl)-(fludioxonil) (CAS No. 131341-86-1) (provided for in subheading 2934.99.12)"; and

(B) by striking "1.6%" in the column 1 general rate of duty column and inserting "1.0%"; and

(C) by striking the date in the effective period column and inserting "12/31/2012".

(6) PINOXADEN.—Heading 9902.12.60 is amended—

(A) by striking "1.8%" in the column 1 general rate of duty column and inserting "1.1%"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(7) AZOXYSTROBIN.—Heading 9902.02.06 is amended—

(A) by striking the article description and inserting the following: "Benzeneacetic acid, (E)-2-[[6-(2-cyanophenoxy)-4-pyrimidinyl]oxy]- α -(methoxymethylene)-, methyl ester (azoxystrobin) (CAS No. 131860-33-8) (provided for in subheading 2933.59.15)"; and

(B) by striking "Free" in the column 1 general rate of duty column and inserting "5.5%"; and

(C) by striking the date in the effective period column and inserting "12/31/2012".

(8) CYPROCONAZOLE.—Heading 9902.12.59 is amended—

(A) in the article description, by striking "2934.99.12" and inserting "2933.99.22"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(9) MIXED XYLIDINES.—Heading 9902.22.36 is amended—

(A) in the article description, by striking "2921.49.50" and inserting "2921.49.45"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(10) LIQUID-FILLED GLASS BULBS, DESIGNED FOR SPRINKLER SYSTEMS AND OTHER RELEASE DEVICES.—Heading 9902.24.26 is amended—

(A) by striking "Free" in the column 1 general rate of duty column and inserting "0.9%"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(11) GOLF BAG BODIES MADE OF WOVEN FABRICS OF NYLON OR POLYESTER SEWN TOGETHER WITH POCKETS, AND DIVIDERS OR GRAPHITE PROTECTORS, ACCOMPANIED WITH RAINHOODS.—Heading 9902.23.24 is amended—

(A) by striking the article description and inserting the following: "Golf bag bodies made of woven fabrics of nylon or polyester sewn together with pockets, and dividers or graphite protectors, accompanied with rainhoods (provided for in subheading 6307.90.98)"; and

(B) by striking "Free" in the column 1 general rate of duty column and inserting "1.5%"; and

(C) by striking the date in the effective period column and inserting "12/31/2012".

(12) PYRACLOSTROBIN.—Heading 9902.01.21 is amended—

(A) by striking "6%" in the column 1 general rate of duty column and inserting "6.2%"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(13) PEPPERONCINI PREPARED OR PRESERVED OTHERWISE THAN BY VINEGAR OR ACETIC ACID, NOT FROZEN.—Heading 9902.10.27 is amended—

(A) by striking the article description and inserting the following: "Pepperoncini, prepared or preserved otherwise than by vinegar or acetic acid, not frozen (provided for in subheading 2005.99.55)"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(14) PEPPERONCINI PREPARED OR PRESERVED BY VINEGAR.—Heading 9902.10.29 is amended—

(A) by striking "2.2%" in the column 1 general rate of duty column and inserting "4.3%"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(15) ETHYL 2-(ISOCYANATOSULFONYL)BENZOATE.—Heading 9902.11.96 is amended—

(A) by striking the article description and inserting the following: "Ethyl 2-(Isocyanatosulfonyl)benzoate (CAS No. 77375-79-2) (provided for in subheading 2930.90.29)"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(16) CERTAIN RAYON STAPLE FIBERS.—Heading 9902.55.04 is amended—

(A) in the article description, by striking "filaments" and inserting "staple fibers"; and

(B) by striking "Free" in the column 1 general rate of duty column and inserting "1.8%"; and

(C) by striking the date in the effective period column and inserting "12/31/2012".

(17) AZOXYSTROBIN.—Heading 9902.12.51 is amended—

(A) by striking "6.17%" in the column 1 general rate of duty column and inserting "3.1%"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(18) CERTAIN EDUCATIONAL DEVICES.—Heading 9902.85.43 is amended—

(A) by striking "0.55%" in the column 1 general rate of duty column and inserting "1.6%"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(19) CERTAIN BAGS FOR TOYS.—Heading 9902.01.78 is amended—

(A) by striking the article description and inserting the following: "Bags (provided for in subheading 4202.92.45) for transporting, storing, or protecting goods of heading 9503 or 9504, imported and sold with such articles therein"; and

(B) by striking "Free" in the column 1 general rate of duty column and inserting "8.9%"; and

(C) by striking the date in the effective period column and inserting "12/31/2012".

(20) ARTICHOKE PREPARED OR PRESERVED BY VINEGAR OR ACETIC ACID.—Heading 9902.03.90 is amended—

(A) by striking "7.9%" in the column 1 general rate of duty column and inserting "6.64%"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(21) ARTICHOKE PREPARED OR PRESERVED OTHERWISE THAN BY VINEGAR OR ACETIC ACID.—Heading 9902.03.89 is amended—

(A) by striking "13.8%" in the column 1 general rate of duty column and inserting "13.34%"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(22) CERTAIN CASES OR CONTAINERS TO BE USED FOR ELECTRONIC DRAWING TOYS, ELECTRONIC GAMES, OR EDUCATIONAL TOYS.—Heading 9902.11.90 is amended—

(A) in the article description, by inserting ", or educational toys or devices of heading 8543" after "or 9504"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(23) BASKETBALLS OTHER THAN OF LEATHER OR RUBBER.—Heading 9902.13.07 is amended—

(A) by striking "0.9%" in the column 1 general rate of duty column and inserting "1.1%"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(24) METHYLIONONE.—Heading 9902.11.10 is amended—

(A) by striking "Free" in the column 1 general rate of duty column and inserting "0.6%"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(25) CERTAIN CHILDREN'S FOOTWEAR WITH UPPERS OF VEGETABLE FIBERS.—Heading 9902.13.92 is amended—

(A) by striking "6.5%" in the column 1 general rate of duty column and inserting "7.1%"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(26) CERTAIN MEN'S FOOTWEAR WITH UPPERS OF VEGETABLE FIBERS.—Heading 9902.13.91 is amended—

(A) by striking "4.5%" in the column 1 general rate of duty column and inserting "6.4%"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(27) CERTAIN CHILDREN'S FOOTWEAR WITH UPPERS OF LEATHER OR COMPOSITION LEATHER.—Heading 9902.22.46 is amended—

(A) by striking "Free" in the column 1 general rate of duty column and inserting "9.5%"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(29) RUBBER BASKETBALLS.—Heading 9902.13.09 is amended—

(A) by striking "1.5%" in the column 1 general rate of duty column and inserting "0.7%"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(30) CERTAIN WOMEN'S FOOTWEAR, VALUED OVER \$20/PAIR, WITH A COATED OR LAMINATED TEXTILE FABRIC.—Heading 9902.23.78 is amended—

(A) by striking "Free" in the column 1 general rate of duty column and inserting "13.6%"; and

(B) by striking the date in the effective period column and inserting "12/31/2012".

(31) CERTAIN MEN'S FOOTWEAR, VALUED OVER \$20/PAIR, WITH A COATED OR LAMINATED TEXTILE FABRIC.—Heading 9902.23.77 is amended—

(A) by striking “Free” in the column 1 general rate of duty column and inserting “27.6%”; and

(B) by striking the date in the effective period column and inserting “12/31/2012”.

(32) CERTAIN MEN’S FOOTWEAR, VALUED OVER \$20/PAIR, WHOSE HEIGHT FROM THE BOTTOM OF THE OUTER SOLE TO THE TOP OF THE UPPER DOES NOT EXCEED 8 INCHES, WITH A COATED OR LAMINATED TEXTILE FABRIC.—Heading 9902.23.76 is amended—

(A) by striking “Free” in the column 1 general rate of duty column and inserting “24.7%”; and

(B) by striking the date in the effective period column and inserting “12/31/2012”.

(33) CERTAIN WOMEN’S FOOTWEAR, VALUED OVER \$20/PAIR, COVERING THE ANKLE, WITH A COATED OR LAMINATED TEXTILE FABRIC.—Heading 9902.23.75 is amended—

(A) by striking “Free” in the column 1 general rate of duty column and inserting “25%”; and

(B) by striking the date in the effective column period and inserting “12/31/2012”.

(34) CERTAIN MUSIC BOXES.—Heading 9902.13.47 is amended—

(A) by striking “Free” in the column 1 general rate of duty column and inserting “0.2%”; and

(B) by striking the date in the effective column period and inserting “12/31/2012”.

(35) CERTAIN ACETAMIPRID, WHETHER OR NOT COMBINED WITH APPLICATION ADJUVANTS.—Heading 9902.01.72 is amended—

(A) by striking “Free” in the column 1 general rate of duty column and inserting “0.8%”; and

(B) by striking the date in the effective column period and inserting “12/31/2012”.

(36) ERASERS OF VULCANIZED RUBBER OTHER THAN HARD RUBBER OR CELLULAR RUBBER.—Heading 9902.25.51 is amended—

(A) by striking “Free” in the column 1 general rate of duty column and inserting “0.2%”; and

(B) by striking the date in the effective column period and inserting “12/31/2012”.

(37) ELECTRICALLY OPERATED PENCIL SHARPENERS.—Heading 9902.22.82 is amended—

(A) by striking “Free” in the column 1 general rate of duty column and inserting “0.4%”; and

(B) by striking the date in the effective column period and inserting “12/31/2012”.

(38) CERTAIN AC ELECTRIC MOTORS OF AN OUTPUT EXCEEDING 74.6 W BUT NOT EXCEEDING 85 W.—The second heading 9902.85.06 (relating to certain AC electric motors of an output exceeding 74.6 W but not exceeding 85 W)—

(A) is redesignated as heading 9902.85.10; and

(B) is amended by striking the date in the effective column period and inserting “12/31/2012”.

SEC. 3002. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RETROACTIVE APPLICABILITY.—

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to paragraph (2), the entry of an article described in any heading of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (as amended by this title)—

(A) which was made on or after January 1, 2010, and before the 15th day after the date of the enactment of this Act, and

(B) with respect to which there would have been no duty or a reduced duty (as the case

may be) if the amendment or amendments made by this title applied to such entry,

shall be liquidated or reliquidated as though the entry had been made on the 15th day after the date of the enactment of this Act.

(2) REQUESTS.—A liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with U.S. Customs and Border Protection not later than 180 days after the date of the enactment of this Act that contains sufficient information to enable U.S. Customs and Border Protection—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

(3) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry of an article under paragraph (1) shall be paid, without interest, not later than 90 days after the date of the liquidation or reliquidation (as the case may be).

(4) DEFINITION.—As used in this subsection, the term “entry” includes a withdrawal from warehouse for consumption.

TITLE IV—CUSTOMS USER FEES; TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES; PAYGO COMPLIANCE

SEC. 4001. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking “November 10, 2018” and inserting “December 10, 2018”; and

(2) in subparagraph (B)(i), by striking “August 24, 2018” and inserting “November 30, 2018”.

(b) RELATED TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 11 of the Haiti Economic Lift Program Act of 2010 (Public Law 111–171; 124 Stat. 1207) is amended in the matter preceding paragraph (1) by inserting “Budget” before “Reconciliation”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of the Haiti Economic Lift Program Act of 2010.

SEC. 4002. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 0.5 percentage points.

SEC. 4003. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge Members to support the U.S. Manufacturing Enhancement Act of 2010, also known as the Miscellaneous Tariff Bill, MTB.

The MTB temporarily reduces or suspends tariffs on raw materials and components used in U.S. manufacturing. This bill is a shot in the arm for U.S. manufacturers and workers who need these products to keep making their goods and supporting American jobs. I want to underscore that point. This bill supports U.S. manufacturing jobs.

Provisions in this bill reduce tariffs on inputs that are used for numerous industries, including chemical, pharmaceutical, automotive, agricultural, textiles, electronics, machinery and equipment.

When the cost of these inputs is lowered, U.S. producers’ overall costs are reduced, making their products more competitive in this market and globally, and that increased competitiveness translates into increased production and more jobs.

All of these provisions have been extensively vetted to ensure that the inputs covered by any tariff suspensions are not made here. In the vetting process, there is review by the administration, by the independent ITC, and also there is an opportunity for public comment.

So, as a result we have, for example, the two leading textile associations who represent an industry that has been hard hit by global competition view the MTB as key to their competitiveness.

I quote NCTO, saying, MTB is “a critical cost reduction measure for many U.S. manufacturers, supporting domestic production and employment.” And that’s why the bill is supported by U.S. manufacturing.

The NAM has said this about MTB, “one of the most important short-term actions Congress can take to preserve and expand good American jobs, cut the costs of doing business in the United States and boost American manufacturing exports,” and the U.S. Chamber has said, alike, the same thing.

We have been, in the past, considering duty suspension bills like this since the 97th Congress, and usually, indeed in every case, they have been noncontroversial and supported on a bipartisan basis.

And I quote two documents recently put out by Ways and Means Republicans, my colleagues. I quote from that put out under the name of a ranking member, the distinguished Member from Michigan, DAVE CAMP. And I quote his description of the MTB. “The bill helps U.S. manufacturers and their employees compete by temporarily reducing duties on foreign-made intermediate products or materials and

some finished products that are not made domestically or where there is no domestic opposition.

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Such reductions or suspensions reduce the costs for U.S. employers. If there is any objection to including a specific provision, such as because a U.S. manufacturer is identified, the item is dropped from the bill."

I also quote a recent statement by the ranking member, Mr. BRADY, on the Subcommittee on Trade: "This traditionally bipartisan legislation reduces unnecessary costs for American businesses and consumers and increases U.S. competitiveness. A model of transparency, the bill is carefully vetted during a long public process to ensure domestic producers are protected. As the ranking member of the Trade Subcommittee of Ways and Means, I have long been a strong advocate for it and have called for its passage for the past 3 years."

So what's changed? What changed was that the Republican Conference decided recently to oppose all earmarks. The House rules distinguish between earmarks and limited tariff benefits; they are defined separately in the rules. So therefore there is really no basis for lumping them together; and when they are lumped together, manufacturers and their workers in this country will be taking their lumps.

So I close with this: in terms of transparency, this process is thorough, rigorous, and transparent to ensure there is no domestic opposition. As indicated, the ITC has to vet this. And all of the information from this extensive review process can be found on the Ways and Means Committee Web site. As a result, the Sunlight Foundation, which has been in the lead in favor of transparency, has called this process "transparency done right."

In sum, a vote for H.R. 4380 is a vote for U.S. manufacturing and U.S. jobs. And so I hope my Republican colleagues, many of them who have businesses and workers in their districts which need this help and many of whom have introduced legislation incorporated in this bill, I hope they will join the Democrats and stand up for American businesses and workers and support this legislation.

I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

I'm disappointed that I can't support this legislation. The Miscellaneous Tariff bill has long been a bipartisan effort that helps both American manufacturers and consumers obtain lower-cost access to products that aren't made in the United States.

I appreciate the chairman following my statements so carefully and even quoting them to this House, because the process used to assemble this legislation is a model in transparency and

accountability. It has been a long-standing process used by many Congresses under both Republican and Democrat control, and it should serve as an example of how similar legislation should be prepared.

Every provision is first introduced as a separate bill. Each provision is vetted by the administration and by the U.S. ITC, the International Trade Commission, and is subject to public notice and comment. All information is posted on the committee Web site. And any provision receiving any opposition is removed from the final package.

In my view, this bill technically does not contain earmarks in the form of limited tariff benefits. Each provision lowers duties on imports; and any company or entity or person that imports that product receives the benefit of those lower duties, not just those few that we can positively identify today. But despite these facts, Democrats have written the rules of the House in such a way as to treat limited tariff benefits like other earmarks, and the Democrats were wrong to do so.

The Republican Conference has taken the position, and correctly so, that we are taking a 1-year moratorium on all the provisions included in the Democrat rule to demonstrate our commitment to getting government spending under control. I am committed to both the letter and spirit of that moratorium and therefore will vote against the bill.

In fact, the majority is well aware of our earmark ban, and I can't help but wonder if this wasn't put on the suspension calendar after 3½ years without a vote so that it would fail and they might avoid taking the blame. It's a sham and it won't work. The business community knows it, the American workers whose jobs depend on it know it, and we know it. Democrats have had 3½ years to pass the Miscellaneous Tariff bill and they have failed to do so.

Congress has not passed a miscellaneous tariff bill since December of 2006, right before the Democrats took the majority and except for the Peru Free Trade Agreement have brought no trade legislation to the floor in the time that they have been in the majority. Given the state of our economy, given the loss of jobs, I think that record is not only an embarrassing one; it's a shameful one.

And the record speaks for itself. Republicans have long supported the MTB and U.S. employers, while the Democrats have written the rules of the House to discriminate against this bill. Under this majority, business investment and hiring are frozen in the face of looming tax hikes, smothering government regulation, and little, very little—frankly, no action on the trade agenda. A true commitment to trade and the good-paying U.S. jobs it provides would involve passing the pend-

ing bilateral trade agreements which economically are even more important to this country than the bill before us today.

Mr. Speaker, what you're seeing today is merely one more attempt by the majority to distract American workers and employers from the real damage they've done to the American economy. This legislation cannot overcome the \$670 billion in new taxes already passed by this Congress and the billions more coming. It cannot overcome the anti-business attitude of so much of the legislation produced by the majority.

Mr. Speaker, if my friends on the other side of the aisle were truly interested in helping American manufacturers, they would be lowering taxes, knocking down trade barriers, and supporting the private sector. This legislation is no substitute for those policies.

The House should take a breather from earmarks as called for in the moratorium from the Republican Conference. It is unfortunate that this pause includes the MTB; but we didn't write the rule, the majority did. I urge my colleagues to show the American people that we are serious about reforming the way Washington works and vote "no."

I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself 15 seconds.

Rule XXI, clause 9, specifically defines congressional earmarks in one clause and limited tariff benefits in another. You lump them together, you are lumping hurt against manufacturing in the U.S.

I yield 3 minutes to the gentleman who chairs the Trade Subcommittee, my colleague from Tennessee (Mr. TANNER).

Mr. TANNER. Thank you, Mr. Chairman.

I guess this probably symbolizes as much as anything what's wrong with Congress. Here are people who get up and say this is a good bill that's good for job creation in this country, it had been bipartisan for 30 years, and because we made a mistake in the Republican Conference with respect to lumping it in as some sort of earmark, we have to oppose it, even though it's good for job creation in this country and good for our Nation. This is almost Alice in Wonderland where up is down and down is up. I have to vote against a bill I know will help create jobs because they did it when they wrote the rules. And we misinterpreted the rules, so now we're going to have two wrongs make a right.

If job creation is important, and everyone knows that this bill will help create jobs in the United States of America, it seems to me that to vote against it for the reasons—and by the way, part of the time delay was because of a Senator in the other body who is in the Republican Party. But all

that aside, if we cannot rise above some inane technicality that is in the rules that we just don't like or we can't interpret correctly, or whatever, and we're going to vote against American workers and the industrial base of this country because of that, then I suggest we give our voting cards to whoever the leadership of the Republican Conference is and go home.

□ 1050

What do we have brains for? We are not supposed to park our brains at the door because of some sort of partisan political advantage we think we might be able to get by hurting our own country.

I would like to place in the RECORD a series of letters of support from the National Association of Manufacturers, the Chamber of Commerce, AMTAC, NCTO, and from U.S. manufacturers all across the Nation.

They say this is for us to create jobs. I know I'm running out of time, but this is a perfect example of what is wrong with this House of Representatives—when we put partisan politics ahead of the country's interest.

UNITED STATES OF AMERICA
CHAMBER OF COMMERCE,
Washington, DC, July 19, 2010.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, strongly supports H.R. 4380, the "Miscellaneous Trade and Technical Corrections Act," commonly referred to as the Miscellaneous Tariff Bill (MTB). Tens of thousands of American workers and hundreds of American companies depend on the MTB for relief from tariffs that serve only to raise costs for U.S. manufacturers and other U.S. businesses.

According to guidelines established by Congress, the MTB is a vehicle for the temporary suspension or reduction of duties levied on imported materials or intermediate products that are not produced domestically, or where there is no domestic opposition. By eliminating these tariffs, the MTB lowers costs and helps U.S. businesses maintain their competitive edge.

The process for approving products for duty suspension under the MTB is fully transparent. All tariff suspension requests go through a vetting process to determine whether any affected products are produced domestically or whether there is any domestic opposition. Requests are subject to review by the Department of Commerce, the Office of the U.S. Trade Representative, U.S. Customs and Border Protection, and the U.S. International Trade Commission. Opportunities for public comment are provided by both the executive branch and Congress.

Since the expiration of the last MTB on December 31, 2009, U.S. businesses both large and small have faced higher costs for imported inputs not available from domestic sources. The savings afforded by the MTB will help these firms to invest in training and equipment and enhance their competitiveness.

Given its importance for preserving American jobs, the MTB should receive the same strong bipartisan support it has in the past, and the Chamber urges you to support its

swift approval. The Chamber will consider including votes on, or in relation to, this issue in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL ASSOCIATION OF
MANUFACTURERS,
Washington, DC, July 20, 2010.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES: The National Association of Manufacturers (NAM), the nation's largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 states, urges you to support H.R. 4380, the U.S. Manufacturing Enhancement Act, also known as the Miscellaneous Tariff Bill (MTB).

The MTB is one of the most important short-term actions Congress can take to preserve and expand good American jobs, cut the costs of doing business in the United States and boost American manufacturing exports. U.S. manufacturers large and small use the MTB's tariff suspension provisions to obtain raw materials, proprietary inputs and other products that are not available in our nation.

Without the MTB, the cost of these companies' products will inevitably increase, forcing them to pass higher costs on to consumers and making their products less competitive. These higher costs translate into lost jobs for American workers.

The MTB process is wholly transparent and open to the public. Each proposed duty suspension is subject to a meticulous and non-partisan vetting process to ensure that no domestic producers of the affected product exist. The International Trade Commission, U.S. Commerce Department, U.S. Customs and Border Protection, Office of Management and Budget and the congressional committees of jurisdiction collaborate to review each proposed duty suspension.

A July 2009 study by economist Andrew Szamosszegi of Capital Trade, Inc. concluded that, if enacted, the MTB would increase U.S. production by \$4.6 billion and support almost 90,000 jobs. Costs savings realized under the MTB allow U.S. companies to maintain competitive operations, invest in new facilities and re-train workers. Few bills give Members of Congress such a clear opportunity to support American manufacturing jobs. We urge your support for H.R. 4380.

The NAM's Key Vote Advisory Committee has indicated that all votes related to H.R. 4380, including procedural motions and votes under suspension, may be considered for designation as Key Manufacturing Votes in the 111th Congress.

Thank you for your consideration.

Sincerely,

JAY TIMMONS.

NATIONAL COUNCIL OF
TEXTILE ORGANIZATIONS,
Washington, DC.

On behalf of the National Council of Textile Organizations, we write to urge a YES vote on H.R. 4380, the Miscellaneous Trade and Technical Corrections Bill of 2009. H.R. 4380 is expected to be considered on the House floor Wednesday July 21, 2010.

H.R. 4380 supports U.S. jobs in the textile industry by suspending duties in whole or in part on acrylic and rayon fibers. Acrylic fiber is the primary raw material and highest cost input for U.S. textile manufacturers that utilize these fibers. Acrylic must be imported because there is no domestic supplier

for this product and the average duty is 6 percent. Because of the unique characteristics of these fibers—water resistant, fade resistant, and durability—manufacturers who use these raw materials are at the high-end of the value-added chain. U.S. textile producers are able to compete against foreign manufacturers IF they have access to raw materials at competitive prices. Over the last nine months, prices for acrylic fiber have increased 50 percent. On top of this companies are paying full duty at six percent on top of this enormous price increase means that textile mills are losing profit margins. If this situation continues further into 2010 the viability of our mills and workers will be put at risk.

In addition, rayon fibers are no longer produced in the United States and are unlikely to be produced here in the foreseeable future and, through the MTB bill, have been at zero duty for many years. Today, imports of these essential fibers are now being taxed equal to 5 to ten cents per pound of fiber. Rayon fibers have a wide-range of applications including apparel, home furnishings and industrial fabrics. An extension of the current duty suspension on these fibers is justified, necessary, and would continue to improve the international competitiveness of the U.S. textile industry.

The most recent recession has put immense pressure on textile manufacturers to further evolve their business model through innovation, advanced mechanization, and lean manufacturing practices in order to remain globally competitive. Payment of duty on acrylic and rayon fibers diminishes this competitive advantage and in many cases has eliminated any profit margins for companies that rely on these fibers as part of their manufacturing process.

A textile mill can support an entire community; and over the past decade the industry has lost an untold number of mills most of which were located in the Southeast where the unemployment rates per county far exceed the national average. Given that textile mills are closing in some of the hardest hit areas of the country it is more important than ever to ensure that the industry is able to import components that are no longer made in the United States.

NCTO strongly believes that duty suspensions are extremely beneficial to U.S. manufacturers and promotes U.S. competitiveness. In addition, there has been significant debate surrounding whether a duty suspension constitutes an earmark. NCTO believes that a duty suspension should not constitute what is defined as an earmark. The entire duty suspension process is transparent and contributes to the preservation and creation of U.S. jobs and provides domestic producers with necessary tools to be globally competitive.

We urge all members of the Textile Caucus to support the Miscellaneous Trade and Technical Corrections Bill of 2009 since it is a critical cost reduction measure for many U.S. manufacturers, supporting domestic production and employment. If you have any questions regarding H.R. 4380 please feel free to email me or call (202) 822-8026.

Sincerely,

SARAH FAYE PIERCE,
Senior Vice President,
National Council of
Textile Organiza-
tions (NCTO).

AMERICAN MANUFACTURING
TRADE ACTION COALITION,
Washington, DC, July 19, 2010.

DEAR U.S. REPRESENTATIVE: The American Manufacturing Trade Action Coalition

(AMTAC) strongly urges you to vote in favor of H.R. 4380, the U.S. Manufacturing Enhancement Act of 2010, also known as the miscellaneous tariff bill (MTB). H.R. 4380 has been placed on the House suspension calendar for this week and is listed as item #24.

The MTB helps U.S. manufacturers compete at home and abroad by temporarily suspending or reducing duties on inputs that are not made domestically, or where there is no domestic opposition.

Such suspensions or reductions reduce input costs for U.S. business and ultimately increase the competitiveness of their products.

For example, H.R. 4380 includes fiber-related provisions that will significantly reduce costs associated with various synthetic, acrylic and rayon staple fibers and filaments. Our textile members have experienced longstanding problems sourcing these components in the United States and will benefit significantly from lowered costs for imported sources.

Adding to the urgency of this bill, all of the duty suspensions and reductions put into place by the last MTB have expired, and the U.S. government re-imposed full duties as of January 1, 2010. This has raised production costs for U.S. manufacturers using these components as they struggle to emerge from a severe recession.

While AMTAC is often a critic of U.S. trade policy, the MTB is one element that is actually extremely beneficial to U.S. manufacturers and promotes U.S. competitiveness. In addition, there has been a lot of confusion surrounding whether the MTB constitutes an earmark. We feel that this label is misplaced, as the MTB process is an extremely valuable program for U.S. producers and workers. Furthermore, it is an extremely transparent process that is handled as a collaboration among Congress, private industry, the executive branch, the U.S. International Trade Commission. Only non-controversial provisions are included.

We urge members to support the MTB since it is a critical cost reduction measure for many U.S. manufacturers, supporting domestic production and employment. Thank you for your consideration of our views on this important matter and please feel free to contact me if you have any questions.

AUGUSTINE TANTILLO,
Executive Director.

Mr. CAMP. Mr. Speaker, at this time I yield such time as he may consume to the ranking member of the Trade Subcommittee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I would like to support this legislation, but I cannot.

As Mr. CAMP has pointed out, this has always been a bipartisan process. When Republicans were in the majority, we regularly prepared this legislation in a bipartisan, transparent manner. It was bipartisan because Democrats and Republicans worked together to review every provision and to ensure there was no opposition to any provision and that it protected American companies. It was transparent because every provision was reviewed by the U.S. International Trade Commission, and the ITC's report was posted online for all of America to review. Every provision was subject to public notice and comment.

I am happy to say, and I compliment our Democrat majority for continuing these transparent policies in this legislation, but as lead Republican originally on this bill, however, I will vote against this legislation because it violates the letter and the spirit of the Republican moratorium on earmark requests. Congress has to get a handle on earmarks. There is no question about it.

While the miscellaneous tariff bill, the one we are looking at today, ought to be a model for the way other committees deal with the earmark requests, in the House rule, clause 9, the majority's overbroad and, I think, carelessly written effort to handle the earmark problem has, unfortunately, netted these provisions. As a result, in establishing a moratorium to discipline the process, Republicans have no choice but to include a miscellaneous tariff bill. That is the only reason I'm voting against this bill.

I guess I am puzzled. This is no surprise. We visited as Republicans and Democrats on this issue, trying to find a way forward for months now. If you are truly serious about passing this measure, why would you demand a supermajority that ensures its defeat rather than a normal majority vote that ensures its passage? For months, we've said we cannot help the moratorium on this bill this year, and we are sincere about it. By choosing the suspension route, you have killed this bill.

So the question is: Where do we go from here?

We have so many trade issues that we face as Republicans and Democrats. We have differences about what that trade agenda should be. I worry—and others do—that we have moved to the sidelines. Other countries have stepped ahead of us, selling their products ahead of U.S. products. We've seen this in Colombia, where American farmers have now lost half of our market because of our benching ourselves as a country.

We have to find a bipartisan way forward on opening new markets for U.S. companies. We have to find a bipartisan way forward on facilitating trade, on modernizing our own customs and border processes to allow trade while we become more secure. We have to find a bipartisan way forward on the pending trade agreements with Colombia and Panama and Korea. The President has asked us to find a way forward as he tries to as well.

We have to find a way forward in a bipartisan manner on China—on currency, on protecting intellectual property rights, on setting standards and rules for trade throughout this world. We have a lot at stake in working together, which is why I think choosing the most confrontational method on this bill is shortsighted and why, unfortunately, this bill will be defeated—because of the choice to seek a super-

majority rather than the normal route of a majority vote in this House.

Reluctantly but strongly, I oppose this bill because of the earmark moratorium. I am hopeful that the majority will bring this back under regular order. Democrats with an almost supermajority in this House already can pass this bill, but we have been very open from the beginning about the fact that, if it is brought up under suspension, it will die. I regret that. I would encourage us to find a bipartisan way forward on trade and facilitation on the miscellaneous tariff bill.

Mr. LEVIN. I yield myself 10 seconds.

Mr. BRADY, it is your choice.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. Mr. Speaker, I stand in support of this job-creating legislation. This legislation before us today is going to advance American manufacturing competitiveness in an increasingly global economy, and it furthers our goal of doubling exports over the next 5 years. Yet we hear strong opposition to this legislation today. Let me tell you something: It's Orwellian what you just heard—or, in street parlance, it's a reach.

There is clearly an opportunity for us to get past some of the pettiness of this institution and move forward on legislation that at one time would guarantee 400 votes. There is nothing that we are attempting to hide with this legislation. The markings have been posted on the Internet. Now, our opponents have even authored some of these provisions. They have decided, if somehow they help an American company, that it's dirty business.

One of the provisions that I've offered in this bill today helps a manufacturing company in my district—and by the way, it's headquartered in a Republican Member's district, a Member who, apparently, is going to vote against it today, and we are going to hear opposition that doesn't stand up under the magnifying glass.

These tariff reductions are simply taxes on imports, but these imported products are based upon no American manufacturer making them; so it only raises taxes on the cost of an American importer who uses the raw material to create a marketable product for sale. This bill will lower production costs and increase American manufacturing competitiveness.

Now, the U.S. Chamber of Commerce and the National Association of Manufacturers and others have said this is a job booster, estimated to increase the GDP by—listen to this—several billion dollars. This has been a model for bipartisanship in the past, for transparency and for good policy that promotes American manufacturing and jobs, which ought to be our current and lasting priority—but today, things have changed.

There is no other bill, no other legislative process that requires the same magnitude of disclosure that this legislation does. No other bill requires the certification that this legislation does. It is a model for sunlight and transparency. Yet some today will urge a vote against this legislation? I'm not one of them. I am glad to stand here and to support the provision that I have offered that will help a company in my district that supports 500 very good jobs.

I urge adoption.

Mr. CAMP. At this time, Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I want to begin by praising my colleagues Messrs. CAMP and BRADY for the hard work they have put into the overall job-creating and trade agenda.

We all know very well that opening up new markets for U.S. goods and services around the world is one of the most important things that we can do if we, in fact, are going to do what everybody says we want to do, and that is to create good American jobs.

□ 1100

We have pending, as we all know, the Colombia and Panama agreements and the South Korea agreement. It's wonderful to hear the kinds of supportive remarks that come regularly from the President of the United States. After the G-20 meeting, he was very supportive of it. He stood right here when he addressed us in his State of the Union message saying that he thought it very important that we pass the Colombia and the Peru agreements, but he has yet to send them up. And so I will say that we are all anxiously awaiting the arrival of those job-creating measures.

Now, what is it that we're doing here?

And, Mr. Speaker, I've got to say that I always pride myself on being a bit of a Reagan optimist and occasionally skeptical, and I don't want to say that I've moved over toward cynicism. But when we have a measure like this that is being brought up under the suspension the rules, which, as Mr. BRADY said, will, in fact, die if we're not going to get it, it means that the majority understands full well that this measure ain't going to happen.

Now, let's look at what is it that has gotten us to the point where we are, Mr. Speaker. The fact of the matter is we made it very clear that in our attempt to rein in Federal spending, the notion of continuing to expand earmarks was a nonstarter for us. And so our Republican leader, Mr. BOEHNER, encouraged all of us under his leadership to say that we would have a moratorium on earmarks.

Well, Mr. Speaker, it was not until the 110th Congress, not until this Congress, under the rules established by

the Democratic majority, did we have these tariff measures included under the earmark designation. And so, while there's criticism leveled at us over here, the fact is, you all, Mr. Speaker, your party, actually designed this new definition, which included these measures under earmarks. And so the majority knew full well that those of us who are opposed to this dramatic expansion and earmark spending would, in fact, come to the conclusion that we would not be supportive of this measure, as much as we would like to, as much as we are passionately committed, I believe more so than many of our colleagues on the other side of the aisle. We're more passionately committed to the notion of breaking down tariff and nontariff barriers to encourage the free flow of goods and services around the world. As much as we would like to do that, the majority knew full well that creating, under their new definition—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional minute.

Mr. DREIER. That under their definition, under their definition, Mr. Speaker, what is it that's happened?

They knew that we would not be in a position to do this. And so it is with a great deal of regret that I join with Mr. CAMP and Mr. BRADY and encourage our colleagues to vote "no" but to say that, as Mr. BRADY pointed out, a bipartisan agreement that could allow us to address these measures is something that we should be working on and we could do in the House Rules Committee.

And so I will say, just as we are ready, willing, and able to take on and, I hope, pass the South Korea, Colombia, and Panama agreements if the President were to send them up, I stand ready, willing, and able to work in the Rules Committee in a bipartisan way to make sure that we can address this issue and bring it here so that we can work together to create good American jobs.

Mr. LEVIN. Mr. Speaker, I yield myself 10 seconds.

The rule has separate provisions on congressional earmarks and limited tariff benefits. You are using an excuse that does not exist.

I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT), a distinguished member of our committee.

Mr. DOGGETT. The Republicans do, indeed, have a moratorium. It's a moratorium on cooperation. It's a moratorium on voting for good bills they say they're for. It's a moratorium on reality.

They never miss an opportunity to let their rigid ideology get in the way of us doing something for America, and that's what's happening here today. We reach out a hand on a bill they say they're for and they slap it back.

Let me say just a word about openness in government, which has a lot to do with earmarks and this bill, because it's too often good talk but little meaningful action.

In the past, this very piece of legislation to spend or reduce hundreds of individual tariffs for specific businesses has been a troubling example of government in the shadows. As in previous Congresses, when I first attempted to learn more about what was in this bill, I found it an impenetrable process. Even my efforts as a member of the committee of jurisdiction to determine specifics about this bill were initially thwarted.

True to its name, the Sunlight Foundation shed light on this opaque process. In 2008, it took on the laborious task of creating a database to improve the public's ability to understand who would benefit from the bill, at the request of which lobbyist, and for which corporation.

This year, the Ways and Means Committee, under the leadership of Chairman LEVIN, has built upon the Sunlight Foundation's laudable work, substantially changing the secretive process of the past that governs the Miscellaneous Tariff Bill.

I'm pleased to have worked with the Sunlight Foundation and Chairman LEVIN to make this official database a reality. Now any citizen can look up the details of this bill, learn who the winners and losers were, and see who pushed them over the finish line. Today we have not only a new name for this legislation, but we have a new process involving public participation and understanding in its development.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield an additional 15 seconds to the gentleman.

Mr. DOGGETT. This is just the latest example of public access in this Congress. With the encouragement of the Sunlight Foundation and other public interest groups, we must continue building on such success, arming citizens with the tools they need to make informed decisions.

Mr. CAMP. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), another distinguished member of our committee.

Mr. BLUMENAUER. I rise in support of this legislation today. I've worked on miscellaneous tariff bills in the past that are important to open up markets here at home.

One of the areas that I've been involved with over the years has dealt with the bicycle industry, which benefits dramatically. It's a \$133 billion part of the United States economy. It supports over a million jobs, generates almost \$20 billion in taxes. We've got elements here that are not manufactured in the United States that are

necessary for the bicycle industry to thrive. I'm pleased that they're in this legislation.

But I am stunned at what I'm hearing from my friends on the other side of the aisle. It is, sadly, a symbol of their hollow rhetoric and shallow thinking. They want to do the right thing, but they can't. They can't take "yes" for an answer because it's partisan. It's partisan because they refuse to vote for things that they know are right, that they helped craft.

And the notion that this is somehow an earmark—I'm sorry. I was pained when I heard my good friend from Texas on the floor. The top Republican on trade, KEVIN BRADY, has said that, while he supports the GOP earmark prohibition, he has never considered a tariff suspension an earmark, and added that he considers it important that the bill moves in this Congress.

It's not an earmark unless you want to pretend that it's an earmark. But for heaven's sakes, this is something that even the Republicans agree they're not going to do next year. It's an election year ploy to try and get attention to a problem that they made worse when they were in charge.

We've opened this process up. It's transparent. It's important.

I hope my friends on the other side of the aisle will take "yes" for an answer and join me in voting for this legislation.

Mr. CAMP. Mr. Speaker, I continue to reserve the balance of my time. I will make a statement when it's time to close.

Mr. LEVIN. I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL), another distinguished member of our committee.

□ 1110

Mr. PASCRELL. Here we go again on process. We want results. We need to look back at the record since 1995 on this legislation. The House has approved the MTB six times under suspension. Two of those votes, Mr. Speaker, two of the votes, voted on in the 104th Congress and the 107th Congress, were voiced. We didn't even have a roll call vote.

So for you to come before this House and tell us that the world was turned upside down, you turned it upside down when you look at the 104th and the 107th Congress. And we know who the majority was in those Congresses. That's the record.

Now, we know there is a very clear distinction between earmarks and the MTB provision which this bill enunciates. You know that an earmark provides for the authorization of a specific district or State, et cetera, et cetera. But a limited tariff benefit is defined as a provision modifying harmonized tariffs. We don't know what the word "harmony" means in this House.

So I am in strong support of H.R. 4380. This bill will lower costs for

American small businesses, allowing them to prosper and making their products more competitive both here and abroad. This is what we should all be about. This will create tens of thousands of United States jobs, increase United States production, and expand GDP by several billion dollars. In my district, two towns, Bloomfield and Paterson, will benefit from duty suspensions on certain products. This is significant not only for the people who work there but for the customers of these products.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman 10 additional seconds.

Mr. PASCRELL. In fact, the Sunlight Foundation, which is no stranger to criticizing this Congress on earmarks, has called this bill "transparency done right." I rest my case. Let's pass this legislation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to address their remarks to the Chair and not to fellow Members in the second person.

Mr. LEVIN. I yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I rise in support of the bill, which will promote competitiveness, innovation, exports, and, most importantly, jobs in the Richmond, Virginia area.

Mr. Speaker, I rise today in support of the U.S. Manufacturing Enhancement Act, and I thank Chairman LEVIN and the Ways and Means Committee for their diligent work on this bill over the last two years.

The legislation before the House today will help American manufacturers compete at home and abroad by temporarily providing import relief on certain intermediate products or materials that are not made domestically or are not opposed by domestic producers.

This bill will help level the playing field of U.S. firms, increase competitiveness of American products at home and abroad, provide support for tens of thousands of American jobs, and help increase American production and expand our nation's gross domestic product by billions of dollars. As we continue our economic recovery, this bill is an important short-term action that Congress can take now to protect and expand American jobs and provide another boost to our economy.

I especially appreciate the Committee's work to include several duty suspensions for Hamilton Beach/Proctor Silex, a distributor of small kitchen appliances based in Richmond, Virginia. These duty suspensions for Hamilton Beach/Proctor Silex were first included in the Harmonized Tariff Schedule by Senator George Allen in 2006. I was happy to support the extensions of these duty suspensions in the 110th Congress and I thank the Chairman for including these suspensions in this bill. By providing this import relief through 2012, these duty suspensions will protect important manufacturing jobs in and around my Congressional district.

Mr. Speaker, the U.S. Manufacturing Enhancement Act will promote competitiveness, innovation, exports and, most importantly, job creation for American manufacturers. I urge my colleagues to support this important job protection and job creation legislation.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

First, let me address the rule of the House. It's very clear that these are treated the same way, if you look at the rules. In fact, if you pull the rules of the House out, there is subsection called "Congressional Earmarks." All of this is listed in that section. So it's very clear that there was an intent to incorporate, unfortunately wrongly, these kinds of provisions in the earmark process. We didn't write that rule. The Democrats wrote that rule. We are trying to have some integrity to the entire process.

Now, I realize that on the other side, whether it's a budget, and the Budget Act of 1974, you ignore that; whether it's PAYGO, you ignore that whenever it suits your needs and, quote, "find an emergency" to get around that. But the fact is we need to reform this process. We have not done that.

And I have in personal terms urged the chairman not to bring this under suspension of the rules. The last time this bill was on suspension in the 109th Congress it failed, and a majority of the Democrats voted against the bill. I think this is not the process in order to find a bipartisan path forward on this bill. What we really need to do, I think what should have been done, is not bring this bill where it requires a supermajority, because I think it is very likely the bill will fail. And that may be the political outcome that my friends on the other side wanted.

But in order to move this legislation in a bipartisan way forward, I think it's going to be important to get a rule, which I am certain will occur, and we will be back on the floor very shortly addressing this matter with a rule and a simple majority vote.

So I would just urge my colleagues to vote "no" on this bill until we can find a way to bring this legislation to the floor with a bipartisan rule that we have had the ranking member on the Rules Committee come forward and say he would be willing to work with the majority to find a way to resolve this issue.

Again, I urge a "no" vote on this legislation, and I yield back the balance of my time.

Mr. LEVIN. I yield the balance of my time to the gentleman from North Carolina (Mr. ETHERIDGE), a distinguished member of our committee.

The SPEAKER pro tempore. The gentleman is recognized for 1½ minutes.

Mr. ETHERIDGE. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the Manufacturing Enhancement Act. My top priority, and the priority

of this Congress ought to be three things: jobs, jobs, jobs when people are hurting. I know too many North Carolinians who are out of work. Families are hurting. They are being squeezed. And this helps small businesses. It will support tens of thousands of jobs in my State and across America. It will strengthen our manufacturing sector. And it is a time when we really need that kind of support. Fixing these tariffs is a boon to U.S. manufacturing, it lowers costs for consumers, and makes sure that U.S. jobs stay in the United States of America.

My colleagues on the other side remind me of the story of the young man who came before this aged gentleman, and he had a bird in his hand. And he said, "Old man," he said, "is this bird alive or is he dead?" Knowing that if he said he was alive, he would crush him, and if he said he was dead, he would release him. And the old gentleman said to him, "Young man, it is up to you." When you say whether this bill will pass or die, to my colleagues on this side of the aisle, it's up to you. But the American people are watching, and they will suffer.

I urge you to reconsider and vote "yes" on this legislation not just to make a point, but to make a difference for the American people.

Mr. DAVIS of Illinois. Mr. Speaker, I join my colleagues in support of the U.S. Manufacturing Enhancement Act of 2010, H.R. 4380. This bill seeks to bolster manufacturing across the country through reductions and suspensions of duty taxes on non-competitive industrial goods. American manufacturing companies will be able to save considerably on production costs due to the decreased prices of industrial materials. I believe this legislation is essential to saving American manufacturing by creating jobs all across the country and by improving the competitiveness of American manufacturing in the global market. It will ease the pressure on American manufacturers at a time when it is most necessary.

American manufacturing is in dire need of government support. From the years 2002–2007, the GDP of America's private manufacturing sector expanded at 2.3% per year, an adequate growth rate. In 2008, the GDP declined by 2.5%, and last year, the GDP growth rate plummeted by 5.3%. Congress must act to reverse this trend. This bill is projected to expand the GDP by billions of dollars.

Locally, the Cook County unemployment rate currently stands at 10.7%. As a major industrial center of the U.S., Chicago businesses will benefit significantly from this bill. It will produce tens of thousands of jobs nationwide and many in the Chicago area. The bill is supported by over 130 companies as well as the Chamber of Commerce and the National Association of Manufacturers. Reducing the cost of industrial materials will create jobs, boost revenues, and put the U.S. in a better position to compete on the international market.

I strongly believe the U.S. Manufacturing Enhancement Act of 2010 is critical to the future of American manufacturing, and I look for-

ward to seeing this bill move through the House.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill, H.R. 4380, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LEVIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

INDIAN ARTS AND CRAFTS AMENDMENTS ACT OF 2010

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 725) to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

At the end, add the following:

DIVISION B—TRIBAL LAW AND ORDER

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Tribal Law and Order Act of 2010".

(b) *TABLE OF CONTENTS.*—The table of contents of this division is as follows:

DIVISION B—TRIBAL LAW AND ORDER

Sec. 1. Short title; table of contents.

Sec. 2. Findings; purposes.

Sec. 3. Definitions.

Sec. 4. Severability.

Sec. 5. Jurisdiction of the State of Alaska.

Sec. 6. Effect.

TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION

Sec. 101. Office of Justice Services responsibilities.

Sec. 102. Disposition reports.

Sec. 103. Prosecution of crimes in Indian country.

Sec. 104. Administration.

TITLE II—STATE ACCOUNTABILITY AND COORDINATION

Sec. 201. State criminal jurisdiction and resources.

Sec. 202. State, tribal, and local law enforcement cooperation.

TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES AND TRIBAL GOVERNMENTS

Sec. 301. Tribal police officers.

Sec. 302. Drug enforcement in Indian country.

Sec. 303. Access to national criminal information databases.

Sec. 304. Tribal court sentencing authority.

Sec. 305. Indian Law and Order Commission.

Sec. 306. Exemption for tribal display materials.

TITLE IV—TRIBAL JUSTICE SYSTEMS

Sec. 401. Indian alcohol and substance abuse.

Sec. 402. Indian tribal justice; technical and legal assistance.

Sec. 403. Tribal resources grant program.

Sec. 404. Tribal jails program.

Sec. 405. Tribal probation office liaison program.

Sec. 406. Tribal youth program.

Sec. 407. Improving public safety presence in rural Alaska.

TITLE V—INDIAN COUNTRY CRIME DATA COLLECTION AND INFORMATION SHARING

Sec. 501. Tracking of crimes committed in Indian country.

Sec. 502. Criminal history record improvement program.

TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROSECUTION AND PREVENTION

Sec. 601. Prisoner release and reentry.

Sec. 602. Domestic and sexual violence offense training.

Sec. 603. Testimony by Federal employees.

Sec. 604. Coordination of Federal agencies.

Sec. 605. Sexual assault protocol.

Sec. 606. Study of IHS sexual assault and domestic violence response capabilities.

SEC. 2. FINDINGS; PURPOSES.

(a) *FINDINGS.*—Congress finds that—

(1) the United States has distinct legal, treaty, and trust obligations to provide for the public safety of Indian country;

(2) Congress and the President have acknowledged that—

(A) tribal law enforcement officers are often the first responders to crimes on Indian reservations; and

(B) tribal justice systems are often the most appropriate institutions for maintaining law and order in Indian country;

(3) less than 3,000 tribal and Federal law enforcement officers patrol more than 56,000,000 acres of Indian country, which reflects less than 1/2 of the law enforcement presence in comparable rural communities nationwide;

(4) the complicated jurisdictional scheme that exists in Indian country—

(A) has a significant negative impact on the ability to provide public safety to Indian communities;

(B) has been increasingly exploited by criminals; and

(C) requires a high degree of commitment and cooperation among tribal, Federal, and State law enforcement officials;

(5)(A) domestic and sexual violence against American Indian and Alaska Native women has reached epidemic proportions;

(B) 34 percent of American Indian and Alaska Native women will be raped in their lifetimes; and

(C) 39 percent of American Indian and Alaska Native women will be subject to domestic violence;

(6) Indian tribes have faced significant increases in instances of domestic violence, burglary, assault, and child abuse as a direct result of increased methamphetamine use on Indian reservations; and

(7) crime data is a fundamental tool of law enforcement, but for decades the Bureau of Indian Affairs and the Department of Justice have not been able to coordinate or consistently report crime and prosecution rates in tribal communities.

(b) *PURPOSES.*—The purposes of this division are—

(1) to clarify the responsibilities of Federal, State, tribal, and local governments with respect to crimes committed in Indian country;

(2) to increase coordination and communication among Federal, State, tribal, and local law enforcement agencies;

(3) to empower tribal governments with the authority, resources, and information necessary

to safely and effectively provide public safety in Indian country;

(4) to reduce the prevalence of violent crime in Indian country and to combat sexual and domestic violence against American Indian and Alaska Native women;

(5) to prevent drug trafficking and reduce rates of alcohol and drug addiction in Indian country; and

(6) to increase and standardize the collection of criminal data and the sharing of criminal history information among Federal, State, and tribal officials responsible for responding to and investigating crimes in Indian country.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—In this division:

(1) INDIAN COUNTRY.—The term “Indian country” has the meaning given the term in section 1151 of title 18, United States Code.

(2) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) TRIBAL GOVERNMENT.—The term “tribal government” means the governing body of a federally recognized Indian tribe.

(b) INDIAN LAW ENFORCEMENT REFORM ACT.—Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended by adding at the end the following:

“(10) The term ‘tribal justice official’ means—

“(A) a tribal prosecutor;

“(B) a tribal law enforcement officer; or

“(C) any other person responsible for investigating or prosecuting an alleged criminal offense in tribal court.”.

SEC. 4. SEVERABILITY.

If any provision of this division, an amendment made by this division, or the application of such a provision or amendment to any individual, entity, or circumstance, is determined by a court of competent jurisdiction to be invalid, the remaining provisions of this division, the remaining amendments made by this division, and the application of those provisions and amendments to individuals, entities, or circumstances other than the affected individual, entity, or circumstance shall not be affected.

SEC. 5. JURISDICTION OF THE STATE OF ALASKA.

Nothing in this Act limits, alters, expands, or diminishes the civil or criminal jurisdiction of the State of Alaska, any subdivision of the State of Alaska, or any Indian tribe in that State.

SEC. 6. EFFECT.

Nothing in this Act confers on an Indian tribe criminal jurisdiction over non-Indians.

TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION

SEC. 101. OFFICE OF JUSTICE SERVICES RESPONSIBILITIES.

(a) DEFINITIONS.—Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended—

(1) by striking paragraph (8);

(2) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(3) by redesignating paragraph (9) as paragraph (1) and moving the paragraphs so as to appear in numerical order; and

(4) in paragraph (1) (as redesignated by paragraph (3)), by striking “Division of Law Enforcement Services” and inserting “Office of Justice Services”.

(b) ADDITIONAL RESPONSIBILITIES OF OFFICE.—Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802) is amended—

(1) in subsection (b), by striking “(b) There is hereby established within the Bureau a Division of Law Enforcement Services which” and inserting the following:

“(b) OFFICE OF JUSTICE SERVICES.—There is established in the Bureau an office, to be known as the ‘Office of Justice Services’, that”;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “Division of Law Enforcement Services” and inserting “Office of Justice Services”;

(B) in paragraph (8), by striking “and” at the end;

(C) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(10) the development and provision of dispatch and emergency and E-911 services;

“(11) communicating with tribal leaders, tribal community and victims’ advocates, tribal justice officials, indigent defense representatives, and residents of Indian country on a regular basis regarding public safety and justice concerns facing tribal communities;

“(12) conducting meaningful and timely consultation with tribal leaders and tribal justice officials in the development of regulatory policies and other actions that affect public safety and justice in Indian country;

“(13) providing technical assistance and training to tribal law enforcement officials to gain access and input authority to utilize the National Criminal Information Center and other national crime information databases pursuant to section 534 of title 28, United States Code;

“(14) in coordination with the Attorney General pursuant to subsection (g) of section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732), collecting, analyzing, and reporting data regarding Indian country crimes on an annual basis;

“(15) on an annual basis, sharing with the Department of Justice all relevant crime data, including Uniform Crime Reports, that the Office of Justice Services prepares and receives from tribal law enforcement agencies on a tribe-by-tribe basis to ensure that individual tribal governments providing data are eligible for programs offered by the Department of Justice;

“(16) submitting to the appropriate committees of Congress, for each fiscal year, a detailed spending report regarding tribal public safety and justice programs that includes—

“(A)(i) the number of full-time employees of the Bureau and tribal governments who serve as—

“(I) criminal investigators;

“(II) uniform police;

“(III) police and emergency dispatchers;

“(IV) detention officers;

“(V) executive personnel, including special agents in charge, and directors and deputies of various offices in the Office of Justice Services; and

“(VI) tribal court judges, prosecutors, public defenders, appointed defense counsel, or related staff; and

“(ii) the amount of appropriations obligated for each category described in clause (i) for each fiscal year;

“(B) a list of amounts dedicated to law enforcement and corrections, vehicles, related transportation costs, equipment, inmate transportation costs, inmate transfer costs, replacement, improvement, and repair of facilities, personnel transfers, detainees and costs related to their details, emergency events, public safety and justice communications and technology costs, and tribal court personnel, facilities, indigent defense, and related program costs;

“(C) a list of the unmet staffing needs of law enforcement, corrections, and court personnel (including indigent defense and prosecution staff) at tribal and Bureau of Indian Affairs justice agencies, the replacement and repair needs of tribal and Bureau corrections facilities, needs for tribal police and court facilities, and public safety and emergency communications and technology needs; and

“(D) the formula, priority list or other methodology used to determine the method of dis-

bursement of funds for the public safety and justice programs administered by the Office of Justice Services;

“(17) submitting to the appropriate committees of Congress, for each fiscal year, a report summarizing the technical assistance, training, and other support provided to tribal law enforcement and corrections agencies that operate relevant programs pursuant to self-determination contracts or self-governance compacts with the Secretary; and

“(18) promulgating regulations to carry out this Act, and routinely reviewing and updating, as necessary, the regulations contained in subchapter B of title 25, Code of Federal Regulations (or successor regulations).”;

(3) in subsection (d)—

(A) in paragraph (1), by striking “Division of Law Enforcement Services” and inserting “Office of Justice Services”; and

(B) in paragraph (4)(i), in the first sentence, by striking “Division” and inserting “Office of Justice Services”;

(4) in subsection (e), by striking “Division of Law Enforcement Services” each place it appears and inserting “Office of Justice Services”; and

(5) by adding at the end the following:

“(f) LONG-TERM PLAN FOR TRIBAL DETENTION PROGRAMS.—Not later than 1 year after the date of enactment of this subsection, the Secretary, acting through the Bureau, in coordination with the Department of Justice and in consultation with tribal leaders, tribal courts, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including—

“(1) a description of proposed activities for—

“(A) the construction, operation, and maintenance of juvenile (in accordance with section 4220(a)(3) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453(a)(3)) and adult detention facilities (including regional facilities) in Indian country;

“(B) contracting with State and local detention centers, upon approval of affected tribal governments; and

“(C) alternatives to incarceration, developed in cooperation with tribal court systems;

“(2) an assessment and consideration of the construction of Federal detention facilities in Indian country; and

“(3) any other alternatives as the Secretary, in coordination with the Attorney General and in consultation with Indian tribes, determines to be necessary.”.

(c) LAW ENFORCEMENT AUTHORITY.—Section 4 of the Indian Law Enforcement Reform Act (25 U.S.C. 2803) is amended—

(1) in paragraph (2)(A), by striking “), or” and inserting “or offenses processed by the Central Violations Bureau); or”; and

(2) in paragraph (3)—

(A) in subparagraph (B), by striking “, or” at the end and inserting a semicolon;

(B) in subparagraphs (B) and (C), by striking “reasonable grounds” each place it appears and inserting “probable cause”;

(C) in subparagraph (C), by adding “or” at the end; and

(D) by adding at the end the following:

“(D)(i) the offense involves—

“(I) a misdemeanor controlled substance offense in violation of—

“(aa) the Controlled Substances Act (21 U.S.C. 801 et seq.);

“(bb) title IX of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (21 U.S.C. 862a et seq.); or

“(cc) section 731 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (21 U.S.C. 865);

“(II) a misdemeanor firearms offense in violation of chapter 44 of title 18, United States Code;

“(III) a misdemeanor assault in violation of chapter 7 of title 18, United States Code; or

“(IV) a misdemeanor liquor trafficking offense in violation of chapter 59 of title 18, United States Code; and

“(ii) the employee has probable cause to believe that the individual to be arrested has committed, or is committing, the crime.”.

SEC. 102. DISPOSITION REPORTS.

Section 10 of the Indian Law Enforcement Reform Act (25 U.S.C. 2809) is amended by striking subsections (a) through (d) and inserting the following:

“(a) COORDINATION AND DATA COLLECTION.—

“(1) INVESTIGATIVE COORDINATION.—Subject to subsection (c), if a law enforcement officer or employee of any Federal department or agency terminates an investigation of an alleged violation of Federal criminal law in Indian country without referral for prosecution, the officer or employee shall coordinate with the appropriate tribal law enforcement officials regarding the status of the investigation and the use of evidence relevant to the case in a tribal court with authority over the crime alleged.

“(2) INVESTIGATION DATA.—The Federal Bureau of Investigation shall compile, on an annual basis and by Field Division, information regarding decisions not to refer to an appropriate prosecuting authority cases in which investigations had been opened into an alleged crime in Indian country, including—

“(A) the types of crimes alleged;

“(B) the statuses of the accused as Indians or non-Indians;

“(C) the statuses of the victims as Indians or non-Indians; and

“(D) the reasons for deciding against referring the investigation for prosecution.

“(3) PROSECUTORIAL COORDINATION.—Subject to subsection (c), if a United States Attorney declines to prosecute, or acts to terminate prosecution of, an alleged violation of Federal criminal law in Indian country, the United States Attorney shall coordinate with the appropriate tribal justice officials regarding the status of the investigation and the use of evidence relevant to the case in a tribal court with authority over the crime alleged.

“(4) PROSECUTION DATA.—The United States Attorney shall submit to the Native American Issues Coordinator to compile, on an annual basis and by Federal judicial district, information regarding all declinations of alleged violations of Federal criminal law that occurred in Indian country that were referred for prosecution by law enforcement agencies, including—

“(A) the types of crimes alleged;

“(B) the statuses of the accused as Indians or non-Indians;

“(C) the statuses of the victims as Indians or non-Indians; and

“(D) the reasons for deciding to decline or terminate the prosecutions.

“(b) ANNUAL REPORTS.—The Attorney General shall submit to Congress annual reports containing, with respect to the applicable calendar year, the information compiled under paragraphs (2) and (4) of subsection (a)—

“(1) organized—

“(A) in the aggregate; and

“(B)(i) for the Federal Bureau of Investigation, by Field Division; and

“(ii) for United States Attorneys, by Federal judicial district; and

“(2) including any relevant explanatory statements.

“(c) EFFECT OF SECTION.—

“(1) IN GENERAL.—Nothing in this section requires any Federal agency or official to transfer or disclose any confidential, privileged, or statutorily protected communication, information, or source to an official of any Indian tribe.

“(2) FEDERAL RULES OF CRIMINAL PROCEDURE.—Nothing in this section affects or limits

the requirements of Rule 6 of the Federal Rules of Criminal Procedure.

“(3) REGULATIONS.—The Attorney General shall establish, by regulation, standards for the protection of the confidential or privileged communications, information, and sources described in this section.”.

SEC. 103. PROSECUTION OF CRIMES IN INDIAN COUNTRY.

(a) APPOINTMENT OF SPECIAL PROSECUTORS.—(1) IN GENERAL.—Section 543 of title 28, United States Code, is amended—

(A) in subsection (a), by inserting before the period at the end the following: “, including the appointment of qualified tribal prosecutors and other qualified attorneys to assist in prosecuting Federal offenses committed in Indian country”; and

(B) by adding at the end the following:

“(c) INDIAN COUNTRY.—In this section, the term ‘Indian country’ has the meaning given that term in section 1151 of title 18.”.

(2) SENSE OF CONGRESS REGARDING CONSULTATION.—It is the sense of Congress that, in appointing attorneys under section 543 of title 28, United States Code, to serve as special prosecutors in Indian country, the Attorney General should consult with tribal justice officials of each Indian tribe that would be affected by the appointment.

(b) TRIBAL LIAISONS.—

(1) IN GENERAL.—The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) is amended by adding at the end the following:

“SEC. 13. ASSISTANT UNITED STATES ATTORNEY TRIBAL LIAISONS.

“(a) APPOINTMENT.—The United States Attorney for each district that includes Indian country shall appoint not less than 1 assistant United States Attorney to serve as a tribal liaison for the district.

“(b) DUTIES.—The duties of a tribal liaison shall include the following:

“(1) Coordinating the prosecution of Federal crimes that occur in Indian country.

“(2) Developing multidisciplinary teams to combat child abuse and domestic and sexual violence offenses against Indians.

“(3) Consulting and coordinating with tribal justice officials and victims’ advocates to address any backlog in the prosecution of major crimes in Indian country in the district.

“(4) Developing working relationships and maintaining communication with tribal leaders, tribal community and victims’ advocates, and tribal justice officials to gather information from, and share appropriate information with, tribal justice officials.

“(5) Coordinating with tribal prosecutors in cases in which a tribal government has concurrent jurisdiction over an alleged crime, in advance of the expiration of any applicable statute of limitation.

“(6) Providing technical assistance and training regarding evidence gathering techniques and strategies to address victim and witness protection to tribal justice officials and other individuals and entities that are instrumental to responding to Indian country crimes.

“(7) Conducting training sessions and seminars to certify special law enforcement commissions to tribal justice officials and other individuals and entities responsible for responding to Indian country crimes.

“(8) Coordinating with the Office of Tribal Justice, as necessary.

“(9) Conducting such other activities to address and prevent violent crime in Indian country as the applicable United States Attorney determines to be appropriate.

“(c) EFFECT OF SECTION.—Nothing in this section limits the authority of any United States Attorney to determine the duties of a tribal liaison officer to meet the needs of the Indian tribes located within the relevant Federal district.

“(d) ENHANCED PROSECUTION OF MINOR CRIMES.—

“(1) IN GENERAL.—Each United States Attorney serving a district that includes Indian country is authorized and encouraged—

“(A) to appoint Special Assistant United States Attorneys pursuant to section 543(a) of title 28, United States Code, to prosecute crimes in Indian country as necessary to improve the administration of justice, and particularly when—

“(i) the crime rate exceeds the national average crime rate; or

“(ii) the rate at which criminal offenses are declined to be prosecuted exceeds the national average declination rate;

“(B) to coordinate with applicable United States district courts regarding scheduling of Indian country matters and holding trials or other proceedings in Indian country, as appropriate;

“(C) to provide to appointed Special Assistant United States Attorneys appropriate training, supervision, and staff support; and

“(D) to provide technical and other assistance to tribal governments and tribal court systems to ensure that the goals of this subsection are achieved.

“(2) SENSE OF CONGRESS REGARDING CONSULTATION.—It is the sense of Congress that, in appointing Special Assistant United States Attorneys under this subsection, a United States Attorney should consult with tribal justice officials of each Indian tribe that would be affected by the appointment.”.

(2) SENSE OF CONGRESS REGARDING EVALUATIONS OF TRIBAL LIAISONS.—

(A) FINDINGS.—Congress finds that—

(i) many residents of Indian country rely solely on United States Attorneys offices to prosecute felony and misdemeanor crimes occurring on Indian land; and

(ii) tribal liaisons have dual obligations of—

(I) coordinating prosecutions of Indian country crime; and

(II) developing relationships with residents of Indian country and serving as a link between Indian country residents and the Federal justice process.

(B) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General should—

(i) take all appropriate actions to encourage the aggressive prosecution of all Federal crimes committed in Indian country; and

(ii) when appropriate, take into consideration the dual responsibilities of tribal liaisons described in subparagraph (A)(ii) in evaluating the performance of the tribal liaisons.

SEC. 104. ADMINISTRATION.

(a) OFFICE OF TRIBAL JUSTICE.—

(1) DEFINITIONS.—Section 4 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3653) is amended—

(A) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) DIRECTOR.—The term ‘Director’ means the Director of the Office of Tribal Justice.”.

(2) STATUS.—Title 1 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

(A) by redesignating section 106 (25 U.S.C. 3666) as section 107; and

(B) by inserting after section 105 (25 U.S.C. 3665) the following:

“SEC. 106. OFFICE OF TRIBAL JUSTICE.

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of the Tribal Law and Order Act of 2010, the Attorney General shall establish the Office of Tribal Justice as a component of the Department.

“(b) PERSONNEL AND FUNDING.—The Attorney General shall provide to the Office of Tribal Justice such personnel and funds as are necessary

to establish the Office of Tribal Justice as a component of the Department under subsection (a).

“(c) **DUTIES.**—The Office of Tribal Justice shall—

“(1) serve as the program and legal policy advisor to the Attorney General with respect to the treaty and trust relationship between the United States and Indian tribes;

“(2) serve as the point of contact for federally recognized tribal governments and tribal organizations with respect to questions and comments regarding policies and programs of the Department and issues relating to public safety and justice in Indian country; and

“(3) coordinate with other bureaus, agencies, offices, and divisions within the Department of Justice to ensure that each component has an accountable process to ensure meaningful and timely consultation with tribal leaders in the development of regulatory policies and other actions that affect—

“(A) the trust responsibility of the United States to Indian tribes;

“(B) any tribal treaty provision;

“(C) the status of Indian tribes as sovereign governments; or

“(D) any other tribal interest.”.

(b) **NATIVE AMERICAN ISSUES COORDINATOR.**—The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 103(b)) is amended by adding at the end the following:

“**SEC. 14. NATIVE AMERICAN ISSUES COORDINATOR.**

“(a) **ESTABLISHMENT.**—There is established in the Executive Office for United States Attorneys of the Department of Justice a position to be known as the ‘Native American Issues Coordinator’.

“(b) **DUTIES.**—The Native American Issues Coordinator shall—

“(1) coordinate with the United States Attorneys that have authority to prosecute crimes in Indian country;

“(2) coordinate prosecutions of crimes of national significance in Indian country, as determined by the Attorney General;

“(3) coordinate as necessary with other components of the Department of Justice and any relevant advisory groups to the Attorney General or the Deputy Attorney General; and

“(4) carry out such other duties as the Attorney General may prescribe.”.

TITLE II—STATE ACCOUNTABILITY AND COORDINATION

SEC. 201. STATE CRIMINAL JURISDICTION AND RESOURCES.

(a) **CONCURRENT AUTHORITY OF UNITED STATES.**—Section 401(a) of the Indian Civil Rights Act of 1968 (25 U.S.C. 1321(a)) is amended—

(1) by striking the section designation and heading and all that follows through “The consent of the United States” and inserting the following:

“**SEC. 401. ASSUMPTION BY STATE OF CRIMINAL JURISDICTION.**

“(a) **CONSENT OF UNITED STATES.**—

“(1) **IN GENERAL.**—The consent of the United States”; and

(2) by adding at the end the following:

“(2) **CONCURRENT JURISDICTION.**—At the request of an Indian tribe, and after consultation with and consent by the Attorney General, the United States shall accept concurrent jurisdiction to prosecute violations of sections 1152 and 1153 of title 18, United States Code, within the Indian country of the Indian tribe.”.

(b) **APPLICABLE LAW.**—Section 1162 of title 18, United States Code, is amended by adding at the end the following:

“(d) Notwithstanding subsection (c), at the request of an Indian tribe, and after consultation with and consent by the Attorney General—

“(1) sections 1152 and 1153 shall apply in the areas of the Indian country of the Indian tribe; and

“(2) jurisdiction over those areas shall be concurrent among the Federal Government, State governments, and, where applicable, tribal governments.”.

SEC. 202. STATE, TRIBAL, AND LOCAL LAW ENFORCEMENT COOPERATION.

The Attorney General may provide technical and other assistance to State, tribal, and local governments that enter into cooperative agreements, including agreements relating to mutual aid, hot pursuit of suspects, and cross-deputization for the purposes of—

(1) improving law enforcement effectiveness;

(2) reducing crime in Indian country and nearby communities; and

(3) developing successful cooperative relationships that effectively combat crime in Indian country and nearby communities.

TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES AND TRIBAL GOVERNMENTS

SEC. 301. TRIBAL POLICE OFFICERS.

(a) **FLEXIBILITY IN TRAINING LAW ENFORCEMENT OFFICERS SERVING INDIAN COUNTRY.**—Section 3(e) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(e)) (as amended by section 101(b)(4)) is amended—

(1) in paragraph (1)—

(A) by striking “(e)(1) The Secretary” and inserting the following:

“(e) **STANDARDS OF EDUCATION AND EXPERIENCE AND CLASSIFICATION OF POSITIONS.**—

“(1) **STANDARDS OF EDUCATION AND EXPERIENCE.**—

“(A) **IN GENERAL.**—The Secretary”; and

(B) by adding at the end the following:

“(B) **REQUIREMENTS FOR TRAINING.**—The training standards established under subparagraph (A)—

“(i) shall be consistent with standards accepted by the Federal Law Enforcement Training Accreditation commission for law enforcement officers attending similar programs; and

“(ii) shall include, or be supplemented by, instruction regarding Federal sources of authority and jurisdiction, Federal crimes, Federal rules of criminal procedure, and constitutional law to bridge the gap between State training and Federal requirements.

“(C) **TRAINING AT STATE, TRIBAL, AND LOCAL ACADEMIES.**—Law enforcement personnel of the Office of Justice Services or an Indian tribe may satisfy the training standards established under subparagraph (A) through training at a State or tribal police academy, a State, regional, local, or tribal college or university, or other training academy (including any program at a State, regional, local, or tribal college or university) that meets the appropriate Peace Officer Standards of Training.

“(D) **MAXIMUM AGE REQUIREMENT.**—Pursuant to section 3307(e) of title 5, United States Code, the Secretary may employ as a law enforcement officer under section 4 any individual under the age of 47, if the individual meets all other applicable hiring requirements for the applicable law enforcement position.”;

(2) in paragraph (3), by striking “Agencies” and inserting “agencies”; and

(3) by adding at the end the following:

“(4) **BACKGROUND CHECKS FOR TRIBAL JUSTICE OFFICIALS.**—

“(A) **IN GENERAL.**—The Office of Justice Services shall develop standards and deadlines for the provision of background checks to tribal law enforcement and corrections officials.

“(B) **TIMING.**—If a request for a background check is made by an Indian tribe that has contracted or entered into a compact for law enforcement or corrections services with the Bureau of Indian Affairs pursuant to the Indian

Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Office of Justice Services shall complete the check not later than 60 days after the date of receipt of the request, unless an adequate reason for failure to respond by that date is provided to the Indian tribe in writing.”.

(b) **SPECIAL LAW ENFORCEMENT COMMISSIONS.**—Section 5 of the Indian Law Enforcement Reform Act (25 U.S.C. 2804) is amended—

(1) by striking “(a) The Secretary may enter into an agreement” and inserting the following:

“(a) **AGREEMENTS.**—

“(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2010, the Secretary shall establish procedures to enter into memoranda of agreement”;

(2) in the second sentence, by striking “The Secretary” and inserting the following:

“(2) **CERTAIN ACTIVITIES.**—The Secretary”; and

(3) by adding at the end the following:

“(3) **PROGRAM ENHANCEMENT.**—

“(A) **TRAINING SESSIONS IN INDIAN COUNTRY.**—

“(i) **IN GENERAL.**—The procedures described in paragraph (1) shall include the development of a plan to enhance the certification and provision of special law enforcement commissions to tribal law enforcement officials, and, subject to subsection (d), State and local law enforcement officials, pursuant to this section.

“(ii) **INCLUSIONS.**—The plan under clause (i) shall include the hosting of regional training sessions in Indian country, not less frequently than biannually, to educate and certify candidates for the special law enforcement commissions.

“(B) **MEMORANDA OF AGREEMENT.**—

“(i) **IN GENERAL.**—Not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2010, the Secretary, in consultation with Indian tribes and tribal law enforcement agencies, shall develop minimum requirements to be included in special law enforcement commission agreements pursuant to this section.

“(ii) **SUBSTANCE OF AGREEMENTS.**—Each agreement entered into pursuant to this section shall reflect the status of the applicable certified individual as a Federal law enforcement officer under subsection (f), acting within the scope of the duties described in section 3(c).

“(iii) **AGREEMENT.**—Not later than 60 days after the date on which the Secretary determines that all applicable requirements under clause (i) are met, the Secretary shall offer to enter into a special law enforcement commission agreement with the Indian tribe.”.

(c) **INDIAN LAW ENFORCEMENT FOUNDATION.**—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

“TITLE VII—INDIAN LAW ENFORCEMENT FOUNDATION

“SEC. 701. DEFINITIONS.

“In this title:

“(1) **BOARD.**—The term ‘Board’ means the Board of Directors of the Foundation.

“(2) **BUREAU.**—The term ‘Bureau’ means the Office of Justice Services of the Bureau of Indian Affairs.

“(3) **COMMITTEE.**—The term ‘Committee’ means the Committee for the Establishment of the Indian Law Enforcement Foundation established under section 702(e)(1).

“(4) **FOUNDATION.**—The term ‘Foundation’ means the Indian Law Enforcement Foundation established under section 702.

“(5) **SECRETARY.**—The term ‘Secretary’ means the Secretary of the Interior.

“SEC. 702. INDIAN LAW ENFORCEMENT FOUNDATION.

“(a) **ESTABLISHMENT.**—

“(1) *IN GENERAL*.—As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, a foundation, to be known as the ‘Indian Law Enforcement Foundation’.

“(2) *FUNDING DETERMINATIONS*.—No funds, gift, property, or other item of value (including any interest accrued on such an item) acquired by the Foundation shall—

“(A) be taken into consideration for purposes of determining Federal appropriations relating to the provision of public safety or justice services to Indians; or

“(B) otherwise limit, diminish, or affect the Federal responsibility for the provision of public safety or justice services to Indians.

“(b) *NATURE OF CORPORATION*.—The Foundation—

“(1) shall be a charitable and nonprofit federally chartered corporation; and

“(2) shall not be an agency or instrumentality of the United States.

“(c) *PLACE OF INCORPORATION AND DOMICILE*.—The Foundation shall be incorporated and domiciled in the District of Columbia.

“(d) *DUTIES*.—The Foundation shall—

“(1) encourage, accept, and administer, in accordance with the terms of each donation, private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, public safety and justice services in American Indian and Alaska Native communities; and

“(2) assist the Office of Justice Services of the Bureau of Indian Affairs and Indian tribal governments in funding and conducting activities and providing education to advance and support the provision of public safety and justice services in American Indian and Alaska Native communities.

“(e) *COMMITTEE FOR THE ESTABLISHMENT OF THE INDIAN LAW ENFORCEMENT FOUNDATION*.—

“(1) *IN GENERAL*.—The Secretary shall establish a committee, to be known as the ‘Committee for the Establishment of the Indian Law Enforcement Foundation’, to assist the Secretary in establishing the Foundation.

“(2) *DUTIES*.—Not later than 180 days after the date of enactment of this section, the Committee shall—

“(A) carry out such activities as are necessary to incorporate the Foundation under the laws of the District of Columbia, including acting as incorporators of the Foundation;

“(B) ensure that the Foundation qualifies for and maintains the status required to carry out this section, until the date on which the Board is established;

“(C) establish the constitution and initial bylaws of the Foundation;

“(D) provide for the initial operation of the Foundation, including providing for temporary or interim quarters, equipment, and staff; and

“(E) appoint the initial members of the Board in accordance with the constitution and initial bylaws of the Foundation.

“(f) *BOARD OF DIRECTORS*.—

“(1) *IN GENERAL*.—The Board of Directors shall be the governing body of the Foundation.

“(2) *POWERS*.—The Board may exercise, or provide for the exercise of, the powers of the Foundation.

“(3) *SELECTION*.—

“(A) *IN GENERAL*.—Subject to subparagraph (B), the number of members of the Board, the manner of selection of the members (including the filling of vacancies), and the terms of office of the members shall be as provided in the constitution and bylaws of the Foundation.

“(B) *REQUIREMENTS*.—

“(i) *NUMBER OF MEMBERS*.—The Board shall be composed of not less than 7 members.

“(ii) *INITIAL VOTING MEMBERS*.—The initial voting members of the Board—

“(I) shall be appointed by the Committee not later than 180 days after the date on which the Foundation is established; and

“(II) shall serve for staggered terms.

“(iii) *QUALIFICATION*.—The members of the Board shall be United States citizens with knowledge or experience regarding public safety and justice in Indian and Alaska Native communities.

“(C) *COMPENSATION*.—A member of the Board shall not receive compensation for service as a member, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred in the performance of the duties of the Foundation.

“(g) *OFFICERS*.—

“(1) *IN GENERAL*.—The officers of the Foundation shall be—

“(A) a Secretary, elected from among the members of the Board; and

“(B) any other officers provided for in the constitution and bylaws of the Foundation.

“(2) *CHIEF OPERATING OFFICER*.—

“(A) *SECRETARY*.—Subject to subparagraph (B), the Secretary of the Foundation may serve, at the direction of the Board, as the chief operating officer of the Foundation.

“(B) *APPOINTMENT*.—The Board may appoint a chief operating officer in lieu of the Secretary of the Foundation under subparagraph (A), who shall serve at the direction of the Board.

“(3) *ELECTION*.—The manner of election, term of office, and duties of the officers of the Foundation shall be as provided in the constitution and bylaws of the Foundation.

“(h) *POWERS*.—The Foundation—

“(1) shall adopt a constitution and bylaws for the management of the property of the Foundation and the regulation of the affairs of the Foundation;

“(2) may adopt and alter a corporate seal;

“(3) may enter into contracts;

“(4) may acquire (through gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the Foundation;

“(5) may sue and be sued; and

“(6) may perform any other act necessary and proper to carry out the purposes of the Foundation.

“(i) *PRINCIPAL OFFICE*.—

“(1) *IN GENERAL*.—The principal office of the Foundation shall be located in the District of Columbia.

“(2) *ACTIVITIES; OFFICES*.—The activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

“(j) *SERVICE OF PROCESS*.—The Foundation shall comply with the law on service of process of each State in which the Foundation is incorporated and of each State in which the Foundation carries on activities.

“(k) *LIABILITY OF OFFICERS, EMPLOYEES, AND AGENTS*.—

“(1) *IN GENERAL*.—The Foundation shall be liable for the acts of the officers, employees, and agents of the Foundation acting within the scope of the authority of the officers, employees, and agents.

“(2) *PERSONAL LIABILITY*.—A member of the Board shall be personally liable only for gross negligence in the performance of the duties of the member.

“(l) *RESTRICTIONS*.—

“(1) *LIMITATION ON SPENDING*.—Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the Foundation shall not exceed the percentage described in paragraph (2) of the sum of—

“(A) the amounts transferred to the Foundation under subsection (n) during the preceding fiscal year; and

“(B) donations received from private sources during the preceding fiscal year.

“(2) *PERCENTAGES*.—The percentages referred to in paragraph (1) are—

“(A) for the first 2 fiscal years described in that paragraph, 25 percent;

“(B) for the following fiscal year, 20 percent; and

“(C) for each fiscal year thereafter, 15 percent.

“(3) *APPOINTMENT AND HIRING*.—The appointment of officers and employees of the Foundation shall be subject to the availability of funds.

“(4) *STATUS*.—A member of the Board or officer, employee, or agent of the Foundation shall not by reason of association with the Foundation be considered to be an officer, employee, or agent of the United States.

“(m) *AUDITS*.—The Foundation shall comply with section 10101 of title 36, United States Code, as if the Foundation were a corporation under part B of subtitle II of that title.

“(n) *FUNDING*.—For each of fiscal years 2011 through 2015, out of any unobligated amounts available to the Secretary, the Secretary may use to carry out this section not more than \$500,000.

“SEC. 703. ADMINISTRATIVE SERVICES AND SUPPORT.

“(a) *PROVISION OF SUPPORT BY SECRETARY*.—Subject to subsection (b), during the 5-year period beginning on the date on which the Foundation is established, the Secretary—

“(1) may provide personnel, facilities, and other administrative support services to the Foundation;

“(2) may provide funds for initial operating costs and to reimburse the travel expenses of the members of the Board; and

“(3) shall require and accept reimbursements from the Foundation for—

“(A) services provided under paragraph (1); and

“(B) funds provided under paragraph (2).

“(b) *REIMBURSEMENT*.—Reimbursements accepted under subsection (a)(3)—

“(1) shall be deposited in the Treasury of the United States to the credit of the applicable appropriations account; and

“(2) shall be chargeable for the cost of providing services described in subsection (a)(1) and travel expenses described in subsection (a)(2).

“(c) *CONTINUATION OF CERTAIN SERVICES*.—The Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a) if the facilities and services are—

“(1) available; and

“(2) provided on reimbursable cost basis.”.

(d) *TECHNICAL AMENDMENTS*.—The Indian Self-Determination and Education Assistance Act is amended—

(1) by redesignating title V (25 U.S.C. 458bbb et seq.) as title VIII and moving the title so as to appear at the end of the Act;

(2) by redesignating sections 501, 502, and 503 (25 U.S.C. 458bbb, 458bbb–1, 458bbb–2) as sections 801, 802, and 803, respectively; and

(3) in subsection (a)(2) of section 802 and paragraph (2) of section 803 (as redesignated by paragraph (2)), by striking “section 501” and inserting “section 801”.

(e) *ACCEPTANCE AND ASSISTANCE*.—Section 5 of the Indian Law Enforcement Reform Act (25 U.S.C. 2804) is amended by adding at the end the following:

“(g) *ACCEPTANCE OF ASSISTANCE*.—The Bureau may accept reimbursement, resources, assistance, or funding from—

“(1) a Federal, tribal, State, or other government agency; or

“(2) the Indian Law Enforcement Foundation established under section 701(a) of the Indian

Self-Determination and Education Assistance Act.”.

SEC. 302. DRUG ENFORCEMENT IN INDIAN COUNTRY.

(a) **EDUCATION AND RESEARCH PROGRAMS.**—Section 502 of the Controlled Substances Act (21 U.S.C. 872) is amended in subsections (a)(1) and (c), by inserting “tribal,” after “State,” each place it appears.

(b) **PUBLIC-PRIVATE EDUCATION PROGRAM.**—Section 503 of the Comprehensive Methamphetamine Control Act of 1996 (21 U.S.C. 872a) is amended—

(1) in subsection (a), by inserting “tribal,” after “State,”; and

(2) in subsection (b)(2), by inserting “, tribal,” after “State”.

(c) **COOPERATIVE ARRANGEMENTS.**—Section 503 of the Controlled Substances Act (21 U.S.C. 873) is amended—

(1) in subsection (a)—

(A) by inserting “tribal,” after “State,” each place it appears; and

(B) in paragraphs (6) and (7), by inserting “, tribal,” after “State,” each place it appears; and

(2) in subsection (d)(1), by inserting “, tribal,” after “State”.

(d) **POWERS OF ENFORCEMENT PERSONNEL.**—Section 508(a) of the Controlled Substances Act (21 U.S.C. 878(a)) is amended in the matter preceding paragraph (1) by inserting “, tribal,” after “State”.

(e) **EFFECT OF GRANTS.**—Nothing in this section or any amendment made by this section—

(1) allows the grant to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

(2) has any effect other than to authorize, award, or deny a grant of funds to a federally recognized Indian tribe for the purposes described in the relevant grant program.

SEC. 303. ACCESS TO NATIONAL CRIMINAL INFORMATION DATABASES.

(a) **ACCESS TO NATIONAL CRIMINAL INFORMATION DATABASES.**—Section 534 of title 28, United States Code, is amended—

(1) in subsection (a)(4), by inserting “Indian tribes,” after “the States,”;

(2) by striking subsection (d) and inserting the following:

“(d) **INDIAN LAW ENFORCEMENT AGENCIES.**—The Attorney General shall permit tribal and Bureau of Indian Affairs law enforcement agencies—

“(1) to access and enter information into Federal criminal information databases; and

“(2) to obtain information from the databases.”;

(3) by redesignating the second subsection (e) as subsection (f); and

(4) in paragraph (2) of subsection (f) (as redesignated by paragraph (3)), in the matter preceding subparagraph (A), by inserting “, tribal,” after “Federal”.

(b) **REQUIREMENT.**—

(1) **IN GENERAL.**—The Attorney General shall ensure that tribal law enforcement officials that meet applicable Federal or State requirements be permitted access to national crime information databases.

(2) **SANCTIONS.**—For purpose of sanctions for noncompliance with requirements of, or misuse of, national crime information databases and information obtained from those databases, a tribal law enforcement agency or official shall be treated as Federal law enforcement agency or official.

(3) **NCIC.**—Each tribal justice official serving an Indian tribe with criminal jurisdiction over Indian country shall be considered to be an authorized law enforcement official for purposes of access to the National Crime Information Center of the Federal Bureau of Investigation.

SEC. 304. TRIBAL COURT SENTENCING AUTHORITY.

(a) **INDIVIDUAL RIGHTS.**—Section 202 of the Indian Civil Rights Act of 1968 (25 U.S.C. 1302), is amended—

(1) in the matter preceding paragraph (1), by striking “No Indian tribe” and inserting the following:

“(a) **IN GENERAL.**—No Indian tribe”;

(2) in subsection (a) (as designated by paragraph (1))—

(A) in paragraph (6) by inserting “(except as provided in subsection (b)) after ‘assistance of counsel for his defense’; and

(B) by striking paragraph (7) and inserting the following:

“(7)(A) require excessive bail, impose excessive fines, or inflict cruel and unusual punishments;

“(B) except as provided in subparagraph (C), impose for conviction of any 1 offense any penalty or punishment greater than imprisonment for a term of 1 year or a fine of \$5,000, or both;

“(C) subject to subsection (b), impose for conviction of any 1 offense any penalty or punishment greater than imprisonment for a term of 3 years or a fine of \$15,000, or both; or

“(D) impose on a person in a criminal proceeding a total penalty or punishment greater than imprisonment for a term of 9 years;”;

(3) by adding at the end the following:

“(b) **OFFENSES SUBJECT TO GREATER THAN 1-YEAR IMPRISONMENT OR A FINE GREATER THAN \$5,000.**—A tribal court may subject a defendant to a term of imprisonment greater than 1 year but not to exceed 3 years for any 1 offense, or a fine greater than \$5,000 but not to exceed \$15,000, or both, if the defendant is a person accused of a criminal offense who—

“(1) has been previously convicted of the same or a comparable offense by any jurisdiction in the United States; or

“(2) is being prosecuted for an offense comparable to an offense that would be punishable by more than 1 year of imprisonment if prosecuted by the United States or any of the States.

“(c) **RIGHTS OF DEFENDANTS.**—In a criminal proceeding in which an Indian tribe, in exercising powers of self-government, imposes a total term of imprisonment of more than 1 year on a defendant, the Indian tribe shall—

“(1) provide to the defendant the right to effective assistance of counsel at least equal to that guaranteed by the United States Constitution; and

“(2) at the expense of the tribal government, provide an indigent defendant the assistance of a defense attorney licensed to practice law by any jurisdiction in the United States that applies appropriate professional licensing standards and effectively ensures the competence and professional responsibility of its licensed attorneys;

“(3) require that the judge presiding over the criminal proceeding—

“(A) has sufficient legal training to preside over criminal proceedings; and

“(B) is licensed to practice law by any jurisdiction in the United States;

“(4) prior to charging the defendant, make publicly available the criminal laws (including regulations and interpretative documents), rules of evidence, and rules of criminal procedure (including rules governing the recusal of judges in appropriate circumstances) of the tribal government; and

“(5) maintain a record of the criminal proceeding, including an audio or other recording of the trial proceeding.

“(d) **SENTENCES.**—In the case of a defendant sentenced in accordance with subsections (b) and (c), a tribal court may require the defendant—

“(1) to serve the sentence—

“(A) in a tribal correctional center that has been approved by the Bureau of Indian Affairs

for long-term incarceration, in accordance with guidelines to be developed by the Bureau of Indian Affairs (in consultation with Indian tribes) not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2010;

“(B) in the nearest appropriate Federal facility, at the expense of the United States pursuant to the Bureau of Prisons tribal prisoner pilot program described in section 304(c) of the Tribal Law and Order Act of 2010;

“(C) in a State or local government-approved detention or correctional center pursuant to an agreement between the Indian tribe and the State or local government; or

“(D) in an alternative rehabilitation center of an Indian tribe; or

“(2) to serve another alternative form of punishment, as determined by the tribal court judge pursuant to tribal law.

“(e) **DEFINITION OF OFFENSE.**—In this section, the term ‘offense’ means a violation of a criminal law.

“(f) **EFFECT OF SECTION.**—Nothing in this section affects the obligation of the United States, or any State government that has been delegated authority by the United States, to investigate and prosecute any criminal violation in Indian country.”.

(b) **REPORT.**—Not later than 4 years after the date of enactment of this Act, the Attorney General, in coordination with the Secretary of the Interior, shall submit a report to the appropriate committees of Congress that includes—

(1) a description of the effectiveness of enhanced tribal court sentencing authority in curtailing violence and improving the administration of justice on Indian lands; and

(2) a recommendation of whether enhanced sentencing authority should be discontinued, enhanced, or maintained at the level authorized under this division.

(c) BUREAU OF PRISONS TRIBAL PRISONER PILOT PROGRAM.—

(1) **IN GENERAL.**—Not later than 120 days after the date of enactment of this division, the Director of the Bureau of Prisons shall establish a pilot program under which the Bureau of Prisons shall accept offenders convicted in tribal court pursuant to section 202 of the Indian Civil Rights Act of 1968 (25 U.S.C. 1302) (as amended by this section), subject to the conditions described in paragraph (2).

(2) **CONDITIONS.**—

(A) **IN GENERAL.**—As a condition of participation in the pilot program described in paragraph (1), the tribal court shall submit to the Attorney General a request for confinement of the offender, for approval by the Attorney General (or a designee) by not later than 30 days after the date of submission.

(B) **LIMITATIONS.**—Requests for confinement shall be limited to offenders convicted of a violent crime (comparable to the violent crimes described in section 1153(a) of title 18, United States Code) for which the sentence includes a term of imprisonment of 2 or more years.

(C) **CUSTODY CONDITIONS.**—The imprisonment by the Bureau of Prisons shall be subject to the conditions described in section 5003 of title 18, United States Code, regarding the custody of State offenders, except that the offender shall be placed in the nearest available and appropriate Federal facility, and imprisoned at the expense of the United States.

(D) **CAP.**—The Bureau of Prisons shall confine not more than 100 tribal offenders at any time.

(3) **RESCINDING REQUESTS.**—

(A) **IN GENERAL.**—The applicable tribal government shall retain the authority to rescind the request for confinement of a tribal offender by the Bureau of Prisons under this paragraph at any time during the sentence of the offender.

(B) **RETURN TO TRIBAL CUSTODY.**—On rescission of a request under subparagraph (A), a

tribal offender shall be returned to tribal custody.

(4) **REASSESSMENT.**—If tribal court demand for participation in this pilot program exceeds 100 tribal offenders, a representative of the Bureau of Prisons shall notify Congress.

(5) **REPORT.**—Not later than 3 years after the date of establishment of the pilot program, the Attorney General shall submit to Congress a report describing the status of the program, including recommendations regarding the future of the program, if any.

(6) **TERMINATION.**—Except as otherwise provided by an Act of Congress, the pilot program under this paragraph shall expire on the date that is 4 years after the date on which the program is established.

(d) **GRANTS AND CONTRACTS.**—Section 1007(b) of the Economic Opportunity Act of 1964 (42 U.S.C. 2996f(b)) is amended by striking paragraph (2) and inserting the following:

“(2) to provide legal assistance with respect to any criminal proceeding, except to provide assistance to a person charged with an offense in an Indian tribal court.”.

SEC. 305. INDIAN LAW AND ORDER COMMISSION.

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 104(b)) is amended by adding at the end the following:

“SEC. 15. INDIAN LAW AND ORDER COMMISSION.

“(a) **ESTABLISHMENT.**—There is established a commission to be known as the Indian Law and Order Commission (referred to in this section as the ‘Commission’).

“(b) **MEMBERSHIP.**—

“(1) **IN GENERAL.**—The Commission shall be composed of 9 members, of whom—

“(A) 3 shall be appointed by the President, in consultation with—

“(i) the Attorney General; and

“(ii) the Secretary;

“(B) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the Chairpersons of the Committees on Indian Affairs and the Judiciary of the Senate;

“(C) 1 shall be appointed by the Minority Leader of the Senate, in consultation with the Vice Chairperson and Ranking Member of the Committees on Indian Affairs and the Judiciary of the Senate;

“(D) 2 shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairpersons of the Committees on the Judiciary and Natural Resources of the House of Representatives; and

“(E) 1 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Members of the Committees on the Judiciary and Natural Resources of the House of Representatives.

“(2) **REQUIREMENTS FOR ELIGIBILITY.**—Each member of the Commission shall have significant experience and expertise in—

“(A) the Indian country criminal justice system; and

“(B) matters to be studied by the Commission.

“(3) **CONSULTATION REQUIRED.**—The President, the Speaker and Minority Leader of the House of Representatives, and the Majority Leader and Minority Leader of the Senate shall consult before the appointment of members of the Commission under paragraph (1) to achieve, to the maximum extent practicable, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

“(4) **TERM.**—Each member shall be appointed for the life of the Commission.

“(5) **TIME FOR INITIAL APPOINTMENTS.**—The appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

“(6) **VACANCIES.**—A vacancy in the Commission shall be filled—

“(A) in the same manner in which the original appointment was made; and

“(B) not later than 60 days after the date on which the vacancy occurred.

“(c) **OPERATION.**—

“(1) **CHAIRPERSON.**—Not later than 15 days after the date on which all members of the Commission have been appointed, the Commission shall select 1 member to serve as Chairperson of the Commission.

“(2) **MEETINGS.**—

“(A) **IN GENERAL.**—The Commission shall meet at the call of the Chairperson.

“(B) **INITIAL MEETING.**—The initial meeting shall take place not later than 30 days after the date described in paragraph (1).

“(3) **QUORUM.**—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

“(4) **RULES.**—The Commission may establish, by majority vote, any rules for the conduct of Commission business, in accordance with this Act and other applicable law.

“(d) **COMPREHENSIVE STUDY OF CRIMINAL JUSTICE SYSTEM RELATING TO INDIAN COUNTRY.**—The Commission shall conduct a comprehensive study of law enforcement and criminal justice in tribal communities, including—

“(1) jurisdiction over crimes committed in Indian country and the impact of that jurisdiction on—

“(A) the investigation and prosecution of Indian country crimes; and

“(B) residents of Indian land;

“(2) the tribal jail and Federal prisons systems and the effect of those systems with respect to—

“(A) reducing Indian country crime; and

“(B) rehabilitation of offenders;

“(3)(A) tribal juvenile justice systems and the Federal juvenile justice system as relating to Indian country; and

“(B) the effect of those systems and related programs in preventing juvenile crime, rehabilitating Indian youth in custody, and reducing recidivism among Indian youth;

“(4) the impact of the Indian Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) on—

“(A) the authority of Indian tribes;

“(B) the rights of defendants subject to tribal government authority; and

“(C) the fairness and effectiveness of tribal criminal systems; and

“(5) studies of such other subjects as the Commission determines relevant to achieve the purposes of the Tribal Law and Order Act of 2010.

“(e) **RECOMMENDATIONS.**—Taking into consideration the results of the study under paragraph (1), the Commission shall develop recommendations on necessary modifications and improvements to justice systems at the tribal, Federal, and State levels, including consideration of—

“(1) simplifying jurisdiction in Indian country;

“(2) improving services and programs—

“(A) to prevent juvenile crime on Indian land;

“(B) to rehabilitate Indian youth in custody; and

“(C) to reduce recidivism among Indian youth;

“(3) adjustments to the penal authority of tribal courts and exploring alternatives to incarceration;

“(4) the enhanced use of chapter 43 of title 28, United States Code (commonly known as ‘the Federal Magistrates Act’) in Indian country;

“(5) effective means of protecting the rights of victims and defendants in tribal criminal justice systems (including defendants incarcerated for a period of less than 1 year);

“(6) changes to the tribal jails and Federal prison systems; and

“(7) other issues that, as determined by the Commission, would reduce violent crime in Indian country.

“(f) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the President and Congress a report that contains—

“(1) a detailed statement of the findings and conclusions of the Commission; and

“(2) the recommendations of the Commission for such legislative and administrative actions as the Commission considers to be appropriate.

“(g) **POWERS.**—

“(1) **HEARINGS.**—

“(A) **IN GENERAL.**—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be advisable to carry out the duties of the Commission under this section.

“(B) **PUBLIC REQUIREMENT.**—The hearings of the Commission under this paragraph shall be open to the public.

“(2) **WITNESS EXPENSES.**—

“(A) **IN GENERAL.**—A witness requested to appear before the Commission shall be paid the same fees and allowances as are paid to witnesses under section 1821 of title 28, United States Code.

“(B) **PER DIEM AND MILEAGE.**—The fees and allowances for a witness shall be paid from funds made available to the Commission.

“(3) **INFORMATION FROM FEDERAL, TRIBAL, AND STATE AGENCIES.**—

“(A) **IN GENERAL.**—The Commission may secure directly from a Federal agency such information as the Commission considers to be necessary to carry out this section.

“(B) **TRIBAL AND STATE AGENCIES.**—The Commission may request the head of any tribal or State agency to provide to the Commission such information as the Commission considers to be necessary to carry out this section.

“(4) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

“(5) **GIFTS.**—The Commission may accept, use, and dispose of gifts or donations of services or property.

“(h) **COMMISSION PERSONNEL MATTERS.**—

“(1) **TRAVEL EXPENSES.**—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter 1 of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

“(2) **DETAIL OF FEDERAL EMPLOYEES.**—On the affirmative vote of $\frac{2}{3}$ of the members of the Commission and the approval of the appropriate Federal agency head, an employee of the Federal Government may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

“(3) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—On request of the Commission, the Attorney General shall provide to the Commission, on a reimbursable basis, reasonable and appropriate office space, supplies, and administrative assistance.

“(i) **CONTRACTS FOR RESEARCH.**—

“(1) **RESEARCHERS AND EXPERTS.**—

“(A) **IN GENERAL.**—On an affirmative vote of $\frac{2}{3}$ of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out the duties of the Commission under this section.

“(B) **NATIONAL INSTITUTE OF JUSTICE.**—The National Institute of Justice may enter into a contract with the researchers and experts selected by the Commission under subparagraph (A) to provide funding in exchange for the services of the researchers and experts.

“(2) OTHER ORGANIZATIONS.—Nothing in this subsection limits the ability of the Commission to enter into contracts with any other entity or organization to carry out research necessary to carry out the duties of the Commission under this section.

“(j) TRIBAL ADVISORY COMMITTEE.—

“(1) ESTABLISHMENT.—The Commission shall establish a committee, to be known as the ‘Tribal Advisory Committee’.

“(2) MEMBERSHIP.—

“(A) COMPOSITION.—The Tribal Advisory Committee shall consist of 2 representatives of Indian tribes from each region of the Bureau of Indian Affairs.

“(B) QUALIFICATIONS.—Each member of the Tribal Advisory Committee shall have experience relating to—

- “(i) justice systems;
- “(ii) crime prevention; or
- “(iii) victim services.

“(3) DUTIES.—The Tribal Advisory Committee shall—

“(A) serve as an advisory body to the Commission; and

“(B) provide to the Commission advice and recommendations, submit materials, documents, testimony, and such other information as the Commission determines to be necessary to carry out the duties of the Commission under this section.

“(k) FUNDING.—For the fiscal year after the date of enactment of the Tribal Law and Order Act of 2010, out of any unobligated amounts available to the Secretary of the Interior or the Attorney General, the Secretary or the Attorney General may use to carry out this section not more than \$2,000,000.

“(l) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the report of the Commission under subsection (f).

“(m) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.”.

SEC. 306. EXEMPTION FOR TRIBAL DISPLAY MATERIALS.

(a) IN GENERAL.—Section 845(a) of title 18, United States Code is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “and”; and

(3) by adding at the end the following:

“(7) the transportation, shipment, receipt, or importation of display fireworks materials for delivery to a federally recognized Indian tribe or tribal agency.”.

(b) DEFINITION OF INDIAN TRIBE.—Section 841 of title 18, United States Code is amended by adding at the end the following:

“(t) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).”.

(c) TECHNICAL AMENDMENTS.—Section 845 of title 18, United States Code is amended—

(1) in subsection (a), by striking “subsections” in the first place it appears and inserting “subsection”; and

(2) in subsection (b), by striking “Secretary” each place it appears and inserting “Attorney General”.

TITLE IV—TRIBAL JUSTICE SYSTEMS

SEC. 401. INDIAN ALCOHOL AND SUBSTANCE ABUSE.

(a) CORRECTION OF REFERENCES.—

(1) INTER-DEPARTMENTAL MEMORANDUM OF AGREEMENT.—Section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking “Not later than 120 days after the date of enactment of this subtitle” and in-

serting “Not later than 1 year after the date of enactment of the Tribal Law and Order Act of 2010”; and

(II) by inserting “, the Attorney General,” after “Secretary of the Interior”;

(ii) in paragraph (2)(A), by inserting “, Office of Justice Programs, Substance Abuse and Mental Health Services Administration,” after “Bureau of Indian Affairs,”;

(iii) in paragraph (4), by inserting “, Department of Justice, Substance Abuse and Mental Health Services Administration,” after “Bureau of Indian Affairs”;

(iv) in paragraph (5), by inserting “, Department of Justice, Substance Abuse and Mental Health Services Administration,” after “Bureau of Indian Affairs”;

(v) in paragraph (7), by inserting “, the Attorney General,” after “Secretary of the Interior”;

(B) in subsection (c), by inserting “, the Attorney General,” after “Secretary of the Interior”; and

(C) in subsection (d), by striking “the date of enactment of this subtitle” and inserting “the date of enactment of the Tribal Law and Order Act of 2010”.

(2) TRIBAL ACTION PLANS.—Section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412) is amended—

(A) in subsection (b), in the first sentence, by inserting “, the Office of Justice Programs, the Substance Abuse and Mental Health Services Administration,” before “and the Indian Health Service service unit”;

(B) in subsection (c)(1)(A)(i), by inserting “, the Office of Justice Programs, the Substance Abuse and Mental Health Services Administration,” before “and the Indian Health Service service unit”;

(C) in subsection (d)(2), by striking “fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “the period of fiscal years 2011 through 2015”;

(D) in subsection (e), in the first sentence, by inserting “, the Attorney General,” after “the Secretary of the Interior”; and

(E) in subsection (f)(3), by striking “fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “fiscal years 2011 through 2015”.

(3) DEPARTMENTAL RESPONSIBILITY.—Section 4207 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2413) is amended—

(A) in subsection (a), by inserting “, the Attorney General” after “Bureau of Indian Affairs”;

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—To improve coordination among the Federal agencies and departments carrying out this subtitle, there is established within the Substance Abuse and Mental Health Services Administration an office, to be known as the ‘Office of Indian Alcohol and Substance Abuse’ (referred to in this section as the ‘Office’).

“(B) DIRECTOR.—The director of the Office shall be appointed by the Administrator of the Substance Abuse and Mental Health Services Administration—

“(i) on a permanent basis; and

“(ii) at a grade of not less than GS-15 of the General Schedule.”;

(ii) in paragraph (2)—

(I) by striking “(2) In addition” and inserting the following:

“(2) RESPONSIBILITIES OF OFFICE.—In addition”;

(II) by striking subparagraph (A) and inserting the following:

“(A) coordinating with other agencies to monitor the performance and compliance of the relevant Federal programs in achieving the goals and purposes of this subtitle and the Memorandum of Agreement entered into under section 4205.”;

(III) in subparagraph (B)—

(aa) by striking “within the Bureau of Indian Affairs”; and

(bb) by striking the period at the end and inserting “; and”; and

(IV) by adding at the end the following:

“(C) not later than 1 year after the date of enactment of the Tribal Law and Order Act of 2010, developing, in coordination and consultation with tribal governments, a framework for interagency and tribal coordination that—

“(i) establish the goals and other desired outcomes of this Act;

“(ii) prioritizes outcomes that are aligned with the purposes of affected agencies;

“(iii) provides guidelines for resource and information sharing;

“(iv) provides technical assistance to the affected agencies to establish effective and permanent interagency communication and coordination; and

“(v) determines whether collaboration is feasible, cost-effective, and within agency capability.”; and

(iii) by striking paragraph (3) and inserting the following:

“(3) APPOINTMENT OF EMPLOYEES.—The Administrator of the Substance Abuse and Mental Health Services Administration shall appoint such employees to work in the Office, and shall provide such funding, services, and equipment, as may be necessary to enable the Office to carry out the responsibilities under this subsection.”; and

(C) in subsection (c)—

(i) by striking “of Alcohol and Substance Abuse” each place it appears;

(ii) in paragraph (1), in the second sentence, by striking “The Assistant Secretary of the Interior for Indian Affairs” and inserting “The Administrator of the Substance Abuse and Mental Health Services Administration”; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking “Youth” and inserting “youth”; and

(II) by striking “programs of the Bureau of Indian Affairs” and inserting “the applicable Federal programs”.

(4) REVIEW OF PROGRAMS.—Section 4208a(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2414a(a)) is amended in the matter preceding paragraph (1) by inserting “, the Attorney General,” after “the Secretary of the Interior”.

(5) FEDERAL FACILITIES, PROPERTY, AND EQUIPMENT.—Section 4209 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2415) is amended—

(A) in subsection (a), by inserting “, the Attorney General,” after “the Secretary of the Interior”;

(B) in subsection (b)—

(i) in the first sentence, by inserting “, the Attorney General,” after “the Secretary of the Interior”;

(ii) in the second sentence, by inserting “, nor the Attorney General,” after “the Secretary of the Interior”; and

(iii) in the third sentence, by inserting “, the Department of Justice,” after “the Department of the Interior”; and

(C) in subsection (c)(1), by inserting “, the Attorney General,” after “the Secretary of the Interior”.

(6) REVIEW.—Section 4211(a) of the Indian Alcohol and Substance Abuse Prevention and

Treatment Act of 1986 (25 U.S.C. 2431(a)) is amended in the matter preceding paragraph (1) by inserting “, the Attorney General,” after “the Secretary of the Interior”.

(b) INDIAN EDUCATION PROGRAMS.—Section 4212 of the Indian Alcohol and Substance Abuse Prevention Act of 1986 (25 U.S.C. 2432) is amended by striking subsection (a) and inserting the following:

“(a) SUMMER YOUTH PROGRAMS.—

“(1) IN GENERAL.—The head of the Indian Alcohol and Substance Abuse Program, in coordination with the Assistant Secretary for Indian Affairs, shall develop and implement programs in tribal schools and schools funded by the Bureau of Indian Education (subject to the approval of the local school board or contract school board) to determine the effectiveness of summer youth programs in advancing the purposes and goals of this Act.

“(2) COSTS.—The head of the Indian Alcohol and Substance Abuse Program and the Assistant Secretary shall defray all costs associated with the actual operation and support of the summer youth programs in a school from funds appropriated to carry out this subsection.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the programs under this subsection \$5,000,000 for each of fiscal years 2011 through 2015.”.

(c) EMERGENCY SHELTERS.—Section 4213(e) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended—

(1) in paragraph (1), by striking “fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.” and inserting “each of fiscal years 2011 through 2015.”;

(2) in paragraph (2), by striking “each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.” and inserting “each of fiscal years 2011 through 2015.”; and

(3) by indenting paragraphs (4) and (5) appropriately.

(d) REVIEW OF PROGRAMS.—Section 4215(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2441(a)) is amended by inserting “, the Attorney General,” after “the Secretary of the Interior”.

(e) ILLEGAL NARCOTICS TRAFFICKING; SOURCE ERADICATION.—Section 4216 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2442) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking the comma at the end and inserting a semicolon;

(ii) in subparagraph (B), by striking “, and” at the end and inserting a semicolon;

(iii) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(D) the Blackfeet Nation of Montana for the investigation and control of illegal narcotics traffic on the Blackfeet Indian Reservation along the border with Canada.”;

(B) in paragraph (2), by striking “United States Custom Service” and inserting “United States Customs and Border Protection, the Bureau of Immigration and Customs Enforcement, and the Drug Enforcement Administration”; and

(C) by striking paragraph (3) and inserting the following:

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$2,000,000 for each of fiscal years 2011 through 2015.”; and

(2) in subsection (b)(2), by striking “for the fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000” and “for each of fiscal years 2011 through 2015.”.

(f) LAW ENFORCEMENT AND JUDICIAL TRAINING.—Section 4218 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2451) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) TRAINING PROGRAMS.—

“(1) IN GENERAL.—The Secretary of the Interior, in coordination with the Attorney General, the Administrator of the Drug Enforcement Administration, and the Director of the Federal Bureau of Investigation, shall ensure, through the establishment of a new training program or by supplementing existing training programs, that all Bureau of Indian Affairs and tribal law enforcement and judicial personnel have access to training regarding—

“(A) the investigation and prosecution of offenses relating to illegal narcotics; and

“(B) alcohol and substance abuse prevention and treatment.

“(2) YOUTH-RELATED TRAINING.—Any training provided to Bureau of Indian Affairs or tribal law enforcement or judicial personnel under paragraph (1) shall include training in issues relating to youth alcohol and substance abuse prevention and treatment.”; and

(2) in subsection (b), by striking “as may be necessary” and all that follows through the end of the subsection and inserting “as are necessary for each of fiscal years 2011 through 2015.”.

(g) JUVENILE DETENTION CENTERS.—Section 4220 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453) is amended—

(1) in subsection (a)—

(A) by striking “The Secretary” the first place it appears and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(B) in the second sentence, by striking “The Secretary shall” and inserting the following:

“(2) CONSTRUCTION AND OPERATION.—The Secretary shall”; and

(C) by adding at the end the following:

“(3) DEVELOPMENT OF PLAN.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary and the Attorney General, in consultation with tribal leaders and tribal justice officials, shall develop a long-term plan for the construction, renovation, and operation of Indian juvenile detention and treatment centers and alternatives to detention for juvenile offenders.

“(B) COORDINATION.—The plan under subparagraph (A) shall require the Bureau of Indian Education and the Indian Health Service to coordinate with tribal and Bureau of Indian Affairs juvenile detention centers to provide services to those centers.”; and

(2) in paragraphs (1) and (2) of subsection (b)—

(A) by striking “for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000” each place it appears and inserting “for each of fiscal years 2011 through 2015”; and

(B) by indenting paragraph (2) appropriately.

SEC. 402. INDIAN TRIBAL JUSTICE; TECHNICAL AND LEGAL ASSISTANCE.

(a) INDIAN TRIBAL JUSTICE.—

(1) BASE SUPPORT FUNDING.—Section 103(b) of the Indian Tribal Justice Act (25 U.S.C. 3613(b)) is amended by striking paragraph (2) and inserting the following:

“(2) the employment of tribal court personnel, including tribal court judges, prosecutors, public defenders, appointed defense counsel, guardians ad litem, and court-appointed special advocates for children and juveniles.”.

(2) TRIBAL JUSTICE SYSTEMS.—Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—

(A) in subsection (a)—

(i) by striking “the provisions of sections 101 and 102 of this Act” and inserting “sections 101 and 102”; and

(ii) by striking “the fiscal years 2000 through 2007” and inserting “fiscal years 2011 through 2015”;

(B) in subsection (b)—

(i) by striking “the provisions of section 103 of this Act” and inserting “section 103”; and

(ii) by striking “the fiscal years 2000 through 2007” and inserting “fiscal years 2011 through 2015”;

(C) in subsection (c), by striking “the fiscal years 2000 through 2007” and inserting “fiscal years 2011 through 2015”; and

(D) in subsection (d), by striking “the fiscal years 2000 through 2007” and inserting “fiscal years 2011 through 2015”.

(b) TECHNICAL AND LEGAL ASSISTANCE.—

(1) TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.—Section 102 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3662) is amended by inserting “(including guardians ad litem and court-appointed special advocates for children and juveniles)” after “civil legal assistance”.

(2) TRIBAL CRIMINAL LEGAL ASSISTANCE GRANTS.—Section 103 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3663) is amended by striking “criminal legal assistance to members of Indian tribes and tribal justice systems” and inserting “defense counsel services to all defendants in tribal court criminal proceedings and prosecution and judicial services for tribal courts”.

(3) FUNDING.—The Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

(A) in section 107 (as redesignated by section 104(a)(2)(A)), by striking “2000 through 2004” and inserting “2011 through 2015”; and

(B) in section 201(d) (25 U.S.C. 3681(d)), by striking “2000 through 2004” and inserting “2011 through 2015”.

SEC. 403. TRIBAL RESOURCES GRANT PROGRAM.

Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) in subsection (b)—

(A) in each of paragraphs (1) through (4) and (6) through (17), by inserting “to” after the paragraph designation;

(B) in paragraph (1), by striking “State and” and inserting “State, tribal, or”;

(C) in paragraphs (9) and (10), by inserting “, tribal,” after “State” each place it appears;

(D) in paragraph (15)—

(i) by striking “a State in” and inserting “a State or Indian tribe in”;

(ii) by striking “the State which” and inserting “the State or tribal community that”; and

(iii) by striking “a State or” and inserting “a State, tribal, or”;

(E) in paragraph (16), by striking “and” at the end;

(F) in paragraph (17), by striking the period at the end and inserting “; and”;

(G) by redesignating paragraphs (6) through (17) as paragraphs (5) through (16), respectively; and

(H) by adding at the end the following:

“(17) to permit tribal governments receiving direct law enforcement services from the Bureau of Indian Affairs to access the program under this section for use in accordance with paragraphs (1) through (16).”.

(2) in subsection (i), by striking “The authority” and inserting “Except as provided in subsection (j), the authority”; and

(3) by adding at the end the following:

“(j) GRANTS TO INDIAN TRIBES.—

“(1) IN GENERAL.—Notwithstanding subsection (i) and section 1703, and in acknowledgment of

the Federal nexus and distinct Federal responsibility to address and prevent crime in Indian country, the Attorney General shall provide grants under this section to Indian tribal governments, for fiscal year 2011 and any fiscal year thereafter, for such period as the Attorney General determines to be appropriate to assist the Indian tribal governments in carrying out the purposes described in subsection (b).

“(2) **PRIORITY OF FUNDING.**—In providing grants to Indian tribal governments under this subsection, the Attorney General shall take into consideration reservation crime rates and tribal law enforcement staffing needs of each Indian tribal government.

“(3) **FEDERAL SHARE.**—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection—

“(A) shall be 100 percent; and

“(B) may be used to cover indirect costs.

“(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$40,000,000 for each of fiscal years 2011 through 2015.

“(k) **REPORT.**—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall submit to Congress a report describing the extent and effectiveness of the Community Oriented Policing (COPS) initiative as applied in Indian country, including particular references to—

“(1) the problem of intermittent funding;

“(2) the integration of COPS personnel with existing law enforcement authorities; and

“(3) an explanation of how the practice of community policing and the broken windows theory can most effectively be applied in remote tribal locations.”.

SEC. 404. TRIBAL JAILS PROGRAM.

(a) **IN GENERAL.**—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by striking subsection (a) and inserting the following:

“(a) **RESERVATION OF FUNDS.**—Notwithstanding any other provision of this part, of amounts made available to the Attorney General to carry out programs relating to offender incarceration, the Attorney General shall reserve \$35,000,000 for each of fiscal years 2011 through 2015 to carry out this section.”.

(b) **REGIONAL DETENTION CENTERS.**—

(1) **IN GENERAL.**—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by striking subsection (b) and inserting the following:

“(b) **GRANTS TO INDIAN TRIBES.**—

“(1) **IN GENERAL.**—From the amounts reserved under subsection (a), the Attorney General shall provide grants—

“(A) to Indian tribes for purposes of—

“(i) construction and maintenance of jails on Indian land for the incarceration of offenders subject to tribal jurisdiction;

“(ii) entering into contracts with private entities to increase the efficiency of the construction of tribal jails; and

“(iii) developing and implementing alternatives to incarceration in tribal jails;

“(B) to Indian tribes for the construction of tribal justice centers that combine tribal police, courts, and corrections services to address violations of tribal civil and criminal laws;

“(C) to consortia of Indian tribes for purposes of constructing and operating regional detention centers on Indian land for long-term incarceration of offenders subject to tribal jurisdiction, as the applicable consortium determines to be appropriate.

“(2) **PRIORITY OF FUNDING.**—in providing grants under this subsection, the Attorney General shall take into consideration applicable—

“(A) reservation crime rates;

“(B) annual tribal court convictions; and

“(C) bed space needs.

“(3) **FEDERAL SHARE.**—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection shall be 100 percent.”.

(2) **CONFORMING AMENDMENT.**—Section 20109(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(c)) is amended by inserting “or consortium of Indian tribes, as applicable,” after “Indian tribe”.

(3) **LONG-TERM PLAN.**—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by adding at the end the following:

“(d) **LONG-TERM PLAN.**—Not later than 1 year after the date of enactment of this subsection, the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with tribal leaders, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including—

“(1) a description of proposed activities for—

“(A) construction, operation, and maintenance of juvenile (in accordance with section 4220(a)(3) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453(a)(3)) and adult detention facilities (including regional facilities) in Indian country;

“(B) contracting with State and local detention centers, on approval of the affected tribal governments; and

“(C) alternatives to incarceration, developed in cooperation with tribal court systems;

“(2) an assessment and consideration of the construction of Federal detention facilities in Indian country; and

“(3) any other alternatives as the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with Indian tribes, determines to be necessary.”.

SEC. 405. TRIBAL PROBATION OFFICE LIAISON PROGRAM.

Title II of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3681 et seq.) is amended by adding at the end the following:

“SEC. 203. ASSISTANT PROBATION OFFICERS.

“To the maximum extent practicable, the chief judge or chief probation or pretrial services officer of each judicial district, in coordination with the Office of Tribal Justice and the Office of Justice Services, shall—

“(1) appoint individuals residing in Indian country to serve as probation or pretrial services officers or assistants for purposes of monitoring and providing services to Federal prisoners residing in Indian country; and

“(2) provide substance abuse, mental health, and other related treatment services to offenders residing on Indian land.”.

SEC. 406. TRIBAL YOUTH PROGRAM.

(a) **INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.**—Section 504 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5783) is amended—

(1) in subsection (a), by inserting “, or to federally recognized Indian tribe or consortia of federally recognized Indian tribes under subsection (d)” after “subsection (b)”; and

(2) by adding at the end the following:

“(d) **GRANTS FOR TRIBAL DELINQUENCY PREVENTION AND RESPONSE PROGRAMS.**—

“(1) **IN GENERAL.**—The Administrator shall make grants under this section, on a competitive basis, to eligible Indian tribes or consortia of Indian tribes, as described in paragraph (2)—

“(A) to support and enhance—

“(i) tribal juvenile delinquency prevention services; and

“(ii) the ability of Indian tribes to respond to, and care for, juvenile offenders; and

“(B) to encourage accountability of Indian tribal governments with respect to preventing juvenile delinquency and responding to, and caring for, juvenile offenders.

“(2) **ELIGIBLE INDIAN TRIBES.**—To be eligible to receive a grant under this subsection, an Indian tribe or consortium of Indian tribes shall submit to the Administrator an application in such form and containing such information as the Administrator may require.

“(3) **CONSIDERATIONS.**—In providing grants under this subsection, the Administrator shall take into consideration, with respect to the Indian tribe to be served, the—

“(A) juvenile crime rates;

“(B) dropout rates; and

“(C) number of at-risk youth.

“(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$25,000,000 for each of fiscal years 2011 through 2015.”.

(b) **COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.**—Section 206(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(2)) is amended—

(1) in subparagraph (A), by striking “Nine” and inserting “Ten”; and

(2) in subparagraph (B), by adding at the end the following:

“(iv) One member shall be appointed by the Chairman of the Committee on Indian Affairs of the Senate, in consultation with the Vice Chairman of that Committee and the Chairman and Ranking Member of the Committee on Natural Resources of the House of Representatives.”.

SEC. 407. IMPROVING PUBLIC SAFETY PRESENCE IN RURAL ALASKA.

(a) **DEFINITIONS.**—In this section:

(1) **STATE.**—

(A) **IN GENERAL.**—The term “State” means the State of Alaska.

(B) **INCLUSION.**—The term “State” includes any political subdivision of the State of Alaska.

(2) **VILLAGE PUBLIC SAFETY OFFICER.**—The term “village public safety officer” means an individual employed as a village public safety officer under the program established by the State pursuant to Alaska Statute 18.65.670.

(3) **TRIBAL ORGANIZATION.**—The term “tribal organization” has the meaning given that term in section 4 of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450b(1)).

(b) **COPS GRANTS.**—The State and any Indian tribe or tribal organization in the State that employs a village public safety officer shall be eligible to apply for a grant under section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) (provided that only an Indian tribe or tribal organization may receive a grant under the tribal resources grant program under subsection (j) of that section) on an equal basis with other eligible applicants for funding under that section.

(c) **STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANTS.**—The State and any Indian tribe or tribal organization in the State that employs a village public safety officer shall be eligible to apply for a grant under the Staffing for Adequate Fire and Emergency Response program under section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a) on an equal basis with other eligible applicants for funding under that program.

(d) **TRAINING FOR VILLAGE PUBLIC SAFETY OFFICERS AND TRIBAL LAW ENFORCEMENT POSITIONS FUNDED UNDER COPS PROGRAM.**—

(1) **IN GENERAL.**—Any village public safety officer or tribal law enforcement officer in the State shall be eligible to participate in any training program offered at the Indian Police Academy of the Federal Law Enforcement Training Center.

(2) **FUNDING.**—Funding received pursuant to grants approved under section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) may be used for training of officers at programs described in paragraph (1) or at a police academy in the State certified by the Alaska Police Standards Council.

(e) **FUNDS FOR COURTS OF LAW ENFORCEMENT OFFICERS.**—Section 112(a) of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 62) is amended—

- (1) by striking paragraph (1);
- (2) by redesignating subparagraphs (A) and (B) of paragraph (2) as paragraphs (1) and (2), respectively, and indenting appropriately; and
- (3) by redesignating clauses (i) through (iv) of paragraph (2) (as so redesignated) as subparagraphs (A) through (D), respectively, and indenting appropriately.

TITLE V—INDIAN COUNTRY CRIME DATA COLLECTION AND INFORMATION SHARING

SEC. 501. TRACKING OF CRIMES COMMITTED IN INDIAN COUNTRY.

(a) **GANG VIOLENCE.**—Section 1107 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (28 U.S.C. 534 note; Public Law 109–162) is amended—

- (1) in subsection (a)—
- (A) by redesignating paragraphs (8) through (12) as paragraphs (9) through (13), respectively;
- (B) by inserting after paragraph (7) the following:

“(8) the Office of Justice Services of the Bureau of Indian Affairs;”;

(C) in paragraph (9) (as redesignated by subparagraph (A)), by striking “State” and inserting “tribal, State,”; and

(D) in paragraphs (10) through (12) (as redesignated by subparagraph (A)), by inserting “tribal,” before “State,” each place it appears; and

(2) in subsection (b), by inserting “tribal,” before “State,” each place it appears.

(b) **BUREAU OF JUSTICE STATISTICS.**—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

- (1) in subsection (c)—
- (A) in each of paragraphs (3) through (6), by inserting “tribal,” after “State,” each place it appears;

(B) in paragraph (7), by inserting “and in Indian country” after “States”;

(C) in paragraph (9), by striking “Federal and State Governments” and inserting “Federal Government and State and tribal governments”;

(D) in each of paragraphs (10) and (11), by inserting “, tribal,” after “State” each place it appears;

(E) in paragraph (13), by inserting “, Indian tribes,” after “States”;

- (F) in paragraph (17)—
- (i) by striking “State and local” and inserting “State, tribal, and local”; and
- (ii) by striking “State, and local” and inserting “State, tribal, and local”;

(G) in paragraph (18), by striking “State and local” and inserting “State, tribal, and local”;

(H) in paragraph (19), by inserting “and tribal” after “State” each place it appears;

(I) in paragraph (20), by inserting “, tribal,” after “State”; and

(J) in paragraph (22), by inserting “, tribal,” after “Federal”;

(2) in subsection (d)—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting the subparagraphs appropriately;

(B) by striking “To insure” and inserting the following:

“(1) **IN GENERAL.**—To ensure”; and

(C) by adding at the end the following:

“(2) **CONSULTATION WITH INDIAN TRIBES.**—The Director, acting jointly with the Assistant Sec-

retary for Indian Affairs (acting through the Office of Justice Services) and the Director of the Federal Bureau of Investigation, shall work with Indian tribes and tribal law enforcement agencies to establish and implement such tribal data collection systems as the Director determines to be necessary to achieve the purposes of this section.”;

(3) in subsection (e), by striking “subsection (d)(3)” and inserting “subsection (d)(1)(C)”;

(4) in subsection (f)—

(A) in the subsection heading, by inserting “, Tribal,” after “State”; and

(B) by inserting “, tribal,” after “State”; and

(5) by adding at the end the following:

“(g) **REPORTS.**—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Director shall submit to Congress a report describing the data collected and analyzed under this section relating to crimes in Indian country.”.

(c) **EFFECT OF GRANTS.**—Nothing in this section or any amendment made by this section—

(1) allows the grant to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

(2) has any effect other than to authorize, award, or deny a grant of funds to a federally recognized Indian tribe for the purposes described in the relevant grant program.

SEC. 502. CRIMINAL HISTORY RECORD IMPROVEMENT PROGRAM.

(a) **IN GENERAL.**—Section 1301(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(a)) is amended by inserting “, tribal,” after “State”.

(b) **EFFECT OF GRANTS.**—Nothing in this section or any amendment made by this section—

(1) allows the grant to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

(2) has any effect other than to authorize, award, or deny a grant of funds to a federally recognized Indian tribe for the purposes described in the relevant grant program.

TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROSECUTION AND PREVENTION

SEC. 601. PRISONER RELEASE AND REENTRY.

(a) **DUTIES OF BUREAU OF PRISONS.**—Section 4042 of title 18, United States Code, is amended—

(1) in subsection (a)(4), by inserting “, tribal,” after “State”;

(2) in subsection (b)(1), in the first sentence, by striking “officer of the State and of the local jurisdiction” and inserting “officers of each State, tribal, and local jurisdiction”; and

(3) in subsection (c)(1)—

(A) in subparagraph (A), by striking “officer of the State and of the local jurisdiction” and inserting “officer of each State, tribal, and local jurisdiction”; and

(B) in subparagraph (B), by inserting “, tribal,” after “State” each place it appears.

(b) **AUTHORITY OF INSTITUTE; TIME; RECORDS OF RECIPIENTS; ACCESS; SCOPE OF SECTION.**—Section 4352(a) of title 18, United States Code, is amended—

(1) in paragraphs (1), (3), (4), and (8), by inserting “tribal,” after “State,” each place it appears;

(2) in paragraph (6)—

(A) by inserting “and tribal communities,” after “States”; and

(B) by inserting “, tribal,” after “State”; and

(3) in paragraph (12) by inserting “, tribal,” after “State”.

SEC. 602. DOMESTIC AND SEXUAL VIOLENCE OFFENSE TRAINING.

Section 3(c)(9) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(c)(9)) (as amended by section 101(a)(2)) is amended by inserting before the semicolon at the end the following: “,

including training to properly interview victims of domestic and sexual violence and to collect, preserve, and present evidence to Federal and tribal prosecutors to increase the conviction rate for domestic and sexual violence offenses for purposes of addressing and preventing domestic and sexual violent offenses”.

SEC. 603. TESTIMONY BY FEDERAL EMPLOYEES.

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 305) is amended by adding at the end the following:

“SEC. 16. TESTIMONY BY FEDERAL EMPLOYEES.

“(a) **APPROVAL OF EMPLOYEE TESTIMONY OR DOCUMENTS.**—

“(1) **IN GENERAL.**—The Director of the Office of Justice Services or the Director of the Indian Health Service, as appropriate (referred to in this section as the ‘Director concerned’), shall approve or disapprove, in writing, any request or subpoena from a tribal or State court for a law enforcement officer, sexual assault nurse examiner, or other employee under the supervision of the Director concerned to provide documents or testimony in a deposition, trial, or other similar criminal proceeding regarding information obtained in carrying out the official duties of the employee.

“(2) **DEADLINE.**—The court issuing a subpoena under paragraph (1) shall provide to the appropriate Federal employee (or agency in the case of a document request) notice regarding the request to provide testimony (or release a document) by not less than 30 days before the date on which the testimony will be provided.

“(b) **APPROVAL.**—

“(1) **IN GENERAL.**—The Director concerned shall approve a request or subpoena under subsection (a) if the request or subpoena does not violate the policy of the Department to maintain impartiality.

“(2) **FAILURE TO APPROVE.**—If the Director concerned fails to approve or disapprove a request or subpoena for testimony or release of a document by the date that is 30 days after the date of receipt of notice of the request or subpoena, the request or subpoena shall be considered to be approved for purposes of this section.”.

SEC. 604. COORDINATION OF FEDERAL AGENCIES.

Any report of the Secretary of Health and Human Services to Congress on the development of Indian victim services and victim advocate training programs shall include any recommendations that the Secretary determines to be necessary to prevent the sex trafficking of Indian women.

SEC. 605. SEXUAL ASSAULT PROTOCOL.

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 603) is amended by adding at the end the following:

“SEC. 17. POLICIES AND PROTOCOL.

“The Director of the Indian Health Service, in coordination with the Director of the Office of Justice Services and the Director of the Office on Violence Against Women of the Department of Justice, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall develop standardized sexual assault policies and protocol for the facilities of the Service, based on similar protocol that has been established by the Department of Justice.”.

SEC. 606. STUDY OF IHS SEXUAL ASSAULT AND DOMESTIC VIOLENCE RESPONSE CAPABILITIES.

(a) **STUDY.**—The Comptroller General of the United States shall—

- (1) conduct a study of the capability of Indian Health Service facilities in remote Indian reservations and Alaska Native villages, including facilities operated pursuant to contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et

seq.), to collect, maintain, and secure evidence of sexual assaults and domestic violence incidents required for criminal prosecution; and

(2) develop recommendations for improving those capabilities.

(b) *REPORT.*—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the results of the study under subsection (a), including the recommendations developed under that subsection, if any.

The SPEAKER pro tempore (Mr. PASCARELL of New Jersey). Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

On January 19, 2010, the House passed H.R. 725 under suspension of the rules. This bill, introduced by our colleague from Arizona, Mr. ED PASTOR, would improve prosecution of unlawful misrepresentation and counterfeiting of American Indian jewelry, pottery, baskets, rugs, and other items under the Indian Arts and Crafts Act of 1990.

H.R. 725 would authorize any Federal law enforcement officer to conduct an investigation of an offense involving the sale of any good that is misrepresented as an Indian-produced good or product that occurs within the United States.

□ 1120

On June 23, 2010, the Senate passed H.R. 725 by unanimous consent without changes to the House-passed text. However, the Senate did add the language of the Tribal Law and Order Act of 2010 introduced by Senator DORGAN. The House counterpart is H.R. 1924, sponsored by our colleague and valued member of the Natural Resources Committee, Representative HERSETH SANDLIN.

In addition, the Senate included provisions from H.R. 1333, which was introduced by Mr. GRIJALVA. H.R. 1333 passed the House by voice vote on September 30, 2009, and would permit tribal governments to use display fireworks for ceremonial and other purposes.

Despite the Federal responsibilities to protect Indian communities, the violent crime rate on reservations is 2½ times the national average. Amnesty International estimates that more than one in three Native women will be raped in their lifetimes. The Tribal Law and Order Act addresses these critical tribal public safety and justice issues by establishing accountability measures for Federal agencies responsible for investigating and prosecuting reservation crime and by providing tribes with additional tools to combat crime locally.

Among other vital improvements to existing law, the Tribal Law and Order

Act would, one, require the Department of Justice to maintain data on criminal declinations and share evidence with tribal justice officials when a case is declined; number two, authorize tribes to increase sentencing authority for up to 3 years in certain situations; number three, provide tribal police with greater access to criminal history databases such as the National Crime Information Center; and, four, mandate that Indian Health Service and Bureau of Indian Affairs officials provide documents and testimony in prosecutions before tribal courts.

In short, the Tribal Law and Order bill would address the profound public safety needs and provide the additional law enforcement and criminal justice resources sorely needed on Indian reservations across the country.

I want to commend our colleague, the gentleman from Arizona (Mr. PASTOR), for his hard work and dedication to this legislation. I also thank Ms. HERSETH SANDLIN for her efforts for championing the tribal law and order portion of the bill. Both Members are addressing long-standing problems in Indian Country, and I ask my colleagues to support its passage.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, included in this legislation are a great many important anti-crime, anti-violence provisions that will assist and support Indian tribes across the country. There is considerable bipartisan support for what this bill aims to do, and yet today it is being considered before the House using a process and procedure that elicits opposition.

Mr. Speaker, let me be clear: The objections that I will express today are focused squarely on the matter in which the House leaders have chosen to have this bill debated.

Violence and crime against Indians is a serious problem deserving the attention of this Congress. Such an important issue as this should not be relegated to the suspension calendar where innocuous bills are often given just cursory consideration. The process being used today to consider this legislation is normally reserved for bills such as naming post offices and congratulating sports teams on winning championships. Addressing crimes against Indians deserves to be considered in a much more serious, thorough process.

Furthermore, the manner in which this bill was passed in the Senate and being considered in this House is unfair to not only all 435 Members of the House but also to every Indian constituent that they represent. A procedure is being used to consider this bill that denies every House Member the ability to offer a suggestion to improve it, even Members whose Indian con-

stituents may seek such improvements.

The bill before us today, H.R. 725, started out as an Indian Arts and Craft Amendments Act of 2010. It was an innocuous 10-page bill with almost no cost whose purpose was to address counterfeit arts and crafts wrongfully marketed as Indian-made product. There was almost no disagreements over the merits and policies of this bill when it first passed this body.

The Senate took H.R. 725 and attached the tribal law and order provisions. Again, these are policies that merit action by Congress on which I believe there is a great deal of agreement. Yet the process and manner by which this is being done is generating opposition. When a widely supported arts and crafts bill that is just a few pages in length and which costs nothing is changed by the Senate to run over 100 pages with authorized spending of over a billion dollars, to me, Mr. Speaker, that is simply unacceptable.

As I said, I oppose this controversial process and procedure being used on a bill of this magnitude. I opposed such procedures in the past, and I've opposed such a process as the ranking member of this committee, most notably on the omnibus lands bill that passed last year.

So I regret that I must stand here today and oppose passing this bill using this process. Indian Country deserves more attention and better treatment than to have this legislation appear on a suspension calendar which is most often used, as I mentioned before, to name post offices. A bill on an issue as important as this should not be heard because it does disrespect to the committees. And it should be given more than 40 minutes of the House's attention.

The Members of this House deserve a fair opportunity to improve legislation—not to be totally blocked from offering any suggestions including any sought by their Indian constituents. Again, when a process is used to transform a several-page, no-cost bill on Indian arts and crafts into a 100-page billion dollar bill on violence and crime, then it should not be considered in this manner. It deserves the true attention of all Members of this House.

For those reasons, Mr. Speaker, I urge my colleagues to oppose this bill under this unfair process.

With that, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentleman that has helped bring this legislation to the floor of the House, the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR of Arizona. Mr. Speaker, the underlying bill, the Indian Arts and Crafts Amendment bill, started in the Senate. It started with Senator MCCAIN and Senator KYL from Arizona. The Senate passed that particular bill

from the Senate. It came over here. And as Chairman RAHALL told you, my companion bill, the bill that I authored, was passed by the House and mirrored the bill passed in the Senate.

When it went over to the Senate, the Indian Arts and Crafts bill, checking with Senator MCCAIN and Senator KYL, the amendment was added to the bill, the underlying bill. The Senate, by unanimous consent, took the amended bill and sent it back to us for our consideration, and that's where we are today.

Mr. Speaker, I will tell you that this bill has been heard in the Senate, has been heard in the House—the underlying bill as well as the amendment—and, Mr. Speaker, I will tell you that there is concurrence in Indian Country that this bill is supported. There is concurrence here with the Native American Caucus, which is a bipartisan caucus that deals with the interests, the positive interests, of Native American issues, who are in support of it.

The gentleman objects because of the procedure, but the content and the support is there. And so I would ask my colleagues, both on the Republican side and the Democratic side, to support this bill, which has had the scrutiny of the Senate and the House and a bill that has the approval, unanimous consent, in a bipartisan manner.

□ 1130

It's very rarely that we see this type of cooperation between the House and the Senate, much less cooperation in a bipartisan manner. So I would ask my colleagues to support this bill and have it pass and be signed by the President.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 3 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H.R. 725, the Senate amendments to the Indian Arts and Crafts Amendment Act. This bill was originally passed in this body by a voice vote. In the Senate, however, the bill was amended to include the tribal law and order bill, and that's what I want to focus my remarks on today.

This bill passed the United States Senate by unanimous consent after Senator COBURN and the Senate Republican Senate Study Committee negotiated certain spending reductions and addressed spending concerns.

There's no question, I think both sides of the aisle agree, that the Federal Government has a new unique obligation to ensure that these Americans, the first Americans, are granted the same public safety rights and protections that other American citizens enjoy. Law enforcement in Indian Country, however, has been woefully underfunded and mismanaged over decades, resulting in a drastic situation for many of our fellow Americans.

I want to particularly thank my colleague Representative STEPHANIE HERSETH SANDLIN and her staff for the remarkably bipartisan way in which she worked with my staff and myself to address some of the concerns that we had. Obviously, I want to thank my fellow chairman of the Native American Caucus, DALE KILDEE, and some of my Republican coauthors and supporters of this legislation like Representatives SIMPSON, CALVERT and KLINE.

However, I agree very much with my colleague Mr. HASTINGS' concern that this legislation should have been brought to this body under a rule, because it is indeed a major spending piece of legislation and there are many important and dramatic changes in Federal law, and we should have treated it under normal process. That's a legitimate Republican concern. I think it ought to be a concern of everybody in this body, and quite frankly, we will lose votes today on this legislation because of the manner in which it was brought to the floor, and that is unfortunate. Frankly, if we don't make it today, it will be because the Democratic leadership chose to bring it to the floor this way. Had it been brought under normal order, it would pass easily.

However, having said that, I think this is a case in which substance must trump process for the good of our fellow Americans in Indian Country. The problems as I mentioned earlier are severe. On Indian reservations crime is 2½ times the national average. One in three Native women will be raped over the course of a lifetime. We have only 3,000 tribal officers to cover 56 million acres of Indian Country, and even if criminals are apprehended, many tribal law enforcement officials have not had the opportunity to receive the training and resources they need to adequately carry out their duties and secure convictions. Further, if the perpetrator is a non-Indian, it becomes a maze of Federal, State, and tribal law to determine whose responsibility it is to prosecute crimes.

We have had a very difficult legislative process to work through some of these problems. This bill isn't a cure-all but it's an important start in moving in the right direction.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman 1 additional minute.

Mr. COLE. I thank the gentleman.

This bill not only reauthorizes existing programs at existing or last appropriated levels—in other words, there's no new spending in this bill—it provides enhanced sentencing authority so the tribes may impose longer sentences on Native Americans, not on nontribal citizens or non-Native Americans. It enhances evidence sharing and Federal accountability, and increases officers

on the ground in Indian Country. It streamlines the process for the BIA and IHS employees to testify in sexual assault cases, and reauthorizes funding to support tribal courts.

In closing, all Americans have the right to public safety and security, but it's preeminently a Federal responsibility to protect those rights in Indian Country. A vote against this bill, in my opinion, is a vote to continue the status quo of rampant violence and drug abuse in Indian Country, which we have an opportunity to make significant progress on. This legislation will only pass as it did in the Senate if it has significant bipartisan support, and I hope that support is available here today. I urge my colleagues on both sides to pass this important piece of legislation.

Mr. RAHALL. Mr. Speaker, one of the main movers of this legislation is the gentlelady from South Dakota (Ms. HERSETH SANDLIN). She has been a tremendous help on our Committee on Natural Resources on all issues but especially those affecting Indian Country, and Indian Country can be very proud of the friend they have in STEPHANIE HERSETH SANDLIN.

I yield 5 minutes to the gentlewoman.

Ms. HERSETH SANDLIN. Mr. Speaker, I want to first thank Chairman RAHALL for yielding me time and for his outstanding leadership of the Natural Resources Committee and his Office of Indian Affairs in moving this important legislation forward.

I would also like to thank the Judiciary Committee chairman, Mr. CONYERS, as well as my good friend, Mr. SCOTT, chairman of the Subcommittee on Crime, Terrorism and Homeland Security. Through their efforts on the Judiciary Committee, the bill has been strengthened in its final form.

I would like to thank my good friend the gentleman from Oklahoma (Mr. COLE) and his staff for his strong partnership in moving this important bill through the House.

I urge my colleagues to support this bipartisan bill that passed the Senate by unanimous consent. The Tribal Law and Order Act will improve law enforcement efforts and combat sexual assault and drug smuggling in Indian Country. It reauthorizes existing programs designed to strengthen tribal courts, police departments, and correction centers, as well as programs to prevent and treat alcohol and substance abuse, and improve opportunities for at-risk Indian youth.

A vote against this bill is a vote to keep the status quo, a status quo where it's estimated that one in three American Indian women and Alaska Native women will be raped in their lifetime.

A vote against this bill will maintain the status quo, a status quo where drug trafficking organizations are targeting Indian reservations to manufacture

and distribute illegal substances because of the lack of law enforcement on Indian land.

Native American families, like all families, deserve a basic sense of safety and security in their community. Law enforcement is one of the Federal Government's trust obligations to federally recognized tribes. Yet as tribes all across the country know all too well, Congress is failing to meet that obligation.

The situation is particularly challenging for large, land-based reservations in South Dakota and elsewhere. Officials from the Oglala Sioux Department of Public Safety recently had six officers to cover the Pine Ridge Reservation, an area larger than the States of Delaware and Rhode Island combined.

The kinds of problems that arise from such a limited law enforcement presence include the case of a young woman living on the Pine Ridge Reservation. She'd received a restraining order against an ex-boyfriend who battered her. One night she was home alone, woke up as he attempted to break into her home with a crowbar. She immediately called the police, but due to a lack of land lines for telephones and spotty cell phone coverage, the call was cut off three times before she reported her situation to the dispatcher. The nearest officer was about 40 miles away, and even though the police officer who took the call started driving to her home at 80 miles an hour, by the time he arrived the woman was severely bloodied and beaten and the perpetrator had escaped.

Today, the House has an opportunity to deal with these issues, to deal with these issues and so many others to make a difference in the lives of Native Americans across the country. The Senate has already unanimously approved it.

Senator JON KYL, the Republican whip, said when the bill passed the Senate, "Many tribal communities today lack the support and tools needed to combat the terrible violence and crimes they experience. That's why I applaud the passage of the Tribal Law and Order Act, which authorizes desperately needed funds for law enforcement in Indian Country."

Senator JOHN BARRASSO, vice chairman of the Senate Indian Affairs Committee added, "Through this bill we are sending a strong message that Indian reservations will not be a haven for criminal activity, drug trafficking, gangs, or abuse."

The Tribal Law and Order Act also has the support of the administration, the National Congress of American Indians, and many other tribal, State, and local governments and organizations.

□ 1140

We have worked for years, over many Congresses, in field hearings where

Members of this body and their staff have traveled to South Dakota and to other Native American communities to fully understand the magnitude of this problem and the importance of acting in this Congress, working with the Senate in a bipartisan way through weeks and months of negotiations to make responsible changes to this bill to address the concerns that Members on both sides of the aisle had expressed about the bill. We have made those changes.

Senator COBURN has been satisfied that we have made those changes. We have worked diligently in the committees of jurisdiction to address the changes, to ask what it is that any Member has to get them to a "yes." We can't delay any further. Native American women and their children are the most at risk. The statistics bear it out.

I ask my colleagues to join me in passing this important bipartisan bill and send it to the President for his signature.

Mr. Speaker, I would like to include in the RECORD the following letters and resolutions in support of H.R. 725.

NATIONAL CONGRESS
OF AMERICAN INDIANS,
Washington, DC, June 29, 2010.

Hon. JOHN CONYERS,
Chair, Committee on the Judiciary, House of Representatives, Washington, DC.

Hon. LAMAR SMITH,
Ranking Member, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS AND RANKING MEMBER SMITH: On behalf of the National Congress of American Indians, I write to strongly urge your support for the revised version of the Tribal Law and Order Act, unanimously approved in the Senate on June 23, 2010, and included within a House-passed version of the Indian Arts & Crafts Act (H.R. 725). This bipartisan legislation is of critical importance to improving public safety on Indian reservations throughout the country, and we urge you to support proceeding with the passage of the legislation on the floor of the House of Representatives.

The House Judiciary Committee held a hearing on the companion bill (H.R. 1924) in December, and Marcus Levings, Chairman of the Mandan, Arikara & Hidatsa Nation, provided testimony on behalf of NCAI that also detailed the effects of crime on his tribe and his family. Despite the federal responsibilities to protect Indian communities, the violent crime rate on reservations is two and a half times the national average; Native women are victims of rape and sexual assault at three times the national average; and tribal lands are increasingly the target of drug trafficking and gang-related activity. These problems are exacerbated by the fact that the Department of Justice is subject to little oversight on its performance. The Denver Post has reported that the federal government declines to prosecute 62% of Indian country criminal cases referred to federal prosecutors, including 75% of child and adult sex crimes. We would like to particularly thank Chairman Scott and the Crime, Terrorism, and Homeland Security Subcommittee for their work on the legislation.

The Senate bill has incorporated a number of changes at the suggestion of the Subcommittee, as well as amendments suggested by both Democratic and Republican Sen-

ators. In addition, the bill has received a great deal of input from the Department of Justice, the federal Judicial Conference, and from tribal leaders and law enforcement officials across the country. As approved by the Senate, H.R. 725 is well-vetted and bipartisan legislation that is necessary to address the regrettable public safety trends that exist on Indian lands.

When enacted, the Tribal Law & Order Act will:

Require the Department of Justice to maintain and compile data on declinations of Indian country cases and submit annual reports to Congress;

Authorize the DOJ to appoint special tribal prosecutors to assist in prosecuting Indian country crimes;

Expand the special law enforcement commissions program, clarify the standards required of tribal officers, and permit flexibility in reaching MOUs between the BIA and tribal governments that seek special commissions;

Allow tribal law enforcement personnel to obtain training at various accredited facilities, instead of insisting all BIA police officers receive training from the lone Indian Police Academy in Artesia, New Mexico;

Encourage cooperation between state and tribal law enforcement;

Increase and clarify tribal sentencing authority under the Indian Civil Rights Act; and

Enable BIA and tribal police access to Federal criminal information databases.

When enacted, the Tribal Law and Order Act will address these and other critical shortcomings in the criminal justice system. That is why I respectfully request your active support to ensure House passage of H.R. 725.

Sincerely,

JEFFERSON KEEL,
NCAI President.

JULY 20, 2010.

Re. Tribal Law and Order Act (H.R. 725).

Hon. JOHN CONYERS, JR.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.

Hon. LAMAR SMITH,
Ranking Member, Committee on the Judiciary, House of Representatives, Washington, DC.

Hon. DOC HASTINGS,
Ranking Member, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR MEMBERS: As former United States Attorneys appointed by President George W. Bush—and as Republicans committed to helping Indian tribes and nations fight violent crime—we strongly support the Tribal Law and Order Act and urge you to pass H.R. 725 now.

Enacting this bill will help make federal prosecutors serving Indian Country more accountable and responsive to local needs. H.R. 725 will also provide tribal governments with more flexible sentencing authority that respects the rights of crime victims and criminal defendants alike. Communities across Indian Country stand to gain from the prudent use of these enhanced tools to enforce the rule of law.

These and other key provisions of the Tribal Law and Order Act have been debated for many years. Meanwhile, violent crime rates throughout much of Indian Country have remained unacceptably high—at least two-and-half times the national average. Now is the time for the House to act by passing H.R. 725.

Thank you for your leadership and service to the country we love.

Sincerely,

HON. THOMAS B. HEFFELFINGER,
Former United States Attorney for the District of Minnesota (1991–1993; 2001–2006).

HON. TROY A. EID,
Former United States Attorney for the District of Colorado (2006–2009).

AMNESTY INTERNATIONAL,
July 2, 2010.

Hon. JOHN CONYERS,
Chair, Committee on the Judiciary, House of Representatives, Washington, DC.

Hon. LAMAR SMITH,
Ranking Member, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS AND RANKING MEMBER SMITH: On behalf of Amnesty International USA's nearly half a million members, I am writing to strongly urge your support for the Tribal Law and Order Act of 2009, the provisions of which were included in the Senate-passed version of H.R. 725, The Indian Arts and Crafts Amendment Act of 2010.

The Tribal Law and Order Act, which serves as a long overdue effort to address violent crime and public safety issues in Indian Country, would enhance the criminal justice system in Indian Country by improving coordination and communication between federal, state, local and tribal law enforcement agencies. Amnesty International USA strongly supports the Act and encourages you to support proceeding with the passage of H.R. 725, including the Tribal Law and Order Act provisions, on the floor of the House of Representatives.

In 2007, Amnesty International USA released the report *Maze of Injustice: The failure to protect Indigenous women from sexual violence in the USA*. The report revealed violence against Native American and Alaska Native women at epidemic proportions. This violence is an ongoing violation of Native American and Alaska Native women's most fundamental human rights and freedoms. For example, Native American and Alaska Native women are more than two and a half times more likely to be raped or sexually assaulted than women in the United States in general. More than one in three Native American and Alaska Native women will be raped in their lifetime and, according to Department of Justice statistics, 86 per cent of perpetrators of sexual assault and rape against Native women are non-Native men.

Because of a confusing maze of federal, state and tribal laws and jurisdictions, perpetrators of this particularly brutal form of violent crime are frequently not brought to justice. A number of factors enable perpetrators to get away with their crimes, and any effort to reverse that trend must be comprehensive. But the ability of Native women survivors of sexual violence to access comprehensive and quality health care after an assault will in large part determine whether we are able to reverse this trend, or if it will continue. If Native women survivors of sexual assault cannot access properly and sensitively administered sexual assault forensic examinations and if IHS personnel that conducted those examinations are not available to provide expert testimony in a court of law, sexual assault cases are almost certain not to be prosecuted.

The Tribal Law and Order Act was drafted in direct response to concerns raised by tribal leaders, tribal organizations, Native American and Alaska Native women and the AIUSA report, which helped bring widespread attention to the high rates of crimes on tribal lands and the obstacles that victims face in securing justice. Specifically, the Tribal Law and Order Act will serve to:

Clarify the responsibilities of federal, state, and tribal governments with respect to crimes committed in tribal communities; Increase coordination and communication among federal, state, and tribal law enforcement agencies;

Restore tribal governments with necessary authority, resources, and information to address crimes committed on tribal land;

Combat violence against Native American and Alaska Native women, and;

Increase and standardize the collection and distribution of criminal data among all levels of government responsible for responding to and investigating crimes in tribal communities, including the data necessary to establish whether or not crimes are being prosecuted.

The Tribal Law and Order Act is strong, bipartisan legislation that addresses long overlooked human rights abuses in Indian Country. For these reasons, we request your active support to ensure House passage of H.R. 725 with the provisions of the Tribal Law and Order Act attached.

Thank you for your time and consideration of this request and we look forward to hearing from you.

Sincerely,

LARRY COX,
Executive Director, Amnesty International USA.

CHARON ASETOYER,
Chair, Native American and Alaska Native Advisory Council.

APRIL 26, 2010.

DEAR REPRESENTATIVE/SENATOR SMITH, As representatives of diverse religious faiths and beliefs, we write in support of the Tribal Law and Order Act of 2009 (HR 1924/S 797). We ask that you honor the two and a half million American Indians and Alaska Natives in our country by cosponsoring this essential bill.

Native Americans, the poorest ethnic group in the United States, live in the midst of a public safety crisis and are therefore a doubly victimized people. Crime rates on reservations are devastating. The average crime rate for American Indians/Alaska Natives is 2.5 times the national average. On some reservations however, the crime rate reaches 10 or 20 times the national average. Native American women suffer from an epidemic of domestic and sexual violence, as one in three Native women is raped in her life time. The criminal justice system is so weak that tribal authorities are left with no way to respond to crime on the reservation. Crimes often do not get reported because victims and families are all too aware of the broken system.

The Tribal Law and Order Act, written in direct consultation with tribal leaders, addresses some of these problems. It does this by:

Expanding tribal access to Federal and State records,

Providing greater Federal and State accountability and transparency in criminal justice processes,

Streamlining protocols and policy regarding domestic violence and sexual abuse, and

Requiring the Federal justice system to report and explain the declination of cases.

When Indian tribes ceded their lands, the United States made promises through treaties and other agreements. Among them was the establishment of a trust responsibility for the safety and well-being of Indian peoples in perpetuity. We believe that honoring the trusts and treaties is a legal and moral imperative. As people of faith, we urge you to cosponsor the Tribal Law and Order Act to fulfill this responsibility.

Sincerely,

Disciples Justice Action Network (Disciples of Christ); The Episcopal Church; Evangelical Lutheran Church in America; Franciscan Action Network; Friends Committee on National Legislation (Quaker); Islamic Society of North America; Mennonite Central Committee U.S. Washington Office; Missionary Oblates; National Advocacy Center of the Sisters of the Good Shepherd; National Council of Churches of Christ in the USA; Presbyterian Church (U.S.A.) Washington Office; Unitarian Universalist Association of Congregations; National Ministries, American Baptist Churches USA; United Church of Christ, Justice and Witness Ministries; United Methodist Church, General Board of Church and Society; and VIVAT International.

AMERICAN BAR ASSOCIATION,
Washington, DC, July 20, 2010.

Re Vote YES for Senate Amendments to H.R. 725, Indian Arts and Crafts Amendments Act.

DEAR REPRESENTATIVE: I write on behalf of the American Bar Association, which has nearly 400,000 members nationwide, to support the Senate amendments to H.R. 725, the Indian Arts and Crafts Amendments Act. We understand H.R. 725 may be considered on the House suspension calendar as early as Wednesday, July 21.

The Senate amendments to H.R. 725 incorporate S. 797, the bipartisan Tribal Law and Order Act of 2009. This legislation would address the violent crime rate in Indian country, which is nearly twice the national average and more than 20 times the national average on some reservations.

The ABA strongly supports the provisions of H.R. 725 that: (1) authorize funding for the development and continued operation of tribal justice systems; (2) address critical barriers preventing the safety of American Indian and Alaska Native women by boosting law enforcement efforts; (3) provide tools to tribal justice officials to fight crime in their own communities; (4) improve coordination between law enforcement agencies; and (5) increase accountability standards.

The ABA strongly supports the Senate amendments which strengthen protection and assistance for victims of gender-based violence, including American Indian and Alaska Native women. The ABA specifically urges Congress to enact this legislation which (1) supports funding for legal assistance for victims of gender-based violence; (2) supports funding to provide training and education about gender-based violence and the needs of victims; (3) supports efforts to foster a multidisciplinary and community approach to serving victims and ending gender-based violence; and (4) supports efforts to ensure that perpetrators of gender-based violence are held accountable.

The ABA urges you to vote yes for H.R. 725 when it is considered on the Suspension calendar. Thank you for your consideration of the ABA's views.

Sincerely,

THOMAS M. SUSMAN,
Director,
Governmental Affairs Office.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I join in thanking the chairman of the House Judiciary Committee, Chairman JOHN CONYERS, for his help on this legislation. In particular, I want to thank the subcommittee chairman on Crime, Terrorism, and Homeland Security, the gentleman from Virginia, BOBBY SCOTT.

I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

I am very pleased to join my colleagues in support of the legislation today, which includes the Tribal Law and Order Act of 2010.

Others have spoken about the epidemic of crime in our Nation's Indian lands, but unfortunately the tribes have reported that many of the crimes, including the very serious crimes such as rape and assault, are not included among those prosecuted in Federal courts by U.S. Attorneys either as a matter of case priorities or limited resources.

With inadequate funding and limited prosecutorial authority of the tribes, even when the crimes are prosecuted in tribal court, the limitation of 12 months on sentences in tribal court does not allow sentences to address the more serious crimes. This bill allows tribal authorities to respond to such crimes and to do so with more appropriate consequences for the more serious and dangerous offenders.

At the same time, it improves the procedures in tribal courts and better protects the rights of tribal defendants. Moreover, as it authorizes more robust enforcement and more appropriate sentences, it also authorizes key programs to address the root causes of crime. These include juvenile delinquency prevention and summer youth programs, as well as drug and alcohol abuse programs.

Finally, while empowering tribes to better police themselves, the bill also addresses Federal law enforcement to do more and improves the coordination among tribal, State, and Federal law enforcement agencies. This is a practical effort to solve a very significant problem in our country.

Mr. Speaker, this is a rare crime bill that comes to the floor of this body with the kind of broad, bipartisan support that the Tribal Law and Order Act has earned. This bill has the unanimous support of the Senate. It has the support of tribal governments and organizations. It has the support from

the Justice Department and outside law enforcement groups such as the National District Attorneys Association. We also have the support of Amnesty International.

With that kind of bipartisan support, I urge all of the Members to vote "yes" on the motion to suspend the rules and agree to the Senate amendment.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, at this time I would like to enter into a colloquy with the chairman of the committee, and I would like to address changes made to section 201 of the Tribal Law and Order Act that concern Public Law No. 83-280, commonly known as Public Law 280. This law was enacted on August 15, 1953, and Public Law 280 removed the Federal Government's special Indian country law enforcement jurisdiction over almost all Indian lands in the States of Alaska upon statehood, my home State of California, Minnesota, Nebraska, Oregon, and Wisconsin, and permitted these States to exercise criminal jurisdiction over those lands.

The act specifically provides that these States "shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country . . . to the same extent that such State . . . has jurisdiction over offenses committed elsewhere within the State . . . and the criminal laws of such State . . . shall have the same force and effect within such Indian country as they have elsewhere within the State."

Section 201 of the Tribal Law and Order Act of 2010 allows the Federal Government to reassume criminal jurisdiction on Public Law 280 lands when the affected Indian tribe requests the U.S. Attorney General to do so. If the Attorney General concurs, the United States will reassume jurisdiction to prosecute violations of the General and Major Crimes Acts, sections 1152 and 1153 of title 18, that occur on the requesting tribe's reservation. The bill makes clear that once the United States assumes jurisdictions pursuant to this provision, criminal authority on the affected reservation will be concurrent among the Federal and State governments and, "where applicable," tribal governments.

I would like to ask the distinguished chairman of the Committee on Natural Resources, Mr. RAHALL, to make clear that nothing in the Tribal Law and Order Act retracts jurisdiction from the State governments and nothing in the act will grant criminal jurisdiction in Indian country to an Indian tribe that does not currently have criminal jurisdiction over such land.

I would yield to the chairman for that.

Mr. RAHALL. I thank the gentleman for yielding, and I respond to him that he is correct.

Public Law 280 has been a mixed bag for both the tribes and the States. The States that are subject to Public Law 280 possess authority and responsibility to investigate and prosecute crimes committed on reservations, but, because of subsequent court decisions that sharply limited the extent of Public Law 280's grant of civil jurisdiction to affect the States, these States have almost no ability to raise revenue on Public Law 280 lands.

And to the extent that tribal governments retained concurrent jurisdiction over crimes committed by Indians on these lands, such authority is currently limited to no more than 1 year for any one offense. As such, residents of reservations subject to Public Law 280 have to rely principally on sometimes underfunded State and local law enforcement authorities to prosecute reservation crimes.

The phrase in section 201 that jurisdiction "shall be concurrent among the Federal Government, State government and, where applicable, tribal governments" is intended to clarify that the various State governments that are currently subject to Public Law 280 will maintain such criminal authority and responsibility.

In addition, this provision intends to make clear that tribal governments subject to Public Law 280 maintain concurrent criminal authority over offenses by Indians in Indian country where the tribe currently has such authority.

Nothing in this provision will change the current law of criminal jurisdiction for State or tribal government. It simply seeks to return criminal authority and responsibility to investigate and prosecute major crimes in Indian country to the United States where certain conditions are met.

Mr. DANIEL E. LUNGREN of California. I thank the chairman for that.

The SPEAKER pro tempore (Mr. CUELLAR). The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 2 minutes.

Mr. DANIEL E. LUNGREN of California. I concur with the interpretation of the provision expressed by him, and I would like to thank him for his clarification regarding the intent of the language in section 201 of this important legislation.

Mr. Speaker, although I intend to support this legislation, the process under which the bill has been brought up can only be described as stranger than fiction. While it might have been appropriate to consider under suspension an act to protect Indian arts crafts, the guts of that bill have been replaced with language that dramatically affect the criminal justice system on tribal lands.

The House Judiciary Committee on which I serve had no markup, either in subcommittee or at full committee, and although we did have a subcommittee hearing on a different bill, H.R. 1924, which I attended in full and found most interesting and helpful, we did not work our will on the legislation.

□ 1150

Why am I concerned about that? Because there are some very specific parts of Indian law as it incorporates State law in PL-280 States that, frankly, are not fully addressed in this bill. Among other things, it is likely we will need to address the adequacy of the training standards in the bill which are less rigorous than the Police Officer Standards and Training Commission standards in my own State. As the former chairman of that commission, I realize the seriousness of the training requirements of law enforcement officers. Unfortunately, that is not addressed in this bill.

Secondly, there is a concern expressed by law enforcement officials in my State about the adequacy of protection of information. Under current law, under the CLETS system, the California law enforcement system dealing with criminal justice information, it is not currently available to tribal authorities because of the lack of training and of a concern about liability. As this now will be made available through the national system with the Federal Government's work, the question of liability if there is misuse of that information remains, and local law enforcement in my State of California have informed me of their continuing concern on this.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. HASTINGS of Washington. I yield the gentleman 1 additional minute.

Mr. DANIEL E. LUNGREN of California. That is not enough for me to oppose this bill because I think the essentials of this bill are necessary for us to help protect those in Indian lands. But, Mr. Speaker, the nature of Indian land is very different in different States. Some States have very, very large reservations and very few tribes, with very large populations in those tribes. California has, by and large, very small geographic reservations and other properties that are sovereign territory of the Indians involved. We have relatively small bands, but large numbers of them. So we have a different set of circumstances with which we have to deal. I had hoped that we would be able to work legislation that would acknowledge that difference, but unfortunately that did not happen here.

I will support this bill, but it is unfortunate that true concerns expressed by law enforcement in PL-280 States

and other areas of the country were not taken into consideration here, and I hope we will have a chance in the future to amend this legislation.

Mr. RAHALL. Mr. Speaker, I am happy to yield 2 minutes to another member of our Natural Resources Committee, Representative DALE KILDEE, a classmate of mine and a gentleman who co-chairs the Native American Caucus. Certainly Indian country has a true, true friend in this gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Speaker, today I rise in strong support of the Tribal Law and Order Act as an amendment to H.R. 725, the Indian Arts and Crafts Amendments Act. I applaud the hard work and diligence of my friend and colleague, Congresswoman HERSETH SANDLIN, for introducing this legislation; and I thank my good friend, TOM COLE, who has been working hard and well on this legislation.

As co-chair of the Congressional Native American Caucus, I know that this legislation is desperately needed. The Federal Government is obligated through various treaties with Indian tribes to provide public safety, yet it has failed in this duty for far too long.

Mr. Speaker, violence on Indian reservations is 2.5 times higher than the national average. It is estimated that one in three native women will be raped or sexually assaulted in their lifetime. Only 3,000 tribal law enforcement officers cover over 56 million acres of land in Indian Country.

Mr. Speaker, this legislation will impose enhanced sentencing guidelines, provide for more evidence-sharing between Federal agencies, and enhance Federal accountability. It will also provide for more law enforcement officers and increased access to training at State and tribal police academies.

Mr. Speaker, finally, this legislation will reauthorize funding for tribal courts, jails and juvenile detention centers. The Senate passed the same legislation through with bipartisan support. I strongly urge my colleagues to do the same and pass this critical piece of legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Virginia (Mr. MORAN), the chairman of the Interior Subcommittee on Appropriations.

Mr. MORAN of Virginia. Mr. Chairman, I don't need even that much time to say that I strongly support this bill.

I appreciate the fact that the authorizing committee has brought it to the floor. We will get it passed. The only substantive argument I really hear is a jurisdictional one. The chair of the Judiciary Committee hasn't raised any objection to this. It ought to be passed,

and this Congress should be proud that it did.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I just want to point out, because I have expressed my opposition to this because of the process which has been acknowledged by several Members on my side of the aisle, the last time legislation like this was taken up was in the 101st Congress. The bill was introduced, I think, on the first day. There were hearings held in the House on that legislation, and then it went through committee markup. It was amended in committee, sent to the House floor, and it was passed on suspension, but that was after the committee had done its work.

It went to the Senate where there were hearings in the Senate. The bill was further amended in the Senate committee. It went to the Senate floor where it was amended again and then came back to the House. The House concurred and amended it one more time. It went back to the Senate, they concurred, and the bill was finally passed.

I point out that that process involved in that case both Houses. Both Houses had ideas on how to improve this legislation. But apparently this year, while a similar bill was introduced in the House, there was only a hearing in the Judiciary Committee. We had no hearing on the incidence of crime in our committee, which I think would have probably provided some insight. I only bring this up, Mr. Speaker, to say that the process in passing legislation should involve both Houses and not just one House.

But I find it rather curious in this instance where those on the other side are saying the Senate did all the work in its wonderful process. I wonder if everybody on the other side of the aisle feels that way with the other issues that are pending here where we seem to have a problem getting concurrence on major issues like the supplemental budget, for example, and a few other issues that are floating around. Maybe we should just yield all of the wisdom in this House to the Senate, as we have on this bill.

Now, I say that somewhat facetiously, obviously, Mr. Speaker, but that is the reason why I feel compelled to make a point of opposing this bill on the process. But we shall see if these other issues are taken up in a like manner by this House, and I won't hold my breath.

Mr. Speaker, I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, may I inquire as to the time I have remaining?

The SPEAKER pro tempore. The gentleman from West Virginia has 5 minutes remaining.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

I appreciate my good friend, the gentleman from Washington's, comments about the other body. However, every now and then some blaze of wisdom or light strikes over there and they do see their way to doing something that is good. And when they do it, you have to give them credit for it. What else can you say?

H.R. 725, as amended, would mark the most significant stride forward in improving the public safety in Indian Country in a generation. Swift passage is not only critical to addressing the problem of unchecked violence in Indian Country, but also to ensuring that the United States meets its solemn trust obligations to tribes.

Mr. Speaker, in conclusion, I thank Members on both sides of the aisle and our staffs, as well, who have worked cooperatively and in a bipartisan fashion. And I thank the Members of the other body as well for that light that they have seen—on this particular issue anyway.

I urge my colleagues to support passage of the legislation.

Ms. RICHARDSON. Mr. Speaker, I rise today in strong support of H.R. 725, the Tribal Law and Order Act Amendments of 2010 as amended by the Senate, which would address the issues of violence and sexual assault that occur on Indian Reservations. I would like to thank Congressman ED PASTOR for his leadership in introducing this bill to the House floor.

Mr. Speaker, the Tribal Law and Order Act is an amendment to H.R. 725, The Indian Arts and Crafts Act. The Tribal Law and Order Act will create accountability measures for the Federal agencies that are responsible for investigating and prosecuting crime that occurs on Indian Reservations. The act would also equip Indian tribes with the means necessary to tackle crime within their local areas.

Mr. Speaker, I am sorry to say that domestic violence and sexual assault occur quite frequently on Indian Reservations. Most of the victims to such violent crimes are Indian women and children. Statistics show that one in three American Indian women will be raped in their lifetime and two out of every five women will face domestic violence. Within most Indian Reservations, very little police patrol takes place and tribal courts have very limited jurisdiction. Currently tribal courts have a maximum sentencing of only one year, and non Indian criminal offenders cannot be tried under tribal courts. These restrictions continue to put innocent men, women, and children at risk for higher incidents of violent and heinous crimes.

Native American communities continue to suffer from the effects of poverty, substance addiction, and other health related diseases. Unfortunately these communities have been some of the most underserved in our nation. Rampant violent crime that is preventable should not be an outstanding statistic among Indian Reservations. As a Representative from California, a state that has a large population of Native Americans, I am deeply committed to seeing the progress of these communities and ensuring that justice is rightfully served.

Mr. Speaker, the Senate Amendment to H.R. 725 is a way to ensure that the criminal

justice system is improved among Indian nations and also that federal law enforcement becomes more responsive to the instances that occur on tribal land. It is critical that attention be given to our nation's justice system and the victims that rely on it the most in order to seek justice. In conclusion, I urge my colleagues to support H.R. 725 as amended by the Senate.

Ms. MCCOLLUM. Mr. Speaker, I rise today in support of H.R. 725, the Indian Arts and Crafts Amendments Act of 2010, and specifically the tribal law and order provisions now included.

The federal government has a unique trust relationship with the 564 sovereign tribal nations in the United States, and it is part of this trust responsibility for the federal government to provide law enforcement in Indian Country. The United States is not meeting its obligation. There are not enough law enforcement officers patrolling reservations, and the statistics illustrate the consequences. American Indians and Alaska Natives suffer from the highest crime rates in the nation. Federal law enforcement failed to prosecute more than half of the violent crimes in Indian Country, including sexual assault cases. This is especially troubling because the U.S. Justice Department found that one in three Native women will be raped in her lifetime.

That is why I urge my colleagues to support this bill and the tribal law and order provisions within it. This legislation improves law enforcement on tribal land by encouraging the prosecution of more crime, by increasing penalties for reservation offenders and by establishing protocols to address sexual violence. It encourages coordination between federal agencies, law enforcement officials and tribal communities for investigation and prosecution purposes. Under this act, tribal courts would be able to sentence offenders up to three years; currently, they can only sentence for up to one year. These changes are desperately needed.

This bill is a positive step towards meeting our trust responsibility and protecting Indian Country. As a member of the Congressional Native American Caucus, I urge my colleagues to support H.R. 725.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 725.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CHAFFETZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced

that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3250. An act to provide for the training of Federal building personnel, and for other purposes.

The message also announced that pursuant to Public Law 93-415, as amended by Public Law 102-586, the Chair, on behalf of the Majority Leader, after consultation with the Republican Leader, announces the appointment of the following individuals to the Coordinating Council on Juvenile Justice and Delinquency Prevention:

Richard Vincent of Nevada (2-year term), vice Larry Brendtro.

Deborah Schumacher of Nevada (3-year term), vice William L. Gibbons.

The message also announced that pursuant to Public Law 111-5, the Chair, on behalf of the Democratic Leader, reappoints the following individual to the Health Information Technology Policy Committee:

Dr. Frank Nemec of Nevada.

□ 1200

TO AMEND THE NATIONAL LAW ENFORCEMENT MUSEUM ACT

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1053) to amend the National Law Enforcement Museum Act to extend the termination date.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL LAW ENFORCEMENT MUSEUM ACT.

Section 4(f) of the National Law Enforcement Museum Act (Public Law 106-492) is amended by striking "10 years" and inserting "13 years".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. I yield myself such time as I may consume.

Mr. Speaker, the 106th Congress authorized the National Law Enforcement Officers Memorial Fund to establish the National Law Enforcement Museum on a site selected here in the District of Columbia. The authority to

begin construction, however, will expire in November of this year, and the project has yet to break ground. S. 1053 will extend the sunset date for 3 years.

Given the enormous sacrifices made by the men and women who work in law enforcement in order to protect our safety and well-being, this is obviously a worthy project, and we support extending its authorization so this museum proposal may continue moving forward. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, S. 1053 has been adequately explained by the ranking member of the committee. We are pleased that, despite the difficult economic environment, the National Law Enforcement Officers Memorial Fund is committed to completing this project without Federal appropriation. So I urge my colleagues to support this legislation.

I yield back the balance of my time.

Mr. RAHALL. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, S. 1053.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM REAUTHORIZATION ACT OF 2010

Mr. GORDON of Tennessee. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2693) to amend title VII of the Oil Pollution Act of 1990, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2693

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oil Pollution Research and Development Program Reauthorization Act of 2010".

SEC. 2. FEDERAL OIL POLLUTION RESEARCH COMMITTEE.

(a) PURPOSES.—Section 7001(a)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(a)(2)) is amended by striking "State" and inserting "State and tribal".

(b) MEMBERSHIP.—Section 7001(a)(3) of such Act (33 U.S.C. 2761(a)(3)) is amended to read as follows:

"(3) STRUCTURE.—

"(A) MEMBERS.—The Interagency Committee shall consist of representatives from the following:

"(i) The Coast Guard.

"(ii) The Department of Commerce, including the National Oceanic and Atmospheric Administration.

"(iii) The Department of the Interior.

"(iv) The Environmental Protection Agency.

"(B) COLLABORATING AGENCIES.—The Interagency Committee shall collaborate with the following:

"(i) The National Institute of Standards and Technology.

"(ii) The Department of Energy.

"(iii) The Department of Transportation, including the Maritime Administration and the Pipeline and Hazardous Materials Safety Administration.

"(iv) The Department of Defense, including the Army Corps of Engineers and the Navy.

"(v) The Department of Homeland Security, including the United States Fire Administration in the Federal Emergency Management Agency.

"(vi) The National Aeronautics and Space Administration.

"(vii) The National Science Foundation.

"(viii) Other Federal agencies, as appropriate."

(c) ROLE OF THE CHAIR.—Section 7001(a)(4) of such Act (33 U.S.C. 2761(a)(4)) is amended to read as follows:

"(4) CHAIR.—

"(A) IN GENERAL.—A representative of the Coast Guard shall serve as Chair.

"(B) ROLE OF CHAIR.—The primary role of the Chair shall be to ensure that—

"(i) the activities of the Interagency Committee and the agencies listed in paragraph (3)(B) are coordinated;

"(ii) the implementation plans required under subsection (b)(1) are completed and submitted;

"(iii) the annual reports required under subsection (e) are completed and submitted;

"(iv) the Interagency Committee meets in accordance with the requirements of paragraph (5); and

"(v) the Oil Pollution Research Advisory Committee under subsection (f) is established and utilized."

(d) ACTIVITIES.—Section 7001(a) of such Act (33 U.S.C. 2761(a)) is amended by adding at the end the following:

"(5) ACTIVITIES.—

"(A) ONGOING, COORDINATED EFFORTS.—The Interagency Committee shall ensure that the research, development, and demonstration efforts authorized by this section are coordinated and conducted on an ongoing basis.

"(B) MEETINGS.—

"(i) IN GENERAL.—The Interagency Committee shall meet, or otherwise communicate, as appropriate, to—

"(I) plan program-related activities; and

"(II) determine whether the program is resulting in the development of new or improved methods and technologies to prevent, detect, respond to, contain, and mitigate oil discharge.

"(ii) FREQUENCY.—In no event shall the Interagency Committee meet less than once per year.

"(C) INFORMATION EXCHANGE.—The Interagency Committee, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall develop a national information clearinghouse on oil discharge that—

"(i) includes scientific information and research on preparedness, response, and restoration; and

"(ii) serves as a single electronic access and input point for Federal agencies, emergency responders, the research community, and other interested parties for such information."

SEC. 3. OIL POLLUTION RESEARCH AND TECHNOLOGY PLAN.

(a) IMPLEMENTATION PLAN.—Section 7001(b)(1) of such Act (33 U.S.C. 2761(b)(1)) is amended—

(1) by striking "180 days after the date of enactment of this Act" and inserting "180 days after the date of enactment of the Oil Pollution Research and Development Program Reauthorization Act of 2010 and periodically thereafter, as appropriate, but not less than once every 5 years";

(2) by striking subparagraph (A) and inserting the following:

"(A) identify the roles and responsibilities of each member agency of the Interagency Committee under subsection (a)(3)(A) and each of the collaborating agencies under subsection (a)(3)(B);"

(3) in subparagraph (B) by inserting "containment," after "response,";

(4) in subparagraph (D) by inserting "containment," after "response,";

(5) by striking "and" at the end of subparagraph (E);

(6) in subparagraph (F)—

(A) by striking "the States" through "research needs" and inserting "State and tribal governments, regional oil pollution research needs, including natural seeps and pollution resulting from importing oil from overseas,"; and

(B) by striking the period at the end and inserting a semicolon; and

(7) by adding at the end the following new subparagraphs:

"(G) identify the information needed to conduct risk assessment and risk analysis research to effectively prevent oil discharges, including information on human factors and decisionmaking, and to protect the environment; and

"(H) identify a methodology that—

"(i) provides for the solicitation, evaluation, preapproval, funding, and utilization of technologies and research projects developed by the public and private sector in advance of future oil discharges; and

"(ii) where appropriate, ensures that such technologies are readily available for rapid testing and potential deployment and that research projects can be implemented during an incident response."

(b) ADVICE AND GUIDANCE.—Section 7001(b)(2) of such Act (33 U.S.C. 2761(b)(2)) is amended to read as follows:

"(2) ADVICE AND GUIDANCE.—

"(A) IN GENERAL.—The Chair shall solicit advice and guidance in the development of the research plan under paragraph (1) from—

"(i) the Oil Pollution Research Advisory Committee established under subsection (f);

"(ii) the National Institute of Standards and Technology on issues relating to quality assurance and standards measurements;

"(iii) third party standard-setting organizations on issues relating to voluntary consensus standards; and

"(iv) the public in accordance with subparagraph (B).

"(B) PUBLIC COMMENT.—Prior to the submission of the research plan to Congress under paragraph (1), the research plan shall be published in the Federal Register and subject to a public comment period of 30 days. The Chair shall review the public comments received and incorporate those comments into the plan, as appropriate."

(c) REVIEW.—Section 7001(b) of such Act (33 U.S.C. 2761(b)) is amended by adding at the end the following:

"(3) REVIEW.—After the submission of each research plan to Congress under paragraph (1), the Chair shall contract with the National Academy of Sciences—

“(A) to review the research plan;

“(B) to assess the adequacy of the research plan; and

“(C) to submit a report to Congress on the conclusions of the assessment.

“(4) INCORPORATION OF RECOMMENDATIONS.—The Chair shall address any recommendations in the review conducted under paragraph (3) and shall incorporate such recommendations into the research plan, as appropriate.”

SEC. 4. OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—Section 7001(c)(1) of such Act (33 U.S.C. 2761(c)(1)) is amended by striking “research and development, as provided in this subsection” and inserting “research, development, and demonstration, as provided in this subsection and subsection (a)(2)”.

(b) INNOVATIVE OIL POLLUTION TECHNOLOGY.—Section 7001(c)(2) of such Act (33 U.S.C. 2761(c)(2)) is amended—

(1) in the matter before subparagraph (A), by striking “preventing or mitigating” and inserting “preventing, detecting, containing, recovering, or mitigating”;

(2) by striking subparagraph (I);

(3) by redesignating subparagraph (J) as subparagraph (I);

(4) by striking the period at the end of subparagraph (I) (as so redesignated) and by inserting at the end a semicolon; and

(5) by adding at the end the following:

“(J) technologies and methods to address oil discharge on land and in inland waters, coastal areas, offshore areas, including deep-water and ultra-deepwater areas, and polar and other icy areas; and

“(K) modeling and simulation capabilities, including tools and technologies, that can be used to facilitate effective recovery and containment of oil discharge during incident response.”.

(c) OIL POLLUTION TECHNOLOGY EVALUATION.—Section 7001(c)(3) of such Act (33 U.S.C. 2761(c)(3)) is amended to read as follows:

“(3) OIL POLLUTION TECHNOLOGY EVALUATION.—The program established under this subsection shall provide for the evaluation of oil pollution prevention, containment, and mitigation technologies, including—

“(A) the evaluation of the performance and effectiveness of such technologies in preventing, detecting, containing, recovering, and mitigating oil discharges;

“(B) the evaluation of the environmental effects of the use of such technologies;

“(C) the evaluation and testing of technologies developed independently of the research and development program established under this subsection, including technologies developed by small businesses;

“(D) the establishment, with the advice and guidance of the National Institute of Standards and Technology, of standards and testing protocols traceable to national standards to measure the performance of oil pollution prevention, containment, or mitigation technologies;

“(E) an evaluation of the environmental effects and utility of controlled field testing;

“(F) the use, where appropriate, of controlled field testing to evaluate real-world application of new or improved oil discharge prevention, response, containment, recovery, or mitigation technologies;

“(G) an evaluation of the effectiveness of oil pollution prevention technologies based on probabilistic risk analyses of the system; and

“(H) research conducted by the Environmental Protection Agency and other appro-

priate Federal agencies for the evaluation and testing of technologies which demonstrate—

“(i) maximum effectiveness, including application and delivery mechanisms; and

“(ii) minimum effects, including toxicity, to human health and the environment in both the near-term and long-term.”.

(d) OIL POLLUTION EFFECTS RESEARCH.—Section 7001(c)(4) of such Act (33 U.S.C. 2761(c)(4)) is amended—

(1) by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—

“(i) ESTABLISHMENT.—The Interagency Committee, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall establish a research program to monitor and scientifically evaluate the environmental effects, including long-term effects, of oil discharge.

“(ii) SPECIFICATIONS.—Such program shall include the following elements:

“(I) Research on and the development of effective tools to detect, measure, observe, analyze, monitor, model, and forecast the presence, transport, fate, and effect of an oil discharge throughout the environment, including tools and models to accurately measure and predict the flow of oil discharged.

“(II) The development of methods, including economic methods, to assess and predict damages to natural resources, including air quality, resulting from oil discharges, including in economically disadvantaged communities and areas.

“(III) The identification of types of ecologically sensitive areas at particular risk from oil discharges, such as inland waters, coastal areas, offshore areas, including deep-water and ultra-deepwater areas, and polar and other icy areas.

“(IV) The preparation of scientific monitoring and evaluation plans for the areas identified under subclause (III) to be implemented in the event of major oil discharges in such areas.

“(V) The collection of environmental baseline data in the areas identified under subclause (III) if such data are insufficient.

“(VI) The use of both onshore and offshore air quality monitoring to study the effects of an oil discharge and oil discharge cleanup technologies on air quality; and making the results, health, and safety warnings readily available to the public, including emergency responders, the research community, local residents, and other interested parties.

“(VII) Research on technologies, methods, and standards for protecting removal personnel and for volunteers that may participate in incident responses, including training, adequate supervision, protective equipment, maximum exposure limits, and decontamination procedures.”;

(2) in subparagraph (B)—

(A) by striking “(B) The Department of Commerce” and all that follows through “future oil discharges.” and inserting the following:

“(B) CONDITIONS.—The Interagency Committee, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall conduct research activities under subparagraph (A) for areas in which—

“(i) the amount of oil discharged exceeds 250,000 gallons; and

“(ii) a study of the long-term environmental effects of the discharge would be of significant scientific value, especially for preventing or responding to future oil discharges.”;

(B) by striking “ATHOS I, and” and inserting “ATHOS I;”;

(C) by striking the period at the end and inserting “; Prince William Sound, where oil was discharged by the EXXON VALDEZ; and the Gulf of Mexico, where oil was discharged by the DEEPWATER HORIZON.”; and

(3) in subparagraph (C) by striking “Research” and inserting “COORDINATION.—Research”.

(e) DEMONSTRATION PROJECTS.—Section 7001(c)(6) of such Act (33 U.S.C. 2761(c)(6)) is amended—

(1) by striking the first sentence and inserting the following: “The United States Coast Guard, in conjunction with such agencies as the President may designate, shall conduct a total of 2 port oil pollution minimization demonstration projects, 1 with the Ports of Los Angeles and Long Beach, California, and 1 with a port on the Great Lakes, for the purpose of developing and demonstrating integrated port oil pollution prevention and cleanup systems that utilize the information and implement the improved practices and technologies developed from the research, development, and demonstration program established in this section.”; and

(2) in the second sentence by striking “oil spill” and inserting “oil discharge”.

(f) SIMULATED ENVIRONMENTAL TESTING.—Section 7001(c)(7) of such Act (33 U.S.C. 2761(c)(7)) is amended by inserting “Oil pollution technology testing and evaluations shall be given priority over all other activities performed at such Research Center.” after “evaluations.”.

(g) REGIONAL RESEARCH PROGRAM.—

(1) IN GENERAL.—Section 7001(c)(8) of such Act (33 U.S.C. 2761(c)(8)) is amended—

(A) in subparagraph (A)—

(i) by striking “program of competitive grants” and inserting “program of peer-reviewed, competitive grants”; and

(ii) by striking “(1989)” and inserting “(2009)”;

(B) in subparagraph (C) by striking “the entity or entities which” and inserting “at least one entity that”; and

(C) by adding at the end the following new subparagraph:

“(H) In carrying out this paragraph, the Interagency Committee shall coordinate the program of peer-reviewed, competitive grants to universities or other research institutions, including Minority Serving Institutions as defined under section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)), and provide consideration to such institutions in the recommendations for awarding grants.”.

(2) FUNDING.—Section 7001(c)(9) of such Act (33 U.S.C. 2761(c)(9)) is amended by striking “1991” and all that follows through “shall be available” and inserting “2011, 2012, 2013, 2014, and 2015, there are authorized to be appropriated from amounts in the Fund \$12,000,000”.

SEC. 5. INTERNATIONAL COOPERATION.

Section 7001(d) of such Act (33 U.S.C. 2761(d)) is amended to read as follows:

“(d) INTERNATIONAL COOPERATION.—In accordance with the research plan submitted under subsection (b), the Interagency Committee shall engage in international cooperation by—

“(1) harnessing global expertise through collaborative partnerships with foreign governments and research entities, and domestic and foreign private actors, including non-governmental organizations and private sector companies; and

“(2) leveraging public and private capital, technology, expertise, and services towards innovative models that can be instituted to

conduct collaborative oil pollution research, development, and demonstration activities, including controlled field tests of oil discharges and other activities designed to improve oil recovery and cleanup.”

SEC. 6. ANNUAL REPORTS.

Section 7001(e) of such Act (33 U.S.C. 2761(e)) is amended to read as follows:

“(e) ANNUAL REPORT.—

“(1) Concurrent with the submission to Congress of the President’s annual budget request in each year after the date of enactment of the Oil Pollution Research and Development Program Reauthorization Act of 2010, the Chair of the Interagency Committee shall submit to Congress a report describing the—

“(A) activities carried out under this section in the preceding fiscal year, including—

“(i) a description of major research conducted on oil discharge prevention, detection, containment, recovery, and mitigation techniques in all environments by each agency described in subsection (a)(3)(A) and (B); and

“(ii) a summary of—

“(I) projects in which the agency contributed funding or other resources;

“(II) major projects undertaken by State and tribal governments, and foreign governments; and

“(III) major projects undertaken by the private sector and educational institutions;

“(B) activities being carried out under this section in the current fiscal year, including a description of major research and development activities on oil discharge prevention, detection, containment, recovery, and mitigation technologies and techniques in all environments that each agency will conduct or contribute to; and

“(C) activities proposed to be carried out under this section in the subsequent fiscal year, including an analysis of how these activities will further the purposes of the program authorized by this section.

“(2) If the National Academy of Sciences provides recommendations on the research plan under section 7001(b)(3), the Chair shall include, in the first annual report under paragraph (1) of this subsection, a description of those recommendations incorporated into the research plan, and a description of, and explanation for, any recommendations that are not included in such plan.”

SEC. 7. ADVISORY COMMITTEE.

Section 7001 of such Act (33 U.S.C. 2761) is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

“(f) ADVISORY COMMITTEE.—

“(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Oil Pollution Research and Development Program Reauthorization Act of 2010, the Chair of the Interagency Committee shall establish an advisory committee to be known as the Oil Pollution Research Advisory Committee (in this subsection referred to as the ‘advisory committee’).

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The advisory committee shall be composed of members appointed by the Chair, in consultation with the each member agency described in subsection (a)(3), including—

“(i) individuals with extensive knowledge and research experience or operational knowledge of prevention, detection, response, containment, and mitigation of oil discharges;

“(ii) individuals broadly representative of stakeholders affected by oil discharges; and

“(iii) other individuals, as determined by the Chair.

“(B) LIMITATIONS.—The Chair shall—

“(i) appoint no more than 25 members that shall not include representatives of the Federal Government, but may include representatives from State, tribal, and local governments; and

“(ii) ensure that no class of individuals described in clause (ii) or (iii) of subparagraph (A) comprises more than ⅓ of the membership of the advisory committee.

“(C) TERMS OF SERVICE.—

“(i) IN GENERAL.—Members shall be appointed for a 3-year term and may serve for not more than 2 terms, except as provided in clause (iii).

“(ii) VACANCIES.—Vacancy appointments shall be for the remainder of the unexpired term of the vacancy.

“(iii) SPECIAL RULE.—If a member is appointed to fill a vacancy and the remainder of the unexpired term is less than 1 year, the member may subsequently be appointed for 2 full terms.

“(D) COMPENSATION AND EXPENSES.—Members of the advisory committee shall not be compensated for service on the advisory committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

“(3) DUTIES.—The advisory committee shall review, advise, and comment on Interagency Committee activities, including the following:

“(A) Management and functioning of the Interagency Committee.

“(B) Collaboration of the Interagency Committee and the agencies listed in subsection (a)(3)(B).

“(C) The research and technology development of new or improved response capabilities.

“(D) The use of cost-effective research mechanisms.

“(E) Research, computation, and modeling needs and other resources needed to develop a comprehensive program of oil pollution research.

“(4) SUBCOMMITTEES.—The advisory committee may establish subcommittees of its members.

“(5) MEETINGS.—The advisory committee shall meet at least once per year and at other times at the call of the chairperson.

“(6) REPORT.—The advisory committee shall submit biennial reports to the Interagency Committee and Congress on the function, activities, and progress of the Interagency Committee and the programs established under this section.

“(7) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee.”

SEC. 8. FUNDING.

(a) IN GENERAL.—Section 7001(g) of such Act, as redesignated by section 7 of this Act, is amended to read as follows:

“(g) FUNDING.—

“(1) IN GENERAL.—There are authorized to be appropriated from amounts in the Fund not more than \$48,000,000 annually to carry out this section, except for subsection (c)(8).

“(2) SPECIFIC ALLOCATIONS.—From the amounts in paragraph (1), there are authorized to be appropriated—

“(A) \$16,000,000 to the Administrator of the National Oceanic and Atmospheric Administration annually to carry out this section; and

“(B) \$2,000,000 for each of fiscal years 2011, 2012, 2013, and 2014 to carry out the activities in subsection (c)(6).”

(b) AUTHORIZATION.—Section 1012(a)(5)(C) of such Act (33 U.S.C. 2712(a)(5)(C)) is amended to read as follows:

“(C) notwithstanding section 9509(f) of the Internal Revenue Code of 1986, not more than \$48,000,000 in each fiscal year shall be available to carry out title VII of this Act; and”.

SEC. 9. ACCESS TO RESEARCH DURING AN EMERGENCY.

Section 7001 of such Act (33 U.S.C. 2761) is amended by adding at the end the following new subsection:

“(h) ACCESS TO RESEARCH DURING AN EMERGENCY.—Any entity that receives Federal funding for research, the methodologies or results of which may be useful for response activities in the event of an oil discharge incident described in sections 300.300–334 of title 40 of the Code of Federal Regulations, shall, upon request to that entity, make the methodologies or results of such research available to the Interagency Committee and the Federal On-Scene Coordinator (as defined in section 311(a)(21) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)(21)). Any methodologies or research results made available under this subsection shall be for use only for purposes of the response activities with respect to the oil discharge incident, and shall not be available for disclosure under section 552 of title 5, United States Code, or included in information made publicly available pursuant to this Act.”

The SPEAKER pro tempore (Ms. MCCOLLUM). Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 2693, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. I yield myself such time as I may consume.

Madam Speaker, as we all know, on April 20, 2010, an explosion occurred aboard the BP Deepwater Horizon drill rig that claimed the lives of 11 men and resulted in the largest environmental disaster in our Nation’s history. While the flow of oil from the well might have stopped for now, as long as our economy is dependent on oil, we risk similar tragedies happening again and again.

We have a responsibility to ensure that the relevant Federal agencies are equipped with the technology and intellectual and financial resources needed to prevent future oil spills and to effectively respond when they occur. With that, I am pleased to bring before the House two bills that enhance U.S. preparedness for future oil spills and improve worker safety.

The first bill is H.R. 2693, the Oil Pollution Research and Development Program Reauthorization Act of 2010, introduced by my friend from California, Congresswoman LYNN WOOLSEY. I congratulate her for her foresight in introducing this bill.

This bill was passed out of the Science and Technology Committee last week by a voice vote after considering 21 member amendments, and it incorporates a few additional changes, partly to address minority concerns raised in the committee markup.

H.R. 2693 amends the Oil Pollution Act of 1990. In response to the *Exxon Valdez* oil spill, OPA 90 was enacted to improve the Nation's ability to both prevent and mitigate oil spills. Unfortunately, little progress has been made since then, and today's responders are left with virtually the same set of tools they had in 1989.

Ms. WOOLSEY recognized this critical shortcoming in response to the COSCO Busan oil spill in her district in 2007, and she drafted this amendment to the OPA 90 to improve the interagency research program.

The BP Deepwater Horizon tragedy has made the intent of this bill all the more relevant today. H.R. 2693 enhances the research and development activities, sets up a more efficient Federal management structure, and provides for more robust oversight and accountability of the interagency R&D program established in OPA 90.

I would like to thank my ranking member from Texas (Mr. HALL) and other Republican colleagues for working with us to improve this bill.

Also, once again, I commend Ms. WOOLSEY for her foresight and for her commitment to enhancing the Nation's preparedness for oil spills through H.R. 2693.

I reserve the balance of my time.

Mr. HALL of Texas. I yield myself such time as I may consume.

Madam Speaker, oil and natural gas are a vital part of our economy and will continue to be for the foreseeable future. In order to really ensure continued availability and access to this resource, we absolutely have to develop our domestic supply of oil and natural gas whether it is on land or offshore. Like any other complex endeavor, accidents are going to happen. The most we can do is try to prevent them from happening in the first place and then have the tools, technologies and resources to quickly contain, remove, and mitigate any oil spill. This was the motivation behind the passage of the research and development title of the Oil Pollution Act of 1990, and it is our motivation again today.

H.R. 2693, as reported, is a good effort to address the many concerns that Science Committee members on both sides of the aisle had with the introduced version of the bill. It is also an attempt to deal with some of the short-

comings in the underlying statute. Although we all worked hard to find compromise on some of the language, a few concerns still remain.

I am pleased that the legislation maintains the Coast Guard as the chair of the Interagency Coordinating Committee. As the on-scene commander for oil discharges in water, Coast Guard leadership is very necessary to ensure a research and development program remains focused on relevant research. However, we have some reservations about streamlining the interagency committee by reducing the participants on the committee to Coast Guard, NOAA, EPA, and the Department of the Interior. While I understand the concerns that the size of the interagency committee was unwieldy, we heard testimony that the current structure did work. So I am left wondering if this is a case of a solution in search of a problem.

I am also a bit concerned that the direction of H.R. 2693 has shifted the focus of the underlying statute to concentrate much more on the environmental effects of the use of the cleanup technologies rather than the effectiveness of the technologies, themselves.

While researching and understanding the environmental effects of technology use is important and should definitely be a part of this program, it should not detract from the overreaching and overarching focus of research, technology, development, and demonstration. The Republicans tried to recover some of this equilibrium via an amendment accepted by the majority. However, the legislation still requires more balance.

During the markup, the committee adopted language greatly expanding the international coordination provisions of the statute. A lively discussion illustrated our concerns that such an expansive role could divert the interagency committee from its primary focus of research, technology, development, and demonstration.

I want to thank the majority for agreeing to temper the language to alleviate some of our concerns, and I am still hesitant that the vague provision could become a larger part of the program than was originally intended.

Coordination and collaboration with other nations and with foreign research entities can be a useful part of the program. For instance, we have seen that some of the assistance offered by other nations during the Deepwater Horizon incident was not accepted for various reasons, including that some technologies failed to be compatible with our own.

□ 1210

Researching the compatibility issues, advanced technology development and coordinated research for field testing of equipment are all activities that should be considered under this provi-

sion. I caution against a broader implementation of the language.

I have some reservations about a provision added during markup that would require any entity that receives Federal funding for research, upon request by the interagency committee, to turn over the results of that research to assist in the response effort. In times of emergency, it's vital that the response and decisionmaking authorities have access to the most recent and relevant information available, but the language included seemed broad and seemed unclear.

Research that could be helpful during a response to an oil spill may come from unconventional sources, such as information or technology developments created for a completely different purpose. The language suggests that the request for information would not be limited to those projects explicitly focused on oil spill research. Such a data call could yield a substantial amount of information, easily overwhelming the interagency committee, much like we saw when BP was taking suggestions on how to stop their leak.

We're pleased that the language has been modified to ensure better protection of this research; however, it's still ambiguous as to how the information request would be conducted.

When the country is in the midst of a crisis and Congress decides to act, it's possible for us to go too far to fix things, causing unintended consequences. Acting deliberately and in a focused manner will help the current situation and ultimately prevent the necessity of having to go back and fix things that resulted unexpectedly.

While H.R. 2693 progressed expeditiously through the committee process, my hope is that as we move through the legislative process, including a formal conference, some of our concerns and questions may be addressed. Preparedness is defined as activities and measures that exist before an emergency and are used to support and enhance the appropriate response. Research and development are key activities necessary for not only preparing for an event, but also trying to prevent its occurrence in the first place.

Finally, after changes made, I'm comfortable with the bill. And I thank you, Madam Speaker. I thank Chairman GORDON and Ms. WOOLSEY, who have been helpful and have written a bill certainly better than we think it was to begin with.

Madam Speaker, I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, I yield 7 minutes to the gentlewoman from California (Ms. WOOLSEY), the author of the bill.

Ms. WOOLSEY. I would like to thank Chairman GORDON and Chairman BAIRD, the chairman of the Energy Subcommittee, and Ranking Member

HALL for leadership and for cooperation and for making a base bill even better.

Madam Speaker, in 2007, the container ship *Cosco Busan* collided with the San Francisco Bay Bridge, spilling 58,000 gallons of oil into the San Francisco Bay and causing great harm, great harm to the surrounding environment, great harm to the economy of my district, and great harm to the surrounding Bay Area.

Although this spill was minor compared to the current gulf coast catastrophe, the impact to the Bay Area was widespread. Thousands of birds, including 50 different species, were killed, coastal fisheries were impacted, and marine mammals died. All told, more than 200 miles of coastline was polluted by the *Cosco Busan* oil spill, costing more than \$70 million in environmental cleanup costs.

What occurred to me throughout the ordeal was the question and the confusion regarding who was in charge and what technologies were available to assess and clean up the mess. That's why I introduced H.R. 2693 last year, before the catastrophe of the Gulf of Mexico, to strengthen coordination of Federal research and development of science and technologies that will prevent, combat, and clean up spills. And that is why Chairman BAIRD held a hearing on the very issue.

Madam Speaker, if we learned anything from the *Cosco Busan* spill, it was that we need to strengthen coordination and leadership of oil spill response, research and development. And everything that we learned from the BP Gulf of Mexico disaster magnifies my concerns.

Madam Speaker, following the *Exxon Valdez* oil spill, Congress passed the Oil Pollution Act of 1990, which created an interagency coordinating committee to coordinate research and development of oil spill prevention and response among 14 Federal agencies. Not one, not two, not three, not four—14 Federal agencies. It was confusing during the *Cosco Busan* spill, but that was nothing compared to the confusion of the gulf disaster.

Chairman GORDON, I want to thank you. Chairman BAIRD, I want to thank you for helping to streamline the structure of the interagency coordinating committee in H.R. 2693. And Ranking Member HALL, I want to thank you for accepting the changes we've made and the improvements.

I also want to thank the members of the Science and Technology Committee and the staff who worked so hard to improve this legislation and ensure that it reflects recent developments in the gulf.

Madam Speaker, H.R. 2693 streamlines the interagency coordinating committee to include representatives from NOAA, the Coast Guard, EPA, and the Department of the Interior, while

retaining the Coast Guard as the chair of the interagency committee. This ensures that the agencies with the most research expertise in oil spill prevention, detection, and recovery and mitigation are working together for common solutions in an effective and efficient way.

Additionally, the interagency committee is required to collaborate with the other Federal agencies listed in the Oil Pollution Act. And my bill now includes the National Science Foundation to this list.

My bill increases the authorized level of funding for Federal oil pollution research and development from \$22 million to \$48 million, all of which is drawn from the Oil Spill Liability Trust Fund. This level of funding hasn't been changed since 1990.

H.R. 2693 also authorizes \$12 million in funding for a regional research program to provide peer-reviewed competitive grants to institutes of higher learning and research facilities to improve technologies used to prevent and respond to oil spills.

□ 1220

Following the *Cosco Busan* oil leak, we heard time and again from people responding to the bill that the technology they were using was inadequate, and was, in fact, almost the same technology used to respond to *Exxon Valdez* decades earlier.

During the Science Committee markup of H.R. 2693, as the chairman mentioned, nearly 20 bipartisan amendments were adopted that strengthened this bill. With estimates putting the total amount of oil spilled in the gulf at nearly 200 million barrels, it's essential that we have the best science and technology possible to deal with a disaster of this magnitude.

As long as we extract, use, or transport oil in the United States, there will be some risks of oil spills along our shores. It is obvious that oil spills negatively affect our coastlines, our marine ecosystems, and our fishing and tourism industries. Madam Speaker, we must do our best to protect the public and the environment from future oil spills.

This bill brings us closer to that goal through targeted and coordinated research, development, and demonstration that will help us better prevent, better combat, and better mitigate future oil spills, no matter the size.

Madam Speaker, I urge my colleagues to support this important legislation.

Mr. HALL of Texas. Madam Speaker, I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, I yield 5 minutes to the chairman of the Energy and Environment Subcommittee, Dr. BAIRD.

Mr. BAIRD. I thank the chairman for yielding.

Madam Speaker, I rise today in strong support of the bill before us

now, H.R. 2693, the Oil Pollution Research and Development Program Reauthorization Act, and shortly we will be discussing H.R. 5716, the Safer Oil and Natural Gas Drilling Technology Research and Development Act.

I want to begin by complimenting our chair, Ms. WOOLSEY and Ranking Member HALL for two outstanding pieces of legislation that could not be more timely, and that are tremendously important given not only the events we are facing in the gulf today, but towards trying to prevent these kinds of incidents from occurring in the future.

I want to start by commending the many thousands, more than 33,000 people who are in the gulf today working on this cleanup effort. I had the privilege of traveling there recently, along with members of our Science Committee staff, and when I met with some of those folks I asked what can we do to help? And their answer was the first thing you can do is tell people that we are working tremendously hard, and we are making a real difference. We have people working in more than 100-degree weather, in a terribly difficult environment, and they are working 12- to 14- to 16-hour days, 7 days a week. And they often feel that all they get is criticism. They are making a real difference. It's a heroic effort, an unprecedented scale, and we should be proud of them.

In that visit I met people from virtually every major Federal agency, from NOAA, EPA, National Marine Fisheries Services, the Coast Guard, and countless others, many of whom, I am proud to say, are from my own great State of Washington. And they are very proud of the work they are doing. I want to begin by acknowledging that.

As we all know, OPA 90 came in response to the *Exxon Valdez* spill. And thanks to Ms. WOOLSEY's leadership, we had actually begun in our subcommittee to try to review how the research effort to prepare for and prevent these kinds of spills was going forward. Sadly, that proved to be very prescient, because the spill that evolved in the gulf is precisely the kind of event that we were trying to prepare for.

The average folks that I represent say to themselves, and they ask us, a few simple questions: What went wrong that allowed this to happen to begin with? What are we doing now to get it cleaned up? How do we prevent future spills from happening? And if there should be a future spill, what can we do to clean it up and to better understand and mitigate the environmental impacts? The legislation, both bills before us today, answer those questions.

They are designed to improve our ability to extract material in a safe manner. One of the critical measures we are doing is reprioritizing some of the funding so there will still be an emphasis on the extractive technologies,

but with greater attention paid to the safety of those, both the safety of the crews working on the vessel, and to the protection of the environment from environmental impact.

At the same time, we are trying to do measures to prevent accidents from occurring in the future. That includes implementing best practices, reviewing the technologies, human factors dealing with the communication, and the training of the workforce. Some of the testimony we had suggested the workforce training has not kept up with technological developments, particularly in the specialized area of deep-water drilling. And this applies to the regulatory agencies, who it's essential that they have personnel on the scene who are experts in the precise technologies that they are overseeing during their regulatory visits.

We also spent a great deal of time looking at the environmental impacts of this. What is it we know about how the environment is being impacted and what is it we need to know? This legislation before us will direct the research agencies to improve our knowledge both of the research available on how to clean this up—we heard from Mr. Kevin Costner and others who have technologies designed to clean up the water—but also so we can understand what we need to know to conduct research prior to the event.

Additionally, I am proud to have authored an amendment, along with PAUL TONKO, that would allow us to prestage both technologies for cleanup and research studies so that should there be an event, we can make use of that event to gather more knowledge on what we can do to reduce the oil in the water and to mitigate the environmental impacts.

The other thing people are asking about is what are we going to do to make sure we can clean this up better? And I will tell you that the areas we visited in the gulf, there are some areas that are doing remarkable work to prevent oil from coming onshore in pelican rookeries, to try to clean up the beaches when they have been contaminated. But one thing we know, this is going to be a long-standing impact. And we need to not only research what's happening today, we need to continue to research what's going on in the future. This will be a long-term research project. This legislation recognizes and supports that.

Finally, I should say that this is an international issue, and this legislation provides for measures to collaborate with international entities.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GORDON of Tennessee. I yield the gentleman 1 additional minute.

Mr. BAIRD. In conclusion again, I just want to acknowledge the leadership of Mr. HALL, the ranking member, who has been instrumental in prior

work to make sure we had developed competitive technologies to gain access to these resources for the benefit of our country, but the foresight of Ms. WOOLSEY, and the outstanding leadership in bipartisan fashion of Chairman GORDON.

The Research and Science Committee has again led the way on an issue of major national importance. I am proud to have been a part of this, and urge passage of both bills today.

Mr. HALL of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, in conclusion, once again I want to thank the gentlelady from California (Ms. WOOLSEY) for bringing this bill before us, Dr. BAIRD for getting it through the subcommittee, the 26 Democrats and Republicans on the Science and Technology Committee that brought amendments to make a good bill better, and the majority and minority staffs for working together to bring this bill before us.

Mr. HALL of Texas. Will the gentleman yield?

Mr. GORDON of Tennessee. I yield to the gentleman from Texas.

Mr. HALL of Texas. I just want to congratulate you and Ms. WOOLSEY. This bill was improved very much by her knowledge and history of a bad occurrence that happened to her in her district that she is trying to spare the rest of our districts. I thank her for the good work on this.

Mr. GORDON of Tennessee. Madam Speaker, as we move forward today with floor consideration of H.R. 2693, the Oil Pollution Research and Development Program Reauthorization Act of 2010, I would like to recognize and thank Chairman THOMPSON of the Homeland Security Committee and Chairman OBERSTAR of the Transportation and Infrastructure Committee for their cooperation with respect to this piece of legislation. Both Chairman THOMPSON and Chairman OBERSTAR have been very supportive in getting this bill to the floor today, and at this time I would like to insert exchanges of letters between myself and each of the Chairmen into the RECORD.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, July 20, 2010.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GORDON: I write to you regarding H.R. 2693, the "Federal Oil Spill Research Program Act".

H.R. 2693 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forgo a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on

Transportation and Infrastructure over H.R. 2693.

Further, the Committee on Transportation and Infrastructure reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Transportation and Infrastructure for the appointment of conferees on H.R. 2693 or similar legislation.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Committee Report on H.R. 2693 and in the Congressional Record during consideration of the measure in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE AND
TECHNOLOGY,
Washington, DC, July 20, 2010.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OBERSTAR: Thank you for your letter regarding H.R. 2693, the Oil Pollution Research and Development Program Reauthorization Act of 2010. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are within the jurisdiction of the Committee on Transportation and Infrastructure. I acknowledge that by waiving rights to a referral of H.R. 2693, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Transportation and Infrastructure has jurisdiction in H.R. 2693. A copy of our letters will be placed in the legislative report on H.R. 2693 and in the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

BART GORDON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, July 20, 2010.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, Rayburn Bldg., House of Representatives, Washington, DC.

DEAR CHAIRMAN GORDON: I write to you regarding H.R. 2693, the "Federal Oil Spill Research Program Act."

H.R. 2693 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of an appropriate number of Members of the Committee on Homeland Security to be named as conferees during any House-Senate conference convened on H.R. 2693 or similar legislation. I also ask that a copy of this letter and your response be included in the legislative report on H.R. 2693 and in the Congressional Record during floor consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE AND
TECHNOLOGY,
Washington, DC, July 20, 2010.

Hon. BENNIE G. THOMPSON,
*Chairman, Committee on Homeland Security,
House of Representatives, Ford House Office
Building, Washington, DC.*

DEAR CHAIRMAN THOMPSON: Thank you for your letter regarding H.R. 2693, the Oil Pollution Research and Development Program Reauthorization Act of 2010. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are within the jurisdiction of the Committee on Homeland Security. I acknowledge that by waiving rights to a referral of H.R. 2693, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Homeland Security has jurisdiction in H.R. 2693. A copy of our letters will be placed in the legislative report on H.R. 2693 and in the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

BART GORDON,
Chairman.

Mrs. CAPPS. Madam Speaker, I rise today to express my strong support for H.R. 2693, the Oil Pollution Research and Development Program Reauthorization Act of 2010.

The Deepwater Horizon tragedy has shown that the U.S. preparedness for offshore exploration, in relation to technologies to prevent and respond to oil spills, is severely lacking.

Unfortunately, I know first hand how little these technologies have improved in the past 41 years, since the 1969 oil spill off of my coast in Santa Barbara.

The tragic loss of 11 lives in the explosion on the BP Deepwater Horizon and the resulting environmental damage, underscores the need to focus more research on accident prevention and environmental safety.

H.R. 2693 will make oil and gas drilling safer.

This bipartisan legislation provides for robust oversight and accountability of the interagency research and development program established in the Oil Pollution Act of 1990.

H.R. 2693 sets up a more efficient federal management structure by establishing a multi-agency committee to coordinate research and ensure the ongoing development of new technologies and methods to prevent, recover and respond to future oil spills.

We have a responsibility to ensure that the relevant federal agencies are equipped with

the financial resources needed to effectively respond to future oil spills.

H.R. 2693 increases the funding for a regional research, development and demonstration program. I support the increase in funding for this program as well as the measure in the bill to authorize \$2 million a year for the next 4 years for the National Oceanic and Atmospheric Administration, NOAA, to conduct oil-spill demonstration projects.

As long as we extract and transport oil along our coasts, there will be the risk of oil spills, and the potential for damage to our coastal ecosystems and economies.

That is why I support H.R. 2693. It allows for better interagency coordination and a more robust strategy for responding to and reducing the environmental and economic impacts of future oil spills.

I urge my colleagues to join me in voting yes on H.R. 2693.

Mr. GORDON of Tennessee. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 2693, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1230

SAFER OIL AND NATURAL GAS DRILLING TECHNOLOGY RE- SEARCH AND DEVELOPMENT ACT

Mr. GORDON of Tennessee. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5716) to provide for enhancement of existing efforts in support of research, development, demonstration, and commercial application activities to advance technologies for the safe and environmentally responsible exploration, development, and production of oil and natural gas resources, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safer Oil and Natural Gas Drilling Technology Research and Development Act".

SEC. 2. SUBTITLE AMENDMENT.

Subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16371 et seq.) is amended in the subtitle heading by striking "Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources" and inserting "Safer Oil and Natural Gas Drilling Technology Research and Development Program".

SEC. 3. SAFER OIL AND NATURAL GAS DRILLING TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) PROGRAM AUTHORITY.—Section 999A of the Energy Policy Act of 2005 (42 U.S.C. 16371) is amended—

(1) in subsection (a)—

(A) by striking "ultra-deepwater" and inserting "deepwater"; and

(B) by inserting "well control and accident prevention," after "safe operations,";

(2) in subsection (b)—

(A) by inserting ", accident prevention and mitigation," after "improving safety";

(B) by striking paragraph (1) and inserting the following:

"(1) Deepwater architecture and technology, including those for drilling to formations in water depths greater than 1,000 feet."; and

(C) by striking paragraph (4) and inserting the following:

"(4) Complementary research carried out by the Department.";

(3) in subsection (d)—

(A) in the subsection heading, by striking "NATIONAL ENERGY TECHNOLOGY LABORATORY" and inserting "DEPARTMENT OF ENERGY"; and

(B) by striking "National Energy Technology Laboratory" and inserting "Office of Fossil Energy of the Department";

(4) in subsection (e)—

(A) in the subsection heading, by striking "SECRETARY OF THE INTERIOR" and inserting "OTHER FEDERAL AGENCIES"; and

(B) by inserting "and other agencies as appropriate, including those serving on, and collaborating with, the Interagency Coordinating Committee on Oil Pollution Research as established under section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2761(a))" after "Secretary of the Interior"; and

(5) by adding at the end the following:

"(f) PARTNERSHIPS.—In carrying out the program under this subtitle, the Secretary shall seek to establish partnerships with eligible research performers, as described by section 999E, to undertake research and development not likely otherwise to be undertaken in the absence of support from the program.".

(b) PROGRAM ELEMENTS.—Section 999B of the Energy Policy Act of 2005 (42 U.S.C. 16372) is amended—

(1) in the section heading, by striking "ULTRA-DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS AND OTHER PETROLEUM" and inserting "SAFER OIL AND NATURAL GAS DRILLING TECHNOLOGY";

(2) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—The Secretary shall carry out the activities under section 999A to maximize the benefits of natural gas and other petroleum resources of the United States by advancing the safe and environmentally responsible exploration, development, and production of those resources.";

(3) in subsection (c)(1)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

"(D) select projects on a competitive basis";

(4) in subsection (c)(3)(A)(ii), by striking "under subsection (f)(4)";

(5) in subsection (d)—

(A) in paragraph (6), by striking "ultra-deepwater" and inserting "deepwater"; and

(B) by striking paragraph (7) and inserting the following:

“(7) FOCUS AREAS FOR AWARDS.—

“(A) DEEPWATER RESOURCES.—Awards from allocations under section 999H(d)(1) shall focus on research, development, demonstration, and commercial application activities in areas that include—

“(i) technologies and systems aimed at improving operational safety and reducing potential environmental impacts of deepwater exploration and production activities, including—

“(I) wellbore integrity, well control, and blowout prevention;

“(II) capture and containment of oil at or near the wellhead; and

“(III) expanding operational capabilities and efficiency of remotely operated devices and mechanics;

“(ii) safe and environmentally responsible deepwater exploration and production technologies, integrated systems, and architectures for enhancing oil and natural gas drilling and recovery, including under extreme conditions;

“(iii) methods and technologies for severe weather and ocean surface condition preparedness;

“(iv) utilization of exploration and production methods and materials that reduce the potential impact of such activities on the environment; and

“(v) other areas as determined appropriate by the Secretary.

“(B) UNCONVENTIONAL ONSHORE RESOURCES.—Awards from allocations under section 999H(d)(2) shall focus on research, development, demonstration, and commercial application activities in areas that include—

“(i) advanced coalbed methane, deep drilling, natural gas production from tight sands, natural gas production from gas shales, stranded gas, innovative exploration and production techniques, and enhanced recovery techniques;

“(ii) increased efficiency of energy use in exploration and production activities;

“(iii) utilization of exploration and production methods and materials that reduce the potential impact of such activities on the environment;

“(iv) recovery, utilization, reduction, and improved management of produced water from exploration and production activities; and

“(v) accident prevention and mitigation of unconventional natural gas and other petroleum resources exploration and production.

“(C) SMALL PRODUCERS.—Awards from allocations under section 999H(d)(3) shall be made to consortia consisting of small producers or organized primarily for the benefit of small producers, and shall focus on areas that include—

“(i) safety and accident prevention, environmental mitigation, waste reduction, reduction of energy use, and well control and systems integrity;

“(ii) complex geology involving rapid changes in the type and quality of the oil and gas reserves across the reservoir;

“(iii) low reservoir pressure and unconventional natural gas reservoirs in coalbeds, deep reservoirs, tight sands, or shales; and

“(iv) advancing energy efficient, safe, and environmentally responsible production of unconventional oil reservoirs in tar sands and oil shales.

“(D) SAFETY, AND ACCIDENT PREVENTION AND MITIGATION, TECHNOLOGY RESEARCH AND DEVELOPMENT BY THE DEPARTMENT.—Awards from allocations under section 999H(d)(4) shall focus on safety, and accident prevention and mitigation, research, development, demonstration, and commercial application activities in areas that may include—

“(i) improved technologies and best management practices for enhanced well integrity including—

“(I) cementing;

“(II) casing;

“(III) wellbore sealant technologies;

“(IV) well-plugging and abandonment;

“(V) improvement and standardization of blowout prevention devices;

“(VI) actuation and pressure testing; and

“(VII) other well control activities;

“(ii) research to aid in the development of industry best practices and standards for workforce training, design of safe workplace environments, and safety related decision-making processes, including by drawing on existing research into human factors and safety related practices in fields such as the nuclear energy, aviation, and automotive industries;

“(iii) secondary control systems to activate blowout prevention devices and terminate well-flow, including—

“(I) deadman switches;

“(II) automatic shears; and

“(III) remote acoustic switches;

“(iv) technologies and methods for accident mitigation, including—

“(I) capture, containment, or dispersing of oil at or near the wellhead;

“(II) estimating flow rate;

“(III) diagnostic sensors to determine equipment malfunction; and

“(IV) procedures to terminate flow;

“(v) continuing ongoing efforts, including in resource assessment and characterization, and in simulation of safe and effective drilling under extreme conditions, including high temperatures and pressures;

“(vi) development of methodologies for risk management decisionmaking, including comparative risk analysis and quantitative risk assessment of potential for failure in the technologies, management practices, and systems studies under this subsection; and

“(vii) other activities as described in this paragraph or as determined appropriate by the Secretary.”;

(6) in subsection (e)—

(A) in paragraph (2)—

(i) in the second sentence of subparagraph (A), by inserting “to the Secretary for review” after “submit”; and

(ii) in the first sentence of subparagraph (B), by striking “Ultra-Deepwater” and all that follows through “and such Advisory Committees” and inserting “Program Advisory Committee established under section 999D(a), and the Advisory Committee”;

(B) in paragraph (4)—

(i) by striking “and” at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting “; and”; and

(iii) by adding at the end the following new subparagraph:

“(C) a summary of ongoing and planned activities aimed at improving operational safety and reducing potential environmental impacts of exploration and production.”; and

(C) by adding at the end the following:

“(6) RESEARCH FINDINGS AND RECOMMENDATIONS FOR IMPLEMENTATION.—The Secretary shall publish in the Federal Register an annual report on the research findings of the program carried out under this section and any recommendations for implementation that the Secretary determines to be necessary.”;

(7) in subsection (f)(2), by inserting “In carrying out this subsection, the Secretary shall ensure that safety and accident prevention and mitigation be regularly included as specific focus areas for solicitations.” after “consortium.”;

(8) in subsection (i)—

(A) in the subsection heading, by striking “UNITED STATES GEOLOGICAL SURVEY” and inserting “DEPARTMENT OF THE INTERIOR”; and

(B) by striking “, through the United States Geological Survey,”; and

(9) in subsection (j), by striking “National Energy Technology Laboratory” and inserting “Office of Fossil Energy of the Department”.

SEC. 4. PROGRAM ADVISORY COMMITTEE.

Section 999D of the Energy Policy Act of 2005 (42 U.S.C. 16374) is amended to read as follows:

“SEC. 999D. PROGRAM ADVISORY COMMITTEE.

“(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Safer Oil and Natural Gas Drilling Technology Research and Development Act, the Secretary shall establish an advisory committee to be known as the ‘Program Advisory Committee’ (referred to in this section as the ‘Advisory Committee’).

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Advisory Committee shall be composed of members appointed by the Secretary, each of whom shall be qualified by education, training, and experience to evaluate scientific and technical information relevant to the research, development, and demonstration under this subtitle. Members shall include—

“(A) individuals with extensive research experience or operational knowledge of oil and natural gas exploration and production;

“(B) individuals broadly representative of the affected interests in oil and natural gas production, including interests in environmental protection and operational safety;

“(C) State regulatory agency representatives; and

“(D) other individuals, as determined by the Secretary.

“(2) LIMITATIONS.—

“(A) IN GENERAL.—The Advisory Committee shall not include individuals who are board members, officers, or employees of the program consortium.

“(B) CATEGORICAL REPRESENTATION.—In appointing members of the Advisory Committee, the Secretary shall ensure that no class of individuals described in any of subparagraphs (B), (C), or (D) of paragraph (1) comprises more than 1/3 of the membership of the Advisory Committee.

“(c) SUBCOMMITTEES.—The Advisory Committee may establish subcommittees or ad hoc working groups for the research focus areas described in section 999B(d)(7).

“(d) DUTIES.—The Advisory Committee shall—

“(1) advise the Secretary on the development and implementation of programs under this subtitle; and

“(2) carry out section 999B(e)(2)(B).

“(e) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but shall be entitled to receive travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code.

“(f) PROHIBITION.—The Advisory Committee shall not make recommendations on funding awards to particular consortia or other entities, or for specific projects.”.

SEC. 5. DEFINITIONS.

Section 999G of the Energy Policy Act of 2005 (42 U.S.C. 16377) is amended—

(1) in paragraph (1), by striking “200 but less than 1,500 meters” and inserting “1,000 feet”;

(2) by striking paragraphs (8), (9), and (10);

(3) by redesignating paragraphs (2) through (7) and (11) as paragraphs (4) through (9) and (10), respectively; and

(4) by inserting after paragraph (1) the following:

“(2) DEEPWATER ARCHITECTURE.—The term ‘deepwater architecture’ means the integration of technologies for the safe and environmentally responsible exploration for, or production of, natural gas or other petroleum resources located at deepwater depths.

“(3) DEEPWATER TECHNOLOGY.—The term ‘deepwater technology’ means a discrete technology that is specially suited to address 1 or more challenges associated with the safe and environmentally responsible exploration for, or production of, natural gas or other petroleum resources located at deepwater depths.”.

SEC. 6. FUNDING.

Section 999H of the Energy Policy Act of 2005 (42 U.S.C. 16378) is amended—

(1) in the first sentence of subsection (a) by striking “Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund” and inserting “Safer Oil and Natural Gas Drilling Technology Research and Development Fund”;

(2) in subsection (d)—

(A) in paragraph (1), by striking “35 percent” and inserting “32.5 percent”;

(B) in paragraph (2), by striking “32.5 percent” and inserting “25 percent”; and

(C) in paragraph (4)—

(i) by striking “25 percent” and inserting “35 percent”; and

(ii) by striking “contract management,” and all that follows through the period at the end and inserting “and contract management.”;

(3) in subsection (f), by striking “Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund” and inserting “Safer Oil and Natural Gas Drilling Technology Research and Development Fund”; and

(4) at the end of the section, by inserting the following new subsection:

“(g) COORDINATION AND NONDUPLICATION.—The Secretary shall ensure, to the maximum extent practicable, that the research activities carried out by the consortium funded under paragraphs (1), (2), and (3) of subsection (d), and the research activities carried out by the Department of Energy as funded by subsection (d)(4), shall be coordinated and not duplicative of one another.”.

SEC. 7. CONFORMING AMENDMENTS.

The table of contents of the Energy Policy Act of 2005 is amended—

(1) by amending the item relating to subtitle J of title IX to read as follows:

“Subtitle J—Safer Oil and Natural Gas Drilling Technology Research and Development Program”;

(2) by amending the item relating to section 999B to read as follows:

“Sec. 999B. Safer Oil and Natural Gas Drilling Technology Research and Development Program.”;

and

(3) by amending the item relating to section 999D to read as follows:

“Sec. 999D. Program Advisory Committee.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5716, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Madam Speaker, I yield myself such time as I may consume.

Advances in drilling technologies have allowed industry to venture into ever deeper waters in search of the enormous oil and gas reserves found there. Operating in such extreme environments entails immense engineering and technological challenges, the complexity of which is encountered in few other endeavors.

In the hypercompetitive field of energy, the industry is naturally guarded about sharing information and collaborating on proprietary technology development. But safety is universal, and it's time we use Federal resources in pushing the technology envelope towards safer and more environmentally responsible oil and natural gas exploration and production.

My bill, H.R. 5716, the Safer Oil and Natural Gas Drilling Technology Research and Development Act, does just that by realigning the focus and funding of existing programs set-up under section 999 of the Energy Policy Act of 2005 on environmental and worker safety and accident prevention and mitigation. I introduced this bill after close collaboration with my friend from Texas, Mr. HALL, who has been a long-time champion of this program.

As we look toward Federal resources to rapidly advance this field, it is somewhat fortuitous that the 999 program is already in place. Both the outside research consortium, RPSEA, and the program at the National Energy Technology Laboratory are well-suited to take on challenges of R&D into the technologies for drilling safety and accident prevention mitigation.

As a DOE lab for fossil energy, NETL has an extensive research infrastructure and a long history of expertise and excellence in this field and through the relatively new RPSEA, currently has approximately 170 members from across industry, academia, NGOs, and government research entities. Furthermore, the program does not require new spending since it's already funded from \$50 million in royalty revenues.

If properly realigned to meet the current challenges, this research program, authorized by section 666, represents the Department of Energy's best resources for improving safety and reducing the environmental impact of offshore and onshore oil and natural gas exploration and production activities.

As I said, H.R. 5716 is the product of significant bipartisan collaboration, and I want to thank Mr. HALL, his staff, and the other members of the Science and Technology Committee for their continuing good work as we move this legislation forward.

I reserve the balance of my time.

Mr. HALL of Texas. I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 5716, the Safer Oil and Natural Gas Drilling Technology Research and Development Act.

As we near the 100-day mark since the beginning of the Deepwater Horizon disaster, our understanding of the precise causes of the accident—and the missteps in the days that followed—remain unclear.

However, regardless of the ultimate causes of and best responses to the disaster, it makes sense to continue pursuing improvements to safe and environmentally responsible drilling operations as well as effective spill response systems.

The two oil spill-related bills under consideration by the House today represent the Science and Technology Committee's contribution to this effort and are likely to have a significant impact on future drilling and response mitigation efforts.

The program offered by this bill, H.R. 5716, was established in section 999 of the Energy Policy Act of 2005. It supports through a collaborative effort between the Department of Energy and a university industry research consortium cutting-edge technologies to enhance safe and environmentally responsible offshore and onshore oil and gas development.

The program has contributed significantly to transformational advances in deep offshore and onshore drilling technologies that are helping to efficiently and responsibly recover energy supplies long known to exist but which were previously inaccessible. The recovery of these resources has resulted in significant benefits to taxpayers in the form of domestic jobs and affordable energy, as well as increasing royalties to the fund that pays for the program in the first place.

The changes to EPA section 999 made by H.R. 5716 are the product of extensive negotiations with the majority to develop compromised legislation in response to the Deepwater Horizon disaster. Specifically, the bill makes three changes to the existing statute. First, it shifts the focus of each of the program's four elements towards advancing safety and accident prevention and mitigation technologies associated with oil and natural gas exploration and production.

Second, it adjusts the award allocations among these four programs reducing deepwater and unconventional onshore natural gas programs by a small amount while increasing the allocation for Department of Energy in-

house research from 25 percent to 35 percent.

And, third, it redefines and expands the scope of offshore R&D activities to those involving water depths of a thousand feet or greater, a reduction from the 5,000 feet in current law, and in doing so, modifies the current focus on "ultra-deepwater" activities to pertain simply to deepwater activities.

Additionally, the bill makes numerous additional minor changes to the management and structure of the 999 program while preserving its original goals and objectives which recognize America's domestic oil and natural gas resources are important national priorities that contribute significantly to job growth and to the economy while reducing dependence on foreign sources of energy.

While this precise focus and detailed language in this bill is not ideal, it represents a fair and responsible and reasonable compromise that preserves and strengthens the section 999 program. This is the only R&D program in the Federal Government capable of ramping up its activities quickly and effectively to address renewed interest in drilling technology research in the wake of the Deepwater Horizon disaster. Given the administration's efforts to terminate any and all research and development relating to oil and natural gas, this program is all the more vital.

I want to again extend my thanks to Chairman GORDON for working with me and with us on this bill and the staffs working with one another. I look forward to continued bipartisan cooperation on this bill as the legislative process moves forward. I urge Members to support my bill.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TIM MURPHY).

Mr. TIM MURPHY of Pennsylvania. I thank the distinguished chairman of the Science Technology Committee, Mr. GORDON. I would also like to thank both Chairman GORDON and Ranking Member HALL for their generosity in letting me voice suggestions to this very important piece of legislation.

As this legislation demonstrates, Congress will not allow the Deepwater Horizon incident to end safe exploration for American energy resources. If America fails to safely and securely produce our own energy resources, we increase our dependence on foreign oil, weaken our national security, and stand to lose good-paying jobs. I commend the chairman for this legislation making deepwater drilling technologies safer and want to call particular attention to the work of the National Energy Technology Laboratories.

These workers have scientific expertise related to fluid flow, imaging, fire

science, and ultra-deepwater, and can integrate research across academia, national labs, and industry. The national energy labs have unique capabilities related to the containment of high-pressure fluids/gases in the subsurface under extreme conditions, like the prediction of materials' behavior under extreme conditions.

The Federal Government has a critical role to play in the research of new drilling technologies. In representing the interests of the taxpayers, the Federal Government is the fair arbiter—weighing the risk of exploration against the environmental impacts, unrelated to the value of economic return. The workers at these labs have demonstrated themselves to be responsible stewards of taxpayer money with respect to ultra-deepwater programs, and I hope they'll continue to do so.

Although H.R. 5716 eliminates specific reference to the National Energy Technology Labs, it is not the chairman's firm belief that this vital research that is so necessary to ensuring America's energy independence will continue to be coordinated and overseen by the dedicated and experienced Federal employees in the award-winning laboratories in Pennsylvania, West Virginia, and Oregon. Would that be correct, Mr. Chairman?

I yield to the gentleman.

□ 1240

Mr. GORDON of Tennessee. I certainly respect the gentleman's opinion on this matter and do, in fact, foresee that employees at the National Energy Technology Laboratories will continue their work on ultra deepwater research under the program's new name of Safer Oil and Natural Gas Drilling Technology Research. They've done an excellent job in the past, and I'm sure they will continue to do an excellent job.

Mr. TIM MURPHY of Pennsylvania. I thank the gentleman for his response.

Mr. HALL of Texas. Madam Speaker, I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, I yield 5 minutes to the gentleman from Washington, Dr. BAIRD.

Mr. BAIRD. I thank the chairman.

My earlier comments acknowledged the many people who are working so hard down in the gulf, and I want to pay particular respect and admiration to a great public servant, Admiral Thad Allen. As many of us know, Thad Allen in effect essentially retired from the Coast Guard, but recognizing the importance of this mission and the urgency of his role there he has stayed on, working many, many long hours in an incredibly complex endeavor. I have immense respect for him and hope that people appreciate the kind of contribution not only that Admiral Allen is making but that all of the coasties and other government employees are making down there, as well as the many local residents as well.

I also want to acknowledge the great work of the committee staff on both sides of the aisle in drafting this legislation, and I particularly want to speak about an aspect of this legislation that I've worked on and that I think is particularly important and often overlooked.

In many other areas of activity, the role of human factors has been recognized as playing an increasingly important role. That's the case with the nuclear power industry, which realized in the post-Three Mile Island analyses that the complex information that was being provided to the operators of the plant was easily overwhelming and contributed to that disaster.

It has been recognized for a long time by the Federal Aviation Administration. Indeed, the tragic accident in which an airliner crashed into the Potomac not far from this very building was believed strongly related to ice on the wings, but not just the ice on the wing, but how the pilot and the copilot interacted in their discussion about whether or not it would be safe to fly under those conditions.

As they looked at that analysis, it became apparent that the rules for cockpit interactions and making decisions about safety needed to be changed.

When we looked at this event that happened in the gulf and you follow the dialogue that has been reported between BP and the drilling operators, it is clear that human factors and risk analysis needs dramatic improvement. Witnesses at the committee hearing testified that we have to not only improve, as I mentioned earlier, the training of the personnel on the rigs, but I think the management needs to be addressed and the decisionmaking process.

If you can have a circumstance wherein someone says we're going to go ahead with this operation as we deem appropriate, and effectively the response was, well, that's I guess why we have the blowout prevention devices, meaning somebody thought that if we do this, we're likely to have a blowout. Now, when one looks at the history of safety and efficacy of those blowout preventers, it's pretty clear that they had a high failure rate.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GORDON of Tennessee. I yield 2 additional minutes to the gentleman.

Mr. BAIRD. If we have an interaction system wherein people are making decisions with a known possibility of a blowout and blowout preventers that have a fairly high probability of failure, somebody needs to intervene and say what the heck is going on here if people can make these decisions when, and I want to underscore this, when the consequence is the loss of human life. Eleven souls lost their lives on that rig that day. We talk so much about the

cleanup and the environmental catastrophe that's resulted. Let us not forget those eleven lives. When people's decisionmaking leads to the loss of human life and leads to an environmental and economic tragedy of this magnitude, we've got to make sure they make those decisions in the right way, with the right information and the right communication strategy, and as important as this bill is in improving the technology for drilling and drilling safety, essential to that technology are the human elements, and I'm grateful that the committee saw fit to include those elements in the legislation.

I thank the chairman again.

Mr. HALL of Texas. I yield back the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, in conclusion, I want to once again thank Ranking Member HALL for his initiating this bill. He is the father of this bill, and I think we all recognize his good work there.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 5716, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL AEROSPACE WEEK

Mr. GORDON of Tennessee. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 292) supporting the goals and ideals of National Aerospace Week, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 292

Whereas the missions to the Moon by the National Aeronautics and Space Administration are recognized around the globe as one of the most outstanding achievements of humankind;

Whereas the United States is a leader in the International Space Station, the first permanent human habitation and scientific laboratory in space;

Whereas the first aircraft flight occurred in the United States, and the United States operates the largest and safest aviation system in the world;

Whereas the United States aerospace industry is a powerful, reliable source of employment, innovation, and export income, directly employing 831,000 people in the United States and supporting more than 2,000,000 jobs in related fields;

Whereas space exploration is a source of inspiration that captures the interest of young people;

Whereas aerospace education is an important component of science, technology, engi-

neering, and mathematics education and helps to develop the science and technology workforce in the United States;

Whereas aerospace innovation has led to the development of advanced meteorological forecasting, which has saved lives around the world;

Whereas aerospace innovation has led to the development of the Global Positioning System, which has strengthened national security and increased economic productivity;

Whereas the aerospace industry assists and protects members of the Armed Forces with military communications, unmanned aerial systems, situational awareness, and satellite-guided ordnances; and

Whereas the third week in September is an appropriate week to observe "National Aerospace Week": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the goals and ideals of "National Aerospace Week"; and

(2) recognizes the contributions of the aerospace industry to the history, economy, security, and educational system of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Con. Res. 292, the concurrent resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Madam Speaker, I yield myself such time as I may consume.

No matter how many times you fly, there is still something magical about the first moment of takeoff when acceleration gives way to the sudden lift and you soar into the clouds. Behind that moment of wonder lies over a century of hard work, long hours, and sacrifice spent uncovering the secrets of aerodynamics and mastering the engineering of heavier-than-air flight. It should be a point of great pride that the United States was a leader in making aviation a reality. So in recognition of National Aerospace Week, we honor a national history of achievement in both aeronautics and in space.

America's achievements in aerospace inspire awe and admiration around the world. From the very first heavier-than-air flight in 1903 to the Moon landing in 1969, America has led the way in aerospace.

Today, we continue to move forward by sending robotic probes to the far reaches of the solar systems, sending observatories into space, and leading the international team that constructed the international space station.

American superiority in aerospace is part of the foundation on which our security rests. Satellites provide our troops in distant lands with everything from vital intelligence about local weather and terrain to updates on NBA finals. Unmanned aerial vehicles and communications, and satellite-based navigation and position systems are essential tools that members of the Armed Forces rely on to do their job safely and effectively.

Space-derived systems like GPS and weather satellites have become integral to civil society as well.

The aerospace industry employs many hundreds of thousands of Americans and is one of the most vibrant and innovative sectors of our economy. Industry sales are estimated to reach \$215 billion in 2010.

In addition to the 831,000 Americans who work in the aerospace industry, an additional 11 million work in the field of commercial aviation.

For its contributions to science and engineering, to our national security and economy, as well as to the general well-being and progress of humankind, the aerospace industry deserves recognition. With this resolution, we take a moment to remember the glories of the past and the anticipation of wonders for the future.

□ 1250

I want to thank the sponsor of this resolution, Dr. VERN EHLERS, for his long support of our Nation's aerospace industry and for his support for science and technology generally during his tenure in Congress on the Science and Technology Committee. We think of him as the conscience of science, and we thank him for this good resolution today.

I reserve the balance of my time.

Mr. HALL of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise today, of course, in support of House Concurrent Resolution 292, designating the third week of September as "National Aerospace Week" to recognize the contributions of the aerospace industry to the history, economy, security, and educational system of the United States.

This bill was introduced by my good friend, Representative VERN EHLERS, who, as I am sure many Members know, is retiring at the end of this Congress. I hate to lose this good man, and I will miss VERN very greatly. He has been a steady voice of reason in the House of Representatives and in the Science Committee. Dr. EHLERS has been a tireless and articulate advocate for policies and programs aimed at attracting the talents of our young people into the fields of science, technology, engineering, and mathematics. He will be greatly missed.

This Nation has always been preeminent in the international aerospace

industry and continues to lead the way today through the support of the international space station by offering cutting-edge products and services throughout the world and by fostering the development and operation of the largest and safest aviation system in the world. The United States' aerospace industry serves as a powerful, reliable source of employment for 831,000 people and supports more than 2 million other jobs in related fields.

Among its many diverse innovations, the aerospace industry developed the Global Positioning System, sensors that give us the capability to make long-range, reliable meteorological forecasts; aircraft and other surveillance systems that help defend our shores; and tools to increase economic productivity, improve our quality of life, and save lives. The aerospace industry also assists and protects members of the Armed Forces with military communications systems, unmanned aerial systems, high-performance aircraft, and satellite-based precision surveillance and navigation systems.

Finally, let me add that high-technology goods and services produced by the aerospace industry help capture the interest of young people here at home and around the world. It gives them tremendous inspiration to tackle the more difficult class work that science and engineering professions demand and which, in turn, will ultimately lead these people to a much more enriching and rewarding life.

Madam Speaker, I urge my colleagues to support House Concurrent Resolution 292.

I yield such time as he may consume to Dr. EHLERS.

Mr. EHLERS. I thank my good friend for yielding to me.

As the author of this resolution and cochair of the House Aerospace Caucus, along with Congressman NORM DICKS, who has just arrived on the floor, I rise in strong support of House Concurrent Resolution 292, which supports the goals and ideals of creating a National Aerospace Week. Last year, the House voice voted a similar resolution supporting an Aerospace Day. However, considering the aerospace industry's contribution to our history, economy, security, and educational system, we believe an entire week is more appropriate.

Last year, we celebrated the 40th anniversary of the Apollo moon landing, and this year we celebrate the 10th anniversary of continuous human presence in orbit on the international space station. These important achievements are made possible by the aerospace industry.

In addition to landing on the moon, living in space, innovative developments in satellites, meteorological forecasting, national defense, and communications, the United States also maintains the largest, most complex,

and safest aviation system in the world.

Our aviation system, especially business aviation, allows U.S. companies to stay competitive because our workers can be more productive and efficient. In fact, aviation is becoming so widespread that this evening I will be taking an exam toward my own pilot certificate, and I hope to spend the remaining years of my life learning more and more about aviation.

The United States aerospace industry is a powerful, reliable source of employment, innovation, and export income, employing more than 840,000 people in the United States and supporting more than 2 million jobs in related fields.

Although unemployment remains high, especially in my home State of Michigan, these high-value, good-paying jobs continue to be in demand because of the shortage of qualified workers.

Therefore, in order for the United States to remain at the forefront of aerospace development, we must do a better job of educating our children in science, technology, engineering, and mathematics, commonly referred to as STEM education. Flying and space exploration remain a powerful inspiration that captures the interest of young people, and I applaud the efforts by the aerospace community to get involved with children and schools to nurture this interest and improve our STEM education programs.

I hope my colleagues will join me in honoring the aerospace industry by designating the third week in September as National Aerospace Week. I urge all Members to vote for H. Con. Res. 292.

Let me also express my appreciation to both the chairman of the Science Committee, Mr. GORDON, and also to Mr. HALL, the ranking member of that committee. They have done an excellent job of leading the committee this year, and we have accomplished great things in the Science Committee.

I also wish to thank them as friends for the kind words they have just uttered about my pending departure. In fact, I am receiving so many accolades for my work in the Congress that I have decided I may retire again and again, but I suspect I am limited to doing it only one time.

But in any event, I have deeply appreciated my time in the Congress of the United States. I strongly support the aerospace industry and what it means to this country and, frankly, to this world, and we pray that we will continue to serve well in exploring this marvelous universe that the Lord has given us to explore.

Mr. GORDON of Tennessee. Madam Speaker, let me say all the accolades that Dr. EHLERS has received have been well deserved. He has left a thick trail of accomplishments in this body.

I now yield such time as he may consume to the gentleman from Washington State (Mr. DICKS), the chairman of the Defense Appropriations Subcommittee.

Mr. DICKS. Thank you, Mr. Chairman.

I want to also say we have appreciated the service of BART GORDON as chairman of the Science and Technology Committee and Mr. RALPH HALL for allowing this bill to come to the floor.

I want to congratulate Mr. EHLERS, my colleague and cochair of the House Aerospace Caucus, on introducing this important resolution.

I strongly support the goal of this legislation to call attention to the importance of the aerospace industry in our Nation. The aerospace sector provides our economy over 840,000 jobs and constitutes over \$210 billion in annual sales and \$78 billion in exports. It is a vital sector that we appreciate all the more when other significant segments of the economy are struggling.

Because I come from the Puget Sound region in the State of Washington, it is hard not to have an awareness of the aerospace industry. In my home State, there are many companies developing and producing a wide range of aerospace products. But, of course, the dominant presence is Boeing. The Boeing company directly employs over 72,000 people in Washington State, and they draw on over 2,700 suppliers in the State while buying over \$3.3 billion of goods and services per year.

I want to note that just this past December 15, Boeing's 787 Dreamliner made its first flight. This revolutionary aircraft is the first major airliner to use composite materials throughout most of its structure, which will yield significant efficiencies, reductions in fuel consumption, and enhanced passenger comfort.

□ 1300

Aerospace also is critical to our national defense. From my position as chairman of the Defense Appropriations Subcommittee, I am keenly aware of the role that aerospace plays for our national defense and our intelligence community. Our Nation relies heavily on technology to give us the military advantages that we enjoy over potential adversaries; and aerospace is an area where our technological advantage gives us unmatched capabilities and systems, such as air-to-air missiles, stealthy platforms, supersonic fighters, and satellites that can detect missile launch.

In many cases, the technologies that are developed and used for our national security are unique because only the military has a use for it. However, I want to point out that it is also not unusual for military technologies to eventually have wide and dramatic benefits in our lives. One example is

the Global Positioning System, GPS, first developed for military purposes, but now in use in a constantly expanding range of applications across the entire world. GPS now is a vital part of the safety and efficiency of the world's transportation systems, the productivity of our farms, the management of our resources, and the protection of our environment.

In closing, I want to mention that despite our national successes in aerospace, there are a couple of issues that we must pay attention to if we are going to continue to have a thriving aerospace sector that contributes to our economy and our national defense. I continue to be concerned about the health of our overall industrial base. One example is our space launch industrial base. I also firmly believe that we must pay more attention to educating and inspiring the future generation of scientists, engineers, and technicians that will keep making important technical advances and producing state-of-the-art products. Dr. EHLERS mentioned the importance of education not only for our students, but at the universities in our country.

Again, I want to thank Dr. EHLERS for introducing this resolution, and I want to thank him for his leadership on the Aerospace Caucus and for his friendship. We are going to miss him as well.

I urge my colleagues to join us in recognizing the important contributions of the aerospace sector to our lives by voting for this resolution.

Mr. HALL of Texas. Madam Speaker, I yield back the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 292.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. GORDON of Tennessee. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING FRAGILE X AWARENESS DAY

Mr. PALLONE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 611) supporting the goals and ideals of "Fragile X Awareness Day," as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 611

Whereas fragile X syndrome is the most common form of inherited intellectual and developmental disabilities (IDDs);

Whereas an expansion of the CGG trinucleotide repeat in the FMR1 gene—a human gene that codes for a protein called fragile X mental retardation protein—causes almost all cases of fragile X syndrome;

Whereas fragile X mental retardation protein is normally made in many tissues, especially in the brain and the testes;

Whereas fragile X mental retardation protein may play a role in the development of synaptic connections between nerve cells in the brain where cell-to-cell communication occurs;

Whereas there is a relationship between fragile X syndrome and autism;

Whereas up to one-third of all children diagnosed with fragile X syndrome also have autism or an autism spectrum disorder;

Whereas over 100,000 people in the United States have fragile X syndrome and an estimated 1,000,000 people in the United States carry a fragile X mutation and have or are at risk of developing a fragile X-associated disorder;

Whereas fragile X-associated disorders include fragile X syndrome, which causes language, behavioral, and developmental disabilities; fragile X-associated tremor/ataxia syndrome—an adult onset progressive neurological condition causing tremors and balance and memory problems primarily in male carriers that can lead to decreased life expectancy; and fragile X-associated primary ovarian insufficiency—a cause of infertility, early menopause, and other ovarian problems in female carriers;

Whereas doctors can accurately identify and diagnose fragile X syndrome, fragile X-associated tremor/ataxia syndrome, and fragile X-associated primary ovarian insufficiency;

Whereas the National Institutes of Health is currently funding several studies that may lay the groundwork for screening of all newborns in the United States for early detection of the fragile X mutation;

Whereas increased research into fragile X syndrome may lead to a better understanding of the disorder, more effective treatments, and an eventual cure; and

Whereas advocacy organizations have designated July 22 as "Fragile X Awareness Day": Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of "Fragile X Awareness Day";

(2) supports raising awareness and educating the public about fragile X syndrome and associated disorders;

(3) applauds the efforts of advocates and organizations that encourage awareness, promote research, and provide education, support, and hope to those impacted by fragile X syndrome;

(4) recognizes the commitment of parents, families, researchers, health professionals, and others dedicated to finding an effective treatment and cure for fragile X syndrome;

(5) urges all physicians, health care providers, and specialists to—

(A) learn the clinical signs and symptoms of fragile X syndrome, fragile X-associated disorders, fragile X-associated primary ovarian insufficiency, and fragile X-associated tremor/ataxia syndrome;

(B) use diagnostic, developmental screening, and surveillance modalities to detect fragile X-associated disorders;

(C) test, when appropriate, individuals exhibiting signs of developmental delay or an autism spectrum disorder to determine the status of their FMR1 gene;

(D) gain a full understanding of the genetic implications of all fragile X-associated disorders, and when appropriate, make a referral to a geneticist or genetic counselor to assure that affected individuals and their families are aware of how a fragile X-associated disorder may impact their extended family; and

(E) provide patients diagnosed with fragile X-associated disorders with supplemental information maintained by the Centers for Disease Control and Prevention, the National Institute of Child Health and Human Development, and private foundations such as the National Fragile X Foundation and the FRAXA Research Foundation;

(6) recommends that the National Institutes of Health and related member institutes implement the research plan on fragile X syndrome and associated disorders developed by the Trans-NIH Fragile X Research Coordinating Group and Scientific Working Groups; and

(7) supports funding for research into the causes, treatment, and cure for fragile X syndrome.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Mississippi (Mr. HARPER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Madam Speaker, at this time I would like to yield, initially, such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. I thank the gentleman for yielding me this time.

Madam Speaker, it was some 13 years ago that a friend of mine at home approached me and described to me the characteristics and symptoms of a disorder he called fragile x. He demonstrated a familiarity with fragile x that was extraordinary, but he was talking about his son. I was embarrassed because I had no idea what he was talking about, but I was certainly not alone.

I, like many Americans, had never heard of fragile x, but his passion and our friendship motivated me to work with my colleagues to address this issue which is of such concern to so many in this country. And it is this lack of awareness that is at the heart of the problem. Most people who exhibit the characteristics of fragile x

are not tested due to a simple lack of understanding, and this applies to both the medical community and to the general population. For that reason, I joined with two champions, Mr. HARPER of Mississippi and Mr. HARE, my friend and colleague on this side of the aisle, to reestablish the Fragile X Caucus. The goal has simply been to raise public awareness of this rather obscure disease, this disorder.

So today we speak on the resolution to commemorate—or re-commemorate—Fragile X Awareness Day, which is tomorrow, July 22, and to continue in an effort to raise awareness.

Fragile x is the most common known genetic cause of autism. It affects one in 4,000 males and one in 6,000 females of all races and ethnic groups. Over 100,000 Americans have fragile x syndrome; another 1 million Americans have or are at risk for developing an associated disorder. But through public awareness, we have the power to reduce the frequency of fragile x. Through early testing, research and education, we can make a difference. In fact, a simple blood test can now detect fragile x. And now, as a result of the Fragile X Breakthrough Act, which I cosponsored along with my then-colleague, Wes Watkins of Oklahoma, many scientists have conducted critical fragile x research projects rapidly accelerating new breakthroughs to help us understand its causes. Still, there remains much to be done.

In 2002, as my colleagues and I were debating a resolution to recognize National Fragile X Research Day, I promised Wes Watkins that I would continue to support this cause which he had championed during his career in this body. So now as I retire at the end of this term and move on with the next phase of my life, I rise today and ask my colleagues to continue to support this work.

□ 1310

It is my hope that, one day, we will see a time when all families suffering from the effects of fragile X will be helped so that they, too, will have the chance to move on and to enjoy the next phases of their lives.

On behalf of the thousands of Americans who have fragile X and the millions who are at risk—and their families—I urge my colleagues to support this resolution.

I thank the gentleman for yielding the time, and I, again, want to acknowledge Mr. HARPER and Mr. HARE for their outstanding work.

Mr. PALLONE. Madam Speaker, I reserve the balance of my time.

Mr. HARPER. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 611, a resolution supporting the goals and ideals of Fragile X Awareness Day.

Today, we recognize those with fragile X syndrome, their families, and the

health care providers dedicated to treating and finding a cure for fragile X. Fragile X-associated disorders include three separate and distinct conditions: fragile X syndrome, fragile X-associated tremor-ataxia syndrome, and fragile X-associated primary ovarian insufficiency.

According to current studies, approximately one in 3,600 males and one in 4,000 to 6,000 females are born with the full mutation, and as many as one in 130 women are estimated to be carriers of the fragile X mutation.

These disorders are genetic, resulting in behavioral, developmental, and language disabilities throughout a person's lifetime. Fragile X is linked to a mutation of a single gene on the X chromosome and is the most commonly inherited form of intellectual disabilities. This condition is also linked to reproductive problems in women, including early menopause and a Parkinson's-like condition in older male carriers.

As the only Member of Congress who has a child with fragile X syndrome, my family understands the daily challenges that individuals with intellectual disabilities are confronted with. Like many parents, it took my wife and me a long time to understand and accept our son, Livingston's, diagnosis. Though, once we did, we began to also see our son for who he is—for all of the exceptional qualities he holds as an individual, for the positive impact he has on people he comes across in everyday life, and for the many lessons he has taught both of us, each day, along the journey we share as parents. We have seen him overcome challenges we never thought he would. We have witnessed the perseverance and dedication he has displayed in going after his dreams, and we have full faith in his potential to be a productive member of society and in contributing greatly to improving his community. This is a journey we share with each of the fragile X families.

I am committed to increasing awareness of fragile X syndrome and to providing individuals who are living with fragile X syndrome meaningful educational and employment opportunities.

Representative PHIL HARE and Representative BILL DELAHUNT have been true champions of this issue on Capitol Hill for the past several years, and I want to take this opportunity to thank both of them for the work they have done and for the introduction of this legislation.

I would like to thank the Members of the House Energy and Commerce Committee for favorably reporting this resolution to the House floor, and I urge all Members to support this.

I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield such time as he may consume to the sponsor of the legislation, the gen-

tleman from Illinois (Mr. HARE). I thank him for all that he has done to move this resolution to the floor and to draw attention to fragile X.

Mr. HARE. I thank my friend from New Jersey.

Madam Speaker, I rise in strong support of House Resolution 611, supporting the goals and ideals of Fragile X Awareness Day.

Madam Speaker, with 100,000 Americans affected and 1 million more at risk, fragile X syndrome is the most commonly inherited cause of mental impairment and autism. However, fragile X syndrome still remains a largely unknown disorder and is often misdiagnosed.

Tomorrow, July 22, families, patients, and advocates will take part in the 10th annual National Fragile X Awareness Day. Thanks to the efforts of the National Fragile X Foundation to unite the fragile X community, on Thursday, advocates all across the country will hold events and fundraisers in their cities and communities to raise awareness about this condition.

Madam Speaker, National Fragile X Awareness Day is an opportunity to educate the public as well as the medical profession about this disease. Increased awareness about this little known disease can significantly reduce the incidence of fragile X and lead to quicker diagnoses for families dealing with the disease. Growing awareness of this condition is also critical to securing additional research funding to create tomorrow's scientific breakthroughs to treat and ultimately cure fragile X.

I introduced this resolution not only to support the goals and the ideals of Fragile X Awareness Day but also to recognize fragile X advocates who work tirelessly to increase the awareness. Together, their voice is an invaluable part of promoting public consciousness about fragile X syndrome, and it is because of their commitment that we are closer to finding a cure.

Madam Speaker, I first learned of the fragile X syndrome as I was leaving the floor and was walking back to my congressional office. I looked at my schedule, and I saw I had a group of constituents who wanted to talk to me about fragile X. I had no idea what fragile X was. On the way to my office, I kept trying to think, what could this be?

I had the opportunity to meet Holly Roos and other parents. Holly told me about her son and her daughter's battle with fragile X. The family shared stories and photos, and it motivated me to get involved. I started by participating in my first fragile X walk in Canton, Illinois, 3 years ago. Three walks later, I am as committed today as I was then to work to find a cure.

Because of Holly, Parker, Allison, and all of the people affected by fragile X, I was inspired to establish the Fragile X Caucus, along with Congressman

DELAHUNT and my friend Congressman HARPER. The caucus is growing, and we are educating more Members daily about fragile X.

We have also successfully fought for more research funding for fragile X at the National Institutes of Health and the Department of Defense. We organized the first congressional briefing on fragile X. We released a public service announcement, and we continue to make finding a cure for fragile X syndrome a national priority.

I proudly serve on the caucus with two of the most dedicated Members of Congress to the fragile X cause:

The co-chairman, GREGG HARPER, is the parent of a child whom I've had the opportunity to meet. What a wonderful young man. How proud you are of him—his engaging smile and his willingness to come and to tour and to be with his father. You can see the love between them and what a wonderful and special young man he is.

For 15 years our friend Chairman BILL DELAHUNT has advocated on behalf of the fragile X community, and we will certainly miss his leadership on the caucus upon his retirement, but there is an old saying: Do you think this is the end for you, Mr. DELAHUNT? This is only the beginning. We are going to be asking more of you because Mr. DELAHUNT is going to have more time to spend with us.

□ 1320

Madam Speaker, Congress has an important role in raising awareness of fragile X syndrome. It's my hope that this resolution, and the efforts of the Fragile X Caucus, will provide greater awareness of fragile X. I urge all of my colleagues to vote in support of House Resolution 611.

I want to thank Chairman WAXMAN and Chairman PALLONE for working with me to bring House Resolution 611 to the floor on the eve of Fragile X Awareness Day.

Mr. HARPER. Madam Speaker, with special thanks to Congressman HARE and Congressman DELAHUNT, I yield back the balance of my time.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume, and I will be brief.

I want to, first of all, express my support for House Resolution 611 and the goals and ideals of Fragile X Awareness Day and again thank all three of the previous speakers: Mr. HARE, the prime sponsor; Mr. DELAHUNT; and also Mr. HARPER.

As we know, fragile X syndrome can result in impairments that range from learning disabilities to more severe cognitive or intellectual disabilities. And I wanted to mention that scientists and researchers acknowledge a link between fragile X syndrome and autism or autistic-like behaviors. In fact, up to one-third of all children diagnosed with fragile X also have au-

tism, and fragile X-associated disorders encompass a spectrum of conditions that impact individuals and families throughout the lifecycle. So it is really important that we put this resolution to the floor.

Tomorrow, Thursday, July 22, we'll celebrate the 10th annual Fragile X Awareness Day. Families, patients, and advocates across the country will convene local events and fund-raisers to raise awareness of fragile X-associated disorders.

I urge my colleagues to support this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 611, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Con. Res. 292; concurring in Senate amendment to H.R. 725; H.R. 4380; and H. Res. 1513, each by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

SUPPORTING NATIONAL AEROSPACE WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 292) supporting the goals and ideals of National Aerospace Week, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the concurrent resolution.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 19, as follows:

[Roll No. 454]

YEAS—413

Ackerman
Aderholt
Adler (NJ)
Akin

Alexander
Altmire
Andrews
Arcuri

Austria
Baca
Bachmann
Bachus

Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.

Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind

King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebuck
Lofgren, Zoe
Lowe
Lucas
Luetkemeyer
Lujan
Lummis
Lunnen, Daniel
E.
Lynch
Maloney
Manzullo
Marchant
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Owens
Pallone
Pascarelli
Pastor (AZ)
Paul
Paulsen
Payne
Pence

Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar

Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadeeg
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton

Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Boccieri
Capuano
Clarke
Driehaus
Fallin
Hoekstra
Johnson (GA)

King (NY)
Mack
Maffei
Markey (CO)
Meek (FL)
Moran (KS)
Ortiz

Perriello
Shea-Porter
Tiahrt
Wamp
Welch

□ 1355

Mr. SPRATT changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DRIEHAUS. Madam Speaker, on rollcall No. 454, had I been present, I would have voted “yes.”

INDIAN ARTS AND CRAFTS AMENDMENTS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill (H.R. 725) to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and concur in the Senate amendment.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 326, nays 92, not voting 14, as follows:

[Roll No. 455]

YEAS—326

Ackerman
Aderholt
Doyle
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccheri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Calvert
Camp
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett

Donnelly (IN)
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinche
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inlee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)

Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.

Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder

Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen

Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—92

Akin
Austria
Bachmann
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bishop (UT)
Blunt
Boehner
Boustany
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Buyer
Campbell
Cantor
Chaffetz
Coble
Coffman (CO)
Conaway
Culberson
Davis (KY)
Dreier
Duncan
Flake
Fleming
Fomox
Franks (AZ)
Garrett (NJ)

Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn
Lance
Latta
Lee (NY)
Linder
LoBiondo
Luetkemeyer
Lummis
Manzullo
Marchant
McCotter
McMorris
Rodgers
Mica
Miller, Gary

Neugebauer
Olson
Paul
Pence
Petri
Pitts
Poe (TX)
Price (GA)
Radanovich
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadeeg
Shuster
Smith (NE)
Smith (TX)
Stearns
Thompson (PA)
Tiberi
Westmoreland

NOT VOTING—14

Capuano
Clarke
Fallin
Hoekstra
Johnson (GA)

King (NY)
Mack
Markey (CO)
Meek (FL)
Moran (KS)

Ortiz
Ros-Lehtinen
Tiahrt
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1405

Mr. BURTON of Indiana changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNITED STATES MANUFACTURING ENHANCEMENT ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4380) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain

rates of duty, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 378, nays 43, not voting 11, as follows:

[Roll No. 456]

YEAS—378

Ackerman	Courtney	Hill
Aderholt	Crenshaw	Himes
Adler (NJ)	Critz	Hinche
Akin	Crowley	Hinojosa
Alexander	Cuellar	Hirono
Altmire	Cummings	Holden
Andrews	Dahlkemper	Holt
Arcuri	Davis (AL)	Honda
Austria	Davis (CA)	Hoyer
Baca	Davis (IL)	Hunter
Bachus	Davis (KY)	Inglis
Baird	Davis (TN)	Inslee
Baldwin	DeFazio	Israel
Barrett (SC)	DeGette	Issa
Barrow	Delahunt	Jackson (IL)
Bean	DeLauro	Jackson Lee
Becerra	Dent	(TX)
Berkley	Deutch	Jenkins
Berman	Diaz-Balart, L.	Johnson (IL)
Berry	Diaz-Balart, M.	Johnson, E. B.
Biggart	Dicks	Johnson, Sam
Bishop (GA)	Dingell	Jones
Bishop (NY)	Djou	Kagen
Bishop (UT)	Doggett	Kanjorski
Blackburn	Donnelly (IN)	Kaptur
Blumenauer	Doyle	Kennedy
Blunt	Dreier	Kildee
Boccieri	Driehaus	Kilpatrick (MI)
Bono Mack	Duncan	Kilroy
Boozman	Edwards (MD)	Kind
Boren	Edwards (TX)	King (IA)
Boswell	Ehlers	Kirk
Boucher	Ellison	Kirkpatrick (AZ)
Boyd	Ellsworth	Kissell
Brady (PA)	Emerson	Klein (FL)
Braley (IA)	Engel	Kline (MN)
Bright	Eshoo	Kosmas
Brown (SC)	Etheridge	Kratovil
Brown, Corrine	Farr	Kucinich
Brown-Waite,	Fattah	Lance
Ginny	Filner	Langevin
Buchanan	Fleming	Larsen (WA)
Burgess	Forbes	Larson (CT)
Burton (IN)	Fortenberry	Latham
Butterfield	Foster	LaTourette
Buyer	Frank (MA)	Lee (CA)
Calvert	Frelinghuysen	Lee (NY)
Campbell	Fudge	Levin
Cao	Gallely	Lewis (GA)
Capito	Garamendi	Lipinski
Capps	Gerlach	LoBiondo
Cardoza	Giffords	Loeb sack
Carnahan	Gingrey (GA)	Lofgren, Zoe
Carney	Gohmert	Lowey
Carson (IN)	Gonzalez	Lucas
Carter	Goodlatte	Luetkemeyer
Cassidy	Gordon (TN)	Lujan
Castle	Granger	Lummis
Castor (FL)	Graves (MO)	Lungren, Daniel
Chaffetz	Grayson	E.
Chandler	Green, Al	Lynch
Childers	Green, Gene	Maffei
Chu	Grijalva	Maloney
Clarke	Guthrie	Manzullo
Clay	Gutierrez	Markey (CO)
Cleaver	Hall (NY)	Markey (MA)
Clyburn	Halvorson	Marshall
Coble	Hare	Matheson
Cohen	Harman	Matsui
Cole	Hastings (FL)	McCarthy (NY)
Conaway	Hastings (WA)	McClintock
Connolly (VA)	Heinrich	McCollum
Conyers	Heller	McCotter
Cooper	Hensarling	McDermott
Costa	Herseeth Sandlin	McGovern
Costello	Higgins	McHenry

McIntyre	Posey	Smith (NJ)
McKeon	Price (NC)	Smith (TX)
McMahon	Putnam	Smith (WA)
McMorris	Quigley	Snyder
Rodgers	Rahall	Space
McNerney	Rangel	Speier
Meeks (NY)	Rehberg	Spratt
Melancon	Reichert	Stark
Michaud	Reyes	Stearns
Miller (FL)	Richardson	Stupak
Miller (MI)	Rodriguez	Sullivan
Miller (NC)	Roe (TN)	Sutton
Miller, Gary	Rogers (AL)	Tanner
Miller, George	Rogers (KY)	Taylor
Minnick	Rogers (MI)	Teague
Mitchell	Rohrabacher	Terry
Mollohan	Rooney	Thompson (CA)
Moore (KS)	Ros-Lehtinen	Thompson (MS)
Moore (WI)	Ross	Thompson (PA)
Moran (VA)	Rothman (NJ)	Thornberry
Murphy (CT)	Roybal-Allard	Tiberi
Murphy (NY)	Royce	Tierney
Murphy, Patrick	Ruppersberger	Titus
Murphy, Tim	Rush	Tonko
Myrick	Ryan (OH)	Towns
Nadler (NY)	Ryan (WI)	Tsongas
Napolitano	Salazar	Turner
Neal (MA)	Sanchez, Linda	Upton
Neugebauer	T.	Van Hollen
Nunes	Sanchez, Loretta	Velázquez
Nye	Sarbanes	Visclosky
Oberstar	Schakowsky	Walden
Obey	Schauer	Walz
Olson	Schiff	Wasserman
Oliver	Schmidt	Schultz
Owens	Schock	Waters
Pallone	Schrader	Watson
Pascrell	Schwartz	Watt
Pastor (AZ)	Scott (GA)	Waxman
Paul	Scott (VA)	Weiner
Paulsen	Serrano	Welch
Payne	Sestak	Westmoreland
Perlmutter	Shadegg	Whitfield
Perriello	Shea-Porter	Wilson (OH)
Peters	Sherman	Wilson (SC)
Peterson	Shimkus	Wittman
Petri	Shuler	Wolf
Pingree (ME)	Shuster	Woolsey
Platts	Simpson	Wu
Poe (TX)	Sires	Yarmuth
Polis (CO)	Skelton	Young (AK)
Pomeroy	Slaughter	Young (FL)

NAYS—43

Bachmann	Fox	Marchant
Bartlett	Franks (AZ)	McCarthy (CA)
Barton (TX)	Garrett (NJ)	McCauley
Bilbray	Graves (GA)	Mica
Bilirakis	Griffith	Pence
Boehner	Hall (TX)	Pitts
Bonner	Harper	Price (GA)
Boustany	Herger	Radanovich
Brady (TX)	Hodes	Roskam
Broun (GA)	Jordan (OH)	Scalise
Camp	Kingston	Sensenbrenner
Cantor	Lamborn	Sessions
Coffman (CO)	Latta	Smith (NE)
Culberson	Lewis (CA)	
Flake	Linder	

NOT VOTING—11

Capuano	King (NY)	Ortiz
Fallin	Mack	Tiahrt
Hoekstra	Meek (FL)	Wamp
Johnson (GA)	Moran (KS)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded that there are 2 minutes left in this vote.

□ 1416

Messrs. CHAFFETZ, RYAN of Wisconsin, ROYCE, KLINE of Minnesota, TERRY, DAVIS of Kentucky, McCLINTOCK, Mrs. McMORRIS RODGERS, Mr. FORTENBERRY, Ms. ROS-LEHTINEN, and Messrs. MARIO DIAZ-BALART of Florida, LINCOLN DIAZ-BALART of Florida, FLEMING, ROONEY, and BACHUS changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING SARATOGA RACE COURSE ON 142ND SEASON

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1513) congratulating the Saratoga Race Course as it celebrates its 142nd season, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 396, nays 14, answered “present” 2, not voting 20, as follows:

[Roll No. 457]

YEAS—396

Ackerman	Campbell	Donnelly (IN)
Aderholt	Cantor	Doyle
Adler (NJ)	Cao	Dreier
Akin	Capito	Driehaus
Alexander	Capps	Duncan
Andrews	Cardoza	Edwards (MD)
Arcuri	Carnahan	Edwards (TX)
Austria	Carney	Ellison
Baca	Carson (IN)	Ellsworth
Bachmann	Cassidy	Emerson
Baird	Castle	Engel
Baldwin	Castor (FL)	Eshoo
Barrett (SC)	Chandler	Etheridge
Barrow	Childers	Farr
Bartlett	Chu	Fattah
Barton (TX)	Clarke	Filner
Bean	Clay	Fleming
Becerra	Clyburn	Fortenberry
Berkley	Coble	Foster
Berman	Coffman (CO)	Fox
Biggart	Cohen	Frank (MA)
Bilbray	Cole	Franks (AZ)
Bilirakis	Conaway	Frelinghuysen
Bishop (NY)	Connolly (VA)	Fudge
Bishop (UT)	Conyers	Gallely
Blackburn	Cooper	Garamendi
Blumenauer	Costa	Garrett (NJ)
Blunt	Costello	Gerlach
Boccieri	Courtney	Giffords
Bonner	Crenshaw	Gingrey (GA)
Bono Mack	Critz	Gonzalez
Boozman	Crowley	Goodlatte
Boren	Cuellar	Gordon (TN)
Boswell	Culberson	Granger
Boucher	Cummings	Graves (MO)
Boustany	Dahlkemper	Grayson
Boyd	Davis (CA)	Green, Al
Brady (PA)	Davis (IL)	Green, Gene
Brady (TX)	Davis (KY)	Griffith
Braley (IA)	Davis (TN)	Grijalva
Bright	DeGette	Guthrie
Broun (GA)	Delahunt	Gutierrez
Brown (SC)	DeLauro	Hall (NY)
Brown, Corrine	Dent	Hall (TX)
Brown-Waite,	Deutch	Halvorson
Ginny	Diaz-Balart, L.	Hare
Buchanan	Diaz-Balart, M.	Harman
Burton (IN)	Dicks	Harper
Buyer	Dingell	Hastings (FL)
Calvert	Djou	Hastings (WA)
Camp	Doggett	Heinrich

Heller
Hensarling
Herger
Hersteth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCauley

McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olson
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perrillo
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard

Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberti
Tierney
Titus
Tonko
Townes
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—20

Bachus
Bishop (GA)
Boehner
Butterfield
Capuano
Cleaver
Davis (AL)
Fallin
Forbes
Hoekstra
Johnson (GA)
King (NY)
Mack
Meek (FL)
Moran (KS)
Ortiz
Rush
Tiahrt
Wamp
Westmoreland

□ 1425

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1537 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1537

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of July 23, 2010, providing for consideration or disposition of a measure addressing unemployment compensation.

SEC. 2. It shall be in order at any time through the legislative day of July 23, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

THE SPEAKER pro tempore (Mr. SERRANO). The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from North Carolina (Ms. Foxx). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1537.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1537 waives the requirement of clause 6(a) of rule XIII, requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee.

□ 1430

This would allow for the same-day consideration of any resolution reported through the legislative day of July 23, 2010, relating to consideration or disposition of a measure addressing unemployment compensation.

Finally, the resolution allows the Speaker to entertain motions to suspend the rules through the legislative day of July 23, 2010. The Speaker, or her designee, shall consult with the minority leader, or his designee, on the designation of any matter for consideration pursuant to this section.

These are not unusual procedures, as some of my colleagues on the other side are wont to argue. I want to point out that in the 109th Congress the Republican majority reported at least 21 rules that allowed for same-day consideration. In fact, five of those rules waived this requirement against any rule reported from the committee. This rule is for a specific bill.

Mr. Speaker, H.R. 4213, the Restoration of the Emergency Unemployment Compensation Act of 2010, ensures that absolutely essential funds continue to reach the millions of American citizens struggling to find a job, keep their homes, and provide for their families. This legislation is unconscionably overdue, with unemployment benefits having expired on June 1 of this year.

While I'm pleased to point out that this legislation is retroactive to that date, nevertheless, millions of Americans who desperately needed our support were left hanging by an egregious obstructionism that prevented this legislation from moving forward.

This Congress, and I include both the House and the Senate, has a responsibility to act in the best interest of the American people and to ensure that, in this time of extreme economic hardship, Americans can rely on essential government services to help them through the hard times. Unemployment insurance is one of those services, part of a range of urgently needed activities that are necessary to rebuild our economy and recover from the recession. There is no excuse for delay.

That only two Republican Senators saw fit to vote to ensure that 2.5 million Americans could claim lapsed benefits demonstrates a complete lack of concern for struggling Americans. The fact is that for every open job there are five applicants, leaving the vast majority out of work. Unemployment insurance is not a luxury; it is a necessity. Why Members of this Congress are able to vote in favor of massive tax cuts for the wealthy one day and against unemployment insurance for hardworking Americans the next day is beyond me.

And so, Mr. Speaker, I kind of like would rather that we not have to do a same-day rule. What we should be doing is a 6-weeks-ago rule so we can go back in time and relieve some of the great anxiety and financial hardship

NAYS—14

Altmire
Berry
Burgess
Carter
Chaffetz
Ehlers
Flake
Gohmert
Graves (GA)
Johnson (IL)

Linder
Nye
Poe (TX)
Shadegg

ANSWERED "PRESENT"—2

DeFazio
Welch

endured by millions of Americans while they waited for this Congress to act.

Over the past few days and weeks, much of the debate about the emergency measure has revolved around its cost. While I don't dismiss these concerns, bringing our economy back from the brink of disaster doesn't come cheap, and we have a responsibility to support Americans during this most painful and difficult time.

In fact, I would argue that Democrats and Republicans have a significant difference of opinion when it comes to what it means to be fiscally responsible. Seemingly, my Republican colleagues think that being fiscally responsible means that when our economy is prospering, and it has prospered in the past and will again, when it's prospering, you will have free rein to cut taxes for the wealthiest and the well to do among us and spend with abandon, as they did when we were prospering. But when their irresponsible fiscal policies come back to bite them, well, then it's too expensive to invest in our economy, to provide for those who can't provide for themselves, or to spend what is necessary to jumpstart the economy.

Republicans say they aren't opposed to spending these funds on unemployment insurance; they just want to cut the same amount from other programs. Well, I'll tell you what they can cut. How about not doing any further tax cuts for wealthy people? How about cutting missiles to nowhere? How about cutting some of this Pentagon money and war in this world? How about cutting huge tax subsidies for offshore oil drilling? How about cutting out people taking their money and running to tax havens away from America and not fulfilling their responsibilities?

Mr. Speaker, I don't see Republicans offering to cut those things. Instead, I see them blocking essential legislation with vague platitudes about the need for cuts. They see nothing wrong with leaving the people who are most suffering the effects of their misguided economic views out in the cold. The Republicans' track record has proved them to be nothing but fair-weather deficit hawks.

Democrats, on the other hand, see things a bit differently. We, too, believe that balancing the budget is vital for our long-term prosperity. And I've been here and others, as well as the sitting Speaker, have been here when we did just that, balance the budget. But it can't be done on the backs of struggling Americans. In order to grow this economy, we need to invest in the American people. The Federal Government has a responsibility to help our communities meet their needs and ensure that anyone who wants to find work for a decent wage can do so.

Our economy is already showing considerable signs of recovery, but a job-

less recovery is unacceptable. Make no mistake, job creation is the number one priority for Democrats. That is why we're working hard to find ways to create jobs and grow our economy again. But, in the meantime, we cannot simply let millions of Americans fall into financial ruin, lose their homes, be unable to pay their rent, and jeopardize their futures and the futures of their families and children.

Unemployment insurance can make the difference between whether families can afford to put food on the table or pay rent while they devote themselves to finding new employment or to get by, just get by, until the economy improves and jobs are more forthcoming.

I urge my colleagues to support this rule, Mr. Speaker, so that this much-needed, much-overdue legislation can be considered in a timely manner. The American people are waiting. And waiting 1 more minute, not 30 minutes on the U.S. Senate, or 30 hours as they are taking now, waiting 1 more minute is 1 minute too long.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I thank my colleague from Florida for yielding time, and I yield myself such time as I may consume.

You know, he mentioned that we have no problem on one day voting for tax decreases and then the next day voting against unemployment benefits. Unfortunately, our colleagues across the aisle haven't given us an opportunity to vote for tax decreases in this session of Congress. Would that we'd had that opportunity, we certainly would have, because the money that the hardworking people of this country earn belongs to them. It doesn't belong to the government. That's what our colleagues across the aisle think. They want to control everything in this country, including all of the money that the good citizens of this country work hard to earn.

Mr. Speaker, today I rise in opposition to this same-day rule on unemployment insurance.

When the White House economic advisors released their report back in January 2009, they concluded that if we just borrowed \$1 trillion, the stimulus would stop the unemployment rate from increasing beyond 8 percent. Here we are with a 9.5 percent unemployment rate, the largest deficit in our history, and the national debt at almost \$14 trillion. The response of the liberal Democrat leadership is to add \$30 billion more to the deficit by not offsetting another extension of Federal unemployment benefits.

The American people want real economic growth and private job creation. If job creation is the number one priority for the Democrats, I'd hate to see what the number two priority is, given the dismal numbers that they've created, particularly in the last 18 months.

During consideration of H.R. 5618, the Democrats' \$34 billion unpaid for Restoration of Emergency Unemployment Compensation Act, before the July 4 recess, Democrats opposed the Republican motion to recommit, which would have paid for the extension.

Specifically, the Republican motion to recommit would have used \$34 billion in unspent stimulus funds to cover the cost of extending expired unemployment benefits through November 30. This was a fiscally responsible motion which recognized that the American people want Washington to stop spending money we don't have. Adding insurmountable amounts of spending to our soaring deficit helps no one.

□ 1440

Painting Republicans as being unfeeling and uncaring about those who have lost their jobs is inappropriate. We are very concerned with those people, and we want to do everything that we can to help them. But putting us more and more into debt and increasing the deficit is not going to do that. And our colleagues across the aisle should have learned that by now with their very, very bad policies.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, just to answer my distinguished colleague from North Carolina very briefly, when she began her remarks by indicating that we haven't given them an opportunity to vote on tax cuts, my last look at the American Reinvestment and Recovery Act gave 95 percent of Americans a tax cut. I would be interested to know how many Republicans supported that measure.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, as was correctly pointed out, Republicans had ample opportunity to vote for tax cuts for Americans. As was amply pointed out just a moment ago, 95 percent of the American people got a tax cut under the Recovery Act, and 0 percent of the Republican Caucus voted in favor of it. So there again, when average Americans get a chance for a tax cut, no. When rich folks get a chance for a tax cut, absolutely.

By the way, those tax cuts don't have to be set off. During the Bush administration, well over \$700 billion worth of tax cuts were not set off at all. And now we're just asking for a little bit of money for average working Americans who have worked for a benefit, Mr. Speaker, to get a little bit of help when they really, really need it. No, we're not asking for a set-off for unemployment insurance benefits because it's an emergency.

It's an emergency for that mom trying to get some cereal to put it on the table for her kids. It's an emergency for that dad who's trying to pay rent so

they don't get thrown out. It's an emergency for that family who is facing foreclosure because they cannot pay their mortgage because they have been out of work. It's an emergency. It is appropriate not to have to set it off because those are the rules that we have been living by in this body for years and years and years. Now, because of partisanship, Republicans don't want to go by those rules, they want to make political hay and delay, delay people's help when their help should be coming.

Mr. Speaker, the fact is 2.5 million Americans have to wait another day because Senate Republicans have to make a political point. That is a shame. That is too bad. If the caucus opposite, if the Senate Republicans really have a heart for the American people, they will prove it by stopping their unsympathetic and relentless delay of unemployment insurance benefits.

Ms. FOXX. Mr. Speaker, when asked on July 4th are we headed in the right direction, Vice President BIDEN answered, "The economic initiatives that we took, they're working. They're working." Vice President BIDEN's repeatedly touted the failed stimulus package, and has recently coined what he calls "the summer of recovery." Yet when asked about concerns that the stimulus is not working he acknowledges that unemployment remains, "unacceptably high."

You know, if we are in a summer of recovery, we can't quite understand why we continue to have high unemployment in this country. When asked by ABC's This Week host Jake Tapper in an interview aired Sunday if the administration "is getting enough credit" for the Wall Street bill, the health care bill, and the economic recovery act in light of polls showing the majority of Americans believe the country is on the wrong track, Mr. BIDEN said, "The vast majority of the American people and a lot of people really involved don't even know what's inside the packages." On the contrary, for the first time in a long time the American people are taking a very strong interest in what Congress is doing, reading the bills and voicing their opinions.

Eighteen months after President Obama's \$862 billion so-called stimulus, which really cost \$1.2 trillion if you include the \$347 billion that the Congressional Budget Office estimates for interest payments on the borrowed money, as my colleagues said across the aisle, there are still five job seekers for every job opening, and we have a 9.5 percent unemployment rate. I appreciate my colleague from Florida helping me make that point that we still have a problem despite the fact that there have been so many policies passed here and so much money spent. We have a 9.5 percent unemployment rate.

Instead of facing reality, we are hearing that everything is going great. That is, everything except that which they might be able to somehow blame on the previous administration. Ignoring that virtually all of the jobs they are touting are government jobs, this misleading statistic doesn't represent net job growth, thereby omitting all the jobs lost since the liberals seized complete control of Washington.

Doesn't it really seem discordant to be promoting unemployment benefits when Democrats are touting this as the summer of recovery? If the Democrats' stimulus were so successful, why do we need to increase our debt by \$30 billion more for additional Federal unemployment benefits? Rather than acknowledge their stimulus plan failed and the American people were sold a bill of goods, the President and his administration continue to propose new government programs that increase the deficit. This is wrong. The American people know it.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Massachusetts, my good friend and colleague on the Rules Committee, Mr. MCGOVERN.

Mr. MCGOVERN. I thank the gentleman for yielding.

Mr. Speaker, extending help to the unemployed is the right thing to do. It's the decent thing to do. We should have done it a long time ago. My colleagues on the Republican side have frustrated attempt after attempt after attempt after attempt to extend these benefits to people, most of whom have lost their jobs through no fault of their own.

My friends on the other side of the aisle say, well, we can't afford to do it, that we need to pay for this, even though they are emergency benefits. Well, why don't we pay for the Bush tax cuts, which added hundreds of billions of dollars to our debt? Why don't we pay for the wars in Iraq and Afghanistan, all funded through borrowed money? Why is nation building in Afghanistan more important than our own people? Why is giving Donald Trump another tax cut that is unpaid for, that adds to our deficit, more important than helping those who are unemployed?

I ask my friends on the other side of the aisle, What are you thinking? Why don't you care? Whose side are you on? I urge my colleagues on the other side of the aisle to leave the Beltway every once in a while and go back and talk to your own constituents, and you will see that people are struggling, that there are people who are suffering because of this economy.

This is a difficult economy that is slowly but surely beginning to recover. It is a difficult economy that President Obama inherited from George W. Bush.

We are trying to dig ourselves out of this mess that my Republican friends have created. It's going to take time. I remind my friends on the other side of the aisle that when George Bush was President we were losing an average of nearly 750,000 jobs per month in the last 3 months of the administration.

□ 1450

Twenty-two consecutive months of job losses, that's what they gave us.

When they talk about the deficit, I remind them that President Bill Clinton left George W. Bush a record surplus that they squandered on tax cuts for the rich and two wars that were unpaid for.

And, you know, the reason why we talk about President Bush's record is because the head of the Republican Congressional Campaign Committee, PETE SESSIONS, when asked what the Republican plan was, he said, We need to go back to the exact same agenda: the exact same agenda that produced these record deficits, the exact same agenda that put millions of people in this country out of work. Now, I've heard a lot of scary things in this Chamber, but I've got to tell you, that is the scariest thing I've ever heard.

I don't want to go backwards. I don't want to go back to the time where we were losing hundreds of thousands of jobs per month. President Obama to his credit and the Democratic Congress here are trying to fix the mess that they created, and we are now beginning to see job increases in this country. Not as much as we want, but we're moving in the right direction.

But in the meantime, we cannot turn our backs on those who are unemployed. So I say to my Republican friends in the United States Senate, stop your obstructionism. Stop playing politics with unemployment benefits and move out of the way and allow this bill to move forward so we can vote on it here on the House floor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Ms. FOXX. I yield myself such time as I may consume.

I know our colleagues again continue to want to rewrite history, but it's just not something we're going to let you do.

Our economy was doing great until you all took over the Congress in January of 2007. You keep blaming what happened in the last few months of President Bush's Presidency on President Bush. But you were in control of Congress. You've been in control. And you have to take the responsibility for what happened. The job losses came on your watch.

We had a \$200 billion deficit when you took over the Congress, and you have caused the deficit to go up. It is Democrat policies which have created the problems, not the Republican policies.

On Monday, President Obama took to the Rose Garden to criticize Republicans for insisting that new government spending to extend the Federal unemployment insurance program be paid for by cutting government spending elsewhere. Ironically, in another speech in the Rose Garden last November, President Obama took the opposite position, touting his signing an extension that was “fully paid for.” And this is his quote: I would also like to announce I just signed into law a bill that will help grow our economy, save and create new jobs, and provide relief to struggling families and businesses. Now it’s important to note that the bill I sign will not add to our deficit. It is fully paid for and so it is fiscally responsible.

Those remarks were made by President Obama on November 6, 2009. So he was for paying for spending before he was against it.

On June 28, Speaker PELOSI made statements indicating the best way to create new jobs is to hand out more unemployment checks. This is her quote: This is one of the biggest stimuluses to our economy. Economists will tell you this money is spent quickly. It injects demand into the economy and it is job-creating. It creates jobs faster than almost any other initiative that you can name.

This is news to a lot of economists.

I wanted to share also a portion of a Wall Street Journal article from Tuesday entitled, “Stimulating Unemployment.” This is the quote: “Only last week, Vice President Joe Biden was hailing the stimulus for saving and creating three million jobs. This week the White House says we need even more stimulus in the form of jobless checks to make up for the jobs his original spending stimulus didn’t create.”

The one possibility the President and congressional Democrats won’t entertain is that their own spending and taxing and regulating and labor union favoritism have become the main hindrances to job creation. Since February 2009, the jobless rate has climbed to 9.5 percent from 8.1 percent, and private industry has shed two million jobs. The overall economy has been expanding for at least a year, but employers still don’t seem confident enough to add new workers. The economists who sold us the stimulus say it’s a mystery. But maybe employers are afraid to hire because they don’t know what costs government will impose on them next.

In the immediate policy case, Democrats are going so far as to subsidize more unemployment. If you subsidize something, you get more of it. So if you pay people not to work, they often decide not to work or at least to delay looking or decline a less-than-perfect job offer holding out for something that may or may not materialize.

The economic consensus which includes Obama administration econo-

mists in their previous lives couldn’t be clearer on this. In a 1990 study for the National Bureau for Economic Research, labor economist Lawrence Katz found that the results indicate that a 1-week increase in potential benefit duration increases the average duration of the unemployment spells of unemployment insurance recipients by 0.16 to 20 weeks, 16 to 20 weeks.

A March 2010 economic report by Michael Farrell of JP Morgan Chase examined several studies and concluded that lengthened availability of jobless benefits has raised the unemployment rate by 1.5 percent points.

A 2006 NBER study by Raj Chetty of U.C. Berkeley on a related subject begins: It is well known that unemployment benefits raise unemployment durations.

President Obama has said that this is a misguided notion and that attitude reflects a lack of faith in the American people. Yet Democrats have consistently passed legislation which takes away the choices and freedoms of the American people. That is the true reflection of a lack of faith in the American people.

And with that, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to a good friend of mine at this time, the distinguished gentleman from Memphis, Tennessee (Mr. COHEN).

Mr. COHEN. I want to thank Congressman HASTINGS for the opportunity to speak on this issue.

Mr. Speaker, this is a very important issue to the American economy and the American public. My friend from North Carolina suggests that economists don’t think this is a good thing. Well, Mark Zandi, who’s the chief economist at Moody’s, who was one of President Bush’s economists and supporters, says, “No form of the fiscal stimulus has proved more effective during the past 2 years than energy UI benefits, providing a bang for the buck of \$1.61,” for every dollar put in.

Paul Krugman, Nobel Prize-winning economist—that’s not a bad little opportunity prize to win—“One main reason there aren’t enough jobs right now is weak consumer demand. Helping the unemployed, by putting money in the pockets of people who badly need it, helps support consumer spending. That’s why the Congressional Budget Office rates aid to the unemployed as a highly cost-effective form of economic stimulus.”

Timely, targeted, and temporary are the three keys to stimulus spending; and unemployment compensation goes to people who are the Purple Hearts of this economic recession, an economic recession caused by George W. Bush.

My friend from North Carolina says we’re forgetting history. I’ll tell you about history. Under Bill Clinton, we had a budget surplus. Under George

Bush with a misguided war built on lies and tax breaks to the wealthiest people in the country, we built up budget deficits, which we have had to increase because of the need to get out of this worst economic recession since Herbert Hoover—George Bush’s ideological father—put us into the Depression some 80 years earlier.

No more American, independent, private-spending person than Warren Buffett has said that unemployment compensation should be passed. It helps the economy and it’s just the right thing to do. This is the right thing to do for the economy, for the people who’ve gotten the Purple Hearts of this economic downturn, and for our country. And I urge everybody to use their brains and their hearts and to support this proposition.

Ms. FOXX. Mr. Speaker, I will just point out again to our colleagues across the aisle that the reason we had a surplus when Bill Clinton was President was because Republicans were in charge of the Congress, and the reason we had a deficit the last 2 years of the Bush administration is because Democrats were in charge of the Congress.

We’ll continue to remind you of that.

I now would like to yield such time as he may consume to my distinguished colleague from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my friend from Grandfather Community for the great job that she’s doing managing this rule, and I even recognize my friend from Fort Lauderdale is doing a reasonably decent job of managing the rule from his side.

□ 1500

You know, the focus of this institution is right now on what it is that the American people want us to focus on, jobs. Everybody here, Democrat and Republican alike, is talking about getting our economy back on track, creating job opportunities. The problem is that the policies that are emanating from this institution are tried and failed policies of the past.

I listened to my friend from Tennessee just a moment ago talk about the Great Depression. Well, Mr. Speaker it’s very obvious that the policies of tax-and-spend that were pursued during the Great Depression exacerbated the Great Depression. In fact, very famously in testimony delivered before the House Ways and Means Committee in the fall of 1939, the Treasury Secretary, Henry Morgenthau of Franklin Delano Roosevelt, had these words to say. He said, We’ve tried spending money. We’ve spent more than we’ve ever spent before. Now, after 8 years of this Roosevelt administration, we have unemployment that is just as high today as it was when we started and an enormous debt to boot.

Now, Mr. Speaker, if you look at the Treasury Secretary of John F. Kennedy, Secretary Douglas Dillon, who

pursued a pro-growth economic policy, you would not find him critical of President John F. Kennedy's economic policy. If you look at Treasury Secretary James Baker, who had been an opponent of Ronald Reagan's vision of putting into place pro-growth economic policies during the 1980s or, actually, when he was running his friend George H.W. Bush's campaign, he called it voodoo economics. But if you talk to Jim Baker today, he is a huge proponent of those policies, having seen the empirical evidence of their success.

So as we look at Secretary Douglas Dillon, as we look at Secretary James Baker, and look at Secretary Henry Morgenthau, it's very clear what it is that works. And so that's why, while Democrats and Republicans alike, Mr. Speaker, talk enthusiastically about getting the economy back on track, getting jobs created—because we all know how the American people are suffering. In part of the area I represent, Mr. Speaker, I have a 14.4 percent unemployment rate. It was just announced this week. My Statewide unemployment rate in California, a State with nearly 40 million people, the largest State in the Union, the greatest and most important State in the Union I should add as well, has tragically an unemployment rate of 12.3 percent.

We all know that with the policies that we've gone through in the last 18 months, we were promised that if we pass the trillion-dollar stimulus bill we would not see the unemployment rate exceed 8 percent. We were told at this point following implementation of the stimulus bill that the unemployment rate would be at 7.4 percent. Well, as I said, in my State it's 12.3 percent, the largest State in the Union. Nationwide we all know, very sadly, it is 9.5 percent.

So clearly everybody's talking about the need to create jobs and get our economy back on track, but the policies have been the tried and failed policies of the past.

I had an interesting conversation 2 years ago with one of the leaders in Latin America who had been the President of his country in the 1980s. He was President for 5 years, and during that period of time, he pursued an extraordinarily statist, big government, high tax, regulatory vision for his country, and they had serious problems. He became President again and governed like Ronald Reagan governed. He focused on reducing the size and scope and reach of government. He reduced taxes to stimulate economic growth. He put into place an effort to reduce the regulatory burden, and he said to me in this meeting 2 years ago that the worst 5 years in the modern history of his country had been when he was President from 1985 to 1990. And he asked rhetorically, how can you in the United States of America contemplate

moving in the direction that the rest of the world has learned to have failed?

I was just talking to the son of Ronald Reagan a few minutes ago, Michael Reagan, on the phone. He told me that he was just in France, and we all know that we have not used France as our economic model for the future. But Mike Reagan was telling me that he was there, and people are scratching their heads wondering why it is that we would be pursuing in the United States of America, the greatest Nation the world has ever known, a policy that has led to an 84 percent increase in the last 18 months in nondefense discretionary spending.

So, Mr. Speaker, we're here under a martial law rule, and since it's part of my job as a member of the Rules Committee to focus on procedure, I want to congratulate my friends in the majority for establishing martial law rule only for the issue at hand here and not providing blanket consideration of martial law rule.

I will say as I said in the Rules Committee last night, we have since mid-to late May every single week extended suspension authority through the rest of the week. Last week, we took a little break from that and we didn't do it, but this week again in this rule we have blanket extension of suspension authority. I know those are very inside baseball things, but they are indicative of an arrogance that we have seen from the majority that is really undermining the deliberative process the American people deserve and desperately seek for this institution.

So, Mr. Speaker, I'm going to join with my friend from Grandfather Community, North Carolina, in urging my colleagues to vote "no" on this rule in hopes that we can come together with a very decent and bipartisan approach following the John F. Kennedy-Ronald Reagan model to make sure that we get our economy back on track.

Mr. HASTINGS of Florida. Mr. Speaker, I'm very pleased at this time to yield 3 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS), who is a good friend of mine.

Mr. ANDREWS. It must, Mr. Speaker, be a luxury to have the ability to think about the great sweep of economic history since the 1930s, and I enjoyed very much the remarks of my friend from California, but we're here to talk today about 2.5 million Americans who don't have that luxury. These are people who have been out of work for a very long time, and as the first of the month rolls around very soon and there's no rent payment or no mortgage payment in their checking account, as they find it difficult or impossible to pay their utility bills, their health care bills, and they're slipping away, these are the Americans that we're here to talk about this afternoon, 2.5 million Americans.

The extension of unemployment benefits should have been done a very long

time ago. There should not have been this wait to extend the benefits. Some people said that we should delay the benefits because people aren't looking hard enough for a job who are on unemployment. I would challenge those who make that assertion to go walk in the shoes of someone on unemployment a little while and see just how difficult it is to find a job.

The problem in America today is not that people aren't looking hard enough for work. It is that frankly not enough jobs are being created. We can all agree to that. How to fix that problem is a subject of debate in this country and on this floor.

But as we have that debate, isn't it the right and good and decent and necessary thing to do to look after the interests of those 2.5 million Americans, and should it not have been done a while ago? Now, why wasn't it? There are Members who in good faith in the other body argued that the bill should not even be voted on, not even be taken up, until there was money set aside to pay for the cost of the extension of the unemployment benefits. That was their argument. Sounds like a fairly plausible argument until you look a little bit beneath the surface and understand these are many of the same Members of the other body who are calling for a permanent extension of tax reductions to the wealthiest Americans.

Let me explain what that means. These are people who are saying in the days of a person who owns an office building and a person who was laid off from a job cleaning the office building, that the following rules ought to apply.

Mr. HASTINGS of Florida. Will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman.

Mr. HASTINGS of Florida. I will yield additional time.

I just want to share with you as a segue of what you're saying, these are remarks from Senator KYL on the other side:

On extending President Bush's tax cut, despite the cost, his quote, "You should never have to offset cost of a deliberate decision to reduce tax rates on Americans."

□ 1510

These are the people that are holding up unemployment.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Florida. I yield the gentleman an additional 30 seconds.

Mr. ANDREWS. I think my friend would say this: that that philosophy says that the person who got laid off from her job cleaning the office building at night can't get unemployment benefits unless we find a way to pay for it, but the guy who owns the office building, who would get a half million dollar a year tax break, should get that tax break whether or not there is money to offset that expenditure.

Now, I just don't understand that. I don't understand a philosophy that says that you have to offset and pay for help to a person who cleans office buildings, but by no means do you have to offset a tax break for a person who owns the building.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. HASTINGS of Florida. I yield the gentleman an additional 30 seconds.

Mr. ANDREWS. If you have that philosophy, shouldn't it, at the very least, have been put up for a vote? Wasn't it wrong for people in the other body to deter that from even coming up for a vote?

They have gotten beyond that hump. Too little, too late in many ways, and we have an opportunity today to do our duty, put that issue squarely on the floor. Our colleagues on both sides should vote "yes" and let this House have its say and work its will so that we can address the very real needs of 2.5 million of our fellow citizens.

I urge Members to vote "yes."

Ms. FOXX. Mr. Speaker, I would point out to my colleagues across the aisle, Mr. Speaker, that Democrats are totally in control of Congress. They have been since January of 2007. In the House, the number is 255-178. There are two vacancies. In the Senate, it's 59-41, so the Democrats are clearly in charge, but they continue to blame Republicans who are very much in the minority. The American people are seeing through that, Mr. Speaker. They understand who has the responsibility. And I think, what the quote from Mr. KYL is saying is that the money belongs to the citizens of this country.

I thank my colleague from Florida for bringing it up. It proves the point. Our friends on the other side of the aisle think that all the money in this country belongs to the government and that it's up to the Members of Congress to decide who is going to get that money. They joined in with President Obama in believing that they should spread around the wealth, take from some and give to others. I think we have heard that philosophy before, but that isn't what the American people believe. They believe that they worked hard for their money; they should keep it.

And I would also say to my colleague across the aisle, is it right and decent to saddle the American people with debt that is going to haunt us for many, many generations? Children not yet born are going to be given this debt while our friends across the aisle fund their pet projects and take from those that they wish to take from and spend where they want to.

There wouldn't need to have been any kind of wait because, again, you are in the majority. You could do this.

I want to say again, Republicans are very sympathetic to those who have

lost their jobs, but the problems came when our colleagues across the aisle began irresponsible spending when they took over the Congress, adding rules and regulations. We know what drives jobs away. It's increased government spending and it's increased rules and regulations.

I think that we have to point out the liberal Democrat agenda has failed. Our friends across the aisle need to go back to the drawing board and come back to the American people with real solutions to their real problems.

We are in touch with those folks. I go home every weekend and I talk to the people in my district and they tell me they are very concerned about the future of this country. I can't tell you, Mr. Speaker, how many people tell me every weekend, I am frightened to death for the future of this country based on what is happening in Washington these days.

This isn't the time to dither and blame the Republican minority for the disappointing collapse of governments we have seen since the liberal majority seized control of Congress in 2007.

As I said, my colleague from Florida said earlier that job creation is the number one priority for Democrats. Well, obviously, they are missing the mark. Their spending programs have destroyed, not created, jobs.

Albert Einstein is credited with saying the definition of insanity is doing the same thing over and over again and expecting different results. Well, our colleagues keep doing the same thing over and over again and expect different results. They are not going to get different results as long as they have these irresponsible policies.

With that, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to the distinguished gentlewoman from not very far from here, Maryland, DONNA EDWARDS.

Ms. EDWARDS of Maryland. Mr. Speaker, look, at 3 o'clock this afternoon, 2,742,660 Americans were denied an extension of their unemployment benefits. It's just that simple. And I have heard the arguments on the other side, but when a liberal goes in to buy bread, nobody says that's liberal bread. When a conservative goes in to buy cereal, nobody says that's conservative cereal. When Republicans go in to pay their rent, nobody says that's Republican rent. When Democrats go in to pay that electric bill, nobody says that it's a Democratic electric bill.

Yet here on this floor, we have heard time and time again about liberals and conservatives and Republicans and Democrats. And when Americans are unemployed, it really doesn't matter what any of those labels are because they are trying to feed their families. They are trying to take care of their responsibilities. They have paid in, in

many cases, for years and years and years, into an unemployment compensation insurance fund, and now that it's time to draw on it, our Republican colleagues want to deny them the opportunity to get what is justly theirs.

Now, our Republican colleagues a number of times, first in March of 2010 this year, 85 percent of them voted "no" for extending unemployment benefits. April 15, 93 percent of them voted "no" for extending unemployment benefits. On the 20th of July, we don't know. Are we going to again vote not to extend unemployment benefits to those who have run out of employment benefits, those who are not employed, to those who work hard every day going out there searching for jobs?

So the Republicans want to extend tax benefits for the wealthiest of Americans, billions and billions of dollars, but they don't want to extend unemployment benefits for people who have done everything that we have asked them to and they can't find a job. Republicans don't want to create jobs. They don't want to give unemployment benefits.

I have to ask. I mean, I just think that at home people are saying, What in the world is going on here? It's time to stop it. It's time to extend unemployment benefits, and it's time for Republicans to stop playing games, because this is about jobs.

Ms. FOXX. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

In response to my good friend from California, firstly, I would argue with you that California is not necessarily the greatest State in the Union. We happen to have 50 great States and six wonderful territories in this great country of ours. But coming from Florida, I find that rivalry worthwhile. We will match him any day.

This Congress, when he speaks in terms of the measure that we are proceeding on, from the standpoint of process, this Congress alone provided suspension authority on a day other than Monday, Tuesday, or Wednesday, has allowed for passage of the Iran sanctions conference report, a paid-for doc fix, the Small Business Micro-lending Expansion Act, the Medicare Premium Fairness Act, and a resolution recognizing Israel's right to defend itself against attacks from Gaza, sponsored by the Speaker along with Representatives BOEHNER and CANTOR.

□ 1520

This same-day authority has allowed for passage of several bills that have already become law, including a bill authorizing the Oil Liability Trust Fund for the Deepwater Horizon oil spill, legislation expanding the Small Business Loan Guarantee program, legislation for the Temporary Extensions

Act and the Worker, Homeownership, and Business Assistance Act. All of these bills passed with overwhelming support from the House.

This same process has not only benefited majority Members, it benefited Republican Members as well. Representatives LUTKEMEYER, GINGREY, TIBERI, CALVERT, REICHERT, PLATTS, FALLIN, SCHOCK, FORTENBERRY, CARTER, and LEE have all benefited from this provision by having their legislation adopted under suspension of the rules in spite of what day of the week it was. So much for that. Back to the point dealing with unemployment.

People think that this stuff is done in a vacuum sometimes. Well, Senate Republicans have repeatedly obstructed job creation legislation that extended critical unemployment insurance benefits to help Americans who lost their job through no fault of their own make ends meet as they look for their next job opportunity.

The Republican obstruction is unprecedented. Since 1959, Congress has never allowed unemployment benefits to expire when unemployment is more than 7.2 percent. There are a considerable number of economists—Alan Blinder, Ralph Martire and, then more important, the Center on Budget and Policy Priorities—who say that for every \$1 spent on unemployment it creates \$1.90. So, really, the best stimulus for this economy suggests, as the economists do, that it is stimulated much more by spending on unemployment than we would tax cuts.

I want to say one final thing on tax cuts. I have two personal friends that are fortunate enough in this country to be billionaires. They earned their money the hard way; they earned their money during good and bad times, and none of us hold any truck with either of those billionaires. I know two other billionaires personally, and not one of them before has ever said that they favored tax cuts—just to talk about some of the American people—they manage regardless.

Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from Oregon, a good friend of mine, Mr. DEFAZIO.

Mr. DEFAZIO. Mr. Speaker, I was in my office and heard this debate, which was sort of a departure from reality on the Republican side of the aisle. They say we should blame the victims of the Wall Street-led crash in America. These people are lazy; they don't want to work. Why, if we just cut off their unemployment benefits, maybe they will go out and find a job. The jobs don't exist. They were destroyed by greed on Wall Street, by the reckless Republican policies of deregulation at any cost, of tax cuts for the wealthiest among us because trickle down would help the working people of America and put them back to work. Crazy.

I have 60,000 Oregonians, a State with over 10 percent unemployment, hard

hit who will benefit from this bill. Now, they would say that's a special interest or an earmark to help 60,000 Oregonians who have exhausted their unemployment benefits. Let me just talk about one who I met in the unemployment office. Shame on you on that side of the aisle. Shame on you.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members will address their remarks to the Chair, not to other Members in the second person.

Mr. DEFAZIO. Shame on those who would not extend unemployment benefits, whoever they might be—I think they're on that side of the aisle.

Now, this gentleman, hardworking construction worker, older guy, fifties, 30 years never been unemployed, 30 years. He lost his job. Kind of a tough market for an older construction worker. He was in the unemployment office, initially pretty hostile; and afterwards he came over and he apologized and he said, I know you're not responsible for this. I know it was the Bush administration, and their policies put us in this mess, but I'm desperate, I'm desperate because my wife is really sick. And I can get extended health care benefits under COBRA for 900 bucks a month because I had a pretty good plan, but my unemployment is only about 1,200 bucks a month—Easy Street, the Republicans talk about, these people are living on Easy Street with \$1,200 a month. \$900 a month for health insurance for a desperately ill wife. How does he pay the mortgage? How does he feed the kids?

Now, come on, let's get real here. You don't want to pay for tax cuts for the wealthy. You didn't pay for a \$1 trillion war in Iraq that we didn't need, but now we've got to pay for the emergency unemployment benefits. Humbug.

The SPEAKER pro tempore. The Chair will note that the gentleman from Florida has 2 minutes remaining and the gentleman from North Carolina has 7½ minutes remaining.

Ms. FOXX. Mr. Speaker, I urge my colleagues to vote "no" on this same-day rule, reject the liberal agenda that continues to distract from private sector job creation and getting our economy back on its feet.

I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, he fought his way all the way over here, and even though I have but 2 minutes, I would like to share 1 of my minutes with Mr. LANGEVIN.

I would inquire of my good friend from North Carolina if she would be so kind as to yield 30 seconds to Mr. LANGEVIN as well.

Ms. FOXX. Mr. Speaker, I ask unanimous consent to reclaim my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I would be more than happy to yield 30 seconds to Mr. LANGEVIN.

Mr. LANGEVIN. I thank both the gentleman and the gentlelady for yielding time on this very important issue. I am very grateful.

I do rise in strong support of this rule for consideration of H.R. 4213, the Restoration of Emergency Unemployment Compensation Act. This very important bill provides a critical boost for more than 2.5 million Americans across the Nation, including 6,000 Rhode Islanders right now who are struggling to find employment. Not only that, but for every \$1 spent on unemployment benefits, \$1.90 is put back into the economy. These benefits are crucial for working families as they search for new opportunities in a very tight job market.

In my home State of Rhode Island, we have the country's fourth highest unemployment rate at over 12 percent. Through recovery funds, we have recently implemented Jobs Now Rhode Island, a job training program that in the past 2 months has successfully put more than 300 Rhode Islanders back to work. I recently met with some of these workers at Capco Steel. A couple had been out of work for a few months, while for others this was their first job in a few years. This visit reminded me that as Members of Congress we have the obligation not only to help create jobs, but also to give hardworking Americans another chance to continue their job search and provide for their families.

I encourage my colleagues to pass this bill and help those who are most vulnerable right now during these trying times. We are going to get through this tough economy, but we have to help people with their immediate needs, and unemployment extension does that.

Mr. HASTINGS of Florida. Mr. Speaker, we stand ready to provide those struggling to find work this small reprieve; and Democrats in Congress are also committed to putting forth the necessary effort to create jobs, spur economic growth, and put our country once again on the road to prosperity.

□ 1530

But, in the meantime, we have a responsibility to ensure that those most profoundly affected by these difficult times are able to stay afloat—to feed their families, to keep their homes, and to continue to search for new jobs. We must not play political football with unemployment insurance. It is simply too fundamental to the livelihoods of millions of Americans. Our economy is starting to turn around, and the American people cannot afford to wait another second, let alone 30 hours for the United States Senate to act.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I was hearing my friend across the aisle. He was yelling about things not being paid for when, actually, what happened was, in my first 2 years here, in 2005 and 2006, our friends across the aisle pointed out to voters, These guys are running a \$100 billion, \$200 billion budget, so elect us, put us in the majority, and we will stop the insane deficit spending. We will make sure every bill is paid for.

So the voters took them up on that. They gave our friends across the aisle, Mr. Speaker, the majority, and said, Okay, you guys say you won't deficit spend like the Republicans had started doing.

The Republicans balanced the budget in the late 1990s, but they got away from it and got giddy when President Bush got elected. So, in January 2007, it was the Democrats' job to do what they had promised the voters they would do. That promise has not been kept.

PAYGO was passed as a rule, but then that promise was not kept. I voted for PAYGO previously but not this last time because I found out it was a joke, that it was not intended to do what it said because, every time a bill comes along that they want to pass, they just do a rule that goes around it. There was no sense in that. This could be easily paid for.

For all of those people whose eyes we look into who have lost their jobs—we see them at job fairs, and we see them around, looking for jobs—we've got to tell them that we have all of these little pet projects that we don't want to give up the money for. So, therefore, you're going to stay out of work because we're not going to let the private sector have the capital they need to create jobs.

Yes, we're going to provide the unemployment benefits. That would be fine. But don't force other people not to have jobs because we don't create the capital by stopping the insane deficit spending. You hurt people. Yes, you help people by giving them unemployment benefits further, but you hurt people because they can't go get jobs because the jobs can't be created because we won't give up the little pet projects.

Mr. NEAL. Mr. Speaker, I rise today in full support of this emergency legislation that will restore the safety net to millions of American families. Those families have been desperately waiting for this relief since June. Their faith in us had been tested, but today, I am pleased to say we can extend them the help that they need.

My colleagues have heard me speak of the legendary mayor of Boston, James Michael Curley. A truly gifted orator.

Curley spoke with great empathy about the forgotten man, those individuals who for what-

ever reason have found themselves outside of the mainstream of economic life. He also would suggest that, in simplicity, that the great ally of civilization was a full stomach. And we need to be reminded of that with the grim economic statistics that America is currently witnessing.

Now, also another very pertinent reminder here that I think that we all ought to recall: in October of 2008, in record time this House voted to come to the aid of Wall Street. It didn't take us long, with the Troubled Asset Relief Program, to keep standing many of those institutions that helped create the problem that we find ourselves currently in.

Is that relevant today? There are millions of people across this country who have simply found themselves without work. What does that do to an individual who has spent a career, and after 30 years finds the job is gone? And we treat them as though they are simply a statistic after perhaps they served us in an honorable manner in Vietnam, or currently in Iraq, or Afghanistan, or other theaters around the world?

America's about building community, Mr. Speaker. America's about a place where nobody's to be abandoned and nobody's to be left behind. The great bounty of God's work has been to ensure that most people in America have shelter and food. This opportunity to extend unemployment benefits for the American people ought to meet this moment.

I urge adoption.

Ms. FOXX. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I urge a "yes" vote on the previous question on the same-day rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on House Resolution 1537 will be followed by 5-minute votes on suspending the rules with regard to H.R. 5566 and House Resolution 1411, if ordered.

The vote was taken by electronic device, and there were—yeas 233, nays 185, not voting 14, as follows:

[Roll No. 458]

YEAS—233

Ackerman
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman

Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bocchieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (IA)

Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clay
Cleaver

Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)

Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebuck
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Owens
Pallone
Pascarella
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)

NAYS—185

Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson

Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schradler
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skeltton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger

Graves (GA)	Manzullo	Rogers (MI)	[Roll No. 459]	Murphy (CT)	Rogers (MI)	Speier
Graves (MO)	Marchant	Rohrabacher	YEAS—416	Murphy (NY)	Rohrabacher	Spratt
Griffith	Markey (CO)	Rooney		Murphy, Patrick	Rooney	Stark
Guthrie	McCarthy (CA)	Ros-Lehtinen		Murphy, Tim	Ros-Lehtinen	Stearns
Hall (TX)	McCauley	Roskam		Myrick	Roskam	Stupak
Harper	McClintock	Royce		Nadler (NY)	Ross	Sullivan
Hastings (WA)	McCotter	Ryan (WI)		Napolitano	Rothman (NJ)	Sutton
Heller	McHenry	Scalise		Neal (MA)	Roybal-Allard	Tanner
Hensarling	McKeon	Schmidt		Neugebauer	Royce	Taylor
Herger	McMorris	Schock		Nunes	Ruppersberger	Teague
Hill	Rodgers	Sensenbrenner		Nye	Rush	Terry
Hunter	Mica	Sessions		Oberstar	Ryan (OH)	Thompson (CA)
Inglis	Miller (FL)	Shadegg		Obey	Ryan (WI)	Thompson (MS)
Issa	Miller (MI)	Shimkus		Olson	Salazar	Thompson (PA)
Jenkins	Miller, Gary	Shuler		Olver	Sánchez, Linda	Thornberry
Johnson (IL)	Minnick	Shuster		Owens	T.	Tiberi
Johnson, Sam	Mitchell	Simpson		Pallone	Sanchez, Loretta	Tierney
Jones	Murphy, Tim	Smith (NE)		Pascarella	Sarbanes	Titus
Jordan (OH)	Myrick	Smith (NJ)		Pastor (AZ)	Scalise	Tonko
King (IA)	Neugebauer	Smith (TX)		Paulsen	Schakowsky	Towns
Kingston	Nunes	Stearns		Payne	Schauer	Tsongas
Kirk	Nye	Sullivan		Pence	Schiff	Turner
Kirkpatrick (AZ)	Olson	Teague		Perlmutter	Schmidt	Upton
Kline (MN)	Paul	Terry		Perriello	Schock	Van Hollen
Lamborn	Paulsen	Thompson (PA)		Peters	Schrader	Velázquez
Lance	Pence	Thornberry		Peterson	Schwartz	Visclosky
Latham	Petri	Tiberi		Petri	Scott (GA)	Walden
LaTourette	Pitts	Turner		Pingree (ME)	Scott (VA)	Walz
Latta	Platts	Upton		Pitts	Sensenbrenner	Wasserman
Lee (NY)	Poe (TX)	Walden		Platts	Serrano	Schultz
Lewis (CA)	Posey	Westmoreland		Poe (TX)	Sessions	Waters
Linder	Price (GA)	Whitfield		Polis (CO)	Sestak	Watson
LoBiondo	Putnam	Wilson (SC)		Pomeroy	Shadegg	Watt
Lucas	Rehberg	Wittman		Posey	Shea-Porter	Waxman
Luetkemeyer	Reichert	Wolf		Price (GA)	Sherman	Weiner
Lummis	Roe (TN)	Young (AK)		Price (NC)	Shimkus	Welch
Lungren, Daniel	Rogers (AL)	Young (FL)		Putnam	Shuler	Westmoreland
E.	Rogers (KY)			Quigley	Shuster	Whitfield
				Rahall	Simpson	Wilson (OH)
				Rangel	Sires	Wilson (SC)
				Rehberg	Skelton	Wittman
				Reichert	Slaughter	Wolf
				Reyes	Smith (NE)	Woolsey
				Richardson	Smith (NJ)	Wu
				Rodriguez	Smith (TX)	Yarmuth
				Roe (TN)	Smith (WA)	Young (AK)
				Rogers (AL)	Snyder	Young (FL)
				Rogers (KY)	Space	

NOT VOTING—14

Capuano	Lee (CA)	Ortiz
Clarke	Mack	Radanovich
Fallin	Meek (FL)	Tiahrt
Hoekstra	Melancon	Wamp
King (NY)	Moran (KS)	

□ 1602

Messrs. MANZULLO, TIBERI, CULBERSON, BAIRD, MINNICK, and Ms. MARKEY of Colorado changed their vote from “yea” to “nay.”

Mr. LOEBSACK changed his vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PREVENTION OF INTERSTATE COMMERCE IN ANIMAL CRUSH VIDEOS ACT OF 2010

The SPEAKER pro tempore (Mr. DRIEHAUS). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5566) to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 3, not voting 13, as follows:

Ackerman	Dahlkemper	Jackson (IL)	Dick	Johnson (GA)	Johnson (IL)	Johnson, E. B.	Johnson, Sam	Jones	Jordan (OH)	Kagen	Kanjorski	Kaptur	Kennedy	Kildee	Kilpatrick (MI)	Kilroy	Kind	King (IA)	Kingston	Kirk	Kirkpatrick (AZ)	Kissell	Klein (FL)	Kline (MN)	Kosmas	Kratovich	Kucinich	Lamborn	Lance	Langvin	Larsen (WA)	Larson (CT)	Latham	LaTourette	Latta	Lee (CA)	Lee (NY)	Levin	Lewis (CA)	Lewis (GA)	Linder	Lipinski	LoBiondo	Loebsack	Lofgren, Zoe	Lowey	Lucas	Luetkemeyer	Lujan	Lummis	Lungren, Daniel	E.	Lynch	Maffei	Maloney	Manzullo	Marchant	Markey (CO)	Markey (MA)	Marshall	Matheson	Matsui	McCarthy (CA)	McCarthy (NY)	McCauley	McClintock	McCollum	McCotter	McDermott	McGovern	McHenry	McIntyre	McKeon	McMahon	McMorris	Rodgers	McNerney	Meeks (NY)	Melancon	Mica	Michaud	Miller (FL)	Miller (MI)	Miller (NC)	Miller, Gary	Miller, George	Minnick	Mitchell	Mollohan	Moore (KS)	Moore (WI)	Moran (VA)
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NAYS—3

Broun (GA)	Graves (GA)	Paul
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NOT VOTING—13

Capuano	King (NY)	Radanovich
Clarke	Mack	Tiahrt
Cleaver	Meek (FL)	Wamp
Fallin	Moran (KS)	
Hoekstra	Ortiz	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1612

Mr. JOHNSON of Illinois changed his vote from “present” to “aye.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING 111TH FIGHTER WING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1411) honoring the service and commitment of the 111th Fighter Wing, Pennsylvania Air National Guard, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Pennsylvania (Mr. CRITZ) that the House suspend the rules and agree to the resolution, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. SCHAUER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 0, not voting 15, as follows:

[Roll No. 460]

AYES—417

Ackerman Chaffetz Gallegly
Aderholt Chandler Garamendi
Adler (NJ) Childers Garrett (NJ)
Akin Chu Gerlach
Alexander Clarke Giffords
Altmire Clay Gingrey (GA)
Andrews Cleaver Gohmert
Arcuri Clyburn Gonzalez
Austria Coble Goodlatte
Baca Coffman (CO) Gordon (TN)
Bachmann Cohen Granger
Bachus Cole Graves (GA)
Baird Conaway Graves (MO)
Baldwin Connolly (VA) Grayson
Barrett (SC) Conyers Green, Al
Barrow Cooper Green, Gene
Bartlett Costa Griffith
Barton (TX) Costello Grijalva
Bean Courtney Guthrie
Becerra Crenshaw Gutierrez
Berkley Critz Hall (NY)
Berman Crowley Hall (TX)
Berry Cuellar Halvorson
Biggart Culberson Hare
Billbray Cummings Harman
Bilirakis Dahlkemper Harper
Bishop (GA) Davis (AL) Hastings (FL)
Bishop (NY) Davis (CA) Hastings (WA)
Bishop (UT) Davis (IL) Heinrich
Blackburn Davis (KY) Heller
Blumenauer Davis (TN) Hensarling
Blunt DeFazio Herger
Bocciari DeGette Herseth Sandlin
Boehner Delahunt Higgins
Bonner DeLauro Hill
Bono Mack Dent Himes
Boozman Deutch Hinchey
Boren Diaz-Balart, L. Hinojosa
Boswell Diaz-Balart, M. Hirono
Boucher Dicks Hodes
Boustany Dingell Holden
Boyd Djou Holt
Brady (PA) Doggett Honda
Brady (TX) Donnelly (IN) Hoyer
Braley (IA) Doyle Hunter
Bright Dreier Inglis
Broun (GA) Driehaus Inslee
Brown (SC) Duncan Israel
Brown, Corrine Edwards (MD) Issa
Brown-Waite, Edwin Edwards (TX) Jackson (IL)
Ginny Ehlers Jackson Lee
Buchanan Ellison (TX)
Burgess Ellsworth Jenkins
Burton (IN) Emerson Johnson (GA)
Butterfield Engel Johnson (IL)
Calvert Eshoo Johnson, E. B.
Camp Etheridge Johnson, Sam
Campbell Farr Jones
Cantor Fattah Jordan (OH)
Cao Filner Kagen
Capito Flake Kanjorski
Capps Fleming Kaptur
Cardoza Forbes Kennedy
Carnahan Fortenberry Kildee
Carney Foster Kilpatrick (MI)
Carson (IN) Foxx Kilroy
Carter Frank (MA) Kind
Cassidy Franks (AZ) King (IA)
Castle Frelinghuysen Kingston
Castor (FL) Fudge Kirk

Kirkpatrick (AZ) Murphy (CT)
Kissell Murphy (NY)
Klein (FL) Murphy, Patrick
Kline (MN) Murphy, Tim
Kosmas Myrick
Kratovil Nadler (NY)
Kucinich Napolitano
Lamborn Neal (MA)
Lance Neugebauer
Langevin Nunes
Larsen (WA) Nye
Larson (CT) Oberstar
Latham Obey
LaTourette Olson
Latta Oliver
Lee (CA) Owens
Lee (NY) Pallone
Levin Pascarell
Lewis (CA) Pastor (AZ)
Lewis (GA) Paul
Linder Paulsen
Lipinski Payne
LoBiondo Pence
Loeb sack Perlmutter
Lofgren, Zoe Perriello
Lowey Peters
Lucas Peterson
Luetkemeyer Petri
Lujan Pingree (ME)
Lummis Pitts
Lungren, Daniel Platts
E. Poe (TX)
Lynch Polls (CO)
Maffei Pomeroy
Maloney Posey
Manzullo Price (GA)
Marchant Price (NC)
Markey (CO) Putnam
Marshall Quigley
Matheson Rahall
Matsui Rangel
McCarthy (CA) Rehberg
McCarthy (NY) Reichert
McCaul Reyes
McClintock Richardson
McCollum Rodriguez
McCotter Roe (TN)
McDermott Rogers (AL)
McGovern Rogers (KY)
McHenry Rogers (MI)
McIntyre Rohrabacher
McKeon Rooney
McMahon Ros-Lehtinen
McMorris Roskam
Rodgers Ross
McNerney Rothman (NJ)
Meeks (NY) Roybal-Allard
Melancon Royce
Mica Ruppersberger
Michaud Rush
Miller (FL) Ryan (OH)
Miller (MI) Ryan (WI)
Miller (NC) Salazar
Miller, Gary Sanchez, Linda
Miller, George T.
Minnick Sanchez, Loretta
Mitchell Sarbanes
Mollohan Sealise
Moore (KS) Schakowsky
Moore (WI) Schauer
Moran (VA) Schiff

Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Buyer Mack Radanovich
Capuano Markey (MA) Simpson
Fallin Meek (FL) Tiahrt
Hoekstra Moran (KS) Wamp
King (NY) Ortiz Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they have 2 minutes remaining in this vote.

□ 1621

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MAU PIALUG

(Mr. SABLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, before there was GPS, before there were compasses, the people of the Pacific navigated over thousands of miles of open ocean, including Hawaii and Samoa and Tahiti and New Zealand and hundreds of tiny islands and atolls in between. Yet in our lifetime, this ancient knowledge of navigation was all but lost until one man on the island of Satawal, who may have been the sole remaining practitioner, made it his mission to spread the Pacific art of navigation once again from island to island and keep it alive.

Mau Pialug succeeded in preserving thousands of years of accumulated understanding of how to sail using the stars and the rhythm, taste, and temperature of the oceans. He trained others to distinguish each region of the sea by the life it harbors, when to the untrained eye these ocean reaches seem uniform, even empty of life. He reawakened pride in the unimaginable competence and courage of our ancestors, who over the course of so many generations populated the Pacific.

Mau Pialug died on his home island of Satawal yesterday. As a fellow Pacific Islander, I thank him for all he gave us. I wish him well on his final journey.

I rise to pay special tribute to the life of a remarkable man, a hero of the Micronesian Islands and the entire Pacific, Master Navigator Pius Mau Pialug.

Pialug was the best-known modern practitioner of the ancient art of navigating over thousands of miles of ocean without the need for maps or instruments. He died on July 18.

Pius Mau Pialug began life on the atoll island of Satawal, one of the outer islands of Yap in the Federated States of Micronesia. His grandfather first began training Mau in the traditional arts of navigation. He fashioned his grandson a star chart of palm and coral and sat with him to watch the stars traverse the sky each night, learning their paths and the times they rose and fell on the horizon. As he grew, Mau was allowed to spend time in the canoe house with other elders, who taught him about the many signs needed to sail the sea. He learned to read the rhythm and temperature of the waves, to understand the significance of the flight of birds, to know where he was in the ocean by the kinds of sea life to be found there. And when he had learned all that he could from the canoe house elders, Mau was sent to a master navigator, a “Paliuw,” who lived on a nearby island, to complete his education. Finally, at the age of 18, Mau was christened a master navigator in the Weriyeng School of Navigation during a sacred ceremony called “Pwo.”

Throughout his adult life, Mau Pialug honed his mastery of the ocean navigation and knowledge of the seas, sailing his canoe and living his life in the traditional way. He could see, though, that life in Satawal and across

Micronesia was changing. Children were relying more on books and schools for their education rather than learning from their elders as they always had. Children were no longer interested in learning about navigation. The Pwo ceremony was no longer celebrated, because no new navigators were being trained. On islands across the Pacific, the old navigators were dying without passing on their knowledge. Pialiug started to fear that that this would also happen on his home of Satawal.

It happened, however, that a group of men in Hawaii had also sensed that that ancient arts of the sea were in danger. So, they determined to build a traditional double-hulled, ocean-going canoe and retrace the voyages of their ancestors. For that, they would need a navigator, however; and no one in Hawai'i still had this skill. Thus, it was that Mau Pialiug became master navigator of Hokule'a on its maiden voyage from Hawai'i to Tahiti. And that thirty-three day sail, proving that the ancient technologies of ship craft and navigation persisted, ignited a fervor for the old ways and a new pride in the Micronesian and Polynesian cultures that has revitalized voyaging, canoe building, and non-instrument navigation throughout the Pacific.

The voyage of Hokule'a was just a beginning. In the years that followed, Mau began to pass on his knowledge of navigation. He took numerous others on voyages throughout the Pacific. He sailed from the Hawaiian Islands to the Northern Mariana Islands, a feat no one known had ever before been known to accomplish. He made frequent trips sailing from Yap to the shores of Tanapag Village on the island of Saipan, where he had relatives.

Pialiug felt compelled to pass on what he had received, and he gave freely the gift of his ancestors. He taught all who would listen, and peoples all over the Pacific began building canoes and rediscovering their past. With much determination and patience, Mau Pialiug created a new generation of navigators.

Now Pius Mau Pialiug has embarked on his last voyage.

I call upon my colleagues to join me in honoring this master of navigation, this mentor of navigators.

CELEBRATING 200 YEARS OF HISTORY IN MCALISTERVILLE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, the first week in August there will be a celebration of 200 years of history in the small community of McAlisterville in Fayette Township, Pennsylvania.

Author Tim Varner offers hope that the bicentennial will rekindle a spirit of community and give people an opportunity to relive a time of less haste and stress. According to the Fayette Sentinel, the celebration will include re-enactors and a blacksmith shop that will recall a simpler time.

Hugh McAlister purchased a 160-acre plot of land and in 1810 asked his son William to lay out a plot for the town-

ship. Soon shops, a blacksmith, and a tannery filled out the plot.

In 1855, the town built the Lost Creek Valley Academy to train teachers. Professor George McFarland purchased it in 1858, but by 1862, Lincoln had issued a call for more troops in the Civil War, and McFarland responded along with a number of academy teachers. McFarland served at Chancellorsville and was injured at Gettysburg.

The academy became a home for the orphans of deceased soldiers and sailors and continued until 1899. The site remains a historic place for the town.

This celebration honors a community, and I congratulate the townsfolk for commemorating their history and building their future.

SITE SELECTION MAGAZINE AWARDS

(Mr. BOCCIERI asked and was given permission to address the House for 1 minute.)

Mr. BOCCIERI. Mr. Speaker, today I rise in recognition of two great cities of Wooster and Medina in Ohio who are working hard to bring jobs to my northeastern Ohio district.

The national Site Selection magazine recently announced its annual rankings of States with the most business friendly atmosphere. This year, the city of Wooster finished second in the country among cities between 10,000 and 50,000 people for attracting business development.

The magazine also highlighted efforts of the Sandridge Food Corporation in Medina to create jobs through a recent \$6.2 million expansion for machinery and equipment, as well as to make additions and expansions to their building. That effort is expected to create between 50 and nearly 330 jobs.

The honors speak to the ingenuity of both cities and their commitment to growth in tough economic times.

I commend the efforts of Wooster Mayor Bob Breneman and Mayor Dennis Hanwell in Medina for their efforts to bring jobs to our district. The teamwork of local elected officials, local leaders, and employers paved the way for economic growth and job creation.

These are not easy times, but this news proves that the American spirit is alive and well in Ohio. With the right plan, leadership, and perseverance, we can overcome these tough economic times together.

LOOKING BEHIND THE CURTAIN OF THE NATIONAL MEDIA

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, Americans are getting a look behind the curtain of the national media, and the view isn't pretty. In recent weeks,

leaked email messages from an online meeting place for reporters called JounoList have revealed some journalists' true colors.

It has come to light that in 2008 a group of journalists tried to protect then-Senator Barack Obama from a scandal that threatened his Presidential campaign, according to messages obtained by The Daily Caller. Journalists from Time, Politico, The Baltimore Sun, and The New Republic, among others, expressed outrage about questions regarding Reverend Jeremiah Wright that Senator Obama received during a debate. The journalists then collaborated to shield Senator Obama from the controversy, The Daily Caller reported.

It's no wonder a recent poll found that two-thirds of Americans say they are "angry" at the national media. The national media should give Americans the facts, not try to rig an election.

□ 1630

RECOGNIZING AUTISTIC ADULTS AND ENCOURAGING AUTISM AWARENESS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in solidarity with families throughout my community in south Florida who have an autistic adult. There are many challenges faced by families with autistic adults. Regardless of any challenge, however, families are often the strongest support unit that an autistic adult will ever know.

Autism impairs social interactions and communication skills with others. Parents of autistic children always worry about the difficult transition into adulthood. While some autistic children will grow up to function in society, others will need some level of professional help throughout their lives.

As anyone with an autistic family member knows, early detection can make a positive difference in managing and understanding this serious disorder. We must continue to encourage autism awareness and make every effort to fight this devastating disorder by finding a cure through better research.

HONORING NEW YORK STATE SENATOR THOMAS P. MORAHAN

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I rise today to mourn the death of a good friend of mine, Senator Thomas P. Morahan of Rockland and Orange Counties in New York.

Senator Morahan and I served together in the New York State Assembly back in 1980. He was elected to the State senate in a special election in 1999. He is well-known as someone who really cares and cared about people. As a Republican, and obviously I am a Democrat, he and I reached across the aisle many, many times to work very hard on legislation that was important to the constituents whom we served.

I have been pleased for many years to call Tom a friend. At the church on Saturday at his mass, there was an outpouring of people from the community and community leaders and political leaders, government leaders to show the affection that we all felt for Tom.

Tom did wonderful work with veterans and mental health and people with disabilities, made the lives of countless New Yorkers better. If there's one or two words with which I can describe Tom Morahan, it would just be a wonderful, wonderful friend, a wonderful gentleman, a good friend, and we will certainly miss him.

He was the kind of person that is the epitome of what public service should be, and I want to pay tribute to my good friend, Senator Thomas Morahan. May he rest in peace.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MOMS FOR THE 21ST CENTURY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. ROYBAL-ALLARD) is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, each year over 4 million women give birth in the United States. Their care and that of their babies is a leading cause of hospitalization in this country and a major factor in our Nation's escalating health care costs. Yet, in spite of the fact we spend more than any country in the world on maternity care and more on mother and baby fees for childbirth than other types of hospital care, the United States ranks far behind nearly all developed countries in perinatal outcomes, and childbirth continues to present significant risks for mothers and babies, particularly in communities of color.

There are many factors that contribute to these poor outcomes and high costs. The most disturbing is that our current health system fails to follow the vast body of research on the best evidence-based practices in maternity care. The result is a widespread overuse of expensive maternity practices, such as Cesarean sections and

scheduled inductions, which only in limited situations are needed and beneficial. When used routinely and without medical necessity, these and other practices expose women and infants to unnecessary risk and are a major factor in pregnancy and delivery being our most costly Medicaid expenditure.

Credible research tells us noninvasive, cost-effective, evidence-based maternity practices which result in safer and healthier outcomes for mother and baby are significantly underused in our country.

To address these concerns, I am introducing the Maximizing Optimal Maternity Services for the 21st Century Act. The MOMS for the 21st Century Act expands Federal research on maternity practices and ensures the healthiest of maternity outcomes, and it authorizes a scientifically based media campaign to educate the public about those practices. In addition, the bill creates a national focus on maternity care by establishing an inter-agency coordinating committee to promote optimal outcomes for mothers and babies.

To help address serious health disparities in maternity care outcome, the MOMS for the 21st Century Act directs the collection of data to determine the areas in our country which lack adequate access to maternity care providers. It also directs the Secretary of HHS to support the education of a more culturally and geographically diverse interdisciplinary workforce by convening a maternity curriculum commission to develop core curricula across maternity professional disciplines, establishing loan repayment programs for providers in maternity care shortage areas and by authorizing grant programs for maternity professional organizations to recruit and retain minority providers.

Mr. Speaker, as Lee Jong-wook, former Deputy General of the World Health Organization once said, "Mothers, the newborn, and children represent the well-being of a society and its potential for the future. Their health needs cannot be left unmet without harming the whole of society."

Mr. Speaker, there is no doubt the future of our country depends on the health and well-being of our mothers and their children. I urge my colleagues to make evidence-based maternity care a national priority by cosponsoring and helping to pass the MOMS for the 21st Century Act.

BAND PLAYS ON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the band continues to play the same song, third or fourth verse, and that is the song of nuclear weapons in Iran.

Now, is there anyone in the House of Representatives, Democratic, Republican, who believes that Iran has stopped its development of nuclear weapons? I think not. Is there anyone in this world who thinks that Iran has stopped its development of nuclear weapons? I think not.

You know, they used the philosophy and the politics of delay, of promise, of hope to tell the world that really they are not really interested in nuclear weapons. Meanwhile, the band continues to play the song of nuclear weapons coming from the desert and the tiny tyrant of the desert, Ahmadinejad.

He is bent on the destruction of, first, Israel and then the West, and he is primarily concerned right now with destroying opposition in his own country. After all, he is an illegitimate officeholder and President of Iran. He rigged the elections, and so he took control. He killed his own people in the streets, and, Mr. Speaker, he is still at war with the Iranian people, those good folks in Iran who want to control their destiny and don't want it controlled by their dictator, the little tyrant in the desert.

We as a Nation and as a world need to support the people of Iran to change their regime. Our quarrel is not with the people of Iran. Our quarrel is with the tiny tyrant in the desert who wants the nuclear destruction of Israel and the West.

□ 1640

And he has continued his attack on his own people in Camp Ashraf. Those Iranian folks that are in Camp Ashraf in Iraq that we as a Nation have promised to protect but because of our agreement with the Iraqi Government, Camp Grizzly, that organization or that camp we have in Iraq to protect the Iranians in Camp Ashraf, we have abandoned that Camp Grizzly. The United Nations assistance team has also left.

So who is in charge of protecting the Iranians in Iraq? Certainly not the Iranian Government. They want them destroyed. After all, it was about a year ago when they encouraged the Iraqi Government to go into Camp Ashraf and they did. They killed 11 Iranians; 500 others were wounded. And now we hear media talk that the Iranian Government is working with the Iraqi Government to present warrants of arrest so the Iraqi Government will go back into Camp Ashraf and arrest those pro-democracy Iranians that want to remove Ahmadinejad. We cannot allow that to happen. We must protect the people, the citizens of Camp Ashraf. It is our obligation, our moral duty as a Nation and as a world to make sure those dissidents remain protected and free.

It is important to the world that we as a Nation understand the importance

of Israel as our ally. Israel is surrounded by its enemies; it's surrounded by Hamas to the south, Hezbollah to the north. And you know what, Mr. Speaker? Iran is supplying weapons and money to Hezbollah in the north, Hamas in the south. You see, the little rogue dictator, the tiny tyrant of the desert, Ahmadinejad, is trying to have insurrection in Israel as well as in his own country.

So, Mr. Speaker, the great hope for Iran, the great hope for the world is a regime change in Iran. And we need to be vigilant and supportive and watchful and make sure that we help in any way we can, at least verbally and politically, to support the good people of Iran to take control of their own country, to get rid of this illegitimate dictator that's trying to destroy not only Israel and the West, but his own country for some unfortunate reason.

Mr. Speaker, regime change is the answer. A nuclear Iran is not a nuclear option.

And that's just the way it is.

AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I have a poster beside me of a handsome couple. It's Marine Sergeant Tom Bagosy and his wife, Katie. I would like to read from an article:

"Marine Sgt. Tom Bagosy stepped out of his black GMC Sierra pickup and onto the gray speckled pavement of McHugh Boulevard, a busy thoroughfare in the heart of Camp Lejeune, North Carolina. He held a pistol in his right hand. The military police car that had pulled him over idled on the shoulder a safe distance behind him. The midday traffic stopped. Bagosy stood for a moment on the warm pavement under a cloudless May sky. Then he raised the pistol, pointed it to the right side of his throat just below his jaw, and pulled the trigger. The bullet sliced through his jugular vain, traveled through his skull, and exited near the top left side of his head. He crumpled down in the road. Even if the bullet had failed to rip through his brain, shooting through the jugular was solid insurance. He would have bled out in minutes anyway.

"Bagosy, 25, who had served in Iraq and Afghanistan, had become another statistic in the war-fatigued military and its steadily escalating suicide rate. Last year, 52 marines committed suicide."

Mr. Speaker, I bring this to the floor because I don't know what we're trying to accomplish in Afghanistan. The experts say they can identify about 50 al Qaeda. Yes, we know al Qaeda is in other parts of Afghanistan, of the 50, then Pakistan, Yemen, Somalia, and

other countries. And yet Tom Bagosy is like so many in our military who are willing to go time after time, time after time. But they also are human beings that break down as well as get tired. And the families—Katie is now the mother to two children without her husband, Tom.

Mr. Speaker, the tragedy of war goes on and on and on, and yet we have no endpoint in Afghanistan. We just keep sending the troops back and back and back and back. Just recently we had a debate on the floor of the House and we tried to debate what is the endpoint to the strategy. I'm not a military man, Mr. Speaker, but I've talked to many, all ranks, and I've been told if you don't have an endpoint to a strategy, you have no strategy.

I hope Mr. Obama will keep his word and start in June of 2011 to downsize the military in Afghanistan because, Mr. Speaker, it breaks my heart to stand on the floor and to show a beautiful young couple, and yet the husband was worn out and tired. In fact, the title of the article says, "A predictable suicide at Camp Lejeune: A doctor warned that mental health care for violent, disturbed marines was inadequate. Sgt. Tom Bagosy proved it."

Mr. Speaker, I have the privilege of representing Camp Lejeune and Cherry Point and Seymour Johnson Air Force base, and what I would like to continue to say before I close is we thank you in the military and your families. You have done a magnificent job for this country. But those of us who make policy, Mr. Speaker, we need to understand and develop and demand an endpoint to the strategy because it's not fair and it's not right to wear out our military and its equipment.

So, Mr. Speaker, as I do and have many times, I will close this way: I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God in his loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq. And I will ask God to please bless the House and Senate, that we will do what is right in the eyes of God for this country, including our military. And I will ask God to please bless the President of the United States, Mr. Obama; give him wisdom and strength to do what is right in the eyes of God for his people. And three times I will ask, God, please, God, please, God, please continue to bless America.

BP'S RESPONSIBILITY TO SOUTH FLORIDA COMMUNITIES CONTINUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, last week, as we know, BP announced

that it had capped the oil well, and that for the first time in more than 80 days oil had stopped gushing into the Gulf of Mexico. While last week's announcement was cause for relief among many, I have since urged cautious optimism. Much work remains to be done to address the worst environmental disaster that this country has seen in recent memory.

BP is still responsible for ensuring that every last drop of oil is removed from the gulf. BP still has a financial responsibility to those residents in the gulf coast, particularly in my congressional district of the Florida Keys, who remain financially devastated from the public perception, however false it may be, of tar ball-covered beaches and oil-soaked fish.

Despite promises of improvement, however, the BP claims process has not improved. I support legislation introduced by my friend, Congressman CHARLIE MELANCON, to tax-exempt BP claims checks. It is the least we can do for those small business owners who continue to suffer to this day, mom and pop fishing charters. They must provide years' worth of financial data in order to prove the possibility of economic injury as a result of the spill.

□ 1650

Of course, this data does not truly explain the current hardship. For years, Keys fishermen have struggled with hurricanes, tropical storms, unnecessary fishing closures, and a sluggish tourist economy. This year, 2010, was supposed to represent the light at the end of the tunnel. Unfortunately, the gulf oil spill has dashed those hopes. Charter boat captains in the Keys have lost more than half of their businesses this summer due to the oil spill perception.

My constituent, an Islamorada charter boat captain, Larry Wren, was denied financial compensation by BP. Captain Wren provided all the necessary tax documents, proof of cancellations, and even his trip logs from the past few years. After being informed that he was eligible for assistance, BP claims officials have reversed their position. BP says it will no longer pay the claim because oil has yet to reach the Florida Keys' shoreline, if it ever will.

I say shame on BP. BP must be held to task. The company's responsibility to all financially impacted gulf coast residents and businesses will not go away once the relief well is completed.

Now, earlier today, I voted on legislation to increase Federal research on the potential hazards posed by technologies used to counter the oil spill. I have long voiced my concerns about the use of chemical dispersants in such a sensitive marine ecosystem. BP contends that the chemical it is using to break down the oil is safe, but the fact remains that this dispersant has never been used in such vast quantities.

Keys commercial fishermen, whose season kicks off later this year, are also concerned about the long-term consequences of dispersants on the overall health of the fishery. Members of the environmental community are also worried about the potential harm caused by these chemicals on our already fragile coral reefs.

As BP works toward a permanent fix to the leak in the Gulf of Mexico, it is essential that Congress and all Federal agencies continue to place pressure on this oil giant to address both the environmental and the financial aspects of this disaster.

SAVING THE ICONIC AMERICAN MANUFACTURERS, THE AUTO DEALERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Mrs. MILLER) is recognized for 5 minutes.

Mrs. MILLER of Michigan. Mr. Speaker, about a year ago, both General Motors and Chrysler went through a government orchestrated bankruptcy in an effort to save these iconic American manufacturers. I firmly believe that the survival of these companies was then and is today vital to our national economy as well as to our national security.

While I am very thankful that these companies are coming back strong, I do have serious questions over steps that were taken, most importantly, the shuttering of thousands of car dealerships across the Nation and the elimination of countless jobs that were produced in those auto dealerships. I didn't understand, when these bankruptcies were moving forward, how the elimination of thousands of dealerships, who are really the customers of the auto companies, would help to provide any savings to the bottom line for General Motors or Chrysler. I also did not understand how the arbitrary elimination of thousands of profitable small businesses and the elimination of tens of thousands of good-paying American jobs were in the best interest of our Nation or in line with the stated desire of this administration to protect and to create jobs.

Based on a recent report that was just released this past Sunday, it seems now that the inspector general of the TARP program, the Troubled Asset Relief Program, is also asking these same questions, Mr. Speaker. That report found that the Department of Treasury did not show why the elimination of dealers was either necessary for the sake of a company's economic survival or prudent for the Nation's economic recovery.

The report went on to say that Treasury made a series of decisions that—and they say—may have substantially contributed to the accelerated shuttering of thousands of small businesses,

and that those decisions resulted in adding tens of thousands of workers to already lengthy unemployment rolls, all based on a theory and without sufficient consideration of the decision's broader economic impact.

These findings seem to back up what many of us were saying at that time, Mr. Speaker. The elimination of customers for the auto companies is counterintuitive to the financial well-being of these companies, and the government's aiding and abetting the elimination of tens of thousands of jobs—of good jobs—is certainly abhorrent at any time but particularly at a time of economic difficulty when such jobs are already in very, very short supply.

Fortunately, Congress took action that required an arbitration process for dealers, which has led now to the reinstatement of over 700 auto dealerships, but this is very little consolation to the tens of thousands of workers who have lost their jobs or to the communities that have lost very good taxpayers and excellent corporate citizens.

These types of outcomes also further erode the confidence of the American people in the idea that Federal intervention in our economy will bring about positive results. Because of the actions taken last year by this administration, thousands and thousands of our fellow Americans are today searching for jobs. American citizens are being victimized by an inept Federal Government plan that went wrong.

This administration needs to understand that the American people do not want further Federal intervention into our economy. They simply want the government to get out of the way and to allow the entrepreneurial spirit of this Nation to, once again, take flight and to lead us back to prosperity.

As President Ronald Reagan said so well 30 years ago, “Big government is not the solution to our problems, it is the problem.”

It is long past time for this administration and this Congress to focus like a laser on how we create jobs instead of devising plans that actually destroy jobs, Mr. Speaker. Too many American auto dealers and the workers who lost their jobs have paid a very dear price as a result of this administration's actions. Let us be determined now that we in Congress will conduct our proper oversight responsibilities to get to the bottom of how this happened and to make sure that it never happens again. American auto dealers, Mr. Speaker, deserve no less from this Congress.

MANUFACTURING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the majority leader.

Mr. GARAMENDI. Mr. Speaker, thank you very much.

I want to spend this evening talking about manufacturing. Manufacturing matters. It is the foundation of any solid economy. It is the one part of the American economy that is seriously hurting, and with the great recession, the manufacturing sector in America has even further weakened.

I would like to start this discussion with just a quick review of what has happened with regard to jobs over the last 3 years.

If you will look here on this diagram, you will notice that, beginning in 2007, jobs in America slowed down and began to decline, so much so that, between 2007 and November of 2009, some 700,000 jobs a month were being lost in the fall and into the early winter of 2009.

When the Obama administration came in, it was at the lowest possible point of some nearly 800,000 jobs lost in December and January. As the administration came in, very strong action was taken—the American Recovery and Reinvestment Act in February, which was an effort to move the economy and to put people back to work.

□ 1700

It was a major tax cut in that. The largest middle class tax cut ever was part of that. There was an effort to build roads and streets and infrastructure, and money was sent to school districts to continue to employ teachers and to stabilize the American economy. It worked. It worked, and slowly we saw a decline in the number of jobs that were lost. We didn't see an immediate growth in jobs. It didn't happen.

It takes a long time to recover from a very serious recession, in fact, the worst recession since the 1930s. But over the months that followed, each month, improvement, improvement, improvement, so that this year we're beginning to see the effects of the efforts of the Democratic Congress, some Senate help, and the President in turning around the economy, so that in 2010, in the most recent months, we're beginning to see job growth. In fact, we've added nearly 600,000 jobs this year. No longer a decline; stabilization and now job growth.

So with this background, we can begin to understand the efforts that are being made here in Congress by the Democratic Party and by the President.

An historic piece of legislation was signed today that deals with the underlying collapse and the reasons for the collapse of the American economy and, indeed, the economy of the entire world. Today, around 11:30 today, President Obama signed the Wall Street Reform and Consumer Protection Act, a very important law—clearly, the most important financial regulation law since the 1930s—designed specifically to deal with the underlying

problems that led to the collapse of Wall Street. Many parts of it, the kinds of excesses and gambling with our money that took place are going to be history. They're not going to be allowed under the new law. A consumer protection agency has been put in place to provide consumers with a place to go with their complaint and to protect them.

Now, I know about this. I did this for two terms as the insurance commissioner in California. I know the importance of a consumer protection agency. We will soon have such an agency in the United States to help us, as consumers, to make sure that those mortgages are no longer subprime and hidden costs with hidden resets. All of that is in law now, as a result of what this Democratic Caucus did, and with the help of just three Republicans over in the Senate passing the Wall Street Reform and Consumer Protection Act.

Now, what has been done is good, and I'll talk about some other bills as we go through this afternoon, but I want also to make it clear that it is not enough.

Manufacturing matters. We need to rebuild the manufacturing base of America. We need to make it in America, and we can. I don't think there's a person on this floor that doesn't want to walk into a Target store and find "Made in America" labels on everything. We're not going to get there immediately, but we can sure get there much, much faster if we pass the correct laws.

Joining me today in this discussion are several of my colleagues from around the Nation who are going to tell their story and what's happening in their community. I'd like to start on the far east coast. Now, I'm a west coast person. I'm from California, but there is another side to the continent. They'd like to say it's the right side, and sometimes they call California the left side.

But my colleague from the great State of Pennsylvania would like to inform us about what's going on in Pennsylvania and, more specifically, in the Philadelphia area.

I yield to the gentleman.

Mr. FATTAH. I want to thank our leader on this effort of focusing in on what really matters economically in our country, which is manufacturing-based jobs. You know, in Philadelphia we have some 1,300 manufacturers, and in your package of bills that I'm very happy to be a cosponsor of, you focus in on a number of issues: closing foreign tax loopholes, dealing with the question of mass transit, bus, rail, and also energy systems.

The SPEAKER pro tempore. The gentleman will suspend.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1264, MULTIPLE PERIL INSURANCE ACT OF 2009

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-555) on the resolution (H. Res. 1549) providing for consideration of the bill (H.R. 1264) to amend the National Flood Insurance Act of 1968 to provide for the National Flood Insurance Program to make available multiperil coverage for damage resulting from windstorms or floods, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MANUFACTURING—Continued

The SPEAKER pro tempore. The gentleman from Pennsylvania may proceed.

Mr. FATTAH. We always want to have due deference to our colleagues on the Rules Committee because they rule over all of us.

But I want to focus in on Philadelphia. We have some 1,300 manufacturers. The average wages earned by people working for manufacturers in the Philadelphia area is well over \$45,000 annually. It is a major source of where our future economic growth is going to come from.

And the gentleman from California, who has dedicated a great deal of his life on economic development, really understands that at the end of the day the only way to really build wealth in our Nation is that we have to be making products, that we can't be a consumer-driven economy and expect to continue to have a high quality of life for ourselves and for our families and for our children and grandchildren.

In Philadelphia, we're making everything from Peanut Chews, which are the best candy bars in the world, to saltwater fishing reels, which are the world class among fishermen and -women throughout the world. We're making railcars. We're making railcars and we're making upholstery for railcars. We have manufacturers that are engaged in making bicycles. I mean, you run through the gamut and you will see.

Now, people, when they first think about our city, they say, well, you lost a couple hundred thousand manufacturing jobs over the last 30 years. That's true. And when you saw the old Stetson hat factories, and some of the old factories have closed down, but there's a new group of manufacturers who have stepped into the void. And some of them who have been around for a while have even improved their technology in ways that make them very competitive.

Ten percent of our manufacturing jobs are at one company in Philadelphia called CARDONE Industries. I've visited there, and it's an amazing

thing. We have a strong immigrant community; 22 different languages spoken on the plant floor. They have over 3,000 employees, and they are making refurbished or reengineered car parts. And they only have one competitor, in Mexico, but they are doing a yeoman's job. They have a prayer service at the beginning of the day where they have chaplains and religious leaders in the different religions, and they have a prayer before they go to work. But they are dedicated to producing world-class products, and they do a great job.

So I want to get to the point here, which is that, as Members of Congress, we have a responsibility, a duty, to create a glide path in which our manufacturers can rise to the point where they can, again, make the best products in the world, compete fairly across the globe.

We only have 1 percent of our businesses in this country export. And of that, 58 percent of them export with only one other trading partner anywhere in the world. But we know that just as we see these containers unloading products coming in here, that we can be putting products in those container vessels, sending them to other parts of the world. But we have to have a fair trading system.

But first and foremost, charity begins at home. We have to build the things that we need to be able to purchase in our own economy. And so, whether they are household appliances, whether they're cars or mass transit vehicles, we have to build the capacity to reengineer our manufacturing sector and also give them the kind of assistance they need from a policy standpoint.

And it's amazing to me that as we have started to grapple with this issue of rebuilding this economy and turning this around, the President has done an extraordinary job, and his economic team, an extraordinary job.

Here in the House, with this focus on manufacturing, we've already, as was the case today, started to move legislative initiatives that are, both as a symbol and substance, providing real messaging to manufacturers here in our country that they're going to get the support that they need, that they're going to get the help that they need, and that, as a Democratic majority, we understand that there is no way possible for us to have the American economy that we want without manufacturing, without manufacturing at the heart and center of it.

Technology is great. Information is great. But we need to have a system in our country that respects the fact that when we make things with our hands, when we make the finest products in the world, that we'll have a market here at home, we'll have a market across the world, and we'll be in a position to have an economy that generates the jobs that we need and the incomes we need to raise our families on.

I want to thank the gentleman for his leadership, thank him for what he is doing. Even if he is from California, he obviously is a person who has been called for a time like this.

□ 1710

In my church they say that God always provides us people for a time like this. These are difficult days, but I believe that, rather than curse the darkness, we have a gentleman now who is lighting a candle through this legislative vehicle. I want to stand with him and we're going to get these things passed into law.

Mr. GARAMENDI. The gentleman is getting carried away. Let me just cut you off and say that there is no candle that I've lit that was not already lit by the Democratic Caucus. I came here just 8 months ago and much of this work was under way.

You did mention something that caught my attention, and that is that in Philadelphia there is a rail car manufacturer.

Mr. FATTAH. That's correct.

Mr. GARAMENDI. Under the present laws of the United States, the Department of Transportation has the opportunity to use our tax money to purchase rail cars made in Philadelphia, or buses made in California or in the Midwest, but they don't often do it. Instead, they use one of four waivers that are in the law that allows our tax money to be spent on things that are manufactured—buses, trains, light rail, subway cars—manufactured overseas and imported. Our tax money is going overseas. And I'm going, no way, no how.

So what you and I and others are working on is to eliminate three of those waivers and simply say, "No, no, no, no, no. If it's our tax money, we're going to use it to buy rail cars manufactured in Philadelphia."

Mr. FATTAH. That is why I'm a co-sponsor of your legislation, H.R. 5791, because it addressed directly this point. I was at the ribbon cutting and grand opening for this company with the Governor and with my colleague, Congressman BRADY, whose district this is in. It's actually at the Philadelphia Navy Yard, which has been transformed from a naval shipyard to a manufacturing and economic development base; tens of thousands of jobs there. We're making those cars and we want to sell them all over the United States of America.

Mr. GARAMENDI. Let's do it and then we can export them, too.

I notice next to you the gentlewoman from the great State of Ohio. She is determined to change from the Rust Belt to the Future Belt. Congresswoman BETTY SUTTON is joining us. You are right smack in the middle of what once was the greatest industrial section anywhere in the world. Please share with us your experiences and your

hopes and where you think we ought to be going.

Ms. SUTTON. Thank you. And thank you for having this hour tonight to talk about jobs and manufacturing and how we can make it in America. I appreciate the gentleman from California's leadership and, of course, our friend from Pennsylvania joining us here tonight as well.

Manufacturing is the backbone of a strong economy, it's the backbone of this country, and it's long past the time in my view that we stand up for U.S. manufacturing. Now I am proud to say that I'm a product of a manufacturing household. When I grew up it was a time when people could have a good job in manufacturing, put food on the table, cover health care costs and supply a pension. But we have seen obviously a lot of loss of good manufacturing jobs due to a number of things, but including unfair trade practices and policies that put our companies and our workers at a disadvantage.

As we work together to pass this initiative that is multifaceted in its approach, there are many things we need to do to level that playing field and invest in many ways in our manufacturing sector so that we can again make things and create real value.

We just saw an economic collapse in this country and it is all too vivid in our minds. A lot of that, that wealth that we thought was out there, was actually created by people moving money around. There was a lot of smoke and mirrors going on, and when the room cleared up, the American people were smashed under the results.

When you make things, you create real value. We are embarking. We've been in this mode, but now we're really racheting up the attention to U.S. manufacturing. It's a welcome, welcome train that we're moving here.

We've got to encourage innovation. We hear a lot about innovation. We need to create a level playing field, as I said, for U.S. manufacturers. We have to improve our U.S. infrastructure with iron and steel and products produced right here in the United States. That's what the American people expect us to use when their dollars are being used. We also, of course, have to help our labor pool. We need to strengthen our training and education and coordinate our efforts, because we are in this together, and we will make it in America.

Today we passed a couple of bills, I am happy to report, out of the Energy and Commerce Committee consistent with our goals, to make it in America. One of them calls for a national manufacturing strategy. Now that's a pretty good idea, don't you think? Since it is a multifaceted task and mission that we're on, it makes a lot of sense to plan out our actions and make sure we have our policies in order so that they work together and that they work for

and with our businesses and our workers. The National Manufacturing Strategy Act of 2010 was passed out of the Energy and Commerce Committee and hopefully on its way to the House floor so we can vote on it in the near future.

Another bill was passed out of the Energy and Commerce Committee today and it was a bill that I sponsored called the Foreign Manufacturers Legal Accountability Act of 2010. This bill deals with products that are manufactured in foreign countries, sold into our marketplace, and then if they injure our consumers, we don't have a right of redress really for them to deal with that. Every year countless Americans are injured, sometimes fatally, by dangerous products that have been manufactured abroad and imported into the U.S. Some of the examples we're all well aware of—the toxic drywall and faulty infant cribs, lead paint in toys, defective tires.

These products not only hurt consumers, but they also hurt American businesses, because when our businesses put manufactured products out there, they have to comply with safety standards that we expect for our consumers. Yet it's very difficult for injured parties to hold foreign manufacturers accountable because they can't serve process, they don't have jurisdiction over them, and as a result our consumers and businesses are forced to engage in cost prohibitive and consuming international legal battles. What is more is, the fact of avoiding all of those issues, producing things in foreign countries, allows them to undercut our U.S. manufacturing; and it's not fair.

This is a bill about fairness. It's about accountability. It will improve the safety of products that come into our marketplace. And it will allow our manufacturers to compete on a level playing field.

We're on our way. I thank the gentleman for the three bills that he has pending on manufacturing and I look forward to this mission to revitalize the strength of our Nation, the backbone of our Nation, manufacturing.

Mr. GARAMENDI. I thank the gentlewoman from Ohio for bringing to us the perspective of things that we have yet to do; the idea of a strategy. You mentioned several pieces of that strategy, one of which the Democrats in this House have already done, the Senate voted for it, it's been signed into law, and it happens to deal with education.

We know that if you're going to have a manufacturing strategy where you compete in the worldwide market, you need a well-educated workforce. And so the Student Aid and Financial Responsibility Act was passed here several months ago, was approved over in the Senate, and the President has signed it.

□ 1720

One very interesting fact about the way that bill passed this House. It passed without one Republican vote. Every Republican voted "no" or didn't vote at all. Only the Democrats voted to increase the Pell Grants to make it possible for students to enter college, to enter the community colleges. You can't have a first class manufacturing industry unless you have a well-educated workforce, which means education. And that's what we did. It's now the law. Every student and wannabe student across this Nation now has access to that additional money.

Mr. FATTAH. Under that program, these community colleges, and we have seen it all across the country, can do customized job training to help local manufacturers develop classes where they will come out and train, at the work site or at the community college, specific skills related to the manufacturing processes that are going to be used there. So you are absolutely right.

I was here in the Clinton years. When the Clinton economic plan was passed, not one Republican voted for it, not in the House, not in the Senate. But you know, 25 million jobs later, a balanced budget, \$3 trillion surplus, it doesn't matter whether they vote for it or not, what matters is that Democrats, we have to be committed to doing what we do best, which is getting this economy headed in the right direction. And at some point maybe it will catch on with the other party. But they didn't cast any votes in favor of these things.

But what's most important is what we see. We saw it in the unemployment numbers yesterday, State by State, with the improvements throughout the country now and the majority of our States with employment moving up.

So I just thank the gentleman. I thank the gentlelady from Ohio. I love ladies from Ohio. My wife was born in Ohio. But let's keep working together. Let's make it in America. And I thank you very much.

Mr. GARAMENDI. You have that experience of women from Ohio, and it couldn't be better, and we certainly appreciate our colleague from Ohio, Congresswoman SUTTON.

I noticed over here on my left side a gentleman who comes from the Continental Divide. Congressman PERLMUTTER has been very deeply involved. He was here a moment ago bringing to us a rule from the Rules Committee as a member there.

You were talking to me earlier about the way in which the economy is changing, and Colorado's become a manufacturing State. So please share with us.

Mr. PERLMUTTER. I thank the gentleman from California.

And really we've got to kind of not forget what we've come through, because the better days are ahead. But

you can't forget where you came from. And over the course of 2007 through 2008, at the end of the Bush administration this country was losing 780,000 jobs a month. And over the course of the next year, through a series of things that stopped the free fall of the economy, righted it, and dealt with some significant issues that have been really holding us back, holding this country back for a long time. Health care as it applies to business. Each car costs a ton of money. On top of that is the health care costs. A variety of things that have been holding us down from reaching our real potential as Americans and as America.

But over the course of the last year-and-a-half, instead of losing 780,000 jobs, as we were under the Bush administration, we crossed the axis to positive job growth. And it's still kind of shaky, but we've gone from losing 780,000 jobs to gaining about 100,000 jobs a month. Now that's not good enough, and we can do a lot better. And we have a lot of work to do because in this trough, in this deep part of the recession, we lost 8 million jobs.

We want good paying, good products coming out of that so that we can put people back to work. And that's the goal and the everyday job. Our first priority is putting people back to work to good jobs. And that's what we're doing. We've taken care of dealing with some long-standing problems, whether it's reeling in Wall Street, dealing with health care, making sure that women get equal pay for equal work. Those are the kinds of things that we've been focusing on, when the Republicans have been focusing on the George Bush agenda of cutting taxes for the wealthiest, prosecuting wars without paying for them, failing to police Wall Street, privatizing Social Security, and abolishing Medicare. That's not the contract that we want to have with this country, but that is their contract that they want to pursue, just as George Bush pursued it.

Now, I would recommend to you, Mr. GARAMENDI and to the other speakers, an article that was published in the Denver Post this past Sunday by a gentleman named Andy Grove, who was the chief executive of Intel. And it describes manufacturing in the United States, and when it grew, and how it's waned, and what we can do to start building it again.

My friend from Ohio (Ms. SUTTON) talked about manufacturing jobs in that State. One of the places where we can have solid manufacturing jobs is in the green, clean technology arena. Now, it's manufacturing, whether it's solar panels or wind turbines or many things that are of huge size that we build in this country, we construct in this country, and it puts our people, Americans back to work. And that's the kind of thing, we are building a country by looking forward, by looking

to that new day where we're going to have something better for the people of this country.

One of the things you talked about, Mr. GARAMENDI, was this bill that we passed involving students and community colleges. Well, community colleges in that bill will really be a base for developing these new manufacturing positions so that we have well-educated, well-prepared people to go build the best products in the world. That's what we've done before, that's what we're going to do again, because that's what America is made of.

And I am so proud to be part of a Democratic Caucus, and a Democratic Caucus that has dealt with a very difficult financial time, dealt with very substantial and difficult subjects like health care, and Wall Street, and getting this country back on its feet. And now we're going to move forward, just as America wants us to do, and we're going to start building this thing the way we know we can.

I yield to my friend from California.

Mr. GARAMENDI. Thank you. I just want to kind of set a couple of things in place here. Before I arrived here, my three colleagues and the Democrats in this House passed an energy policy that puts America on the track to renewable energy and puts us on a track to end our addiction to foreign oil. That bill passed this House. It is a fundamental policy direction. We're moving this Nation to renewables. We're moving the Nation away from its dependence on oil. I wish I were here to vote for it, but the special election occurred after that. There will be some follow-ups.

One follow-up, and this is something that just drives me crazy, that policy to build renewables in America actually runs up against our tax policy. The American tax policy allows our tax dollars to be used to buy wind turbines, photovoltaic systems, and even buses that are manufactured overseas. I am going, I don't get it. Wait a minute. That's our tax money. We're using it to buy wind turbines that are manufactured in China? Solar panels that are manufactured anywhere but America? That's stupid.

So one of the things my colleagues and I are working on is to change American policy here so that our tax money is spent on these green technologies that are manufactured here in America. Now, I hope the Republicans join us on this one. It remains to be seen, because they certainly have not joined us on any other job creation program that has been put through this House that's been signed by the President.

Now, my colleague from Minnesota.

Mr. KAGEN. You are thinking the Minnesota Vikings. I represent the Green Bay Packers.

Mr. GARAMENDI. Somewhere between California and Philadelphia is

where Dr. KAGEN is from. And you actually started a major business in America. You know what it is to make things in America. You are a physician, you are an entrepreneur, and you are one heck of a legislator. So please share with us.

Mr. KAGEN. Mr. GARAMENDI, I thank you for yielding briefly, but I am from the great State of Wisconsin. And I know that occasionally the State of California has dabbled in the dairy business. And somewhere you've got a moniker that says somehow your cows are happier.

Mr. GARAMENDI. Happy cows.

Mr. KAGEN. You can't be any happier than being from Wisconsin. We are still the Dairy State, and I remind that to my colleague each and every opportunity.

□ 1730

Let me tell it to you this way. If I heard my colleague from Colorado correctly, you said that today was an important day for taking a positive step forward.

We saw our country on the brink of disaster. Why? How did we get into that mess? There were two wars at the same time, and the Republicans didn't pay a dime for either one of them. Two wars without paying a dime for it. There were two tax cuts to the very wealthy in the United States, didn't pay for that either. Four hundred billion dollars handed over to big drug companies in Medicare part D, didn't pay a penny for that benefit either. And then at the tail end of the Bush administration, they cracked the door open to the Treasury and allowed Wall Street speculators to take out nearly a trillion dollars, didn't pay a penny for that either.

So we've got a lot of bills that somebody's going to have to pay. We're beginning to move up. The way you do it is to generate private sector jobs. We understand that. But first we had to do a lot of lifting here. We had some tremendous leadership that guided us through these tough times.

The first and most important bill that I helped to pass was to live within our means or pay-as-we-go. It worked during President Clinton's time. It will work again during President Obama's time. We are fiscally responsible here on the Democratic side of the aisle. We wish the Republicans would join us in helping us build that better future.

You mentioned that it's important to generate jobs. But to do that, small businesses and private businesses that I am very familiar with, we need to lower the cost of labor. We've done that. To give tax credits for those employers who will hire people. We did more than that.

According to the Republican adviser to President Reagan, Mr. Bruce Bartlett, on March 19 he said these words: Federal taxes are very considerably

lower by every measure since Obama became President. Last year's stimulus bill enacted with no Republican support reduced Federal taxes by almost a \$100 billion in 2009 and by \$222 billion this year. It was news even at USA Today where the headline reads, "Tax Bills in 2009 At Lowest Level Since 1950."

If people in Wisconsin were looking for lower taxes, the Democrats have delivered it to the middle class. They didn't feel it, though. You're not going to get credit for it because the economy was on its knees. We were so deep into this recession.

But today is historic because we did pass a bill, a financial reform regulation bill that guarantees no more bailouts, no more bad loans to people who can't afford to pay them back. The taxpayers won't be on the hook for the speculators on Wall Street. And most importantly, a consumer protection agency that will finally put someone on the side of the consumer looking out only for their best interest. It wasn't done with a Republican-led House of Representatives or Congress. It was done with Democratic leadership.

And it will take Democratic leadership and a strong spine to stand up and take credit for all of the benefits that we're bringing to every American no matter what party they're in, because we're going to have to work together and across the aisle to guarantee that we can generate the jobs we need to work our way back into prosperity to make things here in America again and begin to get a balanced trade deal, not just with Europe, but most importantly with China.

I yield to Mr. GARAMENDI.

Mr. GARAMENDI. You mentioned Democratic leadership.

Just next to you is our Democratic leader, the Congressman from the great State of Maryland (Mr. HOYER). I suspect you have a few things you'd like to say, and you may want to cover the 20 or 30 bills that under your leadership and Speaker PELOSI that the Democrats have passed out of this House with no Republican support. But I'll leave it to you to speak on the matter of manufacturing.

But before you do, if you will look over here Mr. Leader, "Make It in America." Now that came from a tremendous leader. Our majority leader said in caucus one day, Make it in America. It's your slogan, it's our slogan.

I yield.

Mr. HOYER. I thank my friend from California. I thank my friends from Colorado and from Wisconsin and from New York and certainly from Ohio who are on the floor here with us talking about making it in America.

We believe everybody ought to be able to make it in this, the greatest land on the face of the Earth. And we

believe one way they're going to make it in America—I tell the gentleman, the Speaker, Mr. DRIEHAUS from Ohio—is to make it in America and sell it throughout the world. Make sure that our manufacturing capacity is as robust as it was in former decades and as it needs to be, and as Americans know it needs to be if our economy is going to give back, and America, which is a great country, can be even greater. And that America, which has been the engine of economic opportunity, will be an even greater engine of economic opportunity for our people. It will create jobs and growth.

Manufacturing is critical, and Americans know it, critical to our economic strength. And Democrats are committed to rebuilding it as a part of America's economic recovery.

Mr. PERLMUTTER has a chart there which shows that we were handed a debt of an economy, the deepest recession in three quarters of a century. There are only a couple of Members, a few Members of the House, who were alive 75 years ago. There are some.

America understands why they're feeling pain because of this debt left to us by the last administration. You showed the deficit, the figures. I've served with all four of those Presidents, I tell my friend Mr. GARAMENDI. I served with all four of those Presidents. One of them was a Democrat—the only one who's above the line, the only President in the lifetime of anybody in this institution that has had a net surplus. The only one.

Now we show four Presidents here, but very frankly you can go back for as long as you've been alive, no President ended with a net surplus as Bill Clinton did—a \$5.6 trillion surplus left by that administration. An ability to address our problems.

Unfortunately, we failed to do so. Unfortunately, we had an administration that thought just helping the wealthiest in America, buying things and not paying for them, going to war and not paying for it, doing a prescription drug bill—which has done some good things—but not paid for, was the thing to do. And, therefore, we find the economy tanked. And in 1 month in America we lost 786,000 jobs. That was the last month of the Bush administration; 3.8 million jobs lost in the last year of the Bush administration.

And what does that mean?

If you look at the last year of the Clinton administration, we had 1.9 million new jobs created.

So Americans know that we've got to put America back to work. And one of the best ways to do that, Americans are telling us—Republicans talk about listening to America—one of the best ways to do that is to start making it in America and sending it to other nations. Not the other way around. Putting our people back to work.

Thank you, Doctor. I appreciate that.

In coming weeks we will be bringing to the floor the Make It in America agenda. A comprehensive strategy to boost American manufacturing. It's based on the idea that when more products are made in America, more well-paying, blue collar jobs, white collar jobs, no-collar jobs are going to be created; and it will be possible for more people to make it in America.

This bill, the Manufacturing Enhancement Act, is the first piece of that agenda. It includes hundreds of tariff suspensions and reductions so that American companies will find it easier to obtain the materials they need to produce goods, grow, and add workers, which we passed today. So we've already started on that agenda.

And by the way, I noticed that our Republican friends out of habit voted "no." Then they started talking to one another and said, Hey, you know what this bill does? It starts to grow our economy. By the way, the National Association of Manufacturers are for this bill these Democrats put on the floor. They're for it because they know it helps to build jobs. And, oh, by the way, the Chamber of Commerce is for this bill. Why? Because it starts to build jobs. That's the agenda the Democrats are on. And did you notice how they sort of all talked and said, Hey, gee, maybe I better vote for that bill and we saw those "noes" go to "aye," "noes" go to "yes." It was a strange experience for them. I hope it's catching.

□ 1740

I hope they will keep doing it. I hope they will keep saying "yes" to the American worker. I hope they will keep saying "yes" to growing manufacturing capability in America. I hope they will say "yes" to the proposition that we can, we should, and we will make it in America.

America is the greatest land on the face of the Earth, and our people are some of the most talented, innovative, entrepreneurial people on Earth, and if we give them the tools and we give them the opportunity, they will compete with anybody in the world.

That's why we, Democrats, are committed to an agenda that says, yes, we can, we will make it in America, and in that enterprise, a manufacturing expansion, more people will make it in America.

I thank the gentleman for yielding.

For generations, Americans have looked to our manufacturing sector as a source of pride, a source of economic vitality, and a source of good-paying jobs.

Along with every part of our economy, manufacturing has taken a severe hit from the recession—but more than that, many Americans worry that industry and the jobs it provides are gone for good.

We have a chance to change that—to emerge from these hard times as a stronger, more competitive company.

That's why Democrats are launching the Make It in America Agenda: a comprehensive manufacturing strategy based on the idea that when more products are made in America, more people will be able to make it in America.

The Make It in America Agenda will create incentives for investment in industry, strengthen manufacturing infrastructure and innovation, and help to level the playing field for American companies that compete globally.

Today, the first part of that agenda passed the House—and, I'm proud to say, it passed with strong bipartisan support.

The U.S. Manufacturing Enhancement Act will make it easier for American companies to get the materials they need to produce goods, contributing to a more productive economy and supporting job creation.

In the weeks to come, Democrats look forward to introducing a range of similar bills that will help manufacturers invest in clean energy, break down foreign barriers to American goods, ensure that taxpayer money pays for goods made in America, and more.

A strong manufacturing sector means a stronger economy and more secure jobs for all of our constituents—so I hope that the Make It in America Agenda will have support from Republicans and Democrats alike.

Mr. GARAMENDI. Mr. Leader, thank you so very much.

I notice we're joined by yet another Representative from another State, Mr. TONKO of New York, and you have often talked to me about the manufacturing that occurs in your area. Could you share us with your experiences and how all of this comes together in the great State of New York?

Mr. TONKO. Thank you, Representative GARAMENDI. It is great to join with our Democratic colleagues here on the floor to share our thoughts on how we rebuild this Nation's economy. And it's absolutely the truth that what was inherited here was a huge loss in jobs, 8.2 million jobs lost in the Bush recession and \$18.5 trillion lost in the last 18 months in American households of the Bush administration. So there was a huge comeback required.

What we have here is an opportunity. I believe, to really express the strength of this Nation. The strength of our Nation is the intellect. The intellectual capacity of this Nation, when embraced, can inspire a wonderful, wonderful era of innovation, and we have seen it throughout our history.

When we professed that we were going to land a person on the Moon, when we entered the global race in space under the leadership of President Kennedy, we made it happen because people saw the goal. They believed that we were the greatness of America, and that greatness was expressed by a Nation that invested in technology that landed us on the Moon.

So we're at that same juncture. It is a repeat of history almost. As the President asked us in the Recovery Act to invest in basic research, to invest in R&D, in research and development,

that allows us to develop all sorts of responses to basic needs.

The energy dilemma in this country, in this world, can be addressed here in the United States. You look at what the investment in advanced battery technology means. I see it in my district. In Schenectady, GE is opening a facility that will manufacture all of this wonderful opportunity where this alternative battery technology will not only allow for generation of energy, but it will allow for heavy fleets to be equipped with alternative supplies that create efficiency, less carbon emission, and a stronger outcome. Job creation, job production, and then beyond that, this battery will be available for storage, for storage of intermittent power.

So, as we look at the sun and the wind and the soil to produce our energy needs, there are concerns at times that there is an intermittent quality, that the sun may not shine, the wind may not blow. If we can store that supply, then we have created the linchpin to an innovation in the energy world. That is happening as we speak, and those batteries will be developed and manufactured here in this country. That's what we're talking about.

Do we want to go from purchasing fossil-based fuels from unfriendly Nations in the Mideast to purchasing solar panels from China? Not at all. We can produce here in this country but it's about choosing the right policies. It's about relying on the right course. It's about placing trust and confidence in leadership.

Do we want the failed leadership that continues to promote the policies of the past where Republicans in this House will stand on the floor and say privatize Social Security, put it to the whim of the investment market? What would have happened if we had transitioned that with the failure of Wall Street? We're talking about a party that continues to talk, continues to talk about providing vouchers for our Medicare system. I don't want to balance a budget on the backs of hard-working seniors who now earn their retirement years. They want Social Security and Medicare to stay intact.

We're talking about a party that said addressing Wall Street reform is like attacking an ant with an atom bomb. Well, what a gross misrepresentation of the dynamics of reform that were required here in this country.

So it's about going out to the past, reaching out to the past and all those failed policies, where a \$236 billion surplus which was projected to grow into a \$5.6 trillion surplus was destroyed. It was usurped by failed policies. Or do we choose to go forward with progressive leadership, with recovery that we're seeing, investment in our intellect, investment in our innovation, and putting together the resources that enable us to go forward to make it in America again, to manufacture here in the United States?

We have that ability. We have the course established. Let's continue to maintain the recovery walk that is so very valuable to our economy.

I know that Representative BETTY SUTTON has something she wants to say, and I will yield back, Mr. GARAMENDI.

GENERAL LEAVE

Mr. GARAMENDI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject we're talking about, making it in America, manufacturing matters, the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GARAMENDI. We've got about 10 or 12 minutes. So we're going to do what we call lightning rounds. So we'll go around and we want to cover this ground as completely as we can.

I notice that our representative from Ohio (Ms. SUTTON) has a few more things she wants to add here. So, please, I yield.

Ms. SUTTON. Well, again, I just want to summarize some of the things that we've been talking about here and just say it loud and say it strong, that we have to focus on replacing policies that reward businesses for outsourcing jobs with incentives and sensible tax policies that will help our businesses and workers what? Make it in America.

And we have to develop a trade model that will put an end, an enforceable end to currency manipulation and illegal subsidies and product dumping, one that requires reciprocity of market access and one that ensures that products produced elsewhere and sold into our U.S. market are safe for consumption here in the United States.

If you look at this chart that my friend, Representative ELLISON from Minnesota, is helping me hold up here, we can see how working Americans are being squeezed; 12,000 to 20,000 American jobs are offshored every month. It is outrageous, and we have a chance with our policies to stop this from happening. Let's close the corporate tax loopholes and save \$14 billion a year and start to save these jobs.

Mr. GARAMENDI. This House more than a month ago passed a very, very important tax bill, and what it did is to end the tax subsidies—and the gentleman from Ohio was speaking to this—ended the tax subsidies that American corporations get when they offshore jobs. Americans that I talk to say, What are you talking about? You mean the tax policy of America actually allows corporations to take a reduction in their tax, a tax credit when they send jobs overseas? The answer is yes, but if that bill becomes law—and it's stalled in the Senate by the Republicans—if it becomes law, that will end

and no longer will corporations be given a tax break to send jobs overseas. It's \$14 billion a year.

Mr. ELLISON, we've had a debate here with your colleague next to you about which is the greatest State in the upper Midwest. Would you care to join us and answer that really important question?

Mr. ELLISON. If the gentleman would yield, it's well-known fact that in Minnesota that everybody's above average, you know.

Mr. GARAMENDI. If you yield for a moment, I assume, therefore, you must be from Minnesota.

Mr. ELLISON. You know what I tell you, nothing about my comments would necessarily indicate that but you're right. I'm not bragging. I'm just telling how it is.

□ 1750

But let me just say this, one thing Minnesota and Wisconsin do have in common is that we have a lot of hard-working people who are very talented at making things. We can make goods. We can make products. People have made goods throughout the history of this Nation that have essentially armed America during World War II. The arsenal of America was right there in the upper Midwest, Detroit, Wisconsin, Minnesota, right in there as we were making the things that America needed to defend itself.

We also made the things that helped Americans have more convenient lives, have the best and strongest economy in the world. And I just want to say that we can make these things again. There is nothing that can stop us from making it in America all over again. It's a matter of vision. It's a matter of commitment.

I am telling you that I am so proud that today we passed a bill to take us a step in the direction of manufacturing in America today, making it in America, and then we can sell it in America or out of America or anywhere around the globe. What I call for is a commitment to manufacturing, enforcing our trade rules, making sure that other countries play by the rules, that we invest in education, training, and we adjust our Tax Code, as you so correctly point out, to make sure that we are on our own side, which I think only makes sense.

So with that, I want to thank you, Congressman, for bringing us together yet again to talk about the vital issues that affect Americans every single day. Your leadership is very valuable around here. Thank you.

Mr. GARAMENDI. I would yield to our mutual friend from the neighboring great State of Wisconsin.

Mr. ELLISON. You mean the State that the great Brett Favre so wisely left and then came to my State of Minnesota.

Mr. GARAMENDI. We will not find any unanimity among the Democratic

Caucus on that, but let's yield to Dr. KAGEN.

Mr. KAGEN. In Minnesota or Wisconsin, we have the same ideas. The idea is that on a level playing field, whether it's a football field or a manufacturing competition across borders, we can compete and win against anybody. But there has to be, there must be a level playing field.

We cannot in this country continue to allow China to manipulate its currency to its own advantage. We cannot allow our own corporations or any international corporation to offshore our jobs.

Instead of shipping our jobs overseas, we must export our values. Our values are at stake. We care about our people. We care about our environment. You cannot, you cannot continue in China to sacrifice your environment for economic development.

I think we have got the right message. If you don't make anything, you won't have anything. We have got to get back to our base of making things here in America and making sure that we can compete on a level playing field. That's what we are working so hard to do.

Mr. TONKO. Representative GARAMENDI, I like these lightning rounds. I think you are right on to the absolute powerful course to make certain that tax policy speaks in defense of American workers, American families. Absolutely essential, making certain that there is an agenda here to invest in education, because we are training the workforce of the future. But what we also need to do—and I am convinced that we can do it smarter. If we don't do it cheaper, we can still win if we do it smarter.

I look at all of the opportunities that we can do through energy efficiency retrofitting, that we can take manufacturing and upgrade it so that we are creating a state-of-the-art facility. Energy costs are significant in production, in production costs, in manufacturing costs. When I look at the potential of providing, for that efficiency, retrofitting, I saw it NYSEERDA. I served as president and CEO at the New York State Energy and Research Development Authority just prior to entering Congress. We saw many, many businesses coming to us to ask for programmatic help, to make their efficiency and on site as powerful as could be.

We need to see that as our fuel of choice. We need to drill and mine for efficiency like you would drill for oil and mine for coal. It is that valuable a resource, and we have invested in that. We have invested in all sorts of innovation in the energy arena through the Recovery Act.

This is a visionary policy-driven administration. The Democrats in this House, led by Speaker PELOSI, working with the President, are visionary. They

are bringing about state-of-the-art opportunities. We are bringing into play what was back-burnered by an administration that was too interested in working with powerful sources—big banks, big oil companies, all of the special interests of insurance—working with them, giving them the prioritization in government rather than allowing us to invest in all of the adjustments that were required so that our manufacturing could be as smart and as challenging to the global marketplace as could be. I see that as a value added that's part of the Recovery Act, part of the packaging that we do here.

Another point that I would mention, SBIR, the Small Business Innovation Research program, I have a bill that will invest in tested prototypes that have been tested and are ready to be deployed into manufacturing. We can do that if we create a phase 3 revenue stream. Let's take those patented ideas that have been prototyped that are ready to go into manufacturing. Let's invest in that. That's jobs immediately. It's a no-brainer.

So I would hope that we could advance that sort of small business agenda, because otherwise these patents are going to other countries. They are developing these patents into a manufacturing situation, and that scenario is providing jobs in their given country. We need to take our own patents here to the SBIR program and advance that agenda.

Mr. GARAMENDI. Representative TONKO, thank you so very much for bringing us that perspective.

I am going to very quickly run through a scenario of policy changes that the Democratic majority in the House has approved by overwhelming Democratic majority and which the Republican minorities have consistently voted "no" on, almost to a person.

First of all, the American Recovery and Reinvestment Act; 2.8 million jobs created out of that, every single Republican voted "no." This was the stimulus bill.

The Worker, Homeownership, and Business Assistance Act; 98 percent of the Republicans voted "no." This was to keep people in their homes, to help small businesses.

The health insurance reform; 100 percent of the Republicans voted "no," and this is the bill that provides a subsidy for businesses that buy health insurance for their employees, keeping their employees healthy.

Student Aid and Fiscal Responsibility Act, giving students the opportunity to go to school, whether they are 50 years of age or 18 years of age, increasing the Pell Grants; every Republican voted "no." The Democrats passed it.

Cash for Clunkers, keeping the auto industry alive; a majority of the House

Republicans voted "no," 95 out of their caucus. Hiring Incentives to Restore Employment, the HIRE Act, which will help create 300,000 jobs; 97 percent of the Republicans voted "no."

Credit cards. How many of us have been ripped off on our credit cards, the hidden interest bump that occurs after 3 or 4 months? The House Republicans voted "no." The Democrats passed that, and it's now law with the President signing the Wall Street reform.

And speaking of the Wall Street reform, every House Republican voted "no." The great collapse of the American economy caused by Wall Street excesses. Republicans stood with Wall Street; the Democrats stood for reform.

The American Jobs and Closing Tax Loopholes Act passed by the House and Senate; 90 percent of the Republicans voted "no." Small business, Republicans voted "no."

The Home Star Energy Retrofit Act, how we can improve the efficiency of our homes and put thousands of people to work; 93 percent of the Republicans voted "no."

The COMPETES Act, creating an educated workforce. You and I worked on this in the Science and Technology Committee. So what do the Republicans do? They voted "no." This is the law that gives us science and technology education, gives us the resources, the research for the next generation, on and on and on.

We need policies that move the manufacturing of America, that put Californians, New Yorkers, Ohioans, Minnesotans, Wisconsin and every other State, those people need to go back to work. The jobs program, the innovation programs, the manufacturing programs, those are Democratic agenda items. We vote them out of this House, the Republicans vote "no" on them, and then it goes over to the Senate where the power of one Senator, usually a Republican, has stalled it all.

We are not finished. We have just begun. We are going to put America back to work. We are going to make it in America, and Americans will make it. That's our agenda. That's what we are all about, and we are going to see that it gets done.

I want to thank my colleagues and thank you for joining us this evening. For the American people, we thank you for your attention.

Mr. RAHALL. Mr. Speaker, American Manufacturing has long been the pride of our Nation and the core of our success. American cars, textiles, steel, aircraft, timber and other industries formed a secure base from which we could provide for our own, with quality materials and support for a strong export economy. However, the erosion of this manufacturing base, with more jobs going overseas, through trade policies and our own government failing to "Buy American," has led us to a point of crisis.

We are taking steps to right this ship and return us to a place of strength in manufac-

turing. H.R. 4380, the U.S. Manufacturing Enhancement Act, MTB, is one of the most important actions Congress can take to preserve and expand good American jobs. H.R. 4380 cut the costs of doing business in the United States and boost American manufacturing exports. U.S. manufacturers large and small can use the MTB's tariff suspension provisions to obtain raw materials, proprietary inputs and other products that are not available in our Nation. This reinvestment is critical, as the manufacturing sector has been disproportionately harmed by this recession. According to the Bureau of Labor Statistics, manufacturing employment has fallen by 2.1 million jobs since December of 2007.

I also strongly support Representative LIPINSKI's bill to establish a Manufacturing Strategy Board and Task Force with a goal of focusing more attention on manufacturing and coordinating government's efforts to ensure our Nation's competitiveness. The manufacturing sector generates two-thirds of our exports and employs millions of Americans. Equally as important is our ability to support our national defense and to sustain American infrastructure with American products. If we are going to improve our manufacturing base we must back our words with a step-by-step plan and solid goals to reach our vision of a return to the solid American manufacturing base.

This manufacturing strategy goes hand in hand with the newly-formed Buy American Caucus, of which I am a member, that focuses Congressional efforts to promote American jobs; reclaim American leadership in manufacturing; support small businesses; and close loopholes in current law to ensure that the federal government is purchasing American-made products.

Regardless of political party, we must work together as Americans to invest in our country's long term future and create high-paying jobs. Right now, American men and women who are willing to work are still having trouble finding jobs. As Members of Congress, we owe it to our constituents to ensure that jobs created with the assistance of government funding are American jobs and that the benefits go to the American people.

We must inspire continued demand for American products to create a rebirth of our state and nation as the manufacturing world leader. This effort must start with buying American products here at home, especially by Federal agencies, followed by a well thought-out strategy and all the small steps we can take to lower the costs of manufacturing in the U.S. I encourage the Administration and the Congress to press forward to require a national manufacturing strategy and to institute Buy American policies wherever and whenever possible.

□ 1800

THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Good afternoon, Mr. Speaker, and good afternoon, friends.

This evening we're going to continue in the discussion which has been ongoing.

We've just been treated to a whole series of wonderful promises and all the wonderful things the Democrat Party is going to do for America and how we've created all these jobs and we're doing this and that and the other thing. The only problem is, it's not working.

Now, Republicans, and myself particularly here on the floor, talked a year ago about the proposals to create jobs and what the Democrats were going to do with the economy, and we said it's not going to work. It's not that we're being naysayers; it's just that we understand how the economy works and the fact that the proposals that have been made don't work. The American public is starting to understand that they don't work because unemployment is still very, very high, much higher than the numbers actually show because after somebody has been looking for a job for a year, they're taken off the unemployment list. So when you see 10 percent or 9.5 percent unemployment, the actual number, because the people who are not counted, who are not working, is far higher.

I think it's helpful to go back and just understand some basic things about economics. I was dazzled, I was amazed Monday of this week as I was going through the airport and I saw our President talking and accusing Republicans in the Senate of being hypocrites—I think “hypocrite” was the word he was using—in the fact that they didn't want to continue people's unemployment. You know, the thing that strikes me as being odd is to have a whole series of policies that are well calculated to get rid of private sector jobs and then be surprised at the fact that there aren't any jobs. And you don't have to really be a wizard in economics to understand that the policies of the last 18 months have killed jobs. In fact, there are Democrats that understand that. We're going to talk about one here in just a minute.

I'd like to go back to 2003, when George Bush was President. I want to go back to September 11 of 2003, which was the date of an article that appeared in *The New York Times*, not exactly a conservative newspaper. This article said, The Bush administration today recommended the most significant regulatory overhaul in the housing finances industry since the savings and loan crisis a decade ago. So here's 2003, the Bush administration says something is wrong with Freddie and Fannie. What's wrong with Freddie and Fannie? Oh, they lost \$1 billion here or there. Well, you're not supposed to do that. Economically it's considered a little sloppy on the books.

Well, how did that happen? Well, it happened because of the fact that we had created a bunch of laws which said

that you have to, if you're a bank, make loans to people who can't afford to pay the loans. Now, I suppose this might have been sold as compassion at one time, but somehow to me it seems like to put anybody in a loan that they can't afford is certainly not compassionate and is not a wise thing to do. But anyway, we did that over a long period of time, the idea being to get more and more Americans to own their own homes, which is nice if they can afford it.

Well, what happened, under the last year of Clinton's administration they increased the percentage of the loans that had to be made that people couldn't afford to make. And what happened also at the same time, the Federal Reserve dropped the interest rate to almost zero and so there was this huge housing bubble starting up. Houses got more and more and more valuable and people could buy a house, get a loan from someone saying you don't have to make any down payment and you don't have to make any payments at all for 3 years. So you could let the government finance this new big house you built, and 3 years later it might have come close to doubling and you could sell it and just pyramid your money. It was a great deal as long as the music didn't stop.

Well, President Bush said we need to have more Federal authority in Freddie and Fannie. Freddie and Fannie are quasi-public, quasi-private companies. And so what happened over this period of time is that Freddie and Fannie essentially went bankrupt. And when they did, boy did it hit the fan. So we are going to see, this is what Bush was saying he wanted to do. Here was the response of some of my Democrat friends. If they were so good at economics, they wouldn't have gotten it this far wrong.

Here it is: Freddie and Fannie are not facing any kind of financial crisis. Oh, they're not facing a financial crisis, huh? Okay. Who is this? This is Congressman FRANK, who is now in charge of fixing this problem, which he hasn't fixed yet. These two entities, Freddie and Fannie, are not facing any kind of financial crisis. They've got plenty of lobbyists with plenty of money to slop around on Capitol Hill, so we kind of like them. The more people exaggerate these problems, the more pressure there is on these companies, the less we'll see in terms of affordable housing. Interesting. They're not in any kind of financial problem, huh? They brought the entire world economic system down because of these policies.

Now, people had the gall to say that free enterprise doesn't work. My goodness, it wasn't free enterprise when people are forced to make loans that they can't afford to pay. The loans were then cut and sliced in pieces and sold all over the world. So everybody had these things, and there was no

market anymore for them. And so we were called in in Congress a number of years ago, a couple of years ago—not quite 2 years—and told, hey, you've got to do this big bailout, \$700 billion you've got to give to get the economy back in line. Why? Because of the fact that we didn't manage this thing correctly.

Now, the interesting thing is, now with the economy going bad, the Democrats in power, with that going on, they came up with how to fix the economy. We're going to talk about that and why it is that—it's not that we're mean spirited, we're just saying mechanically, economically, it won't work.

I'm joined tonight by a very fine Congressman from the State of Georgia. I think he may be the newest Congressman from the State of Georgia and just did very well in his election the other day. I think he's got one more election to go, and he'll be down here more permanently. But we're delighted to have Congressman GRAVES from the great State of Georgia. And I don't remember exactly where your district is. Could you give a little intro about where your district is?

Mr. GRAVES of Georgia. Sure. I am from Georgia's Ninth Congressional District, which is north Georgia, north Georgia mountains, a beautiful part of the State.

Mr. AKIN. That's God's country up there. Is that the Blue Ridge Mountains?

Mr. GRAVES of Georgia. Yes, Blue Ridge. The city of Blue Ridge is part of the district. And I live in the small town of Ranger, a little bitty town, a little farm community.

Mr. AKIN. How close is that to the Chattooga River?

Mr. GRAVES of Georgia. To the Chattooga River.

Mr. AKIN. That's about an hour or two drive from Atlanta.

Mr. GRAVES of Georgia. Yes, that's not far away at all, you're right.

Mr. AKIN. My brother is a “rambling wreck from Georgia Tech.” He used to go kayaking on the Chattooga and got up into that country. It's a beautiful area, and I think the citizens from up there are wise to have elected you, Congressman. We enjoyed a conversation last week on the floor.

I'd like you to jump in if you'd like to about how this whole thing is going. I was coming through the airport on Monday, and I heard the President screaming and yelling at Republicans about the fact that we didn't want to continue year after year after year paying people for not working and screaming at us that we're insensitive to the job situation. And I'm thinking, this guy has done more to destroy jobs in America than anybody in the history of the country just about, and he has the gall to say that.

And it made me think, it's so simple, I don't see how people can miss it. If

you hammer businesses, then you're not going to have jobs. If you destroy companies, then there are not going to be jobs because jobs come from companies. And if you hate companies and you hate the private sector, then how are you going to have jobs? So how can you, with a straight face, complain about jobs when you're trying to destroy the companies that make the jobs? It seems sort of straightforward to me. I don't even know how to explain it any simpler than that. Please join us.

Mr. GRAVES of Georgia. Well, what you're addressing is free market capitalism. We know it works, and America was founded on that. And the fact that the administration today continues this crazy level of spending and then blames businesses for not hiring—and we've heard about hope and change and saved and created jobs, all these different theories out there. But the one theory we know they're using right now is that Keynesian theory of economics, and that is, the infusion of money through the government into choices of their own.

So they're spreading that wealth that we all know that they said they would not do, but spreading wealth. And where does that money come from? Where does that wealth come from that's being spread? It's coming from the citizens of the United States, the taxpayers themselves, the small business owners.

So if we're going to turn this economy around, we've got to apply a new theory of economics, the supply side theory of economics—free markets, capitalism, competition, all those things that just energize the economy. That's what I look forward to, a new governing majority here in Congress that is going to bring free market and capitalism back to the United States.

□ 1810

Mr. AKIN. Well, I'll tell you something. I sometimes wish the Democrats would just learn from themselves and from their own mistakes, you know, because here is a guy, Henry Morgenthau, who was a contemporary of little Lord Keynes, and he tries this idea. I think it is the equivalent of, if you're from Texas, having those boots with the loops in the back, and you reach down and grab those loops and lift hard and try to fly around the room.

The theory is, if the government spends enough money, the economy is going to get better. Now, if any father of a family in this country did something as stupid as that, they'd probably lock him up and put a little white suit on him, you know? To think that if you're in trouble economically that what you should do is go out and spend a ton of money—I mean maybe the theory is to spend a whole ton of money, eat, live and be merry because tomorrow we die, but as an overall theory of economics, this is really silly.

They tried it. FDR tried it. This is this guy, Morgenthau, who has come back after 8 years, after taking a recession and turning it into a Great Depression. This wasn't just harming free enterprise and companies. Literally, those companies closed their doors. It wasn't that they were just sort of hunkered down. It wasn't that they were just sort of lean and waiting for better times. They closed the doors and stopped the businesses. So this is what he said. In Congress, he said this:

We have tried spending money. We are spending money, more than we have ever spent before, and it doesn't work.

I wish the Democrats could just listen to their own people. It doesn't work.

He says: After 8 years of the administration, we have just as much unemployment as when we started and an enormous debt to boot.

This is Henry Morgenthau.

Mr. GRAVES of Georgia. Was that in 2010? It sounds like today, doesn't it? You know, it's interesting you bring that up because that's what we're dealing with here in the Congress. What the Senate is voting on, whether today or tomorrow, is the extension of unemployment benefits, right?

Mr. AKIN. Right.

Mr. GRAVES of Georgia. If the policies of the Obama administration were working so well and if they were saving and creating so many jobs, then why do we need to extend unemployment benefits? Doesn't it seem like an admission to the fact that it doesn't work, that they are failed policies?

Mr. AKIN. That's why I said I have a hard time understanding how you do this with a straight face.

We've just heard of all these fantastic Democrat programs that are working fantastically, that are going along, and everything is fine. Yet we're saying, But we've got this little problem of no jobs. So the government spent even more money, and instead of understanding the nature of Americans—that “can do” spirit that makes America such a special place—and instead of trying to set a system up where people can have jobs and bites at the American dream, we say, “No, we're just going to pay you not to work.”

You know, that's kind of degrading to people.

Mr. GRAVES of Georgia. You hit on the solution, which is, if we empower the American people—empower the taxpayer, empower the business owners—they will drive us through these tough economic days without any problem because of that entrepreneurial spirit, that “can do” spirit, that grit, that willingness to dig deep and to work hard. We know that has pulled us through so many challenging days. You know, what we've heard for the last couple days—I've heard and I'm sure

you have—is the Democrats blaming a previous administration over and over and over.

Mr. AKIN. Oh, man. It wasn't just the Bush administration that brought Hurricane Katrina. It brought every bad thing that ever happened in the whole world.

Mr. GRAVES of Georgia. They failed to take responsibility for the fact that they took the majority in 2006, that they swore in their very own Speaker in 2007 and yet failed to take responsibility for the actions with the unemployment and with the job losses that we see today. Just blame it on someone else, a previous administration.

Mr. AKIN. You know, there is one thing that is awful hard to argue with—just the plain numbers.

In this year of 2008, Bush was President, but NANCY PELOSI was Speaker of the House. This was the worst spending year of the Bush administration. Did the Bush administration spend too much money? I would say, as a conservative, yes, he did.

Mr. GRAVES of Georgia. Well, let me ask you this.

Mr. AKIN. \$459 billion right here.

Mr. GRAVES of Georgia. Well, where does spending originate? We have branches of government, right? We have three of them.

Mr. AKIN. Right.

Mr. GRAVES of Georgia. I believe spending and allocation of appropriations originates in the House of Representatives, not in the executive branch, but in the House of Representatives.

Mr. AKIN. Right.

In 2008, that was Bush's worst year—\$459 billion. Now take a look at the first Obama year. I mean talk about a runaway deficit. This cannot continue without the Nation's literally falling apart economically. So what you are seeing is the result of this incredible level of Federal spending, and its effect is very corrosive to jobs.

So how is it that you can say, “Oh, Republicans don't want to keep paying people for not working, and they don't care about unemployment”? It's like you guys are the ones who are doing everything possible to create the unemployment.

I am joined by my good friend, Congressman BISHOP, if you would like to join us.

Mr. BISHOP of Utah. Thank you.

I am actually very honored to be here with two friends who are talking about the significant problems we have in this country—simply, the lack of jobs. As we all know, government does not create jobs, but government can create a policy to discourage jobs, and that is specifically where we are today.

If I could, I'll just go in a slightly different direction from where the two of you have headed so far.

Mr. AKIN. Yes.

Mr. BISHOP of Utah. I have my good friend here—the newest Member from

the good State of Georgia, so we've got a good southerner here. We have somebody from the Midwest, and I am actually from the West. With all due respect, I think my part of the Nation is taking a bigger hit in this economy, because of government decisions, than are the others. The unemployment rate in the West is actually higher than any other section in this country.

Mr. AKIN. Wow. Why is that?

Mr. BISHOP of Utah. It has been that way for the last 12 months. So, somewhere, somebody has to figure out what is unique about my State and about our area in the West that has given us this wonderful distinction of having the best joblessness in the Nation for well over a year.

I think, obviously, there are a number of causes, but it is also, I think we can say for a certainty, that many of the new policies and regulations that have been adopted during this administration, coming out of Washington, are flat out not helping when we could be unleashing economic upturn as well as providing domestic energy independence for this country, which is a boon to economic development. Yet we're doing the exact opposite.

Let me show you three charts, if I could, simply to illustrate.

You know, every time I come here, I rant about the amount of public lands that we have. The Federal Government owns 650 million acres. That means that 1 out of every 3 acres in this country is now owned by the Federal Government. Unfortunately, in my area—the West—1 out of every 2 acres is owned by the Federal Government.

For example—and this is a different chart than I have used before—if the amount of land owned in the West by the Federal Government were owned in the East, that is how much area, the area in blue, would be owned and operated and controlled by the Federal Government. If, on the other hand, we in the West had as much land owned by the Federal Government as you out in the East—and by that, I mean everything east of the Rocky Mountains, that is how much of our territory would be controlled.

So, obviously, there is a unique element there, which simply means, of the 12 States that have had the slowest growth in their economies, the biggest joblessness increase—and I hate to say that—then 6 of those 12 are in the West. Georgia gets in there. I'm sorry. I didn't leave you out. Six of those 12 have to be found in the West.

If you want to go one step further and look at the 20 largest counties with 25,000 or more inhabitants, counties which have the highest unemployment and joblessness rates, of those 20, 19 of the 20 are found in the West. You have to go down to number 20 before you finally have somebody—in this case, it's Michigan—that breaks through with a higher unemployment rate than Western counties have.

So I am going to make the contention that there is a reason the West has been hit very hard in what I simply like to refer to as an “inexplicable war on the West.” I think the numbers bear it out, and part of it is because of policies. Without taking too much of your time, let me just list off a couple, a slew, of some of those administrative decisions.

Mr. AKIN. Well, I am really interested in what you're going to say because it seems to me that there is a war on Missouri going on and a war on free enterprise going on, but I didn't know about the war on the West, so I am all ears. Please.

Mr. BISHOP of Utah. Well, we'll all join in the battalion because we are all faced with the results of these decisions.

Let me just check off a couple of things that have happened in the West that have destroyed jobs in the West.

Obviously, in my State, the first thing this administration did is cancel 77 oil and gas leases in the State of Utah, but what we don't know is they have also halted scheduled oil and gas lease sales in Montana, South Dakota, and North Dakota. Wyoming, because of the climate of this administration, only is able to lease about 5 percent of the leases that are put on bid because of what we are doing here.

This administration banned uranium mining permits in the State of Arizona. They put multiple restrictions on oil shale development causes.

In California, they blocked water that goes to ranchers in the central valleys there. So, in some communities in California, up to 40 percent of those agricultural communities are now faced with unemployment. This administration tried to provide \$400 million in stimulus to that area. Well, it's sad. They didn't need to do that. All they needed to do was to turn the water on, and it's free. Unfortunately, much of that stimulus money went to districts that voted to keep the water turned off, which created the unemployment in the first place.

I spoke to the economic development director from the State of Utah, who is in charge of tourism and movies. The West is a great set for lots of movies, but one of the problems the movie industry is facing in the West is, when you go on government lands, the permitting process to just go on there and do this clean energy of companies is taking so long that we basically don't have the situation taking place.

Mr. AKIN. So wait. Now you're really making a case. What I'm hearing you saying is there is a systematic series of decisions which literally creates unemployment. They are government decisions. It is worse in the West because the government controls more of the West, and those decisions systematically destroy jobs while the President comes on and, with a straight face,

says that Republicans are hypocrites because of the fact that we don't want to keep paying people for not working.

□ 1820

It just amazes me.

Mr. BISHOP of Utah. Let me throw a couple more statistics at you, and then I want to do some dialoguing here because the numbers are good, but we have to put them in context eventually.

This administration is always big about saying, well, we need to have alternative energy sources to help our economy grow. I think we need to have all kinds of energy sources. But the Chamber of Commerce has identified 380 renewable energy projects that have been blocked or stalled over the past 4 years. The total cost of those stalled projects is \$560 billion in lost economic activity and approximately a quarter of a million jobs that were not allowed simply because—it doesn't matter whether we're talking about fossil fuels or wind power or solar power or nuclear power—we're not doing anything to develop new energy sources.

Western Energy Alliance did a survey to find out what would be taking place in the West, these areas that I'm saying have been heavily hit. Seventy-four percent of the respondents to the survey by the Western Energy Alliance said their companies are downsizing capital investment in the Rocky Mountain area. That's \$1.1 billion of investment that has been shifted from the Rocky Mountains to other parts, simply because of the inability of the government to try and help us to develop energy sources. That is \$2.8 billion in infrastructure that would have come into the West and has not.

And it has a ripple effect. If you stop an oil lease or a gas lease or a wind power project or a solar power project in the West, you also stop projects that are on private lands abutting that area, and you stop the need of having truckers bring the equipment in and bring people in. And then you lose the mechanics jobs, and you lose the jobs from the hotel industry where they are surfaced.

Ninety percent of the respondents say that their company will continue to divert investment in the Rockies until there is a change in the regulatory process.

We don't have to have this joblessness. This government is creating it by policies that are not intended to build jobs but actually prevent jobs from being created.

I yield back.

Mr. AKIN. The question I have is: How does the President think he can get away with doing this? I mean, all of these people that work in these different companies, when those decisions are made and they get rid of jobs—we were doing the same thing, weren't we,

with telling people they couldn't drill for oil in the gulf? Didn't that put lots of people out of work? I don't understand why people don't see that and realize that you can't have a war on private business in America and, at the same time, say you're worried about jobs, because it seems like, to me, people get jobs in businesses. And if you destroy businesses—of course, their concept of jobs is, We'll hire more people for the census workers, I suppose.

Mr. GRAVES of Georgia. If I might interject real quick here, and I'm going to have to leave the conversation in a few minutes, but what we've seen for over 12 months now is unemployment at, what, 9.5 percent, and we've heard a lot about saving and creating jobs. We've seen a lot of bailouts, buyouts, stimuluses, cash for clunkers, financial reform, TARP 1, 2, and I'm sure there will be many more. The fact is they're not working.

But we're going into January of this year and taxes are going to go up on every citizen of the United States. Every tax bracket will be raised. Capital gains will go up. The dividend tax will go up. Inheritance tax goes up. The marriage tax goes up as well.

And I'm curious, how does this administration, how does the leadership of this House face the American people this November and say that is going to create jobs, that's going to get you back to work? Taxing you more to fund failed programs of the last 12 months is going to get you back to work. I don't know how they're going to do it.

But I'm going to stand before my constituents with a positive message and let them know that there are men like you and me and others in this Chamber that are going to stand up daily and stand up and put forth positive solutions to get this country back on track. And we're going to get it back on track, but it's going to take a lot of work, and it's going to take pushing government out of the way and empowering the American people to once again dream and dream big.

Mr. AKIN. That is such a refreshing breath, or a little breeze anyway. We're hoping it will be even more refreshing in November.

But what you're saying is, and the bottom line is, the government is not the thing that creates the jobs. And what we've seen is, for 18 months, a policy that says the government is going to take over everything. They fired the President of General Motors. They're going to take over insurance companies. They're going to take over banks. They've decided not only are they going to take over the insurance of flood insurance, they're going to take over the loans for students. They're going to take over whatever it is, one-sixth of the economy with their socialized medicine.

If they could have, they wanted to take over the energy sector with their

cap-and-tax bill, which would do nothing for global warming except for more taxes and more big bureaucratic government. And the solution to every problem is more taxes and more government, and they don't learn from the people, from their own party. You know, JFK understood that you've got to back off on taxes.

I thank you very much, gentleman, for joining us, the Congressman from—Mr. GRAVES District, I think it's the Ninth District of Georgia, and really a fine addition here. And I appreciate the fact you have some business sense and some common sense, because America really needs to get back on that.

And I also appreciate my good friend, Congressman BISHOP from Utah. We'll get back to him in just a minute. But the talk about it was the largest tax increase in history. This is the dumbest thing in the world to do when you have a bad economy and no jobs. JFK understood what to do. He cut taxes and cut government spending.

And what are we doing? We've got the largest tax increase in history coming up here. Those paying 10 percent will pay 15 percent. Those paying 25 will pay 28. Those paying 28 will pay 31; 33 goes to 36; 35 goes to 39. That's the biggest tax increase in the history of our country. It's exactly the wrong thing to do.

It's not that we're being naysayers. It's not that we're being critical. It's just that it won't work. And the solutions are straightforward. What you want to do, you want to cut spending and you want to cut taxes.

And here, this is this wonderful recovery plan. The Democrats said, if you vote for this \$800 billion jobs bill, if you vote that, this is what's going to happen is this blue line. They said, if you don't vote for it, this light blue line is what's going to happen. You could have unemployment as high as 9 percent if you don't vote for us spending \$800 billion, supposedly get the economy back and going.

And so, on a strictly party line vote, the Democrats put in their nifty plan, and here's what happened, actual unemployment. And they're saying the economy is so good and so strong that we now need to extend people's unemployment benefits. There's something about that that just doesn't add up.

My good friend from Utah.

Mr. BISHOP of Utah. And I appreciate that. I think if you keep—I don't know if they can keep the cameras on that particular chart, but it is a telling chart. And it's one of the things that I think you are trying to say, that we have yet to learn lessons from history.

It is very clear that we are trying with the stimulus bill, a few of the other bills, right now, creating jobs by having tax-funded jobs being created. Unfortunately, that's a sector that's growing, but that's not a sector that will continue and build and has a mul-

tiplier effect in the economy. To do that, you have to have the private sector involved.

I hate to say this, but when we went into the Great Depression, there was the history. We'd already learned after the end of World War I how lowering tax rates actually increased the amount of revenue and spurred the economy. Same thing you mentioned also that took place in the 1960s that President Kennedy clearly understood, and it's happened several other times in the history of this country.

But at the beginning of the Depression, there were many people within the business community who had money to invest in business that could have spurred the economy, created jobs, and grown our economy out of the Depression. But they did not invest that money, primarily because they were afraid of what the tax and regulatory policies of the government would do, and, therefore, they simply sat on it. That's what happened as part of the problems we had in the Depression. People with investment opportunities did not do so.

Unfortunately, I think we find ourselves in that same situation.

□ 1830

The future tax policies, and you just mentioned we don't know what will happen at the end of this year, but it could be catastrophic in raising taxes. But in addition to the regulatory policies that we have placed in effect, the effort of the continuous deficit spending that we have done, all of those have added to a portion of unrest within the business community and it simply says, "I'm going to wait to see where I'm going to invest to see what actually happens eventually." That is why the government doesn't actually create jobs, but the government policies can destroy the ability for those jobs to be created at the same time.

So I appreciate what my good colleagues have been saying, because it is true. Our regulatory policies and our tax policies have created so much nervousness within the system, we are not doing that which could encourage a multiplier effect within our economy, and that is exactly what we need at this particular time.

Mr. AKIN. So what we have seen, according to what you're saying, is very clear. First of all, you've got the tremendous, tremendous level of spending, which is exactly the wrong thing. And what is happening with that tremendous level of spending, you're getting what you would expect, you're getting a lot of unemployment, and that's making it worse and worse.

As you do that spending, of course, we have a question of who owns our debt. In 1970, the foreign debt holdings were 5 percent. It doesn't seem like 1970 was so long ago to me. In 1990, 20 years later, foreign holdings had gone

from 5 to 19 percent. Now 2010, another 20 years later, total foreign debt is now 47 percent. Those are not numbers that make people who understand business and understand economics comfortable with where we are in this country.

Mr. BISHOP of Utah. Before you actually put that chart down, I think you understated that sentiment. It's not just people who understand business are not comfortable with that. I don't understand business and I look at that chart and I'm not comfortable with that. Any normal American would look at that and say something is desperately wrong with what we are doing.

Mr. AKIN. What we have is foreigners basically bailing us out. As long as they're willing to do that. But pretty soon they're going to say, If you want us to bail you out some more, you're going to have to pay me more interest. And boy, it's going to be a problem then.

This is a comparison. Sometimes it's helpful because when you start talking about billions and trillions of dollars, you say, man, the only thing I can understand is a hundred or a thousand dollars. And so here we are compared to other countries. This is deficit as a percent of gross domestic product. This is the United States here. We are third only to Spain and the United Kingdom in terms of our deficit. The United States is third only to Greece and Italy.

You take a look at these European countries, and they're not just in nifty economic shape. In fact, I heard a statistic today, I don't know if you had heard this before, gentleman, but I was told that if you take a look at what we call the poverty level in America, a person in America living at the poverty level is doing better than a person in the middle of the middle class in Europe. That's what socialism buys you.

I will say that again. A person at the poverty level in America is doing better economically, right at the poverty level line, than somebody who is a middle class person, an average middle class person in Europe. That says that all of this Keynesian socialistic stuff is terribly inefficient. And here we go right down the line trying to imitate the examples of Greece and Italy and the United Kingdom with the fact that we're just overspending radically.

We go back to this thing. It just seems like, I've talked about this a lot of weeks, you've joined me, and this isn't that complicated. There are things that kill jobs. One of them is excessive taxation. When the government takes too much money, the people that have the businesses can't invest because they're giving their money away. So what are you going to do? You tax all the well-to-do people. It's well-to-do people who own the businesses. You can't have it both ways. If you want to destroy the businesses, you're not going to have any jobs. It can only be one of two ways.

Insufficient liquidity. We have the wrong laws in terms of that policy. You have just given us an incredible example of red tape and government mandates just destroying the job market out west. Those are amazing numbers.

Did your office pull those numbers together, gentleman?

Mr. BISHOP of Utah. Actually some of them we did, but the one especially about renewable energy products, the 380 renewable energy products that have not been allowed to go forward, which would be another quarter of a million jobs and \$500 billion in economic input, that was done by the U.S. Chamber of Commerce. That actually happens to be nationwide; not just in the West.

Mr. AKIN. Wow.

And then, of course, the economic uncertainty as you're saying. When you see the government taking over the auto industry and the insurance industry and then going to take over the health care industry, that makes people that understand economics very uncertain. They're not going to put a lot of money into trying to create jobs. They'll make jobs. There's a president of a company in St. Louis called Emerson Electric. Emerson Electric says, we'll make jobs; we're just not going to make them in the United States because we can't afford to.

We have created a set of policies that are so toxic, we have done so well with this list of job killers and doing every one of these things very well that he said, Yeah, we'll create jobs, but they're going to be in foreign countries because we can't afford to do business in this country because we've made the environment so toxic.

And yet we talk about saying, oh, my goodness, we've got unemployment, we've done all this wonderful stuff, but now we've still got to do more to help the unemployment, if what we're doing was so wonderful.

Take a look at these policies. Sometimes a picture is worth a thousand words. Here we have the President saying, "Now give me one good reason why you're not hiring." You've got the government taking over health care, the cap-and-trade, the global warming thing, and all these other taxes that are coming along. As it turns out, health care has got a lot more hidden taxes than we realized in it.

Here's the poor shop owner of the china shop with these bulls marching around; he feels like hiding behind his desk here because of the fact that we just can't seem to understand some very, very basic economics.

Here is what we're doing. One of the big killers, of course, is tax increases. These are the corporate tax rates across the entire world. You see the green line over there, it says the United States has the second highest corporate tax rate. We say, gosh, I

can't figure out why we don't have more jobs. But look at what we're doing. It's foolish policy.

And then you can take a look at the largest tax increase that we're looking at starting in 2011 unless Congress acts. Married people; the standard deduction is going to be changed.

Mr. BISHOP of Utah. Would the gentleman from Missouri simply restate what that first line in black actually means. Unless Congress acts, taxes will go up.

Mr. AKIN. Yes.

Well, if you recall, in 2001, the Republicans inherited a recession. So they had to do something about it. As President Bush was running for office the first time, he said, what we've got to do is cut taxes and cut spending. So what they did was we cut taxes three different times in different ways. Those taxes, because of the way the Senate worked, they were going to go along until 2011, so it was a 10-year tax cut. At 2011, the taxes were going to revert back to the way they were at 2001 when we were in the middle of a big recession.

So we did those tax cuts, particularly a tax cut in 2003 or so, and that was dividends and capital gains. What that did by cutting those things, we allowed those businessmen to invest in their own business. And we saw employment jump up. We saw the economy jump up. And ironically by cutting taxes, the Federal Government raised more money than they had when the taxes were higher. And that worked fine.

So now with the economy in the pits, what we're going to do is raise these taxes, which is just plain crazy. I don't know how long we have to stand on the floor and say, look, the idea of continuing to spend and tax is not what's going to create jobs.

Mr. BISHOP of Utah. So what the gentleman is telling me is that if Congress does nothing, there will automatically be a marriage penalty increase. Child deductions will go down. There will be another death tax increase. There will be a capital gains tax increase; a dividend tax increase. Unless we do something proactive, it will automatically happen.

Mr. AKIN. That's correct.

Mr. BISHOP of Utah. And so far we're a half a year away from the deadline and we have yet to do anything proactive about it.

Mr. AKIN. Not only have we failed to do anything proactive, but the Democrats have made it absolutely clear that they will not renew these tax cuts. They're not going to do this. So we know that we're going to end up with the biggest tax increase in our history right on top of this huge unemployment and a recession going on. This is not wise.

Mr. BISHOP of Utah. While you're there, if the gentleman wouldn't mind for just a minute, let me talk about another concept of taxes which I don't

think many people are aware. These are things that will automatically happen. But there are bills that will be coming to the floor sometime soon that deal with tax increases on our form of energy production.

Now one of those things listed in there in the cost of doing business is also the cost of energy that takes place. There is a bill that passed the Natural Resources Committee, it's called the CLEAR Act, which purportedly dealt with what is happening in the Gulf of Mexico which is a terrible crisis and needs to be changed in some way.

□ 1840

But deep within the bowels of this bill is a \$2 per gallon tax increase on all oil produced in the Gulf of Mexico, and a 40 cents I think it's per trillion cubic feet of natural gas that will be produced in the Gulf of Mexico. And one would assume, if we are dealing with the Gulf of Mexico, that money could be for restoration work, for cleanup work, for those who have lost jobs and lost income during that period of time. Unfortunately, that's not what that money will be used for if this bill passes.

That money is all going to go to the Federal department into a specific fund which would now bypass appropriations and be just under a billion dollars a year to buy more land in the Federal inventory. So the amount of blue on this chart could grow in every section of this country, but once again primarily I get the fun of it in my State, where most of the public land is.

That is a tax increase on business solely so the government can grow its hold on the amount of property we own here, and in so doing will infringe upon the ability of producing better energy in the future. And like I say, if we were actually moving forward in alternative energy, as we say we want to, maybe that wouldn't be so bad. But this administration is also shutting down alternative energy projects at the same time it is shutting down traditional energy projects. And that's another tax that goes onto that multitude of taxes you are talking about, and actually goes on to compound the amount of spending that we're doing.

Mr. AKIN. I think that what you are saying is the list I gave you before is incomplete. I said the government wants to take over autos, they want to take over insurance, they want to take over student loans, they want to take over flood insurance, they want to take over whatever it is, a sixth of the economy with socializing medicine, but it's not enough for them to own all that. What they also want is they want to own the land.

So they're going to tax businesses with some sort of a pretext this is a little tax because of the gulf oil spill, and they're just going to use it as a slush

fund to buy up more land. It goes back to Rahm Emanuel, he is chief of staff for the President, his incredible statement that let no crisis go without taking full advantage of it.

So we've got a crisis that is largely perpetrated by the Federal Government in the gulf. Certainly BP was culpable for doing some things wrong. But their poor decision-making seems to be eclipsed by the total failure of the Federal Government to deal with something that's fairly fundamental. It's called a hole in the bottom of the ocean. And if you were really going to be on top and show people that the Federal Government was something you could really trust, you would put a fusion cell together, you would get people to make decisions, instead of Governor Jindal asking the Federal Government for permission to dredge up a little sandbar to stop the oil and waiting more than a month, as the oil comes into his wetlands, to get an answer.

I mean the Federal response to this thing, and a lot of the problems on the oil rig, were because of all kinds of Federal regulations as well. So we have this idea of the containment dome. Here's another containment dome that's not working. We're spending some money, and we're spending it at an unusual rate, a rate that would destroy our country if it continues that way.

Mr. BISHOP of Utah. I appreciate the gentleman expressing I think the frustration that many of us in Congress are feeling in the direction in which this country is going, and that we can look at concept after concept of either outrageous spending, poor policy that deals with tax policy, poor regulatory policy, poor energy development policy, put those all together, and it still spells a lack of jobs. And what was supposed to be a time period where we were going to be creating all sorts of jobs is simply one where we have lost jobs.

Unfortunately, what we are also finding unique about this recession is people who have lost their job are staying unemployed longer or taking part-time jobs instead. The length of the joblessness is unusually long in this type of recession. And I think part of that goes back to the policies that this country is pushing forward that do not encourage investment in our economy and do not multiply our economy impact, when we have historical evidence of how that could easily happen. We are ignoring that.

Mr. AKIN. I think we need to make sure that given a particular period of time—and I appreciate your joining me here. Thank you very much, Congressman. I am so thankful for some of the very, very fine people that are good thinkers, very thoughtful, coming from all areas of our country that have a deep interest in America.

What you have going on here is a systematic attack on the fabric of what America really is. And you have a belief system if there is a consistency in Federal policies, and that consistency is that the government is taking everything over, and the American public, at least a certain percentage of the American public, is really getting concerned about that. They are concerned because they feel like we're losing our country. The government is not our friend, the government is not our servant. The government is becoming our master. It's becoming a tyrant. And it's taxing us to the point and it's spending to the point that it's going to destroy our country.

You take a look at what's going on in Europe, and you see that we're competing with some of the most fiscally irresponsible nations in Europe in terms of our numbers, in terms of our spending, in terms of our taxation. And this has got a lot of people scared, a lot of people scared. And they have very good reason to be. And the fact of this matter is you can hear all kinds of economists talk about fancy theories, but it's not very complicated. It's as simple as a lemonade stand.

If you tax that lemonade stand too much, the guy that runs it can't afford to keep it going. If you tax it just less than too much, you make it so he is never going to add any new lemonade stands, because that takes extra money, and you took all his extra money away. So when the government takes money and creates jobs, or hires more people, now the government—supposedly, the rate of pay of a government employee is twice what it is of an employee in the private sector. If the government keeps doing that, what happens is it pulls money out of the economy. That creates the unemployment, and then you start to go into this joblessness situation.

So here we are. These things are not complicated. Too much taxation. JFK understood that you can't do that. You've got to cut taxes. Ronald Reagan understood that. George Bush understood it. And when they cut taxes, what happened was we pulled out of the recession.

Insufficient liquidity. This is one of those policies just like Congressman BISHOP was talking about, where the Federal Government is making bad business decisions, making it hard for businesses to get loans. And most of the businesses don't even want loans because the environment is so toxic for business there is what we say in Missouri, they are hunkered down like toads in a hailstorm. Because they're saying, oh, my goodness, we've got all this economic uncertainty and all this red tape that's being generated, we don't know what's going on next. And as that happens, they're not investing the money. So what happens? We don't have jobs.

So this is all very predictable. It's about as simple as a lemonade stand. If the government red tape tells you that you've got to test every glass of lemonade you make, and you have to put 10 different tests on it, it makes it so expensive that you can't sell the lemonade. This stuff is not that complicated.

What's happened is the government is no longer the servant of the people; the government is taking over massive sectors of the economy, and they are spending way beyond what there is any possibility that we can maintain. And most people, when they take a look at this level of deficit spending, they realize that something has to change.

Now, there's a couple different ways that you can change it. The first you could do is you could just take everything the Federal Government's doing and try to freeze it or reduce it. The problem is that's not going to get it. The second thing you could try to do is get rid of the waste, fraud, and abuse. Well, there are no line items that say waste, fraud, and abuse. And you're not going to fix this problem by getting rid of waste, fraud, and abuse.

What has to happen is we have to go back to some sense of sanity and realize that the Federal Government's job is not to play God, not to try to be all things to all people, but have the Federal Government become limited once again and do the things that it must do. Most of the things we're trying to do now could be done by States. We should send those decision-making policies back to the States. And what we need to do, instead of spending this much money, we need to do the few simple things that the Federal Government can do and must do.

What are those things? Well, first of all national security. States are not going to be able to run our military. That's not the job for State government. That's a job for Federal Government. And the other thing is, of course, our law enforcement system, the fact that we don't want terrorists running around inside our country. So the justice that the Federal Government should be rendering is external, that is our military, and internal in the sense of our police, and laws, justices, courts, et cetera, and jails.

□ 1850

So those are the basic things the Federal Government has to do.

When the country started a long time ago, Washington, D.C. was a boring place. They only had a couple of laws on the Federal books. One of them was against piracy on the high seas. That was something that the States weren't having to deal with. That was a Federal job. Piracy on the high seas. Another one was counterfeiting. The Federal Government makes the money supply. You don't want people counterfeiting. That was a Federal law. And so

you had a few Federal laws, but all kinds of other things were done at the local and State level.

But here what we've got going on is the government is trying to be God to everybody, trying to be all things to all people; and what's happening is it doesn't work. It never worked in other countries. I'm amazed that we would be foolish enough to do this level of spending.

We saw a country, it was called the US—It's something that I recall historically, called the US, and they had a philosophy of government in this particular US that said the government is going to give you food and housing and education and a job, and it's also going to give you health care. That country was called the USSR. That country economically failed and collapsed. We all saw it coming. We were frightened of it because of their nuclear weapons, but we saw that their economy didn't work.

And what are we doing with this? Every single thing the Soviet Union was doing, which is the government is going to take care of your housing, it's going to take care of your food, it's going to take care of your health care, going to take care of your education, and your job because the government is taking over all of these businesses. We're repeating the same thing that didn't work. And Americans all across this country—I'm not talking about just Republicans, Democrats, and independents—it's just people are starting to get it that we're on the wrong track.

So it led to the bumper sticker that said, Had enough change yet? I think that's one of the things the President promised was change. And I think he's certainly keeping his promise in that regard, if in no other.

So these are things that are really upsetting people; and when you take a look at the combination of what's going on, these are really, really serious. The comparison of these other countries I think is really telling. When you see deficit as a percent of GDP and the United States is third worst in terms of deficit—debt is a percent of GDP; United States is the third worst. You go, This is not good at all.

Then you find out the statistic that I just heard about today, which says that the poverty level, the line that says you're in the poverty level in America, that line is the average of the middle class in Europe. The average person in the middle class in Europe lives below our poverty level.

So do we want to go down the direction of what these European countries are doing with the government taking everything over, all kinds of rules and regulations that hamstringing the free enterprise system? I think not.

I'm going to close this evening by talking a little bit about the America that I love.

The America that I love was populated by these crazy people that came

here, and they had dreams to do amazing things, things that a lot of people would have said in Europe that you can't do that. And yet these people came to this country with these dreams, and the dreams as they worked on them became a vague possibility and then even a possibility. And finally they became a reality. And so America was built one dream at a time by different creative people that came to our land.

I think first of all of my favorite historic group of people, the Pilgrims coming to this land; and just over a hundred Pilgrims came. They had a dream of creating a civilization different than anything in Europe. You know, the teachers always say the Pilgrims came here for religious freedom which, of course, is silly. They had religious freedom in Holland. They didn't come here for that reason. They came with a much more grandiose idea. They wanted to build a new civilization unlike anything they'd seen in Europe.

And so they gave us certain ideas. They separated church government from civil government. They wrote a written Constitution called the Mayflower Compact, the first time in all of human history that a group of free people under God created a civil government to be their servants. The civil government servant, not master. That piece of paper signed on the great table of the Mayflower. In ye name of God, Amen. Goes on to say, We do covenant and combine ourselves together into a civil body politic for the glory of God, the advancement of the Christian faith, and to frame such just and equal laws would be meet and necessary.

The first time there was a written Constitution under God of a group of free people making a civil government to be their servant, the entire foundation of the American civil government founded in 1620 because these people dared to have a dream, and when they came here within the first 3 months, half of them died. And the Mayflower going back to England said, You guys better give up. You started here as a little over a hundred, 103 people. Now you're down to barely just 50. You need to come back to England and give up. They said, No. We believe God called us here for a purpose.

So they said as they were dying as they got older and as Plymouth Colony survived and did well, they said they thought that they were stepping stones for people who were going to come after to build a new nation because they had a dream in their hearts of what this country could be. By the way, they threw out Socialism in Plymouth Colony because they knew it was unbiblical. They understood in 1620 what we don't understand in 2010.

They were followed by other kinds of people, all of the diversity of these people that came with all of these crazy ideas. One of them built a hundred

light bulbs and not one of them worked. And his attitude was very cheery. He said, Now I know a hundred ways to not make a light bulb. He kept trying and pretty soon Thomas Edison made his first light bulb.

So America was built this way on free enterprise by people having the courage to take a try at something and fail and try again. But it wasn't built by the government trying to give everybody jobs and the government taking everything over. They were trying to get away from those big kings of Europe. They wanted the government to be simply a servant, just a facilitator, a facilitator so people could enjoy what they believed were their God-given rights, to life, to liberty, and to the pursuit of happiness. They could pursue happiness. They knew the government could never guarantee happiness. But they just new that they could try.

And so it was for generations and generations. America became one of the most unique and exceptional countries in the world because it was based on a new idea, a new set of principles. Some people call it free enterprise. Some people call it the American Dream. Some people talk about it as the can-do attitude. And what we're doing is we're killing that dream.

And that's why we stand here on the floor and talk about these policies. What we're trying to do is to turn America back into Europe. We left Europe. We don't want to go back to Europe. Some people may want to go back to Europe. Be happy if they'd take a one-way ticket over there. Don't turn us into Europe with the socialistic policies of the government taking over everything.

We've seen so many examples of the Federal Government being lousy at doing what it does. We think about the efficiency of the post office, the compassion of the IRS. Think about the Energy Department. The Energy Department—people aren't aware it was created so that we wouldn't be dependent on foreign oil and ever since the Energy Department was created, we're more and more dependent on foreign oil. Talk about something totally failing in its mission.

And we've just seen what happened in the gulf oil spill. We've seen taking the President 50 days before he even contacted the head of BP. The President having the authority to put a team together of the best resources not only in the country but in the world and being unwilling to take these big ships that foreign countries owned that could come and suck up all of that oil and process the oil and spit the water out. But no, we're not going to do that. Dithering around with more and more government bureaucracy. Is this the sort of thing that we really want to put more trust in our Federal Government?

We've seen historically that federal governments of foreign countries have

killed more people of their own citizens than all the wars of history since the time of Christ. If you add up all of the people killed in wars since the time of Christ historically, there are less people killed by war than there are by governments killing their own citizens. Do we not have some natural fear of excessive government? I don't understand why we have this irrational faith in the efficiency of big government. It seems to me that it's just a very, very unwise place to be putting our faith. Why do we want to go back to Europe? It doesn't make sense.

I think we need to think, rather, in terms of the bright light and the freedom that comes from people being allowed to succeed or to fail, for people to be able to pursue their dreams. The Bible tells us that for every single human being in this world, God made a special job for them to do. And when people have the courage to just chase after what's in their heart, the dream that's in their heart, that's what makes great civilization. That was one of the things that distinguished America that made it such a unique and different Nation because people were able to follow the dream that was in their own heart.

And how can you do that if the government starts to keep taking everything over and taking more things over and taxing you and making it impossible for you to do the kinds of things that Americans for generations have done?

There are two views of America that we see. The view that you see now is the view that reflects the Democrat Party. What you have seen for 18 months is total Democrat decision-making. The Republicans on most of these issues vote "no," and we are totally ignored because we are, quite frankly, 40 votes short in this Chamber. And ignored in the Senate as well.

So what you see is Democrat policy, what you see is European policy, and what you see is the destruction of the American Dream. And that must stop.

□ 1900

THE GULF OIL SPILL

The SPEAKER pro tempore (Mr. NYE). Under the Speaker's announced policy of January 6, 2009, the gentlewoman from California (Ms. RICHARDSON) is recognized for 60 minutes.

GENERAL LEAVE

Ms. RICHARDSON. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to enter their remarks into the RECORD on this topic of the gulf oil spill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. RICHARDSON. I appreciate the opportunity to anchor this special hour

tonight. My name is Congresswoman LAURA RICHARDSON, and I represent California's 37th Congressional District which includes the cities of Long Beach, Compton, Carson, and Signal Hill. It's adjacent to the ports of Long Beach and Los Angeles, the largest port complex in the United States and the third-largest in the world.

For starters tonight, I want to take a look at what we're going to talk about in the report that I've prepared to present to the American people. As a Member of Congress, I'm a member of the Committee on Homeland Security, and I'm the subcommittee chair of Emergency Communications, Preparedness and Response, and so because of that, I felt it was important to share with the American people the information and the observations of what I'm now calling the people's Congress.

I'm here tonight to present to the United States Congress and the American people my report, my observations, and my recommendations regarding the Deepwater Horizon oil spill. It includes the responses that have been taken and the recovery that's needed for us to move forward.

So let's start with what happened back on April 20 at 10 p.m. Tragedy struck in the Gulf of Mexico. Just 42 miles from the population of the people in Venice, Louisiana, there was a fire, there was an explosion, and the Deepwater Horizon oil rig began to be engulfed in flames. After trying to quench the flames, people came from all over the country, even Holland, attempting to figure out how to put the fire out on this rig. After spending much time and much energy, 115 crewmembers were rescued and evacuated.

Eleven crewmembers, unfortunately, tragically died. These eleven men lost their lives: Jason Anderson, Dale Burkeen, Donald Clark, Stephen Curtis, Gordon Jones, Roy Wyatt Kemp, Karl Kleppinger, Blair Manual, Dewey Revette, Shane Roshto and Adam Weise. These 11 gentlemen were men. They were men who were fathers, brothers, sons, and uncles, and on behalf of myself and the House of Representatives and Americans, we express our prayers to their families and friends and commit to study the situation and not to repeat it again in the future.

So, in order for us to do that, we first have to understand what is the magnitude of this problem. Throughout the evening on April 20 and into the next day, gallant efforts were made, as I mentioned, to still save, even into the second and third day, the 11 missing men and to put out the fire that could be seen for miles. The men who were coming to put out this fire, they could see the fire on this rig for 2 hours prior to getting to the actual site. That's how large it was. Some say the fire was as high as 200 feet into the air.

So 2 days later, after they made very many attempts to be able to put the

fire out, the heat was just entirely too hot and the metal began to collapse, and the platform and the rig collapsed, 5,000 feet to the floor of the ocean.

As the fire began to subside on April 24, just two short days later, it was reported that oil was flowing into the ocean at a rate of at least 5,000 barrels per day. The United States has over 63,000 Federal onshore oil and gas wells. Having leaks and spills is also not something new to our country, but what is is the size and the magnitude.

Since 1990, there have been a total of 5,601 major pipeline incidences reported. That represents over \$4 billion in damage. Previously reported, the worst spill was in 1989 by the *Exxon Valdez* in Bligh Reef, in Prince William Sound, Alaska. The flow rate technical group of the U.S. Geological Survey estimates that the *Exxon Valdez* spilled approximately 750,000 barrels of oil. Now, let's put that in perspective.

The oil spill from the Deepwater Horizon has continued for over 80 days, although it has passed at this point, and it is believed that the Deepwater Horizon will supersede the *Valdez* by several times. How could that be? If the Deepwater Horizon is leaking at anywhere between 10,000, as has been reported, and as high as 65,000 barrels a day, and if you multiply that by a minimum of 80 days, you're talking about a range of 800,000 to 4.8 million barrels of oil.

Now, the Deepwater spill took place 42 miles from Venice, Louisiana, which has 572 miles affected out of 7,721 miles. Those are shoreline miles, and so what that's saying is the impacted area is approximately 7.4 percent. In Mississippi, they have over 108 miles that are affected out of 359 total tidal shoreline miles, which brings it at approximately 30 percent. Alabama has over 67 miles of coastline affected out of 607 total tidal shoreline miles, approximately 11 percent. And Florida has over 69 miles affected out of 5,095 total tidal shoreline miles, approximately 1 percent.

So when we consider the damages that have happened so far with this Deepwater Horizon spill, some of the damages that are caused are to the beaches that we will talk about tonight, to fish, to birds, the environment, other wildlife, the ecosystem, tourism and the economy, marine life, livelihoods, jobs, lost productivity, and let's not forget public health.

In light of the loss of life, the unusual depth of drilling, and the immediate disaster implication, responses from all levels were immediately activated. President Obama and the administration, through working with the U.S. Coast Guard, is historically the primary responder to U.S. coastal waters. The U.S. Coast Guard responded to the BP oil spill within hours. The Coast Guard began immediately operating an emergency search-and-rescue mission.

Leadership was established on April 21, less than 1 day later. On April 21, a day after the explosion, pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan, Rear Admiral Mary Landry was made Federal on-scene coordinator.

On April 22, less than 2 days later, after the explosion, the national response team, led by Secretary of Homeland Security Janet Napolitano, was activated along with additional regional response teams. These regional response teams are formed for many reasons. The teams typically include a United States Coast Guard representative, someone from the Environmental Protection Agency, the Department of Homeland Security, the Department of Commerce, the Department of the Interior and State and local representatives. The purpose of these regional response teams is to coordinate, to partner, to communicate, and to respond.

The regional response teams began developing plans, providing technical assistance and access to resources and equipment from its member agencies, as well as overseeing BP's response. Some workers, like Jay Harper from the Department of Homeland Security, have been working since day one, which is now 91 days straight, in response to the Deepwater Horizon spill. In this picture you see Jay and I viewing the source site, and he's pointing out information to me of where the actual source is, where the burns are taking place, and the whole aspect of what we could view from the plane.

On April 23, an incident command system stood up and was in accordance with the national response framework and the NCP. The purpose of the incident command system is to provide a common method for developing and implementing tactical plans to efficiently and effectively manage a multiagency response, and certainly this was it. The ICS organization for this response included incident command posts and unified commands at the local level, as well as a unified command at the regional level.

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The next step was on April 29, just 9 days from the explosion, Secretary Napolitano designated the oil spill as a spill of national significance. This designation enabled Secretary Napolitano to appoint then U.S. Coast Guard Commander Thad Allen to serve as the National Incident Commander, the lead national coordinator in charge of Federal efforts.

On May 21, 2010, President Obama issued an Executive order creating the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling to respond to this spill. Further, President Barack Obama simultaneously has made four trips to the gulf to oversee the spill and to supervise the cleanup efforts.

On June 9, The New York Times reported that Rear Admiral James A. Watson, the on-scene coordinator of the Unified Command overseeing the response effort, wrote to British Petroleum, giving the company 3 days to provide plans. Among the requirements are that any new method, most importantly, that would contain the leak would be devised to reduce disruptions from a potential hurricane, which we are now approaching that season.

The letter came amid continuing questions about how much of the leaking oil was being captured by BP's latest containment effort, what we now know to be called the top hat. Also, there were questions of whether the company could be collecting more and what other processes could be used.

Finally, there were concerns about whether BP had failed to provide enough surface equipment. So when I had an opportunity to go to the gulf, and having read all of this, these were the things that I wanted to see. When you look at the source site of the Deepwater Horizon spill, what you will notice is there are multiple platforms, multiple vessels that are used to all coordinate in one sync to eliminate the gushing of oil that was coming into the gulf. And this was the scene that I saw just 1 week ago.

So when Rear Admiral Watson directed his letter, the things that he wanted to make sure that we were considering is incorporating the hurricanes, because the gulf is very much an area—as you can see, the waters are very calm here, but given very high winds and higher seas, these platforms and these vessels could easily be submerged as well.

When we talk about some of the things that have been done and when we look at the cleanup, 5.4 billion barrels were spilled into the gulf it is potentially believed; 2.6 million barrels were either evaporated or degraded; 823,000 barrels have been siphoned, and these are some of the various devices that helped to do this; and 262,000 barrels have been burned off, which is what you see of this flame. This is not the rig on fire. The rig had already collapsed into the ocean. This is to be able to pull the oil and to be able to burn the excess area, and 100,000 barrels have been skimmed.

Now, when we go to June 15, 2010, President Obama used his first Oval Office speech to address the Nation for 18 minutes and to talk about the oil spill that was carried on prime-time television to many TV networks. President Obama emphasized that we will fight the spill with everything we have got for as long as it takes.

When I participated in a hearing just a couple weeks ago, that was the question that the mayor asked us, Will you be here for as long as it takes? President Obama also said that he wanted to make sure that BP paid for the damages that had been caused, and he also

stated that whatever was necessary to help the gulf coast and its people recover from this tragedy, we would do.

On June 16, 2010, BP agreed to create an independent \$20 billion fund to pay the claims arising from the oil spill. The company also said it would suspend paying dividends to its shareholders for the rest of the year and would compensate workers for their lost wages.

Now, let's talk about the congressional action and the things we have done in this House in relation to the Deepwater oil spill. In relation to the administration's response, Mr. Speaker, Congress has taken significant actions since the oil spill to respond to this crisis.

Over the last 93 days, the U.S. Congress and the Senate have conducted over 24 Washington, D.C. hearings. We have conducted two field hearings, 75 on-site Member of Congress or Senate visits. H.R. 5503, the SPILL Act, last month was passed by the House, and it was passed in order to reform maritime liability laws.

Those laws were impacted by the Death on High Seas Act, the Jones Act, which we have heard much discussion about, and the Limitation on Liability Act. This bill is intended to ensure that the families of those who were killed or injured in the BP spill and other such tragedies are justly compensated for their losses.

On July 1, this House passed the 2010 supplemental appropriations bill, which includes aid measures requested by the Obama administration in response to this disaster. Included in this bill was funding for agencies that are working in the gulf to monitor the water, the air quality, the seafood safety, and worker health.

The bill also extends the time that the Secretary of the Interior would have to review an offshore drilling application. Current law only allows the Secretary 30 days to review the process, which is way too short of a time to complete a full review of increasingly complex drilling plans associated with deepwater drilling.

Then, H.R. 5481 was passed by this House to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling. This is a bipartisan commission that our President formed. It's chaired by former Senator Bob Graham of Florida and former EPA Administrator William Reilly, and it was established on May 22. Its task is providing recommendations on how we can prevent future spills from originating from offshore drilling and mitigate any impact.

Then we have gone to S. 3473, which is access to the trust fund, and it impacts the liability trust fund. The purpose of this bill is to ensure that we have the tools necessary to respond to the BP oil spill. Last month, Congress

passed S. 3473 to permit the Coast Guard to obtain one or more advances from the Oil Spill Liability Trust Fund to underwrite Federal responses and activities related to the BP Deepwater Horizon oil spill.

Under the law, the Coast Guard can only withdraw up to \$100 million from the fund to finance emergency response efforts. After an accident and that money has run out, that can become a problem.

The trust fund was created by the Oil Pollution Act of 1990 and is funded by an 8-cent fee that is paid by all of the oil companies on each barrel of oil. This legislation has been signed by the President.

Finally, the American Jobs and Closing Tax Loopholes Act. That act was passed and the House enabled it so that it would protect the coastal economies by ensuring that oil companies would pay to strengthen the solvency of the Oil Spill Liability Trust Fund instead of passing the buck onto the taxpayers. That measure will raise the fee of oil companies that they will pay per barrel and increase the current \$1 billion cap on individual claims against the fund to \$5 billion, and increase the \$500 million cap on natural resource damages assessment to \$2.5 billion. Currently the trust fund has a balance of roughly \$1.6 billion.

Now, let's talk about my observations. We have talked about the tragedy that happened. We have talked about what the administration has done, and we have talked about what Congress has done in terms of legislation.

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So now let's talk about some of the things that I've seen.

I've made two trips to the gulf. Both trips were with the jurisdiction of the Homeland Security Committee of Government Oversight and Emergency Preparedness and Response. After viewing the news updates, I'll be honest, I anticipated seeing thousands and thousands of miles of oiled water. I expected to see every marsh covered in oil. I expected to see birds everywhere covered in oil. I expected to see sandy beaches covered in oil. And I expected to see no fishermen allowed to fish, and certainly no New Orleans businesses.

Indeed, it is true, over 500 miles of oil has gone onto the beaches in the gulf. This is a picture that shows the work that was done on the beaches. Now, you can actually see the work area in that far right section. You can see the booms that have been laid out. You can even see the restroom for the workers to be able to use as they clean the beaches. So you can see the booms, the nets, and even on this farther picture, you can see where the previous oil had gone across on the beaches. There are 3,617 birds have been rescued, 2,333 birds died, thousands of fishermen have

been without work. And an 83,927 mile area has been disallowed for fishing.

The destruction has been immense, and the final estimates are far from being in. However, many of the challenges involved in reporting and responding have been overcome in the last 40 days. That's why I wanted to speak today, because I've been watching the news on a regular basis, hearing every single night of the individual incidents that have occurred, but we've heard very little about what our government and our representatives and the people who have been working every day have been doing.

Typically what happens on a daily basis is the planes go out, they survey the area, and they look at their various radar to see where the oil spill locations are. Once they observe them from the air, they send the boats out, which then move forward and put the various booms out to either do burning or skimming. And then you also have some of the things that many of the elected officials in the local area had asked for, and that was the dropping of the sandbags. You can see this area where the sandbags were put in to prevent the oil from coming into the marsh area. Also, if you look very closely here, you will see the booms that were set in order to prevent the oil from coming into this marsh area.

Men and women are working around the clock. The administration has authorized and deployed 17,500 National Guard troops of which 1,580 have been activated. Approximately 45,000 personnel are currently responding to protect the shoreline and the wildlife and cleanup of our vital coastlines. And while there have been delays in equipment supply, the Coast Guard and Federal Government have been diligent in working to get the equipment that we need.

More than 6,800 vessels have responded on site, including skimmers, tubs, barges, and recovery vessels, all set to assist in the containment and the cleanup effort. In addition, hundreds of aircraft make the trip daily, as I said, remotely operated vehicles, and multiple mobile offshore drilling units to be able to clean up the disparate oil that has hit our shores.

Currently, approximately 572 miles of the gulf coast shoreline has been affected directly by the oil spill; approximately 328 miles in Louisiana, 108 miles in Mississippi, 67 miles in Alabama, and 69 miles in Florida. What many hardworking people have done is to set up 17 staging areas to protect many of our sensitive shoreline areas. This is an area where you can see actual workers where they go out; they actually go into the marsh area. You can see the pattern of where the oil has come in and where they're working to actually remove the oil. You also can see at this point some of the different—this is a boom that they're using in

this area, and you can see inside in the marsh area where there is a tremendous amount of oil that had been spilled, but on the inner part it is still green and we hope will still survive.

Approximately 83,927 square miles of Gulf of Mexico Federal waters remain closed to fishing in order to balance the economic and public health concerns. We hope that soon those areas will be open once we can validate that in fact the fish that are living there that would be fished will be safe for consumption for people to eat.

Now, what was interesting to me is that when I was watching all the news about the oil spill, I just simply didn't understand why they didn't just put a boom around the entire source site. It seemed to me it wasn't that big and it would have prevented the oil from going to all these other States that we've talked about. Well, this is why—and I had no idea, and this is why I wanted to be here tonight so we could educate the American public because we're not seeing this on the news of why just having more boom is not fixing the problem.

When you look at the boom here, you can see that just by a simple small wave of not even one foot actually goes over and covers the boom area. So that's why whether you have six miles of boom or 10 miles of boom, it can only cover so much. Now, here you have workers who were actually collecting the boom that has collected some of the oil, and we can see how it has worked. But unfortunately it takes a lot of boom, and it takes completely replacing it.

More than 3.2 million feet of containment boom and 6.6 million feet absorbent boom have been deployed to contain the spill, and approximately 875,000 feet of containment boom remain. So as they watch where the oil is moving, they will have boom to move to that section.

One of the things I heard a lot about was something called "the whale." They said it's large, it's from Taiwan, and it would be able to pick up all of the oil. This is a picture of the whale, as they call it. And as you can see here, here is some of the oil that the whale is picking up. Now, this whale is 1,150 feet long. It's quite an amazing site, but it's only one indication of the 20-plus international partners that we have had that the administration has been able to leverage with assets and skills from numerous foreign countries and international organizations as a part of this historic all-hands-on-deck response. Some of those countries are Belgium, Canada, China, France, Germany, Ireland, Japan, Kenya, Mexico, Netherlands, Norway, Qatar, Russia, Spain, Tanzania, United Kingdom, United Nations International, and then some.

So let's talk a little bit more about some of the particular sites. You're

seeing kind of the aerial view, but we had an opportunity to actually go to some of the parishes and to see some of the impacted areas in addition to the marsh area. One of the places we went to was St. Tammany Parish. I visited this area, and they already had an operating emergency operation center, and there I met Commander Dan Precourt. Commander Precourt is the parish liaison officer for St. Tammany Parish. His position is important because what we learned from Hurricane Katrina, one of those most important lessons, was that there simply was not enough communication between local officials and the public during that disaster. But at the St. Tammany Parish Emergency Operation Center, there is a Coast Guard liaison, there is Commander Precourt, as well as a representative from BP, and many other people who are working there, working together to talk about how the agencies can solve this problem.

The public liaisons are meeting with someone face to face so that they can respond to their problem or can direct them to someone who can. Support is coming from California, Alaska, Massachusetts, and many other States. What I found interesting that we don't hear so much about with this whole spill situation is that these people are working 7 days a week, oftentimes coming in at 6 a.m., leaving anywhere between 9 and 10 p.m., and many of them actually worked on Father's Day.

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I was there on Sunday evening at about 8 o'clock, and there were still over 10 people there, working.

Tammany Parish is not one of the centers of the oil spill. In fact, it was particularly alarming to me, because I have friends and know people from Louisiana, when I heard that oil was found at Lake Pontchartrain. I thought, "Oh, no." Most people know and enjoy the area of Lake Pontchartrain, but fortunately and actually—and what wasn't told and why we wanted to talk about this tonight—oil was discovered at the initial pass, which is called Rigolets Pass. At this time, the lake is fishable. We want people to know that. They are fishing in Lake Pontchartrain, and no oil has been found west of the I-10 bridge.

Thousands of men and women depend upon fishing for their livelihoods. As was said in one of the local shows this morning, we have to make sure that people know that people are still fishing, that people are still living, that people are still eating, and that they are still vacationing on the coast. The Coast Guard is trying every feasible option available to stop this spill.

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Now, before I visited and when I looked at some of the things that had been said, one of the things we heard people talking about were the impacts

on wildlife and the environment. I had an opportunity to go to the wildlife fisheries with representatives both from the State of Louisiana and the United States, and we got a chance to see where they had taken many of the birds so they could be cleaned and could get extra help.

This picture is of a very dedicated veterinarian who had worked very long hours to help aid and assist the birds. This is the team that actually put up this system, which was pretty much out of wire and 2 by 4s. I mean it really was a very, what I would say, kind of archaic system, but it was working to help with the birds.

You see me there. We are talking about the pelicans that have been cleaned, how they are recovering and how soon we expect them to be returned to the wild.

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Some of the beauties of the Gulf of Mexico are the marshes, the wildlife, and all the incredible things that you see. This is one of the dedicated gentlemen whom I mentioned who works for U.S. Fish and Wildlife, Jack Bohannon. He is on the water boat, and this is what they do. They survey the marsh area to see if oil has gone into that section so they know where to put the boom or where to make replacements.

Here you see the Coast Guard commander of this particular area. It was the protected area, the marsh section called Pass a Loutre. This is Commander Claudia Gelzer, and she has been working very hard to keep the oil out and to minimize the damage to this much protected area.

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It is somewhat hard to imagine, when you think of the oil coming in, how you would possibly stop it, or as I would kind of say, "corral it," to be able to put it into a section where it could be safely burned and evaporated. This is an example of where you see a marsh area where the boom has been laid. They went out, and they found out there was an area where oil existed. They corralled it, brought it into the section. Then this is how they were able to safely set it afire.

This is another example of what I wanted to show of how you have the boom area protecting the local coast section. Very low down here, you can see where some of the oil had initially come, and that is why they have the boom area protecting this section, which is to keep the oil out.

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Now, to talk about Pass a Loutre, not only is it an incredible area in terms of marshland, of over 115,000 acres of marshland, what is also particularly important about this is that it is a preserve area as well. Unfortunately, it was right in the eye of the storm of the Deepwater Horizon, and for the oil that came out, this was one of the first spots that it came to.

What we are showing you here are the first initial marsh areas. What I want the people to see is that not all of the marsh areas, not all of the 115,000 acres, are filled with oil. That is something that I didn't particularly understand as I was watching some of the news results. You look at our going out to the boat area. You see some of the low areas where some of the oil has come. Here you see it a little bit higher. Then, in this area, you see where oil very severely came in and impacted the marsh area.

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This area is characterized by river channels with attendant channel banks, natural bayous, and manmade canals, which are interspersed with intermediate fresh marshes. Hurricane damage and subsidence have contributed to a major part of the vegetation and the marshes not being as strong as they had been in the past.

So, in this area here, I found this interesting. I rode on a helicopter for about 45 minutes and then on a boat for about 30 minutes to be able to finally get to the spot where the worst amount of the oil impacting the marshes had taken place.

So the message of what I want to say tonight is, yes, a horrible thing has happened, yes, to many areas that we love, have gone to for generations, and have cherished. But the important thing to remember is that it is not in a position where we cannot fix it with the work and the commitment to do so.

So what you see here is I'm reaching in and touching some of the oil that has accumulated here in this section. Then, on this portion here, is the actual entrance into one of the marsh canals. You can see literally where the oil just kind of traveled inside, came in and basically accumulated in this section here of what you see.

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So we look at these marsh areas and what we can do to fix them. Some of the complaints that were made were: Why didn't we have enough boom? How come we couldn't get the boom out there quickly enough? This is what is very important for people to see.

Here you can see the boom is normally a yellow color. This is where oil has come over, and you can see it only takes about half of a foot of a wave or a foot of a wave to be able to go in. Here is where they are replacing it and putting new ones out and trying to keep it out, and then, of course, they are using the booms farther out in the area.

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This, I think, was important to show in that, as the booms are collecting oil, they become filled with it. Then you have to go back out and remove them and place more in their place. So here you can see a tremendous amount of oil that had accumulated. It has been absorbed in these booms, and then they

will be going out to these areas to place new ones.

Then one of the things that is also important to understand as to why the booms alone are not the answer is that, with the wind and with the waves, it begins to move them into the marsh areas, so it actually moves them out from protecting the outer area. So that's why the booms are not the permanent solution to this problem.

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As I prepared this report, what I call "the people's Congress," I would be wrong not to acknowledge the efforts of Secretary Napolitano and Chairman THOMPSON for providing the access, for demonstrating transparency, and for showing a willingness to consider all of the options on the table for the betterment of America and for the American people.

In order to improve even further, here are some of the lessons that I learned from some of the things that I've shown you tonight:

Elected officials in the local area talked about the fact that we have had past exercises. We have had national exercises in the gulf regions, and so you would ask the question: Why were there some of the problems we experienced?

Some of the things they talked about were their still not being connected on the calls, the daily calls, until a couple of weeks into the situation, and the impact on the local economy, when many of the areas really were not having an extensive amount of oil. You also had people sounding the alarm, expressing their concerns of how were we going to pay for all of the recovery that was going to be required. You had others who said we weren't moving fast enough and that we needed to do more. Still others said the teams should be changed.

Though I want to talk about another area that also became very clear to me, a lesson learned.

One of the recommendations I made when we had our hearing was to say to the Coast Guard and to the Department of Homeland Security that we need to also have our own message, which is why I am here tonight. We need to make sure that we are showing the American people, as they also have an opportunity to watch, that, yes, many marsh areas have been damaged. Yes, beaches have had oil come upon them. But yes, there are many other areas where they can still come, where they can enjoy, and where we hope that our marshes will survive.

When you look at some of the reports and when you look at the current state of the situation—and even in the hearing they acknowledged—things have gotten better. A lot of that is due to now being included in those calls, it is due to the transparency of what has been happening, and to the daily updates from Rear Admiral Allen. One of

the key things they talked about was having a message that was understandable and in layman's terms.

So that is why I came here tonight, because what the public had been asking for and what some of the elected officials had been asking for is just to show us what you are seeing and what we are doing in just regular terms. It is something very simple, but it basically conveys the message of what has happened.

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When you also look at some of the improvements and what we've learned and with being the subcommittee chair of Emergency Communications, Preparedness, and Response, and it's very important to look at these things. How soon was the 1-800 number up? How many claims have been filled? You look at where did the boom come from? How long did it take it to get there? How much did we already have? How many skimmers did we have? How many do we still need?

These are all the things that we have now learned and we've learned in previous spills, as well, that we need to do to be prepared for a spill, unfortunately, of this size.

Now, when we talk about layman's terms, one of the key things that I think is important to acknowledge is the Gulf of Mexico. This is a picture of a very sensitive area. You can see that the marsh is not very deep, but it's pretty much covered all the way around with boom. It's green. The water is blue. But we are fighting on a daily basis to keep it that way, and we have 45,000 personnel who are working to fix the problem.

So when we talk about the clear lessons, some of the other things that I think that should be considered are: one, we need to make sure that as we consider how we respond to a spill, that we're prepared to make the adjustments in a hurricane season as well.

I showed you pictures of the bird estuary and where they were cleaning up the birds. They are actually in the process of moving from that area because it's not stable enough. So if, in fact, a hurricane were to come, we would lose many birds as well from that experience. So we have to be including different agencies in that emergency process and to ensure that those places are set up throughout the region so that they're ready if something like this crisis does, in fact, occur.

Another thing that we also have learned is that when we talk about communication, the National Oceanic and Atmospheric Administration is predicting an active to extremely active hurricane season for 2010, with a chance, 70 percent chance for 14 to 23 named storms. So the clock is ticking, and that's why people are working so hard to be ready.

Another key point that is very important to consider has to do with legislation. Now, I mentioned earlier some of the legislation that the House has already passed, but there are other suggestions that should be considered as well.

One of the things that we found, in terms of response and who's in charge, is that when you looked at the marsh area, the Louisiana Wildlife individual felt that if you had oil in the marsh, that you should leave it there and allow it to eventually work its way out. The United States, at the Federal level, said it's better to go in to cut it open, to flush some water to go through to remove the oil and to get it out from just sitting there. So they were having to make those decisions.

And I would venture to say that we should actually have those kinds of plans in advance. We should know that for certain parts of our country, we have marsh areas and that if, in the event there are oil spills, and I already mentioned to you that there's been 6,000 in our period of time here in the United States, that we should already have an adopted policy that we agree to of how we get the oil out of the marsh. Do we leave the oil in or do we open it up to be able to flush clear water through? That was one of the things that I asked at the hearing that we had.

Another important thing to consider with legislation is to make sure that it would have proper mitigation, and that's what I'm talking about with the marsh. We should already determine what the potential costs are. We shouldn't be waiting until something unfortunately happens and then we're trying to guesstimate.

We should also make sure that mitigation includes natural resource restoration. When you look at mitigation, it's loss of life, loss of limb, loss of property. But it's also, we have grown to know, it's a loss of our natural ecosystem as well. So when we consider funding that's available for mitigation, we need to make sure enough is there for that restoration as well.

We also need to make sure that we have adequate information that's prepared independently, not of a particular independent private source, that will actually provide us the information and say what would be required to restore our ecosystem to its natural level.

Sensitive natural resource areas can be identified early, and they can be done so to adequately protect them from an oil spill and also help with associated cleanup operations. The damage impact assessment should be thorough and it should be accurate and it doesn't have to be late. Habitat restoration is the preferred method to mitigate for impacts of natural resources from an oil spill and associated cleanup activities. A detailed mitigation plan should be prepared.

These are the things that I saw and that I learned that I plan on bringing forward with my colleagues to consider on this very floor.

When you talk about adequate funding for restoration activities, it should be provided based upon the actual cost and not what we think it might be. We should have to have time lines. There should be strict penalties, feasible objectives. There should be separate oversight from the initiators and the implementers, and, certainly, there should be periodic updates.

So when you look at the Oil and Fuel Spill Readiness Act, another piece of legislation that I think this House should consider, we shouldn't have to, when we have a spill, scramble for a couple of weeks and try and get enough boom and try and get enough skimmers and try and get enough of everything to deal with an incredible disaster. These are things based upon the depth and the amount of oil that's being pulled from the ocean floor that we should be able to consider what would be needed if, in the event, a disaster were to occur.

A readiness act would be able to have lessons learned from this Deepwater Horizon oil spill. It should include objective academic minds and expertise. It should include standards and require all emergency planning. And it should also include, as I've said, environment and wildlife as well.

Now, as we talk about what I call the people's Congress, this House is one where we have an opportunity to represent approximately 650,000 Americans, and I happen to be fortunate enough to be one of those people. And so, as I rise today and I talk about this Special Order, one of the things you find quickly being a Member of Congress is that it's your area that you represent, but you also represent—you're a United States Representative, which means you're not only looking for your district but for other districts as well.

And so when this incident happened and it fell within the committee of jurisdiction of my particular area, I felt, really, it was a responsibility because we have oil wells and pipelines in my area as well. And what happened in Louisiana could happen in any coastline in this country, and so it behooves us to be prepared and to learn our lessons.

As I've explained tonight, we can start looking forward in a constructive way. We can work together with Federal, State, and local elected officials and agencies and private partners on solving these problems. Millions of people depend upon the gulf for their livelihood, for family history, and it is home to valuable animals as a part of their families, plants, and environments.

I am optimistic. And while this is certainly one of the biggest challenges

this Nation has ever faced, one thing we know for sure about the United States is that we're always ready to rebound. We don't see things as insurmountable, and we do believe that they can be made right.

The last slide I am showing you tonight is not the marsh area before the oil spill. In fact, it's after. What you see in this marsh area is that it is in its full and beautiful state. It's perfectly green. You see the canals that are there supporting it. As we continue to work to respond to this oil spill and we put the recovery things in place, we can ensure that the rest of the 115,000 acres can look again like this particular section does as well.

Mr. Speaker, I thank you for the opportunity to be able to share my thoughts, kind of a testimony of what I saw in the gulf, painting a picture for the American people of what is really happening and what so many incredible people are doing to really restore and to fix something that was originally a disaster that I think can come back to look like this particular slide does.

With that, I am appreciative for all of the efforts, as I said, of Chairman THOMPSON on our committee, Secretary Napolitano, of her working with all the Members of Congress and Senate to visit the gulf. We look forward to continuing to work, to do our lessons learned, and to put better systems in place so that we won't repeat the Deepwater Horizon oil spill.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4213. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. ROYBAL-ALLARD) to revise and extend their remarks and include extraneous material:)

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Mr. BRIGHT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SABLON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, July 28.

Mr. POE of Texas, for 5 minutes, July 27 and 28.

Mr. JONES, for 5 minutes, July 28.

Mr. GRAVES of Georgia, for 5 minutes, today.

Mrs. MILLER of Michigan, for 5 minutes, today.

Mr. GINGREY of Georgia, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3250. An Act to provide for the training of Federal building personnel, and for other purposes, to the Committee on Transportation and Infrastructure.

ADJOURNMENT

Ms. RICHARDSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 49 minutes p.m.), the House adjourned until tomorrow, Thursday, July 22, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 4380, the Miscellaneous Trade and Technical Corrections Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 4380, AMENDING THE HARMONIZED TARIFF SCHEDULE TO MODIFY TEMPORARILY CERTAIN RATES OF DUTY, AS AMENDED

	By fiscal year in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-2015	2010-2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	0	169	103	26	0	–305	305	0	–17	–286	0	–7	–5

Sources: Congressional Budget Office and Joint Committee on Taxation.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8456. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — *Pasteuria usgae*; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0179; FRL-8831-9] received June 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8457. A letter from the Directors, Congressional Budget Office and Office of Management and Budget, transmitting a joint report on the fiscal year 2011 outlay rates and prior year outlays for accounts in Function 050 (National Defense), pursuant to 10 U.S.C. 226(a); to the Committee on Armed Services.

8458. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Availability of Information to the Public [Docket ID: ED-2008-OM-0011] (RIN: 1880-AA84) received June 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8459. A letter from the Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's Zero-Net Energy Commercial Building Initiative Activities; to the Committee on Energy and Commerce.

8460. A letter from the Chairman, Energy Regulatory Commission, transmitting the Commission's National Action Plan on Demand Response, pursuant to Public Law 110-140, section 529(b); to the Committee on Energy and Commerce.

8461. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Disapproval of California State Implementation Plan Revisions, Monterey Bay Unified Air Pollution Control District [EPA-R09-OAR-2009-0080; FRL-9169-3] received June 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8462. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Emergency Planning and Community Right-to-Know Act; Guidance on Reporting Options for Sections 311 and 312 and Interpretations [EPA-HQ-SFUND-1988-0002; FRL-9168-7] received June 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8463. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Yolo-Solano Air Quality Management District [EPA-R09-OAR-2010-0237; FRL-9167-6] received June 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8464. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, and continued by the President each year, most recently on November 6, 2009, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

8465. A letter from the Acting Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's report on the amount of acquisitions made from entities that manufacture the articles, materials, or supplies outside the United States in Fiscal Year 2009, pursuant to Public Law 109-115, section 837; to the Committee on Foreign Affairs.

8466. A letter from the Assistant Secretary, Department of State, transmitting a report from the U.S. Global AIDS Coordinator on HIV/AIDS Prevention, Strategies pursuant to the FY 2010 Appropriations Conference Report; to the Committee on Foreign Affairs.

8467. A letter from the Acting Associate Director for PP&I, OFAC, Department of the Treasury, transmitting the Department's final rule — Alphabetical Listing of Blocked Persons, Blocked Vessels, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Global Terrorists, Foreign Terrorist Organizations, and

Specially Designated Narcotics Traffickers received June 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8468. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting the 2009 Statements on System of Internal Controls of the Federal Home Loan Bank of Pittsburgh, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

8469. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Listing the Flying Earwig Hawaiian Damselfly and Pacific Hawaiian Damselfly As Endangered Throughout Their Ranges [Docket No.: FWS-R1-ES-2009-0036] [MO 92210-0-0008] (RIN: 1018-AV47) received June 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8470. A letter from the Branch Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Migratory Bird Permits; Changes in the Regulations Governing Migratory Bird Rehabilitation [FWS-R9-MB-2010-0020; 91200-1231-9BPP] (RIN: 1018-AX09) received June 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8471. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska—2010-11 and 2011-12 Subsistence Taking of Wildlife Regulations; Subsistence Taking of Fish on the Yukon River Regulations [Docket No.: FWS-R7-SM-2009-0001] [70101-1261-0000L6] (RIN: 1018-AW30) received June 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8472. A letter from the Secretary, Department of the Interior, transmitting report on the Payments in Lieu of Taxes program, pursuant to 31 U.S.C. 6901-6907; to the Committee on Natural Resources.

8473. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report detailing the

progress and the status of compliance with privatization requirements, pursuant to Public Law 105-33, section 11201(B) (111 Stat. 734); to the Committee on the Judiciary.

8474. A letter from the Executive Director, Secretary/Treasurer, National Council on Radiation Protection and Measurements, transmitting the 2009 Annual Report of an independent auditor who has audited the records of the National Council on Radiation Protection and Measurements, pursuant to 36 U.S.C. 4514; to the Committee on the Judiciary.

8475. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Patapsco River, Northwest Harbor, Baltimore, MD [Docket No.: USCG-2010-0087] (RIN: 1625-AA08) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8476. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Mitsubishi Heavy Industries, Ltd. Various Models MU-2B Airplanes [Docket No.: FAA-2009-1076; Directorate Identifier 2009-CE-019-AD; Amendment 39-16296; AD 2010-10-17] (RIN: 2120-AA64) received June 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8477. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135ER, -135KE, -135KL, and -135LR Airplanes; and EMBRAER Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No.: FAA-2010-0170; Directorate Identifier 2009-NM-127-AD; Amendment 39-16328; AD 2010-12-07] (RIN: 2120-AA64) received June 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8478. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. Auxiliary Power Unit Models GTCP36-150(R) and GTCP36-150(RR) [Docket No.: FAA-2009-0803; Directorate Identifier 2009-NE-34-AD; Amendment 39-16330; AD 2010-12-09] (RIN: 2120-AA64) received June 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8479. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International S.A. CFM56-5, -5B, and -7B Series Turbofan Engines [Docket No.: FAA-2010-0026; Directorate Identifier 2010-NE-03-AD; Amendment 39-16340; AD 2010-13-09] (RIN: 2120-AA64) received June 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8480. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Model 525A Airplanes [Docket No.: FAA-2010-0327; Directorate Identifier 2010-CE-012-AD; Amendment 39-16321; AD 2010-12-01] (RIN: 2120-AA64) received June 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8481. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure: Purchase Price Safe Harbors for Sections 143 and 25 (Rev. Proc.

2010-25) received June 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8482. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier I Issue Loss Importation Transaction Directive #1 [LMSB Control No: LMSB-4-0110-004] received June 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8483. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extended Carryback of Losses to or From a Consolidated Group [TD 9490] (RIN: 1545-BJ12) received June 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8484. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Notice Providing Disaster Relief to Sponsors of Pre-Approved Defined Contributions Plans [Notice 2010-48] received June 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8485. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Regulations under the Patient Protection and Affordable Care Act [TD 9491] received June 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8486. A letter from the Secretary, Department of Energy, transmitting the Department's 2009 report entitled, "Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board", pursuant to Section 316(b) of the Atomic Energy Act of 1954; jointly to the Committees on Energy and Commerce and Armed Services.

8487. A letter from the Inspector General, Department of Health and Human Services, transmitting reports on Medicare provider's and plan's language access services for Limited English Proficient (LEP) persons; jointly to the Committees on Energy and Commerce and Ways and Means.

8488. A letter from the Secretary, Department of Commerce, transmitting the annual report on the activities of the Economic Development Administration for Fiscal Year 2009; jointly to the Committees on Transportation and Infrastructure and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 2693. A bill to amend title VII of the Oil Pollution Act of 1990, and for other purposes; with an amendment (Rept. 111-553). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 5716. A bill to provide for enhancement of existing efforts in support of research, development, demonstration, and commercial application activities to advance technologies for the safe and environmentally responsible exploration, development, and production of oil and natural gas resources; with an amendment (Rept. 111-554, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 1549. Resolution providing for consideration of the bill (H.R. 1264) to amend the National Flood Insurance Act of 1968 to provide for the national flood insurance program to make available multiperil coverage for damage resulting from windstorms or floods, and for other purposes (Rept. 111-555). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Natural Resources discharged from further consideration. H.R. 5716 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MCGOVERN (for himself and Mr. JONES):

H.R. 5803. A bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG (for himself, Ms. ROS-LEHTINEN, Ms. WASSERMAN SCHULTZ, Mr. CAO, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 5804. A bill to prohibit trade in billfish; to the Committee on Natural Resources, and in addition to the Committees on Foreign Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCOLLUM (for herself, Mr. INSLEE, and Mr. TONKO):

H.R. 5805. A bill to encourage the implementation of thermal energy infrastructure, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PINGREE of Maine (for herself, Ms. KILROY, Mr. VAN HOLLEN, Mr. NEAL of Massachusetts, Ms. LEE of California, Mr. BLUMENAUER, Mr. LUJÁN, Mr. POLIS, Mr. CLAY, and Mr. COURTNEY):

H.R. 5806. A bill to amend the Richard B. Russell National School Lunch Act to create a local food credit program; to the Committee on Education and Labor.

By Ms. ROYBAL-ALLARD (for herself, Ms. BALDWIN, Mrs. CAPPS, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Mr. COHEN, Mr. CONYERS, Mrs. DAVIS of California, Ms. DEGETTE, Ms. DELAURO, Mr. ENGEL, Mr. HINOJOSA, Ms. LEE of California, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. MCGOVERN, Mrs. MALONEY, Mr. MICHAUD, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Ms. NORTON, Mr. REYES, Ms. VELÁZQUEZ, Ms.

WASSERMAN SCHULTZ, Ms. WOOLSEY, and Ms. SCHAKOWSKY):

H.R. 5807. A bill to promote optimal maternity outcomes by making evidence-based maternity care a national priority, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself, Ms. BALDWIN, Mr. BECERRA, Mr. BLUMENAUER, Mr. BOSWELL, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CAPUANO, Mr. CARSON of Indiana, Mrs. CHRISTENSEN, Ms. CHU, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. COHEN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DOYLE, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Ms. FUDGE, Mr. GARAMENDI, Mr. GRAYSON, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHAY, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KENNEDY, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE of California, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Mr. LUJÁN, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Ms. MATSUI, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MCGOVERN, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. NADLER of New York, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. PASTOR of Arizona, Mr. PAYNE, Ms. PINGREE of Maine, Mr. POLIS, Mr. PRICE of North Carolina, Mr. RANGEL, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIREs, Ms. SLAUGHTER, Ms. SPEIER, Mr. STARK, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TONKO, Mr. TOWNS, Ms. VELÁZQUEZ, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WELCH, Mr. WU, Mr. YARMUTH, Mr. DEUTCH, Mr. DELAHUNT, Mr. PIERLUISI, Mr. ACKERMAN, Mr. ISRAEL, Mrs. LOWEY, Mr. SCHIFF, Mr. DOGGETT, Mr. BERMAN, Ms. TSONGAS, Mr. HIGGINS, Mr. SABLAN, Ms. DEGETTE, Mr. WEINER, Mr. MICHAUD, Ms. DELAULO, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. LARSON of Connecticut, Mr. LEVIN, Mr. PALONE, Mr. ANDREWS, and Mrs. DAVIS of California):

H.R. 5808. A bill to amend the Patient Protection and Affordable Care Act to establish a public health insurance option; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself, Mr. SMITH of Texas, Mr. STUPAK, and Mr. MORAN of Virginia):

H.R. 5809. A bill to amend the Controlled Substances Act to provide for take-back dis-

posal of controlled substances in certain instances, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California:

H.R. 5810. A bill to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes; to the Committee on the Judiciary.

By Mr. REYES:

H.R. 5811. A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe; to the Committee on Natural Resources.

By Mr. WELCH:

H.R. 5812. A bill to conduct a pilot program in support of efforts to increase purchases of local fresh fruits and vegetables for schools and service institutions by giving several States the option of receiving a grant from the Secretary of Agriculture for that purpose instead of obtaining commodities under Department of Agriculture programs; to the Committee on Education and Labor.

By Mr. CASTLE (for himself and Mr. LANCE):

H. Con. Res. 299. Concurrent resolution expressing the sense of Congress regarding the establishment of committees with jurisdiction over intelligence activities; to the Committee on Rules.

By Mr. LUJÁN (for himself and Mr. SALAZAR):

H. Con. Res. 300. Concurrent resolution recognizing the 40th anniversary of the Cumbres and Toltec Scenic Railroad; to the Committee on Transportation and Infrastructure.

By Mr. INSLEE (for himself, Mr. LARSEN of Washington, Mr. BAIRD, Mr. BARROW, Mr. BLUMENAUER, Mr. BRALEY of Iowa, Ms. CASTOR of Florida, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. DICKS, Mr. DINGELL, Mr. DOYLE, Mr. FARR, Mr. GRIJALVA, Mr. HASTINGS of Washington, Mr. HEINRICH, Ms. NORTON, Ms. JACKSON LEE of Texas, Mr. KIND, Mr. KING of New York, Mr. KLEIN of Florida, Mr. LANGEVIN, Ms. ZOE LOFGREN of California, Mr. MATHESON, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MCGOVERN, Mrs. McMORRIS RODGERS, Mr. MELANCON, Mr. MORAN of Virginia, Mr. ORTIZ, Mr. OWENS, Mr. QUIGLEY, Mr. REICHERT, Mr. ROTHMAN of New Jersey, Mr. RUPPERSBERGER, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SHULER, Mr. SIREs, Mr. SMITH of Washington, Mr. SNYDER, Mr. SPRATT, Mr. STARK, Ms. SUTTON, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WELCH, and Mr. WILSON of South Carolina):

H. Res. 1546. A resolution congratulating the Washington Stealth for winning the National Lacrosse League Championship; to the Committee on Oversight and Government Reform.

By Ms. WATERS (for herself, Mrs. CHRISTENSEN, Ms. LEE of California, Mr. MEEKS of New York, Ms. ROYBAL-ALLARD, Ms. BORDALLO, Mr. FRANK of Massachusetts, Mr. RUSH, Mr. HASTINGS of Florida, Mr. CAPUANO, Mr.

CLAY, Mr. BUTTERFIELD, Ms. NORTON, Ms. JACKSON LEE of Texas, Ms. CORRINE BROWN of Florida, Ms. RICHARDSON, Mr. PAYNE, Mr. McDERMOTT, Mr. FILNER, Mr. HONDA, Mr. BACA, Ms. MOORE of Wisconsin, Mr. GRIJALVA, Mr. COHEN, and Ms. WASSERMAN SCHULTZ):

H. Res. 1547. A resolution supporting the goals and ideals of National Clinicians HIV/AIDS Testing and Awareness Day, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROYCE:

H. Res. 1548. A resolution condemning the recent violence against members of the media in the Philippines; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

347. The SPEAKER presented a memorial of the House of Representatives of the State of Louisiana, relative to Senate Resolution No. 117 memorializing the President of the United States, the Congress, and the Federal Communications Commission to refrain from regulating Internet broadband services as common carrier services under Title II of the Communications Act of 1934; to the Committee on Energy and Commerce.

348. Also, a memorial of the Senate of the State of Missouri, relative to Senate Concurrent Resolution No. 36 urging the Congress to adopt a balanced budget amendment to the Constitution; to the Committee on the Judiciary.

349. Also, a memorial of the Senate of the State of Missouri, relative to Senate Concurrent Resolution No. 55 urging the President to include recreational fishing and boating in the oceans and Great Lakes as national priorities and ensure and promote recreational fishing and access to public waters; jointly to the Committees on Natural Resources and Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 208: Mr. RUPPERSBERGER, Ms. KILROY, Mr. NYE, Mr. BERRY, and Mr. REICHERT.
H.R. 233: Ms. MOORE of Wisconsin.
H.R. 333: Mr. SCHOCK.
H.R. 442: Mr. EDWARDS of Texas.
H.R. 745: Mr. BERRY.
H.R. 972: Mr. ROGERS of Alabama.
H.R. 1021: Mr. CASTLE.
H.R. 1067: Mr. SCHOCK.
H.R. 1124: Ms. HIRONO and Ms. MCCOLLUM.
H.R. 1326: Ms. BORDALLO.
H.R. 1362: Mr. SCHOCK.
H.R. 1410: Mr. BERRY.
H.R. 1670: Mr. RYAN of Ohio.
H.R. 1785: Mr. MICHAUD.
H.R. 1895: Mr. LATOURETTE.
H.R. 2002: Mr. DEUTCH.
H.R. 2039: Mr. GARAMENDI.
H.R. 2057: Mr. GARAMENDI.
H.R. 2125: Mr. KIND.
H.R. 2400: Mr. McDERMOTT.
H.R. 2575: Mr. HIMES.
H.R. 2697: Mr. CHILDERS.
H.R. 2900: Mr. PITTS.
H.R. 2941: Mr. BACHUS, Mr. DINGELL, and Mr. MAFFEI.

H.R. 3024: Ms. ZOE LOFGREN of California.
 H.R. 3077: Mr. BERRY.
 H.R. 3286: Mr. DEUTCH.
 H.R. 3408: Mr. SARBANES.
 H.R. 3463: Mr. ROHRBACHER.
 H.R. 3464: Mr. PITTS, Mr. SIMPSON, and Mr. NEUGEBAUER.
 H.R. 3560: Mr. DICKS and Ms. MCCOLLUM.
 H.R. 3697: Mr. REHBERG.
 H.R. 3765: Mr. MANZULLO and Mr. LUCAS.
 H.R. 3927: Mr. ROTHMAN of New Jersey and Mr. WELCH.
 H.R. 4011: Mr. LAMBORN.
 H.R. 4195: Mr. KIND and Mr. KLINE of Minnesota.
 H.R. 4197: Mr. CONAWAY.
 H.R. 4278: Ms. BERKLEY.
 H.R. 4303: Mr. MCGOVERN.
 H.R. 4347: Mr. PETERSON.
 H.R. 4416: Ms. HIRONO, Mr. BLUMENAUER, Mr. NADLER of New York, Mr. MOORE of Kansas, Mr. INSLEE, and Mr. HASTINGS of Florida.
 H.R. 4509: Mr. CONNOLLY of Virginia, Mr. ROGERS of Alabama, Mr. GUTIERREZ, and Mr. BARTLETT.
 H.R. 4549: Mr. HEINRICH.
 H.R. 4601: Ms. SPEIER and Ms. LORETTA SANCHEZ of California.
 H.R. 4645: Mr. BOOZMAN.
 H.R. 4662: Ms. LORETTA SANCHEZ of California.
 H.R. 4677: Mr. DAVIS of Illinois.
 H.R. 4689: Mr. ROTHMAN of New Jersey, Mrs. HALVORSON, Ms. VELÁZQUEZ, Mr. DOYLE, Mr. DEUTCH, and Mr. BRALEY of Iowa.
 H.R. 4692: Mr. CARNAHAN.
 H.R. 4693: Mr. BERRY.
 H.R. 4700: Ms. EDWARDS of Maryland, Mr. TONKO, Ms. CASTOR of Florida, Mr. KILDEE, Mr. MCGOVERN, Mr. QUIGLEY, Ms. DEGETTE, and Mr. CARDOZA.
 H.R. 4717: Mr. POMEROY.
 H.R. 4728: Mr. TURNER.
 H.R. 4787: Ms. BERKLEY.
 H.R. 4788: Ms. SHEA-PORTER.
 H.R. 4921: Mr. ELLSWORTH.
 H.R. 4972: Mr. WILSON of South Carolina.
 H.R. 4986: Mr. GRIFFITH and Mr. BERRY.
 H.R. 5000: Mr. KISSELL, Ms. SHEA-PORTER, Mr. FRANK of Massachusetts, and Mr. HONDA.
 H.R. 5016: Mr. JONES and Mr. SCHOCK.
 H.R. 5034: Mr. MATHESON and Mr. SULIVAN.
 H.R. 5040: Ms. ZOE LOFGREN of California and Mr. SCHOCK.
 H.R. 5041: Mr. ACKERMAN.
 H.R. 5054: Mr. SCHOCK.
 H.R. 5066: Mr. BOOZMAN.
 H.R. 5071: Mr. POLIS.
 H.R. 5081: Mr. SCOTT of Virginia, Mr. BACA, and Mr. NEUGEBAUER.
 H.R. 5095: Mr. FLEMING.
 H.R. 5111: Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. LUCAS, and Ms. FALLIN.
 H.R. 5137: Mr. DOYLE, Mrs. BLACKBURN, and Mr. GRIJALVA.
 H.R. 5141: Ms. ROS-LEHTINEN, Mrs. MYRICK, Mr. TIBERI, Mr. BROWN of South Carolina, Mr. HALL of Texas, and Mrs. MILLER of Michigan.
 H.R. 5162: Mr. SCHOCK, Mr. BONNER, Mr. CARTER, and Mr. SCALISE.
 H.R. 5192: Mr. CHAFFETZ.
 H.R. 5211: Mr. CLAY and Ms. ZOE LOFGREN of California.

H.R. 5244: Mr. CLAY.
 H.R. 5323: Mr. BARRETT of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mrs. LUMMIS, and Mrs. BLACKBURN.
 H.R. 5363: Mr. SCOTT of Georgia.
 H.R. 5434: Mr. PASCARELL, Mr. WU, Mr. HASTINGS of Florida, and Mr. KAGEN.
 H.R. 5440: Mr. HASTINGS of Florida.
 H.R. 5458: Mrs. DAHLKEMPER and Mr. TONKO.
 H.R. 5462: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. ROYBAL-ALLARD.
 H.R. 5504: Mr. BERMAN, Mr. AL GREEN of Texas, Ms. MCCOLLUM, and Ms. SPEIER.
 H.R. 5520: Mr. BRADY of Pennsylvania.
 H.R. 5539: Mr. ROGERS of Michigan.
 H.R. 5554: Mr. DJOU.
 H.R. 5565: Mr. AL GREEN of Texas.
 H.R. 5588: Mr. FARR.
 H.R. 5612: Mr. COFFMAN of Colorado.
 H.R. 5662: Mr. MURPHY of New York, Mr. BACA, Ms. FOXX, and Mr. BOSWELL.
 H.R. 5663: Mr. HINCHEY and Ms. PINGREE of Maine.
 H.R. 5667: Mr. SCALISE.
 H.R. 5718: Mr. FILNER.
 H.R. 5729: Mr. ROGERS of Alabama and Mr. CONAWAY.
 H.R. 5746: Mr. CONNOLLY of Virginia, Ms. NORTON, Mr. DAVIS of Illinois, Mr. BISHOP of New York, Mr. KUCINICH, and Mr. CLAY.
 H.R. 5769: Mr. HUNTER.
 H.R. 5791: Mr. DEFAZIO and Ms. KILPATRICK of Michigan.
 H.R. 5792: Ms. KILPATRICK of Michigan and Mr. PASTOR of Arizona.
 H.R. 5793: Ms. KILPATRICK of Michigan, Mr. DINGELL, and Mr. PASTOR of Arizona.
 H. Con. Res. 200: Mr. MARKEY of Massachusetts.
 H. Con. Res. 259: Mr. PLATTS.
 H. Con. Res. 266: Mr. BOOZMAN and Mr. PAULSEN.
 H. Con. Res. 281: Mr. BISHOP of Utah.
 H. Con. Res. 291: Mr. SMITH of New Jersey and Mr. FALCONE.
 H. Res. 93: Ms. HARMAN.
 H. Res. 173: Mr. GONZALEZ.
 H. Res. 536: Mr. CAMPBELL.
 H. Res. 611: Mr. LARSON of Connecticut, Ms. DEGETTE, and Mr. MURPHY of New York.
 H. Res. 771: Mr. CAMP.
 H. Res. 904: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. TITUS, Mr. OWENS, and Mr. COHEN.
 H. Res. 913: Mr. JACKSON of Illinois.
 H. Res. 1052: Mr. NYE, Mr. MCINTYRE, and Mr. KLINE of Minnesota.
 H. Res. 1226: Mr. BILIRAKIS, Mr. UPTON, and Mr. BOUCHER.
 H. Res. 1251: Mr. BISHOP of Utah and Mr. ROONEY.
 H. Res. 1264: Mr. SNYDER, Mr. EHLERS, Mr. GORDON of Tennessee, Mr. BOREN, and Mr. CAMP.
 H. Res. 1355: Mr. HOLT.
 H. Res. 1365: Mrs. MCMORRIS RODGERS.
 H. Res. 1402: Mr. SMITH of Washington.
 H. Res. 1428: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GRAYSON, Mr. COURTNEY, Mr. KISSELL, Mr. TEAGUE, Mrs. HALVORSON, Mr. HARE, Ms. SUTTON, Mr. MCNERNEY, and Mr. FOSTER.
 H. Res. 1430: Mr. STARK.
 H. Res. 1456: Mr. GERLACH.

H. Res. 1488: Mr. FARR, Mr. CONNOLLY of Virginia, Mrs. MALONEY, Mr. MAFFEI, Mr. KLINE of Minnesota, Mr. MORAN of Virginia, Mr. FRANK of Massachusetts, and Mr. PLATTS.
 H. Res. 1494: Mr. LATOURETTE and Mr. HARE.
 H. Res. 1499: Mr. OLVER, Mr. HASTINGS of Florida, Mrs. MALONEY, Ms. CORRINE BROWN of Florida, and Mr. PIERLUISI.
 H. Res. 1504: Mr. GENE GREEN of Texas, Ms. SPEIER, Mr. MCGOVERN, and Mr. MEEK of Florida.
 H. Res. 1518: Ms. EDWARDS of Maryland, Mr. DAVIS of Illinois, and Ms. MCCOLLUM.
 H. Res. 1522: Mr. ALTMIRE, Mr. BUCHANAN, Mr. CARNEY, Mr. CONYERS, Mr. BACA, Ms. CORRINE BROWN of Florida, Mr. DELAULO, Mr. FRANK of Massachusetts, Ms. GIFFORDS, Mr. HASTINGS of Florida, Mr. HOLT, Mr. JOHNSON of Georgia, Mr. KLEIN of Florida, Mr. LEVIN, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. MEEK of Florida, Ms. NORTON, Mr. PIERLUISI, and Mr. ROONEY.
 H. Res. 1527: Ms. EDWARDS of Maryland, Mrs. BACHMANN, Mr. SAM JOHNSON of Texas, Mr. LARSEN of Washington, Mr. MCCAUL, Mr. PITTS, Mr. KING of Iowa, Mr. HARPER, Mr. OLSON, Mr. SHADEGG, and Mrs. BIGGERT.
 H. Res. 1529: Ms. DELAULO, Mr. LANCE, Mr. TONKO, Mr. ROTHMAN of New Jersey, Mr. SIRES, Mr. HINCHEY, Mr. KING of New York, Mr. BISHOP of New York, and Ms. CLARKE.
 H. Res. 1531: Ms. BALDWIN.
 H. Res. 1535: Mr. DREIER, Mr. SHERMAN, Mr. BERMAN, Mr. SCHIFF, Mr. WAXMAN, Mr. BECERRA, Ms. CHU, Ms. WATSON, Ms. ROYBAL-ALLARD, Ms. WATERS, Ms. RICHARDSON, Mrs. NAPOLITANO, Ms. LINDA T. SANCHEZ of California, and Mr. GARY G. MILLER of California.
 H. Res. 1540: Mrs. KIRKPATRICK of Arizona.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

162. The SPEAKER presented a petition of Wilton Manors, Island City, Florida, relative to Resolution No. 3565 opposing the Public Safety Employer-Employee Cooperation Act of 2009 (S. 3194) on its own, or in any form as amendment to other legislation; to the Committee on Education and Labor.

163. Also, a petition of Wilton Manors, Island City, Florida, relative to Resolution No. 3560 opposing approval of oil drilling in Florida's waters in areas other than those already approved for oil leasing and oil exploration; to the Committee on Natural Resources.

164. Also, a petition of City of Lauderdale Lakes, Florida, relative to Resolution No. 2010-42 urging the President and the Department of Homeland Security Secretary to promptly parole in to the United States all Haitian beneficiaries of approved immigrant visa petitions and to permit them to legally work in the United States; to the Committee on the Judiciary.

SENATE—Wednesday, July 21, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, give us hearts wide open to the joy and beauty of Your creative power. Enable the Members of this body to sense the transcendent in the beauty of the Earth and the glory of the skies. Help them hear Your music in the symphony of the seasons, in the whispering of the wind, and in the constellations of the night. May the sounds of nature's music lead our Senators to place greater trust in the movements of Your providence. Lord, give them the spiritual power they need to do Your will.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 21, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period

of morning business for an hour. During that time, Senators will be allowed to speak for up to 10 minutes each. The time will be equally divided and controlled between the two leaders or their designees. The Republicans will control the first 30 minutes; the majority will control the next 30 minutes.

Following morning business, the Senate will resume consideration of the House message on unemployment insurance benefits, postclosure. If all postclosure debate time is used, the vote on passage would occur at approximately 9 o'clock tonight. I will continue to work with the Republican leader on an agreement to yield back time.

Upon disposition of the unemployment insurance legislation, we will move to the small business jobs bill. We will actually resume consideration of it; we have been on it before. Senators will be notified when any votes are scheduled.

UNEMPLOYMENT INSURANCE

Mr. REID. Mr. President, the power of our democratic system is that everyone has a voice. The responsibility of that system is that once the votes are cast and counted, everyone must then accept and abide by the outcome. I deeply regret that too many of my Republican colleagues have yet to learn that lesson.

Let me explain as clearly as I can what happened in the Senate yesterday and what is continuing to happen this morning. I want to explain it especially for the tens of thousands of Nevadans and 2.5 million Americans waiting for the emergency unemployment assistance they have been told is on the way.

Yesterday afternoon, the Senate moved, at long last, to within one step—one simple-majority vote—of passing long-overdue help for the unemployed. This is emergency help for those who have exhausted their insurance benefits because these days it takes longer than ever before in recent memory to find a job. This is help for people who have lost their jobs through no fault of their own. Although they are still out of work, it is not for lack of trying. These are people who have tried and tried and tried to find work, who scour job listings, who send out resumes, who fill out applications, who go to interviews, but who have not had any luck for weeks and months and, in some cases, multiple years. At last count, there is only one open job for every five desperate Americans to fill it.

So after several tries and with the help of two courageous and good Re-

publican Senators from Maine—SNOWE and COLLINS—yesterday we moved closer to that last step by an overwhelming vote, a vote of 60 to 40. In the unique world of the U.S. Senate, 60 to 40 can be seen as a razor-thin margin, but by any reasonable measure, it is a landslide. That vote, by the way, was entirely in line with the wishes of the people we represent—the people of Nevada, the people of New Mexico, all 50 States—who overwhelmingly demand that we—Republicans, Democrats, and Independents—pass this aid. The support for this bill comes from all over the country, both from those fortunate enough to collect a paycheck and those desperate to get an unemployment check.

By Senate rules, the maximum of 30 hours can elapse between the second to the last vote and the final vote, which requires just a simple majority of 51 or whatever the majority would be at the time. During those 30 hours, not a single letter or a single number in the bill will change. In other words, we have to wait more than a day before we can see if half of the Senate supports the exact same bill a supermajority supported the day before. That might not make much sense for those who do not follow the Senate every day or even those who follow the Senate every day. I understand that. In fact, historically, both sides have been able to come together and reasonably say: 60 is more than 51, so let's just move on. They have said it. They have said: It is not our time to waste; it is the American people's time. But that is just not how things work in the new Senate and not with this Republican leadership. The minority—which, it is worth repeating, has already lost the debate and lost the vote on this issue—has decided to squeeze out every last second of that time, until they have no more delaying tools at their disposal, until they have no more procedural tricks up their sleeves, until they can no longer forcibly keep emergency unemployment checks out of the hands of the desperately unemployed.

The Republican leadership, supported by the overwhelming majority of its caucus, has stood—actually, what they have done is stand in front of a burning house and they have said: Everyone wants us to put out the fire, but we are going to sit back and wait a while before we turn on the firehoses. This really is a dark day in the Senate and some feel brings shame to the institution. But more than that, it hurts the very people we were sent here to help. Why would someone in public service do such a thing? Why would they be so callous? I do not know. I am really at a loss.

Perhaps the overwhelming majority of Republicans think that since they have turned their backs on the unemployed for so many months, what is another few days? Perhaps they think that when unemployment goes up, their poll numbers go up also. Perhaps they look at this widespread misfortune and see an opening for their political fortunes or perhaps they have convinced themselves that the longer the unemployed suffer, the less likely they are to notice who is holding back the relief they need.

It has long since been established that the unnecessary delays the Senate Republicans have forced surpass every possible historical record and defy every historical precedent. They defy both fairness and logic. But when we look back at the unparalleled abuses of this new Senate, this will be among the lowest points.

It is abundantly clear there are differences of opinion in this Chamber on who is worthy of unemployment insurance and on how to fund the emergency assistance. Differences of opinion are why we are here. But that is no longer the debate. We have already fought that fight. In fact, we fought it over and over these past weeks. Now it is over. Whether by 60 to 40 or 100 to 0, it is done.

So this is where we stand: The votes have been cast and counted. The House has overwhelmingly voted to extend emergency aid. The Senate has overwhelmingly voted to extend emergency aid. The President sits, pen in hand, ready to sign this bill into law the minute it lands on his desk. As soon as he does, the checks will go out and so will the fire.

Millions of Americans are waiting but not for the spoils that will make them rich or jackpots that will help them buy luxuries they do not need. No, millions are waiting for a fraction of their old income, checks that will help them put food on the table this week, keep a roof over their heads this month, and keep the air-conditioning on this summer. But the clock continues to tick. The unemployed continue to suffer. And too many of our Republican colleagues—who for years have proven they have never seen an economic crisis they could not turn into a political opportunity—continue to prove they have never seen an opportunity they cannot turn into a crisis.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FINANCIAL REGULATORY REFORM

Mr. McCONNELL. Mr. President, later this morning, the President of the

United States will sign a financial regulation bill that was sold to the American people as a way of reining in Wall Street. Anyone who believes that did not read beyond the cover sheet because if they did, they would discover instead a far-reaching government intrusion that was endorsed by Wall Street and opposed by Main Street. Citibank thinks it is great. Your local florist thinks it will undermine their business. When you cut through all the talking points about what financial regulation will do, the practical, real-world effect of this bill in the near term will be job loss. That is the real story.

For more than a year and a half, the President and his Democratic allies on Capitol Hill have pushed an antibusiness, antijobs agenda on the American people in the form of one massive government intrusion after another. And then they celebrate. Well, Americans are not celebrating. Three million of them have lost their jobs since the Democrats launched their stimulus. The folks who lost those jobs certainly are not celebrating. Small business owners are already being hammered by the health care bill. They are not celebrating. And the people who thought this Wall Street bill was supposed to rein in Wall Street? Well, they are not celebrating either. They are upset, and rightly so.

As I stand here this morning, millions of Americans are struggling to find jobs. Yet all they see in Washington is Democrats passing massive bills that at their core seem to have one thing in common: more job loss. It is almost as if it is a prerequisite for any Democratic legislation—if it leads to more job loss, they will pass it. Americans are tired of this kind of “reform.” Job-stifling taxes, regulations, government intrusion—these appear to be the three pillars of every Democratic legislative effort. They are also the three things lawmakers can do that are guaranteed to kill more jobs.

That is why it should not be a surprise to anyone that unemployment has been scraping double digits since Democrats started ramming these so-called reform bills through Congress.

As a result of the health care bill, small businesses, student loan centers, tanning salons, medical device manufacturers, hospitals, and major American employers have all either laid off employees or are trying to figure out how not to. Just this week, we read a report that during the process of the auto bailout, this administration decided to shut down auto dealers, without cause, effectively costing thousands of Americans their jobs.

And now a financial regulatory bill that does nothing to reform the government-sponsored enterprises that many people believe to have been at the root of the financial crisis this bill grew out of, that was meant to rein in

Wall Street but now is supported by some of Wall Street's biggest banks, and that is meant to help the economy but which is expected to stifle growth and kill more jobs.

The American people are connecting the dots. They do not think this bill will solve the problems in the financial sector any more than they think the health care bill will lead to lower costs or better care, any more than the stimulus lowered unemployment.

Then there are all the unintended consequences of these bills. Just yesterday, we learned that the financial regulatory bill—a bill that was supposed to put an end to the notion that some institutions are too big to fail—may now have created a new set of institutions that are too big to fail. It was reported yesterday that some of the economists and experts who have studied this bill are worried it could leave taxpayers on the hook in the event a new derivatives clearinghouse takes on too much risk.

So a bill that was originally meant to prevent a situation such as the one we faced in November of 2008 that was meant to prevent bailouts will add to the list of institutions that are counting on getting bailed out.

That is on top of all the new regulations businesses are going to have to deal with as a result of this bill.

All told, this bill would impose 533 new regulations on individuals and small businesses—regulations that will inevitably lead to the kind of confusion and uncertainty that will make it even harder for struggling businesses to dig themselves out of the recession.

It is just this kind of uncertainty that will continue to deter lending and freeze credit as lenders wait to see how they will be affected by the new regulations. And it is just this kind of uncertainty that businesses cite time and again as one of the greatest challenges to our economic recovery.

The White House will declare this bill a victory. But for millions of Americans struggling to find work, for millions of small business owners bracing themselves for all the new regulations they will have to deal with, or ordinary Americans who wanted to see an end to the bailouts, this bill is no victory. When out-of-work Americans see Democrats celebrating today, what they will see are lawmakers who have completely and totally lost touch and who have lost the trust of the American people.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

WALL STREET REFORM

Mr. REID. Mr. President, some believe that if you say something long enough, even if it is without any factual basis, people will start believing it.

To think that banks—Wall Street—liked Wall Street reform is a stretch beyond our ability to comprehend. We needed to do something because Wall Street hurt America. They had a pretty good deal going there. They could use our money and gamble it—different than Las Vegas. They could gamble our money, and if they won, they kept it; if they lost, they came back to us for help. That is a good deal, and we have stopped that.

Does anyone think we should leave things the way they are? That was a crisis waiting to happen again. George Bush's Secretary of the Treasury Hank Paulson, when this bill passed, said it was a fine piece of legislation. I am paraphrasing what he said. Knowing Hank, that is about what he said. He liked the legislation, and he should know. He was President Bush's Secretary of the Treasury when this collapse took place.

This is all so quite interesting. My friend says that the stimulus has caused job loss. Again, that is without any factual basis. In fact, it is just the opposite. It saved or created 3 million jobs. Remember, we still have low unemployment because that started during the Bush years back in 2006 when the economy started faltering. As an example, in the last 6 months of the Bush administration, 3 million jobs were lost.

Health insurance: Always they talk about health insurance. But remember, any poll we see today, the majority of the American people support what we did with health care. My friend was at a meeting we had yesterday, and we saw those numbers spread across the film we were shown.

Also, the reasoning is quite unique. My friend says we bailed out the auto industry. Isn't that a good thing we did? Isn't it a good thing today in America we have an automobile manufacturing sector? If it had been up to them, General Motors would be gone. If it were up to them, Ford Motor Company would probably be gone. Chrysler would definitely be gone. We decided they needed help, just as New York City needed help 25 years ago or so. They came out very strong. We are making money on what we did in investing in Detroit's automobile industry.

It is also interesting—I have seen this at home—some of my Republican friends criticized me for the bailout, the stimulus. Then I was criticized because I did not get more money.

In a little bit, I am going to go down to one of the Federal buildings for a signing of the Wall Street reform bill. What an important day for this country. After this financial collapse, we have reined in Wall Street. That is a day for celebration.

Think how much better this bill could have been had we had a little cooperation from our friends on the other

side of the aisle. But we did plenty and, as has been said and written, it is the most significant change in the financial world since the Great Depression.

The mere fact that one says something that is without foundation a lot of times and simply is untrue does not make it truthful the more times one says it.

Will the Chair announce the business for the day?

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now be in a period for the transaction of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes.

The Senator from Kentucky is recognized.

KAGAN NOMINATION

Mr. BUNNING. Mr. President, today I rise to speak on the nomination of Solicitor General Elena Kagan to be a Justice on the United States Supreme Court.

After much consideration, I cannot support this nomination. I have been following this progress very closely. I have been reading her memos and other documents from her career, and I watched her confirmation hearings before the Senate Judiciary Committee. I met with her one on one and was able to ask her eight different questions. Unfortunately, I find her unsuitable to serve a lifetime appointment as a member of the U.S. Supreme Court.

When I spoke on the nomination of Justice Sotomayor last year, I pointed out the problems of the Supreme Court and other judges trying to replace Congress and State legislatures. Important social issues have been taken out of the political process and decided by unelected judges. I can say for certain that this is not the way the Founding Fathers and the authors of the Constitution intended for it to work. The creation of law is reserved for elected legislatures chosen by the people. The Supreme Court is not a nine-person legislature created to interact with or replace the U.S. Congress.

When judges and Justices take the law into their own hands and act as if they are a legislative body, it flies in the face of the Constitution. Because of this, whether it is the Supreme Court

or the lower courts, many people have lost respect for our judicial system. This cannot continue to happen.

In addition to the obvious constitutional concerns, if some day the public and the rest of the political system begin to tune out the courts and ignore their decisions altogether, it would be very dangerous for our country. I opposed Justice Sotomayor's nomination because I did not feel she understood this. I am afraid I have to say the same for Ms. Kagan.

The first problem I wish to discuss is her lack of experience. According to a Congressional Research Service analysis, Justices without prior judicial experience practiced law for an average of 21 years before their appointment to the Supreme Court. Recent polls have shown that an overwhelming majority of Americans feel that prior judicial experience is an important qualification to be a Justice on the Supreme Court.

Of modern Supreme Court Justices, former Chief Justice William Rehnquist was the last person nominated without judicial experience, and that was almost 40 years ago. However, Chief Justice Rehnquist was a practicing attorney for years prior to his nomination.

Ms. Kagan herself said:

It is an embarrassment that the President and Senate do not always insist, as a threshold requirement, that a nominee's previous accomplishments evidence an ability not merely to handle but to master the "craft" aspects of being a judge.

Prior to her appointment to the Solicitor General's job in 2009, Ms. Kagan was a stranger to the courtroom. She never tried a case to verdict or served as a judge. She argued her first case as a lawyer less than 1 year ago. While Ms. Kagan has a very extensive background in the law, both academically and politically, I do not believe she has mastered the craft of judging.

I have serious concerns that Ms. Kagan will have a very hard time separating her personal views from the legal interpretation of the Constitution. While Ms. Kagan was dean of Harvard Law School, she banned military recruiters from the Harvard campus during a time of war because she believed the don't ask, don't tell law, developed by the Clinton administration in which she served—she called it a "moral outrage" of the "first order."

She worked for Bill Clinton in his administration. She argued that the Solomon amendment, which Congress passed, despite its plain text and plain congressional intent behind it, allowed law schools to bar access to military recruiters. Ms. Kagan herself wrote an e-mail to the Harvard community that in barring recruiters, she was acting in the hope that the Federal Government would choose not to enforce the law of the land. I find it very troubling that a nominee to the Supreme Court would

change school policy and disregard Federal law during a time of war because of her own personal beliefs. Fortunately, not a single Supreme Court Justice agreed with her position and noted that her interpretation was rather clearly not what Congress had in mind.

As associate White House counsel to President Bill Clinton, Ms. Kagan played a critical role in the debate over partial birth abortions and did everything she could to halt legislation going through Congress to ban that horrible procedure. She worked with the medical groups supporting the practice, rewriting their scientific conclusions to better reflect her preference on partial-birth abortion. The Supreme Court relied on this language in their decision to overturn a Nebraska law banning this procedure. It appalls me that someone with no medical background would try to alter scientific conclusions to defend such a monstrosity of a procedure.

In one memo, she advised President Clinton to support a Democratic alternative in order to “sustain [his] credibility on [the issue] and prevent Congress from overriding [his] veto.” This is concerning behavior from someone who now wishes to serve on the highest Court in the land. If she was willing to rewrite scientific conclusions, who is to say how far she would go with rewriting the Constitution?

I also have serious concerns about Ms. Kagan’s hostility to second amendment rights. While she was clerking for the Supreme Court Justice Thurgood Marshall, Ms. Kagan was asked to consider a case similar to the 2008 Heller case, in which the Court struck down the DC gun ban and found that the second amendment confers an individual right to keep and bear arms. In examining this earlier case, *Sandridge v. U.S.*, she wrote that:

Mr. Sandridge’s sole argument is that the District of Columbia’s firearm statute violates his constitutional right to “keep and bear arms.” I am not sympathetic.

Those were her words.

It is not the job of the Supreme Court or any other court of the land, for that matter, to be sympathetic. That belongs best in legislatures which can reflect the wishes of the people who voted for the Members of those bodies.

Recently, supporters of individual rights and liberties won an important victory when the Supreme Court ruled in the McDonald case that the second amendment was a fundamental right that is binding to all the States. I fear her appointment to the Supreme Court could undo the progress from the Heller and McDonald decisions that recognize Americans have the right to defend themselves. Throughout her confirmation hearings, Ms. Kagan repeatedly stated she would accept the Heller and McDonald decisions as settled law.

In her confirmation hearings, Justice Sotomayor also appeared to accept the second amendment rights. Specifically, Justice Sotomayor said she understood “. . . the individual right fully that the Supreme Court recognized in Heller.” However, in her first year on the Court, she joined the dissenting opinion in McDonald saying:

I can find nothing in the Second Amendment’s text, history, or underlying rationale that could warrant characterizing it as “fundamental” insofar as it seeks to protect the keeping and bearing of arms for private self-defense purposes.

Finally, I was not satisfied with Ms. Kagan’s responses regarding the commerce clause and the limits of power of the Federal Government. Right now, we have the government taking over each sector of our economy, from banking, as the majority leader and minority leader spoke about, and the auto bailouts, which they both spoke about, to an unprecedented takeover of our health care system. In her testimony, Ms. Kagan left no doubt that she sees virtually no limit on congressional power. This is extremely frightening to me, to say the very least.

The Framers of the Constitution made it very clear what the role of the Court should be. Anyone appointed to the Supreme Court must be willing to evaluate laws as they are written under the plain meaning of the Constitution. A Justice should not be appointed in order to achieve specific results in any case. We have no judicial record of Ms. Kagan’s to look at to see how she would rule in any of these such cases. We only have a record as an academic and a political adviser to look at as her qualifications to be a Supreme Court Justice. While Ms. Kagan has a very impressive background, I do not have faith that she would fully respect the roles of the judiciary and the legislative branch.

I am very sorry to say for just the second time while serving in the Senate that I will have to oppose a nomination to the Supreme Court, and I am not happy to do so. However, it is the constitutional role of the Senate to provide confirmation for this position and my duty as a Senator to be a part of this process. On viewing the record of Solicitor General Kagan, I do not find her to be a suitable candidate for a Justice of the Supreme Court of the United States and will vote against her whenever the Senate considers her nomination.

I thank the President, yield the floor, and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNEMPLOYMENT INSURANCE

Mr. REED. Mr. President, yesterday, the Senate voted for cloture on the unemployment insurance extension bill. Unfortunately, we are still delaying and deferring the final vote on this measure. This is essential to millions of Americans who need the money they receive—which, frankly, it is not a huge amount. In Rhode Island, the average weekly unemployment compensation is \$360 a week. But they need to have some certainty that this program is going to be there at least for the next several months.

We have made a lot of points rhetorically. Now it is time to take the final vote, to move forward, and to deal with a more fundamental issue; that is, how to create the jobs—now that we are providing some assistance to those who are unemployed. How do we go ahead and further create jobs in this economy so our unemployment rolls shrink?

That task is challenging. We have taken 2 months now to get to this juncture. In the past, extending unemployment compensation was a bipartisan initiative. It was done routinely and repeatedly. It was always extended as long as the unemployment rate was at least 7.4 percent. Today the unemployment rate nationally is 9.5 percent. In my State of Rhode Island it is 12 percent. We are not alone. There are many States that are very much mired in a huge economic crisis.

The other factor of this unemployment situation is that it has been a long-term unemployment for so many people, nearly half of those unemployed. So the money they put aside, the rainy day money, the money they put in the coffee can for that special occasion or that special treat, has long been exhausted. This unemployment compensation is absolutely essential for people.

There are many on the other side who will stand and say: We are all for unemployment compensation; we just want to pay for it. Well, historically, we have not paid for it. It is truly an emergency expenditure.

The other factor that is critical to notice is that unemployment compensation does not add to the structural deficit. That is in sharp contrast to the tax cuts, which my colleagues on the other side are urging be extended without paying for them, and in sharp contrast to the largest expansion of an entitlement program since the 1960s, the Medicare Part D Program, which was not paid for. Those programs do add to the structural deficit because they are not replenished periodically in the good times because people qualify for them as soon as they hit an age—65—or as soon as they qualify by filing their income taxes. Those are structural deficit issues. Yet the other side says that is not important. I can’t figure that out.

If the deficit is so overwhelming, so all-consuming, then why are my colleagues on the Republican side, first, suggesting we extend all the tax cuts of the Bush years without any offsets; and why did they, in the past, vote for the creation of Medicare Part D, really? Why did they vote for 2 wars that were unpaid for? There is something inconsistent in that.

As I pointed out, unemployment compensation is not a problem of structural deficit because, as the economy recovers, people will continue to pay into the unemployment compensation trust fund through payroll taxes. In good times those funds increase so that in the unfortunate times we can provide assistance.

What we are doing now with this legislation is recognizing that this is a particularly challenging moment for families and for States, and they need further assistance. Part of the legislation we have is fully compensating the States for the Extended Benefits program, which, in other times, are shared 50 percent by the States and 50 percent by the Federal Government. In these extraordinary times, we have to pass this legislation.

We also recognize, too, in terms of the offsets of the legislation, that this is part of our overall attempt to stimulate the economy. For every dollar of unemployment benefits, there is at least \$1.60 or \$1.90 in economic activity. It makes sense. When they get that \$360 a week, they take whatever resources they have and they go to the store. They don't go off jetting to Europe on a vacation. They go to the store and buy food, clothes, and those things that are essential to their families.

Mr. President, I am continually baffled by the reluctance, the resistance, and the obstruction of the other side in terms of doing what has to be done, and done promptly. It will be done in a way in which it will assist the recovery that we are beginning to sense throughout the country.

I note the arrival of my colleague, the junior Senator from Rhode Island. I think he is about to take the floor.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The junior Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, first of all, let me compliment the work of my senior Senator, JACK REED, on this issue. When I first came to the Senate 3 years ago, Senator REED had already established his reputation as somebody who fought passionately for unemployment insurance for people who were out of work. He understood that a family who is out of work, through no fault of their own, very often has the unemployment insurance they and their employers have contributed to as their only lifeline; that as our vibrant economy goes through ups

and downs, there are times when individual families pay a terrible price when the economy contracts, when jobs are lost, and when individual families have to make what Vice President BIDEN called that "longest walk" up the stairs to tell their kids, their families, they have lost their job.

At that time, that lifeline for a hard-working family who, through no fault of their own, is out of work is all important. Senator REED knows that well. He has been a champion on this issue, not just when it has been at the forefront of national attention as it is right now, but day in and day out, constantly fighting for the people in Rhode Island and folks across this country who need this lifeline.

I wanted to say a few words to echo Senator REED's comments. Rhode Island still has 12 percent unemployment. We have the fourth worst unemployment of any State in the country. It has been that way month after month after month after month, with individual families paying the terrible price of the economic consequences of something that took place well outside of Rhode Island. It was Wall Street that collapsed. It was the big Wall Street banks. It was the bets by the Wall Street banks in a wild derivatives market, a wild mortgage security market, that tanked this economy, that required emergency action by Congress to try to put it right before a real depression ensued, and that kicked off the great recession that we have been suffering since then. That great recession washed like a tsunami across our country, and it hit particularly hard in my home State of Rhode Island.

In Rhode Island, we have 70,000 families who have somebody out of work. It is actually probably more than that because the unemployment numbers tend to undercount the actual harm. But the official count is over 70,000 families. I can promise you this: There aren't 70,000 jobs waiting around for those people in Rhode Island. They are just not there.

The notion that the Republican side has often developed, which is that unemployment insurance contributes to unemployment; that people who are looking for work need a little bit more motivation to go out there and take a job, and if you could just threaten their families' survival, threaten their ability to have food on the table, threaten their ability to stay in their homes, and threaten their ability to afford health care, they will then be motivated enough and will go out and get those jobs—I don't know where they get that from, but it is not from Rhode Island. We are a hard-working State. We don't have the jobs to take 70,000 people and put them back to work as this economy just haltingly now begins to recover.

Six-thousand Rhode Islanders have lost their emergency unemployment

insurance benefits because of the stall tactics of the other side of the aisle; 2.5 million Americans across the country have lost their benefits. Those sound like big numbers. Behind every one of those 6,000 Rhode Islanders is a family story, a story about an individual who has to face some hard choices about whether they are able to pay the mortgage, whether they are able to buy new clothes for kids when the kids go back to school, whether they are able to pay for their medications, whether they are able to simply keep food on the table and a roof over their heads.

It certainly played a crucial part in preventing economic disaster for Sandy in Warwick, RI, who is 60 years old. She has a background in accounting. She has been unemployed now for 13 months and is trying to find a job in that tough, tough, tough, Rhode Island economic climate. She has applied for about 100 jobs. She is out there working. She is out there trying to find a place where she can put her skills back to work the way she always did, but no luck so far.

Her lifeline was unemployment insurance. If the Senate Republicans had been successful in their filibuster of this unemployment insurance, Sandy would have lost what is now her only remaining source of income. The consequences of that, obviously, are catastrophic for Sandy, for the other 6,000 Rhode Islanders in that position, and for 2½ million Americans around the country.

The great argument we hear our friends on the other side make is: We understand how painful this is going to be. We understand that people are going to have to come home and tell their kids we are going to have to move. We can't keep our home any longer. You are going to have to pack up your bedroom, put the stuffed animals in a box, and we are all going to have to clear out because I simply don't have the income.

Crossroads, our biggest shelter in Rhode Island, is packed. We have people sleeping in conference rooms. But the Republicans say: You know, we understand that is tough. We understand if you can't pay for medication for your spouse, that is tough. As people start to think about heading back to school in September, and you can't pay for clothes for the kids, you can't pay for pens, pencils, and schoolbooks, that is tough. But something more important is at stake here, they tell us, and that is our national debt. We have to worry about that more than the care of American families who are out of work, through no fault of their own, because of the wild spree that Wall Street took under the Bush administration.

I would think more of that argument if it were at least consistent, but it is not consistent. It is an argument that they apply when regular working families are out of work through no fault of

their own because of the Wall Street meltdown from the Bush policies. That is when they get all excited about how important the deficit is. But when it comes to, say, oh, tax cuts for billionaires, tax cuts for corporate CEOs, well, then a different rule prevails. Then the debt isn't so important. Then the deficit isn't so important. What is more important are the folks with the big salaries—the CEOs earning on average these days 400 times what a regular average salaried worker gets paid—400 times more every day than the average worker. That is the kind of tax cut that is more important than the deficit.

I saw this cartoon the other day, and I wanted to share it on the Senate floor. I thought it was a pretty good description of where we are on this. Here are our friends on the other side. It says "Senate GOP" on this cranky fellow's hat, and a little cat on the front of the boat says "jobless benefits," if you can't read it. The fellow is saying to the little cat on the front of the boat: Too much weight. You get off the boat into the water. You are on your own. We don't care. Actually, it ends at get off the boat. I added the rest. On the back of the boat we see tax cuts for the wealthy.

But the Republicans do not see that. They do not worry about that. They are not concerned about that. Since the estate tax went to zero, four estates have been reported in the media of more than \$1 billion—more than \$1 billion. Each estate has gone through tax free, at a cost to the Treasury, at a cost to the deficit and the debt of hundreds of millions of dollars, and not a peep—not a peep—from the other side from those who are concerned about the deficit, when that is the issue. But you get a poor family out of work, one lifeline left keeping them in their home, one lifeline left keeping food on the table, and giving that lifeline the chop is something they are all for. That is something they are all for.

Well, fortunately, what happened here in the Senate yesterday is they lost. They didn't lose on a fair-and-square up-and-down-majority-rules vote. They lost on a 60-40 filibuster vote. They made us win by 20 points. Not just majority rules, the way it is in most places, but they forced us to 60-40 and we still won. So the unemployment insurance benefits should begin to flow to those families who are in such distress right now, and wondering how they are going to make it through the next day, through the next moment.

But it is not enough for them, once losing the debate, to simply pick themselves up, dust themselves off and, like good sports, go on to the next disagreement. We have other things we will disagree about. Nope. That is asking too much of our friends, unfortunately, to have that kind of good sportsmanship—

to stand up, get back on the field and go back to the battle. We have to burn 30 hours of Senate floor time to no purpose. We can't do other work during this period. We can't do amendments during this period.

We know how the vote is going to come out. Literally, no possible purpose is accomplished by requiring us to burn the 30 hours, except two things for sure will happen. One thing for sure that happens is that all those families out there—those 6,000 Rhode Island families, those 2½ million families across the country—will have to wait a little longer. They have been stretched to the very end of their budgets and they are hanging on by their fingernails. But instead of saying: Fair and square, okay, we tried. We threw up every obstacle we could, but we lost 60-40, so let's go on to the next thing—nope, they are going to make them hang on for another 30 hours.

The other thing they accomplish through this is that they burn Senate floor time. The Good Lord only gives us so much time. You can't get minutes back when they are gone. You can't get hours back when they are gone. You can't get days back when they are gone. We have a lot of work to do in this Chamber, and our friends on the other side would like to have us do as much work as possible in as little time as possible, because, frankly, they want as little done as possible. So it actually suits their goal to burn floor time to no effect here on the Senate floor.

So that is what we are doing. I am here alone right now. Senator REED was here alone a minute ago. I suspect that when I leave, we will go back into a quorum call and time will tick, tick, tick, tick past with nothing being accomplished here. We could be working on jobs legislation. We sure need that. We could be working on energy legislation. We sure need that. There are a host of things Americans want us to be working on. But the Republican side of this Chamber has a strategy to prevent anything from getting done. Their policy is saying no, no matter what the question is—that is their answer, no matter the proposal—as long it comes from the Obama administration. That is their purpose, and they achieve that purpose when they burn this time.

So here we are on the Senate floor with time ticking away, second by second, minute by minute, accomplishing nothing other than burning 30 hours that, frankly, belongs to the American public. These are 30 hours we should be accomplishing the public's business, moving on to the next issues and going forward.

I would hope that, if nothing else, out of the spirit of good sportsmanship, our friends on the other side would call this off and say: All right, enough. We wish we had won. We want a world in which the deficit only applies to unem-

ployment benefits for working families and we get to dig big holes in the debt and the deficit when it is our tax cuts for the wealthy, but we lost on that one. Let us move on. We will take the hand up off the field, we will dust ourselves off and move on to the next one. If for no other reason than good sportsmanship, I would hope they would do that and call off this period of delay.

That would also allow us to get to other business. We may disagree, but we might as well get to the business. We might as well have these arguments out. We might as well have our fight. Let's not just kill time here. So I hope my colleagues will reconsider. Time ticks away, awasting here. Everybody has work to be done. The American people await us, particularly on jobs legislation. There is an enormous amount we could do to help them if we could simply get to it.

We have a small business bill we are trying to tee up that would provide enormous value to the economy, including in particular Rhode Island, where small business is so important. Small business is the heartbeat of Rhode Island's economy. To the extent we can provide additional capital and support for small business, we could get to that. We could be working on that right this minute instead of being stuck in this long delay, in this empty Chamber while 30 hours ticks uselessly away because our friends simply can't dust themselves off after their defeat, stand up and go on to the next issue. They have to force this long 30-hour stall.

I thank the Presiding Officer again for the time, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message on H.R. 4213, which the clerk will report.

The legislative clerk read as follows:

Motion to concur in the House amendment to the Senate amendment with an amendment to H.R. 4213, an Act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid amendment No. 4425 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute.

Reid amendment No. 4426 (to amendment No. 4425), to change the enactment date.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

UNEMPLOYMENT INSURANCE

Mr. KYL. Mr. President, in the Rose Garden on Tuesday, President Obama stood with three long-time job seekers and reminded us that out-of-work Americans want to find work, and no one here, of course, questions that. I hear every day from Arizonans who look for a job day after day, week after week. They are just getting by.

I realize that few things can be more frustrating and demoralizing than struggling to find a job and that the effects of unemployment for families are deep and severe.

President Obama would have the American people believe congressional Republicans have been blocking an extension of unemployment benefits in order to make some political point. He accused us of this again on Tuesday and claimed we are refusing to help out-of-work Americans.

I wish to set the record straight. This is not a dispute about extending unemployment benefits. There is broad bipartisan agreement that we should do that. Republicans have voted several times in the past to extend benefits. I have.

The dispute, rather, is over who should pay for those benefits. Should we finance this \$34 billion obligation in the short term with a loan from a foreign government and pass the tab on to our kids and grandkids or should we pay for it now by cutting other Federal spending? That is the question. It is a matter of who is going to pay for the benefits we provide to people.

I do not think we should be sending that tab to our kids. I believe we should pay it now. This is our generation. This is our problem today. We have an obligation to help take care of our fellow citizens when they are in time of need. We should find a way to pay for that. Our kids and grandkids are going to have their own problems in their day. We do not need to compound those problems by adding our obligations to those that they will need to deal with.

Republicans have offered an array of constructive solutions to the problem, proposals to pay for what we are spending, including using unspent money from the President's failed stimulus package. Almost half that money remains available.

We have tried five times to pass an extension of unemployment benefits that does not add to the debt. But our Democratic colleagues have repeatedly

rejected our proposals. So the principal they are defending is not the need for unemployment insurance extension, it is that they will not pass a bill unless it adds to the debt. They will not pass a bill to extend unemployment benefits unless it adds to the debt.

The extension likely would have passed weeks ago if Democrats had simply agreed to pay for it now by cutting other Federal spending. In this \$3 trillion budget that we have, obviously, there are plenty of places for us to find the offsets. Our national debt has been increased again and again during this recession. That creates long-term burdens for everyone—the employed, the unemployed, and generations to come.

While President Obama argues that we have increased the debt in the past to pay for other items, I will note that we were not in the middle of a debt crisis back then, for one thing. I suggest we pass a bill that is paid for now and recalibrate efforts to encourage private sector job creation.

As unemployed Americans know, while unemployment benefits provide a lifeline, they are only a temporary fix. They are not a substitute for new private sector jobs. I will venture a guess that everybody who is unemployed today would much rather have a job tomorrow than another check from the government for unemployment benefits.

So what do we do to create jobs and get the economy moving again? Well, you do not do it by borrowing more money. The President's job-creation initiatives have been a bust. Since his enormous stimulus bill passed in February of 2009, the private sector has lost over 2 million jobs.

While there has been some anemic economic growth since the recession started, employers are still clearly reluctant to hire. That probably has to do with the reality that businesses, both small and large, look down the road. They see massive tax increases beginning next year, on top of all the new regulations imposed by this administration.

They hear about a proposed national energy tax and proposed new pro-union policies. So they are reluctant to take a chance on the future because of all the uncertainty and the burdens we have already placed upon them. The key to job creation, and thus helping unemployed Americans, is having stable and sound policies in place for employers to make long-term decisions.

More spending, taxing, regulating, and debt are not the answers. I would hope we can find a way to extend unemployment benefits without asking our children to pay the tab for this generation's problems.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATER QUALITY

Mr. CARDIN. Mr. President, the oil disaster in the Gulf of Mexico has dominated the headlines since April 20. Because of that tragedy, we are more aware than ever of the important role great water bodies and the rivers that feed them play in our economy, our environment, and even our sense of who we are as a people.

Late last month, the Environment and Public Works Committee reported out a number of bills addressing America's precarious water resources. The committee approved a bill to hold BP accountable for the devastation it has caused to the people and the ecosystem of the gulf.

As all of America has seen in the morning newspapers and nightly news accounts, the current \$75 million limit on oilspill liability damages represents a very small fraction of the actual costs of the damage done by BP. Senator MENENDEZ's bill, S. 3305, which the committee adopted, will make sure that BP is legally bound to honor its pledge to pay all legitimate claims. I am proud to be a cosponsor, and I look forward to the adoption of this legislation by the full Senate.

As we do everything we can to make sure the BP Deepwater Horizon disaster is not a knife through the heart of the Gulf of Mexico's ecosystem, we know that other great water bodies are also suffering. We are responding to those troubled waters as well. The Puget Sound, Columbia River Basin, Great Lakes, Long Island Sound, San Francisco Bay, and, yes, the Chesapeake Bay, are each special and iconic, yet each is threatened by degraded water quality.

Marylanders know from our experience with the Chesapeake Bay, just as the residents of the gulf are demonstrating for all Americans, that the health of these water bodies is critical to sustaining regional economies, plant and animal species, our cultural heritage, and our treasured way of life that has been passed on from generation to generation. The National Academy of Public Administration has recommended "making large-scale ecosystem restoration a national priority."

Large ecosystem programs, from Long Island Sound to the Great Lakes to Puget Sound, are addressing some of the Nation's most complex water resource management challenges. For this reason, EPA's strategic plan prioritizes protecting these ecosystems

as a complement to their core, national water quality programs.

The Water and Wildlife Subcommittee that I chair has devoted considerable time to the Chesapeake Bay and, more recently, to the other water body bills.

I thank Chairman BOXER for her strong support on these bills, for her help in shaping the legislation, and for marshaling these bills through the full Environment and Public Works Committee.

Throughout my career in public service, I have had no greater cause than to save the Chesapeake Bay. There has not been one dramatic incident that has killed off our fisheries, oyster beds and crab populations, so we have not seen the same sustained attention to lives and traditions ruined as we are witnessing in the gulf today.

That does not mean it isn't happening, family by family, across my State and my region. I have seen it and I am committed to doing everything I can to make sure the bay and the economy and ways of life it sustains don't die away.

The Chesapeake Bay encompasses 64,000 square miles. Its watershed is home to more than 17 million people, with tributaries in Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia and the District of Columbia.

Presidents Ronald Reagan and Barack Obama have called it a national treasure.

The Chesapeake is the economic, historic and cultural center of the region, providing commercial waterways, important fisheries, and countless recreational opportunities.

The first English settlers in the New World came here; Captain John Smith's original voyages of discovery in 1607 first mapped its borders. The capital cities of Maryland, Pennsylvania, Virginia, and the United States sit upon its major tributaries.

Since 1983, the Chesapeake Bay Program has undertaken a largely voluntary effort to restore America's largest estuary. This State-Federal partnership program has provided innovative leadership and remarkable scientific understanding of the restoration effort.

In recent years, however, it became apparent that voluntary efforts to restore water quality to the Chesapeake and its tidal segments would be unsuccessful.

The basin States agreed that the U.S. Environmental Protection Agency would be responsible for developing a basin-wide pollution reduction program. The Chesapeake Bay total maximum daily load, TMDL, would address all segments of the Chesapeake Bay and tidal tributaries that are identified on the currently applicable lists of impaired waters by nitrogen, phosphorus and sediment of the Chesapeake Bay

States under section 303(d) of the Clean Water Act.

It is against that backdrop that I introduced S. 1816, the Chesapeake Clean Water and Ecosystem Restoration Act. The purpose of S. 1816 is to amend the Clean Water Act to improve and reauthorize the Chesapeake Bay Program authorized in section 117 of the Act.

The bill has four primary objectives:

1. Establish a deadline of 2025, along with appropriate milestones, for all restoration actions to be implemented throughout the Chesapeake basin that will lead to attainment of water quality in the Chesapeake Bay and its tidal segments;
2. Assure that the basin States, as delegated authorities under the Clean Water Act, be given maximum authority and flexibility to meet the restoration pollution limits through "watershed implementation plans" that each State designs for itself;
3. Require that the Federal Government be an active partner in the restoration effort, by developing the overall pollution reduction targets on a State-by-State basis through the Chesapeake Bay TMDL; implementing the terms of the Presidential Executive Order; paying local stormwater fees; and providing clear and meaningful accountability for the basin States;
4. Provide the States, municipalities, developers, and especially agricultural producers with significant new tools and financial resources to meet the restoration demands within the 15-year time frame contained in the legislation.

The bill authorizes a number of new grants programs, including two to assist local governments manage polluted stormwater and three to assist the agricultural community manage nitrogen, phosphorus and sediment pollution. Grants programs for States are expanded and a number of independent reviews of the program's implementation and progress are required over the next 15 years.

I am proud that the Environment and Public Works Committee reported out this bill on a voice vote, without a single Senator expressing opposition.

In fact, each of the individual great water bodies bills that the committee considered was adopted in a similar nonpartisan fashion.

S. 1311, Gulf of Mexico Restoration and Protection Act, was introduced by Senator WICKER and it addresses the long-standing issues facing the gulf that predate the oil spill disaster that has dominated headlines.

S. 3550, Columbia River Basin Restoration Act of 2010, is a bill jointly developed by the junior Senator from Oregon, Mr. MERKLEY, and the senior Senator from Idaho, Mr. CRAPO. This bipartisan legislation will address one of America's great river systems.

S. 3073, Great Lakes Ecosystem Protection Act of 2010, has several bipartisan sponsors, including Senator

LEVIN and Senator VOINOVICH, who have worked for years to protect the Great Lakes, which hold 20 percent of the fresh water on the Earth.

S. 3539, San Francisco Bay Restoration Act, sponsored by California Senators Feinstein and Boxer, will help direct the restoration of that essential estuary.

H.R. 4715, Clean Estuaries Act of 2010. Senators Whitehouse and Vitter worked together on a substitute version of this House bill. It will reauthorize the program that supports the 28 estuaries around the country that are part of the National Estuaries Program.

S. 2739, Puget Sound Recovery Act of 2009, sponsored by the Senators from Washington State, Ms. CANTWELL and Mrs. MURRAY, addresses the restoration of this water body, which borders two nations.

S. 3119, Long Island Sound Restoration and Stewardship Act, sponsored by New York Senator GILLIBRAND, will help with the recovery of this body of water which serves millions of residents of New York and Connecticut.

Each of the restoration efforts takes a somewhat different approach to deal with the specific concerns of that region.

This is as it should be. Each of these great water bodies is unique, and each deserves its own restoration strategy developed by its own set of stakeholders.

I am proud of the work done by dozens of Senators from both parties who have contributed their time and legislative expertise in drafting and supporting these Great Water Body bills.

These bills prove that we can work together on substantive legislation in a constructive, bipartisan fashion. They prove that we can say "yes" to bipartisanship, "yes" to meeting America's need for clean waters, "yes" to locally driven restoration strategies, and "yes" to a bright future for some of the most iconic places in America.

Mr. President, I look forward to the opportunity to bring all of these fine bills to the Senate floor for adoption.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I wish to take a few moments to talk about what is currently happening in the Senate, in my judgement, representing a State with now the second highest unemployment rate in the country—Michigan. We are glad not to

be No. 1, but we sure would like to be No. 50. We have an awful lot of people right now who are waiting for us to complete action on extending unemployment insurance benefits.

I continue to be appalled at the lengths to which the Republican minority will go to stop people who are out of work from getting some help. We are in a situation where we finally, after eight different votes and weeks and weeks of trying, had enough votes to overcome a filibuster. As we all know, that takes 60 votes. I am very grateful to our Republican colleagues from Maine for joining with us to make that happen. We had a vote yesterday that was a supermajority vote. We know extending unemployment benefits is going to pass because we had 60 votes to overcome a filibuster and the vote on the actual bill only takes 51.

We know we have the votes, but under the procedures of the Senate, technically, unless there is a bipartisan agreement, we have to wait 30 hours before we can actually vote. It used to be that once we secured the votes of a supermajority, then everyone would agree: OK, the votes are there, and they would agree to yield back time so we would not have to wait; we could go on to something else.

That is not what is happening now. While people in Michigan and around the country are waiting, trying to figure out: OK, can I pay the rent tomorrow, can I get gas for my car to look for another job tomorrow, can I put food on the table tomorrow, what is going to happen on Monday, what is going to happen on Tuesday—while people are waiting, we have nothing happening on the floor of the Senate. We are just burning time, 30 hours of time. In my judgment, it is just mean, because when we look at what has to happen yet—we will pass the bill. We know we are going to pass the bill. It has to go back to the House and then to the President for signature. This, at least, is the difference between families getting some help on Friday so they can feed the kids for the weekend or whether they are going to have to wait until Monday or Tuesday or Wednesday. For a lot of folks, for a lot of us—we have a salary, we have a job—that may not seem like much. For over 2.5 million people in this country who have lost their insurance benefits—and these are insurance benefits. You pay in when you are working to get some temporary help if you lose your job through no fault of your own. Mr. President, 2.5 million people think waiting from Friday to Monday is a big deal. They, in fact, think Thursday and Friday is a big deal. We have a situation that, frankly, I cannot characterize any other way than saying it is just plain mean.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Ms. STABENOW. I will be happy to yield.

Mr. DURBIN. Mr. President, first, I thank the Senator from Michigan. Her State more than any State in the Nation has been hit harder by this recession and high employment. I am sure, as I have found and the Presiding Officer has found back in Illinois, that many of these people who are out of work are desperate; that in the Senator's State of Michigan, it has been rough for a long time.

I wish to ask the Senator from the State of Michigan, for those who may not follow where we are at this moment in the Senate, if she could help refresh my recollection. Is it not true that we tried three or four times to get the Republicans to go along in a bipartisan way to extend unemployment benefits to those who lost their jobs through no fault of their own so they could keep their families together while they are searching for work?

Isn't it also true that this historically has been something where we put the party labels aside and say: This is an American emergency, just like a tornado hitting Chicago or Springfield, IL, or flooding hitting some part of Michigan; that we will stand behind the people of our country, the 8 million unemployed people who are struggling to get back on their feet? Isn't it true that historically we have done this without this kind of political rancor and argument?

Finally, yesterday, when we got the breakthrough—we have our new Senator from West Virginia, CARTE GOODWIN, who came in to succeed the legendary Robert C. Byrd. He cast the deciding vote, with two Republican Senators, I might add, who richly deserve credit for it. At that point, we could have moved forward to send these unemployment benefits, give these people in Detroit and Chicago peace of mind, and instead the other side of the aisle is insisting that we burn 30 hours off the calendar and even consider amendments on such issues as the immigration law in Arizona, the future of the estate tax—all these unrelated issues. Is it true that is where we are in this moment of time, where there are no votes taking place on the floor of the Senate?

Ms. STABENOW. Mr. President, I say to our distinguished leader in the Senate—and I thank him for his advocacy—he is exactly right. We have waited—I am not sure now if it is 10 or 11 weeks—trying to extend unemployment benefits. We have had multiple votes. We finally get the votes through all kinds of different means. We finally get the votes yesterday, and it is unheard of that we would be in this spot, after getting a supermajority of 60 people and after having this go on as long as it has. It is unheard of. Never before with a Democratic or Republican President have we ever seen this, but now we are stuck again, and I don't understand why. I cannot fathom the moti-

vation of why the folks on the other side of the aisle, the leadership on the other side of the aisle, would say: Let's wait another 30 hours, which for most people means it is on into next week, and most people have already been without that little bit of \$250 or \$300 a week. We are not talking about a lot of money.

Mr. DURBIN. That is right.

Ms. STABENOW. But it is a difference between having a roof over your family's head, food on the table, and not. So now we are pushing into next week.

Mr. DURBIN. If the Senator would yield for a question, through the Chair.

I have a chart given me by my staff that says in my home State of Illinois—and the State of the Presiding Officer—137,600 people in Illinois have had their unemployment benefits cut off because of the filibusters on the Republican side, and our numbers show 104,000 people in Senator STABENOW's State of Michigan.

Ms. STABENOW. That is right.

Mr. DURBIN. Not to mention the State of the Republican minority leader, Kentucky, with 32,200 people who have had their unemployment benefits cut off.

I would say to the Senator from Michigan that I am contacted by these families, and they describe to me what life is like when they lose that \$250-a-week check and they are out of work. First, they exhaust their savings, then they start putting off paying bills, and then they pray to God they don't get sick because they have lost their health insurance. Then comes the day of reckoning. One lady called and said: They are cutting off my gas to my home, and the electricity is next. Another said: I am 1 month away from moving out of my little efficiency into my car. That is where I am going to have to live.

That is the reality of life, and that is while these people are looking for work. Imagine those burdens—and anyone facing them would be preoccupied by them—at the same time trying to dress up nicely, put on a happy face, and fill out the forms to find a job.

I ask the Senator from Michigan what she is finding with these people who have been cut off from basic unemployment benefits because of the Republican filibuster.

Ms. STABENOW. Well, you are exactly right. I also hear, on top of that, about people who have done what we have told them they should do—they should go back to school and get retraining. So they go back, and the only reason they can actually afford to go back to school to go through one of the job training programs is that small check that has allowed them to have a little income for their family while they do what we have told them to do, which is to get a different skill to go into a different career and then hope there will be a job there.

I have had so many e-mails from people not only about losing their homes and what is happening to their families but that they have had to drop out of school. Well, how does it make any sense, when we are trying to make sure people are productive in the workforce and are able to find a job that people are dropping out of school because of this as well?

Mr. DURBIN. Let me ask this question of the Senator, through the Chair.

I have had heard an argument from the other side of the aisle that says these checks make people lazy; that they don't go out and look for work. With \$250 a week, they take it easy.

These aren't the people I am talking to in Illinois. I would ask the Senator from Michigan, who sees thousands of people who have been out of work for long periods of time, what she thinks about this Republican argument that unemployment checks make people lazy.

Ms. STABENOW. Well, people in Michigan are extremely offended by this, and I am very offended on their behalf. The people we are talking about have never been out of work in their lives. They are mortified. The idea of having to go get food assistance is unbelievable to them. These are people who built America. They built the middle class. It is not their fault Wall Street had the crisis.

We had the good fortune to be with the President signing a bill that will change that, but it is not their fault what happened. It is not their fault there was recklessness on Wall Street and then the financial system collapsed so small businesses can't get loans and manufacturers can't get loans.

It is not their fault we went through a decade of policies where the previous administration was not enforcing trade laws so our jobs went overseas. It is not their fault they find themselves in this economy. So they are saying to me: I want to work. Hey, I want a job. I don't want to extend my unemployment benefits. Give me a job.

That is what we are focusing on too. I say to the distinguished Senator from Illinois, one of the things I find doubly insulting about wasting this time is that the legislation we are trying to get to is a small business bill so small businesses can get loans to hire people. So we are trying to create jobs and, instead, all this time is being wasted on an effort just to try to help people get by.

Mr. DURBIN. Let's get to the hot-button issue—the deficit. Because every Republican who comes to the floor tries to explain why we should change the rules when it comes to unemployment compensation, why we should deny to millions of Americans that basic unemployment check to get by while they are out of work, by saying it is all about the deficit.

I would ask the Senator from Michigan if she would reflect on the fact

that many of the same Republican Senators making that argument were Senators who, when they had a chance under the previous President, added to our deficit by waging two wars without paying for them, who added to our deficit by giving tax cuts to the wealthiest people in America without paying for them, and in fact doubled the debt of the United States in 8 years' time with that economic policy and those decisions.

These same Republican Senators—such as Senator KYL of Arizona—now argue that if we give more tax cuts to the wealthy people in America and take that money out of the Treasury and add it to the deficit, it doesn't count because tax cuts for wealthy people don't count when it comes to this deficit discipline they want.

I ask the Senator from Michigan: How do you reconcile this; that all of a sudden now this is all about a deficit, which the Republican Senators virtually ignored for 8 years while we reached the stage of today.

Ms. STABENOW. Well, the Senator is absolutely correct. That is the fundamental question. It goes to a question of values and priorities. We will never get out of deficit with over 15 million people out of work, and that doesn't count people working two or three or four part-time jobs or who are underemployed. If people aren't back to work, aren't able to purchase as consumers, aren't able to contribute, we will never get out of deficit, which is why we start with jobs in the beginning.

But to add insult to injury, we hear that giving another round of tax cuts to the only part of the American public that has dramatically increased its income—those who are at the very top; the top 1 and 2 percent—doesn't matter if it adds to the debt. Adding to the debt for tax cuts for wealthy people doesn't count, but changing the rules, such as we have never done before, and focusing on helping out-of-work people does count. That counts. We can't do that, if it is somebody who is out of work. But we don't worry at all about deficits when it is helping the privileged few.

I can't imagine that. That is not the America I know and the majority of Americans care about right now.

Mr. DURBIN. I would say to the Senator from Michigan, by way of a question in closing, that it would seem to me a person who is unemployed, who doesn't get the basic check they need to survive and is forced to live in their car, that is a more compelling argument to me than giving a tax break to someone who needs to buy a newer car. That is what is being argued on the other side of the aisle. It is a complete mismatch of priorities.

What I struggle with is the notion of how many times the Senator and I have been called on, as Members of the

House and Senate, to stand by some part of America that is struggling—farmers who are struggling because of drought or flood, people who are victims of flood and tornadoes or our friends in the Gulf of Mexico whose lives are changed because of BP. How many times have we said, as an American family, we stand together? When it comes to something as basic as food on the table and utility bills for the poorest people in America because they are out of work—when there are five unemployed people for every available job—why in the world our Republican friends want to take it out on them at this point in time I don't understand.

If there is anything this Congress should do, it is to rally behind those who have lost their jobs and are worrying about losing their jobs—those working part time, the Senator just referenced, and who want to work full time. If we can't stand together as a Senate behind those families, I think we have lost something very basic. I know I had to put that in the form of a question, so I am going to hazard a guess: Does the Senator?

Ms. STABENOW. Well, I absolutely agree. I wish to thank the Senator for his continuing leadership and passion on this issue.

I would simply say, if over 15 million people out of work in this country isn't an emergency, I don't know what is. Those are the folks we are fighting for right now—the people who want to work, the people who have been part of this great middle class in our country and who now find that slipping through their fingers because of a global economy, where we have not understood the rules should be fair, where we have had policies put into place that affect only the privileged few, with the theory that it will trickle down to everybody else.

You know what. I wish it had. I wish the policies of the former President and my friends on the other side had worked. I don't want people to be out of work. If trickle-down economics would work, I would celebrate it. But my folks are still waiting for the trickle down. They are still waiting. Instead, what is happening to them is they have lost their jobs or they are finding themselves with fewer hours or they are finding themselves in a situation where they are working two jobs, three jobs just trying to hold it together. I mean I have seen numbers that show almost half the families in Michigan have somebody in their immediate family who has lost their job.

The idea of saying that somehow that is all because people are lazy, well, I would not say the words I would truly like to say, but I would just say that is a bunch of bunk—the idea that somehow Americans who have worked all their lives and are caught up in this are somehow just lazy. But this goes to a broader pattern that is extremely

concerning to me, and it is the difference in world view and how we view what should happen and what is important in our country.

When we had a bill in front of us—the President just signed it today—to put back some commonsense regulations on Wall Street so there are no more big bailouts and consumers can get good information to be able to protect themselves and their 401(k)s and their savings and to be able to address all the jobs—the 8 million jobs lost since the financial crisis started over a year ago—and when we have a bill on the floor that takes on the big banks, the big bonuses, the recklessness of some on Wall Street, our colleagues on the other side of the aisle vote no. Almost every single one of them sided with the big banks and the big bonuses.

We are going to have a big debate about whether to extend tax cuts for the wealthiest Americans, whether we should give even bigger tax cuts to the top couple hundred families with huge estates in this country—to do even more than President Bush did on tax cuts for the wealthy and the wealthy estates that are literally only 200 or 300 families in the country. Our colleagues on the other side of the aisle will argue for that. They will argue that is the right thing to do. That is a different view. It is a different view than we have about what is happening in this country and where the priorities ought to be.

Middle-class families in my State are saying: What about us? What about us? The big banks got their bailout, what about us? That is why we have been focused on jobs and on innovation. While we aren't out of the hole—we are nowhere near out of the hole—we are at least digging our way out. There were 750,000 a jobs a month being lost when President Obama took office. We changed the focus to working families, to middle-class families, and by the end of the year that was zero. Now we are gaining 100,000 or 200,000 a month, but we are at least gaining.

I am not happy at all about the unemployment levels in Michigan. But when President Obama took office we were looking at 15.7 percent—unbelievable—and that is just the people being counted. Now it has come down a little bit, a little bit, a little bit, and now it is 13.2. That is still way, way too high, but at least it is moving in the right direction. We had 8 years of it moving in the wrong direction and we have turned the ship and it is beginning to turn around.

The problem we have is that while it is slow in terms of job creation, too many families are caught in the middle on this, waiting for that next job, wanting that next job that is going to pay enough so they can care for their family. They are caught in a situation they never thought they would be in, in their life and they are embarrassed and

they are mortified and they are angry. They are looking at the Senate and saying: What is going on here? You can't even get it together to do what every other President, Democrat and Republican, has done in the history of our country to come together and to understand this is an emergency—15 million people plus is an emergency—and that we ought to be extending the small unemployment insurance benefits to families who are caught in this.

That is what this is all about. We find ourselves in a situation where we are wasting time right now on the floor of the Senate that we could be using after voting to extend unemployment benefits to go on to small business, which is also absolutely critical for us. The No. 1 concern from businesses is the inability to get a loan, to get the capital they need to extend their line of credit to do business or be able to expand, to get the loans they need. That is the bill we have waiting in the wings. That is the one we are trying to get done.

Instead of focusing on that, which is jobs and small business, which is the growth engine of the country, we wait. We watch the clock—30 hours. For whatever reason I do not know. But I think it is a shame.

I want to close reading a letter. I get thousands of e-mails. I am sure my colleague does too. I find them very heart-breaking. I want to read a little bit to put it in the RECORD, from Philip, from Belding, MI:

I have just learned I exhausted my unemployment benefits. I am going to school under the worker retraining programs through Michigan Works. I have a mere 5 months left until I graduate. I am raising my daughter on my own. My life has been a rough ride, trying to do this on the limited funding already.

Now I have to make a choice. This is an incredibly hard choice. I have to quit training to get a job or continue training and live with no income whatsoever. My decision must be made in the best interests of my child. I worked tremendously hard to be at the top of my class in my training and now I am faced with the fact that it was all for nothing.

The last year of hard work and study is lost. The grants I received for Michigan Works were used fruitlessly. I know you are fighting for me and all the others in my position but I feel I need to let someone know . . . what is happening.

There are so many people who have sent letters and e-mails and who have called me. They are just trying to play by the rules and care for their families and get another job or go back to school or do the things we all want to do for our families to be able to live a good life, be able to have that American dream as we define it. It is extremely unfortunate that we find ourselves in a situation where we continue to see objections and blocking and efforts just to stop something as basic as temporary assistance for people who have lost their jobs.

We will get this done. We will get it done. It will pass. The difference between what is happening here and what could have been if we had gotten it done yesterday is it is going to be a few more days before somebody gets the help they need. I do not know how many people will lose their houses because those few more days mean they can't make that payment in time and they end up on the street or how many missed meals, how much hunger, how many times their kids go to bed at night hungry because we are wasting all this time on the Senate floor.

I can tell you there are many of us, those of us on our side, who understand what this means for people. We are deeply sorry families are in this situation. They need to know we are going to continue to fight, we are going to continue to be there, we are going to continue to do everything we can to support them and their families until everybody in this country who needs a job and wants a job and is able to work has one and can get themselves back on their feet and have the kind of life they want for themselves and their families.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNIS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

The Senator from Nebraska is recognized.

Mr. JOHANNIS. I thank the Chair.

(The remarks of Mr. JOHANNIS pertaining to the introduction of S. 3622 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JOHANNIS. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Madam President, we are spending time today in so many ways talking about where the American people are right now with regard to this horrific economy, where we had and still have some of the worst job numbers in a long time.

Fortunately, the economy is recovering. The American Recovery and Reinvestment Act, which I voted for, and many of us did, has a positive impact along with other job creation strategies. We are happy about that. But we know we still have a way to go to fully recover.

One of the best ways to ensure that those who are out of work, through no fault of their own, can get from a situation of joblessness to a job, is to make sure we use programs that we put in place over years and that workers and families have contributed to to give them the opportunity for unemployment benefits as they transition or go across that very long bridge from unemployment to a situation where they are back at work.

We have had months and months of debate about this issue. Finally, yesterday, we were able to get beyond yet another hurdle that was erected by the Republican side of the aisle, and now we are at a point where we are beyond that procedural hurdle.

Instead of allowing the Senate to finally at long last vote on unemployment insurance and to extend it, to give families some peace of mind in this terrible economy they have lived through, to give businesses some certainty in terms of what the job picture will look like in a matter of months, and also to take a step when we extend unemployment insurance, to take a step in the right direction to continue to jump-start the economy—one of the best ways to do that is by extending unemployment insurance, because when you do that, you have an additional benefit. The obvious benefit is to a worker and his or her family and, by extension, the community or neighborhood they live in.

But there is yet another benefit, a second or a third benefit, that is depending on how you count each benefit. You know, if you spend a dollar on extending unemployment insurance, you get a lot more than a dollar back.

So you spend a buck on unemployment insurance, by one estimate—Mark Zandi—you get more than a buck sixty back. The Congressional Budget Office tells us that number may be higher. It might be \$1.90 that you get back if you spend a dollar. So there is an economic benefit for the whole country when we extend unemployment insurance. This isn't simply about the obligation I believe we have to help those families who don't have a breadwinner, as someone who has lost their job, to help them get through this difficult period. That is reason enough to extend it and it is reason enough to treat it as the emergency it is and to even, in my judgment, add to the deficit to do that. But there is also that other benefit, isn't there, the benefit to the economy overall—spend a buck and get a lot more back—because we know that when we extend unemployment insurance, those dollars go right back into the economy and create other jobs and other economic activity and therefore economic opportunity for people who have nothing to do—have no connection to unemployment insurance. Thank goodness a lot of people don't have to worry about unemployment in-

surance because they still have a job. They have some security.

So there are at least two or three basic reasons we should be extending unemployment insurance. With all of the evidence, with all of the very compelling and, I would argue, irrefutable evidence that this is good for workers and their families, it is necessary to help them, and it is also good for all of us in the larger economy because of the jump-starting and stimulating aspect of the expenditure of those dollars, you would think the folks on the other side of the aisle would agree with us. But they haven't for many, many weeks.

Now we know we have the votes to get this done. Yet they are still allowing all these hours to pass that they could waive very easily and say: We know we lost—I am speaking from the Republican side of the aisle—we have lost the procedural votes, so let's just vote on final passage and get this extension approved. They seem to want to play politics with the critically important issue for the American people. We are going to extend the unemployment insurance, and it is going to happen. So why would you insist on the hours that are required—not required but the hours that are part of the process and allow that to slow this down?

I was on the floor yesterday talking about a number of Pennsylvanians. One gentleman I spoke about, I talked about, reading from his letter, the worry he had, a gentleman out of work, worried about his family, worried about his 12-year-old daughter who has cystic fibrosis, worrying about how he is going to have insurance cover her condition, and also worrying about whether he can make ends meet, would he find a job, would he be able to provide for his family. That worry is universal when it comes to this issue, the worry a parent feels when they lose their job and lose their health care, the worry that consumes them when they feel they are helpless, almost, to provide for their own family.

We point to individuals within our States who write to us or send us an e-mail or somehow communicate with us about their own circumstances.

Not too long ago, I received an e-mail from a woman named Kimberly. She and her husband have two children in college. Her husband has been out of work for a year. It is hard to comprehend that, what it is like to need a job to provide for your family and you not only don't have a job but you don't have a job for a year or longer. So many families have been living through that.

She said:

We have been struggling for a year while he looks for full-time employment with which he can again support our family.

Then, speaking about her job, she says:

I don't make a lot of money. I don't make enough to support us. And I especially don't

make enough to put my kids through college.

Then she goes on to say:

We may not starve, but we won't be able to pay our creditors. We'll be looking at possible bankruptcy. I may have to pull my daughter out of her 4-year university and send her to a community college, and we won't be able to buy clothes or even enjoy simple pleasures like dining out or going to the movies.

Something as simple as that.

I spoke yesterday about a woman who had written to me, Rachel, who talked about her husband having lost his job and deciding to join the National Guard in order to be able to have some job, some livelihood, as well as be able to get a little bit better health care coverage.

These stories are real. They are not anecdotal. They are common in one sense or another. There might be differences from one family to the other, but there are a couple of universal realities here for people. Joblessness, being out of work, does, in most instances, lead to a situation where you lose your health insurance coverage. Joblessness robs people of their basic dignity. It diminishes their confidence in their own worth, their own value to their family, whether it is a mother being out of work or a father or a sibling. This kind of worry and anxiety plus the basic insecurity of not being able to pay bills is horrific, absolutely horrific, something that not many people—maybe a few, maybe a few Senators can understand it, but not many can understand what it is like not to have income and not to have health care.

Everyone here, every Senator has a steady income. It is reliable. It is there every month. You get paid every month. Every Senator gets health care coverage. We have that security for ourselves and for our families. I realize that some at some point in their lives might have an experience that would give them an insight into what someone is going through now who is unemployed, but not many, not many U.S. Senators, not many Members of the House of Representatives or those who work with us in the Federal Government.

So when folks come to this floor and talk a lot about, we want to help, the argument basically is, we want to help, we understand, but we don't want to run up the deficit. They make that argument. I wish the same folks who make that argument and the passionate arguments about the deficit and not using an emergency strategy to help the unemployed, I wish they had that same sense of worry and outrage about the deficit when they were giving tax breaks—hundreds of billions of dollars—to very wealthy Americans, hundreds of billions year after year after year to very wealthy Americans and not being too worried about the deficit in those days. In fact, some on

the other side of the aisle were heard to say at the time that deficits don't matter; that if it is tax cuts, if that is your priority, if you want to vote, if you want to put forth and move forward a tax cut policy for the very wealthy, at that time, in their judgment, there was nothing wrong with running up the deficit.

Now when we make the argument that this is an emergency, the way it has been treated for years by people on both sides of the aisle—unemployment insurance in the midst of a horrific recession is, in fact, an emergency—and they voted that way, now they are inconsistent, not only inconsistent when it comes to all of a sudden insisting that they can't support anything that would increase the deficit even in a limited manner—that is inconsistent, but I believe it is even more outrageously inconsistent when you say: I will vote for tax cuts for the wealthy and run up the deficit, but I am not going to take steps to increase unemployment insurance or to extend unemployment insurance.

So what you have is not only hypocrisy and blatant inconsistency, but you have hypocrisy and inconsistency and political gamesmanship that is hurting real people. There are hundreds of thousands of people. If we look across a couple of months, literally millions of Americans have been denied unemployment insurance and will be denied unemployment insurance if these games keep playing out, if these political obstacles are erected every couple of weeks or every couple of months.

It is a very basic choice: We can vote right away and get beyond this and extend unemployment insurance or we can still have the games people are playing and the hypocrisy we have seen on display and continue playing games while people are out of work, while people are hurting, and while families are suffering. It is very simple. There is no kind of in-between here—you are either on one side of this issue or the other. Then we can get through this period. I think we can move on to other debates about our economy, about how our job-creation strategies are working. We can have debates about the deficit and a lot of other issues. But the first thing we have to do is make sure we are taking every step necessary to help people who are out of work through no fault of their own and to continue this recovery by creating the jobs that we know have been and will continue to be created as we move forward. But we have to get beyond this. We should not be waiting hours to get this final vote in place so we can pass an extension of unemployment insurance and move forward and help those workers and help those families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

HEALTH CARE REFORM

Mr. BARRASSO. Madam President, I come to the floor to visit about the continuation of revelations to the American people about the health bill that has been signed into law by the President. I come as someone who has practiced medicine in Wyoming, taking care of the families of Wyoming for the last 25 years. I come as someone who is the medical director of the Wyoming Health Fair, offering low-cost blood screens, low-cost preventive services to let people identify health problems early so they can get early treatment, keep down the cost of their medical care. This is something we have done all around the State of Wyoming for almost a quarter of a century now.

I come today to offer a doctor's second opinion. I have done this every week since the health care bill became law because every week there is a new revelation, a new finding, something that once again affirms what those of us who opposed this health care bill and this law had said would happen if this actually became law.

I come to the floor to tell my colleagues what I have found in the last week. After all, the goal of health care reform was to lower costs, to increase quality, and to improve access for patients around the country. I continue to believe week after week, as Americans learn more and more about this law, that this is a law that is going to be bad for patients—I heard that as I traveled the State of Wyoming this past weekend talking to folks; bad for providers, nurses and doctors taking care of patients; and something that is going to be bad for payers, people who are going to have to pay the bills for their own health care, because costs are going up, people paying for their own health insurance because costs are going up, taxpayers who are going to have to pay for this because those costs continue to go up.

I come to the floor having just taken a look at the Sunday New York Times, an article by Robert Pear: "Changing Stance, the Administration now Defends Insurance Mandate as a Tax." I stood on this floor week after week hearing people on the other side of the aisle say: No, this isn't a tax. Now, all of a sudden the administration says differently. But then who can forget NANCY PELOSI, Speaker of the House, who said: You don't get to find out what is in the bill until the bill is passed.

There have been so many broken promises made by this administration and this President to the American people. It is no surprise that a majority of the American people continue to want to have this law repealed and replaced.

Well, let's review a couple of those promises. One is the President said:

The plan I'm announcing tonight—and he said this to a joint session of Congress, with those of us here attending—

The plan I'm announcing tonight. . . will slow the growth of health care costs for our families, our businesses, and our government.

Well, the Chief Actuary for Medicare and Medicaid said, of course, the President is wrong.

Then the President said: If you like your health care plan, you will be able to keep your health care plan, period. He said: No one will take it away, period. He said: No matter what, period.

But then the Chief Actuary of Medicare and Medicaid said 14 million Americans would lose their employer-sponsored health coverage under the law. And when the White House came out with its own recommendations and rules and regulations, even they have said a majority of Americans who receive their health coverage through work will not be able to keep the coverage the President of the United States promised them they could keep.

And now the one where the President said: I can make a firm pledge. Under my plan, no family making less than \$250,000 a year will see any form of tax increase.

He went on to be specific. He said: not your income taxes, not your payroll taxes, not your capital gains taxes, not any of your taxes.

That is what the President happened to say.

Well, that was not just a candidate speaking that way. Even as President, in September of 2009, in a speech before Congress, President Obama again promised the American people:

The middle class will realize greater security, not higher taxes.

What a difference a year makes. The President's new health care law does contain tax hikes—lots of them. In fact, there are at least 18 new taxes in the health care law, and it raises approximately \$500 billion over a 10-year period.

Here are a couple of examples: new taxes on medical devices and supplies, new taxes on brandname prescription drugs, new taxes on health insurance providers, increased Medicare payroll taxes on employers. But the most egregious is the individual mandate tax. That is the one that the American people are so concerned about right now. The new health care law requires all Americans to buy Washington-approved health insurance, and they have to do it by the year 2014. If they do not, they have to pay. Some call it a penalty, others call it a fine. For the first time in our Nation's history, the Federal Government is ordering the American people to use their own hard-earned money to buy a specific good or service.

Most people I talk to, who see through all of the games and the wording, say this is a tax. Even ABC News's George Stephanopoulos clearly pointed this out during a September 2009 interview with then President Obama. In

that interview, Mr. Stephanopoulos pressed President Obama, pressed him to admit that the individual mandate is a tax. He asked President Obama:

But you reject that it's a tax increase?

And the President responded:

I absolutely reject that notion.

Well, Mr. President, apparently your own administration disagrees with you. And clearly your Justice Department disagrees with you. Because as the New York Times reported, on July 16—just this past Sunday—it said:

Administration officials say the tax argument is a linchpin of their legal case in defense of the health care overhaul and its individual mandate, now being challenged in court by more than 20 states and several private organizations.

It is so interesting. Just the first paragraph:

When Congress required most Americans to obtain health insurance or pay a penalty, Democrats—

In this very Chamber—

denied that they were creating a new tax. But in court, the Obama administration and its allies now defend the requirement as an exercise of the government's "power to lay and collect taxes."

So there you have it. The article says the Justice Department now believes—the Justice Department takes direction from the President—the Justice Department believes the individual mandate penalty is a tax precisely because it generates money, \$4 billion per year through 2017. That is according to the Congressional Budget Office. So you have the President promising the American people one thing and directing his Justice Department to say exactly the opposite.

Well, you might say, is this partisan? No. We are talking about a New York Times article. The New York Times goes on to quote Jack Balkin, who is a professor of law at the Yale Law School. This is somebody who actually supports the health care law. This is a supporter of the health care law. What does he say about President Obama? He said he "has not been honest with the American people about the nature of this bill." He says: "This bill is a tax."

So here you have a supporter of the health care law, a supporter—a Yale Law School professor—who goes on to say of President Obama, he "has not been honest with the American people about the nature of this bill." He said: "This bill is a tax."

We have President Obama's own administration now admitting the individual mandate to buy health insurance is a tax increase. Well, this clearly violates the President's repeated promises that no one—no one—making less than \$250,000 a year would see a tax increase.

Congress's Joint Committee on Taxation confirms the tax hikes in the health care law absolutely will hit millions of middle-class, working-class families struggling in this economy.

Once again, we see and hear the President of the United States promising the American people one thing and delivering something entirely different.

The President went on national TV and said his individual mandate was not a tax. Now the President's administration says it is.

So I come to the floor again today with a doctor's second opinion, outlining the broken promises of this health care law—the broken promises made by this President and this administration to the American people, and forcing through, cramming down their throats, against the wishes of the American people, a law the American people did not want, and still do not want. Because if you go to any senior center, if you go to any civic organization, if you travel around this country and you ask the question: Under this law, do you believe the cost of health care will go up, all the hands will go up. And if you ask the question: Do you think the quality of your own care under this new law will go down, the same number of hands continue to go up.

That is why it is important we repeal and replace this health care law with something that is patient centered, with something that focuses on patients, not Washington bureaucrats and not insurance company bureaucrats. There is no reason to not allow Americans to buy insurance across State lines. There is no reason not to allow Americans who want to buy individual insurance to get the same tax breaks. They should be able to get the same tax breaks as those who get their insurance through work from the big companies with those tax breaks.

We have to allow people to have individual incentives if they stay healthy and take measures to keep down the cost of their own care. We have to deal with lawsuit abuse, which was essentially neglected in this over 2,000-page health care law. We need to encourage and allow small businesses to join together to get the cost of their health care down and the cost of their insurance down.

Those are the things that will get the cost of care down—not this monstrous bill that is bad for patients, bad for providers, and bad for the payers of health care. That is why week after week I continue to come to the Senate floor to once again go over what we have learned in the past week. This week we have learned the President of the United States, who promised there would be no increased taxes, has now changed the tune of his entire administration and his Justice Department by saying: Oh, no, we are changing our stance. Now the insurance mandate is a tax.

I offer my second opinion, and it is time to repeal and replace this health care law.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRaising JAYNE ARMSTRONG

Mr. KAUFMAN. Mr. President, I rise once more to honor one of America's great Federal employees.

Last week, the Senate focused a lot of its attention on reforming our regulation of Wall Street. As important as that is, we must not forget that the health of our economy depends on the success of businesses on Main Street. Small businesses form the backbone of our prosperity and embody the American dream for millions of families.

From the colonial merchants at our beginning to those who opened stores in frontier towns in the 19th century, from the mom and pop shops in the postwar years to the online start-ups of our day, small businesses have driven our economy.

Over the past 57 years, the Small Business Administration has been helping small business owners obtain loans and find resources to help them prosper. By guaranteeing loans that small businesses take out from banks, the SBA enables entrepreneurs to grow and develop their businesses with confidence, which helps create jobs and improve local economies.

It was created out of the old Reconstruction Finance Corporation, which was set up during the Hoover administration to lend capital to businesses hurt by the Great Depression. The SBA was founded in 1953, on the cusp of an economic boom that saw the proliferation of new small businesses throughout the Nation.

In 1964, the SBA's Equal Opportunity Loan Program helped tackle poverty by encouraging new businesses started by entrepreneurs living below the poverty line. In the aftermath of natural disasters, the SBA provides emergency assistance to help keep small businesses running. Today, the SBA continues to play an important role in helping small business owners launch and grow their businesses.

The great Federal employee I am honoring this week has worked at the SBA for 16 years.

Jayne Armstrong currently serves as the SBA district director for Delaware. I have known her for several years, and I have seen firsthand her dedication to

helping Delaware small businesses thrive.

Jayne, a native of Pittsburgh, worked in advertising, high-tech economic development, and higher education development before joining the SBA in 1994. She holds bachelor's and master's degrees from West Virginia University. First serving as the district director for West Virginia and regional advocate in the SBA's Office of Advocacy, Jayne helped organize the White House Conference on Small Businesses in 1995. She also represented the SBA in Russia during the first-ever formal exchange between American and Russian entrepreneurs the following year.

Since coming to Delaware and, Mr. President, I should add that she has lived in my home State for the past 10 years—Jayne has become one of the greatest advocates for First State entrepreneurs. She has helped hundreds of Delawareans turn ideas into businesses. Nothing, including the economic downturn, slows her down in her drive to help small business owners obtain the loans they need to open or expand.

Jayne has placed a particular emphasis on helping entrepreneurs take advantage of SBA loan programs created through the Recovery Act, such as Queen Bee Beauty Supply in Smyrna, a minority woman-owned business, and Miller Metal Fabrication in Bridgeville, a design engineering and manufacturing company.

These are just two of the hundreds of businesses that have Jayne and the SBA to thank for helping them get their start or expand into new opportunities.

Jayne is also substantially involved in our State's nonprofit community. She serves on the boards of Girls, Inc., the Caesar Rodney Rotary Club, and Delaware Tech's Entrepreneurial Advisory Consortium, among others. Former Governor Ruth Ann Miller appointed her to serve on the Delaware Commission for Women.

The SBA serves as a fitting example of how the Federal Government works with the private sector to fuel job creation—a goal we are continuing to focus heavily on in this Congress.

I hope my colleagues will join me in thanking Jayne Armstrong and all of the men and women at the Small Business Administration for their hard work to help our small business sector grow and prosper. They are all truly great Federal employees.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMERICAN JOBS ACT

Mrs. SHAHEEN. Mr. President, today, hopefully, we will finally extend unemployment insurance to those who can't find a job in this difficult economic climate. Our next task is to help small employers and entrepreneurs grow their businesses and hire new workers. That is the only way we will fully emerge from this recession.

Over the past 15 years, small businesses have created almost two-thirds of the new jobs in America. Small businesses are the cornerstone of New Hampshire's economy. Over 96 percent of businesses in the Granite State are small businesses with fewer than 500 employees. That is why we need, once we have passed the extension of unemployment insurance, to pass the Small Business Jobs Act as soon as possible. This is legislation that will dramatically increase lending to small businesses, it will enhance the ability of small companies to export, and it will provide tax relief to small firms.

I am proud that as a member of the Small Business Committee I helped craft this bill under the leadership of the chair of that committee, Senator MARY LANDRIEU, and ranking member Senator OLYMPIA SNOWE. I want to thank both of them for their work and for their leadership on this bill.

While many community banks in New Hampshire have increased their lending, I consistently hear from small businesses that they have run out of financing for the working capital they need. Last year, my office organized a financing fair to bring together lenders and small businesses who need financing, and over 500 people showed up. It was a huge turnout. But still, wherever I go in New Hampshire, small business owners tell me they are running out of financing options. In some cases, their only choice is to turn to credit cards, often personal credit cards, paying exorbitant interest rates to get the working capital they need to keep their businesses going.

The small business jobs bill will enhance Small Business Administration loan programs that help small businesses in New Hampshire and throughout the country as they try to access the credit they need to hire workers, to grow their businesses, and to weather the economic storm.

In the past year, many small businesses in New Hampshire have taken advantage of the enhancements to the SBA programs that were included in the Recovery Act. One business owner in New Hampshire, Janet Dunican, was able to save her business with an SBA loan. Janet owns an innovative manufacturing company in Hooksett, NH.

She has over 50 employees, and what they do is help take trucks that are owned by other small businesses and transform them by adding custom-fit utility buckets—the kind we see when the cable company fixes the power lines after a storm.

When Janet needed a loan to save her company, she looked everywhere for help. But with credit tight and with this uncertain economy, she had a hard time finding a bank that would finance her project to keep the business afloat. Then she turned to a bank that participated in an SBA loan guarantee program. She was able to work with her bank to get the credit she needed to save her business.

Unfortunately, too many small businesses can't take advantage of loan guarantees because the loans have been too limited, and they do not fit their needs. But the small business jobs bill opens these programs to more businesses. It increases the size of the loans that businesses can obtain, it allows small businesses to refinance their debt at lower rates, and it extends the higher guarantee rates that were included in the Recovery Act. The SBA estimates that these provisions will put over \$5 billion in credit into the hands of small businesses.

The bill also funds successful State small business lending programs—programs that have helped save many small businesses and helped others finance their growth. These programs, such as our own—the New Hampshire Business Finance Authority's Capital Access Program—and other successful small business lending programs, can quickly get credit into the hands of the small companies that need it the most.

The bill also includes a proposal that I worked very hard on to allow more small businesses in New Hampshire to access the SBA's Express Loan Program. The Express Loan Program is popular with banks in New Hampshire because it cuts redtape and allows them to use their own paperwork in making the loans. It is a simple way to quickly put working capital into the hands of small business owners.

Another important way we can increase the bottom lines of small businesses is by helping them sell their products overseas, something I have been supportive of for a very long time. Of the small- and medium-sized businesses in this country, only about 5 percent are selling into markets overseas. Yet 99 percent of those markets are outside of the United States. For many of these small businesses that would like to export, it can be very challenging because, unlike big companies, they often don't have the technical capacity or the resources to identify new markets, to go on trade missions, and to market their products to foreign buyers.

The small business jobs bill will help these small firms access new markets

because it boosts Federal and State programs that help small businesses export their products. It also strengthens SBA export financing programs so that small businesses can get loans to put them in a better position to compete locally.

Finally, this legislation also provides over \$12 billion in targeted tax relief for small businesses. These are tax cuts that will help free up capital for small firms to make investments and, most importantly, to hire workers because that, in fact, is what the small business jobs bill is all about. It is to help provide the boost that small businesses in New Hampshire and across the country need, not just so they can be successful and grow, but so they can create jobs—the jobs that we need to put people back to work in this country.

I am excited that we are going to be taking up this legislation. I hope it is going to be today. I urge my colleagues to join me in supporting this critical bill to help improve job prospects for people across the country.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ESTATE TAX

Mr. SANDERS. Mr. President, every day it becomes harder and harder for me to listen to my Republican friends who race down to the Senate breathlessly telling the American people how concerned they are about the \$13 trillion national debt we have and how “we have to get our financial house in order.” That is what they tell us every single day. But a funny thing happened: under the leadership of President George W. Bush, these very same Republicans turned a recordbreaking Federal surplus left by President Clinton into recordbreaking deficits. Back then, as we all recall, not so many years ago, their rallying cry was “deficits don’t matter.” That was articulated by Vice President Dick Cheney. This “deficits don’t matter” philosophy gave us two wars that were not paid for, including the war in Iraq, which may end up costing us \$3 trillion. It gave us \$700 billion in tax breaks—no worry about paying for those tax breaks that went to the very wealthiest people in our country. It gave us \$400 billion in an unpaid-for prescription drug Medicare Part D bill. And, of course, it gave us a \$700 billion bailout of Wall Street developed by President Bush and his Secretary of the Treasury, Mr. Paulson. No worry; in those days, we did not have to pay for any of that. It is OK, just add it

onto the debt of our kids and our grandchildren.

But it seems our Republican friends recently, about a year and three-quarters ago, had a change of heart. Coincidentally, that was when President Obama came into office. I am sure it was just a coincidence, but now it appears that deficits do matter. For 8 years, deficits didn’t matter. Now they do matter. Now they are telling us we cannot afford to extend unemployment benefits to over 2 million Americans who lost their jobs in the worst recession in modern history. They tell us we just cannot afford to invest in our economy to rebuild our crumbling infrastructure or transform our energy system, which would create, over a period of years, millions of good-paying jobs. We can’t do that. We don’t have the money to do that.

The Republican hypocrisy is about to reach a whole new level, literally, today. In the name of fiscal responsibility, while they oppose every effort to help the middle-class and working families of our country, today an amendment is going to come onto the floor which is specifically designed to provide huge tax breaks to millionaires and billionaires. In other words, there is no money available to help desperate families who have lost their jobs, but there is all kinds of money to provide huge tax breaks to millionaires and billionaires.

Finally, last night, as a result of the appointment of a new Senator from West Virginia, we got the 60 votes we needed to end the Republican filibuster so that we can extend unemployment benefits. But instead of allowing this bill to pass yesterday, as common decency would allow, so we can begin to get the money out to those families who are wondering right now how they are going to buy the food they need, pay the rent, pay the mortgage, the Republicans are forcing the Senate to wait another 30 hours before final passage.

Adding insult to injury, my good friend from South Carolina, Senator DEMINT, wants to suspend the rules so the Senate can take up legislation to permanently repeal the estate tax. This, even for the Senate, is really weird and really extraordinary. In the midst of telling us how serious the deficit is, how serious the national debt is, these folks want to give tax breaks to billionaires by permanently repealing the estate tax and, as this chart shows, adding more than \$1 trillion to the deficit over 10 years. That is a very unusual way to deal with our deficit crisis, by adding \$1 trillion to the national debt over a 10-year period. Furthermore, as this chart shows—and maybe this is the most important point I want to make in my brief remarks—only a tiny fraction of estates from death in 2009 owed any estate tax. In fact, 99.7 percent of Americans would

not receive a nickel from Senator DEMINT’s legislation.

Four years ago, every Republican except two voted to completely eliminate the estate tax, a tax that has been in existence since 1916 and impacts only the very richest families in America, the top three-tenths of 1 percent. Let me tell you who the major beneficiaries of this huge tax break would be. Would it be the average middle-class worker who during the Bush years saw a \$2,200 decline in his income, people who really need the money? No, they are not being helped by Mr. DEMINT or the repeal of the estate tax. Would it be a small businessperson, the people who are creating almost all of the new jobs in our economy? Would small business be helped when we repeal the estate tax? No, not those guys. Would it be a single mom who wants to send her kid to college for the first time in their family’s lifetime? No, that single mom is not going to be helped, not anybody on Social Security, not the people who need the help the most. They don’t get one penny from the repeal of the estate tax, as Senator DEMINT is proposing.

Who benefits? Who are the beneficiaries of the estate tax or, as my Republican friends and their pollsters like to refer to it, the death tax? If we pass what Senator DEMINT wants us to do today, completely repeal the estate tax, it would provide an estimated \$32.7 billion tax break for the Walton family, the founders and owners of Walmart—a \$32.7 billion tax break for a family that is worth almost \$87 billion. Some people here may think the Walton family—worth almost \$100 billion—is in desperate need of a tax break at a time when we have a \$13 trillion national debt. I am not one of those people. I do not think they do.

But it is not just the Walton family, obviously, who will benefit. Other very wealthy families will. Do you remember those hedge fund managers on Wall Street who made \$1 billion a year or several billion a year? They are going to benefit. Those are the guys—the people who drove us into the recession, who made huge amounts of money gambling on Wall Street. They will be very happy if that amendment passes. They benefit. The Mars candy family will get an \$11 billion tax break; the Cox cable family, \$9 billion tax breaks.

Remember, this law has been in existence since 1916. And remember again, it only benefits the top three-tenths of 1 percent, and 99.7 percent of the American people, working people, middle-class, lower income people, upper middle-class people, don’t benefit one nickel from this tax break which costs us \$1 trillion over a 10-year period.

At a time when our country has a \$13 trillion national debt, the highest level of childhood poverty in the industrialized world, a crumbling infrastructure, a desperate need to transform our

energy system—I see Senator BOXER, who has been a leader in that effort—it is beyond comprehension to me that anyone at this moment in American history would advocate huge tax breaks for millionaires and billionaires.

This concept of the estate tax was developed by Teddy Roosevelt. He was concerned about two things. He was obviously concerned about raising revenue for the Federal Government, but he was also concerned about making sure we did not maintain an oligarchy in the United States where billionaire families—people worth tens of billions of dollars now—are able to give away their fortunes to their own heirs. He believed in a meritocracy and that it was appropriate that those people pay a fair share of taxes.

This is what he said:

The absence of effective state and especially national restraint upon unfair money-getting has tended to create a small class of enormously wealthy and economically powerful men, whose chief object is to hold and increase their power . . . Therefore I [Teddy Roosevelt] believe in a . . . graduated inheritance tax on big fortunes, properly safeguarded against evasion and increasing in amount with the size of the estate.

Teddy Roosevelt, 1910. I think our Republican friends have kind of disowned Teddy Roosevelt, and we don't hear him quoted terribly much anymore.

In order to sell this concept of repealing the estate tax to the American people, Republican pollsters—I have to admit, we have to be honest about this—have done a very good job. They framed this tax break for billionaires into a death tax. So people on the street in Burlington, VT, come up to me and say: BERNIE, I want to leave my kids \$20,000. Why are they going to tax me? The Republican pollsters have done a very good job and their lobbyists have done a very good job in misleading the public. As usual, Republicans are using the old tactic of pretending to worry about the needs of ordinary people as a smokescreen to serve the wealthy special interests.

That is what they do very well. If you are in the middle class and you want to leave your family \$1 million or \$2 million or \$100,000, this doesn't apply to you; you don't benefit one nickel. This is for millionaires and billionaires.

The other thing they talk about is, we have to preserve the family farm and the estate tax is wiping out family farms. I am a strong advocate of family-based agriculture, and in terms of the preservation of family farms, the American Farm Bureau was asked to come up with an example of one single family farm being lost as a result of the estate tax. They could not find one farm that had to be sold as a result of the estate tax. This is not legislation to help family farmers. This is legislation to help provide tax breaks for millionaires and billionaires.

Let me quote from an article that appeared in the New York Times July 8, 2001:

Neil Harl, an Iowa State University economist whose tax advice has made him a household name among Midwest farmers, said he had searched far and wide but had never found a case in which a farm was lost because of estate taxes. "It's a myth," Mr. Harl said.

As it happens, I called up Professor Harl this afternoon, just a few hours ago. Interestingly, he told me he has conducted over 3,000 seminars on the estate tax and agriculture. This guy is an expert on the issue. I just wanted to get an update from him. What he told me 2 hours ago is that after studying this issue for decades, he has not heard of one family farm that had to be sold because of the estate tax—not one.

When my Republican friends talk about preserving the family farm—something we have to do—this estate tax issue has nothing to do with that.

In terms of small business, the non-partisan Tax Policy Center, as this chart indicates, has estimated that only 80 small businesses and farm estates throughout the country paid an estate tax in 2009, representing 0.003 percent of all estates.

This legislation is not for the family farmer. This legislation is not for small business. This legislation is specifically designed to provide huge tax breaks to the wealthiest people in this country, millionaires and billionaires, at the same time as we have a \$13 trillion national debt.

Let me conclude by saying this.

We have heard our Republican friends week after week, month after month, coming down to the floor of the Senate and saying, no, we cannot extend unemployment benefits to desperate Americans all over this country who, through no fault of their own, have lost their jobs. We cannot afford to do that.

Finally yesterday we got the votes to go forward. But having said that, that they cannot help working families and people who have lost their jobs, they are now coming down to the floor and saying, we desperately need to give tax breaks to millionaires and billionaires.

You know, Woody Guthrie had a song some years ago. The title was: "Whose Side Are You On?" The Republicans have answered that loudly and clearly. But when it comes to the needs of the unemployed and uninsured, when it comes to protect the interests of the struggling middle class, the Republicans are deficit hawks. We know they are going to go after them. But if you are a billionaire family who needs a huge tax break that will cost \$1 trillion over 10 years, they are on your side.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. BOXER. Mr. President, the Senator from Vermont speaks in very clear

words. When he says this debate is about whose side are you on, he could not be more on target. We have a situation where we know that when President Obama took office and the Democrats were increasing their majority, we inherited the worst recession since the Great Depression. Those are not just words; that is a fact.

We inherited the worst deficit ever, because under the Republicans, the hugest tax cuts ever to people earning more than \$1 million a year, \$1 billion a year, went right on the credit card; two wars went right on the credit card; nothing paid for.

Then at the end of George Bush's term, when we started to see jobs being lost, 700,000 jobs a month, that is when we took over, and we took some tough votes. We said to the American people: We are going to focus like a laser beam on jobs and this economy, and we are going to get back on our feet. Yes, we are going to tackle that deficit.

I happen to have the privilege of having been sent here by my State when Bill Clinton was President of the United States. You know what. He inherited huge deficits, and he inherited a tough economic time, and we proved that we could both balance the budget and create 23 million jobs. When George W. Bush took the keys to that Oval Office, it took him a matter of minutes, figuratively a matter of minutes, to turn surpluses into deficits, and to bring down the jobs market until we got to a point where we were losing and hemorrhaging jobs at 700,000 a month.

This is important for us to remember, because it is this date where we say to our Republican friends, if you care about the people who are trying desperately to get jobs, if you care about people who have been hit by this great recession, then come with us. Work with us. Let's make sure we are there for those who deserve to have this help.

By the way, if I could say, the rules that go along with getting this unemployment extension, people do not talk about that much. You have to prove you are ready and willing to work. You have to prove you are actively seeking a job. You cannot have been fired for cause. And, by the way, you have to have paid into the unemployment insurance fund as well. This is unemployment insurance that the workers have paid into.

These are people who are actively seeking work. Guess what. When they get there, they find out there are five job seekers for every job. So we say to our friends on the other side of the aisle, where is your heart? Where is your heart?

A couple of them proved that. They stepped up and voted with us. That is all. When history is written, I think this time is going to go down as a time when right triumphs over wrong, because we did get these votes.

But guess what. Even though the other side knows we have those votes, they are stalling and stalling and having us vote on amendments that would give the wealthiest Americans their tax cuts, without paying for it. So when a deficit is caused by helping those who earn \$1 million a year, \$1 billion a year, oh, they are happy with that. But when you are trying to help mainstream America, middle-class America, the hard-working people, oh, my goodness, where are they? They are not here. Only to delay they are here. They are here to delay.

This is an important moment in history, because we always had bipartisan support for extending unemployment compensation. My God, we had it when George W. Bush was President in 2003. The Republicans joined with us and extended unemployment. No problem. So I do not know where this is coming from.

You are going to hear: Oh, the deficit. That is hogwash. They admit it. They admit it. They do not care about the deficit. When they are cutting taxes for their friends, they said: It does not matter. I have chapter and verse, quotes from their leadership. So this is about values. It is about whose side are you on? I am on the side of the American people, the working people. Most of us. **BERNIE SANDERS** is on that side. The Republicans who are joining us in this vote today are on that side today. This is a history-making day. It is the first time we have ever had a standoff on this issue. It is the first time we have ever seen the Republican Party walk away from working Americans like this. Again, when I was here and we balanced the budget, we created surpluses. The Republicans were not with us on that. I can honestly say, I voted to balance the budget. We did it, and we know how to do it, and we are going to do it. But do not turn your backs on people who paid into the unemployment compensation funds. It is insurance. They paid into it. And they have to be actively seeking work.

I wanted to read to you a couple of stories from my State, of real people. But before I do, I want to talk about Mark Zandi. Mark Zandi, chief economist at Moody's, was one of the top economic advisers to then-Republican Presidential candidate **JOHN MCCAIN**. He says that every dollar invested in unemployment benefits, such as we are going to vote on today, produces \$1.61 in economic activity. The CBO estimates it is \$1.90.

Why is that? It is because the people who are getting those funds to survive are going to spend it in the local economy. They are going to go out to the supermarket; they are going to go to the local gas station. Economists of all stripes agree that there is an actual return on investment here, let alone the morality of standing up for people who, through no fault of their own, cannot find a job.

Let me read what a Sacramento woman said to me.

Days go by when I hardly sleep at all, worrying about our bills. Since my benefits were cut off on July 1 at the end of my first extension, we have had to concentrate all of our income on paying the rent and buying food and gas. I have not been able to pay any of our other bills. I don't know how long we can make it like this.

I don't know how long we can make it like this. And our friends are stalling and stalling and stalling. Two months already they have stalled.

A city planner from Los Angeles writes:

The effects of the recession were especially acute for anyone whose industry was decimated by the financial crisis. Since municipalities are struggling and real estate development is frozen, jobs in my industry are few . . . my unemployment checks stopped abruptly last week before the 4th of July. I called my benefits office thinking this must be a mistake, only to find that the benefits ended because Congress didn't pass the Federal extension.

Another Californian said:

I am very scared of what might happen if I lose the unemployment income. We don't want to lose our home. My children catch me crying at times and ask me why are you crying, mom? I can't tell them . . . Please pass this bill until this economy strengthens and more companies start to hire again.

If people on the other side of the aisle can have a good night's sleep knowing this is what is happening in the greatest country in the world on our watch, then fine for them. But I have to tell you, this is a defining moment of who we are as a Nation. As a Nation.

I actually had the experience of a political analyst, someone who comments on politics, say, well, you could understand why people might need two yachts, one on each coast. You know what. We better get back to the basics here: people who need to feed their families, people who need to pay their rent, people who do not want to lose their home.

We have to do everything we can to revitalize the jobs market. We have taken it from 700,000 jobs lost a month under the Republicans, and we have turned it around, but not fast enough, not far enough.

That is why the bills we passed here are so critical. But we have no cooperation on that. It would be one thing if the other side said, you know, let's not do unemployment, but let's work on jobs bills. Oh, no, they do not want to work on jobs bills. We have got a small business jobs bill. We are praying to God—I am—that we get one or two Republicans. This is a bill that is supported across the board by chambers of commerce, everybody. I know, Mr. President, how hard you have worked to make sure our community banks can start lending again to small businesses.

I have been through nine cities in my State. I have met with small businesses. They want access to credit.

This small business bill is a terrific bill, and we can leverage it without it costing the Federal Government a dime, these loans to qualified small businesses through qualified and strong community banks, and leverage all of this to be a huge stimulus, and it actually has. Because of the paybacks to the government, we even make a little bit on it.

But we do not have our friends helping us with that. After they stall this unemployment bill, they will stall into the night. Hey, it is their right. It is their right. But it is my right to talk about how I feel about it.

They will start stalling small business just as they stalled the tax breaks that they claimed they wanted. They stalled the bill that would have given the research and development tax credit to businesses all over this great nation that need that tax break.

They have stalled a lot of other tax breaks to businesses. There are huge tax breaks to small businesses in the small business bill they are stalling. So this is a moment in history. This is a moment when partisanship is way ahead of the needs of the people of this great Nation.

I think it is a sad day when some of my Republican friends come down here and start to demean the people, the people like the one who wrote to me, the woman who said: I am scared of what might happen if I lose this unemployment income. We do not want to lose our home. My children catch me crying and ask me why are you crying, mom? I cannot tell them. Please pass this bill until this economy strengthens.

Well, I make this commitment: if we have to stay here through the night, until 1 or 2 a.m.—I do not know what the other side wants; they have got their plan of delaying this—fine, then we will stay here until we get it done. But we are getting this done, because it is the right thing to do, because it is the right thing to do to people who are actively seeking jobs, who have lost jobs through no fault of their own, who have paid into the unemployment compensation fund.

We are going to keep on working to create those jobs so we do not have to be here again and again doing this. There are things we can do to set the stake for economic recovery. We have done some of them. I have met the workers. I have met the workers in my State who are working on the 405 freeway, the 215 freeway, the 805 freeway, the Sacramento Airport, the Caldecott tunnel extension, the Doyle Drive extension, all up and down my State.

I have met those workers who have those jobs because of the Economic Recovery Act. Our Republican administration in California has stated that at least 150,000 jobs have been saved or created, and other studies show it is more than that. It is not enough. We

have to keep working at it. I am sad to say all we can hope for are two or three Republican votes at that. We are grateful to those brave Republican Senators who helped us. We are grateful. I thank God for them that they have the courage to stand and say yes to the American people, yes to America's families, and no to partisan politics. I am so grateful to them.

When I say that, it probably hurts them on the other side. I don't mean to do that. I am just being honest about how I feel about it. If anyone ever tells you one vote doesn't make a difference, one vote makes a difference. We swore in a new Senator from West Virginia to take the place of a leader, Robert C. Byrd, who lived his life for working people, for the workers in the mines. How appropriate it was that his first vote was to help working people, working people who, through no fault of their own, can't find work.

I will wrap up at this point. I am ready, so ready for this final vote. If we have to stay here through five motions and debate the fact that the wealthiest American billionaires shouldn't have to help us with this recession, I am happy to do that. I am a believer that we all have to do our share. We all have to work together. Hopefully, tonight, whatever time it is, or in the early hours of the morning, my constituents, 200,000-plus in California, will be able to look at their kids and smile a little and say: Honey, we still have a chance. We are going to get out of these tough times. Honey, we are going to do it.

That is what this place should be about at a time such as this, creating the policies that create the jobs, working together to do so but never forgetting there are people who just need that bridge until, when they go for a job, there are not four other people there for the same job. That day will come, if we can work together. I make that commitment.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have listened to my colleague from California. I am somewhat amazed to think she would imply we don't care about the unemployed. The fact is, we do. I went through the list of the things she mentioned, as did the Senator from Vermont. I was not here in 2001. I was not here in 2003. I was not here when both the wars were initiated. I had no part in any of that. But even had I been, the fact is, we can help two groups of people with this unemployment insurance. There isn't anybody on our side of the aisle who doesn't think we ought to pass extended unemployment benefits. To state or imply that is absolutely absurd. It is not about stalling. The majority leader did not allow one amendment to allow us an opportunity to have a vote on whether we ought to pay for it.

The question isn't whether we help the unemployed. Every time we have offered ways to do so—as a matter of fact, five times it has been rejected that, in fact, our grandchildren should not have to pay for the unemployment benefits of the people who are unemployed today. Five times it has been rejected. Multiple times we have chosen to not do the responsible thing for two groups of people. It is easy to come to the Senate floor and throw darts at people who have a drastic disagreement on where we stand in this country. But to imply that they don't care is out of bounds. The people in Oklahoma who are not getting unemployment checks today I care about just as much as the people who don't have a job who aren't getting one. But there is another group of people whom I am pressed to serve in Oklahoma as well; that is, their children. The assumption that this body can't make the hard choices to eliminate things that are much less important, much more wasteful, an absolute waste of Federal dollars and eliminate those things to pay for unemployment insurance is out of the bounds of reality.

My colleague from California mentioned several times that all the people who are getting these extended benefits have paid into a fund. They paid zero. This is extended benefits. The extended benefits are 100 percent paid for by Federal tax dollars. It is the 26 weeks, the routine unemployment, that is paid for through the unemployment fund. The extended benefits, long-term benefits, don't come from any pot of money except the pot of money of our grandchildren's future.

Let's put that to rest. There is not a Republican or a Democrat or an Independent in this body who does not want these folks to get extended unemployment benefits. We do. The question is, at a time when we are going to borrow \$1.6 trillion this year alone against the future of our children, whether maybe we can find \$30 billion, that doesn't come anywhere close to the priorities of helping people who are unemployed today. I reject out of hand the idea that we don't have any compassion. The fact is we do.

As a matter of fact, our compassion is both short term and long term. We are thinking about the habits of Congress that continually put the credit card into the machine and borrow against the prosperity and well-being of generations that follow. Let's not have any more talk about the fact that we don't want people to have unemployment. We do. We do want them to have unemployment. Multiple times we offered ways for that. It may, in fact, pass this afternoon or early this evening that we are going to extend them and not pay for it. But as the Senator from California said: It is a defining moment. It certainly is. Is the Federal Government, in this difficult

economic situation, going to at least make some small attempt to rein in the \$300 billion worth of waste, fraud, abuse, and duplication in the Federal Government? The answer we get is no. Discretionary programs over the last 2 years, not counting the stimulus—we can have the stimulus debate some other time—have risen 19.6 percent, when the average wage went up less than 2 percent. The Federal Government is now twice as big as it was in 1999, not counting the stimulus. We have 6,400 sets of duplicative programs that the body will not touch. They are all designed to do good things for people. They are highly inefficient, highly ineffective. Yet what we will do is not that hard work to get rid of the things that aren't working. We will just charge our children so we can say we took care of unemployment.

Hard times require hard decisions. What we are seeing is the easy way out. The easy way out is to not pay for this. The easy way out is to charge it to our children and grandchildren. There is no difference in the level of compassion. Everybody wants to take care of those who are unemployed. The easy way is to put it on the backs of our children and grandchildren.

The question is, Will we do the right thing for the country? Will we do the best right thing for the country or will we do the easy thing, the politically expedient thing, class envy, "I am going make somebody look bad because they don't agree with me on the timing of something" or will we act as a body that will ensure both caring for the now and ensuring the future? It is easy in the Senate to spend money you don't have. The bias is for it. The hard thing is to take and do the best right thing. My colleagues, many on both sides of the aisle, in numerous cases over the last 5½ years, have too often done the easy thing. We have all these fingers pointing at this administration did this and this administration did this. There are plenty of problems for every administration and every political party to be considered guilty on because too often both groups have done the short-term politically expedient thing rather than the best right thing for the country.

I had, at one of the events that my staff attended this weekend, an individual in Oklahoma who lost his unemployment insurance. He said: You tell Dr. COBURN to be sure and continue to pay for it. I want my unemployment insurance. I need my unemployment. I will not be able to make my house payments unless I get that. But I don't want that to come from my children and grandchildren. I want it to come from the excesses and waste in Washington today.

So there is another viewpoint, even though we hear it is a critically non-pertinent viewpoint. This isn't a partisan issue. This isn't a delaying tactic.

This is a real philosophical difference on how we get out of the mess we are in.

A lot of my colleagues are not happy that I am a Republican a lot of times because I go after my party just as much as I go after anybody else's. But the fact is, core principles matter. Go look at the history of republics. The Senator from California talks about a defining moment. The defining moment for the Athenian Republic was when they decided to start spending money they didn't have on things they didn't need.

Here is our option today. The reason we are going to have motions is because we were given no opportunity to amend. That is the only reason we will have motions to suspend the rules. It has nothing to do with a delaying tactic. It has to do with a debate and a Senator's right to offer amendments. The Senator from California would be doing the same thing if the shoe was turned the other way. If she was precluded from offering amendments, she would find a way to offer an amendment, if she believed from a position, a conscientious position that can be defended on the basis of facts. You don't have to agree with it, but you can't deny there are economic factors that should play in how we pay for unemployment insurance.

You can demean us. You can say we are mean. You can say we don't care. But the fact is, none of that is true. It is an absolute untruth.

The defining moment is, Will we embrace the quality that built this country in the first place? That is, being responsible for the problems that are in front of us and not shifting that responsibility to generations that follow. That is what this debate is all about. When we left here for one break, we had agreed with Senator REID and Senator LEVIN about extending unemployment insurance. We were told by the Speaker of the House that she wasn't about to set the precedent of starting to pay for unemployment insurance. Why not? When we have a \$1.6 trillion deficit, when we have \$13.3 trillion worth of debt, when we are mortgaging the future of our children, we are stealing opportunity away from them as we do it, why not? Why not meet the challenges that are in front of us by responding in a way that says meeting people's needs today is important, and it is important we not take away from the needs of the future as we do so. Yet we are lectured that it is a partisan debate.

There is nothing partisan about this. In my soul, I want to help everybody out there who is unemployed and facing the tough times. But also in my soul is that I do not want to mortgage the future of any more American children, when we have tremendous amounts of waste, fraud, and duplication that can easily be eliminated.

One of the motions I am going to offer is to cut \$40 billion from the Federal Government. America, tell me what part of this you do not agree with. The fact is, we are going to ask that we quit wasting money on real property. We spend \$8 billion a year maintaining property we do not want. We have \$80 billion worth of empty buildings. It is costing us \$8 billion a year. Should we continue to spend that \$8 billion or should we not spend that \$8 billion and take that \$8 billion and pay for unemployment insurance?

How about collecting unpaid taxes from Federal employees and Members of Congress. That is \$3 billion. As to currently hired Federal employees, it is already adjudicated they owe \$3 billion. I think we ought to pay it back. I do not think we ought to borrow from the future of our children and grandchildren because we do not have the guts to say: Pay up. Quit cheating the Federal Government, employee of the Federal Government. That is a small number in terms of the number of employees, but that is a big number: \$3 billion. Let's have them pay up.

Why is it we are not going to eliminate \$8 billion in bonuses to Federal contractors who did not meet the requirements to get a bonus, yet we gave the bonus anyway? Why not eliminate that rather than charge this to our children? Tell me why you will not vote for that? Do you think we ought to be paying bonuses to people who do not deserve them, contractors? It is \$6 billion over a 4-year period in just the Defense Department alone. But you do not want to get rid of that? You would rather charge the money to our kids than make the hard choice of alienating some defense contractor or some government contractor because they got something they did not deserve in the past, when somebody is unemployed who deserves to get unemployment insurance? I do not understand it. Or eliminating nonessential government travel—one of the things President Obama wants to do. We spend billions—\$14.8 billion, in excess of that—on Federal travel. We are some of the worst abusers. Yet we will not discipline ourselves and set an example that we can use a teleconference rather than getting on an airplane and going somewhere—a video teleconference. At a time such as this, when we are having an economic problem, we will not make the hard decision to make tough choices that are maybe not as fun, maybe not as easy. What I have found is a video teleconference is a whole lot easier than travel, but we will not make that hard choice. We are not going to tell the agencies they are going to have to do it.

We will not even put on a Web site all the times we violate our own rules on pay-go. On February 12, we passed a law. It used to be a rule in the Senate, but now we passed a law. It is called

pay-go. It says you cannot have new spending unless you pay for it. Since February 12, when the President signed that law, we have violated it to the tune of \$223 billion, where we said: Oh, time out. The pay-go statute does not apply. We don't have to pay for it. We don't have to eliminate all the inefficiencies, all the duplication. We don't have to go after any fraud. We are just going to charge it to our children and grandchildren.

Where is the integrity in that? Where is the integrity? Where is the character in that? Where is the courage to do the tough thing that accomplishes both helping the people who are unemployed but helping our kids and helping our Nation? There is not any. There is none. It is the easy way out.

Lest you think I am making up this stuff, let me give you some examples of Federal duplication. I will just give you four easy examples. We have 70 different government programs—70 different sets of bureaucracies—that spend billions of dollars a year, and on none of them is there a metric to measure whether they are effective to help people with food who are hungry. Why 70? Why across six or seven different agencies? Why not one or two programs keenly focused with metrics on saying: Are we feeding them or not? Why not eliminate 68 sets of bureaucracy and overhead? That is a small one.

We have 105 different sets of programs to incentivize our young people to go into math, engineering, science, and technology. It costs \$3 billion a year, for 105 different programs, in 9 different Federal agencies. They are not in the Department of Education. They are everywhere.

Nobody knows the data, but nobody will vote to make them accountable, make them transparent, eliminate the overhead, streamline the bureaucracy. No, we do not want to do that. This body has voted against doing that multiple times when those amendments have been offered.

We have a total of 78 job training programs outside the Department of Labor, costing billions of dollars a year, none of which have a metric on them. Yet we do not want to streamline that, eliminate it, get it down to two or three that are focused—some on the chronically unemployed, some on the new workers coming in, some on those who are handicapped who might need special assistance. No, we are going to keep the 70-plus programs we have because they are somebody's baby, all of which are highly inefficient and none of which can prove effectiveness when you measure them with a metric because they do not have a metric. They cannot demonstrate they are effective.

So the debate is not about whether we want to help people who are unemployed. The debate is about whether we

want to help the people who are unemployed as well as the generations that follow us.

I am amazed, and continue to be so, how easily this body can abandon common sense. I do not know if we do not have it to begin with or if we are similar to a magnet, and it is two positives, so we repel any common sense. But nobody would run any organization—private, public—business or anything else the way we run the agencies in the Federal Government.

When you start wanting to do something about it, the only thing you get is: We can't. Well, the American people are asking us today: Please, do what you can. Do what you can. What we can do is we can pay for unemployment for the next multiple periods of months by eliminating things that are absolutely unnecessary.

Do you realize we can save \$4.5 billion over the next 10 years by not printing stuff that people do not want. It is all online. We can save \$450 million a year just by putting common sense into the Government Printing Office. It has been voted down three times on this floor this year. Why not? Why do we continue to take the easy task when the future of our country is going to be determined on whether we take the hard road and do the hard thing that benefits both the coming generations and those who are experiencing problems today?

I tell you why it is. It is because we say we care, but we do not. We play the game, but we do not get in the game. Getting in the game means that you get criticized, that you offer ideas, some of which may work and some of which may not, but you are not afraid to change the game because our kids' future, our country's future depend on changing the game.

What we have heard today is the resistance to changing the game. We do not have a future if we do not start making hard choices. It is an easy choice for me to vote with the Senator from California to pay for unemployment benefits. I want those people to get it. It is a hard choice for me to vote against it and say: Let's pay for it. If, in fact, you will pay for it, I will vote with you. It is not like we cannot find \$40 billion. Every third grader in this country can find \$40 billion in this budget. There is no rocket science to it. There is so much waste, so much duplication, and so much fraud that anybody can find it.

The question is, Do we have the will to do the best right thing for this country? One of the things I have learned in 5½ years in this body is that when people use straw men and people use half-truths, it is usually because they are hiding something. What is being hidden from the American public today? What is this debate truly all about? Is it just about unemployment or is it about we like the way things are?

We do not want to change the way things are, we do not want to get out of our comfort zone to solve the real problems of America, so, therefore, we will use all sorts of tactics to deflect what the real issues of the day are.

What are they? The Senator from California rightly outlines that millions of Americans need unemployment compensation right now. I am all for it. What is the other truth about where we are? The truth is, this country is on an absolute unsustainable course. The American people have awakened to it. They know it.

As the Senator from California knows, this is not new for me. I have been doing this for 5½ years. So it did not matter if it was the "bridge to nowhere," which a Republican authored, or unemployment compensation today, I think we use common sense and do the best right thing for America, not the politically easy thing.

So the challenge before us today is to go home and explain, when this bill passes, why we charged it to the least of us. That is whom we are charging it to: to the least of us.

I told a story not long ago. In my profession as a physician, I have delivered nearly 4,000 babies—maybe over that. I quit counting. But the thing that has always gotten me, when I am delivering a baby—and I have a mother there and a father there and that baby comes out—is to see the glow on the face and in the eyes of those parents. The glow is about hope and promise for the future and about what things can be and the potential that is unlimited when that new life is here. You see it in the parents, and you see them puff up and say: Wow, what a phenomenon.

As I think about what we do today, we are stealing that. We are taking it from those kids because we refuse to have the backbone and courage to do the hard, yet the best right thing for this country.

We will hear a lot of speeches about how bad we are because we want to pay for it. We will be talked down. It will be said that we want to obstruct. I honestly admit I don't want anything to go through this body that isn't paid for. You can count on it every time. Everybody on that side of the aisle, and most on my side of the aisle, have run in cross-wise with me on things that aren't paid for. They know. It is not a fetish; it is that I actually recognize the long-term future of this country depends on us getting our fiscal house in order.

So it is a defining moment, as the Senator from California said. But it is not the defining moment she thinks it is. It is the defining moment of whether this body is going to grab onto and truly accept the responsibility given to us by the American people. Will we truly accept it? How we act on it determines our commitment to this country.

I don't disagree with those who just want to get it through and get people paid. They have a right to have that position. I am not demeaning that position. I am just saying the country can't last if we keep doing it. Our kids don't have a future if we keep doing it. If we look at the budget projections for our country, we will run—even with the tax increases that are coming at the end of this year—we are going to run \$1 trillion deficits until 2020.

Let me close with one final thought. We have a \$4 trillion budget. We are going to run a \$1.6 trillion deficit this year. That means we are going to borrow that from our children. The deficit by this time next year will be close to \$14 trillion.

Have my colleagues ever thought about what \$1 trillion is? My colleague from Georgia explained it to me. I didn't believe him, so I did the math.

If we spend \$1 a second, so that means we spend \$60 a minute, or \$3,600 an hour—\$3,600 an hour, the wealthiest in our country probably don't spend that, but let's say we did—how long would it take us to spend \$1 trillion? The answer is 31,709 years spending \$3,600 an hour before we ever get to \$1 trillion. We get \$1 trillion deficits \$30 billion, \$40 billion at a time, which is the cost of this bill. The way we start getting out of debt is to stop adding to it.

If we go back to February 12 when the law went into effect on pay-go, and we add this bill to it, we are going to be at \$¼ trillion since February 12 that this body will have added to our children's deficit. It is not our debt. Nobody in this room and probably very few people listening to this debate are going to pay one penny against it. It is all going to be borne by the children coming.

So what is pay-go about? Pay-go is about this, America: You pay and we will go spend. We are seeing evidence of it today on the Senate floor. It is not just that we pay; We pay, our children pay, and our grandchildren pay. We are going to pay with real dollars, but our grandchildren are going to pay with lost opportunity, lower levels of education, lower levels of everything in the future.

There is not one problem in front of this country we can't solve. We can't solve them by borrowing money that we don't have to spend on a good thing, let alone a bad thing, but on a good thing while we allow hundreds of billions of dollars to be wasted every year in this country.

So when we hear the cry that somebody doesn't care, we have to ask the question, What do they care about? Can we care for those who are unemployed today as well as care for our kids? Yes, we can. It is really not all that hard, with the examples of waste and duplication. There is \$100 billion worth of fraud in Medicare that we can

document. So there are all sorts of things we can do. The question is, Do we have the courage? Will we step to the line? Will we do what is best for our children and the unemployed? That is the question. It is not that somebody doesn't have compassion for the unemployed.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from California.

Mrs. BOXER. Thank you so much, Mr. President. As Senator COBURN was talking about the need to balance the budget, I was remembering that I voted to do that. With the leadership of Bill Clinton and the Democrats, we not only balanced the budget but we created surpluses. It was a great feeling. We did it, we know how to do it, and we will do it again.

Let's talk about what is before us right now. It is not about the unemployed versus our children. Our long-term unemployed have children, and these children are seeing their dads and moms with their heads in their hands, they see tears, and they don't know why. I have letters from my constituents. They don't know what to tell their kids. They are working so very hard.

So let's talk about what is before us today. We know how to get to the balanced budget. That is why we have budgeting. That is why we have authorizing. That is why we have appropriations. That is why President Obama has said he will cut the deficit in half at the end of his first term, and I am confident that will be the case, and maybe we can even do more. We know how to do that.

Hearing the Senator from Oklahoma say we are being partisan makes no sense at all. I sang the praises of my Republican friends who have joined with us in making sure we can extend unemployment benefits today. I thank God for them, frankly. So this isn't about partisanship. It is about pulling together as a country and recognizing that we are in the worst recession since the Great Depression. It is no time for partisanship. It is time to pull together and help our kids and help our families and help those who, through no fault of their own, find themselves in this predicament.

Why are we treating this like an emergency? That is what we are doing. It is something that has always been done because it is an emergency. President Ronald Reagan signed three extensions of unemployment compensation without paying for it because he believed it was an emergency and because he understood what we understand. He understood that when we, in fact, make sure unemployed people have this insurance—which they paid into, by the way—they will spend it locally, and every dollar of that unemployment compensation brings to the

economy either \$1.61 under calculations done by JOHN MCCAIN's economic adviser, Mark Zandi, or CBO, the Congressional Budget Office, which said it yields \$1.90.

Some of the proposals we have seen from the other side are to cut other jobs in order to pay for extending unemployment benefits. That is not going to help us at this time.

So, yes, I remember the wonderful feeling I had when we balanced the Federal budget when Bill Clinton was President, when we created surpluses as far as the eye could see. The debt was on the way down. The minute the Republicans took over, they put tax cuts to the wealthiest on their credit card. They put two wars on their credit card. Spend, spend, spend, spend, spend. All that work we did was, unfortunately, reversed.

What is before us today is a very simple proposition. My friend from Oklahoma says he cares deeply about the unemployed. I have no reason to doubt that. He should join us today in voting to extend these benefits. Ronald Reagan saw it clearly. He extended them three times as emergencies because it is an emergency. He knew it was counterproductive to cut other jobs to pay for the extension of unemployment benefits.

We know how to balance this budget. Pay-go is a part of it. Pay-go: Pay for everything you do except emergencies. That is what we should be doing because to do otherwise is counterproductive.

I am so grateful we are nearing the point where we can extend these benefits. Yes, we have been delayed. We have been delayed for 2 months. I read letters into the RECORD before. Here is one:

I have kept up a relentless job search. I have applied for at least 600 jobs. This is discouraging, not receiving any information back. Days go by when I hardly sleep at all worrying about the bills. We have had to concentrate all of our income on paying the rent and buying gas. I can't pay for other bills.

Another Californian:

I am very scared of what might happen if I lose the unemployment income. We don't want to lose our home. My children catch me crying at times and ask me: Why are you crying, Mom? I can't tell them. Please pass this bill until this economy strengthens.

So, again, this isn't about the way the Senator from Oklahoma phrases it. He makes it sound as though children aren't involved in this situation. They are. They are the children of the unemployed. So it is clear that, yes, we are going to have to tackle the deficit. Of course, we are going to have to tackle the deficit. We don't need to be lectured about that because we are the party that did it. We are the party that created the balanced budget. We are the party that created the surpluses, plus 23 million jobs, and the other side, unfortunately, didn't take very long to

turn that whole thing around. This economy went into a ditch, and we are working hard to get it out of that ditch.

So I wish to close with this: Let's take care of this emergency. It is going to help our families. It is going to help our children. It is going to help our local communities when people can go down and buy the gas at the local gas station, buy the food at the local grocery store, and be able to be stable in the community. Then let's get back immediately to working on bills that are going to create jobs.

The small business bill that the Senator from Oregon has worked so hard on and the Senator from Louisiana has worked so hard on, and many of us have worked with them, that is a good bill and it is 100 percent paid for. It even has a plus to it. It is going to create jobs through small business. Small business creates more than 60 percent of the jobs in this Nation. We have a chance to help those who are struggling.

So we need to get this bill behind us and go to the small business bill. We are going to need 60 votes. They are filibustering that as well. So everything we do takes 60 votes.

If I read the list of supporters for the small business bill, it includes the Chamber of Commerce, the regional Chambers of Commerce, and businesses and community banks. They want to see this bill happen because our small businesses need access to credit. Our very good small businesses are being turned away. I visited so many of them. They are thriving even in this climate, but they need to expand and they can't get access to the capital.

So, please, let's not see a filibuster there as well. Please, let's not see delay there as well. Let's do this unemployment compensation, get the assistance to the people who deserve it, those who are actively seeking work, who can't find it through no fault of their own, and who paid into the unemployment compensation fund. Let's get that behind us. That will help our communities. Then let's get to the small business bill. It is a small business jobs bill. Let's do the right thing. We can get this economy back on its feet, but we need to work together.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, during the debate, I had a chance to sit in the chair for a while and listen to one of my colleagues from across the aisle. In the space of just a short period of time, that colleague turned this into a debate about courage, about integrity, about character, and about easy versus hard choices. In other words, he took all of his time to use attacks on those who do not share his version of economic policy and where our country

should go. Rather than making the arguments, he made the personal attacks.

He also said something that struck me as right-on, which is that often when people are using personal attacks, they are trying to camouflage and only give half the story and trying to set up a straw man. That is certainly accurate.

What is the real debate we are having on the floor? Well, on one side, there is the argument—an argument I would weigh in favor of—that says we need to put this economy back on track, put families to work, and that it is through jobs for American families, and that we will restore the financial foundations not only of families but of our communities and of our Nation as a whole.

There are certain key things we can do now to accomplish that. Those things include helping our school districts create a bridge through this recession so we don't see thousands of teachers being laid off. There is a provision to assist our school districts in the Defense supplemental bill we will have in the Senate in the near future.

Second, we can assist families who are unemployed through no fault of their own and help them create a bridge through this recession.

Third, we can help our small businesses create jobs because there is a dysfunction right now in which our community banks that best understand Main Street are at their leverage limits and therefore cannot make additional loans. Indeed, the Chairman of the Federal Reserve was speaking to this challenge in the Capitol just an hour ago—the systemic dysfunction in which capital is hung up and unavailable to our small businesses. It is our small businesses that, by utilizing that capital, can seize economic opportunity and put people back to work. It is a good strategy to enable those funds to be available to small businesses and help recapitalize community banks. It makes money for the Treasury. The CBO estimated it will make \$1 billion for the Treasury. It does it by enabling \$300 billion in liquidity to small businesses. The CBO estimate of the funds that come back to the Treasury doesn't include the revenue created by families who are put back to work and pay income taxes or by small businesses that are more successful and pay more in business taxes.

So it is a win-win. We create a path by supporting our States through funds for education, and we create a path through this recession by helping families who are unemployed because the economy is in such a mess. We create a path out of this recession by creating jobs for American families by supporting our small businesses through our community banks. That is one version of how we can go forward.

My colleague across the aisle has a different version. The different version

is—and this is the leadership of the Republican side that has been talking about this all this week. Their version is, no, instead of helping families, small businesses, and schools, we want to extend the Bush tax cuts to the wealthiest Americans. That is the path out of this recession, say my colleagues across the aisle.

There is a fundamental difference of economic strategy involved. What is striking to me is that we have a lot of information about the strategy being proposed by my colleagues across the aisle because this was the Bush Presidency strategy. We tried it. We found out that when you give away the National Treasury to the wealthiest Americans, you drive this Nation into debt. In fact, under the Bush administration, we doubled our national debt.

Under the very idea and plan for which my colleagues across the aisle are advocating, we drove this Nation's economy into the ground. To counteract that, the Bush administration said: Let's deregulate the banks and Wall Street and make everything move a little faster, and maybe consumers will spend a little more and banks will take more risk, and we will take away all the lane markers and the traffic signals in our financial system, and, by golly, somehow we will make this economy flourish.

Do you know what. They built a house of cards. It was a house of cards built on predatory mortgages and the securitization of those mortgages, with extraordinary leverage of up to 40 to 1 under that deregulation. That house of cards came down, and that house crashed on the American family, and that American family lost their savings for retirement. Families in my State lost their jobs, and the unemployment rate is huge. The families lost the health care that went with their jobs. Well, that is not a very pretty picture. But my colleagues, who brought us that Bush economic nightmare that crashed on the heads of the American families, are coming to this floor and saying: We want more of the same.

Earlier, my colleague across the aisle characterized that strategy as the "tough" choice, while he characterized the strategy of helping American families and small businesses and schools as an "easy" choice. Well, let's try to set these pejoratives or characterizations aside and just say that they are different choices—one, the revival of the Bush strategy, which is something like the summer sequel to a cheap horror story that wrecks the economy of the United States. That strategy is sitting as a potential idea and threat to our Nation.

Mr. REID. Mr. President, I ask, through the Chair, if my friend will yield for me to make a unanimous consent request.

Mr. MERKLEY. I am pleased to yield to the majority leader for that purpose.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that all postcloture time be considered expired, after the use or yielding back of time specified in this agreement; that upon the expiration of time, amendment No. 4426 be withdrawn; that debate on the motions to suspend the rules with respect to H.R. 4213, and that the motions not be divisible, as specified here, be limited to 20 minutes each, with the time divided equally between the proponents and the majority leader or his designee; that upon the expiration of all time, the Senate proceed to vote on the motions to suspend in the order in which offered; that after the first vote and prior to each succeeding vote in this sequence, there be 2 minutes of debate equally divided as specified above, with succeeding votes limited to 10 minutes each; that upon disposition of the motions, the motion to strike, which is at the desk, be agreed to; no further motions or amendments be in order; that the pay-go statement from the Budget Committee be read into the RECORD, and without further intervening action or debate, the Senate proceed to vote on the motion to concur with amendment No. 4425, as amended; further, that the motions to suspend be those which appear on pages S6034 and S6035 of the CONGRESSIONAL RECORD of July 20: two Coburn motions, the Brown motion, and two DeMint motions.

I also ask that my friend from Oregon now have whatever time necessary to complete his statement. How much time does he need?

Mr. MERKLEY. Five minutes.

Mr. REID. I ask that my request be amended in that regard.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, for everyone's information, we should be able to proceed through these pretty quickly. It is likely—and this doesn't take away from the statements to be made by my friends on the other side, and we may not use much of our time—that we can move these along fairly quickly. There will be five votes, and, as indicated in the consent agreement, the first will be the regular time, and after that there will be 10 minutes on the final four.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, I note that there are a couple of issues raised that really are false issues. One is in regard to the debt. My colleagues across the aisle are proposing a massive increase of the debt by extending the Bush tax cuts, and they are saying that helping those who are unemployed through no fault of their own is an increase to the debt. This is coming from the same folks who brought us the Bush policy, the ones who doubled our

national debt during the Bush administration and created the house of cards that crashed down upon the American families over the last 2 years.

So it is not about debt. When it comes to our children—and I hate to see the abuse of this argument—sound economic policy is the right thing. If we put families to work, those families are far healthier, those families have a foundation, they have a future, and they recognize there is a horizon that is brighter. They recognize they will be able to move forward to create opportunity for their children. That is the foundation of a successful family. But giveaways to the wealthiest at the expense of helping families is wrong for our children. If you don't put people back to work, you don't create an economic revival, you don't create revenues in the Treasury, and therefore you don't create the ability to pay down that debt.

So do we want the Bush policy 2, the nightmare that doubled our debt, or do we want the investment in families and education that we had under the Clinton administration and that we have under the Obama administration, which will put money back into the Treasury? I think the choice is clear: Let's shore up small businesses and our families, let's shore up education, let's put this economy back on track, and let's put people to work, and in so doing we will address and resolve the issue of the deficit.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. BROWN of Massachusetts. Mr. President, I enjoyed the prior speeches. I don't necessarily agree with them, but I enjoyed them. There is plenty of blame to go around. We can go back to the fact that the majority party has been in charge for 4 years and President Bush is no longer in charge, so saying Bush this and Bush that—that gets old. We need to focus on problem-solving today.

One of the prior speakers mentioned that it takes 60 votes for cloture to move things forward. Sometimes you have those 60 votes. Other times, there are going to be 41. There are going to be 41 when you try to overspend, overtax, and overregulate and, I feel, make it so businesses cannot move forward to create those jobs that were just referenced and that we need to start to focus on.

Since I have been here, with all due respect, we haven't done much on jobs at all. That is frustrating not only for me but for the American people and the people of Massachusetts.

I am standing before you today to once again consider legislation to extend the unemployment benefits, and once again this legislation, as we know, will add approximately \$30 billion to our Nation's debt, which is currently \$13 trillion and rising. To put that into perspective, I have been here

about 6 months, and I remember that when I first got here, the debt calculator was about \$11.95 trillion. It is now \$13.1 trillion—give or take—and rising, with no end in sight. I find that deeply troubling.

While it is clear that it appears we have the votes to advance this measure and it will pass the Senate, I have felt—and I have talked about it for a month now—that there is a better way. I stand before you to propose an alternative that will be fully paid for by using the bank account and not the credit card because rather than putting the cost on that credit card and passing it on to our children and grandchildren, it is the great-grandchildren who are being affected as well.

Listen, we on this side of the aisle want to help as well, and my colleagues on the other side of the aisle do too. It is not a partisan issue. I agree with the Senator who spoke before me. I agree with her. But no one is disputing the value of these programs, not only what it means to the citizens of Massachusetts and across the country who are having a difficult time, but our economy, as we know, is slow. It is showing signs every once in a while of recovering, but it is very slow. People out of work need extra assistance while they search for that new employment.

What I want to debate is whether we continue our spending ways to add to the credit card, to the debt, versus finding ways to pay for it with the money we have. I can tell my colleagues as the ranking member on the contracting subcommittee, looking at the amount of waste in Federal Government, we can find a way to pay for this program by using the bank account, not the credit card.

I am flabbergasted as to why we do not think outside the box. Some of the speakers before me said the Republicans are doing this; the Republicans are doing that. With all due respect, I have made many efforts to work across party lines, as you know, Mr. President, and as the other Members do too. Bipartisanship is a two-way street. You cannot tell me we also do not have good ways and good ideas to finance, to find ways to solve these problems.

The American people have made it very clear they want elected Representatives in Congress to start paying for the initiatives we are trying to push without raising taxes and start exercising the type of fiscal restraint they use in their own homes and that they use in their businesses.

Last month's vote on larger tax extenders legislation raised taxes by almost \$60 billion and increased the deficit by \$33 billion. It was defeated, and I feel rightly so. Congress must start listening to the American people. They are telling us they are tired of the overspending, the overtaxation, the increasing debt, the overregulation, and the involvement in their lives. They

just want to be left alone and be able to go to work, pay the bills, take the kids out to a movie, pay for their mortgages, pay for school, and they do not want to have this constant reaching into their pockets—just take your wallet and give it to them, just give it to them. Enough.

We have to start listening as a body. Forget the party bickering. Forget all that. I am way past that. I proposed a fiscally responsible way to pay for everything we are trying to do today. We can find a funding source without adding to the credit card, to that debt we all know about and is rising uncontrollably. We cannot keep spending like we are doing. I know it and many people in America know it.

This is not the first time Republicans have come to the floor to offer a path forward on emergency unemployment insurance that is paid for. We tried four times already to do just that, and each and every time it has been opposed.

As I said, my amendment pays for the cost of extending unemployment insurance by rescinding unobligated stimulus funds and cutting other stimulus funds that are estimated not to be used for years. We have already heard the stories about the waste and the fluff. Let's get the money out the door right now. Let's put it to work right now.

If this is an emergency as is being said, then let's get the money that is not being used out the door right now.

My amendment reduces the deficit by \$7 billion instead of increasing it by \$34 billion, as the present legislation that is being proposed will do.

Yes, my amendment is about hard choices. Recently, the Governors of both parties expressed concerns about how the stimulus funds have been spent and whether the true impact is accurate. States have also weighed in asking Congress for extended unemployment benefits and additional FMAP funding. I believe we have a clear choice where we can offset the amount of money we have and get it out the door, not using it as a Washington, DC, slush fund, as it is looked at in America.

The amendment I am offering today represents another compromise—listening to the concerns of so many Americans and their calls to extend emergency unemployment insurance specifically but also not burdening future generations and making sure we can actually pay for things, truly pay for things.

As I mentioned earlier, I have been in Washington for a little over 6 months now. Sometimes, as you might know, Mr. President, it seems like 6 years. You have followed my voting record, as I said. When I see a good bill, regardless of party, I will support it, no questions asked. Once again, it is a two-way street. Bipartisanship is a two-way street. It needs to come both ways.

MOTION TO SUSPEND

In closing, I move to suspend rule XXII, paragraph 2, for the purpose of proposing and considering my amendment No. 4492.

The PRESIDING OFFICER. The motion is pending.

Mr. BROWN of Massachusetts. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

MOTION TO SUSPEND

Mr. COBURN. Mr. President, I move to suspend provisions of rule XXII for the purpose of proposing and considering my motion to commit with instructions with respect to H.R. 4213, which is at the desk.

The PRESIDING OFFICER. Without objection the motion is pending.

MOTION TO SUSPEND

Mr. COBURN. Mr. President, I move to suspend provisions of rule XXII, including germaneness requirements, for the purpose of proposing and considering my amendment No. 4493.

The PRESIDING OFFICER. Without objection, the motion is pending.

Mr. COBURN. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I agree with my colleague from Massachusetts. The blame game has gone on long enough. There is certainly enough blame to go around. But I need to remind the majority that they have been in control of Congress for 4 years. Presidents do not write economic policy, spend money, or add to the debt. Congress does. The Democratic Party has been in control of both Houses since 2006.

When the Democrats took control, unemployment was below 5 percent, the economy was growing, and the debt was half of what it is today. Certainly looking at the projected debt of this administration, we are looking at tripling the national debt over the next decade.

It is time for us to focus on solving problems rather than trying to wax eloquent about a President who effectively did not write economic policy for over 4 years.

It is important today that we are extending unemployment benefits. But it is curious to a lot of us when the majority has often said unemployment compensation is one of the most important forms of stimulus, that when Republicans ask that we pay for the extension of unemployment benefits with unspent stimulus money, there appears to be outrage. Instead, there is a strong consensus on the Democratic side that we not pay for this; we just add it to the national debt.

I, frankly, do not think we can help people for a few months by bankrupting our country. We know our debt is unsustainable. To bring up bill after bill that we are not even willing to talk about how we pay for is disturbing to millions of Americans right now.

I certainly support my colleague from Massachusetts, as well as my colleague from Oklahoma, who are presenting amendments today, reasonable, commonsense ways that we can pay for the unemployment benefits extension so that helping people today does not diminish the quality of life of millions of Americans tomorrow.

Another issue that is going to affect millions of Americans is in just over 5 months tax rates for almost every American who pays taxes is going to go up. It is something that is not talked about, and Republicans are not talking about a tax cut. We are talking about keeping current tax rates the same.

A few weeks ago, I offered an amendment that would at least keep capital gains and dividend taxes the same rather than allow them to go up—dividend taxes to nearly 40 percent and capital gains from 15 percent to 20 percent. Many senior citizens count on dividends, as well as cashing in their retirement savings. Capital gains and dividend taxes have a huge impact on our senior citizens as well as millions of other Americans. Unfortunately, the majority voted this amendment down and voted effectively to raise these taxes on Americans.

Income taxes will go up. But today I want to focus on what I think is probably the most immoral tax that we impose on people from the Federal level, and that is the death tax.

This year, the death tax is gone, the first year since the early 1900s. Americans who work and save, start businesses, start farms, their heirs do not have to sell their property in order to pay the death tax.

The Heritage Foundation says if we allow the death tax to go back up to 55 percent, it will cost Americans over 1.5 million jobs because this is not just for the people who pay the death tax, it is for the people who work in the businesses and the farms that are often liquidated or at least sold in part to pay this heavy tax.

What right does the government have to take someone's property because they die? They have paid taxes on the property and on the income throughout their entire lives, and many times they paid a very high tax rate if they worked hard and made a good living.

What right do we have when they die to take that property? Why should the government get a bigger inheritance from someone dying than their family?

That is what is going to happen if we allow the majority to continue with their plans to allow the death tax to go up. This will cost lots of jobs, break up many family businesses and family farms, and cost, as I said, 1.5 million jobs. It makes absolutely no sense at all.

I am going to offer an amendment today to keep current tax rates the same for the death tax which was eliminated this year.

Another amendment I am going to offer relates to the Arizona immigration law. I took the time to read the immigration law that Arizona passed and found that much of what has been reported in the media is completely false. I was actually stunned as I read through it how often it refers to just the enforcement of existing Federal law. There is nothing in it about racial profiling, except that we cannot do it, and we cannot stop someone if we suspect them of being illegal. We can only ask for documentation if we stop them or arrest them for some other crime. This is, in effect, the Federal law.

It is interesting that the Obama administration is suing Arizona for enforcing Federal law while ignoring many sanctuary cities that openly flaunt their resistance to Federal law. It makes no sense in a free country, in a democracy where we are built on the rule of law, for the Federal Government to try to intimidate the people of Arizona who are only trying to protect themselves.

As many Americans know, Arizona waited for years for the Federal Government to do its job, to secure the borders, and to protect the people from the drug trafficking, the human trafficking, and the people who come across and who have murdered the citizens there.

Many States are suffering the same fate of a Federal Government that has failed to secure our borders and to protect our people.

The amendment I am offering today is going to disallow any funding to be used by the Federal Government to carry out this lawsuit against Arizona. This is something we know, if the American people could vote today, they would vote in favor of. The question is, Will the majority vote to support the people of Arizona or to support this political move that we are now seeing from the White House to attempt to intimidate the people of Arizona?

I can say proudly that the people of Arizona are not going to be intimidated by this government. If we can provide some help today, that is certainly what I intend to do.

Mr. President, I wish to offer a couple of motions.

MOTION TO SUSPEND

In accordance with rule V of the Standing Rules of the Senate, I move to suspend rule XXII for the purpose of proposing and considering a motion to commit with regard to the estate tax, which is at the desk.

The PRESIDING OFFICER. Without objection, the motion is pending.

MOTION TO SUSPEND

Mr. DEMINT. Mr. President, according to rule V of the standing rules of the Senate, I move to suspend rule XXII for the purpose of proposing and considering a motion to commit with regard to the Arizona immigration law, which is at the desk.

The PRESIDING OFFICER. Without objection, the motion is pending.

Mr. DEMINT. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my high school English teacher always used to say: All right, let's review things. So let's review things just for a moment.

I have listened to some of this debate in the Senate today, and as best as I can tell, we have people standing, saying the deficit is a bad thing. I think there is general agreement about that in the Senate, and we have to do something about it. There is general agreement about that.

They say: We are going to make our last stand here on this deficit with respect to those who are out of work and who need extension of unemployment benefits. We were quick to give help to the wealthiest Americans, to the biggest investment banks that needed help. We gave hundreds of billions of dollars to those interests at the top of the economic ladder, who nearly ran the country right into the ditch. But those at the bottom of the ladder, who are out of work, who are unemployed, and who are having trouble, that is where they say they are making their last stand on deficits.

So let me try to understand this with a review. We are told the deficit is too high; that we cannot give help to the unemployed in the manner we used to give help to the unemployed. We always did that when there was an economic downturn. We have always done that. But, oh, by the way, what we need to do is to repeal the estate tax for the wealthiest individuals in America. I don't know. I took mathematics in a high school senior class of nine students, and I passed it at least. I can understand how things add up now and then. But I don't know how that adds up at all.

There are those coming to the floor of the Senate and having great apoplexy about giving help to the unemployed. By the way, some have even said: You give help to the unemployed, it just discourages them from work. Well, you know something, a guy told me the other day about a young third grader who was asked in his school—it was going to be his birthday—what he would like for his birthday; what kind of birthday present he would like. This little third grader said: A flashlight. The guy said: A flashlight? He said: Yes, so I can read at night. They turned off our electricity.

How many in this room would even understand having your electricity turned off and having a third grade son who can't read at night because there are no lights and asking for a flashlight as a gift? There is nobody in here who is unemployed—not one person in this room. This is a roomful of people

who take their showers in the morning, not at night. They get up and put on a blue suit, a pressed white shirt and a tie and come to work—all fully employed—and we talk about the unemployed.

We are short 20 million jobs in this country. There are millions of people out of work. Five million manufacturing employees alone have lost their jobs in the last 9 years. As we ran into this deepest recession since the Great Depression, a whole lot of folks—yes, at the lower end of the economic ladder and in middle-income areas—have lost their jobs and can't find another job. When they worked, from their paychecks they paid a small premium for unemployment insurance. They paid for that insurance, and now they can't get the extension of that unemployment insurance in the Senate. Why? Because the last stand on deficits is to take place with respect to restricting the ability of those who are out of work from getting the funds to extend their unemployment benefits. That is the last stand.

Did my colleagues make that last stand with regard to the big investment banks that ran into trouble? No, not at all. They rushed that aid in on a pillow. Can we help you? How much do you need? But now that it is the folks at the bottom of the ladder, all of a sudden we don't have the capability.

Some of my colleagues just complained about speakers who wanted to talk about the past. You know, if you don't understand the past, you are destined to repeat it. I understand that neither side is much of a bargain—Republicans and Democrats. This country deserves more from both sides. I understand that. But I also understand what has caused this problem. I was on the floor of the Senate in February of 2001. By the way, when President Clinton left office 2 months prior to that we had the first budget surplus in 30 years—over \$200 billion in surplus. President Bush said: You know, we have these projected surpluses now for 10 years. Let's get rid of them. Let's give big tax cuts, with the biggest by far going to the wealthiest Americans.

I stood on the floor and said: Let's be a little conservative. What if something happens? They said: You know what, we are going to give these tax cuts, and the biggest cuts are going to the wealthiest Americans. If you made \$1 million a year, that bill gave you, I think, \$80,000 a year in tax cuts. So everyone on that side voted for it. Absolutely. Happy to vote for it, to reduce this country's income. What happened? Very quickly, we ran into a recession. Then we had a terrorist attack against our country on 9/11. Then we were at war in Afghanistan, then at war in Iraq, and this Congress appropriated massive amounts of money as it sent young men and women to war and did not pay for one penny of it—not a

penny. All of it went right onto the debt.

Those who cry the loudest on the floor of the Senate these days, right now, are the very ones who voted to reduce this country's income with the biggest benefits going to the wealthiest Americans. Yet now they come to us and say: Well, you know, now we are making our last stand for the unemployed—to prevent the unemployed from getting what they should get. By the way, while we are on the floor, they say: Why can't we repeal the estate tax that will help the wealthiest Americans?

Let me mention the estate tax for a moment. First of all, my colleague said death tax. He knows, and I know, there is no such thing as a death tax. If my colleague should die, his estate is not taxed. His entire estate goes tax free, under current law, to his spouse. It is true this year there is zero estate tax for anybody, and my colleague didn't mention that was created in an architecture of tax cuts in 2001 that many of us voted against.

By the way, that turns out to have been just fundamentally goofy. They created estate tax relief that goes down, down, down, and down to zero in this year and then springs way back up in 2011. We didn't do that. That wasn't us. That was the other side. Now what they say is that they would like to repeal the estate tax altogether because they think it is a tax on death. It is not. It is a tax on inherited wealth and they know that.

But this year, because there is zero estate tax, about four billionaires have died and not one penny of their estate will be taxed and most of their estates were never taxed. They were growth appreciation of stocks and various assets never subject to a tax. Most people have an income and it is subject to a tax. They help send kids to school with that tax, pay to build roads, pay for police, pay for defense. But that runup in tax for the billionaires or that runup in income, I should say, has never borne a tax to support anything. My colleagues say: You know what, I want to make sure it doesn't ever bear a tax. Let's have the little folks pay a tax. Let's have the rest of the folks pay a tax but not the people at the top.

What an unbelievable irony that on the very day that we have people digging in the heels of their cowboy boots and saying we are making our last stand to prevent the unemployed from getting unemployment compensation they deserve—on the very day that they say we can't do that—they come to the floor of the Senate saying: But what we have to do as a priority is to relieve the richest Americans, the wealthiest Americans, of the obligation to pay estate tax. If there is any narrative that tells the American people whose side they are on, this little vignette describes it completely, in my judgment.

Let me mention that the reason it is important to understand how we got to this point is, we will never get out of it unless we understand that. A lot of my colleagues have been perfectly content for most of the decade standing on this floor deciding that we will ship men and women to Iraq and Afghanistan to fight, but we will not pay for the cost of a penny of it. They have been perfectly content to do that. I have come to the floor of the Senate to say: You know what, sacrifice works a number of ways in this country. If we are going to ask young men and women to sacrifice their lives, to go 12,000 miles away and strap on body armor in the morning and risk their lives by going in harm's way, perhaps we could ask the American people to provide the money to pay for it.

I have proposed that in the Senate. President Bush, at one point, said: You all do that, and I will veto the bill. My colleagues were content to say: Let's spend the money and put it all on the deficit. We will send kids to war and they can come back and pay the bill. That is how we got here. The second portion of how we got here is about 10 years ago we passed what was then called financial reform. I voted against that as well. That said to the biggest financial institutions in this country: Katy bar the door. Do whatever you want. We will not watch. We are taking away the protections that existed since the Great Depression. We will not look and we will not care.

As a result, we saw in recent years unbelievable speculation and gambling. It was not business, it was just flatout gambling. We saw the creation of exotic instruments—CDOs, derivatives, credit default swaps, naked credit default swaps, and the like—and we saw unbelievable, rampant gaming going on as opposed to thoughtful investing in this country's future. As a result, this country nearly had an economic collapse.

It is important for us to understand how that happened because we had regulators come to town who were supposed to regulate, and they boasted about being business friendly: Don't worry, we will not look. There is a new sheriff in town and this sheriff doesn't have a weapon. So don't worry about it. Then we saw a decade go by in which this country's economy nearly collapsed. So that is how we got where we are. It is important for people to understand that.

They say: Let's not review the past, but let me review one final point. When President Obama walked through the White House door, had he gone to sleep for 12 months, had he done nothing at all, he would have had a \$1.3 trillion budget deficit because that is what the previous President left him—\$1.3 trillion on autopilot.

Having said all that, let me say this. This deficit, in my judgment, is

unsustainable. It cannot continue. We have to diffuse it. This is a timebomb that will destroy this country's economy inevitably at some point. We can't have a government the size and cost of which is such that the American people are either unable or unwilling to pay for it. You can't do that. So we have to fix it, and we have to fix it together. But if we don't learn from what happened, if we don't understand the past decade of what happened—going from a \$200 billion-a-year budget surplus to the largest deficits in history and to a near economic collapse—we are destined to repeat it.

Again, it seems to me that everybody here are people of good faith. I don't come here suggesting that there are people of bad faith here, but there are some people with bad judgment here, for sure. All you have to do is look at the record. Those who say: Let's don't look at the record, I guess they do not want the record to be understood. I think the only way we get out of this unbelievable deficit and debt trap is to understand what has caused it. I will tell you this for sure. We are not going to get out of this mess by having people come to the floor of the Senate and say that one of the biggest problems in the country is the death tax, when no such tax exists. What an unbelievable spoof. Death tax my eye. We have a tax on inherited wealth and the only people who have been paying it are the people at the upper income levels.

We have had a \$3½ million-a-year exemption for the husband, and a \$3½ million exemption for the wife. That was last year's exemption. That means you don't pay a penny unless you have \$7 million clear, husband and wife. How many families have that? But that is not enough, my colleagues say. In the middle of all this economic trouble we face, in the middle of wars and a near economic collapse, what is their priority? Get rid of the so-called death tax, which doesn't exist, or perhaps I can rephrase it for them: Get rid of the tax on inherited wealth for the wealthiest of Americans.

These are billionaires' best friends, I guess. I have nothing against billionaires. I guess I wish I was one. But when billionaires die, they, I think, ought to expect to be able to contribute something to this country. It is unbelievable to me. I hope people have listened to this discussion today and understand that their priority is to eliminate the estate tax, the tax on inherited wealth, which would only apply to the wealthiest Americans. It is unbelievable to me.

I have seen other unbelievable things, some of which have led to this current economic trouble. I hope perhaps in calmer times and perhaps more sober times we can discuss the best of what both parties have to offer this country because I think both parties do make a contribution.

We cannot wait much longer. This is not something we can delay, it is not something we can decide to postpone. This country is in trouble. We have a deep Federal budget deficit. It comes from the steepest decline in the economy since the 1930s. As a result of that decline, we have victims at the bottom of this economic ladder who have not had work, in some cases for 2 years. They wake up in the morning feeling helpless and hopeless, wondering, How on Earth can I find a job? What do I tell my family today?

This Congress, in my judgment, ought to at least pay as much attention to those folks at the bottom of the economic ladder as it has paid in the last 2 years to the interests at the top of the economic ladder. We shoveled hundreds of billions of dollars toward those at the top—the most comfortable pillows to make them rest, the medicine to calm their nerves. But when it comes to the people at the bottom, Will Rogers had it best. Here is what Will Rogers said 80 years ago and it applies today in this Chamber. Will Rogers said: "The unemployed here ain't eating regular but we'll get around to them as soon as everybody else gets fixed up OK."

Let me say this. A whole lot of other folks got fixed up at the top of the economic ladder, at the top of this country's economy. A whole lot of folks got fixed up and it is the case that the unemployed here "ain't eating regular," and this Congress, this Senate ought to care about that. It is part of our responsibility. Then let's get about the business of having a real debate, a thoughtful rather than thoughtless debate about all of the issues that affect us, such as spending and taxing, and let's use real terms, not things like "death taxes" that come from a pollster who decides they want to fool people. Let's use real terms in serious discussions between adults and try to figure out how we fix what is wrong with this country to put this country back on track.

This country deserves better. It is the first generation of Americans, I think, that believes its kids are not going to do as well as they did. We have to change that. This country has a lot to offer with a good future if we make some good decisions going forward.

Mr. LEVIN. Mr. President, for weeks we have sought to continue extended emergency unemployment benefits. We must do this because, while our economic recovery has begun, it has a long way to go. Our economy is not yet generating enough jobs to put people back to work who are searching for work. The repercussions of the worst financial crisis in generations are still felt across our country.

And so to help Americans who have lost their jobs through no fault of their own, we have sought to continue these

extended unemployment benefits. We have met opposition and delay. Yesterday, we finally broke through the Republican filibuster that was the source of that delay.

Now we have a chance to do what we should have done weeks ago. In State after State, thousands of people await our decision, including more than 70,000 in my State. We cannot give them back the weeks of anxiety our delays have caused. But we can act today. I urge my colleagues to support this measure and give struggling American families the help they need and deserve.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my understanding is that all time has now been used.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back.

Amendment No. 4426 is withdrawn.

MOTION TO SUSPEND

Under the previous order, the question is on agreeing to the Brown of Massachusetts motion to suspend rule XXII, paragraph 2.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 56, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—42

Alexander	Crapo	Lincoln
Barrasso	DeMint	Lugar
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brown (MA)	Graham	Murkowski
Brownback	Grassley	Nelson (NE)
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Snowe
Collins	Johanns	Thune
Corker	Kyl	Voinovich
Cornyn	LeMieux	Wicker

NAYS—56

Akaka	Bennet	Brown (OH)
Baucus	Bingaman	Burr
Begich	Boxer	Cantwell

Cardin	Kaufman	Reed
Carper	Kerry	Reid
Casey	Klobuchar	Rockefeller
Conrad	Kohl	Sanders
Dodd	Landrieu	Schumer
Dorgan	Lautenberg	Shaheen
Durbin	Leahy	Specter
Feingold	Levin	Stabenow
Feinstein	Lieberman	Tester
Franken	McCaskill	Udall (CO)
Gillibrand	Menendez	Udall (NM)
Goodwin	Merkley	Warner
Hagan	Mikulski	Webb
Harkin	Murray	Whitehouse
Inouye	Nelson (FL)	Wyden
Johnson	Pryor	

NOT VOTING—2

Bayh	Vitter
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The PRESIDING OFFICER. On this vote the yeas are 42, the nays are 56. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

There is now 2 minutes equally divided before a vote with respect to the first Coburn motion.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, this is a very straightforward amendment. It is a re-vote where we voted 100 to 0 to make sure we are transparent with the American people about when we change and go around pay-go. All it does is create a Web site so the American people can see when we have done that and how often and what the total amount is. We voted 100 to nothing for it the last time it was presented to this body.

I yield back my time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. DORGAN. I yield back our time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 49, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—49

Alexander	Cochran	Grassley
Barrasso	Collins	Gregg
Bennett	Corker	Hagan
Bond	Cornyn	Hatch
Brown (MA)	Crapo	Hutchison
Brownback	DeMint	Inhofe
Bunning	Ensign	Isakson
Burr	Enzi	Johanns
Chambliss	Feingold	Klobuchar
Coburn	Graham	Kyl

LeMieux	Nelson (FL)	Tester
Lincoln	Pryor	Thune
Lugar	Risch	Voinovich
McCain	Roberts	Webb
McConnell	Sessions	Wicker
Murkowski	Shelby	
Nelson (NE)	Snowe	

NAYS—49

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Begich	Goodwin	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Rockefeller
Boxer	Johnson	Sanders
Brown (OH)	Kaufman	Schumer
Burr	Kerry	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Udall (CO)
Casey	Leahy	Udall (NM)
Conrad	Levin	Warner
Dodd	Lieberman	Whitehouse
Dorgan	McCaskill	Wyden
Durbin	Menendez	
Feinstein	Merkley	

NOT VOTING—2

Bayh	Vitter
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The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 49. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

There is now 2 minutes evenly divided before a vote pertaining to the next Coburn motion.

Is all time yielded back?

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

If all time is yielded back, the question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 44, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—54

Alexander	Enzi	McConnell
Barrasso	Feingold	Murkowski
Bennett	Graham	Murray
Bond	Grassley	Nelson (NE)
Brown (MA)	Gregg	Nelson (FL)
Brownback	Hagan	Pryor
Bunning	Hatch	Risch
Burr	Hutchison	Roberts
Cantwell	Inhofe	Sessions
Chambliss	Isakson	Shelby
Coburn	Johanns	Snowe
Cochran	Klobuchar	Tester
Collins	Kyl	Thune
Corker	LeMieux	Voinovich
Cornyn	Lincoln	Warner
Crapo	Lugar	Webb
DeMint	McCain	Wicker
Ensign	McCaskill	Wyden

NAYS—44

Akaka	Feinstein	Menendez
Baucus	Franken	Merkley
Begich	Gillibrand	Mikulski
Bennet	Goodwin	Reed
Bingaman	Harkin	Reid
Boxer	Inouye	Rockefeller
Brown (OH)	Johnson	Sanders
Burris	Kaufman	Schumer
Cardin	Kerry	Shaheen
Carper	Kohl	Specter
Casey	Landrieu	Stabenow
Conrad	Lautenberg	Udall (CO)
Dodd	Leahy	Udall (NM)
Dorgan	Levin	Whitehouse
Durbin	Lieberman	

NOT VOTING—2

Bayh	Vitter
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The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 44. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

There will now be 2 minutes evenly divided prior to a vote with respect to the DeMint motion.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, this year is the first time in many decades that death in America is not a taxable event. For the first time in many, many years, folks who worked hard and built businesses, built farms, do not lose what they have worked for when they die.

The Heritage Foundation estimates that if we do nothing as a Senate and allow the death tax to go from zero to 55 percent, America will lose 1.5 million jobs because when we take the money and the property of the people who are working and running businesses and farms, it not only affects the families of those who die but those who work for those businesses and work on those farms.

It is immoral for us to take what people work for throughout their lives. Their property, their income has all been taxed at least once before. Let's do the right thing and vote for this amendment today. Let's keep the death tax at zero. This is not a tax cut; it is just leaving the tax rate the same.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, this is an absurd amendment. This amendment would provide \$1 trillion in tax breaks to the top three-tenths of 1 percent, and 99.7 percent of the American people do not get a nickel. Despite all the rhetoric we hear around here about fiscal responsibility, this isn't paid for. It is another \$1 trillion over 10 years to our national debt.

I yield to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I wish to thank our colleague from South Carolina for giving us the opportunity tonight to decide whose side we are really on. We are talking about upward of \$1 trillion in spending to help a few hundred of our wealthiest Ameri-

cans. We would not be helping small businesses or family farmers, all of whom we support helping, but the wealthiest Americans—close to \$1 trillion—or helping 2.5 million people who lost their jobs, are out of work through no fault of their own.

The crash on Wall Street, the crisis on Wall Street, which, unfortunately, colleagues chose not to vote to repair and to fix, has caused a situation where families are hurting.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator's time has expired.

Mr. DEMINT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—39

Alexander	Crapo	LeMieux
Barrasso	DeMint	Lincoln
Bennett	Ensign	Lugar
Bond	Enzi	McCain
Brown (MA)	Graham	McConnell
Brownback	Grassley	Murkowski
Bunning	Gregg	Nelson (NE)
Burr	Hatch	Risch
Chambliss	Hutchison	Roberts
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Corker	Johanns	Thune
Cornyn	Kyl	Wicker

NAYS—59

Akaka	Gillibrand	Nelson (FL)
Baucus	Goodwin	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Rockefeller
Boxer	Johnson	Sanders
Brown (OH)	Kaufman	Schumer
Burris	Kerry	Shaheen
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Collins	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Voinovich
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Feingold	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murray	

NOT VOTING—2

Bayh	Vitter
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The PRESIDING OFFICER. On this vote, the yeas are 39, the nays are 59. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

There will be 2 minutes equally divided prior to a vote with respect to the second DeMint motion.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, this amendment disallows any use of taxpayer money to fund the lawsuit against Arizona for its immigration policy.

I hope all my colleagues have taken the time to read this bill because what has been reported on it, in most cases, is false.

This bill is very clear. Its intent is to support and enforce the Federal law to protect the citizens of Arizona. Our Federal Government should be doing its job to secure our borders rather than trying to bully and intimidate the people of Arizona. We should not be suing and hassling the people of Arizona for doing what we should be doing here, and that is protecting the citizenry.

I encourage all my colleagues to support this amendment to disallow any funding for this lawsuit.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. DEMINT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Is all time yielded back?

All time appears yielded back.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—43

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Baucus	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Pryor
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Tester
Cochran	Kyl	Thune
Collins	LeMieux	Wicker
Corker	Lincoln	
Cornyn	Lugar	

NAYS—55

Akaka	Casey	Hagan
Begich	Conrad	Harkin
Bennet	Dodd	Inouye
Bingaman	Dorgan	Johanns
Boxer	Durbin	Johnson
Brown (OH)	Feingold	Kaufman
Burris	Feinstein	Kerry
Cantwell	Franken	Klobuchar
Cardin	Gillibrand	Kohl
Carper	Goodwin	Landrieu

Lautenberg Nelson (FL) Udall (CO)
 Leahy Reed Udall (NM)
 Levin Reid Voinovich
 Lieberman Rockefeller Warner
 McCaskill Sanders Webb
 Menendez Schumer Whitehouse
 Merkley Shaheen Wyden
 Mikulski Specter
 Murray Stabenow

NOT VOTING—2

Bayh Vitter

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 55. Two-thirds of the Senators voting, a quorum being present, not having

voted in the affirmative, the motion is rejected.

AMENDMENT NO. 4497

The PRESIDING OFFICER. Under the previous order, the motion to strike, which is at the desk, is agreed to.

The amendment was agreed to, as follows:

Beginning on page 7, line 14, strike through page 11, line 18.

The PRESIDING OFFICER. The pay-go statement from the Budget Committee shall be read into the RECORD.

The legislative clerk read as follows:

Mr. CONRAD hereby submits this Statement of Budgetary Effects of PAYGO legislation for H.R. 4213, as amended by Senate amendment 4425, as amended. Total Budgetary Effects of H.R. 4213 for the 5-year Statutory PAYGO Scorecard, zero dollars. Total Budgetary Effects of H.R. 4213 for the 10-year statutory PAYGO Scorecard, zero dollars.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR SENATE AMENDMENT 4425, THE UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2010, AS AMENDED BY UNANIMOUS CONSENT ON JULY 21, 2010

(Millions of dollars, by fiscal year)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase in the Deficit													
Total Changes	8,545	24,684	218	214	148	76	56	2	0	0	0	33,885	33,943
Less:													
Designated as Emergency Requirements ¹	8,545	24,684	218	214	148	76	56	2	0	0	0	33,885	33,943
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0
Memorandum—Components of the Emergency Designations													
Change in Outlays	8,545	24,495	0	0	0	0	0	0	0	0	0	33,040	33,040
Changes in Revenues ²	0	–189	–218	–214	–148	–76	–56	–2	0	0	0	–845	–903

Note: Components may not sum to totals because of rounding.

¹ The bill would designate Sections 2 and 3 as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

² Negative numbers represent a DECREASE in revenues.

Source: Congressional Budget Office.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur in the House amendment to the Senate amendment to H.R. 4213, with amendment No. 4425, as amended.

Mr. NELSON of Nebraska. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—59

Akaka Feinstein McCaskill
 Baucus Franken Menendez
 Begich Gillibrand Merkley
 Bennet Goodwin Mikulski
 Bingaman Hagan Murray
 Boxer Harkin Nelson (FL)
 Brown (OH) Inouye Pryor
 Burriss Johnson Reed
 Cantwell Kaufman Reid
 Cardin Kerry Rockefeller
 Carper Klobuchar Sanders
 Casey Kohl Schumer
 Collins Landrieu Shaheen
 Conrad Lautenberg Snowe
 Dodd Leahy Specter
 Dorgan Levin Stabenow
 Durbin Lieberman Tester
 Feingold Lincoln

Udall (CO) Warner Whitehouse
 Udall (NM) Webb Wyden

NAYS—39

Alexander Crapo LeMieux
 Barrasso DeMint Lugar
 Bennett Ensign McCain
 Bond Enzi McConnell
 Brown (MA) Graham Murkowski
 Brownback Grassley Nelson (NE)
 Bunning Gregg Risch
 Burr Hatch Roberts
 Chambliss Hutchison Sessions
 Coburn Inhofe Shelby
 Cochran Isakson Thune
 Corker Johanns Voinovich
 Cornyn Kyl Wicker

NOT VOTING—2

Bayh Vitter

The motion was agreed to.

Ms. CANTWELL. Mr. President, I move to reconsider that vote and lay that motion upon the table.

The motion to lay upon the table was agreed to.

Ms. CANTWELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. I ask unanimous consent to speak for up to 15 minutes as in morning business. I may ask to extend my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS LENDING

Ms. LANDRIEU. I am just to speak for 1 minute now and turn it over to the good Senator from Oregon, who will speak for a few minutes on this subject, and then the Senator from Washington State, as we wait for the underlying paperwork that is going to support this effort to appear. We thought we would not let this time be wasted.

We have just finished a very important vote on unemployment compensation that is going to extend benefits for 15 million Americans who are out of work. It was a very tough negotiation, but we got it done. Now we move on to another very important issue, to try to help build our way, find our way, out of this very difficult economic time in our country.

The Democratic leadership, occasionally with a few Members from the other party, have passed some very tough but important votes to make that happen under President Obama's leadership. We are going to continue to do that tonight and through the next couple days and in the next 2 weeks, until we take a short break, and then come back, of course, in September to continue our work.

One of the bills we are going to move to right now is the small business lending bill, a jobs bill, the jobs bill focused on small business, because as all of us on this side—and I think some on the other side—recognize, this recession is going to end as quickly or as soon as we can deliver significant help in terms of capital, access to capital, reduction

in regulations, and reduction in taxes to small business.

It is not that complicated. The jobs that are going to be created in America are not going to be created by the large corporations. In fact, there have been several front-page articles in the Washington Post, the New York Times, the Times-Picayune, my hometown paper, saying that actually the big corporations are making profits, they are hoarding cash, they are waiting because there is uncertainty out there on any number of fronts.

We cannot solve that entire uncertainty in the next few weeks or even maybe in the next few months, but we can lay down building blocks that will start increasing demand, giving access to capital to small business. Hiring will begin, and then the way forward will be more clear. So that is basically what this small business package does. It has three main components. I am not going to go into any detail because the Senator is here to speak. But one component came out of the Finance Committee with very broad bipartisan support. It is a tax-cut package for small business, about \$12 billion—quite significant. Senators BAUCUS and GRASSLEY and others worked on that package, and we will discuss that at some future time.

The other piece came out of the Small Business Committee. There are probably eight or nine major items that came out with good bipartisan support that will help to expand and strengthen the SBA programs, which is one of the pieces, one of the essential pieces of this bill.

There are three very important pieces. The tax cuts of \$12 billion for small business—not for big business, not for Wall Street but for Main Street businesses, \$12 billion of tax cuts. There is a very strong bipartisan provision for small business. But there is one piece in the amendment that we will offer in a minute. It is going to be a LeMieux, Landrieu, Merkley, Boxer, Cantwell, and Klobuchar amendment we will offer in few minutes.

This is going to add a lending piece to this bill for small business. It is a small business access-to-capital piece. It is not for banks, it is for small business. I would like to now turn it over to Senator MERKLEY, who has been one of the lead designers and advocates and champions. He has been extraordinary. He has held any number of townhall meetings in his State. The people of Oregon should be extremely grateful for his tenacity on this, to stand up to many doubters here—or some doubters—to fight for this program.

We intend to fight for it because it is for small businesses, and they are desperate. We have spent about a year and a half up here talking about big business, international business, international tax code, bailing out Wall Street.

Well, these three Senators on the floor tonight will start the discussion about helping small businesses on Main Street. If we do not do this, and if this is not in the package, it is going to be a gaping hole that will exist in this package. I believe we can get this included in this package and that this will secure a great legacy for this Congress, to turn our attention to getting capital to businesses. Twenty-seven million small businesses are out there saying: Does anyone know that we are out here?

Well, I want you to know that Senator LEMIEUX from Florida, Senator LANDRIEU from Louisiana, Senator MERKLEY from Oregon, Senator CANTWELL, and I believe more than 60 Members of this Senate hear you, and we are going to fight now, over the course of the next couple days, to see if we can deliver for you \$30 billion access to capital, which could, because it leverages itself 1 to 10, turn into about \$300 billion for small business in America.

They deserve it. They are the ones that are suffering. These are the people who are losing 20 years of work, 10 years of work, not the fat cats, not the big business, not the Wall Street banks that are racking up profits out of the ceiling because we have fallen all over ourselves to stabilize Wall Street.

Well, we are about ready to put down a big fight for Main Street. You are either going to be for Main Street or you are against Main Street. We are going to see who is going to stand and be counted. This Senator is standing. I would like to ask him now to add his voice to this debate.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, thank you, and thank you to the Senator from Louisiana and your clarion call to go into battle, to fight for small businesses in our Nation.

We all know small businesses are the job-creating factories in America and that if we do not go to battle for our small businesses, that, indeed, we will be in this recession for a very long time, which will be certainly bad for our small businesses, it will be bad for all the citizens who would be employed by those businesses, and will certainly be bad for all those trapped in the deep, long recession. So I thank the Senator for her leadership.

Also, I would like to thank very much Senator CANTWELL for her outspoken advocacy on behalf of small businesses and on behalf of this effort to provide liquidity; to my colleague from California, Senator BOXER, who got involved very early as a partner in creating a plan to help address this fundamental challenge.

That challenge is the small businesses are having their credit lines cut and they are going to their community banks and their community banks are

observing that, unfortunately, they are at the leverage maximum allowed under the rules so they cannot do additional lending.

So here we have banks that would like to lend. We have small businesses that would like to borrow and be able to put more people to work, to seize opportunities in our economy. But they cannot do it because we have this malfunction. This malfunction is the capitalization of community banks that enables them to lend more.

So this provision addresses that malfunction. It provides a mechanism to recapitalize community banks that are healthy. That then enables them, under the existing leverage requirements, to provide additional lending to small businesses across America.

Well, this wins on every level. First, it makes money for the taxpayer. CBO estimates it will bring in \$1 billion of revenue, and that is not including the additional revenue from personal income taxes on the folks who get jobs because small businesses put people to work. It does not include the additional revenue from the small businesses themselves and their share of taxation.

So thriving individuals with jobs and thriving small businesses will create additional feedback to our Treasury, helping us to attack the deficit, in addition to the billion dollars that CBO estimates.

A couple questions have been raised about this strategy. One question that has been raised is: Well, will not community banks possibly take the additional capitalization and then sit on the funds? Indeed, that is a concern that has been addressed in the design of the program. The program says community banks will pay a dividend back to the Treasury of 1 percent if they provide the full leverage of lending to small businesses and 7 percent if they do not and somewhere in between if they are in between.

So you have a 7-to-1 provision. That is a huge incentive for the community banks to follow through and seize the lending opportunities, not sit by and wait for a sunnier day, if you will.

A second question has been: Well, is it possible that banks in this situation will make loans that they should not make? The answer there is no as well because the bank's profit is on the line. These are not guaranteed loans. If these loans fail, the banks would suffer. So this utilizes our community banks' wisdom and knowledge about what merits additional capital and what does not.

This is why this public-private partnership is powerful. It is powerful because it uses the expertise of the community banks, powerful because it puts people to work in small business, powerful because it allocates capital to the places where the small business entrepreneurs and the banks see that there

is an opportunity to grow the business and to grow this economy.

A third concern has been that these funds might go to community banks that are in trouble. To address that issue, this program requires for the community banks to be healthy, as rated under a rating called the CAMELS rating.

Each letter in the term "CAMELS" stands for a component of the analysis of the health of the community banks—C for capital, for example; M for management; L for liquidity, and so forth. Healthy banks get the opportunity to increase their leverage and assist small businesses so they can thrive and put people to work. And we as a nation can find a path out of this deep dark recession.

I will wrap up my comments there and say this is the sort of common-sense effort to address a key chokepoint in the economy that we are expected to address by the citizens. It is right for the taxpayer. It is right in terms of alleviating the deficit. It is right for putting people to work. It is right for Main Street America. I urge my colleagues to join us in getting this done.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Washington State.

Ms. CANTWELL. Mr. President, the chair of the Small Business Committee, Senator LANDRIEU, does such a fabulous job standing up for small business. She is making sure in this battle that someone is standing up for individual business owners all across America who have had a horrible time getting access to capital. I thank her for her leadership, for making sure the voice of Americans, who have been talking to their Senators for months and months and months about the problem with access to capital, are heard.

I thank Senators MERKLEY and BOXER for originally sponsoring this legislation and this amendment to improve access to capital for small businesses. They both have been listening to their constituents in California and Oregon and know how critically important it is to pass this legislation.

I ask my colleagues who haven't made up their minds about this proposal to check with their offices in their States to find out if they have heard from small businesses expressing their frustration about the lack of access to capital. If they actually listen to what people are saying in their States, they will find story after story of people who are frustrated, angry, and questioning how it is that Wall Street could get a bailout that was without any specifics about when the Treasury was going to get paid back, yet Main Street is being denied access to capital right and left.

I know my colleague has traveled his State. I know the chairman of the com-

mittee has traveled her State. I know my colleague from California has been all over her State. We have heard about more and more companies. I had a Washington company in Vancouver that basically, when the Bank of Clark County was taken over by the FDIC—and even though the bank that took them over was getting TARP funds, this business had its performing lines of credit cut right out from under them. That just happened overnight. Another business in the same area immediately had their line of credit cut. Another company, Vancouver Iron and Steel, had never missed a payment on its loans, but it lost its line of credit. Another high-tech company that had international contracts was doing everything. Their line of credit was pulled right out from under them. They are still having challenges. Another company in Richland, WA, that was a biofuels company and had fuel cell technology had their lines of credit reduced. This made them stop taking advantage of increasing their payroll and their access and the demand for new alternative energy technology. I had another small business in the Spokane Valley that had been wanting to hire additional staff and to get a new business location so she could improve things. Obviously, she had an existing business. She was not given access to credit. Another enterprise back in the Tri-Cities was forced to withdraw their funding, and a project is on hold until they get another line of credit.

These are all businesses that are operating, that had relationships with their banks, had performing lines of credit, and have had that credit cut right out from under them.

I ask my colleagues, when are we going to stand up for small businesses that have had trouble getting access to capital, that have been penalized? I don't think any of these community banks about which we have been talking were doing derivatives. I don't think they were doing the incredible types of activity that got us and our economy into this mess. What they want to know is, if they didn't cause this mess, how is it that when it came to the big banks, everybody said: Yes, here is the opportunity for you; here are the keys to the Treasury; here is all the money, but now, when it comes to making sure community banks are loaning to small businesses, people are saying: No, Main Street doesn't have the same priority as Wall Street.

I hope America is listening tonight. I have never asked, but I hope Americans will call their Senators tomorrow and make them understand that they have been put in a precarious position. They have struggled through this economic crisis without access to capital, without help and support, without the bailout Wall Street was given. They want to know, are their Senators going to stand up for them and help them

with a program, as my colleague from Oregon said, that basically is paid for and is budget neutral. In fact, the terms of these agreements will generate \$1.1 billion and help us reduce the deficit. Small business is asking for an effective lending program through the community banks. That is all they are asking for. We gave Wall Street a bailout without any terms and conditions on repayment. Main Street wants to know if their Senators are going to stand up for them and get an access to capital program small businesses can take advantage of.

The chairman knows these numbers well, but 75 percent of new job growth in America comes from small businesses. But they are not going to be able to grow and expand and innovate if they don't have access to capital. Right now, they are not getting access to capital because of the new requirements that were put on after this financial crisis that they were asked to adhere to. We didn't ask Wall Street to adhere to that; we basically said: Here is your bailout.

Please, call your Senators. Make sure they hear your individual story about your business, how you didn't get access to capital, why it is important to get this program. If Americans call their Senators and discuss this program with them, we will get the votes we need to secure this legislation and empower Americans who are really going to restore the economy.

Ms. LANDRIEU. Mr. President, the Senator is aware that all 59 Democrats support Main Street, and we have been joined by the Senator from Florida, Mr. LEMIEUX. This is the LeMieux-Landrieu-Merkley-Cantwell-Boxer amendment. We will be joined by others. Would the Senator say again how we are going to explain that we did send billions to Wall Street with virtually no terms whatsoever, and now we have an opportunity to send money to small businesses on Main Street and we can't get a supermajority of Senators to do so? How are we going to explain this?

Ms. CANTWELL. I am sure some people will give us the details about what they believe the terms of the deal for Wall Street were. But it is safe to say there was no specific date that Wall Street had to pay back the money. No one ever asked them if they would be viable with or without the money. They were—in the blink of an eye, in some cases—given access to Treasury funds.

This is a program that has been done in a transparent process, with the input of lots of Members, input from both bodies, discussed by the Treasury Secretary in many public forums. It was in the President's State of the Union Address as a priority to get access to capital, the requirements and specificity of banks that want to apply. This isn't picking winners and losers such as what was done in the haste of

October, 2 years ago. This is about a bill that is an open process for banks that want to participate. These are the terms the Federal Government is setting up for participation, a very open and transparent process. The main difference is one was a bailout, and this is a lending program. I want to know why my colleagues don't support it, if they don't, because I think America supports making sure there is access to capital. They want to know why is it that the CEO of an AIG or another company can get access to all the capital they need from the Federal Government, but when it comes to a small business, they can't go to their community banks and get access to capital at this critical moment.

I hope we can resolve this issue and move forward. I hope Americans will call and speak up about this. Maybe there are some States that have not been rocked as hard. Maybe there are States that were not in the same situation as some of the ones we have heard from tonight. But it is safe to say that Americans have been squeezed by what has happened by this implosion of the economy. They know that their ingenuity can help restore the economy, that they need access to capital.

Ms. LANDRIEU. I thank the Senator from Washington.

We are joined now by the Senator from Rhode Island, who has been another champion for small business. He knows, as we all do, that small businesses are the engines that are going to lead us out of this recession. I am sure he has some information to share with us about his small businesses in Rhode Island. They must be absolutely flabbergasted that we are even having this debate because, as the Senator knows, there wasn't really this much debate when we sent billions to Wall Street with virtually no strings attached. Now we actually have to fight hard—we are going to have to do this for a couple days—to try to get some capital to small businesses in all of our States. This isn't a bank program. It is a small business program. It is a small business program for Main Street, the companies that have had their credit card rates raised, the companies that have had their lines of credit cancelled without notice.

Could the Senator from Rhode Island give us any more information as to what he is hearing in his State and why he thinks there are some Republican leaders who are adamantly opposed to this? It is mind-boggling to me.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I thank Senator LANDRIEU and also Senators MERKLEY and CANTWELL, who spoke before me, for the extraordinarily hard work they have put in to bring us to this moment. This is the culmination of a lot of hard work against what was for a long time unan-

imous Republican opposition. We couldn't get this done because we couldn't get one vote from a single Republican to help small business through our community banks. Thankfully, Senator LEMIEUX has broken the ice. Now we are in a position to go forward. There may well still be significant parliamentary maneuvers by the other side to slow it down and delay it rather than have it go smoothly, as it should.

The situation in Rhode Island is pretty dire. We are a small business State, and we have more than 12 percent unemployment. The situation in which that takes place is the one my colleagues have described.

The big banks are hoarding cash. They have been given access to the Treasury, and they are borrowing money at extremely favorable rates, but it is not filtering out. It is being invested for their own account, building up their balance sheets, not getting through to businesses, particularly not to small businesses. The big corporations are hoarding cash. That is putting pressure on employment and on small business. So for a small business, even if you are profitable, even if your loans to your bank have consistently been performing, the tightening up of credit on the community banks has restricted the funds that are available to even solidly performing small businesses that wish to invest and hire.

The solution for this is a wonderful one that Senator LANDRIEU, Senator MERKLEY, and Senator CANTWELL recommended, and that is to turn to our local community banks that were not a part of the Wall Street problem and know where the good businesses are. They have existing relationships with them. They would love in many cases to loan to them. They just don't have the capital. So this provision would bring together the capital available from the Federal Government and the expertise of the local community banks to meet the urgent need of America's small businesses. The market for capital has tightened so much that this kind of a mechanism makes a lot of sense. The government loans capital, and there is a fee. It is not giving it away; it is earning a fee, and it frees up additional capital for the banks in turn to loan, the local community banks, to bring their expertise to bear on those businesses. So the bank then loans the capital and it gets out the funds and the small businesses gather funds and from that capital they are able to go out and hire and invest and help to begin to further improve the economic climate.

This is a good idea. It is timely. I hope as we go forward. The good sense that Senator LEMIEUX has shown and the priority he has put on small business and local community banks is able to sink in a little bit further. Frankly, I wish we had been able to do this some

time ago, but the absolutely unanimous blockade from the Republican Party has prevented this.

I will close by saying that having been a party to many of these discussions as the Senator from Louisiana has been keeping us abreast of her negotiations, I know what a long ordeal this has been for her. I know how tenacious the Senator from Louisiana has been on this. She has finally been successful in terms of delivering what is now a bipartisan amendment, and it is a great moment. I congratulate her and I look forward to working with her toward success.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator.

I wish to continue to speak as is required, not seeing anyone else on the floor. I appreciate the opportunity while we are waiting.

I love the analogy the Senator from Rhode Island mentioned about the blockade. We have breached the blockade. For the last 8 months there has been an inexplicable silence on the other side of this aisle as to why we cannot lend money to small businesses in America through the private sector. This is not a direct Federal lending program. This is not bloating the Federal budget. I hear from the other side every single day: Private sector solutions; reduce the deficit. May I say again to them now on the floor of the Senate that I have tried so hard over the last 8 months to explain this to them individually, and only one—only one so far—Republican Senator has heard the cries of his small business. Only one.

This is not a government program for banks. It is a public-private partnership lending strategy for small business. Have they not noticed that small businesses have closed their doors? Have they not noticed people in long unemployment lines that weren't just workers, they were business owners? Are they not listening? I am the chair of the Small Business Committee. I guess that is why I feel so protective of the community. It is not because I am such a great Senator; it is because I am a protective person, I guess. Some of my colleagues say it is because I am the oldest of nine children and I grew up protecting my eight little brothers and sisters. My dad laughs when I say this, but it is the truth.

I feel as though I have 27 million small businesses out there that have been a steady stream into my office since I became chair, begging with me, pleading with me, saying: Senator, does anyone know we are out here trying our best? You keep bailing out the big banks. You keep giving money to big corporations. Does anyone—anyone in Congress—hear us? I keep assuring them: Yes, people do hear you. We know how difficult it is. So I said: This isn't going to be a problem, "Ms.

Naive" that I must be. This isn't going to be a problem. I am sure we can do this.

So I start talking to my colleagues and, sure enough, Senator MERKLEY and Senator BOXER had a beginning of an idea that had some problems with their general ideas, so we removed those problems. We kept fashioning it. It kept getting better and better. The President then started talking about it. The Secretary of the Treasury started getting excited about it. We started lining up hundreds of endorsements from the independent banks, the community banks; almost every small business association in America. I am so excited I am thinking: You know, this is going to work. Then we get the score back from CBO and it doesn't cost anything. It makes \$1 billion. It earns \$1 billion. I am thinking: This is great. Our Republican colleagues can't possibly be against something that is a public-private partnership. It is not direct lending by the Federal Government. It is not creating a new bureaucracy. It is using the healthy community banks on Main Street that know our constituents, they know their customers, they know the businesses. They know the businesses. They want to help them, but they have restrictions on their capital. So this program allows them—voluntary, it is not mandatory; there are no onerous restrictions. You don't have to cap your salaries. You just have to be able to make good loans, and if you do, you will be rewarded by getting money at a cheaper rate than you normally would, so the community bank makes a little money. The small business gets the loans. We create jobs. People get employed. The recession starts ending. This is too good to be true. I guess it is, because lo and behold, I start hearing that the Republican leadership is opposed to this idea. I am still not believing what I am hearing.

I start going to each and every one and, sure enough, that seems to be the case. It is a shame. I can't even explain it or understand it. It has nothing to do with TARP money. It is not a TARP program. It is not a bank program. It doesn't have anything to do with banks except that we are working in partnership with banks to lend money to small businesses which are desperate for money.

I want to put up the chart to make it very clear. When the leadership over there comes and talks to me about banks not being supportive, they better come armed with some interesting data, because I have on the record the Conference of State Bank Supervisors, Neil Milner, president and CEO. There are not that many national bank organizations. There are only a few, and all of them are here. So for the other side to come to the floor and say there are some bank organizations that are not for this, they better be specific. It may

be the big banks. I guess the big banks aren't for it. They can't even qualify for it. If the American Bankers Association is not for it, I understand that. They can't qualify for this. This isn't for them. They already got their money.

This is for the small banks. The only way you can even be in this program is if you have less than \$10 billion. This is for the small banks. So if someone comes to this floor anytime in the next couple of days to debate this and they say: Oh, but the ABA isn't for this, I guess they wouldn't be. They are not involved in it. It is not even for them. Maybe the big banks are afraid of the competition from their community banks; I don't know. But there are 7,500 community banks out there and somebody should stand up for them. I know their PACs aren't as big. I know they don't give as many contributions. They don't have as much money as the big banks do. But they are in our neighborhoods, they are in our communities, and they know the small businesses. If we give them a little bit of help, a partnership, we could get some money to the small businesses of America.

So we have here Neil Milner, president of the Conference of State Bank Supervisors; they are strongly for it; the National Small Business Association. This isn't a bank but a strong small business association; John Arensmeyer, founder and CEO of the Small Business Majority; Independent Community Bankers of America and 28 State community bank associations. We are working on the others. I don't know why we don't have all 50, but we are working on it. Maybe there are a few community bank associations that are opposed to it. They have not shown themselves. Maybe they will. But we have 28 community bank associations for it, and the Independent Community Bankers. We have the National Bankers Association. They say:

The Obama administration—continuing its efforts to lift the country out of a two-year recession—has hit a home run with its proposed \$30 billion Small Business Lending Fund. This is not a bailout to small business and medium-sized banks; it is, instead, a true investment in a brighter future for America's working class.

It must be too good to be true, that we would actually pass an amendment that would be an investment in Main Street, an investment in America's working class. These people are working so hard right now at so many jobs to keep the roof over their heads, they don't have time to form PACs or give many contributions. I guess that is why we can't get some people to stand up and listen, but we better listen to them because they are all going to be voting in the next election. They might not have time to get organized to come to Washington and tell us about their woes, but they can walk right on down to the polls, and I hope they will remember this debate when they do.

Every single Democrat is going to vote for this—every single one on our side—and we are going to have one Republican so far, and I hope we can get another one or two or three. Maybe we will be surprised and get a half dozen.

There are also hundreds of organizations that are supporting this, and I am going to read the ones I have. The American Apparel and Footwear Association; the American Bankers Association. Let me correct myself. They are for it. So for anybody who says they are not, they are for it. Arkansas Community Bankers, Associated Building Contractors, California Independent Bankers, Community Bankers Association of Alabama, Community Bankers Association of Georgia, Community Bankers Association of Illinois, Community Bankers Association of Kansas, Community Bankers Association of Ohio, Community Bankers Association of Iowa, of Washington State, of West Virginia, of Wisconsin, Fashion Accessories Shippers Association, Financial Services Roundtable, Florida Bankers.

I wish to thank the Florida bankers. They were very passionate in their advocacy, and both of their Senators are supporting this bill. I am extremely proud of Senator LEMIEUX and Senator NELSON who have stood up. They have listened to what their Florida bankers and Florida small business people are saying. They have been a State that has been most affected, or almost as affected as almost any other—maybe more. Florida has had a very difficult time. We bailed out the big banks. We bailed out the derivatives folks. We bailed out the swap kings and queens. Go through Florida. Their little shopping centers are all boarded up. Their condos are empty. The little bakeries that used to bake the doughnuts for the people who came to the condos, they can't sell any doughnuts. There is nobody there to sell them to. Can we help that bakery? I don't know why we can't seem to get anymore support from the other side, because Senator NELSON and Senator LEMIEUX hear them.

The Governors of Michigan, Ohio, Colorado, Connecticut, Illinois, Massachusetts, New Mexico, New York, North Carolina, Oregon, Washington, West Virginia. Do you think these Governors would send us a letter on something such as this if they didn't need it or want it?

These Governors—Republicans and Democrats—are doing everything they can every day to keep their small businesses. But because of the deficits in their States—because of the deficits we are struggling with because President Bush left us in a terrible situation—and Democrats helped to get us in that situation as well, so I am not just blaming the other side. But when this President came in, the deficits were huge. States have to balance their budgets. The occupant of the chair

knows; he was a mayor. Mayors have to balance budgets. These Governors write us and say: Please, do this lending program; it will help our small business, and we will start generating tax revenues. It will help us get out of our deficit.

You would think the other side would respond to these Governors. Evidently, they have their ears closed. Independent Bankers of Texas, Independent Bankers of Colorado, Independent Community Bankers of New Mexico, Independent Community Bankers of South Dakota, Indiana Bankers Association, Louisiana Bankers Association.

My team has been terrific at home, and we are facing a very difficult situation with this moratorium. We are working very hard to modify it and overcome it. In addition to this, we have our own problems. But for heaven's sake, our bankers and small businesspeople know they need to get capital—right now, particularly.

Maryland Bankers, National Council of Textile Organizations, National Restaurant Association, National RV Retailers, National Small Business Association, Printing Industries of America, Small Business Majority, Travel Goods Association, Women Impacting Public Policy—I could go on and on, and I will.

I would like the other side, when they come back tomorrow—I know everybody took a dinner break, and I lost my appetite, so I stayed for a while. I hope when they come tomorrow to debate this issue they will at least have the guts to hold up some associations that are opposed. I would like to know who might be opposed to this, what association.

I said I would fight for small business as the Small Business chair, and this is one of the first big fights we are going to have. It probably will not be the last. I don't know if we will win, but we are going to give it a good try.

As my colleague from Washington State said, if people are listening, I know they are finding it hard to trust things they hear in Washington. I don't blame them. It has been a tough time. I hope they can trust me and those of us who have spoken tonight to say we are trying hard to give them \$30 billion, which we will leverage up to a \$300 billion access to capital through their own community banks—completely voluntary on their part—at rates that are normal. It is like they could actually borrow money at 6 and 7 and 8 percent instead of having to use their credit cards and pay 16 or 24 percent.

Evidently, there are people on the other side who like the idea that small businesses only have credit cards on which they pay very high rates. I think it is despicable. We tried to do that, and we were thwarted by them. We tried to get help on the small business credit card side, but we were told we

could not interfere with private commerce. So small businesses out there are between a rock and a hard place, through no fault of their own. The equity in their homes has depleted substantially, so they cannot go take out a home equity loan.

The Republicans have made sure when they go to their credit card companies, they have to pay pretty high rates and they can't get help. Now when we offer them good loans at reasonable rates for their businesses through their own community banks they know, the Republican leadership tells us no. Maybe it is because they don't want this recession to end so they can blame President Obama and the Democrats for everything, and they can try to win the election. I hope that is not the case because small businesses should not be a pawn in the next election. We should be doing everything we can to help them.

This is a bipartisan amendment. Senator LEMIEUX and Senator NELSON from Florida have stood up, and I am hoping some of the other Senators on that side will stand up tomorrow and the next couple of days so we can get a good vote on this amendment and then pass the entire package.

Again, this is not a program for banks; it is a program for small businesses. It is a private sector partnership with community banks—small banks. Big banks cannot even qualify.

If you are a big bank in America, you can turn my speech off if you are listening. If you are above \$10 billion, you can't be in this. It is only for the small banks and small business. That is all this is for—a partnership of lending. It makes \$1 billion over 10 years. It will earn, it will generate, so the program doesn't cost anything. It earns \$1.1 billion according to CBO score. So the taxpayers get some money at the end.

But that must be just too good for some people I don't know. I am looking forward to the debate. I think I am the last person to speak tonight. I will be here early on the Senate floor tomorrow. I will be here all day tomorrow. I cannot wait for someone from the other side to come and give me either one organization that is opposed to this or one good reason they can't vote for this amendment because we are going to vote on it. We are going to vote on this amendment, and it will be very clear that the 60 people who vote for it—and maybe 39 or 40 people who vote no—or maybe we will have 62 or 63 or 64—maybe we will end up having everybody. I hope so. If all the people who have said they support this provision will call and let their Senators know, maybe we will have success.

I may not win every battle as chair of the committee. I know I haven't been able to deliver for small business all the things they would like. I know they need more tax cuts and they need more regulation relief. But I know one

thing they need; they need access to capital. They don't want to have to go to Wall Street and beg for it. They don't want to have to pay 18 and 24 percent on their credit cards. They would like to walk down the street to their friendly banker whom they know and extend their line of credit.

Why anybody in this Chamber would vote against them doing that, I don't know. But we are going to find out.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I thank the Chair.

SMALL BUSINESS LENDING FUND ACT OF 2010

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill, H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

Mr. REID. Mr. President, I ask unanimous consent that all pending amendments and the motion to commit be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4499

Mr. REID. I have a substitute amendment at the desk. I ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BAUCUS, proposes an amendment numbered 4499.

Mr. REID. I ask that the reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4500 TO AMENDMENT NO. 4499

(Purpose: To establish the Small Business Lending Fund Program, and for other purposes)

Mr. REID. I now call up the Landrieu-LeMieux perfecting amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY, proposes an amendment numbered 4500 to amendment No. 4599.

Mr. REID. I ask that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4501 TO AMENDMENT NO. 4500

Mr. REID. I do have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], proposes an amendment numbered 4501 to amendment No. 4500.

Mr. REID. I ask that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, insert the following:

The provisions of this Act shall become effective 10 days after enactment.

AMENDMENT NO. 4502

Mr. REID. I have an amendment at the desk to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment, No. 4502, to the language proposed to be stricken by amendment No. 4499.

Mr. REID. I ask that the reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the language proposed to be stricken, insert the following:

This section shall become effective 5 days after enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4503 TO AMENDMENT NO. 4502

Mr. REID. I now have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4503 to amendment No. 4502.

Mr. REID. I ask that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment, strike "5" and insert "4".

CLOTURE MOTIONS

Mr. REID. Mr. President, I have three cloture motions at the desk. I ask that they be stated.

The PRESIDING OFFICER. The cloture motions having been presented under rule XXII, the Chair directs the clerk to read the motions.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the LeMieux-Landrieu et al. amendment No. 4500 to the Reid-Baucus substitute amendment No. 4499 to H.R. 5297, the Small Business Lending Fund Act of 2010.

Harry Reid, Mary L. Landrieu, Sheldon Whitehouse, Byron L. Dorgan, Roland W. Burris, Richard J. Durbin, John D. Rockefeller, IV, Robert Menendez, Carl Levin, Daniel K. Akaka, Debbie Stabenow, Patty Murray, Jack Reed, Maria Cantwell, Dianne Feinstein, Daniel K. Inouye, Bernard Sanders.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid-Baucus substitute amendment No. 4499 to H.R. 5297, the Small Business Lending Fund Act of 2010.

Harry Reid, Max Baucus, Mary L. Landrieu, Tom Harkin, Christopher J. Dodd, Patrick J. Leahy, Bill Nelson, Richard J. Durbin, Charles E. Schumer, Al Franken, Patty Murray, Benjamin L. Cardin, Jack Reed, Roland W. Burris, Dianne Feinstein, Mark Begich, Amy Klobuchar, Byron L. Dorgan.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 5297, the Small Business Lending Fund Act of 2010.

Harry Reid, Max Baucus, Mary L. Landrieu, Tom Harkin, Christopher J. Dodd, Patrick J. Leahy, Bill Nelson, Richard J. Durbin, Charles E. Schumer, Al Franken, Patty Murray, Benjamin L. Cardin, Jack Reed, Roland W. Burris, Dianne Feinstein, Mark Begich, Amy Klobuchar, Byron L. Dorgan.

Mr. REID. Mr. President, there have been three cloture motions stated. I ask consent that the mandatory quorums be waived with respect to these motions.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO COMMIT WITH AMENDMENT NO. 4504

Mr. REID. Mr. President, I have a motion to commit with instructions at the desk. I ask that it be stated.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Finance Committee with instructions to report back forthwith with an amendment numbered 4504.

The amendment is as follows:

At the end, insert the following:

The Finance Committee is requested to study the impact of changes to the system whereby small business entities are provided with opportunities for access to capital.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4505

Mr. REID. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4505 to the instructions of the motion to commit.

The amendment is as follows:

At the end insert the following:

"and the economic impact on local communities served by small businesses."

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4506 TO AMENDMENT NO. 4505

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4506 to amendment No. 4505.

The amendment is as follows:

At the end, insert the following:

"and its impact on state and local governments."

Mr. REID. I wish to express my appreciation for everyone's patience to get to the point where we are. Especially, I wish to express my appreciation to Senator LANDRIEU, who has worked tirelessly since Friday coming up with this. I support what she is doing. I am grateful for all her hard work.

I hope tomorrow we can work our way through these issues. I will tell everyone here that we are going to finish this small business jobs bill, with a little luck, in the next few days. We could do it tomorrow if we were able to advance the time.

We also have the supplemental appropriations bill, which is very important. We got that bill from the House. It has a lot of things on it, every one of which I support. But in my conversations

with the Republican leader, he believes his caucus will not support most of the stuff that is on there.

So we are going to have a cloture vote on that at the earliest possible date. That is a message from the House. We could dispose of this also in the next 24 to 48 hours. So it is up to us how we work these out. I think we have heard enough of what we need to do in the next little bit. But we only have 2 or 3 weeks left after Friday. So we have a lot to do.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

KISSES FOR OUR TROOPS

Mr. LEAHY. Mr. President, I am honored to share a Vermont community's tribute to the stout hearts and brave souls of the service men and women serving overseas.

This year, in recognition of Vermont's largest military deployment since World War II, the townspeople of Clarendon, VT, sought a way to show their support for Americans stationed in Iraq and Afghanistan. At the town's elementary school, 39 children of the ages of 7 to 10 recorded a song called "Box of Kisses" for our troops in the National Guard. With the help of two local musicians, James Mee and Michael Mugrage, the students of Clarendon Elementary School devoted their lunch and recess time to this project. Students also spent their free time handcrafting more than 500 paper boxes filled with brief personal messages and pieces of candy as tokens of their thanks for the sacrifices being made by these Vermonters serving abroad.

Although Box of Kisses is being sent to hundreds of soldiers, this community's project is a highly personal act for many families in Clarendon. Within this school community of only 198 students, 12 people have family members serving in Afghanistan. Marcelle and I are so proud of and grateful for our Nation's servicemembers and their families. So are Vermonters in every community throughout our State, who are showing support for our soldiers' families in ways small and large every day—by mowing lawns, babysitting, shoveling sidewalks, and through many other small kindnesses. Clarendon's story is another example of why I am proud to be a Vermonter.

I ask unanimous consent that there be printed in the RECORD an article, published in the Rutland Herald, in which reporter Cristina Kumka tells this heartening story from Clarendon.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rutland Herald, July 14, 2010]
LOVE IN A BOX: VERMONT RESIDENTS SEND
KISSES TO AFGHANISTAN
(By Cristina Kumka)

All it took was one small Vermont community and one song to connect troops overseas with home.

Shortly after Vermont's largest military deployment since World War II occurred this January, residents of Clarendon and students from the town's elementary school wanted to do something for 10 families in their community with loved ones sent off to battle in Iraq and Afghanistan.

Children in grades 2-6, some of whom with mothers or fathers serving overseas, recorded a song by Rutland musician James Mee and fellow artist Michael Mugrage called "Box of Kisses" and made 200 CDs.

Then they crafted boxes using simple white paper and crayons and filled each one with a note and red, white and blue candy donated by the Vermont Country Store.

The children wrote what they knew—a simple "thank you," "I love you" or other thought—to remind 500 troops individually what their purpose there was and how much their sacrifice meant to the children.

Most of the project was documented—the song posted on Internet and aired on public access television and student fundraisers for materials and support filmed on DVDs.

The CDs and the boxes are in the process of being airlifted or parachuted in to troops in populated or desolate areas of the Middle East until each gift is gone.

What began as simple gestures intended to remind troops of home has caught the attention of Americans across the country.

Mee said that in all in his 30 years in the music industry no other tune or project has drawn so much attention.

On Tuesday, Mee said he's been contacted by a major candy company looking to invest in the children's idea, a top music industry professional from New York and a Texas-based radio station serving a million military personnel and other listeners in more than 177 countries.

"I feel like I'm in a Disney movie," Mee said.

The song he originally created 10 years ago as a love ballad with the lyrics, "When you're far from home, Feeling like you're all alone, Don't be afraid . . . cause you're always with us, When you open up your box of kisses," has never been so popular.

But the exposure is mere icing on a larger cake, Mee said.

"The kids are singing their hearts out, many who skipped recess and lunch, and there's something about that," Mee said. "No matter how skeptical and cynical you may be, kids singing like that just melts your heart."

Clarendon's Maria Stephan is hand-delivering one of the boxes and a copy of the song to First Sgt. Francisco Herrera, for his three children. Two of his children, Abigail and D.J., attend Clarendon Elementary School and were key members of the volunteer project.

The project was a way for them to keep their dad close to home even when he's away.

Stephan, a strategic planner with the Office of the Coordinator for Reconstruction and Stabilization who directly reports to Secretary of State Hillary Clinton, said the troops need reminders of home and America needs a reminder of them.

"People (some troops) have a sense when they come back that it's a forgotten war," Stephan said.

"With the whole McChrystal (former Gen. Stanley McChrystal) thing . . . sometimes

the dangerous stuff gets forgotten," she said. "It's nice to know people do care."

STRONG FAMILY 50TH REUNION

Mr. GREGG. Mr. President, I rise today to recognize the accomplishment of a truly remarkable American family. This summer, the Strong family celebrates their 50th family reunion here in Washington, DC, the site of their first annual reunion. Although the rich history of the Strong family has been centered in the Mid-Atlantic States, I am proud that one of their daughters, Cindy Strong Woolfolk, has been a dedicated member of my staff, and served the people of New Hampshire for more than 11 years. In recognition of Cindy and her extraordinary family, Kathy and I offer our congratulations on this momentous occasion.

In the summer of 1960, Addie Cora Strong Dixon had a vision to honor and remember the life and legacy of her family by convening the first of many annual reunions. That first year's motto, "Strong bond of love and support", which so aptly describes Addie's love for her family, would also characterize the subsequent reunions held throughout the country and attended widely by members of her family. This year's motto for the Golden Anniversary Reunion, "Celebrating Generations of a STRONG Legacy," serves as reminder to the next generations of Strong children to continue this important tradition and carry on the legacy of their family.

Throughout the years, the Strong annual reunion has become a major event not only for family members, but also for various notables who helped to shape our country's history including Federal, State and local politicians. One such notable, Rosa Parks, attended the 1993 family reunion in Detroit. I am also told that Addie's famous pineapple upside down cakes and the family's North Carolina-style BBQ are some of the best in the country.

On behalf of Kathy and myself, we extend our congratulations to Cindy Strong Woolfolk and her family. For those in the U.S. Senate family who have had the pleasure of getting to know Cindy and experience her laughter and warm personality, you have gained a sense of how special the Strong family is through her.

We applaud the Strong family for reaching this significant milestone and wish them strength and longevity for many more years to come.

KIMBERLEY PROCESS

Mr. FEINGOLD. Mr. President, I wish to express my concern about the future of the Kimberley Process, the global voluntary initiative to stem the flow of conflict diamonds. Last week, key members of the Kimberley Process, including governments, industry representatives, and civil society groups,

met in St. Petersburg to break the deadlock over whether Zimbabwe should be certified to export its diamonds. A year ago, a review mission of the Kimberley Process traveled to Zimbabwe and documented extensive smuggling of diamonds and abuses against civilians by police and army forces at diamond sites. This rightly led to Zimbabwe's suspension from the process. However, Zimbabwe has threatened to continue with its exports regardless, and there has been a push by some Kimberley Process members to reinstate its certification.

Last week's meeting resulted in an agreement allowing Zimbabwe to export a limited number of diamonds on the condition that a new Kimberley Process Review Mission is permitted to return to the country and monitor conditions. This may be a workable agreement on paper, but it can only succeed with the good faith efforts of all parties, not least the Government of Zimbabwe. I am disappointed that members of the Kimberley Process did not take a stronger stand against certifying Zimbabwe's diamonds for export. Without proof that the government in question has changed the conditions that resulted in suspension, granting certification may be undermining the core components of the process. The onus should be on a government to prove such change has occurred before it is reinstated, not after. Now if this agreement is not implemented, I worry that it will be a significant blow to the credibility of the process.

Zimbabwe is not the only country raising issues that threaten the credibility of the Kimberley Process. Last month, the Wall Street Journal reported that there continue to be abuses and killings by soldiers and private security guards in Angola around diamond mines. Angola is reportedly the world's fifth-largest diamond producer in terms of overall value. Meanwhile, the United Nations Expert Group on Cote D'Ivoire has reported for years on how groups in northern Cote D'Ivoire continue to extract and smuggle diamonds through neighboring countries in violation of UN sanctions. Diamond smuggling is also reportedly rampant in Venezuela, while the government there continues to evade the Kimberley Process. Across these countries and many others, weak government controls and limited enforcement options are enabling illicit diamonds to continue to enter the legitimate trade.

The inability of the Kimberley Process to effectively address these problems has exposed significant loopholes within the process. To begin with, the Kimberley Process defines "conflict diamonds" as "rough diamonds used by rebel movements or their allies to finance conflict aimed at undermining legitimate governments." While this definition may have made sense in light of the civil wars in countries such

as Sierra Leone and Liberia, it does not capture abuses and violence perpetrated today by government forces in diamond-producing areas around the world. In addition, the process lacks a clear, agreed-upon approach for dealing with cases of noncompliance like Venezuela or Zimbabwe. As we move into the 10th year of Kimberley's existence, we need to take a serious look at how we can best ensure the certification scheme has real power to investigate, monitor, and curb the illegal flow of diamonds, including ensuring serious consequences when a country does not live up to its commitments.

Since its inception, I have strongly supported the Kimberley Process as a vehicle to stop the trade in conflict diamonds and protect consumers and legitimate diamond producers from unwittingly participating in abuses. And the Kimberley Process has achieved a great deal in this respect, despite being a voluntary process and thereby having obvious limitations. But now I strongly believe we need to see the Kimberley Process recommit to its human rights agenda at the same time that it deals with the technical and procedural challenges that hamper its effectiveness. We still have a long way to go in curbing the flow of conflict diamonds and ensuring they do not make their way into our markets.

For these reasons, I believe we must look seriously at the effectiveness of the Kimberley Process and consider re-vamping its framework so it has real teeth. Doing so will require strong leadership, and I believe the United States as the world's largest consumer of diamonds and a key player in the creation of the process is well positioned to provide that leadership. Senator LEAHY and I have urged the Obama administration to put the United States forward to be vice-chair of the Kimberley Process for 2011 and thus chair in 2012. It is in our national interest to have a strong Kimberley Process, and it is a critical moment for the United States to exhibit leadership to that end.

ADDITIONAL STATEMENTS

NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES

• Mrs. BOXER. Mr. President, I wish to recognize and share with my colleagues an important milestone for the National Association of Clean Water Agencies, NACWA. The association celebrates its 40th anniversary at its annual summer conference and meeting July 20 to 23 in San Francisco. This year's conference, "Sustainable Resource Management—Lessons from Clean Water's Past and Present," will surely inspire new solutions and innovative ideas to improve our country's water quality and protect the health of our children and families.

Established in 1970 by a group of individuals representing 22 large municipal sewerage agencies, NACWA now represents over 300 of the Nation's publicly owned wastewater utilities. NACWA grew up alongside the landmark Clean Water Act of 1972, which has been enormously successful at reducing pollution into our Nation's waterways. The 22 founding agencies of NACWA united behind a related mission: to secure investment in municipal wastewater treatment and improve water quality. As NACWA continued to grow and diversify, they have worked to promote watershed management and the health of our ecosystems.

Today, NACWA has an active membership of publicly owned treatment agencies stretching from coast to coast. NACWA provides its members with educational resources, community building, networking opportunities, and a forum for sharing best practices and building consensus on water policy.

I am so pleased to acknowledge NACWA's long and distinguished record of environmental advocacy. Clean, safe drinking water is essential to all of us. The association has been a leader on a range of issues affecting our water supply. Over the course of my career in the Senate, I have had the pleasure of working with NACWA on important legislation including the Water Infrastructure Financing Act and the Water Resources Development Act.

In 2008, I was honored to receive NACWA's Legislative Leadership Award for my efforts on the Water Resources Development Act, WRDA, of 2007. This historic legislation is of critical importance to our Nation's water quality and economy. WRDA 2007 garnered broad support on both sides of the aisle, and I am again working with my colleagues to pass a WRDA bill that will build on the important progress we made in WRDA 2007, continue investment in vital water resources projects, and create jobs rebuilding the Nation's aging water infrastructure.

I commend the members and staff of NACWA for their dedication and support for policies that advance clean water and a healthy, sustainable environment. Their efforts have certainly had a positive impact on our Nation's environmental policy and water quality. I look forward to working with NACWA to improve our Nation's water quality, ecosystems and infrastructure for years to come by supporting legislation that protects our Nation's waterways and water supply. Together, we can ensure clean water for future generations. Please join me in celebrating the 40th anniversary of the National Association of Clean Water Agencies.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:05 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4684. An act to require the Secretary of the Treasury to strike medals in I commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial and Museum at the World Trade Center.

H.R. 4842. An act to authorize appropriations for the Directorate of Science and Technology of the Department of Homeland Security for fiscal years 2011 and 2012, and for other purposes.

H.R. 5266. An act to extend the final report deadline and otherwise reauthorize the National Commission on Children and Disasters.

H.R. 5301. An act to extend the period during which the Administrator of the Environmental Protection Agency and States are prohibited from requiring a permit under section 402 of the Federal Water Pollution Control Act for certain discharges that are incidental to normal operation of vessels, to reauthorize the National Estuary Program, and for other purposes.

H.R. 5545. An act to deauthorize a portion of the project for navigation, Potomac River, Washington Channel, District of Columbia, under the jurisdiction of the Corps of Engineers.

H.R. 5604. An act to rescind amounts authorized for certain surface transportation programs.

At 12:59 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1749. An act to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5283. An act to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

H.R. 5532. An act to amend the Immigration and Nationality Act with respect to adopted alien children.

At 4:35 p.m., a message from the House of Representatives, Mr. Novotny, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the bill (H.R. 725) to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4842. An act to authorize appropriations for the Directorate of Science and Technology of the Department of Homeland Security for fiscal years 2011 and 2012, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5266. An act to extend the final report deadline and otherwise reauthorize the National Commission on Children and Disasters; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5532. An act to amend the Immigration and Nationality Act with respect to adopted alien children; to the Committee on the Judiciary.

H.R. 5545. An act to deauthorize a portion of the project for navigation, Potomac River, Washington Channel, District of Columbia, under the jurisdiction of the Corps of Engineers; to the Committee on Environment and Public Works.

H.R. 5604. An act to rescind amounts authorized for certain surface transportation programs; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5301. An act to extend the period during which the Administrator of the Environmental Protection Agency and States are prohibited from requiring a permit under section 402 of the Federal Water Pollution Control Act for certain discharges that are incidental to normal operation of vessels, to reauthorize the National Estuary Program, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3628. A bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-6747. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "South American Cactus Moth Regulations: Quarantined Areas" (Docket No. APHIS-2010-0037) received in the Office of the President of the Senate on July 15, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6748. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Change of Address; Abbreviated New Drug Applications; Technical Amendment" (Docket No. FDA-2010-N-0010) received in the Office of the President of the Senate on July 16, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6749. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 C.F.R. Parts 701, 702, 704, 708a, 709, 711, 712, 715, 716, 717, 721, 722, 741, 742, 745, 747, 790, 791, 792, 793, and 795; Technical Amendments" received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6750. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Disclosures for Non-Federally Insured Depository Institutions Under the Federal Deposit Insurance Corporation Improvement Act (FDICIA)" (RIN3084-AA99) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6751. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Kingsland, Texas)" (MB Docket No. 09-180) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6752. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Boulder Town, Levan, Mount Pleasant, and Richfield, Utah)" (MB Docket No. 04-258, RM-11000, RM-11149) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6753. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Maupin, Oregon)" (MB Docket No. 09-130) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6754. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting,

pursuant to law, the report of a rule entitled "Temporary Rule to Implement Accountability Measures in Accordance with the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico (FMO): 2010 Accountability Measures for the Commercial and Recreational Harvest of Greater Amberjack" (RIN0648-AY89) received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6755. A communication from the Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2010 Final Specifications for the Spiny Dogfish Fishery Management Plan" (RIN0648-AY50) received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6756. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Comprehensive Ecosystem Based Amendment 1" (RIN0648-AY32) received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6757. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Report to Congress on Dedicated Ethanol Pipeline Feasibility"; to the Committee on Energy and Natural Resources.

EC-6758. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Public Records" (RIN3150-A187) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Environment and Public Works.

EC-6759. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0098-2010-0102); to the Committee on Foreign Relations.

EC-6760. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Centers (RRTCs)—Effective Vocational Rehabilitation (VR) Service Delivery Practices" (CFDA No. 84.133B-8) received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6761. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Project (DRRP)—International Exchange of Knowl-

edge and Experts in Disability and Rehabilitation Research" (CFDA No. 84.133A-6) received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6762. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Project (DRRP)—Center on Knowledge Translation (KT) for Employment Research" (CFDA No. 84.133A-5) received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6763. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Reasonable Contract or Arrangement Under Section 408(b)(2)—Fee Disclosure" (RIN1210-AB08) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6764. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act" (RIN0938-AQ07) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6765. A communication from the Program Manager, Office of Consumer Information and Insurance Oversight, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services under the Patient Protection and Affordable Care Act" (RIN0938-AQ07) received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6766. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the University of Rochester Atomic Energy Project, Rochester, New York, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-6767. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Los Alamos National Laboratory, Los Alamos, New Mexico, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-6768. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Downey Facility, Los Angeles County, California, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-6769. A communication from the Secretary of Health and Human Services, trans-

mitting, pursuant to law, the report of a petition to add workers from the BWX Technologies, Lynchburg, Virginia, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-6770. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the De Soto Avenue Facility, Los Angeles County, California, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-6771. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Mound Plant, Miamisburg, Ohio, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-6772. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the St. Louis Airport Storage Site, St. Louis, Missouri, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-6773. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Bethlehem Steel Corporation facility, Lackawanna, New York, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-6774. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Implementation of OMB Guidance on Drug-Free Workplace Requirements" (RIN1991-AB93) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6775. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Report to Congress on the Assets for Independence Program: Status at the Conclusion of the Ninth Year"; to the Committee on Health, Education, Labor, and Pensions.

EC-6776. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "General Services Administration Acquisition Regulation; GSAR Case 2006-G504, Rewrite of GSAR Part 516, Types of Contracts" (RIN3090-A158) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6777. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-449, "Georgia Avenue Main Street Authorization Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6778. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-461 "Fiscal Year 2010 Balanced Budget Support Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6779. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-468 "Elected Attorney General Referendum Temporary Amendment Act of

2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6780. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-469 "Health Services Planning Program Re-establishment Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6781. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-470 "Tenant Organization Petition Standing Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6782. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-471 "Priority Sidewalk Assurance Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6783. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Sufficiency Review of the Water and Sewer Authority's Fiscal Year 2010 Revenue Estimate in Support of the Issuance of \$225,000,000 in Commercial Paper (Taxable and Tax Exempt)"; to the Committee on Homeland Security and Governmental Affairs.

EC-6784. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10-048, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-6785. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-6786. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Stanley A. McChrystal, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-6787. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Keith J. Stalder, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-6788. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Joseph F. Peterson, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 148. A bill to restore the rule that agreements between manufacturers and retailers,

distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act (Rept. No. 111-227).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 193. A bill to create and extend certain temporary district court judgeships.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1346. A bill to penalize crimes against humanity and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHNSON (for himself, Mr. CRAPO, Mr. BROWNBACK, Mr. COCHRAN, Mr. RISCH, Mr. BENNET, Ms. KLOBUCHAR, Mr. FRANKEN, Ms. SNOWE, Mr. DORGAN, Mr. JOHANNES, and Mr. HARKIN):

S. 3621. A bill to amend the Internal Revenue Code of 1986 to provide for an exclusion for assistance provided to participants in certain veterinary student loan repayment or forgiveness programs; to the Committee on Finance.

By Mr. JOHANNES (for himself and Mr. SCHUMER):

S. 3622. A bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SCHUMER:

S. 3623. A bill to amend the Internal Revenue Code of 1986 to extend the payroll tax relief under the HIRE Act, and for other purposes; to the Committee on Finance.

By Mr. DEMINT (for himself, Mr. HATCH, Mr. ENSIGN, Mr. THUNE, Mr. COBURN, Mr. CORNYN, and Mr. SESSIONS):

S. 3624. A bill to encourage continued investment and innovation in communications networks by establishing a new, competition analysis-based regulatory framework for the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN (for himself and Mr. MCCAIN):

S. 3625. A bill to enhance public safety by making more spectrum available to public safety agencies, to facilitate the development of a public safety broadband network, to provide for the spectrum needs of public safety agencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FRANKEN (for himself and Mr. BOND):

S. 3626. A bill to encourage the implementation of thermal energy infrastructure, and for other purposes; to the Committee on Finance.

By Mr. COBURN:

S. 3627. A bill to ensure that United States global HIV/AIDS assistance prioritizes saving lives by focusing on access to treatment; to the Committee on Foreign Relations.

By Mr. SCHUMER:

S. 3628. A bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign

influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes; read the first time.

By Mr. HATCH:

S.J. Res. 35. A joint resolution proposing an amendment to the Constitution of the United States relative to a balanced budget; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself and Mr. BENNETT):

S. Res. 589. A resolution to authorize the printing of a revised edition of the Nomination and Election of the President and Vice President of the United States; considered and agreed to.

By Mrs. LINCOLN (for herself and Mrs. HUTCHISON):

S. Res. 590. A resolution designating September 2010 as "Gospel Music Heritage Month" and honoring gospel music for its valuable contributions to the culture of the United States; considered and agreed to.

By Mr. HARKIN:

S. Res. 591. A resolution recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990; placed on the calendar.

ADDITIONAL COSPONSORS

S. 653

At the request of Mr. CARDIN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 752

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 2095

At the request of Ms. MIKULSKI, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2095, a bill to amend the National Great Black Americans Commemoration Act of 2004 to authorize appropriations through fiscal year 2015.

S. 3034

At the request of Mr. SCHUMER, the names of the Senator from Indiana (Mr. BAYH), the Senator from Alabama (Mr. SESSIONS) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 3034, a bill to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National

September 11 Memorial & Museum at the World Trade Center.

S. 3036

At the request of Mr. BAYH, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3188

At the request of Mrs. SHAHEEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3188, a bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for biomass heating property.

S. 3232

At the request of Mr. BURR, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3232, a bill to amend the Internal Revenue Code of 1986 to make employers of spouses of military personnel eligible for the work opportunity credit.

S. 3238

At the request of Mr. SCHUMER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3238, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001, and to the memorials established at the 3 sites that were attacked on that day.

S. 3335

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 3335, a bill to require Congress to establish a unified and searchable database on a public website for congressional earmarks as called for by the President in his 2010 State of the Union Address to Congress.

S. 3339

At the request of Mr. KERRY, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3409

At the request of Ms. LANDRIEU, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3409, a bill to make certain adjustments to the price analysis of propane prepared by the Secretary of Commerce.

S. 3434

At the request of Mr. BINGAMAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3434, a bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes.

S. 3501

At the request of Mr. HATCH, the names of the Senator from Idaho (Mr.

CRAPO), the Senator from Nebraska (Mr. JOHANNIS) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 3501, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 3502

At the request of Mr. HATCH, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. JOHANNIS), the Senator from Georgia (Mr. ISAKSON), the Senator from Kentucky (Mr. BUNNING) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 3502, a bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance.

S. 3572

At the request of Mrs. LINCOLN, the names of the Senator from Indiana (Mr. BAYH), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3572, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 3583

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3583, a bill to amend title 38, United States Code, to increase flexibility in payments for State veterans homes, and for other purposes.

S. 3585

At the request of Mr. UDALL of Colorado, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3585, a bill to amend title 10, United States Code, to reform Department of Defense energy policy, and for other purposes.

S. 3620

At the request of Mr. WARNER, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 3620, a bill to require the Secretary of Commerce to conduct a study on the economic competitiveness and innovative capacity of the United States and to develop a national economic competitiveness strategy, and for other purposes.

S. RES. 519

At the request of Mr. DEMINT, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of

self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 579

At the request of Mr. BROWNBACK, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Res. 579, a resolution honoring the life of Manute Bol and expressing the condolences of the Senate on his passing.

S. RES. 586

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 586, a resolution supporting democracy, human rights, and civil liberties in Egypt.

AMENDMENT NO. 4492

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Georgia (Mr. ISAKSON) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 4492 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON (for himself, Mr. CRAPO, Mr. BROWNBACK, Mr. COCHRAN, Mr. RISCH, Mr. BENNET, Ms. KLOBUCHAR, Mr. FRANKEN, Ms. SNOWE, Mr. DORGAN, Mr. JOHANNIS, and Mr. HARKIN):

S. 3621. A bill to amend the Internal Revenue Code of 1986 to provide for an exclusion for assistance provided to participants in certain veterinary student loan repayment or forgiveness programs; to the Committee on Finance.

Mr. JOHNSON. Mr. President, I rise today to introduce legislation with my friend, Senator MIKE CRAPO of Idaho, that will exempt Veterinary Medicine Loan Repayment Program, VMLRP, awards from Federal income taxation. I drafted this bipartisan bill with the intention of increasing veterinary services in underserved shortage areas that lack adequate veterinary expertise.

The United States Department of Agriculture's, USDA, Veterinary Medicine Loan Repayment Program was authorized in 2003 by the National Veterinary Medical Services Act, NVMSA, to help qualified veterinarians offset a significant amount of the debt they accrue while pursuing their degrees if they in turn serve in high-priority veterinary shortage areas for a certain

length of time. It also authorizes additional loan repayments for service in Federal emergency situations. However, the awards are currently taxed at a rate of 39 percent. This taxation is counterproductive and only delays delivery of veterinary services to areas that are in desperate need.

In determining whether an area is eligible for assistance under the VMLRP, USDA has the ability to declare "shortage situations," in which the Department makes declarations of veterinary shortage areas. Currently, there are two circumstances that lead to such designations. The first is by geography, when a given geographic area suffers a shortage of veterinarians overall. The second occurs when areas suffer a shortage of veterinarians who practice in a particular field of veterinary specialty. My home State of South Dakota currently has four designated shortage situations. Two of these designations are statewide designations noting a shortage of practitioners in veterinary specialties. On a national scale, there are 1,300 counties in the United States that have less than one food animal veterinarian per 25,000 farm animals. Bear in mind, the demand for veterinarians across our country could increase 14 percent by 2016.

South Dakota is truly a wonderful place to call home, but it is not always an easy place to earn a living. This is especially true for young people who are just starting out and are saddled with crushing levels of school debt. I have long fought for legislation that makes it easier for students to pay off their loans and to encourage others who may be reluctant to pursue higher education degrees, due to a lack of financial resources, especially when it comes to costly professional degrees including veterinary medicine. My legislation will help students pursue their educational goals, while also providing important services to underserved rural areas by enhancing the assistance veterinary graduates receive in exchange for meaningful public service.

Agriculture is the top contributor to our South Dakota economy. For those farmers and ranchers who make their living in agriculture, this is more than a job; it is a way of life. Our ranchers, many of whom operate in very rural areas, rely on the access they have to qualified veterinarians to care for their livestock. Adequate access to veterinary care in rural areas is critical for both human and animal health, as well as animal welfare, disease surveillance, public safety and economic development across America. Everyone in America benefits from the veterinary services provided in even the most remote areas of our nation. As such, I am committed to doing all I can to help bring veterinarians to underserved parts of our state.

I am proud to have fought for the establishment of the VMLRP program,

and through my seat on the Senate Appropriations Committee. I have worked year after year to secure its proper funding. Unfortunately, however, the taxes assessed on these benefits prevent us from using congressionally appropriated funding to the fullest extent. For every three veterinarians selected for the loan repayment awards, an additional veterinarian could also be selected if the program was made exempt from taxes. Such a tax exemption is not without precedent; Congress exempted from taxation the assistance received by participants in the National Health Services Corps, NHSC, several years ago, and I hope that my colleagues will join me in extending this same type of assistance to veterinarians participating in the VMLRP program.

It should be noted that 122 organizations from across our Nation have announced their support for a tax exemption for VMLRP, including the American Veterinary Medical Association, American Association of Equine Practitioners, the American Farm Bureau Federation, the American Sheep Industry, the National Farmers Union, and the South Dakota Veterinary Medical Association, South Dakota Farm Bureau, South Dakota Cattlemen's Association, South Dakota Stockgrowers Association and many others.

Agriculture is the economic engine that drives our rural communities, and without viable family farms and ranchers, our small towns and Main Street businesses throughout South Dakota and our nation would face significant hardships. It is absolutely essential that our agricultural producers have access to the services they need to be successful and responsible, and the Veterinary Medicine Loan Repayment Program Enhancement Act will help make that possible.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN VETERINARY MEDICAL ASSOCIATION GOVERNMENTAL RELATIONS DIVISION,

Washington, DC.

STATEMENT OF SUPPORT FOR THE VETERINARY MEDICINE LOAN REPAYMENT PROGRAM ENHANCEMENT ACT

The undersigned organizations urge Congress to pass the Veterinary Medicine Loan Repayment Program Enhancement Act, which will provide a federal income tax exemption for payments received under the Veterinary Medicine Loan Repayment Program (VMLRP) and similar state programs.

Since Congress passed the "National Veterinary Medical Services Act" (H.R. 1397, P.L. 108-161) on December 6, 2003, it has appropriated \$9.6 million for awards. About \$3.75 million will be used to pay taxes on the awards. Every dollar spent on taxes is one less available for loan repayment awards.

The first VMLRP awards to veterinarians practicing food supply medicine and veteri-

nary public health in federally designated shortage areas across the country will be granted by the end of fiscal year 2010. Veterinarians selected for participation will receive up to \$25,000 annually to repay eligible student loans in exchange for three years of practice in an approved shortage area.

Legislation amending the Internal Revenue Code to make loan repayment awards tax exempt should take effect for taxable years beginning after December 31, 2009. Each VMLRP award including taxes for three years will cost approximately \$104,250 per veterinarian (\$75,000 for loan repayment and \$29,250 for taxes). If VMLRP were tax exempt, one additional veterinarian could be selected for every three awarded under current law.

There is precedent for tax exemption. The VMLRP's counterpart program for human medicine, the National Health Service Corps (NHSC) which provides loan repayment for primary care medical, dental and mental health clinicians, was made tax exempt by the "American Jobs Creation Act of 2004" (H.R. 4520, P.L. 108-357), enacted on October 22, 2004. Prior to that NHSC awards were treated as taxable income.

Exempting veterinary medical loan repayment and forgiveness program awards from federal income taxation will lead to more communities having access to needed veterinary care sooner than they may otherwise. We strongly support Congress' efforts to ensure that our nation's food animals are healthy, that our food supply is safe and secure, and our public health is protected.

Sincerely,

American Veterinary Medical Association, Academy of Rural Veterinarians, Alabama Veterinary Medical Association, Alaska Veterinary Medical Association, American Animal Hospital Association, American Academy of Veterinary Nutrition, American Association for Laboratory Animal Science, American Association of Avian Pathologists, American Association of Bovine Practitioners, American Association of Corporate and Public Practice Veterinarians, American Association of Equine Practitioners, American Association of Feline Practitioners, American Association of Food Hygiene Veterinarians, American Association of Public Health Veterinarians, American Association of Small Ruminant Practitioners, American Association of Swine Veterinarians, American Association of Veterinary Clinicians, American Association of Veterinary Laboratory Diagnosticians, American Association of Zoo Veterinarians, American Board of Veterinary Practitioners, American Board of Veterinary Toxicology, American College of Laboratory Animal Medicine, American College of Poultry Veterinarians, American College of Theriogenologists, American College of Veterinary Dermatology, American College of Veterinary Pathologists, American College of Veterinary Radiology, American Farm Bureau Federation®, American Feed Industry Association, American Horse Council, American Meat Institute, American Rabbit Breeders Association, Inc., American Sheep Industry, American Society of Animal Science, American Society of Laboratory Animal Practitioners, American Veal Association, Animal Agriculture Alliance's,

Animal Health Institute, Animal Welfare Institute, Arizona Veterinary Medical Association, Arkansas Veterinary Medical Association.

Association for Women Veterinarians Foundation, Association of American Veterinary Medical Colleges, Association of Avian Veterinarians, Association of Zoos & Aquariums, Bayer Animal Health, Boehringer Ingelheim Vetmedica, Inc., California Veterinary Medical Association, Center for Rural Affairs, Colorado Veterinary Medical Association, Connecticut Veterinary Medical Association, Delaware Veterinary Medical Association, District of Columbia Veterinary Medical Association, Elanco Animal Health (A Division of Eli Lilly & Company), Federation for Animal Science Societies, Florida Veterinary Medical Association, Georgia Veterinary Medical Association, Hawaii Veterinary Medical Association, Idaho Veterinary Medical Association, Illinois State Veterinary Medical Association, Indiana Veterinary Medical Association, International Lama Registry.

Iowa Veterinary Medical Association, Kansas City Animal Health Corridor, Kansas Veterinary Medical Association, Kentucky Veterinary Medical Association, Livestock Marketing Association, Louisiana Veterinary Medical Association, Maine Veterinary Medical Association, Maryland Veterinary Medical Association, Inc., Massachusetts Veterinary Medical Association, Michigan Veterinary Medical Association, Minnesota Veterinary Medical Association, Mississippi Veterinary Medical Association, Missouri Veterinary Medical Association, Montana Veterinary Medical Association, National Aquaculture Association, National Association of Federal Veterinarians, National Association of State Public Health Veterinarians, National Cattlemen's Beef Association, National Chicken Council, National Council of Farmer Cooperatives.

National Dairy Herd Information Association, National Farmers Union, National Livestock Producers Association, National Milk Producers Federation, National Pork Producers Council, National Renderers Association, National Turkey Federation, Nebraska Veterinary Medical Association, Nevada Veterinary Medical Association, New Hampshire Veterinary Medical Association, New Jersey Veterinary Medical Association, North American Deer Farmers Association, North Carolina Veterinary Medical Association, North Dakota Veterinary Medical Association, Northeast States Association for Agriculture Stewardship, Ohio Veterinary Medical Association, Oklahoma Veterinary Medical Association, Oregon Veterinary Medical Association, Pet Food Institute, Puerto Rico Veterinary Medical Association (Colegio de Medicos Veterinarios de Puerto Rico).

Pennsylvania Veterinary Medical Association, Rhode Island Veterinary Medical Association, Rocky Mountain Farmers Union, Society for Theriogenology, South Carolina Association of Veterinarians, South Dakota Stockgrowers Association, South Dakota Veterinary Medical Association, State Agriculture and Rural Leaders, Student American Veterinary Medical

Association, Synbiotics Corporation, Tennessee Veterinary Medical Association, Texas Veterinary Medical Association, Utah Veterinary Medical Association, United Egg Producers, United States Animal Health Association, Vermont Veterinary Medical Association, Virginia Veterinary Medical Association, Washington State Veterinary Medical Association, Wisconsin Veterinary Medical Association, Wyoming Veterinary Medical Association.

By Mr. JOHANNES (for himself and Mr. SCHUMER):

S. 3622. A bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes; to the Committee on Environment and Public Works.

Mr. JOHANNES. Mr. President, I rise today to offer what I consider to be an enormously commonsense piece of legislation that is going to help our Nation's dairy farmers. No one can make up this stuff. If you can believe it, this legislation pertains to the EPA's regulation for oil spills. I said that right. What do oil spills have to do with dairy farmers, you might ask? Having grown up on a dairy farm myself, I didn't think they had much in common at all. But EPA apparently thinks differently on this issue than I do.

The EPA currently enforces what are known as spill prevention control and countermeasure regulations, often referred to as SPCC regulations. The purpose of these regulations is to prevent any oil from discharging into U.S. waterways. It seems to make sense so far. Under SPCC regulations, facilities that store or use oil or fuel must put in place a prevention plan so oil does not spill—that makes sense so far—or, if oil does spill, it is contained safely on-site.

I get all of that. These regulations have been in place since the passage of the Clean Water Act, dating back to the 1970s. We do not want oil spilling in our waterways. The regulations are meant to avoid such spills. I think everybody is probably with me so far.

But there is one problem. Currently, EPA's definition of oil, under SPCC regulation, includes, of all things—milk. If that doesn't make you want to scratch your head, if that does not occur to you as strange—I have to tell you that is in fact what is going on here.

Under the EPA regulations, milk containers could be subject to the same regulations as oil. Milk, which is made up of 80 percent water, which is an excellent source of calcium and protein—milk could be regulated in the same way as oil. That does not make any sense. I am no scientist but I don't think it takes a Ph.D. to see the difference between milk and oil. I have been drinking milk my entire life. As I said, I grew up on a dairy farm.

People drink milk because it is good for them. So these regulations are perplexing just standing on their own. But when we get a little deeper it is even more confusing that EPA is getting involved in the regulation of milk at all.

The Food and Drug Administration already regulates milk storage under what is called the pasteurized milk ordinance. Requiring milk storage facilities to also develop a SPCC plan would, of course, be costly, duplicative, and unnecessary.

Luckily, there is still some time remaining for us to address this issue. In January of 2009, EPA proposed to exempt milk storage from SPCC regulations. Way to go, EPA. If the dairy industry gets this exemption, they will not have to develop a plan to prevent milk from spilling.

Growing up on that dairy farm, I don't recall losing much sleep over a little spilled milk out of the bucket, so that is a step in the right direction. Unfortunately, and you will find this amazing, something that is so vested in common sense has taken over 1½ years after it was proposed. As I stand here today, the rule is not yet finalized. Every day we wait for an answer from EPA is a day closer to a deadline for compliance, which is November 10 of this year.

So the deadline to develop a spill plan is approaching. But the dairy farmers still do not know whether they are going to need to comply. EPA has been claiming they will extend the deadline until they finalize the rule, but so far we have not seen any action.

If they move at the same pace to extend the deadline as they have taken to finalize the proposed rule, then you can see producers and farmers are in big trouble. It has been over a year now. The dairy industry deserves a simple, straightforward answer from the EPA. This should not be tough, especially in the face of deadlines that are now only a few months away.

Today, to address this problem, I am introducing legislation to compel EPA to act. My bill requires the EPA to finalize the proposed rule exempting milk containers within 30 days. It also protects dairy producers and milk processors by preventing EPA from punishing them until EPA actually provides clarification about what they are doing.

Even though these farmers and rural businesses are facing a deadline in a few months, they still do not know what, if anything, they will need to do to comply, and that is not fair. This commonsense legislation would simply help us get an answer from the EPA. It is very concerning that anyone would ever equate milk handling with oil. That should not be what is happening. Milk and oil should not be in the same category.

You know what. That is just good, old-fashioned farm common sense. But

it seems EPA officials are once again out of touch with mainstream America. I encourage those officials to leave the Beltway. There are highways that take you out of Washington. I invite them to visit a Nebraska dairy farm with me. It will not take long for them to see the foolishness of this regulatory effort.

Importantly, I urge them to act. Our Nation's dairy farmers have waited long enough with a cloud of regulatory uncertainty hanging over their heads. But until then, my hope is my colleagues will join me in this common-sense approach and deal with this problem.

I look forward to working with my colleagues.

By Mr. DEMINT (for himself, Mr. HATCH, Mr. ENSIGN, Mr. THUNE, Mr. COBURN, Mr. CORNYN, and Mr. SESSIONS):

S. 3624. A bill to encourage continued investment and innovation in communications networks by establishing a new, competition analysis-based regulatory framework for the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

Mr. HATCH. Mr. President, I rise today to join my colleague from South Carolina, Senator JIM DEMINT, in introducing the Freedom for Consumer Choice Act. I am pleased to be an original cosponsor of this legislation, which would require the Federal Communications Commission, FCC, to prove that consumers are being harmed by the lack of choice before it imposes new regulations.

Specifically, the proposed bill would require the FCC to weigh the potential cost of action against any benefits based on a showing of clear and convincing evidence that marketplace competition is not sufficient to adequately protect consumer welfare, and an act or practice is likely to cause substantial injury to consumers. I believe this framework, along with a 5-year sunset on any regulation, would foster a vibrant market for Internet services and content. This legislation is necessary to combat the FCC's latest assault on the Internet.

In April, the District of Columbia Circuit Court of Appeals ruled that the FCC had stepped beyond its authority by regulating the Internet with so-called "net neutrality" rules. Yet, it seems the FCC just will not take no for an answer. Just over a month after the appeals court ruled it had overstepped its bounds, the FCC sought to re-categorize broadband services in an effort to more actively regulate the Internet and to establish a set of net neutrality principles. This regulatory overreach could jeopardize hundreds of billions of dollars in investment and accompanying hundreds of thousands of jobs that have resulted from an Internet governed by competition.

The only reason the FCC Chairman and his colleagues are taking this path is because there is no way they can get far-reaching and costly net neutrality legislation through Congress. In fact it was recently reported that 282 Members of Congress, including 74 Democrats, asked the FCC to drop its plans to reclassify broadband. Enough is enough. The Government needs to keep its hands off the Internet so it can prosper and grow, benefiting consumers and our economy alike.

Net neutrality may sound like fairness but it is actually the opposite. Bandwidth is finite, like the finite number of lanes on a highway, and network providers must innovate in order to accommodate the burgeoning traffic. If the FCC takes control of the Internet, we will have the inevitable result of all poorly designed regulations: business decisions prejudiced by politicians and political decisions prejudiced by corporations. The Internet is about the most competitive, efficient and consumer-driven industry in the global economy. There is a time and place for federal economic regulation, but during a recession is not the time, and the Internet is certainly not the place.

Let me conclude my remarks by pointing out that the Freedom for Consumer Choice Act is intended as a starting point for this debate. No doubt further refinements will be made to this bill during the legislative process. I am committed to moving this legislation forward and hope that my colleagues can join efforts to refine and enact this important bill.

By Mr. LIEBERMAN (for himself and Mr. MCCAIN):

S. 3625. A bill to enhance public safety by making more spectrum available to public safety agencies, to facilitate the development of a public safety broadband network, to provide for the spectrum needs of public safety agencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LIEBERMAN. Mr. President, I rise today, with my colleague Senator MCCAIN, to introduce legislation to ensure that we take advantage of a once-in-a-lifetime opportunity to build a coast-to-coast communications network for our nation's first responders that is secure, robust and resilient.

As it stands now, the mobile device the average teenager carries has more capability than those of the brave men and women who put their lives on the line for us each and every day and that's just wrong.

Today we introduce the First Responders Protection Act of 2010, which will set aside the so-called D Block of spectrum for public safety entities and provide them the bandwidth they need to communicate effectively in an emergency.

I am proud to stand with the representatives of more than 40 organizations representing public safety officials, and with the "Big 7" associations representing State and local governments, to call on Congress to put the D Block in the hands of public safety. Those groups include the International Association of Chiefs of Police, the International Association of Fire Chiefs, the National Sheriffs Association, the Major Cities Chiefs Association, the Major County Sheriffs Association, the Metropolitan Fire Chiefs Association, the Association of Public Safety Communications Officials, International, APCO, the National Emergency Managers Association, the National Governors Association, the National Conference of State Legislatures, the Council of State Governments, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, and the International City/County Management Association.

Today public safety communicates on slices of scattered spectrum that prevent interoperable communications among agencies and jurisdictions, and that do not allow the large data transmissions that we take for granted in today's commercial communications.

Securing the D Block for public safety will allow us to build a nationwide interoperable network for emergency communications that could prevent the kinds of communication meltdowns we had during 9/11 and Hurricane Katrina.

But setting aside the D Block will also allow first responders to send video, maps, and other large data transmissions over their mobile devices. For example, firefighters' lives may be saved because they will be able to access building specifications on their handhelds and know all the exits of a burning building before they enter it.

I do not think it is wise, as the Federal Communications Commission has proposed, to auction the D Block to commercial interests and then to hope that public safety will be able to piggyback on it. In a crisis, first responders need secure, reliable and quick communications that are not disrupted by commercial traffic.

The First Responders Protection Act of 2010 will ensure that the D Block is licensed to the same public safety broadband licensee that currently holds the license for 10 MHz in the 700 MHz band. The bill would also provide up to \$5.5 billion for a construction fund to assist with the costs of constructing networks and up to \$5.5 billion for an operation and maintenance fund for long-term maintenance of networks. These funds would come from revenues generated by the auction of a different band of spectrum to commercial carriers.

Achieving nationwide interoperability through adequate spectrum is a

major recommendation of the 9/11 Commission that is unfulfilled. I urge my colleagues to take bold action to remedy Congress's past inaction by promptly passing the First Responders Protection Act of 2010.

Mr. MCCAIN. Mr. President, today I share the honor with Chairman LIEBERMAN of introducing the First Responders Protection Act of 2010. This bill would provide 10 MHz of spectrum in the 700 MHz spectrum band to the public safety broadband licensee, make available funding for the construction, operation and maintenance of a nationwide interoperable communications network, and ensure proper governance.

In 2004, the 9/11 Commission's Final Report recommended the "expedited and increased assignment of radio spectrum to public safety entities." Shortly thereafter, Senator LIEBERMAN and I introduced a bill to provide spectrum to public safety; however the Senate voted down that bill. We reintroduced the bill in 2005—a month before Hurricane Katrina hit the Gulf Coast. But our efforts were blocked. Fortunately, Congress finally wrestled some spectrum away from the television broadcasters in 2009 and provided it to public safety. However, public safety has additional spectrum needs.

Almost every other recommendation of the 9/11 Commission has been implemented, but this important recommendation remains unfulfilled. I can only imagine how many lives could have been saved on 9/11 if this spectrum had been available at that time. How many firefighters would be alive today if they could have communicated with their battalion chief at the base of the World Trade Center? Recently, in Arizona, we had a horrible murder committed in a rural area along the border. Cochise County Sheriff Larry Dever has stated that the lack of interoperable communications between the sheriffs' department and other law enforcement officers hindered the immediate investigation into tracking the suspect.

In 2007, I introduced legislation to auction the remaining public safety spectrum to a commercial carrier that would then build out a network for public safety. The FCC held such an auction, but no bidder met the reserve price. Ten megahertz of spectrum remains available for public safety's needs. The FCC has announced its intention auction this spectrum to a commercial provider.

Once this spectrum is auctioned, it will be impossible to ever get it back. That is why Congress must act now and provide the remaining spectrum directly to public safety. This legislation would do just that.

Specifically, this legislation would license the remaining spectrum to the public safety broadband licensee that has been previously approved by the

FCC as a qualified licensee and represents 38 national public safety organizations. The legislation provides authority to local jurisdictions to make decisions on the spectrum use, network build-out and equipment. The men and women fighting crime and saving lives know what communications systems and technology are best for them. Not Washington.

Lastly, this bill provides funds for grants to localities for the construction, operation and maintenance of an interoperable communications network. These funds will come from the proceeds of a commercial spectrum auction, thereby not adding to our nation's burgeoning debt or raising taxes on all Americans.

As we approach the 9 year commemoration of the horrific events on September 11 and the 5-year remembrance of the devastating tragedy of Hurricane Katrina, it is disgraceful that police officers, sheriffs and fire fighters still don't have a nation-wide interoperable communications system. Our legislation provides the spectrum and funding to first responders, while being fiscally responsible and ensuring local control and conscientious governance.

This legislation is supported by the International Association of Chiefs of Police, the International Association of Fire Chiefs, the National Sheriffs Association, the Major Cities Chiefs Association, the Major County Sheriffs Association, the Metropolitan Fire Chiefs Association, the Association of Public-Safety Communications Officials, International, APCO, the National Emergency Managers Association, the National Governors Association, the National Conference of State Legislatures, the Council of State Governments, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, and the International City/County Management Association.

I hope my colleagues will join me in providing public safety with the interoperable communications network they deserve.

By Mr. FRANKEN (for himself and Mr. BOND):

S. 3626. A bill to encourage the implementation of thermal energy infrastructure, and for other purposes; to the Committee on Finance.

Mr. FRANKEN. Mr. President, today I am introducing the Thermal Renewable Energy and Efficiency, or TREEA, Act, on behalf of myself and Senator BOND. I want to thank him for working with me on this bill, which is inspired by models in both of our states. It is good policy for the environment, for creating jobs, and for increasing the efficiency of heating and cooling—a major yet often ignored part of our Nation's energy consumption.

As we think about carbon emissions and energy use, most of the conversa-

tion focuses on moving away from fossil fuels in the electric power sector. But over 30 percent of our country's energy use goes toward thermal energy—heating or cooling our homes, public buildings, or industrial facilities. Thermal energy is enormously important for my state of Minnesota, whether we're talking about heating in the midst of a cold snowy winter or air conditioning on a blazing summer day, when additional plants have to kick in to meet the demand.

Unfortunately, as we talk about changing the way we produce and use energy, thermal energy is usually ignored. We talk about producing significantly more of our electricity from renewables like solar, geothermal, or biomass. But what we forget is that we can much more efficiently produce thermal from these sources than we can from electricity. After all, when we are talking about energy efficiency, we are talking about how much of the energy produced from a given fuel is not lost as heat. Well, that heat has a value. That is heat that can heat the homes and buildings in Minnesota when it's 30 below zero.

That is what District energy systems have done in Minnesota and around the country. They supply hot water or steam and chilled water to buildings through underground pipes for space heating, domestic hot water, air conditioning, and industrial processes. There are tremendous efficiencies in heating and cooling buildings this way. Each building doesn't have to have its own boiler, and instead of burning fuel to produce electricity to heat a building, you take the heat directly from the fuel and put it to productive use.

When you use renewable fuel to produce thermal energy—whether it's biomass, geothermal, or solar-thermal—you cut down on greenhouse gas emissions at the same time. So capturing and efficiently using thermal energy is a win-win-win. It is a win for the environment through lower greenhouse gas emissions and much higher fuel efficiency. It is a win for consumers and businesses, who get low, stable heating prices. It is a win for the economy, because building and maintaining these systems creates jobs.

Minnesota is a national leader in thermal energy—in St. Paul, we have the largest District Energy system in North America. Most of the buildings in downtown St. Paul are heated and cooled using energy that literally comes from residents' backyards—tree trimmings and other waste wood.

What does this mean? It means less electricity usage for heating and cooling, which frees up strain on the grid during hot summer days and freezing winter nights. It means stable heating prices for consumers and businesses—thermal systems are flexible in their fuel and can switch to the lowest cost fuel at any time. And if these systems

run on renewable fuels, it means less pollution contributing to global warming.

But there are some barriers to overcome. Right now, the renewable energy production tax credit is only available for electricity generated from renewables. We need to recognize the usefulness of thermal energy as well, and hence extend the production credit to the generation of thermal energy from renewables. That is exactly what our bill does: it allows thermal-only or combined heat and power facilities to access the production tax credit for their thermal energy, if it's produced from renewables.

We also need to make some tweaks to existing financing structures like tax exempt bonds. Currently, these can be used for financing district energy piping distribution systems, but not the plant facilities for producing the heating and cooling. Our bill would change this. Finally, we need to make sure that the grant programs authorized in the 2007 Energy Independence and Security Act are structured in a way that actually is helpful to thermal and combined heat and power facilities. Our bill raises the grant caps for those programs to more realistic levels that will allow large, more efficient projects to qualify.

This legislation is ultimately about being smarter on how we use energy. It increases our energy efficiency, helps reduce greenhouse gas emissions, and creates clean energy jobs. That is why it has the support of environmental groups, labor groups, the district energy and combined heat and power industry, and organizations promoting energy efficiency.

I am very proud to be introducing this bill with my friend from Missouri, and I look forward to working with all of my colleagues to make these modest changes to improve our use of thermal energy.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Thermal Renewable Energy and Efficiency Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Purpose.

Sec. 4. Statement of policy.

TITLE I—MODIFICATION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE SOURCES

Sec. 101. Extension of renewable electricity credit to thermal energy.

TITLE II—EXEMPT FACILITY BONDS

Sec. 201. Exempt facility bonds.

TITLE III—ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS

Sec. 301. Definition of institutional entity.

Sec. 302. Availability of grants.

Sec. 303. Authorization of appropriations for grants.

SEC. 2. FINDINGS.

Congress finds that—

(1) approximately 30 percent of the total quantity of energy consumed in the United States is used to provide thermal energy for heating and cooling building space, domestic hot water, and industrial processes;

(2) thermal energy is an essential, but often overlooked, segment of the national energy mix;

(3) district energy systems use 1 or more central plants to provide thermal energy to multiple buildings that range in size from campus applications to systems heating entire towns or cities;

(4) district energy systems provide sustainable thermal energy infrastructure by producing and distributing thermal energy from combined heat power, sources of industrial or municipal surplus heat, and from renewable sources such as biomass, geothermal, and solar energy;

(5) as of 2009, the United States had approximately 2,500 operating district energy systems;

(6) district energy systems provide advantages that support secure, affordable, renewable, and sustainable energy for the United States, including—

(A) use of local fuels or waste heat sources that keep jobs and energy dollars in local economies;

(B) stable, predictable energy costs for businesses and industry;

(C) reduction in reliance on fossil fuels;

(D) reduction in emissions of greenhouse gases; and

(E) flexibility to modify fuel sources in response to future changes in fuel availability and prices and development of new technologies;

(7) district energy helps cut peak power demand and reduce power transmission and distribution system constraints by—

(A) meeting air conditioning demand through delivery of chilled water produced with heat from combined heat and power or other energy sources; and

(B) shifting power demand through thermal storage and, with combined heat and power, generating power near load centers;

(8) combined heat and power systems increase energy efficiency of power plants by capturing thermal energy and using the thermal energy to provide heating and cooling, more than doubling the efficiency of conventional power plants;

(9) according to the Oak Ridge National Laboratory, if the United States was able to increase combined heat and power from approximately 9 percent of total electric generation capacity to 20 percent by 2030, the increase would—

(A) save as much energy as half of all household energy consumption;

(B) create approximately 1,000,000 new jobs;

(C) avoid more than 800,000,000 metric tons of carbon dioxide emissions annually, which is equivalent to taking half of all United States passenger vehicles off the road; and

(D) save hundreds of millions of barrels of oil equivalent; and

(10) constraints to significant expansion of district energy and combined heat and power include—

(A) the lack of economic value in the energy marketplace for the environmental,

grid support, energy security, and local economic development benefits of district energy systems;

(B) relatively high project development costs due to the variety of institutional, legal, and technical issues that must be addressed; and

(C) the high costs of debt service, particularly in the early years of systems development before a broad base of customers has connected.

SEC. 3. PURPOSE.

The purpose of this Act is to encourage the implementation of thermal energy infrastructure order to—

(1) increase energy efficiency;

(2) increase use of renewable energy resources;

(3) revitalize the infrastructure of the cities and institutions of the United States;

(4) reduce local and regional air pollution;

(5) reduce emissions of greenhouse gases;

(6) reduce emissions of ozone-depleting refrigerants; and

(7) enhance power grid reliability and overall energy supply reliability and energy security.

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States that, in energy policy development and program implementation, the following factors should be considered:

(1) Thermal energy represents a significant part of the energy requirements of the United States, providing building heating and cooling, domestic hot water, and industrial process energy.

(2) There are many opportunities for meeting thermal energy requirements directly through renewable energy sources or recycled energy (such as recovered waste heat), without generation of electricity.

(3) Policies and incentives for encouraging renewable energy and energy efficiency should address thermal energy as well as electricity.

(4) District energy systems provide an important means of delivering sustainable thermal energy to consumers, and provide energy security benefits, by—

(A) cutting peak power demand;

(B) reducing power transmission and distribution system constraints; and

(C) providing flexibility to modify fuel sources in response to future changes in fuel availabilities and prices and development of new technologies.

TITLE I—MODIFICATION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE SOURCES

SEC. 101. EXTENSION OF RENEWABLE ELECTRICITY CREDIT TO THERMAL ENERGY.

(a) CREDIT TO INCLUDE PRODUCTION OF THERMAL ENERGY.—Section 45 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(f) CREDIT FOR PRODUCTION OF THERMAL ENERGY.—

“(1) IN GENERAL.—In the case of a taxpayer who—

“(A) produces thermal energy from a qualified energy resource described in subparagraph (B), (C), (D), (G), (I), or (J) of subsection (c)(1) at a qualified facility described in paragraph (2), (3), (4), (6), (7), (11), or (12) of subsection (d), and

“(B) makes an election under this subsection with respect to such facility, subsection (a) shall be applied by substituting ‘each 3,412 Btus of thermal energy (or fraction thereof)’ for ‘the kilowatt hours of electricity’ in paragraph (2) thereof.

“(2) THERMAL ENERGY.—For purposes of this section, the term ‘thermal energy’ means heat (in the form of hot water or steam) or cooling (in the form of chilled water or ice).”

“(3) ADDITIONAL QUALIFICATIONS.—

“(A) COMBINED HEAT AND POWER FACILITY.—In the case of a facility producing both electricity and thermal energy, such facility shall not be treated as a qualified facility unless such facility—

“(i) meets the requirements of section 48(c)(3)(A) (without regard to clause (iv) thereof), and

“(ii) was originally placed in service after the date of the enactment of the Thermal Renewable Energy and Efficiency Act of 2010, and before the date which is 5 years after such date.

“(B) THERMAL FACILITY.—In the case of a facility producing only thermal energy, such facility shall not be treated as a qualified facility unless such facility—

“(i) has an energy efficiency percentage (as determined under section 48(c)(3)(C)) in excess of 60 percent, and

“(ii) was originally placed in service after the date of the enactment of the Thermal Renewable Energy and Efficiency Act of 2010, and before the date which is 5 years after such date.

“(4) DENIAL OF DOUBLE BENEFIT.—If an election under this subsection is in effect with respect to any facility, no credit shall be allowed under subsection (a) with respect to the production of electricity at such facility.

“(5) ELECTION.—

“(A) IN GENERAL.—An election under this subsection shall specify the facility to which the election applies and shall be in such manner as the Secretary may by regulations prescribe.

“(B) ELECTION IRREVOCABLE.—Any election made under this subsection may not be revoked except with the consent of the Secretary.”

(b) NATURALLY OCCURRING COLD WATER SOURCES TREATED AS QUALIFIED ENERGY RESOURCE.—Paragraph (1) of section 45(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking “and” at the end of subparagraph (H),

(2) by striking the period at the end of subparagraph (I) and inserting “, and”, and

(3) by adding at the end the following new subparagraph:

“(J) naturally occurring cold water sources which are used to provide thermal energy for air conditioning.”

(c) QUALIFIED FACILITIES.—Section 45(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(12) NATURAL AIR CONDITIONING SYSTEM FACILITY.—In the case of a facility providing thermal energy for air conditioning from naturally occurring cold water sources, the term ‘qualified facility’ means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of the Thermal Renewable Energy and Efficiency Act of 2010, and before the date which is 5 years after such date.”

(d) CONFORMING AMENDMENTS.—

(1) Section 45(b)(4)(A) of the Internal Revenue Code of 1986 is amended by inserting “or thermal energy” after “electricity”.

(2) Section 45(c)(2) of such Code is amended by inserting “or thermal energy” after “electricity”.

(3) Section 45(d) of such Code is amended by inserting “or thermal energy” after “electricity” each place it appears in paragraphs (2), (3), (4), (6), (7), and (11).

(4) Section 45(e) of such Code is amended by inserting “or thermal energy” after “electricity” each place it appears in paragraphs (1), (4), and (9).

(5) The heading of section 45 of such Code is amended by inserting “and thermal energy” after “electricity”.

(6) The item relating to section 45 in the table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting “and thermal energy” after “Electricity”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to energy produced and sold after the date of the enactment of this Act.

TITLE II—EXEMPT FACILITY BONDS

SEC. 201. EXEMPT FACILITY BONDS.

(a) DEFINITION OF LOCAL DISTRICT HEATING AND COOLING FACILITIES.—Subparagraph (A) of section 142(g)(2) of the Internal Revenue Code of 1986 is amended by striking “a pipeline or network (which may be connected to a heating or cooling source) providing hot water, chilled water, or steam” and inserting “equipment for producing thermal energy in the form of hot water, chilled water or steam, distributing that thermal energy in pipelines and transferring the thermal energy”.

(b) PUBLIC USE REQUIREMENT.—The Secretary shall promulgate regulations establishing that a local district heating or cooling facility will be treated in all events as serving a general public use for purposes of the Internal Revenue Code of 1986.

TITLE III—ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS

SEC. 301. DEFINITION OF INSTITUTIONAL ENTITY.

Section 399A(a)(5) of the Energy Policy and Conservation Act (42 U.S.C. 6371h-1(a)(5)) is amended by inserting a “not-for-profit district energy system,” after “utility.”

SEC. 302. AVAILABILITY OF GRANTS.

Section 399A(f) of the Energy Policy and Conservation Act (42 U.S.C. 6371h-1(f)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(i), by striking “\$50,000” and inserting “\$90,000”;

(B) in subparagraph (B)(i), by striking “\$90,000” and inserting “\$150,000”; and

(C) in subparagraph (C)(i), by striking “\$250,000” and inserting “\$600,000”; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking “\$1,000,000” and inserting “\$20,000,000”; and

(B) in subparagraph (B), by striking “60 percent” and inserting “30 percent”.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS.

Section 399A(i)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6371h-1(i)(1)) is amended by striking “\$250,000,000 for each of fiscal years 2009 through 2013” and inserting “\$500,000,000 for each of fiscal years 2011 through 2015”.

By Mr. COBURN:

S. 3627. A bill to ensure that United States global HIV/AIDS assistance prioritizes saving lives by focusing on access to treatment; to the Committee on Foreign Relations.

Mr. COBURN. Mr. President, I rise today to discuss the introduction of S. 3627, The HIV/AIDS Save Lives First Act of 2010. This important piece of legislation will make crucial improvements to our approach to bilateral global AIDS efforts. As a practicing

physician and former co-chair of President Bush’s Advisory Council on HIV/AIDS, I have introduced this bill to ensure that our global AIDS continue to prioritize life-saving medical treatment and reduce the transmission of the disease from mother to child.

The President’s Emergency Plan for AIDS Relief—known as PEPFAR—has been wildly successful and has begun to reverse the course of the AIDS epidemic worldwide. Two and half million HIV/AIDS patients from 30 different countries currently have access to life-saving treatment because of PEPFAR. A 2009 report found that from 2004–2007 as many as 1.2 million lives had been saved because of the program.

In 2008, Congress and the President in an overwhelmingly bipartisan fashion passed the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 to continue the important life-saving work of the PEPFAR program.

It is of grave concern, then, that our fight against AIDS is now at risk of failure. A recent New York Times article, “At Front Lines, AIDS War Is Falling Apart,” details how hundreds of thousands of patients are being denied promised care in countries such as Uganda—a country once held up as PEPFAR’s success story. Government officials have confirmed the rationing of treatment slots and have advised their partners to support “an equitable system of triage for total ART [antiretroviral drug treatment] slots. . . .”

Former UNAIDS chief Dr. Piot remarked about past success and doubts about the future: “Then, we were at a tipping point in the right direction,” he explained. “Now I’m afraid we’re at a tipping point in the wrong direction.”

We must not lose sight of the fact that HIV/AIDS is a disease that we can diagnose, treat, and prevent. Not only does treatment save lives—it is the best prevention tool we have. Treatment lowers viral loads, which reduces the likelihood of individuals spreading the disease by as much as 92 percent. Treatment reduces transmission among partners, eliminates baby AIDS, and keeps those with HIV in the medical system where they can receive proper counseling and care. And the availability of treatment is integral to promoting HIV/AIDS testing and early diagnosis.

With the U.S. spending more than \$6.7 billion on global AIDS efforts, we are not losing the war on AIDS due to lack of commitment or resources. Instead, we are losing because of misplaced priorities.

We can eliminate the tragedies of baby AIDS and AIDS orphans and prevent the spread of HIV by focusing on saving lives by expanding access to treatment.

It costs less than \$300 a year to keep someone with HIV healthy and alive, about the same price to cover the airfare to send each of the 25,000 participants to the ongoing AIDS conference in Vienna. If saving lives is truly our priority, we must ask every time we spend a dollar intended for AIDS relief if that dollar would be better spent paying for lifesaving treatment that would keep a mother alive, a family together, or a baby born free of the virus.

If you ask Africans what PEPFAR is, they will tell you it is about AIDS treatment. It is the treatment component of PEPFAR that has made it the most successful U.S. humanitarian effort in history because it has literally saved the lives of millions, preserved families and communities, and rescued countless babies from being born with an AIDS death sentence.

The PEPFAR program's long-term success relies on the promise of lifesaving medical treatment to those in need. Unfortunately, according to a recent report the recent moratorium on new enrollees in the program has already caused an estimated 3,000 deaths.

The HIV/AIDS Save Lives First Act strengthens the current policy that requires a majority of all funding under PEPFAR be spent on life-saving HIV/AIDS treatment. Specifically, this legislation would increase the treatment allocation to 75 percent of all PEPFAR funding. It also sets the modest goal that by 2013 we treat 5 million people with HIV/AIDS.

Many claim that we cannot treat our way out of this epidemic, but they ignore the simple truth that treatment is prevention. Analysts from the World Health Organization published research arguing we can drastically reduce the transmission of AIDS and virtually halt the widening epidemic in Africa within a decade through aggressive routine testing and early treatment.

Other prevention efforts remain an important component of the program. Without the reliable promise of access to treatment, however, the PEPFAR program will not enjoy long-term success. This legislation ensures that the PEPFAR program fulfills its promises, saves the most lives possible, and reduces transmission of the disease.

The HIV/AIDS Save Lives First Act also allocates a small percentage of funding for the critical diagnostic screening that must be ramped up dramatically if we are to locate and treat every infected person in the countries where PEPFAR operates. Finally, the bill acknowledges that every baby infected with HIV by her mother during birth or breastfeeding is a largely preventable tragedy. The bill would target baby AIDS for complete elimination with 100 percent coverage with the medical protocols that prevent almost all instances of mother-to-child HIV transmission.

The Save Lives First Act requires recipients of funding to spend no more

than \$500 in annual PEPFAR funding per patient they treat. As recently as 2008, documents provided by the administration show that the PEPFAR program spent \$1,100 in annual treatment costs per patient. This is unacceptable—inefficiencies come at the cost of human lives by limiting the number of patients PEPFAR can treat.

The most commonly prescribed drug regimen costs just \$64 per year and many organizations are providing care to patients for no more than \$250 per year. For example, Doctors Without Borders has had remarkable success in achieving treatment efficiencies and now reports that its per-patient treatment costs in Malawi were only \$237 per year.

While costs may vary from country to country—and patient to patient—it is both reasonable and important that every funding recipient under PEPFAR limit their aggregate per patient expenditures to \$500 per patient. The costs of drug regimens continue to fall dramatically, and PEPFAR must take advantage by providing treatment to more individuals.

The HIV/AIDS Save Lives First Act would require that any funding recipient under PEPFAR be limited to a treatment allocation of \$500 per patient treated. This act would also set the modest goal that PEPFAR would treat 5 million patients by 2013. If the program's per patient expenditures were down to \$500 per patient, the program should actually treat 6 million patients by 2013, and if everyone were as cost-effective as Doctors Without Borders, we could be treating 10 million patients.

In the rare instance of a country in which per patient expenditures remain above \$500 per patient, it is more than reasonable to assume that these more developed countries have the resources—along with other global partners—to ensure that the per patient treatment expenditures ensure access to the highest-quality treatment for each patient.

Everyone can agree that dollars provided to HIV/AIDS treatment should go directly to patient care—not bloated administrative budgets. A common way of protecting this important principle is to limit the administrative budget for PEPFAR funding recipients.

The HIV/AIDS Save Lives First Act limits administrative overhead to 10 percent of total expenditures for every funding recipient under the program. The bill also limits the State Department's administrative budget for PEPFAR to 10 percent of total funding.

Again, treatment is prevention. But this strategy relies on identifying HIV positive individuals who are unaware of their status and linking them to treatment and counseling. The first step to any prevention strategy is an aggressive testing strategy. Unfortunately, only about 40 percent of people with HIV in developing countries are aware of their status.

The HIV/AIDS Save Lives First Act sets aside 5 percent of PEPFAR funding to dramatically ramp up rapid HIV diagnosis to identify people who do not yet know their HIV status in order to get people into treatment and early reduce their transmission rates through treatment and education.

This bill also sets a target of conducting 1 billion rapid tests by 2013 and sets aside 25 percent of testing money to help countries implement a policy of universal, opt-out rapid HIV testing.

Rapid testing and access to treatment are particularly important to end baby AIDS, babies being born infected with HIV or becoming infected during their first year through breastfeeding, once and for all.

An estimated 430,000 children were born in 2008 newly infected with HIV, mainly through mother to child transmission. About 90 percent of these infections occurred in Africa. Only 28 percent of pregnant women in Sub-Saharan Africa received an HIV test in 2008. Moreover, the World Health Organization reports that access to AIDS drugs is severely limited in developing countries, with fewer than 10 percent of pregnant women with HIV in those countries having access to medication for their own health.

Of course, dramatic gains are seen when universal testing of pregnant women and newborns is provided along with appropriate prophylaxis of infections that are that are identified through testing. In the United States, new cases of baby AIDS have been virtually eliminated. Studies have found that 99 percent of babies were born uninfected if an infected mother was diagnosed and proper treatment was administered.

Botswana, a country that used to have HIV infection rates as high as 50 percent of child-bearing-aged women, instituted these interventions. Ninety-two percent of pregnant women in the country are now being tested and the drop in HIV-positive mothers delivering infected babies dropped from 35 percent to 4 percent from 2004-2007, with 13,000 HIV-infected moms being identified annually.

Prevention of mother-to-child-transmission, PMTCT, is cheap per life saved: as of 2008, estimated costs of PMTCT drugs to prevent the spread of HIV for (1) mother/child pair was US\$167—generics—and US\$318—branded—and the price of drugs and treatment have only declined since.

The HIV/AIDS Save Lives First Act sets a target of eliminating baby AIDS in all PEPFAR countries by 2013, and sets out expectations for how to work towards that target by screening 100 percent of pregnant women and newborns in PEPFAR countries and providing prophylactic or ARV treatment for all HIV-positive moms or babies.

By emphasizing providing lifesaving treatment under the PEPFAR program, we can continue the enormous success we have had in saving lives and preventing the spread of this terrible disease. It is my sincere hope that my colleagues adopt these common sense policy changes that will significantly reduce human suffering, keep families together, and save millions of lives.

By Mr. HATCH:

S.J. Res. 35. A joint resolution proposing an amendment to the Constitution of the United States relative to a balanced budget; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to express my growing alarm about the excessive amount of government spending that is adding to our national debt at an exponential rate. We simply cannot continue to add these annual trillion dollar-plus deficits to the amount to be repaid by those in generations to come. Today, I am introducing a measure that would ensure that the futures of our children and grandchildren will not be crippled by the reckless spending of those who control Congress and the White House today. After long study of this disturbing trend, I have concluded that the best way to get a handle on this deficit spending is by amending the Constitution by requiring each Congress to put forth a balanced budget.

Amending the Constitution is no small task, nor is it a trifling matter. Though hundreds, if not thousands, of amendments to the Constitution have been proposed, this founding document has been amended only 27 times in our nation's history. Amending it now to deal with overspending may appear to be a monumental undertaking. However, Utahns and other Americans across the nation have spoken loud and clear—no more excessive government spending that will add to the debt to be borne by the next generation.

The liberals in Congress have had their turn over the past couple of years to try to revitalize our economy, and we still remain with trillion dollar-plus deficits coupled with a stagnant unemployment rate of nearly 10 percent.

The economy did not turn sour yesterday. It went south nearly two years ago, and the major accomplishments of the current Administration and its congressional allies is to enact an ineffective \$1.1 trillion stimulus bill, an exacerbation of our entitlement crisis through the trillion dollar-plus health care bill, and an invasive and job-killing financial regulatory bill. All of these further harmed our nation's fiscal health.

The measure I am proposing is straightforward. It would simply require Congress to submit a budget where the total outlays could not exceed total revenues. It would require Treasury to use any surplus to pay

down the Nation's debt. Any tax increase would have to be approved by two-thirds of the Members of Congress.

I realize that requiring a balanced budget will not necessarily end the outrageous government spending that has occurred over recent years, but it will at least provide Congress with a stronger incentive for fiscal responsibility. Balanced budgets are about more than sound fiscal policy; they are a moral responsibility that government often fails to meet. Individuals and families who live wildly beyond their means face dire consequences. Government should have to live by the same standards, especially since this money belongs to the people. The Constitution is the most important tool by which the people place limits on government and it appears that the Constitution is what it will take for the government to live within its means.

The outstanding public debt is now over \$13 trillion. That equates roughly to \$42,000 for each American. This year we are estimated to add another \$1.3 trillion, which is about what we added last year. This is more than \$41,000 added to the debt every second. Most of this spending is going towards increasing the size of the Federal Government, creating and expanding government programs, and providing more entitlements.

Economists agree that our Nation must get our outrageous deficit under control. The nonpartisan Congressional Budget Office recently released its Long-Term Budget Outlook. In this report, the CBO projects that the national debt will reach 62 percent of GDP by the end of this year, the highest since the end of World War II. To put this in perspective, at the end of 2008, our debt was 40 percent of GDP and the historic average has been around 36 percent.

The CBO also projects that deficits will average about \$600 billion annually from 2011 through 2020 and the national debt to grow by 67 percent by 2020. Congress needs to act now.

If anyone is still questioning whether this enormous debt poses a threat to our economy, the warning signs are clear. The World Bank cautioned that we could have a double dip recession if the financial markets lose confidence in our ability to repay our debt. Federal Reserve Chairman Ben Bernanke testified before the House Budget Committee and said "unless we as a nation make a strong commitment to fiscal responsibility, in the long run, we will have neither financial stability nor healthy economic growth."

On Monday, President Obama gave a speech in the Rose Garden scolding Republicans for what he believed was an effort to prevent the unemployed from receiving benefits. What he has failed to acknowledge is that both sides—Democrats and Republicans alike—agree on extending the additional un-

employment insurance. What fiscal conservatives object to adding another \$30 billion plus to the deficit. The President said "It's time to stop holding workers laid off in this recession hostage to Washington politics." This same logic and rhetoric can be applied to our children and grandchildren who will be held hostage by, and have to pay for, the irresponsible government spending this Congress passes today.

It is time for solutions and not just rhetoric. I believe that we can achieve a balanced budget while promoting economic growth. We have the strongest economy in the world, for now. Let us not have our indebtedness create misery for us and generations to come.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 589—TO AUTHORIZE THE PRINTING OF A REVISED EDITION OF THE NOMINATION AND ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. SCHUMER (for himself and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

S. RES. 589

Resolved, That—

(1) the Committee on Rules and Administration shall prepare a revised edition of the document entitled Nomination and Election of the President and Vice President of the United States (Senate Document 106-16);

(2) the revised document described in paragraph (1) shall be printed as a Senate document; and

(3) there shall be printed, beyond the usual number, 600 additional copies of the revised document described in paragraph (1) for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 590—DESIGNATING SEPTEMBER 2010 AS "GOSPEL MUSIC HERITAGE MONTH" AND HONORING GOSPEL MUSIC FOR ITS VALUABLE CONTRIBUTIONS TO THE CULTURE OF THE UNITED STATES

Mrs. LINCOLN (for herself and Mrs. HUTCHISON) submitted the following resolution; which was considered and agreed to:

S. RES. 590

Whereas gospel music is a beloved art form of the United States;

Whereas gospel music is a cornerstone of the musical traditions of the United States and has spread beyond origins in African-American spirituals to achieve popular cultural and historical relevance;

Whereas gospel music has spread beyond geographic origins in the United States to touch audiences around the world; and

Whereas gospel music is a testament to the universal appeal of a historical art form of the United States that both inspires and entertains across racial, ethnic, religious, and geographical boundaries: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2010 as “Gospel Music Heritage Month”; and

(2) recognizes the valuable contributions to the culture of the United States derived from the rich heritage of gospel music and gospel music artists.

SENATE RESOLUTION 591—RECOGNIZING AND HONORING THE 20TH ANNIVERSARY OF THE ENACTMENT OF THE AMERICANS WITH DISABILITIES ACT OF 1990

Mr. HARKIN submitted the following resolution; which was placed on the calendar:

S. RES. 591

Whereas July 26, 2010, marks the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990;

Whereas the Americans with Disabilities Act has been one of the most significant and effective civil rights laws passed by Congress;

Whereas, prior to the passage of the Americans with Disabilities Act, people with disabilities faced significantly lower employment rates, lower graduation rates, and higher rates of poverty than people without disabilities, and were too often denied the opportunity to fully participate in society due to intolerance and unfair stereotypes;

Whereas the dedicated efforts of disability rights advocates, including Justin Dart, Jr., and many others, served to awaken Congress and the American people to the discrimination and prejudice faced by individuals with disabilities;

Whereas Congress worked in a bipartisan manner to craft legislation making such discrimination illegal;

Whereas Congress passed the Americans with Disabilities Act and President George Herbert Walker Bush signed the Act into law on July 26, 1990;

Whereas the purpose of the Americans with Disabilities Act is to fulfill the Nation's goals of equality of opportunity, independent living, economic self-sufficiency, and full participation for Americans with disabilities;

Whereas the Americans with Disabilities Act prohibits employers from discriminating against qualified individuals with disabilities, requires that State and local governmental entities accommodate qualified individuals with disabilities, requires places of public accommodation to take reasonable steps to make their goods and services accessible to individuals with disabilities, and requires that new trains and buses be accessible to individuals with disabilities;

Whereas the Americans with Disabilities Act has played an historic role in allowing over 50,000,000 Americans with disabilities to participate more fully in national life by removing barriers to employment, transportation, public services, telecommunications, and public accommodations;

Whereas the Americans with Disabilities Act has served as a model for disability rights in other countries;

Whereas all Americans, not just those with disabilities, benefit from the accommodations that have become commonplace since the passage of the Americans with Disabilities Act, including curb cuts at street intersections, ramps for access to buildings, and other accommodations that provide access to public transportation, stadiums, telecommunications, voting machines, and websites;

Whereas Congress acted with overwhelming bipartisan support in 2008 to restore protections for people with disabilities by passing the ADA Amendments Act of 2008, which overturned judicial decisions that had inappropriately narrowed the scope of the Americans with Disabilities Act;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, children and adults with disabilities continue to experience barriers that interfere with their full participation in mainstream American life;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, people with disabilities are twice as likely to live in poverty as their fellow citizens and continue to experience high rates of unemployment and underemployment;

Whereas, 20 years after the enactment of the Americans with Disabilities Act and 11 years after the Supreme Court's decision in *Olmstead v. L.C.*, many people with disabilities still live in segregated institutional settings because of a lack of support services that would allow them to live in the community;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, new telecommunication, electronic, and information technologies continue to be developed while not being accessible to all Americans;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, many public and private covered entities are still not accessible to people with disabilities; and

Whereas the United States has a responsibility to welcome back and create opportunities for the tens of thousands of working-age veterans of the Armed Forces who have been wounded in action or have received service-connected injuries while serving in Operation Iraqi Freedom and Operation Enduring Freedom: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990;

(2) salutes all people whose efforts contributed to the enactment of the Americans with Disabilities Act;

(3) encourages all Americans to celebrate the advance of freedom and the opening of opportunity made possible by the enactment of the Americans with Disabilities Act; and

(4) pledges to continue to work on a bipartisan basis to identify and address the remaining barriers that undermine the Nation's goals of equality of opportunity, independent living, economic self-sufficiency, and full participation for Americans with disabilities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4494. Mr. WYDEN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table.

SA 4495. Mr. FEINGOLD (for himself, Mr. LIEBERMAN, and Ms. COLLINS) submitted an

amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4496. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4497. Mr. REID proposed an amendment to amendment SA 4425 proposed by Mr. REID to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SA 4498. Mr. REID (for Ms. KLOBUCHAR) proposed an amendment to the bill S. 1376, to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission into the United States.

SA 4499. Mr. REID (for Mr. BAUCUS) proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

SA 4500. Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) proposed an amendment to amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, supra.

SA 4501. Mr. REID proposed an amendment to amendment SA 4500 proposed by Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) to the amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, supra.

SA 4502. Mr. REID proposed an amendment to the bill H.R. 5297, supra.

SA 4503. Mr. REID proposed an amendment to amendment SA 4502 proposed by Mr. REID to the bill H.R. 5297, supra.

SA 4504. Mr. REID proposed an amendment to the bill H.R. 5297, supra.

SA 4505. Mr. REID proposed an amendment to amendment SA 4504 proposed by Mr. REID to the bill H.R. 5297, supra.

SA 4506. Mr. REID proposed an amendment to amendment SA 4505 proposed by Mr. REID to the amendment SA 4504 proposed by Mr. REID to the bill H.R. 5297, supra.

SA 4507. Mr. DORGAN (for himself, Mr. CRAPO, Mr. TESTER, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4494. Mr. WYDEN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, between lines 3 and 4, insert the following:

SEC. 1137. NATIONAL SMALL BUSINESS TREE PLANTING PROGRAM.

Section 24(e) of the Small Business Act (15 U.S.C. 651(e)) is amended by striking “1995 through 1997” and inserting “2011 through 2014”.

SA 4495. Mr. FEINGOLD (for himself, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page ___, between lines ___ and ___, insert the following:

SEC. ___. ANNUAL REPORT ON AWARDING OF FEDERAL CONTRACTS TO CONTRACTORS LISTED ON THE EXCLUDED PARTIES LIST SYSTEM.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for four years, the Administrator for Federal Procurement Policy, in consultation with the Administrator of General Services, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report describing during the previous year the extent to which suspended or debarred contractors on the Excluded Parties List System, including those suspended or debarred for failing to make full or timely payments to subcontractors—

(1) continued to receive Federal contracts; or

(2) were granted waivers from Federal agencies from suspension or debarment for purposes of entering into Federal contracts.

(b) **CONTENT.**—The report required under subsection (a) shall include, for each contract awarded to a suspended or debarred contractor—

(1) the name of the Federal agency awarding the contract;

(2) the name of the contractor;

(3) the contract value;

(4) the date of award;

(5) the period of performance;

(6) whether a waiver was utilized to award the contract;

(7) the date of suspension or debarment;

(8) the reason for suspension or debarment; and

(9) the period of suspension or debarment.

SA 4496. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small

business job creation, and for other purposes; which was ordered to lie on the table; as follows:

Section 3107 of the bill is amended—

(1) by striking “Inspector General of the Department of the Treasury” each place that term appears and inserting “Special Inspector General for the Troubled Asset Relief Program”;

(2) by striking “Inspector General” each place that term appears (other than as provided in paragraph (1)) and inserting “Special Inspector General”; and

(3) by adding at the end the following:

(f) **CONFORMING AMENDMENTS TO THE EMERGENCY ECONOMIC STABILIZATION ACT OF 2008.**—Section 121(c)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(c)(1)) is amended—

(1) by striking “section 101, and” and inserting “section 101.”; and

(2) by inserting before “including” the following: “and activities under subtitle A of title III of the Small Business Jobs Act of 2010.”.

SA 4497. Mr. REID proposed an amendment to amendment SA 4425 proposed by Mr. REID to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

Beginning on page 7, line 14, strike through page 11, line 18.

SA 4498. Mr. REID (for Ms. KLOBUCHAR) proposed an amendment to the bill S. 1376, to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission into the United States; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as “International Adoption Simplification Act”.

SEC. 2. EXEMPTION FROM VACCINATION DOCUMENTATION REQUIREMENT.

Section 212(a)(1)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)(ii)) is amended by striking “section 101(b)(1)(F),” and inserting “subparagraph (F) or (G) of section 101(b)(1).”.

SEC. 3. SIBLING ADOPTIONS.

Section 101(b)(1)(G) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(G)) is amended to read as follows:

“(G)(i) a child, younger than 16 years of age at the time a petition is filed on the child’s behalf to accord a classification as an immediate relative under section 201(b), who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States by a United States citizen and spouse jointly or by an unmarried United States citizen who is at least 25 years of age, *Provided, That*—

“(I) the Secretary of Homeland Security is satisfied that proper care will be furnished the child if admitted to the United States;

“(II) the child’s natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by,

the other parent), or other persons or institutions that retain legal custody of the child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child’s emigration and adoption;

“(III) in the case of a child having two living natural parents, the natural parents are incapable of providing proper care for the child;

“(IV) the Secretary of Homeland Security is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship, and the parent-child relationship of the child and the natural parents has been terminated (and in carrying out both obligations under this subclause the Secretary of Homeland Security may consider whether there is a petition pending to confer immigrant status on one or both of such natural parents); and

“(V) in the case of a child who has not been adopted—

“(aa) the competent authority of the foreign state has approved the child’s emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

“(bb) the prospective adoptive parent or parents has or have complied with any pre-adoption requirements of the child’s proposed residence; and

“(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter; or

“(iii) subject to the same provisos as in clauses (i) and (ii), a child who—

“(I) is a natural sibling of a child described in clause (i), subparagraph (E)(i), or subparagraph (F)(i);

“(II) was adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in clause (i), subparagraph (E)(i), or subparagraph (F)(i); and

“(III) is otherwise described in clause (i), except that the child is younger than 18 years of age at the time a petition is filed on his or her behalf for classification as an immediate relative under section 201(b).”.

SEC. 4. EFFECTIVE DATE.

(a) **IN GENERAL.**—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) **EXCEPTION.**—An alien who is described in section 101(b)(1)(G)(iii) of the Immigration and Nationality Act, as added by section 3, and attained 18 years of age on or after April 1, 2008, shall be deemed to meet the age requirement specified in subclause (III) of such section if a petition for classification of the alien as an immediate relative under section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)) is filed not later than 2 years after the date of the enactment of this Act.

SA 4499. Mr. REID (for Mr. BAUCUS) proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Jobs Act of 2010”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—SMALL BUSINESSES

Sec. 1001. Definitions.

Subtitle A—Small Business Access to Credit

Sec. 1101. Short title.

PART I—NEXT STEPS FOR MAIN STREET CREDIT AVAILABILITY

Sec. 1111. Section 7(a) business loans.

Sec. 1112. Maximum loan amounts under 504 program.

Sec. 1113. Maximum loan limits under microloan program.

Sec. 1114. Loan guarantee enhancement extensions.

Sec. 1115. New Markets Venture Capital company investment limitations.

Sec. 1116. Alternative size standards.

Sec. 1117. Sale of 7(a) loans in secondary market.

Sec. 1118. Online lending platform.

Sec. 1119. SBA Secondary Market Guarantee Authority.

PART II—SMALL BUSINESS ACCESS TO CAPITAL

Sec. 1122. Low-interest refinancing under the local development business loan program.

PART III—OTHER MATTERS

Sec. 1131. Small business intermediary lending pilot program.

Sec. 1132. Public policy goals.

Sec. 1133. Floor plan pilot program extension.

Sec. 1134. Guarantees for bonds and notes issued for community or economic development purposes.

Sec. 1135. Temporary express loan enhancement.

Sec. 1136. Prohibition on using TARP funds or tax increases.

Subtitle B—Small Business Trade and Exporting

Sec. 1201. Short title.

Sec. 1202. Definitions.

Sec. 1203. Office of International Trade.

Sec. 1204. Duties of the Office of International Trade.

Sec. 1205. Export assistance centers.

Sec. 1206. International trade finance programs.

Sec. 1207. State Trade and Export Promotion Grant Program.

Sec. 1208. Rural export promotion.

Sec. 1209. International trade cooperation by small business development centers.

Subtitle C—Small Business Contracting

PART I—CONTRACT BUNDLING

Sec. 1311. Small Business Act.

Sec. 1312. Leadership and oversight.

Sec. 1313. Consolidation of contract requirements.

Sec. 1314. Small business teams pilot program.

PART II—SUBCONTRACTING INTEGRITY

Sec. 1321. Subcontracting misrepresentations.

Sec. 1322. Small business subcontracting improvements.

PART III—ACQUISITION PROCESS

Sec. 1331. Reservation of prime contract awards for small businesses.

Sec. 1332. Micro-purchase guidelines.

Sec. 1333. Agency accountability.

Sec. 1334. Payment of subcontractors.

Sec. 1335. Repeal of Small Business Competitiveness Demonstration Program.

PART IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY

Sec. 1341. Policy and presumptions.

Sec. 1342. Annual certification.

Sec. 1343. Training for contracting and enforcement personnel.

Sec. 1344. Updated size standards.

Sec. 1345. Study and report on the mentor-protégé program.

Sec. 1346. Contracting goals reports.

Sec. 1347. Small business contracting parity.

Subtitle D—Small Business Management and Counseling Assistance

Sec. 1401. Matching requirements under small business programs.

Sec. 1402. Grants for SBDCs.

Subtitle E—Disaster Loan Improvement

Sec. 1501. Aquaculture business disaster assistance.

Subtitle F—Small Business Regulatory Relief

Sec. 1601. Requirements providing for more detailed analyses.

Sec. 1602. Office of advocacy.

Subtitle G—Appropriations Provisions

Sec. 1701. Salaries and expenses.

Sec. 1702. Business loans program account.

Sec. 1703. Community Development Financial Institutions Fund program account.

Sec. 1704. Small business loan guarantee enhancement extensions.

TITLE II—TAX PROVISIONS

Sec. 2001. Short title.

Subtitle A—Small Business Relief

PART I—PROVIDING ACCESS TO CAPITAL

Sec. 2011. Temporary exclusion of 100 percent of gain on certain small business stock.

Sec. 2012. General business credits of eligible small businesses for 2010 carried back 5 years.

Sec. 2013. General business credits of eligible small businesses in 2010 not subject to alternative minimum tax.

Sec. 2014. Temporary reduction in recognition period for built-in gains tax.

PART II—ENCOURAGING INVESTMENT

Sec. 2021. Increased expensing limitations for 2010 and 2011; certain real property treated as section 179 property.

Sec. 2022. Additional first-year depreciation for 50 percent of the basis of certain qualified property.

Sec. 2023. Special rule for long-term contract accounting.

PART III—PROMOTING ENTREPRENEURSHIP

Sec. 2031. Increase in amount allowed as deduction for start-up expenditures in 2010.

Sec. 2032. Authorization of appropriations for the United States Trade Representative to develop market access opportunities for United States small- and medium-sized businesses and to enforce trade agreements.

PART IV—PROMOTING SMALL BUSINESS FAIRNESS

Sec. 2041. Limitation on penalty for failure to disclose reportable transactions based on resulting tax benefits.

Sec. 2042. Deduction for health insurance costs in computing self-employment taxes in 2010.

Sec. 2043. Removal of cellular telephones and similar telecommunications equipment from listed property.

Subtitle B—Revenue Provisions

PART I—REDUCING THE TAX GAP

Sec. 2101. Information reporting for rental property expense payments.

Sec. 2102. Increase in information return penalties.

Sec. 2103. Report on tax shelter penalties and certain other enforcement actions.

Sec. 2104. Application of continuous levy to tax liabilities of certain Federal contractors.

PART II—PROMOTING RETIREMENT PREPARATION

Sec. 2111. Participants in government section 457 plans allowed to treat elective deferrals as Roth contributions.

Sec. 2112. Rollovers from elective deferral plans to designated Roth accounts.

Sec. 2113. Special rules for annuities received from only a portion of a contract.

PART III—CLOSING UNINTENDED LOOPHOLES

Sec. 2121. Crude oil ineligible for cellulosic biofuel producer credit.

Sec. 2122. Source rules for income on guarantees.

PART IV—TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

Sec. 2131. Time for payment of corporate estimated taxes.

TITLE III—STATE SMALL BUSINESS CREDIT INITIATIVE

Sec. 3001. Short title.

Sec. 3002. Definitions.

Sec. 3003. Federal funds allocated to States.

Sec. 3004. Approving States for participation.

Sec. 3005. Approving State capital access programs.

Sec. 3006. Approving collateral support and other innovative credit access and guarantee initiatives for small businesses and manufacturers.

Sec. 3007. Reports.

Sec. 3008. Remedies for State program termination or failures.

Sec. 3009. Implementation and administration.

Sec. 3010. Regulations.

Sec. 3011. Oversight and audits.

TITLE IV—BUDGETARY PROVISIONS

Sec. 4001. Determination of budgetary effects.

TITLE I—SMALL BUSINESSES

SEC. 1001. DEFINITIONS.

In this title—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term “small business concern” has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

Subtitle A—Small Business Access to Credit**SEC. 1101. SHORT TITLE.**

This subtitle may be cited as the “Small Business Job Creation and Access to Capital Act of 2010”.

PART I—NEXT STEPS FOR MAIN STREET CREDIT AVAILABILITY**SEC. 1111. SECTION 7(a) BUSINESS LOANS.**

(a) AMENDMENT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking “75 percent” and inserting “90 percent”; and

(B) in clause (ii), by striking “85 percent” and inserting “90 percent”; and

(2) in paragraph (3)(A), by striking “\$1,500,000 (or if the gross loan amount would exceed \$2,000,000)” and inserting “\$4,500,000 (or if the gross loan amount would exceed \$5,000,000)”.

(b) PROSPECTIVE REPEAL.—Effective January 1, 2011, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking “90 percent” and inserting “75 percent”; and

(B) in clause (ii), by striking “90 percent” and inserting “85 percent”; and

(2) in paragraph (3)(A), by striking “\$4,500,000” and inserting “\$3,750,000”.

SEC. 1112. MAXIMUM LOAN AMOUNTS UNDER 504 PROGRAM.

Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (i), by striking “\$1,500,000” and inserting “\$5,000,000”; and

(2) in clause (ii), by striking “\$2,000,000” and inserting “\$5,000,000”; and

(3) in clause (iii), by striking “\$4,000,000” and inserting “\$5,500,000”; and

(4) in clause (iv), by striking “\$4,000,000” and inserting “\$5,500,000”; and

(5) in clause (v), by striking “\$4,000,000” and inserting “\$5,500,000”.

SEC. 1113. MAXIMUM LOAN LIMITS UNDER MICROLOAN PROGRAM.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(B)(iii), by striking “\$35,000” and inserting “\$50,000”; and

(2) in paragraph (3)—

(A) in subparagraph (C), by striking “\$3,500,000” and inserting “\$5,000,000”; and

(B) in subparagraph (E), by striking “\$35,000” each place that term appears and inserting “\$50,000”; and

(3) in paragraph (11)(B), by striking “\$35,000” and inserting “\$50,000”.

SEC. 1114. LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) FEES.—Section 501 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) is amended by striking “September 30, 2010” each place that term appears and inserting “December 31, 2010”.

(b) LOAN GUARANTEES.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking “May 31, 2010” and inserting “December 31, 2010”.

SEC. 1115. NEW MARKETS VENTURE CAPITAL COMPANY INVESTMENT LIMITATIONS.

Section 355 of the Small Business Investment Act of 1958 (15 U.S.C. 689d) is amended by adding at the end the following:

“(e) INVESTMENT LIMITATIONS.—

“(1) DEFINITION.—In this subsection, the term ‘covered New Markets Venture Capital company’ means a New Markets Venture Capital company—

“(A) granted final approval by the Administrator under section 354(e) on or after March 1, 2002; and

“(B) that has obtained a financing from the Administrator.

“(2) LIMITATION.—Except to the extent approved by the Administrator, a covered New Markets Venture Capital company may not acquire or issue commitments for securities under this title for any single enterprise in an aggregate amount equal to more than 10 percent of the sum of—

“(A) the regulatory capital of the covered New Markets Venture Capital company; and

“(B) the total amount of leverage projected in the participation agreement of the covered New Markets Venture Capital.”.

SEC. 1116. ALTERNATIVE SIZE STANDARDS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

“(5) ALTERNATIVE SIZE STANDARD.—

“(A) IN GENERAL.—The Administrator shall establish an alternative size standard for applicants for business loans under section 7(a) and applicants for development company loans under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), that uses maximum tangible net worth and average net income as an alternative to the use of industry standards.

“(B) INTERIM RULE.—Until the date on which the alternative size standard established under subparagraph (A) is in effect, an applicant for a business loan under section 7(a) or an applicant for a development company loan under title V of the Small Business Investment Act of 1958 may be eligible for such a loan if—

“(i) the maximum tangible net worth of the applicant is not more than \$15,000,000; and

“(ii) the average net income after Federal income taxes (excluding any carry-over losses) of the applicant for the 2 full fiscal years before the date of the application is not more than \$5,000,000.”.

SEC. 1117. SALE OF 7(a) LOANS IN SECONDARY MARKET.

Section 5(g) of the Small Business Act (15 U.S.C. 634(g)) is amended by adding at the end the following:

“(6) If the amount of the guaranteed portion of any loan under section 7(a) is more than \$500,000, the Administrator shall, upon request of a pool assembler, divide the loan guarantee into increments of \$500,000 and 1 increment of any remaining amount less than \$500,000, in order to permit the maximum amount of any loan in a pool to be not more than \$500,000. Only 1 increment of any loan guarantee divided under this paragraph may be included in the same pool. Increments of loan guarantees to different borrowers that are divided under this paragraph may be included in the same pool.”.

SEC. 1118. ONLINE LENDING PLATFORM.

It is the sense of Congress that the Administrator of the Small Business Administration should establish a website that—

(1) lists each lender that makes loans guaranteed by the Small Business Administration and provides information about the loan rates of each such lender; and

(2) allows prospective borrowers to compare rates on loans guaranteed by the Small Business Administration.

SEC. 1119. SBA SECONDARY MARKET GUARANTEE AUTHORITY.

Section 503(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 155) is amended by striking “on the date 2 years after the date of enactment of this section” and inserting

“2 years after the date of the first sale of a pool of first lien position 504 loans guaranteed under this section to a third-party investor”.

PART II—SMALL BUSINESS ACCESS TO CAPITAL**SEC. 1122. LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.**

(a) REFINANCING.—Section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by adding at the end the following:

“(C) REFINANCING NOT INVOLVING EXPANSIONS.—

“(i) DEFINITIONS.—In this subparagraph—

“(I) the term ‘borrower’ means a small business concern that submits an application to a development company for financing under this subparagraph;

“(II) the term ‘eligible fixed asset’ means tangible property relating to which the Administrator may provide financing under this section; and

“(III) the term ‘qualified debt’ means indebtedness—

“(aa) that—

“(AA) was incurred not less than 2 years before the date of the application for assistance under this subparagraph;

“(BB) is a commercial loan;

“(CC) is not subject to a guarantee by a Federal agency;

“(DD) the proceeds of which were used to acquire an eligible fixed asset;

“(EE) was incurred for the benefit of the small business concern; and

“(FF) is collateralized by eligible fixed assets; and

“(bb) for which the borrower has been current on all payments for not less than 1 year before the date of the application.

“(ii) AUTHORITY.—A project that does not involve the expansion of a small business concern may include the refinancing of qualified debt if—

“(I) the amount of the financing is not more than 90 percent of the value of the collateral for the financing, except that, if the appraised value of the eligible fixed assets serving as collateral for the financing is less than the amount equal to 125 percent of the amount of the financing, the borrower may provide additional cash or other collateral to eliminate any deficiency;

“(II) the borrower has been in operation for all of the 2-year period ending on the date of the loan; and

“(III) for a financing for which the Administrator determines there will be an additional cost attributable to the refinancing of the qualified debt, the borrower agrees to pay a fee in an amount equal to the anticipated additional cost.

“(iii) FINANCING FOR BUSINESS EXPENSES.—

“(I) FINANCING FOR BUSINESS EXPENSES.—The Administrator may provide financing to a borrower that receives financing that includes a refinancing of qualified debt under clause (ii), in addition to the refinancing under clause (ii), to be used solely for the payment of business expenses.

“(II) APPLICATION FOR FINANCING.—An application for financing under subclause (I) shall include—

“(aa) a specific description of the expenses for which the additional financing is requested; and

“(bb) an itemization of the amount of each expense.

“(III) CONDITION ON ADDITIONAL FINANCING.—A borrower may not use any part of the financing under this clause for non-business purposes.

“(iv) LOANS BASED ON JOBS.—

“(I) JOB CREATION AND RETENTION GOALS.—

“(aa) IN GENERAL.—The Administrator may provide financing under this subparagraph for a borrower that meets the job creation goals under subsection (d) or (e) of section 501.

“(bb) ALTERNATE JOB RETENTION GOAL.—The Administrator may provide financing under this subparagraph to a borrower that does not meet the goals described in item (aa) in an amount that is not more than the product obtained by multiplying the number of employees of the borrower by \$65,000.

“(II) NUMBER OF EMPLOYEES.—For purposes of subclause (I), the number of employees of a borrower is equal to the sum of—

“(aa) the number of full-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; and

“(bb) the product obtained by multiplying—

“(AA) the number of part-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; by

“(BB) the quotient obtained by dividing the average number of hours each part time employee of the borrower works each week by 40.

“(v) NONDELEGATION.—Notwithstanding section 508(e), the Administrator may not permit a premier certified lender to approve or disapprove an application for assistance under this subparagraph.

“(vi) TOTAL AMOUNT OF LOANS.—The Administrator may provide not more than a total of \$7,500,000,000 of financing under this subparagraph for each fiscal year.”

(b) PROSPECTIVE REPEAL.—Effective 2 years after the date of enactment of this Act, section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by striking subparagraph (C).

(c) TECHNICAL CORRECTION.—Section 502(2)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)(i)) is amended by striking “subparagraph (B) or (C)” and inserting “clause (ii), (iii), (iv), or (v)”.

PART III—OTHER MATTERS

SEC. 1131. SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by striking subsection (I) and inserting the following:

“(I) SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘eligible intermediary’—

“(i) means a private, nonprofit entity that—

“(I) seeks or has been awarded a loan from the Administrator to make loans to small business concerns under this subsection; and

“(II) has not less than 1 year of experience making loans to startup, newly established, or growing small business concerns; and

“(ii) includes—

“(I) a private, nonprofit community development corporation; and

“(II) a consortium of private, nonprofit organizations or nonprofit community development corporations; and

“(III) an agency of or nonprofit entity established by a Native American Tribal Government; and

“(B) the term ‘Program’ means the small business intermediary lending pilot program established under paragraph (2).

“(2) ESTABLISHMENT.—There is established a 3-year small business intermediary lending pilot program, under which the Adminis-

trator may make direct loans to eligible intermediaries, for the purpose of making loans to startup, newly established, and growing small business concerns.

“(3) PURPOSES.—The purposes of the Program are—

“(A) to assist small business concerns in areas suffering from a lack of credit due to poor economic conditions or changes in the financial market; and

“(B) to establish a loan program under which the Administrator may provide loans to eligible intermediaries to enable the eligible intermediaries to provide loans to startup, newly established, and growing small business concerns for working capital, real estate, or the acquisition of materials, supplies, or equipment.

“(4) LOANS TO ELIGIBLE INTERMEDIARIES.—

“(A) APPLICATION.—Each eligible intermediary desiring a loan under this subsection shall submit an application to the Administrator that describes—

“(i) the type of small business concerns to be assisted;

“(ii) the size and range of loans to be made;

“(iii) the interest rate and terms of loans to be made;

“(iv) the geographic area to be served and the economic, poverty, and unemployment characteristics of the area;

“(v) the status of small business concerns in the area to be served and an analysis of the availability of credit; and

“(vi) the qualifications of the applicant to carry out this subsection.

“(B) LOAN LIMITS.—No loan may be made to an eligible intermediary under this subsection if the total amount outstanding and committed to the eligible intermediary by the Administrator would, as a result of such loan, exceed \$1,000,000 during the participation of the eligible intermediary in the Program.

“(C) LOAN DURATION.—Loans made by the Administrator under this subsection shall be for a term of 20 years.

“(D) APPLICABLE INTEREST RATES.—Loans made by the Administrator to an eligible intermediary under the Program shall bear an annual interest rate equal to 1.00 percent.

“(E) FEES; COLLATERAL.—The Administrator may not charge any fees or require collateral with respect to any loan made to an eligible intermediary under this subsection.

“(F) DELAYED PAYMENTS.—The Administrator shall not require the repayment of principal or interest on a loan made to an eligible intermediary under the Program during the 2-year period beginning on the date of the initial disbursement of funds under that loan.

“(G) MAXIMUM PARTICIPANTS AND AMOUNTS.—During each of fiscal years 2011, 2012, and 2013, the Administrator may make loans under the Program—

“(i) to not more than 20 eligible intermediaries; and

“(ii) in a total amount of not more than \$20,000,000.

“(5) LOANS TO SMALL BUSINESS CONCERNS.—

“(A) IN GENERAL.—The Administrator, through an eligible intermediary, shall make loans to startup, newly established, and growing small business concerns for working capital, real estate, and the acquisition of materials, supplies, furniture, fixtures, and equipment.

“(B) MAXIMUM LOAN.—An eligible intermediary may not make a loan under this subsection of more than \$200,000 to any 1 small business concern.

“(C) APPLICABLE INTEREST RATES.—A loan made by an eligible intermediary to a small

business concern under this subsection, may have a fixed or a variable interest rate, and shall bear an interest rate specified by the eligible intermediary in the application of the eligible intermediary for a loan under this subsection.

“(D) REVIEW RESTRICTIONS.—The Administrator may not review individual loans made by an eligible intermediary to a small business concern before approval of the loan by the eligible intermediary.

“(6) TERMINATION.—The authority of the Administrator to make loans under the Program shall terminate 3 years after the date of enactment of the Small Business Job Creation and Access to Capital Act of 2010.”

(b) RULEMAKING AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out section 7(I) of the Small Business Act, as amended by subsection (a).

(c) AVAILABILITY OF FUNDS.—Any amounts provided to the Administrator for the purposes of carrying out section 7(I) of the Small Business Act, as amended by subsection (a), shall remain available until expended.

SEC. 1132. PUBLIC POLICY GOALS.

Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended—

(1) in subparagraph (J), by striking “or” at the end;

(2) in subparagraph (K), by striking the period at the end and inserting “, or”; and

(3) by adding at the end the following:

“(L) reduction of rates of unemployment in labor surplus areas, as such areas are determined by the Secretary of Labor.”

SEC. 1133. FLOOR PLAN PILOT PROGRAM EXTENSION.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by redesignating paragraph (32), relating to increased veteran participation, as added by section 208 of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008 (Public Law 110-186; 122 Stat. 631), as paragraph (33); and

(2) by adding at the end the following:

“(34) FLOOR PLAN FINANCING PROGRAM.—

“(A) DEFINITION.—In this paragraph, the term ‘eligible retail good’—

“(i) means a good for which a title may be obtained under State law; and

“(ii) includes an automobile, recreational vehicle, boat, and manufactured home.

“(B) PROGRAM.—The Administrator may guarantee the timely payment of an open-end extension of credit to a small business concern, the proceeds of which may be used for the purchase of eligible retail goods for resale.

“(C) AMOUNT.—An open-end extension of credit guaranteed under this paragraph shall be in an amount not less than \$500,000 and not more than \$5,000,000.

“(D) TERM.—An open-end extension of credit guaranteed under this paragraph shall have a term of not more than 5 years.

“(E) GUARANTEE PERCENTAGE.—The Administrator may guarantee—

“(i) not less than 60 percent of an open-end extension of credit under this paragraph; and

“(ii) not more than 75 percent of an open-end extension of credit under this paragraph.

“(F) ADVANCE RATE.—The lender for an open-end extension of credit guaranteed under this paragraph may allow the borrower to draw funds on the line of credit in an amount equal to not more than 100 percent of the value of the eligible retail goods to be purchased.”

(b) SUNSET.—Effective September 30, 2013, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

- (1) by striking paragraph (34); and
- (2) by redesignating paragraph (35), as added by section 1206 of this Act, as paragraph (34).

SEC. 1134. GUARANTEES FOR BONDS AND NOTES ISSUED FOR COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSES.

The Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4701 et seq.) is amended by inserting after section 114 (12 U.S.C. 4713) the following:

“SEC. 114A. GUARANTEES FOR BONDS AND NOTES ISSUED FOR COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSES.

“(a) DEFINITIONS.—In this section, the following definitions shall apply:

“(1) ELIGIBLE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ‘eligible community development financial institution’ means a community development financial institution (as described in section 1805.201 of title 12, Code of Federal Regulations, or any successor thereto) certified by the Secretary that has applied to a qualified issuer for, or been granted by a qualified issuer, a loan under the Program.

“(2) ELIGIBLE COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSE.—The term ‘eligible community or economic development purpose’—

“(A) means any purpose described in section 108(b); and

“(B) includes the provision of community or economic development in low-income or underserved rural areas.

“(3) GUARANTEE.—The term ‘guarantee’ means a written agreement between the Secretary and a qualified issuer (or trustee), pursuant to which the Secretary ensures repayment of the verifiable losses of principal, interest, and call premium, if any, on notes or bonds issued by a qualified issuer to finance or refinance loans to eligible community development financial institutions.

“(4) LOAN.—The term ‘loan’ means any credit instrument that is extended under the Program for any eligible community or economic development purpose.

“(5) MASTER SERVICER.—

“(A) IN GENERAL.—The term ‘master servicer’ means any entity approved by the Secretary in accordance with subparagraph (B) to oversee the activities of servicers, as provided in subsection (f)(4).

“(B) APPROVAL CRITERIA FOR MASTER SERVICERS.—The Secretary shall approve or deny any application to become a master servicer under the Program not later than 90 days after the date on which all required information is submitted to the Secretary, based on the capacity and experience of the applicant in—

“(i) loan administration, servicing, and loan monitoring;

“(ii) managing regional or national loan intake, processing, or servicing operational systems and infrastructure;

“(iii) managing regional or national originator communication systems and infrastructure;

“(iv) developing and implementing training and other risk management strategies on a regional or national basis; and

“(v) compliance monitoring, investor relations, and reporting.

“(6) PROGRAM.—The term ‘Program’ means the guarantee Program for bonds and notes issued for eligible community or economic development purposes established under this section.

“(7) PROGRAM ADMINISTRATOR.—The term ‘Program administrator’ means an entity designated by the issuer to perform administrative duties, as provided in subsection (f)(2).

“(8) QUALIFIED ISSUER.—

“(A) IN GENERAL.—The term ‘qualified issuer’ means a community development financial institution (or any entity designated to issue notes or bonds on behalf of such community development financial institution) that meets the qualification requirements of this paragraph.

“(B) APPROVAL CRITERIA FOR QUALIFIED ISSUERS.—

“(i) IN GENERAL.—The Secretary shall approve a qualified issuer for a guarantee under the Program in accordance with the requirements of this paragraph, and such additional requirements as the Secretary may establish, by regulation.

“(ii) TERMS AND QUALIFICATIONS.—A qualified issuer shall—

“(I) have appropriate expertise, capacity, and experience, or otherwise be qualified to make loans for eligible community or economic development purposes;

“(II) provide to the Secretary—

“(aa) an acceptable statement of the proposed sources and uses of the funds; and

“(bb) a capital distribution plan that meets the requirements of subsection (c)(1); and

“(III) certify to the Secretary that the bonds or notes to be guaranteed are to be used for eligible community or economic development purposes.

“(C) DEPARTMENT OPINION; TIMING.—

“(i) DEPARTMENT OPINION.—Not later than 30 days after the date of a request by a qualified issuer for approval of a guarantee under the Program, the Secretary shall provide an opinion regarding compliance by the issuer with the requirements of the Program under this section.

“(ii) TIMING.—The Secretary shall approve or deny a guarantee under this section after consideration of the opinion provided to the Secretary under clause (i), and in no case later than 90 days after receipt of all required information by the Secretary with respect to a request for such guarantee.

“(9) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.

“(10) SERVICER.—The term ‘servicer’ means an entity designated by the issuer to perform various servicing duties, as provided in subsection (f)(3).

“(b) GUARANTEES AUTHORIZED.—The Secretary shall guarantee payments on bonds or notes issued by any qualified issuer, if the proceeds of the bonds or notes are used in accordance with this section to make loans to eligible community development financial institutions—

“(1) for eligible community or economic development purposes; or

“(2) to refinance loans or notes issued for such purposes.

“(c) GENERAL PROGRAM REQUIREMENTS.—

“(1) IN GENERAL.—A capital distribution plan meets the requirements of this subsection, if not less than 90 percent of the principal amount of guaranteed bonds or notes (other than costs of issuance fees) are used to make loans for any eligible community or economic development purpose, measured annually, beginning at the end of the 1-year period beginning on the issuance date of such guaranteed bonds or notes.

“(2) RELENDING ACCOUNT.—Not more than 10 percent of the principal amount of guaranteed bonds or notes, multiplied by an amount equal to the outstanding principal

balance of issued notes or bonds, minus the risk-share pool amount under subsection (d), may be held in a relending account and may be made available for new eligible community or economic development purposes.

“(3) LIMITATIONS ON UNPAID PRINCIPAL BALANCES.—The proceeds of guaranteed bonds or notes under the Program may not be used to pay fees (other than costs of issuance fees), and shall be held in—

“(A) community or economic development loans;

“(B) a relending account, to the extent authorized under paragraph (2); or

“(C) a risk-share pool established under subsection (d).

“(4) REPAYMENT.—If a qualified issuer fails to meet the requirements of paragraph (1) by the end of the 90-day period beginning at the end of the annual measurement period, repayment shall be made on that portion of bonds or notes necessary to bring the bonds or notes that remain outstanding after such repayment into compliance with the 90 percent requirement of paragraph (1).

“(5) PROHIBITED USES.—The Secretary shall, by regulation—

“(A) prohibit, as appropriate, certain uses of amounts from the guarantee of a bond or note under the Program, including the use of such funds for political activities, lobbying, outreach, counseling services, or travel expenses; and

“(B) provide that the guarantee of a bond or note under the Program may not be used for salaries or other administrative costs of—

“(i) the qualified issuer; or

“(ii) any recipient of amounts from the guarantee of a bond or note.

“(d) RISK-SHARE POOL.—Each qualified issuer shall, during the term of a guarantee provided under the Program, establish a risk-share pool, capitalized by contributions from eligible community development financial institution participants an amount equal to 3 percent of the guaranteed amount outstanding on the subject notes and bonds.

“(e) GUARANTEES.—

“(1) IN GENERAL.—A guarantee issued under the Program shall—

“(A) be for the full amount of a bond or note, including the amount of principal, interest, and call premiums;

“(B) be fully assignable and transferable to the capital market, on terms and conditions that are consistent with comparable Government-guaranteed bonds, and satisfactory to the Secretary;

“(C) represent the full faith and credit of the United States; and

“(D) not exceed 30 years.

“(2) LIMITATIONS.—

“(A) ANNUAL NUMBER OF GUARANTEES.—The Secretary shall issue not more than 10 guarantees in any calendar year under the Program.

“(B) GUARANTEE AMOUNT.—The Secretary may not guarantee any amount under the Program equal to less than \$100,000,000, but the total of all such guarantees in any fiscal year may not exceed \$1,000,000,000.

“(f) SERVICING OF TRANSACTIONS.—

“(1) IN GENERAL.—To maximize efficiencies and minimize cost and interest rates, loans made under this section may be serviced by qualified Program administrators, bond servicers, and a master servicer.

“(2) DUTIES OF PROGRAM ADMINISTRATOR.—The duties of a Program administrator shall include—

“(A) approving and qualifying eligible community development financial institution applications for participation in the Program;

“(B) compliance monitoring;
“(C) bond packaging in connection with the Program; and
“(D) all other duties and related services that are customarily expected of a Program administrator.

“(3) DUTIES OF SERVICER.—The duties of a servicer shall include—

“(A) billing and collecting loan payments;
“(B) initiating collection activities on past-due loans;

“(C) transferring loan payments to the master servicing accounts;

“(D) loan administration and servicing;

“(E) systematic and timely reporting of loan performance through remittance and servicing reports;

“(F) proper measurement of annual outstanding loan requirements; and
“(G) all other duties and related services that are customarily expected of servicers.

“(4) DUTIES OF MASTER SERVICER.—The duties of a master servicer shall include—

“(A) tracking the movement of funds between the accounts of the master servicer and any other servicer;

“(B) ensuring orderly receipt of the monthly remittance and servicing reports of the servicer;

“(C) monitoring the collection comments and foreclosure actions;

“(D) aggregating the reporting and distribution of funds to trustees and investors;

“(E) removing and replacing a servicer, as necessary;

“(F) loan administration and servicing;

“(G) systematic and timely reporting of loan performance compiled from all bond servicers' reports;

“(H) proper distribution of funds to investors; and
“(I) all other duties and related services that are customarily expected of a master servicer.

“(g) FEES.—

“(1) IN GENERAL.—A qualified issuer that receives a guarantee issued under this section on a bond or note shall pay a fee to the Secretary, in an amount equal to 10 basis points of the amount of the unpaid principal of the bond or note guaranteed.

“(2) PAYMENT.—A qualified issuer shall pay the fee required under this subsection on an annual basis.

“(3) USE OF FEES.—Fees collected by the Secretary under this subsection shall be used to reimburse the Department of the Treasury for any administrative costs incurred by the Department in implementing the Program established under this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to the Secretary, such sums as are necessary to carry out this section.

“(2) USE OF FEES.—To the extent that the amount of funds appropriated for a fiscal year under paragraph (1) are not sufficient to carry out this section, the Secretary may use the fees collected under subsection (g) for the cost of providing guarantees of bonds and notes under this section.

“(i) INVESTMENT IN GUARANTEED BONDS INELIGIBLE FOR COMMUNITY REINVESTMENT ACT PURPOSES.—Notwithstanding any other provision of law, any investment by a financial institution in bonds or notes guaranteed under the Program shall not be taken into account in assessing the record of such institution for purposes of the Community Reinvestment Act of 1977 (12 U.S.C. 2901).

“(j) ADMINISTRATION.—

“(1) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to carry out this section.

“(2) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this section, the Secretary shall implement this section.

“(k) TERMINATION.—This section is repealed, and the authority provided under this section shall terminate, on September 30, 2014.”

SEC. 1135. TEMPORARY EXPRESS LOAN ENHANCEMENT.

(a) IN GENERAL.—Section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking “\$350,000” and inserting “\$1,000,000”.

(b) PROSPECTIVE REPEAL.—Effective 1 year after the date of enactment of this Act, section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking “\$1,000,000” and inserting “\$350,000”.

SEC. 1136. PROHIBITION ON USING TARP FUNDS OR TAX INCREASES.

(a) IN GENERAL.—Except as provided in subsection (b), nothing in section 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1122, or 1131, or an amendment made by such sections, shall be construed to limit the ability of Congress to appropriate funds.

(b) TARP FUNDS AND TAX INCREASES.—

(1) IN GENERAL.—Any covered amounts may not be used to carry out section 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1122, or 1131, or an amendment made by such sections.

(2) DEFINITION.—In this subsection, the term “covered amounts” means—

(A) the amounts made available to the Secretary of the Treasury under title I of the Emergency Economic Stabilization Act of 2008 (S.C. 5201 et seq.) to purchase (under section 101) or guarantee (under section 102) assets under that Act; and
(B) any revenue increase attributable to any amendment to the Internal Revenue Code of 1986 made during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

Subtitle B—Small Business Trade and Exporting

SEC. 1201. SHORT TITLE.

This subtitle may be cited as the “Small Business Export Enhancement and International Trade Act of 2010”.

SEC. 1202. DEFINITIONS.

(a) DEFINITIONS.—In this subtitle—

(1) the term “Associate Administrator” means the Associate Administrator for International Trade appointed under section 22(a)(2) of the Small Business Act, as amended by this subtitle;

(2) the term “Export Assistance Center” means a one-stop shop referred to in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8)); and
(3) the term “rural small business concern” means a small business concern located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:
“(t) SMALL BUSINESS DEVELOPMENT CENTER.—In this Act, the term ‘small business development center’ means a small business development center described in section 21.

“(u) REGION OF THE ADMINISTRATION.—In this Act, the term ‘region of the Administration’ means the geographic area served by a regional office of the Administration established under section 4(a).”

(2) CONFORMING AMENDMENT.—Section 4(b)(3)(B)(x) of the Small Business Act (15

U.S.C. 633(b)(3)(B)(x)) is amended by striking “Administration district and region” and inserting “district and region of the Administration”.

SEC. 1203. OFFICE OF INTERNATIONAL TRADE.

(a) ESTABLISHMENT.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking “SEC. 22. (a) There” and inserting the following:

“SEC. 22. OFFICE OF INTERNATIONAL TRADE.

“(a) ESTABLISHMENT.—

“(1) OFFICE.—There”; and

(2) in subsection (a)—

(A) in paragraph (1), as so designated, by striking the period and inserting “for the primary purposes of increasing—

“(A) the number of small business concerns that export; and

“(B) the volume of exports by small business concerns.”; and

(B) by adding at the end the following:

“(2) ASSOCIATE ADMINISTRATOR.—The head of the Office shall be the Associate Administrator for International Trade, who shall be responsible to the Administrator.”

(b) AUTHORITY FOR ADDITIONAL ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking “five Associate Administrators” and inserting “Associate Administrators”; and

(2) by adding at the end the following:

“One such Associate Administrator shall be the Associate Administrator for International Trade, who shall be the head of the Office of International Trade established under section 22.”

(c) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following:

“(h) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—The Administrator shall ensure that—

“(1) the responsibilities of the Administration regarding international trade are carried out by the Associate Administrator;

“(2) the Associate Administrator has sufficient resources to carry out such responsibilities; and

“(3) the Associate Administrator has direct supervision and control over—

“(A) the staff of the Office; and

“(B) any employee of the Administration whose principal duty station is an Export Assistance Center, or any successor entity.”

(d) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A)—

(1) by inserting “the Administrator of” before “the Small Business Administration”; and

(2) by inserting “through the Associate Administrator for International Trade, and” before “in cooperation with”.

(e) IMPLEMENTATION DATE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall appoint an Associate Administrator for International Trade under section 22(a) of the Small Business Act (15 U.S.C. 649(a)), as added by this section.

SEC. 1204. DUTIES OF THE OFFICE OF INTERNATIONAL TRADE.

(a) AMENDMENTS TO SECTION 22.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) **TRADE DISTRIBUTION NETWORK.**—The Associate Administrator, working in close cooperation with the Secretary of Commerce, the United States Trade Representative, the Secretary of Agriculture, the Secretary of State, the President of the Export-Import Bank of the United States, the President of the Overseas Private Investment Corporation, Director of the United States Trade and Development Agency, and other relevant Federal agencies, small business development centers engaged in export promotion efforts, Export Assistance Centers, regional and district offices of the Administration, the small business community, and relevant State and local export promotion programs, shall—

“(1) maintain a distribution network, using regional and district offices of the Administration, the small business development center network, networks of women's business centers, the Service Corps of Retired Executives authorized by section 8(b)(1), and Export Assistance Centers, for programs relating to—

- “(A) trade promotion;
- “(B) trade finance;
- “(C) trade adjustment assistance;
- “(D) trade remedy assistance; and
- “(E) trade data collection;

“(2) aggressively market the programs described in paragraph (1) and disseminate information, including computerized marketing data, to small business concerns on exporting trends, market-specific growth, industry trends, and international prospects for exports;

“(3) promote export assistance programs through the district and regional offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector; and

“(4) give preference in hiring or approving the transfer of any employee into the Office or to a position described in subsection (c)(9) to otherwise qualified applicants who are fluent in a language in addition to English, to—

“(A) accompany small business concerns on foreign trade missions; and

“(B) translate documents, interpret conversations, and facilitate multilingual transactions, including by providing referral lists for translation services, if required.”;

(2) in subsection (c)—

(A) by striking “(c) The Office” and inserting the following:

“(c) **PROMOTION OF SALES OPPORTUNITIES.**—The Associate Administrator”;

(B) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(C) by inserting before paragraph (2), as so redesignated, the following:

“(1) establish annual goals for the Office relating to—

“(A) enhancing the exporting capability of small business concerns and small manufacturers;

“(B) facilitating technology transfers;

“(C) enhancing programs and services to assist small business concerns and small manufacturers to compete effectively and efficiently against foreign entities;

“(D) increasing the ability of small business concerns to access capital; and

“(E) disseminating information concerning Federal, State, and private programs and initiatives”;

(D) in paragraph (2), as so redesignated, by striking “mechanism for” and all that fol-

lows through “(D) assisting” and inserting the following: “mechanism for—

“(A) identifying subsectors of the small business community with strong export potential;

“(B) identifying areas of demand in foreign markets;

“(C) prescreening foreign buyers for commercial and credit purposes; and

“(D) assisting”;

(E) in paragraph (3), as so redesignated, by striking “assist small businesses in the formation and utilization of” and inserting “assist small business concerns in forming and using”;

(F) in paragraph (4), as so redesignated—

(i) by striking “local” and inserting “district”;

(ii) by striking “existing”;

(iii) by striking “Small Business Development Center network” and inserting “small business development center network”; and

(iv) by striking “Small Business Development Center Program” and inserting “small business development center program”;

(G) in paragraph (5), as so redesignated—

(i) in subparagraph (A), by striking “Gross State Produce” and inserting “Gross State Product”;

(ii) in subparagraph (B), by striking “SIC” each place it appears and inserting “North American Industry Classification System”; and

(iii) in subparagraph (C), by striking “small businesses” and inserting “small business concerns”;

(H) in paragraph (6), as so redesignated, by striking the period at the end and inserting a semicolon;

(I) in paragraph (7), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by inserting “concerns” after “small business”; and

(II) by striking “current” and inserting “up to date”;

(ii) in subparagraph (A), by striking “Administration's regional offices” and inserting “regional and district offices of the Administration”;

(iii) in subparagraph (B) by striking “current”;

(iv) in subparagraph (C), by striking “current”; and

(v) by striking “small businesses” each place that term appears and inserting “small business concerns”;

(J) in paragraph (8), as so redesignated, by striking and at the end;

(K) in paragraph (9), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking “full-time export development specialists to each Administration regional office and assigning”; and

(II) by striking “person in each district office. Such specialists” and inserting “individual in each district office and providing each Administration regional office with a full-time export development specialist, who”;

(ii) in subparagraph (B)—

(I) by striking “current”; and

(II) by striking “with” and inserting “in”;

(iii) in subparagraph (D)—

(I) by striking “Administration personnel involved in granting” and inserting “personnel of the Administration involved in making”;

(II) by striking “and” at the end;

(iv) in subparagraph (E)—

(I) by striking “small businesses’ needs” and inserting “the needs of small business concerns”;

(II) by striking the period at the end and inserting a semicolon;

(v) by adding at the end the following:

“(F) participate, jointly with employees of the Office, in an annual training program that focuses on current small business needs for exporting; and

“(G) develop and conduct training programs for exporters and lenders, in cooperation with the Export Assistance Centers, the Department of Commerce, the Department of Agriculture, small business development centers, women's business centers, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and other relevant Federal agencies”; and

(vi) by striking “small businesses” each place that term appears and inserting “small business concerns”; and

(L) by adding at the end the following:

“(10) make available on the website of the Administration the name and contact information of each individual described in paragraph (9);

“(11) carry out a nationwide marketing effort using technology, online resources, training, and other strategies to promote exporting as a business development opportunity for small business concerns;

“(12) disseminate information to the small business community through regional and district offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives authorized by section 8(b)(1), State and local export promotion programs, and partners in the private sector regarding exporting trends, market-specific growth, industry trends, and prospects for exporting; and

“(13) establish and carry out training programs for the staff of the regional and district offices of the Administration and resource partners of the Administration on export promotion and providing assistance relating to exports.”;

(3) in subsection (d)—

(A) by redesignating paragraphs (1) through (5) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(B) by striking “(d) The Office” and inserting the following:

“(d) **EXPORT FINANCING PROGRAMS.**—

“(1) **IN GENERAL.**—The Associate Administrator”; and

(C) by striking “To accomplish this goal, the Office shall work” and inserting the following:

“(2) **TRADE FINANCE SPECIALIST.**—To accomplish the goal established under paragraph (1), the Associate Administrator shall—

“(A) designate at least 1 individual within the Administration as a trade finance specialist to oversee international loan programs and assist Administration employees with trade finance issues; and

“(B) work”;

(4) in subsection (e), by striking “(e) The Office” and inserting the following:

“(e) **TRADE REMEDIES.**—The Associate Administrator”;

(5) by amending subsection (f) to read as follows:

“(f) **REPORTING REQUIREMENT.**—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

“(1) a description of the progress of the Office in implementing the requirements of this section;

“(2) a detailed account of the results of export growth activities of the Administration, including the activities of each district and regional office of the Administration, based on the performance measures described in subsection (i);

“(3) an estimate of the total number of jobs created or retained as a result of export assistance provided by the Administration and resource partners of the Administration;

“(4) for any travel by the staff of the Office, the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel; and

“(5) a description of the participation by the Office in trade negotiations.”;

(6) in subsection (g), by striking “(g) The Office” and inserting the following:

“(g) STUDIES.—The Associate Administrator”; and

(7) by adding after subsection (h), as added by section 1203 of this subtitle, the following:

“(i) EXPORT AND TRADE COUNSELING.—

“(1) DEFINITION.—In this subsection—

“(A) the term ‘lead small business development center’ means a small business development center that has received a grant from the Administration; and

“(B) the term ‘lead women’s business center’ means a women’s business center that has received a grant from the Administration.

“(2) CERTIFICATION PROGRAM.—The Administrator shall establish an export and trade counseling certification program to certify employees of lead small business development centers and lead women’s business centers in providing export assistance to small business concerns.

“(3) NUMBER OF CERTIFIED EMPLOYEES.—The Administrator shall ensure that the number of employees of each lead small business development center who are certified in providing export assistance is not less than the lesser of—

“(A) 5; or

“(B) 10 percent of the total number of employees of the lead small business development center.

“(4) REIMBURSEMENT FOR CERTIFICATION.—

“(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall reimburse a lead small business development center or a lead women’s business center for costs relating to the certification of an employee of the lead small business center or lead women’s business center in providing export assistance under the program established under paragraph (2).

“(B) LIMITATION.—The total amount reimbursed by the Administrator under subparagraph (A) may not exceed \$350,000 in any fiscal year.

“(j) PERFORMANCE MEASURES.—

“(1) IN GENERAL.—The Associate Administrator shall develop performance measures for the Administration to support export growth goals for the activities of the Office under this section that include—

“(A) the number of small business concerns that—

“(i) receive assistance from the Administration;

“(ii) had not exported goods or services before receiving the assistance described in clause (i); and

“(iii) export goods or services;

“(B) the number of small business concerns receiving assistance from the Administration that export goods or services to a market outside the United States into which the small business concern did not export before receiving the assistance;

“(C) export revenues by small business concerns assisted by programs of the Administration;

“(D) the number of small business concerns referred to an Export Assistance Center or a small business development center by the staff of the Office;

“(E) the number of small business concerns referred to the Administration by an Export Assistance Center or a small business development center; and

“(F) the number of small business concerns referred to the Department of Commerce, the Department of Agriculture, the Department of State, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, or the United States Trade and Development Agency by the staff of the Office, an Export Assistance Center, or a small business development center.

“(2) JOINT PERFORMANCE MEASURES.—The Associate Administrator shall develop joint performance measures for the district offices of the Administration and the Export Assistance Centers that include the number of export loans made under—

“(A) section 7(a)(16);

“(B) the Export Working Capital Program established under section 7(a)(14);

“(C) the Preferred Lenders Program, as defined in section 7(a)(2)(C)(ii); and

“(D) the export express program established under section 7(a)(34).

“(3) CONSISTENCY OF TRACKING.—The Associate Administrator, in coordination with the departments and agencies that are represented on the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) and the small business development center network, shall develop a system to track exports by small business concerns, including information relating to the performance measures developed under paragraph (1), that is consistent with systems used by the departments and agencies and the network.”.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on any travel by the staff of the Office of International Trade of the Administration, during the period beginning on October 1, 2004, and ending on the date of enactment of the Act, including the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel.

SEC. 1205. EXPORT ASSISTANCE CENTERS.

(a) EXPORT ASSISTANCE CENTERS.—Section 22 of the Small Business Act (15 U.S.C. 649), as amended by this subtitle, is amended by adding at the end the following:

“(k) EXPORT ASSISTANCE CENTERS.—

“(1) EXPORT FINANCE SPECIALISTS.—

“(A) MINIMUM NUMBER OF EXPORT FINANCE SPECIALISTS.—On and after the date that is 90 days after the date of enactment of this subsection, the Administrator, in coordination with the Secretary of Commerce, shall ensure that the number of export finance specialists is not less than the number of such employees so assigned on January 1, 2003.

“(B) EXPORT FINANCE SPECIALISTS ASSIGNED TO EACH REGION OF THE ADMINISTRATION.—On and after the date that is 2 years after the date of enactment of this subsection, the Administrator, in coordination with the Secretary of Commerce, shall ensure that there are not fewer than 3 export finance specialists in each region of the Administration.

“(2) PLACEMENT OF EXPORT FINANCE SPECIALISTS.—

“(A) PRIORITY.—The Administrator shall give priority, to the maximum extent practicable, to placing employees of the Administration at any Export Assistance Center that—

“(i) had an Administration employee assigned to the Export Assistance Center before January 2003; and

“(ii) has not had an Administration employee assigned to the Export Assistance Center during the period beginning January 2003, and ending on the date of enactment of this subsection, either through retirement or reassignment.

“(B) NEEDS OF EXPORTERS.—The Administrator shall, to the maximum extent practicable, strategically assign Administration employees to Export Assistance Centers, based on the needs of exporters.

“(C) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the Administrator to reassign or remove an export finance specialist who is assigned to an Export Assistance Center on the date of enactment of this subsection.

“(3) GOALS.—The Associate Administrator shall work with the Department of Commerce, the Export-Import Bank of the United States, and the Overseas Private Investment Corporation to establish shared annual goals for the Export Assistance Centers.

“(4) OVERSIGHT.—The Associate Administrator shall designate an individual within the Administration to oversee all activities conducted by Administration employees assigned to Export Assistance Centers.

“(1) DEFINITIONS.—In this section—

“(1) the term ‘Associate Administrator’ means the Associate Administrator for International Trade described in subsection (a)(2);

“(2) the term ‘Export Assistance Center’ means a one-stop shop for United States exporters established by the United States and Foreign Commercial Service of the Department of Commerce pursuant to section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

“(3) the term ‘export finance specialist’ means a full-time equivalent employee of the Office assigned to an Export Assistance Center to carry out the duties described in subsection (e); and

“(4) the term ‘Office’ means the Office of International Trade established under subsection (a)(1).”.

(b) STUDY AND REPORT ON FILLING GAPS IN HIGH-AND-LOW-EXPORT VOLUME AREAS.—

(1) STUDY AND REPORT.—Not later than 6 months after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall—

(A) conduct a study of—

(i) the volume of exports for each State;

(ii) the availability of export finance specialists in each State;

(iii) the number of exporters in each State that are small business concerns;

(iv) the percentage of exporters in each State that are small business concerns;

(v) the change, if any, in the number of exporters that are small business concerns in each State—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced;

(vi) the total value of the exports in each State by small business concerns;

(vii) the percentage of the total volume of exports in each State that is attributable to small business concerns; and

(viii) the change, if any, in the percentage of the total volume of exports in each State that is attributable to small business concerns—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced; and

(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing—

(i) the results of the study under subparagraph (A);

(ii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the greatest volume of exports, based upon the most recent data available from the Department of Commerce;

(iii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the lowest volume of exports, based upon the most recent data available from the Department of Commerce; and

(iv) such additional information as the Administrator determines is appropriate.

(2) DEFINITION.—In this subsection, the term “export finance specialist” has the meaning given that term in section 22(1) of the Small Business Act, as added by this title.

SEC. 1206. INTERNATIONAL TRADE FINANCE PROGRAMS.

(a) LOAN LIMITS.—

(1) TOTAL AMOUNT OUTSTANDING.—Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended by striking “\$1,750,000, of which not more than \$1,250,000” and inserting “\$4,500,000 (or if the gross loan amount would exceed \$5,000,000, of which not more than \$4,000,000)”.

(2) PARTICIPATION.—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking “subparagraph (B)” and inserting “subparagraphs (B), (D), and (E)”;

(B) in subparagraph (D), by striking “Notwithstanding subparagraph (A), in” and inserting “In”; and

(C) by adding at the end the following:

“(E) PARTICIPATION IN INTERNATIONAL TRADE LOAN.—In an agreement to participate in a loan on a deferred basis under paragraph (16), the participation by the Administration may not exceed 90 percent.”.

(b) WORKING CAPITAL.—Section 7(a)(16)(A) of the Small Business Act (15 U.S.C. 636(a)(16)(A)) is amended—

(1) in the matter preceding clause (i), by striking “in—” and inserting “—”;

(2) in clause (i)—

(A) by inserting “in” after “(i)”;

(B) by striking “or” at the end;

(3) in clause (ii)—

(A) by inserting “in” after “(ii)”;

(B) by striking the period at the end and inserting “, including any debt that qualifies for refinancing under any other provision of this subsection; or”;

(4) by adding at the end the following:

“(iii) by providing working capital.”.

(c) COLLATERAL.—Section 7(a)(16)(B) of the Small Business Act (15 U.S.C. 636(a)(16)(B)) is amended—

(1) by striking “Each loan” and inserting the following:

“(i) IN GENERAL.—Except as provided in clause (ii), each loan”;

(2) by adding at the end the following:

“(ii) EXCEPTION.—A loan under this paragraph may be secured by a second lien position on the property or equipment financed by the loan or on other assets of the small business concern, if the Administrator determines the lien provides adequate assurance of the payment of the loan.”.

(d) EXPORT WORKING CAPITAL PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(D), by striking “not exceed” and inserting “be”; and

(2) in paragraph (14)—

(A) by striking “(A) The Administration” and inserting the following: “EXPORT WORKING CAPITAL PROGRAM.—

“(A) IN GENERAL.—The Administrator”;

(B) by striking “(B) When considering” and inserting the following:

“(C) CONSIDERATIONS.—When considering”;

(C) by striking “(C) The Administration” and inserting the following:

“(D) MARKETING.—The Administrator”;

and

(D) by inserting after subparagraph (A) the following:

“(B) TERMS.—

“(i) LOAN AMOUNT.—The Administrator may not guarantee a loan under this paragraph of more than \$5,000,000.

“(ii) FEES.—

“(I) IN GENERAL.—For a loan under this paragraph, the Administrator shall collect the fee assessed under paragraph (23) not more frequently than once each year.

“(II) UNTAPPED CREDIT.—The Administrator may not assess a fee on capital that is not accessed by the small business concern.”.

(e) PARTICIPATION IN PREFERRED LENDERS PROGRAM.—Section 7(a)(2)(C) of the Small Business Act (15 U.S.C. 636(a)(2)(C)) is amended—

(1) by redesignating clause (ii) as clause (iii); and

(2) by inserting after clause (i) the following:

“(ii) EXPORT-IMPORT BANK LENDERS.—Any lender that is participating in the Delegated Authority Lender Program of the Export-Import Bank of the United States (or any successor to the Program) shall be eligible to participate in the Preferred Lenders Program.”.

(f) EXPORT EXPRESS PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

“(35) EXPORT EXPRESS PROGRAM.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the term ‘export development activity’ includes—

“(I) obtaining a standby letter of credit when required as a bid bond, performance bond, or advance payment guarantee;

“(II) participation in a trade show that takes place outside the United States;

“(III) translation of product brochures or catalogues for use in markets outside the United States;

“(IV) obtaining a general line of credit for export purposes;

“(V) performing a service contract from buyers located outside the United States;

“(VI) obtaining transaction-specific financing associated with completing export orders;

“(VII) purchasing real estate or equipment to be used in the production of goods or services for export;

“(VIII) providing term loans or other financing to enable a small business concern, including an export trading company and an export management company, to develop a market outside the United States; and

“(IX) acquiring, constructing, renovating, modernizing, improving, or expanding a production facility or equipment to be used in the United States in the production of goods or services for export; and

“(ii) the term ‘express loan’ means a loan in which a lender uses to the maximum extent practicable the loan analyses, procedures, and documentation of the lender to provide expedited processing of the loan application.

“(B) AUTHORITY.—The Administrator may guarantee the timely payment of an express loan to a small business concern made for an export development activity.

“(C) LEVEL OF PARTICIPATION.—

“(i) MAXIMUM AMOUNT.—The maximum amount of an express loan guaranteed under this paragraph shall be \$500,000.

“(ii) PERCENTAGE.—For an express loan guaranteed under this paragraph, the Administrator shall guarantee—

“(I) 90 percent of a loan that is not more than \$350,000; and

“(II) 75 percent of a loan that is more than \$350,000 and not more than \$500,000.”.

(g) ANNUAL LISTING OF EXPORT FINANCE LENDERS.—Section 7(a)(16) of the Small Business Act (15 U.S.C. 636(a)(16)) is amended by adding at the end the following:

“(F) LIST OF EXPORT FINANCE LENDERS.—

“(i) PUBLICATION OF LIST REQUIRED.—The Administrator shall publish an annual list of the banks and participating lending institutions that, during the 1-year period ending on the date of publication of the list, have made loans guaranteed by the Administration under—

“(I) this paragraph;

“(II) paragraph (14); or

“(III) paragraph (34).

“(ii) AVAILABILITY OF LIST.—The Administrator shall—

“(I) post the list published under clause (i) on the website of the Administration; and

“(II) make the list published under clause (i) available, upon request, at each district office of the Administration.”.

(h) APPLICABILITY.—The amendments made by subsections (a) through (f) shall apply with respect to any loan made after the date of enactment of this Act.

SEC. 1207. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term “eligible small business concern” means a small business concern that—

(A) has been in business for not less than the 1-year period ending on the date on which assistance is provided using a grant under this section;

(B) is operating profitably, based on operations in the United States;

(C) has demonstrated understanding of the costs associated with exporting and doing business with foreign purchasers, including the costs of freight forwarding, customs brokers, packing and shipping, as determined by the Associate Administrator; and

(D) has in effect a strategic plan for exporting;

(2) the term “program” means the State Trade and Export Promotion Grant Program established under subsection (b);

(3) the term “small business concern owned and controlled by women” has the meaning

given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(4) the term "socially and economically disadvantaged small business concern" has the meaning given that term in section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 6537(a)(4)(A)); and

(5) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(b) ESTABLISHMENT OF PROGRAM.—The Associate Administrator shall establish a 3-year trade and export promotion pilot program to be known as the State Trade and Export Promotion Grant Program, to make grants to States to carry out export programs that assist eligible small business concerns in—

- (1) participation in a foreign trade mission;
- (2) a foreign market sales trip;
- (3) a subscription to services provided by the Department of Commerce;
- (4) the payment of website translation fees;
- (5) the design of international marketing media;
- (6) a trade show exhibition;
- (7) participation in training workshops; or
- (8) any other export initiative determined appropriate by the Associate Administrator.

(c) GRANTS.—

(1) JOINT REVIEW.—In carrying out the program, the Associate Administrator may make a grant to a State to increase the number of eligible small business concerns in the State that export or to increase the value of the exports by eligible small business concerns in the State.

(2) CONSIDERATIONS.—In making grants under this section, the Associate Administrator may give priority to an application by a State that proposes a program that—

(A) focuses on eligible small business concerns as part of an export promotion program;

(B) demonstrates success in promoting exports by—

- (i) socially and economically disadvantaged small business concerns;
- (ii) small business concerns owned or controlled by women; and
- (iii) rural small business concerns;

(C) promotes exports from a State that is not 1 of the 10 States with the highest percentage of exporters that are small business concerns, based upon the latest data available from the Department of Commerce; and

(D) promotes new-to-market export opportunities to the People's Republic of China for eligible small business concerns in the United States.

(3) LIMITATIONS.—

(A) SINGLE APPLICATION.—A State may not submit more than 1 application for a grant under the program in any 1 fiscal year.

(B) PROPORTION OF AMOUNTS.—The total value of grants under the program made during a fiscal year to the 10 States with the highest number of exporters that are small business concerns, based upon the latest data available from the Department of Commerce, shall be not more than 40 percent of the amounts appropriated for the program for that fiscal year.

(4) APPLICATION.—A State desiring a grant under the program shall submit an application at such time, in such manner, and accompanied by such information as the Associate Administrator may establish.

(d) COMPETITIVE BASIS.—The Associate Administrator shall award grants under the program on a competitive basis.

(e) FEDERAL SHARE.—The Federal share of the cost of an export program carried out using a grant under the program shall be—

(1) for a State that has a high export volume, as determined by the Associate Administrator, not more than 65 percent; and

(2) for a State that does not have a high export volume, as determined by the Associate Administrator, not more than 75 percent.

(f) NON-FEDERAL SHARE.—The non-Federal share of the cost of an export program carried using a grant under the program shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

(g) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of this Act, the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report, which shall include—

(A) a description of the structure of and procedures for the program;

(B) a management plan for the program; and

(C) a description of the merit-based review process to be used in the program.

(2) ANNUAL REPORTS.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the program, which shall include—

(A) the number and amount of grants made under the program during the preceding year;

(B) a list of the States receiving a grant under the program during the preceding year, including the activities being performed with grant; and

(C) the effect of each grant on exports by eligible small business concerns in the State receiving the grant.

(h) REVIEWS BY INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

(A) the extent to which recipients of grants under the program are measuring the performance of the activities being conducted and the results of the measurements; and

(B) the overall management and effectiveness of the program.

(2) REPORT.—Not later than September 30, 2012, the Inspector General of the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the review conducted under paragraph (1).

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program \$30,000,000 for each of fiscal years 2011, 2012, and 2013.

(j) TERMINATION.—The authority to carry out the program shall terminate 3 years after the date on which the Associate Administrator establishes the program.

SEC. 1208. RURAL EXPORT PROMOTION.

Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Commerce, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that contains—

(1) a description of each program of the Administration that promotes exports by rural small business concerns, including—

(A) the number of rural small business concerns served by the program;

(B) the change, if any, in the number of rural small business concerns as a result of participation in the program during the 10-year period ending on the date of enactment of this Act;

(C) the volume of exports by rural small business concerns that participate in the program; and

(D) the change, if any, in the volume of exports by rural small businesses that participate in the program during the 10-year period ending on the date of enactment of this Act;

(2) a description of the coordination between programs of the Administration and other Federal programs that promote exports by rural small business concerns;

(3) recommendations, if any, for improving the coordination described in paragraph (2);

(4) a description of any plan by the Administration to market the international trade financing programs of the Administration through lenders that—

(A) serve rural small business concerns; and

(B) are associated with financing programs of the Department of Agriculture;

(5) recommendations, if any, for improving coordination between the counseling programs and export financing programs of the Administration, in order to increase the volume of exports by rural small business concerns; and

(6) any additional information the Administrator determines is necessary.

SEC. 1209. INTERNATIONAL TRADE COOPERATION BY SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—

(1) by striking "(2) The Small Business Development Centers" and inserting the following:

"(2) COOPERATION TO PROVIDE INTERNATIONAL TRADE SERVICES.—

"(A) INFORMATION AND SERVICES.—The small business development centers"; and

(2) in paragraph (2)—

(A) in subparagraph (A), as so designated, by inserting "(including State trade agencies)," after "local agencies"; and

(B) by adding at the end the following:

"(B) COOPERATION WITH STATE TRADE AGENCIES AND EXPORT ASSISTANCE CENTERS.—A small business development center that counsels a small business concern on issues relating to international trade shall—

"(i) consult with State trade agencies and Export Assistance Centers to provide appropriate services to the small business concern; and

"(ii) as necessary, refer the small business concern to a State trade agency or an Export Assistance Center for further counseling or assistance.

"(C) DEFINITION.—In this paragraph, the term 'Export Assistance Center' has the same meaning as in section 22."

Subtitle C—Small Business Contracting

PART I—CONTRACT BUNDLING

SEC. 1311. SMALL BUSINESS ACT.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1202, is amended by adding at the end the following:

"(v) MULTIPLE AWARD CONTRACT.—In this Act, the term 'multiple award contract' means—

"(1) a multiple award task order contract or delivery order contract that is entered

into under the authority of sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

“(2) any other indefinite delivery, indefinite quantity contract that is entered into by the head of a Federal agency with 2 or more sources pursuant to the same solicitation.”.

SEC. 1312. LEADERSHIP AND OVERSIGHT.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

“(q) BUNDLING ACCOUNTABILITY MEASURES.—

“(1) TEAMING REQUIREMENTS.—Each Federal agency shall include in each solicitation for any multiple award contract above the substantial bundling threshold of the Federal agency a provision soliciting bids from any responsible source, including responsible small business concerns and teams or joint ventures of small business concerns.

“(2) POLICIES ON REDUCTION OF CONTRACT BUNDLING.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 4219(a)) shall amend the Federal Acquisition Regulation issued under section 25 of such Act to—

“(i) establish a Government-wide policy regarding contract bundling, including regarding the solicitation of teaming and joint ventures under paragraph (1); and

“(ii) require that the policy established under clause (i) be published on the website of each Federal agency.

“(B) RATIONALE FOR CONTRACT BUNDLING.—Not later than 30 days after the date on which the head of a Federal agency submits data certifications to the Administrator for Federal Procurement Policy, the head of the Federal agency shall publish on the website of the Federal agency a list and rationale for any bundled contract for which the Federal agency solicited bids or that was awarded by the Federal agency.

“(3) REPORTING.—Not later than 90 days after the date of enactment of this subsection, and every 3 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding procurement center representatives and commercial market representatives, which shall—

“(A) identify each area for which the Administrator has assigned a procurement center representative or a commercial market representative;

“(B) explain why the Administration selected the areas identified under subparagraph (A); and

“(C) describe the activities performed by procurement center representatives and commercial market representatives.”.

(b) TECHNICAL CORRECTION.—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by striking “Administrator of the Office of Federal Procurement Policy” each place it appears and inserting “Administrator for Federal Procurement Policy”.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report regarding the procurement center representative program of the Administration.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) address ways to improve the effectiveness of the procurement center representative program in helping small business concerns obtain Federal contracts;

(B) evaluate the effectiveness of procurement center representatives and commercial marketing representatives; and

(C) include recommendations, if any, on how to improve the procurement center representative program.

(d) ELECTRONIC PROCUREMENT CENTER REPRESENTATIVE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall implement a 3-year pilot electronic procurement center representative program.

(2) REPORT.—Not later than 30 days after the pilot program under paragraph (1) ends, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the pilot program.

SEC. 1313. CONSOLIDATION OF CONTRACT REQUIREMENTS.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

“SEC. 44. CONSOLIDATION OF CONTRACT REQUIREMENTS.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘Chief Acquisition Officer’ means the employee of a Federal agency designated as the Chief Acquisition Officer for the Federal agency under section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(a));

“(2) the term ‘consolidation of contract requirements’, with respect to contract requirements of a Federal agency, means a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy 2 or more requirements of the Federal agency for goods or services that have been provided to or performed for the Federal agency under 2 or more separate contracts lower in cost than the total cost of the contract for which the offers are solicited; and

“(3) the term ‘senior procurement executive’ means an official designated under section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c)) as the senior procurement executive for a Federal agency.

“(b) POLICY.—The head of each Federal agency shall ensure that the decisions made by the Federal agency regarding consolidation of contract requirements of the Federal agency are made with a view to providing small business concerns with appropriate opportunities to participate as prime contractors and subcontractors in the procurements of the Federal agency.

“(c) LIMITATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.—

“(1) IN GENERAL.—Subject to paragraph (4), the head of a Federal agency may not carry out an acquisition strategy that includes a consolidation of contract requirements of the Federal agency with a total value of more than \$2,000,000, unless the senior procurement executive or Chief Acquisition Officer for the Federal agency, before carrying out the acquisition strategy—

“(A) conducts market research;

“(B) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements;

“(C) makes a written determination that the consolidation of contract requirements is necessary and justified;

“(D) identifies any negative impact by the acquisition strategy on contracting with small business concerns; and

“(E) certifies to the head of the Federal agency that steps will be taken to include small business concerns in the acquisition strategy.

“(2) DETERMINATION THAT CONSOLIDATION IS NECESSARY AND JUSTIFIED.—

“(A) IN GENERAL.—A senior procurement executive or Chief Acquisition Officer may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for the purposes of paragraph (1)(C) if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under paragraph (1)(B).

“(B) SAVINGS IN ADMINISTRATIVE OR PERSONNEL COSTS.—For purposes of subparagraph (A), savings in administrative or personnel costs alone do not constitute a sufficient justification for a consolidation of contract requirements in a procurement unless the expected total amount of the cost savings, as determined by the senior procurement executive or Chief Acquisition Officer, is expected to be substantial in relation to the total cost of the procurement.

“(3) BENEFITS TO BE CONSIDERED.—The benefits considered for the purposes of paragraphs (1) and (2) may include cost and, regardless of whether quantifiable in dollar amounts—

“(A) quality;

“(B) acquisition cycle;

“(C) terms and conditions; and

“(D) any other benefit.

“(4) DEPARTMENT OF DEFENSE.—

“(A) IN GENERAL.—The Department of Defense and each military department shall comply with this section until after the date described in subparagraph (C).

“(B) RULE.—After the date described in subparagraph (C), contracting by the Department of Defense or a military department shall be conducted in accordance with section 2382 of title 10, United States Code.

“(C) DATE.—The date described in this subparagraph is the date on which the Administrator determines the Department of Defense or a military department is in compliance with the Government-wide contracting goals under section 15.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 2382(b)(1) of title 10, United States Code, is amended by striking “An official” and inserting “Subject to section 44(c)(4), an official”.

SEC. 1314. SMALL BUSINESS TEAMS PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term “Pilot Program” means the Small Business Teaming Pilot Program established under subsection (b); and

(2) the term “eligible organization” means a well-established national organization for small business concerns with the capacity to provide assistance to small business concerns (which may be provided with the assistance of the Administrator) relating to—

(A) customer relations and outreach;

(B) team relations and outreach; and

(C) performance measurement and quality assurance.

(b) ESTABLISHMENT.—The Administrator shall establish a Small Business Teaming Pilot Program for teaming and joint ventures involving small business concerns.

(c) GRANTS.—Under the Pilot Program, the Administrator may make grants to eligible

organizations to provide assistance and guidance to teams of small business concerns seeking to compete for larger procurement contracts.

(d) **CONTRACTING OPPORTUNITIES.**—The Administrator shall work with eligible organizations receiving a grant under the Pilot Program to recommend appropriate contracting opportunities for teams or joint ventures of small business concerns.

(e) **REPORT.**—Not later than 1 year before the date on which the authority to carry out the Pilot Program terminates under subsection (f), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the effectiveness of the Pilot Program.

(f) **TERMINATION.**—The authority to carry out the Pilot Program shall terminate 5 years after the date of enactment of this Act.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for grants under subsection (c) \$5,000,000 for each of fiscal years 2010 through 2015.

PART II—SUBCONTRACTING INTEGRITY

SEC. 1321. SUBCONTRACTING MISREPRESENTATIONS.

Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Administrator for Federal Procurement Policy, shall promulgate regulations relating to, and the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a)) shall amend the Federal Acquisition Regulation issued under section 25 of such Act to establish a policy on, subcontracting compliance relating to small business concerns, including assignment of compliance responsibilities between contracting offices, small business offices, and program offices and periodic oversight and review activities.

SEC. 1322. SMALL BUSINESS SUBCONTRACTING IMPROVEMENTS.

Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(1) in subparagraph (E), by striking “and” at the end;

(2) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(3) by adding at the end, the following:

“(G) a representation that the offeror or bidder will—

“(i) make a good faith effort to acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work from the small business concerns used in preparing and submitting to the contracting agency the bid or proposal, in the same amount and quality used in preparing and submitting the bid or proposal; and

“(ii) provide to the contracting officer a written explanation if the offeror or bidder fails to acquire articles, equipment, supplies, services, or materials or obtain the performance of construction work as described in clause (i).”.

PART III—ACQUISITION PROCESS

SEC. 1331. RESERVATION OF PRIME CONTRACT AWARDS FOR SMALL BUSINESSES.

Section 15 of the Small Business Act (15 U.S.C. 644), as amended by this Act, is amended by adding at the end the following:

“(r) **MULTIPLE AWARD CONTRACTS.**—Not later than 1 year after the date of enactment of this subsection, the Administrator for Federal Procurement Policy and the Administrator, in consultation with the Adminis-

trator of General Services, shall, by regulation, establish guidance under which Federal agencies may, at their discretion—

“(1) set aside part or parts of a multiple award contract for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2);

“(2) notwithstanding the fair opportunity requirements under section 2304c(b) of title 10, United States Code, and section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)), set aside orders placed against multiple award contracts for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2); and

“(3) reserve 1 or more contract awards for small business concerns under full and open multiple award procurements, including the subcategories of small business concerns identified in subsection (g)(2).”.

SEC. 1332. MICRO-PURCHASE GUIDELINES.

Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Administrator of General Services, shall issue guidelines regarding the analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in purchases in an amount not in excess of the micro-purchase threshold, as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) (in this section referred to as “micro-purchases”), consistent with the national policy on small business participation in Federal procurements set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.

SEC. 1333. AGENCY ACCOUNTABILITY.

Section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)) is amended—

(1) by inserting “(A)” after “(2)”;

(2) by striking “Goals established” and inserting the following:

“(B) Goals established”;

(3) by striking “Whenever” and inserting the following:

“(C) Whenever”;

(4) by striking “For the purpose of” and inserting the following:

“(D) For the purpose of”;

(5) by striking “The head of each Federal agency, in attempting to attain such participation” and inserting the following:

“(E) The head of each Federal agency, in attempting to attain the participation described in subparagraph (D)”.

(6) in subparagraph (E), as so designated—

(A) by striking “(A) contracts” and inserting “(i) contracts”; and

(B) by striking “(B) contracts” and inserting “(ii) contracts”; and

(7) by adding at the end the following:

“(F)(i) Each procurement employee or program manager described in clause (ii) shall communicate to the subordinates of the procurement employee or program manager the importance of achieving small business goals.

“(ii) A procurement employee or program manager described in this clause is a senior procurement executive, senior program manager, or Director of Small and Disadvantaged Business Utilization of a Federal agency having contracting authority.”.

SEC. 1334. PAYMENT OF SUBCONTRACTORS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

“(12) **PAYMENT OF SUBCONTRACTORS.**—

“(A) **DEFINITION.**—In this paragraph, the term ‘covered contract’ means a contract relating to which a prime contractor is required to develop a subcontracting plan under paragraph (4) or (5).

“(B) **NOTICE.**—

“(i) **IN GENERAL.**—A prime contractor for a covered contract shall notify in writing the contracting officer for the covered contract if the prime contractor pays a reduced price to a subcontractor for goods and services upon completion of the responsibilities of the subcontractor or the payment to a subcontractor is more than 90 days past due for goods or services provided for the covered contract for which the Federal agency has paid the prime contractor.

“(ii) **CONTENTS.**—A prime contractor shall include the reason for the reduction in a payment to or failure to pay a subcontractor in any notice made under clause (i).

“(C) **PERFORMANCE.**—A contracting officer for a covered contract shall consider the unjustified failure by a prime contractor to make a full or timely payment to a subcontractor in evaluating the performance of the prime contractor.

“(D) **CONTROL OF FUNDS.**—If the contracting officer for a covered contract determines that a prime contractor has a history of unjustified, untimely payments to contractors, the contracting officer shall record the identity of the contractor in accordance with the regulations promulgated under subparagraph (E).

“(E) **REGULATIONS.**—Not later than 1 year after the date of enactment of this paragraph, the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a)) shall amend the Federal Acquisition Regulation issued under section 25 of such Act to—

“(i) describe the circumstances under which a contractor may be determined to have a history of unjustified, untimely payments to subcontractors;

“(ii) establish a process for contracting officers to record the identity of a contractor described in clause (i); and

“(iii) require the identity of a contractor described in clause (i) to be incorporated in, and made publicly available through, the Federal Awardee Performance and Integrity Information System, or any successor thereto.”.

SEC. 1335. REPEAL OF SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

(a) **IN GENERAL.**—The Business Opportunity Development Reform Act of 1988 (Public Law 100-656) is amended by striking title VII (15 U.S.C. 644 note).

(b) **EFFECTIVE DATE AND APPLICABILITY.**—The amendment made by this section—

(1) shall take effect on the date of enactment of this Act; and

(2) apply to the first full fiscal year after the date of enactment of this Act.

PART IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY

SEC. 1341. POLICY AND PRESUMPTIONS.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1311, is amended by adding at the end the following:

“(w) **PRESUMPTION.**—

“(1) **IN GENERAL.**—In every contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant which is set aside, reserved, or otherwise classified as intended for award to small business concerns, there shall be a presumption of loss to the United States based on the

total amount expended on the contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant whenever it is established that a business concern other than a small business concern willfully sought and received the award by misrepresentation.

“(2) **DEEMED CERTIFICATIONS.**—The following actions shall be deemed affirmative, willful, and intentional certifications of small business size and status:

“(A) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement reserved, set aside, or otherwise classified as intended for award to small business concerns.

“(B) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement which in any way encourages a Federal agency to classify the bid or proposal, if awarded, as an award to a small business concern.

“(C) Registration on any Federal electronic database for the purpose of being considered for award of a Federal grant, contract, subcontract, cooperative agreement, or cooperative research agreement, as a small business concern.

“(3) **CERTIFICATION BY SIGNATURE OF RESPONSIBLE OFFICIAL.**—

“(A) **IN GENERAL.**—Each solicitation, bid, or application for a Federal contract, subcontract, or grant shall contain a certification concerning the small business size and status of a business concern seeking the Federal contract, subcontract, or grant.

“(B) **CONTENT OF CERTIFICATIONS.**—A certification that a business concern qualifies as a small business concern of the exact size and status claimed by the business concern for purposes of bidding on a Federal contract or subcontract, or applying for a Federal grant, shall contain the signature of an authorized official on the same page on which the certification is contained.

“(4) **REGULATIONS.**—The Administrator shall promulgate regulations to provide adequate protections to individuals and business concerns from liability under this subsection in cases of unintentional errors, technical malfunctions, and other similar situations.”.

SEC. 1342. ANNUAL CERTIFICATION.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1341, is amended by adding at the end the following:

“(x) **ANNUAL CERTIFICATION.**—

“(1) **IN GENERAL.**—Each business certified as a small business concern under this Act shall annually certify its small business size and, if appropriate, its small business status, by means of a confirming entry on the Online Representations and Certifications Application database of the Administration, or any successor thereto.

“(2) **REGULATIONS.**—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with the Inspector General and the Chief Counsel for Advocacy of the Administration, shall promulgate regulations to ensure that—

“(A) no business concern continues to be certified as a small business concern on the Online Representations and Certifications Application database of the Administration, or any successor thereto, without fulfilling the requirements for annual certification under this subsection; and

“(B) the requirements of this subsection are implemented in a manner presenting the least possible regulatory burden on small business concerns.”.

SEC. 1343. TRAINING FOR CONTRACTING AND ENFORCEMENT PERSONNEL.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Federal Acquisition Institute, in consultation with the Administrator for Federal Procurement Policy, the Defense Acquisition University, and the Administrator, shall develop courses for acquisition personnel concerning proper classification of business concerns and small business size and status for purposes of Federal contracts, subcontracts, grants, cooperative agreements, and cooperative research and development agreements.

(b) **POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.**—Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1342, is amended by adding at the end the following:

“(y) **POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.**—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with the Attorney General, shall issue a Government-wide policy on prosecution of small business size and status fraud, which shall direct Federal agencies to appropriately publicize the policy.”.

SEC. 1344. UPDATED SIZE STANDARDS.

(a) **ROLLING REVIEW.**—

(1) **IN GENERAL.**—The Administrator shall—

(A) during the 18-month period beginning on the date of enactment of this Act, and during every 18-month period thereafter, conduct a detailed review of not less than $\frac{1}{3}$ of the size standards for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)), which shall include holding not less than 2 public forums located in different geographic regions of the United States;

(B) after completing each review under subparagraph (A) make appropriate adjustments to the size standards established under section 3(a)(2) of the Small Business Act to reflect market conditions;

(C) make publicly available—

(i) information regarding the factors evaluated as part of each review conducted under subparagraph (A); and

(ii) information regarding the criteria used for any revised size standards promulgated under subparagraph (B); and

(D) not later than 30 days after the date on which the Administrator completes each review under subparagraph (A), submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives and make publicly available a report regarding the review, including why the Administrator—

(i) used the factors and criteria described in subparagraph (C); and

(ii) adjusted or did not adjust each size standard that was reviewed under the review.

(2) **COMPLETE REVIEW OF SIZE STANDARDS.**—The Administrator shall ensure that each size standard for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)) is reviewed under paragraph (1) not less frequently than once every 5 years.

(b) **RULES.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate rules for conducting the reviews required under subsection (a).

SEC. 1345. STUDY AND REPORT ON THE MENTOR-PROTEGE PROGRAM.

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study of the mentor-protégé program of the Administration for small business concerns partici-

pating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), and other relationships and strategic alliances pairing a larger business and a small business concern partner to gain access to Federal Government contracts, to determine whether the programs and relationships are effectively supporting the goal of increasing the participation of small business concerns in Government contracting.

(b) **MATTERS TO BE STUDIED.**—The study conducted under this section shall include—

(1) a review of a broad cross-section of industries; and

(2) an evaluation of—

(A) how each Federal agency carrying out a program described in subsection (a) administers and monitors the program;

(B) whether there are systems in place to ensure that the mentor-protégé relationship, or similar affiliation, promotes real gain to the protégé, and is not just a mechanism to enable participants that would not otherwise qualify under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) to receive contracts under that section; and

(C) the degree to which protégé businesses become able to compete for Federal contracts without the assistance of a mentor.

(c) **REPORT TO CONGRESS.**—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of the study conducted under this section.

SEC. 1346. CONTRACTING GOALS REPORTS.

Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended by striking “submit them” and all that follows through “the following:” and inserting “submit to the President and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives the compilation and analysis, which shall include the following:”.

SEC. 1347. SMALL BUSINESS CONTRACTING PARITY.

(a) **DEFINITIONS.**—In this section—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the terms “HUBZone small business concern”, “small business concern”, “small business concern owned and controlled by service-disabled veterans”, and “small business concern owned and controlled by women” have the same meanings as in section 3 of the Small Business Act (15 U.S.C. 632).

(b) **CONTRACTING IMPROVEMENTS.**—

(1) **CONTRACTING OPPORTUNITIES.**—Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking “shall” and inserting “may”.

(2) **CONTRACTING GOALS.**—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended in the fourth sentence by inserting “and subcontract” after “not less than 3 percent of the total value of all prime contract”.

(3) **MENTOR-PROTEGE PROGRAMS.**—The Administrator may establish mentor-protégé programs for small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by women, and HUBZone small business concerns modeled on the mentor-protégé program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(c) SMALL BUSINESS CONTRACTING PROGRAMS PARITY.—Section 31(b)(2) of the Small Business Act (15 U.S.C. 657a(b)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking “Notwithstanding any other provision of law—”;

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “a contracting” and inserting “SOLE SOURCE CONTRACTS.—A contracting”; and

(B) in clause (iii), by striking the semicolon at the end and inserting a period;

(3) in subparagraph (B)—

(A) by striking “a contract opportunity shall” and inserting “RESTRICTED COMPETITION.—A contract opportunity may”; and

(B) by striking “; and” and inserting a period; and

(4) in subparagraph (C), by striking “not later” and inserting “APPEALS.—Not later”.

Subtitle D—Small Business Management and Counseling Assistance

SEC. 1401. MATCHING REQUIREMENTS UNDER SMALL BUSINESS PROGRAMS.

(a) MICROLOAN PROGRAM.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (3)(B)—

(A) by striking “As a condition” and inserting the following:

“(i) IN GENERAL.—Subject to clause (ii), as a condition”;

(B) by striking “the Administration” and inserting “the Administrator”; and

(C) by adding at the end the following:

“(ii) WAIVER OF NON-FEDERAL SHARE.—

“(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this clause for successive fiscal years.

“(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

“(aa) the economic conditions affecting the intermediary;

“(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

“(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

“(dd) the performance of the intermediary.

“(III) LIMITATIONS.—

“(aa) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.

“(bb) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause for fiscal year 2013 or any fiscal year thereafter.”; and

(2) in paragraph (4)(B)—

(A) by striking “As a condition” and all that follows through “the Administration shall require” and inserting the following:

“(i) IN GENERAL.—Subject to clause (ii), as a condition of a grant made under subparagraph (A), the Administrator shall require”; and

(B) by adding at the end the following:

“(ii) WAIVER OF NON-FEDERAL SHARE.—

“(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fis-

cal year. The Administrator may waive the requirement to obtain non-Federal funds under this clause for successive fiscal years.

“(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

“(aa) the economic conditions affecting the intermediary;

“(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

“(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

“(dd) the performance of the intermediary.

“(III) LIMITATIONS.—

“(aa) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.

“(bb) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause for fiscal year 2013 or any fiscal year thereafter.”.

(b) WOMEN'S BUSINESS CENTER PROGRAM.—Section 29(c) of the Small Business Act (15 U.S.C. 656(c)) is amended—

(1) in paragraph (1), by striking “As a condition” and inserting “Subject to paragraph (5), as a condition”; and

(2) by adding at the end the following:

“(5) WAIVER OF NON-FEDERAL SHARE RELATING TO TECHNICAL ASSISTANCE AND COUNSELING.—

“(A) IN GENERAL.—Upon request by a recipient organization, and in accordance with this paragraph, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under this subsection for the technical assistance and counseling activities of the recipient organization carried out using financial assistance under this section for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this paragraph for successive fiscal years.

“(B) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this paragraph, the Administrator shall consider—

“(i) the economic conditions affecting the recipient organization;

“(ii) the impact a waiver under this clause would have on the credibility of the women's business center program under this section;

“(iii) the demonstrated ability of the recipient organization to raise non-Federal funds; and

“(iv) the performance of the recipient organization.

“(C) LIMITATIONS.—

“(i) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph if granting the waiver would undermine the credibility of the women's business center program under this section.

“(ii) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph for fiscal year 2013 or any fiscal year thereafter.”.

(c) PROSPECTIVE REPEALS.—Effective October 1, 2012, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 7(m) (15 U.S.C. 636(m))—

(A) in paragraph (3)(B)—

(i) by striking “INTERMEDIARY CONTRIBUTION.—” and all that follows through “Subject to clause (ii), as” and inserting “INTERMEDIARY CONTRIBUTION.—As”; and

(ii) by striking clause (ii); and

(B) in paragraph (4)(B)—

(i) by striking “CONTRIBUTION.—” and all that follows through “Subject to clause (ii), as” and inserting “CONTRIBUTION.—As”; and

(ii) by striking clause (ii); and

(2) in section 29(c) (15 U.S.C. 656(c))—

(A) in paragraph (1), by striking “Subject to paragraph (5), as” and inserting “As”; and

(B) by striking paragraph (5).

SEC. 1402. GRANTS FOR SBDCS.

(a) IN GENERAL.—The Administrator may make grants to small business development centers under section 21 of the Small Business Act (15 U.S.C. 648) to provide targeted technical assistance to small business concerns seeking access to capital or credit, Federal procurement opportunities, energy efficiency audits to reduce energy bills, opportunities to export products or provide services to foreign customers, adopting, making innovations in, and using broadband technologies, or other assistance.

(b) ALLOCATION.—

(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding the requirements of section 21(a)(4)(C)(iii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(iii)), the amount appropriated to carry out this section shall be allocated under the formula under section 21(a)(4)(C)(i) of that Act.

(2) MINIMUM FUNDING.—The amount made available under this section to each State shall be not less than \$325,000.

(3) TYPES OF USES.—Of the total amount of the grants awarded by the Administrator under this section—

(A) not less than 80 percent shall be used for counseling of small business concerns; and

(B) not more than 20 percent may be used for classes or seminars.

(c) NO NON-FEDERAL SHARE REQUIRED.—Notwithstanding section 21(a)(4)(A) of the Small Business Act (15 U.S.C. 648(a)(4)(A)), the recipient of a grant made under this section shall not be required to provide non-Federal matching funds.

(d) DISTRIBUTION.—Not later than 30 days after the date on which amounts are appropriated to carry out this section, the Administrator shall disburse the total amount appropriated.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator \$50,000,000 to carry out this section.

Subtitle E—Disaster Loan Improvement

SEC. 1501. AQUACULTURE BUSINESS DISASTER ASSISTANCE.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1343, is amended by adding at the end the following:

“(z) AQUACULTURE BUSINESS DISASTER ASSISTANCE.—Subject to section 18(a) and notwithstanding section 18(b)(1), the Administrator may provide disaster assistance under section 7(b)(2) to aquaculture enterprises that are small businesses.”.

Subtitle F—Small Business Regulatory Relief **SEC. 1601. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.**

Section 604(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “succinct”;

(2) in paragraph (2), by striking “summary” each place it appears and inserting “statement”;

(3) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(4) by inserting after paragraph (2) the following:

“(3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration

in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments.”.

SEC. 1602. OFFICE OF ADVOCACY.

(a) IN GENERAL.—Section 203 of Public Law 94-305 (15 U.S.C. 634c) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(6) carry out the responsibilities of the Office of Advocacy under chapter 6 of title 5, United States Code.”.

(b) BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.—Title II of Public Law 94-305 (15 U.S.C. 634a et seq.) is amended by striking section 207 and inserting the following:

“SEC. 207. BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.

“(a) APPROPRIATION REQUESTS.—Each budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, shall include a separate statement of the amount of appropriations requested for the Office of Advocacy of the Small Business Administration, which shall be designated in a separate account in the General Fund of the Treasury.

“(b) ADMINISTRATIVE OPERATIONS.—The Administrator of the Small Business Administration shall provide the Office of Advocacy with appropriate and adequate office space at central and field office locations, together with such equipment, operating budget, and communications facilities and services as may be necessary, and shall provide necessary maintenance services for such offices and the equipment and facilities located in such offices.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title. Any amount appropriated under this subsection shall remain available, without fiscal year limitation, until expended.”.

Subtitle G—Appropriations Provisions

SEC. 1701. SALARIES AND EXPENSES.

(a) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, \$150,000,000, to remain available until September 30, 2012, for an additional amount for the appropriations account appropriated under the heading “SALARIES AND EXPENSES” under the heading “SMALL BUSINESS ADMINISTRATION”, of which—

(1) \$50,000,000 is for grants to small business development centers authorized under section 1402;

(2) \$1,000,000 is for the costs of administering grants authorized under section 1402;

(3) \$30,000,000 is for grants to States for fiscal year 2011 to carry out export programs that assist small business concerns authorized under section 1207;

(4) \$30,000,000 is for grants to States for fiscal year 2012 to carry out export programs that assist small business concerns authorized under section 1207;

(5) \$2,500,000 is for the costs of administering grants authorized under section 1207;

(6) \$5,000,000 is for grants for fiscal year 2011 under the Small Business Teaming Pilot Program under section 1314; and

(7) \$5,000,000 is for grants for fiscal year 2012 under the Small Business Teaming Pilot Program under section 1314.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Ad-

ministrator shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a detailed expenditure plan for using the funds provided under subsection (a).

SEC. 1702. BUSINESS LOANS PROGRAM ACCOUNT.

(a) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for an additional amount for the appropriations account appropriated under the heading “BUSINESS LOANS PROGRAM ACCOUNT” under the heading “SMALL BUSINESS ADMINISTRATION”—

(1) \$8,000,000, to remain available until September 30, 2012, for fiscal year 2011 for the cost of direct loans authorized under section 7(l) of the Small Business Act, as added by section 1131 of this title, including the cost of modifying the loans;

(2) \$8,000,000, to remain available until September 30, 2012, for fiscal year 2012 for the cost of direct loans authorized under section 7(l) of the Small Business Act, as added by section 1131 of this title, including the cost of modifying the loans;

(3) \$6,500,000, to remain available until September 30, 2012, for administrative expenses to carry out the direct loan program authorized under section 7(l) of the Small Business Act, as added by section 1131 of this title, which may be transferred to and merged with the appropriations account appropriated under the heading “SALARIES AND EXPENSES” under the heading “SMALL BUSINESS ADMINISTRATION”; and

(4) \$15,000,000, to remain available until September 30, 2011, for the cost of guaranteed loans as authorized under section 7(a) of the Small Business Act, including the cost of modifying the loans.

(b) DEFINITION.—In this section, the term “cost” has the meaning given that term in section 502 of the Congressional Budget Act of 1974.

SEC. 1703. COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT.

There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for an additional amount for the appropriations account appropriated under the heading “COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT” under the heading “DEPARTMENT OF THE TREASURY”, \$13,500,000, to remain available until September 30, 2012, for the costs of administering guarantees for bonds and notes as authorized under section 114A of the Riegle Community Development and Regulatory Improvement Act of 1994, as added by section 1134 of this Act.

SEC. 1704. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) EXTENSION OF PROGRAMS.—

(1) IN GENERAL.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for “Small Business Administration—Business Loans Program Account”, \$505,000,000, to remain available through December 31, 2010, for the cost of—

(A) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151), as amended by this Act; and

(B) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 152), as amended by this Act.

(2) COST.—For purposes of this subsection, the term “cost” has the same meaning as in

section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

(b) ADMINISTRATIVE EXPENSES.—There is appropriated for an additional amount, out of any funds in the Treasury not otherwise appropriated, for administrative expenses to carry out sections 501 and 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), \$5,000,000, to remain available until expended, which may be transferred and merged with the appropriation for “Small Business Administration—Salaries and Expenses”.

TITLE II—TAX PROVISIONS

SEC. 2001. SHORT TITLE.

This title may be cited as the “Creating Small Business Jobs Act of 2010”.

Subtitle A—Small Business Relief

PART I—PROVIDING ACCESS TO CAPITAL

SEC. 2011. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Subsection (a) of section 1202 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) 100 PERCENT EXCLUSION FOR STOCK ACQUIRED DURING CERTAIN PERIODS IN 2010.—In the case of qualified small business stock acquired after the date of the enactment of the Creating Small Business Jobs Act of 2010 and before January 1, 2011—

“(A) paragraph (1) shall be applied by substituting ‘100 percent’ for ‘50 percent’;

“(B) paragraph (2) shall not apply; and

“(C) paragraph (7) of section 57(a) shall not apply.”.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 1202(a) of the Internal Revenue Code of 1986 is amended—

(1) by inserting “CERTAIN PERIODS IN” before “2010” in the heading; and

(2) by striking “before January 1, 2011” and inserting “on or before the date of the enactment of the Creating Small Business Jobs Act of 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after the date of the enactment of this Act.

SEC. 2012. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES FOR 2010 CARRIED BACK 5 YEARS.

(a) IN GENERAL.—Section 39(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) 5-YEAR CARRYBACK FOR ELIGIBLE SMALL BUSINESS CREDITS.—

“(A) IN GENERAL.—Notwithstanding subsection (d), in the case of eligible small business credits determined in the first taxable year of the taxpayer beginning in 2010—

“(i) paragraph (1) shall be applied by substituting ‘each of the 5 taxable years’ for ‘the taxable year’ in subparagraph (A) thereof; and

“(ii) paragraph (2) shall be applied—

“(I) by substituting ‘25 taxable years’ for ‘21 taxable years’ in subparagraph (A) thereof; and

“(II) by substituting ‘24 taxable years’ for ‘20 taxable years’ in subparagraph (B) thereof.

“(B) ELIGIBLE SMALL BUSINESS CREDITS.—For purposes of this subsection, the term ‘eligible small business credits’ has the meaning given such term by section 38(c)(5)(B).”.

(b) CONFORMING AMENDMENT.—Section 39(a)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting “or the eligible small business credits” after “credit”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to credits

determined in taxable years beginning after December 31, 2009.

SEC. 2013. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES IN 2010 NOT SUBJECT TO ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 38(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

“(5) SPECIAL RULES FOR ELIGIBLE SMALL BUSINESS CREDITS IN 2010.—

“(A) IN GENERAL.—In the case of eligible small business credits determined in taxable years beginning in 2010—

“(i) this section and section 39 shall be applied separately with respect to such credits, and

“(ii) in applying paragraph (1) to such credits—

“(I) the tentative minimum tax shall be treated as being zero, and

“(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the eligible small business credits).

“(B) ELIGIBLE SMALL BUSINESS CREDITS.—For purposes of this subsection, the term ‘eligible small business credits’ means the sum of the credits listed in subsection (b) which are determined for the taxable year with respect to an eligible small business. Such credits shall not be taken into account under paragraph (2), (3), or (4).

“(C) ELIGIBLE SMALL BUSINESS.—For purposes of this subsection, the term ‘eligible small business’ means, with respect to any taxable year—

“(i) a corporation the stock of which is not publicly traded,

“(ii) a partnership, or

“(iii) a sole proprietorship,

if the average annual gross receipts of such corporation, partnership, or sole proprietorship for the 3-taxable-year period preceding such taxable year does not exceed \$50,000,000. For purposes of applying the test under the preceding sentence, rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply.

“(D) TREATMENT OF PARTNERS AND S CORPORATION SHAREHOLDERS.—Credits determined with respect to a partnership or S corporation shall not be treated as eligible small business credits by any partner or shareholder unless such partner or shareholder meets the gross receipts test under subparagraph (C) for the taxable year in which such credits are treated as current year business credits.”.

(b) TECHNICAL AMENDMENT.—Section 55(e)(5) of the Internal Revenue Code of 1986 is amended by striking “38(c)(3)(B)” and inserting “38(c)(6)(B)”.

(c) CONFORMING AMENDMENTS.—

(1) Subclause (II) of section 38(c)(2)(A)(ii) of the Internal Revenue Code of 1986 is amended by inserting “the eligible small business credits,” after “the New York Liberty Zone business employee credit.”.

(2) Subclause (II) of section 38(c)(3)(A)(ii) of such Code is amended by inserting “, the eligible small business credits,” after “the New York Liberty Zone business employee credit”.

(3) Subclause (II) of section 38(c)(4)(A)(ii) of such Code is amended by inserting “the eligible small business credits and” before “the specified credits”.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to credits determined in taxable years beginning after

December 31, 2009, and to carrybacks of such credits.

SEC. 2014. TEMPORARY REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Subparagraph (B) of section 1374(d)(7) of the Internal Revenue Code of 1986 is amended to read as follows:

“(B) SPECIAL RULES FOR 2009, 2010, AND 2011.—No tax shall be imposed on the net recognized built-in gain of an S corporation—

“(i) in the case of any taxable year beginning in 2009 or 2010, if the 7th taxable year in the recognition period preceded such taxable year, or

“(ii) in the case of any taxable year beginning in 2011, if the 5th year in the recognition period preceded such taxable year. The preceding sentence shall be applied separately with respect to any asset to which paragraph (8) applies.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

PART II—ENCOURAGING INVESTMENT

SEC. 2021. INCREASED EXPENSING LIMITATIONS FOR 2010 AND 2011; CERTAIN REAL PROPERTY TREATED AS SECTION 179 PROPERTY.

(a) INCREASED LIMITATIONS.—Subsection (b) of section 179 of the Internal Revenue Code of 1986 is amended—

(1) by striking “shall not exceed” and all that follows in paragraph (1) and inserting “shall not exceed—

“(A) \$250,000 in the case of taxable years beginning after 2007 and before 2010,

“(B) \$500,000 in the case of taxable years beginning in 2010 or 2011, and

“(C) \$25,000 in the case of taxable years beginning after 2011.”, and

(2) by striking “exceeds” and all that follows in paragraph (2) and inserting “exceeds—

“(A) \$800,000 in the case of taxable years beginning after 2007 and before 2010,

“(B) \$2,000,000 in the case of taxable years beginning in 2010 or 2011, and

“(C) \$200,000 in the case of taxable years beginning after 2011.”.

(b) INCLUSION OF CERTAIN REAL PROPERTY.—Section 179 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(f) SPECIAL RULES FOR QUALIFIED REAL PROPERTY.—

“(1) IN GENERAL.—If a taxpayer elects the application of this subsection for any taxable year beginning in 2010 or 2011, the term ‘section 179 property’ shall include any qualified real property which is—

“(A) of a character subject to an allowance for depreciation,

“(B) acquired by purchase for use in the active conduct of a trade or business, and

“(C) not described in the last sentence of subsection (d)(1).

“(2) QUALIFIED REAL PROPERTY.—For purposes of this subsection, the term ‘qualified real property’ means—

“(A) qualified leasehold improvement property described in section 168(e)(6),

“(B) qualified restaurant property described in section 168(e)(7) (without regard to the dates specified in subparagraph (A)(i) thereof), and

“(C) qualified retail improvement property described in section 168(e)(8) (without regard to subparagraph (E) thereof).

“(3) LIMITATION.—For purposes of applying the limitation under subsection (b)(1)(B), not more than \$250,000 of the aggregate cost which is taken into account under subsection (a) for any taxable year may be attributable to qualified real property.

“(4) CARRYOVER LIMITATION.—

“(A) IN GENERAL.—Notwithstanding subsection (b)(3)(B), no amount attributable to qualified real property may be carried over to a taxable year beginning after 2011.

“(B) TREATMENT OF DISALLOWED AMOUNTS.—Except as provided in subparagraph (C), to the extent that any amount is not allowed to be carried over to a taxable year beginning after 2011 by reason of subparagraph (A), this title shall be applied as if no election under this section had been made with respect to such amount.

“(C) AMOUNTS CARRIED OVER FROM 2010.—If subparagraph (B) applies to any amount (or portion of an amount) which is carried over from a taxable year other than the taxpayer’s last taxable year beginning in 2011, such amount (or portion of an amount) shall be treated for purposes of this title as attributable to property placed in service on the first day of the taxpayer’s last taxable year beginning in 2011.

“(D) ALLOCATION OF AMOUNTS.—For purposes of applying this paragraph and subsection (b)(3)(B) to any taxable year, the amount which is disallowed under subsection (b)(3)(A) for such taxable year which is attributed to qualified real property shall be the amount which bears the same ratio to the total amount so disallowed as—

“(i) the aggregate amount attributable to qualified real property placed in service during such taxable year, increased by the portion of any amount carried over to such taxable year from a prior taxable year which is attributable to such property, bears to

“(ii) the total amount of section 179 property placed in service during such taxable year, increased by the aggregate amount carried over to such taxable year from any prior taxable year.

For purposes of the preceding sentence, only section 179 property with respect to which an election was made under subsection (c)(1) (determined without regard to subparagraph (B) of this paragraph) shall be taken into account.”.

(c) REVOCABILITY OF ELECTION.—Paragraph (2) of section 179(c) of the Internal Revenue Code of 1986 is amended by striking “2011” and inserting “2012”.

(d) COMPUTER SOFTWARE TREATED AS 179 PROPERTY.—Clause (ii) of section 179(d)(1)(A) is amended by striking “2011” and inserting “2012”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2009, in taxable years beginning after such date.

(2) EXTENSIONS.—The amendments made by subsections (c) and (d) shall apply to taxable years beginning after December 31, 2010.

SEC. 2022. ADDITIONAL FIRST-YEAR DEPRECIATION FOR 50 PERCENT OF THE BASIS OF CERTAIN QUALIFIED PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 168(k) of the Internal Revenue Code of 1986 is amended—

(1) by striking “January 1, 2011” in subparagraph (A)(iv) and inserting “January 1, 2012”, and

(2) by striking “January 1, 2010” each place it appears and inserting “January 1, 2011”.

(b) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 of the Internal Revenue Code of 1986 is amended by striking “JANUARY 1, 2010” and inserting “JANUARY 1, 2011”.

(2) The heading for clause (ii) of section 168(k)(2)(B) of such Code is amended by striking “PRE-JANUARY 1, 2010” and inserting “PRE-JANUARY 1, 2011”.

(3) Subparagraph (D) of section 168(k)(4) of such Code is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting a comma, and by adding at the end the following new clauses:

“(iv) ‘January 1, 2011’ shall be substituted for ‘January 1, 2012’ in subparagraph (A)(iv) thereof, and

“(v) ‘January 1, 2010’ shall be substituted for ‘January 1, 2011’ each place it appears in subparagraph (A) thereof.”

(4) Subparagraph (B) of section 168(l)(5) of such Code is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(5) Subparagraph (C) of section 168(n)(2) of such Code is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(6) Subparagraph (D) of section 1400L(b)(2) of such Code is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(7) Subparagraph (B) of section 1400N(d)(3) of such Code is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after December 31, 2009, in taxable years ending after such date.

SEC. 2023. SPECIAL RULE FOR LONG-TERM CONTRACT ACCOUNTING.

(a) **IN GENERAL.**—Section 460(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) **SPECIAL RULE FOR ALLOCATION OF BONUS DEPRECIATION WITH RESPECT TO CERTAIN PROPERTY.**—

“(A) **IN GENERAL.**—Solely for purposes of determining the percentage of completion under subsection (b)(1)(A), the cost of qualified property shall be taken into account as a cost allocated to the contract as if subsection (k) of section 168 had not been enacted.

“(B) **QUALIFIED PROPERTY.**—For purposes of this paragraph, the term ‘qualified property’ means property described in section 168(k)(2) which—

“(i) has a recovery period of 7 years or less, and

“(ii) is placed in service after December 31, 2009, and before January 1, 2011 (January 1, 2012, in the case of property described in section 168(k)(2)(B)).”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

PART III—PROMOTING ENTREPRENEURSHIP

SEC. 2031. INCREASE IN AMOUNT ALLOWED AS DEDUCTION FOR START-UP EXPENDITURES IN 2010.

(a) **START-UP EXPENDITURES.**—Subsection (b) of section 195 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) **SPECIAL RULE FOR TAXABLE YEARS BEGINNING IN 2010.**—In the case of a taxable year beginning in 2010, paragraph (1)(A)(ii) shall be applied—

“(A) by substituting ‘\$10,000’ for ‘\$5,000’, and

“(B) by substituting ‘\$60,000’ for ‘\$50,000’.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2009.

SEC. 2032. AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES TRADE REPRESENTATIVE TO DEVELOP MARKET ACCESS OPPORTUNITIES FOR UNITED STATES SMALL- AND MEDIUM-SIZED BUSINESSES AND TO ENFORCE TRADE AGREEMENTS.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Office of the United

States Trade Representative \$5,230,000, to remain available until expended, for—

(1) analyzing and developing opportunities for businesses in the United States to access the markets of foreign countries; and

(2) enforcing trade agreements to which the United States is a party.

(b) **REQUIREMENTS.**—In obligating and expending the funds authorized to be appropriated under subsection (a), the United States Trade Representative shall—

(1) give preference to those initiatives that the United States Trade Representative determines will create or sustain the greatest number of jobs in the United States or result in the greatest benefit to the economy of the United States; and

(2) consider the needs of small- and medium-sized businesses in the United States with respect to—

(A) accessing the markets of foreign countries; and

(B) the enforcement of trade agreements to which the United States is a party.

PART IV—PROMOTING SMALL BUSINESS FAIRNESS

SEC. 2041. LIMITATION ON PENALTY FOR FAILURE TO DISCLOSE REPORTABLE TRANSACTIONS BASED ON RESULTING TAX BENEFITS.

(a) **IN GENERAL.**—Subsection (b) of section 6707A of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) **AMOUNT OF PENALTY.**—

“(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amount of the penalty under subsection (a) with respect to any reportable transaction shall be 75 percent of the decrease in tax shown on the return as a result of such transaction (or which would have resulted from such transaction if such transaction were respected for Federal tax purposes).

“(2) **MAXIMUM PENALTY.**—The amount of the penalty under subsection (a) with respect to any reportable transaction shall not exceed—

“(A) in the case of a listed transaction, \$200,000 (\$100,000 in the case of a natural person), or

“(B) in the case of any other reportable transaction, \$50,000 (\$10,000 in the case of a natural person).

“(3) **MINIMUM PENALTY.**—The amount of the penalty under subsection (a) with respect to any transaction shall not be less than \$10,000 (\$5,000 in the case of a natural person).”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to penalties assessed after December 31, 2006.

SEC. 2042. DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES IN 2010.

(a) **IN GENERAL.**—Paragraph (4) of section 162(l) of the Internal Revenue Code of 1986 is amended by inserting “for taxable years beginning before January 1, 2010, or after December 31, 2010” before the period.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 2043. REMOVAL OF CELLULAR TELEPHONES AND SIMILAR TELECOMMUNICATIONS EQUIPMENT FROM LISTED PROPERTY.

(a) **IN GENERAL.**—Subparagraph (A) of section 280F(d)(4) of the Internal Revenue Code of 1986 (defining listed property) is amended by adding “and” at the end of clause (iv), by striking clause (v), and by redesignating clause (vi) as clause (v).

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

Subtitle B—Revenue Provisions

PART I—REDUCING THE TAX GAP

SEC. 2101. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) **IN GENERAL.**—Section 6041 of the Internal Revenue Code of 1986, as amended by section 9006 of the Patient Protection and Affordable Care Act, is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

“(h) **TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.**—

“(1) **IN GENERAL.**—Solely for purposes of subsection (a) and except as provided in paragraph (2), a person receiving rental income from real estate shall be considered to be engaged in a trade or business of renting property.

“(2) **EXCEPTIONS.**—Paragraph (1) shall not apply to—

“(A) any individual, including any individual who is an active member of the uniformed services or an employee of the intelligence community (as defined in section 121(d)(9)(C)(iv)), if substantially all rental income is derived from renting the principal residence (within the meaning of section 121) of such individual on a temporary basis,

“(B) any individual who receives rental income of not more than the minimal amount, as determined under regulations prescribed by the Secretary, and

“(C) any other individual for whom the requirements of this section would cause hardship, as determined under regulations prescribed by the Secretary.”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to payments made after December 31, 2010.

SEC. 2102. INCREASE IN INFORMATION RETURN PENALTIES.

(a) **FAILURE TO FILE CORRECT INFORMATION RETURNS.**—

(1) **IN GENERAL.**—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 of the Internal Revenue Code of 1986 are each amended by striking “\$50” and inserting “\$100”.

(2) **AGGREGATE ANNUAL LIMITATION.**—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 of such Code are each amended by striking “\$250,000” and inserting “\$1,500,000”.

(b) **REDUCTION WHERE CORRECTION WITHIN 30 DAYS.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 6721(b)(1) of the Internal Revenue Code of 1986 is amended by striking “\$15” and inserting “\$30”.

(2) **AGGREGATE ANNUAL LIMITATION.**—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 of such Code are each amended by striking “\$75,000” and inserting “\$250,000”.

(c) **REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 6721(b)(2) of the Internal Revenue Code of 1986 is amended by striking “\$30” and inserting “\$60”.

(2) **AGGREGATE ANNUAL LIMITATION.**—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 of such Code are each amended by striking “\$150,000” and inserting “\$500,000”.

(d) **AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN \$5,000,000.**—

(1) **IN GENERAL.**—Paragraph (1) of section 6721(d) of the Internal Revenue Code of 1986 is amended—

(A) by striking “\$100,000” in subparagraph (A) and inserting “\$500,000”,

(B) by striking “\$25,000” in subparagraph (B) and inserting “\$75,000”, and

(C) by striking “\$50,000” in subparagraph (C) and inserting “\$200,000”.

(2) TECHNICAL AMENDMENT.—Paragraph (1) of section 6721(d) of such Code is amended by striking “such taxable year” and inserting “such calendar year”.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) of the Internal Revenue Code of 1986 is amended by striking “\$100” and inserting “\$250”.

(f) ADJUSTMENT FOR INFLATION.—Section 6721 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(f) ADJUSTMENT FOR INFLATION.—

“(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any amount adjusted under paragraph (1)—

“(A) is not less than \$75,000 and is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500, and

“(B) is not described in subparagraph (A) and is not a multiple of \$10, such amount shall be rounded to the next lowest multiple of \$10.”.

(g) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—Section 6722 of the Internal Revenue Code of 1986 is amended to read as follows:

“SEC. 6722. FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.”

“(a) IMPOSITION OF PENALTY.—

“(1) GENERAL RULE.—In the case of each failure described in paragraph (2) by any person with respect to a payee statement, such person shall pay a penalty of \$100 for each statement with respect to which such a failure occurs, but the total amount imposed on such person for all such failures during any calendar year shall not exceed \$1,500,000.

“(2) FAILURES SUBJECT TO PENALTY.—For purposes of paragraph (1), the failures described in this paragraph are—

“(A) any failure to furnish a payee statement on or before the date prescribed therefor to the person to whom such statement is required to be furnished, and

“(B) any failure to include all of the information required to be shown on a payee statement or the inclusion of incorrect information.

“(b) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

“(1) CORRECTION WITHIN 30 DAYS.—If any failure described in subsection (a)(2) is corrected on or before the day 30 days after the required filing date—

“(A) the penalty imposed by subsection (a) shall be \$30 in lieu of \$100, and

“(B) the total amount imposed on the person for all such failures during any calendar year which are so corrected shall not exceed \$250,000.

“(2) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—If any failure described in subsection (a)(2) is corrected after the 30th day referred to in paragraph (1) but on or before August 1 of the calendar year in which the required filing date occurs—

“(A) the penalty imposed by subsection (a) shall be \$60 in lieu of \$100, and

“(B) the total amount imposed on the person for all such failures during the calendar year which are so corrected shall not exceed \$500,000.

“(c) EXCEPTION FOR DE MINIMIS FAILURES.—

“(1) IN GENERAL.—If—

“(A) a payee statement is furnished to the person to whom such statement is required to be furnished,

“(B) there is a failure described in subsection (a)(2)(B) (determined after the application of section 6724(a)) with respect to such statement, and

“(C) such failure is corrected on or before August 1 of the calendar year in which the required filing date occurs,

for purposes of this section, such statement shall be treated as having been furnished with all of the correct required information.

“(2) LIMITATION.—The number of payee statements to which paragraph (1) applies for any calendar year shall not exceed the greater of—

“(A) 10, or

“(B) one-half of 1 percent of the total number of payee statements required to be filed by the person during the calendar year.

“(d) LOWER LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN \$5,000,000.—

“(1) IN GENERAL.—If any person meets the gross receipts test of paragraph (2) with respect to any calendar year, with respect to failures during such calendar year—

“(A) subsection (a)(1) shall be applied by substituting ‘\$500,000’ for ‘\$1,500,000’,

“(B) subsection (b)(1)(B) shall be applied by substituting ‘\$75,000’ for ‘\$250,000’, and

“(C) subsection (b)(2)(B) shall be applied by substituting ‘\$200,000’ for ‘\$500,000’.

“(2) GROSS RECEIPTS TEST.—A person meets the gross receipts test of this paragraph if such person meets the gross receipts test of section 6721(d)(2).

“(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—If 1 or more failures to which subsection (a) applies are due to intentional disregard of the requirement to furnish a payee statement (or the correct information reporting requirement), then, with respect to each such failure—

“(1) subsections (b), (c), and (d) shall not apply.

“(2) the penalty imposed under subsection (a)(1) shall be \$250, or, if greater—

“(A) in the case of a payee statement other than a statement required under section 6045(b), 6041A(e) (in respect of a return required under section 6041A(b)), 6050H(d), 6050J(e), 6050K(b), or 6050L(c), 10 percent of the aggregate amount of the items required to be reported correctly, or

“(B) in the case of a payee statement required under section 6045(b), 6050K(b), or 6050L(c), 5 percent of the aggregate amount of the items required to be reported correctly, and

“(3) in the case of any penalty determined under paragraph (2)—

“(A) the \$1,500,000 limitation under subsection (a) shall not apply, and

“(B) such penalty shall not be taken into account in applying such limitation to penalties not determined under paragraph (2).

“(f) ADJUSTMENT FOR INFLATION.—

“(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d)(1), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any amount adjusted under paragraph (1)—

“(A) is not less than \$75,000 and is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500, and

“(B) is not described in subparagraph (A) and is not a multiple of \$10, such amount shall be rounded to the next lowest multiple of \$10.”.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

SEC. 2103. REPORT ON TAX SHELTER PENALTIES AND CERTAIN OTHER ENFORCEMENT ACTIONS.

(a) IN GENERAL.—The Commissioner of Internal Revenue, in consultation with the Secretary of the Treasury, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on the penalties assessed by the Internal Revenue Service during the preceding year under each of the following provisions of the Internal Revenue Code of 1986:

(1) Section 6662A (relating to accuracy-related penalty on understatements with respect to reportable transactions).

(2) Section 6700(a) (relating to promoting abusive tax shelters).

(3) Section 6707 (relating to failure to furnish information regarding reportable transactions).

(4) Section 6707A (relating to failure to include reportable transaction information with return).

(5) Section 6708 (relating to failure to maintain lists of advisees with respect to reportable transactions).

(b) ADDITIONAL INFORMATION.—The report required under subsection (a) shall also include information on the following with respect to each year:

(1) Any action taken under section 330(b) of title 31, United States Code, with respect to any reportable transaction (as defined in section 6707A(c) of the Internal Revenue Code of 1986).

(2) Any extension of the time for assessment of tax enforced, or assessment of any amount under such an extension, under paragraph (10) of section 6501(c) of the Internal Revenue Code of 1986.

(c) DATE OF REPORT.—The first report required under subsection (a) shall be submitted not later than December 31, 2010.

SEC. 2104. APPLICATION OF CONTINUOUS LEVY TO TAX LIABILITIES OF CERTAIN FEDERAL CONTRACTORS.

(a) IN GENERAL.—Subsection (f) of section 6330 of the Internal Revenue Code of 1986 is amended by striking “or” at the end of paragraph (2), by inserting “or” at the end of paragraph (3), and by inserting after paragraph (3) the following new paragraph:

“(4) the Secretary has served a Federal contractor levy.”.

(b) FEDERAL CONTRACTOR LEVY.—Subsection (h) of section 6330 of the Internal Revenue Code of 1986 is amended—

(1) by striking all that precedes “any levy in connection with the collection” and inserting the following:

“(h) DEFINITIONS RELATED TO EXCEPTIONS.—For purposes of subsection (f)—

“(1) DISQUALIFIED EMPLOYMENT TAX LEVY.—A disqualified employment tax levy is”; and

(2) by adding at the end the following new paragraph:

“(2) FEDERAL CONTRACTOR LEVY.—A Federal contractor levy is any levy if the person whose property is subject to the levy (or any predecessor thereof) is a Federal contractor.”.

(c) CONFORMING AMENDMENT.—The heading of subsection (f) of section 6330 of the Internal Revenue Code of 1986 is amended by striking “JEOPARDY AND STATE REFUND COLLECTION” and inserting “EXCEPTIONS”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to levies issued after the date of the enactment of this Act.

PART II—PROMOTING RETIREMENT PREPARATION

SEC. 2111. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) **IN GENERAL.**—Section 402A(e)(1) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following:

“(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”.

(b) **ELECTIVE DEFERRALS.**—Section 402A(e)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

“(2) **ELECTIVE DEFERRAL.**—The term ‘elective deferral’ means—

“(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

“(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 2112. ROLLOVERS FROM ELECTIVE DEFERRAL PLANS TO DESIGNATED ROTH ACCOUNTS.

(a) **IN GENERAL.**—Section 402A(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) **TAXABLE ROLLOVERS TO DESIGNATED ROTH ACCOUNTS.**—

“(A) **IN GENERAL.**—Notwithstanding sections 402(c), 403(b)(8), and 457(e)(16), in the case of any distribution to which this paragraph applies—

“(i) there shall be included in gross income any amount which would be includible were it not part of a qualified rollover contribution,

“(ii) section 72(t) shall not apply, and

“(iii) unless the taxpayer elects not to have this clause apply, any amount required to be included in gross income for any taxable year beginning in 2010 by reason of this paragraph shall be so included ratably over the 2-taxable-year period beginning with the first taxable year beginning in 2011.

Any election under clause (iii) for any distributions during a taxable year may not be changed after the due date for such taxable year.

“(B) **DISTRIBUTIONS TO WHICH PARAGRAPH APPLIES.**—In the case of an applicable retirement plan which includes a qualified Roth contribution program, this paragraph shall apply to a distribution from such plan other than from a designated Roth account which is contributed in a qualified rollover contribution (within the meaning of section 408A(e)) to the designated Roth account maintained under such plan for the benefit of the individual to whom the distribution is made.

“(C) **COORDINATION WITH LIMIT.**—Any distribution to which this paragraph applies shall not be taken into account for purposes of paragraph (1).

“(D) **OTHER RULES.**—The rules of subparagraphs (D), (E), and (F) of section 408A(d)(3) (as in effect for taxable years beginning after 2009) shall apply for purposes of this paragraph.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 2113. SPECIAL RULES FOR ANNUITIES RECEIVED FROM ONLY A PORTION OF A CONTRACT.

(a) **IN GENERAL.**—Subsection (a) of section 72 of the Internal Revenue Code of 1986 is amended to read as follows:

“(a) **GENERAL RULES FOR ANNUITIES.**—

“(1) **INCOME INCLUSION.**—Except as otherwise provided in this chapter, gross income includes any amount received as an annuity (whether for a period certain or during one or more lives) under an annuity, endowment, or life insurance contract.

“(2) **PARTIAL ANNUITIZATION.**—If any amount is received as an annuity for a period of 10 years or more or during one or more lives under any portion of an annuity, endowment, or life insurance contract—

“(A) such portion shall be treated as a separate contract for purposes of this section,

“(B) for purposes of applying subsections (b), (c), and (e), the investment in the contract shall be allocated pro rata between each portion of the contract from which amounts are received as an annuity and the portion of the contract from which amounts are not received as an annuity, and

“(C) a separate annuity starting date under subsection (c)(4) shall be determined with respect to each portion of the contract from which amounts are received as an annuity.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to amounts received in taxable years beginning after December 31, 2010.

PART III—CLOSING UNINTENDED LOOPHOLES

SEC. 2121. CRUDE TALL OIL INELIGIBLE FOR CELLULOSE BIOFUEL PRODUCER CREDIT.

(a) **IN GENERAL.**—Clause (iii) of section 40(b)(6)(E) of the Internal Revenue Code of 1986, as added by the Health Care and Education Reconciliation Act of 2010, is amended—

(1) by striking “or” at the end of subclause (I),

(2) by striking the period at the end of subclause (II) and inserting “, or”,

(3) by adding at the end the following new subclause:

“(III) such fuel has an acid number greater than 25.”, and

(4) by striking “UNPROCESSED” in the heading and inserting “CERTAIN”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 2122. SOURCE RULES FOR INCOME ON GUARANTEES.

(a) **AMOUNTS SOURCED WITHIN THE UNITED STATES.**—Subsection (a) of section 861 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(9) **GUARANTEES.**—Amounts received, directly or indirectly, from—

“(A) a noncorporate resident or domestic corporation for the provision of a guarantee of any indebtedness of such resident or corporation, or

“(B) any foreign person for the provision of a guarantee of any indebtedness of such person, if such amount is connected with income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States.”.

(b) **AMOUNTS SOURCED WITHOUT THE UNITED STATES.**—Subsection (a) of section 862 of the

Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting “; and”, and by adding at the end the following new paragraph:

“(9) amounts received, directly or indirectly, from a foreign person for the provision of a guarantee of indebtedness of such person other than amounts which are derived from sources within the United States as provided in section 861(a)(9).”.

(c) **CONFORMING AMENDMENT.**—Clause (ii) of section 864(c)(4)(B) of the Internal Revenue Code of 1986 is amended by striking “dividends or interest” and inserting “dividends, interest, or amounts received for the provision of guarantees of indebtedness”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to guarantees issued after the date of the enactment of this Act.

PART IV—TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

SEC. 2131. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 36 percentage points.

TITLE III—STATE SMALL BUSINESS CREDIT INITIATIVE

SEC. 3001. SHORT TITLE.

This title may be cited as the “State Small Business Credit Initiative Act of 2010”.

SEC. 3002. DEFINITIONS.

In this title, the following definitions shall apply:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on Small Business and Entrepreneurship, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(B) the Committee on Small Business, the Committee on Agriculture, the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

(2) **APPROPRIATE FEDERAL BANKING AGENCY.**—The term “appropriate Federal banking agency” means—

(A) has the same meaning as in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)); and

(B) includes the National Credit Union Administration Board in the case of any credit union the deposits of which are insured in accordance with the Federal Credit Union Act.

(3) **ENROLLED LOAN.**—The term “enrolled loan” means a loan made by a financial institution lender that is enrolled by a participating State in an approved State capital access program in accordance with this title.

(4) **FEDERAL CONTRIBUTION.**—The term “Federal contribution” means the portion of the contribution made by a participating State to, or for the account of, an approved State program that is made with Federal funds allocated to the State by the Secretary under section 3003.

(5) **FINANCIAL INSTITUTION.**—The term “financial institution” means any insured depository institution, insured credit union, or

community development financial institution, as those terms are each defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702)

(6) PARTICIPATING STATE.—The term “participating State” means any State that has been approved for participation in the Program under section 3004.

(7) PROGRAM.—The term “Program” means the State Small Business Credit Initiative established under this title.

(8) QUALIFYING LOAN OR SWAP FUNDING FACILITY.—The term “qualifying loan or swap funding facility” means a contractual arrangement between a participating State and a private financial entity under which—

(A) the participating State delivers funds to the entity as collateral;

(B) the entity provides funding from the arrangement back to the participating State; and

(C) the full amount of resulting funding from the arrangement, less any fees and other costs of the arrangement, is contributed to, or for the account of, an approved State program.

(9) RESERVE FUND.—The term “reserve fund” means a fund, established by a participating State, dedicated to a particular financial institution lender, for the purposes of—

(A) depositing all required premium charges paid by the financial institution lender and by each borrower receiving a loan under an approved State program from that financial institution lender;

(B) depositing contributions made by the participating State, including State contributions made with Federal contributions; and

(C) covering losses on enrolled loans by disbursing accumulated funds.

(10) STATE.—The term “State” means—

(A) a State of the United States;

(B) the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands;

(C) when designated by a State of the United States, a political subdivision of that State that the Secretary determines has the capacity to participate in the Program; and

(D) under the circumstances described in section 3004(d), a municipality of a State of the United States to which the Secretary has given a special permission under section 3004(d).

(11) STATE CAPITAL ACCESS PROGRAM.—The term “State capital access program” means a program of a State that—

(A) uses public resources to promote private access to credit; and

(B) meets the eligibility criteria in section 3005(c).

(12) STATE OTHER CREDIT SUPPORT PROGRAM.—The term “State other credit support program” —

(A) means a program of a State that—

(i) uses public resources to promote private access to credit;

(ii) is not a State capital access program; and

(iii) meets the eligibility criteria in section 3006(c); and

(B) includes, collateral support programs, loan participation programs, State-run venture capital fund programs, and credit guarantee programs.

(13) STATE PROGRAM.—The term “State program” means a State capital access program or a State other credit support program.

(14) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

SEC. 3003. FEDERAL FUNDS ALLOCATED TO STATES.

(a) PROGRAM ESTABLISHED; PURPOSE.—There is established the State Small Business Credit Initiative, to be administered by the Secretary. Under the Program, the Secretary shall allocate Federal funds to participating States and make the allocated funds available to the participating States as provided in this section for the uses described in this section.

(b) ALLOCATION FORMULA.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall allocate Federal funds to participating States so that each State is eligible to receive an amount equal to the average of the respective amounts that the State—

(A) would receive under the 2009 allocation, as determined under paragraph (2); and

(B) would receive under the 2010 allocation, as determined under paragraph (3).

(2) 2009 ALLOCATION FORMULA.—

(A) IN GENERAL.—The Secretary shall determine the 2009 allocation by allocating Federal funds among the States in the proportion that each such State’s 2008 State employment decline bears to the aggregate of the 2008 State employment declines for all States.

(B) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under subparagraph (A) for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the Federal funds.

(C) 2008 STATE EMPLOYMENT DECLINE DEFINED.—In this paragraph and with respect to a State, the term “2008 State employment decline” means the excess (if any) of—

(i) the number of individuals employed in such State determined for December 2007; over

(ii) the number of individuals employed in such State determined for December 2008.

(3) 2010 ALLOCATION FORMULA.—

(A) IN GENERAL.—The Secretary shall determine the 2010 allocation by allocating Federal funds among the States in the proportion that each such State’s 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

(B) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under subparagraph (A) for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the Federal funds.

(C) 2009 UNEMPLOYMENT NUMBER DEFINED.—In this paragraph and with respect to a State, the term “2009 unemployment number” means the number of individuals within such State who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

(c) AVAILABILITY OF ALLOCATED AMOUNT.—The amount allocated by the Secretary to each participating State under subsection (b) shall be made available to the State as follows:

(1) ALLOCATED AMOUNT GENERALLY TO BE AVAILABLE TO STATE IN ONE-THIRDS.—

(A) IN GENERAL.—The Secretary shall—

(i) apportion the participating State’s allocated amount into thirds;

(ii) transfer to the participating State the first ⅓ when the Secretary approves the State for participation under section 3004; and

(iii) transfer to the participating State each successive ⅓ when the State has certified to the Secretary that it has expended, transferred, or obligated 80 percent of the last transferred ⅓ for Federal contributions to, or for the account of, State programs.

(B) AUTHORITY TO WITHHOLD PENDING AUDIT.—The Secretary may withhold the transfer of any successive ⅓ pending results of a financial audit.

(C) INSPECTOR GENERAL AUDITS.—

(i) IN GENERAL.—The Inspector General of the Department of the Treasury shall carry out an audit of the participating State’s use of allocated Federal funds transferred to the State.

(ii) RECOUPMENT OF MISUSED TRANSFERRED FUNDS REQUIRED.—The allocation agreement between the Secretary and the participating State shall provide that the Secretary shall recoup any allocated Federal funds transferred to the participating State if the results of the an audit include a finding that there was an intentional or reckless misuse of transferred funds by the State.

(iii) PENALTY FOR MISSTATEMENT.—Any participating State that is found to have intentionally misstated any report issued to the Secretary under the Program shall be ineligible to receive any additional funds under the Program. Funds that had been allocated or that would otherwise have been allocated to such participating State shall be paid into the general fund of the Treasury for reduction of the public debt.

(iv) MUNICIPALITIES.—In this subparagraph, the term “participating State” shall include a municipality given special permission to participate in the Program, under section 3004(d).

(D) EXCEPTION.—The Secretary may, in the Secretary’s discretion, transfer the full amount of the participating State’s allocated amount to the State in a single transfer if the participating State applies to the Secretary for approval to use the full amount of the allocation as collateral for a qualifying loan or swap funding facility.

(2) TRANSFERRED AMOUNTS.—Each amount transferred to a participating State under this section shall remain available to the State until used by the State as permitted under paragraph (3).

(3) USE OF TRANSFERRED FUNDS.—Each participating State may use funds transferred to it under this section only—

(A) for making Federal contributions to, or for the account of, an approved State program;

(B) as collateral for a qualifying loan or swap funding facility;

(C) in the case of the first ⅓ transferred, for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 5 percent of that first ⅓; or

(D) in the case of each successive ⅓ transferred, for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 3 percent of that successive ⅓.

(4) TERMINATION OF AVAILABILITY OF AMOUNTS NOT TRANSFERRED WITHIN 2 YEARS OF PARTICIPATION.—Any portion of a participating State’s allocated amount that has not been transferred to the State under this section by the end of the 2-year period beginning on the date that the Secretary approves the State for participation may be deemed by the Secretary to be no longer allocated to the State and no longer available to the State and shall be returned to the General Fund of the Treasury.

(5) TRANSFERRED AMOUNTS NOT ASSISTANCE.—The amounts transferred to a participating State under this section shall not be considered assistance for purposes of subtitle V of title 31, United States Code.

(6) DEFINITIONS.—In this section—

(A) the term “allocated amount” means the total amount of Federal funds allocated

by the Secretary under subsection (b) to the participating State; and

(B) the term "1/3" means—

(i) in the case of the first 1/3 and second 1/3, an amount equal to 33 percent of a participating State's allocated amount; and

(ii) in the case of the last 1/3, an amount equal to 34 percent of a participating State's allocated amount.

SEC. 3004. APPROVING STATES FOR PARTICIPATION.

(a) APPLICATION.—Any State may apply to the Secretary for approval to be a participating State under the Program and to be eligible for an allocation of Federal funds under the Program.

(b) GENERAL APPROVAL CRITERIA.—The Secretary shall approve a State to be a participating State, if—

(1) a specific department, agency, or political subdivision of the State has been designated to implement a State program and participate in the Program;

(2) all legal actions necessary to enable such designated department, agency, or political subdivision to implement a State program and participate in the Program have been accomplished;

(3) the State has filed an application with the Secretary for approval of a State capital access program under section 3005 or approval as a State other credit support program under section 3006, in each case within the time period provided in the respective section; and

(4) the State and the Secretary have executed an allocation agreement that—

(A) conforms to the requirements of this title;

(B) ensures that the State program complies with such national standards as are established by the Secretary under section 3009(a)(2);

(C) sets forth internal control, compliance, and reporting requirements as established by the Secretary, and such other terms and conditions necessary to carry out the purposes of this title, including an agreement by the State to allow the Secretary to audit State programs;

(D) requires that the State program be fully positioned, within 90 days of the State's execution of the allocation agreement with the Secretary, to act on providing the kind of credit support that the State program was established to provide; and

(E) includes an agreement by the State to deliver to the Secretary, and update annually, a schedule describing how the State intends to apportion among its State programs the Federal funds allocated to the State.

(c) CONTRACTUAL ARRANGEMENTS FOR IMPLEMENTATION OF STATE PROGRAMS.—A State may be approved to be a participating State, and be eligible for an allocation of Federal funds under the Program, if the State has contractual arrangements for the implementation and administration of its State program with—

(1) an existing, approved State program administered by another State; or

(2) an authorized agent of, or entity supervised by, the State, including for-profit and not-for-profit entities.

(d) SPECIAL PERMISSION.—

(1) CIRCUMSTANCES WHEN A MUNICIPALITY MAY APPLY DIRECTLY.—If a State does not, within 60 days after the date of enactment of this Act, file with the Secretary a notice of its intent to apply for approval by the Secretary of a State program or within 9 months after the date of enactment of this Act, file with the Secretary a complete application for approval of a State program, the Sec-

retary may grant to municipalities of that State a special permission that will allow them to apply directly to the Secretary without the State for approval to be participating municipalities.

(2) TIMING REQUIREMENTS APPLICABLE TO MUNICIPALITIES APPLYING DIRECTLY.—To qualify for the special permission, a municipality of a State shall be required, within 12 months after the date of enactment of this Act, to file with the Secretary a complete application for approval by the Secretary of a State program.

(3) NOTICES OF INTENT AND APPLICATIONS FROM MORE THAN 1 MUNICIPALITY.—A municipality of a State may combine with 1 or more other municipalities of that State to file a joint notice of intent to file and a joint application.

(4) APPROVAL CRITERIA.—The general approval criteria in paragraphs (2) and (4) shall apply.

(5) ALLOCATION TO MUNICIPALITIES.—

(A) IF MORE THAN 3.—If more than 3 municipalities, or combination of municipalities as provided in paragraph (3), of a State apply for approval by the Secretary to be participating municipalities under this subsection, and the applications meet the approval criteria in paragraph (4), the Secretary shall allocate Federal funds to the 3 municipalities with the largest populations.

(B) IF 3 OR FEWER.—If 3 or fewer municipalities, or combination of municipalities as provided in paragraph (3), of a State apply for approval by the Secretary to be participating municipalities under this subsection, and the applications meet the approval criteria in paragraph (4), the Secretary shall allocate Federal funds to each applicant municipality or combination of municipalities.

(6) APPORTIONMENT OF ALLOCATED AMOUNT AMONG PARTICIPATING MUNICIPALITIES.—If the Secretary approves municipalities to be participating municipalities under this subsection, the Secretary shall apportion the full amount of the Federal funds that are allocated to that State to municipalities that are approved under this subsection in amounts proportionate to the population of those municipalities, based on the most recent available decennial census.

(7) APPROVING STATE PROGRAMS FOR MUNICIPALITIES.—If the Secretary approves municipalities to be participating municipalities under this subsection, the Secretary shall take into account the additional considerations in section 3006(d) in making the determination under section 3005 or 3006 that the State program or programs to be implemented by the participating municipalities, including a State capital access program, is eligible for Federal contributions to, or for the account of, the State program.

SEC. 3005. APPROVING STATE CAPITAL ACCESS PROGRAMS.

(a) APPLICATION.—A participating State that establishes a new, or has an existing, State capital access program that meets the eligibility criteria in subsection (c) may apply to Secretary to have the State capital access program approved as eligible for Federal contributions to the reserve fund.

(b) APPROVAL.—The Secretary shall approve such State capital access program as eligible for Federal contributions to the reserve fund if—

(1) within 60 days after the date of enactment of this Act, the State has filed with the Secretary a notice of intent to apply for approval by the Secretary of a State capital access program;

(2) within 9 months after the date of enactment of this Act, the State has filed with the

Secretary a complete application for approval by the Secretary of a capital access program;

(3) the State satisfies the requirements of subsections (a) and (b) of section 3004; and

(4) the State capital access program meets the eligibility criteria in subsection (c).

(c) ELIGIBILITY CRITERIA FOR STATE CAPITAL ACCESS PROGRAMS.—For a State capital access program to be approved under this section, that program shall be required to be a program of the State that—

(1) provides portfolio insurance for business loans based on a separate loan-loss reserve fund for each financial institution;

(2) requires insurance premiums to be paid by the financial institution lenders and by the business borrowers to the reserve fund to have their loans enrolled in the reserve fund;

(3) provides for contributions to be made by the State to the reserve fund in amounts at least equal to the sum of the amount of the insurance premium charges paid by the borrower and the financial institution to the reserve fund for any newly enrolled loan; and

(4) provides its portfolio insurance solely for loans that meet both the following requirements:

(A) The borrower has 500 employees or less at the time that the loan is enrolled in the Program.

(B) The loan amount does not exceed \$5,000,000.

(d) FEDERAL CONTRIBUTIONS TO APPROVED STATE CAPITAL ACCESS PROGRAMS.—A State capital access program approved under this section will be eligible for receiving Federal contributions to the reserve fund in an amount equal to the sum of the amount of the insurance premium charges paid by the borrowers and by the financial institution to the reserve fund for loans that meet the requirements in subsection (c)(4). A participating State may use the Federal contribution to make its contribution to the reserve fund of an approved State capital access program.

(e) MINIMUM PROGRAM REQUIREMENTS FOR STATE CAPITAL ACCESS PROGRAMS.—The Secretary shall, by regulation or other guidance, prescribe Program requirements that meet the following minimum requirements:

(1) EXPERIENCE AND CAPACITY.—The participating State shall determine for each financial institution that participates in the State capital access program, after consultation with the appropriate Federal banking agency or, in the case of a financial institution that is a nondepository community development financial institution, the Community Development Financial Institution Fund, that the financial institution has sufficient commercial lending experience and financial and managerial capacity to participate in the approved State capital access program. The determination by the State shall not be reviewable by the Secretary.

(2) INVESTMENT AUTHORITY.—Subject to applicable State law, the participating State may invest, or cause to be invested, funds held in a reserve fund by establishing a deposit account at the financial institution lender in the name of the participating State. In the event that funds in the reserve fund are not deposited in such an account, such funds shall be invested in a form that the participating State determines is safe and liquid.

(3) LOAN TERMS AND CONDITIONS TO BE DETERMINED BY AGREEMENT.—A loan to be filed for enrollment in an approved State capital access program may be made with such interest rate, fees, and other terms and conditions, and the loan may be enrolled in the

approved State capital access program and claims may be filed and paid, as agreed upon by the financial institution lender and the borrower, consistent with applicable law.

(4) **LENDER CAPITAL AT-RISK.**—A loan to be filed for enrollment in the State capital access program shall require the financial institution lender to have a meaningful amount of its own capital resources at risk in the loan.

(5) **PREMIUM CHARGES MINIMUM AND MAXIMUM AMOUNTS.**—The insurance premium charges payable to the reserve fund by the borrower and the financial institution lender shall be prescribed by the financial institution lender, within minimum and maximum limits that require that the sum of the insurance premium charges paid in connection with a loan by the borrower and the financial institution lender may not be less than 2 percent nor more than 7 percent of the amount of the loan enrolled in the approved State capital access program.

(6) **STATE CONTRIBUTIONS.**—In enrolling a loan in an approved State capital access program, the participating State may make a contribution to the reserve fund to supplement Federal contributions made under this Program.

(7) **LOAN PURPOSE.**—

(A) **PARTICULAR LOAN PURPOSE REQUIREMENTS AND PROHIBITIONS.**—In connection with the filing of a loan for enrollment in an approved State capital access program, the financial institution lender—

(i) shall obtain an assurance from each borrower that—

(I) the proceeds of the loan will be used for a business purpose;

(II) the loan will not be used to finance such business activities as the Secretary, by regulation, may proscribe as prohibited loan purposes for enrollment in an approved State capital access program; and

(III) the borrower is not—

(aa) an executive officer, director, or principal shareholder of the financial institution lender;

(bb) a member of the immediate family of an executive officer, director, or principal shareholder of the financial institution lender; or

(cc) a related interest of any such executive officer, director, principal shareholder, or member of the immediate family;

(ii) shall provide assurances to the participating State that the loan has not been made in order to place under the protection of the approved State capital access program prior debt that is not covered under the approved State capital access program and that is or was owed by the borrower to the financial institution lender or to an affiliate of the financial institution lender;

(iii) shall not allow the enrollment of a loan to a borrower that is a refinancing of a loan previously made to that borrower by the financial institution lender or an affiliate of the financial institution lender; and

(iv) may include additional restrictions on the eligibility of loans or borrowers that are not inconsistent with the provisions and purposes of this title, including compliance with all applicable Federal and State laws, regulations, ordinances, and Executive orders.

(B) **DEFINITIONS.**—In this paragraph, the terms “executive officer”, “director”, “principal shareholder”, “immediate family”, and “related interest” refer to the same relationship to a financial institution lender as the relationship described in part 215 of title 12 of the Code of Federal Regulations, or any successor to such part.

(8) **CAPITAL ACCESS FOR SMALL BUSINESSES IN UNDERSERVED COMMUNITIES.**—At the time

that a State applies to the Secretary to have the State capital access program approved as eligible for Federal contributions, the State shall deliver to the Secretary a report stating how the State plans to use the Federal contributions to the reserve fund to provide access to capital for small businesses in low- and moderate-income, minority, and other underserved communities, including women- and minority-owned small businesses.

SEC. 3006. APPROVING COLLATERAL SUPPORT AND OTHER INNOVATIVE CREDIT ACCESS AND GUARANTEE INITIATIVES FOR SMALL BUSINESSES AND MANUFACTURERS.

(a) **APPLICATION.**—A participating State that establishes a new, or has an existing, credit support program that meets the eligibility criteria in subsection (c) may apply to the Secretary to have the State other credit support program approved as eligible for Federal contributions to, or for the account of, the State program.

(b) **APPROVAL.**—The Secretary shall approve such State other credit support program as eligible for Federal contributions to, or for the account of, the program if—

(1) the Secretary determines that the State satisfies the requirements of paragraphs (1) through (3) of section 3005(b);

(2) the Secretary determines that the State other credit support program meets the eligibility criteria in subsection (c);

(3) the Secretary determines the State other credit support program to be eligible based on the additional considerations in subsection (d); and

(4) within 9 months after the date of enactment of this Act, the State has filed with Treasury a complete application for Treasury approval.

(c) **ELIGIBILITY CRITERIA FOR STATE OTHER CREDIT SUPPORT PROGRAMS.**—For a State other credit support program to be approved under this section, that program shall be required to be a program of the State that—

(1) can demonstrate that, at a minimum, \$1 of public investment by the State program will cause and result in \$1 of new private credit;

(2) can demonstrate a reasonable expectation that, when considered with all other State programs of the State, such State programs together have the ability to use amounts of new Federal contributions to, or for the account of, all such programs in the State to cause and result in amounts of new small business lending at least 10 times the new Federal contribution amount;

(3) for those State other credit support programs that provide their credit support through 1 or more financial institution lenders, requires the financial institution lenders to have a meaningful amount of their own capital resources at risk in their small business lending; and

(4) uses Federal funds allocated under this title to extend credit support that—

(A) targets an average borrower size of 500 employees or less;

(B) does not extend credit support to borrowers that have more than 750 employees;

(C) targets support towards loans with an average principal amount of \$5,000,000 or less; and

(D) does not extend credit support to loans that exceed a principal amount of \$20,000,000.

(d) **ADDITIONAL CONSIDERATIONS.**—In making a determination that a State other credit support program is eligible for Federal contributions to, or for the account of, the State program, the Secretary shall take into account the following additional considerations:

(1) The anticipated benefits to the State, its businesses, and its residents to be derived

from the Federal contributions to, or for the account of, the approved State other credit support program, including the extent to which resulting small business lending will expand economic opportunities.

(2) The operational capacity, skills, and experience of the management team of the State other credit support program.

(3) The capacity of the State other credit support program to manage increases in the volume of its small business lending.

(4) The internal accounting and administrative controls systems of the State other credit support program, and the extent to which they can provide reasonable assurance that funds of the State program are safeguarded against waste, loss, unauthorized use, or misappropriation.

(5) The soundness of the program design and implementation plan of the State other credit support program.

(e) **FEDERAL CONTRIBUTIONS TO APPROVED STATE OTHER CREDIT SUPPORT PROGRAMS.**—A State other credit support program approved under this section will be eligible for receiving Federal contributions to, or for the account of, the State program in an amount consistent with the schedule describing the apportionment of allocated Federal funds among State programs delivered by the State to the Secretary under the allocation agreement.

(f) **MINIMUM PROGRAM REQUIREMENTS FOR STATE OTHER CREDIT SUPPORT PROGRAMS.**—

(1) **FUND TO PRESCRIBE.**—The Secretary shall, by regulation or other guidance, prescribe Program requirements for approved State other credit support programs.

(2) **CONSIDERATIONS FOR FUND.**—In prescribing minimum Program requirements for approved State other credit support programs, the Secretary shall take into consideration, to the extent the Secretary determines applicable and appropriate, the minimum Program requirements for approved State capital access programs in section 3005(e).

SEC. 3007. REPORTS.

(a) **QUARTERLY USE-OF-FUNDS REPORT.**—

(1) **IN GENERAL.**—Not later than 30 days after the beginning of each calendar quarter, beginning after the first full calendar quarter to occur after the date the Secretary approves a State for participation, the participating State shall submit to the Secretary a report on the use of Federal funding by the participating State during the previous calendar quarter.

(2) **REPORT CONTENTS.**—Each report under this subsection shall—

(A) indicate the total amount of Federal funding used by the participating State; and

(B) include a certification by the participating State that—

(i) the information provided in accordance with subparagraph (A) is accurate;

(ii) funds continue to be available and legally committed to contributions by the State to, or for the account of, approved State programs, less any amount that has been contributed by the State to, or for the account of, approved State programs subsequent to the State being approved for participation in the Program; and

(iii) the participating State is implementing its approved State program or programs in accordance with this title and regulations issued under section 3010.

(b) **ANNUAL REPORT.**—Not later than March 31 of each year, beginning March 31, 2011, each participating State shall submit to the Secretary an annual report that shall include the following information:

(1) The number of borrowers that received new loans originated under the approved

State program or programs after the State program was approved as eligible for Federal contributions.

(2) The total amount of such new loans.

(3) Breakdowns by industry type, loan size, annual sales, and number of employees of the borrowers that received such new loans.

(4) The zip code of each borrower that received such a new loan.

(5) Such other data as the Secretary, in the Secretary's sole discretion, may require to carry out the purposes of the Program.

(c) FORM.—The reports and data filed under subsections (a) and (b) shall be in such form as the Secretary, in the Secretary's sole discretion, may require.

(d) TERMINATION OF REPORTING REQUIREMENTS.—The requirement to submit reports under subsections (a) and (b) shall terminate for a participating State with the submission of the completed reports due on the first March 31 to occur after 5 complete 12-month periods after the State is approved by the Secretary to be a participating State.

SEC. 3008. REMEDIES FOR STATE PROGRAM TERMINATION OR FAILURES.

(a) REMEDIES.—

(1) IN GENERAL.—If any of the events listed in paragraph (2) occur, the Secretary, in the Secretary's discretion, may—

(A) reduce the amount of Federal funds allocated to the State under the Program; or

(B) terminate any further transfers of allocated amounts that have not yet been transferred to the State.

(2) CAUSAL EVENTS.—The events referred to in paragraph (1) are—

(A) termination by a participating State of its participation in the Program;

(B) failure on the part of a participating State to submit complete reports under section 3007 on a timely basis; or

(C) noncompliance by the State with the terms of the allocation agreement between the Secretary and the State.

(b) DEALLOCATED AMOUNTS TO BE REALLOCATED.—If, after 13 months, any portion of the amount of Federal funds allocated to a participating State is deemed by the Secretary to be no longer allocated to the State after actions taken by the Secretary under subsection (a)(1), the Secretary shall reallocate that portion among the participating States, excluding the State whose allocated funds were deemed to be no longer allocated, as provided in section 3003(b).

SEC. 3009. IMPLEMENTATION AND ADMINISTRATION.

(a) GENERAL AUTHORITIES AND DUTIES.—The Secretary shall—

(1) consult with the Administrator of the Small Business Administration and the appropriate Federal banking agencies on the administration of the Program;

(2) establish minimum national standards for approved State programs;

(3) provide technical assistance to States for starting State programs and generally disseminate best practices;

(4) manage, administer, and perform necessary program integrity functions for the Program; and

(5) ensure adequate oversight of the approved State programs, including oversight of the cash flows, performance, and compliance of each approved State program.

(b) APPROPRIATIONS.—There is hereby appropriated to the Secretary, out of funds in the Treasury not otherwise appropriated, \$1,500,000,000 to carry out the Program, including to pay reasonable costs of administering the Program.

(c) TERMINATION OF SECRETARY'S PROGRAM ADMINISTRATION FUNCTIONS.—The authorities

and duties of the Secretary to implement and administer the Program shall terminate at the end of the 7-year period beginning on the date of enactment of this Act.

(d) EXPEDITED CONTRACTING.—During the 1-year period beginning on the date of enactment of this Act, the Secretary may enter into contracts without regard to any other provision of law regarding public contracts, for purposes of carrying out this title.

SEC. 3010. REGULATIONS.

The Secretary, in consultation with the Administrator of the Small Business Administration, shall issue such regulations and other guidance as the Secretary determines necessary or appropriate to implement this title including to define terms, to establish compliance and reporting requirements, and such other terms and conditions necessary to carry out the purposes of this title.

SEC. 3011. OVERSIGHT AND AUDITS.

(a) INSPECTOR GENERAL OVERSIGHT.—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of the use of funds made available under the Program.

(b) GAO AUDIT.—The Comptroller General of the United States shall perform an annual audit of the Program and issue a report to the appropriate committees of Congress containing the results of such audit.

(c) REQUIRED CERTIFICATION.—

(1) FINANCIAL INSTITUTIONS CERTIFICATION.—With respect to funds received by a participating State under the Program, any financial institution that receives a loan, a loan guarantee, or other financial assistance using such funds after the date of the enactment of this Act shall certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in section 5312 (a)(2) and (c)(1)(A) of title 31, United States Code, to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

(2) SEX OFFENSE CERTIFICATION.—With respect to funds received by a participating State under the Program, any private entity that receives a loan, a loan guarantee, or other financial assistance using such funds after the date of the enactment of this Act shall certify to the participating State that the principals of such entity have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

(d) PROHIBITION ON PORNOGRAPHY.—None of the funds made available under this title may be used to pay the salary of any individual engaged in activities related to the Program who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

TITLE IV—BUDGETARY PROVISIONS

SEC. 4001. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory

Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4500. Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) proposed an amendment to amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end, add the following:

TITLE V—ADDITIONAL SMALL BUSINESS PROVISIONS

Subtitle A—Small Business Lending Fund

SEC. 5101. PURPOSE.

The purpose of this subtitle is to address the ongoing effects of the financial crisis on small businesses by providing temporary authority to the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses.

SEC. 5102. DEFINITIONS.

For purposes of this subtitle:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Small Business and Entrepreneurship, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(B) the Committee on Small Business, the Committee on Agriculture, the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

(2) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency" has the meaning given such term under section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

(3) BANK HOLDING COMPANY.—The term "bank holding company" has the meaning given such term under section 2(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(2)(a)(1)).

(4) CALL REPORT.—The term "call report" means—

(A) reports of Condition and Income submitted to the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation;

(B) the Office of Thrift Supervision Thrift Financial Report;

(C) any report that is designated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or the Office of Thrift Supervision, as applicable, as a successor to any report referred to in subparagraph (A) or (B);

(D) reports of Condition and Income as designated through guidance developed by the Secretary, in consultation with the Director of the Community Development Financial Institutions Fund; and

(E) with respect to an eligible institution for which no report exists that is described under subparagraph (A), (B), (C), or (D), such other report or set of information as the Secretary, in consultation with the Administrator of the Small Business Administration, may prescribe.

(5) CDCI.—The term “CDCI” means the Community Development Capital Initiative created by the Secretary under the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008.

(6) CDCI INVESTMENT.—The term “CDCI investment” means, with respect to any eligible institution, the principal amount of any investment made by the Secretary in such eligible institution under the CDCI that has not been repaid.

(7) CDFI; COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The terms “CDFI” and “community development financial institution” have the meaning given the term “community development financial institution” under the Riegle Community Development and Regulatory Improvement Act of 1994.

(8) CDLF; COMMUNITY DEVELOPMENT LOAN FUND.—The terms “CDLF” and “community development loan fund” mean any entity that—

(A) is certified by the Department of the Treasury as a community development financial institution loan fund;

(B) is exempt from taxation under the Internal Revenue Code of 1986; and

(C) had assets less than or equal to \$10,000,000,000 as of the end of the fourth quarter of calendar year 2009.

(9) CPP.—The term “CPP” means the Capital Purchase Program created by the Secretary under the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008.

(10) CPP INVESTMENT.—The term “CPP investment” means, with respect to any eligible institution, the principal amount of any investment made by the Secretary in such eligible institution under the CPP that has not been repaid.

(11) ELIGIBLE INSTITUTION.—The term “eligible institution” means—

(A) any insured depository institution, which—

(i) is not controlled by a bank holding company or savings and loan holding company that is also an eligible institution;

(ii) has total assets of equal to or less than \$10,000,000,000, as reported in the call report of the insured depository institution as of the end of the fourth quarter of calendar year 2009; and

(iii) is not directly or indirectly controlled by any company or other entity that has total consolidated assets of more than \$10,000,000,000, as so reported;

(B) any bank holding company which has total consolidated assets of equal to or less than \$10,000,000,000, as reported in the call report of the bank holding company as of the end of the fourth quarter of calendar year 2009;

(C) any savings and loan holding company which has total consolidated assets of equal to or less than \$10,000,000,000, as reported in the call report of the savings and loan holding company as of the end of the fourth quarter of calendar year 2009; and

(D) any community development financial institution loan fund which has total assets

of equal to or less than \$10,000,000,000, as reported in audited financial statements for the fiscal year of the community development financial institution loan fund that ends in calendar year 2009.

(12) FUND.—The term “Fund” means the Small Business Lending Fund established under section 5103(a)(1).

(13) INSURED DEPOSITORY INSTITUTION.—The term “insured depository institution” has the meaning given such term under section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2)).

(14) MINORITY-OWNED AND WOMEN-OWNED BUSINESS.—The terms “minority-owned business” and “women-owned business” shall have the meaning given the terms “minority-owned business” and “women’s business”, respectively, under section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441A(r)(4)).

(15) PROGRAM.—The term “Program” means the Small Business Lending Fund Program authorized under section 5103(a)(2).

(16) SAVINGS AND LOAN HOLDING COMPANY.—The term “savings and loan holding company” has the meaning given such term under section 10(a)(1)(D) of the Home Owners’ Loan Act (12 U.S.C. 1467a(a)(1)(D)).

(17) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

(18) SMALL BUSINESS LENDING.—

(A) IN GENERAL.—The term “small business lending” means lending, as defined by and reported in an eligible institutions’ quarterly call report, where each loan comprising such lending is one of the following types:

(i) Commercial and industrial loans.

(ii) Owner-occupied nonfarm, nonresidential real estate loans.

(iii) Loans to finance agricultural production and other loans to farmers.

(iv) Loans secured by farmland.

(B) EXCLUSION.—No loan that has an original amount greater than \$10,000,000 or that goes to a business with more than \$50,000,000 in revenues shall be included in the measure.

(C) TREATMENT OF HOLDING COMPANIES.—In the case of eligible institutions that are bank holding companies or savings and loan holding companies having one or more insured depository institution subsidiaries, small business lending shall be measured based on the combined small business lending reported in the call report of the insured depository institution subsidiaries.

(19) VETERAN-OWNED BUSINESS.—

(A) The term “veteran-owned business” means a business—

(i) more than 50 percent of the ownership or control of which is held by 1 or more veterans;

(ii) more than 50 percent of the net profit or loss of which accrues to 1 or more veterans; and

(iii) a significant percentage of senior management positions of which are held by veterans.

(B) For purposes of this paragraph, the term “veteran” has the meaning given such term in section 101(2) of title 38, United States Code.

SEC. 5103. SMALL BUSINESS LENDING FUND.

(a) FUND AND PROGRAM.—

(1) FUND ESTABLISHED.—There is established in the Treasury of the United States a fund to be known as the “Small Business Lending Fund”, which shall be administered by the Secretary.

(2) PROGRAMS AUTHORIZED.—The Secretary is authorized to establish the Small Business Lending Fund Program for using the Fund consistent with this subtitle.

(b) USE OF FUND.—

(1) IN GENERAL.—Subject to paragraph (2), the Fund shall be available to the Secretary, without further appropriation or fiscal year limitation, for the costs of purchases (including commitments to purchase), and modifications of such purchases, of preferred stock and other financial instruments from eligible institutions on such terms and conditions as are determined by the Secretary in accordance with this subtitle. For purposes of this paragraph and with respect to an eligible institution, the term “other financial instruments” shall include only debt instruments for which such eligible institution is fully liable or equity equivalent capital of the eligible institution. Such debt instruments may be subordinated to the claims of other creditors of the eligible institution.

(2) MAXIMUM PURCHASE LIMIT.—The aggregate amount of purchases (and commitments to purchase) made pursuant to paragraph (1) may not exceed \$30,000,000,000.

(3) PROCEEDS USED TO PAY DOWN PUBLIC DEBT.—All funds received by the Secretary in connection with purchases made pursuant to paragraph (1), including interest payments, dividend payments, and proceeds from the sale of any financial instrument, shall be paid into the general fund of the Treasury for reduction of the public debt.

(4) LIMITATION ON PURCHASES FROM CDLFS.—

(A) IN GENERAL.—Not more than 1 percent of the maximum purchase limit of the Program, pursuant to paragraph (2), may be used to make purchases from community development loan funds.

(B) ELIGIBILITY STANDARDS.—The Secretary, in consultation with the Community Development Financial Institutions Fund, shall develop eligibility criteria to determine the financial ability of a CDLF to participate in the Program and repay the investment. Such criteria shall include the following:

(i) Ratio of net assets to total assets is at least 20 percent.

(ii) Ratio of loan loss reserves to loans and leases 90 days or more delinquent (including loans sold with full recourse) is at least 30 percent.

(iii) Positive net income measured on a 3-year rolling average.

(iv) Operating liquidity ratio of at least 1.0 for the 4 most recent quarters and for one or both of the two preceding years.

(v) Ratio of loans and leases 90 days or more delinquent (including loans sold with full recourse) to total equity plus loan loss reserves is less than 40 percent.

(C) REQUIREMENT TO SUBMIT AUDITED FINANCIAL STATEMENTS.—CDLFs participating in the Program shall submit audited financial statements to the Secretary, have a clean audit opinion, and have at least 3 years of operating experience.

(c) CREDITS TO THE FUND.—There shall be credited to the Fund amounts made available pursuant to section 5108, to the extent provided by appropriations Acts.

(d) TERMS.—

(1) APPLICATION.—

(A) INSTITUTIONS WITH ASSETS OF \$1,000,000,000 OR LESS.—Eligible institutions having total assets equal to or less than \$1,000,000,000, as reported in a call report as of the end of the fourth quarter of calendar year 2009, may apply to receive a capital investment from the Fund in an amount not exceeding 5 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(B) INSTITUTIONS WITH ASSETS OF MORE THAN \$1,000,000,000 AND LESS THAN OR EQUAL TO

\$10,000,000,000.—Eligible institutions having total assets of more than \$1,000,000,000 but less than \$10,000,000,000, as of the end of the fourth quarter of calendar year 2009, may apply to receive a capital investment from the Fund in an amount not exceeding 3 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(C) TREATMENT OF HOLDING COMPANIES.—In the case of an eligible institution that is a bank holding company or a savings and loan holding company having one or more insured depository institution subsidiaries, total assets shall be measured based on the combined total assets reported in the call report of the insured depository institution subsidiaries as of the end of the fourth quarter of calendar year 2009 and risk-weighted assets shall be measured based on the combined risk-weighted assets of the insured depository institution subsidiaries as reported in the call report immediately preceding the date of application.

(D) TREATMENT OF APPLICANTS THAT ARE INSTITUTIONS CONTROLLED BY HOLDING COMPANIES.—If an eligible institution that applies to receive a capital investment under the Program is under the control of a bank holding company or a savings and loan holding company, then the Secretary may use the Fund to purchase preferred stock or other financial instruments from the top-tier bank holding company or savings and loan holding company of such eligible institution, as applicable. For purposes of this subparagraph, the term “control” with respect to a bank holding company shall have the same meaning as in section 2(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(2)(a)(2)). For purposes of this subparagraph, the term “control” with respect to a savings and loan holding company shall have the same meaning as in 10(a)(2) of the Home Owners’ Loan Act (12 U.S.C. 1467a(a)(2)).

(E) REQUIREMENT TO PROVIDE A SMALL BUSINESS LENDING PLAN.—At the time that an applicant submits an application to the Secretary for a capital investment under the Program, the applicant shall deliver to the appropriate Federal banking agency, and, for applicants that are State-chartered banks, to the appropriate State banking regulator, a small business lending plan describing how the applicant’s business strategy and operating goals will allow it to address the needs of small businesses in the areas it serves, as well as a plan to provide linguistically and culturally appropriate outreach, where appropriate. In the case of eligible institutions that are community development loan funds, this plan shall be submitted to the Secretary. This plan shall be confidential supervisory information.

(F) TREATMENT OF APPLICANTS THAT ARE COMMUNITY DEVELOPMENT LOAN FUNDS.—Eligible institutions that are community development loan funds may apply to receive a capital investment from the Fund in an amount not exceeding 5 percent of total assets, as reported in the audited financial statements for the fiscal year of the eligible institution that ends in calendar year 2009.

(2) CONSULTATION WITH REGULATORS.—For each eligible institution that applies to receive a capital investment under the Program, the Secretary shall—

(A) consult with the appropriate Federal banking agency or, in the case of an eligible institution that is a nondepository community development financial institution, the Community Development Financial Institution Fund, for the eligible institution, to de-

termine whether the eligible institution may receive such capital investment;

(B) in the case of an eligible institution that is a State-chartered bank, consider any views received from the State banking regulator of the State of the eligible institution regarding the financial condition of the eligible institution; and

(C) in the case of a community development financial institution loan fund, consult with the Community Development Financial Institution Fund.

(3) CONSIDERATION OF MATCHED PRIVATE INVESTMENTS.—

(A) IN GENERAL.—For an eligible institution that applies to receive a capital investment under the Program, if the entity to be consulted under paragraph (2) would not otherwise recommend the eligible institution to receive the capital investment, the Secretary, in consultation with the entity to be so consulted, may consider whether the entity to be consulted would recommend the eligible institution to receive a capital investment based on the financial condition of the institution if the conditions in subparagraph (B) are satisfied.

(B) CONDITIONS.—The conditions referred to in subparagraph (A) are as follows:

(i) CAPITAL SOURCES.—The eligible institution shall receive capital both under the Program and from private, nongovernment investors.

(ii) AMOUNT OF CAPITAL.—The amount of capital to be received under the Program shall not exceed 3 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(iii) TERMS.—The amount of capital to be received from private, nongovernment investors shall be—

(I) equal to or greater than 100 percent of the capital to be received under the Program; and

(II) subordinate to the capital investment made by the Secretary under the Program.

(4) INELIGIBILITY OF INSTITUTIONS ON FDIC PROBLEM BANK LIST.—

(A) IN GENERAL.—An eligible institution may not receive any capital investment under the Program, if—

(i) such institution is on the FDIC problem bank list; or

(ii) such institution has been removed from the FDIC problem bank list for less than 90 days.

(B) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as limiting the discretion of the Secretary to deny the application of an eligible institution that is not on the FDIC problem bank list.

(C) FDIC PROBLEM BANK LIST DEFINED.—For purposes of this paragraph, the term “FDIC problem bank list” means the list of depository institutions having a current rating of 4 or 5 under the Uniform Financial Institutions Rating System, or such other list designated by the Federal Deposit Insurance Corporation.

(5) INCENTIVES TO LEND.—

(A) REQUIREMENTS ON PREFERRED STOCK AND OTHER FINANCIAL INSTRUMENTS.—Any preferred stock or other financial instrument issued to Treasury by an eligible institution receiving a capital investment under the Program shall provide that—

(i) the rate at which dividends or interest are payable shall be 5 percent per annum initially;

(ii) within the first 2 years after the date of the capital investment under the Program, the rate may be adjusted based on the

amount of an eligible institution’s small business lending. Changes in the amount of small business lending shall be measured against the average amount of small business lending reported by the eligible institution in its call reports for the 4 full quarters immediately preceding the date of enactment of this Act, minus adjustments from each quarterly balance in respect of—

(I) net loan charge offs with respect to small business lending; and

(II) gains realized by the eligible institution resulting from mergers, acquisitions or purchases of loans after origination and syndication; which adjustments shall be determined in accordance with guidance promulgated by the Secretary; and

(iii) during any calendar quarter during the initial 2-year period referred to in clause (ii), an institution’s rate shall be adjusted to reflect the following schedule, based on that institution’s change in the amount of small business lending relative to the baseline—

(I) if the amount of small business lending has increased by less than 2.5 percent, the dividend or interest rate shall be 5 percent;

(II) if the amount of small business lending has increased by 2.5 percent or greater, but by less than 5.0 percent, the dividend or interest rate shall be 4 percent;

(III) if the amount of small business lending has increased by 5.0 percent or greater, but by less than 7.5 percent, the dividend or interest rate shall be 3 percent;

(IV) if the amount of small business lending has increased by 7.5 percent or greater, and but by less than 10.0 percent, the dividend or interest rate shall be 2 percent; or

(V) if the amount of small business lending has increased by 10 percent or greater, the dividend or interest rate shall be 1 percent.

(B) BASIS OF INITIAL RATE.—The initial dividend or interest rate shall be based on call report data published in the quarter immediately preceding the date of the capital investment under the Program.

(C) TIMING OF RATE ADJUSTMENTS.—Any rate adjustment shall occur in the calendar quarter following the publication of call report data, such that the rate based on call report data from any one calendar quarter, which is published in the first following calendar quarter, shall be adjusted in that first following calendar quarter and payable in the second following quarter.

(D) RATE FOLLOWING INITIAL 2-YEAR PERIOD.—Generally, the rate based on call report data from the eighth calendar quarter after the date of the capital investment under the Program shall be payable until the expiration of the 4½-year period that begins on the date of the investment. In the case where the amount of small business lending has remained the same or decreased relative to the institution’s baseline in the eighth quarter after the date of the capital investment under the Program, the rate shall be 7 percent until the expiration of the 4½-year period that begins on the date of the investment.

(E) RATE FOLLOWING INITIAL 4½-YEAR PERIOD.—The dividend or interest rate paid on any preferred stock or other financial instrument issued by an eligible institution that receives a capital investment under the Program shall increase to 9 percent at the end of the 4½-year period that begins on the date of the capital investment under the Program.

(F) LIMITATION ON RATE REDUCTIONS WITH RESPECT TO CERTAIN AMOUNT.—The reduction in the dividend or interest rate payable to Treasury by any eligible institution shall be limited such that the rate reduction shall not apply to a dollar amount of the investment made by Treasury that is greater than

the dollar amount increase in the amount of small business lending realized under this program. The Secretary may issue guidelines that will apply to new capital investments limiting the amount of capital available to eligible institutions consistent with this limitation.

(G) **RATE ADJUSTMENTS FOR S CORPORATION.**—Before making a capital investment in an eligible institution that is an S corporation or a corporation organized on a mutual basis, the Secretary may adjust the dividend or interest rate on the financial instrument to be issued to the Secretary, from the dividend or interest rate that would apply under subparagraphs (A) through (F), to take into account any differential tax treatment of securities issued by such eligible institution. For purpose of this subparagraph, the term “S corporation” has the same meaning as in section 1361(a) of the Internal Revenue Code of 1986.

(H) **REPAYMENT DEADLINE.**—The capital investment received by an eligible institution under the Program shall be evidenced by preferred stock or other financial instrument that—

(i) includes, as a term and condition, that the capital investment will—

(I) be repaid not later than the end of the 10-year period beginning on the date of the capital investment under the Program; or

(II) at the end of such 10-year period, be subject to such additional terms as the Secretary shall prescribe, which shall include a requirement that the stock or instrument shall carry the highest dividend or interest rate payable; and

(ii) provides that the term and condition described under clause (i) shall not apply if the application of that term and condition would adversely affect the capital treatment of the stock or financial instrument under current or successor applicable capital provisions compared to a capital instrument with identical terms other than the term and condition described under clause (i).

(I) **REQUIREMENTS ON FINANCIAL INSTRUMENTS ISSUED BY A COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION LOAN FUND.**—Any equity equivalent capital issued to the Treasury by a community development loan fund receiving a capital investment under the Program shall provide that the rate at which interest is payable shall be 2 percent per annum for 8 years. After 8 years, the rate at which interest is payable shall be 9 percent.

(6) **ADDITIONAL INCENTIVES TO REPAY.**—The Secretary may, by regulation or guidance issued under section 5104(9), establish repayment incentives in addition to the incentive in paragraph (5)(E) that will apply to new capital investments in a manner that the Secretary determines to be consistent with the purposes of this subtitle.

(7) **CAPITAL PURCHASE PROGRAM REFINANCE.**—

(A) **IN GENERAL.**—The Secretary shall, in a manner that the Secretary determines to be consistent with the purposes of this subtitle, issue regulations and other guidance to permit eligible institutions to refinance securities issued to Treasury under the CDCI and the CPP for securities to be issued under the Program.

(B) **PROHIBITION ON PARTICIPATION BY NON-PAYING CPP PARTICIPANTS.**—Subparagraph (A) shall not apply to any eligible institution that has missed more than one dividend payment due under the CPP. For purposes of this subparagraph, a CPP dividend payment that is submitted within 60 days of the due date of such payment shall not be considered a missed dividend payment.

(8) **OUTREACH TO MINORITIES, WOMEN, AND VETERANS.**—The Secretary shall require eligible institutions receiving capital investments under the Program to provide linguistically and culturally appropriate outreach and advertising in the applicant pool describing the availability and application process of receiving loans from the eligible institution that are made possible by the Program through the use of print, radio, television or electronic media outlets which target organizations, trade associations, and individuals that—

(A) represent or work within or are members of minority communities;

(B) represent or work with or are women; and

(C) represent or work with or are veterans.

(9) **ADDITIONAL TERMS.**—The Secretary may, by regulation or guidance issued under section 5104(9), make modifications that will apply to new capital investments in order to manage risks associated with the administration of the Fund in a manner consistent with the purposes of this subtitle.

(10) **MINIMUM UNDERWRITING STANDARDS.**—The appropriate Federal banking agency for an eligible institution that receives funds under the Program shall within 60 days issue guidance regarding prudent underwriting standards that must be used for loans made by the eligible institution using such funds.

SEC. 5104. ADDITIONAL AUTHORITIES OF THE SECRETARY.

The Secretary may take such actions as the Secretary deems necessary to carry out the authorities in this subtitle, including, without limitation, the following:

(1) The Secretary may use the services of any agency or instrumentality of the United States or component thereof on a reimbursable basis, and any such agency or instrumentality or component thereof is authorized to provide services as requested by the Secretary using all authorities vested in or delegated to that agency, instrumentality, or component.

(2) The Secretary may enter into contracts, including contracts for services authorized by section 3109 of title 5, United States Code.

(3) The Secretary may designate any bank, savings association, trust company, security broker or dealer, asset manager, or investment adviser as a financial agent of the Federal Government and such institution shall perform all such reasonable duties related to this subtitle as financial agent of the Federal Government as may be required. The Secretary shall have authority to amend existing agreements with financial agents, entered into during the 2-year period before the date of enactment of this Act, to perform reasonable duties related to this subtitle.

(4) The Secretary may exercise any rights received in connection with any preferred stock or other financial instruments or assets purchased or acquired pursuant to the authorities granted under this subtitle.

(5) Subject to section 5103(b)(3), the Secretary may manage any assets purchased under this subtitle, including revenues and portfolio risks therefrom.

(6) The Secretary may sell, dispose of, transfer, exchange or enter into securities loans, repurchase transactions, or other financial transactions in regard to, any preferred stock or other financial instrument or asset purchased or acquired under this subtitle, upon terms and conditions and at a price determined by the Secretary.

(7) The Secretary may manage or prohibit conflicts of interest that may arise in connection with the administration and execu-

tion of the authorities provided under this subtitle.

(8) The Secretary may establish and use vehicles, subject to supervision by the Secretary, to purchase, hold, and sell preferred stock or other financial instruments and issue obligations.

(9) The Secretary may, in consultation with the Administrator of the Small Business Administration, issue such regulations and other guidance as may be necessary or appropriate to define terms or carry out the authorities or purposes of this subtitle.

SEC. 5105. CONSIDERATIONS.

In exercising the authorities granted in this subtitle, the Secretary shall take into consideration—

(1) increasing the availability of credit for small businesses;

(2) providing funding to minority-owned eligible institutions and other eligible institutions that serve small businesses that are minority-, veteran-, and women-owned and that also serve low- and moderate-income, minority, and other underserved or rural communities;

(3) protecting and increasing American jobs;

(4) increasing the opportunity for small business development in areas with high unemployment rates that exceed the national average;

(5) ensuring that all eligible institutions may apply to participate in the program established under this subtitle, without discrimination based on geography;

(6) providing transparency with respect to use of funds provided under this subtitle;

(7) minimizing the cost to taxpayers of exercising the authorities;

(8) promoting and engaging in financial education to would-be borrowers; and

(9) providing funding to eligible institutions that serve small businesses directly affected by the discharge of oil arising from the explosion on and sinking of the mobile offshore drilling unit Deepwater Horizon and small businesses in communities that have suffered negative economic effects as a result of that discharge with particular consideration to States along the coast of the Gulf of Mexico.

SEC. 5106. REPORTS.

The Secretary shall provide to the appropriate committees of Congress—

(1) within 7 days of the end of each month commencing with the first month in which transactions are made under the Program, a written report describing all of the transactions made during the reporting period pursuant to the authorities granted under this subtitle;

(2) after the end of March and the end of September, commencing September 30, 2010, a written report on all projected costs and liabilities, all operating expenses, including compensation for financial agents, and all transactions made by the Fund, which shall include participating institutions and amounts each institution has received under the Program; and

(3) within 7 days of the end of each calendar quarter commencing with the first calendar quarter in which transactions are made under the Program, a written report detailing how eligible institutions participating in the Program have used the funds such institutions received under the Program.

SEC. 5107. OVERSIGHT AND AUDITS.

(a) **INSPECTOR GENERAL OVERSIGHT.**—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of the

Program through the Office of Small Business Lending Fund Program Oversight established under subsection (b).

(b) OFFICE OF SMALL BUSINESS LENDING FUND PROGRAM OVERSIGHT.—

(1) ESTABLISHMENT.—There is hereby established within the Office of the Inspector General of the Department of the Treasury a new office to be named the “Office of Small Business Lending Fund Program Oversight” to provide oversight of the Program.

(2) LEADERSHIP.—The Inspector General shall appoint a Special Deputy Inspector General for SBLF Program Oversight to lead the Office, with commensurate staff, who shall report directly to the Inspector General and who shall be responsible for the performance of all auditing and investigative activities relating to the Program.

(3) REPORTING.—

(A) IN GENERAL.—The Inspector General shall issue a report no less than two times a year to the Congress and the Secretary devoted to the oversight provided by the Office, including any recommendations for improvements to the Program.

(B) RECOMMENDATIONS.—With respect to any deficiencies identified in a report under subparagraph (A), the Secretary shall either—

(i) take actions to address such deficiencies; or

(ii) certify to the appropriate committees of Congress that no action is necessary or appropriate.

(4) COORDINATION.—The Inspector General, in maximizing the effectiveness of the Office, shall work with other Offices of Inspector General, as appropriate, to minimize duplication of effort and ensure comprehensive oversight of the Program.

(5) TERMINATION.—The Office shall terminate at the end of the 6-month period beginning on the date on which all capital investments are repaid under the Program or the date on which the Secretary determines that any remaining capital investments will not be repaid.

(6) DEFINITIONS.—For purposes of this subsection:

(A) OFFICE.—The term “Office” means the Office of Small Business Lending Fund Program Oversight established under paragraph (1).

(B) INSPECTOR GENERAL.—The term “Inspector General” means the Inspector General of the Department of the Treasury.

(C) GAO AUDIT.—The Comptroller General of the United States shall perform an annual audit of the Program and issue a report to the appropriate committees of Congress containing the results of such audit.

(d) REQUIRED CERTIFICATIONS.—

(1) ELIGIBLE INSTITUTION CERTIFICATION.—Each eligible institution that participates in the Program must certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in 31 U.S.C. 5312(a)(2) and (c)(1)(A), to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

(2) LOAN RECIPIENTS.—With respect to funds received by an eligible institution under the Program, any business receiving a

loan from the eligible institution using such funds after the date of the enactment of this Act shall certify to such eligible institution that the principals of such business have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

(e) PROHIBITION ON PORNOGRAPHY.—None of the funds made available under this subtitle may be used to pay the salary of any individual engaged in activities related to the Program who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

SEC. 5108. CREDIT REFORM; FUNDING.

(a) CREDIT REFORM.—The cost of purchases of preferred stock and other financial instruments made as capital investments under this subtitle shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(b) FUNDS MADE AVAILABLE.—There are hereby appropriated, out of funds in the Treasury not otherwise appropriated, such sums as may be necessary to pay the costs of \$30,000,000,000 of capital investments in eligible institutions, including the costs of modifying such investments, and reasonable costs of administering the program of making, holding, managing, and selling the capital investments.

SEC. 5109. TERMINATION AND CONTINUATION OF AUTHORITIES.

(a) TERMINATION OF INVESTMENT AUTHORITY.—The authority to make capital investments in eligible institutions, including commitments to purchase preferred stock or other instruments, provided under this subtitle shall terminate 1 year after the date of enactment of this Act.

(b) CONTINUATION OF OTHER AUTHORITIES.—The authorities of the Secretary under section 5104 shall not be limited by the termination date in subsection (a).

SEC. 5110. PRESERVATION OF AUTHORITY.

Nothing in this subtitle may be construed to limit the authority of the Secretary under any other provision of law.

SEC. 5111. ASSURANCES.

(a) SMALL BUSINESS LENDING FUND SEPARATE FROM TARP.—The Small Business Lending Fund Program is established as separate and distinct from the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008. An institution shall not, by virtue of a capital investment under the Small Business Lending Fund Program, be considered a recipient of the Troubled Asset Relief Program.

(b) CHANGE IN LAW.—If, after a capital investment has been made in an eligible institution under the Program, there is a change in law that modifies the terms of the investment or program in a materially adverse respect for the eligible institution, the eligible institution may, after consultation with the appropriate Federal banking agency for the eligible institution, repay the investment without impediment.

SEC. 5112. STUDY AND REPORT WITH RESPECT TO WOMEN-OWNED, VETERAN-OWNED, AND MINORITY-OWNED BUSINESSES.

(a) STUDY.—The Secretary shall conduct a study of the impact of the Program on women-owned businesses, veteran-owned businesses, and minority-owned businesses.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Sec-

retary shall submit to Congress a report on the results of the study conducted pursuant to subsection (a). To the extent possible, the Secretary shall disaggregate the results of such study by ethnic group and gender.

(c) INFORMATION PROVIDED TO THE SECRETARY.—Eligible institutions that participate in the Program shall provide the Secretary with such information as the Secretary may require to carry out the study required by this section.

SEC. 5113. SENSE OF CONGRESS.

It is the sense of Congress that the Federal Deposit Insurance Corporation and other bank regulators are sending mixed messages to banks regarding regulatory capital requirements and lending standards, which is a contributing cause of decreased small business lending and increased regulatory uncertainty at community banks.

Subtitle B—Other Provisions

PART I—SMALL BUSINESS EXPORT PROMOTION INITIATIVES

SEC. 5221. GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES OF THE DEPARTMENT OF COMMERCE.

(a) INCREASE IN EMPLOYEES WITH RESPONSIBILITY FOR GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES.—

(1) IN GENERAL.—During the 24-month period beginning on the date of the enactment of this Act, the Secretary of Commerce shall increase the number of full-time departmental employees whose primary responsibilities involve promoting or facilitating participation by United States businesses in the global marketplace and facilitating the entry into, or expansion of, such participation by United States businesses. In carrying out this subsection, the Secretary shall ensure that—

(A) the cohort of such employees is increased by not less than 80 persons; and

(B) a substantial portion of the increased cohort is stationed outside the United States.

(2) ENHANCED FOCUS ON UNITED STATES SMALL- AND MEDIUM-SIZED BUSINESSES.—In carrying out this subsection, the Secretary shall take such action as may be necessary to ensure that the activities of the Department of Commerce relating to promoting and facilitating participation by United States businesses in the global marketplace include promoting and facilitating such participation by small and medium-sized businesses in the United States.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2011 and 2012 such sums as may be necessary to carry out this section.

(b) ADDITIONAL FUNDING FOR GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES OF THE DEPARTMENT OF COMMERCE.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, \$30,000,000 to promote or facilitate participation by United States businesses in the global marketplace and facilitating the entry into, or expansion of, such participation by United States businesses.

(2) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated by paragraph (1), the Secretary of Commerce shall give preference to activities that—

(A) assist small- and medium-sized businesses in the United States; and

(B) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 5222. ADDITIONAL FUNDING TO IMPROVE ACCESS TO GLOBAL MARKETS FOR RURAL BUSINESSES.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce \$5,000,000 for each of the fiscal years 2011 and 2012 for improving access to the global marketplace for goods and services provided by rural businesses in the United States.

(b) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 5223. ADDITIONAL FUNDING FOR THE EXPORTECH PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce \$11,000,000 for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, to expand ExporTech, a joint program of the Hollings Manufacturing Partnership Program and the Export Assistance Centers of the Department of Commerce.

(b) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 5224. ADDITIONAL FUNDING FOR THE MARKET DEVELOPMENT COOPERATOR PROGRAM OF THE DEPARTMENT OF COMMERCE.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, \$15,000,000 for the Manufacturing and Services unit of the International Trade Administration—

(1) to establish public-private partnerships under the Market Development Cooperator Program of the International Trade Administration; and

(2) to underwrite a portion of the start-up costs for new projects carried out under that Program to strengthen the competitiveness and market share of United States industry, not to exceed, for each such project, the lesser of—

(A) ½ of the total start-up costs for the project; or

(B) \$500,000.

(b) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 5225. HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM; TECHNOLOGY INNOVATION PROGRAM.

(a) HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.—Section 25(f) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(f)) is amended by adding at the end the following:

“(7) GLOBAL MARKETPLACE PROJECTS.—In making awards under this subsection, the Director, in consultation with the Manufacturing Extension Partnership Advisory Board and the Secretary of Commerce, may—

“(A) take into consideration whether an application has significant potential for enhancing the competitiveness of small and medium-sized United States manufacturers in the global marketplace; and

“(B) give a preference to applications for such projects to the extent the Director deems appropriate, taking into account the broader purposes of this subsection.”

(b) TECHNOLOGY INNOVATION PROGRAM.—In awarding grants, cooperative agreements, or contracts under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), in addition to the award criteria set forth in subsection (c) of that section, the Director of the National Institute of Standards and Technology may take into consideration whether an application has significant potential for enhancing the competitiveness of small- and medium-sized businesses in the United States in the global marketplace. The Director shall consult with the Technology Innovation Program Advisory Board and the Secretary of Commerce in implementing this subsection.

SEC. 5226. SENSE OF THE SENATE CONCERNING FEDERAL COLLABORATION WITH STATES ON EXPORT PROMOTION ISSUES.

It is the sense of the Senate that the Secretary of Commerce should enhance Federal collaboration with the States on export promotion issues by—

(1) providing the necessary training to the staff at State international trade agencies to enable them to assist the United States and Foreign Commercial Service (established by section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721)) in providing counseling and other export services to businesses in their communities; and

(2) entering into agreements with State international trade agencies for those agencies to deliver export promotion services in their local communities in order to extend the outreach of United States and Foreign Commercial Service programs.

SEC. 5227. REPORT ON TARIFF AND NONTARIFF BARRIERS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the United States Trade Representative and other appropriate entities, shall report to Congress on the tariff and nontariff barriers imposed by Colombia, the Republic of Korea, and Panama with respect to exports of articles from the United States, including articles exported or produced by small- and medium-sized businesses in the United States.

PART II—MEDICARE FEE-FOR-SERVICE PROGRAM**SEC. 5241. USE OF PREDICTIVE MODELING AND OTHER ANALYTICS TECHNOLOGIES TO IDENTIFY AND PREVENT WASTE, FRAUD, AND ABUSE IN THE MEDICARE FEE-FOR-SERVICE PROGRAM.**

(a) USE IN THE MEDICARE FEE-FOR-SERVICE PROGRAM.—The Secretary shall use predictive modeling and other analytics technologies (in this section referred to as “predictive analytics technologies”) to identify improper claims for reimbursement and to prevent the payment of such claims under the Medicare fee-for-service program.

(b) PREDICTIVE ANALYTICS TECHNOLOGIES REQUIREMENTS.—The predictive analytics technologies used by the Secretary shall—

(1) capture Medicare provider and Medicare beneficiary activities across the Medicare

fee-for-service program to provide a comprehensive view across all providers, beneficiaries, and geographies within such program in order to—

(A) identify and analyze Medicare provider networks, provider billing patterns, and beneficiary utilization patterns; and

(B) identify and detect any such patterns and networks that represent a high risk of fraudulent activity;

(2) be integrated into the existing Medicare fee-for-service program claims flow with minimal effort and maximum efficiency;

(3) be able to—

(A) analyze large data sets for unusual or suspicious patterns or anomalies or contain other factors that are linked to the occurrence of waste, fraud, or abuse;

(B) undertake such analysis before payment is made; and

(C) prioritize such identified transactions for additional review before payment is made in terms of the likelihood of potential waste, fraud, and abuse to more efficiently utilize investigative resources;

(4) capture outcome information on adjudicated claims for reimbursement to allow for refinement and enhancement of the predictive analytics technologies on the basis of such outcome information, including post-payment information about the eventual status of a claim; and

(5) prevent the payment of claims for reimbursement that have been identified as potentially wasteful, fraudulent, or abusive until such time as the claims have been verified as valid.

(c) IMPLEMENTATION REQUIREMENTS.—

(1) REQUEST FOR PROPOSALS.—Not later than January 1, 2011, the Secretary shall issue a request for proposals to carry out this section during the first year of implementation. To the extent the Secretary determines appropriate—

(A) the initial request for proposals may include subsequent implementation years; and

(B) the Secretary may issue additional requests for proposals with respect to subsequent implementation years.

(2) FIRST IMPLEMENTATION YEAR.—The initial request for proposals issued under paragraph (1) shall require the contractors selected to commence using predictive analytics technologies on July 1, 2011, in the 10 States identified by the Secretary as having the highest risk of waste, fraud, or abuse in the Medicare fee-for-service program.

(3) SECOND IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(1)(B), the Secretary shall expand the use of predictive analytics technologies on October 1, 2012, to apply to an additional 10 States identified by the Secretary as having the highest risk of waste, fraud, or abuse in the Medicare fee-for-service program, after the States identified under paragraph (2).

(4) THIRD IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(2), the Secretary shall expand the use of predictive analytics technologies on January 1, 2014, to apply to the Medicare fee-for-service program in any State not identified under paragraph (2) or (3) and the commonwealths and territories.

(5) FOURTH IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(3), the Secretary shall expand the use of predictive analytics technologies, beginning April 1, 2015, to apply to Medicaid and CHIP. To the

extent the Secretary determines appropriate, such expansion may be made on a phased-in basis.

(6) **OPTION FOR REFINEMENT AND EVALUATION.**—If, with respect to the first, second, or third implementation year, the Inspector General of the Department of Health and Human Services certifies as part of the report required under subsection (e) for that year no or only nominal actual savings to the Medicare fee-for-service program, the Secretary may impose a moratorium, not to exceed 12 months, on the expansion of the use of predictive analytics technologies under this section for the succeeding year in order to refine the use of predictive analytics technologies to achieve more than nominal savings before further expansion. If a moratorium is imposed in accordance with this paragraph, the implementation dates applicable for the succeeding year or years shall be adjusted to reflect the length of the moratorium period.

(d) **CONTRACTOR SELECTION, QUALIFICATIONS, AND DATA ACCESS REQUIREMENTS.**—

(1) **SELECTION.**—

(A) **IN GENERAL.**—The Secretary shall select contractors to carry out this section using competitive procedures as provided for in the Federal Acquisition Regulation.

(B) **NUMBER OF CONTRACTORS.**—The Secretary shall select at least 2 contractors to carry out this section with respect to any year.

(2) **QUALIFICATIONS.**—

(A) **IN GENERAL.**—The Secretary shall enter into a contract under this section with an entity only if the entity—

(i) has leadership and staff who—

(I) have the appropriate clinical knowledge of, and experience with, the payment rules and regulations under the Medicare fee-for-service program; and

(II) have direct management experience and proficiency utilizing predictive analytics technologies necessary to carry out the requirements under subsection (b); or

(ii) has a contract, or will enter into a contract, with another entity that has leadership and staff meeting the criteria described in clause (i).

(B) **CONFLICT OF INTEREST.**—The Secretary may only enter into a contract under this section with an entity to the extent that the entity complies with such conflict of interest standards as are generally applicable to Federal acquisition and procurement.

(3) **DATA ACCESS.**—The Secretary shall provide entities with a contract under this section with appropriate access to data necessary for the entity to use predictive analytics technologies in accordance with the contract.

(e) **REPORTING REQUIREMENTS.**—

(1) **FIRST IMPLEMENTATION YEAR REPORT.**—Not later than 3 months after the completion of the first implementation year under this section, the Secretary shall submit to the appropriate committees of Congress and make available to the public a report that includes the following:

(A) A description of the implementation of the use of predictive analytics technologies during the year.

(B) A certification of the Inspector General of the Department of Health and Human Services that—

(i) specifies the actual and projected savings to the Medicare fee-for-service program as a result of the use of predictive analytics technologies, including estimates of the amounts of such savings with respect to both improper payments recovered and improper payments avoided;

(ii) the actual and projected savings to the Medicare fee-for-service program as a result of such use of predictive analytics technologies relative to the return on investment for the use of such technologies and in comparison to other strategies or technologies used to prevent and detect fraud, waste, and abuse in the Medicare fee-for-service program; and

(iii) includes recommendations regarding—

(I) whether the Secretary should continue to use predictive analytics technologies;

(II) whether the use of such technologies should be expanded in accordance with the requirements of subsection (c); and

(III) any modifications or refinements that should be made to increase the amount of actual or projected savings or mitigate any adverse impact on Medicare beneficiaries or providers.

(C) **AN ANALYSIS OF THE EXTENT TO WHICH THE USE OF PREDICTIVE ANALYTICS TECHNOLOGIES SUCCESSFULLY PREVENTED AND DETECTED WASTE, FRAUD, OR ABUSE IN THE MEDICARE FEE-FOR-SERVICE PROGRAM.**

(D) **A REVIEW OF WHETHER THE PREDICTIVE ANALYTICS TECHNOLOGIES AFFECTED ACCESS TO, OR THE QUALITY OF, ITEMS AND SERVICES FURNISHED TO MEDICARE BENEFICIARIES.**

(E) **A REVIEW OF WHAT EFFECT, IF ANY, THE USE OF PREDICTIVE ANALYTICS TECHNOLOGIES HAD ON MEDICARE PROVIDERS.**

(F) **ANY OTHER ITEMS DETERMINED APPROPRIATE BY THE SECRETARY.**

(2) **SECOND YEAR IMPLEMENTATION REPORT.**—Not later than 3 months after the completion of the second implementation year under this section, the Secretary shall submit to the appropriate committees of Congress and make available to the public a report that includes, with respect to such year, the items required under paragraph (1) as well as any other additional items determined appropriate by the Secretary with respect to the report for such year.

(3) **THIRD YEAR IMPLEMENTATION REPORT.**—Not later than 3 months after the completion of the third implementation year under this section, the Secretary shall submit to the appropriate committees of Congress, and make available to the public, a report that includes with respect to such year, the items required under paragraph (1), as well as any other additional items determined appropriate by the Secretary with respect to the report for such year, and the following:

(A) **AN ANALYSIS OF THE COST-EFFECTIVENESS AND FEASIBILITY OF EXPANDING THE USE OF PREDICTIVE ANALYTICS TECHNOLOGIES TO MEDICAID AND CHIP.**

(B) **AN ANALYSIS OF THE EFFECT, IF ANY, THE APPLICATION OF PREDICTIVE ANALYTICS TECHNOLOGIES TO CLAIMS UNDER MEDICAID AND CHIP WOULD HAVE ON STATES AND THE COMMONWEALTHS AND TERRITORIES.**

(C) **RECOMMENDATIONS REGARDING THE EXTENT TO WHICH TECHNICAL ASSISTANCE MAY BE NECESSARY TO EXPAND THE APPLICATION OF PREDICTIVE ANALYTICS TECHNOLOGIES TO CLAIMS UNDER MEDICAID AND CHIP, AND THE TYPE OF ANY SUCH ASSISTANCE.**

(f) **INDEPENDENT EVALUATION AND REPORT.**—

(1) **EVALUATION.**—Upon completion of the first year in which predictive analytics technologies are used with respect to claims under Medicaid and CHIP, the Secretary shall, by grant, contract, or interagency agreement, conduct an independent evaluation of the use of predictive analytics technologies under the Medicare fee-for-service program and Medicaid and CHIP. The evaluation shall include an analysis with respect to each such program of the items required for

the third year implementation report under subsection (e)(3).

(2) **REPORT.**—Not later than 18 months after the evaluation required under paragraph (1) is initiated, the Secretary shall submit a report to Congress on the evaluation that shall include the results of the evaluation, the Secretary's response to such results and, to the extent the Secretary determines appropriate, recommendations for legislation or administrative actions.

(g) **WAIVER AUTHORITY.**—The Secretary may waive such provisions of titles XI, XVIII, XIX, and XXI of the Social Security Act, including applicable prompt payment requirements under titles XVIII and XIX of such Act, as the Secretary determines to be appropriate to carry out this section.

(h) **FUNDING.**—

(1) **APPROPRIATION.**—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out this section, \$100,000,000 for the period beginning January 1, 2011, to remain available until expended.

(2) **RESERVATIONS.**—

(A) **INDEPENDENT EVALUATION.**—The Secretary shall reserve not more than 5 percent of the funds appropriated under paragraph (1) for purposes of conducting the independent evaluation required under subsection (f).

(B) **APPLICATION TO MEDICAID AND CHIP.**—The Secretary shall reserve such portion of the funds appropriated under paragraph (1) as the Secretary determines appropriate for purposes of providing assistance to States for administrative expenses in the event of the expansion of predictive analytics technologies to claims under Medicaid and CHIP.

(i) **DEFINITIONS.**—In this section:

(1) **COMMONWEALTHS AND TERRITORIES.**—The term “commonwealth and territories” includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States in which the Medicare fee-for-service program, Medicaid, or CHIP operates.

(2) **CHIP.**—The term “CHIP” means the Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(3) **MEDICAID.**—The term “Medicaid” means the program to provide grants to States for medical assistance programs established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(4) **MEDICARE BENEFICIARY.**—The term “Medicare beneficiary” means an individual enrolled in the Medicare fee-for-service program.

(5) **MEDICARE FEE-FOR-SERVICE PROGRAM.**—The term “Medicare fee-for-service program” means the original Medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(6) **MEDICARE PROVIDER.**—The term “Medicare provider” means a provider of services (as defined in subsection (u) of section 1861 of the Social Security Act (42 U.S.C. 1395x)) and a supplier (as defined in subsection (d) of such section).

(7) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services.

(8) **STATE.**—The term “State” means each of the 50 States and the District of Columbia.

PART III—ADVANCE REFUNDABILITY**SEC. 5261. ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.**

(a) IN GENERAL.—Notwithstanding any other provision of this Act, section 2122 and the amendments made by section 2122 shall have no force or effect.

(b) ELIMINATION.—

(1) IN GENERAL.—The following provisions of the Internal Revenue Code of 1986 are repealed:

(A) Section 3507.

(B) Subsection (g) of section 32.

(C) Paragraph (7) of section 6051(a).

(2) CONFORMING AMENDMENTS.—

(A) Section 6012(a) of the Internal Revenue Code of 1986 is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(B) Section 6302 of such Code is amended by striking subsection (i).

(C) The table of sections for chapter 25 of such Code is amended by striking the item relating to section 3507.

(3) EFFECTIVE DATE.—The repeals and amendments made by this subsection shall apply to taxable years beginning after December 31, 2010.

SA 4501. Mr. REID proposed an amendment to amendment SA 4500 proposed by Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) to the amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end of the amendment, insert the following:

The provisions of this Act shall become effective 10 days after enactment.

SA 4502. Mr. REID proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end of the language proposed to be stricken, insert the following:

This section shall become effective 5 days after enactment.

SA 4503. Mr. REID proposed an amendment to amendment SA 4502 proposed by Mr. REID to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the In-

ternal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

In amendment, strike “5” and insert “4”.

SA 4504. Mr. REID proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end, insert the following:

The Finance Committee is requested to study the impact of changes to the system whereby small business entities are provided with opportunities for access to capital.

SA 4505. Mr. REID proposed an amendment to amendment SA 4504 proposed by Mr. REID to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end, insert the following:
and the economic impact on local communities served by small businesses,

SA 4506. Mr. REID proposed an amendment to amendment SA 4505 proposed by Mr. REID to the amendment SA 4504 proposed by Mr. REID to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end, insert the following:
and its impact on state and local governments.

SA 4507. Mr. DORGAN (for himself, Mr. CRAPO, Mr. TESTER, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —NATIVE AMERICAN INVESTMENT INITIATIVES**SEC. 01. IMPROVING ACCESS TO CAPITAL FOR INDIAN TRIBES.**

Section 201 of the Indian Financing Act of 1974 (25 U.S.C. 1481) is amended by adding at the end the following:

“(c) IMPROVING ACCESS TO CAPITAL FOR INDIAN TRIBES.—The Secretary shall consider more favorable equity terms or allow an increase in loan guarantees from 90 percent up to 95 percent of the unpaid principal and interest due on any loan made under this section for energy development or manufacturing carried out on Indian land or within a tribal service area recognized by the Bureau of Indian Affairs.”.

SEC. 02. SURETY BOND GUARANTEES.

Section 218 of the Indian Financing Act of 1974 (25 U.S.C. 1497a) is amended to read as follows:

“SEC. 218. SURETY BOND GUARANTEES.

“(a) AMOUNT; ELIGIBILITY.—The Secretary may issue a guarantee up to 100 percent of amounts covered by a surety bond issued for eligible construction, renovation, or demolition work performed or to be performed by an Indian individual or Indian economic enterprise.

“(b) CONDITIONS.—

“(1) IN GENERAL.—The Secretary may provide a surety bond guarantee under this section only if the Secretary determines that—

“(A) the guarantee is necessary for the Indian individual or Indian economic enterprise to secure a surety bond on commercially reasonable terms;

“(B) not more than 25 percent of the business of the surety is comprised of bonds guaranteed pursuant to this section; and

“(C) the surety meets eligibility standards established by the Secretary in rules and regulations.

“(2) PREVENTION AND MITIGATION OF LOSS.—The Secretary shall condition each surety bond guarantee to an Indian business on the existence of—

“(A) appropriate technical assistance and advice; and

“(B) adequate monitoring of the performance of the project.

“(c) FEES AND CHARGES.—

“(1) IN GENERAL.—The rules and regulations promulgated by the Secretary to carry out this section shall include the setting of—

“(A) reasonable fees to be paid by the Indian individual or economic enterprise; and

“(B) reasonable premium charges to be paid by sureties.

“(2) RECEIPTS.—The receipts from fees and charges shall be made available to the Secretary for administration and management of this section.”.

SEC. 03. INDIAN EMPLOYMENT, TRAINING, AND RELATED SERVICES.

The Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.) is amended—

(1) in section 2 (25 U.S.C. 3401), by striking “The purposes of this chapter are to demonstrate how Indian tribal governments can integrate the employment, training, and related services they provide in order” and inserting “The purposes of this chapter are to promote tribal government integration of employment, training, and related services”;

(2) in section 3 (25 U.S.C. 3402), by adding at the end the following:

“(5) TRIBAL ORGANIZATION.—The term ‘tribal organization’ has meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).”;

(3) in section 4 (25 U.S.C. 3403)—

(A) by striking “The Secretary” and inserting the following:

“(a) IN GENERAL.—The Secretary”; and

(B) by adding at the end the following:

“(b) SINGLE INTEGRATED PLAN.—On approval by the Secretary of a plan submitted by an Indian tribe or tribal organization under subsection (a), the covered programs shall be fully integrated into a single, coordinated, comprehensive program that shall not require the Indian tribe or tribal organization to submit to any additional budgets, reports, audits, supplemental audits, or other documentation requirements.

“(c) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, all funds for programs and services covered by an approved plan under this section shall, at the request of the Indian tribe or tribal organization, be transferred to the Indian tribe or tribal organization pursuant to an existing contract, compact, or funding agreement, including those awarded under title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).”;

(4) in section 5 (25 U.S.C. 3404), by striking “in a demonstration project under any such” and inserting “under any”;

(5) in section 6 (25 U.S.C. 3405), by striking paragraph (3) and inserting the following:

“(3) identify—

“(A) the full range of potential employment opportunities on and near the service area of the Indian tribe or tribal organization; and

“(B) the education, training, and related services to be provided to assist individual Indians to access those employment opportunities.”;

(6) by striking sections 7 and 8 (25 U.S.C. 3406, 3407) and inserting the following:

“SEC. 7. PLAN REVIEW AND APPROVAL.

“(a) IN GENERAL.—Not later than 90 days after the date of receipt of a plan under section 4, the Secretary shall approve the plan, including any request for a waiver that is made as part of the plan, and authorize the transfer of funds pursuant to that plan, unless the Secretary provides written notification of disapproval of the plan that contains a specific finding that clearly demonstrates that, or that is supported by a controlling legal authority that, the plan does not meet the requirements of section 6.

“(b) FAILURE TO ACT.—Any plan that the Secretary fails to act on by the date that is 90 days after the date of receipt (or such extended time as may be provided under subsection (c)) shall be considered to be approved.

“(c) EXTENSION OF TIME.—Notwithstanding any other provision of law, the Secretary may extend or otherwise modify the 90-day period specified in subsection (a), if before the expiration of that period, the Secretary obtains the express written consent of the Indian tribe or tribal organization to extend or alter the period for up to 90 additional days.

“(d) REVIEW OF DECISION; APPLICABLE PROVISIONS.—On a decision to disapprove a plan, the following provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall apply to the review of the decision:

“(1) Section 102(b) (25 U.S.C. 450f(b)) (relating to the declination process).

“(2) Section 102(e) (25 U.S.C. 450f(e)) (relating to burden of proof and finality).

“(3) Subsections (a) and (c) of section 110 (25 U.S.C. 450m–1) (relating to appeals).”;

(7) in section 11 (25 U.S.C. 3410)—

(A) in subsection (a), by striking paragraphs (1) through (4) and inserting the following:

“(1) the development and use of a model single report for each approved plan submitted by an Indian tribe or tribal organization to report on the consolidated activities undertaken and joint expenditures made under the plan;

“(2) the provision, either directly or through contract, of appropriate technical assistance to an Indian tribe or tribal organization with an approved plan, on the condition that the Indian tribe or tribal organization retains the authority to accept the plan for providing such technical assistance and the technical assistance provider;

“(3) the development and use of a single monitoring and oversight system for the plan;

“(4)(A) the receipt of all funds covered by a plan submitted by an Indian tribe or tribal organization and approved by the Secretary; and

“(B) the distribution of all such funds to the respective Indian tribe or tribal organization; and

“(5) the performance of activities described in section 7 relating to agency waivers and the establishment of an inter-agency dispute resolution process.”;

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

“(b) INTERDEPARTMENTAL MEMORANDUM.—

“(1) IN GENERAL.—The interdepartmental memorandum described in subsection (a) shall include, at a minimum, requirements for—

“(A) an annual meeting of participating Indian tribes, tribal organizations, and Federal agencies, with the meeting co-chaired by a representative of the President and a representative of the participating Indian tribes;

“(B) an annual review of the achievements under the Act as well as statutory, regulatory, administrative, and policy obstacles that prevent participating Indian tribes from fully carrying out the purposes of the Act; and

“(C) in accordance with paragraph (2), the establishment of an advisory committee to identify and resolve inter-agency or Federal-tribal conflicts in the administration of the Act.

“(2) ADVISORY COMMITTEE.—The Advisory Committee described in paragraph (1)(C) shall—

“(A) be comprised of representatives appointed by the Secretary of the Interior, the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Education, the Secretary of Commerce, the Secretary of Transportation, and the Secretary of Agriculture;

“(B) have 2 representatives appointed by the Secretary of the Interior from nominations submitted by Indian tribes or tribal organizations;

“(C) meet at least twice per year; and

“(D) be exempt from the requirements of Federal Advisory Committee Act (5 U.S.C. App.).”;

(8) in section 12 (25 U.S.C. 3411), by striking “tribal government involved in any demonstration project be reduced as a result of” and inserting “participating Indian tribe or tribal organization be reduced as a result of the approval or implementation of a plan under this Act or”;

(9) in section 13 (25 U.S.C. 3412), by striking “a tribal government in order to further the purposes of this Act” and inserting “an Indian tribe or tribal organization in order to further the purposes of this Act (including any amendments made to this Act)”;

(10) in section 14 (25 U.S.C. 3413)—

(A) in subsection (a), by striking paragraph (2) and inserting the following:

“(2) SEPARATE RECORDS AND AUDITS NOT REQUIRED.—Notwithstanding any other provision of law, including any regulation or circular of any agency (including Circular A–133 of the Office of Management and Budget), a participating Indian tribe or tribal organization shall not be required—

“(A) to maintain separate records tracing any services or activities conducted under the approved plan of the Indian tribe or tribal organization to the individual programs under which funds were authorized or transferred;

“(B) to allocate expenditures among the individual programs; or

“(C) to audit expenditures by original program source.”; and

(B) by striking subsection (b) and inserting the following:

“(b) OVERAGE; CARRYOVER; INDIRECT COSTS.—

“(1) OVERAGE.—

“(A) IN GENERAL.—All administrative costs may be commingled and participating Indian tribes shall be entitled to the full amount of the costs, subject to the regulations of each program or department.

“(B) AUDIT PURPOSES.—The difference between the amount of the commingled funds and the actual administrative cost of the programs, or the overage, shall be considered to be properly spent for Federal audit purposes, if the overage is used to carry out this Act.

“(C) REQUIREMENTS.—Amounts described in subparagraphs (A) and (B) shall be required to be obligated or expended consistent with the plan of the Indian tribe or tribal organization, but no additional justification or documentation of the purposes shall be required to be provided by the Indian tribe or tribal organization as a condition of receiving or expending the funds.

“(2) CARRYOVER.—

“(A) IN GENERAL.—For each fiscal year, any amounts transferred to an Indian tribe or tribal organization pursuant to this Act that remain unobligated or unexpended shall remain available for obligation or expenditure without fiscal year limitation.

“(B) REQUIREMENTS.—Amounts described in subparagraph (A) shall be required to be obligated or expended consistent with the plan of the Indian tribe or tribal organization, but no additional justification or documentation shall be required of the Indian tribe or tribal organization as a condition of receiving or expending the amounts.

“(3) INDIRECT COSTS.—Notwithstanding any other provision of law, an Indian tribe or tribal organization shall be entitled to recover the full indirect costs associated with any amounts transferred to the Indian tribe or tribal organization pursuant to this Act, at the applicable indirect cost rate of the Indian tribe or tribal organization, as approved by the relevant Federal agency.”; and

(11) by amending section 16 (25 U.S.C. 3415) to read as follows:

“SEC. 16. REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.

“(a) IN GENERAL.—Not later than 3 years after the date of enactment of the Small Business Jobs and Credit Act of 2010, the advisory committee established pursuant to section 11(b)(2) shall submit to the Committee on Indian Affairs and the Committee on Finance of the Senate and the Committee on Natural Resources and the Committee on Education and Labor of the House of Representatives a report on the implementation

and administration of this Act and any inter-agency or Federal-tribal conflicts in the administration of this Act.

“(b) REQUIREMENTS.—The report shall identify any barriers to the ability of tribal governments to integrate more effectively the employment, training, and related services of the tribal governments in a manner consistent with the purposes of this Act.

“(c) FEASIBILITY STUDY.—Not later than 18 months after the date of enactment of the Small Business Jobs and Credit Act of 2010, the Comptroller General of the United States shall publish a study on the feasibility of expanding the integration program established under this Act to other Federal agencies that provide funding for employment, training, and related services to Indian tribes and tribal organizations.”.

TITLE _____—HEARTH

SEC. 01. SHORT TITLE.

This title may be cited as the “Helping Expedite and Advance Responsible Tribal Homeownership Act of 2010” or the “HEARTH Act of 2010”.

SEC. 02. APPROVAL OF, AND REGULATIONS RELATED TO, TRIBAL LEASES.

The first section of the Act titled “An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases”, approved August 9, 1955 (25 U.S.C. 415) is amended as follows:

(1) In subsection (d)—

(A) in paragraph (4), by striking “the Navajo Nation” and inserting “an applicable Indian tribe”;

(B) in paragraph (6), by striking “the Navajo Nation” and inserting “an Indian tribe”;

(C) in paragraph (7), by striking “and” after the semicolon at the end;

(D) in paragraph (8)—

(i) by striking “the Navajo Nation”;

(ii) by striking “with Navajo Nation law” and inserting “with applicable tribal law”;

and

(iii) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

“(9) the term ‘Indian tribe’ has the meaning given such term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a); and

“(10) the term ‘individually owned allotted land’ means a parcel of land that—

“(A)(i) is located within the jurisdiction of an Indian tribe; or

“(ii) is held in trust or restricted status by the United States for the benefit of an Indian tribe or a member of an Indian tribe; and

“(B) is allotted to a member of an Indian tribe.”.

(2) By adding at the end the following:

“(h) TRIBAL APPROVAL OF LEASES.—

“(1) IN GENERAL.—At the discretion of any Indian tribe, any lease by the Indian tribe for the purposes authorized under subsection (a) (including any amendments to subsection (a)), except a lease for the exploration, development, or extraction of any mineral resources, shall not require the approval of the Secretary, if the lease is executed under the tribal regulations approved by the Secretary under this subsection and the term of the lease does not exceed—

“(A) in the case of a business or agricultural lease, 25 years, except that any such lease may include an option to renew for up to 2 additional terms, each of which may not exceed 25 years; and

“(B) in the case of a lease for public, religious, educational, recreational, or residential purposes, 75 years, if such a term is pro-

vided for by the regulations issued by the Indian tribe.

“(2) ALLOTED LAND.—Paragraph (1) shall not apply to any lease of individually owned Indian allotted land.

“(3) AUTHORITY OF SECRETARY OVER TRIBAL REGULATIONS.—

“(A) IN GENERAL.—The Secretary shall have the authority to approve or disapprove any tribal regulations issued in accordance with paragraph (1).

“(B) CONSIDERATIONS FOR APPROVAL.—The Secretary shall approve any tribal regulation issued in accordance with paragraph (1), if the tribal regulations—

“(i) are consistent with any regulations issued by the Secretary under subsection (a) (including any amendments to the subsection or regulations); and

“(ii) provide for an environmental review process that includes—

“(I) the identification and evaluation of any significant effects of the proposed action on the environment; and

“(II) a process for ensuring that—

“(aa) the public is informed of, and has a reasonable opportunity to comment on, any significant environmental impacts of the proposed action identified by the Indian tribe; and

“(bb) the Indian tribe provides responses to relevant and substantive public comments on any such impacts before the Indian tribe approves the lease.

“(4) REVIEW PROCESS.—

“(A) IN GENERAL.—Not later than 120 days after the date on which the tribal regulations described in paragraph (1) are submitted to the Secretary, the Secretary shall review and approve or disapprove the regulations.

“(B) WRITTEN DOCUMENTATION.—If the Secretary disapproves the tribal regulations described in paragraph (1), the Secretary shall include written documentation with the disapproval notification that describes the basis for the disapproval.

“(C) EXTENSION.—The deadline described in subparagraph (A) may be extended by the Secretary, after consultation with the Indian tribe.

“(5) FEDERAL ENVIRONMENTAL REVIEW.—Notwithstanding paragraphs (3) and (4), if an Indian tribe carries out a project or activity funded by a Federal agency, the Indian tribe shall have the authority to rely on the environmental review process of the applicable Federal agency rather than any tribal environmental review process under this subsection.

“(6) DOCUMENTATION.—If an Indian tribe executes a lease pursuant to tribal regulations under paragraph (1), the Indian tribe shall provide the Secretary with—

“(A) a copy of the lease, including any amendments or renewals to the lease; and

“(B) in the case of tribal regulations or a lease that allows for lease payments to be made directly to the Indian tribe, documentation of the lease payments that are sufficient to enable the Secretary to discharge the trust responsibility of the United States under paragraph (7).

“(7) TRUST RESPONSIBILITY.—

“(A) IN GENERAL.—The United States shall not be liable for losses sustained by any party to a lease executed pursuant to tribal regulations under paragraph (1).

“(B) AUTHORITY OF SECRETARY.—Pursuant to the authority of the Secretary to fulfill the trust obligation of the United States to the applicable Indian tribe under Federal law (including regulations), the Secretary may, upon reasonable notice from the applicable

Indian tribe and at the discretion of the Secretary, enforce the provisions of, or cancel, any lease executed by the Indian tribe under paragraph (1).

“(8) COMPLIANCE.—

“(A) IN GENERAL.—An interested party, after exhausting of any applicable tribal remedies, may submit a petition to the Secretary, at such time and in such form as the Secretary determines to be appropriate, to review the compliance of the applicable Indian tribe with any tribal regulations approved by the Secretary under this subsection.

“(B) VIOLATIONS.—If, after carrying out a review under subparagraph (A), the Secretary determines that the tribal regulations were violated, the Secretary may take any action the Secretary determines to be necessary to remedy the violation, including rescinding the approval of the tribal regulations and reassuming responsibility for the approval of leases of tribal trust lands.

“(C) DOCUMENTATION.—If the Secretary determines that a violation of the tribal regulations has occurred and a remedy is necessary, the Secretary shall—

“(i) make a written determination with respect to the regulations that have been violated;

“(ii) provide the applicable Indian tribe with a written notice of the alleged violation together with such written determination; and

“(iii) prior to the exercise of any remedy, the rescission of the approval of the regulation involved, or the reassumption of lease approval responsibilities, provide the applicable Indian tribe with—

“(I) a hearing that is on the record; and

“(II) a reasonable opportunity to cure the alleged violation.

“(9) SAVINGS CLAUSE.—Nothing in this subsection shall affect subsection (e) or any tribal regulations issued under that subsection.”.

SEC. 03. LAND TITLE REPORTS—REVIEW AND REPORT TO CONGRESS.

Not later than 180 days after funds are made available for this section, the Bureau of Indian Affairs shall prepare and submit to the Committees on Financial Services and Natural Resources in the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Indian Affairs in the Senate a report regarding the history and experience of Indian tribes that have chosen to assume responsibility for operating the Indian Land Title and Records Office (hereafter referred to as the “LTRO”) functions from the Bureau of Indian Affairs. In conducting the review, the Bureau of Indian Affairs shall consult with the Department of Housing and Urban Development Office of Native American Programs and those Indian tribes that are managing LTRO functions (hereafter referred to as the “managing Indian tribes”). The review shall include an analysis of the following factors:

(1) Whether and how tribal management of the LTRO functions has expedited the processing and issuance of Indian land title certifications as compared to when the Bureau of Indian Affairs managed these programs.

(2) Whether and how tribal management of the LTRO functions has increased home ownership among the managing Indian tribe's population.

(3) What internal preparations and processes were required of the managing Indian tribes prior to assuming management of the LTRO functions.

(4) Whether tribal management of the LTRO functions resulting in a transfer of financial resources and manpower from the

Bureau of Indian Affairs to the managing Indian tribes and, if so, what transfers were undertaken.

(5) Whether, in appropriate circumstances and with the approval of geographically proximate Indian tribes, the LTRO functions may be performed by a single Indian tribe or a tribal consortium in a cost effective manner.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on July 21, 2010 at 9 a.m. in room SR-328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 21, 2010, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 21, 2010, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 21, 2010, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 21, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "An Update on the TARP Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on foreign relations be authorized to meet during the session of the Senate on July 21, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Treating Rare and Neglected Pediatric Diseases: Promoting the Development of New Treatments and Cures" on July 21, 2010. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 21, 2010, at 10 a.m. to conduct a hearing entitled "Charting a Path Forward: The Homeland Security Department's Quadrennial Homeland Security Review and Bottom-Up Review."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 21, 2010, at 2:30 p.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "The Second Chance Act: Strengthening Safe and Effective Community Reentry."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on July 21, 2010, in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 21, 2010, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. CARDIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on July 21, 2010, in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. RES. 591

Mr. REID. Mr. President, I ask unanimous consent that on Thursday, July 22, after any leader time, the Senate proceed to the immediate consideration of S. Res. 591, a resolution recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act; that there be 2 hours of debate with respect to the resolution, with the time equally divided and controlled between Senators HARKIN and ENZI or their designees; that no amendments or motions be in order to the resolution; that upon the use or yielding back of time, the resolution be set aside; and that upon adoption, the preamble be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the resolution be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I just have one brief comment. Senator HARKIN has been the face of the Americans with Disabilities Act for many years. He has worked so hard. He has done many things in this Capitol complex dealing with the people with disabilities. For example, the closed captioning you see, that is all Senator HARKIN. He has done wonderful work for the people of America.

I am glad he is going to have the ability to talk about it a little while tomorrow.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 83

Mr. REID. I ask unanimous consent that on Thursday, July 22, following the use or yielding back of time with respect to S. Res. 591, the Senate proceed to consideration of Calendar No. 470, H.J. Res. 83, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; that all statutory time be yielded back except for 20 minutes, with that time equally divided and controlled between Senators BAUCUS and MCCONNELL or their designees; that upon the use or yielding back of time, the joint resolution be read a third time and the Senate then proceed to a vote on passage of the joint resolution, with all other provisions of the statute remaining in effect; that upon disposition of the joint resolution, the Senate then resume S. Res. 591 and vote on adoption of the resolution, with the provisions of the order governing S. Res. 591 still in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL ADOPTION SIMPLIFICATION ACT

Mr. REID. I ask unanimous consent that we proceed to Calendar No. 330.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1376) to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission into the United States.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as "International Adoption Simplification Act".

SEC. 2. EXEMPTION FROM VACCINATION DOCUMENTATION REQUIREMENT.

Section 212(a)(1)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)(ii)) is amended by striking "section 101(b)(1)(F)," and inserting "subparagraph (F) or (G) of section 101(b)(1);".

SEC. 3. SIBLING ADOPTIONS.

Section 101(b)(1)(G) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(G)) is amended to read as follows:

"(G)(i) a child, younger than 16 years of age at the time a petition is filed on the child's behalf to accord a classification as an immediate relative under section 201(b), who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States by a United States citizen and spouse jointly or by an unmarried United States citizen who is at least 25 years of age, Provided, That—

"(I) the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States;

"(II) the child's natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption;

"(III) in the case of a child having two living natural parents, the natural parents are incapable of providing proper care for the child;

"(IV) the Attorney General is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship, and the parent-child relationship of the child and the natural parents has been terminated (and in carrying out both obligations under this subclause the Attorney General may consider whether there is a petition pending to confer immigrant status on one or both of such natural parents); and

"(V) in the case of a child who has not been adopted—

"(aa) the competent authority of the foreign state has approved the child's emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

"(bb) the prospective adoptive parent or parents has or have complied with any pre-adoption requirements of the child's proposed residence; and

"(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter; or

"(iii) subject to the same provisos as in clauses (i) and (ii), a child who—

"(I) is a natural sibling of a child described in clause (i), subparagraph (E)(i), or subparagraph (F)(i);

"(II) was adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in clause (i), subparagraph (E)(i), or subparagraph (F)(i); and

"(III) is otherwise described in clause (i), except that the child is younger than 18 years of age at the time a petition is filed on his or her behalf for classification as an immediate relative under section 201(b)."

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall take effect as if enacted on April 1, 2008.

Mr. REID. I ask unanimous consent that the committee-reported substitute be considered; that a Klobuchar amendment which is at the desk be agreed to; the substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4498) was agreed to, as follows:

(Purpose: In the nature of a substitute)

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as "International Adoption Simplification Act".

SEC. 2. EXEMPTION FROM VACCINATION DOCUMENTATION REQUIREMENT.

Section 212(a)(1)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)(ii)) is amended by striking "section 101(b)(1)(F)," and inserting "subparagraph (F) or (G) of section 101(b)(1);".

SEC. 3. SIBLING ADOPTIONS.

Section 101(b)(1)(G) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(G)) is amended to read as follows:

"(G)(i) a child, younger than 16 years of age at the time a petition is filed on the child's behalf to accord a classification as an immediate relative under section 201(b), who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States by a United States citizen and spouse jointly or by an unmarried United States citizen who is at least 25 years of age, Provided, That—

"(I) the Secretary of Homeland Security is satisfied that proper care will be furnished the child if admitted to the United States;

"(II) the child's natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption;

"(III) in the case of a child having two living natural parents, the natural parents are incapable of providing proper care for the child;

"(IV) the Secretary of Homeland Security is satisfied that the purpose of the adoption

is to form a bona fide parent-child relationship, and the parent-child relationship of the child and the natural parents has been terminated (and in carrying out both obligations under this subclause the Secretary of Homeland Security may consider whether there is a petition pending to confer immigrant status on one or both of such natural parents); and

"(V) in the case of a child who has not been adopted—

"(aa) the competent authority of the foreign state has approved the child's emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

"(bb) the prospective adoptive parent or parents has or have complied with any pre-adoption requirements of the child's proposed residence; and

"(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter; or

"(iii) subject to the same provisos as in clauses (i) and (ii), a child who—

"(I) is a natural sibling of a child described in clause (i), subparagraph (E)(i), or subparagraph (F)(i);

"(II) was adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in clause (i), subparagraph (E)(i), or subparagraph (F)(i); and

"(III) is otherwise described in clause (i), except that the child is younger than 18 years of age at the time a petition is filed on his or her behalf for classification as an immediate relative under section 201(b)."

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—An alien who is described in section 101(b)(1)(G)(iii) of the Immigration and Nationality Act, as added by section 3, and attained 18 years of age on or after April 1, 2008, shall be deemed to meet the age requirement specified in subclause (III) of such section if a petition for classification of the alien as an immediate relative under section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)) is filed not later than 2 years after the date of the enactment of this Act.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

AUTHORIZING PRINTING OF REVISED EDITION OF NOMINATION AND ELECTION OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 589.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 589) to authorize the printing of a revised edition of the Nomination and Election of the President and Vice President of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 589) was agreed to, as follows:

S. RES. 589

Resolved, That—

(1) the Committee on Rules and Administration shall prepare a revised edition of the document entitled Nomination and Election of the President and Vice President of the United States (Senate Document 106-16);

(2) the revised document described in paragraph (1) shall be printed as a Senate document; and

(3) there shall be printed, beyond the usual number, 600 additional copies of the revised document described in paragraph (1) for the use of the Committee on Rules and Administration.

DESIGNATING SEPTEMBER 2010 AS GOSPEL MUSIC HERITAGE MONTH

Mr. REID. Mr. President, I ask unanimous consent to proceed to S. Res. 590.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 590) designating September 2010 as "Gospel Music Heritage Month" and honoring gospel music for its valuable contributions to the culture of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 590) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 590

Whereas gospel music is a beloved art form of the United States;

Whereas gospel music is a cornerstone of the musical traditions of the United States and has spread beyond origins in African-American spirituals to achieve popular cultural and historical relevance;

Whereas gospel music has spread beyond geographic origins in the United States to touch audiences around the world; and

Whereas gospel music is a testament to the universal appeal of a historical art form of the United States that both inspires and entertains across racial, ethnic, religious, and geographical boundaries: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2010 as "Gospel Music Heritage Month"; and

(2) recognizes the valuable contributions to the culture of the United States derived from the rich heritage of gospel music and gospel music artists.

MEASURE READ THE FIRST TIME—S. 3628

Mr. REID. Mr. President, I understand that S. 3628, introduced earlier today by Senator SCHUMER, is at the desk and is now due for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 3628) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

Mr. REID. I now ask for a second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDERS FOR THURSDAY, JULY 22, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 on Thursday, July 22; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to S. Res. 591, a resolution recognizing and honoring the 20th anniversary of the enactment of the Americans With Disabilities Act, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be up to 2 hours for debate on the Americans With Disabilities resolution to be followed by up to 20 minutes for debate on the Burmese Freedom and Democracy Act.

Upon the use or yielding back of time, at approximately 12 noon tomorrow, the Senate will proceed to a series of two stacked rollcall votes on adoption of S. Res. 591, to be followed by a vote on passage of H.J. Res. 83, the Burmese Freedom and Democracy Act.

Upon disposition of those matters, the Senate will resume consideration of H.R. 5297.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the

Senate, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 8:56 p.m., adjourned until Thursday, July 22, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

MARK M. BOULWARE, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHAD.

CHRISTOPHER J. MCMULLEN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ANGOLA.

JOSEPH A. MUSSOMELI, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

WANDA L. NESBITT, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAMIBIA.

KAREN BREVARD STEWART, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

THE JUDICIARY

CHARLES BERNARD DAY, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE PETER J. MESSITTE, RETIRED.

KATHLEEN M. WILLIAMS, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE DANIEL T. K. HURLEY, RETIRED.

DEPARTMENT OF JUSTICE

ALBERT NAJERA, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE ANTONIO CANDIA AMADOR, TERM EXPIRED.

WILLIAM CLAUD SIBERT, OF MISSOURI, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE RONALD HENDERSON, TERM EXPIRED.

MYRON MARTIN SUTTON, OF INDIANA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS, VICE DAVID REID MURTAUGH.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be rear admiral (lower half)

MICHAEL S. DEVANY

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ALFRED J. STEWART

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. HUGO E. SALAZAR

To be brigadier general

COL. WILLIAM L. GLASGOW

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. STEVEN W. DUFF

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. JAMES A. HOYER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JOHN M. BIRD

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDANT OF THE MARINE CORPS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTIONS 5043 AND 601:

To be general

GEN. JAMES F. AMOS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. JAMES N. MATTIS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MICHAEL P. MCGAFFIGAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

JOHN P. BATSON
PAUL E. BOQUET
CHRISTOPHER G. BOWEN
STEVEN M. BROOKS
AILEEN R. CABANADALOGAN
JOSE A. CANGAS
DANIEL G. CHATTERLEY
STEPHEN S. CHERINGTON
WOO J. CHI
DANIEL H. CHONG
MARK R. CHURCH
TYLER L. CLARK
JAMES W. COBB, JR.
TIMOTHY R. COLLINS
LUIS T. CRAIG
HURYN T. DANKULICH
STEVEN V. DRYDEN
ALI R. ELYASSI
DANIEL D. ESCALANTE
DEREK A. GAUDRY
CHESTINE S. GUEVARRA
EMILIE R. GUINTO
KIMBERLY A. INOUE
ROBERT B. IOPPOLO
SUZANNE L. JONES
AGNIESZKA KUCHARSKAFRANIA
BRETT R. LANGSTON
LYNDSAY N. LANGSTON
ADAM R. LINCICUM
ADRIAN LOBONO
YAT H. MA
BENJAMIN J. MCGOVERN
DOUGLAS T. MO
VICTOR M. MOK
STEPHEN A. MOLINARO
PHILLIP W. NEAL
LESLIE A. OAKES
BENJAMIN A. PATTERSON
TRAN B. QUACHMILLER
ERIK F. REIFENSTAHL
SHAD D. ROUNDY
SCOTT V. SCHLOFMAN
ALEXANDER SMITH
CRYSTAL J. SMITH
BRANDON SPENCER
ERIC L. SWENSON
DAVID K. WALTON
TONY K. YOON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHRISTOPHER W. ABBOTT
ZAID I. ABDULRAHMAAN
ALFRED A. ACENAS
SHAFFIR ALIKHAN
JON W. ALTHOFF
SAMUEL S. ANCIRA, JR.
TACILDAYUS ANDREWS
MICHAEL J. ANLAGE
FAYE W. ANTHONY
CURTISS M. BAILEY, JR.

DAVID B. BAILEY
CLAUDE A. BARFIELD
JEFFERY M. BARLUP
JACKQUILINE M. BARNES
DEREK G. BEAN
LESLIE D. BEGLEY
BETH A. BEHN
JOHN C. BELANGER, JR.
MAUREEN T. BESSINGPAS
JOSEPH D. BLANDING
MARK A. BLISS
ROD L. BOLES
MICHAEL S. BOLSHAZY
WILLIAM BONILLA, JR.
PETER A. BOOKER
RALPH T. BORJA
CLARENCE O. BOSWELL, JR.
JENNIFER I. BOWER
DARRIN M. BOWSER
BARBARA D. BRACY
TERRI L. BRADLEY
FRANK D. BRIDGES
RODNEY O. BRIGGMAN
JEFFREY J. BRITTON
DARRYL B. BROWN
DERWIN A. BROWN
THELMA C. BROWN
JONATHAN D. BULSECO
DOUGLAS W. BURBEY
TODD W. BURNLEY
ELLIOTT R. CAGGINS
JEFFREY L. CALDWELL
ROBERT L. CANNADAY, JR.
STEVEN N. CAROZZA
FRANCIS J. CARR, JR.
FRAZARIEL I. CASTRO
MICHAEL J. CATHEY
DARREN L. CHARTIER
DAVID R. CHENEY II
SAMUEL CHISOLM, JR.
KERRY G. CLEMENTS
GEORGE G. CLEVELAND II
KEVIN S. COCHIE
GRAHAM J. COMPTON
JAMES L. CONATSER
JAMES M. COOK
SEAN M. COREY
CHRISTOPHER D. CORIZZO
JEFFREY J. CORTON
ENRIQUE L. COSTASOLIVERA
KEVIN L. COTMAN
JAMES R. COTTER, JR.
KIMBERLY A. COXCURRY
PETER J. CRANDALL
TERRY G. CRANK
GARY J. CREGAN
IRVING H. CROSS, JR.
ROBBIE J. CROSS
DAVID B. CUSHEN
CHRISTOPHER G. DAKE
DEXTER C. DANIEL
GARY J. DAVIS II
ROBYN R. DEATHERAGE
JOHN W. DONCHEZ
BRIAN J. DONLEY
JAMES M. DROPPLEMAN, JR.
JEFFREY J. DUDLEY
DANIEL J. DUNCAN
KEVIN A. DUNHAM
CHRISTOPHER L. DUNLAP
JON R. DURANT
MICHAEL D. EGAN
KELLY B. EILAND
STEPHEN F. ELDER
TAROLYN Y. ESKRIDGE
STEVEN R. ESTER
MICHAEL S. EVERTON
RICHARD J. FISHER
BRIAN R. FORMYDUVAL
BRIAN D. FORREST
JEFFREY L. FOSTER
BARRY J. FRANKS
RACQUEL M. GALLMAN
JAMES J. GALLUZZO III
ADRIAN GAMEZ
STEVEN GARCIA
JOSE A. GARCIAESMURRIA
ALLEN B. GARRISON, JR.
GREGORY J. GASTAN
CHARLES GATLING
TIMOTHY M. GEARHART
ISABEL E. GEIGER
ADDALYRICA Q. GEORGE
COURTNEY L. GLASS
JAMES J. GODFREY
NATHAN D. GOUBEAX
DAVID A. GRANT
ERIN A. GRAVITT
THOMAS L. GRAYLEE
DAVID K. GREEN
SCOT W. GREIG
TIMOTHY J. GRIGGS
VINCENT E. GRIZIO
GARY A. GRUBB
MEGAN A. GUMPF
DARIN O. HAAS
RICHARD A. HALL
JIMMY W. HAMNER
ERINN S. HARDAWAY
AARON HARDY, JR.
MICHAEL R. HARPER
CHAD M. HARRIS

DEREK R. HART
MICHAEL R. HAUENSTEIN
JOEL W. HENDRICKSON
GERARD HENRY
PAUL A. HENRY
ARCHIE S. HERNDON
GREGORY T. HETZEL
JENNIFER K. HICKSMCGOWAN
LEON M. HILDRETH
HAROLD B. HODGE III
MATTHEW S. HODGE
MARCUS E. HOLLIN
KEVIN M. HOLTON
LAWRENCE P. HOUSE III
CHARLES O. HOWALD
RICHARD C. HUBBARD
GLENN E. JENKINS
CHRISTOPHER D. JESELINK
MANUEL A. JIMENEZ
MATTHEW JOHNSON
ZANDRA L. JOHNSON
KING Y. KAO
STEPHEN L. KAVANAUGH
JIM R. KEENE
JAMES G. KENT
DENNIS W. KERWOOD
NICKOLAS T. KIOUTAS
MICHAEL S. KNAPP
JEFFREY C. KNIGHT
PETER J. KOCH
TRACY D. KOIVISTO
JOSEPH R. KURZ
ROGER D. KUYKENDALL
MICHAEL B. LALOR
JAY C. LAND
DAVINA LAUSEN
RICHARD D. LAZIK
MICHAEL J. LEGLER
KENNETH W. LETCHER
MICHELLE M. LETCHER
KARL S. LINDERMAN
BRUCE A. LLOYD
RAJESH LOBBRECHT
MATTHEW C. LORENZ
RALPH A. LOUNSBROUGH
ERIK W. LOWE
NICOLE M. LUCAS
CAREY G. LUSE
OCTAVE V. MACDONALD
JASON C. MACKAY
NEIL R. MAHABIR
DANIEL M. MALONEY
RENEE L. MANN
ROBERT P. MANN
GREGORY A. MANNS
VICTOR R. MARKELL
KYLE R. MAROLF
ADRIAN A. MARSH
HOLLIE J. MARTIN
ANTHONY A. MARTINEZ
THERESA F. MASENGALE
ROBERT S. MATHEWS, JR.
KEVIN D. MCCARLEY
ROBERT E. MCCLINTOCK, JR.
TIMOTHY R. MCDONALD
WILLIAM P. MCDONOUGH
JESSE L. MCFARLAND, JR.
SCOTT M. MCFARLAND
TOMMIE T. MCGAY
JASON J. MCGUIRE
JIMMIE J. MCKINNEY
GARY S. MCLEOD
AMY M. MEEKS
BRIAN E. MEMOLI
NAOMI R. MERCER
DARREN B. MIDDLETON
ROBERT J. MIKESH, JR.
JIMMY C. MILLS
CHAD T. MITCHELL
DAVID C. MOORE
DAVID A. MOTES
JAMES D. MULLINAX
FELECIA D. MURRAY
SHAWN R. MURRAY
PATRICIA NANCE
JOSEPH A. NEUMANN
MARK T. NEUMANN
JENNIFER L. NEWLON
LEONARD J. NEWMAN III
MARCELLUS J. NEWSON
JEFFREY S. NIEMI
ALEXANDER G. NYGAARD
RONALD C. OLDANI
BRIAN K. ORWIG
JEFFREY M. OSADNICK
EDWARD J. OSPITAL
RANDALL C. PAGE
JIN H. PAK
JAMES C. PARRACK
MARIE T. PAULEY
JOSEPH H. PAULIN
ERIC W. PAVLICK
OSSIE L. PEACOCK, JR.
RALPH N. PERKINS IV
SEAN M. PICCIANO
JOHN L. PILGRIM
RICHARD A. POPE III
ROSS C. POPPENBERGER
MICHAEL T. POWELL
MARGARET H. PRATT
DAMON R. RAGSDALE
ANTONIO D. RALPH

ROBERT L. RALSTON
HOPE C. RAMPY
KEVIN J. RANTS
FRANKIE A. RAS
ANDREW M. REARDON
ONINTZA REGIL
MICHELE L. REID
MARCUS R. REINHART
KEVIN P. RESZKA
JASON G. RILEY
JOSEPH W. ROBERTS
CHRISTOPHER H. ROBERTSON
PATRICK A. ROSE
CHARLES X. ROTE
ROBERT D. ROUSE
PAUL U. ROYLE
AVERILL RUIZ
BRYAN W. RYDER
SHELLEY E. SANDERS
ARIZMENDI E. SANTIAGO
HERMANN W. SCHLORTT
MARIA D. SCHNEIDER
MATTHEW F. SCHRAMM
SHAWN C. SCHULTDT
ERIC M. SCHWARTZ
CARMELIA J. SCOTTSKILLERN
ZABRINA D. SEAYMAYNARD
LAWRENCE M. SEWARD
KENNETH W. SHEETS
TALMADGE C. SHEPPARD
THEODORE B. SHINKLE
WILLIAM J. SHINN, JR.
TERRY D. SIMMS
SANDRA L. SIZEMORE
RICKY L. SKEEN
DONALD E. SMITH
JAMES R. SMITH
QUENTIN L. SMITH
JONATHAN E. SPEARS
CHARLONE E. STALLWORTH
RODGER M. STALLWORTH
TERESA L. STARKS
JAMES M. STEPIEN
LESLIE E. STONEHOCKER
MICHAEL E. STUBER
RODRIDGUEZ L. STUCKEY
SHANE M. SULLIVAN
STEPHEN K. SULLIVAN
NATHAN M. SWARTZ
JAMES B. SWIFT
KEITH L. TAYLOR
PATRICK E. TAYLOR
CALVIN C. THOMAS
KIM M. THOMAS
LENARD E. THOMAS II
STEVEN L. THOMAS
ANTHONY M. THORNTON
BOYD J. TOMASETTI
GREGORY A. TOROK
GREGORY S. TOWNSEND
DAVID S. TROUTMAN
ANDRE V. TUCKER
JERONALD M. TUELL
LINDA F. TURK
JOSE A. VALENTIN, JR.
GRANT A. VAUGHAN
MARC A. WALKER
JOSHUA F. WALSH
DINA S. WANDLER
MONICA P. WASHINGTON
PAUL A. WEBB
JOHN L. WEDGES III
PAUL I. WEIZER
JEANINE M. WHITE
SCOTT A. WHITE
RICHARD WHITTINGSLOW
BRADLEY A. WILLIAMS
MATTHEW D. WILLIAMS
HERBERT RAY WILLINGHAM, JR.
CAMILLA A. WOOD
CHRISTOPHER D. WOOD
DEAN W. WOOD
HARVEY L. WOODBURY, JR.
JOSEPH E. WORLEY, JR.
GARVEY A. WRIGHT
PATRICIA K. WRIGHT
MICHAEL A. YERKIC, JR.
CODY L. ZILHAVER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES ARMY
MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624
AND 3064:

To be major

MATTHEW C. ABOUDARA
JASON L. ACEVEDO
KYLE D. AEMISEGGER
MATTHEW L. AGIUS
JOSEPH A. ALDRICH
JOHN J. ANDERSON
IVAN J. ANTOSH
DAVID T. ARMSTRONG
MARIE A. ARRINGDALE
MICHAEL I. ASIKE

MICHAEL J. ATTILIO
NIMAE N. AWANTANG
FERDINAND K. BACOMO
BENJAMIN L. BAKER
ESHITA M. BAKSHI
STEVEN R. BALLARD
JOHN B. BALMAN
PAUL B. BANDELIN
DARRELL F. BARKER
JESSE J. BARONDEAU
CORINNA BARTOS
SETH L. BARUFFI
TERRY A. BATEMAN
TIMOTHY S. BATIG
BENAKAR F. BATISTA
ELEANE M. BEADLE
WESLEY C. BEAUREGARD
LINDA C. BENAVIDES
KATHERINE B. BENTON
SLAVOMIR A. BILINSKI
DONALD J. BLAIR
JASON M. BLAYLOCK
JARED J. BLUM
MICHAEL R. BOIVIN
BRIAN M. BOLDT
SARAH E. BOUCHER
BRIAN W. BRENNAN
LIONEL R. BROUNTS
TIMOTHY P. BROWN
SILVIA BURGESS
RACHEL A. BURKE
OLEN B. BURNS
JASON K. BURRIS
VINCENT F. CAPALDI
NATHAN A. CARLSON
BHAVINI H. CARNS
MELINDA L. CAROL
JENNIFER L. CARTWRIGHT
DANIEL G. CASH
MARK A. CAUSIN
MIN H. CHANG
SCOTT E. CHERRY
JOSEPH A. CHIARA
MELISSA N. CHIARELLI
MEGAN L. CHILDS
JOON K. CHOI
TRACY A. CLARDY
AARON J. CLARK
REBEKAH CLIFFORD
VINCENT T. CODISPOTTI
JENNIFER W. COLE
WILLIAM A. COOPER
WILLIAM C. CRAGUN
COURTNEY M. CRAWFORD
KEVIN M. CRON
DEBORAH J. CROWLEY
CHAD M. CRYER
CHRISTOPHER E. CURTIS
ROBERT L. CZECH
LEO J. DAAB
PATRICK E. DAVIS
KENNETH B. DEKAY
HEATHER M. DELANEY
RICHARD R. DELANEY
JAVIER E. DELATORRE
JENNIE L. DEMBSKI
AARON J. DENT
RAMONA A. DEVENEY
MICHAEL S. DIRKS
JASON E. DOMAGALSKI
JEREMY P. DOMANSKI
THOMAS C. DOWD
JOHN W. DOWNS
DOUGLAS M. DUDEWICZ
KYLE G. DUNNING
HYRUM F. DURTSCHI
AARON D. DYKSTRA
TOBIN T. ECKEL
JASON W. EDENS
ANDREW M. ELLEFSON
CHRISTOPHER L. ELLIOTT
KORBOI N. EVANS
JOHN EVERETT
CARLOS A. FELICIANO
JASON L. FERGUSON
SHELLY C. FERRELL
CHRISTOPHER H. FINCH
DAVID A. FISH
PHILLIP T. FIVECOAT
KATINA M. FOSSEN
SARAH M. FRILOUX
NATHAN L. FROST
VINCENT T. FRY
JEREMY D. GATES
RICHARD J. GESHEL
SUZANNE M. GILLERN
JESSIE S. GLASSER
FRANKLIN W. GOLDWIRE
MONICA V. GONZALES
DAVID M. GORDON
MANJU GOYAL
MELISSA A. GRANT
JOHN C. GRAYBILL
BRIAN P. GREEN
SCOTT P. GROGAN
MARLENE E. GUBATA
JENNIFER L. GURSKI
KEVIN B. GUTHMILLER
DANIEL C. HAGEN
OMAR S. HAJIBRAHIM
JONATHAN HALL
BRADLEY K. HARRISON

KELLIE HAWORTH
AATIF M. HAYAT
JESSE J. HEER
THERESA A. HEIFERT
MATTHEW O. HEISEL
JOHN HELLUMS
MICHAEL D. HENDERSON
TIMOTHY J. HEPLER
SHERIFAT A. HINCHEY
JACOB S. HOGUE
DANIELLE HOLT
SHERI L. HOWZE
BONNIE S. HUBER
JULIE A. HUNDERTMARK
MICHAEL V. HUPPMANN
BENJAMIN J. INGRAM
RICHARD K. JACOB
ERIC J. JACOBSON
AENEAS JANZE
TIMOTHY V. JARDELEZA
CHRISTINE M. JONES
DARRELL E. JONES
HAKU KAHOANO
GEORGE J. KALLINGAL
RONALD J. KEMBRO
JENNIFER N. KENNEDY
TAMIE L. KERNS
NANCY L. KESEK
JENNIFER S. KICKER
ANDREW S. KIM
YU H. KIM
JENNIFER L. KNIGHT
TRISTAN L. KNUTSON
TROY S. KOCH
BRADLEY L. KOCHER
MATTHEW P. KOZMINSKI
DEVON R. KUEHN
REED B. KUEHN
CHRISTOPHER J. KULHAVY
MATTHEW T. KUNAR
LANCE M. KUNZ
SUZANNE LAM
PAUL B. LAMB
MATTHEW D. LARREW
DAVID C. LARRYMORE
ALAN R. LARSEN, JR.
THEODORE LAWLER, JR.
SVETLANA C. LAZARA
KAREN A. LEEDOM
RYAN K. LEHMANN
ROBERT J. LEJAWA
LEONARD J. LEO
KELLY E. LESPERANCE
KIRK N. LIESEMER
GEORGE F. LIN
MATTHEW P. LINK
LAKEESHA L. LOCKETT
WILLIAM J. LOWERY
KANG LU
DAVID LYNN
THOMAS R. MAGRA
PATRICK J. MALAFRONT
RENEE M. MALLORY
JOHN G. MANCINI
TAMMY J. MANTZOURIS
NATHAN A. MARSH
DANIEL J. MARTIN
TINA M. MASCARENHAS
BRENDAN D. MASINI
KERI L. MASON
TRAVIS MASON
JOSEPH M. MATTHEWS
JEREMY C. MAULDIN
JOSEPH P. MAZZONCINI
TODD J. MCARTHUR
PATRICK S. MCDONOUGH
SHANE P. MCENTIRE
BRUCE C. MCGEE
ANASTASIA M. MCKAY
JAY H. MCKENNA
MATTHEW F. MCNEILL
ANDREW R. MEDENDORP
BRYCE MEYERS
GARRETT J. MEYERS
SHAUN R. MILLER
LEX A. MITCHELL
MICHAEL R. MOORE
MELANIE L. MORIN
AMBER A. MORRIS
DERICK A. MUNDEY
THOMAS A. MYRTER
JEREMY NAPLES
JOSEPH R. NARVAEZ
ANDREW F. NELSON
HEATHER R. NEWLON
DUONG T. NGUYEN
JAMISON S. NIELSEN
LEAH M. OCHOA
ELISA D. OHERN
PRESTON S. OMER
JENNIFER M. ORR
KRISTOPHER M. PAOLINO
TIFFANY N. PATTERSON
NADIA M. PEARSON
DANIELLE M. PESCE
ROGER K. PFEIFFER
DAVID H. PHAM
KATHERINE Q. PHILLA
CHRISTOPHER A. PICKETT
CLOVIS W. PITCHFORD
KYLE E. PLATZ
TORIE C. PLOWDEN

CLIFFORD F. PORTER
 GREGORY J. POSTAL
 THOMAS M. PULLING
 GREGORY E. PUNCH
 JAY PYO
 AARIC L. QUEEN
 ADAM W. RACUSIN
 HERNANDEZ I. RAMIREZ
 LUIGI K. RAO
 DREW A. REESE
 JUSTIN S. REID
 MICHAEL J. REITTER
 ANDREW B. RHODES
 KEVIN R. RICE
 AUTUMN M. RICHARDS
 JOSEPH ROARTY
 CRAIG H. ROBSON
 CHRISTOPHER R. RODRIGUEZ
 CHRISTOPHER S. ROMAN
 LAUREN S. ROMAN
 MICHAEL B. ROSE
 MICHAEL J. ROSSI
 LLOYD A. RUNSER
 CHRISTINE E. RYAN
 ADAM SAENZ
 ANNE T. SALADYGA
 BETH A. SALYER
 AMIT K. SANGHI
 JASON E. SAPP
 DEBJEET SARKAR
 JASON E. SAUCEDO
 JEFFREY A. SAVAGE
 MICHAEL SAVINO
 ETHAN W. SCOTT
 DAVID M. SEDORY
 ALISON L. SEMANOFF
 ANITA A. SHAH
 NICOLE M. SHERMAN
 JUSTIN M. SHIELDS
 TODD SIMON
 NOVAE B. SIMPER
 MATTHEW L. SLANE
 EARL J. SMITH
 JASON D. SMITH
 MARK E. SMITH
 RYAN M. SMITH
 DANIEL J. SOLVERSON
 CHRISTOPHER K. STALEY
 HEATHER A. STEELE
 DANIEL F. STEIGERWALT
 ADAM D. STERLACE
 JAMES B. STERNER
 EMILIE K. STICKLEY
 MICHAEL E. STOUDMIRE
 GREGORY S. SUGALSKI
 SHANE M. SUMMERS
 AMANDA D. SUMNER
 CHEN L. SUNG
 MICHAEL J. SUPERIOR
 MICHELLE E. SZCZEPANIK
 KEVIN M. TAYLOR
 LELAND D. TAYLOR
 SARAH K. TAYLOR
 BRETT J. THEELER
 JARED M. THELER
 DAVID C. THOMA
 LESLI K. THOMAS
 AMY M. THOMPSON
 SAIOA TORREALDAY
 CHRISTOPHER L. TRACY
 DAVID N. TRICKEY
 TRAM T. TRUONG
 ALBERT F. TSAI
 JOHN W. TSAI
 ZACHARY S. TURNER
 JAMES V. TWEDE
 RUSH M. TWILLEY
 ERIC G. VERWIEBE
 RACHEL VILLACORTALYEW
 PATRICK J. VOORHEES
 BRENT D. WALL
 THOMAS R. WALTER
 LESLIE L. WEEKS
 CHRISTOPHER A. WEISSMAN
 JUSTIN M. WELLS
 PRISCILLA WEST
 JENNIFER A. WHEELER
 KATHRYN K. WHIGHAM
 DEVIN WILES
 MICHAEL J. WILHELM
 AARON D. WILLIAMS
 THOMAS R. WILLIAMS
 KAREN L. WILSON
 JOSEPH E. WISE
 ALISON C. WORTMAN
 NICOLAS A. WOZMAK
 KENG J. WU
 ATOR YACIOUB
 VLADIMIR YAKOPSON
 JOSEPH R. YANCEY
 DUKE G. YIM
 DAVID J. YOO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES ARMY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

PETER M. ABBRUZZESE
 JOHN E. ADAMS
 THOMAS J. ADDYMAN, JR.
 TOMMY K. ALDERMAN

DANIEL M. ALLEN
 WHITNEY P. ALLEN, JR.
 SAMUEL H. AMBER
 EDWARD G. ANDERSON IV
 AARON A. ANDREWS
 PHILIP R. ARCHER
 RANDALL J. ARVAY
 JOHN R. ATHEY
 BRIAN P. BAILEY
 HARPREET S. BAINS
 CHARLES R. BARBER, JR.
 DIRK P. BARBER
 THOMAS M. BAUCHSPIES
 STEVEN D. BEAUMONT
 RALPHEAL R. BELL, JR.
 DANIEL J. BENICK
 DANIEL T. BENNETT
 ROBERT E. BERG
 MICHELLE L. BIENIAS
 DAVID D. BIGGINS
 DEVON M. BLAKE
 KENNETH A. BLAYLOCK
 JAMES T. BLEJSKI, JR.
 ANDREW J. BLISS
 MEGAN A. BOGLEY
 NATHAN J. BOLLINGER
 BA K. BOOZE
 TIMOTHY B. BORGERDING
 KEVIN T. BOSCH
 ROBERT J. BOWEN
 JOHN C. BOYARSKI
 ADAM J. BOYD
 GREGORY L. BOYLAN
 ANDREW S. BRAGG
 STEPHON M. BRANNON
 KAREN L. BRIGGMAN
 JAMES D. BRINSON
 ALVIN H. BROWN
 COREY L. BRUMSEY
 JASON A. BRYAN
 JOEL M. BUENAFLORE
 STEPHEN J. BURR
 MARTY T. BUTTS
 LUKE T. CALHOUN
 BRANN G. CALVETTI
 CHARLES B. CHALFONT
 STEVEN B. CHAMBERS
 PATRICK C. CHAVEZ
 JOHN S. CHU
 ANTHONY T. CLEMENTE
 NATHAN S. CLINE
 BETH L. CLUKEY
 WILLIAM G. COLBERT
 FAREN R. COLE
 DARRELL W. COLLINS
 ANTHONY C. COMELLO
 DORIAN A. COOPER
 KENNETH D. CRAWFORD
 ANDREW P. CREEL
 KEVIN K. DAMON
 RICHARD E. DANNER, JR.
 CHADWICK G. DAVIS
 CHARLES E. DAVIS
 JEFFREY S. DAVIS
 MICHAEL A. DAVIS
 SCOTT T. DAVIS
 VAUGHN D. DELONG
 DEAN H. DENTER
 GEORGE L. DEUEL
 PHILLIP J. DEVRIES II
 NICHOLAS J. DIFIORE
 JAMES B. DILLONAIRES
 RICHARD F. DIMARCO
 RAMONA L. DISCAVAGE
 JOSEPH E. DONALDSON
 JEFFREY T. DOUDS
 MICHAEL B. DRAPER
 DARRELL W. DRIVER
 DAVID M. DUDAS
 WILLIAM J. DUGGAN III
 CHARLES J. DUGLE
 CHAD M. DUHE
 GREGORY L. DUTKA
 ROBERT P. DYE
 DARIN R. EADES
 JESSE L. EASTER
 ERVIN W. EDDINGS, JR.
 DAVID G. ELDER
 CHRISTOPHER J. EMOND
 ROBERT E. ERIKSEN
 DONALD R. ESSER
 CHARLES D. EVANS
 GARY A. EVANS
 TROY L. EWING
 WILLIAM M. FAIRCLOUGH
 KEVIN N. FAUGHNDER
 STUART T. FAULK
 RYAN J. FAYRWEATHER
 PETER H. FECHTEL
 JOHN M. FERRELL
 SCOTT W. FITZGERALD
 WILLIAM G. FITZHUGH
 WILLIAM S. FLEMING
 ANDREW S. FLETCHER
 JOHN K. FOLEY
 GREGORY J. FORD
 CALONDRAL L. FORTSON
 HERIBERTO GALARZAGONALEZ
 JOHN P. GALLAGHER
 RANDY A. GARRIDO
 JOHN D. GAZZELLI
 LAWRENCE E. GILL II

KENNON S. GILLIAM
 VINCENT S. GOLEMBESKI
 WILLIAM C. GOTTMAYER
 SCOTT D. GRANT
 JOHN P. GREGOR
 JEFFREY S. GRIBSCHAW
 GREGORY G. GRIFFIN
 JEFFREY C. GROSKOPF
 JOSEPH W. GROSS
 JESUS E. GUERRA
 JULIAN GUERRERO
 JOSEPH E. GUZMAN
 GLEN E. HADAWAY III
 DON R. HALL
 JAMES M. HARDAWAY
 JERAD I. HARPER
 BRIAN D. HARRIS
 KENNETH D. HARRISON
 PETER G. HART
 JOSEPH E. HARTEL
 TIMOTHY W. HARTMAN
 KEITH W. HAUFLEER
 ADAM R. HAUGHEY
 ERIC F. HAUPST
 DAVID J. HAYES
 KENNETH G. HAYNES
 CHRISTOPHER D. HAZEN
 LANCE E. HEADRICK
 MICHAEL T. HEATON
 AARON D. HEIMKE
 WILLIAM A. HENDERSON
 GERARDO HERNANDEZPABON
 MICHAEL C. HERRERA
 CHRISTOPHER J. HICKEY
 VANESSA F. HICKSCALLAWAY
 TRISTAN S. HIGGINS
 KEVIN L. HILL
 ANDREW J. HITTNER
 BRIAN E. HITTNER
 EDWARD L. HOBBS
 ROBERT U. HOFFMAN
 DAVID A. HOFFS
 FREDERICK A. HOLT
 ADRIAN D. HOPE
 BRITTON T. HOPPER
 TODD R. HOURIHAN
 PAUL D. HOWARD
 ALBERT Y. HUANG
 PETER B. HUIE
 MICHAEL S. HUNTER
 KAREN E. JACKSON
 CHAD T. JAGMIN
 KYLE F. JETTE
 BRION L. JOHNSON
 MARION JOHNSON, JR.
 ROBERT D. JOHNSON
 STEVEN K. JONES
 IRA I. JOSEPH
 DERYCK L. JULIEN
 JASON R. KALAINOFF
 MELINDA Z. KALAINOFF
 ANDREW D. KAMINSKY
 BRENT A. KAUFFMAN
 PATRICK N. KAUNE
 KENNETH G. KEMMERLY
 RANDALL E. KESSELRING
 ARPAD KISCH
 LAURA L. KNAPP
 GEORGE M. KNEUPER II
 PETER G. KNIGHT
 KENNETH W. KNOWLES
 MICHAEL G. KNOWLTON
 KENT A. KORUNKA
 JOHN M. KOSTUR
 ALAN H. KRAL
 ZOLTAN L. KROMPECHER
 MICHAEL J. KULIKOWSKI
 ADRIEL C. LAM
 CARL A. LAMAR
 DAVID J. LAMBRECHT
 DAVID R. LAMY
 ERIC D. LARKIN
 HAROLD L. LAROCK II
 JONATHAN S. LARONDE
 RYAN C. LAWRENCE
 TARA R. LEE
 TODD M. LEITSCHUH
 RICHARD H. LEMAY
 TIMOTHY J. LEMLEY
 CHARLES W. LEWIS
 TROY D. LEWIS
 CLOYD D. LILLEY
 JOEL S. LINDEMAN
 ROBERT H. LINDSEY, JR.
 ABIGAIL T. LINNINGTON
 MICHAEL R. LIVERPOOL
 CHRISTOPHER J. LOMBARDI
 DAVID F. LONGBINE
 SAMUEL LOPEZSANTANA
 FREDERICK E. LORA
 JOYCE M. LUGRAIN
 ROBERT LUTZ
 DAVID S. LYLE
 MICHAEL R. MAAS
 DANIEL W. MACKLE
 ANDREW F. MACLEAN
 LUCIO E. MALDONADO, JR.
 LOUIS R. MANNING
 THOMAS D. MANZ
 MICHAEL P. MARTEL
 WENDY D. MARTIN
 MARK W. MATTEI

JOSEPH G. MATTHEWS
JENNIFER A. MCAFEE
RYAN M. MCCABE
SHON A. MCCORMICK
TERRENCE J. MCGRAW
STEPHEN R. MCHALE
FRANK D. MCKINNIS
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GREGORY K. SMITH
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MICHAEL S. TARQUINTO
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RICHARD I. TAYLOR IV
COREY M. TEJCHMA
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DARIN J. THOMSON
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JERZY S. ZUBR

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TO THE GRADE INDICATED IN THE UNITED STATES ARMY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

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TAMMY R. ALATORRE
SARAH K. ALBRYCHT
DAVID J. ALLEN
JAMES C. ALLEN
JEFFREY W. ALLEN
DAVID K. ALMQUIST
DAVID T. AMBROSE
JEFFREY S. AMOS
BRENDEN C. ANDERSON
DOUGLAS W. ANDRESEN
MIGUEL A. APONTERODRIGUEZ

KIRK A. APPLETOFT
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EDWARD P. ASH
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AMANDA I. AZUBUIKE
MAYCROS I. BAEZ
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BRIAN R. SCHAAP
TERESA A. SCHLOSSER
GEOFFREY M. SCHMALZ
GLENN C. SCHMICK
MARTIN J. SCHMIDT
JAMES H. SCHREINER
CURTIS M. SCHROEDER
SCOTT J. SCHROEDER
TODD E. SCHROEDER
CRAIG L. SCHUH
ROBERT W. SCHULTZ
JAMES M. SCHULTZE
SCOTT A. SCHUMACHER
JAMES J. SCOTT
JEFFREY A. SCOTT
JOSEPH E. SCROCCA
PATRICK R. SEIBER
GEORGE M. SELF
DAVID E. SHANK
MERRILL P. SHARPTON
RICHARD D. SHEMENSKI
ERIC P. SHWEDO
MICHAEL R. SIERAKOWSKI
STEVEN B. SIGLOCH, JR.
ALFRED R. SILVA
SAMUEL K. SIMPSON II
DAVID R. SIRY
BRYAN K. SIZEMORE
MICHAEL L. SLUSSER
THOMAS L. SMALL
KENNETH B. SMEDLEY
DANA L. SMITH
EDWARD L. SMITH
ERIC T. SMITH
HANK E. SMITH
JAMES P. SMITH
JASON S. SMITH
ROBERT L. SMITH
TONG I. SMITH
MICHAEL K. SNEDDEN
FREDERICK R. SNYDER
DAVID L. SOERGEL
SCOTT E. SONSALLA
JAVIER C. SORIA
JON K. SOWARDS
JOHN P. SPANOGLE
MICHAEL R. SPEARS
JAMES G. SPIVEY
NORMAN D. SPIVEY
SCOTT A. SPRADLIN
RICHARD E. STANFIELD II
CHARLES E. STCLAIR
ADAM C. STEELHAMMER
DAVID D. STENDER
ROBERT P. STERBUTZEL
LAWRENCE I. STEWART
RICHARD G. STINSON
ROGERS L. STINSON, JR.
ALAN W. STOUT
STEVEN D. STOWELL
MICHAEL D. SULLIVAN
MICHAEL P. SULLIVAN
RAYMOND V. SUMNER

ERICK W. SWEET II
MATTHEW J. TACKETT
CHRISTOPHER J. TATKA
ANNE V. TAYLOR
DAVID J. TAYLOR
RANDY L. TAYLOR
WILLIAM C. TAYLOR, JR.
DANIEL L. TEETER
BRANDON R. TEGTMEIER
BRUCE W. TERRY
ALLAN R. THOMAS, JR.
PETER B. TINGSTROM
ROY L. TISDALE
MICHAEL A. TODD
WILLIAM P. TOMLIN
GREGORY S. TRAHAN
JOHN D. TUCKER
FRANK L. TURNER II
GREGORY S. TURNER
JOHN W. TURNER
MATTHEW J. TURPIN
KEVIN C. TYLER
JAMES T. VALENTINE
CHRISTOPHER M. VALERIANO
JAMES A. VAN ATTA
KOETSIER C. VAN LOOK
JEFFREY VANCLEAVE
WILLIAM D. VANNESS
VICTOR C. VASQUEZ
MARK A. VERDI
SCOTT D. VERVISCH
MICHAEL VICK
PETER B. VIEN
NOAH VILLANUEVA
CHRISTOPHER C. VINE
THOMAS P. VOGEL
TIMOTHY J. VOLKMANN
ALLEN R. VOSS, JR.
JASON R. VRANES
PETER J. VUTERA
JAMES H. WALKER II
MICHAEL A. WALKER
RHETT D. WALKER
ROY E. WALKER
KEVIN A. WALLACE
BRIAN E. WALSH
ADAM Z. WALTON
CHAD E. WARD
WILLIAM L. WARNER
BRIAN K. WATKINS
BRIAN T. WATKINS
WARREN S. WEAVER
SAMUEL J. WELCH
JASON A. WENDELL
CHRISTOPHER W. WENDLAND
JASON A. WESBROCK
EDDIE L. WHITE, JR.
LAWRENCE B. WHITE
FRANCES E. WIDDICOMBE
LON R. WIDDICOMBE
JAMES G. WIDEMAN
SHANE WILDE
SCOTT D. WILKINSON
BRIAN L. WILLIAMS
MICHAEL R. WILLIAMS
SEAN P. WILSON
DAVID G. WINGET
DAVID WISE
EVAN H. WOLLEN
JASON A. WOLTER
THOMAS E. WOOD
SCOTT C. WOODWARD
FORREST A. WOOLLEY
COLIN H. WOOTEN
BREN K. WORKMAN
JON A. WOZNIAK
JOSHUA D. WRIGHT
RICHARD W. WRIGHT
STEVEN G. YAMASHITA
BRIAN J. YARBROUGH
RENE YBARRA
MARC D. YOUNG
CHRISTOPHER J. YUSKAITIS
DAVID ZACCHEUS
MATTHEW A. ZAHN
RICHARD H. ZAMPELLI
MICHAEL T. ZERNICKOW
MICHAEL F. ZINK
DAVID J. ZINN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BARBARA A. MUNRO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

LISA M. BECOAT
DANIEL FELICIANO
DANNY W. KING
ROSCOE C. PORTER, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

STEVEN R. BARSTOW
LAURA J. BENDER
BERNARD A. BEZY
MICHAEL D. BROWN
JOSEPH L. COFFEY
DENIS N. COX
MARC G. DICONTI
KIM M. DONAHUE
STEVEN L. DUNDAS
ROBERT J. ETHERIDGE
GLENDA J. HARRISON
CHARLES E. HODGES
ALAN W. LENZ
JEFFREY LOGAN
JUDY T. MALANA
DANIEL L. MODE
SHANNON D. SKIDMORE
MATTHEW T. STEVENS
CARL E. TROST
MARK S. WINWARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MICHAEL J. ADAMS
SHANE D. COOPER
JULIA W. CRISFIELD
LAURIN N. ESKRIDGE
MARCUS N. FULTON
JENNIE L. GOLDSMITH
DAVID M. GONZALEZ
JOHN A. GUARINO
MELISSA A. HARVISON
THOMAS J. JONES
ANDREA K. LOCKHART
SUSAN M. MCGARVEY
JOSHUA P. NAUMAN
ELYSIA G. H. NGBAUMHACKL
ERIC J. OSTERHUES
MELISSA POWERS
JESSICA M. PYBURN
COLLEEN M. SHOOK
SCOTT A. SUOZZI
RYAN C. TORGRIMSON
RANDALL J. VAVRA
HEATHER A. WATTS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

RICHARD S. ADCOOK
ANDREW J. AVILLO
MATTHEW F. BRADY
PRESTON C. BRIGGS
MATTHEW C. BYARS
DERRICK B. CASTRO
JEREMY B. DAVIDSON
VINH D. DOAN
ERIC S. EVANS
BRIDGET M. FERGUSON
ROBERT S. HEMPERLY
RACHEL A. HOLY
MOHAMMAD KAMIL
BRETT T. LAGGAN
JOHN R. LUNDSTROM
JOHN D. MCLAUGHLIN
SAMIRA MEYMAND
ANN B. MONASKY
ENRIQUE M. MORALES
RACHEL MYAINGMISFELDT
GARY V. PASCUA
ORBITO I. PATANGAN
DONALD M. PHILLIPS, JR.
JOHN M. RAY
STEVEN M. STOKES
HIEN TRINH
BRENDAN W. TULLY
JOHN H. WILSON
JEFFREY G. ZELLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CHRISTOPHER F. BEAUBIEN
THOMAS M. BESTAFKA
MICHAEL J. BRADY
WILLIAM L. BRECKINRIDGE
ERIK K. BREITENBACH
AMANDA J. BROOKS
ROBERT M. COHEN
ANTHONY M. CONLEY

DANIEL W. COOK
JORGE R. CUADROS
JEFFREY C. DEVINEY
MIGUEL DIEGUEZ
CAMERON J. GEERTSEMA
DARREN R. HALE
ERIC C. HAUN
KENT R. HENDRICKS
ALEXANDER M. KOHNEN
SCOTT M. KOSNICK
JEFFREY D. LENGKEEK
CHRISTOPHER A. MARTINO
GORDON E. MEEK III
GREGORY C. MILLER
ALEXANDER M. MOORE
BRIAN E. NOTTINGHAM
ANANT R. PATEL
JASON M. PICARD
JEFFREY S. POWELL
NATHANAEAL B. PRICE
YVONNE R. ROBERTS
DANIEL S. SPICER
NATHANIEL R. STRAUB
ANDREW J. SULLIVAN
JEFFREY D. THOMAS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DOMINGO B. ALINIO
KEITH A. APPELEGATE
JULIUS U. ARNETTE
MARK I. AXINTO
SUSAN L. AYERS
BABAK A. BARAKAT
NATHAN B. BEGLEY
TIMOTHY G. BELLOTT
PATRICK C. BLAKE
DAVID D. CARNAL
NICOLE L. CHAMBERS
GEORGE W. CLARK III
DAVID H. CORNELIUS, JR.
LOUIS A. COSTA
LESLEY N. DONELSON
PAUL B. DOUGHERTY
CHARLES DWY
GEORGE C. ESTRADA
ANTONIO B. HARLEY
JEFFREY S. HEDRICK
MATTHEW D. HOLMAN
ERIC M. JAFAR
CHRISTOPHER L. JAMES
KEITH W. JEFFRIES
BRIAN M. JOHNSON
BLAKE W. KENT
JERRY A. KING
JASON E. KLINGENBERG
DAVID E. KUNSELMAN, JR.
GREGORY R. LASK
MANUEL X. LUGO
GEOFFREY D. LYSTER
STEVEN J. MACDONALD
CHRISTIAN M. MAHLER
BRIAN A. MAI
LISA M. MORRIS
CHARLES R. NEU
TIMOTHY J. NICHOLLS
RICHARD J. OTLOWSKI
EDWARD D. PIDGEON
WADE W. RINDY
KIMBERLY C. ROBERTSON
HARRY M. RUSSELL
NICHOLAS R. RUSSO
KENNETH W. RYKER III
LLOYD W. SAUNDERS
PAUL N. SHIELDS
DANA L. K. SMITH
JAMES H. STRAUSS
BRETT M. SULLIVAN
ALSANDRO H. TURNER
BRIAN J. VOSBERG
TODD A. WANACK
RICHARD H. WILHELM
STEPHEN M. WILSON
MICHELLE D. WINEGARDNER
ANTHONY D. YANERO
MICHAEL YORK
MARK A. ZIEGLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

KAREN L. ALEXANDER
PAUL D. ALLEN
ANDREW M. ARCHILA
KENNETH J. ARLINGHAUS
ANTHONY R. ARTINO, JR.
LUIS ASQUERI
DAVID J. BACHAND
DAVID J. BACON
DAVID G. BAPTISTA
STEVEN M. BELKNAP
THOMAS G. BODNOVICH, JR.
WAYNE C. BOUCHER
MATTHEW F. BOUMA
ALFRED H. BRANSDORFER
DAVID B. BRENNER
GABRIEL T. BROWN

TYSON J. BRUNSTETTER
ALAN B. CHRISTIAN
MARK D. CLARK
JOSEPH V. COHN
ESKINDER DAGNACHEW
JASON B. DARBY
MICHAEL D. DIALWARD
SEAN P. EASLEY
RICHARD V. FOLGA
SHANNA L. GARCIA
EDRION R. GAWARAN
GREGG W. GELLMAN
MONIQUE C. GOURDINE
SCOTT L. GREENSTEIN
SHELLY J. HAKSPIEL
DANIEL J. HARDT
PAUL G. HAUERSTEIN
TRACI J. HINDMAN
PETER O. IM
TIMOTHY A. JURUS
GREGORY R. KAHLES
MICHAEL J. KEMPER
CARRIE H. KENNEDY
LESLIE A. KINDLING
PAUL E. KLIMKOWSKI
JOSEPH B. LAWRENCE
ALLEN A. LEE
PERRY J. LEONARD
JAMES R. LINDERMAN
MICHAEL A. LOWE
SHELTON L. LYONS II
FRANCIS V. MCLEAN
JASON D. MCMILLEN
DEVIN J. MORRISON
PETER J. OBENAUER
MARIE I. PARRY
DAN K. PATTERSON
RON PERRY
JOHN P. PORTER
WILLIAM E. SCHALCK
SPENCER T. SCHOEN
JENNIFER E. SMITH
TARA N. SMITH
FREDERICK M. STELL
MATTHEW J. SWIERGOSZ
TIMOTHY T. THOMPSON
SHANNON P. VOSS
CHRISTIAN T. WALLIS
ERIC R. WELSH
ANTHONY S. WILLIAMS
FRANCINE M. WORTHINGTON
MEREDITH L. YEAGER
MARC T. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CRISTINA ALBERTO
PAUL R. ALLEN
ANTHONY G. BALDWINVOEKS
MELISSA A. BARNETT
RENE A. BELMARES
JOHN O. BENNETT
RALPH V. BRADEEN
DONNA N. BRADLEY
LISA A. BRAUN
THOMAS R. BROADWAY, JR.
TIMOTHY E. BRODERICK
ANNE M. BROWN
STEVEN L. BROWN
RAUL J. CARRILLO
ALISON H. CASTRO
ROSEANNA A. CHANDLER
SEAN P. CONVOY
DARREN J. COUTURE
CRAIG A. CUNNINGHAM
RHONDA K. DAY
MARTIN K. DEFANT
ANDREA M. DESANTO
EVA S. DOMOTORFFY
JOYCE M. DOYLE
THERESA M. DUNBARREID
ROBERT H. DURANT
JOHN E. ECKENRODE
THERESA P. EVEREST
MELISSA A. FARINO
JEAN F. FISAK
CYNTHIA R. FRENCH
MARY G. GRACIA
LAURIE A. HALE
HARRY W. HAMILTON
ANGELA A. HARBER
CHARLES S. HARTUNG
RONDA L. HARTZEL
JEREMY J. HAWKER
VICTORIA L. HAYWARD
STEPHANIE M. HIGGINS
DIANE K. HITE
JOHNNIE M. HOLMES
JULIE A. HOOVER
LONNIE S. HOSIA
SUZETTE INZERILLO
HEATHER C. KING
LARRY L. LABOSSIERE
ROBERT N. LADD
CHRISTINE B. LARSON
CLINT A. LEMAIRE
PAUL A. LOESCHE
KEVIN T. LONG
EDDIE LOPEZ

DELTHENIA T. MAHONE
 SUSAN E. MALIONEK
 KARI L. MARTIN
 KATHY L. MCCALL
 JENNIFER D. MCPHERSON
 SCOTT J. MESSMER
 DANIEL N. MEYERHUBER
 TERESA T. MILLER
 HEATHER C. NOHR
 MARIA M. NORBECK
 KENDRA K. NOWAK
 SHEILA F. OLEARY
 JUSTICE M. PARROTT
 SARA S. PICKETT
 ELIZABETH L. A. PORTER
 HEIDI Y. ROBERTS
 WILMA J. ROBERTS
 CYNTHIA T. RODRIGUES
 LISA F. ROSE
 REGINALD T. RUSSELL
 JIMMY L. RYALS
 VIRGINIA L. SCHMIED
 CARY T. SCHULTZ
 ANNA M. SCHWARZ
 THECLY H. SCOTT
 MITCHELL J. SEAL
 KATHALEEN L. SIKES
 MICHAEL D. SIMONS
 CAROL A. SMITH
 ANDY S. STECZO
 SARAH L. STEVICK
 DAVID V. D. THOMAS
 CHARLES S. TROTTER
 TAMERA K. TUTTLE
 JOHN E. VOLK
 GAYLE L. WALKER
 BARBARA C. WHITESIDE
 ANN WILLIAMS
 STEVEN T. YADEN
 KIM T. ZABLAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

PHILLIP M. ADRIANO
 MANUEL F. ALSINA
 FRANK O. AXELSEN
 ALFREDO E. BAKER
 AMY L. BARRION
 KYLE R. BERRY
 JONATHAN L. BINGHAM
 ANTHONY C. BOGANAY
 GRANT H. BONAVIA
 STEPHEN C. BRAWLEY
 DAVID M. BRETT
 JOHN S. BROOKS
 WILLIAM M. BROWN
 ERIC P. BRUMWELL
 BRADLEY L. BUNTEN
 ALEXANDER I. BUSTAMANTE
 JAMES E. CALLAN
 ERIC S. CAMPENOT
 RUSSELL B. CARR
 HENRY F. CASEY III
 STEVEN CASTRO
 ALBERT E. CHAKER
 STEPHANIE M. COLE
 GEORGE L. COWAN
 ALTA J. DEROO
 CHRISTOPHER K. DOLAN
 HARLAN F. DOREY
 SUSAN C. FARRAR
 BRIAN L. FELDMAN
 MICHAEL S. FERRELL
 MARC A. FRANZOS
 DEREK A. GAGNON
 JONATHAN E. GILHOOPLY
 TODD D. GLEESON
 ROBERT H. GOODWIN
 SAMANTHA GRILLO
 RODNEY S. HAGERMAN
 PATRICK J. HENNESSEY
 JASON D. HIGGINSON
 KERRY J. HOLLENBECK
 JARROD P. HOLMES
 AMY S. HUBERT
 SEAN M. HUSSEY
 DAVID P. JOHNSON
 MICHAEL L. JULIANO
 HENRY S. KANE
 DAVID L. KAY
 DARREN B. KELLER
 PETER J. KILLIAN
 ARNETT KLUGH
 MICHAEL S. KONG
 ERIC A. LAVERY
 MIKE H. LEE
 MARK J. LENART
 LANNY F. LITTLEJOHN
 EUGENIO LUJAN
 NAM T. LY
 WILLIAM MANN
 TIMOTHY E. MATTISON
 RYAN C. MAVES
 KATHLEEN J. MCDONALD
 THERESA L. MCFARLAND
 MATTHEW D. MCLEAN
 MICHAEL P. MCNALLY
 TIMOTHY J. MICKEL
 DANIEL P. MOLONEY

FREDERICK D. MOORE
 JOHN W. MORONEY
 KENNETT J. MOSES
 BRICE R. NICHOLSON
 DAVID K. NITTA
 CRAIG D. NORRIS
 KEVIN M. OMEARA
 TODD A. PARKER
 ANDREW J. PELCZAR
 TAMMY J. PENHOLLOW
 LEONARD E. PHILO
 DAVID J. PICKEN
 RONALD T. PURCELL
 SCOTT B. RADER
 MATTHEW C. RADIMER
 MARIA B. RAMOS
 CRAIG J. RANDALL
 GRETCHEN B. RISS
 ARNALDO L. RIVERA
 LOUIS RIVERA
 MICHAEL A. ROBINSON
 STEVEN C. ROMERO
 MARLENE L. SANCHEZ
 JAMEY A. SARVIS
 ANDREW J. SELLERS
 MARK E. SHELLY
 MICHAEL P. SHUSKO
 SEAN C. SKELTON
 JAMES P. SMITH
 WILLIAM P. SMITH
 ALISSA G. SPEZIALE
 MICHAEL T. SPOONER
 WALTER A. STEIGLEMAN
 DAVID M. STEVENS
 RICHARD A. STOEENER
 GARRICK L. STRIDE
 ERIC D. STURGILL
 RICHARD W. TEMPLE
 HASSAN A. TETTEH
 BRIAN C. THOMAS
 JOHN P. TRAFELI
 ALAN J. VANDERWEELE, JR.
 KARINA VOLODKA
 ROBERT N. WALTER
 WILLIAM B. WARNER
 CHRISTOPHER H. WAY
 KEDRIC E. WEBSTER
 JEFFREY P. WEIGLE
 TIMOTHY M. WILKS
 RONALD J. WILLY
 SEAN R. WISE
 JASON D. WONG
 JOHN M. WOO
 JOON S. YUN
 ROBERT A. ZALEWSKIZARAGOZA

FOREIGN SERVICE

THE FOLLOWING NAMED PERSONS OF THE AGENCIES
 INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OF-
 FICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF
 CLASS TWO, CONSULAR OFFICER AND SECRETARY IN
 THE DIPLOMATIC SERVICE OF THE UNITED STATES OF
 AMERICA,

AGENCY FOR INTERNATIONAL DEVELOPMENT

CONNOR CHERER, OF NEVADA
 LIKZA IGLESIAS, OF VIRGINIA
 ISMAIL KENESSY, OF MARYLAND
 ROBERT W. MASON, JR., OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF
 CLASS THREE, CONSULAR OFFICER AND SECRETARY IN
 THE DIPLOMATIC SERVICE OF THE UNITED STATES OF
 AMERICA,

AGENCY FOR INTERNATIONAL DEVELOPMENT

ROBYN APRIL BLOUNT, OF MARYLAND
 CHRISTOPHER D. MAROTTA, OF TEXAS
 KARLA A. ROBINSON, OF VIRGINIA
 AUGUSTO I. URREGO-ARDILA, OF FLORIDA

DEPARTMENT OF STATE

JONATHAN CEBRA, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF
 CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN
 THE DIPLOMATIC SERVICE OF THE UNITED STATES OF
 AMERICA,

DEPARTMENT OF STATE

ERIC B. ALDRICH, OF NEW YORK
 DOREEN PAGE BAILEY, OF TEXAS
 ERIC M. BARBEE, OF ARKANSAS
 J. NATHAN BLAND, OF LOUISIANA
 JOSEPH BOSKI, OF VIRGINIA
 DAVID PENN BROWNSTEIN, OF NEW YORK
 ROBERT W. BUNNELL III, OF NEW YORK
 ANDRÉ LUC CADIEUX, OF NEW YORK
 SHEILA M. CAREY, OF FLORIDA
 SEAN C. CELY, OF OREGON
 LINDSAY M. COFFEY, OF WASHINGTON
 KIM C. CRAWFORD, OF FLORIDA
 GLEN S. DAVIS, OF CALIFORNIA
 JOHN A. DEGORY, JR., OF PENNSYLVANIA
 AMY N. DOVE, OF TEXAS
 ALICIA K. EDWARDS, OF VIRGINIA
 CHRISTINE M. FAGAN, OF TEXAS
 STEPHANIE FITZMAURICE, OF FLORIDA
 DAVID M. FOGELSON, OF CALIFORNIA
 PETER JASON FRICKE, OF MINNESOTA
 DAVID R. FULLER, OF MISSOURI

ANDREW AUGUSTINE GRIFFIN, OF ILLINOIS
 JAMES M. GROUNDEY, OF TEXAS
 PAMELA A. HAMBLETT, OF OKLAHOMA
 CONARD C. HAMILTON, OF CALIFORNIA
 J.J. HARDER, OF NEBRASKA
 EDWARD JASON HARTWIG, OF CALIFORNIA
 AMANDA ELIZABETH HICKS, OF OREGON
 LAURA LAMAR HOCHLA, OF NEW MEXICO
 GERARD THOMAS HODEL, OF NEW YORK
 M. SHANE HOUGH, OF TEXAS
 LOYE E. HOWELL, OF MISSOURI
 JEFFREY A. HULSE, OF WASHINGTON
 LORI A. JOHNSON, OF OREGON
 PATRICE D. JOHNSON, OF ILLINOIS
 STACEY LEANNE JONES, OF CALIFORNIA
 CHRISTOPHER M. KANE, OF TEXAS
 LIV IRENE KILPATRICK, OF OREGON
 ALETA MARIE KOVENKSY, OF VIRGINIA
 JENNIFER E. LAWSON, OF TEXAS
 EMILY J. MAKELY, OF VIRGINIA
 KELLY SUE DIONNE MCCARTHY, OF VIRGINIA
 RAMON MENENDEZ—CARREIRA, OF FLORIDA
 RACHEL LUCILLE MUELLER, OF CALIFORNIA
 GEORGEANNA LILA MURGATROYD, OF MARYLAND
 DANIELLE MYERS, OF FLORIDA
 JESSICA ELIZABETH NORRIS, OF INDIANA
 DAVID T. PARADISE, OF ILLINOIS
 ERIC W. PARKER, OF FLORIDA
 DANIEL AUSTIN PHELPS, OF ARIZONA
 LISA KNOTT POVOLNI, OF TEXAS
 WILLIAM H. QUICK, OF TEXAS
 ANNA LYN CHAMBERS RICE, OF NORTH CAROLINA
 KATE RICHE, OF VIRGINIA
 CHRISTOPHER ROSE, OF WASHINGTON
 ULLA RICKERT SALEH, OF MARYLAND
 APRIL CELESTE SCARROW, OF TEXAS
 HELENA P. SCHRADER, OF MAINE
 JOHN M. SCHUCH, OF NEW YORK
 JOSE DANIEL J. SILVA, OF CALIFORNIA
 AMY BASKIN STEINMANN, OF NEW YORK
 JOHN SURFACE, OF WASHINGTON
 ANDY UTSCHIG, OF WISCONSIN
 AMY CATHERINE WALLA, OF COLORADO
 WILLIAM H. WEBB, OF TENNESSEE
 THOMAS CLINTON WHITNEY, OF CONNECTICUT
 JOEL T. WIEGERT, OF NEW YORK
 VICTORIA SUSAN WOLF, OF TEXAS
 MARK WUEBBELS, OF ARIZONA
 DONNY HEKYUNG YOO, OF ALABAMA
 JONATHAN LEE YOO, OF WASHINGTON
 AMANDA HILARY ZAFIAN, OF FLORIDA
 ELIZABETH A. ZELLE, OF ILLINOIS
 ERIKA BREE ZIELKE, OF WASHINGTON

THE FOLLOWING NAMED MEMBERS OF THE FOREIGN
 SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES
 IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF
 AMERICA:

DEPARTMENT OF STATE

AVIUS ALLEN, OF VIRGINIA
 ADRIAN J. AMEN, OF OREGON
 ANNE CLAIRE D. ANDAYA-NAUTS, OF TEXAS
 STEVEN EDWARD ANDERSON, OF ILLINOIS
 MELANIA RITA ARREAGA, OF ILLINOIS
 KRIS ARVIND, OF ILLINOIS
 MOHAMMAD FAROUK BARGHOUTY, OF NEW YORK
 THOMAS BENZ, OF LOUISIANA
 NAMITA SHAH BIGGINS, OF NORTH CAROLINA
 DAVID A. BIGGS, OF TEXAS
 ADAM R. BISHOP, OF VIRGINIA
 PETER W. BLAIR, OF THE DISTRICT OF COLUMBIA
 MATTHEW W. BLINN, OF ILLINOIS
 DAN R. BOLL, OF VIRGINIA
 LISA L. BRACKENBURY, OF VIRGINIA
 BRIAN BREUHAUS, OF NEW YORK
 JOHN W. BUSH II, OF FLORIDA
 JUSTIN SCOTT BYTHEWAY, OF VIRGINIA
 DEBRA S. CARROLL, OF VIRGINIA
 ROBERT J. CAVESE, OF OHIO
 DAN CEDERBERG, OF VIRGINIA
 ELIZABETH CERABINO-HESS, OF NEW HAMPSHIRE
 JEFFREY PHILIP CERNYAR, OF TEXAS
 AMIE CHANG, OF VIRGINIA
 MEREDITH A. CLARK, OF VIRGINIA
 MELISSA L. COULTER, OF ILLINOIS
 SARAH J. CRANSTON, OF ILLINOIS
 MICHAEL F. CUDDY, OF VIRGINIA
 LESLIE J. CULLEN, OF VIRGINIA
 KARLA A. DANIELS, OF VIRGINIA
 JAIME LEE DEBOTTIS, OF VIRGINIA
 NATHAN SHANE DETTMAN, OF UTAH
 CHRISTOPHER J. DE VEER, OF NEW YORK
 ANDREW DEVLIN, OF VIRGINIA
 CHRISTY SIOBHAN DOHERTY, OF CALIFORNIA
 MICHAEL DUBRAY, OF CALIFORNIA
 BAYLOR MCKAY DUNCAN, OF VIRGINIA
 BRETT P. DVORAK, OF INDIANA
 DERRICK EDUARD ECKARDT, OF THE DISTRICT OF CO-
 LUMBIA
 MELANIE L. EDWARDS, OF LOUISIANA
 STUART ALLEN FARNSWORTH, OF VIRGINIA
 CHARLES A. FEE, OF WASHINGTON
 ABIGAIL CROSBIE FROST, OF VIRGINIA
 ELIZABETH A. FUJINO, OF VIRGINIA
 EUGENE GARMIZE, OF NEW YORK
 JUSTIN C. GERMANI, OF CALIFORNIA
 DAVID BARRY GOLDSTEIN, OF VIRGINIA
 CHRISTOPHER GREEN, OF FLORIDA
 BRIAN T. GREENE, OF MARYLAND
 ELIZABETH D. GRIFFITH, OF VIRGINIA
 LEWIS F. GROW, OF VIRGINIA

PAUL HAMMITT, OF TEXAS
JOEL B. HANSEN, OF NEVADA
LAILA MITCHELL HASAN, OF THE DISTRICT OF COLUMBIA
NICHOLAS ADAM HASKO, OF WASHINGTON
JAMES LINDLEY HATHAWAY, OF MONTANA
JONATHAN LEIF HAYES, OF THE DISTRICT OF COLUMBIA
YASMEEN HIBRAWI, OF CALIFORNIA
KATY HINTON, OF NEW YORK
BRIAN HOLSTEGE, OF MARYLAND
JENNIFER B. JACKSON, OF VIRGINIA
DANIEL A. JACOBS, OF GEORGIA
BRYAN DAVID JANDORF, OF WISCONSIN
MATTHEW R. JANTE, OF VIRGINIA
MARK JASONIDES, OF MINNESOTA
AMON O. JOHNSON, OF WASHINGTON
ROSS G. JOHNSTON, OF MARYLAND
ALLISON BARR JONES, OF MAINE
DAVID JOSAR, OF PENNSYLVANIA
AARON P. KARNELL, OF CALIFORNIA
ANNA E. KEARL, OF VIRGINIA
CAROLE ANN KELLY, OF VIRGINIA
DANIEL A. KIEFER, OF GEORGIA
DARIA KOVARIKOVA, OF VIRGINIA
ELIZABETH E. KOZLOW, OF VIRGINIA
JOSHUA J. KUTELLA, OF VIRGINIA
STEWART M. LEBLANC, OF VIRGINIA
SUSAN BERNADETTE L'ECUYER, OF NEW JERSEY
JULIE M. LIMOGES, OF THE DISTRICT OF COLUMBIA
JOHNNY LO, OF VIRGINIA
ANNA LU, OF THE DISTRICT OF COLUMBIA
MINTA ELAINE MADELEY, OF MASSACHUSETTS

MATTHEW A. MALONE, OF COLORADO
DAVID R. MARTINEAU, OF VIRGINIA
JAIME L. MASKELL, OF OHIO
RICK MCDANIEL, OF FLORIDA
JOHN THORSEN MCKANE, OF THE DISTRICT OF COLUMBIA
JUDD MEYER, OF THE DISTRICT OF COLUMBIA
JEREMY CHRISTOPHER MIGDEN, OF VIRGINIA
GARY MORANDO, OF VIRGINIA
AUDREY F.S. MOYER, OF MARYLAND
BARBARA M. MOZDZIERZ, OF NEW YORK
JESSICA A. NELSON, OF THE DISTRICT OF COLUMBIA
SEAN SAEHWAN OH, OF VIRGINIA
PHILIP DANIEL O'HARA, OF THE DISTRICT OF COLUMBIA
IFEOMA OKWUJE, OF MARYLAND
JON HOWARD OLSEN, OF VIRGINIA
CLARE E. ORVIS, OF MASSACHUSETTS
BEVELYN D. PATTERSON, OF TEXAS
ROBERT A. PATTERSON, OF VIRGINIA
EITAN M. PLASSE, OF NEW YORK
ELIZABETH POGUST, OF CONNECTICUT
SCOTT A. POLLOCK, OF VIRGINIA
GRACE H. PULIDO, OF THE DISTRICT OF COLUMBIA
VENKI RAMACHANDRAN, OF FLORIDA
TOY INMAN REID III, OF THE DISTRICT OF COLUMBIA
MATTHEW E. RICH, OF VIRGINIA
MICHAEL P. RICHARDS, OF VIRGINIA
ARMANDO DIEGO RIVERA, OF VIRGINIA
DANE RALPH ROBBINS, OF TENNESSEE
GRIFFIN T. ROZELL, OF TEXAS
AARON J. RYAN, OF MINNESOTA
LEE A. RYSEWYK, OF VIRGINIA

KAREN M. SARKIS, OF VIRGINIA
NICOLE E. SCHROEDER, OF THE DISTRICT OF COLUMBIA
DAVID SHAW, OF VIRGINIA
IAN LINDSAY SHINSATO, OF THE DISTRICT OF COLUMBIA
JOHN SCOTT SIETSEMA, OF VIRGINIA
PETER T. SLOAN, OF CALIFORNIA
AMY LYNNÆ SMITH, OF CALIFORNIA
ANSEL THOREAU STEIN, OF VIRGINIA
DAWN MICHELLE SUNI, OF FLORIDA
MARK TEMPLER, OF ARIZONA
CHARLES G. THRASH, OF VIRGINIA
JULIUS N. TSAL, OF CALIFORNIA
STEPHANIE A. TUROS, OF PENNSYLVANIA
SHARI LEE ULERY, OF COLORADO
STEPHANIE VAN HOFF, OF FLORIDA
PHILLIP JAMES VANHORN, OF TEXAS
ANNE VASQUEZ, OF FLORIDA
LISA NUCH VENBRUX, OF PENNSYLVANIA
JESSE F. VICTOR, OF MASSACHUSETTS
JUSTIN THOMAS WALLS, OF NORTH CAROLINA
CODY C. WALSH, OF NEW YORK
SIMONA LAURA WEXLER, OF VIRGINIA
KIRA C. WHELAN, OF VIRGINIA
STEFAN WHITNEY, OF NEW JERSEY
NATALIE WILKINS, OF COLORADO
CHRISTOPHER JOSEPH WILZ, OF CALIFORNIA
WILLIAM HEATH WINKLER, OF VIRGINIA
SAM WORLAND-ESQUITH, OF VIRGINIA
ANNETTE L. WYLIE, OF VIRGINIA
STALLION EASE YANG, OF MASSACHUSETTS
LU ZHOU, OF CALIFORNIA
BERNADETTE REGINA ZIELINSKI, OF NEW YORK

EXTENSIONS OF REMARKS

CONGRATULATING TOM LAMAR ON
20 YEARS OF SERVICE THROUGH
THE PALOUSE CLEARWATER EN-
VIRONMENTAL INSTITUTE

HON. WALT MINNICK

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. MINNICK. Madam Speaker, I rise today to congratulate Tom Lamar, a resident of Moscow, Idaho, on his 20th anniversary as Executive Director of the Palouse Clearwater Environmental Institute (PCEI). Tom has built this organization from a small environmental group to an important element of the Palouse community. On June 16, 1990, Tom's first day of work, PCEI had a \$30,000 budget and a one-room office rental in the Moscow Hotel. Today, PCEI has a \$1.4 million budget, 14 full-time staff, and a 12-acre home with two buildings for office space. Currently, PCEI now boasts over 1,000 members in Idaho and many other states.

PCEI undertakes numerous environmentally themed restoration, education and outreach programs throughout Idaho and eastern Washington. From planting trees and utilizing solar powered panels to teaching children about owls and placing AmeriCorps members throughout Idaho and eastern Washington, PCEI has emerged as a premier environmental organization for the region.

Tom began work at PCEI by cleaning up the local creek. In 1996 PCEI began watershed restoration projects and have since completed 56 watershed restoration projects in the region.

Tom has helped to run the McCall Outdoor Science School (Idaho's only residential Science Camp) established in 2001. It has since taught 14,000 students in hands-on scientific discovery. Today, the work of PCEI reaches over 2,500 students a year.

Tom helped create PCEI's AmeriCorps Placement Office in 2004, over 100 AmeriCorps members are placed across the state annually. In 2009, the year Tom was honored by being named Environmental Leader of the Year, PCEI volunteers contributed nearly 19,000 hours of environmental service to the region.

Tom has helped to develop other community organizations including the Western Sustainable Agriculture Working Group, Palouse Land Trust, Rural Roots, Idaho Smart Growth, Village Bicycle Project, and Backyard Harvest. Tom serves on the steering committee of the Idaho Environmental Summit, and on the board of the Latah Trail Foundation. He also serves on the Moscow City Council.

I had the honor to visit PCEI recently and can attest to the great things they are doing and the positive impact that Tom and the dedicated PCEI staff and volunteers are making each and every day. Tom's work and leadership sets an important example of environ-

mental commitment and community service that I encourage others to follow.
Congratulations Tom.

REMEMBERING JOSHUA FUESTON

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. LARSEN of Washington. Madam Speaker, nearly one year ago Joshua Fueston, a 19-year-old Army soldier from Bellingham, Washington, committed suicide in Washington, DC. Joshua was at Walter Reed Army Medical Center receiving treatment for physical wounds suffered in Iraq, but he was also suffering from Post-Traumatic Stress Disorder, PTSD.

In honor of his life and service, I request that the following poem, penned by Albert Caswell, be placed in the CONGRESSIONAL RECORD.

THE SCARS OF WAR

(By Albert Caswell)

As when our fine sons and daughters go off to war . . .
Much heartache, and such great burdens bore!
As some come home all encased in wood, all but for the greater good!
While, others come home without arms and legs . . . as do they!
Ones without eyes, and faces . . . with burns upon their bodies as placed this . . .
Touching all hearts, in so many ways . . . as it's for them we now so pray . . .
But, some scars are not so easily seen . . .
But found deep down inside most heroic hearts, convened!
Are but found Those Scars of War, not so easily seen!
The kind that, in the middle of the dark night make them so awake . . .
All in cold sweats, as upon all of their fine souls such heartache is placed . . .
All in their most sleepless sleeps, now carried in their souls so very deep . . .
As each day these scenes from hell they pray not repeat, as its for them we weep!
For War is Hell, and Hell is War!
For their battles do not end, when they reach their home shores again!
As from the outside, they look so strong and secure . . .
While, deep down inside . . . in all of them, the battle builds all the more . . .
Destroying even the bravest, and the strongest of all hearts for sure!
As upon their fine hearts and souls, but lie these most dreadful scars of war!
As P.T.S.D., is but the silent killer . . . that we all should so look for!
Because, while some die on battlefields of honor bright . . .
And then others, come home all in anguish . . . to fight this fight!
And sadly, without help . . . many will but live their last and final nights!

As they must fight their own private wars, never ending both day and night . . .
As this darkness upon them so lies, as they so try and try!

With tears in eyes!

As another Hero died this day!

Take a look around you, I say . . .

A Hero stands beside you, with tears of heartache upon their souls which lay!

All in their quiet suffering, we must somehow so hear their pain!

For some things are not so clearly seen!

But, lie so deep down so inside this pain . . . Remember, under the surface but lie all of their most dreadful dreams . . .

Such things that Heroes dare not repeat!
Now, carried all in their fine hearts, so very deep!

For ever vigilant, as we must keep!
For all of our Sons and Daughters, who deep down inside their fine hearts!

The Scars of War, they so keep!
P.T.S.D. a silent enemy . . .

PROSECUTION OF CITIZENS VIDEOTAPING POLICE IN THE LINE OF DUTY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. TOWNS. Madam Speaker, I rise today to discuss a phenomenon that is occurring throughout this country.

Various states and municipalities are using state wiretapping statutes and other local laws to prosecute individuals who photograph or videotape officers in the line of duty. According to a recent Washington Post article, Mark Graber, a 25 year old staff sergeant for the Maryland Air National Guard, was arrested for taping an encounter with a state trooper who gave him a ticket for going 80 in a 65 mph zone. Graber accepted his ticket, which he says he deserved. Graber was not indicted by a grand jury for speeding; instead his crime was videotaping and showing his encounter on YouTube. Mr. Graber was charged with violating Maryland's wiretapping statute.

In Tennessee, Scott Conover was arrested for unlawful photography when he snapped a picture of a Johnson County sheriff's deputy during a traffic stop.

In the state of Washington, an amateur photographer Bogdan Mohora was arrested for photographing two police officers arresting a suspect.

Authorities contend that wiretapping laws are being violated by individuals who videotape or photograph police on-duty. These officials base their argument on a notion that police have a reasonable expectation of privacy while conducting their work in public.

Our police officers play a vital role in maintaining the quality of life in communities across the country. I feel we should not do anything

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to diminish their role in society or their effectiveness in fighting crime and preventing terrorist acts. As a member of the victims right caucus here in Congress, I want to make sure our police officers are equipped and feel supported, so they can make sure there are less victims of crime in this country. However, while I do support our law enforcement officials, I do not think that they have a right to privacy while performing their duties in public. As a result of my view, I do not believe that prosecuting citizens for exercising a constitutionally protected right is a proper use of the justice system.

I ask for your support of H. Con. Res. 298 to bring awareness to this startling abuse of power and waste of taxpayer dollars.

PERSONAL EXPLANATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. VISCLOSKY. Madam Speaker, on the evening of Tuesday, July 20, 2010, I was absent from the House and missed rollcall votes 451 through 453.

Had I been present for rollcall 451, on a motion to suspend the rules and agree to H. Res. 1491, Congratulating the University of South Carolina Gamecocks on winning the 2010 NCAA Division I College World Series, I would have voted "Aye."

Had I been present for rollcall 452, on a motion to suspend the rules and agree to H.R. 5604, the Surface Transportation Savings Act of 2010, I would have voted "Aye."

Had I been present for rollcall 453, on a motion to suspend the rules and agree to H. Res. 1516, Recognizing the 65th Anniversary of the end of World War II, honoring the service members who fought in World War II and their families, and honoring the servicemembers who are currently serving in combat operations, I would have voted "Aye."

IN HONOR OF U.S. ARMY SPECIALIST ROGER LEE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. FARR. Madam Speaker, it is with great sadness that I rise today to mourn the loss of a soldier constituent, U.S. Army Specialist Roger Lee, 26, of Monterey, California. He was a brave soldier who fought valiantly for our freedom. More importantly, he was a proud father, a loyal husband, a caring brother, and a devoted son.

Roger Lee was born and raised in Monterey, California. He came from a loving family that followed the American Dream by starting a family-owned business on California's Central Coast. Roger graduated from Monterey High School and later went to the Arizona Automotive Institute in Glendale, Arizona where he met his wife, Elvina Lee.

In 2005, Roger and Elvina Lee celebrated the birth of their daughter Jazmyne Lee.

Shortly after, in 2007, Roger made the decision to enlist in the United States Army, both to fulfill his lifelong goal of serving our country and to build a better life for his wife and daughter. Specialist Lee served in United States Army 1st Battalion, 4th Infantry Regiment based in Hohenfies, Germany.

On July 6, 2010, insurgents attacked Specialist Lee's vehicle near Qalat, Afghanistan, with an improvised explosive device. He ultimately perished from the wounds inflicted by that attack. For his actions and service to our country, Roger was posthumously awarded the Bronze Star Medal.

Madam Speaker, I know that I speak for the whole House in offering our deepest sympathies to Specialist Lee's family and friends. Our nation extends its deepest gratitude for Specialist Lee's service to the United States of America.

HONORING THE WORK OF DR. CHRISTOPH THOMAS OF OREGON STATE UNIVERSITY

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. SCHRADER. Madam Speaker, I rise today in honor of Dr. Christoph Thomas, one of my constituents and an Oregon State University atmospheric scientist who has received a National Science Foundation "Career Award" which is designed to support emerging influential scholars and educators who will become 21st century leaders.

During the next five years, Dr. Thomas will be receiving funding from the NSF to support his research on the relationship between plant canopies—such as forests and crops—and the lower atmosphere. The air exchange between these environments plays an important role in the transport of heat, moisture, momentum and trace gases, but they are poorly understood. Dr. Thomas will work with graduate students at Oregon State University, an Oregon K-12 high school teacher, and several colleagues on the studies. The project will include a teaching component, site visits by science classes, and a new graduate-level field course for students in atmospheric sciences, forestry, engineering and agricultural sciences.

Madam Speaker, this research will create better models of air transport that will lead to better large-scale weather and climate models, reducing uncertainty in projections of carbon and energy budgets while improving the ability to predict water availability in forests. I am proud to represent Dr. Christoph Thomas and Oregon State University and wish Dr. Thomas success as he puts National Science Foundation dollars to work in the coming years.

HONORING KATHRYN WINTER OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize my friend Kathryn Winter on the occasion of her retirement as executive director of Fair Housing Napa Valley in Napa County, California. Kathryn's leadership will be truly missed by her colleagues, the people of Napa County, and all of the organizations around Northern California that heavily relied on her immense knowledge and experience in public service.

Mrs. Winter is a native San Franciscan who graduated from Lowell High School. She received her bachelor of arts degree from the University of California, Berkeley and her masters from Stanford University. Mrs. Winter has dedicated her life to serving her community. She began her career of public service as an English instructor on the Navajo and Hopi Indian reservations, Napa Valley College and Hillsdale High School in San Mateo, California. Prior to her current position, she served honorably as a town councilmember in Yountville, California and as a Napa County supervisor. She also brought her talents to the Governor's Office of Planning and Research.

In her 6½ years as executive director of Fair Housing Napa Valley, she has worked tirelessly to eliminate housing discrimination and ensure equal housing opportunity for all people through leadership, education, conciliation, outreach, advocacy and enforcement. Under Kathryn's leadership, Fair Housing Napa Valley emerged as a powerhouse in the local non-profit community. She raised over \$1.8 million, expanded the program from one to five staff members, doubled caseload and tripled revenues.

Madam Speaker, it is my distinct pleasure to recognize Kathryn Winter for her many years of service to Napa County, California, and to thank her for her many contributions to our community. I know she will continue to make the Napa Valley a better place during this next phase of her life. I join her husband Mick, her daughter Joanna and our colleagues in wishing her the best as she moves on to future challenges.

SUPPORTING SOCIAL SECURITY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. VAN HOLLEN. Madam Speaker, as we approach the 75th anniversary of Social Security, I rise today to reaffirm its promise as an economic lifeline to millions of senior citizens and those with disabilities, and to preserve it for future generations.

More than 50 million Americans depend on Social Security benefits to make ends meet. For many, it is their only source of financial security during these tough economic times. Seniors have worked all their lives and made

contributions to the Social Security program. However, we should not threaten their benefits to reduce the federal deficit and pay for the policies of fiscal irresponsibility that President Obama inherited. Fixing this budget mess should not come at the cost of hurting Social Security beneficiaries.

Our Republican colleagues have once again advanced a proposal to partially privatize Social Security that puts the financial security and stability of America's seniors at risk. Seniors cannot afford to have their retirement security gambled away on the volatile stock market. At the same time Washington Republicans want to repeal the Wall Street reform legislation, they are pushing for a risky plan that would funnel billions of dollars of America's Social Security retirement savings to Wall Street.

Madam Speaker, we have a choice to make. We can take the path that jeopardizes the Social Security program and the benefits it provides, or we can take the road that preserves the retirement benefits that seniors have paid for, earned and need. Let's choose the right path and make sure that Social Security continues to provide seniors with the same financial stability, reliability and security as it has for the past 75 years.

**HONORING THE EFFORTS OF THE
YOUNG ARTISTS FROM THE
WORD OF FAITH CHRISTIAN
SCHOOL**

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. SHULER. Madam Speaker, I rise today to recognize the students from the Word of Faith Christian School in the small rural community of Spindale, North Carolina. These students have produced an impressive collection of approximately 300 pieces of art depicting World War II and the legacy of the Holocaust. Their work has been displayed in several exhibitions in North Carolina. After reviewing the work, Michael Berenbaum, the Founding Director of the United States Holocaust Memorial Museum, stated that he "was profoundly impressed by their quality, their diversity, their integrity and their passion. I have never seen such work from students of their age."

From July 19 to July 22, these students will feature their work at the Christians United for Israel Summit, which is to be held at the Washington Convention Center. I would like to recognize these students and the Word of Faith Christian School for their tremendous artistic accomplishments, their dedication to the preservation of history, and for their unwavering support of Israel.

HONORING DENNIS CUPP

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. LUETKEMEYER. Madam Speaker, I rise today to recognize Dennis Cupp, the

former Chief of Police in Moberly, Missouri, who retired after 30 years of service to the city.

Over the course of his storied career, Lieutenant Colonel Cupp has compiled an impressive resume of accomplishments and accolades. Lt. Colonel Cupp has received training from a number of prestigious institutions including the Harry S. Truman Police Academy, the University of Missouri, and the Missouri Police Chiefs Association. It should also be noted that Lt. Colonel Cupp graduated from the 127 class of Police Management School, School of Police Staff & Command, which is nationally recognized.

Lt. Colonel Cupp is the regional vice president of the Missouri Police Chiefs Association. He is a member of Missouri and International Association of Chiefs of Police. He also serves the community in other ways as well. He has recently served in the role of region 4 coordinator for the Law Enforcement Torch Run for the Special Olympics.

In closing, Madam Speaker, I ask all my colleagues to join me in congratulating Lt. Colonel David Cupp for his service to the city of Moberly and the State of Missouri.

**IN HONOR AND RECOGNITION OF
MR. ANTHONY ZIELINSKI**

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Mr. Anthony Zielinski, devoted and much-loved father, son, brother and friend, whose public service continues to raise the Parma community onto a platform of strength, viability, unity and opportunity.

Mr. Zielinski grew up in the City of Parma and continues to call Parma his home. He attended Parma public schools and graduated from Cleveland State University with advanced degrees. His public service reflects integrity, expertise, dedication and most importantly, it consistently reflects heart, compassion and sincere concern regarding the needs of others.

Because of his vision and leadership, Parma has resources and opportunities for residents of all ages. Mr. Zielinski served as councilman in Parma's Ward 8 neighborhood for nearly 8 years. As councilman, he served as Majority Leader and Finance Chairman, working energetically on behalf of residents and creating strong partnerships between the public and private sectors. He served on the City of Parma's Zoning Board of Appeals, and was appointed to the position of Treasurer of the City of Parma in 2005, and elected to serve another term in 2009.

His outstanding work as Treasurer is framed by integrity, expertise and dedication to protecting the public trust by making wise investments to obtain the highest return on taxpayers dollars. In addition, Mr. Zielinski has a rare ability to bring people and departments together—unifying the community for the common good—with a special commitment to the children of Parma. He led several student-government programs, and was instrumental in

organizing the Leadership for Tomorrow Program, which allows every fifth grade student to experience, in person, the workings of city government. Though humble, Mr. Zielinski's volunteer efforts have been noticed by others. He was named the Parma Democrat of the Year; and was honored as the Pride Award Recipient by the Parma Chamber of Commerce.

Madam Speaker, please join me in honor and recognition of my friend, Mr. Anthony Zielinski. Mr. Zielinski's work and approach to city government continues to create strong bonds between residents and city hall. He is a role model as a man, a father, a son, and a friend. It is Mr. Zielinski's warmth, heart, honesty and willingness to help others that enriches and strengthens the lives of all us—his family and friends in Parma, Ohio and throughout our community.

**RECOGNIZING THE RETIREMENT
OF ROBERT F. LARK AS THE
CHAIRPERSON OF THE MERCER
COUNTY DEMOCRAT COMMITTEE**

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. ALTMIRE. Madam Speaker, it is my privilege to recognize Robert F. Lark on the occasion of his retirement as Chairperson of the Mercer County Democrat Committee. Bob served faithfully as Chair since 1988. His 22 years at the post makes him the longest serving Chairperson in the Committee's history.

Bob comes from a family of committed public servants and knows the value of giving back to his community. His grandfather served as a Precinct Committeeman in the 1930s and 1940s and his mother was also a Precinct Committeewoman in the 1950s and 1960s.

During his time as Chairperson, Bob helped encourage the formation of the Democrat Women and Young Democrats organizations in Mercer County and was enormously successful in registering voters across western Pennsylvania.

A lifelong Democrat, Bob worked for fairness in elections and voting and was not afraid to make his voice heard if he felt that an individual of either party was engaging in misconduct. His dedication to being a responsible citizen was evident in his service to the Mercer County Democrat Committee and to Pennsylvania.

Bob's commitment to his country extended beyond his service as chairperson, however. As a teacher for 40 years, Bob prepared future generations for life beyond the classroom. His work with students through the years is equally commendable.

Bob believed that one must be judged not by the promises a person makes, but by the promises a person keeps. Madam Speaker, Bob Lark was a man who kept his promises to his fellow Democrats in Mercer County and I am pleased to honor him for his efforts.

WE CAN HELP PROGRAM

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. QUIGLEY. Madam Speaker, as we talk about the need for job creation it is critical that we remember why America needs work.

Jobs are a means to provide for individuals and families, for food and shelter, and for a sense of security and peace of mind.

But work is only half the equation—a paycheck is needed to fulfill the other.

Which is why I stand in full support of the Department of Labor's "We Can Help Program."

This public service campaign strives to educate America's workforce about employer abuses and workers' rights.

It will also add 250 investigators to the department's wage and hour division.

Efforts like this will go a long way toward recovering at least some of the \$19 billion of wages that are never paid to workers across the country every single year.

In the midst of a tough economy, it is vital that Congress do everything in its power to make sure every American who wants a job can find a job.

But we must remember that there are many already on the clock who need our help, too.

DALLAS' CHAPTER OF TOP LADIES OF DISTINCTION INC. CELEBRATES 45TH SAPPHIRE ANNIVERSARY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, on June 12, 2010 the Dallas Chapter of Top Ladies of Distinction, TLOD, recognized their 45 years of outstanding service in the greater Dallas community. Founded in the Lone Star State of Texas, the mission of the organization is to enhance and enrich lives of youth and adults through national and community based programs and projects. The organization is comprised of 4,600 members spread among 104 chapters across the Nation, with each chapter respectively sponsoring Top Teens of America.

Top Ladies of Distinction collaborate with various organizations to help build a better community and increase awareness. To illustrate, some organizations include: Ronald McDonald Houses; National Alzheimer's Awareness; HIV/AIDS Awareness; Top Ladies of Distinction Literacy Program; and Sickle Cell Research.

At the anniversary celebration the women were graced with the presence of Mrs. Jackie Pope, Top Ladies of Distinction's National president, along with Ms. Bobbie Moorehead, Top Ladies of Distinction's fifth past National president. Also joined in the celebration was Ms. Sharon Beard, the current National recording secretary.

Top Ladies of Distinction 2010 honorees for 30 to 46 years of service included: Mrs. Nita

Moorehead; Mrs. Opel Jones; and Mrs. Elinor Jackson.

Top Ladies of Distinction 2010 honorees for 25 to 29 years of service included: Mrs. Dorothy Lee; Mrs. Orvee Seward and Mrs. Harriet Tripp.

Top Ladies of Distinction 2010 honorees for 20 to 24 years of service included: Mrs. Pauline Dixon, Ms. Hertha Echols, Mrs. Orehann Price, Mrs. Martha Smith, and Mrs. Harnell Williams.

Madam Speaker, I congratulate Top Ladies of Distinction on this memorable moment in the history of their organization. These Ladies represent resourceful woman power; all of whom work for the betterment to serve others.

HONORING THE LIFE OF JOHN ANTHONY BRUZZONE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today in memory of John Anthony Bruzzone, a devoted family man, member of the United States Army, successful Santa Clara County entrepreneur and a valued leader in our community. Sadly John passed away on June 30, 2010.

John, was a skilled businessman and entrepreneur, starting in 1947 with The Pied Piper Exterminators, Western Roofing Supply, and most recently Hollister Motor Sports. In 1974, he purchased the Roberto-Sunol Adobe in San Jose, which he extensively and carefully restored. The Adobe became California State Historical Landmark No. 898 on March 18, 1977.

Always a business visionary and concerned with California's environment, John was one of the first recyclers in Santa Clara County where he operated San Jose Recycling and Diversified Recycling Services. He also operated the Italian Gardens in San Jose. He was always generous in donating his resources and time to our community.

Prior to his successful endeavors in business John was a dedicated member of our armed services serving in the Army during World War II. He fought in the Battle of Okinawa and was awarded the Purple Heart for wounds received during that historic battle. He helped save our country.

Madam Speaker, I ask my colleagues to join me in sending our condolences to John Anthony Bruzzone's family and in remembering a special man who devoted his life to his family and our country.

HONORING EDWARD KLOSTERMAN**HON. GEOFF DAVIS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to honor Edward Klosterman, a dedicated community servant and a lifetime member of the Pewee Valley Fire Department from the Fourth District.

Ed Klosterman was born and raised in Crestwood, Kentucky along with his fourteen siblings. He attended Carroll County Vocational School and graduated from Oldham County High School in 1975.

Ed became a member of the Pewee Valley Fire Department before completing high school. As a dedicated community servant with the fire department, Ed served as a firefighter, instructor, lieutenant, training officer, fire inspector and engineer. When the Fire Department outgrew its old station Ed was pivotal in helping design the new fire station and oversaw its construction.

Ed has received numerous awards from the fire department and has been designated a lifetime member. His retirement on July 14, 2010 was also the 36th anniversary of his joining the Pewee Valley Fire Department.

Ed is the proud father of three children. His daughter Anastasia is a student at the University of Louisville Speed School. His twin sons, Alexander and Andrew followed in their father's footsteps as members of the Pewee Valley Fire Department. They have enlisted in the United States Air Force and begin their basic training this September.

Madam Speaker, please join me in commending Ed Klosterman and in offering him our sincerest thanks for his years of service to Pewee Valley, the Commonwealth of Kentucky and the United States of America.

IN HONOR OF JUDGE CAROL CRAFTON ANTHONY

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. ROSS. Madam Speaker, I rise today to honor a respected and dedicated public servant. On July 18, 2010, our state lost a devoted citizen when Judge Carol Crafton Anthony, age 56, died following a lengthy struggle with leukemia.

Judge Anthony was a proud mother, a committed jurist and a loyal Arkansan. Judge Anthony built an outstanding career as a local attorney in El Dorado prior to her exceptional service overseeing six counties as a judge in the 13th Judicial Circuit's Fourth Division.

I had the honor and privilege to know Judge Anthony and I admired her passion for law and innovative approach to justice. She pioneered alternative programs for local youths and drug offenders in an effort to break the cycles of bad behavior and abuse and encouraged these offenders to live productive lives.

My thoughts and prayers go out to her husband Aubra, sons Hayes, Hunter and Clay and daughter Hollis. I know I, along with many Arkansans, will sorely miss Judge Anthony's presence and will try to find solace in the fact Judge Anthony defined what it meant to be a public servant: to leave your community better than you found it.

Today, I ask all members of Congress to join me as we honor the life of Judge Carol Crafton Anthony and her legacy.

PERSONAL EXPLANATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. EHLERS. Madam Speaker, on rollcall Nos. 452 and 453, I left the floor to attend a meeting related to my duties as a member of the Aviation Subcommittee and a co-chairman of the General Aviation Caucus.

Had I been present, I would have voted "yes" and "yes."

TRIBUTE TO LYNETTE ELIZABETH
HOFFMAN MILLER

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. PENCE. Madam Speaker, I rise today to mourn the loss of a dear friend to the community of Sellersburg, Indiana.

Lynette Elizabeth Hoffman-Miller was a devoted wife, loving mother, and courageous warrior in her battle against leukemia. Though the pain of her passing is deeply felt, we will continue to be inspired by the life she led.

Lynette was born on March 20, 1972 in Albuquerque, New Mexico, to Bill and Elizabeth Hoffman. A graduate of Mayfield High School in Las Cruces, Lynette went on to receive her bachelor's degree from New Mexico State University.

Lynette later moved to Sellersburg, Indiana, where she would become an active leader and vital asset to the Hoosier state. She served as the first Vice President of the Indiana Federation of Republican Women, where she excelled in her mission to support Republican principles and promote community service.

A longtime advocate of healthy living, Lynette spent many hours promoting nutrition, exercise, and complementary medicine on her blog. She was very fond of time spent with her mother and sister attending wellness conventions.

Her strong faith helped her and her family through her difficult battle against leukemia. Lynette served on the board of directors of St. Joe on the Hill Catholic Church in Sellersburg. She also taught Sunday school and relished time spent with her family and friends.

One of Lynette's favorite hobbies was to create unique and thoughtful greeting cards and stamps for her friends and loved ones. She was an avid fan of singer Toby Keith and loved the color green.

We have lost an important figure in the Sellersburg community, but I know that Lynette's legacy will not soon be forgotten. Let us keep her cherished family and friends in our prayers during this difficult time, especially her husband Chuck Miller, daughter Cambrelyn, parents Bill and Elizabeth Hoffman, sister Trinetta (Jason) Dixon, paternal grandmother Ann Hoffman, and father and mother-in-law Dr. Robert and Lois Miller.

May they find comfort in the Old Book, which tells us that "Because of the Lord's great love we are not consumed, for his com-

passions never fail. They are new every morning."

SAFER OIL AND NATURAL GAS
DRILLING TECHNOLOGY RE-
SEARCH AND DEVELOPMENT
ACT

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. DOYLE. Madam Speaker, I rise today in support of the Safer Oil and Natural Gas Drilling Technology Research and Development Act.

The Deepwater Horizon explosion and oil spill has highlighted the pressing need for research on technology to make deepwater drilling for oil and natural gas safer and cleaner.

While the investigations into the causes of the disaster are still ongoing, the disaster has already made Congress and the public aware of the significant shortcomings in much of the oil industry's current deepwater drilling technology—most notably its blowout preventers.

This legislation refocuses the Department of Energy's deepwater drilling research to place higher priority on research on technology that will increase the safety and reliability of deepwater drilling technology in the years to come—and rightly so.

The National Energy Technology Laboratories facility in southwestern Pennsylvania has been the Department of Energy's leader in research on ultra-deepwater drilling for oil and natural gas for many years. NETL has a talented staff with unparalleled expertise and a long and successful record of research projects to improve the safety and efficiency of fossil fuel production technologies like deepwater drilling. It only makes sense that this legislation preserves the National Energy Technology Laboratories' role in conducting research on a subject on which they have so much knowledge and experience.

I am pleased that Chairman GORDON has confirmed that it is the Committee's intention that the National Energy Technology Laboratories will continue their important work on deepwater drilling research under the Safer Oil and Natural Gas Drilling Technology Research program addressed in this legislation.

I commend the Chairman, Ranking Member, and members of the Committee for drafting legislation to shift the focus of the Department of Energy's deepwater drilling research to prioritize safety and environmental protection. It's clear from the Deepwater Horizon tragedy that there's a pressing need to dedicate more resources to this important goal.

COST ESTIMATE OF THE CON-
GRESSIONAL BUDGET OFFICE
FOR THE BILL H.R. 5503

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. CONYERS. Madam Speaker, I submit the following.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Please find enclosed the cost estimate of the Congressional Budget Office for the bill H.R. 5503, the "Securing Protections for the Injured from Limitations on Liability Act." This cost estimate was not made available at the time the Committee Report (111-521, Part 1) was filed on June 30, 2010. The Committee respectfully requests that this cost estimate be printed in the Congressional Record.

Thank you for your assistance with this request.

Sincerely,

JOHN CONYERS, JR.,
Chairman.

Enclosure.

H.R. 5503—Securing Protections for the Injured from Limitations on Liability Act

H.R. 5503 would amend several laws related to private liability that apply to injury or death incurred by workers on ocean-going vessels or on certain other facilities located in the ocean. The act also would amend the bankruptcy code to require any purchaser of a bankrupt company to pay any obligations of the firm that stem from damages caused by an oil spill. CBO estimates that enacting the legislation would have no significant impact on the federal budget.

Enacting H.R. 5503 would not affect direct spending or revenues; therefore, pay-as-you-go procedures would not apply.

The act would expand both the Death on the High Seas Act (DOHSA) and the Jones Act to enable the surviving family members of a deceased worker to receive monetary compensation for nonmonetary damages as a result of the death of a relative on an ocean-going vessel or certain other facilities located in the ocean (such as oil-drilling rigs). H.R. 5503 also would extend the distance from shore that would make ships subject to the provisions of DOHSA, and it would repeal the Limitation of Liability Act, a law that limits the value of certain damages that can be charged to vessel owners. H.R. 5503 also would allow state attorneys general to bring suit for remedial action under the Class Action Fairness Act. Because those provisions would affect the liability of private firms, CBO estimates that enacting them would have no significant impact on the federal budget.

H.R. 5503 would amend the bankruptcy code to require any purchaser of a bankrupt company with obligations related to an oil spill to pay those obligations that are owed to victims of the oil spill. Based on information from the Administrative Office of the U.S. Courts (AOUSC), CBO estimates that this provision would have no significant impact on the federal budget.

HR. 5503 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

By making unenforceable agreements that restrict individuals from disseminating information regarding the discharge of oil or other contaminants into waters off the shore of the United States, the act would impose a private-sector mandate as defined in UMRA. The legislation would limit the ability of parties connected with such spills to prevent their employees, or others with whom they have agreements, from providing information about matters related to a spill. CBO estimates that the aggregate direct cost of the mandate would fall below the annual threshold established in UMRA for the private sector (\$141 million, in 2010, adjusted annually for inflation).

The CBO staff contacts for this estimate are Sarah Puro (for maritime issues), Martin von Gnechten (for bankruptcy), and Marin Randall (for the private-sector impact). The estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

HONORING ROBERT EDWARD
STEINHAUER OF NAPA COUNTY,
CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today to pay tribute to Robert Steinhauer, who is being honored as the Napa County Farm Bureau's 2010 Agriculturalist of the Year.

Mr. Steinhauer and his family have a long and storied history in California agriculture. He first found his way to the Napa Valley in 1971, serving as Vineyard Manager for Napa Valley Vineyard Company. In 1979, he joined Beringer Blass Wine Estates and served as senior vice president of vineyard operations for over 25 years. During his tenure, he was responsible for farming operations on over 10,400 acres of vineyards in five counties. He also managed grape purchases from over 400 growers for one of the Napa Valley's legendary wine companies. Today he is president and part owner of Wineland Consulting and is still a farmer; he owns 20 acres of raisin vineyards in Fresno.

Mr. Steinhauer's 2010 Agriculturalist of the Year Award is one of many he has earned during his distinguished career. He was the recipient of the 1983 Foremost McKesson California Vintner Award, 1978 Fresno State Viticulture Alumni Award, Copia 2004 Winegrower of the Year Award, 2005 Wine Integrity Award and the 2008 Merit Award from the American Society for Enology and Viticulture.

Robert is known as one of the kindest and most generous people in the industry. His legacy will be carried on by his daughter Anne, who continues the family agricultural tradition with the Napa Valley Vintners Association. This honor is long overdue and I am fortunate to be able to call Mr. Steinhauer a friend.

Madam Speaker and colleagues, it is my distinct pleasure to recognize my dear friend Robert Steinhauer for his countless contributions to California agriculture. The Napa Valley and the entire agricultural community owe him an enormous debt of gratitude. He is a true giant in the industry. I join his wife Verna, daughter Anne and son Erik in wishing him continued success and fulfillment.

CONGRATULATING BUGEYE
TECHNOLOGIES, INC.

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. LUETKEMEYER. Madam Speaker, I ask my colleagues to join me in congratulating Bugeye Technologies, Inc., located in Pacific

Missouri, for their efforts in upgrading the AS9100 Quality Management System Registration. Bugeye Technologies is a leading provider of replicated hardware for the simulation industry, and produces flight controls, visual display systems and simulated cockpits for military applications.

Bugeye Technologies recent upgrade will increase productivity and enhance their competitive position in the global marketplace. This upgrade will also benefit the Ninth Congressional district and Missouri by spurring local economic development by creating and sustaining manufacturing jobs.

I would like to take this time to commend Bugeye Technologies for all their hard work, and I ask that my colleagues join me in recognizing Bugeye Technologies, Inc., for a job well done.

LETTER FROM PAUL DEBRI, OF
GRAND RAPIDS, MI

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. EHLERS. Madam Speaker, I recently received a letter from a constituent, Mr. Paul DeBri, who expressed concerns about the welfare of our country. In particular, Mr. DeBri decried a lack of responsibility accepted by Members of Congress, and conveyed his anxiety over partisanship. Mr. DeBri's letter offered a sobering perspective of how our daily actions in Washington are viewed by the people we are elected to represent.

Of note, the correspondence which I received included a copy of the CONGRESSIONAL RECORD (Cong. Rec. 1 Sept. 1950: A6328) from Friday, September 1, 1950 and the extended remarks of my predecessor, the Honorable Gerald R. Ford, Jr. The attitude toward Congress expressed by Mr. DeBri was shared by his grandfather, Mr. Irwin Koropas, who wrote then to Representative Ford with similar reservations and a challenge to share those sentiments with the Congress, which Representative Ford did.

I share Mr. DeBri's concerns about the lack of civility and personal responsibility in Congress. Throughout my seventeen years in Washington, I have strived to follow the call of Micah 6:8 "to act justly and to love mercy and to walk humbly with your God." Mr. DeBri's letter is a good reminder of the humility and civility needed in Congress. I have also sought to follow the advice of Edmund Burke, a noted British parliamentarian, who said "The only thing necessary for the triumph of evil is for good people to do nothing."

For the edification of my colleagues, Mr. DeBri's letter is below:

Grand Rapids, MI, May 31, 2010.

REPRESENTATIVE EHLERS, I have just returned home on this stormy Memorial Day morning after spending time with a member of my family. While driving home I realized that I needed to voice my concern with you over the welfare of our country. More specifically on the ineptness of the Legislative Branch to work in harmony with one another to strengthen and unite this country.

Yes, I have voted for you in past elections and consider myself a Republican, but I have

also voted for Democrats on more than one occasion. What is so special about this country is that I have the right to choose the men and women that are sent to Washington D.C. Unfortunately, after the polls close and the elected officials, Republican or Democrat, take their oath they seem to serve only one person. That person being themselves.

It seems as though not a day goes by when a politician is in the news double talking their way around a simple question, pushing blame off to another person or political party, or making promises to the American people by saying one thing and not even doing anything to resolve the issue. When asked a question, give a straight forward answer. When confronted with wrong doing, take responsibility. Don't blame others. When making promises, act with integrity and accomplish what you set forth to do with no complaints.

Included is a copy of a letter from Mr. Irwin Koropas to former Representative Gerald R. Ford back in 1950. Mr. Koropas was concerned with the inability of Congress to work together by getting off their proverbial high horse to preserve this great country. Sadly, the same concern holds true today. Sixty years have passed and Congress still does not understand what the American people want. Do what you were elected to do...work for the American people, not yourself.

Mr. Irwin Koropas served his country proudly. He loved his wife and daughter and modeled examples of honesty, respect, and patriotism to his three grandchildren. The good Lord called him home some years ago, but he is never forgotten. Every Memorial Day I visit him. I visit my grandpa. I will never be embarrassed to be an American or to call this great land home. However, I am embarrassed by the elected politicians serving in the nation's capital. Who will be the first politician to put aside political partisanship and honestly and faithfully put the needs of Americans ahead of their own personal agenda?

I'll close this letter with the words my grandpa wrote to then Representative Ford sixty years ago. Representative Ehlers, "Please read this to Congress if you got the guts, which I think you have."

Respectfully,

PAUL DEBRI,
Grand Rapids, MI.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor the legislative week of Monday, July 19, 2010.

For Monday, July 19, 2010, had I been present I would have voted "aye" on rollcall vote No. 448 (on motion to suspend the rules and agree to H. Res. 1472); "aye" on rollcall vote No. 449 (on motion to suspend the rules and agree to H. Con. Res. 126); and "aye" on rollcall vote No. 450 (on motion to suspend the rules and agree to H. Res. 1219).

REGARDING THE 36TH ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. VAN HOLLEN. Madam Speaker, I rise today on the occasion of the 36th anniversary of Turkey's invasion of the island of Cyprus to honor the memory of the nearly 5,000 Cypriots who lost their lives during the invasion and to remember the 200,000 Cypriots who were forcibly removed from their homes and the nearly 1,500 Cypriots who are still missing to this day.

A deep respect for freedom, human rights and the rule of law unite the people of Cyprus and the United States. We must draw upon these common values and democratic vision as we work together toward a peaceful and prosperous future for the people of Cyprus.

All Cypriots deserve a united island that fulfills the promise of peace and democracy for which a generation has paid so dearly. The United States stands with the people of Cyprus as they work to achieve a bi-communal and bi-zonal reunification under a single sovereignty with respect for the human rights and fundamental freedoms for all Cypriots.

Now that the elections are over, the U.S. joins other nations in encouraging President Christofias and Turkish Cypriot Leader Eroglu to resume their efforts to find a peaceful resolution to the conflict that is mutually acceptable to both parties.

RECOGNIZING AND HONORING THE LIFE OF ALBERT OWENS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. RANGEL. Madam Speaker, I rise today to recognize the wonderful life and accomplishments of Albert Owens with sadness as I mourn his passing. Mr. Owens, one of the first African-Americans to leave his indelible mark on the entertainment industry, recently passed away due to illness at St. Luke's Hospital in New York City. He was sixty-one years of age.

Albert began his career as a founding member of the Charles Unicycle Riders. He gained national recognition in 1965, after appearing as a guest on the hit television show "I've Got a Secret." Albert and his group eventually became the Ringling Bros. first African-American troupe, changing their name to the 'King Charles Troupe.' He also performed acts with the Barnum & Bailey Circus among many others, and reached a new level of national fame.

Yet, Albert's roots remained grounded as his determination to assist his hometown never wavered. When not traveling and performing, he was a devoted family man who returned home to his Bronx community to continue his work as a volunteer. Albert worked tirelessly to counsel the city's youth with the YMCA, using the unicycle as a tool to engage young people and help them build stronger

character. He mentored the next generation up until his passing, never swaying from his resolve to provide the blueprint for success which they can all follow.

Albert Owens was a man of devotion with a commitment to service. Despite his well-earned famed and his standing within the entertainment industry, he always put the needs of his community and the hopes and dreams of others before his own. Albert was a man of many talents and friends. I am honored to say that he was a friend to the city of New York.

RECOGNIZING THE WORLD EQUESTRIAN GAMES IN THE HORSE CAPITAL OF THE WORLD

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. CHANDLER. Madam Speaker, the Bluegrass Region of Central Kentucky is one of the most picturesque spots in our country. Central Kentucky has miles of rolling fields of pasture partitioned with plank fencing. These fields and farms house some of the most spectacular athletes on the planet—horses—giving our region its name: the Horse Capital of the World. And in a few short weeks, the world is coming to see it.

For the first time since its start in 1990, the World Equestrian Games are coming to America and more specifically, to the Kentucky Horse Park. Lexington will take its place alongside other host cities to showcase the magnificence of the horse. Lexington and Central Kentucky will be on an international platform that in the past has included Stockholm, The Hague, Rome, Jerez in Spain and Aachen, Germany.

For 16 days, visitors and spectators from every state in the union and more than 50 other countries will see championship level competition in dressage, eventing, endurance, driving, reining, vaulting, jumping, and para-dressage marking. And, for the first time, all eight competitions will be held at a single venue.

Truly this event will benefit the region and one of Kentucky's signature industries. In addition to an economic impact of millions, hundreds of members of the media from 40 or more countries will attend this event. Televised coverage of this event will represent the largest major network broadcast of equestrian sport in U.S. television history and presents a tremendous opportunity to portray the scenic beauty of Central Kentucky in a manner that may never be rivaled again.

Madam Speaker, I proudly ask you to join me in recognizing that the 2010 Alltech FEI World Equestrian Games will make the people of my district special ambassadors of good will by bringing the focus of international equestrian sport to what truly will be the Horse Capital of the World.

HONORING JIM RINGLAND

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. LUETKEMEYER. Madam Speaker, I rise today to recognize Jim Ringland of Holts Summit, MO, who received the Silver Order of Saint Philip of Neri Award for his service in the United States Special Forces. Mr. Ringland served in the Special Forces for 26 years and has been a member of the Special Forces Association for 40 years.

The award is presented to those who are "selfless, superb teachers and inspirational leaders", the qualities of an ideal Special Forces soldier. Mr. Ringland received this honor due in large part to his exemplary performance as a teacher in the Green Berets, where he trained soldiers in areas such as psychological warfare, survival, and unconventional warfare. The Silver Order of Saint Philip of Neri Award has only been given to 10 people before Mr. Ringland.

Our country has been blessed to have citizens who have selflessly volunteered to defend our nation and freedom. They are the reason why we are the strongest nation on Earth, and the reason we stand today with freedom unparalleled across the globe. Without our nation's veterans and military men and women, and men like Jim Ringland, we would not have the rights and privileges that we as Americans enjoy today.

HONORING THE SERVICE OF DR. GREG MATHIS, SENIOR PASTOR AT MUD CREEK BAPTIST CHURCH IN HENDERSONVILLE, NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. SHULER. Madam Speaker, I rise today to honor the service and accomplishments of Dr. Greg T. Mathis, Senior Pastor of Mud Creek Baptist Church of Hendersonville, North Carolina. This year, as Dr. Mathis celebrates his 30th year at Mud Creek Baptist Church, I am proud to pay tribute to his remarkable career of faith, strength, and the desire to live a fulfilling life helping others.

Serving as Senior Pastor since 1980, Dr. Mathis and his wife Deborah have helped build Mud Creek Baptist Church into a nationally recognized place of worship, with an average weekly attendance of 2700. Mud Creek Baptist Church was recently identified in a book entitled "Excellent Protestant Congregations," as an excellent place to worship in America.

Dr. Mathis's good work does not stop at his own church. He regularly preaches at revivals, Bible conferences, and seminars throughout the Southern Baptist Convention. He has served as the President of the North Carolina Baptist State Convention and the North Carolina Pastors' Conference and as a member of the Executive, Resolutions, and Budget Committees of the Southern Baptist Convention.

He was named as one of the most influential people in Baptist life by The Biblical Recorder, and was presented the Order of the Long Leaf Pine Award by Governor James B. Hunt for his service to the state of North Carolina.

Dr. Mathis graduated from Gardner-Webb College in 1977 with a Bachelor of Arts Degree and went on to graduate from the Southeastern Baptist Theological Seminary in 1980 with a Master of Divinity Degree. He has been recognized with two Honorary Doctor of Divinity Degrees from Gardner-Webb University in 2001 and North Greenville University in 2010. He is a published author with several well known books, including Five Smooth Stones and The Ultimate Life.

Madam Speaker, I ask my colleagues to join me in recognizing the impressive life and career of Dr. Greg T. Mathis. It is an honor for me to recognize his accomplishments and the profound impact he has on the religious life of countless Western North Carolinians, and to wish him continued success in future years.

THE OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM REAUTHORIZATION (H.R. 2693) AND THE SAFER OIL AND NATURAL GAS DRILLING TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM (H.R. 5716)

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. VAN HOLLEN. Madam Speaker, I rise in support of today's oil spill legislation as part of Congress' comprehensive response to the Deepwater Horizon disaster in the Gulf.

The Oil Pollution Research and Development Program Reauthorization (H.R. 2693) will provide badly needed additional resources for oil spill research and development, as well as streamline the Interagency Coordinating Committee on Oil Pollution Research currently responsible for the nation's federally funded oil spill pollution R&D. Additionally, the Safer Oil and Natural Gas Drilling Technology Research and Development Program (H.R. 5716) will ensure that the federal government's existing R&D program for deepwater drilling is as focused on accident prevention, worker safety and environmental impact mitigation as it is on resource recovery.

While relatively modest in scope, these two initiatives will bring a more appropriate balance to federal policy with respect to deepwater drilling, help reduce the risk of future deepwater accidents, and improve our ability to respond to those accidents should they occur again.

I urge a yes vote.

RECOGNIZING THE 36TH ANNIVERSARY OF THE INVASION OF CYPRUS AND COMMENDING EFFORTS TO REACH A NEGOTIATED SETTLEMENT LEADING TO THE REUNIFICATION OF CYPRUS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. GALLEGLY. Madam Speaker, this past weekend marked the 36th anniversary of the invasion of Cyprus by Turkish forces. During the war, approximately 5,000 Cypriots were killed and close to 200,000 Greek Cypriots were forcibly removed from their homes. This anniversary also marks another year in which Cyprus is divided between north and south and between the Turkish Cypriot and Greek Cypriot communities.

However, despite 36 years of division in Cyprus, I remain hopeful about reaching a just and lasting settlement. Following his election in February 2008, President Demetris Christofias followed through on his commitment to make the solution of the Cyprus problem his top priority. In September of that year, he embarked on full-fledged negotiations with Mehmet Talat, who was at the time the leader of the Turkish Cypriot community. I am encouraged that these negotiations are continuing under the new Turkish Cypriot leader Dervis Eroglu.

The ongoing talks aim at reaching a comprehensive settlement for the Cyprus problem with the goal of achieving the unification of Cyprus based on a bi-zonal, bi-communal federation and political equality, as set out in the relevant United Nations Security Council resolutions. The agreement should also lead to a single sovereignty, single citizenship and single international personality for Cyprus.

The House of Representatives has voiced its strong support for comprehensive settlement of the Cyprus issue. On October 9, 2007, the House passed House Resolution 405, which expressed its support for the immediate implementation of the U.N.-brokered July 8, 2006 agreement as the way forward to prepare for new comprehensive negotiations leading to the reunification of Cyprus within a bi-zonal, bi-communal federation. In addition, the resolution called upon the United States Government to fully support the immediate implementation this agreement in its entirety.

There are still many difficult issues that need to be resolved before a comprehensive agreement to the Cyprus problem can be achieved. Turkey, which continues to deploy 43,000 troops in Cyprus, is critical to reaching such an agreement. I urge Turkey to work constructively with the Cypriots in support of a negotiated settlement and the peaceful reunification of the island.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,245,998,461,216.30.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,607,572,715.50 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 22, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 27

9 a.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine social security disability fraud, focusing on case studies in Federal employees and commercial drivers licenses.

SD-342

10 a.m.

Foreign Relations

To hold hearings to examine considering Afghanistan's reconciliation options.

SD-419

Small Business and Entrepreneurship

To hold hearings to examine the deepwater drilling moratorium.

SD-106

2:15 p.m.

Foreign Relations

Business meeting to consider the nominations of Peter Michael McKinley, of Virginia, to be Ambassador to the Republic of Colombia, Rose M. Likins, of Virginia, to be Ambassador to the Republic of Peru, Christopher W. Murray, of New York, to be Ambassador to the

Republic of the Congo, Mark Charles Storella, of Maryland, to be Ambassador to the Republic of Zambia, James Frederick Entwistle, of Virginia, to be Ambassador to the Democratic Republic of the Congo, Eric D. Benjaminson, of Oregon, to be Ambassador to the Gabonese Republic, and to serve concurrently and without additional compensation as Ambassador to the Democratic Republic of Sao Tome and Principe, Phillip Carter III, of Virginia, to be Ambassador to the Republic of Cote d'Ivoire, J. Thomas Dougherty, of Wyoming, to be Ambassador to Burkina Faso, Michael S. Owen, of Virginia, to be Ambassador to the Republic of Sierra Leone, and Laurence D. Wohlers, of Washington, to be Ambassador to the Central African Republic, all of the Department of State, Mark Feierstein, of Virginia, to be an Assistant Administrator of the United States Agency for International Development, and Mimi E. Alemayehou, Executive Vice President of the Overseas Private Investment Corporation, to be a Member of the Board of Directors of the African Development Foundation.	on improving Department of Defense supply chain management.	on map modernization, levee inspection, and levee repairs.
SD-116, Capitol	SR-418	SD-342
Foreign Relations	Environment and Public Works Water and Wildlife Subcommittee	JULY 29
To hold hearings to examine the nominations of Alejandro Daniel Wolff, of California, to be Ambassador to the Republic of Chile, and Larry Leon Palmer, of Georgia, to be Ambassador to the Bolivarian Republic of Venezuela, both of the Department of State.	To hold hearings to examine assessing natural resource damages resulting from the BP Deepwater Horizon disaster.	9:30 a.m. Armed Services To hold hearings to examine the new START.
SD-419	SD-406	SD-G50
2:30 p.m. Commerce, Science, and Transportation To hold hearings to examine consumer online privacy.	Intelligence To hold closed hearings to examine certain intelligence matters.	2:30 p.m. Homeland Security and Governmental Affairs Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee To hold hearings to examine closing the language gap, focusing on improving the Federal government's foreign language capabilities.
SR-253	SH-219	SD-342
Judiciary To hold hearings to examine Exxon Valdez to Deepwater Horizon, focusing on protecting victims of major oil spills.	JULY 28 Time to be announced Health, Education, Labor, and Pensions Business meeting to consider H.R. 5610, to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers, and any pending nominations.	Judiciary Terrorism and Homeland Security Subcommittee To hold hearings to examine the passport issuance process, focusing on closing the door to fraud, part II.
SD-226	Room to be announced	SD-226
Homeland Security and Governmental Affairs Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee To hold hearings to examine high-risk logistics planning, focusing on progress	10 a.m. Homeland Security and Governmental Affairs Business meeting to consider pending calendar business.	AUGUST 5
	Judiciary To hold an oversight hearing to examine the Federal Bureau of Investigation.	9:30 a.m. Veterans' Affairs Business meeting to consider pending calendar business.
	SD-226	SR-418
	Rules and Administration To resume hearings to examine the filibuster, focusing on legislative proposals to change Senate procedures.	SEPTEMBER 22
	SR-301	SEPTEMBER 23
	2:30 p.m. Environment and Public Works To hold hearings to examine protecting America's water treatment facilities.	9:30 a.m. Veterans' Affairs To hold hearings to examine a legislative presentation focusing on the American Legion.
	SD-406	345, Cannon Building
	Judiciary To hold hearings to examine certain nominations.	
	SD-226	
	3 p.m. Homeland Security and Governmental Affairs State, Local, and Private Sector Preparedness and Integration Subcommittee Disaster Recovery Subcommittee To hold joint hearings to examine flood preparedness and mitigation, focusing	9:30 a.m. Veterans' Affairs To hold an oversight hearing to examine Veterans' Affairs disability compensation, focusing on presumptive disability decision-making.
		SR-418

HOUSE OF REPRESENTATIVES—Thursday, July 22, 2010

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

July 22, 2010.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,

Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God, You are the Most High, the Almighty, yet Your love reaches out to us and surrounds each detail of human life.

The Members of Congress seek answers to the deepest questions facing the Nation. Attentive to their districts and the human cries of families they know and individuals lost in the void of unemployment, they hear tangible truth breathing beneath the blanket of pundits and pollsters.

Help them, Lord, to discover ways that will lead Your people from crisis to opportunity. With creative consultation and intellectual depth, Lord, we ask You fix a vision for the future. Let them build upon the known strengths of America.

By appealing to the Nation's innate sense of justice and generous patriotism, may they always seek Your presence and Your activity working within Your people and the country's democratic process both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arizona (Mr. FLAKE) come forward and lead the House in the Pledge of Allegiance.

Mr. FLAKE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1376. An act to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Inter-country Adoption to allow their admission into the United States.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the House that on July 24, 1998, at 3:40 p.m., Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police were killed in the line of duty defending the Capitol against an intruder armed with a gun.

At an appropriate point today, the Chair will recognize the anniversary of this tragedy by observing a moment of silence in their memory.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

BUYING LOCAL FOOD FOR SCHOOLS

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PINGREE of Maine. Mr. Speaker, today I introduced a bill that will make it easier for schools to buy local food. In America, we have slowly moved further and further away from feeding our children healthy, nutritious food in school. At the same time we have watched while thousands of family-run farms have literally disappeared.

In Maine, many of our schools go out of their way to purchase food from local farms. But dwindling school budgets and competing priorities have resulted in less money for local food options in cafeterias.

My bill frees up money for schools to buy locally produced food by giving

them the option to spend 10 percent of what they receive for government commodities on food from local farmers. This will not only bring healthy, high-quality food into our schools, it will also pump more money into our local economies.

On average, an apple travels 1,500 miles from farm to school. This bill gives schools the freedom to buy apples from their neighbors and keep every dollar spent in the community instead of traveling across the country and back again.

I look forward to working on this bill with my colleagues, and I thank those who have already supported it.

OIL COMPANIES PLAN TO PROTECT GULF

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, private industry is creating solutions to protect the Gulf of Mexico because the government really doesn't create anything. Government just stops things from being created like jobs.

ExxonMobil, Chevron, ConocoPhillips, and Shell Oil have announced a new coordinated plan. They're building a new emergency oil spill containment system to protect the Gulf of Mexico. Their deepwater rapid response system will capture and contain oil in a blow-out emergency. It will be engineered to be used in underwater depths of up to 10,000 feet and under different weather conditions as well. The initial capacity will contain 100,000 barrels of oil a day.

These oil industry leaders have committed \$1 billion to the initial cost. Engineering, procurement, and construction will begin immediately. ExxonMobil has taken the lead on behalf of the other companies. This is great news for drilling in the Gulf of Mexico. American private industry is taking the lead.

The administration needs to end the moratorium on drilling and get out of the way and quit killing jobs in the Gulf of Mexico.

And that's just the way it is.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 4213, UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2010

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-556) on the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

resolution (H. Res. 1550) providing for consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE MOTEL KIDS OF ORANGE COUNTY

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, last night I had an opportunity to preview a documentary entitled "Homeless, the Motel Kids of Orange County."

In the shadow of Disneyland, filmmaker Alexandra Pelosi captures the stark reality of children who are living in motels. For all the legitimate policy differences that divide people in Congress, sometimes it's jarring how starkly we view different worlds, that we can believe in different facts. But these children live in a world, the reality of which can be denied only by people who don't bother to see and listen.

I hope my colleagues will watch the HBO documentary Monday, or better yet, get a copy of the DVD to review themselves and with their staff.

We appear at times to be capable of arguing with a straight face about what the day's date is, but this is an area where we should agree to assign priority, spend precious dollars, and refine our policies. These children deserve our best.

□ 1010

FY 2011 APPROPRIATIONS PROCESS

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, you know, this is a different kind of July than we usually experience here in Congress. Usually we're doing appropriation bills. We aren't doing them this month. We aren't likely to do any until after the election. Isn't that something? The one responsibility we have here in Congress, pass appropriation bills, we aren't doing until after the election. This might give you an idea why we're not doing that.

These are the bills that have gone through the Appropriations Committee, either the subcommittee or the full committee. When you look at the number of earmark dollars that are associated with powerful Members of Congress, either those on the Appropriations Committee or leadership or the chairs of committees, just take, for example, the MilCon-VA bill, 78 percent of the earmarks are going to 13

percent of the Members. Other bills are similar: 76 percent in Agriculture; CJS, 57 percent going to the most powerful Members.

It's often said that we earmark here because we know our districts better than those bureaucrats. Well, apparently, 13 percent of the Members know their districts; the rest of us don't.

That's just one of the problems with the earmarking system we have in Congress. It's a spoils system. Those who are powerful get the spoils.

EXTENDING UNEMPLOYMENT BENEFITS

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, I rise today in support of extending unemployment benefits to the hardworking San Joaquin Valley families of California who continue to search for work during these tough economic times. The current lapse in benefits is unprecedented. Since 1959, the government has never allowed these benefits to expire when the national unemployment rate is above 7.2 percent.

Californians are concerned with providing for their families and putting food on the table, not who scores the most political points in Washington.

Extending unemployment benefits isn't just critical to our Central Valley's workers and communities where unemployment hovers around 20 percent in some of the counties but also to our economy. Every dollar in unemployment benefits creates at least \$1.63 in economic activity. That puts money in neighborhood businesses.

Now is the time to focus on middle class families and our economy, not the next election. It's time to pass this measure and to send it to the President for his signature.

YOUNG CUT AND ASO

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, America is struggling under the weight of its debt and a failing economy. Worse, Washington isn't listening.

One of two new tools that we're trying to put forth, and I think they're great opportunities for the American people, is America Speaking Out. I will be doing a town hall this Saturday in my community in Sarasota to be able to pick up their ideas, identify the challenges, and with the ideas we gather, these ideas across the country, put forth an agenda for the American people this fall.

The other tool that I think is very effective is YouCut. These are two different sites. You go on and make your suggestions heard. Our debt today is at

\$13.6 trillion. We're expected to go to \$20 trillion. We've got to find a way to balance the budget. We would like to get your ideas as it relates to this.

I encourage all Americans to go to these two sites. Anyone that's interested could visit my Web site, buchanan.house.gov. They're available there. We need to start listening to the American people. We need your ideas.

PRESIDENTIAL ACCOMPLISHMENTS

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. When President Obama took office, he inherited a \$1.2 trillion deficit, two wars, a growing recession, and disasters like Katrina that pushed our economy to the brink. Since then, his leadership has laid the groundwork to rebuild our economy and finally end the outsourcing of American jobs.

The President successfully worked to pass historic health care and financial regulatory reform. No administration has done more to improve care and the benefits for our veterans and returning troops.

President Obama and the Democratic Congress have strengthened the quality of health care for over 5 million American veterans, authorized 3.4 percent pay raises for our troops, invested millions for VA facility improvements, and improved health services for women veterans.

The President and the Democratic Congress will continue to do the right things for the American people. The choice is clear. We must say "no" to the failed policies of the past and "yes" to continuing in a new direction looking forward.

MORATORIUM

(Mr. CASSIDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASSIDY. Mr. Speaker, a blanket moratorium is not the answer. It will not measurably reduce risk. It will have a lasting impact on the Nation's economy, which may be greater than that of the oil spill. We do not believe in punishing the innocent. Overcome emotion with logic. These are quotes from five engineers from the National Academy of Engineering who object to the President's moratorium.

This is not a drilling moratorium; it is a jobs moratorium. It is an assault on those most injured by the gulf oil spill. By some estimates, over 100,000 Americans—welders, pipe fitters, engineers, caterers, roustabouts—will lose their jobs because of this moratorium, decent, hardworking Americans.

Eleven thousand people yesterday filled the Cajun Dome in Lafayette, Louisiana, to protest the jobs moratorium. They're begging that politics be

put aside, the President listen to the scientists, and let the workers return to work supplying our Nation's energy needs.

SOCIAL SECURITY

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, in 1935, President Roosevelt and a Democratic Congress envisioned and passed a safety net for senior citizens and the disabled. We call it Social Security. It has worked well, and I cannot imagine what we would be as a Nation without it.

The cash flows of the fund will see a deficit in just a few years because of the aging of the baby boom generation. We will fix this problem, and hopefully, our Republican colleagues will work with us for a bipartisan solution.

In December, I'm confident that the President's fiscal commission will present well-conceived ideas. We must use their recommendations to develop a bipartisan solution to protect Social Security. When those recommendations are presented, bipartisanship must prevail. Partisanship must take a hike.

I am committed to doing my part and look forward to the commission's report.

FINANCIAL REFORM BILL—A STIMULUS FOR MORE GOVERNMENT

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, when Congress passes a 2,000 plus-page bill, it's not all that surprising to find objectionable items tucked away in the pages. Such is the case with the Dodd-Frank financial reform legislation. This bill creates many new financial regulatory offices for the very same Federal regulators who failed to foresee the financial collapse in 2008.

With this bill, Congress is giving the American people the gift of more bureaucracy with: an Office of Financial Research, a Financial Stability Oversight Council, 20 Offices of Minority and Women Inclusion, a Federal Insurance Office, an Office of Fair Lending and Equal Opportunity, an Office of Investor Advocate and Ombudsman, and a Consumer Financial Protection Bureau. It goes on and on with new czars.

Note that the problems with Fannie Mae and Freddie Mac are not even addressed. Yet these agencies were the cause of this economic crisis. So this bill is nothing more than a stimulus for more government.

SMALL MANUFACTURERS EXPORT INITIATIVE

(Mr. LARSEN of Washington asked and was given permission to address the House for 1 minute.)

Mr. LARSEN of Washington. Mr. Speaker, today I not only stand in support of extending unemployment benefits to over 18,000 Washington State residents; I stand today in support of small manufacturers in my State of Washington.

Earlier this week, I introduced H.R. 5797, the Small Manufacturers Export Initiative. This legislation will help small- and medium-sized manufacturers export their products, not their jobs, overseas. I want to see the label "Made in America" again, and this bill is an important step in that direction.

The global market presents a fast and ever-growing market for U.S. exports. Nationwide, nearly 3.7 million manufacturing jobs are supported by exports. In my district alone, there are 182 aerospace production suppliers and other vendors. In Washington State, there are over 100 boat manufacturers, with many of these small businesses not only supplying the domestic market but also exporting their products.

We must do all we can to support these manufacturing companies to sell their products both here in the U.S. and overseas. The Small Manufacturers Export Initiative will build the infrastructure necessary to connect these small- and medium-sized manufacturers with export opportunities around the world and help them increase their productivity and expand their businesses.

I urge support for this legislation.

□ 1020

CANCEROUS DEBT

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, the President's own Democrat co-chair of the debt commission, Erskine Bowles, said "This debt is like a cancer." And he's right.

This debt cancer is spreading rapidly. Democrat spending is out of control and adding to the already staggering deficit. House Democrats canceled the 2011 budget and failed to propose and pass an annual budget resolution for the first time since 1974.

More and more tax dollars are being wasted. Job creation in the private sector remains at a virtual standstill. A trillion dollars was spent on the President's stimulus, and there are still more than 14 million people out of work.

This cancerous debt, a symptom of the failed stimulus and increasing government control, needs to be stopped immediately. Washington needs to start letting taxpayers spend their own

money and start putting Americans back to work.

SOCIAL SECURITY

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, 75 years ago this country recognized the plight of senior citizens who had no retirement, who were forced to move in with their kids when they got old; and we created Social Security. And it has been a tremendous success. Many people, however, don't realize what else Social Security does for this country.

About 8.5 million Americans who have a disability that limits their ability to work receive assistance from the program. Roughly 6.5 million children receive part of their family income through a program which has lifted nearly 2 million of them out of poverty.

When their breadwinner, when their father or their mother, dies, Social Security gives them a benefit. Some of them have used it to go to college. And through the Social Security program, another 7.5 million people, very low income and severely disabled people, receive critical financial support to meet their most basic needs.

I urge all my colleagues to review the entire record and support fixing Social Security next session.

COMMEMORATING 58TH ANNIVERSARY OF PUERTO RICO CONSTITUTION

(Mr. PIERLUISI asked and was given permission to address the House for 1 minute.)

Mr. PIERLUISI. Mr. Speaker, 58 years ago this Sunday, the Constitution of Puerto Rico took effect. As we mark this occasion, it is appropriate to reflect on the progress that Puerto Rico has made in fulfilling the aspirations expressed in our Constitution and to acknowledge the distance we have left to travel.

Our Constitution reflects the values and dreams of our people. Its words reinforce our commitment to democracy and equality and confirm that we treasure both our Puerto Rican roots and our American citizenship.

Over time, the bonds between Puerto Rico and the United States have grown stronger. Like so many American stories, this is the chronicle of progress, evolution, and the steady march towards a more perfect Union.

But the aspirations of our Constitution have yet to be realized. There will be no democracy for Puerto Rico until its people have a real voice in making the national laws that govern their lives, and there will be no equality so long as they can be treated differently than their fellow citizens simply because they live in a territory.

Today I renew my pledge to fight so that one day democracy and equality will prevail in Puerto Rico.

SOCIAL SECURITY

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, on its 75th anniversary, August 14, Social Security is once again under assault by congressional Republicans. Social Security has been, for 75 years, a bedrock promise. You earned it with a lifetime of hard work, and it should be there for you for future generations.

If Republicans had succeeded, seniors would have lost trillions more in the stock market meltdown of the Bush recession. But, instead, no one lost a penny in Social Security.

Social Security is not the cause of our budget deficits, and benefit cuts should not be the solution.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 4213, UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2010

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1550 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1550

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, with the Senate amendment to the House amendment to the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment to the House amendment to the Senate amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from North Carolina, Dr. FOX. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that

all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1550.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

This resolution provides for consideration of the Senate amendment to the House amendment to the Senate amendment to H.R. 4213, the Unemployment Compensation Extension Act of 2010, finally.

The rule makes in order a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment to the House amendment to the Senate amendment to H.R. 4213. The rule provides 1 hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. Finally, the rule provides that the Senate amendment shall be considered as read.

Mr. Speaker, H.R. 4213, the Restoration of Emergency Unemployment Compensation Act of 2010, ensures that much-needed Federal assistance continues to reach the millions of Americans struggling to find a job, trying to keep their homes and doing the best they can to provide for their families.

This legislation is long overdue with unemployment benefits having expired on June 1 of this year. Though I am pleased that this legislation is retroactive to that date, millions of Americans who desperately needed our support were left hanging by the egregious obstructionism that prevented this legislation from moving forward.

While the other party is content with giving themselves a pat on the back for every roadblock they throw in front of the Democratic bill, I remind my colleagues that they are playing with the livelihoods of countless, hardworking Americans. What is merely a political win for them is, in reality, another family that can't make rent, can't send their kids to college, or can't pay their medical bills.

As we are well aware, much of the debate surrounding this bill has centered on its cost. Now, we, in the Democratic Party, believe that balancing the budget is vital for our long-term prosperity, but it cannot be done on the backs of struggling Americans.

Over the past few weeks, my Republican colleagues have railed on about Democrats not cutting the deficit or spending beyond our means. But I wonder if my Republican colleagues have looked in the mirror lately.

I have been here for some time; and I can't, for the life of me, remember any

calls for fiscal discipline when their party was cutting taxes for millionaires and billionaires, sending a blank check overseas, or squandering \$127 billion Federal budget surplus.

Time and again, my colleagues' actions simply do not match their rhetoric. Further cutting the budget and denying unemployment benefits aren't going to make jobs magically appear.

□ 1030

Such actions will only cause our economy to contract and leave more people out in the cold. Our economy needs a deliberate, targeted approach to job creation and economic growth, and that is what Democrats will provide.

To say, as my colleagues often do, that Democrats are moving in the wrong direction and doing nothing to create jobs is simply a bold-faced lie. Over the last 1½ years we've gone from a period of negative growth to consistent increases in our GDP. We've gone from 22 months of job loss to 6 straight months of private-sector job creation, albeit not nearly enough. We've gone from shuttered factories to the largest 12-month gain in industrial production since 1998. Make no mistake, job creation is the number one priority for Democrats, but as the job market recovers, there remain far too many who are out of work and losing hope.

While my Republican colleagues question the need to lend a hand to those who are struggling, I question their aversion to provide opportunity to those who have none. Maybe there are no poor people in some of my colleagues' districts, but in the district that I am privileged to represent, people are hurting. From Pahokee to Pembroke Pines, people simply cannot find work. They are pounding the pavement, willing to take anything that comes their way, and in the meantime they need our help.

You see, Mr. Speaker, what Republicans seem to consider reckless spending, the people in the district that I serve consider a vital lifeline. There are 170,000 Floridians that are unemployed at this time. What Republicans call government waste, the American people call an essential government service. And what Republicans see as a bloated budget, our citizens see as the only thing that is keeping them from financial ruin.

The other party can continue to play political theater, but we have serious work to do. The American people cannot afford to wait a second longer. They need this extension. They deserve this extension. And we will not let Republican obstructionism prevent them from getting this extension.

And, Mr. Speaker, I will make a prediction for you. After all of the talk for all of these months, all of the obstruction to us having unemployment compensation extended that had been routinely extended since 1959 without the

kind of obstruction that it met, particularly in the other body, I predict for you that a significant number of our Republican colleagues today are going to vote for unemployment compensation. And in that regard, I'm glad they came to the dance, albeit a little late.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague, the gentleman from Florida, for yielding time.

Mr. Speaker, today I rise in opposition to this closed rule providing for consideration of H.R. 4213, a bill extending unemployment insurance. Republicans know that we must reduce the deficit, and if the underlying bill had been paid for, Republicans would have gladly supported it, but it is not.

Undoubtedly, the American people are suffering from the actions of this Democrat-controlled Congress. We go home every weekend and our constituents tell us that their concerns are both jobs and the debt. In fact, they tell us every weekend they are frightened to death for the future of this country. I've never had constituents tell me that before this year.

The simple truth is that while the liberals have repeatedly claimed their \$1 trillion 2009 stimulus plan was the right thing to do, it's hard to tell that from looking at the job situation across the U.S. The American people are facing high unemployment rates and economic uncertainty. In fact, we have a quote from our distinguished Chair of the Federal Reserve, "Economic future unusually uncertain" is the headline in *The Washington Times* today. But we need to go back to the drawing board and come back to the American people with real, common-sense solutions to their real problems that we must be willing to pay for.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, at this time I am very pleased to yield 2 minutes to a former member of the Rules Committee, a good friend of mine, the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman from Florida.

The question of unemployment benefits being conflated with the debt that was caused by tax cuts that we couldn't afford—\$2.3 trillion—by a war that was on the credit card, President Bush's war in Iraq that cost over \$1 trillion and rising, a Medicare part D program unfunded, put on the credit card, that drove this economy into a ditch. If there's going to be honest discussion about what caused this debt, then we've got to go back in history—and not distant history—to acknowledge that it was the reckless spending policies of the Republican administration and George Bush that contributed more to this debt than any other ad-

ministration in the history of this entire country.

George Bush, in 8 years, accumulated more debt by more reckless decisions than all of the Presidents who preceded him. All of those decisions, incidentally, were discretionary decisions: A war of choice—wrong war, wrong time—put on the credit card of the American taxpayers; tax cuts that did not stimulate the economy but burdened us with generations of debt; a Medicare prescription drug program where the choice was not only to put it on the credit card but to make it embedded in law the unwillingness of the Federal Government to negotiate bulk price discounts with the drug companies. It guaranteed high prices at the expense of the taxpayers and our consumers. That is the legacy of debt that brought us to this situation.

Then, there is some joint responsibility. This economic collapse we had as a result of the implosion of Wall Street that happened basically 2 years ago today, there were many reasons for that, but it was excess debt, reckless speculation on the part of the folks on Wall Street, and it led to this economic crisis that we have right now.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Florida. I yield the gentleman an additional 30 seconds.

Mr. WELCH. Mr. Speaker, when it comes to providing unemployment benefits for people who had no responsibility for getting us here, when it comes to the question of who is going to pay the price, should it be the victims of these reckless decisions, the squandering of choices that we had to make the right decision at the right time to build jobs? Should the people who are the victims of reckless policies in Washington—and in many cases by the Republican administration, in some cases because of joint lax regulation by both administrations, Democratic and Republican—are we going to impose the burden of those bad choices on the people who had no responsibility and are the victims? That would be wrong.

Ms. FOXX. Mr. Speaker, I now would like to yield 6 minutes to the distinguished gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentelady for yielding.

I would say in response that, yes, George W. Bush was responsible for what was then the worst debt in the Nation. That was a terrible public policy, and I make no apologies for it. But it needs to be pointed out that this administration and this Congress in just 2 years have run up as much debt as the irresponsible Bush administration did in all 8 years combined. Yes, that was irresponsible fiscal policy. Why in the world would you want to exacerbate and continue that bad policy? Republicans have learned their lesson. It

appears that lesson has not yet been learned on the other side of the aisle.

Mr. Speaker, anyone who has experienced firsthand the quiet panic that stalks every waking hour of an unemployed family knows how frightening and debilitating is chronic unemployment. You watch your savings evaporate, you watch your children going without the material things that their friends enjoy, and you count down the months or even days until you won't be able to make that crucial rent or house payment.

□ 1040

That unemployment check is a lifeline in such times, and I fully appreciate and understand how desperately an unemployed family is looking to the security of getting 99 weeks of such checks, but I can't go along with this for a simple reason: The only way out of this nightmare of unemployment for these families is a job.

Speaker PELOSI and others have said the most important thing we can do to create jobs is to extend unemployment benefits to 99 weeks because the unemployed would spend this money and stimulate the economy. Well, this analysis completely ignores the harsh and glaring fact that, before this money can be put back into the economy, it must first be taken out of the very same economy.

We will have to take \$34 billion more out of the economy in order to finance these extra benefits through November. In fact, this is the eighth such extension, totaling \$120 billion. That means over \$1,600 from the pocket of an average family of four in America. Since we don't have that money, we will have to borrow it from exactly the same capital pool that would otherwise have been available to loan to businesses seeking to expand jobs or to home buyers seeking to reenter the housing market or to consumers seeking to make consumer purchases.

Remember, two-thirds of economic growth depend upon consumer spending, but that money now won't be there to loan for jobs and homes and economic growth. This is \$34 billion of relief to the unemployed that they desperately need and that I desperately wish we could responsibly extend, but to do so would also mean \$34 billion of fewer jobs. It would mean perpetuating this never-ending nightmare of unemployment for these families and, indeed, throwing more families into that nightmare.

We have been told for several years now by Presidents Bush and Obama that stimulus spending would help the economy, but it hasn't, and there is a reason it hasn't. Government cannot inject a single dollar into the economy that it has not first taken out of that very same economy. Government cannot provide a dollar of temporary relief to the unemployed without first removing a dollar of permanent relief for the unemployed—namely, a job.

The talking point du jour from the other side is, well, the Republicans have no problems giving tax breaks to the wealthy but won't extend a lifeline to the unemployed. Well, once again, they just don't get it.

Milton Friedman once observed that spending is the effective rate of taxation. Spending can only be paid for in two ways—either by current taxes or by future taxes to retire borrowing. High taxes and deficits are just the symptom. The problem is the spending, and this is a spending bill.

On May 9 of 1939, after nearly a decade of unemployment checks and stimulus spending and with unemployment at 17.2 percent, Franklin Roosevelt's Secretary of the Treasury, Henry Morgenthau, made this stunning admission during a meeting with Democratic members of the House Ways and Means Committee:

He said, No, gentlemen. We have tried spending money. We are spending more than we have ever spent before, and it does not work. I have just one interest, and if I am wrong, as far as I am concerned, somebody else can have my job. I want to see this country prosperous. I want to see people get a job. I want to see people get enough to eat. We have never made good on our promises. I say, after 8 years of this administration, we have just as much unemployment as when we started and an enormous debt to boot.

Mr. Speaker, let us heed the lessons of history before we totally destroy our economy. Perpetual unemployment checks put these desperate families farther and farther away from the only thing that can truly end their suffering—a real job. That is a fact nobody around here wants to face, but until we do, chronic unemployment will continue to stalk the land, and God forbid, a few years from now, another Democratic Treasury Secretary will have to make the same admission as Henry Morgenthau did 71 years ago.

Mr. HASTINGS of Florida. Mr. Speaker, I can't believe what I just heard.

I heard what Franklin Roosevelt said. I've read what Franklin Roosevelt said. I was alive during that period of time, and I saw what happened during Franklin Roosevelt's administration. My parents, among many others, got jobs during that period of time, and they came out of the Depression, and this country soared as a result of the policies of the Roosevelt administration. We will be very wise in this country if we could possibly implement the wonderful things that he did.

I yield, Mr. Speaker, 3 minutes to my good friend, the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, the gentleman from California just said that, by extending and perpetuating unemployment benefits to families, it

will somehow destroy the economic future of these families. Everyone is entitled to their own opinions, Mr. Speaker.

I think the reality is, if you take away people's ability to pay their rent or their utility bills or their credit card bills, you absolutely destroy them. The issue before the House today is whether or not 2.5 million Americans, whose unemployment benefits have expired or are about to expire, should get extensions. I emphatically believe that they should.

Now, the argument that we have heard from the other side—first, about not even taking a vote on this issue and now against extending those benefits—is twofold.

The first, which we just heard a version of, is that to extend their unemployment benefits somehow zaps the incentive for people to look for jobs. I would challenge anybody who makes that assertion to go meet 10 or 100 or 500 unemployed people and ask them just how many want ads they have circled, just how many resumes they have sent out, and just how hard they have looked for jobs, and I think that will put that argument to rest.

The second argument is a good faith argument that people do not want to add to the national debt. First of all, this is a selective argument. Nearly two-thirds of the national debt was accumulated during the administrations of Presidents Reagan, George H. W. Bush, and George W. Bush.

Most recently, when the past administration added to the national debt by prosecuting an endless occupation of Iraq with borrowed money, virtually no one on the other side raised this issue. Most recently, when the prior administration dramatically reduced the taxes of the top 5 percent of the people in this country by borrowing the money, virtually no one on the other side raised this issue.

Today, Members on the other side, both in the other body and here, have taken the position that, while extending benefits to janitors and bus drivers and salespeople who have lost their jobs is somehow fiscally irresponsible if you don't offset it, extending tax breaks to the top 5 percent of the people in the country on a permanent basis is completely responsible.

So, in other words, the person who was laid off from her job of cleaning an office building can't get unemployment benefits unless there is a spending cut or a tax increase to pay for it, but the person who owns the office building, who could get a \$500,000 tax cut, could get that with borrowed money. This makes no sense.

What does make sense is a "yes" vote on today's bill.

Ms. FOXX. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Nevada (Mr. HELLER).

Mr. HELLER. I appreciate the gentlewoman's extending some time.

Mr. Speaker, it is an honor to be here in front of you and to spend some time talking about these unemployment benefits that we have in front of us today.

We had some, of course, unfortunate information come out of the administration as to the unemployment numbers for the last month. They actually went up in the State of Nevada. Right now, the unemployment rate in the State of Nevada is at 14.2 percent. In the city of Las Vegas, that unemployment number is at 14.5 percent. That is the worst unemployment of any place across this Nation, so it is very disheartening. The question, I guess, that I have, Mr. Speaker, is:

Who do we hold responsible? Who do we hold responsible for the failed economic policies of this Congress and this administration?

I want to make it clear that I do not believe that the unemployed are the ones who should be held accountable for these failures. Despite the promises from this administration that a stimulus bill would cap unemployment at 8 percent, we are seeing across this Nation numbers much higher than that. We continue to see Nevada grow from 10 percent, 11 percent, 12 percent, and now to 14.2 percent. It was supposed to be an immediate jolt. Clearly, it didn't happen. The truth is the stimulus has failed the American people and the people of the great State of Nevada.

I want to read a letter that I received recently from one of my constituents, Heidi, from the city of Sparks, Nevada.

She writes, "I need you to really try and understand just how difficult things are for some, if not most of us, still unemployed here in the lovely State of Nevada."

□ 1050

"I have been unemployed for just about 6 months now. My husband was laid off back in November, recently took a job for a considerably less amount just to get a job. I have been on several interviews, filled out countless applications, and sent my resume to countless companies."

Heidi worked for the same company for 6 years, her husband, laid off after working 13 years.

It just goes to expand the failed policies that we're seeing here in this Congress, coming out of this Congress and coming out of the administration.

Mr. HASTINGS of Florida. Will the gentleman yield? I will yield the gentleman 15 seconds of my time if he would answer a question.

Mr. HELLER. I will be more than happy to.

Mr. HASTINGS of Florida. What do you think would have happened had the stimulus bill not passed?

Mr. HELLER. In other words, you're asking me what would have happened if we took all this money out of the private sector and put it in the public sector? Is that the question you're asking me?

Mr. HASTINGS of Florida. What would have happened to those teachers, what would have happened to those police officers who kept their jobs?

The SPEAKER pro tempore. The gentleman's 15 seconds has expired.

Mr. HELLER. Mr. Speaker, I believe we need private sector money given to private sector government given to private people, not more public jobs. And that's what the other side continues to argue.

But I will tell you that Members on both sides, both sides of the aisle are trying to help the unemployed. But what the argument here is, do we continue to add \$34 billion to the \$13 trillion in debt that we now have here in this country. And that's the argument.

And if you want to ask another question, how do you plan on paying for it, there was a rule. There was an opportunity for the Rules Committee to pay for this.

How often is the left and how often is the majority party saying that the unemployment is a stimulus to this economy? That's great. And if you want to go down that road, what I would argue is then take the stimulus dollars that are unused and use it to pay for these unemployment benefits. You can do it. You can do it. It's not that you can't do it; it's that you won't do it. And that makes no sense.

I had that substitute amendment in the Rules Committee. Of course it failed. I think it's unfortunate. What we're doing here today is that we're going to pass this bill. I'm going to vote against the rule. I will vote for the bill, but I'm voting against the rule.

And the problem with this is we're going to pass this bill and what we're going to do is we're going to go on a 6-week vacation. That's what we're doing here. We're going to go on a 6-week vacation. And what we're going to say is that, hey, we're going to extend these unemployment benefits, but we're going to get full pay for 6 weeks while we're on vacation. Why don't we stay here, Mr. Speaker?

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman an additional 30 seconds.

Mr. HELLER. I want to stay here over the 6-week period, put some economic, bipartisan economic policies together so the people like Heidi from the city of Sparks, Nevada, can get a job. I think that's what we ought to be doing here in Washington, D.C. instead of casting a vote, ducking and hiding, running out for a 6-week vacation.

I ask a question: Who's to be held responsible for the failed economic policies of this Congress and this administration? And I don't believe it should be the unemployed.

Mr. HASTINGS of Florida. Mr. Speaker, it doesn't take a degree in trigonometry to understand that if you

spend \$34 billion helping unemployed people who should have been helped in the first place much longer ago, and according to the Congressional Budget Office, a very neutral concern that analyzes these matters, for every dollar spent, \$1.90 comes back into the economy. That would, by my count, add up to spending \$34 billion and having come into the economy \$64.6 billion.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Ms. JACKSON LEE), my good friend.

Ms. JACKSON LEE of Texas. Mr. Speaker, it is simply the morally right thing to do. And as I listen to the bantering and the chattering and the constant obstructionist policies of my friends, Republicans in this body and the other body, I'm amazed that there is no moral compass to say that millions of Americans, those who have worked, are simply asking that they be able to survive.

This is not a handout. This is a trust, a contract, that when you work you invest in unemployment insurance to a certain extent, first given by the States, and now, because the States have run out of money, our federal government, their government is extending those dollars. And we know that it's the right thing to do because those people on the other side of the aisle have allowed this obstructionism to go forward, but they couldn't fight it anymore.

They couldn't fight 62 percent of the American public who said this is the right thing to do. They couldn't fight the Congressional Budget Office who said this is the most cost-effective and fast-acting infusion of dollars to help people pay their mortgage and food and car payments and to stay off the streets, and to improve the economy.

And further, Mr. Speaker, Chairman Bernanke said, It's no time for the deficit hawks to raise their heads. Continuing to stimulate the economy is the right approach.

What we, as Democrats, are doing, infusing dollars into the economy, is the best approach to get the economy to grow. Corporate revenues grew in the last quarter, but corporations are hoarding their money, for now. I believe we will see more job creation soon.

We are creating jobs and therefore we must continue to stimulate this economy by these unemployed individuals having resources to buy into the economy and to make a difference.

I thank the gentleman very much for yielding and allowing me to say that all of the economists point to the fact that we're doing the right thing. I ask the Republicans to join us today and stand as Americans and do what is right for America.

Mr. Speaker, I rise in support of H.R. 4213, "The American Jobs and Closing Tax Loopholes Act of 2010". I am primarily concerned with the unemployment provision in this piece

of legislation. If passed, this bill will restore unemployment aid to 2.5 million Americans who have lost their benefits and are still seeking work in this emerging economy. It will give hope to the long-term unemployed and allow them a chance to survive by extending their benefits to November 30th, 2010.

Mr. Speaker, if there is a single federal program that is absolutely critical to people in communities all across this nation at this time, it would be unemployment compensation benefits. Unemployed Americans must have a means to subsist, while continuing to look for work that in many parts of the country is just not there. Families have to feed children. Unemployed workers, many of whom rely on public transportation, need to be able to get to potential employers' places of work. Utility payments must be paid. Most people use their unemployment benefits to pay for the basics. No one is getting rich from unemployment benefits, because the weekly benefit checks are solely providing for basic food, medicine, gasoline and other necessary things many individuals with no other means of income are not able to afford.

Personal and family savings have been exhausted and 401(Ks) have been tapped, leaving many individuals and families desperate for some type of assistance until the economy improves and additional jobs are created. The extension of unemployment benefits for the long-term unemployed is an emergency. You do not play with people's lives when there is an emergency. We are in a crisis. Just ask someone who has been unemployed and looking for work, and they will tell you the same.

With a national unemployment rate of 9.5 percent, preventing and prolonging people from receiving unemployment benefits is a national tragedy. In the city of Houston, the unemployment rate stands at 8.3 percent as almost 250,000 individuals remain unemployed. Indeed, I can not tell you how difficult it has been to explain to my constituents who are unemployed that there will be no further extension of unemployment benefits until the Congress acts. Whether the justification for inaction is the size of the debt or the need for deficit reduction, it is clear that it is more prudent to act immediately to give individuals and families looking for work a means to survive.

H.R. 4213 is just the right measure at the right time. The legislation will send a message to the nation's unemployed, that this Congress is dedicated to helping those trying to help themselves. Until the economy begins to create more jobs at a much faster pace, and the various stimulus programs continue to accelerate project activity in local communities, we cannot sit idly and ignore the unemployed. As such, I urge my colleagues to support H.R. 4213.

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished ranking member of the Rules Committee.

Mr. DREIER. Mr. Speaker, let me begin by expressing my appreciation to my very good friend from Grandfather Community North Carolina for her thoughtful approach in dealing with what is obviously an extraordinarily difficult issue.

Night before last I had one of the telephone town hall meetings that many of our colleagues have regularly now, and there was an unemployed truck driver who was on the line saying that he had, for 1 year, been looking for a job. I said, are you going out every day? And he said, well, actually I'm going out every other day because I've got responsibilities taking care of my family. But he said that he is out working very hard to find a job. And he said we need to do what we can to ensure that those of us who are hurting do have access to those benefits.

Then he went on to say, after I had talked about the desire for us to, with our \$1 trillion-plus budget, we have a budget well in excess of \$1 trillion, that we might be able to find \$34 billion to pay for this.

He said, that makes so much sense. He said, please try to do that. And when you do it, then we'll be able to have the unemployment benefits that we need right now just to survive.

Now, Mr. Speaker, the notion of pay-as-you-go was not a Republican initiative. It was an initiative led by Democrats; and, in fact, as we saw the Democrats emerge to majority, pay-as-you-go has been the Holy Grail. In fact, we've heard constantly that pay-as-you-go would be utilized to deal with spending legislation, meaning we would offset it by bringing about spending cuts in other areas.

□ 1100

Mr. Speaker, it seems to me that my friend Mr. HELLER was absolutely right when he came before the Rules Committee this morning and made his case that he proposed an offset so that this truck driver in southern California with whom I spoke 2 nights ago would be able to get his benefits, and we would also be able to do what this unemployed truck driver wants, and that is for us to do what he said was a commonsense approach, to pay for it. I think Mr. HELLER really hit the nail right on the head when he said you can do it; it's just that you won't do it.

I have to say, and I said this when I stood here yesterday, Mr. Speaker, I like to be a positive, Ronald Reagan optimist. But when we know that the majority can in fact pay for this and they know that we are desperately concerned about the fact that an attempt is being made, as Mr. MCCLINTOCK pointed out in his thoughtful remarks, that we're exacerbating the spending problem, which did go on under the Bush administration, but has gotten substantially worse in the last 18 months—in fact, we all know we've seen an 84 percent increase in non-defense discretionary spending. And so we've said, okay, we'll go along, and we want to see if we can find in this \$1 trillion-plus budget \$34 billion to offset so that we can pay for these benefits.

The other side of the aisle has chosen not to do it, I think in large part to put

some of us in a position of saying, well, if you're not going to do this, if you're just going to blindly continue with \$34 billion in additional spending, we're not going to go for it. And what is it they want to do, Mr. Speaker? They of course want to paint us as being on the other side of those who are trying to make ends meet.

Again, we've seen constantly this class warfare argument. And to me it's a failed argument. I like to quote the late Senator Paul Tsongas. We are very pleased to have his widow serve here as our colleague from Massachusetts. Senator Tsongas had this very clear approach when he was running for President in 1992. He said, "The problem with my Democratic Party is that they love employees, but they hate employers."

And, Mr. Speaker, as you look at that argument, this perpetuation of class warfare, tax cuts for the rich, throwing people who are on unemployment out into the streets without having any concern for them whatsoever, that argument really falls very flat because I believe that the American people understand that we truly do care. We do want to create opportunity for everyone. And those who are desperately in need should in fact have their needs met. And we want to do what we can.

Now, I will say that this measure extends for people going onto unemployment, unemployment benefits for 99 weeks. Ninety-nine weeks. Now, that's almost 2 years. Now, I hope very much, as Mr. HELLER said, that we can put into place a bipartisan approach, a bipartisan approach to deal with economic policy that can get this economy growing.

We know that we were promised an unemployment rate that would not exceed 8 percent if we passed the \$1 trillion stimulus bill. And in part of the area that I represent in southern California, the unemployment rate is 14.4 percent. Statewide for us in California, just announced this week, it's 12.3 percent. Nationally, it's 9.5 percent. Well, it's well in excess of what we were promised.

So why don't we try to do what has succeeded in the past, using again the model of John F. Kennedy and the model of Ronald Reagan. When John F. Kennedy's economic growth plan was put into place in 1961, marginal rate reduction, growth-oriented, growth-oriented tax cuts. I was just talking to my friend Mr. WELCH, the gentleman from Vermont. And it's true every tax cut does not generate economic growth. But if we had growth-oriented tax cuts, we could do, I would hope, what John F. Kennedy was able to do in the 1960s. He saw a 60 percent increase in the flow of revenues to the Federal Treasury. Economic growth generated more revenues.

We know that we need to increase revenues. We desperately need to in-

crease revenues to deal with the spending that has taken place, and to try and pay down this \$13 trillion debt. In the 1980s the increased flow of revenues to the Treasury was 90 percent when the Ronald Reagan tax plan was put into place. It's a bipartisan approach, exactly what Mr. HELLER said.

Mr. Speaker, let's use that as our model, which will be substantially better than what is being put before us today.

Mr. HASTINGS of Florida. Mr. Speaker, would you be so kind as to tell me the remaining time for both sides?

The SPEAKER pro tempore. The gentleman from Florida has 14 minutes remaining. The gentlewoman from North Carolina has 10½ minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman, my good friend and colleague on the Rules Committee, Mr. MCGOVERN.

Mr. MCGOVERN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this rule and the underlying bill. Mr. Speaker, all I can say is it's about time. And to my friends on the other side of the aisle, let me say it's a shame that it has taken this long. For 7 weeks, millions of Americans who have lost their jobs through no fault of their own have worried about how they are going to pay for their groceries, pay for their rent, pay for their mortgage, or pay for their children's college tuitions. They have sat around their kitchen tables and made tough decisions about their family budgets. And through this all they have continued to apply for job after job after job.

That's what unemployed Americans have been doing during these last 7 weeks. But what have the Senate Republicans done to help them, to restore benefits to Americans who have earned them through a lifetime of work? They've done nothing. My friends on the other side of the aisle talked about the need to extend the Bush tax cuts for their wealthy friends, which they don't want to pay for.

I mean here's the deal: they don't worry about the deficit when it comes to tax cuts for millionaires, but when it comes to working people who are confronting difficult times, who are faced with an emergency, all of a sudden they got religion when it comes to the deficit. They made a lot of noise about characterizing unemployment benefits as a government handout or somehow encouraging lazy behavior. But I would challenge any of my Republican colleagues to say those things face-to-face to someone who has been out of work for a year, who has applied for job after job after job without getting a response.

Mr. Speaker, the facts don't lie. According to the nonpartisan Congressional Budget Office, extending unemployment benefits is the most efficient

way for the government to generate economic growth. Each \$1 spent on unemployment benefits creates up to \$1.90 in economic output. Extending these benefits also creates jobs and decreases the chances that we slip into a double-dip recession.

In every other economic crisis in American history, Democrats and Republicans have put aside their partisan differences and provided emergency unemployment benefits to those Americans who have lost their jobs.

Mr. Speaker, House Democrats did our job. On July 1, we passed an extension of benefits that would have restored benefits for those who lost them in early June. It would have also ensured that jobless Americans would have the peace of mind of knowing that benefits were available to them to the end of November while they continue to apply for jobs. And since then we have worked and reworked this benefits extension to try to address Republican concerns. But every time, every single time we have been stonewalled by Republican obstructionism. They would rather use unemployed Americans as political pawns instead of restoring benefits to good, decent, hard-working people who have earned them over a lifetime of work.

Mr. Speaker, enough is enough. Enough of the politics. Let us extend these benefits to the hardworking people who have lost their jobs, who are dealing with this difficult economic time. This is the right thing to do. This is the decent thing to do. We should have done it a long time ago. I urge my colleagues to support the rule and the underlying bill.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

I have to remind my colleagues across the aisle again that the Democrats have been in control of Congress since January 2007, and we have had a Democrat in the White House for almost 2 years. So the Democrats have been in control and Republicans are in the minority, and the Democrats can do what they want to because of their numbers in Congress.

While the Obama administration continues its so-called summer of recovery, Mr. Speaker, claiming the Democrats' stimulus bill saved or created 3 million jobs, the facts are 47 out of 50 States have lost jobs since the stimulus passed. Republicans on the Ways and Means Committee released a report on Tuesday that showed this data, and I would like to insert this report into the RECORD.

Mr. Speaker, this report compares the number of jobs created in each State that the administration currently claims in a White House report issued July 14 with the actual change in jobs since the stimulus became law as documented by the administration's own Department of Labor. It shows that only Alaska, Kentucky, and North

Dakota, along with the District of Columbia, have shown any real job growth since the stimulus passed. And even in those States, the official job creation has fallen far short of administration claims.

□ 1110

The administration claims that every State and the District of Columbia have seen a positive job growth. This is simply not true when you look at the actual numbers from the Department of Labor.

And let me say that in Alaska, only 2,200 jobs have been created since the stimulus passed. In Kentucky, 2,400 jobs; and in North Dakota, only 5,100 jobs. And most of us know that in North Dakota it's because of the discovery of energy. And that compares with what the administration has said they created 8,000 in North Dakota, they claim 41,000 in Kentucky, they claim 7,000 in Alaska. So the numbers are quite different.

But let me point out that in the District of Columbia where there are government jobs that have been created and lobbyist jobs that have been created as a result of this administration's policies, there are 7,800 jobs. So the bulk of the jobs that have been created are government jobs.

Republicans don't think this is right, neither do the American people think this is right. We need real jobs in the private sector.

47 OUT OF 50 STATES HAVE LOST JOBS SINCE DEMOCRATS' STIMULUS LAW—TUESDAY, JULY 20, 2010

While the Obama Administration continues their so-called "Recovery Summer" tour claiming the Democrats' stimulus bill "saved or created" three millions jobs, the facts show 47 out of 50 States have lost jobs since stimulus passed. The table below compares the number of jobs the Administration currently claims its stimulus has somehow created in each State (center column) with the actual change in jobs since stimulus became law (right hand column), as documented by the Department of Labor. It shows that only Alaska, Kentucky and North Dakota, along with the District of Columbia, have shown any real job growth since stimulus passed and even in those States the official job creation has fallen far short of Administration claims.

"Americans are asking where are the jobs, but all Washington Democrats are showing them is more unemployment, debt and higher deficits," said Ways and Means Ranking Member Dave Camp (R-MI).

State	Administration claims of change in jobs through June 2010	Actual change in jobs through June 2010
Alabama	+42,000	-45,500
Alaska	+7,000	+2,200
Arizona	+64,000	-80,300
Arkansas	+26,000	-12,600
California	+357,000	-520,200
Colorado	+50,000	-84,600
Connecticut	+38,000	-34,000
Delaware	+9,000	-5,500
DC	+16,000	+7,800
Florida	+167,000	-152,200
Georgia	+91,000	-124,600
Hawaii	+13,000	-12,700
Idaho	+15,000	-14,600
Illinois	+140,000	-155,000

State	Administration claims of change in jobs through June 2010	Actual change in jobs through June 2010
Indiana	+68,000	-29,800
Iowa	+34,000	-23,700
Kansas	+28,000	-34,200
Kentucky	+41,000	+2,400
Louisiana	+39,000	-17,300
Maine	+14,000	-11,400
Maryland	+53,000	-14,300
Massachusetts	+79,000	-36,700
Michigan	+102,000	-91,400
Minnesota	+60,000	-47,900
Mississippi	+26,000	-25,400
Missouri	+59,000	-48,300
Montana	+10,000	-3,100
Nebraska	+17,000	-10,300
Nevada	+29,000	-64,300
New Hampshire	+13,000	-100
New Jersey	+94,000	-68,300
New Mexico	+19,000	-30,900
New York	+206,000	-115,400
North Carolina	+90,000	-49,700
North Dakota	+8,000	+5,100
Ohio	+117,000	-131,500
Oklahoma	+35,000	-33,500
Oregon	+41,000	-49,000
Pennsylvania	+130,000	-71,600
Rhode Island	+11,000	-15,200
South Carolina	+41,000	-15,100
South Dakota	+8,000	-4,100
Tennessee	+60,000	-69,400
Texas	+225,000	-57,700
Utah	+27,000	-11,000
Vermont	+7,000	-7,300
Virginia	+73,000	-39,500
Washington	+67,000	-68,600
West Virginia	+16,000	-10,200
Wisconsin	+63,000	-82,000
Wyoming	+6,000	-9,900

Sources: July 14, 2010, White House.
Council of Economic Advisors report and Ways and Means Republican Staff calculations based on Department of Labor data.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to my good friend, the distinguished gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Thank you very much for yielding.

Let me tell you something about the State of Nevada. We have the highest unemployment rate in the country—14½ percent unemployed—our fellow citizens with no jobs to go to and no jobs to seek. We have the highest mortgage foreclosure rate in the country. Nevadans are suffering.

It has taken far too long for this Congress to act. Unemployment benefits are not a handout. It's not welfare. It's giving a helping hand to our fellow citizens that need it the most, to get them where they are now—which is without a job—to where they're going to be when there is an economic recovery.

The gentleman from northern Nevada had an amendment in the Rules Committee that said unobligated stimulus money should go to pay for this. How many times does he have to hear that there are no unobligated funds in the stimulus bill? For any Nevadan to condemn the stimulus bill is to ignore what's going on in the State of Nevada.

Let me tell you what the stimulus bill did for us. It put \$700 billion into our education system. I'm not talking about only paying teachers and keeping them employed, I'm talking about the possibility of having to close schools. It put \$500 billion into Medicaid so that poor children and poor adults aren't going to be out on the

streets dying for lack of medical care. Our unemployment compensation trust fund was broke. Zero. Zippo. We were able to put money into that.

And in addition to that, the construction projects that came directly from the stimulus package—not public but private contractors bidding on these projects and then hiring construction workers, the downtown transportation center, the park-and-ride in Centennial Hills, the Boulder Highway Transportation Center, and so many more came directly from this stimulus bill.

In addition to that, we had a middle-income tax cut, we had \$250 that went to every Social Security recipient, \$250 went to every disabled veteran in Nevada. We welcomed this money. We needed this money. It kept us afloat.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, yes, I've talked to several of our unemployed back home. And boy, I tell you, I empathize with them. It's a tough position. I just talked to an unemployed truck driver. His benefits are running out, but yet the trucks that have been idled over the last couple of years are yet to be back onto the road because this is a jobless recovery. Well, it's a very minimal recovery at best. But they aren't creating the jobs.

The public knows and we know that the stimulus hasn't worked. The business community feels that not only does the administration not understand business, but they are now attacking businesses, and the policies have created uncertainty where they won't create the jobs. That's the issue here. There's no jobs for them to go back to because of the policies that have been adopted in the last year and a half.

We should be growing the economy and getting these people back to work. That's what they want to do.

Now, again, I empathize. But the issue here is at a time when the majority is spending probably over \$4 trillion by the time this calendar year is done—and we're already at deficit spending of over a trillion dollars by June—the people are saying, Stop the spending. Stop the deficit spending.

And that's what the issue is here is the \$34 billion that's not paid for that's going to go to the deficit and ultimately to our national debt, and that's what the people are telling us to stop—even the unemployed truck driver that I talked to.

So, all we ask of the majority here, \$34 billion, you're telling me out of—well, we don't have a budget—but out of \$3.8 trillion you can't find \$34 billion to offset and keep your promises of PAYGO?

Mr. HASTINGS of Florida. Mr. Speaker, I would tell my friend where that trillion-dollar deficit came from is

the \$1 trillion combined in Afghanistan and Iraq that we spent that's off budget, never accounted for, borrowed and spent by the Republicans in the majority.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Wisconsin, my good friend, the chairman of the Committee on Appropriations, DAVID OBEY.

Mr. OBEY. I thank the gentleman for the time.

Talk, talk, talk. Blah, blah, blah. Yap, yap, yap. The country is sick of it all. They are sick of it all. Thank God finally there will be a cease-fire for the moment on the yap-yapping and the talk-talking while the Congress actually takes some action to restore unemployment benefits for nearly 85,000 people in my State and over 2½ million Americans who are caught up in the partisan delay game that was being played every day by some of our friends in the other body.

We're told, "Oh, we can't afford this." We hear that from the same people who blew up the economy in the first place with two wars paid for with borrowed money, with two tax cuts primarily aimed at the highest income people in this country paid for with borrowed money, and with years of economic policies that allowed Wall Street banks to morph into casinos because the referee was taken off the field.

And now they're crying crocodile tears at this late date about the cost of helping folks who are unemployed. And they want us to take actions in dealing with that that would further weaken the ability of the economy to grow.

And then some of them even have the gall to challenge the work ethic of Americans who are drawing unemployment. And some of them are off-the-wall enough to even believe that those folks would rather get a few hundred bucks a month rather than a steady paycheck. Well, if you believe that, I've got a lot of unemployed workers in Wisconsin I'd like to have you meet.

If you want, if you must, by all means debate economic theory, debate your academic theories, debate anything you want. But for God's sake remember that in this debate the people who are being affected are flesh-and-blood human beings. They are families who need our help. And it would be nice if we could quit yap-yapping long enough to provide that help.

Don't use the unemployed as cannon fodder in academic and political debates. For God's sake, remember there are simply people who need our help. Get it to them. We can have the phony political debates on another day.

Ms. FOXX. Mr. Speaker, I need to point out to my colleagues once more that when the Democrats took over the Congress in January of 2007, the deficit was about \$200 billion. There was a wonderful situation under Mr. Clinton,

they like to point out, but that was because Republicans were in control of Congress and were controlling spending.

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When the Democrats took control of Congress, that's when things started going downhill for this country. It's when unemployment started going up and bad things happened.

Let me say, Republicans have repeatedly called for cutting unspent stimulus spending to offset spending, but we're not alone.

The majority leader, Mr. HOYER, said on June 13 there's spending fatigue across the country and that, if we have dollars not yet expended in the Recovery Act, they should be redirected to pay for new spending like this.

The chairman of the House Appropriations Committee, Mr. OBEY, hailed amendments to the supplemental appropriations bill made on July 1 that were paid for by repeatedly cutting unspent projects in the stimulus bill.

In the other body, the chairman of the Senate Finance Committee, Mr. BAUCUS, has suggested the same, pay for new spending by cutting stimulus.

Mr. Speaker, I enter the sources for my comments in my remarks for the RECORD.

Republicans have repeatedly called for cutting unspent stimulus spending to offset this spending. We are not alone. The Majority Leader, Mr. HOYER, said on June 13 there is "spending fatigue" across the country and that "if we have dollars not yet expended in the recovery act" that they should be redirected to pay for new spending like this. The Chairman of the House Appropriations Committee, Mr. OBEY, hailed amendments to the supplemental appropriations bill made on July 1 that were paid for by repeatedly cutting unspent projects in the stimulus law. In the other body, the Chairman of the Senate Finance Committee, Mr. BAUCUS, has suggested the same—pay for new spending by cutting stimulus.

[From the Hill's On The Money, June 13, 2010]

HOYER: WHITE HOUSE SHOULD LOOK TO
REDIRECT STIMULUS MONEY
(By Silla Brush)

House Majority Leader Steny Hoyer (D-Md.) wants the White House to look at unspent money from the 2009 stimulus package instead of asking Congress for a new fiscal package.

President Barack Obama on Saturday night wrote to congressional leaders urging them to pass legislation extending tax cuts and add new spending to prevent "hundreds of thousands" of teacher layoffs, among other cuts. Obama said that without such measures the economy could "slide backwards."

Hoyer said on ABC's "This Week" on Sunday that there is "spending fatigue" across the country and that he is encouraging the administration to look at last year's \$787 billion stimulus package to see if some money can be redirected.

"I have asked the White House to look at the package we already passed," Hoyer said. "I personally believe if we have dollars not

yet expended in the recovery act we could apply to this immediate need.”

Centrist Democrats in recent weeks have been more vocal about their concerns that new spending would lead to higher deficits and debt.

House Republican Leader John Boehner (R-Ohio) said: “To move without finding other offsets is irresponsible.”

[From the Committee on Appropriations,
July 1, 2010]

HOUSE CONSIDERATION OF THE 2010 SUPPLEMENTAL APPROPRIATIONS ACT: AMENDMENTS ON FULLY OFFSET EDUCATION AND OTHER FUNDING

(By Ellis Brachman and Jenilee Keefe
Singer)

WASHINGTON, D.C.—The House of Representatives passed two amendments to H.R. 4899, the 2010 supplemental appropriations bill for efforts in Iraq, Afghanistan, and Haiti and pressing domestic needs.

The Senate bill provides a total of \$45.5 billion in discretionary funding for FY 2010, of which \$37.12 billion is provided for our troops in Iraq and Afghanistan. The bill also provides \$5.1 billion for FEMA disaster relief, \$2.9 billion for Haiti, \$162 million for the Gulf Coast oil spill, and over \$600 million for other domestic needs in discretionary appropriations. Additionally, the bill includes \$13 billion in mandatory funding for Vietnam veterans exposed to Agent Orange as requested by the President.

The House amendments add \$22.8 billion for important domestic needs, including \$10 billion for an Education Jobs Fund to help save 140,000 education jobs for the next school year, and funding for Pell Grants, summer youth jobs, the Pigford and Cobell settlements, border security, innovative technology energy loans, schools on military installations, additional Gulf Coast oil spill funding, emergency food assistance, a new soldier processing center at Fort Hood, and program integrity investments that are proven to produce 1½ times their cost in savings.

In order to hold the total amount to the President's requested level over a ten-year period, the amendments include a total of \$23.5 billion in offsets: \$11.7 billion in rescissions from programs that no longer require the funding, have sufficient funds on hand, or do not need the funding this year or next; \$4.7 billion in savings from changes to mandatory programs; and \$7.1 billion in increased revenues.

In total, the amendments save the Federal Government \$493 million over ten years compared to the President's request for Supplemental funding.

SUMMARY OF PROVISIONS IN THE HOUSE
AMENDMENTS

Education Jobs: \$10 billion, fully offset, for an Education Jobs Fund to provide additional emergency support to local school districts to prevent impending layoffs. It is estimated that this fund will help keep 140,000 school employees on the job next year.

Process: The fund will be administered by the Department of Education. After reviewing State applications, the Department will make formula allocations to States based on total population and school age population. States will then distribute the funds to school districts through their respective funding formulas or based on each district's share of Title I funds. In the case that a Governor does not submit an approvable application for funds to the Department of Education, the bill directs the Secretary to by-

pass the State government and make awards directly to other entities within the State.

Requirements: The bill includes strict provisions to ensure that States use these funds only for preservation of jobs serving elementary and secondary education, and not to supplant State spending on education.

Amounts from the Education Jobs Fund may not be used for purposes such as equipment, utilities, renovation, or transportation.

The bill prohibits States from using any of these funds to add to “Rainy-Day Funds” or to pay off State debt.

In order to receive an Education Jobs Fund grant, each State must provide assurance that State spending for both K–12 and higher education (measured separately) in fiscal year 2011 will be at or above either:

1. the fiscal year 2009 level (in aggregate or per pupil);
2. the same percentage share of the total State budget as in fiscal year 2010, or;
3. for states demonstrating especially dire fiscal conditions, the 2006 fiscal year aggregate dollar level or percentage share.

NOTE: More stringent rules apply to the State of Texas.

Pell Grants: \$4.95 billion, fully offset, to address the current year shortfall in the Pell Grant Program that was unanticipated last year. Over 8 million students received Pell grants this year.

Border Security: \$701 million to strengthen enforcement on the southern border, including:

\$208.4 million for 1,200 additional Border Patrol agents deployed between the ports of entry along the Southwest Border.

\$136 million to maintain current Customs and Border Protection (CBP) officer staffing levels and add 500 additional officers at ports of entry along the Southwest Border.

\$35.5 million for improved tactical communications on the Southwest Border, three permanent Border Patrol forward operating bases, and a surge of workforce integrity investigations designed to prevent corruption among CBP officers and agents.

\$50 million for Operation Stonegarden grants to support local law enforcement activities on the border.

\$32 million to procure two additional CBP unmanned aircraft systems.

\$30 million for Immigration and Customs Enforcement activities directed at reducing the threat of narcotics smuggling and associated violence.

\$201 million for Justice Department programs, as requested.

Gulf Oil Spill: \$304 million for the Gulf Coast oil spill. The Senate bill carried \$162 million, including: \$83 million for unemployment assistance related to the oil spill and an oil spill relief employment program; \$7 million for NOAA oil spill response activities, including scientific investigations and sampling; \$14 million to respond to economic impacts on fishermen; \$10 million for Justice legal activities; \$5 million for economic recovery planning; and \$31 million for the Department of the Interior to conduct additional inspections and enforcement and to strengthen oversight and regulation and for the EPA to conduct a long-term risk study. The House amendment adds \$12 million for the newly created Presidential Commission investigating the spill; and \$130 million for an unemployment benefits program for the self-employed (i.e., fisherman) and for training and employment services.

Emergency Food Assistance: \$50 million for The Emergency Food Assistance Program for food purchases to distribute through local emergency food providers.

Schools on DoD Installations: \$163 million to improve the capacity and condition of elementary and secondary schools located on DoD installations.

Energy Loans: \$180 million to allow \$18 billion in innovative technology energy loans, split evenly between nuclear and renewable energy programs.

Fort Hood Soldier Processing Center: \$16.5 million for the replacement of the Soldier Readiness Processing Center at Fort Hood, Texas, the site of the 2009 shooting.

Program Integrity Funding: \$538 million to strengthen waste, fraud and abuse prevention and enforcement for Medicare, Medicaid and the IRS. Research shows that for every \$1.00 invested into identifying and eliminating waste, fraud and abuse in government spending, we get \$1.50 back.

Cobell and Pigford Settlements: \$4.6 billion to pay for settlement of both the Cobell and Pigford class action lawsuits. The Cobell settlement concerns the government's management and accounting for over 300,000 American Indians' trust accounts, and the Pigford settlement ends a decades old discrimination lawsuit brought by black farmers against USDA.

Summer Jobs: \$1 billion to allow local Workforce Investment Boards to expand successful summer jobs programs that were funded in the American Recovery and Reinvestment Act. The funds would support over 350,000 jobs for youth ages 14 to 24 through summer employment programs. This age group has some of the highest unemployment levels—25% unemployment for those aged 16 to 19.

Modifications to the Surface Transportation Extension Act of 2010: Makes two changes to Title IV, the “Surface Transportation Extension Act of 2010,” of the Hiring Incentives to Restore Employment (HIRE) Act. First, the amendment would distribute the Projects of National and Regional Significance (PNRS) and National Corridor Infrastructure Improvement (National Corridor) program funding so that each State receives a share equal to the greater of either (1) the amount of PNRS and National Corridor program funding that the State received under the HIRE Act or (2) the amount of PNRS and National Corridor funding that the State receives under this Act. The provision authorizes such sums as may be necessary from the Highway Trust Fund to provide these amounts. Second, the amendment would distribute “additional” highway formula funds (which the bill makes available in lieu of additional Congressionally-designated projects) among all of the highway formula programs rather than among just six formula programs.

UNDERLYING SENATE PROVISIONS

FEMA Disaster Relief: \$5.1 billion for the FEMA Disaster Relief Fund, as requested by the President and included in the Senate bill. The request is necessary to pay for known costs for past disasters, such as Hurricanes Katrina, Rita, Ike, and Gustav, the Midwest floods of 2008, and the California wildfires and for needs that emerge from new disasters.

Veterans: \$13.377 billion in mandatory appropriations in 2010, as included in the Senate bill, for the payment of benefits to Vietnam veterans and their survivors for exposure to Agent Orange, which has been linked with Parkinson's disease, ischemic heart disease, and hairy cell/B cell leukemia. An estimated 86,069 people will be eligible to receive retroactive payments and 67,259 people will be eligible to receive new benefits.

Haiti: \$2.93 billion provided in the Senate bill for Haiti, \$130 million above the request.

Farm Loans: \$31.5 million, supporting \$950 million in farm loans, included in the Senate bill for the Farm Service Agency (FSA) to provide direct loans to family farmers who may not qualify for agricultural credit through other commercial institutions in the tight credit market. The funding provided in the FY 2010 appropriation bill was estimated to meet demand at the time the bill was passed, but demand for the farm ownership and operating loan programs continues to rise above historical levels due to the lack of availability of conventional credit.

Disaster Assistance: \$100 million in Community Development Block Grant (CDBG) funding included in the Senate bill to help local communities devastated by flooding this year.

Mine Safety: \$22 million included in the Senate bill to reverse the growing backlog of mine safety enforcement cases while ensuring that the Mine Safety and Health Administration (MSHA) can complete 100% of its mandated mine inspections.

Financial Crisis Inquiry Commission: \$2 million included in the Senate bill to allow the Commission to investigate the causes of the recent financial crisis. The Commission is tasked with submitting its report by December, 2010.

Capitol Police: \$13 million included in the Senate bill for the ongoing acquisition and installation of a modern digital radio system because of known security threats.

Port of Guam: \$50 million, as requested, included in the Senate bill to improve and provide greater access to port facilities.

Highway Safety: \$15 million included in the Senate bill for additional studies of sudden acceleration and to administer fuel economy standards.

Rural Housing Loans: the Senate bill provides authority to continue making loans, and protects low-income borrowers from the loan fee increase.

Army Corps of Engineers: \$178 million included in the Senate bill to respond to natural disasters.

Mississippi River and Tributaries: \$18.6 million included in the Senate bill to respond to disasters.

Emergency Drought Relief: \$10 million included in the Senate bill to respond to droughts in the West.

Flood Control and Coastal Emergencies: \$20 million provided in the Senate bill for the Army Corps.

Fisheries Disasters: \$26 million provided in the Senate bill and offset by a NOAA rescission.

Economic Development Administration: \$49 million provided in the Senate bill.

Emergency Forest Restoration: \$18 million provided in the Senate bill.

Coast Guard: \$16 million provided in the Senate bill for aircraft replacement.

OFFSETS

The bill includes \$11.7 billion in rescissions from programs that no longer require the funding, have sufficient funds on hand, or do not need the funding this year or next. It also includes \$4.7 billion in savings from changes in mandatory programs. Rescissions include:

\$69.9 million in funds appropriated before 2008 to the Department of Agriculture.

\$122 million in funding provided to the Department of Agriculture for emergencies that have been completed.

\$487 million in Recovery Act and other funding provided to the Department of Agriculture for WIC.

\$27.3 million in emergency funding for the Farm Service Agency provided as early as 2004 that are no longer needed.

\$602 million in Recovery Act funding provided to the Departments of Agriculture and Commerce for broadband grants.

\$112 million in funding provided in the Recovery Act for digital television.

\$15 million in funding provided in the Recovery Act for NIST construction.

\$2 billion in funding appropriated as early as 2006 to the Defense Department.

\$500 million in funds appropriated to the Department of Defense for military construction projects that achieved bid savings.

\$262 million in Recovery Act funding provided to the Department of Defense.

\$177 million in funding appropriated to the Defense Department for HMMWVs they no longer plan to purchase.

\$116 million appropriated for the Non-Line of Sight Launch System (NLOS-LS) which the Army has terminated.

\$100 million appropriated to the Army for Operations and Maintenance, because of slow execution of some programs within the account.

\$87 million appropriated for SINCGARS radios and other Army procurement programs that have not been spent as quickly as planned.

\$237 million in funds appropriated for Army Corps of Engineers projects now terminated or completed, or for projects that have not utilized allocated funding for several years.

\$800 million in funding provided to the Department of Education for new discretionary grant awards.

\$329 million in funding appropriated as early as 2009 to the Department of Energy, (including out-year savings).

\$18 million in funding appropriated as early as 2005 to the Nuclear Regulatory Commission.

\$100 million in funding appropriated to the General Services Administration.

\$6 million in funds appropriated in 1995 to the Department of Health and Human Services.

\$2 billion in funding appropriated as early as 2004 to the Department of Health and Human Services for pandemic flu and procurement of new biological countermeasures.

\$200 million in funding for DHS border efforts currently frozen due to secretarial review.

\$36 million in funds appropriated in 2006 to FEMA.

\$7 million in funds appropriated in 2006 to the Coast Guard.

\$53.8 million in funds appropriated as early as 2007 for research in DHS' Domestic Nuclear Detection office.

\$6.6 million in funds appropriated in 2007 to the Transportation Security Administration.

\$80 million in Recovery Act funding appropriated to the Department of Interior, EPA, and Forest Service.

\$33 million in funding provided in 1997 and 2004 to the National Park Service and the Fish & Wildlife Service.

\$2.7 million in funds appropriated in 2010 to the Judiciary.

\$11 million in funds appropriated in 1989 to the Federal Highway Administration.

\$8 million in funds appropriated in 2004 and 2006 to the Federal Aviation Administration.

\$112 million in funds appropriated in 2008 for Hurricanes Ike and Gustav and Midwest Floods.

\$400 million in funds appropriated in 2008 for CDBG for Hurricane Katrina.

\$2.2 billion in highway contract authority.

\$44 million in unused Recovery Act funding from the Consumer Assistance to Recycle and Save Program (aka Cash for Clunkers).

\$40 million in Recovery Act funding appropriated to the State Department.

\$150 million in funding appropriated for the Millennium Challenge Corporation.

\$70 million in funding appropriated to the Department of State and USAID for the Civilian Stabilization Initiative.

\$6 million in Recovery Act funding provided to the Department of Veterans Affairs for which the purpose has been completed.

\$5 million in funding appropriated to the Architect of the Capitol.

OTHER PROVISIONS

Iran Sanctions: The House amendment prohibits funding from being provided for any new contract unless the contractor has certified that it, and any entities it controls, does not engage in activity that could be sanctioned under section 5 of the Iran Sanctions Act of 1996.

No Fly List: The Senate bill requires the Transportation Security Administration (TSA) to require commercial foreign air carriers to check the list of individuals TSA has prohibited from flying no later than 30 minutes after the list has been updated.

High-Value Detainee Interrogations: The Senate bill requires the FBI to submit the High-Value Detainee Interrogation procedures, and any updates to those procedures, to the Congress within 30 days.

Defense Jobs Estimates: The House amendment requires an assessment of the number of jobs and costs associated with new major defense acquisitions planned for 2011.

Preserving Access to Affordable Generic Drugs: The House amendment includes a provision to strengthen the Federal Trade Commission's ability to restrict lucrative "pay for delay" payments by brand-name drug manufacturers to their generic competitors to delay the manufacture and marketing of more affordable generic drugs to consumers. In 2009, an FTC study found that a ban on these lucrative sweetheart drug industry deals would save American consumers \$35 billion over 10 years. CBO estimates that with the provision in this bill, the federal government will save more than \$2.4 billion over 10 years in lower drug costs for Medicare, Medicaid, military and veterans' health programs.

Medicaid AMP Computation: The House amendment includes a provision to clarify the calculation of the "Average Manufacturer Price" (AMP), which determines the amount of manufacturer rebates to the federal government for outpatient drugs purchased by the Medicaid program. This technical correction to the health care reform bill affects certain injectable, infusible, and inhalation drugs. It will save the American taxpayers \$2.1 billion over 10 years.

Public Safety Collective Bargaining: The House amendment guarantees collective bargaining rights for the nation's first responders employed by States and localities. Under the language, states would administer and enforce their own labor laws, while the Federal Labor Relations Authority would step in only where such laws do not exist or do not meet minimum standards. The language prohibits public safety officers from engaging in a lockout, sickout, work slowdown, strike, or any other organized job action that will disrupt the delivery of emergency services.

FHA Loan Authority: The House amendment increases the loan commitment authority for the Federal Housing Administration (FHA) to insure mortgages for multi-family housing, hospitals and health care facilities. This increase in authority is necessary in order to avoid a disruption or suspension in the financing of these facilities.

GRAT Minimum Term: Includes the President's 2011 Budget proposal to require a minimum 10-year term and other changes to Grantor retained annuity trusts ("GRATs"). GRATs allow taxpayers to structure a transfer of assets to avoid gift taxes. As a result, taxpayer would be required to take on greater risk in order to take advantage of the gift tax benefits of using a GRAT. This provision is estimated to raise \$5.297 billion over 10 years.

Crude Tall Oil: Limits eligibility for the cellulosic biofuel tax credit, which was created to encourage the development of new production capacity for biofuels that are not derived from food sources, to fuels that are not highly corrosive (i.e., fuels that could be used in a car engine or in a home heating application). The change would prevent taxpayers from claiming the credit for production of processed fuels that are highly corrosive, such as crude tall oil (a waste by-product of the paper manufacturing process). This proposal is estimated to raise \$1.849 billion over 10 years.

[From the Hill's On The Money]
HOUSE DEMOCRATS TO USE UNSPENT
STIMULUS MONEY FOR TEACHERS

(By Walter Alarkon)

House Democrats will try to use money from their \$862 billion stimulus to help pay for education spending in a supplemental appropriations bill.

The package crafted by House Appropriations Committee Chairman David Obey (D-Wis.) would include \$10 billion to help states and local governments avoid teacher layoffs, \$5 billion for Pell Grant funding and \$701 million to increase security at the Mexican border.

House leaders will try this week to attach the measure as an amendment to a spending bill already passed by the Senate that provides \$37 billion for the wars in Afghanistan and Iraq.

Obey's \$11.7 billion domestic spending package wouldn't add to the \$13 trillion debt. It would be offset by redirecting money in the stimulus and with other spending cuts.

About \$1.6 billion in stimulus money that would have gone to the departments of State, Defense, Interior, Veterans Affairs, Agriculture and Commerce and for the "Cash for Clunkers" automobile trade-in program will be used as an offset in the supplemental bill.

Obey's decision to offset the spending with stimulus funds is aimed at shoring up support for the supplemental spending bill. Both Republicans and centrist Democrats have opposed more deficit spending to help boost the economy.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. McCLINTOCK).

Mr. McCLINTOCK. I thank the gentleman for yielding.

The jobless need jobs. Why is it that the majority doesn't understand that? We do not help the unemployed by making more of them.

The gentleman from Florida asked an important question: What would have happened without all of the trillions of dollars of stimulus spending? It's becoming increasingly clear what would have happened: a normal V-shaped recovery.

In every past economic recession, save one, the greater the economic con-

traction, the more dramatic has been the following recovery. That one exception was the recession of 1929 when Keynesian economics had come into vogue. Herbert Hoover responded to that recession by enacting the Smoot-Hawley Tariff Act that was a tax on tens of thousands of imported products. He increased Federal spending 60 percent in 4 years. He increased the Federal income tax rate from 25 to 63 percent. These were policies that were extended and expanded under Franklin Roosevelt, and as Roosevelt's own Treasury Secretary admitted in 1939, it did not work.

The gentleman's history is simply wrong. The Depression ended and the great postwar economic boom began in 1946. You will find that, in 1946, Democrat Harry Truman cut Federal spending dramatically. In 1946, he cut the Federal budget from \$80 billion down to \$35 billion. He fired 10 million Federal employees. It was called demobilization, and the result was the entire postwar economic expansion.

Mr. Speaker, it's said that those who don't learn from history are bound to repeat it. I fear that the majority party is repeating a failed history of economic contraction at just a time when we need pro-growth policies.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my colleague and fellow Floridian, the distinguished gentleman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I am appalled, and my constituents are appalled, at the Republicans' disrespect and coldheartedness when it comes to extending unemployment benefits for out-of-work Americans. Some Republican Members of Congress and candidates in their party have suggested that unemployment insurance makes Americans too lazy to work. One Republican Member of the House even asked, "Is the government now creating hobos?"

Maybe my Republican colleagues don't understand how unemployment compensation works. You only qualify for unemployment if you were employed. Far from being a handout to someone who doesn't want to work, unemployment benefits are specifically designed for people who want to work but who can't currently find work.

The Bush recession drove our economy off a cliff creating the worst economic conditions since the Great Depression. As a result, millions of Americans lost their jobs. Nearly 800,000 Americans lost their jobs in the last month of the Bush administration alone. Those are the facts.

Now we are beginning to recover from this near economic collapse. We've seen steady economic growth, including six straight months of private sector job growth, but there are still five unemployed Americans looking for

work for every one job opening available.

The continued Republican opposition to helping out-of-work Americans is preposterous. It flies in the face of history. Since 1959, Congress has never let extended unemployment benefits expire when unemployment is over 7.2 percent.

My colleagues on the other side of the aisle claim that we can't afford to help unemployed Americans, but where were they when they ran up the deficit by passing tax cuts for the wealthiest 1 percent of Americans? Where were they when, year after year, President Bush's budget did not include the costs of the wars in Iraq and Afghanistan?

Mr. Speaker, analysis from the non-partisan Congressional Budget Office finds that extending unemployment benefits is one of the most cost-effective and fast-acting ways to stimulate the economy. Moreover, economists agree that extending these benefits will create jobs and decrease the chances of slipping into a double-dip recession. So not only is it the right thing to do to help people who are temporarily out of work, it is also one of the best ways to stimulate local economies, from the very smallest towns to the very biggest cities.

Let's do the right thing. Let's pass extended unemployment benefits.

Ms. FOXX. Mr. Speaker, I yield myself the balance of my time.

You know, I've often said that being here in Washington is like being Alice in Wonderland. I didn't know that there are a lot of other people who feel the same way.

I did want to ask my colleague from Massachusetts who made the contention that if we get \$1.90 back for every dollar we spend, we don't understand why the Democrats are stopping at spending \$34 billion for these unemployment benefits. But I do want to come back to the issue of being Alice in Wonderland.

And recently, there have been several articles that have been published that have talked about this being Alice in Wonderland and the tea party, and I would like to quote from one of those articles from The Washington Times this Monday.

"A recent CBS Poll reports that 74 percent of the population thinks the nearly \$1 trillion stimulus package either hurt or had no impact on the economy. Simply put, that means three-fourths of the American people think the stimulus package was a \$1 trillion waste of money. The same poll reports that 2.5 times as many people think the health care reform bill signed into law by Democrats will hurt them (33 percent) rather than help them (13 percent)."

It goes on to say, "Many Americans are seized with fear as what might normally be a benign, lame-duck session of Congress looms in November."

Another quote: "In Lewis Carroll's story, Alice finds herself in a bizarre, nightmarish world where the basic laws of logic no longer apply and familiar beings take on strange, unreasoning personas. More and more, many Americans view our progressive leaders on Capitol Hill and at 1600 Pennsylvania Avenue as the insane hosts of an ongoing Washington-style mad tea party."

I think that's what many Americans feel. I agree with them. That is what we are hearing when we go home to our districts and talk to the people there. They're seeing Washington as Wonderland and that there is a mad tea party going on.

I would like to also point out that there's another article which came out in Bloomberg Opinion which talks about the discrepancy in the job numbers that have come out.

Mr. Speaker, we know Americans are hurting. We know there's a lot of unemployment and we're sympathetic, but this is not the right way to go.

[From the Washington Times, July 19, 2010]

A TALE OF TWO TEA PARTIES

(By Doug Mainwaring)

Two Tea Parties grip the nation in two very different ways. The first is the Tea Party movement, which traces its origins to a watershed historic event as its members attempt to bring sanity and sustainability back to government. The second finds its origins in literature—Lewis Carroll's "The Adventures of Alice in Wonderland"—and is descriptive of the surreal governance of the progressives in the White House and Congress as they continue their push toward governmental insanity and unsustainability. Like matter and antimatter, positive and negative charges, they are set in polar opposition to each other.

In Lewis Carroll's story, Alice finds herself in a bizarre, nightmarish world where the basic laws of logic no longer apply and familiar beings take on strange, unreasoning personas. More and more, many Americans view our progressive leaders on Capitol Hill and at 1600 Pennsylvania Ave. as the insane hosts of an ongoing Washington-style mad tea party. Those leaders act not just counterintuitively, they act outside the bounds of logic, reason and historic precedent that normally tether this country to safety. They behave as political elites who think they know better than the American public what's best. They are ludicrously out of touch.

The madness of this Washington tea party is displayed in myriad ways, but most profoundly in the nearly limitless demonstrations of stunning disconnect between the political elites and the American people. Congressional approval hovers around 20 percent, while disapproval is around 70 percent. The president's approval rating has been in decline for a long time, now at about 45 percent and sinking. Despite the fact that a majority in this country disapprove of the work being done by the political class, the political elites continue to pass gigantic, overreaching, outrageously expensive legislation.

A Rasmussen survey released on Friday finds that 59 percent of likely voters are embarrassed by the nation's political class and its behavior while just 23 percent are not. A stunning 64 percent see the political class as a bigger threat to our nation than legisla-

tion such as Arizona's new immigration law. Just 20 percent say the opposite. In general, the nation sees the political class as both an embarrassment and, in some ways, a threat by about a 3-1 margin.

From the point of view of the ruling political class, it has racked up tremendous achievements: the stimulus package, health care reform, education reform, Wall Street reform and so on. While the elites lift their champagne glasses to toast themselves, outside the Beltway, no one is popping corks.

Most of the country looks on with jaws dropped, wondering: What are you folks on Capitol Hill thinking? Twenty-four-hundred pages of unintelligible health care reform and another 2,300 pages of unintelligible financial reform signed into law. Stacked together, they create a legislative Tower of Babel. How dare you pass this massive legislation while you lack the confidence of the American people by a 7-2 margin?

Undaunted, their mad tea party continues.

A recent CBS Poll reports that 74 percent of the population thinks the nearly \$1 trillion stimulus package either hurt or had no impact on the economy. Simply put, that means three-fourths of the American people think the stimulus package was a \$1 trillion waste of money. The same poll reports that 2.5 times as many people think the health care reform bill signed into law by Democrats will hurt them (33 percent) rather than help them (13 percent).

Many Americans are seized with fear as what might normally be a benign, lame-duck session of Congress looms in November. Will this be used as a window of opportunity for progressives to pass more unwanted legislation? "Cap and trade"? Card check? This could be their intention.

Our progressive leaders don't get it, and what's more, they don't care. They don't understand how starkly different, how irrational and just how unhinged they appear to folks outside the Beltway. While Lewis Carroll's mad tea party is literary fantasy, sadly, the progressives' mad tea party in Washington is very real.

Robert Weissberg offered his view in the American Thinker on April 29: "I finally realized that the Obama administration and its congressional collaborators almost resemble a foreign occupying force, a coterie of politically and culturally non-indigenous leaders whose rule contravenes local values rooted in our national tradition. It is as if the United States has been occupied by a foreign power, and this transcends policy objections."

Dorothy Rabinowitz, writing in the Wall Street Journal a few weeks later on June 9, shares a similar sentiment: "A great part of America now understands that this president's sense of identification lies elsewhere and is in profound ways unlike theirs. He is hard put to sound convincingly like the leader of the nation, because he is, at heart and by instinct, the voice mainly of his ideological class. He is the alien in the White House. . . ."

Interestingly, the progressives' mad tea party in Washington is what has given rise to the august Tea Party movement. Washington leadership has abandoned the venerable, common-sense, salt-of-the-earth center and right of our nation. The movement has emerged to fill the gaping void in center-right leadership to stem the tide of this Washington madness. Republican leaders have been either clueless or unwilling to lead bravely and skillfully. When Republicans controlled both houses of Congress, they also spent profligately. With such a huge vacuum

of leadership in Washington, the Tea Party movement has burst forth to lead the way.

The people at this country's admirable, sustaining center have been ignored, trampled and tyrannized for too long. They have been marginalized through political correctness and the constant motion of the dividing line between progressivism and conservatism far to the left. We now live in an upside-down, Alice-in-Wonderland, house-of-mirrors world where the most basic of mainstream American sensibilities are considered to be radical right-wing thought. This has led Americans from sea to shining sea to announce: Enough is enough.

Tea Partiers seek to end the madness in Washington and establish fiscal sanity and sound, reasonable, constitutionally limited government.

[From the Bloomberg Opinion, July 18, 2010]

OBAMA OMIT'S JOBS KILLED OR THWARTED

FROM TALLY

(By Caroline Baum)

Can you believe they're still touting that silly metric?

When I heard last week that the White House would be announcing the number of "jobs created or saved" as a result of the 2009 American Reinvestment and Recovery Act, my first reaction was embarrassment.

Imagine how Christina Romer must feel. The chairman of the President's Council of Economic Advisors was dressed in a cheery, salmon-colored jacket, a complement to the upbeat news she had to deliver on July 14. The \$787 billion stimulus enacted in February 2009, which subsequently grew to \$862 billion, increased gross domestic product by 2.7 percent to 3.4 percent relative to where it would have been, and added anywhere from 2.5 million to 3.6 million jobs compared with an ex-stimulus baseline.

"By this estimate, the Recovery Act has met the president's goal of saving or creating 3.5 million jobs—two quarters earlier than anticipated," Romer said with a straight face. (More than 2.5 million non-farm jobs have been lost since ARRA was enacted in February 2009, all of them in the private sector, according to the Bureau of Labor Statistics.)

How does the CEA arrive at these numbers? It uses two methods, Romer said. The first is a standard macroeconomic forecasting model that estimates the multiplier effect of fiscal policy. (The government's spending is someone else's income.) The second method is statistical, using previous relationships between GDP and employment to project future behavior.

MODEL IMPERFECTION

These numbers might just as well have been pulled out of a hat. Recall that it was the same model and method the administration used in January 2009 to predict an unemployment rate of 7 percent in the fourth quarter of 2010 with the enactment of the fiscal stimulus and 8.8 percent without. The unemployment rate now stands at 9.5 percent.

This same model convinced policy makers that the subprime crisis was contained, encouraged the rating companies to slap AAA ratings on collateralized garbage, and led banks to believe they had adequately managed their risks and reserved for potential losses.

Econometric models rely on the assumption that \$1 of government spending generates more than \$1 of GDP, the so-called multiplier effect. There is no allowance for the negative multiplier on the other side.

Sure the government can spend money and generate GDP growth in the short run: Government spending is a component of GDP!

What it giveth it taketh away from the private sector via taxation or borrowing. Every dollar the government spends is a dollar the private sector doesn't spend, an investment it doesn't make, a job it doesn't create. This is what is unseen, as Frederic Bastiat explained in an 1850 essay.

HIRING DISINCENTIVES

"If the administration wants to take credit for 'jobs created or saved,' it should also accept responsibility for 'jobs destroyed or prevented,'" said Bill Dunkelberg, chief economist at the National Federation of Independent Business.

Ignoring the flaws in the stimulus for the moment, Congress raised the hurdle for hiring entry-level workers when it refused to delay the third step in a three-stage minimum wage increase last year. And the Department of Labor cracked down on unpaid internships, outlining six criteria that businesses had to satisfy in order to hire someone willing and able to work for nothing to get the experience.

For example, the employer must derive "no immediate advantage from the activities of the trainees, and on occasion the employer's operations may actually be impeded."

You can't make this stuff up.

RECESSION'S ADVANTAGE

At the White House briefing last week, Romer touted the leveraging of public investment with private funds, with \$1 of Recovery Act funds partnering with \$3 of outside spending. Romer said this public spending "saved or created 800,000 jobs" in the second quarter alone.

Once again, what would have happened in the absence of the government's targeted intervention?

According to a June 2009 study by the Kauffman Foundation in Kansas City, Missouri, well over half of the companies on the Fortune 500 list, and almost half of the fastest growing companies in America, were started during a recession or bear market. Dunkelberg calls this phenomenon "negative push starts." People might not be willing to quit their jobs, but if they get laid off during a recession and were thinking about starting a business, they might seize the day, he said.

"When people ask me when the best time to start a company is, I tell them the day before the recession ends," Dunkelberg said. "They can do it on the cheap, and the next day you get cash flow."

MODEL THAT!

What's more, firms less than five years old are responsible for all of the net new jobs created in the U.S., the Kauffman study found. Job creation by start-ups is more stable, less sensitive to the business cycle.

So, if the goal is to create more jobs, and start-ups are the ones that create them, why is the Obama administration partnering up with existing firms?

"Job-creation policies aimed at luring larger, established employers will inevitably fail," said Tim Kane, Kauffman Foundation senior fellow in research and policy and author of a follow-up study released this month.

Not to worry. The White House has a model that turns failure into success.

I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

A little while ago, George Bush said this. Several months after taking office, he learned that his budgets had already erased the previous administra-

tion's huge surplus that was paying off our country's debt at a rapid rate and had instead forced the country to start borrowing heavily again. Bush said, The huge deficit was incredibly positive news because it will create a fiscal straitjacket for Congress.

□ 1130

That's right, massive deficits were incredibly positive news.

Mr. Speaker, I got a little tired of hearing our colleagues saying what the Democrats haven't done. Let me tell you what we have done.

We have done the American Recovery and Reinvestment Act. We have done the Worker, Homeownership, and Business Assistance Act. We have done health insurance reform, Student Aid and Fiscal Responsibilities Act. The Cash for Clunkers Program alone spurred the sale of 700,000 vehicles.

We have done the Hiring Incentives to Restore Employment Act that helped create 300,000 jobs. When they talk in terms of the stimulus, the teachers, the police officers and the firefighters, when you ask them whether or not their jobs were saved, I guarantee you they will give you an answer.

We did Wall Street reform passed by the House, American Worker, State, and Business Relief Act passed by the House and Senate, Small Business and Infrastructure Jobs Tax Act passed by the House. For those on the other side who argue that there haven't been any tax cuts, there have been tax cuts, but those tax cuts were for middle class Americans, 93 percent of whom received the tax cut. We have done the Disaster Relief and Summer Jobs Act passed by the House, and it died over there in the Senate, and that's regrettable and foolish.

We have done Jobs for Main Street Act, passed by the House. What's next? Small business lending, clean energy jobs and the COMPETES Act. I can assure you, we have done a lot and have a lot more to do and many of the things that I just spoke of create jobs.

My colleagues see this legislation as a handout or a luxury, but to the millions who are depending on us to act, the extension of unemployment benefits will make the difference between whether they can put food on the table, pay their rent, and just get by.

Years of bad economic and fiscal policies have brought us to our present situation, and there is no switch we can throw to provide an instant fix. In my home State of Florida, 147,000 individuals will run out of unemployment benefits.

I haven't met these people, but I read about their plight, people like Joan McCammon of Kissimmee, a 50-year-old former administrative assistant who has been out of work for over a year. Though she and her husband tried to be prepared without this assistance,

they will have to dip into their retirement savings just to make ends meet.

She is not much different from Pandora Evans of Fort Pierce in my congressional district who has been unemployed for almost 2 years after losing her job at a service station. Her benefits have run out and her bills piled up to the point she may soon be homeless.

And there is Joe Becker of Jupiter, Florida, who has applied for nearly 400 jobs, has put himself through additional training and is still unable to find work.

These are only three of the 3.2 million Americans who stand to lose unemployment compensation if we do not act positively. This is not mere charity for them.

I urge my colleagues to pass this much-needed extension and urge them to support this rule. I urge a "yes" vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 1550 will be followed by a 5-minute vote on suspending the rules and passing H.R. 1469, as amended, on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 237, nays 180, not voting 15, as follows:

[Roll No. 461]

YEAS—237

Ackerman	Clarke	Ellison
Altmire	Clay	Ellsworth
Andrews	Cleaver	Engel
Arcuri	Clyburn	Eshoo
Baca	Cohen	Etheridge
Baldwin	Connolly (VA)	Farr
Barrow	Conyers	Fattah
Bean	Cooper	Filner
Becerra	Costa	Foster
Berkley	Costello	Frank (MA)
Berman	Courtney	Fudge
Berry	Critz	Garamendi
Bishop (GA)	Crowley	Gonzalez
Bishop (NY)	Cuellar	Gordon (TN)
Blumenauer	Cummings	Grayson
Bocieri	Dahlkemper	Green, Al
Boren	Davis (AL)	Green, Gene
Boswell	Davis (CA)	Grijalva
Boucher	Davis (IL)	Gutierrez
Boyd	Davis (TN)	Hall (NY)
Brady (PA)	DeFazio	Halvorson
Braley (IA)	DeGette	Hare
Brown, Corrine	Delahunt	Harman
Butterfield	DeLauro	Hastings (FL)
Capps	Deutch	Heinrich
Cardoza	Dicks	Herseth Sandlin
Carnahan	Dingell	Higgins
Carney	Doggett	Himes
Carson (IN)	Donnelly (IN)	Hinchey
Castor (FL)	Driehaus	Hinojosa
Chandler	Edwards (MD)	Hirono
Childers	Edwards (TX)	Holden
Chu	Ehlers	Holt

Honda	Meek (FL)	Schakowsky	Poe (TX)	Royce	Stearns	Courtney	Issa	Moran (VA)
Hoyer	Meeks (NY)	Schauer	Posey	Ryan (WI)	Sullivan	Crenshaw	Jackson (IL)	Murphy (CT)
Inslee	Melancon	Schiff	Price (GA)	Scalise	Terry	Critz	Jackson Lee	Murphy (NY)
Israel	Michaud	Schrader	Putnam	Schmidt	Thompson (PA)	Crowley	(TX)	Murphy, Tim
Jackson (IL)	Miller (NC)	Schwartz	Radanovich	Schock	Thornberry	Cuellar	Jenkins	Myrick
Jackson Lee	Miller, George	Scott (GA)	Rehberg	Sensenbrenner	Tiberi	Culberson	Johnson (GA)	Nadler (NY)
(TX)	Mollohan	Scott (VA)	Reichert	Sessions	Turner	Cummings	Johnson (IL)	Napolitano
Johnson (GA)	Moore (KS)	Serrano	Roe (TN)	Shadegg	Upton	Dahlkemper	Johnson, E. B.	Neal (MA)
Johnson, E. B.	Moore (WI)	Sestak	Rogers (AL)	Shimkus	Walden	Davis (AL)	Johnson, Sam	Neugebauer
Kagen	Moran (VA)	Shea-Porter	Rogers (KY)	Shuler	Westmoreland	Davis (CA)	Jones	Nunes
Kanjorski	Murphy (CT)	Sherman	Rogers (MI)	Shuster	Whitfield	Davis (IL)	Jordan (OH)	Nye
Kaptur	Murphy (NY)	Sires	Rohrabacher	Simpson	Wilson (SC)	Davis (KY)	Kagen	Oberstar
Kennedy	Nadler (NY)	Skelton	Rooney	Smith (NE)	Wittman	Davis (TN)	Kanjorski	Obey
Kildee	Napolitano	Slaughter	Ros-Lehtinen	Smith (NJ)	Wolf	DeFazio	Kaptur	Olson
Kilpatrick (MI)	Neal (MA)	Smith (WA)	Roskam	Smith (TX)	Young (AK)	DeGette	Kennedy	Oliver
Kilroy	Oberstar	Snyder				Delahunt	Kildee	Owens
Kind	Obey	Space				DeLauro	Kilpatrick (MI)	Pallone
Kirkpatrick (AZ)	Oliver	Speier	Cantor	Hoekstra	Quigley	Dent	Kilroy	Pascarell
Kissell	Owens	Spratt	Capuano	King (NY)	Tiahrt	Deutch	Kind	Pastor (AZ)
Klein (FL)	Pallone	Stark		Maloney	Titus	Diaz-Balart, L.	King (IA)	Paulsen
Kosmas	Pascarell	Stupak	Fallin	Murphy, Patrick	Wamp	Diaz-Balart, M.	Kingston	Payne
Kratovil	Pastor (AZ)	Sutton	Hodes	Ortiz	Young (FL)	Dicks	Kirk	Pence
Kucinich	Payne	Tanner				Dingell	Kirkpatrick (AZ)	Perlmutter
Langevin	Perlmutter	Taylor				Djou	Kissell	Perriello
Larsen (WA)	Perriello	Teague				Doggett	Klein (FL)	Peters
Larson (CT)	Peters	Thompson (CA)				Donnelly (IN)	Kline (MN)	Peterson
Lee (CA)	Peterson	Thompson (MS)				Dreier	Kosmas	Petri
Levin	Pingree (ME)	Tierney				Driedhaus	Kratovil	Pingree (ME)
Lewis (GA)	Polis (CO)	Tonko				Duncan	Kucinich	Pitts
Lipinski	Pomeroy	Towns				Edwards (MD)	Lamborn	Platts
Loeback	Price (NC)	Tsongas				Edwards (TX)	Lance	Poe (TX)
Lofgren, Zoe	Rahall	Van Hollen				Ehlers	Langevin	Polis (CO)
Lowe	Rangel	Velázquez				Ellison	Larsen (WA)	Pomeroy
Luján	Reyes	Visclosky				Ellsworth	Larson (CT)	Posey
Lynch	Richardson	Walz				Emerson	Latham	Price (GA)
Maffei	Rodriguez	Wasserman				Engel	LaTourette	Price (NC)
Markey (MA)	Ross	Schultz				Eshoo	Latta	Putnam
Marshall	Rothman (NJ)	Waters				Etheridge	Lee (CA)	Radanovich
Matheson	Roybal-Allard	Watson				Farr	Lee (NY)	Rahall
Matsui	Ruppersberger	Watt				Fattah	Levin	Rangel
McCarthy (NY)	Rush	Waxman				Filner	Lewis (CA)	Rehberg
McCollum	Ryan (OH)	Weiner				Fleming	Lewis (GA)	Reichert
McDermott	Salazar	Welch				Forbes	Linder	Reyes
McGovern	Sánchez, Linda	Wilson (OH)				Fortenberry	Lipinski	Richardson
McIntyre	T.	Woolsey				Foster	LoBiondo	Rodriguez
McMahon	Sanchez, Loretta	Wu				Fox	Loeback	Roe (TN)
McNerney	Sarbanes	Yarmuth				Frank (MA)	Lofgren, Zoe	Rogers (AL)
						Franks (AZ)	Lowe	Rogers (KY)
						Frelinghuysen	Lucas	Rogers (MI)
						Fudge	Luetkemeyer	Rohrabacher
						Gallegly	Luján	Rohney
						Garamendi	Lummis	Ros-Lehtinen
						Garrett (NJ)	Lungren, Daniel	Roskam
						Gerlach	E.	Ross
						Giffords	Lynch	Rothman (NJ)
						Gingrey (GA)	Mack	Roybal-Allard
						Gohmert	Maffei	Royce
						Gonzalez	Maloney	Ruppersberger
						Goodlatte	Manzullo	Ryan (OH)
						Gordon (TN)	Marchant	Ryan (WI)
						Granger	Marchant	Salazar
						Graves (MO)	Markey (CO)	Salazar
						Grayson	Markey (MA)	Sánchez, Linda
						Green, Al	Marshall	T.
						Green, Gene	Matheson	Sanchez, Loretta
						Griffith	Matsui	Sanchez
						Grijalva	McCarthy (CA)	Scalise
						Guthrie	McCarthy (NY)	Schakowsky
						Gutierrez	McCaul	Schauer
						Hall (NY)	McClintock	Schiff
						Hall (TX)	McCollum	Schmidt
						Halvorson	McCotter	Schock
						Hare	McDermott	Schrader
						Harman	McGovern	Schwartz
						Harper	McHenry	Scott (GA)
						Hastings (FL)	McIntyre	Scott (VA)
						Hastings (WA)	McKeon	Sensenbrenner
						Heinrich	McMahon	Serrano
						Heller	McMorris	Sessions
						Hensarling	Rodgers	Sestak
						Herger	McNerney	Shadegg
						Herseth Sandlin	Meek (FL)	Shea-Porter
						Higgins	Meeks (NY)	Sherman
						Hill	Melancon	Shimkus
						Himes	Mica	Shuler
						Hinche	Michaud	Shuster
						Hinojosa	Miller (FL)	Simpson
						Hirono	Miller (MI)	Sires
						Holden	Miller (NC)	Skelton
						Holt	Miller, Gary	Slaughter
						Honda	Miller, George	Smith (NE)
						Hoyer	Minnick	Smith (NJ)
						Hunter	Mitchell	Smith (TX)
						Inglis	Mollohan	Smith (WA)
						Inslee	Moore (KS)	Space
						Israel	Moore (WI)	Speier
							Moran (KS)	Spratt

NOT VOTING—15

□ 1200

Messrs. HELLER, CARTER, and BAIRD changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CHILD PROTECTION
IMPROVEMENTS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1469) to amend the National Child Protection Act of 1993 to establish a permanent background check system, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 4, not voting 15, as follows:

[Roll No. 462]

YEAS—413

Ackerman	Blackburn	Cao
Aderholt	Blumenauer	Capito
Adler (NJ)	Blunt	Capps
Akin	Bocciari	Cardoza
Alexander	Boehner	Carnahan
Altmire	Bonner	Carney
Andrews	Bono Mack	Carson (IN)
Arcuri	Boozman	Carter
Austria	Boren	Cassidy
Baca	Boswell	Castle
Bachmann	Boucher	Castor (FL)
Bachus	Boustany	Chaffetz
Baird	Boyd	Chandler
Baldwin	Brady (PA)	Childers
Balrett (SC)	Brady (IA)	Chu
Barrow	Bright	Clarke
Bartlett	Brown (SC)	Clay
Barton (TX)	Brown, Corrine	Cleaver
Bean	Brown-Waite,	Clyburn
Becerra	Ginny	Coble
Berkley	Buchanan	Coffman (CO)
Berman	Burgess	Cohen
Berry	Burton (IN)	Cole
Biggett	Butterfield	Conaway
Bilbray	Buyer	Connolly (VA)
Bilirakis	Calvert	Conyers
Bishop (GA)	Camp	Cooper
Bishop (NY)	Campbell	Costa
Bishop (UT)	Cantor	Costello

NAYS—180

Aderholt	Culberson	Kline (MN)
Adler (NJ)	Davis (KY)	Lamborn
Akin	Dent	Lance
Alexander	Diaz-Balart, L.	Latham
Austria	Diaz-Balart, M.	LaTourette
Bachmann	Djou	Latta
Bachus	Dreier	Lee (NY)
Baird	Duncan	Lewis (CA)
Barrett (SC)	Emerson	Linder
Bartlett	Flake	LoBiondo
Barton (TX)	Fleming	Lucas
Biggett	Forbes	Luetkemeyer
Billbray	Fortenberry	Lummis
Bilirakis	Fox	Lungren, Daniel
Bishop (UT)	Franks (AZ)	E.
Blackburn	Frelinghuysen	Mack
Blunt	Gallegly	Manzullo
Boehner	Garrett (NJ)	Marchant
Bonner	Gerlach	Markey (CO)
Bono Mack	Giffords	McCarthy (CA)
Boozman	Gingrey (GA)	McCaul
Boustany	Gohmert	McClintock
Brady (TX)	Goodlatte	McCotter
Bright	Granger	McHenry
Broun (GA)	Graves (GA)	McKeon
Brown (SC)	Graves (MO)	McMorris
Brown-Waite,	Griffith	Rodgers
Ginny	Guthrie	Mica
Buchanan	Hall (TX)	Miller (FL)
Burgess	Harper	Miller (MI)
Burton (IN)	Hastings (WA)	Miller, Gary
Buyer	Heller	Minnick
Calvert	Hensarling	Mitchell
Camp	Herger	Moran (KS)
Campbell	Hill	Murphy, Tim
Cao	Hunter	Myrick
Capito	Inglis	Neugebauer
Carter	Issa	Nunes
Cassidy	Jenkins	Nye
Castle	Johnson (IL)	Olson
Chaffetz	Johnson, Sam	Paul
Coble	Jones	Paulsen
Coffman (CO)	Jordan (OH)	Pence
Cole	King (IA)	Petri
Conaway	Kingston	Pitts
Crenshaw	Kirk	Platts

Stark	Titus	Watt
Stearns	Tonko	Waxman
Stupak	Towns	Weiner
Sullivan	Tsongas	Welch
Sutton	Turner	Westmoreland
Tanner	Upton	Whitfield
Taylor	Van Hollen	Wilson (OH)
Teague	Velázquez	Wilson (SC)
Terry	Visclosky	Wittman
Thompson (CA)	Walden	Wolf
Thompson (MS)	Walz	Woolsey
Thompson (PA)	Wasserman	Wu
Thornberry	Schultz	Yarmuth
Tiberi	Waters	Young (AK)
Tierney	Watson	

NAYS—4

Broun (GA)	Graves (GA)
Flake	Paul

NOT VOTING—15

Brady (TX)	Hoekstra	Rush
Capuano	King (NY)	Snyder
Doyle	Murphy, Patrick	Tiahrt
Fallin	Ortiz	Wamp
Hodes	Quigley	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1212

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5720

Ms. HIRONO. Mr. Speaker, I seek unanimous consent to remove my name from H.R. 5720.

The SPEAKER pro tempore (Mr. CUELLAR). Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2010

Mr. LEVIN. Mr. Speaker, pursuant to House Resolution 1550, I call up the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, with the Senate amendment to the House amendment to the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment to the House amendment to the Senate amendment.

Senate amendment to House amendment to Senate amendment:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Unemployment Compensation Extension Act of 2010”.

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking “June 2, 2010” each place it appears and inserting “November 30, 2010”;

(B) in the heading for subsection (b)(2), by striking “JUNE 2, 2010” and inserting “NOVEMBER 30, 2010”; and

(C) in subsection (b)(3), by striking “November 6, 2010” and inserting “April 30, 2011”.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “June 2, 2010” each place it appears and inserting “December 1, 2010”; and

(B) in subsection (c), by striking “November 6, 2010” and inserting “May 1, 2011”.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking “November 6, 2010” and inserting “April 30, 2011”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (D), by striking “and” at the end; and

(2) by inserting after subparagraph (E) the following:

“(F) the amendments made by section 2(a)(1) of the Unemployment Compensation Extension Act of 2010; and”.

(c) CONDITIONS FOR RECEIVING EMERGENCY UNEMPLOYMENT COMPENSATION.—

Section 4001(d)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended, in the matter preceding subparagraph (A), by inserting before “shall apply” the following: “(including terms and conditions relating to availability for work, active search for work, and refusal to accept work)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Continuing Extension Act of 2010 (Public Law 111–157).

SEC. 3. COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.

(a) CERTAIN INDIVIDUALS NOT INELIGIBLE BY REASON OF NEW ENTITLEMENT TO REGULAR BENEFITS.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

“(g) COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.—

“(1) If—

“(A) an individual has been determined to be entitled to emergency unemployment compensation with respect to a benefit year,

“(B) that benefit year has expired,

“(C) that individual has remaining entitlement to emergency unemployment compensation with respect to that benefit year, and

“(D) that individual would qualify for a new benefit year in which the weekly benefit amount of regular compensation is at least either \$100 or 25 percent less than the individual’s weekly benefit amount in the benefit year referred to in subparagraph (A),

then the State shall determine eligibility for compensation as provided in paragraph (2).

“(2) For individuals described in paragraph (1), the State shall determine whether the individual is to be paid emergency unemployment compensation or regular compensation for a week of unemployment using one of the following methods:

“(A) The State shall, if permitted by State law, establish a new benefit year, but defer the payment of regular compensation with respect to that new benefit year until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

“(B) The State shall, if permitted by State law, defer the establishment of a new benefit year (which uses all the wages and employment which would have been used to establish a benefit year but for the application of this paragraph), until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

“(C) The State shall pay, if permitted by State law—

“(i) regular compensation equal to the weekly benefit amount established under the new benefit year, and

“(ii) emergency unemployment compensation equal to the difference between that weekly benefit amount and the weekly benefit amount for the expired benefit year; or

“(D) The State shall determine rights to emergency unemployment compensation without regard to any rights to regular compensation if the individual elects to not file a claim for regular compensation under the new benefit year.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals whose benefit years, as described in section 4002(g)(1)(B) the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by this section, expire after the date of enactment of this Act.

SEC. 4. REQUIRING STATES TO NOT REDUCE REGULAR COMPENSATION IN ORDER TO BE ELIGIBLE FOR FUNDS UNDER THE EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following new subsection:

“(g) NONREDUCTION RULE.—An agreement under this section shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the method governing the computation of regular compensation under the State law of that State has been modified in a manner such that—

“(1) the average weekly benefit amount of regular compensation which will be payable during the period of the agreement occurring on or after June 2, 2010 (determined disregarding any additional amounts attributable to the modification described in section 2002(b)(1) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438)), will be less than

“(2) the average weekly benefit amount of regular compensation which would otherwise have been payable during such period under the State law, as in effect on June 2, 2010.”.

SEC. 5. BUDGETARY PROVISIONS.

(a) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ‘Budgetary Effects of PAYGO Legislation’ for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

(b) EMERGENCY DESIGNATIONS.—Sections 2 and 3—

(1) are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g));

(2) in the House of Representatives, are designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, are designated as an emergency requirement pursuant to section 403(a) of

S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Levin moves that the House concur in the Senate amendment to the House amendment to the Senate amendment to H.R. 4213.

The SPEAKER pro tempore. The Senate amendment to the House amendment to the Senate amendment to the bill H.R. 4213 contains an emergency designation for the purposes of pay-as-you-go principles under clause 10(c) of rule XXI; and an emergency designation pursuant to section 4(g)(1) of the Statutory Pay-As-You-Go Act of 2010.

Accordingly, the Chair must put the question of the consideration under clause 10(c)(3) of rule XXI and under section 4(g)(2) of the Statutory Pay-As-You-Go Act of 2010.

The question is, Will the House now consider the motion to concur in the Senate amendment to the House amendment to the Senate amendment?

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. Pursuant to House Resolution 1550, the motion shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from Michigan (Mr. LEVIN) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I shall consume.

Mr. Speaker and colleagues, this action should have occurred 2 months ago. This House acted to extend unemployment insurance on May 28. For 6 weeks Republicans in the Senate blocked unemployment insurance. They stood not on the side but in the way of millions of Americans. During those 6 weeks, over 2.5 million unemployed Americans exhausted their benefits, and they struggled to stay afloat while continuing to look for work in this difficult economy.

Americans like this person from Grand Rapids, Michigan, who wrote me, and I quote, "I worked 22 years in automotive, 60 to 70 hours a week, supported my family, paid my taxes, and worked in my community. Every single day I send my resume out, to no avail. I have lost my home, one vehicle, and my sense of the ability to take care of my family."

Or this individual from Madison Heights, Michigan. "My family is not living large; we are surviving. Cutting unemployment insurance will take us out of survival mode and put us into homeless mode. After working 20-plus years, this is the first time that we have asked for unemployment."

And to add insult to injury, after their filibuster was broken, Senate Republicans insisted on running out the clock and delaying the full 30 hours before they would let a final vote occur in the other body. Thirty hours for nothing. No excuse of theirs worked for working Americans out of work, out of work through no fault of their own and looking for work.

We have acted to extend unemployment insurance in Republican Congresses under Republican Presidents. So today we put this sad chapter behind us, and now we move forward to continue our efforts to support job creation and to continue to dig out of the jobs ditch inherited by this administration and by this Congress.

I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my State of Louisiana has faced four hurricanes, a recession, and now an oil spill. And every one of us in this body has faced and looked into the eyes of those who lost their homes and lost their jobs. And every one of us in this body feels deep compassion for those who are in those dire straits. And we all want to help. Republicans want to help those looking for work, we want to help those who are struggling with this current economic slowdown, but we also agree with the American people that new spending must be paid for.

□ 1220

This latest unemployment insurance extender bill fails to do what the American people want us to do. Instead, the Democratic approach adds another \$34 billion to the already staggering \$13 trillion national debt. And that's not because we have a shortage of ineffective, inefficient, wasteful spending that we could cut to offset what's needed to pay for this. We want to do this, but we want to do what the American people want us to do—and that is to pay for it.

Republicans have repeatedly called for the cutting of unspent stimulus spending to offset this new stream of spending. The majority leader himself, Mr. HOYER, said on June 13, there is "spending fatigue" across this country and that "if we have dollars not yet expended in the recovery act" that they should be redirected for new spending such as this.

Mr. Speaker, 18 months ago the administration told the American people that their trillion-dollar stimulus plan would create millions of jobs and keep unemployment below 8 percent. Instead, 2 million jobs more have been lost and unemployment surged to nearly 10 percent. Overall, 47 out of 50 States have lost jobs since the Democrats' February 2009 stimulus bill, including my home State of Louisiana.

Instead of supporting this economy and getting Americans back to work, jobs have been lost, our debt continues

to spiral out of control, and the only solution we have here, without an ability to amend, without an ability to offer some alternative approach, is to add another \$34 billion in new spending without offsetting it. New spending is unnecessary, and Republicans have been calling for this wasted stimulus money to be put to better use by supporting the long-term unemployed. I suggest the best way to create jobs is to stop destroying good-paying jobs that already exist. And let me explain what I mean by that.

This is the single most important issue in my home State of Louisiana. The people of Louisiana are facing job loss. In addition to a failed economic policy, a failed stimulus, President Obama's ill-conceived and unwarranted and—in the words of a Federal judge—arbitrary and capricious ban on offshore drilling is galvanizing residents across the gulf coast like I've never seen before. And the long term implications of this, Mr. Speaker, are real. Real lives are affected by this.

Because of this policy, tens of thousands of good-paying jobs along the gulf coast are immediately at risk, and it doesn't have to be this way. But unfortunately, the elites in this administration and the President himself refuse to understand this.

Six weeks ago, the Louisiana delegation—the entire delegation, Democrats and Republicans, House and Senate—requested a meeting with the President in writing. And we have not even gotten a response back. Frankly, Mr. Speaker, that's just unacceptable, and it's irresponsible.

Already three gulf rigs have left American waters heading to other parts of the world, and the trend is going to continue at an accelerated rate. And once a rig is gone, it could be years before it returns—if it ever returns at all. Each one of these deep-water rigs employs 1,400 workers. You take 1,400 workers and multiply it by six, and those are the immediate support workers. These are jobs that are being lost.

And smaller companies that cannot afford to move are simply losing their workers. People are losing their jobs, costing thousands of jobs.

I met recently with about 35 companies. These are all small companies affected by this. And there was an African American couple. He got started doing janitorial work. And he worked very hard for years to do this, saved his money and started a small business, an oil service company that he was so proud of. The American dream, by God. He started this company and grew it to 20 workers. And he had accelerating work until this ban on drilling, and now he has no work, and he's seeing his life savings go down the drain. Why? Because of an ill-founded, government-imposed moratorium that makes no sense.

These are rig workers and energy engineers, they're plumbers, they're electricians, they're dock workers. They work in the maritime industry. And yet this is the kind of policy we're getting. This ban hurts everybody. We stand united on the gulf coast to support good-paying jobs.

This stimulus has failed, and it's time to direct these funds into more beneficial areas to help those who are chronically unemployed.

The last time this House acted, Mr. CAMP, the ranking member of our Ways and Means Committee, offered a motion to extend these benefits while paying for the spending by using unspent funds from the failed stimulus bill. The House could immediately act on that same type of provision today with the Senate following suit to get these benefits to the long-term unemployed in a way that helps the economy, job creation—instead of hampering job creation even more.

That is what we should be doing and what would most help the unemployed get benefits that they need today and the jobs that they need tomorrow.

The American people want President Obama and this Congress to spur entrepreneurship and American competitiveness and to create good-paying jobs. Instead, the President and this Congress continue on a path of increasing uncertainty leading to high unemployment and runaway spending. I urge my colleagues to vote "no" on this bill.

I reserve the balance of my time.

Mr. LEVIN. It is now my very distinct pleasure and privilege to yield 1 minute to the most distinguished Speaker of the House, NANCY PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding. I thank him for bringing this important legislation to the floor today. And indeed, there is some good news in it, but there is some not-so-good news in it as well.

I listened very attentively to the previous speaker talk about why these unemployment benefits had to be paid for, and I was struck by the inconsistency in his remarks and that of the Republicans in the United States Senate and in the House of Representatives. It's important to note that while they demand that these benefits be paid for—\$34 billion in unemployment benefits going to those who have played by the rules, worked hard, who are unemployed through no fault of their own, \$34 billion, which injected into the economy will indeed create jobs—while they have said that \$700 billion of tax cuts for the wealthiest people in America shouldn't be paid for. "Inconsistent" is the politest word I can use to describe that.

Thirty-four billion dollars for those who have lost their jobs through no fault of their own.

Last week the Economic Policy Institute released a report making it clear that not only do unemployment bene-

fits protect those who have lost their jobs through no fault of their own, but would lead to more jobs, higher wages, and a stronger economy for all Americans.

And why is that so? That is so because these benefits are given to people who need them. The money will be spent immediately on necessities injecting demand into the economy, creating jobs. In fact, the Economic Policy Institute figured that would be 1.4 million jobs relating to the unemployment benefits that are out there now.

The Congressional Budget Office which is independent and nonpartisan has confirmed that extending unemployment benefits is the most efficient way for the government to generate economic growth.

Now, I know why the gentleman may want to change the subject to other things. He mentions Katrina. We all supported Katrina. Did anybody talk about paying for that emergency? No. It was an emergency. We have a compact with the American people in the time of a natural disaster—even though that disaster was exacerbated by cronyism in the Bush administration.

But let's not go there. Let's just stay on this subject. And the subject at hand is when this bill was introduced today, this resolution, I'm sure you all heard that it was an amendment to an amendment. Well, the Senate amendment that we are voting on, the amendment that they put in took out the jobs initiatives. And those initiatives were paid for. Build America Bonds. That was part of the original bill, to build the infrastructure of America, the highways and infrastructure of America in a new green way creating new green jobs and new green technologies. And the Build America jobs that went beyond those investments; FMAP to stabilize our State economies.

Thirty States have written their budgets already on the basis of this funding being in the legislation and paid for—not increasing the deficit. We passed it in December. The Senate only now is sending it back to us because the Republicans have objected to that, and the amendment to the amendment eliminates that stability for States.

□ 1230

Summer jobs, well, it's too late for summer jobs, so youth jobs. In December, we passed the bill for summer jobs for America's youth. The amendment to the amendment takes out those youths. And they were paid for, because on the one hand they say everything has to be paid for. Well, when it's paid for, then are they just plain opposed to summer jobs for youths? Are they opposed to Build America Bonds to grow our economy and meet the needs of our country infrastructure-wise?

The Housing Trust Fund, very, very important initiative.

Concurrent receipt: I don't think there's any doubt that every person in this Congress supports our veterans. One issue that is a high priority for America's veterans when we meet with them on a regular basis is the issue of concurrent receipt. You may not be familiar with that term, but it's a disability tax on our veterans, and with so many veterans returning home with disabilities from Iraq and Afghanistan this is very, very important. It was in the bill. It was paid for. Again, money given to people who need it for necessities who would spend it, inject demand into the economy and create jobs. So the amendment to the amendment that the Senate Republicans would finally let pass in the Senate removed concurrent receipt, paid for, for our veterans.

The list goes on and on, a list of paid-for initiatives that benefit our veterans, grow our economy, create jobs, help our workers, help our young people, stabilize our States, all paid for. The Republican Senators said "no," and they held up this particular amendment to the amendment for over 6 weeks because they said it had to be paid for.

At the very same time, they were saying we must pay for \$34 billion for benefits for the unemployed but we don't have to pay for the \$700 billion for the wealthiest people in America to have tax cuts. Those same tax cuts, during the 8 years of the Bush administration, did not create jobs; they increased the deficit. And the Republicans have said they want to go back to the exact agenda of the Bush administration. They look with increased fondness on the Bush administration.

Well, let me say this here today. The good news about this is finally our unemployed will get their benefits. It will be retroactive. It's really sad that it has to come to this. Nonpaid-for tax cuts for the rich; paid-for benefits for our workers.

But it's important to note, contrary to what you might hear from some in this Chamber, that in the first 8 months of the Obama administration, more jobs were created—well, by the time we finish August, more jobs will have been created than in the 8 years of the Bush administration. While they increased the deficit by trillions of dollars, while we lost jobs, where they took us to a brink of financial crisis of our financial industry, where they took us deep into recession, where they took us deep into deficit, they want to return to the exact same agenda.

We are not going back and our step forward into the future, one step into the future is being taken today when we say to American workers, You have played by the rules. You have worked hard. You have lost your job through no fault of your own. You have these

benefits, but we must do more to create jobs, to create more jobs.

I urge our colleagues today to understand how important this is, the distinction between those who support our workers. Respect the contract that we have with them so that when the economy ebbs and flows and the cycle of employment and unemployment is not in their favor, that we will be there for them. And being there for them is not just about them. It's also about the entire economy, the entire economy. The economy cannot flourish and be entrepreneurial unless it knows that there's a safety net in case the economy comes down.

The Republicans are saying "no" to that. They've said "no" over and over again, and they're saying "no" today unless it is paid for, again, while they still say, We want tax cuts for the wealthiest, \$700 billion worth, 20 times more than this bill for unemployment insurance.

But don't forget what they took out of the bill and don't forget that that includes concurrent receipt for our veterans.

I urge our colleagues to proudly vote for this legislation.

I commend my colleague Mr. LEVIN for his hard work on this and other legislation, and I know, because it's absolutely essential, that at some point we will get a jobs bill that will come back from the Senate. We agree that it should be paid for. We've sent it over to them paid for, and that they will recognize that we need to create jobs, good-paying jobs that take us into the future and, most of all, that we're not going back to the failed economic policies of the Bush administration.

I urge a strong "aye" vote on both sides of the aisle.

Mr. BOUSTANY. Mr. Speaker, this is the eighth time this unemployment benefit insurance is extended. I think that, in and of itself, speaks for the failure of the economic policies.

Secondly, a massive tax increase in the face of economic uncertainty is only going to hurt economic growth and job creation, and on our side of the aisle, we'll work to find the offset to avoiding these tax increases on the American people.

And finally, I just want to point out that private sector growth in the year 2010, the rate of private sector growth has actually been slower than what we saw in the Great Depression.

I am pleased to yield 4 minutes to the gentleman from Georgia (Mr. LINDER), the ranking member on one of the subcommittees of Ways and Means.

Mr. LINDER. I thank the gentleman for yielding.

Mr. Speaker, we are here today to consider legislation paying another \$34 billion in unemployment benefits. The other side says that these unemployment benefits stretching to almost 2 years are needed and must be added to

the \$13 trillion debt, even as they claim their trillion dollar stimulus plan has been a success at creating millions of jobs. It makes you wonder if they are looking at the same jobs data as the rest of us.

Eighteen months ago, this administration said the stimulus would create 3.7 million jobs. It hasn't. Through June of 2010, the United States lost 2.6 million more private sector jobs, leaving millions of Americans to ask: Where are the jobs?

The administration also promised that the stimulus would keep unemployment below 8 percent. It hasn't. Instead, unemployment reached 10 percent and remains stuck near that level today, and that ignores millions of missing unemployed left out of the official statistics.

The administration also said that the administration would create mostly private sector jobs. It didn't. Managing all that spending helped government jobs grow by 201,000 since the stimulus was passed, which has made Washington, DC, the Nation's strongest job market. Meanwhile, in the rest of the country, 47 out of 50 States have lost jobs since the Democrats' February 2009 stimulus.

While the job situation seems to have finally stopped getting worse, things are not getting much better. The trickle of private sector job creation in 2010 is so anemic that, at the current rate, it would take until 2017 to recover the jobs lost during the recession. That's longer than it took to recover the jobs lost during the Depression of the 1930s. Another estimate finds it will take until 2021 to get unemployment back to prerecession levels. Who knew that the administration's recovery summer would last a decade or more.

The fact is the only thing the Democrat stimulus has succeeded in creating is an enormous mountain of debt which is already hurting job creation. The bill before us will only make that worse.

□ 1240

Unemployed workers want real jobs with real companies in a real economy, not 2 years of unemployment benefits. But all this Congress offers is more debt and ultimately more pink slips. It is hardly what the unemployed need.

I urge Members to oppose this bill and insist that any further spending is actually paid for. If the Speaker is right that unemployment benefits are the most stimulative thing we can do, then it will help the economy to cut other less-effective stimulus spending and use it to pay for benefits like these.

That is the sort of budgeting, if we were inclined to pass a budget, that we should have been doing all along and is the only hope for turning this economy around and actually creating jobs that all Americans want and the unemployed need most of all.

Mr. LEVIN. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. McDERMOTT), our subcommittee chair.

Mr. McDERMOTT. Mr. Speaker, when most of our Republican colleagues vote "no" against extending unemployment benefits for Americans today, these people who have lost their jobs through no fault of their own, they will say they are doing it out of concern for the deficit. But, in reality, they are simply trying to make the President fail at any cost.

We have precedent here for that. Back in the 1990s, when Newt Gingrich ruled this place, they thought the American people were stupid, but it didn't work then and it won't work now.

In December 1995, Newt Gingrich thought he could win the Presidency for the Republican Party by shutting down the government and proving that Bill Clinton was ineffective.

You all remember that. Instead, the American people caught on to this foolishness and overwhelmingly reelected Bill Clinton to office in 1996.

Now they have got the same play book again; they are running it again. The Republican leadership in Congress has decided that the way for the Republicans to get the White House back is by denying unemployment benefits to workers who have lost their jobs through no fault of their own. Show them that this government doesn't work. For over 6 weeks they have held displaced workers as hostages.

Now, you would think they would have learned from Gingrich back in 1995. It doesn't work. He only held the country hostage for a few days, and then he gave it up because people need to look at what the Senate Republicans are doing in the other body to see exactly what they are doing again today.

Even after the Senate broke the Republican filibuster on restoring unemployment benefits 2 days ago, the Republicans insisted on running out every minute of time left on the clock before allowing a final vote on this bill.

They wanted to dangle those workers out there for yet one more day. They wanted them to sit at home and wonder is it going to happen. How am I going to feed my kids? Can I pay for my house? For families who are without income and rely on unemployment benefits to make ends meet, every day counts.

Republicans clearly couldn't care less, and they forced these unemployed workers to twist in the wind for one more day. This is a slap in the face to millions of Americans who are struggling to find work and rely on unemployment benefits as a lifeline.

This effort to undermine the effectiveness of President Obama by denying unemployment benefits to workers, and by denying the President the power to create jobs, will ultimately

fail. Republicans have done nothing more than help ensure that Mr. Obama will be elected a second time.

Good move, guys. The American people will remember and despite what the Republicans think, the voters are not stupid. They don't want the ghost of Newt Gingrich running this country, and they don't want to return to the failed economic policies of President Bush.

They know that they want this government to help people when they need help, and they know that they didn't lose their job because they did something wrong. Greed on Wall Street got them. They are suffering because of that greed which we dealt with a couple of days ago, but they need a check to pay the rent and pay for food.

Mr. BOUSTANY. Mr. Speaker, just to briefly respond to the previous speaker, we want to look forward. We don't want to look back. We don't want a cynical look to the past; we want a positive vision to the future for the American people, which means we want to go along and promote growth in the economy and do an extension of unemployment benefits in a responsible way by paying for it, eliminating wasteful spending in the stimulus package as the offset.

I am pleased to yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), a member of the House Ways and Means Committee.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Mr. Speaker, I rise in support of the 15 percent of my constituents who have lost their jobs, but I also rise in support of the 85 percent who are struggling to hold onto their jobs.

Deficits do matter. Debt matters. What we have seen in the threat of default in Greece and what that did to the world economy and our own economy is similar to what we may be entering into. Given our tremendous reliance on borrowing, a similar loss of confidence in the United States would be devastating.

The administration may have its cheerleaders and spinmasters out in front telling all the cameras how swell everybody is going to be despite the work ahead; but businesses, those very entities that actually do the hiring, the innovating and the investing, aren't buying. They don't have a political motivation behind their analysis. It's simply reality as they see it. Small businesses are not confident about where this country is headed and neither are their customers.

Presidents can actually have a huge influence on consumer confidence; but every time this President gives a speech threatening American entrepreneurs, he makes things worse. As for debt, I understand the very childish playground temptation to point fingers and names and say, well, you borrowed too; but I also understand that busi-

nesses and consumers don't care about that because it doesn't fix the problem.

All we ask is that the unemployment, something we all agree on, be paid for using funds already obligated for the economic recovery. We and the American people point out—and not so subtly at times—that the way you are using the stimulus money is simply a waste of time, effort, and certainly money.

Borrowing more when it pushes us ever closer to the edge, just to continue spending money on self-serving stimulus road signs, is certainly unacceptable to them and is unacceptable to me.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. BOUSTANY. I yield the gentlewoman an additional 20 seconds.

Ms. GINNY BROWN-WAITE of Florida. I am sorry that the other side refuses to compromise, but that's where we are today. Americans want us to pay for this bill and not borrow another \$34 billion.

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on my motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. RANGEL).

I also ask unanimous consent that Mr. McDERMOTT, the subcommittee chair, be allowed to control the balance of the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. RANGEL. Thank you, Chairman LEVIN, for giving me this opportunity, and again to Congressman McDERMOTT for working so hard to try to protect those people who have lost their opportunity to take care of their families because they have lost their jobs.

□ 1250

I think we're hearing too much about Republican and Democrat today. We certainly are hearing too much about oil drilling and other issues. But as we go home, as Members of Congress, I don't think people come up and say I'm a Democrat and I need help or I'm a Republican and I need help; they say I need a job. I'm willing to do anything. I'm losing my dignity and my self-esteem. My daughter was in college, and I had to tell her that she won't be able to go back. I keep ignoring my creditors' calls because I lost my job. There were so many dreams and aspirations that I had for me and my family, so many hopes that I thought in this

great country I could fulfill. I thought it because I thought I was on the road to economic success. I knew I was doing better than my parents, and I had hoped so dearly that my kids would be able to say they would do better than me. Those that have finished school can't find jobs, can't afford homes. Families have consolidated, they have limited resources.

The greatest thing about this wonderful country is that you don't have to be successful if you really trust and hope that you can be successful. It's not like other countries where you're stuck where you were born and you can't aspire to do better. But we are reaching that point where Americans have lost faith in our financial centers. They've lost faith in terms of insurance health providers. God knows they've lost faith in the Congress. But when they start losing faith in themselves, that's when our country is in trouble. When they start believing that they cannot make it, that they're losing their dignity, that they're unable to put food on the table, provide shelter for their families, provide hope for their kids, America is losing something that we may not be able to recover, notwithstanding what happens from our economy.

How can people talk about deficits and pay-fors when a person is just asking for a little help? What difference does it make if we're able to take the \$30 billion—it's not spending, it's an investment. It's an investment not in foreigners, not in protecting democracy, it's an investment in people who love and want to work. I think, Mr. Speaker, we ought to give them an opportunity, because in taking care of their needs, they take care of our small businesses too.

Mr. BOUSTANY. Mr. Speaker, yes, it is an investment, but it is one we can pay for. And that's the sad state that we're in today because we are being refused the ability to even offer those kinds of amendments.

Mr. Speaker, I yield 4 minutes to my friend, a member of the Ways and Means Committee, the gentleman from Nevada (Mr. HELLER).

Mr. HELLER. I appreciate the gentleman's yielding time. And the answer to his statement is, it's absolutely correct, this can be paid for.

I come from a State, the State of Nevada, that has 14.2 percent unemployment, and these are very, very tough times. During the rules hearing, I submitted legislation that would actually pay for this piece of legislation. We can pay for it. It's not that the majority can't pay for it, it's that they don't want to pay for it. In fact, if you take a look at November 2009, facing the Unemployment Insurance Extension bill, back then in 2009 it was fully paid for, and the administration itself came out and supported a bill that was paid for. And at the time, unemployment was

higher than it is today nationwide. Don't tell me the administration doesn't think this ought to be paid for. If they wanted to pay for it at 9.8 percent, why don't they want to pay for it today?

I want to speak a little bit about the failed stimulus bill because I think some general questions were pointed my way during earlier debate, and that is whether or not the stimulus bill has actually worked. We've lost 2 million jobs in this country since the stimulus bill was passed. Forty-seven of 50 States have lost jobs since this Democratic-crafted stimulus bill. And it's no wonder that in recent polls more Americans think that Elvis is alive than this stimulus bill has worked. That's failure.

Nevada's unemployment, Clark County unemployment has gone up 40 percent. That's indisputable, and that's failure. Take Clark County alone; there are those who say the stimulus is working in Las Vegas; yet just last month almost 3,500 people filed for unemployment benefits. Take since the stimulus down in Las Vegas, nearly 40,000 people have lost their jobs in Las Vegas. Tell me the stimulus is working in Las Vegas. Take Nevada as a whole. Just last month 4,100 people filed for unemployment claims. Take the State since the stimulus: Since the stimulus, almost 50,000 people have lost their jobs in Las Vegas. Tell me that the stimulus has worked in my district. I will debate anybody on this, and I'll wait for my phone to ring.

I will just talk a little bit about the fact that in Nevada our unemployment level is 50 percent higher than the national average. If we had the national average in the State of Nevada, there would be 60,000 fewer unemployed Nevadans right now. However, there is one place in America where the stimulus has worked, and I'll give the other side credit for this, and that's Washington, D.C. Government jobs have grown by 201,000; 201,000 jobs have been created in Washington, D.C., since the stimulus was passed.

Some have alleged or believe there are no unobligated stimulus funds, and I don't agree with that. We can use unobligated stimulus funds. Go to www.recovery.gov, the administration's own Web site. Take a look at their Web site. They will show you that half of the stimulus funds at this point have not been spent. Can't we take \$34 billion of more than \$300 billion that's in unused stimulus funds to pay for this unemployment extension? That would be the right thing to do. I think that our children and grandchildren's future are worth a dime on the dollar; some apparently don't.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. I thank Mr. McDERMOTT. I stand in full support of this emergency legislation that will restore the

safety net to millions of American families. Those families have been waiting for this relief since June. Their faith in us has been tested, but today we are going to extend the help that they need.

I have spoken many times on this floor of the legendary mayor of Boston, James Michael Curley, a great orator. Curley spoke with great empathy about the forgotten man, and that's whom we're talking about today, the forgotten man and the forgotten woman, those individuals who have worked hard and played by the rules and have every reason to believe that America ought to provide them assistance in this difficult time.

He also would suggest that, in simplicity, the great ally of our civilization was a full stomach. We need to be reminded of that grim economic statistic for those who are outside the mainstream.

Let me also remind our friends here on the other side, in record time, in October of 2008, this Congress came to the aid of Wall Street. It didn't take us long to embrace the Troubled Asset Relief Program of George Bush to keep standing many of those institutions that helped create the problem that we currently find ourselves in.

There are millions of people, those who have served in Vietnam, those who have served in Afghanistan, and those who have served in Iraq and other theaters around the world, who are struggling in this economy. America is about building a community, a place where no one wants to be abandoned and no one wants to be left behind.

The great bounty of God's work has been to ensure that people in America, regardless of their political differences, have enough to eat and shelter. This opportunity to extend unemployment benefits for the American people ought to meet this moment, and I urge adoption of this measure.

Mr. BOUSTANY. Mr. Speaker, in addition to what Mr. HOYER said about using the unused stimulus funds, Mr. OBEY has hailed amendments to the Supplemental Appropriations bill made on July 1 that were paid for by repeatedly cutting unspent projects in the stimulus law. And in the other body, the chairman of the Senate Finance Committee, Mr. BAUCUS, has suggested the same. And that's what we're saying here. There is a better way to do this, a fiscally responsible way to not only take care of the forgotten man and woman today, but to prevent even more from being forgotten in the future.

□ 1300

Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Louisiana (Mr. SCALISE). Mr. SCALISE and I have worked together on American competitiveness, trying to achieve energy independence to meet our national security needs and to grow jobs.

Mr. SCALISE. I thank my colleague from Louisiana for yielding time.

Mr. Speaker, a year and a half ago, the liberals running Congress passed the stimulus bill, claiming they needed to add another \$787 billion to the national debt in order to keep unemployment below 8 percent. Of course, now, a year and a half later, unemployment is approaching 10 percent.

Their first plan failed miserably, so regarding unemployment, they are coming with a plan to add another \$34 billion to the national debt that they don't want to work with us on to at least pay for by using some of that failed stimulus plan. In fact, they are still trying to defend the stimulus plan that most Americans recognize only grew the size of government and which did nothing to help stimulate the economy. The sad irony of this is that millions of American people are unemployed as a direct result of the policies of this administration.

A very real example is occurring right now in south Louisiana. Just yesterday, there was a rally in south Louisiana where over 10,000 people showed up to oppose this arbitrary and capricious ban by President Obama on drilling in the gulf.

They try to hide behind safety and pit it as safety versus jobs. In fact, the President's own safety commission he appointed after the explosion of the Deepwater Horizon said that the moratorium is a bad idea. They went on to say that this moratorium will decrease safety in the gulf. That's right. This is the moratorium that the President, himself, imposed, which is costing our State thousands of jobs and thousands more people to be on unemployment, people who would much rather have jobs than the unemployment checks that President Obama is offering them. Their jobs have been taken away from them by the President, yet not for scientific reasons but for political reasons, because the President's own scientists say the moratorium is a bad idea and will decrease safety.

In fact, as my colleague from Louisiana pointed out, our entire delegation has been trying for 6 weeks now to meet with the President to discuss this ill-conceived idea, and he refuses to meet with us. Though, you still have hundreds of people each week being added to the unemployment rolls because of the President's policy.

What the President needs to do is actually work with us to create jobs instead of continuing to push policies that are running people onto the unemployment rolls, putting more jobs overseas and putting our country at greater risk of energy dependence. Our energy supply hasn't decreased, but now you are going to actually have more oil imported from these Middle Eastern countries that don't like us. By the way, 70 percent of all oil spills come from tankers importing oil.

Now the President has just made our country more dependent on that imported oil with the addition of his ban on drilling. That is creating more unemployment in our State. These policies are wrecking our economy.

What we need is to create jobs. Part of that means you put good policies in place that help create jobs so that people don't continue to go on the unemployment rolls because of the Obama policies. That is what we need to do is to get a different agenda. The American people are saying, Where are the jobs? All they get is more deficit spending from this administration.

They just don't get it.

Mr. McDERMOTT. Mr. Speaker, I can't help but respond to the change of subject from the gentleman from Louisiana.

I guess fishermen aren't worth anything. Fishermen are worthless. All that sea stuff that comes up and that they sell all over the place, they don't care about that. All they want to do is drill for oil. The President is careful and prudent and says let's look at this drilling before we go on with it because we have just proven that the oil companies are reckless. They have proven it for 79 days in the gulf, and if you can't learn from that and realize what it is doing to crabbers and to shrimp fishermen and to oystermen, then you have missed the point.

I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, people all over Illinois and all over America are waiting with bated breath, and they are waiting to pay utility bills, to pay house notes, to make mortgage payments, to catch up on their rent, to pay college tuition, and to buy food for their children.

They are also waiting to say, "Thank you, NANCY PELOSI." They want to say, "Thank you, HARRY REID." They are waiting to say, "Thank you, United States Congress." They want to say, "Thank you, Barack Obama, because the action that you just took this day means to us that you are working for us. You have reinforced our confidence in our government. You have said to us that we do matter." I know that the people of Illinois will be saying, "Thank you, our government."

I urge passage.

Mr. BOUSTANY. Mr. Speaker, I have to respond to my friend from the State of Washington.

I would say that I would not have the audacity to speak for the people of Washington, because I haven't had the chance to actually get to know them. I can tell the gentleman that I do know the fishermen, the oystermen, the shrimpers, and those who run boats down in my State of Louisiana.

If they were here on the House floor today, they would say, "Please do not kick us when we're down. Lift this ban on drilling because, if not, it is going

to kill our economy." These are the same fishermen and oystermen and shrimpers who are losing their jobs.

That's why we need sensible policies, Mr. Speaker. We are all for extending the unemployment benefit insurance, but we know we can do it in a responsible way—by paying for it with unspent stimulus money.

I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, with almost half of the unemployed out of work for more than 6 months, I am extremely disappointed that partisan bickering has delayed this important relief to American families.

I want to share with you what one of my constituents wrote to me.

He said, "I've worked all my life and supported myself and didn't ask for any special treatment. There is pride that comes from work . . . No one is more ready and willing to work than me . . . but there just isn't any."

Since the lapsing of unemployment benefits, millions have lost the benefits which are keeping their families in their homes and food on their tables, but what we and people may not know or really appreciate is that this also includes tens of thousands of former servicemembers and reservists who have returned home to find themselves without work.

How, I ask you, Mr. Speaker, does prohibiting them from being able to pay their electric and grocery bills help our economy recover?

I urge my colleagues to join me in strong support of this extension.

Mr. BOUSTANY. I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Let me thank the gentleman for yielding and for his steady and undying support for people who really have had a very tough time and who have not had any opportunities for many years now.

Thank you, Mr. McDERMOTT, for your leadership.

Mr. Speaker, I've been listening to the debate here about jobs. We, too, are asking, Where are the jobs?

From what I remember, there were very few Republican votes for the many job creation bills which Democrats have passed. So, if you are not going to support a real jobs initiative, I can't understand, for the life of me, why in the world you won't support just the basics for people, just a bit of help for those who have no jobs and for those who you won't help get jobs.

Support for unemployment compensation speaks, really, to who we are as a country. This is a moral and an ethical issue of which those who really care about the least of these should support. People have lost their jobs for

a variety of reasons—primarily, yes, due to the economic policies of the previous administration. We know many people who have lost their jobs due to their not being able to find work in this new economy. People have lost their jobs because their communities have been shut down as a result of the foreclosure crisis. They have lost their homes. They have lost their jobs. They have no health care.

What in the world is going on in our country?

Some of us really get it in terms of the economic policies and what we need to do, but until we make the case in a way that Republicans get it, the least we could do is just help people pay their rent and, for those who still have mortgages, help pay their mortgages and, for those who don't have enough food, basically buy food for their kids.

We can't even get the Republicans to support a youth jobs initiative. My goodness. You know, we have over 40 percent minority youth—African American and Latino youth—who are unemployed. These young people need jobs. They need jobs not only to develop their work skills and work experience, but they have to help their families put food on the table and pay the rent.

□ 1310

So for goodness sakes, just help these people survive and weather these storms right now, because they need something to get through this. Otherwise, we're going to see a country that we all don't want to see, one that we don't recognize, one that does not care about the common good. And this is about the common good. We all have a duty and responsibility to make sure everyone at least is able to survive through these very terrible times.

Mr. BOUSTANY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING), who serves on the President's Fiscal Responsibility Commission.

Mr. HENSARLING. Mr. Speaker, indeed, this is the difference between the two parties here today. As I've listened carefully to the debate, I haven't heard anybody say we shouldn't be extending unemployment benefits.

What I have heard is that one side wants to borrow 43 cents on the dollar, mainly from the Chinese, and send the bill to our children and grandchildren. Those are my friends on the Democratic side of the aisle.

On this side of the aisle, we're saying, you know, all the trillions of stimulus money, the \$1.2 trillion, when you add in the interest factor, those unspent funds, maybe some of the unspent TARP funds, these programs that have helped continue to mire us in almost double-digit unemployment, maybe we could use some of those funds instead and not add to the single

largest debt in America's history that's only getting worse under their watch, Mr. Speaker. That's the primary difference here today. And we must show that we are a fiscally responsible Congress today to create jobs.

Ultimately, the people in America don't want more unemployment checks. They want more paychecks. And it's the policies of this President, the policies of this Congress, brought about by the Federal takeover of health care, brought about by this huge permanent Wall Street bailout bill, where the ink is barely dry, the threatened cap-and-tax bill, and the massive debt that we're drowning in.

Under the President's own budget, we will be paying almost \$1 trillion a year in interest alone on the national debt. I mean, that's the kind of policies that our distinguished Democratic majority leader at one time likened to fiscal child abuse. And so I haven't heard that rhetoric recently, but I hope he still believes it because that's what we're engaging in.

So I do not understand why my friends on the other side of the aisle refuse to pay for this. I certainly hear the phrase "pay-as-you-go" frequently. I just don't see it practiced.

And, indeed, I do serve as one of the Republican appointees on the President's Fiscal Responsibility Commission, many of whom consider that title to be an oxymoron. We will debate that later.

But the chairman, Erskine Bowles, former chief of staff, Democratic chairman, former chief of staff to President Bill Clinton, has said that our debt is a cancer that can destroy us from within. This isn't Republican verbiage. This is Democrat verbiage.

So why do the Democrats refuse to pay for this? Why do they continue to engage in what the majority leader once termed fiscal child abuse?

Again, that's where the debate is. The debate is, Are you going to pay for the unemployment insurance, or are you going to take the burden and put it on our children and grandchildren yet again? That is unconscionable, unsustainable, and it ought to be immoral.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the majority leader of the House of Representatives.

Mr. HOYER. Mr. Speaker, the timeliness of my opportunity to speak is sometimes good, and I think this is one of them.

Mr. HENSARLING just spoke. I have great respect for Mr. HENSARLING. He works hard. He focuses. He's philosophically well-grounded, and he follows his philosophy. I disagree with his philosophy, his fiscal premises. And his fiscal premises that were part of the last administration's approach to the finances of this country increased our deficit by 87 percent, from \$5 trillion,

essentially, a little over \$5 trillion, to a little over \$10 trillion. They didn't quite double it, but 87 percent more debt under the Bush administration.

That I called fiscal child abuse. Why? Because it was not done at a time of fiscal crisis with large unemployment. That unemployment was caused by the policies of the last administration.

Why do I say that? Because under the Clinton administration, we created 21 million jobs in the private sector, just a little short of 21 million jobs, 22.8 overall, when you include public employment.

And during the Bush administration, how did it relate to that 20.1 million new jobs in the private sector? One million. How did it relate per month to job production? 216,000 under the Clinton administration, and 11,000 per month under the Bush administrations. That's what their economic policies wrought. Their economic policies of cutting deeply, not \$40 billion or \$34 billion borrowed money, but trillions, with an "s," of borrowed money to fund tax cuts which they did not pay for.

They weren't continuations of the Tax Code, as JON KYL, the second-ranking Republican leader in the Senate, now argues ought not to be paid for; \$687 billion, that we just ought to continue that for the wealthiest in our country, not the little children who are worried about whether their parents are going to be able to afford the mortgage or afford to put bread on the table. That's what we're talking about in this bill for literally millions of people who have run out of support.

Now, will they run out of support in this moral country? They will not ultimately run out of support; they'll be put on welfare and food stamps. And they won't be available for the insurance to which their employer and they participated in, providing for the contingency that we ran the economy into the ditch, the worst economy in three-quarters of a century, wrought by the Bush economic policies, to which Mr. SESSIONS, the chairman of their campaign committee, says that they want to return to the exact agenda.

I'm so pleased I had the opportunity to come and respond to my friend from Texas. It does demonstrate the difference between our two parties. Absolutely.

JON KYL, who says, we ought to borrow \$686 billion from the Chinese to give to the wealthiest in America, and Democrats, who say we want to borrow \$34 billion to give to the children of America whose families are in need—yes, that is the difference, if my friend from Texas wants to make that the difference.

This is about saying that we have an emergency. And historically, from Ronald Reagan to today, Ronald Reagan, Bush the first and Bush the second, what did you do when you were in charge? You borrowed at times of

economic trouble to give unemployment insurance.

□ 1320

We are doing the same thing. Why did we do that? Because we perceived it to be an emergency. An emergency that people in the richest Nation on the face of the earth were about to run out of the ability to keep their homes, buy their food, clothe their children. A moral and great country thinks that's an emergency. That's what this vote is all about.

This vote is also about, as the gentleman from Texas has said, expressing our values. I agree with that. And I'm going to express my values, and I urge the Members of this House to express their values this day on this vote, as millions of people have lost their unemployment insurance because we could not get 60 votes in the Senate. Had almost every Democrat saying we need to help now. People are running out of ability to support themselves now. We paid insurance for now. So I urge my colleagues to vote for this legislation.

A few months ago, we passed unemployment insurance through this House by unanimous consent. The election wasn't as proximate then as it is today. The deficit is way too high, and we need to get a handle on it. And I just made a speech, and I have been criticized by some on my side of the aisle and some others for saying that we needed to put everything on the table. I reiterate that today. We need to put everything on the table. No sacred cows.

I have three children, three grandchildren, as all of you will get tired of hearing, and one great granddaughter. And I owe it to her personally, as a Member of this House, to say ladies and gentlemen of this House and of our country, we have a moral responsibility to get a handle on this deficit.

A reporter just asked me as I was walking down the aisle, did I agree with Mr. Bernanke's comment that we ought to pay if we extended the tax cuts? And I said to him this: At a time of fiscal crisis, when our economy is struggling to get back from the ditch it was in when this administration took over—how much of a ditch? During the last year of the Clinton administration, we added 1.9 million new jobs, I tell my friend from Texas. Last year, Clinton administration, 1.9 million new jobs in America. And it was a slowdown period.

During the last year of the Bush administration, after the economic policies that were pursued from 2001 and 2002 and 2003 and through 2009, even though we took the Congress we couldn't do anything because the President would veto legislation, and did in fact veto legislation, 3.8 million Americans lost their jobs. That's a difference of 1.9 million new jobs in the last year

of Clinton to 3.8 million lost jobs in the last year of Bush, or a 5.7 million jobs turnaround. Is there any wonder why there is a lot of pain in America and families are in great distress and they're angry and they have angst? And we share that.

Today does not solve the problem. But today reaches out to those folks in distress and say in the short-term, on an emergency basis we are going to continue to give you help so you can support your families in this, the wealthiest Nation on the face of the earth. You worked hard. You paid in. And through no fault of your own, you lost your job.

Maybe because of the fault of Wall Street that my friend believes we were too harsh on, we are imposing rules on so they can play by the rules and not squander and take risks that put Wall Street profits before Main Street stability. Yes, and also we're not going to apologize to the BP oil company and say we're sorry that we expect you to be accountable for the negligence that caused millions of people to be in economic distress. We're not going to say sorry. Some people want to say sorry that the President of the United States suggested, hey, you need to help those people.

Maybe helping people is a difference between our two parties. I don't necessarily think that. I don't want to say that. But if that's the difference, today is a day when 435 of us can stand up and vote "aye" to help millions of Americans in deep distress through no fault of their own.

I urge my colleagues to stand up and let people know that you are on their side.

Mr. BOUSTANY. Mr. Speaker, I remind my friend, the distinguished majority leader of the House, that in the 1990s, during the Clinton administration, there was a great bipartisan effort that led to those balanced budgets because there was a Republican majority.

Mr. HOYER. Will my friend yield on that point?

Mr. BOUSTANY. I will yield.

Mr. HOYER. It's a good point. I ask my friend—that is true—why couldn't you do it when you had the House, the Senate, and the Presidency?

Mr. BOUSTANY. I will reclaim my time, and I will remind the majority leader that we have the opportunity to go forward now and not cast blame on the past. So I would say that President Obama actually got it right in a statement of administration policy on November 2009 regarding unemployment benefit extensions, which was fully paid for. And here is what he said. I quote, "Fiscal responsibility is central to the medium-term recovery of the economy and the creation of jobs. The administration therefore supports the fiscally responsible approach to expanding unemployment benefits embodied in the bill."

All we're saying is there is a better way to do this, and that is to pay for this extension.

I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. I thank the gentleman for giving me a moment to speak.

Mr. Speaker, my friends from the party opposite refer to deficit and debts. Well, you know, debts are important. The deficit is important. The national debt, all these things are critical. But I guess my question is, you know, when the Republican Caucus voted to give the most wealthy and most privileged members of American society a \$700 billion-plus tax cut that they didn't pay for, they weren't that concerned about fiscal responsibility. Why no fiscal responsibility for the two wars? Ten billion dollars a month for Iraq, no fiscal responsibility for that. When the prescription drug handout was given to Big Pharma, \$400 billion, no fiscal responsibility then.

But when the poor, hardworking people of America find themselves without work and come and say, you know what, still looking for work, haven't found one, and need some help from my fellow Americans, it's like, "No, no, no, no. We cannot help you because we got to worry about the deficit." Why so much concern, so much heartfelt angst about what the wealthiest, most privileged Americans need but nothing but a cold heart and a closed purse for people who are in an emergency situation?

Mr. Speaker, I ask what about the debts of the people who are unemployed? What about them having to go to family and borrow money? What about them being captured by the payday lenders and the rent-to-owners and these kind of people, folks who take advantage of poor people when they don't have any money and they don't have any unemployment insurance benefits? What about their personal debt? The American people should respond.

I don't want to say that the party opposite is heartless, but this looks heartless. It looks that way. And I don't want my friends in the party opposite to look like they just don't care about poor people. So I urge everyone in this caucus to support and vote for this measure. It is important, it is the right time.

I will just say, finally, the fact is that for every dollar spent on unemployment benefits, \$1.60 goes into the economy, which means we begin to pull ourselves out of this situation and deal with this deficit.

Mr. BOUSTANY. I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the kind chairman, Mr. McDERMOTT, for yielding me the 2 minutes.

Sometimes when they say gentlewoman, I don't feel so gentle on the subject of unemployment. And in fact, I rise in strong support of this bill, which is long overdue because of the delays in the other Chamber. And I want to thank Chairman McDERMOTT for his extraordinary leadership and our Speaker for bringing this bill forward.

All the economic studies show that in fact direct consumer spending that results from the expenditure of unemployment checks on basics—paying for food, paying your mortgage so you don't lose your home, making your car payment on that old jalopy you use to go to work—that, in fact, this creates the largest bang inside our economy to move it up than any investment we can make other than in infrastructure investment, where we are employing people building bridges, building roads, some of the things that people on the other side of the aisle are making fun of.

It's no fun to go over a bridge that collapses. We saw that in Minnesota. These are issues that in a great Nation you take care of. In Ohio, we need unemployment compensation right now. We're one of the platforms that manufactures and grows jobs immediately to hold this country up. And our people, 100,000 of them, still remain out of work and utterly dependent on these benefits. They will be affected directly by the extension of these benefits. Indeed, Ohio has a total of between 600,000 and a million people who are unemployed, working in part-time jobs, or they have fallen out of the workforce through no fault of their own.

The Obama administration will have created more jobs by the end of August than the Bush administration did in the whole 8 years that it sat in office and did nothing except create more war and more unemployment and more outsourcing of jobs. I find my colleagues on the other side of the aisle out of touch—I can't even explain them. We don't live in the same world.

I respect people who go to work every day. I respect those who get injured on the job. I respect those farmers who are out in the fields right now harvesting crops. I respect those who work for them. I respect the people who work in our auto plants. I respect the people working in hundred-degree weather up on bridges around my district right now trying to fix things up and hold things together until a better day comes.

So the least we can do is return to them the money they already paid in, that their employers already paid in, that they already earned. They earned it. I say to the gentleman I support this bill a thousand percent. Ohioans are waiting for their unemployment checks. But most of all, they want to go back to work.

□ 1330

Mr. BOUSTANY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I had not intended to speak yet again on this subject, but to hear the last three speakers, clearly there appears to be a confusion on the other side of the aisle between unemployment checks and paychecks.

I mean, what we've heard the Speaker say—I wish I had her exact quote in front of me—that essentially by putting out more unemployment checks, that this is one of the best ways to create paychecks. I've never heard such circular logic in my life.

Now, clearly we need an extension of unemployment. I mean, I must admit I find it somewhat ironic that the President of the United States brings up three unemployed workers. To the best of my knowledge, they've been unemployed during his Presidency. What a testament to his policies and the policies of this institution.

Again, between a national takeover of our health care where employees don't know how much their health care costs are going to be. They're not creating new jobs. Threatened cap-and-trade. Nobody knows what their energy costs are going to be. No new job creation.

We have this financial regulatory bill. Nobody knows what the cost of capital is going to be, particularly with a bureau that has the ability to ban and ration credit for small businesses. You've got private business sitting on almost \$2 trillion that could be employed for paychecks but instead, once again, due to the policies of my friends on the other side of the aisle, we're having that debate on unemployment checks instead.

And let me make sure that people aren't drowning on all of this straw that's in the House Chamber today from all the straw men. Here's the debate. In the words of the Democratic majority leader, Are we going to engage in fiscal child abuse and borrow the money principally from the Chinese to pay for this, or are we not? That's the question. That is the only question before the House right now. Are we going to borrow the money from our children and grandchildren, send them the bill, or are we going to pay for it today and quit using it on failed stimulus plans? That's the debate. The American people are not confused. And again, they want paychecks, not unemployment checks.

Mr. MCDERMOTT. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself the balance of my time.

This is about whether we're going to pay for this or not. Consider that this is the eighth time this Congress is going to extend these benefits. The

eighth time. That's an indication that the current economic policy of this administration and this Congress is a failure.

I mentioned earlier the fact of the matter is we have a choice. We can do this in a fiscally responsible way, or we can choose to run up additional debt on our children and grandchildren to the tune of \$34 billion between now and November.

Again, I think the President, President Obama, got it right in the statement of administration policy in November 2009 when the unemployment benefit extension was actually paid for. Again, I'm going to quote what he said: "Fiscal responsibility is central to the medium-term of the economy and the creation of jobs. The administration therefore supports the fiscally responsible approach to expanding unemployment benefits embodied in the bill."

Now, if fiscal responsibility helps the economy and job creation, then the fiscal irresponsibility of this bill before us will hurt the economy and job creation.

And I think the American people have spoken. They want us to do this, but they want us to pay for it. Let's do the right thing and actually pay for the spending we approve and help our economy grow, help job creation. As the administration said, a fiscally responsible approach is what's needed.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, as we close this debate and finally put this on the back burner until November when we have to come back and look at it again perhaps—we'll see—one of the speakers on the other side talked about confusion. My view is that the confusion here is between whether we're going to send unemployment checks or we're going to tell people, Go hungry. That's the confusion.

People say, Well, it's about paying for it. I will remind my colleagues on the other side Mr. Bush was President for 8 years, and when we did unemployment, we did it on an emergency basis. We never paid for it one time and you guys, the Republicans—I'm not supposed to address them directly—they didn't pay for it, Mr. Speaker. They were in charge and their President was in charge, but they called it an emergency.

Now under Mr. Obama, it's not an emergency.

Suddenly we're going to tie up people's minds and try and confuse them. But the fact is that for 6 weeks we have said to workers in this country, We are not going to extend benefits.

Now, we have never, in the history of this country, when unemployment was at 7.2 or above, failed to extend benefits until the Republicans got a serious case of fiscal—well, I'm not going to say exactly what I think—but fiscal disease has overtaken their mind. And

they've suddenly caught this thing—it must be in the air around here or somewhere down around the Ohio River between Cincinnati and Kentucky. They've got leadership that said, You know, we can infect everybody with this fiscal fear. We'll just sacrifice a few million. It's only 2½ million people who are going to lose their benefits. So it's not very many. There's 300 million in America. We can throw away 2½ million. That's easy. They won't vote. They're too stupid to know who's doing it to them.

That's the kind of message you're sending when you're saying you won't give unemployment benefits.

This is so easily understood by the American people. This is not climate change. This is not all the complicated stuff. Some people around here think the American people have a very short memory span, but they don't on stuff where it's right down to the bone.

And you will remember this day as the day when finally the Republicans came to their senses. They finally said, You know, this ain't going to work. It really ain't going to work. We're not going to admit it. We're going to say we were doing it on principle.

But there is no principle at the table when the mother opens the cupboard and there is nothing in it. Or when the lights aren't turned on because you haven't paid the utility bills. Or when the water is turned off because you haven't paid your water bill. What does a mother say the principle is? Now kids, get in the bathtub, but there is no water. Clean yourself up, right?

What kind of nonsense is this? Do you think this money is going for people to buy iPads or iPhones or i4Phones or whatever? This is going for the necessities of life. And you're saying to the ordinary people of this country, Well, we have a principle, under the Democrats, we have to pay for it. Now not under the Democrats.

And I can hardly wait until we get the proposals over from the Senate to extend the tax breaks and watch you guys do a double flip. You will get a "10" in Olympic terms for your ability to do a double flip and say, Well, now we don't have to pay for it. And watch, they're going to send over the estate tax. They are going to send over a bailout for the people at the very top. And you're going to say, We don't have to pay for them. Oh, no. No, no. They're very rich. No, no, no, no, no, we can't pay for that. No, no. But they're going to make us pay for the people who are in the most dire distress in this society.

It's really shameful, and I'm going to watch with pleasure as you vote "no" as you vote yourself out of here.

I urge my colleagues to vote for this bill, and I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. DAVIS of Illinois. Mr. Speaker, I strongly, resolutely, and steadfastly support this bill to extend critical unemployment benefits for our citizens through the end of November. This bill will provide vital assistance to over 137,600 Illinoisans, and to the 2.5 million Americans, who lost their benefits between June 2nd and July 17th. This bill helps address a national emergency resulting from one of the worst economic recessions in our country's history.

Unemployment insurance is not a theoretical concept to these citizens. Unemployment is a very real lifeline. It allows mothers and fathers to buy food for their children. It allows people to help keep a roof over their families' heads. I have received so many tearful calls from my constituents who call to beg for my help. They are disheartened by their continued unemployment despite active and prolonged efforts to find a job. They are embarrassed that they cannot support their families, and they are frightened that their children will suffer from their inability to feed, clothe, or provide housing. When they learn that their government allowed these lifeline benefits to expire and failed to reinstate them for almost 8 weeks, they are shocked. They worked and paid taxes for years with an understanding that government would help them in a time of need. Yet, this assistance was not there.

I think it is unfortunate that Republicans have delayed this critical financial assistance for so long. To add insult to injury, while proclaiming that our government could not afford \$33 billion to help our citizens who are suffering during an economic emergency, the Republican leadership confidently asserted the position that we want the government to spend \$650 billion for tax cuts for the wealthy. This is approximately 20 times the cost of this critical unemployment assistance. This is the same leadership that had no difficulty spending a trillion dollars for two wars and giving tax breaks to the wealthiest of the wealthy.

The extension of the aid for 99 weeks is an important first step in helping our citizens who are struggling to find employment. I promise to continue to work with the Democratic leadership to push for ways to help those remain unemployed beyond the 99 weeks. Long-term unemployment is an unfortunate reality for Chicago and for my constituents.

Passing this bill today tells our citizens that we are working for them. Further, passing this bill today reinforces their confidence in their government—confidence that they will help care for them in the lean times. For these reasons, I urge my colleagues to vote for its passage.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of the Senate amendments to H.R. 4213, the Unemployment Compensation Extension Act of 2010, which will extend unemployment benefits to millions of Americans that are in dire need of support. Without this legislation these families will lose the only lifeline that they can count on in this historic economic crisis.

Mr. Speaker, while I am glad that this bill is finally close to the President's desk, I deeply

regret the weeks of partisan politics by Republicans, especially those in the Senate, which have obstructed this legislation and delayed benefits to struggling families across the country. Since Republicans allowed benefits to begin expiring in May, over 250 million individuals nationwide and 429,000 in California have lost benefits that help them feed their families, pay their bills, and sleep with a roof over their heads.

Republicans claim to oppose these benefits because of their cost. But, let us not forget that Republicans never bothered to find offsets for the Bush tax cuts. They never felt the need to pay for the Iraq and Afghanistan wars. Only when unemployment benefits are on the table do Republicans suddenly discover an interest in fiscal responsibility. Republicans want to withhold relief from millions of Americans who, through no fault of their own, have lost their jobs in this economic crisis. But this vote offers a final opportunity to put partisan politics aside and work together for the American people.

Mr. Speaker, Congress has taken bold action to energize the economy during this historic economic crisis and lay the groundwork for long-term, stable growth. To be sure, these actions are working: to date, the Recovery Act alone has saved or created over 682,000 jobs nationwide. However, rebuilding our economy takes time and, despite the success of Democrats' job-creating legislation, many individuals and families across the country still need our help. We cannot abandon the families that have been left jobless because of the previous Administration's economic mismanagement. This important measure will retroactively extend unemployment assistance to individuals whose benefits started to phase out in May and will guarantee that benefits are available through November.

Mr. Speaker, this should not be a partisan issue. This is an American issue. Millions of Americans need our help and this is our opportunity to provide it. Let us help the people all across the country who have been hit hard by this recession, people who, through no fault of their own, are struggling to stay in their homes and feed their kids.

Moreover, in addition to providing relief to those in need, this bill is an important step in our economic rebuilding process. Unemployment benefits create economic demand that stimulates the economy and puts people back to work. This is a fast-acting and cost-effective way to energize the economy: every \$1 spent on unemployment benefits leads to \$1.90 in economic activity. This bill responds to both our immediate obligation to help the American people in a time of great need and the long-term goal of consistent growth and prosperity.

Mr. Speaker, this bill is an obvious "aye" vote. The resistance it has seen in the past few weeks is shocking. I strongly urge my colleagues to join me in supporting H.R. 4213.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today in strong support of the Unemployment Compensation Extension Act. This legislation will extend unemployment insurance (UI) benefits, which expired seven long weeks ago, to millions of Americans families who rely on this assistance to make ends meet during these difficult economic times.

I regret that due to Republican objections, delays and stalling tactics, Unemployment

Compensation was allowed to lapse for so long. My colleagues in the House of Representatives and I have already passed this legislation three times since May. Unfortunately, the bill was allowed to languish in the Senate while millions of Americans were forced to do without this critical lifeline.

With unemployment in Los Angeles County hovering at 12.2 percent, I continue to hear from my constituents how important these benefits are to them as they look for new employment during these difficult economic times.

One constituent, a college graduate who lives in Los Angeles, wrote to inform me that he has been searching for a job for 18 months without success. He has long since run out of savings and without unemployment benefits cannot pay his rent. Another constituent, a mother of three children, was recently laid off and is relying on unemployment benefits to pay her mortgage payments and keep a roof over her family's head.

It is for hardworking Americans like these, making good faith efforts to secure employment and trying desperately to find some stability in these uncertain times, that I vote for this important measure.

While we act today to protect the unemployed and their families, I believe we must redouble our efforts to create job opportunities and get Americans back to work.

Mr. CONYERS. Mr. Speaker, today I rise in support of H.R. 4213, the "Unemployment Compensation Extension Act of 2010." After weeks of needless delay, this legislation will ensure that the estimated \$2.5 million Americans who lost their coverage will again have access to the lifeline provided by unemployment insurance and again be able to pay their bills and put food on their table. During this unfortunate period, my friends on the other side of the aisle have repeatedly told out of work Americans that the human dignity they seek is a luxury we cannot afford. Let me be clear: There is nothing luxurious about barely getting by—having to decide between your mortgage, your health, or your family's well being.

The opposition to this legislation has been disingenuous, cruel and out of touch. Many of the unemployed people in my district spent years working hard, paying their bills, and contributing to their communities. Through no fault of their own, they found themselves out of work.

Beyond voting for this bill, my Republican friends ought to take responsibility for their role in precipitating this economic disaster. It was they who pushed policies that promoted unfettered free trade, tax cuts for the rich, and the casino culture on Wall Street. The least they could do is vote with the Majority to minimize some of the pain they caused.

For the sake of human decency for our fellow citizens, I encourage my colleagues to support the bill.

Mr. CAMP. Mr. Speaker, three weeks ago we were here talking about this. Two months ago we were here talking about this. And even if this bill becomes law, in four months we will likely be back again talking about this. The specific subject is extended unemployment benefits.

But the real issue, and what is driving the need for a record 99 weeks of unemployment

benefits, is this Administration's woeful record when it comes to creating jobs that provide paychecks, instead of unemployment checks.

In February 2009, the President signed into law the Democrats' trillion-dollar "stimulus" plan. That was the plan Democrats promised would create 3.7 million jobs, keep unemployment under 8 percent, and stimulate strong private sector job growth.

None of that happened.

Instead, over 2 million more jobs were lost and unemployment spiked to 10 percent, though the number of government jobs has grown somewhat.

So here we are again—extending unemployment benefits because stimulus failed to create the millions of jobs Democrats promised.

But instead of doing this responsibly, this bill will simply add another \$34 billion to our \$13 trillion mountain of debt.

We can do better than this.

Both Republicans and Democrats support helping the long-term unemployed. And both Republicans and Democrats want to responsibly pay for these benefits.

That would be far better than adding to the unchecked growth in our debt that is already costing us jobs, and that threatens to overwhelm our economy in debt and higher taxes for decades to come.

The fact is, we can both provide this help and pay for it by cutting less effective stimulus spending.

The last time we debated unemployment benefits, I offered a motion to pay for that spending. That is what the Heller substitute to this bill would have done if it was made in order today. Even the Democrat Chairman of the Senate Finance Committee, Senator BAUCUS, has also proposed cutting stimulus to pay for certain extenders.

The American people know it isn't right to add these costs to our already overdrawn national credit card. They want to help those in need. But they also know someone has to pay when government spends money. That assistance must not put our fiscal house as a Nation in even worse shape—and we are already in terrible shape.

I ask my colleagues on both sides of the aisle to reject this bill today and instead work together to quickly pass a bill to extend Federal unemployment benefits while responsibly paying for it.

That is what we should have been doing all along, which would have prevented the lapse in benefits millions have already experienced. Democrat Leaders rejected that obvious compromise, leading to needless additional suffering in recent weeks by millions of unemployed workers who want a job. But it is not too late to fix this, and to do so responsibly, so that we do right by the unemployed, as well as future generations.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of the over 150,000 residents in the State of Texas who have lost their unemployment benefits since June 2nd. Nationally, over 2.5 million Americans have lost their eligibility for unemployment insurance, at a time when our country is suffering through the most difficult economic slump it has witnessed since the Great Depression.

Unemployment insurance helps our country in two crucial ways:

First, unemployment insurance assists those hurt most by this recession.

Second, unemployment insurance is a major job creator.

Nearly 15 million Americans are out of work. Of these 15 million, 46 percent have been out of work for more than six months. In recent months, there have been at least five unemployed workers for every job opening.

These are proud, working Americans who have already been victimized by the state of our Nation's economy. Why are we victimizing them again by denying them this crucial lifeline?

Unemployment insurance is also one of the most stimulative measures the Federal Government can take to help the economy. The Congressional Budget Office has found that for every dollar spent on unemployment benefits, \$1.90 of economic growth is generated.

In a recent study by the non-partisan Economic Policy Institute, the expansion of unemployment benefits since 2007 has supported 1.7 million full-time equivalent positions. These jobs have raised GDP by \$244.8 billion, a 1.7 percent boost.

In sharp contrast to extending tax cuts for the wealthiest in our country, unemployed Americans will spend their benefits immediately to pay their rent, buy groceries and other necessary goods, thereby creating jobs throughout the economy.

This is not simply smart policy. This is a moral issue. We will be helping our friends and neighbors during their time of need.

I call upon my colleagues on both sides of the aisle to vote in favor of the Restoration of Emergency Unemployment Compensation Act.

Mr. VAN HOLLEN. Mr. Speaker, it is a huge relief for millions of Americans who remain out of work through no fault of their own that the Senate has overcome the Republican filibuster to extend unemployment insurance benefits.

It is an insult to the American people to suggest that those who are unemployed are sitting back and not looking for work while taking unemployment compensation. In fact, in order to qualify for unemployment benefits, one must be diligently looking for a job. Extending these benefits is not only the right thing to do for these families, but it is also important for our economic recovery. If these individuals and families are unable to purchase groceries or pay their rent or mortgages, then the entire community suffers.

Washington Republicans say they are opposed to these emergency benefits because they claim to be concerned about the deficit. However, they recently announced that they wanted to extend the Bush tax cuts for the wealthy and add over \$700 billion to the deficit—a sum that would be paid by our children and grandchildren.

Mr. Speaker, I urge my colleagues to support this much-needed legislation so that we can continue to help American families make ends meet during these difficult economic times.

Mr. KUCINICH. Mr. Speaker, I rise in strong support of H.R. 4213, the Restoration of Emergency Unemployment Act of 2010. This legislation extends unemployment benefits to millions of Americans in need through November and retroactively restores benefits to those that recently lost theirs due to Congressional

inaction. Unemployment in Ohio is at 10.5 percent. It is the number one request when I talk to my constituents at home.

Even with passage of this important legislation, many of my constituents in the greater Cleveland area will continue to suffer. Many will be ineligible for the benefits provided by this bill because they have exhausted the emergency temporary assistance granted by Congress. Still others are at a greater disadvantage than most; according to the latest unemployment statistics from the Department of Labor, members of the African-American and Latino communities continue to experience disproportionately high long-term unemployment rates at 15.4 percent and 12.4 percent, respectively. While Congress endeavors to provide direct help to those needing it the most, we must also focus on creating jobs.

Our domestic manufacturing sector has been decimated under the weight of the economy, bad trade agreements like NAFTA and CAFTA, and policy neglect. We cannot have a strong American economy without a strong industrial manufacturing sector. We need a coordinated Federal policy that puts the manufacturing sector back in its rightful place as an engine of the American economy. In recognition of that need, I authored H. Res. 444, which says that the steel, automotive, aerospace and shipping industries are vital to America's national and economic security.

Extending unemployment benefits alone will not address the needs of all Americans currently looking for work across various employment sectors, but it can serve to shore up our local communities and our economy. I urge passage of H.R. 4213, the Restoration of Emergency Unemployment Act of 2010.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 4213, the Restoration of Emergency Unemployment Compensation Act of 2010.

Unemployment levels are high across the country, and in my state of Illinois unemployment has remained well above 10 percent for over a year. Millions of Americans are actively looking for work, and for these families, unemployment insurance (UI) is a necessary to assist with their medical bills, mortgages, and basic needs so they can continue looking for employment every week.

While I share the concerns of my colleagues regarding spending that is not paid for, canceling these benefits now will only hurt these families and our economy. We have a responsibility to support people out of work and in great need. Moving forward, we may not be able to provide as much assistance to people and the states as many would like, and we may not in the short-term be able to fully offset the cost of all Federal spending. But working together, we can continue to chart a course that builds on our economic recovery and helps those in great need while beginning to address long-term economic challenges.

Mr. Speaker, I urge my colleagues to support H.R. 4213.

Mrs. MALONEY. Mr. Speaker, the House took action to help nearly 2.5 million Americans with the very basic needs of putting food on the table and paying the bills by extending unemployment insurance. After weeks of Republican efforts to withhold these benefits, we are sending a lifeline to families while sending

a jolt to our economy because most of the aid will be spent quickly on food, rent, and other necessities.

The Emergency Unemployment Compensation, EUC, Program began to phase out at the end of May. This means individuals exhausting their 26 weeks of regular unemployment benefits since that time, or exhausting any of the tiers of Federal EUC benefits, are not eligible for emergency unemployment benefits. H.R. 4213 retroactively restores those benefits and continues the EUC program through November.

Those in the Minority who are opposed to helping our middle class families often claim that providing unemployment insurance discourages Americans from seeking work. This couldn't be further from the truth. The Joint Economic Committee, which I chair, has just released its 2010 Annual Report. One of the findings is that extending unemployment benefits does not discourage job seekers from looking for work. The JEC report finds that unemployment benefits actually serve to keep some workers attached to the labor force who might otherwise shift to other more costly government programs.

By the end of the year, if no further action is taken, some 290,000 unemployed disabled workers will exhaust their unemployment benefits, and two-thirds of these workers will leave the labor force and move onto the Social Security Disability Insurance program. Shifting these workers from the labor market and onto the SSDI rolls would be a \$24.2 billion lifetime cost. Compare that with the \$721.3 million cost of extending unemployment benefits for these workers.

These numbers demonstrate that extending unemployment benefits is not only morally right, it is the fiscally responsible thing to do.

Mr. DAVIS of Illinois. Mr. Speaker, I strongly, resolutely, and steadfastly support this bill to extend critical unemployment benefits for our citizens through the end of November. This bill will provide vital assistance to over 137,600 Illinoisans, and to the 2.5 million Americans, who lost their benefits between June 2nd and July 17th. This bill helps address a national emergency resulting from one of the worst economic recessions in our country's history.

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I think it is unfortunate that Republicans have delayed this critical financial assistance for so long. To add insult to injury, while pro-

claiming that our government could not afford \$33 billion to help our citizens who are suffering during an economic emergency, the Republican leadership confidently asserted the position that we want the government to lose over \$650 billion for the wealthy. This is approximately 20 times the cost of this critical unemployment assistance. This is the same leadership that had no difficulty spending a trillion dollars for two wars and giving tax breaks to the wealthiest of the wealthy.

The extension of the aid for 99 weeks is an important first step in helping our citizens who are struggling to find employment. I promise to continue to work with the Democratic leadership to push for ways to help those who remain unemployed beyond the 99 weeks. Long-term unemployment is an unfortunate reality for Chicago and for my constituents.

Passing this bill today tells our citizens that we are working for them. Further, passing this bill today reinforces their confidence in their government—confidence that they will help care for them in the lean times. For these reasons, I urge my colleagues to vote for its passage.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1550, the previous question is ordered.

The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOUSTANY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to concur will be followed by a 5-minute vote on the motion to suspend the rules and pass H.R. 5341, if ordered.

The vote was taken by electronic device, and there were—yeas 272, nays 152, not voting 9, as follows:

[Roll No. 463]

YEAS—272

Ackerman	Carnahan	Dent
Adler (NJ)	Carney	Deutch
Altmire	Carson (IN)	Diaz-Balart, L.
Andrews	Castle	Diaz-Balart, M.
Arcuri	Castor (FL)	Dicks
Baca	Chandler	Dingell
Baldwin	Childers	Doggett
Barrow	Chu	Donnelly (IN)
Bean	Clarke	Driehaus
Becerra	Clay	Edwards (MD)
Berkley	Cleaver	Edwards (TX)
Berman	Clyburn	Ehlers
Bilbray	Cohen	Ellison
Bilirakis	Connolly (VA)	Ellsworth
Bishop (GA)	Conyers	Engel
Bishop (NY)	Costa	Eshoo
Blumenauer	Costello	Etheridge
Boccheri	Courtney	Farr
Bono Mack	Critz	Fattah
Boren	Crowley	Filner
Boswell	Cuellar	Foster
Boucher	Cummings	Frank (MA)
Boyd	Dahlkemper	Fudge
Brady (PA)	Davis (AL)	Garamendi
Braleigh (IA)	Davis (CA)	Gerlach
Brown, Corrine	Davis (IL)	Giffords
Butterfield	Davis (TN)	Gonzalez
Cao	DeFazio	Gordon (TN)
Capito	DeGette	Grayson
Capps	Delahunt	Green, Al
Cardoza	DeLauro	Green, Gene

Grijalva	Matheson	Ryan (OH)
Gutierrez	Matsui	Salazar
Hall (NY)	McCarthy (NY)	Sánchez, Linda T.
Halvorson	McColum	Sanchez, Loretta
Hare	McCotter	Sarbanes
Harman	McDermott	Schakowsky
Hastings (FL)	McGovern	Schauer
Heinrich	McMahon	Schiff
Heller	McNerney	Schrader
Herseth Sandlin	Meek (FL)	Schwartz
Higgins	Meeks (NY)	Scott (GA)
Himes	Melancon	Scott (VA)
Hinchee	Michaud	Serrano
Hinojosa	Miller (NC)	Sestak
Hirono	Miller, George	Shea-Porter
Holden	Mitchell	Sherman
Holt	Mollohan	Sires
Honda	Moore (KS)	Skelton
Hoyer	Moore (WI)	Slaughter
Inlee	Moran (VA)	Smith (NJ)
Israel	Murphy (CT)	Smith (WA)
Jackson (IL)	Murphy (NY)	Snyder
Jackson Lee	Murphy, Patrick	Space
(TX)	Murphy, Tim	Speier
Johnson (GA)	Nadler	Spratt
Johnson (IL)	Napolitano	Stark
Johnson, E. B.	Neal (MA)	Stupak
Jones	Oberstar	Sutton
Kagen	Obey	Tanner
Kanjorski	Olver	Taylor
Kaptur	Owens	Teague
Kennedy	Pallone	Thompson (CA)
Kildee	Pascarella	Thompson (MS)
Kilpatrick (MI)	Pastor (AZ)	Tierney
Kilroy	Payne	Titus
Kind	Pelosi	Perlmutter
Kirkpatrick (AZ)	Perlmutter	Petriello
Kissell	Perriello	Peters
Klein (FL)	Peters	Peterson
Kosmas	Peterson	Pingree (ME)
Kratovil	Petri	Platts
Kucinich	Pingree (ME)	Polis (CO)
Langevin	Platts	Pomeroy
Larsen (WA)	Polis (CO)	Posey
Larson (CT)	Pomeroy	Price (NC)
LaTourette	Posey	Quigley
Lee (CA)	Price (NC)	Rahall
Levin	Quigley	Rangel
Lewis (GA)	Rahall	Reichert
Lipinski	Rangel	Reyes
LoBiondo	Reichert	Richardson
Loebach	Reyes	Rodriguez
Lofgren, Zoe	Richardson	Rogers (MI)
Lowe	Rodriguez	Ros-Lehtinen
Lujan	Rogers (MI)	Ross
Lynch	Ros-Lehtinen	Rothman (NJ)
Maffei	Ross	Roybal-Allard
Maloney	Rothman (NJ)	Ruppersberger
Manzullo	Roybal-Allard	Rush
Markey (MA)	Ruppersberger	
Marshall	Rush	

NAYS—152

Aderholt	Cantor	Guthrie
Akin	Carter	Hall (TX)
Alexander	Cassidy	Harper
Austria	Chaffetz	Hastings (WA)
Bachmann	Coble	Hensarling
Bachus	Coffman (CO)	Herger
Baird	Cole	Hill
Barrett (SC)	Conaway	Hunter
Bartlett	Cooper	Inglis
Barton (TX)	Crenshaw	Issa
Berry	Culberson	Jenkins
Biggert	Davis (KY)	Johnson, Sam
Bishop (UT)	Djou	Jordan (OH)
Blackburn	Dreier	King (IA)
Blunt	Duncan	Kingston
Boehner	Emerson	Kirk
Bonner	Flake	Kline (MN)
Boozman	Fleming	Lamborn
Boustany	Forbes	Lance
Brady (TX)	Fortenberry	Latham
Bright	Fox	Latta
Brown (GA)	Franks (AZ)	Lee (NY)
Brown (SC)	Frelinghuysen	Lewis (CA)
Brown-Waite,	Gallely	Linder
Ginny	Garrett (NJ)	Lucas
Buchanan	Gingrey (GA)	Luetkemeyer
Burgess	Gohmert	Lummis
Burton (IN)	Goodlatte	Lungren, Daniel
Buyer	Granger	E.
Calvert	Graves (GA)	Mack
Camp	Graves (MO)	Marchant
Campbell	Griffith	Markey (CO)

McCarthy (CA)	Paulsen	Sessions
McCaull	Pence	Shadegg
McClintock	Pitts	Shimkus
McHenry	Poe (TX)	Shuler
McIntyre	Price (GA)	Shuster
McKeon	Putnam	Simpson
McMorris	Radanovich	Smith (NE)
Rodgers	Rehberg	Smith (TX)
Mica	Roe (TN)	Stearns
Miller (FL)	Rogers (AL)	Sullivan
Miller (MI)	Rogers (KY)	Terry
Miller, Gary	Rohrabacher	Thompson (PA)
Minnick	Rooney	Thornberry
Moran (KS)	Roskam	Tiberi
Myrick	Royce	Walden
Neugebauer	Ryan (WI)	Westmoreland
Nunes	Scalise	Wilson (SC)
Nye	Schmidt	Wittman
Olson	Schock	Wolf
Paul	Sensenbrenner	

NOT VOTING—9

Capuano	Hodes	Ortiz
Doyle	Hoekstra	Tiahrt
Fallin	King (NY)	Wamp

□ 1413

Messrs. CARTER, BROWN of South Carolina, and Ms. MARKEY of Colorado changed their vote from “yea” to “nay.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN MEMORY OF OFFICER JACOB J. CHESTNUT AND DETECTIVE JOHN M. GIBSON

The SPEAKER pro tempore (Mr. STUPAK). Pursuant to the Chair's announcement of earlier today, the House will now observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson.

Will all present please rise for a moment of silence.

JOYCE ROGERS POST OFFICE BUILDING

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 5341) to designate the facility of the United States Postal Service located at 100 Orndorf Drive in Brighton, Michigan, as the “Joyce Rogers Post Office Building”.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. ANDREWS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 411, noes 0, not voting 21, as follows:

[Roll No. 464]

AYES—411

Ackerman	Costa	Himes
Aderholt	Costello	Hinchey
Adler (NJ)	Courtney	Hinojosa
Alexander	Crenshaw	Hirono
Altmire	Critz	Holden
Andrews	Crowley	Holt
Arcuri	Cuellar	Honda
Austria	Cummings	Hoyer
Baca	Dahlkemper	Hunter
Bachmann	Davis (CA)	Inglis
Bachus	Davis (IL)	Inlee
Baird	Davis (KY)	Israel
Baldwin	Davis (TN)	Issa
Barrett (SC)	DeFazio	Jackson (IL)
Barrow	DeGette	Jackson Lee
Bartlett	DeLauro	Jenkins
Barton (TX)	Dent	Johnson (GA)
Bean	Deutch	Johnson (IL)
Becerra	Diaz-Balart, M.	Johnson, E. B.
Berkley	Dicks	Jordan (OH)
Berman	Dingell	Kagen
Berry	Djou	Kanjorski
Biggert	Doggett	Kaptur
Bilbray	Donnelly (IN)	Kennedy
Bilirakis	Doyle	Kildee
Bishop (GA)	Dreier	Kilpatrick (MI)
Bishop (NY)	Driehaus	Kilroy
Bishop (UT)	Duncan	Kind
Blackburn	Edwards (MD)	King (IA)
Blumenauer	Edwards (TX)	Kingston
Blunt	Ehlers	Kirk
Boccheri	Ellison	Kirkpatrick (AZ)
Boehner	Ellsworth	Kissell
Bonner	Emerson	Klein (FL)
Bono Mack	Engel	Kline (MN)
Boozman	Eshoo	Kosmas
Boren	Etheridge	Kratovil
Boswell	Farr	Kucinich
Boucher	Fattah	Lamborn
Boustany	Filner	Lance
Boyd	Flake	Langevin
Brady (PA)	Fleming	Larsen (WA)
Brady (TX)	Forbes	Larson (CT)
Braley (IA)	Fortenberry	Latham
Bright	Foster	LaTourette
Broun (GA)	Fox	Latta
Brown (SC)	Frank (MA)	Lee (CA)
Brown, Corrine	Franks (AZ)	Lee (NY)
Brown-Waite,	Frelinghuysen	Levin
Ginny	Fudge	Lewis (CA)
Buchanan	Gallegly	Lewis (GA)
Burgess	Garamendi	Linder
Burton (IN)	Garrett (NJ)	Lipinski
Butterfield	Gerlach	LoBiondo
Buyer	Giffords	Loeb
Calvert	Gingrey (GA)	Lowey
Camp	Gohmert	Lucas
Campbell	Gonzalez	Luetkemeyer
Cantor	Goodlatte	Lujan
Cao	Gordon (TN)	Lummis
Capito	Granger	Lungren, Daniel
Capps	Graves (GA)	E.
Cardoza	Graves (MO)	Lynch
Carnahan	Grayson	Mack
Carney	Green, Al	Maffei
Carson (IN)	Green, Gene	Maloney
Carter	Griffith	Manzullo
Cassidy	Grijalva	Marchant
Castle	Guthrie	Markey (CO)
Castor (FL)	Gutierrez	Markey (MA)
Chaffetz	Hall (NY)	Marshall
Chandler	Hall (TX)	Matheson
Childers	Halvorson	Matsui
Chu	Hare	McCarthy (CA)
Clarke	Harman	McCaull
Clay	Harper	McClintock
Cleaver	Hastings (FL)	McCollum
Clyburn	Hastings (WA)	McCotter
Coble	Heinrich	McDermott
Coffman (CO)	Heller	McGovern
Cohen	Hensarling	McHenry
Cole	Herger	McIntyre
Conaway	Herse	McKeon
Connolly (VA)	Herseth Sandlin	McMahon
Conyers	Higgins	
Cooper	Hill	

McMorris	Price (GA)	Smith (NE)
Rodgers	Price (NC)	Smith (TX)
McNerney	Putnam	Smith (WA)
Meek (FL)	Quigley	Snyder
Meeks (NY)	Rahall	Space
Melancon	Rangel	Speier
Mica	Rehberg	Spratt
Michaud	Reichert	Stark
Miller (FL)	Reyes	Stearns
Miller (MI)	Richardson	Stupak
Miller (NC)	Rodriguez	Sutton
Miller, Gary	Roe (TN)	Tanner
Minnick	Rogers (AL)	Taylor
Mitchell	Rogers (KY)	Teague
Mollohan	Rogers (MI)	Terry
Moore (WI)	Rohrabacher	Thompson (CA)
Moran (KS)	Rooney	Thompson (MS)
Moran (VA)	Ros-Lehtinen	Thompson (PA)
Roskam	Ross	Thornberry
Murphy (CT)	Rothman (NJ)	Tiberi
Murphy (NY)	Roybal-Allard	Tierney
Murphy, Patrick	Royce	Titus
Murphy, Tim	Ruppersberger	Tonko
Myrick	Ryan (OH)	Towns
Nadler (NY)	Ryan (WI)	Tsongas
Napolitano	Salazar	Turner
Neal (MA)	Sanchez, Linda	Upton
Neugebauer	T.	Van Hollen
Nunes	Sanchez, Loretta	Velázquez
Nye	Barbano	Visclosky
Oberstar	Scalise	Walden
Obey	Schakowsky	Walz
Olson	Schauer	Wasserman
Olver	Schiff	Schultz
Owens	Schmidt	Waters
Pallone	Schock	Watson
Pascrell	Schrader	Watt
Pastor (AZ)	Schwartz	Waxman
Paul	Scott (GA)	Weiner
Paulsen	Scott (VA)	Welch
Payne	Sensenbrenner	Westmoreland
Pence	Serrano	Whitfield
Perlmutter	Sessions	Wilson (OH)
Perriello	Sestak	Wilson (SC)
Peters	Shadegg	Wittman
Peterson	Shea-Porter	Wolf
Petri	Sherman	Woolsey
Pingree (ME)	Shimkus	Wu
Pitts	Shuler	Yarmuth
Platts	Simpson	Young (AK)
Poe (TX)	Sires	Young (FL)
Polis (CO)	Skelton	
Pomeroy	Slaughter	
Posey		

NOT VOTING—21

Akin	Hoekstra	Ortiz
Capuano	Johnson, Sam	Radanovich
Culberson	Jones	Rush
Davis (AL)	King (NY)	Shuster
Diaz-Balart, L.	Lofgren, Zoe	Smith (NJ)
Fallin	McCarthy (NY)	Tiahrt
Hodes	Moore (KS)	Wamp

□ 1422

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a joint resolution of the House of the following title:

H.J. Res. 83. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

PROVIDING FOR CONSIDERATION
OF H.R. 1264, MULTIPLE PERIL
INSURANCE ACT OF 2009

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1549 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1549

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1264) to amend the National Flood Insurance Act of 1968 to provide for the national flood insurance program to make available multiperil coverage for damage resulting from windstorms or floods, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit.

The SPEAKER pro tempore (Ms. JACKSON LEE of Texas).

The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I am pleased to yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). And all time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1549.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Res. 1549 provides for consideration of H.R. 1264, the Multiple Peril Insurance Act. The rule provides 1 hour of general debate controlled by the Committee on Financial Services. The rule provides one motion to recommit with or without instructions.

Madam Speaker, there is not a person in the Chamber today who can forget the terrible destruction left in the aftermath of Hurricane Katrina 5 short years ago. Lives were lost, homes were destroyed, businesses closed. Schools and hospitals were underwater. Our Nation has never been the same.

The damage that Katrina inflicted on New Orleans and across the Gulf States left thousands of people homeless. There were refugees spread across more than a dozen States. I think I speak for

all of us when I say the storm left an indelible mark on our collective psyche.

Although the storm and accompanying flood exposed many troubling failings, one of the most alarming was the fact that so many people who believed that they had adequate insurance, in fact, were not covered for Katrina's destruction.

Why? Because insurance companies engaged in a maddening shell game with homeowners about their coverage. Damage that seemed obviously caused by water would be attributed to wind, while wind damage was chalked up to flooding. The stalemate left far too many people with no claim.

The apparent loophole in coverage made it very difficult for many families to rebuild in the months and years after the storm. The same problem has cropped up after other hurricanes or large storms have struck over the years.

In the aftermath of Katrina, Congress worked collaboratively on legislation to address the coverage gap; and 3 years ago, legislation to do just that was approved by the House. However, the plan was unable to win passage in the Senate, so we are here again to try.

Despite the challenges, it is our contention that taxpayers will actually end up saving significant amounts of money if this type of coverage is made available to Americans.

In the aftermath of Katrina, the Federal Government spent more than \$34 billion on rental assistance, on vouchers, trailers, grants to homeowners and Small Business Administration disaster loans to homeowners.

Had there been a public option available to allow property owners to purchase insurance that provided seamless coverage of hurricane losses, some of that cost might have been avoided. With this bill we accomplish that goal.

The bill creates a new program within the National Flood Insurance Program to purchase both flood and wind storm insurance under one multi-peril policy, or to purchase wind storm coverage to supplement their already existing flood insurance.

It is a bipartisan bill and has been endorsed by the National Association of Home Builders, and the National Association of Realtors. The bill is also PAYGO compliant, since the program is required to pay for itself.

The most important thing to remember about this legislation is it simply gives Americans the option of buying coverage of getting some peace of mind.

The issue is far too important for us to wait around for the next round of storms like Katrina or Ike or Gustav to roar ashore and leave far too many families with nothing. This bill is a simple and effective way to permit people to purchase insurance so the next storm does not leave them high and dry.

I reserve the balance of my time.

□ 1430

Mr. SESSIONS. I thank the chairwoman of the Rules Committee for yielding me this time, my friend, Ms. SLAUGHTER.

Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this will be the 34th time I have handled a rule on the House floor, and this will be the 34th time I have yet to handle one open rule this session of Congress. In fact, over the 130-plus rules this Congress, we have not yet debated an open rule. I guess I could add the word yet, but I would presume that moving forward during this session of Congress I don't think we expect to. What a shame, Madam Speaker.

I don't believe that closing debate or limiting amendments or shutting down Members of Congress who are elected by their colleagues and peers back home to come and represent them, whether they are Republicans or Democrats, makes a lot of sense. As a matter of fact, I think it's wrong. Yet today here we are again with my handling of the 34th time this session a closed rule.

I would once again question this agenda. I would question the agenda of the majority party, the Democratic Party, that we already know is about taxing, spending, and more rules and regulations, and more debt to this great Nation. But I think that it's important to look at how bad process delivers a bad outcome. And today that's exactly what we're looking at again, another flawed process to bring something to this floor that should be treated more respectfully than the topic that it is.

But I am going to use my time also to talk about some Republican ideas. One thing I have the opportunity today, Madam Speaker, is to call for a vote on the previous question to allow for this week's YouCut winner. We've over the weeks heard about YouCut.

YouCut is a Republican idea that's an online idea. It's a voting tool, a tool where people who are back home have an opportunity to pick what they consider to be wasteful government spending, something which this Congress is incapable of doing because the agenda does not allow for making wiser choices or even feedback from our colleagues about how we would cut and make this government more efficient. Over a million Americans have voted this week alone.

This week's YouCut winner is the elimination of subsidies to first-class seats on Amtrak's long-distance routes. This initiative would yield \$1.2 billion in savings over 10 years. And these people who have voted are hard-working Americans who are paying attention to what we're doing here in Washington. They don't want to have their tax dollars subsidize first-class travel on Amtrak.

I have long advocated for reforming Amtrak, especially the long-distance routes. These routes lose money year after year after year. They continue to receive money from the Federal Government, and Amtrak has no incentive to improve their operations as long as Uncle, that's Uncle Sam, is willing to pay.

This Congress I have introduced H.R. 5377, a bill that would require Amtrak to eliminate service on long-distance routes whose total direct costs are more than twice the revenue. That is, where the costs are more than twice the revenue that comes in, the Federal Government should not be paying for that. The taxpayers should no longer be footing the bill for Amtrak's inefficiencies. And today you're going to have a chance to hear from the Republicans about how we think we ought to streamline this government and provide savings to the taxpayer.

Additionally, we're here today to discuss H.R. 1264, which would expand the National Flood Insurance Program, known as NFIP, to include wind storm insurance coverage. But once again today, based upon the agenda that this Democratic majority has, it would create a massive new government program to offer government-paid coverage backed with taxpayer dollars. And while this legislation may be well-intended, I have no doubt that it would have a crushing impact on a very fragile U.S. job market that would add billions to the Federal deficit. That's why we're talking about YouCut today.

We're talking about YouCut today because the bill we're getting ready to pass here in just a few minutes is not even paid for. And our friends in the majority keep talking about, oh, we pay for things. We make the tough decisions. Well, another day in Washington where another tough decision is not being made by the leadership of this House, and the agenda of taxing and spending and more debt and long-term destruction of the free enterprise system is exactly what's on the floor of the House today with this bill.

Transferring these liabilities from the private sector to the NFIP would be fiscally irresponsible. The NFIP currently owes the U.S. Treasury over \$18 billion—yet we're going to give them some more, we're going to empower them some more—the amount that it's been forced to borrow from the American taxpayers to pay claims and expenses in excess of the premiums collected.

Since 2006, the Government Accountability Office has included the NFIP on its list of high-risk government programs in need of comprehensive reform. And here today we're empowering a program that's on the high-risk series and encouraging them to do more business, taking business from the free enterprise system.

Additionally, the Property and Casualty Insurance Association of Amer-

ica, known as PCI, estimates that the legislation will eliminate 41,775 private-sector jobs so that Uncle Sam and the government can add jobs.

Madam Speaker, that is the hallmark of this Democrat majority. It is to empower the government against the free enterprise system. We saw this in May numbers, when the May numbers came out, 431,000 net new jobs. And our friends in the Democrats come down every day and say, Look at us, look at all these jobs we're creating. Yeah, 431,000 jobs in May, but of that figure 400,000 were government jobs. They were census jobs, they were temporary jobs, and you're trying to fool this country. In Texas, if we were in the Texas legislature, that would be deceptive advertising. It should be deceptive advertising in Washington and be against the law.

With an unemployment rate at 9.5 percent and a loss of over 3 million jobs since January of 2009, now is not the time to be diminishing more. That's 41,775 jobs is the estimate. By increasing the taxpayers' exposure also, this program is \$22.1 billion in premiums that could be taken out of our economy. But it doesn't stop there. More than \$20 billion of investment in mutual, municipal, State, and local bonds will completely dry up. A line of business that the free enterprise system handled that the government did not need to. And government at all levels, State, Federal, and local, will lose billions in tax revenue from the free enterprise system.

During the last Congress, the Senate rejected this proposal by a vote of 74 to 19. Even the administration, shockingly, even the administration voiced opposition to adding wind to the NFIP, citing concerns that it would threaten the long-term viability of the program. Exactly right. It's called bankruptcy. Never forget the taxpayer is there, so it probably won't go bankrupt.

With the current Federal crisis, the financial crisis, and the government crisis, and record unemployment, why would the majority party be pushing for legislation to make unemployment worse? Or would this simply be to help the U.S. Treasury? I don't know. But either way it's government jobs. And I guess we should be careful and not complain too much, because I guess Uncle Sam needs the help.

Madam Speaker, the voices of the American public have been clear. Americans want pro-growth solutions that will encourage job creation and investment and that would keep Americans competitive with the world. Instead, today we find 41,000 more jobs that will dry up in the free enterprise system, jobs back home.

□ 1440

This legislation further diminishes not only these jobs but adds billions of

dollars to our national debt. That is the hallmark of this administration and this Congress: more taxing, more spending, more taking of jobs from the free enterprise system to the government, and perhaps worst of all, a debt we may never, ever pay for.

When my friends on the other side of the aisle start to promote positive solutions instead of federalizing more sectors of our free enterprise system, they can count on receiving our support. I can't do it today. Today's another vote.

I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself 1 minute.

We don't have hurricanes in Rochester, New York—for which we are extremely grateful. But all of us were affected by Katrina. All of us saw what happened to the city that we all loved. New Orleans belongs to every American. All of us have friends here in the House and some in the Senate who lost everything they had. These were people who had insurance on their homes. They thought they were covered. But because the fact the insurance companies said no, they would come to your house, which may have been completely overwhelmed with water, and say that was wind damage; we don't cover that. With the whipsawing back and forth, so many people lost everything they had.

As I said in my opening statement, the government paid \$34 billion to try to house and maintain people until we could find a permanent solution. If by passing this bill we can avoid that kind of expenditure again, I would call that money well spent. This program is self-sufficient, it is paid for by the premiums.

I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentlelady's courtesy in permitting me to speak on the rule.

I will support the rule, but I rise in reluctant opposition to the legislation.

I sympathize with my good friend from Mississippi and admire his passion and commitment to this issue and his tireless effort to try and help his constituents who have been put in a horrible situation in the aftermath of Katrina. But I do think this bill is a classic example of how our empathy interacts with a system that doesn't work to cloud our judgment and leads us to consider action that would actually make things worse over the long haul.

As Mr. TAYLOR has forcefully argued, Katrina exposed many problems with the National Flood Insurance Program. The confusion about wind and flood damage and the difficulty that his constituents had in getting insurance companies to cover their losses after Katrina is unacceptable. That was why I was pleased to support his amendment to the Flood Insurance Reform

Act on the floor last week that would prohibit the write-your-own insurance companies from excluding wind damage under their own policy solely because flooding also caused damage to the property. I think that will go far in preventing insurance companies from taking advantage of consumers or the Federal taxpayers.

But extending the flood insurance program to cover wind hazards is like slapping a Band-Aid on a broken bone and then putting the patient on a skateboard while the bones are still mending.

I strongly support the goals of the flood insurance program and know that it has played an important role in insuring many American communities while encouraging mitigation and reducing risks. But with each additional disaster, it becomes clearer and clearer that the program is broken.

Right now, as my good friend from Texas pointed out, it's \$19 billion in debt. Adding for wind coverage, even if it's supposed to be actuarially sound, will only make this worse.

Now, it is very likely to result in significant short-term losses for the flood insurance program. Even though CBO has given the bill a neutral score, that's based on a highly questionable assumption that FEMA will charge actuarial rates that fully cover wind losses despite a 40-year history of failing to do so for flood losses. FEMA doesn't have the ability to calculate what actuarial rates for wind coverage should be, much less enforce them.

As Robert Hunter, who ran the program in the 1970s, has said, Poor management at FEMA—You're doing a heck of a job, Brownie—and lax enforcement of building requirements by local government has meant that the program hasn't worked the way it was supposed to. Some have even argued that it actually even encourages development in hazardous areas.

Let me speak for a moment about the building code requirements under this legislation. The NFIB already subsidizes unwise construction in floodplains, and this would make it worse. While the bill requires the adoption of building codes to mitigate against wind losses, this is not strong enough. It doesn't address development in hazardous areas itself, and by increasing the availability of Federally backed insurance in hazardous areas, this bill will give people a false sense of security and provide incentives for development in those various areas. And there is a serious gap in the actual enforcement of those building codes.

The current problems with the flood insurance programs must be addressed before we can even think of expanding it to cover yet more hazards.

The experts on flood insurance agree. The administration sent up a statement of administration policy against the bill yesterday. The bill is opposed

by FEMA, the Association of State Floodplain Managers, the insurance and reinsurance industry, the environmental community, Taxpayers for Common Sense, the National Taxpayers Union, and the Consumer Federation of America. They argue that it would expand a broken program, further encourage development in hazardous areas by giving people a false sense of security, have the Federal Government unfairly compete in the private insurance market, and put the American taxpayer further at risk.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 3 minutes to the gentleman from Richmond, Virginia, the minority whip, the favorite son from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman. Madam Speaker, I rise in opposition to the rule. I rise in opposition to the previous question.

With over 1.3 million votes cast and counting, the YouCut movement continues to give people across America a voice to help put a stop to Washington's never-ending shopping spree.

House Republicans have already offered \$120 billion in commonsense spending reductions. Yet week in and week out, the majority has astoundingly voted against the will of the people.

Proposed by Congressman MAC THORNBERRY of Texas, this week's YouCut winner highlights the latest example of egregious government waste.

Despite the fact that only 16 percent of Amtrak passengers choose sleeper class fare, which includes a turndown service and private entertainment, taxpayers are on the hook for more than twice as much for these passengers compared to those who ride in coach.

During these increasingly tough economic times, is it really fair to ask taxpayers to subsidize turndown service and pre-paid movies? The American people have emphatically said "no."

Just days ago, Madam Speaker, four House Democrats bucked their party's leadership to form a working group they say is devoted to cutting wasteful spending. As my House Republican colleagues and I have said since YouCut's launch, tackling our staggering national debt is not a partisan calling. It's an American calling because our country is at a crossroads.

It is only logical then, Madam Speaker, that the new Democratic group would support the elimination of first class Amtrak subsidies and save taxpayers up to \$1.2 billion over the next decade. I urge them, as well as all of my colleagues on the other side of the aisle, to join us in voting to bring this week's YouCut to the floor for a vote.

Ms. SLAUGHTER. I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 3 min-

utes to the gentleman from Clarendon, Texas (Mr. THORNBERRY).

Mr. THORNBERRY. I thank my friend for yielding.

Madam Speaker, one of the things that most Americans don't realize is to what extent the Speaker, through the Rules Committee, controls this House and even what we can vote on. She determines what bills will be brought here, even what amendments may be offered. And there are very few ways to get another issue even considered here.

But that's what this next vote is about. It's about trying to get a vote on a proposal that most people who went on the YouCut Web site this week have chosen as something that should at least get a vote.

Now the gentleman from Mississippi has a serious proposal on the floor. But there are other serious proposals which ought to be considered as well.

□ 1450

One of them is to cut the subsidy that goes to Amtrak's sleeper class service.

Madam Speaker, the facts are this. Sixteen percent of the people who ride Amtrak's long distance routes, 16 percent, choose the sleeper class service. Everybody else rides in coach, but the people who choose the sleeper class service, as the whip mentioned, get a private compartment, usually a private bathroom. They have turndown service where somebody comes and pulls back their sheets at night. They have unlimited meals in the dining car, all a very nice thing, but the problem is the taxpayers subsidize an average \$396 per ticket for every one of those people who choose that sleeper class service. You add it all up and it ends up being actually more than \$1 billion over 10 years that the taxpayers subsidize the people who choose the sleeper class service.

Now, our proposal doesn't eliminate that service. It doesn't change any Amtrak routes. It just says, if you're going to have that service, you ought to pay the cost of it. You ought to pay the cost of what you buy. I don't think that's terribly revolutionary, but it saves more than \$1 billion to the taxpayers.

Madam Speaker, in January I got to speak to a bunch of high school seniors in Randall High School in my district. At that time, their share of the national debt was about \$39,000. Today, their share of the national debt is \$42,739.

I think the next vote hinges on this question: Is it worth \$1 billion of subsidies for sleeper class service to add to the debt that those high school seniors have to pay? That's the question the Members will answer with the next vote.

Mr. SESSIONS. Madam Speaker, the gentleman from Texas (Mr. THORNBERRY) makes a great point, and we

can today on the floor of this House of Representatives add to this bill with its own merits by saying let's also, as we're adding billions of dollars, at least simplify government and cut a billion off of what it does. It makes sense to me, and I applaud the gentleman from Texas (Mr. THORNBERRY) for his great YouCut suggestion.

At this time, Madam Speaker, I would like to yield 2 minutes to the gentleman from Wheaton, Illinois, PETE ROSKAM.

Mr. ROSKAM. I thank the gentleman.

You know, if you were going to sit around and come up with a movie script of absurdity, you couldn't come up with a script that was this real. In other words, taxpayers out subsidizing first class passenger travel on railcars throughout the United States? If you trotted that out to Hollywood and said, "Oh, we've got one for you," the Hollywood types would throw it away and laugh at you and say there's no way, that's completely unrealistic, except in this Congress.

Congressman THORNBERRY from Texas has figured out by carefully reading an Inspector General report of the Department of Transportation that there is a way to save \$1 billion over 10 years. Now, think about that. You know something very interesting. You don't hear anybody coming to the floor, Madam Speaker, to defend this practice of subsidizing first class rail treatment. The reason is nobody can do it with a straight face. Nobody can say, Oh, no, no, no. We need to subsidize movies on Amtrak. We need to subsidize prepaid meals. We need to subsidize honest-to-goodness the bed turn-down service in the sleeper car.

How absurd is that?

So oftentimes in political life we're asked what would you cut. What would you cut? How would you balance this budget? Well, I tell you what. You've got a whole host of Republicans that say let's vote "no" on this previous question and let's take up this effort, this time, this afternoon to cut \$1 billion.

Mr. SESSIONS. Madam Speaker, I would like to ask the gentlewoman if she has any further speakers.

Ms. SLAUGHTER. At this moment, I do not.

May I inquire of the gentleman if he's ready to close?

Mr. SESSIONS. I wanted to ask the gentlewoman if she had additional speakers. I received a good answer. Thank you very much. I appreciate the gentlewoman.

Ms. SLAUGHTER. May I inquire if the gentleman is ready to close?

Mr. SESSIONS. I have about 45 or 50 more speakers, and I will consume my time.

Ms. SLAUGHTER. Thirty-five or 50?

Mr. SESSIONS. I have a number of speakers. We did not receive enough

time in this rule to be able to provide enough time for our speakers. It's a very important topic for us, and I understand that you don't have any speakers, but we've got a bunch. So, yes, ma'am, I do intend to use my time.

Ms. SLAUGHTER. Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 3 minutes to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Madam Speaker, I know we're going to have a big debate on flood insurance and wind insurance and I'm going to be participating in that, but I wanted to talk about, obviously, the YouCut program.

There is nothing that is upsetting to more people across the State of West Virginia that I see every day than the overspending, the debt and deficit that is just overwhelming them and this country. But the YouCut program, since its inception, 1.3 million Americans have weighed in on where they think we can cut government spending. Folks from all across America are tightening their budgets. This summer, they're deciding? Can we go on vacation. Can we go for 2 days. Can we go for a week. Can we fly. Can we drive. Should we go out to dinner? Should we stay in?

All these are economic questions that we ask in our families every single day, and those are the kinds of questions that we should be asking here in Washington. Where can we tighten our belts and save our money so that our next generations and the generations beyond us are going to have the kind of America that we have and our parents enabled us to have?

People are rightly disgusted by the gross abuse, I think, of taxpayer money on pet projects and overbloomed Federal programs, but I think we're listening. Republicans are listening and we're taking action. House Republicans have already offered \$120 billion in spending cuts, but the Democrats insist on continuing down this dangerous path of overspending.

Now, some of the cuts we've offered haven't really been what would be considered, around Washington, huge amounts, maybe just hundreds of millions or billions, but come on. This is real money. This is taxpayers dollars, and so if you have to start on a smaller amount and grow it larger, we all know it eventually will make a dent.

So this week I'm casting my vote in support of my colleague's proposal to quit subsidizing first class subsidies to Amtrak. Only 16 percent of the passengers opt for first class, yet we are subsidizing the first class seats in Amtrak to the point of \$1.3 billion of subsidy that goes to those who choose to purchase first class seats with Amtrak.

Amtrak's a great thing, comes in my district, goes right through the center

of the State on out to the West. But people who have first class and want to buy first class seats should be able to pay for it. It should be priced accordingly. So I think this is a good way to save, over 10 years, \$1.2 billion of taxpayers' money.

Let's give the American people what they're wanting, that is, fiscal restraint and responsibility. That's what American families across this country are exercising across their kitchen table. That's what we should be doing here across the budget table in the United States Congress.

Mr. SESSIONS. Madam Speaker, you know, it sounds like the gentlewoman from West Virginia gave us a good way to think of things, and that is, too much of a good thing may not be good.

What this rail service is about, Amtrak, I believe, is a pretty good idea, but too much of a good thing, where you can't properly manage it or pay for it, where it gets larger than what the mission statement is, is a bad problem. And, you know, Madam Speaker, the Republicans are on the floor of the House today and we're called to Washington every week and we can handle that, but day after day after day after day after day after day after day we handle small ideas and little issues.

Today, we're handling an issue that the gentleman from Mississippi deeply believes in and, in fact, he will have an opportunity not only to have his ideas on the floor but he will get a vote on those ideas. Republicans have now, in our fourth year, been saying to this Speaker and this majority leader and this Democratic majority that we believe that this body is entitled to have an agenda that the majority wants.

□ 1500

But we believe it should be balanced. We believe it should include some tough decision-making, not just more spending, not just pet projects, but, rather, things which will empower people back home to have confidence in what we are doing here in Washington. And Republicans have, once again today, through YouCut, through the leadership of our minority whip, ERIC CANTOR, presented ideas on this floor and every single Member will have an opportunity to vote on that.

Republicans believe that we should have to make tough decisions. Republicans believe that you ought to come and read the bill. Republicans believe that that Rules Committee that's up there, if you say your agenda is going to be open and honest, that you ought to mean it. Republicans believe that there ought to be an opportunity for Members to come and have their ideas heard.

We are taking seriously what we think is a duty and an obligation to come and talk about how we can make our jobs that we do more serious by streamlining, providing feedback to

Federal money that's being spent. It's an incredible amount of money that not only is being spent out of this town but way too little, if any, is about reforming and making the government more efficient. We think that that's what we should be about.

We think that we should be about providing ideas, giving money to this government, but with the expectation of performance that would allow streamlining and efficiencies and not giving away services at less than what their real cost is.

I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Mississippi, the sponsor of the legislation, Mr. TAYLOR.

Mr. TAYLOR. Thank you, Madam Chairman.

Madam Speaker, if I was a shill for the insurance industry, and apparently we have our share on the floor today, I would do everything but talk about what the insurance industry did to south Mississippi after Hurricane Katrina. I would forget, if I was a member of the Rules Committee, the 12 years that they controlled the floor of the House of Representatives, the 12 years that they could have cut the Amtrak subsidy had they wanted to, but they didn't.

So let's get back to what we are going to talk about today. And, again, I thank the leadership for bringing this to the floor.

If you had visited south Mississippi in August of late 2005, gone to a little town called Bay St. Louis, you could have driven down the street and seen this house. It belonged to some folks named Corky and Molly Hadden. On August 29, 2005, Hurricane Katrina hit south Mississippi. So the Haddens left this because their Nation warned them that a bad storm was coming, and came home to this.

Corky is a financial manager; he is a smart guy. He had lot of insurance, he thought. As a matter of fact, Corky had \$650,000 worth of insurance on that house. The problem was under the rules of the National Flood Insurance Program that Mr. SESSIONS agrees needs changing, and I am trying to change today, we paid the private sector, State Farm, All State, Nationwide, we pay them to sell the policy; they get a premium. We pay them to adjust the claim.

The problem is no one bothered to think that wait a minute, we are letting that claims adjuster decide he is playing God. He can say the wind did it, which means his company has to pay, State Farm, Nationwide or All State; or he can say the water did it, which means the taxpayers have to pay.

You are right, Mr. SESSIONS, we should not have paid that \$18 billion. The reason we paid that \$18 billion is a bad set of rules that allowed companies

like State Farm, All State, Nationwide to stick the taxpayers with their bills. So 18 months after this event, Mr. Hadden, who had \$650,000 worth of insurance on that nice house, was paid nothing by his insurer, State Farm Insurance Company.

Again, if you are a defender of the insurance industry, if they are helping you with your campaigns, you sure as heck don't want to talk about that, do you?

The next house, if you had gone a little bit further down the same street, you would have seen one of the oldest houses in Bay St. Louis, built around 1800. So from 1800 to 2005, no telling how many hurricanes it survived. It belonged to the Benvenuti family, a pretty old house.

This is what it looked like when they left because their Nation told them to get the heck out of there, there is a bad storm coming. Let's see what they came home to. This is what they came home to.

You know, for most people, including Mississippians, your house is your biggest investment. It is, to a large extent, an extension of yourself. So the Benvenutis, realizing that that house meant a lot to them, had a lot of insurance, or so they thought, \$586,000. When they filed their claim, for almost 24 months they were paid nothing on their wind insurance.

Now why is this significant? Well, NOAA, the Navy Oceanographic Lab and others went back and looked at the events that were called Hurricane Katrina, and NOAA tells us that for 4 hours before the storm surge arrived in south Mississippi, that house, the house before it, was subjected to hurricane-force winds for 4 hours before the water ever got there. Yet the insurance companies wanted to turn around and blame everything on the water. Why? Because they could stick the taxpayers with the bill.

The next house is a more typical home, more modest home. This one is about a mile inland, about a mile inland, pretty good ways from the water. Beautiful home. This is what the folks who lived there, when they left, looked at last.

This is what they came home to.

It's not just three houses; it's not 30 houses. It was 30,000 houses that this happened to. So, again, these folks, knowing this was a big part of their lives, had \$249,000 worth of insurance. Their insurance company was slightly more generous than the previous two times and offered them \$10,000.

Now, Mr. SESSIONS points out that, incorrectly, that maybe government shouldn't be doing this. Well, maybe he doesn't talk to his folks in his State capital often enough because if he had he would know that his State is already doing this.

In the aftermath of Katrina, on a State-by-State basis, the insurance in-

dustry pulled out, left a vacuum. People had to have some form of wind insurance; and so on a State-by-State basis, the State picked up that obligation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman an additional 4 minutes.

Mr. TAYLOR. In the gentleman's State of Texas, the Texas wind pool in 2004 had an exposure of \$20.8 billion. That has expanded to \$58.6 billion. That's not private sector that's going to pay that bill; that's the Texas wind pool. They are on the hook for that.

In my home State of Mississippi, it has gone from \$1.6 billion to \$6.3 billion. I can't speak for every State, but I can tell you that pretty well equals the Mississippi State budget. If there was a catastrophic storm in Mississippi that hit all three coastal counties on one day—and, by the way, that's happened three times in my lifetime—it would break the State of Mississippi.

Now, at some point they are going to come up and say, well, they have got reinsurance, okay. Almost all the reinsurance is out of the Bahamas and the Caymans. So let me ask you a simple question: If the Benvenutis couldn't get a company out of Illinois to pay their claim, if the Haddens couldn't get a company out of Illinois to pay their claim, if the other family couldn't get a company out of Illinois to pay their claim, does anyone really think a company from the Bahamas is going to willingly write these checks? Who is kidding whom?

On a State-by-State basis, Florida has gone from \$2.2 billion to \$436 billion; South Carolina, \$6 billion to \$17 billion; Georgia, the gentleman from Georgia's State, \$565 million to \$2.1 billion, a 265 percent increase, not private sector, State liability.

So why do we want to do this? Because, quite honestly, the purpose of insurance, to people who pay their premium, to live the way they are supposed to, but they want the certainty that if something bad happens to them, they are going to get paid.

□ 1510

Secondly, why should the Nation do it? Because, quite frankly, it would break any one of these States. The chances of every coastal county in Mississippi getting hit all in the same day has happened three times in my lifetime. In 2004, Florida had four catastrophic storms, hit almost every square inch of the State. But the chances of the same storm hitting every State on the same day is minuscule. And if it does happen, don't worry about paying claims, it's just going to be called Armageddon.

So what we are proposing is a program that, instead of letting the private sector collect the premiums and the Nation pay the bill, would allow

people to, as an extension, as an option to their flood insurance, pay for a wind option. That way if they come home to nothing, if they come home to a substantially destroyed house, it doesn't matter if the wind did it, it doesn't matter if the water did it; the fact is they built their house the way they were supposed to, they built it in a place that was safe, they paid their premiums, and they are going to get paid.

The last point of course the insurance industry doesn't want to tell you, so I will. In the same year the National Flood Insurance Program lost \$18 billion they made \$48 billion in profits. Why? Pretty simple. They collected the premiums; you, the taxpayer, paid the bill. You paid the bill for the FEMA trailers because, again, a typical insurance policy says if your house is destroyed, if your house is damaged to where you can't live in it, they will pay to put you up. But when they denied these claims in full, as they did thousands of times, then someone had to do something. President Bush, to his credit, stepped forward and said we're going to make FEMA trailers available. That cost the taxpayers \$4.3 billion; \$7.2 billion for temporary housing; CDBG grants totaling \$15.4 billion. And what was one of the prerequisites to get a CDBG grant? You had to have insurance and you didn't get paid. So who paid that bill? Uncle Sam, you, the taxpayers paid that bill. Lastly, SBA disaster loan, \$7.6 billion. So for a total bill of \$34.5 billion. It wasn't \$18 billion the Nation lost that year, it was over \$50 billion. We are trying to change that. We are trying to come up with a program where the premiums pay for the program.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Ms. SLAUGHTER. Madam Speaker, I yield the gentleman 3 additional minutes.

Mr. TAYLOR. So, again, I thank the gentlewoman for bringing this to the floor.

I would remind my Republican colleagues that in the 12 years that they ran the House, I don't ever recall a vote on cutting the subsidy for Amtrak. I would have voted with you, but I just don't remember your bringing it up.

So let's talk about this problem this day. I would remind my Republican colleagues that on a regular basis they come to the floor and say, you know what? We shouldn't be doing all these things that don't make sense, all these things that don't contribute to each other. Amtrak is not an insurance problem. This is an insurance program. It is a single-shot bill to do one thing, and that's to let those people who want to buy wind insurance as an option to their flood insurance so that they will know that if they paid their premiums,

they built their house the way they were supposed to, if something horrible happens they will get paid.

Mr. SESSIONS. By the way, the gentleman from Mississippi is a very dear friend of mine with whom I engage on a regular basis. I just want the gentleman to know that while I know that under Speaker PELOSI we don't have any process with appropriations to strike or amend any appropriations bills, for 12 years I brought an Amtrak cut bill to this floor. So I will be providing that information, and I look forward to the gentleman joining me as soon as we get a Republican majority that will allow that to take place on the floor of this House, an open process.

Madam Speaker, I yield 4 minutes to the gentleman from Savannah, Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

While I oppose the rule and the bill, I want to say with great emphasis what a fiscal conservative my friend from Mississippi is, and how I know that he is struggling to find a solution to something that I would agree is a problem.

Now, I live in Savannah. I have a house on the waterfront, and I also have a beach house, so I have to participate in the National Flood Insurance Program and in the State wind-storm pool. And Mr. TAYLOR is right, if you've ever dealt with them, it is a pain in the neck. The bureaucracy is horrible, getting the claims paid is a really big problem. The debate as to what is flood and what is wind and what is wind-driven water is very complicated. And the insurance companies will get no sympathy from me on this situation.

The problem is that here we are again under the Pelosi Congress with a closed rule in which none of us can offer an amendment. I mean, think about that. We're all elected, 435 Members representing 600,000 people, and yet we're not allowed to offer an amendment because the Rules Committee has to play favorites. And unless you're on the A list, you can't offer an amendment, even though you still represent 600,000 people like everyone else here. So we can't improve this.

A couple of suggestions I would have said is, why not give the State insurance commissioners—since, as my friend knows, insurance is a State matter, the McCarran-Ferguson Act, Public Law 15, says that States will regulate insurance. And why not make sure the insurance commissioners have the authority to say to an insurance company, if you want to sell insurance in my State, then you're going to have to take a percentage of the flood or the windstorm exposure? Give him the power to twist their arms. Because I can tell you, having been in the insurance system—I'm a CPCU, that's a

Chartered Property Casualty Underwriter—that insurance companies will cede anything, anything that's difficult they will be glad to let the State government or the Federal Government take all the flood claims, take the crime claims, take the DUI drivers. They want the unprofitable stuff off their books because they make money two different ways, one is an underwriting profit, the other one is an investment profit.

Now, ironically, right now we're in a soft market. Insurance premiums on the commercial side are actually going down because insurance companies, for some unknown reason, are making their money elsewhere. So I think what Mr. TAYLOR is saying is right, there are some things that are going on, and an insurance commissioner should be able to get to the bottom of it. But again, since we can't amend this to try to put language like that in there, we need to bring this rule down to send the bill back to committee.

Now, I want to say we almost got through today without a new Federal program—I thought it might happen. This is a new Federal program. We did pass \$34 billion onto the next generation in increased debt—which I know some people were clapping about, I don't exactly follow that. We have a \$1.4 trillion deficit, the largest debt in the history of the Nation, 90 percent of our GDP, and yet we have Members on the Democrat side clapping about \$34 billion in new debt.

Now, put this in context. May of 2008, a Bush stimulus bill—which I voted against—\$168 billion; it did not create jobs. Bear Stearns bailout by the Federal Reserve in March of 2008, \$29 billion. Fannie Mae bailout, \$200 billion in July of 2008. September of 2008, AIG bailout—again by the Federal Reserve—\$85 billion, now up to \$140 billion. And then we had the infamous TARP, \$700 billion. I voted “no” on that. Then here comes the stimulus bill to keep unemployment from going to 8 percent. Unemployment at the time was 7.6 percent, and \$800 billion later we're at 10 percent unemployment. We are right now borrowing 37 cents on every dollar we spend. I hope you will vote the rule down.

The SPEAKER pro tempore. The gentleman from Texas has 1½ minutes remaining; the gentlewoman from New York has 11½ minutes remaining.

Ms. SLAUGHTER. I reserve the balance of my time until the gentleman from Texas closes.

Mr. SESSIONS. Madam Speaker, I yield myself the balance of my time.

I appreciate the gentlewoman from New York for not only this time but getting through this thing.

Madam Speaker, as you can see, Republicans, and at least one Democrat, have a lot to talk about. I wish we had more time today. Republicans would have liked a lot more time to make

sure that we could talk about not only this bill, but the implications that are on the floor.

Republicans continue to offer, Madam Speaker, commonsense solutions to rein in the current spending spree, a spending spree that's now in its fourth year by this Democrat majority. We, like the American people, would like transparency and accountability and common sense, creation of jobs, not the extension of unemployment benefits that are not paid for.

□ 1520

We believe in people having jobs, and if this majority were serious and if this administration were serious, they would do the things that work rather than the things that don't work. They are doing things that don't work, Madam Speaker, and that is what this Democrat majority will be held accountable for. It's really a sad thing to hear person after person who has lost his job, and people whom I know, and to see the malaise this country is in.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. The legislation before us today brings more uncertainty to the long-term solvency of the NFIP. This legislation risks more American jobs and adds more to our State, local, and Federal deficits. It is true, as the gentleman spoke of, that States take this on. It is a State's responsibility, not the Federal Government's, but that is part of what this agenda is all about. For this reason, I encourage a "no" vote on the previous question.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. Madam Speaker, I want to remind those persons listening, particularly Members of Congress who are going to come to the floor to vote, that we are not voting on Amtrak cars. We are talking about legislation to try to protect those Americans who are victims of hurricanes and other related natural disasters from losing everything the way the gulf coast victims of Katrina have. The bill will help ensure that the insurance loopholes will be closed and that hardworking Americans won't be denied legitimate claims when they desperately need them.

I call for a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1549 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution add the following new section:

SEC. 3. Immediately upon the adoption of this resolution the Speaker shall, pursuant

to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5801) to prohibit the use of Federal funds for the subsidization of Amtrak sleeper car service, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 5801.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the

vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's "American Congressional Dictionary"*: "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 234, nays 179, not voting 19, as follows:

[Roll No. 465]

YEAS—234

Ackerman	Brady (PA)	Cooper
Adler (NJ)	Braley (IA)	Costa
Altmire	Bright	Costello
Andrews	Brown, Corrine	Courtney
Arcuri	Butterfield	Critz
Baca	Capps	Crowley
Baird	Cardoza	Cuellar
Baldwin	Carnahan	Cummings
Barrow	Carney	Dahlkemper
Bean	Carson (IN)	Davis (CA)
Becerra	Castor (FL)	Davis (IL)
Berkley	Chandler	Davis (TN)
Berman	Childers	DeFazio
Berry	Chu	DeGette
Bishop (GA)	Clarke	Delahunt
Bishop (NY)	Clay	DeLauro
Blumenauer	Cleaver	Deutch
Boren	Clyburn	Dicks
Boswell	Cohen	Dingell
Boucher	Connolly (VA)	Doggett
Boyd	Conyers	Donnelly (IN)

Doyle	Larson (CT)	Rothman (NJ)	Lungren, Daniel	Nye	Schock	Garamendi	Maffei	Ruppersberger
Driehaus	Lee (CA)	Roybal-Allard	E.	Olson	Sensenbrenner	Gonzalez	Maloney	Rush
Edwards (MD)	Levin	Ruppersberger	Mack	Paul	Sessions	Gordon (TN)	Markley (CO)	Ryan (OH)
Edwards (TX)	Lewis (GA)	Rush	Manzullo	Paulsen	Shadegg	Grayson	Markey (MA)	Salazar
Ellison	Lipinski	Ryan (OH)	Marchant	Petri	Shimkus	Green, Al	Marshall	Sánchez, Linda
Engel	Loeb sack	Salazar	Markley (CO)	Pitts	Shuster	Green, Gene	Matheson	T.
Eshoo	Lowe y	Sánchez, Linda	McCarthy (CA)	Platts	Simpson	Grijalva	Matsui	Barbanes
Etheridge	Luján	T.	McCaul	Poe (TX)	Smith (NE)	Gutierrez	McCarthy (NY)	Schakowsky
Farr	Lynch	Sanchez, Loretta	McClintock	Posey	Smith (NJ)	Hall (NY)	McCollum	Schauer
Fattah	Maffei	Sanbanes	McCotter	Price (GA)	Smith (TX)	Hare	McDermott	Schiff
Filner	Maloney	Schakowsky	McHenry	Putnam	Stearns	Harman	McGovern	Schrader
Foster	Markey (MA)	Schauer	McIntyre	Radanovich	Sullivan	Hastings (FL)	McIntyre	Schwartz
Frank (MA)	Marshall	Schiff	McKeon	Rehberg	Terry	Heinrich	McMahon	Scott (GA)
Fudge	Matheson	Schrader	McMorris	Reichert	Thompson (PA)	Herseth Sandlin	McNerney	Scott (VA)
Garamendi	Matsui	Schwartz	Rodgers	Roe (TN)	Thornberry	Higgins	Meek (FL)	Serrano
Gonzalez	McCarthy (NY)	Scott (GA)	Mica	Rogers (AL)	Tiberi	Hinche y	Meeks (NY)	Sestak
Gordon (TN)	McCollum	Scott (VA)	Miller (FL)	Rogers (KY)	Turner	Hinojosa	Melancon	Shea-Porter
Grayson	McDermott	Serrano	Miller (MI)	Rogers (MI)	Upton	Hirono	Michaud	Sherman
Green, Al	McGovern	Sestak	Miller, Gary	Rohrabacher	Walden	Holden	Miller (NC)	Sires
Green, Gene	McMahon	Shea-Porter	Minnick	Rooney	Westmoreland	Holt	Miller, George	Skelton
Grijalva	Meek (FL)	Sherman	Mitchell	Ros-Lehtinen	Whitfield	Honda	Mollohan	Slaughter
Hall (NY)	Meeks (NY)	Shuler	Moran (KS)	Roskam	Wilson (SC)	Hoyer	Moore (KS)	Smith (WA)
Halvorson	Melancon	Sires	Murphy, Tim	Royce	Wittman	Inslee	Moore (WI)	Snyder
Hare	Michaud	Skelton	Myrick	Ryan (WI)	Wolf	Israel	Moran (VA)	Space
Harman	Miller (NC)	Slaughter	Neugebauer	Scalise	Young (AK)	Jackson (IL)	Murphy (CT)	Speier
Hastings (FL)	Miller, George	Smith (WA)	Nunes	Schmidt	Young (FL)	Jackson Lee	Murphy, Patrick	Spratt
Heinrich	Moore (KS)	Snyder				(TX)	Nadler (NY)	Stupak
Herseth Sandlin	Moore (WI)	Space				Johnson (GA)	Napolitano	Sutton
Higgins	Moran (VA)	Speier	Buyer	Gutierrez	Ortiz	Johnson, E. B.	Neal (MA)	Tanner
Himes	Murphy (CT)	Spratt	Capuano	Hodes	Pence	Kagen	Nye	Taylor
Hinche y	Murphy (NY)	Stark	Culberson	Hoekstra	Tiahrt	Kanjorski	Oberstar	Teague
Hinojosa	Murphy, Patrick	Stupak	Davis (AL)	King (NY)	Tierney	Kaptur	Obey	Thompson (CA)
Hirono	Nadler (NY)	Sutton	Diaz-Balart, L.	Lofgren, Zoe	Wamp	Kennedy	Olver	Thompson (MS)
Holden	Napolitano	Tanner	Diaz-Balart, M.	McNerney		Kildee	Owens	Titus
Holt	Neal (MA)	Taylor	Fallin	Mollohan		Kilpatrick (MI)	Pallone	Tonko
Honda	Oberstar	Teague				Kilroy	Pascrell	Towns
Hoyer	Obey	Thompson (CA)				Kind	Pastor (AZ)	Tsongas
Inslee	Olver	Thompson (MS)				Kirkpatrick (AZ)	Payne	Van Hollen
Israel	Owens	Titus				Kissell	Perlmutter	Velázquez
Jackson (IL)	Pallone	Tonko				Klein (FL)	Peterson	Visclosky
Jackson Lee	Pascrell	Towns				Kosmas	Pingree (ME)	Walz
(TX)	Pastor (AZ)	Tsongas				Kucinich	Polis (CO)	Wasserman
Johnson (GA)	Payne	Van Hollen				Langevin	Pomeroy	Schultz
Johnson, E. B.	Perlmutter	Velázquez				Larsen (WA)	Price (NC)	Waters
Kagen	Perriello	Visclosky				Larson (CT)	Quigley	Watson
Kanjorski	Peters	Walz				Lee (CA)	Rahall	Watt
Kaptur	Peterson	Wasserman				Levin	Rangel	Waxman
Kennedy	Pingree (ME)	Schultz				Lewis (GA)	Reyes	Weiner
Kildee	Polis (CO)	Waters				Lipinski	Richardson	Welch
Kilpatrick (MI)	Pomeroy	Watson				Loeb sack	Rodriguez	Wilson (OH)
Kilroy	Price (NC)	Watt				Lowey	Ross	Woolsey
Kind	Quigley	Waxman				Luján	Rothman (NJ)	Wu
Kissell	Rahall	Weiner				Lynch	Roybal-Allard	Yarmuth
Klein (FL)	Rangel	Welch						
Kosmas	Reyes	Wilson (OH)						
Kucinich	Richardson	Woolsey						
Langevin	Rodriguez	Wu						
Larsen (WA)	Ross	Yarmuth						

NOT VOTING—19

□ 1550

Messrs. SHIMKUS, MITCHELL, RYAN of Wisconsin, and MICA changed their vote from “yea” to “nay.”

Mr. DONNELLY of Indiana, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SCHRADER changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SESSIONS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 183, not voting 21, as follows:

[Roll No. 466]

AYES—228

Aderholt	Carter	Guthrie	Ackerman	Capps	Davis (CA)
Akin	Cassidy	Hall (TX)	Altmire	Cardoza	Davis (IL)
Alexander	Castle	Harper	Andrews	Carnahan	Davis (TN)
Austria	Chaffetz	Hastings (WA)	Arcuri	Carney	DeFazio
Bachmann	Coble	Heller	Baca	Carson (IN)	DeGette
Bachus	Coffman (CO)	Hensarling	Baird	Castor (FL)	DeLauro
Barrett (SC)	Cole	Herger	Baldwin	Chandler	Deutch
Bartlett	Conaway	Hill	Barrow	Childers	Dicks
Barton (TX)	Crenshaw	Hunter	Bean	Chu	Dingell
Biggert	Davis (KY)	Inglis	Becerra	Clarke	Doggett
Bilbray	Dent	Issa	Berkley	Clay	Doyle
Bilirakis	Djou	Jenkins	Berry	Cleaver	Driehaus
Bishop (UT)	Dreier	Johnson (IL)	Bishop (GA)	Clyburn	Edwards (MD)
Blackburn	Duncan	Johnson, Sam	Bishop (NY)	Cohen	Edwards (TX)
Blunt	Ehlers	Jones	Blumenauer	Connolly (VA)	Engel
Boccieri	Ellsworth	Jordan (OH)	Boren	Conyers	Eshoo
Boehner	Emerson	King (IA)	Bowwell	Cooper	Etheridge
Bonner	Flake	Kingston	Boyer	Costa	Farr
Bono Mack	Fleming	Kirk	Brady (PA)	Courtney	Fattah
Boozman	Forbes	Kirkpatrick (AZ)	Braley (IA)	Critz	Filner
Boustany	Fortenberry	Kline (MN)	Brown, Corrine	Crowley	Foster
Brady (TX)	Fox	Kratovil	Butterfield	Cuellar	Frank (MA)
Brown (GA)	Franks (AZ)	Lamborn	Cao	Cummings	Fudge
Brown (SC)	Frelinghuysen	Lance			
Brown-Waite,	Gallely	Latham			
Ginny	Garrett (NJ)	LaTourette			
Buchanan	Gerlach	Latta			
Burgess	Giffords	Lee (NY)			
Burton (IN)	Gingrey (GA)	Lewis (CA)			
Calvert	Gohmert	Linder			
Camp	Goodlatte	LoBiondo			
Campbell	Granger	Lucas			
Cantor	Graves (GA)	Luetkemeyer			
Cao	Graves (MO)	Lummis			
Capito	Griffith				

NOES—183

Aderholt	Coble	Hill
Adler (NJ)	Coffman (CO)	Himes
Akin	Cole	Hunter
Alexander	Conaway	Inglis
Austria	Crenshaw	Issa
Bachmann	Davis (KY)	Jenkins
Bachus	Dent	Johnson (IL)
Barrett (SC)	Diaz-Balart, M.	Johnson, Sam
Bartlett	Djou	Jones
Barton (TX)	Donnelly (IN)	Jordan (OH)
Biggert	Dreier	King (IA)
Bilbray	Ehlers	Kingston
Bilirakis	Ellsworth	Kirk
Bishop (UT)	Emerson	Kline (MN)
Blackburn	Flake	Kratovil
Blunt	Fleming	Lamborn
Boccieri	Forbes	Lance
Boehner	Fortenberry	Latham
Bonner	Fox	LaTourette
Bono Mack	Franks (AZ)	Latta
Boozman	Frelinghuysen	Lee (NY)
Boustany	Gallely	Lewis (CA)
Brady (TX)	Garrett (NJ)	Linder
Brown (GA)	Gerlach	LoBiondo
Brown (SC)	Giffords	Lucas
Brown-Waite,	Gingrey (GA)	Luetkemeyer
Ginny	Gohmert	Lummis
Buchanan	Goodlatte	Lungren, Daniel
Burgess	Granger	E.
Burton (IN)	Graves (GA)	Mack
Calvert	Graves (MO)	Manzullo
Camp	Griffith	Marchant
Campbell	Guthrie	McCarthy (CA)
Cantor	Hall (TX)	McCaul
Cao	Halvorson	McClintock
Capito	Harper	McCotter
	Hastings (WA)	McHenry
	Hellers	McKeon
	Hensarling	McMorris
	Herger	Rodgers

Mica	Price (GA)	Shuler
Miller (FL)	Putnam	Shuster
Miller (MI)	Radanovich	Smith (NE)
Miller, Gary	Rehberg	Smith (NJ)
Minnick	Reichert	Smith (TX)
Mitchell	Roe (TN)	Stark
Moran (KS)	Rogers (AL)	Stearns
Murphy (NY)	Rogers (KY)	Sullivan
Murphy, Tim	Rogers (MI)	Terry
Myrick	Rohrabacher	Thompson (PA)
Neugebauer	Rooney	Thornberry
Nunes	Ros-Lehtinen	Tiberi
Olson	Roskam	Turner
Paul	Royce	Upton
Paulsen	Ryan (WI)	Walden
Perriello	Scalise	Westmoreland
Peters	Schmidt	Whitfield
Petri	Schock	Wilson (SC)
Pitts	Sensenbrenner	Wittman
Platts	Sessions	Wolf
Poe (TX)	Shadegg	Young (AK)
Posey	Shimkus	Young (FL)

NOT VOTING—21

Berman	Diaz-Balart, L.	Ortiz
Buyer	Duncan	Pence
Capuano	Fallin	Sanchez, Loretta
Costello	Hodes	Simpson
Culberson	Hoekstra	Tiahrt
Davis (AL)	King (NY)	Tierney
Delahunt	Lofgren, Zoe	Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in the vote.

□ 1611

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DOYLE. Madam Speaker, I wish to inform the House that I was unavoidably detained by a medical situation and, consequently, missed the vote to approve the final version of H.R. 4213, the Unemployment Compensation Act Extension of 2010, earlier this afternoon.

I want to state for the RECORD that I would have voted in favor of the legislation today, as I did on previous occasions when it came before the House for a vote. I've been a consistent supporter of legislation to extend unemployment insurance benefits to Americans who have lost their jobs, and I regret not being here for the vote.

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Madam Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the gentleman for yielding.

On Monday the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business with votes postponed until 6 p.m. on Monday. The House, on Tuesday, will meet at 9 a.m. for morning-hour debate and 10 a.m. for legislative business. On

Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. A complete list of suspension bills, as is the practice, will be announced by the close of business tomorrow. In addition, we will consider the Transportation and HUD appropriations bill and the Military Construction and VA appropriations bill of 2011. We're also expected to consider items from the Senate, including Senate amendments to H.R. 4899, the Supplemental Appropriations Act of 2010. There are obviously other possibilities of bills coming from the Senate, and we will consider those as time permits.

I thank the gentleman for yielding.

Mr. CANTOR. I thank the gentleman for that and would ask him if he could respond to some reports about several measures, perhaps, and the possibility of these measures coming to the floor next week, if he could give the House an update.

One would be the oil spill response legislation that's coming out of the Resources Committee, Energy and Commerce Committee, and the Ways and Means Committee; the small business taxpayer fund bill in the Senate; the FAA authorization bill from the Senate; the 9/11 compensation bill; and the Education and Labor OSHA bill relating to mining, if the gentleman could give us an update on those measures.

I yield.

Mr. HOYER. I thank the gentleman.

Rather than going into each one of them individually, I will say to the gentleman that each of those bills is under consideration. With respect to oil spills, there are significant discussions going on among the committees of jurisdiction, and we will, if we have a product to move forward, be prepared to do so.

We believe responding to the oil spill is critical. We've done so, as you know, with two bills this week, passed unanimously through the House, and so that we will be proceeding to look at the oil spill issue to try to ensure, to the extent we can, A, it doesn't happen again, and B, if it does happen, that we are prepared to respond to it and the industry is prepared to respond to it.

With respect to the other pieces of legislation, they are under discussion, some in this House and some in the Senate, as you know.

Mr. CANTOR. I thank the gentleman, and, Mr. Speaker, I would ask the gentleman if the Members should be prepared for a possible Saturday session next week.

I yield.

Mr. HOYER. I thank my friend for yielding.

Possibly. I say to my friend that, because next week is our last week and we will be recessing for the August

break at that point in time, I would put Members on notice that there will be certain matters that we must complete and that we will complete and, as a result, Members ought to make sure that they have flexibility for next Saturday.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, the majority leader announced two appropriations bills for floor consideration next week. I'd note, Mr. Speaker, that the fiscal year ends just over 2 months from now, and yet we're only now just beginning consideration of the first of 12 appropriations bills that fund the entire Federal discretionary budget. But I would ask the gentleman, Mr. Speaker, if he could tell us whether to expect those bills coming up for consideration on the floor under an open rule.

I yield.

Mr. HOYER. I thank the gentleman for yielding.

I will be talking to Mr. OBEY tomorrow and/or Monday to get his views on consideration of those bills, and at that point in time, I will be able to give you a clearer view on how those bills will be considered.

Mr. CANTOR. Mr. Speaker, I would ask the gentleman whether he could commit to the House that he would continue to advocate for an open rule. I know the gentleman has always been and joins me in wanting full and open debate in the House, whether it will be his position that these appropriations bills would come to the floor on an open rule.

I yield.

Mr. HOYER. I thank the gentleman.

As the gentleman knows full well, because he and I have been involved in discussions, I have consistently been for considering the appropriations bills in a timely manner with agreement between the majority and the minority, as occurred in 2006 when Mr. OBEY and Mr. LEWIS reached agreement on the consideration of those bills. The gentleman is accurate when he says that that is my preferred option on the consideration of appropriations bills. But, as I say, I have not talked to the chairman, and I will be talking to him to get his view on how these bills can most effectively be considered.

Mr. CANTOR. I thank the gentleman.

Turning to the issue of the troop funding bill, Mr. Speaker, the Senate sent the House the troop funding bill supplemental about 2 months ago, and it appears that that body will be sending us back the exact same version of the bill next week. I would ask the gentleman, Mr. Speaker, is that his understanding of the bill, and is it his understanding that that is the bill that we can expect the House to be voting on?

I yield.

Mr. HOYER. I thank the gentleman.

The Senate, as you know, has not completed its consideration of the supplemental and are debating other

issues, some of which we sent to them, and as a matter of fact, I think some of those have the majority's support. The small business lending bill, in particular, I would hope they would bring to us.

□ 1620

We included a number of things, not the least of which is trying to ensure that 140,000 teachers around the country remain on the job for our children and for our schools. I don't know whether the Senate will include that or not.

We also included money for border security, which was not in the Senate bill. FEMA and Haiti, and oil spill money, I believe, were in the Senate bill initially. We have also included that. There are other items that we have included to try to grow jobs and expand the economy, which, unfortunately, the Senate at least at this point in time has not supported.

But I say to my friend that in light of the fact that the Senate has not yet passed the supplemental, I am not sure what's going to be in it. But I would say to the gentleman, once again, as he knows, it is my intention to ensure that the money for the troops is, in fact, passed before we leave here.

Mr. CANTOR. Mr. Speaker, that was going to be my question: When faced with the reality that the Senate will send us back the version that it did so 2 months ago, if faced with that, will the House be taking that bill up and then funding our troops before we adjourn for the recess in August?

I yield.

Mr. HOYER. I thank the gentleman.

I am going to give him the same answer: I am not going to anticipate. I find it not a very productive endeavor to anticipate what the United States Senate will do. I have been so disappointed so often on that speculation that I am not going to enter into such speculation today.

However, I will tell the gentleman, as I have said some weeks running now, that it is my intention that we will have a bill pass this House and pass the Senate, for that matter, that funds the troops prior to our leaving for our August break.

Mr. CANTOR. I am reminded by my counsel, Mr. Speaker, that, as the gentleman would probably agree, the Senate is nothing but predictable.

Mr. Speaker, as we are discussing the schedule for next week, I would like to announce the ninth YouCut vote which will take place on the House floor next week. Over 1.4 million votes have been cast to date at the Republican youcut.house.gov site.

I would say to the gentleman, four of your Members announced a series of proposed cuts this week. While the gentleman did not mention them in his schedule for next week, I would note that we have included one of their pro-

posals in our five YouCut options for next week. The proposal offered by the gentleman from New Jersey, Mr. ADLER, would terminate the Advanced Earned Income Tax Credit, saving \$1.1 billion.

The additional options for the public to vote on this week under the YouCut program include the elimination of duplicative Federal PE programs, saving \$790 million; the refocusing of the National Park Service on administering Federal parks, saving \$238 million of taxpayer money; the termination of funding for the DOD Innovative Readiness Training program at a \$200 million savings; and the prohibition of the use of taxpayer funds for political campaigns in foreign countries, savings of \$23 million.

And so with that, Mr. Speaker, I would urge the gentleman's consideration, perhaps if not at our suggestion, the suggestion of his colleagues on his side of the aisle, that perhaps maybe we should endeavor to have a vote on the floor about actually cutting spending.

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

Without getting into a long colloquy, and I appreciate the gentleman's trying to truncate this, let me simply say that I think the suggestions of how we can save money, how we can bring the deficit down from whatever source they come should be welcomed by all of us. Whether they come from your side of the aisle, my side of the aisle, from the public at large, Republicans, Democrats, independents, or totally non-partisan sources whatsoever, we ought to consider them.

We have a very significant deficit problem confronting us. I won't go into the reasons of why I think we have those deficit problems, but we have them and we have been try to go dig out of a deep economic recession, as all of us know. So I simply wanted to say that, as you know, this week we did vote in a very substantial reduction, the Surface Transportation Savings Act, which passed 402-0. We cut \$107 million.

Next week I expect that we are going to have at least one vote, maybe others, to cut substantial dollars. BETSY MARKEY has an idea that she has introduced that would save \$703-plus million. We hope to consider that. But I want to reiterate, which is all I want to say, that we welcome ideas on how to bring the deficit down.

I mentioned, of course, earlier that Mr. KYL indicated that paying for things were not necessary if they were in the tax field. But cutting other things, the problem is, that was \$678 billion that he suggested in borrowed money. And so we are going to have to

look, as I said in a speech not too long ago, at all items of expenditure, wherever they may be found, to make sure that we are returned to the fiscal posture, frankly, that we were in when we had a \$5.6 trillion surplus in January of 2000.

I thank the gentleman for yielding.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would note that we are making some progress here if we are going to avoid pointing fingers and casting blame as to why we are where we are, in the spirit of trying to move forward together and addressing the real challenges that our constituents and the people of this country are facing.

I welcome the gentleman's desire to look for ways to cut spending. I would just reiterate that there are four individuals on his side of the aisle, Mr. ADLER of New Jersey being one, having proposed a savings of \$1.1 billion that will be part of the YouCut activities over the Web this week. Mr. Speaker, if that is the winning proposal, then the gentleman will have an opportunity to join us in putting that measure to a vote. So I look forward to that next week, Mr. Speaker.

Again, I thank the gentleman for his time.

ADJOURNMENT TO MONDAY, JULY 26, 2010

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore (Mr. BRIGHT). Is there objection to the request of the gentleman from Maryland?

There was no objection.

HONORING TERRY MCGHAUHEY

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, I rise with a very heavy heart to join fellow cyclists throughout Minnesota in mourning the untimely loss of Terry McGhauhey, father, founder, godfather, midwife, impresario of the Paul Bunyan Bicycle Trail.

It was Terry McGhauhey who, 22 years ago, saw the notice of termination of rail service along central Minnesota's area from Baxter, Minnesota, up to Hackensack, and rode out like a modern day town crier to alert communities along the trail to join together, save the right-of-way, to build the Paul Bunyan trail, which now has 650,000 users a year. Every year Terry McGhauhey mobilized group rides, engaged the business communities all along the trail to see not only the physical and outdoors enjoyment and health benefits of a bike/ped, in-line

skating trail, but also to see the business opportunities that have benefited all the communities along.

We didn't expect Terry's loss. He had suffered from Parkinson's, but he was there at the helm of this year's ride, and he was already planning for next year's ride. I shall miss him greatly as a friend, a treasured participant in bicycling. All of bicycling in Minnesota will miss Terry McGhauhey.

□ 1630

AMERICA'S ECONOMIC FUTURE

(Mr. WITTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WITTMAN. Mr. Speaker, yesterday the President of the United States signed legislation into law that dramatically alters the way our financial sector works and makes it harder for our economy to recover. Instead of bringing much-needed reforms to modernize our financial system, this law grows government again.

As The Wall Street Journal put it, "What started as a promise to streamline and modernize the financial system turned into 2,300 pages of new agencies and new powers for the very authorities that fomented the financial crisis."

According to a recent U.S. Chamber of Commerce study, Federal regulators will have to write 520 rules, issue 81 studies and 93 reports. I opposed this measure as it came before the House. Business owners and constituents across my district are frustrated because the policies coming from Washington create more bureaucracy and stifle job creation.

It's time that Washington focuses on commonsense principles that put Americans back to work, reduce government expansion, and get our economy back on track. We must head back in the right direction for the future of this Nation.

THE JONES ACT

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today in support of the Jones Act.

Enacted after World War I, the Jones Act ensures that America's domestic commerce is carried by U.S. vessels built and repaired in U.S. shipyards, and crewed and owned by U.S. citizens.

The Jones Act ensures a ready merchant marine fleet in time of war. And it prevents our economy from being dominated by foreign interests who don't pay American taxes, hire American workers, or even follow American health, safety, and environmental laws.

I would expect all patriotic Americans to support the Jones Act. In the

past we have, but recently some in this body have tried to blame the Jones Act for BP's failure to clean up its own mess. Nothing could be further from the truth. There is no evidence that the Jones Act has interfered with the cleanup in any way.

We are in a recession. It's time to work together to expand American manufacturing and create jobs, not play partisan games. I urge my colleagues to stop posturing and start supporting American families by supporting the Jones Act.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SESAME STREET-USO EXPERIENCE FOR MILITARY FAMILIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, back in May, I had the privilege of visiting Marine Corps Base Camp Lejeune in my district for a special program put on by Sesame Street and the USO. The Sesame Street-USO experience for military families is a wonderful program aimed at helping children of service-members understand deployments. It also helps parents talk to their children about a parent who is coming home with a changed personality or not coming home at all.

This program has spanned nine countries and 84 military bases. The Sesame Street mission is to improve the connection between parent and child during the long absence of deployment and help children understand the harsh realities of war.

During my visit, I was thrilled by the enthusiasm of the Sesame Street actors and the excitement it brought to the children as well as the parents. This was a very heartwarming experience that brought hope and understanding to the very special children of our very special parents who make up our military.

It is never easy to try to explain death or war to a child, but with the helpful tools this program uses, like a video using the Sesame Street characters explaining the death of a parent to a small child or a young person, the difficult issue becomes much easier to talk about.

I would like to thank the USO and Sesame Street for their hard work and concern for our troops. These are people that have not forgotten our men and women overseas and their brave families back home waiting for the return of their loved one. I encourage my colleagues to attend one of these shows

at a base in your State or near your district. You will realize, as I did, how important this program is to our military families. It is definitely something worth seeing.

Again, I would like to say to Sesame Street and USO, thank you for making this commitment to these families. We know how difficult it is for our families going on these frequent deployments to Afghanistan and Iraq, and Sesame Street and USO, you are making a commitment that those of us in Congress are very grateful for.

Mr. Speaker, before I close, as I do always on this floor, I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God in his loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq.

Mr. Speaker, I ask God to bless the House and Senate, that we will do what is right in the eyes of God for His people. And I ask God to please give strength, wisdom, and courage to President Obama, that he will always do what is right in the eyes of God for his people. And Mr. Speaker, I will ask three times, God, please, God, please, God, please continue to bless America.

THE INTELLIGENCE BUREAU: THINKING BIG INSTEAD OF THINKING SMART

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I imagine many of my colleagues have read The Washington Post report on "Top Secret America," and I hope they are reacting as I am, with horror and outrage at the sprawling national security and intelligence bureaucracy that has grown like a weed in recent years. This series of articles should shock us into action, at the very least leading us to question the conventional wisdom about how best to keep America safe.

According to the Post, the counterterrorism and homeland security apparatus has ballooned to some 1,271 government organizations working in roughly 10,000 locations around the country. There are now so many agencies analyzing so much information and issuing so many reports that the whole thing has become redundant, unmanageable, and ineffective.

Actually, we can't measure its precise effectiveness because so much of it is shrouded in secrecy. Much of the information about these agencies is classified and therefore not subject to the scrutiny it so badly needs.

If this system, which is so big that the Post refers to it as a fourth branch of government, were a domestic social program, my friends on the other side of the aisle would call it out-of-control spending.

□ 1640

Yet somehow, when the antigovernment rhetoric starts flying, it is never the wasteful defense and intelligence programs that come in for the harshest criticism. I'd be curious to hear, for example, why we can afford this behemoth, but we can't afford to pass a comprehensive jobs package. The organizational chart for this system looks like an octopus family on steroids, Mr. Speaker, and there are so many tentacles that it makes the proper information sharing and dot connecting nearly impossible.

I couldn't help but note the irony. If memory serves me, 9/11 exposed the inability of our intelligence agencies to coordinate and communicate properly with one another. So what have we done in response to 9/11?

We've grown our intelligence infrastructure in a way that makes it even harder to coordinate and communicate.

Of course, we would tolerate a little bit of bloat if the evidence were clear that the system were working; but according to the Post's analysis, both the Fort Hood shooting and the Christmas Day bomber could have been intercepted early on if this bureaucracy hadn't been so unwieldy, so inefficient and unresponsive. The intelligence was there, but it never got into the right hands or it was lost in an avalanche of other data.

Mr. Speaker, when it comes to protecting America, we are thinking big instead of thinking smart. There has to be a better way. We can have the intelligence capabilities we need at a fraction of the current cost, and we can use much of the savings on initiatives that attack terrorism at its roots—in places where despair and hopelessness lead people to turn to terrorism in the first place. We need to dramatically increase our investment in everything from agriculture to education to democracy-building to conflict resolution in the trouble spots of the world.

Maybe if we increased our global humanitarian outreach, if we empowered nations instead of invading and occupying them, then top secret America wouldn't even be necessary.

A TRIBUTE TO SENATOR PAUL COVERDELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GRAVES) is recognized for 5 minutes.

Mr. GRAVES of Georgia. Mr. Speaker, I rise today to pay tribute to a man who was a champion from my home State of Georgia.

It has been 10 years this week since the passing of Senator Paul D. Coverdell, and I am proud to honor the life, the work, and the spirit of such an influential man today.

Described by his colleagues as a "soft-spoken workhorse," his strong

passion for his country was shown throughout his distinguished public service in the United States Army, the Georgia State Senate, the United States Senate, and as Director of the Peace Corps.

Senator Coverdell was a devoted hard worker who was a pioneer for the conservative movement in Georgia. Some might say he was a "pillar of the community," but that is an understatement. He was the foundation upon which the pillars were built.

As a key figure in the establishment of a strong Republican Party in Georgia, he was the first Republican since Reconstruction to be reelected to the United States Senate. He was notorious for his ability to work on both sides of the aisle. He saw ways through the bitter partisanship, and he was one who was well-liked and respected by all of his colleagues.

Apart from being a brilliant man in his work, he was also a humble and kind man, characteristics that helped in the advancement of the cause that he fought for. As a testament to his humble and gentle nature, I will share with you a story about Senator Coverdell and a special friendship that he developed that would change his life.

While vacationing in Maine in 1978, Senator Coverdell decided he would look up the former chairman of the Republican National Committee, George H. W. Bush. He simply found his address in a phone book. He went to his home. He knocked on his door and he introduced himself. He introduced himself to the man who would later become the President of the United States. The pair became the closest of friends over the next 14 years, and they helped each other in many different ways. When George H. W. Bush was elected President, Senator Coverdell sent him a letter that read, "If I can help, I'd like to help."

It was at this time that the 41st President then appointed Senator Coverdell as Director of the Peace Corps.

Five years after his death, at the dedication of the Paul D. Coverdell Center for Biomedical and Health Sciences at the University of Georgia, President Bush said of Paul Coverdell, "In the Washington world of bitter partisanship, Paul was, indeed, a voice of reason, always reaching out, always putting the good of the country first, always finding solutions where others may try to find blame or an issue to use as a political weapon. He was successful in bringing together people across the political aisle. I've heard it said that, to the end, Paul Coverdell was the great unifier, and so he was."

Senator Coverdell's legacy is particularly important to me as I am the first graduate of the Coverdell Leadership Institute to be elected to the United States Congress.

Senator Coverdell founded the Coverdell Leadership Institute to support

the Republican Party in Georgia through the building of the farm team through the Republican Party. At the time, Georgia was not far removed from being a single-party State. No Republican had served as Governor since Reconstruction. Senator Coverdell began working with current and future Republican leaders, training them in the practical aspects of politics and government service to ensure that, going forward, there would be a bipartisan presence among Georgia elected officials.

Today, I am especially grateful to Senator Coverdell for starting this forward-looking program that continues to be relevant and impactful today, 10 years after the Senator's death. That is certainly a life to be proud of.

From the Paul D. Coverdell Center for Biomedical and Health Sciences at my alma mater, the University of Georgia, to the Paul D. Coverdell Peace Corps headquarters building here in Washington, D.C., to the Coverdell Leadership Institute, itself, and many other honors in between, Senator Coverdell's great legacy lives on. I ask that his life be remembered today.

HONORING THE LIFE OF COUNCILMAN WILLIE COOK

The SPEAKER pro tempore (Ms. WOOLSEY). Under a previous order of the House, the gentleman from Alabama (Mr. BRIGHT) is recognized for 5 minutes.

Mr. BRIGHT. Madam Speaker, on July 8, the city of Montgomery lost a great public servant. Councilman Willie Cook unexpectedly passed away after suffering a massive heart attack. He was only 53 years old.

Willie was not just a colleague; he was a trusted friend. Willie and I were first elected to office in the same year, 1999, and it was an honor to work in partnership with him to move our great city forward over the 9 years that we served together in the city government of our capital city of Montgomery, Alabama.

Willie was known to be a tireless advocate for those he represented in Council District 6. As the Montgomery Advertiser noted following his death, "Cook provided a strong public voice for his constituents and was an aggressive advocate for what he perceived as their best interests." I couldn't agree more.

Last Thursday, Willie was laid to rest at the Montgomery Memorial Cemetery after a memorial service at the convention center. Hundreds of friends, family, and admirers were in attendance to honor the life of a great city leader. It was a fitting way to pay tribute to someone as accomplished as Willie Cook.

My thoughts and prayers continue to be with his wife, Lorna; with his children Vaneka, Benito, and Christopher;

with his five grandchildren; and with his parents, Willie Cook, Jr., and Daisy, as they continue to mourn the loss of their son, their husband, and their father.

Willie will surely be missed at our State capital, Montgomery, Alabama. He truly was a friend that I served with, and he made a big difference in our State capital. So I thank you for allowing me to honor his life today.

FAIRNESS FOR SMALL BUSINESSES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Madam Speaker, the Joint Economic Committee, which I chair, has just issued the latest edition of our series of State-by-State snapshots of the economy. It notes that, in June, private sector employment grew in 32 States and the District of Columbia while the unemployment rate declined in 39 States and the District of Columbia. Yet the report also makes clear that our economic recovery is at a crossroads and still faces major challenges, in large part because of the staggering job losses caused by the policies of the prior administration.

You can see on this chart how a steady descent into a red valley of severe job loss began in December 2007. The red is the prior administration. The last month that the former President was in office, this country lost 790,000 jobs. The journey back up, under the Obama administration, began in early 2009 and coincided with the passage of the Recovery Act. As you can see, we have been trending in the right direction and gaining jobs these past few months.

□ 1650

It's not victory, but it certainly is movement in the right direction.

But as our report notes, even if the private sector was currently creating jobs at the rate of 217,000 jobs per month, as occurred during the Clinton administration, the highest sustained rate of job creation in our Nation's history, it will still take over 3 years to recreate the 8.5 million private sector jobs lost during the Great Recession.

The lingering high unemployment rates, particularly the long-term unemployment rate, suggest that targeted actions such as our recent extension of unemployment insurance benefits are sorely needed to support growth and provide a safety net for the millions of families hurt by the recession.

But there is still much more that Congress can and should do, particularly to help small businesses recover.

As Chairman Bernanke pointed out today, we need to find ways to provide

small, credit-worthy businesses with additional lending, something that I have supported and the Democrats have supported from day one.

Small businesses and establishments, these small businesses are the backbone of the U.S. labor market. Seventy-five percent of working Americans are employed at businesses with fewer than 250 employees.

But a study earlier this year by the Joint Economic Committee found that, in the wake of the financial crisis, limited access to capital and credit continues; and it has a serious impact on small business hiring.

The tough credit standards that banks are now imposing, even on credit-worthy small businesses, have hamstrung their ability to expand and create jobs.

You can see the results of that in this chart, which the Joint Economic Committee prepared. And this chart looks at the business hiring by mid- and large businesses, and compares it with the small business hiring, which is still in decline.

In most recoveries, it is small businesses that are the first to hire. But in this recovery, we see that it is the mid-sized and the large businesses that are hiring, and that small businesses are not hiring, so they do need more support and more help in this economy.

One additional thing we should do is ensure that small businesses are able to compete fairly for the Federal contracts for which they are qualified. And the Federal Government contracts out roughly \$435 billion every year. And under current law, Federal agencies are required to establish contracting goals with at least 23 percent of all government buying targeted to smaller firms, because they are the backbone; they hire the majority of Americans.

But according to an analysis prepared by the American Small Business League of Federal data, some of the "small businesses" that have been awarded Federal contracts under the provision for small business contracts include some of the largest companies in America. Boeing, Northrop Grumman, General Dynamics, Hewlett-Packard, AT&T and Rolls Royce. These are all extremely fine companies, but by no stretch of the imagination are these small companies.

That's why I urge my colleagues today to join me in supporting the Fairness and Transparency in Contracting Act of 2009, sponsored by my good friend and colleague, Congressman HENRY JOHNSON. H.R. 2568 would modify the definition of small businesses in the Small Business Act to include the requirement that no publicly traded company can qualify as a small business.

The SPEAKER pro tempore (Mr. BRIGHT). The time of the gentlewoman has expired.

Mrs. MALONEY. Mr. Speaker, may I request additional time?

The SPEAKER pro tempore. Under the Speaker's announced policy the Chair is constrained, not to entertain, such a request. The time of the gentlewoman has expired.

Mrs. MALONEY. Well, it would require the publication of a report; and, in short, it would require that small should actually mean small, and require fairness and transparency. So I urge my colleagues to join me in cosponsoring this important bill.

REPORT ON H.R. 5822, MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS BILL, 2011

Mr. EDWARDS of Texas, from the Committee on Appropriations, submitted a privileged report (Rept. No. 111-559) on the bill (H.R. 5822) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

WHERE ARE THE JOBS?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. BROUN) is recognized for 60 minutes as the designee of the minority leader.

Mr. BROUN of Georgia. Mr. Speaker, Americans all over this country are asking, Where are the jobs? Where are the jobs?

We just heard from the previous speaker bragging about the Recovery Act, which has been an abject failure, an abject failure. There have been very few private sector jobs created around this country.

What has been created are a lot of government jobs here in Washington, DC. If someone's looking for a job here in Washington, they have a lot of opportunities because government continues to grow exponentially. Exponentially. But what's not happening are jobs are not being created out in Georgia or around this country where they're so desperately needed, private sector jobs.

I was talking to one of my county commission chairmen just recently and he said, PAUL, 1 year ago in our country, the employment rate was 14.3 percent. I said, oh my goodness.

Of course, in my district we have a very poor district, except for the two major cities, Athens and Augusta, the Augusta area and the Athens area. And this is not one of those counties.

He said, a year ago the unemployment rate was 14.3. Now it's 10.7 percent officially. And I said, that is

great. Hallelujah. Praise the Lord. Where'd the jobs come from?

He said, PAUL, there aren't any jobs. People have just gotten discouraged and quit looking. They've fallen off the unemployment roles. There are no new jobs here. We're losing jobs and our people in our county are leaving. They're just disgusted. They're disappointed. And that's what's happening all over this country.

□ 1700

How do I know that? Republicans a couple of months ago launched a Web site asking the American people to speak out. It's called AmericaSpeakingOut.com. And we are asking Americans to go on AmericaSpeakingOut.com to register—it's very simple, no cost—and to tell us what we should be doing here in Congress right now today not only to create jobs, but to get the economy back on track. How to deal with health care. How to deal with the issues that the American people are facing today. We are asking America to speak out.

You see, Mr. Speaker, we live in a republic. Representative government. And the only way we can continue representative government is if Representatives listen to the American people. And I've got a sad, sad thing to say—that the leadership in this House doesn't listen to the American people.

I will give you an example. When we were debating ObamaCare, three-fourths of America did not want that bill passed. Three-fourths of America said no to ObamaCare. Two-thirds today say—at least 60 percent or more—say repeal it. Repeal it. Our leadership here in the Democratic side didn't listen to the American people. President Obama didn't listen to the American people. They forced down the throats of the American public a bill, which is now law, that was designed to fail. It's designed to fail, America.

Why do I say that? Because it was designed to push people off private health insurance, designed to push people into a what's now called a public exchange. And that's going to force people into more and more government. It's designed to lead us where the President just before ObamaCare was passed into law said that he wanted to go, where everybody in this country would be on one insurance policy. One pool is what he said. That means socialized medicine, where bureaucrats here in Washington, D.C., direct the health care for everybody in this country, to tell doctors like myself—I am a general practice medical doctor—how to practice medicine, who we can give care to, what medicines we can use, what tests we can do.

And in fact right now today, the Federal Government tells me or other physicians across this country whether we can admit a patient that's on Medicare to the hospital or not. It's not deter-

mined by the doctor or the patient; it's determined by a government bureaucrat that's not a doctor, not even a nurse or even a health care professional.

But more importantly, what is ObamaCare going to do? I spoke to just recently the head of a manufacturing entity in my district in rural north Georgia that hires over 400 people. And he said, PAUL, with the tax burden ObamaCare's going to put on me as a businessman, with all the big government programs, the stimulus bill and TARP bailouts and taking over of the private sector, he said, PAUL, I'm trying to find a place to move my company offshore, away from America.

Think about that, Mr. Speaker. If we continue down this road that this leadership and the Democrats are leading us down, that plant will close. Over 400 people in rural north Georgia will be put out of work. They're going to lose their jobs. And in fact, we knew that while we were discussing ObamaCare. We knew that it was estimated by experts that at least 5 million to 5.5 million Americans were going to lose their jobs strictly because of ObamaCare. And that has not changed. We must repeal it and replace it with something else.

I introduced a bill, H.R. 3889, comprehensive health care reform system, totally constitutional according to the original intent of the Constitution. Totally in the private sector. Would radically change healthcare financing. Would radically lower the cost of health insurance for everybody in this country. Would solve most of all of the problems with portability and uninsurability, et cetera. Would leave the doctor and patient in control of their health care decisions. It's 106 pages, a major piece of legislation, not almost 3,000 like ObamaCare was. And it's very simple. You can read it and understand what that bill says.

Our Speaker of the House, Ms. PELOSI, said we've got to pass ObamaCare to find out what's in it. Just the other day we heard about this financial reform bill that we've got to pass it to find out what's in it. The American people deserve more, Mr. Speaker. They deserve to know what's in a bill and deserve to know how it will affect them.

Mr. Speaker, we are killing jobs by bill after bill, by bigger government program by bigger government program. It's going to hurt our economy, destroy our economy. And we're borrowing from our children and our grandchildren's future.

Mr. Speaker, our children and grandchildren are very probably going to live at a lower standard than we live today if we don't stop this outrageous spending that's been going on ever since NANCY PELOSI has been Speaker of this House. And even more so since President Obama has been in office. It's got to stop. It's got to stop.

Now, I've done many America Speaking Out town hall meetings all over the 10th Congressional District in Georgia, just listening to my constituency. I have done these in small groups. We've done big town hall meetings. We've gone into factories and asked factories and companies to speak out and to tell us what we should be doing in Congress right now today. In fact, I went to the Coca-Cola plant in Athens, Georgia, and spoke to the employees there and asked them to speak to me, and encouraged them to go on AmericaSpeakingOut.com.

I did a town hall meeting in Columbia County in Evans, Georgia, and did the same thing. Did one in Athens, which is the most liberal county in my district. In fact politically, it's a speck of blue in a sea of red. It's a very Democratic county. It's where the University of Georgia is. It's a very liberal county. And I did an America Speaking Out town hall there. Invited the whole public to come, anybody who wanted to come, because I wanted to hear.

That's what America Speaking Out's all about. We want to hear what America thinks we should be dealing with here in Congress. And offer us suggestions of how to create jobs. We're asking where are the jobs? The policy that's being followed by the Democratic majority is taking away jobs. I already mentioned how ObamaCare is going to eventually put over 5 million Americans out of work, Mr. Speaker, just because of that one bill. The stimulus bill's going to put people out of work. It's put a few people to work, more government employees than private-sector employees.

But we're asking Americans to speak out, to go on AmericaSpeakingOut.com to tell us what we should be doing here in Congress today, to offer suggestions, to vote on suggestions that are already made or comments already made. Americans can make their own comment.

These are just some of the things that—these are sheets actually that my staff wrote to suggestions of legislation that people in the 10th Congressional District of Georgia suggested that we do. No energy tax. Boy, if that energy tax—I call it tax-and-trade, my Democratic colleagues call it cap-and-trade—but it's about taxes. In fact, the President himself said that his energy tax, the tax-and-trade bill is necessary to fund ObamaCare. It's all about revenue.

The experts tell us that the national energy tax is not going to reduce carbon emissions worldwide. It's going to hurt our economy, and it's going to put millions of Americans out of work. And Americans understand that. And they said no to the energy tax. No to the finance bill that was just signed into law this week. Defund ObamaCare. No to socialized medicine. Repeal ObamaCare. Pass alternatives to health care reform.

I would love to see my bill, H.R. 3889, be put into place. In fact, I reintroduced it as a repeal ObamaCare to repeal all of this onerous bill, onerous law that's going to lead to socialized medicine here in the country, as the President has said that he wants to go to, and replace it with something in the private sector to maintain the doctor-patient relationship and to lower the cost of health care for everybody. Alternatives to health care reform.

□ 1710

Keeping bills germane. The American people have told me, even the liberals, in Athens, Georgia, "We need to have bills that are germane." In other words, we shouldn't tack onto bills things that aren't germane to those bills.

The House passed, and in fact we're waiting on the Senate amendments to the emergency appropriations for the war supplemental bill, a \$75 billion bill. Only \$33 billion of that \$75 billion have to do with the military and war supplemental. All the rest of that \$75 billion is bigger government programs, bigger spending, that the Democratic majority pushed through.

Americans—liberals, conservatives, independents, Republicans, Democrats—have told me, keep bills germane. No to cap-and-trade. I can go on down this list, but the overwhelming thing I heard, Mr. Speaker, where are the jobs? What are we going to do to create jobs in the private sector?

And I've heard my Democratic colleagues just speak over and over again about how great this stimulus bill has been. It's been an abject failure. Where are the jobs, Mr. Speaker? Where are the jobs, Mr. President? Where are the jobs, my colleagues on the Democratic side? They're not there. In fact, the policies and the spending that we see going on over and over again from bill after bill since this President has taken office will actually take away jobs. And it's going to push jobs and manufacturers to go overseas.

I talked to one manufacturer and asked him, What can we do to get you to start hiring employees? And he said the best thing you could do is lower my corporate income tax rate. My Democratic colleagues say that we need to tax the rich, so we need to keep those corporate tax rates high. Mr. Speaker, we have the second highest corporate tax rate in the world. It's 35 percent. Second only to Japan. In fact, I've talked to manufacturer after manufacturer and they tell me, "Paul, if you just lower my corporate tax rate to 25 percent, that would help me be able to create jobs in my company." Just lower it 10 percent.

Mr. Speaker, I think corporate tax rates should be zero. In fact, Mr. Speaker, not only should corporate rates be zero but dividend taxes should be zero. Death taxes should be zero.

Capital gains taxes should be zero. We should have an immediate write-off of capital expenditure for business, not have this prolonged depreciation schedule that the Internal Revenue Code forces them into. They have to write the check; they should be able to write it off. If we could change just the tax law, we would create jobs. In fact, I introduced H.R. 4100, the JOBS Act. My JOBS Act is an acronym for Jumpstart Our Business Sector. What it would do is for 2 years, it would cut in half the payroll tax for business as well as for individuals. It would lower the corporate tax rate from 35 percent to 25 percent. It would suspend the death tax; suspend the dividend taxes for 2 years. And it would lower the two lowest income tax brackets down to 10 percent and 5 percent respectively.

And if you think about that, Mr. Speaker, what would that do from a monetary perspective? What it would do is it would leave dollars in the hands of small businesses and it would leave dollars in the hands of the American public; the consumers. That would give small businesses the opportunity to expand their business, to buy inventory, to modernize, to hire new employees. And it would give dollars to the consumers so that they could buy the goods and services that they need. It would give some stability to our economic situation so we don't see the stock market jumping up and down as we do today. It looks like a yo-yo. Why is that? Because there's so much uncertainty. And why is there uncertainty out there? It's because of what this Congress and what NANCY PELOSI and Company are doing right here and what Barack Obama is proposing for more and more government; more and more of the Federal Government taking over the private sector. That uncertainty is creating a lot of fear.

I've had businesses, small businesses, large businesses, in my district tell me they're sitting on cash but they're afraid to hire new employees. Why? Because of ObamaCare. Because of the debt. Because of the outrageous spending. Because of the so-called "financial reform bill" that was just signed into law this week. They're afraid, and I don't blame them. I've said in multiple floor speeches here that we have a steamroller of socialism being driven by NANCY PELOSI, HARRY REID and fueled by Barack Obama. We need to put that steamroller of socialism in a parking lot. If we would do so, if we would put the steamroller of socialism that my Democratic colleagues are driving, if we would put that in a parking lot, we would put certainty back in the financial sector and we would see a growth in our economy. But with that uncertainty that our leadership of this House and the Senate and the President are giving to the private sector, we're going to see the business sector afraid; afraid to hire new people.

Some economists say we're fixing to go into a great depression. In fact, some even say we're going into a depression worse than we saw in the previous Great Depression. I hope and pray not. I pray that God prevents that. But whether we do or don't, I know this: The simple truth is bigger government, bigger government spending, more debt being created for our children and grandchildren to have to pay is not going to solve the economic problems of our country. We've got to stop the outrageous spending here that Congress has been doing, that this administration is doing, that the previous administration was doing.

I wasn't here during the first 6 years of the Bush administration. I was elected in 2007, is when I took office. But I voted against the TARP bill, the toxic asset relief program, because I thought it was wrong. It hasn't helped. The second tranche that President Obama forced through the Congress, it hasn't helped. Taking over GM and Chrysler hasn't helped. Taking over the student loan program; taking over the health care system hasn't helped. The stimulus bill has been an abject failure, by and large. The company that makes these huge signs to proclaim that Barack Obama and his policies are the messiah which costs Lord only knows how much has helped that company, but it hasn't helped the American taxpayer. It hasn't helped small businesses around this country by and large.

America Speaking Out gives the American people an opportunity to give us ideas about what they think, what America thinks about what we should be doing now to solve the problems. You see, I'm excited about the so-called "Tea Party movement" in this country. I've spoken to many Tea Party rallies. But, Mr. Speaker, there's a great misunderstanding, particularly in the press, particularly with my liberal friends, what the Tea Party is all about. We started a Tea Party Caucus just this week. I was one of the original signers of membership into the Tea Party Caucus. I've done a number of interviews. Just yesterday I did one on FOX. I just did one this afternoon. I've done many interviews recently. And it's very apparent to me and it's apparent to me to the questions that were asked during the news conference that we held yesterday, after the Tea Party Caucus started, that there's a tremendous misunderstanding, particularly by my liberal colleagues and by the press, about what the Tea Party movement is all about. And I'm excited about it.

The Tea Party simply is this: It's freedom-loving Americans, people who just basically want to live their lives without all the government intrusion. They're teed off. Tea in the Tea Party stands for Taxed Enough Already. It's an acronym. And they see the so-called "jobs bill" that my Democratic colleagues keep bringing to the floor of

the House. I've already mentioned my JOBS Act which is an acronym for Jump-start Our Business Sector. I believe every one of the so-called "jobs bills" that my Democratic colleagues have introduced is an acronym for just one big slush fund, because that's what it seems to be.

The American people are angry. They're angry about not being listened to. They're angry about seeing their freedom being taken away; their jobs being taken away. The previous speaker during the 5-minutes was touting how great the stimulus act has been, but it's not been great. They have to try to spin how disastrous the spending bill has been. It's not created very many jobs. It's created some, but not very many. And certainly not very many in the private sector.

The American people are asking, where are the jobs? When are we going to get this economy back on course? We've seen a liberal icon, my Democratic colleagues, one of their icons, one of this country's icons, John F. Kennedy, considered to be very liberal at the time.

□ 1720

Today they'd call him a wacko, a crazy man, because he proposed tax cuts.

I hear from my Democratic colleagues that they want to tax the rich, they want to tax them even more. Well, who are the rich? It's the small businesses of this country. Most small businessmen and women file their taxes as a Sub S corporation, which means they file their business taxes on personal income taxes.

My Democratic colleagues say they're making too much money. We want it here in Washington to create a bigger government, a bigger socialistic government. And what's that going to do? It's going to kill jobs. It's going to take jobs away from millions of Americans. And my Democratic colleagues want to tax small business to the hilt. They're not happy with the high tax rates that small business are already suffering from. They want more taxes on the so-called rich, the rich of the little mom-and-pop grocery stores, the little hardware stores, the small community businesses, men's stores. It's not the Wal*Marts, the AT&Ts, the Boeings. Those aren't small businesses.

But we have developed policy, and the policy of the Democratic majority is anti-business, it's anti-freedom, it's anti-job creation. Why do they want to do that? It's because they believe, in my opinion, that government is the solution to everything. You see, they think, in my opinion, that government has to tell them how to run every aspect of their lives.

I'll give you some examples.

We've already seen where our Democratic colleagues want to tell us how much salt we can have in our food. I'm

a physician, and I have prescribed low-salt diets to my patients. I don't use salt. I hardly ever pick up a salt shaker. I don't even salt watermelon or eggs when I eat those, or tomatoes. And I know as a physician we have plenty of salt for most of our bodily needs unless somebody has a particular reason that they lose salt in an abnormal way. Even athletes, for the most part, don't need salt. When I was playing football in high school, our coach would give us salt tablets. That was absolutely the wrong thing to do.

But my colleagues want to say they want to control salt in our food. They say they want to control what kind of light bulbs we can put—in fact, that's what they've done—what kind of light bulbs we can have in our lamps at home. They want to tell us what kind of cars we can drive, how much water comes out of our shower heads. They want to control every aspect of our lives, Mr. Speaker, every aspect.

There's a word for that, Mr. Speaker. That word is socialism. Central control from Washington, D.C. We have had a greater takeover of the private sector since Barack Obama's been the President of the United States than Hugo Chavez—we've had a greater takeover in the private sector in this administration than the communist dictator Hugo Chavez has nationalized the private sector in Venezuela. That's a shock to most people when you tell them that, but that's factual. We've had a greater takeover of the private sector under President Obama than Hugo Chavez has done in Venezuela.

It's got to stop. The American people are understanding that. They're sick and tired of it. They want their freedom back. They want their Nation back. They want their jobs back. They're asking where are the jobs, when are we going to put our economy back on the right track. That's what we're asking here as Republicans. We've got to stop this policy of bigger government and higher taxes, more intrusion in people's lives. And Mr. Speaker, that's all we've seen over and over again from the Democratic majority.

In fact, not all Democrats believe in that. I'll give you an example. During the debate on ObamaCare, I proposed—in fact, I wrote an op-ed along with Congressman DENT and Congressman SHADEGG—one's from Pennsylvania and one's from Arizona—challenging our Democratic colleagues to introduce a Democratic bill that I had the language for. All they had to do was write the name of the sponsor in a blank and introduce it. It would be a Democratic bill. They could claim it to be ObamaCare.

It would do four things: cross-State-line purchases for businesses and individuals; number two, anybody in this country could join an association pool—all across the country, multiple

associations—to have the opportunity to buy and own their own health insurance through the association; number three, to encourage States to set up high-risk pools to cover those who are uninsurable; and number four, to have tax fairness so that everybody in this country could deduct 100 percent of their health care and health insurance cost off their income taxes.

I had Democrat after Democrat tell me this: They said, PAUL, that makes sense. It really makes sense. But I can't do it. I can't do it because my leadership would punish me if I did. If I introduced that bill and tried to push it through the Democratic Caucus, my leadership would punish me for doing to so. I was told by Democrat after Democrat that they were focusing on only one thing, and that's ObamaCare as we know it.

The debate was over whether we were going to have a robust public option, a public option not so robust, or a public exchange. And that's what we wound up getting, which is actually "public option lite"—public option on a diet. All three of those are geared and guaranteed to force everybody in this country into a government-controlled health insurance program controlled from Washington, D.C.

The only bipartisan vote on ObamaCare was "no." We had Democrats and Republicans voting "no." Every Republican voted "no." Seventy-five percent of America said "no." But we have it now as law because Ms. PELOSI and the Democratic leadership are not listening to America. They're not listening to America when America says, Where are the jobs? We're doing that. I'm doing that.

I hold America Speaking Out town hall meetings. Republicans are going to be doing that all over this country during this August district work period. We want to hear from America. I encourage every American who is concerned about where we're going as a Nation, that's concerned about public policy—whether you're a Democrat or a Republican, Independent, whether you're a liberal or a conservative, whether you consider yourself a moderate—I'm encouraging everybody in this country to go to AmericaSpeakingOut.com and speak out. Give us your ideas about how to solve the problems, the economic problems. Give us your ideas about how to solve this unemployment problem.

□ 1730

I want to hear. That's the reason I've done many. I have even lost count, somewhere between 10 and 20 America Speaking Out town hall meetings and meetings with small business and large groups over the last several months, and I will continue to do so. Republicans are doing that all over the country. I wish my Democratic colleagues would do the same thing and listen to the American public.

Since last August, our Democratic colleagues went and hid because of the ire of the American public, at least most of them did, a lot of them did. Some you can see that didn't, you can see the result on YouTube right now today, Mr. Speaker. There's a tremendous anger expressed all across this country to our Democratic colleagues about that bill.

I held town hall meetings last August in the 10th Congressional District in Georgia, multiple of them, and I was cheered because I was against ObamaCare. I was cheered. America has an opportunity to speak out now through americaspeakingout.com, but we need to change the policies, Mr. Speaker. We've got to stop this socialization, nationalization of our private sector. We've got to stimulate small businesses, and the only way we can do that is to give them the money they need to expand their business, to buy inventory. My jobs act, H.R. 4100, will do just that.

I hope, Mr. Speaker, that the American public that are watching right now will ask their Congressmen to cosponsor it. I ask my Democratic colleagues to cosponsor H.R. 4100, and let's make it a bipartisan jobs act, jump-start our business sector. The way I pay for all that is to take the unspent stimulus dollars to pay for the tax reduction. So it's paid for, won't create any more debt. It won't borrow from our children's and our grandchildren's future. It is a commonsense solution.

But that's not what we're getting from our Democratic colleagues. We're getting more government, more central control from Washington, bigger bureaucracy, higher taxes that are going to cost Americans jobs, send jobs overseas where people in the Philippines or in China or whatever are working and doing jobs that Americans could very well be doing. But Americans are not having the opportunity to do those jobs because the policies of NANCY PELOSI, Barack Obama, and HARRY REID are driving jobs offshore, driving jobs away from America. We've got to change those policies.

We do that through tax cuts. John Fitzgerald Kennedy, President Kennedy, cut taxes, and what happened when he did? We saw a tremendous growth of the economy. President Reagan did the same thing, tremendous growth of the economy. George W. Bush cut taxes, tremendous growth of the economy.

The leadership of the House right now, today, wants to see those tax cuts that were put in place during all the years of the Bush administration, wants to see them expire. That's going to kill more jobs here in this country, and it's going to mean that farmers and small businesses are going to have to close down and sell their assets just to pay their higher taxes that are going to be required.

I'm told from some of my Democratic colleagues that there are many Democrats that don't want to see those tax cuts expire. There's some of our Democratic colleagues that understand that allowing those tax cuts to expire at the end of this year is going to cost jobs. So, again, the bipartisan approach to creating jobs is for us to at least keep those tax cuts because the jobs that are going to go away if those tax cuts expire won't go away. So we'll save jobs.

The President has a fondness to talk about the jobs he's created or saved. Well, nobody can know how many were saved. We've seen some kind of funny finance calculations or accounting here because I know of one instance, for instance, as an example, that one company got some stimulus funds and they gave everybody in their company raises. They didn't hire any new persons, not the first new employee. But the government counted every one of those increases in wages as a new job, as a new job. That's insane. It's disingenuous. It's deceptive. That's what we see over and over again.

We've got to stop that, Mr. Speaker. The American people deserve better, and I'm excited about the grassroots movement. If you want to call it the Tea Party movement, it's not just the Tea Party Patriots, Tea Party Express, Americans for Prosperity, FreedomWorks. I can go on and on about different groups, the 9/12 Group. There are many.

What my liberal colleagues and the press don't understand is that this is a grassroots organization, an effort, in all these organizations. It's not one monolithic thing. It is American citizens all over this country in their local communities that are speaking out. They're saying that they're taxed enough already. They see their jobs going away. They want to go to work. They see that the policies that we have been handed by Barack Obama and NANCY PELOSI and HARRY REID, those policies are destroying jobs. They're putting millions of Americans out of work. And what they see is more of the same, and they don't want more of the same. They're taxed enough already. They want to see some changes. And I'm excited because I believe we're going to see some big changes in November, big changes on November 2.

See, Mr. Speaker, the most powerful political force in this country today is written about in the Constitution of the United States, and if you look at the document, if you look at the document itself, our Founding Fathers when they wrote the document, those three first words of the Constitution were bold and much, much larger, about four times larger, three or four times larger than all the rest of the text. What are those three words? "We the People."

We the people are speaking. They're saying, Where are the jobs? Repub-

licans are saying, Where are the jobs? What I'm hearing from the leadership on the other side, from Ms. PELOSI and company, We're going to give you more government, more taxes, more government control, bigger government, more government jobs, but less in the private sector is what the bottom line's going to be.

Mr. Speaker, we've got to stop this. We've got to stop growing government and shrink it. We've got to stop this outrageous spending. We've got to repeal or replace ObamaCare with commonsense solutions that will maintain the quality of health care in this country, continue to allow the doctors and the patients to make decisions instead of some Washington bureaucrat, which is going to happen under ObamaCare.

We've got to stop bailing out Wall Street and start bailing out small businesses by giving them the money that they need by allowing them to do business and leave the dollars in their pockets. Mr. Speaker, that's what's going to create new jobs. That's what's going to put our economy back on track. That's what's going to solve this economic downturn.

I heard, when the President signed the financial reform bill—so-called, which it's not. It puts in place permanent bailouts for Wall Street. It's going to hurt Main Street banks, the community banks. It's going to create bigger bureaucracy, more government jobs.

□ 1740

It is going to make it more difficult for small businesses to go to their local banker and get a loan.

The President, my liberal colleagues, blamed a lack of financial regulations on the economic downturn, but that is not what caused the economic downturn. They are blind. They want to blame, as the previous speaker to me just blamed, the Bush administration. That is what I keep hearing. It is all Bush's fault. When are they going to take time?

Mr. Speaker, when is Ms. PELOSI going to take responsibility? When is Barack Obama going to take responsibility for the disastrous, disastrous policies that they are forcing down the throats of the American people? It is past time for them to take responsibility, but they are not doing it.

They are blaming the Bush administration. What caused the financial collapse was the government. It is the Community Reinvestment Act, Freddy and Fannie, poor Fed policy.

There is some blame on Wall Street, absolutely. There is some blame, even in Main Street, Main Street banks. Greed is part of the cause of that, but it was policy that was established by Congress under the Carter administration with the Community Reinvestment Act, then a reform, so-called reform, which essentially forced banks to make loans to people who couldn't pay it back.

Then we have Freddie and Fannie who would buy off those loans, poor Fed policy, that kept the interest rates low so that Freddie and Fannie could set up these no-documentation or low-documentation loans. That is what created the bubble and the burst.

So it is government. Mr. Speaker, the best way to control quantity, quality and cost of all goods and services is a free enterprise system, unencumbered by taxes and regulations. You have two things. On the one hand you have government control, socialism. On the other hand you have the free market system, and the free market system will create jobs if we will allow it to do so.

That is not what we are getting. We are getting bigger government, which is going to kill jobs. We need to stop that, Mr. Speaker. We need to create what has made this country so rich, so powerful, so successful as a political experiment in all of history. We have got to go back to those foundational principles, those foundational principles that are expressed in the Declaration of Independence and embodied in the governing force in the Constitution of the United States, as it was intended.

Psalm 11, God asked a question. He says, if foundation should be destroyed, what are the righteous to do? God goes on talking about that He is sovereign and He reigns.

But how does He reign in public policy? How does He reign in this country? Well, certainly our Creator reigns supernaturally, but He also reigns through those of us who know Him as Lord and Savior, those of us who look to our Creator for direction, those of us who look to the Judeo-Christian principles that our Founding Fathers held so firmly. And those principles are based on personal responsibility and accountability. Those principles are based on the free market system, on free enterprise, where people have the ability and opportunity to succeed.

But they also have an opportunity to fail. Without an opportunity to fail, you don't have an opportunity to succeed. We see class warfare by our Democratic colleagues, where they hate the rich. They want to tax them to the hilt. They want to have a redistribution of wealth, as President Obama keeps talking about.

But what is he saying? He is saying that he knows how to run everything in human endeavor. That is what the leadership here believes. They believe in central planning. They believe government knows best. They believe that government should tell us what to eat, what car to drive, and how to live our lives and what kind of health care we can have.

Those policies destroy the free market, destroy small business. We see examples all over the world. Socialism has never worked, never will work, and

I don't care whose socialism it is, whether it is Stalin's, Mao Zedong's, Castro's, Hugo Chavez's or Barack Obama's. It is not going to work; it never will work.

We have got to stop it, and it is up to the American people to stop it. The American people need to speak out. Go on americaspeakingout.com. Demand from your Congressman, your Senator, that we stop this inane policy of creating bigger government, higher taxes, more regulation, more government, more control from Washington.

Say "no" to all of that and say "yes" to tax cuts, to the free market system, to freedom. They want socialism. I want freedom. America wants freedom. We have got to demand it, Mr. Speaker, and it is up to the American people to do so. America can speak out, can speak out to my Democrat colleagues, can speak out to the President, can speak out to their Senators, speak out by going on americaspeakingout.com. Demand policy that's going to create jobs.

I see I have been joined by my great friend and an excellent Member of this body and the Republican Conference, my good friend, STEVE SCALISE from New Orleans, Louisiana. He knows about this inane, disastrous policy that this administration has put in place, how it has killed jobs in Louisiana throughout the gulf coast, directly as well as indirectly.

Mr. SCALISE, thanks for joining us.

Mr. SCALISE. I want to thank my colleague from Georgia for yielding and for talking about this important issue.

When we talk about jobs, today we had a long debate here on the House floor about unemployment. And, of course, if you look at what's been happening this last year and a half, the policies that have been brought forward by this President and by this leadership here and the people that are running this Congress, these policies have been creating a lot of the unemployment we have today; and you look, since the stimulus bill passed a year and a half ago that you and I opposed because we knew that it would be doing nothing other than growing the size of government, \$787 billion of money that we didn't have, that was not only spent to grow the size of government, but the President said it had to be spent to keep unemployment from breaking 8 percent.

Of course, now we are approaching 10 percent unemployment after that bill, after that massive amount of debt dumped onto the backs of our children and grandchildren. And then we look at more and more policies that have been coming since then that are eroding, eroding the economic base of this country.

Of course, we are experiencing some very direct consequences firsthand in our State of Louisiana because of the

President's ill-advised moratorium on energy exploration. The President came up with this plan after the explosion of the Deepwater Horizon tragic event that was both a human tragedy and now an environmental tragedy, which the President still to this day is not doing his job under the law in helping direct the effort to keep the oil off our marsh, which our local leaders are battling to do every day.

Unfortunately, our local leaders tell us—and I have spoken to them. Anybody who speaks to them will tell you they are spending more of their time fighting the Federal Government than fighting the oil. But the biggest insult lately has been this moratorium because the moratorium, first of all, was actually opposed by the scientists and experts that the President put together after the explosion of that oil rig.

They were tasked by the President to come up with a 30-day report on safety improvements. They actually came back with that 30-day report, and they made some good safety recommendations that I support. But the other thing they said was they opposed the moratorium on drilling that the President came out with.

So when the President gets this report, he doesn't agree with it because for political reasons he wants to go and ban drilling, so he just discarded the science and trumped it with politics. Not only did they say in that report that they were opposed to the moratorium. I have spoken to a few of those scientists and experts and they said, they lay out a good case why the moratorium imposed by the President actually reduces safety in the gulf.

So here you have got a double whammy kicking people when they are down. The people of south Louisiana are down, and yet the President who is supposed to be helping us is coming up with policies that are hurting the people of south Louisiana. Then this moratorium, not only does it go against the safety recommendations of his own scientific experts, but it actually now is costing us thousands of jobs.

□ 1750

There was an unemployment debate going on in this House today. Well, one of the reasons we've got unemployment is because of the President's policies. He should rescind that moratorium. A Federal court twice now told him to rescind it, and he refuses to do so. He refuses to listen to his own scientific experts who say it actually reduces safety in the gulf because you lose your most experienced crews. You actually increase our dependence on foreign oil, and it's imported by tankers. And 70 percent of all the oil spills occur on tankers. So now the President has increased the likelihood for future spills in the gulf with his moratorium that's running more jobs out of our country. And I yield back.

Mr. BROWN of Georgia. Thank you, Mr. SCALISE, I appreciate that. And not only is it killing jobs, but it's going to make everybody's gasoline go up. It's going to make electricity prices go up.

I said here on the floor in a speech that the President's energy tax, cap and tax—or cap and trade, as they call it, some call it cap-and-tax, I call it tax and trade because it's all about taxes—is going to hurt the most vulnerable people here in America. It's going to hurt the poor people. It's going to hurt the seniors who are on limited income more than anybody else. And it seems to me that this disastrous economic as well as environmental disaster that has happened in the gulf is being utilized by this President to try to force his energy policy, his tax and trade bill.

I've been criticized by the liberals around the country because I've said it's going to hurt the poorest people in this country, and it will. In fact, the President himself said, "It will necessarily make electricity prices skyrocket," make electricity prices skyrocket, necessarily, that's what the President said about the energy tax. It would necessarily make electricity prices skyrocket. Who's going to have the hardest time paying their electric bill? The poor folks in America, those people on limited income, the senior citizens, who can least afford to have their gasoline go up, to have their electricity go up. It's going to be disastrous. And it's going to kill jobs.

In fact, the President talks about all the green jobs that are going to be produced. Spain put in a similar type of tax, a similar kind of policy in Spain, and it did produce green jobs. But Mr. Speaker, for every green job produced I think it was 2.3 jobs were lost, a net loss of 2.3 jobs for every job that was created. For every green job that was created, every green job created they lost 2.3 jobs. And that's what our President wants to force on the American public.

I'm wondering whether he's closing down exploration in the gulf just to try to force through his energy tax. I don't know. But I've had people, as I've listened at my America Speaking Out town hall meetings I've had people across my district say that they wonder about that. I was doing an America Speaking Out town hall meeting in Athens, Georgia and a lady got up and she said she wanted to see all new energy exploration stopped, all new drilling for energy and gas to stop in this country. We had about 100 people there. I said, okay, let's find out what everybody else thinks. Now, mind you this is the most liberal county in my district, very Democratic. I didn't carry it as a Republican in any of my elections when there was a Democrat and Republican on the ballot. I did carry it in the special election when I was first elected, but not since. And I asked the pub-

lic, we invited the general public, I said, how many of you in this audience want to see us stop any new exploration of oil and gas? Eight people held up their hands. Then I said, how many of you want to see us lift the moratorium and start back to exploring and tapping into our own resources here in America and continue drilling for oil and gas and continue developing our own natural resources our own energy sources? Everybody else. I think we had a total of 98 folks, so 90 people held up their hands that they wanted to see it continue, eight people said they wanted to see it stopped.

Over and over again I've talked during this special hour about how the leadership—Ms. PELOSI and company—have gone against what the American people want. They want to see jobs created. We asked them, where are the jobs? They want to see their economy stimulated, not government. We asked them that.

Mr. SCALISE, I know that you've seen the disaster of the moratorium on the jobs in Louisiana, but it affects all the Gulf Coast States certainly, not only directly, but indirectly. In just the few minutes we have left, could you give us some examples of some of those non-directly affected people, the fishermen, the people on the platforms, et cetera, could you give us some examples of those people who have been affected by this moratorium?

Mr. SCALISE. Sure, I would be happy to share that with my colleague from Georgia.

Of course Speaker PELOSI earlier today, during the debate, she actually said that unemployment creates jobs. Now, the logic of that I don't think anybody can understand, but that's what her statement was.

Mr. BROWN of Georgia. Real quickly, the people I talk to don't want an unemployment check, they want a paycheck. And I yield back.

Mr. SCALISE. And that's exactly what the people in the gulf want. The people don't want an unemployment check, they want jobs. They've got good jobs, and they're being taken away by the President. And what they've said is keep this industry going, let's do it safely. And there are good outlines of how to do it safely. In fact, most of the companies out there in the gulf in even deeper waters than BP weren't cutting corners, weren't doing things the wrong way. They were doing everything safe, and they were shut down. BP is the only one out there drilling right now.

If you listened, we had tragic testimony from two of the widows who lost their husbands in that explosion in the committee I serve on. And both of them said it's tragic what happened. The rules should have been enforced that weren't enforced, the safety rules should have been followed. But they said don't shut down this industry, it's

our way of life. We know it can be done safely. You need to insist that those rules are enforced, which they weren't. Don't shut down the industry.

Mr. BROWN of Georgia. Mr. Speaker, where are the jobs? We need to have different policies to create jobs than what we've been given by Ms. PELOSI and company.

I yield back.

PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Well, Mr. Speaker, I will claim the time on behalf of the Progressive Caucus tonight to bring a progressive vision about our great country.

My friend poses the question, where are the jobs? That's a good question coming from the Republican Caucus because they're the ones who destroyed the jobs. The fact is, the Democratic Caucus has been rebuilding jobs, and I have proof.

Now, if you look at this graph, very simple graph, what it shows is—the red is under the Bush administration, under the Republican Caucus. And as you can see, December of 2007 we see a steady decline in the number of jobs with the Bush administration. The Bush administration, because of policies of not regulating Wall Street, because of allowing the industry just to run wild, because of tax cuts to the wealthiest Americans, because of deficit spending—they paid for two wars—a giveaway to the pharmaceutical industry, and massive tax cuts—over \$700 billion in tax cuts which they never paid for—we saw a decline in American jobs. And then when the Obama administration comes in, we see ourselves digging out of this hole. It's slow, it's tough, it's very, very tough to come out and clean things up after the Republican Caucus has been in power. You know, the toughest job in the circus is cleaning up after the elephants. But the fact is that you see the Obama administration and the Democratic Caucus digging us out of this recession.

Private-sector jobs have increased for 6 straight months. Where are the jobs? Well, the Republicans should know where the jobs were; they're the ones who said we favor the rich over everyone else, we favor the privileged, the comfortable over everyone else. The working people have to go figure out what they're going to do because we're in it for the wealthy.

□ 1800

The fact is the Democratic Caucus is helping to pull our country out of this situation. Again, it was proven on the House floor today, Mr. Speaker, because today what we saw on the House

floor were the Democrats who moved to pass the unemployment insurance extension. Our Republican colleagues, our friends in the party opposite, despite all of their highest pronouncements, said “no” to the American people who are in dire straits.

What kind of heart is that?

You know, Mr. Speaker, I wanted to talk a little bit about our economy today, but I think more of what we’re talking about today are values and who values what. We are talking about values—the value of how you rate one kind of person versus another.

The Republican Caucus says they’re for tax cuts. We heard my friend in the party opposite say a little while ago he is for tax cuts. I find the gentleman a fine person and a pleasure to work with personally, but we couldn’t disagree more when it comes to economic policy. He says he likes tax cuts—not when it comes to working people’s tax cuts.

The American Recovery and Reinvestment Act gave tax cuts to 95 percent of Americans. Ninety-five percent of Americans got tax cuts under the Recovery Act. Guess how many Republicans voted for it? Zero percent.

They don’t like tax cuts for working people, only for really, really rich people. The reason is that they believe the rich folks who get all of the tax cuts are going to use those tax cuts, you know, after they’ve bought enough yachts and enough houses and enough Tiffany watches and stuff like that. They might just use some of it to, maybe, invest in a factory or something. That’s what they think is going to happen. It never happens that way, but that’s what they think is going to happen. It’s called “trickle down.” There is even a name for this kind of economics that the Republican Caucus is so very in love with.

They talk about John F. Kennedy. It’s amazing to hear these guys talk about how much they love John F. Kennedy because of tax cuts. Look, the Democratic Caucus is not anti tax cuts. It is important for the American people to know we’re not against tax cuts. If tax cuts to the middle class will help stimulate the economy, we will do it. We have done it. We couldn’t get any support from them when we did do it, but the fact is this is another sort of distortion that our colleagues are just absolutely committed to telling the American people—that Democrats don’t like tax cuts. Yeah, we’re fine with tax cuts, but we want fair tax cuts. We want tax cuts that actually stimulate the economy.

Here is an economic lesson for you:

If you want to stimulate the economy, do you give a tax cut to the people who need the money and who will take it and then buy things with it? Then at the stores where they bought them, there will be business at those stores, and at those stores, the people

who work there will see some revenue coming into the stores, and the owners of the stores will be able to, therefore, continue keeping people on the payroll.

On the other hand, do you give the money to people who don’t need it, who are wealthy by all definition, who can just let that money sit there or buy luxury items that they really don’t need? Maybe they’ll just go out and buy up other companies—mergers and acquisitions—stuff like that.

The fact is, if you want to stimulate the economy, you give a tax cut to the middle class and to the working class, not to the very rich people. That’s what the Democrats did. That’s what the Republicans absolutely oppose. That’s what they are against. The fact is it is wrong. It is incorrect. It is bad policy. You would think they would know better. The Republicans are just not good at economics. They are good at other things, but economics they’re not so good at.

During the time that the Republican Caucus was in control, you know, they cut taxes and gave us the biggest deficit this country has seen. Yet, when they came into office, they inherited one of the biggest surpluses we have seen. Yes, it’s true. Bill Clinton left the Republican Caucus a surplus. They came in well above the water, and they handed things over well below.

The American people don’t have short memories. We remember 2006. Do they think we forgot? Do they think we forgot who would not regulate predatory loans? The American people know that the House, the Senate, and the White House were controlled by the Republicans from 2000 to 2006 as the American people were being preyed upon by unscrupulous lenders who were pushing loans on them, deceiving them, tricking them into deceptive practices in lending, which really set the stage for the recession that we are in. As soon as they couldn’t refinance their homes again, they couldn’t afford those mortgages as they ballooned upward, we began to see the foreclosure crisis. That’s what happened, but our friends who don’t like regulation say, Give us the wheel back.

Interesting.

Now, as I said, I respect my colleagues. I think they are good people. The question is not who is a nice guy and who isn’t. That is not the issue, but here is a fact for you. Here is a quote from Congressman PETE SESSIONS, a Republican from Texas.

This is a question from David Gregory, the journalist. David Gregory: I think what a lot of people want to know is, if Republicans do get back in power, what are they going to do?

You hear these guys in the party opposite, Oh, give us back the reins of power. Let us be in the majority. Let us rule this place. We know what to do.

They act like they have the answers.

Well, one of their caucus leaders says: We need to go back to the exact same agenda.

Really? Oh, my goodness. Do you mean to tell me we need to go back to some more wars that we don’t pay for? Do you mean that we need to get back into another Iraq? They’re actually looking for another Iraq right now. Another Iraq? \$10 billion a month that war cost us, and they offered us reasons to go, and none of them were true. So, literally, 4,500 young people later—Americans later—and \$1 trillion later, that is what their war in Iraq has given us—disaster. It was absolutely the worst foreign policy failure in American history.

More of the same? Oh, my goodness. We’re going to have a pharmaceutical giveaway to the tune of \$400 billion. Again? That’s their answer to health care. As they stand up here and talk about ObamaCare and as they beat on the health care bill, do you know that Americans are benefiting from the health care bill already, and yet they want us to go back to the time before health care reform when 56 percent of all bankruptcy filings were from people who were suffering the load of medical debt? This is what they want the American people to go back to.

My friend from Texas says: We need to go back to the exact same agenda.

Oh, no. It’s just better to keep the Republican Caucus over there, in the minority, complaining about everything that we do, without helping at all, but at least they can’t do much harm if they’re not in the majority.

David Gregory asked: I think what a lot of people want to know is, if the Republicans do get back into power, what are they going to do?

You heard it right from their caucus leadership: More of the same.

Why were the Republicans literally thrown out of office in 2006? Why were they tossed out? Why did the American people chase them out? Because of their absolute failure on every measure of governance.

Now, you shouldn’t be surprised that the Republicans are bad at governing. They don’t like government. They have nothing good to say about it. They think government is the problem, and of course, it’s hard to be good at anything you don’t believe in in principle. So they’re not good at governing. They might be good at other things. I think, a few years in the past, they had a pretty good congressional baseball team, but when it comes to governing, they’re just not very good at it. The proof is, whenever they’re in power, we have failure in government.

If you wonder what they’re doing, we need to go back to more of the same agenda. I am so grateful for my friend from Texas’ candor because he has pretty much told us what we have to expect. See, the Republican Caucus, they try to argue that they should be running things. All they want to do is shine the light on the Democratic Caucus and on President Obama and ask,

Did President Obama and the Democrats create heaven on Earth within 2 years? That's what they want the American people to ask. Did they create heaven on Earth in 2 years? If they didn't, then let us run it.

But you know what? That is not what's at stake. It is either the Democrats' working out the problems and the failures of their leadership or the Republicans, who created the failure in the first place.

Imagine somebody who is out in the middle of a loch, drowning. A lifeguard swims out there to grab him, holds onto him and pushes him in, and then has to push on his chest to get him back in shape.

Then the person who failed to save the other person, the other lifeguard who sat around and didn't do the right thing, says, You're pushing too hard.

I say, Wait a minute, man. I'm over here, trying to save a life that you almost lost, and you're over here, confused about how it's being done.

The fact of the matter is the Democratic Caucus is investing in Americans, in green energy, in human capital. It is investing in our infrastructure. It is investing in small business, and we are slowly seeing ourselves climb back to the America that we knew before the Bush era as we see jobs going in this upward direction—clear and unmistakable progress.

□ 1810

A similar graph that I would like to show you, that goes to show how Democrats, despite difficult circumstances, because the Republicans have done massive damage to the economy, are bringing things back is this one. This graph shows net change in private payroll employment between 2004 and 2010. And this is thousands of jobs, so just add a couple of zeros after you see these 200, 400, just add a couple of, three more zeros. You see things really plummet because of the Republicans, and now you see Democrats pulling the economy back in shape, and we're back up to where we should be going. So that's a little bit.

Now, here's another fact I think is important for the American people to know. The economy has been picking up. In fact, this graph shows that after-tax profits in billions, the property insurance after-tax profits in billions. Profitability has been going up, going up.

The fact is that American GDP has been increasing. American gross domestic product has been increasing. The economy is starting to pick up. Unemployment is still unacceptably high. More has got to be done. I want to talk about that in a minute. But the fact is that things are headed in the right direction.

So when you hear Republicans stand up and complain about what Democrats are doing, and all they're doing is

complaining about what we're doing, you should look at the numbers. The numbers are going in the right direction. The jobs are being added. Gross domestic product has been increasing, and we see the economy going in the proper direction.

It's Republican support for special interests, Republican support to the most privileged and wealthy, the Republican support for all of these types of special interest things that has landed us in this problem; and it is Democratic resolve, along with the will of the American people, that is getting us back into the right spot.

Should we go back? Absolutely not.

Now, my friend in the party opposite, before he gave up the microphone, he said something that really must be challenged. You might have heard him say, oh, you know what, if the tax cuts expire, if the Bush tax cuts expire, then what's going to happen is that the farmers are going to have to sell their farms in order to pay the taxes. You heard him say that. He said, Mr. BROUN, fine man, but we just disagree bitterly on the issues.

He said that if the Bush tax cuts are not extended, or if they're allowed to expire, then farmers will have to sell their farms to pay payroll taxes.

Now, you know, this is the whole debate about the estate tax. And it's very important to remember that the Republicans argued this thing before, and they were challenged. The reporters, smart reporters said, okay, you guys are talking about saving the family farm, because it's always about poor people and the family farm. That's always why they say they do what they do, but it never really is.

But the fact is that they were challenged. Find one family farm that has been taken away for taxes. They couldn't find one because it just isn't so.

These Bush tax cuts, the ones that help the middle class, the Democratic Caucus, we believe, need to be saved. The ones that only benefit the well-to-do and the rich folks who've benefited so much by being in this great country, we think they ought to be allowed to expire and go back to rates that were quite similar to what they were during the Clinton days. It makes sense to me, and I think it's what we should do.

Now, I just want to talk a little bit about unemployment insurance extension. It's an important issue. Today the House passed the Senate amendments to H.R. 4213, the Unemployment Compensation Extension Act, and this emergency legislation will extend unemployment insurance benefits to millions of American families, 2.5 million, in fact. This is an important piece of legislation, and now it's on its way to the President's office.

Now, I reemphasize that it's emergency legislation. Because it's emergency legislation, it's not set off, we

don't have to find a pay-for in the budget. We basically find the money, even if we have to borrow it to make sure that Americans have the money they need to make ends meet.

This is money, this is money that will go to groceries. It will go to buying eggs, it will go to buying bread, it will go to buying oatmeal. It will go to buying cereal. It will buy toilet paper, basic household items. That's what people do with their unemployment insurance money. That's what they do with it. That's what folks do.

And it's amazing to me that my Republican colleagues would say that, no, it should be set off, because the fact is they didn't want to set off all of that money, they didn't want to set off all that money they gave away during the Bush tax cuts, over \$700 billion, plus another \$400 billion for the big prescription drug giveaway to Pharma, plus two wars that they didn't want to pay for.

But now, when people are in an emergency situation, people are having to live with family, people are facing foreclosure, people are facing bankruptcy, people are in real trouble when they're out of work and their unemployment runs out, now our friends say, no, we can't open up the wallet. We've got to worry about the deficit. You know, we can't help you.

This is an amazing thing. It's an emergency for people out there, and so we should act accordingly.

Republicans have blocked this bill for more than 7 weeks. They have literally stood in the way. In fact, this bill could have been done earlier this week, but the Senate Republican delay tactics stopped it, up until we're able to pass it today.

Republicans have blocked this bill for 7 weeks, causing an estimated 2.5 million Americans—actually, it's more than that. Congresswoman DONNA EDWARDS has it to the person, and she's got a Web site that tabulates it to the individual person. Families.

And the fact is that it's more than 2.5 million families to lose their lifeline that they have earned through their work during their economic work years.

It's important to bear in mind that unemployment insurance is insurance. It's not a giveaway. It's not a hand out.

And it is galling and appalling and downright insensitive and insulting for anyone to imply that people who receive unemployment insurance are lazy. Yet, you have heard people in the party opposite say that folks just don't want to work and they're just sitting up and not really trying to find a job. That is really ridiculous.

There are five people applying for every one job. There's not enough jobs. We're trying to create more. The unemployment rate is unacceptably high. Democrats are committed to chopping that rate way down.

But the fact is that until we're able to do that, we need real support, and folks need to get in there and get some unemployment benefits so they can make it.

□ 1820

The bill, which is virtually identical to the one the House passed, the Restoration of Emergency Unemployment Act, would extend emergency unemployment compensation and extend benefits for programs through November 30, 2010. So it's a short reprieve. I mean it's unfortunate, but folks will benefit from the short period of time of the help.

Now, unemployment benefits have periods of time, some longer, some shorter. But there are a lot of people who will benefit because benefits will be retroactively restored to people who started losing their benefits at the end of May. They will be retroactively restored. Important to point out as the Republicans are saying, yes, we gave all of our friends buckets and buckets of money, but we've got nothing for you, Sam and Jane and your two kids, we can't help you. You lost your job. Good luck. Can't do any deficit spending, you know.

But the fact is that these folks, some of them have been worried what are they going to do because they have been without these benefits since May. Now they are going to be retroactively restored. Very important. Very, very pleased to be able to report that.

Republicans continue to fight for hundreds of billions of dollars in deficit-busting tax cuts. The Bush tax cuts were never paid for, and yet they want to oppose us extending unemployment insurance benefits to hard-working Americans.

The fact is that unemployment insurance benefits really are something that help to stimulate the economy. It's not the best way to do it; having a job is. That's obvious. But every dollar in unemployment benefits creates at least \$1.61 in economic activity. So every \$1 in unemployment benefits, \$1.61 goes into our economy. That's a lot of money. It's obvious why. Let's just say somebody has no money. They are going to a food shelter. They are not getting anything at all. They are surviving on the charity of others, or the best they can. But if they have unemployment insurance benefits, which they earned because they worked, then they have money to go to the store and they buy something. And at the store, that then helps stimulate the economy because you are spending a real source of revenue with somebody, which helps them maintain and add to their employment rolls.

This is a very important fact. We should know about it. And this is something that chief economist Mark Zandi, who is a pretty conservative guy himself, had to say before the House

Budget Committee back on September 1. "The nonpartisan Congressional Budget Office has found extending unemployment benefits to be one of the most cost-effective and fast-acting ways to stimulate the economy, creating, they said, up to \$1.90 in economic activity for every dollar." So Mark Zandi says \$1.61, the Congressional Budget Office says \$1.90. The fact is these things are hard to know with exact specificity, but the reality is that both agree, there is a consensus among economic experts that unemployment insurance benefits benefit the economy as a whole.

Unemployment benefits were responsible for creating 1.1 million jobs since the recession started, and adding 1.7 percent to the gross domestic product of our country. Unemployment insurance benefits has a stimulative effect on the economy. There's no doubt about it. So the Republican Caucus trying to stop it really is dangerous to the economy. Not only to the individual family, not just to Jane and Sam and their two kids, who are unemployed and need those benefits, but also to all of us as a whole.

And let me just explain one reason why. Our economy is one where corporate profits, as I just pointed out before, have been up in the first quarter of 2010, up about 43 percent. There's a lot of firms that are sitting on cash. They have money. But they haven't really added to their payrolls. Why? Because they're nervous. The consumer demand is still weak. Consumer demand is not robust and strong. They're not really seeing the volume in sales that they've seen in the past because consumer demand is weak.

Now, if our Republicans had their way what they would do is take unemployment benefits from people, which would then do what to demand? Lower it. Which would then make the firms think what? Oh, my God, I really got to sit on this cash because I just don't know what's going to happen next. So unemployment benefits have the effect of priming the pump, of getting the economy stimulated and moving. And not having them not only creates a crisis for an individual family, but even worse than that, it creates a crisis for the economy because firms who have cash and are looking to add people but who are cautious and nervous are thinking, hey, you know, sales volume has gone down, I better not spend this money to add on more workers. It's very important to understand that psychology and economics are tightly tied together.

Most employers, by the way, particularly small employers, are very, very reluctant to want to lay people off. I mean it's always said for any employer with a heart—and most of them have them. They are people. They don't want to lay anybody off. But when they do, it's tough. And it's nothing you

want to go back to. So you want to be real confident that you can sustain those extra workers before you add on more people. This has to do with consumer confidence, which has to do with things like unemployment insurance. And therefore, my point is that you need—not only is it a crisis for the individual family when you don't extend those benefits, it is a crisis for our economy because it undermines confidence and consumer demand, which our economy needs.

So, I think it's important that the American people know this and they know that when the Republicans, particularly the ones who are always, you know, acting really religious and more holy than everybody else, they're voting against unemployment insurance, that's really kind of a head scratcher to me.

Anyway, today there are 15 million people out of work who got an extension of unemployment benefits. Today 15 million people, 15 million people out of work got an extension of unemployment benefits, which contribute to paying mortgages, health care bills, utility bills, food costs, eggs, groceries, cereal for the kids.

The Democrats' unemployment bill provides up to—and it is the Democrats' unemployment bill, by the way. Republicans want no part of it. They don't want to be part of the unemployment bill. So it gets to be our bill. We would love to share it, but they didn't want any. The Democratic unemployment bill provides up to 99 weekly unemployment checks averaging about \$300 to people whose 26 weeks of State-paid benefits have run out. The benefits would be extended through the end of November 30. November 30, as I said.

In the new Washington Post-ABC News poll that was released just a few days ago, more than 6 in 10 Americans, 62 percent, support Congress's action to extend unemployment benefits for jobless workers. Now, 62 percent is a lot. That's a very healthy, strong majority of Americans. And I daresay, you know, I'm glad I voted for the bill, because I wouldn't want to go back to my constituents, unemployed people, and say I know you needed help, but I wasn't there for you. Sorry.

Earlier this month the House passed the Restoration of the Emergency Unemployment Compensation Act to restore and extend emergency unemployment benefits. That was passed again today, and now it's off to the President. Eighty-three percent of Republicans opposed the bill. Eighty-three percent of the Republicans said we can't do anything for you, Sam and Jane. You are on your own. If you are well to do and need a tax cut, then we can talk. But if you are not rich, we really, really don't have any time to help you out. We've got to worry about the deficit. Not that we have to worry about the deficit if you are part of the

top 1 percent. But if you're not, then we've got a deficit, and we can't help you out.

The analysis of the nonpartisan Congressional Budget Office, as I mentioned before, suggests that extending unemployment benefits is one of the most cost-effective and fast-acting ways to get the economy moving again. It's something that we've got to do, and it's something that we need to do right away to make sure that our economy is strong, and make sure that Americans are getting back to work. Very important. And I'm so glad we are here to talk about it.

Now, one of the things that my Republican friends like to say is that they only want private jobs, they don't want public jobs. But I want to bust that myth up for folks tonight, Mr. Speaker, because public jobs are important jobs. Are they saying they don't like police? Are they saying they are against teachers? Are they saying that they don't want anybody to fix the roads? And the potholes all over the place, just fine? Are they saying they don't want people to fix the bridges and they don't think that these bridges need to be painted so they don't get corrosion? And they don't think those gusset plates holding those bridges up need to be replaced so they don't fall down like they did in my State of Minnesota? I just don't understand what they mean when they start attacking public jobs.

I actually have to confess to you, Mr. Speaker, that I resent it when they attack public workers. I think public workers do great work. I think public workers do a great service for the American people. When I had a break-in at my house, I called a public worker, also known as a police officer, and that officer came to my house. He took down my report. He took the report of all the things that that thief had taken from us. And he was cordial, and he was kind, and I felt a whole lot better seeing him there.

□ 1830

He's a public worker. And it is public workers just like that police officer who are facing layoffs all across America.

What about teachers? They don't like teachers? We're seeing classroom sizes increase and increase. There are over 250,000 teachers facing layoffs across America because I guess our friends in the party opposite, the Republican Caucus, feel that, oh, those are not private sector jobs.

Teachers do a valuable service for our country. Teachers are important. Or what about medical professionals who work for public hospitals? Or what about people who make sure that our roads and our bridges and our other infrastructure are in good working order? All these jobs are important.

What about the people who work at the DMV, the Department of Motor Ve-

hicles? Do you want to get your tags on time? Do you want to get your registration on time? These are all folks who perform a valuable, important public service, and I think it's really ugly when we hear our Republican colleagues say, oh, well, they just want public jobs. They admit that we've had public jobs. We've also had private sector jobs. But I don't like this idea of them attacking public sector jobs. It's not right. In fact, my opinion is we need to pass a local jobs for America act. We need a bill that says we're going to help State and local government hire the people they have had to lay off over the last year and a half. Nearly every State in the union, not every State but nearly every State, has had massive deficits and these States have seen themselves have to cut off a lot of State workers. Now the Federal Government can't cover all of those losses, but we can cover some of the essential ones.

There are cities in this country who have police forces of one and two and three people, and they've had to lay off one. So if they lay off one person or two people, that's basically the whole department.

This is a serious issue. We don't need larger class sizes as we're trying to educate young people to be more competitive in the global arena. We don't need our fire departments to have fewer firefighters. We don't need to have our streets have fewer cops and be less safe. Since the recession began, an estimated 500,000 Americans have lost their jobs in local communities because of tight local municipal budgets. That's public workers that the Republican Caucus doesn't seem to respect very much.

The Economic Policy Institute, which is a think tank, estimates that by the year 2012, more than 400,000 jobs would have to be restored just to return local government services to pre-recession levels. That's worth repeating. The Economic Policy Institute estimates that by 2012, more than 400,000 jobs would have to be restored just to return to pre-recession levels. This means a critical loss of services. This means that, yes, you have potholes; yes, you have longer response times for police and fire; yes, you have infrastructure that's not in the same kind of repair that it used to be. Yes, you have a streetlight that has not been replaced. And as your daughter or your son are walking home at night, you want that streetlight there if you're a parent and I know it. Not even for your daughter or your son; for yourself. If you're walking home, you want that streetlight working. Well, who replaces that? They don't get up there by magic. My friends in the Republican Caucus act like they just appear. No, they don't. Municipal workers put them there.

Cuts to public jobs also reduce employment in the private sector. This is

an important point that bears repeating as well. Cuts to public jobs reduces employment in the private sector. What is the point, Mr. Speaker? Well, look. A dollar is a dollar. Whether I'm a cop or I work for a private security company, if I get my check and I spend it at the local store, it's revenue for that store and it will go to pay the workers at that store and pay a profit to whoever owns the store. Now if the public worker doesn't have a job, that's one paycheck fewer that that store has to rely on in order to make it.

So public sector jobs contribute to private employment. Why? Because public sector jobs contribute to the economy just like private sector jobs do, too. It's not a good thing that public sector jobs are going down. Not only is it loss of vital social services in our cities, but it also decreases consumer demand for those public workers who are now laid off and for our economy as a whole.

Again, the Economic Policy Institute has important information for us here. They estimated that for every 100 public sector jobs, 30 private sector jobs are let go because of the reduction in consumer spending. For every 100 public sector jobs, 30 private sector jobs are laid off because of a reduction in consumer spending. This forces local governments to choose between cutting services like public safety and raising taxes during an economic recovery which, I already talked about, no one likes to do.

Now there's a bill out there that I think the people of America ought to know about, Mr. Speaker, and that is the Local Jobs for America Act. The goal of the Local Jobs for America Act is to create 1 million public and private jobs in local communities this year. This jobs legislation directs targeted resources to communities hardest hit by the economic downturn. Federal funds will be provided directly to States and municipalities with the greatest number of people out of work to restore critical services like teachers, police and fire. Our bill is about getting America back to work and making investments for the long term and the prosperity of our country.

Throughout the recession, local governments have been one of the hardest hit as cities have had to reduce budgets as their revenues have declined. Local governments across the country lost over 140,000 jobs in 2008 and 2009, and the number just keeps on growing. In 2009, 62 percent of all cities dealt with their budget deficits by delaying or canceling construction projects. Now when a city says, we're not going to build that ramp, that parking ramp; we're not going to fix that road; we're not going to build that community center, that means that the contractors they were going to hire don't get that job. So what that means is that the people who work in the private sector on the construction site, they're

not working on that job. They're not bringing food back home based on the money they earned at that construction job.

The bill funds teachers, firefighters, child care workers and other critical services:

\$23 billion to help States support 250,000 teachers who are scheduled to be laid off very soon; \$1.18 billion to support 5,500 law enforcement officers on the beat; \$500 million to hire and train firefighters; \$75 billion to save or create 750,000 jobs to help the local community fill those jobs where they need it; 50,000 on-the-job training slots to help private businesses expand employment.

The goal is to have family wage jobs and help people get back to work, promote our good services for our cities, which is safety, which is education, and then also help the private sector by moving forward on needed construction projects and making sure public workers have their paychecks to make sure there's adequate consumer demand.

The Local Jobs for America Act will target funding to community based organizations serving communities with poverty rates 12 percent, or unemployment rates that are 2 percent or more higher than the national average. Now it's not State by State. It's community by community. So even if your State has an unemployment rate lower than the national average, if your community has one that is higher, then you would be eligible.

Local Jobs for America will help ensure that local communities can still operate essential services; and the Local Jobs for America Act will include on-the-job training for thousands of workers, and this bill would target communities hardest hit by the recession.

□ 1840

Now, that's just one good idea that I think we need to use.

I just want to take you back and say, you know, I'm from Minneapolis, and in my town we boast the finest series of lakes and trails and bike paths in the country. In fact, even though we're a cold weather State, we commute by bicycle more than any other city, including Portland, Oregon. Now, I know those people from Portland are coming after us on this great honor, but we're determined to keep Minneapolis in the first place on bike trails.

My point is simply this: I was riding my bike along the bike trail the other day, and I stopped to rest and sip a little water, and I saw a picnic table that really looked like it had been around for a while. What I saw on that picnic table was interesting. It was a plaque. It said, "WPA 1934." That picnic table had been around since 1934, and the Roosevelt-era program that put Americans of that generation back to work

had caused that picnic table to be built.

Some of you young people are like, What is WPA? Go ask your grandparents. WPA is the Works Progress Authority. This was something that put valuable people to work doing valuable work that needed to be done—making trails, making picnic tables, doing things that last to this very moment. And Americans all across America are benefiting from them right now. This is what the WPA is.

And what I'm saying about the Local Jobs for America Act is that if that generation had a heart for its people and would respond to their needs and the needs of the unemployed by putting them back to work, I don't think this generation should do less. I think this generation should do at least as much as prior generations have done. Let it not be said that Americans have grown more stingy over time. Let it be said that Americans still care about other Americans whether they're working or not. Very, very important.

Now, Mr. Speaker, I'm going to begin to wrap up my remarks right now because it is getting late in the hour. But I just think it's important to just point out that from the Progressive Caucus' point of view, what we need is we need a stronger, more robust economy that has more people working at livable wages; that when people don't have enough, don't have a job, that they can get unemployment benefits until they can find that next job.

We don't think of our people as lazy and who don't want to work. We think of our people as active who do want to work. And when they get a job, we know that they're proud to have that job. But right now in America, we just don't have enough jobs. And we don't need the Republican Caucus standing in the way of jobs.

There are many people of faith in the Democratic Caucus, but we live our values. We don't pontificate about our values like some Members of the Republican Caucus are wont to do. The fact is you have to live caring, you have to live charity, you have to live commitment to other people, you have to live empathy. And just lecturing to others about your religion is not a valuable exercise in a country dedicated to religious tolerance.

So with that, Mr. Speaker, I just want to say it's always a pleasure coming before you and the people on the House floor. It's important to get back to real policies that work for real people. I'm so proud that the Democratic Caucus responded to the American people's needs for health care reform, responded to the American people's needs for financial Wall Street reform, as the President signed the bill yesterday. I am so proud that the Democratic Caucus was able to pass unemployment insurance benefits despite very little help from the Republican Caucus.

I look forward to being back soon to talk about the Progressive Caucus and progressive values in the United States Congress.

THIS ADMINISTRATION MUST FIND ITS VOICE ON HUMAN RIGHTS

The SPEAKER pro tempore (Mr. CRITZ). Under the Speaker's announced policy of January 6, 2009, the gentleman from Virginia (Mr. WOLF) is recognized for 60 minutes.

Mr. WOLF. This administration must find its voice on human rights.

On April 21 the New York Times columnist Nicholas Kristof authored a piece that closed with the following words: "If President Obama is ever going to find his voice on Sudan, it had better be soon."

Two weeks after the article ran, I wrote the President, and I submit a copy of the letter for the RECORD, putting forth a number of recommendations in the hopes in salvaging the administration's languishing Sudan policy. My concerns echoed those voiced by six respected NGOs who the week prior had run an ad in the Washington Post and Politico calling for Secretary Clinton and Ambassador Rice to exercise "personal and sustained leadership on Sudan" in the face of a "stalemated policy" and waning U.S. credibility as a mediator.

Sadly, Kristof's assessment can be applied elsewhere around the world. It seems that President Obama and the administration as a whole have struggled to find its voice when it comes to the promotion and protection of basic human rights and religious freedom. These most cherished ideals, which are at the very heart of the American experiment, have time and again been sidelined by this administration's foreign policy. This is a grievous mistake which has dire implications for the world's dissidents and democrats who yearn for freedom and look to America to be their advocate.

Looking back to Sudan, a nation I first visited in 1989, and most recently in 2004 when Senator SAM BROWNBACK and I were the first congressional delegation to go to Darfur where there is genocide, I remain deeply concerned that the country is headed for a resumption of a civil war if the U.S. fails to exert its necessary leadership. While there were certainly times that I was critical of the Bush administration's policy, it is indisputable that President Bush and former Special Envoy John Danforth were instrumental in securing, after 2½ years of negotiations, the Comprehensive Peace Agreement, the CPA, which brought about an end to the brutal 20-year civil war in which more than 2 million perished, most of whom were civilians.

A recent New York Times column by author David Eggers and Sudan activist John Prendergast titled, "In Sudan,

War is Around the Corner,” spoke to this reality. The pair wrote, “Shortly after George W. Bush entered the White House, he decided he would put the full diplomatic leverage of the United States to work in ending this war, one of the bloodiest conflicts of the 20th century. He succeeded.”

Eggers and Prendergast rightly noted that when the South is given the opportunity to vote for independence in January, as guaranteed by the CPA, the conventional wisdom is that they will waste no time in severing ties with Khartoum. This shouldn’t come as a surprise considering that President Bashir remains at the helm of Khartoum. Long an indicted war criminal, he was earlier this month also officially charged by the International Criminal Court with orchestrating genocide in Darfur. Bashir’s murderous aims in Darfur are not without precedent.

With just 6 months to go, Khartoum persists in dragging its feet, undermining installing the process at every turn. Furthermore, the deeply flawed April elections do not bode well for the fate of a free and fair and timely referendum process. Failure to deliver on the long-awaited promise of a respectable referendum could have grave implications.

While some of the administration’s rhetoric has improved of late, notably during Vice President BIDEN’s trip to Africa, we have yet to see the administration apply real consequences to Khartoum. In fact, most Sudan watchers would agree that we have seen little to no evidence since the administration’s release of their Sudan policy that they have any intention of utilizing sticks. Rather, they appear to be relying exclusively on carrots.

A July 14 Associated Press article entitled “Promises, Promises: U.S. Fails to Punish Sudan” described the administration’s track record on Sudan this way: “The words of the Obama administration were unequivocal: Sudan must do more to fight terror and improve human rights. If it did, it would be rewarded. If not, it would be punished. Nine months later, problems with Sudan have grown worse. Yet the administration has not clamped down. If anything, it has made small conciliatory gestures.”

Eggers and Prendergast, in their New York Times piece, close with a chilling warning as it relates to the months ahead in Sudan: “This is President Obama’s Rwanda moment, and it is unfolding now, in slow motion. It is not too late to prevent the coming war in Sudan, and protect the peace we helped build 5 years ago.”

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President Obama and his advisers need not rely on the warnings of those in the advocacy community and on Capitol Hill when it comes to the high

stakes in Sudan in the days ahead. Rather, they can simply look to the Annual Threat Assessment of the U.S. Intelligence community, which recently predicted that over the next 5 years, listen to this, “a new mass killing or genocide is most likely to occur in southern Sudan,” more than any other country.

A welcomed step toward preserving the tenuous peace would be to provide Southern Sudan the air defense system that the Government of Southern Sudan requested and President Bush reportedly approved in 2008. This defensive capability would help neutralize Khartoum’s major tactical advantage, a virtual necessity in light of the scorched earth tactics and Antonov bombers that have marked their genocidal campaigns of the past and would make peace and stability more likely following the referendum vote.

During the campaign for the Presidency, then-Candidate Obama said, “Washington must respond to the ongoing genocide and the ongoing failure to implement the CPA with consistency and strong consequences.” These words still ring true today, and yet, apart from a recent National Security Council statement expressing support for “international efforts to bring those responsible for genocide and war crimes in Darfur to justice,” we have seen an administration and a President struggling to find its voice on this most pressing human rights issue. Special Envoy Graton, at a recent event on Capitol Hill, reportedly went so far as to say that the genocide charges against Bashir will make his job harder.

What about the people who died as a result of this genocide in Sudan? Sudan is not an anomaly. Consider China, a country where human rights, religious freedom, and civil society continue to be under fierce attack by the country’s ruling Communist Party.

From the outset, this administration chose to marginalize human rights in the context of U.S.-China bilateral relations. On the first trip to Asia, Secretary of State Clinton was downright dismissive of human rights concerns saying that “those issues can’t interfere” with economic, security, or environmental concerns.

A firestorm of criticism ensued. Human rights organizations were rightly dismayed. How had impassioned advocacy for the dignity of every person been relegated to a position of mere interference? And this in spite of Obama campaign promises to be “frank with the Chinese” and “press them to respect human rights.”

In China, we again see an administration which seems unable to find its voice on human rights. A glance at the news from the last several weeks alone makes it painfully clear that that voice, the voice which speaks out on behalf of those enduring tremendous

persecution and oppression at the hands of their own government, has never been more necessary.

A July 5 Associated Press story reported that Yu Jue, “A best-selling author and fierce critic of the Communist Party was taken into custody by the police on Monday for reasons that were unclear.”

The AP reported on July 15 that “dozens of blogs by some of China’s most outspoken users have been abruptly shut down while popular Twitter services appear to be the newest target in government efforts to control social networking.”

Veteran dissident Liu Xianbin, an original signatory of Charter 08, a historic pro-democracy manifesto, was arrested by Chinese authorities on June 27 on suspicion of “inciting subversion of state power.”

July also marks the 1-year anniversary of the deadly suppression of Uighur protestors last summer in the northwest of China. China’s beleaguered Uighur Muslim community continues to face severe repression in the aftermath of the violence. According to multiple independent news sources, authorities installed 40,000 security cameras throughout the city in anticipation of the 1-year anniversary.

Carl Gershman, president of the National Endowment for Democracy, authored a piece in the Washington Post on the occasion of the anniversary. He highlighted a report by the Uighur Human Rights Project aptly titled, “Can Anyone Hear Us?” which documents “the firing on protesters that led to hundreds of deaths, as well as mass beatings, the arbitrary detention of thousands, and a 10-month communication shutdown that cut off the region from the outside world.”

Gershman closes his piece with the following charge: “The United States and the international community should also support the Uighurs’ 3-month-old call for an independent international investigation into the events of last July and the opening of a meaningful dialogue with Chinese authorities. Uighur voices have been crying in the wilderness. It’s time to listen.”

It is indeed time to listen. It is also time to add America’s voice to the chorus of voices within China pressing for greater freedoms and basic human rights.

Just last week, I had the honor of meeting with two courageous Chinese human rights lawyers visiting the U.S. for legal training and to brief policymakers on the situation facing those defending rule of law in China. These lawyers often choose to represent, at their own peril, those human rights activists, house church leaders, bloggers, et cetera, who face persecution in the form of trumped-up charges and the absence of due process. The lawyers said quite pointedly that their lives improve, and those of their cohorts in

prison or facing other pressures by the Chinese Government, when the West speaks out for their plight and raises their cases by name. Why does not the Obama administration speak out for the plight and raise their cases by name?

This sentiment is nothing new. I remarked that they are China's Sakharovs and Solzhenitsyns. Similarly, these giants in the cause of freedom time and again recounted how their lives in the gulags improved when the West and President Reagan championed their cause and challenged the lies that were at the foundation of the Soviet system.

It seems this administration, the Obama administration, has forgotten the lessons of history to the detriment of China's young democrats.

In their annual Freedom in the World Report, the NGO Freedom House documented a litany of abuses perpetrated by the Chinese Government and then made the following observation: "While these acts of repression are disturbing, so is the absence of protest from the democratic world. When the Soviet Union arrested a dissident or suppressed religious expression, it drew widespread condemnation by figures ranging from heads of state to trade union leaders, as well as by human rights organizations and prominent humanitarians. China's current actions, by contrast, elicit little more than boilerplate criticism, and just as often they provoke no response whatsoever."

Elsewhere in Asia we see an administration seeming to align itself with the oppressor over the oppressed. Look at Vietnam. On July 19, AFP reported that Kurt Campbell, Assistant Secretary of State for East Asian Affairs, said, "As I look at all the friends in Southeast Asia, I think we have the greatest prospects in the future with Vietnam."

This is a strange affinity and statement to have with a government that our own State Department said "increased its suppression of dissent, arresting and convicting several political activists" during the reporting period of the 2009 Country Report on Human Rights Practices.

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The State Department report continues: "Several editors and reporters from prominent newspapers were fired for reporting on official corruption and outside blogging on political topics. Bloggers were detained and arrested under vague national security provisions for criticizing the government and were prohibited from posting material the government saw as sensitive or critical. The government also monitored email and regulated or suppressed Internet content. The government utilized or tolerated the use of force to resolve disputes with a Buddhist order in Lam Dong and Catholic

groups with unresolved property claims."

Today, Secretary Clinton is in Vietnam for the ASEAN meetings. Initial news reports indicate that she raised human rights concerns in a meeting with the foreign minister and afterwards with journalists, and I appreciate that. However, a new New York Times story today pointed out that the timing of her comments on the sensitive issues "suggested that she wanted to make her point and move on." If the administration is truly concerned about human rights and religious freedom in Vietnam, they would take the concrete step of placing Vietnam back on the Countries of Particular Concern, the CPC list, as has been recommended by the bipartisan U.S. Commission on International Religious Freedom in the U.S. House of Representatives.

Leonard Leo, chairman of the commission, rightly points out that Vietnam's human rights record has only improved when its "feet were held to the fire." Leo continued: "But once Vietnam, with U.S. help, joined the World Trade Organization in 2007, religious freedom and human rights advocates have experienced waves of arrest," Leo said. Waves of arrests from our "friend" in Southeast Asia? Are the Vietnamese, who are persecuting the Catholic Church, the Montagnards, the bishops, and killing people our friends?

Or consider North Korea. Without question, this country is one of the darkest places on the globe. More than 200,000 North Koreans, including children, are being held in political prison camps. It is estimated that between 400,000 and 1 million people, 400,000 and 1 million people, have died in these camps, having been worked to death or starved to death. Is anyone in this administration going to speak out or say anything or do anything about that?

Last summer an op ed in The Wall Street Journal featured a quote from a North Korean refugee woman who said: "If I had a chance to meet with President Obama, I would first like to tell him how North Korean women are being sold like livestock in China and, second, to know that North Korean labor camps are hell on Earth." Let me just repeat what she said again. She said: "If I had a chance to meet with President Obama, I would first like to tell him how North Korean women are being sold like livestock in China and, second, to know that North Korean labor camps are hell on Earth."

However, because North Korea possesses nuclear weapons and threatens not only to use them against neighboring countries, but also to share nuclear weapon technology with such rogue states as Burma and Syria, the international community, the U.S. included, has tended to downplay or outright ignore the horrendous human rights abuses in North Korea in the in-

terest of trying to negotiate, through the so-called six-party talks, an end to its nuclear program. When North Korea falls and freedom comes, a lot of people in the West, and this administration, I think, will really feel guilty for not having spoken out and advocated for these people.

But nothing has been achieved by these negotiations, and the recent sinking of the South Korean ship has stalled efforts to revive the six-nation talks. Even in the face of North Korea's nuclear ambitions, it is inexcusable that its abhorrent human rights record is relegated to the back burner and that the North Korea Freedom Act, passed by Congress, has not even been fully implemented. Why has the Obama administration had so little to say about those trapped in "hell on Earth"?

Now, looking to the Middle East, we again see an administration whose advocacy on behalf of persecuted peoples has been sorely lacking. A February 6 ABC news story opened with the following observations: "Across the Middle East, where Christianity was born and its followers once made up a sizeable portion of the population, Christians are now tiny minorities."

This is perhaps no more true than in Iraq. With the exception of Israel, the Bible contains more references to the cities, regions and nations of ancient Iraq than any other country. Abraham came from Iraq.

Tragically, Iraq's ancient Christian community is facing extinction. The U.N. High Commission for Refugees estimated that some 250,000 to 500,000 Christians have left the country since 2003 and about half the Christian population and a large number also have been killed.

While I have appreciated and am very grateful for Ambassador Chris Hill's commitment to this issue during his time as U.S. Ambassador, and while I believe that Michael Corbin, the Deputy Assistant Secretary of State who is in charge with working on Iraqi minority issues, cares deeply about the issue, and both are good men, I see a continued unwillingness, unwillingness, at the highest levels of the State Department to acknowledge and ultimately address the challenges facing these ancient-faith communities.

A 2009 column in The Wall Street Journal, Daniel Henninger summed it up this way: "Candidate Obama last fall sent a letter to Condoleezza Rice expressing 'my concern about the safety and well-being of Iraq's Christian and other non-Muslim religious minorities.' He asked what steps the U.S. was taking to protect 'these communities of religious freedom.' Candidate Obama said he wanted these groups represented in Iraq's governing institutions. Does President Obama believe these things?"

I long advocated, both during the previous administration and in the current administration, for the U.S. to adopt a comprehensive policy to address the unique situation of these defenseless minorities. I have also pressed for a high-level human rights representative at the U.S. Embassy in Baghdad. Such a U.S. presence is critical with a U.S. presence in Iraq drawing down and our bilateral relations now governed by the Strategic Framework Agreement.

Among other things, we must be actively engaging the Government of Iraq to press for adequate security at places of worship and ensure minority representation in local police units. These are just some of the steps that could be taken to assist in the preservation of these ancient-faith communities. We have a moral obligation to do so. The Obama administration has a moral obligation to do so.

I was reminded of this again last week while meeting with a visiting high-level delegation of Iraqi bishops. Their impassioned pleas must not be ignored. We do not want to see the eradication and the elimination of the Christian community, the Assyrian, Chaldean Catholic community, in Iraq. We need to protect them.

Turning now to Egypt. Eli Lake pointed out in a July 18, Washington Times piece: "The Obama administration ended support for a small fund operated by the U.S. Embassy in Cairo that supported groups promoting Egyptian democracy and that bypassed any clearance from the Egyptian Government." They ended it.

Ellen Bork, director of democracy and human rights at the Foreign Policy Initiative, summarized the situation well in a recent Weekly Standard piece. She said: "Doing something for democracy in Egypt would require a policy reversal in Washington. Since the end of the Bush administration and the beginning of the Obama administration, there has been a retreat," and let me say I was critical during the Bush administration. More should have been done then, but equally now under the Obama administration. "There has been a retreat, including a cut in funding for democracy programs and acquiescence to an Egyptian veto over which groups may receive U.S. funds." They are going to let the Egyptian Government that is doing the persecution decide which group gets the funds.

Ironically, U.S. support for democracy promotion in Egypt is dwindling at a time when the people of Egypt are increasingly dissatisfied with the current regime. A Washington Post story yesterday reported that "a protest in Alexandria last month was attended by 4,000 people, a high number in Egypt, where many people are afraid to join demonstrations."

Lorne Craner, president of the International Republican Institute, who has

a history of caring deeply about human rights and religious freedom, echoed these sentiments about the administration's human rights and democracy promotion policy in Egypt and elsewhere around the world, in recent testimony before the House Committee on Foreign Affairs.

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He said, "A lack of strong, consistent leadership from the top of the administration has become apparent to the bureaucracy. One result is the cutting or slowing of funding for democracy programs in countries like Belarus, Cuba, Egypt, Iran, North Korea, Venezuela, and Zimbabwe. Another consequence is that our embassies abroad"—and this is painful to hear—"are providing less diplomatic support on human rights and democracy. Asked about the U.S. position on democracy in Egypt, our Ambassador to Cairo praises the country's press freedoms." The American Embassy in Cairo should be an island of freedom. The American embassy in every country should be an island of freedom.

Those yearning for greater freedoms in Egypt are not alone in facing the ire of their government. So, too, Egypt's Coptic Christian community faces increasing hardship. USCIRF, the commission, in its recently released report, described a deteriorating situation for this community. USCIRF found that "the reporting period marked a significant upsurge in violence targeting Coptic Orthodox Christians. The Egyptian Government has not taken sufficient steps to halt repression of and discrimination against Christians and other religious believers, or in many cases to punish those responsible for violence or other severe violations of religious freedom. This increase in violence and the failure to prosecute those responsible forces a growing climate of impunity. And even though our own State Department has concluded that the last 3 years have been marked by a decline of religious freedom conditions in Egypt, there has not been a significant change in U.S. policy."

Elsewhere in the region, Morocco is actually an example where American citizens, many of whom are people of faith, are receiving hostile treatment by the Moroccan Government. Over the last 4 months, dozens of American citizens and scores of other foreign nationals have been deported and denied reentry into the Kingdom of Morocco for allegedly proselytizing. Authorities have refused to turn over any evidence or offer any explanation of the charges. Among the individuals who were deported or denied reentry were businessmen, educators, humanitarians, and social workers, many of whom had resided in Morocco for over a decade in full compliance with the law. Additionally, those deported were forced to leave the country within 2 hours of

being questioned by the authorities, having to leave everything behind.

Over the past several weeks I have met with and heard from scores of Moroccan Christians. Many feel their voices have long been silenced, and these events highlight some of these pressures they experience. On March 19, I wrote to the U.S. Ambassador to Morocco, Sam Kaplan, sharing my intent to meet the Moroccan Ambassador to the U.S. and urging Ambassador Kaplan to "convey to the Government of Morocco that Members of Congress are watching these events closely and the outcome could negatively affect our bilateral relations."

I've also spoken with Ambassador Kaplan on several occasions and shared with him my deep disappointment that the U.S. Embassy and the State Department have not been more publicly outspoken on behalf of these American citizens. It is the primary responsibility of the United States Embassy to defend and advocate for U.S. citizens and interests abroad. Unfortunately, the Moroccan Government has been utterly unwilling to compromise. Perhaps they think they don't need to, given the number of high-powered lobbyists, including several former Members of Congress, that the Moroccan Government has on retainer. I don't know how a former Member of Congress could ever go out and represent the Moroccan Government knowing what they're doing to American citizens and feel very, very comfortable. And do the American people know about this?

And the American people should understand not only are they expelling Americans from Morocco, but they should also know that I have urged the Millennium Challenge Corporation, the MCC, to suspend the 5-year compact with Morocco, which is worth \$697.5 million. That's right, you, the American taxpayer, are giving the Moroccan Government \$697 million. They're expelling Christians from Morocco—although they've hired a couple of former Congressmen that, unfortunately, used to serve in this body. I mean, can you believe it? They're expelling Americans, and yet the Moroccan Government expects that we will give them \$697.5 million?

I will offer an amendment on this floor when the foreign operations bill comes up to suspend or cut this program, and I urge any Member who wants to vote the other way to go home to wherever you're from, whether it be the north, south, east or west, and tell your constituents, that's right, I understand; I voted to continue to send all this money to Morocco, \$697 million. Yes, I understand we have a deficit. Yes, I understand we have great debt. Yes, I understand they're expelling Christians, Americans from the country, but I'm still going to give them that money.

The MCC awards compacts on the basis of 17 key indicators of eligibility, six of which fall under the category of "ruling justly." However, recent events raise serious questions regarding the Moroccan Government's willingness to abide by the principles outlined in the MCC indicators. And—and I am very appreciative of this—a recent Wall Street Journal op-ed rightly pointed out that during a time of economic hardship, the unemployment rate at 9.5 percent, "U.S. taxpayers won't tolerate financing governments that mistreat Americans solely because of their religion." I appreciate the Wall Street Journal doing that editorial.

Can the administration not find its voice when it comes to the rights of U.S. citizens being trampled abroad? I've been assured that the State Department is raising the matter privately with the Moroccan Government. Frankly, this is insufficient. The manner and the means by which we raise concerns of this nature with foreign governments communicate a whole host of unspoken messages. I hope the lobbyists for Morocco—particularly those who have been former Members of Congress—are not influencing the State Department and are not influencing the Millennium Challenge Corporation.

Do we simply have a private meeting with the ambassador and ask him to look into the matter, or does the Department's press secretary issue a statement expressing deep concern? Or better yet, does President Obama call the King of Morocco and make it clear that treating American citizens this way will not be tolerated? The President should pick up the phone and say to the head of the Moroccan Government, we will not give you \$697 million in the Millennium Challenge grant as you're expelling Americans from your country. Each approach has distinct undertones which highlight the level of priority and seriousness that the U.S. Government places on a particular issue. Privately raising the issue with Moroccan Government officials is a far cry from what we used to see by doing it publicly.

Even as the administration is struggling to find its voice on human rights, changes within the State Department threatens to institutionalize the marginalization of these core issues. The State Department's International Religious Freedom Office, IRF, has been without ambassadorial leadership, as is required by law, for more than 18 months. After increasing pressure from Congress and religious advocacy groups, Obama named Suzan Johnson Cook to this post in June. She has not been confirmed. Eighteen months, nobody's there.

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With a void in senior leadership at the IRF office, I have been increasingly

alarmed by reports that the office is being subsumed into the Bureau of Democracy, Human Rights and Labor.

Tom Farr, the first Director of the U.S. State Department Office of International Religious Freedom, described what is happening this way in a Washington Post online column: "The ambassador will not report directly to the Secretary of State as do other ambassadors at large, all of whom are experts in their fields. The staffers who reported to predecessors will not report to Johnson Cook should she be confirmed. The position will be emasculated, in direct contravention of the legislation that created it."

In a May 25 letter to Assistant Secretary for Democracy, Human Rights and Labor Michael Posner, I raised these concerns in detail.

I submit a copy of the letter for the RECORD.

If the changes described by Farr move forward, this could potentially violate U.S. law and break with 10 years of established practice under previous administrations, both Democratic and Republican. The Ambassador-at-Large position was established under the International Religious Freedom Act of 1998, of which I was the primary author, to promote religious freedom abroad. The legislation specifically states, "There is established within the Department of State an Office on International Religious Freedom that shall be headed by the Ambassador-at-Large for International Religious Freedom."

Considering the importance of religious freedom to U.S. foreign policy and human rights promotion, I am alarmed by the possibility that DRL could be removing supervisory control from the Ambassador-at-Large over the Office of International Religious Freedom.

These reported changes, combined with the long ambassadorial vacancy, do not bode well for the Baha'i leader imprisoned in Iran's notorious prisons or for the Ahmadi Muslim in Pakistan, subject to officially sanctioned discrimination and persecution. Who will be their advocates? Who will advocate for the Baha'is? Who will advocate for the Ahmadi Muslims in Pakistan? Who will be their advocates?

The IRF office is but one example of internal changes at the State Department. Not many people know this, but the congressionally mandated Office to Monitor and Combat Anti-Semitism, headed by a special envoy, only has a single dedicated staff person. During the Bush administration, there were three to five employees at various points. An April 2010 CNN story featured the findings of a study released on the eve of the Holocaust Remembrance Day, which found that the number of anti-Semitic incidents more than doubled from 2008 to 2009. At a time when anti-Semitism is on the rise

globally, the special envoy is relying almost exclusively on the already stretched thin IRF office for her staffing needs, therefore making it more difficult for the IRF office to fulfill its congressional mandate.

If the old adage "personnel is policy" is true, then you could surmise that the absence of necessary personnel is itself a shift in policy priorities.

There are staff vacancies also at the State Department that are deeply troubling. On June 24, I wrote Secretary of State Clinton about the Office of the Special Coordinator for Tibetan Issues.

I submit the letter for the RECORD.

I was prompted to write the letter, in part, because it had come to my attention that there was only one person working in the office. Have you seen how China has plundered Tibet, and there is one person working in the office?

Congress codified the position of the Special Coordinator for Tibetan Issues as part of the Tibetan Policy Act of 2002. Not long after the establishment of the office, Congress approved language directing that the office "consist of three professional, full-time staff members and additional support staff, as needed, in addition to the special coordinator." Their current inadequate staffing levels, at that point 17 months into the administration, were troubling and at odds with congressional intent.

Further, the congressionally mandated Report on Tibet Negotiations, which is due to Congress by March 31 of each year—and we are in July—has not yet been submitted. These developments, or lack thereof, send a message about the priority this administration is placing on Tibet. Does this administration care about the plundering and the persecution in Tibet?

I have visited Tibet. I have been there. I have seen what has taken place in Drapchi prison. I have seen and talked to Buddhist monks who have told me about their times. I have seen the cameras on all of the buildings. I have seen the areas that they have bulldozed and large areas of loss. They have taken away the Tibetan culture. I have seen that. So does not this administration care about that?

That message is not inconsistent with the message the White House sent last fall in declining to meet with the Dalai Lama when he was visiting Washington—the first time since 1991 that the Nobel Prize recipient and spiritual leader was not afforded a meeting with the President of the United States.

In closing, the complexities of foreign policy do not escape me. I am well aware that there are multiple dimensions to our bilateral relations with countries around the globe, but if the United States of America cannot be relied upon to speak out on behalf of those whose voices have been silenced,

then it is, indeed, a dark day for millions around the world who are yearning to breathe the sweet air of freedom.

Where the administration fails to find its voice, Congress must stand in the gap. For decades, human rights enjoyed bipartisan support in this body. Now I fear these issues have fallen victim to bipartisan apathy. Too often, we underestimate the power of our words or, worse yet, the power of our silence.

The late Robert Kennedy, speaking in 1966 Cape Town, South Africa, to a gathering of students committed to challenging the injustice of apartheid, famously said, "Each time a man stands up for an ideal or acts to improve the lot of others or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance."

America must stand up for the ideals upon which our own experiment in self-governance was founded. America must strike out against injustice, whatever form it takes. America must believe that even the mightiest walls of oppression can tumble and work toward that end.

The hour is late and the stakes are high. Will the administration accept this charge? Will the Obama administration accept this charge? Can President Obama find his voice? Will the "ripples of hope," of which Bobby Kennedy spoke, once again infuse America's foreign policy? We'll see.

HOUSE OF REPRESENTATIVES,
MAY 5, 2010.

Hon. BARACK H. OBAMA,
President, The White House,
Washington DC.

DEAR MR. PRESIDENT: "If President Obama is ever going to find his voice on Sudan, it had better be soon." These were the closing words of New York Times columnist Nicholas Kristof two weeks ago. I could not agree more with his assessment of Sudan today. Time is running short. Lives hang in the balance. Real leadership is needed.

Having first travelled to Sudan in 1989, my interest and involvement in this country has spanned the better part of 20 years. I've been there five times, most recently in July 2004 when Senator Sam Brownback and I were the first congressional delegation to go to Darfur.

Tragically, Darfur is hardly an anomaly. We saw the same scorched earth tactics from Khartoum in the brutal 20-year civil war with the South where more than 2 million perished, most of whom were civilians. In September 2001, President Bush appointed former Senator John Danforth as special envoy and his leadership was in fact instrumental in securing, after two and a half years of negotiations, the Comprehensive Peace Agreement (CPA), thereby bringing about an end to the war. I was at the 2005 signing of this historic accord in Kenya, as was then Secretary of State Colin Powell and Congressman Donald Payne, among others. Hopes were high for a new Sudan. Sadly, what remains of that peace is in jeopardy today. What remains of that hope is quickly fading.

I was part of a bipartisan group in Congress who urged you to appoint a special envoy shortly after you came into office, in the hope of elevating the issue of Sudan. But what was once a successful model for Sudan policy is not having the desired effect today. I am not alone in this belief.

Just last week, six respected NGOs ran compelling ads in *The Washington Post* and *Politico* calling for Secretary Clinton and Ambassador Rice to exercise "personal and sustained leadership on Sudan" in the face of a "stalemated policy" and waning U.S. credibility as a mediator.

In that same vein, today I join that growing chorus of voices in urging you to empower Secretary Clinton and Ambassador Rice to take control of the languishing Sudan policy. They should oversee quarterly deputies' meetings to ensure options for consequences are on the table.

There is a pressing and immediate need for renewed, principled leadership at the highest levels—leadership which, while recognizing the reality of the challenges facing Sudan, is clear-eyed about the history and the record of the internationally indicted war criminal at the helm in Khartoum. We must not forget who we are dealing with in Bashir and his National Congress Party (NCP). In addition to the massive human rights abuses perpetrated by the Sudanese government against its own people, Sudan remains on the State Department's list of state sponsors of terrorism. It is well known that the same people currently in control in Khartoum gave safe haven to Osama bin Laden in the early 1990s.

I believe that this administration's engagement with Sudan to date, under the leadership of General Gratton, and with your apparent blessing, has failed to recognize the true nature of Bashir and the NCP. Any long-time Sudan follower will tell you that Bashir never keeps his promises.

The *Washington Post* editorial page echoed this sentiment this past weekend saying of Bashir: "He has frequently told Western governments what they wanted to hear, only to reverse himself when their attention drifted or it was time to deliver . . . the United States should refrain from prematurely recognizing Mr. Bashir's new claim to legitimacy. And it should be ready to respond when he breaks his word." Note that the word was "when" not "if" he breaks his word. While the hour is late, the administration can still chart a new course.

In addition to recommending that Secretary Clinton and Ambassador Rice take the helm in implementing your administration's Sudan policy, I propose the following policy recommendations:

Move forward with the administration's stated aim of strengthening the capacity of the security sector in the South. A good starting point would be to provide the air defense system that the Government of Southern Sudan (GOSS) requested and President Bush approved in 2008. This defensive capability would help neutralize Khartoum's major tactical advantage and make peace and stability more likely following the referendum vote.

Do not recognize the outcome of the recent presidential elections. While the elections were a necessary part of the implementation of the CPA and an important step before the referendum, they were inherently flawed and Bashir is attempting to use them to lend an air of legitimacy to his genocidal rule.

Clearly and unequivocally state at the highest levels that the United States will honor the outcome of the referendum and will ensure its implementation.

Begin assisting the South in building support for the outcome of the referendum.

Appoint an ambassador or senior political appointee with the necessary experience in conflict and post-conflict settings to the U.S. consulate in Juba.

Prioritize the need for a cessation of attacks in Darfur, complete restoration of humanitarian aid including "non-essential services," unfettered access for aid organizations to all vulnerable populations and increased diplomatic attention to a comprehensive peace process including a viable plan for the safe return of millions of internally displaced persons (IDPs).

When the administration released its Sudan policy last fall, Secretary Clinton indicated that benchmarks would be applied to Sudan and that progress would be assessed "based on verifiable changes in conditions on the ground. Backsliding by any party will be met with credible pressure in the form of disincentives leveraged by our government and our international partners." But in the face of national elections that were neither free nor fair, in the face of continued violations of the U.N. arms embargo, in the face of Bashir's failure to cooperate in any way with the International Criminal Court, we've seen no "disincentives" or "sticks" applied. This is a worst case scenario and guaranteed, if history is to be our guide, to fail.

Many in the NGO community and in Congress cautiously expressed support for the new policy when it was released, at the same time stressing that a policy on paper is only as effective as its implementation on the ground. More than six months have passed since the release of the strategy and implementation has been insufficient at best and altogether absent at worst.

During the campaign for the presidency, you said, regarding Sudan, "Washington must respond to the ongoing genocide and the ongoing failure to implement the CPA with consistency and strong consequences." These words ring true still today. Accountability is imperative. But the burden for action, the weight of leadership, now rests with you and with this administration alone. With the referendum in the South quickly approaching, the stakes could not be higher.

The marginalized people of Sudan yearn for your administration to find its voice on Sudan—and to find it now.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
MAY 25, 2010.

Hon. MICHAEL POSNER,
Assistant Secretary, Department of State, Washington, DC.

DEAR ASSISTANT SECRETARY POSNER: I write regarding a matter of great concern—namely the reported plans by the Bureau of Democracy, Human Rights and Labor (DRL) to reorganize the Office of International Religious Freedom. It has come to my attention that structural changes may be implemented that could result in the Ambassador-at-Large for International Religious Freedom losing direct supervisory control over the staff of the Office of International Religious Freedom. Such changes could potentially violate U.S. law and break with 10 years of established practice under previous administrations, both Democratic and Republican.

As you know, the Ambassador-at-Large position was established under the International Religious Freedom Act of 1998 (IRFA), of which I was the primary author,

to promote religious freedom abroad. The ambassador is charged with making policy recommendations for the U.S. Government toward "governments that violate freedom of religion or that fail to ensure the individual's right to religious belief and practice . . ." The ambassador also serves as the "principal adviser to the President and the Secretary of State regarding matters affecting religious freedom abroad . . ." IRFA created the Office of International Religious Freedom to support the Ambassador-at-Large in his or her work. Section 101(a) under Title I of IRFA specifically states that "there is established within the Department of State an Office on International Religious Freedom that shall be headed by the Ambassador-at-Large for International Religious Freedom." [Emphasis added]

Considering the importance of religious freedom to U.S. foreign policy and human rights promotion, I am alarmed by the possibility that DRL could be removing supervisory control from the Ambassador-at-Large over the Office of International Religious Freedom. Given my intimate involvement in IRFA's passage, I can say with assurance that such a decision would directly contradict the intent of the act and undermine the critical role of the position. The U.S. Commission on International Religious Freedom shares this concern, and in its 2010 annual report urged the administration to ensure the ambassador's direct oversight of the office.

I have been concerned for some time at the priority, or lack thereof, that this administration places on religious freedom. For 16 months now, the president has failed to appoint an Ambassador-at-Large for International Religious Freedom. This persistent vacancy, and these reported changes within the State Department are alarming and do not bode well for the Tibetan Buddhist monk forbidden from having a picture of the Dalai Lama or for the Iraqi Christian who has helplessly watched their ancient community be decimated by violence.

In light of these concerns, I urge you to ensure that the Ambassador-at-Large maintain direct oversight of the Office of International Religious Freedom, and only those DRL officials reporting directly to the Ambassador-at-Large be given managerial authority over the office staff. IRFA was clear in creating direct lines of authority from the office staff to the ambassador. It is critical that the Ambassador-at-Large continue to head the office, consistent with IRFA.

As these concerns directly relate to the inner-workings of DRL and the IRF office, I respectfully request that any reply to my letter come from you rather than the assistant secretary for Legislative Affairs. Thank you for your assistance. I look forward to hearing from you.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
JUNE 24, 2010.

Hon. HILLARY RODHAM CLINTON,
Secretary of State,
Washington, DC.

DEAR SECRETARY CLINTON: I am writing about some areas of concern related to the Office of the Special Coordinator for Tibetan Issues that I believe merit attention. Specifically, I am concerned that the Office of the Special Coordinator is understaffed. It has come to my attention that there is only one person currently working in the office, and

that another position has been unfilled since January 2009. It is my understanding that a third position has never been filled.

After years of congressional advocacy for the creation of a special office in the Department of State on Tibet, the Special Coordinator for Tibetan Issues was established by Secretary of State Madeleine Albright in 1997 and charged with protecting the human rights of Tibetans, preserving their religious, cultural, and linguistic heritage, and promoting substantive dialogue between the Chinese government and the Dalai Lama or his representatives.

As you know, Congress codified the position of the Special Coordinator for Tibetan Issues as part of the Tibetan Policy Act of 2002. Both you and I were cosponsors of the original stand-alone bills in the House and the Senate respectively. The legislation detailed the duties and responsibilities of the special coordinator which included coordinating "United States Government policies, programs, and projects concerning Tibet" and maintaining "close contact with religious, cultural, and political leaders of the Tibetan people, including regular travel to Tibetan areas of the People's Republic of China, and to Tibetan refugee settlements in India and Nepal."

Not long after the establishment of the office, Congress identified that the special coordinator needed additional resources in order to effectively carry out its mission. In fiscal year 2006, the House and Senate Appropriations committees approved language directing \$1 million for the Office of the Special Coordinator to carry out its statutory responsibilities. The committees also directed that the office "consist of three professional full-time staff members and additional support staff, as needed, in addition to the special coordinator." Congress's interest in these funding and staffing levels has been reaffirmed in subsequent appropriations bills. Given this history, the current inadequate staffing levels, 17 months into the administration, are troubling and are at odds with congressional intent.

Further, I have also learned that the one staffer in the special coordinator's Office was pulled back from a previously scheduled visit to Dharamsala, India, in early May 2010. I understand that one of the goals of this staffer's trip was to participate in a selection process for students under the Tibetan Fulbright program, and that the meeting was cancelled. I expect that she was also scheduled to meet with officials of the Central Tibetan Administration as part of routine oversight of the U.S. government programs that benefit the Tibetan refugee communities in India. Staff members from the special coordinator's Office have been travelling to Dharamsala ever since the creation of the office. Such trips, which include engagement with the leaders of the Tibetan exile community, are essential for the fulfillment of the responsibilities of the office and are explicitly authorized by the Tibetan Policy Act. The oversight provided by these trips is vital to ensuring that taxpayer investments in these communities and programs are sound.

Additionally, I understand that the Report on Tibet Negotiations, which is required by section 613(b) of the Tibetan Policy Act and is due to Congress by March 31 of each year, has not yet been submitted. These developments or lack thereof send a troubling message about the priority this administration is placing on Tibet.

A recently released report by the International Campaign for Tibet makes clear that the need for this office is as pressing as

it has ever been. The report titled, "A 'Raging Storm': The Crackdown on Tibetan Writers and Artists after Tibet's Spring 2008 Protests," found that over 50 Tibetans, including 13 writers, have "disappeared" or have faced torture or harassment as a result of expressing their views. The Chinese government's deplorable human rights record, specifically in Tibet, necessitates the department's immediate and unwavering attention.

Given these concerns, I respectfully request that you provide my office with the following information:

A report on the department's efforts to fill expeditiously the two vacant positions in the Office of the Special Coordinator for Tibetan Affairs;

An explanation for the cancellation of the scheduled May trip to Dharamsala by the staffer from the special coordinator's Office; and

The status of the Tibet Negotiations report and any explanation for why it has not been submitted to Congress by the required date.

Best wishes,

Sincerely,

FRANK R. WOLF,
Member of Congress.

With that, Mr. Speaker, I yield to the gentleman from Texas (Mr. GOHMERT).

□ 1930

Mr. GOHMERT. I thank my friend from Virginia, truly a conscience in this body, for those profound words of challenge, bringing us back to the roots from which this great Nation has grown.

And I realize the time grows late, and it is the last hour that we will be in session this week. And if the gentleman would indulge me, I know that we have a President who has said we're not a Christian Nation, and I will not debate that.

But it is so critical to look at our roots. And so I would like to direct, Mr. Speaker, back to the words of Roger Williams when he said: "That forced worship stinks in God's nostrils, that it denies Christ Jesus yet to come; that in these flames about religion, there is no other prudent, Christian way of preserving peace in the world, but by permission of different consciences."

These are the words of our Founders that set this Nation in motion, that pointed us in the direction of religious tolerance.

1701, William Penn drafted the Charter of Privileges and said: "First because no people can truly be happy, though under the greatest enjoyment of civil liberties, if abridged of the freedom of their consciences, as to their religious profession and worship: And Almighty God being the only Lord of Conscience, Father of Lights and Spirits, and the Author as well as Object of all divine knowledge, faith and worship, who only can enlighten the mind, and persuade and convince the understandings of people, I do hereby grant and declare that no person or persons inhabiting this province or territories, shall confess and acknowledge one Almighty God, the Creator, upholder and

ruler of the world; and profess him or themselves obliged to live quietly under the civil government, shall be in any case molested or prejudiced in his or their person or estate, because of his or their conscientious persuasion or practice."

Going back to our heritage, that this country was based on these principles, taught in the Bible, discussed by our Founders, and made the basis of our beliefs in religious freedom, Thomas Jefferson said: "God who gave us life gave us liberty. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are a gift of God? That they are not to be violated, but with His wrath? Indeed, I tremble for my country when I reflect that God is just, that His justice cannot sleep forever."

And it ought to cause every American to tremble when they think of the injustice we're allowing to be perpetuated on our citizens around the world. It ought to break the hearts and minds and consciences of everyone.

A United States President said these words, referred to a Mr. Levi, a Galveston, Texas lawyer and a president of the National B'nai Brith, drafted President Theodore Roosevelt a telegram denouncing a Russian pogrom in 1903. The Czar of Russia was so stung by Roosevelt's message that he formally refused to accept it. Some Americans complained that Roosevelt had gone too far. He replied that there were crimes so monstrous that the American conscience had to assert itself. And there still are.

"No one is a better witness to the transience of tyranny than the children of Abraham. Forty centuries ago, the Jewish people were entrusted with a truth more enduring than any power of man. In the words of the prophet Isaiah, 'This shall be my covenant with them, said the Lord: My spirit which is upon you, and the words which I have placed in your mouth, shall not be absent from your mouth, nor from the mouth of your children, nor from the mouth of your children's children, said the Lord from now for all time.'

"It is not an accident that freedom of religion is one of the central freedoms in our Bill of Rights. It is the first freedom of the human soul: the right to speak the words that God places in our mouths. We must stand for that freedom in our country. We must speak for that freedom in the world."

Could the current administration and President dare to do any less than this President that is so reviled in this administration, President George W. Bush?

I would like to just finish with one other thought, and that was what was related to have happened in Iraq after United States troops liberated Iraq, not for any purpose other than to liberate and to free the people there, and

to assure us that they would not be a threat to their neighbors or the rest of the world.

President Bush appointed a retired general named Jay Garner. I had heard the story relayed before and I called him this evening to ask if I could retell it here.

He was in charge of looking about, talking to people all around Iraq, and seeing what kind of government would be best suited for Iraq so that we could help the Iraqi people establish a nation of strength and a representative, hopefully, a representative government. And he talked to people around the country. And over and over, people kept referring him to this huge man, a Shiia, a cleric, who wore the black turban, the black robes, and was a descendant, apparently, of Mohammed. And everyone kept telling him he had to talk to this man because everyone looked to him for insight, for words of wisdom.

And so eventually General Garner went, made an appointment, visited with him. He had a number of people with him, including a reporter. He was often a freelance report, but at this point a reporter for Time magazine.

And apparently this cleric spoke very good English, but he said he'd like to tell in his own language what should be done. And he talked for quite some time in his language. Everything was recorded.

And then he said, let me tell you in a nutshell what I've said. We need a constitutional process, perhaps like yours in the United States, where we create a constitution. But it must be written by Iraqis. The government must be of Iraqis. And it must be based on the lessons of Jesus Christ and bring all the nation together.

General Garner said when he left that interview with the people in the entourage, he asked the others, did everybody hear what I just think I heard? And they said, yes. Could you believe he said you needed a constitution based on the teachings of Jesus Christ?

And he asked the reporter from Time, are you going to put that in the story? He said, no one would believe that.

But when you think about the wisdom of this great Shiia cleric, apparently, Shari'ah law does not allow for freedom of religion and worship when it's considered in context too often. That's the way it's interpreted. It's only the teachings of Jesus that allow for a constitution that allow for freedom of worship. Whether you're Muslim, whether you're following the teachings of Mohammed or Jesus or Moses, it's only those teachings that give us the kind of Constitution we have.

But since we have that Constitution, and we have been given the foresight by our Founders of what is required to do justice, to love mercy, we can do

nothing less than what my friend from Virginia has indicated. We must stand for those who seek to worship as the directives of their heart lead them.

And I thank my friend so much for the very touching time he has spent here on the floor. And I hope and pray that this administration will take those words to heart. I thank my friend.

Mr. WOLF. I thank the gentleman.

And with that, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DOYLE (at the request of Mr. HOYER) for today on account of illness.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today after 1:45 p.m. on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. BRIGHT, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mr. SABLON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, July 29.

Mr. GINGREY of Georgia, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, July 26, 27, 28, and 29.

Mr. POE of Texas, for 5 minutes, July 29.

Mr. JONES, for 5 minutes, July 29.

Mr. FLAKE, for 5 minutes, today.

Mr. PUTNAM, for 5 minutes, July 27 and 28.

Mr. GRAVES of Georgia, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1376. An act to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission into the United States; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4213. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

ADJOURNMENT

Mr. WOLF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until Monday, July 26, 2010, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8489. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's "Major" final rule — Truth in Lending [Regulation Z; Docket No. R-1384] received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8490. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Truth in Savings [Regulation DD; Docket No. R-1315] received July 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8491. A letter from the OTS Paperwork Clearance Officer, Office of Thrift Supervision, transmitting the Office's "Major" final rule — Unfair or Deceptive Acts or Practices; Amendment [Docket ID: OTS-2010-0009] (RIN: 1550-AC38) received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8492. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Political Contributions by Certain Investment Advisers (RIN: 3235-AK39) received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8493. A letter from the Assistant General Counsel for Regulations, Office of General Counsel, Department of Education, transmitting the Department's final rule — Carol M. White Physical Education Program; Catalog of Federal Domestic Assistance (CFDA) Number: 84.215F received June 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8494. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (NIDRR) — Disability and Rehabilitation Research Projects and Centers Program — Rehabilitation Research and Training Centers (RRTCs) — Improved Outcomes for Individuals with Serious Mental Illness and Co-Occurring Conditions. Catalog of Federal Domestic Assistance (CFDA) Number: 84.133B-5 received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8495. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's "Major" final rule — Reasonable Contract or Arrangement Under Section 408(b)(2) — Fee Disclosure (RIN: 1210-AB08) received July 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8496. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's "Major" final rule — Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act (RIN: 1210-AB44) received July 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8497. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Attainment for PM10 for the Mendenhall Valley PM10 Non-attainment Area, Alaska [Docket: EPA-R10-OAR-2010-0432; FRL-9171-4] received June 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8498. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District [EPA-R09-OAR-2010-0120; FRL-9169-2] received June 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8499. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of New Export Control Classification Number 6A981 Passive Infrasonic Sensors to the Commerce Control List of the Export Administration Regulations, and Related Amendments [Docket No.: 080724907-91435-01] (RIN: 0694-AB44) received July 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8500. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 08-10 informing of an intent to sign a Project Agreement with the NATO AEW&C Programme Management Organization; to the Committee on Foreign Affairs.

8501. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 10-12 informing of an intent to sign a Project Agreement with the Kingdom of the Netherlands; to the Committee on Foreign Affairs.

8502. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates [Public Notice: 7018] (RIN: 1400-AC57) received July 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8503. A letter from the Chair, Election Assistance Commission, transmitting the Commission's final rule — Nonprocurement Debarment and Suspension received July 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

8504. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Trade-

mark Technical and Conforming Amendments [Docket No.: PTO-T-2010-0014] (RIN: 0651-AC39) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8505. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Correspondence with the United States Patent and Trademark Office [Docket No.: PTO-C-2006-0049] (RIN: 0651-AC08) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8506. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Golden Guardian 2010 Regional Exercise; San Francisco Bay, San Francisco, CA [Docket No.: USCG-2010-0221] (RIN: 1625-AA87) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8507. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; U.S. Navy Submarines, Hood Canal, WA [Docket No.: USCG-2009-1058] (RIN: 1625-AA11) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8508. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Marathon Oil Refinery Construction, Rouge River Detroit, MI [Docket No.: USCG-2010-0333] (RIN: 1625-AA00) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8509. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Clemente 3 NM Safety Zone, San Clemente Island, CA [Docket No.: USCG-2009-0277] (RIN: 1625-AA00) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8510. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Temporary change of dates for Recurring Marine Events in the Fifth Coast Guard District [Docket No.: USCG-2010-0102] (RIN: 1625-AA08) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8511. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Portland Rose Festival Fleet Week, Willamette River, Portland, Oregon [Docket No.: USCG-2010-0196] (RIN: 1625-AA87) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8512. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gallants Channel, Beaufort, NC [Docket No.: USCG-2010-0120] (RIN: 1625-AA00) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8513. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zones; Marine events within the Captain of the Port Sector Northern New England area of responsibility [Docket No.: USCG-2010-0239] (RIN: 1625-AA00) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8514. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Annual events requiring safety zones in the Captain of the Port Lake Michigan zone [Docket No.: USCG-2010-0129] (RIN: 1625-AA00) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8515. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Sea World Summer Nights Fireworks, Mission Bay, San Diego, CA [Docket No.: USCG-2010-0213] (RIN: 1625-AA00) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8516. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; KFOG Kaboom, Fireworks Display, San Francisco, CA [Docket No.: USCG-2010-0162] (RIN: 1625-AA00) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8517. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tri-City Water Follies Hydroplane Races Practice Sessions, Columbia River, Kennewick, WA [Docket No.: USCG-2010-0277] (RIN: 1625-AA00) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8518. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Under Water Clean Up of Copper Canyon, Lake Havasu, AZ [Docket No.: USCG-2010-0168] (RIN: 1625-AA00) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8519. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; May Fireworks displays within the Captain of the Port Puget Sound Area of Responsibility (AOR) [Docket No.: USCG-2010-0285] (RIN: 1625-AA00) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8520. A letter from the Project Council, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago river, and Calumet-Saganashkee Channel, Chicago, IL [Docket No.: USCG-2010-0166] (RIN: 1625-AA00) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8521. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Washington Channel, Washington, DC [Docket No.: USCG-2010-0405] (RIN: 1625-AA87) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8522. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Riser for DEEPWATER HORIZON at Mississippi Canyon 252 Outer Continental Shelf MODU in the Gulf of Mexico [Docket No.: USCG-2010-0337] (RIN: 1625-AA00) received June 29, 2010, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8523. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Temporary Suspension of Certain Oil Spill Response Time Requirements to Support Deepwater Horizon Oil Spill of National Significance (SONS) Response [Docket No.: USCG-2010-0592; EPA-HQ-OPA-2010-0559] (RIN: 1625-AB49; 2050-AG63) received June 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8524. A letter from the Acting Director, Acquisition Policy and Legislation Branch, Department of Homeland Security, transmitting the Department's final rule — Homeland Security Acquisition Regulation; Lead System Integrators [HSAR Case 2009-003] [Docket No.: DHS-2009-0006] (RIN: 1601-AA49), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 1550. Resolution providing for consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes (Rept. 111-556). Referred to the House Calendar.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 5681. A bill to improve certain administrative operations of the Library of Congress, and for other purposes (Rept. 111-557). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 3837. A bill to amend the Homeland Security Act of 2002 to provide for clarification on the use of funds relating to certain homeland security grants, and for other purposes; with an amendment (Rept. 111-558). Referred to the Committee of the Whole House on the State of the Union.

Mr. EDWARDS of Texas: Committee on Appropriations. H.R. 5822. A bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes (Rept. 111-559). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 847. A bill to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes; with an amendment (Rept. 111-560, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 847. A bill to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes; with an amendment (Rept. 111-560, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 5493. A bill to

provide for the furnishing of statues by the District of Columbia for display in Statuary Hall in the United States Capitol (Rept. 111-561). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PITTS (for himself and Mr. CASTLE):

H.R. 5813. A bill to designate additional segments and tributaries of White Clay Creek, in the States of Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System; to the Committee on Natural Resources.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, and Ms. VELAZQUEZ):

H.R. 5814. A bill to transform neighborhoods of extreme poverty by revitalizing distressed housing, to reform public housing demolition and disposition rules to require one for one replacement and tenant protections, to provide public housing agencies with additional resources and flexibility to preserve public housing units, and to create a pilot program to train public housing residents to provide home-based health services; to the Committee on Financial Services.

By Mr. TOWNS (for himself and Mr. ISSA):

H.R. 5815. A bill to amend the Inspector General Act of 1978 to provide authority for Inspectors General to subpoena the attendance and testimony of witnesses, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MINNICK (for himself, Mr. SHULER, Mr. SIMPSON, Ms. KOSMAS, Mr. LATOURETTE, Mr. HEINRICH, and Mr. MARSHALL):

H.R. 5816. A bill to establish a commercial real estate credit guarantee program to empower community banks and other lenders to make loans while stabilizing the value of small denomination commercial real estate assets, and for other purposes; to the Committee on Financial Services.

By Mr. LEWIS of Georgia:

H.R. 5817. A bill to provide children in foster care with school stability and equal access to educational opportunities; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT of New Jersey:

H.R. 5818. A bill to amend title IV of the Congressional Budget Act of 1974 and the Rules of the House of Representatives to make Federal private sector mandates subject to a point of order, and for other purposes; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTHRIE:

H.R. 5819. A bill to direct the Secretary of Transportation to establish a grant program to develop a roadway safety training institute to deliver comprehensive and uniform roadway safety training to roadway workers; to the Committee on Transportation and Infrastructure.

By Mr. RUSH (for himself, Mr. WAXMAN, Ms. CASTOR of Florida, Ms.

DEGETTE, Ms. SCHAKOWSKY, and Mr. SARBANES):

H.R. 5820. A bill to amend the Toxic Substances Control Act to ensure that the public and the environment are protected from risks of chemical exposure, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COHEN:

H.R. 5821. A bill to require the Secretary of Energy to provide competitive grants to States, Indian tribes, and local governments for rebates, loans, and other incentives to eligible individuals or entities for the purchase and installation of solar energy systems for properties located in the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GARRETT of New Jersey (for himself, Mr. KANJORSKI, and Mr. BACHUS):

H.R. 5823. A bill to establish a covered bond regulatory oversight program, and for other purposes; to the Committee on Financial Services.

By Mr. BLUMENAUER (for himself, Mr. PERLMUTTER, Mr. CONNOLLY of Virginia, Mr. McDERMOTT, Mr. CLEAVER, Mr. SIRES, Ms. WATSON, Mr. MORAN of Virginia, Mr. COHEN, and Ms. TITUS):

H.R. 5824. A bill to require the Secretary of Housing and Urban Development to establish a process for incorporating transportation costs associated with the location of housing into affordability measures and standards, and to develop a transportation affordability index to measure and disclose the transportation costs associated with the location of a home; to the Committee on Financial Services.

By Mr. HILL:

H.R. 5825. A bill to review, update, and revise the factors to measure the severity, magnitude, and impact of a disaster and to evaluate the need for assistance to individuals and households; to the Committee on Transportation and Infrastructure.

By Mr. ALTMIRE (for himself and Mr. PLATTS):

H.R. 5826. A bill to amend title 38, United States Code, to expand the definition of active duty for purposes of the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs to include certain service in the National Guard; to the Committee on Veterans' Affairs.

By Mr. BOCCIERI (for himself, Mr. HUNTER, Ms. MARKEY of Colorado, Mr. OWENS, Mr. RAHALL, Mr. SPACE, Mr. MURPHY of New York, Mr. KISSELL, Mr. HOLDEN, Mr. CONAWAY, Mr. BURTON of Indiana, Mrs. KIRKPATRICK of Arizona, Mr. YOUNG of Alaska, Mr. LATOURETTE, Mr. SIMPSON, Mr. MINNICK, Mr. BOUCHER, Mr. WALZ, Mr. WAMP, Mr. JOHNSON of Illinois, Mr. THORNBERRY, and Mr. PETERSON):

H.R. 5827. A bill to amend title 11 of the United States Code to include firearms in the types of property allowable under the alternative provision for exempting property from the estate; to the Committee on the Judiciary.

By Mr. BOUCHER (for himself and Mr. TERRY):

H.R. 5828. A bill to reform the universal service provisions of the Communications Act of 1934, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BUTTERFIELD (for himself, Mr. MCINTYRE, Mr. JONES, Mr. BRADY of Pennsylvania, Mr. COBLE, Ms.

BORDALLO, Mr. KISSELL, Mrs. CHRISTENSEN, Mr. SPRATT, Ms. SHEA-PORTER, Ms. FOXX, Ms. MCCOLLUM, Mrs. MYRICK, Mr. BISHOP of Georgia, Mr. ETHERIDGE, Mr. MCHENRY, Mr. DELAHUNT, and Mr. TAYLOR):

H.R. 5829. A bill to direct the Secretary of Defense to accept additional documentation when considering the application for veterans status of an individual who performed service in the merchant marines during World War II, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOPER:

H.R. 5830. A bill to provide for competitive grants for the establishment and expansion of programs that use networks of public, private, and faith-based organizations to recruit and train foster and adoptive parents and provide support services to foster children and their families; to the Committee on Ways and Means.

By Mr. CUELLAR:

H.R. 5831. A bill to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the "Schertz Veterans Post Office"; to the Committee on Oversight and Government Reform.

By Mrs. DAHLKEMPER:

H.R. 5832. A bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes; to the Committee on Small Business.

By Mr. DEUTCH (for himself, Ms. ROSELEHTINEN, Mr. ACKERMAN, Mr. BURTON of Indiana, and Mr. KLEIN of Florida):

H.R. 5833. A bill to amend the Securities Exchange Act of 1934 to require issuers to make disclosures related to Iranian investments, and for other purposes; to the Committee on Financial Services.

By Mr. DEUTCH:

H.R. 5834. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to make improvements in the old-age, survivors, and disability insurance program, to provide for cash relief for years for which annual COLAs do not take effect under certain cash benefit programs, and to provide for Social Security benefit protection; to the Committee on Ways and Means, and in addition to the Committees on Education and Labor, Rules, Transportation and Infrastructure, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLISON (for himself and Mr. BRADY of Pennsylvania):

H.R. 5835. A bill to authorize the use of subpoenas by the Office of Healthy Homes and Lead Hazard Control of the Department of Housing and Urban Development in investigations of potential violations of the Residential Lead-Based Paint Hazard Reduction Act of 1992; to the Committee on Financial Services.

By Mr. GRAVES of Missouri:

H.R. 5836. A bill to provide for improved border security and to ensure that employers that participate in the E-Verify Program are not subject to unjustified penalties; to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, and Education and Labor, for a period to be subsequently determined by the Speaker, in

each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H.R. 5837. A bill to require persons to certify that they have not violated foreign corrupt practices statutes before being awarded Government contracts, and for other purposes; to the Committee on Oversight and Government Reform.

By Mrs. HALVORSON (for herself and Mr. RUSH):

H.R. 5838. A bill to amend title 38, United States Code, to improve the multifamily transitional housing loan program of the Department of Veterans Affairs by requiring the Secretary of Veterans Affairs to issue loans for the construction of, rehabilitation of, or acquisition of land for multifamily transitional housing projects instead of guaranteeing loans for such purposes, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HEINRICH (for himself, Mr. LUJÁN, and Mr. TEAGUE):

H.R. 5839. A bill to amend the Internal Revenue Code of 1986 to clarify the types of energy conservation subsidies provided by public utilities eligible for income exclusion; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. ROHRABACHER, Mr. POE of Texas, Mr. MARCHANT, Mr. BRADY of Texas, Mr. MANZULLO, Mr. KING of Iowa, Mr. HALL of Texas, Mr. BARTLETT, Mr. DANIEL E. LUNGREN of California, Mr. TIAHRT, Mr. CARTER, Mr. SAM JOHNSON of Texas, Mr. DUNCAN, Mrs. MYRICK, Mr. GARY G. MILLER of California, Mr. CHAFFETZ, Mr. ROYCE, and Mr. FRANKS of Arizona):

H.R. 5840. A bill to prevent the participation of the Attorney General in any lawsuit that seeks to invalidate certain provisions of Arizona law relating to aliens unlawfully present in the United States without first satisfying certain conditions; to the Committee on the Judiciary.

By Mr. ISRAEL:

H.R. 5841. A bill to authorize the Secretary of Veterans Affairs to establish public-private partnerships for the treatment and research of post-traumatic stress disorder; to the Committee on Veterans' Affairs.

By Ms. JENKINS:

H.R. 5842. A bill to deem any adjournment of the House of Representatives which is in effect on the date of the regularly scheduled general election for Federal office held during a Congress to be adjournment sine die, and to amend title 31, United States Code, to provide for automatic continuing appropriations if a regular appropriation bill for a fiscal year does not become law before the date of the regularly scheduled general election for Federal office held during such fiscal year; to the Committee on Appropriations, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSEN of Washington (for himself, Mr. SMITH of Washington, Mr. YOUNG of Alaska, Mr. BISHOP of Georgia, Mrs. McMORRIS RODGERS, Mrs. HALVORSON, Mr. COURTNEY, Mr. REYES, Mrs. BLACKBURN, Mr. DICKS, Mr. OBERSTAR, Mr. McDERMOTT, Mr. HASTINGS of Washington, Mr. FILNER, Mr. CARTER, Ms. HIRONO, Mr. LAMBORN, Mr. REHBERG, Mr. SKELTON, Mr. GONZALEZ, Mr. INSLEE, and Mr. REICHERT):

H.R. 5843. A bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years; to the Committee on Education and Labor.

By Mr. ROTHMAN of New Jersey:

H.R. 5844. A bill to amend title XVIII of the Social Security Act to provide all Medicare beneficiaries with the right to guaranteed issue of a Medicare supplemental policy and annual open change-in-enrollment periods, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SABLAN:

H.R. 5845. A bill to authorize 700 incremental vouchers for tenant-based rental assistance under section 8 of the United States Housing Act of 1937 to help meet the housing needs of low-income families in the Commonwealth of the Northern Mariana Islands; to the Committee on Financial Services.

By Mr. SARBANES (for himself, Mr. GRIJALVA, and Mrs. CAPPS):

H.R. 5846. A bill to amend the Outer Continental Shelf Lands Act to require the chief executive officer of each drilling and production operation under a lease under that Act to annually certify the operator's compliance with all applicable laws and operating regulations; to the Committee on Natural Resources.

By Mr. WALZ (for himself and Mr. BOOZMAN):

H.R. 5847. A bill to amend the Child Abuse Prevention and Treatment Act to establish grant programs for the development and implementation of model undergraduate and graduate curricula on child abuse and neglect at institutions of higher education throughout the United States and to assist States in developing forensic interview training programs, to establish regional training centers and other resources for State and local child protection professionals, and for other purposes; to the Committee on Education and Labor.

By Mr. WELCH (for himself and Mr. DAVIS of Kentucky):

H.R. 5848. A bill to amend the Public Health Service Act to revise the amount of minimum allotments under the Projects for Assistance in Transition from Homelessness Program; to the Committee on Energy and Commerce.

By Mr. MICHAUD (for himself, Mr. RYAN of Ohio, Mr. CRITZ, Mr. KRATOVIL, Mr. INGLIS, Mr. ROGERS of Alabama, Mr. TEAGUE, Mr. LIPINSKI, Mr. MURPHY of New York, Ms. BORDALLO, Mr. FILNER, Mr. WILSON of South Carolina, Mr. BARTLETT, Ms. SHEA-PORTER, Mr. TAYLOR, Ms. PINGREE of Maine, Ms. SUTTON, Mr. NYE, Mr. KISSELL, and Ms. GIFFORDS):

H.J. Res. 94. A joint resolution recognizing the 20th anniversary of the outbreak of the Gulf War and reaffirming the commitment of the United States towards Gulf War veterans; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself and Mr. PAUL):

H. Con. Res. 301. Concurrent resolution directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Pakistan; to the Committee on Foreign Affairs.

By Mr. KLEIN of Florida:

H. Con. Res. 302. Concurrent resolution recognizing the 75th anniversary of the signing of the Social Security Act into public law; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Mr. ROYCE, Mr. PENCE, Mr. FORTENBERRY, Mr. WILSON of South Carolina, and Mr. BURTON of Indiana):

H. Con. Res. 303. Concurrent resolution recognizing the growing threat that al Qaeda and its affiliates in Africa, particularly al Shabaab and al Qaeda in the Islamic Maghreb, pose to the United States and its allies and interests; to the Committee on Foreign Affairs.

By Mr. FALEOMAVAEGA (for himself, Mr. ELLISON, Mr. HASTINGS of Florida, Ms. LEE of California, Mr. GRIJALVA, Mr. DELAHUNT, Mr. HONDA, Mr. GEORGE MILLER of California, and Mr. LEWIS of Georgia):

H. Res. 1551. A resolution expressing the sense of the House of Representatives that the United States should promote respect for and full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples consistent with United States law; to the Committee on Foreign Affairs.

By Mr. FALEOMAVAEGA:

H. Res. 1552. A resolution supporting a legally binding global agreement to reduce greenhouse gas emissions and provide financial assistance to the poorest and most vulnerable nations for adaptation and mitigation measures, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GOHMERT (for himself, Mr.

AKIN, Mrs. BACHMANN, Mr. BARTLETT, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BONNER, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. CHAFFETZ, Mr. CONAWAY, Mr. CULBERSON, Ms. FALLIN, Mr. FLEMING, Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, Ms. GRANGER, Mr. GRIFFITH, Mr. HENSARLING, Mr. HERGER, Mr. KING of Iowa, Mr. LAMBORN, Mr. LATTA, Mr. LOBIONDO, Mrs. LUMMIS, Mr. MARCHANT, Mr. NEUGEBAUER, Mr. PENCE, Mr. PITTS, Mr. POSEY, Mr. PRICE of Georgia, Mr. OLSON, Mr. ROONEY, Mrs. SCHMIDT, Mr. SHADEGG, Mr. SMITH of Texas, Mr. WESTMORELAND, Mr. ROSKAM, Mr. MCCOTTER, Mr. BROWN of South Carolina, Mr. RYAN of Wisconsin, Mr. MCCLINTOCK, Mr. JORDAN of Ohio, Mr. BARTON of Texas, Mr. KINGSTON, and Mr. CARTER):

H. Res. 1553. A resolution expressing support for the State of Israel's right to defend Israeli sovereignty, to protect the lives and safety of the Israeli people, and to use all means necessary to confront and eliminate nuclear threats posed by the Islamic Republic of Iran, including the use of military force if no other peaceful solution can be found within reasonable time to protect against such an immediate and existential threat to the State of Israel; to the Committee on Foreign Affairs.

By Mrs. MCCARTHY of New York (for herself and Ms. GINNY BROWN-WAITE of Florida):

H. Res. 1554. A resolution recognizing the services provided by school resource officers and their dedication to the safety, security,

and well-being of students, teachers, school support staff, and school communities in the United States; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

350. The SPEAKER presented a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 23 memorializing the Congress to remove the financial eligibility requirements for patients stricken with amyotrophic lateral sclerosis to be approved to receive Medicaid; to the Committee on Energy and Commerce.

351. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 117 memorializing the President of the United States, the Congress and the Federal Communications Commission to refrain from regulating Internet broadband services as common carrier services under Title II of the Communications Act of 1934; to the Committee on Energy and Commerce.

352. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 96 memorializing the Congress to consider recommendations to amend the Stafford Act regarding disaster recovery in Louisiana; to the Committee on Transportation and Infrastructure.

353. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 14 memorializing the Congress to take such actions as are necessary to promptly consider and pass the New Alternative Transportation to Give Americans Solutions Act of 2009 (H.R. 1835 and S. 1408); jointly to the Committees on Ways and Means, Oversight and Government Reform, and Science and Technology.

354. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 8 memorializing the Congress to support expansion and use of domestic natural gas reserves and alternative energies to reduce our reliance on imported oil by supporting H.R. 1835 and S. 1408; jointly to the Committees on Ways and Means, Oversight and Government Reform, and Science and Technology.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 336: Mr. POLIS, Ms. ESHOO, Mr. CARNAHAN, and Ms. JACKSON LEE of Texas.

H.R. 393: Mr. DJOU.

H.R. 442: Mr. DEFazio.

H.R. 560: Mr. RUPPERSBERGER.

H.R. 564: Mr. ACKERMAN.

H.R. 571: Mr. THORNBERRY and Ms. LEE of California.

H.R. 634: Mr. CARTER.

H.R. 673: Mr. HEINRICH.

H.R. 678: Ms. KILROY, Mr. ALTMIRE, Mr. SNYDER, Mrs. BLACKBURN, and Mr. ETHERIDGE.

H.R. 789: Mr. HASTINGS of Florida.

H.R. 847: Mr. PAYNE.

H.R. 874: Ms. CASTOR of Florida.

H.R. 881: Mr. SHADEGG, Mr. POSEY, and Mr. BLUNT.

- H.R. 903: Mr. GINGREY of Georgia.
H.R. 1067: Mr. YOUNG of Alaska.
H.R. 1074: Mr. EDWARDS of Texas and Mr. PRICE of Georgia.
H.R. 1124: Ms. DELAURO, Ms. LEE of California, Mr. MEEKS of New York, Ms. BALDWIN, Mr. HINCHEY, and Mr. BRADY of Pennsylvania.
H.R. 1179: Mr. SMITH of Washington, Mr. FRANK of Massachusetts, Mr. PETERSON, and Mr. ELLISON.
H.R. 1229: Mr. THORNBERRY.
H.R. 1230: Mr. HASTINGS of Florida.
H.R. 1314: Mr. HASTINGS of Washington.
H.R. 1351: Mr. BERMAN and Mr. SCHIFF.
H.R. 1549: Mr. GARAMENDI.
H.R. 1618: Mr. CUMMINGS.
H.R. 1625: Mr. CUMMINGS.
H.R. 1745: Mr. GINGREY of Georgia.
H.R. 1751: Mr. LEVIN.
H.R. 1826: Mr. BACA.
H.R. 1829: Mr. ALEXANDER.
H.R. 1874: Mr. LIPINSKI.
H.R. 1878: Mr. SNYDER.
H.R. 1929: Mr. GRIJALVA.
H.R. 1943: Mr. ENGEL.
H.R. 1995: Ms. HARMAN, Mr. HALL of Texas, Ms. BALDWIN, Ms. MATSUI, Mr. MCNERNEY, Mr. REYES, Mr. GRIJALVA, Ms. SUTTON, and Mr. GONZALEZ.
H.R. 2084: Mr. HINCHEY.
H.R. 2103: Mr. BARROW.
H.R. 2112: Ms. PINGREE of Maine.
H.R. 2262: Mr. HARE.
H.R. 2373: Mr. HODES.
H.R. 2429: Mr. HOLDEN.
H.R. 2570: Mr. DAVIS of Illinois and Ms. SCHAKOWSKY.
H.R. 2575: Mr. TIM MURPHY of Pennsylvania.
H.R. 2598: Mr. ANDREWS, Mr. CRITZ, Mr. PETERS, Ms. SCHWARTZ, Ms. SHEA-PORTER, and Mr. WALZ.
H.R. 2616: Mr. HASTINGS of Florida.
H.R. 2648: Mr. GUTIERREZ and Mr. HINCHEY.
H.R. 2766: Mrs. LOWEY.
H.R. 2882: Mr. COURTNEY, Mr. HOLT, and Mr. TONKO.
H.R. 3377: Mr. FILNER, Mr. BOSWELL, Mr. TAYLOR, Ms. HIRONO, Mr. HARE, Mr. CUMMINGS, Mr. MICHAUD, Mr. COHEN, Ms. SHEA-PORTER, and Mr. LARSEN of Washington.
H.R. 3408: Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. ACKERMAN.
H.R. 3464: Mr. SKELTON, Mr. SCHAUER, and Mr. CARDOZA.
H.R. 3652: Mr. REICHERT and Mr. ELLSWORTH.
H.R. 3668: Mr. STUPAK.
H.R. 3716: Mr. BARTLETT.
H.R. 3729: Mr. ALTMIRE.
H.R. 3786: Mr. PATRICK J. MURPHY of Pennsylvania and Mr. DINGELL.
H.R. 3936: Mr. LARSEN of Washington, Mr. LOEBSACK, and Mr. BRALEY of Iowa.
H.R. 3974: Mr. FILNER.
H.R. 4037: Mr. ROTHMAN of New Jersey.
H.R. 4116: Ms. WASSERMAN SCHULTZ, Mr. VAN HOLLEN, and Mr. CONYERS.
H.R. 4129: Ms. BEAN.
H.R. 4197: Mr. MICHAUD.
H.R. 4322: Mr. HOLDEN, Mr. SIRES, and Mr. JOHNSON of Illinois.
H.R. 4533: Mr. GUTIERREZ.
H.R. 4557: Mr. ELLISON and Mr. MCINTYRE.
H.R. 4662: Ms. LEE of California and Ms. CORRINE BROWN of Florida.
H.R. 4671: Ms. MARKEY of Colorado and Mr. GARAMENDI.
H.R. 4678: Mr. SMITH of Washington.
H.R. 4689: Mr. GUTHRIE and Mr. LYNCH.
H.R. 4722: Mr. LYNCH.
H.R. 4746: Mr. BUCHANAN and Mr. ROGERS of Kentucky.
H.R. 4764: Mr. PIERLUISI, Mr. BERRY, Ms. KILROY, and Mr. RUPPERSBERGER.
H.R. 4787: Mr. ALTMIRE.
H.R. 4790: Mr. SHERMAN.
H.R. 4808: Mr. FILNER, Mr. HOLT, Mr. GRIJALVA, Mr. WU, Mr. ACKERMAN, Mr. CARSON of Indiana, and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 4852: Mrs. CAPPS.
H.R. 4875: Mr. BOUCHER.
H.R. 4914: Mr. HASTINGS of Florida and Mr. DEUTCH.
H.R. 4925: Ms. ESHOO.
H.R. 4940: Mr. CLAY.
H.R. 4959: Mr. TURNER.
H.R. 4986: Ms. FOXX and Mr. MANZULLO.
H.R. 4993: Mr. MCGOVERN.
H.R. 5023: Mr. GONZALEZ, Mr. GUTIERREZ, Mrs. NAPOLITANO, and Mr. BACA.
H.R. 5034: Mr. KISSELL.
H.R. 5037: Mr. LYNCH.
H.R. 5040: Mr. BRALEY of Iowa, Mr. HARE, and Mr. LOEBSACK.
H.R. 5042: Mr. WATT, Mr. GRAYSON, and Mr. LYNCH.
H.R. 5078: Ms. BALDWIN and Mr. HINCHEY.
H.R. 5081: Mr. TANNER.
H.R. 5141: Mr. ROGERS of Kentucky, Mr. CONAWAY, Mr. JONES, Mr. SCALISE, Mr. LANCE, Mr. MARIO DIAZ-BALART of Florida, Mr. TURNER, Mr. ALEXANDER, Mr. HUNTER, Mr. MCHENRY, Mr. BARRETT of South Carolina, and Ms. TSONGAS.
H.R. 5162: Mr. EDWARDS of Texas.
H.R. 5235: Mr. MELANCON.
H.R. 5248: Mr. HOLT.
H.R. 5258: Mr. FOSTER and Mr. JONES.
H.R. 5318: Mr. BROUN of Georgia.
H.R. 5323: Mr. BROWN of South Carolina, Mr. SENSENBRENNER, Mr. COBLE, and Mr. JONES.
H.R. 5412: Mr. CARNAHAN.
H.R. 5422: Mr. FARR.
H.R. 5424: Mr. DENT and Mr. GERLACH.
H.R. 5434: Ms. HARMAN and Mr. RUPPERSBERGER.
H.R. 5461: Mr. HOLDEN.
H.R. 5473: Mr. SMITH of Washington.
H.R. 5476: Mr. KING of New York, Mr. EHLERS, and Mr. LATOURETTE.
H.R. 5478: Mr. SHIMKUS.
H.R. 5504: Mr. VAN HOLLEN, Mr. THOMPSON of Mississippi, Mr. SIRES, Mr. LANGEVIN, Mr. BRADY of Pennsylvania, Mr. FATTAH, and Ms. BERKLEY.
H.R. 5510: Mr. LATOURETTE.
H.R. 5529: Mr. QUIGLEY and Mrs. BLACKBURN.
H.R. 5533: Ms. BALDWIN.
H.R. 5537: Mr. DEFazio.
H.R. 5567: Mr. BLUMENAUER.
H.R. 5575: Mr. PERRIELLO, Mr. FRANK of Massachusetts, Mr. SABLAN, Mr. WEINER, and Ms. NORTON.
H.R. 5597: Mr. NUNES.
H.R. 5599: Mr. CROWLEY and Mr. DAVIS of Kentucky.
H.R. 5600: Mr. ROTHMAN of New Jersey and Mr. PAUL.
H.R. 5644: Mr. HODES and Mr. TIERNEY.
H.R. 5647: Mr. DUJO and Mr. BOOZMAN.
H.R. 5654: Ms. HIRONO.
H.R. 5657: Mr. CONNOLLY of Virginia and Mr. POLIS.
H.R. 5660: Mr. SMITH of Washington.
H.R. 5662: Mr. MCNERNEY.
H.R. 5663: Mr. SPACE, Mr. FILNER, Mr. TONKO, and Mr. STARK.
H.R. 5664: Mr. CARNAHAN.
H.R. 5679: Mr. OLSON, Mr. HOEKSTRA, and Mr. PAUL.
H.R. 5693: Mr. THOMPSON of Mississippi.
H.R. 5694: Ms. SLAUGHTER.
H.R. 5730: Mr. FLAKE.
H.R. 5766: Mr. HINCHEY, Mr. CARNAHAN, Mr. HALL of New York, Mr. VAN HOLLEN, Ms. GIFFORDS, and Mr. ELLISON.
H.R. 5768: Mr. SABLAN.
H.R. 5769: Mrs. MILLER of Michigan and Mr. ROHRBACHER.
H.R. 5772: Mr. BARTON of Texas, Mr. McCAUL, and Mr. WESTMORELAND.
H.R. 5778: Mr. BONNER, Mr. WHITFIELD, and Mr. JONES.
H.R. 5786: Ms. DEGETTE, Mr. MORAN of Virginia, Ms. LEE of California, Mr. CONYERS, and Mr. HASTINGS of Florida.
H.R. 5790: Mr. CARTER, Mr. PAUL, and Mr. GENE GREEN of Texas.
H.R. 5791: Mr. DINGELL, Mr. PASTOR of Arizona, Mr. FATTAH, and Mr. MURPHY of Connecticut.
H.R. 5792: Mr. FATTAH.
H.R. 5793: Mr. FATTAH.
H. Con. Res. 226: Mr. KLEIN of Florida, Ms. SCHWARTZ, Mr. WAXMAN, and Ms. TITUS.
H. Con. Res. 259: Mr. ROTHMAN of New Jersey.
H. Con. Res. 266: Mrs. BLACKBURN and Mr. SHIMKUS.
H. Con. Res. 274: Ms. GINNY BROWN-WAITE of Florida and Mr. BILIRAKIS.
H. Con. Res. 281: Mr. MCHENRY.
H. Res. 111: Ms. BEAN, Mr. BLUNT, and Mr. KIND.
H. Res. 732: Mr. NYE.
H. Res. 767: Mr. MORAN of Virginia.
H. Res. 913: Ms. LEE of California.
H. Res. 1102: Ms. WATERS.
H. Res. 1129: Mr. SMITH of Texas and Mr. BOUSTANY.
H. Res. 1217: Mr. INSLEE, and Mr. PATRICK J. MURPHY of Pennsylvania.
H. Res. 1309: Mr. PRICE of North Carolina and Mr. BOYD.
H. Res. 1311: Mr. GORDON of Tennessee.
H. Res. 1319: Mr. HOLDEN, Mrs. MCCARTHY of New York, Mr. BACA, and Mr. SERRANO.
H. Res. 1326: Mr. GENE GREEN of Texas.
H. Res. 1346: Mr. LATOURETTE.
H. Res. 1402: Mr. WILSON of South Carolina.
H. Res. 1420: Mr. LEWIS of Georgia.
H. Res. 1431: Mr. CARNEY, Mr. OLSON, Mr. GARRETT of New Jersey, Mr. MARIO DIAZ-BALART of Florida, Mrs. MALONEY, Mr. MCGOVERN, Mrs. BLACKBURN, and Mr. FALEOMAVAEGA.
H. Res. 1433: Mr. BUTTERFIELD, Mr. ARCURI, Mr. MCGOVERN, Mr. MARSHALL, Mr. COBLE, Ms. BORDALLO, Mr. TERRY, and Mr. KISSELL.
H. Res. 1452: Ms. MCCOLLUM, Ms. DELAURO, and Mr. HONDA.
H. Res. 1458: Mr. SABLAN and Mr. BAIRD.
H. Res. 1485: Mr. BACHUS, Mr. GOHMERT, Mr. ADERHOLT, and Mr. HUNTER.
H. Res. 1499: Ms. SUTTON, Mr. ADERHOLT, Mr. WOLF, Mr. STUPAK, Mr. COHEN, Ms. NORTON, Mr. TEAGUE, Mr. MCMAHON, Mr. SIRES, Mr. YARMUTH, Mr. OWENS, Mr. PERLMUTTER, Ms. SCHWARTZ, Mr. MCNERNEY, Mr. BERRY, Mr. TANNER, Mr. KRATOVIL, Mr. BOREN, Mr. CARDOZA, Mr. BARROW, Mr. REHBERG, Mr. ALEXANDER, Mr. CASSIDY, Mr. BOUSTANY, Mr. DAVIS of Kentucky, Mr. WAXMAN, Mr. SKELTON, Ms. MATSUI, Mr. DEUTCH, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. KOSMAS, Mr. BOSWELL, Mr. ETHERIDGE, Mr. TONKO, Ms. SHEA-PORTER, Mr. GEORGE MILLER of California, Ms. SPIER, Mr. MCDERMOTT, Mr. FARR, Ms. DEGETTE, Mr. KLEIN of Florida, Mr. ROONEY, Mr. CARNEY, Mr. ALTMIRE, Mr. DONNELLY of Indiana, Ms. VELÁZQUEZ, Ms. CLARKE, Mr. CARSON of Indiana, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP of Georgia, Mr. SCOTT of Georgia, Mr. LEWIS of Georgia, Mr. HARE, Mrs. LOWEY, Mr. HOLT, Mr. CUMMINGS, Ms. LINDA T. SÁNCHEZ of California, Mr. BLUMENAUER, Mr. THOMPSON of Mississippi, Mr. CLEAVER, Mr. BUTTERFIELD, and Mr. PAYNE.

H. Res. 1504: Mr. SCOTT of Virginia and Mr. TONKO.

H. Res. 1507: Mr. TURNER, Mr. CARTER, Mr. HARPER, Mr. EHLERS, Mr. KLINE of Minnesota, Mr. ANDREWS, Mr. YARMUTH, Mr. LANCE, Mr. KAGEN, Mr. GARAMENDI, Mr. MINNICK, Mrs. McMORRIS RODGERS, Mr. SESSIONS, Mr. HALL of Texas, Mr. SAM JOHNSON of Texas, and Mr. AUSTRIA.

H. Res. 1518: Ms. WATERS, Mr. CROWLEY, Mr. GRIJALVA, Mr. RANGEL, Ms. BERKLEY, and Ms. WATSON.

H. Res. 1522: Mr. CLEAVER, Ms. ROSELEHTINEN, Mr. MCGOVERN, Mr. WOLF, Mr. ADERHOLT, Mr. CHAFFETZ, and Mr. WESTMORELAND.

H. Res. 1523: Mr. AL GREEN of Texas and Mr. SMITH of Nebraska.

H. Res. 1525: Mr. CONYERS, Mr. TURNER, Ms. GIFFORDS, Mr. MEEKS of New York, Mr. ETHERIDGE, Mr. COURTNEY, Mr. WOLF, Mr. LANGEVIN, Mr. LATOURETTE, Mr. HONDA, Mr. COLE, Mr. CALVERT, Mr. ALEXANDER, Mr. CARTER, Mr. REHBERG, Mr. CRENSHAW, Ms. ROYBAL-ALLARD, Mr. FARR, Mr. BOYD, Ms. MCCOLLUM, Mr. ISRAEL, Mr. RYAN of Ohio, Mr. RUPPERSBERGER, Mr. CHANDLER, Mr. SALAZAR, Mr. DAVIS of Tennessee, Mr. JACKSON of Illinois, Mr. BISHOP of Georgia, Ms. LEE of California, Mr. CULBERSON, Mr. SIMPSON, Ms. GRANGER, Mrs. EMERSON, Mr. FRELINGHUYSEN, Mrs. LOWEY, Mr. SERRANO,

Ms. DELAURO, Mr. MORAN of Virginia, Mr. PASTOR of Arizona, Mr. PRICE of North Carolina, Ms. WASSERMAN SCHULTZ, Mr. RODRIGUEZ, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HINCHEY, Mr. EDWARDS of Texas, Mr. MOLLOHAN, Mr. DICKS, Mr. LEWIS of California, Mr. LATHAM, Mr. GOODLATTE, Mr. SPRATT, Mr. ROGERS of Michigan, Mr. BILBRAY, Mr. BUCHANAN, Mr. BARRETT of South Carolina, Ms. BORDALLO, Mr. PENCE, Mr. BURTON of Indiana, Mr. FRANKS of Arizona, Mr. CAMPBELL, Mr. CASSIDY, Mr. POSEY, Mr. MANZULLO, Mrs. LUMMIS, Mr. DANIEL E. LUNGREN of California, Mrs. BLACKBURN, Ms. RICHARDSON, Mr. ROONEY, Ms. CASTOR of Florida, Mr. PITTS, Mr. MCGOVERN, Mr. BROWN of South Carolina, and Mr. GUTHRIE.

H. Res. 1527: Mr. FRANKS of Arizona, Mr. BRADY of Texas, Mr. DREIER, Mr. JORDAN of Ohio, Mr. BROUN of Georgia, Mr. GUTHRIE, Mr. GONZALEZ, Mr. LAMBORN, Mr. SCOTT of Georgia, and Mr. TONKO.

H. Res. 1528: Mr. FARR and Ms. MOORE of Wisconsin.

H. Res. 1529: Ms. VELÁZQUEZ, Ms. CASTOR of Florida, Mr. QUIGLEY, Mr. ARCURI, Mrs. MALONEY, Ms. MOORE of Wisconsin, and Mr. JOHNSON of Illinois.

H. Res. 1541: Mr. CAO, Ms. DELAURO, Mr. CAPUANO, and Mr. PETERS.

H. Res. 1546: Mr. LEE of New York and Mr. HALL of Texas.

H. Res. 1547: Mr. RANGEL.

H. Res. 1548: Mr. SABLAN.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5720: Ms. HIRONO.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 11 by Mr. KING of Iowa on H.R. 4972: Frank A. LoBiondo, Sam Johnson, Paul Ryan, John L. Mica, Michael R. Turner, Aaron Schock, Cliff Stearns, Devin Nunes, David Dreier, Christopher John Lee, Kevin McCarthy, Bill Shuster, Leonard Lance, Howard P. “Buck” McKeon, Ander Crenshaw, Elton Gallegly, Rodney P. Frelinghuysen, Ed Whitfield, Walter B. Jones, and Vernon J. Ehlers.

SENATE—Thursday, July 22, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, whose approval we seek above the hollow applause of humanity, may the deliberations of this historic Chamber start and end with You. Provide the foundation for the thoughts, words, and actions of our Senators, as they remember that You are the author and finisher of their faith. Make our lawmakers conscious of the great tradition on which they stand, as You fill them with the spirit of wisdom, understanding, knowledge, and reverence. May the tyranny of partisanship and expediency never bend their consciences to low aims which betray high principles.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 22, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, if any, the Senate will proceed to S. Res. 591, which is a resolution recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act. There will be 2 hours for debate. It will be divided equally between Senators HARKIN and ENZI or their designees. Upon the use or yielding back of that time, the Senate will proceed to the consideration of H.J. Res. 83, which is a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act. There will then be up to 20 minutes for debate equally divided between Senators BAUCUS and MCCONNELL or their designees.

Upon the use or yielding back of that time, the Senate will proceed to vote on the resolutions. The first vote will be on the Burma joint resolution, and the next vote will be on the Americans with disabilities resolution. We hope these votes will begin at around 12 o'clock today, maybe a little sooner.

Following the votes, the Senate will resume consideration of the small business jobs bill. As a reminder, last night I filed three cloture motions relative to the small business jobs bill. I hope we can reach an agreement to have these votes today. If no agreement is reached, we would have the first cloture vote tomorrow morning.

Senators will be notified when any additional votes, other than those I have mentioned, will be brought up.

MEASURE PLACED ON THE CALENDAR—S. 3628

Mr. REID. Madam President, S. 3628 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3628) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

Mr. REID. Madam President, I object to any further proceeding with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

Mr. REID. Madam President, will the Chair now announce the business for the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

20TH ANNIVERSARY OF ENACTMENT OF THE AMERICANS WITH DISABILITIES ACT OF 1990

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. Res. 591, which the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 591) recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate, with the time equally divided and controlled between the Senator from Iowa, Mr. HARKIN, and the Senator from Wyoming, Mr. ENZI, or their designees.

Mr. REID. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged against both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SMALL BUSINESS LENDING FUND ACT

Mr. MCCONNELL. Madam President, Republicans today will continue to look for a way forward on the small business bill. This is an opportunity to deliver some real relief to small businesses struggling to dig themselves out of the recession.

Ultimately, Democrats seem to have other priorities. In the middle of a debt crisis, Democrats cannot seem to pass trillion-dollar spending bills fast enough. In the middle of a jobs crisis, they continue to push one bill after another containing job-stifling taxes, new rules and regulations, and government intrusion into business.

Their signature piece of jobs legislation appears to be a bill that borrows \$34 billion from our grandchildren to

help folks who cannot find a job in the environment Democrats have created over the last year and a half.

This small business bill gives us an opportunity to have a real jobs debate. But Democrats clearly do not want to have that debate. That is why they have repeatedly pulled this bill from the floor to move on to what they consider more important things or to get together downtown to pat themselves on the back after signing another job-killing bill.

Let's have a real debate about jobs. Let's consider amendments that would help small businesses—amendments like the one Senator JOHANNIS wants to offer to eliminate a burdensome paperwork mandate and that small businesses are pleading with us to approve.

Our leader on the Small Business Committee, Senator SNOWE, is fighting to keep a provision out of this bill that amounts to another bailout. Members of both sides oppose it.

There is no evidence this new lending program will work. Even the Congressional Oversight Panel has expressed skepticism it will even be effective in increasing small business lending. The panel's report is skeptical it will improve access to credit. Moreover, the panel says this provision looks uncomfortably similar to the TARP bailout.

The problem banks and small businesses are facing is not that they don't have incentive to lend; it is that the government is threatening them with a 2,300-page bill full of new rules and regulations while their customers—small businesses—are threatened by pending tax hikes and more government intrusion.

For more than a year and a half, the President and his Democratic allies on Capitol Hill have pushed an antibusiness, antijobs agenda on the American people in the form of one massive government intrusion after another. Then there is a celebration. Here is an opportunity to have a real debate about job creation. Here is an opportunity to do something that might actually make a positive difference.

Small business owners are already being hammered by the health care bill. They are about to get hammered by the financial regulatory bill. It is time to do something they actually want for a change.

The American people are connecting the dots. They don't think the financial regulatory bill will solve the problems in the financial sector any more than they think the health care bill will be able to lower costs or lead to better care; any more than the stimulus lowered unemployment.

Republicans had offered amendments that would create the conditions for real private sector job growth. If Democrats shared this priority, this bill would have been law by now. Instead, they seem committed to the same approach that has led to 3 million lost jobs in the past year and a half.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Madam President, I have come to the floor today—and we have a couple hours now—to introduce a Senate resolution which is now at the desk recognizing and celebrating the 20th anniversary of the Americans With Disabilities Act. Twenty years ago, the ADA was a great bipartisan legislative initiative. I am pleased this resolution also enjoys broad bipartisan support. I am grateful to all those who have cosponsored this resolution, including my chief cosponsor, Senator HATCH, and 31 other Senators.

Other Senators who are watching and would like to be added as cosponsors, I ask them to please call their respective cloakrooms and we will add their names to the list. Right now, I think we are at 22 or 23.

The Americans With Disabilities Act—signed into law on January 26, 1990—has been described as the Emancipation Proclamation for people with disabilities. The ADA set four goals for people with disabilities: Equal opportunity, full participation, independent living, and economic self-sufficiency. But as the chief Senate sponsor of the ADA, I can tell my colleagues that at its heart, the ADA is very simple. In the words of one disability rights advocate, this landmark law is about securing for people with disabilities the most fundamental of rights: “The right to live in the world.” It is about ensuring that people with disabilities can go places and do things that other Americans take for granted.

I will always remember a young woman by the name of Danette Crawford from Des Moines, IA. In 1990, she was just 14 years old. She used a wheelchair. She lived with constant great pain, but she worked and campaigned hard for passage of the Americans With Disabilities Act. When I told her the ADA would mean better educational opportunities, prevent discrimination in the workplace, better mobility—I was going through all these things the ADA would do—Danette said to me:

Those things are very important. But, you know, what I really want to do is just be able to go out and buy a pair of shoes like anybody else.

Well, two decades later, people with disabilities can do that and so much more.

Our society is so dynamic and changes so rapidly that we are often oblivious to quiet revolutions taking place in our midst. One such revolution has been unfolding for the last 20 years since the signing of the Americans With Disabilities Act. How soon we forget that, prior to ADA, Americans with disabilities routinely faced prejudice, discrimination, and exclusion, not to mention the physical barriers to movement and access in their everyday

lives. In hearings prior to passing the law in 1990, we heard heartbreaking testimony about the obstacles and the discrimination that people with disabilities encountered every day of their lives. We heard stories of Americans who had to crawl on their hands and knees to go up a flight of stairs or to gain access to their local swimming pool, who couldn't ride on a bus because there was no lift, who couldn't go to a concert or a ball game with their families because there was no accessible seating, who couldn't even cross the street in a wheelchair because there were no curb cuts. In short, we heard thousands of stories about people who were denied “the right to live in the world.”

The reach and the triumph of the ADA revolution is all around us. It has become a part of America. Today, streets, buildings—think about this—every building designed and built in America since the passage of the ADA is fully accessible—every building. Sports arenas. I just went to a sports arena the other day for a ball game and everything is accessible. There is seating for people, where they can sit with their families—not segregated out someplace, but they can sit with their families. The same is true in movie theaters. Transportation systems: Every bus delivered in America today is fully accessible. It has a lift—every single bus. All our Metro systems today are fully accessible. But that is not all. Information is offered in alternative formats so it is usable by individuals with visual or hearing impairments. New communications and information technologies that are accessible to people with disabilities continue to be developed. It is hard to imagine we lived in a time without closed captioning on television. Think about it. I will talk more about my brother Frank, who is deaf and who never could understand what was on TV until we got closed captioning. That is what I mean. New technologies, new ways of doing things are now making life so much better. Thanks to the employment provisions in the ADA, many individuals with disabilities can get reasonable accommodations so they can do a job, they can get assistive technology, accessible work environments or more flexible work schedules.

But the ADA is more than accessible buildings and books that speak and traffic lights that talk to you. It is also hundreds of stories of opportunities and hope.

These changes are all around us. They are so integrated into our daily lives that sometimes it is hard to remember how the world was before.

Just as important, we have seen a big change in attitudes—attitudes—toward people with disabilities. Our expectation is we will do what it takes to give individuals with disabilities not just

physical access but equal opportunity in our schools, in our workplaces, and in all areas of our economy and our society. The attitudes are so different today. A lot of it has to do also with the Individuals With Disabilities Education Act which preceded the ADA because now kids go to school with kids with disabilities. Kids grow up with kids with disabilities, so it is no big deal if they work alongside them later on. So the whole attitude has changed on how we deal in our society with people with disabilities. Perhaps that may be one of the biggest changes of all.

It is important for us to remember also—with all the political firefights that go on around here and the partisan bickering that goes on around here all the time that we bemoan—it is important to remember the passage of the ADA was a bipartisan effort and a bipartisan victory. Here in the Senate, I worked shoulder to shoulder with Senator Bob Dole and others from both sides of the aisle. We had invaluable assistance from Senator Kennedy, Senator HATCH, who will be speaking shortly, Senator McCain, and others, including leaders who are no longer in this body, people such as Dave Durenberger and Lowell Weicker. The final Senate vote on the ADA conference report was 91 yeas and only 6 nays.

I just mentioned Senators HATCH and McCain. I also wish, at this point, to mention the other Senators currently serving who voted for the ADA conference report on July 13 of 1990. They are Senators AKAKA, BAUCUS, BINGAMAN, COCHRAN, CONRAD, DODD, GRASSLEY, INOUE, KERRY, KOHL, LAUTENBERG, LEAHY, LEVIN, LIEBERMAN, LUGAR, MCCONNELL, MIKULSKI, SPENCER, and REID. That is truly, I believe, a roll of honor.

As I said, one of those who helped manage the bill when we put it through back in 1990 and who has always been there helping to make sure we did this in a bipartisan fashion, get the bill through, and get it signed is Senator ORRIN HATCH. Later, we worked together on the ADA Act amendments that we just passed 3 years ago and that President Bush signed just 3 years ago. I couldn't ask for a better friend personally, but people with disabilities couldn't ask for a better friend either than the distinguished Senator from Utah, Mr. ORRIN HATCH.

I yield the floor at this time to Senator HATCH.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, I thank my dear colleague for his kind remarks. I remember those days we spent on this floor, and the days before that, when we had to convince people throughout the Congress that this was the right thing to do; that civil rights for persons with disabilities were absolutely necessary if we were going to be a gracious and understanding country,

setting an example for all the rest of the world.

I remember when Senator HARKIN and I, after the vote, walked out into the anteroom out there, and there were hundreds of persons with disabilities in their wheelchairs and crutches, with various forms of disability, and both of us stood there and broke down and cried—two tough guys. You know that Senator HARKIN was a pilot and went through the war and has a tremendous reputation. I have been tough—too tough for some people around here—from time to time. But we both broke down and cried. And they cried. It was such a wonderful day, as far as I am concerned.

I thank my dear colleague from Iowa for his leadership in this matter. He mentioned all of the others we both want to recognize today. I will not repeat those. I will incorporate that in my remarks today.

This is a very special anniversary. Twenty years ago last week, we stood on the floor of the Senate and voted 91 to 6 to pass the Americans with Disabilities Act. Twenty years ago next Monday, President George H.W. Bush signed it into law.

The ADA is landmark civil rights legislation that represents our ongoing commitment to equality and opportunity for our fellow citizens who suffer with disabilities. The ADA is a special type of civil rights statute. On the negative side, it prohibits discrimination and provides for remedies when wrongs occur. But more important, on the positive side, the ADA requires reasonable accommodation for individuals with disabilities in the areas covered by the statute, such as employment. This accommodation obligation is what quite literally opens doors and keeps them open, improving lives in innumerable practical ways on a daily basis.

The original ADA in 1990 and the revision enacted 2 years ago are examples of both how hard legislating can be and the results sticking with it can produce. I know of few policy areas in which—on the surface, at least—political or ideological interests appear to be more at odds. I also know of few policy areas in which the objectives are more important and for which a deep and broad consensus is more crucial to achieve those objectives. Keeping our eyes on the goal helped keep everybody willing to listen, to compromise, and to do what had never been done before. The result has been a transformation in attitudes, perceptions, and actions throughout our society that have helped make countless lives better.

These two statutes, ADA and the ADA Amendments Act, also demonstrate that it is Congress that is responsible for national disability policy. Lawsuits, of course, bring the courts into the picture, and the Supreme Court was called upon to construe and

apply the ADA on some questions the ADA itself did not clearly or directly address. I, for one, believe the courts must take statutes as they are and may not make or change them in order to achieve certain results. But whether or not the Court did its part properly, the Constitution gives the power to legislate to Congress. That is why, even if the Court had not had any such cases at all, we have the authority and the ongoing responsibility to establish, revise, and refine laws that help Americans with disabilities. That responsibility will never end.

I am pleased with my role in developing and passing both the ADA and the ADA Amendments Act. I am pleased to have been able to partner with my friend Senator HARKIN from Iowa. I am proud to stand here today with that friend, Senator HARKIN, without whom these statutes would not have been possible. I know these are more than simply statutes, more than pieces of legislation; it is what they represent—our ongoing commitment to making sure individuals with disabilities can participate in the American dream—that makes these statutes so important and this anniversary so very special.

I have seen those who are blind now taken care of, in many cases. I have seen those with various disabilities who are able to get jobs and show they are capable—not only capable but better than capable—of doing some things people never thought they could do. I have seen persons with serious disabilities who have become productive members of our society because they have been given a chance. I have seen persons of courage in this area that I have never seen before, who literally live with their disabilities every day with smiles on their face, with an ability to be able to encourage others, and with an exemplary approach to life that makes all of us better people. I think these things have been magnified and blessed by these two acts that my colleague and I and others have been able to put through. I am proud of what we have done. I believe millions of people are better off because of what we have done.

This is a very appropriate thing to do—to recognize the Americans with Disabilities Act, and the other statute as well, so that everybody in this country realizes they are part of making these statutes work. I am so pleased with all of our American citizens who have pitched in and done what they could, from architects, to engineers, to skilled tradesmen, as I used to be, who have really made it possible for people to not only embrace life but to be a part of life and to be able to have the accessibility they never had before, and we are a better nation for it. Our people are better for it. Above all, these folks who have suffered with disabilities, who are so courageous, are better for it.

I will never forget, I mentioned when we passed the original ADA that I carried my brother-in-law, who was afflicted with both types of polio and, of course, lived in an iron lung but went on to get his college degree in engineering and a master's degree in electrical engineering—he worked for Edgerton, Germeshausen, and Grier in Las Vegas, went to work every day and at night got into an iron lung at home. He was a member of my Mormon faith, the Church of Jesus Christ of Latter-Day Saints, and I can remember carrying him, with his very light weight, through the Los Angeles Temple for church. It was meaningful to both him and me. I carried him in my arms all the way through that temple. It was a spiritual experience for both of us.

I have seen so many others who have suffered from disabilities whose lives have been improved and are better because of what has been done in the Congress of the United States. Again, I pay tribute to my friend Senator HARKIN. He understands this as well as anybody and has played a significant and perfect role in helping to bring these things to pass. I have nothing but respect and great love for my colleague and for the others who voted for this particular bill. I am glad to be able to support this resolution, to cosponsor it, and I hope and pray that all of us will continue to help those who may not be as fortunate as are we, who suffer from disabilities, and realize that they are just as productive in our society, in most ways, as we are.

I am grateful to be able to stand here today and make these comments.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, let me say to my friend, I was proud to stand with the Senator from Utah 20 years ago. We stood here together. We got the bill through. I remember so vividly, in my mind's eye, when we walked out to that anteroom. I mean, few people are blessed in their lifetimes to have that kind of a moment where something so meaningful was done and to see so many people whose lives before that were stunted because they didn't have the accessibility. Now to see this sort of wall come tumbling down—I remember our association so well.

I know my friend would agree this was not a slam dunk; it was not a very easy thing that we brought out on one day and it just happened. Senator HATCH and I worked on this for years. It took a long time to work out. But through the good faith of people on all sides with whom we worked—the disability rights community, all the different disability groups, and the chamber of commerce supported the bill—in the end, we worked together to bring everybody together. But it was a long process, as the Senator remembers.

Mr. HATCH. It was.

Mr. HARKIN. I say to my friend from Utah, I cherish those memories. I was honored to stand with him 20 years ago. I am honored to stand with him again today. I cherish the friendship we have developed over all those years. The Senator from Utah is a true friend, not only personally but also professionally, and he has always lent his weight and his seniority and his expertise in the Senate to making sure people with disabilities have that same equal opportunity and equal access. I think maybe both of us, because of our brothers who were disabled, were affected greatly. I think it imbued us both with a spirit of working hard to make sure people with disabilities had all the access and all the opportunities everybody else enjoyed. I thank my friend for his statement, and, more than that, I thank him for his great support of people with disabilities through all of his lifetime.

Mr. HATCH. Madam President, I thank the Senator for his kind remarks, but I also recognize his great leadership. This is a complex set of issues. We had complexities among the groups. We had to bring them all together and work with them. We had to try to resolve conflicts between liberals and conservatives, as usual. We also had to work very carefully with various personalities. But we were able to get it done. In large measure, it was due to the work of my friend from Iowa. I think people in the disability community and really throughout the country ought to be very grateful for what he has done. I am grateful to have been able to have played a small role in helping him to do it.

Mr. HARKIN. Madam President, it was not a small role; the Senator from Utah played a gigantic role in making sure we got this done. Working to get the ADA Amendments Act passed 3 years ago—we worked on that for something like 4 years to get it done. We were down at the White House, and it is interesting that the first President Bush signed the first ADA into law and the second President Bush signed the ADA Amendments Act into law. That is an interesting juxtaposition—father and son.

I thank the Senator.

Mr. HATCH. I thank the Senator.

Mr. HARKIN. Madam President, I mentioned earlier all of the Members of the Senate who have been so helpful.

On the House side, we prevailed because of outstanding leadership of people such as Congressmen STENY HOYER, Tony Coelho, and Steve Bartlett, a Republican leader in the House at that time. The final vote was 377 to 27 in the House.

At the White House, Boyden Grey, counsel to President George H.W. Bush, worked with us every step of the way. As I have said so many times, without Boyden Grey being there, we could not

have gotten this done. I am always grateful to him for his leadership, working from the White House with us.

One other person who was with us every step of the way and continues to provide so much leadership in the area of disability rights is then-Attorney General Dick Thornburgh.

What a champion he was and is. I should not put it in the past tense. Dick Thornburgh remains today one of the preeminent people in America who keeps focus on what we are doing in society to make sure that people with disabilities have full access and opportunity.

Then there is the disability rights community. This would not have happened without the tireless, courageous, and unstoppable work of so many activists in the disability community. I think of people such as Ed Roberts, now passed on, Bob Williams, Pat Wright, Wade Blank—so many others. Of course, everyone recognizes the indispensable leadership of the late Justin Dart who was the chairperson of the President's Committee on Employment of People with Disabilities. Only one person's name is specifically mentioned in the resolution on which we will be voting this morning, and that name is Justin Dart.

As I have said many times, I may have been the principal author of the ADA, but Justin Dart was the father of the ADA and history will recognize and honor his great contribution.

Here was an individual who used a wheelchair most of his life, who was unstoppable. Justin Dart traveled to every single State in this Nation more than once, well over 100 different cities and communities, to promote the Americans with Disabilities Act for about 2 or 3 years prior to us bringing it up, to get that kind of national support for it. He was everywhere, and he would never give up. We remember Justin Dart as the father of the ADA.

No listing of those who made the ADA possible would be complete without also talking about my disability counsel at the time, Bobby Silverstein. Again, he was tireless in his work in both the drafting and the revising. As Senator HATCH and I were reminiscing, there was not even agreement among disability groups on how to do this. We would come up with a draft. We would meet with disability groups. We would have to revise it. We would meet with other disability groups. We would have to revise it. We would meet with business groups. We would have to revise it, and on and on.

Slowly, methodically, tirelessly, we got it done, and Bobby Silverstein was there every step of the way, as I said, drafting, revising, making sure we did not lose sight of the goals, making sure we had a bill that could muster bipartisan support. No words of mine can express the deep gratitude I have to Bobby Silverstein for all he did to make this possible.

I will never forget the pre-ADA America. I remember how it used to be perfectly acceptable to treat people with disabilities as second-class citizens, exclude them and marginalize them.

I will digress a bit and talk about my brother Frank, who was the inspiration for all of my work on disabilities both in the House before I came to the Senate and in the Senate.

My brother Frank passed away 10 years ago, a month before the 10th anniversary of the ADA. He always said he was sorry the ADA was not there for him, but he was glad it is here now for the younger generation, for those who are now coming so they would have a better future.

My brother lost his hearing at a very early age. Actually, he was about 6 years old. At that time, there were no mainstream schools, so he was taken from his family. We lived in a small town. He was taken from the family and shipped halfway across the State to the Iowa School for the Deaf.

Think about how traumatic this would be. First of all, you lose your hearing. You cannot hear anything because of spinal meningitis. Then all of a sudden he is picked up, taken away from home, and sent to a school over by Omaha. Think how traumatic that is for a little kid.

In school—and I remember people always spoke about my brother being at the school for the deaf and dumb. Young people do not realize this, but it used to be very permissible, when I was the age of the pages, for people to speak about people who were deaf as deaf and dumb. Schools for the deaf were referred to as schools for the deaf and dumb.

I will never forget my brother coming home from school once—it was later on when he was in high school—and people were referring to that. They would actually ask him: How are things going at the school for the deaf and dumb?

My brother would say: I may be deaf but I am not dumb. He refused, he stubbornly refused—he was kind of a stubborn guy, my brother was—he stubbornly refused to accept the cloak that society put on him.

In school, he was told he could be one of three things. He could be a baker, a printer's assistant, or a shoe cobbler. He said he did not want to be any of those things. They said: OK, you are going to be a baker then. So they made him into a baker. That is not what he wanted to do, but that is what they said.

He kept fighting. He kept fighting against it. I remember once when I was younger—he was now out of school—he went to a store. I will never forget this. When the sales person found out he was deaf and could not hear, she looked right through him at me and asked me what he wanted. How do I know what

he wants? Ask him. That is the way people were treated.

He went to get a driver's license. He was told deaf people do not drive. He broke that barrier down, too. He got a driver's license and bought a car.

I remember when my brother finally found employment at a plant called Delavan Corporation. I got to know Mr. Delavan later on when I was in high school and later on when I was in college. He went out of his way to hire people who were disabled. It was a manufacturing facility with a lot of noise. So he hired a lot of deaf people. They did not care if it was noisy.

My brother got a good job running a very delicate machine that drilled tiny little holes in engines for jet engine nozzles. It had to be finely made. Later on, when I was a Navy pilot, I found out the planes I was flying at the time were using the very nozzles made by my brother.

I came home one time for Christmas—my brother never got married. I was not married at the time—I came home for Christmas. Delavan always had a big Christmas dinner for all of the workers. I went with my brother to the Christmas dinner. Lo and behold, unbeknownst to either one of us, they honored him that night because he had worked there 10 years and in 10 years, he had not missed one day of work or late one day. They gave him a nice gold watch. It was very nice. In the 23 years my brother worked there, he missed 3 days of work because of a blizzard. He could not make it.

I tell that story for a couple of reasons. One, because I am very proud of my brother, but also because so many people I have talked with—employers who have employed people with disabilities—will tell you that the hardest workers, the most loyal workers, the most productive workers they have are many times people with disabilities. But they have to get over the hurdle of hiring them in the first place. With a little bit of support, some accessibility issues, maybe modifying the workplace a little bit, we can get a lot done and they can be the best workers.

I have one more story about my brother I have to relate, since I have the floor, and he was such an inspiration to me.

I was elected to the Senate in 1984. I was sworn in January 1985. No one in my family had ever been in politics. First of all, to be a Congressman is one thing, but to be a Senator—wow. My whole family came for the swearing in, and my brother Frank. I remember I put him in this gallery right behind me. This was January 1985. I put him up there, and I had gotten an interpreter, a sign language interpreter. I had gotten an interpreter for my brother for this gallery right back here. I got him seated up there, and I came back down on the floor. I looked up and I saw one of my other brothers—one of

my hearing brothers—motioning to me. So I went back up there.

My brother John said the guard would not let the interpreter stand up there. I went out to see the guard, the doorkeeper. I said: My brother needs an interpreter. No, we cannot allow people to stand in the gallery and interpret.

I said: It can't be so.

Rules are rules.

I came down to the floor. At that time, Senator Bob Dole was the majority leader of the Senate. Senator Dole had a disability himself because of his war wounds and his maiden speech on the Senate floor when he was first elected was about disability rights. I go to the majority leader, the Republican leader. I did not know him that well. I said: Mr. Leader, here is the situation. My brother is up there. I am being sworn in. He needs an interpreter and they will not let the interpreter in.

Senator Dole said: I will take care of it. He did, and we got the interpreter.

Now we have places for people with disabilities to come and sit with their families. We have interpreters. We have closed captioning. No longer do we discriminate against people who are deaf or disabled and want to come into the Capitol.

So many changes have been made to the Capitol. We have a full office in the Capitol now just for people with disabilities to take tours of the Capitol. We have interpreters for people who are blind. We have bas relief models of all the floors so as they go through the main Rotunda, the Old Senate Chamber, the House Chamber, the old Supreme Court, they can feel with their hands what it looks like. It is all accessible now.

I talk about the things that happened to my brother. It sounds like something out of the medieval past. We are hopefully overcoming—I do not say we are complete—we are overcoming this false dichotomy between disabled and able. We recognize that people with disabilities, like everyone, have unique aptitudes, unique abilities, talents. And we know America is a better and a fairer and richer nation when we make full use of the gifts people have.

One of the things that ADA has done is it has infused in so many people the idea that we should look at people not for their disabilities but what are they able to do, what are their abilities. Do not tell me what your disabilities are. What are your abilities? That is a major step forward.

The day the ADA passed I can honestly say was the proudest day of my legislative career. I also say to the occupant of the Chair, I stood at this podium at that time and gave my entire speech in sign language. Senator Bob Kerrey, a Senator from Nebraska, was the occupant of the chair at the time. He has never forgotten that. I guess maybe I haven't either. It was the first time anyone ever gave a long-winded

speech on the Senate floor and no one ever heard him. Perhaps a lot of people wish we would do that more often.

It was a great day. I think every Senator who was there who voted yes can look back 20 years with enormous pride in this achievement. We were present at the creation, but it had a robust life of its own. It has been integrated into the very fabric of American life. It has changed lives and changed our Nation. It has made the American dream possible for tens of millions of people who used to be trapped—trapped—in a nightmare of prejudice and exclusion.

I am reluctant in many ways to detract from the joy that we all feel about what has happened over the last 20 years and how far we have come in our country. But I am obliged to point out, because of my close association with so many people in the disability community and so many different parts of the disability community, that the promise of the Americans with Disabilities Act is not quite complete.

When we passed the ADA we had four goals: equal opportunity, independent living, full participation, economic self-sufficiency. There is more work to be done to fulfill those goals. For example, every person with a disability deserves the right to live where he or she wants to live. You might say everybody has a right to live where they want to in America. But think about what I said earlier, people in the disability community want the right to live in the world.

Here is what I am referring to. For years a person with a disability who qualifies for care in a nursing home, can get that care in a nursing home fully refunded, fully paid for by the Government. If you have a disability and you qualify for that level of care and you go to a nursing home, Medicaid picks that up. But let's say you don't want to go to a nursing home. Let's say you are disabled and you want to live in a community. You want to live near your family and your friends and you choose to do so. Medicaid doesn't pick up that bill. If you live in a nursing home, they will, but not if you live independently, on your own. This is something we have been trying to overcome for a long time.

Finally, 10 years ago, there was a Supreme Court case. It came to the Supreme Court. It was called the Olmstead case, a case out of Georgia. Listen to this. The Supreme Court held that people with disabilities have the right to live in the least restrictive environment and to make their own choice to receive their care in the community rather than in an institutional setting. In Olmstead, the Court held that the unnecessary institutionalization of individuals with disability constitutes discrimination under the ADA.

Listen to what the Court said. The Supreme Court said:

Recognizing that unjustified institutional isolation of persons with disabilities is a

form of discrimination reflects two evident judgments. First, institutional placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life; secondly, confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement and cultural enrichment.

Ten years ago the Supreme Court said that. I am obliged to stand here and say, 10 years later, we have not gotten there. Ten years ago the Supreme Court said that putting people in institutions against their will when they want to live in the community is discrimination. Yet it is still going on. Under current law, Medicaid is required—required—to pay for nursing home care for a person with a disability who is financially eligible. But there is no similar obligation to pay for the same person to receive their care at home. This makes the promise of the Olmstead decision hollow for many residents of many States.

I will have more to say about this later but I see another champion who, during his career in the House and even before that in his own State of Ohio, but for all of his life and his career, has been one of our stalwarts in fighting for the rights of people with disabilities. Senator BROWN could not be harder working and more devoted to making sure that the ADA actually works and is not put on the shelf somewhere.

I thank the Senator from Ohio for all of his support over all the years, for support of the ADA, the ADA Act Amendments which he was here for and helped us get through, and for all the things we do to try to make life better, more fair, and more just for people with disabilities.

I yield the floor to the Senator from Ohio.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I thank Senator HARKIN.

Before I was in the Senate, for several years in the House I watched from afar the work Senator HARKIN did. No one, and I mean no one—we hear a lot of accolades here; not always as genuine, perhaps, as they should be, but this one absolutely is—no one has worked as hard or as effectively as Senator HARKIN has on issues affecting people with disabilities. It is personal for him, but Senator HARKIN has taken up what was a personal issue for him growing up, about his brother and now about his nephew, and the impact it has had on him and the impact it has had on America is terrific and is unmatched.

I know Senator Kennedy, about whom we still think so often, was a major driver of this and other civil rights issues. But I would say Senator

HARKIN has been second to none, advocating for his brother, for his nephew, but for Iowans and Ohioans and Californians and North Dakotans—all over this country, New Yorkers—everyone, those Americans with disabilities who typically make less money or are less likely to be employed because of discrimination and because of biases that we all probably too often too much hold.

Senator HARKIN has always risen above that and challenged people to do the right thing on this civil rights issue and on so many other civil rights issues. For that I am grateful, as a protégé, to Tom Harkin, as a mentor and well beyond that.

We know this coming month marks the 20th anniversary of the passage of one of our Nation's most important civil rights laws. It is always important to reiterate this is a civil rights issue. It does not always get as much attention as a civil rights issue, but it absolutely is a civil rights issue that affects the human right and civil right of all Americans, especially those people with disability. For the last 20 years the Americans With Disabilities Act has helped educate a child with cerebral palsy or multiple sclerosis. It has broken down employment barriers for all kinds of people with disabilities—those who are blind, those who are deaf—so many Americans. Places of work and recreation, from a courthouse to a ball park, because of this Americans With Disabilities Act, are more accessible to the wheelchair bound. So, too, are public accommodations and public transportation.

Those in this body who are as old or older than I can remember how different the world looked in terms of curbs, in terms of stairs, in terms of access, just physical access to all kinds of public facilities, let alone private facilities; how different things were before 1990 when the Americans With Disabilities Act was signed into law by the first President Bush.

Modern conveniences from the telephone to the Internet are not technological barriers but means, now, of social inclusiveness and economic opportunity. The ADA has increased graduation rates for Americans with disabilities, and it has increased public safety on our streets and in our hospitals. Simply put, since the ADA passed 20 years ago, more than 50 million—1 out of 6 of our 300 million citizens in this country—more than 50 million Americans in this country have had a greater opportunity to enjoy basic rights and privileges afforded to every American. That is due in large part to Senator HARKIN's leadership on this bill.

He speaks about the lack of opportunities his deaf brother Frank had in school and in the workplace. At the same time he speaks about his nephew, a quadriplegic veteran, who used the GI Bill to go to school, used a wheelchair

and accessible van to live a self-sufficient life. That is the difference when government chooses to assert its responsibility to extend equal opportunity to all its citizens. I understand Senator HARKIN's office is currently conducting a tour of 99 counties to collect the stories of Iowans who have benefited from the ADA. In many ways, these stories also honor the activists in the community, advocates in the courtroom, the physicians and nurses' aides and physical therapists and occupational therapists in hospitals, who pushed for change decades before the ADA.

The ADA was not the culmination of our work because it continues. But understand how many people worked so many years, working side by side with the Senator HARKINs of this body and others, to bring forward that legislation 20 years ago.

In my State, in Ohio, independent living centers and ability centers across the State have long provided the support services for Ohioans with disabilities that the law had failed to do. Ohio's school for the deaf was established in 1829 in a small house across from what is now the Capitol on Broad and High Streets in downtown Columbus. It provided the education the law did not require, in those days, of all education institutions. Through much of the last century, the 20th century, friends and families of Americans with disabilities were forced, day in and day out, to overcome daily obstacles because there was no law to help.

In the absence of a law remained the incessant bias and the chilling stigma that held back our Nation's progress—as it did with voting, with gender discrimination, as it did with racial discrimination. Passage of the ADA teaches us that wisdom and goodness persist in each of us, despite efforts to marginalize and discriminate by some of us.

Across Ohio on Monday—at the Statehouse in Columbus, independent living centers in Dayton and Cincinnati, and at the Great Lakes ADA Center in Cleveland—Ohioans will celebrate the importance of the ADA with friends and family.

In Toledo, the ability center will celebrate its 90th anniversary with an ADA celebration at the Toledo zoo, bringing together children and families to celebrate a "Journey Together—Justice, Equality and Community." Such demonstrations celebrate how far laws protecting those with disabilities have come and how much work we still need to do.

We know that Americans with disabilities continue to face employment barriers, sometime legal, more often not, but based often on bias and prejudice and stigma and all the mix of human emotions that are not always so admirable in all of us. Americans with disabilities are twice more likely to

live in poverty than their fellow citizens, with higher rates of unemployment and, don't forget, higher rates of underemployment. We know like all progress in our Nation the march for justice and equality for the disabled was not easy. Passage of civil rights, voting rights, labor rights is not ever easy. The fight for women's rights and fair pay was not easy. The passage of Medicare and Medicaid, recent health insurance reform was not easy. The fight is always worth it.

I wear in my lapel a pin depicting a canary in a birdcage. It was given to me 10 years ago at a workers Memorial Day rally celebrating those workers who had lost a limb or even their lives on the job. The canary says to me 100 years ago workers in this country who went down in our mines had no union strong enough or government that cared enough to protect them. They were on their own. That is why they took the canary down in the mine. If the canary died from toxic gas or lack of oxygen, the mine worker on his own had to get out of that mine.

We know what has happened in the hundred years since—mine safety laws, although obviously not quite good enough and not enforced often enough and effectively enough. We know what else happened: Medicare/Medicaid, civil rights, Social Security, ban on child labor, safe drinking water, clean air, seatbelts, airbags—all the kinds of things that have made our lives richer and better and longer in a way that no country on Earth before us had ever achieved.

Add the Americans With Disabilities Act to that long line of success, of a fight for justice in human rights that was not easy. Every one of those whom this canary pin represents, every one of those pieces of progress, whether it is the Food and Drug Administration, safe food, clean air, safe drinking water, Americans With Disabilities Act, civil rights, prohibition on child labor—every one of those victories came at great cost and with great effort. That is the story of the Americans With Disabilities Act. It is part of that lineage of government stepping in to extend equality and opportunity to all Americans, understanding some number of people in this body and in this country think there is not much of a role of government for a lot of things, but they need to think about that canary in the cage.

They need to think that 90 percent of this country thinks there should be strong mine safety laws, there should be strong civil rights laws, there should be strong labor laws, there should be strong pure food laws and safe drinking water and clean air and auto safety and all those things we do.

On April 4, 1864, President Lincoln signed into Federal law the authorization to confer collegiate degrees to the deaf and hard of hearing at a campus

here in Washington, DC. To this day, Gallaudet University is the only liberal arts university in the world dedicated to the pursuit of access to higher education for deaf and hard-of-hearing people.

For the past year, I have had the honor to serve on the Board of Trustees at Gallaudet University. I did so at the behest of Senator HARKIN, who has reinforced for me the responsibility we all have to serving the public good. A visit to Gallaudet University is a visit to an institution that is a model for what we should be doing in this country in civil rights and rights for Americans with disabilities.

Three years before signing Gallaudet's charter, President Lincoln celebrated our Nation's 85th year of independence, in 1861, by declaring to the Congress:

The principal aim of the US government should be—

These are Lincoln's words—

The principal aim of the US government should be to elevate the condition of men—to lift artificial weights from all shoulders—to clear the paths of laudable pursuit for all—and to afford all, an unfettered start and a fair chance in the race of life.

As we celebrate the 20th anniversary of the ADA, let's work so each American has that unfettered start and that each American has that fair chance, just a fair chance, not a guaranteed result but a fair chance, to achieve the American dream, that our Nation be free of prejudice and bias and, instead, full of opportunity and access.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. First, let me thank the Senator from Ohio for his kind words. But more than that, more meaningfully, to thank him for all his help and support on so many broad issues that deal with working people in America and, especially now at this time, people with disabilities.

I thank him for his service on the board for Gallaudet University. It is a great institution. I would hope everybody could pay a visit to Gallaudet. It is one of the "crown jewels" of our government. As Senator BROWN said, it is the only place in the world where a student who is deaf can go and get a liberal arts education. Quite frankly, as the Senator knows, we do bring students from other countries over here who go to Gallaudet and then go to their home countries after graduating. I thank the Senator for his service on the board of Gallaudet University.

Before Senator BROWN spoke, I was talking a little bit about one of the unfulfilled promises of ADA; that is, independent living, the idea that people should not be forced to go into a nursing home just to get support so they can live.

I mentioned the Olmstead decision of 10 years ago by the Supreme Court, which basically said that mandating that people have to live in a nursing home in order to get Medicaid support is discrimination under the ADA, but 10 years later it is still going on. Some States have moved ahead in this regard and have provided the wherewithal to help people with disabilities to live independently.

The problem is, most States still limit, they limit people with disabilities who can get this kind of assistance. They either do it through a waiver program or other exceptions. They include only certain particular types of disabilities, they have cost caps or they just simply limit the number of individuals who can be served. So it kind of is almost adding insult to injury. It is sort of the luck of the draw, sort of like a lottery. If you fall into a certain group, if you happen to have applied before they filled their quota, you can live in the community and get support. If you did not, you are out of luck.

So this has built up all kinds of tensions within the disabled community and among different groups of disabilities because States sometimes identify by disability who can get support in the community and who cannot.

So ever since the passage of ADA, and I can remember shortly after the passage of ADA I took to the floor and I said: Now that we have the ADA passed, the Americans with Disabilities Act, the next big hurdle is to make sure two things: People can live independently in the community, and they can get the supportive services they need in order to do that and to get employment.

So we have been trying to do that now for 16, 17 years. At first, there was a bill called MICASSA. Do not ask me what it stands for, I forgot. But it was a bill that would provide for people to be able to get the same support, whether they lived in an institution or they lived on their own in a community.

Well, we could never get that bill passed. CBO gave it all these horrendous costs. It was going to cost so much money. I always thought that was spurious; that the cost estimates were not right. Then we followed up with a bill called the Community Choice Act. Well, we did not get that. We have not gotten that done either, but we did get a couple of promises in money follows the person. In the recently passed health care bill, we saw our opportunity to do something, to help, to try to fulfill the mandate of the Supreme Court, a constitutional

mandate that people should be able to live where they want to live.

So what we have now in the health care bill is we have expanded the Money Follows the Person Program; that is, the money to States to follow the person. Rather than money going to a State to go to an institution to pay for a person, why not the money go to the State to go to the person and let the person decide where he or she wants to live?

So that has been extended to 2016 in the health care bill. The other part of this, of making sure people can live independently and can have economic self-sufficiency, is personal attendant services. Again, right after the passage of the ADA, I spoke about that. I said: You can have all the wonderful accessibilities in your job, you can have transit systems and buses that will take you to your job and back or subways or whatever, and you can have the most enlightened employer that can provide accessible work spaces.

But what if you cannot even get out the door in the morning? What if you cannot even get from your bed to the door to get to work? Herein, again, I speak of my own family. My nephew Kelly was only 19, about 20 years old, when he was severely injured. He became almost a quadriplegic, severe paraplegic.

Well, he is a big strapping kid. Kelly, again, was not going to give up. So he went back to school, got his education, and then he wanted to live by himself. He did. Well, he lived at home for a while with my sister and her husband, my brother-in-law. But then he wanted to strike out on his own. So he got his own independent place to live.

Here is what happened to my nephew Kelly. Every morning he would have a nurse come in. He lived by himself. A nurse came into his house, got him out of bed, got him going in the morning, took care of certain functions, got him ready to go.

Kelly would make his own breakfast, roll his wheelchair out. He had a lift on his van. Lift it up, put him in the van. Drive to work. He became so independent he started his own small business.

Then, at night when he would come home, a lot of times he would stop, shop in a grocery store or something like that, get in his van, come home. Every evening he would have, again, a personal attendant who would come into his house and do his exercises. He was so determined to keep his muscle activity alive. So he would have a person come in, do all his exercises, put him through his routines every day, and then get him ready so he could go to bed. This happened every day.

But it enabled him to get up and get out the door and go to work, become a tax-paying, income-earning citizen. So how was he able to afford this? Were my sister and her husband wealthy?

Not at all, had no money whatsoever. So how was Kelly able to afford someone to come in every day and take care of him like that and give him these personal attendant services?

He was able to afford it because he was injured in the military. He was injured while serving on an aircraft carrier. So the VA—thank God for the VA—the VA paid for this. They paid to have his home modified so he could live by himself. Now, for 30 years, the Veterans' Administration has paid for Kelly to have personal attendant services so he can go to work, earn a living, pay taxes.

But what about people who were not injured in the military? What about people who just got injured in an accident or were born with a disability who do not have the Veterans' Administration to pay for this? Well, they are out of luck. They are just out of luck.

So they may want to get a job. They can be very capable of doing a job. They can be well educated, know how to run Microsoft and Word and all that kind of stuff. They may be qualified for a job. But if they do not have some support during the day to get out the door, how are they going to get down to that bus stop to get on that accessible bus to go to a place of business that is accessible, that has an employer that has made the workplace accessible so they can have a job? Very shortsighted. Very shortsighted, to say: No, we will do all those other things, but if you cannot get out the door in the morning, tough luck, or if you need something during the day, maybe you need someone to come in during the middle of the day to help you with something you may need, whether it is eating or grooming or bathing or toilet activities or whatever it may be, maybe you need that once or twice during the day just so you can work, they do not have that.

That is our next big challenge. That is our next big challenge, to help with these everyday tasks that most people take for granted. It makes the crucial difference between whether a person can live an independent inclusive life in the community or they have to be sent to a nursing home to live in isolation.

So when people tell me this costs a lot of money, I say: Wait a second. Wait a second. Let's have this again. It costs a lot of money? What about all these people who are in nursing homes now that could be living by themselves? What about all those people who are living by themselves now, out there but are not getting any support, but they are not working. They want to work. They are capable of working. What if they go to work and become taxpayers, income earners?

That is not taken into account, you see. Only the outlay is taken into account. That is why I have always said the cost that we see of personal attendant services is skewed because we do

not take into account the other side of the ledger. But we know, we know from personal experience, that people with disabilities, as I have said, can be the most productive, hardest workers in our society, if they are just given a chance.

Again, these services, these supports, allow them to fulfill the promise of the ADA, to have jobs, participate in the community, to make their own choices, not having the State or the government or someone else tell them how they have to live.

Let people make their own choices. Let them govern their own lives. That is why the Community First Choice option that is in the health care bill is so important. So we are starting to move in that direction. We should have done it a long time ago, but we could not, but we got it in the health care bill. So beginning in October of next year, 2011, in the health care reform bill we passed, that we will have available to States, if a State selects and chooses to implement the Olmstead decision and to support people with disabilities to live in the community on their own, they will get a bump up in their Federal matching funds.

Specifically, the community first choice option in the health care bill will cover the provision of personal care services and will also help support people who live independently, personal care services so people can live independently. For the first time in the health care reform bill we passed, the community first choice option will require a State to provide all eligible individuals with personal care services rather than only serving a small proportion, maybe just certain people with certain disabilities or waiting lists or caps on costs. This bill will require a State to provide all eligible individuals with personal care services rather than serving a small slice, as now, or keeping long and slow moving waiting lists. Some people are on waiting lists for 10, 15 years before the State comes up with the money so they may live on their own and have personal care services.

The community first choice option is one that starts next year, but it will grow every year. A State that moves in that direction will get a bump up of 6 percent in their Federal matching funds. That is a big deal. A State that wants to do this says: If we do it, we will get more money for the FMAP. Without getting into details, what that means is the State will get more Federal money, if it provides for the independent living of people with disabilities in the State. We have made significant progress in increasing home and community-based options; the big step being in the health care bill as it unfolds. But we are still a long way from having a comprehensive and equitable system for providing personal care services to all Americans who are eligible for nursing home care.

Let's talk a little bit about the issue of employment, perhaps my biggest disappointment in the 20 years since ADA has been in employment. Data surveys show that right now 60 percent or more of people with disabilities who want to work and are able to work are unemployed.

We hear about all the unemployment figures all the time. We hear about 9 percent unemployment or 18 percent unemployment. Think about people in the disability community, 60 percent unemployment. This is shameful, this many years after the ADA was passed, 10 years after the Olmstead decision. There are a variety of reasons. Again, one of the biggest is lack of support services. Some employers don't provide enough reasonable accommodations. Some people are just reluctant to hire people with disabilities. That kind of subtle discrimination still goes on.

In the bill, we said employers must provide reasonable accommodations. I remember so many stories in the unfolding after we passed ADA. I remember the story of one woman who had a big skill set in terms of what was then computers, the early 1990s. She had a great skill set in that. She had answered an ad for employment, went down and interviewed. She clearly was qualified. Because the job required her to work at different stations, different desks, the employer said he couldn't do that because she used a wheelchair. She had been born with a disability. She couldn't get under the desks because of the height of the wheelchair.

The employer said: I would have to replace all these desks. That costs a lot of money. It is not a reasonable accommodation. So she went home, told her father this. Her father, who was somewhat of a reasonable carpenter, had a bright idea. He went down to the workshop and cut a bunch of wood blocks about 3 inches high. He took them to the employer and said: If you just put one of these under every leg of the desk, it would not cost very much. Then it will be accessible—simple things like that.

I remember the story of a school. The school board was very upset because they had to make the drinking fountains available. If we have kids in school with disabilities, we will have to lower all the drinking fountains or something like that. It will cost a lot of money. Someone pointed out, if they just put a wastebasket and a paper cup dispenser by the water fountain, they solve the problem—simple things like that that don't cost much money at all.

It took a while for people to start thinking about it. How do we do things in a simple, straightforward manner so that people can go to school or work and we can make reasonable accommodations?

Employers I talk to who have employees with disabilities say they are

the most exemplary of workers. All they need is an opportunity and reasonable accommodations, maybe supportive services. Yet we just haven't made as much progress as I had hoped over the last 20 years. We need to do a better job of ensuring that people with disabilities have job opportunities, not just any job but one that is equal to their interests and their talents and pays accordingly. We need to ensure that persons with disabilities have access to the training and supports necessary to be successful.

So many times I have heard: I don't have a job in the disability area, for a person with a disability. A lot of people think people with disabilities have to work on disability issues. That is not it at all.

I always talk about my brother Frank. He didn't do a job that had anything to do with being disabled. But he had a talent, and he could do something else. It is time to quit looking at people and focusing on the disability. Look at people and focus on their abilities, what they are capable of doing, what their talents are, what they can do. Don't talk to me about disabilities. We can overcome that. What are their talents and abilities? That is why we need the training and support activities, so we can bring that shameful unemployment rate of 60 percent down.

The ADA is to people with disabilities what the Emancipation Proclamation was to African Americans. One of the great shames of American history is that it was more than a century after the Emancipation Proclamation that the Civil Rights Act actually made good on Lincoln's promise. That is too far and too long to wait. I can't think of a better way to celebrate the 20th anniversary of ADA than by rededicating ourselves to completing the promise of the Americans with Disabilities Act. This means giving people with disabilities not only the right to be independent or the right to have a job but the wherewithal to be independent and to hold a job.

I don't want to forget all the progress and accomplishments we have achieved over the last 20 years. It has been wonderful, monumental. To activists and advocates in the disability community who are out there in the States and here in the Nation's Capital, I salute them. I thank them for all the progress they have worked so hard to bring about through their dedication and tireless efforts. On this day, as on Monday, they can be proud of the great things they have accomplished. We all know there is much more work to be done.

When I spoke on the Senate floor 20 years ago, I did it all in sign language. I have neglected to do so today. I think since my brother passed on, I don't speak with sign language very often. I don't practice much anymore. I have forgotten many signs. But there is one

final thought I have. In American sign language, there is a wonderful sign for America. I want to teach it to all these pages and everybody. It is a wonderful sign for America.

You put your fingers together like this, kind of make an A for America, and it goes around like this. That is the sign for America. Think about it. Not separated, everyone together, one family, no one is excluded. No one is here; no one is there. We are all together. We are in this circle, the circle of life. A beautiful sign for America.

That is what I think about when I think about the Americans with Disabilities Act. It brought people into the circle. It made everybody part of a family. It made our family much more complete.

That is the historic achievement we celebrate in the Senate resolution before us today. It is the historic achievement we must safeguard for generations to come. One America, one inclusive American family that respects the dignity, the value, and the civil rights of all, including Americans with disabilities.

When he signed the ADA into law, President Bush spoke with great eloquence. Just before taking up his pen, he said:

Let the shameful wall of exclusion finally come tumbling down.

Twenty years later, that wall is indeed falling. The ADA has broken down barriers, created opportunities, transformed lives. This great law is America at its very best. So it is fitting for the Senate to commemorate its great achievement 20 years ago in passing the ADA with an overwhelmingly bipartisan vote of 91 to 6. I urge all colleagues to join with the many bipartisan cosponsors in voting for this Senate resolution.

Mr. JOHNSON. Madam President, I rise today to recognize the 20th anniversary of the enactment of the Americans with Disabilities Act. This legislation, signed into law on July 26, 1990, marked a historic affirmation of the principles of equality and inclusion upon which our country was founded. I was proud to cosponsor this legislation as a Member of the House of Representatives, and I am proud of the strides made since that time in protecting and defending the civil rights of citizens with disabilities.

When the law was enacted, many Americans believed that it was an impossible dream that all street crosswalks should be wheelchair accessible. Employers feared the prospect of having to make "reasonable accommodation" for their employees and customers with disabilities. Frankly, some people found it unthinkable that disabled people would be able to fully participate in our society. I am pleased to report that the past 20 years have proven them wrong.

Thanks to the ADA, disabled people across the Nation are better able to en-

gage in their community, contribute to their workplace, and achieve their educational goals. While the ADA increased accessibility to public places and addressed physical barriers, it also changed the landscape of opportunities available to Americans of all abilities. Attitudes have shifted to recognize people for their abilities and talents, rather than their differences.

These advances have contributed to the growth of productivity in our Nation and have brought an entirely new realm of perspectives and ideas into the workplace. As millions of Americans have received fair treatment because of these laws, so has our Nation benefitted through increased growth and productivity in our workforce.

Last Congress, I was pleased to cosponsor and support the passage of the ADA Amendments Act of 2008 to ensure the intent and protections of the ADA were realized. This law extends protections from workplace discrimination to cover a broader universe of persons living with disabilities. I have supported efforts to expand home and community-based services to ensure individuals can access the necessary health and assistive services while still living in their homes. I am pleased the health reform bill included these efforts, as well as other provisions to increase long-term care choices.

And yet with all this progress, there is still work left to be done. The disabled community still faces barriers in accessing quality health care, obtaining appropriate education, finding meaningful employment opportunities, and securing financial independence. The rising price of health care has placed financial pressure on all Americans. These increased costs put additional strain on disabled working Americans when their earnings become a liability rather than an asset. Individuals should have the opportunity to contribute their time and talents without jeopardizing their health insurance benefits and challenging their incentive to work. Our policies should encourage vocational promotion, self-sufficiency, and financial independence.

Many areas of our country lack reliable and accessible transportation for individuals with a disability. As we all know, without reliable transportation it is difficult to commute to work, the local grocery store, or even the doctor's office. Other obstacles in education, telecommunication, and accessible and affordable housing prevent individuals with a disability from contributing fully to their community. As our attitudes and environments continue evolving, we must work to ensure the advances made over the last 20 years continue to move us forward.

Mr. ENZI. Madam President, I rise today to join my colleagues in marking the 20th anniversary of the enactment of the Americans with Disabilities Act. As the ranking member of the Senate

Committee on Health, Education, Labor and Pensions, I am particularly proud of this legislation and the impact it has had on addressing the rights and needs of people with disabilities all across the country for the past 20 years. As we mark this great anniversary, I also want to express my great appreciation for the hard work and determined effort those with a vision of equality and justice put into seeing this bill through the legislative process. It was a courageous and heroic cause and it has made a difference in more lives than we will ever know.

Just 20 years ago this month, on July 26, 1990, President George Bush signed the Americans with Disabilities Act into law. It is without question the most important civil rights legislation that has been passed by the Congress since the Civil Rights Act of 1964. It was such a great achievement because it reflected our fundamental and growing concern for human rights by extending civil rights protections to all Americans with disabilities.

Prior to the passage of the ADA, far too many of our fellow Americans with disabilities led isolated lives, artificially separated from the mainstream of society, denied the basic opportunity to pursue the American dream. Things had to change if we were to remain true to the ideals and principles upon which our Nation was founded that are enumerated so well in the Declaration of Independence and the Constitution. By any standard, those with disabilities did not have the chance to engage in all that life has to offer including their own pursuit of happiness.

Fortunately, things are different now. Although there is still more to do we have every reason to be proud of what the ADA has been able to achieve thus far. We can see the vision of the ADA being carried out before our eyes as it enables our family members, friends, and neighbors to go about their daily lives, praying, going to school, and pursuing their goals in every area of their lives—on every level—in large part because of what the Americans with Disabilities Act has made possible.

Twenty years ago, before the passage of this legislation, our country was a much different place for those with disabilities. It was difficult, if not impossible, for them to access the resources in their communities that we all take for granted. Minor barriers most of us could easily navigate had long been major obstacles for people with disabilities. We needed to do something to make it easier to access the places we all had long enjoyed with our friends. It wouldn't take a lot—just simple accommodations like curb cuts, ramps instead of stairs, more accessible stadium features, and better equipped telecommunications devices. Just these few simple changes would have made all the difference. Unfortunately,

although easily done they were all too scarce and all too often impossible to find. Then the ADA came to pass and it raised our awareness of what needed to be done and our resolve to do it.

When the ADA changed everything it meant a lot to people like Ellington Herring, a young man from Germantown, MD, who has an intellectual disability and uses a wheelchair. Thanks to the ADA and the efforts of people to get it implemented across the Nation, he has full access to all the resources of his community. Without the ADA Ellington wouldn't be able to spend the day doing what he enjoys most—going to the mall, going places with his family and friends, getting his hair cut at the local barber shop, taking in a movie, and going to church.

Twenty years ago while students with disabilities had to be included in the same school those without disabilities attended, they did not have to be placed with the others in a general education classroom. It was the ADA along with the Individuals with Disabilities Education Act, and the Elementary and Secondary Education Act that has subsequently guaranteed them access to the general education curriculum and we are all the beneficiaries of that.

Let me introduce you to someone else—Ted Dawson of Buffalo, WY. Thanks to the ADA, he was able to graduate with a high school diploma—not a certificate of achievement—but a high school diploma. There is a difference and it meant a lot to him and his parents, teachers, school administrators, and his friends. They all had high expectations for him—and he delivered! It wasn't easy. In Wyoming you have to be proficient in at least 5 of 9 common core areas in order to graduate. Ted, who has Down's syndrome, stepped up and met the challenge because that was what was expected of him. More importantly—it was what he expected from himself. He is an important example of what can happen if people are valued and included instead of being segregated into special classrooms and regarded as less capable. Thanks to the ADA, Ted is 24 now and living and working in his community.

Twenty years ago it was not well understood that people with disabilities wanted to work and pursue a career, go to school, be a part of the activities in their communities, and be treated just like everyone else. Let me introduce you to George Garcia of Cheyenne, WY. He is a 53-year-old gentleman who works part time at a meaningful job, sits on multiple boards, volunteers with several organizations and just so happens to have an intellectual disability. Mr. Garcia, as the Governor of Wyoming calls him, knows everything about the city he calls home and the State of Wyoming. In fact, he knows just about everyone who lives in Wy-

oming because he has spent years traveling the roads of our State sharing his story and his message about the importance of choice, freedom and independence. Without the ADA George, and thousands of people just like him, would not have had the opportunity to hold meaningful jobs, live where they choose, and go anywhere they want to in their communities.

That was so because 20 years ago people with disabilities were destined to live in an institution—community based services and support were not an option. Now families have choices and many of them have chosen community living. That brings me to Owen Johnson. Let me share Owen's story with you. He was born with spinal muscular atrophy in January of 2008 at Primary Children's Hospital in Utah. When he was born doctors told his dad, Lenn and his mom, Gayle, that Owen's life expectancy would be a mere 2 years. Lenn and Gayle wanted to bring Owen home to Wyoming to be with his family. Unfortunately they were informed that Cokeville, WY, was "too rural" and they would not be able to find the services and support they would need to do so. Some doctors were even suggesting they place Owen in a nursing home in Utah. With the support of multiple State agencies and local organizations, after 6 months Owen Johnson went home to live with his parents on their rural ranch. Today he is 2½ and he and his family are thriving in their community and Owen is going strong—defying the odds of his doctors who are amazed and thrilled by his progress.

While it is true that we all have our own struggles in life to deal with, it is also true that some face more difficult challenges that they have to work to overcome just to do the things that are part of our own daily routine. Such an individual is Cindy Bentley from Milwaukee, WI. Cindy is an articulate, engaging, upbeat, and charismatic individual. She is a world traveler, and a national speaker and spokesperson for millions of people with disabilities. People have no idea about her history. Cindy was born with fetal alcohol syndrome with cocaine, alcohol, and heroin in her bloodstream, resulting in lifelong intellectual disabilities, seizures, and some motor control problems. She then received severe burns when she was placed in foster care at the age of 2½ and her foster mother set her shirt on fire. Shortly thereafter she was placed in the Southern Wisconsin Center for people with developmental disabilities. Cindy now lives independently in her own apartment in Glendale, WI. She was chosen as 1 of 12 Special Olympics Global Messengers from 2000–2002, and she is an active member of two statewide Governor-appointed councils.

Twenty years ago people with disabilities could not access public transportation and those that lived in the

community couldn't go anywhere because they lacked the means to easily travel on their own. The ADA changed all that by removing the barriers that faced those with disabilities when they tried to travel. Such was the case for Richard Leslie, the founder and executive director of the Wyoming Epilepsy Association that is located in Cheyenne, WY. Richard himself has epilepsy and he does not have the ability to drive because of his disability. He has used his disability to empower himself and others by becoming an advocate for people with disabilities. The ADA has assisted him and others like him by creating public transit systems that are usable and accessible, much like the Cheyenne Transit Program. The Cheyenne Transit Program offers accessible bus rides at reasonable fares as well as curb-to-curb services which not only allows for mobility within the city but makes the opportunity for employment better as well because the service is tailored to the individual's needs.

These are just a few of the remarkable stories that can be told because of the Americans with Disabilities Act which is still making a difference throughout the United States. While no one would ever say that the lives of these people has been easy, the Americans with Disabilities Act has helped to make things easier by making the things people with disabilities do every day a somewhat smaller mountain for them to climb.

The ADA opened the world to people with disabilities by guaranteeing their independence, freedom of choice, ability to control their lives, and the opportunity to completely, fully, and equally participate in the American mainstream.

No law is perfect and some problems still arise with this one. As recently as 2008 Congress had to revisit the ADA. After negotiating together through the committee process in the Senate, we acted with overwhelming bipartisan support to pass the ADA Amendments Act, which restored ADA protections that had been complicated by judicial decisions narrowing the scope of the law.

While Congress has continued to address the issue the Capitol complex is not fully accessible yet. When I served as the chairman of the Senate Committee on Health, Education, Labor and Pensions I routinely heard from people with disabilities about inaccessible hearing and conference rooms on Capitol Hill, the use of offensive terminology by Members and staff and a lack of understanding and awareness about disability issues.

That was when I took it upon myself to write a manual to help congressional offices prepare for visitors, interns, and staff who may have accessibility needs. As elected officials it is our role to ensure that everyone who

comes to visit the Nation's Capitol or our home offices, including people with accessibility needs, are included in our daily dialogue. The manual contains all disability specific resources offered by the Office of Congressional Accessibility Services, the Sergeant at Arms, the Capitol Police, the Office of Security and Emergency Preparedness, the Architect of the Capitol, and other offices in the Capitol Hill complex in an easily available and easy to read format so that if a constituent who is deaf arrives at a meeting and a sign language interpreter was not reserved the office can easily determine who to call for assistance.

Just as the Architect of the Capitol is improving signage for people who are blind, and ensuring that all restrooms are accessible by wheelchair users I am currently updating the manual to account for such changes and the addition of the Capitol Visitor Center.

Today, we recognize and celebrate the anniversary of a law that brought freedom, choice, and independence to many Americans. It is a constant reminder of who we are as a people, and what we stand for as a nation. As President Bush noted when he signed the ADA into law: "This Act is powerful in its simplicity. It will ensure that people with disabilities are given the basic guarantees for which they have worked so long and so hard: independence, freedom of choice, control of their lives, the opportunity to blend fully and equally into the rich mosaic of the American mainstream." This law makes it clear that all Americans are entitled to the right to life, liberty, and the pursuit of happiness. As we continue to make this law more responsive to the needs of those with disabilities, we will continue to ensure that the chance to live the American dream is an avenue of opportunity that is available to everyone—without exception.

Mr. KERRY. Madam President, my friend Senator TOM HARKIN has been championing the rights of Americans with disabilities his whole life. He witnessed the challenges and discriminations of people with disabilities first hand. His brother Frank lost his hearing at a very young age and he has witnessed the many ways that people with disabilities are prevented from fully participating in activities that most Americans take for granted.

Senator HARKIN has said that the 1990 signing of his bill, Americans with Disabilities Act remains one of the proudest days of his life. The vote I cast for Americans with Disabilities Act was one of my proudest days as a U.S. Senator.

This month will mark two decades since the landmark passage of the Americans with Disabilities Act, known as the ADA. This important civil rights law seeks to ensure equal rights and opportunities for the

more than 54 million Americans with physical and mental disabilities.

Prior to the passage of the ADA, people with disabilities faced significantly lower employment rates, lower graduation rates, and higher rates of poverty than people without disabilities, and were too often denied the opportunity to fully participate in society due to intolerance and unfair stereotypes.

The ADA sought to eliminate the indignities and prejudice faced by individuals with disabilities on a daily basis. Before passage of this law, individuals with disabilities were prevented from attending schools, subject to discriminatory hiring practices, and were unable to enter public buildings, safely cross a street, or ride a public bus.

On July 26, 1990, the ADA was signed into law signed into law by President George H.W. Bush with the promise of fostering full and equal access to civic, economic and social life for individuals with disabilities.

Upon its passage Senator Edward M. Kennedy, who played an important role in the enactment of this legislation, said:

The act has the potential to become one of the great civil rights laws of our generation. This legislation is a bill of rights for the disabled, and America will be a better and fairer nation because of it.

Indeed, over the last 20 years, the ADA has become one of our country's most important and treasured civil rights laws.

The ADA prohibits discrimination on the basis of disability in employment, public accommodations, commercial facilities, transportation and telecommunications, as well as federal, state and local government programs.

It has been a critical part of our efforts to fulfill the Nation's goals of equality of opportunity, independent living, economic self-sufficiency, and full participation for Americans with disabilities.

It has played an historic role in allowing over 50 million Americans with disabilities to participate more fully in national life by removing barriers to employment, transportation, public services, telecommunications, and public accommodations.

Specifically, it prohibits employers from discriminating against qualified individuals with disabilities and it requires that State and local governmental entities accommodate qualified individuals with disabilities. Because of the ADA, places of public accommodation must take reasonable steps to make their goods and services accessible to individuals with disabilities. And new trains and buses must be accessible to individuals with disabilities.

All Americans, not just those with disabilities, benefit from the accommodations that have become commonplace since the passage of the Ameri-

cans with Disabilities Act like curb cuts at street intersections, ramps for access to buildings, greater access to public transportation, stadiums, telecommunications, voting machines, and Web sites benefit all Americans.

The ADA has been one of the most significant and effective civil rights laws passed by Congress. We have come a long way in the 20 years since enactment with of the ADA, but children and adults with disabilities continue to experience barriers that interfere with their full participation in mainstream American life.

People with disabilities are still twice as likely to live in poverty as their fellow citizens and continue to experience high rates of unemployment and underemployment. And many people with disabilities still live in segregated institutional settings because of a lack of support services that would allow them to live in the community.

While technology and the Internet have broken down barriers, new technologies are still not accessible to all Americans. I have cosponsored the Equal Access to 21st Century Communications Act by Senator MARK PRYOR to improve internet technology access for the blind and deaf communities. If passed, this legislation would make it easier for deaf and hard of hearing Americans to access the same technologies that hearing people take for granted. In particular, it would require all devices to be capable of captioning video and it would require all Internet videos to be captioned. No one should be or has to be excluded from modern communications and the new economy because of a disability.

For all these reasons, I urge my colleagues to join me in supporting Senator HARKIN's Senate resolution that recognizes and honors the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990. This resolution not only honors passage of the ADA, it also pledges to continue to work on a bipartisan basis to identify and address the remaining barriers that undermine the Nation's goals of equality of opportunity, independent living, economic self-sufficiency, and full participation for Americans with disabilities.

Mrs. FEINSTEIN. Madam President, I am proud to be an original cosponsor of Senate Resolution 591 recognizing and honoring the 20th anniversary of the Americans with Disabilities Act.

In 1990, congressional members from both sides of the aisle joined together to denounce disability-based discrimination and demand equal rights for the disabled through the Americans with Disabilities Act. In the 20 years since, this landmark law has stood as a proud marker of our Nation's collective belief that disabled Americans can and should be full participants in our Nation's civic, economic, and social life.

That, as one national disability organization proclaims, "It's ability, not disability that counts."

The Americans with Disabilities Act has had profound effects on the lives of over 50 million disabled Americans from curb cuts to elevators, Braille displays to voice recognition technology, and voting assistance to expanded employment opportunities, to name just a few examples.

Because of the Americans with Disabilities Act, Americans who are deaf or hard of hearing are now guaranteed the same services that law enforcement provides to anyone else. Law enforcement agencies may not exclude hearing impaired Americans from their services and must make efforts to ensure that their personnel communicate effectively with people whose disability affects their hearing.

Thanks to this landmark law, buses are now equipped with reliable lifts for wheelchair access; drivers announce stops to inform the seeing-impaired of arrival; and paratransit services provide door-to-destination transportation. This increased mobility enables disabled Americans to hold jobs and pursue educational opportunities, to perform day-to-day errands independently, and to access medical and social services.

As one San Francisco resident said, "We no longer have to rely on the kindness of strangers to shop for us or feel that we can only experience other cities through films, videos and books."

The Americans with Disabilities Act has enabled disabled Americans to visit and enjoy the grounds of our Nation's cultural and historical treasures such as Mount Vernon, the home of George Washington.

This important law has also improved the quality of life for Americans with impaired sight, by requiring stores and businesses across the country to accommodate the service animals that guide and assist them. And progress is being made to ensure that the Web sites and online stores that make up the world of e-commerce are accessible as well.

Let me offer yet another example: a veteran fireman like Dennis Bell does not have to quit his job when he loses his leg during a rescue attempt, because of the Americans with Disabilities Act. Instead, his employer must provide him with the opportunity to be reassigned. In Mr. Bell's case, he has been given an opportunity to work in a new division instructing children about fire safety.

And because of the Americans with Disabilities Act, a gifted man like Chris Lenart, who is unable to talk or walk, can pursue a successful career as a computer programmer and remain economically self-sufficient. Employers can no longer deny a job to a qualified applicant because of a disability.

At least 12 percent of Americans live with a disability, but each and every one of us benefits from the skills and talents of disabled Americans who can now contribute to our country's workforce and public life, and whose abilities are not lost for want of an opportunity to demonstrate them.

I believe that our country has become a stronger and fairer place over the past 20 years because of the Americans with Disabilities Act. As the 20th anniversary approaches, I am proud to reflect with my colleagues on the progress that has been made as a result of this law, as well as to acknowledge that there is more work still to be done.

Mr. DURBIN. Madam President, next Monday marks the 20th anniversary of the enactment of the Americans with Disabilities Act. The ADA is one of America's great civil rights achievements. In its scope and intentions, it ranks alongside major victories for equal justice, like the 15th and 19th amendments, the Civil Rights Act and the Voting Rights Act.

I would like to recognize and congratulate my friend and colleague TOM HARKIN for his instrumental role in authoring this legislation 20 years ago. He has been a steadfast advocate for people with disabilities, and with his leadership last Congress we passed the ADA Amendments Act of 2008 to restore the full promise of the ADA after it been distorted and diluted by a series of bad Federal court decisions.

I am deeply proud to have voted for the ADA in 1990 because this law produced changes in society—removing physical barriers, prohibiting discrimination, and changing attitudes—that we might take for granted today.

Before passage of this law, people with disabilities were too often denied the opportunity to fully participate in society. Back then, if you needed a haircut, if you had to see a doctor, if you just wanted to meet a friend for a cup of coffee, you probably had to rely on family, friends, or a social service agency. Very few transit systems in this country had buses or trains that were accessible to people using wheelchairs.

We passed the ADA to fulfill the Nation's goals of equality of opportunity, independent living, economic self sufficiency, and full participation for Americans with disabilities. Twenty years later, it is clear that this pioneering law is fulfilling its promise in many ways.

You can see it right outside on the sidewalk with curb cuts, ramps, Braille signs, and assistive listening devices. The physical changes the ADA has brought about benefit all Americans, not just those with disabilities. We have seen progress in public transportation and public accommodations. Because of the ADA and IDEA together, thousands of Americans with disabili-

ties have gone to good schools, received good educations, and entered the workforce.

The Americans with Disabilities Act does not grant people with disabilities any special status or position. To the contrary, it simply removes certain barriers that for too long had made it difficult—if not impossible for people with disabilities to make the most of their God-given skills and abilities, and to participate fully in their communities and in the workplace.

Despite the important changes made by the ADA, we still have work to do to ensure that people with disabilities achieve the full promise of the law. Twenty years after enactment, people with disabilities still experience barriers that interfere with their full participation in mainstream American life.

The promise of equal employment opportunity for people with disabilities remains largely unfulfilled.

More than 60 percent of working-age Americans with disabilities are unemployed. Americans with disabilities who do work tend to be concentrated in lower paying jobs. As a result, individuals with disabilities are three times as likely to live in poverty as individuals without disabilities. That has to change. Most people with disabilities want to work, and have to work.

Many people with disabilities continue to live in segregated institutional settings because the support services they need to live in the community don't exist or aren't affordable. And many public and private buildings still aren't accessible to people with disabilities.

It is important to take the time today to recognize the barriers we have eliminated for people with disabilities, and recognize that we still have work to do. We need to continue tearing down the subtler barriers that prevent far too many people with disabilities from participating fully in our economy, not just because it is the right thing to do, but because it is the smart thing to do.

When President George H. W. Bush signed the ADA in 1990, people on both sides of the aisle cheered and the President proclaimed: "With today's signing of the landmark ADA, every man, woman and child with a disability can now pass through once-closed doors into a bright new era of equality, independence and freedom."

That remains our vision, and I look forward to working with my colleagues to widen that door even further so more Americans can pass through.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Madam President, we are rapidly approaching the time when we will yield the floor to a different resolution, and I guess the vote will be held at around noon on the resolution commemorating the 20th anniversary of the Americans with Disabilities Act. I didn't say this before, but there are a lot of activities going on all over this country this weekend. In every State, certain activities are taking place, although not the same thing. Different States do different things. Senator BROWN mentioned that in Iowa we are collecting stories from all of our 99 counties from people with disabilities, from families and friends who know of what has happened in the life of a person with a disability and has been affected by the Americans with Disabilities Act. I am participating this weekend in several events in Iowa commemorating the ADA. In every State we are doing this. It is happening all over the country. Of course, it is happening in Washington, DC, as well.

Next Monday there will be a series of events. At 10 a.m. there will be a panel discussion that will take place in the Kennedy Caucus Room in the Russell Building. That is from 10 to 12 noon. Everyone is invited. It will be a discussion, interestingly enough, among a lot of people who were there at the creation, including Steve Bartlett, whom I mentioned, Boyden Gray, Attorney General Dick Thornburgh, Bobby Silverstein, Pat Wright—a number of people who were there in the beginning—to talk about how this happened but then to also have the audience participate in a discussion about what needs to be done and where we go from here. So that is from 10 to 12 in the Kennedy Caucus Room in the Russell Building.

Then at 1 p.m. there is an ADA reception on the House side in Statuary Hall. That will start at 1 p.m. Then a very interesting thing is going to happen on the House side. At 2 p.m. the House will come into session. The Presiding Officer in the House at that time will be Representative JIM LANGEVIN from Rhode Island. Congressman LANGEVIN is a severe paraplegic. I have known JIM for many years. He uses a wheelchair. Congressman LANGEVIN has never been able to preside over the House because, like our podium here, one has to go up a number of steps to get to it. There is no way he could get his wheelchair up there. I understand the House is in the process now of developing a system so that individuals who use wheelchairs can now get to the podium.

So for the first time, a Congressperson using a wheelchair will preside over the House of Representatives. I intend to be there. As a former House Member, I have privileges of the floor. I want to see that historic event.

That will take place at 2 p.m. on the House side.

Then, at 4 p.m., from 4 to 6, President Obama is opening the White House lawn for a celebration. There will be several hundred people there—people with disabilities and their families and friends, people who have been involved in this. As I understand it, the White House will be making a proclamation at that time. That will be from 4 to 6.

At 7 p.m. there will be an ADA anniversary gala at the National Press Club from 7 p.m. to 11 p.m. thrown by a coalition of disability advocates. So a full day of celebration and remembrance and a day of commitment to moving further and making sure the promise of the ADA is fulfilled—not in 100 years but a much shorter time period than that.

As I mentioned earlier, it took 100 years, from Lincoln's Emancipation Proclamation to the Civil Rights Act of 1964, before the Emancipation Proclamation promise was actually put into law. I hope and trust and will work hard to make sure it doesn't take 100 years to make the promise of the ADA complete throughout our society. We have come a long way. We have some more things to do. We are at it and we are going to keep at it. We are going to keep doing whatever we can to make sure the four goals of the Americans with Disabilities Act are realized in as short of a timeframe as possible.

So with that, I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Madam President, first of all, I ask for the yeas and nays on the resolution.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HARKIN. I thank the Presiding Officer.

I yield back whatever time remains on our side on this resolution.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Again, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

RENEWING THE IMPORT RESTRICTIONS IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.J. Res. 83, which the clerk will state by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 83) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, all time is yielded back, except for 20 minutes, with the time equally divided and controlled between the Senator from Montana, Mr. BAUCUS, and the Senator from Kentucky, Mr. MCCONNELL, or their designees.

The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, today the Senate considers extension of economic sanctions against the Burmese regime. The Senate should pass this resolution.

Aung San Suu Kyi, the Nobel Peace Prize winner and democracy leader in Burma, said "the people in Burma are like prisoners in their own country."

Dr. Suu Kyi, herself, remains, quite literally, a prisoner. The Burmese regime has kept her under house arrest on trumped up charges for 14 of the last 20 years.

She persists in her dream of freedom and democracy for Burma. By extending economic sanctions against the Burmese regime, we hope to make that dream a reality.

The Burmese regime seems intent on keeping its people in chains. According to the State Department, the regime continues to conscript children into the military and engage them in forced labor. It continues to violate freedoms of expression, assembly, association, movement, and religion. It continues to use murder, abduction, rape, and torture against its opponents.

I have often questioned whether unilateral trade sanctions are the best path. But several trading partners—including the European Union, Canada, and Australia—have joined us in imposing sanctions against Burma. The State Department has found that these sanctions have made it more difficult and costly for the Burmese regime to profit from imprisoning its people.

Let us stand with the Burmese people. Let us seek to free them from their captivity, and let us renew these sanctions.

I urge my colleagues to support this bipartisan resolution.

Mr. MCCONNELL. Madam President, today our colleagues will vote on H.J. Res. 83, which would extend sanctions on the Burma regime for another year. As in years past, I am joined in this effort by my good friend, Senator DIANNE

FEINSTEIN. Alongside the 2 of us are 66 other cosponsors, including Senators MCCAIN, DURBIN, GREGG, and LIEBERMAN.

This overwhelming bipartisan support for sanctioning the junta reflects the clear view of more than two-thirds of the Senate that the generals currently ruling Burma should be denied the legitimacy they are pursuing through this year's sham elections.

Renewing sanctions against the military regime in Burma is as timely and as important as ever. The ruling State Peace and Development Council is continuing its efforts to try to stand up a farcical new Constitution by holding bogus elections. These elections—whenever they take place—will be dubious for a number of reasons. First, the junta continues to imprison Nobel Peace Prize laureate and prodemocracy leader Aung San Suu Kyi. The generals have made it clear they will prevent her from participating in any government under the new Constitution.

Second, the military leadership effectively forced Suu Kyi's party, which overwhelmingly won the last Democratic election way back in 1990, to shutter its operation.

Third, the Burmese electoral watchdog, which is essentially an arm of the SPDC, recently issued rules on campaigning that are ludicrous on their very face. For instance, they prohibit a variety of electioneering activities such as organizing marches, holding flags, and chanting slogans.

As if things in Burma on the election front were not alarming enough, the potential security threat posed by the regime has become increasingly worrisome. The last several months have continued to produce press reports of ties between Burma and North Korea, including particularly alarming indications of alleged weapons transfers from Pyongyang.

I am hopeful the time will soon come when sanctions against the Burmese Government will no longer be needed and that, as did South Africa in the early 1990s, the people of Burma will be able to free themselves from their own government. However, as recent events indicate, the Burmese junta maintains its iron grip on its people and continues to carry out a foreign policy that is inimical to U.S. objectives.

For these reasons, the United States must deny this regime the legitimacy it so craves and await the day when the Burmese people will be permitted to govern their own affairs.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I will speak briefly on the resolution.

Mr. BAUCUS. I yield such time as the Senator from California may use.

Mrs. FEINSTEIN. Madam President, I wish to give just a little history to back up this resolution.

In 1997, former Senator William Cohen and I authored legislation, which required the President to ban new U.S. investment in Burma, if he determined that the Government of Burma had physically harmed, re-arrested or exiled Aung San Suu Kyi or committed large-scale repression or violence against the democratic opposition. In fact, at that time, Secretary Albright met with the ASEAN nations and tried to encourage them to be of help. They were of no help, so the President, by Executive order, then instituted this investment ban.

In 2003, after the regime or some of its quislings attempted to assassinate Aung San Suu Kyi when she was on a march in the center of the country, Senator MCCONNELL and I introduced the Burmese Freedom and Democracy Act of 2003, which placed a complete ban on imports from Burma. It allowed that ban to be renewed 1 year at a time. That is essentially what we are doing today. It was signed into law and has been renewed 1 year at a time since then.

I became involved in this struggle for peace and democracy in no small part due to the courage and valor of this wonderful woman. I think I admire her as much as any woman in the world. Her message of democracy, human rights, and the rule of law continues to inspire not only her fellow citizens but people all over this great world, with her courage and her resolve in the face of constant oppression.

For the past two decades, Burma's despotic military rulers have engaged in a campaign of persecution against Aung San Suu Kyi, tarnishing her image wherever they could, unjustly convicting her of violating an illegitimate house arrest last year, and extending her unlawful detention.

She has spent the better part of 20 years under house arrest. She has not seen her two sons who live in the United Kingdom for years. She was not permitted to visit her husband when he was dying of cancer in the United Kingdom.

Yet Aung San Suu Kyi remains resolute in her dedication to the pursuit of peaceful national reconciliation, as do the members of her political party, the National League for Democracy.

Now, more than ever, the people of Burma need to know that we stand by them and support their vision of a free and democratic Burma.

On May 6, her party, the National League for Democracy, closed its doors. Let me be clear. They did not shut down of their own free will; it was forced to disband by an unjust and undemocratic constitution and election law, both drafted in secret and behind closed doors by the ruling military junta.

Under the terms of the new constitution, 25 percent of the seats must be set aside for the military. Think about

that for a moment. Before any vote has been cast, the military is guaranteed one-quarter of the seats in the new 440-member house of representatives.

How will this new institution be any different from the current military regime?

If that isn't enough to raise doubts about the military's commitment to a truly representative government, it should also be pointed out that the regime's Prime Minister, Thein Sein, and 22 Cabinet Ministers resigned from the army to form a new civilian political party, the Union Solidarity and Development Party.

Any seats won by this new party in the upcoming election will be in addition to the 25 percent set aside for active military members.

Does anyone truly believe the regime has embraced democracy and the concept of civilian rule? Unfortunately, it will be business as usual for the people of Burma and the democratic opposition.

What about Suu Kyi and her National League of Democracy—winners of the last free parliamentary election in 1990? First, earlier this year, the regime, which has not allowed the party, the NLD, to assume power, officially annulled its victory in the 1990 parliamentary elections, which would have made Suu Kyi the head of the Burmese Government.

Second, under the new constitution, Suu Kyi is barred from running in any future election.

Why is this? What has she done to deserve this?

Well, in 2009, an American swam across the lake to her house, uninvited, and remained there for 2 days. She did not know this man. She had never communicated with this man. She had nothing to do with him, but he was obviously exhausted after swimming across the lake, and he remained in her house for 2 days. She was then arrested and convicted for allowing him to remain in her house, which, according to the regime, violated the terms of her house arrest.

Because of this conviction, she cannot participate in this or any future election under the new constitution. So here is the only democratically elected leader—elected 20 years ago—under house arrest for the better part of those 20 years. She survived an assassination attempt. She is ostracized and kept from any interaction with her political colleagues or her family and, finally, she can never run for any office again.

As a result, the NLD was faced with a clear choice: either kick Aung San Suu Kyi out of the party and participate in the election or face extinction.

It should come as no surprise that the party refused to turn its back on Suu Kyi and give its stamp of approval to the regime's sham constitution and electoral law.

I applaud their courage and their devotion to democracy, human rights, and the rule of law.

I am saddened to see the regime close its doors, but the spirit and principles of this party will live on in the hearts and minds of its people. I know that, one day, they will be able to elect a truly representative government.

As Tin Oo, NLD's deputy leader and former political prisoner, said:

We do not feel sad. We have honor. One day, we will come back; we will be reincarnated by the will of the people.

This is a clear message to the regime that an illegitimate constitution and election law cannot suppress the unyielding democratic aspirations of the people of Burma.

We must send our own signal to the regime that its quest for legitimacy has failed. We must send a signal to the democratic opposition that we stand in solidarity with them, and we will not abandon them.

I also thank former First Lady Laura Bush, who joined with virtually all the women of the Senate to hold a press conference back in 2007. Mrs. Bush was willing to use her First Lady status to support this cause. I think it is a gesture that will not be forgotten by any of us.

Now is the time to renew the import ban on all products from Burma for another year. The regime has taken many steps in the wrong direction.

I live for the time when this military junta will recognize that keeping this brave woman under house arrest, absent any interconnection with any of the people of her party or of her country for 20 years, is an unjust penalty.

Simply put, we still have hope. Hopefully, the military junta, as they are called, will one day recognize that Burma should be a free and democratic nation and that an election should be open to all people and all runners. Then the opportunity for major change and recognition of the people of Burma in the Council of Nations will take place.

I regret very much that we have to do this for another year. I am grateful to Senator McCONNELL for joining me over the years, as annually this has been recognized and a vote has been taken to continue the sanctions.

NLD

Mr. McCONNELL. Madam President, I rise for a colloquy with my colleague, the senior Senator from California, to discuss interpretation of the Burmese Freedom and Democracy Act, as amended.

I ask my Democratic colleague, who is the lead cosponsor of this legislation, is it her understanding that the prodemocracy National League for Democracy party has officially decided to boycott the upcoming 2010 Burmese elections.

Mrs. FEINSTEIN. Yes, it is. The National League for Democracy in March

of this year indicated it could not participate in the elections due to the junta's repressive election law. It therefore declined to register as a political party and consequently under the new law was abolished as a political party in early May.

Mr. McCONNELL. In light of the NLD's boycott of the elections and its consequent dissolution under Burmese law, is it my friend's understanding that the NLD may be driven underground as a result of its decision or be forced to reconstitute itself in some other capacity?

Mrs. FEINSTEIN. Yes, it is. The NLD has indicated it will try to continue to help the Burmese people in ways other than as a legally registered political party.

Mr. McCONNELL. Is it the understanding of the senior Senator from California that the Burmese Freedom and Democracy Act, as amended by the Tom Lantos Block Burmese JADE Act, makes several references to the "National League for Democracy"?

Mrs. FEINSTEIN. Yes, it is. There are several such references in the legislation as amended.

Mr. McCONNELL. Is it also the Senator's understanding that references to the "National League for Democracy" should be interpreted to include any appropriate successor entity to the NLD, be it a nongovernmental organization or some other comparable group?

Mrs. FEINSTEIN. Yes. It is my view the proper statutory construction given the term "National League for Democracy" would be to include any appropriate successor entity, group or subgroups that the NLD may form in the future.

Mr. McCONNELL. I thank my friend for clarifying this matter. It appears that both cosponsors are in full agreement on the proper means of interpreting this term.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, we are going to vote momentarily. In the meantime, I thank the Senator from California for her steadfast support to the cause of justice and for supporting this resolution and taking up the cause of Aung San Suu Kyi. I don't know of anybody else in this body—and Senator McCONNELL has been forthright in his support, but I want people to know how strongly the Senator from California has been an advocate for Aung San Suu Kyi, and I deeply appreciate it.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I ask unanimous consent that all time be yielded back, both minority and majority.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I ask for the yeas and nays on the joint resolution.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, shall it pass?

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—99

Akaka	Ensign	McConnell
Alexander	Feingold	Menendez
Barrasso	Feinstein	Merkley
Baucus	Franken	Mikulski
Bayh	Gillibrand	Murkowski
Begich	Goodwin	Murray
Bennet	Graham	Nelson (NE)
Bennett	Grassley	Nelson (FL)
Bingaman	Gregg	Pryor
Bond	Hagan	Reed
Boxer	Harkin	Reid
Brown (MA)	Hatch	Risch
Brown (OH)	Hutchison	Roberts
Brownback	Inhofe	Rockefeller
Bunning	Inouye	Sanders
Burr	Isakson	Schumer
Burris	Johanns	Sessions
Cantwell	Johnson	Shaheen
Cardin	Kaufman	Shelby
Carper	Kerry	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Coburn	Kyl	Tester
Cochran	Landrieu	Thune
Collins	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Corker	LeMieux	Vitter
Cornyn	Levin	Voinovich
Crapo	Lieberman	Warner
DeMint	Lincoln	Webb
Dodd	Lugar	Whitehouse
Dorgan	McCain	Wicker
Durbin	McCaskill	Wyden

NAYS—1

Enzi

The joint resolution (H.J. Res. 83) was passed.

20TH ANNIVERSARY OF ENACTMENT OF THE AMERICANS WITH DISABILITIES ACT OF 1990

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. Res. 591. The question is on agreeing to the resolution. The yeas and nays have been ordered on the measure.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—100

Akaka	Enzi	Menendez
Alexander	Feingold	Merkley
Barrasso	Feinstein	Mikulski
Baucus	Franken	Murkowski
Bayh	Gillibrand	Murray
Begich	Goodwin	Nelson (NE)
Bennet	Graham	Nelson (FL)
Bennett	Grassley	Pryor
Bingaman	Gregg	Reed
Bond	Hagan	Reid
Boxer	Harkin	Risch
Brown (MA)	Hatch	Roberts
Brown (OH)	Hutchison	Rockefeller
Brownback	Inhofe	Sanders
Bunning	Inouye	Schumer
Burr	Isakson	Sessions
Burr	Johanns	Shaheen
Cantwell	Johnson	Shelby
Cardin	Kaufman	Snowe
Carper	Kerry	Specter
Casey	Klobuchar	Stabenow
Chambliss	Kohl	Tester
Coburn	Kyl	Thune
Cochran	Landrieu	Udall (CO)
Collins	Lautenberg	Udall (NM)
Conrad	Leahy	Vitter
Corker	LeMieux	Voinovich
Cornyn	Levin	Warner
Crapo	Lieberman	Webb
DeMint	Lincoln	Webb
Dodd	Lugar	Whitehouse
Dorgan	McCain	Wicker
Durbin	McCaskill	Wyden
Ensign	McConnell	

The resolution (S. Res. 591) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 591

Whereas July 26, 2010, marks the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990;

Whereas the Americans with Disabilities Act has been one of the most significant and effective civil rights laws passed by Congress;

Whereas, prior to the passage of the Americans with Disabilities Act, people with disabilities faced significantly lower employment rates, lower graduation rates, and higher rates of poverty than people without disabilities, and were too often denied the opportunity to fully participate in society due to intolerance and unfair stereotypes;

Whereas the dedicated efforts of disability rights advocates, including Justin Dart, Jr., and many others, served to awaken Congress and the American people to the discrimination and prejudice faced by individuals with disabilities;

Whereas Congress worked in a bipartisan manner to craft legislation making such discrimination illegal;

Whereas Congress passed the Americans with Disabilities Act and President George Herbert Walker Bush signed the Act into law on July 26, 1990;

Whereas the purpose of the Americans with Disabilities Act is to fulfill the Nation's goals of equality of opportunity, independent living, economic self-sufficiency, and full participation for Americans with disabilities;

Whereas the Americans with Disabilities Act prohibits employers from discriminating against qualified individuals with disabilities, requires that State and local governmental entities accommodate qualified individuals with disabilities, requires places of public accommodation to take reasonable steps to make their goods and services accessible to individuals with disabilities, and requires that new trains and buses be accessible to individuals with disabilities;

Whereas the Americans with Disabilities Act has played an historic role in allowing over 50,000,000 Americans with disabilities to participate more fully in national life by removing barriers to employment, transportation, public services, telecommunications, and public accommodations;

Whereas the Americans with Disabilities Act has served as a model for disability rights in other countries;

Whereas all Americans, not just those with disabilities, benefit from the accommodations that have become commonplace since the passage of the Americans with Disabilities Act, including curb cuts at street intersections, ramps for access to buildings, and other accommodations that provide access to public transportation, stadiums, telecommunications, voting machines, and websites;

Whereas Congress acted with overwhelming bipartisan support in 2008 to restore protections for people with disabilities by passing the ADA Amendments Act of 2008, which overturned judicial decisions that had inappropriately narrowed the scope of the Americans with Disabilities Act;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, children and adults with disabilities continue to experience barriers that interfere with their full participation in mainstream American life;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, people with disabilities are twice as likely to live in poverty as their fellow citizens and continue to experience high rates of unemployment and underemployment;

Whereas, 20 years after the enactment of the Americans with Disabilities Act and 11 years after the Supreme Court's decision in *Olmstead v. L.C.*, many people with disabilities still live in segregated institutional settings because of a lack of support services that would allow them to live in the community;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, new telecommunication, electronic, and information technologies continue to be developed while not being accessible to all Americans;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, many public and private covered entities are still not accessible to people with disabilities; and

Whereas the United States has a responsibility to welcome back and create opportunities for the tens of thousands of working-age veterans of the Armed Forces who have been wounded in action or have received service-connected injuries while serving in Operation Iraqi Freedom and Operation Enduring Freedom: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990;

(2) salutes all people whose efforts contributed to the enactment of the Americans with Disabilities Act;

(3) encourages all Americans to celebrate the advance of freedom and the opening of opportunity made possible by the enactment of the Americans with Disabilities Act; and

(4) pledges to continue to work on a bipartisan basis to identify and address the remaining barriers that undermine the Nation's goals of equality of opportunity, independent living, economic self-sufficiency, and full participation for Americans with disabilities.

The PRESIDING OFFICER. The Senator from Texas.

TAX RELIEF

Mr. CORNYN. Madam President, in 160 days, the American people will experience the single largest tax increase in American history unless Congress acts. Unless Congress acts, the highest individual tax bracket will rise from 35 percent to just under 40 percent. People in the lowest tax bracket will see a 50-percent increase from 10 percent to 15 percent. The marriage penalty will go up. The child tax credit will be cut in half. Taxes on capital gains and dividends will go up as well. Every single taxpayer in the country will see their taxes go up.

Last week in the Senate Finance Committee we heard testimony from several experts about what these huge tax increases would mean in terms of the economy and to small businesses. Douglas Holtz-Eakin, former head of the Congressional Budget Office, reminded us that about \$1 trillion in business income will be reported on individual tax returns and about half of that will be subject to the two higher marginal individual tax rates. There has been a debate—and I guess it will go on—about the relationship between the bipartisan 2001 and 2003 tax relief bills and the deficit. Some on the other side of the aisle like to argue that our \$1 trillion deficits today are the result of tax relief we offered 10 years ago. They also like to argue that they bear no responsibility for the deficits they “inherited.” We are hearing a lot about that these days, very little taking responsibility for what has happened today but, rather, preferring to point the finger of blame at others in the past.

I have a chart which, if Members will bear with me, tells an important story. This chart measures the deficit as a percentage of our gross domestic product which is the entire economy. The solid lines, the red solid line and the solid green line, represent the historical record from the OMB. The dotted line represents CBO projections of the President's 2011 budget. The red line and a portion of the light green line also represent the record before the Obama administration took office, and the solid, dark green line represents the record since President Obama became President.

What does this chart tell us? It tells a very interesting and important story. It is true that deficits went up under the last administration and topped out at 3.5 percent of GDP. Of course, we have to remember the dot.com bubble, the recession that occurred about the time the last administration took office and, of course, the horrific events of 9/11. But then, just as the 2001 and 2003 tax relief provisions started to kick in, a strange thing happened to

the deficit. It went down to \$318 billion in fiscal year 2005. It went down again to \$248 billion in fiscal year 2006. And it went down to \$161 billion in fiscal year 2007. That is when our deficit went all the way down to 1.2 percent of gross domestic product, from 3.5 percent to just 1.2 percent of GDP.

People may have different interpretations for why this happened. I believe—and I think most economists and objective observers conclude—the reason the deficit went down as a percentage of gross domestic product was because the tax relief we passed in 2001 and 2003, which will expire in 160 days unless we act, helped grow the economy and got about 8 million people on the payroll between 2003 and 2007.

Not an incidental; it generated a lot more revenue for the Federal Government. As a matter of fact, it hit historic levels. That is the real record on the deficit. For my colleagues who claim they inherited a bad fiscal situation, this is what they inherited: a deficit which had reached one of the historic lows of 1.2 percent.

The green line here actually shows what has happened since our colleagues on the other side took control of this Chamber and the House of Representatives. The deficit shot up from 1.2 percent to 3.2 percent of GDP in fiscal year 2008. That was the last year President Bush was in office. Then went to 8.3 percent in fiscal year 2009.

Am I blaming my colleagues for this? I am saying there is more than enough blame to go around. But it is also not fair to suggest that previous administrations or one political party contributed to this increasingly dire fiscal crisis.

The reason the deficit rose after 2007 is because of the financial crisis that occurred, the meltdown, particularly in September of 2008. We know the recession we have been going through and, of course, the emergency measures that Congress passed on a bipartisan basis to try to prevent a systemic economic collapse in America—and other countries around the world participated in as well—these emergency measures were supported by then-Senator Obama, then-Senator BIDEN, and by dozens of colleagues on the other side of the aisle, as well as colleagues on this side of the aisle. We thought we were acting in a major crisis, and we were. My point is, the deficits we have today were not inherited deficits but, rather, because of legislation they helped enact.

Beginning January 20, 2009 this Congress and the President delivered much higher spending. Colleagues will recall the much ballyhooed stimulus package, \$862 billion of borrowed money, which was supposed to keep unemployment below 8 percent. Obviously, that failed in its stated goal since unemployment has been almost up to double digits, now 9.5 percent. In places such as Ne-

vada, it is 14.2 percent. In Michigan and other States, it is much higher. Obviously, the stimulus did not succeed in its stated goal. One thing it did succeed in doing is piling on additional debt on future generations unless we deal with it in a responsible way.

What happened as a result of the unprecedented spending we have seen since the Obama administration came into office? We see now that the fiscal year 2009 deficit as a percentage of the gross domestic product rose from an initial 8.3 percent to 9.9 percent, from 1.2 percent in fiscal year 2007 all the way to 9.9 percent.

The second important thing to notice about this green line is that it will never get back to the level under a Republican Congress. The highest deficit level under a Republican Congress was 3.5 percent in 2004. Under President Obama's budget, we will never get back to that level, even though it includes several, what most people would conclude are optimistic assumptions about future employment and economic growth. Even under those rosy scenarios, it will never get below 4.1 percent of gross domestic product. Once it gets there, the deficit continues to rise indefinitely.

Some of my colleagues have said they want to make this election in November about a choice. That is fine with me. To me, the choice on fiscal discipline comes down to this: Do we want deficits that are getting lower such as the red line we see here, dropping from 3.5 percent down to 1.2 percent, or do we want deficits to get higher, such as the dark green line we see here, all the way up to 9.9 percent? The truth is the dark green line is not just an inferior choice, it is an unsustainable choice.

Last month our national debt topped \$13 trillion, up \$2.3 trillion since President Obama took office. The CBO reported that our public debt will reach 62 percent of gross domestic product by the end of this year and will be 90 percent of our economy in only 9 years. We are on a budget path that will add \$9 trillion in additional debt over the next decade.

While some of my colleagues want to let the tax relief we passed starting 10 years ago expire on January 1, we simply cannot tax our way to fiscal solvency. Again, according to the Congressional Budget Office, if spending is off the table—in other words, if we wanted to eliminate the deficit just as a result of tax increases—we would need to raise taxes by 25 percent to create a sustainable fiscal path for the next 25 years. Can Members imagine what a 25-percent increase in taxes would mean to hard-working American families, small businesses, what that would do to job creation, what that would do to the 9.5 percent unemployment rate we see today? It would make it worse, not better.

Tax increases alone don't solve the problem of trillions of dollars in unfunded liabilities in our entitlement programs either. They don't deal with the fact that Medicare is \$38 trillion short of its promised benefits and now is expected to go insolvent by 2016. Social Security will pay out more in benefits than it receives in payroll taxes this year.

Yet the CBO has also estimated that individual income tax rates would have to rise by 70 percent to balance the budget while financing the projected spending growth in Medicare and Medicaid. That is assuming no other tax increases or spending reductions in the budget. That is based on our budget outlook for 2007, which has obviously deteriorated since that time. That is based on a pretty optimistic estimate on how fast spending will grow in these two programs, just 1 percent higher than the gross domestic product growth, even though these programs have averaged growth of about 2.5 percent more than gross domestic product over the last 40 years.

I do have some good news about our fiscal situation. The American people get it. That is why they believe spending and debt are two of the most important issues they want the Federal Government to address. The American people also understand intuitively the importance of keeping taxes low and what this huge tax increase that would occur, the largest in American history unless Congress acts, would do to the fragile economy and to high unemployment and to slow job creation.

According to a CBS News poll last week, when asked whether government spending or tax cuts would be better in terms of getting the economy moving, Americans preferred tax cuts by 53 percent to 37 percent. That is a 16-point deferential. Independents actually favored tax relief by 20 points.

My conclusion is, we need to listen to the wisdom of the American people. We need to stop lecturing them. We need to make permanent the tax provisions we passed in 2001 and 2003, not to advantage individuals but to continue economic growth, to continue our ability to reduce the deficit, because people are working and paying taxes and our economy is growing.

The most important message we can send to the small businesses and the job creators in America, when unemployment is at 9.5 percent nationally, is we are not going to increase their financial burdens in addition to the health care bill that was passed and other onerous burdens which have actually constrained job creation and create more uncertainty. We are going to actually encourage job creation by keeping taxes within reasonable limits while at the same time exercising some financial restraint by cutting spending and dealing with this burgeoning debt and burden on the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Madam President.

SMALL BUSINESS LENDING FUND ACT OF 2010—Resumed

The PRESIDING OFFICER. If the Senator will suspend, the clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

Pending:

Reid (for Baucus) amendment No. 4499, in the nature of a substitute.

Reid (for LeMieux) amendment No. 4500 (to amendment No. 4499), to establish the Small Business Lending Fund Program.

Reid amendment No. 4501 (to amendment No. 4500), to change the enactment date.

Reid amendment No. 4502 (to the language proposed to be stricken by amendment No. 4499), to change the enactment date.

Reid amendment No. 4503 (to amendment No. 4502), of a perfecting nature.

Reid motion to commit the bill to the Committee on Finance with instructions, Reid amendment No. 4504 (the instructions on the motion to commit), relative to a study.

Reid amendment No. 4505 (to the instructions (amendment No. 4504) of the motion to commit), of a perfecting nature.

Reid amendment No. 4506 (to amendment No. 4505), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Madam President.

We are now on a very important bill, the small business jobs growth bill. It is a bill that actually many of us on both sides of the aisle—from the Small Business Committee to the Finance Committee, to Members who are not members of either one of those committees—have contributed immensely to the building of a bill that we think holds a great deal of promise for small businesses throughout our country that have been beaten and battered. But amazingly, in many places, these businesses, despite all the odds, are hanging on and they are looking for some help.

That is what this bill attempts to do—to build strong partnerships with the private sector, to use the resources that are already out there, most notably, our community banks, our small banks.

There are over 8,000 of them. We have not heard a lot about those banks. I see the Senator from Florida in the Chamber who is going to speak in just a minute. We have not heard a lot about community banks on this floor. All we

have heard about are Goldman Sachs, Lehman Brothers, AIG. We have heard about Wall Street and big banks. We have not heard about small community banks and small businesses—the 27 million of them that are struggling in America today.

This bill finally—finally—has reached the floor of the Senate. The House has already passed a very strong bill. It has finally reached the floor of the Senate to give us an opportunity to debate what we can do to help small business and what we can do to strengthen and support our healthy community banks in all our States.

It is an exciting time. I say to the Presiding Officer, I thank her as a member of the Senate Small Business Committee for being a part of this effort. Again, the Small Business Committee, in a bipartisan way, and the Finance Committee, in a bipartisan way, have contributed to this legislation, and we are moving to the final hours of this debate now.

AMENDMENT NO. 4500

The Senator from Florida, Mr. LEMIEUX, and I are offering an amendment which is pending before the Senate now. It is a very important amendment to the underlying bill. The pending amendment is the LeMieux-Landrieu amendment. It has many other cosponsors whom I will submit for the record in a moment. But this amendment that is pending now is a small business lending fund amendment that actually makes \$1.1 billion for the Treasury. It earns that much over 10 years. It does not cost the Treasury anything. It earns \$1.1 billion. It uses the power of the private sector. It uses the power of our community banks that are on Main Streets—whether it is in Tallulah, LA, Lake Charles, LA, or right down Canal Street in New Orleans or some of the main streets in Florida and other States.

It uses the power of those banks—their knowledge of the small businesses in their communities—and it leverages that powerful relationship to help end this recession. But we have to be about job creation, and the people who are going to create the jobs are small businesses.

(Mr. BURRIS assumed the chair.)

Ms. LANDRIEU. As I turn the floor over to the Senator from Florida to speak about our small business lending amendment, let me say, again—I could not say it any more clearly—small firms—and this chart is from 1993 to 2009—small firms in America, those between 1 employee and 499 employees, created 65 percent of the jobs. Only 35 percent of the jobs were created by large firms. These numbers on this chart pertain to the last decade.

I say to the Presiding Officer, you used to be a banker in Illinois. You have a great deal of expertise here, and I think your own experience would tell you if we updated this chart—which we

do not have the figures to do—I think this 65 percent would be increased substantially because the people out there creating jobs are small businesses.

We have seen news article after news article, just in the last couple weeks—the front page of the Washington Post, the front page of the New York Times—headlines: Big Firms Hoarding Cash; headlines: Big Banks Hoarding Cash. I guess so. They have gotten a lot of cash from this Congress. But it is the small businesses out there that are struggling to get capital to create jobs, and it is the small, healthy community banks that are out there battling with them to create jobs to revitalize their communities and increase demand.

So let's keep our eyes on this chart, and let's keep our minds focused on one clear fact: Small business in America is the most powerful job-creation engine, and right now we have to put a little fuel in that tank. That fuel is capital to healthy community banks that can then leverage the power of those healthy community banks to get money to small businesses at reasonable rates—not credit card rates at 24 percent, 16 percent, not payday lender rates that are at 30 percent, sometimes 50 percent but at reasonable rates—with reasonable terms so they can create jobs.

That is why the Senator from Florida and I are on the floor. I would like to yield the next 10 or 15 minutes to the Senator from Florida, Mr. LEMIEUX, the cosponsor of this amendment.

The PRESIDING OFFICER. The Senator from Florida.

Mr. LEMIEUX. Mr. President, I wish to thank my colleague from Louisiana, Senator LANDRIEU, the chair of the Small Business Committee, who has been a great leader on this topic. It has been my pleasure to work with her on this measure to try to help our struggling small businesses.

I think Florida, maybe more than any other State, relies and depends upon its small businesses. We are the fourth largest State in the country, but we are a State that grew so fast, so quickly, that even though we have 18.5 million people, we do not have a lot of big businesses.

The businesses in Florida—nearly 2 million of them—are small. Not one Fortune 100 company is headquartered in Florida. Now we are trying to get there—we have a couple that are on the cusp—and we will. But Florida had this meteoric rise in population over the past 20 or 30 years. It was built on construction and growth and tourism and all the reasons why people want to come to our beautiful State.

But the jobs that have been created over the years are from small firms. They are the restaurant, the local diner, the beach shop, the tailor, the laundromat, the auto mechanic. These are the businesses that are creating the jobs in Florida. Many of them are centered around the service economy.

We are doing a lot to diversify our economy. But the truth of it is, they are the mainstream of Florida's economy, and they are struggling. This is the worst recession in anyone's memory in Florida, even worse than the recession we had in the 1970s.

Our unemployment rate peaked over 12 percent. It is still at 11.5 percent. While this sounds strange, 11.5 percent may not be better than 12 percent in this circumstance because what happens on unemployment rolls is that after a certain amount of time, people drop off and are no longer even looking for work. The truth of it is, if you are walking down the street in Florida and you see another adult walking down the street who is not retired, there is a one in five chance that person is unemployed or underemployed.

Times are tough. There are some signs of life. Some things are getting better. But for Floridians, this is the most difficult economy we have ever experienced. We have the second highest mortgage foreclosure rate. I read recently that our folks are No. 1 in the country in being behind in their mortgage payments.

So our small businesses, the creators of jobs, the folks who, as Senator LANDRIEU said, create 65 percent of the jobs nationwide—I bet you that number is much higher in Florida—need help. This bill is going to help those small businesses. It is not going to cure the problem overnight. Let's be realistic. But it is going to help.

The base bill does a lot of good things for small businesses. There are a lot of tax cuts in this bill. It is going to exclude small business capital gains by 100 percent. The bill will temporarily increase further the amount of the exclusion from the sale of qualifying small business stock. It is going to help something on carryback interest. It means a lot to small businesses. It will extend the 1-year carryback for general business credits to 5 years for certain small businesses. This alternative minimum tax hurts our small businesses. This bill will allow certain small businesses to use all types of general business credits to pay less taxes. When they purchase equipment, it is going to allow them to accelerate that depreciation. When small businesses get to keep more of their money, they get to keep more of their employees, and they get to hire new ones. That is just in the base bill.

This amendment Senator LANDRIEU and I and others are working on is going to put money into our local community banks that will be lent to small businesses. There has been a lot of confusion about the bill, and some of my friends and colleagues on my side of the aisle do not like it. I hope they are going to come around. There is a concern that this is going to be similar to what happened in the TARP bill. But these two bills are very different, and

this amendment is very different. Let me explain why.

TARP went to the big banks that were failing at the end of 2008, a lot of which were selling mortgage-backed securities and other exotic investments they should not have been selling, and they put their assets at risk and, therefore, put the American economy at risk.

This has nothing to do with that. These are small banks. This is the banker you know down the street, the banker who is at your rotary or at your Kiwanis, whom you see at church or synagogue. This is not some Goldman Sachs banker. This is your local community banker who loans to the laundromat, the tailor, the construction business—the folks who employ people in your hometown.

This program is optional. No bank has to take it. If they are a small bank, though, if they have assets under \$10 billion, they will get an ability to get some more money they can lend out to small businesses that create jobs.

That is not a partisan issue. We all should support that. The money that comes back in is going to be repaid, and not only are we not going to increase the deficit or the debt, as my colleague from Louisiana just said, the Federal Government will actually make money. That is not something we hear a lot about in Washington.

So it is not going to increase the deficit. It is not going to increase the debt. It is not going to increase taxes. It is going to lend money to local banks, to loan that money to small businesses, to help them in this difficult time.

When I drive down the streets of Florida—whether it is in Orlando, Tampa, Pensacola, Jacksonville, Fort Lauderdale, Naples, all across the State—we have a lot of strip shopping centers. It is the way Florida was built. It is nice. You get to park in front, go in, buy your goods or services, and go home. But you can see them from the roads. When I drive down these main thoroughfares and I look over, what I see are empty buildings—empty buildings—because our small businesses have gone under because they no longer can pay their rent, because they no longer have the customers they used to have, and because they no longer can get lending from their bank.

What is particularly of interest to Floridians about this bill—I am sure this is true in other States, such as California and Arizona and Nevada, other States that had this big real estate-based economy that boomed in the past years—what happens to your local businesses is that a lot of times the loans they are getting now are tied to real estate they own. They may own a small parcel in a small building where they operate their business. They have a mortgage against that property. They are paying their payments, but

the asset, the real estate, has fallen in value tremendously. So now, when the regulators come in and look at the bank's books to make sure the banks are operating OK, they say: Wait a minute. The mortgage that Joe's business has is technically in default because the asset their loan is against has fallen in value by 50 percent. I have business owners coming to me all the time telling me their banks are putting them in technical default because of the depreciation of the asset which is being held against the loan, which is their real estate.

So this is an extreme and an enormous problem in Florida. This bill will put more money in the small banks to help lend to businesses to help them bridge the gap until this economy recovers.

I also wish to speak a little bit about another amendment to this bill I have been working on with Senator KLOBUCHAR that talks about export promotion—another issue that is not partisan. We all want more exports. Exports in Florida are a big deal. They are a huge part of our economy, being the gateway to Latin America. We sell our goods overseas. But small businesses, and even medium-sized businesses, whether they are in Illinois or Louisiana or any other place in this country, often don't know the services the Federal Government—the Department of Commerce—can give them to open the doors of trade and allow them to sell their products overseas.

So what Senator KLOBUCHAR and I are doing with this amendment, with export promotion—and she has done a tremendous job on this issue—is putting more resources into the Department of Commerce to go back to 2004 levels—because we have had to make a lot of cuts there—in order to provide more folks who can then go out and show businesses how they can sell their wares, to create more sales, so they can grow their business and hire more people.

That is good for everybody's economy. I am not a big believer in government spending, but when we are spending to help businesses pursue their economic and entrepreneurial opportunities, that is good for America. In fact, when the Department of Commerce spends \$1 million on export promotion, their estimated return is \$57 million—a 57-to-1 economic return. So that is just another very good part of this bill.

I hope we have an opportunity to vote on this bill. We may even have an opportunity to vote on this bill and this amendment today. Our leadership is working on some other amendments. I hope those opportunities will be provided.

This is a bill we all should agree upon. It is a bill that should have 70, 80, or more votes in this Chamber, and we should get it done because it would be good for the small businesses, the job

creators of our country, in their time of need.

I wish to thank my colleague from Louisiana who has been a great leader on this issue. I wish to thank her for working with me in order to lend my efforts to this bill to help to improve it in ways that I thought would be important for this country and for my home State of Florida. I also wish to recognize my colleague, Senator KLOBUCHAR, who is here. She has done such great work on the export portion of this bill.

With that, I will turn back my time to my colleague from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleague from Florida for his excellent explanation using real stories and terrific visuals because he just painted a picture for us about what those empty shopping centers look like. We have seen those in our own States as well. He is absolutely correct. If we don't do anything, the problem is, they are going to stay empty. We just can't wish it to change. We have to act in a way that will help it change. That is what this bill is about.

Again, this is not a big government solution. This is a potential solution that holds a lot of promise based on strengthening relationships that already exist that are basically in the private sector. That is what this effort is. It is exactly as the Senator from Florida outlined.

He spoke about—and he is right—one of the arguments we have heard which we can't seem to understand. If there is somebody who can explain this, they should come to the floor and help us. We keep hearing: This is like TARP. So I wish to take just 1 minute to explain the differences in as simple a way as I can.

TARP stands for Troubled Asset Relief Program. It was \$700 billion. It was a program that George Bush fashioned initially and was continued through this administration to give money to big banks that were getting ready to fail. I wish to say that again: \$700 billion, fashioned first by the Bush administration, available to big banks that were failing and that many people were opposed to. This program is not \$700 billion, it is \$30 billion. It is not going to big banks on Wall Street; it is going to small banks on Main Street. The TARP money went to banks that were failing. This is going to healthy banks that are trying their best to lend; that want to help their communities to revitalize. So if anyone thinks this is like TARP, please come talk to me because I could explain how it is not anything like TARP.

I can show my colleagues many letters and many documents, starting with one, and then I will turn it over to the Senator from Minnesota. One of the main reasons it is not like TARP is

because there were a lot of bankers who were opposed to TARP. They didn't like the government intrusion. They didn't like the rules and regulations. One could argue it was necessary, but many bankers weren't for it.

This letter I am holding—and I will have it blown up—is from the Independent Community Bankers of America. They represent 5,000 independent banks—5,000. I am just going to read the first paragraph of this letter that they sent to HARRY REID and MITCH MCCONNELL. This is a letter they sent to Leader REID and to MITCH MCCONNELL, minority leader of the Senate. It reads:

On behalf of the nearly 5,000 members of the Independent Community Bankers, I write to urge you to retain the Small Business Lending Fund in the Small Business Jobs Act. The SBLF is the core component of this legislation and the provision that holds the most promise for small business creation in the near term. Failure to even consider the SBLF in the Senate would be a missed opportunity that our struggling economy cannot afford.

Let me go on because this is important:

The Nation's nearly 8,000 community banks are prolific small business lenders with community contact, underwriting expertise. The SBLF is a bold, fresh approach that would provide another option for community banks to leverage capital and expand credit to small business.

I can't understand one reason to not support this. This is the core of this bill. The bill will be somewhat empty without it. This is the core of the bill.

So we are going to put this on this bill, and we are going to urge our colleagues to then understand that the bill will then be whole and we can all join together and vote for this very important bill and this very important amendment.

I am going to specifically answer the arguments raised by the minority leader on the floor in his very brief comments this morning. He made four arguments, and I will try to address each and every one in just a moment. Before I do, I will ask the Senator from Minnesota, who is a cosponsor of this lending provision and an actual designer and creator of one of the key components of it—because Minnesota, like Louisiana—we may be in different parts of the country, but our businesses depend on exports. Whether you are at the head of the Mississippi River or the foot of the Mississippi River, which we both represent in this Nation, and we often talk to each other about how narrow it is up in Minnesota and how wide and wonderful it is in both places, both north and south. But it really does connect us because it is all about exports and trade.

So I wish to recognize my friend, the Senator from Minnesota, who will talk about the export provision of this amendment and why it so crucial.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I wish to first commend Senator LANDRIEU for her great leadership. It is true we share this river, and when you see all the barges go down the river every day, you see the trade and the export firsthand that we are talking about. I am focused on the export end, but I wish to give my support to the lending part of this. It is so important, and Senator LANDRIEU, as head of the Small Business Committee, has worked on it incredibly hard.

When we discussed this idea last year of small business lending, I went around to a number of my small businesses and I heard time and time again how much this would be helpful for them. I think it is summed up by a letter I got from Bertha, MN. My colleagues may not have heard of it. It is not exactly a metropolis. This letter is from a guy named Harry Wahlquist of Star Bank in Bertha, MN. This is what he wrote just a few weeks ago. He said:

I am a banker and need capital to continue serving my nine Minnesota towns. Please pass the small business lending bill now. You gave money to Wall Street. How about Main Street in Minnesota?

I think it has been said that Wall Street might have caught a cold, but Main Street got pneumonia. There are still many issues out there, and a lot of it could be helped to create private sector jobs by simply allowing credit out there and more loans.

The other piece of this which Senator LANDRIEU and my other great colleague from the Commerce Committee, Senator LEMIEUX, mentioned was exports. I became very interested in this because my State is now seventh in the country for Fortune 500 companies. We are 21st in population, but we have a strong and thriving business community that believes in exports and believes in innovation. We brought the world everything from the Post It note to the pacemaker. While all of these things did not start at the big companies, these big companies started in garages—companies such as Medtronic, in Two Harbors, MN, or little sandpaper companies such as 3M. They all started small. Sixty-five percent of the jobs in this country are due to small business. Yet these small businesses, which now see this world of opportunity out there for them—95 percent of the jobs in America—95 percent of the customers for America, for American businesses, are outside of our borders.

Unlike 3M or Medtronic, great Minnesota companies—or Best Buy—that can have people working internally on these issues to identify markets, a little company in Benson, MN, isn't going to be able to have a full-time person looking at where they can sell their products. They still have managed to do it, and a lot of them have been able to do it by working directly with the

Commerce Department. These are not little companies that necessarily are big government guys. These are people who are conservative businessmen or businesswomen who went out there and said: Well, how am I going to figure out where I can sell my product around the world when I don't speak the languages. I don't have a trade person.

My favorite example is a company called Matt Trucks in northern Minnesota, population 900, the moose capital of our State.

A little second grader named Matt was in school and he came home to his dad and he drew a picture of a truck. The truck had wheels and he put a bunch of tracks on each of the wheels of the truck. His dad said: Matt, that is really cute. But as you have seen on TV, the tracks go between the wheels.

This little kid said: No, Dad. This would be a lot better because you can put the tracks on the wheels and take them out and use it as a regular truck.

His dad is a mechanic. He went into the shop and created this truck and these tracks. Then he started a company that he called MATTRACKS, after his second grader. They have about five employees. They are chugging along.

One day the dad went to Fargo, ND, which is the region of the Commerce Department that serves part of Minnesota, and he talked to a woman named Heather. She is with the Federal Government. He went to her for help. She looked on her computer and identified some markets and called the embassies where he could sell this truck. Now, due to exports, due to the fact that they are exporting to dozens of countries, from Kazakhstan to Carlton, MN, they have 55 employees, all because of exports.

We have seen this all over our State. That is why Senator LEMIEUX and I came together to introduce a bill to focus on exports for small- and medium-sized businesses.

Do my colleagues know that 30 percent of small- and medium-sized businesses would like to export more, but they simply don't know how to do it? Well, this amendment helps to fill the gap and assist U.S. businesses that are looking to export their products but do not have the resources or the know-how to find new international customers.

The program focuses on locating and targeting new markets, the mechanics of exporting, including shipping, documentation, and financing, and the creation of business plans. This amendment is projected to create 43,000 jobs. It would do this by making sure this U.S. and Foreign Commercial Service, which assists small- and medium-sized businesses, is able to carry out its mission to work with these businesses by having adequate staff.

Secondly, it expands the rural export initiative, which helps rural businesses

develop international opportunities. As noted by my Republican colleague, Senator LEMIEUX, the numbers are clear. Every dollar invested in this program creates \$213 in rural exports.

This part of the small business amendment that Senator LANDRIEU is putting together allows the Department of Commerce to identify known exporters that have a capacity to grow their international sales. A business that has already been exporting to Canada or Mexico something like 50 or 60 percent of its business only exports to those countries—it allows them to look for other countries. It provides matching grants to industry associations and nonprofit institutions to underwrite a portion of the startup costs for new export promotion projects.

This is real jobs. We all know that we helped our country from going off the financial cliff. We did that with the stimulus package and by building new roads and bridges. The way out of this economic slump will be with private business expanding and with jobs. The way you do it is look across the borders and see where you can sell your goods. They have been selling goods to us, right? I want the United States to be a country again that makes goods and sends our goods to other countries. That is what this piece of the bill is about.

I am grateful to Senator LANDRIEU and for the leadership she included in this package. I thank Senator LEMIEUX for his leadership on this amendment. I hope we pass this bill. It is incredibly important.

I now turn to my other colleague, who has chosen to wear bright pink today, the Senator from Louisiana.

I yield the floor.

Ms. LANDRIEU. Mr. President, I thank my colleague for the beautiful stories she shared from her State. It makes this all so real. It is. It seems as if sometimes it is not when we debate these bills on the floor. But it is so real—the outcome of what we do on the ground in the States that we represent, and in these small towns. I will remember Matt's story. I am going to share the speeches that I give around my State, and how incredible it is that a young child would present an idea to a father and the father is smart enough to recognize what a good idea it was and took it and built a business, and through a great strategic partnership with the father, a private business owner, and a very willing Federal employee, found a program that works to build his business, now with up to 55 employees.

That happens all over the country. It happens in Louisiana. Speaking about Louisiana, I will read what our bankers at home—the bankers in my State—say about this program. I read the letter to MITCH MCCONNELL and to HARRY REID, delivered by the 5,000 community banks in the Nation that are strongly

supportive of this small business lending fund—community banks that know these businesses. They are standing there watching them and, in many instances, suffering and not able to give them the support they need because of the credit constraints that were so beautifully expressed by Senator LEMIEUX, as falling real estate values have put the original capital that was their collateral in the bank in some jeopardy, or it has to be scored in a different way. This bill will help. That is why bankers all over the country are supporting it.

Let me say what my bankers, who are normally a more conservative group—they don't agree on everything this Congress has done, either when Republicans or Democrats are in charge; they tend to be more conservative. They don't like big government and a lot of regulation and intrusion. This is what they have said on behalf of their small businesses:

On behalf of the members of Louisiana bankers, I am writing to express our support for the small business lending fund. Treasury would invest in community banks from this program that would be separate and apart from the Troubled Asset Relief Program. This legislation would serve as another voluntary tool for community banks to meet the needs of small business. Meeting the needs of these borrowers has been more difficult as regulators pressure many banks to increase their capital-to-asset ratios.

Given the severity of the downturn, it is difficult, if not impossible, for community banks to find new sources of capital. Thus, the only option for many banks is to shrink, which can mean making fewer loans. This lending provision would allow banks to avoid that result, continue to meet the needs of their communities. With an improving economy and public investment, such as those proposed, lending can increase faster in some of the hardest-hit areas of our country.

The Louisiana bankers would know about this, because we are in one of the hardest hit areas. Not only is the recession affecting us like everybody else, but if we haven't noticed lately, there is a lot of oil out in the gulf because of a tragic, unprecedented accident. The Gulf Coast community is struggling almost more than any other region of the country because of it. Now because we have constrictions on drilling—which I don't agree with but which are in place—we are finding employment harder to come by and businesses struggling even more. So our Louisiana bankers know this. They have sent letters to myself and to the junior Senator from Louisiana, Senator VITTER, asking us to please be supportive of community banks, saying you have done a lot to help the big banks and Wall Street, so please help us. That is what this amendment is about.

I am going to yield the floor for a few moments. I will come back within the next 30 minutes or so and continue this debate this afternoon. We are on the small business bill. The pending amendment is the LeMieux-Landrieu-

Nelson from Florida-Merkley-Boxer-Cantwell-Murray-Whitehouse, and other Members are joining us as cosponsors of this amendment. Senator BURRIS from Illinois is also joining us on this amendment.

We are picking up support as organizations express themselves today to Senators, saying how important this small business lending fund is. It could leverage \$30 billion. It will earn a billion dollars for the taxpayers, which is an attractive characteristic. It doesn't cost anything and it actually makes money, as any smart banker and business wants to do. It doesn't cost money—well, it costs a little on the front end but makes it back on the back end. It is supported by a growing number of Senators, we hope, on both sides of the aisle.

As we continue this debate today, I look forward to answering some of the concerns raised and will try to put those to rest so we can have a very strong vote on this amendment on the underlying bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISRAEL

Mr. ENSIGN. Mr. President, I rise today to address a relationship between the United States and our ally Israel. I was glad to see that President Obama took some time over the July Fourth recess to sit down with Israeli Prime Minister Netanyahu and discuss the rocky path which U.S. and Israeli relations have taken over the past 2 years.

Israel is, by far, our strongest ally in the region. This close relationship and friendship is built on a bedrock of common democratic values, religious affinity, and perhaps most importantly national security interests. We are both nations that face threats posed by radical Islam.

While we have been able to take the fight to the enemy, as we fight al-Qaida and Taliban refinements in Afghanistan and Iraq, Israel has not been so fortunate. They face an existential threat. This threat to their existence is not just Hamas and Hezbollah, who attack Israel with suicide bombs and rocket attacks, but also from radical nations such as Iran and their allies.

When one nation says to another, "We are going to wipe you off the map," we need to take that threat seri-

ously. This is especially true when that nation says it over and over again, as Iran has. As an ally, Israel should be able to count on us for support. This support is not limited to financial and military support but also diplomatic and moral support. So when Iran says they are going to wipe Israel off the map, the United States needs to stand up and say, "No, you will not." We cannot send mixed messages. That is why what happened at the 2010 Nonproliferation Treaty Review Conference worries me so much. For when we fail to stand up for our allies on the smaller issues, they begin to question our resolve when it comes to the large issues, such as their existence.

Under the Nonproliferation Treaty, there is a conference every five years to seek ways to strengthen the treaty and advance the goals of nuclear nonproliferation. At this conference, Secretary Clinton opened by stating that:

Iran will do whatever it can to divert attention away from its own record and attempt to evade accountability. . . . But Iran will not succeed in its efforts to divert and divide.

Additionally, a White House official was quoted in the Washington Post at the beginning of the conference summarizing: "This meeting is all about Iran."

Based on these comments, one would expect to see some reference to the fact that Iran and Syria are both flagrantly violating their treaty obligations. One would expect to hear that Iran has threatened the existence of another sovereign nation. One would expect to hear how Israel was forced to destroy a North Korean nuclear facility located in its backyard. We did not see anything of this sort in the final document. What we did see instead was the name "Israel" appearing. I am a little bit confused. Why would we agree to a document that does not mention Iran or Syria but does single out our strongest ally in the region? This is even more puzzling considering this is a consensus document. That means that we, as a nation, had to sign off on it. Essentially, we threw one of our closest allies under the bus, in exchange for what? I do not believe there is a good answer to this question. What type of message does this send not only to Israel but to our other allies? It says: We will not hesitate to throw you overboard in exchange for a political tic mark that gets us nothing.

In closing, I believe that based on what Secretary Clinton was hoping to achieve and what we actually did achieve—the alienation of an ally—this conference has to be considered an utter failure.

Some over at Foggy Bottom, at the White House, and in Congress need to realize how important our relationship with Israel is and start taking steps to strengthen that relationship instead of taking steps to weaken it, as we did at

the recent Nonproliferation Conference.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak for the next 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I know Members are busy around the Senate today on various committees and special caucus lunches, talking about many aspects of not just this bill but other things that are pending. I thought I would come to the floor while we had this time to make a few general remarks about the small business bill and also specifically about the Small Business Lending Fund which is the amendment that is pending.

The Small Business Lending Fund amendment is a bipartisan amendment by Senator LEMIEUX of Florida and myself. It is also sponsored by the senior Senator from Florida, Mr. NELSON, Senator MERKLEY from Oregon, Senator BOXER from California, Senator CANTWELL, Senator MURRAY, Senator WHITEHOUSE, Senator BURRIS from Illinois. We added Senator HAGAN just a few minutes ago as a cosponsor, and we are getting calls regularly, throughout the day, from Senators who want to be a sponsor of this amendment. We believe we have great support on the floor of the Senate, and that support is growing as this debate goes forward and as more people begin to understand that this Small Business Lending Fund is really the core of the small business bill.

There are three pieces of the small business bill. One piece that came out of the Finance Committee on a very strong bipartisan vote, I understand, was a \$12 billion targeted tax cut for small businesses in America. There should be listed, I hope on my Web site and other Web sites of the Finance Committee, a list of all those tax cuts. One or two I am very familiar with would be a real advantage to anyone in America who wants to invest in a small business over the course of the next 6 months to a year. You will pay no capital gains if you hold that investment for 5 years; you will pay zero capital gains because that is one of the strategic targeted tax cuts in this bill. In addition, there is accelerated depreciation for small businesses—not for big businesses but for small businesses—so small businesses in America, defined as those businesses with under 500 employees, can write off some of the investments they are making to try to

grow their businesses in these difficult times. We want to help them do that. So one important part of this bill is \$12 billion in tax cuts to small businesses. This is a very important component.

The other important component came out of the Small Business Committee with a bipartisan vote. It strengthens the core programs within the Small Business Administration. It strengthens the 7(a) Program. It strengthens the 504 Program. These are programs that allow lending to small businesses for commercial real estate. They allow lending for the capital needs of those businesses—for businesses to purchase inventory, to purchase other goods and services necessary to operate their business.

These are longstanding programs that are very well supported on both sides of the aisle and that we find have worked so well we want to double the limits, we want to eliminate the fees, and we want to increase the guarantee from 75 percent to 90 percent. When we did this under the stimulus program a year ago on an emergency basis, we saw the number of loans go up dramatically. That time came to an end, and so in this bill we are reinstating that very successful program that works. Senator SNOWE, the ranking member, and I are very supportive of that provision, and that is in the bill.

There are three main pieces. I have talked about two. The third piece is what this amendment represents. The third piece, according to the National Bankers Association, is really the core of the bill. That is according to the community banks, not the big banks on Wall Street but the community banks on Main Street. They have written letters to all of us—to the majority leader, to the minority leader—saying: Please support the Small Business Lending Fund. It is not like TARP, it is completely different, they say, and they are right.

As I said earlier this morning, a little bit of opposition we are hearing even from the minority leader, MITCH MCCONNELL, indicated that one of the reasons that maybe some of the Republicans might not be for this is because this is like TARP. The TARP was a \$700 billion bailout to big banks. This is a \$30 billion partnership with healthy community banks. TARP was a \$700 billion bailout for failing, unhealthy big banks on Wall Street. The small business lending program is \$30 billion—much smaller, strategic private sector partnership with small community banks that are on Main Street to keep all of our small businesses open and operating and growing so we can get out of this recession.

I hope the arguments that this is TARP-lite or TARP, Jr., will go away because the facts are so completely different from one program to the other. This is a strong strategic partnership that could have been defined as a bail-

out. It was a bailout. Some of us think it was necessary, some think it was unnecessary, but it was a bailout. This is not a bailout. This is only going to healthy banks that, because of the falling value of collateral they are holding behind some of those loans because the regulators are looking at it a bit more, giving more scrutiny to banks everywhere—some of that is good and some is a little bit heavyhanded, but nonetheless it is happening—banks are having a hard time generating the capital to have those ratios correct when the regulators come in, and so they are cutting back on lending.

If we want banks to lend to small businesses, we need to help them, and they want us to help them. They are for this. The independent bankers have sent us letters. The community bankers have sent us letters, as well as the American Bankers Association. That is unlike TARP, where there were many banks, even some that received money, that didn't like the program. They didn't like it because there were lots of strings attached. They didn't like it because they thought it would "ruin their reputations." They didn't like it because they didn't want to have to go through stress tests. I understand that. I think the program has worked pretty well, but that was that program. That was 2 years ago. This is now. It is a different initiative. It is not even really a government program; it is a private sector partnership between the Federal Government and taxpayers and their community banks that they know and they trust. They see these bankers at the Rotary Clubs and Kiwanis clubs. They see them in church, they see them in the synagogues, they see them on Main Street. These are the bankers who know their businesses and want to lend to their businesses. They know the businesses that have the potential to grow and those that potentially might not be able to grow. They know the businesses that have readjusted for this economy, this tough economy. We can trust our community bankers.

I am the chair of the Small Business Committee. I have had the most extraordinary opportunity as chair of this committee—on which you serve, I say to the Presiding Officer—to listen to small business owner after small business owner pleading, saying to me things like: Senator, I never missed a payment. Senator, I always sent in my money, and they cut my line of credit. Senator, we are desperate out here. We do not have access to credit. Please help us.

One argument I have heard some others make is based on a study that came out from the National Federation of Independent Business, the NFIB. I am going to try to get that study in just a minute because I want to respond to that. The NFIB study is quoted sometimes in this debate. Here it is here, the "Small Business Credit in Deep Re-

cession" study. It is waved around on the floor by some people who are not sure how they might vote on this amendment because they have heard things. They are not sure, but they say: According to the NFIB, the National Federation of Independent Business, 40 percent of the banks say credit is not a problem. And there is some data here that is going to show that 40 percent of the banks say they were able to get all the loans they needed; 10 percent said they could get almost all the loans they needed. But the rest of the study is what is important. It is about 60 percent who say they could not get it, from the National Federation of Independent Business. Their own study showed that 60 percent of their businesses said they could not get the collateral from the banks that they so desperately need.

I know there is this little argument out there that there are no good businesses to lend to.

We all know that is not true. There are businesses in all of our districts. We are hearing from them. They cannot get credit because of new regulations, because of tightening capital ratios. This is a partnership with banks that has absolutely nothing to do with TARP, big banks, Wall Street, unhealthy banks. It has everything to do with community banks that are less than \$10 billion. Those are the only banks that can even apply to be a part of this. It is completely voluntary.

If a community bank in Illinois or Louisiana—and I have talked to some—said, Senator, we are healthy; we have a lot of capital to lend, I have said to them, that is wonderful. Then you do not need to apply for this. But if you want to grow your bank in these times, then it is completely up to you. This will be available to you. You know what, they brighten up. They say, well, we did not realize that. We thought it was going to be something forced. Absolutely not. It is completely voluntary.

So for the NFIB and the 40 percent of their businesses that said they could not get collateral, this is a solution. I am very proud to offer this solution in this way. I also want to say we have letters from, I believe, almost 20 Governors who have said, please help us. We are trying to do everything we can in our State to stimulate growth and development. We are trying to do what we can. So they have sent letters, both Republican and Democratic Governors. A letter I have that I will submit to the RECORD is from February, from Christine Gregoire, the Governor from Washington State. She writes a very strong letter to Dr. Romer, our economic adviser for President Obama, to Tim Geithner, to Chairman Sheila Bair, saying, this small business lending program is what the State of Washington needs. We are full, she says, of small businesses that are knocking on

our doors at the State capital that cannot get credit. We must open the opportunities for them.

If we want our States' economies to grow, which we do, whether it is Washington or California, I say to my good friend from Arizona, or from Tennessee, or from Massachusetts, the way they are going to grow is through small business.

Look at this. From 1993 to 2009, in the last 16 years—I think these numbers would be updated and it would even show more—65 percent of all new jobs in America are created by small business. When we have letters such as this from Governors who say their small businesses cannot get credit, what are we going to do? Sit here and do nothing? I do not think so. I think we should act.

One of the best ideas that has come forward from Republicans and Democrats that has been scrutinized and looked at and torn apart and put back together is a \$30 billion small business lending fund that will not create a new government program. This is not lending by the government, this is lending by the private sector.

This is not lending by big banks, who do not lend—by the way, we have seen the bank lending, big bank lending to small business has declined in the last four quarters by 8.1 percent. Think about that. The banks that got all of the money in the last year of the Bush administration and the first year of the Obama administration, the banks that got all of the money, the reports show, cut lending to small business by 8.1 percent.

The banks that did not get any help, the healthy community banks in our States, even in these times have increased the lending to small business because, A, it is smart for them to do so, because when they do it right they make money, which is the whole point of them being in business, and because many of them also believe strongly in the communities in which they have built their business.

They helped build these towns. They do not want to see them take bankruptcy. They helped build the businesses on Main Street. Do you think they are happy to sit there and watch these businesses close up?

But we spent the last 2 years, the last year under Bush and the first year under Obama, bailing out Wall Street. When it comes to helping Main Street, it gets very quiet around here. I wonder why.

That is what this amendment does. We know small business creates jobs. We know there are credible small businesses in all of our States. Even according to the NFIB, even according to their own survey, 40 percent of the businesses said, we did not get all of the credit we need. If we could get it, if we could get credit from our banks, if we could borrow money from our

banks, we could grow, even according to this study.

We are very proud of this lending provision in this bill. I think the whole bill is very good. Maybe there are some other amendments that need to be included, that could come from Finance or that might come from someone else. But the core of the bill, the \$12 billion in tax cuts for small business, the strengthening of the small business lending programs and contracting programs and surety bond programs, which many of our Members have worked on, and this lending piece is absolutely crucial. It is one of the best things that we could do as a Congress to help small businesses find their footing, to help them get more certainty about the future.

They are the ones that are going to take the risk. We have seen the headlines in the last couple of days. If you are reading the Washington Post, if you are reading the New York Times, if you are reading your hometown newspaper, what do those headlines say? I will tell you what they say: Big business hoarding cash. Big banks sitting on \$1.6 trillion in profits. They are sitting on it. They are holding it. They are not lending it.

Do you know who is lending? Do you know who is still lending, or they are trying to lend? The community banks of America. They are desperately trying to lend. And what are we doing? Sitting here not listening to them or not helping them. We must listen to them. I have letters here I have submitted to the RECORD, independent bankers, community bankers, American bankers: Please help the healthy small banks in America to do the job we want to do for you and end the recession.

When we vote on this amendment, I hope we get a strong vote. I hope people in this Chamber will not turn their backs on the small businesses in their districts and the healthy community banks that have been there for a long time. If we act responsibly, and if we join in partnership with them, and we rely on the private sector savvy that is out there, I think we can make some real headway. That is what I am hoping.

There is no silver bullet. I am not 100 percent positive this is going to work in the way that we think. But I am very confident that it has a great chance of working. Shouldn't we give the benefit of the doubt to our own small businesses and community bankers? A lot of people did not know if TARP worked. A lot of people do not think it worked today. But nobody was saying, oh, well, we are not sure; we should not do it. We rushed on out there and gave billions of dollars to Wall Street, billions of dollars to big banks.

Now when it comes to giving our community banks the benefit of the

doubt, when it comes to giving small business people who have risked everything the benefit of the doubt, we are having some trouble. I do not understand that.

As the chairman of the Small Business Committee, I promised them I would follow in the good footsteps of the former chairs of this committee: Senator SNOWE has been an outstanding chair; Senator KERRY has been an outstanding chair; Senator BOND has been an outstanding chair. They have been very strong advocates for small business in America.

When this program came across my desk, I wish I could say I designed it. I would love to take credit for it. But I did not. It was designed by other Senators. But when I saw it, I thought to myself, now this could work. When I heard the President speak about it, I thought, this makes a lot of sense. I thought, my goodness, this sounds like a good idea. The more I looked into it, I became convinced, it is not a good idea, it is an excellent idea. I am not going to leave it on the cutting room floor because of some political argument that makes no sense to me, and it should not make sense to anybody in this Chamber.

I see other colleagues are on the floor to speak. I have exhausted my 10 or 15 minutes. I am happy to yield the floor. And then, of course, I will come back to the floor, to come back to speak about this amendment. I want to say I am very proud of the support of Senator LEMIEUX, as well as a growing list of other Senators who have come forward to support this amendment and to speak on the bill.

I see the Senator from Arizona and I will yield the floor at this time.

The PRESIDING OFFICER. The Senator from Arizona.

HEALTH CARE

Mr. KYL. Mr. President, I rise simply to insert into the CONGRESSIONAL RECORD two very interesting pieces from the Arizona Republic. The first is an op-ed, a column, by Bob Robb, who is one of the most erudite columnists I have ever read. He comments on the financial regulatory reform bill saying, among other things, that this new financial stability oversight council that is created under the legislation will have total control over what a lot of banks and businesses do.

He describes this as being able to tell a company not only what capital it needs to maintain, but what products or services it can offer. It can even order a company to divest some of its holdings or lines of business, and even take over the company with the intent of completely liquidating it, and in many cases even without the ability to contest these decisions in court.

He laments the fact that there will be no rules-based regulation of capital markets anymore; predicts it will be doomed to failure, and also talks about

the beginning of the end for an independent Fed, which has significant responsibilities under this law, which he believes, and I agree, are inconsistent with its primary task, the entity in our country that is supposed to take care of the monetary policy of the country.

The other piece is an article in the Arizona Republic of July 21. I will quote from the first three paragraphs:

State and university employees with families can expect to see their monthly health insurance costs rise as much as 37 percent next year, depending on the type of plan they choose.

It goes on to say:

The Department of Administration—

That is to say, of the State of Arizona—

cites Federal health reform as the reason the State's health plans will carry greater expenses and higher premiums for its members.

This is the latest example of the effect of the health care reform legislation on insurance premiums which are going to be rising around the country. But I did not expect them to rise 37 percent on our State employees next year.

I ask unanimous consent that the column by Robert Robb and the newspaper article dated July 21 in the Arizona Republic be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, July 21, 2010]

AN END TO RULES-BASED CAPITAL MARKETS

(By Robert Robb)

The financial market reform legislation enacted by Congress last week ushers in a new era in the relationship between capital markets and the government.

If the country decides it was a mistake, unwinding it will be very difficult.

Until now, regulation of capital markets has been primarily disclosure-based. Investment firms were largely free to offer whatever products they wanted. The role of government was principally to ensure that there was adequate disclosure so that potential investors could make informed decisions and not be hoodwinked. Who made or lost money wasn't the government's concern, except at tax time.

The primary exception was banks whose deposits were insured by the federal government. Since the government was ultimately on the hook, it oversaw the prudence with which these banks did their business.

The conventional wisdom is that this system failed in the financial market turmoil of 2008. Financial institutions subject to lighter prudential regulation took on too much bad risk with too much leverage. These firms had become big and interconnected enough that their failure threatened the collapse of the entire U.S. financial system.

Now, I happen to believe that this narrative overstates the threat that existed in 2008. But I am part of a very small and uninfluential minority on the matter. So, for purposes of discussion, let's assume that the narrative is correct and the goal of reform should be to prevent a reoccurrence.

There are several things that Congress could have done to address the perceived

threat directly. If financial institutions of over a certain size represent a systemic threat, Congress could have prohibited companies from becoming that large. In the past, the U.S. got by with smaller banks and it could again.

If excessive leverage is a systemic threat, Congress could have limited it directly.

Instead, Congress decided to vastly expand the federal government's discretionary, prudential regulation of capital markets.

A new Financial Stability Oversight Council and the Fed are authorized to prescribe individualized requirements for any company they deem to pose a potential systemic risk. The new council of wise men can tell a company not only what capital it needs to maintain, but what products or services it can offer. It can order a company to divest some of its holdings or lines of business. The federal government can even take over a company with the intent of completely liquidating it.

In many cases, the company has no ability to contest these decisions in court. Where there is judicial review, it is limited to whether the regulatory decision was arbitrary and capricious.

So, there is no real rules-based regulation of capital markets anymore. The council of wise men will make it up as they go along. Companies of the same size in the same lines of business may have entirely different rules they must follow.

There will no longer be a capital market regulated by an arms-length federal regulator, setting the same rules of the game for all competitors. Instead, there will be symbiosis between government and financial institutions, interacting continuously with one another to determine what any particular financial institution can and cannot do at any particular point in time.

This approach is doomed to failure. No group of regulators has the wisdom required to do what this new legislation requires.

Once the symbiosis is established, however, unwinding it will be very difficult. The politicization of the allocation of capital tends to be addictive.

This bill is also probably the beginning of the end of an independent Fed. The Fed cannot play this large of a role in the conduct of every major financial institution in the country without politicians seeking to get into its knickers. The role of primary systemic risk regulator is simply incompatible with that of an independent monetary policy maker.

President Obama and Democrats regard this legislation as monumental. I don't think they even partially understand how right they are.

[From the Arizona Republic, July 21, 2010]

STATE TELLS EMPLOYEES HEALTH INSURANCE WILL ROCKET

(By Ken Alltucker)

State and university employees with families can expect to see their monthly health insurance costs rise as much as 37 percent next year, depending on the type of plan they choose.

Figures provided by the Arizona Department of Administration show that health plans for families and single adults with children will shoulder the most-expensive monthly premium increases beginning Jan. 1, while individuals will pay modest increases.

The Department of Administration cited federal health reform as the reason the state's health plans will carry "greater expenses and higher premiums for members,"

according to a June 30 letter sent to about 135,000 state and university employees and their dependents.

The letter named two provisions that the state expects will drive health-insurance costs higher. One is a requirement that insurance plans provide coverage for dependent children up to age 26. The other is the federal legislation's ban on lifetime limits, an insurance-industry practice that cuts coverage once an individual's medical expenses exceed a set amount over their lifetime.

Because the state is one of Arizona's largest providers of health insurance, its estimates could provide an early glimpse of how large employers will pass along health-reform costs to their employees.

Industry analysts say it is too early to tell how much health reform will impact the cost of insurance. Some estimates expect the initial impact on overall cost will be less than 2 percent. Many analysts agree that the true impact won't be known until 2014, when health-insurance exchanges are established to extend coverage to the estimated 32 million Americans who now lack health insurance.

"I don't know if anybody really knows what the (impact) on costs will be," said Don Mollihan, a broker and consultant with Arizona Benefit Consultants. "The entire (health-insurance) industry is trying to react to the reform as regulations are implemented. That is where the rubber meets the road."

One example is the Obama administration's requirement, unveiled this month, that all health-insurance plans cover preventive care free of charge. Such no-charge preventive care ranges from autism screening to colorectal-cancer screening for adults over age 50 to folic-acid supplements for pregnant women.

"The preventive-care requirements could add some costs, but a lot of (insurers) are already providing those services as part of their core" plans, said Patricia "Corki" Larsen, a principal with human-resources consultant Mercer in Phoenix.

Alan Ecker, Department of Administration spokesman, said health reform is "responsible for all increases for employee premiums" next year.

He noted that federal health reform passed after the Legislature approved funding for next year's state's health plan, so with no money left in the state coffers to cover the mandated changes to health insurance plans, the state opted to shift costs to employees.

VARYING IMPACT

The state pays for most of the premium costs, with the employee picking up a portion of the premium costs. Also, changes in premiums do not reflect other cost-shifting measures, such as increases in co-payments that people must pay when visiting a doctor or filling a drug prescription.

University and state employees who get state-sponsored coverage just for themselves won't see much of an increase in their premiums: about \$1 each month under three plans offered by the state.

Increases in employee premiums for plans that cover couples and families will range from \$22 to \$43 a month. Single adults with children will see those premiums increase 37 percent for an Aetna insurance plan that includes a health-savings account. The Aetna family plan and the Aetna plan for two adults will also each rise more than 20 percent. Employees who choose the state's EPO and other plans similar to an HMO for families and adults with children also will see their monthly payments rise more than 22 percent.

DISPUTE OVER LETTER

Yet, even as Gov. Jan Brewer's administration cited health reform as the chief reason for cost increases, the state's health-insurance premiums for employees have increased at even faster clips in the past.

In fact, employee premiums for five of eight plans next year will increase at a lower rate than they did this year.

Some lawmakers questioned the Brewer administration's decision to send out a letter that blames health reform for the premium increases.

Rep. Kyrsten Sinema, D-Phoenix, who sat on President Barack Obama's health-reform task force, blasted the Department of Administration's letter as politically motivated.

"The Department of Administration is implying that entire increase is a result of the new health-care law," Sinema said. "It is clearly a politically motivated letter that is just not factually accurate."

Ecker, of the Department of Administration, denied any political motivation. He saw no political undertone in the letter, which was drafted by the Department of Administration's benefits-services staff and approved by the agency's director.

"It is simply designed to let members know that rate increases are coming and the reason for those increases," Ecker said in an e-mail.

THE PRESIDING OFFICER. The Senator from Rhode Island.

NATIONAL ENDOWMENT FOR THE OCEANS

Mr. WHITEHOUSE. Mr. President, I know my friend and colleague, Senator SNOWE, is about to deliver some remarks. I ask unanimous consent that I be recognized at the conclusion of her statement. I wish to take a moment to thank her for her work with me on the bill I am going to be talking about. She will be talking about something else, but I will be discussing the National Endowment for the Oceans. While we are in the Chamber together, I express my gratitude for the collegial, thoughtful, helpful way we worked together on this bipartisan piece of legislation.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

Ms. SNOWE. Mr. President, I express my profound gratitude to the Senator from Rhode Island for his leadership on this initiative. It will have far-reaching implications and importance to our most vital resource, the oceans, and all they represent. I look forward to working with him to transform this legislation into a reality that will protect the oceans in perpetuity and understanding and amassing all the resources that are essential to the preservation of the oceans and what they represent to our environment and to the ecosystem and, of course, to the fisheries that are so important to our respective States and to the country. I thank him for his visionary initiative. I am pleased to join him in that effort. Hopefully, we can bring it to fruition in this Congress.

There are a number of issues with respect to the small business legislation pending before the Senate, although

pending in a way I would prefer otherwise, given the fact that it addresses the foremost issue facing the country today; that is, jobs and the status of the economy. The economy is not creating the jobs the American people deserve. That is why I joined across the aisle in extending unemployment benefits, because we have a very high unemployment rate of 9.5 percent, with 8 million people having lost their jobs and more than 15 million either unemployed or underemployed. We have not seen the kind of economic growth that will produce the jobs the American people deserve and create the kind of security they deserve as well.

From that standpoint, I thought it was important to extend unemployment benefits. I ultimately think it is important to do what we can for small businesses, as the chairman of the Small Business Committee indicated, the job generators in America. Frankly, I would have hoped we could have considered this legislation long before now. It is certainly long overdue. We are in July. I have been urging from the outset of the year, in January, that we should address this most profound issue when it comes to creating jobs. We clearly have to be concerned about the well-being of small businesses.

The legislation before the Senate has a number of good provisions that will go a long way in creating incentives and helping and buttressing this key component of America's economy. I regret that we are in a position where we have not been able to reach agreement allowing the minority to offer amendments, which is confounding and perplexing as well as disappointing. After all, I know the majority rules. But certainly the traditions of the Senate accommodate minority rights as well. That should mean, on the foremost issue facing the country today, the economy and jobs, that the minority would be allowed to offer a few amendments. That is all we are asking. After all, this issue has been languishing for the last 6 months. It should have taken the highest priority back in January, as I indicated; it is that important to the American people, as reflected in the historic low approval ratings of Congress. We are not addressing the key issues facing America today, and that is how we will turn this economy around and create jobs for the American people.

Here we are today in a deadlock because we are not allowed, on the minority side, to offer a few amendments. As I look back on the calendar, we had 78 days we were not either in session or voting. We could have spent all that time considering amendments for the key issue confronting America. In fact, over the last 2 weeks, since this bill has been pending, not one amendment has been offered or allowed to be offered to the small business bill. We have wasted all this time when, in fact,

we could have been considering amendments. Last night on the unemployment benefit extension bill, we were able to vote on six different amendments. We had six votes last night on issues. The process worked well. That is the way it should work in the Senate, where we are supposed to accommodate a variety of positions and build consensus on the key issues facing America.

I know today we are lacking patience, when it comes to governing and legislating and reviewing issues and working with people with whom we disagree. That is regrettable. The American people understand what is happening here in Washington these days, where it is an all-or-nothing proposition. I hope we can turn the corner on this issue above all else because it does matter to the American people. It matters to people what is happening on Main Street. That is as true in my State of Maine as it is true across the country. It is no wonder more than 70 percent of the American people think the country is going in the wrong direction when it comes to the economy—understandably so. Because they go down on Main Street and see what is happening. They see businesses closing, the anxiety that permeates not only the main streets but communities and households all across America because of the lack of job security, financial security, personal security, all of which has created a picture of anxiety and desperation on the part of so many, wondering where the next job will come from, if they lose their jobs, or whether they will get a job having lost a job. That is what it is all about.

I can't understand why we couldn't come together in the Senate, consistent with the tradition of this body, which is to consider a variety of ideas across the political aisle, build consensus, and support. The more ideas, the better. It will make the legislation certainly much improved because we will have a variety of ideas that are important when it comes to improving our economic status in America. It is disconcerting when we know that the Federal Reserve has adjusted their growth rates for the economy, lowering them because of what they anticipate in the future in terms of economic growth, unemployment, the lack of investments being made by companies today either in hiring or capital equipment. The combination has created a much more pessimistic picture for the future in terms of our economy.

Then, of course, we have the uncertainty emanating from Washington, from Congress, in terms of a variety of policies, whether it is health care, whether we are talking about increased taxes or increased regulation, as we saw with the tax extender bill, having subchapter S and increasing Medicare payroll taxes and, in fact, applying them for the first time on retained

earnings which is the greatest source of capital for a small business investment. Yet we want to tax that as well. We are seeing all that uncertainty.

People say: Businesses are not sitting on their cash. Businesses won't sit on their cash, if they think they are going to make money. That is the point. They would invest. They would make the investments, if they thought the economy was going in the right direction. But they have to be more conservative, if they don't know exactly what is going to come out of Washington in terms of policies and more regulation.

I have talked to numerous business people in my State, including bankers. They all say the same thing. We don't know what is going to come out of Washington in terms of the types of policies that are going to add to the cost of business. I was talking to one individual who is in charge of a big corporation in America, making an adjustment of one facet on the close to 1,000 regulations in the health care bill. He said one adjustment already has cost him \$5 million. Multiply that, and it grows exponentially. The point is, it is a challenging picture for the private sector in terms of taking steps or taking the risky steps in investing in the future for their company. They want to make sure they are making the right decisions, the prudent decisions to make money and not to lose it. That is where we come in, in terms of creating certainty with respect to our policies, not adding more in terms of taxes and spending that adds another overlay to the cost of doing business. Because they are going to be far more reluctant to take those steps that we think are necessary to turn this economy around.

That gets to the point of the pending legislation and, in particular, an amendment I know has been offered by the chairman of the committee, Senator LANDRIEU, with respect to the lending facility. It is a provision I have had a great deal of concern with respect to, this lending capacity that would be created that would extend from the Treasury to banks across the country. I know the majority leader has taken this provision out of the underlying bill, and I certainly appreciate that because I do think it is important that this facility is not included in the overall legislation. First, it has not had a single hearing with respect to the issue. In my view, it certainly does resurrect the controversial TARP that we just terminated in the bill that passed last week in the Senate and was signed by the President which is, of course, the financial regulatory reform bill. It is definitely a facsimile of that approach and that program that has created a great deal of concern.

The lending fund was debated in the House, certainly on the House floor in the House Financial Services Com-

mittee, where significant concerns were raised about the program's similarities to TARP. In stark contrast to the Small Business Committee provisions in the substitute amendment we are now considering, many of these measures certainly are going to add a great deal of concern in terms of whether we should be extending more than \$30 billion to banks across the country. I hope we will rely on the key provisions in the underlying legislation; for example, raising the 7(a) guarantee rate from 80 to 90 percent and increasing and also reducing certain lenders' and borrowers' fees in the 7(a) and 504 loan program.

I am pleased those measures that were included in the stimulus plan that we passed last year resulted, as this chart indicates, in a 90-percent national increase in SBA lending since Recovery Act's passage and a 236-percent increase in Maine. It is a strong indication of the value of increasing the guarantee rate, which we have now done in the underlying legislation because those provisions expired in May. That is certainly one way of extending the lending capacity of the Federal Government through existing models that have been proven to be effective and workable, and that is a 7(a) guarantee program. As a result, in June the SBA approved \$647 billion in 7(a) guarantee loans, a 56-percent decrease from May's \$1.9 billion, because we allowed those provisions to terminate that were included in the stimulus bill. Had we allowed them to extend, we would have seen continuity of lending to small businesses in this country.

That is why I think those measures are extremely effective. They have already demonstrated their efficiency and their workability across the country. That is what will work for small businesses, if we were to increase those guarantee rates and reduce the lenders' and borrowers' fees. That is why I am pleased the majority leader included in his substitute a modified version of my amendment that provides \$505 million in funding to reinstate the fee waivers and increase guarantees through the remainder of this year. The SBA has estimated that the reinstatement of these provisions could leverage \$13.2 billion in SBA lending. This is precisely the type of effect we could have for the taxpayers that maximizes the efficiency and the return on the dollar rather than reincarnating the speculative nature of TARP. These appropriations, coupled with the SBA lending provisions in the substitute amendment, will raise the maximum 7(a) and 504 loan limits from \$2 million to \$5 million and the maximum microloan limit from \$35,000 to \$50,000, which play an invaluable role in providing affordable credit to small businesses.

Obviously, when it comes to expanding access to capital, Congress must work in tandem with the administra-

tion and the Treasury Department. Let me begin by noting that I appreciate the hard work of individuals in the Department of the Treasury in trying to develop methods to spur small business lending. I understand how complicated it can be to devise workable, strong initiatives. The department has certainly attempted to do so. Unfortunately, I continue to have significant reservations with the lending fund for several reasons.

First, regardless of what the proponents will say about this lending fund, it is essentially an extension of TARP, known as the Troubled Asset Relief Program, which, as I said earlier, has been terminated in the financial regulatory reform legislation the President signed into law just yesterday.

But let's look at what some of the experts have to say on this particular issue. In a May 17, 2010, letter that Mr. Barofsky—who is the special inspector general of TARP—wrote to Members of the House of Representatives, he states:

... in terms of its basic designs, its participants, its application process, and, perhaps its funding source from an oversight perspective, the [small business Lending Fund] would essentially be an extension of TARP's CPP program. . . .

Moreover, in its May Oversight Report, the bipartisan Congressional Oversight Panel for TARP states that the Treasury lending fund "substantially resembles" the TARP program. They say:

... it is a bank-focused capital infusion program that is being contemplated despite little, if any, evidence that such programs increase lending.

"An extension of TARP" and "substantially resembles" TARP—that is how the experts of all things TARP—TARP's IG, the inspector general, and the bipartisan Congressional Oversight Panel—characterize this program. So obviously we are talking about the experts who are the watchdogs of the TARP, and they say that regardless of how you want to describe this program, it is what it is. It is an exact duplicate of TARP. That is what it is.

In addition to characterizing the Treasury lending fund as TARP, we had three Democrats and two Republicans on the Congressional Oversight Panel who also laid out a series of substantive concerns with the program. I would like to outline these for my colleagues as well.

First, the panel explained that the Treasury lending fund will be "less relevant if declining business sales play a larger role in lending contraction than banks' rejections of loan applications." What does that mean? Well, it means that although lending contraction remains a significant concern, the root cause of that contraction may primarily be a lack of demand because borrowers are not as interested in taking on debt until their sales increase as

opposed to banks' mere unwillingness to make loans they otherwise should be making. As the NFIB has long maintained, "What small businesses need most are increased sales, giving them a reason to hire and make capital expenditures and borrow to support those activities."

Secondly, according to the bipartisan Congressional Oversight Panel, the program will likely be branded with a TARP stigma, which will diminish banks' willingness to participate.

Third, additionally, the Congressional Oversight Panel has also concluded that the Small Business Lending Fund may reward banks that would have increased their lending even in the absence of government support, as the fund's incentive structure is calculated in reference to 2009 lending levels, which were low by historical standards.

I know the proponents of the lending fund may try to disagree with Mr. Barofsky and the bipartisan Congressional Oversight Panel's comments, but in doing so they will be arguing against the experts established to oversee TARP in the first place.

Moreover, it is not as if we are talking about partisan entities here. Again, the Congressional Oversight Panel is comprised of three Democrats and two Republicans, who have collectively agreed to include these statements in their report.

There are other unintended consequences that may result from Treasury's Small Business Lending Fund, which certainly raises a red flag for me. It is possible that instead of promoting quality loans, the proposal could encourage unnecessarily risky behavior by banks. The Treasury Department proposes to lend funds to banks at a 5-percent interest rate, which then can be reduced to as low as 1 percent if the institutions in turn increase their small business lending. However, if the banks fail to increase their small business lending, the interest rate they would pay could rise to a more punitive rate of 7 percent. Well, this could lead to an untenable situation where banks would make risky loans to avoid paying higher interest rates—a behavior known as "moral hazard."

Some have argued that the banks will not engage in risky behavior because they will remain liable for the underlying debt. We know that certainly was not the case with the mortgage crisis that got us into this economic mess in the first place. So in the final analysis, the possibility that this program could lead to poor lending decisions is something that, in the long run, will not help borrowers, lenders, or our overall financial system.

Incidentally, proponents of the lending fund highlight that several major banking associations support this initiative. Well, that would not be sur-

prising. Who would not support receiving millions upon millions of dollars from the Federal Government at a 5-percent interest rate that could be reduced all the way to 1 percent? While I am in no way questioning the bankers' motives, I do point out that they are not viewing this from a perspective of objective third parties.

Moreover, it does not alleviate my concerns, and that is, obviously, the public's interests when it comes to issuing more than \$30 billion of taxpayer funds.

Another key concern of mine is about the cost of the administration's lending fund. I am very apprehensive about whether Congress has taken into full consideration the program's true cost to the taxpayers. The previous scores for the Small Business Lending Fund are convoluted, to say the least. I say this because there are three different methodologies that the Congressional Budget Office has discussed when scoring various versions of the lending fund—specifically, the Federal Credit Reform Act of 1990 estimates, cash-based estimates, and fair value basis estimates. So those are the three different methodologies.

In the House version that was reported by the House Committee on Financial Services, the lending fund was scored by the Congressional Budget Office as costing taxpayers \$1.4 billion. That level was determined by using the Federal Credit Reform Act of 1990 scoring. That Federal Credit Reform Act methodology is used when there is a disbursement of funds by the government to a non-Federal borrower under a contract that requires the repayment of such funds. In other words, the Federal Credit Reform Act methodology is used when scoring loans.

After this score was released, the House modified the lending fund to eliminate a requirement that the funds be repaid. Of course, there is every intent that the funds will be repaid, and in an effort to make this certain, the dividend rate that banks pay rises to a punitive 9 percent after 4½ years. But there is no absolute requirement to repay the loan.

Well, this change had two effects: First, it allowed the banks to treat the money it receives as an investment as opposed to a loan and therefore to count the funds as tier 1 capital, the core measure of the bank's financial strength. Second, it allowed Congress to claim that these are not loans, although for all intents and purposes they are, so that the bill can be scored under a more favorable cash-based estimate.

Once these adjustments were made, CBO issued another score that examined the lending fund as revised. The lending fund provision we are discussing today remains virtually identical, for scoring purposes, to how it was in that revised version that passed

the House. That score is based on a cash-based estimate rather than the Federal Credit Reform Act because the funds were no longer considered as loans. Under a cash-based estimate, CBO listed the official score for the lending fund as raising \$1.1 billion over 10 years. So this is the official score that has been touted by proponents of the lending fund. However, what they fail to mention is that very same CBO score stated that "Alternately, the potential costs of the [Small Business Lending Fund] under [the House legislation] can be measured using procedures similar to those specified by [the Federal Credit Reform Act] but adjusted for market risk—as is specified by law for estimating the cost of the Troubled Asset Relief Program." This was referring to a fair value basis estimation. CBO goes on to note that when measured in this manner, the score would be a \$6.2 billion loss.

Incidentally, to ensure accurate accounting, the legislation that created TARP required that it be scored using a fair value estimate. So in that case, it would cost—if you were to use the same estimate—it would be a \$6.2 billion loss as opposed to a \$1.1 billion gain in revenues, as the pending amendment suggests.

So putting this all together, we have the Federal Credit Reform Act score which highlights that if these were treated as loans—which for all intents and purposes they are—this program would cost taxpayers around \$1.4 billion. But because of a change to not technically or officially require that the funds be repaid, it is now scored under different methodology, on a cash basis, as a \$1.1 billion revenue raiser, which is what the underlying pending amendment does. Moreover, CBO expressed that if it were scored on a fair value basis, the program would score as costing taxpayers \$6.2 billion.

What does CBO state about which of the three scoring methods is more comprehensive? In the score, it states:

Estimates prepared on a "fair-value" basis include the cost of the risk that the government has assumed; as a result, they provide a more comprehensive measure of the cost of the financial commitments than estimates done on a [Federal Credit Reform Act] basis or on a cash basis.

So I ask the question, when I hear colleagues claim this is a \$1.1 billion revenue raiser, is that accurate? Shouldn't we be concerned that this may not truly be the investment they are claiming? And critically, has all of this been taken into consideration when weighing the effects of this program on the Federal budget and when evaluating the efficacy of this program and utilizing it as an offset in the underlying legislation?

So I am concerned with various aspects of this pending amendment that creates this lending facility for more than \$3 billion. In my conversations

with Treasury officials, I stressed how critical it was to reach out to colleagues on both sides of the political aisle prior to having introduced this piece of legislation and before advancing and championing it here on the floor of this Senate to obtain input on how to devise lending funds in a way that would address the concerns I have raised and to structure it in a way that could achieve broad bipartisan support. Unfortunately, that did not happen, and this, of course, produces the amendment that is pending here today.

Also in my conversations with Treasury officials, I was under the impression this was going to be addressed through the Senate Banking Committee. That was the other issue I raised. I think, after all, given the fact that this is a banking initiative—it is the lending of more than \$30 billion to commercial banks across this country—clearly the Senate Banking Committee should have been involved in examining this issue, that it should have been thoroughly reviewed and vetted and whatever objections existed on both sides of the aisle could have been examined and hopefully resolved. I would have been happy to have had an opportunity to discuss this issue in a way that could have alleviated and addressed these concerns.

Let's not forget this is a brand new program, the nature and magnitude of which is more than \$30 billion, which justifies a thorough evaluation and certainly those that have been raised by the Congressional Budget Office in the variety of methodologies that can produce either a \$6.2 billion loss or a \$1.1 billion revenue increase.

The point is we are not using a true, accurate estimate of what this lending facility will ultimately cost the American taxpayers. If you would use a similar methodology as they did in TARP—which this is a TARP facsimile in terms of duplication and a reflection of TARP—then clearly you have to use the same method of addressing how this legislation either is costing the taxpayers money or is raising revenues for the taxpayer.

It is clear, if you use the fair cash basis estimate, the fact is, it would lose the taxpayers money because you have to take into account all the risks that will be involved during the life of the loan, and that is totally excluded on the estimate and the analysis of the method that was used in the pending amendment.

I outline all of these concerns because I do think it is important for my colleagues to consider very carefully the implications and the ramifications of this lending facility. It is a new program. It is similar to TARP. And it is not just my saying so; as I said, it is the inspector general who oversees TARP, the Congressional Oversight Panel that oversees TARP, which have all expressed that it has similar and

equivalent features to the Troubled Asset Relief Program that we have just terminated in the financial regulatory reform program. It is a concern, and again, it is what the TARP experts call an extension of TARP. They call this lending fund an extension of TARP because it has all of the components of TARP.

So I think we should be very circumspect and hesitant about utilizing a similar program at a time in which we have to minimize the expansive nature of government programs in the spending that occurs here in the Senate, in the overall Congress, and on the part of government. I think it is important.

I have heard that when it comes to the TARP program, that money was distributed to small and medium-sized institutions. But according to the Congressional Oversight Panel, by December 31, 2009—which was the deadline for Treasury's capital purchases—20 percent of all TARP funds did go to small and medium-sized institutions and 98 percent of all recipient institutions were small and medium-sized institutions.

It is not whether a bank is good and that is why we should lend this money. Obviously, there are excellent community banks that do a great job; they did not contribute to the problem all across America. It is really a question as to whether this is good policy. That is the bottom line. Is this good policy? It raises a number of questions. It raises the specter that we are really recreating TARP in another manner; it is just directed to different institutions. I think we have to be very careful and cautious and prudent at this time.

Is there another way to extend the lending capacity of the Federal Government? Yes, there is. It is through the small business lending programs which I talked about earlier, and the majority leader has included some of the provisions that I and the chair recommended, which is to increase the guarantee rates that have demonstrated their effectiveness, that have demonstrated their workability. They work. They have increased lending across this country by more than 90 percent and, in my State, 236 percent. It has demonstrated its capacity for working. So why not use those models we have adopted in the past and that have proven their effectiveness?

I think that is what it is all about. How much can we do? Well, we know we are limited in terms of what we have as far as deficits and the national debt is concerned. So I think we have to be very prudent about how we extend taxpayer dollars.

I have a great deal of concern in terms of, No. 1, not only spending the \$30 billion but the cost to the taxpayers if we use an accurate, realistic measurement similar to what CBO had indicated and similar to what was used

in TARP; and, No. 2, how that legislation works because it creates a perverse incentive. It increases the interest rates to those banks that don't increase their small business lending but decreases it for those that do. So we do encourage the prospects of moral hazard and the likelihood that poor, risky loans might be made because of the fact that their interest rates will be reduced as a result. So I think we have to be circumspect about that.

I hope we do not accept this lending facility because I do believe it does raise serious and significant concerns and that it is duplicative of TARP. I think we need to be moving in a different direction in this country. Also, there are a number of issues that have been raised that cannot be addressed. I hope we could, rather, build upon the underlying amendment, the substitute amendment to be offered by the majority leader; allow for some amendments from both sides of the political aisle so we can strengthen the legislation that is before us with respect to providing incentives, tax breaks, and tax relief to small businesses that rightfully deserve those initiatives so we can incentivize them to create jobs and to feel certain about their futures as well as this country.

So with that, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I have the floor by virtue of a previous unanimous consent, but I understand the Senator from Louisiana wishes to say something briefly while Senator SNOWE is still on the floor. So I would be happy to yield. I would be happy if I could have the floor returned to me at the conclusion of their exchange.

Ms. LANDRIEU. Thank you, Mr. President. I will just be 30 seconds.

I will respond to the comments made by my ranking member. She and I have worked so closely together, and we just have a difference of opinion about this one particular piece of this bill, which is an important piece, so I will respond to her comments in a minute.

I do agree with one thing she said, which is there could be other amendments offered to maybe make this bill better. But I wish to ask my ranking member through the Chair: This amendment is pending. We are going to vote on this amendment. This amendment could potentially get 60 votes plus. If this amendment is voted in by the will of this Senate, even though she has reservations about it which she has beautifully outlined—as she always does—but if this amendment is on the line and let's say other amendments are offered and some pass and some fail, is she inclined to vote for the bill? This is the only question I am going to ask her.

I will restate it. I said to the Senator from Maine, with whom I have worked

very well—we have worked together, but we have a different view about this particular program.

This is an amendment. I agree with her that amendments should be offered on this bill. I am hoping our leadership can work that out. If this amendment is agreed to by 60 plus—we may get 70 votes for this amendment; we don't know. We are picking up support for it. Although some people are opposed, we are getting a good amount of support for it. Does the Senator from Maine believe she could then vote for the bill?

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, first of all, I hope that we could offer other amendments as well in addition to this. I think that is critically important, first and foremost. Just as you have had an opportunity to offer an amendment, our hope is that on our side of the aisle, we would have the ability and the prerogative to offer amendments as well, and then we would look at it at the end of the day. Obviously, I know the Senator from Louisiana feels very strongly about this amendment. Obviously, I have some deep concerns. I certainly hope to support this legislation without this amendment, but if it is the will of the Senate, then obviously I will continue to support it and hopefully we can move forward.

But I just think it is critically important with respect to this particular initiative that a number of these issues have to be addressed. In the final analysis, when we are talking about \$30 billion, we can't do that lightly. Certainly, there are a number of issues that have been raised, ones that I have raised today, that clearly would have to be resolved in my estimation.

So I think from that standpoint I would have considerable concerns if it were left in that manner because I think it raises the costs to the taxpayers indisputably.

Secondly, as to whether it is going to create risky behavior on the part of banks that are assuming this legislation, and if it does add costs to the taxpayers, we have to think about that very carefully because, as my colleague knows, it does raise \$1.1 billion, at least according to your projections. But if we use a true realistic analysis, as we did with TARP, it would cost the taxpayers \$6.2 billion.

Ms. LANDRIEU. Mr. President, I thank the Senator for those comments. She has left a window of opportunity open for, hopefully, some compromises as we move through the amendments on this bill.

I yield back the floor to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, into this arena of discord and division, I rise to bring happy news. But first I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WHITEHOUSE pertaining to the introduction of S. 3641 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I appreciate the opportunity to get back to the issue at hand, which is the small business bill, a job creation bill for America. It is something that many of us have worked on now for over a year.

This bill has been developed by the work of many committees, both in the House and the Senate, over a long period of time—primarily the Small Business Committee and the Finance Committee, but also members from the Banking Committee and other committees that have been very much giving their input into this final product, which is in its final stage of passage.

This bill passed the House recently with these major components—a very strong, targeted tax cut for small business. The Chair knows how important that is to small businesses in Minnesota that are watching additional regulations come upon them—some for good reasons and some not for good reasons. They are looking at an increased cost of capital. They need tax relief. This bill provides that because of the good work that has come out of the Finance Committee. Out of our Small Business Committee, as the ranking member so eloquently expressed and outlined, came some key measures in the bill that will improve the core programs of the SBA—an agency that is well supported here, particularly on the Democratic side, and even with some Republicans who are supportive of that agency. We believe that by strengthening their programs, we can be of some help to small business in America.

The debate right now is on the small business lending fund. I have the greatest respect for my ranking member. We have a disagreement on this particular provision. I want to respond specifically to some of the criticisms of the program.

First of all, in her arguments against the program—but before I go into that, I want to say how pleased I was to hear—and I believe that the transcript will show this—that she said should this amendment get on with 60-plus votes, and other amendments are potentially offered, she is supportive of the bill. She has some specific suggestions as to how this program could be made better, in her opinion. Maybe we can come to some terms on that. I believe that, in good faith, on major bills such as this we should consider amendments, if we can. This is one of them. This is the first amendment, a bipartisan amendment. Senator LEMIEUX

and I are sponsoring this amendment along with over a dozen other colleagues. Senator CANTWELL has been a tremendous advocate of this program, as have Senator MERKLEY from Oregon, Senator MURRAY from Washington, Senator KLOBUCHAR from Minnesota, Senator NELSON from Florida, and Senator SCHUMER. They will come to the floor later this afternoon.

We have a growing list—bipartisan list—with Senator LEMIEUX and myself and others supporting this small business lending program.

Let me try to answer specifically some of the concerns the Senator from Maine expressed. She said there have not been any hearings on this program. There were two House hearings on this initiative. I am going to get the date for the record. But there were two hearings on this specific small business lending program. In one of those hearings, which I will submit—the House markup—there were more than 16 amendments discussed and debated and offered. So I don't want to leave anyone with the impression that this small business lending program did not receive congressional hearings. It has.

This has also received the attention of the Nation, because the President himself spoke about it in probably one of the most highly publicized speeches a President can give, which is the State of the Union. He spoke to the small businesses of America and to the small healthy banks, and said we are going to try to craft a program to be your partner, to work with you, to get jobs created in America. So this has been discussed in hundreds of press conferences, two congressional hearings, and any number of Senators—particularly I want to say, Senator MERKLEY, Senator BOXER, and Senator CANTWELL have spent hours and hours and hours of their time—days, weeks and months—on this provision, trying to work through any particular arguments that others might have.

I want to put that argument to rest. There have been hearings. I have conducted in my committee probably a dozen hearings on related subjects. I could fill this desk with paper, which I will not do and burden the clerk, with letters and comments and e-mails and testimony from hundreds of business owners who say they can't get capital. Our small businesses need help. We want to work with our community banks. They ask: Why are you sending all of this money to Wall Street? We need some help right here on Main Street.

Also, the second argument the Senator from Maine made—and again, I have the greatest respect for my ranking member, and she is a good friend—is that she is concerned because the "watchdog" does not like this program and thinks that it might be like TARP—the congressional watchdogs. I don't know those watchdogs. I haven't

met those watchdogs. I have seen their report, which is here, the May oversight report. I could give you a few summaries from this—that they are not sure this program would work, but maybe we should give the benefit of the doubt to our community bankers, whom we know and trust, and our small businesses.

Ms. SNOWE, the Senator from Maine, for whom I have a great deal of respect, was speaking earlier about this provision that is pending before the Senate. It is a small business lending fund. Those of us offering this amendment believe it is time for us to get a focus on Main Street, to take our eyes off Wall Street for a minute and start focusing on Main Street, our small community banks that are trying to do their best to not only stay in business and make money, but they helped in many ways to build the towns and communities, and they are watching the businesses they lent money to close their doors. We would like to be a better partner with these community banks, in a strategic partnership, to help get money to Main Street businesses.

Senator SNOWE is saying she has some reservations about this provision, and she outlined about five or six reasons she is not enthusiastic to support it. She said, one, that there were not enough congressional hearings or were not any congressional hearings. For the record, there were two hearings on this issue in the House. They were on May 18 and May 19. There were amendments offered. There was full testimony and full debate. There have been congressional hearings on this proposal. It is a relatively new proposal. It has been changed since it was first talked about over a year and a half ago. In my view, it has been greatly improved, greatly strengthened. There have been congressional hearings.

As I said, there has been a tremendous amount of attention on this issue. The President himself spoke about it in his State of the Union Address. It has been debated in many different ways over the last year.

No. 2, the Senator said her analysis is that this bill will not save \$1.1 billion; it will cost \$6 billion. I do not know the analysis she conducted. I have great respect for her ability to analyze numbers and understand details. She is one of the best around here. All I can tell my colleagues is, the group we go to, the agency, the authority on scoring that both Republicans and Democrats acknowledge as the authority on scoring has said this bill will save \$1.1 billion over 10 years. That is the official CBO score that I am going to submit for the RECORD. Other people can do a different analysis. That happens around here sometimes. But when it comes down to the bottom line, the Congressional Budget Office is the only score that matters—Mr. President, you

know that—and it says this bill earns, saves over 10 years \$1.1 billion.

The third argument the Senator made is that the congressional watchdogs are not sure this program will work. This is their report. It is the May oversight report, “Small Business Credit Crunch and the Impact of TARP.” She put up a chart that said TARP-like. This is where that came from.

The congressional oversight report said this program, in their view, might be like TARP, and they are not sure there are any creditworthy businesses in America. That is what this watchdog said. They are not sure there are any businesses in America that are creditworthy to lend. That might be their opinion, but I am a Senator from Louisiana. I am listening to my small businesses. I see my small businesses. Many of them are creditworthy, and they most certainly, with a little bit of help from local community banks infusing capital into their business, could grow and expand.

Don’t take my word for it. Let’s see what Chairman Bernanke says. Chairman Bernanke said—and this was on July 12, 2 weeks ago:

It seems clear that some creditworthy businesses, including some whose collateral has lost value but whose cash flow remains strong, have had difficulty obtaining credit that they need to expand.

This is what the Chairman of the Fed says. He is obviously in a position to see what banks are lending, what banks are not, what he is hearing, he is listening, he is traveling. Maybe there are a few watchdogs and appointees in Washington who are having a little difficulty figuring this out. But if you go to the real streets, if you go to the Main Streets, if you get out of Washington and out of the beltway, you are going to hear many hundreds, thousands of small businesses—and the Chairman himself said there are many creditworthy businesses out there that are having a hard time getting capital. That is what the small business lending program does.

Mr. President, you have heard it yourself. In all our States we are hearing that. Those were some of the arguments the Senator made. I was pleased to hear her say that should the Senate vote on this amendment and get 60-plus votes—which, as we all know now is the way the Senate operates, not by a majority but by a supermajority—if 60 Senators say this is something they want to do to help Main Street, to help small businesses—this is not about Wall Street, it is not about bailouts, it is not about troubled assets, it is not TARP, it is a small business lending fund, a strategic partnership with community banks—if 60 of us say that, then she could be persuaded, if that is the will of the Senate, to pass the bill because there are other portions of this bill that are extremely important as well.

I reiterate the important support we are picking up and to state for the record again the testimony by many business owners. This one comes from Steve Gordon, president of INSTANT-OFF, Inc, in Clearwater, FL, not from Louisiana but from Florida. He writes:

I am the owner of INSTANT-OFF. We make water-saving devices for faucets. INSTANT-OFF replaces the aerator on any faucet, and each unit can save up to 10,000 gallons a year. Our market potential in the U.S. is estimated at 50 million units and globally between 100 million and 200 million. We can create 25 green jobs now. Twenty-five percent of those jobs will be people with disabilities. None of these jobs will be created without capital if I can’t get the loan.

This is a common refrain, whether it is businesses in Florida, Minnesota or Louisiana. All they have are their credit cards which are maxed out. All they have are their credit cards that charge them 12, 16, 18, 24 percent. All these small businesses have is equity in their houses or they did have some equity in their homes to borrow against to start or maintain their businesses. They have seen their home equity diminish considerably. The bank calls them and says: Joe, your house was worth \$400,000. We had it as collateral backing up your \$200,000 line of credit or \$300,000 line of credit. Now your home is half the value. I need to call your line of credit.

Are we not listening?

This small business lending fund, \$30 billion, is going to help healthy small banks of \$10 billion or less. Goldman Sachs cannot even apply for this money. AIG cannot apply for this money. National banks cannot apply for this money. These are community banks that we know, as the Senator from Florida said, are at our Rotary Clubs, they are at our Kiwanis Clubs, they are at our business owners banquets and luncheons. These are the community bankers we know and trust and they know the businesses in their areas and we know them in our districts and in our States.

The question is: Will the Republicans stand with a majority of Democrats and vote for small businesses? This is the New York Times. This is terrible. I see my friend from South Dakota in the Chamber. This is a terrible headline for his party: “Senate Democrats’ Plan to Aid Small Businesses Hits GOP Resistance.”

This is CQ Today: “Democrats Plan to Make Republicans Vote on Small-Business Lending Fund.” We did not have to have this vote. We have been forced to have this vote. Why would we even want to have a vote? After everything we have done to bail out Wall Street, we now come to a plan to lend money to Main Street and I have to hear from Republican leaders who say no.

“Senate Set to Pass Small-Business Bill.” The reason we are in this deadlock is because Republican leaders,

such as my good friend, have decided that we cannot, after all this, after TARP that was designed by President Bush, extended by President Obama to bail out Wall Street and large banks, now we have to hear: I don't know. We have either run out of energy or run out of will to help Main Street and small businesses.

Mr. BEGICH. Will the Senator from Louisiana yield? I ask the Senator to yield for a minute.

Ms. LANDRIEU. Yes.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Mr. President, I wanted to come to the Chamber. I was watching on the floor last night, and I watched the Senator a little bit ago as I came out of a meeting. I am not scheduled to be here. But as a small businessperson all my life—my first business license was at age 14. My next big venture was at age 18. I have been in the vending business, the real estate business, the developing business. I have been a restaurant owner. I can go through a shopping list. My wife owns four retail stores, a small business woman. She started her business selling smoked salmon on a street corner in downtown Anchorage. She now employs 30-plus people, multiple stores, and works to engage other young, small business people to move forward.

There is no question that the legislation the Senator from Louisiana has been working on—the broader issue on small businesses but specifically the loan fund—is critical. She is right.

The Senator's point about how the big banks got theirs and left the small business community literally, not on Main Street, not even close to Main Street—they were kicked off Main Street. I thank Senator LANDRIEU for making this a big issue, pushing forward on it, and also working with Republicans to try to bring them over. It sounds as if she got one so far. I think he has made the right decision. He has seen the impact on small businesses in his communities.

The Senator from Louisiana was on fire last night, I have to say. She was making the point that this is the time to stand for small businesses because they are the ones that are going to rebuild this economy, they are the ones that are going to hire people not next year, not 3 years from now because they want to hoard their profits. They are going to, as the economy recovers, hire immediately.

The small businessperson who has two or three people working for them and their business increases 10, 20 percent, the odds are they are going to hire someone the next day.

That is the power of this lending act, this amendment that is critical. I want to emphasize that point and thank my colleague because, as one of the few small business people in this body, one who has had to knock on those bank-

ers' doors to try to get a few dollars out of them to take a dream and make it reality, or one who has seen small business and helped them expand, I again thank you. This is going to have the biggest bang. As to the \$30 billion, no one is forcing it onto these community banks either; it is an option. If they want to help small businesses—I know many come to your office, come to my colleagues on the Democratic side—\$30 billion leverages to \$300 billion. This is a real economic boon and a real opportunity, and is going to build small businesses.

I thank my colleague for giving me these couple of minutes. I thank the Senators from Florida for teaming up and also recognizing the value of this.

Mrs. LANDRIEU. I thank the Senator from Alaska. I am extremely grateful to both Senators from Florida, Senator LEMIEUX and Senator NELSON, for their support. We all come here as members of political parties. Some of us come as Independents. But at the end of the day we are here to represent our States. We are here to represent the people who sent us. These Florida Senators are moving around Florida, as my friend is moving around Alaska, as I am moving around Louisiana. We know you cannot go anywhere in this country, from Alaska to Florida—and that is about as far as we can get, from Alaska to Florida—and not hear of the pain and the fear. It is not just pain, it is downright fear on the part of a small businessperson who does not know when their next paycheck will come.

Every Monday morning they go to their small business with three or four employees, they turn the lights on, they crank up the computer, and they look in the eyes of people with whom they have worked shoulder to shoulder and they are thinking, Can I pay them this week?

Is anybody not hearing this? I am hearing it. The Senator from Alaska is hearing it. The Senators in Florida are hearing it.

What are we going to do, close our ears and walk away, go home for the August recess and say I am sorry, we can't do anything, after we have spent a year and a half since President Obama has been elected, sending billions of dollars to Wall Street, billions of dollars to the automakers, and now it comes time to spend \$30 billion—not \$700 billion, like TARP, not the billions that went to the automobile dealers—\$30 billion? It is a lot of money, but not relative to that—to our community bankers whom we know by name. Clyde White was in my office yesterday. Bob Tailor was in my office yesterday. I know these men and women. I trust them. These are healthy banks. They did not have derivatives in their portfolios. They did not lend to people they did not know. They did not do the subprime lending.

Now it comes time to help them and I have to hear from Republicans that

we cannot go there because it might look and smell like TARP. Are they afraid of their own shadows? I don't care what it feels like. It is what it is. This is not TARP.

The newspapers are starting to say, "GOP Resistance." I am not even sure why the Republican Party would be against this. Someone said to me: Mary, maybe it is because they don't want anything to succeed so things will be so bad.

I said I can't imagine that.

We have to do what we can. I understand other people say the other parts of the bill are very good, they are very important. Let me tell you about the big picture. There are two other parts of this bill. One is a \$12 billion tax cut part. The other is at the most, if the programs that Olympia and I put together, and we did it as a team—if they work, the experts, say that it will leverage \$30 billion in lending—\$30 billion. So we have \$12 billion in tax cuts, \$30 billion—that is \$42 billion. That is a lot of money, two parts.

This part, if this part works—which is why I am fighting for it—it is \$30 billion but it will leverage \$300 billion. This is a big part of this bill and I am not going to leave it on the cutting room floor without a real hard fight.

Yes, there are three parts. There are two important but small parts and then there is one core big part. For some reason the Republican Party leadership is saying we don't like this big core part. We want you to go with these two parts.

I am saying, you know what, I am not going to do that without a fight, so this is the fight. This is the debate.

I want to say I am very thrilled to hear we are winning because we just got a statement from GEORGE VOINOVICH, who was not on the amendment, that says:

There is real need out there to provide some money to some of these businesses and get the banks back involved. We've got to start doing something. Voinovich dismissed claims by fellow Republicans, including Snowe and Republican Leader MCCONNELL, that the lending program resembles TARP because it involves Treasury Department loans to banks. Republicans have named it TARP, Jr. "I don't buy that," Voinovich says. "It's just messaging."

Thank goodness we have some Senators who can cut through, who are not afraid, who are very direct. VOINOVICH is one of them.

I think we are going to win this fight. I don't know when the vote is going to be but I believe we are going to win because the facts are on our side.

Having said that, I want to go back to some things that Senator SNOWE said because she is one of the most studious and reliable people. People do follow her. She gave a very good presentation—even though I am opposed to her position.

I want to say there were three arguments. There were six she made. There

were three I want to counter right now. She said there were no congressional hearings. There were two in the House. She said her estimate was it would cost \$6 billion. That might be fine, I don't know. But the only estimate that counts is from CBO and it is \$1.1.

She said the report of the watchdog— whoever they are, and I am going to find out, May oversight watchdog, said they are not sure the program is going to work. But the Chairman of the Fed, who should know—he is following this pretty closely—said—and I will provide that to the RECORD—said that it is clear, on July 12, “it seems clear to me that some creditworthy businesses, including some whose collateral has lost value but whose cash flow remains strong, have difficulty obtaining the credit they need to expand and in some cases even continuing to operate.”

Those are three rebuttals to specific criticism.

I also want to say I am happy to hear that if this amendment does get on the bill—there will be other Senators coming down to talk about this later this afternoon—that there might be a willingness, if potentially other amendments could, potentially, be offered, to keep this in this important bill. This is an important piece of this bill. It is not something that we should leave on the cutting room floor. The House has already voted on this. The President spoke about it in the State of the Union. Every small community banking organization, as well as the ABA, the American Bankers Association, supports it.

They didn't support TARP. They didn't even like TARP. They lobbied against TARP.

The big banks liked TARP because they got all the money, but the community banks—my community bank hated TARP. They didn't want anything to do with it. Do you think they would write me letters of support? They were furious with me when I voted for it. Do you think they would write me letters of support, which I have, saying they are for this program if it was like TARP? I don't think so.

I trust my community bankers. I trust my small business people. I don't know what to say about a congressional oversight group that says they are not sure it will work. Heavens, maybe we should give them the benefit of the doubt.

That is what we are talking about. Again, I hope this will be a bipartisan bill. “Community Bankers Support Small-Business Jobs Bill.”

“Senate Set to Pass Small-Business Jobs Bill.”

These are headlines this morning. This headline, “Democrats plan to make Republicans vote.”

I didn't want anybody to have to vote on this. I didn't believe we should vote on it because it makes so much sense, but, because the Republicans want us

to vote on it, we are going to vote on it. I wouldn't want to vote against small business if I were them, but maybe they do.

“Senate Democrats Plan Aid to Small Businesses Hits GOP Resistance.”

These are not good headlines for the other side. But we will see how debate goes. And let me put up the independent bankers. These are 5,000 community banks. We have them in all of our States: Independent Community Bankers of America.

Senator MCCONNELL came to the floor today and said he doesn't like this program. He thinks it might be like TARP. I think I have explained that today, why it is not like TARP. But let's see what the letters to Senator MCCONNELL's office are saying. This is a letter to Majority Leader REID and Minority Leader MCCONNELL from the Independent Community Bankers of America:

On behalf of the nearly 5,000 Members of the Independent Community Bankers of America, I write to urge you to retain the Small Business Lending Fund in the Small Business Jobs Act. The SBLF is the core component of this legislation and the provision that holds the most promise for small business job creation in the near term. Failure to even consider the SBLF in the Senate would be a missed opportunity that our struggling economy cannot afford.

The nation's nearly 8,000 community banks are prolific small business lenders with the community contacts and underwriting expertise to get credit flowing to the small business sector. The SBLF is a bold, fresh proposal that would provide another option for community banks to leverage capital and expand small businesses credit. The \$30 billion fund could be leveraged to provide as much as a \$300 billion line of credit.

We have letter after letter. Let me say one thing because I anticipate my good friend from South Dakota is going to be here to speak against it so I want to say this so he can hear me. If the Democrats had taken the same \$30 billion—which we had some support on our side to do direct lending. You know the difference. We could have given \$30 billion to the Treasury through SBA. We could have done direct lending. There is a lot of support for that. I have letters in my office that say don't give it to the banks because we are not even sure we trust the small banks. We know we don't trust the large banks. Nobody is giving us money. We think the government could give us money.

I said, as a Democrat I might be open to that but I don't think I could get one Republican vote if we did a direct lending program because they will stand up and say: There you go again, giving money to the government to lend.

So I say to my people who are dying for this direct lending: No, we can't do direct lending because I don't think we could get one Republican vote.

I said: You know what might work is if we let the private sector do the lend-

ing because they worship at the altar of the private sector on every bill, every day. So I say to the people over here: I know that you think direct lending would be better. It might be better. I have letters from business owners who are actually mad at their community banks because their community banks are pulling, so they are saying, “Senator, don't give the money to the community banks,” but I am trying to find a compromise. So I think, OK, we will structure the program so we go to the private sector to lend.

They still come to the floor opposed to it. So the only conclusion I can come up with is they don't want to lend money to small business because they either don't think small business needs it, they don't trust their community bankers to do it, they don't trust the private sector to do it, or they don't think there is any demand out there. I am going to point again to the NFIB study, which is the most conservative organization in America, that says in their own study that 45 percent of the businesses—their own members report—are not able to get all their capital.

I don't know what else to say. Maybe that headline is correct: “GOP, Temporarily Lost Their Way.” I don't know.

I see my colleague from New Hampshire on the floor. Since I have the floor, I want to engage her in a colloquy on this in a moment, because this is a very important issue. She has been extremely helpful as a member of the committee.

While she is getting ready, I want to go back to this argument again before others come to the floor. Maybe they want to speak against it. Again, let me ask people listening: What would you do? How would you fashion a bill if you have one group of people who hate the government so bad they won't let the government do anything and you have some people over here who want the government to do everything? So we crafted—Senator CANTWELL, Senator KLOBUCHAR, myself—something in the middle, that says OK, we will use the SBA. We will go through the private sector. We have to help our small businesses, and we can't build the kind of coalition we need.

So I guess the opponents just say we should not do anything, that we should just sort of go home and everybody go get ready for the election and pat ourselves on the back for sending money to Wall Street, sending money to big banks. But when it came to helping our Main Street banks and our small businesses, we just walked away.

Now, again, this bill has three components. It has a small business tax cut, \$12 billion of tax cuts. It is not the estate tax cut. It is not the top rate tax cuts. But it is zero percent—you pay zero percent on capital gains earned if

you invest in a small business. It accelerates depreciation for small businesses. It is \$12 billion directly in the pocket, not of General Motors, not of General Electric, not of IBM, not big companies all over the world and countries, but small companies, \$12 billion dollars of tax cuts.

So I do not want to hear anybody from the other side saying Democrats are not for tax cuts. We have \$12 billion in this bill. We have strengthened some government programs. I know the people on the other side do not think government can do anything well. But government can do some things well. The Small Business Administration is well run and well resourced and supported. It can do very good work for our people.

But there is a private sector component. There is a private sector component; that is, depending on our community bankers, that we know. We know their names. We know where they go to church. We know where they live. They know the people in our communities. We can do a private sector approach, giving \$30 billion that will leverage \$300 billion to get out to America to create jobs.

So I hope we will take this opportunity. The Senator from South Dakota has been patient, and he deserves his time to speak, even though he will be on the opposite side. So I am going to relinquish the floor for a few minutes and reserve the right to come back.

Let me inquire of the Senator, how long might you need?

Mr. THUNE. Well, let me, if I might through the Chair, inquire from the Senator from Louisiana, is there any sort of a time agreement for this discussion?

Ms. LANDRIEU. There is not. But we could enter into one, if you would like. I would be happy to yield up to 10 or 15 minutes.

Mr. THUNE. Well, I do not think—if there is no time agreement, then our side, I presume, would have an opportunity to speak. I do not think there would be any limitation on that.

Ms. LANDRIEU. Then I will continue to speak since I have the floor.

I am going to just continue to talk about the bill. I see other colleagues who are coming down to speak about it. I would just like to read some of the letters that have come to my office supporting the provision.

This is from the National Bankers Association:

Dear Senator Landrieu: I write this letter to you and the Members of the United States Senate in support of the LeMieux-Landrieu amendment. In no segment of the U.S. economy is the need for lending to small business more urgent than in the distressed communities that our banks struggle to serve every day. This recession has hit these communities the hardest. The number of home foreclosures has wreaked havoc on these communities. The small businesses that are the en-

gines for economic activity desperately need access to capital. The U.S. economy will begin to see real growth when small businesses get access to the capital that creates the opportunities for prudent lending. This bill, with your amendment, is a vitally important piece of legislation.

I would like to say that again, underlined. They do not have to write letters like this to me. But it says: This bill, with your amendment—it could have just said: This bill without your amendment, or, this bill with no reference to the amendment. But they go to the effort to say:

This bill, with your amendment, is a vitally important piece of legislation. Its swift passage will send a powerful message through the U.S. electorate that Congress is aggressively working with small business to create real economic opportunities and to spur job growth where it is needed the most.

Why would they write letters like this? Do you think I sit in my office and draft them and then ask them to send them to me? I do not write these words. My staff does not write these words. They are writing them themselves because what they are saying is, people in America are not hearing anything from Congress about small business and small banks.

All we hear about every single day is big business and big banks. This bill gives them hope that we are hearing them, that we are listening, that we are not isolated, and we are trying. This program may not be perfect. But, heavens, it has gotten two congressional hearings. It has gotten a positive score. It has gotten endorsements from every bankers association and almost every small business association we have.

I see my colleague is here. Let me just read one more letter. I know she may have a question or two for me.

This is the National Association for the Self-Employed. We talk a lot about small business. Let me be very clear with people listening. There are 27 million small businesses in America. If anybody wanted to know, there are 27 million small businesses; 20 million of that 27 million are self-employed. That means there is just one person—it could be a self-employed lawyer, doctor, accountant, et cetera, et cetera, self-employed fisherman, self-employed social worker, or psychiatrist.

The small business self-employed, they really struggle because it is just them. So these small businesses we are talking about literally are just from one person, the self-employed; 5 people, 10 people, 20 people. We lose sight of them. They are the ones creating the jobs. They are the ones taking the most risk. They are the ones that have hocked their house, their boat, their car to start the business. They are the ones that depend on this business to work because if it does not, none of their kids go to college. Do you understand that risk? These are the businesses I am fighting for.

In these difficult economic climates in which traditional lending institutions have clamped down, the self-employed and microbusiness communities have been hit particularly hard, left without essential sources of operating capital.

Now more than ever, America's self-employed community, representing 78 percent of all small business in the United States, needs access to additional credit to weather this economic storm and to grow their business.

The National Small Business Association, America's oldest small business advocacy, urges us to support the small jobs bill of 2010 and the LeMieux-Landrieu small business lending fund.

After bailing out our big banks and Wall Street, Congress finally has the opportunity to help Main Street. We are going to have opposition from some people on the other side? The small business lending fund is not a bailout for sinking banks. It is a lifeline to small business owners struggling to stay afloat in turbulent economic seas.

It is not TARP 202. The small business lending fund is not aimed at helping small banks. It helps the small businesses themselves. The fund is designed to help strong community banks. There is a strength test to participate. The program is not designed to prop up failing firms; it makes loans to solid small businesses struggling to get credit. If we cannot do that in this Congress, I do not know what to do.

I ask the Senator, my good friend, perhaps she has some stories or she can think of some things that she could add to this debate to help me try to explain and to get through because, obviously, we are not—

Mr. THUNE. Mr. President, I object to the yielding of time to another Senator. This Senator has been waiting for 45 minutes to speak.

The PRESIDING OFFICER (Mr. SCHUMER.) The Senator from Louisiana can only yield for a question. So if the Senator from New Hampshire has a question, she may ask the Chair.

Ms. LANDRIEU. Through the Chair, I would like to ask the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for a question to the Senator from Louisiana.

Mrs. SHAHEEN. I would like to begin by thanking the Senator who is chair of the Small Business and Entrepreneurship Committee for her leadership and her work to put together, with Senator LEMIEUX, this \$30 billion small business lending fund. I know the Senator made some reference to this, but I just wanted to point out and ask her because there has been a lot of criticism about this fund as being so-called, the son of TARP.

I voted against TARP because I did not think we ought to be doing that. I think this is not another Wall Street

bailout, that this is an effort to help small businesses. I would just like to ask Senator LANDRIEU whether she agrees with me that this is not a bailout; that, in fact, this is an effort to help Main Street not Wall Street; and that we need to do this so we can make sure our small businesses get the credit and the capital they need to operate?

Ms. LANDRIEU. I thank the Senator for that question. I would like to respond. I do want to be courteous to the other Members who are on the Senate floor, and if we could get some kind of timeframe, then I would be very open to that.

But let me respond to this question. It is an important one because the Senator did not vote for TARP. The Senator from New Hampshire did not vote for TARP. Yet she is here as a cosponsor of this amendment. So it gives us some idea that Members who did not vote for the Troubled Asset Relief Program understand this is completely different. It is for healthy banks, not failing banks. It is for small banks, not large banks. It is for Main Street, not Wall Street.

So the Senator is absolutely correct. I know she wants some additional time to speak on the bill. So I would like to ask my good friend from South Dakota, what is his intention? If we can get—I would like to ask unanimous consent that we just go back and forth, 10 minutes each, if that would be OK?

Mr. THUNE. I would say, through the Chair, to the Senator from Louisiana, I do not have an objection to some sort of a time agreement. But the Senator from Louisiana has been speaking now since I have been here, for close to an hour. It would seem to me that if we are going to do this in an equitable way, some speakers on our side would have a comparable amount of time to make our points with regard to the amendment of the Senator from Louisiana.

Ms. LANDRIEU. That would be fine. No one was down here except you have been waiting for a while. So I am perfectly happy, through the Chair, to say, if we can come to some agreement, maybe the next 20 minutes on their side, then 10 minutes here, and another 20 there, until we catch up, would be fine with me for the next hour. So 20 minutes, 10 minutes, 20 minutes, 10 minutes, and then we will continue.

The PRESIDING OFFICER. Is there objection to the proposal? The Senator from South Dakota.

Mr. THUNE. If I can say through the Chair, to the Senator from Louisiana, I was just conferring to see what speakers we have on our side. I think Senator SHELBY is coming down. I do not know long he intends to speak, but I would like to speak for up to 15 minutes or thereabouts. My assumption is that he would want to speak for a good amount of time.

So we might want to expand the amount of time the Senator has suggested in terms of the agreement.

Ms. LANDRIEU. Fifteen minutes each? Through the Chair, may I suggest that we just go back and forth 15 minutes each, until the leadership decides how they want to proceed. I think that would be fair. I know I have been speaking.

The PRESIDING OFFICER. Is there objection to the proposal made by the Senator from Louisiana? The Senator from South Dakota.

Mr. THUNE. Let me just say, if I could, to the Senator from Louisiana, I do not have any objection, I think, if we got back on a 15-minute—the ping-ponging back and forth one side to the other. I do think, however, the Senator from Louisiana has spent a good amount of time talking for nearly, since I got over here, an hour. If we might have an opportunity to catch up a little bit.

So perhaps we could have a half hour for our side, and then if there are speakers who want to come down after that, they could go 15 and 15.

Ms. LANDRIEU. I would agree to that. If the Senator wants to have 30 minutes now, then we will alternate, through the Chair, 15 and 15. That is fine. But I would say that this Senator has been on the floor of the Senate all morning. I have given up a lot of other meetings that I could have been at because this issue is very important.

There was no one else on the floor most of the time when I was speaking. So I appreciate that. But I think this issue is important enough. I ask unanimous consent, the Senator has said 30 minutes on their side right now, and then we will go 15, 15 for the next couple of hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota is recognized for 30 minutes.

Mr. THUNE. I do appreciate the effort that is being made by the Senator from Louisiana to assist small businesses around this country. Frankly, there are many provisions in this bill I think people on both sides agree with.

I have, as a member of the Small Business Committee, a number of these provisions that I have supported in the past. I think many of my colleagues probably have as well. So to suggest for a minute that the Republicans are somehow standing in the way of passing this small business bill is just wrong. There is clearly a lot of Republican support for many of the provisions that are included in this bill.

In fact, I will mention the increased loan size and guarantees for SBA (7)(A) and 504 loans; temporary fee reductions for (7)(A) and 504 loans, updates to SBA's outdated size standards, and much needed tax relief through measures such as bonus depreciation, section 179 expensing, and allowing busi-

ness credits against the alternative minimum tax, those are all things that there will probably be large bipartisan support for in the Senate. The issue we are having a debate about now is whether the Senator from Louisiana should be able to amend the underlying bill with a provision that would create a small business lending fund.

The point has been made by the Senator from Louisiana that somehow it is just Republicans who are opposed. The fact is, there were objections to that provision on both sides. That is the reason it is not in the base bill. It was originally in the base bill. It was dropped from the base bill at the request of the majority leader and the chairman of the Finance Committee, it is my understanding. This particular provision is not only objected to by Republicans; there is Democratic opposition as well, which is why it was once in the base bill and is now no longer in the base bill and is being offered as an amendment to the bill by the Senator from Louisiana.

I rise in opposition to the amendment. I, in all likelihood, depending on how it plays out, may very well end up supporting the bill. There are many provisions in here with which I agree. This particular provision, however, is going to make a lot of Members uncomfortable. We can say this isn't TARP, but if it walks like a duck, talks like a duck, and acts like a duck, it is a duck. This is TARP. Anybody who thinks for a minute they are voting for something that isn't TARP when they vote for this is, again, flat wrong. This is structured precisely the way TARP was structured. It is designed to avoid that label to encourage participation by banks, which I understand. I don't think there are many banks that would want to participate if they knew they were getting into TARP. But this is essentially TARP. It has been relabeled and renamed, but we can't get away from the basic fact that it continues to be an extension of TARP simply to small businesses or to smaller lending institutions, the assumption for which the TARP was made available.

As to the capital purchase program under TARP, reading from the quarterly report of the special inspector general for TARP, it says that of the 707 lending institutions that participated in the original TARP, 625 had assets of less than \$100 million. I realize \$100 million is still a lot of money. There are a lot of banks in my State that have nowhere close to that amount of assets. But if we take the total number of lending institutions that participated in TARP, which is 707, 625 of those or more than 80 percent were banks with less than \$100 million in assets. There was participation by smaller banks. It wasn't only the big multibanks that were participating in the program. It was a lot of

these \$100 million and smaller banks that were participating originally in TARP.

The other point that has been made is that somehow this is different in the sense that this is going to actually raise revenue for the Federal Government. The TARP, projections are, will cost Federal taxpayers \$127 billion when it is all said and done. We hope that is not the case. We hope that number is smaller, but that is what the estimates are with regard to how much TARP will cost Federal taxpayers. This particular \$30 billion reincarnation of TARP, created specifically for smaller lending institutions, it has been estimated by the CBO, will actually generate a budget savings of \$1 billion. How do they come at that? CBO, at the request in the House of Representatives, where this originally passed, used a different accounting method in determining the cost or the budgetary impact of this version of TARP versus the original version.

The CBO also noted that if the accounting conventions that were used to consider the budgetary impact of the original TARP were applied to this \$30 billion TARP carve-out, it would cost Federal taxpayers or would score \$6 billion. Again, it is because this scored differently. If this fund were scored as they scored TARP, which was on a fair market basis adjusted for a market-risk basis, then it would cost \$6 billion. This is being scored on a cash basis as raising over \$1 billion. That is what the CBO is saying. If they used the same accounting conventions applied to the original TARP, this program would have a budgetary impact of \$6 billion, rather than the \$1 billion savings being reported by the proponents of the legislation.

I make that observation to point out that when people who are voting for this think there may not be any consequence with regard to the fiscal impact this could have, they are not taking into consideration the full picture. There was a change made in the way CBO scored the original TARP and the way they have scored this particular program. If we use the same convention or the same accounting conventions applied to the original TARP to this TARP, we would be talking about a \$6 billion cost to taxpayers as opposed to \$1 billion in savings.

It strikes me that there is great effort being made to convince people this is not a TARP program. I wish to point to the White House's talking points that admit that the "program would be separate and distinct from TARP to encourage participation" and that "the Administration's proposal would encourage broader participation by banks, as they would not face TARP restrictions."

These restrictions include executive compensation rules, warrant requirements, and a variety of other things.

But my point is, this is the same flawed structure. This is the same basic mechanism used to create the TARP. Most people here, Members on both sides, have great apprehension about how TARP was used. Again, to Members who will be voting for this particular reincarnation of TARP, if they didn't like voting for TARP the first time, they probably should not be voting for this. We are essentially doing the same thing, but we are purposely removing some of the very safeguards created under the TARP.

There are better ways of helping small businesses. We have 9.5 percent unemployment. We are trying to encourage small businesses to create jobs. Yet here we are talking about going back to the old playbook and trying to somehow make this look better and sound better and put different lipstick on it and say this is a new program, when it is essentially something we are all familiar with. If we want to help small businesses, we should get our foot off their throats. Let's get Washington's foot off the throats of small businesses.

Everything being done here in terms of public policy in the last year or year and a half is going to make it more difficult for small businesses to create jobs. We have passed a \$1 trillion expansion of health care which imposes new mandates and taxes on small businesses. We have passed a \$1 trillion stimulus bill which has done very little to help small businesses. If we had been having this debate when the stimulus debate occurred, there might have been more support. But at the time, a very small fraction of the total amount, about one-third of 1 percent of the amount that was spent under the stimulus bill to try and grow the economy and create jobs, was actually directed at small businesses. It was a nonfactor in the debate during the stimulus. We spent \$1 trillion, most of which has been used to create jobs in Washington, DC, in the Federal bureaucracy. We haven't done anything to provide the incentive for small businesses to create jobs.

It is going to get worse because, as we all know, next year, the 2001 and 2003 income tax cuts expire, at which time, if no steps are taken, the rates are going to go up on small businesses. The other side will argue that we will insulate and protect people under \$250,000 from these tax increases, \$250,000 for a married couple and \$200,000 if one is single. The point Members of this body need to remember is, 50 percent of small business income is taxed at those top two marginal income tax rates. When we raise those top marginal income tax rates—the 35 percent rate up to 39.6 percent and the 33 percent rate up to 36 percent—we are imposing tax increases on small businesses. That is what small businesses have to look forward to next year. It is

no wonder small businesses are not creating jobs. We continue to pile these new mandates, new taxes, new compliance and regulatory burdens on them. We expect them to go out and create jobs.

Look at the proposal for energy, the cap-and-trade proposal. It would put a punishing new energy tax on small businesses. At every turn what we see is Washington, DC, and the Congress taking steps detrimental to job creation and making it more difficult for the very small businesses that are the economic engine of our society to create jobs.

There are some things in this legislation that are good. There are some tax incentives for small businesses. We are talking about a provision now, an amendment that would be added to this bill, a \$30 billion mini TARP which we have all seen work in the past. I don't think anybody here would want to go down that path again, if they knew that is what they were voting for. That is why this incredible effort is being made to relabel what this is. That is why they are changing the language in describing this. But the fact is, we are talking about the same thing.

I wish to read some quotes from the TARP congressional oversight panel, which is headed by the administration's rumored choice to head the new Consumer Financial Protection Agency, and that is Elizabeth Warren. She has expressed skepticism that it will be effective in increasing small business lending, the fund we are currently debating. She says:

The small business lending fund looks uncomfortably similar to TARP. Like the capital purchase program under TARP, the small business lending fund injects capital into banks assuming that an improved capital position will increase lending, despite the lack of evidence that the capital purchase program did.

That is a direct quote from this report by the congressional oversight panel. She goes on to say that "such a fund runs the risk of creating moral hazard by encouraging banks to make loans to borrowers who are not credit-worthy."

We have a lot of folks who have followed very closely what happened with TARP who are expressing reservations about this particular lending program and how it might impact the Federal budget. If we use the same scoring conventions applied to the original TARP, it comes in at a cost of \$6 billion as opposed to a savings of \$1 billion. When we completely throw away the accounting manual and use a different accounting convention, we get a different result. But the risk still exists. The CBO has made that clear in their analysis. When we look at what the congressional oversight panel says with regard to how this will resemble TARP, the risk they recognize inherent

in that, as well as the limited effectiveness of the original program in encouraging banks to participate, this is a path down which we should not go.

There are things in this bill that are good. There are things that will attract bipartisan support in the Senate that Members on both sides are in favor of. But the reason this provision was stripped out wasn't because Republicans alone objected. There were Democratic objections as well. It was taken out of the base bill. It is now being offered as an amendment for that reason. It is not Republicans who are trying to stop us from doing things that will help small business. The best thing the Senate can do to help small business is to quit putting new mandates, new taxes, and new regulations on them. Then they will see the kind of certainty they need to create jobs and get the economy growing again.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Alabama.

Mr. SHELBY. Madam President, who controls the time?

The PRESIDING OFFICER. The Republicans control another 14 minutes 50 seconds at this point.

Mr. SHELBY. Madam President, I rise to oppose the Landrieu amendment. Only 1 day after the President signed the Dodd-Frank financial regulation bill into law, at that time proclaiming an end to taxpayer-funded bailouts, we find ourselves debating another bailout bill on the floor of the Senate. Just last week, we were told by the majority that the mere passage of Dodd-Frank would help revive our damaged financial system.

The bill was heralded as a thoroughly considered and comprehensive piece of legislation that would restore confidence in our financial system and revive our economy. What a difference a day makes.

If Dodd-Frank is really going to revive our economy, why do we need this bill? I think the answer is clear: The majority knows the Dodd-Frank legislation is going to reduce lending and undermine economic growth by imposing more regulations and taxes on banks. They know, I believe, that Dodd-Frank will do nothing to increase the availability or reduce the cost of loans to small businesses. But, rather than create a new regulatory system to strengthen our private sector, the majority decided to expand significantly the old system, thereby increasing the regulatory burden on American businesses—small, medium, and large.

I believe this is the same old song and dance: expand the reach of the heavy hand of government, increase taxes and the cost of doing business, and then complain that the private sector is not working. We have heard this before. Once the American business owner is sufficiently encumbered, the only alternative must be a brandnew

big government program, such as envisioned here. How do we pay for this new "necessary" government program? We borrow money from future generations. Does that sound familiar to people here in the Senate?

This amendment is intended to help small businesses—a goal we can all support. Yet, in practice, the legislation would create a second TARP. Remember TARP? A lot of people wish they had not voted for it. Like TARP, this program does not lend money directly to small businesses. It would have the government take ownership interest in hundreds of banks and then require that they make loans. This is TARP II. In fact, banks could replace original TARP money with funds received from this program.

As I said, just 1 day after the enactment of Dodd-Frank, which contained a provision to speed up termination of TARP, we are voting on an amendment to extend TARP for at least another 10 years.

To force banks to participate in this program, this legislation would subsidize bank financing. Banks would generally pay dividends on the government equity investments at rates ranging from 1 to 5 percent. The current market yield on such investments, however, is between 7 and 8 percent. Hence, any bank that chooses not to participate could find itself at a competitive disadvantage. Moreover, this legislation forces taxpayers to what? Subsidize banks once again. In effect, we are taxing small business owners to pay banks to lend to small businesses. Even worse, the government's equity investments would be subordinated to all of a bank's existing debt. As a result, if a bank fails, existing creditors would get paid before the government, and taxpayers again would take the hit. I believe American taxpayers have lost their appetite for bank bailouts.

Finally, I also want to note that the legislation appears to exempt loans made under this program from existing underwriting regulations. The bank regulator would then have the authority to decide what types of underwriting standards apply to these loans. I believe this raises at least two issues. First, if the multitude of regulations required by Dodd-Frank are really necessary, why does this bill provide a carve-out for loans made under this program? Second, what statutory protections are there to ensure these loans are underwritten in a safe and sound manner so we do not create hundreds of new Freddie's and Fannies? The answer, sadly, is none.

This legislation would continue the majority's assault on American business by having the government dictate how and to whom loans are made. Each participating bank would have to provide the government with a business plan for review. Rather than having loans approved based on the credit-

worthiness of a borrower, politics will now play a role. We should let the market, not bureaucrats, decide which businesses get loans. Unfortunately, the majority party is once again sacrificing our core economic values for a short-term economic gain.

The lack of credit for small business is a problem that needs to be addressed. I fully support the Banking Committee examining the issue and hope Chairman DODD would consider holding a hearing on this issue. I think it is very important. It is relevant, and it should come out of the committee. I do not, however, believe we should try to solve this problem with another expensive and bureaucratic government program. TARP II is something we do not need and I hope will not be supported in the Senate.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, how much time is left of our allotment?

The PRESIDING OFFICER. Eight minutes 8 seconds.

Mr. THUNE. Thank you, Madam President.

I thank the Senator from Alabama for his eloquent remarks as a key member and the ranking Republican member of the Banking Committee, as someone who is very knowledgeable of the impacts these decisions we make here in Washington have on our financial institutions across this country. I think he is someone who has gone through, as many of us have, this experience with TARP, and his comments are particularly on point. So I thank him for being here and for speaking to this issue.

As my colleague from Maine also noted earlier today, I think there is pretty broad opposition to this particular amendment, notwithstanding the support many of us have for the underlying bill. As I said before, there are tax incentives in the underlying bill, along with some other changes that are being made in some of the Small Business Administration lending programs, that I think will get widespread support in the Senate. But I believe this particular provision, for many of the reasons I have mentioned and others have mentioned on the floor, is going to find a considerable amount of opposition, and I would expect that to be bipartisan opposition.

In the few minutes I have remaining, what I would like to do, if I could, is wrap up with a couple of basic observations.

I know the Senator from Louisiana and others have talked about the discussion they have had with lenders in their States and some of the various associations that represent their States. I also had the opportunity a couple days ago to visit with a number of my bankers in South Dakota, most of whom believe this legislation is unnecessary because they think it is not

an issue of having funds to lend, that there are funds to lend out there, and the question really is trying to find the types of deals, the types of borrowers who could make payment in a timely way. Hopefully, there will be more borrowers who are qualified.

One of the reasons I think they do not qualify is because there is so much uncertainty about what the rules of the game are going to be going forward. If you are a small business in America today, you do not know what is going to happen on the estate tax, the death tax. I hear that all the time from farmers and ranchers and small businesses. You do not know what is going to happen with regard to taxes on income, on capital gains, on dividends. All those things are set to go up next year if steps are not taken by Congress to prevent that from happening. You have the new health care mandates which many of the small businesses are still trying to react to and figure out—when this gets implemented, what impact is this going to have on my small business and my cost structure? You have the prospect looming out there of a new energy tax under some sort of cap-and-trade or climate change proposal that continues to be discussed here in Washington, DC. So there is this cloud of uncertainty surrounding businesses in this country and I think also lenders who are looking at businesses in this country and wondering whether these businesses are going to be viable in the future if they are hit with all these new taxes, new regulations, and new mandates.

So I think the better course for us to take is to look at ways we can liberate small businesses from regulations and taxes and mandates and enable them to go out and do what they do best; that is, create jobs. But, frankly, I do not believe, notwithstanding the arguments that are being made by the other side, that going down the path toward another TARP—again, \$30 billion is a significant amount of money. It is tax dollars we put at risk.

Again, the reason the CBO scored this at a \$1 billion savings is because they did not take into consideration, with the methodology they used in scoring it this time, market risk. They did when they scored the original TARP. If they used the same accounting conventions in making their analysis of the budgetary impact of this particular provision as they did with the original TARP, it would not result in a \$1 billion savings; rather, it would result in a \$6 billion cost to the Federal taxpayers. I think that is important to point out in this debate going forward.

Let me, I guess just to close, at least temporarily, while other speakers perhaps come down to talk about this, say that the White House's talking points, as I mentioned earlier, make it abundantly clear that this really is a TARP. They are trying to disguise it and call

it something else because they want bankers to participate and they know bankers will not participate if they think they are getting into a TARP.

These are the talking points from the White House which admit, again, that the "program would be separate and distinct from TARP to encourage participation." It goes on to say that "the Administration's proposal would encourage broader participation by banks, as they would not face TARP restrictions." Again, as I said, these restrictions the White House is referring to include restrictions on executive compensation and warrant requirements, to name a couple.

So this really is—if you look at the way this breaks down and you compare it side by side with how TARP was structured, it very much is the same thing.

We can call it something different. We can label it something different. We can disguise it. We can try to make people feel better about voting for it. But what you see is what you get, and what you get and what you see here is TARP by another name.

So I do not think it is necessary for us to be going down this path again. We have tried that once. When we did try it the last time, of the total number of banks—707—that participated in the capital purchase program under TARP, 625 had assets of less than \$100 million. So this is something that has been tried, and it certainly does not seem, in my view, something we ought to be trying again. There are a lot of other ways to provide incentives for small businesses to create jobs. Some of them are in this bill, and for that I congratulate the Senator from Louisiana. I worked with her as a member of the Small Business Committee on some of those provisions. But this one really is a bridge too far. It is not something we need to be doing. It is not something the taxpayers of America need us to be doing. I would argue, as well—and this is based, again, on conversations I have had with lenders in my State of South Dakota—this is not something they think is necessary when it comes to making more credit available to small businesses in this country.

So I would, with that, reserve whatever time we have. I guess I yield back the remainder of my time—I assume it is about gone—and will wait for some other speakers to come down.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, before my colleague leaves the floor, I want to say I did not realize he was such a fan of Elizabeth Warren. I was really under the impression that he and some of the leaders on that side had some objections to her style of leadership. But they surely have quoted her today because she was the author of this oversight report to

which they keep referring. So I am so happy to know that the Senator from South Dakota and the other Senators who have spoken think so much of Elizabeth Warren because she is the one who wrote this report that said this might look like TARP II.

Now, that is what Elizabeth Warren says, and evidently my good friend from South Dakota really appreciates the leadership she is giving on this subject. Because the community bankers—not Elizabeth Warren, not bureaucrats in Washington, whom the Senator from South Dakota is defending—his own community bankers—yes, in South Dakota, his community bankers—wrote to HARRY REID and MITCH MCCONNELL, his leader, on behalf of the nearly 5,000 members of the Independent Community Bankers. A Communist group, a very liberal group this group of independent community bankers is. A big government group independent community bankers are. They have written a letter to the Senator from South Dakota. Evidently, he did not open his mail today.

Madam President, they write:

I urge you to retain the Small Business Lending Fund in the Small Business Jobs Act. It is the core component of this legislation.

Mr. THUNE. Would the Senator yield?

Ms. LANDRIEU. No, I will not yield.

I will say one thing to the Senator from South Dakota. If I took out the words "big government," "taxes," or "regulations," neither the Senator from South Dakota nor most of the Members on the other side could finish a sentence, because they can't debate a specific. He gets up and starts talking about higher taxes and more regulations. This bill has tax cuts in it. This bill doesn't have any regulations in it. This is a small business lending program. My good friend, the Senator from Alabama, read the statement written by the political operatives beautifully. I am sure I will hear it on the Rush Limbaugh radio program today.

I don't need a speech to read. I have hardly read one thing except the thousands of letters that are pouring in, asking us to help small business. I will say with as much respect as I can to the ranking member of the Banking Committee, because I know I heard him say this bill didn't go through the Banking Committee: I wish to agree, and thank God it didn't. Because you know the last two bills that did? One was TARP I, which nobody likes. Then TARP II came through that committee, and then the big bank regulatory bill came through that committee. So I hope the ranking member isn't trying to convince me or the Republicans that that committee has produced great legislation. I say that with respect to the chairman of the committee. I know he is going to hear this

and be aggravated. But to stand up and say because the small business lending bill didn't go through the Banking Committee, which has been roundly criticized by their side for too much regulation, is more than I can stand.

Thank goodness, this didn't go through the Banking Committee. It came straight from the hearts of bankers in our communities and small businesses who don't need any committee in Washington to tell them what is going on at home. They don't need any lobbyists to tell us what is going on. They can't get money. We have given out money to Wall Street. We have given out money to the big auto companies. When it comes to giving out a small \$30 billion to our own community banks, the Republicans say no.

Then I have to hear the Senator from Alabama and the Senator from South Dakota—and I want whoever is listening to hear this: They say this is a big government program. The money doesn't even go to the government; it goes to the community banks. It is a voluntary program to community banks, and it then goes to business.

I will say again that there were Democrats who came to me and said—I am the chair of the committee—Senator, we don't trust the private sector. We don't think that if we give them this money, they will lend to our small businesses. Can't you do a direct lending program? There is a lot of support for a direct lending program. But knowing the GOP the way I do, I said to my friends, my colleagues: You know, if I thought I could get one or two or three Republicans for a government direct program, I might do that because it would be more efficient, but they are so mad at the government right now and they have everybody all riled up, so let's do it through our community bankers whom we know, whom they know and support. So we craft the program to be a voluntary private sector lending program to healthy banks, and they want to say no, because, they say, it is like TARP.

Well, let me tell my colleagues one Senator who is a Republican who doesn't think it is TARP, and that is Senator LEMIEUX from Florida. Another Senator who doesn't think it is TARP is the good Senator from Ohio, GEORGE VOINOVICH, who says it is not TARP.

But the Senator from South Dakota, who came to talk about how we can't help small business, actually voted for TARP. The Senator who just spoke against this provision voted for TARP, to give money to banks and big banks with no strings attached. Yet he comes to the floor and now he can't help our community banks in their efforts to help small businesses. Every community bank, independent bankers, ABA, they are all supporting this. They didn't support TARP; many of them did not. They were afraid of it. They

didn't like it. They still complain about it. This isn't TARP.

I know my colleague is here from the State of Washington. How much more time is remaining?

The PRESIDING OFFICER. There is 8 minutes remaining.

Ms. LANDRIEU. Madam President, I wish to yield the 8 minutes to the Senator from Washington, who was extremely instrumental in designing this program. Perhaps the Senator knows I am evidently having some difficulty explaining to some of the Senators from the other side how this is not like TARP. Maybe the Senator from Washington can do a better job than I have been able to do. I wish to thank her for coming to the floor. I yield 8 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I thank the chair of the Small Business Committee. I see my colleague from Washington is already here on the floor. Did she wish to say a few words?

Mrs. MURRAY. Madam President, I am happy to yield to the Senator from Washington to go first and then I will follow her.

Ms. CANTWELL. I thank my colleague from Washington. I know she too has been very active in this issue and has spoken on it and has urged our leadership, in signing a letter, I believe probably 6 months ago, that we pass this legislation. I wish to thank again the chair of the Small Business Committee for her advocacy.

This literally is an issue about Main Street versus Wall Street. This is about whether we are going to help Main Street in tough economics times, or whether we are going to continue to say that Wall Street gets the ear of Congress.

I am someone who didn't vote for either of the TARP pieces of legislation. I know my colleague, Senator SHELBY, the ranking member of the Banking Committee, was here speaking about this. I can assure my colleagues that this legislation is focused at the problem that was caused by Wall Street. Many people across America are asking when we are going to stand up for small businesses in America and help Main Street recover from this economic disaster.

How did we get into this situation? We got into this situation when large banks failed because of their active participation in things such as credit default swaps and other derivatives that weren't truly backed by financial commitments and basically became a house of cards, and they brought down our entire economic system.

So what was our response to that? Our response to that was to bail out the big banks and give them assistance.

What happened to the community banks? As deposit insurance basically

was paid out in various forms, that said to those community banks: You now have to have higher capital standards. Can my colleagues imagine that? Can my colleagues imagine that? We had big banks such as Goldman Sachs and others that basically had imploded and we gave them taxpayer money and, basically, then said to the community banks: You need to have more capital within your banks. That is what we said.

So what did those community banks do when regulators told them they had to have higher capital requirements? They did what many of them only had one choice to do, which was come up with situations to either get more capital or stop their lending. The consequence is that there was a lot of lending that was done to small businesses that suffered as a consequence of those actions. Imagine that. The practices of the larger banks of investing in credit default swaps and derivatives that had no basis ended up costing small businesses their access to capital because capital requirements were put on small businesses through their banks at the same time large banks were given a bailout.

So no, no, this is not a bailout. This is about a lending program for small business to save Main Street and save our economy, because this Senator believes that job creation happens from small business. That is a proven fact. Seventy-five percent of the increase in jobs comes from small business, but right now they can't get access to capital.

Here is a letter from one of my constituents:

In unprecedented times I am writing to you to express and urge relief for small business owners who are struggling to survive and who can be one of the key factors to improving the U.S. economy. We have been a small business for over 9 years and have 5 restaurants in Washington State and we currently employ 150 people between five operations. Until September of 2008, our business was stable and we were expanding and adding jobs and tax dollars to the State and Federal coffers. But then in September of 2008, after signing a 20-year lease for our first Arby's project—

that is a restaurant—

our lender pulled our financing due to economic conditions. This was the same lender that just 3 months earlier had refinanced over \$3 million of our business debt. And even though we had excellent personal and business credit, two business properties as collateral, good cash flow, we were forced to take high-interest equipment leases, advances from credit cards, as well as cash advances with an almost, yes, 50 percent interest rate from finance companies with an 18-month term.

We tried going directly to the bank to finance the company, but we were told we had no options. Instead, the same bank charged an almost 50 percent interest rate through the finance company.

There is nothing worse to an entrepreneur than to have the foundation and determination of their survival caused by this economic calamity and then to feel that State

and Federal agencies would rather see your doors shut than work with you. We are honest, hard-working Americans who want to pay all our debt, but these agencies are uncompromising and missing the human factor.

Missing the human factor. Why is it that the other side of the aisle thought it was such a priority to bail out Wall Street, but now a well-crafted piece of legislation that is a lending program that is voluntary—banks don't even have to participate in it if they don't want to; it is not like TARP which was mandated on the banks to participate—why is it the other side doesn't want to see the success of these small businesses?

As my colleagues have said, this program is a well thought out program to help recapitalize the community banks as more requirements were put on to them as it related to the economic crisis of 2008. Imagine that. No questions asked to the big banks; they were given a bailout. Small banks got new capital requirements. They cut thousands and thousands—probably millions—of lines of credit; that is, performing loans to businesses across America were cut out from under them.

The voices are loud and clear across America. They want us to help restore this kind of stability through access to capital for small businesses. This is a program that can generate \$1.1 billion to our economy and reduce our Federal deficit. It will help stabilize in a way that these other programs have not been able to do, and it will create the job growth we need to see in America.

I hope my colleagues will support this important legislation. I know some on the other side of the aisle want to name this some other legislation. But the truth is that this is about Main Street, whether one's perspective is that Main Street is going to help us. I believe Main Street will be that job creator. I hope my colleagues on the other side of the aisle will think about this and the consequence of the votes they have already taken. It is so important for us to say that we understand their plight, just like the gentleman's letter that I read. It is important for us to say we understand the frustration they have been through; that we are on their side in making sure small business gets access to capital; and that we believe our economy isn't about the big banks. It is about those millions and millions and millions of entrepreneurs every day who go out there and are hard working and who have been told no, no, no—told even on their lines of credit, no, you can't have access anymore. We need to right that wrong that happened over the last year and a half and get capital flowing again to small businesses.

I thank the Chair, and I thank the chairwoman of the Small Business Committee. I see my colleague from Washington, who has been outspoken about this since January, the impor-

tance of getting this done, and has written many letters to try to emphasize how critical it is to our Washington State economy.

The PRESIDING OFFICER. The Senator from Washington should know that the 15 minutes for the majority has expired.

Mrs. MURRAY. Madam President, I ask unanimous consent to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I ask unanimous consent that the next Democratic Senator to speak be the Senator from New Hampshire, the Presiding Officer.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I wish to thank Senator CANTWELL, Senator LANDRIEU, and all of those on our side who have been working so hard on this issue for so long.

As all of us know, small businesses are not only at the heart of our communities, they are at the heart of our economic recovery. They provide secure, stable jobs. They drive the innovation that provides economic growth and expands opportunity for all. They are the foundation on which we build our economy.

But we also know that this economic downturn has hit our Nation's small businesses particularly hard. Lines of credit have been cut off, businesses that were expanding and hiring suddenly slammed on the brakes, employees have been let go, and inventive and original ideas have been put on hold.

In communities throughout our country, our small businesses have been left to fend for themselves.

A large part of why this has happened can be explained by looking at the health of our community banks, which provide the capital that drives business growth and job creation.

The fact is, help has come much too slow for our community banks. Because of that, we have seen these banks fail one after another, lending has dried up small businesses, and job growth has suffered.

While Wall Street institutions such as AIG and Goldman Sachs were deemed too big to fail, the collapse of our community banks has apparently been too small to notice. In communities across my State and across the country, the loss of their hometown banks has certainly been noticed. In my State of Washington, just in the past year, there have been 10 community banks that have failed. Believe me, their communities have felt the loss of these banks.

Earlier this year, the FDIC closed American Marine Bank, a small bank that serves small communities in my State, including Bainbridge Island. It was a bank that had served small businesses and families in the community

since 1948. It was the first bank that allowed the people who lived there to do their banking without having to take a ferry ride all the way to Seattle.

Over the years, American Marine provided the capital that allowed Bainbridge Island and other areas of our Olympic Peninsula to grow into self-sustaining economies, to grow from very sparse farm areas into suburbs that included thriving small businesses and family-wage jobs.

An article that ran in the hometown Kitsap Sun newspaper after the collapse captured what the bank's failure meant for local businesses and families.

In the article, Larry Nakata, president of a local grocery chain, said American Marine had been his bank since the day his store opened and noted that over the past 52 years he has gotten repeated loans from American Marine over time to build new stores, expand, and hire new workers. In that same article, Mary Hall, a local business owner, talked about how a former CEO of American Marine believed in her enough to give her a loan to start up her paint company back in 1984, which still serves the community today.

Jeff Brian, a movie theater owner there, talked about how American Marine provided the loans he needed to buy new land and open new theaters. He said:

They were there for us from the very, very beginning.

Madam President, it is not just that community banks are failing, it is that they simply don't have the capital to lend to even very successful small businesses in their communities.

This is something I have heard repeatedly talking to small business owners in every community of my State.

In Vancouver, WA, I heard from Tiffany Turner, who, with her husband, owns a growing inn. She told me they have grown close to 10 percent, despite the economic recession. But they have now been told by their bank that "we are not lending in your sector."

In Seattle, I heard from Dani Cone, the owner of a local coffee company, whose credit ran dry and has been forced to borrow money from family members to keep her business afloat.

I heard from a bookstore owner who had taken out \$60,000 on her own personal credit card to keep her business afloat.

I heard from a husband and wife who opened a local restaurant about how they finally had to close up shop for good.

I heard from people who were driven by their passions, who wanted to grow their business and wanted to hire but have been stymied by the lack of credit flowing from their banks.

Obviously, at a time when we are now relying on our small businesses to

drive job growth, this is unacceptable. Right now we ought to be doing everything we can to make sure small business owners have the credit they need to grow and hire.

That is, in fact, why last year I introduced the Main Street Lending Restoration Act, which would direct \$30 billion in unused TARP funding which was supposed to go to Wall Street, back to our community banks that are under \$10 billion, so they can unlock the vaults and start to lend to small businesses in their communities again.

It is exactly why I spoke to Secretary Geithner and President Obama about this directly—and why I have been pushing so hard to make small business lending a priority.

I have felt strongly that we have to be more focused on community banks if we are going to make progress and bring true recovery to Main Street businesses again. It is why I am so proud to stand here today and support this amendment that will create the small business lending fund and State small business credit initiative.

The small business lending fund takes a most powerful idea from my Main Street Lending Restoration Act and sets aside \$30 billion to help our community banks—those with under \$10 billion in assets—to help them get the capital they need to begin lending money to our small businesses again.

It would reward the banks that are helping our small businesses grow by reducing interest rates on capital they receive under this program.

It would help support small business initiatives run by States across the country that are struggling now due to local budget cutbacks.

My State of Washington is one of the most trade-dependent States in the Nation. So I am very glad this amendment also includes the Export Promotion Act, which would provide support and resources to small businesses that are trying to ramp up their exports.

Small businesses are the lifeblood of our economy, and this amendment will help them get back on their feet, expand, and, importantly, add jobs to our communities.

I grew up working in a small business. My dad was the manager of a five-and-dime store in Bothell, WA. As a kid, I did everything from sweeping the floor, to working the till, to taking out the trash. I remember how our little businesses and those around us on Main Street were the cornerstones of our community and how, in fact, they were actually the cornerstone of our local economy.

My experience is certainly not unique. For many decades, the defining strength of our financial system has been our small businesses and their ability to access credit at affordable rates, grow beyond their walls, and provide good-paying jobs.

It is time for us to get back to ensuring that our small businesses are the backbone of our economy. This amendment is a very important step in that direction.

I thank Senator LANDRIEU for her outstanding leadership on this issue. I am here today to urge all of our colleagues to support this amendment, and let's get Main Street back to work again.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

SUPPLEMENTAL APPROPRIATIONS

Mr. MCCAIN. Madam President, very soon, we will be voting to move to consider the House-passed version of the 2010 supplemental appropriations bill.

I will vote against proceeding to the bill for one simple reason: It is not fully offset and now has a pricetag of \$80 billion. When will the spending stop?

When the Senate considered the supplemental in May of this year, the bill totaled nearly \$60 billion. Again, I opposed it because our version was not paid for, and it added to the ever-growing deficit for future generations. Those who say we oppose small business and all the motherhood and apple pie provisions of this bill, all we want to do is have it paid for.

Dr. COBURN and I had two reasonable amendments to fully offset the cost of the bill when it was \$60 billion. I am sure we could find offsets for this \$80 billion bill—if amendments were in order.

Our amendment would have saved taxpayers a combined total of nearly \$120 billion by freezing raises, bonuses, and salary increases for Federal employees for a year; collecting unpaid taxes from Federal employees, which is \$3 billion; reducing printing and publishing costs of government documents; eliminating nonessential government travel; eliminating bonuses for poor performance by government contractors, which is \$8 billion. The list goes on and on. It also includes cutting budgets of Members of Congress, which would save \$100 million; disposing of unneeded and unused government property, which would save \$15 billion.

In other words, the size of government has doubled since 1990. Surely, it is time we started paying for these spending bills.

Our efforts failed. The majority, once again, succeeded in preventing the elimination of a single dime of wasteful and unnecessary and duplicative spending.

I remind my colleagues that in April of 2009, well over a year ago, the President wrote to Speaker PELOSI and said this:

As I noted when I first introduced my budget in February, this is the last planned war supplemental.

That was in April of 2009 when the President said last year, April, was the last planned war supplemental.

He went on to say:

Since September 2001, the Congress has passed 17 separate emergency funding bills totaling \$822.1 billion for the wars in Iraq and Afghanistan. After 7 years of war, the American people deserve an honest accounting of the cost of our involvement in our ongoing military operations.

I could not agree more. That is why I am disappointed to see yet another supplemental spending bill—designated as an emergency—and without offsets.

Now the majority leader wants us to take up the House-passed bill, which exceeds the cost of the Senate version by \$22 billion—nearly \$23 billion. The House added \$10 billion for an education jobs program and \$4.9 billion for Pell grants. Other items added by the House include \$80 million for energy loans, \$142 million for the gulf oil-spill—the list goes on and on. Many of these are very worthy causes, very worthy items. But it should not be added to a must-pass bill to fund our troops, and it should be fully offset. That is what this debate has been all about for a long time—not whether these are worthy items, not whether we should have \$10 billion for an education jobs program—although I seriously question that one—but the question is, Are we going to pay for it?

When are we going to stop mortgaging our children's and grandchildren's future and start balancing the budget and reducing and eliminating spending? Our soldiers and their families are making tremendous sacrifices. Why don't we make some sacrifices? Why don't we forego the earmarks and the special interests and the special deals that continue to characterize our behavior?

I don't need to remind my colleagues that we are fighting two wars. But the House has proposed reduced defense spending for this fiscal year and prior year funding by \$3.2 billion to help pay for the \$22.8 billion added by the House for domestic programs.

Subsequent to House action on the supplemental, the chairman of both the House and Senate Appropriations Committees further reduced the Defense Department's fiscal year 2011 discretionary base allocations below the President's request by \$7 billion and \$8 billion, respectively.

In other words, we are increasing domestic spending, larding it on this, by some \$60 billion, and at the same time we are cutting defense.

One issue of concern is a provision contained in the Senate-passed bill to provide funding for the Secretary of Veterans Affairs to exercise his authority to expand the number of service-related illnesses presumed to be connected to exposure to Agent Orange. The cost of that provision is \$42 billion over 10 years and will most assuredly have a detrimental impact on the ability of the VA to process current and backlogged claims in a timely manner.

Perhaps the most controversial provision added by the House is the \$10 billion for an education jobs fund. This money would be used to supplement State budgets to pay the salaries of teachers, administrators, janitors, and other school personnel.

I fully support the goal of saving teachers' jobs, but this certainly isn't the way to do it. In fact, the government should be incentivizing districts to make crucial reforms so that effective teachers are rewarded.

The proposed Education Jobs Fund would continue the archaic seniority system that many say rewards bad teachers instead of the most effective teachers.

Additionally, the House proposed \$800 million in spending cuts to help offset the cost of this \$10 billion fund—an act which quickly drew a veto threat from the President. The bill proposes to cut \$500 million from the Race to the Top Fund. I don't know of a better educational incentive in recent years than the Race to the Top Fund. Yet they are going to cut \$500 million from it.

The bill proposes to cut \$200 million from the Teacher Incentive Fund that supports creation of pay-for-performance programs and \$100 million from the Charter Schools Program. All these are proven ways to help education in America, so they are going to cut them.

They are going to cut the Charter Schools Program. In my State, charter schools have worked and have provided competition to the public school system. If the cuts to the Charter Schools Program in the House-passed bill are enacted, as many as 200 fewer charter schools could start next year and approximately 6,000 charter school employees could be in jeopardy of losing their jobs. There are 420,000 children on charter school waiting lists nationally. Now is not the time to stop supporting the growth of new charter schools.

I could go on and on about what this bill does. Of interest is the House decreased by \$27 million the funding for the hiring of additional Border Patrol agents for the southwest border, decreased by \$63 million the funding for the acquisition of unmanned aerial vehicles and helicopters, and decreased by \$1 million the construction of forward operating bases for use by the Border Patrol. Every one of those programs that have been cut are effective in securing our border.

Even more egregious is that the House cut \$100 million more than the President requested from the account that funds the construction of and repairs to the border fence. I support the President's request to rescind \$100 million from the failed virtual fence project, but this money should go toward increased Border Patrol and Customs agents and technology. I do not support the House's effort to cut an additional \$100 million in funding that is

currently available and being used to complete construction of the border fence and repair the constant damage done to the fence by those trying to illegally cross into our country.

In summary, in the past 2 years, America has faced her greatest fiscal challenges since the Great Depression. When the financial market collapsed, it was the American taxpayer who came to the rescue of the banks and big Wall Street firms. But who has come to the rescue of the American taxpayer? Not Congress.

What has Congress done? We have saddled future generations with trillions of dollars of debt. Since January 2009, we have been on a spending binge, the likes of which this Nation has never seen. In that time, our debt has grown by over \$2 trillion. We passed a \$1.1 trillion stimulus bill. Has anybody seen any good things from that? We spent \$83 billion to bail out the domestic auto industry. We passed a \$2.5 trillion health care bill. We now have a deficit of over \$1.4 trillion and a debt of \$13 trillion. That amounts to more than \$42,000 owed by every man, woman, and child in America.

This year, the government will spend more than \$3.6 trillion and will borrow 41 cents for every \$1 it spends. Unemployment remains around 9.7 percent. According to *forbes.com*, a record 2.8 million American households were threatened with foreclosure last year, and that number is expected to rise to well over 3 million homes this year.

Now with this bill, the majority wants to tack on another \$80 billion. When is it going to end? It may end next January. It may end next January because the American people will not stand for this continued crime we are inflicting on our children and our grandchildren.

The greatness of America is that every generation has passed on to the next generation a better one than that generation inherited. I cannot say that about the next generation with the debt with which we have saddled them. This kind of legislation has to be soundly rejected.

I yield the floor.

The PRESIDING OFFICER (Ms. LANDRIEU). The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am pleased to be on the floor this afternoon to join the Senator from Louisiana, who has been such a champion for small business in America, to join my colleagues from the State of Washington who were here earlier, to support the proposal that is before to address an issue that I have been hearing about in New Hampshire for months now. This is something that all Senators have been hearing about in their home States for the last 18 months if they are willing to be honest about it.

That issue is that creditworthy businesses, small businesses are frustrated

because they cannot access the capital they need to expand their businesses and hire new workers.

Wherever I go in New Hampshire, small businesses tell me they are having trouble accessing the credit they need to either stay afloat or to expand their businesses. While the community banks have increased their lending in New Hampshire, they can only do so much.

As my colleagues have outlined so eloquently, they have been affected by the financial crisis that struck this country. We have an opportunity to address this issue with the Landrieu-LeMieux amendment that will create a Small Business Lending Fund to put capital into the hands of small businesses.

This \$30 billion Small Business Lending Fund will help our community banks put over \$300 billion of capital into the real drivers of our economic recovery and give to the small businesses that will make that happen.

I wished to be on the floor today, as we discussed earlier, because I have heard some of my colleagues—and we heard it earlier this afternoon from the Senators from South Dakota and Alabama—criticize this fund as being like TARP. It has been called the son of TARP. I voted against TARP. Let me say this as clearly as I can, something the Presiding Officer has said in her remarks, something we heard Senators CANTWELL and MURRAY say: This program is not TARP. This is not another Wall Street bailout.

I am going to support this fund because it is about helping Main Street, not Wall Street. Small banks and businesses in our communities did not cause the financial crisis in this country, but they have too often suffered the terrible consequences of the reckless behavior of Wall Street. Credit on Main Street has been extremely tight since the financial collapse, and that has devastated too many small businesses across this country.

One of the reasons our economy has not been able to emerge from the recession fully is that larger banks that benefited from TARP have decreased their lending. I heard from one small business owner in New Hampshire. He owns a sheet metal manufacturing company. The company had its line of credit pulled by a large national bank that had been a TARP recipient. This sheet metal company was a credit-worthy business. It had never missed a payment. It had never defaulted on its mortgage. Losing that credit line was devastating for this business.

Similar to so many small businesses, it needed a line of credit to buy new equipment so it could make a transition and increase its productivity. But with the credit line gone, this business had nowhere to turn. It is companies such as the sheet metal manufacturing business in New Hampshire that this bill will address.

This proposal provides community banks, which have stepped up their lending but can only go so far, with the support they need to increase lending to small businesses.

Unlike TARP, this program has strong taxpayer protections to ensure the fund serves its purpose. The very structure of the program ensures that community banks that participate in this program will use the capital for small business lending. Only banks that do a vast majority of their lending to small businesses are eligible for this program, and unlike TARP, there will be terms and conditions for repayment. Taxpayers will not be on the hook.

This fund will not add to the Federal deficit. In fact, it is estimated to raise \$1 billion over 10 years. The terms of the program will ensure that taxpayers will not be put at risk.

Let me say this one more time because there has been a lot of misinformation thrown out on the floor: The terms of this program will ensure that taxpayers will not be put at risk.

At the end of the day, this proposal is about standing for small businesses in this country. We have all heard from small businesses in our home States that have suffered from a recession they had no part in creating. This is our chance to stick up for the millions of creditworthy small businesses across this country that need capital to operate or grow but that have been shut out.

It is also about turning our economy around. Over 75 percent of new jobs in America are created by small businesses, and since the financial collapse, the majority of jobs lost have been with those small businesses.

If there is one place we should be able to agree to invest, it is our small businesses. If we do not extend credit to them, they will not be able to get the capital they need to expand and create the jobs that will finally get us out of this recession.

This is not TARP. Saying this program is like TARP is just a red herring. This fund is what we should have been doing in the first place—providing capital to community banks so they can extend credit to the small businesses that need this capital to create jobs on Main Street.

I urge my colleagues to join me in supporting the Landrieu amendment to include this critical investment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, I rise in strong support of the bipartisan

amendment to the small business bill offered by Senators LANDRIEU and LEMIEUX. The amendment would make \$30 billion of capital available to community banks across the country, incentivizing them to lend several times that amount to small businesses in desperate need of credit.

There is no question about it: Small businesses are the great engines of growth in our economy. They employ over half our workers. In the past two decades, they have created over two-thirds of the Nation's new jobs.

Our economy is starting to show signs of life again, but we still have a long way to go. The HIRE Act, especially the payroll tax cut Senator HATCH and I authored, has been a good success, saving businesses billions in taxes. I recently introduced a bill to extend the tax cut for 6 months.

Congress should be focused like a laser on bringing unemployment down and getting the economy humming on all cylinders again. The bill before us today is an important part of that ongoing effort. It is a targeted bill that will help small businesses expand and hire.

The small business lending fund was once a part of the legislation. Actually, it was not merely part of the legislation, it was the heart of the legislation.

There are many worthy ideas and programs in this bill from bonus depreciation to increasing the loan limits on the SBA's flagship programs to providing grants to help States expand innovative small business initiatives.

These provisions will encourage entrepreneurs to start new businesses and help existing businesses prosper by reducing taxes and streamlining some of the burdens on small businesses.

But a core mission of this bill was always to jump-start lending. When I travel around New York and talk with business owners about creating jobs, the No. 1 thing they bring up is they do not have access to credit.

In his testimony before the Banking Committee yesterday, Ben Bernanke noted that while big businesses can borrow money by accessing the capital markets, small businesses must rely on bank loans and are having a much harder time. The Landrieu-LeMieux amendment goes to the heart of this problem. According to Bernanke, in a series of 40 meetings the Fed conducted with community banks and small businesses from coast to coast, participants expressed unambiguous support for the \$30 billion lending fund.

There are several explanations for why small business lending is down. Small businesses blame the banks for not lending and banks in turn blame the regulators for not letting them lend. But one thing is certain: Lending is down, and that is bad for our economic recovery.

I hear from small businesses across my State, businesses that want to ex-

pand and cannot because they cannot get credit. For us to stand here and twiddle our thumbs and play politics by saying that this is the TARP? That is wrong. That is wrong, when millions are unemployed and the public is demanding get the economy going.

There are strong provisions in the underlying bill that will help spur lending, including an extension of the successful provisions from the Recovery Act that increased SBA loan guarantees and waived SBA loan fees. I believe the lending fund is a much needed complement to these programs. It will be a shot in the arm for small businesses across America, greatly increasing credit. The fund has been structured to maximize lending by directly tying the dividends rate participating banks pay to the Treasury to their lending performance. The rate starts at 5 percent and goes down 1 percentage point for every 2.5 percent increase in lending over the 2009 levels. Therefore, a bank that increases lending by 10 percent or more will be rewarded with rates as low as 1 percent.

In addition to this carrot, there is the stick. The dividend rate increases for banks that do not increase lending. Banks that attempt to sit on funds will be penalized with rates as high as 7 percent.

Another great feature of this amendment is that it targets small Main Street banks, banks that are especially committed to lending to small local businesses. To participate, banks or thrifts must have less than \$10 billion in assets. In New York, banks such as Elmira Savings Bank in the Southern Tier, the Bank of Smithtown on Long Island, and the Oneida Savings Bank in the Mohawk Valley will be eligible for capital infusions, and all this will be done with no cost to the taxpayers.

Let me say that again: All this will be done with no cost to the taxpayers. In fact, the nonpartisan Congressional Budget Office estimates the lending facility would save taxpayers money. They calculate that the lending fund would decrease the deficit by over \$1 billion.

Congress needs to do everything in its power to push a growth agenda, a jobs agenda. An integral part of this agenda is to increase lending to creditworthy small businesses. That is why I support the Landrieu-LeMieux lending fund amendment and that is why I also strongly support MARK UDALL's bill to increase the arbitrary cap on the amount credit unions can lend to their member businesses.

Here is the bottom line. Small businesses will be the tip of the shovel that digs us out of these difficult times but that will only happen if we get them the resources they need, and what they need is the Small Business Lending Fund in the Landrieu-LeMieux amendment.

I urge my colleagues to support this very important amendment and, before

I yield the floor, I want to pay a great compliment to my colleague from Louisiana, who has spearheaded this drive. We all talk about small business lending. This is the best, most logical, most cost-effective way to do it and she is the reason we are here debating this bill. I want to take off my hat—hundreds of thousands of small business people across the country would do the same—to the Senator from Louisiana.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I thank the Senator from New York for those very kind words. But I wish to say again I am humbled, actually, to be able to present this amendment because it is quite unusual. Normally a chairman or a chairwoman presents amendments in bills that they themselves wrote. That happens here all the time. This is a very unusual situation.

As I said earlier today, I did not write this provision. I didn't know very much about this provision. It was written by Senators such as Senator MURRAY, Senator CANTWELL, and Senator MERKLEY. They started working on this idea. They are not even members of the Small Business Committee. They started working on this idea and it picked up momentum and the President spoke about the need to get capital to small business.

Then all the small business organizations, most all of them, stepped up and said, yes, this is what we need. Then the community bankers and the independent bankers stood up and it snowballed.

It has gotten to have a great broad base of support. I am pleased this is a bipartisan amendment with the Senator from Florida—both Senators from Florida have been strong advocates. Senator LEMIEUX joined me in offering this amendment because, for some inexplicable reason, this was going to be left on the cutting room floor.

We managed to get huge bills out here for Wall Street. We managed to get huge bills out here for the automobile companies. But when it came to lifting this smaller bill for small business, it started running into some political rhetoric, some bumper sticker slogans for the next election, some hogwash.

I think our small businesses deserve more than bumper sticker slogans, hogwash, and electioneering chatter. So it got me mad. I said, you know what, I didn't write this provision. I am going to learn about this provision, though, because I am not going to have it stomped under by the same people who voted for TARP, voted for the big banks, voted to bail them out but, when it comes to helping small business, want to say there is something wrong with this. That is why we are fighting.

I see the Senator from Oregon, who helped draft this provision.

The Senator from South Dakota came here and said none of his people are for it. He must not be reading his mail. We have right here the South Dakota Independent Small Bankers—Independent Community Bankers of America, State Community Bank Associations. There are any number of them. I checked. Here we have Independent Community Bankers of South Dakota.

The Senator from South Dakota was just here and said no one in South Dakota is for this. He might want to go check his in-box or e-mail or his mail. The bankers of South Dakota I don't think are a very liberal group, I would guess. They are a pretty hearty bunch out there in South Dakota. I don't think they like big, fat government programs. But the reason they are for it is because it is not a government program. It is a Main Street program. It is for small businesses in South Dakota. That is why we are fighting for it. We are not going to go down without a hard fight.

I am going to recognize the Senator from Oregon in a minute, but the other thing the Senator from South Dakota said was that he loved this report. He said it. He quoted it. The May Oversight Report, "Small Business Credit Crunch And The Impact Of TARP." The person who wrote this report is a good friend of his, Elizabeth Warren. So he is supporting this report in which Elizabeth Warren said in her view she is not sure this program will work. That is what this report says: She is not sure this program will work. She is entitled to that opinion. But I don't listen to Elizabeth Warren. I don't listen to Washington bureaucrats. I am listening to the small business associations of America. I am listening to the Taco Sisters Restaurant in Lafayette. I know it is a silly name, but it is a very important business to them. I don't care what anybody says about their name, Taco Sisters Restaurant. Katie and Molly Richard dreamed about opening a restaurant. For 24 years they dreamed this dream. Molly convinced her sister Katie to move back home from New Hampshire. She leased a small restaurant on Johnson Street in December of 2008 and opened in February. The restaurant smokes fresh gulf fish and shrimp. When we could actually fish for our shrimp and get our fish, they got it from the gulf.

Their restaurant was voted best new restaurant in Acadiana and best lunch spot in Acadiana. Do you know how hard it is to be the best in Louisiana when all of our restaurants are good? These little girls, these women, worked hard.

I want to tell the Senators from Alabama and South Dakota, they said:

We have good credit, a good business plan, but we have had trouble finding capital to grow our business. I was surprised credit

would be so tight for a business like ours . . . [because we are the best.] Our business has seven employees and would like to keep growing. . . .

We need capital.

And this troop over here wants to tell me that the amendment that Senator LEMIEUX and I are offering is a government program? This is for community banks. Because they want a bumper sticker to run on in this election they are going to throw the small businesses under the bus? Over my dead body.

The National Bankers Association, another very liberal group:

In no segment of the U.S. economy is the need for lending to small business more urgent than in the distressed communities that our banks struggle to serve every day.

This recession which they did not cause—let me go back here. I feel like I am in Alice in Wonderland. The Senator from Oregon is being patient. Let me get this straight. Big banks, some big banks on Wall Street traded derivatives and entered into major risky finance deals that almost wrecked the entire economy of the world. They, on that side, ran all around themselves when George Bush was President to throw money at them, to help them, and we have restaurants in our districts begging for \$10,000 to keep their doors open and they are going to stand there and tell this Senator that my amendment is a government program? This isn't a government program. This is trying to get money to Main Street.

If they want to vote against it, go right ahead. This is very clear. You can't hide behind this. There are no 100,000 pages of this bill. It is a very simple program—\$30 billion to community banks that are healthy. It is voluntary. All you have to do is lend it to the Taco Sisters Restaurant in Lafayette so they can continue to be the best restaurant, despite the fact of the moratoria so there is a shutdown so there are no more fish in the gulf that we can fish for. These businesses are still trying.

Did you hear Senator CANTWELL read a story from some small business in her State that had to take out \$60,000 on a credit card on which they had to pay 50 percent interest? Do we not hear them? We are trying to give the private sector a solution to put capital in community banks so that small businesses can get a loan at a decent rate and I have to listen to the ranking member of the Banking Committee say he is against it because it didn't go through the Banking Committee.

The last couple of things that came out of the Banking Committee have been a little bit problematic for me and many people, so I am glad this didn't come out of the Banking committee.

I see the Senator from Oregon. This is in large measure because of the design he has come up with, this idea, with several of my colleagues. I wish I

could say I did it, because it is a good one, but I have adopted it because I am not going to leave it on the cutting room floor without a fight. It passed the House. Three Republicans voted for it in the House. Interestingly enough—of course all three of them are up in tough elections and I don't think they wanted to explain how they could vote for TARP, vote for Wall Street, but not vote for small businesses. This could be an interesting debate on the campaign trail.

The Senator from Oregon is here. Since he helped to actually write the program—as I said, maybe it is something I am not explaining well. Senator CANTWELL is quite the expert. Senator MERKLEY is quite the expert. Let me turn it over to the Senator.

I see Senator BURRIS from Illinois. Let me ask unanimous consent for the two of them to speak for the next 10 minutes as in morning business, and if a Republican comes we will swap back and forth.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

Mr. MERKLEY. Madam President, I wish to start simply by recognizing the tremendous work the chair of the Small Business Committee is doing in championing commonsense strategies to assist our small businesses in being the job factories that they can be if they have access to credit. That is where the genesis of this bill comes from. The question we have heard in each of our States is: How can I, as a small business, gain access to credit when the credit markets are frozen?

We have done precious little to assist them. So often, we need to indulge in far less partisanship and a lot more problem solving. If one investigates what is going on in the credit markets for small business, one finds that the businesses have gone to their banks, and the banks have said, we are cutting your credit line in half or we are eliminating it.

The small business said, well, we have always made every payment. Yes, but we are in a land of frozen credit and we cannot extend the same amount of credit. When we give you that line of credit, it counts against our leverage, and we have to increase our capital holdings to meet the leverage requirements. So we are taking away or cutting in half or cutting by 90 percent your line of credit.

At that point, the small businesses go to other banks and find out the other banks are in the same position. These are community banks where often the principals know each other, they have worked together, the banks want to lend, the small business wants to borrow, they can see it is a profitable arrangement, but the banks are constrained by their leverage limit.

If there were not a credit crunch in this Nation, the bank would be able to

recapitalize and then make additional loans. That is where we had a period of irrational exuberance, now we are in a period of irrational fear, and people do not want to recapitalize community banks, even when they are healthy.

Through much discussion with many thoughtful people from various parts of the country, various parts of the credit system, it became clear that the chokepoint was the capitalization of healthy community banks. This is why what this provision does is it provides for the recapitalization of community banks. Community banks will have to pay that money back.

A lot of questions were raised about this point, and I want to clarify some of them. The first question was: What happens if a bank that is going under is seeking a bunch of money to recapitalize? Will this program help them? Answer: No, it will not. Because only banks that have CAMEL ratings—those are ratings of how healthy they are—of one, two or three qualify. The banks have to be healthy, because this is ultimately not about saving banks, this is about getting capital into the hands of small business.

The second question that many have raised is: Well, will banks not just sit on the funds, and not make loans? Will they not hoard funds in case they have better opportunities as the economy recovers? And the answer is probably not. Because the program was designed so that when a bank recapitalizes in this fashion, they pay dividends. If they do not lend out the money, then they pay a high dividend of 7 percent. They are not going to make money sitting on funds in their bank and paying 7 percent. But if they make loans, then they pay a 1-percent dividend, so that puts them in a situation where they will make money if they make loans. So they will not even ask for the money if they do not intend to lend it. That was a thoughtful question for some of my colleagues to ask, would banks sit on these funds. It is important that we design this program so that they do not. And we did.

A third question came: Well, does this not put taxpayer funds at risk? The answer is, actually it does not, because we are not lending to unhealthy banks, we are capitalizing healthy banks. The Congressional Budget Office estimates that this will make \$1 billion, over \$1 billion for the U.S. Treasury. That estimate does not include the taxes that individuals will pay on the wages they earn because small businesses are able to hire. That estimate does not include the taxes that small businesses will pay on their profits which will be higher when they are able to expand. So that is a bottom-line positive return that could be far larger when you take into account the impact on employment and the success of small businesses.

Other folks have asked another question: Why get lending into the hands of

our small businesses through the hands of community banks? Why not create some government organization to do it? Well, very simply, banks are on Main Street. It is their business to know what works and what does not work. They know the principals involved. They know the local market dynamics. You do not want to set up a government agency to distribute loans when you can have the power, the knowledge, the wisdom, of community banks making smart decisions.

Then finally an additional question was asked: Well, will banks not make loans that maybe are not a good bet if they have this additional capitalization? Well, actually, no, they will not, because, first, they are not required to be recapitalized in this fashion. And if they do make loans through this system, they are not guaranteed loans.

When you have a guaranteed loan, you are saying to someone: You bear no risk. But these loans are not guaranteed. This is a bank doing its standard lending. In that standard lending, they make money if they make good loans, and they lose money if they make bad loans. So they have absolutely no incentive to lend, because if a loan goes under, the bank is hurt. It is all the power of a smart path to getting capital into the hands of our small businesses.

I guess my request to all of my colleagues is to ask yourselves if we are going to ever get out of this recession if we do not unleash the power of small business in America to create jobs. Please ask yourself, is it possible to unleash the power of small businesses if the small businesses do not have access to credit, and, therefore, if you believe in small business, if you believe in job creation, if you believe in strengthening communities through successful businesses and employed families, then this plan makes a lot of sense.

I will close with this thought: Let's bring commonsense problem solving to the challenge of putting America back on track. Let's set partisanship aside, let's set thoughts about the November elections aside, and let's engage in commonsense bipartisan problem solving, and this program makes all the sense in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. I want to echo the sentiments of the distinguished Senator from Oregon. His comments are very well taken.

I also rise to support the distinguished Senator from the great State of Louisiana in her efforts to deal with this amendment to add to the small business legislation, of getting this \$30 billion out to the community banks so they can put those dollars in the communities.

For the past 2 years, this country has been held in the grips of an unprecedented economic crisis.

The housing market collapsed. The bottom dropped out of Wall Street. And for the first time in generations, many Americans felt their hard-earned economic security begin to slip away.

Here in Washington, Members of the House and Senate were faced with a harsh reality: For decades, regulators and policymakers alike had fallen short of their responsibilities. A divisive political process drove them to duck the tough issues, and kick the can down the road, time and time again.

This failure of regulation, and the absence of political will, allowed Wall Street fat cats to let their greed get the better of them. They gambled with our economic future. They designed complicated financial products and placed high-stakes bets against them. In short, they built a house of cards, and when it finally came crashing down, the American economy lay in ruins.

There can be no quick fixes after a disaster of this magnitude. But under President Obama's leadership, our elected leaders finally took the bull by the horns and did what was necessary to stop the bleeding, and set our country back on the road to recovery.

I was proud to join many of my colleagues in supporting the American Recovery and Reinvestment Act—a landmark stimulus bill that helped reverse the rising tide of economic misfortune. Thanks to this legislation, and to the landmark legislation that was signed into law just yesterday, that created the most sweeping reform of Wall Street since the Great Depression, we are on the road to recovery. But as anyone in this chamber can tell you, the real key to a full recovery is jobs. And no sector of this economy creates jobs more effectively than small businesses.

Long before I ever entered public service, I was a banker. I know firsthand what it takes to support our small business community because I have done it.

This is a time for bold action. Not pointless ideological battles. This is a time to move forward, not back. So I call upon my colleagues to seize this opportunity. Let's keep America on the road to recovery and restore the hard-earned security of ordinary folks and small business owners who are in desperate need of help.

We should start by increasing our support for small businesses, especially those owned by disadvantaged and minority individuals. These companies foster progress and innovation. They have the power to create jobs, and direct investment to local communities, where it can have the greatest impact.

Small businesses form the backbone of our economy, but in many ways,

they have suffered the most as a result of this economic crisis. It is no secret that minority-owned businesses, particularly those in poor or urban areas, have been hit hardest by the current economic downturn. That is why these are the areas we should target for our strongest support.

We can rely on a proven initiative to inject new life into disadvantaged areas. So I would ask my colleagues to support the Small Business Lending Act. I would ask them to reject the tired politics that got us into this mess, and embrace the spirit of bipartisanship that can lead us out.

On behalf of small and minority-owned businesses, I call upon this body to take action. Our economic future may be uncertain, but with the Small Business Lending Act, we have the rare opportunity to influence that future.

So let's pass this measure, to guarantee some degree of relief for the people who continue to suffer the most.

Let's renew our investments in America's small businesses, and rely on them to drive our economic recovery.

And let's do so today.

I have financed them from scratch. They would walk in to me and say, look, I got an idea. I love to do this. Let's get a business plan together. Where do they get the capital from to create the jobs that are needed? They get it from the bank giving them credit, taking some equity from them, getting some investment from them. That is what I have done.

I stand on this floor, with successful lending from banks to small companies. It created jobs. Some of them are still in business today, some 40 years later. Some of them have been sold off and bought off by big Fortune 500 companies. They were able to start from scratch.

I know what it takes in a small community to lend to small businesses. Now we are up here talking about, we are not going to put in resources. This is not going to cost us any money. The taxpayers are due to support these types of efforts. That is what we are here for. The purpose of government is to do for those which they cannot do for themselves.

Now we are debating on this floor whether we are going to put the money into helping small businesses, give it to the banks to lend to the small businesses, so they can then go out and hire people. This ought to be a no-nonsense vote. It makes no sense what we are doing on this floor, debating this issue at this time, when this economy is in this condition.

So having lent money to small businesses, having been a banker, where your stripes depended on many good loans you made, I have been there, and I support this legislation 100 percent. If we can put those resources into those banks, that will then put them into the community, the banks are not going to

be out there giving this money away. This is not charity. It is going make money for us. So let us wise up. Let us make sure we support this amendment, pass it now, and get on to the business of helping small businesses.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Madam President, I rise to speak about the vote that is coming up soon, the Landrieu-LeMieux amendment to the small business bill that is before us.

First, I want to say that I respect tremendously both Senators. I have enjoyed working with them on so many issues. Many of us in the Congress have worked over this last year to end the TARP that went in place during a time of a financial system meltdown. I supported that, as did many in this body. Seventy-four Senators voted during a time of critical stress in our country's financial system to put that in place.

I also have pushed hard to end that program as soon as it was unnecessary, and many of us have tried to end it. Finally that was done when the financial reform bill that passed a couple of weeks ago, or this last week passed and became law yesterday.

A lot of times around here we go through this process of erosion; that is, an idea will come up, and it is embraced for one issue, and then, over time, as happened with TARP, as a matter of fact, TARP was there to rescue our financial system so that small businesses, people all across our country, could continue to get payroll checks and do those things our financial system provides.

Then it became perverted. Industrial policy was embraced after that, something that was not the intention of TARP. Now we have another perversion of that by virtue of this amendment that has been put forth. Many of us were very concerned about the steps that were taken under TARP during that crisis. We felt it was a crisis and it was necessary. But in many ways, this is more insidious, because not only is the government making an investment in final institutions across this country, it then is telling those institutions what to do with that money.

I know that small businesses across this country are hurting. I have been a small businessman most of my life. As a matter of fact, I still am a small businessperson. I still have small business interests. I understand what it means to be a small businessman. I understand what it means to not have access to credit, to have difficulties during crises such as this. I lived through one in 1990 and 1991, and had great difficulties, as so many people are having today.

We have had a tremendous explosion in government involvement in the private sector, something I do not think many Americans ever expected to see. I

think the last thing we need to do now, as Americans are retrenching, as the economy is beginning to grow, is to take another step back in this direction.

I cannot more strongly object to the LeMieux-Landrieu amendment, even though I respect them very much. I urge Members who believe in our market system and want to see us move ahead with a healthy economy, I urge all such colleagues to vote against this amendment. It is another step in a direction that the majority of the country wants to move away from.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. I appreciate the comments of the Senator from Tennessee. I couldn't agree with him more that this amendment should not be adopted, should not be added to the small business bill. We have had a number of people coming to the floor to speak on the amendment. The Senator from Louisiana made a couple of observations after I spoke in opposition to the amendment, one of which was that Republicans have evidently some newfound affection for Elizabeth Warren. I don't think that is the case. In fact, she is the rumored choice of the administration to head the new Consumer Financial Protection Agency. The observation I was making was that she, who most of us perceive to be somewhat more on the liberal side, had made strong statements about this particular small business lending finance program and compared it to TARP. She also pointed out that the capital purchase program under TARP had very mixed results with regard to whether it encouraged banks to participate and lend. It also carries with it, as TARP did, an inherent risk that taxpayers may be left on the hook.

It has been that this will be a revenue raiser, that this, the \$30 billion TARP, is going to actually generate a \$1 billion budget surplus. The Congressional Budget Office was directed to score this differently than they were the original TARP. If the same accounting conventions were used and applied to this particular program and the calculation including market risk, we would have a \$6 billion cost attached to this \$30 billion TARP rather than a \$1 billion budget savings.

There was the suggestion that there isn't any risk to taxpayers. Anytime we are putting \$30 billion out there, granted, it may be well intended, but we all saw what happened with TARP. The expectation with TARP is that it will lose about \$127 billion for taxpayers. We hope it is less, but that is the estimate today. It is fair to point out again that people who come into the Chamber and believe they are voting for something other than TARP are misleading themselves. If we line this up with the way the TARP was struc-

tured, side by side, it is check, check, check, right down the line. This is the same essential thing. To call it something else is all fine and good, but that is what it is. This is a TARP. It is a reincarnation of TARP, intended for small businesses and smaller banks, which is all fine and good, but make no mistake. If we vote for this, we are voting for a TARP. That poses risk to taxpayers.

There was the suggestion that somehow I don't know what my bankers in South Dakota think. I think most of us who represent our States try to stay informed about the views of our constituents. I sat down with a number of my bankers 2 days ago. They were clear this is not something they are advocating for nor do they need. They had other issues they wanted to talk about. We have not had contacts in our office advocating for this. Most of us represent our States in a way that we have a pretty good idea of what the views of our various constituencies are. At least where South Dakota is concerned, this is not something South Dakota bankers are asking me to do for them. They do have concerns about the financial services reform bill passed last week and signed into law. That is something they have deep concerns about. But this is certainly not something they are advocating for.

Inasmuch as we all want to do the right thing for small businesses, the best thing we can do for them is get off their backs, quit putting taxes and mandates and regulations on them. They are looking at the prospect next year of a huge tax increase, when tax rates go up. They are looking at a potential new energy tax, if a cap-and-trade bill were to pass. They are trying to figure out what is going to happen with the estate tax. They already have a new health care mandate that will put no cost burdens on them and raise the cost of doing business. Those are the types of things that will impact small businesses' ability to create jobs. Those are the things we ought to be focused on. Creating a new TARP is not going to be the answer that many of my colleagues who support this amendment think it is.

I urge colleagues to vote against this. I suggest we look at the things we can do that do impact small businesses. Most of what we are doing in Washington right now is detrimental to economic growth and job creation.

Mr. CORKER. Will the Senator yield?

Mr. THUNE. Certainly.

Mr. CORKER. I was listening to the Senator. The fact is, this carries, in many ways, a greater risk. I would call this son of TARP. This carries a greater risk than the original TARP because the terms under which this money is given to banks is at a lesser rate. So that means the money that is paid back, there is less margin to cover losses. In addition, banks can continue

to lower the cost of that capital by putting money out quickly to small businesses. Again, we like to see small business credit expanded, but we like to see it done in a market and healthy way. I hope Senator DODD will have hearings. My guess is he will over the next several months. But in many ways it is more risky because the rates are lower. The more money we put out, there is going to be a perverse incentive for banks to put money out quickly in ways that could be at a higher credit risk. This is far riskier than the first program.

Again, I know there are good intentions. All of us want to see small business thrive. All of us know that 80 percent of the new jobs are created through small business. I know the Senator and I have done as much as we could while we have been here to try to get government off the backs of small business.

What I would say to small businesses—and I don't think many of them support this, but to those that do—be careful what you ask for. Once the U.S. Government gets involved in our financial system in this way, putting money out and then directing where it goes, we know how the camel's nose under the tent works in government. We understand what it means for the Federal Government to get more involved in our community banks. I know I had one in particular, when I was in Tennessee, say he wanted me to look at this because he wanted to use these funds to replace TARP funds they had not been able to pay back yet. I don't think this is a good step. I don't think there are many people who support it. I know this probably has some political mileage in this body because it does address an issue we care about, small business. But it is a bad idea directed at something we all support; that is, small business growth. Again, I urge rejection of this amendment.

Mr. THUNE. Mr. President, to the Senator's point about this perhaps acting as an encouragement for lenders to get money out the door quickly, perhaps with assuming more risk than perhaps they should, I wish to point out, again—and because I am quoting Elizabeth Warren, somehow there was an implication earlier that Republicans have a newfound affection for her, but she is someone whom the Democrats look to extensively when it comes to advice on these issues. As the head of the congressional oversight panel, in their assessment of TARP, particularly with regard to this specific program, the small business lending fund, they said it "runs the risk of creating moral hazard by encouraging banks to make loans to borrowers who are not creditworthy."

This is not something that many of us are making up. Clearly, there are those who are very concerned that this

could become not unlike what we saw with the original TARP, which there are still a lot of concerns about. Many of us who voted for that the first time around thought it was going to end up as something different than it was. I don't think we need to go down that path again.

Mr. CORKER. Elizabeth Warren is a smart person. There are things I agree with her on, and there are things I disagree with her on. But on that point, I absolutely agree. If we think about the moral hazard issue, that means a business that wants to run its business the way America generally has run business—on their own, they don't want to be involved in government support—they would be at a disadvantage. That is the other moral hazard. An institution in Tennessee or South Dakota that wants to go out and lend more money to small business and goes out and raises equity to do so, that equity is going to cost more than this. So a bank that chooses to take advantage of a government program actually has an advantage over a company that wants to run itself the way most Americans want to see small business and companies run. There are all kinds of moral hazards. I know the notion of small business attracts a lot of people. I hope people on both sides of the aisle will think about this, realize how insidious this is, think about the next idea that comes after this. Again, it is another government investment into the private sector.

We have gone from systemic risk to auto companies, to suppliers of auto companies. Now we are looking at going into small business. We sure have gone the gamut here. It is time to go the other way. Tennesseans have spoken loudly about the fact that they don't want to see any more government involvement in the private sector. It is time to stop it now. We thought we had it killed last week with financial regulation when TARP ended. Now it is raising its head again.

Mr. THUNE. I hope we will defeat this today because there is moral hazard associated with it. We want to do the right thing by small businesses. I have named several things small businesses are concerned about—cap and trade, more government takeovers, more Federal spending and debt and higher taxes and more mandates through the health care bill passed earlier this year. It is important to keep in mind in this debate the taxpayers. Anytime we talk about a program such as this, there are inherent risks. Again, to use the accounting methodology that CBO used when they scored the original TARP, if they used that accounting convention which takes into consideration market risk, this program would be a \$6 billion cost rather than a \$1 billion savings, as proponents of the amendment advocate.

This is about taxpayers as well as small businesses and small banks. This

is not the correct way to help them. I hope our colleagues in the Senate will reject the amendment.

Mr. CORKER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

BUDGET DEFICITS

Mr. DORGAN. Mr. President, there has been a lot of discussion on the floor of the Senate in the last couple of days about small business legislation and various things dealing with jobs, and clearly we need a lot of jobs in this country. We have gone through a very steep economic decline that has victimized lots of Americans. Because of that, we have a lot of people who are waking up in the mornings without work and wondering what to do next. They feel helpless and hopeless and are trying to get their feet on the ground. But they need some help from this Congress; that is, we do not create jobs, but we do create conditions under which jobs can be created by the private sector.

So I want to talk a little about the issue of what might give the American people some confidence because confidence is everything. If they are confident about the future, it means our economy can expand. If people are not confident about the future, our economy will contract. It is that simple.

There is no question that this country now, having gone through the biggest economic downturn since the Great Depression, has the largest Federal budget deficits we have ever had. In the last couple of years there have been enormous budget deficits. In fact, the budget was in deficit by \$1 trillion by the end of June in this fiscal year.

But our colleagues—some of whom voted for all the war funding over these last years and voted for the big tax cuts to reduce the government's revenue, and all of those issues—are now rushing to the floor with everything but suspenders and proclaiming that now the deficit is a big problem.

Well, I will tell you why it is a big problem. It is a big problem because 10 years ago a lot of folks in here decided to cut the revenue steeply, and cut taxes mostly for wealthy Americans, and cut them in a very significant way. So the government had less revenue. They did that because they believed we had budget surpluses that were going to exist for 10 years.

We had not had a budget surplus for 30 years in this country. We ran deficits for 30 years. Then, all of a sudden, at the end of the Clinton administration, we had a budget surplus of a cou-

ple hundred billion dollars. I am pleased about that because I voted for the economic plan that helped create that. We put that in place in the middle 1990s, and we got to a budget surplus.

When that happened, in the year 2000 we had a bunch of folks say, when a new President came into office in 2001: Do you know what? We have a budget surplus. We have a bunch of hotshot economists telling us we are going to have budget surpluses as far as the eye can see. We are going to have budget surpluses for the next 10 years.

Then Alan Greenspan, the Chairman of the Federal Reserve Board, said he could not sleep because he was worried we were going to have surpluses too large and we were going to pay down the Federal debt too quickly. That is right. I know it sounds like a joke, but the Chairman of the Federal Reserve Board worried we would pay down our debt too quickly.

So the President came to town in 2001 and said: Let's have very big tax cuts, and I and others said: Let's probably not do that because at this point we don't know what is going to happen for 10 years. We had economists who could not remember their telephone number for 3 hours telling us what was going to happen for 10 years.

So they said: We are going to have 10 years of surpluses. Let's have very big tax cuts. So the President constructed very big tax cuts, mostly for the wealthy, and here we are. What happened as a result of that? Well, almost immediately we were in a recession in 2001. Then we had a terrorist attack against this country in September of that year. Then we were at war in Afghanistan and at war in Iraq and in a war against terrorists.

So we sent hundreds and hundreds and hundreds of thousands of soldiers abroad, and we rotated them in and out for 8 years and never paid for a penny of it because the President said: We are going to spend emergency funding, which means we do not pay for it; we just put it on the debt. We did that for a decade.

Now, all of a sudden, all the people who voted for the same things—that is, tax cuts for the wealthy and deciding to send soldiers to war without paying for it—now we hear all this bloviation about how the debt is important. Well, yes, it is important. It was important when they voted to cut taxes for the wealthy as well. It was important when we decided to fight two wars and not pay for a penny of it. The fact is, it is unsustainable now, and we have to find ways to fix it.

It is interesting, yesterday, I came to the Senate floor because one of my colleagues came to the floor and said the priority is to eliminate the estate tax. That is the priority. He did not say that. He said "eliminate the death tax" because a clever pollster said: If you

say "death tax," it invokes a lot of passion. So we are going to eliminate the death tax—not understanding, apparently, or not caring, perhaps, that there is no such thing as a death tax.

When you die, there is no tax on your death. In fact, had I been on the Senate floor when my colleague mentioned that—I know my colleague is married—so I would have asked: God forbid something should happen to you. But if it did, tell me what would happen to your estate because I know the answer.

The answer is, his spouse would inherit the estate, no matter how large, tax free, because we have a 100-percent spousal exemption. So that Senator's death would have, obviously, been nontaxable.

So where is the death tax? We do not have a death tax. We never had a death tax. We have a tax on inherited wealth. That is what we have. So my colleague said, the most important thing at the moment, while we are deep in debt in the country—and with a growing debt and a need to control the debt—the most important thing at the moment is to get rid of the death tax, which means you want to provide tax breaks for billionaires.

I did not vote for the proposal in 2001 that put us on a course of changing our tax system with very large tax cuts for the wealthy and reducing the estate tax obligation so that it came down to having zero estate taxes in 2010 and then spring back to a higher estate tax in 2011. I did not vote for that. I thought it was about half nutty. But it passed. Enough people thought, apparently, it was OK, so they voted for it.

So now, last year, we had an estate tax that had an exemption of \$7 million for husband and wife—\$3.5 million each—and a 45-percent rate.

This year, the estate tax went to zero; that is, nobody has to pay any estate tax. So we have had four billionaires die this year. The late George Steinbrenner died, the owner of the Yankees. So his estate will not be taxed—well over \$1 billion.

I have said, this is the "throw mama from the train year." You know the movie "Throw Mama from the Train." This is the year—if somebody has to go, I guess, especially billionaires, they get to pay no taxes this year. Then the estate tax is supposed to spring back to a \$1 million exemption, husband and wife, and a 55-percent rate.

So my colleague and others now say the highest priority for them is to eliminate the death tax. This year, we will have lost about \$15 billion in revenue because there is no estate tax. That is just this year. Over 10 years, it is a very substantial amount.

Who is going to benefit if you eliminate the estate tax? Well, if under last year's law you had to have \$7 million in total assets to pay an estate tax, how many people would pay it? Very few, less than 1 percent. In fact, I think

it is three-tenths of 1 percent of the American people would ever pay an estate tax. Now we are told the highest priority is to eliminate the estate tax, which means that America's billionaires are going to be given a tax break, and those who want to do it say we want to do that because they should not be taxed twice. Well, they are not taxed twice.

That estate, in most cases, has never borne a tax. Most of it is growth appreciation from stocks or bonds or property and has never borne the tax that most people have to pay.

A lot of people get up in the morning and put on their clothes and go to work, and they work at a manufacturing job all day—although there are fewer these days because we are moving those jobs to China—but they get up and go to work and then they come home and they have withholding on their paychecks and it says they paid taxes. They have to pay taxes for kids to go to school and to build roads and to pay for the police and to pay for the Defense Department and so on—the Centers for Disease Control. They have to bear a burden as an American citizen to help pay for the things we have together.

But if we eliminate the estate tax, we say to, for example, Bill Gates—when Bill Gates expires—that \$50-some billion or \$60-some billion of yours, most of which has never had any kind of a tax burden at all, we believe it ought to be tax free. That is the highest priority?

I used the word "nutty" before. Let me state again that is just nutty. What are you thinking?

Here is something I quoted yesterday from Will Rogers. Will Rogers, 80 years ago, had it right, and it certainly applies to some in this Chamber for sure. Will Rogers said:

The unemployed here ain't eating regular, but we'll get around to them as soon as everybody else gets fixed up OK.

Well—do you know what?—go back about 18 months and just figure out who got fixed up in this country, who got fixed up OK. Do you think the folks at the top of the economic ladder get fixed up? Yes, yes. In fact, the lowest unemployment rate in America is those at the top of the economic ladder.

There is a pretty low unemployment rate actually in the Senate, now that I think of it. We all get up in the morning and put on a white shirt and a suit and a tie, and we all eat three meals a day.

But the people at the bottom of the economic ladder—those 5 million Americans who have lost the manufacturing jobs, the people who are looking for jobs and cannot find them, when we are 20 million jobs short; the people who have been laid off, professional people who, in many cases, were laid off and have been searching for work

for 2 years and cannot find it—they are the people who seem somehow forgotten.

So now we have a priority by some in this Chamber of saying we have to get rid of the death tax—a tax that does not exist. In a bill they filed that would only benefit largely billionaires in this country. It is unbelievable. It is just unbelievable.

I do not know, maybe the people who are out of work need to change their names. There are names that signify wealth, at least it sounds like they are from a family that inherited wealth. But it just seems to me to be something that is pretty much in sync with what Will Rogers said a long time ago in terms of what is happening here. The people at the top get fixed up pretty well, and the rest do not matter much. That is a pretty pathetic set of priorities, in my judgement.

TRIBAL LAW AND ORDER ACT

Mr. President, I want to say a word about a piece of legislation the Senate has passed and the House has passed and ought to make all of us feel as if we have done something very admirable and something that is going to save lives. So let me do that in a very positive way.

The Tribal Law and Order Act, which we passed—I passed, along with a lot of help from the Indian Affairs Committee, and the Senate passed—now the House has passed that legislation. That will now be signed by the President into law.

Why is that important? Well, let me give you an example. On the Standing Rock Sioux Indian Reservation—that straddles North Dakota and South Dakota—the rate of violent crime is not double or triple the national rate of violent crime. That would be pretty tough to live in a neighborhood where you have double or triple the national rate of violent crime. It is eight times the rate of violent crime for the rest of the country.

Live in that circumstance. Be a young child going to school or be an elder trying to get along and live in a neighborhood, live on a reservation, live in a circumstance where the rate of violent crime is eight times the national average. The stories we have heard at the hearings we have held are unbelievable.

On the Standing Rock Sioux Indian Reservation—it is almost the size of the State of Connecticut—they had nine full-time police officers to patrol over two million acres of land. It is not possible to do a good job with so few officers. In one area of that reservation, a violent sexual rape, a crime in progress, a robbery, and a call to the police might get someone there later that day, or it might be the next morning, or days later—nine police officers to patrol that land 24/7. That does not work.

We have passed a piece of legislation that I think is very good, the tribal law

and order bill. It is bipartisan. I am proud of that. Senators JON KYL and JOHN BARRASSO worked with me to get this legislation through the Senate. Let me mention cosponsors JON TESTER, MAX BAUCUS, MARK BEGICH, MICHAEL BENNET, JEFF BINGAMAN, BARBARA BOXER, MARIA CANTWELL, MIKE CRAPO, AL FRANKEN, TIM JOHNSON, JOE LIEBERMAN, JEFF MERKLEY, LISA MURKOWSKI, PATTY MURRAY, DEBBIE STABENOW, JOHN THUNE, MARK UDALL, TOM UDALL, RON WYDEN—so many. But there are so many who worked so long to try to respond to these problems.

The legislation deals with cross-deputization of law enforcement officers on Indian reservations and those off the reservation. We deal with the tribal court system and a wide range of provisions that we put in this legislation that are going to make a very big difference.

I have said on the floor previously that violence against American Indian and Alaska Native women has reached epidemic levels. We have heard it in the hearings and the testimony. One in three American Indian and Alaska Native women will be the victim of rape during her lifetime—one in three. That is an epidemic of violence.

We held 14 hearings in the Committee on Indian Affairs, which I chair, relating to public safety on Indian lands over the past 3 years. I had staff go across the Nation consulting with tribal governments and local law enforcement. Based on those consultations, we put together a piece of legislation that I think will make a very big difference. It strengthens the tribal justice system. It provides tools to law enforcement officers on the Indian reservations.

It will require the U.S. Attorney's Office to do its job. Violent crimes on Indian reservations are to be prosecuted by the U.S. Attorney's Offices, and in most cases those offices are many, many miles away from a reservation. Crime on Indian reservations becomes just a part of the backwater of work in those offices. We have information that 50 percent of murder cases on Indian reservations are declined for prosecution. They call them declinations. Think of that. In 50 percent of the cases, there is a declination of prosecution for the charge of murder. Nearly three-fourths of the cases for sexual assault are declined to be prosecuted. That is not fair, it is not tolerable, and we shouldn't stand for it.

We had a hearing with Chairman Herman Dillon of the Puyallup Tribe in Washington, who testified about the gang activity crisis on their reservation. There are 28 active gangs on that reservation, with members as young as 8 years old. The gangs are involved in drug trafficking, weapons sales, and turf wars where innocent bystanders are injured. This piece of legislation is going to increase the number of law en-

forcement personnel on reservations and provide better law enforcement training for those personnel.

I won't go through the stories we have heard, but they are unbelievable. There are a whole lot of victims out there living in Third World conditions on Indian reservations where they have inadequate health care, housing, and education. We have worked on all of those issues.

I am proud to say we passed the Indian Health Care Improvement Act earlier this year. It is now signed into law. We did that this year. It is the first time in 17 years that the Congress has dealt with those issues.

Now we have passed the Tribal Law and Order Act. This is the most significant of policy changes and legislation affecting the first Americans that has been passed in decades. I want to say to my Republican and Democratic colleagues who worked with me to accomplish this that I believe lives will be saved because of this legislation. I believe this will make a profound difference across this country in addressing these critical issues.

We have had hearings about Mexican drug cartels now running drugs through Indian reservations. I just described the circumstances of gangs.

There is so much that needs to be done. Finally, at last—at long, long last—we start down the road of improvement by having passed this legislation. I talked to President Obama yesterday and mentioned the passage by the U.S. House of our bill. He campaigned on this issue. It was very strongly supported legislation, and I know he will take great pride in signing it.

Finally, with all of the competition and tension, sometimes, between the House and the Senate, let me say how much I appreciate the work the House of Representatives did on this legislation.

Let me make one final point about Indian policy as I complete my statement. There is one other issue that is out there that I think desperately needs to be resolved, and that is something called the Cobell lawsuit. It has been languishing for 15 years. Last December, there was an agreement reached between the U.S. Government and the Indians in the Cobell case. We were given 30 days in the Congress to approve the settlement, and it has not happened. We must, must, must find a way to make that happen soon.

I showed a picture of a woman living on an Indian reservation with oil wells that were hers that she could see from her house, and she lived in a very small house. Why is that the case? Because she didn't get the money from the oil wells she owned. The U.S. Government created trust accounts for Indians, and manipulated those trusts, stole from those trusts, lost the records from those trusts over 150 years, and that is

what resulted in this lawsuit called the Cobell lawsuit. It has gone on for 15 years, and a good many Indians have died while that lawsuit has gone on who should have benefitted from that lawsuit.

There was a settlement agreement reached last December between the parties. We were given 30 days by the Federal court to approve the agreement, and now it is 6 months later and nothing has happened. The first Americans don't deserve this treatment. I hope very soon that the Cobell settlement will be a part of a piece of legislation that is passed by the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I don't think we are under any time agreement. I think the leadership is coming to talk about how we might vote tonight because we have a couple of very important votes to make tonight, if I could speak for the next 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, before I speak about the underlying amendment, the small business amendment—

Mr. DORGAN. Mr. President, will the Senator yield for a question?

Ms. LANDRIEU. Yes, I will.

Mr. DORGAN. I apologize for interrupting the Senator. I didn't catch what she said about votes. Has there been a decision made about votes?

Ms. LANDRIEU. I don't have the final details, but I understand we will be voting sometime tonight, in the near future, on several different amendments that have to do with potentially the supplemental bill and potentially the small business bill, but the good Senator might wish to check with somebody a little above my pay grade.

Mr. DORGAN. Well, that is actually fairly specific, though. It was sometime later about some things. I appreciate the Senator for responding to me.

Ms. LANDRIEU. I am just in charge of one amendment, but I thank the Senator.

Mr. DORGAN. I understand.

Ms. LANDRIEU. Mr. President, I have spent the better part of this day on the floor with many of my colleagues speaking about the small business jobs bill that is so important, and I would like to give credit to some of my Republican colleagues. They have worked very hard on portions of this bill, and I am very grateful. A portion of it came out of the Small Business Committee with a lot of bipartisan support; a portion came out of the Finance Committee with bipartisan support; and this amendment I am offering is a bipartisan amendment. Senator LEMIEUX, the Senator from Florida—in fact, both Senators from Florida have

been extremely supportive. The Senator from Florida and I are the lead sponsors of an amendment that has over a dozen cosponsors. The Presiding Officer, a member of the Small Business Committee, is a cosponsor of our amendment, and I am so grateful to the Senator from Illinois for his input into the bill.

This is a very important amendment to the small business package. The House has already voted on the package of the small business bill. They had a strong vote, and it was a bipartisan vote. Three Republicans voted in the House, including my own Congressman from the city of New Orleans, and the Congressman from Delaware and the Congressman from North Carolina also voted for the small business package with the three components: the \$12 billion tax cut for small business—and they most certainly need it—the other part which strengthens the Small Business Administration's programs, and they voted for the Small Business Lending Fund.

So that bill, of course, has come over here. Because there was really inexplicable opposition from many of the Republicans, we have had to go into a little different strategy, offering the lending fund amendment separately. I am very confident we will have the 60 votes because Senator LEMIEUX has stepped up from Florida. I see the other great Senator from Florida on the floor, who has been a great supporter of this amendment. What they know, what I know, what Senator CANTWELL knows, what Senator MERKLEY knows, what the Presiding Officer knows is that without this amendment, small businesses throughout America are still going to have a very difficult time getting the capital they need to expand and grow.

Small businesses did not cause this economic meltdown. Our community banks did not cause this economic meltdown. The ripoffs, the meltdown, the dysfunction of our financial system was caused by big banks that took risky positions on instruments they couldn't explain, and then they made up more, and the system collapsed like a house of cards. But do we know who is paying the price, unfortunately, besides the taxpayers? Small businesses and our community banks.

Hundreds and hundreds of letters have come from the community banks. This one we will put up said:

Majority Leader Reid, Minority Leader McConnell, on behalf of 5,000 members of the Independent Community Bankers, I write to urge you to retain the Small Business Lending Fund in the Small Business Jobs Act. The Small Business Lending Fund is the core component of this legislation and the provision that holds the most promise for small business job creation in the near term. Failure to even consider the SBLF in the Senate would be a missed opportunity that our struggling economy cannot afford.

The Nation's nearly 8,000 community banks are prolific small business lenders.

A report I submitted for the RECORD earlier said this: We gave—and many Republicans in this Chamber gave—lots of money to the big banks. Do my colleagues know what they did? They cut their lending to small business. These small banks that hardly got anything from TARP tried to keep lending the best they could. But then we sent them more regulations, their capital is getting squeezed, and if we don't provide additional capital to healthy banks, we are not going to get lending to small business. That is what these community bankers are saying.

The opposition has come to the floor and said this is TARP II. Let me say again, this is for Main Street. We have a Main Street sign. This is for Main Street. This is for small business. TARP is the Troubled Asset Relief Program, \$700 billion for big banks on Wall Street. This is a Main Street program for healthy banks to lend to small businesses that are on Main Street. It is a \$30 billion program that will earn, according to the CBO, \$1 billion. It doesn't cost the taxpayer as TARP did; it saves the taxpayer money, and it actually puts \$1.1 billion into the Treasury at the end of 10 years. That is what the CBO score said.

Two people came down—one, Senator SNOWE, for whom I have a lot of respect, and the other, the Senator from South Dakota—both came down and said: But our estimate is that it will cost \$6 billion. I appreciate their estimates, but the only estimate we go by in this Chamber is CBO. They are entitled to their own estimates, but I want people to know that the only score that matters is the official CBO score. We have the official CBO score. It doesn't cost money; it makes \$1.1 billion. They are entitled to their opinion.

So it is not TARP, it does not cost the taxpayer money, and it most certainly is not a bailout for banks. It is a help to small banks.

The other thing I heard—and I see the Senator from Michigan, and I know she wishes to speak on this as well, and potentially the Senator from Florida—the other amazing argument I heard from the Senator from South Dakota was that this is another Democratic government program. I told the Senator from South Dakota—with all due respect, through the Chair, I said: If we had to take out the words “big government,” “taxes,” and “regulations,” nobody on the other side could finish a sentence. This is not a government program; this is a program to give capital to community banks.

As the Presiding Officer knows, there was a version of this that came to my attention, as the Senator from Michigan will know, that said: Let's not go through community banks. Let's do the direct lending. Let's just give it to the Small Business Administration, \$30 billion, and let them lend to small businesses because some banks are

lending, some banks aren't. Small businesses are so desperate. All they have is high-interest-rate credit cards. Let's do direct lending.

And silly me said: You know, we really want bipartisan support for this, and I just don't think I am going to be able to convince one Republican—even though I think it might work, I don't think I am going to be able to convince them to go through a direct lending program for the government.

So I had to go tell about 10 Democrats who were very upset: I am sorry, I don't think we can do that. But I do think we can do a private sector lending approach that might work.

So I have to sit here and listen to some Republicans come to the floor today and say to me that this is not a private sector approach. It is ludicrous. It is, on its face, a private sector approach.

These are not banks run by the government. These are private sector banks, run by our friends in our communities. We see them at the Kiwanis, Rotary, in church and synagogues; we talk to them every day. But the Republicans don't want to help community banks and small businesses.

The same Senator, from South Dakota, who came down here to say this was like TARP, voted for TARP. This isn't TARP. This is a program to help small business.

I see the Senator from Michigan—and we are going to vote in a minute.

Mr. NELSON of Florida. Will the Senator yield for a question?

Ms. LANDRIEU. Yes, I yield to the cosponsor of the amendment.

Mr. NELSON of Florida. I would like the Senator from Louisiana to underscore the fact that the \$30 billion put into this lending program, which will inure to the benefit of small business, is going to end up multiplying like the fishes and the loaves; it will end up being worth, over that 10-year period, \$300 billion.

Ms. LANDRIEU. Yes.

Mr. NELSON of Florida. Would the Senator also agree that when you look at the list of all the institutions that support this lending facility, they are some of what we would think of as the most conservative organizations, and they are very much in favor of this?

Ms. LANDRIEU. Absolutely.

Mr. NELSON of Florida. Including the Florida Bankers Association, including the Community Bankers Association—because they know what it is. They got dissed on the big TARP—which some of us voted against—even when we tried to carve out little portions for small business, and it never worked because the banks would not lend the money; and now we are going to create a program specifically targeted to help small business through community banks.

Ms. LANDRIEU. Absolutely. The Senator is correct. He refers to this

long list, which I have read several times on the floor. It is quite lengthy. These are not liberal organizations. They are not even Democratic or Republican organizations. They are business organizations, including the American Apparel and Footwear Association, the Arkansas Community Bankers, American Bankers Association, the Marine Retailers—these are conservative-to-center organizations. This isn't the Sierra Club. These are conservative organizations that are supporting this.

This is a private sector approach. It is \$30 billion that will multiply to \$300 billion. We have boxes of letters from small businesses saying all they have—as the Senator from Michigan knows—is the credit cards that they have to pay 16 to 20 percent on. Senator CANTWELL almost choked me up when she said that one of the businesses in her State had to take out a loan at 50 percent. How do you make money when you are borrowing money at 50 percent interest?

We have a program where they can walk down the street and go to their community banks and borrow not from the payday lenders but from the community bank. The Republican caucus wants to tell us this is like TARP so they can put a bumper sticker on their car for the election.

The Senator from Florida is correct. There are any number of conservative organizations from all of their States that are supporting this.

Ms. STABENOW. Will the Senator yield?

Mrs. LANDRIEU. Yes.

Ms. STABENOW. I thank the Senator from Louisiana for her tireless advocacy and leadership in getting us to this point, because this is absolutely critical for small businesses, certainly in Michigan and across the country. I know we talked about it before.

Isn't it true that when we look at job growth—and this is a jobs bill, I am sure the Senator agrees—small businesses are creating the jobs? Would she not agree, as well, that when we look at manufacturing in my State, the suppliers are small businesses? So what we are talking about here is growing jobs. Would the Senator agree and speak about the fact that this is about jobs, about the fact that the majority of the jobs are coming from small business, and these are the folks who didn't cause the financial crisis, and they didn't create the recklessness on Wall Street? They got hit by it, along with our community bankers who didn't cause it; would the Senator agree?

Ms. LANDRIEU. Absolutely, this is a jobs bill. The Senator from Michigan represents a State that has been one of the hardest hit States, the automobile industry. She has firsthand experience there. She knows these numbers as well as I do: From 1993 to 2009, 65 percent of jobs have been created by small

business, and only 35 percent of the jobs were created by big business.

If some people are wondering why this recovery seems to be a jobless recovery, it is because it is. Big businesses have a lot of profit right now. Has anybody noticed that the stock market is going up? They are sitting on their cash. Has anybody noticed what Goldman Sachs reported lately? They did very well out of this.

If you want a recovery with jobs, where people can actually go to work, earn a paycheck, and pay taxes to help us get out of this deficit, and stimulate demand, you better support this. I am so tired of hearing the other side, I say to the Senator from Michigan, when they come down here and say: But the NFIB says that there is no demand.

First of all, the National Federation of Independent Business did not say that. So to their credit, I want to say on their behalf—although they have not come out strongly in support, they are not opposing, they are neutral—their own survey said that 40 percent of NFIB'S membership—a very conservative organization—said they didn't need any money. But that leaves 60 percent who said they could not get the loans they had asked for.

So this whole argument that says there is no demand—I want the Senators who vote against this to go back and try to give a speech on Main Street. I challenge you, all of you who might consider voting “no” on this amendment, I want to see you go home and stand on any Main Street and try to say to your people—look them straight in the eye and say: We know down here there is no demand. Nobody needs any money because nobody is selling anything, and there is no demand.

Mr. NELSON of Florida. Will the Senator yield for another question?

Ms. LANDRIEU. Yes, I yield for that purpose.

Mr. NELSON of Florida. I ask the question to underscore what the Senator from Louisiana has just said, which is that small business, which is the mainstay of the economic engine in so many of our States—certainly, that is true with Florida, as a matter of fact—the technological ingenuity of America often comes out of small business firms. How many times have we heard in our townhall meetings or in meetings with elected officials back in our States, the people who are being starved to death are the small businesses, because the banks won't lend? The big banks don't give them a break, and they are going out of business. They could have hired or doubled their employment. The community bankers want to lend, but they feel that the regulators have clamped down on them and this program—if it can multiply to \$300 billion of lending for small business over the next 10 years, at a minimum, isn't that the kind of jumpstart

we need to provide jobs and get this economy moving again?

Ms. LANDRIEU. Yes. It will create many jobs, and maybe we can then have a recovery that has jobs associated with it. That is the effort. We have fashioned this so that it is going to make money for the Treasury. It is not related to TARP funding. It is only for community banks. It is only for small business.

I see the Senator from Michigan. I wish to yield time to her, if she wishes to speak, and then the Senator from Oregon and the Senator from Washington wish to speak as well.

Ms. STABENOW. Mr. President, I thank the Senator, the chair of the Small Business Committee, for her leadership and her passion.

I could not agree more. We have to focus on jobs. When you support small business, both the underlying bill and the changes, in terms of tax cuts for small business, as well as this provision, this is a great opportunity for us to support small businesses in this country, where the majority of jobs are created.

Every time I go home, as the Senator from Florida mentioned, I am approached by small businesses that cannot get capital and cannot get the loans they need or get their line of credit extended. This is absolutely critical for us.

In addition, I thank Senators KLOBUCHAR and LEMIEUX for their export promotion piece, which is equally important. When we look at opportunities for small business and the opportunity to support their efforts to sell their products overseas in a global economy, this is also about creating jobs. I had the opportunity not long ago to be in Beijing, China, at the global auto leaders summit. I heard from people with the Foreign Commercial Service that they needed more assistance. If they had more staff, they would be able to support more businesses being able to sell into China.

We want, in this global economy, to be exporting our products, not our jobs. So focusing on exports and supporting what the President has called for—doubling exports in the next 5 years—creates jobs as well.

I again thank Senators KLOBUCHAR and LEMIEUX for their efforts on exports, and I thank Senator LEMIEUX and Senator LANDRIEU for the amendment as it relates to the lending authority. All of this adds up—all of this together, the underlying bill, with tax cuts, support for small businesses, which have seen collateral depreciate, and the efforts that we can provide to be able to support them to get loans through a collateral assistance program, the loan program, which is, in my judgment, a core provision, and then adding exports—all of it together is a jobs bill.

This is a fundamental jobs bill for small businesses all across the country.

I urge colleagues to come together. I can't think of anything more bipartisan or anything that should be more bipartisan than a focus on American small businesses. This amendment is at the heart of that.

I strongly urge a very strong bipartisan vote.

I thank the Chair.

Ms. LANDRIEU. Mr. President, I see several Members on the floor. I am going to speak for 2 minutes, and then Senator KLOBUCHAR for 1 minute, and Senator MERKLEY for 10; and if somebody else comes, we will put them in the queue. Senator LEMIEUX may want to add a word.

I ask unanimous consent for that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. This says: Is small business credit in a deep recession? This is the NFIB. They are one of the most conservative business organizations. I want to read to you their executive summary. It says:

Forty percent of small business owners attempting to borrow in 2009 had all of their credit needs met.

Forty percent.

Ten percent had most of their needs met.

Let's say that 50 percent had most of their needs met. That means that 50 percent of the 27 million small businesses in America did not have their needs met.

This is not the Sierra Club here. This is the National Federation of Independent Business, one of the most conservative business groups. I don't know who wants to come to the floor and say they don't know what they are talking about. I think they do on this subject, and on others. I don't agree with them on everything, but they are very legitimate when it comes to what their members say. They said that 50 percent did not get their needs met. The financial institutions extending lines of credit during 2009, when the country was operating at a high level—the same survey—a few years earlier, before the recession, said that 90 percent of businesses were finding the credit they needed. That is why we were having great economic times, because small business could get credit.

This is economics 101. This is not complicated. Right now small businesses have credit card debt up to here. They are paying 16 and 24 percent. Maybe that makes the other side happy. They have no equity in their homes to borrow, and here we have a provision trying to give community banks some capital, healthy small banks to lend to small businesses.

We know there is a need. Fifty percent of NFIB's own membership says they cannot get the money they need, and we have to fight?

I see the Senator from Minnesota. She has a very important part of this amendment. I would like to turn the floor over to her.

Ms. KLOBUCHAR. Mr. President, I thank Senator LANDRIEU for her great leadership on this bill.

What I have heard over and over from small businesses in my State is they want to know how come Wall Street is doing OK right now and they are still struggling. Somebody once said that it is like Wall Street got a cold and Main Street got pneumonia. They are still having trouble. Yet 65 percent of the jobs in this country come from small businesses.

When I look at the big businesses in Minnesota, such as Medtronic, it started as a little business in a garage. The Mayo Clinic started with two doctors starting a practice together. 3M started as a sandpaper company up in Two Harbors, MN. Big businesses start as small businesses, and we need to help them.

I support all the work that is done with getting the credit out there. I did want to note the important part of this amendment that was put together by myself and Senator LEMIEUX to help with exports. Ninety-five percent of the customers of this country right now are outside our borders, and 30 percent of small businesses say: If we could export, we would love to do it. We just don't have the people who speak the language who work for us. We only have five employees or we don't have the contacts to export our goods to Turkey. We don't have a full-time trade person.

Having some help for them so they can talk with people at the Commerce Department to figure out are these real customers, simply get on the computer and call our embassies. Those embassies should be their embassies, not just for big business. They should be the embassies for small and medium businesses too.

We are hopeful. This is a bipartisan amendment with a lot of support. It is going to help jobs in America. I hope we can get this passed because it is incredibly important to small- and medium-sized businesses.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I appreciate those remarks. A portion of the LeMieux-Landrieu amendment is to step up exports.

The Senator from Oregon has been one of the key designers of this program. He is going to speak about a very important point that we have been debating today. That point is this oversight report that was written by Elizabeth Warren, who now seems to be a very good friend of the other side. She wrote this report, and they held it up saying we have to listen to Elizabeth Warren. It is very interesting because I think they have had some problems with what she has been doing. Nonetheless, they think this report bolsters their argument.

I ask the Senator from Oregon to comment about this report because I

think it has been misrepresented. I am confident it has been misrepresented. It basically says it is inconclusive. They are not sure this program is going to work. I will tell you who is sure this program is going to work: our community bankers, our small business associations that have written thousands of letters. Is anyone opening their mail?

I am not going to listen to a bunch of bureaucrats up here who are not sure something is going to work. I would like to listen to the hometown folks, and that is what this amendment is about.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I came to the floor earlier to talk about a number of concerns that had been raised and how those did not actually fit the bill. One of those concerns was that banks would simply sit on the funds, which is not the case because there is incentive to lend. Another concern is there would be capitalization of failing banks, which is not the case because ratings are being applied so that capitalization only goes to healthy banks.

The point is not to save banks. The point is to get lending, to get capital into the hands of small businesses. I went through a number of those concerns.

Since I left the floor, there were three more issues that were raised by those who have concerns about the program. I wished to come back and address those issues.

One issue that was raised by a colleague is he said this program will have the government saying where to send money, what businesses will get money. In fact, no, not at all because similar to any capitalization of a small bank, the bank decides where to send money. That is the beauty of this public-private partnership; we are channeling, we are connecting to the power and wisdom of the small banks that understand the economy on their Main Street, that understand the reputation and capabilities of the folks who are asking for the loans, that understand the local economic dynamics. That is the duty. It is small banks that do what they do very well, which is decide where it is smart to invest and not invest.

A second concern that was raised since I last left the floor was that this would create a rush to lend. I think maybe the speaker had some picture in his mind that the moment a small bank got capitalized, they would immediately be judged on how much they had loaned out and that their rate of dividends would be set on that and, therefore, they would just throw the money out the door.

I wanted to make sure folks understood the basic mechanism in this bill. It works like this: For every 2.5 percent incremental increase in loans

made by small and medium banks, the dividend would be reduced by 1 percent. This is the key phrase: The enumerated loans would be monitored for a 2-year period, starting on the date of the investment. Based on the lending rate at the end of that 2-year period, the dividend rate would be locked in and the bank would benefit from this attractive rate for the next 3 years.

If a bank seeks some funds to be recapitalized, it has a full 2 years to get loans out the door and needs to do so only at a rate of 2.5 to 1; whereas, we know a lot of banks will leverage that at 10 to 1. This is a modest standard and certainly nothing that would impel a rush.

The third critique that was raised said this report—I hold up the cover, the “May Oversight Report, Small Business Credit Crunch and the Impact of TARP,” said there was a moral hazard in the structure of a small business lending fund. Let’s find the language in the report and analyze what was actually being said. We will find it on page 77. Feel free to look it up.

In this report, it is going through a series of issues and saying: OK, this is something worth considering. That is why we value these kinds of reports because they point out the challenges we might be facing and allows us to design legislation to work better.

This report notes:

A capital infusion program that provides financial institutions with cheap capital and a penalty for banks that do not increase lending runs the risk of creating moral hazard by encouraging banks to make loans to borrowers who are not creditworthy.

Then it goes on to answer that critique:

Although, in the legislation, the carrot . . . is arguably stronger than the stick. . . .

It is an incentive system rather than a penalty system.

Then it goes on to note further, and it received feedback from Treasury:

. . . the SBLF was designed to minimize the chances that banks will use the capital to make risky bets.

Why is that?

The program does not shift risk away from the banks that receive the capital: any institution that receives funds under the SBLF is obligated to repay that money to Treasury and therefore will lose money if it makes a bad loan.

I made this point earlier that unlike a guaranteed loan program where it does not matter if you make a bad judgment, in this case, it is the banks themselves putting at risk their own profits, utilizing their best judgments.

I think it is appropriate that folks come to the floor and say: I want to oppose this bill because it has this problem and this problem. That is the value of debate. Others can come to the floor and say: Actually, it is not designed like that; actually, it has been addressed because it has gone through months of people wrestling with the

best design to harness the power of small banks, to address the challenges of small businesses in getting loans.

We will not get out of this recession if we do not empower our small businesses. There is only one other approach that has been brought to this floor as an alternative, and that alternative is to tell the small business to run up its credit card. I don’t know about in my colleagues’ States, but in my State, running up your credit card is not a viable option for small businesses to succeed.

We have the power, the wisdom of Main Street banks helping Main Street small businesses. Let’s put that power to work.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I see the cosponsor of this amendment. I will ask unanimous consent for him to be recognized. But before I do, I wish to ask a question of the Senator from North Carolina. Senator HAGAN is on the floor. I would like to pose a question, if I may, because she was a banker, I understand. I would like to ask her if, in her view as a banker—I think it might be interesting to hear from somebody who was actually a banker. Senator BURRIS was a banker. He spoke—what does she think about this program.

If she was still a banker, would she be interested in accessing this capital from the Treasury and how it might help small businesses in the communities she used to lend to, if she would be so kind as to answer that question.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I applaud the Senator from Louisiana for putting forward this amendment with the Senator from Florida. I think banks would be interested in lending this money. I think small local, community banks know their client base, know their customers. They are the ones to which these funds are going to be made available. It is not going to be the big banks. This is going to go to banks with \$10 billion assets or less. There is nothing forcing these banks to take this money.

I highly recommend we move forward with this bill. I echo so much what Senator LANDRIEU has been talking about on the floor today. The small business lending fund is an absolutely critical component of the small business package we are moving through the Senate. Small businesses are the backbone of our economy and, in particular, in the State of North Carolina. In fact, small businesses represent over 98 percent of the State’s employers in North Carolina and close to 50 percent of the private sector jobs.

Having spent the last year and a half meeting with small business owners all across North Carolina, I have seen firsthand the power of their determina-

tion and innovation. I know that the small businesses will be the catalyst that we need right now for our economic recovery.

In North Carolina, we have over 455,000 people unemployed—455,000. We need to be doing all we can in Congress to help this recovery. Small businesses cannot begin to grow and expand and hire until they have access to credit and capital to invest. The small business lending fund does a lot to address that problem by giving banks a powerful incentive to increase lending to small businesses.

I have heard my colleagues in South Dakota and Alabama speak today about this bill, comparing it to TARP, implying that banks will not participate because the fund too closely resembles TARP. Nobody is making a bank participate. This is totally voluntary. The small business lending fund is not another TARP. It is not another bailout. This fund goes to Main Street banks, our local community banks, not the big ones, not the ones with \$10 billion assets or larger.

These are provisions targeted at providing money to the banks that are the healthiest and most capable of increasing lending. In fact, the measure contains provisions to ensure that the funds only go to the banks that are healthy and viable.

In North Carolina, which is one of the biggest banking States in the country, our bankers have offered their endorsement of this proposal.

I am focused on creating a better climate for businesses to add jobs in North Carolina and across the country. I think this is a sensible proposal that will help small businesses to hire and grow.

I thank the Senator from Louisiana, as well as the Senator from Florida, for putting forth this amendment.

Ms. LANDRIEU. I thank the Senator from North Carolina, and I ask unanimous consent to yield the next 15 minutes to the Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

Mr. LEMIEUX. I again thank my colleague from Louisiana and all my other colleagues. I see the Senators from Washington and Minnesota, who have worked on this bill are here. I think this is a very important piece of legislation, and that is why I have worked in a bipartisan way with my friend from Louisiana, who has been a leader on this bill and has put this bill together.

I know this is not without controversy. Some of my colleagues were here earlier, and they do not support this bill. I have enormous respect for my friends from South Dakota and Tennessee, and I appreciate their perspective, but I respectfully disagree with it. I think it was Ronald Reagan who said that if we agree on something

90 percent of the time, that means we are friends, and we are friends. I have tremendous respect for their views. But this bill does not bring with it, I believe, the problems my friends pointed out. This legislation helps small businesses, and in my State of Florida, that really matters because while we are the fourth largest State in the country, we are a small business State, not a big business State. We do have our share of big businesses, and we will grow more in the future. But because of Florida's meteoric rise in population over the past 20 or 30 years, we don't have those Fortune 100 companies headquartered in our State as other States do. Instead, we are a collection of small businesses, for the most part—nearly 2 million small businesses in Florida.

But during this recession—the worst recession Florida has seen in anyone's recent memory—those small businesses have been hurting. When I drive down the interstates and the State roads of Florida and I go past the small strip shopping centers and small buildings that house those small businesses that employ so many Floridians, unfortunately I now see a lot of dark and vacant buildings because these businesses have not been able to make it through this recession. Our unemployment in Florida is nearly 12 percent, and it may be worse than that because many no longer seek employment. If you figure the underemployed along with the unemployed, one in five adult Floridians who are able to work either doesn't have a job or doesn't have enough of a job. We are No. 2 in mortgage foreclosures, and we are No. 1 in the country in being behind on our mortgage payments. So Florida is hurting. There are signs that things are getting better, but we are struggling. And more than perhaps any other State, our small businesses need help.

This bill does that in a commonsense way, and let me explain why. The bill provides \$30 billion for local community banks. This isn't Goldman Sachs, this isn't AIG, this is the banker down the street—the one you see at church or synagogue, the one in your Kiwanis or Rotary, the one who shops in the same stores you do. This is not some Wall Street banker but your local banker. So the bill provides \$30 billion for local banks to make loans to small businesses.

The first reason it is not like the other program that was passed to bail out Wall Street is it is optional. The Treasury Secretary and the Chairman of the Federal Reserve are not going to get a bunch of local banks in a boardroom one night and pressure them into taking this money, as was done with TARP. It is voluntary. If they do not want it, they do not have to take it.

Second of all, this isn't going to increase the deficit. In fact, unlike most programs here in Washington—and my

friends on the other side know I come to the floor all the time worried about the way we spend money in this Congress, worried about our debt and deficit, worried about what it will mean for our kids and our future—this piece of legislation is actually going to return more than \$1 billion to the Treasury over time—so not a deficit, a surplus.

Again, the program is voluntary, it doesn't create a debt or deficit, and it doesn't create big government. It puts the money in the hands of community bankers to lend to small businesses, the folks who create jobs. My friend from Louisiana had a chart up earlier reflecting that 65 percent of all jobs are created by small businesses. I believe that number is far greater in my home State of Florida.

So who supports this amendment on which we have been working? Well, in Florida, the Florida Bankers Association does. Alex Sanchez, the president and CEO, wrote me and said:

This bill will help create jobs for Floridians by increasing the loans to Florida's economic engine: Small businesses.

Who else supports it? Camden Fine, the president and CEO of the Independent Community Bankers of America. He said:

This legislation is a positive for our community banking sector and to our small business customers who are vital to job creation and the economic recovery.

Robert Hughes, National Association for the Self-Employed, says:

The National Association for the Self-Employed, on behalf of our 200,000 member businesses, strongly supports creating the Small Business Lending Fund, which we hope will alleviate the funding and credit freeze faced by small businesses by expanding loan resources.

Barney Bishop, president of Associated Industries of Florida, which represents businesses throughout Florida, says that this act moving through the Senate right now will help small businesses and “lead to jobs, jobs, and more jobs.”

David Hart, executive vice president of the Florida Chamber of Commerce, says:

Their ability to access capital is critical for economic recovery and job growth. The Florida Chamber of Commerce Small Business Council believes the Small Business Lending Fund will enhance the ability of small business owners to create jobs and transition Florida to a new and sustainable economy.

Javier Palomarez, president and CEO of the Hispanic Chamber of Commerce, writes in support of this bill:

The United States Hispanic Chamber of Commerce, which represents more than 200 local Hispanic chambers and serves as the national advocate for nearly three million Hispanic-owned businesses in our country, supports passage of the Small Business Lending Fund Act.

These are Main Street groups. These are business groups that support this

bill. So with all due respect to my colleagues who spoke before, this is good for business, and it is done in a measured and focused way that empowers the private sector. This is not big government. This doesn't run a deficit and it doesn't increase taxes.

In fact, to my friends who are supporting the base piece of legislation but may not want to support the amendment, they should know that our amendment cuts \$2 billion in taxes out of the base bill. So we are going to cut taxes. The base bill has a lot of other cuts in taxes for small businesses, and I talked about that when I spoke earlier today.

This is going to be good for Floridians and Americans by getting needed capital to these small businesses that are struggling. That is why I support it. And I hope my friends on this side of the aisle will look at this bill seriously. I hope they think enough of me to look at it and give it a thorough evaluation because I know it is sort of a strange position I am in here. There may not be a lot of support for this on this side of the aisle, but my job representing Florida is to do what is right by the people I represent and to do what is right for the people of this country, and I believe this bill will do just that. It is not a perfect bill. No piece of legislation is. It will not solve the entire problem. No piece of legislation can. But I believe it will help. It will help in Florida, and it will help across the States of this great country, and that is why I support it.

In conclusion, Mr. President, I hope we can vote on this bill. I know the leadership is going back and forth trying to figure out a way to have some more amendments on this bill, and I believe that is the only obstacle to voting on this bill. I believe amendments should be allowed on this bill—a reasonable number—so we can get to it and we can pass it. Let's pass this thing before the weekend. Let's not wait until next week. Let's consider it, let's get it done, and let's help these small businesses.

Mr. President, I yield the remainder of my time to the Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank the Senator from Florida for his outstanding remarks and for his ability and his willingness to stand for the people of Florida because his State has had a great deal of difficulty, not unlike the State of California.

I see the Senator from California and the Senator from Illinois are on the floor and they want to speak. I would like to turn the next 5 minutes over to the Senator from California, but before I do, I want to respond to something the Senator from Florida said.

The Senator from Florida may not be the only Republican to vote for this amendment because today Senator GEORGE VOINOVICH said he would support the amendment. He is quoted

today, if this quote that was reported in the paper is correct, as saying there is a real need out there to provide some money to some of these businesses and to get banks back involved.

He said:

We have got to start doing something. Voinovich dismissed claims by fellow Republicans, including Snowe and Minority Leader McConnell, that the lending program resembles TARP because it involves Treasury Department loans to banks. Republicans have nicknamed it TARP, Jr. "I don't buy that," Voinovich said. "That is just messaging."

As I said, my good friend from Florida may not be the only Republican to stand up and vote for this amendment, and I hope others will because this could mean a great deal to small businesses throughout America. This is for small business, it is for jobs, it is to get this recession over. We have to focus on Main Street.

Mr. President, the Senator from California would like the next 5 minutes.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to thank the Senator from Louisiana, the chairman of the Small Business Committee, for her impassioned remarks. I have worked with MARY LANDRIEU on many issues. Sometimes we are on opposite sides. I don't like those times. I like these times. And I thank the Senator from Florida for his strong support.

Here is where we are. We are coming out of the worst recession since the Great Depression, and I don't sugarcoat it when I go home because everybody knows where we are. And I remember back to those days at the end of the Bush administration when we were bleeding hundreds of thousands of jobs every single month, and at that time, as we all looked at the situation, we realized who the job creators had been for the past 15 years. They had really been the small businesses. They created 64 percent of the new jobs. So when we talk about jobs, when we talk about turning this recession around, we have to focus on small businesses because they are the job creators. We have seen big corporations' profits return to prerecession levels, and they are sitting on their cash and they are not hiring.

We know small businesses are asking us to work with them so they can get credit. This is about healthy community banks being able to lend to healthy small businesses. This is not about toxic assets and toxic investments. This is such a strong program, the small business lending program, that the CBO estimates that we will make back \$1.1 billion as the banks and small businesses pay back the fund.

Mr. President, I am going to spend the rest of my time reading into the RECORD the organizations and the businesses that support this bill:

The American Apparel and Footwear Association; the American Bankers As-

sociation; the American International Automobile Dealers Association; the Arkansas Community Bankers; the Associated Builders and Contractors; California Independent Bankers; Community Bankers Association of Alabama, Georgia, Illinois, Kansas, Ohio, Iowa, Washington, West Virginia, and Wisconsin; the Conference of State Bank Supervisors; the Fashion Accessory Shippers Association; the Financial Services Roundtable; the Florida Bankers Association; the Governors of Michigan, Ohio, Colorado, Connecticut, Illinois, Massachusetts, New Mexico, New York, North Carolina, Oregon, Washington, and West Virginia; Heating, Airconditioning and Refrigeration Distributors International; the Independent Bankers Association of Texas, of Colorado, and of New Mexico; the Independent Community Bankers of America, of Minnesota, and of South Dakota; the Indiana Bankers Association. It goes on and on. The Maine Association of Community Banks; the Maryland Bankers Association; the Massachusetts Bankers Association; the Michigan Bankers Association; the Missouri Independent Bankers Association. It goes on and on. The National Association for the Self-Employed; the National Association of Manufacturers; the National Bankers Association; the National Council of Textile Organizations; the Marine Manufacturers Association; the National Restaurant Association; the National RV Retailers Association; the National Small Business Association; the Nebraska Independent Community Bankers; the Pennsylvania Association of Community Bankers; the Printing Industries of America; Small Business California; the Small Business Majority; the Tennessee Bankers Association; the Travel Goods Association; the Virginia Association of Community Banks; the Hispanic Chamber of Commerce; and the Women Impacting Public Policy.

This is a list that reflects America. This is a list that reflects economic activity. This is a list of organizations in States that are struggling to get to good times.

This idea, that I have to say originally came from a Merkley-Boxer bill embraced by Senators LANDRIEU and CANTWELL and LEMIEUX, made better as it went down the legislative road, deserves to get 60 votes. It deserves to get, frankly, 100 votes. Because if we are serious about jobs, then we need to show it with our votes. It is not enough to get on the floor and complain and say, Where are the jobs? This is legislation, an amendment to a very important bill, that will leverage \$30 billion into \$300 billion. That is what we are talking about, the kind of a jolt to this economy that we need. And it makes money for the taxpayers.

Talk about a win-win, that is what this is. I am going to yield the floor and I am going to say one more time to

the Senator from Louisiana, Senator LANDRIEU, thank you for your leadership. Thank you for your passion. This is about jobs, jobs, jobs, and anyone who votes no on this, in my opinion, don't say that you are for jobs because this is a proven job creator. We know it. Small business creates the jobs, 64 percent of the jobs. They need access to credit. They are not getting it from big banks. This allows us to get it from our community banks and it brings a very good marriage together—helping community banks, helping small businesses, and job creation.

I yield the floor.

Ms. LANDRIEU. Mr. President, I see the Senator from Illinois. I will ask unanimous consent for him to speak for 2 to 3 minutes. But before that, I wish to thank the Senator from California. The Senator from Illinois would know this, but this issue, this provision came originally from an idea that Senator BOXER and Senator MERKLEY had. She deserves a tremendous amount of credit.

Of course, she represents the largest State in the Union. Of course, she represents one of the States that has high unemployment. Of course, she listens to the people of her State and they are saying: Senator, where is the money to create the jobs?

I will submit this for the RECORD. The Senator from California does not need to see this because she knows it: Jobs lost by small business. Do we want to know why this recession is happening? I wish I had this blown up: 81 percent of the job losses come not from big business, not from Wall Street. I understand Wall Street is having fancy lunches. They had a lot of fancy lunches on Wall Street today. Do you know who is not even eating lunch, there is no brown bag to put it in? Small business. The Senator from California is a great Senator, fighting for her State. She has one of the highest unemployment rates in the country. The Senator from Illinois knows this as well. I thank her for putting this provision forward. I am happy to pick it up and try to carry the ball a little way down the field.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Are we under controlled time or seeking unanimous consent?

The PRESIDING OFFICER. We are not.

Mr. DURBIN. I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I thank Senator LANDRIEU, who chairs the Small Business Committee. Not only does she have the facts, she has the tenacity and ferocity to take on these issues. You always want MARY LANDRIEU on your team. Like Senator BOXER, there are times when we are not on the same team.

Thank goodness they are rare. But when we are together I know it is going to be a spirited fight and I am glad to join her in this effort. I thank her and Senator CANTWELL, but I also acknowledge, as she has, that Senators MERKLEY and BOXER were involved in the early formulation of this idea.

The idea was so obvious, it was so obvious that we knew when we spoke to small businesses the struggle they were having. They couldn't borrow money. Even good, reputable small businesses with great records could not borrow money. When they couldn't borrow money, it was impossible for them to sustain their business growth and to hire people.

In America, as we have lost 8 million jobs, with all the hardship and heartache that comes with it, we faced some hard choices. This week, the Senate and the House finally, after weeks of filibustering, came through with unemployment benefits for the millions of Americans who are struggling to feed their families during these hard times. That to me is the safety net. But if we are going to go beyond the safety net and create the jobs to put people back to work and get beyond this debate on unemployment benefits, we have to look to small business.

I heard the Senator from Louisiana talk about her view of small business and job creation. This bill that is before us, this amendment that Senator LANDRIEU brings before us today, is one that will create jobs in my home State of Illinois.

There were over 258,000 small business employers in Illinois in 2006, led by professional service and construction firms. These small businesses accounted for over 98 percent of the employers in my State. These small businesses added 93,000 jobs in 2006, more than three times as many as those by companies with more than 500 employees. Another 850,000 people worked for themselves in 2006, meaning the number of people working for small businesses was that much larger.

I am concerned about every firm losing jobs, but I know if we do not address the fundamental challenge facing small business, we are not going to turn this recession around quickly and that is what we all need to do and want to do.

What I struggle to understand, I will say to the Senator from Louisiana—perhaps she can answer this question: Where is the opposition to this? Where is the opposition? The Senator has read comments from the National Federation of Independent Businesses, a conservative business group. I have worked with them. Many times we lock horns but we have worked together on health care and things. So where does the opposition to this come from?

Don't we know if we take this money and loan it to small businesses it will be repaid? It has a leverage, a multi-

plier in terms of what it can mean to our economy, creating jobs, which means more taxes being paid, more people earning money with paychecks. I am trying to understand. Have people come to the floor on the other side of the aisle and explained why we would not want to provide credit for small businesses in the middle of a recession to help create jobs? I wish to ask the Senator if she would respond, through the Chair.

Ms. LANDRIEU. We have had three Senators come to the floor. The Senator, the ranking member of the committee is here now, Senator SNOWE. I have the greatest respect for the Senator. She outlined a few points that she has concerns about. I will come back to that in a minute.

There were only two other Senators who came to the floor—the Senator from Alabama and the Senator from South Dakota. From what I could gather, they think—the Senators said they thought this was sort of like TARP.

I tried to explain to them that, first of all, TARP was a \$700 billion fund for banks that had troubled assets. This is a \$30 billion fund for healthy banks to lend to small business. There were lots of bankers opposed to TARP. I tried to say to them in this case every banking organization that we know of, national organization, and the majority of the State bankers—not all; I want to be clear—the majority are all for it. So we are having a difficult time.

There may be some questions about the cost. It gets into a lot of detail. The Senator from Maine raised that issue. Our score, I said, is what I go by. The Senator knows it will generate \$1.1 billion for this program.

Mr. DURBIN. If I can reclaim my time—I have a limited amount of time—thank you, because that addresses the issue. The fact is that this money will generate money to the Federal Treasury so it is not adding to our debt, it is creating jobs, helping businesses, reducing our deficit, and I might add—I am glad you made a reference to TARP. According to the Treasury Department, the 22 largest recipients of TARP dollars, banks, decreased their small business lending by \$12.5 billion between April and November of 2009.

Here we are in TARP sending money to bail out the biggest banks and they are reducing their loans to small businesses as a result of it. What the Senator is saying, as I understand it, what this amendment is, is take this money, give it to healthy banks with the understanding it will be loaned to small businesses, they will prosper, create jobs, more taxpayers, fewer people on unemployment, and a net gain to the Treasury?

Ms. LANDRIEU. Yes.

Mr. DURBIN. This does not sound like TARP at all to me.

Ms. LANDRIEU. It is not. The Senator is absolutely correct. That is why I spent the majority of this day trying to be responsive to the several arguments that have been raised against it. I thought the Senator from Oregon did a beautiful job, much better than I did, explaining the nuances of this report that has been used to criticize this program.

But again, it is a private sector approach which the other side usually likes. It is community bankers whom we know, to small businesses that we know need the help. I cannot quite understand where this opposition is coming from. I said earlier, if you are looking for a bumper sticker for the election, go look elsewhere. Don't put a bumper sticker on the backs of small business in America. They don't deserve it. The letters are heartbreaking. The letters from Illinois are heartbreaking.

Women who have waited for 20 years while they raised their children finally start their business and I have to hear from the other side they don't like the bumper sticker? This is not about bumper stickers. We have waited a year and a half to get on a bill for small business. The House has already passed this bill.

It is laughable, to try to go home to your district. I don't care whether you are in Arizona or South Dakota or Alabama, you will be laughed out of the townhall meeting if you go home and try to explain that you don't think small business should get money from their local bank. They don't have the money to buy a train ticket to New York.

I mean, this is not funny. So unless somebody comes down here and gives me a relatively good argument—and I have the greatest respect for the Senator from Maine. We have never argued about anything on our committee. This didn't even come to our committee so we never argued about it. We have not argued about one thing because we feel so strongly. But for some reason this has become a political football. She did not make it that way and neither did I. Somebody did, but neither one of us did.

Mr. DURBIN. If the Senator from Louisiana will allow me to reclaim my time and finish and yield the floor at this point, I thank her for her passion and commitment. Around here we go through so many issues and debates, it sounds as if people are reading telephone directories and don't care, but there occasionally comes along an issue where it does touch you. You can tell from the Senator from Louisiana, she feels this issue—as she should. These are real people, who put their all into a business, who are about to lose it. These are real people who think their businesses can grow with a little bit of help and hire some people. Instead, what we hear from the other side

is we are afraid somebody is going to twist this into a bumper sticker that will look bad.

I used to have a friend of mine named Mike Synar, from Oklahoma. We used to laugh when Members of the House of Representatives would say, "Man, I hope we don't have to vote on that tough issue again." He said, "If you don't want to fight fires, don't be a firefighter. If you don't want to come to Congress and vote on tough issues, get another job somewhere else." I think he was right. He is still right. If these people are afraid of helping small businesses for fear that somebody is going to dream up a bumper sticker and a 30-second ad, think about another job. Because if we can't face issues this important in the middle of a recession and help small businesses with the Landrieu amendment, then we have lost our way.

I am glad to support the Senator, and I yield the floor.

Ms. LANDRIEU. Mr. President, I see other Members on the floor. Senator BURRIS had spoken earlier. I wish to say there was an organization we failed to mention, but the Minority Bankers of America also have given their support to this. We are getting constant letters of support in.

I can speak for a few more minutes. I don't know if anyone else is interested in speaking. We still do not have a vote on this, so I will continue, I guess.

Mr. LEVIN. Will the Senator yield?

Ms. LANDRIEU. Yes, to the Senator from Michigan.

Mr. LEVIN. Mr. President, one of the arguments I have heard against the Senator's amendment—as the Senator from Illinois said, this is a replay of the TARP battle. I want to explore that for one moment with my friend from Louisiana.

Before I do, I must say about the Senator from Louisiana, her passion and commitment to small business, reflected in her chairmanship on the Small Business Committee—and I am honored to serve with her on it—has been nothing short of breathtaking. I thank her for that leadership.

On the TARP issue, those of us who voted for TARP have been criticized back home because it didn't result in a lot of credit flowing. We would have loved to have had the time so we could have taken some steps so we could have connected credit flow with what we were doing to try to save this economy from totally going under.

We did not have the time to do it at that time. We have been criticized, and to some extent I think fairly, for not connecting some kind of requirement on the part of banks that are being helped through TARP with some commitment to lend out that money, to get credit flowing again.

The issue we have heard more than anything about back home, I would

say, in terms of businesses and why they are not adding jobs, is that even the businesses that have paid all their bills, that have folks out there who are willing to buy their products, cannot get the regular lines of credit that they have relied on, mainly because the assets that those credit lines have been based on have gone down in value, the way our homes have gone down in value.

So they have the same accounts. They have never missed payments they owe the banks. They have sales they can make. But in terms of the ratio that the banks follow because of the regulators, those banks are unwilling to extend the traditional line of credit because the assets of the companies have gone down in value, although their business sales have not gone down. So we have creditworthy businesses waiting for credit.

What this amendment does is—and I wish to ask the Senator if this is correct—this really is something—we are filling a gap TARP did not fill. A failure that TARP, I am afraid, legitimately is criticized for, we are trying and the Senator's amendment is trying to correct, to fill a gap which we did not fill in when we passed the TARP.

So there are incentives in this amendment to extend credit. That is the point of the amendment; that is, we will get credit flowing again. So the TARP reference, to me, is totally inappropriate. I wish to ask the Senator if that is correct.

Ms. LANDRIEU. The Senator from Michigan is absolutely correct. That is why this is so flabbergasting to me, because the Senator is correct. The TARP, some of us voted for it, some of us did not, but there are some legitimate criticisms of it. I mean, it went to a lot of the big banks, bigger banks. It did go to some middle-sized banks, I will concede that to the opponents. They have pointed that out, that it went to some middle-sized banks.

But what we did not do was connect it to lending. They took the money and they cut the line of credit. We are trying to fix that. This is an amendment to fix what we did not do correctly. This is an amendment supported by bankers, by small businesses. It does not go to big banks. They are not even eligible. It is voluntary. They do not have to take it.

If any Senator wants to vote against this and go home and say: Look, I can only give you credit cards with 16 percent interest—your people in Michigan cannot survive that, the Senator knows. They cannot survive it.

Mr. LEVIN. One last thing. This is what our local banks have been pleading for.

Ms. LANDRIEU. Yes.

Mr. LEVIN. I wish to thank the Senator for her leadership on so many other parts of this bill. This is a critical bill. It is a critical amendment that is now being offered.

We are at yet another moment in this ongoing economic crisis at which we have to choose, choose between taking action to help lift our country and its people, or failing to act to alleviate their struggles. Too often, in the face of opposition from many of our Republican colleagues, we have been delayed in making these choices. The legislation before us today is no exception: This bill has been on the Senate floor for 10 legislative days.

That is sad, because every day of delay on this bill has been another day that small businesses, businesses our Republican colleagues repeatedly commend as America's job-creation engines, lack the access to capital they need to continue to operate or grow. As the financial system recovers from the damage done by the greed and speculation of some on Wall Street, local banks that small businesses have depended on, and in many cases worked with for years, are not providing them with the capital to finance their inventories, meet their payrolls, operate their factories or add new products.

This legislation seeks to bridge that gap. If passed it will give thousands of American business owners a chance to keep current workers or hire new ones. It is the sort of thing we should rush to do in this economy.

Let me outline a few of the ways in which this legislation will help. This legislation would establish the State Small Business Credit Initiative, an effort that I have been working on for many months along with several of our colleagues here in the Senate, leaders in the House of Representatives, and the administration. Building on successful efforts in Michigan and other States, the initiative would provide crucial funding to State and local programs that expand capital access for small businesses.

These programs help businesses escape one of the traps that continues to hold back our economy: The fact that just as the recession has damaged the value of our homes, it has also damaged the value of the real estate, equipment and other items these businesses offer as collateral to secure loans, making it harder to get those loans and therefore harder to keep or hire workers, feeding a downward spiral that stunts growth.

This bill also includes a series of efforts to boost small-business lending that will create thousands of jobs without adding to the deficit. For instance, inclusion of the Small Business Job Creation and Access to Capital Act, which raises Small Business Administration loan limits, will increase small-business lending by as much as \$5 billion. It also includes an Intermediary Lending Pilot Program, a proposal I offered which allows SBA to make loans to nonprofit intermediary lenders, who can then loan that money to growing businesses.

Other provisions of the bill will help more small businesses sell their products overseas or win government contracts, and provide much-needed assistance to SBA's women's business centers and microloan programs that help businesses in underserved communities.

The substitute amendment now before us does not include one provision which I support, but which hopefully we will now add. The Small Business Lending Fund would have provided \$30 billion in capital support to the Nation's small banks. It is similar to the Bank on Our Communities Act that I and many others have supported.

Some of our colleagues objected to this provision, ostensibly on the grounds that it was a reprise of TARP. But unlike TARP, in which most of funds went to the largest institutions, this program targets the community banks that actually make the vast majority of small business loans. While many of the financial institutions receiving TARP funds failed to use that support to make the business loans needed to boost our economic recovery, this program's whole purpose would be to increase small-business lending. Community banks would be rewarded for increasing their small business lending, and penalized if they do not. This program would not cost taxpayers. Instead, it would raise approximately \$1.1 billion. At a time when some in this chamber say the deficit is such a problem that we cannot even afford extended benefits for the jobless, why would we not support a program that would not only help create jobs, but reduce the deficit by \$1.1 billion?

While I strongly support the Small Business Lending Fund, I believe it is an urgent priority to get small businesses the help they need. Even without the Small Business Lending Fund provision, this legislation represents a much-needed effort to provide more capital to businesses in need.

New access to an SBA loan or to support from a State capital-access program can be the difference between expanding or contracting, between growing or going out of business. These businesses and their workers should not have to wait for help any longer, and we can provide it, today, by approving this bill.

Ms. LANDRIEU. I see the Senator from Maine. In all fairness, we have had a lot of time. I want to yield 1 minute to the Senator from Minnesota. Then I will be happy to yield. We have no time agreements. There are no scheduled votes. I am most certainly not holding up this vote. The leadership is not here. I am not sure when we are voting. I know Members want to leave. I am not holding up the vote. We are ready to go to the vote at any time, but we do not have any agreement to go to the vote.

Ms. KLOBUCHAR. I thank the Senator from Louisiana. Again, I thank

you for including the piece of this bill on exports because we have waited so long to include it. This is something that came out of the Commerce Committee. So I appreciate the Small Business Committee being willing to put this amendment in there, a bipartisan amendment.

It went through the Commerce Committee unanimously, with the sole focus of helping small- and medium-sized businesses, people who do not have the resources, that when they want to send their products, 30 percent of them say they want to export. They look at the world, and it looks like one of those ancient maps where you do not see all the countries.

They do not have contacts out there. They do not know someone in Kazakhstan or someone in Turkey or someone in Morocco, but yet someone there wants their product. So the whole idea was to have some resources, some tools, so they can access those markets. We all know that if we are going to get out of this economic slump, we can do some of it by selling products in the United States, but a lot of it has to deal with us selling our products abroad because we have to become a country again that makes stuff, that thinks again, that sends things to other countries, that creates jobs in America, so you turn over something when you go in a store and it says: "Made in the USA."

The way we do that is by selling things in our own country but also selling things to all those customers, all those millions and millions of customers who are starting to get buying power in other countries. But it should not be just for the big businesses; the small- and medium-sized businesses should be able to access those markets as well.

That is why this amendment is so incredibly important, an amendment that came, this piece of it, unanimously through the Commerce Committee. It boggles my mind that anyone would be voting against it.

I yield the floor.

Ms. LANDRIEU. Mr. President, I am hoping we can vote right now, if possible. I know the Senators all have schedules. The Senator from Maine was very kind to say she could even speak after the vote. I appreciate that everybody has been so patient today. We have had a good debate. We are trying to get to a vote on this bill. We are waiting for the leadership, but people are going to have other appointments. The Senator from Maine has agreed to speak after the vote, which is very nice.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that at 8 o'clock tonight, the Senate proceed to vote on the motion to invoke cloture on amendment No. 4500; and that if cloture is invoked, notwithstanding rule XXII, the Senate then proceed to the House message to accompany H.R. 4899, as provided in this order; that if cloture is not invoked, the majority leader then be recognized to enter a motion to reconsider the vote by which cloture was not invoked; and the cloture motion on the substitute amendment and the bill be withdrawn; further, that the Senate proceed to the House message regarding H.R. 4899, supplemental disaster relief/summer jobs; that the Senate move to concur in the House amendment to the Senate amendment to the bill; and vote immediately on the motion to invoke cloture on the motion to concur in the House amendment to the Senate amendment to the bill; that if cloture is invoked, then the Senate proceed as provided under rule XXII; that if cloture is not invoked, then the motion to concur be withdrawn, and the Senate then move to disagree to the House amendment to the Senate amendment to the bill, and that the motion to disagree be agreed to, and the motion to reconsider be laid upon the table; that no further amendments or motions be in order to the House message to accompany H.R. 4899, except the following specified here: Lincoln amendment to the motion to concur, with an amendment to the disaster assistance/child nutrition; Reid amendment to the motion to concur with an amendment on the subject of border security; Specter amendment to the motion to concur with an amendment on the construction of ocean-going vessels; Reid amendment to the motion to concur with an amendment on the Federal Lands Transaction Facilitation Act, and the following amendments on the motion to concur with respect to the class action settlement negotiated involving African-American farmers and American Indians, jobs for teachers, and public safety employer-employee cooperation; that no debate be in order with respect to any amendment covered in this agreement; that each be subject to an affirmative 60-vote threshold; that if they achieve that threshold, then the amendment be agreed to; if the amendment does not achieve the threshold, then it be withdrawn and the motion to reconsider be laid upon the table, with no further amendments or motions in order as provided above except the motion to disagree.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I object to the Lincoln amendment. I object to the Reid amendment, and with regard to the issue of border security, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3170; that all after the enacting clause be stricken, and the substitute amendment at the desk, which is a fully offset border security provision, be agreed to; that the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, I have a further unanimous consent request. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4853; that all after the enacting clause be stricken, and the substitute amendment at the desk be agreed to; that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table.

Before the Chair rules, I would like to clarify that the amendment includes provisions that do the following:

One, make permanent the \$1,000 child tax credit; two, make permanent the deduction for State and local sales tax; three, make permanent the expired research and experimentation credit; four, repeal section 9006 of the Patient Protection and Affordable Care Act, the small business 1099 paperwork mandate; five, add a sense of the Senate on the recess appointment of Dr. Donald Berwick, based on the Roberts amendment No. 4512; and extend the alternative minimum tax patch for 2009 permanently, adjusted for inflation.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, those are laudable goals. I look forward to working with my friends on the other side of the aisle to come to conclusion of these matters. But at this stage, I think it is pretty late at night, and we have had little opportunity to talk to our committees. In fact, it would just not work at this stage. So I object.

The PRESIDING OFFICER. Objection is heard.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4853; that all after the enacting clause be stricken and the substitute amendment at the desk, which would add the previously requested lawsuit settlement language, modified with a rescission of unobligated stimulus funds to cover the costs and modified to reflect Barrasso amendment No. 4313, be agreed to; that the bill, as amended, be read a third time and

passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, we have been through this before. This is a "beat up the lawyer" amendment. We will not agree to that. I object.

The PRESIDING OFFICER. Objection is heard.

The Republican leader.

Mr. MCCONNELL. Mr. President, it is my understanding there has been an objection to everything but the cloture vote on the supplemental.

Mr. REID. And small business.

Mr. MCCONNELL. And the small business bill.

The PRESIDING OFFICER. Without objection, the request has been modified.

The Senator from Arkansas.

Mrs. LINCOLN. I would like some clarification on that last comment, please, from the minority leader. There is no objection now on the UC?

Mr. MCCONNELL. There has been an objection to all of the add-ons.

The PRESIDING OFFICER. It is the Chair's understanding that the entirety of the agreement has been agreed to except the amendments of the motion to concur to the supplemental.

Mr. REID. Mr. President, I think it is fair to the Senator from Arkansas that there is an understanding that an amendment that passed this body at least 6 months ago, that was bipartisan in nature, that gave emergency funding for a number of States because of agricultural disasters, the question is, Is that being objected to?

Mrs. LINCOLN. That is not my question.

Mr. REID. I am sorry then.

Mrs. LINCOLN. My question is what is the pending issue and is the question on whether there is an objection to the supplemental; is that correct?

The PRESIDING OFFICER. It is the Chair's understanding that the majority leader's request, as amended, is agreed to.

Mr. REID. I don't want any misunderstanding. If anyone is objecting to our moving forward on the supplemental, this is the time to speak.

Mr. MCCONNELL. Mr. President, it is my understanding the only thing in order is the vote on cloture on the motion to concur on the supplemental.

Mrs. LINCOLN. I would like to wage my objection until I can further discuss it with the majority leader.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. REID. Mr. President, I renew my earlier unanimous consent request with the exception of those exceptions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the Monday quorum be waived with respect to the House message.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I appreciate very much the inordinate amount of time that everyone has waited. I am sorry we had to do that. But Senators LINCOLN and CHAMBLISS have been real professionals. They have done a lot of talking. But I think we are at a point now where we can finish our business tonight.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the LeMieux-Landrieu et al. amendment No. 4500 to the Reid-Baucus substitute amendment No. 4499 to H.R. 5297, the Small Business Lending Fund Act of 2010.

Harry Reid, Mary L. Landrieu, Sheldon Whitehouse, Byron L. Dorgan, Roland W. Burris, Richard J. Durbin, John D. Rockefeller, IV, Robert Menendez, Carl Levin, Daniel K. Akaka, Debbie Stabenow, Patty Murray, Jack Reed, Maria Cantwell, Dianne Feinstein, Daniel K. Inouye, Bernard Sanders.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4500 to amendment No. 4499 to H.R. 5297, the Small Business Lending Fund Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Missouri (Mr. BOND).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "nay."

The PRESIDING OFFICER (Mr. BURRIS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 60, nays 37, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—60

Akaka	Gillibrand	Murray
Baucus	Goodwin	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (OH)	Kerry	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	LeMieux	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Voinovich
Durbin	McCaskill	Warner
Feingold	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NAYS—37

Alexander	Crapo	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Wicker
Corker	Kyl	
Cornyn	Lugar	

NOT VOTING—3

Bond	DeMint	Leahy
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The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 37. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the House message to accompany H.R. 4899, which the clerk will report.

The assistant legislative clerk read as follows:

Resolved that the House agree to the amendment of the Senate to the title of the bill (H.R. 4899) entitled "An Act making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes," and be it further resolved that the House agree to the amendment of the Senate to the text of the aforesaid bill with an amendment.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 4899, an act making supplemental appropriations for the fiscal year ending September 30, 2010.

Daniel K. Inouye, Tom Harkin, Christopher J. Dodd, Patrick J. Leahy, Max Baucus, Richard J. Durbin, Charles E.

Schumer, Al Franken, Patty Murray, Benjamin L. Cardin, Jack Reed, Roland W. Burris, Dianne Feinstein, Mark Begich, Amy Klobuchar, Byron L. Dorgan, Mark Udall.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 4899, the Supplemental Appropriations Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Missouri (Mr. BOND).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 51, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—46

Akaka	Gillibrand	Murray
Baucus	Goodwin	Nelson (NE)
Bingaman	Hagan	Nelson (FL)
Boxer	Harkin	Reed
Brown (OH)	Inouye	Reid
Burris	Johnson	Rockefeller
Cantwell	Kaufman	Sanders
Cardin	Kerry	Schumer
Casey	Klobuchar	Shaheen
Conrad	Kohl	Stabenow
Dodd	Lautenberg	Tester
Dorgan	Levin	Udall (NM)
Durbin	Lincoln	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	
Franken	Mikulski	

NAYS—51

Alexander	Crapo	McCaskill
Barrasso	Ensign	McConnell
Bayh	Enzi	Murkowski
Begich	Graham	Pryor
Bennet	Grassley	Risch
Bennett	Gregg	Roberts
Brown (MA)	Hatch	Sessions
Brownback	Hutchison	Shelby
Bunning	Inhofe	Snowe
Burr	Isakson	Specter
Carper	Johanns	Thune
Chambliss	Kyl	Udall (CO)
Coburn	Landrieu	Vitter
Cochran	LeMieux	Voinovich
Collins	Lieberman	Warner
Corker	Lugar	Webb
Cornyn	McCain	Wicker

NOT VOTING—3

Bond	DeMint	Leahy
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The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Under the previous order, the motion to concur is withdrawn.

The motion to disagree to the House amendment to the Senate amendment

to H.R. 4899 is considered made; the motion to disagree is agreed to; and the motion to reconsider is considered made and laid upon the table.

Mr. MCCONNELL. Mr. President, today, tomorrow and the next day marines and soldiers will patrol the streets of places like Marja and Garmsir and assist Afghan policemen in the areas around Kandahar.

They are well trained, they are intent on accomplishing the mission they have been given, and they are supported by loving families here at home.

For their sacrifice, they ask little. They ask that they be well led, prepared, and to have clear-cut missions and guidance. They ask that their families be cared for.

We have become so used to their sacrifice in the days, months, and years since September 11, 2001, that it may become easy to take the extraordinary service rendered by this All-Volunteer Force for granted.

So easy, it seems, that the funding request submitted by Secretary Gates in February to fund combat operations has languished here in the Congress for months.

As a Senate, we should not take this sacrifice for granted.

Secretary Gates spoke to my Republican colleagues and me about the need to pass the defense supplemental so the training and pay of our military would not be at risk.

He has also written to the majority leader and asked that we finish this supplemental before the August recess so that he will not be forced to furlough thousands of civilian employees at the Department of Defense.

It has taken until this late date to now vote once again on funding for our All-Volunteer Force. With each passing day we approach the end of the fiscal year and Secretary Gates loses the ability to shift funding from other activities in the Defense Department to the training of our forces scheduled to deploy.

I am afraid we are losing sight of the purpose of these war supplemental bills. These bills are not for forward-funding domestic programs. They are not for funding projects that won't pass elsewhere.

It would be irresponsible to give the House any further reason to shirk the responsibility of getting this funding to our fighting forces.

We need to pass this supplemental tonight, send it back to the House and reject any delaying tactic or additional matters that can wait for future consideration in this session.

Mr. FEINGOLD. Mr. President, I voted to end debate on the House amendment to the supplemental appropriations bill because that amendment addresses important domestic priorities for Wisconsin and this country without adding a penny to the deficit. The amendment provides \$10 billion to

help school districts around the country facing funding shortfalls due to the ongoing recession, all of it paid for. It also provides almost \$5 billion in fully offset funding to help ensure that the millions of low income students who receive Pell grants do not see reductions in their awards.

The House amendment also includes a provision to give public safety employees, like firefighters and police officers, collective bargaining rights. While Wisconsin and other States already protect public safety employees' collective bargaining rights, there are still several States that do not. Police officers, firefighters, and other public safety officers are on the front lines of protecting our communities and we should ensure that these hard working professionals have the ability to bargain for better wages and working conditions.

However, I continue to oppose funding for a massive, open-ended war in Afghanistan. This war funding will add tens of billions to our deficit without contributing to our national security.

MORNING BUSINESS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEGICH. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 5297

Mr. REID. Mr. President, I ask unanimous consent that the postcloture time with respect to the Landrieu-LeMieux amendment No. 4500 suspend until such time as the Senate resumes consideration of H.R. 5297.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCLOSE ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I now ask unanimous consent that it be in order to proceed to Calendar No. 476, S. 3628.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now move to proceed to that bill, and I send a cloture motion to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The cloture motion having been presented under rule XXII, the clerk will state the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 476, S. 3628, the DISCLOSE Act.

Harry Reid, Charles E. Schumer, Sherrod Brown, Claire McCaskill, Patrick J. Leahy, John F. Kerry, Byron L. Dorgan, Patty Murray, Barbara Boxer, Roland W. Burris, Robert Menendez, Jack Reed, Joseph I. Lieberman, Tom Udall, Kent Conrad, Mark Begich, Robert P. Casey, Jr.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed occur at 2:45 p.m., Tuesday, July 27, with the time from 2:15 to 2:45 p.m., equally divided and controlled between the two leaders, or their designees, with the majority leader controlling the final 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING FORMER GOVERNOR KENNY GUINN

Mr. REID. Mr. President, I have just learned of the loss of one of my dear friends. He was an orphan. He was a stellar athlete. He came to Las Vegas to be a schoolteacher, but he had such a dynamic personality that soon they learned in that rapidly growing school district, which is the fourth or fifth largest in the country, that they needed his kind of leadership. He went from being a teacher to running that huge school district in Las Vegas, the Clark County School District.

He had such a magnetic personality. Kenny Guinn was built like an athlete. He was handsome as a movie star.

He left the school district after a number of years and became a bank president. He became a big utility president in our major utility in Nevada. Then he became president of the university. I think he worked for \$1 a year. He just did it to be nice.

Somebody said to him: What you should do is run for Governor. It was a slam dunk. He was a very moderate Republican. He was elected Governor twice very easily. He did an extremely good job as Governor.

We do not know what happened to Kenny today, but from reports we received, he was in an accident. He was on the roof and fell. He is dead now. I feel so badly about this. I talked with

him a week or so ago about my campaign and his wonderful, beautiful, charming wife Dema. I feel so sad that Kenny is not with us anymore.

I join all of Nevada in mourning the loss of truly a great man, one of Nevada's outstanding Governors, and a friend of mine about whom I will always feel strongly.

TRIBUTE TO SISTER ROSEMARY LYNCH

Mr. REID. Mr. President, today I rise to honor Sister Rosemary Lynch for her lifetime of promoting peace throughout Nevada, the United States, and the entire world. Sister Lynch recently celebrated her 93rd birthday, and I am pleased to recognize her life and achievements before the U.S. Senate.

Sister Lynch was born in Phoenix, AZ, but her spiritual service in the Franciscan Order brought her to Las Vegas after periods in Mexico, Europe, Africa, and Indonesia. She began her devotion to the Franciscans more than 75 years ago and eventually ascended to an administrative post within the order. Spending 16 years in Italy helping to manage the order's global organization, Sister Lynch still found time to travel the world to deliver her message of compassion. These days, Sister Lynch can be found at the Franciscans' house on Bartlett Street in Las Vegas, where she devotes her day to assisting the underprivileged community of the city.

Sister Lynch's age has not slowed her commitment to spread peace throughout her community. Her boundless energy is apparent in the daily early morning walks she takes through her neighborhood and the unflagging devotion to combating poverty she displays through her work at the Franciscan house. She speaks five languages, a testament to her incredible mind and her experience in spreading peaceful ideas throughout the world.

In addition to her work with the Franciscan Order, Sister Lynch founded the Pace e Bene Nonviolence Service, a group dedicated to educating communities about theories of peaceful conflict resolution. This organization celebrated 20 years of activity last year, and it continues its mission internationally due to the efforts of Sister Lynch. "Pace e Bene" means "peace and all good" in Italian, and I cannot think of a better phrase to describe the life's work of Sister Rosemary Lynch.

I am honored that Sister Lynch has offered her services to the State of Nevada for a significant portion of her life. I thank her for her ceaseless altruism and selflessness, and I wish her continued health and success in her endeavors.

EDUCATION JOBS PACKAGE

Mr. BENNET. Mr. President, I rise today to urge this body to get our priorities straight. During this trying moment for struggling families all over America, as we work to get our economic ship righted, it is our kids and schools that should be at the top of our list.

And moving forward with a more lasting agenda, this body must make good on our commitment to ensure that we leave more opportunity for our children than we ourselves have had. It starts with our commitment to education.

We have a very American responsibility—to set the table for our kids' futures; to prepare them for the competitive world that awaits them; and to enrich their lives with a better education than the one that was offered to us. This is our central calling.

As I have discussed many times before back in Colorado and here on the Senate floor, we must be willing to make the hard choices necessary to jumpstart our economy and put the country on a path that will return us to fiscal responsibility. This means recognizing how we got into this fiscal mess—by not paying for our priorities, not planning for future emergencies, taking on more than we can afford, and damaging, expensive bailouts.

Yet we cannot fight our way out of this fiscal hole riding on the backs of our kids. It is wrong, and it is a disservice to them.

I support legislation to preserve teacher jobs. And the full Senate must do the same. In so many areas, our children are taking the brunt of our economic downturn. School is one place we have to try to inoculate from economic hardship.

Hundreds of thousands of teachers across the country—including an estimated 3,000 teachers in Colorado—are in jeopardy of losing their jobs if we do not act. Districts have already cut their budgets substantially. The education jobs package would preserve thousands of these middle-class jobs.

I am the first person to say that we cannot simply continue to do the same thing in education and expect a different result. We need to improve the system so it does a better job of supporting our teachers and educating students.

However, we cannot stand by while schools are devastated by layoffs. Allowing this would be a shortsighted blow against our communities.

The education jobs package would keep people working, and ensure that students can continue learning. This will actually spur economic recovery in the short run, preserving thousands of good jobs, and by laying the groundwork for our kids' success, it would foster prosperity in the long run.

Preserving teaching jobs is a commonsense investment. Yet inside the

Beltway the livelihood of our teachers has become a political pawn. We have seen people using this money as a negotiating tool. And we have seen people force false choices between jobs and critical education reforms. Let's not play politics with our children's future.

I call on our colleagues to move quickly to pass an education jobs package and keep our teachers in the classroom so our kids have the tools they need to succeed.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, earlier this week, I came to the Senate with the respected senior Senator from Tennessee and sought a time agreement to consider Jane Stranch of Tennessee, a judicial nomination that has been stalled by the Republican leadership for more than 8 months. It is one of more than 20 judicial nominations being delayed from Senate consideration by Republican objection. Despite the support of Senator ALEXANDER, the senior Senator from Tennessee who is part of the Republican leadership, the Republican leader objected to a time agreement to consider the Stranch nomination to the Sixth Circuit. I was disappointed, as I have been repeatedly by Republican obstruction since President Obama was elected.

Senate Republicans have further ratcheted up the obstruction and partisanship that have regrettably become commonplace this Congress with regard to judicial nominees. We asked merely for a time agreement to debate and vote on the nomination. I did not foreclose any Republican Senator from voting against the nominee or speaking against the nominee but simply wanted a standard agreement in order to allow the majority leader to schedule the debate and get to a vote. This is for a nomination reported favorably by the Judiciary Committee over eight months ago with bipartisan support. Yet the Republican leader objected and blocked our consideration.

No one should be confused: the current obstruction and stalling by Senate Republicans is unprecedented. There is no systematic counterpart by Senate Democrats. In fact, during the first 2 years of the Bush administration, the 100 judges confirmed were considered by the Democratically controlled Senate an average of 25 days from being reported by the Judiciary Committee. The average time for confirmed Federal circuit court nominees was 26 days. The average time for the 36 Federal circuit and district and circuit court judges confirmed since President Obama took office is 82 days and the average time for Federal circuit nominees is 126 days. So when Republicans say that we are moving faster than we did during the first 2 years of the Bush administration they are wrong. It was not until the summer of 2001 that the

Senate majority shifted to Democrats, but as soon as it did, we proceeded on the judicial nominations of President Bush, a Republican President. Indeed, by this date during the second year of the Bush administration, the Senate had confirmed 58 of his judicial nominations and we were on the way to confirming 100 by the end of the year. By contrast, Republican obstruction of President Obama's judicial nominees has meant that only 36 of his judicial nominees have been confirmed. We have fallen dramatically behind the pace set for consideration of President Bush's nominees.

With respect to Senate Republican leadership's current practice of holding, delaying and obstructing Senate consideration of judicial nominees reported favorably by the Judiciary Committee, this is a tactic they reserve for nominees of Democratic Presidents. Indeed, when President Bush was in the White House, Senate Republicans took the position that it was unconstitutional and wholly inappropriate not to vote on nominees approved by the Senate Judiciary Committee. With a Democratic President, they have reverted to the secret holds that resulted in pocket filibusters of more than 60 nominees during the Clinton years. Last year, Senate Republicans successfully stalled all but a dozen Federal circuit and district court nominees. That was the lowest total number of judges confirmed in more than 50 years. They have continued that practice despite the fact that judicial vacancies continue to hover around 100, with more than 40 declared judicial emergencies.

Since the nomination of Jane Stranch of Tennessee is for a vacancy in the Sixth Circuit, when the Republican leader blocked consideration of her nomination earlier this week, I provided the history of how nominees to the Sixth Circuit by Presidents Clinton and Bush had been treated. Despite the fact that Senate Republicans had pocket filibustered President Clinton's nominees, Senate Democrats proceeded to consider President Bush's.

Today I would like to outline the recent history of the Fourth Circuit. Two nominees from North Carolina to the Fourth Circuit were the subject of a request for a time agreement by the Senator from North Carolina last week. The Republican leader objected to any agreement to debate and vote on those nominations, as well. I note that one of those North Carolina nominations was reported unanimously by the Judiciary Committee, and the other received six Republican votes in favor and only one vote against. They are supported by both Senators from North Carolina, one a Republican and one a Democrat. Still the Republican leadership refuses to allow the Senate to consider them.

When I became chairman of the Judiciary Committee midway through

President Bush's first tumultuous year in office, I worked very hard to make sure Senate Democrats did not perpetuate the judge wars as tit-for-tat. In fact, we did not. Senate Republicans had pocket filibustered more than 60 of President Clinton's judicial nominations and refused to proceed on them. Included among these was one of the nominees from North Carolina now pending before us again, Judge Wynn. Nevertheless, during the 17 months I chaired the Judiciary Committee during President Bush's first 2 years in office, the Senate proceeded to confirm 100 of his judicial nominees. The Fourth Circuit was problematic, as I will explain, but we were able to make progress there as well. It was not as much progress as I would have liked, but during the Bush administration we were able to reduce the number of vacancies in the Fourth Circuit.

In contrast to the Republican Senate majority during the Clinton administration that obstructed nominations and more than doubled circuit court vacancies, Senate Democrats contributed to the reduction of circuit court vacancies by two-thirds during the Bush administration. The Senator from Kentucky complained last week about two nominations made during the 7th and 8th years of the Bush administration, including one that did not have the support of home State Senators. He did not mention that, during the Clinton administration, Senate Republicans pocket filibustered five of President Clinton's nominations to the Fourth Circuit, resulting in a doubling of Fourth Circuit vacancies, which rose from two to five. The Republican leader did not mention that Senate Republicans did not proceed on even one of President Clinton's Fourth Circuit nominees during the last three years of his administration or the fact that, by contrast, Senate Democrats did proceed to confirm Judge Agee of Virginia to the Fourth Circuit in the last few months of the Bush administration.

The fact is that Senate Democrats did not do what Republicans are apparently now doing—retaliating for perceived slights. We did not engage in tit-for-tat. When I became chairman of the Judiciary Committee midway through President Bush's first year in office, the first nominee the Judiciary Committee and the Senate considered was a Virginia nominee to the Fourth Circuit. Judge Roger Gregory had been pocket filibustered by Senate Republicans after being nominated by President Clinton. We also considered and confirmed the controversial nomination of Judge Dennis Shedd from South Carolina to the Fourth Circuit before the end of that Congress. Senate Democrats cooperated in order to break a longstanding logjam that had prevented any North Carolina representation on the Fourth Circuit for many years with the confirmation of Judge

Allyson Duncan to the Fourth Circuit in 2003.

In 2008, under my chairmanship of the Judiciary Committee, we moved forward to confirm Judge G. Steven Agee of Virginia to the Fourth Circuit. The confirmation of Judge Agee was one more Fourth Circuit confirmation than Senate Republicans would allow during the last 3 years of the Clinton administration and allowed us to reduce the vacancies on the circuit during the Bush administration by one. While I would have liked to have been more productive, and would have been had the Bush administration not been intent on packing the court, we were able to reduce the vacancies on the Fourth Circuit during the Bush administration and reverse the effect of Senate Republicans' obstruction of President Clinton's nominees. That is a more accurate snapshot of the recent history of the Fourth Circuit than the isolated nominations at the end of the Bush administration that the Republican leader referenced as if they justified his objection to proceeding to debate and vote on the consensus nominations of Judge James Wynn and Judge Albert Diaz now.

The Fourth Circuit is a good example of how much time and effort was wasted on ideological nominations by President Bush. For example, there was the highly controversial and failed nomination of William "Jim" Haynes II, to the Fourth Circuit. Senator GRAHAM of South Carolina criticized that nomination just recently during the Judiciary Committee consideration of the nomination of Elena Kagan to the Supreme Court. As general counsel at the Department of Defense, he was the architect of many discredited policies on detainee treatment, military tribunals, and torture. Mr. Haynes never fulfilled the pledge he made to me under oath at his hearing to supply the materials he discussed in an extended opening statement regarding his role in developing these policies and their legal justifications.

The Haynes nomination led the Richmond Times-Dispatch to write an editorial in late 2006 entitled "No Vacancies," about the President's counterproductive approach to nominations in the Fourth Circuit. The editorial criticized the Bush administration for pursuing political fights at the expense of filling vacancies. According to the Times-Dispatch, "The president erred by renominating . . . and may be squandering his opportunity to fill numerous other vacancies with judges of right reason." The Times-Dispatch editorial focused on the renomination of Mr. Haynes, but could just as easily have been written about other controversial Fourth Circuit nominees.

Another example is President Bush's nominations of Duncan Getchell, over the objections of both his home State Senators, a Republican and a Demo-

crat. That nomination was later withdrawn.

Another example is President Bush's nomination of Claude Allen to a vacancy in Maryland, despite the fact that he was opposed by both Maryland Senators. That nomination was withdrawn and Allen was later arrested and convicted of fraud.

The President insisted on nominating and renominating Terrence Boyle over the course of 6 years to a North Carolina vacancy on the Fourth Circuit. This despite the fact that as a sitting U.S. district judge and while a circuit court nominee, Judge Boyle ruled on multiple cases involving corporations in which he held investments. The President should have heeded the call of North Carolina Police Benevolent Association, the North Carolina Troopers' Association, the Police Benevolent Associations from South Carolina and Virginia, the National Association of Police Organizations, the Professional Fire Fighters and Paramedics of North Carolina, as well as the advice of the Senator from North Carolina who opposed the nomination. Law enforcement officers from North Carolina and across the country opposed the nomination. Civil rights groups opposed the nomination. Those knowledgeable and respectful of judicial ethics opposed the nomination. President Bush persisted for 6 years before withdrawing the Boyle nomination.

I mention these ill-advised nominations because Senate Republicans seem to have forgotten this recent history and why there are continuing vacancies on the Fourth Circuit. The efforts and years wasted on President Bush's ideological nominations followed in the wake of the Republican Senate majority's refusal to consider President Clinton's Fourth Circuit nominees. All four nominees from North Carolina to the Fourth Circuit were blocked from consideration by the Republican Senate majority. These outstanding nominees included U.S. District Court Judge James Beaty, Jr., U.S. Bankruptcy Judge J. Richard Leonard, North Carolina Court of Appeals Judge James Wynn, and Professor Elizabeth Gibson. The failure to proceed on these nominations has yet to be explained. Had either Judge Beaty or Judge Wynn been considered and confirmed, he would have been the first African-American judge appointed to the Fourth Circuit.

In contrast, I worked to break through the impasse and to confirm Judge Allyson Duncan of North Carolina to the Fourth Circuit when President Bush nominated her. I also worked to reduce Federal judicial vacancies in North Carolina by confirming eight district court judges during the Bush administration. By contrast, during the entire 8 years of the Clinton administration, only one district court judge was allowed to be confirmed for North Carolina.

Overall judicial vacancies were reduced during the Bush years to less than 4 percent. Federal judicial vacancies are now over 10 percent. During the Bush years, the Federal circuit court vacancies were reduced from a high of 32 down to single digits after Senate Republicans had more than doubled circuit court vacancies during the last 6 years of the Clinton administration. Our progress has not continued with President Obama. Instead, Republican obstruction is putting that progress at risk. During the Bush years, we reduced vacancies on nine circuits. Since then, vacancies on six circuits have risen and circuit court vacancies have doubled from their low point.

There did come a time in the 108th Congress when President Bush and Senate Republicans were intent on packing the courts with ideologues, and the Republican chairman of the Judiciary rewrote or broke our rules and practices in his attempt to assist that effort. They forced filibusters of nominees. Most of those were ultimately confirmed and some withdrew, including Miguel Estrada who withdrew when the Bush administration would not accommodate Senate requests for access to information about his work. Senate Democrats did not replicate or retaliate for Republican excesses during the Clinton years. As chairman I proceeded on judicial nominees I opposed, I made blue slips public and Senate Democrats debated judicial nominees in public and gave their reasons for opposition rather than relying as Senate Republicans had on secret holds and pocket filibusters.

I have not done what the Republican chairman did. I have respected and protected the rights of the minority. I have followed our rules and practices. President Obama has not done what President Bush did by making nominations opposed by home State Senators. Instead, President Obama has reached out and worked with home State Senators from both parties. He has identified well-qualified nominees. Despite our efforts, the qualifications of the nominees, and the support of home State Senators, including Republican Senators, Senate Republicans have filibustered, obstructed and delayed consideration of President Obama's judicial nominees favorably reported by the Judiciary Committee.

I have tried to ratchet up the cooperation between parties and branches in my role as chairman. It is disappointing to see the Senate Republican leadership take the opposite approach. They are holding up for no good reason consideration of nominees reported from the Judiciary Committee for weeks and months. Their pattern is to stall and obstruct. Republicans' sense of injury is misplaced in my view. Moreover, the disproportionateness of their response

to perceived slights disserves the American people and our Federal justice system.

I was interested to see the Republican leader in his statement last week claim credit for the confirmations of Judge Andre Davis of Maryland and Judge Barbara Keenan of Virginia to the Fourth Circuit. I would be delighted to praise the Republican leader were he to work with us, and I look forward to doing so were he to agree without further delay to debates and prompt votes on the more than 20 judicial nominees now being stalled by Republican objection.

Let us remember what happened with the two nominees he now mentions: the nomination of Judge Andre Davis was stalled for 5 months after being reported by the Judiciary Committee with a strong bipartisan majority by a vote of 16 to 3. Some would say this nomination was delayed for 10 years since Judge Davis had been nominated by President Clinton toward the end of his administration in 2000 and was not confirmed until 2010. Judge Davis was a well-respected judge who had served for 14 years as a Federal district judge and before that for 8 years as a Maryland State court judge and had received the highest rating by the ABA. I understand why the Republican leader ultimately voted for him, along with more than 70 other Senators who provided a strong bipartisan majority once Republicans allowed the vote to proceed. It is up to each Senator how he or she chooses to vote. My concern is that the debate and vote on the nomination was needlessly stalled for 5 months.

The case of Judge Barbara Keenan is even more troubling. Judge Keenan had been a judge for 29 years and served on each of the four levels of Virginia State courts. The ABA awarded her its highest rating as did the Virginia State Bar. Judge Keenan's nomination was reported unanimously by the Judiciary Committee on October 29, 2009. It took until March 2, more than 4 months, to get the Senate to debate and vote on this nomination after it was unanimously reported. And even that does not fully indicate the Republican obstruction. It also took the majority leader's filing a cloture petition to bring the nomination to a vote. Having refused to agree to a time agreement on this consensus nomination, the Senate had to invoke cloture to end the stalling. When the vote was finally taken, it was unanimous. No Senator voted against this nomination or spoke against it. So, I asked, why the stalling? Tragically, that stalling and obstruction has continued and is continuing. I said then that even when Republicans cannot say no, they nonetheless demand that the Senate go slow. This is wrong. Judge Keenan's nomination is just one example from several where after stalling and delaying consideration for weeks and months for no

good reason, Senate Republicans do not vote against the nomination.

I suspect that will happen again with the North Carolina nominees to the Fourth Circuit whose consideration the Republican leader objected to last week. After all, they were reported 18 to 1 and 19 to 0. Judge James Wynn of North Carolina and Judge Albert Diaz of North Carolina are examples of the judicial nominees being stalled who would be confirmed by the Senate if the Senate Republican leadership would agree to debate and vote on them. The list includes not only the 21 Federal circuit and district court nominees currently stalled by Republican objection from final Senate consideration, but also many of the 36 confirmed but who were needlessly delayed. What is being perpetuated is a shame that does harm to the American people and the Federal courts.

REMEMBERING FIRST LIEUTENANT VERNON BAKER

Mr. BARRASSO. Mr. President, I rise today to pay tribute to 1LT Vernon Baker, a native of Cheyenne, WY. Our Nation has lost a son of Wyoming and hero of World War II.

First Lieutenant Baker not only fought the fascist Axis powers but he also fought to serve in a segregated U.S. Army. Vernon Baker's life story is a testament to no door or opportunity can be permanently shut in the United States.

As a young man, Mr. Baker made the decision to serve his country in World War II by joining the U.S. Army. He was initially told by Army recruiters he could not sign up because he was Black. His determination to serve his country was not deterred. Vernon returned to the Cheyenne recruiting office and found a recruiter who would sign him up.

First Lieutenant Baker went on to serve with the 92nd Infantry Division's 370th Regiment, an all Black unit in Italy. Throughout his World War II service, Mr. Baker was awarded the Bronze Star, Purple Heart, and the Distinguished Service Cross. Fifty years later, First Lieutenant Baker was awarded the Medal of Honor for his leadership and bravery in destroying a number of German positions near Viareggio, Italy, almost single handedly.

I thank Mr. Baker for his service. Mr. Baker is survived by wife Heidy, four children, and a grandson.

Mr. President, I ask unanimous consent to have printed in the RECORD First Lieutenant Baker's Medal of Honor citation and an article that appeared in the Casper Star Tribune.

There being no objection, the material was ordered to be printed in the RECORD as follows:

Citation: For extraordinary heroism in action on 5 and 6 April 1945, near Viareggio,

Italy. Then Second Lieutenant Baker demonstrated outstanding courage and leadership in destroying enemy installations, personnel and equipment during his company's attack against a strongly entrenched enemy in mountainous terrain. When his company was stopped by the concentration of fire from several machine gun emplacements, he crawled to one position and destroyed it, killing three Germans. Continuing forward, he attacked an enemy observation post and killed two occupants. With the aid of one of his men, Lieutenant Baker attacked two more machine gun nests, killing or wounding the four enemy soldiers occupying these positions. He then covered the evacuation of the wounded personnel of his company by occupying an exposed position and drawing the enemy's fire. On the following night Lieutenant Baker voluntarily led a battalion advance through enemy mine fields and heavy fire toward the division objective. Second Lieutenant Baker's fighting spirit and daring leadership were an inspiration to his men and exemplify the highest traditions of the Armed Forces.

[From the Associated Press]

MEDAL OF HONOR HERO DIES

WYOMING NATIVE OVERCAME DISCRIMINATION,
SEGREGATION IN MILITARY

(By Rebecca Boone)

ST. MARIES, IDAHO.—Wyoming native Vernon Baker, who belatedly received the Medal of Honor for his role in World War II, died at his home near St. Maries, Idaho. He was 90.

Baker died Tuesday of complications of brain cancer, Benewah County Coroner and funeral home owner Ron Hodge said.

Then-President Bill Clinton presented the nation's highest award for battlefield valor to Baker in 1997. He was one of just seven black soldiers to receive it and the only living recipient.

"The only thing that I can say to those who are not here with me is, 'Thank you, fellas, well done,'" Baker told The Washington Post after the ceremony. "'And I will always remember you.'"

In 1944, 2nd Lt. Baker was sent to Italy with a full platoon of 54 men. On April 5, he and his soldiers found themselves behind enemy lines near Viareggio, Italy.

When concentrated enemy fire from several machine gun emplacements stopped his company's advance, Baker crawled to one and destroyed it, killing three Germans. Continuing forward, he attacked an enemy observation post and killed two occupants.

With the aid of one of his men, Baker attacked two more machine gun nests, killing or wounding the four enemy soldiers occupying these positions. Then he covered the evacuation of his wounded soldiers by occupying an exposed position and drawing the enemy's fire.

On the following night, Baker voluntarily led a battalion advance through enemy mine fields and heavy fire.

In all, Baker and his platoon killed 26 Germans and destroyed six machine gun nests, two observer posts and four dugouts.

He said later he felt the company commander, who said he was going to get reinforcements, had abandoned his group of men. "It made me all the more determined to accomplish our mission," he told the PBS series "American Valor." "Because at that time the Army was segregated. It was thought that we were unable to fight."

No black soldiers were awarded the Medal of Honor during World War II, although

Baker did receive the Purple Heart, a Bronze Star and Distinguished Service Cross.

In 1993, U.S. Army officials contracted Shaw University in Raleigh, N.C., to determine if there was a racial disparity in the way Medal of Honor recipients were selected. The university researchers found that there was, and recommended 10 soldiers to receive it. From that list, Pentagon officials picked seven.

But there was one problem—the statutory limit for presentation had expired. Congress was required to pass legislation that allowed the president to award the Medals of Honor so long after the action.

Baker was the only recipient still living; the other six soldiers received their awards posthumously, with their medals being presented to family members.

Baker was initially rebuffed when he tried to join the Army. Baker said in an interview with public television that a recruiter told him that there was no quota for enlisting "you people."

Reflecting on life in a segregated Army unit, he told The Washington Post, "I was an angry young man. We were all angry. But we had a job to do, and we did it." He added, though, that he "knew things would get better, and I'm glad to say that I'm here to see it."

Baker returned to his northern Idaho home after the war. When he received a call telling him he was to receive a Medal of Honor, at first he was astonished. Then he was angry.

"It was something that I felt should have been done a long time ago," he told Idaho public television. "If I was worthy of receiving the Medal of Honor in 1945, I should have received it then."

Baker called his 1997 memoir "Lasting Valor."

U.S. Rep. Walt Minnick said he met Vernon Baker in the 1990s when the soldier spoke at a College of Idaho event. Minnick said he'd been expecting a tough, battle-hardened soldier, but says he was instead struck by Baker's gentle demeanor. Minnick said Baker's valor on the battlefield in Italy was a rebuke of racist policies that dominated the U.S. military into the middle of the last century.

"His actions on the front line demonstrate better than words can describe why discrimination and segregation in the military was both unfair and absolutely inconsistent with an effective fighting force," Minnick said. "He demonstrated a degree of courage few people have. He was prepared to give his life for his country—a country in which he was considered a second-class citizen."

Baker was born in 1919 in Wyoming. Orphaned as a small child, he was raised by his grandparents in Cheyenne. He was working as a railroad porter when he decided to join the Army in mid-1941, a few months before Pearl Harbor.

In 2004, Baker underwent emergency surgery to remove a malignant brain tumor. Before he fell ill, he had failed to sign up for benefits from Veterans Affairs and Medicare, not realizing what the requirements were. Community members and politicians in Idaho pitched in to help him get aid for his unpaid medical bills.

Hodge said Baker continued to battle brain cancer over the next years, and he recently began receiving hospice care at his home. Baker was surrounded by his family when he died Tuesday evening.

Hodge said Baker's wife, Heidi Baker, plans to have a memorial service in St. Maries but the arrangements have not yet been made.

He said Heidi Baker also planned to talk with military officials about possibly having Baker buried at Arlington National Cemetery.

A war hero, Baker was also a man of peace. After receiving the award, he told a newspaper reporter for the Moscow-Pullman Daily News: "I hope never to see someone else having the Medal of Honor hung around his neck by the president of the United States. You young people coming up, please don't take war as a solution to a problem. God gave you the brains to think and not to use violence as a means to an end."

ADDITIONAL STATEMENTS

GANN VALLEY, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of the population center of our State, Gann Valley. This community, just 15 minutes away from the Missouri River, is the county seat of Buffalo County.

Gann Valley was named after Herst Gann, one of the area's pioneers as well as the publisher of one of two local newspapers. Gann also donated the courthouse when the town was founded on January 14, 1885. Since the railroad never came through, a freight line made three trips a week to neighboring Kimball to bring in goods for the town and ship out the products from the town's creamery.

Gann Valley will spend Saturday, July 31, celebrating this historic milestone. A wagon train will arrive in the morning to kick off the festivities, followed by a parade, games, a dance, and more. Small towns like Gann Valley are the backbone of South Dakota, and I am proud to recognize the people who live in and around this great community.●

TIMBER LAKE, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 100th anniversary of Timber Lake, SD, on the Cheyenne River Sioux Indian Reservation. The county seat of Dewey County, this small town embodies South Dakota values.

Originally established by the Secretary of the Interior, the land plots were so popular that 1,000 people camped out when the land went on sale. The town grew quickly with many "tent stores" springing up. Settlers arrived before the railroad did, so building materials were brought in by wagon. The Milwaukee Railroad quickly realized the demand for a railroad through Timber Lake, and by May, trains were reaching the thriving new town. Timber Lake officially incorporated in February 1911. The census in 1920 showed a population of 555, making it officially a city of the second class.

In the early 1920s, sewer lines were laid for a town septic system. The digging machine unearthed a metal object, which was put in the bank. Upon

further examination, and after it was cleaned, it was determined to be a sculpture of two hands clasping a rose branch with a snake winding through the hands. The origin of this unexpected find is still unknown.

To honor its 100 year anniversary, the Timber Lake community is having a "Days of 1910" celebration, complete with a banquet, a talent show and play, and a viewing of 4-H exhibits. I am proud to recognize them on their historic milestone, and I look forward to seeing what else this great town accomplishes.●

TRIBUTE TO SONYA DAMSKER LEFKOVITS

● Mr. SHELBY. Mr. President, today I wish to pay tribute to Sonya Damsker Lefkovits, who is being honored by the Columbiana Chamber of Commerce for her dedication and service to her community.

Sonya was born May 6, 1923, in Memphis, TN, to Louis and Helen Richberger Damsker. Raised in Tyler, TX, Sonya graduated from Tyler High School and went on to attend Louisiana State University, where she earned a degree in public school music. Following her graduation at LSU, Sonya moved to Birmingham to work at the Jewish Welfare Board as its first activities director. It was there that she met her future husband, Norman Leo Lefkovits.

In July, 1947, Sonya married Norman Leo Lefkovits, and she moved to Columbiana to operate the Lefkovits family mercantile store, The Columbiana Leader. Since arriving in Columbiana, AL, nearly 63 years ago, Sonya has been an integral member of her community. In 1949, she became a charter member of the Vignette Club, which gave her the opportunity to participate in various community projects. Among her proudest achievements was working on the building committee during the construction of the Columbia Library when she was chairman of the Columbiana Library Board.

Sonya has also held various community leadership positions. She was a member of the Shelby County High School Band Boosters Club, the womens coordinator for the Columbiana Civil Defense Organization, and co-chairman of the Shelby County Civil War Centennial Commemoration. Sonya was an active member of the Shelby County Historical Society. In 1999, Sonya helped to form the Columbiana Merchants and Professional Association, where she worked on the Columbiana Downtown Renovation Committee. She also served as an ambassador to the South Shelby Chamber of Commerce.

Sonya has two children, Norman Leo Lefkovits, Jr. and Marsha Phyllis Lefkovits, both of whom now reside in

California. In the early 1980s, Marsha served with distinction as a member of my staff in Washington, DC. Soon, Sonya will be leaving Columbiana to join her children on the west coast.

I am sure that Sonya will be sorely missed in Columbiana, whose residents will reap the benefits of her contributions to their community for years to come. Regardless of where she resides, I know that she will continue to touch the lives of everyone fortunate enough to meet her.

I wish Sonya luck on her journey west, and I ask this entire Senate to join me in recognizing and honoring the life and career of my good friend Sonya Lefkovits.●

RECOGNIZING AXIOM TECHNOLOGIES

● Ms. SNOWE. Mr. President, I have long held the belief that the availability of broadband undoubtedly contributes to business expansion, employment growth, and greater educational opportunities. Indeed, the Internet can truly transform the way small firms do business. This is particularly the case in places like my home State of Maine, which is not only largely rural, but is home to over 150,000 small businesses. As such, it is with great admiration that today I recognize Axiom Technologies, based in the town of Machias, for the firm's outstanding commitment to the goal of bringing broadband Internet service to rural Maine communities that have not previously known its remarkable power.

Founded in 2004 by Nelson Geel and Chris Moody, Axiom originally sought to provide inexpensive consulting services to small businesses and communities in Washington County, Maine's easternmost county. Yet the two quickly realized that there was a growing desire for affordable broadband in the area, which was largely overlooked by corporate providers. As such, the company reevaluated its business vision in an attempt to allow rural areas of the State to benefit from the same advantages of broadband Internet provided to Maine's more urban regions.

In addition to operating on a sustainable financial basis, Axiom Technologies prides itself on always attempting to hold true to a unique social mission as well. Axiom is well aware "of the central role that business plays in society" and seeks to solidify this responsibility "by initiating innovative ways to improve the quality of life in the communities in which [it] operate[s]." Not only has the company done this by spreading equality of access to information through broadband services, but its employees also take it upon themselves to improve their community.

One shining example is Susan Corbett, Axiom's CEO, who was instrumental in the development of a type of

community-minded, service-based listserve for Washington County called Mighty Women. In 2006, she, along with some of her entrepreneurial and social service peers, created the "rolodex" of e-mail contacts that could be solicited to assist those in need throughout eastern Maine. Indeed, in 2009, the Mighty Women listserve mobilized to raise last minute funds for Washington county children who were in need of toys and warm clothing for the holiday season. With just a week before Christmas, the group raised approximately \$3,000 to help give the children the holiday joy that they deserved.

People such as Susan Corbett are representative of the family-like mentality which Axiom Technologies hopes to foster among its employees and within the greater community. Small businesses around the country have historically helped build a sense of community in the areas in which they operate, and Axiom is no exception. The ability to access information via broadband should be something available to all people across America, and Axiom Technologies has built its business around fulfilling this goal. The company has done it economically, but most inspiringly, Axiom has attempted to promote the well-being of the people in the communities they serve. When a business cares about helping others as does Axiom, the community can rest assured that Axiom's employees share their goals and aspirations for improving the overall community.

While small businesses are duly noted as the drivers of the Nation's economy, they cannot be overlooked for their positive social impacts on the communities in which they operate. Although they may serve a relatively small market, Axiom is certainly on the cutting edge when it comes to promoting broadband equality, a goal of national importance. I thank everyone at Axiom for their numerous and varied contributions to the health of Maine's economic future and general welfare, and I wish them much success in the years to come.●

TRIBUTE TO ALTON "RED" FRANKLIN

● Mr. VITTER. Mr. President, today I wish to acknowledge Coach Alton "Red" Franklin for his dedicated service to Louisiana and in particular to Haynesville High School in northern Louisiana. I would like to take some time to make a few remarks on his accomplishments.

Throughout his distinguished career as the Haynesville High School football coach, he won 27 district championships and participated in the State playoffs 31 times. The team had 8 undefeated seasons and 191 shutouts. Coach Franklin led the team to 11 State championships in four decades winning four consecutive State championships from 1993 to 1996. Coach

Franklin was inducted in the Louisiana High School Coaches Association Hall of Fame in 1991. He was also named State coach of the year 6 times and district coach of the year 23 times throughout his career.

When Coach Franklin retired in January of 2002, he retired as the second most winningest football coach in Louisiana history and number 15 nationally. Coach Franklin had accumulated a remarkable record of 366 wins, 76 losses, and 8 ties.

Even after his outstanding career, Red Franklin continued to be actively involved in his community, returning to Haynesville High in 2003 as a volunteer assistant coach for his son David, the current head coach. In 2009, Red Franklin won his first State championship as an assistant coach to his son. On July 10, 2010, Red Franklin received the high honor of being inducted into the National Federation of State High School Associations Hall of Fame Class of 2010.

Thus, today, I honor a fellow Louisianian, Coach Alton "Red" Franklin, for his exceptional and distinguished service to Haynesville High School and to our State.●

MESSAGES FROM THE HOUSE

At 11:13 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2693. An act to amend title VII of the Oil Pollution Act of 1990, and for other purposes.

H.R. 4380. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes.

H.R. 5566. An act to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes.

H.R. 5716. An act to provide for enhancement of existing efforts in support of research, development, demonstration, and commercial application activities to advance technologies for the safe and environmentally responsible exploration, development, and production of oil and natural gas resources.

The House also announced it passed the following bill, without amendment:

S. 1053. An act to amend the National Law Enforcement Museum Act to extend the termination date.

The message further announced that the House agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 292. Concurrent resolution supporting the goals and ideals of National Aerospace Week, and for other purposes.

At 3:00 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the

amendment of the House to the amendment of the Senate to the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

ENROLLED BILL SIGNED

At 4:31 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4213. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2693. An act to amend title VII of the Oil Pollution Act of 1990, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 292. Concurrent resolution supporting the goals and ideals of National Aerospace Week, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3628. A bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3643. A bill to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, to improve oil spill compensation, to terminate the moratorium on deepwater drilling, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6789. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dairy Product Price Support Program and Dairy Indemnity Payment Program" (RIN0560-AH88) received in the Office of the President of the Senate

on July 21, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6790. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Wheat and Oilseed Programs; Durum Wheat Quality Program" (RIN0560-AH72) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6791. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report to the Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-6792. A communication from the Deputy Assistant General Counsel, Office of Aviation Enforcement and Proceedings, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Posting of Flight Delay Data on Websites" (RIN2105-AE02) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6793. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Abatement of Highway Traffic Noise and Construction Noise" (RIN2125-AF26) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6794. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Skate Complex Fishery; Amendment 3" (RIN0648-AW30) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6795. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 21" (RIN0648-AY43) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6796. A communication from the Acting Director for Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure" (RIN0648-XW90) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6797. A communication from the Acting Director for Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Suspension of the Primary Pacific Whiting Season for the Shore-based Sector South of 42 Degrees North Latitude" (RIN0648-XW80) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6798. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 777 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-1249)) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6799. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Re-Registration and Renewal of Aircraft Registration" ((RIN2120-AI89) (Docket No. FAA-2008-0188)) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6800. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft; Modifications; OMB Approval of Information Collection" ((RIN2120-AJ10) (Docket No. FAA-2007-29015)) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6801. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—August 2010" (Rev. Rul. 2010-19) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Finance.

EC-6802. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Preventive Services Under the Patient Protection and Affordable Care Act" ((RIN1545-BJ60) (TD 9493)) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Finance.

EC-6803. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled, "2010 Data Book: Healthcare Spending and the Medicare Program"; to the Committee on Finance.

EC-6804. A communication from the General Counsel of the Department of Defense, transmitting a legislative proposal relative to authorizing the President to transfer certain naval vessels by grant; to the Committee on Foreign Relations.

EC-6805. A communication from the General Counsel, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the report of a rule entitled "Regulations Implementing the Freedom of Information Act" (29 CFR Part 2201) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6806. A communication from the Chief Privacy Officer, Privacy Office, Department of Homeland Security, transmitting, pursuant to law, a report entitled "Privacy Office Third Quarter Fiscal Year 2010 Report to Congress"; to the Committee on Homeland Security and Governmental Affairs.

EC-6807. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Tribal-State Road Maintenance Agreements Report; to the Committee on Indian Affairs.

EC-6808. A communication from the Department of State, transmitting, a report on the Verification of the Treaty Between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (The New START Treaty) (OSS Control No. 2010-1146) signed in April 8, 2010 in Prague; to the Committee on the Judiciary.

EC-6809. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2010-1061); to the Committee on the Judiciary.

EC-6810. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the progress and status of compliance with the privatization requirements of the National Capital Revitalization and Self-Government Improvement Act of 1997; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-131. A resolution adopted by the Senate of the State of Louisiana urging Congress to oppose the creation of a new consumer regulatory agency for FDIC insured institutions; to the Committee on Banking, Housing, and Urban Affairs.

SENATE RESOLUTION, No. 147

Whereas, H.R. 4173 and S. 3217 are sweepingly broad bills pending in conference in the United States Congress that would restructure the financial regulatory system; and

Whereas, both measures would create a new Consumer Financial Protection Agency/Bureau with overly broad powers that would have complete authority over Louisiana banks and thrifts with respect to writing future consumer regulations; and

Whereas, although improvements can and should be made to further protect consumers from unscrupulous practices, the creation of an enormous, new federal bureaucracy is the wrong approach because it will harm both Louisiana banks and their customers; and

Whereas, Louisiana banks and thrifts will be subject to greatly increased regulation and compliance costs, which will hamper their ability to effectively serve their customers' needs; and

Whereas, this increased regulatory burden will likely lead to increased costs of obtaining credit for consumers and overall less access to financial products and services; and

Whereas, the vast majority of FDIC insured institutions, especially Louisiana banks and thrifts, did not contribute to the financial crisis, yet would be subject to the broad jurisdiction of this proposed agency; and

Whereas, Louisiana banks and thrifts are already heavily regulated and examined on a regular basis for compliance with existing consumer laws and safety and soundness; and

Whereas, this new proposed agency, which has no experience as a bank regulator, would likely create a mountain of new regulation that is one sided in its focus without balancing bank safety and soundness considerations of the financial institution; and

Whereas, this will put Louisiana banks and thrifts in a position where they must try to comply with conflicting mandates that ulti-

mately could put their businesses at risk; and

Whereas, creating another layer of bureaucracy in the banking industry also does not address the gaps in regulation that exist with respect to non-bank lenders; and

Whereas, the Obama administration itself has acknowledged that 94% of the high-cost mortgage loans that have so damaged our economy were made by non-bank financial companies; and

Whereas, with this in mind, Congress should concentrate on improving the supervision and examination of such non-bank institutions rather than adding to an already large regulatory compliance structure for banks and thrifts. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to oppose the creation of a new consumer regulatory agency for FDIC insured institutions. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-132. A resolution adopted by the Senate of the State of Louisiana urging the federal government to explore creating a federal entity to oversee and enforce federal, state, and local safety regulations on all deep-water drilling rigs; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION No. 136

Whereas, the safety of all individuals working on deep-water drilling rigs is paramount and a top priority; and

Whereas, after a tragedy like the Deep-water Horizon, governments at every level need to look at ways to incorporate new ideas and rules to prevent similar tragedies from happening again; and

Whereas, after the attacks on September 11, 2001, the federal government created the Transportation Security Administration and the office of law enforcement, Federal Air Marshal Service, to address the security issues that were highlighted by the attacks; and

Whereas, it is necessary for the well-being of this state and this country to have deep-water drilling rigs operating in the absolute safest manner possible; and

Whereas, the implementation of a federal entity whose sole job is to oversee the safety of all deep-water drilling rigs is a necessary and appropriate step in light of the Deep-water Horizon tragedy; and

Whereas, this federal entity may operate in a similar fashion to the Federal Air Marshal Service, with a federal employee stationed on every deep-water drilling rig.

Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana does hereby urge and request the federal government explore creating a federal entity to oversee and enforce federal, state, and local safety regulations on all deep-water drilling rigs. Be it further

Resolved, That a copy of this Resolution be transmitted to secretary Ken Salazar, the United States Department of the Interior, and to each member of the Louisiana Congressional delegation.

POM-133. A resolution adopted by the Senate of the State of Louisiana urging the Department of Commerce to establish a foreign trade zone in the Delta region of Louisiana; to the Committee on Finance.

SENATE RESOLUTION No. 125

Whereas, foreign-trade zones, established under the Foreign-Trade Zone Act of 1934,

are secure areas under United States Customs and Border Protection supervision that are free-trade zones; and

Whereas, usual formal entry procedures and payments of duties are not required on foreign merchandise entering the zone unless it enters the territory for domestic consumption, at which point the importer generally has the choice of paying duties at the rate of either the original foreign materials or the finished product; and

Whereas, domestic goods moved into the zone for export may be considered exported upon admission to the zone for the purpose of excise tax rebates and drawback; and

Whereas, qualified public or private corporations may operate facilities within the zone; and

Whereas, foreign-trade zones offer several commercial advantages, such as the following:

(1) Customs and Border Protection duty and federal excise taxes, if applicable, are paid when merchandise is transferred from the zone for consumption;

(2) Goods may be exported from the zone free of duty and excise tax;

(3) Customs of Border Protection security requirements provide protection against theft;

(4) Merchandise may remain in the zone indefinitely; and

Whereas, the Mississippi River is a strategic asset to international manufacturers; and

Whereas, Act No. 347 of the 2007 Regular Session of the Legislature of Louisiana enacted Louisiana Revised Statutes 3:33, the Delta Develop Initiative; and

Whereas, Act 347 defined the "Delta Region" to include Caldwell, Catahoula, Concordia, East Carroll, Franklin, Madison, Morehouse, Ouachita, Pointe Coupee, Richland, Tensas, and West Carroll parishes, a cross roads intersection of the Mississippi River and the 1-20 corridor that connects the South Central United States from Dallas, Texas to Atlanta, Georgia; and

Whereas, a proposed foreign-trade zone in the Delta region could consolidate marine, rail and base transport; offer industrial storage facilities; provide light assembly, warehousing and logistics services; and provide inbound and outbound connections to rail, truck, air, and barge transportation. Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana does hereby urge and request the United States Department of Commerce to establish a foreign trade zone in the Delta region of Louisiana. Be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Department of Commerce, each member of the Louisiana Congressional delegation, and the governor of Louisiana.

POM-134. A concurrent resolution adopted by the Legislature of the State of Louisiana urging Congress to continue to support and invest in the National Cancer Institute Community Cancer Centers Program; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 122

Whereas, the National Cancer Institute (NCI) Community Cancer Centers Program (NCCCP) began in 2007 to provide community cancer centers and their patients across the United States better access to the most advanced cancer research; and

Whereas, NCI estimates that the vast majority of cancer patients (about 85 percent) are treated at community hospitals in or near the communities in which they live and

only about 15 percent of U.S. cancer patients are diagnosed and treated at the nation's major academic-based cancer centers; and

Whereas, many patients choose community hospitals because they are close to family, friends, and jobs, whereas treatment at the major cancer centers may require long commutes or extended stays away from home; and

Whereas, the NCCCP extends NCI programs into local communities, giving patients easier access to state-of-the-art cancer care and clinical trial opportunities; and

Whereas, the NCI Community Cancer Centers Program has formed a national network of community cancer centers to expand cancer research and deliver the most advanced cancer care to more Americans in the communities where they live; and

Whereas, the Cancer Program of Our Lady of the Lake and Mary Bird Perkins was one of only 16 community cancer programs in the country selected to participate in the NCI Community Cancer Centers Program because of its proven medical leadership, phenomenal community outreach and experience in conducting clinical trials; and

Whereas, the Cancer Program of Our Lady of the Lake and Mary Bird Perkins was the only cancer program in Louisiana, and the only program in the Gulf South, selected for the NCI Community Cancer Centers Program; and

Whereas, the NCI Community Cancer Centers Program is designed to create a community-based cancer center network to support basic, clinical and population-based research initiatives, addressing the full cancer care continuum from prevention, screening, diagnosis, treatment and survivorship through end-of-life care; and

Whereas, the seven major focus areas of the NCI Community Cancer Centers Program are to reduce cancer healthcare disparities, improve quality of care, increase participation in clinical trials, enhance cancer survivorship and palliative care services, participate in biospecimen research initiatives to support personalized medicine, expand use of electronic health records and connect to cancer research data network and enhance cancer advocacy; and

Whereas, the sixteen initial pilot hospitals have made considerable progress toward achieving the major program goals and are defining for NCI what it takes to build a national network of community hospitals that are fully engaged in cancer research and offer the latest evidence-based, multidisciplinary care to diverse populations in their home communities; and

Whereas, funding from the American Recovery and Reinvestment Act helped the NCI Community Cancer Centers Program expand from its original pilot network of sixteen to thirty hospitals in twenty-two states. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to continue to support and invest in the National Cancer Institute Community Cancer Centers Program, a vital and innovative program that is transforming the way cancer care is delivered across the nation. Be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-135. A concurrent resolution adopted by the Legislature of the State of Louisiana

urging Congress to adopt and submit to the states for ratification the Parental Rights Amendment to the Constitution of the United States; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 38

Whereas, the right of parents to direct the upbringing and education of their children is a fundamental right protected by the Constitution of the United States and the Constitution of Louisiana; and

Whereas, our nation has historically relied first and foremost upon parents to meet the real and constant needs of children; and

Whereas, the interests of children are best served when parents are free to make child-rearing decisions about education, religion, and other areas of a child's life without state interference; and

Whereas, the United States Supreme Court, in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), held that "This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition"; and

Whereas, however, in *Troxel v. Granville*, 530 U.S. 57 (2000), six justices of the United States Supreme Court filed opinions on the nature and enforceability of parental rights under the Constitution of the United States; and

Whereas, the number of written opinions in *Troxel v. Granville* has created confusion and ambiguity about the fundamental nature of parental rights in the laws and society of the several states; and

Whereas, H. J. Res. 42 and S.J. Res. 16 were introduced during the First Session of the 111th Congress to provide for an amendment to the United States Constitution to prevent erosion of the enduring American tradition of treating parental rights as fundamental rights, and the legislation states:

"Section One: The liberty of parents to direct the upbringing and education of their children is a fundamental right.

Section Two: Neither the United States nor any State shall infringe upon this right without demonstrating that its governmental interest as applied to the person is of the highest order and not otherwise served.

Section Three: No treaty may be adopted nor shall any source of international law be employed to supersede, modify, interpret, or apply to the rights guaranteed by this article"; and

Whereas, this amendment would add explicit text to the Constitution of the United States to forever protect the rights of parents as they are now enjoyed, without substantive change to current state or federal laws respecting these rights; and

Whereas, the enumeration of these rights in the text of the Constitution of the United States would preserve these rights from being infringed upon by shifting ideologies and interpretations of the United States Supreme Court. Therefore, be it

Resolved, that the Legislature of Louisiana memorializes the Congress of the United States to adopt and submit to the states for ratification the Parental Rights Amendment to the Constitution of the United States. Be it further

Resolved, that a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Appropriations, without amendment:

S. 3635. An original bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2011, and for other purposes (Rept. No. 111-228).

By Ms. MIKULSKI, from the Committee on Appropriations, without amendment:

S. 3636. An original bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2011, and for other purposes (Rept. No. 111-229).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 258. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors.

S. 1684. A bill to establish guidelines and incentives for States to establish criminal arsonist and criminal bomber registries and to require the Attorney General to establish a national criminal arsonist and criminal bomber registry program, and for other purposes.

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 3638. An original bill to establish a national safety plan for public transportation, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG (for himself, Mrs. MURRAY, and Ms. CANTWELL):

S. 3629. A bill to improve the efficiency, operation, and security of the national transportation system to move freight by leveraging investments and promoting partnerships that advance interstate and foreign commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. KLOBUCHAR (for herself and Mr. LEMIEUX):

S. 3630. A bill to improve the commercialization potential of National Science Foundation grants, enhance the metrics used to assess such potential, and for other purposes; to the Committee on Finance.

By Mrs. MURRAY:

S. 3631. A bill to encourage innovation to create clean technologies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. GILLIBRAND:

S. 3632. A bill to provide for enhanced penalties to combat Medicare and Medicaid fraud, a Medicare data-mining system, and a Beneficiary Verification Pilot Program, and for other purposes; to the Committee on Finance.

By Mr. CARPER (for himself and Ms. SNOWE):

S. 3633. A bill to amend the Solid Waste Disposal Act to improve a provision relating to Federal procurement of recycled materials to reduce greenhouse gas emissions; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 3634. A bill to amend the Internal Revenue Code of 1986 to clarify the types of en-

ergy conservation subsidies provided by public utilities eligible for income exclusion; to the Committee on Finance.

By Mr. DORGAN:

S. 3635. An original bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2011, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. MIKULSKI:

S. 3636. An original bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2011, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. KOHL (for himself, Ms. SNOWE, and Mr. INOUE):

S. 3637. A bill to authorize appropriations for the Housing Assistance Council; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD:

S. 3638. An original bill to establish a national safety plan for public transportation, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON):

S. 3639. A bill to provide for greater maritime transportation security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. UDALL of Colorado (for himself, Mr. CRAPO, Mr. GREGG, Mr. BENNET, and Ms. KLOBUCHAR):

S. 3640. A bill to amend the Internal Revenue Code of 1986 to increase the limitations on the amount excluded from the gross estate with respect to land subject to a qualified conservation easement; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself, Ms. SNOWE, and Mr. ROCKEFELLER):

S. 3641. A bill to create the National Endowment for the Oceans to promote the protection and conservation of United States ocean, coastal, and Great Lakes ecosystems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself, Mr. MERKLEY, Mrs. GILLIBRAND, and Mr. BEGICH):

S. 3642. A bill to ensure that the underwriting standards of Fannie Mae and Freddie Mac facilitate the use of property assessed clean energy programs to finance the installation of renewable energy and energy efficiency improvements; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. McCONNELL (for himself, Ms. MURKOWSKI, Mr. ALEXANDER, Mr. INHOFE, and Mr. THUNE):

S. 3643. A bill to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, to improve oil spill compensation, to terminate the moratorium on deepwater drilling, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KOHL (for himself and Mr. HATCH):

S. Res. 592. A resolution designating the week of September 13-19, 2010, as "Polycystic

Kidney Disease Awareness Week", and supporting the goals and ideals of Polycystic Kidney Disease Awareness Week to raise awareness and understanding of polycystic kidney disease and the impact the disease has on patients now and for future generations until it can be cured; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself, Mr. ISAKSON, and Mr. BEGICH):

S. Res. 593. A resolution expressing support for designation of October 7, 2010, as "Jumpstart's Read for the Record Day"; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID:

S. Res. 594. A resolution to constitute the majority party's membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen; considered and agreed to.

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was withdrawn as a cosponsor of S. 28, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

At the request of Mr. SCHUMER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 28, *supra*.

S. 493

At the request of Mr. CASEY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 653

At the request of Mr. CARDIN, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from North Dakota (Mr. CONRAD), the Senator from Nebraska (Mr. NELSON), the Senator from Virginia (Mr. WEBB), the Senator from Idaho (Mr. CRAPO), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Alabama (Mr. SESSIONS), the Senator from Oregon (Mr. MERKLEY), the Senator from Florida (Mr. LEMIEUX) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 828, a bill to amend the Energy Policy Act of 2005 to provide loan

guarantees for projects to construct renewable fuel pipelines, and for other purposes.

S. 850

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1112

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1112, a bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes.

S. 1553

At the request of Mr. GRASSLEY, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1674

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2747

At the request of Mr. BINGAMAN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 3034

At the request of Mr. SCHUMER, the names of the Senator from Florida (Mr.

NELSON), the Senator from California (Mrs. FEINSTEIN), the Senator from Delaware (Mr. CARPER), the Senator from Colorado (Mr. BENNET), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Hawaii (Mr. INOUE), the Senator from Illinois (Mr. BURRIS), the Senator from Illinois (Mr. DURBIN), the Senator from Nebraska (Mr. NELSON), the Senator from Iowa (Mr. GRASSLEY) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 3034, a bill to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center.

S. 3079

At the request of Mr. MERKLEY, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3079, a bill to assist in the creation of new jobs by providing financial incentives for owners of commercial buildings and multifamily residential buildings to retrofit their buildings with energy efficient building equipment and materials and for other purposes.

S. 3084

At the request of Ms. KLOBUCHAR, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 3084, a bill to increase the competitiveness of United States businesses, particularly small and medium-sized manufacturing firms, in interstate and global commerce, foster job creation in the United States, and assist United States businesses in developing or expanding commercial activities in interstate and global commerce by expanding the ambit of the Hollings Manufacturing Extension Partnership program and the Technology Innovation Program to include projects that have potential for commercial exploitation in nondomestic markets, providing for an increase in related resources of the Department of Commerce, and for other purposes.

S. 3297

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3297, a bill to update United States policy and authorities to help advance a genuine transition to democracy and to promote recovery in Zimbabwe.

S. 3397

At the request of Ms. KLOBUCHAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3397, a bill to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

S. 3434

At the request of Mr. BINGAMAN, the name of the Senator from New Hamp-

shire (Mrs. SHAHEEN) was added as a cosponsor of S. 3434, a bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes.

S. 3508

At the request of Mr. UDALL of New Mexico, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3508, a bill to strengthen the capacity of the United States to lead the international community in reversing renewable natural resource degradation trends around the world that threaten to undermine global prosperity and security and eliminate the diversity of life on Earth, and for other purposes.

S. 3513

At the request of Mr. GRAHAM, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3513, a bill to amend the Internal Revenue Code of 1986 to extend for one year the special depreciation allowances for certain property.

S. 3578

At the request of Mr. JOHANNIS, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 3578, a bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

S. 3597

At the request of Mr. ROCKEFELLER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3597, a bill to improve the ability of the National Oceanic and Atmospheric Administration, the Coast Guard, and coastal States to sustain healthy ocean and coastal ecosystems by maintaining and sustaining their capabilities relating to oil spill preparedness, prevention, response, restoration, and research, and for other purposes.

S. 3619

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3619, a bill to amend the Energy Independence and Security Act of 2007 to improve geothermal energy technology and demonstrate the use of geothermal energy in large scale thermal applications, and for other purposes.

S. 3621

At the request of Mr. JOHNSON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3621, a bill to amend the Internal Revenue Code of 1986 to provide for an exclusion for assistance provided to participants in certain veterinary student loan repayment or forgiveness programs.

S. 3622

At the request of Mr. JOHANNIS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3622, a bill to require the Administrator of the Environmental Protection

Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes.

S.J. RES. 29

At the request of Mr. MCCONNELL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 519

At the request of Mr. DEMINT, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 585

At the request of Mr. INOUE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 585, a resolution designating the week of August 2 through August 8, 2010, as "National Convenient Care Clinic Week", and supporting the goals and ideals of raising awareness of the need for accessible and cost-effective health care options to complement the traditional health care model.

S. RES. 586

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 586, a resolution supporting democracy, human rights, and civil liberties in Egypt.

S. RES. 591

At the request of Mr. HARKIN, the names of the Senator from Nevada (Mr. REID), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Mr. CARDIN), the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. DURBIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Pennsylvania (Mr. CASEY), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Maryland (Ms. MIKULSKI), the Senator from South Dakota (Mr. JOHNSON), the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. LEAHY), the Sen-

ator from New Mexico (Mr. BINGAMAN), the Senator from Ohio (Mr. BROWN), the Senator from Indiana (Mr. BAYH), the Senator from Oregon (Mr. MERKLEY), the Senator from Illinois (Mr. BURRIS), the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN), the Senator from Michigan (Ms. STABENOW), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Delaware (Mr. KAUFMAN), the Senator from North Dakota (Mr. DORGAN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Hawaii (Mr. AKAKA), the Senator from Arkansas (Mr. PRYOR), the Senator from Minnesota (Mr. FRANKEN), the Senator from Utah (Mr. HATCH), the Senator from Wyoming (Mr. ENZI), the Senator from Maine (Ms. SNOWE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Rhode Island (Mr. REED), the Senator from Michigan (Mr. LEVIN) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. Res. 591, a resolution recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990.

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. Res. 591, *supra*.

At the request of Ms. COLLINS, her name was added as a cosponsor of S. Res. 591, *supra*.

AMENDMENT NO. 4433

At the request of Mr. BOND, his name was added as a cosponsor of amendment No. 4433 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4476

At the request of Mrs. HUTCHISON, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of amendment No. 4476 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4494

At the request of Mr. WYDEN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of amendment No. 4494 intended to be proposed to H.R. 5297, an act to create the Small Business Lend-

ing Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4499

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 4499 proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4500

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 4500 proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself, Ms. SNOWE, and Mr. INOUE):

S. 3637. A bill to authorize appropriations for the Housing Assistance Council; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KOHL. Mr. President, I rise today to introduce the Housing Assistance Council Authorization Act. This legislation will re-authorize appropriations for the Housing Assistance Council, HAC, which has been committed to developing affordable housing in rural communities for over 35 years.

HAC was originally given a three-year authorization through the Farm Bill in 2008. During the past three years HAC made \$46.1 million in grants and loans to help build 3,878 homes throughout rural America. The program has leveraged its funding with over \$360 million in other financing and has provided essential technical assistance to local non-profits throughout the country in the form of capacity building grants. These critical services help local organizations, rural communities and cities develop safe and affordable housing.

Throughout the country, approximately 1/3 of the Nation's population lives in rural communities. About 7.5 million of the rural population is living

in poverty and 2.5 million of them are children. Nearly 3.6 million rural households pay more than 30 percent of their income in housing costs. While housing costs are generally lower in rural counties, wages are dramatically outpaced by the cost of housing. Additionally, the housing conditions are often substandard and there are many families doubled up due to lack of housing. Rural areas lack both affordable rental units and homeownership opportunities needed to serve the population.

There are several federal programs that are aimed at developing affordable housing and economic opportunities in rural communities in both the Department of Housing and Urban Development and the Department of Agriculture. However, rural housing programs have traditionally been underfunded. The administration's fiscal year 2011 budget request zeroed two programs that were devoted to helping rural communities: Rural Innovation Fund, and the Self Help Homeownership Program, SHOP. In many regions, federal funding might be the only assistance available for housing and economic development. The Housing Assistance Council is yet another tool that rural communities can utilize when trying to develop affordable housing.

The presence of the HAC in Wisconsin has made a huge impact on rural housing development in Wisconsin and other rural communities across the country. In Wisconsin, HAC has provided close to \$5.2 million in grants and loans to 17 non-profit housing organizations and helped develop 825 units of housing.

Tony Romo, the current quarterback for the Dallas Cowboys, grew up in a HAC-supported self-help home in Burlington, WI. His parents built the home as part of Southeastern Wisconsin Housing Corporation's sweat equity, self-help homeownership program. There are countless examples linking a child's future success to the stability in their childhood home. Tony Romo's story provides one such example of how a child raised in safe, stable homeownership may go on to later success.

I am very honored to work with Senators SNOWE and INOUE on this legislation. Its passage will allow every state to better serve the needs of the people living in rural areas. I look forward to working with my colleagues to ensure the adoption of this bill.

By Mr. UDALL of Colorado (for himself, Mr. CRAPO, Mr. GREGG, Mr. BENNET and Ms. KLOBUCHAR):

S. 3640. A bill to amend the Internal Revenue Code of 1986 to increase the limitations on the amount excluded from the gross estate with respect to land subject to a qualified conservation easement; to the Committee on Finance.

Mr. UDALL of Colorado. Mr. President, today I am introducing, along with my friend and colleague Senator CRAPO, legislation to encourage further protection of our treasured lands, ranches and family farms. The American Family Farm and Ranchland Protection Act is a bipartisan piece of legislation that rewards those who protect these lands through conservation easements by increasing their exemption from the estate tax. Put simply, we strongly support conservation efforts and believe we need to do more to give Americans a real incentive to protect our nation's land. It is a companion bill to similar bipartisan legislation in the House of Representatives introduced by Congressman BLUMENAUER.

I have long made conservation of America's natural resources a core component of my public service. In my role as chair of the National Parks Subcommittee, I am continuously focused on preserving our public lands and waters, because we owe it to future generations to leave them a sustainable environment. We did not inherit the land from our parents, we are borrowing it from our children.

However, the Government can only do so much, and many of our most important landscapes are privately owned property. If we are serious about conservation, we must acknowledge the important role that private land owners play in the overall effort to preserve our natural resources for generations to come.

Estate taxes can compromise Americans' ability to conserve private property. After the death of a loved one, families are often forced to subdivide a property and sell it for development to pay the costs of estate taxes. This situation could become more common starting in 2011 when the estate tax is set to revert back to the 2001 level of 55 percent above a \$1 million per spouse exemption. Nearly 15 years ago, in an effort to provide some relief and encourage conservation of family farms and ranches, Congress created an exemption from the estate tax of up to 40 percent of the value of the land, capped at \$500,000, for land permanently protected by a conservation easement.

A conservation easement is a voluntary agreement between a landowner and the government that permanently restricts certain development and future uses of the land. It often prevents future commercialization, while still permitting historic farming and ranching operations to continue in the family. I know in Colorado, our lands are best cared for when each generation knows its stewardship will reward the next.

When Congress first created the conservation easement exemption from estate taxes in 1997, a 40 percent exemption up to a total of \$500,000 made sense. Now, that exclusion is simply too small. Since 1997, average farm real

estate values have more than doubled and the average farm is larger, as larger farms are more likely to be economically viable. Incidentally, larger farms are also more likely to hold resources worthy of conservation. The old cap is simply no longer much of an incentive.

My legislation is a simple solution to the inadequacy of the current exemption. It raises the exemption for land under a conservation easement to 50 percent, up to a maximum exclusion of \$5 million. It also encourages more robust conservation easements: less protective easements will receive a proportionally lower exemption rate. If we can support greater conservation efforts through a simple update to our existing tax code, then to me, that sounds like a deal worth taking.

This is a small change, but it has a profound effect. Those who choose to enter into a conservation easement will leave a dramatically reduced estate tax burden on their family. This, in turn, will help keep family farms and ranches whole, preserving them for future generations.

This is just a small piece of the estate tax puzzle, but it is an important one. It is critically important for Congress to address the estate tax before the end of this year to prevent it from going back to where it was a decade ago, with an exemption of only \$1 million. At that level, it would affect almost every farmer and rancher in my state and in many others, as well as many, many family businesses.

We can protect the land, respect private property, ease tax burdens, and preserve our important farming and ranching heritage with the exemption my legislation proposes. I encourage the Senate to take up and approve this common-sense bill in an expeditious manner.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Family Farm and Ranchland Protection Act of 2010".

SEC. 2. INCREASE IN LIMITATIONS ON THE AMOUNT EXCLUDED FROM THE GROSS ESTATE WITH RESPECT TO LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.

(a) INCREASE IN DOLLAR LIMITATION ON EXCLUSION.—Paragraph (3) of section 2031(c) of the Internal Revenue Code of 1986 (relating to exclusion limitation) is amended by striking "the exclusion limitation is" and all that follows and inserting "the exclusion limitation is \$5,000,000."

(b) INCREASE IN PERCENTAGE OF VALUE OF LAND WHICH IS EXCLUDABLE.—Paragraph (2) of section 2031(c) of such Code (relating to applicable percentage) is amended—

(1) by striking "40 percent" and inserting "50 percent", and

(2) by striking "2 percentage points" and inserting "2.5 percentage points".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to the estates of decedents dying after December 31, 2009.

By Mr. WHITEHOUSE (for himself, Ms. SNOWE, and Mr. ROCKEFELLER):

S. 3641. A bill to create the National Endowment for the Oceans to promote the protection and conservation of United States ocean, coastal, and Great Lakes ecosystems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WHITEHOUSE. Mr. President, I rise to discuss bipartisan legislation coauthored by my friend and fellow New Englander, OLYMPIA SNOWE, to establish a national endowment for the preservation, conservation, and restoration of our Nation's oceans, our coasts, and our Great Lakes. I also wish to take a moment and say a particular thank-you to an original cosponsor of this legislation, the chairman of the Commerce Committee, Senator ROCKEFELLER of West Virginia.

The National Endowment for the Oceans, along with the President's recent Executive order establishing our country's first ever national ocean policy, represent a long overdue and badly needed commitment to our great waters. While the President's national ocean policy specifies national objectives and outlines processes and government structures to restore, protect, and maintain our ocean and coastal resources, the National Endowment for the Oceans will provide the funding to actually achieve those public purposes. The endowment would make grants available to coastal and Great Lakes States, local government agencies, regional planning bodies, academic institutions, and nonprofit organizations so these entities could embark on projects to learn more about and do a better job of protecting our precious natural resources.

Author C. Clarke once said:

How inappropriate to call this planet Earth when it is quite clearly ocean.

Oceans cover three-quarters of our planet's surface, contain 90 percent of our planet's water, and produce more than two-thirds of our planet's oxygen. For as long as mankind has lived on the lands of this planet, oceans have sustained our survival and been part of our identity.

Speaking at a dinner in Newport, RI, in 1961, President Kennedy said:

We are tied to the ocean . . . and when we go back to the sea, whether it is to sail or to watch it, we are going back from whence we came.

My State, and indeed our country, always have kept a special bond with those great waters.

As a practical matter, my State's economy, as do many others, relies on

Narragansett Bay and Rhode Island Sound to provide the jobs for fishing, shipbuilding, tourism, and soon, we hope, wind farming. Across America, coastal waters generate over 50 percent of our Nation's gross domestic product and support more than 28 million jobs.

So we don't call Rhode Island the Ocean State just because of its beautiful coasts and beaches. Although as a sailor and proud ambassador for Rhode Island's tourism industry, I will tell my colleagues that Rhode Island's coast is one of the most beautiful places on Earth. We are the Ocean State because from our earliest days we have relied on the ocean and our beloved Narragansett Bay for trade, for food, for jobs, for recreation, and for solace and inspiration.

In part, it is Americans' love of the oceans that drives the need now to protect and restore them. Coastal America is experiencing a huge population boom, leading to more and more construction that puts significant pressure on our natural coastline and our wetlands. Worldwide demand for seafood grows at a pace that our fish stocks cannot keep pace with, and our demand for energy leads us deeper and deeper into the ocean in search of fuel.

For too long, we have been takers from our oceans rather than caretakers of our oceans, and the evidence of our peril is mounting.

From the Arctic Ocean, where ice sheets that have been part of Inuit lore as far back as memory and oral tradition go, are now disappearing, to the tropic seas, where coral reefs that serve as nurseries for ocean life are bleaching and dying, warnings are ringing.

From the far-off waters of the Pacific, where a garbage gyre of accumulated marine litter has grown larger than the State of Texas, to our near coasts such as Rhode Island's own Narragansett Bay where the water temperature has risen 4 degrees in the winter in the last 40 years, an ecosystem shift displacing our historic fisheries, warnings are ringing.

From the top of the oceanic food chain, where pollutants are turning our marine mammals into swimming toxic waste and major pelagic species have suffered a 90-percent population crash, to the very bottom of the food chain where greenhouse gases change the fundamental chemistry of our oceans until they may become too acidic to support the plankton base of the food chain, real warnings are ringing.

Our present day ocean is more acidic today than it has been in 8,000 centuries. A change in ocean chemistry happening so quickly, we don't know if species will be able to adapt in time to survive. Even if we were to act immediately to curb our carbon pollution, the stress on these ecosystems will certainly worsen for some time from what we have already put into our atmosphere.

So from the far Arctic to the warm tropics, from the far ocean to the near coasts, from the top of the food chain to the bottom, real warning bells are ringing.

We can't begin to know what the total effects on our oceans will be, but what we have observed so far must be deeply troubling to any prudent, thoughtful person.

If you have been to the Biltmore Hotel in downtown Providence, you have seen a large plaque on the wall in the lobby marking the high water mark of the great hurricane of 1938 when a massive storm surge filled downtown Providence and the hotel lobby to a depth of about 5 feet. Sea level rise, another ocean threat, could mean that future storm surges crest much higher, wreaking far worse devastation.

That is a threat that is not unique to Rhode Island. Island nations around the globe are currently preparing for the possibility—really, the inevitability—that they will literally be engulfed by the ocean.

The National Intelligence Council reports that at least 30 American military installations around the world will be underwater if sea levels rise as projected. There is a dangerous feedback loop. The more ice that melts, the greater the danger. As darker ocean water traps rather than reflects the Sun's rays, melting accelerates and leaves us with less and less time to act, less and less time to spare our grandchildren the consequences of our generation's selfishness and folly.

Even seemingly modest changes in temperature, such as the 4 degree increase in Narragansett Bay, wreak havoc on marine ecosystems, causing what amounts to a full ecosystem shift. Anybody who relies on marine life for food, recreation, or a paycheck may soon find their lives changed by the disruption of the ocean's delicate ecosystem.

As a member of the Senate's Committee on Environment and Public Works, I find myself habitually frustrated that this "tragedy of the commons" continues to play out, while we stand idly on the sidelines and fail to intervene.

As a source of jobs and economic opportunity, a key element of our American tradition and, truly, the origin of life on our planet, our oceans, and our responsibility for them, ought to occupy a more prominent place on our national agenda.

Yet, our commitment to ocean and coastal preservation is unreliable at best—subject to the volatility of the yearly budget and appropriations process. None other than Robert Ballard, the famed ocean explorer who discovered the Titanic and is current president of the Ocean Exploration Trust, recently lamented that available funds for ocean research often fall far short of desired goals.

As we stand here and BP's oil poisons our Gulf of Mexico, it is time to ask our political system to put the stewardship of our natural resources, our ocean resources, at the forefront of our national agenda. In the past, Congress had established lasting endowments to protect other important American priorities.

Because we believe that a great society must cherish artistic expression and study closely the lessons of history, we established—through the wisdom of Senator Claiborne Pell—the National Endowment for the Arts and the National Endowment for the Humanities. Because we believe that a great society must connect communities to each other, we established a national highway trust fund. Because we believe that a great society must guarantee its elders a dignified and comfortable retirement after a lifetime of work, we established Social Security. Because we are indeed tied to our great waters, we should now act to establish a national endowment for the oceans, coasts, and Great Lakes.

This legislation, as I said, is bipartisan. I thank Senator OLYMPIA SNOWE for joining in this effort. This legislation is science based, with much of the money made available through a competitive grant program that will award funding to research undertaken by academic institutions, on-the-ground conservation by nonprofit organizations, and local governments, and protection of critical public infrastructure.

This legislation is cost effective, coordinating existing efforts of Federal, local, and private programs, reducing duplication of research efforts, and crossing political borders to ensure that every dollar is spent with the greatest possible effect.

This legislation is appropriately paid for with revenue generated from the oilspill liability trust fund, Outer Continental Shelf drilling, offshore renewable energy development, and fines collected for violations of the Federal law off our coastline. Put simply, a small portion of the revenue extracted from our oceans and great waters must be reinvested to now protect their long-term viability.

The ocean provides us with great bounty, and we will continue to take advantage of the ocean's bounty, as we should. We will fish, we will sail, and we will trade. We will dispose of waste. We will extract fuel and construct wind farms. We will put pressure on our oceans. Navies and cruise ships, sailboats and supertankers, will plow their surface. We cannot change that part of our relationship with the sea.

What we can change is what we do in return. We can, for the first time, give back. We can become stewards of our oceans—not just takers, but caretakers.

My wife, Sandra, is a marine biologist. We have watched as the Univer-

sity of Rhode Island, home of the Graduate School of Oceanography, has become a world leader in understanding our oceans and how to conserve them.

We are watching GSO's researchers struggle to keep up with rapid changes reshaping the ecosystems they study. This endowment will help science keep pace with change.

The National Oceanic Atmospheric Administration received \$167 million for coastal restoration projects under the Recovery Act last year. More than 800 proposals for shovel-ready projects came in, totaling \$3 billion. But NOAA could only fund 50. This endowment will help us move forward with those projects that protect our oceans and drive our economy.

The oceans contain the potential for new discoveries, the potential for new jobs, and the potential for new solutions to the emerging crisis off our shores.

But it is time to act. I urge my colleagues to join Senator SNOWE and myself in support of this legislation. Let ours be the generation that tips the increasingly troubling balance between mankind and the oceans, from whence we came, a little bit back toward the benefit of our oceans.

Ms. SNOWE. Mr. President, as I rise today to join Senator WHITEHOUSE in introducing the National Endowment for the Oceans Act, our Nation continues to bear the brunt of what has now become the biggest offshore oil spill in recorded history. Since April 20, 2010, when the mobile offshore drilling unit Deepwater Horizon exploded and sank 50 miles off the coast of Louisiana, claiming the lives of 11 men, as much as 180 million gallons of oil has spewed into the Gulf of Mexico. The ecosystem, environment, and the culture of the Gulf coast region will feel the effects of this spill for decades to come in the aftermath of an event that has focused National attention on one of our most productive, beautiful, and beloved resources: our oceans and coasts. I also want to acknowledge the support of the Chair of the Senate Committee on Commerce, Science, and Transportation, Senator ROCKEFELLER for his cosponsorship of this initiative.

As Ranking Member on the Commerce Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, and as a Senator from a state which relies heavily on our marine and coastal resources, I have long appreciated the tremendous value of America's oceans, coasts, and Great Lakes. Throughout my time in this body I have pursued policies that would enhance our stewardship of these treasured regions, and permit sustainable use of the bounty they provide. This legislation would ensure a brighter future for these areas that heal our souls and drive our economy.

Investment in our oceans is investment in our future. The United States'

exclusive economic zone, encompassing the area 200 miles out from our shores, covers more of the earth's surface than our land area, and ultimately what affects our coastal economy drives our Nation's economy. More than 75 percent of growth in this country from 1997 to 2007, whether measured in population, jobs, or gross domestic product, occurred in coastal States. Coastal counties, covering just 18 percent of our land area, contributed 42 percent of U.S. economic output in 2007 according to a report published last year by the National Ocean Economics Program. Tourism, inherently reliant on pristine beaches, healthy habitat to foster fish, shellfish, and marine mammals, and fishable, swimmable waters, contributed over half a trillion dollars to our national GDP.

This is why in the 2004 report of the U.S. Commission on Ocean Policy, one of that body's fundamental priorities was the creation of an ocean policy trust fund to supplement existing appropriations for ocean and coastal programs. The Joint Ocean Commission Initiative, comprised of members of that body and the Pew Oceans Commission, has consistently listed establishment of an ocean trust fund among its highest priorities. The National Endowment for the Oceans will at long last meet this demand and provide a consistent stream of supplemental funding to enhance our commitment to protecting and sustaining these most fragile resources.

The fact is, our oceans and coastal regions face more challenges today than at any time in our history. Global climate change is already being felt more pressingly off our shores than our scientists yet understand. In the past few years alone, ocean acidification, a threat so new it was not even mentioned in the Ocean Commission's report, has begun to change the fundamental makeup of the ocean food web and destroy coral reef structures that have for eons girded our shores and provided nursery grounds for countless species of fish. Scientists believe increasing ocean temperatures are to blame for a steep and sudden decline in the southern New England and Long Island Sound lobster populations. This problem is so grave that fishery managers are considering closing the entire fishery in this area that has been rich with lobster throughout the duration of recorded human history. Hypoxic areas known as "dead zones" are cropping up off our shores in areas where they never before existed, and the annual hypoxic zone in the Gulf of Mexico regularly encompasses an area the size of the state of New Jersey. I could go on and on, but my point is abundantly clear—our oceans need our help.

This vital legislation would set aside a portion of revenues from offshore oil and gas and renewable energy development on the outer continental shelf

and would apply interest generated by the oil spill liability trust fund to a dedicated National Endowment for the Oceans. This endowment would fund three targeted grant programs—one to coastal states, a second to support regional ocean partnerships, and a third to fund the activities of additional ocean research not covered by the other two programs. This money would be available at the discretion of State and Federal resource managers for activities proven to restore, protect, maintain, or understand living marine resources and their habitats and ecosystems.

Funding will supplement, not replace, annual appropriations for the National Oceanic and Atmospheric Administrations, NOAA, and other Federal agencies already carrying out critical work in our ocean, coastal, and Great Lakes regions. In the past I have pressed the Administration and others in this body to increase Federal support for these agencies. I will continue to call for increases in NOAA's base funding until our investment in the agency meets the requirements of its missions. In the meantime, this program would provide a significant boost to our efforts to protect, conserve, restore, and understand the oceans, coasts and Great Lakes so vital to our national heritage, culture, economy, and identity.

I would like once again to thank Senator WHITEHOUSE for his tireless ocean advocacy and his invaluable work to introduce the National Endowment for the Oceans Act, and Senator ROCKEFELLER for his cosponsorship of this initiative, and I look forward to working with them on this and many more ocean issues in the future.

By Mrs. BOXER (for herself, Mr. MERKLEY, Mrs. GILLIBRAND, and Mr. BEGICH):

S. 3642. A bill to ensure that the underwriting standards of Fannie Mae and Freddie Mac facilitate the use of property assessed clean energy programs to finance the installation of renewable energy and energy efficiency improvements; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. BOXER. Mr. President, I rise today to introduce the PACE Assessment Protection Act of 2010. I am pleased to be joined in this effort by my colleagues, Senators MERKLEY, GILLIBRAND, and BEGICH.

Property Assessed Clean Energy or PACE programs allow homeowners and building owners to finance an energy efficiency upgrade to their property through a tax assessment on that property. In this way, property owners are able to spread the cost of the upgrades over several years, lower their energy costs, contribute to a cleaner environment, and create jobs.

In California, nearly half of the State's 58 counties, as well as indi-

vidual cities, have developed PACE programs or plan to start one, and 23 states as well as the District of Columbia have enacted PACE legislation. The program has the strong support of the White House and the Department of Energy, and many States and cities dedicated Recovery Act funding for their PACE programs.

Despite the promise of this program, the Federal Housing Finance Agency recently ordered Fannie Mae and Freddie Mac to take actions that limit the use of PACE programs in conjunction with their home mortgages, effectively killing the program. FHFA objected that PACE assessments carry a priority lien, ahead of the lenders, on participating properties.

The right of States and localities to secure property tax assessments with a senior position is well established, and in the past, Fannie and Freddie have always respected this right—such as with assessments to finance sidewalks, bridges, or parks and other projects that provide a public benefit—without raising any concerns over the impact of such priority liens. In addition, the Department of Energy issued guidance for municipalities intending to use Recovery Act funding for PACE programs that calls for strong underwriting standards. These guidelines require that the savings a property owner would see as a result of any upgrade must be greater than the cost of the assessment, leaving homeowners in a more financially secure position.

To allow PACE programs to continue, as well as protect homeowners and taxpayers, we must take immediate action to address the overreach by the FHFA. My legislation would require Fannie Mae and Freddie Mac to adopt sound underwriting standards for financing clean-energy upgrades, consistent with Department of Energy guidelines; treat a PACE assessment as any other property tax assessment and respect States' authority to secure such assessments with a first lien; allow homeowners to finance, refinance, or sell their home without having to repay any PACE assessment first; prohibit discrimination against communities implementing or participating in a PACE program.

The legislation also limits the assessment amount subject to foreclosure to only the unpaid delinquent amount, along with applicable penalties, interest and costs, and not the entire amount.

The current uncertainty surrounding PACE programs is jeopardizing \$110 million in Federal investments for California communities, and millions more in other States, which is simply unacceptable. We must take action to protect these initiatives because they create jobs, save homeowners money on their energy bills and help our environment. I urge my colleagues to join me and to support this legislation.

By Mr. MCCONNELL (for himself, Ms. MURKOWSKI, Mr. ALEXANDER, Mr. INHOFE, and Mr. THUNE):

S. 3643. A bill to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, to improve oil spill compensation, to terminate the moratorium on deepwater drilling, and for other purposes; read the first time.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Oil Spill Response Improvement Act of 2010".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—OUTER CONTINENTAL SHELF REFORM

Sec. 101. Purposes.

Sec. 102. Definitions.

Sec. 103. National policy for the outer Continental Shelf.

Sec. 104. Structural reform of outer Continental Shelf program management.

Sec. 105. Safety, environmental, and financial reform of the Outer Continental Shelf Lands Act.

Sec. 106. Study on the effect of the moratoria on new deepwater drilling in the Gulf of Mexico on employment and small businesses.

Sec. 107. Reform of other law.

Sec. 108. Safer oil and gas production.

Sec. 109. National Commission on Outer Continental Shelf Oil Spill Prevention.

Sec. 110. Classification of offshore systems.

Sec. 111. Savings provisions.

Sec. 112. Budgetary effects.

TITLE II—OIL SPILL COMPENSATION

Subtitle A—Oil Spill Liability

PART I—OIL POLLUTION ACT OF 1990

Sec. 201. Liability limits.

Sec. 202. Advance payment.

PART II—OIL SPILL LIABILITY TRUST FUND

Sec. 211. Rate of tax for Oil Spill Liability Trust Fund.

Sec. 212. Limitations on expenditures and borrowing authority.

Subtitle B—Federal Oil Spill Research

Sec. 221. Definitions.

Sec. 222. Federal oil spill research.

Sec. 223. National Academy of Science participation.

Sec. 224. Technical and conforming amendments.

Sec. 225. Oil spill response authority.

Sec. 226. Maritime center of expertise.

Sec. 227. National strike force.

Sec. 228. District preparedness and response teams.

Sec. 229. Oil spill response organizations.

Sec. 230. Program for oil spill and hazardous substance release response.

Sec. 230a. Oil and hazardous substance liability.

Subtitle C—Oil and Gas Leasing

Sec. 231. Revenue sharing from outer Continental Shelf areas in certain coastal States.

Sec. 232. Revenue sharing from areas in Alaska Adjacent zone.

Sec. 233. Accelerated revenue sharing to promote coastal resiliency among Gulf producing States.

Sec. 234. Coastal impact assistance program amendments.

Sec. 235. Production of oil from certain Arctic offshore leases.

Sec. 236. Use of stimulus funds to offset spending.

TITLE III—GUIDANCE ON MORATORIUM ON OUTER CONTINENTAL SHELF DRILLING

Sec. 301. Limitation of moratorium on certain permitting and drilling activities.

Sec. 302. Deepwater Horizon incident.

TITLE I—OUTER CONTINENTAL SHELF REFORM

SEC. 101. PURPOSES.

The purposes of this title are—

(1) to rationalize and reform the responsibilities of the Secretary of the Interior with respect to the management of the outer Continental Shelf in order to improve the management, oversight, accountability, safety, and environmental protection of all the resources on the outer Continental Shelf;

(2) to provide independent development and enforcement of safety and environmental laws (including regulations) governing—

(A) energy development and mineral extraction activities on the outer Continental Shelf; and

(B) related offshore activities; and

(3) to ensure a fair return to the taxpayer from, and independent management of, royalty and revenue collection and disbursement activities from mineral and energy resources.

SEC. 102. DEFINITIONS.

In this title:

(1) **DEPARTMENT.**—The term “Department” means the Department of the Interior.

(2) **OUTER CONTINENTAL SHELF.**—The term “outer Continental Shelf” has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 103. NATIONAL POLICY FOR THE OUTER CONTINENTAL SHELF.

Section 3 of the Outer Continental Shelf Lands Act (43 U.S.C. 1332) is amended—

(1) by striking paragraph (3) and inserting the following:

“(3) the outer Continental Shelf is a vital national resource reserve held by the Federal Government for the public, which should be managed in a manner that—

“(A) recognizes the need of the United States for competitive domestic sources of energy, food, minerals, and other resources;

“(B) minimizes the potential impacts of development of those resources on the marine and coastal environment and on human health and safety; and

“(C) acknowledges the long-term economic value to the United States of the balanced, expeditious, and orderly management and production of those resources that safeguards the environment and respects the multiple values and uses of the outer Continental Shelf;”;

(2) in paragraph (4)(C), by striking the period at the end and inserting a semicolon;

(3) in paragraph (5), by striking “; and” and inserting a semicolon;

(4) by redesignating paragraph (6) as paragraph (7);

(5) by inserting after paragraph (5) the following:

“(6) exploration, development, and production of energy and minerals on the outer Continental Shelf should be allowed only when those activities can be accomplished in a manner that provides reasonable assurance of adequate protection against harm to life, health, the environment, property, or other users of the waters, seabed, or subsoil; and”;

and

(6) in paragraph (7) (as so redesignated)—

(A) by striking “should be” and inserting

“shall be”; and

(B) by adding “best available commercial”

after “using”.

SEC. 104. STRUCTURAL REFORM OF OUTER CONTINENTAL SHELF PROGRAM MANAGEMENT.

(a) **IN GENERAL.**—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding to the end the following:

“SEC. 32. STRUCTURAL REFORM OF OUTER CONTINENTAL SHELF PROGRAM MANAGEMENT.

“(a) LEASING, PERMITTING, AND REGULATION BUREAUS.—

“(1) ESTABLISHMENT OF BUREAUS.—

“(A) IN GENERAL.—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), the Secretary shall establish in the Department of the Interior not more than 2 bureaus to carry out the leasing, permitting, and safety and environmental regulatory functions vested in the Secretary by this Act and the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.) related to the outer Continental Shelf.

“(B) CONFLICTS OF INTEREST.—In establishing the bureaus under subparagraph (A), the Secretary shall ensure, to the maximum extent practicable, that any potential organizational conflicts of interest related to leasing, revenue creation, environmental protection, and safety are eliminated.

“(2) DIRECTOR.—Each bureau shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(3) COMPENSATION.—Each Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

“(4) QUALIFICATIONS.—Each Director shall be a person who, by reason of professional background and demonstrated ability and experience, is specially qualified to carry out the duties of the office.

“(b) ROYALTY AND REVENUE OFFICE.—

“(1) ESTABLISHMENT OF OFFICE.—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), the Secretary shall establish in the Department of the Interior an office to carry out the royalty and revenue management functions vested in the Secretary by this Act and the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.).

“(2) DIRECTOR.—The office established under paragraph (1) shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(3) COMPENSATION.—The Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

“(4) QUALIFICATIONS.—The Director shall be a person who, by reason of professional background and demonstrated ability and

experience, is specially qualified to carry out the duties of the office.

“(c) OCS SAFETY AND ENVIRONMENTAL ADVISORY BOARD.—

“(1) ESTABLISHMENT.—The Secretary shall establish, under the Federal Advisory Committee Act (5 U.S.C. App.), an Outer Continental Shelf Safety and Environmental Advisory Board (referred to in this subsection as the ‘Board’), to provide the Secretary and the Directors of the bureaus established under this section with independent peer-reviewed scientific and technical advice on safe and environmentally compliant energy and mineral resource exploration, development, and production activities.

“(2) MEMBERSHIP.—

“(A) SIZE.—

“(i) IN GENERAL.—The Board shall consist of not more than 12 members, chosen to reflect a range of expertise in scientific, engineering, management, and other disciplines related to safe and environmentally compliant energy and mineral resource exploration, development, and production activities.

“(ii) CONSULTATION.—The Secretary shall consult with the National Academy of Sciences and the National Academy of Engineering to identify potential candidates for membership on the Board.

“(B) TERM.—The Secretary shall appoint Board members to staggered terms of not more than 4 years, and shall not appoint a member for more than 2 consecutive terms.

“(C) CHAIR.—The Secretary shall appoint the Chair for the Board.

“(3) MEETINGS.—The Board shall—

“(A) meet not less than 3 times per year; and

“(B) at least once per year, shall host a public forum to review and assess the overall safety and environmental performance of outer Continental Shelf energy and mineral resource activities.

“(4) REPORTS.—Reports of the Board shall—

“(A) be submitted to Congress; and

“(B) made available to the public in an electronically accessible form.

“(5) TRAVEL EXPENSES.—Members of the Board, other than full-time employees of the Federal Government, while attending a meeting of the Board or while otherwise serving at the request of the Secretary or the Director while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Federal Government serving without pay.

“(d) SPECIAL PERSONNEL AUTHORITIES.—

“(1) DIRECT HIRING AUTHORITY FOR CRITICAL PERSONNEL.—

“(A) IN GENERAL.—Notwithstanding sections 3104, 3304, and 3309 through 3318 of title 5, United States Code, the Secretary may, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, recruit and directly appoint highly qualified accountants, scientists, engineers, or critical technical personnel into the competitive service, as officers or employees of any of the organizational units established under this section.

“(B) REQUIREMENTS.—In exercising the authority granted under subparagraph (A), the Secretary shall ensure that any action taken by the Secretary—

“(i) is consistent with the merit principles of chapter 23 of title 5, United States Code; and

“(ii) complies with the public notice requirements of section 3327 of title 5, United States Code.

“(2) CRITICAL PAY AUTHORITY.—

“(A) IN GENERAL.—Notwithstanding section 5377 of title 5, United States Code, and without regard to the provisions of that title governing appointments in the competitive service or the Senior Executive Service and chapters 51 and 53 of that title (relating to classification and pay rates), the Secretary may establish, fix the compensation of, and appoint individuals to critical positions needed to carry out the functions of any of the organizational units established under this section, if the Secretary certifies that—

“(i) the positions—

“(I) require expertise of an extremely high level in a scientific or technical field; and

“(II) any of the organizational units established in this section would not successfully accomplish an important mission without such an individual; and

“(ii) exercise of the authority is necessary to recruit an individual exceptionally well qualified for the position.

“(B) LIMITATIONS.—The authority granted under subparagraph (A) shall be subject to the following conditions:

“(i) The number of critical positions authorized by subparagraph (A) may not exceed 40 at any 1 time in either of the bureaus established under this section.

“(ii) The term of an appointment under subparagraph (A) may not exceed 4 years.

“(iii) An individual appointed under subparagraph (A) may not have been an employee of the Department of the Interior during the 2-year period prior to the date of appointment.

“(iv) Total annual compensation for any individual appointed under subparagraph (A) may not exceed the highest total annual compensation payable at the rate determined under section 104 of title 3, United States Code.

“(v) An individual appointed under subparagraph (A) may not be considered to be an employee for purposes of subchapter II of chapter 75 of title 5, United States Code.

“(C) NOTIFICATION.—Each year, the Secretary shall submit to Congress a notification that lists each individual appointed under this paragraph.

“(3) REEMPLOYMENT OF CIVILIAN RETIREES.—

“(A) IN GENERAL.—Notwithstanding part 553 of title 5, Code of Federal Regulations (relating to reemployment of civilian retirees to meet exceptional employment needs), or successor regulations, the Secretary may approve the reemployment of an individual to a particular position without reduction or termination of annuity if the hiring of the individual is necessary to carry out a critical function of any of the organizational units established under this section for which suitably qualified candidates do not exist.

“(B) LIMITATIONS.—An annuitant hired with full salary and annuities under the authority granted by subparagraph (A)—

“(i) shall not be considered an employee for purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code;

“(ii) may not elect to have retirement contributions withheld from the pay of the annuitant;

“(iii) may not use any employment under this paragraph as a basis for a supplemental or recomputed annuity; and

“(iv) may not participate in the Thrift Savings Plan under subchapter III of chapter 84 of title 5, United States Code.

“(C) LIMITATION ON TERM.—The term of employment of any individual hired under subparagraph (A) may not exceed an initial term of 2 years, with an additional 2-year appointment under exceptional circumstances.

“(e) CONTINUITY OF AUTHORITY.—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), any reference in any law, rule, regulation, directive, or instruction, or certificate or other official document, in force immediately prior to the date of enactment of this section—

“(1) to the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to the appropriate bureaus and offices established under this section;

“(2) to the Director of the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to the Director of the bureau or office under this section to whom the Secretary has assigned the respective duty or authority; and

“(3) to any other position in the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to that same or equivalent position in the appropriate bureau or office established under this section.”.

(b) CONFORMING AMENDMENT.—Section 5316 of title 5, United States Code, is amended by striking “Director, Bureau of Mines, Department of the Interior” and inserting the following:

“Bureau Directors, Department of the Interior (2).

“Director, Royalty and Revenue Office, Department of the Interior.”.

SEC. 105. SAFETY, ENVIRONMENTAL, AND FINANCIAL REFORM OF THE OUTER CONTINENTAL SHELF LANDS ACT.

(a) DEFINITIONS.—Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended by adding at the end the following:

“(r) SAFETY CASE.—The term ‘safety case’ means a complete set of safety documentation that provides a basis for determining whether a system is adequately safe for a given application in a given environment.”.

(b) ADMINISTRATION OF LEASING.—Section 5(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)) is amended in the second sentence—

(1) by striking “The Secretary may at any time” and inserting “The Secretary shall”; and

(2) by inserting after “provide for” the following: “operational safety, the protection of the marine and coastal environment.”.

(c) MAINTENANCE OF LEASES.—Section 6 of the Outer Continental Shelf Lands Act (43 U.S.C. 1335) is amended by adding at the end the following:

“(f) REVIEW OF BOND AND SURETY AMOUNTS.—Not later than May 1, 2011, and every 5 years thereafter, the Secretary shall—

“(1) review the minimum financial responsibility requirements for mineral leases under subsection (a)(11); and

“(2) adjust for inflation based on the Consumer Price Index for all Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, and recommend to Congress any further changes to existing financial responsibility requirements necessary to permit lessees to fulfill all obligations under this Act or the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

(g) PERIODIC FISCAL REVIEWS AND REPORTS.—

“(1) ROYALTY RATES.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this sub-

section and every 4 years thereafter, the Secretary shall carry out a review of, and prepare a report that describes—

“(i) the royalty and rental rates included in new offshore oil and gas leases and the rationale for the rates;

“(ii) whether, in the view of the Secretary, the royalty and rental rates described in subparagraph (A) would yield a fair return to the public while promoting the production of oil and gas resources in a timely manner; and

“(iii) whether, based on the review, the Secretary intends to modify the royalty or rental rates.

“(B) PUBLIC PARTICIPATION.—In carrying out a review and preparing a report under subparagraph (A), the Secretary shall provide to the public an opportunity to participate.

“(2) COMPARATIVE REVIEW OF FISCAL SYSTEM.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection and every 4 years thereafter, the Secretary in consultation with the Secretary of the Treasury, shall carry out a comprehensive review of all components of the Federal offshore oil and gas fiscal system, including requirements and trends for bonus bids, rental rates, royalties, oil and gas taxes, income taxes, wage requirements, regulatory compliance costs, oil and gas fees, and other significant financial elements.

“(B) INCLUSIONS.—The review shall include—

“(i) information and analyses comparing the offshore bonus bids, rents, royalties, taxes, and fees of the Federal Government to the offshore bonus bids, rents, royalties, taxes, and fees of other resource owners (including States and foreign countries); and

“(ii) an assessment of the overall offshore oil and gas fiscal system in the United States, as compared to foreign countries.

“(C) INDEPENDENT ADVISORY COMMITTEE.—In carrying out a review under this paragraph, the Secretary shall convene and seek the advice of an independent advisory committee comprised of oil and gas and fiscal experts from States, Indian tribes, academia, the energy industry, and appropriate non-governmental organizations.

“(D) REPORT.—The Secretary shall prepare a report that contains—

“(i) the contents and results of the review carried out under this paragraph for the period covered by the report; and

“(ii) any recommendations of the Secretary and the Secretary of the Treasury based on the contents and results of the review.

“(E) COMBINED REPORT.—The Secretary may combine the reports required by paragraphs (1) and (2)(D) into 1 report.

“(3) REPORT DEADLINE.—Not later than 30 days after the date on which the Secretary completes each report under this subsection, the Secretary shall submit copies of the report to—

“(A) the Committee on Energy and Natural Resources of the Senate;

“(B) the Committee on Finance of the Senate;

“(C) the Committee on Natural Resources of the House of Representatives; and

“(D) the Committee on Ways and Means of the House of Representatives.”.

(d) LEASES, EASEMENTS, AND RIGHTS-OF-WAY.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by striking subsection (d) and inserting the following:

“(d) DISQUALIFICATION FROM BIDDING.—No bid for a lease may be submitted by any entity that the Secretary finds, after prior public notice and opportunity for a hearing—

“(1) is not meeting due diligence, safety, or environmental requirements, constituting significant infractions, on other leases; or

“(2)(A) is a responsible party for a vessel or a facility from which oil is discharged, for purposes of section 1002 of the Oil Pollution Act of 1990 (33 U.S.C. 2702); and

“(B) has failed to meet the obligations of the responsible party under that Act to provide compensation for covered removal costs and damages.”

(e) EXPLORATION PLANS.—Section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340) is amended—

(1) in subsection (c)—

(A) in the fourth sentence of paragraph (1), by striking “within thirty days of its submission” and inserting “by the deadline described in paragraph (5)”; and

(B) by striking paragraph (3) and inserting the following:

“(3) MINIMUM REQUIREMENTS.—

“(A) IN GENERAL.—An exploration plan submitted under this subsection shall include, in such degree of detail as the Secretary by regulation may require—

“(i) a complete description and schedule of the exploration activities to be undertaken;

“(ii) a description of the equipment to be used for the exploration activities, including—

“(I) a description of the drilling unit;

“(II) a statement of the design and condition of major safety-related pieces of equipment;

“(III) a description of any new technology to be used; and

“(IV) a statement demonstrating that the equipment to be used meets the best available commercial technology requirements under section 21(b);

“(iii) a map showing the location of each well to be drilled;

“(iv)(I) a scenario for the potential blowout of the well involving the highest expected volume of liquid hydrocarbons; and

“(II) a complete description of a response plan to control the blowout and manage the accompanying discharge of hydrocarbons, including—

“(aa) the technology and estimated timeline for regaining control of the well; and

“(bb) the strategy, organization, and resources to be used to avoid harm to the environment and human health from hydrocarbons; and

“(v) any other information determined to be relevant by the Secretary.

“(B) DEEPWATER WELLS.—

“(i) IN GENERAL.—Before conducting exploration activities in water depths greater than 500 feet, the holder of a lease shall submit to the Secretary for approval a deepwater operations plan prepared by the lessee in accordance with this subparagraph.

“(ii) TECHNOLOGY REQUIREMENTS.—A deepwater operations plan under this subparagraph shall be based on the best available commercial technology to ensure safety in carrying out the exploration activity and the blowout response plan.

“(iii) SYSTEMS ANALYSIS REQUIRED.—The Secretary shall not approve a deepwater operations plan under this subparagraph unless the plan includes a technical systems analysis of—

“(I) the safety of the proposed exploration activity;

“(II) the blowout prevention technology; and

“(III) the blowout and spill response plans.”; and

(C) by adding at the end the following:

“(5) DEADLINE FOR APPROVAL.—

“(A) IN GENERAL.—In the case of a lease issued under a sale held after March 17, 2010, the deadline for approval of an exploration plan referred to in the fourth sentence of paragraph (1) is—

“(i) the date that is 90 days after the date on which the plan or the modifications to the plan are submitted; or

“(ii) the date that is not later than an additional 180 days after the deadline described in clause (i), if the Secretary makes a finding that additional time is necessary to complete any environmental, safety, or other reviews.

“(B) EXISTING LEASES.—In the case of a lease issued under a sale held on or before March 17, 2010, the Secretary, with the consent of the holder of the lease, may extend the deadline applicable to the lease for such additional time as the Secretary determines is necessary to complete any environmental, safety, or other reviews.

“(C) EFFECT ON TERM OF LEASE.—In the case of any extension of the deadline for approval of an exploration plan under this Act, the additional time taken by the Secretary shall not be assessed against the term of the associated lease.”;

(2) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively; and

(3) by striking subsection (d) and inserting the following:

“(d) DRILLING PERMITS.—

“(1) IN GENERAL.—The Secretary shall, by regulation, require that any lessee operating under an approved exploration plan obtain a permit—

“(A) before the lessee drills a well in accordance with the plan; and

“(B) before the lessee significantly modifies the well design originally approved by the Secretary.

“(2) ENGINEERING REVIEW REQUIRED.—The Secretary may not grant any drilling permit until the date of completion of a full review of the well system by not less than 2 agency engineers, including a written determination that—

“(A) critical safety systems (including blowout prevention) will use best available commercial technology; and

“(B) blowout prevention systems will include redundancy and remote triggering capability.

“(3) MODIFICATION REVIEW REQUIRED.—The Secretary may not approve any modification of a permit without a determination, after an additional engineering review, that the modification will not compromise the safety of the well system previously approved.

“(4) OPERATOR SAFETY AND ENVIRONMENTAL MANAGEMENT REQUIRED.—The Secretary may not grant any drilling permit or modification of the permit until the date of completion and approval of a safety and environmental management plan that—

“(A) is to be used by the operator during all well operations; and

“(B) includes—

“(i) a description of the expertise and experience requirements of crew members who will be present on the rig; and

“(ii) designation of at least 2 environmental and safety managers that—

“(I) are or will be employees of the operator;

“(II) would be present on the rig at all times; and

“(III) have overall responsibility for the safety and environmental management of the well system and spill response plan; and

“(C) not later than May 1, 2012, requires that all employees on the rig meet the training and experience requirements under section 21(b)(4).

“(e) DISAPPROVAL OF EXPLORATION PLAN.—

“(1) IN GENERAL.—The Secretary shall disapprove an exploration plan submitted under this section if the Secretary determines that, because of exceptional geological conditions in the lease areas, exceptional resource values in the marine or coastal environment, or other exceptional circumstances, that—

“(A) implementation of the exploration plan would probably cause serious harm or damage to life (including fish and other aquatic life), property, mineral deposits, national security or defense, or the marine, coastal or human environments;

“(B) the threat of harm or damage would not disappear or decrease to an acceptable extent within a reasonable period of time; and

“(C) the advantages of disapproving the exploration plan outweigh the advantages of exploration.

“(2) COMPENSATION.—If an exploration plan is disapproved under this subsection, the provisions of subparagraphs (B) and (C) of section 25(h)(2) shall apply to the lease and the plan or any modified plan, except that the reference in section 25(h)(2) to a development and production plan shall be considered to be a reference to an exploration plan.”.

(f) OUTER CONTINENTAL SHELF LEASING PROGRAM.—Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended—

(1) in subsection (a)—

(A) in the second sentence, by inserting after “national energy needs” the following: “and the need for the protection of the marine and coastal environment and resources”; and

(B) in paragraph (1), by striking “considers” and inserting “gives equal consideration to”; and

(C) in paragraph (3), by striking “, to the maximum extent practicable,”;

(2) in subsection (b)—

(A) in paragraph (3), by striking “and” at the end;

(B) in paragraph (4), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(5) provide technical review and oversight of the exploration plan and a systems review of the safety of the well design and other operational decisions;

“(6) conduct regular and thorough safety reviews and inspections, and;

“(7) enforce all applicable laws (including regulations).”;

(3) in the second sentence of subsection (d)(2), by inserting “, the head of an interested Federal agency,” after “Attorney General”;

(4) in the first sentence of subsection (g), by inserting before the period at the end the following: “, including existing inventories and mapping of marine resources previously undertaken by the Department of the Interior and the National Oceanic and Atmospheric Administration, information provided by the Department of Defense, and other available data regarding energy or mineral resource potential, navigation uses, fisheries, aquaculture uses, recreational uses, habitat, conservation, and military uses on the outer Continental Shelf”; and

(5) by adding at the end the following:

“(i) RESEARCH AND DEVELOPMENT.—

“(1) IN GENERAL.—The Secretary shall carry out a program of research and development to ensure the continued improvement of methodologies for characterizing resources of the outer Continental Shelf and conditions that may affect the ability to develop and use those resources in a safe, sound, and environmentally responsible manner.

“(2) INCLUSIONS.—Research and development activities carried out under paragraph (1) may include activities to provide accurate estimates of energy and mineral reserves and potential on the outer Continental Shelf and any activities that may assist in filling gaps in environmental data needed to develop each leasing program under this section.

“(3) LEASING ACTIVITIES.—Research and development activities carried out under paragraph (1) shall not be considered to be leasing or pre-leasing activities for purposes of this Act.”.

(g) ENVIRONMENTAL STUDIES.—Section 20 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346) is amended—

(1) by redesignating subsections (a) through (f) as subsections (b) through (g), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

“(a) COMPREHENSIVE AND INDEPENDENT STUDIES.—

“(1) IN GENERAL.—The Secretary shall develop and carry out programs for the collection, evaluation, assembly, analysis, and dissemination of environmental and other resource data that are relevant to carrying out the purposes of this Act.

“(2) SCOPE OF RESEARCH.—The programs under this subsection shall include—

“(A) the gathering of baseline data in areas before energy or mineral resource development activities occur;

“(B) ecosystem research and monitoring studies to support integrated resource management decisions; and

“(C) the improvement of scientific understanding of the fate, transport, and effects of discharges and spilled materials, including deep water hydrocarbon spills, in the marine environment.

“(3) USE OF DATA.—The Secretary shall ensure that information from the studies carried out under this section—

“(A) informs the management of energy and mineral resources on the outer Continental Shelf including any areas under consideration for oil and gas leasing; and

“(B) contributes to a broader coordination of energy and mineral resource development activities within the context of best available science.

“(4) INDEPENDENCE.—The Secretary shall create a program within the appropriate bureau established under section 32 that shall—

“(A) be programmatically separate and distinct from the leasing program;

“(B) carry out the environmental studies under this section;

“(C) conduct additional environmental studies relevant to the sound management of energy and mineral resources on the outer Continental Shelf;

“(D) provide for external scientific review of studies under this section, including through appropriate arrangements with the National Academy of Sciences; and

“(E) subject to the restrictions of subsections (g) and (h) of section 18, make available to the public studies conducted and data gathered under this section.”; and

(3) in the first sentence of subsection (b)(1) (as so redesignated), by inserting “every 3 years” after “shall conduct”.

(h) SAFETY RESEARCH AND REGULATIONS.—Section 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1347) is amended—

(1) in the first sentence of subsection (a), by striking “Upon the date of enactment of this section,” and inserting “Not later than May 1, 2011, and every 3 years thereafter,”;

(2) by striking subsection (b) and inserting the following:

“(b) BEST AVAILABLE TECHNOLOGIES AND PRACTICES.—

“(1) IN GENERAL.—In exercising respective responsibilities under this Act, the Secretary, and the Secretary of the Department in which the Coast Guard is operating, shall require, on all new drilling and production operations and, to the maximum extent practicable, on existing operations, the use of the best available and safest commercial technologies and practices, if the failure of equipment would have a significant effect on safety, health, or the environment.

“(2) IDENTIFICATION OF BEST AVAILABLE TECHNOLOGIES.—Not later than May 1, 2011, the Secretary shall identify and publish a list, to be updated and maintained to reflect technological advances, of best available commercial technologies for key areas of well design and operation, including blowout prevention and blowout and oil spill response.

“(3) SAFETY CASE.—Not later than May 1, 2011, the Secretary shall promulgate regulations requiring a safety case be submitted along with each new application for a permit to drill on the outer Continental Shelf.

“(4) EMPLOYEE TRAINING.—

“(A) IN GENERAL.—Not later than May 1, 2011, the Secretary shall promulgate regulations setting standards for training for all workers on offshore facilities (including mobile offshore drilling units) conducting energy and mineral resource exploration, development, and production operations on the outer Continental Shelf.

“(B) REQUIREMENTS.—The training standards under this paragraph shall require that employers of workers described in subparagraph (A)—

“(i) establish training programs approved by the Secretary; and

“(ii) demonstrate that employees involved in the offshore operations meet standards that demonstrate the aptitude of the employees in critical technical skills.

“(C) EXPERIENCE.—The training standards under this section shall require that any offshore worker with less than 5 years of applied experience in offshore facilities operations pass a certification requirement after receiving the appropriate training.

“(D) MONITORING TRAINING COURSES.—The Secretary shall ensure that Department employees responsible for inspecting offshore facilities monitor, observe, and report on training courses established under this paragraph, including attending a representative number of the training sessions, as determined by the Secretary.”; and

(3) by adding at the end the following:

“(g) TECHNOLOGY RESEARCH AND RISK ASSESSMENT PROGRAM.—

“(1) IN GENERAL.—The Secretary shall carry out a program of research, development, and risk assessment to address technology and development issues associated with outer Continental Shelf energy and mineral resource activities, with the primary purpose of informing the role of research, development, and risk assessment relating to safety, environmental protection, and spill response.

“(2) SPECIFIC AREAS OF FOCUS.—The program under this subsection shall include research, development, and other activities related to—

“(A) risk assessment, using all available data from safety and compliance records both within the United States and internationally;

“(B) analysis of industry trends in technology, investment, and interest in frontier areas;

“(C) analysis of incidents investigated under section 22;

“(D) reviews of best available commercial technologies, including technologies associated with pipelines, blowout preventer mechanisms, casing, well design, and other associated infrastructure related to offshore energy development;

“(E) oil spill response and mitigation;

“(F) risks associated with human factors; and

“(G) renewable energy operations.

“(3) INFORMATION SHARING ACTIVITIES.—

“(A) DOMESTIC ACTIVITIES.—The Secretary shall carry out programs to facilitate the exchange and dissemination of scientific and technical information and best practices related to the management of safety and environmental issues associated with energy and mineral resource exploration, development, and production.

“(B) INTERNATIONAL COOPERATION.—The Secretary shall carry out programs to cooperate with international organizations and foreign governments to share information and best practices related to the management of safety and environmental issues associated with energy and mineral resource exploration, development, and production.

“(4) REPORTS.—The program under this subsection shall provide to the Secretary, each Bureau Director under section 32, and the public quarterly reports that address—

“(A) developments in each of the areas under paragraph (2); and

“(B)(i) any accidents that have occurred in the past quarter; and

“(ii) appropriate responses to the accidents.

“(5) INDEPENDENCE.—The Secretary shall create a program within the appropriate bureau established under section 32 that shall—

“(A) be programmatically separate and distinct from the leasing program;

“(B) carry out the studies, analyses, and other activities under this subsection;

“(C) provide for external scientific review of studies under this section, including through appropriate arrangements with the National Academy of Sciences; and

“(D) make available to the public studies conducted and data gathered under this section.

“(6) USE OF DATA.—The Secretary shall ensure that the information from the studies and research carried out under this section inform the development of safety practices and regulations as required by this Act and other applicable laws.”.

(i) ENFORCEMENT.—Section 22 of the Outer Continental Shelf Lands Act (43 U.S.C. 1348) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the first sentence, by inserting “, each loss of well control, blowout, activation of the shear rams, and other accident that presented a serious risk to human or environmental safety,” after “fire”; and

(ii) in the last sentence, by inserting “as a condition of the lease” before the period at the end;

(B) in the last sentence of paragraph (2), by inserting "as a condition of lease" before the period at the end;

(2) in subsection (e)—

(A) by striking "(e) The" and inserting the following:

"(e) REVIEW OF ALLEGED SAFETY VIOLATIONS.—

"(1) IN GENERAL.—The"; and

(B) by adding at the end the following:

"(2) INVESTIGATION.—The Secretary shall investigate any allegation from any employee of the lessee or any subcontractor of the lessee made under paragraph (1)."; and

(3) by adding at the end of the section the following:

"(g) INDEPENDENT INVESTIGATION.—

"(1) IN GENERAL.—At the request of the Secretary, the National Transportation Safety Board may conduct an independent investigation of any accident, occurring in the outer Continental Shelf and involving activities under this Act, that does not otherwise fall within the definition of an accident or major marine casualty, as those terms are used in chapter 11 of title 49, United States Code.

"(2) TRANSPORTATION ACCIDENT.—For purposes of an investigation under this subsection, the accident that is the subject of the request by the Secretary shall be determined to be a transportation accident within the meaning of that term in chapter 11 of title 49, United States Code.

"(h) INFORMATION ON CAUSES AND CORRECTIVE ACTIONS.—

"(1) IN GENERAL.—For each incident investigated under this section, the Secretary shall promptly make available to all lessees and the public technical information about the causes and corrective actions taken.

"(2) PUBLIC DATABASE.—All data and reports related to an incident described in paragraph (1) shall be maintained in a database that is available to the public.

"(i) INSPECTION FEE.—

"(1) IN GENERAL.—To the extent necessary to fund the inspections described in this paragraph, the Secretary shall collect a non-refundable inspection fee, which shall be deposited in the Ocean Energy Enforcement Fund established under paragraph (3), from the designated operator for facilities subject to inspection under subsection (c).

"(2) ESTABLISHMENT.—The Secretary shall establish, by rule, inspection fees—

"(A) at an aggregate level equal to the amount necessary to offset the annual expenses of inspections of outer Continental Shelf facilities (including mobile offshore drilling units) by the Department of the Interior; and

"(B) using a schedule that reflects the differences in complexity among the classes of facilities to be inspected.

"(3) OCEAN ENERGY ENFORCEMENT FUND.—There is established in the Treasury a fund, to be known as the 'Ocean Energy Enforcement Fund' (referred to in this subsection as the 'Fund'), into which shall be deposited amounts collected under paragraph (1) and which shall be available as provided under paragraph (4).

"(4) AVAILABILITY OF FEES.—Notwithstanding section 3302 of title 31, United States Code, all amounts collected by the Secretary under this section—

"(A) shall be credited as offsetting collections;

"(B) shall be available for expenditure only for purposes of carrying out inspections of outer Continental Shelf facilities (including mobile offshore drilling units) and the administration of the inspection program;

"(C) shall be available only to the extent provided for in advance in an appropriations Act; and

"(D) shall remain available until expended.

"(5) ANNUAL REPORTS.—

"(A) IN GENERAL.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2011, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report on the operation of the Fund during the fiscal year.

"(B) CONTENTS.—Each report shall include, for the fiscal year covered by the report, the following:

"(i) A statement of the amounts deposited into the Fund.

"(ii) A description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.

"(iii) Recommendations for additional authorities to fulfill the purpose of the Fund.

"(iv) A statement of the balance remaining in the Fund at the end of the fiscal year."

(J) REMEDIES AND PENALTIES.—Section 24 of the Outer Continental Shelf Lands Act (43 U.S.C. 1350) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) CIVIL PENALTY.—

"(1) IN GENERAL.—Subject to paragraphs (2) through (3), if any person fails to comply with this Act, any term of a lease or permit issued under this Act, or any regulation or order issued under this Act, the person shall be liable for a civil administrative penalty of not more than \$75,000 for each day of continuance of each failure.

"(2) ADMINISTRATION.—The Secretary may assess, collect, and compromise any penalty under paragraph (1).

"(3) HEARING.—No penalty shall be assessed under this subsection until the person charged with a violation has been given the opportunity for a hearing.

"(4) ADJUSTMENT.—The penalty amount specified in this subsection shall increase each year to reflect any increases in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.";

(2) in subsection (c)—

(A) in the first sentence, by striking "\$100,000" and inserting "\$10,000,000"; and

(B) by adding at the end the following:

"The penalty amount specified in this subsection shall increase each year to reflect any increases in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor."; and

(3) in subsection (d), by inserting ", or with reckless disregard," after "knowingly and willfully".

(K) OIL AND GAS DEVELOPMENT AND PRODUCTION.—Section 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1351) is amended by striking ", other than the Gulf of Mexico," each place it appears in subsections (a)(1), (b), and (e)(1).

(L) CONFLICTS OF INTEREST.—Section 29 of the Outer Continental Shelf Lands Act (43 U.S.C. 1355) is amended to read as follows:

"SEC. 29. CONFLICTS OF INTEREST.

"(a) RESTRICTIONS ON EMPLOYMENT.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities under this Act shall—

"(1) within 2 years after his employment with the Department has ceased—

"(A) knowingly act as agent or attorney for, or otherwise represent, any other person

(except the United States) in any formal or informal appearance before;

"(B) with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to; or

"(C) knowingly aid, advise, or assist in—

"(i) representing any other person (except the United States) in any formal or informal appearance before; or

"(ii) making, with the intent to influence, any oral or written communication on behalf of any other person (except the United States) to,

any department, agency, or court of the United States, or any officer or employee thereof, in connection with any judicial or other proceeding, application, request for a ruling or other determination, regulation, order, lease, permit, rulemaking, inspection, enforcement action, or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest which was actually pending under his official responsibility as an officer or employee within a period of one year prior to the termination of such responsibility or in which he participated personally and substantially as an officer or employee;

"(2) within 1 year after his employment with the Department has ceased—

"(A) knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before;

"(B) with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to; or

"(C) knowingly aid, advise, or assist in—

"(i) representing any other person (except the United States) in any formal or informal appearance before, or

"(ii) making, with the intent to influence, any oral or written communication on behalf of any other person (except the United States) to,

the Department of the Interior, or any officer or employee thereof, in connection with any judicial, rulemaking, regulation, order, lease, permit, regulation, inspection, enforcement action, or other particular matter which is pending before the Department of the Interior or in which the Department has a direct and substantial interest; or

"(3) accept employment or compensation, during the 1-year period beginning on the date on which employment with the Department has ceased, from any person (other than the United States) that has a direct and substantial interest—

"(A) that was pending under the official responsibility of the employee as an officer or employee of the Department during the 1-year period preceding the termination of the responsibility; or

"(B) in which the employee participated personally and substantially as an officer or employee.

"(b) PRIOR EMPLOYMENT RELATIONSHIPS.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities under this Act shall participate personally and substantially as a Federal officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, inspection, enforcement action, or other particular matter in which, to the knowledge of the officer or employee—

“(1) the officer or employee or the spouse, minor child, or general partner of the officer or employee has a financial interest;

“(2) any organization in which the officer or employee is serving as an officer, director, trustee, general partner, or employee has a financial interest;

“(3) any person or organization with whom the officer or employee is negotiating or has any arrangement concerning prospective employment has a financial interest; or

“(4) any person or organization in which the officer or employee has, within the preceding 1-year period, served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee has a financial interest.

“(c) **GIFTS FROM OUTSIDE SOURCES.**—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities under this Act shall, directly or indirectly, solicit or accept any gift in violation of subpart B of part 2635 of title V, Code of Federal Regulations (or successor regulations).

“(d) **EXEMPTIONS.**—The Secretary may, by rule, exempt from this section clerical and support personnel who do not conduct inspections, perform audits, or otherwise exercise regulatory or policy making authority under this Act.

“(e) **PENALTIES.**—

“(1) **CRIMINAL PENALTIES.**—Any person who violates paragraph (1) or (2) of subsection (a) or subsection (b) shall be punished in accordance with section 216 of title 18, United States Code.

“(2) **CIVIL PENALTIES.**—Any person who violates subsection (a)(3) or (c) shall be punished in accordance with subsection (b) of section 216 of title 18, United States Code.”.

SEC. 106. STUDY ON THE EFFECT OF THE MORATORIA ON NEW DEEPWATER DRILLING IN THE GULF OF MEXICO ON EMPLOYMENT AND SMALL BUSINESSES.

(a) **IN GENERAL.**—The Secretary of Energy, acting through the Energy Information Administration, shall publish a monthly study evaluating the effect of the moratoria which followed from the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment, on employment and small businesses.

(b) **REPORT.**—Not later than 60 days after the date of enactment of this Act and at the beginning of each month thereafter during the effective period of the moratoria described in subsection (a), the Secretary of Energy, acting through the Energy Information Administration, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report regarding the results of the study conducted under subsection (a), including—

(1) a survey of the effect of the moratoria on deepwater drilling on employment in the industries directly involved in oil and natural gas exploration in the outer Continental Shelf;

(2) a survey of the effect of the moratoria on employment in the industries indirectly involved in oil and natural gas exploration in the outer Continental Shelf, including suppliers of supplies or services and customers of industries directly involved in oil and natural gas exploration;

(3) an estimate of the effect of the moratoria on the revenues of small business located near the Gulf of Mexico and, to the maximum extent practicable, throughout the United States; and

(4) any recommendations to mitigate possible negative effects on small business concerns resulting from the moratoria.

SEC. 107. REFORM OF OTHER LAW.

Section 388(b) of the Energy Policy Act of 2005 (43 U.S.C. 1337 note; Public Law 109-58) is amended by adding at the end the following:

“(4) **FEDERAL AGENCIES.**—Any head of a Federal department or agency shall, on request of the Secretary, provide to the Secretary all data and information that the Secretary determines to be necessary for the purpose of including the data and information in the mapping initiative, except that no Federal department or agency shall be required to provide any data or information that is privileged or proprietary.”.

SEC. 108. SAFER OIL AND GAS PRODUCTION.

(a) **PROGRAM AUTHORITY.**—Section 999A of the Energy Policy Act of 2005 (42 U.S.C. 16371) is amended—

(1) in subsection (a)—

(A) by striking “ultra-deepwater” and inserting “deepwater”; and

(B) by inserting “well control and accident prevention,” after “safe operations.”;

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

“(1) Deepwater architecture, well control and accident prevention, and deepwater technology, including drilling to deep formations in waters greater than 500 feet.”; and

(B) by striking paragraph (4) and inserting the following:

“(4) Safety technology research and development for drilling activities aimed at well control and accident prevention performed by the Office of Fossil Energy of the Department.”; and

(3) in subsection (d)—

(A) in the subsection heading, by striking “NATIONAL ENERGY TECHNOLOGY LABORATORY” and inserting “OFFICE OF FOSSIL ENERGY OF THE DEPARTMENT”; and

(B) by striking “National Energy Technology Laboratory” and inserting “Office of Fossil Energy of the Department”.

(b) **DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS AND OTHER PETROLEUM RESEARCH AND DEVELOPMENT PROGRAM.**—Section 999B of the Energy Policy Act of 2005 (42 U.S.C. 16372) is amended—

(1) in the section heading, by striking “**ULTRA-DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS AND OTHER PETROLEUM**” and inserting “**SAFE OIL AND GAS PRODUCTION AND ACCIDENT PREVENTION**”;

(2) in subsection (a), by striking “, by increasing” and all that follows through the period at the end and inserting “and the safe and environmentally responsible exploration, development, and production of hydrocarbon resources.”;

(3) in subsection (c)(1)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

“(D) projects will be selected on a competitive, peer-reviewed basis.”; and

(4) in subsection (d)—

(A) in paragraph (6), by striking “ultra-deepwater” and inserting “deepwater”;

(B) in paragraph (7)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking “**ULTRA-DEEPWATER**” and inserting “**DEEPWATER**”;

(II) by striking “development and” and inserting “research, development, and”; and

(III) by striking “as well as” and all that follows through the period at the end and in-

serting “aimed at improving operational safety of drilling activities, including well integrity systems, well control, blowout prevention, the use of non-toxic materials, and integrated systems approach-based management for exploration and production in deepwater.”;

(ii) in subparagraph (B), by striking “and environmental mitigation” and inserting “use of non-toxic materials, drilling safety, and environmental mitigation and accident prevention”;

(iii) in subparagraph (C), by inserting “safety and accident prevention, well control and systems integrity,” after “including”; and

(iv) by adding at the end the following:

“(D) **SAFETY AND ACCIDENT PREVENTION TECHNOLOGY RESEARCH AND DEVELOPMENT.**—Awards from allocations under section 999H(d)(4) shall be expended on areas including—

“(i) development of improved cementing and casing technologies;

“(ii) best management practices for cementing, casing, and other well control activities and technologies;

“(iii) development of integrity and stewardship guidelines for—

“(I) well-plugging and abandonment;

“(II) development of wellbore sealant technologies; and

“(III) improvement and standardization of blowout prevention devices.”; and

(C) by adding at the end the following:

“(8) **STUDY; REPORT.**—

“(A) **STUDY.**—As soon as practicable after the date of enactment of this paragraph, the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to determine—

“(i) whether the benefits provided through each award under this subsection during calendar year 2011 have been maximized; and

“(ii) the new areas of research that could be carried out to meet the overall objectives of the program.

“(B) **REPORT.**—Not later than January 1, 2012, the Secretary shall submit to the appropriate committees of Congress a report that contains a description of the results of the study conducted under subparagraph (A).

“(C) **OPTIONAL UPDATES.**—The Secretary may update the report described in subparagraph (B) for the 5-year period beginning on the date described in that subparagraph and each 5-year period thereafter.”;

(5) in subsection (e)—

(A) in paragraph (2)—

(i) in the second sentence of subparagraph (A), by inserting “to the Secretary for review” after “submit”; and

(ii) in the first sentence of subparagraph (B), by striking “Ultra-Deepwater” and all that follows through “and such Advisory Committees” and inserting “Program Advisory Committee established under section 999D(a), and the Advisory Committee”; and

(B) by adding at the end the following:

“(6) **RESEARCH FINDINGS AND RECOMMENDATIONS FOR IMPLEMENTATION.**—The Secretary, in consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall publish in the Federal Register an annual report on the research findings of the program carried out under this section and any recommendations for implementation that the Secretary, in consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, determines to be necessary.”;

(6) in subsection (i)—

(A) in the subsection heading, by striking “UNITED STATES GEOLOGICAL SURVEY” and inserting “DEPARTMENT OF THE INTERIOR”; and

(B) by striking “, through the United States Geological Survey,”; and

(7) in the first sentence of subsection (j), by striking “National Energy Technology Laboratory” and inserting “Office of Fossil Energy of the Department”.

(c) **ADDITIONAL REQUIREMENTS FOR AWARDS.**—Section 999C(b) of the Energy Policy Act of 2005 (42 U.S.C. 16373(b)) is amended by striking “an ultra-deepwater technology or an ultra-deepwater architecture” and inserting “a deepwater technology”.

(d) **PROGRAM ADVISORY COMMITTEE.**—Section 999D of the Energy Policy Act of 2005 (42 U.S.C. 16374) is amended to read as follows:

“SEC. 999D. PROGRAM ADVISORY COMMITTEE.

“(a) **ESTABLISHMENT.**—Not later than 270 days after the date of enactment of the Oil Spill Response Improvement Act of 2010, the Secretary shall establish an advisory committee to be known as the ‘Program Advisory Committee’ (referred to in this section as the ‘Advisory Committee’).

“(b) **MEMBERSHIP.**—

“(1) **IN GENERAL.**—The Advisory Committee shall be composed of members appointed by the Secretary, including—

“(A) individuals with extensive research experience or operational knowledge of hydrocarbon exploration and production;

“(B) individuals broadly representative of the affected interests in hydrocarbon production, including interests in environmental protection and safety operations;

“(C) representatives of Federal agencies, including the Environmental Protection Agency and the Department of the Interior;

“(D) State regulatory agency representatives; and

“(E) other individuals, as determined by the Secretary.

“(2) **LIMITATIONS.**—

“(A) **IN GENERAL.**—The Advisory Committee shall not include individuals who are board members, officers, or employees of the program consortium.

“(B) **CATEGORICAL REPRESENTATION.**—In appointing members of the Advisory Committee, the Secretary shall ensure that no class of individuals described in any of subparagraphs (A), (B), (D), or (E) of paragraph (1) comprises more than 1/3 of the membership of the Advisory Committee.

“(c) **SUBCOMMITTEES.**—The Advisory Committee may establish subcommittees for separate research programs carried out under this subtitle.

“(d) **DUTIES.**—The Advisory Committee shall—

“(1) advise the Secretary on the development and implementation of programs under this subtitle; and

“(2) carry out section 999B(e)(2)(B).

“(e) **COMPENSATION.**—A member of the Advisory Committee shall serve without compensation but shall be entitled to receive travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code.

“(f) **PROHIBITION.**—The Advisory Committee shall not make recommendations on funding awards to particular consortia or other entities, or for specific projects.”.

(e) **DEFINITIONS.**—Section 999G of the Energy Policy Act of 2005 (42 U.S.C. 16377) is amended—

(1) in paragraph (1), by striking “200 but less than 1,500 meters” and inserting “500 feet”;

(2) by striking paragraphs (8), (9), and (10);

(3) by redesignating paragraphs (2) through (7) and (11) as paragraphs (4) through (9) and (10), respectively;

(4) by inserting after paragraph (1) the following:

“(2) **DEEPWATER ARCHITECTURE.**—The term ‘deepwater architecture’ means the integration of technologies for the exploration for, or production of, natural gas or other petroleum resources located at deepwater depths.

“(3) **DEEPWATER TECHNOLOGY.**—The term ‘deepwater technology’ means a discrete technology that is specially suited to address 1 or more challenges associated with the exploration for, or production of, natural gas or other petroleum resources located at deepwater depths.”; and

(5) in paragraph (10) (as redesignated by paragraph (3)), by striking “in an economically inaccessible geological formation, including resources of small producers”.

(f) **FUNDING.**—Section 999H of the Energy Policy Act of 2005 (42 U.S.C. 16378) is amended—

(1) in the first sentence of subsection (a) by striking “Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund” and inserting “Safe and Responsible Energy Production Research Fund”;

(2) in subsection (d)—

(A) in paragraph (1), by striking “35 percent” and inserting “21.5 percent”;

(B) in paragraph (2), by striking “32.5 percent” and inserting “21 percent”;

(C) in paragraph (4)—

(i) by striking “25 percent” and inserting “30 percent”;

(ii) by striking “complementary research” and inserting “safety technology research and development”; and

(iii) by striking “contract management,” and all that follows through the period at the end and inserting “and contract management.”; and

(D) by adding at the end the following:

“(5) 20 percent shall be used for research activities required under sections 20 and 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346, 1347).”.

(3) in subsection (f), by striking “Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund” and inserting “Safer Oil and Gas Production and Accident Prevention Research Fund”.

(g) **CONFORMING AMENDMENT.**—Subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16371 et seq.) is amended in the subtitle heading by striking “Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources” and inserting “Safer Oil and Gas Production and Accident Prevention”.

SEC. 109. NATIONAL COMMISSION ON OUTER CONTINENTAL SHELF OIL SPILL PREVENTION.

(a) **ESTABLISHMENT.**—There is established in the Legislative branch the National Commission on Outer Continental Shelf Oil Spill Prevention (referred to in this section as the “Commission”).

(b) **PURPOSES.**—The purposes of the Commission are—

(1) to examine and report on the facts and causes relating to the Deepwater Horizon explosion and oil spill of 2010;

(2) to ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the incident;

(3) to build upon the investigations of other entities, and avoid unnecessary duplication, by reviewing the findings, conclusions, and recommendations of—

(A) the Committees on Energy and Natural Resources and Commerce, Science, and Transportation of the Senate;

(B) the Committee on Natural Resources and the Subcommittee on Oversight and Investigations of the House of Representatives; and

(C) other Executive branch, congressional, or independent commission investigations into the Deepwater Horizon incident of 2010, other fatal oil platform accidents and major spills, and major oil spills generally;

(4) to make a full and complete accounting of the circumstances surrounding the incident, and the extent of the preparedness of the United States for, and immediate response of the United States to, the incident; and

(5) to investigate and report to the President and Congress findings, conclusions, and recommendations for corrective measures that may be taken to prevent similar incidents.

(c) **COMPOSITION OF COMMISSION.**—

(1) **MEMBERS.**—The Commission shall be composed of 10 members, of whom—

(A) 1 member shall be appointed by the President, who shall serve as Chairperson of the Commission;

(B) 1 member shall be appointed by the majority or minority (as the case may be) leader of the Senate from the Republican Party and the majority or minority (as the case may be) leader of the House of Representatives from the Republican Party, who shall serve as Vice Chairperson of the Commission;

(C) 2 members shall be appointed by the senior member of the leadership of the Senate from the Democratic Party;

(D) 2 members shall be appointed by the senior member of the leadership of the House of Representatives from the Republican Party;

(E) 2 members shall be appointed by the senior member of the leadership of the Senate from the Republican Party; and

(F) 2 members shall be appointed by the senior member of the leadership of the House of Representatives from the Democratic Party.

(2) **QUALIFICATIONS; INITIAL MEETING.**—

(A) **POLITICAL PARTY AFFILIATION.**—Not more than 5 members of the Commission shall be from the same political party.

(B) **NONGOVERNMENTAL APPOINTEES.**—An individual appointed to the Commission may not be a current officer or employee of the Federal Government or any State or local government.

(C) **OTHER QUALIFICATIONS.**—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience and expertise in such areas as—

(i) engineering;

(ii) environmental compliance;

(iii) health and safety law (particularly oil spill legislation);

(iv) oil spill insurance policies;

(v) public administration;

(vi) oil and gas exploration and production;

(vii) environmental cleanup; and

(viii) fisheries and wildlife management.

(D) **DEADLINE FOR APPOINTMENT.**—All members of the Commission shall be appointed on or before September 15, 2010.

(E) **INITIAL MEETING.**—The Commission shall meet and begin the operations of the Commission as soon as practicable after the date of enactment of this Act.

(3) **QUORUM; VACANCIES.**—

(A) **IN GENERAL.**—After the initial meeting of the Commission, the Commission shall

meet upon the call of the Chairperson or a majority of the members of the Commission.

(B) QUORUM.—6 members of the Commission shall constitute a quorum.

(C) VACANCIES.—Any vacancy in the Commission shall not affect the powers of the Commission, but shall be filled in the same manner in which the original appointment was made.

(d) FUNCTIONS OF COMMISSION.—

(1) IN GENERAL.—The functions of the Commission are—

(A) to conduct an investigation that—

(i) investigates relevant facts and circumstances relating to the Deepwater Horizon incident of April 20, 2010, and the associated oil spill thereafter, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure; and

(ii) may include relevant facts and circumstances relating to—

(I) permitting agencies;

(II) environmental and worker safety law enforcement agencies;

(III) national energy requirements;

(IV) deepwater and ultradeepwater oil and gas exploration and development;

(V) regulatory specifications, testing, and requirements for offshore oil and gas well explosion prevention;

(VI) regulatory specifications, testing, and requirements offshore oil and gas well casing and cementing regulation;

(VII) the role of congressional oversight and resource allocation; and

(VIII) other areas of the public and private sectors determined to be relevant to the Deepwater Horizon incident by the Commission;

(B) to identify, review, and evaluate the lessons learned from the Deepwater Horizon incident of April 20, 2010, regarding the structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, and the private sector, relative to detecting, preventing, and responding to those incidents; and

(C) to submit to the President and Congress such reports as are required under this section containing such findings, conclusions, and recommendations as the Commission determines to be appropriate, including proposals for organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(2) RELATIONSHIP TO INQUIRY BY CONGRESSIONAL COMMITTEES.—In investigating facts and circumstances relating to energy policy, the Commission shall—

(A) first review the information compiled by, and any findings, conclusions, and recommendations of, the committees identified in subparagraphs (A) and (B) of subsection (b)(3); and

(B) after completion of that review, pursue any appropriate area of inquiry, if the Commission determines that—

(i) those committees have not investigated that area;

(ii) the investigation of that area by those committees has not been completed; or

(iii) new information not reviewed by the committees has become available with respect to that area.

(e) POWERS OF COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out this section—

(A) hold such hearings, meet and act at such times and places, take such testimony,

receive such evidence, and administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials;

as the Commission or such subcommittee or member considers to be advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this paragraph only—

(I) by the agreement of the Chairperson and the Vice Chairperson; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), a subpoena issued under this paragraph—

(I) shall bear the signature of the Chairperson or any member designated by a majority of the Commission;

(II) and may be served by any person or class of persons designated by the Chairperson or by a member designated by a majority of the Commission for that purpose.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A), the United States district court for the district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence.

(ii) JUDICIAL ACTION FOR NONCOMPLIANCE.—Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(iii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this subsection, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes (2 U.S.C. 192 through 194).

(3) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge the duties of the Commission under this section.

(4) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from any Executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government, information, suggestions, estimates, and statistics for the purposes of this section.

(B) COOPERATION.—Each Federal department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairperson, the Chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(C) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall be received, handled, stored, and disseminated only by members of the Commission and the staff of the Commission in accordance with all applicable laws (including regulations and Executive orders).

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the functions of the Commission.

(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in subparagraph (A), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as are determined to be advisable and authorized by law.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property, including travel, for the direct advancement of the functions of the Commission.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(f) PUBLIC MEETINGS AND HEARINGS.—

(1) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(A) hold public hearings and meetings, to the extent appropriate; and

(B) release public versions of the reports required under paragraphs (1) and (2) of subsection (j).

(2) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of proprietary or sensitive information provided to or developed for or by the Commission as required by any applicable law (including a regulation or Executive order).

(g) STAFF OF COMMISSION.—

(1) IN GENERAL.—

(A) APPOINTMENT AND COMPENSATION.—

(i) IN GENERAL.—The Chairperson, in consultation with the Vice Chairperson and in accordance with rules agreed upon by the Commission, may, without regard to the civil service laws (including regulations), appoint and fix the compensation of a staff director and such other personnel as are necessary to enable the Commission to carry out the functions of the Commission.

(ii) MAXIMUM RATE OF PAY.—No rate of pay fixed under this subparagraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The staff director and any personnel of the Commission who are employees shall be considered to be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not apply to members of the Commission.

(2) DETAILEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(h) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION OF MEMBERS.—

(A) **NON-FEDERAL EMPLOYEES.**—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(B) **FEDERAL EMPLOYEES.**—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) **TRAVEL EXPENSES.**—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(i) **SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the members and staff of the Commission appropriate security clearances, to the maximum extent practicable, pursuant to existing procedures and requirements.

(2) **PROPRIETARY INFORMATION.**—No person shall be provided with access to proprietary information under this section without the appropriate security clearances.

(j) **REPORTS OF COMMISSION; ADJOURNMENT.**—

(1) **INTERIM REPORTS.**—The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of members of the Commission.

(2) **FINAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of members of the Commission.

(3) **TEMPORARY ADJOURNMENT.**—

(A) **IN GENERAL.**—The Commission, and all the authority provided under this section, shall adjourn and be suspended, respectively, on the date that is 60 days after the date on which the final report is submitted under paragraph (2).

(B) **ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.**—The Commission may use the 60-day period referred to in subparagraph (A) for the purpose of concluding activities of the Commission, including—

(i) providing testimony to committees of Congress concerning reports of the Commission; and

(ii) disseminating the final report submitted under paragraph (2).

(C) **RECONVENING OF COMMISSION.**—The Commission shall stand adjourned until such time as the President or the Secretary of Homeland Security declares an oil spill of national significance to have occurred, at which time—

(i) the Commission shall reconvene in accordance with subsection (c)(3); and

(ii) the authority of the Commission under this section shall be of full force and effect.

(k) **FUNDING.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

(A) \$10,000,000 for the first fiscal year in which the Commission convenes; and

(B) \$3,000,000 for each fiscal year thereafter in which the Commission convenes.

(2) **AVAILABILITY.**—Amounts made available to carry out this section shall be available—

(A) for transfer to the Commission for use in carrying out the functions and activities of the Commission under this section; and

(B) until the date on which the Commission adjourns for the fiscal year under subsection (j)(3).

(l) **NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(m) **CONFLICTS OF INTEREST FOR CERTAIN COMMISSION MEMBERS.**—Notwithstanding any other provision of law, any member of a federally sponsored presidential commission that is a senior official in an organization that is engaged in legal action that is materially relevant to the work of the Commission shall be excluded from making recommendations to the President.

SEC. 110. CLASSIFICATION OF OFFSHORE SYSTEMS.

(a) **REGULATIONS.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary and the Secretary of the Department in which the Coast Guard is operating shall jointly issue regulations requiring systems (including existing systems) used in the offshore exploration, development, and production of oil and gas in the outer Continental Shelf to be constructed, maintained, and operated so as to meet classification, certification, rating, and inspection standards that are necessary—

(A) to protect the health and safety of affiliated workers; and

(B) to prevent environmental degradation.

(2) **THIRD-PARTY VERIFICATION.**—The standards established by regulation under paragraph (1) shall be verified through certification and classification by independent third parties that—

(A) have been preapproved by both the Secretary and the Secretary of the Department in which the Coast Guard is operating; and

(B) have no financial conflict of interest in conducting the duties of the third parties.

(3) **MINIMUM SYSTEMS COVERED.**—At a minimum, the regulations issued under paragraph (1) shall require the certification and classification by an independent third party who meets the requirements of paragraph (2) of—

(A) mobile offshore drilling units;

(B) fixed and floating drilling or production facilities;

(C) drilling systems, including risers and blowout preventers; and

(D) any other equipment dedicated to the safety systems relating to offshore extraction and production of oil and gas.

(4) **EXCEPTIONS.**—The Secretary and the Secretary of the Department in which the Coast Guard is operating may waive the standards established by regulation under paragraph (1) for an existing system only if—

(A) the system is of an age or type where meeting such requirements is impractical; and

(B) the system poses an acceptably low level of risk to the environment and to human safety.

(b) **AUTHORITY OF COAST GUARD.**—Nothing in this section preempts or interferes with the authority of the Coast Guard.

SEC. 111. SAVINGS PROVISIONS.

(a) **EXISTING LAW.**—All regulations, rules, standards, determinations, contracts and agreements, memoranda of understanding, certifications, authorizations, appointments, delegations, results and findings of investigations, or any other actions issued, made, or taken by, or pursuant to or under, the authority of any law (including regulations) that resulted in the assignment of functions or activities to the Secretary, the Director of the Minerals Management Service (including by delegation from the Secretary), or the Department (as related to the implementation of the purposes referenced in this title) that were in effect on the date of enactment of this Act shall continue in full force and effect after the date of enactment of this Act unless previously scheduled to expire or until otherwise modified or rescinded by this title or any other Act.

(b) **EFFECT ON OTHER AUTHORITIES.**—This title does not amend or alter the provisions of other applicable laws, unless otherwise noted.

SEC. 112. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE II—OIL SPILL COMPENSATION

Subtitle A—Oil Spill Liability

PART I—OIL POLLUTION ACT OF 1990

SEC. 201. LIABILITY LIMITS.

(a) **PRESIDENTIAL ESTABLISHMENT OF LIMITS.**—Section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) is amended by adding at the end the following:

“(e) **LIMITS FOR STRICT LIABILITY.**—

“(1) **IN GENERAL.**—For the purpose of subsection (a)(3), after a 60-day period of public notice and comment beginning on the date of enactment of this subsection, and from time to time thereafter, the President shall establish a set of limits for strict liability for damages for incidents occurring from offshore facilities (other than deepwater ports) covered by Outer Continental Shelf leases issued after the date of enactment of the Oil Spill Response Improvement Act of 2010.

“(2) **REQUIREMENTS.**—The limits for strict liability established under paragraph (1) shall—

“(A) take into account the availability of insurance products for offshore facilities; and

“(B) be otherwise based equally on and categorized by—

“(i) the water depth of the lease;

“(ii) the minimum projected well depth of the lease;

“(iii) the proximity of the lease to oil and gas emergency response equipment and infrastructure;

“(iv) the likelihood of the offshore facility covered by the lease to encounter broken sea ice;

“(v) the record and historical number of regulatory violations of the leaseholder under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (or the absence of such a record or violations);

“(vi) the estimated hydrocarbon reserves of the lease;

“(vii) the estimated well pressure, expressed in pounds per square inch, of the reservoir associated with the lease;

“(viii) the availability and projected availability, including through borrowing authority, of funds in the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986;

“(ix) other available remedies under law;

“(x) the estimated economic value of non-energy coastal resources that may be impacted by a spill of national significance involving the offshore facility covered by the lease;

“(xi) whether the offshore facility covered by the lease employs a subsea or surface blowout preventer stack; and

“(xii) the availability of industry payments under subsection (f).

“(3) PUBLIC LIABILITY INSURANCE.—In no case shall the strict liability limits under this subsection for the applicable offshore facility be less than the maximum amount of public liability insurance that is broadly available for related offshore environmental incidents.

“(f) LIABILITY OF INDUSTRY.—

“(1) IN GENERAL.—If an incident on the Outer Continental Shelf results in economic damages claims exceeding the maximum amount for strict liability for economic damages to be paid by the responsible party under subsection (a)(3), the claims in excess of the maximum amount for strict liability for economic damages under subsection (a)(3) shall be paid initially, in an amount not to exceed a total of \$20,000,000,000, by all other entities operating offshore facilities on the Outer Continental Shelf on the date of the incident, as determined by the Secretary of the Interior, in accordance with paragraph (2).

“(2) PROPORTIONAL PAYMENT.—The amount of liability claims to be paid under paragraph (1) by an entity described in that paragraph shall be determined by the Secretary of the Interior based on the proportion that—

“(A) the number of offshore facilities operated by the entity on the Outer Continental Shelf; bears to

“(B) the total number of offshore facilities operated by all entities on the Outer Continental Shelf.

“(3) OIL SPILL LIABILITY TRUST FUND.—Economic damages that exceed the amounts available under subsection (a)(3) and paragraph (1) shall be paid from the Oil Spill Liability Trust Fund and amounts made available to the Fund under part II of the Oil Spill Response Improvement Act of 2010.”.

(b) CONFORMING AMENDMENTS.—

(1) LIMIT FOR OFFSHORE FACILITIES.—Section 1004(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)) is amended—

(A) in paragraph (2), by striking “,” and inserting a comma; and

(B) by striking paragraph (3) and inserting the following:

“(3) for an offshore facility (except a deep-water port) covered by an Outer Continental Shelf lease—

“(A) if the lease was issued prior to the date of enactment of the Oil Spill Response Improvement Act of 2010, the total of all removal costs plus \$75,000,000; and

“(B) if the lease was issued on or after the date of enactment of the Oil Spill Response Improvement Act of 2010, the total of all removal costs plus the limit for strict liability for damages for that offshore facility established by the President under subsection (e); and”.

(2) EXCEPTIONS.—Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended in the first sentence by inserting “1004(f),” after “sections”.

SEC. 202. ADVANCE PAYMENT.

Section 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712) is amended by adding at the end the following:

“(1) ADVANCE PAYMENTS.—The President shall promulgate regulations that allow advance payments to be made from the Fund to States and political subdivisions of States for actions taken to prepare for and mitigate substantial threats from the discharge of oil.”.

PART II—OIL SPILL LIABILITY TRUST FUND

SEC. 211. RATE OF TAX FOR OIL SPILL LIABILITY TRUST FUND.

(a) IN GENERAL.—Section 4611 of the Internal Revenue Code of 1986 (relating to the imposition of tax) is amended—

(1) in subsection (c), by adding at the end the following new paragraph:

“(3) ADJUSTMENTS TO TEMPORARY SUSPENSION OF OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—In the case of any calendar quarter in which the Secretary estimates that, as of the close of the previous quarter, the unobligated balance in the Oil Spill Liability Trust Fund is greater than \$10,000,000,000, the Oil Spill Liability Trust Fund financing shall be 0 cents a barrel.”; and

(2) by striking subsection (f).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply on and after the first day of the first calendar quarter after the date of enactment of this Act.

(c) NEW REVENUES TO THE OIL SPILL LIABILITY TRUST FUND.—Notwithstanding section 3302 of title 31, United States Code, the revenue resulting from any increase in the Oil Spill Liability Trust Fund financing rate under this section or the amendments made by this section shall—

(1) be credited only as offsetting collections for the Oil Spill Liability Trust Fund;

(2) be available for expenditure only for purposes of the Oil Spill Liability Trust Fund; and

(3) remain available until expended.

SEC. 212. LIMITATIONS ON EXPENDITURES AND BORROWING AUTHORITY.

(a) LIMITATIONS ON EXPENDITURES.—Section 9509(c) of the Internal Revenue Code of 1986 (relating to expenditures from the Oil Spill Liability Trust Fund) is amended—

(1) by striking paragraph (2);

(2) by striking “EXPENDITURES” in the subsection heading and all that follows through “Amounts in” in paragraph (1) and inserting “EXPENDITURES.—Amounts in”; and

(3) by redesignating subparagraphs (A) through (F) as paragraphs (1) through (6), respectively, and indenting appropriately.

(b) AUTHORITY TO BORROW.—Section 9509(d) of the Internal Revenue Code of 1986 (relating to authority to borrow from the Oil Spill Liability Trust Fund) is amended—

(1) in paragraph (2), by striking “\$1,000,000,000” and inserting “\$10,000,000,000”; and

(2) in paragraph (3)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

Subtitle B—Federal Oil Spill Research

SEC. 221. DEFINITIONS.

In this subtitle:

(1) COMMANDANT.—The term “Commandant” means the Commandant of the Coast Guard.

(2) PROGRAM.—The term “program” means the program for oil spill response established pursuant to section 230.

SEC. 222. FEDERAL OIL SPILL RESEARCH.

(a) IN GENERAL.—Title VII of the Oil Pollution Act of 1990 is amended—

(1) by inserting before section 7001 (33 U.S.C. 2761) the following:

“SEC. 7000. DEFINITIONS.

“In this title:

“(1) ASSESSMENT.—The term ‘assessment’ means the research assessment on the status of the oil spill prevention and response capabilities conducted under section 7004.

“(2) COMMITTEE.—The term ‘Committee’ means the Interagency Committee established under section 7001.

“(3) PLAN.—The term ‘plan’ means the Federal oil spill research plan developed under section 7005.

“(4) PROGRAM.—The term ‘program’ means the Federal oil spill research program established under section 7003.”;

(2) by redesignating section 7002 (33 U.S.C. 2762) as section 7009;

(3) in section 7001 (33 U.S.C. 2761), by striking subsections (b) through (e) and inserting the following:

“(b) REGIONAL SUBCOMMITTEES.—

“(1) IN GENERAL.—The Committee shall establish—

“(A) a regional subcommittee for each of the Gulf of Mexico and Arctic regions of the United States; and

“(B) such other regional subcommittees as the Committee determines to be necessary.

“(2) COORDINATION.—In accordance with the program, each regional subcommittee established under this subsection shall coordinate with the Committee and other relevant State, national, and international bodies with expertise in the region to research and develop technologies for use in the prevention, detection, recovery, mitigation, and evaluation of effects of incidents in the regional environment.”; and

(4) by inserting after section 7001 (33 U.S.C. 2761) the following:

“SEC. 7002. FUNCTIONS OF THE COMMITTEE.

“The Committee shall—

“(1) coordinate a comprehensive Federal oil spill research and development program in accordance with section 7003 to coordinate oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, institutions of higher education, research institutions, State and tribal governments, and other relevant stakeholders;

“(2) conduct a research assessment on the status of the oil spill prevention and response capabilities in accordance with section 7004; and

“(3) develop a Federal oil spill research plan in accordance with section 7005.

“SEC. 7003. FEDERAL OIL SPILL RESEARCH PROGRAM.

“(a) IN GENERAL.—The Committee shall establish a program for conducting oil pollution research, development, and demonstration.

“(b) PROGRAM ELEMENTS.—The program established under subsection (a) shall provide for research, development, and demonstration technologies, practices, and procedures that provide for effective and direct response to prevent, detect, recover, or mitigate oil discharges, including—

“(1) new technologies to detect accidental or intentional overboard oil discharges;

“(2) models and monitoring capabilities to predict the transport and fate of oil, including trajectory and behavior predictions due

to location, weather patterns, hydrographic data, and water conditions, including Arctic sea ice environments;

“(3) containment and well-control capabilities, including drilling of relief wells, containment structures, and injection technologies;

“(4) response capabilities, such as improved dispersants, biological treatment methods, booms, oil skimmers, containment vessels, and offshore and onshore storage capacity;

“(5) research and training, in coordination with the National Response Team, to improve the removal of oil discharge quickly and effectively;

“(6) decision support systems for contingency planning and response;

“(7) improvement of options for oily or oiled waste dispersal;

“(8) technologies, methods, and standards for use in protecting personnel and for volunteers that may participate in incident responses, including—

“(A) training;

“(B) adequate supervision;

“(C) protective equipment;

“(D) maximum exposure limits; and

“(E) decontamination procedures; and

“(9) technologies and methods to prevent, detect, recover, and mitigate oil discharges in polar environments.

“(C) **STUDY OF ENVIRONMENTAL EFFECTS OF RESPONSE TECHNIQUES.**—Notwithstanding any other provision of law, the Coast Guard shall conduct reasonable environmental studies of oil discharge prevention or mitigation technologies, including the use of small quantities of oil for testing of in situ burning, chemical dispersants, and herding agents, upon and within navigable waters of the United States, if the Coast Guard, in consultation with the Committee, determines that the information to be obtained cannot be adequately obtained through a laboratory or simulated experiment.

“SEC. 7004. FEDERAL RESEARCH ASSESSMENT.

“Not later than 1 year after the date of enactment of Oil Spill Response Improvement Act of 2010, the Committee shall submit to Congress an assessment of the status of oil spill prevention and response capabilities that—

“(1) identifies research programs conducted and technologies developed by governments, institutions of higher education, and industry;

“(2) assesses the status of knowledge on oil pollution prevention, response, and mitigation technologies;

“(3) identifies regional oil pollution research needs and priorities for a coordinated program of research at the regional level developed in consultation with State, local, and tribal governments;

“(4) assesses the status of spill response equipment and determines areas in need of improvement, including quantity, age, quality, effectiveness, or necessary technological improvements;

“(5) assesses the status of real-time data available to mariners, researchers, and responders, including weather, hydrographic, and water condition data, and the impact of incomplete and inaccessible data on preventing, detecting, or mitigating oil discharges; and

“(6) is subject to a 90-day public comment period and addresses suggestions received and incorporates public input received, as appropriate.

“SEC. 7005. FEDERAL INTERAGENCY RESEARCH PLAN.

“(a) **IN GENERAL.**—

“(1) **PLAN.**—Not later than 60 days after the date on which the President submits to Congress, pursuant to section 1105 of title 31, United States Code, a budget for fiscal year 2012, and for each fiscal year thereafter, the Committee shall submit to Congress a plan that establishes the priorities for Federal oil spill research and development.

“(2) **RECOMMENDATIONS.**—In the development of the plan, the Committee shall consider recommendations by the National Academy of Sciences and information from State, local, and tribal governments.

“(b) **PLAN REQUIREMENTS.**—The plan shall—

“(1) make recommendations to improve technologies and practices to prevent oil spills;

“(2) suggest changes to the program to improve the rates of oil recovery and spill mitigation;

“(3) make recommendations to improve technologies, practices, and procedures to provide for effective and direct response to oil spills;

“(4) make recommendations to improve the quality of real-time data available to mariners, researchers, and responders; and

“(5) be subject to a 90-day public comment period and address suggestions received and incorporate public input received, as appropriate.

“SEC. 7006. EXTRAMURAL GRANTS.

“(a) **IN GENERAL.**—In carrying out the program, the Committee shall—

“(1) award competitive grants to institutions of higher education or other research institutions to carry out projects—

“(A) to advance research and development; and

“(B) to demonstrate technologies for preventing, detecting, or mitigating oil discharges that are relevant to the goals and priorities of the plan; and

“(2) incorporate a competitive, merit-based process for awarding grants that may be conducted jointly with other participating agencies.

“(b) **REGIONAL RESEARCH PROGRAM.**—

“(1) **DEFINITION OF REGION.**—In this subsection, the term ‘region’ means a Coast Guard district as described in part 3 of subchapter A of chapter I of title 33, Code of Federal Regulations (1989).

“(2) **PROGRAM.**—Consistent with the program, the Committee shall coordinate the provision of competitive grants to institutions of higher education or other research institutions (or groups of those institutions) for the purpose of conducting a coordinated research program relating to the aspects of oil pollution with respect to each region, including research on such matters as—

“(A) prevention;

“(B) removal mitigation; and

“(C) the effects of discharged oil on regional environments.

“(3) **PUBLICATION.**—

“(A) **IN GENERAL.**—The Committee shall coordinate the publication by the agencies represented on the Committee of a solicitation for grants under this subsection.

“(B) **FORM AND CONTENT.**—The application for a grant under this subsection shall be in such form and contain such information as shall be required in the published solicitation.

“(C) **REVIEW OF APPLICATIONS.**—Each application for a grant under this subsection shall be—

“(i) reviewed by the Committee; and

“(ii) at the option of the Committee, included among applications recommended by the Committee for approval in accordance with paragraph (5).

“(D) **PROVISION OF GRANTS.**—

“(i) **IN GENERAL.**—A granting agency represented on the Committee shall provide the grants recommended by the Committee unless the granting agency—

“(I) decides not to provide the grant due to budgetary or other compelling considerations; and

“(II) publishes in the Federal Register the reasons for such a determination.

“(ii) **FUNDS FOR GRANTS.**—No grants may be provided by any agency under this subsection from any funds authorized to carry out this paragraph unless the grant award has first been recommended by the Committee under subparagraph (C)(ii).

“(4) **ELIGIBLE APPLICANTS.**—

“(A) **IN GENERAL.**—Any institution of higher education or other research institution (or a group of those institutions) may apply for a grant for the regional research program established under this subsection.

“(B) **LOCATION OF APPLICANT.**—An applicant described in subparagraph (A) shall be located in the region, or in a State a part of which is in the region, for which the project covered by the grant application is proposed to be carried out as part of the regional research program.

“(C) **GROUP APPLICATIONS.**—With respect to an application described in subparagraph (A) from a group of institutions referred to in that subparagraph, the 1 or more entities that will carry out the substantial portion of the proposed project covered by the grant shall be located in the region, or in a State a part of which is in the region, for which the project is proposed as part of the regional research program.

“(5) **RECOMMENDATIONS.**—

“(A) **IN GENERAL.**—The Committee shall make recommendations on grants in such a manner as to ensure an appropriate balance within a region among the various aspects of oil pollution research, including—

“(i) prevention;

“(ii) removal;

“(iii) mitigation; and

“(iv) the effects of discharged oil on regional environments.

“(B) **ADDITIONAL CRITERIA.**—In addition to the requirements described in subparagraph (A), the Committee shall make recommendations for the approval of grants based on whether—

“(i) there are available to the applicant for use in carrying out this paragraph demonstrated research resources;

“(ii) the applicant demonstrates the capability of making a significant contribution to regional research needs; and

“(iii) the projects that the applicant proposes to carry out under the grant—

“(I) are consistent with the plan under section 7005; and

“(II) would further the objectives of the program established under section 7003.

“(6) **TERM OF GRANTS; REVIEW; COST-SHARING.**—A grant provided under this subsection shall—

“(A) be for a period of up to 3 years;

“(B) be subject to annual review by the granting agency; and

“(C) provide not more than 80 percent of the costs of the research activities carried out in connection with the grant.

“(7) **PROHIBITION ON USE OF GRANT FUNDS.**—No funds made available to carry out this subsection may be used for—

“(A) the acquisition of real property (including buildings); or

“(B) the construction of any building.

“(8) **EFFECT ON OTHER AUTHORITY.**—Nothing in this paragraph alters or abridges the authority under existing law of any Federal

agency to provide grants, or enter into contracts or cooperative agreements, using funds other than those authorized in this Act for the purpose of carrying out this subsection.

“(9) FUNDING.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), for each of fiscal years 2011 through 2015, not less than \$32,000,000 of amounts in the Fund shall be available to carry out the regional research program under this subsection, to be available in equal amounts for the regional research program in each region.

“(B) ADDITIONAL GRANTS.—If the agencies represented on the Committee determine that regional research needs exist that cannot be addressed by the amount of funds made available under subparagraph (A), the agencies may use authority under subsection (a) to make additional grants to meet those needs.

“SEC. 7007. ANNUAL REPORT.

“Concurrent with the submission of the Federal interagency research plan pursuant to section 7005, the Committee shall submit to Congress an annual report that describes the activities and results of the program during the previous fiscal year and described the objectives of the program for the next fiscal year.

“SEC. 7008. FUNDING.

“(a) IN GENERAL.—Of the amounts in the Fund for each fiscal year, not more than \$50,000,000 shall be available to carry out this section (other than section 7006(b)) for the fiscal year.

“(b) APPROPRIATIONS.—All activities authorized under this title, including under section 7006(b), shall be subject to the availability of appropriations.”.

SEC. 223. NATIONAL ACADEMY OF SCIENCE PARTICIPATION.

The Commandant shall enter into an arrangement with the National Academy of Sciences under which the Academy shall—

(1) not later than 1 year after the date of enactment of this Act, assess and evaluate the status of Federal oil spill research and development as of the day before the date of enactment of this Act;

(2) submit to Congress and the Federal Oil Spill Research Committee established under section 7002 of the Oil Pollution Act of 1990 a report evaluating the conclusions and recommendations from the Federal research assessment under section 7004 of that Act to be used in the development of the Federal oil spill research plan under section 7005 of that Act; and

(3) not later than 1 year after the Federal interagency research plan is submitted to Congress under section 7005 of that Act, evaluate, and report to Congress on, the plan.

SEC. 224. TECHNICAL AND CONFORMING AMENDMENTS.

(a) USE OF FUNDS.—Section 1012(a)(5)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)(A)) is amended by striking “\$25,000,000” and inserting “\$50,000,000”.

(b) TABLE OF CONTENTS.—The table of contents in section 2 of the Oil Pollution Act of 1990 (33 U.S.C. prec. 2701) is amended by striking the items relating to sections 7001 and 7002 and inserting the following:

“Sec. 7000. Definitions.

“Sec. 7001. Oil pollution research and development program.

“Sec. 7002. Functions of the Committee.

“Sec. 7003. Federal oil spill research program.

“Sec. 7004. Federal research assessment.

“Sec. 7005. Federal interagency research plan.

“Sec. 7006. Extramural grants.

“Sec. 7007. Annual report.

“Sec. 7008. Funding.

“Sec. 7009. Submerged oil program.”.

SEC. 225. OIL SPILL RESPONSE AUTHORITY.

Notwithstanding any other provision of law, the Incident Commander of the Coast Guard may authorize the use of dispersants in response to a spill of oil from—

(1) any facility or vessel located in, on, or under any of the navigable waters of the United States; and

(2) any facility of any kind that is subject to the jurisdiction of the United States and that is located in, on, or under any other waters.

SEC. 226. MARITIME CENTER OF EXPERTISE.

(a) IN GENERAL.—The Commandant shall establish a Maritime Center of Expertise for Maritime Oil Spill and Hazardous Substance Release Response.

(b) DUTIES.—The Center shall—

(1) serve as the primary Federal facility for Coast Guard personnel to obtain qualifications to perform the duties of a regional response team cochair, a Federal on-scene coordinator, or a Federal on-scene coordinator representative;

(2) train Federal, State, and local first responders in the incident command system structure, maritime oil spill and hazardous substance release response techniques and strategies, and public affairs;

(3) work with academic and private sector response training centers to develop and standardize maritime oil spill and hazardous substance release response training and techniques;

(4) conduct research, development, testing, and demonstration for maritime oil spill and hazardous substance release response equipment, technologies, and techniques to prevent or mitigate maritime oil discharges and hazardous substance releases;

(5) maintain not less than 2 incident management and assistance teams, 1 of which shall be ready to deploy anywhere in the continental United States within 24 hours after an incident or event;

(6) conduct marine environmental response standardization visits with Coast Guard Federal on-scene coordinators;

(7) administer and coordinate Coast Guard participation in the National Preparedness for Response Exercise Program; and

(8) establish and maintain Coast Guard marine environmental response doctrine.

SEC. 227. NATIONAL STRIKE FORCE.

(a) IN GENERAL.—The Commandant shall maintain a National Strike Force to facilitate preparedness for and response to maritime oil spill and hazardous substance release incidents.

(b) COMPOSITION.—The National Strike Force—

(1) shall consist of—

(A) a National Strike Force Coordination Center;

(B) strike force teams, including—

(i) 1 team for the Atlantic Ocean;

(ii) 1 team for the Pacific Ocean; and

(iii) 1 team for the Gulf of Mexico; and

(C) a public information assist team; and

(2) may include, on the direction of the Commandant, 1 or more teams for the northwest Pacific Ocean and the Arctic Ocean.

(c) NATIONAL STRIKE FORCE COORDINATION CENTER DUTIES.—The National Strike Force Coordination Center shall—

(1) provide support and standardization guidance to the regional strike teams;

(2) maintain a response resource inventory of maritime oil spill and hazardous sub-

stance release response, marine salvage, and marine firefighting equipment maintained by certified oil spill response organizations as well as equipment listed in a vessel or facility oil spill response plan, as required by section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j));

(3) oversee the maintenance and adequacy of Coast Guard environmental response equipment;

(4) certify and inspect maritime oil spill response organizations; and

(5) maintain the National Area Contingency Plan library.

(d) STRIKE FORCE TEAM DUTIES.—The Strike Force Response Teams shall—

(1) provide rapid response support in incident management, site safety, contractor performance monitoring, resource documentation, response strategies, hazard assessment, oil spill dispersant, in situ burn and other technologies, prefabrication of containment technology, operational effectiveness monitoring, and high-capacity lightering and offshore skimming capabilities;

(2) train Coast Guard units in environmental pollution response and incident command systems, test and evaluate pollution response equipment, and operate as liaisons with response agencies within the areas of responsibility of the respective units;

(3) maintain sufficient maritime oil spill and hazardous substance release assets to ensure the protection of human health and the environment in the event of an oil spill or hazardous substance release, including the prefabrication of oil spill containment equipment; and

(4) maintain the capability to mobilize personnel and equipment to respond to an oil spill or hazardous substance release anywhere in the continental United States within 24 hours of such an event.

(e) PUBLIC INFORMATION ASSIST TEAM DUTIES.—The Public Information Assist Team shall maintain the capability—

(1) to provide crisis communication during oil spills, hazardous material releases, marine accidents, and other disasters, including staffing and managing public affairs and intergovernmental communication;

(2) provide public information and communications training to Federal, State, and local agencies and industry personnel; and

(3) maintain the capability to mobilize personnel and equipment to respond to an oil spill or hazardous substance release anywhere in the continental United States within 24 hours after such an event.

SEC. 228. DISTRICT PREPAREDNESS AND RESPONSE TEAMS.

The Commandant shall maintain district preparedness response teams—

(1) to maintain Coast Guard environmental response equipment;

(2) to administer area contingency plans;

(3) to administer the National Preparedness for Response Exercise Program;

(4) to conduct responder incident command system training and health and safety training;

(5) to provide Federal on-scene coordinator technical advice;

(6) to coordinate district pollution response operations;

(7) to support regional response team co-chairs;

(8) to coordinate district participation with the regional interagency steering committee of the Federal Emergency Management Agency; and

(9) to conduct response public affairs and joint information center training.

SEC. 229. OIL SPILL RESPONSE ORGANIZATIONS.

(a) **REQUIREMENT.**—Each maritime oil spill response organization that is listed under an oil spill response plan of a vessel or facility regulated by the Coast Guard, as required by section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) shall be—

(1) certified by the Coast Guard; and
(2) inspected at least once each year to ensure that the organization has the capabilities to meet the requirements delegated to the organization under applicable oil spill response plans.

(b) **CERTIFICATION CRITERIA AND REQUIREMENTS.**—Not later than 180 days after the date of enactment of this Act, the Commandant shall develop criteria and requirements for certifying and classifying maritime oil spill response organizations.

(c) **INVENTORY OF MARITIME OIL SPILL RESPONSE EQUIPMENT.**—Each certified maritime oil spill response organization and any facility regulated by the Coast Guard that is not using a maritime oil spill response organization to meet the facility oil spill response plan requirements of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) shall—

(1) maintain a current list of the maritime oil spill response equipment of the organization or facility; and

(2) submit a copy of that list to the National Strike Force Coordination Center.

(d) **DECREASED CAPACITY REPORTS.**—If a maritime oil spill response organization experiences a decrease in the maritime oil spill response assets of the organization, the organization shall report the decrease to the National Strike Force Coordination Center and the Captain of the Port in which that organization operates.

SEC. 230. PROGRAM FOR OIL SPILL AND HAZARDOUS SUBSTANCE RELEASE RESPONSE.

(a) **REQUIREMENT TO ESTABLISH PROGRAM.**—The Commandant shall establish a program for oil spill and hazardous substance release response, within the Maritime Center of Expertise for Oil Spill Response, to conduct research, development, testing, and demonstration for oil spill and hazardous substance release response equipment, technologies, and techniques to prevent or mitigate oil discharges and hazardous substance releases.

(b) **PROGRAM ELEMENTS.**—The program under subsection (a) shall include—

(1) research, development, testing, and demonstration of new or improved methods (including the use of dispersants and biological treatment methods) for the containment, recovery, removal, and disposal of oil and hazardous substances;

(2) assistance for—

(A) the development of improved designs for vessel operations (including vessel operations in Arctic waters) and facilities that are regulated by the Coast Guard; and

(B) improved operational practices;

(3) research and training, in consultation with the National Response Team, to improve the ability of private industry and the Federal Government to respond to an oil discharge or a hazardous substance release;

(4) a list of oil spill and hazardous substance containment, recovery, removal, and disposal technology that is approved for use by the Commandant and is made publicly available, in such manner as is determined to be appropriate by the Commandant; and

(5) a process for the Federal Government, State and local governments, private industry, academic institutions, and nongovernmental organizations to submit systems,

equipment, and technologies for testing and evaluation.

(c) **GRANTS FOR OIL SPILL RESPONSE.**—The Commandant shall have the authority to make grants to or enter into cooperative agreements with academic institutions to conduct research and development for oil spill response equipment, technology, and techniques.

(d) **COORDINATION.**—The Commandant shall carry out the program in coordination with the Interagency Coordinating Committee on Oil Pollution Research established pursuant to section 7001(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(a)).

(e) **FUNDING.**—The Commandant shall use such sums as are necessary to carry out this section for fiscal years 2010 through 2015 from funds appropriated to the research, development, and testing program account of the Coast Guard for those years.

SEC. 230a. OIL AND HAZARDOUS SUBSTANCE LIABILITY.

Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended—

(1) in subsection (c)(2)(B)—

(A) in clause (i), by striking “and” at the end;

(B) in clause (ii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iii) immediately deploy cleanup and mitigation assets owned by the Federal Government, or provided by private individuals or entities or foreign countries, to the location of discharge.”; and

(2) in subsection (d)(2), by adding at the end the following:

“(N) Establishment of a clear, accountable chain of command throughout the jurisdictions impacted by the discharge.

“(O) Establishment of a system and procedures that ensure coordination with, and prompt response to, State and local officials.”.

Subtitle C—Oil and Gas Leasing**SEC. 231. REVENUE SHARING FROM OUTER CONTINENTAL SHELF AREAS IN CERTAIN COASTAL STATES.**

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

“(i) **REVENUE SHARING FROM OUTER CONTINENTAL SHELF AREAS IN CERTAIN COASTAL STATES.**—

“(1) **DEFINITIONS.**—In this subsection through subsection (j):

“(A) **COASTAL POLITICAL SUBDIVISION.**—The term ‘coastal political subdivision’ of a coastal State means a county-equivalent subdivision of a coastal State all or part of which—

“(i) lies within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)); and

“(ii) the closest point of which is not more than 300 statute miles from the geographic center of any leased tract.

“(B) **COASTAL STATE.**—The term ‘coastal State’ means a State with a coastal seaward boundary within 300 statute miles distance of the geographic center of a leased tract in an outer Continental Shelf planning area that—

“(i) as of January 1, 2000, had no oil or natural gas production; and

“(ii) is not a Gulf producing State (as defined in section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432)).

“(C) **DISTANCE.**—The terms ‘distance’ and ‘distances’ mean minimum great circle distance and distances, respectively.

“(D) **LEASED TRACT.**—The term ‘leased tract’ means a tract leased under this Act

for the purpose of drilling for, developing, and producing oil or natural gas resources.

“(E) **OUTER CONTINENTAL SHELF AREA.**—The term ‘outer Continental Shelf area’ means—

“(i) any area withdrawn from disposition by leasing by the ‘Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition’, from 34 Weekly Comp. Pres. Doc. 1111, dated June 12, 1998; or

“(ii) any area of the outer Continental Shelf as to which Congress has denied the use of appropriated funds or other means for preleasing, leasing, or related activities.

“(2) **POST LEASING REVENUES.**—If the Governor or the Legislature of a coastal State requests the Secretary to allow leasing in an outer Continental Shelf area and the Secretary allows the leasing, in addition to any bonus bids, the coastal State shall, without further appropriation or action, receive, from leasing of the area, 37.5 percent of—

“(A) any lease rental payments;

“(B) any lease royalty payments;

“(C) any royalty proceeds from a sale of royalties taken in kind by the Secretary; and

“(D) any other revenues from a bidding system under section 8.

“(3) **ALLOCATION AMONG COASTAL POLITICAL SUBDIVISIONS OF STATES.**—

“(A) **IN GENERAL.**—The Secretary shall pay 20 percent of the allocable share of each coastal State, as determined under this subsection, directly to certain coastal political subdivisions of the coastal State.

“(B) **ALLOCATION.**—

“(i) **IN GENERAL.**—For each leased tract used to calculate the allocation of a coastal State, the Secretary shall pay the coastal political subdivisions within 300 miles of the geographic center of the leased tract based on the relative distance of such coastal political subdivisions from the leased tract in accordance with this subparagraph.

“(ii) **DISTANCES.**—For each coastal political subdivision described in clause (i), the Secretary shall determine the distance between the point on the coastal political subdivision coastline closest to the geographic center of the leased tract and the geographic center of the tract.

“(iii) **PAYMENTS.**—The Secretary shall divide and allocate the qualified outer Continental Shelf revenues derived from the leased tract among coastal political subdivisions described in clause (i) in amounts that are inversely proportional to the applicable distances determined under clause (ii).

“(4) **CONSERVATION ROYALTY.**—After making distributions under paragraphs (1) and (2) and section 31, the Secretary shall, without further appropriation or action, distribute a conservation royalty equal to 12.5 percent of Federal royalty revenues derived from an area leased under this section from all areas leased under this section for any year, into the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5) to provide financial assistance to States under section 6 of that Act (16 U.S.C. 4601-8).

“(5) **DEFICIT REDUCTION.**—

“(A) **IN GENERAL.**—After making distributions in accordance with paragraphs (1) and (2) and in accordance with section 31, the Secretary shall, without further appropriation or action, distribute an amount equal to 50 percent of Federal royalty revenues derived from all areas leased under this section for any year, into direct Federal deficit reduction.

“(B) **BUDGETARY TREATMENT.**—Any amounts distributed into direct Federal deficit reduction under this paragraph shall not

be included for purposes determining budget levels under section 201 of S. Con. Res. 21 (110th Congress).”.

SEC. 232. REVENUE SHARING FROM AREAS IN ALASKA ADJACENT ZONE.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) (as amended by section 231) is amended by adding at the end the following:

“(j) REVENUE SHARING FROM AREAS IN ALASKA ADJACENT ZONE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), effective beginning on the date that is 5 years after the date of enactment of this subsection, revenues from production that derives from an area in the Alaska Adjacent Zone shall be distributed in the same proportion and for the same uses as provided in subsection (i).

“(2) ALLOCATION AMONG REGIONAL CORPORATIONS.—

“(A) IN GENERAL.—The Secretary shall pay 33 percent of any allocable share of the State of Alaska, as determined under this section, directly to certain Regional Corporations established under section 7(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(a)).

“(B) ALLOCATION.—

“(i) IN GENERAL.—For each leased tract used to calculate the allocation of the State of Alaska, the Secretary shall pay the Regional Corporations, after determining those Native villages within the region of the Regional Corporation which are within 300 miles of the geographic center of the leased tract based on the relative distance of such villages from the leased tract, in accordance with this paragraph.

“(ii) DISTANCES.—For each such village, the Secretary shall determine the distance between the point in the village closest to the geographic center of the leased tract and the geographic center of the tract.

“(iii) PAYMENTS.—The Secretary shall divide and allocate the qualified outer Continental Shelf revenues derived from the leased tract among the qualifying Regional Corporations in amounts that are inversely proportional to the distances of all of the Native villages within each qualifying region.

“(iv) REVENUES.—All revenues received by each Regional Corporation shall be—

“(I) treated by the Regional Corporation as revenue subject to the distribution requirements of section 7(i)(1)(A) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)(1)(A)); and

“(II) divided annually by the Regional Corporation among all 12 Regional Corporations in accordance with section 7(i) of that Act.

“(v) FURTHER DISTRIBUTION.—A Regional Corporation receiving revenues under clause (iv)(II) shall further distribute 50 percent of the revenues received in accordance with section 7(j) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(j)).”.

SEC. 233. ACCELERATED REVENUE SHARING TO PROMOTE COASTAL RESILIENCY AMONG GULF PRODUCING STATES.

Section 105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) ALLOCATION AMONG GULF PRODUCING STATES FOR FISCAL YEARS 2010 AND THEREAFTER.—

“(1) IN GENERAL.—Subject to the provisions of this subsection, for fiscal year 2010 and each fiscal year thereafter, the amount made available under subsection (a)(2)(A) from a covered lease described in paragraph (2) shall

be allocated to each Gulf producing State in amounts that are inversely proportional to the respective distances between the point on the coastline of each Gulf producing State that is closest to the geographic center of each historical lease site and the geographic center of the historical lease site, as determined by the Secretary.

“(2) COVERED LEASE.—A covered lease referred to in paragraph (1) means a lease entered into for—

“(A) the 2002-2007 planning area;

“(B) the 181 Area; or

“(C) the 180 South Area.

“(3) MINIMUM ALLOCATION.—The amount allocated to a Gulf producing State each fiscal year under paragraph (1) shall be at least 10 percent of the amounts available under subsection (a)(2)(A).

“(4) HISTORICAL LEASE SITES.—

“(A) IN GENERAL.—Subject to subparagraph (B), for purposes of this subsection, the historical lease sites in the 2002-2007 planning area shall include all leases entered into by the Secretary for an area in the Gulf of Mexico during the period beginning on October 1, 1982 (or an earlier date if practicable, as determined by the Secretary), and ending on December 31, 2015.

“(B) ADJUSTMENT.—Effective January 1, 2022, and every 5 years thereafter, the ending date described in subparagraph (A) shall be extended for an additional 5 calendar years.

“(5) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

“(A) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each Gulf producing State, as determined under paragraphs (1) and (3), to the coastal political subdivisions of the Gulf producing State.

“(B) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with subparagraphs (B), (C), and (E) of section 31(b)(4) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a(b)(4)).”; and

(2) by striking subsection (f).

SEC. 234. COASTAL IMPACT ASSISTANCE PROGRAM AMENDMENTS.

Section 31(c) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a(c)) is amended by adding at the end the following:

“(5) APPLICATION REQUIREMENTS; AVAILABILITY OF FUNDING.—On approval of a State plan under this section, the Secretary shall—

“(A) immediately disburse payments allocated under this section to the State or political subdivision; and

“(B) other than requiring notification to the Secretary of the projects being carried out under the State plan, not subject a State or political subdivision to any additional requirements, including application requirements, to receive payments under this section.”.

SEC. 235. PRODUCTION OF OIL FROM CERTAIN ARCTIC OFFSHORE LEASES.

Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended by adding at the end the following:

“(k) OIL TRANSPORTATION IN ARCTIC WATERS.—The Secretary shall—

“(1) require that oil produced from Federal leases in Arctic waters in the Chukchi Sea planning area, Beaufort Sea planning area, or Hope Basin planning area be transported by pipeline to the Trans-Alaska Pipeline System; and

“(2) provide for, and issue appropriate permits for, the transportation of oil from Federal leases in Arctic waters in preproduction phases (including exploration) by means other than pipeline.”.

SEC. 236. USE OF STIMULUS FUNDS TO OFFSET SPENDING.

(a) IN GENERAL.—The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115) (other than under title X of division A of that Act) is rescinded, on a pro rata basis, by an aggregate amount that equals the amounts necessary to offset any net increase in spending or foregone revenues resulting from this subtitle and the amendments made by this subtitle.

(b) REPORT.—The Director of the Office of Management and Budget shall submit to each congressional committee the amounts rescinded under subsection (a) that are within the jurisdiction of the committee.

TITLE III—GUIDANCE ON MORATORIUM ON OUTER CONTINENTAL SHELF DRILLING

SEC. 301. LIMITATION OF MORATORIUM ON CERTAIN PERMITTING AND DRILLING ACTIVITIES.

(a) IN GENERAL.—The moratorium set forth in the decision memorandum of the Secretary of the Interior entitled “Decision memorandum regarding the suspension of certain offshore permitting and drilling activities on the Outer Continental Shelf” and dated July 12, 2010, and any suspension of operations issued in connection with the moratorium, shall not apply to an applicant for a permit to drill if the Secretary determines that the applicant—

(1) has complied with the notice entitled “National Notice to Lessees and Operators of Federal Oil and Gas Leases, Outer Continental Shelf (OCS)” dated June 8, 2010 (NTL No. 2010-N05) and the notice entitled “National Notice to Lessees and Operators of Federal Oil and Gas Leases, Outer Continental Shelf (OCS)” dated June 18, 2010 (NTL No. 2010-N06); and

(2) has completed all required safety inspections.

(b) DETERMINATION ON PERMIT.—Not later than 30 days after the date on which the Secretary makes a determination that an applicant has complied with paragraphs (1) and (2) of subsection (a), the Secretary shall make a determination on whether to issue the permit.

(c) NO SUSPENSION OF CONSIDERATION.—No Federal entity shall suspend the active consideration of, or preparatory work for, permits required to resume or advance activities suspended in connection with the moratorium.

SEC. 302. DEEPWATER HORIZON INCIDENT.

Not later than 60 days after the date of enactment of this Act, the Secretary shall develop, and expeditiously begin implementation of, a plan to ensure that onshore oil and natural gas development on Federal land would provide full energy resource compensation for offshore oil and natural gas resources not being developed and Federal revenues not being generated for the benefit of the United States Treasury during such time as any offshore moratorium is in place in response to the incident involving the mobile offshore drilling unit Deepwater Horizon.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 592—DESIGNATING THE WEEK OF SEPTEMBER 13-19, 2010, AS “POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK”, AND SUPPORTING THE GOALS AND IDEALS OF POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK TO RAISE AWARENESS AND UNDERSTANDING OF POLYCYSTIC KIDNEY DISEASE AND THE IMPACT THE DISEASE HAS ON PATIENTS NOW AND FOR FUTURE GENERATIONS UNTIL IT CAN BE CURED

Mr. KOHL (for himself and Mr. HATCH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 592

Whereas polycystic kidney disease (known as “PKD”) is one of the most prevalent life-threatening genetic diseases in the world, affecting an estimated 600,000 people in the United States, including newborn babies, children, and adults, regardless of sex, age, race, geography, income, or ethnicity;

Whereas polycystic kidney disease comes in 2 forms, autosomal dominant, which affects 1 in 500 people worldwide, and autosomal recessive, a rare form that affects 1 in 20,000 live births and frequently leads to early death;

Whereas polycystic kidney disease causes multiple cysts to form on both kidneys, leading to an increase in kidney size and weight;

Whereas the cysts caused by polycystic kidney disease can be as small as the head of a pin or as large as a grapefruit;

Whereas polycystic kidney disease is a systemic disease that damages the kidneys and the cardiovascular, endocrine, hepatic, and gastrointestinal systems;

Whereas patients with polycystic kidney disease often experience no symptoms during the early stages of the disease, and many patients do not realize they have PKD until the disease affects other organs;

Whereas the symptoms of polycystic kidney disease can include high blood pressure, chronic pain in the back, sides or abdomen, blood in the urine, urinary tract infections, heart disease, and kidney stones;

Whereas polycystic kidney disease is the leading genetic cause of kidney failure in the United States;

Whereas more than half of patients suffering from polycystic kidney disease will reach kidney failure, requiring dialysis or a kidney transplant to survive, thus placing an extra strain on dialysis and kidney transplantation resources;

Whereas polycystic kidney disease has no treatment or cure;

Whereas polycystic kidney disease instills in patients the fear of an unknown future with a life-threatening genetic disease, and of possible genetic discrimination;

Whereas polycystic kidney disease is an example of how collaboration, technological innovation, scientific momentum, and public-private partnerships can—

(1) generate therapeutic interventions that directly benefit the people suffering from polycystic kidney disease;

(2) save billions of Federal dollars paid by Medicare, Medicaid, and other programs for dialysis, kidney transplants, immunosuppressant drugs, and related therapies; and

(3) open several thousand spots on the kidney transplant waiting list;

Whereas improvements in diagnostic technology and the expansion of scientific knowledge about polycystic kidney disease have led to—

(1) the discovery of the 3 primary genes that cause polycystic kidney disease and the 3 primary protein products of the genes; and

(2) the understanding of cell structures and signaling pathways that cause cyst growth, which has produced multiple polycystic kidney disease clinical drug trials; and

Whereas thousands of volunteers throughout the United States are dedicated to expanding essential research, fostering public awareness and understanding, educating patients and their families about polycystic kidney disease to improve treatment and care, providing appropriate moral support, and encouraging people to become organ donors: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 13-19, 2010, as “Polycystic Kidney Disease Awareness Week”;

(2) supports the goals and ideals of a national week to raise public awareness and understanding of polycystic kidney disease;

(3) recognizes the need for additional research into a treatment and a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups to—

(A) support Polycystic Kidney Disease Awareness Week through appropriate ceremonies and activities;

(B) promote public awareness of polycystic kidney disease; and

(C) foster understanding of the impact of the disease on patients and their families.

Mr. KOHL. Mr. President, I rise today along with Senator HATCH to introduce a resolution to increase awareness of Polycystic Kidney Disease, PKD, a common and life threatening genetic illness.

Over 600,000 people have been diagnosed with PKD nationwide. There is no treatment or cure for this devastating disease. Families and friends struggle to fight PKD and provide unwavering support to their suffering loved ones.

But there is hope. The PKD Foundation has led the fight for increased research and patient education. Recent studies have led to the discovery of the genes that cause PKD as well as promising clinical drug trials for treatment. More needs to be done, however, and the government wants to help.

In order to increase public awareness of this fatal disease, I propose that September 13th through the 19th be designated as National Polycystic Kidney Disease Awareness Week. This week coincides with the annual walk for PKD which takes place every September. In Wisconsin, where over 10,000 patients are living with the disease, residents gather across the state to take part in this very special walk.

Increasing awareness will help all those affected by Polycystic Kidney Disease, and I hope my colleagues will support this important resolution.

Mr. HATCH. Mr. President, I rise today to join my colleague from Wis-

consin, Senator HERB KOHL, in introducing a resolution to designate September 13-19, 2010, as National Polycystic Kidney Disease Awareness Week.

Polycystic kidney disease, also known as PKD, is a life-threatening, genetic disease which affects more than 12.5 million adults and children worldwide. PKD is of significant interest to me because many Utahns suffer from this illness. The PKD Foundation estimates that roughly 5,000 Utahns have PKD; and ESRD instances in Utah are almost three times the national average.

A kidney affected by PKD will develop cysts ranging in size from that of a pinhead to the size of a grapefruit. These fluid-filled cysts increase the size and weight of the kidney from what is normally the size of a human fist to as large as a football. This condition causes great pain and is extremely dangerous to kidney function. As PKD progresses a person may acquire other diseases and disorders such as urinary tract infections, hypertension, and kidney stones. In its most progressive stage, PKD results in kidney failure, or end-stage renal disease, ESRD, for which the only help available is dialysis or a kidney transplant.

Autosomal dominant PKD is the most common form of the disease and affects one in every 500 people. This type of PKD is commonly diagnosed in adulthood. Children born to an affected parent have a 50 percent chance of inheriting the disease themselves. In less prevalent cases, a child may be diagnosed with autosomal recessive polycystic kidney disease, ARPKD. ARPKD kills approximately 30 percent of infants diagnosed within the first month of life—and of the 70 percent who survive infancy, one-third will require a kidney transplant by the age of 10.

There is no cure for PKD. Although minimal treatments can alleviate pain, and a healthy lifestyle can delay kidney failure, currently the only way to truly stop the symptoms is by transplantation. Yet, there is hope in science, awareness, and education.

To cure PKD could mean billions of dollars in savings to Medicare and Medicaid. Greater yet, it would offer relief to the suffering endured by the millions of people living with this dreadful disease.

With improved awareness and education comes a greater ability to find a cure. That is why Senator KOHL and I have introduced this resolution every year since 2007 to designate a National Polycystic Kidney Disease Awareness Week. I encourage my colleagues to lend their support to this important measure.

SENATE RESOLUTION 593—EXPRESSING SUPPORT FOR DESIGNATION OF OCTOBER 7, 2010, AS “JUMPSTART’S READ FOR THE RECORD DAY”

Mrs. MURRAY (for herself, Mr. ISAACSON, and Mr. BEGICH) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 593

Whereas Jumpstart, a national early education organization, is working to ensure that all children in the United States enter school prepared to succeed;

Whereas Jumpstart recruits and trains college students and community volunteers year-round to work with preschool children in low-income communities, helping the children to develop the key language and literacy skills they need to succeed in school and in life;

Whereas, since 1993, Jumpstart has engaged more than 20,000 adults in service to more than 70,000 young children in communities across the United States;

Whereas Jumpstart’s Read for the Record, presented in partnership with Pearson, is a world record-breaking campaign, now in its fifth year, that harnesses the power of reading by bringing adults and children together to read the same book on the same day;

Whereas the goals of the campaign are to raise national awareness of the early literacy crisis, provide books to children in low-income households through donations and sponsorship, celebrate the commencement of Jumpstart’s program year, and raise money to support Jumpstart’s year-long work with preschool children;

Whereas October 7, 2010, would be an appropriate date to designate as “Jumpstart’s Read for the Record Day” because Jumpstart aims to set the world record for the largest shared reading experience on that date; and

Whereas Jumpstart hopes to engage 2,500,000 children to read Ezra Jack Keats’ “The Snowy Day” during this record-breaking celebration of reading, service, and fun, all in support of the preschool children of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of October 7, 2010, as “Jumpstart’s Read for the Record Day”;

(2) recognizes the fifth year of Jumpstart’s Read for the Record; and

(3) encourages adults, including grandparents, parents, teachers, and college students, to join children in creating the largest shared reading experience in the world and to show their support for early literacy and Jumpstart’s early education programming for young children in low-income communities.

Mrs. MURRAY. Mr. President, as many of my colleagues know, I began my career as a preschool teacher back in my home State of Washington. My experience as a preschool teacher allowed me to see just how important early education is in shaping a person’s life. As we all know, research illustrates that children who begin learning at an early age are more likely to be successful in their secondary education career—and to graduate from high school.

During my time in the classroom, I could easily distinguish those 4-year-

olds who were read to at home. Their skills were more advanced because they had been introduced to sounds and words prior to beginning school. This is why I believe it is important for all of us to understand that reading to children at home fosters a sense of curiosity and a passion for learning that drives students throughout their academic careers.

This is why I rise today to commend Jumpstart, a successful, national nonprofit organization that focuses on developing the critical language and literacy skills of our young children in low-income communities.

Beginning in 1993, Jumpstart has recruited and trained thousands of students and community volunteers to deliver a research-based and results-driven curriculum to over 70,000 preschool children across our country. During the 2009–2010 school year, Jumpstart partnered with over 250 preschools across 15 States and the District of Columbia to provide early education to 13,000 preschool children. Additionally, Jumpstart promotes reading at home through Read for the Record, an event that engages adults and children in the world’s largest shared reading experience.

In my home State of Washington, Jumpstart has played an important role in providing quality literacy skill development in the city of Seattle. During the 2009–2010 school year, over 150 volunteers served nearly 500 children in 9 preschools. I appreciate Jumpstart’s commitment to Washington State and its continued dedication to providing essential skill development to prekindergarten children while stimulating our next generation by involving many student volunteers.

SENATE RESOLUTION 594—TO CONSTITUTE THE MAJORITY PARTY’S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED ELEVENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 594

Resolved, That the following shall constitute the majority party’s membership on the following committees for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON APPROPRIATIONS: Mr. Inouye (Chairman), Mr. Leahy, Mr. Harkin, Ms. Mikulski, Mr. Kohl, Mrs. Murray, Mr. Dorgan, Mrs. Feinstein, Mr. Durbin, Mr. Johnson, Ms. Landrieu, Mr. Reed, Mr. Lautenberg, Mr. Nelson (Nebraska), Mr. Pryor, Mr. Tester, Mr. Specter, Mr. Brown (Ohio).

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson (Florida), Mr. Nelson (Nebraska), Mr. Bayh, Mr. Webb, Mrs. McCaskill, Mr. Udall (Colorado), Mrs. Hagan, Mr. Begich, Mr. Burr, Mr. Bingaman, Mr. Kaufman, Mr. Goodwin.

COMMITTEE ON THE BUDGET: Mr. Conrad (Chairman), Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Nelson (Florida), Ms. Stabenow, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Warner, Mr. Merkley, Mr. Begich, Mr. Goodwin.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS: Mr. Harkin (Chairman), Mr. Dodd, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Sanders, Mr. Casey, Mrs. Hagan, Mr. Merkley, Mr. Franken, Mr. Bennet, Mr. Goodwin.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Schumer (Chairman), Mr. Inouye, Mr. Dodd, Mrs. Feinstein, Mr. Durbin, Mr. Nelson (Nebraska), Mrs. Murray, Mr. Pryor, Mr. Udall (New Mexico), Mr. Warner, Mr. Goodwin.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4508. Mr. BOND submitted an amendment intended to be proposed to amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table.

SA 4509. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4510. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4511. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4500 proposed by Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) to the amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4512. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 4500 proposed by Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) to the amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4513. Mr. JOHANNIS submitted an amendment intended to be proposed to amendment SA 4500 proposed by Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) to the amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4508. Mr. BOND submitted an amendment intended to be proposed to amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses,

to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, after line 25, add the following:
SEC. 1137. HUBZONES.

(a) **DEFINITIONS.**—In this section—
(1) the terms “HUBZone” and “HUBZone small business concern” and “HUBZone map” have the meanings given those terms in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act; and

(2) the term “recertification” means a determination by the Administrator that a business concern that was previously determined to be a qualified HUBZone small business concern is a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)).

(b) **PURPOSE; FINDINGS.**—

(1) **PURPOSE.**—The purpose of this section is to reform and improve the HUBZone program of the Administration.

(2) **FINDINGS.**—Congress finds that—

(A) the HUBZone program was established under the HUBZone Act of 1997 (Public Law 105-135; 111 Stat. 2627) to stimulate economic development through increased employment and capital investment by providing Federal contracting preferences to small business concerns in those areas, including inner cities and rural counties, that have low household incomes, high unemployment, and suffered from a lack of investment; and

(B) according to the Government Accountability Office, the weakness in the oversight of the HUBZone program by the Administration has exposed the Government to fraud and abuse.

(c) **HUBZONE IMPROVEMENTS.**—The Administrator shall—

(1) ensure the HUBZone map—

(A) is accurate and up-to date; and

(B) revised as new data is made available to maintain the accuracy and currency of the HUBZone map;

(2) implement policies for ensuring that only HUBZone small business concerns determined to be qualified under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) are participating in the HUBZone program, including through the appropriate use of technology to control costs and maximize, among other benefits, uniformity, completeness, simplicity, and efficiency;

(3) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding any application to be designated as a HUBZone small business concern or for recertification for which the Administrator has not made a determination as of the date that is 60 days after the date on which the application was submitted or initiated, which shall include a plan and timetable for ensuring the timely processing of the applications; and

(4) develop measures and implement plans to assess the effectiveness of the HUBZone program that—

(A) require the identification of a baseline point in time to allow the assessment of economic development under the HUBZone program, including creating additional jobs; and

(B) take into account—

(i) the economic characteristics of the HUBZone; and

(ii) contracts being counted under multiple socioeconomic subcategories.

(d) **EMPLOYMENT PERCENTAGE.**—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (5), by adding at the end the following:

“(E) **EMPLOYMENT PERCENTAGE DURING INTERIM PERIOD.**—

“(i) **DEFINITION.**—In this subparagraph, the term ‘interim period’ means the period beginning on the date on which the Administrator determines that a HUBZone small business concern is qualified under subparagraph (A) and ending on the day before the date on which a contract under the HUBZone program for which the HUBZone small business concern submits a bid is awarded.

“(ii) **INTERIM PERIOD.**—During the interim period, the Administrator may not determine that a HUBZone small business is not qualified under subparagraph (A) based on a failure to meet the applicable employment percentage under subparagraph (A)(i)(I), unless the HUBZone small business concern—

“(I) has not attempted to maintain the applicable employment percentage under subparagraph (A)(i)(I); or

“(II) does not meet the applicable employment percentage—

“(aa) on the date on which the HUBZone small business concern submits a bid for a contract under the HUBZone program; or

“(bb) on the date on which the HUBZone small business concern is awarded a contract under the HUBZone program.”; and

(2) by adding at the end the following:

“(8) **HUBZONE PROGRAM.**—The term ‘HUBZone program’ means the program established under section 31.

“(9) **HUBZONE MAP.**—The term ‘HUBZone map’ means the map used by the Administration to identify HUBZones.”.

(e) **REDESIGNATED AREAS.**—Section 3(p)(4)(C)(i) of the Small Business Act (15 U.S.C. 632(p)(4)(C)(i)) is amended to read as follows:

“(i) 3 years after the first date on which the Administrator publishes a HUBZone map that is based on the results from the 2010 decennial census; or”.

SA 4509. Mr. McCain submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REDUCTION IN SOCIAL SECURITY PAYROLL TAXES.

(a) **IN GENERAL.**—

(1) **EMPLOYER TAXES.**—The table in section 3101(a) of the Internal Revenue Code of 1986 is amended to read as follows:

“In the case of wages received during:	The rate shall be:
2010 and 2011	3.1 percent
2012 or thereafter	6.2 percent”.

(2) **SELF-EMPLOYMENT TAXES.**—

(A) **IN GENERAL.**—The table in section 1401(a) of such Code is amended to read as follows:

“In the case of a taxable year beginning after:	And before:	Percent
December 31, 2009	January 1, 2012.	9.3
December 31, 2011	.....	12.40”.

(B) **CONFORMING AMENDMENTS.**—

(i) Section 164(f) of such Code is amended adding at the end the following new paragraph:

“(3) **SPECIAL RULE FOR 2010 AND 2011.**—In the case of taxable years beginning after December 31, 2009, and before January 1, 2012, the deduction allowed under paragraph (1) with respect to taxes imposed by section 1401(a) shall equal to two-thirds of the taxes so paid.”.

(ii) Section 1402(a)(12)(B) of such Code is amended by inserting “(in the case of taxable years beginning after December 31, 2009, and before January 1, 2012, two-thirds of the taxes of the rate imposed by section 1401(a) and one-half of the rate imposed by section 1401(b))” after “year”.

(b) **FUNDING FROM GENERAL FUND.**—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by paragraphs (1) and (2)(A) of subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(c) **USE OF STIMULUS FUNDS TO OFFSET LOSS IN REVENUES.**—The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded pro rata such that the aggregate amount of such rescissions equals the reduction in revenues to the Treasury by reason of the amendments made by paragraphs (1) and (2)(A) of subsection (a). The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 4510. Mr. McCain submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PERMANENT EXTENSION OF RESEARCH CREDIT.

(a) **IN GENERAL.**—Section 41 of the Internal Revenue Code of 1986 is amended by striking subsection (h).

(b) **CONFORMING AMENDMENT.**—Paragraph (1) of section 45C(b) of the Internal Revenue Code of 1986 is amended by striking subparagraph (D).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(d) **USE OF STIMULUS FUNDS TO OFFSET LOSS IN REVENUES.**—The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded pro rata such that the aggregate amount of such rescissions equals the reduction in revenues to the Treasury by reason of the amendments made by this section. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 4511. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4500 proposed by Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) to the amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, insert the following:

PART V—OTHER PROVISIONS

SEC. ____ . RESEARCH CREDIT.

(a) **IN GENERAL.**—Subparagraph (B) of section 41(h)(1) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **CONFORMING AMENDMENT.**—Subparagraph (D) of section 45C(b)(1) of such Code is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

SA 4512. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 4500 proposed by Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) to the amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

PART ____—MISCELLANEOUS

SEC. ____ . SENSE OF THE SENATE REGARDING THE RECESS APPOINTMENT OF DR. DONALD BERWICK.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) On April 19, 2010, the President nominated Dr. Donald Berwick to serve as the Administrator of the Centers for Medicare & Medicaid Services (in this section referred to as “CMS”) in the Department of Health and Human Services. As of that date, the position was vacant for the first 16 months of the Obama Administration.

(2) Since that date, Dr. Berwick has been undergoing the bipartisan nomination investigation review process of the Committee on Finance of the Senate (in this section referred to as the “Senate Finance Committee”) and there has been ongoing activity as the Senate Finance Committee continues to gather and review information from Dr. Berwick.

(3) The Senate Finance Committee review process for the Berwick nomination was proceeding normally. A hearing on the nomination of Dr. Berwick had been requested and no objections had been raised to having the hearing.

(4) On July 7, 2010, less than 3 months after the nomination and without a Senate Finance Committee hearing taking place, the President recess-appointed Dr. Berwick to serve as the Administrator of CMS. Dr. Berwick was sworn in on July 12, 2010.

(5) The appointment of the Administrator of CMS is subject to Senate confirmation under article II, section 2, clause 2 of the Constitution. Dr. Berwick’s nomination was referred to the Senate Finance Committee which has jurisdiction over health programs under the Social Security Act and the responsibility to examine Presidential nominees related to these programs.

(6) It is especially true that Dr. Berwick’s nomination should have undergone the Senate Finance Committee nomination review process in light of the significant responsibilities of the Administrator of CMS.

(7) CMS is responsible for the health care of more than 100,000,000 Americans, and is one of the largest agencies in the Federal Government.

(8) The recently enacted Patient Protection and Affordable Care Act (commonly referred to as the “health care reform law”) significantly increases the responsibilities of CMS, including half a trillion dollars in Medicare provider cuts and the largest expansion of the Medicaid program since its inception.

(9) The manner in which an individual nominated to serve as the Administrator of CMS intends to carry out these responsibilities is a serious matter and warrants a thorough review. A thorough review is especially needed for Dr. Berwick’s appointment in light of statements he has made in the past about health care rationing as well as the role of government in health care.

(10) By recess-appointing Dr. Berwick, the President has attempted to short circuit the requirement of article II, section 2, clause 2 of the Constitution that he appoint officers of the United States “by and with the Advice and Consent of the Senate”.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) the recess appointment of Dr. Donald Berwick, while consideration of his nomination to serve as Administrator of CMS was proceeding normally through the Senate Finance Committee nomination review process, constitutes an abuse of power by the President; and

(2) notwithstanding his recess appointment to that position, Dr. Donald Berwick should appear before the Senate Finance Committee and respond to questions by members about his qualifications to serve as Administrator of CMS.

SA 4513. Mr. JOHANNIS submitted an amendment intended to be proposed to amendment SA 4500 proposed by Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) to the amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

PART IV—ADDITIONAL PROVISIONS

SEC. ____ . REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

SEC. ____ . EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.

Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986 is amended by striking “8 percent” and inserting “5 percent”.

SEC. ____ . USE OF PREVENTION AND PUBLIC HEALTH FUND.

(a) **USE OF FUNDS AS OFFSET THROUGH FISCAL YEAR 2017.**—Section 4002(b) of the Patient Protection and Affordable Care Act is amended by striking “appropriated—” and all that follows and inserting “appropriated, for fiscal year 2018, and each fiscal year thereafter, \$2,000,000,000”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in the enactment of section 4002 of the Patient Protection and Affordable Care Act.

SEC. ____ . TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 4.25 percentage points.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 22, 2010, in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 22,

2010, at 11 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 22, 2010, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, to conduct a hearing entitled "Workplace Safety and Worker Protections at BP" on July 22, 2010. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on July 22, 2010, at 10:30 a.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 22, 2010, at 10 a.m. to conduct a hearing entitled, "A Review of Disaster Medical Preparedness: Improving Coordination and Collaboration in the Delivery of Medical Assistance during Disasters."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on July 22, 2010, at 9:15 a.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on

Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on July 22, 2010, at 2:30 p.m. to conduct a hearing entitled, "The Gulf of Mexico Oil Spill: Ensuring a Financially Responsible Recovery Part II."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Katie Meehan, Johanna Lucas, Abby Richardson, Kevin O'Brien, and Stephanie Rapp of my staff be granted floor privileges for the rest of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL SEPTEMBER 11 MEMORIAL & MUSEUM COMMEMORATIVE MEDAL ACT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4684, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4684) to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4684) was ordered to a third reading, was read the third time, and passed.

NATIONAL MUSEUM OF AMERICAN JEWISH HISTORY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. Res. 546, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 546) recognizing the National Museum of American Jewish His-

tory, an affiliate of the Smithsonian Institution, as the only museum in the United States dedicated exclusively to exploring and preserving the American Jewish experience.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 546) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 546

Whereas the National Museum of American Jewish History serves to illustrate how the freedom present in the United States and its associated choices, challenges, and responsibilities fostered an environment in which Jewish Americans have made and continue to make extraordinary contributions in all facets of American life;

Whereas the mission of the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, is to connect Jewish people more closely to their heritage and to inspire in individuals of all backgrounds a greater appreciation for the diversity of the American experience and the freedoms to which all Americans aspire;

Whereas the National Museum of American Jewish History was founded in 1976 by members of the historic Congregation Mikveh Israel, which was itself established in 1740 and known as the "Synagogue of the American Revolution";

Whereas the National Museum of American Jewish History has attracted a broad audience to its public programs, which explore American Jewish identity through lectures, panel discussions, authors' talks, films, activities for children, theater, and music;

Whereas the National Museum of American Jewish History is the repository of the largest collection of Jewish Americana in the world, with more than 25,000 objects; and

Whereas the National Museum of American Jewish History will soon be relocated to a 100,000-square-foot, 5-story, state-of-the-art facility on Independence Mall in Philadelphia, Pennsylvania, standing just steps from the Liberty Bell and Independence Hall, which shall serve as a cornerstone of the American Jewish community and a source of national pride: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the importance of the continuing study and preservation of the unique American Jewish experience; and

(2) recognizes the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum in the United States dedicated exclusively to exploring and preserving the American Jewish experience and, as such, designates it as the national museum of American Jewish history.

NATIONAL CONVENIENT CARE CLINIC WEEK

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary

Committee be discharged from further consideration of S. Res. 585, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 585) designating the week of August 2 through August 8, 2010, as "National Convenient Care Clinic Week," and supporting the goals and ideals of raising awareness of the need for accessible and cost-effective health care options to complement the traditional health care model.

There being no objection, the Senate proceeded to consider the resolution.

Mr. INOUE. Mr. President, today I rise to recognize all of the providers who work in retail-based convenient care clinics in a resolution to designate August 2 through August 8, 2010, as National Convenient Care Clinic Week. National Convenient Care Clinic Week will provide a national platform from which to promote the pivotal services offered by the more than 1,100 retail-based convenient care clinics in the United States.

Today, thousands of nurse practitioners, physician assistants, and physicians provide care in convenient care clinics. At a time when Americans are more and more challenged by the inaccessibility and high costs of health care, convenient care offers a vital, high-quality primary care alternative.

A resolution will help pave the way for this effort. I ask my colleagues to join me in supporting this tribute to convenient care clinics.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 585) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 585

Whereas convenient care clinics are health care facilities located in high-traffic retail outlets that provide affordable and accessible care to patients who might otherwise be delayed or unable to schedule an appointment with a traditional primary care provider;

Whereas millions of people in the United States do not have a primary care provider, and there is a worsening primary care shortage that will prevent many people from obtaining one in the future;

Whereas convenient care clinics have provided an accessible alternative for more than 15,000,000 people in the United States since the first clinic opened in 2000, continue to expand rapidly, and as of June 2010 consist of approximately 1,100 clinics in 35 States;

Whereas convenient care clinics follow rigid industry-wide quality of care and safety standards;

Whereas convenient care clinics are staffed by highly qualified health care providers, including advanced practice nurses, physician assistants, and physicians;

Whereas convenient care clinicians all have advanced education in providing quality health care for common episodic ailments including cold and flu, skin irritation, and muscle strains or sprains, and can also provide immunizations, physicals, and preventive health screening;

Whereas convenient care clinics are proven to be a cost-effective alternative to similar treatment obtained in physician offices, urgent care, or emergency departments; and

Whereas convenient care clinics complement traditional medical service providers by providing extended weekday and weekend hours without the need for an appointment, short wait times, and visits that generally last only 15 to 20 minutes: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of August 2 through August 8, 2010, as "National Convenient Care Clinic Week";

(2) supports the goals and ideals of National Convenient Care Clinic Week to raise awareness of the need for accessible and cost-effective health care options to complement the traditional health care model;

(3) recognizes the obstacles many people in the United States face in accessing the traditional medical home model of health care;

(4) encourages the use of convenient care clinics as a complementary alternative to the medical home model of health care; and

(5) calls on the States to support the establishment of convenient care clinics so that more people in the United States will have access to the cost-effective and necessary emergent and preventive services provided in the clinics.

MONTFORD POINT MARINES DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 587.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 587) designating August 26, 2010, as "Montford Point Marines Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 587) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 587

Whereas, on June 25, 1941, President Franklin D. Roosevelt issued Executive Order 8802, which established the fair employment practices that began to erase discrimination in the Armed Forces;

Whereas in 1942, President Franklin D. Roosevelt issued a Presidential Directive that integrated the United States Marine Corps;

Whereas approximately 20,000 African-American Marines received basic training at Montford Point in the State of North Carolina between 1942 and 1949;

Whereas the African-American Marines trained at Montford Point became known as the Montford Point Marines;

Whereas the African-American volunteers who enlisted in the United States Marine Corps during World War II—

(1) joined the United States Marine Corps to demonstrate their commitment to the United States, despite the practice of segregation;

(2) served the United States in a most honorable fashion;

(3) defied unwarranted stereotypes; and

(4) achieved distinction through brave and honorable service;

Whereas, during World War II, African-American Marine Corps units fought and served in the Pacific theatre, participating in the liberation of the Ellice Islands, the Eniwetok Atoll, the Marshall Islands, the Kwajalein Atoll, Iwo Jima, Peleliu, the Marianas Islands, Saipan, Tinian, Guam, and Okinawa;

Whereas Robert Sherrod, a correspondent for Time magazine in the central Pacific during World War II, wrote that the African-American Marines that entered combat for the first time in Saipan were worthy of a 4.0 combat performance rating, the highest performance rating given by the Navy;

Whereas the heroism, commitment, and valor demonstrated by the Montford Point Marines—

(1) changed the negative attitudes of the military leadership toward African-Americans; and

(2) inspired the untiring service of future generations of African-Americans in the United States Marine Corps;

Whereas in July 1948, President Harry S. Truman issued Executive Order 9981, which ended segregation in the military;

Whereas in September 1949, the Montford Marine Camp was deactivated, ending 7 years of segregation in the Marine Corps;

Whereas in September 1965, over 400 former and active duty Marines met in Philadelphia, Pennsylvania at a reunion to honor the Montford Point Marines, leading to the establishment of the Montford Point Marine Association;

Whereas 2010 marks the 45th anniversary of the establishment of the Montford Point Marine Association; and

Whereas the sacrifices, dedication to country, and perseverance of the African-American Marines trained at Montford Point Camp are duly honored and should never be forgotten: Now, therefore be it

Resolved, That the Senate—

(1) designates August 26, 2010, as "Montford Point Marines Day";

(2) honors the 68th anniversary of the first day African-American recruits began training at Montford Point;

(3) recognizes the work of the members of the Montford Point Marine Association—

(A) in honoring the legacy and history of the United States Marine Corps; and

(B) in ensuring that the sense of duty shared by the Montford Point Marines is passed along to future generations;

(4) recognizes that—

(A) the example set by the Montford Point Marines who served during World War II helped to shape the United States Marine Corps; and

(B) the United States Marine Corps provides an excellent opportunity for the advancement for persons of all races; and

(5) expresses the gratitude of the Senate to the Montford Point Marines for fighting for the freedom of the United States and the liberation of people of the Pacific, despite the practices of segregation and discrimination.

MEASURE READ THE FIRST TIME—S. 3643

Mr. DURBIN. Mr. President, I understand S. 3643, introduced earlier today by Senator McCONNELL, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3643) to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, to improve oil spill compensation, to terminate the moratorium on deepwater drilling, and for other purposes.

Mr. DURBIN. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

MAKING COMMITTEE ASSIGNMENTS

Mr. DURBIN. Mr. President, there is a resolution at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the title of the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 594) to constitute the majority party's membership on certain

committees for the One Hundred Eleventh Congress, or until their successors are chosen.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 594) was agreed to, as follows:

S. RES. 594

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON APPROPRIATIONS: Mr. Inouye (Chairman), Mr. Leahy, Mr. Harkin, Ms. Mikulski, Mr. Kohl, Mrs. Murray, Mr. Dorgan, Mrs. Feinstein, Mr. Durbin, Mr. Johnson, Ms. Landrieu, Mr. Reed, Mr. Lautenberg, Mr. Nelson (Nebraska), Mr. Pryor, Mr. Tester, Mr. Specter, Mr. Brown (Ohio).

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson (Florida), Mr. Nelson (Nebraska), Mr. Bayh, Mr. Webb, Mrs. McCaskill, Mr. Udall (Colorado), Mrs. Hagan, Mr. Begich, Mr. Burriss, Mr. Bingaman, Mr. Kaufman, Mr. Goodwin.

COMMITTEE ON THE BUDGET: Mr. Conrad (Chairman), Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Nelson (Florida), Ms. Stabenow, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Warner, Mr. Merkley, Mr. Begich, Mr. Goodwin.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS: Mr. Harkin (Chairman), Mr. Dodd, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Sanders, Mr. Casey, Mrs. Hagan, Mr. Merkley, Mr. Franken, Mr. Bennet, Mr. Goodwin.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Schumer (Chairman), Mr. Inouye, Mr. Dodd, Mrs. Feinstein, Mr. Durbin, Mr. Nelson (Nebraska), Mrs. Murray, Mr. Pryor, Mr. Udall (New Mexico), Mr. Warner, Mr. Goodwin.

ORDERS FOR MONDAY, JULY 26, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m. on Monday, July 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and following any leader remarks the Senate resume consideration of the motion to proceed to S. 3628, the DISCLOSE Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, there will be no rollcall votes during Monday's session of the Senate. The next vote will occur at 2:45 p.m. on Tuesday, July 27. That vote will be on the motion to invoke cloture on the motion to proceed to the DISCLOSE Act.

ADJOURNMENT UNTIL MONDAY, JULY 26, 2010, AT 3 P.M.

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 11:05 p.m., adjourned until Monday, July 26, 2010, at 3 p.m.

EXTENSIONS OF REMARKS

HONORING ILLINOIS STATE VETERANS OF FOREIGN WARS COMMANDER WILLIAM M. WOLFF

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. ROSKAM. Madam Speaker, I am pleased to rise today in recognition of the long and noble service of Illinois State Veterans of Foreign Wars Commander William M. Wolff. Commander Wolff began his loyal service to our country as a tank driver in the U.S. Army in Vietnam with the First Squadron, Fourth Armored Cavalry/First Infantry Division.

Commander Wolff was awarded several medals including the Purple Heart. He became a Charter Member of the Bloomingdale, Illinois VFW Post 7539 in 1991, and would earn the status of All-American Post Commander and All-State Post Commander.

To this day, Commander Wolff is extremely active in the community. He currently serves as the Chairperson for the Bloomingdale Septemberfest Commission, and he is a member of the Illinois Fire Chiefs Association, the West Suburban Fire Fighters Association, Vietnam Veterans of America, and the Lions Club.

Madam Speaker and Distinguished Colleagues, please join me in honoring his extraordinary commitment to our nation, and recognizing his celebration that will take place on August 14th.

HONORING THE LATE SENATOR
PAUL DOUGLAS COVERDELL

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. KINGSTON. Madam Speaker, I rise today to honor the memory of the Late Senator from Georgia, Paul D. Coverdell, who died 10 years ago last Sunday.

I considered Paul a dear friend and continue to hold his wife Nancy, who is a constituent of mine, in high regard.

One thing about Paul is that one may have agreed or disagreed with him but one always respected his energy level, his knowledge of the issue, and the way he was so focused on attacking problems.

I first learned about Paul Coverdell in 1974 when my mother sent me a clipping from the Atlanta Journal & Constitution titled "The Gospel According to Paul." In it, I read of a young guy running an unconventional campaign for the State Senate in Atlanta. Rather than just working the good old boys barbecue circuit and going to the back-room power brokers, Paul went directly to the voters. He stood on

the side of the road waving signs and knocking on doors. He went directly to the unnamed and untitled citizens to say, "I am Paul Coverdell. I would like to be Georgia's next senator. Here is where I stand. Do you have any questions?"

Over the next several decades, Paul's hard work brought him through the ranks. He eventually became one of the most well-connected and influential members of the United States Senate but he never forgot the common man for whom he came to Washington to fight.

Throughout his career, Paul's energy left all who met him in awe.

When Paul was first elected to the Georgia State Senate, he was one of just three Republicans in the body. When I joined the General Assembly just over a decade later, there were only nine. Paul quickly rose through the ranks and became the Senate Republican Leader. Despite the numerical odds against him, Paul refused to be shut out of the arena of ideas.

At that time, Governor Joe Frank Harris introduced a number of bills dealing with DUI laws. The conventional wisdom was that each time you increased the penalty, the number of offenders would go down but Paul bucked the conventional wisdom.

Knowing that a lot of the offenders were addicted to alcohol, Paul introduced and got passed legislation that created a component of mandatory assessment to see if they were addicted. If so, Paul's bill provided a requirement that they seek treatment.

As the eleventh Director of the Peace Corps, Paul promoted farming in Third World countries, economic growth and development, and medical help. Indeed, he saw the formula for world prosperity meant world peace and it was great and important for the United States of America to be leading the way. As Director, Paul sent the first Peace Corps volunteers to Eastern Europe after the fall of the Berlin Wall.

Paul went into the most difficult and remote places and countries and said, "How can we help with health care? Are there better farming techniques out there? Is there a way to get cleaner water? What can we do for the children?"

Paul also knew the value of bringing the world to America. That's why he created the "World Wise Schools" program which connected classrooms in the United States with Peace Corps volunteers around the world. During his tenure as Director, 5,000 classrooms nationwide benefitted from the program.

I remember hosting a coffee in my living room for Paul during his campaign for United States Senate. In the middle of a detailed discussion, my daughter Ann who was four years old at the time came running into the living room and crashed through the circle of adults listening to a very dignified U.S. senatorial candidate. She had been playing out in the backyard with all the other children, and she said, "Mom and Dad, I feel of the slide, and I hurt my heinie and all the other kids are laughing at me."

The room full of grown-ups fell silent; and all eyes went to the little girl who was at the foot of this soon-to-be U.S. Senator, a very dignified and somewhat sophisticated man and a tad old-fashioned in his mannerisms, and he looked down at her and smiled. It said it all. Everything was fine, and the little girl got herself back together and ran back out to the yard with the rest of the kids.

Madam Speaker, that was the grace and charm of Paul Coverdell. Here is a man with a world view but who could look at a 4-year-old girl and say, "everything is okay." That is what made Paul Coverdell special. It was the "Coverdell Dignity" and Paul carried that dignity and that gentlemanly manner with him everywhere he went.

As a United States Senator, Paul fought tirelessly for Georgia's veterans and for our military bases especially Fort Stewart in my district. He was also an amazing advocate for agriculture—the backbone of Georgia's economy. In my South Georgia district, many farmers referred to him lovingly as "Senator Cloverdale."

Madam Speaker, Paul Coverdell had the uncanny ability to not just have an opinion on every issue but to have a thought, an idea and a consequential action. He was a man of action.

I learned a lot from Senator Paul Coverdell. One thing I learned, although he was one of the fiercest Republicans I've ever known, Paul showed everyone by instruction to never put politics over policy.

I remember being a young member of the General Assembly when then-State Senator Julian Bond stepped down to run for the congressional seat now held by the gentleman from Georgia, Mr. LEWIS. Paul Coverdell was one of the men in the Georgia Senate who stood up and gave a great farewell speech for Mr. Bond.

I remember watching that and saying, "here is a liberal Democrat and the conservative Republican leader of the State. What is he doing?" I knew there was a lesson to be had. Bipartisanship and civility is important and you should never let politics rule over policy.

A week before he died, Paul called me at home on a Sunday. We had an issue in my district with the Federal Law Enforcement Training Center, and we kind of got off path. He said, "Jack, I think we are a little out of synch here. I just want to make sure that you and I are okay on this."

That was typical Coverdell. I think so many of us, including me, would have said, "Alright, you are way off base. I am right and you are wrong." Not Paul, he made it so that it was just so easy to get along.

In closing, I want to say one last thing about Nancy Coverdell—the love of Paul's life. Paul spoke to me about Nancy often. He bragged on how much better she was than him with real estate. It is a rare man who really privately, one-on-one, takes the time to brag

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

about his wife to another man. It is a sign of a great marriage, a great husband and true love. I have the honor of representing Nancy in Congress and I truly appreciate her sharing Paul's life with me, the State of Georgia and our great Nation.

Paul Coverdell was a good Republican, a great strategist, a great ideas man. He had a world view, unmatched civility and integrity and was a great organizer. He was energetic, a great communicator and a loyalist. In short, Paul Coverdell was a statesman and someone whose example I try to follow to this day.

COMMEMORATING UNITED STATES
MARINE CORPORAL LARRY D.
HARRIS, JR.

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. COFFMAN of Colorado. Madam Speaker, I rise to pay tribute to a hero: United States Marine Corporal Larry D. Harris, Jr. of Thornton, Colorado.

Corporal Harris, a Marine Corps veteran of Iraq and Afghanistan, graduated in 2003 from Boulder High School where he played football and ran track. He loved being an infantry Marine on the front line.

Corporal Larry Harris displayed heroism and service to others—both overseas and at home. He was awarded the Navy and Marine Corps Achievement Medal for helping civilians severely injured in an automobile accident near Camp Pendleton.

On July 1, 2010, while on patrol in Helmand Province Afghanistan, another Marine was shot in the leg. Picking up his fellow wounded Marine to carry him to safety Corporal Harris tripped an explosive device, absorbing the blast. Though he died in the explosion, his efforts saved the life of the wounded Marine.

Corporal Harris is a shining example of United States Marine Corps service and sacrifice. As a Marine Corps veteran, my deepest sympathies go out to his family and to all who knew him.

THE 36TH YEAR OF ILLEGAL
TURKISH OCCUPATION OF CYPRUS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mrs. MALONEY. Madam Speaker, this week, once again, we commemorate the tragic 36th anniversary of the 1974 illegal Turkish invasion of Cyprus. Thirty-six years later, Turkey continues forcibly to occupy more than one-third of Cyprus with more than 43,000 troops. This amounts to almost one Turkish soldier for every two Turkish Cypriots. It is time for Turkey to withdraw its troops from Cyprus so that the island can move forward as one nation.

I am honored to represent Astoria, Queens—one of the largest and most vibrant communities of Greek and Cypriot Americans in this country. I truly enjoy participating in the

life of this community and treasure the wonderful and vital Cypriot friends that I have come to know. Cyprus has long been a key partner for the United States, and our friendship rests on the bedrock of shared democratic values.

As co-chair and co-founder of the Congressional Hellenic Caucus, I have worked diligently with my colleagues in the Caucus out of our mutual concern for the continued division and occupation of Cyprus. We have 158 members today, one of the largest caucuses in Congress.

Cyprus is playing a vital role in European affairs while also strengthening relations with the United States. It has joined with us on issues important to our own security, including the fight against terrorism and other international crimes. Ending the island's tragic division will pave the way to prosperity and peace throughout the entire region.

Last year, I was joined by Hellenic Caucus co-chair Representative GUS BILIRAKIS in urging our colleagues to sign a letter to President Obama thanking him for his vocal support of a unified Cyprus and urging the United States' continued support for a solution to the Cyprus problem that is by Cypriots, for Cypriots.

To date, Turkey has repeatedly ignored all U.N. Resolutions pertaining to Cyprus and has continued to occupy the island in complete violation of international law. Turkey has continued to do so despite the fact that it has been a member of the U.N. Security Council since January 2009. Turkey has also refused to abide by the Judgments of the European Court of Human Rights in numerous cases, thereby continuing to violate the basic human rights of the Cypriot people. This is an outrage.

The current negotiations aim at reaching a comprehensive settlement of the Cyprus problem based on a bizonal, bicomunal federation with political equality, as defined in the relevant U.N. Security Council resolutions, with a single sovereignty, single citizenship and single international personality. The solution must reunite the island, its people, its institutions and its economy and safeguard the human rights and fundamental freedoms of all Cypriots and the withdrawal of Turkish occupation forces from Cyprus.

The United States and the international community must continue to provide support to this process. The people of Cyprus deserve a unified and democratic country, and I remain hopeful that a peaceful settlement will be found so that the division of Cyprus will come to an end.

HONORING CAROL E. SCHATZ FOR
TWO DECADES OF SERVICE TO
THE CENTRAL CITY ASSOCIATION
OF LOS ANGELES

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mrs. ROYBAL-ALLARD. Madam Speaker, I rise today to honor my friend, Carol E. Schatz, on the occasion of her 20th anniversary with the Central City Association (CCA) of Los Angeles in the 34th Congressional District.

During her tenure with the association, I have had the pleasure of working closely with Carol in our joint efforts to revitalize Downtown Los Angeles.

Carol started her career with the CCA in 1990 as the Director of Legislative Affairs. Five years later, she became the association's President & CEO—the first woman in the association's history to hold this leadership position.

Established in 1924 as an advocacy organization for businesses, the CCA represents more than 450 member businesses and organizations, many of which are located or have business interests in the Downtown area. In 1997, Carol's vision led to the creation of the Downtown Center Business Improvement District (DCBID). As the DCBID's President & CEO, Carol's leadership has been instrumental in the district's growth to include more than 2,200 parcels and 1,200 property owners located in the 65-block Central Business District of Downtown Los Angeles. Today, this influential business district is among the largest of its kind in Los Angeles County.

Revenue generated from property tax assessments within the district pay for more than 140 employees to provide security, cleaning and other services in the area. The district also promotes business retention and recruitment, acts as a housing resource to potential residents and developers, and carries out a Downtown marketing program that includes special events, promotional offers, advertising campaigns and other public relations efforts. With a budget of more than \$6 million, the DCBID has made Downtown safe and clean and provided a catalyst to bring incredible new residential and commercial investment to Downtown Los Angeles.

Under Carol's dual leadership, the Downtown Center Business Improvement District working in conjunction with the Central City Association of Los Angeles operate under a shared mission—to enhance the quality of life in Downtown.

Under Carol's direction, CCA created the "Downtown Development Strategy" as an updated supplement to the 1985 Downtown Strategic Plan. The plan includes all aspects of a revitalized Downtown, from the creation of mixed-use/mixed-income projects to new transportation amenities. Carol was also instrumental in initiating the Figueroa Corridor Plan and the reauthorization of the Civic Center Authority, which led to the Civic Center Master Plan.

In one of her most significant achievements, Carol utilized the full force of the association's lobbying muscle to win a legislative victory key to the Downtown Los Angeles Renaissance. Passed in 1999 by the Los Angeles City Council, the Adaptive Reuse Ordinance championed by the association is widely credited for allowing developers to convert empty office buildings to housing. As a result of this property use conversion, Downtown today boasts more than 16,000 new residential units, a 141 percent increase since 1991. In addition, Downtown has experienced a dramatic population increase of residents from 19,000 in 1991 to 43,000 today.

Tapping into this expanded pool of customers, the number of Downtown businesses has also increased, from 11,725 in 1991 to

17,028 today, including 180 new restaurants, bars, and nightclubs that have made Downtown Los Angeles an entertainment and dining destination.

Carol embraces a vision of Downtown as a place where professionals live and work and families come to have fun. Her tenacious advocacy was instrumental in bringing the Staples Center to Downtown—the proud home of the Los Angeles Lakers, Clippers, Sparks, and Kings. Carol was also a strong proponent of the creation of LA Live, which has become one of the most vibrant centers for urban nightlife in the nation.

Madam Speaker, I ask my colleagues to please join me in thanking Carol E. Schatz on her 20 years of exceptional service to the Central City Association of Los Angeles. Through her tireless leadership and her skillful ability to work hand-in-hand with local, state, and federal officials, Carol has made a tremendous contribution on behalf of the Downtown business community, and I look forward to continuing to work with her to realize our shared dream for a thriving and prosperous Downtown for many years to come.

RECOGNIZING THE 60TH
ANNIVERSARY OF LOGAN CENTER

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. DONNELLY of Indiana. Madam Speaker, I rise in recognition of the 60th anniversary of Logan Center in South Bend, Indiana. Since 1950, Logan Center has been a leader in north central Indiana's community in supporting individuals with disabilities.

Americans with developmental or physical disabilities and their families face particularly daunting challenges to maintain health, independence, and quality of life. For the past 60 years, Logan Center has helped these individuals and their families achieve full, successful lives. They provide services such as vocational training and community outings for adults and speech, physical, and occupational therapy for children. The Center also runs Best Buddies, which pairs individuals with disabilities with students from local colleges, forming bonds between individuals across the community.

Additionally, this August, Logan Center will host their 7th annual Logan's Run, a local race and fun walk to raise awareness and benefit those with developmental disabilities.

Logan Center is a well respected organization with the proven ability to improve and change lives, and I am proud of their continued support of our local community for the past 60 years, with many more to come in the future.

RECOGNIZING THE 2010 PACIFIC
REGION YOUTH OF THE YEAR
RECIPIENT, ROMONIA DIXON

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. MITCHELL. Madam Speaker, I rise today in recognition of Ms. Romonia Dixon of Tempe, the recipient of the 2010 Pacific Youth of the Year Award. This national award, granted by the Boys and Girls Club of America, recognizes Mona's academic excellence and outstanding contributions to her school and community despite personal challenges and obstacles.

For much of her life, Romonia has been moving with her family to different cities and homeless shelters—often times getting separated from her family to ensure each person had a safe haven for the night. Romonia reached out to the Boys and Girls Club-Ladmo Branch five years ago for stability and support and has since become a beacon of inspiration and motivation for younger members.

This remarkable young woman has taken every opportunity to teach the importance of being a conscientious, caring and productive member of society. Romonia participates in the Keystone Club, a leadership and service group for teens, takes part in "Read to Me" volunteer program for kids at a shelter where she once lived, and organizes canned food drives.

Romonian's excellence is further reflected in her commitment to her education at Tempe High School. Being a former graduate and teacher at Tempe High School, I am immensely proud of Romonia's achievements—graduating third in her class with a 3.92 grade point average. Romonia's merits extend beyond the classroom where she served as the varsity basketball team's captain, and belonged to a number of school organizations.

Being named Pacific Region Youth of the Year will grant Romonia \$24,000 in college scholarships from founding sponsor Reader's Digest Foundation. This will be in addition to the \$30,000 in scholarships that Romonia has earned by being named Boys and Girls Club of the East Valley's Youth of the Year. Romonia will spread her talent further as she enrolls at my alma mater, Arizona State University, where she will be a member of the professional program at the W.P. Carey School of Business and the Barrett Honors College.

Madam Speaker, please join me in recognizing Romonia Dixon for her inspiring efforts, talents, and service to our community through the Boys and Girls Club.

ZHENZI QIN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Zhenzi Qin who has received the Arvada Wheat Ridge

Service Ambassadors for Youth award. Zhenzi Qin is a 12th grader at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Zhenzi Qin is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels that strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Zhenzi Qin for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

TRIBUTE TO MR. JOSEPH M. FARLEY,
FORMER PRESIDENT OF
ALABAMA POWER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. BONNER. Madam Speaker, I rise to offer tribute to a remarkable businessman and leader in Alabama, Mr. Joseph M. Farley, who passed away on May 24 at the age of 82.

Joe Farley guided Alabama Power Company for 2 decades, serving as president from 1969 to 1989.

He is credited with—and admired for—his steady and wise leadership, successfully guiding Alabama Power during some very difficult times for the energy industry in America.

From the beginning, it appeared as though Joe Farley was both educated and trained for the task of running a major energy company. He held a mechanical engineering degree from Princeton University, attended the University of Alabama's College of Commerce and Business Administration, and earned a law degree from Harvard University. At every level Joe excelled and even as a young man, he was always the one person that others looked up to as a leader.

After serving 2 decades at the helm of Alabama Power, Mr. Farley took over the nuclear energy division of the Southern Company—Alabama Power's parent company.

His advocacy of nuclear energy could not have come at a more important time for the nuclear industry and he instantly became known around the country as one of the pre-eminent experts on the subject. He was responsible for the construction of the nuclear power facility near Dothan, Alabama which bears his name. Even today, the Farley Nuclear Plant remains an example of how productive and efficient nuclear power can be used in generating electricity.

A former president of the Birmingham Area Chamber of Commerce and the Alabama Chamber of Commerce, Mr. Farley was also inducted in the Alabama Business Hall of Fame.

A highly regarded family man and member of the board of the Alabama Children's Hospital Foundation, Joe Farley was truly a credit to our state and his loss will be deeply felt by all who knew him.

Madam Speaker, our sincere condolences and prayers go out to his family and friends during this difficult time.

HONORING JOHNNY DENIZ

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Johnny Deniz on being honored as the Madera Chamber of Commerce 2010 Senior Farmer of the Year. Mr. Deniz will be recognized at the annual Senior Farmer Dinner on Thursday, July 22, 2010.

Mr. Johnny Deniz was born on July 24, 1931 in Madera, California. At the age of 18, he began his farming career. During his 60 years of farming, he has grown almonds, cling peaches, nectarines, plums, table grapes, wine grapes, tomatoes, cotton, prunes and alfalfa. Throughout his career, Mr. Deniz has owned and operated farms of all sizes, ranging from 450 acres to 2,000 acres.

Mr. Deniz's legacy in Madera County agriculture has been his contribution toward protecting the county's water supplies, including fighting for historic water rights and federal contracts. Mr. Deniz has appeared before Congressional committees, as well as state and local water jurisdictions, as an expert on Madera County water rights. His honesty, integrity and knowledge in representing agriculture in the county and the Central San Joaquin Valley will continue to benefit future farming generations for years to come.

Outside of the farm, Mr. Deniz has served on the board of the Madera Irrigation District for over 20 years, and on the boards of the Friant Water Users Authority and the Association of California Water Agencies. He also served on the board and was chairperson of LAID-CWD Power Authority. Mr. Deniz has been a member of the Madera County Farm Bureau and Western Growers for 25 years, and the Almond Tree Huller and the California Association of Wine Growers for 15 years. He is the co-owner of Madera Pumps, Inc. Mr. Deniz also serves on the Saint Joachim's School Board. For his service, Mr. Deniz has been recognized by the Future Farmers of America, and has received the "Recognition of Service" award from the Madera Irrigation District and the Association of California Water Agencies.

Madam Speaker, I rise today to commend and congratulate Johnny Deniz on being named the Made Chamber of Commerce 2010 Senior Farmer of the Year. I invite my colleagues to join me in wishing Mr. Deniz many years of continued success.

BIPARTISAN YUCCA MOUNTAIN SUPPORT

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. WILSON of South Carolina. Madam Speaker, I rise today to thank Senator PATTY

MURRAY of Washington State for bringing attention to the need to reinstate funding for Yucca Mountain. This critical issue involves a \$10 billion investment and a 23 year bipartisan agreement. I applaud Senator MURRAY for introducing an amendment to protect taxpayers' investment by reinstating funding for Yucca Mountain.

America must remain committed to lessening our dependence on foreign oil. We should promote nuclear energy that is a clean and cost-effective energy source. However, in order to keep nuclear energy safe, we need a secure, permanent place to dispose of it. And that place should be Yucca Mountain.

I agree with the Charleston Post and Courier that closing Yucca Mountain is "breath-takingly irresponsible." I also appreciate the Aiken Standard's Mike Gellatly for highlighting the bipartisan support of this issue and Senator MURRAY's amendment.

There is clear bipartisan support from the Aiken County Council, South Carolina's Attorney General Henry McMaster, the entire South Carolina delegation, and now Democrats questioning leadership of the Senate.

In conclusion, God bless our troops, and we will never forget September 11th in the Global War on Terrorism.

JUDGE DONALD SHAVER

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. CARDOZA. Madam Speaker, I rise today to honor Judge Donald Shaver who will retire from the court in August 2010.

Judge Shaver began his legal career in private practice with Diehl, Steinheimer, Riggio, Haydel and Mordaunt in 1981. He continued private practice in 1982 with the firm, Calone and Roster in Modesto. He entered into the Stanislaus County District Attorney's Office as a homicide attorney where he remained for 7 years.

Judge Shaver was appointed Judge of the Municipal Court of California, County of Stanislaus, in 1990. He served on the Superior Court and Municipal Court Consolidation Committee from 1996-1998. During this time he was elevated to the Superior Court of California, County of Stanislaus.

Judge Shaver demonstrates leadership through many avenues including his recent activities as section liaison to the ABA Coalition for Justice and co-chair to the ABA Section of International Law, International Criminal Law Committee. In 2006, Judge Shaver was the first American judge to work with the International Criminal Court in The Hague.

Judge Shaver is highly respected by a broad segment of the justice system based on his honesty, integrity and sense of fair play.

Madam Speaker, I ask that my colleagues join me in honoring Judge Donald Shaver for his efforts and dedication to the Superior Court of California and the County of Stanislaus.

YAISANI NAMVONG

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Yaisani Namvong who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Yaisani Namvong is a 12th grader at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Yaisani Namvong is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels that strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Yaisani Namvong for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

RECOGNIZING CHERYL A. THOMPSON FOR HER COMMUNITY LEADERSHIP AND SUPPORT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. BONNER. Madam Speaker, I rise to recognize and commend the exemplary public service of Cheryl A. Thompson, who recently retired as vice president of the Mobile Division of Alabama Power.

As each of us has personally realized during times of stormy weather, there are few things that we depend upon more than electricity. For more than a decade, the person who was saddled with the immense responsibility of keeping the power on for more than 200,000 households and businesses in southwest Alabama has been Cheryl Thompson.

Madam Speaker, the Gulf Coast is no stranger to bad weather and we've had our share of hurricanes and tropical storms since 1998, the year that Cheryl took the reins of the Mobile Division of Alabama Power. As the head of a team of over 400 personnel, she has ensured that we don't remain in the dark even when Mother Nature is at her worst.

Equally important, however, Cheryl has brought much more to our community than just her role as the head of the Mobile Division for Alabama Power. She is an active supporter of many local organizations that enrich our lives and promote jobs.

Cheryl is past chair and a member of the board of the Industrial Development Board of Mobile. She also serves on the boards of the Mobile Area Chamber of Commerce, the National Maritime Museum of the Gulf of Mexico, the executive council of the Mitchell College of Business at the University of South Alabama, the Mobile Symphony, and is past chairman of Leadership Alabama.

A native of Alexander City, Alabama, Cheryl holds degrees from Auburn University and the University of Alabama. She has completed the Advanced Management Program at Templeton University, Oxford, England, and the Women in Power Program at Harvard University.

After joining Alabama Power in 1972, Cheryl worked for more than 2 decades in the Eastern and Birmingham Divisions in corporate marketing. She was named southeast region manager at Georgia Power in 1996, and took over Alabama Power's Mobile operations 2 years later.

Cheryl has been a tremendously positive force in our community and on behalf of the many people in South Alabama who have benefited from her considerable talents, I join in wishing Cheryl and her wonderful husband, Jerry, a well-deserved happy, healthy and prosperous future.

COMMEMORATING THE 100TH ANNIVERSARY OF THE ST. ANN'S ITALIAN FESTIVAL

HON. ALBIO SIREs

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. SIREs. Madam Speaker, I rise today in honor of the 100th anniversary of the St. Ann's Italian festival in Hoboken, New Jersey. This is a momentous occasion for the city of Hoboken and St. Ann's Parish, as we celebrate the 100th anniversary of this moving and historically important event. This festival not only celebrates the Hoboken community but also the dynamic Italian heritage and culture that has shaped this great city. I am proud of the history of St. Ann's society and festival that was originally established to preserve the customs, heritage, and faith of a group of courageous immigrants from the small town of Monte San Giacomo. Many of these immigrants traveled to New Jersey, a new land with a strange language and customs to seek better opportunities. Bonded by the traditions of their homeland and desire to preserve these customs they created the St. Ann's Society. In later years with perseverance and dedication the society was able to raise enough money to establish the St. Ann's Church on the corner of Seventh and Jefferson in Hoboken. This festival is a celebration of these bold individuals and their devotion in preserving their cherished traditions.

Since the first festival in 1910, it has grown in participants and festivities, again showing the joyful and powerful energy this festival draws from inside and outside of the community. It now features all types of Italian cuisine, including the famous "zeppole" made from a secret recipe that has been faithfully guarded by the members of the St. Ann's Society, and operatic music and singers. The most important aspect of this festival, that has been preserved year after year, is the procession of the statue of St. Ann and a framed picture of San Giacomo, put on display to honor the memory of the St. Ann Society descendents and to preserve their cherished faith and traditions. I know this year's festival will continue to memorialize all the wonderful things this festival

has come to represent. I congratulate the St. Ann's society and parish on 100 years of successful festivals.

HONORING WILLIAM BARRY WATTS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. McCOTTER. Madam Speaker, today I rise to honor the extraordinary life of William Barry Watts and to mourn him upon his passing at the age of 88.

Born on May 20, 1922, William Watts dedicated his life to serving his community and his country. Before graduating from Detroit Catholic Central in 1940, William was a tenaciously rugged lineman for the CC football teams of the late 1930's. Bill was an immensely talented musician as well. Having received many an accolade for playing the violin, flute, saxophone, and clarinet, Bill Watts found himself being transferred during World War II from the Army Infantry to the Air Force so that he could join the 535th Air Force Band.

William Watts earned his BA in music from the University of Detroit and his Masters of Music Education from Wayne State University. Returning to his beloved Catholic Central, Bill Watts served as the band director and music teacher at Catholic Central for more than 30 years as his bands won countless firsts in state competitions from 1950–1982. It serves as a true testament to Mr. Watts that many of his former students went on to become band directors, most notably Greg Normandin from the CC class of 1978 who succeeded Bill as he retired in 1982. A true Shamrock for life, Bill Watts was honored by Detroit Catholic Central in 1993 as the winner of the Fr. Canning F. Harrison Distinguished Alumnus Award.

Regrettably, on June 28, 2010, William Barry Watts passed from this earthly world to his eternal reward. He is survived by his beloved wife, Caroline. Preceded in death by his son Christopher, Bill leaves a legacy of five children, ten grandchildren and five great-grandchildren.

Madam Speaker, William Watts will be long remembered as a compassionate father, a dedicated husband, soldier, musician, teacher and friend. William was a man who deeply treasured his family, friends, community and his country. Today, as we bid Bill Watts farewell, I ask my colleagues to join me in mourning his passing and honoring his unwavering patriotism and legendary service to our country and our community.

IN RECOGNITION OF GOLD RIDGE BAPTIST CHURCH CELEBRATING THEIR 175TH ANNIVERSARY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention

today to pay recognition to the congregation of Gold Ridge Baptist Church, which celebrated its 175th anniversary this year.

Gold Ridge Baptist church, originating as New Hope Baptist Church, was the first Baptist church organized in Randolph County, Alabama. The first church was located at Graham near the old Shiloh Cemetery. The church was moved because there was no bridge across the river, and when it rained people on the west side could not attend the church service.

The celebration will be held on July 25, 2010 under their current pastor, T.J. Morgan.

All of us across Randolph County and East Alabama are deeply proud of this congregation at this important milestone. We congratulate them on their 175th anniversary and wish them all the best in their next many years of ministry in their community.

HONORING SAMUEL STATEN, SR.

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor my friend, Samuel Staten, Sr., on his retirement from the Laborers' Local 332, and his long and influential career as a great Philadelphian and influential labor leader.

Mr. Staten worked his way up through the ranks, working 10 years as a construction laborer before becoming a Local 332 field representative in 1970. Three years later, he was appointed as assistant business manager, and in 1978, he was elected business manager of the Local 332. Mr. Staten held the position of business manager until May 2008, serving 30 years in that capacity. Mr. Staten officially retired from the Laborers' Local 332 in March 2010, leaving behind a career that was essential in turning the Local 332 into the powerful labor leader that it is today.

Mr. Staten's great leadership does not stop with Laborers' Local 332. Throughout his career, he has held several significant positions including being a board member of the Philadelphia Housing Authority, a member of the African American Chamber of Commerce, president of the Philadelphia Building Trades, and a board member of the Pennsylvania Convention Center Authority, among many others. Mr. Staten has continually pushed his labor members and community to get involved with countless organizations, and become active in Philadelphia city politics. He truly is an amazing asset to Philadelphia, and a great friend. Remarkably, Mr. Staten is able to do all of this and still be a genuine family man. He is the proud and loving father of nine children.

Madam Speaker, I ask that you and my other distinguished colleagues join me in congratulating my good friend, Samuel Staten, Sr., on his years of labor leadership and thank Mr. Staten for his devotion to Laborers' Local 332.

WALTER PETERSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Walter Peterson who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Walter Peterson is an 11th grader at Arvada West High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Walter Peterson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Walter Peterson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

HONORING JIM TATE, 2010 HIGH SCHOOL GIRLS TRACK AND FIELD COACH OF THE YEAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. BONNER. Madam Speaker, I rise to congratulate my friend and, coincidentally, my next door neighbor, Coach Jim Tate, whose tremendous talents as a high school track and field coach in Mobile, Alabama have once again earned him national recognition.

On June 28, Coach Tate was named 2010 National High School Coach of the Year for Girls Track and Field for the outstanding record he has amassed while coaching at Mobile's St. Paul's School.

Perhaps more than any other man to coach the sport, Jim Tate has now garnered not one but two national coaching awards, the first being in 1999 as the Girls Cross Country Coach of the Year by the National Federation of State High School Associations.

Without a doubt, Jim Tate is a legend in Mobile and throughout the State of Alabama. He has been involved with the St. Paul's track and field program for the past 32 years, guiding his teams to a total of 56 titles—17 in girls cross country, 17 in girls track and field, 13 in boys track and field, and nine in boys cross country.

Coach Tate's girls' teams have won five straight Alabama High School Athletic Association Class 5A state titles, and his teams set a national high school record from 1982 through 1998 by winning 16 straight state titles.

Madam Speaker, as you might imagine, Coach Tate has been awarded countless honors for his exemplary coaching ability within the community including induction into the 2008 Mobile Sports Hall of Fame, as well as

Coach of the Year honors by the Mobile Press Register more times than one can count. Recently, St. Paul's decided to honor Coach Tate by naming their new field house that is under construction in his honor.

On behalf of the people of South Alabama and especially on behalf of the St. Paul's School family, I extend my heartfelt congratulations to a man who has touched thousands of young lives and who, at all times, has been an exemplary role model as both an athlete and a human being, Coach Jim Tate.

I know Jim's family is exceedingly proud of their father and husband for his wonderful example and his tireless dedication to turning our young people into winners, not just on the athletic field, but in the game of life.

HONORING DEACON THOMAS WILLIAMS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. KILDEE. Madam Speaker, I rise today to congratulate Deacon Thomas Williams as he celebrates his 100th birthday. Metropolitan Baptist Tabernacle in my hometown of Flint, Michigan is planning a celebration on Sunday, July 25 in honor of the occasion.

Deacon Williams was born in Newton, Mississippi on July 20, 1910. He relocated to Michigan and worked for General Motors for 35 years. He was one of the first black males hired to work at General Motors. He is a charter member of Metropolitan Baptist Tabernacle and has been a faithful member for 72 years attending services every Sunday. Deacon Williams is a former Sunday School teacher, Sunday School superintendent and president of the Young Adult Choir. He continues to be active in the Vacation Bible School and the church's annual picnic. For his continuous service, Metropolitan Baptist Tabernacle gave him the Albert Fleming Award. Deacon Williams has been a member of the NAACP and the Urban League.

Of late, Deacon Williams fills his time cooking, making homemade ice cream, watching TV, and being surrounded by his two daughters, 13 grandchildren, 11 great-grandchildren, 5 great-great-grandchildren, his nephew and his 3 goddaughters.

Madam Speaker, I ask the House of Representatives to rise with me and applaud Deacon Thomas Williams as he celebrates his 100th birthday. His deep trust in Jesus Christ has brought him through the past 100 years and I pray that he will continue to prosper in Our Lord and Savior.

HONORING SERGEANT DONALD EDGERTON FOR HIS SERVICE IN IRAQ AND AFGHANISTAN

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. SHULER. Madam Speaker, I rise today to honor SGT Donald "Rocky" Edgerton of

Murphy, North Carolina, for his valiant service in the United States Army. After September 11th, Sergeant Edgerton's profound sense of duty for his country moved him to join the Army.

He spent his first tour of duty in Iraq, and after serving his country for over a year, he came back with an even deeper feeling of obligation. He was then chosen to enroll in sniper school, where he earned the reputation of "top gun" due to his incredible accuracy with a rifle. When he was called for another tour of duty in Afghanistan, Sergeant Edgerton fearlessly welcomed the challenge even though he had to leave behind his beloved wife and young daughter.

On July 10, the day after his 33rd birthday, Sergeant Edgerton was leading his troops just north of Char Dara, Afghanistan when insurgents attacked his unit and detonated an improvised explosive device that ultimately took his life. A short while prior, Edgerton had just been nominated for a Bronze Star Medal for saving the lives of several members of his convoy during an attack.

Edgerton received various medals and accolades for his service, including the Army Achievement Medal, the National Defense Service Medal, the Iraq Campaign Medal, the Afghanistan Campaign Medal, the Global War on Terror Medal, the NATO Medal, the Army Service Ribbon, and two Overseas Service Ribbons. He was also awarded the Purple Heart, the Bronze Star Medal, the Army Good Conduct Medal, and the Combat Action Badge, all posthumously.

Madam Speaker, Sergeant Edgerton embodied the most essential qualities of an American soldier. He was selfless, dedicated, and brave. He is remembered as a man who put the safety of his fellow troops before his own, and accordingly a man who has earned the unwavering respect of his peers. Through his exemplary service in Iraq and Afghanistan, SGT Donald Edgerton has brought pride to our troops, his family, and all of Western North Carolina. It is truly my honor to commemorate him and I urge my colleagues to join me today in honoring the life of SGT Donald "Rocky" Edgerton for the sacrifices he has made for our country.

HONORING THE RAINBOW COMPANY: RECIPIENT OF THE CHILDREN'S THEATRE FOUNDATION OF AMERICA'S 2010 MEDALLION AWARD

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Ms. BERKLEY. Madam Speaker, today I urge my colleagues to join me in recognizing the Rainbow Company as the 2010 recipient of the Medallion Award from the Children's Theatre Foundation of America.

In 1976, the Rainbow Company opened the first children's theatre company in Las Vegas. Patricia Marchese, the Manager of the City of Las Vegas' Cultural and Community Affairs Division asked Jody Johnston to teach drama classes that proved so popular they asked Jody to produce plays.

The Rainbow Company's first production was Pippi Longstocking. Pippi toured locally and was later recorded and given the "Best of the West Award" for the best educational programming in the western United States.

In 1980, the Rainbow Company produced a show that acquired national consideration. Odd Man Out, an original script by Brian Kral, focused on a dance teacher and her class of disabled students. The play featured both disabled and non-disabled children and was preceded by months of drama classes with disabled young people. This led to a 1981 People magazine article that noted the Rainbow Company's achievement as "the first theatre in the U.S. to totally integrate handicapped and non-handicapped" students.

In 2001, the Rainbow Company began to put on workshops that became so successful they were expanded to full-day camps that last for 8 weeks. In addition, they provide outreach classes for at-risk children at local elementary schools and shelters.

Rainbow Company has obtained several other accolades including the Nickelodeon's Parents' Picks' 2009 Award and the National Recreation and Park Association's first-place Dorothy Mullen Arts and Humanities Award.

As the Representative for Nevada's First Congressional District, home to the Rainbow Company, it gives me immense pride to recognize this outstanding and unique company for their achievements in providing the children of my district with unparalleled touring and main-stage acting opportunities, outreach programs, educational programs and annual workshops. I urge my colleagues to join me in recognizing this outstanding organization for their contribution to the arts and education and for their 2010 Medallion Award from the Children's Theatre Foundation of America.

WHITNEY NELSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Whitney Nelson who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Whitney Nelson is a 9th grader at Ralston Valley High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Whitney Nelson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Whitney Nelson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

REMEMBERING THE LIFE OF
STAFF SERGEANT DAVID SMITH

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. BONNER. Madam Speaker, I rise today to honor the life and the patriotic service of U.S. Air Force SSgt. David Smith, age 26, a dedicated defender of American liberty, who lost his life while coming to the aid of wounded warriors in Afghanistan.

Staff Sergeant Smith, a graduate of Satsuma High School and a resident of Eight Mile, Alabama, was devoted to his mission of rescuing his comrades on the battlefields of Iraq and Afghanistan. During his years of wearing the uniform of his country, he proudly participated in more than 130 combat missions, literally saving the lives of hundreds of military personnel.

A member of the 66th Rescue Squadron from Ellis Air Force Base in Nevada, Staff Sergeant Smith was assigned to the 563rd Rescue Group. While conducting a medical evacuation mission in Afghanistan's Helmand province, his HH-60G Pave Hawk helicopter was shot down by Taliban insurgents on June 9, 2010.

Speaking about the loss of Staff Sergeant Smith, as well as three of his comrades and those injured aboard their rescue helicopter, U.S. Air Force Chief of Staff General Norman Schwartz noted, "Faithful to the rescue motto 'That others may live,' these airmen were courageously and selflessly flying in support of their joint coalition teammates. We grieve for our warriors and our thoughts and prayers are with their families, as well as with the airmen still recovering."

At the time of his death, Staff Sergeant Smith was just 5 days from completing his combat duty. He was awarded the Purple Heart, Air Force Combat Award Medal, and the Alabama Distinguished Service Medal.

During this time of sorrow, my heart and prayers go out to Staff Sergeant Smith's mother, Mildred Hardee, his fiancée, Meggan Eckersley, brothers, Randall Dunn and Todd Smith, sisters, Tracy Smith and Jamie Smith, and his extended family.

On behalf of the people of Alabama, I wish to extend our deepest condolences to the family of Staff Sergeant Smith for the loss of their beloved son, brother and finance. He is truly an American Hero and we will always cherish his service to his country and its people.

HONORING CALIFORNIA GRIZZLIES
JUNIOR RIFLE TEAM

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate the California Grizzlies Junior Rifle Team on winning the 2009 National Trophy Infantry Match at Camp Perry on August 7, 2009. The team will be recognized and honored at the annual Na-

tional Rifle Association sanctioned high power match on Saturday, July 3, 2010.

The California Grizzlies Junior Rifle team consists of seven juniors from around the state of California; team captain Anthony Henderson, Sonora; David Bahten, Jamestown; Chad Kurgan, Sonora; Jim Minturn, San Diego; Joshua Lehn, Lemoore; Cheyanne Acebo, Vacaville; and Matthew Chezem, Simi Valley. The team is lead by coach Jim O'Connell. The 2009 National Trophy Infantry Match winners shot a 1284, becoming the first junior team to ever win the event and the first civilian team to win in 79 years. The team has been a tough competitor in recent years. They finished fifth at the event in 2008, setting a record with a score of 1233. The team won the junior title, setting new records in 2008 and 2009 in the National Trophy Team event, shooting a score of 2870 to finish eighth overall. The team consistently has members in the President's 100, a group of distinguished shooters and members that receive notable rankings and points in various competitions.

The competition at Camp Perry includes many different matches; the Infantry Team Match, established in the late 1920s, is the competition that most closely resembles battles from war. Teams of six shoot at eight targets, starting off at six hundred yards, moving to five hundred yards, then three hundred yards and ending at two hundred yards. These shots are taken in the three shooting positions: prone, sitting and standing. Each member of the team fires sixty-four total rounds with just fifty seconds to get into each position and fire. The best competitors can fire a shot a second and hit the target.

Madam Speaker, I rise today to commend the California Grizzlies Junior Rifle Team upon their 2009 victory. I invite my colleagues to join me in wishing the team many years of continued success.

HONORING BILLY "SINGLE"
CLIFFORD

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. JORDAN of Ohio. Madam Speaker, I am honored to commend to the House the work of the Champaign County Bicentennial Historical Marker Committee to promote the career and contributions of Urbana native and vaudeville legend Billy "Single" Clifford.

Born Clyde Shyrigh, Clifford was born in 1869 in Urbana, Ohio, to Levi and Sarah Shyrigh. His love of music was evident from his early childhood, when he would stage performances in the family barn. Clifford began appearing with a traveling circus at age 10, where he further developed his singing and dancing skills. This led him ultimately to a successful vaudeville career, with performances along the East Coast and throughout Europe.

Clifford built the Clifford Theater in 1905 on the site where his family's barn had stood. The theater was the first of its kind in Urbana, with an 80-foot stage and a seating capacity of 700. In addition to performances by a vaudeville troupe formed by Clifford, it hosted

many notable entertainers through the years—including the March King, John Philip Sousa.

On July 24, the Champaign County Bicentennial Historical Marker Committee and the family and friends of Charles L. Mott will dedicate a marker celebrating Clifford and the Clifford Theater. I am honored to join them and the people of Champaign County in commemorating this event.

IN RECOGNITION OF THE 70TH ANNIVERSARY OF AMERICAN LEGION POST 374

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. PETERS. Madam Speaker, I rise today to recognize American Legion Post 374, in Berkley, Michigan on the occasion of its 70th Anniversary of service to the Veterans of our community. As a Member of Congress it is both my privilege and honor to recognize the men and women of this post for their years of service and contributions which have enriched and strengthened our community.

The Berkley American Legion Post 374 has been a cornerstone of the Berkley community for the last 70 years.

Post 374 owes its provenance to a collaboration between the Berkley American Legion, the Berkley Odd Fellows and local vets with a vision. Working together, drawing on each strengths and needs and with a lot of heart, Post 374 was established on July 27, 1940.

Since then, Post 374 has been a welcome doorstep for veterans recently returning as well as those whose years of active duty were long past. The Post is truly an institution in Berkley. Its members have built an institution suffused with friendship, camaraderie and service. It engages young people through scholarship and other programs. It helps veterans who have fallen on hard times get the services and support they deserve. Each year, on Memorial Day, the Post places American flags on the gravesites of roughly 3000 veterans laid to rest in a local cemetery. The Post has been the site of countless fish fries, steak fries, special birthdays and weddings. It is a place where the community gathers and it is much beloved.

Madam Speaker, I ask my colleagues to join me today to honor the Berkley American Legion Post 374 on its 70th Anniversary and salute its many active members in their service to our veterans and community.

HONORING THE HISTORY AND SERVICE OF THE URSULINE SISTERS OF LOUISVILLE

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. YARMUTH. Madam Speaker, I rise in recognition of a group of remarkable women who have played a vital role in strengthening communities across Kentucky, throughout the

nation, and around the globe for more than 150 years. Since 1858, the reach of the Ursuline Sisters of Louisville has grown from a school on the corner of Chestnut and Shelby Streets in downtown Louisville to a mission that touches the lives of thousands of women, men, and children across the nation and across the globe. And on July 25, the Sisters will have their distinguished history and continued service officially recognized by the Commonwealth of Kentucky when a marker is placed at the site where their mission began so many years ago. Today, I am honored to join the chorus of voices praising the Ursuline Sisters of Louisville for their decades of contributions to better the world through their teachings and actions.

The story of the Ursuline Sisters in Louisville began when three sisters from Germany arrived 152 years ago to pursue a tradition of faith and service, answering the call to meet the needs of the community's children. In the spirit of their founder—St. Angela Merici—they sought to serve with an openness and eagerness to meet the needs of others. Compelled by faith and principle and driven by hard work, the Ursuline Sisters soon made that mission a reality, each and every day of the last 152 years.

Within weeks of their arrival, the Sisters were teaching dozens of children. Under their leadership, construction on a new convent and school—Ursuline Academy—was completed the following year. Their successful efforts soon expanded exponentially. In less than 25 years, more than 100 sisters were teaching in 20 Ursuline schools.

Today, the Ursuline Sisters of Louisville have grown to serve a community of faith in eight states and Peru.

The Ursuline Sisters do not just offer a quality education or health care—they provide invaluable guidance and assistance to those who need it most. Throughout their history, the Sisters have worked on behalf of the underserved and the disenfranchised, seeking to empower every life they touch. Today, the schools they have established and operate, the students they have taught, and the people they have served stand as a living legacy to their mission to create stronger communities and a stronger world.

By placing a historical marker at the place where this powerful mission began, the legacy of the Ursuline Sisters will remind and educate our community about the impact of service. The Ursuline Sisters of Louisville don't just change with the world—they help shape it through knowledge, compassion, and a selfless commitment to service.

Therefore, I ask my colleagues to join me today in further recognizing the extraordinary work and dedication of the Ursuline Sisters of Louisville.

VIRIDIANA ROBLES

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Viridiana

Robles who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Viridiana Robles is a 12th grader at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Viridiana Robles is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Viridiana Robles for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

A TRIBUTE TO THE HONORABLE SETH HAMMETT, RETIRING SPEAKER OF THE ALABAMA HOUSE OF REPRESENTATIVES

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. BONNER. Madam Speaker, I rise today to honor the remarkable service of a true public servant from my home State of Alabama. A native of Andalusia, Seth Hammett is retiring this year as Speaker of the Alabama House of Representatives and Representative for the 92nd House District serving Covington and Escambia counties.

Speaker Hammett, a pilot in the United States Air Force and founder and president of the First National Bank of Andalusia, was first elected to the Alabama State House of Representatives in 1978.

Since that time, the speaker has been regarded as truly one of the most effective leaders ever to serve in the Alabama House of Representatives. Not only has he earned bipartisan respect from his colleagues in the Alabama House, but organizations such as the Business Council of Alabama and the Alabama Rural Electric Cooperatives, to name just a few, have time and again called upon Seth for his calm leadership and sound judgment.

During his time in office, Speaker Hammett has become a fierce proponent of higher education. For over a decade, he served Lurleen B. Wallace Community College as its president. Additionally, his efforts have earned him many awards, including the Courage of Conviction Award given by the Higher Education Partnership, The Legislative Leadership Award given by the Council for Leaders in Alabama Schools and the Legislative Award given by the Alabama Association of School Boards.

Due to his strong convictions and commitment to serving the State of Alabama, Speaker Hammett has also been the recipient of the Children's Hero Award given by the Alabama Department of Human Resources and the Meritorious Service Award given by the Montgomery Advertiser. In addition to these honors, Seth was named Citizen of the Year for the city of Andalusia and a Guardian of Small

Business by the National Federation of Independent Businesses.

Speaker Hammett also had the honor of serving as chairman of the 16-State Southern Legislative Conference as well as president of the National Speakers Conference. He is currently a member of the Executive Committee for both conferences.

In his business life, he also serves the vice president of business development for PowerSouth Energy Cooperative and as president emeritus of Lurleen B. Wallace Community College.

Madam Speaker, in addition to his undying commitment to his community, Speaker Hammett is an equally devoted father and husband. He and his lovely wife, Nancy, have been blessed with a wonderful family that includes adult children and grandchildren. He is also an active member of the First United Methodist Church of Andalusia.

Speaker Hammett has been the epitome of a servant leader and has represented the great State of Alabama with unprecedented devotion. Over the years, he and I have had several occasions to work on economic development projects that have proven important to the State of Alabama and while it is with genuine sadness that I watch my good friend leave office, it is also with great gratitude that I thank him for his incredible life of service to our beloved Alabama.

HONORING THE LATE LORRAINE BERRY, FORMER MEMBER OF THE LEGISLATURE OF THE VIRGIN ISLANDS

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mrs. CHRISTENSEN. Madam Speaker, I rise to pay tribute to the late Lorraine L. Berry, who made her final transition on July 19th. She was born on St. Thomas on November 15, 1949, the eldest of nine children. Her mother, Emelda, and father, Joseph, provided their children with a sense of responsibility and commitment to their community.

Lorraine developed an interest in politics as a teenager, inspired by the riveting and profound words of Dr. Martin Luther King in his "I Have a Dream" speech during the August 8, 1963 march on Washington, DC. His remarks made an indelible mark on Lorraine and she never wavered in her zeal to someday make that dream a reality.

Lorraine got her feet wet as the president of the PTA of Joseph Sibly Elementary School (formerly known as the Robert Herrick School). Her aggressive agenda and her assertive and dedicated commitment to the improvement of the school so impressed the late Governor, Cyril Emanuel King, that he encouraged her to get involved in politics and join his party, the Independent Citizens Movement. She took his advice to become politically active, but because of the strong impression she had established in the community, she was drafted by then Senator Earle B. Ottley and political activist, Roy Gottlieb to serve on the Democratic Party Territorial Committee.

During her political career, she founded Virgin Islanders for Democratic Action Club (VIDAC) to raise the community's consciousness and provide the basis for political and legislative initiatives and promoted responsible and responsive political leadership. Her most recent symposium was on the "Responsibilities of Political Leadership" and she encouraged women to become involved in the process and run for public office.

Virtually from the time she entered the labor force, Lorraine has been a dedicated public servant. She served in several governmental posts including Manager of the St. Thomas District Office the Virgin Islands Delegate to Congress, Ron de Lugo. In 1982, she successfully ran for a seat in the St. Thomas District of the Virgin Islands Legislature.

Senator Berry gained vast experience in her service as the Chair of the Committee of Government Operations in the 15th Legislature; Chair of the Committee on Finance in the 17th, 18th and 23rd Legislature; Majority Leader of the 18th Legislature; Chair of the Committee on Health in the 19th and 20th Legislatures; President of the 22nd and 26th Legislatures; and Vice-President and Chair of the Committee on Public Safety, the Judiciary, Homeland Security and Justice in the 25th Legislature.

In her twenty-four years as a lawmaker, Senator Berry's courageous leadership shepherded passage of landmark legislation that critically impacted on the political, economic and social fabric of our society. The initiatives she enacted provided much needed support for families, economic development incentives for investors, public safety of the community, business opportunities for residents, employment opportunities and public sector employment for Virgin Islanders.

Over the years, one of the most challenging issues was the state of the health care system. Senator Berry supported the establishment of semi-autonomy for our hospitals, and the use of Tobacco Settlement funds for a cancer center on St. Thomas and the cardiac center on St. Croix, both of which are fully operational and successful facilities today providing services that Virgin Islanders would have to go off island to receive.

In 1986, Senator Berry sought the Democratic Party primary bid for Governor of the Virgin Islands, along with her running mate for Lt. Governor, Senator St. Clair Williams. She fostered a progressive platform that included mandatory education for the children of the Virgin Islands as a birthright. She waged war against the "four horsemen of the apocalypse"—fiscal irresponsibility, corruption, cronyism and rampant waste. Although, she did not prevail, she remained committed to establishing a government that provided services to its citizens, while remaining fiscally viable.

Because of her strong advocacy for women and the obstacles in sexism she had endured over her lifetime, she agreed to join gubernatorial candidate Judge Edgar Ross to run in the 2006 Democratic primary. She wanted to raise the political bar for women in the Virgin Islands. She felt that the Executive Branch had eluded women for far too long, and it was her obligation to enter the race to stimulate women's interest in running for higher office. Although the Ross-Berry team was defeated,

their message was positively received by the public and to this day, have a core group of loyal supporters that remain committed to the principles that they ran on.

As she battled with her illness, Senator Berry was unwavering in her concern for the lack of women in the political process and the welfare of our young people. She believed that no future Legislature should be without women. Women make up more than 55% of the population, but over the past 10 years, there has been only one woman in the Senate. She felt that women must encourage and support women in and out of public office if the issues of women, children, and families are to be adequately addressed.

Lorraine leaves behind a legacy that will be difficult to match. The entire Virgin Islands community owes a debt of gratitude to her.

To her husband, Richard, and her children, Roxanne and Curt, thank you for giving her the support as she fought for the Virgin Islands. As you struggle to adjust to Lorraine's passing, please find comfort in knowing that many of us remain dedicated to ensuring that she will never be forgotten.

On behalf of the 111th Congress, my staff and my family we offer our heartfelt sympathy. May her soul forever rest in eternal peace.

RECOGNITION OF THE MUSICAL ACHIEVEMENTS OF LYNRYD SKYNYRD

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. BACHUS. Madam Speaker, in the music world, it is challenging enough for a band to record one hit song, much less become a voice for an entire region and a true icon. That is why Congressman CONNIE MACK and I are pleased to jointly recognize the accomplishments and patriotic spirit of the legendary Lynyrd Skynyrd.

From humble beginnings, Lynyrd Skynyrd has become one of the most revered and accomplished bands in the history of music, having sold nearly 30 million records worldwide in the last four decades. Through their live performances and the music and songs still played on radio stations around the world every day, the members of Lynyrd Skynyrd have established themselves as timeless artists who transcend any one musical era or generation.

As validated by their induction into the Rock and Roll Hall of Fame in 2006, Lynyrd Skynyrd has had a seminal impact on the development of rock and country music and a profound influence on the career development of many artists who followed in their creative footsteps.

Through their collective voices, the band has become a beacon for regional identity and pride in the American South. This is perhaps best epitomized by the song "Sweet Home Alabama," an anthem so universally identified with the state of Alabama that it is the official motto displayed on license plates.

Since their start in Jacksonville, Florida in the late 1960s, Lynyrd Skynyrd has been a

spokesman for the everyday working man and woman, the friends and neighbors of their formative years. Their ability to capture a unique part of the American spirit has given their music emotional meaning to many fans and built a legacy that continues to grow year after year.

Amid triumph and loss, these sons of the south have evolved from band to close-knit family. A tragic airplane crash in 1977 claimed original members Steve Gaines, Cassie Gaines, and lead singer Ronnie Van Zant, but Ronnie's brother Johnny carried on the tradition as the new vocalist. Devoted fans cherish the contributions of Bob Burns, Ed King, and Artimus Pyle and remember the legacy of Allen Collins, Leon Wilkeson, Billy Powell, and Ean Evans. Today, led by core members Johnny Van Zant, Gary Rossington, Rickey Medlock, and Michael Cartellone, Lynyrd Skynyrd continues to share an unbreakable bond with the fans they count as family as well.

Lynyrd Skynyrd has been a generous supporter of our men and women in the armed forces for many years. The band has long understood that our military personnel bravely and unselfishly stand guard over our everyday security and freedom. They have enthusiastically raised money for military families and played countless shows for our service members in uniform. Their song "Red, White, and Blue" was written as a tribute to the men and women who serve in the defense of freedom.

As representatives of timeless American values and champions of working class heroes, Lynyrd Skynyrd continues to entertain and inspire millions of fans across the world. Along with Congressman MACK, I find it highly appropriate that the people's House takes time to recognize this classic band for lasting contributions not just to the world of music, but to American popular culture as a whole.

LEXINGTON, NORTH CAROLINA— THE BARBEQUE CAPITAL OF THE WORLD

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. COBLE. Madam Speaker, we call Lexington, North Carolina, the Barbeque Capital of the World. On April 29–30, 2011, the eyes of the barbeque world will be focused on Lexington as it hosts the Inaugural BBQ Capital Cook-off.

The Cook-off, which hopes to become an annual competition, will not only feature the tastiest food in the world, but will aid in the restoration of downtown Lexington. With people coming from all over the east coast and midwest, hotels will be utilized, food will be eaten, gas will be pumped, and most importantly, people from all over the United States will come to celebrate the heritage and history of world-famous, Lexington-style barbeque.

Uptown Lexington, Inc., has spearheaded the restoration of Lexington and is continuing that goal by hosting the cook-off. The organization has also applied to the Kansas City Barbeque Society for event sanctioning and

has asked Governor Beverly Perdue to proclaim the event as a North Carolina State Barbeque Championship.

On behalf of the citizens of the Sixth District, we congratulate Uptown Lexington, Inc., for sponsoring the Inaugural BBQ Capital Cook-off. We extend best wishes for a rousing success in the Barbecue Capital of the World.

INTRODUCTION OF RESOLUTION EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT THE UNITED STATES PRO- MOTE RESPECT FOR AND FULL APPLICATION OF THE PROVI- SIONS OF THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES, CON- SISTENT WITH U.S. LAW

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to introduce a resolution for the United States to promote respect for and full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, consistent with U.S. law.

That Declaration is a landmark instrument outlining the rights of the world's 370 million indigenous peoples in 70 countries. A non-binding text comparable to the Universal Declaration of Human Rights, the Declaration on the Rights of Indigenous Peoples sets out the individual and collective rights of indigenous peoples, as well as their rights to culture, identity, language, employment, health and education.

The United States was one of only four member states of the United Nations to vote against the declaration in 2007, while 143 voted in favor. Three of the four states who initially voted against it have already reversed their opposition to the Declaration or are in the process of doing so. Meanwhile, the U.S. Government has launched a formal review of the Declaration to determine whether the United States will change its stance.

Today, indigenous peoples face disproportionate discrimination, inadequate health care, violent crime, poverty, unemployment and environmental degradation even as they struggle to maintain their own institutions, cultures and traditions.

The United States has taken great steps to improve the condition of indigenous peoples, including hosting a historic meeting of nearly 500 tribal leaders last year and President Obama's issuance of an Executive Order on Consultation and Coordination with Tribal Governments. Yet, as U.S. Ambassador to the United Nations Susan Rice has said, "far more must be done—at home and abroad—to tackle" the challenges facing indigenous peoples.

The Declaration on the Rights of Indigenous Peoples provides an important framework for addressing indigenous issues globally. To further U.S. leadership in improving the conditions faced by indigenous people, the United States should promote respect for and full ap-

plication of the provisions of the Declaration as soon as possible.

I urge all my colleagues to join me and Representatives ELLISON, BARBARA LEE, CHRISTENSEN, GRIJALVA, HASTINGS, DELAHUNT, HONDA, JOHN LEWIS and GEORGE MILLER in supporting this resolution and moving it toward speedy adoption.

CHRISTOPHER BREWER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Christopher Brewer who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Christopher Brewer is a 10th grader at Ralston Valley High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Christopher Brewer is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Christopher Brewer for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

A TRIBUTE TO CAPTAIN DERON BERTHOLD

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. GUTHRIE. Madam Speaker, I rise today to honor Captain Deron Berthold, who has virtuously served the United States and the Commonwealth of Kentucky.

After 20 years of dedicated service, Captain Berthold will retire from the Kentucky State Police. However, he leaves behind a great legacy and is an example for all current and future officers.

Captain Berthold earned his degree from the University of Louisville and went on to graduate from Police Academy on November 23, 1981, receiving the Commissioner's Commendation Award.

Throughout his career, Captain Berthold demonstrated exemplary dedication and outstanding leadership, working his way up through the ranks from a sergeant in Madisonville to the Drug Enforcement Captain at DESI WEST.

He represents his State proudly as a man of honor and is an officer of tremendous depth, intellect and vision.

I honor him today because of his dignified and steadfast commitment to the Commonwealth of Kentucky, his fellow officers and the citizens of our community.

ON THE PASSING OF MY DEAR
FRIEND, AMERICAN PATRIOT
AND COMMUNITY LEADER, COL
H. WILLIAM "BILL" CARD

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. ORTIZ. Madam Speaker, I rise today to honor in memoriam the dedication and outstanding leadership of COL. H. William "Bill" Card, who served as mayor of Harlingen, Texas, from 1987 to 1998. He passed away Sunday, July 18, 2010, in Harlingen at the age of 88.

Colonel Card, who spent more than 2 decades in selfless service as Mayor of Harlingen, championed a united front of Rio Grande Valley communities to develop a regional effort for business opportunities and economic development. He was an unsung hero of the Rio Grande Valley.

Colonel Card was the longest-serving mayor of Harlingen, where he served 4 terms as mayor of the city. During his leadership, Harlingen was named an "All-American City."

Colonel Card retired from the Marine Corps after 28 years of service and relocated to Harlingen in 1968 to become commander of the Marine Military Academy. In 1975, he began his career as a banker and went on to become president of the First National Bank of Harlingen.

Colonel Card is survived by his wife, Garrison, his son, Bill Card III, and his daughter, Patti Card Smith. He is preceded in death by his daughter Cheryl Card Gray.

Today, I ask that my colleagues join me in commemorating the life of Colonel Card, who served this Nation with dignity, honor, respect and admiration. He will long be remembered by the communities he cared so much for in South Texas. His family, friends and loved ones will miss him dearly—so will I.

INTRODUCTION OF THE TRANSPORTATION AND HOUSING AFFORDABILITY TRANSPARENCY ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. BLUMENAUER. Madam Speaker, today I am pleased to introduce the Transportation and Housing Affordability Transparency Act, or "THAT Act." This legislation will provide homebuyers, renters, and policy makers with the information they need to make informed decisions about their housing choices.

The average family spends about half of its income on transportation and housing costs. Housing affordability has traditionally been measured as the extent to which a household's income can cover the purchase price of a home or the monthly rent. However, transportation costs can vary based on the location of a home. The cost of transportation has been growing as people move further from their jobs and community development pat-

terns require families to drive for most of their outings. In certain auto-dependent areas, transportation costs can be very high, leaving families with less money for housing, food, healthcare, education, and other important expenses.

Transportation costs and savings are not currently taken into account in government affordability measures and standards, and information is not generally available to consumers looking to purchase or rent homes. For example, low-income housing tax credits, down payment assistance grants, and rental assistance under Section 8 of the U.S. Housing Act of 1937 are all awarded and used without regard to this transportation cost burden. At a time of increasing gas prices and the pending expiration of many of the federal subsidies that keep housing near transit affordable, it's important for consumers and decision-makers to take transportation costs into account.

This legislation requires the Secretary of Housing and Urban Development (HUD) to work with the Department of Transportation and other stakeholders to develop a transportation affordability index that measures the transportation costs associated with the location of a home. The bill requires HUD to take into consideration a number of factors that determine transportation costs, including the location and frequency of transit service, the average vehicle miles travelled in the area, and the availability of services such as grocery stores, bike lanes, community centers, and schools. HUD will be required to share this information with the general public, realtors, regional and local housing and planning agencies, states, and entities that engage in transportation demand management programs. The bill also requires HUD, where feasible, to incorporate transportation costs into its housing programs and work with other federal agencies, states, and local governments to incorporate transportation costs into their housing programs.

The information made available by this legislation will ensure transparency in housing and transportation costs for consumers, housing providers, local and regional planning agencies, and other stakeholders. It will also enable HUD, where appropriate, to incorporate transportation costs into its affordability measures and standards. Finally, it will help communities recognize the importance of providing affordable transportation and housing choices for their residents, and give them the tools they need to do so.

I hope my colleagues will join me in supporting this simple legislation to help make our families safer, healthier, and more economically secure.

HONORING THE TOWN OF MATTAWAMKEAG

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. MICHAUD. Madam Speaker, I rise today to recognize the town of Mattawamkeag, Maine as it celebrates its Sesquicentennial this month.

Mattawamkeag is the historical site of an early Native American fishing village located on the Mattawamkeag River, a tributary to the Penobscot River. The Indians once told of an ancient burial ground on the northern bank of this river, not far from the town today. Maine residents began settling the area in 1829, and it became incorporated into the state in 1860.

The citizens of this small town, currently numbering around 825 residents today, have experienced their fair share of history, both within the State of Maine and the greater United States. During the Civil War, thirty soldiers from the town left to fight for the Union; seven did not return. And in 1847, Henry David Thoreau visited and wrote about Mattawamkeag during his travels.

The town's background is also closely tied to the complex railway systems of the United States. It served as a key stop on a transcontinental railway linking Maine to the city of Saint John in New Brunswick, Canada during the late nineteenth century. The network later expanded, and Mattawamkeag became connected to the cities of Megantic in Quebec and Vancouver in British Columbia. Even today, this town plays an important role in interstate exchange, operating as the final eastern stop on the Guilford Rail System connecting Maine, New York, New Hampshire and Massachusetts.

I am pleased to share in the celebration as Mattawamkeag looks back on 150 years of rich history.

Madam Speaker, please join me in wishing all the citizens of Mattawamkeag well on this joyous occasion.

H.R. 4173, THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT CLARIFICATION OF INTENT WITH RESPECT TO THE NONADMITTED AND REINSURANCE REFORM ACT

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. MOORE of Kansas. Madam Speaker, as a House conferee and the chief sponsor of H.R. 2571, the Nonadmitted and Reinsurance Reform Act, that was included in the conference report for H.R. 4173, the Dodd-Frank Wall Street Reform and Consumer Protection Act, I wanted to make one important clarification of intent on the final language. The President signed the Dodd-Frank Act into law yesterday.

Section 521(a) of the Dodd-Frank Act is intended to require the broker to pay or remit all tax in a surplus lines transaction to the "Home State" of the insured as defined in the Act and to no other state or political subdivision of any state. If other states are to receive a portion of the tax payment, the Act provides that the states may enter into a compact or otherwise establish procedures to allocate among the states the premium taxes paid to an insured's "Home State."

Further, it is the intention that as a result of this Act, each State adopt nationwide uniform requirements, forms, and procedures—such

as an interstate compact—that provides for the reporting, payment, collection, and allocation of all premium taxes for surplus lines insurance as well as all nonadmitted insurance in the insured's "home state". Uniformity in the taxation of surplus lines and nonadmitted insurance will be of great benefit to insurance consumers, brokers and the states.

In addition, under Section 522(a) of the Dodd-Frank Act, the placement of all nonadmitted insurance, including surplus lines insurance, shall be subject solely to the statutory and regulatory requirements imposed directly by the insured's "Home State" and no other state. It is the intention that surplus lines and nonadmitted insurance transactions, particularly when the insurance covers risks in more than one state, be within the sole province of the insured's "Home State."

A TRIBUTE TO ANN G.
HUTCHINSON

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. GUTHRIE. Madam Speaker, I rise today to honor Ann G. Hutchinson, who has dedicated her career to the United States and the Commonwealth of Kentucky.

On July 30, 2010, Ms. Hutchinson will retire after over 30 years of dedicated service. She has been an asset to the Fort Knox community and has distinguished herself while serving in positions of increasing responsibility at the U.S. Army Recruiting Command (USAREC.)

In her latest role as the Deputy Protocol Officer, Ms. Hutchinson provided exceptional executive services to nine commanding generals. Her outstanding reputation with so many senior leaders is based on her attention to detail and her "can-do" attitude.

Ms. Hutchinson's unique abilities to manage competing requirements while maintaining the flexibility to respond to changes are unparalleled.

I know she means so much to her colleagues. Her hard work ethic, personal sacrifice and professionalism will be an example for so many others to follow.

I ask my colleagues to join me in honoring Ann G. Hutchinson for her commitment to the U.S. Army, U.S. Army Recruiting Command, our Nation and the Commonwealth of Kentucky.

HONORING THE CITY OF
SIMPSONVILLE, SOUTH CAROLINA

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. INGLIS. Madam Speaker, I rise today to honor Simpsonville, South Carolina for being named one of Family Circle Magazine's "10 Best Towns to Raise a Family" in 2010. Led by Mayor Dennis Waldrop's vision, Simpsonville was picked as one of the "per-

fect places to raise kids" because of its "affordable homes, green spaces, blue-ribbon schools and giving spirit."

The city hosts one of the top balloon festivals in the country annually in Freedom Weekend Aloft and features the Discovery Island Waterpark, Golden Strip YMCA and a new state-of-the-art IMAX movie theater.

The proximity to the mountains, coastal beaches and revitalized downtown Greenville make Simpsonville one of the Upstate's top destination cities for a family-friendly atmosphere.

I congratulate Simpsonville and Mayor Waldrop on their continuous strides in moving the community forward.

AMBASSADOR JOHN BOLTON'S ADDRESS TO THE PRO-DEMOCRACY IRANIAN RALLY IN PARIS, JUNE 26, 2010

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. COFFMAN of Colorado. Madam Speaker, on 26 June 2010 tens of thousands of pro-democracy Iranians and hundreds of parliamentarians and dignitaries from Europe gathered in Paris (Taverny), France to express their support for the Iranian dissidents based in Camp Ashraf, as well as the uprising in Iran. Notable among prominent speakers was our former Ambassador to the United Nations, Mr. John Bolton. I believe his speech provides very important guidelines beyond partisan politics, for any American policymaker who is genuinely concerned about Tehran's nuclear threat and is looking for potential options as the solution to the Iranian problem.

AMBASSADOR JOHN BOLTON'S ADDRESS BEFORE TENS OF THOUSANDS OF IRANIANS AND HUNDREDS OF PARLIAMENTARIANS AND DIGNITARIES FROM EUROPE HELD ON 26 JUNE 2010 IN PARIS, FRANCE

Ambassador John Bolton: Thank you. Thank you very much. It's a great pleasure to be here today and to say thank you for the opportunity to address the free people of Iran. I would like you to know and all the people still inside Iran to know how many tens of millions of Americans believe that the policy of the United States government should be regime change in Iran.

I don't need to tell anybody here today how oppressive the regime is and the crimes it has committed against the people of Iran. This is not a government that is loyal to the people. This is a government that is loyal only to itself and keeping itself in power. What is important, I think, for the rest of the world to understand is how, in the past several years in particular, the regime has become increasingly a military dictatorship, and that this is an oppressive, in fact fascist, regime that controls Iran today.

The repression that followed last year's fraudulent June 12 presidential election was an eye opener for many people in the West and certainly in the United States. And this is because not simply that the election itself was fraudulent and not simply because of the brutality of the Pasdaran and the Bassiji against the people of Iran, but because the entire sequence of events revealed just how basic are the flaws in the current regime and

just how strong is the opposition of the people of Iran to the regime itself.

I must say, speaking as an American, that I found the US reaction to the repression after the June 12 election as very disappointing. I think that the administration did not want to speak the truth about what was going on inside Iran because it was still focused on the open hand that it had extended to the Iranian regime; an open hand for negotiations particularly over the nuclear weapons program. Now, I think, anyone familiar with the regime had to know at the beginning that the open hand would be rejected and that there would be no negotiation over the nuclear program and certainly no negotiations over the freedom of the Iranian people. It remains to this day a disappointment that the administration in Washington has not realized that yet.

But I do want to assure you that in the United States, among the people, in the Congress, in the media, and in academic circles, there is an increasing realization that the regime in Tehran is not a regime that we can negotiate with and that the open hand policy has failed.

This meeting today is a signal both to the people still trapped inside Iran and the democratic countries all around the world that the people of Iran seek to have control over their own government and to participate in democratic elections. It is a tragedy for Iran that its best friend and closest ally in the world is North Korea; North Korea, which has its own nuclear weapons, which pursues ballistic missile technology that threatens peace and security not only in Asia but in the Middle East as well, which, financed by the regime in Tehran, was building a nuclear reactor in Syria, and which partners with Iran on the nuclear program. It is a regime that is the most dictatorial on Earth today; North Korea is a prison camp. North Korea's people are on the verge of starving; and it still nonetheless pursues nuclear weapons and works with the government of Iran. This is a huge tragedy for the people of Iran. But what it reflects is the isolation of the regime from civilized governments all around the world. It is a fitting tribute to the free people of Iran that so many parliamentarians, from Europe, Canada, the United States, and around the world have begun to see the impact of the regime on the people of Iran.

It also has to be troubling that the regime's closest large friends around the world are Russia and China; China which has never had on the mainland true democratic institutions; and Russia which passed from authoritarianism into a period of democracy and may be passing right back into authoritarianism. This is not something that a free Iran would tolerate.

Moreover, the regime's support for international terrorism—some have described it as the central banker for international terrorism, supporting terrorist groups all around the world—have helped contribute to the isolation of Iran and the increasing difficulty imposed on the Iranian people. Now, I think that the United States' policy of regime change should be a very active policy. I think the first thing that we need to be clear on is that the United States will not stand in the way of legitimate opposition groups of Iranians who seek regime change in Iran.

As all of you know, in many European countries, the designation of the MEK as a terrorist organization has been lifted. That has not happened in the United States yet. But there are many members of Congress

who have pressed Secretary of State, Hillary Clinton, to have the State Department re-evaluate that designation which after all was first imposed in 1997 during the Clinton administration, many say as a favor to the regime in Tehran. That obviously has not produced anything in response. And I do think that it is incumbent on this administration to make it clear if it has evidence to bring it forward and if it does not have evidence to remove the designation.

U.S. opposition to international terrorism is unwavering but it is an opposition that has to be based on facts and not ideology and that is what we need to see. In the short term I believe the United States has a responsibility for the safety of people at Camp Ashraf. At an absolute minimum, the US presence inside Ashraf has to be continued and perhaps expanded back to something like its previous level. I think the UN mission inside Ashraf has to be extended and I think we need to make it clear to the government of Iraq that we will not tolerate interference in the camp and certainly not the kind of assaults that have occurred on the inhabitants of the camp before. This is again something, I think, of a very high priority in the American Congress.

I think going beyond simply getting out of the way of legitimate democratic opposition to the regime in Tehran that the United States should be prepared to provide assistance to the opposition; resources and information continuing and expanding, for example, the work of Radio Farda, and other ways to get information to the people still inside Iran. I think the utility of this kind of support has been demonstrated throughout history, such as Solidarity in Poland. Obviously we do not want to do anything that would give the regime the ability to say that the opposition was anything other than fully independent. But, I think our support and the support of other western democracies should go beyond the merely rhetorical.

In recent weeks we have seen the UN Security Council impose the fourth set of sanctions against the regime because of its nuclear weapons program. Sanctions are useful to put pressure on the regime and will bring us closer to the day when the regime will fall and there will actually be a democratic Iran. But I do not think that the sanctions unfortunately will be enough to stop the regime's continued pursuit of nuclear weapons. And I worry very much that the Obama administration and our western European friends believe that there is now nothing more that can be done to prevent the regime and the Revolutionary Guards from obtaining nuclear weapons. Their fallback position is that the mullahs and the Revolutionary Guard can be contained and deterred once they achieve a nuclear weapons capability. I think this is a huge mistake for the region and the world but mostly for the people of Iran. The fact is that once this regime gets nuclear weapons it will be immeasurably strengthened and the power of Revolutionary Guards, already considerable, will be strengthened even further. This regime with nuclear weapons is not simply an external threat to its neighbors and stability in the region and the world as a whole, but an even greater threat to the people of Iran. It is the trump card for the regime to stay in power.

I think it is very significant here that the position of the democratic opposition is that it does not want an Iran with nuclear weapons. Commentators in the West are continuously telling us that opposition to the nuclear program helps bring the people of Iran into closer support for the regime in Tehran.

We know that that is simply not true and I think it is very important that in Maryam Rajavi's platform for the future Iran it says in point 10 very explicitly, (let me quote it so that the media can hear it, this is Mrs. Rajavi's own platform), "We want the free Iran of tomorrow to be devoid of nuclear weapons and weapons of mass destruction." Mrs. Rajavi's position is exactly the right position, because an Iran with nuclear weapons will be a less secure Iran. If this regime gets nuclear weapons, you can count on Saudi Arabia, Egypt, Turkey and perhaps others getting nuclear weapons. So in a very brief period of time, five to ten years, you can have a multi-polar nuclear Middle East that will make everybody less secure and particularly Iran. This is why it is so important that we support the democratic opposition in Iran to see regime change at the earliest possible date.

Now, some people in the West, although they do not like to put it this explicitly, basically do not think Iran is ready for democracy. I think they are flatly wrong. Iran is more than ready for democracy. This is something that we feel very deeply about in the United States.

I would offer to all of you the great insight of our President Abraham Lincoln, who gave us the inspiration that I hope will be of assistance to you, that what we want for the people of Iran is what Lincoln wanted for the people of the United States: government of the people, by the people and for the people.

APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT (H.J. RES. 83)

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. KING of New York. Madam Speaker, today I rise in support of H.J. Res. 83, a resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act (P.L. 108-61). I am proud to have once again introduced this legislation this year with the gentleman from New York, Mr. CROWLEY.

In 2003 Congress passed the Burmese Freedom & Democracy Act, legislation that I co-authored with my friend, the late Tom Lantos. President Bush signed this bill into law and we have reauthorized these import restrictions every year since. The legislation bans imports from Burma and the issuance of visas to those officials affiliated with the State Peace and Development Council (SPDC), the military junta that rules Burma and brutally represses its people. This law also bans U.S. financial transactions that involve individuals or entities connected with the SPDC.

These sanctions are critically important to keeping the pressure on the Burmese junta. The government continues to have one of the worst human rights record in the world and routinely violates the rights of Burmese citizens, including the systematic use of rape as a weapon of war, extrajudicial killings, arbitrary arrests and detention, torture, as well as slave and child labor. The Burmese regime has destroyed more than 3,500 ethnic villages, displaced approximately 2,000,000 Burmese people,

more than 500,000 of which are internally displaced, and arrested approximately 2,100 individuals for expressing critical opinions of the government. And it continues to detain Aung San Suu Kyi, the head of the National League for Democracy and the democratically elected leader of Burma.

We must continue to stand with the Burmese people and expose the despicable and reprehensible actions of the SPDC. Sanctions are critical to putting pressure on the junta. In 2008, Congress passed and President Bush signed into law Tom Lantos Block Burmese JADE Act (P.L. 110-286) which bans the importation of Burmese gems into the United States and freezes the assets of Burmese political and military leaders. But we still need others to follow ours and the EU's lead. The Association of Southeast Asian Nations (ASEAN) and the United Nations Security Council (UNSC) must impose multilateral sanctions against Burma's military regime including a complete arms embargo.

Finally, it is my hope that the Obama Administration promptly implements all the provisions of the Tom Lantos Block Burmese JADE Act, appoints a Special Coordinator for Burma, and supports the establishment of UNSC Commission of Inquiry on Burma.

I urge adoption of the resolution.

CONGRATULATING DR. WILLIE WILSON ON 23 YEARS WITH SINGSATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. DAVIS of Illinois. Madam Speaker, Dr. Willie Wilson is a successful entrepreneur, philanthropist and national gospel recording artist. He was born in Gilbert, Louisiana and overcame significant challenges to become a successful businessman and humanitarian. Every Sunday he can be found singing at someone's church and donating thousands of dollars to assist the kingdom of God.

Dr. Wilson owned five McDonald's Restaurants and received numerous awards for his commitment to the community. In 1987, Dr. Wilson founded Willie Wilson Productions, a television production company where he produced the nationally syndicated Gospel Show Singsation. Dr. Wilson's television show Singsation is viewed by more than 40 million homes nationally. He is the first African American to have a nationally syndicated Gospel show.

Dr. Wilson produced five national recordings entitled: I'm So Grateful, Lord Don't Let Me Fail, I'll Fly Away, Just a Closer Walk With Thee, and Through it All. He recently penned a book about his life story entitled "What Shall I Do Next, When I Don't Know Next What To Do?"

Dr. Wilson holds several Honorary Doctorate Degrees including and Honorary Doctorate in Divinity from Mt. Carmel Theological Seminary, a Doctor of Humane letters from Chicago Baptist Institute, and an Honorary Doctorate in Humanitarianism from Swisher Bible College.

Dr. Wilson started Omar Inc., in 1997, a company that is the seventh largest black-owned company in Illinois and ranks 96 nationally on the list compiled by Black Enterprise Magazine. The company grossed more than \$50 million last year.

In 2009 Dr. Wilson acquired Oak Gloves Manufacturing Plant in Tullahoma, Tennessee making him the first and only African American manufacturer of medical grade gloves in North America. Dr. Wilson's story reflects the American Dream—that hard work and persistence wins every time.

I urge my colleagues and citizens of the Seventh Congressional District to join with me in congratulating Dr. Wilson on 23 years of providing soul energizing, gospel music to more than 40 million homes around the nation.

HONORING THE MORRIS COUNTY
4-H FAIR

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Morris County 4-H Fair, celebrating its 40th anniversary this year.

The 4-H organization began at the start of the 20th century with a group of individuals who wanted to promote the idea of practical, "hands-on" learning. In a society where young people were beginning to gravitate toward city living, this group felt the desire to create an organization focused on country life. Ever since, their ideas have grown from a need to initiate new agricultural technology and techniques on the nation's farms to creating a safe and fun environment where any young person can be involved.

4-H officially came to New Jersey in 1915. The first Morris County 4-H boys were involved with Corn Clubs. Girls worked in Tomato and Canning Clubs. It was World War I that gave them a practical purpose. Clubs adopted the slogan "Feed A Fighter" by raising livestock and growing vegetables to help feed United States soldiers.

Morris County 4-H, as we know it today, began in the early 1940s adopting to "pledge my Head to clearer thinking, my Heart to greater loyalty, my Hands to larger service, and my Health to better living, for my club, my community, my country, and my world." The club began with boys and girls participating in a variety of project areas ranging from traditional livestock and home economics to wood working, conservation and fashion. Today, Morris County 4-H members learn leadership, citizenship and life skills through a variety of projects related to science to healthy living.

The annual 4-H Fair has filled the gap left by the disappearance of many of the old country fairs. It began as a few tables in the middle of Rockaway Town Square Mall, and with borrowed tents and personal dedication, evolved into a modern-day country fair with 25,000 visitors. Today, area residents can see the accomplishments of the Morris County 4-H youth first hand as they exhibit their handiwork in everything from food and nutrition to model cars and rockets. In a world overrun by

videogames and television, 4-H teaches the youth of our community the value of hard work by creating contests and rewards for each club. The 4-H Fair provides the outlet for these young people to display their projects.

Madam Speaker, I ask you and my colleagues to join me in congratulating the Morris County 4-H Fair as they celebrate 40 years of dedicated years of service to the youth of Morris County!

HONORING ROBERT FOZIO

HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Ms. SUTTON. Madam Speaker, I rise today with a heavy heart to pay tribute to Robert Fozio, who passed away on April 17, 2010 after a courageous battle with cancer. Robert played a very active role in the Northeast Ohio community and that is how I became acquainted with him.

Robert was a bricklayer, an avid outdoorsman, devoted husband, loving father, grandfather, and brother. Robert always taught his family that wherever you are, to be 100% there. He also emphasized the importance of never forgetting who you are and where you came from. Whether it was through his longstanding membership with Bricklayers Local 5, the Northern Ohio Administrative District Council, the International Union of Bricklayers, the Allied Craftworkers, or his time serving with the U.S. Navy in Vietnam, Robert was a fixture in the community.

At the young age of 17, Robert received special permission from his mother to join the U.S. Navy so that he could bring in additional income for his family. Robert joined the Local 5 in 1963 shortly after returning from his naval tour in Vietnam. Robert quickly ascended through the ranks in the allied crafts and was a superintendent and foreman for the majority of his career. He was a brilliant man, which was demonstrated by his own professional success, as well as his efforts to improve the lives of other tradesmen.

In 1998, Robert was named interim director of the District Council and was elected full-time director in 2001 until his retirement in 2009. His tireless work for the industry was rewarded when the Robert A. Fozio Regional Training Center for all craft apprentices and journeyman upgrading was opened in May 2005. The Training Center was a model in innovation, training all facets of the allied crafts under one roof, which provided a higher standard and level of expectation for contractors in the area. This center came to be known as the best training center in the United States for apprentices in allied crafts and for journeyman upgrading.

In his free time, Robert was an avid hunter and fisherman and spent several years as a professional archer. In recent years, he developed a love for sporting clays and spent his free time shooting with friends and family. In fact, Robert went on a hunting expedition in 2008 with the Theodore Roosevelt Conservation Society and appeared in a video shooting white-tailed deer, which still appears on many outdoors programs.

He was a respected and beloved member of the greater Brunswick community, and his presence will be remembered by the entire area. His legacy of community, friendship, family, and hard work will continue for many years.

Robert leaves behind not only those whom he served, but also a loving family—his wife Dorothy, his daughters Tiffany Yohman and Theresa Berthold, his sisters Rose Marie Friend, Marilyn Seltzer, and Carolyne Fozio, his brothers Donald and Patrick Fozio, his grandchildren, as well as many other close family members and friends. Robert will truly be missed. We will always remember Robert for his commitment to his community, his caring for his union brothers and sisters, and his dedication to his family. And I will remember the central quotation by which Robert lived his life: "Plan your work and work your plan."

On behalf of the people of Ohio's 13th District, I want to express my deepest sympathies to the Fozio family. They have lost a great husband, father, and grandfather who passed away much too soon and we have lost a true friend and committed member of our community.

IN HONOR AND REMEMBRANCE OF
CLEVELAND POLICE OFFICER
EMIL CIELEC

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Cleveland Police Officer Emil Cielec, a devoted husband, father, grandfather, friend to many and lifelong guardian and protector of the people of the City of Cleveland. Officer Cielec retired from the Cleveland Police Department less than two years ago. He left behind a legacy that will forever reflect excellence, honesty and bravery.

Mr. Cielec was raised by parents who came to America from Poland in search of a better life for their family. Growing up on the west side of Cleveland as one of eleven children, he learned early on the significance of hard work and community. He lived his life in dedication to his family and to his Roman Catholic faith. Mr. Cielec graduated from Lincoln High School and then served our nation in the United States Army. He was working on the production line at General Motors when he learned that the City of Cleveland Police Department was hiring. He immediately applied and diligently studied for the test. In 1957, Mr. Cielec was sworn in as a Cleveland Police officer and served with honor until his retirement in 2008.

Officer Cielec had a stellar reputation as an officer who treated all people with dignity, fairness, and respect. He was tough, yet compassionate and honorable. During his tenure with the Cleveland Police Department, Officer Cielec saw twenty-two Police Chiefs come and go. He weathered many storms—on the streets and in City Hall. His reputation was known throughout the department, and he was often approached by other officers seeking his insight, wisdom and expertise.

Beyond the job, his family was his foundation and his greatest love. His devotion to his wife, Dorothy, to his sons, Kevin and Alan, to his daughter Sandy, and to his grandchildren was unconditional and unwavering.

Madam Speaker and colleagues, please join me in honor and remembrance of Police Officer Emil Cielec, who lived life with great love and devotion to his family and to those he served. Officer Cielec's work made our Cleveland community a better place to live. He will be remembered and honored forever.

CONGRATULATING THE BOY
SCOUTS OF AMERICA ON THEIR
100TH ANNIVERSARY

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. SESSIONS. Madam Speaker, 2010 marks the 100th Anniversary of the Boy Scouts of America, the largest youth organization in the United States. Since 1910, more than 111,000,000 youth have participated in Scouting programs focused on character development and leadership training.

This Sunday, July 25th, the Boy Scouts will kick-off their 100th Anniversary celebrations with a Grand Centennial Parade. Not since the very first Jamboree in 1937 has there been a Scout-specific parade in Washington, DC. There will be floats, marching bands, vintage vehicles, great entertainment, flags, fun and so much more. I am proud to join my father, former FBI Director Judge William S. Sessions, as a division marshal in this historic parade.

From July 26th to August 4th, the National Boy Scout Jamboree will be hosted at Fort A.P. Hill just south of Washington, DC. The Jamboree will host over 43,000 Scouts and adult leaders visiting from across the globe. This is the last year the Boy Scouts will celebrate its Jamboree at Fort A.P. Hill having procured a new high-adventure base, The Summit Bechtel Family National Scout Reserve, near Beckley, West Virginia. This new base covers 10,600 acres and is located adjacent to 70,000 acres of National Park Service land, offering world-class outdoor opportunities when it opens in 2013.

On Tuesday, July 27th, the Postal Service will host the first day of sale for a new 44 cent commemorative stamp entitled "Celebrate Scouting," made possible through bipartisan congressional support of over 300 Representatives and Senators. The stamp, unveiled in November of last year, will be dedicated by the Boy Scouts at the National Jamboree on Tuesday.

Additionally, the National Postal Museum will be hosting a Congressional Stamp Exhibit at the Rayburn House Office Building from 10 a.m. to 5 p.m. on July 28 and from 9 a.m. to 5 p.m. on July 29/30. In collaboration with the Boy Scouts of America, I will be hosting an exhibit on the "2010 Celebrate Scouting" stamp.

As an additional token of celebration, I was proud to have introduced H.R. 5872, the Boy Scouts of American Centennial Commemora-

tive Coin Act, which was signed into law by President George W. Bush on October 8, 2008. In accordance with the legislation, the United States Mint produced 350,000 Silver Dollar coins in celebration of the Boy Scouts centennial anniversary. Each having a \$10 surcharge equally matched by private funds, this bill raised \$7 million for Scouts in hard to serve areas. After only 12 short weeks these coins sold out, a remarkable success for spreading the joys of Scouting.

This Friday, I am proud to host 11 troops made up of over 500 Scouts from the Dallas area to Washington, DC. I have the pleasure of meeting them on their historic journey to the Jamboree, showing them through the Capitol, and providing them insight into the government of our nation. In this historic year, I ask everyone to join in the celebration of this monumental occasion, and congratulate the Boy Scouts of America on their centennial anniversary.

RECOGNIZING THE LIFE AND PUBLIC SERVICE OF ANTONIO L.
"TONY" NUNES, SR.

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. NUNES. Madam Speaker, I rise today to recognize the life and public service of Antonio L. "Tony" Nunes, Sr., a life-long farmer and community leader.

Tony was born on August 16, 1915 in Rio Vista, California to Antonio and Mary Nunes. He graduated Adult School and obtained his high school diploma in 1983, 50 years after initially leaving high school due to the death of his father. Tony went into the dairy business with his brother Joe in 1943 in Pixley, California. His sons Tony, Jr. and Patrick entered the Nunes Brother Dairy Business in 1976. Tony retired in 1988 and moved to Tulare.

In addition to running the dairy, Tony was an active member of the community. He was on the Tulare District Hospital Foundation Board, a lifetime member of the Tulare Historical Society, a World Ag Expo volunteer, part of the Tulare County Fair Board for over 32 years, Tulare County Farmer of the Year in 1968, and Tulare Dairy Family of the Year in 1992. He was also an active member of the Roon Kiwanis Club, Tulare Cabrillo Civic Club, Mosquito Board, California Poling Review Board, and the Tulare City Planning Commission.

Tony loved life and traveled with his wife, Mary, to many parts of the world. He is survived by his wife of 72 years, six children, 14 grandchildren, and 17 great grand-children.

I knew Tony personally. He was a dedicated dairy farmer, and had a positive impact on all who knew him. His values and commitment to agriculture in the San Joaquin Valley will live on through his family and friends, and in the community he nobly served.

TRIBUTE TO SENATOR PAUL
COVERDELL

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. GINGREY of Georgia. Madam Speaker, I rise today to commemorate the late Paul Coverdell, the former United States Senator from Georgia, as Sunday marked the 10th anniversary of his death. Senator Coverdell was known to be a fair and honest statesman, and I always admired him for those traits along with his reputation for being a voice of reason in the Senate. Many of my colleagues from Georgia say that he wasn't a man of many words—but he always meant what he said and followed up on his promises.

Senator Coverdell was accomplished in his trade on many different levels. Before coming to the U.S. Senate, Paul spent 19 years representing the best interests of Georgians in the State Senate, where he served as the Minority Leader, and as the Chairman of the Georgia GOP. It was during this time that Paul met and formed a friendship with then-Governor George H. W. Bush—who would later appoint Coverdell to serve as the Peace Corps Director when he became President.

In 1992, Coverdell was elected to the U.S. Senate, where he was influential on many different committees. Under the slogan "Coverdell Works," Paul became the first Republican from Georgia ever to be re-elected to the U.S. Senate. In his second term as Senator, he created the Coverdell Education Savings Accounts, also known as the "Coverdell Plans." These accounts have allowed millions of students to save money and then withdraw it later—tax free—in order to fund their college educations.

Senator Coverdell left a lasting impression on both the State of Georgia and the Nation—and I am honored to have known and worked with him. He understood the importance of compromise, and was very well respected and liked by people of all political persuasions. We miss him to this day, and my thoughts and prayers are with Senator Coverdell's wife Nancy this week.

A TRIBUTE TO CHARLES E. KRUSE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. SKELTON. Madam Speaker, the United States is blessed in many ways, but the ingenuity, patriotism, and character of the people who make up the fabric of our country are the greatest of our strengths. The characteristics of our people—the values we learn from our fathers, mothers, grandparents, and siblings—help to define American leadership. Outstanding American leaders walk among us each day.

One such American leader is the current president of the Missouri Farm Bureau Federation, Missouri National Guard Brigadier General (Retired) Charlie Kruse, who with his

wife Pam have become dear friends of mine through the years. I learned this week that Charlie plans to retire from the Farm Bureau after serving as its president since 1992. While his retirement will be a loss to the Farm Bureau family and to those of us in Congress who work with him, I know that Charlie and Pam will continue serving the people of Missouri and the farmers and military personnel who call the Show-Me State home.

Charlie is a native of Dexter, Missouri, located in the southeastern portion of the state. He is an Eagle Scout who earned that rank in 1959 and then went on to graduate in 1963 from Dexter High School. Charlie and Pam continue to farm in Dexter.

Charlie graduated in 1967 from Arkansas State University with a degree in agronomy and graduated in 1973 with a Masters of Science in Agronomy from Missouri University. As a distinguished graduate from Mizzou, I know Charlie must have been thrilled when in 1983, Missouri Governor Kit Bond appointed him to the University of Missouri Board of Curators.

In 1985, Missouri Governor John Ashcroft honored Charlie by appointing him to his cabinet as Missouri Director of Agriculture. In 1990, he became the only Missourian to serve on President George H. W. Bush's Council on Rural America and was appointed to the Inter-governmental Advisory Committee of U.S. Trade Representative Carla A. Hills.

In 1991, Charlie became executive vice president of the North American Equipment Dealers Association but resigned that post in August 1992 to seek the presidency of the Missouri Farm Bureau Federation. Charlie was elected president of the Missouri Farm Bureau that year.

During his tenure as Missouri Farm Bureau president, Charlie has been a state and national leader in agricultural policy making and has well represented the interests of Show-Me State farmers during Congressional farm bill debates. He has served as a member of the Executive Committee of the U.S. Meat Export Federation; the Commission on 21st Century Production Agriculture; the Agricultural Technical Advisory Committee for Trade in Grains, Feed, and Oilseeds; the Missouri State Government Review Commission; the Missouri Plant Biotechnology Advisory Committee; and President George W. Bush's Advisory Committee for Trade Policy and Negotiations. Charlie has also served as chairman of the American Farm Bureau's Task Force on the U.S. Livestock Industry; chairman of the American Farm Bureau's Trade Advisory Committee; and a member of the board of directors of the Federal Agricultural Mortgage Corporation (FARMER MAC).

Charlie's agricultural career has been paralleled by a career in military uniform. In 1967, Charlie enlisted in the Missouri Army National Guard as an infantryman. He worked his way through the ranks from Private to Brigadier General. As a general officer in the Missouri Army National Guard, Charlie served as Assistant Adjutant General of Missouri. Charlie retired from the Army in 1993 after 26 years of distinguished service. We owe him and his family a debt of gratitude for his military service.

Because of his outstanding leadership, Charlie holds many awards and honors. But,

despite these accolades, I expect Charlie's top honor is being a husband and a father.

Madam Speaker, I wish Charlie, Pam, and their family all the best as they transition into a new chapter of life. I know my colleagues in the House will join me in expressing a debt of gratitude to them.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,237,494,446,894.52.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,554,068,701.72 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

INTRODUCTION OF LEGISLATION TO ENSURE RISK ASSESSMENT AND EMERGENCY RESPONSE PREPAREDNESS FOR OFFSHORE DRILLING

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. SARBANES. Madam Speaker, the BP Deepwater Horizon disaster is a terrible reminder of the inherent safety, environmental, and economic risks associated with offshore drilling. This tragedy claimed the lives of 11 people and released millions of gallons of crude oil into the Gulf of Mexico, forcing people out of work, devastating beaches and fisheries for years to come, and impacting our food supply.

BP's so-called response plan to deal with such a disaster was a farce: it listed a wildlife expert that had been deceased since 2005 and said that sensitive biological resources in the Gulf included walrus, sea otters, sea lions and seals, none of which actually live there. BP also stated that it could handle a worst case oil discharge scenario 10 times the size of the Deepwater Horizon disaster.

These glaring flaws in its response plan make it abundantly clear that BP did not take the permitting process seriously. There was virtually no thought or time put into developing these plans and certainly no accountability.

Today I am introducing legislation to ensure that risk assessment and emergency response preparedness for offshore drilling are more than an exercise in pushing paper. My legislation would require the chief executive officer of each offshore drilling and production operation under the Outer Continental Shelf Lands Act to annually certify (1) the demonstrated capability of the operation's exploration and production plans to respond immediately and ef-

fectively to the worst-case oil spill in real-world conditions; and (2) that each plan, to their knowledge, is an accurate and effective response to a worst-case oil spill in real-world conditions, under risk of personal civil penalties.

Ever since the BP Deepwater Horizon well began spewing oil into the Gulf of Mexico, executives from BP have repeatedly excused their inability to seal the well by describing the difficult circumstances in which they are operating. I am willing to acknowledge that, because the well is 5,000 feet below the surface, effectively stopping the flow of oil is a technological challenge. But I believe these are all things that should have been considered before BP began drilling the well. And I believe that if company executives are accountable for the content of their proposals to address these safety concerns, one of two things will happen. Either they will ensure that they do have an effective and realistic response capability to an oil spill. Or they will not drill the well.

This tragedy is a game-changing event. We must reevaluate our policy on offshore drilling emergency response preparedness and bring accountability to risk assessment and the planning process. This legislation would go a long way toward ensuring our offshore drilling operations have thoughtful, accurate, and useful response plans.

Offshore drilling operations, no matter how technologically advanced, can never completely eliminate the risk of a major disaster but it is incumbent upon us to make sure these companies have a plan to respond when disaster does strike.

I hope my colleagues will support this simple but overdue legislation.

TRIBUTE TO CHARLES KING PICKETT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. BONNER. Madam Speaker, I rise to honor the memory of a longtime Mobile resident, and a very special friend, Charles King Pickett, who passed away at the age of 74 on March 4, 2010.

King, as he was affectionately known to his family and many friends, was loved by everyone who knew him. He never met a stranger and always had a kind word for others.

He served America with uncommon dedication as a paratrooper with the U.S. Army's 82nd Airborne Division and in the U.S. Air Force Reserve.

The founder of Pickett and Adams Insurance Agency in Mobile, King shepherded his very successful business for more than four decades before retiring in 2003.

An active member of the community, King Pickett helped launch the Port City Pacers and led by example, jogging over 30,000 miles during his lifetime.

Harkening back to his Army paratrooper days, he also enjoyed recreational skydiving, racking up 115 jumps, including one on his 70th birthday.

He was a strong supporter of Mobile's Mardi Gras and was an active member of both the

Knights of Revelry and the Comic Cowboys. Additionally, King was very involved in the Cellular South 1st and 10 Club, Mobile's Senior Bowl football game and numerous other community events such as the American Cancer Society's Chili Cook-Off.

Madam Speaker, Joseph Kennedy once said "The measure of a man's success in life is not the money he's made . . . it's the kind of family he has raised."

King was deeply loved by his son, Dr. Taylor King Pickett, his daughter, Eliska Pickett Morgan, my deputy chief of staff and district director, as well as his wonderful grandsons, William Roe, Smith Pickett and Michael Morgan, as well as his lovely granddaughters, Riley Pickett, Taylor Roe, Hannah Pickett and Adalee Pickett. He also leaves behind hundreds of friends throughout South Alabama. In a very real way, we were all King's family.

As his longtime friend, C. Dennis McCann, recently observed in a letter published in the Mobile Press-Register, "King always brought a contagious happiness to everyone he met."

Without question, Mobile lost a great citizen and a dear friend this past March.

On behalf of all those who knew and loved King, I offer my deepest condolences to his family. King Pickett lived a truly remarkable life and his death leaves a void which is not possible to be filled.

IN MEMORY OF DR. ROBERT N.
BUTLER

HON. ALAN GRAYSON
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES
Thursday, July 22, 2010

Mr. GRAYSON. Madam Speaker, I rise today to honor the life of Dr. Robert N. Butler, the father of modern gerontology. Dr. Butler, a Pulitzer Prize-winning author, researcher, and psychiatrist, died at the age of 83 on July 4th at Mount Sinai Medical Center in New York. Dr. Butler was known for coining the phrase "ageism" to describe the discrimination against the elderly. He made it his life work to help create a health care system in which Americans would grow old with dignity and respect. I was honored to be a co-founder and to serve on the Alliance for Aging Board with Dr. Butler. It is truly a privilege to recognize the leading advocate for the treatment and care of the elderly.

Dr. Robert Butler was born in 1927 in New York, and raised by his grandparents on a chicken farm in southern New Jersey. His close bond with his grandparents sparked his passion and interest in the strength and determination of the elderly.

After serving in the U.S. Maritime Service, Dr. Butler attended Columbia University, where he received his undergraduate degree in 1949 and medical degree in 1953. He studied psychiatry and neurology as a resident at the University of California; later joining National Institute of Mental Health in Bethesda, Maryland as a research psychiatrist. He studied the central nervous system in elderly people, and helped investigate problems in nursing homes. Dr. Butler was a U.S. Public Health Service surgeon from 1955 to 1962.

During the 1960's he maintained a private practice, while he was a researcher and gerontologist at the Washington School of Psychiatry. He also taught at several medical schools, including Georgetown, Howard, and George Washington Universities.

In 1976, Dr. Butler became the founding director of the National Institute on Aging at the National Institute of Health. During his time there, he successfully pressed Congress to increase research funding, particularly for Alzheimer's disease. Later, he established and led one of the first comprehensive geriatrics departments at an American medical school at Mount Sinai Hospital. His efforts lead to an overhaul in the treatment of the elderly by improving the education of doctors.

Throughout his career, Dr. Butler authored hundreds of articles and various books about the biology and sociology of aging. He wrote his most famous book in 1975 titled, "Why Survive? Being Old in America", which won him the Pulitzer Prize for general nonfiction. Since its founding in 1986 until his death, Dr. Butler was the Vice Chair and served on the Board of the Alliance for Aging Research. This non-profit based in Washington, DC is the nation's leading citizen advocacy organization for promoting a broad agenda of medical and scientific research to improve the health and independence of older Americans.

Madam Speaker, Dr. Butler's accomplishments are very personal to me. I help found the Alliance for Aging Research and served as an officer for 22 years. I worked closely with Dr. Butler, as he provided guidance and inspiration for the organization's mission. I am deeply saddened by the loss of a true medical pioneer, and a true friend. Dr. Butler always believed that if you love what you do and can contribute to society, then there is work to be done. He worked until three days before his death. He will be remembered for his groundbreaking work in the field of gerontology, which has changed the medical landscape and will greatly impact the lives of every American.

HONORING THE 50TH ANNIVERSARY
OF THE 1960 OLYMPIC TEAM IN
NASHVILLE, TENNESSEE AU-
GUST 27, 2010

HON. CAROLYN C. KILPATRICK
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES
Thursday, July 22, 2010

Ms. KILPATRICK of Michigan. Madam Speaker, fifty years ago, arguably the greatest Olympic team in history—the United States Summer Olympic Team—traveled to Rome, Italy and proceeded to take over the athletic world. This Olympics, and this Olympic team, not only surpassed athletic marvels, but also broke racial, gender and ethnic barriers in doing so. On August 27, 2010, Nashville, Tennessee will be the home of the gathering of these champions, whose exploits are chronicled in David Maraniss' fantastic book, "Rome 1960: The Olympics That Changed the World." This event is more than a gathering of greats. It is also a fundraiser for the Ed Temple Foundation, and proceeds from this event

will help low income families in Franklin, Tennessee and surrounding communities. I am proud to rise in support of this most worthwhile endeavor.

The names from these Olympics are part of athletic history and lore. During the 1960 Olympics, women's track and field, heretofore an afterthought, was catapulted to the world's stage through the incredible achievements of the Tigerbelles of Tennessee State University. Led by legendary humanitarian, educator and coach Ed Temple of Tennessee State University, Mae Faggs, Wilma Rudolph, Wyomia Tyus, Edith McGuire, Chandra Cheeseborough and others illustrated that women could perform with grace, class and honor. I was blessed and remain blessed to have had the personal friendship of Wilma Rudolph for more than two decades. Her spirit, strength and service are an example to all Americans, especially during these racially trying times. These women—strong, proud African American women—shattered traditional and outdated stereotypes, furthering the cause of equality and justice for all Americans. Coach Temple would end his career as the greatest track and field coach in Olympic history, as the women on his team won more than 23 Olympic medals, set dozens of Olympic world records, and more incredibly, more than 80 percent of the women coached under his program graduated from college.

Rafer Johnson, an African American, carried our Nation's flag, also was the first African American to win the grueling decathlon. Ralph Boston, another graduate of Tennessee State University, won the Olympic gold in the long jump. The 1960 Olympic basketball team, led by Oscar Robertson, Jerry Lucas and Jerry West, never had a game that was close. This team was so talented, so smart and so skilled, ten out of its 12 members played in the National Basketball Association, and the entire team was named to the Basketball Hall of Fame.

While many of us know of his career as a humanitarian, a man of peace and justice, and perhaps the greatest boxer of all time, the 1960 Olympics in Rome also saw the beginning of the career of a young Cassius Clay. Of course, the world would later know and revere him as Muhammad Ali. In 1960, Muhammad Ali won a light heavyweight gold medal in boxing, setting the stage for an athlete like never before.

On behalf of my colleagues in Congress, I salute all of the athletes of this significant and ceiling-breaking Olympic team, and have the highest of hopes and wishes for the continued health and good fortune of these individuals and the Ed Temple Foundation. God bless.

HONORING THE WHITNEY
FOUNDATION

HON. GEORGE RADANOVICH
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, July 22, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate The Whitney Foundation on ten years of successful grant making in the greater Fresno area. Their

ten year celebration will be held in Fresno, California on Thursday, July 22, 2010.

The Whitney Foundation was founded by Kathryn Whitney Stephens in 1999 and was based on the philosophy that one should share with others what one is given. When Ms. Stephens came into an inheritance the decision about what to do with the money was simple: share it with those that are less fortunate and bring a positive change in their lives. She wanted to help others become self-sufficient, productive members of society. With this vision, and a two million dollar endowment, The Whitney Foundation was created and the Board of Trustees was put into place in July 2000. Ms. Stephens and the board initially decided that the grants they provided would not fund direct services, but would support programs that develop self-determination and self-reliance through health, education and housing. While Ms. Stephens has since passed away, The Whitney Foundation still holds true to it's original mission.

While the Foundation initially provided funding to a broad range of groups who worked in the areas of health, education and housing, the Board has since narrowed it's focus and created a niche within these areas to support groups who's goals involve overcoming obstacles, bringing about social change and lending assistance to organizations or projects that would otherwise fall through the cracks. The Whitney Foundation has helped to fund various housing projects including homeownership education classes, neighborhood improvement and the construction or rehabilitation of low income housing units. They have also funded projects that educate others about how to become more self-sufficient by learning new skills for future employment and living in safer and less violent neighborhoods. Finally, The Whitney Foundation has provided funding to a number of health projects that reach out to the uninsured, immigrant health needs and programs that promote culturally sensitive services. The Whitney Foundation has funded over twenty projects that have one or more of these principals. Through the Foundation's generosity, non-profits have been able to extend services that fulfill a need in the community.

Madam Speaker, I rise today to commend and congratulate The Whitney Foundation on ten years of giving. I invite my colleagues to join me in wishing The Whitney Foundation many years of continued success.

PERSONAL EXPLANATION

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Ms. CLARKE. Madam Speaker, on the afternoon of Wednesday, July 21, 2010, I was absent from the House and missed rollcall votes 454 through 455 and 458 through 459.

Had I been present for rollcall 454, on a motion to suspend the rules and agree to H. Con. Res. 292 supporting the goals and ideals of National Aerospace Week, and for other purposes "aye."

Had I been present for rollcall 455, On Motion to Suspend the Rules and Concur in the

Senate Amendment H.R. 725 to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes "aye."

Had I been present for rollcall 458, on agreeing to the resolution H. Res. 1537 Waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules "aye."

Had I been present for rollcall 459, On Motion to Suspend the Rules and Pass, as Amended to H.R. 5566 Prevention of Interstate Commerce in Animal Crush Videos Act of 2010 "aye."

TRIBUTE TO PAUL COVERDELL

HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. BROWN of Georgia. Madam Speaker, it has been said that "this man had the heart of a lion." I rise today to pay tribute to a friend and colleague whom this most accurate description by former Senator Phil Gramm is referencing . . . Paul Coverdell.

This week marked the 10th anniversary of Senator Coverdell's passing, and I proudly join my colleagues in both this body and in the Senate to commemorate the life and achievements of one of Georgia's finest citizens.

Paul Coverdell was a pioneer of the Republican party in our great state and, in fact, for many years, he defined it. After serving in our state Senate for nearly 20 years, 15 of which he was the Minority Leader, Paul took the reins of our struggling state party, and like a true member of the United States Army for which he proudly served, he established a beach head of conservatism in our state.

Now, 25 years later, Republicans occupy the governor's office and four of the other seven statewide offices, both U.S. Senate seats, seven of the thirteen U.S. House seats, and represent the majority party for both the state House and state Senate.

However, Paul Coverdell did not just chair our state party, he led by example. In 1992, Paul took on an incumbent U.S. Senator, enduring four close elections in less than five months, and emerged victorious. Six years later, Senator Coverdell won his re-election campaign and became the first Republican U.S. Senator from our state re-elected since Reconstruction.

Known as a quiet man who worked hard behind the scenes, Senator Coverdell's work was not often seen or discussed on Sunday morning talk shows or national radio programs, but it touches millions of lives each day, most notably through the "Coverdell Education Savings Accounts." In my own district, we are reminded daily of Senator Coverdell's work and legacy through the Paul D. Coverdell Center for Biomedical and Health Sciences at the University of Georgia.

His sudden passing in 2000 became one of those days for myself and many others where you remember where you were when you heard the news. Greatly admired and re-

spected by his friends and colleagues, it is not surprising that more than fifty members of Congress joined over 900 mourners to attend his funeral in Atlanta. To his wife Nancy and his family, I bear witness that Paul Coverdell's character was definitely born from "the heart of a lion."

EXPRESSING SUPPORT FOR H.R. 2864

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to express my support for H.R. 2864, which amends the Hydrographic Services Improvement Act of 1998 to authorize funds to acquire hydrographic data and provide hydrographic services specific to the Arctic for safe navigation, delineating the United States extended continental shelf, and the monitoring and description of coastal changes. This legislation will authorize appropriations for studying the Arctic, which will enable the United States to better examine and understand our Arctic territory.

I have visited the Arctic and I know first hand the important role the Arctic plays in the global ecosystem and our national security. I was able to see the impact of climate change on the Arctic. As a member of the House Armed Services Committee, I have participated in numerous hearings and I have shared the increasingly strategic role the Arctic plays in our national security. As a new member of the Transportation and Infrastructure Committee, I look forward to addressing issues related to maritime activities in the Arctic.

The United States has significant political and economic interests in the Arctic. Hydrographic services are important for maintaining Arctic environmental protection, navigational safety, and international relations. Over the last five years, sea ice in the Arctic Circle has been at its lowest levels on record, and there has been a 35 percent decrease in thicker multi-year sea ice. These are symptoms of climate change, and represent a threat to fragile ecosystems and Arctic inhabitants. Hydrographic research is necessary to improve scientific understanding of the Arctic system and its adaptation to the dramatic environmental changes it is currently experiencing.

Rising sea levels in the Arctic have also altered sea routes and coastlines, compounding the need for new hydrographic research to produce updated navigational charts. Because the region has heretofore been relatively inaccessible, information about the Arctic is lacking in comparison to information about other American marine and coastal areas. According to the National Oceanic and Atmospheric Administration, the Arctic currently has minimal tide, current, and water level prediction coverage, obsolete shoreline and hydrographic data, unsatisfactory nautical charts, and poor weather and ice forecast coverage. Moreover, most Arctic waters that have been charted were surveyed with obsolete hydrographic technology, as far back as the 1800s, and

most of Alaska's northern and western shoreline has not been mapped since 1960, if ever. New hydrographic data on the Arctic region is sorely needed. Charts produced from new research will ensure the safety of both civilians and the Coast Guard as they live and work near and on our Arctic waters.

The opening of new Arctic sea routes as the polar ice caps melt also has political implications. Recent geological surveys indicate that as many as 90 billion recoverable barrels of oil and 2 trillion cubic feet of natural gas may be present in the Arctic Circle. With unprecedented access to these resources made possible by climate change, the contentious debate over drilling in the Arctic will continue to intensify, as will disputes over coastal borders between circumpolar nations. The better the U.S. understands the nature of our Arctic territory, the better prepared we will be to participate in the international conversation about the future of Arctic policy.

I support this bill because new hydrographic research is necessary to gather the most accurate data about our Arctic coastline and natural resources. This data would include oceanographic tidal, current, and wave information; depth measurements for bodies of water; information on navigational hazards and considerations; and updated navigational maps of the area. With this data, the Coast Guard and

research institutes can inform the American public and government about the Arctic to the best of their abilities. To make this possible, I urge Congress to pass H.R. 2864, to authorize funds for hydrographic research in the Arctic.

I urge my colleagues to support this important resolution.

INTRODUCTION OF H.R. 5283

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Ms. CLARKE. Madam Speaker, I rise today as a proud cosponsor of H.R. 5283, the Help Haiti Act of 2010, introduced by my colleague Congressman JEFF FORTENBERRY. This bill normalizes the immigration procedures for certain adopted Haitian orphans that received humanitarian parole between January 18, 2010 and April 15, 2010. It allows their adoptive families, who are U.S. citizens, to apply immediately on their behalves to become legal permanent residents and eventually qualify for citizenship.

As the Representative of the second largest population of first and second generation Haitian immigrants, Haiti has been at the core of

my Caribbean agenda. That is why I am extremely concerned that more than 1,000 paroled Haitian orphans being adopted by American families remain in immigration limbo due to a legal technicality. It is alarming that these children have to wait two years before they are granted legal permanent residency. If this situation is not addressed, these children will remain in this country without certain legal protections and are in jeopardy of being separated from their adoptive family and deported back to Haiti where they have no family.

The legal technicality that put these kids in such a precarious position is yet another example of why our nation needs comprehensive immigration reform. That is why I am committed to working with my colleagues to make immigration reform a reality as soon as possible. Our national security is at stake; our moral standing in the world depends on it; and the American people, many of whom are first and second generation immigrants, demand it. I urge Congress to take a fresh look at the antiquated policies and bureaucratic backlogs that tear families apart and devastate our communities.

Finally, I commend Congressman FORTENBERRY for addressing this issue and his continued support for the children of Haiti.

SENATE—Monday, July 26, 2010

The Senate met at 3 p.m. and was called to order by the Honorable MARY L. LANDRIEU, a Senator from the State of Louisiana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, our shelter in the time of storm, teach our Senators to live as You would have them live. Give them the wisdom to serve others as You desire, providing an example worthy of the high calling they have received from You. Lord, inspire them to be kind to one another, ever seeking for truth in all their endeavors. Keep them totally dependent on You for guidance and strength, freeing them from anxiety and fear. May Your blessing and benediction enable them to work together in harmony and peace.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARY L. LANDRIEU led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 26, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARY L. LANDRIEU, a Senator from the State of Louisiana, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Ms. LANDRIEU thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER FOR MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that following leader remarks—and it doesn't appear there will be any—there be a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Madam President, following morning business, the Senate will resume consideration of the motion to proceed to S. 3628, the DISCLOSE Act. There will be no rollcall votes today. Senators should expect the next vote to occur at 2:45 p.m. tomorrow, July 27. That vote will be on the motion to invoke cloture on the motion to proceed to the DISCLOSE Act.

This week, the Senate will consider the DISCLOSE Act, the small business jobs bill, the Energy bill, and any other items on the Legislative or Executive Calendars that have been cleared for action.

Would the Chair announce morning business.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. Madam President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 3643

Mr. REID. Madam President, I am told that S. 3643 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3643) to amend the Outer Continental Shelf Lands Act to reform the man-

agement of energy and mineral resources on the Outer Continental Shelf, to improve oil spill compensation, to terminate the moratorium on deepwater drilling, and for other purposes.

Mr. REID. Madam President, I object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

Mr. REID. Madam President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

ANNIVERSARY OF THE DEATHS OF OFFICER JACOB JOSEPH CHESTNUT AND DETECTIVE JOHN MICHAEL GIBSON

Mr. McCONNELL. Madam President, in our democratic system, protection and preservation of the United States of America, her institutions, and her citizens is based solely on the voluntary risks taken and sacrifices made by ordinary Americans.

Woven into the fabric of this great Nation and within all Americans is the notion that freedom is not free. Time and time again our citizens, members of our Armed Forces, and law enforcement officials, when called upon, have answered the call to defend that freedom.

Twelve years ago this past Saturday, two courageous Capitol police officers answered the call and made the ultimate sacrifice for their country and their fellow countrymen. Today, I wish to honor the sacrifice of Officer Jacob Joseph Chestnut and Detective John Michael Gibson. An American President once noted:

Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free.

People like Officer Chestnut and Detective Gibson defended and even gave their lives in the service of this truth that is so vital to our society. That is why we remember them and that is why we will continue to tell their story, so those who follow will never forget the cost of freedom.

Both men served for 18 years on the Capitol police force. Officer Chestnut—or J.J. to his friends—was 58 years old and a father of five. He was a 20-year veteran of the Air Force, serving in Vietnam and Taiwan.

Detective Gibson was 42 years old and a father of three. A Massachusetts native, friends recall his intense love for his Boston sports teams—the Bruins, the Red Sox, and UMass basketball. A friend recalled that just a few days before the shooting, John told him he had never had to draw his weapon on the job. Yet, despite being mortally wounded on the day he died, John did not hesitate to return fire.

This is not only a tribute to Detective Gibson's commitment, it is a testament to the outstanding training and preparation the officers of the Capitol police force receive to handle even the toughest situations. Officer Chestnut and Detective Gibson were the first Capitol police officers to die in the line of duty.

In honor of their sacrifice, a plaque has been placed in the Capitol, and their names have been etched upon the National Law Enforcement Officers Memorial, as well as the headquarters of the U.S. Capitol Police—fitting tributes to honor these good and courageous men.

My friend the majority leader, a former Capitol police officer himself, knows all too well the honor as well as the risks associated with the job. So as we honor Officer Chestnut and Detective Gibson today, we also honor all Capitol police who put their lives on the line every single day to protect us and this institution.

To all members of the Capitol police, we thank you for your service and your sacrifice. We are grateful for the heroic sacrifice of these two men. On this day of remembrance, we remember their families as well. May God continue to look after them, and may God continue to protect all those, like Officer Chestnut and Detective Gibson, whose daily work is to protect the rest of us from harm.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DISCLOSE ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3628, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 476, S. 3628, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

Mr. SCHUMER. Mr. President, I rise today in strong support of S. 3628, the Democracy Is Strengthened by Casting Light on Spending in Elections Act, otherwise known as the DISCLOSE Act. I urge my colleagues to support the motion to proceed to a debate on this critical legislation tomorrow at 2:45.

We must not forget why we are here today. In *Citizens United v. FEC*, the Supreme Court narrowly overruled almost a century of law and precedent and held that corporations have the same first amendment rights as people and therefore can spend freely on elections from their treasuries. The Court also opened the door to new kinds of campaign spending by labor unions and certain nonprofit organizations.

At a time when the public's fears about the influence of special interests were already high, that decision stacked the deck even more against the average American. As a result, we are faced with a new reality in our democracy: unlimited amounts of cash can now flow into our Federal elections anonymously and with no accountability.

Voting is the bedrock of our democracy. Elections provide the voters a loudspeaker through which they can make their opinions heard. Allowing special interest money to pour into elections unchecked and undisclosed will drown out the voices of the voters. But the Supreme Court decision did leave us one narrow opportunity to make an impact on this new era in campaign spending.

In *Citizens United*, eight of the nine Justices agreed that disclosure of campaign expenditures is constitutional and in the public's interest. The Court held that disclosure requirements "do not prevent anyone from speaking" and serve governmental interests in "providing the electorate with information" about the sources of money spent to influence elections so that voters can "make informed choices in the political marketplace."

By working within the contours of the Court's majority opinion, we have crafted this bill around new disclosure requirements designed to shine a bright light on those who would operate in the shadows. This legislation will follow the money. In cases where corporations or other special interests try to mask their activities through shadow groups, the legislation drills down so that the ultimate funder of the expenditure is disclosed. No more Citizens for Good Government, or People for Democracy—and the ads are nasty and tawdry, but we never know who they are from.

This legislation requires the sponsors of ads to file regular reports with the Federal Election Commission detailing their political expenditures and the source of the donations they received to fund them.

This legislation enhances disclaimer provisions so the public is aware that it is not a candidate or a political party speaking but a special interest or a corporation. We require CEOs and heads of special interest groups to identify themselves in their advertising. Candidates for Federal office already have to stand by their ads. There is no reason that corporations and special interests should not have to identify themselves as well.

The bill also prohibits entities that receive taxpayer money—such as large government contractors or corporations that received Federal rescue funds—from turning around and spending that money to influence elections. The bill also bans foreign-controlled corporations from spending in our elections.

As Justice Stevens noted in his dissent, *Citizens United* allows foreign-controlled interests to participate in American elections now simply by using their domestic-based entities. We need to prevent that from happening, and the DISCLOSE Act does just that.

If not for the DISCLOSE Act, by the way, foreign companies, foreign corporations, foreign entities could participate in our elections. They could put themselves up under the name of "Americans for Good Government" and no one would even know. Let's be clear, current law bans foreigners, foreign corporations, foreign unions from participating in our elections, but under the complex nature of corporate law, we have domestic entities that would no longer fit into this ban by current law but which are controlled by foreign interests or even hostile foreign governments. We cannot allow BP, CITGO, or Chinese sovereign wealth funds to influence our elections, particularly under a name that would not show it was them. We need to close this loophole now, and that is what the DISCLOSE Act does.

Let me turn to what the bill does not do. There has been a strong argument from the hard right, desperate to see

that this bill not pass; that this is an infringement on free speech. That is absurd. Claiming that disclosure is tantamount to muzzling free speech is nothing more than a scare tactic from special interests that do not want the public to know what they are doing.

If you have the courage of your convictions, you should say who you are, plain and simple. Democrats and Republicans alike have long defended disclosure campaign expenditures as both appropriate and constitutional. The minority leader has talked about disclosure as a substitute for campaign finance reform. And in this bill, we are working well within the free speech guarantees of the first amendment in our strengthening of disclosures and disclaimers on campaign ads.

Second, this bill does not circumvent the Supreme Court. While I believe the Court's ruling was an activist overreach, this legislation clearly does not. The main purpose of the DISCLOSE Act is to provide the American public with information on who is speaking when political advertising and expenditures are made. Its purpose is not to circumvent or overturn the Court's decision by imposing a backdoor ban on special interest spending.

Recently, the Supreme Court, in another case, *Doe v. Reed*, again upheld disclosure as constitutional under the first amendment, with the support of eight Justices, which means a whole number of conservative judges had to support that idea.

This bill does not treat corporations and labor unions, along with trade associations and most other organizations, differently. Last month, we all know the House passed its version of the DISCLOSE Act. We have made changes to the House bill that I believe make it more evenhanded while sticking to the central goal of bringing transparency and public disclosure to the new kind of election spending the Supreme Court approved. For example, the House bill received criticism for allowing organizations that collect dues to avoid disclosing transfers of funds they make to their affiliates. This was criticized, fairly or unfairly, as a union carve-out. So we eliminated this exemption in the Senate bill. Another exemption was made for transfers between separate organizations if the funds could not be traced to an individual donor. We removed this exemption as well. So anyone who votes against this bill under the guise that it treats labor and corporations differently has not read the bill. We have kept this bill balanced and evenhanded. The changes made a strong bill even stronger.

To recap, the bill does not chill speech. It does not impose a backdoor ban on corporate spending. It does not treat labor unions differently from corporations. What this bill does do is listen to the American people, and 8 in 10

American voters, Democrats, Republicans, and Independents, overwhelmingly disapprove of the Supreme Court's opinion in *Citizens United* and overwhelmingly support what we are doing here today. And there is good reason why. The public does not want to be deceived by advertising from anonymous funders. The public does not want foreign-controlled interests taking over our elections. And the public does not want their tax dollars being used by large Federal corporations to influence elections.

Already, the *Citizens United* decision has given rise to a cottage industry of swift boat-style shadow groups, groups that do not make democracy proud. Karl Rove admitted this month that his new 527, dubbed "American Crossroads," was born out of a loophole created by the *Citizens United* decision. He bragged that his group will flood the 2010 elections with \$52 million worth of ads bankrolled anonymously by special interests. Other shadow groups like Rove's are planning similar levels of activity. All together, these groups could account for \$300 million in political spending this fall alone. The Supreme Court, unfortunately, opened the door to these anonymous donations. We must act now to close the door before faceless groups are allowed to spend unlimited sums without any accountability or transparency. The voters deserve to know the source of this spending.

My prediction—sad but I really believe true—is that if we do not close this loophole, the roots of our democracy will get more and more corroded, endangering the whole vital tree, the oak of democracy itself. It is hard to believe that we are now saying that a company, a group, that has multimillions of dollars can spend that money against a particular candidate, say whatever it wants, whether it is true or false, and not be held to any accountability whatsoever. What has become of our democracy?

The Supreme Court made the wrong decision. I still can't understand why they did it. But we have an opportunity here—not as Democrats or Republicans but as Americans—to rectify, at least modify within the Constitution and at least require disclosure because we all know disclosure will not chill speech but it will make sure that those who wish to launch millions of dollars of nasty and perhaps untruthful ads against a candidate they don't like will at least have to say their name. What could be wrong with that?

The Senate will vote tomorrow afternoon to invoke cloture on the motion to proceed to the consideration of the DISCLOSE Act. I urge my colleagues to allow us to move to a debate on this crucial legislation. We have a clear choice tomorrow: We can vote to debate how to make our elections more open and transparent or we can bow to

special interests that seek to influence our elections behind closed doors. It is time for us to have that debate. Our democracy cannot afford a filibuster of transparency and disclosure in its elections. Let's be clear: If we fail to act now, the winner of November's elections will not be Democrats or Republicans; it will be special interests.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ETHANOL

Mr. GRASSLEY. Mr. President, last week there was a news conference by a group of outside people who attacked ethanol, and then the senior Senator from Arizona gave a speech on that subject last week. I told the senior Senator that I was going to have something to say about ethanol this week; I didn't tell the news conference people that I was. So it seems to be that time of year once again. Without fail, every few months or so, we have big oil on the one hand and big food interest groups on the other hand start a misinformation campaign in an effort to denigrate the U.S. biofuels producers. In other words, they are attacking renewable fuels.

Last week, almost as if on cue, a group opposed to domestic efforts to reduce our dependence on foreign oil began their usual song and dance. A press conference led by the Grocery Manufacturers Association and other special interest groups was held to malign the benefits of homegrown renewable fuels. Don't forget that this is the same group of folks who, a few years ago, waged a high-priced, inside-the-beltway smear campaign against ethanol for allegedly leading to higher food prices. At that time, the price of corn was going up because there was speculation in commodities, the price of oil was going up, and so the grocery manufacturers decided: We have to have an excuse to increase the price of food—20 percent, roughly. Well, you know what, the price of grain came down, but the price of food has not come down. So I think it was simply a diversionary tactic to get away with what they maybe would not have gotten away with with the consumers.

Well, I think 2 years ago, maybe 3 years ago, that myth was roundly dispelled, but I want to keep reminding people that there was that campaign out there. Economists proved what Iowa farmers and our Nation's farmers knew to be true: The higher cost of corn was responsible for just a tiny fraction of the increase in food prices. So while food manufacturers wanted

consumers to believe that corn ethanol was doubling or tripling their grocery prices, nonbiased observers knew that the corn input costs were just pennies of the retail price of food.

However, with dozens of multibillion-dollar corporations and profits to protect, it is not surprising to see this group—or maybe I better say these groups—attack our country's farmers and ranchers, who are working to produce our Nation's food, our Nation's feed, our Nation's fiber, and now, with renewable fuels, producing fuel that you and I burn in our car tanks almost daily. And farmers can do that. They can do all of that. They are doing it right now. This year, we will have the largest corn crop this country has ever produced, and doing it on 3 million less acres of cropland.

So these same groups are at it again. They see new opportunities to undermine our domestic biofuels industry, and they have a bottom line to look out for and pockets to line. They are now arguing that our Nation cannot afford government policies to foster the growth of renewable energy. In other words, they are arguing that the cost of energy independence is too high and we cannot afford it. They would prefer that we increase our reliance on fossil fuels and imported crude oil. The unfortunate outcome of such attacks, however, is that less informed individuals begin to believe this misinformation. So it is time that we review the true cost of imported fossil fuels.

In 2008, Americans sent over \$450 billion to foreign countries to satisfy our demand for oil. At \$80 a barrel—and I suppose oil is, I think, roughly \$75 now, but if it is \$80 a barrel, we will send nearly \$350 billion overseas, out of this country, this year for oil.

We rely on foreign oil to meet 60 percent of our oil demand. But do not forget, much of the world's oil reserves are located in the volatile and very unpredictable Middle East.

According to the Energy Information Administration, oil price shocks and price manipulation by the Organization of Petroleum Exporting Countries cost our economy about \$1.9 trillion between 2004 and 2008.

Our dependence on imported oil accounts for about one-half of our trade deficit—one commodity—a very important commodity for us, but it accounts for one-half of our trade deficit.

The Federal Government's support for homegrown ethanol equals less than 2 percent—just less than 2 percent of the money we will send to Canada, Saudi Arabia, Mexico, Venezuela, Nigeria, and other countries where we import oil.

The domestic ethanol industry supports 400,000 green jobs in the United States. Last year, ethanol contributed over \$50 billion to our gross domestic product. It contributed \$8.4 billion in tax revenue to the Federal Govern-

ment. The incentives we provide for ethanol production lead to a surplus of tax revenue for the Federal Treasury. So which is the better bargain—being dependent on foreign countries for 60 percent of our energy needs at a cost of \$350 billion or keeping this money at home, creating green jobs and increasing our national and economic security? I believe the choice is very obvious.

Up to this point, I have only considered the economic cost. There are other costs. I will put up a chart with one of the environmental costs. This chart depicts a small example of the environmental cost of our dependence upon foreign oil. The first photo, the lower photo, is the one we are all too familiar with, the explosion and the ensuing oilspill at BP's Deepwater Horizon oil rig. The other photo might look like Mars or the Moon, but it depicts land in Canada where oil is being extracted from tar sands. The fact is, fossil fuels are getting more expensive to extract and are likely to come at greater environmental cost. That is the negative aspect, environmentally, beyond the economic issues I have discussed.

We have an alternative. That alternative, which the next chart shows, is homegrown, renewable biofuels. The chart shows the cornfield on the left, and where we go to the gasoline station to get the renewable fuels to power the car on the right. Today, ethanol accounts for 10 percent of our transportation fuels. No other fuel alternative comes close to ethanol's contribution to a clean environment and less dependence on foreign energy and less dependence upon fossil fuels. Domestically produced ethanol contributes more to the fuel supply than all imports except Canada. More ethanol means less greenhouse gas emissions. A University of Nebraska study found that ethanol reduces direct greenhouse gas emissions by 48 to 59 percent compared to gasoline. Ethanol production continues to improve, and increasing crop yields means we are producing more fuel from less grain on fewer acres.

Let me repeat something I said earlier: Probably 13 billion bushels of corn, the largest crop ever produced in the United States, and we have 3 million less acres in crop production this year compared to a year ago. Ethanol producers are reducing energy and water usage. So the production of ethanol is becoming more efficient.

Finally, it is important we consider the national security cost of our dependence upon foreign oil. I will put up a chart about the Middle East. The Middle East accounts for 20 percent of U.S. oil imports; 17 billion barrels of oil are shipped each day through the single most important shipping chokepoint; that is, the Straits of Hormuz out of the Persian Gulf. In

fact, the military people say that is one of the serious problems in dealing with Iran, if they decided to sink ships there, what they could do economically to the rest of the world and what they could do national security wise to the rest of the world. They have threatened that. They have never done it, probably because their livelihood depends on it as much as the rest of the world. But it is still one of those chokepoints. On average, 15 crude oil tankers pass through the Straits of Hormuz every day, with much of that oil headed to the United States.

We have two other large oil shipping chokepoints; one at the Suez Canal and the other one at the Gulf of Aden at the bottom of the map. To determine the true cost of America's dependence on foreign oil, it is important to understand the cost to the taxpayers of defending and protecting these shipping lanes. A New York Times editorial, in the late 1990s, calculated the true cost of a gallon of gas, including the military cost of making sure it can get from the oil wells of the Middle East to the United States at \$5 a gallon. Last week, I questioned four-star retired U.S. Army GEN Wesley Clark on the true cost of gasoline, when he appeared before the Committee on Agriculture. He estimated it to be around \$7 to \$8 a gallon today, 10 years later than the New York Times editorial.

Homegrown ethanol produced in the Midwest—I suppose anywhere in the United States, but most of the corn is produced in the Midwest—doesn't need a military escort to the gas stations on the east or west coasts such as oil from the Middle East does. Homegrown ethanol does not need the Department of Defense to protect its transport from our farm fields to consumers. Again, our Nation's investment in ethanol is a real bargain. It is increasing our economic and national security. That is why it is important we continue to support this industry.

Some have claimed it is a mature industry and it no longer needs our help. This statement ignores the fact that ethanol is competing with a century-old industry dominated by big oil, which itself has received billions of dollars from the taxpayers over many decades and for decades longer than the ethanol industry.

Getting back to the detractors I referred to, most often the people who held the press conference a week ago today denigrating oil, these ethanol detractors continue to undermine these efforts. One organization estimates that a lapse in the tax incentive for ethanol would shut down 40 percent of the industry and result in the loss of 112,000 green jobs. That is 112,000 jobs that rely on the production of ethanol. We can't allow ethanol to follow the path of biodiesel which has essentially shut down because this Congress failed to extend that tax incentive that ran

out last December 31. While President Obama spoke in his address on Saturday about investing in homegrown clean energy, 45,000 biodiesel jobs have vanished because of the lapse of the biodiesel tax credit. It is inexcusable.

President Obama touted the goal of creating 800,000 clean energy jobs by 2012. Why not take action today to extend the lapsed biodiesel tax credit and immediately put 45,000 people back to work? The same thing could happen to the ethanol industry, if we fail to extend the tax incentive which runs out December 31 this year. If we undermine ethanol, we are putting out the welcoming mat for dictators such as Hugo Chavez. In fact, last night on the television, it said Chavez is talking about maybe not selling oil to the United States.

Then, last week, as I referred to in my speech—and I told the Senator from Arizona I was going to speak on ethanol this week—we had the senior Senator from Arizona question the wisdom of domestic renewable fuel incentives. He was quoted as saying:

Maybe we will stop this damned foolishness called ethanol subsidies. It's one of the greatest rip-offs that takes place on the American taxpayers.

So to those who would do away with our domestic ethanol production, I have one question: Which country should we look to for 10 billion gallons of fuel? Would we want to go to Saudi Arabia? Would we want to go to Venezuela? Would we want to go to Nigeria? Whom would we rather support with our hard-earned money? I want to ask this question: Would we rather support Hugo Chavez or the American farmer? Would we rather support Chavez, which is an insane thing to do? Sending money to someone who buys guns to fight us is insanity. In this chart we have these two people on the left, Chavez and the President of Iran. We have the farmer of America on the right. Where would we want to get our energy from? Whom would we want to rely on?

It is pretty easy to answer that question. We shouldn't be reducing our use of renewable fuels. We should be increasing it. We should produce all we can from corn and from the biomass that is left over from corn and from grasses and from wood waste. We should increase the use of biofuels by mandating the production of flex-fuel vehicles and increasing the availability of blender pumps.

Ethanol is here today. It is creating a cleaner environment. It is keeping money at home in our economy and increasing our national security. Undermining the only renewable fuel that has the proven ability to accomplish these goals would be insanity, a little bit like the two people we see on the left but not the person on the right. The person on the right is the backbone of the American economy because

nothing has contributed to the national wealth except what comes from the national resources of the country.

Bottom line: Ethanol is good for America, but let's segment that. It is good for agriculture. It is good for good-paying jobs in small town America, where these renewable plants are located. It is good for the environment. It is good for lessening our dependence on foreign oil, which helps our trade balance, which helps our national security. There isn't another issue Members can come before the Congress with that has no negatives and all positives. In other words, everything about ethanol is good, good, good.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

RAISING TAXES

Mr. KYL. Mr. President, I suspect my colleague, the senior Senator from Arizona, will have something in response to say to my friend from Iowa. But what I wish to talk about is a comment Secretary of the Treasury Geithner made on television yesterday, in which he said he thought it would be a good idea to raise taxes in this country and that he didn't think income taxes on the higher two of the five tax brackets will hurt economic growth. He also said he supports allowing the top capital gains rate to be increased by 25 percent, from 15 to 20 percent.

I want to talk about that for a few minutes today. In this country, we have two goals: job creation and economic growth. We also want to reduce our Federal deficit and ultimately the Federal debt.

So how do we promote investment? There are two basic theories. One theory is that if we spend a lot of money that we borrow from countries such as China on programs such as the stimulus program, we can create economic growth and jobs. That has not worked. We have 3 million more people out of work today than when the stimulus package was put into effect. In fact, unemployment was supposed to be 8 percent or so now with the stimulus package, and, of course, it is 9.5 percent and with no relief in sight. The other way to do this is through investment by businesses, both large and small businesses. I think most economists believe that if businesses have capital to invest, they can hire more people, create more output or productivity, and therefore produce both growth and jobs.

So what we should be doing is promoting job creation and economic growth through private investment. How do we promote that? I know one thing you do not do, especially in bad economic times, is raise taxes. The last thing any business, especially a small business, needs—when you are asking them to hire more people—is to say: By the way, would you also give some money to Uncle Sam above what you

are already contributing? We need it, and you can put off hiring that person you were going to hire for your business until later.

We know that is not how you promote economic growth. You should not raise taxes, as I said, especially in a time like this.

Secretary Geithner said he did not believe higher taxes would hurt economic growth. So I checked on what the President's chief economist said—Christina Romer, Chairwoman of the President's Council of Economic Advisers—to see whether she agreed with Secretary Geithner. Well, it turns out she very much disagrees. In a paper that has just been published in the June 2010 issue of the American Economic Review called "The Macroeconomic Effects of Tax Policy Changes," she writes, among other things, the following—I am quoting now from page 764:

Our estimates suggest that a tax increase of 1 percent of GDP reduces output over the next three years by nearly three percent. The effect is highly statistically significant.

So output or growth is reduced by nearly 3 percent just over the next 3 years.

She says on page 797:

The key results—

And we are talking about the impact of tax changes on consumption and investment, which are the two key components to growth.

She says:

The key results are that both components decline, and that the fall in investment is much larger than the fall in consumption. In response to a tax increase of one percent of GDP, the maximum fall in personal consumption expenditures is 2.55 percent. . . . just slightly less than the maximum fall in GDP. The maximum fall in gross private domestic investment is 11.19 percent. . . .

So think of it: Just raising taxes by 1 percent of GDP results in a decrease—or she calls it a fall—in gross private domestic investment of over 11 percent. So not only are you not contributing positively to investment and therefore hiring, but you are cutting it by 11 percent during this same period.

She says on page 781:

In short, tax increases appear to have a very large, sustained, and highly significant negative impact on output . . . the more intuitive way to express this result is that tax cuts have very large and persistent positive output effects.

So there you have it: Tax cuts promote economic growth. Tax increases depress economic growth. They create a fall in both investment and consumption and therefore output, and the result is statistically significant.

Secretary Geithner is wrong. Raising taxes will have a highly significant, negative impact on job creation, investment, and economic growth in our country.

President Kennedy agreed with this a long time ago. He once said:

An economy constrained by high tax rates will never produce enough revenue to balance the budget, just as it will never create enough jobs.

The reason I quoted that is because the second goal we have—to reduce budget deficits and public debt—is often used as an excuse by those who want to raise taxes, saying: Well, we reduce debt by raising taxes. As President Kennedy said, if you have high tax rates, you are never going to produce enough revenue to balance the budget. You balance the budget with economic growth. The more growth you have, the more revenue is produced because people are making more money and they are paying more taxes. We know that historically. This is not in doubt. During times of economic growth, when people are doing well, revenues to the Treasury increase. In times like today, revenues are decreased. You are not going to be able to balance the budget in this kind of a situation by simply raising tax rates because—what did we just show a moment ago—raising tax rates depresses job creation, economic growth, investment. So you cannot do it by raising taxes.

Indeed, I think my colleagues on the other side of the aisle have exposed themselves a little bit here because they never seem to have a concern about the deficit when it comes to spending. That is why they were able to spend over \$1 trillion in an economic stimulus package and not pay for a variety of other things for which they increased spending.

I thought the most interesting example was last week when they refused Republican offers to pay for the \$34 billion cost of extending unemployment insurance. All of us wanted to extend unemployment insurance. That was not in doubt. The question was, Should we pay for it with offsets in spending elsewhere? In a \$3 trillion budget, we said: There are a lot of places you can get the money, starting with unspent stimulus funds. So we could have paid for or offset the \$34 billion cost of extending unemployment benefits. That was our proposal.

The Democratic side said: No. We will not extend unemployment benefits unless we can add to the debt in doing so. We are going to vote no unless it adds to the debt.

In the House of Representatives, the comment was made that they were philosophically opposed to paying for or offsetting the cost because they did not want to get into a position where they would have to find a way to do that in the future. So they rejected an offer that was made by at least one Democratic Senator to use some stimulus funding to offset the cost of unemployment benefits. No, they said, we don't want to do that. We do not want to offset the costs in any way. We want to add to the debt.

So it seems a little hypocritical now for colleagues to come to the floor and

say: Oh, we have this big deficit problem. We don't want to add any more to the debt. Let's raise taxes.

Then they have the temerity to say to Republicans—who say, we do not want to raise taxes on anybody, on corporations, on businesses, large, small, individuals, or anybody else—to say: Well, then, in that case, you are going to have to raise taxes on somebody because the budget assumes the tax rates that currently exist are going to be increased next year. So if you are going to increase those tax rates for some people—let's say the top two brackets—how are you going to pay for that?

We say: What is to pay for? Taxes should not be raised. They should not be raised on anybody.

Several of our colleagues on the other side of the aisle are apparently in agreement with that. This is not the time to raise taxes on anybody.

But in any event, if you say: Well, we have to raise taxes to reduce the budget deficit, then why just raise taxes on the top two income tax brackets? That would raise, over 10 years, \$682 billion. But if you raise taxes on everybody, you could raise taxes by \$2.731 trillion.

Well, the obvious answer is, well, we wouldn't want to pay for that. We wouldn't want to offset the cost of that.

But you have to figure out a way to offset the cost if we raise taxes on the upper two brackets. It is a circular argument that I suggest both makes no sense and is hypocritical.

The bottom line is this: Small businesses will get killed by an increase in the rates of income tax—the so-called upper two brackets. Twenty million people are employed by small businesses that pay their taxes in those two brackets. As a result, what you are going to do is inhibit the growth of our small businesses. An increase in the top effective rate—this is from Douglas Holtz-Eakin—from 35 percent to 42 percent would lower the probability that a small business entrepreneur would add to payrolls by roughly 18 percent.

So I think all of us realize that raising taxes, especially in those top two brackets, will inhibit growth because small business owners will have to pay the tax rather than hire someone. As I said before, according to the NFIB, there are more than 20 million workers in those firms directly targeted by the higher marginal rates. We would have to, in effect—and this came as a result of statistics presented to us by Senator SNOWE, who is also on the Finance Committee—you would need to have economic growth of 5.8 percent—about twice as much as we have today—in order to return to a 5-percent unemployment rate by 2012. To get there by 2013, you would have to have an annual growth rate of 5 percent to get back to 5 percent unemployment. Well, how are we going to increase growth by that much?

I come back full circle to my original point: Our goal is economic growth and job creation. You do not get there by raising taxes. So when my colleagues start talking about raising taxes on anybody—from the death tax to the capital gains tax to marginal rates—my question to them is, Given the fact that the Chairwoman of the President's Council of Economic Advisers has been so clear that this will inhibit job creation and economic growth, why would you want to do that? Why would you want to inhibit economic growth and job creation? The better way, if we are really interested in reducing the deficit, as we should be, is to begin to slow down the spending so that eventually we are not spending more than we take in.

I will close with this point: Last Friday, the White House announced that it turns out the deficit for next year is going to be \$1.47 trillion. That is about three times higher than the highest deficit with President Bush, and that was when the Democratic Congress was appropriating the money. The year before that, it was less than \$200 billion. In fact, the exact deficit the last year Republicans were in control of the Congress and President Bush was President was \$160 billion—\$160 billion. That was 1.2 percent of GDP. For next year, it is going to be \$1.47 trillion—\$1.471 trillion—or 10 percent of our GDP.

The answer is clear: The way to reduce our deficits and reduce our debt is by reducing spending. The way to economic growth is by not increasing taxes. So I hope my colleagues will consider this as we begin to debate the plans to finally achieve economic growth and job creation for the United States.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President and colleagues, I rise today to talk about this legislation, the DISCLOSE Act.

Like much of the legislation that is being taken up in the Senate these days, the partisan battle lines are already being drawn on this bill. One side sees the impending vote as yet another opportunity to score some political points off the other, and vice versa. That makes for a lively debate, but I am not sure what good it does the American people.

I will say on a personal note that I will always fight with every ounce of my strength for the people of Oregon and the folks whom I have the honor to represent. I say to the Presiding Officer, you and I have talked about this from time to time. I do not exactly come to the floor of the Senate looking for gratuitous, political, counter-productive fights. What I have been interested in, what I have tried to make the hallmark of my service here, is trying to find common ground, trying to find ways to bring people together.

Some have said that is overly optimistic, almost too idealistic. But I prefer to say it is simply bipartisanship and principled bipartisan. It has been my experience in the Senate that if you can get folks to put aside their political talking points and focus on commonsense policy, not only are there opportunities for us in the Senate to find common ground, there are opportunities to advance policies that make sense for all Americans, whether they are Democrats or Republicans. I have joined Senator SCHUMER in cosponsoring the DISCLOSE Act because I continue to believe this is such an opportunity for bipartisanship and finding common ground.

For me, this issue took hold after the 1996 special election where Senator Smith, my former colleague—my very good and personal friend—and I campaigned against each other to be Oregon's first new U.S. Senator in more than 30 years. Suffice it to say that campaign was not the kind of calm and upbeat debate that folks here in the Senate would expect from either me or from Gordon Smith. Instead, it was one of the ugliest campaigns in Oregon history. There were attack ads being run by both the left and the right. Certainly, while policy differences and personal criticisms are fair and an almost inevitable part of a political campaign, what bothered Senator Smith and me at that time, during that special election—the only race that was being run anywhere in our country—is not only did Oregon voters not know who was responsible for the bulk of those ads; neither Gordon Smith nor I could figure out who was saying what about whom.

My view was that something had to change. Something is way out of whack when you are having scores of ads, hundreds and hundreds of ads being run, and no one can figure out who is running them. My concern is that we are heading back into exactly that same kind of situation, given the decision from the U.S. Supreme Court.

Shortly after my election in 1996, when I had watched all of those ads being run from all those various and sundry groups and not able to identify who was running them, I came back to the Senate and said I am going to do everything I can to change that. I got together with a number of us on both sides of the aisle; let me emphasize that, because it can't be emphasized enough. This was a bipartisan group that was concerned about that particular issue. We came up with a concept known as Stand By Your Ad, where, in effect, those who run ads in their campaigns—it has continued to this day—would have to own up to their being the ones sponsoring the message.

As part of the campaign reform of 2002, Stand By Your Ad was included. In my view, it has ushered in a new era

of personal accountability in political elections by requiring candidates to take personal responsibility for the contents of their ads. Not only has every Member of this body seen those ads; my guess is just about everyone but our new colleague from West Virginia has actually recorded those ads. That is, in effect, what is required. One has to say: "I am Ron Wyden and I approved this message." It certainly isn't a hard thing to do, and it certainly is not out of line with what the American people have a right to expect, which is openness and personal accountability.

Now with the Supreme Court decision giving corporations and unions and even foreign economic interests the ability to spend as much, if not more, money to influence elections than the candidates themselves, I think it is only right that these groups abide by the same rules as the candidates themselves. Just as voters have a right to know when a candidate is trying to influence their vote, I believe voters have a right to know when one of these powerful organizations seeks to do the same.

Of course, this is going to have an impact on the content of political speech. Sunlight is the most powerful disinfectant, and I think all of us ought to understand these groups that are buying all these ads are going to be a little bit more hesitant to pay for an outrageous attack, an outlandish overreach, if they know they have to put their name on it. I think the question that ought to be asked here in the Senate is not why should organizations have to stand by their political speech, but the question should be why don't they want to. What are they actually ashamed of? In my view, if you feel strongly enough about an issue to buy television time, you ought to have the guts to put your name on it. I have felt that ever since 1996 when I first campaigned for the Senate, and I continue to believe that today.

I know the debate we are going to have tonight and tomorrow on the DISCLOSE Act is going to spur a lot of very impassioned speeches about political elections, and there are going to be accusations flown by one side or another about who is going to get a political advantage and what ought to be done to quash the person who is somehow deriving a political advantage out of it. But I would simply say as we go into this discussion that everybody here in the Senate ought to remember exactly how we earned our seats in the first place.

This very institution was founded on the idea of equality and free and open debate. Each and every citizen's voice and vote would be given the same weight as each and every other. What concerns me is that the Supreme Court decision, in my view—I say this respectfully—does a disservice to that concept by making it possible for some

voices to drown out others. That is what ought to be contemplated at this point, and it is certainly what I have been talking about at home, which is that this decision has made it effectively possible for a foreign economic interest to have a louder voice in this country's political process than a hard-working, tax-paying Oregonian. I don't think that is fair; I don't think it is just; and I am not prepared to stand for it.

I am proud to join Senator SCHUMER in sponsoring and advocating for this important legislation that, in my view, is worthy of bipartisanship. I know there is going to be a strong push to deal with the politics of this issue, but I think this bill is now worthy of bipartisan support.

Changes have been made to the legislation to address some of the original concerns that were expressed about the bill. There were concerns originally addressed that some groups weren't being held as accountable as others and I believe the legislation has been amended to correct many of those problems. I think Senator SCHUMER deserves considerable credit for it. I have always felt that a credible effort at transparency means you have to hold your friends just as accountable as those who may disagree with you, and this legislation does that. It does other important reforms in terms of electronic filing, and I think it is very much in the interests of the American people. It certainly will make it possible for the press to report more expeditiously on these kinds of expenditures.

I wish to commend Chairman SCHUMER of the Rules Committee. I think he has been genuinely interested in a collaborative and open process. I believe Senator SCHUMER has asked me specifically to participate in this kind of process because he knows that is what I feel so strongly about.

We have major issues we have to tackle in the days ahead. I heard Senator KYL talk about taxes. Senator KYL made a point, in discussing taxes with me, about the whole role of tax expenditures which, in effect, is a huge issue in this tax debate. Senator GREGG and I have put out the first bipartisan tax reform bill in two decades. So we have a lot of work to do here and we have to do it in a bipartisan way. I am very hopeful the changes that have now been made, particularly ones ensuring that one makes it clear—that it is so important that accountability and transparency apply in the broadest possible way—and that will make it possible to bring both sides together here in the Senate.

We came together back in 1996 to write Stand By Your Ad. A number of those Senators on both sides of the aisle I know feel very strongly about open and transparent government. Let's find a way for the Senate to duplicate what we did in 1996, and let's

make sure that as we go into this election there is transparency and accountability. I don't want to see again what we saw back in 1996 where ads are flying from all sides, in every direction, making charges that are clearly outrageous and over the line and in no way ensures that voters know who is paying for those ads. The country deserves better. The Senate ought to make it possible for the country to get better and more accountable government, and I am very hopeful this Senate will pass the DISCLOSE Act, particularly the important changes that Senator SCHUMER has made, in the days ahead.

Mr. President, I yield the floor.

Mr. DORGAN. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. DORGAN. Mr. President, I listened with some interest to my colleague from Arizona, the minority whip, discuss his notion about the economic issues confronting our country. I wish to respond a bit to them with great respect, of course, because I think the opportunity to have competing ideas about our country's future is a very important opportunity here on the floor of the Senate.

Some long while ago I wrote in a book that I published about Stanley Newberg. I wrote in the book that I had read about Stanley in a very small New York Times article, but it so piqued my interest that I decided to try to find out about Stanley, so I did. I found that Stanley had come to this country as a young boy to escape the persecution of the Jews by the Nazis. He, with his father, sold fish, I believe, on the Lower East Side of New York City, in Manhattan. He followed his dad selling fish. He learned English. He went to school. Then he was able to do well in school and go to college. His parents had saved for him. He went to college and graduated from college and then went to work. He got a law degree and then he went to work for an aluminum company. He did so well he rose up and finally managed the aluminum company and then purchased the aluminum company. When he died, they opened his will. In his will he said he wanted to leave his \$5.7 million to the United States of America for the privilege of living in this great country, and that was Stanley Newberg's will.

I thought: That is really unusual for someone to die and in their will leave their money to this country with gratitude for the privilege of living in this

great country. What a remarkable thing to remind all of us that being an American is something we shouldn't take for granted Monday through Friday or all week long, for that matter.

It is the case, I think, for most of us that when we grew up, we understood this country was the biggest, the strongest, the best, destined to expand opportunity for our children, and things would always be better for the next generation than for the last. That is how we viewed this country of ours.

But it is the case, it seems to me, these days that America has lost a step. There is great concern about whether the kids will have it better than we had it. There is great concern about the economy and the fact that there are probably 18 million to 20 million people who woke up this morning either without a job, or with less of a job than they could easily handle. They are underemployed or unemployed—18 million to 20 million people. People woke up this morning and saw the news that we are deep in debt and getting deeper in debt. They are concerned about the federal debt, and they should be, there is no question about that.

Let me, for a moment—because I want to engage on the proposition by my colleague from Arizona—transport us back to 2001. In 2001, on the floor of the Senate, during that period, we had a pretty raucous debate. That debate on the Senate floor was about the first budget surplus in 30 years under the last year of President Bill Clinton—a budget surplus of a couple hundred billion dollars. Alan Greenspan was not sleeping at night because he was worried that we were going to pay down the Federal debt too rapidly and that would injure the economy. Many of my colleagues said we have a surplus now, and the economists project that we are going to have surpluses for 10 years—as far as the eye can see. You have heard the old line that if you were to lay all the economists end to end, they would never reach a conclusion. Individually, almost all of them said we have a surplus, and now we will have one as far as the eye can see. Many of my colleagues supported George W. Bush's proposal to provide tax cuts for the next 10 years. They said: Let's provide tax cuts for the next 10 years because we need to give this surplus back to the American people.

I stood on the floor of the Senate then and said I don't think we ought to give back tax funds that don't yet exist. These surpluses are only projections. What if something would happen? How about being a little conservative about this? But, no, Katy bar the door; they said we are going to provide large tax cuts, and the largest to the wealthiest Americans, such that if you made \$1 million a year in income, you got an \$80,000 or so a year tax cut. That was the proposal. It passed—without my support, but it passed. So that was the experience in 2001.

Fast forward to 2010. Where are we? We are \$13 trillion in debt. By the way, this is testimony before the Senate Committee on Finance by Leonard Burman, who is the Daniel Patrick Moynihan Professor of Public Affairs at the Maxwell School at Syracuse University:

If the Bush tax cuts had never been enacted, the debt held by the public at the end of 2009 would have been 30 percent lower, to about \$5.2 trillion . . . This was less than the level of debt at the end of 1999.

The question is—and this is what brought me to the Senate floor—my colleague says we have to extend the tax cuts that were provided in 2001. The President says let's extend the tax cuts for middle-income folks making \$250,000 a year, or below. My colleague from Arizona, and others, say, no, let's extend all of Bush's tax cuts from 2001. Let's extend them all. The difference is about \$1 trillion added to the debt over the next decade. Extending those tax cuts for roughly 2 percent of the wealthiest U.S. households will cost, with interest, about \$1 trillion.

My colleague says if you don't do that, then you are increasing taxes on upper income people, and that is going to retard economic growth. Let me talk for a bit about that, because it is interesting to me that those who are on the floor saying let us not let the tax cuts expire—by the way, these were tax cuts for upper income people, who got the largest tax cuts, and they were given because we were trying to give a surplus back. Does anybody see a surplus around here? Has anybody seen a surplus for 9 years?

Right after the Senate and the Congress passed legislation to provide significant tax cuts for wealthy Americans, we had a recession in 2001, on 9/11 we had a devastating terrorist attack, and then we went to war in Afghanistan, and then we went to war in Iraq, and we had a continuing war against terrorism. We never saw a surplus beyond that year. That deficit and debt went up, up, up, and up.

At the same time all of that was happening, this new administration that came in in 2001 not only said we are going to cut taxes largely for the wealthy, but they said we are going to hire a bunch of regulators in this town who will promise not to look. You do what you want and we won't watch. Wall Street went wild. It was an unbelievable carnival of greed. We had trillions and trillions of dollars of financial vehicles being created that had never been created before, such as naked credit default swaps, synthetic CDOs—you name it—and they were trading back and forth. As Will Rogers said, people were trading things they never got from people who never had it. Everybody was making a lot of money on Wall Street, like hogs in slop, as they say on the farm.

The fact is that the house of cards they created came tumbling down.

When this President crossed the threshold of the White House in January of last year, had he taken a Rip Van Winkle nap for a year and done nothing, the budget deficit he inherited was going to be \$1.3 trillion. Now we have a \$13 trillion Federal budget deficit, and now we have the circumstances of a tax cut, the bulk of which went to the wealthy, that was described by the minority 9 years ago as being essential to give back the surplus that doesn't exist.

The question is, will that tax cut be extended for the wealthiest Americans? Phrased another way, shall we add another \$1 trillion in Federal debt in order to give tax cuts at \$80,000 a year to someone who makes \$1 million a year? At the same time our colleagues say that is essential to do, they say if you don't do that, you will have an unbelievable impact on small business, because that is who will pay these taxes. That is not true at all—just not true. About 3 percent of small business income, would be captured by that; 97 percent would not. Those are the facts.

At the same time we have people pushing for that—adding \$1 trillion to the debt by giving the highest income earners in the country extended tax cuts—the same folks are coming to the floor and saying, by the way, one of our highest priorities is not only to extend the tax cuts for the highest income earners, it is to make sure we repeal permanently the estate tax. They don't call it that; they call it the "death tax." Why do they do that? Because a pollster did a poll and said if you call it the "death tax," you can fool the American people who will believe there is a tax on death. But of course, there is not; there is a tax on inherited wealth.

It seems to me that is an interesting set of priorities. They say we are concerned about the Federal deficit and debt—and, by the way, we want to add \$1 trillion to the debt by opposing President Obama's request that we not extend the tax cuts for people making over \$250,000. We want to add \$1 trillion to the debt, and we also want to repeal the entire estate tax.

I don't know how one believes that set of priorities represents the best interests of our country. I am for lower taxes. I would love it if people could pay minimal taxes across this country. But I am also for a country that works, and a country that matters, and a country that invests in itself and its future. Someone once asked the question: If you were given the assignment to write an obituary and the only information you had about the deceased was their check register, what would you write? So you look at that check register and find out what did they spend money on? What was their value system? What was important to them?

The same is true with the Federal budget and the priorities we described

by taxing and spending. What will historians say when looking back and seeing that we were in deep trouble, with 20 million people out of work or underemployed, a \$13 trillion debt, and the minority was saying the highest priority was to cut taxes for those earning \$250,000, and more, and to repeal the tax on inherited wealth? That is unbelievable.

You know, the only way, as of last year, you would pay any tax on inherited wealth is if you had more than \$7 million a year. How many families have more than \$7 million net per year? By the way, this year, the inheritance tax is zero, and it springs back the next year. That goofy set of circumstances was arranged by the same people who wrote the tax cut bill in 2001 to give back a surplus that turned out not to exist. So we have a zero tax year this year, and four billionaires have died so far. By the way, their estate will pay a zero rate, and my colleagues come to the floor and say that money has already been taxed. Wrong, it has not. Much of it is growth appreciation of property or tax, and it has never borne a tax. It is just the folks who go to work every day and pay their taxes on time; they pay for their kids' schools, and roads, and police, and fire protection, and the Defense Department, and the CDC—they are the ones paying the taxes.

But do you know what? If you find the people who have 10, 15, 20, and \$50 million in assets—I will show you that the bulk of that has come through growth appreciation that has never borne a tax at all in this country. That is the highest priority for the minority—to eliminate the tax on inherited wealth. That is unbelievable to me.

We in this country have a very serious set of problems. We need to cut Federal spending, there is no question about that. Federal agencies are big and, in some cases, bloated. I mentioned the other day that I think I have done pretty well myself. I want to spend in this country to invest in good things that will make this a better country. I want us to continue building and improving our roads, our schools, and the things that make this a better country. But I also believe we ought to cut back where we should.

In my State, some years ago, there was a proposal to build a new courthouse, and \$46 million was put into an appropriations bill, which passed, to build a new courthouse in the largest city of my State. I thought it was way overboard, so I cut it to \$23 million—in half. It was built for \$19 million. Some people say: That is strange, cutting funding for your own State. But I thought it was excessive spending. I don't care whether it is my State, or other States; we need to tighten our belts and cut spending. We can cut in areas where we are spending too much, no question about that.

You don't address this unbelievable burden of debt deficit and by deciding you are going to cut your revenue as well. You cannot do that. Who will pay for this country and what it needs? We have some people at the top of the income ladder in this country who are only paying a 15-percent income tax rate—the highest income earner, 2 years ago, earned \$3.6 billion—that is \$300 million a month—and paid a 15-percent tax rate.

Most working people don't get to pay a tax rate that low. Some of those folks are running their companies through tax haven countries, with deferred compensation deals to even avoid paying a 15-percent rate. Somebody has to pay some taxes to invest in the future of this country. We need to invest in our children and in our infrastructure. Somebody has to pay those taxes. I understand that nobody likes to pay them very much, but we have to get control of this deficit, no question about that. We have to decide as a country that you can't ask men and women to lace up their boots and put on ceramic body armor and go halfway around the world and take a gun and fight and be shot at and, by the way, we ask you to do that in the name of our country, and we will not pay for a penny of it. We will add it to the debt. We have done that for 8 years. We cannot continue to do that. Americans know better than that.

Let me finish by saying that, as I said earlier, we should not necessarily believe that everything will be all right just because we live here in America. This country deserves good judgment and tough decisions to put the country back on track. In the book McCullough wrote on John Adams, they were putting this new country together and he was traveling in Europe. The record of all of that is in his letters to Abigail. He would write back as he was traveling abroad and ask the plaintive question: Where will the leadership come from to build this new country? From where will the leadership come? Who will be the leaders as we try to put this new country together? Then, in the next letter, he would answer the question.

There is only us to provide the leadership. There is me. There is Ben Franklin, Thomas Jefferson, George Washington, Madison, Mason. In the rearview mirror of history, the "only us" represents some pretty unbelievable human talent who risked their lives, risked their fortunes, risked all they had to do the right thing for this country.

The question for us now, with a \$13 trillion debt, an anemic economy, great partisan divides that exist between the political parties, and elections coming up in November, the question is, From where will the leadership come? Who really is willing to lead this country by saying: Here is what we

have to do? It is not pleasant always. But who is willing to make those judgments to say we cannot just always take for granted what America's future might be based on what it was? This country deserves better.

I am not here to say one party is all right and one party is all wrong. I heard my colleagues say: If you do this, it is bad for small businesses. That is not the case in any event. We have had a bill on the Senate floor that would provide assistance, help, and investment to small businesses. It has been on the floor 3 weeks, and the very people who say they are for small businesses have been blocking it for 3 weeks. All we need is some straight talk from time to time.

I would like everybody to pay the lowest possible tax rate. I would like our government to be the most efficient. I would like us to invest in the future of our country. I would like all those things to happen. I would like it if we were not at war. I watched yesterday down at a place called the Newseum. Once again, I watched the video of 9/11/2001. That was not brought on by us; that was brought on by others, and we did not have a choice but to address these issues.

When we do these things, we must do them as a country that cares about our future. We cannot just spend money, send soldiers to war, do all these things and say: We don't have to pay for any of it and you all will understand. That is not leadership.

This President inherited a pretty tough situation. Now he is criticized for saying he inherited a tough situation. The history books will write what he inherited. He is trying pretty hard but does not get agreement on much of anything these days. At the very least we ought to say we agree, let's extend tax cuts for middle-class Americans. This is a pretty tough time for them. But we had some of the highest rates of growth in this country when the wealthiest Americans were paying the tax rate that previously existed. Extending tax cuts for the wealthy at a time when we are at war and we say we would like to extend to them an \$80,000-a-year tax cut if they have a \$1 million a year income? That is not leadership, in my judgment.

This country deserves better, this country can do better, and this Congress can do better with a little less partisanship and a little more thought and see if we can come together to represent the future of this country.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I forgot to put my chart up again. Every day I want to remind people what this is all about.

Will Rogers, 80 years ago, said what applies today. He said:

The unemployed here ain't eating regular, but we'll get around to them as soon as everybody else gets fixed up OK.

We will get around to the unemployed as soon as everybody else gets fixed up OK. I am part of the Old West out in the northern Great Plains. They used to say about wagon trains: You don't move a wagon train ahead by leaving some wagons behind. This country is best when it works together.

Will Rogers described this in the 1930s:

The unemployed here ain't eating regular, but we'll get around to them as soon as everybody else gets fixed up OK.

Wall Street got fixed up with hundreds and hundreds of billions of dollars and untold trillions from the back door of the Federal Reserve Board. They got fixed up. Now they are seeing record profits again.

There are a whole lot of folks at the bottom of the economic ladder who are not fixed up and are out of work—not from their fault, nothing they did; they are just out of work because they lost their jobs during a severe economic downturn.

It seems to me that is what requires our leadership. In this Chamber, at this moment, nobody is out of work. Everybody puts on a white shirt, a suit, and comes to work. Nobody is out of work. But a whole lot of Americans are. We ought to keep our priorities on that every single day.

This country works best when we are able to put people back to work. There is no social program this Senate is involved in, no social program as important as a good job that pays well. That is what makes everything else possible.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

SEPARATION OF POWERS

Mr. SPECTER. Madam President, I have sought recognition to comment about the serious erosion of the doctrine of separation of powers during the course of the past two decades. With the pendency of the confirmation of Solicitor General Elena Kagan for the Supreme Court of the United States, this is a particularly apt time to discuss this matter since these issues were a part of the confirmation process.

What we have found in the course of the past two decades is that Congress

has lost considerable institutional authority, with the Court taking over on congressional authority or by refusing to decide certain cases, leaving the executive branch a great deal of what had been congressional authority. We find, for example, that the Foreign Intelligence Surveillance Act—where the Congress of the United States determined that the exclusive way for obtaining a wiretap on the invasion of privacy was through a court order—has been abrogated to a substantial extent by the terrorist surveillance program, which I shall speak about at a later time. Similarly, when you have the Foreign Sovereign Immunities Act, again by deciding not to take the case involving the survivors of 9/11, the Court has left the executive branch with considerable authority which, I would submit, rightfully belongs to the Congress.

But today the issue I want to discuss, and I will turn to others at a later time, is the question of how the Court has taken over more of congressional authority by moving into the area of fact finding, which is a traditional legislative responsibility.

Chief Justice Roberts, in his confirmation hearings, testified extensively, as did Justice Scalia in his confirmation hearings, about it being a legislative function to find the facts. Congress has the institutional competence to have hearings, to examine witnesses, to go into evidence, and to make a factual determination about what public policy should be. As Chief Justice Roberts said in his confirmation hearing, when the Court moves into that area, the Court is, in effect, legislating.

I submit that where the traditional doctrine of separation of powers is being altered, it is a very fundamental and serious change in our constitutional structure. Separation of powers is an integral part of the structure of the Constitution: article I for the legislative branch, article II for the executive branch, and article III for the judicial branch. This separation of powers has provided the checks and balance in our system.

But in the course of the past two decades, the Court has moved into an area where Congress had traditionally been in charge. In the case of *United States v. Lopez*, a 5-to-4 decision decided in 1995, the Supreme Court of the United States said legislation which limited someone from carrying a gun on school property was unconstitutional because it was not justified under the commerce clause. This was a very surprising decision because there had not been a successful challenge to the exercise of Congressional authority legislating under the commerce clause for some 60 years.

This is what Justice Souter had to say, for a four-Justice dissent, the case being a 5-to-4 decision, as so many of

them are. In dissent, Justice Souter said the Court should defer to "congressional judgment . . . that its regulation addresses a subject substantially affecting interstate commerce if there is any rational basis for such a finding. . . . The practice of deferring to rationally based legislative judgments is a paradigm of judicial restraint. . . . [I]t reflects our respect for the institutional competition of Congress on a subject expressly assigned by the Constitution to the Congress and our appreciation of the legitimacy that comes from Congress's political accountability in dealing with matters open to a wide range of possible choices. . . . The modern respect for the competence and primacy of Congress in matters affecting commerce developed only after one of the Court's most chastening experiences. . . ." Justice Souter was referring to what happened to the Supreme Court during the New Deal era when the Supreme Court in the 1930s struck down a great many of the congressional enactments, leading to a great deal of controversy, leading to proposals to expand the number of Justices, and the famous President Roosevelt Court-packing plan. But within what Justice Souter says, and what I have just quoted, it is a matter of legislation when the Court moves into the fact-finding process.

The Lopez case was followed 5 years later by the case of *United States v. Morrison*. There, the Supreme Court of the United States invalidated portions of the Violence Against Women Act, holding that they were not constitutional because of the congressional method of reasoning. Again, Justice Souter sounded the clarion call, speaking for four Justices when he said:

Congress has the power to legislate with regard to activity that, in the aggregate, has a substantial effect on interstate commerce. . . . The fact of such a substantial effect is not an issue for the courts in the first instance . . . but for the Congress, whose institutional capacity for gathering evidence and taking testimony far exceed ours. . . . The business of the courts is to review the congressional assessment, not for soundness but simply for the rationality of concluding that a jurisdictional basis exists in fact.

Justice Souter then went on to point out that there was a mountain of evidence in support of what the Congress had decided to do.

The Supreme Court of the United States later invalidated congressional legislation in *Kimel v. Florida Board of Regents*, largely on the same ground. The case involved allegations of violations of age discrimination in employment, and, in the *Kimel* case as in the *Morrison* case, the Court relied upon a test where it said the act of Congress should be judged in terms of its proportionality and congruence. This test of congruence and proportionality was articulated by the Supreme Court in the *City of Boerne* case. It had never been a part of constitutional doctrine, and

the grave difficulty is in inferring what is meant by congruence and proportionality.

In a later floor statement, I will take up two decisions of the Supreme Court of the United States, each 5 to 4, involving the Americans with Disabilities Act.

One of the problems which has been found in the confirmation process is the grave difficulty of getting an idea of the ideology of the nominees because of the refusal of the nominees to answer questions. It was thought that the confirmation proceeding of Solicitor General Elena Kagan would provide an opportunity to find out something about the approach, the ideology or philosophy of the nominee because Ms. Kagan had written so critically, in a 1995 article in *The University of Chicago Law Review*, about the nomination proceedings involving Justice Ginsburg and Justice Breyer.

Ms. Kagan, in that argument, criticized them for stonewalling and not answering any questions. Also, Ms. Kagan in that article criticized the Congress—the Senate, really—for not doing its job in the confirmation process and finding out where the nominees stood.

When Ms. Kagan appeared before the Judiciary Committee, it was a repeat performance. One question which I asked her brought the issue into very sharp focus. I asked her what standard would she apply, if confirmed, on judging constitutionality? Would she use the "rational basis" standard, which had been the standard of the Supreme Court for decades, the standard which Justice Souter talked about in the two dissenting opinions I have just referenced? Or would she use the "congruent and proportional" standard, which had everybody befuddled.

Justice Scalia said that the standard of proportionality and congruence is a "flabby standard," which was so indefinite, vague, and unsubstantial that it left the Supreme Court open to make any determination it chose and in effect to legislate.

In later floor statements, I will take up the question as to what might be done to try to stop this erosion of the doctrine of separation of powers, what might be done to stop the reduction of Congressional authority. One line which had been suggested was to defeat nominees. As I will comment later in more detail, there does not seem to be much of a Senate disposition to defeat nominees for failure to answer questions. Based upon what has happened in every confirmation proceeding since Judge Bork's confirmation proceeding in 1987, the practice has evolved of no answers and confirmation.

Another idea was explored by Senator DeConcini and myself after the Scalia hearings, where Justice Scalia answered virtually nothing. Justice Scalia was confirmed in 1986. Justice Bork's confirmation proceeding fol-

lowed in 1987, and after Judge Bork did answer questions, as he really had to with such an extensive paper trail, Senator DeConcini and I decided we didn't need to pursue the idea of a Senate standard. But that is an option which might be considered.

Another potential method of dealing with the issue would be the idea of televising the Supreme Court—which I have talked about and will talk about in some detail at a later date. Taking off on what Justice Brandeis said about sunlight being the best disinfectant, and publicity being the way, as Justice Brandeis put it in a famous article in 1913—being the way to deal with social ills.

In an article in the *Washington Post* on July 14, just a couple of weeks ago, a noted commentator on the Supreme Court, Stuart Taylor, said that the only way the Supreme Court would change its ways is if there was an infuriated public. To infuriate the public, the first thing that has to happen is for the public to understand what the Supreme Court is doing.

In light of the lateness of the hour, that is a subject which I will take up at a later time in detail. But the focus today is on the three cases: the Lopez case, the Morrison case, and the Kimel case.

I thank the staff for staying overtime. I know there had been a hope to conclude a few minutes earlier, by 6, but we are not too far gone considering tradition on the Senate floor of extended presentations.

I believe there is an announcement the clerk would like me to make in concluding the proceedings today?

MORNING BUSINESS

Mr. SPECTER. Madam President, I ask unanimous consent to proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

20TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

Mr. DODD. Madam President, I rise today to commemorate the 20th anniversary of the passage of the Americans with Disabilities Act.

The enactment of this important legislation was a significant milestone in our national journey to perfect our Union, uphold our founding values, and reaffirm our commitment to ensuring that the rights enshrined in our Constitution are truly available to all of our citizens. I was honored to have been able to support this bill in 1990, and am proud to be here today to talk about what its enactment means to millions of our fellow Americans, as well as to celebrate the contributions

of those whose tireless work, and undying support, made passage of this bill a reality.

Thanks to this landmark law, our country has made progress in eliminating the historical stigma previously associated with mental and physical disabilities. It is also a critical step toward guaranteeing basic civil rights for an entire population who, for much of our Nation's history, have faced incredible unfairness and isolation. For decades, we have fought for the civil rights of people with disabilities, combating the antiquated mindsets of segregation, discrimination, and ignorance. Our Nation has come from a time when the exclusion of people with disabilities was the norm. We have come from a time when doctors told parents that their children with disabilities were better left isolated in institutions. We have come from a time when individuals with disabilities were not considered contributing members of society.

Those times have thankfully changed. The passage of the ADA in 1990 provided the first step toward that change our country so desperately needed, and 20 years later, many of these individuals are thriving in ways that a few short years ago, would have been unthinkable. More and more, individuals with disabilities are able to integrate into communities across America. Thanks to the ADA, they are finding employment, buying their first home, and enjoying our public parks, transportation, and other civic facilities far more successfully than ever before.

Just as I was a proud supporter of the ADA then, I was a proud supporter of the resolution which the Senate passed last week, introduced by my colleagues Senators HARKIN and HATCH, commemorating the 20th anniversary of that historic achievement. I would like to thank Senator HARKIN in particular for his leadership on the passage of the ADA.

I would also like to thank my former Connecticut colleague, Lowell Weicker, who, as a Senator in 1988, was the original sponsor of the legislation that went on to become the Americans with Disabilities Act, and is still a national leader in advocating for individuals with disabilities.

Without their tireless efforts and support, it would not have been possible to pass this legislation those 20 years ago.

Equal protection under the law is not a privilege in the United States of America—rather, it is a fundamental right due every citizen, regardless of race, gender, national origin, religion, sex, age, or disability. It is unacceptable to deny any individual his or her right to those protections because of a disability. Our country has an obligation to its citizens to ensure that their fundamental rights are protected, and,

if those rights are violated, that the appropriate recourse is available.

In 2008, the overall percentage of people with a disability in my home State of Connecticut was 10.4 percent; approximately 350,000 residents. That is 350,000 reasons why 20 years later, I am proud of—and somewhat awed by—the impact this bill has made. And that is just in my home State. Across the entire country, more than 50 million people have been aided by the passage of this historic legislation.

The resolution that we passed in this body last week honors and commemorates the 20th anniversary of the ADA. We passed it 100-0. This strong, bipartisan statement underscores the far reaching importance of this landmark law. I am proud to not only have been able to vote for its passage those 20 years ago, but also to have been an original cosponsor along with several of my colleagues still present in this body, including Chairman HARKIN.

As we take this opportunity to commemorate the tremendous advances the disability community has made, we must not forget the steadfast support of the wide network of groups and individuals who have made it their mission to help every single American, despite his or her disability, reach his or her fullest potential, and which made this extraordinary achievement possible.

I have worked closely with these groups throughout my tenure in the Senate to ensure they have gotten the support they need from the Federal Government, especially the Consortium for Citizens with Disabilities. I thank them for their support and assistance, and truly value the working relationships I have established over my entire career.

In my capacity as a senior member of the Senate Committee on Health, Education, Labor, and Pensions, I have spent my career fighting alongside my colleagues to improve the lives of people with disabilities. Some of the most important pieces of legislation I have introduced or supported throughout my career have been to further that goal. From the Disability Savings Act, a bill I introduced in 2008 which would encourage individuals with disabilities and their families to start disability savings accounts for their unique disability-related needs, to the Best Buddies Empowerment for People with Intellectual Disabilities Act, a bill I introduced earlier this Congress with Senator HATCH which promotes the expansion of that acclaimed program. I am hopeful we can pass this important legislation this year.

I am also pleased that the recently enacted Patient Protection and Affordable Care Act makes further progress toward meeting the needs of the disabled community. That legislation incorporates an important idea known as the CLASS Act, which creates a voluntary disability insurance program

designed to pay for nonmedical and support services so that persons with disabilities are able to live independently. Getting this program started was a remarkable achievement, and something many of my colleagues and I had worked for many years to accomplish.

Of course, none of the important advances we have made, legislatively or otherwise, would have been possible without the tireless work of one of the great advocates for equal opportunities for individuals with disabilities that the Senate has ever seen—my dear friend, the late Senator Ted Kennedy. For Teddy, the issue of fairness and empowerment for individuals with disabilities was always in the forefront of his mind and legislative agenda. Along with his late sister Eunice Kennedy Shriver, his commitment to this issue, which touches so many of our fellow citizens, is a legacy that we must seek to preserve and to continue.

On this, the 26th day of July 2010, I urge my colleagues and fellow citizens to celebrate the freedom and opportunities provided by the Americans with Disabilities Act, and recognize the strides we have made to raise the employment and graduation rates, increase self-sufficiency, and very simply, lift the self-esteem of those who for too long were denied these opportunities.

As we strive to perfect our Union, we must remember that we are a just society. We are a society that has enshrined the notion of equality, both in rights and opportunity, for all in our very founding documents. We must continue to reaffirm the promise made in those documents to each citizen, no matter their race, creed, or circumstance.

The passage of the Americans with Disabilities Act is one example of how we have worked to keep those promises. It represents a successful step toward fulfilling our Nation's goals of equality of opportunity, independent living, economic self-sufficiency, and full participation for Americans with disabilities. It has been a tremendous honor to have been able to support this law, and as I look back on the good it has done, 20 years later, I am confident that future generations will continue to build on its success as a cornerstone to ensuring that all Americans have equal access to the American dream.

Mrs. LINCOLN. Madam President, I join Arkansans and all Americans to commemorate the 20th anniversary of the Americans with Disabilities Act, known as ADA. This legislation has literally opened doors for countless Arkansans living with disabilities.

ADA protects the civil rights of all people with disabilities by expanding opportunities for Arkansans and all Americans with disabilities and by reducing barriers, changing perceptions and allowing all Americans to go to the

schools of their choice, gain meaningful employment, and fully participate in community life.

This week, communities across Arkansas will commemorate the 20th anniversary of ADA with events and celebrations, including construction of wheelchair ramps by volunteers and a 5K Roll n' Walk Run event on the Fayetteville trail system in northwest Arkansas.

I commend these volunteers and participants for their dedication to ensuring that Arkansans with disabilities have full access to the resources they need, in addition to promoting ADA's anniversary.

On the 20th anniversary of the Americans with Disabilities Act, I join my fellow Arkansans to celebrate this historic legislation that has touched the lives of so many in our State and Nation.

REMEMBERING SENATOR ROBERT C. BYRD

Mrs. HUTCHISON. Madam President, I join my colleagues in paying tribute to our colleague Robert Byrd of West Virginia. He served his beautiful mountain State for a record-setting 57 years in Congress, including 51 years in this Chamber. He cast more rollcall votes and served in more leadership positions than any other Senator in U.S. history, including 12 years as his party's leader. He revered this body so much that he wrote four volumes on Senate history from 1789 to 1989. Over nine terms, he mastered parliamentary procedure in an effort to protect the Senate's rules and to defend the legislative branch's authority. He carried a copy of the Constitution in his pocket, and he peppered his speeches with frequent references to the intent of our Framers. When asked how many Presidents he had served under, he replied, "None. I have served with Presidents, not under them."

Senator Byrd will enter the history books as one of the Senate's true giants, but his beginnings were humble. His biography is a shining testament to the American dream. He was adopted in infancy and raised in impoverished coal-mining towns. His first job was to collect garbage scraps for his family's hogs. Although he graduated valedictorian of his 1934 high school class, at first he could not afford college. He married his high school sweetheart, Erma Ora James, with whom he enjoyed 68 happy years. The outstanding work ethic and solid values that he learned while growing up in Raleigh County helped him later devote 10 grueling years of his life to studying while simultaneously serving as a Member of Congress. When he finally earned his law degree in 1963, President John F. Kennedy awarded him his diploma.

Senator Byrd served his beloved home State with unprecedented devo-

tion. He wrote in his autobiography that "it has been my constant desire to improve the lives of the people who have sent me to Washington time and again." Virtually every county in West Virginia will long remember his hard work, dedication, and legendary contributions. Like many Americans today, I commend him for his outstanding service to his State, to our Nation, and to the institution of the Senate.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS MICHAEL SHANE PRIDHAM, JR.

Mr. BAYH. Madam President, I rise today to honor the life of PFC Michael Shane Pridham, Jr. of the U.S. Army.

Private Pridham was assigned to the 1st Battalion, 4th Infantry Regiment. He was only 19 years old when he lost his life serving bravely in support of Operation Enduring Freedom in Qalat, Afghanistan. He was 6 weeks from completing his tour of duty.

Private Pridham—"Mikey" as he was to known to his family and friends—was from Louisville, KY. He attended Southern High School before later earning his GED diploma through the U.S. Army.

Today, I join Private Pridham's family and friends in mourning his death. He is survived by his wife Deidre, whom he married 2 days before deploying overseas and who is expecting the couple's first child, Aliyah, in October; his father and stepmother, Michael Shane and Andrea Pridham Sr. of New Albany, IN; his mother, Keri Allen of Louisville, KY; and his brothers, Jeffrey Pridham, Joey Pridham, Kaleb Nix and Kaden Eskridge.

We take pride in the example of this American hero, even as we struggle to express our sorrow over this loss. We cherish the legacy of his service and his life.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of the fallen at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

It is my sad duty to enter the name of PFC Michael Shane Pridham, Jr. in the RECORD of the U.S. Senate for his service to our country and for his profound commitment to freedom, democracy and peace.

I pray that Mikey's family finds comfort in the words of the prophet Isaiah, who said: "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

WALL STREET REFORM AND CONSUMER PROTECTION ACT

Mr. BROWN of Massachusetts. Madam President, I come to the floor of the Senate to talk today about the recently passed Wall Street reform bill.

I believe elected officials should come to Washington to solve problems not ignore them. The American people know that we need to enact major changes to our financial regulatory system. With the bill that passed into law earlier this month, Congress has begun the process of repairing a regulatory system that did not work as it should have and contributed to the financial meltdown that shook our economy in 2008. This action, long overdue, will help our regulatory structure catch up with the realities of the market so as to provide a more secure economy. Although no bill will ever be perfect, and I remain seriously concerned that we must take further actions if we are going to prevent another financial crisis, this bill takes important steps towards greater market transparency and consumer protection. It will help make sure that taxpayers are never again put on the hook for bailing out the financial sector. It strengthens the regulatory safety net in key respects. For these reasons, I supported cloture motions and final passage of the Wall Street Reform and Consumer Protection Act.

I did my utmost to work in a bipartisan manner on this bill, filing or cosponsoring 27 amendments, working across the aisle on almost all of them. For example, we amended the bill to remove unnecessary provisions that would have severely constricted small startup businesses around the country as they worked to raise capital from angel investors. Massachusetts is one of America's hotbeds for innovation and business startups, and I was proud to stand up for small startup businesses and the investors who help give life to their ideas. Another amendment I proposed with Senator JACK REED of Rhode Island, which was adopted 99-1, created a dedicated liaison office for military families within the Consumer Financial Protection Bureau, so that members of our Armed Forces and their families can fight back when they are targeted by unscrupulous lenders or sold fraudulent life insurance policies. As a 30-year member of the National Guard, I have seen the pain caused when members of the Guard are hit by financial predators. I was also proud to join my colleagues in supporting assessment and regulatory relief for small community banks and a safer role for the credit rating agencies in our financial system.

Since the Senate Committee on Banking, Housing, and Urban Affairs did not hold a full markup of the bill before it came to the Senate floor, I spent a lot of time exploring how certain provisions were drafted and how

they might work if enacted into law. One of those areas was the so-called Volcker rule. I believe that the principles behind the Volcker rule, which was proposed in earnest only after the House had passed its own Wall Street Reform bill, are very well-intentioned and in many respects will be quite effective. The Volcker rule was conceived as a way to limit certain risky proprietary trading activities so that Wall Street firms start to look more like the safe banks, mutual funds, and insurance companies we have in Massachusetts. After the collapse the country suffered, no one can argue with a straight face anymore that all banks should be able to take huge risks on anything they want, whenever they want, without any regard to the consequences. This was an important issue for financial institutions and regulators across the country. Senator KAY HAGAN of North Carolina also worked hard to find the right balance within the Volcker rule for bank asset management, and I would like to associate my views with her statements in the Senate RECORD on this topic.

Without changes, the original Senate bill would have unreasonably regulated limited purpose trusts—institutions throughout our Nation that never should have been captured in the regulatory “net” of Volcker rule bank regulation. Since the drafting did not match the intent, this problem was addressed by clarifying that these companies should not be subject to bank holding company oversight or the Volcker rule restrictions by virtue of operating a limited purpose trust regardless of charter. In other words, bank regulation should only apply to the trust itself, not its parent and affiliates. Without this clarification, the Volcker rule restrictions, as well as the capital requirements under the adopted Collins amendment, would have led to widespread disruption in providing products and services to customers and investors, job losses, and uncertainty around the nation. The final version of the legislation appropriately does not regulate institutions with limited trusts—including mutual funds and insurance companies—because these institutions do not take customer deposits, make loans, or access the Fed discount window.

The original Volcker rule also would have gone too far in preventing banks from offering appropriate investment services to their clients as a limited and safe part of their business model. At a time of deep economic uncertainty, when millions of Americans are looking for work, this could have a devastating impact on jobs in Massachusetts and across the country while unfairly targeting safe institutions and driving their business to riskier ventures. Even the Glass-Steagall law clearly permitted banks to serve as investment advisers, and yet the original

Volcker rule language threatened the ability of banks to offer these services, including seeding new investment funds that they then offer to clients.

Bank-affiliated investment funds are sponsored for clients and comprised almost entirely of client money. Most are not excessively speculative or risky investment vehicles—they include simple cash funds, stock index funds, and other nonleveraged strategies. Preventing banks from offering such services, which provide banks with a steady source of fee income, will make the banks more reliant on other more volatile revenue streams—a danger the bill was supposed to head off. Furthermore, in order to remain in the asset management business, these banks must be allowed to invest a very small amount alongside their clients in these funds so that all interests are aligned. Many large state pension plans, as well as large endowments and foundations, value such “skin in the game” investments as a key factor in deciding with whom they will place their money.

If banks can't offer these services or invest a small amount to seed funds and keep skin in the game, institutional investors will be forced to take their money elsewhere, and in many cases, that will be to less regulated hedge and private equity funds. In negotiations during Senate consideration of the legislation, I advocated for limiting the maximum aggregate investment level in all bank affiliated funds to somewhere in the vicinity of 5 percent of a bank's tier 1 capital. In the end, the final compromise landed on 3 percent. Although it could be higher, this is an appropriate role for alternative asset management within the banking industry.

To put this number in perspective, even if all of these investments collapsed, the bank losses would equal only half of the typical losses charged off from bank retail lending operations last year. To address concerns that fresh bank capital could be put at risk in the event of a fund failure, the final language makes it explicit that these investment funds are segregated and that it is against the law for the banks to bail them out. It is also important to remember that new systemic risk authorities have been created to identify and halt activities at key firms that threaten financial stability.

One other area of remaining uncertainty that has been left to the regulators is the treatment of bank investments in venture capital funds. Regulators should carefully consider whether banks that focus overwhelmingly on lending to and investing in start-up technology companies should be captured by one-size-fits-all restrictions under the Volcker rule. I believe they should not be. Venture capital investments help entrepreneurs get the financing they need to create new jobs. Unfairly restricting this type of capital

formation is the last thing we should be doing in this economy.

Another area of potential confusion is in the language governing “fund of funds.” These are funds that invest in a wide range of other investment partnerships, hedge funds or private equity funds, so that investors can benefit from the good investment ideas of a variety of funds. Banks' investments in the fund of funds that they sponsor for clients are to be limited under this bill to only 3 percent of the fund. But that fund, which will be comprised of, at a minimum, 97 percent client money, under Dodd-Frank, is not restricted as a percentage of any of those investment partnerships, hedge funds, or private equity funds that it might be invested in, because the bank's exposure is still limited to 3 percent in the original fund, mitigating any chance of a concentration risk or bailout incentive.

Finally—and this should go without saying—I want to make it clear that throughout all the negotiations to write the legislative language of the conference report, it was always clear to me that the Volcker rule was never intended to prohibit banks from offering alternative investment options as a part of a company-wide retirement plan, or as an offering to ERISA customers. Any other regulatory treatment would be arbitrarily punitive and would have no public policy impact. The legislation is clear on this, but I would also like to point out that the FDIC-sanctioned traditional bond and equity market investments made by small community banks for the purpose of diversification are not the intended target of Volcker rule restrictions.

I want to spend a moment or two discussing consumer protection—one of the most controversial elements of this bill. During the crisis, more than half of the people who ended up in subprime mortgages with ballooning rates would have qualified for more conventional fixed rate loans. Some of that was caused by consumer greed, but it was also because of bad incentives and deceptive practices where the true costs of loans were hidden in the fine print. The new CFPB has the power to use its broad authority to simplify and dramatically improve the quality of information going to the consumer, and I expect that's how they will use their authority. I also expect that unifying financial consumer protection under one roof at the Federal Reserve will help to simplify and consolidate some of the compliance burdens on our financial institutions. Talking to local bankers, it is clear that banks are being forced to spend a lot more money and time on compliance. I worry about community banks' ability to compete in this area with the bigger banks. I am hopeful that the CFPB will improve the current state of affairs on both of these fronts.

There are a number of other provisions in the bill that bear review. Section 113 of the conference report details multiple criteria that must be considered by the Financial Stability Oversight Council to determine that an institution is a “nonbank financial company supervised by the Board of Governors.” These criteria should not be given equal weighting. In fact, the Council should place most of the weight on one important measure—the leverage of the financial institution. If the recent financial crisis has proven anything, it has demonstrated the systemic de-stabilization that can be caused when too many firms are over-leveraged, with only a slim cushion available to absorb losses. Excessive leverage is by far the most dangerous characteristic for any business. A poorly run company that faces numerous problems can feel relatively safe if it has limited leverage; conversely, a thriving, profitable company that has excessive leverage can be wiped out after a single stumble. As a result, leverage should be the primary consideration when deciding whether to put a financial institution into the special category of “nonbank financial company supervised by the Board of Governors.”

I also believe that the size of an institution should be de-emphasized as a consideration for making determinations as to which companies are “nonbank financial companies supervised by the Board of Governors.” There is nothing inherently destabilizing or risky about the size of a large company. If anything, size usually coincides with significant benefits, including economies of scale and a diverse portfolio of assets. The Council and regulators should be very careful not to use size as a proxy for risk or it will capture some very healthy companies in the Fed supervisory web while simultaneously discouraging the growth of up-and-coming firms. Size is not as important a factor when it comes to the safety and soundness of an institution and it should be given less weight as a consideration.

Furthermore, considering the burdens that come with being categorized a “nonbank financial company supervised by the Board of Governors,” it is critical that the Council make its determinations on a company-by-company basis and not attempt to make determinations by grouping multiple institutions together based solely on a set of similar characteristics. For instance, the Council should never make a determination that all firms in a financial subsector that are above a predefined size should be “nonbank financial companies supervised by the Board of Governors.” This would inevitably subject otherwise healthy firms to a long list of unnecessary regulations and will distract regulators from focusing on the most potentially problematic financial firms and activities.

In title II of the bill, the orderly liquidation authority includes provisions that allow the FDIC to unwind firms that threaten stability. While I repeatedly supported amendments that would have relied more heavily on the bankruptcy code rather than this approach, I also believe that if used appropriately, resolution authorities can be an important and useful tool in unwinding financial institutions that threaten market stability. I will be watching closely as these provisions are implemented by the FDIC. Under this section, the FDIC has the power to “take any action” to provide disparate treatment to similarly situated creditors if the FDIC “determines that such action is necessary to maximize the value of assets of the covered financial company; to initiate and continue operations essential to the receivership of the financial company; to maximize the present value return from the sale or other disposition of the assets of the covered financial company; or to minimize the amount of any loss realized upon the sale or other disposition of the assets of the covered financial company.”

Without clear rule writing, this language could be wrongly interpreted to include a range of unnecessary, arbitrary actions to favor certain creditors. Instead, the FDIC should only provide disparate treatment to similarly situated creditors if the sole purpose of the action is to cover the cost of indispensable services required to keep the physical operations of the financial institution or bridge financial company functioning during the early stages of liquidation. Examples of such services include the delivery of electricity, computer maintenance and janitorial services. The flexibility in these provisions should not be used by the FDIC to provide disparate treatment to holders of financial instruments, especially financial instruments that are widely distributed and held by multiple parties. For instance, issuances of loans, notes and bonds are normally held by various parties. The FDIC should not use its authority to discriminate among holders of the same instrument or holders that own different instruments that hold the same unsecured priority. In other words, it would be a clear abuse of these provisions if the FDIC makes a determination to provide disparate treatment to similarly situated creditors based on “who” owns the claim. The FDIC should take all necessary precautions to avoid even the impression of playing political favorites.

The expectation of receiving a financial return consistent with similarly situated creditors is a bedrock principal of American capitalism. It is my hope and expectation that the FDIC will fulfill its obligations and report to Congress any actions that involve any different treatment of similarly situ-

ated creditors under resolution authority. The FDIC should disclose the details of any parties given disparate treatment and the categories and names of similarly situated parties that did not receive the benefits of this treatment; how much, in absolute dollars, and as a percentage of its claim, a favored recipient of the disparate treatment received, and how that compares to the returns realized—or may be realized—by similarly situated creditors who did not receive the favorable treatment; and a thorough explanation as to why the treatment was necessary to maintain the physical operations of the financial institution or relevant entity, including an analysis of any conflicts of interest that the FDIC, or related government authorities, may have had when providing the disparate treatment.

I also want to be clear about my views on derivatives regulation. The derivatives title of the law is extremely important, and if implemented appropriately, will bring much needed transparency and accountability to a market that played a central role in the near collapse of our financial services sector in the fall of 2008. This bill appropriately regulates large Wall Street swap dealers for the first time by subjecting them to new clearing, capital and margin requirements. But these provisions also could significantly impact thousands of end-user firms that use derivatives to reduce their exposure to risk rather than merely to speculate. It is very important that we manage how this bill impacts these Main Street businesses. If the regulations imposed on swap dealers are inappropriately extended to Main Street businesses that are only trying to hedge risks, we could unwittingly exacerbate the economic challenges we still face. Many experts think that greater transparency will drive risk-management costs down for businesses in the long run, but the government clearly needs to go about the implementation of these provisions very carefully.

While the conference report has many good features, it also suffers from a glaring omission: any attempt to regulate government-sponsored enterprises—Fannie Mae and Freddie Mac. These institutions played a key role in triggering the financial crisis we suffered. To date, over \$140 billion of taxpayer funds have been spent bailing out Fannie and Freddie, and estimates of additional risk to taxpayers runs into the hundreds of billions of dollars. We clearly need to address these institutions, which risk burdening future generations of Americans with mountains of debt. I look forward to working on this issue as soon as Congress and the administration move forward on legislative proposals.

I believe we had a choice: do nothing or try to address a real problem that

shook the very financial foundation of our country. While the bill was far from perfect, the final version was vastly improved from the version we started with at the beginning of the process. I believe it includes important measures that will help prevent another financial meltdown like the one in 2008 that left millions of Americans out of work and saw our economy take its worst dip since the Great Depression. Equally important, the bill is not funded through higher taxes, which is something I could not support at a time when nearly one in ten Americans is unemployed and our economy is still struggling.

ADDITIONAL STATEMENTS

NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATION

• Mr. BUNNING. Madam President, I would like to recognize the 50th anniversary of the National Association of State Boating Law Administrators, NASBLA, a Kentucky-based nonprofit organization.

Recreational boating is one of America's most popular pastimes with over 13,000,000 recreational vessels registered nationwide, of which 200,000 are in my home State of Kentucky. In 1958, Congress recognized the growing interest in recreational boating, and passed the Federal Boating Act, which led to the creation of the National Association of State Boating Law Administrators in 1960. NASBLA is a national, nonprofit association of State officials responsible for the development and implementation of State boating programs.

NASBLA's mission is to strengthen the ability of State and territorial boating authorities to ensure a safe, secure, and enjoyable recreational environment. NASBLA addresses its mission by fostering partnerships among States, the Coast Guard, and others to streamline boating laws, maintain national education standards, strengthen homeland security on our waterways, and communicate to Federal agencies on behalf of the States' boating programs. The tireless work of NASBLA has helped to significantly reduce the number of recreational boating fatalities since 1970. However, even with such progress in safety, there is still room for improvement. In 2008, recreational boating accidents still claimed the lives of 709 Americans, of which more than half may have been saved with the proper use of a personal flotation device.

Due to the efforts of the National Association of State Boating Law Administrators and its members over the last five decades, our Nation's waterways are safer and more enjoyable for the boating public. I congratulate the NASBLA as it celebrates 50 years of

service and wish it great success over the next 50 years.●

TRIBUTE TO SERGEANT DAVID COLLINS

• Mrs. LINCOLN. Madam President, today I honor Sergeant David Collins of Maumelle, who was recently named Officer of the Year for 2009 by the Maumelle Police Department. Sergeant Collins has worked for the department since 1992. I commend his commitment and dedication to protecting Maumelle residents.

Along with all Arkansans, I recognize the courage, bravery, and dedication of our Arkansas law enforcement, who risk their lives each day to keep our citizens safe. I thank these public servants for their service and sacrifice.●

TRIBUTE TO CAROLYN W. MOSLEY

• Mrs. LINCOLN. Madam President, today I congratulate Carolyn W. Mosley of Fort Smith for her outstanding contributions to the field of nursing education in our state. In recognition of her efforts, she will be inducted as a fellow into the National League for Nursing's Academy of Nursing Education in October in Las Vegas. Ms. Mosley currently serves as dean of the College of Health Sciences at the University of Arkansas at Fort Smith.

Only 86 nurses worldwide have achieved the recognition. Ms. Mosley is among 19 new fellows from 17 nursing schools to be inducted this year. She is the only fellow chosen from Arkansas. The association itself has 31,000 individual and 1,200 institutional members.

Ms. Mosley has also served as a human rights expert for the International Council of Nursing, received the Rosalyn Carter Caregiving Recognition Award, and the Robert Wood Johnson Executive Nurse Fellow Award. She serves as Good Samaritan Health Clinic Board vice president, Sparks Regional Medical Center Investigational Review Board chairwoman, Sparks Board trustee, and St. James Missionary Baptist Church Board president.

Madam President, Ms. Mosley serves as a role model for anyone aspiring to make a difference in nursing education and the field of health care. She represents the best of Arkansas, and I am proud of her achievements. Along with all Arkansans, I commend her for this extraordinary accomplishment.●

ARKANSAS GOSPEL ANNOUNCERS GUILD HONOREES

• Mrs. LINCOLN. Madam President, today I recognize six Arkansans who were recently honored by the Arkansas Gospel Announcers Guild for their contributions to gospel music and the community. I commend them for their

dedication to this beloved American art form, which has a strong tradition in Arkansas.

Honorees were: Elijah and Belinda Mondy, KJIW Radio, Radio Broadcast Excellence; Charles Moore, Arkansas Gospel Mass Choir, Gospel Music Excellence; Irene Perkins, Irene's Productions, Gospel Promotions; C. Michael Tidwell, Centre for the Dansarts, Inspired Excellence—Liturgical Dance; and Deacon Alvin White, KITA/KOKY, Lifetime Achievement.

As a farmer's daughter from Helena, AR, who grew up in the heart of the Mississippi Delta, I have been surrounded by the unique traditions of gospel music all my life and am appreciative of its importance to the faith community in my State. With its roots in African-American culture, gospel music has grown beyond the church walls and is now firmly rooted in the American music tradition.

Gospel music is an integral part of our Nation's history and heritage. Along with all Arkansans and all Americans, I honor these individuals who have dedicated so much of their time, energy, and talents to promoting gospel music in our State.●

ARKANSAS DEPARTMENT OF EMERGENCY MANAGEMENT

• Mrs. LINCOLN. Madam President, today I recognize the men and women of the Arkansas Department of Emergency Management for their tireless dedication to keeping the residents of our State safe and secure.

Because of their efforts, the department was recently granted full accreditation by the Emergency Management Accreditation Program, known as EMAP. Arkansas is one of only 22 other States and jurisdictions with accredited programs.

Mr. President, I commend all of our emergency responders for their commitment to protecting the citizens of our State.

Along with all Arkansans, I thank the Arkansas Department of Emergency Management for their work to identify and lessen the effects of emergencies, disasters and threats to Arkansas through effective prevention, preparedness, mitigation, response and recovery actions for all disasters and emergencies.

I congratulate the entire team at the Department of Emergency Management for achieving this prestigious accreditation.●

NATIONAL HORSESHOE PITCHING CHAMPIONSHIPS

• Mrs. LINCOLN. Madam President, today I am proud to recognize 10 Arkansans who are currently competing in the National Horseshoe Pitchers Association 2010 Pitching Championships in Cedar Rapids, IA. The 2-week event

is held each summer and features eight divisions in which pitchers compete for \$170,000 in prizes and scholarships.

Arkansas has a strong horseshoe pitching tradition, with tournaments held throughout the State from March to November. These tournaments bring together Arkansans of all ages to enjoy wholesome recreation and learn new techniques to improve their skills to be more successful in horseshoe pitching. It is one of the few sports that has a national champion for men, women, boys and girls and can still be played in one's backyard by young and old alike.

I commend the entire Arkansas Horseshoe Pitchers Association for promoting the sport and art of horseshoe pitching. I also applaud our Arkansas representatives in this year's national championship for their spirit of competition and their commitment to their sport.

I join all Arkansans in wishing them the best of luck as they represent our State.●

MESSAGE FROM THE HOUSE

At 3:05 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1469. An act to amend the National Child Protection Act of 1993 to establish a permanent background check system.

H.R. 5341. An act to designate the facility of the United States Postal Service located at 100 Orndorf Drive in Brighton, Michigan, as the "Joyce Rogers Post Office Building".

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bill and joint resolution:

H.J. Res. 83. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. 1053. An act to amend the National Law Enforcement Museum Act to extend the termination date.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. INOUE).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1469. An act to amend the National Child Protection Act of 1993 to establish a permanent background check system; to the Committee on the Judiciary.

H.R. 5341. An act to designate the facility of the United States Postal Service located at 100 Orndorf Drive in Brighton, Michigan, as the "Joyce Rogers Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3643. A bill to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, to improve oil spill compensation, to terminate the moratorium on deepwater drilling, and for other purposes.

REPORTS OF COMMITTEES DURING ADJOURNMENT

Under the authority of the order of the Senate of January 6, 2009, the following reports of committees were submitted on July 23, 2010:

By Mrs. MURRAY, from the Committee on Appropriations, without amendment:

S. 3644. An original bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes (Rept. No. 111-230).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 1862. A bill to provide that certain Secret Service employees may elect to transition to coverage under the District of Columbia Police and Fire Fighter Retirement and Disability System (Rept. No. 111-231).

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs:

Report to accompany S. 3638. An original bill to establish a national safety plan for public transportation, and for other purposes (Rept. No. 111-232).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 3562. To designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the "James Chaney, Andrew Goodman, and Michael Schwerner Federal Building".

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS DURING ADJOURNMENT

On July 23, 2010, under the authority of the order of the Senate of January 6, 2009, the following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY:

S. 3644. An original bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes; from the Committee on Appropriations; placed on the calendar.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY:

S. 3645. A bill to direct the Secretary of Education to establish and administer an

awards program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN:

S. 3646. A bill to provide for the furnishing of statues by the District of Columbia for display in Statuary Hall in the United States Capitol; to the Committee on Rules and Administration.

By Mr. TESTER:

S. 3647. A bill to amend the Public Health Service Act to provide for the participation of particular specialists determined by the Secretary of Health and Human Services to be directly related to the health needs stemming from environmental health hazards that have led to its declaration as a Public Health Emergency to be eligible under the National Health Service Corps in the National Health Service Corps Loan Repayment Program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Mr. THUNE, Mr. CONRAD, and Mr. JOHN-SON):

S. 3648. A bill to establish a commission to conduct a study and provide recommendations on a comprehensive resolution of impacts caused to certain Indian tribes by the Pick-Sloan Program; to the Committee on Indian Affairs.

By Mr. ROCKEFELLER (for himself and Mr. GOODWIN):

S. 3649. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to provide for use of excess funds available under that Act to provide for certain benefits, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself, Mr. AKAKA, Mr. VOINOVICH, Ms. COLLINS, Ms. LANDRIEU, and Mr. LIEBERMAN):

S. 3650. A bill to amend chapter 21 of title 5, United States Code, to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 369

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 369, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 653

At the request of Mr. CARDIN, the names of the Senator from Missouri (Mr. BOND) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor

of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1612

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1612, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 2128

At the request of Mr. LEMIEUX, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2128, a bill to provide for the establishment of the Office of Deputy Secretary for Health Care Fraud Prevention.

S. 2750

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2750, a bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to make grants to eligible States for the purpose of reducing the student-to-school nurse ratio in public secondary schools, elementary schools, and kindergarten.

S. 2755

At the request of Mr. MENENDEZ, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2755, a bill to amend the Internal Revenue Code of 1986 to provide an investment credit for equipment used to fabricate solar energy property, and for other purposes.

S. 2801

At the request of Mr. FRANKEN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2801, a bill to provide children in foster care with school stability and equal access to educational opportunities.

S. 2920

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2920, a bill to amend chapter 1 of title 23, United States Code, to condition the receipt of certain highway funding by States on the enactment and enforcement by States of certain laws to prevent repeat intoxicated driving.

S. 3079

At the request of Mr. MERKLEY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3079, a bill to assist in the creation of new jobs by providing financial incentives for owners of commercial buildings and multifamily residential buildings to retrofit their buildings with energy efficient building equipment and materials and for other purposes.

S. 3339

At the request of Mr. KERRY, the name of the Senator from North Caro-

lina (Mrs. HAGAN) was added as a cosponsor of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3390

At the request of Mr. FRANKEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3390, a bill to end the discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 3401

At the request of Mr. BURR, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3401, a bill to provide for the use of unobligated discretionary stimulus dollars to address AIDS Drug Assistance Program waiting lists and other cost containment measures impacting State ADAP programs.

S. 3434

At the request of Mr. BINGAMAN, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3434, a bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes.

S. 3510

At the request of Mr. CONRAD, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 3510, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 3572

At the request of Mrs. LINCOLN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 3572, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 3578

At the request of Mr. JOHANNES, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 3578, a bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

S. 3581

At the request of Mr. LUGAR, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 3581, a bill to implement certain defense trade treaties.

S. 3617

At the request of Mr. BINGAMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.

3617, a bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes.

S. 3622

At the request of Mr. JOHANNES, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3622, a bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes.

S. 3628

At the request of Mr. SCHUMER, the names of the Senator from Colorado (Mr. UDALL), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Oregon (Mr. WYDEN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 3628, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

S. 3643

At the request of Mr. MCCONNELL, the names of the Senator from Utah (Mr. BENNETT), the Senator from Wyoming (Mr. BARRASSO), the Senator from Texas (Mr. CORNYN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 3643, a bill to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, to improve oil spill compensation, to terminate the moratorium on deepwater drilling, and for other purposes.

S. RES. 519

At the request of Mr. DEMINT, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 586

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 586, a resolution supporting democracy, human rights, and civil liberties in Egypt.

AMENDMENT NO. 4471

At the request of Mr. CORNYN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 4471 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4476

At the request of Mrs. HUTCHISON, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 4476 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (for himself and Mr. GOODWIN):

S. 3649. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to provide for use of excess funds available under that Act to provide for certain benefits, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Coalfield Accountability and Retired Employee Act of 2010, CARE Act. Senator GOODWIN joins me in introducing this important legislation. It is the first bill we have worked together on, and I look forward to many more as partners in the Senate fighting for West Virginians.

The CARE Act protects the pensions for over 100,000 mineworkers. It takes excess funds from the Abandoned Mine Land Reclamation Program and transfers that money to the United Mine Workers of America, UMWA, pension plan. These are AML funds that go unused and are not needed, according to the Office of Surface Mining Reclamation and Enforcement and the UMWA. So what our legislation does is put that money to good use, and protects the

pensions of our hardworking mineworkers.

Congress needs to act because the UMWA pension fund is on the road to insolvency. It has been hit by the perfect storm—the recent financial crisis, the small number of active mineworkers who provide the funding base for the pension plan, and the large number of “orphans” who receive their pensions under the plan. These “orphans” are retired mineworkers for whom a company no longer makes contributions to the pension fund, typically because the company is out of business.

So Congress and the Federal Government have to act in order to make sure that the pensions of our mineworkers are protected. Dating back to President Harry Truman, the Federal Government has assumed a responsibility to our mineworkers. In 1992, I was extremely proud to work on the passage of the COAL Act, where we recommitted to our miners. That bill allowed the transfer of interest accruing to the unappropriated balance of the Abandoned Mine Reclamation Fund to be used to provide health care for a large number of orphaned miners and their widows. This Federal commitment was once again affirmed in the 2006 amendments to the Abandoned Mine Reclamation Program which sought to again protect the health care plans of miners from insolvency.

Now, 18 years after passing the COAL Act, Senator GOODWIN and I are again renewing our commitment to the nation's miners with the CARE Act. This bill will protect the solvency of our miners' pension plans.

In West Virginia, we revere our miners—the men and women who put their lives on the line every single day to provide for their families and bring light and heat to millions. Their tenacity, their courage and their determination is an inspiration to us all. The work they do everyday provides nearly half of our nation with power to light and heat our homes. We should all thank them for the service they provide this country, and continue protecting our miners' retirement benefits going forward.

By Mr. WYDEN (for himself, Mr. AKAKA, Mr. VOINOVICH, Ms. COLLINS, Ms. LANDRIEU, and Mr. LIEBERMAN):

S. 3650. A bill to amend chapter 21 of title 5, United States Code, to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service; to the Committee on Homeland Security and Governmental Affairs.

Mr. WYDEN. Mr. President, the wars in Iraq and Afghanistan are taking a huge toll on our servicemembers and their families. To date, 123 Oregonians

have died in those wars, leaving behind grieving friends and families. I'll never forget the pain I've heard in the voices of the Oregon parents I've spoken to after they've lost a son or daughter to war.

These parents are often called “Gold Star parents” because, by tradition, they display a Gold Star flag to let the world know of their sacrifice.

Our nation can't lift the burden of their grief. No one can.

However, our nation does commit to recognize the immense sacrifice of Gold Star parents by giving them certain benefits. One of those benefits is a 10-point hiring preference for unmarried Gold Star mothers when they apply for jobs with the federal government.

But I was surprised to learn that this preference cannot be given to Gold Star fathers. This inequity is a relic from the past; an example of the law has not kept up with the times. We can now see that all unmarried Gold Star mothers and fathers deserve to have the federal government recognize their sacrifice equally. That is why I am introducing a bill to update the law.

I learned of this disparity from my friend Steve Ellis of Baker City, Oregon. Steve lost his beloved daughter, Army Corporal Jessica Ann Ellis, when she was killed by a roadside bomb in Baghdad in 2008. Although Steve is a Gold Star father, he would still not be eligible for the benefit under my proposed change because he is married. But he didn't point out this inequity in the law for his own benefit. He did it for future Gold Star fathers. He saw an inequity in the law, and felt it was his duty to try and get it fixed for other Gold Star fathers.

So today I introduce the Jessica Ann Ellis Gold Star Fathers Act as a small legislative fix that will make a big change to federal veterans' preference laws through true equality.

This bill will give any unmarried Gold Star parent, regardless of gender, a 10-point hiring preference when they apply for federal jobs. It will also give the benefit to any unmarried parent of a totally and permanently disabled servicemember.

Gold Star mothers and fathers deserve equal recognition for the loss of a child who bravely made the ultimate sacrifice for his or her country. The Jessica Ann Ellis Gold Star Fathers Act will give them that.

This bill is supported by the American Gold Star Mothers organization, and is cosponsored by Senator AKAKA, Senator VOINOVICH, Senator COLLINS, Senator LANDRIEU and Senator LIEBERMAN. I hope it can be passed quickly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Jessica Ann Ellis Gold Star Fathers Act of 2010”.

SEC. 2. PREFERENCE ELIGIBLE TREATMENT FOR FATHERS OF CERTAIN PERMANENTLY DISABLED OR DECEASED VETERANS.

Section 2108(3) of title 5, United States Code, is amended by striking subparagraphs (F) and (G) and inserting the following:

“(F) the parent of an individual who lost his or her life under honorable conditions while serving in the armed forces during a period named by paragraph (1)(A) of this section, if—

“(i) the spouse of that parent is totally and permanently disabled; or

“(ii) that parent, when preference is claimed, is unmarried or, if married, legally separated from his or her spouse;

“(G) the parent of a service-connected permanently and totally disabled veteran, if—

“(i) the spouse of that parent is totally and permanently disabled; or

“(ii) that parent, when preference is claimed, is unmarried or, if married, legally separated from his or her spouse; and”.

SEC. 3. EFFECTIVE DATE.

The amendment made by this Act shall take effect 90 days after the date of enactment of this Act.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4514. Mr. McCONNELL submitted an amendment intended to be proposed to amendment SA 4500 proposed by Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) to the amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table.

SA 4515. Mr. JOHANNIS submitted an amendment intended to be proposed to amendment SA 4500 proposed by Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) to the amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4516. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4500 proposed by Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) to the amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4517. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4500 proposed by Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) to the amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4514. Mr. McCONNELL submitted an amendment intended to be proposed to amendment SA 4500 proposed by Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) to the amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

DIVISION B—OIL SPILL RESPONSE IMPROVEMENT

SEC. 2001. SHORT TITLE.

This division may be cited as the “Oil Spill Response Improvement Act of 2010”.

TITLE XXI—OUTER CONTINENTAL SHELF REFORM

SEC. 2101. PURPOSES.

The purposes of this title are—

(1) to rationalize and reform the responsibilities of the Secretary of the Interior with respect to the management of the outer Continental Shelf in order to improve the management, oversight, accountability, safety, and environmental protection of all the resources on the outer Continental Shelf;

(2) to provide independent development and enforcement of safety and environmental laws (including regulations) governing—

(A) energy development and mineral extraction activities on the outer Continental Shelf; and

(B) related offshore activities; and

(3) to ensure a fair return to the taxpayer from, and independent management of, royalty and revenue collection and disbursement activities from mineral and energy resources.

SEC. 2102. DEFINITIONS.

In this title:

(1) **DEPARTMENT.**—The term “Department” means the Department of the Interior.

(2) **OUTER CONTINENTAL SHELF.**—The term “outer Continental Shelf” has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 2103. NATIONAL POLICY FOR THE OUTER CONTINENTAL SHELF.

Section 3 of the Outer Continental Shelf Lands Act (43 U.S.C. 1332) is amended—

(1) by striking paragraph (3) and inserting the following:

“(3) the outer Continental Shelf is a vital national resource reserve held by the Federal Government for the public, which should be managed in a manner that—

“(A) recognizes the need of the United States for competitive domestic sources of energy, food, minerals, and other resources;

“(B) minimizes the potential impacts of development of those resources on the marine and coastal environment and on human health and safety; and

“(C) acknowledges the long-term economic value to the United States of the balanced,

expeditious, and orderly management and production of those resources that safeguards the environment and respects the multiple values and uses of the outer Continental Shelf;”;

(2) in paragraph (4)(C), by striking the period at the end and inserting a semicolon;

(3) in paragraph (5), by striking “; and” and inserting a semicolon;

(4) by redesignating paragraph (6) as paragraph (7);

(5) by inserting after paragraph (5) the following:

“(6) exploration, development, and production of energy and minerals on the outer Continental Shelf should be allowed only when those activities can be accomplished in a manner that provides reasonable assurance of adequate protection against harm to life, health, the environment, property, or other users of the waters, seabed, or subsoil; and”;

and

(6) in paragraph (7) (as so redesignated)—

(A) by striking “should be” and inserting “shall be”; and

(B) by adding “best available commercial” after “using”.

SEC. 2104. STRUCTURAL REFORM OF OUTER CONTINENTAL SHELF PROGRAM MANAGEMENT.

(a) **IN GENERAL.**—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding to the end the following:

“SEC. 32. STRUCTURAL REFORM OF OUTER CONTINENTAL SHELF PROGRAM MANAGEMENT.

“(a) **LEASING, PERMITTING, AND REGULATION BUREAUS.**—

“(1) **ESTABLISHMENT OF BUREAUS.**—

“(A) **IN GENERAL.**—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), the Secretary shall establish in the Department of the Interior not more than 2 bureaus to carry out the leasing, permitting, and safety and environmental regulatory functions vested in the Secretary by this Act and the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.) related to the outer Continental Shelf.

“(B) **CONFLICTS OF INTEREST.**—In establishing the bureaus under subparagraph (A), the Secretary shall ensure, to the maximum extent practicable, that any potential organizational conflicts of interest related to leasing, revenue creation, environmental protection, and safety are eliminated.

“(2) **DIRECTOR.**—Each bureau shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(3) **COMPENSATION.**—Each Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

“(4) **QUALIFICATIONS.**—Each Director shall be a person who, by reason of professional background and demonstrated ability and experience, is specially qualified to carry out the duties of the office.

“(b) **ROYALTY AND REVENUE OFFICE.**—

“(1) **ESTABLISHMENT OF OFFICE.**—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), the Secretary shall establish in the Department of the Interior an office to carry out the royalty and revenue management functions vested in the Secretary by this Act and the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.).

“(2) DIRECTOR.—The office established under paragraph (1) shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(3) COMPENSATION.—The Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

“(4) QUALIFICATIONS.—The Director shall be a person who, by reason of professional background and demonstrated ability and experience, is specially qualified to carry out the duties of the office.

“(c) OCS SAFETY AND ENVIRONMENTAL ADVISORY BOARD.—

“(1) ESTABLISHMENT.—The Secretary shall establish, under the Federal Advisory Committee Act (5 U.S.C. App.), an Outer Continental Shelf Safety and Environmental Advisory Board (referred to in this subsection as the ‘Board’), to provide the Secretary and the Directors of the bureaus established under this section with independent peer-reviewed scientific and technical advice on safe and environmentally compliant energy and mineral resource exploration, development, and production activities.

“(2) MEMBERSHIP.—

“(A) SIZE.—

“(i) IN GENERAL.—The Board shall consist of not more than 12 members, chosen to reflect a range of expertise in scientific, engineering, management, and other disciplines related to safe and environmentally compliant energy and mineral resource exploration, development, and production activities.

“(ii) CONSULTATION.—The Secretary shall consult with the National Academy of Sciences and the National Academy of Engineering to identify potential candidates for membership on the Board.

“(B) TERM.—The Secretary shall appoint Board members to staggered terms of not more than 4 years, and shall not appoint a member for more than 2 consecutive terms.

“(C) CHAIR.—The Secretary shall appoint the Chair for the Board.

“(3) MEETINGS.—The Board shall—

“(A) meet not less than 3 times per year; and

“(B) at least once per year, shall host a public forum to review and assess the overall safety and environmental performance of outer Continental Shelf energy and mineral resource activities.

“(4) REPORTS.—Reports of the Board shall—

“(A) be submitted to Congress; and

“(B) made available to the public in an electronically accessible form.

“(5) TRAVEL EXPENSES.—Members of the Board, other than full-time employees of the Federal Government, while attending a meeting of the Board or while otherwise serving at the request of the Secretary or the Director while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Federal Government serving without pay.

“(d) SPECIAL PERSONNEL AUTHORITIES.—

“(1) DIRECT HIRING AUTHORITY FOR CRITICAL PERSONNEL.—

“(A) IN GENERAL.—Notwithstanding sections 3104, 3304, and 3309 through 3318 of title 5, United States Code, the Secretary may, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, recruit and directly appoint highly qualified accountants, scientists, engineers, or critical technical

personnel into the competitive service, as officers or employees of any of the organizational units established under this section.

“(B) REQUIREMENTS.—In exercising the authority granted under subparagraph (A), the Secretary shall ensure that any action taken by the Secretary—

“(i) is consistent with the merit principles of chapter 23 of title 5, United States Code; and

“(ii) complies with the public notice requirements of section 3327 of title 5, United States Code.

“(2) CRITICAL PAY AUTHORITY.—

“(A) IN GENERAL.—Notwithstanding section 5377 of title 5, United States Code, and without regard to the provisions of that title governing appointments in the competitive service or the Senior Executive Service and chapters 51 and 53 of that title (relating to classification and pay rates), the Secretary may establish, fix the compensation of, and appoint individuals to critical positions needed to carry out the functions of any of the organizational units established under this section, if the Secretary certifies that—

“(i) the positions—

“(I) require expertise of an extremely high level in a scientific or technical field; and

“(II) any of the organizational units established in this section would not successfully accomplish an important mission without such an individual; and

“(ii) exercise of the authority is necessary to recruit an individual exceptionally well qualified for the position.

“(B) LIMITATIONS.—The authority granted under subparagraph (A) shall be subject to the following conditions:

“(i) The number of critical positions authorized by subparagraph (A) may not exceed 40 at any 1 time in either of the bureaus established under this section.

“(ii) The term of an appointment under subparagraph (A) may not exceed 4 years.

“(iii) An individual appointed under subparagraph (A) may not have been an employee of the Department of the Interior during the 2-year period prior to the date of appointment.

“(iv) Total annual compensation for any individual appointed under subparagraph (A) may not exceed the highest total annual compensation payable at the rate determined under section 104 of title 3, United States Code.

“(v) An individual appointed under subparagraph (A) may not be considered to be an employee for purposes of subchapter II of chapter 75 of title 5, United States Code.

“(C) NOTIFICATION.—Each year, the Secretary shall submit to Congress a notification that lists each individual appointed under this paragraph.

“(3) REEMPLOYMENT OF CIVILIAN RETIREES.—

“(A) IN GENERAL.—Notwithstanding part 553 of title 5, Code of Federal Regulations (relating to reemployment of civilian retirees to meet exceptional employment needs), or successor regulations, the Secretary may approve the reemployment of an individual to a particular position without reduction or termination of annuity if the hiring of the individual is necessary to carry out a critical function of any of the organizational units established under this section for which suitably qualified candidates do not exist.

“(B) LIMITATIONS.—An annuitant hired with full salary and annuities under the authority granted by subparagraph (A)—

“(i) shall not be considered an employee for purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code;

“(ii) may not elect to have retirement contributions withheld from the pay of the annuitant;

“(iii) may not use any employment under this paragraph as a basis for a supplemental or recomputed annuity; and

“(iv) may not participate in the Thrift Savings Plan under subchapter III of chapter 84 of title 5, United States Code.

“(C) LIMITATION ON TERM.—The term of employment of any individual hired under subparagraph (A) may not exceed an initial term of 2 years, with an additional 2-year appointment under exceptional circumstances.

“(e) CONTINUITY OF AUTHORITY.—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), any reference in any law, rule, regulation, directive, or instruction, or certificate or other official document, in force immediately prior to the date of enactment of this section—

“(1) to the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to the appropriate bureaus and offices established under this section;

“(2) to the Director of the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to the Director of the bureau or office under this section to whom the Secretary has assigned the respective duty or authority; and

“(3) to any other position in the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to that same or equivalent position in the appropriate bureau or office established under this section.”.

(b) CONFORMING AMENDMENT.—Section 5316 of title 5, United States Code, is amended by striking “Director, Bureau of Mines, Department of the Interior” and inserting the following:

“Bureau Directors, Department of the Interior (2).

“Director, Royalty and Revenue Office, Department of the Interior.”.

SEC. 2105. SAFETY, ENVIRONMENTAL, AND FINANCIAL REFORM OF THE OUTER CONTINENTAL SHELF LANDS ACT.

(a) DEFINITIONS.—Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended by adding at the end the following:

“(r) SAFETY CASE.—The term ‘safety case’ means a complete set of safety documentation that provides a basis for determining whether a system is adequately safe for a given application in a given environment.”.

(b) ADMINISTRATION OF LEASING.—Section 5(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)) is amended in the second sentence—

(1) by striking “The Secretary may at any time” and inserting “The Secretary shall”; and

(2) by inserting after “provide for” the following: “operational safety, the protection of the marine and coastal environment,”.

(c) MAINTENANCE OF LEASES.—Section 6 of the Outer Continental Shelf Lands Act (43 U.S.C. 1335) is amended by adding at the end the following:

“(f) REVIEW OF BOND AND SURETY AMOUNTS.—Not later than May 1, 2011, and every 5 years thereafter, the Secretary shall—

“(1) review the minimum financial responsibility requirements for mineral leases under subsection (a)(11); and

“(2) adjust for inflation based on the Consumer Price Index for all Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor; and recommend to Congress any further changes to existing financial responsibility requirements necessary to permit lessees to fulfill all obligations under this Act or the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

“(g) PERIODIC FISCAL REVIEWS AND REPORTS.—

“(1) ROYALTY RATES.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection and every 4 years thereafter, the Secretary shall carry out a review of, and prepare a report that describes—

“(i) the royalty and rental rates included in new offshore oil and gas leases and the rationale for the rates;

“(ii) whether, in the view of the Secretary, the royalty and rental rates described in subparagraph (A) would yield a fair return to the public while promoting the production of oil and gas resources in a timely manner; and

“(iii) whether, based on the review, the Secretary intends to modify the royalty or rental rates.

“(B) PUBLIC PARTICIPATION.—In carrying out a review and preparing a report under subparagraph (A), the Secretary shall provide to the public an opportunity to participate.

“(2) COMPARATIVE REVIEW OF FISCAL SYSTEM.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection and every 4 years thereafter, the Secretary in consultation with the Secretary of the Treasury, shall carry out a comprehensive review of all components of the Federal offshore oil and gas fiscal system, including requirements and trends for bonus bids, rental rates, royalties, oil and gas taxes, income taxes, wage requirements, regulatory compliance costs, oil and gas fees, and other significant financial elements.

“(B) INCLUSIONS.—The review shall include—

“(i) information and analyses comparing the offshore bonus bids, rents, royalties, taxes, and fees of the Federal Government to the offshore bonus bids, rents, royalties, taxes, and fees of other resource owners (including States and foreign countries); and

“(ii) an assessment of the overall offshore oil and gas fiscal system in the United States, as compared to foreign countries.

“(C) INDEPENDENT ADVISORY COMMITTEE.—In carrying out a review under this paragraph, the Secretary shall convene and seek the advice of an independent advisory committee comprised of oil and gas and fiscal experts from States, Indian tribes, academia, the energy industry, and appropriate non-governmental organizations.

“(D) REPORT.—The Secretary shall prepare a report that contains—

“(i) the contents and results of the review carried out under this paragraph for the period covered by the report; and

“(ii) any recommendations of the Secretary and the Secretary of the Treasury based on the contents and results of the review.

“(E) COMBINED REPORT.—The Secretary may combine the reports required by paragraphs (1) and (2)(D) into 1 report.

“(3) REPORT DEADLINE.—Not later than 30 days after the date on which the Secretary completes each report under this subsection, the Secretary shall submit copies of the report to—

“(A) the Committee on Energy and Natural Resources of the Senate;

“(B) the Committee on Finance of the Senate;

“(C) the Committee on Natural Resources of the House of Representatives; and

“(D) the Committee on Ways and Means of the House of Representatives.”.

(d) LEASES, EASEMENTS, AND RIGHTS-OF-WAY.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by striking subsection (d) and inserting the following:

“(d) DISQUALIFICATION FROM BIDDING.—No bid for a lease may be submitted by any entity that the Secretary finds, after prior public notice and opportunity for a hearing—

“(1) is not meeting due diligence, safety, or environmental requirements, constituting significant infractions, on other leases; or

“(2)(A) is a responsible party for a vessel or a facility from which oil is discharged, for purposes of section 1002 of the Oil Pollution Act of 1990 (33 U.S.C. 2702); and

“(B) has failed to meet the obligations of the responsible party under that Act to provide compensation for covered removal costs and damages.”.

(e) EXPLORATION PLANS.—Section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340) is amended—

(1) in subsection (c)—

(A) in the fourth sentence of paragraph (1), by striking “within thirty days of its submission” and inserting “by the deadline described in paragraph (5)”;

(B) by striking paragraph (3) and inserting the following:

“(3) MINIMUM REQUIREMENTS.—

“(A) IN GENERAL.—An exploration plan submitted under this subsection shall include, in such degree of detail as the Secretary by regulation may require—

“(i) a complete description and schedule of the exploration activities to be undertaken;

“(ii) a description of the equipment to be used for the exploration activities, including—

“(I) a description of the drilling unit;

“(II) a statement of the design and condition of major safety-related pieces of equipment;

“(III) a description of any new technology to be used; and

“(IV) a statement demonstrating that the equipment to be used meets the best available commercial technology requirements under section 21(b);

“(iii) a map showing the location of each well to be drilled;

“(iv)(I) a scenario for the potential blowout of the well involving the highest expected volume of liquid hydrocarbons; and

“(II) a complete description of a response plan to control the blowout and manage the accompanying discharge of hydrocarbons, including—

“(aa) the technology and estimated timeline for regaining control of the well; and

“(bb) the strategy, organization, and resources to be used to avoid harm to the environment and human health from hydrocarbons; and

“(v) any other information determined to be relevant by the Secretary.

“(B) DEEPWATER WELLS.—

“(i) IN GENERAL.—Before conducting exploration activities in water depths greater than 500 feet, the holder of a lease shall submit to the Secretary for approval a deepwater operations plan prepared by the lessee in accordance with this subparagraph.

“(ii) TECHNOLOGY REQUIREMENTS.—A deepwater operations plan under this subpara-

graph shall be based on the best available commercial technology to ensure safety in carrying out the exploration activity and the blowout response plan.

“(iii) SYSTEMS ANALYSIS REQUIRED.—The Secretary shall not approve a deepwater operations plan under this subparagraph unless the plan includes a technical systems analysis of—

“(I) the safety of the proposed exploration activity;

“(II) the blowout prevention technology; and

“(III) the blowout and spill response plans.”; and

(C) by adding at the end the following:

“(5) DEADLINE FOR APPROVAL.—

“(A) IN GENERAL.—In the case of a lease issued under a sale held after March 17, 2010, the deadline for approval of an exploration plan referred to in the fourth sentence of paragraph (1) is—

“(i) the date that is 90 days after the date on which the plan or the modifications to the plan are submitted; or

“(ii) the date that is not later than an additional 180 days after the deadline described in clause (i), if the Secretary makes a finding that additional time is necessary to complete any environmental, safety, or other reviews.

“(B) EXISTING LEASES.—In the case of a lease issued under a sale held on or before March 17, 2010, the Secretary, with the consent of the holder of the lease, may extend the deadline applicable to the lease for such additional time as the Secretary determines is necessary to complete any environmental, safety, or other reviews.

“(C) EFFECT ON TERM OF LEASE.—In the case of any extension of the deadline for approval of an exploration plan under this Act, the additional time taken by the Secretary shall not be assessed against the term of the associated lease.”.

(2) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively; and

(3) by striking subsection (d) and inserting the following:

“(d) DRILLING PERMITS.—

“(1) IN GENERAL.—The Secretary shall, by regulation, require that any lessee operating under an approved exploration plan obtain a permit—

“(A) before the lessee drills a well in accordance with the plan; and

“(B) before the lessee significantly modifies the well design originally approved by the Secretary.

“(2) ENGINEERING REVIEW REQUIRED.—The Secretary may not grant any drilling permit until the date of completion of a full review of the well system by not less than 2 agency engineers, including a written determination that—

“(A) critical safety systems (including blowout prevention) will use best available commercial technology; and

“(B) blowout prevention systems will include redundancy and remote triggering capability.

“(3) MODIFICATION REVIEW REQUIRED.—The Secretary may not approve any modification of a permit without a determination, after an additional engineering review, that the modification will not compromise the safety of the well system previously approved.

“(4) OPERATOR SAFETY AND ENVIRONMENTAL MANAGEMENT REQUIRED.—The Secretary may not grant any drilling permit or modification of the permit until the date of completion and approval of a safety and environmental management plan that—

“(A) is to be used by the operator during all well operations; and

“(B) includes—

“(i) a description of the expertise and experience requirements of crew members who will be present on the rig; and

“(ii) designation of at least 2 environmental and safety managers that—

“(I) are or will be employees of the operator;

“(II) would be present on the rig at all times; and

“(III) have overall responsibility for the safety and environmental management of the well system and spill response plan; and

“(C) not later than May 1, 2012, requires that all employees on the rig meet the training and experience requirements under section 21(b)(4).

“(e) DISAPPROVAL OF EXPLORATION PLAN.—

“(1) IN GENERAL.—The Secretary shall disapprove an exploration plan submitted under this section if the Secretary determines that, because of exceptional geological conditions in the lease areas, exceptional resource values in the marine or coastal environment, or other exceptional circumstances, that—

“(A) implementation of the exploration plan would probably cause serious harm or damage to life (including fish and other aquatic life), property, mineral deposits, national security or defense, or the marine, coastal or human environments;

“(B) the threat of harm or damage would not disappear or decrease to an acceptable extent within a reasonable period of time; and

“(C) the advantages of disapproving the exploration plan outweigh the advantages of exploration.

“(2) COMPENSATION.—If an exploration plan is disapproved under this subsection, the provisions of subparagraphs (B) and (C) of section 25(h)(2) shall apply to the lease and the plan or any modified plan, except that the reference in section 25(h)(2) to a development and production plan shall be considered to be a reference to an exploration plan.”

(f) OUTER CONTINENTAL SHELF LEASING PROGRAM.—Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended—

(1) in subsection (a)—

(A) in the second sentence, by inserting after “national energy needs” the following: “and the need for the protection of the marine and coastal environment and resources”;;

(B) in paragraph (1), by striking “considers” and inserting “gives equal consideration to”; and

(C) in paragraph (3), by striking “, to the maximum extent practicable,”;

(2) in subsection (b)—

(A) in paragraph (3), by striking “and” at the end;

(B) in paragraph (4), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(5) provide technical review and oversight of the exploration plan and a systems review of the safety of the well design and other operational decisions;

“(6) conduct regular and thorough safety reviews and inspections, and;

“(7) enforce all applicable laws (including regulations).”;

(3) in the second sentence of subsection (d)(2), by inserting “, the head of an interested Federal agency,” after “Attorney General”;

(4) in the first sentence of subsection (g), by inserting before the period at the end the

following: “, including existing inventories and mapping of marine resources previously undertaken by the Department of the Interior and the National Oceanic and Atmospheric Administration, information provided by the Department of Defense, and other available data regarding energy or mineral resource potential, navigation uses, fisheries, aquaculture uses, recreational uses, habitat, conservation, and military uses on the outer Continental Shelf”; and

(5) by adding at the end the following:

“(i) RESEARCH AND DEVELOPMENT.—

“(1) IN GENERAL.—The Secretary shall carry out a program of research and development to ensure the continued improvement of methodologies for characterizing resources of the outer Continental Shelf and conditions that may affect the ability to develop and use those resources in a safe, sound, and environmentally responsible manner.

“(2) INCLUSIONS.—Research and development activities carried out under paragraph (1) may include activities to provide accurate estimates of energy and mineral reserves and potential on the outer Continental Shelf and any activities that may assist in filling gaps in environmental data needed to develop each leasing program under this section.

“(3) LEASING ACTIVITIES.—Research and development activities carried out under paragraph (1) shall not be considered to be leasing or pre-leasing activities for purposes of this Act.”

(g) ENVIRONMENTAL STUDIES.—Section 20 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346) is amended—

(1) by redesignating subsections (a) through (f) as subsections (b) through (g), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

“(a) COMPREHENSIVE AND INDEPENDENT STUDIES.—

“(1) IN GENERAL.—The Secretary shall develop and carry out programs for the collection, evaluation, assembly, analysis, and dissemination of environmental and other resource data that are relevant to carrying out the purposes of this Act.

“(2) SCOPE OF RESEARCH.—The programs under this subsection shall include—

“(A) the gathering of baseline data in areas before energy or mineral resource development activities occur;

“(B) ecosystem research and monitoring studies to support integrated resource management decisions; and

“(C) the improvement of scientific understanding of the fate, transport, and effects of discharges and spilled materials, including deep water hydrocarbon spills, in the marine environment.

“(3) USE OF DATA.—The Secretary shall ensure that information from the studies carried out under this section—

“(A) informs the management of energy and mineral resources on the outer Continental Shelf including any areas under consideration for oil and gas leasing; and

“(B) contributes to a broader coordination of energy and mineral resource development activities within the context of best available science.

“(4) INDEPENDENCE.—The Secretary shall create a program within the appropriate bureau established under section 32 that shall—

“(A) be programmatically separate and distinct from the leasing program;

“(B) carry out the environmental studies under this section;

“(C) conduct additional environmental studies relevant to the sound management of

energy and mineral resources on the outer Continental Shelf;

“(D) provide for external scientific review of studies under this section, including through appropriate arrangements with the National Academy of Sciences; and

“(E) subject to the restrictions of subsections (g) and (h) of section 18, make available to the public studies conducted and data gathered under this section.”; and

(3) in the first sentence of subsection (b)(1) (as so redesignated), by inserting “every 3 years” after “shall conduct”.

(h) SAFETY RESEARCH AND REGULATIONS.—Section 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1347) is amended—

(1) in the first sentence of subsection (a), by striking “Upon the date of enactment of this section,” and inserting “Not later than May 1, 2011, and every 3 years thereafter,”;

(2) by striking subsection (b) and inserting the following:

“(b) BEST AVAILABLE TECHNOLOGIES AND PRACTICES.—

“(1) IN GENERAL.—In exercising respective responsibilities under this Act, the Secretary, and the Secretary of the Department in which the Coast Guard is operating, shall require, on all new drilling and production operations and, to the maximum extent practicable, on existing operations, the use of the best available and safest commercial technologies and practices, if the failure of equipment would have a significant effect on safety, health, or the environment.

“(2) IDENTIFICATION OF BEST AVAILABLE TECHNOLOGIES.—Not later than May 1, 2011, the Secretary shall identify and publish a list, to be updated and maintained to reflect technological advances, of best available commercial technologies for key areas of well design and operation, including blowout prevention and blowout and oil spill response.

“(3) SAFETY CASE.—Not later than May 1, 2011, the Secretary shall promulgate regulations requiring a safety case be submitted along with each new application for a permit to drill on the outer Continental Shelf.

“(4) EMPLOYEE TRAINING.—

“(A) IN GENERAL.—Not later than May 1, 2011, the Secretary shall promulgate regulations setting standards for training for all workers on offshore facilities (including mobile offshore drilling units) conducting energy and mineral resource exploration, development, and production operations on the outer Continental Shelf.

“(B) REQUIREMENTS.—The training standards under this paragraph shall require that employers of workers described in subparagraph (A)—

“(i) establish training programs approved by the Secretary; and

“(ii) demonstrate that employees involved in the offshore operations meet standards that demonstrate the aptitude of the employees in critical technical skills.

“(C) EXPERIENCE.—The training standards under this section shall require that any offshore worker with less than 5 years of applied experience in offshore facilities operations pass a certification requirement after receiving the appropriate training.

“(D) MONITORING TRAINING COURSES.—The Secretary shall ensure that Department employees responsible for inspecting offshore facilities monitor, observe, and report on training courses established under this paragraph, including attending a representative number of the training sessions, as determined by the Secretary.”; and

(3) by adding at the end the following:

“(g) TECHNOLOGY RESEARCH AND RISK ASSESSMENT PROGRAM.—

“(1) IN GENERAL.—The Secretary shall carry out a program of research, development, and risk assessment to address technology and development issues associated with outer Continental Shelf energy and mineral resource activities, with the primary purpose of informing the role of research, development, and risk assessment relating to safety, environmental protection, and spill response.

“(2) SPECIFIC AREAS OF FOCUS.—The program under this subsection shall include research, development, and other activities related to—

“(A) risk assessment, using all available data from safety and compliance records both within the United States and internationally;

“(B) analysis of industry trends in technology, investment, and interest in frontier areas;

“(C) analysis of incidents investigated under section 22;

“(D) reviews of best available commercial technologies, including technologies associated with pipelines, blowout preventer mechanisms, casing, well design, and other associated infrastructure related to offshore energy development;

“(E) oil spill response and mitigation;

“(F) risks associated with human factors; and

“(G) renewable energy operations.

“(3) INFORMATION SHARING ACTIVITIES.—

“(A) DOMESTIC ACTIVITIES.—The Secretary shall carry out programs to facilitate the exchange and dissemination of scientific and technical information and best practices related to the management of safety and environmental issues associated with energy and mineral resource exploration, development, and production.

“(B) INTERNATIONAL COOPERATION.—The Secretary shall carry out programs to cooperate with international organizations and foreign governments to share information and best practices related to the management of safety and environmental issues associated with energy and mineral resource exploration, development, and production.

“(4) REPORTS.—The program under this subsection shall provide to the Secretary, each Bureau Director under section 32, and the public quarterly reports that address—

“(A) developments in each of the areas under paragraph (2); and

“(B)(i) any accidents that have occurred in the past quarter; and

“(ii) appropriate responses to the accidents.

“(5) INDEPENDENCE.—The Secretary shall create a program within the appropriate bureau established under section 32 that shall—

“(A) be programmatically separate and distinct from the leasing program;

“(B) carry out the studies, analyses, and other activities under this subsection;

“(C) provide for external scientific review of studies under this section, including through appropriate arrangements with the National Academy of Sciences; and

“(D) make available to the public studies conducted and data gathered under this section.

“(6) USE OF DATA.—The Secretary shall ensure that the information from the studies and research carried out under this section inform the development of safety practices and regulations as required by this Act and other applicable laws.”

(i) ENFORCEMENT.—Section 22 of the Outer Continental Shelf Lands Act (43 U.S.C. 1348) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the first sentence, by inserting “, each loss of well control, blowout, activation of the shear rams, and other accident that presented a serious risk to human or environmental safety,” after “fire”; and

(ii) in the last sentence, by inserting “as a condition of the lease” before the period at the end;

(B) in the last sentence of paragraph (2), by inserting “as a condition of lease” before the period at the end;

(2) in subsection (e)—

(A) by striking “(e) The” and inserting the following:

“(e) REVIEW OF ALLEGED SAFETY VIOLATIONS.—

“(1) IN GENERAL.—The”; and

(B) by adding at the end the following:

“(2) INVESTIGATION.—The Secretary shall investigate any allegation from any employee of the lessee or any subcontractor of the lessee made under paragraph (1).”; and

(3) by adding at the end of the section the following:

“(g) INDEPENDENT INVESTIGATION.—

“(1) IN GENERAL.—At the request of the Secretary, the National Transportation Safety Board may conduct an independent investigation of any accident, occurring in the outer Continental Shelf and involving activities under this Act, that does not otherwise fall within the definition of an accident or major marine casualty, as those terms are used in chapter 11 of title 49, United States Code.

“(2) TRANSPORTATION ACCIDENT.—For purposes of an investigation under this subsection, the accident that is the subject of the request by the Secretary shall be determined to be a transportation accident within the meaning of that term in chapter 11 of title 49, United States Code.

“(h) INFORMATION ON CAUSES AND CORRECTIVE ACTIONS.—

“(1) IN GENERAL.—For each incident investigated under this section, the Secretary shall promptly make available to all lessees and the public technical information about the causes and corrective actions taken.

“(2) PUBLIC DATABASE.—All data and reports related to an incident described in paragraph (1) shall be maintained in a database that is available to the public.

“(i) INSPECTION FEE.—

“(1) IN GENERAL.—To the extent necessary to fund the inspections described in this paragraph, the Secretary shall collect a non-refundable inspection fee, which shall be deposited in the Ocean Energy Enforcement Fund established under paragraph (3), from the designated operator for facilities subject to inspection under subsection (c).

“(2) ESTABLISHMENT.—The Secretary shall establish, by rule, inspection fees—

“(A) at an aggregate level equal to the amount necessary to offset the annual expenses of inspections of outer Continental Shelf facilities (including mobile offshore drilling units) by the Department of the Interior; and

“(B) using a schedule that reflects the differences in complexity among the classes of facilities to be inspected.

“(3) OCEAN ENERGY ENFORCEMENT FUND.—There is established in the Treasury a fund, to be known as the ‘Ocean Energy Enforcement Fund’ (referred to in this subsection as the ‘Fund’), into which shall be deposited amounts collected under paragraph (1) and which shall be available as provided under paragraph (4).

“(4) AVAILABILITY OF FEES.—Notwithstanding section 3302 of title 31, United

States Code, all amounts collected by the Secretary under this section—

“(A) shall be credited as offsetting collections;

“(B) shall be available for expenditure only for purposes of carrying out inspections of outer Continental Shelf facilities (including mobile offshore drilling units) and the administration of the inspection program;

“(C) shall be available only to the extent provided for in advance in an appropriations Act; and

“(D) shall remain available until expended.

“(5) ANNUAL REPORTS.—

“(A) IN GENERAL.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2011, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report on the operation of the Fund during the fiscal year.

“(B) CONTENTS.—Each report shall include, for the fiscal year covered by the report, the following:

“(i) A statement of the amounts deposited into the Fund.

“(ii) A description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.

“(iii) Recommendations for additional authorities to fulfill the purpose of the Fund.

“(iv) A statement of the balance remaining in the Fund at the end of the fiscal year.”.

(j) REMEDIES AND PENALTIES.—Section 24 of the Outer Continental Shelf Lands Act (43 U.S.C. 1350) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) CIVIL PENALTY.—

“(1) IN GENERAL.—Subject to paragraphs (2) through (3), if any person fails to comply with this Act, any term of a lease or permit issued under this Act, or any regulation or order issued under this Act, the person shall be liable for a civil administrative penalty of not more than \$75,000 for each day of continuance of each failure.

“(2) ADMINISTRATION.—The Secretary may assess, collect, and compromise any penalty under paragraph (1).

“(3) HEARING.—No penalty shall be assessed under this subsection until the person charged with a violation has been given the opportunity for a hearing.

“(4) ADJUSTMENT.—The penalty amount specified in this subsection shall increase each year to reflect any increases in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.”;

(2) in subsection (c)—

(A) in the first sentence, by striking “\$100,000” and inserting “\$10,000,000”; and

(B) by adding at the end the following: “The penalty amount specified in this subsection shall increase each year to reflect any increases in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.”; and

(3) in subsection (d), by inserting “, or with reckless disregard,” after “knowingly and willfully”.

(k) OIL AND GAS DEVELOPMENT AND PRODUCTION.—Section 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1351) is amended by striking “, other than the Gulf of Mexico,” each place it appears in subsections (a)(1), (b), and (e)(1).

(l) CONFLICTS OF INTEREST.—Section 29 of the Outer Continental Shelf Lands Act (43 U.S.C. 1355) is amended to read as follows:

“SEC. 29. CONFLICTS OF INTEREST.

“(a) RESTRICTIONS ON EMPLOYMENT.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities under this Act shall—

“(1) within 2 years after his employment with the Department has ceased—

“(A) knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before;

“(B) with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to; or

“(C) knowingly aid, advise, or assist in—

“(i) representing any other person (except the United States) in any formal or informal appearance before; or

“(ii) making, with the intent to influence, any oral or written communication on behalf of any other person (except the United States) to,

any department, agency, or court of the United States, or any officer or employee thereof, in connection with any judicial or other proceeding, application, request for a ruling or other determination, regulation, order, lease, permit, rulemaking, inspection, enforcement action, or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest which was actually pending under his official responsibility as an officer or employee within a period of one year prior to the termination of such responsibility or in which he participated personally and substantially as an officer or employee;

“(2) within 1 year after his employment with the Department has ceased—

“(A) knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before;

“(B) with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to; or

“(C) knowingly aid, advise, or assist in—

“(i) representing any other person (except the United States) in any formal or informal appearance before, or

“(ii) making, with the intent to influence, any oral or written communication on behalf of any other person (except the United States) to,

the Department of the Interior, or any officer or employee thereof, in connection with any judicial, rulemaking, regulation, order, lease, permit, regulation, inspection, enforcement action, or other particular matter which is pending before the Department of the Interior or in which the Department has a direct and substantial interest; or

“(3) accept employment or compensation, during the 1-year period beginning on the date on which employment with the Department has ceased, from any person (other than the United States) that has a direct and substantial interest—

“(A) that was pending under the official responsibility of the employee as an officer or employee of the Department during the 1-year period preceding the termination of the responsibility; or

“(B) in which the employee participated personally and substantially as an officer or employee.

“(b) PRIOR EMPLOYMENT RELATIONSHIPS.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities

under this Act shall participate personally and substantially as a Federal officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, inspection, enforcement action, or other particular matter in which, to the knowledge of the officer or employee—

“(1) the officer or employee or the spouse, minor child, or general partner of the officer or employee has a financial interest;

“(2) any organization in which the officer or employee is serving as an officer, director, trustee, general partner, or employee has a financial interest;

“(3) any person or organization with whom the officer or employee is negotiating or has any arrangement concerning prospective employment has a financial interest; or

“(4) any person or organization in which the officer or employee has, within the preceding 1-year period, served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee has a financial interest.

“(c) GIFTS FROM OUTSIDE SOURCES.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities under this Act shall, directly or indirectly, solicit or accept any gift in violation of subpart B of part 2635 of title V, Code of Federal Regulations (or successor regulations).

“(d) EXEMPTIONS.—The Secretary may, by rule, exempt from this section clerical and support personnel who do not conduct inspections, perform audits, or otherwise exercise regulatory or policy making authority under this Act.

“(e) PENALTIES.—

“(1) CRIMINAL PENALTIES.—Any person who violates paragraph (1) or (2) of subsection (a) or subsection (b) shall be punished in accordance with section 216 of title 18, United States Code.

“(2) CIVIL PENALTIES.—Any person who violates subsection (a)(3) or (c) shall be punished in accordance with subsection (b) of section 216 of title 18, United States Code.”.

SEC. 2106. STUDY ON THE EFFECT OF THE MORATORIA ON NEW DEEPWATER DRILLING IN THE GULF OF MEXICO ON EMPLOYMENT AND SMALL BUSINESSES.

(a) IN GENERAL.—The Secretary of Energy, acting through the Energy Information Administration, shall publish a monthly study evaluating the effect of the moratoria which followed from the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment, on employment and small businesses.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act and at the beginning of each month thereafter during the effective period of the moratoria described in subsection (a), the Secretary of Energy, acting through the Energy Information Administration, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report regarding the results of the study conducted under subsection (a), including—

(1) a survey of the effect of the moratoria on deepwater drilling on employment in the industries directly involved in oil and natural gas exploration in the outer Continental Shelf;

(2) a survey of the effect of the moratoria on employment in the industries indirectly

involved in oil and natural gas exploration in the outer Continental Shelf, including suppliers of supplies or services and customers of industries directly involved in oil and natural gas exploration;

(3) an estimate of the effect of the moratoria on the revenues of small business located near the Gulf of Mexico and, to the maximum extent practicable, throughout the United States; and

(4) any recommendations to mitigate possible negative effects on small business concerns resulting from the moratoria.

SEC. 2107. REFORM OF OTHER LAW.

Section 388(b) of the Energy Policy Act of 2005 (43 U.S.C. 1337 note; Public Law 109-58) is amended by adding at the end the following:

“(4) FEDERAL AGENCIES.—Any head of a Federal department or agency shall, on request of the Secretary, provide to the Secretary all data and information that the Secretary determines to be necessary for the purpose of including the data and information in the mapping initiative, except that no Federal department or agency shall be required to provide any data or information that is privileged or proprietary.”.

SEC. 2108. SAFER OIL AND GAS PRODUCTION.

(a) PROGRAM AUTHORITY.—Section 999A of the Energy Policy Act of 2005 (42 U.S.C. 16371) is amended—

(1) in subsection (a)—

(A) by striking “ultra-deepwater” and inserting “deepwater”; and

(B) by inserting “well control and accident prevention,” after “safe operations.”;

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

“(1) Deepwater architecture, well control and accident prevention, and deepwater technology, including drilling to deep formations in waters greater than 500 feet.”; and

(B) by striking paragraph (4) and inserting the following:

“(4) Safety technology research and development for drilling activities aimed at well control and accident prevention performed by the Office of Fossil Energy of the Department.”; and

(3) in subsection (d)—

(A) in the subsection heading, by striking “NATIONAL ENERGY TECHNOLOGY LABORATORY” and inserting “OFFICE OF FOSSIL ENERGY OF THE DEPARTMENT”; and

(B) by striking “National Energy Technology Laboratory” and inserting “Office of Fossil Energy of the Department”.

(b) DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS AND OTHER PETROLEUM RESEARCH AND DEVELOPMENT PROGRAM.—Section 999B of the Energy Policy Act of 2005 (42 U.S.C. 16372) is amended—

(1) in the section heading, by striking “ULTRA-DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS AND OTHER PETROLEUM” and inserting “SAFE OIL AND GAS PRODUCTION AND ACCIDENT PREVENTION”;

(2) in subsection (a), by striking “, by increasing” and all that follows through the period at the end and inserting “and the safe and environmentally responsible exploration, development, and production of hydrocarbon resources.”;

(3) in subsection (c)(1)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

“(D) projects will be selected on a competitive, peer-reviewed basis.”; and

(4) in subsection (d)—

(A) in paragraph (6), by striking “ultra-deepwater” and inserting “deepwater”;

(B) in paragraph (7)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking “ULTRA-DEEPWATER” and inserting “DEEPWATER”;

(II) by striking “development and” and inserting “research, development, and”; and

(III) by striking “as well as” and all that follows through the period at the end and inserting “aimed at improving operational safety of drilling activities, including well integrity systems, well control, blowout prevention, the use of non-toxic materials, and integrated systems approach-based management for exploration and production in deepwater.”;

(ii) in subparagraph (B), by striking “and environmental mitigation” and inserting “use of non-toxic materials, drilling safety, and environmental mitigation and accident prevention”;

(iii) in subparagraph (C), by inserting “safety and accident prevention, well control and systems integrity,” after “including”; and

(iv) by adding at the end the following:

“(D) SAFETY AND ACCIDENT PREVENTION TECHNOLOGY RESEARCH AND DEVELOPMENT.—Awards from allocations under section 999H(d)(4) shall be expended on areas including—

“(i) development of improved cementing and casing technologies;

“(ii) best management practices for cementing, casing, and other well control activities and technologies;

“(iii) development of integrity and stewardship guidelines for—

“(I) well-plugging and abandonment;

“(II) development of wellbore sealant technologies; and

“(III) improvement and standardization of blowout prevention devices.”; and

(C) by adding at the end the following:

“(8) STUDY; REPORT.—

“(A) STUDY.—As soon as practicable after the date of enactment of this paragraph, the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to determine—

“(i) whether the benefits provided through each award under this subsection during calendar year 2011 have been maximized; and

“(ii) the new areas of research that could be carried out to meet the overall objectives of the program.

“(B) REPORT.—Not later than January 1, 2012, the Secretary shall submit to the appropriate committees of Congress a report that contains a description of the results of the study conducted under subparagraph (A).

“(C) OPTIONAL UPDATES.—The Secretary may update the report described in subparagraph (B) for the 5-year period beginning on the date described in that subparagraph and each 5-year period thereafter.”;

(5) in subsection (e)—

(A) in paragraph (2)—

(i) in the second sentence of subparagraph (A), by inserting “to the Secretary for review” after “submit”; and

(ii) in the first sentence of subparagraph (B), by striking “Ultra-Deepwater” and all that follows through “and such Advisory Committees” and inserting “Program Advisory Committee established under section 999D(a), and the Advisory Committee”; and

(B) by adding at the end the following:

“(6) RESEARCH FINDINGS AND RECOMMENDATIONS FOR IMPLEMENTATION.—The Secretary, in consultation with the Secretary of the In-

terior and the Administrator of the Environmental Protection Agency, shall publish in the Federal Register an annual report on the research findings of the program carried out under this section and any recommendations for implementation that the Secretary, in consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, determines to be necessary.”;

(6) in subsection (i)—

(A) in the subsection heading, by striking “UNITED STATES GEOLOGICAL SURVEY” and inserting “DEPARTMENT OF THE INTERIOR”; and

(B) by striking “, through the United States Geological Survey,”; and

(7) in the first sentence of subsection (j), by striking “National Energy Technology Laboratory” and inserting “Office of Fossil Energy of the Department”.

(c) ADDITIONAL REQUIREMENTS FOR AWARDS.—Section 999C(b) of the Energy Policy Act of 2005 (42 U.S.C. 16373(b)) is amended by striking “an ultra-deepwater technology or an ultra-deepwater architecture” and inserting “a deepwater technology”.

(d) PROGRAM ADVISORY COMMITTEE.—Section 999D of the Energy Policy Act of 2005 (42 U.S.C. 16374) is amended to read as follows:

“SEC. 999D. PROGRAM ADVISORY COMMITTEE.

“(a) ESTABLISHMENT.—Not later than 270 days after the date of enactment of the Oil Spill Response Improvement Act of 2010, the Secretary shall establish an advisory committee to be known as the ‘Program Advisory Committee’ (referred to in this section as the ‘Advisory Committee’).

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Advisory Committee shall be composed of members appointed by the Secretary, including—

“(A) individuals with extensive research experience or operational knowledge of hydrocarbon exploration and production;

“(B) individuals broadly representative of the affected interests in hydrocarbon production, including interests in environmental protection and safety operations;

“(C) representatives of Federal agencies, including the Environmental Protection Agency and the Department of the Interior;

“(D) State regulatory agency representatives; and

“(E) other individuals, as determined by the Secretary.

“(2) LIMITATIONS.—

“(A) IN GENERAL.—The Advisory Committee shall not include individuals who are board members, officers, or employees of the program consortium.

“(B) CATEGORICAL REPRESENTATION.—In appointing members of the Advisory Committee, the Secretary shall ensure that no class of individuals described in any of subparagraphs (A), (B), (D), or (E) of paragraph (1) comprises more than 1/3 of the membership of the Advisory Committee.

“(C) SUBCOMMITTEES.—The Advisory Committee may establish subcommittees for separate research programs carried out under this subtitle.

“(d) DUTIES.—The Advisory Committee shall—

“(1) advise the Secretary on the development and implementation of programs under this subtitle; and

“(2) carry out section 999B(e)(2)(B).

“(e) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but shall be entitled to receive travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code.

“(f) PROHIBITION.—The Advisory Committee shall not make recommendations on funding awards to particular consortia or other entities, or for specific projects.”.

(e) DEFINITIONS.—Section 999G of the Energy Policy Act of 2005 (42 U.S.C. 16377) is amended—

(1) in paragraph (1), by striking “200 but less than 1,500 meters” and inserting “500 feet”;

(2) by striking paragraphs (8), (9), and (10);

(3) by redesignating paragraphs (2) through (7) and (11) as paragraphs (4) through (9) and (10), respectively;

(4) by inserting after paragraph (1) the following:

“(2) DEEPWATER ARCHITECTURE.—The term ‘deepwater architecture’ means the integration of technologies for the exploration for, or production of, natural gas or other petroleum resources located at deepwater depths.

“(3) DEEPWATER TECHNOLOGY.—The term ‘deepwater technology’ means a discrete technology that is specially suited to address 1 or more challenges associated with the exploration for, or production of, natural gas or other petroleum resources located at deepwater depths.”; and

(5) in paragraph (10) (as redesignated by paragraph (3)), by striking “in an economically inaccessible geological formation, including resources of small producers”.

(f) FUNDING.—Section 999H of the Energy Policy Act of 2005 (42 U.S.C. 16378) is amended—

(1) in the first sentence of subsection (a) by striking “Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund” and inserting “Safe and Responsible Energy Production Research Fund”;

(2) in subsection (d)—

(A) in paragraph (1), by striking “35 percent” and inserting “21.5 percent”;

(B) in paragraph (2), by striking “32.5 percent” and inserting “21 percent”;

(C) in paragraph (4)—

(i) by striking “25 percent” and inserting “30 percent”;

(ii) by striking “complementary research” and inserting “safety technology research and development”; and

(iii) by striking “contract management,” and all that follows through the period at the end and inserting “and contract management.”; and

(D) by adding at the end the following:

“(5) 20 percent shall be used for research activities required under sections 20 and 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346, 1347).”.

(3) in subsection (f), by striking “Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund” and inserting “Safer Oil and Gas Production and Accident Prevention Research Fund”.

(g) CONFORMING AMENDMENT.—Subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16371 et seq.) is amended in the subtitle heading by striking “Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources” and inserting “Safer Oil and Gas Production and Accident Prevention”.

SEC. 2109. NATIONAL COMMISSION ON OUTER CONTINENTAL SHELF OIL SPILL PREVENTION.

(a) ESTABLISHMENT.—There is established in the Legislative branch the National Commission on Outer Continental Shelf Oil Spill Prevention (referred to in this section as the “Commission”).

(b) PURPOSES.—The purposes of the Commission are—

(1) to examine and report on the facts and causes relating to the Deepwater Horizon explosion and oil spill of 2010;

(2) to ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the incident;

(3) to build upon the investigations of other entities, and avoid unnecessary duplication, by reviewing the findings, conclusions, and recommendations of—

(A) the Committees on Energy and Natural Resources and Commerce, Science, and Transportation of the Senate;

(B) the Committee on Natural Resources and the Subcommittee on Oversight and Investigations of the House of Representatives; and

(C) other Executive branch, congressional, or independent commission investigations into the Deepwater Horizon incident of 2010, other fatal oil platform accidents and major spills, and major oil spills generally;

(4) to make a full and complete accounting of the circumstances surrounding the incident, and the extent of the preparedness of the United States for, and immediate response of the United States to, the incident; and

(5) to investigate and report to the President and Congress findings, conclusions, and recommendations for corrective measures that may be taken to prevent similar incidents.

(c) COMPOSITION OF COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(A) 1 member shall be appointed by the President, who shall serve as Chairperson of the Commission;

(B) 1 member shall be appointed by the majority or minority (as the case may be) leader of the Senate from the Republican Party and the majority or minority (as the case may be) leader of the House of Representatives from the Republican Party, who shall serve as Vice Chairperson of the Commission;

(C) 2 members shall be appointed by the senior member of the leadership of the Senate from the Democratic Party;

(D) 2 members shall be appointed by the senior member of the leadership of the House of Representatives from the Republican Party;

(E) 2 members shall be appointed by the senior member of the leadership of the Senate from the Republican Party; and

(F) 2 members shall be appointed by the senior member of the leadership of the House of Representatives from the Democratic Party.

(2) QUALIFICATIONS; INITIAL MEETING.—

(A) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(B) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be a current officer or employee of the Federal Government or any State or local government.

(C) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience and expertise in such areas as—

- (i) engineering;
- (ii) environmental compliance;
- (iii) health and safety law (particularly oil spill legislation);
- (iv) oil spill insurance policies;
- (v) public administration;
- (vi) oil and gas exploration and production;

(vii) environmental cleanup; and

(viii) fisheries and wildlife management.

(D) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before September 15, 2010.

(E) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable after the date of enactment of this Act.

(3) QUORUM; VACANCIES.—

(A) IN GENERAL.—After the initial meeting of the Commission, the Commission shall meet upon the call of the Chairperson or a majority of the members of the Commission.

(B) QUORUM.—6 members of the Commission shall constitute a quorum.

(C) VACANCIES.—Any vacancy in the Commission shall not affect the powers of the Commission, but shall be filled in the same manner in which the original appointment was made.

(d) FUNCTIONS OF COMMISSION.—

(1) IN GENERAL.—The functions of the Commission are—

(A) to conduct an investigation that—

(i) investigates relevant facts and circumstances relating to the Deepwater Horizon incident of April 20, 2010, and the associated oil spill thereafter, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure; and

(ii) may include relevant facts and circumstances relating to—

(I) permitting agencies;

(II) environmental and worker safety law enforcement agencies;

(III) national energy requirements;

(IV) deepwater and ultra-deepwater oil and gas exploration and development;

(V) regulatory specifications, testing, and requirements for offshore oil and gas well explosion prevention;

(VI) regulatory specifications, testing, and requirements offshore oil and gas well casing and cementing regulation;

(VII) the role of congressional oversight and resource allocation; and

(VIII) other areas of the public and private sectors determined to be relevant to the Deepwater Horizon incident by the Commission;

(B) to identify, review, and evaluate the lessons learned from the Deepwater Horizon incident of April 20, 2010, regarding the structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, and the private sector, relative to detecting, preventing, and responding to those incidents; and

(C) to submit to the President and Congress such reports as are required under this section containing such findings, conclusions, and recommendations as the Commission determines to be appropriate, including proposals for organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(2) RELATIONSHIP TO INQUIRY BY CONGRESSIONAL COMMITTEES.—In investigating facts and circumstances relating to energy policy, the Commission shall—

(A) first review the information compiled by, and any findings, conclusions, and recommendations of, the committees identified in subparagraphs (A) and (B) of subsection (b)(3); and

(B) after completion of that review, pursue any appropriate area of inquiry, if the Commission determines that—

(i) those committees have not investigated that area;

(ii) the investigation of that area by those committees has not been completed; or

(iii) new information not reviewed by the committees has become available with respect to that area.

(e) POWERS OF COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out this section—

(A) hold such hearings, meet and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials;

as the Commission or such subcommittee or member considers to be advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this paragraph only—

(I) by the agreement of the Chairperson and the Vice Chairperson; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), a subpoena issued under this paragraph—

(I) shall bear the signature of the Chairperson or any member designated by a majority of the Commission;

(II) and may be served by any person or class of persons designated by the Chairperson or by a member designated by a majority of the Commission for that purpose.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A), the United States district court for the district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence.

(ii) JUDICIAL ACTION FOR NONCOMPLIANCE.—Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(iii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this subsection, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes (2 U.S.C. 192 through 194).

(3) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge the duties of the Commission under this section.

(4) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from any Executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government, information, suggestions, estimates, and statistics for the purposes of this section.

(B) COOPERATION.—Each Federal department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by

law, furnish information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairperson, the Chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(C) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall be received, handled, stored, and disseminated only by members of the Commission and the staff of the Commission in accordance with all applicable laws (including regulations and Executive orders).

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the functions of the Commission.

(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in subparagraph (A), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as are determined to be advisable and authorized by law.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property, including travel, for the direct advancement of the functions of the Commission.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(f) PUBLIC MEETINGS AND HEARINGS.—

(1) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(A) hold public hearings and meetings, to the extent appropriate; and

(B) release public versions of the reports required under paragraphs (1) and (2) of subsection (j).

(2) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of proprietary or sensitive information provided to or developed for or by the Commission as required by any applicable law (including a regulation or Executive order).

(g) STAFF OF COMMISSION.—

(1) IN GENERAL.—

(A) APPOINTMENT AND COMPENSATION.—

(i) IN GENERAL.—The Chairperson, in consultation with the Vice Chairperson and in accordance with rules agreed upon by the Commission, may, without regard to the civil service laws (including regulations), appoint and fix the compensation of a staff director and such other personnel as are necessary to enable the Commission to carry out the functions of the Commission.

(ii) MAXIMUM RATE OF PAY.—No rate of pay fixed under this subparagraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The staff director and any personnel of the Commission who are employees shall be considered to be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not apply to members of the Commission.

(2) DETAILEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(h) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION OF MEMBERS.—

(A) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(i) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—

(1) IN GENERAL.—Subject to paragraph (2), the appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the members and staff of the Commission appropriate security clearances, to the maximum extent practicable, pursuant to existing procedures and requirements.

(2) PROPRIETARY INFORMATION.—No person shall be provided with access to proprietary information under this section without the appropriate security clearances.

(j) REPORTS OF COMMISSION; ADJOURNMENT.—

(1) INTERIM REPORTS.—The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of members of the Commission.

(2) FINAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of members of the Commission.

(3) TEMPORARY ADJOURNMENT.—

(A) IN GENERAL.—The Commission, and all the authority provided under this section, shall adjourn and be suspended, respectively, on the date that is 60 days after the date on which the final report is submitted under paragraph (2).

(B) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in subparagraph (A) for the purpose of concluding activities of the Commission, including—

(i) providing testimony to committees of Congress concerning reports of the Commission; and

(ii) disseminating the final report submitted under paragraph (2).

(C) RECONVENING OF COMMISSION.—The Commission shall stand adjourned until such time as the President or the Secretary of Homeland Security declares an oil spill of national significance to have occurred, at which time—

(i) the Commission shall reconvene in accordance with subsection (c)(3); and

(ii) the authority of the Commission under this section shall be of full force and effect.

(k) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(A) \$10,000,000 for the first fiscal year in which the Commission convenes; and

(B) \$3,000,000 for each fiscal year thereafter in which the Commission convenes.

(2) AVAILABILITY.—Amounts made available to carry out this section shall be available—

(A) for transfer to the Commission for use in carrying out the functions and activities of the Commission under this section; and

(B) until the date on which the Commission adjourns for the fiscal year under subsection (j)(3).

(l) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(m) CONFLICTS OF INTEREST FOR CERTAIN COMMISSION MEMBERS.—Notwithstanding any other provision of law, any member of a federally sponsored presidential commission that is a senior official in an organization that is engaged in legal action that is materially relevant to the work of the Commission shall be excluded from making recommendations to the President.

SEC. 2110. CLASSIFICATION OF OFFSHORE SYSTEMS.

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary and the Secretary of the Department in which the Coast Guard is operating shall jointly issue regulations requiring systems (including existing systems) used in the offshore exploration, development, and production of oil and gas in the outer Continental Shelf to be constructed, maintained, and operated so as to meet classification, certification, rating, and inspection standards that are necessary—

(A) to protect the health and safety of affiliated workers; and

(B) to prevent environmental degradation.

(2) THIRD-PARTY VERIFICATION.—The standards established by regulation under paragraph (1) shall be verified through certification and classification by independent third parties that—

(A) have been preapproved by both the Secretary and the Secretary of the Department in which the Coast Guard is operating; and

(B) have no financial conflict of interest in conducting the duties of the third parties.

(3) MINIMUM SYSTEMS COVERED.—At a minimum, the regulations issued under paragraph (1) shall require the certification and classification by an independent third party who meets the requirements of paragraph (2) of—

(A) mobile offshore drilling units;

(B) fixed and floating drilling or production facilities;

(C) drilling systems, including risers and blowout preventers; and

(D) any other equipment dedicated to the safety systems relating to offshore extraction and production of oil and gas.

(4) **EXCEPTIONS.**—The Secretary and the Secretary of the Department in which the Coast Guard is operating may waive the standards established by regulation under paragraph (1) for an existing system only if—

(A) the system is of an age or type where meeting such requirements is impractical; and

(B) the system poses an acceptably low level of risk to the environment and to human safety.

(b) **AUTHORITY OF COAST GUARD.**—Nothing in this section preempts or interferes with the authority of the Coast Guard.

SEC. 2111. SAVINGS PROVISIONS.

(a) **EXISTING LAW.**—All regulations, rules, standards, determinations, contracts and agreements, memoranda of understanding, certifications, authorizations, appointments, delegations, results and findings of investigations, or any other actions issued, made, or taken by, or pursuant to or under, the authority of any law (including regulations) that resulted in the assignment of functions or activities to the Secretary, the Director of the Minerals Management Service (including by delegation from the Secretary), or the Department (as related to the implementation of the purposes referenced in this title) that were in effect on the date of enactment of this Act shall continue in full force and effect after the date of enactment of this Act unless previously scheduled to expire or until otherwise modified or rescinded by this title or any other Act.

(b) **EFFECT ON OTHER AUTHORITIES.**—This title does not amend or alter the provisions of other applicable laws, unless otherwise noted.

SEC. 2112. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE XXII—OIL SPILL COMPENSATION

Subtitle A—Oil Spill Liability

PART I—OIL POLLUTION ACT OF 1990

SEC. 2201. LIABILITY LIMITS.

(a) **PRESIDENTIAL ESTABLISHMENT OF LIMITS.**—Section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) is amended by adding at the end the following:

“(e) **LIMITS FOR STRICT LIABILITY.**—

“(1) **IN GENERAL.**—For the purpose of subsection (a)(3), after a 60-day period of public notice and comment beginning on the date of enactment of this subsection, and from time to time thereafter, the President shall establish a set of limits for strict liability for damages for incidents occurring from offshore facilities (other than deepwater ports) covered by Outer Continental Shelf leases issued after the date of enactment of the Oil Spill Response Improvement Act of 2010.

“(2) **REQUIREMENTS.**—The limits for strict liability established under paragraph (1) shall—

“(A) take into account the availability of insurance products for offshore facilities; and

“(B) be otherwise based equally on and categorized by—

“(i) the water depth of the lease;

“(ii) the minimum projected well depth of the lease;

“(iii) the proximity of the lease to oil and gas emergency response equipment and infrastructure;

“(iv) the likelihood of the offshore facility covered by the lease to encounter broken sea ice;

“(v) the record and historical number of regulatory violations of the leaseholder under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (or the absence of such a record or violations);

“(vi) the estimated hydrocarbon reserves of the lease;

“(vii) the estimated well pressure, expressed in pounds per square inch, of the reservoir associated with the lease;

“(viii) the availability and projected availability, including through borrowing authority, of funds in the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986;

“(ix) other available remedies under law;

“(x) the estimated economic value of non-energy coastal resources that may be impacted by a spill of national significance involving the offshore facility covered by the lease;

“(xi) whether the offshore facility covered by the lease employs a subsea or surface blowout preventer stack; and

“(xii) the availability of industry payments under subsection (f).

“(3) **PUBLIC LIABILITY INSURANCE.**—In no case shall the strict liability limits under this subsection for the applicable offshore facility be less than the maximum amount of public liability insurance that is broadly available for related offshore environmental incidents.

“(f) **LIABILITY OF INDUSTRY.**—

“(1) **IN GENERAL.**—If an incident on the Outer Continental Shelf results in economic damages claims exceeding the maximum amount for strict liability for economic damages to be paid by the responsible party under subsection (a)(3), the claims in excess of the maximum amount for strict liability for economic damages under subsection (a)(3) shall be paid initially, in an amount not to exceed a total of \$20,000,000,000, by all other entities operating offshore facilities on the Outer Continental Shelf on the date of the incident, as determined by the Secretary of the Interior, in accordance with paragraph (2).

“(2) **PROPORTIONAL PAYMENT.**—The amount of liability claims to be paid under paragraph (1) by an entity described in that paragraph shall be determined by the Secretary of the Interior based on the proportion that—

“(A) the number of offshore facilities operated by the entity on the Outer Continental Shelf; bears to

“(B) the total number of offshore facilities operated by all entities on the Outer Continental Shelf.

“(3) **OIL SPILL LIABILITY TRUST FUND.**—Economic damages that exceed the amounts available under subsection (a)(3) and paragraph (1) shall be paid from the Oil Spill Liability Trust Fund and amounts made available to the Fund under part II of the Oil Spill Response Improvement Act of 2010.”

(b) **CONFORMING AMENDMENTS.**—

(1) **LIMIT FOR OFFSHORE FACILITIES.**—Section 1004(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)) is amended—

(A) in paragraph (2), by striking “,” and inserting a comma; and

(B) by striking paragraph (3) and inserting the following:

“(3) for an offshore facility (except a deepwater port) covered by an Outer Continental Shelf lease—

“(A) if the lease was issued prior to the date of enactment of the Oil Spill Response Improvement Act of 2010, the total of all removal costs plus \$75,000,000; and

“(B) if the lease was issued on or after the date of enactment of the Oil Spill Response Improvement Act of 2010, the total of all removal costs plus the limit for strict liability for damages for that offshore facility established by the President under subsection (e); and”.

(2) **EXCEPTIONS.**—Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended in the first sentence by inserting “1004(f),” after “sections”.

SEC. 2202. ADVANCE PAYMENT.

Section 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712) is amended by adding at the end the following:

“(1) **ADVANCE PAYMENTS.**—The President shall promulgate regulations that allow advance payments to be made from the Fund to States and political subdivisions of States for actions taken to prepare for and mitigate substantial threats from the discharge of oil.”.

PART II—OIL SPILL LIABILITY TRUST FUND

SEC. 2211. RATE OF TAX FOR OIL SPILL LIABILITY TRUST FUND.

(a) **IN GENERAL.**—Section 4611 of the Internal Revenue Code of 1986 (relating to the imposition of tax) is amended—

(1) in subsection (c), by adding at the end the following new paragraph:

“(3) **ADJUSTMENTS TO TEMPORARY SUSPENSION OF OIL SPILL LIABILITY TRUST FUND FINANCING RATE.**—In the case of any calendar quarter in which the Secretary estimates that, as of the close of the previous quarter, the unobligated balance in the Oil Spill Liability Trust Fund is greater than \$10,000,000,000, the Oil Spill Liability Trust Fund financing shall be 0 cents a barrel.”; and

(2) by striking subsection (f).

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply on and after the first day of the first calendar quarter after the date of enactment of this Act.

(c) **NEW REVENUES TO THE OIL SPILL LIABILITY TRUST FUND.**—Notwithstanding section 3302 of title 31, United States Code, the revenue resulting from any increase in the Oil Spill Liability Trust Fund financing rate under this section or the amendments made by this section shall—

(1) be credited only as offsetting collections for the Oil Spill Liability Trust Fund;

(2) be available for expenditure only for purposes of the Oil Spill Liability Trust Fund; and

(3) remain available until expended.

SEC. 2212. LIMITATIONS ON EXPENDITURES AND BORROWING AUTHORITY.

(a) **LIMITATIONS ON EXPENDITURES.**—Section 9509(c) of the Internal Revenue Code of 1986 (relating to expenditures from the Oil Spill Liability Trust Fund) is amended—

(1) by striking paragraph (2);

(2) by striking “EXPENDITURES” in the subsection heading and all that follows through “Amounts in” in paragraph (1) and inserting “EXPENDITURES.—Amounts in”; and

(3) by redesignating subparagraphs (A) through (F) as paragraphs (1) through (6), respectively, and indenting appropriately.

(b) **AUTHORITY TO BORROW.**—Section 9509(d) of the Internal Revenue Code of 1986 (relating to authority to borrow from the Oil Spill Liability Trust Fund) is amended—

(1) in paragraph (2), by striking “\$1,000,000,000” and inserting “\$10,000,000,000”; and

(2) in paragraph (3)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

Subtitle B—Federal Oil Spill Research

SEC. 2221. DEFINITIONS.

In this subtitle:

(1) **COMMANDANT.**—The term “Commandant” means the Commandant of the Coast Guard.

(2) **PROGRAM.**—The term “program” means the program for oil spill response established pursuant to section 2230.

SEC. 2222. FEDERAL OIL SPILL RESEARCH.

(a) **IN GENERAL.**—Title VII of the Oil Pollution Act of 1990 is amended—

(1) by inserting before section 7001 (33 U.S.C. 2761) the following:

“SEC. 7000. DEFINITIONS.

“In this title:

“(1) **ASSESSMENT.**—The term ‘assessment’ means the research assessment on the status of the oil spill prevention and response capabilities conducted under section 7004.

“(2) **COMMITTEE.**—The term ‘Committee’ means the Interagency Committee established under section 7001.

“(3) **PLAN.**—The term ‘plan’ means the Federal oil spill research plan developed under section 7005.

“(4) **PROGRAM.**—The term ‘program’ means the Federal oil spill research program established under section 7003.”;

(2) by redesignating section 7002 (33 U.S.C. 2762) as section 7009;

(3) in section 7001 (33 U.S.C. 2761), by striking subsections (b) through (e) and inserting the following:

“(b) **REGIONAL SUBCOMMITTEES.**—

“(1) **IN GENERAL.**—The Committee shall establish—

“(A) a regional subcommittee for each of the Gulf of Mexico and Arctic regions of the United States; and

“(B) such other regional subcommittees as the Committee determines to be necessary.

“(2) **COORDINATION.**—In accordance with the program, each regional subcommittee established under this subsection shall coordinate with the Committee and other relevant State, national, and international bodies with expertise in the region to research and develop technologies for use in the prevention, detection, recovery, mitigation, and evaluation of effects of incidents in the regional environment.”; and

(4) by inserting after section 7001 (33 U.S.C. 2761) the following:

“SEC. 7002. FUNCTIONS OF THE COMMITTEE.

“The Committee shall—

“(1) coordinate a comprehensive Federal oil spill research and development program in accordance with section 7003 to coordinate oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, institutions of higher education, research institutions, State and tribal governments, and other relevant stakeholders;

“(2) conduct a research assessment on the status of the oil spill prevention and response capabilities in accordance with section 7004; and

“(3) develop a Federal oil spill research plan in accordance with section 7005.

“SEC. 7003. FEDERAL OIL SPILL RESEARCH PROGRAM.

“(a) **IN GENERAL.**—The Committee shall establish a program for conducting oil pollu-

tion research, development, and demonstration.

“(b) **PROGRAM ELEMENTS.**—The program established under subsection (a) shall provide for research, development, and demonstration technologies, practices, and procedures that provide for effective and direct response to prevent, detect, recover, or mitigate oil discharges, including—

“(1) new technologies to detect accidental or intentional overboard oil discharges;

“(2) models and monitoring capabilities to predict the transport and fate of oil, including trajectory and behavior predictions due to location, weather patterns, hydrographic data, and water conditions, including Arctic sea ice environments;

“(3) containment and well-control capabilities, including drilling of relief wells, containment structures, and injection technologies;

“(4) response capabilities, such as improved dispersants, biological treatment methods, booms, oil skimmers, containment vessels, and offshore and onshore storage capacity;

“(5) research and training, in coordination with the National Response Team, to improve the removal of oil discharge quickly and effectively;

“(6) decision support systems for contingency planning and response;

“(7) improvement of options for oily or oiled waste dispersal;

“(8) technologies, methods, and standards for use in protecting personnel and for volunteers that may participate in incident responses, including—

“(A) training;

“(B) adequate supervision;

“(C) protective equipment;

“(D) maximum exposure limits; and

“(E) decontamination procedures; and

“(9) technologies and methods to prevent, detect, recover, and mitigate oil discharges in polar environments.

“(c) **STUDY OF ENVIRONMENTAL EFFECTS OF RESPONSE TECHNIQUES.**—Notwithstanding any other provision of law, the Coast Guard shall conduct reasonable environmental studies of oil discharge prevention or mitigation technologies, including the use of small quantities of oil for testing of in situ burning, chemical dispersants, and herding agents, upon and within navigable waters of the United States, if the Coast Guard, in consultation with the Committee, determines that the information to be obtained cannot be adequately obtained through a laboratory or simulated experiment.

“SEC. 7004. FEDERAL RESEARCH ASSESSMENT.

“Not later than 1 year after the date of enactment of Oil Spill Response Improvement Act of 2010, the Committee shall submit to Congress an assessment of the status of oil spill prevention and response capabilities that—

“(1) identifies research programs conducted and technologies developed by governments, institutions of higher education, and industry;

“(2) assesses the status of knowledge on oil pollution prevention, response, and mitigation technologies;

“(3) identifies regional oil pollution research needs and priorities for a coordinated program of research at the regional level developed in consultation with State, local, and tribal governments;

“(4) assesses the status of spill response equipment and determines areas in need of improvement, including quantity, age, quality, effectiveness, or necessary technological improvements;

“(5) assesses the status of real-time data available to mariners, researchers, and responders, including weather, hydrographic, and water condition data, and the impact of incomplete and inaccessible data on preventing, detecting, or mitigating oil discharges; and

“(6) is subject to a 90-day public comment period and addresses suggestions received and incorporates public input received, as appropriate.

“SEC. 7005. FEDERAL INTERAGENCY RESEARCH PLAN.

“(a) **IN GENERAL.**—

“(1) **PLAN.**—Not later than 60 days after the date on which the President submits to Congress, pursuant to section 1105 of title 31, United States Code, a budget for fiscal year 2012, and for each fiscal year thereafter, the Committee shall submit to Congress a plan that establishes the priorities for Federal oil spill research and development.

“(2) **RECOMMENDATIONS.**—In the development of the plan, the Committee shall consider recommendations by the National Academy of Sciences and information from State, local, and tribal governments.

“(b) **PLAN REQUIREMENTS.**—The plan shall—

“(1) make recommendations to improve technologies and practices to prevent oil spills;

“(2) suggest changes to the program to improve the rates of oil recovery and spill mitigation;

“(3) make recommendations to improve technologies, practices, and procedures to provide for effective and direct response to oil spills;

“(4) make recommendations to improve the quality of real-time data available to mariners, researchers, and responders; and

“(5) be subject to a 90-day public comment period and address suggestions received and incorporate public input received, as appropriate.

“SEC. 7006. EXTRAMURAL GRANTS.

“(a) **IN GENERAL.**—In carrying out the program, the Committee shall—

“(1) award competitive grants to institutions of higher education or other research institutions to carry out projects—

“(A) to advance research and development; and

“(B) to demonstrate technologies for preventing, detecting, or mitigating oil discharges that are relevant to the goals and priorities of the plan; and

“(2) incorporate a competitive, merit-based process for awarding grants that may be conducted jointly with other participating agencies.

“(b) **REGIONAL RESEARCH PROGRAM.**—

“(1) **DEFINITION OF REGION.**—In this subsection, the term ‘region’ means a Coast Guard district as described in part 3 of subchapter A of chapter I of title 33, Code of Federal Regulations (1989).

“(2) **PROGRAM.**—Consistent with the program, the Committee shall coordinate the provision of competitive grants to institutions of higher education or other research institutions (or groups of those institutions) for the purpose of conducting a coordinated research program relating to the aspects of oil pollution with respect to each region, including research on such matters as—

“(A) prevention;

“(B) removal mitigation; and

“(C) the effects of discharged oil on regional environments.

“(3) **PUBLICATION.**—

“(A) IN GENERAL.—The Committee shall coordinate the publication by the agencies represented on the Committee of a solicitation for grants under this subsection.

“(B) FORM AND CONTENT.—The application for a grant under this subsection shall be in such form and contain such information as shall be required in the published solicitation.

“(C) REVIEW OF APPLICATIONS.—Each application for a grant under this subsection shall be—

“(i) reviewed by the Committee; and

“(ii) at the option of the Committee, included among applications recommended by the Committee for approval in accordance with paragraph (5).

“(D) PROVISION OF GRANTS.—

“(i) IN GENERAL.—A granting agency represented on the Committee shall provide the grants recommended by the Committee unless the granting agency—

“(I) decides not to provide the grant due to budgetary or other compelling considerations; and

“(II) publishes in the Federal Register the reasons for such a determination.

“(ii) FUNDS FOR GRANTS.—No grants may be provided by any agency under this subsection from any funds authorized to carry out this paragraph unless the grant award has first been recommended by the Committee under subparagraph (C)(ii).

“(4) ELIGIBLE APPLICANTS.—

“(A) IN GENERAL.—Any institution of higher education or other research institution (or a group of those institutions) may apply for a grant for the regional research program established under this subsection.

“(B) LOCATION OF APPLICANT.—An applicant described in subparagraph (A) shall be located in the region, or in a State a part of which is in the region, for which the project covered by the grant application is proposed to be carried out as part of the regional research program.

“(C) GROUP APPLICATIONS.—With respect to an application described in subparagraph (A) from a group of institutions referred to in that subparagraph, the 1 or more entities that will carry out the substantial portion of the proposed project covered by the grant shall be located in the region, or in a State a part of which is in the region, for which the project is proposed as part of the regional research program.

“(5) RECOMMENDATIONS.—

“(A) IN GENERAL.—The Committee shall make recommendations on grants in such a manner as to ensure an appropriate balance within a region among the various aspects of oil pollution research, including—

“(i) prevention;

“(ii) removal;

“(iii) mitigation; and

“(iv) the effects of discharged oil on regional environments.

“(B) ADDITIONAL CRITERIA.—In addition to the requirements described in subparagraph (A), the Committee shall make recommendations for the approval of grants based on whether—

“(i) there are available to the applicant for use in carrying out this paragraph demonstrated research resources;

“(ii) the applicant demonstrates the capability of making a significant contribution to regional research needs; and

“(iii) the projects that the applicant proposes to carry out under the grant—

“(I) are consistent with the plan under section 7005; and

“(II) would further the objectives of the program established under section 7003.

“(6) TERM OF GRANTS; REVIEW; COST-SHARING.—A grant provided under this subsection shall—

“(A) be for a period of up to 3 years;

“(B) be subject to annual review by the granting agency; and

“(C) provide not more than 80 percent of the costs of the research activities carried out in connection with the grant.

“(7) PROHIBITION ON USE OF GRANT FUNDS.—No funds made available to carry out this subsection may be used for—

“(A) the acquisition of real property (including buildings); or

“(B) the construction of any building.

“(8) EFFECT ON OTHER AUTHORITY.—Nothing in this paragraph alters or abridges the authority under existing law of any Federal agency to provide grants, or enter into contracts or cooperative agreements, using funds other than those authorized in this Act for the purpose of carrying out this subsection.

“(9) FUNDING.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), for each of fiscal years 2011 through 2015, not less than \$32,000,000 of amounts in the Fund shall be available to carry out the regional research program under this subsection, to be available in equal amounts for the regional research program in each region.

“(B) ADDITIONAL GRANTS.—If the agencies represented on the Committee determine that regional research needs exist that cannot be addressed by the amount of funds made available under subparagraph (A), the agencies may use authority under subsection (a) to make additional grants to meet those needs.

“SEC. 7007. ANNUAL REPORT.

“Concurrent with the submission of the Federal interagency research plan pursuant to section 7005, the Committee shall submit to Congress an annual report that describes the activities and results of the program during the previous fiscal year and described the objectives of the program for the next fiscal year.

“SEC. 7008. FUNDING.

“(a) IN GENERAL.—Of the amounts in the Fund for each fiscal year, not more than \$50,000,000 shall be available to carry out this section (other than section 7006(b)) for the fiscal year.

“(b) APPROPRIATIONS.—All activities authorized under this title, including under section 7006(b), shall be subject to the availability of appropriations.”

SEC. 2223. NATIONAL ACADEMY OF SCIENCE PARTICIPATION.

The Commandant shall enter into an arrangement with the National Academy of Sciences under which the Academy shall—

(1) not later than 1 year after the date of enactment of this Act, assess and evaluate the status of Federal oil spill research and development as of the day before the date of enactment of this Act;

(2) submit to Congress and the Federal Oil Spill Research Committee established under section 7002 of the Oil Pollution Act of 1990 a report evaluating the conclusions and recommendations from the Federal research assessment under section 7004 of that Act to be used in the development of the Federal oil spill research plan under section 7005 of that Act; and

(3) not later than 1 year after the Federal interagency research plan is submitted to Congress under section 7005 of that Act, evaluate, and report to Congress on, the plan.

SEC. 2224. TECHNICAL AND CONFORMING AMENDMENTS.

(a) USE OF FUNDS.—Section 1012(a)(5)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)(A)) is amended by striking “\$25,000,000” and inserting “\$50,000,000”.

(b) TABLE OF CONTENTS.—The table of contents in section 2 of the Oil Pollution Act of 1990 (33 U.S.C. prec. 2701) is amended by striking the items relating to sections 7001 and 7002 and inserting the following:

“Sec. 7000. Definitions.

“Sec. 7001. Oil pollution research and development program.

“Sec. 7002. Functions of the Committee.

“Sec. 7003. Federal oil spill research program.

“Sec. 7004. Federal research assessment.

“Sec. 7005. Federal interagency research plan.

“Sec. 7006. Extramural grants.

“Sec. 7007. Annual report.

“Sec. 7008. Funding.

“Sec. 7009. Submerged oil program.”.

SEC. 2225. OIL SPILL RESPONSE AUTHORITY.

Notwithstanding any other provision of law, the Incident Commander of the Coast Guard may authorize the use of dispersants in response to a spill of oil from—

(1) any facility or vessel located in, on, or under any of the navigable waters of the United States; and

(2) any facility of any kind that is subject to the jurisdiction of the United States and that is located in, on, or under any other waters.

SEC. 2226. MARITIME CENTER OF EXPERTISE.

(a) IN GENERAL.—The Commandant shall establish a Maritime Center of Expertise for Maritime Oil Spill and Hazardous Substance Release Response.

(b) DUTIES.—The Center shall—

(1) serve as the primary Federal facility for Coast Guard personnel to obtain qualifications to perform the duties of a regional response team cochair, a Federal on-scene coordinator, or a Federal on-scene coordinator representative;

(2) train Federal, State, and local first responders in the incident command system structure, maritime oil spill and hazardous substance release response techniques and strategies, and public affairs;

(3) work with academic and private sector response training centers to develop and standardize maritime oil spill and hazardous substance release response training and techniques;

(4) conduct research, development, testing, and demonstration for maritime oil spill and hazardous substance release response equipment, technologies, and techniques to prevent or mitigate maritime oil discharges and hazardous substance releases;

(5) maintain not less than 2 incident management and assistance teams, 1 of which shall be ready to deploy anywhere in the continental United States within 24 hours after an incident or event;

(6) conduct marine environmental response standardization visits with Coast Guard Federal on-scene coordinators;

(7) administer and coordinate Coast Guard participation in the National Preparedness for Response Exercise Program; and

(8) establish and maintain Coast Guard marine environmental response doctrine.

SEC. 2227. NATIONAL STRIKE FORCE.

(a) IN GENERAL.—The Commandant shall maintain a National Strike Force to facilitate preparedness for and response to maritime oil spill and hazardous substance release incidents.

(b) COMPOSITION.—The National Strike Force—

(1) shall consist of—
(A) a National Strike Force Coordination Center;

(B) strike force teams, including—

- (i) 1 team for the Atlantic Ocean;
- (ii) 1 team for the Pacific Ocean; and
- (iii) 1 team for the Gulf of Mexico; and

(C) a public information assist team; and

(2) may include, on the direction of the Commandant, 1 or more teams for the north-west Pacific Ocean and the Arctic Ocean.

(C) NATIONAL STRIKE FORCE COORDINATION CENTER DUTIES.—The National Strike Force Coordination Center shall—

(1) provide support and standardization guidance to the regional strike teams;

(2) maintain a response resource inventory of maritime oil spill and hazardous substance release response, marine salvage, and marine firefighting equipment maintained by certified oil spill response organizations as well as equipment listed in a vessel or facility oil spill response plan, as required by section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j));

(3) oversee the maintenance and adequacy of Coast Guard environmental response equipment;

(4) certify and inspect maritime oil spill response organizations; and

(5) maintain the National Area Contingency Plan library.

(d) STRIKE FORCE TEAM DUTIES.—The Strike Force Response Teams shall—

(1) provide rapid response support in incident management, site safety, contractor performance monitoring, resource documentation, response strategies, hazard assessment, oil spill dispersant, in situ burn and other technologies, prefabrication of containment technology, operational effectiveness monitoring, and high-capacity lightering and offshore skimming capabilities;

(2) train Coast Guard units in environmental pollution response and incident command systems, test and evaluate pollution response equipment, and operate as liaisons with response agencies within the areas of responsibility of the respective units;

(3) maintain sufficient maritime oil spill and hazardous substance release assets to ensure the protection of human health and the environment in the event of an oil spill or hazardous substance release, including the prefabrication of oil spill containment equipment; and

(4) maintain the capability to mobilize personnel and equipment to respond to an oil spill or hazardous substance release anywhere in the continental United States within 24 hours of such an event.

(e) PUBLIC INFORMATION ASSIST TEAM DUTIES.—The Public Information Assist Team shall maintain the capability—

(1) to provide crisis communication during oil spills, hazardous material releases, marine accidents, and other disasters, including staffing and managing public affairs and intergovernmental communication;

(2) provide public information and communications training to Federal, State, and local agencies and industry personnel; and

(3) maintain the capability to mobilize personnel and equipment to respond to an oil spill or hazardous substance release anywhere in the continental United States within 24 hours after such an event.

SEC. 2228. DISTRICT PREPAREDNESS AND RESPONSE TEAMS.

The Commandant shall maintain district preparedness response teams—

(1) to maintain Coast Guard environmental response equipment;

(2) to administer area contingency plans;

(3) to administer the National Preparedness for Response Exercise Program;

(4) to conduct responder incident command system training and health and safety training;

(5) to provide Federal on-scene coordinator technical advice;

(6) to coordinate district pollution response operations;

(7) to support regional response team co-chairs;

(8) to coordinate district participation with the regional interagency steering committee of the Federal Emergency Management Agency; and

(9) to conduct response public affairs and joint information center training.

SEC. 2229. OIL SPILL RESPONSE ORGANIZATIONS.

(a) REQUIREMENT.—Each maritime oil spill response organization that is listed under an oil spill response plan of a vessel or facility regulated by the Coast Guard, as required by section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) shall be—

(1) certified by the Coast Guard; and

(2) inspected at least once each year to ensure that the organization has the capabilities to meet the requirements delegated to the organization under applicable oil spill response plans.

(b) CERTIFICATION CRITERIA AND REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the Commandant shall develop criteria and requirements for certifying and classifying maritime oil spill response organizations.

(c) INVENTORY OF MARITIME OIL SPILL RESPONSE EQUIPMENT.—Each certified maritime oil spill response organization and any facility regulated by the Coast Guard that is not using a maritime oil spill response organization to meet the facility oil spill response plan requirements of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) shall—

(1) maintain a current list of the maritime oil spill response equipment of the organization or facility; and

(2) submit a copy of that list to the National Strike Force Coordination Center.

(d) DECREASED CAPACITY REPORTS.—If a maritime oil spill response organization experiences a decrease in the maritime oil spill response assets of the organization, the organization shall report the decrease to the National Strike Force Coordination Center and the Captain of the Port in which that organization operates.

SEC. 2230. PROGRAM FOR OIL SPILL AND HAZARDOUS SUBSTANCE RELEASE RESPONSE.

(a) REQUIREMENT TO ESTABLISH PROGRAM.—The Commandant shall establish a program for oil spill and hazardous substance release response, within the Maritime Center of Expertise for Oil Spill Response, to conduct research, development, testing, and demonstration for oil spill and hazardous substance release response equipment, technologies, and techniques to prevent or mitigate oil discharges and hazardous substance releases.

(b) PROGRAM ELEMENTS.—The program under subsection (a) shall include—

(1) research, development, testing, and demonstration of new or improved methods (including the use of dispersants and biological treatment methods) for the containment, recovery, removal, and disposal of oil and hazardous substances;

(2) assistance for—

(A) the development of improved designs for vessel operations (including vessel oper-

ations in Arctic waters) and facilities that are regulated by the Coast Guard; and

(B) improved operational practices;

(3) research and training, in consultation with the National Response Team, to improve the ability of private industry and the Federal Government to respond to an oil discharge or a hazardous substance release;

(4) a list of oil spill and hazardous substance containment, recovery, removal, and disposal technology that is approved for use by the Commandant and is made publicly available, in such manner as is determined to be appropriate by the Commandant; and

(5) a process for the Federal Government, State and local governments, private industry, academic institutions, and nongovernmental organizations to submit systems, equipment, and technologies for testing and evaluation.

(c) GRANTS FOR OIL SPILL RESPONSE.—The Commandant shall have the authority to make grants to or enter into cooperative agreements with academic institutions to conduct research and development for oil spill response equipment, technology, and techniques.

(d) COORDINATION.—The Commandant shall carry out the program in coordination with the Interagency Coordinating Committee on Oil Pollution Research established pursuant to section 7001(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(a)).

(e) FUNDING.—The Commandant shall use such sums as are necessary to carry out this section for fiscal years 2010 through 2015 from funds appropriated to the research, development, and testing program account of the Coast Guard for those years.

SEC. 2231. OIL AND HAZARDOUS SUBSTANCE LIABILITY.

Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended—

(1) in subsection (c)(2)(B)—

(A) in clause (i), by striking “and” at the end;

(B) in clause (ii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iii) immediately deploy cleanup and mitigation assets owned by the Federal Government, or provided by private individuals or entities or foreign countries, to the location of discharge.”; and

(2) in subsection (d)(2), by adding at the end the following:

“(N) Establishment of a clear, accountable chain of command throughout the jurisdictions impacted by the discharge.

“(O) Establishment of a system and procedures that ensure coordination with, and prompt response to, State and local officials.”.

Subtitle C—Oil and Gas Leasing

SEC. 2231. REVENUE SHARING FROM OUTER CONTINENTAL SHELF AREAS IN CERTAIN COASTAL STATES.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

“(i) REVENUE SHARING FROM OUTER CONTINENTAL SHELF AREAS IN CERTAIN COASTAL STATES.—

“(1) DEFINITIONS.—In this subsection through subsection (j):

“(A) COASTAL POLITICAL SUBDIVISION.—The term ‘coastal political subdivision’ of a coastal State means a county-equivalent subdivision of a coastal State all or part of which—

“(i) lies within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)); and

“(ii) the closest point of which is not more than 300 statute miles from the geographic center of any leased tract.

“(B) COASTAL STATE.—The term ‘coastal State’ means a State with a coastal seaward boundary within 300 statute miles distance of the geographic center of a leased tract in an outer Continental Shelf planning area that—

“(i) as of January 1, 2000, had no oil or natural gas production; and

“(ii) is not a Gulf producing State (as defined in section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432)).

“(C) DISTANCE.—The terms ‘distance’ and ‘distances’ mean minimum great circle distance and distances, respectively.

“(D) LEASED TRACT.—The term ‘leased tract’ means a tract leased under this Act for the purpose of drilling for, developing, and producing oil or natural gas resources.

“(E) OUTER CONTINENTAL SHELF AREA.—The term ‘outer Continental Shelf area’ means—

“(i) any area withdrawn from disposition by leasing by the ‘Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition’, from 34 Weekly Comp. Pres. Doc. 1111, dated June 12, 1998; or

“(ii) any area of the outer Continental Shelf as to which Congress has denied the use of appropriated funds or other means for preleasing, leasing, or related activities.

“(2) POST LEASING REVENUES.—If the Governor or the Legislature of a coastal State requests the Secretary to allow leasing in an outer Continental Shelf area and the Secretary allows the leasing, in addition to any bonus bids, the coastal State shall, without further appropriation or action, receive, from leasing of the area, 37.5 percent of—

“(A) any lease rental payments;

“(B) any lease royalty payments;

“(C) any royalty proceeds from a sale of royalties taken in kind by the Secretary; and

“(D) any other revenues from a bidding system under section 8.

“(3) ALLOCATION AMONG COASTAL POLITICAL SUBDIVISIONS OF STATES.—

“(A) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each coastal State, as determined under this subsection, directly to certain coastal political subdivisions of the coastal State.

“(B) ALLOCATION.—

“(i) IN GENERAL.—For each leased tract used to calculate the allocation of a coastal State, the Secretary shall pay the coastal political subdivisions within 300 miles of the geographic center of the leased tract based on the relative distance of such coastal political subdivisions from the leased tract in accordance with this subparagraph.

“(ii) DISTANCES.—For each coastal political subdivision described in clause (i), the Secretary shall determine the distance between the point on the coastal political subdivision coastline closest to the geographic center of the leased tract and the geographic center of the tract.

“(iii) PAYMENTS.—The Secretary shall divide and allocate the qualified outer Continental Shelf revenues derived from the leased tract among coastal political subdivisions described in clause (i) in amounts that are inversely proportional to the applicable distances determined under clause (ii).

“(4) CONSERVATION ROYALTY.—After making distributions under paragraphs (1) and (2) and section 31, the Secretary shall, without further appropriation or action, distribute a conservation royalty equal to 12.5 percent of

Federal royalty revenues derived from an area leased under this section from all areas leased under this section for any year, into the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5) to provide financial assistance to States under section 6 of that Act (16 U.S.C. 4601–8).

“(5) DEFICIT REDUCTION.—

“(A) IN GENERAL.—After making distributions in accordance with paragraphs (1) and (2) and in accordance with section 31, the Secretary shall, without further appropriation or action, distribute an amount equal to 50 percent of Federal royalty revenues derived from all areas leased under this section for any year, into direct Federal deficit reduction.

“(B) BUDGETARY TREATMENT.—Any amounts distributed into direct Federal deficit reduction under this paragraph shall not be included for purposes determining budget levels under section 201 of S. Con. Res. 21 (110th Congress).”

SEC. 2232. REVENUE SHARING FROM AREAS IN ALASKA ADJACENT ZONE.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) (as amended by section 2231) is amended by adding at the end the following:

“(j) REVENUE SHARING FROM AREAS IN ALASKA ADJACENT ZONE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), effective beginning on the date that is 5 years after the date of enactment of this subsection, revenues from production that derives from an area in the Alaska Adjacent Zone shall be distributed in the same proportion and for the same uses as provided in subsection (i).

“(2) ALLOCATION AMONG REGIONAL CORPORATIONS.—

“(A) IN GENERAL.—The Secretary shall pay 33 percent of any allocable share of the State of Alaska, as determined under this section, directly to certain Regional Corporations established under section 7(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(a)).

“(B) ALLOCATION.—

“(i) IN GENERAL.—For each leased tract used to calculate the allocation of the State of Alaska, the Secretary shall pay the Regional Corporations, after determining those Native villages within the region of the Regional Corporation which are within 300 miles of the geographic center of the leased tract based on the relative distance of such villages from the leased tract, in accordance with this paragraph.

“(ii) DISTANCES.—For each such village, the Secretary shall determine the distance between the point in the village closest to the geographic center of the leased tract and the geographic center of the tract.

“(iii) PAYMENTS.—The Secretary shall divide and allocate the qualified outer Continental Shelf revenues derived from the leased tract among the qualifying Regional Corporations in amounts that are inversely proportional to the distances of all of the Native villages within each qualifying region.

“(iv) REVENUES.—All revenues received by each Regional Corporation shall be—

“(I) treated by the Regional Corporation as revenue subject to the distribution requirements of section 7(i)(1)(A) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)(1)(A)); and

“(II) divided annually by the Regional Corporation among all 12 Regional Corporations in accordance with section 7(i) of that Act.

“(v) FURTHER DISTRIBUTION.—A Regional Corporation receiving revenues under clause

(iv)(II) shall further distribute 50 percent of the revenues received in accordance with section 7(j) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(j)).”

SEC. 2233. ACCELERATED REVENUE SHARING TO PROMOTE COASTAL RESILIENCY AMONG GULF PRODUCING STATES.

Section 105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) ALLOCATION AMONG GULF PRODUCING STATES FOR FISCAL YEARS 2010 AND THEREAFTER.—

“(1) IN GENERAL.—Subject to the provisions of this subsection, for fiscal year 2010 and each fiscal year thereafter, the amount made available under subsection (a)(2)(A) from a covered lease described in paragraph (2) shall be allocated to each Gulf producing State in amounts that are inversely proportional to the respective distances between the point on the coastline of each Gulf producing State that is closest to the geographic center of each historical lease site and the geographic center of the historical lease site, as determined by the Secretary.

“(2) COVERED LEASE.—A covered lease referred to in paragraph (1) means a lease entered into for—

“(A) the 2002-2007 planning area;

“(B) the 181 Area; or

“(C) the 180 South Area.

“(3) MINIMUM ALLOCATION.—The amount allocated to a Gulf producing State each fiscal year under paragraph (1) shall be at least 10 percent of the amounts available under subsection (a)(2)(A).

“(4) HISTORICAL LEASE SITES.—

“(A) IN GENERAL.—Subject to subparagraph (B), for purposes of this subsection, the historical lease sites in the 2002-2007 planning area shall include all leases entered into by the Secretary for an area in the Gulf of Mexico during the period beginning on October 1, 1982 (or an earlier date if practicable, as determined by the Secretary), and ending on December 31, 2015.

“(B) ADJUSTMENT.—Effective January 1, 2022, and every 5 years thereafter, the ending date described in subparagraph (A) shall be extended for an additional 5 calendar years.

“(5) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

“(A) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each Gulf producing State, as determined under paragraphs (1) and (3), to the coastal political subdivisions of the Gulf producing State.

“(B) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with subparagraphs (B), (C), and (E) of section 31(b)(4) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a(b)(4)).”

(2) by striking subsection (f).

SEC. 2234. COASTAL IMPACT ASSISTANCE PROGRAM AMENDMENTS.

Section 31(c) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a(c)) is amended by adding at the end the following:

“(5) APPLICATION REQUIREMENTS; AVAILABILITY OF FUNDING.—On approval of a State plan under this section, the Secretary shall—

“(A) immediately disburse payments allocated under this section to the State or political subdivision; and

“(B) other than requiring notification to the Secretary of the projects being carried out under the State plan, not subject a State

or political subdivision to any additional requirements, including application requirements, to receive payments under this section.”.

SEC. 2235. PRODUCTION OF OIL FROM CERTAIN ARCTIC OFFSHORE LEASES.

Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended by adding at the end the following:

“(k) OIL TRANSPORTATION IN ARCTIC WATERS.—The Secretary shall—

“(1) require that oil produced from Federal leases in Arctic waters in the Chukchi Sea planning area, Beaufort Sea planning area, or Hope Basin planning area be transported by pipeline to the Trans-Alaska Pipeline System; and

“(2) provide for, and issue appropriate permits for, the transportation of oil from Federal leases in Arctic waters in preproduction phases (including exploration) by means other than pipeline.”.

SEC. 2236. USE OF STIMULUS FUNDS TO OFFSET SPENDING.

(a) IN GENERAL.—The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115) (other than under title X of division A of that Act) is rescinded, on a pro rata basis, by an aggregate amount that equals the amounts necessary to offset any net increase in spending or foregone revenues resulting from this subtitle and the amendments made by this subtitle.

(b) REPORT.—The Director of the Office of Management and Budget shall submit to each congressional committee the amounts rescinded under subsection (a) that are within the jurisdiction of the committee.

TITLE XXIII—GUIDANCE ON MORATORIUM ON OUTER CONTINENTAL SHELF DRILLING

SEC. 2301. LIMITATION OF MORATORIUM ON CERTAIN PERMITTING AND DRILLING ACTIVITIES.

(a) IN GENERAL.—The moratorium set forth in the decision memorandum of the Secretary of the Interior entitled “Decision memorandum regarding the suspension of certain offshore permitting and drilling activities on the Outer Continental Shelf” and dated July 12, 2010, and any suspension of operations issued in connection with the moratorium, shall not apply to an applicant for a permit to drill if the Secretary determines that the applicant—

(1) has complied with the notice entitled “National Notice to Lessees and Operators of Federal Oil and Gas Leases, Outer Continental Shelf (OCS)” dated June 8, 2010 (NTL No. 2010–N05) and the notice entitled “National Notice to Lessees and Operators of Federal Oil and Gas Leases, Outer Continental Shelf (OCS)” dated June 18, 2010 (NTL No. 2010–N06); and

(2) has completed all required safety inspections.

(b) DETERMINATION ON PERMIT.—Not later than 30 days after the date on which the Secretary makes a determination that an applicant has complied with paragraphs (1) and (2) of subsection (a), the Secretary shall make a determination on whether to issue the permit.

(c) NO SUSPENSION OF CONSIDERATION.—No Federal entity shall suspend the active consideration of, or preparatory work for, permits required to resume or advance activities suspended in connection with the moratorium.

SEC. 2302. DEEPWATER HORIZON INCIDENT.

Not later than 60 days after the date of enactment of this Act, the Secretary shall de-

velop, and expeditiously begin implementation of, a plan to ensure that onshore oil and natural gas development on Federal land would provide full energy resource compensation for offshore oil and natural gas resources not being developed and Federal revenues not being generated for the benefit of the United States Treasury during such time as any offshore moratorium is in place in response to the incident involving the mobile offshore drilling unit *Deepwater Horizon*.

SA 4515. Mr. JOHANNIS submitted an amendment intended to be proposed to amendment SA 4500 proposed by Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) to the amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . POINT OF ORDER AGAINST CLIMATE CHANGE LEGISLATION.

(a) POINT OF ORDER.—Subject to subsection (b), it shall not be in order in the Senate to consider any conference report or other legislation that originates in the House of Representatives as a message, bill, amendment, or motion, or any Senate bill or related conference report to which the House of Representatives added a provision, that addresses climate change through the inclusion of a cap-and-trade program if the Senate has not considered and approved a bill addressing climate change that included such a cap-and-trade program.

(b) WAIVER AND APPEAL.—

(1) WAIVER.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of $\frac{2}{3}$ of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of $\frac{2}{3}$ of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 4516. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4500 proposed by Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) to the amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

DIVISION B—MORATORIUM

SEC. 2001. LIMITATION ON MORATORIUM ON CERTAIN PERMITTING AND DRILLING ACTIVITIES.

(a) IN GENERAL.—The moratorium set forth in the decision memorandum of the Secretary of the Interior entitled “Decision memorandum regarding the suspension of certain offshore permitting and drilling activities on the Outer Continental Shelf” and dated July 12, 2010, and any suspension of operations issued in connection with the moratorium, shall not apply to an applicant for a permit to drill if the Secretary determines that the applicant—

(1) has complied with the notice entitled “National Notice to Lessees and Operators of Federal Oil and Gas Leases, Outer Continental Shelf (OCS)” dated June 8, 2010 (NTL No. 2010–N05) and the notice entitled “National Notice to Lessees and Operators of Federal Oil and Gas Leases, Outer Continental Shelf (OCS)” dated June 18, 2010 (NTL No. 2010–N06); and

(2) has completed all required safety inspections.

(b) DETERMINATION ON PERMIT.—Not later than 30 days after the date on which the Secretary makes a determination that an applicant has complied with paragraphs (1) and (2) of subsection (a), the Secretary shall make a determination on whether to issue the permit.

SA 4517. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4500 proposed by Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) to the amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

Subtitle C—Stationary Source Regulations Delay

SEC. 5301. SUSPENSION OF CERTAIN EPA ACTION.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any provision of the Clean Air Act (42 U.S.C. 7401 et seq.), during the 2-year period beginning on the date of enactment of this Act, the Administrator of the Environmental Protection Agency may not take any action under the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to any stationary source permitting requirement or any requirement under section 111 of that Act (42 U.S.C. 7411) relating to carbon dioxide or methane.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) any action under part A of title II of the Clean Air Act (42 U.S.C. 7521 et seq.) relating to the vehicle emissions standards contained in Docket No. EPA–HQ–OAR–2009–0171 or Docket No. EPA–HQ–OAR–2009–0472;

(2) any action relating to the preparation of a report or the enforcement of a reporting requirement; or

(3) any action relating to the provision of technical support at the request of a State.

(c) TREATMENT.—Notwithstanding any other provision of law, no action taken by the Administrator of the Environmental Protection Agency before the end of the 2-year period described in subsection (a) shall be considered to make carbon dioxide or methane a pollutant subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.) for any source other than a new motor vehicle or new motor vehicle engine, as described in section 202(a) of that Act (42 U.S.C. 7521(a)).

NOTICES OF INTENT TO SUSPEND THE RULES

Mr. McCONNELL. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, Paragraph 2, for the purpose of proposing and considering the following amendment:

SA 4514 can be found in today's RECORD under "Text of Amendments."

Mr. JOHANNES. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII for the purpose of proposing and considering the following amendment to amendment No. 4500 to the substitute amendment No. 4499 to H.R. 5297, including germaneness requirements:

SA 4515 can be found in today's RECORD under "Text of Amendments."

Mr. VITTER. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, Paragraph 2, for the purpose of proposing and considering the following amendment:

SA 4516 can be found in today's RECORD under "Text of Amendments."

Ms. MURKOWSKI. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, Paragraph 2, for the purpose of proposing and considering the following amendment:

SA 4517 can be found in today's RECORD under "Text of Amendments."

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has rescheduled its July 27th hearing entitled, "Social Security Disability Fraud: Case Studies in Federal Employees and Commercial Driver's Licenses" for Wednesday, August 4th. The Subcommittee hearing will focus on the findings of a Government Accountability Office Report, "Social Security Administration: Cases of Federal Employees and Transportation Driver's and Owners Who Fraudulently and/or Improperly Received SSA Disability Payments." Witnesses for the hearing will include The Honorable Michael J. Astrue, the Commissioner of the Social Security Administration, and Mr. Gregory D. Kutz, Managing Director of Forensic Audits and Special Investigations at the Government Accountability Office.

The Subcommittee hearing has been rescheduled for Wednesday, August 4, 2010, at 2:30 p.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at 224-9505.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, July 29, 2010, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on Indian Gaming.

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, July 28, 2010, at 10:30 a.m., to hear testimony on "Examining the Filibuster: Legislative Proposals to Change Senate Procedures."

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee on 202-224-6352.

PRIVILEGES OF THE FLOOR

Mr. WYDEN. Mr. President, I ask unanimous consent that Drew Johnston, the Wayne Morse fellow in my Senate office, be granted floor privi-

leges during the debate on the DISCLOSE Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that a fellow in the office of Senator MARK UDALL, Kelly Knutsen, be granted floor privileges for the duration of the months of July and August.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JULY 27, 2010

Mr. SPECTER. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, July 27; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, with the time until 12:30 p.m. equally divided and controlled by the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes; that the Senate recess from 12:30 to 2:15 to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SPECTER. Under a previous order, at 2:45 p.m. tomorrow the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed to S. 3628, the DISCLOSE Act.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SPECTER. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:17 p.m., adjourned until Tuesday, July 27, 2010, at 10 a.m.

HOUSE OF REPRESENTATIVES—Monday, July 26, 2010

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. RICHARDSON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 26, 2010.

I hereby appoint the Honorable LAURA RICHARDSON to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair would now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LANGEVIN) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Creator of all and Builder of a just society, this is a House of pride and dignity because of its noble belief in free people. By law and by policy through the years, interior freedom has been uncovered as obstacles to equal opportunity have been removed.

By celebrating the accomplishments of the past 20 years founded in the initiative of the Disabilities Act, Lord God, responsible government has continued to embrace the advent and development of Your people.

Lord, here, may each child of disadvantage and every victim of war and accident be given hope and grounding for personal aspirations to achieve his or her full potential in Your sight.

With the help of research, engineering, medicine, and professional therapy, may government uphold the Nation's commitment to equal opportunity in the pursuit of happiness.

May every American rejoice and thank You, Almighty God, for the next step and every step to be taken to afford open and full accessibility to place and position for all citizens in a just world. For this we pray, and we will continue to work, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Rhode Island (Mr. KENNEDY) come forward and lead the House in the Pledge of Allegiance.

Mr. KENNEDY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PERMITTING INDIVIDUALS TO BE ADMITTED TO THE HALL OF THE HOUSE IN ORDER TO DOCUMENT THE IMPROVED ACCESSIBILITY OF THE HALL OF THE HOUSE

Ms. SLAUGHTER. Mr. Speaker, on this most important day in the history of the House of Representatives, I send to the desk H. Res. 1555, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the resolution is as follows:

H. RES. 1555

Resolved, That the Speaker, in consultation with the minority leader, may designate individuals to be admitted to the Hall of the House and the rooms leading thereto in order to document the improved accessibility of the Hall of the House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE 20TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, it is with great pride and joy that I rise today to acknowledge the history that you are making. By your leadership and your inspiration and your education of the Congress, you have helped take us to a place that honors the tradition and the goals of our founders; to improve liberty and equality for all Americans.

Today, through technology, under the leadership of the Architect of the House, we are able to, in a way that is almost magical, extend to you the privilege that you deserved all along, to be able to preside over the House.

I'm pleased that we are joined by our former colleague in the House, and now a Senator, Senator HARKIN, who was such a champion in passing the Americans with Disabilities Act; our former colleague, Tony Coelho, also a leader in that regard; our colleagues who have worked so hard on that subject, Mr. MARKEY, Mr. KENNEDY; and the champion in our House on the Americans with Disabilities Act, STENY HOYER, our distinguished majority leader.

Mr. SENSENBRENNER has made this part of his legacy in the Congress. Not so fast with the legacy, I know. More to come. But we thank you for being the champion on civil rights that you are.

And I see now that we have been joined by our distinguished Republican leader of the House, Mr. BOEHNER.

This is bipartisan effort. It has been all along. It is a cause for celebration. It is a source of liberation. And it's important to note that there's a reason Mr. LANGEVIN is first. He is first because of his courage. He is first because of his inspiration, and he is first because when I became Speaker, he said to me, Now that you are presiding, I want to preside too.

So on that day, when we made history of having the first woman Speaker of the House, it became clear that we had to make history today in having JIM LANGEVIN preside on this historic occasion, which is a source of pride to all of us but also a source of challenge as to how we go forward addressing the new technologies so that we can continue to remove barriers to participation to all Americans. It's better for them and it's better for our country.

Now we can go forward clearly saying that we respect people for what they

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

can do, not judge them or limit them for what they cannot, and that we can more fully honor the Pledge of Allegiance that Mr. KENNEDY led us in just earlier, one Nation under God, with liberty—and this is about liberation—with liberty and justice for all.

Congratulations, Mr. LANGEVIN.

HONORING THE 20TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, I rise today to join the Speaker and the majority leader in recognizing the 20th anniversary of the Americans with Disabilities Act.

First I want to applaud you, Mr. Speaker, for making history today as the first American with disabilities to preside over this distinguished body. It's truly an inspiring sight and a reminder that the disabled are, of course, among the most active and functional members of our society. And it's a testament to the historic measure that we're celebrating today.

I also want to congratulate my colleague, Mr. HOYER, the majority leader, who I know played a key role in making this legislation a reality, along with other colleagues from the other body and retired, along with Mr. SENSENRENNER.

But really I want to thank all of you for ensuring that we come together, across the aisle when necessary, to make certain that this act fulfills its original mission.

Before the Americans with Disabilities Act, nowhere in the world was there a comprehensive declaration of equality for people with disabilities.

In the medical community, people with disabilities are called "handi-capable" because they strive and succeed in the face of great personal obstacles.

There was a time, however, when courage alone was not enough to get them into their hometown theaters to see a movie or into office buildings to apply for a job, much less to provide for their families. Those wrongs were corrected on July 26, 1990, when President George Herbert Walker Bush signed the Americans with Disabilities Act into law on the South Lawn of the White House.

On that day President Bush noted that it was roughly a year after the Berlin Wall came down and said that this legislation "takes a sledge hammer to another wall, one which has for too many generations separated Americans with disabilities from the freedom they could glimpse, but not grasp."

For too long our Nation has kept Americans with disabilities dependent, when they all yearned for independence. And the Americans with Disabilities Act has given them the tools to do

just that, to quench their thirst for life, liberty, and the pursuit of happiness. It has changed the lives of millions, and will do so for many, many generations to come.

□ 1410

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The rules require that the Chair remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

CONGRATULATING THE SPEAKER PRO TEMPORE

(Mr. KENNEDY asked and was given permission to address the House for 1 minute.)

Mr. KENNEDY. Mr. Speaker, one of the peculiarities of parliamentary procedure is that all discussion on the floor of the House is directed to the person who occupies the Speaker's podium. But it is on rare occasion when the significance of the individual presiding over House proceedings outweighs the proceedings themselves. This is such a time.

It is with great pride that I stand here on this historic occasion as my close friend JIM LANGEVIN presides over the House from the Speaker's rostrum. JIM is an individual who embodies the best of the American people. He is the personification of the word "courage."

I have known JIM since our time together in the Rhode Island State Legislature, and I have been fortunate to witness his overcoming obstacle after obstacle throughout his life.

As a teenager, JIM made a commitment to a life of public service, seeking a career as a police officer. When a cruel twist of fate denied him the path that he envisioned, the easy road would have been to give up. But JIM would not be dissuaded. Instead, he drew on a spirit of perseverance that any lesser of us would have struggled to find.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KENNEDY. May I ask unanimous consent to have the requisite 5 minutes that I was initially given?

The SPEAKER pro tempore. The gentleman may complete his thought.

Mr. KENNEDY. I don't know who is controlling the time.

The SPEAKER pro tempore. The Chair expects further debate during suspension of the rules. The gentleman may complete his thought on his 1-minute.

Mr. KENNEDY. How much time do I have?

The SPEAKER pro tempore. The gentleman is recognized for 15 seconds to complete his thought.

Mr. KENNEDY. Well, there he is. Who's in charge now? All right, JIMMY. Well, I'll get my chance later. And you better be ready, because there will be no holding back then. God bless you. I am so proud to be your colleague.

WHERE ARE THE JOBS?

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, it's particularly fitting that I would be with you today in that my late father-in-law, State Representative Julian Dusenbury, who was a hero of the Battle of Okinawa, was shot by a sniper, but he continued his service from a wheelchair in the Statehouse of South Carolina. So I have always appreciated your courage, and I want to join with Congressman KENNEDY to recognize your courage and your courage to serve. Thank you, and God bless you.

The Friday front page headlines of The Island Packet of Hilton Head Island, South Carolina, highlight the legitimate concerns of the American people. "Are we in for a tax hike?" and is the U.S. facing a threat of a flat economy? Since the stimulus bill became law, 2.4 million Americans have lost their jobs. The promise of unemployment not to exceed 8 percent was broken, as unemployment soared to 8 percent.

The failed borrow, spend, and tax policies of this administration cry out for "Where are the jobs?" We need both parties to work together to promote small business job creation.

President Kennedy cut taxes and jobs grew. President Reagan cut taxes and more jobs were created. Republicans have offered positive alternatives using the proven policies from both parties which actually promote jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the Global War on Terrorism.

20TH ANNIVERSARY OF THE ADA

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, the Honorable Mr. LANGEVIN, I rise today to recognize the 20th anniversary of the Americans with Disabilities Act and offer my strong support for H. Res. 1504.

Twenty years ago, the ADA declared that the millions of Americans living with disabilities had a right to reasonable accommodations in the workplace and access to public buildings. In doing so, it acknowledged for the first time the civil rights of these Americans who live independently to fully participate in all aspects of our society, our

schools, our businesses, our communities.

Today we extend that participation to the Speaker's chair, and I want to acknowledge our colleague, Congressman LANGEVIN. His place today managing debate over the people's House is long overdue.

When President George H.W. Bush signed the ADA in 1990, the late Senator Ted Kennedy said, "Equal justice under the law is not a privilege but a fundamental birthright in America." I couldn't agree more. We must protect the rights of men and women regardless of ability, mental capacity, or physicality. By removing barriers for people with disabilities, we allow America to be a society where equal justice prevails.

I urge support for H. Res. 1504.

TAX INCREASES DON'T CREATE JOBS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I want to congratulate you also today on this historic day, and also all those who have made this day possible by making the House much more accessible to everyone who serves in the House.

But, Mr. Speaker, I must change the subject and say that in 5 months, the hardworking taxpayers of America will get hit with the largest tax increase in American history if this Congress doesn't act to forestall it.

That's right. Unless Congress acts, taxpayers will see tax rates go up across the board. This is completely unacceptable. During this period of economic difficulty and high unemployment, these tax hikes will fall especially hard on the small businesses that have already borne the brunt of this bad economy. These are the same job-creating small businesses that represent our best hope for emerging with strength from this recession. Increasing their taxes now would be an economic poison pill that would kill economic growth and job creation. After all, Mr. Speaker, what tax increase ever created a job?

□ 1420

REPORT ON H.R. 5850, DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 2011

Mr. OLVER, from the Committee on Appropriations, submitted a privileged report (Rept. No. 111-564) on the bill (H.R. 5850) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for

other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6 p.m. today.

RECOGNIZING 20TH ANNIVERSARY OF AMERICANS WITH DISABILITIES ACT

Mr. POLIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1504) recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1504

Whereas July 26, 2010, marks the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990;

Whereas the Americans with Disabilities Act has been one of the most significant and effective civil rights laws passed by Congress;

Whereas, prior to the passage of the Americans with Disabilities Act, people with disabilities faced significantly lower employment rates, lower graduation rates, and higher rates of poverty than people without disabilities, and were too often denied the opportunity to fully participate in society due to intolerance and unfair stereotypes;

Whereas the dedicated efforts of disability rights advocates, including Justin Dart, Jr., and many others, served to awaken Congress and the American people to the discrimination and prejudice faced by individuals with disabilities;

Whereas Congress worked in a bipartisan manner to craft legislation making such discrimination illegal;

Whereas Congress passed the Americans with Disabilities Act and President George Herbert Walker Bush signed the Act into law on July 26, 1990;

Whereas the purpose of the Americans with Disabilities Act is to fulfill the Nation's goals of equality of opportunity, independent living, economic self-sufficiency, and full participation for Americans with disabilities;

Whereas the Americans with Disabilities Act prohibits employers from discriminating against qualified individuals with disabilities, requires that State and local governmental entities accommodate qualified individuals with disabilities, requires places of public accommodation to take reasonable steps to make their goods and services accessible to individuals with disabilities, and re-

quires that new trains and buses be accessible to individuals with disabilities;

Whereas the Americans with Disabilities Act has played an historic role in allowing over 50,000,000 Americans with disabilities to participate more fully in national life by removing barriers to employment, transportation, public services, telecommunications, and public accommodations;

Whereas the Americans with Disabilities Act has served as a model for disability rights in other countries;

Whereas all Americans, not just those with disabilities, benefit from the accommodations that have become commonplace since the passage of the Americans with Disabilities Act, including curb cuts at street intersections, ramps for access to buildings, and other accommodations that provide access to public transportation, stadiums, telecommunications, voting machines, and websites;

Whereas Congress acted with overwhelming bipartisan support in 2008 to restore protections for people with disabilities by passing the ADA Amendments Act of 2008, which overturned judicial decisions that had inappropriately narrowed the scope of the protected class under the Americans with Disabilities Act;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, children and adults with disabilities continue to experience barriers that interfere with their full participation in mainstream American life;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, people with disabilities are twice as likely to live in poverty as their fellow citizens and continue to experience high rates of unemployment and underemployment;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, the largest income support and health care programs continue to operate in a manner that expects people with significant disabilities to be outside the economic mainstream and have limited income and assets;

Whereas, 20 years after the enactment of the Americans with Disabilities Act and 11 years after the Supreme Court's decision in *Olmstead v. L.C.*, many people with disabilities still live in segregated institutional settings because of a lack of support services that would allow them to live in the community;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, new telecommunication, electronic, and information technologies continue to be developed while not being accessible to all Americans;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, many public and private covered entities are still not accessible to people with disabilities; and

Whereas the United States has a responsibility to welcome back and create opportunities for the tens of thousands of working-age veterans of the Armed Forces who have been wounded in action or have received service-connected injuries while serving in Operation Iraqi Freedom and Operation Enduring Freedom: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and honors the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990;

(2) salutes all people whose efforts contributed to the enactment of the Americans with Disabilities Act;

(3) encourages all Americans to celebrate the advance of freedom and the opening of

opportunity made possible by the enactment of the Americans with Disabilities Act; and

(4) pledges to continue to work on a bipartisan basis to identify and address the remaining barriers that undermine the Nation's goals of equality of opportunity, independent living, economic self-sufficiency, and full participation for Americans with disabilities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1504 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Maryland, Leader HOYER.

Mr. HOYER. I thank the gentleman from Colorado for yielding.

Speaker LANGEVIN, I congratulate you on taking the podium. I congratulate you on your extraordinary service to the people of Rhode Island and the people of our country. And I congratulate you for being an example of the can-do spirit that has made America such a great country.

Mr. Speaker, I am so pleased to be here on this, the 20th anniversary of the adoption of the Americans with Disabilities Act. I'm particularly pleased to be here on the floor with my former colleague and my lifetime friend Tony Coelho of the State of California. Tony Coelho was the Whip on our side of the aisle for a number of years, elected into that position very shortly after he took his seat in the Congress of the United States. He is a person of extraordinary ability, extraordinary energy, extraordinary focus, and extraordinary accomplishment.

But early in his life, he fell off, in a farming accident, a tractor and injured his head. As a result of that traumatic injury, he became an epileptic. And because of that, his lifetime dream of becoming a priest was not available to him. That was something of a great trauma, again, to him.

However, he overcame that, came to Congress, and has made his life's work opening up America to those who had been discriminated against, to those who had been shut out, to those for whom the pursuit of happiness was made either impossible or very difficult by the barriers and prejudice that existed.

Twenty years ago today, the first President Bush signed the Americans With Disabilities Act. I was proud to help pass that legislation. But much

more, I was proud to see our country come together to rededicate itself to the principles of equal opportunity, irrespective of race or color, national origin, religion, or any other arbitrary distinction, including disability.

The ADA made it possible for Americans with disabilities to use the same public spaces that so many of us take for granted and to succeed as their talent and drive allows them to. Fifty million Americans have gone through the doors of equal opportunity that are open. When I first heard that figure, it sounded awfully high to me because I thought about disabilities being somebody who, like Mr. LANGEVIN, as a result of an accident had been forced to use a wheelchair for mobility purposes. I was used to thinking of disability as somebody who used a cane because they had no sight or somebody who used a hearing aid because their hearing was diminished or nonexistent.

Helen Keller, of course, taught us a great and powerful lesson about overcoming disabilities. But I learned quickly that so many of us have a disability that nobody else sees. Mr. Coelho is on the floor. If I asked you to identify Mr. Coelho by his disability you'd be unable to do so because it's not apparent. But the prejudice with respect to his disability was in fact very present.

So the Americans With Disabilities Act not only dealt with actual, visual impairments, but also perceived impairments.

We know that those doors are not all the way open, however. We strengthened the act in 2008, and today it is our job to live up to its enduring principles, whether it's making the House rostrum wheelchair accessible—thank you, Madam Speaker, for your leadership on making sure that JIM LANGEVIN, our colleague, who has the ability to preside, has the accessibility of the rostrum so that he can exercise that ability. That's what the Disability Act was all about.

I thank my colleagues that helped to make the ADA possible. Tony Coelho, of course, in the House was our leader, our spark plug, our visionary, and he enlisted many of the rest of us to assist in this effort. The disability community who fought so hard, who showed so much courage, who spent so much time to let Members of Congress know the discrimination to which they were subjected.

I believe that this act is an act which will continue to make America a better country, it will continue to make America a country that is in fact living out the core of its principle, which is equal opportunity for all under the law.

I want to thank a number of people, some of whom we will see further today. Mr. MARKEY, who was so critical on the communications issue. I want to thank my friend JIM SENSENBRENNER,

who sits on the floor here, who was a leader on the Judiciary Committee, a critical component of the passage of the Americans With Disabilities Act. I want to thank my friend Steve Bartlett, who himself was a Member of Congress—not now—but was my partner in coordinating the various committees and subcommittees and worked together with me in an absolutely nonpartisan—it wasn't bipartisan. It had nothing to do with party or politics; it had to do with our country's principles.

I want to thank Augustus Hawkins, who was chair of the Education and Labor Committee; Major Owens; Matthew Martinez; Steve Bartlett, whom I mentioned; Congressman Fawell. I want to thank JOHN DINGELL, who chaired the Energy and Commerce Committee; EDWARD MARKEY, the chair of the Telecommunications Subcommittee; Tom Luken; Norm Lent; Bob Whittaker; Matt Renaldo; Glen Anderson, who was the chair of the Public Works Committee; Robert Roe, ranking Democrat; and Norm Mineta.

Every time you see a bus that's accessible or train station that's accessible or an airplane that's accessible, remember Norm Lent. Remember Norman Mineta as well, who made that possible. And that was very difficult because there was a cost associated to it, and we wanted to make sure that it was a reasonable cost to be imposed. But we knew that in the long run, that investment would pay off for America.

I want to thank John Paul Hammer-schmidt as well; Jack Brooks chaired the Judiciary Committee at that time; Don Edwards; Bob Castermire; Hamilton Fish; and, of course, JIM SENSENBRENNER. There are many, many others.

This resolution recognizes the adoption of a bill 20 years ago. JIM LANGEVIN is the living, breathing, participating example of how that statute made a difference.

□ 1430

Not just for JIM LANGEVIN but for all of us who will benefit from the contribution that the JIM LANGEVINS of America will make, and we ought to be proud in America that this bill is now an example to all the world and has been used as a model by many nations in the world that they have followed to make their societies more accessible and make the lives of those with disabilities fuller and more productive.

There is much that remains to be done. Those with disabilities still are more likely to live in poverty. Those with disabilities are still more likely not to be able to get a job. Those with disabilities are still confronted with a lack of access to some facets of our society.

So as we recognize this anniversary, as the President tonight will honor the 41st President of the United States, George Bush, and his son who signed

the Amendment Act, so both President Bushes have played a role in making accessibility a reality in America. So as we celebrate this day, let us recommit ourselves as our Founding Fathers talked about equality of opportunity and as we have seen for the 200-plus years of the existence of our constitutional democracy, that periodically we've had to take steps to make sure that the promise of opportunity was the reality of opportunity.

So, Speaker LANGEVIN, congratulations to you. Congratulations to our country. Congratulations to our citizens as we all work together to make this a more perfect union.

Mr. PETRI. Mr. Speaker, I rise in support of House Resolution 1504, and I yield myself such time as I may consume.

Today, we commemorate the 20th anniversary and enactment of the Americans with Disabilities Act and we celebrate also the positive changes in our workplaces, our public facilities and, indeed, in our Nation's understanding of the challenges and the triumphs of individuals with disabilities.

The Americans with Disabilities Act is an example of bipartisanship at its best. Members on both sides of the aisle came together 20 years ago to craft meaningful protections for members of our society who, up until this law's enactment, had too often been denied the opportunities and accommodations necessary for them to thrive.

In the 20 years since the Americans with Disabilities Act became law, we have seen firsthand the contributions made by individuals with disabilities when obstacles are removed and ignorance gives way to understanding. By simply leveling the playing field, our society is richer.

This law has been a remarkable success, but with the passage of time came the need for improvements. That is why Members on both sides of the aisle came together once again in 2008 to modernize the law and ensure its protections today fulfill its promise made 20 years ago.

I applaud the brave individuals who 20 years ago fought to shine a light on the discrimination and lack of basic access afforded to many individuals with disabilities. I applaud the legislators on both sides of the aisle who heard those stories and who responded with this landmark legislation. I also applaud the employers, State and local governments, and facilities owners across the Nation that have taken the letter and the spirit of this law to heart and opened their doors and extended their opportunities to all Americans, regardless of disability.

Today, we take the time to appreciate how this House and, indeed, how our Nation as a whole has benefited from the Americans with Disabilities Act. I am pleased to join my colleagues in support of this resolution.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1504, which recognizes and honors the 20th anniversary of the signing of the Americans with Disabilities Act of 1990, the most historic piece of legislation affecting the civil rights of people with disabilities in our Nation's history.

Prior to its passage, too many people with disabilities received unequal treatment, didn't have the same kinds of opportunities as others Americans, faced inaccessible facilities and services, in both the public and private sectors. Many Americans with disabilities faced discrimination in education and employment, couldn't support their families, couldn't access jobs. As a result, Americans with disabilities were denied the opportunity to fully participate in society because they were not afforded the same rights that other Americans take for granted.

The hard work of disability advocates and Members of Congress, many of whom are being recognized today, past and present, culminated with a bipartisan effort to craft and pass the Americans with Disabilities Act. Since its passage, the ADA has worked to fulfill the Nation's goals of equal opportunity, independent living, economic self-sufficiency, and full participation. The ADA prohibits discrimination against individuals with disabilities across all sectors of society. It reduces barriers and promotes access and helps people with disabilities. That means our friends, our families, and ourselves fully participate in society.

More than 50 million Americans directly benefit from the ADA. While there's undoubtedly more work to be done to ensure full inclusivity of all people with disabilities, today we celebrate a major milestone 20 years of civil rights under this act that affirm its ideals and the work ahead.

Mr. Speaker, I would like to thank Leader HOYER for introducing this important resolution and, once again, express my support for House Resolution 1504, honoring the 20th anniversary of the Americans with Disabilities Act.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of Wisconsin, F. JAMES SENSENBRENNER.

Mr. SENSENBRENNER. Mr. Speaker, first, congratulations on setting history today by presiding over the House of Representatives. I promise you that there will be no points of order from the Republican side while you're in the chair.

I also rise to support House Resolution 1504, which celebrates the 20th anniversary of the Americans with Disabilities Act.

It is important to acknowledge the achievements the disability commu-

nity and its allies have accomplished in the past two decades. This anniversary represents another positive step taken in ensuring that all Americans are included in our communities and places of work.

It has been a long road to guarantee that our fellow Americans find equal protection under the law. Upon the signing of the ADA, President George H.W. Bush said, "Let the shameful wall of exclusion finally come tumbling down." Through bipartisan efforts, the societal barriers that for far too long kept disabled Americans from fully participating in our communities did indeed crumble with the passing of one of the most effective civil rights laws ever.

Because of this monumental piece of legislation, our country has been able to capitalize on the talents of millions of Americans with disabilities in the workplace. The ADA has protected the rights of children and students who once encountered educational discrimination and barriers. The accessibility of buildings, public transportation, and sidewalks has made our society more inclusive. The achievements of the ADA and the thousands of advocates who fought tirelessly for its passage represent the country's endless commitment to empower all American citizens with disabilities with the capacity to fully participate in his or her community.

In response to several Supreme Court decisions that restricted ADA coverage for individuals with diabetes, epilepsy and cancer, to name a few, in 2008 Congress passed the Americans with Disabilities Amendment Act.

□ 1440

This legislation broadened the definition of "disabled" and brought more people with disabilities under the umbrella of protection and reaffirmed Congress' promise to integrate people with disabilities.

Furthermore, it's important to recognize the change in societal attitudes towards people with disabilities as a result of the ADA. Since its passage, more and more Americans enjoy increased educational and employment opportunities. These opportunities have produced higher graduation rates and higher employment rates.

Because of the ADA, the disabled are no longer confined to isolation. We now see our fellow Americans with disabilities in our restaurants, movie theatres, sporting events, schools, and places of work. As of today, this Congress will see a fellow Congressman from Rhode Island and quadriplegic, Mr. LANGEVIN, preside over the House.

Because of changes made to the Speaker's rostrum, this House now joins the ranks of thousands of buildings across the Nation that have made architectural changes which serve to increase accessibility for people with

disabilities. This is a proud moment for this Congress and reflects the progress that has been made in the past two decades.

The ADA, along with passage of the ADA Amendments Act, reminds us that this progress has been made over the last 20 years, as well as the continued effort that must be made to advocate for people with disabilities who still experience discrimination.

I urge my colleagues to join me in passing House Resolution 1504.

Mr. POLIS. Mr. Speaker, it's my honor to yield 7 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Mr. Speaker, my good friend and colleague, Mr. LANGEVIN, I rise to support H. Res. 1504, commemorating the ADA.

Mr. Speaker, you are the embodiment of what the ADA meant to accomplish. To accomplish the great mission of America, to widen the circle of opportunity for more and more Americans to participate in the American Dream. Your service in Congress exemplifies the rawest elements of the American Dream, the potential that exists when we are lifted by what we believe in ourselves rather than what we are told by others.

That spirit of possibility also represents the best of America itself. However daunting appear the challenges that loom before us, we must not forget that our Nation was built on possibility and founded on the principles of overcoming overwhelming obstacles. The true strength of our Nation is derived not only from the fact that we are the most diverse Nation in the world, but we are also the most inclusive Nation in the world.

In much of the world, minority populations continue to be persecuted and discriminated against. Yet in America, people exercise their right guaranteed under the Constitution and the 1965 Voting Rights Act to cast their ballot for Barack Obama, who received more votes from more Americans than any other previous Presidential candidate in American history.

It's nearly 50 years ago that my uncle entered the White House, and among the many challenges he issued to the American people was the Civil Rights Act. The true strength of our Nation is not derived only from the fact that that is our big challenge, but that we must keep it going forward.

He said, "The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities, whether we are going to treat our fellow Americans as we want to be treated. If, in short, he cannot enjoy the full and free life which all of us want, then who among us would be content to have the color of his skin changed," or, in this case, to have the physical condition that they are in changed and abide by that situation

that they are living in. As he goes on, "Who among us would be content with the counsels of patience and delay?"

With this anniversary of the ADA, perhaps it's timely to think about all the new ranks of those with disabilities, our returning veterans suffering from TBI and PTSD. I will never forget the day we passed the mental health parity bill. The most eloquent speech that I heard that day was given by none other than the man in the rostrum, JIM LANGEVIN. He came down to the floor of the House. He said to his colleagues, All of you see my disability; I am in a wheelchair.

But for millions of Americans, the disability they face is no less paralyzing in their lives. This disability comes in the form of a neurological disorder, a brain illness. To them, they have a very real disability, but we don't treat it as such. That's why we need to pass legislation prohibiting discrimination against the mentally ill.

JIM LANGEVIN carried the day on that mental health parity bill. I will always be grateful for that.

Today, we stand at the new frontier, as my uncle said, of the possibility of scientific breakthrough to help our veterans through their traumatic brain injury and their posttraumatic stress disorder. I say that the new challenge of the disability movement is not to stand by with the patience and delay that too many of us have witnessed when it comes to research.

Now, research can seem something esoteric, but research isn't esoteric to someone who is paralyzed in a wheelchair, who is looking forward to the day when we can regenerate the spinal cord and allow them to step out of that wheelchair. Research, to someone with Alzheimer's, for them to be able to restore their memory and restore their ability to come back to their family, that's as personal as it gets. Research that allows us to reconnect the wirings in the brain for a family who has children with autism.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. Mr. Speaker, I yield an additional 2 minutes to the gentleman from Rhode Island.

Mr. KENNEDY. Neil Armstrong, in his famous quote when he landed on the Moon—an objective that no one thought was realistic when President Kennedy made the challenge earlier that decade. They thought it was impossible. But the United States got behind that mission, and we carried the day because we are the United States.

How fitting it would be if we could apply Neil Armstrong's quote to not only putting a man on the Moon, but apply that quote, "One small step for man; one giant leap for mankind," to those veterans when it comes to them being able to say, I stepped out of my wheelchair. I was able to step out of my bed. I was able to step out of my

house because this country went ahead with science. Nothing is more personal.

In about 3 weeks, I am going to celebrate, in a sense, my father's life once again—the anniversary of his passing. What people don't know is that I marvel at the fact that I had an extra year with my dad that no one had expected because a neurosurgeon gave me that year. To me, that neurosurgeon and modern science gets as personal as it can get, because it gave me someone I loved for an extra year.

Ladies and gentlemen, let's harness the innovation technology that we have on behalf of our veterans. If we don't have an urgency on behalf of them to work to set them free from being prisoners of their war injuries, held hostage from their trauma of serving this country, then what are we going to get worked up for?

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Ladies and gentlemen, I want to thank people like JIM LANGEVIN who have fought the fight and been an example. Isn't it time we continue to stand by them and continue that fight? Let's pass this resolution, but let's rededicate ourselves to taking this fight not only to helping make sure people don't fall behind, but also making sure that they move forward to a brighter future, something that they can look forward to. That's what America has been all about.

Thank you, JIM. It's been an honor to serve with you. I look forward to many years ahead of your serving this great country of ours.

Mr. PETRI. Mr. Speaker, I yield such time as she may consume to our colleague from the State of Washington, CATHY McMORRIS RODGERS.

Mrs. McMORRIS RODGERS. Mr. Speaker, let me join in saying congratulations. It's very fitting and appropriate that you are in the Speaker's chair today. You truly are an inspiration to us all.

I want to join in the celebration of the 20th anniversary of the Americans with Disabilities Act. The ADA, which was signed 20 years ago today, was one of the most important civil rights achievements in American history. For me, it represents empowerment and it represents independence. That is what our laws should encourage, opportunity and independence for all.

This landmark bill gave 50 million Americans—including my son Cole, who was born with Down Syndrome 3 years ago—the opportunity to live the American dream. Through the ADA, Cole and so many others like him were given the chance to fully participate in our society, including better opportunities for education, employment, and independent living. And as Cole's mom, I am so thankful for the many who have worked hard many, many years so that my son, in 2010, could have more opportunities, more resources, and more support than ever.

This was a bipartisan effort, supported by Democrats and Republicans in Congress, signed by a Republican President. And I want to thank the Members who are still in Congress, including Majority Leader HOYER and Representative SENSENBRENNER, as well as former Majority Whip Tony Coelho, for their tremendous leadership on this issue.

I also want to thank the incredible disabilities community in America, a community that welcomed me and my family with open arms, for all the work they have done organizing and advocating for this bill. They are ordinary citizens who, by working together, achieved extraordinary things.

We have come a long way in 20 years, but we still have a long way to go. Let's use today's anniversary as an inspiration for creating a more perfect union for Americans with disabilities and for all Americans.

Mr. SCOTT of Virginia. Mr. Speaker, I would like to take this opportunity to recognize and commemorate the twentieth anniversary of the Americans with Disabilities Act (ADA).

In 1990, then-President George H.W. Bush signed the Americans with Disabilities Act into law. It was the most significant federal civil rights legislation since the Civil Rights Act of 1964 and the Voting Rights Act of 1965, both signed by President Lyndon Johnson. And overall it has been a tremendous success.

The ADA was enacted to protect individuals with disabilities from being discriminated against in employment, public entities and transportation, public accommodations, and telecommunications. It created a promise of inclusion and equal opportunity, so that all Americans can live up to their full potential, encouraging and enabling individuals with disabilities to participate in the social and economic fabric of American life. As a result of the ADA, millions more people with disabilities are working, living independently, and actively using public accommodations that so many of us take for granted.

But it was not the first legislation to do so.

Mr. Speaker, in the early 1980s, when I was a member of the Virginia General Assembly, sixty-four disability organizations formed a coalition known as INVEST—INSure Virginians Equal Status Today—to pass a state statute in Virginia to protect individuals with disabilities from discrimination. I was a Member of the Senate Committee on General Laws, the Committee that considered the legislation, and we dealt with many of the central issues that needed to be addressed, such as what constitutes a reasonable accommodation. We worked through all of those issues, and the Virginians with Disabilities Act was signed into law by former Gov. Charles S. Robb in 1985.

Today the Act protects nearly one million residents of the Commonwealth of Virginia. This Act acknowledged that "it is the policy of the Commonwealth to encourage and enable persons with disabilities to participate fully and equally in the social and economic life . . ." and it protects Virginians with disabilities from discrimination in employment, education, housing, voting, and places of public accommodation. It preceded the federal Americans

with Disabilities Act by five years, and many of the key concepts in the Virginia statute formed the basis of the ADA. The landmark Virginians with Disabilities Act is the Commonwealth's commitment to encourage persons with disabilities to participate fully in the social and economic life of the Commonwealth.

Five years later, the Americans with Disabilities Act of 1990 was enacted to protect all Americans against discrimination on the basis of disability.

Mr. Speaker, I am proud that 20 years later we are able to look back upon the passage of the federal Americans with Disabilities Act and recognize the importance of this legislation and the changes it has made in American society. But our work is not yet done. The law is stable yet it cannot stand still; it must continue to evolve. On this 20th anniversary of the ADA, while we acknowledge the progress we have made, we must also examine the challenges that still remain. We must continue to revisit the ADA and to examine whether it is accomplishing its purpose to the fullest extent possible, and when we find that it is not, we must be willing to make the changes necessary to do so.

One recent example of this willingness occurred last Congress when we passed the Americans with Disabilities Amendments Act of 2008, which was signed into law by President George W. Bush and became effective on January 1st, 2009. The ADA Amendments Act restored the ADA to Congress' original intent by clarifying that coverage under the ADA is broad and covers anyone who faces unfair discrimination because of a disability, and it overturned several court decisions that held that people with disabilities would lose their coverage under the ADA simply because their condition is treatable with medication or can be addressed with the help of assistive technology.

That legislation was the direct result of the business and disability communities working together to rectify a problem that was created by the courts. It is my hope that this kind of commitment, determination and cooperation will continue into the future until we have broken down all barriers to individuals with disabilities.

Today, we break another barrier, because Congress has taken a step toward greater accessibility by making the House rostrum wheelchair accessible for the first time. I would like to recognize my friend and colleague, Congressman JAMES R. LANGEVIN, who today presided over the House Floor as Speaker Pro Tempore, as is his right and honor as a member of Congress.

It is my hope that we will continue to break down barriers in the Halls of Congress, on Main Street U.S.A., and throughout the world.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H. Res. 1504, a resolution recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act (ADA). I am proud to cosponsor this important legislation, introduced by the distinguished Majority Leader (Mr. HOYER).

On July 26, 1990, upon signing this landmark civil rights law, President George H. W. Bush stated that the ADA "promises to open up all aspects of American life to individuals with disabilities—employment opportunities,

government services, public accommodations, transportation, and telecommunications." As we celebrate 20 years since its enactment, we have an opportunity to reflect on the successes of the ADA.

The ADA has helped to expand and enhance opportunities for over 50 million Americans with disabilities by removing barriers to employment and essential services. Thanks to the public accommodations required by the ADA, individuals with disabilities are able to more fully participate in our society, and to enjoy the freedom that comes with independent living and economic self-sufficiency.

Congress included transportation-specific requirements in the 1990 Act because accessible transportation services ensure that all Americans with disabilities can enjoy extraordinary freedom of mobility. Without reliable transportation, many individuals with disabilities would not be able to access the significant public accommodation improvements that have occurred in cities and towns across the country as a result of the ADA. Specifically, the ADA required public transit systems, passenger rail systems, and over-the-road bus operators to modify their vehicles and facilities to make them accessible to individuals with disabilities.

Congress set an aggressive timeline for public transit vehicles and facilities to achieve ADA compliance. One month after enactment of the ADA, all new trains and buses were required to be constructed as fully ADA compliant; any refurbishing of buses or trains that took place one month after enactment had to include ADA retrofits. Three years after enactment, all readily achievable key subway, commuter rail, and light rail station alterations were to be completed in order to bring these systems into substantial compliance with the ADA. As of today, every single key transit station is required to have been retrofitted to be in full compliance with ADA.

The Committee on Transportation and Infrastructure has been vigilant in its oversight of the implementation of the transportation requirements of the ADA. The majority of our nation's public transit systems have met their ADA requirements. According to the Government Accountability Office (GAO), only 36 percent of transit buses in urban areas were ADA compliant in 1989, but that number rose to 97 percent in 2005, and is closer to 100 percent today. While this marks good progress, more needs to be done to ensure that any public transit systems that are not fully accessible are brought into compliance as soon as possible.

In the 110th Congress, the Committee on Transportation and Infrastructure advanced H.R. 3985, the "Over-the-Road Bus Transportation Accessibility Act of 2007" to ensure that motorcoach accessibility regulations promulgated by the Department of Transportation (DOT) in 1998 were being implemented. DOT had failed to enforce its own regulations for a decade, based on an interpretation that any enforcement must be carried out by the Department of Justice. However, the Department of Justice does not conduct vehicle inspections and did not have a mechanism to identify operators who were out of compliance. H.R. 3985, which was signed by the President on July 30, 2008, closed this loophole and prohibited DOT from granting registration authority to

a motorcoach company who is not willing and able to comply with the accessibility regulations and gave DOT express enforcement authority.

In the 110th Congress, the Committee on Transportation and Infrastructure also advanced legislation to help Amtrak, our national passenger railroad, to come into compliance with the ADA. The Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432) required Amtrak to conduct an evaluation of the condition of Amtrak's stations and its plan for making them readily accessible and usable by persons with disabilities and fully compliant with the ADA. The law also authorized funding for Amtrak to improve the accessibility of facilities, including rail platforms and services, and required the Federal Railroad Administration to monitor and conduct periodic reviews of Amtrak's compliance with the ADA.

In FY 2008, Amtrak provided intercity passenger rail service to a record number of 28.7 million passengers across 46 States over a 21,095 mile network owned by freight railroads, commuter railroads, governmental authorities, and Amtrak. Amtrak provided service to 515 stations; 481 of those stations are required to be ADA-compliant by July 26, 2010. In 2008, however, Amtrak announced that it would not be able to meet the legislative deadline for compliance with the ADA. Instead, the railroad presented a plan for coming into compliance over the next five years, and has requested additional funds to implement this plan for FY 2010 and again this year. Since releasing that plan, however, Amtrak has determined that funding may not be the main source of concern. Rather, Amtrak continues to face challenges in defining what work is necessary to comply with the ADA and in forming work agreements with its partners—the freight railroads, commuter railroads, and governmental authorities—at each station, some of which Amtrak does not own. As Chairman of the Transportation and Infrastructure Committee I find this news distressing, and I intend to hold a hearing this fall to determine what is blocking Amtrak from coming into full compliance with the ADA.

Finally, in 2008, this body passed H.R. 3195, a bill to restore protections for a wide range of individuals with disabilities (such as those with epilepsy, diabetes and cancer) by overturning judicial decisions that had narrowed the scope of the ADA as intended by Congress. I was pleased that the Committee on Transportation and Infrastructure played a role in shepherding these important amendments through the House, which were signed by the President on September 25, 2008.

The modifications made by Congress since 1990 have strengthened the original Act. We must continue to aggressively monitor the implementation of the ADA and subsequent amendments to ensure that all Americans are granted access and equality under the law.

I commend the distinguished Majority Leader for his tireless work over the last 20 years on behalf of Americans with disabilities, and I urge my colleagues to support H. Res. 1504.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Res. 1504, which recognizes and honors the 20th anniversary of the enactment of the Americans with Disabilities

Act. I am proud to co-sponsor H. Res. 1504, and I thank my colleague, Majority Leader HOYER, for introducing this legislation.

The Americans with Disabilities Act is truly a historic piece of legislation. When it became law 20 years ago, it extended civil rights to individuals with disabilities, and prohibited employers from discriminating against qualified disabled persons. The Americans with Disabilities Act also requires reasonable accommodations to be made to workplaces so that they are more accessible to people with disabilities.

The Americans with Disabilities Act has helped over 50,000,000 Americans lead fuller lives by removing barriers to employment, transportation, public services, and telecommunications.

However, Mr. Speaker, this anniversary also serves as a reminder that there is still work to be done. People with disabilities are twice as likely to live in poverty and much more likely to be unemployed than their able-bodied peers.

We must also continue to work on eliminating all discrimination in the workplace. No qualified individual should be denied a job or a promotion solely on the basis of sex, race, color, religion, national origin, age, disability, or sexual orientation.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 1504, and honoring the 20th anniversary of the Americans with Disabilities Act.

Mr. NADLER of New York. Mr. Speaker, I rise in support of House Resolution 1504, recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990.

Heralded at its signing in 1990 as an “emancipation proclamation for people with disabilities,” the goals of the ADA are lofty and embody core principles that have made this nation great—equality of opportunity, independence, and integration.

Through broad non-discrimination directives aimed at employers, government entities, and places of public accommodation—and requirements of reasonable accommodation and modification that are designed to dismantle architectural and societal barriers—the ADA has transformed our world.

Some of those changes are visible—lifts on buses, elevators in subway stations, power-assisted and wider doors, designated parking spots, curb cuts, and closed-captioning. Others are not so visible, but are powerfully important nonetheless.

These less-visible changes—the slow breakdown of disabling stereotypes, myths, prejudice, and stigma—are also happening because of the increased access and opportunity made possible by the ADA. As we witness and benefit from the contributions of family members, colleagues, and neighbors with disabilities, outdated and misguided beliefs are challenged and changed.

While we still have a long way to go, our passage of the ADA Amendments Act of 2008 is yet another mark of our progress on this front. Through the ADA Amendments Act, we responded to the Supreme Court's unduly narrow interpretation of the definition of “disability” and reaffirmed our commitment to focusing on abilities—the ability to do a job, to

participate in programs, services, or activities, or to thrive in a community-based setting—rather than the severity of our limitations.

Our collaboration on the ADA Amendments Act of 2008, which was passed by an overwhelming majority of the House, illustrates an enduring bipartisan commitment to achieving the full civil rights for Americans with disabilities.

Thus, as House Resolution 1504 recognizes, we have much to celebrate on this twentieth anniversary of the ADA's enactment. Yet as it also reminds us, we have not reached the finish line, and much work remains.

We must continue working to end the unnecessary institutionalization of people with disabilities. Just last week, the House Judiciary Subcommittee on Constitution, Civil Rights, and Civil Liberties, which I chair, heard testimony from Casandra Cox as part of our hearing to commemorate the ADA's twentieth anniversary. Ms. Cox was placed in an adult home following a short hospitalization. Despite her requests for assistance in finding an appropriate community-based placement, Ms. Cox remained in that home for nearly three years until she was able—through persistence and good luck in being selected for a state pilot program—to find a community-based placement where she has thrived.

The ADA's promise of integration and independence should not depend on persistence or on luck.

More than 10 years ago, in *Olmstead v. L. C.*, the Supreme Court declared that unnecessary institutionalization violates the ADA and that the states must ensure that individuals receive services in the least restrictive setting possible. Yet thousands of individuals who can and should receive services in community-based settings remain warehoused in large institutions.

This remains true despite the fact that former residents are thriving in supportive settings at costs that are lower than, or equal to, the costs of institutional care.

Work to make public transit systems and brick and mortar structures accessible also remains unfinished. Twenty years after the ADA required readily achievable changes to existing structures and set out standards for new buildings, many brick and mortar facilities remain inaccessible. And while we have made great strides in our public transit systems, significant gaps and ongoing problems remain. Continued non-compliance with Titles II and III of the ADA is inexcusable. While we should continue to pursue proposals that promote voluntary compliance, like the Department of Justice's Project Civic Access, we should rightly reject measures—like the ADA Notification Act—that threaten the ADA's promise of access and integration.

Even as we press forward to ensure greater access to physical places, and programs and services, we cannot lose sight of the need to ensure that evolving technologies are also accessible. In the twenty years since the ADA's passage, technology has revolutionized the way we work, learn, shop, and socialize. While these advances ultimately may offer individuals with disabilities unprecedented access and opportunities, we have yet to see that full potential realized.

During a hearing in April focusing on access to emerging technology as a civil rights issue under the ADA held by my Subcommittee, we urged the Department of Justice to issue regulations and additional guidance to achieve greater compliance with the ADA's equal access obligations with regard to the internet and other evolving technologies. Immediately following the Constitution Subcommittee's ADA Anniversary hearing last week, where we once again pressed the Department of Justice to issue clarifying regulations, the Department issued an advanced notice of proposed rule-making regarding website accessibility. This is welcome news and will ensure that individuals with disabilities are not left behind as greater numbers of businesses, schools, and public entities rely upon this technology to communicate and to provide goods and services to the public.

As we continue working on these and other challenges that lie ahead, I urge you to join me in celebrating the progress that we have achieved—and in affirming our enduring and bipartisan commitment to achieving the ADA's full promise—by voting for passage of House Resolution 1504.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in recognition of the 20th anniversary of the Americans with Disabilities Act and its mission to make this nation more inclusive of individuals with disabilities.

Over the past 20 years we've made remarkable progress. From increased availability of Braille to wheel chair accessibility in buildings and roads, accommodations have been made to improve the ability of disabled individuals to more easily function in the day-to-day tasks we take for granted.

In addition to the physical assistance that the ADA offers, it sends a larger message that individuals with disabilities make significant contributions to our society. It was not that long ago that a disability caused severe limits of career, education, housing and lifestyle. Every American deserves the opportunity and accessibility to succeed, and the ADA has made immense strides towards that goal.

However, we must recognize this anniversary as an opportunity to continue those efforts. As our society advances in technology it also provides new obstacles to many of those with disabilities. Technology is remarkable, but we must ensure it is safe and accessible. As society evolves so must the ADA.

Today as we celebrate our accomplishments we commit ourselves to a bright future for the millions of disabled individuals who have been assisted by the ADA. I strongly support H. Res. 1504 and urge its passage.

Mr. VAN HOLLEN. Mr. Speaker, today we mark the 20th anniversary of one of the most defining and effective civil rights law passed by Congress—the Americans with Disabilities Act (ADA).

More than twenty years ago, Americans with disabilities were too often denied the opportunity to fully participate and integrate into our society due to intolerance and unfair stereotypes. Because of this discrimination, they encountered lower employment rates, lower graduation rates, and higher rates of poverty than people without disabilities. With the ADA, new opportunities were open for millions of Americans with disabilities by making essential

services such as housing, buildings, transportation, and other daily needs more accessible. Individuals with disabilities were given an opportunity to succeed in the workplace and in life.

Though we have made progress in improving access in all aspects of life for Americans with disabilities, many continue to confront barriers that inhibit them from fully participating in our society by facing inequalities in education, transportation, housing and technology. We must continue to work to ensure that individuals with disabilities are not denied the opportunities that people without disabilities enjoy. Just a few years ago, Congress passed legislation in a bipartisan manner that restored the original intent of the ADA after the Federal courts slowly chipped away at the broad protections of the law.

The House is leading by example in honoring the ADA's mission of inclusion and equal opportunity. Today, Representative LANGEVIN is presiding over the House floor due to recent modifications to the Speaker's Rostrum that enables him and all future Members in wheelchairs to do so. They haven't been able to do so in the past. I congratulate Representative LANGEVIN on this achievement and commend his hard work in making this day happen.

Mr. Speaker, as we celebrate the anniversary of a law that has transformed this country since 1990, let us recommit ourselves to ensuring that all Americans with disabilities live as independent, self-sufficient members of our society.

Ms. JACKSON LEE of Texas. Mr. Speaker. I rise today in strong support of H. Res. 1504, "Recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990", introduced by my distinguished colleague from Maryland, and Majority Leader, Representative HOYER.

The Americans with Disabilities Act of 1990 is one of the most important pieces of civil rights legislation in the last few decades, and has had overwhelmingly bipartisan support. It was implemented to "provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." It places an affirmative obligation on employers, government entities, and places of public accommodation to ensure that people with disabilities have an equal chance to participate in mainstream American life, and that reasonable accommodations be made to remove barriers that might prevent full participation in society by people with disabilities.

In the twenty years since ADA's enactment, it has had an undeniable, positive impact on the lives of disabled Americans. People in wheelchairs now have access to places they could never go twenty years ago, or only with great difficulty—movie theaters, restaurants, clothing stores, and government buildings. Now, people who use service animals to participate in regular daily life are allowed to bring them where they previously couldn't. The disabled are no longer excluded from places of business, mass transit, or schools.

Just as disabled Americans benefit directly from the improvements that the ADA has made in our society, so have we all benefited. Before the passage of the ADA, those Americans with disabilities were unable to meet their full potential, due to the physical barriers to

education and employment. As they were denied the opportunity to participate in society, we were all deprived of their contribution to our economy, scholarship, research, and civic life. Today, we are better able to benefit from the contribution of all Americans; there is no better illustration than the fact that, today, Congressman LANGEVIN presides from his wheelchair—raised to the Speaker's rostrum by a mechanical lift.

Last week, the Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties held a hearing on the ADA. We heard from our witnesses about the impact the ADA has had on their lives, some who grew up with the ADA and its benefits, and others who had previously been unaware of the ADA and found how important it was after a life-changing event. The ADA has had a profound impact on American life, but there is still more to do.

I join with Representatives HOYER, SENSENBRENNER, LANGEVIN, and the other cosponsors of this resolution in honor of the Americans with Disabilities Act, and in their pledge to continue to improve the ADA and its impact on the lives of disabled Americans. I urge my colleagues to join me in that support.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to support H. Res. 1504, in recognizing and honoring the 20th anniversary of the Americans with Disabilities Act. The ADA is often described as the most sweeping nondiscrimination legislation since the Civil Rights Act of 1964. I am a proud cosponsor of this resolution and urge my colleagues to join me in supporting this vital resolution.

On July 26, 1990, President George H. W. Bush signed the ADA into law to ensure the civil rights of people with disabilities. This legislation established a clear and comprehensive mandate for the elimination of discrimination against individuals with disabilities. The ADA provides broad protections in employment, public services, public accommodations, services provided by private entities, and transportation services for individuals with disabilities.

According to the 2009 U.S. Census Bureau statistics, approximately 50 million Americans have disabilities. In my home state of Georgia, approximately one and a half million people have disabilities. On this day, as we celebrate the 20 year anniversary of the ADA, it is important to remember that all Americans—not just those with disabilities—benefit from the passage of the ADA. Disabilities do not discriminate on the basis of age, gender, race, religion, income, or party lines.

This anniversary gives us time to reflect on the progress that has been made since the ADA was enacted 20 years ago. I look forward to continuing to work with my colleagues in the House to ensure that ADA's purpose of providing equal opportunity, independent living, and full participation in all aspects of society for Americans with disabilities is fully realized. This resolution demonstrates the House's commitment to upholding the civil rights of those living with disabilities.

I strongly support this resolution and urge my colleagues to do the same.

Mr. ELLISON. Mr. Speaker, I rise today to celebrate the 20th anniversary of the signing of the Americans with Disabilities Act (ADA).

The ADA was a monumental achievement in the fight for equality for every American living with a disability.

The ADA opened doors, literally and figuratively, for millions of Americans who faced limited opportunities to travel, work and receive an education.

It may be difficult for younger people to imagine the obstacles endured by disabled Americans prior to the passage of the ADA, while it did not eliminate the challenges of living with a disability; its passage provided far greater access and renewed hope for millions.

I want to offer my sincere thanks to those who contributed to the struggle for equal rights and equal access, a movement that ultimately resulted in the passage of the ADA. The efforts of disability support groups, non-profits, legislators and individuals across our Nation who advocated for changes represent the best in America. Their success 20 years ago is a blueprint for improving lives today.

Just as it is important to celebrate the freedoms and rights that our Nation offers, we must continue to advocate for the changes that are needed. As a nation, we should be proud of the rights that we have secured for our citizens, but never forget the struggle for those rights. I am committed to continuing the fight for equality for all Americans: with and without disabilities.

Mr. CONYERS. Mr. Speaker, in 1990, I cosponsored the Americans with Disabilities Act, legislation intended to prohibit discrimination against individuals with disabilities and ensure that they are able to claim their rightful place as equal members of our society.

Our legislative mandate was purposefully ambitious. We sought—for once and for all—to prohibit unfair discrimination based on disability.

Last week, at a hearing in the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, we heard from people whose lives have been changed by the Americans with Disabilities Act:

Former Attorney General Dick Thornburgh, who both supervised the enforcement of the ADA in its infancy and has raised a son with a disability;

Lt. Col. Gregory Gadson, a man with 20 years of active duty service who lost both legs in Iraq in 2007, and has recently been named the Director of the Army's Wounded Warrior Program;

Adrian Villalobos, a young man from El Paso, Texas, whose spinal injury occurred shortly after the ADA was enacted;

Cassandra Cox, a woman with a mental disability who has advocated for housing for individuals with mental disabilities that fosters their independence and dignity;

Cheryl Sensenbrenner, past board chair of the American Association of People with Disabilities;

and Jonathan Young, the chairman of the National Council on Disability.

Majority Leader HOYER, Congressman LANDEVIN, and Thomas Perez, the Assistant Attorney General for the Civil Rights Division, also testified about the history and future of the ADA.

Each witness had something unique to say about how the Americans with Disabilities Act has changed their lives, and what remains to

be done to live up to the Act's mandate of inclusion, dignity and nondiscrimination.

What have we learned in the 20 years since the Americans with Disabilities Act was passed?

First, civil rights legislation has the power to create substantial and necessary change. Before the enactment of the Americans with Disabilities Act, individuals with disabilities were routinely discounted, and their gifts were routinely ignored.

Fundamental human rights—the right to work, the right to live where you want to live, and the right to enter the stores, schools, and government buildings where everyone else shops, learns, and participates—were arbitrarily denied to individuals with disabilities.

Those obstacles were created by ignorance, indifference, and actual prejudice. The effect was the creation of a second-class citizenry, excluded from society in all meaningful ways.

We know that isolation breeds stigma. We also know that inclusion promotes productivity, mutual understanding, and equality.

Civil rights legislation is built on creating a more just society, by empowering and requiring equal access to all that American society has to offer—to every individual.

Second, the Americans with Disabilities Act reminds us that our concern with civil rights legislation does not end once a bill becomes law.

The Act did not magically erase the barriers to equality for individuals with disabilities. All doors and all minds were not instantly opened wide enough to encompass this diverse group.

Progress under the Act was slowed, and even blocked, by Supreme Court decisions that contravened our legislative intent, by narrowing the Act's scope and applicability, time and time again.

But we came together, on both sides of the aisle and in both chambers, to make it clear that we meant what we said: Americans with disabilities must have complete legal equality.

I proudly cosponsored the Americans with Disabilities Act Amendments Act in response to those Supreme Court decisions, and ultimately, a law correcting the Court's misconstruction of the ADA was passed in 2008.

This anniversary is a time to recognize one of our most significant civil rights achievements.

But as the circumstances surrounding the ADA Amendments Act remind us, Congress must remain a vigilant steward of the civil rights laws we have passed.

Third, we cannot celebrate our accomplishments without recognizing future challenges.

One issue impeding the fulfillment of the Act's promise is the failure of some States to comply with their obligations to offer integrated housing, where appropriate, to persons with mental illness.

The Olmstead case on this issue has correctly been called the *Brown v. Board of Education* for individuals with disabilities, because it condemned the practice of indiscriminately directing all individuals with mental disabilities into separate, segregated housing as inconsistent with the core purposes of the ADA.

Segregation from mainstream society, default warehousing in institutions, and enforced dependence are unacceptable conditions to impose on individuals with mental disabilities

who have the ability to live more independent and integrated lives.

The Americans with Disabilities Act demonstrates that civil rights laws not only protect personal dignity, they enrich society as a whole.

In these hard economic times, what can be more important than easing obstacles that prevent individuals with disabilities from becoming productive members of the workforce?

We must continue to attend to the implementation of the Americans with Disabilities Act to ensure that future anniversaries can make us equally proud.

Mr. BOEHNER. Mr. Speaker, I rise today to join the Speaker and the Majority Leader in recognizing the 20th Anniversary of the Americans with Disabilities Act.

First, I want to applaud you, Mr. Speaker, for making history today as the first American with disabilities to preside over this distinguished body. It is a truly inspiring sight and a reminder that the disabled are, of course, among the most active and functional members of our society. It is also a testament to the historic measure we are celebrating today.

I also want to commend my friend from Maryland, the Majority Leader, who I know played a leading role in making this legislation a reality, and in ensuring that we come together across the aisle when necessary to make certain it continues to fulfill its original mission.

Before the Americans with Disabilities Act, nowhere in the world was there a comprehensive declaration of equality for people with disabilities.

In the medical community, people with disabilities are called "HANDY-CAPABLE" because they strive and succeed in the face of great personal obstacles.

There was a time, however, when that courage alone could not get them into their hometown theatres to see a movie, or their office buildings to apply for a job and provide for their families.

Those wrongs were corrected on July 26, 1990 when President George H.W. Bush signed the Americans with Disabilities Act into law on the South Lawn of the White House.

On that day, President Bush noted that it was roughly a year after the Berlin Wall came down and said that this legislation "takes a sledgehammer to another wall, one which has for too many generations separated Americans with disabilities from the freedom they could glimpse, but not grasp."

For too long, our Nation kept Americans with disabilities dependent when all they yearned for was independence. The Americans with Disabilities Act has given them the tools to do just that—to quench their thirst for life, liberty, and the pursuit of happiness. It has changed the lives of millions, and it will continue to do so for generations to come.

Mr. DAVIS of Illinois. Mr. Speaker, today I wish to honor the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990. The law prohibits discrimination by private and public institutions toward citizens with disabilities, mandating that any entity covered by the law take reasonable steps to make their property, lines of communication, and employment accessible to persons with disabilities. In the two decades since the law's

passage, it has opened the door for over 50 million Americans to participate more fully in day-to-day activities and to pursue opportunities in society. One out of every five American households has a family member who has a physical or cognitive disability. This historic bill expanded access to physical buildings and countless activities, easing the ability of these citizens to go about their daily lives freely without concern that they will be denied access to a school, shopping center, business, or communication device. Access is a freedom that everyone should enjoy, and I am proud to celebrate two decades of a law designed to promote this freedom for so many. I am proud that many of the accommodations that resulted from this law are considered commonplace now.

My Congressional District has long supported the efforts to promote equal civil rights. Chicago has been a leader in the movement to improve the livelihood of Americans with disabilities. For example, the Chicago Transit System has implemented a comprehensive policy of equality by making 100 percent of the public buses wheel chair accessible, as well as improving service to meet the needs of the hearing impaired and the blind.

There is still more that we must do to promote equal rights for persons with disabilities. The recent health care law included an important step forward with the inclusion of the Community First Choice Option, which allows States to include within their Medicaid State Plans an option to receive community-based services for individuals with disabilities who are eligible for nursing homes and other institutional settings. The Community First Choice Option gives people the choice to leave facilities and institutions for their own homes and communities with appropriate, cost effective services and supports. We must continue to work to encourage States to make this option a reality. We also must continue to work to make choice for receiving care in one's community mandatory at the federal level via passage of the Community Choice Act. We should build on the precedent set two decades ago with the enactment of the ADA by giving Americans with disabilities the freedom to choose where they live.

Equality is a founding principle of our country. It has been an arduous process for many groups of people—from the Emancipation Proclamation to the Nineteenth Amendment for women's suffrage to the Civil Rights Act of 1964. The Americans with Disabilities Act of 1990 was another milestone in equality for our Nation. Thousands of individuals worked in earnest to make this law possible, and thousands continue to champion this law's implementation. For these efforts, we honor the 20th anniversary of the enactment of the revolutionary bill.

Mr. RAHALL. Mr. Speaker, I rise today in honor of the 20th Anniversary of the enactment of the Americans with Disabilities Act of 1990, which I deem to be one of the greatest civil rights laws ever passed by our Congress.

Since the establishment of the Americans with Disabilities Act, more than 50 million Americans are able to more wholly enjoy their lives, thanks to the ongoing elimination of barriers on employment, public services, transportation, telecommunications and public accommodations.

Prior to the passage of this Act, our disabled American citizens—wounded warrior veterans, men, women and children—faced higher rates of poverty, lower graduation rates, significantly lower unemployment rates and were too often denied their right to fully participate in society.

This Act made vital changes, prohibiting discriminating against qualified individuals with disabilities in the workplace; requiring state and local government entities to accommodate qualified individuals with disabilities; providing better access to many modes of public transportation; and requiring places of public accommodation to make their goods and services easily accessible to the disabled.

While many great changes have been instituted since the passage of this act, there is still a lot of work to be done. In a nation as great as ours, it is a stunning reality that our disabled grandparents and parents, sons and daughters, and the wounded warriors who have so bravely served around the globe to preserve democracy and promote freedom, continue to struggle with inequalities that do not have to exist.

I'm putting the Wounded Warrior Fellowship Program to work in our area to provide an employment opportunity for a wounded or disabled veteran living in southern West Virginia. There are 170,783 veterans in West Virginia—51,500 in our Congressional District alone—and that number is growing exponentially every day. These brave men and women returning from Iraq and Afghanistan face a 21 percent unemployment rate; add to that fact, the vulnerable position as a wounded or disabled soldier, and we know the challenges to secure a good paying job grow tremendously.

It is our duty as leaders to support each and every one of our disabled Americans. While I salute this historic piece of legislation, I continue to work on a bipartisan basis, to help identify and address the remaining barriers against the disabled, which truly undermine America's goals and the ideals upon which our great country was founded.

Mr. MCINTYRE. Mr. Speaker, it is my great pleasure to rise today in honor of the 20th anniversary of the Americans with Disabilities Act. On July 26, 1990, thousands gathered on the South Lawn of the White House as former President George H.W. Bush signed into law legislation that would provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. This moment changed the lives of so many Americans, and I rise today to recognize the overwhelming importance of this law.

Over the past 20 years, this law has allowed Americans with disabilities to have access to educational opportunities, employment, transportation, buildings, and community affairs that once presented insurmountable obstacles.

In June of 2008, it was my honor to advance the cause of this legislation even further by voting in favor of the Americans with Disabilities Amendments Act, legislation which provides Americans with disabilities an even broader scope of freedom and protection. And today, it is my honor yet again to support a House Resolution recognizing and honoring this 20th anniversary of the original Act.

Mr. Speaker, this law has improved the lives of millions of Americans with disabilities. But

while we celebrate the freedom and opportunities provided by the ADA, we must also recognize that there is more work to be done. We should help all Americans, regardless of their physical or mental abilities. I am committed to continuing this work, and I look forward to working with my colleagues to ensure all people can reach their full potential.

Ms. SCHAKOWSKY. Mr. Speaker, today marks 20 years since the historic Americans with Disabilities Act was signed into law. It is one of the most important pieces of civil rights legislation of the last quarter century. Passage of this groundbreaking law came as a result of the efforts of legions of activists. I want to recognize two individuals, in particular, who made ADA possible. The late Justin Dart, a true civil rights leader, was instrumental in the fight to pass the law that made discrimination against people with disabilities illegal. He showed us the path, and we continue to look to his lessons as we chart new ground. His spirit is with us on this anniversary and every day that we fight for justice for all.

I also want to recognize Marca Bristo, who has been an unflinching national leader in the fight for people living with disabilities. I am lucky to call her a friend but Bristo has also been a teacher. She has educated untold numbers of people, including me, by opening our eyes to the barriers standing in the way of people with disabilities. Bristo has been at the helm of Access Living of Metropolitan Chicago for decades. As an organizer in the critical work of disability rights years before the ADA was passed in Congress, she, too, was incredibly influential in creating and shepherding the law to passage.

Since ADA's passage, we have taken many steps to build on its foundation—and we've accomplished many of our goals in recent years. This includes a historic health care bill that will prevent insurance companies from denying coverage, dropping coverage, setting discriminatory annual or lifetime limits on benefits, or charging higher premiums to people with disabilities. We have passed mental health parity legislation. And we are providing more home- and community-based options for care.

Yet, we cannot sit back and become comfortable with what we have achieved with—and since—passage of the ADA. We know we have much more left to do. Every person must be guaranteed full access to safe housing, good jobs, educational opportunities, quality health care, cutting edge technology, and economic prosperity. Our great country can be made even greater by providing every person with the opportunity to contribute and live comfortably in their community.

We must work to enforce the ADA, not reward those who disobey it. There is simply no excuse for anyone who violates the Americans with Disabilities Act; laws that protect the rights those living with disabilities are no less important and no different from any other legal protection.

We have to make sure that the Community Choice Act is passed and implemented, to further expand the infrastructure so individuals can get convenient, quality care in the settings that everyone prefers: at home and in our own communities.

We must expand opportunities for independence. That is why I am the sponsor of H.R.

1408, the Inclusive Home Design Act, to require that new, single-family homes that get federal assistance meet minimum standards so those with disabilities can come and go freely and seniors can age in place. This is a common sense solution that ensures livability as well as sound economics. Building new homes that are accessible from the start cost several hundred dollars, while retrofitting can cost several thousand dollars or more—forcing some people to move into a nursing home.

We must also expand the realms of access for people living with disabilities—especially to new technologies that did not exist at ADA's inception. Therefore, I am also a sponsor of H.R. 4533, the Technology Bill of Rights for the Blind Act, to require that consumer products like home appliances and office equipment are manufactured so that they are fully accessible to blind consumers.

On this 20th anniversary of the Americans with Disabilities Act, I wholeheartedly thank the countless individuals who worked tirelessly to lay the groundwork for ADA in the decades that preceded its passage. Without their passion and activism, we would not be celebrating today. I also thank those who continue the fight, and I look forward to helping to build upon the enormous successes of the ADA—in this Congress and in those to come.

Mr. PETRI. Mr. Speaker, I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, again I would like to encourage my colleagues to support this important step and march forward for civil rights in our country, celebrating the work behind us and getting to work to complete the task of ensuring that every American has access to the great opportunities this country offers.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 1504, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 26, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II

of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 26, 2010 at 10:21 a.m.:

That the Senate disagrees to the House amendment to the Senate amendment H.R. 4899.

That the Senate passed without amendment H.R. 4684.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

TWENTY-FIRST CENTURY COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT OF 2010

Mr. MARKEY of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3101) to ensure that individuals with disabilities have access to emerging Internet Protocol-based communication and video programming technologies in the 21st Century, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Twenty-First Century Communications and Video Accessibility Act of 2010”.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Limitation on liability.

Sec. 3. Proprietary technology.

TITLE I—COMMUNICATIONS ACCESS

Sec. 101. Definitions.

Sec. 102. Hearing aid compatibility.

Sec. 103. Relay services.

Sec. 104. Access to internet-based services and equipment.

Sec. 105. Emergency Access Advisory Committee.

Sec. 106. Relay services for deaf-blind individuals.

TITLE II—VIDEO PROGRAMMING

Sec. 201. Video Programming and Emergency Access Advisory Committee.

Sec. 202. Video description and closed captioning.

Sec. 203. Closed captioning decoder and video description capability.

Sec. 204. User interfaces on digital apparatus.

Sec. 205. Access to video programming guides and menus provided on navigation devices.

Sec. 206. Definitions.

TITLE III—PAYGO COMPLIANCE

Sec. 301. PAYGO Compliance.

SEC. 2. LIMITATION ON LIABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), no person shall be liable for a violation of the requirements of this Act (or of the provisions of the Communications Act of 1934 that are amended or added by this Act) with respect to video programming, online content, applications, services, advanced communications services, or equipment used to provide or access advanced communications services to the extent such person—

(1) transmits, routes, or stores in intermediate or transient storage the communications made available through the provision of advanced communications services by a third party; or

(2) provides an information location tool, such as a directory, index, reference, pointer, menu, guide, user interface, or hypertext link, through which an end user obtains access to such video programming, online content, applications, services, advanced communications services, or equipment used to provide or access advanced communications services.

(b) EXCEPTION.—The limitation on liability under subsection (a) shall not apply to any person to the extent such person relies on third party applications, services, software, hardware, or equipment to comply with the requirements of this Act (or of the provisions of the Communications Act of 1934 that are amended or added by this Act).

SEC. 3. PROPRIETARY TECHNOLOGY.

No action taken by the Commission to implement the requirements of this Act or the amendments made by this Act shall mandate the use or incorporation of proprietary technology.

TITLE I—COMMUNICATIONS ACCESS

SEC. 101. DEFINITIONS.

Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended—

(1) by adding at the end the following new paragraphs:

“(53) ADVANCED COMMUNICATIONS SERVICES.—The term ‘advanced communications services’ means—

“(A) interconnected VoIP service;

“(B) non-interconnected VoIP service;

“(C) electronic messaging service; and

“(D) video conferencing service.

“(54) DISABILITY.—The term ‘disability’ has the meaning given such term under section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

“(55) ELECTRONIC MESSAGING SERVICE.—The term ‘electronic messaging service’ means a service that provides non-voice messages in text form between individuals over communications networks.

“(56) INTERCONNECTED VOIP SERVICE.—The term ‘interconnected VoIP service’ has the meaning given such term under section 9.3 of title 47, Code of Federal Regulations, as such section may be amended from time to time.

“(57) NON-INTERCONNECTED VOIP SERVICE.—The term ‘non-interconnected VoIP service’—

“(A) means a service that—

“(i) enables real-time voice communications that originate from or terminate to the user's location using Internet protocol or any successor protocol; and

“(ii) requires Internet protocol compatible customer premises equipment; and

“(B) does not include any service that is an interconnected VoIP service.

“(58) VIDEO CONFERENCING SERVICE.—The term ‘video conferencing service’ means a service that provides real-time video communications, including audio, to enable users to share information of the user's choosing.”; and

(2) by reordering paragraphs (1) through (52) and the paragraphs added by paragraph (1) of this section in alphabetical order based on the headings of such paragraphs and renumbering such paragraphs as so reordered.

SEC. 102. HEARING AID COMPATIBILITY.

(a) COMPATIBILITY REQUIREMENTS.—

(1) TELEPHONE SERVICE FOR THE DISABLED.—Section 710(b)(1) of the Communications Act of 1934 (47 U.S.C. 610(b)(1)) is amended to read as follows:

“(b)(1) Except as provided in paragraphs (2) and (3) and subsection (c), the Commission shall require that customer premises equipment described in this paragraph provide internal means for effective use with hearing

aids that are designed to be compatible with telephones which meet established technical standards for hearing aid compatibility. Customer premises equipment described in this paragraph are the following:

“(A) All essential telephones.

“(B) All telephones manufactured in the United States (other than for export) more than one year after the date of enactment of the Hearing Aid Compatibility Act of 1988 or imported for use in the United States more than one year after such date.

“(C) All customer premises equipment used with advanced communications services that is designed to provide 2-way voice communications via a built-in speaker intended to be held to the ear in a manner functionally equivalent to a telephone, subject to the regulations prescribed by the Commission under subsection (e).”.

(2) **ADDITIONAL AMENDMENTS.**—Section 710(b) of the Communications Act of 1934 (47 U.S.C. 610(b)) is further amended—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking “initial”;

(bb) by striking “of this subsection after the date of enactment of the Hearing Aid Compatibility Act of 1988”; and

(cc) by striking “paragraph (1)(B) of this subsection” and inserting “subparagraphs (B) and (C) of paragraph (1)”; and

(II) by inserting “and” at the end of clause (ii);

(III) by striking clause (iii); and

(IV) by redesignating clause (iv) as clause (iii);

(ii) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B); and

(iii) in subparagraph (B) (as so redesignated)—

(I) by striking the first sentence and inserting “The Commission shall periodically assess the appropriateness of continuing in effect the exemptions for telephones and other customer premises equipment described in subparagraph (A) of this paragraph.”; and

(II) in each of clauses (iii) and (iv), by striking “paragraph (1)(B)” and inserting “subparagraph (B) or (C) of paragraph (1)”; and

(B) in paragraph (4)(B)—

(i) by striking “public mobile” and inserting “telephones used with public mobile”;

(ii) by inserting “telephones and other customer premises equipment used in whole or in part with” after “means”;

(iii) by striking “and” after “public land mobile telephone service,” and inserting “or”;

(iv) by striking “part 22 of”; and

(v) by inserting after “Regulations” the following: “, or any functionally equivalent unlicensed wireless services”; and

(C) in paragraph (4)(C)—

(i) by striking “term ‘private radio services’” and inserting “term ‘telephones used with private radio services’”; and

(ii) by inserting “telephones and other customer premises equipment used in whole or in part with” after “means”.

(b) **TECHNICAL STANDARDS.**—Section 710(c) of the Communications Act of 1934 (47 U.S.C. 610(c)) is amended by adding at the end the following: “A telephone or other customer premises equipment that is compliant with relevant technical standards developed through a public participation process and in consultation with interested consumer stakeholders (designated by the Commission for the purposes of this section) will be considered hearing aid compatible for purposes

of this section, until such time as the Commission may determine otherwise. The Commission shall consult with the public, including people with hearing loss, in establishing or approving such technical standards. The Commission may delegate this authority to an employee pursuant to section 5(c). The Commission shall remain the final arbiter as to whether the standards meet the requirements of this section.”.

(c) **RULEMAKING.**—Section 710(e) of the Communications Act of 1934 (47 U.S.C. 610(e)) is amended—

(1) by striking “impairments” and inserting “loss”; and

(2) by adding at the end the following sentence: “In implementing the provisions of subsection (b)(1)(C), the Commission shall use appropriate timetables or benchmarks to the extent necessary (1) due to technical feasibility, or (2) to ensure the marketability or availability of new technologies to users.”.

(d) **RULE OF CONSTRUCTION.**—Section 710(h) of the Communications Act of 1934 (47 U.S.C. 610(h)) is amended to read as follows:

“(h) **RULE OF CONSTRUCTION.**—Nothing in the Twenty-First Century Communications and Video Accessibility Act of 2010 shall be construed to modify the Commission’s regulations set forth in section 20.19 of title 47 of the Code of Federal Regulations, as in effect on the date of enactment of such Act.”.

SEC. 103. RELAY SERVICES.

(a) **DEFINITION.**—Paragraph (3) of section 225(a) of the Communications Act of 1934 (47 U.S.C. 225(a)(3)) is amended to read as follows:

“(3) **TELECOMMUNICATIONS RELAY SERVICES.**—The term ‘telecommunications relay services’ means telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communication by wire or radio with one or more individuals, in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services by wire or radio.”.

(b) **INTERNET PROTOCOL-BASED RELAY SERVICES.**—Title VII of such Act (47 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

“SEC. 715. INTERNET PROTOCOL-BASED RELAY SERVICES.

“Within one year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, each interconnected VoIP service provider and each provider of non-interconnected VoIP service shall participate in and contribute to the Telecommunications Relay Services Fund established in section 64.604(c)(5)(iii) of title 47, Code of Federal Regulations, as in effect on the date of enactment of such Act, in a manner prescribed by the Commission by regulation to provide for obligations of such providers that are consistent with and comparable to the obligations of other contributors to such Fund.”.

(c) **TELECOMMUNICATIONS RELAY SERVICES POLICY ADVISORY COUNCIL.**—Section 225 of the Communications Act of 1934 (47 U.S.C. 225) is amended by adding at the end the following new subsection:

“(h) **TELECOMMUNICATIONS RELAY SERVICES POLICY ADVISORY COUNCIL.**—

“(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Chairman of the Commission shall establish an advisory committee to be known as the Telecommunications Relay Services Policy Advisory

Council (in this section referred to as the ‘Policy Advisory Council’) and shall require the Policy Advisory Council—

“(A) to conduct their meetings in a manner that is open to the public;

“(B) to make a complete and comprehensive record of such proceedings publicly available;

“(C) to establish safeguards to identify and mitigate conflicts of interest with respect to members of the Policy Advisory Council; and

“(D) to advise the Commission in the development or proposal of any major changes or new rules relating to telecommunications relay services.

“(2) **MEMBERSHIP.**—As soon as practicable after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Chairman of the Commission shall appoint the members of the Policy Advisory Council, ensuring a balance between potential consumers and other stakeholders. Members of the Policy Advisory Council shall be selected from each of the following groups:

“(A) Individuals who are consumers of telecommunications relay services.

“(B) Representatives of State commissions with jurisdiction over intrastate telecommunications relay services.

“(C) Representatives of providers of telecommunications relay services.

“(3) **COLLECTION AND DISSEMINATION OF INFORMATION AND ADVICE.**—The Commission—

“(A) shall seek the advice of the Policy Advisory Council in assisting the Commission in developing or proposing any major changes or issuing any new rules relating to telecommunications relay services; and

“(B) shall, with the advice of the Policy Advisory Council, make all regulations, rules, and orders relating to telecommunications relay services fully and easily accessible to consumers of such services.

“(4) **FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Policy Advisory Council.”.

(d) **FOLLOWUP PROCEEDING.**—Section 225 of the Communications Act of 1934 (47 U.S.C. 225), as amended by subsection (c), is further amended by adding after subsection (h) the following new subsection:

“(i) **FOLLOWUP PROCEEDING.**—

“(1) **IN GENERAL.**—Not later than 30 months after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission, in consultation with all relevant Federal agencies, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report—

“(A) concerning how the Commission is ensuring that telecommunications relay service customers have access to improved technologies, interoperability, and functionalities; and

“(B) identifying impediments to the broad and efficient use of telecommunications relay services in the workplace.

“(2) **SUGGESTIONS FOR WORKPLACE ADOPTION.**—The Commission shall develop suggestions to facilitate broader and more efficient use of telecommunications relay services in the workplace, including suggestions for facilitating the replacement of outdated end-user telecommunications relay services equipment in public places and government offices.”.

SEC. 104. ACCESS TO INTERNET-BASED SERVICES AND EQUIPMENT.

(a) **TITLE VII AMENDMENT.**—Title VII of the Communications Act of 1934 (47 U.S.C. 601 et

seq.), as amended by section 103, is further amended by adding at the end the following new sections:

“SEC. 716. ACCESS TO INTERNET-BASED EQUIPMENT AND SERVICES.

“(a) ACCESS TO EQUIPMENT.—

“(1) RIGHT TO ACCESSIBLE EQUIPMENT.—With respect to equipment manufactured after the effective date of the regulations established pursuant to this section, and subject to those regulations, a manufacturer of equipment used for advanced communications, including end user equipment, network equipment, and software, shall ensure that such equipment that such manufacturer offers for sale or otherwise distributes in interstate commerce shall be accessible to and usable by individuals with disabilities, unless doing so is not achievable.

“(2) INDUSTRY FLEXIBILITY.—A manufacturer of equipment may satisfy the requirements of paragraph (1) with respect to such equipment by—

“(A) ensuring that the equipment that such manufacturer offers is accessible to and usable by individuals with disabilities without the use of third party applications, peripheral devices, software, hardware, or customer premises equipment; or

“(B) if such manufacturer chooses, using third party applications, peripheral devices, software, hardware, or customer premises equipment that is available to the consumer at nominal cost and that individuals with disabilities can access.

“(b) ACCESS TO SERVICES.—

“(1) RIGHT TO ACCESSIBLE SERVICES.—With respect to advanced communications services offered after the effective date of the regulations established pursuant to this section, and subject to those regulations, a provider of services used for advanced communications shall ensure that such services that such provider offers for sale or otherwise distributes in interstate commerce shall be accessible to and usable by individuals with disabilities, unless doing so is not achievable.

“(2) INDUSTRY FLEXIBILITY.—A provider of services may satisfy the requirements of paragraph (1) with respect to such services by—

“(A) ensuring that the services that such provider offers are accessible to and usable by individuals with disabilities without the use of third party applications, peripheral devices, software, hardware, or customer premises equipment; or

“(B) if such provider chooses, using third party applications, peripheral devices, software, hardware, or customer premises equipment that is available to the consumer at nominal cost and that individuals with disabilities can access.

“(c) COMPATIBILITY.—Whenever the requirements of subsection (a) are not achievable for a manufacturer, or the requirements of subsection (b) are not achievable for a provider, a manufacturer or provider shall ensure that its equipment or service is compatible with peripheral devices or specialized customer premises equipment commonly used by individuals with disabilities to achieve access, unless the requirement of this subsection is not achievable.

“(d) NETWORK FEATURES, FUNCTIONS, AND CAPABILITIES.—Each provider of advanced communications services has the duty not to install network features, functions, or capabilities that impede accessibility or usability of advanced communications services.

“(e) REGULATIONS.—

“(1) IN GENERAL.—Within one year after the date of enactment of the Twenty-First

Century Communications and Video Accessibility Act of 2010, the Commission shall promulgate such regulations as are necessary to implement this section. In prescribing the regulations, the Commission shall—

“(A) include performance objectives to ensure the accessibility, usability, and compatibility of advanced communications services and the equipment used for advanced communications services by individuals with disabilities;

“(B) provide that advanced communications services, the equipment used for advanced communications services, and networks used to provide advanced communications services may not impair or impede the accessibility of information content when accessibility has been incorporated into that content for transmission through advanced communications services, equipment used for advanced communications services, or networks used to provide advanced communications services; and

“(C) determine the obligations under this section of manufacturers, service providers, and providers of applications.

“(2) PROSPECTIVE GUIDELINES.—The Commission shall issue prospective guidelines for a manufacturer or provider regarding the requirements of this section.

“(f) SERVICES AND EQUIPMENT SUBJECT TO SECTION 255.—The requirements of this section shall not apply to any equipment or services, including interconnected VoIP service, that are subject to the requirements of section 255 on the day before the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010. Such services and equipment shall remain subject to the requirements of section 255.

“(g) ACHIEVABLE DEFINED.—For purposes of this section and section 718, the term ‘achievable’ means with reasonable effort or expense, as determined by the Commission. In determining whether the requirements of a provision are achievable, the Commission shall consider the following factors:

“(1) The nature and cost of the steps needed to meet the requirements of this section with respect to the specific equipment or service in question.

“(2) The impact on the operations of the manufacturer or provider and on the operation of the specific equipment or service in question, including on the development and deployment of new communications technologies.

“(3) The financial resources of the manufacturer or provider.

“(4) The type of operations of the manufacturer or provider.

“(5) The extent to which the service provider or manufacturer in question offers accessible services or equipment containing varying degrees of functionality and features, and offered at differing price points.

“(h) COMMISSION FLEXIBILITY.—

“(1) WAIVER.—The Commission shall have the authority, on its own motion or in response to a petition by a manufacturer or provider, to waive the requirements of this section for any feature or function of equipment used to provide or access advanced communications services, or for any class of such equipment, that—

“(A) is capable of accessing an advanced communications service; and

“(B) is designed for multiple purposes, but is designed primarily for purposes other than using advanced communications services.

“(2) SMALL ENTITY EXEMPTION.—The Commission may exempt small entities from the requirements of this section.

“(i) CUSTOMIZED EQUIPMENT OR SERVICES.—The provisions of this section shall not apply to customized equipment or services that are not offered directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

“(j) RULE OF CONSTRUCTION.—This section shall not be construed to require a manufacturer of equipment used for advanced communications or a provider of advanced communications services to make every feature and function of every device or service accessible for every disability.

“SEC. 717. ENFORCEMENT AND RECORDKEEPING OBLIGATIONS.

“(a) COMPLAINT AND ENFORCEMENT PROCEDURES.—Within one year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall establish regulations that facilitate the filing of formal and informal complaints that allege a violation of section 255, 716, or 718, establish procedures for enforcement actions by the Commission with respect to such violations, and implement the recordkeeping obligations of paragraph (5) for manufacturers and providers subject to such sections. Such regulations shall include the following provisions:

“(1) NO FEE.—The Commission shall not charge any fee to an individual who files a complaint alleging a violation of section 255, 716, or 718.

“(2) RECEIPT OF COMPLAINTS.—The Commission shall establish separate and identifiable electronic, telephonic, and physical receptacles for the receipt of complaints filed under section 255, 716, or 718.

“(3) COMPLAINTS TO THE COMMISSION.—

“(A) IN GENERAL.—Any person alleging a violation of section 255, 716, or 718 by a manufacturer of equipment or provider of service subject to such sections may file a formal or informal complaint with the Commission.

“(B) INVESTIGATION OF INFORMAL COMPLAINT.—The Commission shall investigate the allegations in an informal complaint and, within 180 days after the date on which such complaint was filed with the Commission, issue an order concluding the investigation, unless such complaint is resolved before such time. The order shall include a determination whether any violation occurred.

“(i) VIOLATION.—If the Commission determines that a violation has occurred, the Commission may, in the order issued under this subparagraph or in a subsequent order, require the manufacturer or service provider to take such action as is necessary to comply with the requirements of this section.

“(ii) NO VIOLATION.—If a determination is made that a violation has not occurred, the Commission shall provide the basis for such determination.

“(C) CONSOLIDATION OF COMPLAINTS.—The Commission may consolidate for investigation and resolution complaints alleging substantially the same violation.

“(4) OPPORTUNITY TO RESPOND.—Before the Commission makes a determination pursuant to paragraph (3), the party that is the subject of the complaint shall have a reasonable opportunity to respond to such complaint, and may include in such response any factors that are relevant to such determination.

“(5) RECORDKEEPING.—

“(A) IN GENERAL.—Beginning one year after the effective date of regulations promulgated pursuant to section 716(e), each manufacturer and provider subject to sections 255, 716, or 718 shall maintain, in the ordinary course of business and for a reasonable period, records of any efforts taken by

such manufacturer or provider to implement sections 255, 716, or 718, including the following:

“(i) Information about the manufacturer’s or provider’s efforts to consult with individuals with disabilities.

“(ii) Descriptions of the accessibility features of its products and services.

“(iii) Information about the compatibility of such products and services with peripheral devices or specialized customer premise equipment commonly used by individuals with disabilities to achieve access.

“(B) SUBMISSION OF ANNUAL CERTIFICATION.—An officer of a manufacturer or provider shall submit to the Commission an annual certification that records are being kept in accordance with subparagraph (A).

“(C) COMMISSION REQUEST FOR RECORDS.—After the filing of a formal or informal complaint against a manufacturer or provider in the manner prescribed in paragraph (3), the Commission may request, and shall keep confidential, a copy of the records maintained by such manufacturer or provider pursuant to subparagraph (A) of this paragraph that are directly relevant to the equipment or service that is the subject of such complaint.

“(6) FAILURE TO ACT.—If the Commission fails to carry out any of its responsibilities to act upon a complaint in the manner prescribed in paragraph (3), the person that filed such complaint may bring an action in the nature of mandamus in the United States Court of Appeals for the District of Columbia to compel the Commission to carry out any such responsibility.

“(7) COMMISSION JURISDICTION.—The limitations of section 255(f) shall apply to any claim that alleges a violation of section 255, 716, or 718. Nothing in this paragraph affects or limits any action for mandamus under paragraph (6) or any appeal pursuant to section 402(b)(10).

“(8) PRIVATE RESOLUTIONS OF COMPLAINTS.—Nothing in the Commission’s rules or this Act shall be construed to preclude a person who files a complaint and a manufacturer or provider from resolving a formal or informal complaint prior to the Commission’s final determination in a complaint proceeding. In the event of such a resolution, the parties shall jointly request dismissal of the complaint and the Commission shall grant such request.

“(b) REPORTS TO CONGRESS.—

“(1) IN GENERAL.—Every two years after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes the following:

“(A) An assessment of the level of compliance with sections 255, 716, and 718.

“(B) An evaluation of the extent to which any accessibility barriers still exist with respect to new communications technologies.

“(C) The number and nature of complaints received pursuant to subsection (a) during the two years that are the subject of the report.

“(D) A description of the actions taken to resolve such complaints under this section, including forfeiture penalties assessed.

“(E) The length of time that was taken by the Commission to resolve each such complaint.

“(F) The number, status, nature, and outcome of any actions for mandamus filed pursuant to subsection (a)(6) and the number,

status, nature, and outcome of any appeals filed pursuant to section 402(b)(10).

“(G) An assessment of the effect of the requirements of this section on the development and deployment of new communications technologies.

“(2) PUBLIC COMMENT REQUIRED.—The Commission shall seek public comment on its tentative findings prior to submission to the Committees of the report under this subsection.

“(c) COMPTROLLER GENERAL ENFORCEMENT STUDY.—

“(1) IN GENERAL.—The Comptroller General shall conduct a study to consider and evaluate the following:

“(A) The Commission’s compliance with the requirements of this section, including the Commission’s level of compliance with the deadlines established under and pursuant to this section and deadlines for acting on complaints pursuant to subsection (a).

“(B) Whether the enforcement actions taken by the Commission pursuant to this section have been appropriate and effective in ensuring compliance with this section.

“(C) Whether the enforcement provisions under this section are adequate to ensure compliance with this section.

“(D) An assessment of the effect of the requirements of this section on the development and deployment of new communications technologies.

“(2) REPORT.—Not later than 5 years after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of the study required by paragraph (1), with recommendations for how the enforcement process and measures under this section may be modified or improved.

“(d) CLEARINGHOUSE.—Within one year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall, in consultation with the Architectural and Transportation Barriers Compliance Board, the National Telecommunications and Information Administration, trade associations, and organizations representing individuals with disabilities, establish a clearinghouse of information on the availability of accessible products and services and accessibility solutions required under sections 255, 716, and 718. Such information shall be made publicly available on the Commission’s website and by other means, and shall include an annually updated list of products and services with access features.

“(e) OUTREACH AND EDUCATION.—Upon establishment of the clearinghouse of information required under subsection (d), the Commission, in coordination with the National Telecommunications and Information Administration, shall conduct an informational and educational program designed to inform the public about the availability of the clearinghouse and the protections and remedies available under sections 255, 716, and 718.

“SEC. 718. INTERNET BROWSERS BUILT INTO TELEPHONES USED WITH PUBLIC MOBILE SERVICES.

“(a) ACCESSIBILITY.—If a manufacturer of a telephone used with public mobile services (as such term is defined in section 710(b)(4)(B)) includes an Internet browser in such telephone, or if a provider of mobile service arranges for the inclusion of a brows-

er in telephones to sell to customers, the manufacturer or provider shall ensure that the functions of the included browser (including the ability to launch the browser) are accessible to and usable by individuals who are blind or have a visual impairment, unless doing so is not achievable, except that this subsection shall not impose any requirement on such manufacturer or provider—

“(1) to make accessible or usable any Internet browser other than a browser that such manufacturer or provider includes or arranges to include in the telephone; or

“(2) to make Internet content, applications, or services accessible or usable (other than enabling individuals with disabilities to use an included browser to access such content, applications, or services).

“(b) INDUSTRY FLEXIBILITY.—A manufacturer or provider may satisfy the requirements of subsection (a) with respect to such telephone or services by—

“(1) ensuring that the telephone or services that such manufacture or provider offers is accessible to and usable by individuals with disabilities without the use of third party applications, peripheral devices, software, hardware, or customer premises equipment; or

“(2) using third party applications, peripheral devices, software, hardware, or customer premises equipment that is available to the consumer at nominal cost and that individuals with disabilities can access.”.

(b) EFFECTIVE DATE FOR SECTION 718.—Section 718 of the Communications Act of 1934, as added by subsection (a), shall take effect 3 years after the date of enactment of this Act.

(c) TITLE V AMENDMENTS.—Section 503(b)(2) of such Act (47 U.S.C. 503(b)(2)) is amended by adding after subparagraph (E) the following:

“(F) Subject to paragraph (5) of this section, if the violator is a manufacturer or service provider subject to the requirements of section 255, 716, or 718, and is determined by the Commission to have violated any such requirement, the manufacturer or provider shall be liable to the United States for a forfeiture penalty of not more than \$100,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$1,000,000 for any single act or failure to act.”.

(d) REVIEW OF COMMISSION DETERMINATIONS.—Section 402(b) of such Act (47 U.S.C. 402(b)) is amended by adding the following new paragraph:

“(10) By any person who is aggrieved or whose interests are adversely affected by a determination made by the Commission under section 717(a)(3).”.

SEC. 105. EMERGENCY ACCESS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—For the purpose of achieving equal access to emergency services by individuals with disabilities, as a part of the migration to a national Internet protocol-enabled emergency network, not later than 60 days after the date of enactment of this Act, the Chairman of the Commission shall establish an advisory committee, to be known as the Emergency Access Advisory Committee (referred to in this section as the “Advisory Committee”).

(b) MEMBERSHIP.—As soon as practicable after the date of enactment of this Act, the Chairman of the Commission shall appoint the members of the Advisory Committee, ensuring a balance between individuals with disabilities and other stakeholders, and shall designate two such members as the co-chairs

of the Committee. Members of the Advisory Committee shall be selected from the following groups:

(1) **STATE AND LOCAL GOVERNMENT AND EMERGENCY RESPONDER REPRESENTATIVES.**—Representatives of State and local governments and representatives of emergency response providers, selected from among individuals nominated by national organizations representing such governments and representatives.

(2) **SUBJECT MATTER EXPERTS.**—Individuals who have the technical knowledge and expertise to serve on the Advisory Committee in the fulfillment of its duties, including representatives of—

(A) providers of interconnected and non-interconnected VoIP services;

(B) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of interconnected and non-interconnected VoIP services;

(C) national organizations representing individuals with disabilities and senior citizens;

(D) Federal agencies or departments responsible for the implementation of the Next Generation E 9-1-1 system;

(E) the National Institute of Standards and Technology; and

(F) other individuals with such technical knowledge and expertise.

(3) **REPRESENTATIVES OF OTHER STAKEHOLDERS AND INTERESTED PARTIES.**—Representatives of such other stakeholders and interested and affected parties as the Chairman of the Commission determines appropriate.

(c) **DEVELOPMENT OF RECOMMENDATIONS.**—Within one year after the completion of the member appointment process by the Chairman of the Commission pursuant to subsection (b), the Advisory Committee shall develop and submit to the Commission recommendations to implement such technologies and methods, including recommendations—

(1) with respect to what actions are necessary as a part of the migration to a national Internet protocol-enabled network to achieve reliable, interoperable communication transmitted over such network that will ensure access to emergency services by individuals with disabilities;

(2) for protocols, technical capabilities, and technical requirements to ensure reliability and interoperability necessary to ensure access to emergency services by individuals with disabilities;

(3) for the establishment of technical standards for use by public safety answering points, designated default answering points, and local emergency authorities;

(4) for relevant technical standards and requirements for communication devices and equipment and technologies to enable the use of reliable emergency access;

(5) for procedures to be followed by IP-enabled network providers to ensure that such providers do not install features, functions, or capabilities that would conflict with technical standards;

(6) for deadlines by which providers of interconnected and non-interconnected VoIP services and manufacturers of equipment used for such services shall achieve the actions required in paragraphs (1) through (5), and for the possible phase out of the use of current-generation TTY technology to the extent that this technology is replaced with more effective and efficient technologies and methods to enable access to emergency services by individuals with disabilities; and

(7) for the establishment of rules to update the Commission's rules with respect to 9-1-1

services and E-911 services, as such term is defined in section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), for users of telecommunications relay services as new technologies and methods for providing such relay services are adopted by providers of such relay services.

(d) **MEETINGS.**—

(1) **INITIAL MEETING.**—The initial meeting of the Advisory Committee shall take place not later than 45 days after the completion of the member appointment process by the Chairman of the Commission pursuant to subsection (b).

(2) **OTHER MEETINGS.**—After the initial meeting, the Advisory Committee shall meet at the call of the chairs, but no less than monthly until the recommendations required pursuant to subsection (c) are completed and submitted.

(3) **NOTICE; OPEN MEETINGS.**—Any meetings held by the Advisory Committee shall be duly noticed at least 14 days in advance and shall be open to the public.

(e) **PROCEDURAL RULES.**—

(1) **QUORUM.**—One-third of the members of the Advisory Committee shall constitute a quorum for conducting business of the Advisory Committee.

(2) **SUBCOMMITTEES.**—To assist the Advisory Committee in carrying out its functions, the chair may establish appropriate subcommittees composed of members of the Advisory Committee and other subject matter experts as determined to be necessary.

(3) **ADDITIONAL PROCEDURAL RULES.**—The Advisory Committee may adopt other procedural rules as needed.

(f) **FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

(g) **IMPLEMENTING RECOMMENDATIONS.**—The Commission shall have the authority to promulgate regulations to implement the recommendations proposed by the Advisory Committee, as well as any other regulations as are necessary to achieve reliable, interoperable communication that ensures access by individuals with disabilities to an Internet protocol-enabled emergency network.

(h) **SURVEY.**—Not later than 30 months after the date of enactment of this Act, the Commission shall conduct and publish the results of a national survey of individuals with disabilities concerning real time text, geolocation services, instant messaging services, and mobile telecommunications relay services. The survey shall seek to determine what individuals with disabilities believe to be the most effective and efficient technologies and methods by which to enable access to emergency services by individuals with disabilities.

(i) **DEFINITIONS.**—In this section—

(1) the term “Commission” means the Federal Communications Commission;

(2) the term “Chairman” means the Chairman of the Federal Communications Commission; and

(3) except as otherwise expressly provided, other terms have the meanings given such terms in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

SEC. 106. RELAY SERVICES FOR DEAF-BLIND INDIVIDUALS.

Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.), as amended by sections 103 and 104, is further amended by adding at the end the following:

“SEC. 719. RELAY SERVICES FOR DEAF-BLIND INDIVIDUALS.

“(a) **IN GENERAL.**—Within 6 months after the date of enactment of the Twenty-First

Century Communications and Video Accessibility Act of 2010, the Commission shall establish rules that define as eligible for relay service support those programs that are approved by the Commission for the distribution of specialized customer premises equipment designed to make telecommunications service, Internet access service, and advanced communications, including interchange services and advanced telecommunications and information services, accessible by low-income individuals who are deaf-blind.

“(b) **INDIVIDUALS WHO ARE DEAF-BLIND DEFINED.**—For purposes of this section, the term ‘individuals who are deaf-blind’ has the meaning given such term in section 206 of the Helen Keller National Center Act (29 U.S.C. 1905).

“(c) **ANNUAL AMOUNT.**—The total amount of support the Commission may provide from its Telecommunications Relay Services Fund for any fiscal year may not exceed \$10,000,000.”.

TITLE II—VIDEO PROGRAMMING

SEC. 201. VIDEO PROGRAMMING AND EMERGENCY ACCESS ADVISORY COMMITTEE.

(a) **ESTABLISHMENT.**—Not later than 60 days after the date of enactment of this Act, the Chairman shall establish an advisory committee to be known as the Video Programming and Emergency Access Advisory Committee.

(b) **MEMBERSHIP.**—As soon as practicable after the date of enactment of this Act, the Chairman shall appoint individuals who have the technical knowledge and engineering expertise to serve on the Advisory Committee in the fulfillment of its duties, including the following:

(1) Representatives of distributors and providers of video programming or national organizations representing such distributors and providers.

(2) Representatives of vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of video programming delivered using Internet protocol or a national organization representing such vendors, developers, or manufacturers.

(3) Representatives of manufacturers of consumer electronics or information technology equipment or a national organization representing such manufacturers.

(4) Representatives of national organizations representing accessibility advocates, including individuals with disabilities and the elderly.

(5) Representatives of the broadcast television industry or a national organization representing such industry.

(6) Other individuals with technical and engineering expertise, as the Chairman determines appropriate.

(c) **COMMISSION OVERSIGHT.**—The Chairman shall appoint a member of the Commission's staff to moderate and direct the work of the Advisory Committee.

(d) **TECHNICAL STAFF.**—The Commission shall appoint a member of the Commission's technical staff to provide technical assistance to the Advisory Committee.

(e) **DEVELOPMENT OF RECOMMENDATIONS.**—

(1) **CLOSED CAPTIONING REPORT.**—Within 6 months after the date of the first meeting of the Advisory Committee, the Advisory Committee shall develop and submit to the Commission a report that includes the following:

(A) An identification of the performance objectives for protocols, technical capabilities, and technical procedures needed to permit content providers, content distributors,

Internet service providers, software developers, and device manufacturers to reliably encode, transport, receive, and render closed captions of video programming delivered using Internet protocol.

(B) An identification of additional protocols, technical capabilities, and technical procedures beyond those available as of the date of enactment of this Act for the delivery of closed captions of video programming delivered using Internet protocol that are necessary to meet the performance objectives identified under subparagraph (A).

(C) A recommendation for any regulations that may be necessary to ensure compatibility between video programming delivered using Internet protocol and devices capable of receiving and displaying such programming in order to facilitate access to closed captions.

(2) VIDEO DESCRIPTION, EMERGENCY INFORMATION, USER INTERFACES, AND VIDEO PROGRAMMING GUIDES AND MENUS.—Within 18 months after the date of enactment of this Act, the Advisory Committee shall develop and submit to the Commission a report that includes the following:

(A) An identification of the performance objectives for protocols, technical capabilities, and technical procedures needed to permit content providers, content distributors, Internet service providers, software developers, and device manufacturers to reliably encode, transport, receive, and render video descriptions of video programming and emergency information delivered using Internet protocol or digital broadcast television.

(B) An identification of additional protocols, technical capabilities, and technical procedures beyond those available as of the date of enactment of this Act for the delivery of video descriptions of video programming and emergency information delivered using Internet protocol that are necessary to meet the performance objectives identified under subparagraph (A).

(C) A recommendation for any regulations that may be necessary to ensure compatibility between video programming delivered using Internet protocol and devices capable of receiving and displaying such programming in order to facilitate access to emergency information.

(D) With respect to user interfaces, a recommendation for the standards, protocols, and procedures used to enable the functions of apparatus designed to receive or display video programming transmitted simultaneously with sound (including apparatus designed to receive or display video programming transmitted by means of services using Internet protocol) to be accessible to and usable by individuals with disabilities.

(E) With respect to user interfaces, a recommendation for the standards, protocols, and procedures used to enable on-screen text menus and other visual indicators used to access the functions on an apparatus described in subparagraph (D) to be accompanied by audio output so that such menus or indicators are accessible to and usable by individuals with disabilities.

(F) A recommendation for the standards, protocols, and procedures used to enable the selection of video programming information on an apparatus or navigation device by means of a guide or menu to be accessible in real-time by individuals who are blind or have a visual impairment.

(3) CONSIDERATION OF STANDARDS, PROTOCOLS, AND PROCEDURES BY STANDARD-SETTING ORGANIZATIONS.—The recommendations of the Advisory Committee shall, to the extent possible, incorporate the standards, proto-

cols, and procedures that have been adopted by appropriate industry standard-setting organizations for the report requirements described in paragraphs (1) and (2).

(f) MEETINGS.—

(1) INITIAL MEETING.—The initial meeting of the Advisory Committee shall take place not later than 180 days after the date of the enactment of this Act.

(2) OTHER MEETINGS.—After the initial meeting, the Advisory Committee shall meet at the call of the Chairman.

(3) NOTICE; OPEN MEETINGS.—Any meeting held by the Advisory Committee shall be noticed at least 14 days before such meeting and shall be open to the public.

(g) PROCEDURAL RULES.—

(1) QUORUM.—The presence of one-third of the members of the Advisory Committee shall constitute a quorum for conducting the business of the Advisory Committee.

(2) SUBCOMMITTEES.—To assist the Advisory Committee in carrying out its functions, the Chairman may establish appropriate subcommittees composed of members of the Advisory Committee and other subject matter experts.

(3) ADDITIONAL PROCEDURAL RULES.—The Advisory Committee may adopt other procedural rules as needed.

(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

SEC. 202. VIDEO DESCRIPTION AND CLOSED CAPTIONING.

(a) VIDEO DESCRIPTION.—Section 713 of the Communications Act of 1934 (47 U.S.C. 613) is amended—

(1) by striking subsections (f) and (g);

(2) by redesignating subsection (h) as subsection (j); and

(3) by inserting after subsection (e) the following:

“(f) VIDEO DESCRIPTION.—

“(1) REINSTATEMENT OF REGULATIONS.—On the day that is 1 year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall, after a rulemaking, reinstate its video description regulations contained in the Implementation of Video Description of Video Programming Report and Order (15 F.C.C.R. 15,230 (2000)), modified as provided in paragraph (2).

“(2) MODIFICATIONS TO REINSTATED REGULATIONS.—Such regulations shall be modified only as follows:

“(A) The regulations shall apply to video programming, as defined in subsection (i), insofar as such programming is transmitted for display on television in digital format.

“(B) The Commission shall update the list of the top 25 Designated Market Areas, the list of the top 5 national nonbroadcast networks that have at least 50 hours per quarter of prime time programming that is not exempt under this paragraph, and the designation of the beginning calendar quarter for which compliance shall be calculated.

“(C) The regulations may permit a provider of video programming or a program owner to petition the Commission for an exemption from the requirements of this section upon a showing that the requirements contained in this section would be economically burdensome.

“(D) The Commission may exempt from the regulations established pursuant to paragraph (1) a service, class of services, program, class of programs, equipment, or class of equipment for which the Commission has determined that the application of such regulations would be economically burdensome

for the provider of such service, program, or equipment.

“(E) The regulations shall not apply to live or near-live programming.

“(F) The regulations shall provide for an appropriate phased schedule of deadlines for compliance.

“(3) INQUIRIES ON FURTHER VIDEO DESCRIPTION REQUIREMENTS.—The Commission shall commence the following inquiries not later than 1 year after the completion of the phase-in of the reinstated regulations and shall report to Congress 1 year thereafter on the findings for each of the following:

“(A) VIDEO DESCRIPTION IN TELEVISION PROGRAMMING.—The availability, use, and benefits of video description on video programming distributed on television, the technical and creative issues associated with providing such video description, and the financial costs of providing such video description for providers of video programming and program owners.

“(B) VIDEO DESCRIPTION IN VIDEO PROGRAMMING DISTRIBUTED ON THE INTERNET.—The technical and operational issues, costs, and benefits of providing video descriptions for video programming that is delivered using Internet protocol.

“(4) CONTINUING COMMISSION AUTHORITY.—

“(A) IN GENERAL.—The Commission may issue additional regulations if the Commission determines, at least 2 years after completing the reports required in paragraph (3), that the need for and benefits of providing video descriptions for video programming, insofar as such programming is transmitted for display on television, are greater than the technical and economic costs of providing such additional programming. If the Commission makes such a determination and issues additional regulations, the Commission may increase, in total, the hours requirement for described video programming, insofar as such programming is transmitted for display on television, up to 75 percent of the requirement in the regulations reinstated under paragraph (1).

“(B) FURTHER REQUIREMENTS.—

“(i) REPORT.—Nine years after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report assessing—

“(I) the types of described video programming that is available to consumers;

“(II) consumer use of such programming;

“(III) the costs to program owners, providers, and distributors of creating such programming;

“(IV) the benefits to consumers of such programming;

“(V) the amount of such programming currently available; and

“(VI) the need for additional described programming.

“(ii) INCREASED AVAILABILITY.—Ten years after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall have the authority, based upon the findings, conclusions, and recommendations contained in the report under clause (i), to increase the availability of such programming.

“(C) APPLICATION TO DESIGNATED MARKET AREAS.—

“(i) IN GENERAL.—After the Commission completes the study on video description, the Commission shall phase in the video description regulations for all designated market areas, except that the Commission may

grant waivers to entities in specific designated market areas where it deems appropriate.

“(ii) PHASE-IN DEADLINE.—The phase-in described under clause (i) shall be completed not later than 6 years after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010.

“(g) EMERGENCY INFORMATION.—Not later than 1 year after the Video Programming and Emergency Access Advisory Committee report under section 201(e)(2) of the Twenty-First Century Communications and Video Accessibility Act of 2010 is submitted to the Commission, the Commission shall complete a proceeding to—

“(1) identify methods to convey emergency information (as that term is defined in section 79.2 of title 47, Code of Federal Regulations) in a manner accessible to individuals who are blind or have a visual impairment; and

“(2) promulgate regulations that require certain designated video programming providers and video programming distributors (as those terms are defined in section 79.1 of title 47, Code of Federal Regulations) and program owners to convey such emergency information in a manner accessible to individuals who are blind or have a visual impairment.

“(h) RESPONSIBILITIES.—

“(1) VIDEO PROGRAMMING OWNER.—A video programming owner shall ensure that any closed captioning and video description required pursuant to this section is provided in accordance with the technical standards, protocols, and procedures established by the Commission.

“(2) VIDEO PROGRAMMING PROVIDER OR DISTRIBUTOR.—A video programming provider or video programming distributor shall be deemed in compliance with this section and the rules and regulation promulgated thereunder if such provider or distributor enables the rendering or the pass through of closed captions and video description signals.

“(i) DEFINITIONS.—For purposes of this section, section 303, and section 330:

“(1) VIDEO DESCRIPTION.—The term ‘video description’ means the insertion of audio narrated descriptions of a television program’s key visual elements into natural pauses between the program’s dialogue.

“(2) VIDEO PROGRAMMING.—The term ‘video programming’ has the meaning given such term in section 602.”.

(b) CLOSED CAPTIONING ON VIDEO PROGRAMMING DELIVERED USING INTERNET PROTOCOL.—Section 713 of such Act is further amended by striking subsection (c) and inserting the following:

“(c) DEADLINES FOR CAPTIONING.—

“(1) IN GENERAL.—The regulations prescribed pursuant to subsection (b) shall include an appropriate schedule of deadlines for the provision of closed captioning of video programming published or exhibited on television.

“(2) DEADLINES FOR PROGRAMMING DELIVERED USING INTERNET PROTOCOL.—

“(A) REGULATIONS ON CLOSED CAPTIONING ON VIDEO PROGRAMMING DELIVERED USING INTERNET PROTOCOL.—Not later than 6 months after the submission of the report to the Commission required by section 201(e)(1) of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall promulgate regulations to require the provision of closed captioning on video programming delivered using Internet protocol.

“(B) SCHEDULE.—The regulations prescribed under this paragraph shall include an

appropriate schedule of decoding for the provision of closed captioning, taking into account whether such programming is prerecorded and edited for Internet distribution, or whether such programming is live or near-live and not edited for Internet distribution.

“(C) COST.—The Commission may delay or waive the regulation promulgated under subparagraph (A) to the extent the Commission finds that the application of the regulation to live video programming delivered using Internet protocol would be economically burdensome to providers of video programming or program owners.

“(D) REQUIREMENTS FOR REGULATIONS.—

“(i) IN GENERAL.—The regulations prescribed under this paragraph—

“(I) shall contain a definition of ‘near-live programming’ and ‘edited for Internet distribution’;

“(II) may exempt any service, class of service, program, class of program, equipment, or class of equipment for which the Commission has determined that the application of such regulations would be economically burdensome to the provider of such service, program, or equipment;

“(III) shall provide that de minimis failure to comply with such regulations by a provider of video programming or program owner shall not be treated as a violation of the regulations; and

“(IV) shall only apply to video programming that is transmitted for display on television with closed captioning after the effective date of the regulations issued pursuant to this section.

“(ii) ALTERNATE MEANS.—An entity may meet the requirements of this section through alternate means than those prescribed by regulations pursuant to paragraph (1) if the requirements of this section are met, as determined by the Commission.”.

(c) CONFORMING AMENDMENT.—Section 713(d) of such Act is amended by striking paragraph (3) and inserting the following:

“(3)(A) a provider of video programming or program owner may petition the Commission for an exemption from the requirements of this section;

“(B) the Commission may grant such petition upon a showing that the requirements contained in this section would be economically burdensome;

“(C) during the pendency of such a petition, such provider or owner shall be exempt from the requirements of this section; and

“(D) the Commission shall act to grant or deny any such petition, in whole or in part, within 6 months after the Commission receives such petition, unless the Commission finds that an extension of the 6-month period is necessary to determine whether such requirements are economically burdensome.”.

(d) REPORTING REQUIREMENT.—Two years after the effective date of the regulations issued pursuant to this section, and biennially thereafter, each broadcast television network and each cable television network shall submit to the Commission a report containing the number of hours, in the applicable 2-year period, of video programming not published or exhibited on television after the date of enactment of this Act that was provided on the Internet with closed captioning.

(e) REPORT TO CONGRESS.—

(1) IN GENERAL.—Three years after the date of enactment of this Act, the Commission shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(A) assessing the technical, economic, and operational issues regarding the captioning of video programming that is distributed only over the Internet, including the types and amounts of such video programming that is or could be captioned, the types of entities producing such programming, and the effects a closed captioning requirement may have on the producers of such programming;

(B) assessing the benefits to and use by consumers of closed captioning of video programming that is distributed only over the Internet for consumers; and

(C) making recommendations, if any, of whether Congress should adopt or the Commission should implement a closed captioning requirement for such programming.

(2) UPDATES.—The Commission shall periodically update the report to the Committees as it determines appropriate.

SEC. 203. CLOSED CAPTIONING DECODER AND VIDEO DESCRIPTION CAPABILITY.

(a) AUTHORITY TO REGULATE.—Section 303(u) of the Communications Act of 1934 (47 U.S.C. 303(u)) is amended to read as follows:

“(u) Require that—

“(1) apparatus designed to receive or play back video programming transmitted simultaneously with sound, if such apparatus is manufactured in the United States or imported for use in the United States and uses a picture screen of any size—

“(A) be equipped with built-in closed caption decoder circuitry or capability designed to display closed-captioned video programming;

“(B) have the capability to decode and make available the transmission and delivery of video description services as required by regulations reinstated and modified pursuant to section 713(f); and

“(C) have the capability to decode and make available emergency information (as that term is defined in section 79.2 of title 47, Code of Federal Regulations) in a manner that is accessible to individuals who are blind or have a visual impairment; and

“(2) notwithstanding paragraph (1) of this subsection—

“(A) apparatus described in such paragraph that use a picture screen that is less than 13 inches in size meet the requirements of subparagraphs (A), (B), and (C) of such paragraph only if the requirements of such subparagraphs are achievable (as defined in section 716);

“(B) any apparatus or class of apparatus that are display-only video monitors with no playback capability are exempt from the requirements of such paragraph; and

“(C) the Commission shall have the authority to waive the requirements of this subsection for any apparatus or class of apparatus.”.

(b) OTHER DEVICES.—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is further amended by adding at the end the following new subsection:

“(z) Require that—

“(1) if achievable (as defined in section 716), apparatus designed to record video programming transmitted simultaneously with sound, if such apparatus is manufactured in the United States or imported for use in the United States, enable the rendering or the pass through of closed captions, video description signals, and emergency information (as that term is defined in section 79.2 of title 47, Code of Federal Regulations) so that viewers are able to activate and de-activate the closed captions and video description as the video programming is played back on a picture screen of any size; and

“(2) interconnection mechanisms and standards for digital video source devices are

available to carry from the source device to the consumer equipment the information necessary to permit the display of closed captions and to make encoded video description and emergency information audible.”

(c) SHIPMENT IN COMMERCE.—Section 330(b) of the Communications Act of 1934 (47 U.S.C. 330(b)) is amended—

(1) by striking “section 303(u)” in the first sentence and inserting “subsections (u) and (z) of section 303”;

(2) by striking the second sentence and inserting the following: “Such rules shall provide performance and display standards for such built-in decoder circuitry or capability designed to display closed captioned video programming, the transmission and delivery of video description services, and the conveyance of emergency information as required by section 303 of this Act.”; and

(3) in the fourth sentence, by striking “closed-captioning service continues” and inserting “closed-captioning service and video description service continue”.

(d) IMPLEMENTING REGULATIONS.—

(1) IN GENERAL.—The Federal Communications Commission shall, after consideration of the Advisory Committee reports required by section 201(e), prescribe such regulations as are necessary to implement the requirements of sections 303(u), 303(z), and 330(b) of the Communications Act of 1934, as amended by this section, needed for the transmission of—

(A) closed captioning within 6 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(1); and

(B) video description and emergency information within 12 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(2).

(2) ALTERNATE MEANS.—An entity may meet the requirements of sections 303(u), 303(z), and 330(b) of the Communications Act of 1934 through alternate means than those prescribed by regulations pursuant to paragraph (1) if the requirements of such sections are met, as determined by the Commission.

SEC. 204. USER INTERFACES ON DIGITAL APPARATUS.

(a) AMENDMENT.—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is further amended by adding after subsection (z), as added by section 203 of this Act, the following new subsection:

“(aa) Require—

“(1) if achievable (as defined in section 716), that digital apparatus designed to receive or play back video programming, that are shipped in interstate commerce or manufactured in the United States, transmitted in digital format simultaneously with sound, including apparatus designed to receive or display video programming transmitted in digital format using Internet protocol, be designed, developed, and fabricated so that control of all built-in apparatus functions are accessible to and usable by individuals with disabilities;

“(2) that if on-screen text menus or other visual indicators built in to the digital apparatus are used to access the functions of the apparatus described in paragraph (1), such functions shall be accompanied by audio output that is either integrated or peripheral to the apparatus, so that such menus or indicators are accessible to and usable by individuals who are blind or have a visual impairment in real-time;

“(3) that built-in user controls on such apparatus shall be capable of accessing closed captioning, including—

“(A) if a remote control is provided with the apparatus—

“(i) a button, key, or icon on the remote control of such apparatus designated for activating closed captioning; or

“(ii) any other mechanism that provides a substantially equivalent level of accessibility; and

“(B) if on-screen menus are displayed on such apparatus—

“(i) the inclusion of ‘closed captions’ and ‘video description’ on the first menu that appears; or

“(ii) any other mechanism that provides a substantially equivalent level of accessibility; and

“(4) that in applying this subsection the term ‘apparatus’ does not include a navigation device, as such term is defined in section 76.1200 of title 47, Code of Federal Regulations.”.

(b) IMPLEMENTING REGULATIONS.—

(1) IN GENERAL.—Within 12 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(2), the Commission shall prescribe such regulations as are necessary to implement the amendments made by subsection (a).

(2) ALTERNATE MEANS.—An entity may meet the requirements of sections 303(aa) of the Communications Act of 1934 through alternate means than those prescribed by regulations pursuant to paragraph (1) if the requirements of such section are met, as determined by the Commission.

(c) DEFERRAL OF COMPLIANCE WITH ATSC MOBILE DTV STANDARD A/153.—A digital apparatus designed and manufactured to receive or play back the Advanced Television Systems Committee’s Mobile DTV Standards A/153 shall not be required to meet the requirements of the regulations prescribed under subsection (b) for a period of not less than 24 months after the date on which the final regulations are published in the Federal Register.

SEC. 205. ACCESS TO VIDEO PROGRAMMING GUIDES AND MENUS PROVIDED ON NAVIGATION DEVICES.

(a) AMENDMENT.—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is further amended by adding after subsection (aa), as added by section 204 of this Act, the following new subsection:

“(bb) Require—

“(1) if achievable (as defined in section 716), that the on-screen text menus and guides provided by navigation devices (as such term is defined in section 76.1200 of title 47, Code of Federal Regulations) for the display or selection of multichannel video programming are audibly accessible in real-time upon request by individuals who are blind or have a visual impairment, except that the Commission may not specify the technical standards, protocols, procedures, and other technical requirements for meeting this requirement; and

“(2) for navigation devices with built-in closed captioning capability, access to such capability through a button, key, or icon designated for activating the closed captioning, or through any other mechanism that provides a substantially equivalent level of accessibility.”

(b) IMPLEMENTING REGULATIONS.—

(1) IN GENERAL.—Within 12 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(2), the Commission shall prescribe such regulations as are necessary to implement the amendment made by subsection (a).

(2) EXEMPTION.—Such regulations may provide an exemption from the regulations for cable systems serving 50,000 or fewer subscribers.

(3) RESPONSIBILITY.—An entity shall only be responsible for compliance with the requirements added by this section with respect to navigation devices that such entity provides to a requesting individual who is blind or has a visual impairment and shall make reasonable efforts to make such requirements known to consumers.

(4) SEPARATE EQUIPMENT OR SOFTWARE.—

(A) IN GENERAL.—Such regulations shall permit but not require the entity providing the navigation device to the requesting individual who is blind or has a visual impairment to comply with section 303(bb)(1) of the Communications Act of 1934 (as added by subsection (a) of this section) through such entity’s use of software, a peripheral device, specialized consumer premises equipment, a network-based service, or other solution, and shall provide such entity with the flexibility to select the manner of compliance.

(B) REQUIREMENTS.—If an entity complies with section 303(bb)(1) of the Communications Act of 1934 (as added by subsection (a) of this section) under subparagraph (A) of this paragraph, such entity shall provide any such software, peripheral device, equipment, service, or solution at no additional charge and within a reasonable time to such individual.

(5) USER CONTROLS FOR CLOSED CAPTIONING.—Such regulations shall permit the entity providing the navigation device maximum flexibility in the selection of means for compliance with section 303(bb)(2) of the Communications Act of 1934 (as added by subsection (a) of this section).

(6) PHASE-IN.—

(A) IN GENERAL.—The Commission shall provide affected entities with—

(i) not less than 2 years after the adoption of such regulations to begin placing in service devices that comply with the requirements of section 303(bb)(2) of the Communications Act of 1934 (as added by subsection (a) of this section); and

(ii) not less than 3 years after the adoption of such regulations to begin placing in service devices that comply with the requirements of section 303(bb)(1) of the Communications Act of 1934 (as added by subsection (a) of this section).

(B) APPLICATION.—Such regulations shall apply only to devices manufactured or imported on or after the respective effective dates established in subparagraph (A).

SEC. 206. DEFINITIONS.

In this title:

(1) ADVISORY COMMITTEE.—The term “Advisory Committee” means the advisory committee established in section 201.

(2) CHAIRMAN.—The term “Chairman” means the Chairman of the Federal Communications Commission.

(3) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(4) EMERGENCY INFORMATION.—The term “emergency information” has the meaning given such term in section 79.2 of title 47, Code of Federal Regulations.

(5) INTERNET PROTOCOL.—The term “Internet protocol” includes Transmission Control Protocol and a successor protocol or technology to Internet protocol.

(6) NAVIGATION DEVICE.—The term “navigation device” has the meaning given such term in section 76.1200 of title 47, Code of Federal Regulations.

(7) VIDEO DESCRIPTION.—The term “video description” has the meaning given such term in section 713 of the Communications Act of 1934 (47 U.S.C. 613).

(8) VIDEO PROGRAMMING.—The term “video programming” has the meaning given such term in section 713 of the Communications Act of 1934 (47 U.S.C. 613).

TITLE III—PAYGO COMPLIANCE

SEC. 301. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. MARKEY of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is great to see you, my colleague from New England, presiding in the chair today at this historic moment. You are always going to have a permanent place in the history of our country. You are a great leader and an inspiration to all of us. And everything that we are doing today is inspired by your incredible personal courage. With the incredible example that your service to the House is providing, I am confident that you will not be the last who will sit up there and preside, but only the first in a long line.

Now since I introduced the legislation before us today, we have engaged in a bipartisan, extensive, and constructive process with stakeholders to find common ground on the legislative language and to move forward with this bill. I want to thank the leadership of Chairman HENRY WAXMAN, without whom we would not be here today, RICK BOUCHER, who worked over the last year to construct this legislation before us, to CLIFF STEARNS from Florida, who worked in a bipartisan fashion to craft this historic legislation which we are about to consider, to JOE BARTON from Texas, who ensured that from the very beginning this would be a bipartisan effort that we would put together in order to pass the historic legislation that is today before us.

I would like to think that Helen Keller and Annie Sullivan are looking down on us here this afternoon and that they are smiling. This picture of the two of them was taken in 1888 in Brewster, Massachusetts, on Cape Cod. I am so proud to have the Perkins School for the Blind, where Annie Sullivan graduated and Helen Keller was educated, in my congressional district in Watertown, Massachusetts.

When they met 122 years ago, they were a stunning study in contrast: Alabama and Massachusetts, a daughter of the south, a young woman of Irish descent traveling south from Boston. Nevertheless, they changed the world together, these two miracle workers.

□ 1500

They shattered expectations about what a person who was deaf or blind could achieve. Now, I am an American of Irish heritage from Boston, and my mother was a Sullivan. She always told me that her relatives were a particularly smart and determined lot, but I can only imagine the bottomless resolve and resilience Annie Sullivan must have needed to navigate her way in the South in the aftermath of the Civil War.

Whether it is a Braille reader or broadband connection access to technology, it is not a political issue. It is a participation issue. Each of us should be able to participate in the world to the fullest extent possible; and the latest communications, video services and devices can enrich and ennoble how Americans experience and enjoy their lives.

We are debating this bill today on the 20th anniversary of the Americans with Disabilities Act, which the first President George Bush signed into law, underscoring the nonpartisan nature of this vital issue. The 20th anniversary is an opportunity to look back and to reflect on the progress which we have made. Coming out of the Energy and Commerce Committee's Telecommunications Subcommittee over the last two decades have been a whole series of legislative initiatives aimed at broadening the disabled community's access to technologies that can help them do things that most Americans take for granted.

In 1990, we made sure that Americans who are deaf could make telephone calls. In 1990, we mandated that television shows be closed-captioned for the deaf so that they could enjoy the same entertainment and other programming as other Americans. Many deaf and hard-of-hearing people say that closed-captioning is the single modern accessibility technology that has changed their lives the most. Then, in 1996, we inserted language which required the accessibility of all telephone equipment, including telephones, telephone calls, call waiting, speed dialing, caller ID, and related services.

Two decades ago, Americans with disabilities couldn't get around if buildings weren't wheelchair accessible. Today, they can't get around without being Web accessible. That is what we are talking about here today. Twenty years ago, the ADA mandated physical ramps into buildings. Today, individuals with disabilities need online ramps to the Internet so that they can get to the Web from wherever they happen to be.

From the time of Helen Keller and Annie Sullivan through the Americans with Disabilities Act, to closed-captioning for television programming, to the ability of the deaf to make telephone calls, and now to the 21st Century Communications and Video Accessibility Act on the floor today, we have made important progress. We have moved from Braille to broadcast TV, from broadband to the BlackBerry. We have moved to ensure that, in each area and today, we move to the Internet to ensure that everyone in our country has access to this key information technology.

Annie Sullivan used special language. She spelled in Helen Keller's palm. In the 21st century, we have moved from tracing the letters of the alphabet in a palm to navigating a Palm-Pilot, and we must make sure that all of these modern devices are accessible. Annie Sullivan was an incredibly dedicated and determined teacher. Now technology needs to be the teacher—the constant companion providing instruction and access to the world and opportunities that otherwise would be out of reach.

By age 10, Helen Keller had mastered reading, Braille and manual sign language. She then wanted to learn how to speak. At the Horace Mann School for the Deaf in Boston, Helen took lessons. Then Annie took over and worked with Helen. Helen did learn to speak, and Helen Keller is still speaking to us today about how all of us should make the most of our abilities and participate in society to the fullest, but we need the technologies to make that possible for every American.

The bill we are considering today significantly increases accessibility for Americans with disabilities to the indispensable telecommunications and video technology tools of the 21st century by making Web access easier through improved user interfaces for smartphones; by enabling Americans who are blind to enjoy TV fully through audible descriptions of the on-screen action; by making cable TV program guides and selection menus accessible to people with vision loss; by providing Americans who are deaf the ability to watch new TV programs online with the captions included; by mandating that remote controls have a button or a similar mechanism to easily access the closed-captioning on broadcast and pay TV; by requiring

that telecom equipment used to make calls over the Internet is compatible with hearing aids; and by providing a share of the total of \$10 million per year of funding to purchase Internet access and telecom services for low-income Americans who are deaf and blind so that these individuals can more fully participate in society.

Today's miracle worker—today's technology, today's ability to be able to provide the technologies that people need today—is one that, as we move forward, we have to make sure has the accessibility for all Americans. That technology is the iPad. The iPad is something that today makes it possible for Annie Sullivan and Helen Keller to be able to access with a touch the technologies that the Helen Kellers and the Annie Sullivans of today need in order to be able to communicate with each other and with all of the rest of us. So it is not just like touching the palm like it was in Annie and Helen's day. It's about touching the pad, touching these devices, having them speak to them, and having the ability to be able to speak back in a way that has a conversation with all of the rest of us in society.

This morning, I did a teleconference with a group of phenomenal students from the Perkins School for the Blind and the Carroll Center for the Blind. These young people were born before President Bush signed the ADA into law. They were born before the BF era, before Facebook. That's how long ago all of this is. These two schools are led by two extraordinary visionaries who serve with amazing passion and commitment—Steve Rothstein of Perkins and Mike Festa of Carroll.

Opportunity, independence, equal access for all—that's what this legislation is all about. These are timeless American values that were as relevant when Annie Sullivan and Helen Keller were working together as they are today. When we maximize participation for all Americans, we move forward as a country. When we expand the circle of inclusion, we evolve as a people. When we increase accessibility for Americans with disabilities, we get closer to fulfilling the ideals of our Nation's Founders that all men and women are endowed by their Creator with certain inalienable rights. Among these are life, liberty and the pursuit of happiness.

This legislation which we are considering today is intended to increase access for all Americans with disabilities to the technological tools to succeed in today's interconnected world.

Again, I want to thank the entire disabled community, the deaf and the blind communities that have advocated for years for this incredible revolution that is happening here on the floor of the House of Representatives today. We are in your debt for being the advocates, for being the witnesses to his-

tory so that we make this change today.

Again, I want to thank Chairman WAXMAN, Mr. BOUCHER, Mr. BARTON, Mr. STEARNS, and all of the Members who worked together in order to make today the great historic success it is going to be.

Mr. Speaker, I reserve the balance of my time.

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Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

Let me also, at this point, thank Mr. MARKEY for his eloquent remarks. But also, he is steadfast in pushing this bill. He has been working on this bill for almost 4 years.

Oftentimes, when you come to the floor on a suspension like this, many Members do not realize the amount of work that goes into a bill like this. And I know the ranking member before Mr. MARKEY had talked to us about the possibility of this 2 years ago, 3 years ago, 4 years ago, so I'm glad it's culminated as it is today, 20 years after the anniversary of the Americans with Disabilities Act.

And obviously, I'd also like to compliment the gentleman from Rhode Island for being in the chair. It's altogether appropriate, historic and important.

I think many of us have come out of the House floor and walked into the halls of Congress and saw veterans in wheelchairs. We've seen men and women without legs. We've seen men and women without arms, hands, some of them practically blind. Shouldn't they have the opportunity to come back from Afghanistan and Iraq and have the full benefits of the electronic media? Before this bill passed, they might not have had the complete opportunity, but now, with this bill they will.

So I rise in strong support of H.R. 3101, the Twenty-First Century Communications and Video Accessibility Act. We know there's all kinds of new devices coming on. Mr. MARKEY mentioned the iPad.

And as I mentioned, it's important that people with disabilities are not left behind, have access and are afforded the opportunity to enjoy this wide variety of technology. And in many cases, through the Internet it's going to be life saving, through telemedicine and from other ways that we can help the handicapped, the people that are at home through emergency calls, and, ultimately, the D spectrum, when we have that kind of spectrum set aside just for safety and security.

Whenever you do a bill like this, it gets complicated, because lots of people want to use a lot of mandates for the United States Government to mandate through the FCC. But I think, as Mr. MARKEY pointed out with the iPad, oftentimes industry can come to the front and voluntarily do it.

We, in the United States Congress, if we mandate certain technologies, we attempt to pick winners or losers. The best approach to ensuring accessibility is to establish accessibility goals, but not dictate how to accomplish them. We need to encourage innovation to flourish and, my colleagues, this bill does that.

Now, obviously, all legislation we bring up here is not perfect, and this bill, obviously, needs some additional improvements. Perhaps the FCC can do that. Nevertheless, I think, as Mr. MARKEY pointed out, through the bipartisan process we have had here, Republicans and Democrats, we achieved a consensus, which is not altogether an everyday occurrence here in Congress.

So I think, in many ways, we can compliment ourselves, both as Democrats and Republicans, that we came together on a very important issue which affects a huge number of manufacturing companies in this United States and throughout the world. We came together in a consensus.

And, of course, I would like to thank Chairman WAXMAN for doing this, Subcommittee Chairman BOUCHER from Virginia, JOE BARTON, the ranking member from Texas, and my staff, particularly Neil, who worked with the Democrat staff to bring this consensus together. A collaboration of this kind doesn't often happen in such a short amount of time.

My main concern was that the legislation was extremely broad in its original scope, and included unnecessary mandates. Changes that were adopted at the committee markup addressed many of my concerns. Language was added that explicitly states that the relevant section shall not be construed to require every feature and every function of every device or service to be accessible for every disability.

So that the record is clear regarding the intentions that underlie this bill, I want to offer some guidance to the FCC regarding the way it should view several key provisions in this legislation.

First, my colleagues, the bill creates a new achievable standard to guide manufacturers' and service providers' efforts to provide accessibility to the disabled. Under section 255 of the Communications Act, telecommunications services and equipment must be accessible if the provision of accessibility is "readily achievable."

As introduced, H.R. 3101 proposed moving to a significantly higher standard under which accessibility would be required unless it imposed an "undue burden." The "achievable" standard we adopt today is a compromise, a very simple compromise, very important compromise, between these two positions.

The committee also recognized that it is not necessary for a manufacturer or service provider to make every piece of equipment or service accessible, if it

offers or directs such person to functionally equivalent accessible alternatives to the equipment or service in question. This was a source of concern and confusion by many Members, and contention, early in the legislative process. And I'm pleased that this bill we are considering today resolves this issue by adopting clarifying language that makes this point in a clear and unambiguous manner.

Finally, my colleagues, the bill before us also recognizes that advanced communication services and applications may be offered by third parties, and that manufacturers and network operators should not be held responsible for ensuring these third party advanced communication services comply with the act.

Thus, section 2 makes clear that no person is liable for a violation of this Act to the extent that such person transmits, routes or provides intermediate or transient storage for content or communications, or provides an information location tool used to obtain access to content or information. These are the details that make for a sound bill.

As I said previously, this legislation is not perfect, but it is much, much improved due to the hard work of industry and the disability community who came together, and the staff on both sides of the aisle. This legislation, Mr. Speaker, goes a long, long way to ensuring that people with disabilities can utilize all the new and exciting products, services and applications in the years ahead. I urge its passage.

And for those veterans coming home, this will ensure that you have access to those new financial programs, those new video devices, those new devices that are going to make your life a lot easier.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY of Massachusetts. The legislation would not be here today without the incredible leadership of the Chairman of the Energy and Commerce Committee. He resolved the most nettlesome of issues in the final week in a way that has made it possible for us to bring this historic legislation here to the floor. I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I'm pleased to rise in support of this very important legislation.

It was in 1934 when the Communications Act was adopted that it set out that they would have the goal, in this country, of making available, so far as possible, to all people without discrimination on the basis of race, color, religion, national origin or sex, a rapid, efficient, nationwide, and worldwide wire and radio communications service.

Well, this legislation before us today furthers this core principle by ensuring that Americans with disabilities can

access the latest communications technology. It's only fitting that we're taking this bill up today, the 20th anniversary of the landmark Americans with Disabilities Act.

Although the ADA remains a critical protection for Americans with disabilities, our communications laws have not been updated since 1996 when Congress required that plain old telephone service be accessible to individuals with disabilities.

Fourteen years is more than a lifetime in technology policy, especially in the Internet age. The world of communications has been transformed, and we need to update relevant laws so that individuals with disabilities can share in the amazing benefits these products and services have to offer.

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H.R. 3101 updates these laws in a number of important ways. Among other things, the bill requires that advanced communications services such as videoconferencing and text messaging be accessible to individuals with disabilities. It ensures that Internet browsers on smartphones are accessible, and that TV programming distributed over the Internet contains captions. It reinstates video description rules designed to ensure that individuals with vision impairment have better access to TV programming, and it ensures the emergency alert scrolls that warn consumers of hazardous weather and other conditions can be heard by those who have vision impairments.

Although the legislation requires access to up-to-date communications devices and video programming for individuals with disabilities, it's crafted to allow the industry great flexibility in achieving these goals. Given the pace of technological change, industry should be allowed to meet the bill's requirements by utilizing the best, least expensive technology or application. So not only is the legislation the right thing to do for the millions of Americans with disabilities, it is friendly to business and encourages innovative solutions.

I would like to recognize the bill's sponsor, Mr. MARKEY, for his ongoing dedication and passion for this cause. I want to commend Chairman BOUCHER for his leadership in guiding the bill through his subcommittee. I want to thank Ranking Member BARTON and Ranking Member STEARNS as well, and their staff, for their very significant contributions to this bill.

As I said when we marked up this legislation at the Energy and Commerce Committee, H.R. 3101 is truly bipartisan, a consensus measure. It demonstrates what Congress can accomplish when we work together. H.R. 3101 will improve the lives of millions of Americans. And on this 20th anniversary of the Americans with Disabilities

Act, I urge every Member to vote in support of this measure.

Mr. STEARNS. Mr. Speaker, I just want to speak briefly and sort of follow up with the gentleman from Massachusetts when he displayed in his hand the iPad.

I think it's a good example of what Apple has done with the iPad and how they voluntarily went about to help the people who are impaired by sight and hearing. They took the necessary steps to make certain that their product and their applications are acceptable to all people.

For example, when you look at the iPad, all of us think it's sort of, in a way, revolutionary. It gives you, at a touch of the fingers, an opportunity to go through and look at newspapers and magazines, to go on the Internet, to check your email effortlessly. It's sort of using technology that's breakthrough.

Is it possible that this breakthrough technology could help people who are disabled? Absolutely.

For example, Mr. Speaker, the iPad comes with a screen reader, support for playback of the closed caption content, and other innovative universal access features. This was done right out of the box. Apple did this voluntarily. These features make iPad easier to use for people who have vision impairment, are deaf or hard of hearing, or if they have a physical or learning disability. In addition, the iPad includes VoiceOver, a gesture-based screen reader for the blind. Instead of memorizing keyboard commands or pressing tiny arrow keys, you can simply touch the screen to hear a description of the item under your finger, then double-tap, drag, or flip to control the iPad.

VoiceOver speaks 21 languages and works with all of the applications built into the iPad. Let me repeat that. The VoiceOver speaks 21 languages and works with all the applications built into the iPad—a phenomenon. Apple also enables software developers to create applications for iPad that work with VoiceOver.

Furthermore, every iPad can display subtitles and closed captioning for the deaf and hard of hearing when playing movies and podcasts that support it. Movies and podcasts with closed captioning are available on the iTunes Store, and can be downloaded directly to iPad or synced to the iPad using iTunes.

It is important for my colleagues to remember that a company like Apple included these features without any government mandate. This suggests that the broader market could be providing better access to people with disabilities than it does today. This bill will go a long way towards doing that.

The FCC should remember, when they come asking for comments, when they have responses, and they have an advisory committee that's all involved

with this, the key for the FCC is for them to be flexible in their response so that industry, like Apple did with the iPad, has the flexibility to develop the most sound and comprehensive ways to help our disabled today.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY of Massachusetts. Mr. Speaker, would you advise us as to how much time is remaining on either side?

The SPEAKER pro tempore. The gentleman from Massachusetts has 3½ minutes remaining, and the gentleman from Florida has 8½ minutes remaining.

Mr. MARKEY of Massachusetts. I reserve the balance of my time.

Mr. STEARNS. In conclusion, I think, as has been pointed out by Mr. MARKEY, this is a historic day. Twenty years ago, the Americans with Disabilities Act passed. I voted for it, I supported it. I think many people in my district and many of my friends have children who have disabilities. It's important that these individuals do not feel left out.

I think the eloquent arguments that we had 20 years ago are no less important today, particularly in light of the fact that the veterans that are coming home from Iraq and Afghanistan are coming home with disabilities that will impair them. And they're in their twenties. These are young men and women that want to work. And for many of them, they'd like to go back to their team, but they can't. They must find employment. They must, in many ways, adjust and transition.

How much better will it be if they can use the Internet, if they can use the wireless devices that we have? And not to mention the myriad of new devices that are coming out. How important is this for them? Very important. So, today, I join with Mr. MARKEY and others to commend him for his hard work here and his effort, and I urge all my colleagues to support this bill.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. MARKEY of Massachusetts. I yield myself such time as I may consume.

I thank the gentleman from Florida again for his work on this legislation, and to Mr. BARTON and to all of the Members on the minority, we could not be here without their cooperation today.

This is a very complex piece of legislation. It's historic, but it required a lot of bipartisan work to bring us to this point.

I want to thank Neil Fried and Will Carty on the minority staff for their work on this legislation. On the majority side, I want to thank Roger Sherman, Tim Powderly, Amy Levine, Sarah Fisher. For many years, Colin Crowell, on my staff, worked on this legislation. But over the last 1 year, Mark Bayer has worked every day on

this bill. And I thank you, Mark, for your incredible effort on this issue. We could not be here without the incredible work that was put in by all of these people.

Back 20 years ago, we had a force of nature, Tony Coelho, the majority whip, who said it's time for us to ensure that all Americans have access to all this great bounty in our country. And he had a handicap himself, and he inspired all the rest of us. A force of nature. And former Congressman Tony Coelho is out here on the floor with us today, and he was an inspiration to us.

That inspiration was carried by STENY HOYER to ensure that that legislation did pass here in 1990. It was signed by President Bush into law. And all of the advances that were made thus far that make it possible for the historic moment where we have a Speaker who is sitting up there today, Mr. LANGEVIN from Rhode Island, and all the people who are using today's devices to gain access to the modern Internet technologies are benefited from the laws that have been put on the books today.

□ 1530

For the 21st century, this law may be the most important law. Because people now have wheelchair access, access to the Web. Access to information is what this century, this information century, is going to be all about. And the deaf and the blind, because of this legislation, will be able to make their contributions to our country and the world.

And let's not kid ourselves. The technologies that are developed here in the United States are going to spread across the whole world for every deaf and blind person. And that's quite a gift that the people who are here in the Congress can make.

So I thank the community. I thank you all. I know that so many of you are here and so many of you are watching and listening. I can only pledge to you that we will continue to ensure that access is something that we guarantee as a right to be an American in every year that we will serve here in Congress.

Mr. Speaker, it's my honor to have been here on the floor with you presiding over this historic 21st century legislation. You are the right person to be here to create a ramp for the Internet, for the 21st century, for all Americans. I urge an "aye" vote on this legislation.

Mr. BOUCHER. Mr. Speaker, today the House takes up a very important measure introduced by our colleague Mr. MARKEY that seeks to update the laws governing access to communications services by individuals with disabilities. Floor consideration of this measure marks the end of two years of effort by the gentleman from Massachusetts, and I commend him for his dedication to this critical issue.

I would also like to recognize the gentleman from Rhode Island, Mr. LANGEVIN, who is presiding over the House of Representatives for the first time today. Mr. LANGEVIN co-chairs the Bipartisan Disabilities Caucus and has been a champion of efforts to make the Capitol complex, including the Speaker's rostrum, accessible. It is therefore fitting that he is in the Chair as we consider this bipartisan, historic measure to make much needed updates to our communications laws.

Today marks the 20th anniversary of the Americans with Disabilities Act. It is a significant milestone, and we have come a long way in the two decades since 1990.

We have also seen significant technological change since Congress enacted the ADA, including the emergence of the Internet as a core communications infrastructure; the daily use by many Americans of email, text messaging and video conferencing both at home and at work; and increasing use of the Internet to view video programming.

It is therefore timely to update our communications laws to ensure that new technologies are accessible to individuals with visual or hearing impairments.

As we learned at a legislative hearing before the Subcommittee on Communications, Technology, and the Internet on this measure last this month, there are close to one million Americans who have severe or profound hearing loss and more than one million who are legally blind. Four percent of our population has great difficulty hearing, and an additional three percent are visually impaired.

Moreover, as much as some of us might not want to admit it, Americans are aging. There are approximately 40 million people over the age of 65 living in the United States today, or 13 percent of the population. One estimate shows that by 2050, that number will more than double to 88.5 million, or an estimated one-fifth of the population. Naturally, this growth will be accompanied by an increase in the number of Americans who are vision or hearing-impaired and who will need accessible communications products and services.

With the explosion in Internet-delivered services, both the variety of information and entertainment offerings and the complexity and variety of the devices that receive those services have multiplied. Our challenge is to assure that all Americans can benefit from those advances, including individuals with vision or hearing impairments.

The measure we take up today:

Requires that advanced communications services, including voice over Internet protocol, electronic messaging and video conferencing services, are accessible to the disabled if doing so is achievable.

Sets forth a list of factors the Federal Communications Commission shall consider to determine if making a product or service accessible is achievable, including whether the manufacturer or service provider makes available a range of accessible products with varying functionality and offered at different price points. A manufacturer or service provider may make a product accessible either by embedding accessibility in the device or relying on third-party applications that are available to consumers at nominal cost. To avoid stifling

innovation, H.R. 3101 also allows the Commission to waive the accessibility requirements for small entities.

Requires the closed captioning of video programming on the Internet that has been displayed on television.

Reinstates Commission regulations regarding the provision of video described video programming that were previously invalidated by the D.C. Circuit Court of Appeals on jurisdictional grounds and allows for future expansion of the video description requirements.

Requires that emergency information, such as screen crawls, be made accessible to persons with disabilities.

Ensures that Internet browsers on smart phones enable the disabled to navigate the Internet, if doing so is achievable.

Ensures that the Commission does not, in implementing the requirements of the Act, mandate the use of any technology that might result in one entity unfairly profiting from such a mandate or requirement.

These and other provisions in this measure will help ensure that persons with disabilities are not left behind as communications technology continues to advance.

I appreciate all of the stakeholders who have been working diligently with myself, Chairman WAXMAN, Mr. MARKEY, Ranking Members BARTON and STEARNS and our staffs on a bipartisan basis to reach consensus on this measure. I look forward to our continued work together to promote accessibility and innovation, as well as to House passage of this historic legislation.

Ms. ESHOO. Mr. Speaker, I rise today in strong support of the 21st Century Communications and Video Accessibility Act. I'm proud to be a cosponsor of this legislation, voting for it in the Communications, Technology, and the Internet Subcommittee and in the full Energy and Commerce Committee. I urge all of my colleagues to join me in voting for it today.

Today is a historic day. It is the 20th anniversary of the enactment of the Americans With Disabilities Act, ADA. Twenty years and one day ago, individuals with disabilities did not enjoy the same access to employment, education, or basic services as other Americans. The ADA changed that forever. Our workplaces, schools, buildings, and sidewalks offer safe and fair access for Americans with disabilities, where for too long they had none.

In the 20 years the ADA has been the law of the land, our country has seen significant change. Much of that change has been driven by the high-tech innovators in my Congressional District, the heart of Silicon Valley. In 1990 a supercomputer that would fill a building the size of a warehouse can now fit in the palm of a hand. We can now watch our favorite television shows outside, on an airplane, or in a coffee shop on our computers. Businesses can allow their employees to collaborate face-to-face from offices thousands of miles apart. Communications and video technology have become truly integral aspects of our everyday lives.

Unfortunately, not all Americans have been able to take full advantage of these innovations in technology. By passing the 21st Century Communications and Video Accessibility Act today, we will change this.

Working to address the needs of individuals with vision, hearing, and other disabilities by updating communications laws last revised in 1996, the 21st Century Communications and Video Accessibility Act makes technology and telecommunications devices and services accessible to everyone.

I commend the author of this legislation, Representative ED MARKEY, for his leadership and advocacy on behalf of the disabilities community. On this historic day, I'm proud to support this legislation that will ensure no one is left behind.

Mr. MARKEY of Massachusetts. I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

The question is on the motion offered by the gentleman from Massachusetts (Mr. MARKEY) that the House suspend the rules and pass the bill, H.R. 3101, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MARKEY of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period less than 15 minutes.

Accordingly (at 3 o'clock and 31 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1540

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. RICHARDSON) at 3 o'clock and 40 minutes p.m.

HONORING SOJOURN TO THE PAST ON ITS 10TH ANNIVERSARY

Mr. POLIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1058) honoring and praising the Sojourn to the Past organization on the occasion of its 10th anniversary, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1058

Whereas the civil rights movement helped to better the lives of millions of people and

secured equality, civil rights, and human rights for all people in the Nation;

Whereas in 1999, California public high school teacher Jeff Steinberg combined a civil rights history lesson and a field trip to civil rights movement landmarks to create the educational program Sojourn to the Past;

Whereas Sojourn to the Past takes high school students on a 10-day excursion along the path of the civil rights movement in the Southern United States, engaging them with historical sites and talks with prominent veteran leaders of the civil rights movement;

Whereas the goal of Sojourn to the Past is to inspire students to become civic leaders with a duty and ability to unite people in the communities in equality and justice, through knowledge, understanding, and compassion;

Whereas Sojourn to the Past is the longest running civil rights education and outreach program in the United States;

Whereas Sojourn to the Past has conducted 55 sojourns and introduced over 5,000 high school juniors and seniors to the lessons, locations, and leaders of the civil rights movement;

Whereas Sojourn to the Past teaches high school students how the history of the civil rights movement is relevant to ending discrimination, violence, hatred, bigotry, and inequity in schools and communities;

Whereas Sojourn to the Past's mission of making the civil rights movement relevant for younger generations strengthens society in the United States by promoting civil rights and equality; and

Whereas Sojourn to the Past continues to teach younger generations of people in the United States about the civil rights movement and challenges young people to define and defend individual conceptions of justice in communities and classrooms: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 10th anniversary of the founding Sojourn to the Past; and

(2) honors and praises Sojourn to the Past on the occasion of its anniversary, and for its work in educating the next generation of people in the United States about the civil rights movement and the importance of social justice.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous materials on House Resolution 1058 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of House Resolution 1058, which honors the 10th anniversary of Sojourn to the Past, an educational program dedicated to developing students' appreciation for an understanding of the Civil Rights Movement.

The Civil Rights Movement transformed the United States of America, ensuring legal equality and civil rights for all people in our country regardless of race or ethnicity.

Educator Jeff Steinberg understood the importance of teaching the meaning of the civil rights movement when, 11 years ago, he decided to lead a school trip to several civil rights landmarks. That field trip quickly grew into its own education and outreach program, engaging approximately 100 high school students in three trips each year through visits to historical sites and discussions with prominent veteran leaders of the civil rights era. The students visit five States and landmarks, including the Edmund Pettus Bridge; the site of the Bloody Sunday march of 1965, in Selma, Alabama; Central High School in Little Rock, Arkansas; and the National Civil Rights Museum in Memphis, Tennessee.

More than 10 years later, Sojourn to the Past has its own rich history, inspiring students to become civic leaders for the 21st century with a base of awareness of the importance of the civil rights movement of the 20th century. Newfound knowledge and personal understanding of the civil rights movement, these sojourners, these high school students, reflect on how they can fight to end discrimination, bigotry, and inequality in their own schools and their own communities.

Today, more than 5,000 high school juniors and seniors have learned these lessons through participation in Sojourn to the Past. Just like civil rights leaders before them, these students will take responsibility for ending discrimination and promoting equality for all Americans moving forward.

Madam Speaker, I would like to thank a great civil rights leader, who I am deeply honored to serve with in the House of Representatives, Representative JOHN LEWIS, for introducing this important resolution and serving on the Sojourn National Advisory Committee.

I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 1048, honoring and praising the Sojourn to the Past organization on the occasion of its 10th anniversary. Since 1999, Sojourn to the Past, a nonprofit organization, has taken thousands of students out of the classroom and across the country for a life-changing educational experience via hands-on lessons on the civil rights movement. Through a sometimes emotional and eye-opening 10-day journey through a period of segregation in the Deep South, students learn the history of the civil rights movement in the United States.

Sojourn to the Past is the longest-running civil rights education and outreach program in the United States. It

has conducted 55 sojourns and introduced over 5,000 high school juniors and seniors to the history of the civil rights movement. This organization teaches high school students how the lessons of the civil rights movement are still relevant today.

We recognize Sojourn to the Past for teaching younger generations of people about the history of the civil rights movement and challenging them to make a difference in their schools and their communities, and I support this resolution.

I reserve the balance of my time.

Mr. POLIS. Madam Speaker, it is my honor to yield such time as he may consume to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. I want to thank my friend and colleague from Colorado and my friend and colleague from Wisconsin for bringing this resolution before us.

Madam Speaker, I want to thank the chairman and the ranking member of the Education and Labor Committee for their support of this bill, and the Majority Leader for his support and for bringing this resolution to the floor.

Madam Speaker, this year marks the 10th anniversary of an outstanding organization called Sojourn to the Past, the longest-running civil rights program in the United States. Sojourn to the Past was founded by Jeff Steinberg, an inspired American history high school teacher from northern California. He started by taking his students on a 10-day field trip to the South to see where the most important moments of the civil rights movement actually happened. He took them to places like Atlanta, Tuskegee, Montgomery, Birmingham, and Selma. He took them to Jackson, Little Rock, and Memphis.

While on these journeys, young people meet the leaders of the movement. They get out of the classroom and visit historic places that marked the time.

Through this program, I believe young people grow more informed about the movement. They learn how it changed our country and our society, and they are changed. They become better human beings and better citizens not just of the United States but of the world.

Since it began, Sojourn to the Past has taken over 5,000 high school students on these journeys, teaching them about the importance of social justice and the philosophy and the discipline of nonviolence. Like the civil rights movement itself, it challenges people to think about their own values and about what kind of country they want America to be.

Madam Speaker, I invite all of my colleagues to join with all of us in honor of this important organization.

Mr. PETRI. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. RICHARDSON. Madam Speaker, I rise today in support of H. Res. 1058, which honors and praises the Sojourn to the Past organization on the occasion of its 10th anniversary. This resolution recognizes an important educational program that helps students understand the invaluable role of the Civil Rights Movement in our Nation's moral and social development.

I thank Chairman MILLER for his leadership in bringing this measure to the floor. I also thank the sponsor of this resolution, Congressman Louis, whose role in the Civil Rights Movement and work as a public servant has made the United States a more tolerant and democratic country.

Madam Speaker, the Civil Rights Movement was a transformative experience for the United States. It helped our Nation grow out of a culture of bigotry, segregation, and oppression, and extend the democratic freedoms promised by our Nation's founders to people that had, for more than two centuries, been deemed second-class citizens. It elevated our moral standing in the world and brought our Nation closer to meeting the ideals set forth in our founding documents.

It is absolutely essential that every high school student in the United States understands the moral gravity and massive historical significance of the Civil Rights Movement. The Sojourn to the Past project helps us achieve this goal. Established in 1999, the Sojourn to the Past project takes high school students on a 10-day excursion along the path of the Civil Rights Movement in the southern United States, engaging them with historical sites and talks with prominent veteran leaders of the movement. The longest running civil rights education program in the United States, the program has conducted 55 sojourns and introduced over 5,000 high school juniors and seniors to the lessons, locations, and leaders of the Civil Rights Movement.

Madam Speaker, the Civil Rights Movement is not only a vital part of our past, but its lessons are instructive in the ongoing efforts to end violence, discrimination, hatred, and inequality in the United States and across the world. The work of the Sojourn to the Past program is extremely commendable. It instills in our future leaders the knowledge and understanding needed to bring continued moral and social progress to our Nation.

I urge my colleagues to join me in supporting this resolution.

Mr. POLIS. Madam Speaker, I once again express my support for House Resolution 1058, which honors the 10th anniversary of Sojourn to the Past, to help young Americans understand the importance and the history of the very recent civil rights movement in this country. I urge my colleagues to join me in supporting this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 1058, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

HONORING DR. JANE GOODALL

Mr. POLIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1543) honoring the educational significance of Dr. Jane Goodall's work on this the 50th anniversary of the beginning of her work in Tanzania, Africa.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1543

Whereas, on July 14, 1960, Jane Goodall arrived at Gombe Stream Chimpanzee Reserve in western Tanzania, Africa;

Whereas Jane Goodall's research has led to numerous groundbreaking discoveries including the use of tools by chimpanzees;

Whereas these and other behavioral observations of chimpanzees forever changed human understanding of the differences between humans and other animal species;

Whereas between 1968 and 1986, Dr. Goodall published a collection of articles and books that remain the foundational scientific works of chimpanzee and wildlife studies alike;

Whereas this included the publication by Harvard University Press of "The Chimpanzees of Gombe: Patterns of Behavior", which detailed the range of behaviors that make up the essential corpus of chimpanzee natural history and which remains today a critical reference of researchers in the field;

Whereas Dr. Goodall's writings not only formed the bedrock of the descriptive analytical study of chimpanzees, but they also altered the paradigm of the study of culture in chimpanzees and other animals, especially species with complex social behaviors;

Whereas in support of the research she began and to advance her vision, Dr. Goodall established the Gombe Stream Research Center in 1965 and the Jane Goodall Institute in 1977;

Whereas traveling the world approximately 300 days a year, she delivers dozens of lectures and engages with youth of all ages;

Whereas during the last half of the 20th century, she blazed a trail for and inspired other women primatologists, such that women now dominate long-term primate behavioral studies worldwide;

Whereas Dr. Goodall has been a role model for youth of all ages, inspiring boys and girls alike to take action for people, animals, and the environment; and

Whereas through her Jane Goodall Institute, she established the Roots & Shoots global youth program which now has members in more than 110 countries: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the groundbreaking environmental education advancements by the Jane Goodall Institute's Roots and Shoots initiative on the 50th anniversary of the beginning of Dr. Jane Goodall's research;

(2) recognizes the significant role that the research done by Dr. Goodall has had on the knowledge and understanding of both the natural and human worlds, and its benefit to children and classrooms as they learn about the natural world; and

(3) recognizes the valuable role that nature and science education plays in the conserva-

tion of natural resources as evidenced through the work of Dr. Goodall.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous materials on House Resolution 1543 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

□ 1550

Mr. POLIS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1543, which honors my dear friend Dr. Jane Goodall on the 50th anniversary of the beginning of her important and ground breaking work in Tanzania, Africa. Dr. Goodall is an inspiring, world-renowned primatologist, and the world's foremost expert on chimpanzees. We celebrate the educational significance of her research launched at the Gombe Stream Chimpanzee Reserve 50 years ago and her continued scientific research and her environmental conservation of chimpanzees and other primates, as well as her role as a role model for young men and women in the sciences.

In keeping with her childhood fascination of chimpanzees, Dr. Goodall began studying the Kasakela chimpanzee community at Gombe Stream in 1960. In part because she didn't come from traditional research training, Dr. Goodall remained open to new ideas in the field and new approaches in primatology and research.

Her pioneering observations of primate behavior forever changed our understanding of the similarities between humans and other animal species, especially those with complex social behaviors. In particular, Dr. Goodall observed that chimpanzees construct and use tools, develop unique and affectionate relationships with family members and individuals in a complex social structure, exhibit reasoned thought and a concept of self, and occasionally eat food outside of a vegetarian diet.

A few years after her initial research, Dr. Goodall published a collection of articles and books that today remain the foundational scientific works of chimpanzee and wildlife studies. Her works, like the "Chimpanzees of Gombe: Patterns of Behavior," and "Through a Window: 30 Years Observing the Gombe Chimpanzees," detailed the range of behaviors that make up most of modern chimpanzee natural

history, and they remain critical references for present-day students, researchers, and scientists. Dr. Goodall's research and publications also help inform the mission of the Jane Goodall Institute, which empowers individuals to improve the habitats of all living things through research, training, and increased awareness of animals, communities, and their environments.

Her efforts in education, including the Roots and Shoots program, which is available at elementary through secondary school levels to students across the world, has helped instill environmental learning and a whole new generation of future civic, scientific, and business leaders.

Dr. Jane Goodall was an inspiration to my own sister Jordana who acted as Jane Goodall in her fifth grade biology fair when we were growing up and went on to a career in science inspired in part like many millions of other young women by the example of Dr. Jane Goodall and her high-profile role at a time when there were very few women in the research sciences.

Madam Speaker, I would like to express my strong support for House Resolution 1543, which honors the 50th anniversary of Dr. Jane Goodall's research on chimpanzee behavior and celebrates her incredibly important educational and scientific contributions to the field. I urge my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of the resolution before us, House Resolution 1543, honoring the educational significance of Dr. Jane Goodall's work on this, the 50th anniversary of the beginning of her work in Tanzania, Africa.

Dr. Goodall is one of the world's foremost authorities on chimpanzees, having closely observed their behavior for the past quarter century in the jungles of the Gombe Game Reserve in Africa, living in the chimps' environment and gaining their confidence. Her observations and discoveries are internationally heralded. Her research and writings have made revolutionary inroads into scientific thinking.

Dr. Goodall received her Ph.D. from Cambridge University in 1965. She's been the science director of the Gombe Stream Research Center since 1967. In 1984, Dr. Goodall received the J. Paul Getty Wildlife Conservation Prize for "helping millions of people understand the importance of wildlife conservation to life on this planet." Her other awards and international recognitions fill pages.

Dr. Goodall's scientific articles have appeared in many issues of National Geographic magazine. She has written scores of papers for internationally known scientific journals. Dr. Goodall has also written two books, "Wild

Chimpanzees" and "In the Shadow of Man."

Dr. Goodall has expanded her global outreach with the founding of the Jane Goodall Institute based in Ridgefield, Connecticut. She now teaches and encourages young people to appreciate the conservation of chimpanzees and of all creatures, great and small. She lectures, writes, teaches and continues her missions in many inventive ways, including the Chimpanzee Guardian Project.

Today, we honor Dr. Jane Goodall for the significant role that her research has played in recognizing the behavioral differences in humans and other animal species.

I support this resolution and ask my colleagues to do the same.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. POLIS. Madam Speaker, I once again would like to express my support for House Resolution 1543, which honors the 50th anniversary of Dr. Jane Goodall's research on chimpanzee behavior and celebrates her immense educational and scientific contributions to the field, as well as her life dedicated towards a sustainable future not only for humans but for all of the residents of our wonderful and fair planet.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in strong support of H. Res. 1543, "Honoring the educational significance of Dr. Jane Goodall's work on this the 50th anniversary of the beginning of her work in Tanzania, Africa."

Dr. Goodall once said: "Young people, when informed and empowered, when they realize that what they do truly makes a difference, can indeed change the world. They are changing it already." This is the creed in which Dr. Goodall has based her entire life's work. In May 1956, a friend of Dr. Goodall invited her to visit her farm in Kenya. She was so excited, she quit her job in London and moved back to Bournemouth so she could waitress and earn the fare she needed to get to Africa and back.

Dr. Goodall or "Jane," as she was known back then, was 23 years old at the time. Jane had a wonderful time seeing Africa but the single most important event of her time in Africa was meeting Dr. Louis Leakey, a famous anthropologist and paleontologist. Leakey hired Jane as his assistant and secretary at the Coryndon Museum and soon Jane and another young student were in the Olduvai Gorge digging up fossils with Dr. Leakey and his wife: anthropologist Mary Leakey.

Looking for someone to go to Tanzania and study the chimpanzees, Dr. Leakey found a willing assistant in Jane. Not much was known about wild chimpanzees at that time, Dr. Goodall figured that studying them would be a fascinating adventure.

With persistence, Dr. Jane developed a relationship with the chimpanzees and observed them doing things that only humans were thought to have done, such as creating tools to hunt for food and taking in orphan chimps

to raise as their own. She also discovered that chimps were not primarily vegetarians, as first believed. After these discoveries, National Geographic decided to sponsor Jane's work and sent a photographer and filmmaker. Eventually, Dr. Goodall wrote a number of journals and books to document her experiences. One of her books in particular, "In the Shadow of Man and Through a Window" gave a new outlook to chimpanzees of Tanzania to people all over the world.

In conclusion, I support H. Res. 1543 and commemorate the 50th year of the beginning of her groundbreaking research. Dr. Goodall has been a role model for youth of all ages, inspiring boys and girls alike to take action for people, animals, and the environment; and through her Jane Goodall Institute, Dr. Goodall established the Roots and Shoots global youth program which now has members in more than 110 countries. This resolution acknowledges the groundbreaking environmental education advancements by the Jane Goodall Institute's Roots and Shoots initiative on the 50th anniversary of the beginning of Dr. Jane Goodall's research, as well as the role that her research played in understanding both the natural and human world. It also recognizes the adventurous spirit of Dr. Goodall and the way she inspired children around the world explore this world and all its wonder.

Mr. POLIS. I urge my colleagues to join me in supporting this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 1543.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POLIS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATING UNIVERSITY OF DAYTON MEN'S BASKETBALL TEAM

Mr. POLIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1456) congratulating the University of Dayton men's basketball team for winning the 2010 National Invitation Tournament basketball championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1456

Whereas, on April 1, 2010, the University of Dayton Flyers men's basketball team won its third National Invitation Tournament basketball championship in school history;

Whereas the University of Dayton Flyers men's basketball team won their first Na-

tional Invitation Tournament basketball championship in 1962, and their second in 1968;

Whereas the University of Dayton Flyers men's basketball team has 40 all-time victories in the National Invitation Tournament, second only to St. John's University in Queens, New York;

Whereas the University of Dayton Flyers men's basketball team has three regular season conference championships and one conference tournament championship since joining the Atlantic 10 Conference in 1995;

Whereas in addition to their success on the court, the University of Dayton men's basketball team upholds a high standard of academic excellence, achieving an overall graduation success rate of 100 percent every year since Brian Gregory was named head coach in 2003;

Whereas the University of Dayton Flyers men's basketball team won the championship game by defeating the 2009 NCAA Tournament National Champion University of North Carolina Tar Heels 79 to 68;

Whereas the roster of the championship Flyer team included Mickey Perry, London Warren, Rob Lowery, Chris Johnson, Dan Fox, Josh Parker, Paul Williams, Luke Fabrizio, Luke Hendrick, Logan Nourse, Marcus Johnson, Chris Wright, Devin Searcy, Matt Kavanaugh, Peter Zestermann, Kurt Huelsman, and Josh Benson;

Whereas head coach Brian Gregory and his coaching staff, including assistant coaches Billy Schmidt, Jon Borovich, and Cornell Mann, director of basketball operations Matt Farrell, strength and conditioning coach Mike Bewley, and athletic trainer Nate Seymour deserve tremendous credit for their outstanding determination and accomplishments; and

Whereas the students, alumni, administration, faculty, and supporters of the University of Dayton are to be congratulated for their loyalty and pride in their championship caliber basketball team: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the University of Dayton men's basketball team for winning the 2010 National Invitation Tournament Division I men's basketball championship; and

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the Flyers' victory.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1456 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1456, which congratulates the University of Dayton men's basketball team for winning the

2010 National Invitation Tournament Basketball Championship. The N.I.T. is the oldest tournament in college basketball. Started in 1938, it was the first postseason collegiate basketball tournament to be played in the country, 1 year before the NCAA.

The Dayton Flyers claimed victory over last year's champs, the University of North Carolina Tar Heels, with a 79-68 win that Thursday night at Madison Square Garden in New York City. It was the Flyers' first N.I.T. title in 42 years and their third in University of Dayton's history. Additionally, this was Dayton's 22nd appearance in the N.I.T., second only to St. John's at 27.

This Dayton men's basketball season marked Head Coach Brian Gregory's seventh season with the Flyers. He led the team to the 2004 NCAA tournament and the 2009 NCAA tournament as well as the 2008 N.I.T.

Dayton players showed excellent offense against the Tar Heels. Reserve guard Paul Williams scored 16 points for Dayton, while Chris Wright and Chris Johnson both had 14 points for the Flyers. With a strong lineup, Dayton beat four teams from major conferences en route to the championship.

I also want to congratulate the Flyers for their excellence off the court. The Dayton team had a 100 percent graduation rate in 2010, a rate they have maintained every year since Brian Gregory was named head coach in 2003. I join the students, alumni, faculty, and staff at the University of Dayton in celebrating these impressive student-athletes.

Madam Speaker, I once again congratulate the Dayton Flyers on winning the 2010 National Invitation Tournament, and I thank Representative TURNER for bringing this resolution forward.

I reserve the balance of my time.

□ 1600

Mr. PETRI. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1456, congratulating the University of Dayton's men's basketball team for winning the 2010 National Invitation Tournament basketball championship.

On April 1, 2010, the University of Dayton Flyers defeated the University of North Carolina Tarheels 79-68 in the finals of the National Invitation Men's Basketball Tournament. The Flyers men's basketball team now holds 40 all-time victories in the National Invitation Tournament, or NIT, the second-most victories in tournament history.

Flyers Coach Brian Gregory led the team to victory in his seventh season as Dayton's head coach, every season of which has been a winning season. Head Coach Brian Gregory has also led the team to two NCAA tournaments and two National Invitation Tournaments.

Flyers player Chris Johnson earned the 2010 NIT most outstanding player, and Marcos Johnson was selected to the NIT All-Tournament team. The Dayton Flyers finished the 2009-2010 season with 29 wins and 14 losses, ending the season with the team's third NIT title.

Although we are celebrating the University of Dayton's athletic excellence, we should take a moment to recognize the quality of the University of Dayton's academic programs as well. The University of Dayton is a top-tier national doctoral-level university, and one of the 10 best Catholic universities in the Nation, according to U.S. News & World Report.

Founded in 1850, the University of Dayton's offerings include 70 high-quality undergraduate programs in four divisions and graduate programs at the master's and doctoral level, as well as a law degree. The largest private university in Ohio, the University of Dayton, is a leader in higher education. So I extend my congratulations to University of Dayton President Daniel Curran, Head Coach Brian Gregory and his staff, the hardworking players, and of course the fans. I wish all continued success and ask my colleagues to support this resolution.

Madam Speaker, I yield such time as he may consume to the author of the resolution, a representative of Dayton and surrounding areas in Ohio, MIKE TURNER.

Mr. TURNER. Madam Speaker, I rise today in strong support of House Resolution 1456, congratulating the University of Dayton men's basketball team for winning the 2010 National Invitation Tournament basketball championship.

This past season, the Dayton Flyers men's basketball team won its third NIT championship in school history. The team won the championship on April 1, defeating the 2009 NCAA Tournament national champion North Carolina Tarheels 79-68. The University of Dayton men's basketball team is second in all-time wins in the NIT with 40.

In addition to their success off the court, as has been stated, the University of Dayton academically is also very successful with its student athletes. The men's basketball team upholds a high standard of academic excellence. The program has graduated every senior student athlete since Brian Gregory was named head coach in 2003, including seven players this season. But in addition, UD graduated 96 percent of all its student athletes in 2008, the most of any Atlantic 10 Conference school, and it tied for 10th in the Nation.

In 2006, the Savior of Our Cities national survey of community revitalization ranked the University of Dayton number one among Catholic universities and number three overall in helping save America's cities from blight. They are very active in our community

revitalization. The University of Dayton is also a center of research excellence, with UDRI being a major contributor to research that affects our national security.

Not only does the men's basketball program serve as a significant aspect of campus life, it also plays a major role in bringing people from the surrounding area into the city. The Flyers men's basketball team has been one of the biggest sports attractions in the Dayton area for years. Since UD Arena opened in 1969, Dayton has been in the NCAA's top 35 in home attendance every season. This past season, the Flyers led the Atlantic 10 Conference in attendance for its 13th straight season.

The University of Dayton is one of the 10 largest Catholic schools in the United States and is the largest of the three Marianist universities in the Nation. The students, alumni, administration, faculty, and supporters of the University of Dayton are to be congratulated for their loyalty and pride in their championship-caliber basketball team.

I would like to thank my Ohio colleagues, all of whom are original cosponsors of this resolution. As a proud alumnus of the University of Dayton MBA program, I urge all of my colleagues to support this resolution congratulating the University of Dayton's men's basketball team on their successful season.

Mr. PETRI. Madam Speaker, I yield back the balance of my time.

Mr. POLIS. Once again, I congratulate the Dayton Flyers on winning the 2010 NIT tournament, and I thank Representative TURNER for bringing this resolution forward.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 1456.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING ARTS IN EDUCATION WEEK

Mr. POLIS. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 275) expressing support for designation of the week beginning on the second Sunday of September as Arts in Education Week, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 275

Whereas arts education, comprising a rich array of disciplines including dance, music,

theatre, media arts, literature, design, and visual arts, is a core academic subject and an essential element of a complete and balanced education for all students;

Whereas according to Albert Einstein, "After a certain high level of technical skill is achieved, science and art tend to coalesce in esthetics, plasticity, and form. The greatest scientists are artists as well.";

Whereas arts education enables students to develop critical thinking and problem solving skills, imagination and creativity, discipline, alternative ways to communicate and express ideas, and cross-cultural understanding, which supports academic success across the curriculum as well as personal growth outside the classroom;

Whereas the nonprofit arts sector contributes to the economy and plays an important role in the economic health of communities large and small with direct expenditures of wages and benefits as well as goods and services;

Whereas to succeed in today's economy, students must masterfully use words, images, sounds, and movement to communicate;

Whereas as the Nation works to strengthen its foothold in the 21st century global economy, the arts equip students with a creative, competitive edge;

Whereas where schools and communities are delivering high-quality learning opportunities in, through, and about the arts for children, extraordinary results occur;

Whereas studies have shown that schools with large populations of students in poverty can be transformed into vibrant hubs of learning through arts education;

Whereas studies have also found that eighth graders from underresourced environments who are highly involved in the arts have better grades, less likelihood of dropping out by grade ten, have more positive attitudes about school, and are more likely to go onto college;

Whereas attracting and retaining the best teachers is vital and can be achieved by ensuring that schools embrace the arts, becoming havens for creativity and innovation;

Whereas arts education has the power to make students want to learn not just within the arts, but other areas of study;

Whereas art is integral to the lives of many United States citizens and can improve the vitality of communities and the Nation; and

Whereas the week beginning on the second Sunday of September would be an appropriate week to designate as Arts in Education Week: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the designation of Arts in Education Week;

(2) calls on governors, mayors, and other elected officials from across the United States to issue proclamations to raise awareness of the value and importance of arts in education; and

(3) encourages the President to issue a proclamation encouraging the people of the United States to observe such week with appropriate activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Concurrent Resolution 275 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Concurrent Resolution 275, which expresses support for designating the week beginning on the second Sunday of September as Arts in Education Week.

The arts serve a critical role in the advancement of our students' education, creativity, and intellectual development. A well-rounded education that includes arts education is extremely important in our schools and communities, helping students think creatively and critically. When students leave the classroom, they use their understanding of dance, music, theater, literature, design, and visual arts to communicate in new ways, to build intellectual capital, to express themselves within and across cultures and mediums. The arts also add a new dimension of thinking to social and hard scientists, in keeping with Albert Einstein's assertion that "the greatest scientists are artists as well."

Arts education has a positive effect on students' academic careers. Many studies have shown that students participating in visual and performing arts had better grades and a lower likelihood of dropping out. Students who participate in arts programs are at least three times more likely to be recognized for academic achievement, elected to class office within their schools, participate in a math and science fair, win an award for school attendance, or win an award for writing an essay or a poem. These students also maintain more positive attitudes about school and are more likely to go on to college. And yet, despite the proven benefits of arts education, the 2008 National Assessment of Educational Progress, the NAEP result, found that only 58 percent of eighth-graders attended schools where music instruction was offered at least three times a week, and only 47 percent attended schools where visual arts were offered more than three times a week.

Arts in Education Week helps us highlight the importance of giving our students expanded opportunities to participate in the visual and performing arts in school. I took advantage of those opportunities growing up myself, participating in several school plays, and throughout lower school, in elementary school, in a music program. I know that I take many of those lessons today that have helped make me a

better rounded person and a more effective representative in Congress for the people of Colorado.

□ 1610

I strongly encourage my colleagues to join Representative SPEIER, the sponsor of this bill, in supporting Arts in Education Week.

I reserve the balance of my time.

Mr. PETRI. I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Concurrent Resolution 275, expressing support for designation of the week beginning on the second Sunday of September as Arts in Education Week.

Arts in Education Week highlights the benefits of exposing students to the arts, and it recognizes that arts can play a role in educating youth. Many localities have rich art communities. Exposing youth to the museums, artists, and workers of art within these communities can help to provide cultural experiences, foster creativity, and support classroom learning about the arts.

Many States and communities are taking efforts to ensure students are exposed to the arts. Most States, specifically 43 States, require schools to provide art instruction, and many schools have integrated art education into their other areas of study. Many instructors in schools take advantage of the local art industry by introducing students to the various points of access to the arts within their communities.

Parents play a vital role in exposing youth to the arts as well. Weekend trips to a local art museum or a night out to see a local play are just two examples of ways in which parents can educate their children about and ensure their children's participation in the arts.

I urge my colleagues to support this resolution.

I have no further requests for time, and I yield back the balance of my time.

Mr. POLIS. Madam Speaker, it is my honor to yield such time as he may consume to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Madam Speaker, as the gentlewoman from California is not here yet, who is the primary sponsor of this legislation, I rise in support of House Concurrent Resolution 275.

I want to commend both Mr. POLIS and Mr. PETRI for their very succinct words.

I know firsthand the benefits that our children receive from a robust arts education program, whether it is music, theater, visual arts, photography, poetry, or dance. This is not simply an outlet. This is part and parcel of the essential features of what a good education is all about. Unfortunately, the current state of the economy has now put these classes and the

further enrichment of our students at risk, and I would ask us to address this issue.

What is the first to be cut? Go right across the Nation. Arts, libraries and sports—the things our kids love best. Arts are not just sought to get away from things. Arts are part of their lives. They enrich them. They contribute to one's total being when one has an appreciation of the arts.

I taught an arts course, History through the Arts. They were mostly students who could care less about American history; so I had to find a way to get to them. I taught the course by going through all of those fine arts I just talked about. I asked them to learn about our Nation through different periods of time through the artwork, the poetry and the music of that individual time, not unlike what we would do when studying the Renaissance.

This is particularly evident in New Jersey. The city of my district, West Orange, has announced its intentions to cut its music and arts departments in addition to laying off almost 90 staff members in order to reduce its budget. It is forced to do that. Yet we take no action. Last year, in the stimulus package, we saved a lot of jobs, necessary jobs. This year, we are reluctant to do that. We are frightened. The word "deficit" is in all capital letters. Yet for 8 years we saw this accumulate and accumulate and said nothing.

In my town of Paterson, where I grew up and still live, 50 music teachers and 38 art teachers got their pink slips. John F. Kennedy High School in Paterson performed just its second spring musical in 30 years in April. Talk about austerity. Due to the cuts, it could be another 30 years. I'm not exaggerating. These are the numbers. You can't make this stuff up.

Before this crisis a 2007 study found out more than 75,000 students in New Jersey have been attending school every day with no arts education. If we want to encourage arts in education, then we can't talk out of both sides of our mouths. So it is nice to recognize the arts in a week, a month, a year. That's fine. That's great. If we were to fire all the arts teachers, what would that be like?

It looks like the Senate has decided to strip the \$10 billion that this House voted for to keep our teachers in their classrooms. I don't know what is happening at the other end of the building. By failing to provide our children with opportunities to supplement their classes, we are robbing them of a complete education. We must consider the arts, which enrich our lives, the lives of our youth, which spark a life-long love and passion for creativity, not as a secondary priority in our educational system but as an essential pillar of its foundation.

So I urge the support of H. Con. Res. 275, which expresses the support for the

designation of this week beginning on the second Sunday of September, and I urge the Senate to keep up with the House on some issues at least.

Mr. POLIS. Madam Speaker, once again, I want to thank Representative SPEIER of California for introducing this concurrent resolution, and I, once again, express my strong support for designating the week beginning on the second Sunday of September as Arts in Education Week.

I urge my colleagues to join me in supporting this resolution of arts in education.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 275, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING SPIRIT OF '45 DAY

Ms. NORTON. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 226) supporting the observance of "Spirit of '45 Day".

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 226

Whereas on August 14, 1945, the people of the United States received word of the end of World War II;

Whereas on that day, people in the United States and around the world greeted the news of the Allies' noble victory with joyous celebration, humility, and spiritual reflection;

Whereas the victory marked the culmination of an unprecedented national effort that defeated the forces of aggression, brought freedom to subjugated nations, and ended the horrors of the Holocaust;

Whereas these historic accomplishments were achieved through the collective service and personal sacrifice of the people of the United States, both those who served in uniform and those who supported them on the home front;

Whereas more than 400,000 Americans gave their lives in service to their country during World War II;

Whereas, August 14, 1945, marked not only the end of the war, but also the beginning of an unprecedented era of rebuilding in which the United States led the effort to restore the shattered nations of the Allies and their enemies alike and to create institutions to work towards a more peaceful global community;

Whereas the men and women of the World War II generation created an array of organizations and institutions during the postwar era which helped to strengthen American democracy by promoting civic engagement, volunteerism, and service to community and country;

Whereas the courage, dedication, self-sacrifice, and compassion of the World War II generation have inspired subsequent generations in the United States Armed Forces, including the men and women currently in service in Iraq, Afghanistan, and around the world;

Whereas the entire World War II generation, military and civilian alike, has provided a model of unity and community that serves as a source of inspiration for current and future generations of Americans to come together to work for the continued betterment of the United States and the world; and

Whereas the second Sunday in August has been proposed as "Spirit of '45 Day" to commemorate the anniversary of the end of World War II on August 14, 1945: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress supports the observance of "Spirit of '45 Day".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Alabama (Mr. BONNER) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia? There was no objection.

Ms. NORTON. I yield myself such time as I may consume.

Madam Speaker, on behalf of the Committee on Oversight and Government Reform, I present House Concurrent Resolution 226 for consideration, supporting the observance of Spirit of '45 Day to commemorate the anniversary of the end of World War II on August 14, 1945.

□ 1620

H. Con. Res. 226 was introduced by our colleague, Representative FILNER of California, in January 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent in July. H. Con. Res. 226 enjoys the strong bipartisan support of over 70 cosponsors.

Madam Speaker, communities across the country will commemorate the 65th anniversary of the end of World War II on August 14 by establishing an annual day of remembrance in honor of the legacy of the men and women of America's so-called "Greatest Generation."

August 14, 1945, is a day that changed history. It marked the end of World War II and ushered in a new era of peace, prosperity and unity made possible by the heroic efforts of men and women who risked their freedom to give us ours.

The goal of this resolution is to inspire a renewed sense of community and national unity in our country by

establishing a day when America will stop to reflect on the achievements of the men and women who endured the Great Depression, preserved freedom and democracy in the most devastating war in history, and then went on to rebuild their shattered world. Their example of courage, self-sacrifice and commitment to community can inspire a renewed sense of national unity at a time when our country must again come together to meet common challenges.

Spirit of '45 Day will engage young and old in a shared, intergenerational project that will preserve forever an important part of the Nation's history and heritage, while reinvigorating an awareness of the importance of coming together as a community, honoring service to others, and creating a sense of national unity at a time when our Nation is facing major challenges once again.

Madam Speaker, this year marks the 65th anniversary of the end of World War II. And it may be one of the last times Americans can say thank you to our "Greatest Generation" for their legacy of service. Let us now honor them and encourage others to follow their example through the passage of H. Con. Res. 226.

Madam Speaker, I reserve the balance of my time.

Mr. BONNER. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Concurrent Resolution 226, supporting the observance of Spirit of '45 Day.

Madam Speaker, August 14, 2010, marks the 65th anniversary of the end of World War II. It was on this day in 1945 that the Japanese informed the United States that they had agreed to the terms of the surrender agreement, and after some six horrific years, the Second World War was over.

The Allied victory marked the culmination of an unparalleled national effort that defeated the Axis Powers, liberated oppressed nations, and ended the horrors of the Holocaust. The victory was achieved by the collective service and individual sacrifice of the people of the United States, both those who served on the front lines overseas, as well as those who supported them here at home.

Japan's surrender came some 3 years and 8 months after the bombings at Pearl Harbor, and marked the beginning of an unprecedented era of global rebuilding. The United States was the leader in this effort to not only rebuild the war-ravaged nations of our allies, but of our enemies as well.

Madam Speaker, during World War II, more than 400,000 Americans lost their lives in the ultimate act of sacrifice to our great Nation. The men and women who were fortunate enough to survive and served so bravely, both on the home front and overseas, make up

a generation that many Americans consider the "Greatest Generation," a generation that has and continues to dedicate themselves to service and sacrifice to their communities and to our great country. This generation has promoted civic engagement and created numerous organizations and institutions in the post-war years that have truly made America and the world a better place.

Today, the sacrifice, courage and dedication of those who served during World War II still inspires those who wear the uniform and defend our Nation each and every day. The men and women in our Armed Forces who fight for our freedoms every day in Iraq, Afghanistan and all over the world are the children and grandchildren of those who gave so much in World War II. Undoubtedly, today's soldiers have been influenced and motivated by those who served during the great World War.

Madam Speaker, as we move further away from this historic anniversary, and with many of this generation passing away on a daily basis, it is so easy to forget both the sacrifices that this generation made during the war, and what they did after the war. America's victory catapulted our Nation to become the predominant world superpower, and allowed the children, grandchildren and great-grandchildren of this generation to grow up in a more prosperous and safe country.

Like my colleagues and all Americans, I am truly thankful for the sacrifices endured by so many during the war and after August 14, 1945. And on the second Sunday in August, the proposed Spirit of '45 Day, I urge each and every American to reflect on the importance of this day and what it means to our country.

Madam Speaker, I strongly support this resolution and urge all Members to join me in supporting H. Con. Res. 226. I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. FILNER), the author of the resolution.

Mr. FILNER. Madam Speaker, as the chairman of the House Veterans' Affairs Committee, I ask all my colleagues to support H. Con. Res. 226, to honor our great heroes of the Second World War.

We all know that this was the war that was carried out by the "Greatest Generation." And the Spirit of '45 Memorial Day is to set aside for us and our children and our grandchildren and their children to think about the courage and the heroism and of course the victory of the troops who fought on the Allied side in the Second World War.

This day of remembrance was celebrated several months ago in San Diego on the aircraft carrier *Midway*, which is stationed as both a learning environment and as a tourist attraction in the San Diego harbor.

One of the great spirits of that day was the nurse, Edith Shain, who was the one who was pictured on the iconic Life Magazine cover of the sailor coming home and kissing the nurse that we all remember as emblematic of the joyous spirit at the end of the war. Edith would go around the country talking about our great heroes. Unfortunately, before we could pass this bill today, she passed away at the age of 91 a few weeks ago.

So in her spirit, and in the spirit of all of those incredible people of the "Greatest Generation," we offer this resolution so our country can always remember their bravery and courage.

I rise in support of this resolution: H. Con. Res. 226 which supports the Spirit of '45, a year-long national campaign to raise public awareness of the 65th anniversary of the end of World War II and the Spirit of '45 Day.

1945 was a defining year in the last century. Even after victory in Europe, our nation still faced many hard-fought battles in the Pacific and the decision to drop the atomic bomb. In August of that year, Japan surrendered, the war was over, and America joined the world to begin the work of peace.

The United States started with the job of rebuilding allies and former enemies alike, leading the effort to form the United Nations, and helping millions of returning veterans begin their civilian lives with the G.I. Bill.

This resolution calls on Congress to support the observance of the "Spirit of '45 Day." A national day of observance is planned for the second Sunday in August to ensure that future generations remember the inspiring courage, sacrifice, and service of what has been called the "greatest generation."

To raise awareness about this 65th anniversary, the Spirit of '45 has encouraged communities across the nation to hold commemorative events on August 14 of this year to honor the legacy of the World War II generation whose members are rapidly passing into history. Everyone is asked to collect first-hand memories of those who experienced August 14, 1945, memories that will be preserved on a web site and shared with schools, libraries, museums, memorials and the public as a permanent reminder of a time when people came together to face common challenges as a united country. Many of the memories can also be provided to the Veterans History Project of the Library of Congress.

We officially kicked off this year's activities at a reunion of World War II veterans on the USS *Midway* in San Diego, on January 18. We were joined by families, students, active duty military personnel, and veterans of WWII and other conflicts.

Also joining us at that momentous event was Edith Shaht, the nurse who was photographed being kissed by a joyous sailor in Times Square on August 14, 1945. This photograph became an iconic reminder of the joy and enthusiasm felt by an entire generation who had sacrificed to bring an end to WWII, and who would take that same energy and devotion to rebuild in the war's aftermath.

Edith was a devoted spokesperson for the Spirit of '45, and I am sad to say that Edith recently passed away on June 20, 2010, at the

age of 91. Although Edith is not here today to join us as we pass this resolution, I am pleased to know that by honoring the Spirit of '45 we are honoring the devotion of Edith Shain and millions of others like her whose dedication and actions changed the world.

The Spirit of '45 campaign focuses on how to assure that our "latest generation" of veteran gets the kind of welcome home as did their forefathers of the World War II generation, through education and training under the newly-passed "Post 9/11 G.I. Bill," employment opportunities, and ensuring they receive the care and support to reconnect with their families and communities.

I urge my colleagues to join me in supporting the legacy and ideals of the Spirit of '45 by supporting this resolution.

Mr. PETRI. Madam Speaker, I rise today in support of H. Con. Res. 226, to commemorate the end of World War II by observing "Spirit of '45 Day." On August 14, 1945, the people of the United States received word of the long awaited end of the war. While there was celebration, there also was recognition of the 400,000 Americans who gave their lives to this effort.

This day marks the gratitude we have for our veterans, their families, and their sacrifice. We reflect on the beginning of a new era following the war, and the rebuilding of nations with the common goal of developing and maintaining a more peaceful global community. We celebrate the strengthening of American democracy, freedom and service to community and country. We are proud of the unprecedented national effort to defeat forces of aggression.

The achievements of the past continue to be relevant today. The World War II generation, often referred to as the Greatest Generation, is a model of courage and determination that serves as a source of inspiration not only for the men and women serving in Iraq, Afghanistan and around the world, but for civilians as well. It is important we recognize and honor their dedication and self-sacrifice.

That is why as we approach the 65th anniversary of the end of World War II, I proudly support the observance of the second Sunday in August as "Spirit of '45 Day" to commemorate the end of World War II on August 14, 1945.

Mr. BONNER. Madam Speaker, I have no further speakers. I urge all Members to support passage.

I yield back the balance of my time.

Ms. NORTON. Madam Speaker, I strongly urge my colleagues to join me in supporting the observance of the Spirit of '45 Day.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 226.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1630

RECOGNIZING 50TH ANNIVERSARY OF "TO KILL A MOCKINGBIRD"

Ms. NORTON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1525) honoring the 50th anniversary of the publication of "To Kill a Mockingbird", a classic American novel authored by Nelle Harper Lee of Monroeville, Alabama.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1525

Whereas Nelle Harper Lee was born on April 28, 1926, to Amasa Coleman Lee and Frances Finch in Monroeville, Alabama;

Whereas Nelle Harper Lee wrote the novel "To Kill a Mockingbird" portraying life in the 1930s in the fictional small southern town of Maycomb, Alabama, which was modeled on Ms. Lee's hometown of Monroeville, Alabama;

Whereas "To Kill a Mockingbird" addressed the issue of racial inequality in the United States by revealing the humanity of a community grappling with moral conflict;

Whereas "To Kill a Mockingbird" was first published in 1960 and was awarded the Pulitzer Prize in 1961;

Whereas "To Kill a Mockingbird" was the basis for the 1962 Oscar-winning film of the same name starring Gregory Peck;

Whereas "To Kill a Mockingbird" is one of the great American novels of the 20th century, having been published in more than 40 languages and having sold over 30 million copies;

Whereas in 2007, Nelle Harper Lee was inducted into the American Academy of Arts and Letters;

Whereas in 2007, President George W. Bush awarded the Presidential Medal of Freedom to Nelle Harper Lee for her great contributions to literature and observed "To Kill a Mockingbird" has influenced the character of our country for the better" and "As a model of good writing and humane sensibility, this book will be read and studied forever"; and

Whereas "To Kill a Mockingbird" is celebrated each year in Monroeville, Alabama, through annual public performances featuring local amateur actors: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the historic milestone of the 50th anniversary of the publication of "To Kill a Mockingbird"; and

(2) honors Nelle Harper Lee for her outstanding achievement in the field of American literature in authoring "To Kill a Mockingbird".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Alabama (Mr. BONNER) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

Ms. NORTON. Madam Speaker, on behalf of the Committee on Oversight and Government Reform, I am pleased to present H. Res. 1525 for consideration. This measure honors the 50th anniversary of the publication of "To Kill a Mockingbird."

H. Res. 1525 was introduced by our colleague, Representative JO BONNER of

Alabama, on July 15, 2010. It was referred to the Committee on Oversight and Government Reform, which waived consideration of the measure in order to expedite its consideration on the floor today. It enjoys the bipartisan support of over 80 cosponsors.

Madam Speaker, "To Kill a Mockingbird" is one of the greatest works of 20th century American literature. The novel has sold over 30 million copies in its 50-year history and remains a staple in classrooms all over the country. For years, students have studied this coming-of-age tale, giving teachers the opportunity to facilitate frank discussions of its dark and challenging scenes.

The story deals with difficult issues of injustice and racial prejudice, but also provides an uplifting portrayal of courage, morality, and human decency. In particular, Atticus Finch continues to serve as a moral hero for many readers, as well as a model of integrity for the legal profession. Notably, in 1997, the Alabama State Bar erected a monument to the character in Harper Lee's hometown of Monroeville outside their historic Old Courthouse.

The novel is set in the 1930s, but it is closely associated with the civil rights movement, and some scholars believe some of the events and characters of the novel are based on events and figures from that very movement. The novel is a product of that period in our Nation's history in which we began to make serious progress addressing racial inequality and injustice. The hope, courage, and morality that the novel inspired during the civil rights movement helped motivate leaders to support it, bringing national attention to these difficult issues through the eyes of the narrator, a young child.

Harper Lee has won many awards for "To Kill a Mockingbird," including the Pulitzer Prize in 1961, after 41 weeks on the bestseller list. Lee was named to the National Council on the Arts by President Johnson in 1966, inducted into the Alabama Academy of Honor in 2001, received an honorary doctorate from the University of Notre Dame in 2006, and was awarded the Presidential Medal of Freedom by President Bush in 2007.

Her novel's impact on the world will be felt for generations to come as people around the country and around the world continue to read, study, and learn from the work.

Madam Speaker, let us now take the time to honor Harper Lee and her classic American novel through the passage of H. Res. 1525.

I urge my colleagues to join me in supporting H. Res. 1525, and I reserve the balance of my time.

Mr. BONNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank my colleague from the District of Columbia

for her assistance today as well, as we bring this American classic to the floor of the House of Representatives.

On behalf of my colleagues in the Alabama delegation, Mr. ADERHOLT, Mr. BACHUS, Mr. BRIGHT, Mr. DAVIS, Dr. GRIFFITH, and Mr. ROGERS—as well as our two United States Senators from Alabama, Senator SHELBY and Senator SESSIONS—I am extremely proud to rise today in support of House Resolution 1525, honoring the 50th anniversary of the publication of a truly great American novel, “To Kill a Mockingbird.”

It was 50 years ago this month when Nelle Harper Lee of Monroeville penned what is today considered one of the most beloved American stories of all time.

Before I speak further about Ms. Lee and her masterpiece, however, I’d like to take just a minute to thank Chairman TOWNS and Ranking Member ISSA of the Oversight and Government Reform Committee and their staffs for working with my staff and me to get this resolution brought to the House floor before Congress breaks for the August district work period. If approved, I hope to present a copy of this resolution to the people of Monroe County when I return home later this week.

I would also like to thank the Speaker of the House, the majority leader, and the majority whip, Mr. HOYER and Mr. CLYBURN, as well as the minority leader, Mr. BOEHNER, and minority whip, Mr. CANTOR, not to mention all of the other Members of Congress who have cosponsored this resolution, for their encouragement and support in finding an appropriate way to honor Ms. Lee, her family, as well as the wonderful people of Monroeville, Alabama, a town of approximately 7,000 people, which I am proud to say I represent in Alabama’s First Congressional District.

Without a doubt, the people of Monroeville and Monroe County all join with me and this body as we will celebrate this proud moment. For as people all across America know, Monroeville provided the real-life setting for the fictional town of Maycomb, where the story of “To Kill a Mockingbird” comes to life.

Madam Speaker, I am pleased to offer this resolution, which also honors the remarkable achievements of a Pulitzer Prize-winning south Alabama author, whose words have not only inspired generations, but in a very real way have helped to change our Nation and the world for the better.

Born on April 28, 1926, to A.C. and Frances Finch Lee, Nelle Harper completed her first and only novel in 1960. In fact, it appeared for the very first time on July 11 of that year. Upon its publication, Nelle, as she is affectionately known to her family and close friends, reportedly remarked that she hoped that her book would win some

encouragement for what was a budding writing career. Fifty years later, it is safe to say that her hopes have been more than realized.

In many ways, Harper Lee could not have foreseen that her brilliantly worded prose would one day become a literary beacon for equality and justice, not to mention an inspiration for the advancement of civil rights all across our land. Not only would “To Kill a Mockingbird” become one of the great books of the 20th century, but the 1962 movie version, starring Gregory Peck, has been immortalized in celluloid. In fact, the courtroom interior shown in the movie is the exact replica of the interior of the Old Monroe County Courthouse, which people can visit today, and is part of the Monroe County Heritage Museum.

For her efforts, Ms. Lee’s book won the Pulitzer Prize for fiction in 1961. Today, as the gentle lady from the District of Columbia pointed out, “Mockingbird” has sold more than 30 million copies and has been published in more than 40 different languages.

In survey after survey asking which one book civilized people should read, “To Kill a Mockingbird” routinely finishes second only to the Holy Bible. And the movie, which premiered in 1962, won three Oscars, including best actor for Mr. Peck, who brought the character of Atticus Finch to life.

We know the characters as though they lived just down the street from us. There is Scout, Ms. Lee’s 6-year-old narrator, as well as her father, Atticus, who held every one of us with each word as he paced the courtroom floor while delivering his impassioned argument in defense of Tom Robinson. How many young lawyers today credit Atticus Finch with inspiring them to go into law? There is Scout’s older brother, Jem; their housekeeper, Calpurnia; their neighbor Dill; and, of course, Tom Robinson, the black man who was wrongly accused of rape.

□ 1640

Madam Speaker, this month as we celebrate the 50th anniversary of “To Kill a Mockingbird,” we also use this fitting occasion to honor the remarkable life of its author, Harper Lee.

The people of Monroeville have warmly embraced Miss Lee’s legacy by staging annual public performances of her famous book to the delight of audiences in Monroeville and throughout the south, as well as at the Kennedy Center in Washington, D.C.—not to mention standing-room only crowds in England and Israel.

In fact, just a few weeks ago, Monroeville hosted a special 50th anniversary tribute to Ms. Lee and her famous novel, attracting admiring fans from all across the country. A half century after the ink has dried on this first edition of “To Kill a Mockingbird,” its pages still call to our better instincts

of decency and fairness to our fellow man, while reminding us that prejudice, though too common, must continue to be confronted.

On a personal note, I was honored to attend the 2007 White House ceremony during which Nelle Harper Lee was presented the Presidential Medal of Freedom—America’s highest civilian honor—by President George W. Bush. In presenting this award to Ms. Lee, the President noted “To Kill a Mockingbird” has influenced the character of our country for the better. It’s been a gift to the entire world. As a model of good writing and humane sensibility, this book will be read and studied forever. After the medal ceremony in the East Room and after a brief reception in the State Dining Room, I was truly touched as people stood literally the length of the White House—including some of the other recipients of the award ceremony that day—just for the opportunity to thank Ms. Lee for her gift to mankind.

And in a moment that I will truly never forget, I remember as the ceremony was winding down standing next to Ms. Lee in the foyer of the White House while the conductor of the President’s own, the United States Marine Band, led the orchestra in the musical score from the opening credits of the movie, “To Kill a Mockingbird,” by Elmer Bernstein.

There were few dry eyes in the White House that afternoon, and it was a fitting close to a spectacular day.

Madam Speaker, here on the 50th anniversary of “To Kill a Mockingbird,” the people of Monroeville, Monroe County, and all the people across Alabama could not be more proud of our favorite daughter and her lasting legacy.

To Miss Nelle, her sister Miss Alice, and the many others who helped inspire this story, America offers our warmest congratulations and love on this special occasion. And no doubt for the generation to come that will also be touched and inspired by this timeless story, we have a special word of thanks for the gift that has never stopped giving.

Madam Speaker, I urge all of the Members to support H. Res. 1525.

I reserve the balance of my time.

Ms. NORTON. Madam Speaker, one further word on this resolution.

I commend the gentleman from Alabama for coming forward with this resolution honoring Harper Lee, who is perhaps one of the most-esteemed constituents he or any before him have had in his home State. Harper Lee’s novel teaches us something about the American novel and indeed about fiction throughout human time: that fiction often tells us what history books cannot convey. This is what Harper Lee managed to do at a time when writing about her subject was anything but popular literature until she had

put it on paper, in which case, it rose out of her skill to be embraced by the American people and many across the world.

This book is very interesting because it is a product of a very distinct era in American history and life, and yet the novel continues to reverberate and inspire our very different era, an era revising itself from that era. Unadulterated racial prejudice of a kind described in this novel has abated. It certainly is no longer openly celebrated as it once was.

Yet, what Harper Lee writes about has left a mark so deep in American history that it will never be entirely erased. That's why the novel continues to speak to us. It's not that we believe anything like what she writes about is what we find in American courtrooms, even in the old South today. It is that it reminds us of the distance we have come and for many the distance we have to go.

Harper Lee, it is said over and over again, wrote this one great novel. My response is if you write this novel, you never need to write another single novel. You have said it perhaps all for yourself, and in many ways she said it all for that era in our country.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to express my support for House Resolution 1525, honoring the 50th anniversary of the publication of *To Kill A Mockingbird*, a classic American novel authored by Nelle Harper Lee of Monroeville, Alabama. I would also like to commend my colleague, Representative JO BONNER and all of the cosponsors of this legislation. Your support for H. Res. 1525 ensures that our nation continues to recognize the importance of this landmark novel which examines both race relations and the human condition in the United States.

In 1960 Nelle Harper Lee published *To Kill A Mockingbird*, a novel that would soon transform the character of our nation and play a major influence in the discussion of race relations. Her novel focused on a small, rural Alabama town riveted by prejudice. Her novel served as a commentary on the tense and unequal relations between blacks and whites in the South. As a Representative for the state of Georgia I am constantly aware of the history of the state that I represent. I recognize that prior to the Civil Rights Movement the conditions in my district were similar to those described in Harper Lee's novel. I also recognize that her novel served as a catalyst for the national conversation on racial injustice during the Civil Rights Movement.

Harper Lee produced a controversial novel during the height of racial tension in the 1960s, and for that she deserves to be commended and her work should be forever praised, studied, and read by all. In 2007, President George W. Bush awarded the Presidential Medal of Freedom to Nelle Harper Lee for her great contributions to literature and observed the positive influence her work has had on the character of our country. The novel was also proclaimed as a model of good writing and human sensibility.

Madam Speaker, on the 50th anniversary of *To Kill A Mockingbird* I urge all of my colleagues to support this resolution. The story is an American story and it deserves to be recognized. Today we honor the remarkable achievement of Nelle Harper Lee and her novel *To Kill A Mockingbird*.

Ms. RICHARDSON. Madam Speaker, I rise today in strong support of H. Res. 1525, which recognizes the 50th anniversary of the classic novel *To Kill a Mockingbird*, which was written by Nelle Harper Lee of Monroeville, Alabama. This novel has become an American classic and every year thousands of students across the country read it and grapple with the significant moral issues that it raises.

I thank Chairman TOWNS for his leadership in bringing this bill to the floor. I would also like to thank Congressman BONNER for introducing this important measure.

Growing up in Monroeville, Alabama, Harper Lee was no stranger to the racial injustice of the American South in the first half of the 20th Century. In 1960, she decided to publish a novel channeling the racial climate she experienced during her youth. This novel, *To Kill a Mockingbird*, is considered one of the greatest American novels of our time. Its depiction of racial inequality as seen through the eyes of a child offers a unique and insightful view of American race relations in the segregated South.

Madam Speaker, when I was growing up, students across the country read *To Kill a Mockingbird* in high school. While discussing the novel with one of my interns, Britni Hamilton, I learned that she read the novel as early as middle school. I guess such a classic novel that raises such important issues about the social and moral character of our nation cannot wait until high school any longer. In any case, I am pleased that all the young people in our nation are exposed to the timeless moral lessons of *To Kill a Mockingbird*.

Madam Speaker, Harper Lee's novel is classic. In addition to winning a Pulitzer Prize, *To Kill a Mockingbird* has also earned Harper Lee induction into the American Academy of Arts and Letters as well as the Presidential Medal of Freedom. Since first being published in 1960, it has sold over 30 million copies. I am proud that our nation continues to cherish and appreciate this landmark literary achievement.

I urge my colleagues to join me in supporting this resolution.

Ms. NORTON. I ask the gentleman if he has any other speakers.

Mr. BONNER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. NORTON. Madam Speaker, I would again like to urge my colleagues to join me in honoring Harper Lee and her novel through the passage of H. Res. 1525.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 1525.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

FEDERAL ADVISORY COMMITTEE ACT AMENDMENTS OF 2010

Ms. NORTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1320) to amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Advisory Committee Act Amendments of 2010".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Ensuring independent advice and expertise.
- Sec. 3. Preventing efforts to circumvent the Federal Advisory Committee Act and public disclosure.
- Sec. 4. Increasing transparency of advisory committees.
- Sec. 5. Comptroller General review and reports.
- Sec. 6. Application of Federal Advisory Committee Act to Trade Advisory Committees.
- Sec. 7. Definitions.
- Sec. 8. Effective date.

SEC. 2. ENSURING INDEPENDENT ADVICE AND EXPERTISE.

(a) BAR ON POLITICAL LITMUS TESTS.—Section 9 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in the section heading by inserting "MEMBERSHIP;" after "ADVISORY COMMITTEES;"

(2) by redesignating subsections (b) and (c) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (a) the following:

"(b) APPOINTMENTS MADE WITHOUT REGARD TO POLITICAL AFFILIATION OR ACTIVITY.—All appointments to advisory committees shall be made without regard to political affiliation or political activity, unless required by Federal statute."

(b) MINIMIZING CONFLICTS OF INTEREST.—Section 9 of the Federal Advisory Committee Act (5 U.S.C. App.) is further amended by inserting after subsection (b) (as added by subsection (a)) the following:

"(c) PUBLIC NOMINATIONS OF COMMITTEE MEMBERS.—Prior to appointing members to an advisory committee, the head of an agency shall give interested persons an opportunity to suggest potential committee members. The agency shall include a request for comments in the Federal Register notice required under subsection (a) and provide a mechanism for interested persons to comment through the official website of the agency. The agency shall consider any comments submitted under this subsection in selecting the members of an advisory committee."

"(d) DESIGNATION OF COMMITTEE MEMBERS.—

“(1) An individual appointed to an advisory committee who is not a full-time or permanent part-time officer or employee of the Federal Government shall be designated as—

“(A) a special government employee, if the individual is providing advice based on the individual's expertise or experience; or

“(B) a representative, if the individual is representing the views of an entity or entities outside of the Federal Government.

“(2) An agency may not designate committee members as representatives to avoid subjecting them to Federal ethics rules and requirements.

“(3) The designated agency ethics official for each agency shall review the members of each advisory committee that reports to the agency to determine whether each member's designation is appropriate, and to redesignate members if appropriate. The designated agency ethics official shall certify to the head of the agency that such review has been made—

“(A) following the initial appointment of members; and

“(B) at the time a committee's charter is renewed, or, in the case of a committee with an indefinite charter, every 2 years.

“(4) The head of each agency shall inform each individual appointed to an advisory committee that reports to the agency whether the individual is appointed as a special government employee or as a representative. The agency head shall provide each committee member with an explanation of the differences between special government employees and representatives and a summary of applicable ethics requirements. The agency head, acting through the designated agency ethics official, shall obtain signed and dated written confirmation from each committee member that the member received and reviewed the information required by this paragraph.

“(5) The Director of the Office of Government Ethics shall provide guidance to agencies on what to include in the summary of ethics requirements required by paragraph (4).

“(6) The head of each agency shall, to the extent practicable, develop and implement strategies to minimize the need for written determinations under section 208(b)(1) of title 18, United States Code. Strategies may include such efforts as improving outreach efforts to potential committee members and seeking public input on potential committee members.”.

(c) REGULATIONS IMPLEMENTING FACA.—Section 7(c) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by inserting after “(c)” the following: “The Administrator shall promulgate regulations as necessary to implement this Act.”.

SEC. 3. PREVENTING EFFORTS TO CIRCUMVENT THE FEDERAL ADVISORY COMMITTEE ACT AND PUBLIC DISCLOSURE.

(a) DE FACTO MEMBERS.—Section 4 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by adding at the end the following:

“(d) TREATMENT OF INDIVIDUAL AS MEMBER.—An individual who is not a full-time or permanent part-time officer or employee of the Federal Government shall be regarded as a member of a committee if the individual regularly attends and fully participates in committee meetings as if the individual were a member, even if the individual does not have the right to vote or veto the advice or recommendations of the advisory committee.”.

(b) SUBCOMMITTEES.—Section 4 of the Federal Advisory Committee Act (5 U.S.C. App.)

is amended by striking subsection (a) and inserting the following:

“(a) APPLICATION.—The provisions of this Act or of any rule, order, or regulation promulgated under this Act shall apply to each advisory committee, including any subcommittee or subgroup thereof, except to the extent that any Act of Congress establishing any such advisory committee specifically provides otherwise. Any subcommittee or subgroup that reports to a parent committee established under section 9(a) is not required to comply with section 9(f). In this subsection, the term ‘subgroup’ includes any working group, task force, or other entity formed for the purpose of assisting the committee or any subcommittee of the committee in its work.”.

(c) COMMITTEES CREATED UNDER CONTRACT.—Section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended in the matter following subparagraph (C) by adding at the end the following: “An advisory committee is considered to be established by an agency, agencies, or the President if it is formed, created, or organized under contract, other transactional authority, cooperative agreement, grant, or otherwise at the request or direction of an agency, agencies, or the President.”.

(d) ADVISORY COMMITTEES CONTAINING SPECIAL GOVERNMENT EMPLOYEES.—Section 4 of the Federal Advisory Committee Act (5 U.S.C. App.) is further amended by adding at the end the following new subsection:

“(e) SPECIAL GOVERNMENT EMPLOYEES.—Committee members appointed as special government employees shall not be considered full-time or permanent part-time officers or employees of the Federal Government for purposes of determining the applicability of this Act under section 3(2).”.

SEC. 4. INCREASING TRANSPARENCY OF ADVISORY COMMITTEES.

(a) INFORMATION REQUIREMENT.—Section 11 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) by striking the section designation and heading and inserting the following:

“SEC. 11. DISCLOSURE OF INFORMATION.”;

(2) by redesignating subsection (a) as subsection (d) and in that subsection—

(A) by inserting the following subsection heading: “AVAILABILITY OF PAPER COPIES OF TRANSCRIPTS.—”; and

(B) by inserting after “duplication,” the following: “paper”;

(3) by striking “(b)” and inserting “(e) AGENCY PROCEEDING DEFINED.—”; and

(4) by inserting before subsection (d), as redesignated by paragraph (2), the following new subsections:

“(a) IN GENERAL.—With respect to each advisory committee, the head of the agency to which the advisory committee reports shall make publicly available in accordance with subsection (b) the following information:

“(1) The charter of the advisory committee.

“(2) A description of the process used to establish and appoint the members of the advisory committee, including the following:

“(A) The process for identifying prospective members.

“(B) The process of selecting members for balance of viewpoints or expertise.

“(C) The reason each member was appointed to the committee.

“(D) A justification of the need for representative members, if any.

“(3) A list of all current members, including, for each member, the following:

“(A) The name of any person or entity that nominated the member.

“(B) Whether the member is designated as a special government employee or a representative.

“(C) In the case of a representative, the individuals or entity whose viewpoint the member represents.

“(4) A list of all members designated as special government employees for whom written certifications were made under section 208(b) of title 18, United States Code, a copy of each such certification, a summary description of the conflict necessitating the certification, and the reason for granting the certification.

“(5) Any recusal agreement made by a member or any recusal known to the agency that occurs during the course of a meeting or other work of the committee.

“(6) A summary of the process used by the advisory committee for making decisions.

“(7) Transcripts or audio or video recordings of all meetings of the committee.

“(8) Any written determination by the President or the head of the agency to which the advisory committee reports, pursuant to section 10(d), to close a meeting or any portion of a meeting and the reasons for such determination.

“(9) Notices of future meetings of the committee.

“(10) Any additional information considered relevant by the head of the agency to which the advisory committee reports.

“(b) MANNER OF DISCLOSURE.—

“(1) Except as provided in paragraph (2), the head of an agency shall make the information required to be disclosed under this section available electronically on the official public internet site of the agency at least 15 calendar days before each meeting of an advisory committee. If the head of the agency determines that such timing is not practicable for any required information, he shall make the information available as soon as practicable but no later than 48 hours before the next meeting of the committee. An agency may withhold from disclosure any information that would be exempt from disclosure under section 552 of title 5, United States Code.

“(2) The head of an agency shall make available electronically, on the official public internet site of the agency, a transcript or audio or video recording of each advisory committee meeting as required by subsection (a)(6) not later than 30 calendar days after the meeting.

“(c) PROVISION OF INFORMATION BY ADMINISTRATOR OF GENERAL SERVICES.—The Administrator of General Services shall provide, on the official public internet site of the General Services Administration, electronic access to the information made available by each agency under this section.”.

(b) CHARTER FILING.—Section 9(f) of the Federal Advisory Committee Act (5 U.S.C. App.), as redesignated by section 2, is amended—

(1) by striking “with (1) the Administrator,” and all that follows through “, or” and inserting “(1) with the Administrator and”;

(2) by striking “and” at the end of subparagraph (I);

(3) by striking the period and inserting a semicolon at the end of subparagraph (J); and

(4) by adding at the end the following new subparagraphs:

“(K) the authority under which the committee is established;

“(L) the estimated number of members and a description of the expertise needed to carry out the objectives of the committee;

“(M) a description of whether the committee will be composed of special government employees, representatives, or members from both categories; and

“(N) whether the committee has the authority to create subcommittees and if so, the agency official authorized to exercise such authority.”.

SEC. 5. COMPTROLLER GENERAL REVIEW AND REPORTS.

(a) REVIEW.—The Comptroller General of the United States shall review compliance by agencies with the Federal Advisory Committee Act, as amended by this Act, including whether agencies are appropriately appointing advisory committee members as either special government employees or representatives.

(b) REPORT.—The Comptroller General shall submit to the committees described in subsection (c) two reports on the results of the review, as follows:

(1) The first report shall be submitted not later than one year after the date of promulgation of regulations under section 2.

(2) The second report shall be submitted not later than five years after such date of promulgation of regulations.

(c) COMMITTEES.—The committees described in this subsection are the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 6. APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT TO TRADE ADVISORY COMMITTEES.

Section 135(f)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2155) is amended by striking “subsection (a) and (b) of sections 10 and 11 of the Federal Advisory Committee Act” and inserting “subsections (a) and (b) of section 10 and subsections (a)(7), (a)(8), (a)(9), (d), and (e) of section 11 of the Federal Advisory Committee Act”.

SEC. 7. DEFINITIONS.

Section 3 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by adding at the end the following new paragraph:

“(5) The term ‘special Government employee’ has the same meaning as in section 202(a) of title 18, United States Code.”.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect 30 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Alabama (Mr. BONNER) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

H.R. 1320, the Federal Advisory Committee Act Amendments, was introduced by Representative CLAY, chairman of the Oversight Committee's Information Policy Subcommittee, on March 5, 2009.

Representative CLAY introduced a similar bill last Congress that passed the House by voice vote. This legislation amends the Federal Advisory Committee Act, known as FACA, which is a cornerstone of open government. It was enacted in 1972 in response to concerns that Federal advisory committees were not objective

and had little oversight or accountability.

FACA requires that committees be balanced, transparent, and independent from the influence of special interests.

Agencies have not consistently implemented FACA, and the courts have created loopholes that undermine the purposes of the act. H.R. 1320 closes those loopholes and strengthens FACA. H.R. 1320 promotes independent advisory committees by requiring committee members to be appointed without regard to political affiliation. It will also provide that the committee members who are appointed as experts must comply with conflict of interest and other ethics requirements.

H.R. 1320 improves the transparency of advisory committees by requiring agencies to disclose more information about committees. For example, agencies are required to provide information about the process used to identify and appoint committee members, the process of selecting members for balance, and a justification of need for any members that represent stakeholder interests.

Agencies must disclose when a committee member is issued a conflict of interest waiver and provide a copy of the waiver, a summary of the need for the waiver, and a reason for granting it.

Agencies also must disclose when meetings are taking place, and following a committee meeting, the agency must provide a transcript or recording of the meeting. Currently, advisory committees can avoid having public meetings and other requirements of FACA by conducting business through subcommittees.

□ 1650

The bill closes that loophole and makes it clear that FACA applies to subcommittees. The bill also clarifies that committees set up by contractors are subject to FACA. This bill is the epitome of good government. I urge my colleagues to support it.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 21, 2010.

Hon. EDOLPHUS TOWNS,
Chairman, Committee on Oversight and Government Reform, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding H.R. 1320, the “Federal Advisory Committee Act Amendments of 2009.” As you know, the Committee on Ways and Means had concerns regarding this bill because the Federal Trade Advisory Committees are established under the Trade Act of 1974, as amended.

In 2008, our two Committees exchanged letters regarding similar legislation introduced in the 110th Congress, H.R. 5687. Recently, an understanding was reached on modifications to the current bill, H.R. 1320, that would address my Committee's concerns. I appreciate your willingness, and the willingness of your staff, to work with me and my staff on this important legislation.

To expedite this legislation for Floor consideration, the Committee will forgo action

on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or the full exercise of its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 1320, and would ask that a copy of our exchange of letters on this matter be included in the Committee report on the bill and in the Congressional Record during House Floor consideration of this bill.

Once again, thank you for your work and cooperation on this legislation.

Sincerely,

SANDER M. LEVIN,
Acting Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, July 21, 2010.

Hon. SANDER M. LEVIN,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN LEVIN: Thank you for your letter regarding your Committee's interest in H.R. 1320, the Federal Advisory Committee Act Amendments of 2009.

I appreciate your willingness to support early floor consideration of this important legislation. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this legislation as amended or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the committee report on the bill and in the Congressional Record during floor consideration of this bill. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

EDOLPHUS TOWNS,
Chairman.

I reserve the balance of my time.

Mr. BONNER. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 1320, the Federal Advisory Committee Act Amendments of 2010.

The Federal Advisory Committee Act, first signed into law in 1972, is an important safeguard of the public's right to know. Congress originally passed FACA to formally establish Federal advisory committees and set guidelines for their creation and management in response to beliefs by many citizens and Members of Congress that such committees were duplicative, inefficient, and lacked adequate control or oversight. FACA required formal reporting and oversight procedures, balanced membership, open meetings, and ensured the advice provided by committees be objective and accessible to the public.

Federal advisory committees bring together private and governmental experts to examine issues and recommend statutory, regulatory, or other actions. There are over 900 active committees with nearly 64,000 total members that

provide advice and recommendations to 50 Federal agencies. These committees make key decisions affecting every American on vital issues such as health care, civil rights, and national security.

Congress intended FACA to shed some light into how agencies make decisions based upon advice and recommendations from individuals outside of government. It also ensures that the benefits received from such committees are justified to taxpayers.

As originally introduced and reported, H.R. 1320 enhanced the advisory committee selection process and expanded the disclosure of conflicts of interest of committee members. The introduced and reported version of H.R. 1320 was essentially the same bill that many of my colleagues supported last Congress when it passed by a voice vote. However, Madam Speaker, over the past year the bill that many of our colleagues supported in the last Congress was watered down by the majority; and until recent changes, Madam Speaker, we would have been asked to support a bill that was promoting less transparency. Following talks with the administration, the majority proposed a revised version of H.R. 1320 this spring that reduced transparency, limited disclosure, and weakened the prohibition on conflicts of interest. This came as a shock to many of my Republican colleagues on the Committee on Oversight and Government Reform, as a 2004 GAO investigation found that agencies were using advisory committees to avoid disclosing conflicts of interest.

Thankfully, at the urging of Republican members on the Committee on Oversight and Government Reform, Democrat and Republican members of that committee were able to work together and have given this body today a bill that increases transparency and accountability of both the committees and the agencies that they advise. H.R. 1320 provides strong protections against conflicts of interest and robust transparency into the workings of these committees. The bill also closes a loophole that many agencies were using to get around financial disclosure requirements and ethics requirements for members of those committees.

I commend Mr. CLAY, Chairman TOWNS, Ranking Member ISSA, and other distinguished members of the committee for their hard work and desire to make the Federal Government more transparent and open and accountable to the American people.

I urge all Members to support H.R. 1320.

I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I'm pleased to yield such time as he may consume to the gentleman from Missouri (Mr. CLAY), the chairman of the Oversight and Government Reform Committee's Subcommittee on Infor-

mation Policy, Census, and National Archives, the author of the bill before us.

Mr. CLAY. I thank my colleague from the District of Columbia for yielding.

Madam Speaker, H.R. 1320, the Federal Advisory Committee Act Amendments, strengthens one of our central open-government laws.

Advisory committees provide the President and agencies with expert advice on complex issues. Current examples include the National Commission on Fiscal Responsibility and Reform that was established to advise the President on policies to achieve fiscal sustainability and the National Commission on the BP Deepwater Horizon Oil Spill.

FACA is intended to ensure that advisory committees like these provide objective advice and operate in a way that is open and accessible to the public. But over time, FACA has been undermined by inconsistent implementation. This bill closes loopholes that allow agencies to get around the act and makes the advisory committee process more transparent.

This bill is being brought up with an amendment that addresses feedback we received from the Office of Government Ethics. The primary change addresses how agencies appoint members to advisory committees. The GAO has identified improper designation of committee members as one of the primary problems with implementation of FACA.

GAO found that some agencies are avoiding Federal ethics rules by appointing members that should be appointed as special government employees as representative members.

The amendment to H.R. 1320 will require agencies to properly designate committee members and require agency ethics officials to certify the designation. If an agency appoints a member to represent a specific interest, the agency has to put information on its Web site justifying its decision and identify the interest the member represents.

The amendment also makes improvements to the bill proposed by Oversight and Government Reform Committee Ranking Member ISSA. Specifically, these changes include requiring agencies to establish a process that allows the public to nominate potential committee members and requiring agencies to disclose when a committee member is recused because of a conflict of interest.

A section has also been added to the bill to make the bill consistent with the way trade advisory committees are treated under the Trade Act. Trade committees are exempt from FACA's open meetings requirement and H.R. 1320 will preserve that exemption.

H.R. 1320 will shed light on who is advising the government, how they are advising the government, and what

they are saying. I urge any colleagues to support this important open-government legislation.

□ 1700

Mr. BONNER. Madam Speaker, I am happy to encourage our Members to support passage of this bill.

I yield back the balance of my time.

GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1320, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the District of Columbia? There was no objection.

Ms. NORTON. I have no further speakers, and I ask my colleagues to join me in supporting this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 1320, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BONNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 5 p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LANGEVIN) at 6 p.m.

GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on House Resolution 1525 and include any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1320, by the yeas and nays;

H. Res. 1504, by the yeas and nays;

H.R. 3101, by the yeas and nays.

Proceedings on H. Res. 1543 will resume later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

FEDERAL ADVISORY COMMITTEE
ACT AMENDMENTS OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1320) to amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 250, nays 124, not voting 58, as follows:

[Roll No. 467]

YEAS—250

Ackerman	Coffman (CO)	Garamendi
Adler (NJ)	Cohen	Gerlach
Altmire	Connolly (VA)	Giffords
Andrews	Cooper	Gohmert
Arcuri	Costa	Gonzalez
Baca	Costello	Gordon (TN)
Baird	Courtney	Green, Al
Baldwin	Critz	Green, Gene
Barrow	Crowley	Grijalva
Bean	Cuellar	Guthrie
Becerra	Culberson	Hall (NY)
Berkley	Cummings	Hall (TX)
Berman	Dahlkemper	Halvorson
Berry	Davis (CA)	Hare
Bilbray	DeFazio	Harman
Bishop (NY)	DeGette	Hastings (FL)
Blumenauer	DeLauro	Heinrich
Bocchieri	Dent	Herseth Sandlin
Bonner	Deuth	Higgins
Boswell	Dicks	Hill
Boucher	Dingell	Himes
Boyd	Djou	Hinchee
Brady (PA)	Doggett	Hinojosa
Brown, Corrine	Donnelly (IN)	Hirono
Buchanan	Doyle	Holden
Butterfield	Driehaus	Holt
Capps	Edwards (MD)	Honda
Capuano	Edwards (TX)	Hoyer
Cardoza	Ellison	Inslee
Carnahan	Emerson	Israel
Carney	Engel	Issa
Carson (IN)	Eshoo	Jackson (IL)
Castor (FL)	Etheridge	Jackson Lee
Chaffetz	Farr	(TX)
Chandler	Fattah	Johnson, E. B.
Childers	Filner	Jones
Clarke	Fortenberry	Kagen
Clay	Foster	Kanjorski
Cleaver	Frank (MA)	Kaptur
Clyburn	Fudge	Kildee

Kilroy	Moran (VA)	Schakowsky
Kind	Murphy (CT)	Schauer
Kirk	Murphy (NY)	Schiff
Kirkpatrick (AZ)	Murphy, Patrick	Schock
Kissell	Murphy, Tim	Schrader
Klein (FL)	Nadler (NY)	Schwartz
Kratovil	Napolitano	Scott (GA)
Kucinich	Neal (MA)	Scott (VA)
Langevin	Nye	Serrano
Larsen (WA)	Oberstar	Sestak
Larson (CT)	Obey	Shea-Porter
LaTourette	Olver	Sherman
Lee (CA)	Ortiz	Sires
Levin	Owens	Skelton
Lewis (GA)	Pallone	Slaughter
Loeb sack	Pascrell	Pastor (AZ)
Lofgren, Zoe	Paulsen	Snyder
Lowe y	Payne	Spratt
Lujan	Perlmutter	Stark
Lynch	Perriello	Sutton
Maffei	Peters	Tanner
Maloney	Peterson	Taylor
Markey (CO)	Pingree (ME)	Teague
Markey (MA)	Platts	Thompson (CA)
Marshall	Polis (CO)	Tierney
Matheson	Pomero y	Titus
Matsui	Price (NC)	Tonko
McCarthy (NY)	Quigley	Tsongas
McCollum	Rahall	Van Hollen
McDermott	Rangel	Velazquez
McGovern	Reichert	Visclosky
McHenry	Reyes	Walz
McIntyre	Richardson	Wasserman
McMahon	Rodriguez	Schultz
McNerney	Ross	Watt
Meeks (NY)	Rothman (NJ)	Waxman
Melancon	Roybal-Allard	Welch
Michaud	Ruppersberger	Wilson (OH)
Miller (NC)	Ryan (OH)	Wittman
Miller, George	Salazar	Wolf
Minnick	Sánchez, Linda	Woolsey
Mitchell	T.	Wu
Mollohan	Sanchez, Loretta	Yarmuth
Moore (KS)	Sarbanes	Young (AK)
Moore (WI)		

NAYS—124

Aderholt	Gallegly	Miller, Gary
Austria	Garrett (NJ)	Myrick
Bachmann	Gingrey (GA)	Neugebauer
Bachus	Goodlatte	Nunes
Bartlett	Granger	Olson
Barton (TX)	Graves (GA)	Paul
Biggart	Harper	Pence
Bilirakis	Hastings (WA)	Petri
Blackburn	Hensarling	Pitts
Blunt	Herger	Posey
Boehner	Hunter	Price (GA)
Bono Mack	Inglis	Rehberg
Boozman	Jenkins	Roe (TN)
Boustany	Johnson, Sam	Rogers (AL)
Brady (TX)	Jordan (OH)	Rogers (KY)
Broun (GA)	King (IA)	Rogers (MI)
Brown (SC)	King (NY)	Rooney
Brown-Waite,	Kingston	Ros-Lehtinen
Ginny	Kline (MN)	Roskam
Burgess	Lamborn	Royce
Burton (IN)	Lance	Ryan (WI)
Calvert	Latham	Scalise
Camp	Latta	Schmidt
Campbell	Lee (NY)	Sensenbrenner
Cantor	Lewis (CA)	Sessions
Capito	LoBiondo	Shuster
Carter	Lucas	Simpson
Cassidy	Luetkemeyer	Smith (NE)
Castle	Lummis	Smith (NJ)
Coble	Lungren, Daniel	Smith (TX)
Conaway	E.	Stearns
Crenshaw	Mack	Terry
Davis (KY)	Manzullo	Thompson (PA)
Diaz-Balart, L.	Marchant	Thornberry
Diaz-Balart, M.	McCarthy (CA)	Tiberi
Dreier	McCaul	Turner
Duncan	McClintock	Upton
Ehlers	McCotter	Walden
Flake	McKeon	Westmoreland
Fleming	McMorris	Whitfield
Foxx	Rodgers	Wilson (SC)
Franks (AZ)	Mica	
Frelinghuysen	Miller (MI)	

NOT VOTING—58

Akin	Bishop (GA)	Braley (IA)
Alexander	Bishop (UT)	Bright
Barrett (SC)	Boren	Buyer

Cao	Hoekstra	Shimkus
Chu	Johnson (GA)	Shuler
Cole	Johnson (IL)	Smith (WA)
Conyers	Kennedy	Space
Davis (AL)	Kilpatrick (MI)	Speier
Davis (IL)	Kosmas	Stupak
Davis (TN)	Linder	Sullivan
Delahunt	Lipinski	Thompson (MS)
Ellsworth	Meek (FL)	Tiahrt
Fallin	Miller (FL)	Towns
Forbes	Moran (KS)	Wamp
Graves (MO)	Poe (TX)	Waters
Grayson	Putnam	Watson
Griffith	Radanovich	Weiner
Gutierrez	Rohrabacher	Young (FL)
Heller	Rush	
Hodes	Shadegg	

□ 1833

Messrs. DAVIS of Kentucky, GALLEGLY, CRENSHAW, BURTON of Indiana, Ms. ROS-LEHTINEN, Messrs. UPTON, LINCOLN DIAZ-BALART of Florida, CARTER, Ms. JENKINS, Messrs. REHBERG, TURNER, Ms. GRANGER, Messrs. MARIO DIAZ-BALART of Florida and WHITFIELD changed their vote from “yea” to “nay.”

Messrs. ISSA, YOUNG of Alaska, KIRK, CHAFFETZ, GUTHRIE, COFFMAN of Colorado, and SCHOCK changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MILLER of Florida. Mr. Speaker, on roll-call No. 467, had I been present, I would have voted “nay.”

RECOGNIZING 20TH ANNIVERSARY
OF AMERICANS WITH DISABILITIES ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1504) recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 377, nays 0, not voting 55, as follows:

[Roll No. 468]

YEAS—377

Ackerman	Arcuri	Baldwin
Aderholt	Austria	Barrow
Adler (NJ)	Baca	Bartlett
Alexander	Bachmann	Barton (TX)
Altmire	Bachus	Bean
Andrews	Baird	Becerra

Berkley	Flake	Luetkemeyer	Roskam	Sestak	Titus
Berman	Fleming	Luján	Ross	Shea-Porter	Tonko
Berry	Fortenberry	Lummis	Rothman (NJ)	Sherman	Tsongas
Biggert	Foster	Lungren, Daniel E.	Roybal-Allard	Shimkus	Turner
Bilbray	Fox		Royce	Shuster	Upton
Bilirakis	Frank (MA)	Lynch	Ruppersberger	Simpson	Van Hollen
Bishop (NY)	Franks (AZ)	Mack	Sires	Smith (NE)	Velázquez
Bishop (UT)	Frelinghuysen	Maffei	Ryan (WI)	Skeltan	Visclosky
Blackburn	Fudge	Maloney	Salazar	Slaughter	Walden
Blumenauer	Gallely	Manzullo	Sánchez, Linda T.	Smith (NJ)	Walz
Blunt	Garamendi	Marchant	Sanchez, Loretta	Smith (TX)	Wasserman
Bocieri	Garrett (NJ)	Markey (CO)	Sarbanes	Snyder	Schultz
Boehner	Gerlach	Markey (MA)	Scalise	Spratt	Watt
Bonner	Giffords	Marshall	Schakowsky	Stark	Waxman
Bono Mack	Gingrey (GA)	Matheson	Schauer	Stearns	Welch
Boozman	Gohmert	Matsui	Schiff	Sutton	Westmoreland
Boswell	Gonzalez	McCarthy (CA)	Schmidt	Tanner	Whitfield
Boucher	Goodlatte	McCarthy (NY)	Schock	Taylor	Wilson (OH)
Boustany	Gordon (TN)	McCaul	Schrader	Teague	Wilson (SC)
Boyd	Granger	McClintock	Schwartz	Terry	Wittman
Brady (PA)	Graves (GA)	McCollum	Scott (GA)	Thompson (CA)	Wolf
Brady (TX)	Green, Al	McCotter	Scott (VA)	Thompson (PA)	Woolsey
Brown (SC)	Green, Gene	McDermott	Sensenbrenner	Thornberry	Wu
Brown, Corrine	Grijalva	McGovern	Serrano	Tiberi	Yarmuth
Brown-Waite, Ginny	Guthrie	McHenry	Sessions	Tierney	Young (AK)
Buchanan	Hall (NY)	McIntyre			
Burgess	Hall (TX)	McKeon			
Burton (IN)	Halvorson	McMahon			
Butterfield	Hare	McMorris			
Calvert	Harman	Rodgers	Akin	Forbes	Rohrabacher
Camp	Harper	McNerney	Barrett (SC)	Graves (MO)	Rush
Campbell	Hastings (FL)	Meeks (NY)	Bishop (GA)	Grayson	Shadegg
Cantor	Hastings (WA)	Melancon	Boren	Griffith	Shuler
Capito	Heinrich	Mica	Braley (IA)	Gutierrez	Smith (WA)
Capps	Hensarling	Michaud	Bright	Heller	Space
Capuano	Herger	Miller (FL)	Broun (GA)	Hodes	Speier
Cardoza	Herseeth Sandlin	Miller (MI)	Buyer	Hoekstra	Stupak
Carnahan	Higgins	Miller (NC)	Cao	Johnson (IL)	Sullivan
Carney	Hill	Miller, Gary	Chu	Kennedy	Thompson (MS)
Carson (IN)	Himes	Miller, George	Cole	Kilpatrick (MI)	Tiahrt
Carter	Hinchev	Minnick	Conyers	Kosmas	Towns
Cassidy	Hinojosa	Mitchell	Davis (AL)	Lipinski	Wamp
Castle	Hirono	Mollohan	Davis (IL)	Meek (FL)	Waters
Castor (FL)	Holden	Moore (KS)	Davis (TN)	Moran (KS)	Watson
Chaffetz	Holt	Moore (WI)	Delahunt	Paul	Weiner
Chandler	Honda	Moran (VA)	Ehlers	Poe (TX)	
Childers	Hoyer	Murphy (CT)	Ellsworth	Putnam	
Clarke	Hunter	Murphy (NY)	Fallin	Radanovich	
Clay	Inglis	Murphy, Patrick			
Cleaver	Inslee	Murphy, Tim			
Clyburn	Israel	Myrick			
Coble	Issa	Nadler (NY)			
Coffman (CO)	Jackson (IL)	Napolitano			
Cohen	Jackson Lee	Neal (MA)			
Conaway	(TX)	Neugebauer			
Connolly (VA)	Jenkins	Nunes			
Cooper	Johnson (GA)	Nye			
Costa	Johnson, E. B.	Oberstar			
Costello	Johnson, Sam	Obey			
Courtney	Jones	Olson			
Crenshaw	Jordan (OH)	Olver			
Critz	Kagen	Ortiz			
Crowley	Kanjorski	Owens			
Cuellar	Kaptur	Pallone			
Culberson	Kildee	Pascarell			
Cummings	Kilroy	Pastor (AZ)			
Dahlkemper	Kind	Paulsen			
Davis (CA)	King (IA)	Payne			
Davis (KY)	King (NY)	Pence			
DeFazio	Kingston	Perlmutter			
DeGette	Kirk	Perriello			
DeLauro	Kirkpatrick (AZ)	Peters			
Dent	Kissell	Peterson			
Deutch	Klein (FL)	Petri			
Diaz-Balart, L.	Kline (MN)	Pingree (ME)			
Diaz-Balart, M.	Kratovil	Pitts			
Dicks	Kucinich	Platts			
Dingell	Lamborn	Polis (CO)			
Djou	Lance	Pomeroy			
Doggett	Langevin	Posey			
Donnelly (IN)	Larsen (WA)	Price (GA)			
Doyle	Larson (CT)	Price (NC)			
Dreier	Latham	Quigley			
Driehaus	LaTourette	Rahall			
Duncan	Latta	Rangel			
Edwards (MD)	Lee (CA)	Rehberg			
Edwards (TX)	Lee (NY)	Reichert			
Ellison	Levin	Reyes			
Emerson	Lewis (CA)	Richardson			
Engel	Lewis (GA)	Rodriguez			
Eshoo	Linder	Roe (TN)			
Etheridge	LoBiondo	Rogers (AL)			
Farr	Loebach	Rogers (KY)			
Fattah	Lofgren, Zoe	Rogers (MI)			
Filner	Lowey	Rooney			
	Lucas	Ros-Lehtinen			

NOT VOTING—55

Forbes	Rohrabacher
Graves (MO)	Rush
Grayson	Shadegg
Griffith	Shuler
Gutierrez	Smith (WA)
Heller	Space
Hodes	Speier
Hoekstra	Stupak
Johnson (IL)	Sullivan
Kennedy	Thompson (MS)
Kilpatrick (MI)	Tiahrt
Kosmas	Towns
Lipinski	Wamp
Meek (FL)	Waters
Moran (KS)	Watson
Paul	Weiner
Poe (TX)	Young (FL)
Putnam	
Radanovich	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1842

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMEMORATING 20TH ANNIVERSARY OF ADA AND RECOGNIZING SPEAKER PRO TEMPORE LANGEVIN

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I rise to call to the attention of our colleagues the historic moment that we are all enjoying right now. Today is the 20th anniversary of the Americans with Disabilities Act. What better way for us to observe that important legislation's anniversary than to have this be the day that, for the first time in our country's history, a gentleman with the challenges that Mr. LANGEVIN faces is presiding as Speaker of the House of Representatives. Congratulations to you, Mr. Speaker.

It is appropriate for us to address our remarks to the Speaker and, in this

case, the outpouring of appreciation for this special occasion is marked, not just because you are a person with disabilities, but because you are JIM LANGEVIN of Rhode Island, who it is an honor for all of us to call colleague.

It's important that you are the first, because when you came to the Congress, you inspired us, you transformed our thinking about respecting people for what they can do without hesitating about any limitations they may have.

My colleagues, many of you were present when I took the gavel from Mr. BOEHNER as the first woman Speaker of the House, and it was a highly emotional day for some of us.

Today is a similar day. It is a day when we are making history in this body. Thanks to the work of the Architect of the Capitol, but practically invisible to the eye, a system has been developed so that Mr. LANGEVIN, with great dignity, can take the chair to preside.

Any one of us in our families or in this body is one phone call away from, or a diagnosis, news of an accident, whatever it may be that may physically limit our participation here. But that should not deprive anyone of the honor and the prestige of presiding over the House. And from this day forward, this House will be an example to the rest of the country that these physical obstacles of three stairs, and to the extent that you may be interested in the engineering of it all, it's very interesting.

But not to take away from the fact that the person who is the first to do so is Mr. LANGEVIN. His leadership in the Congress is recognized. And so it is with great emotion, with great pride, with a great sense of history that today we are making history and making progress for the American people.

I am pleased to yield to the distinguished Republican leader, the gentleman from Ohio.

Mr. BOEHNER. I thank the Speaker for yielding.

On this day 20 years ago, the Americans with Disabilities Act became law. And to the majority leader, who played a big role in making that happen, and Mr. SENSENBRENNER and other Members, I want to say congratulations to all of you.

And congratulations to those who, through no fault of their own, have had their capacities limited.

And to our colleague from Rhode Island (Mr. LANGEVIN), it's on behalf of the millions of Americans who have been helped by the Americans with Disabilities Act, we too want to congratulate you for the great honor that you have the ability today to be the first person with disabilities to sit in the Speaker's chair. Congratulations.

Ms. PELOSI. Reclaiming my time, I want to concur with the sentiments of the distinguished Republican leader in

acknowledging the bipartisan support that the Americans with Disabilities Act received in the House. Mr. SENSENBRENNER, a champion for civil rights across the board, a champion on this issue, inspired by his wife, Cheryl; in the Senate, Senator Ted Kennedy, Senator Robert Dole in the leadership of the Senate was such. So it has been bipartisan in both Houses. Senator HARKIN was with us earlier today. PATRICK KENNEDY acknowledged his and his father's participation.

But our champion on this side of the aisle and, I think, really in the entire Congress, has been our majority leader, STENY HOYER, who not only was instrumental in passing the legislation, he was instrumental in its enforcement and implementation of the amendments to correct misunderstandings that the Supreme Court may have had about it.

He has been a champion. And it is appropriate on this, the 20th anniversary, that we acknowledge his tremendous leadership as well.

And if I may, because he won't say it, and Mr. LANGEVIN is in the chair, so he can't say it. But earlier today at a reception, Mr. LANGEVIN said, because of the leadership of Mr. HOYER, Mr. SENSENBRENNER and others, but he pointed out Mr. HOYER, on this ADA legislation, well, that legislation enabled Mr. LANGEVIN to be successful in what he did and to be our colleague, and now preside over the Congress today.

I am pleased to yield to the gentleman from Maryland, the distinguished majority leader.

□ 1850

Mr. HOYER. I thank the Speaker for yielding.

Mr. Speaker, JIM LANGEVIN of Rhode Island, thank you. Thank you for the courage that you have shown.

I don't know how many of you know JIM LANGEVIN's story. Involved in the police boys club, 16 years of age, at a police station in Rhode Island. Someone was cleaning his gun. It went off by mistake, accidentally, ricocheted off the wall, and went into Mr. LANGEVIN's spine. At 16 years of age, he was rendered unable to walk.

Some people could have given up. Some people could have lamented that accident which rendered them unable to walk and have limited mobility. JIM LANGEVIN, of course, as we all see, did not do that. JIM LANGEVIN decided that he was going to succeed and persevere and overcome. And JIM LANGEVIN sits in the chair today presiding over the people's House.

Think of what an extraordinary example that is to every person of whatever age who has a mobility impairment for whatever reasons, injured in Iraq, Afghanistan, or someplace at the point of the spear, comes back to this country.

My friend WALT MINNICK and MIKE SIMPSON just introduced me to a young

fellow who in May was injured in Afghanistan and lost both his legs. What an example JIM LANGEVIN must be to him and to millions of others who are similarly situated.

The promise of the Americans with Disabilities Act in July of 1990 was that we would open up the doors of opportunity in a country that prides itself on being the land of opportunity. As I have said a number of times this week, Thomas Jefferson indicated that the pursuit of happiness was a God-given right. But Thomas Jefferson, in his time, had a limited view. And we have found, in generation after generation, that we had to perfect that view.

African Americans, of course, were not given the land of opportunity's opportunities. We fought a Civil War, and we adopted the 13th and 14th and 15th Amendments. Notwithstanding that, however, we did not, at that point in time, realize the full scope of the opportunity that we provided in that Declaration of Independence and, theologically, in that beloved document of ours, the pride of our country, the United States Constitution.

So again we perfected it, and in the early part of the last century we said to those who are women in this body and around the country, no, what we really should have said is men and women are created equal and endowed by their Creator, and we want to include you and give you the right to vote. It's almost amazing that 90 years ago, or some 100 years ago that women didn't have the right to vote in this country. And we perfected our country by amending our Constitution to expand, further, the opportunities.

And then in 1964 and 1965 and 1957 and further, we passed acts which have said, look, we said that African Americans were equal, but we still see discrimination. And Martin Luther King, Jr., called our attention to the fact that this was not yet a perfect Union and that work needed to be done.

And 25 years after the 1965 act, we saw a large group of people—we then said 45 million; we now use the figure 50 million people—who have a disability, and because of that disability are excluded, are shut out, are not welcomed in, are not given what this lift is, a reasonable accommodation in the Americans with Disabilities Act. It simply says there are some things we can do to enhance somebody who is challenged with a disability to fully participate. We know that.

ED MARKEY is right next to me. We are going to pass a bill that we know that technology now is providing greater access to people who can't hear, and indeed to people who can't see, to fully participate in our society.

JIM LANGEVIN is the example of the realization of the promise of the July 26, 1990, signing by George Herbert Walker Bush that said that we're going to knock down the walls of discrimina-

tion that confront the disabled. But what we were talking about was not the disability. We were talking about the discrimination. Unfortunately, the Supreme Court missed that. But fortunately for our country and those with disabilities, the Congress did not.

In every step of the way, this has been a bipartisan effort, led by a Republican President, made better by another Republican President, his son, George W. Bush. JIM SENSENBRENNER. But let me mention someone that many of you may not know who are recently here. Steve Bartlett, Congressman from Texas, became the mayor of Dallas, worked with me almost every day for almost a full year in making sure that when we adopted the Americans with Disabilities Act it would be workable, affordable, and effective.

JIM LANGEVIN, you are an example of that effectiveness. So I thank you, as I said at the beginning, because you are a representative of literally millions of Americans who had the courage, the tenacity, and the vision to come to Washington or to come to town meetings, to see people in their districts and talk to them about the challenges that they confronted.

So this is a great day to recognize what 20 years ago we, who had the privilege of being here, working with President George Herbert Walker Bush, had the opportunity to do.

The young man to which I referred was just brought in—you are his Congressman, or is MIKE? In any event, MIKE and WALT MINNICK represent this young man.

JIM SENSENBRENNER and I and JIM LANGEVIN were with the President a little earlier today. And I took out my cell phone and I punched "D" on my phone, and I dialed the phone and I said, "Hello, Bob," because Senator Dole was a critical person in passing this legislation. I passed the phone to President Obama, and President Obama said, "We're keeping the faith. What you wrought, we're going to continue to make even better."

Thank you, JIM LANGEVIN. Thank all of those who have a disability who made this happen. God bless you.

Ms. PELOSI. Mr. Speaker, our distinguished majority leader referenced that we had a special guest here today. I want to acknowledge the presence of Mr. MINNICK's guest, Corporal Randal Wright. He lost both legs and a hand in Afghanistan.

I think it's important that we have this juxtapositioning. As Mr. PATRICK KENNEDY said today in his remarks, we have many of our brave men and women in uniform who are fighting the fight for our country. They come home, many of them, with physical disabilities. We want them all to think about serving in Congress.

So this, Corporal Randal Wright, is about you and your colleagues as well. Mr. LANGEVIN has led the way. We want

to take this opportunity to thank you for your patriotism, your courage, and your sacrifice for our country.

□ 1900

I want to thank Mr. MINNICK and Mr. MARSHALL, the author of the Veterans Disabilities Act, for bringing Corporal Wright here. And STENY tells me that Corporal Wright got married this week as well.

So, my colleagues, once again let us congratulate Mr. LANGEVIN for presiding with such dignity over the House on this historic day. Congratulations and thank you.

TWENTY-FIRST CENTURY COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT OF 2010

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3101) to ensure that individuals with disabilities have access to emerging Internet Protocol-based communication and video programming technologies in the 21st Century, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. MARKEY) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 348, nays 23, not voting 61, as follows:

[Roll No. 469]

YEAS—348

Ackerman	Boustany	Connolly (VA)
Aderholt	Boyd	Cooper
Adler (NJ)	Brady (PA)	Costa
Alexander	Brown (SC)	Costello
Altmire	Brown, Corrine	Courtney
Andrews	Brown-Waite,	Crenshaw
Arcuri	Ginny	Critz
Austria	Buchanan	Crowley
Baca	Burgess	Cuellar
Bachus	Burton (IN)	Culberson
Baird	Butterfield	Cummings
Baldwin	Calvert	Dahlkemper
Barrow	Camp	Davis (CA)
Barton (TX)	Cantor	Davis (KY)
Bean	Capito	DeFazio
Becerra	Capps	DeGette
Berkley	Capuano	DeLauro
Berman	Cardoza	Dent
Berry	Carnahan	Deutch
Biggart	Carney	Diaz-Balart, L.
Bilbray	Carson (IN)	Diaz-Balart, M.
Bilirakis	Carter	Dicks
Bishop (NY)	Cassidy	Dingell
Bishop (UT)	Castle	Djou
Blackburn	Castor (FL)	Doggett
Blumenauer	Chandler	Donnelly (IN)
Blunt	Childers	Doyle
Boccieri	Clarke	Dreier
Boehner	Clay	Driehaus
Bonner	Cleaver	Duncan
Bono Mack	Clyburn	Edwards (MD)
Boozman	Coble	Edwards (TX)
Boswell	Coffman (CO)	Ehlers
Boucher	Cohen	Ellison

Emerson	Linder	Rangel
Engel	LoBiondo	Rehberg
Eshoo	Loeb	Reichert
Etheridge	Lowey	Reyes
Farr	Lucas	Richardson
Fattah	Luetkemeyer	Rodriguez
Filner	Lujan	Roe (TN)
Fleming	Lummis	Rogers (AL)
Fortenberry	Lungren, Daniel	Rogers (KY)
Foster	E.	Rogers (MI)
Frank (MA)	Lynch	Rooney
Frelinghuysen	Maffei	Ros-Lehtinen
Fudge	Maloney	Roskam
Galleghy	Manzullo	Ross
Garamendi	Marchant	Rothman (NJ)
Gerlach	Markey (CO)	Roybal-Allard
Giffords	Markey (MA)	Ruppersberger
Gingrey (GA)	Marshall	Ryan (OH)
Gonzalez	Matheson	Ryan (WI)
Goodlatte	Matsui	Salazar
Gordon (TN)	McCarthy (CA)	Sanchez, Linda
Granger	McCarthy (NY)	T.
Green, Gene	McCaul	Sanchez, Loretta
Grijalva	McCollum	Sarbanes
Guthrie	McCotter	Scalise
Hall (NY)	McDermott	Schakowsky
Hall (TX)	McGovern	Schauer
Halvorson	McHenry	Schiff
Hare	McIntyre	Schmidt
Harman	McKeon	Schock
Harper	McMahon	Schrader
Hastings (FL)	McMorris	Schwartz
Hastings (WA)	Rodgers	Scott (GA)
Heinrich	McNerney	Scott (VA)
Heger	Meeks (NY)	Sensenbrenner
Herseeth Sandlin	Melancon	Serrano
Higgins	Mica	Sessions
Hill	Michaud	Sestak
Himes	Miller (MI)	Shea-Porter
Hinche	Miller (NC)	Sherman
Hinojosa	Miller, Gary	Shimkus
Hirono	Miller, George	Shuster
Holden	Minnick	Simpson
Holt	Mitchell	Sires
Honda	Mollohan	Skelton
Hoyer	Moore (KS)	Slaughter
Hunter	Moore (WI)	Smith (NE)
Inglis	Moran (VA)	Smith (NJ)
Inslee	Murphy (CT)	Smith (TX)
Israel	Murphy (NY)	Snyder
Issa	Murphy, Patrick	Spratt
Jackson (IL)	Murphy, Tim	Stearns
Jackson Lee	Myrick	Sutton
(TX)	Nadler (NY)	Tanner
Jenkins	Napolitano	Taylor
Johnson (GA)	Neal (MA)	Teague
Johnson, E. B.	Neugebauer	Terry
Jones	Nunes	Thompson (CA)
Kagen	Nye	Thompson (PA)
Kanjorski	Oberstar	Thornberry
Kaptur	Obey	Tiberi
Kildee	Olson	Tierney
Kilroy	Olver	Titus
Kind	Ortiz	Tonko
King (NY)	Owens	Tsongas
Kirk	Pallone	Turner
Kirkpatrick (AZ)	Pascarella	Upton
Kissell	Pastor (AZ)	Van Hollen
Klein (FL)	Paulsen	Velázquez
Kline (MN)	Payne	Visclosky
Kratovil	Pence	Walz
Kucinich	Perlmutter	Wasserman
Lance	Perriello	Schultz
Langevin	Peters	Watt
Larsen (WA)	Peterson	Waxman
Larson (CT)	Petri	Welch
Latham	Pitts	Whitfield
LaTourette	Platts	Wilson (OH)
Latta	Polis (CO)	Wilson (SC)
Lee (CA)	Pomeroy	Wittman
Lee (NY)	Posey	Wolf
Levin	Price (NC)	Woolsey
Lewis (CA)	Quigley	Wu
Lewis (GA)	Rahall	Yarmuth

NAYS—23

Bartlett	Graves (GA)	McClintock
Campbell	Hensarling	Miller (FL)
Chaffetz	Johnson, Sam	Paul
Conaway	Jordan (OH)	Price (GA)
Flake	King (IA)	Royce
Fox	Kingston	Westmoreland
Franks (AZ)	Lamborn	Young (AK)
Garrett (NJ)	Mack	

NOT VOTING—61

Akin	Gohmert	Rohrabacher
Bachmann	Graves (MO)	Rush
Barrett (SC)	Grayson	Shadegg
Bishop (GA)	Green, Al	Shuler
Boren	Griffith	Smith (WA)
Brady (TX)	Gutierrez	Space
Braley (IA)	Heller	Speier
Bright	Hodes	Stark
Brown (GA)	Hoekstra	Stupak
Buyer	Johnson (IL)	Sullivan
Cao	Kennedy	Thompson (MS)
Chu	Kilpatrick (MI)	Tiahrt
Cole	Kosmas	Towns
Conyers	Lipinski	Walden
Davis (AL)	Loftgren, Zoe	Wamp
Davis (IL)	Meek (FL)	Waters
Davis (TN)	Moran (KS)	Watson
Delahunt	Pingree (ME)	Weiner
Ellsworth	Poe (TX)	Young (FL)
Fallin	Putnam	
Forbes	Radanovich	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1911

Mr. ROONEY changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, due to urgent business in the 14th congressional district, I was unable to vote today. If I were present, I would have voted “aye” to the following bills: H.R. 1320—Federal Advisory Committee Act Amendments; H. Res 1504—Recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990; H.R. 3101—Twenty-first Century Communications and Video Accessibility Act.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, I was unable to attend to several votes today. Had I been present, I would have voted “aye” on final passage of H.R. 1320; “aye” on final passage of H. Res. 1504 and “aye” on final passage of H.R. 3101.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent in the House Chamber today. Had I been present, I would have voted “yea” on rollcall votes Nos. 467, 468 and 469.

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on July 26, 2010, I was absent from the House and missed rollcall votes Nos. 467, 468, and 469.

Had I been present, I would have voted “no” on rollcall No. 467, “yes” on rollcall No. 468, and “yes” on rollcall No. 469.

DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO CORRECT THE ENROLLMENT OF H.R. 725

Mr. HEINRICH. Mr. Speaker, I send to the desk a concurrent resolution and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 304

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 725, the Clerk of the House of Representatives shall correct the bill—

(1) by striking section 1 (referring to the short title) and inserting the following:

“TITLE I—INDIAN ARTS AND CRAFTS AMENDMENTS

“SEC. 101. SHORT TITLE; TABLE OF CONTENTS.

“(a) SHORT TITLE.—This title may be cited as the ‘Indian Arts and Crafts Amendments Act of 2010’.

“(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

“Sec. 101. Short title; table of contents.

“Sec. 102. Indian arts and crafts.

“Sec. 103. Misrepresentation of Indian produced goods and products.”;

(2) by striking “SEC. 2.” and inserting “SEC. 102.”;

(3) by striking “SEC. 3.” and inserting “SEC. 103.”;

(4) by striking the following:

“DIVISION B—TRIBAL LAW AND ORDER

“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

“(a) SHORT TITLE.—This Act may be cited as the ‘Tribal Law and Order Act of 2010’.

“(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

“DIVISION B—TRIBAL LAW AND ORDER

“Sec. 1. Short title; table of contents.

“Sec. 2. Findings; purposes.

“Sec. 3. Definitions.

“Sec. 4. Severability.

“Sec. 5. Jurisdiction of the State of Alaska.

“Sec. 6. Effect.

“TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION

“Sec. 101. Office of Justice Services responsibilities.

“Sec. 102. Disposition reports.

“Sec. 103. Prosecution of crimes in Indian country.

“Sec. 104. Administration.

“TITLE II—STATE ACCOUNTABILITY AND COORDINATION

“Sec. 201. State criminal jurisdiction and resources.

“Sec. 202. State, tribal, and local law enforcement cooperation.

“TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES AND TRIBAL GOVERNMENTS

“Sec. 301. Tribal police officers.

“Sec. 302. Drug enforcement in Indian country.

“Sec. 303. Access to national criminal information databases.

“Sec. 304. Tribal court sentencing authority.

“Sec. 305. Indian Law and Order Commission.

“Sec. 306. Exemption for tribal display materials.

“TITLE IV—TRIBAL JUSTICE SYSTEMS

“Sec. 401. Indian alcohol and substance abuse.

“Sec. 402. Indian tribal justice; technical and legal assistance.

“Sec. 403. Tribal resources grant program.

“Sec. 404. Tribal jails program.

“Sec. 405. Tribal probation office liaison program.

“Sec. 406. Tribal youth program.

“Sec. 407. Improving public safety presence in rural Alaska.

“TITLE V—INDIAN COUNTRY CRIME DATA COLLECTION AND INFORMATION SHARING

“Sec. 501. Tracking of crimes committed in Indian country.

“Sec. 502. Criminal history record improvement program.

“TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROSECUTION AND PREVENTION

“Sec. 601. Prisoner release and reentry.

“Sec. 602. Domestic and sexual violence offense training.

“Sec. 603. Testimony by Federal employees.

“Sec. 604. Coordination of Federal agencies.

“Sec. 605. Sexual assault protocol.

“Sec. 606. Study of IHS sexual assault and domestic violence response capabilities.”;

and inserting:

“TITLE II—TRIBAL LAW AND ORDER

“SEC. 201. SHORT TITLE; TABLE OF CONTENTS.

“(a) SHORT TITLE.—This title may be cited as the ‘Tribal Law and Order Act of 2010’.

“(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

“Sec. 201. Short title; table of contents.

“Sec. 202. Findings; purposes.

“Sec. 203. Definitions.

“Sec. 204. Severability.

“Sec. 205. Jurisdiction of the State of Alaska.

“Sec. 206. Effect.

“Subtitle A—Federal Accountability and Coordination

“Sec. 211. Office of Justice Services responsibilities.

“Sec. 212. Disposition reports.

“Sec. 213. Prosecution of crimes in Indian country.

“Sec. 214. Administration.

“Subtitle B—State Accountability and Coordination

“Sec. 221. State criminal jurisdiction and resources.

“Sec. 222. State, tribal, and local law enforcement cooperation.

“Subtitle C—Empowering Tribal Law Enforcement Agencies and Tribal Governments

“Sec. 231. Tribal police officers.

“Sec. 232. Drug enforcement in Indian country.

“Sec. 233. Access to national criminal information databases.

“Sec. 234. Tribal court sentencing authority.

“Sec. 235. Indian Law and Order Commission.

“Sec. 236. Exemption for tribal display materials.

“Subtitle D—Tribal Justice Systems

“Sec. 241. Indian alcohol and substance abuse.

“Sec. 242. Indian tribal justice; technical and legal assistance.

“Sec. 243. Tribal resources grant program.

“Sec. 244. Tribal jails program.

“Sec. 245. Tribal probation office liaison program.

“Sec. 246. Tribal youth program.

“Sec. 247. Improving public safety presence in rural Alaska.

“Subtitle E—Indian Country Crime Data Collection and Information Sharing

“Sec. 251. Tracking of crimes committed in Indian country.

“Sec. 252. Criminal history record improvement program.

“Subtitle F—Domestic Violence and Sexual Assault Prosecution and Prevention

“Sec. 261. Prisoner release and reentry.

“Sec. 262. Domestic and sexual violence offense training.

“Sec. 263. Testimony by Federal employees.

“Sec. 264. Coordination of Federal agencies.

“Sec. 265. Sexual assault protocol.

“Sec. 266. Study of IHS sexual assault and domestic violence response capabilities.”;

(5) by striking “this division” and inserting “this title” each place it appears;

(6) by redesignating sections 2 through 6 as sections 202 through 206, respectively;

(7) by striking “TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION” and inserting “Subtitle A—Federal Accountability and Coordination”;

(8) by redesignating sections 101 through 104 as sections 211 through 214, respectively;

(9) in section 214(b) (as redesignated), by striking “(as amended by section 103(b))” and inserting “(as amended by section 213(b))”;

(10) by striking “TITLE II—STATE ACCOUNTABILITY AND COORDINATION” and inserting “Subtitle B—State Accountability and Coordination”;

(11) by redesignating sections 201 and 202 as sections 221 and 222, respectively;

(12) by striking “TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES AND TRIBAL GOVERNMENTS” and inserting “Subtitle C—Empowering Tribal Law Enforcement Agencies and Tribal Governments”;

(13) by redesignating sections 301 through 306 as sections 231 through 236, respectively;

(14) in section 231(a) (as redesignated), by striking “(as amended by section 101(b)(4))” and inserting “(as amended by section 211(b)(4))”;

(15) in section 235 (as redesignated), by striking “(as amended by section 104(b))” and inserting “(as amended by section 214(b))”;

(16) by striking “TITLE IV—TRIBAL JUSTICE SYSTEMS” and inserting “Subtitle D—Tribal Justice Systems”;

(17) by redesignating sections 401 through 407 as sections 241 through 247, respectively;

(18) in section 242(b)(3)(A) (as redesignated), by striking “(as redesignated by section 104(a)(2)(A))” and inserting “(as redesignated by section 214(a)(2)(A))”;

(19) by striking “TITLE V—INDIAN COUNTRY CRIME DATA COLLECTION AND INFORMATION SHARING” and inserting “Subtitle E—Indian Country Crime Data Collection and Information Sharing”;

(20) by redesignating sections 501 and 502 as sections 251 and 252, respectively;

(21) by striking “TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROSECUTION AND PREVENTION” and inserting “Subtitle F—Domestic Violence and Sexual Assault Prosecution and Prevention”;

(22) by redesignating sections 601 through 606 as sections 261 through 266, respectively;

(23) in section 262 (as redesignated), by striking “(as amended by section 101(a)(2))”

and inserting "(as amended by section 211(a)(2))";

(24) in section 263 (as redesignated), by striking "(as amended by section 305)" and inserting "(as amended by section 235)"; and

(25) in section 265 (as redesignated), by striking "(as amended by section 603)" and inserting "(as amended by section 263)".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3421

Mr. MARCHANT. Mr. Speaker, I ask unanimous consent that I be removed as a cosponsor from H.R. 3421.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HONORING RICARDO PAU-LLOSA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate a great artist from my congressional district, Ricardo Pau-Llosa. Ricardo is a man of many talents. He is a poet, critic, curator, professor, and collector. Yet his generosity and desire to give back is what stands him apart from others.

Ricardo has graciously opened his personal art collection for an important exhibition that will take place soon. This August, the University of Notre Dame's Snite Museum of Art will open an exhibition of contemporary Latin American artwork. He has also been invited by the Museum of the Americas at the OAS to give a talk on the significance and themes of the exhibition.

Ricardo has been a renowned art critic for many years. He has been a senior editor of *Art International*, North American editor for *Southward Art*, and a contributor and adviser to the *encyclopedic Dictionary of Art*.

Ricardo is a frequent lecturer at major art museums such as the Art Institute of Chicago. He has published six books of poems and has been published in many literary magazines.

Ricardo, thank you for opening up your collection to us all in the hopes of educating and inspiring others. You are truly a renaissance man. Congratulations.

CONGRATULATING BENJAMIN SCHOOL BOYS LACROSSE

(Mr. ROONEY asked and was given permission to address the House for 1 minute.)

Mr. ROONEY. Madam Speaker, I rise tonight to honor the varsity boys lacrosse team of the Benjamin School in

Palm Beach Gardens, Florida. The Benjamin Buccaneers won the Florida State lacrosse championship this spring against Tampa Jesuit in sudden death overtime.

Team members Matt Ferris, Scott Fricker, Kyle Gilmore, Taylor Smith, Nick Gardner, Josh Weinstein, Dylan Nugent, Roby Mendoza, Justin Boufford, Scott Slawson, Ryan O'Hare, Philip Benz, Nick Krar, Robby Dattolo, Josh Stauffer, Charlie Collins, Colby Kempe, Robert Jacobs, Evan Wesselman, Jay Ford and Charlie Nicklaus played with great determination and heart throughout the grueling tournament weekend to come from behind in the semifinals to beat defending State champions and local rival Dwyer High 18-16 to earn their spot against Tampa Jesuit in the finals.

The championship game was a hard fought see-saw scoring battle with the score tied eleven all at the end of the fourth quarter. Benjamin's Josh Stauffer scored the game-winning goal just 42 seconds into overtime.

I am proud to congratulate the Bucs and Coach Cheatham on their first of many State championships. Go Bucs.

AMERICANS WITH DISABILITIES ACT

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today to commemorate the 20th anniversary of the Americans with Disabilities Act, which was designed in 1990 in an overwhelmingly bipartisan approach to implement laws that would provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.

Why did we wait so long? How grand it is to be able to respond to those disabled, who are challenged, who are intellectually challenged, physically challenged, and who are experiencing difficulties that they should not as a full American citizen. So this law provides them with the armor to prevent discrimination.

Today, in Houston, Texas, I was very proud to be with the City of Houston and their 20th celebration of the Americans with Disabilities Act at the West Gray Multi-Service Center. I can assure you that this evidence of serving people was a grand celebration. So many were there, celebrating at the West Gray Multi-Service Center in Houston, Texas.

HONORING THE SERVICE AND LIFE OF MR. NICK BACON

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute.)

Mr. BOOZMAN. Madam Speaker, I rise today to honor and celebrate the

life of Mr. Nick Bacon for his lifetime of dedicated service to America and Arkansas and to recognize his heroism as a veteran of the United States Army.

He served in the U.S. Army from 1963 to 1984. President Nixon awarded him the Medal of Honor for his heroism west of Tam Ky in the Republic of Vietnam. He was also awarded the Distinguished Service Cross, Legion of Merit, two Bronze Stars, and a Purple Heart over the course of his military service.

He was a hero not only on the battlefield but by the way he lived his life serving others. As the director of the Arkansas Department of Veterans Affairs for more than a decade, Mr. Bacon was incredibly influential in improving services and foundations for veterans and their families, including the Fayetteville VA Long-Term Care Facility and Arkansas State Veterans Cemetery in North Little Rock.

Mr. Bacon's lifetime of dedication to our country and American veterans is worthy of the many awards and recognitions he received throughout his life. A humble man who loved people and people loved to be around, Nick always had the veteran at heart. He will be greatly missed.

AMERICANS WITH DISABILITIES ACT

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, this week 20 years ago, the Americans with Disabilities Act was signed into law by President George H.W. Bush on July 26, 1990. To many of us, the ADA involved simple, tangible things like curb cuts, automatic doors, Braille signs, and those unimaginable buses that kneel to the ground.

To the millions of Americans with disabilities, the law marked a new sense of freedom, freedom to move about, to work, to contribute, to live one's life.

President Bush said it best as he signed this landmark law: "Today, America welcomes into the mainstream of life all of our fellow citizens with disabilities. We embrace you for your abilities and for your disabilities, for our similarities and indeed for our differences, for your past courage and your future dreams. Last year, we celebrated a victory of international freedom. Even the strongest person couldn't scale the Berlin Wall to gain the elusive promise of independence that lay just beyond. And so, together, we rejoiced when that barrier fell."

"And now, I sign legislation which takes a sledgehammer to another wall, one which has for too many generations separated Americans with disabilities from the freedom they could glimpse, but not grasp."

Congratulations on the 20th anniversary of the Americans with Disabilities Act.

□ 1920

NATIONAL MEDIA IGNORE FACTS ABOUT USDA FIRING

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, the national media have been quick to blame conservative news outlets for the firing of Agriculture Department official Shirley Sherrod.

For example, a recent New York Times article points a finger at Fox News. The article, which mentions Fox seven times, describes the network as being in "pursuit of Ms. Sherrod." However, Fox did not air any stories about Ms. Sherrod until after she had already resigned.

The New York Times and the rest of the national media have largely ignored the truth. The rush to judgment that led to Ms. Sherrod's firing came from the Obama administration, not conservative media outlets.

The Times article is another example of the media giving the White House a free pass. Media outlets should be more honest in their reporting if they want the trust of the American people.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 301, PAKISTAN WAR POWERS RESOLUTION

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 111-567) on the resolution (H. Res. 1556) providing for consideration of the concurrent resolution (H. Con. Res. 301) directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Pakistan, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. DAHLKEMPER). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RECTIFY MISTREATMENT OF NATIVE AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. LYNCH) is recognized for 5 minutes.

Mr. LYNCH. Madam Speaker, I rise this evening to talk about a United States Supreme Court decision that

could have far-reaching social and economic impacts on the American Indian population.

Carcieri v. Salazar, a 6-3 decision by the United States Supreme Court issued on February 24, 2009, held that the Secretary of the Interior exceeded his authority in taking land into trust for an American Indian tribe that was not under Federal jurisdiction or recognized at the time the Indian Reorganization Act was enacted in 1934. I speak tonight to the injustice of that result and to the moral imperative that we as Members of the United States Congress have to see that that decision is corrected.

For centuries, now, the American Indians who called these lands home long before Europeans have arrived have been pushed to the geographic and societal fringes of this great country. They have suffered disruption, violence, and relocation to make way for continued expansion. The Indian Reorganization Act, ironically, of 1934 sought to actually rectify so many of those mistreatments.

From 1934 to 2009, the Department of the Interior has restored lands to enable tribal governments to build schools, health clinics, hospitals, housing, and community centers to serve the American Indian people. The Secretary of the Interior has approved trust acquisitions for approximately 5 million acres of former tribal homelands, far short of the more than 100 million acres of lands lost through the Federal policies of removal, allotment, and assimilation.

The Supreme Court decision in Carcieri v. Salazar, if left in place, has the potential to undo that effort. The decision threatens tribal sovereignty, economic self-sufficiency and self-determination, as the Indian Reorganization Act provides not only for the authority of the Secretary of the Interior to take lands into trust for tribes, but also for the establishment of tribal constitutions and tribal business structures.

The Carcieri decision also has the danger of establishing two classes of American Indian tribes in this country today: those recognized as of 1934 for whom land may be taken into trust, and those recognized after 1934, who would be unable to have land taken into trust for their benefit. This is simply unacceptable and contrary to the intent of Congress. In fact, the Federally Recognized Indian Tribe List Act, passed by Congress in 1994, provides that all tribes are treated equally regardless of their date of recognition.

Since 1934, the Department of the Interior has construed the Indian Reorganization Act to authorize the Secretary to place land into trust for all federally recognized tribes. Trying to right our Nation's wrong, Secretary Salazar and his predecessors have taken steps to return to American Indians a small por-

tion, a fraction of the lands that their ancestors called home.

And for the Supreme Court—for any court for that matter—to render a narrow decision like this based on supposition that 76 years ago the writers of the act gave particular meaning to one word in their decision is a further slap in the face to this proud people.

Current history leaves many Americans to associate the restoration of American Indian tribal lands with the development of casinos and gaming, but it is about much more than that. It is about providing resources for a nation to survive. It is about restoring sacred lands on which their ancestors hunted, prayed, and were buried. It is about rebuilding communities, heritage, and proud nations.

I would like to acknowledge the gentleman from Michigan (Mr. KILDEE) and the gentleman from Oklahoma (Mr. COLE) for their efforts to amend this decision. I would like to acknowledge, also, the Senator from North Dakota, Mr. DORGAN, for his efforts in seeing that this miscarriage of justice is corrected.

While times have been bad for most Americans, they have been worse for a lot of our American Indian friends. Despite their own struggles during the economic downturn of the early 1980s, when I was traveling this country as an ironworker, they gave me a place to live. For 1 year, I was a guest of the Navajos on a reservation in New Mexico on the land that the United States Government put them on to simply survive. Over the years, I have worked alongside Navajo, Wampanoag, Apache, Navajo, and Mashpee ironworkers. I know them to be hardworking, honorable people.

The Carcieri decision serves only to further dishonor them and their ancestors, to deprive them of an opportunity to regain the dignity and the justice that they are owed.

As a Member of this body, I am now in a position to return the kindness of my Navajo hosts and say thank you to the many American Indians I have worked beside on the high iron all over this country. That's why I am a cosponsor of Mr. KILDEE's bill, H.R. 3742, which will make the necessary amendments to the Indian Reorganization Act.

□ 1930

SUPREME COURT NOMINEE ELENA KAGAN

The SPEAKER pro tempore (Ms. WOOLSEY). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, I spent 7½ years, before coming to Congress, as a criminal court judge in Tennessee trying felony criminal cases. I

tried the attempted murder of James Earl Ray and many other high-profile cases, thus I have a great interest in our legal system, our courts, and especially appointments to the U.S. Supreme Court.

I realize that Elena Kagan will be confirmed very soon as our next Supreme Court justice, but I am very disappointed by her nomination. I certainly have nothing against her personally, but the Supreme Court is our highest appellate court. Courts of appeal basically second-guess trials. I wish our President and all future Presidents would appoint people who have actually tried cases. We should try to nominate justices who have had experience both as trial lawyers and as trial judges, people who understand the heat of the battle, the give and take, the decisions that have to be made on the spur of the moment both by lawyers and judges. Ms. Kagan may be a brilliant woman, but she has none of this experience.

I want to read a portion of an article in the June 28 issue of *Human Events* by a man who spent over 20 years as a judge before coming to Congress, our colleague, the gentleman from Texas (Mr. POE). Congressman POE wrote, "Supreme Court nominee Elena Kagan has never been a judge. She's never seen a courtroom from the bench. She's never had a judge's responsibilities.

"Elena Kagan has never instructed a jury or ruled on a point of law—any point of law. She's never tried a criminal case or even a traffic case. She has not decided even one constitutional issue. We don't know whether she believes the Constitution is the foundation of American law or whether she thinks, like many, that the Constitution constantly changes based on personal opinions of Supreme Court justices. But either way, Elena Kagan has never had to make a constitutional call in a court of law in the heat of a trial. She has never admitted evidence or ruled out evidence or ruled on the chain of custody regarding evidence. She has never made even one decision regarding any rule of evidence. She has never ruled on the exclusionary rule, the Miranda doctrine, an unlawful search and seizure allegation, a due process claim, an equal protection violation, or any other constitutional issue.

"She has never impaneled a jury. She has never instructed on reasonable doubt or sentenced a person to the penitentiary. She has never had to decide whether a witness was telling the truth or not. As a judge, she has never heard a plaintiff, a defendant, a victim, or a child testify as a witness. She has never made that all-important decision of deciding whether or not a person is guilty or not guilty of a crime. She has never ruled on a life or death issue.

"Elena Kagan has never made a judgment call from the bench, not a single

one. Yet, as a Supreme Court justice she would be second-guessing trial judges and trial lawyers who have been through the mud, blood, and tears of actual trials and actual courts of law. How can she possibly be qualified to fill the post of a Supreme Court justice?"

Mr. POE continued, "Kagan is an elitist academic who has spent most of her time out of touch with the real world and with the way things really are. Being a judge would be an exercise to the new Supreme Court nominee. She has read about being a judge in books, I suppose. She might even have played pretend in her college classroom, but she has never held a gavel in a courtroom. Her first time to render judgment should not be as a member of the United States Supreme Court.

"Aside from being a judge, she has never even been a trial lawyer. She has never questioned a witness, argued a case to a jury, or tried any case to any jury anywhere in the United States. Real world experience makes a difference." This was written by our colleague, Mr. POE. And I agree with everything he wrote.

Finally, I want to commend a Member from the other body, the gentleman from Tennessee, Senator ALEXANDER, my own Senator, for his decision to vote against the nomination of Mrs. Kagan. It is a very poor nomination.

NOTHING IS TOO GOOD FOR WALL STREET

The SPEAKER pro tempore (Mrs. DAHLKEMPER). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Well, big surprise—last Friday, the Obama administration went after the greed and excess on Wall Street during the financial meltdown. They went after it in the form of their esteemed pay czar, Kenneth Feinberg. He got out a feather duster and he waived it vaguely in the direction of Wall Street saying, shame, shame on you. He identified 17 mega-firms on Wall Street who paid out \$1.7 billion in bonuses and other emoluments to their executives while they were lining up at the same time with their hands out to take tens of billions of dollars of TARP bailout money to save their firms from the risky bets they had made that were endangering their future that had gone bad.

Now, he described some of these bonuses and payouts as "ill-advised," "poor judgment," "lacking clear justification," but Mr. Feinberg, the all-powerful pay czar who talked so tough at the beginning, won't try and recoup the money. He says, "It's not contrary to the public interest." Shaming, shaming will be penalty enough. But he won't name anybody who got the money. Can you imagine the guys at their really exclusive club or their pri-

vate resort somewhere smoking their \$500 cigars, drinking their expensive cognac, feeling really shamed when he won't even name the people who should be shamed? They don't even know they should be shamed. They got \$10 million, they thought it was justified; they don't think he's talking about them.

Now he said, At what point are you piling onto poor old Wall Street, going beyond what is warranted? Not in the public interest, piling on. Just think about it. Some of these executives who drove their firms to the edge of collapse and bankruptcy and tanked the U.S. economy and put 8 million people out of work got \$10 million. Now that \$10 million little bonus, that's about 250 years pay for an Army captain in Afghanistan, 250 years for an Army captain, one day in the life of a failed Wall Street executive, and Mr. Feinberg says, "They should be ashamed."

He went on to say, well, if he had gone after them, it could have exposed them and their firms to lawsuits from shareholders. Now, wait a minute, public interest, isn't that the public part of the corporation, the shareholders? But Mr. Feinberg apparently doesn't care much about the shareholders. This is about the executives, because those poor executives in those firms, why, their shareholders might try and recapture some of the misbegotten gains that these people got.

Now, this all could happen because the original Bush-Paulson bailout didn't put any restrictions on executive pay and bonuses. Hundreds of billions of dollars to bail out Wall Street taken from the taxpayers, no restrictions on executive pay and bonuses; \$1.7 billion paid out, ill-advised, poor judgment, lacking clear justification, they should be ashamed. But the pay czar isn't going to try and get it back.

There is one thing very consistent about this administration: Nothing is too good for Wall Street.

MARCELLUS SHALE

The SPEAKER pro tempore (Ms. RICHARDSON). Under a previous order of the House, the gentleman from Pennsylvania (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Madam Speaker, I am here today to speak about an incredible opportunity which is in the northeastern part of the United States, and that is the Marcellus shale natural gas. The Marcellus shale describes a natural gas play in Pennsylvania that has created jobs and economic growth, even in the most difficult of economic times. It is one of the largest deposits of natural gas in the world, and much of it is located in my district. However, the play is deep down and requires a process called fracking, in which water, sand,

and approved chemicals are pressured into the play to fracture the shale to release the gas. Now it is this process that has come under criticism and has been the subject of a great deal of inaccurate information both in the media and a so-called documentary called "Gasland."

Fracking has been used for 100 years, hydro-fracking for 60 years. The safety is documented with zero confirmed cases of groundwater contamination in 1 million applications over that 60 years. The director of the Pennsylvania Department of Environmental Protection's Bureau of Oil and Gas Management said that he has never seen an impact to fresh groundwater directly from fracking.

Another piece of incorrect information is that no one knows what goes into fracking fluid. Well, first of all, more than 99.5 percent of the fluid is sand and water. For the remainder, Pennsylvania law requires companies to disclose all chemicals used in the fracking process, just not the specific formula. A complete list of those chemicals is available on the Pennsylvania Department of Environmental Protection Web site. They include materials that help deliver the water down the well bore and position the sand in the tiny fractures created in the formation.

□ 1940

One of the more prominent substances is guar gum, most commonly used as an emulsifier in ice cream.

You know, there are contentions that fracking is not well regulated. To the contrary, eight Federal and 11 Pennsylvania acts or laws regulate the impacts of drilling. The film "Gasland" goes so far as to assert that "the 2005 energy bill pushed through Congress by Dick Cheney exempts the oil and natural gas industries from the Clean Water Act, the Clean Air Act, the Safe Drinking Water Act, the Super Fund law, and about a dozen other environmental and Democratic regulations."

Well, that is patently false. It must comply with all of these laws with the caveat that the hydraulic fracturing process was never regulated under the Safe Drinking Water Act in its 60-year history, and that particular energy bill was supported by 74 "yes" votes in the Senate, including those at the time of Senators Obama and Salazar.

Most alarmingly, "Gasland" has a stunning scene of a man who is turning on a tap, sticking a lighter under it and watching it ignite. "Gasland" blames natural gas development for the flaming faucet, but the Colorado Oil and Gas Conservation Commission wrote: "Dissolved methane in well water appears to be biogenic." Madam Speaker, that means naturally occurring in origin. "There are no indications of oil- and gas-related impacts to well water."

Though perhaps the most telling repudiation of this film comes from John Hanger, Secretary John Hanger of the Pennsylvania Department of Environmental Protection, who for 10 years was president and CEO of the environmental organization called Citizens for Pennsylvania's Future. He appears briefly in the film. John Hanger said the film was "fundamentally dishonest" and "a deliberately false presentation for dramatic effect." He called the producer a "propagandist."

Now, I am 100 percent behind producing natural gas in a safe and environmentally sound way. If there are violations of the rules or laws, either State or Federal, we rely on the good offices of the Pennsylvania Department of Environmental Protection to do whatever is necessary to bring enforcement to the situation. They have proven to be capable and aggressive.

Gas drilling creates jobs and economic growth and contributes to our energy security in this country. It needs to be done right with environmental protection. It doesn't deserve a propaganda film which doesn't educate but which serves to simply demonize an industry for personal gain and political reasons.

KARZAI'S LIP SERVICE ON CORRUPTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, I think we have seen this movie before.

Last week, President Hamid Karzai of Afghanistan, before an audience of international leaders on whose support he depends, pledged to root out corruption, implement reforms and run a better government, but we heard the same promises at an earlier conference this January; and we heard them again when President Karzai came to Washington for a state visit in May. There seems to be little accountability when he fails to keep his word, as he never comes away from any of these gatherings with more than a slap on the wrist, if that.

If Mr. Karzai is serious about cracking down, why doesn't he start by reining in his own brother, a strongman who rules Kandahar with iron-fisted intimidation? What does President Karzai have to say about the fact that billions of dollars in cash have been flown out of Kabul Airport in the last few years?

Lip service and vague promises are really not enough, Madam Speaker. What is sustaining the Taliban more than anything else is the Afghanistan Government's failure to have any competency or legitimacy. No one is more frustrated than the Afghan people, who voiced their displeasure with government corruption in a recent survey

conducted by an Afghan watchdog group.

Bribery shakedowns are increasingly seen as a way of life. The cost of securing basic services from the government depends on paying somebody off. Even when the government isn't dishonest, it is slow and ineffective. Embarrassingly, in the provinces where they have established a foothold, the Taliban runs a tighter ship than does the Afghan Government, doing a competent job of making the trains run on time.

This cannot go on, Madam Speaker. Our continued support for a feckless regime is eroding our national credibility. The American people, who are fighting off a recession and who are badly in need of the money right here at home, resent sending that money to Afghanistan. They can't be expected to keep on doing this. They can't be expected to keep giving their bravest young people and their hard-earned tax dollars to prop up leaders who have no ability to govern responsibly.

Yet, even as skepticism about the war in Afghanistan grows here in our country, our leaders could be going in the opposite direction. There is legitimate concern that they might be going wobbly on the commitment to start the military redeployment out of Afghanistan 1 year from now.

At the conference in Kabul, Secretary of State Clinton said that the July 2011 date represented the start of a new phase, not the end of our involvement. She added that the United States has "no intention of abandoning our long-term mission of achieving a stable, secure, peaceful Afghanistan."

Well, Madam Speaker, if the Secretary means that we would achieve that mission with civilian resources—a Smart Security strategy which is focused on development projects, on humanitarian aid and on more support for anti-corruption efforts—then count me in, but if she means that our military commitment and occupation to Afghanistan will extend well beyond next summer, I think the American people will have something to say about that. In fact, they are saying it now. They are saying it loud and clear.

We have sacrificed enough for a failed war. It is time to bring our troops home.

JOBS AND THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. FUDGE) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Ms. FUDGE. Madam Speaker, I ask unanimous consent that all Members be given 5 days to revise and extend their remarks in the RECORD on this topic.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. FUDGE. Madam Speaker, the Congressional Black Caucus, the CBC, is proud to anchor this hour on jobs and the economy.

Currently, the CBC is chaired by the Honorable BARBARA LEE from the Ninth Congressional District of California. My name is Congresswoman MARCIA L. FUDGE, and I represent the 11th Congressional District of Ohio.

CBC members are advocates for the human family, nationally and internationally, and have played a significant role as local and regional activists. We continue to work diligently to be the conscience of the Congress, but we understand that all politics are local. Therefore, we provide dedicated and focused service to the citizens and to the congressional districts we serve. The vision of the founding members of the Congressional Black Caucus to promote the public welfare through legislation, designed to meet the needs of millions of neglected citizens, continues to be a focal point for the legislative work and political activities of the Congressional Black Caucus today.

I would now yield to our leader, our chairwoman, the Honorable BARBARA LEE from California.

Ms. LEE of California. Thank you very much.

Thank you, Madam Speaker.

Let me thank the gentlelady, Congresswoman FUDGE of Ohio, for yielding and also for, once again, anchoring the Congressional Black Caucus' Special Order tonight. We are talking about job creation and how to turn this economy around, and I want to thank her for her consistent leadership and for her really taking so many issues she knows so well and for bringing them to the forefront so that the country can recognize and realize the work that the Congressional Black Caucus continues to do. I thank her for the way she represents her district, which has been hard hit by the economy, by the foreclosure crisis and by all of the issues that we all know so well. So thank you very much, Congresswoman FUDGE, for once again, on Monday night, anchoring this Special Order.

We are trying to again bring some attention to some of the most pressing issues confronting our country that often don't make headlines. As the chair of the 42-Member-strong Congressional Black Caucus, I rise this evening to continue sounding the alarm about the urgent and vital need to create jobs in America, especially in those communities that have been disproportionately hit, which are suffering the brunt of this economic crisis and which, as a result, are in desperate need of targeted, concrete and meaningful opportunities.

□ 1950

The statistics are staggering. While the national unemployment rate is about 9.5 percent, way too high, it is close to 16, 17 percent in the black and Latino communities. For young people, the national average is about 25 percent. Yet for black and Latino youth, it is nearly 40 percent; unacceptable for anyone.

For many months now, the Congressional Black Caucus has been and continues to be laser focused on stimulating the economy and creating jobs, especially for the chronically unemployed. We have sought to engage the Obama administration, House and Senate leaderships, committee chairs and our coalition partners to develop a legislative strategy to address the needs of millions of Americans who are struggling in this tough economic environment.

During this period, the House of Representatives has passed a series of bills that would move our economy from recession to recovery. However, Senate Republicans have consistently and flagrantly stymied passing similar measures. Just last week, 40 out of 41 Republican Senators voted to block extending unemployment benefits for 1.2 million Americans. Fortunately, there were enough votes in the United States Senate to pass this measure, which was followed the next day by the House of Representatives approving a similar measure once again.

But for several weeks, Republican Senators prevented Congress from providing necessary relief for the unemployed. The nonpartisan Economic Policy Institute recently released a report on the economic benefits of unemployment insurance. The report concluded that expanded unemployment benefits have added 1.15 million American jobs since 2007, promoted spending resulting in longer work hours for the employed, and resulted in a 1.7 percent boost in GDP. Economists have pointed to the economic value of unemployment insurance benefits. For every dollar we invest in unemployment insurance, there is a \$1.60 return in economic output.

But people can't survive forever on unemployment. That is why the goal, of course, is to create jobs, workforce training programs, so that people who don't have the skills for the jobs of the new industries that we are creating these jobs for have the requisite skills and experience to get these jobs.

Fortunately, though, during the unemployment debate, we were really able to break the impasse and develop a proposal and extend unemployment so that many Americans now are receiving some relief. But let me just say, Republican Senators continue to block the \$1 billion summer jobs program. Now, of course, it's the youth employment program because summer is almost over. These kids need to work

for the rest of the year. We have \$2.5 billion in emergency assistance for needy families working in the public and private sectors. Also, we want the Senate Republicans to really look at how to fund—and we found the pay-fors for \$1 billion—for the National Housing Trust Fund, which will provide communities with funds to build, preserve and rehab rental homes that are affordable for low-income families.

I can't tell you how shocked and disappointed I am that so many Republican Senators with high rates of unemployment in their States are blocking legislation that will create jobs. The members of the Congressional Black Caucus went to the Senate several weeks ago to deliver letters laying it out. We wondered if they knew how many people in their States were unemployed, so we broke it down by unemployment rates. We told them where the unemployment rates were in their States, and we tried to convince them that these bills that are in the Senate now, which are languishing, will put their constituents back to work. We weren't sure if they really got that and so we wanted to make sure it was documented. We took it over to them. We don't know if they read the letters or not. We don't know if they really believe it or not, but it's really crucial that the United States Senate act swiftly and pass this legislation. It's appalling that they are opposed to providing jobs for their constituents, for millions of Americans, in these tough economic times.

The Congressional Black Caucus continues to fight for summer jobs and employment programs for young people. We want to keep teachers in classrooms. Of course the House passed in the emergency supplemental bill to keep 140,000 teachers in classrooms throughout the country. That still hasn't been voted on in the Senate. We want to increase lending to small businesses. We passed a bill that would make \$30 billion, mind you, available to loans for community banks at a 5 percent rate which allows community banks to lend to small minority-owned, women-owned businesses that create jobs. We still can't get any movement in the Senate on that.

There are many pieces of good legislation that are really just sitting there. Madam Speaker, it's really shameful. It's really a shame and disgrace. It's hard to even explain why the Senate won't move when there are so many Americans who are hurting and need our help and we can do something and we can do it now.

I am urging everyone to call their Senators and to tell them to pass these bills so that we can get America back to work. It's clear that we have a lot of work to do to get the economy revived again. The legislation and many other bills that are sitting over there need to

be passed. Of course, this week local officials are here, thank goodness, advocating for the Local Jobs for America Act, the Miller bill, a comprehensive approach to creating jobs which the Congressional Black Caucus has worked on in a big way. Local government investment in transportation, water, sewer, and communications infrastructure provides excellent vehicles and ways to create jobs as well as helping to leverage the private sector by reducing private sector costs and creating opportunities for additional investment.

Madam Speaker, as I close, I just want to say thank you again to Congresswoman FUDGE and to the Congressional Black Caucus and to all of our colleagues and allies for staying vigilant on this, because it's going to be a hard road ahead of us if we don't figure out now how to create jobs for people who are unemployed. We're talking about opportunities. We're not talking about welfare or public assistance. We're talking about creating jobs. If you don't create jobs in this country, then what are we doing in terms of shattering really the American Dream for millions of Americans?

I think every member of the Congressional Black Caucus wants to see every member of our society live the American Dream, and you have to do that by creating jobs.

Ms. FUDGE. Madam Speaker, I would very much like to thank the gentlelady from California, who has been a tireless advocate for the jobless, the homeless, the helpless, the hopeless. This caucus is better for her being a member.

At this time I would like to yield to my colleague from the great State of Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Thank you, Congresswoman FUDGE. It is indeed an honor to serve in Congress with you ladies who are all champions of regular working people and poor people of this country, regardless of geographical boundaries, and I salute you, in this age of women that we are living in.

I remember, Madam Speaker, just within the last 17 months, the leader of the Republican Party said publicly that he hopes that President Obama fails. Do y'all remember that? It was well publicized. It was not coming from Minority Leader BOEHNER of the House, and it was not uttered by Senator MITCH MCCONNELL, the minority leader in the Senate. It was uttered by the true leader of the Republican Party, and that is my good friend, Rush Limbaugh, who for every day, 5 days a week, 3 or 4 hours a day, sends that same message out to Americans who are hooked on that show, he sends it out to them relentlessly, and they remember it and they act on it.

But they are not the only ones who have acted on it. It has been the followers in the Senate who have acted

upon it, and it has been the followers here in the House of Representatives on the other side of the aisle who have followed his leadership, and they have embarked upon this strategy of obstruction: Just say no. I don't care who it hurts. If it hurts the unemployed, fine.

□ 2000

We won't let it happen where they can get some relief. If it happens to a small business man or woman, we don't care on the other side of the aisle, because what we want is failure.

And why do the folks on the other side of the aisle in both the House and the Senate feel so strongly about that? It's just simply the naked grab for power. They want to resume control of the House of Representatives and the Senate, and they want to retake the White House so they can continue to do all of the things that ran this economy into the ditch; those things being characterized by trickle-down economics, the old Ronald Reagan trickle-down economics plan. And trickle-down economics resulted in eventually, over the last 10 years, 8 million jobs lost in America, 495,000 of those jobs in manufacturing sent overseas due to tax policies to benefit the rich and the wealthy.

So when President Reagan said it's morning in America, he was not referring to the working men and women in this country. He was referring to the gilded, the upper crust, the royalty, if you will. He wasn't referring to all of the little people. He was talking about his friends. And that policy has been followed relentlessly, and it has had a devastating effect on the men and women who try to work for a living in this country. So as a result, our economy has gone into, I don't want to say a ditch, but in a deep, dark hole. And it didn't take us long to get there, but it's taking us some time to climb out of.

That's why this discussion that we're having tonight is so important. Jobs for the American people, closing tax loopholes that benefit the rich and the wealthy and incentivize their movement of jobs offshore; those things must come to an end.

I know we have additional time, but I am going to yield back now to our anchor, the Honorable MARCIA FUDGE.

Ms. FUDGE. Thank you so much, my friend and colleague, Mr. JOHNSON, who is always on top of issues. I so much appreciate you joining us this evening. It is always a pleasure to hear your views on the various topics that we cover. Thank you so much.

Madam Speaker, I would now like to take an opportunity to, as well, yield to a person who has been very active in discussing the issue of jobs, who understands very, very well some of the legislation that has been passed by this House.

My friend and colleague from the State of Maryland has been active in every single issue that we have addressed in this body to deal with jobs and on the economy. And it's just, indeed, a real pleasure for me to yield some time to her this evening, because she is always very, very prepared and very knowledgeable, and I think very informative.

At this time, I would yield to my friend and colleague, the gentlelady from Maryland (Ms. EDWARDS).

Ms. EDWARDS of Maryland. I thank the gentlelady.

Madam Speaker, I have to tell you, it really troubles me to be here this evening because once again we have to point to action by House Democrats to bring jobs to the American people and inaction by our Republican colleagues, particularly those who sit in the United States Senate, who have failed to deliver on the promise of jobs to the American people.

Now, when President Obama came into office, I think that month, Madam Speaker, we lost something like 750,000 jobs that one month, after having hemorrhaged for over a year thousands and thousands of jobs, not creating a single job in this country. And so then the President comes in and we have to deal with a financial crisis, also inherited from the previous administration. Still, Americans are without jobs.

But this Congress didn't stand still. The Democratic leadership in this Congress didn't stand still. We passed significant jobs legislation. First, the stimulus package that created jobs across this country, saved or created 3.5 million jobs around this country in every single State, in every single congressional district, so that Americans could continue working.

But we said that wasn't enough. We need to be on the progress of building up our economy and creating more jobs for the American people, creating jobs that are about the 21st century, making sure that Americans don't just get extended unemployment benefits, which I agree we ought to have done. It was the right thing to do.

And it was wrong for Republicans to say that people who receive unemployment benefits don't deserve that because somehow that keeps them from looking for a job. Those aren't the Americans that I know. The Americans that I know get up every single day. They want to work hard, and they do work hard to take care of themselves and their families. And our job as Members of Congress is actually to deliver on that promise.

So what have we done in this Congress? We have delivered.

Democrats in the House of Representatives, almost without any Republican votes, have delivered jobs for the American people. But where is it? Sitting over in the Senate. At least five jobs bills that I can think of, and

I know that there are more. Jobs for veterans, jobs for teachers, jobs for first responders, jobs in the 21st century economy and the green economy, all of these sitting over in the United States Senate because Senate Republicans are standing in the way of job creation for this country.

I will tell you, Madam Speaker, it's not that they're standing in the way because these aren't good ideas. They're standing in the way because they have let politics get in the middle of whether Americans should have jobs or not. And so here we go. It's time for the Senate Republicans to actually deliver a paycheck and a payday for the American people, to stop standing in the way of job creation, to make sure that Americans can get paid an honest day's wages for an honest day's work, because Americans want to work.

Now, here we have bill after bill. We have House Resolution 5297, passed on June 17; 5019, passed May 26, May 28, March 21. I mean, it's been days and days and days since we have passed major jobs legislation that sits to this day in the United States Senate. It is not right. It's not right for the American people, and it's time for Senate Republicans to stop standing in the way and filibustering jobs for the American people because they believe in politics and not a paycheck.

So, Madam Speaker, let me just tell you something. We've done a lot of things in this Congress, but we have to draw attention to this. And I'm asking the American people, Madam Speaker, that they turn on their television screens at 2 o'clock in the afternoon to make sure that they know that House Democrats will be waiting on the Senate floor, waiting moment by moment, 2 o'clock every single afternoon this week so that we can bring jobs to the American people.

It's time for the Senate to get out of the way. It's time for Senate Republicans to stop standing in the way of a paycheck for the American people and to deliver the jobs that House Democrats have created over in this body. And we need to move them forward over in the other one.

So, Madam Speaker, I would say to you it is time that we deliver a paycheck for the American people, millions of jobs and a paycheck for the American people, that we stop standing in the way of job creation.

Madam Speaker, here's what we've done. It's really payday for the American workers. Small Business Jobs and Credit Act for small businesses and tax incentives. Home Star Jobs, incentives for energy-efficient homes and cutting energy bills and delivering jobs. America COMPETES. That's about what we do in the 21st century. It's about whether we're going to be competitive globally by creating jobs in this new economy. Jobs for Main Street, so we can boost small business, build high-

ways, and hire and retain teachers, police, and firefighters.

You want to tell me that there are not police and firefighters and teachers who need jobs in every single State in this country, whether that State is led by a Senate Democrat or a Senate Republican? Of course they need jobs.

And finally, Madam Speaker, I'll tell you, the other side does a lot of talking about small business and infrastructure, but here we've passed H.R. 4849, small business and infrastructure that we know are going to create jobs, and who's sitting on that? Those Senate Republicans sitting on jobs, playing politics with the American people.

□ 2010

The American people want a job. American workers want to work, and it's time for us to deliver that work. Thank you.

Ms. FUDGE. Thank you so very much.

Again, as I expressed before you began your remarks that you are always informative and very accurate as to the situation we find ourselves in the House. It is certainly always a pleasure to work with you and for you to continue to fight for the American people because indeed they do deserve a payday. And I thank you.

I will now yield to my good friend and colleague, the dean of the Ohio delegation, a delegation of which I'm a member. It's always a pleasure to see you. I will now yield to the gentlelady from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Congresswoman FUDGE, I want to thank you very much for organizing this Special Order this evening, and especially from the Buckeye State, being down here every week, using your voice, using your talents to fight for the American people, particularly those who are out of work. And don't we know that well in our beloved State of Ohio.

In fact, there was a billboard that was put up, paid for by anonymous donors in Ohio, that read as follows: Recession. Your self-worth is more important than your net worth. And what is happening around States like ours where the unemployment rate is above even the horrendous national unemployment rate, where we have 20 million people out of work, directly out of work, those who have run out of benefits or those who are working part time when they really want to work full time. This is an enormous amount of people.

And Congresswoman EDWARDS, who was down here a while ago, was talking about the fact that with the help of the Obama administration Congress has begun to dig out of this deep job-loss hole that the last administration left us. But the percents really don't tell the full story.

Where people finally say, I just simply can't find work. They send out 400

resumes—nothing back. They're told by some of our friends on the other side of the aisle, Well, you can't find a job? Start your own business. Create your own job. Where are they supposed to go for capital? How are they supposed to do this when they can barely feed their families at this point?

I mean there's a certain unreality and cruelty that attends those who are consistently voting against even extending unemployment benefits, which all of the studies show provide immediate consumer buying power and are the biggest bang for the buck that the Federal Government can actually provide out there in communities across this country to spur purchasing and to allow people to hang on to their homes, to make their car payments—barely, and to try to put food on the table for their families.

The situation in States like ours is very, very precarious. One of the communities that I represent has had a string of shootings that I have no doubt when the crimes are solved will probably point to a number of young people who just simply are idle.

There could be choices for them. There could be constructive work that they could be doing. But instead, they're getting caught up in the old expression, I guess, the idle mind and the idle hands are the devil's workshop. And it's important for us to think about that.

In the major city that I represent, we have had a string of arsons and fires—another one last night—across our community. Innocent lives threatened as these abandoned homes are burned down. Imagine if those who are doing this could be put to constructive ends. It isn't so complicated because all of the destruction takes money, in one way or another. And yet we could do something to help people reposition in this very difficult economy.

I favor all of the programs, as a member of the Jobs Now Caucus with my dear colleague BOBBY RUSH of Chicago and Congresswoman CANDICE MILLER of Michigan, all of those programs that we can't get through here dealing with the re-creation of a Civilian Conservation Corps so any person who'd want to make a positive contribution to our country would be given that opportunity. They wouldn't make wages like the head of those big banks on Wall Street. Nothing close to it. But they would get a living wage. They could at least, like Peace Corps, like VISTA, they could get a wage and maybe opportunity for education beyond. And they could do something constructive.

One of the last images I had this morning as I drove through Toledo, Ohio, we have a Mission right in the downtown area that tries to help people who are just falling out of regular society. And right next door they've now built an education and training center. It's small, but they're dealing

with some of the most challenged human beings that are residing in our community now. But they're saying we're not giving up on anybody because everybody counts. Everybody has self-worth. Everybody should have self-worth. It isn't net worth, it's self-worth. And America, after all, isn't that what we're supposed to be as a country? We're supposed to be a place where every person matters.

Now I wanted to say on the jobs programs that are stalled over in the Senate—and it was embarrassing to watch the laborious effort that the Senate had to go through just to pass extended unemployment benefits—which the people earned. These are benefits they worked for. This is no manna from heaven. I mean, this is something that people paid for.

In addition to the troubles they had over there, I'm getting a little bit worried about the trade agreements that we hear rumblings about. If we look back to agreements like NAFTA, China, we outsourced so many jobs to foreign places. If every label in America read "made in America" again, we'd have so many jobs we wouldn't know what to do. We would be so full up with production, with purchasing.

But we keep handing off jobs to all of these other countries where people work for slave wages. I just had another business person tell me yesterday that he will no longer go back to certain parts of Asia because he has to have a lot of protection when he goes there, and that the products that people are making are of more inferior quality, but they can't afford to buy what they make. Certainly in China, certainly in Malaysia, certainly in Indonesia.

How can we as a country make lasting friends in these other places when that stuff is sent over here, they don't even make a decent wage there. And they undercut our markets, these companies, by outsourcing our jobs and paying the people over there nothing. That doesn't seem like a long-term recipe for success for our country as a Republic as it makes its way felt in the world.

So I wanted to say to my dear colleague from Cleveland, we know what Mr. Coffee's loss of jobs in Cleveland meant. We know what the loss of jobs in Sandusky, Ohio, and Dixon Ticonderoga's move to Mexico, we know what that means. We know when Whirlpool jobs are outsourced to Mexico, we know what that means for Ohio's workers. And the list is endless of all of these products and services that we've outsourced.

This Congress should be renegotiating trade agreements. We should not be approving other trade agreements until we fix what's wrong with the ones we already have. And that's part of the jobs agenda as well because this year America will exact a \$1 trillion trade

deficit with the world. All of those jobs gone. Somebody else making what we used to make here. And this is costing us dearly.

So I want to thank the gentlelady for allowing us to put on the record the number of unemployed, the difficulty we've had in trying to get the Senate to pass its bills, the bills that we've sent over there, the impact of the job loss on people's self-worth and what that means to us as Americans. And finally, what this trade deficit means, over a long, long, period of time with the continued outsourcing of jobs and the efforts that we as a Congress are going to put forward even more for made-in-America again.

I think the American people will cheer for that coast to coast because they know that needs to be done.

So I want to thank the gentlelady for allowing us to convene this evening. And I know the Cleveland area and Parma and areas that you represent are just as challenged as those over in northwestern Ohio and northern Ohio, the parts that I represent. And our people deserve more fair treatment by their own government.

Thank you for allowing us this time this evening.

Ms. FUDGE. I absolutely agree with you 100 percent. If we don't start to make things again in this Nation, we may, in fact, have a permanent underclass of people who will never work again, people who grew up in blue collar communities like mine who work with their hands and by the sweat of their brow. It is going to be very difficult if we don't start to make things again.

□ 2020

It's going to be very difficult to come out of this recession if we don't start to look at some of the mistakes we've made in the past and try to correct them. We know how to create jobs. I know in the 8 years of the Clinton administration we created over 20 million jobs, less than 2 million under the Bush administration. We know what we're doing, if they would just allow us to do the work that the people have sent us here to do. I thank you so much.

Ms. KAPTUR. If the gentlelady would yield one second, there is one figure I could put on the record, that is, during the first 18 months of the Obama administration, we have already created more jobs than in the entire 8 years of the Bush administration, 18 months versus 8 years. We're digging ourselves out of that hole, not as fast as we would like in Ohio, but the damage was so great. We're moving in the right direction, and we need to keep your shoulder to the wheel; and I thank the gentlelady for yielding me the additional time.

Ms. FUDGE. I thank you because we are making the right steps. We're moving in the right direction, and it's

going to take some time; but we know that we're doing the right thing. So I thank you so much for being here.

I would now yield to my friend and colleague who joins me just about every week, who sheds new information and sheds light on things that sometimes the rest of us don't quite think about, and that is my dear friend, the gentlelady from Texas, Congresswoman SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. Madam Speaker, let me thank the gentlelady from Ohio, and I'm very glad to follow on the theme that Congresswoman KAPTUR of Ohio spoke to and the note that she ended on, recognizing that we have to do more.

There is pain out there, but to actually say to the American public that our President, President Obama and this administration with this Democratic Congress has created more jobs in the last 18 months than were created in the tenure of the last administration, I don't know how many times we have to say that, but allow me to say it one more time, that this administration, President Obama's administration with this Democratic Congress, has created more jobs than the last administration in their entire tenure, and that was 8 years.

Let me also cite for my colleague and let me as well express my appreciation in joining the Congressional Black Caucus special hour that we have participated in and educated really the American public, and I thank you for your leadership.

Chairman Bernanke spoke last week in a number of hearings—and I think it's important to note—I know that many of our colleagues are either at hearings or they see the hearings. We try to twist and turn on our questions. If we don't like the answer, we try to throw it back at the witness. But the chairman of the Federal Reserve was very, very definitive when he said: It is important to invest in the economy, and if you want to use the term "stimulus," I'd like to use the word "investment," is the way to go, and all of those who are concerned about deficit, all of us we want to keep a balanced budget in our own personal homes. He said: The most important thing is to keep this economy churning and to not be so concerned about deficits as opposed to investing in our economy.

That investment has caused a churning of the economy, such that we see the growth of jobs. We see the private sector working, but yet we have obstacles. Those obstacles concern me, and that's why we've come to the floor of the House to let everyone know that the Congressional Black Caucus is fighting still on the cause of expanding job opportunity.

It baffles me how long we had to work to get the unemployment extension to be passed by the other body. Clearly, unemployment insurance is

not a handout. It is a trust that is established with a working American. When they work and they fall upon hard times, they are due an unemployment insurance to carry them over the bridge of difficulty.

This bill that we passed was focused on the unemployment extension that finally got passed after constant advocacy by this caucus, after meeting with Senate leaders over a period of time by Chairwoman BARBARA LEE, after calling and prompting, that bill was passed. However, the component that would have added extra jobs, the component that would have provided youth jobs or summer jobs—and what date is it today, July 26. It saddens me; it saddens me. I remember us standing in the heat of summer in the month of June, standing with the constituents of Congresswoman ELEANOR HOLMES NORTON, teenagers from this region, standing with us and making a simple plea, put us to work, let us work.

The other body has stood as an obstruction. When I say that, let me clarify. The Senate Republicans have been very, very challenging.

But what we just had a chance to pass involved providing tax relief to businesses and State and local governments to help them invest and create jobs, provide important tax cuts to put money back in the pockets of working families to help restore the flow of credit to enable small businesses to expand and hire new workers by extending the small business loan program; extending eligibility for unemployment insurance, COBRA, health care tax credits and others; and close tax loopholes for wealthy investment fund managers and foreign operations of multinationals.

Work still to be done, and that kind of work will really provide for enhanced opportunities for our small businesses.

Our colleague from Maryland was saying that why can't we pass this small business lending bill that would make a huge difference coming out of the summer months, getting our small businesses ready to be the backbone of America and hiring those who need it.

But let me speak to the emotion of what is going on, if I may, to my friend and colleague from Ohio, and if I may, Madam Speaker, just comment a moment because it troubled me how long it took for the unemployment insurance.

People actually fell off the flat Earth. They literally fell off, 2.5 million, before we were able to pass this insurance; but more importantly, can you imagine as they were counting their dollars and they were not getting any word that we had passed it, can you imagine the stress that anyone who was having to be responsible for family members and children felt, the pressure, the intensity. I don't know why anyone doubts that people are looking for work.

Eight thousand people came to a job fair that I held last year; 10,000 came to another one that I held. But these are just pictures of everyday Americans around America who have been standing in line for jobs, for jobs. Does anyone have any sense that there is a need out there, that people are not serious, that we shouldn't have extended the unemployment as well as extend dollars to small businesses and provide them with lending opportunities? Does anyone not see that this is a serious issue when people are standing in the hot sun for long hours when there is a job fair?

Many people will tell us that there are thousands that come out when anyone has a job fair, when anyone has it; and what I focused on was the government opportunities because in many instances we're hiring, but let me just give some numbers that are so frightening.

The Houston Crisis Center is seeing a startling increase in the number of suicide-related calls this year. The economy and job losses are among the top reasons people say they need help. The Crisis Intervention Center of Houston noticed more calls were coming in, many of them related to unemployment. The executive director says they compared calls from January to June of 2010 to the same time period last year, 2009, and that it has been a 220 percent increase of suicide-related calls, 1,446 suicide-related calls this year, people saying I don't know where to turn.

Unemployment insurance that we fought so hard for, that could have been passed over a month ago, the realism of them understanding that people are impacted because they don't know how they're going to pay their mortgage, their rent, their food, college education for those whose children may still be in college, or other needs that they may have, medical bills.

Let me just add this: according to foreclosure crisis on July 1, online publication, the people are stressed out from layoffs, actual or feared, and underemployment with salaries being slashed. The foreclosure crisis has taken a toll on the mental health of the people in no certain way.

□ 2030

Take the story of Deanne Ross, for example, who was working full time, and she was a counselor dealing with the unemployed and helping them address their mental health situation. She was working with the national alliance dealing with mental illness and was a field operator, but she lost her job. Since that time, Ms. Ross, who is in her early forties and suffering from bipolar disorder, is battling urges to withdraw from social contact.

We found this story on a foreclosure crisis Web site. Apprehensions about becoming homeless are haunting her,

anxiety is crushing down upon her. She has five children to care for. All her life she has been hardworking and managing things, even with the physical challenge that she has had, and, therefore, now she finds herself unemployed. Does anyone get it?

We need to pass a jobs bill to complement the hard work that you have already seen by this Congress and this administration in creating jobs. This is a public and private partnership. The private small businesses and large corporations who now are restraining themselves need to have confidence to invest in making and creating jobs.

How do they do it? With the help of the Federal Government, by focusing on what we Democrats will be leading with, making it in America, emphasizing manufacturing, and that expands to other markets to allow people to not be in foreclosure, to not be without rent money. This is the way to go.

Finally, Dan McCarthy of Magellan Health Services said, for many American workers, this financial stress, uncertainty, and anxiety can be significant, and it is important that they have places to turn for guidance and support. The services focus on managing benefits related to mental health.

My key point is to dispel the myth that these are people who don't care, are not looking for work, don't need any resources. These are hardworking Americans, and it is important to note that they should look for support systems. Don't go this alone. Don't be alone when you are struggling to pay bills. There are many support systems in your own community, from the faith community to United Way, to various mental health associations, to your State unemployment offices. Don't handle this alone. Don't go it alone.

But while you are working to survive, we in the United States Congress should do so.

Let me close, Madam Speaker, by suggesting that there is much work left for us to do: creating public job initiatives involving the Department of Labor, Employment and Training Administration, the Corporation for National and Community Service, locally directed programs for youth summer jobs.

To my disappointment, it is almost an embarrassment to stand on the floor of the House. This House passed it, and we cannot get the Senate that doesn't understand that the families of youth are standing in unemployment lines, and we can't pass a simple summer youth program or youth jobs of a billion dollars to put young people to work who may be providing for some extra income to these desperate families, locally directed funding, as I indicated, for our summer youth; enforcing the minority contracting requirements under the National Significance and National Corridor grants in an extension of the SAFETEA-LU; and

strengthening apprentice and training programs, which I am working with in the city of Houston; expanding unemployment insurance, which we have done, and COBRA benefits; providing access to capital and technical assistance for capital for small businesses from SBA and MBDA.

There is work to be done, and I would simply say that this effort tonight is important to educate our colleagues to call upon our Senate Republicans to think about people and to care about those who desperately need our help.

I hope that we are inspiring our colleagues to be renewed in their vigor to fight for the jobless, and I hope that we are challenging Senate Republicans to recognize that they have a responsibility as well to the thousands and millions of individuals who are calling out to get jobs.

Ms. FUDGE. I want to thank my friend for being here. She always does bring a different view. Just to see those photographs says an awful lot, you know. They say a picture is worth a thousand words, and it's just important for people to understand that these are real people that we are talking about.

You talked about we need a jobs bill. We just don't need one; we need it now. So I thank you for saying to our colleagues in the other body, especially the Republican Senators, it is time for them to understand that the American people need them now more than ever, and I thank you so much for being here.

Madam Speaker, in the fall of 2008, our economy was in its worst shape since the Great Depression. Predatory and subprime lending were at an all-time high. The housing bubble had just burst and many of our largest financial institutions had gone bankrupt. Retirement and savings accounts were cut in half, forcing many to stave off retirement and continue working well into their golden years. Over 200,000 American workers were being laid off each month. In the State of Ohio, unemployment was growing rapidly, quickly approaching double-digit numbers. In my district, the unemployment rate was even higher.

In October of 2008, I arrived in Congress with the goal to help struggling Americans. My number one priority has been to promote policies that create jobs and spur economic development. I have consistently advocated for such policies. The Congressional Black Caucus and the Democratic leadership made it our duty and our responsibility to advocate for jobs.

Earlier this year, the House passed H.R. 4213, the American Jobs and Closing Congress Tax Loopholes Act. In Ohio alone, Madam Speaker, this legislation would have extended unemployment and COBRA benefits to 86,000 workers. It would have provided college tuition deductions to 153,000 students and allocated over \$42 million for youth summer jobs.

For the Nation, H.R. 4213 would have provided \$500 million to restore credit to small businesses, the same small business that are creating most of the jobs in this Nation. It would extend the research and development tax credit. And, finally, it would have granted \$25 billion in bonds for infrastructure development. However, Madam Speaker, there has been no action on the part of the Senate while Americans continue to suffer.

In May of 2010, the House Appropriations Committee drafted a war supplemental that included necessary funding that protected our soldiers abroad and our workers at home. This thoughtful legislation included \$23 billion to save jobs for teachers, \$5.7 billion for Pell Grants, \$1.2 billion for COPS grants, and \$500 million to save firefighter jobs. However, once again, Madam Speaker, the Senate passed the legislation without any of these necessary job creation measures. The Senate must act now to help hardworking Americans.

The Congressional Black Caucus and the House Democratic leadership fought to keep creation and job-saving measures in this bill. We fought back and sent legislation that included \$10 billion to save teachers' jobs, almost \$5 billion for Pell Grants, \$4.6 billion for settlements of the Pigford and Cobell discrimination cases. On Thursday, this past Thursday, the Senate once again rejected these measures.

I have always believed that it is the job of government to help its people. If we are not helping the people that we represent, I don't know why we are here.

I asked the Senate, Where is your job creation legislation? What are you doing to help teachers, to help police officers and firefighters? What are you doing to get the American people back to work?

We cannot allow American families to suffer through these difficult times any longer. They are counting on job creation measures, and we cannot let them down. I urge the Senate, Madam Speaker, to move quickly to help create jobs to get Americans back to work.

If we do not allow Americans to go back to work and make people believe that because you are unemployed you are lazy, to make people believe that because you are unemployed that you don't want to work, it is the most ridiculous thing I have ever heard in my life. The people I meet in my district every day, every weekend that I am home, they talk about wanting jobs. They talk about how they have been laid off. They talk about wanting to get jobs for the young people.

Do you know, this may be the first summer in history where young people's jobs may, in fact, be feeding their families, but yet we can't pass a jobs bill that will allow young people to

work for the summer. If young people have things to do, maybe we wouldn't have the kinds of issues that Marcy Kaptur talked about.

We have to find a way to say to the American people that we do, in fact, hear you; that we do, in fact, know that you are our neighbors, our friends; that we know that you are the people who are in most need.

If we can't help those who need it the most, we really are a group of people who has lost sight of what our role is. I mean, yes, there are people doing very, very well here. Corporations have made more money in the last year, I think it's something like 43 percent, their profits are running 43 percent higher than they did the year before, but yet we can't take care of the everyday person on Main Street? They are getting richer and the poor are getting poorer, and something needs to be done.

□ 2040

And so I would, at this time, Madam Speaker, yield back my time with the caveat that I expect that the Senate will do its job because certainly those of us in the House will continue to do ours.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, thank you very much, for allowing us the opportunity to give a statement on this very important issue this evening. I am very glad to be joined by a number of colleagues over the next hour to discuss the importance of putting Americans back to work. Unfortunately, we cannot override the devastating consequences that followed eight years of Republican with a simply snap of a finger. However, the Democratic Caucus is on its way to restoring this country's economic well-being.

I think it is very appropriate that we commence this Special Order hour in the midst of an incredibly important and critical debate about the short and long term economic future of this country. This evening we will address the fact that the economy has been on a downward spiral long before the crisis of this past summer. Millions of once financially sound American families and businesses—small and large—have been teetering on the edge of poverty and bankruptcy.

Prior to the Obama administration, our economy was set on a path of destruction never experienced by this generation. We were losing over 700,000 jobs a month and most families were struggling just to pay their bills. But, yes, what a difference a year has made.

This Democratic Congress, working with President Obama, has chartered a new direction. Americans are now paying the lowest amount of tax rates since the 1950s, deductions on property taxes are available, States are receiving help with bonds to rebuild critical infrastructure such as hospitals and sewers, students are receiving tax relief for tuition and teachers are eligible for tax deductions for their out-of-pocket expenses. Finally, we must protect our coasts and increase the oil spill liability trust fund.

The newest job numbers indicate that over 419,000 jobs were created last month. According to a recent Associated Press release, Texas has the greatest amount of job creation in 2010.

Texas employers expanded payrolls by 43,600 during the month of May, making it the State's largest monthly gain in more than three years. Companies like American Airlines, AT&T, and Texas Instruments are creating jobs in my district because North Texas is a good place to do business.

This Spring, the House passed the Small Business and Infrastructure Jobs Tax Act. This legislation will create 160,000 jobs and extends successful Build America Bonds for schools, roads and bridges. We also passed the Summer Jobs Act which creates 300,000 summer job opportunities for our youth. We have seen an increase in GDP, an increase in manufacturing, and a significant increase in economic indicators. As President Obama said, this is the Nation where anyone with a good idea and the will to work hard can succeed. Dallas, my hometown, is no stranger to good ideas, hard work, or small businesses. I commend Dallas' small businesses which have created hundreds of jobs, provided valuable goods and services, and helped drive our local economy.

Madam Speaker, on May 28, 2010, the House of Representatives passed the America COMPETES reauthorization Act of 2010, which authorizes nearly \$86 billion over the next five years to strengthen our nation's competitiveness in science, technology, engineering and mathematics (STEM).

Our Nation is being outpaced by our competitors in graduating scientists and engineers. It is so important to invest wisely in programs that truly make a difference in the achievement of our young people. It's about ensuring we are taking the right steps towards increasing American competitiveness and innovation.

We have an obligation to the future of our Nation to assure every segment of our population has equal access and opportunity to pursue careers in Science and Math. According to the Census Bureau, 39 percent of the population under the age of 18 is a racial or ethnic minority. Yet, in 2003, only 4.4 percent of U.S. science and engineering jobs were held by African Americans and only 3.4 percent by Hispanics. Further, women represent only little more than one quarter of our science and technology workforce.

As a senior Member of the committee on Science and Technology, I have attended hearings where recommendations were made to rapidly increase the number of federal undergraduate and graduate scholarships to persons from underrepresented groups in the sciences. Jobs created in the fields of science and engineering are the fastest growing and the highest paying. These are the jobs of the future.

I want to commend the Congressional Black Caucus for working with me to include many provisions authorized in America COMPETES which strives to achieve social and economic justice.

As a country, we are getting stronger and stronger, but we still have a long way to go. We must continue to invest in American businesses and in the American people. I urge my

colleagues both in the House and Senate to come together to enact policies that create and encourage sustainable job creation for America's workforce.

JUSTICE FOR ALL

The SPEAKER pro tempore (Ms. MARKEY of Colorado). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. Madam Speaker, NANCY PELOSI became the first elected female Speaker of the House in the history of the United States. On November 16, 2006 she stated, "This leadership team will create the most honest, most open, and most ethical Congress in history." She still serves as our Speaker and she also sits in the position in line to, in case of some horrible disaster, she is actually third in line to the Presidency.

The President of the United States said, "I campaigned on changing Washington and bottom-up politics. I don't want to send a message to the American people that there are two sets of standards, one for powerful people and one for ordinary folks who are working every day and paying their taxes." President Barack Obama said this to CNN on February 3, 2009. So that was the stage that was set for the Democratic administration in this House and for the Democrat administration in the White House.

I've been on the floor of this House now for about 18 or 19 months talking about lots of things, about how we have rules for a reason, and we believe, as Americans, in the rule of law. It is as sacred as anything that there is of a secular nature in this country, that we believe that law and fairness is so important to us that we have laws, and that each person is treated fairly under those laws. And there are no exceptions. And as the President said, we want a world that we live in that says everybody in this country is not only created equal but is going to be treated equal under the law. And we've had lots of examples where that didn't happen, and that's part of the turmoil that has moved around this Nation for over 200 years. But the average American citizen down deep in his soul, in his heart, he wants that world, she wants that world, the American citizen wants the world that says the law treats everybody equally and fairly. And when we go to our court systems under the rules that we operate under, we expect others to follow those rules the same way, and we expect that those who are in a position of enforcing those rules are seeing that that conduct is policed up when those rules are broken. We expect them to treat everybody equally and accordingly.

We've got a volume of rules for this House of Representatives that's about

that thick, and it is written in such fine print that you have to have reading glasses to read it, even when you're young—and when you're my age, you certainly need bifocals and trifocals just to read the fine print. But we also have people that have served in this Congress for decades and dealt with these rules. And they understand them, they know these rules, the Speaker being one of them. And when we make a promise to this House that we will have the most honest, open, and ethical Congress in the history of the Congress, that kind of promise is important to the American people because that's exactly what they were looking for from this Democratic administration.

Many times I stand here all by myself on the floor of the House talking about these things, occasionally somebody comes forward and joins me. But I think the Members of this House in their souls expect that. I think every American citizen expects that. And we are now at a point where after I've been talking for 18 or 19 months almost every week about the former chairman of the Ways and Means Committee, Mr. Charles Rangel, and the issues that he had, we have finally, finally reached a point where the Ethics Committee has moved off high center and launched forward in this case. But just so we get an idea of why I've been standing up here, why my colleagues come and join me and stand up here, let's just go through the timeline that we're dealing with and how long it's been going on.

September 24, 2008: The House Ethics Committee votes to open an investigation into soliciting funds for the Charlie Rangel Center for Public Service, occupying rent-stabilized apartments, soliciting donations on congressional letterhead, and not disclosing or paying changes on rental income from a Dominican villa. September 24, 2008.

November 6–9, 2008: Mr. RANGEL leads the Citigroup-funded congressional junket to the Caribbean.

December 9, 2008: The Ethics Committee expands the investigation to include RANGEL's efforts to preserve tax breaks to a donor to the Rangel Center.

January 28, 2009: Representative CARTER, Republican from Texas, introduces the Rangel rule, a bill to eliminate all IRS penalties and interests for paying taxes past due, the reason for that rule being that's the way the IRS treated the chairman of the Ways and Means Committee, and I took the position that that was only fair.

August 12, 2009: RANGEL amends his financial disclosure forms for 2002 to 2006, effectively doubling his wealth that he now acknowledges to the country.

October 6, 2009: Representative CARTER introduces a resolution demanding that RANGEL step down as the Ways and Means chairman.

October 8, 2009: The Ethics Committee expands the Rangel investigation to all 2009 financial statements.

February 26, 2010: The Ethics Committee admonishes RANGEL for accepting the Caribbean trip.

March 3, 2010: RANGEL steps down as chairman of the Ways and Means Committee after Representative CARTER prepares to introduce another privileged resolution.

July 22, 2010: The Ethics Committee announces that its subcommittee investigating RANGEL alleges House rules violations and that they will be made public on July 29.

So from September 24, 2008 to July 29, 2010, this House dealt with the issues concerning Mr. RANGEL. What's not on this board and should be is that on the floor of this very House—and really what launched us into realizing this was going on—was Mr. RANGEL stepped before the House and told us every one of these things, every one of them, and said he had turned himself in to the Ethics Committee. Well, I'd like to explain that those of us that deal with the law have a saying, "justice delayed is justice denied." And that's one of the reasons why we have speedy trial acts in many of the jurisdictions in this country because justice delayed is justice denied.

Now, when we're talking about justice, we're not talking just about justice for the individual defendant, we're talking about justice for everyone involved.

□ 2050

If it's a criminal case, we're talking about the kind of justice where the State, representing the people of a State or of this country, is desiring justice on behalf of the people, and the defendant is desiring justice on behalf of the defendant. It doesn't really matter who it is or who is being denied this justice, whether it be the people as represented by the State or the government or whether it be the individual who may be the defendant who is looking for individual justice. Any undue delay in dealing with a problem like this is justice denied.

So we are in July. We are just 1 month and 20-some-odd or 30-some-odd days—let's just be honest and call it 2 months—we are just 2 months away from 2 years of dealing with the situation with Mr. RANGEL. He stood right there at that microphone and told us about it for over an hour on the floor of this House.

Now, having seen some very unusual releases by the Ethics Committee about the scope of their investigation, I will say they have done a very comprehensive and a very effective investigation of this case. I want to say that from the outset because I am certainly not in any way demeaning the work ethic of that committee. But when we have the leader saying that we have to

deal with this, you have to ask: How does this compare with other cases? How does this compare with the kind of justice we were seeking at other times?

There was a time in the not-too-distant past when one whole half of this House, the half that was in the majority at that time, was accused by the minority—and this was every one of us on the Republican side—of being involved in a culture of corruption because of certain issues that very validly were dealt with both by the Justice Department, with some people ending up in prison, and by our Ethics Committee.

It is the duty and the responsibility of the leadership that leads this House of Representatives—and that leadership is headed by NANCY PELOSI—to make sure that we are going forward, that we are going forward in a very effective way and that we are getting to the root of the problem as quickly as possible.

I would argue that after this 2 years, less 2 months, that we have been dealing with the Rangel case, it is still not resolved; and now there is at least some speculation that there will be no resolution of this issue until after the November elections or at least until after the New York primary elections. You know, the primary voters ought to know the resolution of this problem. They ought to know what is going to happen as they go to vote in the New York primary, but it doesn't look like we are going to resolve it even by the time the voters have had a chance to express their opinions one way or the other against any of the candidates that are involved.

I think that is justice denied.

We're moving forward. I'm not rushing. I've had people ask me questions about resolutions and so forth. I believe in the system, and I am hoping this system is now off high center and is moving forward with haste, but sometimes it takes somebody like me just down here, talking and talking and talking, to remind folks we have a duty to everybody in this House, to everybody in this country and to the individuals who are accused to resolve the issues. This issue has been on the forefront for a long time; but if we don't get through this, just look at what has happened in this period of time.

Mr. RANGEL was in charge of the committee. There have been major pieces of legislation that he has ushered through this House. Maybe it's appropriate. Maybe it's not. We don't know. We haven't resolved this issue. We don't know whether any of these allegations have been actually addressed. We don't know what the outcome is going to be, and we are probably not going to know before the people of New York have a chance to go vote in their primary. I don't think that's the right way that ought to be. I don't think the

average American thinks that's the right way it ought to be either.

Here is a fairly recent statement. I don't have a date on it. I apologize for that. It is from the Congressional Daily: "Massa Case still hangs over Dems," meaning Democrats. "For House Democrats, how soon will the other ethics shoe drop—and how hard?"

"A House Ethics subcommittee's finding last week that Representative Charles Rangel, Democrat of New York, violated congressional ethics rules comes at a politically awkward time in these months before the November 2 midterm elections."

So I guess this is very current.

"Little word has emerged from another Ethics panel reviewing whether Speaker Pelosi and other House leaders or their aides mishandled initial complaints of sexual harassment against former Representative Eric Massa, Democrat from New York, by male staffers."

So here we have another issue that's hanging out there, and you ask: Well, what's the big hurry on this? When did this happen? What is the timeline?

Well, let's compare this timeline to a timeline we know, because we had another event in this House where there were allegations of sexual misconduct, and so we are going to talk about both of them and compare them and see where we are.

The Mark Foley case. This is back when the Republicans were in charge of the House of Representatives:

On September 29, 2006, Representative Foley resigned after allegations of inappropriate sexual behavior with House pages. On October 5, 2006, which was in a week and a half, the Ethics Committee launches the investigation. On December 8, 2006, the Ethics Committee concludes the investigation. Foley's resignation and the investigation totals 70 days. The accusations were: What did the House Republican leadership know ahead of time about Mark Foley and about the allegations against him?

We have the Eric Massa case:

What are the allegations? What did the Democrat House staff know about the allegations against Mr. Massa? At what time did they know it? How far before it was actually reported? On March 8, 2010, Representative Massa resigns. On April 21, 2010, the Ethics Committee launches the investigation. The Massa investigation today is 141 days and counting. It is not resolved.

Let's have a comparison. By our little example right here, it takes twice as long under the Democrats as the Republicans—and still counting. Heck, if you look at the Rangel case, it may be 2 years before it's resolved, and maybe it will be next week. I don't know when it's going to be; but the point is that, already, we are 141 days into exactly the same kind of allegations. What did the Speaker and the majority leader

know? In the case that involved the Republican-led Congress, it was resolved in 70 days. In the case under the Democrat-led Congress, we are at 141 days and counting.

So there is a responsibility here when you are in the leadership of this House of Representatives. The committee has to move, and it has to move at a pace. Believe me, even though the committee has exactly the same number of people—of Democrats and Republicans on the Ethics Committee—it still has a chairman and a ranking member. The chairman is in charge of the majority, and the ranking member is in charge of the minority; but the chairman leads the committee, and the chairman is appointed by the Speaker.

So here we are. Let's compare the two Ethics Committees: one Republican-appointed chairman and one Democrat-appointed chairman. I have nothing against the chairman. In fact, I happen to like the lady a lot—I really do—but the facts are they're not moving at the speed they need to move to get justice done. There may be absolutely nothing to this. There may be a slight mishandling. It was resolved in 70 days under the Republicans. We are at 141 days and counting right now.

□ 2100

I think that's something we need to think about. I think it's our obligation as Members of this House to point this out to people, point this out to the Members of this Congress, point this out to the American people. Because why should we do it? Maybe we wouldn't have such an obligation if the Speaker of the House hadn't told us that this was going to be the most honest, open, and most ethical Congress in history. In 200-plus years, it's going to be the most honest, open, and ethical Congress. With that kind of declaration by the leadership here, that kind of promise to the American people, then that promise ought to be kept.

People are tired. They're tired, and that's why nobody likes this. I told somebody today, I said, You know, when your congressional approval is 11 percent, you've got to worry if folks at church and folks in your own family even like you.

That's not the way it's supposed to be. This is supposed to be an honorable group. And I think it is. I honestly think it is. But it's this kind of justice delayed, this kind of not letting us know what's going on that is not open and it's not honest, and I think I could almost argue it's not ethical.

So if you're going to promise those things, you've got to deliver. And if you need to go down to the committee and say, I'm here to tell you what I know, step up and do it. Don't wait to be subpoenaed. Resolve the issue. It's fair to all involved, both the American people and the individual involved.

That's what I have been saying for 18 months on the floor of the House.

There are those who think that I am a hatchet man against CHARLIE RANGEL. I am not. I have said it every time I have spoken. He is owed the right to have this matter resolved, just as much as the American people are owed the right.

Now, the extent of the investigation was complex. The alleged occurrences against Mr. RANGEL were more difficult than the average stuff, because a lot of it dealt with stuff you have to deal with taxes and tax lawyers and CPAs and who else, not telling what else.

But still, we've got to break this cycle of accusations that die or go to sleep in the Ethics Committee. Somebody shouldn't believe, if they turn themselves in, the thing will go into a bottomless pit, a dark hole, and disappear in the slow, snail's pace movement of the Ethics Committee. And every member of that Ethics Committee, both sides of the aisle, are honorable people, so do not misunderstand that I am in any way defaming any of those people. I am not.

But we have had lots of other things come up in this Congress that really haven't been addressed. Now, I'm not saying that every time somebody puts something in the newspaper that that makes it automatically something that ought to go directly to an accusatory situation, but these are just some of the headlines that have happened in the last couple of years:

New York Daily News, "The FBI joins Massa probe of sexual harassment, hush money, and coverups."

"Norm Dicks is about to go from Mr. Boeing to Mr. Spending," The Washington Post. I am not sure that should be in there.

CQ says, "Representative Waters calls TARP meeting for her husband's bank." Has that been looked into? I don't know.

Landmark Legal Foundation files House ethics complaint against CONYERS. Has anything been done about that?

Roll Call, Mollohan charity got a rental deal. Allegations that Mr. MOLLOHAN made some special realty deal to his charity. And the voters took care of that problem.

Weekly Standard, "GOP proposes earmark moratorium in wake of the PMA scandal." The PMA scandal was a scandal that involved—let's see, who was that? Please forgive me. I am a little under the weather tonight.

"Congressman Pete Visclosky has less than half the cash on hand for reelection bid than he did this time 2 years ago, but his legal bills keep growing." This is from the Associated Press in 2010, July 19. It points out that he has spent \$100,000 on legal fees since April. The Times of Munster reported Saturday that the new amount brings to more than 400,000 the total VISCLOSKY has spent on expenses related to the Federal investigation of the

PMA Group. PMA is suspected of making straw donations to lawmakers that concealed the true source of the money. PMA represented defense clients, including several Visclosky donors who received Federal earmarks. So that's what that's all about. The Republicans decided to have a moratorium on earmarks in light of the PMA scandal because, I guess, the way we Republicans looked at it was enough's enough.

"Geithner tax woes examined." Now, this is an old story. But the Secretary of the Treasury, who we saw on the talk shows this weekend talking to us about the economy and how we should believe that things are getting better and how we should trust that things are getting better, he received an extra payment with the taxes included in a separate check, the way I understand it, to pay his taxes, and he didn't pay his taxes. And when he got appointed to the Treasury, to be the Secretary of the Treasury, it came out that he hadn't paid these taxes. So he paid the taxes, and he may have even paid the interest, but I don't think he paid a penalty. So he's about half the RANGEL rule. RANGEL didn't pay penalty or interest.

You have a taxpayer who pays both penalty and interest. And, you know, here's the problem with all this stuff about whether you paid penalty and interest, whether you paid your taxes on time. Were you treated differently than the average guy?

There is a lady, and I am not going to mention her name, but she's at our grocery store where we shop back home in Texas, and her son failed to pay some taxes, and he was just a guy. He did the best he could to try to explain why he didn't pay the taxes. The taxes were not as sizable, anywhere near as sizable as the ones either involved in Geithner or RANGEL's case, and that young man spent 3 years in the Bastrop Federal Penitentiary in Bastrop, Texas. And his mother told us this at the HEB grocery store in Round Rock, Texas.

A lot of people come to judges, former judges like me, and tell them stories about problems that their family's having, I guess because we used to be in the business and we maybe could give them some compassion, I suppose. But the point is I'm not saying anybody deserves to go to the penitentiary in these cases. That's up to the Justice Department. If the Justice Department fairly and equitably does its job, which seems to be in some question right now, then they will deal with it. And I still have faith in the justice system of the United States, and I still want to have faith in the Justice Department.

But going back to where we started, most importantly of anything, Americans want to be treated equitably by those who enforce the rules; and, arguably, Mr. Geithner and Mr. RANGEL got special treatment.

So at some time later on this week, we're going to have the beginning of a resolution of Mr. RANGEL's case. The White House, which certainly this Congress's Ethics Committee doesn't have anything to say about the workings of the Secretary of the Treasury, there doesn't seem to be anything being dealt with at all by the White House on Mr. Geithner.

□ 2110

There's other accusations about the White House, Mr. Rahm Emanuel served on the board of Freddie Mac while these so-called fraudulent lending practices were going on, and he just says he didn't notice them, I guess. It doesn't seem to interfere with what he's doing at the White House, even though he came to this Congress with \$25,000 worth of Freddie Mac donations, and the White House is now giving \$200 billion to Freddie Mac. And in the meanwhile, Mr. Emanuel was living rent free in the home of one of the basement's of one of our other Members of this Congress.

These things have been raised but they've disappeared because he's no longer under the House Committee. And so I guess it's up to the administration to give us justice on those issues or even look into it.

Now, we're leaving out the Senate money trial of former Illinois Governor Blagojevich and possible involvement of House Members, and allegations against Mr. CONYERS of Michigan, the fact there was a conviction of former Congressman William Jefferson, the sex payroll scandal of former Congressman Tim Mahoney. And we can review these cases for a long time, but there is no reason to go into those things.

But all of these things have to be brought up because we are not the most open, ethical Congress in the history of this United States. It was promised, and that promise has not been delivered upon. And I think that we have a duty, as Members of this House, to examine that and wonder why the leadership of this House has not delivered on that promise.

I don't expect the Speaker to know or be in charge of every private life of every Member here. God forbid. Nobody wants that. That's way beyond the pale. But there are duties and responsibilities that leaders have.

And I would argue that we saw what happened when other leaders had accusations against them because in the Republican Congress they went there, gave their side of the story, got it resolved in 70 days. We're still waiting to resolve an almost identical case. The question was what did the Speaker of the House, Hastert, know about the Mark Foley case. The question here is what did the Speaker of the House, NANCY PELOSI, know about the Massa case? Why 70 days versus 141 days? That's a question we ought to be ask-

ing ourselves. I don't have the answer. I have the question. I can make some presumptions. The answer is maybe failure to cooperate. Maybe not. Maybe I'm too busy to talk to you today. Maybe not. Who knows what the reason is. But there's 70 more days in one investigation than the other. The other's resolved. The one that's 71 days older is not resolved.

Justice delayed for anybody is justice denied. A reasonable amount of time to prepare your case, of course. Making a proper investigation, of course. I cannot fault any of those things. But especially when it involves those who are in leadership of the House, it would seem to me they should give an extraordinary effort to go do what they can do to move the investigation along to a conclusion. If it means volunteering to go before the committee at the very soonest possible time and setting aside other things like fundraisers in San Francisco or trips to Chicago and going before the Ethics Committee and resolving the issue, it seems to me that's the way it ought to be done. That's what the American people would expect.

I want to commend the Ethics Committee for coming forward with the Rangel case. I take the position at this time that the process is moot now going forward after over close to a 2-year investigation. I for one, still believing in the system, believe that the system will do the right thing and move with haste to conclude this issue that is still hanging over Mr. RANGEL's head and still hanging over the House of Representatives' head, still hanging over the American people's head.

This is the people's House. Everybody in here was elected by people. There was nobody in here appointed, ever, to this position. Everyone who ever served in this Congress served because they were elected by people. You can't say that about the Senate. But you can say it about this House.

So when I say the House deserves an answer, the American people deserve an answer, it's because they do. They deserve an answer. And I hope this thing will be resolved. And it would be very appropriate if we resolve at least some of the issues, if possible, before the people of New York are asked to cast a vote in a primary later on in the next few weeks. I'm not sure that's possible because we're about to go into recess. But it's a shame that we're not giving the information to the people of New York that they should have.

I want to thank the Speaker for allowing me to come in here in as many weeks and do this talk, and I will probably be talking about other things in the future.

But we have so many things that we, as people, can disagree on, which is fine. That's what democracy is all about. But overwhelmingly Americans agree that they want a justice system

that works, and they want folks to follow the rules, and they want everybody to be treated or given at least the equal opportunity to be treated fairly. And as long as I feel like there's people not being treated fairly or others being treated more special than others, I think it's my job and the job of every Member in this House to step up here and say, That's not America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today on account of business in the district.

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today and the balance of the week on account of back surgery.

Mr. POE of Texas (at the request of Mr. BOEHNER) for today until 7:30 p.m. on account of other district-related business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LYNCH) to revise and extend their remarks and include extra-neous material:)

Mr. LYNCH, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extra-neous material:)

Mr. CAO, for 5 minutes, July 27.

Mr. POE of Texas, for 5 minutes, July 30.

Mr. JONES, for 5 minutes, July 30.

Mr. FLAKE, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, July 27, 28, 29, and 30.

Mr. DUNCAN, for 5 minutes, today.

Mr. THOMPSON of Pennsylvania, for 5 minutes, today and July 28.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, July 27, 28, and 29.

ENROLLED JOINT RESOLUTION SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 83. An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1053. An act to amend the National Law Enforcement Museum Act to extend the termination date.

H.R. 4213. To amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Genesee Street in Hornell, New York as the "Zachary Smith Post Office Building."

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on July 22, 2010 she presented to the President of the United States, for his approval, the following bills.

H.R. 5099. To designate the facility of the United States Postal Service located at 15 South Main Street in Sharon, Massachusetts, as the "Michael C. Rothberg Post Office."

H.R. 4861. To designate the facility of the United States Postal Service located at 1343 West Irving Park Road in Chicago, Illinois, as the "Steve Goodman Post Office Building."

H.R. 5051. To designate the facility of the United States Postal Service located at 23

ADJOURNMENT

Mr. CARTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 27, 2010, at 9 a.m., for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the second quarter of 2010 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO LATVIA AND MONTENEGRO FOR THE NATO PARLIAMENTARY ASSEMBLY SPRING MEETINGS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 29 AND JUNE 3, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. John Tanner	5/29	6/1	Latvia		1,034.92		(³)				1,590.42
	6/1	6/3	Montenegro		555.50		(³)				
Hon. Dennis Moore	5/29	6/1	Latvia		1,034.92		(³)				1,590.42
	6/1	6/3	Montenegro		555.50		(³)				
Hon. David Scott	5/29	6/1	Latvia		1,034.92		(³)				1,590.42
	6/1	6/3	Montenegro		555.50		(³)				
Melissa Adamson	5/29	6/1	Latvia		1,034.92		(³)				1,590.42
	6/1	6/3	Montenegro		555.50		(³)				
Kathy Becker	5/29	6/1	Latvia		1,034.92		(³)				1,590.42
	6/1	6/3	Montenegro		555.50		(³)				
Paul Belkin	5/29	6/1	Latvia		1,034.92		(³)				1,590.42
	6/1	6/3	Montenegro		555.50		(³)				
Dr. Amanda Sloat	5/29	6/1	Latvia		1,034.92		(³)				1,312.67
	6/1	6/2	Montenegro		277.75		(³)				
Delegation Expenses:											
Representational Funds									10,494.52		10,494.52
Miscellaneous											
Committee total					10,855.19				10,494.52		21,349.71

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

(³) Military air transportation.

HON. JOHN S. TANNER, Chairman, July 8, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 11 AND JUNE 13, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Ed Pastor	6/11	6/13	Mexico		314.52		(³)				314.52
Hon. David Dreier	6/11	6/13	Mexico		290.24		(³)				290.24
Hon. Solomon Ortiz	6/11	6/13	Mexico		287.71		(³)				287.71
Hon. Lucille Roybal/Allard	6/11	6/13	Mexico		314.51		(³)				314.51
Hon. Zoe Lofgren	6/11	6/13	Mexico		287.71		(³)				287.71
Hon. Silvestre Reyes	6/11	6/13	Mexico		314.51		(³)				314.51
Hon. Brian Bilbray	6/11	6/13	Mexico		314.51		(³)				314.51
Hon. Linda Sánchez	6/11	6/13	Mexico		287.71		(³)				287.71
Hon. Jared Polis	6/11	6/13	Mexico		290.24		(³)				290.24
Peter Quiliter	6/11	6/13	Mexico		258.30		(³)				258.30
Janice Kaguyutan	6/11	6/13	Mexico		250.72		(³)				250.72
Samantha Goldstein	6/11	6/13	Mexico		253.88		(³)				253.88
Robyn Wapner	6/11	6/13	Mexico		248.19		(³)				248.19
Clare Seelke	6/12	6/13	Mexico		132.46		(³)				132.46
Delegation expenses:											
Representational									543.40		543.00
Interpreters											
Miscellaneous											
Committee total					3,845.21				543.40		4,388.61

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

(³) Military air transportation.

HON. ED PASTOR, Chairman, July 13, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ROBERT A. BRADY, Chairman, July 6, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010.

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Bonnie Bruce	4/6	4/9	Marshall Islands		731.00		4,563.99				5,294.99
Brian Modeste	4/6	4/9	Marshall Islands		731.00		3,900.75				4,631.75
Committee total					1,462,000		8,464.74				9,926.74

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. NICK J. RAHALL II, Chairman, July 6, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Harlan Watson	5/31	6/12	Germany		493.31		1,188.23				1,681.54
Committee total					493.31		1,188.23				1,681.54

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SARAH E. BUTLER, July 19, 2010.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 3101, the Twenty-first Century Communications and Video Accessibility Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUORY PAY-AS-YOU-GO EFFECTS FOR H.R. 3101, THE TWENTY-FIRST CENTURY COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT OF 2010, AS TRANSMITTED TO CBO ON JULY 26, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Statutory Pay-As-You-Go Impact ^a	0	0	0	0	0	0	0	0	0	0	0	0	0

^a H.R. 3101 would broaden the services eligible for support from the Telecommunications Relay Service fund. The additional costs to the fund would be offset by contributions from telecommunications providers.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8525. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Reimbursement Transportation Cost Payment Program for Geographically Disadvantaged Farmers and Ranchers (RIN: 0560-AI08) received July 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8526. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Terpene Constituents of the Extract of *Chenopodium ambrosioides* near *ambrosioides* (a-Terpinene, d-Limonene and p-Cymene) as Synthetically Manufactured;

Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0237; FRL-8831-4] received July 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8527. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Homobassinolide; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-1187; FRL-8831-2] received July 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8528. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Farm Credit Administration Board Meetings; Assessment and Apportionment of Administrative Expenses; Standards of Conduct and Referral of Known or Suspected Criminal Violations; Loan Policies and Operations; Funding and Fiscal Affairs, Loan

Policies and Operations, and Funding Operations; General Provisions; and Title IV Conservators, Receivers, and Voluntary Liquidations; Technical Changes (RIN: 3052-AC63) received July 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8529. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] [Internal Agency Docket No. FEMA-B-1118] received June 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8530. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received

July 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8531. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Safety Standard for Infant Walkers: Final Rule [CPSC Docket No.: CPSC-2009-0066] received July 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8532. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Revocation of Regulations Banning Certain Baby-Walkers (RIN: 3041-AC77) received July 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8533. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Safety Standard for Infant Bath Seats: Final Rule [CPSC Docket No.: CPSC-2009-0064] received July 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8534. A letter from the Deputy Director, Regulations and Policy Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Change of Contact Information; Technical Amendment [Docket No.: FDA-2010-N-0010] received July 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8535. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products and Certain Commercial and Industrial Equipment: Final Determination Concerning the Potential for Energy Conservation Standards for High-Intensity Discharge (HID) Lamps [Docket No.: EE-DET-03-001] (RIN: 1904-AA86) received July 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8536. A letter from the Department Director, Regulations Policy Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Dental Devices: Classification of Dental Amalgam, Reclassification of Dental Mercury, Designation of Special Controls for Dental Amalgam, Mercury, and Amalgam Alloy; Technical Amendment [Docket No.: FDA-2008-N-0163] (formerly Docket No.: 2001N-0067) (RIN: 0910-AG21) received July 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8537. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Wisconsin; Redesignation of the Manitowoc County and Door County Areas to Attainment for Ozone [EPA-R05-OAR-2009-0730; FRL-9172-9] received July 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8538. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Flexible Permits [EPA-R06-OAR-2005-TX-0032; FRL-9174-1] received July 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8539. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Flexible Permits [EPA-R06-OAR-2005-TX-0032; FRL-9174-1] received July 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8540. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Lead; Clearance and Clearance Testing Requirements for the Renovation, Repair, and Painting Program; Reopening of Comment Period [EPA-HQ-OPPT-2005-0049; FRL-8836-1] (RIN: 2070-AJ57) received July 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8541. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases from Magnesium Production, Underground Coal Mines, Industrial Wastewater Treatment, and Industrial Waste Landfills [EPA-HQ-OAR-2008-0508; FRL-9171-1] (RIN: 2060-AQ03) received July 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8542. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: MAGNASTOR System, Revision 1 [NRC-2010-0140] (RIN: 3150-A186) received July 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8543. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-011, Government Property [FAC 2005-43; FAR Case 2008-011; Item I; Docket 2009-0029; Sequence 1] (RIN: 9000-AL41) received July 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8544. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-43; Introduction [Docket: FAR 2010-0076, Sequence 5] received July 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8545. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-035, Registry of Disaster Response Contractors [FAC 2005-43; FAR Case 2008-035; Item II; Docket 2009-0033, Sequence 1] (RIN: 9000-AL30) received July 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8546. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2010-008; Recovery Act Subcontract Reporting Procedures [FAC 2005-43; FAR Case 2010-008; Item III; Docket 2010-0008, Sequence 1] (RIN: 9000-AL93) received July 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8547. A letter from the Acting Senior Procurement Executive, General Services Ad-

ministration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-43; Small Entity Compliance Guide [Docket: FAR 2010-0077, Sequence 5] received July 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8548. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-023, Clarification of Criteria for Sole Source Awards to Service-disabled Veteran-owned Small Business Concerns [FAC 2005-43; FAR Case 2008-023; Item IV; Docket 2009-0017, Sequence 1] (RIN: 9000-AL29) received July 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8549. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2009-040, Trade Agreements Thresholds [FAC 2005-43; FAR Case 2009-040; Item V; Docket 2010-0092, Sequence 1] (RIN: 9000-AL57) received July 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8550. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — Classified National Security Information [FDMS Docket: ISOO-10-0001] (RIN: 3095-AB63) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8551. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Annular Casing Pressure Management for Offshore Wells [Docket ID: MMS-2007-OMM-0068] (RIN: 1010-AD47) received June 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8552. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Emergency Fisheries Closures in the Southeast Region Due to the Deepwater Horizon Oil Spill; Amendment 2 [Docket No.: 100510220-0221-01] (RIN: 0648-AY90) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8553. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; 2010 Bluefin Tuna Quota Specifications [Docket No.: 100317152-0176-01] (RIN: 0648-AY77) received July 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8554. A letter from the Deputy Chief Counsel, Department of Transportation, transmitting the Department's final rule — Submitting Airline Data via the Internet [Docket No.: OST 2006-26053] (RIN: 2139-AA11) received June 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8555. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — State Highway-Rail Grade Crossing Action Plans [Docket No.: FRA-2009-0032; Notice No. 5]

(RIN: 2130-AC20) received June 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8556. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2009-1029; Directorate Identifier 2009-NM-103-AD; Amendment 39-16348; AD 2010-14-03] (RIN 2120-AA64) received June 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8557. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class D and E Airspace; Big Delta, AK [Docket No.: FAA-2010-0083; Airspace Docket No. 10-AAL-5] received June 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8558. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Norton Sound Low and Control 1234L Offshore Airspace Areas; Alaska [Docket No.: FAA-2010-0071; Airspace Docket No.: 10-AAL-1] (RIN: 2120-AA66) received June 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8559. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30730; Amdt. No. 3379] received June 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8560. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30729; Amdt. No. 3378] received June 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8561. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting Cargo Insurance for Property Loss or Damage [Docket No.: FMCSA-2010-0189] (RIN: 2126-AB21) received June 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8562. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs [Docket: OST-2008-0088] (RIN: OST 2105-AD84) received June 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8563. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Child Support Enforcement Program; Intergovernmental Child Support (RIN: 0970-AC-37) received June 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8564. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Identification of Backward Compatible Version of Adopted Stand-

ard for E-Prescribing and the Medicare Prescription Drug Programs (NCPDP SCRIPT 10.6) [CMS-0023-IFC] (RIN: 0938-AP49) received June 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

8565. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Changes to the Hospital Outpatient Prospective Payment System and Ambulatory Surgical Center Payment System for CY 2010, and Extension of Part B Payment for Services Furnished by Hospitals or Clinics Operated by the Indian Health Service, Indian Tribes, or Tribal Organizations Made by the Affordable Care Act and ASC Changes Made By Previous Correction Notices [CMS-1504-N] (RIN: 0938-AQ08) received July 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of July 22, 2010]

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3377. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance the Nation's disaster preparedness, response, recovery, and mitigation capabilities, and for other purposes; with an amendment (Rept. 111-562). Referred to the Committee of the Whole House on the State of the Union.

[Submitted July 26, 2010]

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 3101. A bill to ensure that individuals with disabilities have access to emerging Internet Protocol-based communication and video programming technologies in the 21st Century; with an amendment (Rept. 111-563). Referred to the Committee of the Whole House on the State of the Union.

Mr. OLVER: Committee on Appropriations. H.R. 5850. A bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes (Rept. 111-564). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBEY: Committee on Appropriations. Report on the Suballocation of Budget Allocations for Fiscal Year 2011 (Rept. 111-565). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCGOVERN: Committee on Rules. House Resolution 1556. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 301) directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Pakistan (Rept. 111-566). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. VELÁZQUEZ:

H.R. 5849. A bill to provide for an additional temporary extension of programs

under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business.

By Mr. GEORGE MILLER of California (for himself and Mr. MARKEY of Massachusetts):

H.R. 5851. A bill to provide whistleblower protections to certain workers in the offshore oil and gas industry; to the Committee on Education and Labor.

By Mr. PETERSON (for himself, Mr. BACA, Mr. BOSWELL, Mr. CONAWAY, Mr. CUELLAR, Mrs. DAHLKEMPER, Mr. FORTENBERRY, Ms. HERSETH SANDLIN, Mr. HOLDEN, Mr. KAGEN, Mr. KING of Iowa, Mr. KISSELL, Mrs. LUMMIS, Ms. MARKEY of Colorado, Mr. MCINTYRE, Mr. MORAN of Kansas, Mr. POMEROY, Mr. SCOTT of Georgia, Mr. SMITH of Nebraska, and Mr. WALZ):

H.R. 5852. A bill to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes; to the Committee on Agriculture.

By Mr. BOUSTANY:

H.R. 5853. A bill to amend title XXXII of the Public Health Service Act to require review and approval by law prior to collection of premiums under the CLASS program, to require notice to individuals prior to enrollment, and to require termination of the program in the event of actuarial unsoundness, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself, Mr. SAM JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. TANNER, Mr. BECERRA, Mr. DOGGETT, Mr. KIND, Mr. CROWLEY, Ms. SCHWARTZ, Ms. LINDA T. SANCHEZ of California, Mr. YARMUTH, Mr. LARSON of Connecticut, Mr. HERGER, Mr. LINDER, and Mr. ROSKAM):

H.R. 5854. A bill to amend title II of the Social Security Act to prohibit access of prisoners to Social Security account numbers; to the Committee on Ways and Means.

By Mr. AL GREEN of Texas (for himself and Mr. OLSON):

H.R. 5855. A bill to direct the Secretary of Labor and the Secretary of Commerce to create a job training program and an economic stability program to stabilize the workforce and promote economic growth in the Johnson Space Center region; to the Committee on Education and Labor, and in addition to the Committees on Transportation and Infrastructure, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT (for himself, Mr. LEWIS of Georgia, Mr. BLUMENAUER, and Mr. HOLT):

H.R. 5856. A bill to amend the Internal Revenue Code of 1986 to provide for an investment tax credit for waste-to-energy facilities; to the Committee on Ways and Means.

By Mr. DJOU:

H.R. 5857. A bill to amend the Internal Revenue Code of 1986 to decrease the top marginal corporate rate to 28 percent and to prevent corporations from exploiting tax treaties to evade taxation of United States income; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 5858. A bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize a fire station construction grant program for 5 years, and for other purposes; to the Committee on Science and Technology.

By Mr. FILNER:

H.R. 5859. A bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HENSARLING (for himself, Mr. BACHUS, Mr. MCCARTHY of California, and Ms. JENKINS):

H.R. 5860. A bill to amend the Labor-Management Reporting and Disclosure Act to require the authorization of members of a labor organization before such organization may make certain political expenditures, and for other purposes; to the Committee on Education and Labor.

By Ms. KILROY (for herself, Mr. RYAN of Ohio, and Mr. MEEK of Florida):

H.R. 5861. A bill to amend title XVIII of the Social Security Act to establish a cancer center construction loan program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARCHANT:

H.R. 5862. A bill to amend title 49, United States Code, with respect to the eligibility of veterans for employment with the Federal Aviation Administration, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. POLIS:

H.R. 5863. A bill to amend the Outer Continental Shelf Lands Act with regard to oversight and judicial review in connection with offshore oil production and exploration, and for other purposes; to the Committee on Natural Resources.

By Mr. SESTAK:

H.R. 5864. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for qualified equity investments in certain small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. RAHALL:

H. Con. Res. 304. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of H.R. 725; considered and agreed to.

By Ms. SLAUGHTER:

H. Res. 1555. A resolution permitting individuals to be admitted to the Hall of the House in order to document the improved accessibility of the Hall of the House; considered and agreed to.

By Mr. CARDOZA:

H. Res. 1557. A resolution supporting the facility under development by the Stanislaus County Ag Center Foundation, in Stanislaus County, California, known as the National Ag Science Center; to the Committee on Agriculture.

By Mr. CARDOZA:

H. Res. 1558. A resolution expressing the sense of the House of Representatives that fruit and vegetable and commodity producers are encouraged to display the American flag on labels of products grown in the United States, reminding us all to take pride in the healthy bounty produced by American

farmers and workers; to the Committee on Agriculture.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Ms. CHU.
H.R. 450: Mr. COFFMAN of Colorado.
H.R. 476: Mr. BACA, Mr. CARSON of Indiana, Mr. WATT, and Mr. PERLMUTTER.
H.R. 571: Mr. DAVIS of Illinois.
H.R. 682: Ms. SPEIER and Ms. TSONGAS.
H.R. 745: Mr. WU.
H.R. 1074: Mr. DeFAZIO and Mr. KINGSTON.
H.R. 1079: Mr. MARIO DIAZ-BALART of Florida, Mr. DREIER, and Mr. JACKSON of Illinois.
H.R. 1082: Mr. LYNCH.
H.R. 1124: Ms. SUTTON, Mr. PAYNE, and Mrs. MALONEY.
H.R. 1189: Mrs. EMERSON.
H.R. 1324: Mr. ACKERMAN.
H.R. 1362: Ms. PINGREE of Maine.
H.R. 1443: Mr. GARAMENDI.
H.R. 1547: Ms. HIRONO.
H.R. 1670: Mr. HIMES.
H.R. 1684: Mr. EDWARDS of Texas.
H.R. 1806: Ms. EDWARDS of Maryland.
H.R. 1923: Mr. MARCHANT.
H.R. 2296: Mr. SCHRADER.
H.R. 2308: Mr. COURTNEY.
H.R. 2381: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2397: Mr. NUNES.
H.R. 2406: Mr. BONNER.
H.R. 2598: Mr. FORTENBERRY.
H.R. 2964: Mr. CALVERT.
H.R. 3040: Mr. LOEBSACK.
H.R. 3149: Ms. DELAULO.
H.R. 3408: Mr. KRATOCHVIL, Mr. LOEBSACK, and Mr. DAVIS of Illinois.
H.R. 3452: Mr. GRIJALVA.
H.R. 3488: Mr. MAFFEI and Ms. KAPTUR.
H.R. 3516: Mr. FRANKS of Arizona.
H.R. 3531: Ms. MOORE of Wisconsin.
H.R. 3577: Mr. HODES.
H.R. 3655: Mr. HARE.
H.R. 3749: Mr. PITTS.
H.R. 3765: Mr. MICA and Mr. BLUNT.
H.R. 4021: Mr. GARAMENDI.
H.R. 4116: Mr. OLVER.
H.R. 4278: Mr. SKELTON.
H.R. 4322: Mrs. LOWEY, Mr. PAYNE, Mr. KENNEDY, and Mr. OBERSTAR.
H.R. 4405: Mr. CONYERS.
H.R. 4420: Mr. FATTAH.
H.R. 4427: Mr. GINGREY of Georgia and Mr. MCHENRY.
H.R. 4520: Mr. GENE GREEN of Texas.
H.R. 4544: Mr. GUTIERREZ, Ms. MOORE of Wisconsin, Mr. HARPER, Mr. BLUMENAUER, Mr. ARCURI, and Mr. THOMPSON of Pennsylvania.
H.R. 4557: Ms. LEE of California and Mr. KENNEDY.
H.R. 4593: Mr. FILNER.
H.R. 4645: Mr. DOYLE, Mr. MARKEY of Massachusetts, and Mr. JACKSON of Illinois.
H.R. 4692: Ms. FUDGE and Mr. KUCINICH.
H.R. 4693: Mr. MARSHALL.
H.R. 4751: Ms. TITUS.
H.R. 4787: Mr. LANGEVIN and Mr. GENE GREEN of Texas.
H.R. 4790: Mr. CLAY and Ms. NORTON.
H.R. 4806: Ms. LEE of California.
H.R. 4844: Mr. LoBIONDO and Mr. McMAHON.
H.R. 4864: Mr. PAYNE.
H.R. 4914: Mr. PAYNE, Mr. CARSON of Indiana, Mr. FARR, and Mr. KILDEE.
H.R. 4923: Mr. ELLISON, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4925: Ms. SPEIER.

H.R. 4926: Mr. CAPUANO.
H.R. 4951: Mr. BONNER.
H.R. 4958: Ms. KILPATRICK of Michigan and Mr. LEWIS of Georgia.
H.R. 4986: Mr. INSLEE and Mr. McMAHON.
H.R. 4993: Mr. HOLDEN, Mr. GONZALEZ, and Mr. HOLT.
H.R. 5015: Mr. COHEN.
H.R. 5033: Ms. RICHARDSON, Mr. HONDA, Mr. SCOTT of Georgia, Mr. GENE GREEN of Texas, Mr. COHEN, Mr. BACA, Mr. ORTIZ, Mr. PIERLUISI, Mr. RODRIGUEZ, Ms. MATSUI, Mr. COSTA, Mr. FILNER, and Mrs. CAPPS.
H.R. 5034: Mrs. BACHMANN.
H.R. 5043: Mr. KUCINICH.
H.R. 5081: Mr. BISHOP of New York and Ms. NORTON.
H.R. 5087: Mrs. MALONEY.
H.R. 5091: Mr. FILNER.
H.R. 5137: Mr. DENT and Mr. EHLERS.
H.R. 5138: Mr. RUSH.
H.R. 5141: Mr. GUTHRIE, Mr. LEWIS of California, Mr. LUCAS, Mr. RUPPERSBERGER, and Mr. LINDER.
H.R. 5180: Mrs. CHRISTENSEN.
H.R. 5244: Ms. BERKLEY.
H.R. 5268: Mr. MICHAUD and Mr. KILDEE.
H.R. 5291: Mr. BOSWELL and Mr. SPACE.
H.R. 5300: Mr. LYNCH.
H.R. 5305: Mr. SPACE.
H.R. 5357: Ms. HERSETH SANDLIN.
H.R. 5363: Mr. BOSWELL.
H.R. 5434: Mr. McKEON, Ms. SCHAKOWSKY, Mr. PRICE of North Carolina, and Mr. HILL.
H.R. 5477: Mr. CARSON of Indiana and Mr. ALTMIRE.
H.R. 5478: Mr. WALDEN.
H.R. 5495: Mr. POLIS and Mr. CARSON of Indiana.
H.R. 5527: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5533: Mr. CARNAHAN.
H.R. 5554: Mrs. MILLER of Michigan and Mr. PLATTS.
H.R. 5561: Ms. TITUS and Mr. SHERMAN.
H.R. 5564: Mr. COBLE.
H.R. 5565: Mr. ORTIZ and Mr. EDWARDS of Texas.
H.R. 5567: Mr. PAYNE.
H.R. 5576: Mr. DUNCAN.
H.R. 5614: Mr. LUCAS.
H.R. 5628: Mr. STARK.
H.R. 5629: Mr. HARE, Mr. FILNER, Mr. JOHNSON of Georgia, Ms. RICHARDSON, Mr. KAGEN, Mr. HALL of New York, and Mr. CARNAHAN.
H.R. 5643: Mrs. LOWEY, Mr. COURTNEY, Ms. DeGETTE, and Ms. HIRONO.
H.R. 5644: Mr. FRANK of Massachusetts.
H.R. 5645: Mr. KLINE of Minnesota.
H.R. 5663: Ms. LINDA T. SANCHEZ of California, Mr. KAGEN, Ms. LORETTA SANCHEZ of California, Mr. NADLER of New York, Mr. BLUMENAUER, and Mr. HONDA.
H.R. 5698: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. FILNER.
H.R. 5710: Mr. PAULSEN.
H.R. 5714: Ms. WOOLSEY and Mr. AL GREEN of Texas.
H.R. 5718: Mr. HASTINGS of Florida.
H.R. 5729: Mr. INGLIS.
H.R. 5732: Mr. CARNAHAN.
H.R. 5747: Mr. STARK.
H.R. 5769: Ms. HERSETH SANDLIN, Mrs. MYRICK, Mr. TANNER, and Mr. BOSWELL.
H.R. 5791: Mr. PALLONE.
H.R. 5792: Mr. PALLONE.
H.R. 5793: Mr. PALLONE.
H.R. 5807: Mr. FILNER, Ms. MCCOLLUM, Ms. SUTTON, Mr. BRADY of Pennsylvania, and Mr. SABLAN.
H.R. 5809: Ms. ZOE LOFGREN of California, Mrs. CAPPS, Mr. CONNOLLY of Virginia, Mr. LARSEN of Washington, and Mr. GENE GREEN of Texas.

H.R. 5827: Mr. SAM JOHNSON of Texas, Mr. KLINE of Minnesota, Mr. GORDON of Tennessee, Mr. WALDEN, and Mrs. CAPITO.

H.R. 5841: Mr. FILNER.

H.R. 5842: Mrs. BLACKBURN and Mr. BURTON of Indiana.

H.R. 5846: Mr. SABLAN.

H.J. Res. 81: Mr. PENCE, Ms. KILPATRICK of Michigan, and Mr. GRIJALVA.

H. Con. Res. 16: Mr. ROGERS of Alabama.

H. Con. Res. 110: Mr. LOEBSACK.

H. Con. Res. 226: Mr. STARK, Mr. TANNER, and Mrs. MILLER of Michigan.

H. Con. Res. 266: Mr. WU, Mr. TANNER, and Ms. KAPTUR.

H. Con. Res. 273: Mr. SCHOCK.

H. Con. Res. 274: Mrs. MYRICK, Mr. McKEON, and Mr. AUSTRIA.

H. Con. Res. 297: Mr. SPACE.

H. Con. Res. 301: Mr. FILNER.

H. Res. 173: Ms. MATSUI and Mr. BOUCHER.

H. Res. 186: Mr. GRIJALVA.

H. Res. 536: Mr. CALVERT and Ms. BALDWIN.

H. Res. 554: Mr. DJOU.

H. Res. 637: Mr. CAO.

H. Res. 709: Mr. SERRANO, Mr. MEEKS of New York, and Ms. FUDGE.

H. Res. 1207: Mr. ALEXANDER.

H. Res. 1217: Mr. ROGERS of Alabama and Mr. BRADY of Pennsylvania.

H. Res. 1251: Mr. COFFMAN of Colorado, Mr. KLINE of Minnesota, Mr. BOREN, and Mr. KRATOVL.

H. Res. 1267: Mr. POLIS and Mr. RUSH.

H. Res. 1285: Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 1442: Ms. BORDALLO, Mr. DAVIS of Tennessee, Mr. EDWARDS of Texas, and Mr. CAO.

H. Res. 1450: Mr. BARTON of Texas.

H. Res. 1456: Mrs. BONO MACK and Mr. SHULER.

H. Res. 1479: Mr. WILSON of South Carolina, Mr. BARRETT of South Carolina, Mr. PIERLUISI, Mr. BURTON of Indiana, Mr. LATHAM, Mr. WALDEN, Mr. CASTLE, Mr. SMITH of New Jersey, Mr. CUELLAR, Mr. CAO, and Ms. RICHARDSON.

H. Res. 1485: Mr. MANZULLO, Mr. CULBERSON, Ms. GRANGER, Mr. ALEXANDER, Mr. SMITH of Texas, Mr. SESSIONS, Mr. CALVERT, Mr. BURGESS, Mr. SMITH of New Jersey, Ms. BERKLEY, and Mr. OLSON.

H. Res. 1494: Mr. KAGEN, Ms. SHEA-PORTER, Mr. MICHAUD, and Ms. ZOE LOFGREN of California.

H. Res. 1499: Mr. ADLER of New Jersey, Mr. ARCURI, Ms. BALDWIN, Mr. BOCCIERI, Mr. BRALEY of Iowa, Mr. BRIGHT, Mr. CHILDERS, Mr. CONNOLLY of Virginia, Mrs. DAHLKEMPER, Mr. DINGELL, Mr. ENGEL, Mr. FOSTER, Ms. GIFFORDS, Mr. GRAYSON, Mrs. HALVORSON, Mr. HEINRICH, Mr. HILL, Mr. HIMES, Mr. ISRAEL, Mr. KAGEN, Ms. KILROY, Mrs. KIRKPATRICK of Arizona, Mr. MAFFEI, Ms. MARKEY of Colorado, Mr. MATHESON, Mr. MITCHELL, Mr. MURPHY of Connecticut, Mr. NADLER of New York, Mr. PALLONE, Mr. PERRIELLO, Mr. PETERS, Mr. SCHAUER, Mr. SCHRADER, Mr. SPACE, Mr. WEINER, Mr. WELCH, and Mr. WU.

H. Res. 1504: Ms. CHU, Mr. FILNER, Mrs. SCHMIDT, Mr. JACKSON of Illinois, Mr. CONNOLLY of Virginia, Ms. KAPTUR, Ms. BEAN, Mr. McMAHON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUCINICH, Mr. KRATOVL, Mr. BLUNT, Mr. SMITH of New Jersey, Mr. YOUNG of Florida, Mr. THOMPSON of Pennsylvania, Ms. DEGETTE, Mr. MAFFEI, Mr. ELLISON, and Mr. McDERMOTT.

H. Res. 1514: Mr. BISHOP of Georgia, Mr. BLUMENAUER, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Ms. CHU, Ms. CLARKE, Mr. CONNOLLY of Virginia, Mr. COSTELLO, Mr.

CUMMINGS, Mr. DAVIS of Illinois, Ms. EDWARDS of Maryland, Ms. ESHOO, Mr. FARR, Ms. FUDGE, Mr. GRIJALVA, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Ms. JACKSON LEE of Texas, Mr. LOEBSACK, Mrs. LOWEY, Ms. MATSUI, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. NADLER of New York, Mr. PALLONE, Mr. PAYNE, Mr. RAHALL, Ms. RICHARDSON, Mr. SARBANES, Ms. SCHWARTZ, Ms. WASSERMAN SCHULTZ, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SPEIER, Mr. TONKO, Mr. VAN HOLLEN, Ms. WATERS, Ms. WATSON, and Mr. WATT.

H. Res. 1518: Mr. ENGEL, Mr. SCOTT of Georgia, and Mr. ELLISON.

H. Res. 1525: Mr. ROHRBACHER and Mrs. MYRICK.

H. Res. 1527: Mr. GORDON of Tennessee, Mr. NEUGEBAUER, and Mr. GEORGE MILLER of California.

H. Res. 1530: Mr. SPACE.

H. Res. 1538: Mr. FILNER, Mr. PRICE of North Carolina, Mr. PAYNE, Mr. BERMAN, Mr. CARNAHAN, and Mr. SCOTT of Georgia.

H. Res. 1546: Mr. PATRICK J. MURPHY of Pennsylvania.

H. Res. 1547: Mr. SABLAN.

H. Res. 1551: Ms. CHU.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3421: Mr. MARCHANT.

EXTENSIONS OF REMARKS

HONORING THE LIFE OF ARTHUR
HUG, JR.

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. ISRAEL. Madam Speaker, I rise today to honor the life of Mr. Arthur Hug, Jr.

Mr. Hug, who passed away on June 12, 2010 at the age of 87, was a leader in the fields of business and journalism and made a strong impact on his community. Mr. Hug was a newspaper reporter for many years and in the 1950s launched the Long Island Commercial Review, which today is known as the Long Island Business News. As the newspaper's publisher, editor, and reporter, Mr. Hug made invaluable contributions to our community and to the public good.

Mr. Hug will be remembered by those that knew him for his deep commitment to his family and his friends, his love for politics and business, and for his strong principles.

RECOGNIZING THE 20TH ANNIVERSARY OF THE SOUTHEAST COMMUNITY DAY PARADE AND FESTIVAL, NEWPORT NEWS, VA

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. WITTMAN. Madam Speaker, I rise today to recognize the 20th Anniversary of the Southeast Community Day Parade and Festival in Newport News, VA and to congratulate Andrew Shannon for his longtime dedication to this special event and to the Southern Christian Leadership Conference.

The Southeast Community Day Parade and Festival was founded and organized in 1990 by Andrew Shannon for the purpose of strengthening community ties. The Southeast Community Day Parade and Festival is presented by the Southeast Community Day Planning Committee and Southern Christian Leadership Conference.

Last year, the event attracted over 60,000 attendees, including national civil rights leaders, and I am pleased that the Newport News Chapter of the Southern Christian Leadership Conference will continue this wonderful occasion for a 20th consecutive year.

I look forward to joining the citizens in the Hampton Roads region to celebrate this outstanding community event and I ask my colleagues to join me in recognizing this special occasion.

HONORING BRUCE GUNGLE

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. GRIJALVA. Madam Speaker, I rise today to honor a community leader who has made a significant and long-lasting contribution to shaping Pima County, Arizona. For the last 13 years, Bruce Gungle has served as a respected member of the Pima County Planning and Zoning Commission, of which he was Chair for two years.

Originally from the north shore of Boston, Massachusetts, Bruce has had a longstanding interest in and acumen for the sciences and literature. He obtained dual Bachelors degrees in Earth Science and Creative Writing from Drake University in Des Moines, Iowa, where he was also a member of the track team. Bruce went on to earn a Masters of Art in Creative Writing from the University in New Hampshire before moving to Tucson in 1984.

That relocation transformed Bruce into a committed desert conservationist and activist, as well as a fervent University of Arizona Wildcat partisan (although he will always remain a Red Sox fan). Bruce earned a Master of Fine Arts in Creative Writing in 1990 and a Master of Science in Atmospheric Sciences in 2000, both from the University of Arizona.

Although I am honoring Bruce today for his exemplary public service as a Planning and Zoning Commissioner, a position to which I appointed him in 1997 during my tenure as a Pima County Supervisor, his public service as a hydrologist at the United States Geological Survey has also contributed significantly to federal and public knowledge about the San Pedro River, one of the last free-flowing rivers in the southwest United States. In his role at the USGS, Bruce has overseen the production of the annual "321" reports to Congress. These reports, which stem from Public Law 108-136, Section 321, describe the progress in achieving sustainable yield of the regional aquifer so as to protect the Upper San Pedro River and the San Pedro Riparian National Conservation Area in Arizona.

Bruce has been a key voice for protecting the Sonoran Desert, which has experienced historic levels of human development in Pima County over a relatively short period of time. Bruce was appointed at a time when Pima County was developing the nationally acclaimed Sonoran Desert Conservation Plan. Using this plan, Bruce consistently favored protecting delicate riparian areas, wildlife movement corridors, and other special areas from the ravages of bulldozers, asphalt and buildings.

In the face of myriad requests to amend the County's comprehensive plan, along with subsequent requests to rezone property and to make other land use changes, Bruce always

dug into the mounds of paperwork to get to the core of an issue. His clear understanding of matters before the commission, and his perceptive questions from the dais, earned him the great respect of his fellow commissioners, county staff, applicants, the conservation community, and the public.

Bruce is one of those rare individuals who can maintain his principles and parlay his grasp of the issues into meaningful compromises that protect the County's unique physical assets and enable property owners to move forward on their proposed projects.

Bruce has shaped Pima County, and his absence from the Commission will be felt by all those with whom he worked. Perhaps no one will feel it more strongly than Pima County Supervisor Richard Elías, who followed me in reappointing Bruce to his last eight years on the commission as a District Five representative. The communities of unincorporated Pima County are much richer because of the invaluable contributions of Bruce Gungle.

EFFORTS TO REACH A
SETTLEMENT ON CYPRUS

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. COHEN. Madam Speaker, I am encouraged that the newly elected Dr. Dervis Eroglu, President of the Turkish Republic of Northern Cyprus, has, like his predecessor, expressed his commitment for a "just and lasting comprehensive settlement through the ongoing negotiations" under UN auspices for a Cyprus settlement.

The Cyprus problem started not in 1974, but in December 1963, after the 1960 Partnership Republic of Cyprus was destroyed by a Greek-backed coup. The UN Peace Keeping Force, UNFICYP, was stationed on the island on March 4, 1964, but was unable to prevent inter-communal violence which erupted in 1967 and 1974.

The embargoes on the Turkish Cypriot side existing since 1963 are especially unacceptable given the fact that it was the Turkish Cypriot people who overwhelmingly in 2004 voted to adopt the Annan Plan to end the division of the island. The Greek Cypriots, who voted "no" on the referendum three to one, was rewarded with European Union membership, thereby further isolating the Turkish Cypriots.

Although the Parliamentary Assembly of the Council of Europe and the Organization of Islamic Conference adopted resolutions calling for the lifting of restrictions on the Turkish Cypriots, their situation has not changed. This, even after the European Council of Foreign Ministers on April 26 invited the Commission "to bring forward comprehensive proposals. . . to put an end to the isolation of the Turkish

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Cypriot community and to facilitate the reunification of Cyprus by encouraging the economic development of the Turkish Cypriot Community."

The Cyprus dispute has a great impact, not just on the Island, but across Europe and throughout the international community. The island's situation remains a source of contention between NATO allies, Turkey and Greece. Additionally, past negotiations have impacted the United Kingdom, the United Nations, and the United States. Therefore, I believe a swift resolution should be encouraged by the United States.

IN TRIBUTE TO ROXBURY VOLUNTEER EMERGENCY SERVICES ON THEIR 100TH ANNIVERSARY

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. WEINER. Madam Speaker, I rise to recognize Roxbury Volunteer Emergency Services in honor of its centennial anniversary. Roxbury Volunteer Emergency Services has provided a hundred years of service to the beachside communities of Roxbury, Breezy Point, and Rockaway Point, which are located on the Rockaway peninsula in Queens, New York, the most populous barrier island in the country.

In the summer of 1910, Henry B. Page organized the Roxbury Volunteer Fire Department and became Roxbury's first fire chief. During World War II, the Ambulance and Rescue Corps was founded as a division of the Fire Department. Since its inception, the Roxbury volleys have responded to a number of important emergencies both on the peninsula and in New York City. Following the attacks on the World Trade Center on September 11, 2001, members of Roxbury Volunteer Emergency Services worked tirelessly alongside other first responders assisting in the rescue and recovery efforts at Ground Zero. Two months later, when American Airlines Flight 587 crashed shortly after take-off in Belle Harbor the Roxbury volleys were among the first on the scene. Be it fires, flooding, storm damage, or medical emergencies, our community and our city can always count on Roxbury Volunteer Emergency Services to come swiftly to our aid.

I would like to recognize all of the volunteers who have dedicated their time and are often asked to put their lives on the line for their neighbors. The volleys' members are Anthony Allocco, Timothy Arasin, Brian Baumann, Michael Beeher, James Caffrey, Alex Diffendale, Michael Duemig Jr., Richard Duemig Jr., David Feddem Jr., Diedre Feddem, Michael Forcina, Joseph Forcina, Danielle Hedderson, Paul Hedderson Jr., Gary Hunt, Edward Kurosz, Ryan McKinney, Christina Morton, James Morton, Sandra Morton, Kevin O'Brien, William Reid, Sean Rudolph, Tracy Rutter, Louis Satriano, Charles Thompson, Seamus Ward, Annemarie Willis and Robert Willis. Its life members are LuLu Allocco, William Bocker Sr., Mary Colleran, Richard Colleran Sr., Steven Colleran Sr., Mel

Duemig, Michael Duemig Sr., Richard Duemig Sr., Robert Hanretty, William Hartman Sr., Paul Hedderson Sr., Arthur Kahlau, Michael Knowles, Harry Nungesser, and Kenneth Rutter. Its associate members are Robert Bernabo, Ronald Farrell, Eugene Hanretty, Eugene McEnroe and John Mulvanerty. I would also like to extend my congratulations to Richard Colleran, who has served as the volleys' chief for eight years. Roxbury Volunteer Emergency Services and all of its members have faithfully served the many communities of the Rockaway peninsula. They have provided necessary services to an isolated part of New York City that rarely receives the attention it deserves. I am pleased to congratulate Roxbury Volunteer Emergency Services on the occasion of its centennial anniversary.

BEYOND SWEATSHOPS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. GEORGE MILLER of California. Madam Speaker, I rise to commend to my colleagues the following article on one company's attempts to do the right thing—inspired by the consumer choices made by thousands of students across the United States who say that there should be "No Sweat" in their sweatshirts.

For years I have fought against the use of sweatshop labor, exploited adult labor and exploited child labor, around the world. For many years now, the student movement in the United States has played an important role in helping to bring the issue of sweatshop labor to the attention of political leaders, corporate boardrooms, and the college and university community. I applaud them.

Now, one company is trying to do the right thing by making apparel without sweatshop labor. That is good for workers and good for our consumers. I applaud Knights Apparel and urge other companies to follow their example.

I am especially pleased by this development because of the history of the Alta Gracia factory in the Dominican Republic where Knights Apparel is producing its goods. This same factory was unceremoniously shut down in 2007, leaving over 1,000 employees out of work and in dire economic straits—many of them forced to sign agreements that they didn't understand waiving their right to receive adequate severance pay. As this new factory moves forward, it can become a shining example of a new trade model that works by ensuring that all workers are able to take advantage of broader prosperity, rather than by starting a race to the bottom that leaves only a select few better off.

The world looks to the United States to set standards for human rights, labor rights, and democracy. By making products with a decent wage and union rights, this company is setting the finest example of corporate responsibility for the world to see.

The article follows:

[From the New York Times, July 16, 2010]
FACTORY DEFIES SWEATSHOP LABEL, BUT CAN IT THRIVE?

(By Steven Greenhouse)

VILLA ALTAGRACIA, DOMINICAN REPUBLIC—Sitting in her tiny living room here, Santa Castillo beams about the new house that she and her husband are building directly behind the wooden shack where they now live.

The new home will be four times bigger, with two bedrooms and an indoor bathroom; the couple and their three children now share a windowless bedroom and rely on an outhouse two doors away.

Ms. Castillo had long dreamed of a bigger, sturdier house, but three months ago something happened that finally made it possible: she landed a job at one of the world's most unusual garment factories. Industry experts say it is a pioneer in the developing world because it pays a "living wage"—in this case, three times the average pay of the country's apparel workers—and allows workers to join a union without a fight. "We never had the opportunity to make wages like this before," says Ms. Castillo, a soft-spoken woman who earns \$500 a month. "I feel blessed."

The factory is a high-minded experiment, a response to appeals from myriad university officials and student activists that the garment industry stop using poverty-wage sweatshops. It has 120 employees and is owned by Knights Apparel, a privately held company based in Spartanburg, S.C., that is the leading supplier of college-logo apparel to American universities, according to the Collegiate Licensing Company.

For Knights, the factory is a risky proposition, even though it already has orders to make T-shirts and sweatshirts for bookstores at 400 American universities. The question is whether students, alumni and sports fans will be willing to pay \$18 for the factory's T-shirts—the same as premium brands like Nike and Adidas—to sustain the plant and its generous wages.

Joseph Bozich, the C.E.O. of Knights, is optimistic. "We're hoping to prove that doing good can be good business, that they're not mutually exclusive," he says.

Not everyone is so confident. "It's a noble effort, but it is an experiment," says Andrew Jassin, an industry consultant who says "fair labor" garments face a limited market unless deft promotion can snare consumers' attention—and conscience. "There are consumers who really care and will buy this apparel at a premium price," he says, "and then there are those who say they care, but then just want value."

Mr. Bozich says the plant's T-shirts and sweats should command a premium because the company uses high-quality fabric, design and printing.

In the factory's previous incarnation, a Korean-owned company, BJ&B, made baseball caps for Nike and Reebok before shutting it in 2007 and moving the operation to lower-wage countries. Today, the reborn factory is producing under a new label, Alta Gracia, named after this poverty-ridden town as well as the Virgin of Altagracia, revered as protector of the Dominicans. (Alta gracia translates to "exalted grace.")

"This sometimes seems too good to be true," says Jim Wilkerson, Duke University's director of licensing and a leader of American universities' fair-labor movement.

He said a few other apparel companies have tried to improve working conditions, like School House, which was founded by a 25-year-old Duke graduate and uses a factory in Sri Lanka. Worker advocates applaud these

efforts, but many say Alta Gracia has gone further than others by embracing higher wages and unionization. A living wage is generally defined as the amount of money needed to adequately feed and shelter a family.

"What really counts is not what happens with this factory over the next six months," Mr. Wilkerson says. "It's what happens six years or 10 years from now. We want badly for this to live on."

Santa Castillo agrees. She and many co-workers toiled at other factories for the minimum wage, currently \$147 a month in this country's free-trade zones, where most apparel factories are located. That amount, worker after worker lamented in interviews for this article, falls woefully short of supporting a family.

The Alta Gracia factory has pledged to pay employees nearly three and a half times the prevailing minimum wage, based on a study done by a workers' rights group that calculated the living costs for a family of four in the Dominican Republic.

While some critics view the living wage as do-gooder mumbo-jumbo, Ms. Castillo views it as a godsend. In her years earning the minimum wage, she said she felt stuck on a treadmill—never able to advance, often borrowing to buy necessities.

"A lot of times there was only enough for my kids, and I'd go to bed hungry," she says. "But now I have money to buy meat, oatmeal and milk."

With higher wages, she says, her family can move up in the world. She is now able to borrow \$1,000 to begin building her future home and feels able to fulfill her dreams of becoming a minister at her local evangelical church.

"I hope God will continue to bless the people who brought this factory to our community," she says.

In many ways, the factory owes its existence to an incident a decade ago, when Joe Bozich was attending his son's high school basketball game. His vision suddenly became blurred, and he could hardly make out his son on the court. A day later, he couldn't read.

A doctor told him the only thing that would cause his vision to deteriorate so rapidly was a brain tumor.

So he went in for an M.R.I. "My doctor said, 'The good news is you don't have a brain tumor, but the bad news is you have multiple sclerosis,'" he says.

For three days, he couldn't see. He worried that he would be relegated to a wheelchair and ventilator and wouldn't be able to support his family. At the same time, a close friend and his brother died, and then one of his children began suffering from anxiety.

"I thought of people who were going through the same thing as my child and me," Mr. Bozich recalls. "Fortunately, we had the resources for medical help, and I thought of all the families that didn't."

"I started thinking that I wanted to do something more important with my business than worry just about winning market share," he adds. "That seemed kind of empty after what I've been through. I wanted to find a way to use my business to impact people that it touched on a daily basis."

He regained his full vision after three weeks and says he hasn't suffered any further attacks. Shortly after Mr. Bozich recovered, Knights Apparel set up a charity, weKAre, that supports a home for orphans and abused children. But he says he wanted to do more.

A national collegiate bodybuilding champion at Vanderbilt, Mr. Bozich was hired by

Gold's Gym after graduation and later founded a unit in the company that sold Gold's apparel to outside retailers. Building on that experience, Mr. Bozich started Knights Apparel in 2000.

Still solidly built at 47, he has made apparel deals with scores of universities, enabling Knights to surpass Nike as the No. 1 college supplier. Under Mr. Bozich, Knights cooperates closely with the Worker Rights Consortium, a group of 186 universities that press factories making college-logo apparel to treat workers fairly.

Scott Nova, the consortium's executive director, says Mr. Bozich seems far more committed than most other apparel executives to stamping out abuses—like failure to pay for overtime work. Knights contracts with 30 factories worldwide. At a meeting that the two men had in 2005 to address problems at a Philippines factory, Mr. Bozich floated the idea of opening a model factory.

Mr. Nova loved the idea. He was frustrated that most apparel factories worldwide still paid the minimum wage or only a fraction above—rarely enough to lift families out of poverty. (Minimum wages are 15 cents an hour in Bangladesh and around 85 cents in the Dominican Republic and many cities in China—the Alta Gracia factory pays \$2.83 an hour.)

Mr. Bozich first considered opening a factory in Haiti, but was dissuaded by the country's poor infrastructure. Mr. Nova urged him to consider this depressed community, hoping that he would employ some of the 1,200 people thrown out of work when the Korean-owned cap factory closed.

Mr. Bozich turned to a longtime industry executive, Donnie Hodge, a former executive with J.P. Stevens, Milliken and Gerber Childrenswear. Overseeing a \$500,000 renovation of the factory, Mr. Hodge, now president of Knights, called for bright lighting, five sewing lines and pricey ergonomic chairs, which many seamstresses thought were for the managers.

"We could have given the community a check for \$25,000 or \$50,000 a year and felt good about that," Mr. Hodge said. "But we wanted to make this a sustainable thing."

The factory's biggest hurdle is self-imposed: how to compete with other apparel makers when its wages are so much higher.

Mr. Bozich says the factory's cost will be \$4.80 a T-shirt, 80 cents or 20 percent more than if it paid minimum wage. Knights will absorb a lower-than-usual profit margin, he said, without asking retailers to pay more at wholesale.

"Obviously we'll have a higher cost," Mr. Bozich said. "But we're pricing the product such that we're not asking the retailer or the consumer to sacrifice in order to support it."

Knights plans to sell the T's for \$8 wholesale, with most retailers marking them up to \$18.

"We think it's priced right and has a tremendous message, and it's going to be marketed like crazy," says Joel Friedman, vice president of general merchandise at Barnes & Noble College Booksellers. He says Barnes & Noble will at first have smaller-than-usual profit margins on the garments because it will spend heavily to promote them, through a Web campaign, large signs in its stores and other methods.

It helps to have many universities backing the project. Duke alone placed a \$250,000 order and will run full-page ads in the campus newspaper, put postcards in student mailboxes and hang promotional signs on light poles. Barnes & Noble plans to have Alta Gracia's T's and sweats at bookstores

on 180 campuses by September and at 350 this winter, while Follett, the other giant college bookstore operator, plans to sell the T's on 85 campuses this fall.

Still, this new, unknown brand could face problems being sold alongside Nike and Adidas gear. "They have to brand this well—simply, clearly and elegantly—so college students can understand it very fast," says Kellie A. McElhaney, a professor of corporate social responsibility at the University of California, Berkeley. "A lot of college students would much rather pay for a brand that shows workers are treated well."

Nike and Adidas officials said their companies have sought to improve workers' welfare through increased wages and by belonging to the Fair Labor Association, a monitoring group that seeks to end sweatshop conditions. A Nike spokesman said his company would "watch with interest" the Knights initiative.

To promote its gear, Knights is preparing a video to be shown at bookstores and a Web documentary, both highlighting the improvements in workers' lives. The T-shirts will have hanging tags with pictures of Alta Gracia employees and the message "Your purchase will change our lives." The tags will also contain an endorsement from the Worker Rights Consortium, which has never before backed a brand.

In a highly unusual move, United Students Against Sweatshops, a nationwide college group that often lambastes apparel factories, plans to distribute fliers at college bookstores urging freshmen to buy the Alta Gracia shirts.

"We're going to do everything we can to promote this," says Casey Sweeney, a leader of the group at Cornell. "It's incredible that I can wear a Cornell hoodie knowing the workers who made it are being paid well and being respected."

One such worker is Maritza Vargas. When BJ&B ran the factory, she was a stand-up-for-your-rights firebrand fighting for 20 union supporters who had been fired.

Student groups and the Worker Rights Consortium pressed Nike and other companies that used the factory to push BJ&B to recognize the union and rehire the fired workers. BJ&B relented. Today, Ms. Vargas is president of the union at the new plant and sings a very different tune. In interviews, she and other union leaders praised the Alta Gracia factory and said they would do their utmost to make it succeed and grow. Mireya Perez said the living wage would enable her to send her 16-year-old daughter to college, while Yolando Simon said she was able to pay off a \$300 debt to a grocer.

At other factories, workers said, managers sometimes yelled or slapped them. Several said they were not allowed to go home when sick, and sometimes had to work past midnight after beginning at 7:30 a.m.

Comparing this factory with other ones, Ms. Vargas said, "The difference is heaven and earth."

HONORING ROBERT DEDMAN

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. COOPER. Madam Speaker, I rise today to recognize Robert Dedman, a dedicated public servant who is completing his third term

as Wilson County Mayor. Since 1998, Mayor Dedman has served with distinction as Wilson County's Executive and has announced that he plans to retire at the end of the current term.

A lifelong resident of Lebanon and Wilson County, this native son has also rendered meritorious service to his fellow citizens as Wilson County Assessor of Property and as a Lebanon City Councilman representing Ward 4.

After completing a tour of duty in the United States Army in the 1950's, Robert Dedman worked for the American Legion for many years before entering public service. He began his long and distinguished career in government in 1972, when he was hired as the first Purchasing Agent for the City of Lebanon. He also enjoyed a productive tenure with the Tennessee Secretary of State's Personal Property and Inventory Division from 1978 until 1984. Robert Dedman additionally served Tennessee's 100th General Assembly as a Senate sergeant-at-arms.

Because of his broad experience in local, county, and state governments, Mayor Dedman was successful in promoting a harmonious relationship between and among all levels of government to accomplish Wilson County's future goals.

Madam Speaker and Distinguished Colleagues, Robert Dedman is a remarkable man who has compiled a singular record during his exemplary career in county and state government. Please join me in honoring him as he retires after thirty-eight years of outstanding service to the people of Wilson County and Tennessee.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. TIAHRT. Madam Speaker, on July 22nd, I missed six rollcall votes numbered 461, 462, 463, 464, 465, and 466 because I was unavoidably detained in Kansas.

Rollcall No. 461 was a vote on H. Res. 1550, providing for consideration of the Senate amendment to the House amendment to the Senate amendment to H.R. 4213, Unemployment Compensation Extension Act of 2010. Had I been present, I would have voted "no."

Rollcall No. 462 was a vote on H.R. 1469, the Child Protection Improvements Act of 2010. Had I been present, I would have voted "aye."

Rollcall No. 463 was a vote on H.R. 4213, the Unemployment Compensation Extension Act of 2010. Had I been present, I would have voted "no."

Rollcall No. 464 was a vote on H.R. 5341, to designate the facility of the United States Postal Service located at 100 Orndorf Drive in Brighton, Michigan, as the Joyce Rogers Post Office Building. Had I been present, I would have voted "aye."

Rollcall No. 465 was a vote on ordering the previous question for H.R. 4773, providing for consideration of H.R. 1264, Multiple Peril In-

surance Act of 2009. Had I been present, I would have voted "no."

Rollcall No. 466 was a vote on H. Res. 1549, providing for consideration of H.R. 1264, Multiple Peril Insurance Act of 2009. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. BARROW. Madam Speaker, due to prior commitments in my district, I was absent from the House Monday, July 19 and Tuesday, July 20, 2010, and thus did not cast any votes on those dates. Had I been present, I would have voted in the following way on bills considered by the House: "yea" on rollcall 448; "yea" on rollcall 449; "yea" on rollcall 450; "yea" on rollcall 451; "yea" on rollcall 452; and "yea" on rollcall 453.

IN HONOR OF COLONEL GEORGE JUSKALIAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. WOLF. Madam Speaker, I rise today to honor Army Colonel George Juskalian, a constituent from Centreville, Virginia, for his dedicated service in World War II, Korea, and Vietnam. He passed away on July 4, 2010, at age 96, having served nearly 30 years on active duty.

Colonel Juskalian was one of the most highly decorated Armenian-American veterans to ever serve in the U.S. Military. He also was a member of the Armenian Assembly of America. He joined the United States Army in 1939 and was called to active duty as a first lieutenant in 1940 and served with distinction in World War II. He continued to serve for three decades, as a battalion commander in combat in the Korean War as well as a military adviser in the Vietnam campaign.

He was in General Eisenhower's secretariat in the Pentagon between 1945 and 1948 and an adviser to the Imperial Iranian Army in Tehran. He was captured by the Germans in Tunisia and spent 27 months in prisoner of war camps in Italy, Germany, and Poland. He retired with the rank of colonel in 1967.

Colonel Juskalian received the Army's second highest award, known as "the Legion of Merit," for non-combat service. He also received the Silver Star, the Bronze Star, the Army Commendation Medal, the Air Medal and the Parachutist Badge, and the combat Infantry Badge with a Star awarded for World War II and the Korean War.

Madam Speaker, I salute Colonel Juskalian for his patriotism and service to our Nation and express deepest sympathy to his wife Lucine and family on his passing.

HONORING MR. J. CLYDE HOOKER, JR.

HON. THOMAS S.P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. PERRIELLO. Madam Speaker, I rise today in honor of a leader in the Martinsville, Virginia, community, Mr. J. Clyde Hooker, Jr., who died on Monday, July 12.

Born December 20, 1920, J. Clyde Hooker, Jr. was the son of J. Clyde Hooker, Sr. and Mabel Bassett Hooker. He graduated as valedictorian from Virginia Military Institute in 1942, and soon after, joined the allied troops in Europe during World War II. He served until 1946 when he was discharged with the rank of Captain. During his service in the Third Army, he was decorated with the Bronze Star and three campaign stars.

Upon returning from abroad, Mr. Hooker began working at his father's furniture business starting out in the factory before entering sales. In 1960, he was elected president of Hooker Furniture and during the ensuing 40 years, took the business to new heights. His ability to recognize changing trends and implement new manufacturing methods enabled the company to grow from 375 employees to over 2,000 and to increase sales from \$4.4 million to \$250 million. His peers recognized him as a giant in the furniture industry, inducting him into the American Furniture Hall of Fame in 1997. Yet, Mr. Hooker will be remembered throughout the Martinsville community for far more than just his contributions to the furniture industry.

Mr. Hooker was active as a philanthropist throughout Martinsville, helping support programs that benefitted a wide range of interests. He provided for children through his support of the local YMCA and Boy Scout troops, for the arts through his donations to the Piedmont Arts Association, for animals through his contributions to the local SPCA, and for the less fortunate through his gifts to the Martinsville-Henry County United Way. Mr. Hooker, however, gave far more than monetary contributions. He dedicated his time to these organizations and provided them with advice and support. As one local leader stated, "He made everybody feel like they were the most important person in the world."

Most notable, however, was his dedication to his employees. His workers admired him and he treated them as equals, often visiting with them on the floor of the manufacturing plant. Additionally, he and his mother set up the Hooker Educational Foundation to provide scholarships to children and spouses of Hooker Furniture employees.

Mr. Hooker's passing, our community lost a leader and dear friend who can never be replaced. His memory will live on in all of the lives he touched. Mr. Hooker is survived by his devoted wife, Katherine; his daughter Katherine, three grandchildren, and three great-grandchildren. On behalf of Virginia's 5th District, I honor the passing of one of our finest business visionaries and magnanimous philanthropists, and ask that his legacy be remembered for years to come.

HONORING BISHOP WALTER L.
HAWKINS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Ms. LEE of California. Madam Speaker, I rise today to honor the extraordinary life of Grammy Award-winning gospel singer and musical trailblazer, Bishop Walter L. Hawkins. With his passing on July 11, 2010, at the age of 61, we look to Bishop Hawkins' personal legacy of spiritual service, the joy he inspired, and the outstanding quality of his life's work.

A Bay Area native, Walter Hawkins began an unanticipated career in gospel music when, at the age of 19, he sang with the Berkeley-based Ephesians Church of God in Christ's youth choir. The choir, directed by older brother Edwin Hawkins, recorded an album to sell locally as a fundraising effort. It exceeded expectations when the track, "Oh Happy Day," sold over a million copies as an instant pop hit. The Hawkins' enjoyed success as they toured nationally and internationally with the legendary Edwin Hawkins Singers. And in the early 1970s, Walter Hawkins decided to forge another path by entering the ministry.

In 1973, Bishop Hawkins founded the Love Center Church in Oakland where he directed the Love Center Choir. The choir's live album, "Going Up Yonder," became one of the decade's highest selling gospel albums and stayed on Billboard's Gospel Top 40 Chart for three consecutive years. The church's "Love Alive" series of recordings sold over a million copies from the 1970s through the 1990s, with "Love Alive IV" spending an astounding 39 weeks at the top of Billboard's Gospel Chart.

Throughout his prolific career of composition, collaboration, directing, producing, recording and performance, Bishop Hawkins earned myriad accolades, including a Grammy Award, eight Grammy nominations, three Dove Awards and Gospel Music's Lifetime Heritage Award. Even with Bishop Hawkins' musical success, he remained committed to his spirit-filled ministry throughout the Bay Area and the nation.

In Oakland, Bishop Hawkins' ministry enriched and touched the lives of many residents throughout the 9th Congressional District. The musical component of his teachings inspired both spiritual and artistic communities alike with its profound messages of love and hope. Bishop Hawkins was a spiritual leader, an American icon, a gospel music innovator—and he was also a close friend. It was a great joy for me when Bishop Hawkins accepted my invitation a few years ago to perform at the prayer breakfast during the Congressional Black Caucus Foundation's Annual Legislative Conference. We all sat transfixed as Bishop Hawkins moved us by performing old gospel classics. It is a memory that I will forever cherish.

Today, California's 9th Congressional District salutes and honors Bishop Walter L. Hawkins. We celebrate his amazing life as we mourn his passing. He was a friend and a great man who will be remembered as one of the most beloved figures in contemporary gospel music. Although we will miss Bishop Haw-

kins tremendously, his musical genius, his ministry and his abounding spirit will live on with his legacy. My thoughts and prayers are with Bishop Hawkins' brother Edwin, his children, grandchildren, and an extended group of loved ones. It is my hope that they find comfort in their deep and abiding faith during this time of loss. Bishop Hawkins will be deeply missed. May his soul rest in peace.

IN RECOGNITION OF YERECIC
LABEL OF NEW KENSINGTON,
PENNSYLVANIA

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. CRITZ. Madam Speaker, I rise today to recognize Yerecic Label, a New Kensington, Pennsylvania company who has been honored with the Employer Support Freedom Award from the Secretary of Defense.

Initiated in 1996, the Employer Support Freedom Award was created by the Employer Support of the Guard and Reserve (ESGR), an organization within the Department of Defense. The ESGR's mission is to "develop and promote employer support for Guard and Reserve service by advocating relevant initiatives, recognizing outstanding support, increasing awareness of applicable laws, and resolving conflict between employers and service members." As a part of fulfilling that mission, the ESGR awards 15 employers nationally who go above and beyond in offering support to employees that are members of the National Guard or the Reserves.

Out of 2,500 nominations from Guard and Reserve members and their families, Yerecic Label was chosen as one of our country's top employers who take the extra initiative to support our men and women in uniform. Starting as a small labeling company out of a garage in western Pennsylvania in 1969, Yerecic has grown to accommodate the needs of customers throughout the eastern half of the United States. Along with their continued successful business practices, Yerecic has stood by and offered assistance to its employees who are on call and ready to defend our country.

Three of Yerecic's 90 employees were deployed to the Pennsylvania Army National Guard from September 2008 to September 2009. While proudly serving their country overseas, Yerecic provided these guardsmen with international cell phones and laptops capable of video chat and internet access. Yerecic also continued to pay their salaries while they were deployed. The three guardsmen also received numerous letters, cards and care packages from fellow employees to keep their spirits high while overseas.

Madam Speaker, Yerecic Label knows what it truly means to support our troops. Through their generosity and kindness, they have provided our Guard and Reserve members and their families with the reassurance they need to make it through this tumultuous time of war. The company's president, Art Yerecic, even gives his personal phone number to families of deployed employees, should they need any additional support.

In the 15 years that the Employer Support Freedom Award has existed, only 130 companies nationwide have been presented with the award. Madam Speaker, I would like to once again honor Yerecic Label for receiving this prestigious award and for supporting our men and women serving abroad.

TRIBUTE TO LONNIE ANDERSON

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to Lonnie Anderson, whose passion for youth in Southern and Eastern Kentucky has forever impacted the education and success of generations of families in Whitley County, Kentucky.

Lonnie Anderson retired as the longest, consecutive-term superintendent to serve the Whitley County School District. Since 1991, Lonnie has been evaluating needs and developing solutions for the students, parents and staff members in the Whitley County School District. The programs he implemented were dedicated to much more than merely improving test scores. Lonnie established programs to improve reading not only for his students, but for their parents. He developed a jobs program geared specifically to students at risk of dropping out of school. He also opened a day care center for teen parents attending the middle and high schools. Lonnie understands that our students face much different challenges in our world today and has made a goal of supplying each one with the tools they need to be successful in life. The results of his efforts were highlighted when the Whitley County School District ranked as the highest performing, highest poverty school in Kentucky in 1997.

Lonnie Anderson also teaches his students to be civically responsible by his own actions. Lonnie lends his wisdom across the region through his service on numerous boards and community organizations including the Operation UNITE Board of Directors and rallying students to participate in PRIDE environmental cleanups. Outside of education, Lonnie is also a savvy business owner. In fact, it is his entrepreneurial skills that turned around the Whitley County School District's general fund from bankruptcy at \$300,000 in 1990 to \$4.64 million in 1999, moving the entire district among the top performing school systems in the state. The phenomenal impact he has made on the school district and economy of Whitley County will resound for decades.

Madam Speaker, I ask my colleagues to join me in honoring Lonnie Anderson for dedicating a lifetime of service to the youth and families of Eastern Kentucky.

CONGRATULATING THE MEN'S BASKETBALL TEAM OF NORTHWESTERN COLLEGE IN ROSEVILLE, MN ON THEIR NATIONAL CHAMPIONSHIP TITLE

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Ms. McCOLLUM. Madam Speaker, it is my honor to congratulate the men's basketball team of Northwestern College in Roseville, Minnesota. The Eagles are the 2010 National Christian Collegiate Athletic Association (NCCAA) Division I Men's Basketball National Tournament champions.

The players and coaches of the Northwestern men's basketball team worked diligently throughout the season—ultimately finishing with a 22–7 record, and winning 18 of their last 19 games. They earned this championship title through much hard work and determination. This is their first NCCAA Division I Men's Basketball Championship, and they have made their fans, their university, and the state of Minnesota proud.

The odds were against the Eagles from the start of the tournament. They were ranked number six out of eight teams, and Northwestern was one of only two Division III universities competing for the title. The team members and coaches were aware of their apparent disadvantage, but they worked their hardest to prove their skeptics wrong.

The championship game was a close competition between Northwestern and their opponent, King College, which was ranked number one in the tournament. Both teams played admirably, but the Eagles' stellar offense and solid defense propelled them to victory over King College. The dedication and strength of character this team has shown are an inspiration to persevere even in the face of defeat.

Madam Speaker, please join me in honoring the players and coaches of the men's basketball team of Northwestern College, whose talent and perseverance led them to the 2010 NCCAA Division I championship.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,248,524,997,009.91.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,610,099,250,716.11 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

PERSONAL EXPLANATION

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. CAPUANO. Madam Speaker, due to the passing of my mother, Mrs. Rita Capuano, I was not present during the week of July 19, 2010 to vote on rollcall Nos. 448 through 466. Had I been present, I would have voted in the following manner: "yea" on rollcall No. 448; "yea" on rollcall No. 449; "yea" on rollcall No. 450; "yea" on rollcall No. 451; "yea" on rollcall No. 452; "yea" on rollcall No. 453; "yea" on rollcall No. 454; "yea" on rollcall No. 455; "yea" on rollcall No. 456; "yea" on rollcall No. 457; "yea" on rollcall No. 458; "yea" on rollcall No. 459; "yea" on rollcall No. 460; "yea" on rollcall No. 461; "yea" on rollcall No. 462; "yea" on rollcall No. 463; "yea" on rollcall No. 464; "yea" on rollcall No. 465; "yea" on rollcall No. 466.

HONORING AMERICA'S KOREAN WAR VETERANS ON JULY 27, 2010, NATIONAL KOREAN WAR VETERANS ARMISTICE DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. RANGEL. Madam Speaker, I rise to commemorate the National Korean War Veterans Armistice Day, a day especially set aside to ensure America remembers the valiant sacrifices and the patriotic service of the Korean War veterans.

On Tuesday, the stars and stripes will be flown across our great nation in their honor, as a result of President Obama's enactment of the Korean War Veterans Recognition Act, which became Public Law (111–41) last year after it unanimously passed in both chambers of the U.S. Congress.

At the National Korean War Memorial on the morning of the Korean War Veterans Armistice Day, July 27, 2010, hundreds of veterans, their friends and families, members of the U.S. Armed Services, and foreign dignitaries will pay tribute to all those who served in Korea, and lay wreaths for the fallen who never made it back home. Among those in attendance are members of the Korean War Veterans Association, who have gathered in Washington, D.C., for their 2010 Convention and Gathering to mark the occasion.

Sixty years ago, war broke out on the Korean Peninsula, when North Korea invaded the South on June 25, 1950. Before the ceasefire three years later, 1.8 million Americans had served in Korea and the region, more than 54,000 had been killed, more than 103,000 wounded and up to 8,176 listed as missing. Today, there's no peace treaty ending the war, and 28,500 American soldiers are still stationed in South Korea, guarding democracy's eastern flank.

Despite the great loss of life in such a short time, Korea—a so-called United Nations conflict sandwiched between World War II and

Vietnam War—was simply forgotten. I hope the flags displayed on this day would remind Americans to remember and recognize the Korean War veterans of a war that has yet to end.

INTRODUCTION OF THE "NO PRISONER ACCESS TO SOCIAL SECURITY NUMBERS ACT OF 2010"

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. POMEROY. Madam Speaker, I rise to introduce the "No Prisoner Access to Social Security Numbers Act of 2010." I am honored to be joined by the Ranking Member and other members of the Committee on Ways and Means as cosponsors of this needed legislation.

The bill would protect the accuracy of Social Security records and help shield individuals from identity theft by prohibiting federal, state, and local governments from employing prisoners in any capacity that would allow inmates access to full or partial Social Security numbers (SSNs) of other individuals.

Some prisons allow inmates to work while incarcerated, generally for the government or government contractors. In the course of their duties for these prison industries, some inmates perform duties such as data entry and digital scanning of documents, which allow them to view SSNs on student transcripts and employee wage statements for Federal, State or local governments. Such access raises the potential for crimes such as harassment or stalking, and SSN-related identity theft, which damages the integrity of Social Security records and puts individuals and businesses at risk for fraud.

Identity theft remains the fastest growing type of fraud in the United States. In 2009 over 11 million Americans were reportedly victims of identity theft, an increase of about 12 percent from the number of cases in 2008. In addition, the Federal Trade Commission estimates that it costs consumers about \$50 billion annually. Access to Social Security numbers provides criminals with a key that unlocks many other sources of private personal information that can be used to perpetrate identity theft. The Social Security system relies on accurate earnings records associated with an individual's SSN. When an SSN is used by more than one person, it affects the accuracy and integrity of the Social Security system.

The Office of Inspector General (OIG) for the Social Security Administration (SSA) has investigated the use of prison inmates to process SSN information in several reports. In a 2006 report, the OIG found 13 states had allowed prison inmates to perform work that allowed them access to personally identifiable information, including SSNs. SSA responded by contacting the state governments and advising them of the dangers of this practice. In response, five states stopped this work. However, a more recent audit found that several states continue to allow prisoner access to SSN information. The states are Alabama, Arkansas, Kansas, Nebraska, Oklahoma, South

Dakota, and Tennessee. Some of these states have adopted limited safeguards to keep prisoners from stealing the information, but the OIG's audit found these protections generally insufficient. SSA and the OIG agreed that legislation to ban on this practice altogether was warranted.

The Committee's comprehensive SSN privacy bill (H.R. 3306) included a prohibition on prisoner access. That bill was reported out of the Committee on Ways and Means unanimously in the 110th Congress but has not advanced. Based on the findings in the Inspector General's report, however, Ranking Member JOHNSON and I agreed that the prohibition on prisoner access was needed immediately and therefore we have introduced it in its own bill, so that we may move to enact it as quickly as possible.

I urge my colleagues to support this legislation, which will help shut down a dangerous and unnecessary threat to the privacy of Social Security numbers.

HONORING DUANE ZUCKSCHWERDT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to join me in congratulating Duane Zuckschwerdt on his retirement after 46 years of service to the UAW. A dinner will be held in his honor tomorrow to celebrate his life and work.

Duane Zuckschwerdt began his affiliation with the UAW in 1964 at Local 652 in Lansing. One year later he was hired at the Flint Chevrolet Manufacturing complex and he became a member of Local 659. Over the years he was elected to several positions with the Local including 1st Vice President in 1990 and President in 1996. He served as Chairman of the Greater Flint Area President's Council, and President of the Flint Area Community Action Program Council.

Appointed the UAW International Staff in 1998, Duane was selected to be the Assistant Director of UAW Region 1-C in 2002. In 2006 he was selected by the delegates at the UAW Constitution Convention as Regional Director leading the 90,000 active and retired UAW members in an 11 county area.

Recognized for his achievements by his peers, Duane is a recipient of the Walter Reuther Award. He has attended every Constitutional Convention and Bargaining Convention, except two, since the early 1970s. Duane and his wife, Connie, have two sons and four grandchildren.

Madam Speaker, I would like to thank Duane Zuckschwerdt for his friendship, his counsel, and his service. Duane works to benefit people and has set an example of compassion, enthusiasm, and goodwill for others to emulate. I wish him the best as he moves into this new phase of his life.

CELEBRATION OF LIFE: THE LATE LEO EARL HOLLIE SR.

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, George S. Patton, Jr. said "It is foolish and wrong to mourn the men who died. Rather we should thank God that such men lived." For that reason, on July 14, 2010 we did not mourn Mr. Leo Earl Hollie Sr.'s death, rather we celebrated his life.

He left behind his wife of forty-two years and his two children, Constance Hollie-Ramirez and Leo E. Hollie, Jr. In addition to his wife and children, he leaves behind 6 brothers, 4 sisters and 7 grandchildren. He will rest in peace with his late mother Ella B. Mallard, his late brother Kent Hollie, his late brother Columbus Hollie, and his late brother Charlie Frank Hollie.

Mr. Hollie was a faithful member of Hopewell Missionary Baptist church and a proud twenty-year coach of the Oak Cliff Cowboys. He was also a member of the Teamsters Union Local #745 and had been recently re-elected as the Dallas county Precinct Chair of District #3302. Not only did he serve his community in the Dallas area, but he served his country in the United States Army during the Vietnam War Era.

Madam Speaker, we are proud of our community leader and the accomplishments he has left behind. We will not mourn that he has left us behind; rather we will rejoice what he has left behind.

HONORING BRUCE KERN

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Ms. LEE of California. Madam Speaker, I rise today to honor Mr. Bruce Kern for a long career of public service and leadership on the occasion of his retirement. As Executive Director of the East Bay Economic Development Alliance (East Bay EDA), Mr. Kern led a local public/private partnership responsible for the retention and attraction of business and the promotion of sustainable development.

Native to California and born in the Bay Area, Bruce Kern has enjoyed a multi-faceted career for the State of California as an Economic Analyst, as well as for Alameda County as Director of Research and Planning for its Criminal Justice Planning Board and Director of Planning for the Alameda County Social Services Agency. Between 1982 and 1986, Mr. Kern also lectured part-time on social planning and public policy for the School of Social Welfare at the University of California, Berkeley.

As a county employee in 1990, Mr. Kern was assigned with coordinating a County taskforce comprising 14 of its cities and private and nonprofit community leaders in response to the significant impact of military base closures in the region. This taskforce be-

came a committee of the County commissioned by the Mayors' Council of Alameda County, which eventually evolved into the Economic Development Advisory Board (EDAB) and later expanded to include Contra Costa County.

Now with a membership of over 700, including leaders in business, local government, education, labor and community service, the East Bay Economic Development Alliance strives to maintain the East Bay as a world-recognized location attracting revenue, business growth and the creation of quality jobs. Under Mr. Kern's vision and leadership, the East Bay EDA has been a driving force for collaborative leadership in the region to strengthen local infrastructure and promote economic prosperity.

Additionally, Mr. Kern has been a member of the Board of Directors of the Corporation for Manufacturing Excellence (Manex), the Technology Venture Corporation, the California Association for Local Economic Development (CalEd) and the Alameda County Work Force Investment Board. His many accolades include the 1998 Golden Bear Award from the California Association for Local Economic Development rewarding his vision, drive, enthusiasm, creativity and commitment to CALED and the economic development profession.

On behalf of California's 9th Congressional District, Mr. Bruce Kern, we salute you. Thank you for your many contributions to our community, which will continue to influence local business leaders, economic development and working men and women for years to come. I am confident that the East Bay Economic Development Alliance will continue in your legacy of excellence and success. Once again, congratulations on your many achievements. We wish you and your loved ones all the best in this next chapter of life.

PERSONAL EXPLANATION

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Ms. ZOE LOFGREN of California. Madam Speaker, on Thursday, July 22, I was absent from three votes due to a stomach virus. Had I been present I would have voted: Rollcall No. 466, "aye"; Rollcall No. 465, "yea"; and Rollcall No. 464, "aye."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily

Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 27, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 28

Time to be announced

Health, Education, Labor, and Pensions

Business meeting to consider H.R. 5610, to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers, and any pending nominations.

Room to be announced

10 a.m.

Foreign Relations

To hold hearings to examine the nominations of Terence Patrick McCulley, of Oregon, to be Ambassador to the Federal Republic of Nigeria, Michele Thoren Bond, of the District of Columbia, to be Ambassador to the Kingdom of Lesotho, and Robert Porter Jackson, of Virginia, to be Ambassador to the Republic of Cameroon, all of the Department of State.

SD-419

Homeland Security and Governmental Affairs

Business meeting to consider H.R. 2868, to amend the Homeland Security Act of 2002 to enhance security and protect against acts of terrorism against chemical facilities, to amend the Safe Drinking Water Act to enhance the security of public water systems, and to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works, S. 3335, to require Congress to establish a unified and searchable database on a public website for congressional earmarks as called for by the President in his 2010 State of the Union Address to Congress, S. 2991, to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, S. 3243, to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to complete all periodic background reinvestigations of certain law enforcement personnel, S. 2902, to improve the Federal Acquisition Institute, H.R. 3980, to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, H.R. 1517, to allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service, an original bill to amend chapter 21 of title 5, U.S. Code, to provide the fathers of certain permanently disabled or deceased veterans shall be included

with mothers of such veterans as preferable eligibles for treatment in the civil service, S. 3567, to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the "Navy Corpsman Jeffrey L. Wiener Post Office Building", H.R. 5278, to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the "President Ronald W. Reagan Post Office Building", and H.R. 5395, to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the "Paula Hawkins Post Office Building".

SD-342

Judiciary

To hold an oversight hearing to examine the Federal Bureau of Investigation.

SD-226

10:30 a.m.

Rules and Administration

To resume hearings to examine the filibuster, focusing on legislative proposals to change Senate procedures.

SR-301

2:30 p.m.

Banking, Housing, and Urban Affairs

Business meeting to consider the nominations of Janet L. Yellen, of California, to be Vice Chairman of the Board of Governors of the Federal Reserve System, Peter A. Diamond, of Massachusetts, Sarah Bloom Raskin, of Maryland, all to be a Member of the Board of Governors of the Federal Reserve System, Osvaldo Luis Gratacas Munet, of Puerto Rico, to be Inspector General, Export-Import Bank, and Steve A. Linick, of Virginia, to be Inspector General of the Federal Housing Finance Agency.

SD-538

Environment and Public Works

To hold hearings to examine protecting America's water treatment facilities.

SD-406

Judiciary

To hold hearings to examine the nominations of Kathleen M. O'Malley, of Ohio, to be United States Circuit Judge for the Federal Circuit, Beryl Elaine Howell, of the District of Columbia, to be United States District Judge for the District of Columbia, and Robert Leon Wilkins, of the District of Columbia, to be a United States District Judge for the District of Columbia.

SD-226

3 p.m.

Homeland Security and Governmental Affairs

State, Local, and Private Sector Preparedness and Integration Subcommittee

Disaster Recovery Subcommittee

To hold joint hearings to examine flood preparedness and mitigation, focusing on map modernization, levee inspection, and levee repairs.

SD-342

JULY 29

9:30 a.m.

Armed Services

To hold hearings to examine the new START.

SD-G50

Indian Affairs

To hold an oversight hearing to examine Indian gaming.

SD-628

10 a.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine mismanagement of contracts at Arlington National Cemetery.

SD-342

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold hearings to examine the state of the American child, focusing on the impact of Federal policies on children.

SD-430

Finance

To hold hearings to examine the nominations of Michael C. Camuez, of California, to be Assistant Secretary of Commerce, and Charles P. Blahous, III, of Maryland, and Robert D. Reischauer, of Maryland, both to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund, a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, and a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

SD-215

Judiciary

Business meeting to consider S. 3397, to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, S. 2925, to establish a grant program to benefit victims of sex trafficking, S. 518, to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and the nominations of Mary Helen Murguia, of Arizona, to be United States Circuit Judge for the Ninth Circuit, Edmond E-Min Chang, to be United States District Judge for the Northern District of Illinois, Leslie E. Kobayashi, to be United States District Judge for the District of Hawaii, Denise Jefferson Casper, to be United States District Judge for the District of Massachusetts, Carlton W. Reeves, to be United States District Judge for the Southern District of Mississippi, and John F. Walsh, to be United States Attorney for the District of Colorado, John William Vaudreuil, to be United States Attorney for the Western District of Wisconsin, William J. Ihlenfeld, II, to be United States Attorney for the Northern District of West Virginia, Mark Lloyd Ericks, to be United States Marshal for the Western District of Washington, Joseph Patrick Faughnan, Sr., to be United States Marshal for the District of Connecticut, Harold Michael Oglesby, to be United States Marshal for the Western District of Arkansas, and Conrad Ernest Candelaria, to be United States Marshal for the District of New Mexico, all of the Department of Justice.

SD-226

2 p.m.

Intelligence

Closed business meeting to consider pending calendar business.

SH-219

2:30 p.m.

Foreign Relations

To hold joint hearings to examine Al-Megrahi release, focusing on one year later.

SH-216

<p>Homeland Security and Governmental Affairs Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee To hold hearings to examine closing the language gap, focusing on improving the Federal government's foreign language capabilities. SD-342</p> <p>Judiciary Terrorism and Homeland Security Subcommittee To hold hearings to examine the passport issuance process, focusing on closing the door to fraud, part II. SD-226</p> <p style="text-align: center;">AUGUST 3</p> <p>9:30 a.m. Armed Services To hold hearings to examine the report of the Quadrennial Defense Review Independent Panel. SD-G50</p>	<p>10 a.m. Homeland Security and Governmental Affairs Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee To hold hearings to examine implementation, improvement, and sustainability, focusing on management matters at the Department of Homeland Security. SD-342</p> <p style="text-align: center;">AUGUST 4</p> <p>9 a.m. Impeachment Trial Committee (Porteous) Organizational meeting of the Impeachment Trial Committee on the Articles Against Judge G. Thomas Porteous, Jr. SR-301</p> <p>2:30 p.m. Homeland Security and Governmental Affairs Investigations Subcommittee To hold hearings to examine social security disability fraud, focusing on case</p>	<p>studies in Federal employees and commercial drivers licenses. SD-342</p> <p style="text-align: center;">AUGUST 5</p> <p>9:30 a.m. Veterans' Affairs Business meeting to consider pending calendar business. SR-418</p> <p style="text-align: center;">SEPTEMBER 22</p> <p>10 a.m. Veterans' Affairs To hold hearings to examine a legislative presentation focusing on the American Legion. 345, Cannon Building</p> <p style="text-align: center;">SEPTEMBER 23</p> <p>9:30 a.m. Veterans' Affairs To hold an oversight hearing to examine Veterans' Affairs disability compensation, focusing on presumptive disability decision-making. SDG-50</p>
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SENATE—Tuesday, July 27, 2010

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, center of our joy, give to the Members of this body the gifts of grace, compassion, and kindness. May Your gift of grace prompt them to exemplify civility. May Your gift of compassion motivate them to become voices for the voiceless. May Your gift of kindness empower them to treat others as they themselves desire to be treated, to forgive those who may have wronged them, and to cultivate renewed trust in those with whom they labor. Lord, renew them this day by the power of Your spirit that they may walk in unity for the good of this land we love.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 27, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Madam President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Madam President, there will be a period of morning business, with Senators permitted to speak for up to 10 minutes each. The time until 12:30 will be equally divided and controlled between the two leaders or their designees. The majority will control the first 30 minutes and the Republicans will control the next 30 minutes.

The Senate will be in recess from 12:30 until 2:15 today for the weekly caucus meetings.

Following the caucus, the time between 2:15 and 2:45 will be equally divided and controlled between the two leaders or their designees, with the majority controlling the final 15 minutes. At 2:45, the Senate will proceed to a rollcall vote on the motion to invoke cloture on the motion to proceed to S. 3628, the DISCLOSE Act.

CORRECTING ENROLLMENT OF H.R. 725

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to H. Con. Res. 304.

The ACTING PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 304) directing the Clerk of the House of Representatives to correct the enrollment of H.R. 725.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 304) was agreed to.

Mr. REID. Would the Chair announce the business for the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each and with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

The Senator from Illinois.

THANKING TOM FALETTI

Mr. DURBIN. Madam President, I come to the floor to say thank you to someone who has, for more than 20 years, been my right hand on Capitol Hill. Tom Faletti is one of the most decent, honest, and caring persons I have ever known. Tom came to work for me 24 years ago, when I was an unknown second-term Congressman from downstate Illinois and he was a 20-something idealist with a master's degree in public policy and a determination to change the world. We have been a team for 24 years.

Now Tom is preparing to leave Capitol Hill for a new career—not to cash in as a K Street lobbyist but to work at an inner-city high school as a teacher. I know he is going to be an excellent teacher because I know how much he has taught me about how to turn noble ideas into good laws. Among the legislative accomplishments of which I am most proud, almost all of them bear Tom's fingerprints.

Tom Faletti is a quiet, effective person, who has achieved more than many of the most celebrated on Capitol Hill. He is a profoundly good person, too—deeply spiritual, with a deep devotion to his faith, and he is a remarkably patient man. How else could he have survived 24 years with me? One of his greatest personal qualities is his persistence. He has great staying power, and when you consider that many of the historic bills he has worked on require that kind of patience, you understand that is the key to his success.

Tom Faletti grew up in Antioch, CA, about an hour east of San Francisco. He was one of six kids, all boys. His father worked in the accounting department of a steel mill. His mom was mostly a stay-at-home mom who sometimes did child care to help make ends meet. He grew up in a neighborhood surrounded by aunts, uncles, cousins, and grandparents, all living within blocks of each other. It was the Faletti equivalent to Hyannis Port. He met his wife Sonia in the freshman dorm at

Stanford University and they have been inseparable ever since. In fact, July 26 was their 30th wedding anniversary.

After earning his master's degree from Berkeley, Tom turned down some good job offers in California because the issues he cared most about, such as ending poverty and hunger, were national issues. He asked his Congressman and my good friend GEORGE MILLER for advice on how to get a job in Washington. GEORGE MILLER replied: You have to be there. So, in 1986, Tom and Sonia packed their belongings and drove across America in their 1978 blue Ford Fairmont. On the way they stopped in Chicago to see the Cubs beat Tom's favorite San Francisco Giants at Wrigley Field—the only time, until then, Tom had ever set foot in my State of Illinois.

Both Sonia and Tom arrived in DC without a job. Within a week, Sonia—who Tom will concede is the much more talented of the two—landed a job as a teacher. Tom had two interviews with both the U.S. Catholic Conference and Bread for the World. Both of them liked his resume but told him: Tom, you need some Hill experience.

Fortunately for me and the people of my State, Tom heard through a friend of a friend that this fledgling Congressman was looking for a part-time legislative correspondent. Well, my office offered him a job, trying to get rid of the growing backlog of mail in my congressional office. We told him we just had enough money to pay him for 3 months, and we weren't sure what would happen after that. But 3 months later, Tom Faletti turned a routine legislative correspondence assignment into proof positive of his potential. We promoted him to a legislative assistant position handling agricultural issues—not necessarily his forte, but I learned then and have learned ever since you can hand Tom Faletti any assignment and, in a short period of time, he will become a resident expert.

Two years later, the position of health care adviser opened on my staff. Tom jumped at the chance and a real legislative partnership began. Tom's tireless and meticulous work on health care reform and tobacco control has literally saved lives in America. Tom helped to draft the bill which I am so proud of, in which we banned smoking on all domestic airline flights more than 25 years ago.

Neither Tom nor I realized at that moment that that bill was a tipping point. The American people finally opened their eyes and said: If it is unsafe to smoke on an airplane, then why is it safe to smoke on a bus, on a train, in an office, in a hospital? Twenty-five years later, we live in a different nation because that bill came at the right moment. That bill would not have happened were it not for Tom Faletti's good work.

He also drafted a bill that banned smoking in Head Start and other Federal children's programs—unthinkable, but it was considered pretty bold at the time. In 1998, he helped me organize the first International Conference on Tobacco Control that brought together cancer researchers and advocates from nearly 30 nations to help advance the cause of tobacco control around the world.

He also worked to help preserve the historic settlement between tobacco companies and States when it appeared the Justice Department, under President George W. Bush, might gut the settlement.

In the early 1990s, Tom Faletti helped draft what may have been the first meaningful regulation of tobacco.

It was the simple statement that captured where we ended up so many years later, and it said:

The Food and Drug Administration shall regulate tobacco but shall not ban it.

That was the political sweet spot, the middle ground where we eventually ended up many years later.

At the time it seemed impossible, but FDA regulation passed last year and is now the law of the land.

In 1992, Tom helped draft a bill called health status rating in the small business health insurance market. That bill said simply that insurers can't charge more because of a preexisting condition. Have you heard that phrase before? Do you remember that cause? It was the propelling force behind our health care reform that we just completed. People suggested then we could not prevail.

Tom knew where we needed to be as a nation, and today that bill—with minor changes—is the law of the land. It was included in the historic health care reform that President Obama signed into law.

Tom has helped achieve lifesaving change for America in so many other ways, including increasing organ donations and improving health care for veterans and their family caregivers.

In the early 1990s, he drafted a bill to create a pilot program of long-term substance abuse treatment centers for women where they could bring their children with them, thus removing one of the main impediments to women receiving lifesaving treatment.

The list of accomplishments bearing Tom Faletti's imprint goes on and on.

When President Obama invited me to the White House a little over a year ago to see him sign the Family Smoking Prevention and Control Act, granting FDA the very power to regulate tobacco, which Tom Faletti called for so many years ago, I invited Tom to be by my side. I can recall a dinner a few months ago when I was given recognition for all the work I have done in the field of tobacco and looking out over the audience and all the people who have been helpful and spotting Tom. I

told the people there—and I say it today—that none of this would have happened without Tom Faletti.

When President Obama signed the Patient Protection and Affordable Care Act last March, I again asked Tom Faletti to join me at the White House and witness that historic event and see the new law, including the preexisting conditions.

No member of my staff—or any other Senate staff—worked harder, over more years, to make those two great achievements a reality.

There is one downside to finally winning so many long-fought battles; that is, Tom has decided to retire—well, to retire from the Senate. He has decided it is time to try a profession that he told me he always wanted to try, to become a high school teacher. He is going to teach at Archbishop Carroll, an inner-city Catholic high school in Washington, DC. I was not surprised because Tom has been a teacher for as long as I have known him. He taught hundreds of my staff everything from spelling and grammar to the inside information on moving a bill and changing a nation.

I know Tom and Sonia decided long ago that life on Earth is about more than material wealth. The lure of K Street never touched Tom Faletti. Instead of cashing in on his time in the Senate and his amazing experience on Capitol Hill, Tom is actually leaving the Senate to take a pay cut and teach in an inner-city high school. Those of us who know and love him are not surprised.

He will be teaching government and political science to 11th graders and a religion class on social justice—his great passion.

Tom said above the chalkboard in his classroom he will hang a sign that reads: "You can change your world." Tom has proven he can change the world because he has changed America. He wants to show his students how they, too, can reach that goal in their lives.

Tom will not need a textbook for that lesson. He can teach from his own experience because that is what Tom has done for 24 years as a dedicated staff member in the House of Representatives and the Senate. I was always proud to be Tom's friend and to learn so much from this good man.

I thank Tom for his service, and I thank his wife Sonia and their children, Timothy, Joanna, and Luke, for sharing him with us for all these years. I wish him the best of luck, and I say to the students at Archbishop Carroll: Listen carefully to Tom. I have for 24 years, and it has worked out pretty well.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak

as in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CYBERSECURITY

Mr. WHITEHOUSE. Madam President, I will speak about a topic that is central to our national security and economic prosperity and which gets far too little notice and attention; that is, the vulnerability of America's network information systems, and the economic danger and national security risks we face from cyber-theft, cyber-piracy, and cyber-attack.

We live in a wired society. If we sever those wires and the social, economic, and communications linkages that make our way of life possible, we will cease to function. I am gravely concerned that we are not taking the necessary steps to guard against this threat, which I believe is the greatest unmet national security need facing the United States.

Earlier this month, the Intelligence Committee Cyber Task Force submitted a classified final report to the chair and vice chair of the Intelligence Committee. It was an honor to chair this bipartisan initiative and to serve with my distinguished colleagues, Senator MIKULSKI and Senator SNOWE. I thank them for their diligence, their leadership, and their important contributions to this effort. They were excellent and we made a good team.

We spent 6 months investigating cybersecurity threats and our current posture for countering those threats, with a particular focus on the intelligence community. It was a very sobering experience.

There is a concerted and systematic effort underway by nation states to steal our cutting edge technologies. At the same time, criminal hacker communities are conspiring to penetrate financial industry networks, rob consumers of their personal data, and transform our personal computers into botnet zombies that can spread malware and chaos.

It is difficult to put a precise dollar figure on the damage and loss these malicious activities are causing, but it is safe to say it numbers in the many tens of billions of dollars—perhaps as high as \$1 trillion.

I believe we are suffering what is probably the biggest transfer of wealth through theft and piracy in the history of mankind.

In addition, we face the risk of attacks—attacks designed to disable critical infrastructure, with grave potential harm to our national security and to our financial, communications, utility, and transportation sectors.

The intelligence community is keenly aware of the threat and is doing all it can within existing laws and au-

thorities to counter it. The bad news is the rest of our country—including the rest of the Federal Government—is not keeping pace with the threat.

I am encouraged by the growing interest in Congress, where there are now more than 40 bills pertaining to cyber. I want to commend Senator ROCKEFELLER and Senator SNOWE, in particular, for being at the leading edge of the Senate's efforts. They have spent more than a year fine-tuning their legislation, which speaks of their commitment to protecting the country and their recognition that we cannot reduce our vulnerabilities without careful study and thoughtful engagement.

Much of the current debate on cybersecurity in the Congress focuses on executive branch organization dealing with this threat. This is obviously an important issue, and it is one that we must resolve sooner rather than later. But the question of how this all gets organized within the executive branch is merely one of the many problem areas we saw during the course of the work of the task force.

What are these other areas? Well, first of all, an overarching issue, we must raise the public's awareness about cyber-threats; otherwise, we face an uphill battle trying to legislate in this challenging and sensitive policy sphere.

What is the problem? Well, threat information affecting the dot.gov and dot.mil domains is largely classified—often very highly classified—and entities in the dot.com, dot.net, and dot.org domains often consider threat information to be proprietary and disclosing it could be a risk to their business. So the result overall is that the public knows very little about the size and scope of the threat their Nation faces.

If the public knew the stakes—knew the cyber-criminals, for example, have pulled off bank heists that would make Willie Sutton, Bonnie and Clyde, and the James Gang look like a bunch of petty thieves, they would demand swift action. If they knew the extent of the cyber-piracy against our intellectual property, and the economic loss that has resulted, the public would demand swift action. If they knew how vulnerable America's critical infrastructure is and the national security risk that has resulted, they would demand action. It is hard to legislate in a democracy when the public has been denied so much of the relevant information.

The first key point is public awareness. We have to share more information with the public about what is going on out there.

Second, we need to establish basic rules of the road. One of the signal features of our cybersecurity risk profile is that the overwhelming majority of malicious cyber-activity could be prevented if some computer users installed simple antivirus protections

and allowed automatic updates of their software.

If we followed basic rules of the road, there would be a national security advantage: The Federal Government could focus its cybersecurity efforts on that narrower subset of threats that can evade commercial, off-the-shelf technology. There would be economic advantage from the potentially massive reduction in cyber-crimes, such as identity theft and credit card fraud.

Third, we need to empower the private sector to adopt a more proactive stance against cyber-threats. I am from Rhode Island. My State was founded as a sea trading State. When our traders were attacked by pirates, they got out their guns and fought back. Under current law, companies under cyber-attack can do little more than batten down the hatches. We need to look for more ways to help American companies better defend themselves.

Our courts provide one option. Creative technical experts and smart lawyers at Microsoft were able to mount a very impressive counterattack against the Waledac botnet by obtaining a Federal court order requiring that VeriSign, the domain name registrar, cut off domains associated with the botnet. This disrupted the botnet's command-and-control function, and it highlights an important possible role for our judicial branch.

Additionally, we need to establish lawful and effective means for industry sectors to band together with one another and engage with each other in common defense strategies and information sharing where appropriate with the government. There are some early examples, such as the defense industrial base, that merit commendation, which we should encourage. But it is still pretty primitive.

Fourth, we must ensure that the Federal Government has the authorities and capabilities necessary to protect our American critical infrastructure against cyber-attack. If a bank, for instance, runs into a solvency problem, there is an established and widely accepted procedure for Federal intervention to protect the bank depositors, stand the bank back up, get it back on its feet, and move back out again.

There is no similar procedure if that bank or American critical infrastructure, such as an electric utility, is failing due to an ongoing cyber-attack. There needs to be clear, lawful processes for the private sector to request technical assistance and clear authority for the government to act when a cyber-incident raises significant risk to American lives and property.

It gets a little bit more complicated than that because you cannot just call 911, such as when there is a fire, and have the government come and put out the fire when it is a cyber-attack. Cyber-attacks happen literally at the speed of light.

The best defense against cyber-threats, particularly the most dangerous cyber-threats, requires speed-of-light awareness and response. For this reason, it is worth considering whether some defensive capabilities should be prepositioned in order to better protect the Nation's most critical private infrastructure.

During medieval times, critical infrastructure, such as water wells and graineries, were inside the castle walls, protected as a precaution against enemy raiders. Can certain critical private infrastructure networks be protected now within virtual castle walls in secure domains where those prepositioned offenses could be both lawful and effective?

This would, obviously, have to be done in a transparent manner, subject to very strict oversight. But with the risks as grave as they are, this question cannot be overlooked.

Fifth, we need to put more cyber-criminals behind bars. Law enforcement engagement against cyber-crime needs to be considerably enhanced at multiple levels, reporting, resources, prosecution strategies, and priority. A lot more folks need to go to jail.

Finally, we must more clearly define the rules of engagement for covert action by our country against cyber-threats. This is an especially sensitive subject and highly classified. But for here, let me simply say that the intelligence community and the Department of Defense must be in a position to provide the President with as many lawful options as possible to counter cyber-threats, and the executive branch must have the appropriate authorities, policies, and procedures for covert cyber-activities, including how to react in real time when the attack comes at the speed of light. This all, of course, must be subject to very vigilant congressional oversight.

Uniquely in the world and uniquely in our own history, America's economy and government now depend on networked information technologies for Americans to communicate with each other, keep the trains running on time and the planes flying safely, keep our lights on, and power our daily lives.

The expansion of this powerful new technology across our great country also makes us uniquely vulnerable to cyber-threats. We have to do a lot better as a nation on cybersecurity. I believe we can do better. I know we must do better. Frankly, we cannot afford not to do better.

I hope these remarks and the structure they have provided helps provide assistance to my colleagues as we begin debating and resolving these important issues.

I yield the floor. I see my distinguished colleague from Minnesota prepared to speak.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

DISCLOSE ACT

Mr. FRANKEN. Madam President, I rise today to urge my colleagues to allow debate on the DISCLOSE Act, a commonsense measure to fix just some of the problems created by the Citizens United decision.

For a century, Congress has done everything it could to make sure the American public has as much information as possible about the money being spent in our elections. The first Federal campaign finance disclosure law was passed in 1910, which scientists tell us was 100 years ago. It was strengthened in 1925. In the 1970s, it was replaced with an even stronger system as part of the Federal Election Campaign Act. Eight years ago, with McCain-Feingold, it was strengthened yet again. So the Congress has been in the disclosure business for 100 years. And, in fact, at every major step, the Supreme Court has actually affirmed Congress's power to pass these laws.

In 1934, the Court unanimously upheld the disclosure laws that Congress passed a decade earlier. In 1975, they upheld the disclosure provisions of the Federal Election Campaign Act. In 2003, they upheld the disclosure and disclaimer provisions of McCain-Feingold. Just this January in *Citizens United*—yes, in *Citizens United*—they voted 8 to 1 to uphold those same disclosure provisions again.

The disclosure provisions of the DISCLOSE Act are well in line with a century's worth of Federal statutes and precedent, at least according to the Burger Court, the Rehnquist Court, the Roberts Court, and the Hughes Court. I bet some of you have not heard of the Hughes Court. That was from 1934. So we can pass this law. We can do it. There should be a will to do it.

Here are some excerpts from a few Members' floor statements from the 107th Congress, the Congress that passed McCain-Feingold:

Clearly the American public has a right to know who is paying for ads and who is attempting to influence elections. Sunshine is what the political system needs.

Another Member said:

We can try to regulate ethical behavior by politicians, but the surest way to cleanse the system is to let the Sun shine in.

Here is yet another:

Disclosure helps everyone equally to know how their money is spent. [. . .] Disclosure is what honesty and fairness in politics is all about. Why would anyone fight against disclosure?

These are actually the statements of friends of mine across the aisle who are still in this body who opposed McCain-Feingold and who opposed it in large part because they said it did not do enough on disclosure. In fact, a lot of them opposed it precisely because it did not do enough to promote disclosure of the independent expenditures of corporations and unions.

As my good friend Senator HATCH said in March of 2001:

The issue is expenditures, expenditures, expenditures; and [. . .] the real issue, if we really want to do something about campaign finance reform, is disclosure, disclosure, disclosure.

I think he repeated it three times for emphasis.

This is what the minority leader said when he voted against the McCain-Feingold bill, as amended by the House, in March of 2002. This is the minority leader, Senator MCCONNELL from Kentucky:

Reformers claim this bill will increase disclosure and shine the light on big money and politics. This is, of course, not true. Unions will continue to funnel hundreds of millions of dollars of hard-working union member dues into the political process without ever disclosing one red cent.

The protections my friends were waiting for are in the DISCLOSE Act, and they boil down to this: If someone is spending a lot of money in our elections, American voters will have a right to know whether that person is a corporation, a nonprofit, a union, or a 527.

Before I close, I want to discuss a part of this bill that does not have to do with disclosure, section 102.

Section 102 incorporates critical provisions of a bill I introduced, the American Elections Act. It will make sure that foreign interests—foreign governments, foreign corporations, and individuals—cannot use American subsidiaries that they own or control to influence our elections.

The fact is, after *Citizens United*, the U.S. subsidiaries of foreign companies will be able to spend as much as they want in our elections, even if they are under foreign control.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. FRANKEN. I ask for another couple minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CORNYN. Reserving the right to object, I ask that another couple minutes be added to our time. If that is OK with the Senator from Minnesota, I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRANKEN. I thank the Senator from Texas. The fact is, after *Citizens United*, the U.S. subsidiaries of foreign companies will be able to spend as much as they want in our elections, even if they are under foreign control. President Obama alluded to this in his State of the Union Address, and Justice Stevens said it explicitly in his dissent.

More and more American companies are coming under foreign ownership and control. According to the Congressional Research Service, between 1998 and 2007, there was a 50-percent increase in the number of mergers and acquisitions where a foreign firm acquired a U.S. firm. But our laws are out

of date. They do not protect against election spending from those foreign-controlled companies.

There are basically only three restrictions on election spending by foreign companies: One, you cannot be headquartered or incorporated abroad. The subsidiary has to be headquartered here, such as BP America.

You cannot use money you have earned abroad in our elections. You can use money earned here.

You cannot let foreign citizens decide how to spend that money. But the boards of these companies kind of know how, Citgo, say, might want to spend its money. One company that could pass the test and spend unlimited amounts of their money in our elections is Citgo, 100-percent owned by Hugo Chavez and the Venezuela Government. Here is another company that can pass the test: British Petroleum or, rather, its subsidiary, British Petroleum America. This is unacceptable.

The DISCLOSE Act updates our laws and says that if a foreign entity has a controlling stake in a company, as defined by most States' corporate control standards—or if a foreign entity controls the board of directors of a company, that company should not spend one dime in our elections.

Madam President, I thank the Senator from Texas. I yield back my time. I have no time to yield back. I am done.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Madam President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. There is 32 minutes 23 seconds remaining.

DISCLOSE ACT

Mr. CORNYN. Madam President, I am going to talk about the so-called DISCLOSE Act that we will vote on this afternoon at 2:45. Of course, this is a cloture vote which will require 60 votes to proceed to the bill.

At the time the cloture motion was filed, the bill was so new that it was not even available on the Senate's Web site. Unfortunately, this represents a trend where we have seen legislation come to the floor that is so new and unavailable to the American people to read that they are left to wonder what actually is in the bill.

This particular version of the bill was introduced less than a week ago. Sadly, I have concluded that this bill represents another attempt by my colleagues to push through legislation without adequate time for deliberation and review. In this case, it has pretty dramatic and dire consequences.

It will reduce freedom of speech in a way that is inconsistent with the first amendment of the U.S. Constitution, it creates more Federal regulation, and it does not give the American people the

opportunity to review the legislation and to weigh in because they cannot understand what are the ramifications. So in the short time we have between now and 2:45, I would like to weigh in a little bit to hopefully inform anyone who is listening what this particular piece of legislation will do.

I fear that what this legislation does, in sum, is to protect incumbents—protect incumbents—which is not the type of legislation that I think most of our constituents would want to see us pass. I believe they would prefer legislation, if any legislation would be necessary, that would not restrict freedom of speech but would encourage freedom of speech and more political participation in our elections and the process. But this bill doesn't do that. This bill protects incumbents by suppressing the speech of some while letting other speakers speak without any limitation whatsoever. In other words, what this bill does is it picks winners and losers in the political speech contest—something the first amendment does not allow us to do.

I would also say that in the rushing to judgment on the part of the proponents of this bill, we are left to speculate as to what impact the Citizens United decision by the U.S. Supreme Court will really have and whether for-profit corporations will actually use this decision to spend money in elections. I happen to believe there is very little chance most corporations' shareholders will allow their money to be spent for the purpose of advertising on issues in upcoming political elections because they are going to either want the money returned in a dividend to the shareholders or they are going to want money invested to create a growing business and to create a better return on their investment. They are not going to want their money used for the purposes for which the proponents of this legislation fear, in my view.

The fact is, this bill will fundamentally remake the rules and regulations governing the exercise of free speech in American elections. We should be extra cautious in legislating in this area for three reasons:

First, regulation of speech always raises significant first amendment considerations. The first amendment is the cornerstone of our democracy. Political speech about candidates for elected office is at the core of the values protected by the first amendment.

Second, regulation of campaign speech often comes with unintended consequences. Back in 2002—I wasn't here at the time—the Bipartisan Campaign Reform Act was passed. It was also known as the BCRA or McCain-Feingold. I believe it was passed with the very best of intentions, but it has not prevented the exponential increase in the amount of money spent in elections in America since that time. In the 2008 election cycle, President

Obama and Senator McCain raised and spent nearly twice as much money as President Bush and Senator Kerry did in 2004—almost twice as much in 4 years. In fact, together, the two Presidential candidates in 2008 spent more money for the general election than did all the Presidential candidates between 1976 and 2000 combined. The so-called Bipartisan Campaign Reform Act of 2002 has also led to another unintended consequence: it has led to a proliferation of interest groups using section 527 of the Internal Revenue Code or some other provision of the law to pour massive amounts of money into campaigns with even less transparency than has existed before.

The third reason we should be especially careful when regulating political speech is that Senators have an inherent conflict of interest. Our jobs depend on the rules surrounding campaigns and elections, so there is a natural temptation by the Senate majority to change the rules in a way that helps its own chances of reelection. The question is, Does this bill resist that temptation to rewrite the rules to benefit the majority party, to protect incumbents, or does this bill succumb to that temptation? I submit that this bill succumbs to that temptation in the haste to push through rules that will protect, in the view of the proponents of this legislation, incumbents in the election that will be held almost 100 days from now.

This bill would silence critics of the majority party—it is that simple—and it would protect the closest allies and special interests aligned with the majority party.

This bill treats similarly situated parties differently. That is what I mean by picking winners and losers. It would silence businesses with some foreign shareholders, but it would protect unions with significant foreign membership. It would silence businesses with government contracts, but it would protect unions of government employees and unions that work on those same government contracts. It would silence companies that have received TARP funds but protect the unions that represent those same companies' employees.

Labor unions aren't the only allies of the majority party to receive special treatment in this bill. The bill protects limited liability partnerships and other business models favored by the legal profession. It creates carve-outs reminiscent of what we saw happen in the health care bill with the "Louisiana purchase" and the "Cornhusker kickback." It creates a carve-out for the largest, wealthiest, and most powerful Washington-based special interest groups, such as the National Rifle Association and the American Association of Retired Persons, AARP.

The bill also tends to favor large businesses over small businesses and

Washington-based interest groups over grassroots interests. How does this bill do that? Well, simply because it creates such a Byzantine labyrinth of regulations and disclosure requirements that only large organizations with the money to hire the very best lawyers will be able to figure out how they can exercise their first amendment rights. There are enough loopholes that a corporation or a union large and sophisticated enough to set up the right legal structure can continue to speak and spend money to exercise their first amendment rights, but a small business or a grassroots group of citizens is unlikely to have either those sorts of political connections or the money to be able to hire the specialized expertise to allow them to navigate this labyrinth. And if you can't afford to comply with the bill's onerous regulations, then you are not allowed to speak at all.

Why are some of my colleagues supporting the bill? I can think of two reasons:

First, some of my colleagues fear the righteous judgment of the American people in this coming election on November 2. They are trying to change the rules in the middle of the game to suppress the speech of those who might disagree with these incumbent Senators who are standing for reelection so that the American people won't have all sides of the story when they go to vote on November 2. Bradley Smith, a former Chairman of the Federal Election Commission, put it this way. He said the so-called DISCLOSE Act should stand for the "Democrat Incumbents Seeking to Contain Losses by Outlawing Speech in Elections"—the DISCLOSE Act.

Second, it is clear that some folks in Washington just like suppressing speech they do not agree with. Other attempts have included asking citizens to forward their neighbors' criticisms about the administration to the White House e-mail account—remember when that happened—and sending cease-and-desist letters—this is something the administration did during the health care debate—to companies that criticized their health care bill. And of course there have been well-documented efforts to bring back the so-called Fairness Act, which is anything but.

I don't know, though, whether my colleagues who are pushing this bill are doing so in order to protect their political power or, frankly, in an arrogant display of disdain for the views and opinions of the American people—the kinds of views we have seen displayed at townhall meetings, at tea party rallies, and other spontaneous movements around this country. It is absolutely the fact that the first amendment was written to protect freedom of speech, even the speech we don't like and don't agree with. I believe the first amend-

ment of the U.S. Constitution and freedom of speech have made us stronger and freer and has helped inform policymakers so that we can make better decisions because we have considered all points of view.

But whatever the reason the proponents of this bill have for offering this bill, I would point out—and I don't think it is a coincidence—that the chief House proponent is the current chairman of the Democratic Congressional Campaign Committee and the chief proponent in the Senate is the former chairman of the Democratic Senatorial Campaign Committee. I don't think that is coincidental.

Whatever the reason, I oppose this bill, and I urge my colleagues to oppose this afternoon's cloture motion.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, will you let me know when 9 minutes has expired?

The ACTING PRESIDENT pro tempore. I will.

ENERGY

Mr. ALEXANDER. Madam President, I wish to thank the Senator from Texas for his lucid explanation of this DISCLOSE Act, and I like the name he used for it. As the Republican leader has said, this is a piece of legislation that is primarily about saving the jobs of Democratic Members of Congress. I think the American people would rather we spend our time saving their jobs during a time of 10 percent unemployment.

I would like to talk about that for a minute because one way to save American jobs is to stop sending jobs overseas looking for cheap energy, which is what the Democratic proposals have been about this year.

We hear that maybe this afternoon the majority leader will propose an energy bill. It is being proposed in a way that has become all too familiar here. It is being written in secret, offered at the last minute, and there will be time for little debate. We have 1 or 2 days at most to work on this bill, given the need to consider the President's nomination of Ms. Kagan for the U.S. Supreme Court, and there apparently will be no amendments. So last minute, written in secret, little debate, no amendments, big issue—that sounds a lot like what happened at Christmas with the health care bill. But the question to ask is why have we waited so long on an energy bill?

In defense of the majority leader, he has a lot on his plate, and he has a tough job in trying to figure out what comes first, and it takes a while to get anything done in the Senate. The last time we had a great success with energy bills—2005–2007—they were offered in a bipartisan way. I remember work-

ing with Senator Domenici and Senator BINGAMAN on those bills. We did a lot of good and changed the direction of the country on clean energy in 2005 in the Energy bill. But it took a number of weeks on the floor of the Senate to do that, and any serious effort on energy would take that amount of time here as well.

So why have we not had an energy bill? We have had a clear consensus on how to have cheap energy. For years, Republicans have said: Why don't we build 100 new nuclear plants? That is 70 percent of our carbon-free electricity. Why don't we set as a goal electrifying half our cars and trucks? That is the single best way to reduce our use of oil, including oil from foreign countries. Why don't we support doubling energy research and development? That is the best way to get a 500-mile battery for electric cars and reduce the price of solar power by a factor of 4, which is what we need to do in order to be able to put solar on our rooftops and supplement the energy we need. But we haven't had bills like that. There are even 16 Senators—6 Republican, 9 Democrats, 1 independent—who are cosponsors of the Carper-Alexander bill on clean air. We know what to do about sulfur, nitrogen, and mercury, so why don't we do it? We have 16 Senators ready to do it.

Instead, the other side has been focused on two bad ideas—one has been a national energy tax in the middle of a recession, and the second bad idea has been a so-called national renewable electricity standard, which basically boils down a requirement to build 50-story wind turbines to try to produce electricity in this large country. Let me give one fact on that. Denmark has pushed its wind turbines up to 20 percent of its electrical capacity. We often hear on the floor what a great thing Denmark has done. That is about as many windmills as you can have and still have a viable electricity grid. But Denmark hasn't closed a single coal plant. It is still highly dependent on fossil fuels. It has to give away almost half of its wind-generated electricity to Germany and Sweden at bargain prices because it comes at a time it is not needed. And Denmark has some of the most expensive electricity in Europe. Meanwhile, France has gone 80 percent nuclear. Its per capita carbon emissions are 30 percent lower than Denmark, and it has so much cheap electricity that France is making \$3 billion a year exporting it to other countries. So why are we even thinking about passing a law making Tennesseans build 50-story wind turbines on our scenic mountains or buy it from South Dakota, which means running a lot of transmission lines through backyards, when the Tennessee Valley Authority says wind power is available when needed only 12 percent of the time?

So these are the two bad ideas that have had our clean energy consensus stuck on the sidelines for the last year.

There is another idea we should be focusing on, actually it should be our first priority; that is, the oilspill that has caused such destruction in the gulf coast. The bill we understand the majority leader may be bringing out this afternoon—of course, we do not know what is in it; it was written in secret—bringing it out this afternoon, may be the bill that came out of the Environment and Public Works Committee, which would, in effect, end offshore exploration for natural gas and oil.

That sounds pretty good, particularly in light of the fact that it has been 99 days since this terrible oilspill began. But what will happen if we were to, in effect, end offshore exploration of natural gas and oil? It means we would be depending more on oil from overseas. We use 20 million barrels of petroleum product a day. Unless we get busy with electric cars, we are still going to be using 20 million barrels a day.

It will probably mean higher prices, since about one-third of our natural gas and oil that we produce in the United States comes from the Gulf of Mexico. It would mean lost jobs in large amounts. The number of lost jobs is estimated, in a study released by IHS Global Insight on July 22—if we have a de facto end of independent oil production of offshore natural gas and oil in the gulf, the job loss would be 300,000 jobs by 2020; \$147 billion in tax revenues over that time.

So, in addition to depending more on foreign oil, higher prices, lost jobs, it means we would depend on leaky tankers to bring that foreign oil—some from countries that do not like us—over to the United States so we could use it. So that is a bad idea as well—not a very good proposal.

There is a better way to approach the problem of dealing with an oilspill that has been offered by Senator McCONNELL and other Republicans last week. Here is what it would do: Instead of ending offshore exploration for natural gas and oil, which is what unlimited liability requirements, in effect, would do, it would fashion a proposal that is much like the proposal we use for the 104 nuclear powerplants we have operating in this country.

They operate under a law called Price-Anderson. Price-Anderson is an industry-funded insurance program that spreads the liability for any nuclear accident among all the operators of nuclear plants. It is important to note, we have never had to use it. Even though we have not built a nuclear plant in 30 years, there has not been a single death in the United States as a result of a nuclear incident at a commercial nuclear plant or as a result of a nuclear accident on one of our Navy ships, which have been operating with reactors since the 1950s.

But the Republican proposal, instead of saying unlimited liability, which sounds good but has all the problems I just mentioned, would employ a risk-based approach and allow the President to establish liability limits for offshore facilities by taking into account risk-based factors. There could be unlimited liability.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator has 1 minute remaining.

Mr. ALEXANDER. There could be unlimited liability. But the President, in setting those risk-based factors, could take into account that there might be a company with a spotless record operating at drilling 500 feet for oil, but there might be a company with not as good a record operating in 5,000 feet deep water.

In addition, the proposal would allow for collective responsibility. Instead of big oil companies just sitting around watching the one that spills clean up, everybody would have a stake in the game. In addition to that, it would not drive out of business the smaller oil companies and only leave big oil as the only ones that could risk unlimited liability and drill in the gulf, such big national oil companies as the Chinese, Venezuelan, or Saudi Arabians.

So I would recommend to my colleagues that the Republican proposal is where we should begin because a risk-based liability proposal would allow independent explorers for oil and gas to continue to operate, would not drive them out of business.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALEXANDER. I ask unanimous consent for 1 additional minute to finish my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. The 1.6 million of us who fly daily would not stop flying after a tragic airplane crash. We would find out what happened and do our best to make it safe. We cannot simply stop drilling after a tragic oilspill unless we want to rely more on foreign oil, run up our prices, turn our oil drilling over to a few big oil companies, and all our oil hauling over to more leaky tankers. I hope that instead of the proposal we have been hearing about, we can focus on the clean energy, low-cost consensus Republicans have advocated, and that the President has proposed as well, electric cars, nuclear power, energy research and development, and clean air.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. JOHANNIS. Mr. President, may I inquire how much time is remaining?

The PRESIDING OFFICER. There is 8½ minutes remaining.

CAP AND TRADE

Mr. JOHANNIS. Mr. President, I rise to talk about legislation that I intend

to introduce today, both as an amendment to the small business bill and as a stand-alone measure.

With the BP oilspill in the headlines, we are rumored to tackle energy legislation later this week. For months, energy legislation has been held up while the majority attempted to find 60 votes for a very unpopular cap-and-trade aspect to this legislation.

But just last week, Americans sought to hear great news when they saw headlines such as "The Climate Bill is Dead," "Democrats Call Off Climate Bill Effort."

You have to imagine that around the country, thousands of Americans and small businesses breathed a sigh of relief that they would not be forced to bear yet another financial burden, a hidden tax increase in these trying times.

But, unfortunately, I believe the sigh of relief was premature and here is why. Some in Washington have been keeping a wish list of policies they want to complete after—and I emphasize after—the November elections. At the very top of that list is the national energy tax called cap and trade. So after the elections this November, the American people could be in for quite a surprise.

After voters have cleared out of the polling places and the yard signs are all taken down, after the voting booths have disappeared from the high school gymnasiums and the church basements, after the American people have exercised their constitutional right and made their claims regarding the future direction of this great Nation, well after all that, be warned because the politicians will return to Washington to advance an agenda that they did not have a chance of advancing at all prior to the election.

During this postelection time, we are likely to see what is called a lameduck session. You see, the newly elected will not be here on the floor after the election in that interim until they are sworn in, nor will they be on the House floor. Yet we may be conducting business with many who are not returning to office and therefore are no longer accountable to their constituents; will not stand for another election.

You see, therein lies the danger, a last gasp by this Congress to push an agenda that was dead on arrival prior to the election. But, I suggest today, do not take my word for this. Simply listen to the most senior members of the party that controls the White House, the House, and the Senate. In an interview on Friday, a senior Democratic Senator openly discussed the plan to have cap and trade in the lameduck session. The headline could not be more clear: "Democrats May Take Up Broad Climate Legislation After Election."

Why is that the plan, you might ask? Why could not the Senate advance this

measure in the more than a year since the House barely passed it? Well, I will point back to another surprisingly candid interview. According to one Democratic Senator: "If it is after the election, it may well be that some members feel free and liberated." Let me read that again. "If it is after the election, it may well be that some members are free and liberated."

Free and liberated, you ask. Well, the answer is as obvious as it is chilling. The plan to do cap and trade in a lame-duck is premised on Senators and House Members being free and liberated from the tethers of the American people. That is extraordinary, and it is deeply troubling. But it gets worse because the plan is not simply to wait until after the election. The plan is to add cap and trade in conference or attach it to some other legislation from the House, even though the Senate will not have considered, debated or approved a cap-and-trade bill. Stunning.

Again, do not take my word for it. You can read it in the various news reports. For example, on June 16, Politico reported that the Senate legislative plan for passing cap and trade is to: "... conference the new Senate (Energy) bill with the already-passed House bill in a lame-duck session after the election, so House Members don't have to take another tough vote ahead of midterms."

On June 28, Energy and Environment Daily reported that House Democratic leadership: "... acknowledged that lawmakers on the conference committee may wind up merging the House cap-and-trade plan with a Senate bill that does not include it."

On June 30, the Hill newspaper reported: "House Energy and Commerce Committee Chairman HENRY WAXMAN (D-Calif.) said he would 'absolutely' seek to keep greenhouse gas limits alive in a House-Senate conference if the Senate approves energy legislation this summer that omits carbon provisions."

So the not-so-secret plan is not secret at all. In fact, it is very transparent and clear: Pass an energy bill, any energy bill, pass it out of the Senate so it can be conferenced with the House cap-and-trade bill after the election. My legislation directly addresses this plan in a very concise way. It simply says, if the Senate has not previously approved cap-and-trade legislation, and you try to slip it into law during a lame-duck session, then a point of order will lie against the legislation. However, if the Senate has already approved a cap-and-trade bill under regular order, then my amendment would not be triggered.

My amendment, therefore, preserves the opportunity for the Senate to debate this critically important issue. It takes the debate out of the shadows and the back rooms and the conferences onto the Senate floor, in full

view of the American people, and it permits the American people to see what is in this bill.

It says, if the Senate has not approved cap and trade, do not slip it in an appropriations bill, do not add it to a defense bill, do not sneak it into another stimulus, and do not hide it in the heaven knows what during a conference committee meeting secretly held who knows where.

I urge my colleagues to look ahead down the road a few months. Members will be here. Maybe they will be "free and liberated" from the will of the American people as one Democratic colleague describes it. The shenanigans are already being forecast. Let's stop it here. I ask for support on this very important legislation.

If debate is intentionally circumvented, our business owners and all Americans will be impacted and hurt. They deserve to know what the debate is going to be about in cap and trade, and my amendment provides this assurance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

DISCLOSE ACT

Mr. CARDIN. Mr. President, I take this time to urge my colleagues to allow us to proceed to the DISCLOSE Act to deal with campaign finance reform. I thank Senator SCHUMER for his hard work on this issue to bring forward a bill that I hope can enjoy sufficient support so we can continue to advance campaign finance reform. Election campaign finance reform is difficult to pass in this body for many reasons. First, it requires bipartisanship. We know that. We know we need to bring together Democrats and Republicans to say: Our legacy on fair elections is more important than our own individual elections, and we have a responsibility to the American public to deal with a growing problem in American politics; that is, the influence of money, particularly during election time.

That is why we celebrated in 2002 with passage of a bipartisan campaign reform act. Under the leadership of Senator MCCAIN and Senator FEINGOLD, we were able to come together, Democrats and Republicans, and advance campaign finance reform to reduce somewhat the influence of special interest corporate money in our political system and to add further disclosures so the American public could know who is trying to influence their vote. That is what campaign finance reform is about, to limit corporate money and provide greater disclosure. Democrats and Republicans came together in 2002 to get that done. The protection of our fair election process has now met a new opponent. That is the Supreme Court or, more specifically, five Justices on

the Supreme Court, the so-called conservative Justices. They legislated from the bench, reversing precedent, and ruled on the side of corporate interests over the concerns of ordinary Americans. These were the so-called Justices many of my colleagues look to for judicial restraint. It is not judicial restraint when they legislate from the bench. It is not judicial restraint when they reverse precedent, when they rule on the side of corporate America over ordinary Americans.

Let me quote from Justice Stevens in his comments as they reflect on the decision the Court made:

[E]ssentially, five justices were unhappy with the limited nature of the case before us so they changed the case to give themselves an opportunity to change the law. There were principled, narrow paths that a court that was serious about judicial restraint could have taken.

Justice Stevens goes on to warn, the majority "threatens to undermine the integrity of the elected institutions across the Nation. The path that is taken to reach its outcome will, I fear, do damage to this institution."

Justice Stevens, in his minority opinion, says:

At bottom, the Court's opinion is thus a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self government since the founding, and who have fought against the distinctive corrupting potential of corporate electioneering since the days of Theodore Roosevelt. It is a strange time to repudiate that common sense. While American democracy is imperfect, few outside the majority of this Court would have thought its flaws included a dearth of corporate money in politics.

We tried to do something about that in 2002. We passed a law that said corporations cannot directly try to influence elections. Then we set up how they can do so through a transparent way, collectively, through political action committees. But we stopped undisclosed direct corporate influence in American elections. Now the Supreme Court has reversed that bipartisan action. So how should we in Congress respond? What options do we have? We could amend the Constitution, but that is a matter that requires a great deal more deliberation. I am concerned about amending provisions in the Constitution. We need to think long and hard before we act. We could do something many of us have talked about for a long time—provide incentives for public financing of campaigns to try to reduce dramatically the amount of private money in our campaigns. Senator DURBIN has been a leader in this effort. I am proud to be a cosponsor. That is a matter that should be given serious review. But we don't have the opportunity to do that today.

Today we do have an opportunity to act as Senator SCHUMER has brought forward the DISCLOSE Act which we all profess we support—disclosure. All

of us have said we should be serious about giving the public an opportunity to know who is trying to influence their vote.

The minority leader in the House of Representatives, JOHN BOEHNER, said:

I think what we ought to do is we ought to have full disclosure, full disclosure of all money we raise and how it is spent. And I think that sunlight is the best disinfectant.

He was, of course, quoting from Justice Brandeis's famous comments in an opinion when he was a Justice on the Supreme Court, about sunshine being the best disinfectant.

Shortly we will have an opportunity to proceed with the DISCLOSE Act. We will have an opportunity to vote.

I understand some of the concerns of my Republican colleagues. They say: Look, corporations generally side with Republicans. Therefore, if we can get corporations to put more money into the election process, won't that be good for Republicans?

Let me counter that by saying we all benefit. Each Member of this body benefits by reducing the influence outside interests have in the independence we can exercise in the Senate. Look at what is going to happen if we don't change this. Karl Rove has indicated he intends to bring forward \$52 million to try to influence the 2010 elections by so-called anonymous donors, without disclosing the source of the funds. We know there is the potential of hundreds of millions of dollars being spent to influence votes without disclosing where that money is coming from, under the banner of Citizens United and corporate contributions. We can do something about that.

Our legacy to protect a free and fair election process from undue influence of corporate special interests is more important than even our own individual elections. We were able to come together in 2002. Let's reconfirm what we did. Let's each do what is right for the integrity of the election process. Let's each do what we said we believe in—full disclosure. We can do that with the motion to proceed.

Voting for cloture on this motion does not preclude a Member from offering an amendment. If there is something in the proposal one doesn't like—all of us would wish to see it stronger, or maybe there are other provisions we wish to take a look at—let's proceed to the debate. Let's not be afraid to have the debate on the floor of the Senate, supposedly the greatest debating institution in the world. Let's not be afraid to have the debate on how we can make elections more responsive to the needs of the people, ordinary citizens, so they have a right to know who is trying to influence their vote. Let's have that debate on the floor of the Senate. We will have a chance to do that in a few hours by voting for cloture on the motion to proceed.

I urge my colleagues, give the American people this debate they so richly deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Could the Chair let us know how much time is left on either side?

The PRESIDING OFFICER. We are no longer under controlled time. There are 10-minute segments for Senators.

The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I come to the floor to speak with regard to election reform, democracy, and unfortunately partisanship, and most importantly, the first amendment.

There is a threat to the Constitution on the floor of the Senate today. It is called the DISCLOSE Act. I urge my colleagues to oppose this bill.

The DISCLOSE Act, an Orwellian oxymoron if there ever was one, contradicts the Supreme Court's January decision in *Citizens United*. It is essential to put the decision in context and shed sunlight on this dangerous bill.

First, I applaud the Court's ruling. It reaffirms the right to freedom of speech. This is precisely the Court's role in our government system of checks and balances: to rein in Congress when legislation does not square with our founding principles. Let us remember the 10 words in the first amendment that are most relevant for this debate:

Congress shall make no law . . . abridging the freedom of speech.

However, some of my colleagues across the aisle have mischaracterized the *Citizens United* decision as undoing 100 years of law and precedent. This is a reference to the Tillman Act of 1907 that prohibits corporations from directly financing political campaigns. This was not affected by the Court's ruling. The Supreme Court did rule, however, against provisions of the so-called Bipartisan Campaign Reform Act of 2002 that barred corporations and unions from running political ads 30 days before a primary and 60 days before a general election. Corporations and unions cannot donate directly to a Federal candidate and, contrary to the claim of DISCLOSE Act supporters, it is already illegal for foreign entities to participate in American elections.

Unfortunately, the sponsors of the DISCLOSE Act have chosen partisan fiction over fact in their effort to override the Court. The DISCLOSE Act is anything but full and fair campaign disclosure. It is politically skewed, motivated by a majority desperate to continue to be a majority.

The DISCLOSE Act is loaded with handouts to the most monied of Washington special interests, including the National Rifle Association and the Sierra Club. They didn't want tape put on their mouths. Others doubtlessly were

standing in line saying: Don't muzzle me, you can simply muzzle the other guy behind the tree.

I challenge anyone who comes to the floor to preach the virtues of this bill to explain, with a straight face, the carefully tailored exemptions from disclosure included in title III. Moreover, despite a clever rewording of the House-passed version, the Senate bill retains carve-outs for labor unions by exempting donations under \$600 under title II, section 211. This figure is conveniently below the average union dues. So for 600 bucks you have free speech. If it is over \$600, you don't.

Supporters of the DISCLOSE Act claim it is necessary to keep a flood of money out of politics, but carve-outs for special interests say otherwise. On June 24, the *National Journal's* Congress Daily reported that environmental, labor, and other groups—many of which specifically benefit from title II and title III exemptions—announced they would spend \$11 million to either reward or admonish Senators in both parties for their positions in regard to climate change legislation.

Another example is the American Federation of State, County, and Municipal Employees. The *Hill* newspaper reported on June 21 that this union, exempt under the bill, had ponied up \$75,000 for ads in Maine to pressure Senators OLYMPIA SNOWE and SUSAN COLLINS to support a taxpayer-funded bailout for unions.

These facts present an inconvenient truth for the sponsors of the DISCLOSE Act. It flies in the face of our democracy for the majority to ration the right of free speech to one set of Americans at the expense of others.

In May, it was reported in the press that sponsors of this bill boasted that its deterrent effect should not be underestimated. Americans do not, and never have found it appropriate for government to shut down any political dissent.

The DISCLOSE Act abandons the longstanding practice of treating corporations and unions equally. But even if title II and title III exemptions were removed, the bill is still unworkable. On May 19, writing in the *Wall Street Journal*, over half a dozen former FEC Commissioners noted that the FEC has regulations for 33 types of contributions and speech and 71 different types of speakers. The DISCLOSE Act adds to this complexity with another layer of Byzantine requirements that raise serious concerns about whether the law can be enforced consistent with the first amendment. We do not need any more regulations to the first amendment.

If anyone doubts this bill is motivated by politics, they need to look no further than a June 22 letter sent by the bill's Senate sponsor and the Senate majority leader to Members of the House in which they pledge to bring

the measure to the floor in advance of the fall elections. Why the rush? In so doing, the majority has again used rule XIV to bypass the Senate Rules Committee—a committee upon which I serve—in order to expedite the DISCLOSE Act's passage.

Unfortunately, it is becoming all too common for the majority to circumvent regular order, stifle the minority, and force unwanted legislation on the people by filling the amendment tree, misusing rule XIV, and ping-ponging legislation between the Houses. I am tired of Ping-Pong. Give me table tennis. Give me a paddle. Give me five serves, and then I will let Senator SCHUMER have five serves, and we can go back and forth as we should in regard to amendments in the Rules Committee, where this debate ought to be held. Senator CARDIN said: Let us have a debate. I am for that. And let's put it in the Rules Committee, where it should be debated first.

To review, the Citizens United decision does not upend a hundred years of law and precedent. The DISCLOSE Act has intentional loopholes in title II and title III to keep special interest dollars on behalf of the majority flowing, and the rest of the bill is a confusing set of redundant regulations. The bill's sponsors are rushing this legislation to the floor without consideration by the Rules Committee—again, here we go; that is what happened with health care; that is what happened with the Dodd-Frank bill—in order to protect the incumbent majority before the fall elections.

Under the first amendment, the American people have a right to speak out against policies and legislators who kill jobs, curb growth, and expand the government at the expense of the private sector—and now a proposed tax increase. These policies hurt millions and millions of Americans employed in the private sector and millions more looking for work during a recession. They must be protected under the first amendment. The people have a right to be heard.

Mr. President, I yield back.

Mr. SCHUMER. Mr. President, I yield 5 minutes to the senior Senator from the State of Washington, who has been a leading advocate for the voice of average Americans in government.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I come to the floor today to speak in strong support of the DISCLOSE Act, to close the glaring campaign finance loopholes that were opened by the Citizens United ruling.

This Supreme Court ruling was a true step backward for this democracy. It overturned decades of campaign finance law and policy. It allowed corporations and special interest groups to spend unlimited amounts of their money influencing our democracy. And

it opens the door wide for foreign corporations to spend their money on elections right here in the United States.

The Citizens United ruling has given special interest groups a megaphone they can use to drown out the voices of average citizens in my home State of Washington and across the country. The DISCLOSE Act we are considering will tear that megaphone away and place it back into the hands of the American people, where it belongs.

This is a very personal issue for me. When I first ran for the Senate back in 1992, I was a long-shot candidate with some ideas and a group of amazing and passionate volunteers by my side. Those volunteers cared deeply about making sure the voices of average Washington State families were represented here in the Senate. They made phone calls. They went door to door. They talked to families across our State who wanted more from their government.

Well, we ended up winning that grassroots campaign because the people's voices were heard loudly and clearly. But to be honest, I do not think it would have been possible if corporations and special interests had been able to drown out their voices with an unlimited barrage of negative ads against candidates who did not support their interests. That is why I so strongly support this DISCLOSE Act. I want to make sure no force is greater in our elections than the power of voters across our cities and towns. And no voice is louder than citizens who care about making their State and country a better place to live. This DISCLOSE Act helps preserve that American value. It shines a bright spotlight on the entire process.

What the DISCLOSE Act will do will make corporate CEOs and special interest leaders take responsibility for their ads. When candidates put campaign commercials up on television—you have seen them—we put our faces on the ad and tell every voter we approve the message. We do not hide what we are doing. But right now, because of this Supreme Court decision, corporations and special interest groups do not have to do that. They can put up deceptive, untruthful ads with no accountability and no ability for people to know who is trying to influence them.

The DISCLOSE Act strengthens overall disclosure requirements for groups that are attempting to sway our elections. Too often, corporations and special interest groups are able to hide behind their spending because of a mask of front organizations because they know voters would be less likely to believe the ads if they knew what the motives of the sponsors were. The DISCLOSE Act ends that. It shines a light on the spending and makes sure voters have the information they need so they know whom they can trust.

This bill also closes a number of other loopholes opened by the Citizens United decision. It bans foreign corporations and special interest groups from spending in U.S. elections. It makes sure corporations are not hiding their election spending from their shareholders. It limits election spending by government contractors to make sure taxpayer funding is never used to influence an election. And it bans coordination between candidates and outside groups on advertising, so corporations and special interest groups can never "sponsor" a candidate.

This DISCLOSE Act is a common-sense bill that should not be controversial. Anyone who thinks voters should have a louder voice than special interest groups ought to vote for this bill. Anyone who thinks foreign entities should have no right to influence U.S. elections should support this bill. Anybody who agrees with Justice Brandeis that "sunlight is the best disinfectant" ought to support this bill. And anyone who thinks we should not allow corporations such as BP or Goldman Sachs to spend unlimited money influencing our elections ought to support this bill.

Every 2 years, we have elections across this country to fill our federally elected offices. Every 2 years, voters have the opportunity to talk to each other about who they think will represent their communities best. And every 2 years, it is these voices of America's citizens that decide who gets to stand right here representing them in the Congress. That is the basis of our democracy, and it is exactly what this DISCLOSE Act aims to protect. So I am proud to support this bill, and I urge all of our colleagues to move forward on this bill on the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. MURRAY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, first of all, I wish to thank the Republican leader, Senator MCCONNELL, for his expertise and leadership on this issue. Secondly, as several of my colleagues have pointed out, the DISCLOSE Act is a direct assault on the first amendment right to free speech. Protecting political speech, guaranteed by the Bill of Rights, is one of our most sacred responsibilities.

This is a partisan bill drafted behind closed doors by current and former Democratic campaign committee leaders. It is obviously written to disadvantage Republicans and favor special interests supportive of Democrats. The closed-door process under which the DISCLOSE Act was written contradicts its supporters' professed goal of transparency. It is a partisan rewrite of

campaign finance laws without hearings, without testimony, without studies, without a markup—again, written behind closed doors with the help of lobbyists and special interests.

The problems it purports to address are purely hypothetical since there have been no elections since the Citizens United case. I have seen no evidence of any abuse in the current election cycle. This legislation is an attempt to change the rules to protect incumbent candidates from criticism of unpopular decisions and positions. I know none of us like to be criticized, but we must uphold the right of others to criticize us.

Even those of us who opposed the Bipartisan Campaign Reform Act—BCRA but also known by the name McCain-Feingold—recognize that its authors sought to avoid any partisan advantage. The new rules then applied to everyone, and they only applied after the subsequent election. The same cannot be said for the DISCLOSE Act. It is 117 pages in which the bill's authors pick winners and losers, either through outright prohibitions or restrictions that are so complex they achieve the same result. The effort is too political, benefiting traditional Democratic allies, such as labor unions, while placing burdensome restrictions on for-profit organizations and the associations that represent them.

Let me give you one example regarding the union exemptions. The new law applies to government contractors but not their unions or unions with government contracts or government unions. It is obviously discriminatory. As Leader MCCONNELL has asked, where in the first amendment does it say that only large and entrenched special interests get the "freedom of speech"?

Here is what the AFL-CIO president, Richard Trumka, said about the bill in April:

Congressional leaders today took a vitally important first step to begin to address the Supreme Court's recent decision in *Citizens United v. Federal Election Commission*. The AFL-CIO commends these efforts and supports increasing disclosure and reexamining some current campaign finance rules. . . . It is imperative that legislation counter the excessive and disproportionate influence by business.

Well, they have made sure it does.

Unlike BCRA, the DISCLOSE Act has an effective date of 30 days after enactment. In other words, proponents want people to stop political speech now, before the midterm elections in November.

Hundreds of diverse organizations oppose this bill, from the ACLU to the chamber of commerce. Let me just quote two.

Here is a letter from several hundred of the Nation's leading trade association and business groups:

By attempting to silence corporations' voice in the political process while enabling unions to retain their enormous influence,

Schumer-Van Hollen is a patently unconstitutional threat to the elections process. Schumer-Van Hollen is a direct attack on the rights of the business community and the role our organizations play in the national political dialogue.

And a letter from the National Right to Life organization:

The overriding purpose is . . . to discourage, as much as possible, disfavored groups, such as the [National Right to Life Committee], from communicating about officeholders. . . . This legislation has been carefully crafted to maximize short-term political benefits for the dominant faction of one political party, while running roughshod over the First Amendment protections for political speech that have been clearly and forcefully articulated by the Supreme Court.

So I hope my colleagues will recognize the damage they are doing to political discourse in violation of the first amendment that is a result of the legislation that has been drafted here for purely political advantage and will oppose the DISCLOSE Act.

Mr. SCHUMER. Mr. President, I yield 5 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, the Citizens United case has aimed a dagger at the heart of American democracy. So I rise today in support of the DISCLOSE Act, to stop that dagger aimed at our heart.

Our Nation is unique in world history in that it was founded not on nationality or royal bloodlines but on an idea—a simple yet revolutionary idea—that the country's people are in charge. As was so often the case, Abraham Lincoln said it better than anyone—that the United States is a "government of the people, by the people, for the people." What that means is we, the elected officials, work for the people. They elect us. They are in charge. But this idea, this vision, this government by and for the people cannot survive if our elections are not open, fair, and free. The government is not by or for the people if corporations and even foreign corporations and giant government contractors are able to hijack the electoral process to run millions of dollars of attack ads against any candidate or any legislator who dares to put the public interest ahead of a company's interest.

Our Constitution, through the first amendment, puts the highest protection on political speech, recognizing how important it is that citizens be able to debate the merits of candidates and the merits of ideas. But if the essence of the first amendment is that competing voices should be heard in the marketplace of ideas, the Citizens United decision just gave the largest corporations a stadium sound system with which to drown out the voice of American citizens.

Think about the scale of the spending this decision allows. My Senate race was far and away the most expensive

election in Oregon history. The two candidates together spent around \$20 million. ExxonMobil, a single corporation, made \$20 million in profits every 10 hours in 2010, and that was during their worst year in a decade. If you like negative ads, you would love the impact of Citizens United. Imagine what corporations will do to put favorite candidates in office. The sheer volume of money could allow corporations to handpick their candidates, providing unlimited support to their campaigns to take out anyone who would dare to stand up for the public interest.

The DISCLOSE Act will help prevent special interests from drowning out the voice of American citizens. First, this bill will bring transparency to campaigns now that unlimited money is allowed to be spent on negative attack ads. If you are looking to buy a used car and someone tells you the engine looks great, you would want to know if the person saying that is your trusted mechanic or the used car salesman. Who is speaking is critical information in evaluating the message. With that principle in mind, the DISCLOSE Act makes the CEO of a company stand by their words. The CEO will have to say at the end of the ad that he or she approves this message, just as political candidates have to do today. It is common sense. If a company is willing to spend millions working against a candidate, the voters have a right to know about that company's involvement instead of allowing it to hide behind shadowy front groups.

The second problem the DISCLOSE Act takes on is the system of "pay-to-play" where companies campaign on behalf of candidates in order to get access to government contracts. This legislation bars that form of corruption. It bars government contractors from running campaign ads and paying for other campaign activities on behalf of a Federal candidate.

Passing the DISCLOSE Act is key to sustaining the healthy democracy that represents the interests of American citizens. A healthy democracy requires transparency, an equal voice for all its citizens, not an amplified voice for those who represent very large corporations.

So I urge all my colleagues to support this legislation. As President Lincoln, a great Republican President, reminds us: The essence of the Nation, the cause that brought a generation of patriots to challenge the greatest military power of the 18th century, the idea that inspired people to leave everything behind to come to our shores is a government of the people, by the people, and for the people.

We are here because we work for the American people. Let's pass the DISCLOSE Act today so our successors can say the same thing tomorrow.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, how much time is available to this side?

The PRESIDING OFFICER. There is 24 minutes 10 seconds available.

Mr. BENNETT. Mr. President, I appreciate the opportunity of addressing this issue and of listening to my colleagues as they talk about it. I haven't heard some of this exorbitant language since I left the campaign trail. I left the campaign trail forcibly but, nonetheless, I have some memory of it, and I realize that in a period of a campaign, people get carried away.

"A dagger at the heart of our democracy" is a phrase that has been used. "The destruction of government of the people" is a phrase that has been used. If I can think of someone who uses this kind of language quite normally in the political discourse, the name of Michael Moore comes to mind. The reason I raise Michael Moore is because we are talking about a movie. That is the source of this entire decision.

There is a group of people who decided they wanted to make a movie that was critical of a candidate for President of the United States. In this case it was former Senator Hillary Clinton. They didn't like her and they wanted to make a movie and they did. In the same vein, Michael Moore, who didn't like George W. Bush, made a movie entitled "Fahrenheit 9/11." Nobody got excited about Michael Moore's movie in terms of violating the Constitution or a dagger at the heart of our democracy or destroying the legacy of Abraham Lincoln because we knew Michael Moore. We knew the kinds of things Michael Moore was famous for doing, and overstating a position is Michael Moore's stock in trade.

So the folks at Citizens United decided they were going to follow the Michael Moore precedent and make a movie. I haven't seen either movie, so I don't know whether Citizens United's movie about Hillary Clinton went as far over the top as Michael Moore's movie about George W. Bush, and I don't care because Michael Moore, regardless of what distortions may have been in his movie, had every right under the Constitution of the United States to make that movie, to make the political speech, and to do the very best he could to influence the election.

The movie was a financial success, and the movie was a critical success, and the movie did not win the election. The movie did not defeat George W. Bush. The American people had other things to do besides watch Michael Moore's movie. He exercised his first amendment right to freedom of speech. He got the opportunity to say what he wanted to say, he spent a lot of money doing it, and the movie was widely seen. The democracy did not come to an end as a result of the making of the movie. Now we are told that Citizens United made a movie and somehow that is going to have a vastly different effect.

I don't believe Senator Clinton's loss to Barack Obama in the primaries had much to do with the movie that Citizens United made. They spent a lot of money, but I don't think it was an avalanche of spending by a corporation that destroyed American democracy because Hillary Clinton did not win the nomination. I think it had a great deal more to do with Barack Obama's ability to run a decent campaign rather than Hillary Clinton's suffering at the hands of Citizens United making this movie.

Well, because Citizens United was not one individual in the form of Michael Moore, but because it was a group of individuals who got together and took the opportunity to create a corporate form of identity for the making of their movie, that got them in trouble. An individual could do it, but a group of individuals who organized themselves into a corporation couldn't do it. That went to the Supreme Court, and the Supreme Court said yes; they could. I don't find that to be a great destruction of the first amendment. I find that to be the proper statement on the part of the Supreme Court to say: Let's have vigorous political speech in this country, and if a group of people want to do that vigorous speech in the form of a corporation, let them go at it. Let them have at it. The Supreme Court was right, in my opinion.

I hear those people who attack Citizens United say: Yes, the first amendment protects the right of free speech, but it does so for individuals. Corporations are not individuals, neither are unions. Yet the DISCLOSE Act treats unions differently than it treats corporations. The DISCLOSE Act goes after corporations and their right of free speech and does its very best to see to it that the restrictions they put on corporations do not apply to unions.

The DISCLOSE Act listens to the outcry of some corporations such as the National Rifle Association and says: Well, we won't make it apply to you and, thus, demonstrates that it is responding to political pressure from people who say we will punish you at the polls if you take away our right of free speech. So the act is written in such a way that some corporations get treated differently than other corporations. Of course, unions get treated different from all corporations.

Is this the way we want to deal with the first amendment right of free speech where everybody ought to have exactly the same rights? I am told: Oh, no. This bill doesn't prohibit any free speech. All this does is disclose. That is why it is called the DISCLOSE Act. You Republicans are in favor of transparency. You want to disclose things. Why don't you support the DISCLOSE Act?

Well, if it is a bill aimed at disclosure, why does the word "prohibit" and the companion word "prohibition" ap-

pear all through the bill? I have a copy of the bill right here.

On page 4, section 3, listed on page 4, it begins, "Prohibiting independent expenditures and electioneering communications . . ."

On page 5, section 3: "Prohibiting independent expenditures" and so on.

Section 6: "Prohibiting independent expenditures . . ."

Then, on page 6, in section 7: "In these ways, prohibiting independent expenditures . . ."

We go to the first title of the bill, and it is titled "Regulation of Certain Political Spending." Section 101: "Prohibiting independent expenditures and electioneering communications . . ."

This is not the DISCLOSE Act. This is an act aimed at prohibiting expenditures by certain people and certain groups. Who are they? Well, government contractors. I have been in business. I have solicited government business. If I got the government business, was I told in advance: If you get this business, you are giving up your first amendment rights when it comes to political speech? If you can stay away from contracting with the government, you can hang on to your first amendment rights. But as soon as you become a government contractor your rights are gone.

It prohibits free speech from those who received TARP money. There is an interesting precedent to set. I know some of the folks who received TARP money who didn't want it. They were told in that circumstance: You will accept TARP money. The TARP money, as it was distributed in that program, was forced upon certain corporations. Were they told at the time, or should they be told under the DISCLOSE Act—let's have full disclosure and transparency—when you accept this money, you cannot exercise your freedom of speech rights as a result of accepting this money?

General Motors received TARP money, so General Motors says you cannot run an ad expressing your opinion on any matter of public affairs; however, the United Auto Workers can. The United Auto Workers received the benefit of TARP money. The United Auto Workers received stock in General Motors. They are the shareholders of General Motors, to a large extent.

So do we say, well, under the DISCLOSE Act the unions can express their first amendment rights all they want, but General Motors, as a corporation, cannot, even though the TARP money was what allowed the union members to keep their jobs.

It has been pointed out here that the groups opposed to this are wide and diverse—from the Sierra Club to the ACLU. I turn to the letter the ACLU wrote with respect to this, and they are not dealing with hyperbole. They are dealing with experience in reality. Let me go to the first key issue the ACLU

talks about and give an example from real life. They say:

The DISCLOSE Act fails to preserve the anonymity of small donors, thereby especially chilling the expression rights of those who support controversial causes.

Then the first sentence in that section of their letter says:

By compelling politically active organizations to disclose the names of donors giving as little as \$600, S. 3628 both violates individual privacy and chills free speech on important issues.

I take my colleagues back to one of the most controversial issues we have seen in this country for a long time, which was proposition 8 in California in the last election.

I am acquainted with an individual who made a contribution in favor of those who were trying to support proposition 8. That is all she did. She wrote out a check. Someone came to her and said: We are in favor of the proposition and we are trying to raise some money; will you help us?

She wrote out a check of less than \$1,000 and went about her business. Her business was a restaurant in Hollywood—a restaurant that was routinely and significantly supported by people in the entertainment industry—actors, directors, and others connected with making movies. When the contribution list for propositions was made public, and it became known that this woman had made a contribution in favor of proposition 8, patronage at her restaurant dropped off more than half. People opposed to proposition 8 started using hate speech toward this woman: You are a bigot, and we cannot patronize your restaurant.

She had no idea that when she wrote that check in support of those who wanted a position that she agreed with—to put it on the ballot to be voted on by Californians—and it was by a majority of Californians who supported it—when she took the majority position of the voters in her State, she had no idea she was going to see her business ravaged by those discovering her name on that list who would go after her.

They have a right not to eat at her restaurant, I understand that. But this is a real-life example of what can happen to people in controversial situations and the ACLU is appropriately concerned about.

The DISCLOSE Act, in the name of transparency, would expose small donors to that kind of retaliation. However, if you belong to a union, and you pay union dues, and the union dues are spent to produce a movie, something along the lines of what Michael Moore did with “Fahrenheit 9/11,” no one will ever know your union dues were spent for that purpose, because unions are treated differently than corporations.

This is a bad bill. It hasn't been through the committee. I am the ranking member of the Rules Committee to

which the bill normally would be referred. The majority leader, exercising his authority, saw to it that the bill didn't get referred to committee. There have been no hearings. There is no opportunity for anybody to come forward and say this will be a problem. We haven't heard from the ACLU and a witness that we could question. We only got a letter, because they were shut out from any hearings.

For those who are offended by my reference to the ACLU and would prefer the National Right to Life Organization, well, we have their letter, too, but we didn't have an opportunity to hear any of their witnesses or the legal authorities who believe that the Supreme Court ruled correctly, who might have come before the committee and given us the benefit of their analysis; we haven't had a chance to hear from them either.

The bill has been drafted and redrafted a number of times behind closed doors, but we only see the final draft when it gets here on the floor, with no hearings, no background, no opportunity to question, comment, amend, or improve. I am in favor of transparency as much as the next Senator. I am in favor of free speech as much as anyone. I have stood on this floor and quoted James Madison with respect to free speech on a number of issues and have been dismissed on the grounds that, well, anybody can quote James Madison. I believe in the tenth Federalist, where Madison made it very clear that the right of factions to express themselves freely and openly, even when they clash bitterly, is a very fundamental right in the Constitution itself. “Factions,” as they used the word in Madison's day, referred to political parties. I think the term “factions” also refers to those whom we speak of as special interest groups today. James Madison made it very clear that if we attempt to stifle the ability of a faction to express itself, we strike at the core of liberty itself. I hope that people don't interpret that as over-the-top language, as I have heard some other things that I have interpreted as over-the-top language. I sincerely believe that and I strongly support it.

The DISCLOSE Act would not pass the test of truth in advertising. The title does not disclose what it does here. It is filled with prohibitions and violations of the first amendment, and it is filled with special favors for certain groups and attacks on others. For that reason, I will oppose cloture and, if cloture is invoked, I will oppose the bill.

Mr. SCHUMER. Mr. President, I yield 5 minutes to the Senator from New Jersey, who has been an outstanding leader on this issue.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I have listened to my colleagues in this

debate, and I am reminded of a great Republican, President Reagan, who said, “There they go again.” I always find it incredibly interesting when some of my most conservative colleagues quote the ACLU. Then I know something is amiss. Let me ask, what is the vote that is going to take place? It is simply to allow us to go forward and have a debate, offer amendments, and ultimately vote on the bill. That is what this bill is all about. So those who say they are for transparency won't even let a process move forward that is transparent, so we can debate and so that the American people can decide do we want corporations—including foreign corporations—to have access to who is elected in America, in this body and in the Congress, and ultimately making decisions that affect their lives every day?

That is what this vote is all about. You can paint it any way you want, but that is what this vote is about. I am amazed they cannot even say yes to proceeding to a debate and a vote on the merits of the bill itself.

We all know that the Roberts Supreme Court and its activist conservative majority overruled, wrongly in my view, restrictions on spending by corporations and unions. My colleagues on the other side are well aware that, as a result of a perceived loophole in current law, foreign corporations—those from other countries—would now be allowed to fund American election campaigns, to pick their candidates who would reflect their interests if elected or defeat candidates who would not reflect their interests—all without any meaningful mechanism or disclosure. Amazing. It is absurd. Nothing could be more ill advised or misguided. But here we are, once again, unable to even proceed to consider a bill that would remedy that situation. Once again, my Republican friends are standing in the way of proceeding to a bill, standing in the way of what I consider to be good governance, all in the name of those in their party who hold to some misguided attempt to twist first amendment rights to suit an ideologically based argument that somehow a requirement to disclose contributions would violate the first amendment. You still can spend the money; nobody is going to stop you from spending the money. But you have to disclose who is behind that contribution. I don't think transparency is something that violates the first amendment. It is the right of the American people to receive the information required by these proposed disclosure laws.

Then they twist it even further, virtually saying that all money anywhere—even foreign money—is somehow free speech in American elections. I think the American people want to be the ones in control of who they elect to Congress to decide the issues of the day

in their lives, not somebody who is backed by some foreign corporation. Imagine if BP could say: I don't like Senator MENENDEZ lifting that liability cap; I don't want to be liable for more than \$75 million, even though I have created billions of dollars in costs, so let me fund candidates who agree that Senator MENENDEZ's legislation to lift the liability caps on limited liability should be the ones to get elected, because they are going to take care of what? BP, which is a foreign corporation.

Imagine if the insurance industry said: We don't even have to put our face on that announcement, that advertisement. Let's go fund those candidates who will allow us, the insurance industry, to continue to deny people who have a preexisting condition in this country the opportunity to get health insurance—where a child at birth has a defect and cannot get health insurance, or a father who had a heart attack on the job cannot get health insurance. Let's fund those candidates who will ensure that we as an industry don't have to insure those individuals.

Imagine those companies on Wall Street which don't like the new law that we just passed and want to see it rolled back so they can continue to have the excesses that almost brought this Nation to economic collapse. They could say: Let's fund those candidates who will allow us to have not a free market but a free-for-all market. That is what this law is all about. That is what this vote is all about. I believe the people of New Jersey, which I represent, and people elsewhere, want disclosure.

Finally, disclosure takes place by knowing who is giving this money.

The bottom line is I want Americans to decide American elections. I don't want some foreign company funding candidates who ultimately enhance their views. I don't want big business deciding elections on the basis of their corporate interests versus the interests of the people. That is what this bill is all about. I can't understand the fear my colleagues on the other side of the aisle have of simply letting us go to a full debate and an up-or-down vote.

Look, if this law is poorly drafted and the majority of the Senate votes against it, so be it. But not even to allow us to go to that debate, to stop foreign corporations and foreign influence in our elections, to allow the BPs of the world to influence the way in which we have the gulf cleanup, or to allow the insurance industry to deny people based on preexisting conditions, or allow Wall Street to run wild—on and on—that is fundamentally wrong. That is what this debate is about, and that is what the vote will be all about.

I yield back the remainder of my time.

Mr. SCHUMER. Mr. President, I yield 7 minutes to the Senator from Rhode

Island, Senator REED, who is speaking as in morning business. Senator FRANKEN spoke on the bill during morning business, and Senator REED was kind enough to give him time.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, last Friday, this Chamber played host to heroes: seven wounded warriors from the 82nd Airborne Division, who are currently recuperating at Walter Reed Army Hospital. They came down for a tour of the Capitol, and for moments here on the floor of the Senate, in which they were able to see their government in action.

More important, we were able to thank them for their extraordinary service and sacrifice to the Nation. I am particularly proud because they are soldiers from my division—the 82nd Airborne Division.

We had among our guests SGT Steven Dandoy, who was wounded last month in a mortar attack in Afghanistan, of the third battalion 31st Field Artillery, whose hometown is Milwaukee, WI; SGT Allen Thomas, who is from Adelphi, MD, and serves with the 2-508 Parachute Infantry Regiment, who was wounded in Afghanistan this past March during an attack from a suicide bomber, and he was joined by his fiancée, Donna; SPC Antonio Brown, from Florence, SC.

We were honored to have SPC Antonio Brown from Florence, SC. He was wounded in Iraq in 2007 when a 50-caliber round detonated in his hand. He was serving with the 2nd Battalion of the 325th Parachute Infantry Regiment.

SPC John Doherty of Jerome, ID, was wounded when a 50-caliber round detonated in his hand in April while he was serving with the 2nd Battalion of the 508th Parachute Infantry Regiment. Amazingly, he recently passed his flight physical with the goal of qualifying as an Army helicopter pilot despite his wound.

SPC Jeffrey McKnight of the 1st Battalion of the 508th Parachute Infantry Regiment and hailing from Littleton, CO, was also our guest. He was wounded last month during a vehicle rollover in Afghanistan.

SPC William Ross also serves with the 2nd Battalion of the 508th Parachute Infantry Regiment. He was our guest also. Specialist Ross hails from Knoxville, TN. He is recovering from a gunshot wound he received during a dismounted patrol in March. He was joined by his fiancée Tiffany.

SPC Nicholas Stone of the 2nd Battalion of the 508th Parachute Infantry Regiment was also our guest. He hails from Buffalo, NY. He is recovering from wounds suffered in an IED attack on a dismounted patrol in May. He was joined by his wife Kristen.

Let me also say it is appropriate to recognize the families of these wound-

ed warriors because they, too, serve. They, too, sacrifice. In fact, during the long hours of rehabilitation and therapy at Walter Reed, they are at the bedside literally of their wounded soldiers. I thank them.

I also thank SFC Albert Comfort and SSG Rodolfo Nunez from the 82nd Airborne Division. They are the Division Liaisons for the wounded warriors at Walter Reed Army Medical Center.

These young men left the comfort and safety of their homes all across this country to serve this Nation. Their service, their sacrifice sustains us. They are the fabric of our defense. They are those young men and women who serve in great danger but with unfailing fidelity to the Army and to the Nation. Because of them, we are able to oppose those who seek us harm.

We can never repay them enough. We can never thank them enough. But last Friday we had seven of these wounded warriors down just to say: Thank you, well done, and to give them a chance to look at the Senate and see the history that was made by their predecessors, and which they are sustaining and will make in the future.

It was a special moment for me because these soldiers come from the 82nd Airborne Division. One of the great privileges of my life—in fact, I believe this is one of the greatest privileges an American can have—was leading American soldiers in the 82nd Airborne Division as the company commander of Bravo Company, 2nd Battalion of the 504th Parachute Infantry Regiment. I learned a lot about service, sacrifice, and the contribution of Americans from across this globe, as well as the great potential of Americans, not only to defend our Nation but to do great things, furthering the goals and ideals of this country.

I conclude by saying to these young soldiers: Thank you very much for your service. Good luck. Godspeed.

I yield back the remainder of my time to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague from Rhode Island. He looks out, as our only West Point graduate in the Senate, for all our troops throughout the Nation. We salute him for it. I was proud he mentioned a brave trooper from Buffalo, NY.

Mr. President, may I inquire how much time is left on our side and how much time on the other side?

The PRESIDING OFFICER. There is 4 minute 45 seconds remaining on the side of the Senator from New York. On the Republican side, there is 6 minutes 52 seconds remaining.

Mr. SCHUMER. I wish to reserve 5 minutes for Senator BROWN, who wishes to speak. I believe he is on his way. I ask unanimous consent that the last 5 minutes be reserved for Senator

BROWN, and I will speak on the remaining time—I know it is the other side's time—until one of them appears.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, we heard a lot from the other side. I will be speaking in conclusion on this bill, along with Senator REID, after the lunch break. We have never heard such falsities. The other side, first, talks about free speech and talks about how corporations have the right to free speech. The Constitution now guarantees that after Citizens United—and our bill does not get in the way of free speech. It simply requires disclosure, which the Court said was important.

Second, they are talking about how it treats unions and corporations differently. The bottom line is, the unions are opposed to this bill and to simply say that a \$600 limit favors unions, no, we are just favoring big, huge givers who give tens of thousands, hundreds of thousands of dollars over small, little givers. If there is a union person who gives \$10,000, they will be under this law. If there is a corporate person who gives \$500, they will not be. It is a misnomer.

I see my friend and colleague from Illinois has arrived. Since I will be speaking after the lunch, and I am just waiting for Senator BROWN to arrive, I yield the remaining time, other than the 5 minutes for Senator BROWN, to my friend and colleague from Illinois, Senator DURBIN.

The PRESIDING OFFICER. Without objection, the Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the Senator from New York for his leadership on this legislation. We are here because the Supreme Court, across the street, decided, in a case called Citizens United, to change the way we campaign for office in America. They want to change it and say corporations and special interest groups can spend unlimited amounts of money on political campaigns.

Most of the people I talk with in Illinois and across the country think they have enough political advertising when it comes to campaigns. Hold on tight because, for example, the U.S. Chamber Commerce announced they may spend as much as \$75 million in this election cycle on more television advertising to promote candidates who agree with their positions on issues. That is about a five or six times increase in the amount of money they will spend.

What it does, of course, is crowd out those of modest means. Any mere mortals left on this political scene who have to rely either on their own limited savings or raising money from others are going to find themselves overwhelmed and inundated by this Supreme Court decision. But it is a Supreme Court decision. Senator SCHUMER and the Rules Committee, on

which I serve, sat down and said that at least if we are going to do this, let's have disclosure about the sources of these ads by special interest groups. Let's find out who is paying for the ads. Let's make them stand and say: This is my ad; I paid for it, rather than sneak around with names that mean little to nothing and inundate the airwaves so voters are confused and overwhelmed and not sure from where the ads are coming.

The act is called the DISCLOSE Act because that is what it is all about. Sadly, it appears there is going to be a straight party vote, perhaps with a few exceptions, on this DISCLOSE Act.

It is hard to understand how the Republicans can take this position. Let me read a quote. "What we ought to have is disclosure," this Senator said. "I think groups should have the right to run those ads, but they ought to be disclosed and they ought to be accurate." Who said that? The Senator from Kentucky, the minority leader, the Republican leader in the context of McCain-Feingold during the debate on campaign finance reform.

The Senator from Kentucky is not the only Senator who seems to support the concept of disclosure. The Senator from Alabama, Mr. SESSIONS, the ranking member of the Judiciary Committee, said earlier this year:

I don't like it when a large source of money is out there funding ads and is unaccountable. To the extent we can, I tend to favor disclosure.

Pretty clear, isn't it? That looked like the Republican position until the Supreme Court decision. Why would they be against disclosure? They are betting that most of these ads are going to be on behalf of their candidates and against Democrats. That is what it comes down to.

I happen to think disclosure is right whether it is a union or corporation. I think voters ought to know from where this information is coming. I can talk to you about why I think this is important as a voter, as a Senator, as a taxpayer. But what it boils down to is if we are going to have a system electing people to this Chamber who are accountable to the people they represent and not to special interest groups, the voters have to understand where candidates are coming from.

If my opponent—or even if I decide to be heavily supported by special interest groups—decides to put money in the race, I think the voters of Illinois are entitled to know that. They should take that into consideration when they decide how they are going to vote come the next election. That is only fair.

I support Senator SCHUMER's effort on the DISCLOSE Act. It is a move in the right direction. I hope after we enact this legislation, we will consider something else. I have a bill for the public funding of campaigns. Wouldn't it be great if we got out of the business

of raising money to create trust funds for television stations across America, if instead we basically had a publicly funded campaign? That would be in the best interests of democracy and the best interest of giving the voters the information they need but not overwhelmed by special interests.

The Senator from Texas, the chairman of the Senate Republicans' campaign committee, seems to agree with Senator SESSIONS. He said earlier this year:

I think the system needs more transparency, so people can more easily reach their own conclusions.

Amen.

The DISCLOSE Act would bring greater transparency to the source of campaign ads flooding the airwaves before an election, so that voters can make good decisions for themselves as to whether the ads are truthful or not.

As a voter, I want to know who has paid for a political ad, and I don't want foreign companies trying to buy our elections.

As a taxpayer, I don't want big companies with more than \$10 million dollars in Federal contracts to be able to buy ads so they can curry favor with legislators who they hope could help them receive even larger contracts.

As a shareholder of a company, I want to know what political activities the management of the company is spending my company's money on.

The DISCLOSE Act would help with all of these goals.

The bill would make CEOs and other leaders take responsibility for their ads; require companies and groups to disclose to the FEC within 24 hours of conducting any campaign-related activity or transferring money to other campaign groups; prevent foreign countries from contributing to the outcome of our elections; mandate that corporations, unions, and other groups disclose their campaign activities to shareholders and members in their annual and periodic reports; bar large government contractors from receiving taxpayer funds and then using that money to run campaign ads; restrict companies from "sponsoring" a candidate.

This is all commonsense stuff.

Let me be clear: I think we should go much further to change the way we finance campaigns in this country.

I believe very strongly in the Fair Elections Now Act, which would allow viable candidates who qualify for the fair elections program to raise a maximum of \$100 from any donor. These candidates would receive matching funds and grants in order to compete with high roller candidates.

That would change the system fundamentally, and put average citizens back in control of their elections and their country.

But in the wake of the Citizens United decision, which would allow companies to spend freely and directly

on political campaigns, the least we should do is to pass this commonsense transparency bill.

Is it asking too much to require a group or company to briefly mention that they are behind an ad, so that the American people know who is paying for what? I don't think it is. And once upon a time, many Republicans did not think so either.

I will close with one more quote from my friend from Kentucky, the minority leader, from an interview years ago on "Meet the Press":

Republicans are in favor of disclosure.

You can't state a position much more clearly than that. Are they still? Or were Senate Republicans for campaign finance disclosure before they were against it?

We will find out soon enough.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I thank my colleague from Illinois for his, once again, elegant words and yield to my friend from Ohio who has been a great voice in this body for the average family, the working family. I yield the remaining time we have left this morning on our side to Senator BROWN.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I thank the senior Senator from New York. How much time remains?

The PRESIDING OFFICER. There is 4 minutes 32 seconds remaining.

Mr. BROWN of Ohio. Mr. President, yesterday, in the Rose Garden, President Obama made clear the choice Members of this body face as they vote on the DISCLOSE Act. It is a choice between granting special interests unfettered and secret influence over their elections and the choice of ensuring basic protections to voices of everyday Americans.

Again, these will be ads run by interest groups that do not identify themselves—unfettered, secret, unlimited in the amount of money they can spend to elect their friends to Congress.

We know what happened in 2009 when corporations spent over \$3 billion lobbying Congress to influence their agenda. We know with the Wall Street bill and the health care bill, more than \$1 million a day was spent to weaken those laws. We know what ultimately happens, what happens when this kind of special interest influence descends on this body. First of all, the money they spend in elections to elect their friends and allies—BP, the drug companies, the insurance industries, the big companies that outsource jobs from the United States to China—we know what happens when they spend money to elect their friends, and we know what happens when they lobby in the Halls of Congress.

We saw examples of that particularly during the Bush years. I was in the

House of Representatives in those days, as was the Presiding Officer representing a district in New Mexico. We saw in those days the drug companies writing the Medicare legislation. The legislation was a bailout for the drug and insurance companies in the name of Medicare privatization. We saw it on trade issues. We saw the big companies that outsource jobs write trade agreements, such as NAFTA and CAFTA. On health care issues, we saw the big insurance companies writing legislation, assisting President Bush in getting his pro-insurance company legislation through. We know on the energy legislation, something the Presiding Officer worked to try to fix—unfortunately, we were all unsuccessful in the Bush years—with regard to writing energy legislation, we saw the oil companies do that.

If we do not fix this, if we do not pass the Schumer bill, we are going to see a further betrayal of the middle class, further betrayal of democratic ideals—democratic with a small "d." We no longer can brook in this institution, giving the drug companies the authority to write Medicare legislation, the insurance companies the ability to write health care legislation, the big companies that outsource the ability to write trade legislation, the oil industry to write energy legislation. It has happened over and over again. We should have learned this lesson this decade.

My colleagues on the other side of the aisle are very comfortable with helping their benefactors, with helping the oil industry, the drug companies, the insurance companies, and those big companies that move overseas and outsource our jobs. That is why the DISCLOSE Act is very important. Whether you are a Republican or a Democrat, you do not want to see our democratic system become the puppet of corporate America or any other special interest. You do not want to give corporations the ability to drown out the voices of the people—their customers, workers, and, frankly, their shareholders.

The least we can do is empower citizens with information to evaluate the motives behind corporate and special interest spending. I do not want to see these huge dollars spent in these races, to be sure. But at a minimum, we have to make sure the public knows who is spending it, who the executives are who will benefit from these huge expenditures from the drug and insurance companies, from the oil industry, and those big companies that outsource.

It is a pretty clear choice. A vote for the DISCLOSE Act, a vote for cloture is a vote for the public interest. A vote against cloture, a vote against the DISCLOSE Act is getting right in line with giving those special interests—Wall Street, the drug companies, the insurance companies, the big companies

that outsource jobs, the oil industry—what they want.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. I thank my colleague once again for his outstanding pointed words—right on the money—and we will hear the end of this debate after we close.

INDEPENDENT LIVING CENTERS TECHNICAL ADJUSTMENT ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the HELP Committee be discharged of H.R. 5610, the Independent Living Centers Technical Adjustment Act, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (H.R. 5610) to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. Mr. President, Senator HARKIN has a technical amendment, and I ask that the amendment be considered agreed to; the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4518) was agreed to, as follows:

(Purpose: To extend a date)

In section 2(a)(2)(A), strike "July 30" and insert "August 5".

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5610), as amended, was read the third time and passed.

ORDER OF PROCEDURE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the cloture vote scheduled to occur at 2:45 p.m. today be delayed to occur at 3 p.m., with the time division as previously ordered and under the same conditions and limitations.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

CONCLUSION OF MORNING
BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DISCLOSE ACT—MOTION TO
PROCEED

The PRESIDING OFFICER. Under the previous order, the time until 3 p.m. will be equally divided and controlled between the two leaders or their designees, with the majority leader controlling the final 15 minutes prior to a vote on the motion to invoke cloture on the motion to proceed to S. 3628.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I am going to proceed on my leader time.

The PRESIDING OFFICER. The Senator can proceed.

Mr. MCCONNELL. Mr. President, 8 years ago, Congress passed and the President signed a bill known as the Bipartisan Campaign Reform Act or BCRA. This bill was the culmination of a long and protracted battle in which I played a major part, as many of my friends on both sides of the aisle will recall. It garnered bipartisan support and bipartisan opposition. Many hearings were held, studies were conducted, and a lengthy record on both sides of the issue was developed.

I strongly opposed that bill. But I commend its authors for one thing: In drafting and passing BCRA, they made every effort to ensure that everybody had to play by the same rules—rules, moreover, that would not take effect in the middle of an election year. They wanted to make sure there was no appearance of giving one party a partisan advantage, and in that they succeeded.

Fast forward to today. Late last week, Democratic leaders decided to take us off of the small business bill to move to the DISCLOSE Act, a bill that is the mirror opposite of BCRA in the partisan way it was drafted and in the partisan way it is being pushed ahead of an election.

Let's be perfectly clear here. This bill is not what its supporters say it is. It is not an effort to promote transparency. It is not a response to the Supreme Court's ruling in *Citizens United* which has now been the law of the land for 7 months and which, contrary to the breathless warnings of some, has not caused the world to stop turning on its axis.

This bill is a partisan effort, pure and simple, drafted behind closed doors by current and former Democratic campaign committee leaders, and it is aimed at one thing and one thing only. This bill is about protecting incumbent Democrats from criticism ahead of this November's election—a transparent attempt to rig the fall election.

The supporters of this bill say it is about transparency. To that, I say it is transparent all right. It is a transparent effort, as I said, to rig the fall elections. They are so intent on their goal that they are willing to launch an all-out assault on the first amendment in order to get there. Democrats achieved something truly remarkable in drafting this bill. They united the ACLU and the Chamber of Commerce—quite an accomplishment—both, of course, in opposition. Why would they oppose it? Because it is as obvious to these groups as it is to me that the DISCLOSE Act is a clear violation of the right to free speech—a clear violation.

As usual with Democrats in this Congress, the process has not been any better than the substance. Over in the House, the Democratic campaign committee chairman sprung a rewrite of substantial portions that Republicans and even Democrats had not seen shortly before this bill was voted on. Not to be outdone, Democrats here in the Senate introduced a version last week that had been substantially rewritten since it was first introduced in April. In other words, the original Senate version was replaced under a veil of secrecy late last week, and that is the one the Democrats wish for us to proceed to today. A massive rewrite of the laws that govern elections, and Democrats want to give 6 days between introduction and a vote; a massive rewrite of the Nation's campaign finance laws without hearings, without testimony, without studies, and without a markup; another bill produced without a single hearing and placed directly on the calendar to bypass even the Rules Committee, which is supposed to have jurisdiction over this issue; a bill written behind closed doors with the help of lobbyists and special interests—all of this, all of this in the name of transparency. Forget the DISCLOSE Act. What we need is a "Transparency in Legislating about Elections Act."

This approach to this bill could not be more different than BCRA. However much I disagreed with that bill, it treated all groups, corporations, unions, parties, and individuals the same. From the ban on party non-Federal dollars to advertisement limitations within proximity of an election, BCRA's restrictions and prohibitions were applied evenly. The DISCLOSE Act is the opposite: 117 pages of stealth negotiations in which Democrats pick winners and losers, either through outright prohibitions or restrictions so

complex that they end up achieving the same result.

The unions do not need a carve-out because they got exemptions. The new law applies to government contractors but not to their unions or unions with government contracts. Let me run that by you again. The unions do not need a carve-out because they got exemptions. The new law applies to government contractors, but not their unions or unions with government contracts. It does not apply to government unions. It applies to domestic subsidiaries but not to their unions or international unions. Through threshold and transfer exemptions, unions are the ultimate victors under this bill. I would note that numerous attempts were made to provide parity in the House Administration Committee markup. All were defeated on a partisan basis with no credible explanation. It is hard not to laugh in discussing this monstrosity we will be voting on shortly. And this is what they are calling transparency?

In their efforts to pass this partisan bill ahead of the election, Democrats have been forced to do the same kind of horse trading we saw in the health care debate. Some of the deals they struck were aimed at attracting special interest support, while others were aimed at quelling special interest opposition. In the end, they came up with a bizarre carve-out construct that grants first amendment freedoms to the chosen ones, and the results are not any prettier than the health care bill.

Follow this logic: The exemption applies to 501(c)(4)s, with 500,000 members in all 50 States plus Puerto Rico and the District of Columbia, in existence for 10 years, who receive less than 15 percent of their money from corporations or labor unions. In case you do not know who this provision is aimed at, it is a carve-out for the NRA, as well as the AARP and the Humane Society, among unknown others who may be in this category, but not to groups such as AIPAC or groups formed to advocate for victims of the oilspill or Hurricane Katrina.

So if you have 400,000 members, sit down and shut up. If you were founded in 2002, nice try, sit down. If you do not have the ability to recruit members in every State, zip it, shut your mouth. These are the contortions—the contortions—the authors of this bill had to go through to get it this far.

Worse still, the DISCLOSE Act mandates that its provisions shall take effect without—again, it is hard to go through this bill without breaking into unrestrained laughter—it mandates that its provisions shall take effect without regard to whether the Federal Election Commission has promulgated regulations to carry out such amendments. This, of course, will have the practical effect of paralyzing those who want to participate in the political process. If they do not know what the

rules are, they will take themselves out of the game, which is clearly what the authors of this bill had in mind.

So let me ask a question. All of these new reporting obligations, filing requirements, certification mandates, and transfer burdens are to occur but how? How? Are there magic forms out there we do not know about? Do folks write e-mails to the FEC, the FCC, or the SEC? Maybe we bring back telegrams or use a Harry Potter owl or the Pony Express. Under threat of criminal sanctions, this provision is a clear message from the Justice Department to anyone covered by the new restrictions in this bill: Go ahead and speak. Make my day.

Lastly, recognizing the important constitutional questions at issue with BCRA—and everybody on both sides of that debate knew there were important constitutional questions involved—an expedited judicial review provision was included in that bill and subsequently used. But not so in this one. In order to make sure this bill is not held up by something as inconvenient—as inconvenient—as a challenge on first amendment grounds, its authors have made sure no court action interferes with their new restrictions this election cycle, and maybe even the next one as well. They add multiple layers of review, no provision addressing an appeal to the Supreme Court whatsoever, no time limits for filing, and no congressional direction to the courts to expedite. Again, the goal of the proponents of this speech rights reduction act is abundantly clear: Slow the process and secure new rules that help incumbent Democrats for the upcoming elections and for the foreseeable future.

The one goal here is to get people who would criticize them to stop talking about what Democrats have been doing here in Washington over the last year and a half, a need to shut those people up, a need to shut them up real fast here before the upcoming election.

The authors of the bill labored behind closed doors to decide who would retain the right to speak—in direct defiance of what the Supreme Court made clear this past January, when Justice Kennedy, writing for the majority, said:

[W]e find no basis—
“no basis”—

for the proposition that, in the context of political speech, the government may impose restrictions on certain disfavored speakers.

What could be more clear? “[W]e find no basis for the proposition that, in the context of political speech, the government may impose restrictions on certain disfavored speakers.”

Not exactly an ambiguous holding. But that is, of course, precisely—precisely—what the DISCLOSE Act does. It imposes restrictions on speech. And I would note the one category of speakers upon whom the so-called reformers have bestowed the greatest speech

rights in this bill are, of course, the corporations that own media outlets. So a company that owns a TV network, a newspaper, or a blog can say what they want, when they want, as often as they want.

BCRA was debated over the course of many years. Its authors also recognized the importance of not changing the rules on the eve of an election, which is why the legislation went into effect the day after the 2002 midterm elections. The DISCLOSE Act is the opposite. Seeking to achieve exactly what BCRA avoided, this legislation has an effective date of 30 days after enactment. If it were not already obvious that this bill is a totally partisan exercise, the effective date should be proof positive.

And those, Mr. President, are the facts.

I must admit it has been a few years since I was in law school. So after I learned about all these special deals, I went back to the first amendment to look for an asterisk or something indicating that only large, entrenched, and wealthy special interests get the “freedom of speech.” I went and looked at the first amendment again to look for an asterisk or something indicating that only large, entrenched, and wealthy special interests get the “freedom of speech.”

I could not find it. So I pulled out this Analysis and Interpretation of the Constitution, thinking maybe it could be found there. I looked and looked, again, to no avail. Then it occurred to me, perhaps on that winter day in 1791, when the first amendment became effective, these rights were meant to apply to everyone—everyone. Perhaps it is true the first amendment was adopted to protect the people from the Congress, to protect them from laws such as this one, to protect them from a government that picks winners and losers, to protect them from an overreaching government that is supposed to derive its powers from the consent of the governed.

This DISCLOSE Act is not about reform. It is nothing more than Democrats sitting behind closed doors with special interest lobbyists choosing which favored groups they want to speak in the 2010 elections, all in an attempt to protect themselves from criticism of their government takeovers, record deficits, and massive unpaid-for expansions of the Federal Government into the lives of the American people. In other words, this is a bill to shield themselves from average Americans exercising their first amendment rights of freedom of speech.

Americans want us to focus on jobs, but by taking us off the small business bill and moving to this one, Democrats are proving the jobs they care about the most are their own. By moving off of the small business bill and moving on to this one, our Democratic friends

are letting us know the jobs they care about the most are their own. Think about it. Here we are in the middle of the worst recession in memory, and Democratic leaders decided to pull us off a bill that is meant to create jobs in an effort to pass this election-year ploy to hold on to their own jobs. What could be more cynical than that? A “yes” vote on this bill will send a clear message to the American people that their jobs aren’t as important as the jobs of embattled Democratic politicians.

In closing, let me just note that hundreds of ideologically diverse organizations oppose this bill and have provided us with valuable information on its various absurdities. But I think the ultimate test of this bill’s legitimacy is pretty simple. If the Founding Fathers were here, they would remind us. They would hold up the Constitution and remind us of the oath we took to support and defend it.

As Members cast this vote today, they will come to the well and look at the desk to see what the well description says—the sheet of paper that sums up what this vote is about. On the Democratic side, I am sure it will include words such as “transparency” and “disclosure” and talk about the threats to democracy if the bill isn’t passed. On our side, it will be simpler. The copy of the Constitution will serve as our well description, and, more importantly, it will remind us of why we are all here. We are here to protect the Constitution, not our own hides.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, the majority has 15 minutes, and I yield to Senator SCHUMER whatever time he may use. I would also alert Members that the vote may be more than 15 minutes from now because I may have to use some of my leader time.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank the leader for yielding.

First, all votes cast in this body are important, but it is rare that a single vote can so unmistakably reveal whose side you are on. Make no mistake about it, with today’s vote, we are picking sides, and no amount of words, no amount of sophistry in terms of explanations of calling black white and white black can change that around.

At a time when the public’s fears about influence of special interests are already high, this decision by the Court stacks the deck even more against the average American. And my good friend from Kentucky is defending the average American? The average American who sets up a 501(c)(4) and spends tens of millions of dollars to get his views made known or the average American who puts out 3,400 ads, without his or her name on them, to vilify

a candidate for reasons unstated? That is not the average American. We know that. It is very clear who is defending the average American: those of us who support the DISCLOSE Act.

My friend from Kentucky is worried about transparency in this body all of a sudden but doesn't speak for a bill that brings transparency to our politics. No one can argue that this bill brings less transparency. No one can argue that.

We know what is going on here. There are visions—visions in people's heads of Karl Rove spending \$50 million, funded by people we don't know, to attack candidates for reasons we are not sure of, and never putting their name to it.

If you believe in transparency, you believe in the DISCLOSE Act. If you believe in transparency, you believe that someone who has the ability through their wealth, whether they be a corporation or an individual or a candidate, should put their name on the ad they are putting forward over and over and over again. Transparency? This bill stands for transparency.

I would challenge any of my Republican colleagues to come forward with a bill that pierces through the veil of secrecy the Supreme Court decision allows. As for that great Constitution which we revere, eight of the nine Justices said disclosure was certainly constitutional, and they even went out of their way to say it is the right thing to do. We know why the other side doesn't want to do it. They are talking about Democrats not wanting to be attacked. No one wants to be attacked. All we are saying is, if you are going to attack us, put your name on the ad. And the other side is resisting that. We know why. Because with some of the ads that are run—by everybody—if you don't have to put your name on them, there is less of a reason to stick to the truth and stick to the facts. That is why for years we have put this burden on ourselves. We said that we as candidates have to stand by our ad. Why shouldn't big corporations have to stand by their ad? I would like anyone on the other side to answer that question.

This is all about secrecy, not free speech. No one is saying they can't run ads. The Constitution now allows it, even out of corporate treasuries, but the Constitution allows and smiles upon greater free speech disclosure.

So you can talk all about the process: "I was surprised we are going off the jobs bill." For how many months and weeks and hours through procedural delays has the other side kept us from going to various jobs bills? All of a sudden, when it comes time to lift the veil of secrecy on these ads, all of a sudden they say: Let's get back to a jobs bill. Oh, no. This fight will continue.

I spoke to some of my colleagues on the other side of the aisle. They were

very sincere. Many of them, a good number, said to me: We should have disclosure, but the pressure is too great because this act would undo much of the electoral advantage that Citizens United—just due to the way our politics works now—would bring to the other side of the aisle. One of them said to me: It is skirts and shirts. No one can deviate from the party line. So the opposition to this act is defending the Constitution when the Constitution upholds and supports disclosure; is defending the average guy when the average guy or gal has no opportunity to run these ads; is defending fairness and equality when it is only a limited, privileged few who will have the ability to put these ads on over and over and over again. That is not playing straight and not playing fair with the American people.

We have made this bill a fair bill that treats all sides equally. Some say: Well, there is a \$600 limitation. Of course, but that has nothing to do with unions or corporations. If you spend \$600 or less—we have always said low amounts of money don't have to be disclosed. If you spend \$600,000, it should have to be disclosed, whether you are a corporation or a union, either way. Oh, no.

My colleagues, this is a sad day for our democracy. Not only does the Supreme Court give those special interests a huge advantage, but this body says they should do it all in secret without any disclosure. That transcends this election, transcends Democrat or Republican. It eats at the very fabric of our democracy. It makes our people feel powerless and angry, and the greatness of that Constitution and the greatness of the American people is eroded by decisions like that of the Supreme Court and the decision, unfortunately, we will make today in not letting the DISCLOSE Act come to the floor for debate.

Mr. MCCAIN. Mr. President, I will oppose cloture on the motion to proceed to S. 3628, the DISCLOSE Act. My reasons for opposing this motion are very simple—this is clearly a partisan attempt by the majority to gain an advantage in the upcoming election. There was no hearing held in the Rules Committee on this bill and no Republican members were given the opportunity to consider the bill and offer amendments in a committee markup.

Additionally, this bill is stuffed with onerous new government regulations and is loaded with loopholes and carve-outs for special interests. The authors of this bill insist that it is fair and is not designed to benefit one party over the other. That is simply not the case. One example of this is the ban on campaign-related activities by Federal Government contractors. If this legislation were enacted—tens of thousands of American businesses—large and small would be prohibited from engag-

ing in campaigns while labor unions—which receive Federal grants and routinely negotiate collective bargaining agreements with the Federal Government—would be free to operate as they see fit. It is a simple matter of fairness, and this bill as drafted is patently unfair.

As my colleagues know, I have been involved in the issue of campaign finance reform for most of my career, and I am fully supportive of measures which call for full and complete disclosure of all spending in Federal campaigns.

When my colleague from Wisconsin, Senator FEINGOLD, and I set out to eliminate the corrupting influence of soft money and to reform how our campaigns are paid for—we vowed to be truly bipartisan and to do nothing which would give one party a political advantage over the other. As my colleague from Arizona noted earlier—the new rules created under our legislation applied equally to everyone, and they only applied after the subsequent election. That is not the case with this piece of legislation. The provisions of this bill would become effective 30 days after being signed by the President. This bill is clearly designed to silence American businesses while allowing labor unions to speak and spend freely in the elections this November.

I encourage my colleagues to oppose cloture on the motion to proceed to this bill, and I urge my friends in the majority to go back to the drawing board and bring back a bill that is truly fair, truly bipartisan, and requires true full disclosure.

Mr. FEINGOLD. Mr. President, I strongly support the DISCLOSE Act and I believe the Senate should be allowed to consider it. I am pleased to see this bill get such strong support from my colleagues on the Democratic side, and I urge my Republican colleagues to think long and hard before blocking it even from coming to the floor. I have a long history of bipartisan work on campaign finance issues. I am not interested in campaign finance legislation that has a partisan effect. This bill is fair and evenhanded. It deserves the support of Senators from both parties.

As the name suggests, the central goal of this bill is disclosure. It aims to make sure that when faced with a barrage of election-related advertising funded by corporations, which the Supreme Court's decision in the Citizens United case has made possible, the American people have the information they need to understand who is really behind those ads. That information is essential to being able to thoughtfully exercise the most important right in a democracy—the right to vote.

It is no secret that Senator SCHUMER and I, and all of the original cosponsors of the bill, were deeply disappointed by the Citizens United decision. We don't

agree with the Court's theory that the first amendment rights of corporations, which can't vote or hold elected office, are equivalent to those of citizens. And we believe that the decision will harm our democracy. I, for one, very much hope that the Supreme Court will one day realize the mistake it made and overturn it.

But the Supreme Court made the decision and we in the Senate, along with the country, have to live with it. The intent of the DISCLOSE Act is not to try to overturn that decision or challenge it. It is to address the consequences of the decision within the confines of the Court's holdings. Congress has a responsibility to survey the wreckage left or threatened by the Supreme Court's ruling and do whatever it can constitutionally to repair that damage or try to prevent it.

In *Citizens United*, the Court ruled that corporations could not constitutionally be prohibited from engaging in campaign related speech. But, with only one dissenting Justice, the Court also specifically upheld applying disclosure requirements to corporations. The Court stated:

[P]rompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters. Shareholders can determine whether their corporation's political speech advances the corporation's interest in making profits, and citizens can see whether elected officials are "in the pocket" of so-called moneyed interests.

The Court also explained that disclosure is very much consistent with free speech:

The First Amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.

The Court also made clear that corporate advertisers can be required to include disclaimers to identify themselves in their ads. It specifically reaffirmed the part of the *McConnell v. FEC* decision that held that such requirements are constitutional.

The DISCLOSE Act simply builds on disclosure and disclaimer requirements that are already in the law and that the Court has said do not violate the first amendment. For years, opponents of campaign finance reform have argued that all that is needed is disclosure. Well, in a very short time we will find out whether they were serious, because that is what this bill is all about.

If the Senate is allowed to proceed to the bill, there will be time to discuss its provisions in more detail, but let me comment on one provision that has caused controversy, which was added in the House—the exception for large, longstanding groups, including the National Rifle Association.

I am not a fan of exceptions to legislation of this kind. I would prefer a

bill, like the one we introduced, that does not contain this exception. But the fact is that the kinds of groups that are covered by the exception are not the kinds of groups that this bill is mostly aimed at. Knowing the identity of individual large donors to the NRA when it runs its ads is not providing much useful information to the public. Everyone knows who the NRA is and what it stands for. You may like or dislike this group's message, but you don't need to know who its donors are to evaluate that message.

The same cannot be said about new organizations that are forming as we speak to collect corporate donations and run attack ads against candidates. One example is a new group called American Crossroads. It has apparently pledged to raise \$50 million to run ads in the upcoming election. Can any of my colleagues tell me what this group is and what it stands for? Don't the American people have a right to know that, and wouldn't the identity of the funders provide useful information about the group's agenda and what it hopes to accomplish by pumping so much money into elections? Even *Citizens United*, the group that brought the case that has led us to this point, is not known to most people. Why shouldn't the American people know who has bankrolled that group, if it's going to run ads and try to convince people to vote a certain way?

Disclosure is the way we make this crucial information available to the public. But if a group is around for 10 years, has members in all 50 States, and receives only a small portion of its budget from corporations or unions, there is less reason for the kind of detailed information that the DISCLOSE Act requires. So while I would prefer that this exception wasn't in the bill, I understand why the House felt it was necessary, and I don't think it undermines the bill's purpose or makes it fundamentally unfair.

Most of the complaints about the DISCLOSE Act are coming from interests that want to take advantage of one part of the *Citizens United* decision—the part that allows corporate spending on elections for the first time in over 100 years—and at the same time pretend that the other part of the decision—the part upholding disclosure requirements—doesn't exist. But the law doesn't work that way. As the old saying goes, "you can't have your cake and eat it too."

Once again, I very much appreciate the leadership of the Senator from New York and look forward to working with him and all my colleagues to pass this bill. I urge my colleagues to vote for cloture on the motion to proceed.

Mr. LEVIN. Mr. President, I will support the motion to proceed to debate on the DISCLOSE Act because I strongly believe that the voice of the people needs to be restored in our elections.

In January of this year, in a 5-4 decision, the Supreme Court reversed longstanding precedent when it held government restrictions on corporate independent expenditures in elections to be unconstitutional in violation of the first amendment. This decision ignored precedent in order to reject laws that have limited the role of corporate money in Federal elections for decades. I believe this decision could severely damage public confidence in our campaign finance system.

For years I have worked to maintain the integrity of our elections. I was a cosponsor of the Bipartisan Campaign Reform Act, BCRA, which was a major step toward taking the unseemly race for big bucks out of the campaign system and preserving the American public's right to truth in advertising. However, the decision in *Citizens United* took us backwards. Before *Citizens United*, the Federal Election Campaign Act—FECA—generally prohibited corporations and unions from using their treasury funds to influence federal elections—including political advertising known as express advocacy, which explicitly calls for election or defeat of Federal candidates. To be clear: Corporations were still able to engage in political activities through political action committees, or PACS. This process ensured that shareholders were part of the process. After *Citizens United*, however, corporations can use unlimited amounts of money from their general treasuries for this purpose.

That is why I am an original cosponsor of the Democracy is Strengthened by Casting Light on Spending in Elections, or the DISCLOSE Act. The DISCLOSE Act requires corporations, unions, or advocacy organizations to stand by their advertisements and inform their members about their election-related spending. It imposes transparency requirements, requires spending amounts to be posted online, and prevents government contractors, corporations controlled by foreigners, and corporate beneficiaries of TARP funds from spending money on elections.

Since the Supreme Court decision in *Citizens United*, our elections are vulnerable to the influence of corporate power, which threatens to drown out the voices of individual Americans. The DISCLOSE Act will restore the public trust in both the election process and government itself. In our Federal elections, all voices must be heard, not just those with the deepest pockets. The DISCLOSE Act will help restore the people's voice, and I urge my colleagues to support the motion to proceed.

Mr. LEAHY. Mr. President, today, the Senate is attempting to fix an important problem created earlier this year by the Supreme Court's decision in *Citizens United v. Federal Election*

Commission. In that case, five Supreme Court Justices cast aside a century of law and opened the floodgates for corporations to drown out individual voices in our elections. The broad scope of the Citizens United decision was unnecessary and improper. At the expense of hardworking Americans, the Supreme Court ruled that corporations could become the predominant influence in our elections for years to come.

Citizens United is the latest example in which a thin majority of the Supreme Court placed its own preferences over the will of hardworking Americans. The landmark McCain-Feingold Act's campaign finance reforms were the product of lengthy debate in Congress as to the proper role of corporate money in the electoral process. Those laws strengthened the rights of individual voters, while carefully preserving the integrity of the political process. However, with one stroke of the pen, five Justices cast aside those years of deliberation, and substituted their own preferences over the will of Congress and the American people.

The American people have expressed their concerns over this decision, and recognize that without congressional action, Citizens United threatens to impact the outcome of our elections. As representatives, we must fulfill our constitutional duty, and work to restore a meaningful role for all Americans in the political process. A vote to filibuster the motion to proceed to this legislation is a vote to ignore the real world impact this decision will have on our democratic process.

The Democracy Is Strengthened by Casting Light On Spending in Elections—DISCLOSE—Act, is a measure I support to moderate the impact of the Citizens United decision. The DISCLOSE Act will add transparency to the campaign finance laws to help ensure that corporations cannot abuse their newfound constitutional rights. This legislation will preserve the voices of hardworking Americans in the political process by limiting the ability of foreign corporations to influence American elections, prohibiting corporations receiving taxpayer money from contributing to elections, and increasing disclosure requirements on corporate contributors, among other things.

It is difficult to overstate the potential for harm embodied in the Citizens United decision. The DISCLOSE Act is necessary to prevent corruption in our political system, and to protect the credibility of our elections, which is necessary to maintain the trust of the American people. While some on the other side of the aisle have praised the Citizens United decision as a victory for the first amendment, what they fail to recognize is that these new rights for corporations come at the expense of the free speech rights of hardworking

Americans. There is no doubt that the ability of wealthy corporations to dominate all mediums of advertising risks drowning out the voices of individuals.

The American people expect that there will be bipartisan support for any legislation that would prevent corporations from drowning out their own voices in our elections. In that vein, I hope that the DISCLOSE Act will receive an up-or-down vote in the Senate, and not be the subject of filibusters that have become all too common in this political climate.

Vermont is a State with a rich tradition of involvement in the democratic process. However, it is a small State, and it would not take much for a few corporations to outspend all of our local candidates combined. It is easy to imagine corporate interests flooding the airwaves with election ads and transforming the nature of Vermont campaigning. This is simply not what Vermonters expect of their politics. The DISCLOSE Act is a first step towards ensuring that Vermonters, and all Americans, can remain confident that they will retain a voice in the political process.

The Citizens United decision grants corporations the same constitutional free speech rights as individual Americans. This is not what the Framers intended in drafting the opening words "We the People of the United States." In designing the Constitution, the Founders spoke of and guaranteed fundamental rights to the American people—not to corporations, which are mentioned nowhere in the Constitution. The time is now to ensure that our campaign finance laws reflect this important distinction.

The American people want their voices heard in the upcoming election. I urge Senators on both sides of the aisle to allow us to debate and address this important issue. I look forward to working with all Senators to pass this important legislation, and to ensure that the DISCLOSE Act is enacted into law.

Mr. KERRY. Mr. President, this vote is a true test of political character because it goes to the very heart of American democracy. It will determine who will choose our Nation's leaders—faceless corporations or we the people.

The Supreme Court decision in the Citizens United v. Federal Election Commission case earlier this year dealt a crushing blow to fairness in our Federal elections. This decision is why we are here today, taking a closer look at the hard realities of how the political system works here in the United States.

For far too long, our Federal election system has been broken and the remedies ignored. In 1997, I wrote the Clean Money, Clean Elections Act to help tackle some of our most important campaign finance problems. That bill

sought to limit the power of special interests in elections by offering incentives for "clean candidates" who swore off private campaign contributions and ran using only a clean money fund. Unfortunately, during the 13 years since that bill's introduction, we have seen an increase in the influence of special interests and now corporations on our Federal elections.

Make no mistake about it—the ruling by the Supreme Court has only exacerbated the problems of the system. And that makes it all the more important that we no longer keep our heads buried in the sand.

I have always believed that the single biggest flaw in our Federal election system is the disproportionate power and influence of money that drowns out the voice of average Americans. I am concerned that the Supreme Court's ruling in Citizens United will produce an even bigger tidal wave of special interest advertising funded by large faceless corporations, drowning out the views and opinions of our citizens.

The Supreme Court has opened the flood gates for an unlimited amount of unchecked political spending by corporations—including the dangerous new precedent for unimpeded funding by subsidiaries of foreign corporations. Yes, for the first time in our history Federal elections in this country can be actively influenced according to the desires of foreign interests.

These are dangerous developments that require immediate attention. But the ultimate solution must be equal in scope to the magnitude of the problem we face. We must undertake some remedial actions now, but there is only so much we can do legislatively.

In my view, the case of Citizens United requires nothing short of a constitutional amendment that makes it crystal clear—that corporations do not have the same free speech rights as individuals. It is time that average Americans regain their voice in choosing who will represent them in our Nation's Capital.

Mr. BAUCUS. Mr. President, President Franklin Delano Roosevelt once said:

The liberty of a democracy is not safe if the people tolerate growth of private power to a point where it becomes stronger than their democratic state itself.

This statement is all too true, as we are faced with the Supreme Court's disappointing decision in Citizens United v. Federal Elections Commission earlier this year. In a 5-to-4 ruling, the Supreme Court overturned years of congressional work to limit corporate spending and corruption in the political arena. As a result, corporations and labor unions are now free to spend unlimited dollars from their general funds to make independent expenditures at any time during an election cycle, including directly calling for the election or defeat of a candidate.

This ruling will have far-reaching implications for the electoral system on a Federal, State, and local level. In his well-reasoned dissent, Justice Stevens noted:

Lawmakers have a compelling constitutional basis, if not also a democratic duty, to take measures designed to guard against the potentially deleterious effects of corporate spending in local and national races.

Over the years, Congress and State legislatures have done just that. In 2002, Congress found that without regulation, corporations spend money on political elections in extremely large amounts. Spending at those levels created a corrupting influence on legislative actions.

In response to what Justice Stevens called a “virtual mountain of research” on the potential for corruption within the election process, Congress passed the Bipartisan Campaign Reform Act, commonly known as McCain-Feingold. With an eye on prior Supreme Court rulings, Congress shaped McCain-Feingold to properly address concerns over evidence of corruption in the electoral system.

The Supreme Court’s ruling in *Citizens United* is bad for my State of Montana, it is bad for America. Montana history shows that corporations are eager to influence elections. As Montana attorney general Steve Bullock previously testified, during the turn of the century, wealthy copper kings of Montana’s mining industry leveraged their corporate power to effectively buy elections.

In 1912, Montana voters spoke out, passing some of the strongest laws in the Nation prohibiting corporations from acting to influence Montana elections. The law has withstood the test of 98 years without failing. Yet, because of *Citizens United*, Montana’s strong campaign finance laws are now also in jeopardy. In Montana, the ruling is likely to have a significant impact on State and local elections. The use of corporate money will drown out the voices of individual Montanans. The cost of advertising in Montana is very low. This, however, will make it easy for large out-of-State corporations to dominate Montana markets in an effort to sway Montana races.

When it comes to corporate spending, we are talking about a significant amount of money. Let’s look at what corporate America is spending on political advertising. In 2008, the automotive industry spent over \$30 billion in advertising. Just in the first quarter of this year, Wall Street firms spent \$2 billion. The tobacco industry averages \$12 billion in advertising nationwide each year. That is political advertising. When you start adding up these numbers, you start to get a sense of the magnitude of the impact *Citizens United* can have on our electoral process. Corporations will now have free rein to spend this kind of money to

now call for the election or opposition of specific candidates, Federal, State, or local.

The impact of *Citizens United* goes well beyond merely changing campaign finance law. This decision will impact the ability of Congress, as well as State and local legislatures, to pass laws designed to protect its constituents—individual Americans—when such legislation comes under fierce objection by large corporations. Corporations are now free to spend millions targeting individual lawmakers. Lawmakers’ ability to pass laws such as consumer safety or investor protection now faces even greater challenges when such laws merely threaten the corporate bottom line.

Congress and the American people must respond swiftly and firmly. The Supreme Court’s ruling in *Citizens United* has severely altered Congress’s ability to limit corporate spending in our electoral process.

I support legislative efforts such as those to enhance disclosure and increase shareholder say on corporate campaign spending, and I commend my friend from New York, Senator SCHUMER, for his efforts on this front. However, it is clear that the surest way to address the Supreme Court’s disappointing decisions is a constitutional amendment that will clarify Congress’s authority to regulate corporate political spending.

The resolution I am introducing today proposes a constitutional amendment that will restore Congress’s authority to regulate political expenditures by corporations and labor organizations in support or in opposition to Federal candidates. It also preserves Congress’s ability to regulate political contributions to these candidates.

Similarly, this amendment provides States with the authority to regulate political contributions and expenditures in a way that works best for each State. This amendment does not modify the first amendment at all, and the language specifies that this does not affect freedom of the press in any way.

The Framers provided a series of steps required to amend the Constitution, and this process should not be taken lightly. This resolution requires the support of a two-thirds majority of the Senate and the House and subsequent ratification by three-quarters of the States. I recognize the challenges of that process, but I believe this is a discussion and debate that Congress and the American people should have.

We must act. We must act now to restore Americans’ faith in our political electoral process. I urge my colleagues to support this amendment.

THE PRESIDING OFFICER (Mr. GOODWIN). The majority leader is recognized.

Mr. REID. Mr. President, if the time is limited to 15 minutes, I will use lead-in time to complete my statement.

Mr. President, my friend the Republican leader talked about a number of things in his presentation, all the time making remarks such as “reading the bill caused unrestrained laughter.” Well, 85 percent of the American people support this legislation.

Supreme Court Justice Louis Brandeis offered disclosure and transparency as the antidote to swollen corporate influence. Sunlight, he said, is “the best of disinfectants.” The man who would replace him on the Supreme Court shed light on the importance of the individual’s vote, the voice that anchors our democracy. William O. Douglas, who served on the bench longer than any other Justice, said that the right to vote means more than simply the right to pull a lever on election day. He said it also means “the right to have the vote counted at full value, without dilution or discount.” Both Brandeis and Douglas were right. These two Justices’ observations should guide us as we correct an error made by today’s Supreme Court—the Roberts Court—when it wrongly ruled in January that corporations, special interests, and foreign governments can flood America’s political system with contributions in unlimited amounts and in secrecy. That decision was wrong.

The campaign advertisements at issue in the case, *Citizens United v. Federal Election Commission*, and in the bill before us, the DISCLOSE Act, are presumably about giving the electorate the information it needs to make an informed choice. But that information must also include its source because an open political process demands the disclosure of who is paying the bills. We are all agreed that voters can believe, criticize, or support any ad they wish, but a citizen cannot responsibly do any of that if he doesn’t know how the ad found its way into his living room.

Our votes are the most precious part of our democracy. If someone is going to such great lengths to convince us how to use it, should we not at least know their names? Put differently, why would we let those who go to such great lengths to conceal their names—and those who try to protect them by blocking this bill—dilute or manipulate our voices?

The principle behind the bill is a simple belief that neither the American voter at home nor the democratic process at large benefits from campaigns funded by secret sponsors who are hidden from public view. Quite the opposite, in fact; such secrecy is harmful because it deliberately keeps from voters the identity of those trying to influence their choices and sway our elections.

This is also about trust and confidence in our democracy. Whenever the voice of the corporation is the loudest, the voice of the citizen is hardest to hear. If citizens don’t have reason

to trust the electoral process, voters have little reason to trust the outcome of the election, and constituents ultimately have no reason to trust their elected government.

This Supreme Court case and this piece of legislation are not only about campaign checks; it is also about checks and balances. The Senate is not reversing or circumventing the Court's ruling; we are only bringing back transparency, accountability, and fairness to the system so it can work best for the people it serves. We are doing that in three ways.

First, this bill says that if you are a foreign corporation or a foreign Government, you can't spend money in American elections.

Second, it says if you are a company that benefited from TARP—the emergency program that kept our largest institutions and our economy afloat—you can't turn around and give those taxpayer dollars to a political candidate.

Third, to prevent both the possibility and the perception of a pay-to-play scheme, it says that if you are a government contractor, you cannot contribute to campaigns either.

These three elements are written primarily to protect voters, but voters are not the only ones who will benefit. If you are a shareholder of a company rich enough to put a campaign ad on television, wouldn't you want to know how it is using your investment and spending your money? Of course.

CEOs and special interests can run all the ads they want today, and after the DISCLOSE Act is law they will still be able to do that. That is their right. The difference is that our bill says you just can't pay for an ad; they have to stand by that ad also. This new law will not stifle anybody's speech or their ability to advertise; it merely requires them to do so in the open.

What could be more patriotic and less partisan than protecting a person's vote and all the information that goes into that decision?

The desire for greater real-time disclosure of election spending was not long ago a bipartisan concept. It is incredible that we now have to struggle to find a supermajority—60 Senators—even just to debate a bill the principles of which both parties once supported and that 9 in 10 Americans want us to pass.

What else is new?

When we fought to protect every American's right to afford good health, the other side jumped to the defense of corporate America and the special interests in the insurance racket.

When we fought to protect Americans from the unchecked greed in the financial industry—recklessness—that cost 8 million Americans jobs and nearly collapsed our economy, the other side jumped to the defense of corporate America and special interests—this time, those on Wall Street.

When we fought to hold BP accountable for its negligence, the other side jumped to the defense of the corporation responsible for the greatest man-made environmental disaster in history, going so far as to apologize to its now-ousted CEO.

When we ran to the side of millions who lost their jobs in the recession and exhausted their unemployment insurance, while they searched for hard-to-find jobs, the other side argued that what our economy needed was more tax breaks for multimillionaires.

On the stimulus bill, 93 percent of the Republicans voted against it in the Senate. On the unemployment insurance extension, 88 percent of the Republicans voted against that. On Americans' jobs and closing tax loopholes, 86 percent of the Republicans voted against that. On the health care bill, 100 percent of the Republicans voted against it. On the HIRE Act, 68 percent of Republicans voted against. Even on cash for clunkers—which was, by all estimates, a great success—82 percent of the Republicans voted against it.

This issue is no different than those I went through. The bill asks us to put the people before the special interests. It asks us to ensure that an individual's vote speaks louder than the deep pockets of the powerful.

It asks us this so the next time a health insurance company or a big Wall Street bank or a major oil company or any other special interest puts a campaign ad on the air, everyone will know who did it. It will make sure viewers can consider the source as they consider their vote.

Americans have fought so hard and at so great a price to ensure the voting rights of every individual. We have removed obstacles between people and the ballot box, removed corruption from the campaign process, and gone to great lengths to encourage everyone to participate on election day.

Why would we diminish a right that was so hard won? Why would we go backward?

This new law will return our popular elections to the people by limiting anyone's ability to dilute a citizen's power and by letting in the sunlight that disinfects our democracy.

Who could oppose that? The only ones fearful of transparency are those with something to hide. That is what this legislation is all about.

It is my understanding we are ready for a vote.

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant editor of the Daily Digest read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 476, S. 3628, the DISCLOSE Act.

Harry Reid, Charles E. Schumer, Sherrod Brown, Claire McCaskill, Patrick J. Leahy, John F. Kerry, Byron L. Dorgan, Patty Murray, Barbara Boxer, Roland W. Burris, Robert Menendez, Jack Reed, Joseph I. Lieberman, Tom Udall, Kent Conrad, Mark Begich, Robert P. Casey, Jr.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3628, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nevada (Mr. ENSIGN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—57

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Goodwin	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Conrad	Leahy	Udall (CO)
Dodd	Levin	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—41

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Reid
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	LeMieux	Wicker
Cornyn	Lugar	

NOT VOTING—2

Ensign Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 41.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Mr. President, for the information of the Members of the Senate, we are going to move to the small business jobs bill. I have spoken with the Republican leader, and staff is aware, that we are going to have the same vote we had on Thursday night—that will be the amendment—with the exception that we are going to place in that bill the agricultural disaster relief that has been around for a long time. That will be added to this small jobs bill.

I have spoken with Senator LANDRIEU, and she has indicated to me that she has had conversations with Members of the minority, and they would like an amendment or two or three. I think that will be about the limit that we should do. We will be happy to have side-by-sides or have something that would give us the opportunity to see what those amendments are going to be.

So in short, we are going to work and start legislating as early as we can in the morning. I don't think we will be able to do much tonight. We will consider that. But everyone should be ready tomorrow. We are going to do our utmost to finish this bill tomorrow.

Everyone should understand that we are going to do our best to get out of here a week from Friday, but we will need the cooperation of Senators on a number of things. We have a fairly long list of things we need to do before we leave.

There will be no further rollcall votes today. The tree we talked about we have to tear down, but it is my understanding that we shouldn't have a problem doing that.

Mr. MCCONNELL. Mr. President, I would say to my friend, the majority leader, he knows because I believe he has some of our amendments, what we would like to offer, and I think this is a conversation we can have off the floor until we can figure out a way to move forward.

Mr. REID. My only purpose here is that we can go through the program of tearing the tree down, but those votes are somewhat inconsequential. I don't think we need to do that this afternoon. It is my understanding, after having spoken to Senator MCCONNELL, that everyone knows what the amendment is going to be. I have agreed there can be amendments offered by the Republicans, and it is only a question of what they are going to be.

Mr. MCCONNELL. I think that is a correct understanding.

Mr. REID. So I have designated MARY LANDRIEU.

The amendment is just as I have outlined, and we should have it in 5 minutes.

Mr. President, what is the pending business?

SMALL BUSINESS LENDING FUND ACT OF 2010

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

Pending:

Reid (for Baucus) amendment No. 4499, in the nature of a substitute.

Reid (for LeMieux) amendment No. 4500 (to amendment No. 4499), to establish the Small Business Lending Fund Program.

Reid amendment No. 4501 (to amendment No. 4500), to change the enactment date.

Reid amendment No. 4502 (to the language proposed to be stricken by amendment No. 4499), to change the enactment date.

Reid amendment No. 4503 (to amendment No. 4502), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this afternoon, the Senate returns once again to the small business jobs bill. This bill would help steer our economy toward recovery. It would create jobs. It would do so by fostering creativity and ambition of the American entrepreneur.

Some of America's greatest firms were born in the midst of an economic crisis. In 1976, the U.S. economy was reeling from recession. America's unemployment hovered around 8 percent. That year, two guys named Steve started selling computer kits out of a garage in Palo Alto, CA. They founded a small business. An angel investor helped them with \$250,000 in seed money. Today, we know that business as Apple. Last month, Apple became the largest technology company in the world.

It is not an unusual story. It is a story told again and again in America. Of the 30 companies that make up the Dow Jones Industrial Average, 16 were started during a recession or depression. Procter & Gamble, Disney, McDonald's, Microsoft, General Electric, Johnson & Johnson, and Costco all first opened their doors during economic downturns.

To foster entrepreneurship and create this recession's success stories we need to create the right conditions. This small business jobs bill will help do just that. American entrepreneurs

of all kinds are a key driver of job creation.

Take, for example, Tiffany Lach. Eighteen months ago, Tiffany opened Sola Cafe in downtown Bozeman, MT, with the help of a Small Business Administration loan. When she opened her doors, she had 19 employees. Today she has 42 employees and loads of loyal customers. We need to support entrepreneurs so that small businesses, such as Tiffany's, can continue to grow and create more jobs.

According to a recent report, nearly all net job creation in America from 1980 to 2005 occurred in firms fewer than 5 years old. In fact, without startups, net job creation would have been negative almost every year for the past three decades. In 2007, more than two-thirds of the jobs created were firms between 1 and 5 years old.

As our economy emerges from the great recession, we need to ensure that American entrepreneurs have the resources, the financing, and the opportunities they need to create jobs and realize their dreams. This small business jobs bill will help American entrepreneurs gain access to the capital they need, especially by increasing the incentives for investors to purchase and hold equity in startups.

Under this bill, for the rest of 2010, any investor who invested in a small business and held that investment for at least 5 years would pay no income tax on the gains from the sale of that small business stock. The bill would also reward entrepreneurship by doubling the amount of startup expenses that an entrepreneur could immediately deduct this year. The bill would increase the amount from \$5,000 to \$10,000. This would free up capital that could be used to invest in other aspects of the business.

This bill will devote more than \$5 million to the U.S. Trade Representative to expand opportunities for U.S. small businesses in foreign markets. This would help American goods and services to reach new customers around the world. This would create jobs right here in America. This would help the USTR to enforce our trade agreements to ensure that American startups can compete on a level playing field.

So I urge my colleagues to support this bill. Let's work hard to work out agreements so we can take it up and pass it. Let's do so to help America's entrepreneurs. Let's pass this bill to encourage the development of new American small businesses. Let's pass this bill to create jobs right here in America.

The PRESIDING OFFICER (Mr. KAUFMAN.) The Senator from Wyoming.

Mr. BARRASSO. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GULF OILSPILL

Mr. BARRASSO. Mr. President, I rise today to talk about the oilspill in the Gulf of Mexico and energy legislation that may be on the floor this week.

For more than 3 months, the American people have watched our Nation's greatest environmental disaster unfold. This tragic accident has cost lives. It still threatens jobs and communities throughout the region. The shrimpers, fishermen, small business owners, restaurant and hotel workers, rig workers—everyone has been impacted.

In the last couple of weeks, we have gotten some rare good news. First, the new containment cap has temporarily plugged the hole. Second, the new cap survived the recent storm in the gulf. Hopefully, next week BP will finish drilling two relief wells and permanently plug the leak.

From this disaster we have learned that our country and the Federal Government were not prepared to deal with an emergency of this magnitude. Now we have an opportunity to fix the system. We need to implement reforms that prevent these accidents in the future and improve the ability to respond.

A tragedy of this magnitude merits a serious, bipartisan response from this body and from this country. The Congress has two options: No. 1 is to fix the problem; the second is to score political victories that don't help the gulf. My friends on the other side of the aisle appear committed to using this crisis to try to score political points.

The majority leader announced that he plans to unveil his energy legislation later today. It reportedly will contain oilspill provisions as well as broader energy legislation. The bill is being written behind closed doors—not in a committee, not in front of the American people, not on C-SPAN, but behind closed doors—and it will likely come directly to the floor later this week without ever going to a Senate committee. I think a fair question to ask right now is, What is going to be in the bill? Why can't we address the oilspill in an open way, in a transparent way? Are Senators going to be allowed to offer amendments, amendments that would improve the bill and increase bipartisan support?

Republicans have introduced an oilspill alternative. The Republican bill includes several important provisions:

First, the Republican bill reforms the system for managing offshore oil and gas exploration. It enhances safety requirements, and it improves spill response capacity. The Republican bill requires that our national oilspill contingency plan include a clear, accountable chain of command. That way, the American people know who is in charge and who is making decisions on the ground and on the water.

Next, the Republican bill reforms oilspill liability. The bill increases liability

limits based on risk factors such as water depth and a company's previous history. It also sets up a system where claims beyond the liability cap are paid for by all of the companies drilling offshore. This liability system ensures those impacted are compensated. Unlike some other proposals out there, this proposal does not unfairly discriminate against small and medium-sized companies that are exploring for energy in the gulf.

The Republican bill also lifts the overly broad drilling moratorium that has been imposed by the Obama administration. Rather than imposing a blanket moratorium that threatens thousands of jobs in the gulf, the Republican bill would lift the moratorium for companies that have complied with the new safety and inspection requirements. This provision stops the administration from compounding the economic damage that is currently occurring in the gulf.

Importantly, the Republican bill also establishes a truly unbiased, bipartisan oilspill commission to investigate the spill. The oilspill commission that was appointed by the President is stacked—stacked with people who philosophically oppose offshore exploration.

Ideology aside, the members of the President's oilspill commission lack the essential technical expertise on offshore drilling. There is no expert on petroleum engineering on his commission. There is no expert on rig safety on the President's commission. Having this sort of expertise will help the fact-finding mission. It will also strengthen—it will strengthen the quality of the commission's recommendations. It is imperative that the oilspill commission has credibility.

The Republican bill helps those in the gulf. It will save much needed jobs, and it will improve our ability to explore for offshore oil and gas well into the future.

It is unfortunate that the majority is only spending a few days on the situation in the gulf. The text of the bill that this body is supposed to be debating later this week, that the American people should have an ability to see and to comment on, is not yet publicly available. How can this body, how can the American people have a serious debate on a bill in less than a week, especially if no one yet knows what happens to be in the bill? This is a crisis that has lasted for almost 100 days, the greatest environmental disaster in the history of our country. Yet the Senate is rushing to complete a bill that no one has seen, that continues to be written behind closed doors, and expects to complete it by the end of the week.

Sadly, the majority lacks transparency, and this lack of transparency by the majority follows months of poor response efforts by BP and by this administration. The companies involved in the spill played the blame game.

While oil executives pointed fingers at one another, the administration struggled to get a handle on the situation. The response was delayed, and the response was disorganized. The response lacked direction, and the response lacked decisiveness. There was no clear chain of command. State and local officials have repeatedly expressed frustration with the cleanup effort. And it is not just a lack of resources; in some cases, Federal approval stands in the way of local cleanup efforts.

Newsweek magazine had a recent article entitled "The Mire Next Time." It says:

BP and federal officials have conjured parts of their oil spill response plan from scratch and changed them by the day, often failing to act with the speed and decisiveness an emergency demands.

Over the weekend, Politico reported that "the White House dispatched political and communications aides to the Gulf Coast states."

Let me repeat that. Over the weekend, Politico reported that "the White House dispatched political and communications aides to the Gulf Coast states."

According to Politico:

The effort came about after the White House grew concerned over political damage—

Not environmental damage—

from not having a permanent presence in the Gulf Coast states.

Campaign staffers might help the White House contain its political disaster, but they are not going to solve the actual environmental and economic disaster.

Instead of worrying about political problems, the White House should be encouraging the Senate to work in a bipartisan way on legislation that will help prevent future accidents and to improve our Federal response capacity. Our top priority should be stopping the leak and containing the spill.

We must also make sure those impacted are compensated, and the claims process must be fair and fast. The majority should devote more than a few days to fixing the problems in the Gulf of Mexico. I urge colleagues on the other side of the aisle to work with us. Let us come together to pass bipartisan oilspill legislation. That is what the American people want. That is what the American people deserve.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Arkansas.

CHILDHOOD HUNGER

Mrs. LINCOLN. Mr. President, I come to the floor today with a very simple request. I come to ask for my colleagues' attention and perhaps 8 hours of their time, 8 hours that will change the face of childhood hunger and obesity and put us on a path to significantly improving the health of the next generation of Americans, 8 hours that will make a historic investment in

our most precious gift and the future of this country, and that is, of course, our children, 8 hours for this body to pass the bipartisan Healthy, Hunger-Free Kids Act that will reauthorize our Federal child nutrition programs and address two of the greatest threats to the health and security of America's children—hunger and obesity.

Earlier this year, working closely with the ranking member of the Agriculture Committee, Senator CHAMBLISS, other members of the committee as well as the administration, the Committee on Agriculture, which I chair, unanimously approved a bill that makes a historic investment in hunger relief and for the first time mandates that meals provided to our children in schools are healthy. We have since been patiently waiting for this critical legislation to see the light of day on the Senate floor.

The days of patiently waiting are coming to an end, as the September 30 deadline to reauthorize these programs rapidly approaches. That is why I stand here today asking this body, asking my colleagues to spend a few moments of time to make an investment in our children and dedicate perhaps at the most 8 hours of floor time to take up and pass this legislation.

I don't have to look any farther than my home State of Arkansas to see the hunger and obesity crisis at its worst. A recent report by Feeding America found that Arkansas has the highest rate of childhood hunger in the country at 24.4 percent. That is nearly one out of every four Arkansas children who is unsure when or if their next meal will come. Will it even materialize?

Obesity too is extremely high among Arkansas children. Roughly one out of five children in Arkansas is considered obese. Research shows that obesity significantly increases the risk of chronic disease such as hypertension, heart disease, type 2 diabetes, and even some forms of cancer. We also know obesity comes at a tremendous cost to our health care system, roughly \$147 billion each year. These statistics are simply unacceptable. There are real children behind these numbers, real children in real families, many of them working American families, real children who can forever be put on a path toward longer, healthier, more productive lives, if we simply dedicate 8 hours to passing this bill.

As a mother of twin boys who are teenagers now, having watched them grow up and feeling enormously blessed that through that time I have had the opportunity and the blessing of being able to feed them nutritious food and ensure they are growing up healthy, do any of my colleagues think that any mother out there is any different than I am, who wants to see that same blessing in their own home and with their own children?

The Healthy, Hunger-Free Kids Act takes tremendous steps toward ad-

ressing the obesity crisis which is necessary if we truly want to improve the health of this next generation of Americans. This legislation increases the reimbursement rate for school meals for the first time since 1973. Can colleagues think of what it would mean for us to be required to purchase items under today's costs with 1973 purchasing power? It would be impossible for us to feed our families or to take care of them, to assist our seniors and aging parents. Here we are asking our schools to try not only to feed the children but to feed them a healthy meal with 1973 dollars. If we want to promote our children's health, we have to feed them healthier meals. That takes an investment such as the one we have made in this bill.

This bill also for the first time establishes national school nutrition standards to ensure our children have healthier options available throughout the entire schoolday. Too often we hear from parents their frustrations about how the healthy habits they are trying to teach their children at home are constantly being undermined by the widespread availability of unhealthy options in school. For the first time this bill changes that. Parents can take comfort knowing that foods and snacks available at school through vending machines and school stores and a la carte lunch lines will have to meet new healthier standards based on guidelines for healthy diets established by USDA in consultation with HHS and the Institute of Medicine. This provision complements the commonsense steps we have already taken in my home State to improve the health of our school environments and, in doing so, brings some Arkansas wisdom to the rest of the country.

We have seen the horrors in Arkansas, and we want to do something about it. As a nation, we too must see the challenges we face in feeding the children healthy and nutritious meals, and we must seize this opportunity to do something about it.

This bill also makes a significant investment in the fight against childhood hunger. In 1999, I worked hard in the Senate to start the Senate Hunger Caucus, to try to bring my colleagues' attention to the issue of food insecurity and hunger that existed not only on a global sense but also in our own backyards and in our own country. Mr. President, 500,000 Arkansans live in food insecurity right now. We have much to do. It is hard to understand, when we have a disease such as hunger and we know what the cure is, why don't we cure it? It is so simple.

This bill streamlines and takes out duplicative steps in the paperwork process to ensure that hundreds of thousands of children across the country who are eligible for national school lunch and breakfast programs actually are able to participate. I am one of the

few Senators with schoolage children. I know what comes home in those backpacks at the first of the year. It is a mountain of paperwork that gets crumpled down in the bottom of the backpack. I pull it out. Fortunately for me, I don't have to fill out that paperwork. But there are many families who do in order to ensure their child is eligible for a free or reduced lunch or a breakfast program. They have to fill out multiple pages of documentation to be eligible. Yet we know they already meet the criteria because they filled out that same or similar paperwork for the WIC program or SNAP or the low-income housing program, so many other places where they have continually documented the need for help they have in creating a wholesome family.

This bill also recognizes that hunger doesn't stop when the school bell rings. It improves afterschool and summer feeding programs, ensuring that children in afterschool programs are receiving full nutritious meals instead of the current snack they receive now.

This bill is about improving the lives of the next generation—and we have a short period to do so—whether it is in education or nutrition. I know for myself, my boys turn 14 this year. It is hard for me to believe they have grown so quickly. Yet if we think about it, we have a snapshot of time to affect the lives of these children. So if we don't do it this year, if we don't do it next year or the year after that, that child who was in kindergarten is now in third grade. They may have incorporated bad eating habits already or they haven't had nutritious food or they haven't received the basic skills they need in terms of reading and other things. That time in the life of a child is so important. We look at ourselves and the time it takes us to pass legislation. We have an enormous opportunity to affect a generation of Americans and make their lives better. This bill means we will ensure they are healthier.

It also means not saddling them with a financial burden they cannot afford. That is why I am very proud to say this bill is completely paid for and will not add one cent to the national debt that will be shouldered by the children. As we work to get this bill signed into law, I will make certain it is paid for, not only because it is the right thing to do for the country, it is the right thing to do for the children.

Unfortunately, there is a very real risk we will fail to seize this historic opportunity. As of today, we have a maximum of 23 legislative days remaining before the current child nutrition program expires on September 30. What many colleagues may fail to understand is that a simple extension of these programs will not be enough. Oftentimes we don't get our work done, and we simply say: Well, we will extend

the current law until we can get it done. I pose to my colleagues: We have a good bill. We have an opportunity, a historic opportunity to make a difference. If we don't seize the opportunity, we will have to extend the current legislation. If we simply choose to extend the current program, we are locking in the status quo. We are locking in the rate we pay our school districts for school lunches and meal programs at 1973 levels.

What is more, each State will lose critical dollars they would have otherwise received from this bill. Who will pay the price? Our children will pay the price for our inability to get this done, for our inaction and our unwillingness to take a simple few hours and get something done. Yet knowing what we stand to lose, I can't seem to convince enough folks around here how critically important it is for us to pass this bill. Again, all I am asking for is several hours, 8 hours, perhaps, at the most. I will continue to ask. I will continue to come down to the floor of the Senate until we make this investment in our children.

We have an opportunity to pass something real, something historic, something that is meaningful, that we have taken the regular order and gone through the committee process, that we have done what people want us to do. We have been transparent with our actions. We have paid for this legislation. We have done it in a bipartisan way. We have come up with something that is good and real for the children. We simply need to dedicate the time, the time out of our schedule to get this bill done.

I will relentlessly be pursuing my colleagues. I know they get tired of me, and I know I have become a pest. But when the day is done and we have finished our work, it is worthwhile to have been a pest for something that is such a great treasure to the Nation as our children. We can accomplish this goal on behalf of the children, if we set our minds to it.

This is a bill of which each and every Member can be proud. It is bipartisan, completely paid for and, much more, it provides commonsense solutions to addressing childhood hunger and obesity. In unanimously passing this bill, the Ag Committee made a commitment to the children. Now I ask this body to help us fulfill this commitment by dedicating only 8 hours to passing this historic legislation.

Is that too much to ask? Can we not dedicate those few hours to an effort that will change a generation for the better? I know hard-working parents in Arkansas and all across this great Nation do not think it is too much. There are other parents of school-aged children, like me, some of them who do not have the blessings or the means that I have to be able to care for my children or provide a healthy afterschool snack

or to be able to make sure dinner is there for them in the evenings. Those parents love their children as much as I love mine, and they want to see us as a nation recognizing the value of their children to the future of this country.

So I will continue to be a pest. I will continue to badger my colleagues. I will continue to fight to see that this body does right by our kids and passes this legislation and improves the health of the next generation of great Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. THUNE pertaining to the introduction of S. 3652 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THUNE. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCLOSE ACT

Mr. SANDERS. Mr. President, even before the Supreme Court issued its disastrous opinion in *Citizens United*, the influence of large corporations and other powerful special interests in our electoral process was overwhelming. There is a reason why the middle class is disappearing and why poverty is increasing while the people on top are making out like bandits. One of the reasons is the enormous influence big money interests have over the political process and the way they are able to use that influence through campaign contributions and through lobbying efforts. They are all over the place. Whether it is Wall Street, the oil companies, the coal companies, the insurance companies, the drug companies, the military industrial complex, all these very powerful and wealthy special interests contribute huge amounts of money into the political process, making it harder and harder for the significant needs of working families to be heard outside the din and the power of big money.

So, in other words, before this Supreme Court decision on *Citizens United*, we already had a very bad situation. It was a situation in which it required enormous sums of money on the part of a candidate to run for office, a situation in which it became increasingly common for millionaires and billionaires to be the only candidates able

to finance a Federal campaign without heavy reliance on contributions from corporate interests. It is no secret both political parties look very favorably on so-called self-funded candidates. They don't have to raise any money for those candidates because they are multimillionaires and they are billionaires; they can write their own checks—checks which are often very large—in order to run for the House of Representatives or especially the Senate.

So what we had before *Citizens United*, that disastrous Supreme Court decision, was already a very bad situation. But that decision made a horrendous situation even worse.

The Supreme Court decided, at the beginning of this year, that it was acceptable and legal for the largest corporations in our country to spend unlimited resources supporting candidates who represent their interests, elevating corporations to the status of flesh-and-blood persons for constitutional purposes. So let me make a very bold and radical statement right now. I know many corporations. I know who they are. Let me tell my colleagues: A corporation is not a person. A corporation is not a person. It is totally absurd to suggest that a corporation should have the first amendment rights of individual Americans.

What the Supreme Court decision has done is to turn our media during campaigns into even more of a circus and undermines State election laws across the country that provide some small buffer between wealth and power. They have unleashed the vast coffers of corporate America by allowing them to spend whatever they want—unlimited sums of money—from their general bank accounts, not just their PACs and not just on sham issue ads but on telling people outright which candidate to vote for, something this country has not seen since 1947.

Big money corporate interests from Wall Street to oil giants, from drug companies to the military industrial complex, already dominate the political process in Washington. It is inconceivable to me that not one Republican—not one Republican today—voted to minimize the horrendous Supreme Court decision which will allow corporations to put unlimited funds into campaign advertising with no disclosure whatsoever—no disclosure whatsoever.

I think the American people must be wondering this afternoon what, to our Republican friends, could be wrong with some simple checks on campaign spending such as the following: requiring the CEO of a corporation that spends on campaign-related activity to stand by the ad they have produced and say that he or she "approves this message." If the Presiding Officer was running for office or I am running for office and we put an ad on television,

that is what we have to say. I think it is a good idea. If you put something ugly on television, you say: I approved this message. If you put something dishonest on the air, people have a right to know that you are the person responsible for that ad. If you have to be responsible for that ad, if I have to be responsible for that ad, if every other candidate for the Senate has to be responsible for that ad, why should not the CEO of a large corporation that is paying for that ad also have to say that he or she approves this message?

It is no great secret that a lot of money from abroad is being invested in American corporations. In a situation where a company which has a lot of foreign money in it, why should we allow that company to get actively involved in American politics? What the legislation that we voted on today does, which I think makes a lot of sense, is it prohibits a corporation that is under the direction or control of a foreign entity from spending money on our elections. I don't think that is an unreasonable provision. I don't think we want our political process to be dominated by people who may not have the best interests of the people of the United States of America at heart.

Another provision requires disclosure of political spending by corporations and other entities to their shareholders and members and requires these groups to make their political spending public on their Web sites within 24 hours after filing with the FEC. Why should the people who actually own the stock in those companies not be able to know in a timely manner what the CEOs of these corporations are doing so they can say: Excuse me, you can't do that with my money. I don't like that. I think what you are doing is wrong.

Another provision in this legislation would ban coordination between a candidate and outside groups on ads that reference a candidate from the time period beginning 90 days before a primary and running through the general election.

Another provision would avoid the appearance of corruption and possible misuse of taxpayer funds by banning government contractors with a contract worth more than \$10 million from spending money on elections.

I think these are simple, straightforward provisions. I think they are right. I have a very hard time understanding how we could not get one Republican vote in support of these provisions.

My hope is that the Democratic leadership will not give up on this issue. I think the American people, before Citizens United, were frustrated and disgusted with the role big money plays in the political process, disgusted with the power big money interests have on influencing legislation, and I think they are now even more disgusted as a result of the Citizens United decision.

We have brought forth legislation which I think is straightforward, I think it is sensible, I think it needs to be passed, and I hope we will continue that effort to get it passed.

With that, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN PRAISE OF ALISON McNALLY

Mr. KAUFMAN. Madam President, I rise today to recognize another of America's great Federal employees. This will be Federal employee No. 89.

In 1829, a British scientist who had never set foot in our country bequeathed to the American people his estate in order to create "an establishment for the increase and diffusion of knowledge." That he did so is a reminder of what this young country represented to those around the world who yearned for liberty and an approach to government based on wisdom and science.

James Smithson's gift continues to enrich Americans' lives to this day in the form of the Smithsonian Institution. The millions of Americans who have visited the 19 Smithsonian museums, the National Zoo, and the over 150 affiliated institutions can attest to the value of the Smithsonian. Since its founding by Congress 163 years ago next month, the Smithsonian Institution has helped expose the American people to the arts and sciences.

Some of its museums have been traditional stops for families to bring their children when visiting Washington, such as the Air and Space Museum, the National Museum of American History, and the National Portrait Gallery. Many of us here can recall exploring them in our youth.

I can remember when I lived in Washington for 2 years after the Second World War. We didn't visit anything, and then, in the last 2 weeks, my mother took me and my sisters and we went on a tour of all the different museums in town. It was fantastic, and it is even much better today.

Other Smithsonian museums have joined them in recent years or are under construction today. The National Museum of the American Indian—a beautiful new building with wonderful, educational exhibits—is celebrating its 5-year anniversary.

The successful operation of this network of museums and galleries and the

preservation of its treasures relies on the more than 4,000 dedicated Federal employees on its staff. There are dedicated, smart, hard-working employees on the Smithsonian staff.

Alison McNally is one of them—and a great one at that. As the Smithsonian's Under Secretary for Finance and Administration, Alison supervises a number of departments, including: the Office of Facilities Engineering and Operations, the Office of the Chief Financial Officer, the Smithsonian Archives, the Office of Human Resources, and the Office of the Chief Information Officer.

In this capacity, she plays an important role in the day-to-day operations of the Smithsonian, helping to ensure that it continues to provide the services Americans and foreign visitors have long enjoyed. Earlier, Alison served as the Smithsonian's senior executive officer in the office of the Under Secretary for Science. In that position, she directly oversaw a number of scientific research support programs.

Alison has been with the Smithsonian Institution since 2005 and previously spent twenty-four years working at NASA. There, she served as Deputy Associate Administrator for the Management of the Science Mission Directorate. From 2002-2004, Alison was the Associate Director of NASA's Goddard Space Flight Center.

Throughout her career in public service, Alison has consistently demonstrated a keenness for public administration and successful management.

She holds an undergraduate degree in Human Development from the University of Connecticut and a master's of social work from Columbia University. She has pursued additional study as well at the Simmons College Graduate School of Management and Harvard's Kennedy School of Government.

Madam President, I hope my colleagues will join me in thanking Alison McNally and all those who work at the Smithsonian Institution for their service to our Nation.

They are all truly great Federal employees.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGULATORY CAPTURE

Mr. KAUFMAN. Madam President, the story of regulatory failure surrounding the Deepwater Horizon oil spill by now is all too well known. The

Minerals Management Service, called MMS, the now defunct agency that had been charged with assuring that drilling off America's coast was safe, environmentally responsible, and a reliable revenue source for the taxpayers, became the single most recognizable example of regulatory capture in U.S. history.

Regulatory capture is when a regulatory agency permits its judgments to be clouded by the narrow economic interests of the industry it is supposed to be regulating. It is the absolute opposite of how regulators should work, which is to safeguard the greater and broader interests of public health, safety, and prosperity against often complex, powerful, and narrowly minded industries.

Regulatory capture can happen for a number of reasons. First, regulatory capture can happen where the revolving door constantly shuttles individuals from the private sector to the regulator and vice versa. Regulators may be compromised by the implicit promise of lucrative employment should they only look out for the industry during their watch. It is this indicator of regulatory capture at MMS that the Washington Post described in such shocking detail in last week's front-page story.

Seventy-five percent of oil lobbyists formerly held jobs in the Federal Government. Randall Luthi, who directed the MMS from 2007 to 2009, is now president of the National Ocean Industries Association, the trade association for producers, contractors, engineers, and supply companies that explore and drill for oil and natural gas in offshore waters.

According to the Department of Interior inspector general's report, one examiner conducted safety checks at four rigs owned by one company, while at the same time negotiating for a job for himself with the very same company.

It also works in both directions. According to an MMS district manager, almost all MMS inspectors had previously worked for oil companies on the same platforms they were inspecting.

As Ken Salazar testified last week before the House, he is aware of the problems caused by the revolving door and is taking steps to address it. And I know he will. Michael Bromwich, who directs the Bureau of Ocean Energy Management—the successor to the MMS—has also pledged to beef up cooling-off periods which restrict the ability of former oil regulators to seamlessly flow directly from government into a high-paying industry job.

Poor funding, morale, or training for regulators can also play a role in regulatory capture. This, too, may have played a part in the ineffectiveness of MMS. During the prior administration, the workforce at MMS shrank by approximately 8 percent, even as offshore

minerals exploration leases and acres leased increased by 10 percent over the same period. Leases go up by 10 percent, employees go down by 8 percent. That does not seem to make sense, but it fits into the idea of regulatory capture.

A third factor that may lead to regulatory capture is if a regulator is responsible for just one industry, such as MMS was responsible for only regulating the exploration activities of oil companies. Industry groups with a laser-like focus can lobby single-industry regulators, whereas the public's interest is likely to be much more diffuse. In addition, the revolving door may be amplified for a single-industry regulator because the regulators have relatively few options for seeking private sector employment after they leave the single-industry regulator.

Mr. Bromwich has also been quick to recognize the problems caused by having such a small and captive pool of inspectors. As he works to make the job of oil rig inspector more attractive, Congress should support these efforts as an effective way to counter regulatory capture.

Vague statutory lines drawn by Congress, as well as loose oversight, are a fourth contributor to regulator capture because they give captive regulators plenty of room to stretch and contort the law without necessarily breaking the law or even having to explain their actions.

Finally, complex industries, large masses of proprietary data are also able to control the flow of information to the regulators—information that will form the basis of regulation and enforcement, thereby precluding effective regulation.

We have a business that is very complex. There is a lot of information flowing. It is more and more difficult for the regulator to keep track of the information they need to do their regulation and enforcement.

While I have heard colleagues and commentators argue that Secretary Salazar did not do enough fast enough to reverse the problem of regulatory capture in time to avert the BP disaster, these myopic criticisms ignore the deep and lasting damage that Secretary Salazar found when he arrived done by many of our regulators in the previous administration.

During the last administration, a deregulatory mindset captured our regulatory agencies. They became enamored of the view that self-regulation was adequate—that was throughout the government—that rational self-interest would motivate counterparties to undertake stronger and better forms of due diligence than any regulator could perform, and that market fundamentalism would lead to the best outcomes for the most people.

When the regulators themselves feel the best regulation is no regulation at

all, when a laissez faire mindset causes the regulators to be deeply distressful of curbs on any industry practice, then regulatory capture is all but ensured. During these 8 years, Congress's failure to conduct vigorous oversight was particularly damaging as well.

What we had was a situation where we basically pulled the referees off the field and did not even watch what was going on and what happened.

This deregulatory mindset, more than any other factor, explains why we have suffered so many examples of failed regulation in recent years, especially in our financial sector and oil and mineral industries.

It is interesting that I hear colleagues on the other side of the aisle say: The government didn't do this right; the government didn't do right in the oil thing. How could they when the last administration took us completely out of the oil regulation business? How did everything happen on these sites without an inspector there to check that the batteries were working, to see that inspections were carried out.

The Federal Government was denuded of any ability to do anything once the spill developed, once the leak started because we believed the reports that were put out by the companies. No one looked at them and said: Don't worry, this will never happen. And if it does, we have a plan. Remember, that was the plan that was talking about how we were going to have to look out for the walruses. Remember?

I do not understand how one can be critical of Secretary Salazar when we saw that he came into an office where there was no regulation and where the regulators were totally, completely captured by the business. As we learned over the last 2 years, when regulators fail, it is the American people who pays the price.

When President Obama was inaugurated, therefore, he inherited executive agencies that had been weakened by 8 years of atrophy and neglect.

Another example is the Office of Thrift Supervision. It is a wonderful example of how regulatory neglect in the financial sector led us to an economic and financial crisis.

Listen to this. During the Bush administration, over 20 percent of the full-time equivalent positions at OTS were eliminated. Why did we need OTS inspectors if we did not believe we needed regulation?

This decrease in funding for OTS personnel, while striking, is not the heart of it. It does not reveal the scope of the rot in the agency. For that, one needs to examine how those regulators acted. And I suggest to everyone Senator LEVIN's Permanent Subcommittee on Investigations hearings that he chaired that went into detail what actually happened to the Office of Thrift Supervision.

As established in those hearings, Washington Mutual, better known as WaMu, comprised as much as 25 percent of the assets under OTS regulation. Moreover, WaMu contributed between 12 percent and 15 percent of OTS's operating revenue through the fees it paid.

Think about this. The largest institution you are regulating covers over 25 percent. Even though WaMu was the most significant and largest institution under its regulation, regulators allowed shoddy and even fraudulent lending to occur under their noses without taking remedial, corrective action or any significant enforcement measures.

Listen to this. The Office of Thrift Supervision sat by as up to 90 percent of the home equity loans underwritten by Washington Mutual were comprised of stated income or so-called liar loans. A stated income or liar loan is where I come in for a loan, the loan officer says to me: Senator KAUFMAN, what do you make every year? And I say: \$1.6 million. They write it down. Nobody asks for a W-2 form. Nobody asks for any further information on it. They just take my word for it.

Can you believe that an institution could make liar loans that were 90 percent of their home equity loans? Ninety percent of the loans they took, when people came in and said what their income was, they never asked for a W-2 form. They never asked for any further information.

Still worse, if that is hard to believe, OTS was captured to such a great degree that it lobbied other regulators to weaken nontraditional mortgage regulations. Not only were they not looking at their businesses, the largest thrift institutions, they were trying to stop other regulators from doing it.

As if to give further evidence of its capture, OTS even went so far as to thwart an investigation into WaMu by the Federal Deposit Insurance Corporation, a secondary regulator, that could have put a stop to some of WaMu's unsustainable business practices before they did so much damage.

OTS and WaMu are just the beginning of the story, however. The problem of capture spread beyond the thrifts to those responsible for regulating Wall Street, where many of the top cops during this time were either former industry insiders or committed to deregulation and self-regulation.

As MIT economist Simon Johnson has termed it, a "financial oligarchy" has arisen that moved seamlessly between the private and public sectors leaving an indelible mark on the financial industry landscape in a way that tends to enrich those very oligarch and their friends.

The negotiation of the 2004 Basel II Capital Accord was emblematic of this cozy relationship. As part of these discussions, the Fed was a principal architect of a regulatory framework that

would allow banks to determine capital requirements based on the judgment of the ratings agencies and their own internal models.

By outsourcing their regulatory responsibilities to the banks that they were supposed to regulate, the Fed and other bank supervisors made an implicit admission that the size and complexity of megabanks had exceeded their comprehension.

Although the Basel II Accord was not fully implemented, it effectively was applied to large investment banks. While the SEC normally regulated these firms, the Commission had no track record to speak of with respect to ensuring the safety and soundness of financial institutions. The Securities and Exchange Commission allowed these investment banks to leverage a small base of capital over 40 times into asset holdings that in some cases exceeded \$1 trillion.

The head of Bear Stearns said his biggest problem was that he was allowed to expand his capital base.

When the bottom fell out of the market, the funding engine powering the investment bank business model seized up. Lehman Brothers and Bear Stearns were forced into bankruptcy and the other major investment banks faced an existential crisis.

Lehman Brothers was forced into bankruptcy and Bear Stearns was taken over by JPMorgan Chase. At the end of the day, as we all know, the American taxpayer was left holding the bill for the cost to stabilize the financial system.

Basel II's treatment of capital adequacy standards is just one telling example of regulatory capture. Federal regulators also failed to strengthen consumer protection regulations in the lead-up to the crisis, despite the explosion of the subprime market and warnings from many quarters on the frequent incidence of predatory lending practices.

Hence, just like leverage ratios, regulators allowed underwriting standards to erode precipitously without strengthening mortgage origination regulations.

Wall Street regulation is compromised by another problem—the utter dependence of regulators on the regulated for information. This closed loop depends on the unrealistic assumption—listen to this—that industry will provide regulators with an accurate data stream, even when it is the direct detriment. Too often, however, industry comes up short, and without access to meaningful data, objective analyses cannot be developed by academics, consumer advocates or the media.

A good example of this is high-frequency trading, which has grown rapidly over the past few years free from regulatory structure. Basically, it has gone from 40 percent to 70 percent of

all trades that are now done by high-frequency trading. Pending finalization of the April 14 large trader rule, the SEC hasn't been collecting meaningful data about high-frequency trading—listen to this—including information on the identities of individual traders.

Even when implemented, the data will remain between the SEC, the trading firm, and the firm's broker-dealer, thereby eliminating the ability of any objective party to check the Commission's work to make sure it is doing its job of ensuring market credibility.

The recent SEC roundtable discussion on market structure issues is a perfect case in point of regulatory capture. Roundtables are designed to publicly air a diversity of views pertaining to potential regulations. These roundtables are supposed to be where a bunch of people get together with different views that represent all the views and talk about potential regulation. However, the panel that was set up on high-frequency trading, as I said in a speech on May 27, promised to be so completely one-sided and "in favor of the entrenched money that has caused the very problems we seek to address that the panel itself stands as symbolic failure of the regulators and the regulatory system." Look at that panel. See who was on it, and you could see regulatory capture right before your eyes. Thankfully, the SEC agreed to make some modifications to the panel but concerns still remained.

At the opening of the panel, SEC Commissioner Luis Aguilar noted in his opening statement:

I am disappointed that our Roundtable is not constituted to showcase the full breadth of relevant voices. And I am concerned that as a result, today's discussion will not bring to light how conflicts of interest, and particular business models, may influence the various views we'll hear today.

Commissioner Aguilar, I couldn't agree with you more. To rely on those who have benefited from the status quo to point out the very regulatory imperfections that allowed them to prosper is to doom the regulatory process from its inception.

As we emerge from this period of regulatory abdication and begin to rediscover the vital role regulation must play in ensuring fair competition and a level playing field, it will take strong leadership and determination in the face of constant industry resistance to retake the initiative in our regulatory agencies for the good of the American public.

Some commentators have looked at the record of regulatory failure and have argued that all regulation is inherently prey to capture. Regulatory capture is a fact of life, they say, and we should therefore endeavor to have as little regulation as possible. Think about that now. Regulatory capture is a fact of life, and they say we should therefore endeavor to have as little

regulation as possible. Let's let the industries run it all is essentially what they are saying.

This position ignores the common-sense solutions to regulatory capture, however. Open publication of regulatory data, for example, could allow academic scrutiny and mitigate the problem of the closed loop. Strict ethics rules could mandate cooling-off periods so regulators do not take proprietary information to their new employees. It seems like common sense, right?

Congress can draw clear lines that empower regulators to act for the public interest and minimize vague mandates that can be exploited by shrewd companies. Vigorous congressional oversight can hold regulators accountable before their agencies are too far gone to the problem of capture. Agency employees should be paid fairly and treated with respect so they are not tempted to compromise their judgment in hopes of earning a lucrative industry job.

This country has a long and proud history of successful Federal regulation—a long and proud history of successful Federal regulation. In large part, the safety of our food, our roads, airspace, workplaces, and so many other things is due to successful Federal regulation. Our continued prosperity depends on continuing to have good, positive, well-done regulation, strongly and intelligently done, for the good of the public.

The final Wall Street reform bill is a case in point. It invests enormous responsibilities and discretion into the hands of the regulators. Its ultimate success or failure will depend on the actions and follow-through of these regulators in the years to come.

Congress has a vital role in overseeing the enormous regulatory process that will now take place. I have talked about this before. Congress's role in this is key. We are talking about a lot of regulations down the road. It is up to Congress to do its oversight responsibility. This will include ensuring that the regulators have adequate resources and staff, that the regulations reflect wide and objective input, and that the failed experiments of deregulation and self-regulation are put to an end.

Industry and big business have already begun their counterattack. Already they have begun their counterattack. Daily, we hear that the economic recovery is being slowed by uncertainty about Federal regulations. This argument, which went on for a number of years, might have been plausible a few years ago. I might have stopped to listen to it. But after the massive financial failures and oil spills, it rings empty to me.

I am certainly not a fan of overregulation. I think one of the problems of not having regulation is that when we do regulate, we overregulate. We do not need overregulation. But the complaint

that we are starting down the path of overregulation is plainly overstated, to say the least—especially after industry malfeasance and regulatory complicity cost so many Americans their jobs, their homes, and their way of life.

How can we look at what has happened out there now; how can we look at the people unemployed and the people who have lost their homes and say we should go back to the way things were and continue with no regulation and have another incredible meltdown? Unfortunately, some in big business will always complain about having to follow the rules. But without effective rules and rules that are effectively enforced, we are all certain to bear, once again, the cost inflicted upon us by the next industry-caused disaster.

Never again can we allow our environment and our economy to be entrusted to agencies that serve no purpose other than to provide a false sense of security. Lip service, we have found, does not work. Our leadership, the Congress and our regulatory agencies, must walk the walk of enforcement while keeping regulatory capture to a minimum. Our government exists to do no less, and the American people deserve no less.

I yield the floor, and I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Ms. CANTWELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Madam President, I wish to thank my colleague, the Senator from Delaware, for his remarks on important banking issues and for his diligence in trying to continue to focus on the need for financial regulation.

I agree there were definitely winners and losers in the process in 2008. That probably shouldn't have been done that way. So I thank him for his comments on that, and, yes, Congress needs to play a larger oversight role.

One thing we need to do now is to make sure we are moving forward on the small business package that is in front of us. We had an important vote last week to make sure we are increasing access to capital for small businesses by helping them recapitalize. I am already receiving calls from small businesses and organizations in my State. One I received is from the central part of our State from a lender who said:

We would absolutely use the funds for small business lending. Our bank has a backlog of \$50 million to \$70 million in loan requests which is counter to statements of soft loan demand. We have reduced our lend to preserve capital as expected by the regulators. This legislation would give us the capital to significantly increase lending.

So that is what we are hearing from financial institutions; that this is a

critical piece of legislation to move small business lending.

Another component of the bill is a provision to enhance the loan guarantee program—the 7(a) and the 504 lending program, the Recovery Act, and subsequent extensions providing funding authority to reduce loan fees from borrowers and to increase the 7(a) guarantees.

Just this morning, a constituent of mine called saying he had made some hires in January and was trying to continue to grow his business but wasn't able to get access to capital. So he certainly wants to see this program and its enhancements.

These enhancements to the SBA programs expired at the end of May. So this is so timely that we move ahead. In June, approved loans from the SBA fell two-thirds, from \$1.9 billion down to just \$647 million. So that is a drop of \$1.2 billion in loans to small businesses. It was the worst month for SBA lending in a number of years.

So that is where we are. We have banks calling in saying they need access to capital, we have a program that can help, and we have an SBA program that has fallen off and needs to be implemented. So we need to pass this small business legislation. The longer we delay, the longer constituents all across the country and small businesses will be starved for the capital they need to grow jobs.

I wish to give an example because in my State we have over 140,000 small businesses that have employees; that is, in addition to the owners. Since this recession began in 2008, our State has lost over 142,000 jobs. So if each of those small businesses just hired one more employee, it would more than wipe out the jobs lost in the State. So this kind of job growth—one employee per small business—would be a huge economic boost to our economy.

I hope my colleagues will want to move forward on this legislation as soon as possible. There are 27,000 small businesses in America, and small businesses were the hardest hit by the recession. Two-thirds of the job losses we saw came from small businesses. Seventy-five percent of new job creation comes from those small businesses.

This bill, besides the SBA program and the Small Business Access to Capital Program, addresses the depreciation rate for capital, another thing that many people say will help investment in small business equipment and manufacturing and help us restore jobs.

We know what our opportunities are. We can move ahead on this legislation, with this bill that includes these small business tax cuts and access to capital and expansion of this critical small business program or we can continue to stymie what creates the real economic job growth of our economy—small business.

I urge my colleagues to support moving ahead on this legislation. Let's not delay another day. Wall Street certainly got its due. It certainly got help and support from many in the previous administration. Let's make sure that small business and Main Street get the support they deserve to move ahead.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I ask unanimous consent that all pending amendments be withdrawn on the bill that is now before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent the cloture motions be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4519

Mr. REID. Madam President, Senators BAUCUS and LANDRIEU have a substitute amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. BAUCUS, and Ms. LANDRIEU, proposes an amendment numbered 4519.

Mr. REID. I ask further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4520 TO AMENDMENT NO. 4519

Mr. REID. Madam President, I have a first-degree perfecting amendment that is now at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. REID) proposes an amendment numbered 4520 to amendment No. 4519.

Mr. REID. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, insert the following:

The provisions of this Act shall become effective 10 days after enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4521 TO AMENDMENT NO. 4520

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4521 to amendment No. 4520.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment, strike "10" and insert "5".

AMENDMENT NO. 4522 TO AMENDMENT NO. 4519

Mr. REID. I have an amendment at the desk to the language proposed to be stricken. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4522 to the language proposed to be stricken by amendment No. 4519.

Mr. REID. I ask unanimous consent reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the language proposed to be stricken, insert the following:

This section shall become effective 6 days after enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4523 TO AMENDMENT NO. 4522

Mr. REID. I have a second-degree amendment now at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4523 to amendment No. 4522.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment, strike "6" and insert "4".

CLOTURE MOTIONS

Mr. REID. I have two cloture motions at the desk to the substitute and the bill, and I ask they be stated.

The PRESIDING OFFICER. The cloture motions having been presented under rule XXII, the Chair directs the clerk to read the motions.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid-Baucus substitute amendment No. 4519 to H.R. 5297, the Small Business Lending Fund Act of 2010.

Harry Reid, Max Baucus, Edward E. Kaufman, Amy Klobuchar, Mark R. Warner, Jeff Merkley, Jack Reed, Jon Tester, John D. Rockefeller, IV, Dianne Feinstein, Daniel K. Akaka, Sherrod Brown, Barbara A. Mikulski, Patty Murray, Jeff Bingaman, Debbie Stabenow, Bill Nelson, Carl Levin.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 5297, the Small Business Lending Fund Act of 2010.

Harry Reid, Max Baucus, Edward E. Kaufman, Amy Klobuchar, Mark R. Warner, Jeff Merkley, Jack Reed, Jon Tester, John D. Rockefeller, IV, Dianne Feinstein, Daniel K. Akaka, Sherrod Brown, Barbara A. Mikulski, Patty Murray, Jeff Bingaman, Debbie Stabenow, Bill Nelson, Carl Levin.

Mr. REID. I ask unanimous consent the mandatory quorums required under the rule be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO COMMIT WITH AMENDMENT NO. 4524

Mr. REID. I have a motion now at the desk to commit with instructions. I ask it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Finance Committee with instructions to report back forthwith, with an amendment numbered 4524.

The amendment is as follows:

At the end, insert the following:

The Finance Committee is requested to study the impact of changes to the system whereby small business entities are provided with all opportunities for access to capital.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4525

Mr. REID. I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment (No. 4525) to the instructions of the motion to commit.

The amendment is as follows:

At the end insert the following:

"and the economic impact on local communities served by small businesses.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4526 TO AMENDMENT NO. 4525

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4526 to amendment No. 4525.

The amendment is as follows:

At the end, insert the following:

“and its impact on state and local governments.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I appreciate the opportunity to speak with my colleagues on the floor about jobs, job creation, opportunities that are there that are here now, and things we need to do.

I report to my colleagues the report came out yesterday from the Brookings Institute, citing exports and export opportunities that we have. They were pointing out that the President rightfully, in the State of the Union Message, called for a doubling of exports by the United States in the next 5 years. They were looking around, studying where is this possible for it to be able to happen. What are the possible communities to see this happen?

The Brookings Institute came out with a report yesterday that it released, and cited four metropolitan areas that doubled the real value of their exports between 2003 and 2008. One of them is Wichita, KS, and the aviation cluster—doubling its exports based primarily on aviation and the aviation industry. I congratulate Wichita and my State for what it has done to expand exports in essentially—a good portion of this being essentially a home-grown industry, general aviation. These are smaller aircraft, business aircraft, that travel to many of the airports throughout this country, and now airports throughout the world, that are not served by commercial aviation. Of the 5,000 airports nationwide, only 500 are served by common carriers that would be going out from different cities across their countries and our country. But that is only 10 percent of the airports that are connected that way. The rest have to be connected by business aviation, by products made in Wichita.

We make both large aircraft and small general aviation products—both of those—but particularly many of the general aviation products are made in my State, and this is an industry that is a home-grown one that we can grow and we can build exports on. Brookings cited it yesterday. They pointed out that 40 percent now of the U.S. production of general aviation aircraft is going overseas.

Madam President, \$150 billion of the U.S. economy is based on general aviation, the smaller business aircraft employing 1.2 million people in the United States.

The problem with this is that earlier this year the administration had attacked a lot of business aircraft and business aviation, saying this is not useful, squandering resources, when in fact it makes efficient use of resources and it is a home-grown business that is now exporting 40 percent of its product and is one of the leading clusters in the country to push exports which we need to have a lot more of, and export-related jobs.

I ask the administration and I personally invite the President to come to Wichita, KS, to see the business aviation, to see the general aviation business for himself, to see the fine products produced by Bombardier Learjet, Cessna, Hawker Beechcraft Corporation—those companies that are producing these excellent aircraft, and to help this business grow.

I also point out to my colleagues and to the administration that this is an industry that has been targeted by other countries for takeover. This is the same sort of thing that is starting to happen on general aviation that happened on the large-scale airliners when Airbus was built by government money in Europe to take on and build large airliners and take that business away from Boeing, McDonald-Douglass, Lockheed Corporation. Airbus succeeded in knocking two of those entrants out of the field, where they do not make large aircraft any longer and only Boeing is left and we recently won a large trade case against the European Union and Airbus for its heavy subsidization that it has had by the European Union to get to that marketplace and to steal market share from U.S. production. That is what has taken place in the large-scale aircraft business.

What is now setting up is many countries around the world are looking at getting into smaller aircraft, and mid-size aircraft, I believe, subsidizing their way into this marketplace to take those jobs and those opportunities to other countries around the world.

Embraer Air in Brazil is one that has had a fast expansion taking place in the small- and mid-size aircraft market, defying the market logic at the present time, that it has been a difficult marketplace. They have expanded the number of aircraft and they have expanded the number of different types of aircraft that they produce, all in a marketplace that has been under a great deal of difficulty in the last several years. I call on the administration to, No. 1, be supportive of this industry—I invite the President to come to Wichita—and, No. 2, to start looking at what other countries are doing to bid into this marketplace and to take

these jobs from the United States by subsidizing these jobs with their foreign treasuries. That is illegal under the World Trade Organization. We need to be aggressive in our country in protecting this key export industry that is being targeted for attack by other countries around the world.

We will be putting forward more information on this as this develops further. I am going to be contacting the U.S. Trade Representative's office about looking into these practices of other countries. I meet regularly with people who lead various companies in the business aircraft marketplace and they are talking constantly about China looking at this, Brazil going into this market space—other countries lining up with different products to go after this home-grown, successful, now export-oriented business in the United States that connects the other 4,500 airports that do not have commercial service.

This is a big issue. I congratulate Wichita for its growth in exports, being one of the leading cities in the world—certainly in our country and in the world—in exports. I ask the administration to support this home-grown industry. I ask my colleagues to look at this as well.

I further point out when we look at military aircraft, certainly the big tanker contract that has been such a controversy around here, that we do not give those jobs to overseas companies such as Airbus that is bidding on the tanker contract but, rather, that those jobs be done here and not subsidized and bought by other countries around the world. Let's not let it happen in the large-scale commercial market. Let's not let it happen in the tanker business. Let's not let it happen in general aviation. These are high-wage, high-skill manufacturing jobs that we need in the United States, that we have in the United States, and we should not let them be stolen by practices overseas that are not legal under the World Trade Organization.

I yield the floor.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL RENEWABLE ELECTRICITY STANDARD

Mr. UDALL of Colorado. Madam President, I rise today to urge us here in the Senate to seize an opportunity that is critically important to our Nation's economic recovery and our long-term energy future by establishing a National Renewable Electricity Standard which is known in the industry as an RES. We will without a doubt spur a new clean energy economy.

Many of my colleagues here in the Senate agree with me. My colleague from Kansas has been a leader on the need for a renewable electricity standard, and this week he has made a call

to all of us to join him in promoting one.

Let me also specifically thank Senator DORGAN from North Dakota and Senator TOM UDALL from New Mexico for joining me to urge adoption of the strong Federal RES. Establishing energy security, perhaps above any other issue, will assure our Nation's future success. Quite simply, a 21st century clean energy policy is essential to our Nation's economic growth, it is essential to creating jobs now and into the future, and it is clearly the linchpin for our national security. The philosopher Santayana famously wrote, "Those who cannot remember the past are condemned to repeat it."

If I can turn that saying on its head a little bit, I wish to review what happened in Colorado in the hopes that we can repeat it across our great country. Back in 2004, Colorado took a big step forward and embraced the emerging clean energy economy.

In that year, I led a bipartisan ballot issue with Republican former Speaker of the Colorado House Lola Spradley in a campaign to convince the voters of Colorado to approve a State-based RES that would harness renewable resources such as the Sun, the wind, the heat that comes out of the Earth called geothermal.

We barnstormed the State over and over again, the two of us, a Republican and a Democrat. We spoke to anybody who would listen to us. There was a lot of industry opposition to an RES, and there were dire predictions that it would cost consumers money and it would damage Colorado's economy. They were familiar arguments. I had heard them before, and I had witnessed defeat on this issue before. The Colorado legislature had voted against an RES four different times, including my bill back in 1997, to establish an RES when I was a member of the Colorado house.

We could not convince elected officials to vote for an RES at the State house, and in our State senate. But Colorado voters understood the value and the promise of renewable energy. In the end, in that campaign in 2004, they approved what we called Amendment 347, and it established a target that 10 percent of Colorado's electricity would come from renewable energy resources by 2015.

In so doing, we became the first State to create an RES by a voter-passed initiative. This clearly defined goal, this clean energy goal, inspired us Coloradans to rise to the challenge. In 3 years, we had given ourselves over 10 years to meet this challenge. We were on pace to meet that 10-percent RES goal. We were well ahead of schedule. Our legislatures saw this rapid success, and they decided to take the bull by the horns. They approved an increase to 20 percent by 2020, which was another aggressive but a reachable goal.

By that time, Xcel Energy—I know the Presiding Officer and I talked earlier today about utilities and the important role they play in our States—Xcel Energy, which is a major Colorado utility that opposed the RES in 2004, fully supported this increase to 20 percent by 2020, because they saw that renewable energy sources can provide clean, cost-effective energy to their customers.

By the way, it turned out it was good for business. Xcel is now the Nation's No. 1 provider of wind energy, and a leading proponent of a strong RES. But we were not done. Earlier this year the Colorado legislature approved and our Governor Bill Ritter signed a bill to increase the RES even further, 30 percent by 2020.

That makes our standard, our RES, the second most aggressive one in the Nation, just behind California. I put up a chart here to show the viewers how many States have renewable electricity standards. I see the Presiding Officer's home State right there, down in the lower left corner. Over two-thirds of the States have an RES or renewable energy goal.

I know if we here in Congress can act and start by thinking boldly and then act, and learn from the success of our State and all of the other States on this map, our Nation can position itself to take the lead in the new global clean energy economy.

I know some still want to look backward instead of forward and continue to offer dire predictions that an RES would cost consumers, be too expensive, or kill jobs. But I have to tell you, in Colorado those predictions turned out simply to be false. In fact, the opposite was proven true. With an RES in place, our economy, our clean energy economy, sparked to life. We have had clean energy companies sprouting up all across our State, creating sustainable American jobs, jobs that cannot be outsourced.

I want to share a couple of the examples with the Senate. SMA Solar, which is one of the world's lead producers of solar inverters, established manufacturing facilities in Colorado. Abound Solar, which is a successful thin-film solar company, spun out of Colorado State University, our land grant university, opened a manufacturing facility in Longmont, CO, creating hundreds of jobs in that community. This month, they announced they are going to expand their facility.

Vestas, the world's largest manufacturer of wind turbines, has also taken root in our great State and has created over 1,000 highly skilled manufacturing jobs at its three Colorado factories since 2007. They recently announced a major hiring initiative to employ hundreds of additional workers at their three Colorado factories in the next 12 to 18 months.

The good news as well is that the presence of a company such as Vestas,

which is manufacturing, is that you then attract supply chain businesses. An example of such a business is Hexcel Corporation. They have established a manufacturing facility in Windsor, a nice Colorado town up in the northeastern part of our State. They produce carbon fiber and other components for Vestas right in our back yard.

So as you can tell, these are clear examples of how an RES can create jobs and growth in our economy. In fact, if you look at the numbers in Colorado, we have created nearly 20,000 new jobs in my State since 2004 tied to this RES.

Estimates about the solar energy requirement—that is a subset of amendment 37—have brought in nearly 1,500 jobs. So we are aggressively installing solar panels and producing electricity on the roofs of peoples' homes and businesses. These stories abound all over Colorado.

In my mind, the question then becomes—it is an obvious one—how can we replicate the success that Colorado has had on our national level? It obviously helps to be blessed with the natural resources that we have in our State. All of our States are created differently with different resources.

I know this particularly lands in front of my colleagues. My colleagues from the South are tracking this issue very closely for that reason. They have concerns that their States do not have enough renewable energy resources to meet a national RES without electricity prices increasing.

I wanted to share with my colleagues a report released this week by the Nicholas Institute at Duke University, which found that the South has more renewable resources than expected, and could reasonably receive 15 percent of its electricity from wind, biomass, and solar energy by 2020, and without an increase in electricity costs.

I know this is one study. But as we have seen in Colorado, renewable resources are only one part of the equation. Once there is a market in place, and our utilities become familiar with renewable energy, meeting an RES becomes increasingly achievable. In fact, recent analysis indicates that wind, geothermal, and biomass are already cost competitive with traditional electricity production.

The result, in many situations, is the costs across the country then are leveled. It affects each and every one of our utilities and therefore consumer rates. We can change how we generate and approach energy use to take full advantage of renewable energy resources in each of our States, and then we create new markets and business opportunities out of this clean energy focus, and that truly is a clean energy future.

This is an enormous economic opportunity for us in the 21st century. The global demand for clean energy is

growing by \$1 trillion. That is almost a number I cannot get in my head, \$1 trillion every year. The lesson to be learned from Colorado is that an effective RES, a real RES, can unleash the American entrepreneurial spirit.

I believe it is our job in the Senate to pursue these sorts of forward-looking policies that will help America seize and lead this growing market. Again, I want to urge my colleagues to support the strongest possible RES in any energy legislation that is brought to the floor this year.

I have alluded to the hesitation that some of my colleagues have felt about a robust RES. I saw that in Colorado firsthand for many years. It is tempting to dip your toe in the water when it comes to renewable energy. But make no mistake, we are in a race against foreign competitors, and we are being left behind. The Presiding Officer and I recently returned from China where we discussed clean energy issues with American businesses located there. And China, we found out, will soon be the owners of the largest wind and solar-powered facilities. They are pursuing renewable energy and clean energy technology so ambitiously, not because they necessarily want to save the planet, but because it makes good business and economic sense.

This week, we heard that China's energy use has surpassed ours for the very first time. But I have to tell you, in my opinion from what I read and hear, they are taking more bold action to address their growing demand than we are. Then they also announced last week that they are considering plans to invest \$738 billion over the next 10 years in clean energy development. That is nearly the entire size of our Recovery Act that we put in place last year in the United States. Just imagine, their economy is using a comparable amount of energy, but they take clean energy so seriously that they plan to invest a stimulus-size amount of money solely in renewables. I saw it firsthand. And to use a well-worn term, they are about ready to eat our lunch when it comes to clean energy.

I do not want to miss this historic opportunity to implement a strong RES, so let me take a few more minutes to explain what standard I believe we must meet. I want to put a chart up here to show what different levels of percentages would mean for job creation. When you set a standard, you want to set it at a level you can be proud of and one that would spur innovation and the creativity to achieve it.

Senator TOM UDALL and I filed a bill last year in the Senate which had previously passed in the House, where we served, mandating an RES of 25 percent of renewable electricity by 2025. That is this side of the chart here. Senator DORGAN has recommended a similarly aggressive standard.

Why is it important to aim for these ambitious levels? Well, looking again at the chart, if we were to invest wisely in a robust RES, a recent Navigant report estimates that the U.S. economy could add nearly 275,000 jobs. These are excellent paying jobs. They cannot be outsourced, and they support this concept of energy independence.

I cannot think of a better deal than this for Americans. Make no mistake about it, our country must have an all-of-the-above energy policy. Conservation and energy efficiency efforts are the quickest way to reduce energy demand today. Nuclear energy and natural gas can and should fill a larger share of our energy portfolio as they both are cleaner fuels.

In addition, we all know that America is going to be dependent on fossil fuels for years to come, so all of those have to be in our energy mix. We have to acknowledge those facts in order to embrace 21st century solutions. But when you look at the future demands for clean energy and economic opportunities ahead of us, renewable energy holds the greatest promise.

The more homegrown renewable energy we can produce, the less money we need to spend buying oil from foreign nations that wish to do us harm or do not agree with our principles or values. I do not think anyone—I hope—I do think not anyone in this Chamber can argue with the proposition that we should be moving aggressively toward energy independence.

As I begin to close, it is time we make a concerted national effort to reclaim our position at the front of the pack. Many of the technologies that the Chinese are utilizing, the Europeans are utilizing, and other nations around the world, we developed in the 1970s and 1980s. But we have got to get back to the front of the parade, where we harness the wind and the Sun and other renewable resources here in America and we put Americans to work developing, building, and leading the clean energy revolution.

I urge and ask my colleagues to work with Senator DORGAN, Senator UDALL of New Mexico, and me and the many others who have joined us in this effort to have a strong renewable electricity standard. With all humility, let's follow Colorado's successful example, and let's adopt a clean energy policy that drives innovation, inspires entrepreneurs, and delivers commonsense American solutions to meet our 21st century energy challenges.

I want to close on a final note. I wanted to acknowledge that a wonderful young man, my energy fellow, Kelly Knutsen, who is in the Chamber right now, is leaving my office to join the office of Senator REED of Rhode Island as a legislative assistant. I wish to thank him for his work in my office, especially for his help on several bills I introduced this year, including my SUN

Act and my E-Know bill. Although we will miss him, I know Kelly will be a very strong asset for Senator REED and Senator REED's focus on energy policy as well.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HAGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

MORNING BUSINESS

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING CLARENCE WOLF GUTS

Mr. JOHNSON. Mr. President, today I pay tribute to Clarence Wolf Guts who passed away on June 16, 2010, at the South Dakota State Veterans Home at the age of 86. Clarence was the last surviving Lakota Code Talker. Code talkers played a crucial role in World War II in communicating positions and messages that the enemies could not decipher. Their contributions to the war effort are immeasurable. Clarence enlisted in the Army at age 18 and was the personal code talker for MG Paul Mueller, commander of the U.S. Army's 81st Infantry. He traveled with General Mueller and the 81st as the division moved from island to island during the fight against the Japanese during World War II.

Clarence did not seek the limelight; he simply served his Nation honorably. In later years, Clarence became a spokesman among tribal elders and traditional leaders about the importance of keeping Native languages alive for future generations. He was very proud to be a veteran, a full-blooded Lakota, and a Lakota speaker.

I had the pleasure of meeting Clarence at a ceremony honoring him in 2006 on Capitol Hill. Clarence is one of many South Dakotans who make us proud with their service to our Nation. Our nation owes him a debt of gratitude, and the best way to honor his life is to emulate his commitment to our country. Mr. President, I join with all South Dakotans in expressing my deepest sympathy to the family of Clarence Wolf Guts. He will be missed, but his service to our Nation will never be forgotten.

ADDITIONAL STATEMENTS

TRIBUTE TO ROSE (PENNY) PENN ROSS

• Mr. BOND. Mr. President, today I wish to thank Rose Penn Ross for her dedicated service to our Nation during World War II. Mrs. Ross, or Penny as she is called, is a retired school teacher who selflessly answered the patriotic call to duty when she enlisted in the Women Airforce Service Pilots—WASP—organization during World War II.

Like many of her counterparts in the “Greatest Generation,” Penny wanted to help the war effort. As a licensed pilot, Penny wanted to serve by flying planes, and joined 25,000 women in applying for the WASP program. After completing exactly the same rigorous military flight training as her male counterparts, Penny became one of only 1,100 women to receive her Silver Wings.

While the WASP organization was not recognized as part of the military until 1977, Penny and the other women serving in WASP played a critical role in the war effort. Within the United States, Penny brought planes from factories to bases, flew experimental aircraft, and towed targets for the gunnery school vital tasks that also freed up male pilots for combat service and duties.

Prior to the war, Penny graduated from the University of Wisconsin with a bachelor's degree in business and earned her master's in education from the University of Missouri. She married her beloved Vernon M. Ross and settled in Missouri. Vernon and Penny started a family, which grew to include four children: Robert, Barbara, David, and Richard; eight grandchildren; and five great-grandchildren. After WASP was disbanded in 1944, Penny began her teaching career. She taught secondary school for 30 years in Harrisburg, Glasgow, and Moberly, molding young minds in the subjects of business, math, and French.

In addition to her legacy of family and her love of learning, Penny has created a legacy of service to our Nation.

Penny, her fellow female pilots, and the countless other men and women who served their nation during World War II made possible the conquering of some of freedom's worst foes of the 20th century: Hitler, Mussolini, and Hirohito. Thanks to the struggles and sacrifices of all of our troops from here at home, to Normandy, Tunisia, Midway, and Guadalcanal, those of us in subsequent generations have lived in relative peace and prosperity.

It is only fitting that earlier this year Americans like Penny were recognized for their contributions to the freedom we enjoy today. On March 10, 2010, Mrs. Ross attended the WASP

Congressional Gold Medal Ceremony in the U.S. Capitol. With her family by her side, she was presented with a bronze medal replica of the Gold Medal. Today, Penny resides in the Veterans Home-Mexico, MO.

Penny, we are grateful for your service to your family, your community, and your country. Your story is an inspiration to people in all generations today who want to make a difference.●

FRESNO CITY COLLEGE'S 100TH ANNIVERSARY

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in celebrating the 100th anniversary of Fresno City College, California's first community college and the second oldest in the Nation.

Fresno City College was the brainchild of Charles L. McLane, the superintendent of Fresno Schools in the early 1900s. Mr. McLane was concerned that many students from the San Joaquin Valley could not afford to attend the nearest universities located outside the San Joaquin Valley. He envisioned a junior college in Fresno that would allow young students to receive an affordable and quality education through their first 2 years of college while still being able to reside at home.

Mr. McLane worked diligently to recruit instructors and design the curriculum. He secured commitments from the University of California and Stanford University that students who completed their coursework in Fresno would be accepted to those schools to further their education.

In September 1910, Fresno Junior College officially opened with 20 students and 3 full-time faculty members. Students studied mathematics, English, Latin, history, and economics. In addition, the new campus provided vocational training in areas such as agriculture, commerce and the industries that many 4-year universities did not offer.

In 1958, Fresno Junior College adopted its current name, Fresno City College. A year later, it permanently moved to its home for over the past 51 years on 1101 E. University Avenue in central Fresno.

Today, Fresno City College has grown from a small campus of 20 students and 3 faculty members to a dynamic community college whose average enrollment is approximately 25,000 students. It is a highly regarded community college that features award-winning programs in several disciplines, including nursing and vocational training.

For the past century, Fresno City College has been a dependable and accessible institute of higher learning that has empowered generations of San Joaquin Valley residents, many of whom overcame challenging backgrounds, to realize their full potential in many different aspects of life.

It is my pleasure to congratulate the administration, students, faculty, staff and proud alumni of Fresno City College on 100 years of educational leadership and excellence in the San Joaquin Valley. I send my best wishes for many more years of continued success.●

TRIBUTE TO LEWIS MONROE HUDDLESTON

• Mr. CRAPO. Mr. President, today I honor Lewis Monroe Huddleston on the upcoming occasion of his 80th birthday. Mr. Huddleston has spent his life committed in service to his country, his church and, foremost, his family.

Lewis was born September 14, 1930, although this apparently has long been a source of discussion in his family. His actual date of birth may be September 13. His mother always swore he was born on September 13, and that all the legal documents, which list his birthday at September 14, were wrong. As one should, I think I will side with Lew's mother on this one and would like to share with you some of the commendable actions of Lew's life.

He honorably served our country in the military, entering the U.S. Navy in 1950. He was assigned to the USS *Henry W. Tucker* as a boatman's mate. His military service took him on reconnaissance missions both in Korea and Red China. He received four medals: Good Conduct Medal, National Defense Service Medal, Korean Service Medal—2-Star—and United Nations Service Medal. Lew was honorably released in 1954, and then headed to the Midwest.

He found work in the oil fields there, and one of his jobs took him to Sidney, NE, where he fell head over heels for a lovely young lady, Joyce Sewell. They were married on December 20, 1955, and have built a happy life together in Sidney where they raised three children, Lewis, Jr., Cindy and Shawn, who have given them three wonderful grandchildren.

Lew and Joyce built a life committed to family, service to God and service to the community. Throughout his life, Lew has given of himself—first in military service, then to his church and his community. Always involved, he could be heard cheering for his kids at their sporting events or found heading up a DeMolay or Jobs Daughter fundraiser. Not ever characterized as shy, Lew walks into a room of strangers and leave that room as everyone's best friend. Those friends, spread across the country, know that if called upon for help and he will always answer.

Even as he approaches his 80th birthday, Lew remains very much involved with his community. Although his children are grown with families of their own, Lew continues to volunteer in the local schools and wherever he is needed.

I am honored to number his son Lewis, Jr., and his wife Leslie among

my friends. Through them, I have come to know Lew Huddleston as a true patriot, who exemplified that label not only by his military service, but the continued gift he gives every day to family, community and country. Lew, it is individuals like you who are America's true heroes and give the United States its strength. We can never fully repay your contribution. Thank you for your service to our country, and happy birthday.●

TRIBUTE TO WILLIE JEFFRIES

● Mr. GRAHAM. Mr. President, today I ask the Senate to join me in recognizing Coach Willie Jeffries on the occasion of his induction into the College Football Hall of Fame on Saturday, July 17, 2010. Willie Jeffries is a legend in the State of South Carolina. As the first African-American head coach of a NCAA Division I-A football program, he was a giant in the football world, and proved to be an incredible leader both on and off the field.

Coach Jeffries was born in Union, SC, on January 4, 1937. He graduated from South Carolina State University, SCSU, where he would later return as the head football coach. If there was ever a "glass is half full" guy, it was Willie Jeffries. Coach Jeffries was defined by his optimistic outlook on life and the world around him.

Willie Jeffries began his career at South Carolina State University where he served as coach from 1973-1978. From there, he went on to become head coach at Wichita State University in 1979. With his hiring, Coach Jeffries became the first African-American head coach of a NCAA Division I-A program. After winning only one game his first season, he held the post for five seasons and led his team to an 8-2 record his third year. During his tenure at Wichita State University, Coach Jeffries became the only man to coach against legendary coaches Eddie Robinson of Grambling and Paul "Bear" Bryant of the Alabama. He left Wichita State University with a record of 21-32-2, ranking him third in university history for total wins.

From 1984-1988 Coach Jeffries took over the program at Howard University, leading them to the first of his seven Mid-Eastern Athletic Conference—MEAC—Championships. In 1989 he returned to his alma mater to take his position as head coach for the South Carolina State University Bulldogs. Coach Jeffries finished out his career as the head coach of South Carolina State.

During his time in coaching, he led his teams to numerous post-season appearances, six Mid-Eastern Athletic Conference—MEAC—titles, and two Black college national championships. Coach Jeffries won almost 60 percent of the games he coached, and when he retired in 2001 he did so as the winningest

coach in MEAC history with a 179-132-6 career record. In 2010, South Carolina State University further honored him by naming him Head Football Coach Emeritus by the University Board of Trustees.

Throughout his career, Coach Jeffries was named coach of the year on eight different occasions. In 2002 he was awarded the lifetime achievement award by the Black Coaches Association. In addition to being an inductee of both the MEAC Hall of Fame and SCSU Athletic Hall of Fame, Jeffries was awarded the Order of the Silver Crescent in 2001. This is South Carolina's highest honor for Outstanding Community Service.

Coach Jeffries success on the field is not only matched but exceeded by his actions off the field. He possesses a great spirit of optimism, humor, intellect, and decency that has made him a role model for all the young men he has coached and those of us who call him a friend.

I ask that the U.S. Senate join me in honoring him for his impressive coaching career and newest honor as an inductee into the College Football Hall of Fame.●

2010 ALTUS GRAPE FESTIVAL

● Mrs. LINCOLN. Mr. President, today I join residents of Altus and all Arkansans to commemorate the 2010 Altus Grape Festival.

For 27 years, the Altus Grape Festival has celebrated area grape growers and recognized the heritage of the grape in Altus. The festival is sponsored each year by the area's local wineries—Post Familie, Mount Bethel, Wiederkehr, and Chateau Aux Arc—and by area grape growers, businesses, civic organizations and residents.

Known as the "Arkansas Wine Capital," Altus welcomes visitors from across the State, Nation, and world to celebrate the area's rich heritage during the festival. The 2-day event features a variety of activities, including a Friday night street dance and fireworks display, live music, grape-related games for children and adults, a grape stomp competition, quality juried arts and crafts, and wine and juice tasting by all local wineries. Amateur winemakers are also invited to bring the best of their homemade wine to the Amateur Winemaking Competition.

I commend the residents of the Altus area for their commitment to the history and heritage of Arkansas. I wish them all the best as they celebrate during this year's Grape Festival.●

ARKANSAS'S DELEGATES TO BOYS NATION AND GIRLS NATION

● Mrs. LINCOLN. Mr. President, today I recognize four young Arkansans who have represented our State during Boys

Nation and Girls Nation events in Washington, DC. These students represent the best of our State, and I was proud to visit with them during their trip to our Nation's Capitol.

Arkansas's Boys Nation delegates for 2010 are Alex Geiger from North Little Rock and Joseph Kieklak from Fayetteville. Arkansas's Girls Nation delegates for 2010 are Brittany Webb of Jonesboro and Devika Menta of Conway. These students were also a part of Boys State and Girls State, held earlier this summer in Arkansas.

I commend our Boys and Girls State delegates for their dedication and commitment to learning about our Nation's legislative process on the local, State, and Federal levels. The knowledge they gain will benefit them for the rest of their lives.

As a former delegate, I can say that attending Girls State was one of several experiences that heightened my passion for public service. It was a huge part of my overall process of growing up and learning to respect our country, government, and fellow man.

Sponsored by the American Legion and the American Legion Auxiliary, Boys and Girls Nation brings together high school students from across the country to learn about government and citizenship.

I also comment the American Legion and the American Legion Auxiliary, of which I am a member, for their efforts to educate and inform our Nation's youth.●

2010 ARKANSAS COMMUNITY SERVICE AWARD RECIPIENTS

● Mrs. LINCOLN. Mr. President, today I congratulate recipients of the 2010 Arkansas Community Service Awards. I am proud of their dedication to helping fellow Arkansans, and I commend their spirit of volunteerism, community involvement, and service. These men and women represent the best of Arkansas, and I congratulate them on this prestigious recognition.

This year's winners are:

INDIVIDUAL

Neta Stamps of Berryville
James Brown of Norphlet
Lorrie Lindeman of Heber Springs
Raul Blasini of Pochontas
Theodosia Cooper of Little Rock
Stella Lowe of Little Rock

YOUTH HUMANITARIAN

Matt Eckess of Maumelle

SMALL CORPORATE HUMANITARIAN

Reynolds Forestry Consulting and Real Estate of Magnolia

LARGE CORPORATE

CenterPoint Entergy

For 32 years the Arkansas Community Service Awards have recognized individuals and businesses for their dedication and commitment to supporting volunteerism throughout Arkansas. The awards are sponsored by

the Department of Human Services—Division of Volunteerism, DOV, KARK Channel 4, the Governor's Office, and Duncan Law Firm.

We all know the challenges that face our State and Nation. Community service is a critical component of tackling these challenges and making us stronger. I encourage all Arkansans to embrace the spirit of volunteerism and community service on display by this year's Community Service Award winners. Working together, we can make a difference in our local communities and across our great State.●

ARKANSAS HISTORIC SITES

● Mrs. LINCOLN. Mr. President, today I recognize two Arkansas historic sites that have been added to the National Register of Historic Places. These Arkansas landmarks help define our State's history and heritage, and I am proud to see them included on the National Register.

The newly listed properties are:

WEST MEMPHIS CITY HALL

West Memphis City Hall at 100 Court Street in West Memphis in Crittenden County was constructed in 1938 through the Public Works Administration program and opened July 12, 1939.

ANTIOCH MISSIONARY BAPTIST CHURCH CEMETERY IN SHERRILL

Antioch Missionary Baptist Church Cemetery in Sherrill in Jefferson County, a Black cemetery behind the church, predates the existing church and is the oldest structure on-site. The earliest documented burial in the cemetery, the grave of the Rev. Louis Mazique, was in 1885.

Along with all Arkansans, I congratulate these communities for receiving this national recognition. I also salute the local officials and residents of our State for their efforts to maintain the beauty and history of their communities.●

OPEN ARMS SHELTER

● Mrs. LINCOLN. Mr. President, today I recognize the staff, board members, and volunteers of Open Arms Shelter in Lonoke County for their steadfast efforts to provide a home for abused or neglected children.

Over 25 years, more than 2,100 children have found a temporary home at Open Arms until they are able to be placed in a relative's home, a foster home, or a long-term facility.

Under the leadership of executive director Susan Bransford, the shelter served 177 children in 2009 and expects to serve at least that many this year.

Open Arms provides children with the resources and care they need to be successful in school and life. The children attend school in Lonoke and have access to afterschool tutors if needed. Open Arms provides food, clothing, medical care and housing, while also offering recreational and educational

outings and lessons, all within a structured, disciplined environment.

The shelter employs 11 staff members, 2 of whom live at the shelter, along with 2 part-time cooks, a case coordinator, a part-time bookkeeper and 2 relief workers.

The Open Arms board of directors includes individuals from throughout Lonoke County. They are: Shelby Hillman, Kathy Millard and David Woods of Carlisle; Peggy Anderson, Merritt Holman, Kaye Anderson and Betty Wilson of Lonoke; Leann Hanshaw, Rhonda Harps, Rhonda House and Patrick J. Hagge of Cabot; Pam Foster, Gary Canada and Sherry Sandage of England; and LuAnn Ashley of Little Rock, member at large.

I commend the entire Open Arms community for their dedication to helping children in need with compassion and a loving heart.●

TRIBUTE TO DEVON ALEXANDER

● Mrs. MCCASKILL. Mr. President, I ask the Senate to join me in recognizing Devon Alexander "The Great" of Saint Louis, MO. It is an honor to celebrate and pay tribute to Devon's undefeated boxing career and commitment to giving back to his community.

Devon was born on February 10, 1987, in North Saint Louis. Seven years later, he began his boxing career after discovering a gym run by St. Louis police officer Kevin Cunningham. The gym was housed in the basement of a former St. Louis City Police Station in the neighborhood of Hyde Park, which had one of the highest crime rates in the city of St. Louis at the time.

Devon continued to improve in the sport of boxing, eventually joining the ranks of the most recognized amateur boxers in the United States. His long list of accomplishments stands as a testament to his love of the sport and personal dedication to success.

As an amateur, Devon participated in almost 300 fights and won every title possible in St. Louis and many at the national level. The titles included four-time Silver Gloves national champion from age 10 to 14; three-time Police Athletic League national champion; 2001 Junior Golden Gloves national champion and Junior Olympic national champion before moving on to win the World Junior Olympics, where he was also named Best Boxer; 2003 U.S. National Champion for those 19 and under; the U.S. National Championship in 2004 in the 141-pound junior welterweight division; and was invited to join the U.S. National Team.

On May 20, 2004, at the age of 17, Devon made the decision to become a professional boxer. He continued to win and amassed a professional record that stands at 20 wins and zero losses. As a professional boxer, Devon faced and received praise from some of boxing's most recognized names.

On August 7, 2010, Devon Alexander "The Great" marks his return to St. Louis to defend his undefeated title. He is a strong example of what hard work and perseverance can accomplish. Devon's journey from adversity to success is an inspiration to countless others and it is truly commendable.

Devon will use all proceeds from the "Devon Alexander Hometown Hero Celebration" that will be held on August 1, 2010, at St. Louis City Hall, to benefit nonprofit boxing organizations in the St. Louis amateur boxing community.

Devon Alexander "The Great" has made the city of St. Louis and the State of Missouri proud.

I ask that the Senate join me in honoring Devon Alexander "The Great" for his personal success and service to the Saint Louis community and to our country. I am proud to recognize this extraordinary Missourian and wish him many more healthy, happy, and successful years to come.●

REMEMBERING PAULINE MARTENS

● Ms. MURKOWSKI. Mr. President, today I honor the life and contributions of Pauline Ruth Martens, who recently passed away at the age of 87. Born in Maine and raised near Boston, Pauline came to Alaska soon after World War II with her husband Arnold. Her relationship with the Frontier State began, much as it did with her beloved Arnold, with love at first sight.

In many ways, Pauline's life was about taking the next step while never leaving those who were most important behind. The period after WWII was an exciting time in Alaska, and Pauline was an active participant in the development of Anchorage, the Great Land's largest city. While raising their family, Pauline and Arnold worked together to develop both business and residential properties, including the Palm Motel and the Forest Park South subdivision. To Pauline, however, it was her relationships with family and friends—her role in guiding her children and grandchildren and helping her friends and community—that mattered most.

In addition to the love she gave to her family, Pauline brought her ideals, her zest for life, and her strong character to bear on helping those in the community around her. Beginning as a Girl Scout troop leader during her daughter's Scouting years, to becoming a board member and chairman of the Susitna Council of the Alaska Girl Scouts, Pauline's contributions to the development of Alaska's young women were significant and positive. As her own children grew, Pauline took on the role of helping other children take positive steps forward as a member of the board of Junior Achievement and Hope Cottages, which serves developmentally disabled children and their families.

In whatever endeavor Pauline Martens took on, she was never just a name on a roster. She believed that any undertaking deserved her full participation. So it was no surprise that her commitment to the Republican Party led to her service in roles both ordinary and distinguished. Whether as the “bouncer” at the Annual International Food Festival, poll watcher, FREE member promoting the opening of ANWR, State chairman of the Alaska Republican Party, or president of the Alaska Federation of Republican Women, Pauline worked hard for those who shared her beliefs and ideals. Her enthusiasm, hard work, and commitment earned her the title of Woman of the Year in three separate decades from the Anchorage Republican Women’s Club, and the Lifetime Achievement Award from the Republican Party of Alaska.

Pauline was a mentor to many young Republican women—including me. She gave encouragement, good counsel, and always a warm smile. I recall many Republican State conventions working side by side with Pauline while she directed so much of the political operations with a graciousness that was appreciated by all.

Still, it was Pauline’s love for her family and the beauty of Alaska’s mountains and lakes that many will remember most. I know that she will continue to guide and inspire her children, grandchildren, and the many Alaskans who loved her. I am certain that each time we glimpse Alaska’s majestic mountains, lakes, and rivers we will remember Pauline with a smile.●

TRIBUTE TO MRS. MARY WADE

● Mr. NELSON of Nebraska. Mr. President, today I bid farewell to a great Nebraskan. Mrs. Mary Wade, affectionately known as “Mother Wade.” She has selflessly served thousands of members of the Salem Baptist Church in Omaha for more than 65 years.

At the age of 92, Mrs. Wade is now moving away from Nebraska where she has lived since moving to my home State in 1944. She will be living with her adult children in Los Angeles, CA.

Mrs. Wade is known far and wide for her service to not only Salem Baptist Church but to the entire Omaha community. She worked hand in hand with her late husband, Dr. J.C. Wade, Sr., who was the pastor at Salem Baptist for many years before his retirement in 1988.

After Dr. Wade’s death in 1999, Mrs. Wade continued to serve the people of Omaha and to provide counsel to members of Salem Baptist Church, whose membership, under the leadership of the Wades, grew from 250 to more than 2000.

Thanks to her wise counsel, direction, and leadership, Omaha is a better

place because of Mother Mary Frazier Wade.

I join all Nebraskans in bidding Mrs. Wade a fond farewell and thanking her for her service. We will miss her, and we wish her well.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 226. Concurrent resolution supporting the observance of “Spirit of ‘45 Day”.

H. Con. Res. 275. Concurrent resolution expressing support for designation of the week beginning on the second Sunday of September as Arts in Education Week.

H. Con. Res. 304. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of H.R. 725.

At 11:37 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1320. An act to amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes.

H.R. 3101. An act to ensure that individuals with disabilities have access to emerging Internet Protocol-based communication and video programming technologies in the 21st century.

At 2:17 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5849. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

ENROLLED BILLS SIGNED

At 3:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, an-

nounced that the Speaker has signed the following enrolled bills:

H.R. 725. An act to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

H.R. 4684. An act to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1320. An act to amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 226. Concurrent resolution supporting the observance of “Spirit of ‘45 Day”; to the Committee on Foreign Relations.

H. Con. Res. 275. Concurrent resolution expressing support for designation of the week beginning on the second Sunday of September as Arts in Education Week; to the Committee on Health, Education, Labor, and Pensions.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3657. A bill to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to object to any measure or matter.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on July 27, 2010, she had presented to the President of the United States the following enrolled bill:

S. 1053. An act to amend the National Law Enforcement Museum Act to extend the termination date.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6811. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Pyraclostrobin; Pesticide Tolerances” (FRL No. 8834-8) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6812. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Poly(oxy-1,2-ethanediyl), *a*-isotridecyl-*w*-methoxy; Exemption from the Requirement of a Tolerance" (FRL No. 8830-6) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6813. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trichoderma Hamatum Isolate 382; Exemption from the Requirement of a Tolerance" (FRL No. 8835-6) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6814. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-Propanol, 1,1'-nitritoltris; Exemption from the Requirement of a Tolerance" (FRL No. 8825-6) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6815. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred on August 25, 2004 in one of the Agency's two-year appropriation accounts titled "Science and Technology"; to the Committee on Appropriations.

EC-6816. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Reporting of Commercially Available Off-the-Shelf Items that Contain Specialty Metals-Deletion of Obsolete Clause" (DFARS Case 2009-D024) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Armed Services.

EC-6817. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Excessive Pass-Through Charges" (DFARS Case 2006-D057) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Armed Services.

EC-6818. A communication from the Under Secretary of Defense (Comptroller), Department of Defense, transmitting, pursuant to law, a quarterly report entitled, "Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account"; to the Committee on Armed Services.

EC-6819. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2010" (RIN0648-AY04) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6820. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Ecosystem-Based Amendment 1 for the South Atlantic Region; Correction" (RIN0648-AY32) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6821. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Catcher Vessels in the Gulf of Alaska" (RIN0648-XX32) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6822. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XX53) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6823. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Adjustment to the Loligo Trimester 2 and 3 Quota" (RIN0648-XW95) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6824. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XX39) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6825. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XX19) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6826. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XX17) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6827. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of

Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2010 Harvest Specifications for Yelloweye Rockfish and In-Season Adjustments to Fishery Management Measures" (RIN0648-BA00) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6828. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Catcher/Processors in the Gulf of Alaska" (RIN0648-XX31) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6829. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Catcher/Processor Rockfish Cooperatives in the Gulf of Alaska" (RIN0648-XX33) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6830. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Amboy, California)" (MB Docket No. 10-63) received in the Office of the President of the Senate on July 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6831. A communication from the Policy Advisor/Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Review of Personal Radio Services Rules" (FCC 10-106) received in the Office of the President of the Senate on July 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6832. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish and Pelagic Shelf Rockfish for Trawl Catcher Vessels Participating in the Entry Level Rockfish Fishery in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XX34) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6833. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Elemental Mercury Used in Flow Meters, Natural Gas Manometers, and Pyrometers; Significant New Use Rule" (FRL No. 8832-2) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Environment and Public Works.

EC-6834. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendments to National Emission

Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing" (FRL No. 9176-7) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Environment and Public Works.

EC-6835. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Emissions Inventory Reporting Requirements and Conformity of General Federal Actions, Including Revisions Allowing Electronic Reporting Consistent with the Cross Media Electronic Reporting Rule" (FRL No. 9177-4) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Environment and Public Works.

EC-6836. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Rhode Island: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 9179-5) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Environment and Public Works.

EC-6837. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of One-Year Extension for Attaining the 1997 8-Hour Ozone Standard in the Baltimore Moderate Nonattainment Area" (FRL No. 9179-1) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Environment and Public Works.

EC-6838. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York Reasonably Available Control Technology and Reasonably Available Control Measures" (FRL No. 9178-5) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Environment and Public Works.

EC-6839. A communication from the Program Manager, Office of Consumer Information and Insurance Oversight, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Internal Claims and Appeals and External Review Processes Under the Patient Protection and Affordable Care Act" (RIN0991-AB70) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Finance.

EC-6840. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Hospice Wage Index for Fiscal Year 2011" (RIN0938-AP84) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Finance.

EC-6841. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medi-

care Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for Fiscal Year 2011" (RIN0938-AP87) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Finance.

EC-6842. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services to the United Arab Emirates to Support the sale of F-16 Block 60 Fighter Aircraft in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6843. A communication from the Director of Human Resources, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the category rating system; to the Committee on Health, Education, Labor, and Pensions.

EC-6844. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Sufficiency Certification for the Washington Convention and Sports Authority's Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2011"; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 1132, a bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes (Rept. No. 111-233).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 1454. A bill to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp (Rept. No. 111-234).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. KLOBUCHAR:

S. 3651. A bill to amend title 18, United States Code, with respect to the offense of stalking; to the Committee on the Judiciary.

By Mr. THUNE:

S. 3652. A bill to provide for comprehensive budget reform in order to increase transparency and reduce the deficit.

By Mr. CORNYN (for himself, Mr. HATCH, Mr. ROBERTS, Mr. COBURN, Mr. KYL, and Mr. MCCAIN):

S. 3653. A bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. FEINGOLD, and Mr. WEBB):

S. 3654. A bill to amend title 11 of the United States Code to include firearms in

the types of property allowable under the alternative provision for exempting property from the estate; to the Committee on the Judiciary.

By Mr. JOHANNES:

S. 3655. A bill to establish a point of order against certain climate change legislation; to the Committee on Rules and Administration.

By Mrs. LINCOLN (for herself, Mr. CHAMBLISS, Mr. GRASSLEY, Mr. NELSON of Nebraska, Mr. JOHANNES, Mr. BAUCUS, Mr. BENNET, Mr. HARKIN, and Mr. ROBERTS):

S. 3656. A bill to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WYDEN (for himself, Mr. GRASSLEY, and Mrs. MCCASKILL):

S. 3657. A bill to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to objecting to any measure or matter; read the first time.

By Mr. UDALL of Colorado (for himself, Mr. BENNET, Mr. BEGICH, Mrs. SHAHEEN, and Mr. CASEY):

S. 3658. A bill to provide professional development for elementary school principals in early childhood education and development; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself and Mrs. MURRAY):

S. 3659. A bill to reauthorize certain port security programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS:

S.J. Res. 36. A joint resolution proposing an amendment to the Constitution of the United States relative to authorizing regulation of contributions to candidates for State public office and Federal office by corporations and labor organizations, and expenditures by corporate entities and labor organizations in support of, or opposition to such candidates; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM (for himself, Mr. ALEXANDER, Mr. BAYH, Mr. BOND, Mrs. BOXER, Mr. BROWN of Ohio, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. CORKER, Mr. CORNYN, Mr. DEMINT, Mr. DURBIN, Mrs. HAGAN, Mrs. HUTCHISON, Mr. ISAKSON, Mr. KAUFMAN, Ms. LANDRIEU, Mr. LEMIEUX, Mr. LEVIN, Mrs. LINCOLN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. SESSIONS, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, and Mr. WICKER):

S. Res. 595. A resolution designating the week beginning September 12, 2010, as "National Historically Black Colleges and Universities Week"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 538

At the request of Mrs. LINCOLN, the name of the Senator from Indiana (Mr.

BAYH) was added as a cosponsor of S. 538, a bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies.

S. 653

At the request of Mr. CARDIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 654

At the request of Mr. BUNNING, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Central Postal Directory, United States Army, in recognition of their dedicated service during World War II.

S. 1295

At the request of Mrs. SHAHEEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1295, a bill to amend title XVIII of the Social Security Act to cover transitional care services to improve the quality and cost effectiveness of care under the Medicare program.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1633

At the request of Ms. CANTWELL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1633, a bill to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

S. 2902

At the request of Ms. COLLINS, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Ohio (Mr. VOINOVICH) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 2902, a bill to improve the Federal Acquisition Institute.

S. 2942

At the request of Mr. PRYOR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2942, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish a nanotechnology program.

S. 3078

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3078, a bill to provide for the establishment of a Health Insurance Rate Authority to establish limits on premium rating, and for other purposes.

S. 3260

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3260, a bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 3320

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3466

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3466, a bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

S. 3621

At the request of Mr. JOHNSON, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 3621, a bill to amend the Internal Revenue Code of 1986 to provide for an exclusion for assistance provided to participants in certain veterinary student loan repayment or forgiveness programs.

S. 3622

At the request of Mr. JOHANNES, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3622, a bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes.

S. 3628

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3628, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

S. 3640

At the request of Mr. UDALL of Colorado, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3640, a bill to amend the Internal Revenue Code of 1986 to increase the limitations on the amount excluded from the gross estate with respect to land subject to a qualified conservation easement.

S. 3642

At the request of Mrs. BOXER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3642, a bill to ensure that the underwriting standards of Fannie Mae and Freddie Mac facilitate the use of property assessed clean energy programs to finance the installation of renewable energy and energy efficiency improvements.

S. 3643

At the request of Mr. MCCONNELL, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 3643, a bill to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, to improve oil spill compensation, to terminate the moratorium on deep-water drilling, and for other purposes.

S. RES. 555

At the request of Ms. STABENOW, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 555, a resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month.

AMENDMENT NO. 4471

At the request of Mr. CORNYN, the names of the Senator from Missouri (Mr. BOND) and the Senator from Missouri (Mrs. McCASKILL) were added as cosponsors of amendment No. 4471 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THUNE:

S. 3652. A bill to provide for comprehensive budget reform in order to increase transparency and reduce the deficit.

Mr. THUNE. Mr. President, we have been bombarded with some pretty big numbers lately. Our total national debt

recently topped \$13 trillion. In 5 years, it is expected to pass \$20 trillion. This fiscal year alone, the Federal Government plans to run a deficit of \$1.4 trillion. In other words, we are borrowing 41 cents out of every \$1 we spend.

The numbers are mind blowing. We cannot even wrap our heads around the immensity of these numbers that run into the trillions. But they should be a very big red flag indicating that something—something—has gone very wrong here in Washington.

The American people are struggling with high unemployment and a difficult economy, trying to make ends meet. The American Government—their government—ought to be doing what it can to balance its own budget, not spending like drunken sailors in a way that will put the future of many American families at risk.

I hear it in my State. I know most of my colleagues do. I hear it as I drive around the country. There is a palpable fear that this enormous burden of debt is going to crush us.

The Federal budget for 2010 is already 24 percent higher than it was in 2008. How many families are able to increase their spending by 24 percent over a 2-year period? Congress has to realize what the American people already know: Our current rate of spending is unsustainable. There is an old saying that if the only tool you have is a hammer, you tend to see everything as a nail. Well, this administration and the Democratic leadership of Congress seem to think the only tool they have is a checkbook and every problem can be solved with more money.

But all of this reckless spending is not solving the problems it was meant to solve. If you recall, the trillion dollar stimulus was supposed to create jobs and get the economy growing again. Unfortunately, it has not worked that way.

Look at the latest jobs report for last month. We actually lost 125,000 total jobs across the country. Where I come from, that is known as heading in the wrong direction. Look at the massive health care law passed earlier this year. When the other side was jamming this bill through the Senate, they said, even though it would cost \$2.5 trillion, it would actually bring down—down—our spending on health care and lower the deficit over time.

In the past few weeks, however, we have gotten new estimates that the law will cost billions more than was thought a few months ago. On top of that, health care spending is expected to rise even faster as a result of the law than if we had done nothing at all.

Time after time after time that is what we have seen: more spending, more debt, and a bill we will hand to our children—all because we cannot live within our means and we refuse to make the tough choices we were elected to make.

The irresponsible spending and borrowing that is making our mountain of debt bigger every day has to stop. Today, I am introducing a bill entitled the Deficit Reduction and Budget Reform Act that will take the first steps toward reining in our spending. It is high time we show the American taxpayers we are responsible stewards not just of their tax dollars but of the future of this country.

The goal here is to reform the budget process and to reduce our structural deficits so we will live within our means. My proposal is a three-legged stool that aims to support our country and economy while reducing the burden our rapidly expanding government places on American families and businesses.

The first proposal is to create a new standing joint committee of Congress for budget deficit reduction. The committee would be required to put forward a plan to cut the deficit by 10 percent every budget cycle, and to do it without raising taxes. This would be Members of Congress—both parties—taking responsibility and not punting the job to outsiders.

This bill would then receive expedited consideration in both Chambers of Congress. We have 26 committees and subcommittees in Congress that are dedicated to spending tax dollars. We should have at least one dedicated to saving tax dollars.

Second, to make sure those changes have a better chance of success in practice, I am proposing additional reforms to the budget process. Crucially, we would reform pay-go rules to prevent the double counting of new revenues or reduced spending in trust funds for the purpose of offsetting other expenditures.

When pay-go rules were set up earlier this year, they allowed for these kinds of gimmicks that have been used over and over to subvert the budget responsibility the rules were meant to impose.

More than \$600 billion in trust fund offsets was used to pass the health care reform bill, and an attempt was made to increase the per-barrel tax for the Oil Spill Liability Trust Fund to offset other unrelated measures. By preventing these changes from being used as an offset under pay-go rules, this provision would end the practice of double counting these spending reductions and revenue increases.

Then we would add teeth to the budget by making it a binding joint resolution signed into law by the President. This would force the administration and Congress to work more closely together, and Congress would have less flexibility to violate the nonbinding resolutions we currently use.

My legislation would also establish a biennial budget timeline to give Congress more time for oversight and to determine whether our spending is doing what it is supposed to do.

I will simply point out that it seems to me the way we do the budget process currently is broken. In the last 34 years, I think there have been 4 times when all of the appropriations bills have been passed by the Congress on time, according to schedule. If you look at the number of budgets that have been passed here in the past few years, there have been a lot of years when we have not passed budgets at all.

It seems to me it would make sense—in an even-numbered year, when there is an election going to be held—that we ought to do oversight, that we ought to be looking at ways to save taxpayer money rather than spend taxpayer money. Then we could do the budget in the odd-numbered years, after an election, so we have an opportunity to do the appropriations bills and go through the budget process in the odd-numbered year, so when the even-numbered year comes around again we are not consumed with trying to spend money to attract some constituency to vote for us in an election year, but, rather, we are focused on oversight and on ways we could actually save the taxpayers money as opposed to spending it.

So a biennial budget process, budget timeline, is something this bill would also do. When Congress inevitably resorts to pork-barrel politics that inflates our budgets, we need a legislative line-item veto to allow the President to cut them out and to send a more responsible budget back to Congress for an up-or-down vote. Governors of most States, including my State of South Dakota, have some kind of a line-item veto. The President ought to have that power as well.

Third, on top of these vital systemic changes, we need to take control of the government's outrageous spending. My bill would impose a 10-year spending freeze to cap the Federal Government's discretionary spending at the level it was in fiscal year 2008, adjusted for inflation. I said earlier that between 2008 and 2010, Federal spending had increased 24 percent, at a time when inflation in this country was about 3.5 percent. If we take that baseline back to that 2008 level and index it for inflation every year for the next 10 years, we can save the taxpayers literally hundreds of billions of dollars.

Beyond that freeze, we should end the failed stimulus program and reclaim any money remaining unspent and unobligated and apply it to the Federal debt.

Those are not the only possible answers, and many are not new. Many of these are ideas my Republican colleagues and I have proposed and that we fought for in the past. We will keep fighting for them because they are the kinds of things we need to do to break the back of this budget problem we are fighting.

The government's current level of borrowing, this out-of-control spending, and this amount of taxation are too much for our economy and our taxpayers to bear. What may be even more troubling is the point that was made by the Chairman of the Joint Chiefs of Staff, ADM Mike Mullen. He said the biggest threat to our national security is our debt, not al-Qaida, not Iran's nuclear program, not Russian spies, but the debt Congress itself has created.

It does not have to be this way. My plan is a responsible approach that takes prudent but manageable steps to get our spending under control and to start to draw down our debt. It provides concrete savings of nearly a trillion dollars, and it puts in place a framework to help us save trillions more over time.

It is easy to say: I will be responsible tomorrow, but first I want to spend a little more today. Well, there will always be something that seems important to spend tax dollars on, and if we keep taking that same old approach that the other side has been pushing since they took control of Congress in 2007, we will be waiting for fiscal responsibility forever.

Tackling our outrageous national debt is not a priority we should put off until the long term, after the debt has gone up even higher and higher and higher than it is today. It needs to be a priority now.

I will also note that we cannot afford the old trick where the President calls for spending cuts in theory but then happily signs congressional spending bills that do not save a dime. We have to move beyond the same old political games and the same old phony rhetoric. We need real commitment to making a real difference.

There is another old saying that the definition of insanity is doing the same thing over and over and expecting different results. The President and the Democratic leadership of Congress want to keep doing the same thing over and over: borrowing money, spending too much, and then borrowing even more.

But thinking that somehow with all that borrowing and spending we will buy our way out of the hole we are in, that is insanity. In reality, all we are doing is digging ourselves deeper and deeper into debt.

I am going to conclude by urging my colleagues to take up this legislation I am introducing and to take that first crucial step to fiscal responsibility. The American people expect us to take our debt seriously, and it is high time we lived up to that expectation.

By Mr. LEAHY (for himself, Mr. FEINGOLD, and Mr. WEBB):

S. 3654. A bill to amend title 11 of the United States Code to include firearms in the type of property allowable under the alternative provision for exempting

property from the estate; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I introduce legislation to create an express exemption in the Federal Bankruptcy Code for personal firearms. Given the place that firearms occupy in our culture for law-abiding Americans, I believe it makes sense for the Federal Bankruptcy Code to reflect these values. The Supreme Court has confirmed that the Second Amendment protects a fundamental right. I agree that the right protected by the Second Amendment is "deeply rooted in this Nation's history and tradition." One needs to look no further than the woods of Vermont in the autumn to know this is true. Amending the Code to expressly include this exemption will not only allow more Americans to participate in these traditions, but will further the exercise of the Second Amendment right itself.

Under the Bankruptcy Code, debtors are permitted to exempt from the bankruptcy estate a wide variety of household goods and other personal effects. For example, a debtor using the Federal bankruptcy exemptions may exempt furniture, musical instruments, jewelry, and other household goods. The code defines "household goods" to include items such as linens, china, and a television or other entertainment equipment. All of this is subject to limitations on monetary value, which is important to ensure that the exemptions are not abused to the detriment of creditors. The code's list of exemptions is designed to permit a debtor to obtain a fresh start in such a way that he or she has the continued use of personal items that are both utilitarian and that add to the enjoyment of day to day life. I believe many Americans would place personal firearms squarely within both of these categories.

Several States have enacted specific bankruptcy exemptions for firearms in their State laws. The Federal exemption I propose would leave all of these state exemptions untouched and would only apply if a debtor affirmatively chose, where permitted, to use the Federal exemptions. The exemption is modeled on the work these states have done and takes a modest approach that will nonetheless be meaningful for someone using the Federal exemptions. This legislation would permit a debtor using the Federal exemptions to at least exempt one rifle, shotgun, or pistol, separately or in combination, with an aggregate value of \$3,000.

For many Americans, a personal firearm—whether a hunting rifle, a family heirloom, or a firearm for self-protection—is an important possession. It is one that in many cases may have little significant monetary value to creditors. People own firearms for many lawful reasons. In many parts of the United States, hunting is an essential part of life. In others, people feel

strongly about the need to own a firearm to help keep themselves and their families safe. For still others, firearms have deep historical or sentimental value. The Bankruptcy Code should reflect these values.

Our bankruptcy policy is intended to help those in severe financial difficulty regain financial health and repay what they owe to their creditors to the extent possible. And in encouraging and helping those in bankruptcy to make a new start we are right to do so in a way that allows room for the things that give our lives enjoyment and meaning. If the amendment made by this legislation makes it possible for a parent and child to continue a family hunting tradition or a person to retain a piece of family history passed down through generations to them, those are good things.

I hope all Senators will join me in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Gun Owners in Bankruptcy Act of 2010".

SEC. 2. EXEMPTIONS.

Section 522 of title 11, the United States Code, is amended—

(1) in subsection (d) by adding at the end the following:

"(13) The debtor's aggregate interest, not to exceed \$3,000 in value, in a single rifle, shotgun, or pistol, or any combination thereof,"; and

(2) in subsection (f)(4)(A)—

(A) in clause (xiv), by striking "and" at the end;

(B) in clause (xv), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(xvi) the debtor's aggregate interest, not to exceed \$3,000 in value, in a single rifle, shotgun, or pistol, or any combination thereof."

SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only with respect to cases commenced under title 11, United States Code, on or after the date of the enactment of this Act.

By Mrs. LINCOLN (for herself, Mr. CHAMBLISS, Mr. GRASSLEY, Mr. NELSON of Nebraska, Mr. JOHANNES, Mr. BAUCUS, Mr. BENNET, Mr. HARKIN, and Mr. ROBERTS):

S. 3656. A bill to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes;

to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. LINCOLN. Mr. President, I am pleased to be joined by my colleagues, Senators CHAMBLISS and GRASSLEY, to introduce legislation that would reauthorize mandatory price reporting for another 5 years. This bill will guarantee transparency of the livestock marketing sector and help improve producers' timely access to market prices so that they can make the best decision on when to sell the livestock they have worked hard to bring to market.

To address producers' concerns regarding low livestock prices, industry concentration, and the unavailability of accurate market information, Congress passed the Livestock Mandatory Reporting Act in 1999 to help improve market transparency.

Producers tell me that Mandatory Price Reporting yields valuable information, helps to keep the markets honest, and helps take the guess work out of business decisions for producers and packers.

This legislation, which is supported by producers and packers alike, will extend for an additional 5 years the reporting requirements of livestock daily markets. This bill makes two important changes from existing law.

First, as specified in the 2008 Farm Bill, this bill will require Mandatory Reporting of Wholesale Pork, MRWP, cuts. A study on MRWP, required by the 2008 Farm Bill and published earlier this year, will help guide the new regulations. This legislation also included negotiated rule making that requires the Secretary of Agriculture to bring stakeholders, as well as representatives from industry and the Department of Agriculture together to design the regulations for reporting MRWP cuts. The bill requires that a final rule be completed no later than 18 months after it is signed by the President. This important addition, once completed, would simply expand transparency to the pork industry that was not previously required and further protect producers.

Second, the bill instructs the Secretary of Agriculture to establish within 1 year an electronic price reporting system for dairy products. Published reports will be required on a weekly and monthly basis. This is a first critical step in continuing to assist our producers as they make decisions that impact their businesses. Furthermore, on a weekly basis, the Secretary of Agriculture must publish a report disclosing milk prices from the previous week. This too was included in the Farm Bill, and I am hopeful it will be another tool for dairy farmers across the country.

This bill represents several months of negotiations by all interested stakeholders who worked hard to find compromise on these critical issues. I want

to thank everyone involved in this process for working together to reach consensus. Those groups supporting the reauthorization bill include:

American Farm Bureau Federation, American Meat Institute, American Sheep Industry Association, National Cattlemen's Beef Association, National Farmers Union, National Pork Producers Council, National Meat Association, and the United States Cattleman's Association.

I look forward to moving this critical reauthorization through Congress so we do not disrupt the critical reporting on livestock markets and so that family farmers and ranchers in Arkansas can have confidence that they are receiving fair market value.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 9, 2010.

Hon. BLANCHE LINCOLN,
Chairman, Committee on Agriculture, U.S. Senate, Russell Senate Office Building, Washington, DC.

Hon. SAXBY CHAMBLISS,
Ranking Minority Member, Committee on Agriculture, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN LINCOLN AND RANKING MEMBER CHAMBLISS: We, the undersigned organizations, are writing to request that the Senate Agriculture Committee work with relevant stakeholders in the livestock industry to reauthorize for a period of five (5) years the Livestock Mandatory Price Reporting provisions contained in the 2006 Livestock Mandatory Reauthorization Act (P.L. 109-296).

The original 1999 Livestock Mandatory Price Reporting Act was a culmination of many hours of negotiations among industry participants and required packers to report, among other things, livestock purchase prices to the USDA's Agricultural Marketing Service. Livestock producers and processors continue to need a transparent, accurate and timely market price reporting system to make informed business decisions. Mandatory price reporting makes markets more transparent and offers new market information with regard to pricing, contracting for purchase and supply and demand conditions for cattle, hogs and sheep. During the 109th Congress, the Mandatory Price Reporting provisions were reauthorized until September 30, 2010.

The U.S. pork industry supports the inclusion in this reauthorization of two new pork industry-specific provisions. We believe these consensus recommendations will increase and improve the transparency of the Livestock Mandatory Price Reporting system. We recommend that the following consensus provisions be included:

1. Reporting of wholesale pork cuts. Require USDA to enter a negotiated rule-making process to develop this system.

2. Reporting on a weekly basis of pork exports. These exports should be added to the list of commodities that are required to be reported to the Secretary of Agriculture. Information reported should include any contract for export sales entered into during the reporting period.

These proposed provisions are part of a carefully balanced consensus legislative

package reached by interested stakeholders over a long period of negotiation and discussion representing all segments of the industry. We support the consensus legislative package, including the new pork reporting provisions, with the collective goal that mandatory price reporting will be enacted before September 30, 2010.

We recognize that the Committee has a full slate of legislative business ahead, and we urge expeditious action to reauthorize the Act for a period of five years with these industry consensus recommendations. We look forward to working with the Senate Agriculture Committee on this important issue to America's livestock industry.

Sincerely,

AMERICAN FARM BUREAU
FEDERATION,
AMERICAN MEAT INSTITUTE,
AMERICAN SHEEP INDUSTRY
ASSOCIATION,
NATIONAL CATTLEMEN'S
BEEF ASSOCIATION,
NATIONAL FARMERS UNION,
NATIONAL PORK PRODUCERS
COUNCIL,
NATIONAL MEAT
ASSOCIATION,
UNITED STATES
CATTLEMAN'S
ASSOCIATION.

By Mr. UDALL of Colorado (for himself, Mr. BENNET, Mr. BEGICH, Mrs. SHAHEEN, and Mr. CASEY):

S. 3658. A bill to provide professional development for elementary school principals in early childhood education and development; to the Committee on Health, Education, Labor, and Pensions.

Mr. UDALL of Colorado. Mr. President, today I am introducing, along with Senators MICHAEL BENNET, MARK BEGICH, BOB CASEY, and JEANNE SHAHEEN, legislation to support elementary school principals and help prepare America's children for a successful education. Our bill would provide grant funds to train elementary school principals on how best to bridge the gap between early childhood development programs and elementary school learning.

Oftentimes for elementary school principals, the competing demands of running a school, without the proper training or experience, can crowd out successful partnerships with early childhood learning programs. This can lead to an assortment of educational approaches and, on a practical level, disjointed efforts to ensure students receive a continuum of learning.

The aim of my bill is to provide elementary school principals with the ability to take research-based, early childhood development practices and incorporate those skills into their schools in order to better prepare our Nation's youth for success. As part of this effort, our House colleagues, Congressmen ALTMIRE and HIMES, will be introducing a companion version to this legislation in their chamber.

As we all know, a child's education does not begin on that first day of kindergarten; rather, it begins much earlier in life as an infant's brain develops and cognitive skills are acquired through daily interaction with parents, grandparents, siblings, and other caregivers. As a parent, I remember firsthand the interactions I had with my two children during their infant years. When the time came, my wife and I knew that our children were prepared for pre-school, where they would acquire additional skills to further prepare them for their K-3 years. We wanted them to be ready to learn on day one.

My story is similar to the stories of millions of American parents who do what they can to ensure their children are fully prepared for that first day of kindergarten. While there are many different early learning settings, whether through the Head Start or other programs, we can all agree that ensuring our children are school-ready is an admirable goal.

As the research suggests, children who participate in early learning programs often perform better upon entering elementary school than their peers who do not. In order to build on that success and do right by our children by giving them the best chance to succeed when they begin kindergarten, our bill will help train principals on how to establish relationships with early childhood learning providers and collaborate to ensure they are on the same page when it comes to a child's development.

Building this pathway and ensuring a close connection between these two critical educational settings, especially for principals early in their careers, is a common-sense way to build better learning environments for our children. Our legislation has the support of the National Association of Elementary School Principals and a host of early learning advocacy organizations. I urge my colleagues to support this important effort.

By Ms. COLLINS (for herself and Mrs. MURRAY):

S. 3659. A bill to reauthorize certain port security programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise to introduce the SAFE Port Reauthorization Act of 2010. This bill extends important programs that protect our nation's critical shipping lanes and seaports from attack and sabotage.

The SAFE Port Reauthorization Act of 2010 is co-sponsored by my colleague, Senator MURRAY. Senator MURRAY and I drafted the original SAFE Port Act in 2005, leading to its enactment in 2006. I am pleased that she has again joined me to extend and strengthen this important law. Several stakeholders have

expressed their support for our efforts, including the American Association of Port Authorities, the National Retail Federation, and the National Association of State Boating Law Administrators.

The scope of what we need to protect is broad. America has 361 seaports—each vital links in our Nation's transportation network. Our seaports move more than 95 percent of overseas trade. In 2009, U.S. ports logged 68,000 ports-of-call by foreign-flagged vessels, bringing 9.8 million shipping containers to our shores.

The largest 21 ports handle 98 percent of the shipping container traffic. Indeed, nearly 60 percent of all container-ship calls are made in just three States—California, New York, and Georgia—but this container traffic arrives at many points across the United States, from Maine to Hawaii.

Coming from a State with three international cargo ports—including Portland, the largest port by tonnage in New England—I am keenly aware of the importance of seaports to our national economy and to the communities in which they are located.

Because seaports are flourishing, our harbors operate as vital centers of economic activity; they also represent vulnerable targets. Shipping containers are a special source of concern.

A single obscure container, hidden among a ship's cargo of several hundred containers, could be used to hide a squad of terrorists or a dirty bomb. In other words, a container could be turned into a 21st-Century Trojan horse.

The shipping container's security vulnerabilities are so well known that it has also been called "the poor man's missile," because for only a few thousand dollars, a terrorist could ship one across the Atlantic or the Pacific to a U.S. port.

The contents of such a container don't have to be something as complex as a nuclear or biological weapon. As former Customs and Border Protection Commissioner Robert Bonner told *The New York Times*, a single container packed with readily available ammonium sulfate fertilizer and a detonation system could produce ten times the blast that destroyed the Murrah Federal Building in Oklahoma City.

Whatever the type of weapon, an attack on one or more U.S. ports could cause great loss of life and large numbers of injuries; it could damage our energy supplies and infrastructure; it could cripple retailers and manufacturers dependent on incoming inventory; and it could hamper our ability to move and supply American military forces fighting against the forces of terrorism.

I have had the opportunity to visit seaports across the country and, as one looks at some of the nation's busiest harbors, one sees what a terrorist

might call "high-value targets." Ferries move thousands of people daily. Large and sprawling urban populations are situated around the ports. At some locations, there are large sports stadiums nearby as well.

Add up those factors and one realizes immediately the death and destruction that a ship carrying a container hiding a weapon of mass destruction could inflict at a single port.

Of course, a port can be a conduit for an attack as well as a target. A container with dangerous cargo could be loaded on a truck or rail car, or have its contents unpacked at the port and distributed to support attacks elsewhere. In 2008, we saw that the port in Mumbai, India, offered the means for a gang of terrorists to launch an attack on a section of the city's downtown. That attack killed more than 170 people and wounded hundreds more.

To address these security threats, our bill would reauthorize the SAFE Port Act cargo security programs that have proven to be successful: the Automated Targeting System that identifies high-risk cargo; the Container Security Initiative that ensures high-risk cargo containers are inspected at ports overseas before they travel to the United States; and the Customs-Trade Partnership Against Terrorism, or C-TPAT, that provides incentives to importers to enhance the security of their cargo from point of origin to destination.

The bill would also strengthen the C-TPAT program by providing new benefits, including voluntary security training to industry participants and providing participants an information sharing mechanism on maritime and port security threats, and by authorizing Customs and Border Protection to conduct unannounced inspections to ensure that security practices are robust. The cooperation of private industry is vital to protecting supply chains, and C-TPAT is a necessary tool for securing their active cooperation in supply chain security efforts.

The bill also would extend the competitive, risk-based, port security grants that have provided \$1.5 billion to improve the security of our ports. An authorization for the next 5 years at \$400 million per year is a continued major commitment of resources, but it is fully proportional to what is at stake, and a priority that we cannot ignore.

In addition to continuing and strengthening critical programs, the bill also would expand the America's Waterway Watch Program to promote voluntary reporting of suspected terrorist activity or suspicious behavior against a vessel, facility, port, or waterway. While the program has proven valuable in ports throughout the country, the legislation would broaden its scope and increase public awareness through boating education and industry stakeholder meetings coordinated

by the Coast Guard and its Reserve and Auxiliary components. The America's Waterway Watch Program has received strong endorsements from numerous professional boating associations for the enhanced situational awareness it will bring to our nation's ports and waterways.

Our bill would protect citizens from frivolous lawsuits when they report, in good faith, suspicious behavior that may indicate terrorist activity against the United States. It builds on a provision from the 2007 homeland security law that encourages people to report potential terrorist threats directed against transportation systems by protecting people from those who would misuse our legal system in an attempt to chill the willingness of citizens to come forward and report possible dangers.

In addition, this legislation enhances the research and development efforts to improve maritime cargo security. The demonstration project authorized by this law would study the feasibility of using composite materials in cargo containers to improve container integrity and deploy next generation sensors.

This legislation also addresses the difficulties in administering the mandate of x-raying and scanning for radiation all cargo containers overseas that are destined for the United States by July 2012. Until x-ray scanning technology is proven effective at detecting radiological material and not disruptive of trade, requiring the x-raying of all U.S. bound cargo, regardless of its risk, at every foreign port, is misguided and provides a false sense of security. It would also impose onerous restrictions on the flow of commerce, costing billions with little additional security benefit.

Under the original provisions of the SAFE Port Act, all cargo designated as high-risk at foreign ports is already scanned for radiation and x-rayed. In addition, cargo entering the U.S. at all major seaports is scanned for radiation. These security measures currently in place are part of a layered, risk-based method to ensure cargo entering the U.S. is safe.

This legislation would eliminate the deadline for 100 percent x-raying of containers if the Secretary of Homeland Security certifies the effectiveness of individual security measures of that layered security approach. This is a more reasonable method to secure our cargo until a new method of x-raying containers is proven effective.

The SAFE Port Reauthorization Act of 2010 will help us to continue an effective, layered, coordinated security system that extends from point of origin to point of destination, and that covers the people, the vessels, the cargo, and the facilities involved in our maritime commerce. It will continue to address a major vulnerability in our homeland

security critical infrastructure while preserving the flow of goods on which our economy depends.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 595—DESIGNATING THE WEEK BEGINNING SEPTEMBER 12, 2010, AS "NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK"

Mr. GRAHAM (for himself, Mr. ALEXANDER, Mr. BAYH, Mr. BOND, Mrs. BOXER, Mr. BROWN of Ohio, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. CORKER, Mr. CORNYN, Mr. DEMINT, Mr. DURBIN, Mrs. HAGAN, Mrs. HUTCHISON, Mr. ISAKSON, Mr. KAUFMAN, Ms. LANDRIEU, Mr. LEMIEUX, Mr. LEVIN, Mrs. LINCOLN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. SESSIONS, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 595

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities allow talented and diverse students, many of whom represent underserved populations, to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 12, 2010, as "National Historically Black Colleges and Universities Week"; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4518. Mr. SCHUMER (for Mr. HARKIN) proposed an amendment to the bill H.R. 5610, to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers.

SA 4519. Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions

in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

SA 4520. Mr. REID proposed an amendment to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, *supra*.

SA 4521. Mr. REID proposed an amendment to amendment SA 4520 proposed by Mr. REID to the amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, *supra*.

SA 4522. Mr. REID proposed an amendment to the bill H.R. 5297, *supra*.

SA 4523. Mr. REID proposed an amendment to amendment SA 4522 proposed by Mr. REID to the bill H.R. 5297, *supra*.

SA 4524. Mr. REID proposed an amendment to the bill H.R. 5297, *supra*.

SA 4525. Mr. REID proposed an amendment to amendment SA 4524 proposed by Mr. REID to the bill H.R. 5297, *supra*.

SA 4526. Mr. REID proposed an amendment to amendment SA 4525 proposed by Mr. REID to the amendment SA 4524 proposed by Mr. REID to the bill H.R. 5297, *supra*.

SA 4527. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill H.R. 5297, *supra*; which was ordered to lie on the table.

SA 4528. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 5297, *supra*; which was ordered to lie on the table.

SA 4529. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 5297, *supra*; which was ordered to lie on the table.

SA 4530. Mr. KERRY (for himself, Mr. WHITEHOUSE, Mr. WYDEN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 5297, *supra*; which was ordered to lie on the table.

SA 4531. Mr. JOHANNIS submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4518. Mr. SCHUMER (for Mr. HARKIN) proposed an amendment to the bill H.R. 5610, to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers; as follows:

In section 2(a)(2)(A), strike "July 30" and insert "August 5".

SA 4519. Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Jobs Act of 2010".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—SMALL BUSINESSES

Sec. 1001. Definitions.

Subtitle A—Small Business Access to Credit

Sec. 1101. Short title.

PART I—NEXT STEPS FOR MAIN STREET CREDIT AVAILABILITY

Sec. 1111. Section 7(a) business loans.

Sec. 1112. Maximum loan amounts under 504 program.

Sec. 1113. Maximum loan limits under microloan program.

Sec. 1114. Loan guarantee enhancement extensions.

Sec. 1115. New Markets Venture Capital company investment limitations.

Sec. 1116. Alternative size standards.

Sec. 1117. Sale of 7(a) loans in secondary market.

Sec. 1118. Online lending platform.

Sec. 1119. SBA Secondary Market Guarantee Authority.

PART II—SMALL BUSINESS ACCESS TO CAPITAL

Sec. 1122. Low-interest refinancing under the local development business loan program.

PART III—OTHER MATTERS

Sec. 1131. Small business intermediary lending pilot program.

Sec. 1132. Public policy goals.

Sec. 1133. Floor plan pilot program extension.

Sec. 1134. Guarantees for bonds and notes issued for community or economic development purposes.

Sec. 1135. Temporary express loan enhancement.

Sec. 1136. Prohibition on using TARP funds or tax increases.

Subtitle B—Small Business Trade and Exporting

Sec. 1201. Short title.

Sec. 1202. Definitions.

Sec. 1203. Office of International Trade.

Sec. 1204. Duties of the Office of International Trade.

Sec. 1205. Export assistance centers.

Sec. 1206. International trade finance programs.

Sec. 1207. State Trade and Export Promotion Grant Program.

Sec. 1208. Rural export promotion.

Sec. 1209. International trade cooperation by small business development centers.

Subtitle C—Small Business Contracting**PART I—CONTRACT BUNDLING**

Sec. 1311. Small Business Act.

Sec. 1312. Leadership and oversight.

Sec. 1313. Consolidation of contract requirements.

Sec. 1314. Small business teams pilot program.

PART II—SUBCONTRACTING INTEGRITY

Sec. 1321. Subcontracting misrepresentations.

Sec. 1322. Small business subcontracting improvements.

PART III—ACQUISITION PROCESS

Sec. 1331. Reservation of prime contract awards for small businesses.

Sec. 1332. Micro-purchase guidelines.

Sec. 1333. Agency accountability.

Sec. 1334. Payment of subcontractors.

Sec. 1335. Repeal of Small Business Competitiveness Demonstration Program.

PART IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY

Sec. 1341. Policy and presumptions.

Sec. 1342. Annual certification.

Sec. 1343. Training for contracting and enforcement personnel.

Sec. 1344. Updated size standards.

Sec. 1345. Study and report on the mentor-protégé program.

Sec. 1346. Contracting goals reports.

Sec. 1347. Small business contracting parity.

Subtitle D—Small Business Management and Counseling Assistance

Sec. 1401. Matching requirements under small business programs.

Sec. 1402. Grants for SBDCs.

Subtitle E—Disaster Loan Improvement

Sec. 1501. Aquaculture business disaster assistance.

Subtitle F—Small Business Regulatory Relief

Sec. 1601. Requirements providing for more detailed analyses.

Sec. 1602. Office of advocacy.

Subtitle G—Appropriations Provisions

Sec. 1701. Salaries and expenses.

Sec. 1702. Business loans program account.

Sec. 1703. Community Development Financial Institutions Fund program account.

Sec. 1704. Small business loan guarantee enhancement extensions.

TITLE II—TAX PROVISIONS

Sec. 2001. Short title.

Subtitle A—Small Business Relief**PART I—PROVIDING ACCESS TO CAPITAL**

Sec. 2011. Temporary exclusion of 100 percent of gain on certain small business stock.

Sec. 2012. General business credits of eligible small businesses for 2010 carried back 5 years.

Sec. 2013. General business credits of eligible small businesses in 2010 not subject to alternative minimum tax.

Sec. 2014. Temporary reduction in recognition period for built-in gains tax.

PART II—ENCOURAGING INVESTMENT

Sec. 2021. Increased expensing limitations for 2010 and 2011; certain real property treated as section 179 property.

Sec. 2022. Additional first-year depreciation for 50 percent of the basis of certain qualified property.

Sec. 2023. Special rule for long-term contract accounting.

PART III—PROMOTING ENTREPRENEURSHIP

Sec. 2031. Increase in amount allowed as deduction for start-up expenditures in 2010.

Sec. 2032. Authorization of appropriations for the United States Trade Representative to develop market access opportunities for United States small- and medium-sized businesses and to enforce trade agreements.

PART IV—PROMOTING SMALL BUSINESS FAIRNESS

Sec. 2041. Limitation on penalty for failure to disclose reportable transactions based on resulting tax benefits.

Sec. 2042. Deduction for health insurance costs in computing self-employment taxes in 2010.

Sec. 2043. Removal of cellular telephones and similar telecommunications equipment from listed property.

Subtitle B—Revenue Provisions**PART I—REDUCING THE TAX GAP**

Sec. 2101. Information reporting for rental property expense payments.

Sec. 2102. Increase in information return penalties.

Sec. 2103. Report on tax shelter penalties and certain other enforcement actions.

Sec. 2104. Application of continuous levy to tax liabilities of certain Federal contractors.

PART II—PROMOTING RETIREMENT PREPARATION

Sec. 2111. Participants in government section 457 plans allowed to treat elective deferrals as Roth contributions.

Sec. 2112. Rollovers from elective deferral plans to designated Roth accounts.

Sec. 2113. Special rules for annuities received from only a portion of a contract.

PART III—CLOSING UNINTENDED LOOPHOLES

Sec. 2121. Crude oil ineligible for cellulosic biofuel producer credit.

Sec. 2122. Source rules for income on guarantees.

Sec. 2123. Elimination of advance refundability of earned income credit.

PART IV—TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

Sec. 2131. Time for payment of corporate estimated taxes.

TITLE III—STATE SMALL BUSINESS CREDIT INITIATIVE

Sec. 3001. Short title.

Sec. 3002. Definitions.

Sec. 3003. Federal funds allocated to States.

Sec. 3004. Approving States for participation.

Sec. 3005. Approving State capital access programs.

Sec. 3006. Approving collateral support and other innovative credit access and guarantee initiatives for small businesses and manufacturers.

Sec. 3007. Reports.

Sec. 3008. Remedies for State program termination or failures.

Sec. 3009. Implementation and administration.

Sec. 3010. Regulations.

Sec. 3011. Oversight and audits.

TITLE IV—ADDITIONAL SMALL BUSINESS PROVISIONS**Subtitle A—Small Business Lending Fund**

Sec. 4101. Purpose.

Sec. 4102. Definitions.

Sec. 4103. Small business lending fund.

Sec. 4104. Additional authorities of the Secretary.

Sec. 4105. Considerations.

Sec. 4106. Reports.

Sec. 4107. Oversight and audits.

Sec. 4108. Credit reform; funding.

Sec. 4109. Termination and continuation of authorities.

Sec. 4110. Preservation of authority.

Sec. 4111. Assurances.

Sec. 4112. Study and report with respect to women-owned, veteran-owned, and minority-owned businesses.

Sec. 4113. Sense of Congress.

Subtitle B—Other Provisions

PART I—SMALL BUSINESS EXPORT
PROMOTION INITIATIVES

- Sec. 4221. Short title.
- Sec. 4222. Global business development and promotion activities of the Department of Commerce.
- Sec. 4223. Additional funding to improve access to global markets for rural businesses.
- Sec. 4224. Additional funding for the ExporTech program.
- Sec. 4225. Additional funding for the market development cooperator program of the department of commerce.
- Sec. 4226. Hollings Manufacturing Partnership Program; Technology Innovation Program.
- Sec. 4227. Sense of the Senate concerning Federal collaboration with States on export promotion issues.
- Sec. 4228. Report on tariff and nontariff barriers.

PART II—MEDICARE FRAUD

- Sec. 4241. Use of predictive modeling and other analytics technologies to identify and prevent waste, fraud, and abuse in the Medicare fee-for-service program.

PART III—AGRICULTURAL DISASTERS

- Sec. 4261. Emergency agricultural disaster assistance.
- Sec. 4262. Use of unspent future funds from the American Recovery and Reinvestment Act.

TITLE V—BUDGETARY PROVISIONS

- Sec. 5001. Determination of budgetary effects.

TITLE I—SMALL BUSINESSES

SEC. 1001. DEFINITIONS.

In this title—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term “small business concern” has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

Subtitle A—Small Business Access to Credit

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the “Small Business Job Creation and Access to Capital Act of 2010”.

PART I—NEXT STEPS FOR MAIN STREET
CREDIT AVAILABILITY

SEC. 1111. SECTION 7(a) BUSINESS LOANS.

(a) AMENDMENT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

- (1) in paragraph (2)(A)—
- (A) in clause (i), by striking “75 percent” and inserting “90 percent”; and
- (B) in clause (ii), by striking “85 percent” and inserting “90 percent”; and
- (2) in paragraph (3)(A), by striking “\$1,500,000 (or if the gross loan amount would exceed \$2,000,000)” and inserting “\$4,500,000 (or if the gross loan amount would exceed \$5,000,000)”.

(b) PROSPECTIVE REPEAL.—Effective January 1, 2011, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

- (1) in paragraph (2)(A)—
- (A) in clause (i), by striking “90 percent” and inserting “75 percent”; and
- (B) in clause (ii), by striking “90 percent” and inserting “85 percent”; and
- (2) in paragraph (3)(A), by striking “\$4,500,000” and inserting “\$3,750,000”.

SEC. 1112. MAXIMUM LOAN AMOUNTS UNDER 504
PROGRAM.

Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

- (1) in clause (i), by striking “\$1,500,000” and inserting “\$5,000,000”;
- (2) in clause (ii), by striking “\$2,000,000” and inserting “\$5,000,000”;
- (3) in clause (iii), by striking “\$4,000,000” and inserting “\$5,500,000”;
- (4) in clause (iv), by striking “\$4,000,000” and inserting “\$5,500,000”; and
- (5) in clause (v), by striking “\$4,000,000” and inserting “\$5,500,000”.

SEC. 1113. MAXIMUM LOAN LIMITS UNDER
MICROLOAN PROGRAM.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

- (1) in paragraph (1)(B)(iii), by striking “\$35,000” and inserting “\$50,000”;
- (2) in paragraph (3)—
- (A) in subparagraph (C), by striking “\$3,500,000” and inserting “\$5,000,000”; and
- (B) in subparagraph (E), by striking “\$35,000” each place that term appears and inserting “\$50,000”; and
- (3) in paragraph (11)(B), by striking “\$35,000” and inserting “\$50,000”.

SEC. 1114. LOAN GUARANTEE ENHANCEMENT EX-
TENSIONS.

(a) FEES.—Section 501 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151) is amended by striking “September 30, 2010” each place that term appears and inserting “December 31, 2010”.

(b) LOAN GUARANTEES.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 153) is amended by striking “May 31, 2010” and inserting “December 31, 2010”.

SEC. 1115. NEW MARKETS VENTURE CAPITAL
COMPANY INVESTMENT LIMITA-
TIONS.

Section 355 of the Small Business Investment Act of 1958 (15 U.S.C. 689d) is amended by adding at the end the following:

“(e) INVESTMENT LIMITATIONS.—

“(1) DEFINITION.—In this subsection, the term ‘covered New Markets Venture Capital company’ means a New Markets Venture Capital company—

“(A) granted final approval by the Administrator under section 354(e) on or after March 1, 2002; and

“(B) that has obtained a financing from the Administrator.

“(2) LIMITATION.—Except to the extent approved by the Administrator, a covered New Markets Venture Capital company may not acquire or issue commitments for securities under this title for any single enterprise in an aggregate amount equal to more than 10 percent of the sum of—

“(A) the regulatory capital of the covered New Markets Venture Capital company; and

“(B) the total amount of leverage projected in the participation agreement of the covered New Markets Venture Capital.”.

SEC. 1116. ALTERNATIVE SIZE STANDARDS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

“(5) ALTERNATIVE SIZE STANDARD.—

“(A) IN GENERAL.—The Administrator shall establish an alternative size standard for applicants for business loans under section 7(a) and applicants for development company loans under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), that uses maximum tangible net worth and average net income as an alternative to the use of industry standards.

“(B) INTERIM RULE.—Until the date on which the alternative size standard established under subparagraph (A) is in effect, an applicant for a business loan under section 7(a) or an applicant for a development company loan under title V of the Small Business Investment Act of 1958 may be eligible for such a loan if—

“(i) the maximum tangible net worth of the applicant is not more than \$15,000,000; and

“(ii) the average net income after Federal income taxes (excluding any carry-over losses) of the applicant for the 2 full fiscal years before the date of the application is not more than \$5,000,000.”.

SEC. 1117. SALE OF 7(a) LOANS IN SECONDARY
MARKET.

Section 5(g) of the Small Business Act (15 U.S.C. 634(g)) is amended by adding at the end the following:

“(6) If the amount of the guaranteed portion of any loan under section 7(a) is more than \$500,000, the Administrator shall, upon request of a pool assembler, divide the loan guarantee into increments of \$500,000 and 1 increment of any remaining amount less than \$500,000, in order to permit the maximum amount of any loan in a pool to be not more than \$500,000. Only 1 increment of any loan guarantee divided under this paragraph may be included in the same pool. Increments of loan guarantees to different borrowers that are divided under this paragraph may be included in the same pool.”.

SEC. 1118. ONLINE LENDING PLATFORM.

It is the sense of Congress that the Administrator of the Small Business Administration should establish a website that—

(1) lists each lender that makes loans guaranteed by the Small Business Administration and provides information about the loan rates of each such lender; and

(2) allows prospective borrowers to compare rates on loans guaranteed by the Small Business Administration.

SEC. 1119. SBA SECONDARY MARKET GUARANTEE
AUTHORITY.

Section 503(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 155) is amended by striking “on the date 2 years after the date of enactment of this section” and inserting “2 years after the date of the first sale of a pool of first lien position 504 loans guaranteed under this section to a third-party investor”.

PART II—SMALL BUSINESS ACCESS TO
CAPITALSEC. 1122. LOW-INTEREST REFINANCING UNDER
THE LOCAL DEVELOPMENT BUSI-
NESS LOAN PROGRAM.

(a) REFINANCING.—Section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by adding at the end the following:

“(C) REFINANCING NOT INVOLVING EXPANSIONS.—

“(i) DEFINITIONS.—In this subparagraph—

“(I) the term ‘borrower’ means a small business concern that submits an application to a development company for financing under this subparagraph;

“(II) the term ‘eligible fixed asset’ means tangible property relating to which the Administrator may provide financing under this section; and

“(III) the term ‘qualified debt’ means indebtedness—

“(aa) that—

“(AA) was incurred not less than 2 years before the date of the application for assistance under this subparagraph;

“(BB) is a commercial loan;

“(CC) is not subject to a guarantee by a Federal agency;

“(DD) the proceeds of which were used to acquire an eligible fixed asset;

“(EE) was incurred for the benefit of the small business concern; and

“(FF) is collateralized by eligible fixed assets; and

“(bb) for which the borrower has been current on all payments for not less than 1 year before the date of the application.

“(ii) AUTHORITY.—A project that does not involve the expansion of a small business concern may include the refinancing of qualified debt if—

“(I) the amount of the financing is not more than 90 percent of the value of the collateral for the financing, except that, if the appraised value of the eligible fixed assets serving as collateral for the financing is less than the amount equal to 125 percent of the amount of the financing, the borrower may provide additional cash or other collateral to eliminate any deficiency;

“(II) the borrower has been in operation for all of the 2-year period ending on the date of the loan; and

“(III) for a financing for which the Administrator determines there will be an additional cost attributable to the refinancing of the qualified debt, the borrower agrees to pay a fee in an amount equal to the anticipated additional cost.

“(iii) FINANCING FOR BUSINESS EXPENSES.—

“(I) FINANCING FOR BUSINESS EXPENSES.—The Administrator may provide financing to a borrower that receives financing that includes a refinancing of qualified debt under clause (ii), in addition to the refinancing under clause (ii), to be used solely for the payment of business expenses.

“(II) APPLICATION FOR FINANCING.—An application for financing under subclause (I) shall include—

“(aa) a specific description of the expenses for which the additional financing is requested; and

“(bb) an itemization of the amount of each expense.

“(III) CONDITION ON ADDITIONAL FINANCING.—A borrower may not use any part of the financing under this clause for non-business purposes.

“(iv) LOANS BASED ON JOBS.—

“(I) JOB CREATION AND RETENTION GOALS.—

“(aa) IN GENERAL.—The Administrator may provide financing under this subparagraph for a borrower that meets the job creation goals under subsection (d) or (e) of section 501.

“(bb) ALTERNATE JOB RETENTION GOAL.—The Administrator may provide financing under this subparagraph to a borrower that does not meet the goals described in item (aa) in an amount that is not more than the product obtained by multiplying the number of employees of the borrower by \$65,000.

“(II) NUMBER OF EMPLOYEES.—For purposes of subclause (I), the number of employees of a borrower is equal to the sum of—

“(aa) the number of full-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; and

“(bb) the product obtained by multiplying—

“(AA) the number of part-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; by

“(BB) the quotient obtained by dividing the average number of hours each part time employee of the borrower works each week by 40.

“(v) NONDELEGATION.—Notwithstanding section 508(e), the Administrator may not permit a premier certified lender to approve or disapprove an application for assistance under this subparagraph.

“(vi) TOTAL AMOUNT OF LOANS.—The Administrator may provide not more than a total of \$7,500,000,000 of financing under this subparagraph for each fiscal year.”.

(b) PROSPECTIVE REPEAL.—Effective 2 years after the date of enactment of this Act, section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by striking subparagraph (C).

(c) TECHNICAL CORRECTION.—Section 502(2)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)(i)) is amended by striking “subparagraph (B) or (C)” and inserting “clause (ii), (iii), (iv), or (v)”.

PART III—OTHER MATTERS

SEC. 1131. SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by striking subsection (1) and inserting the following:

“(1) SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘eligible intermediary’—

“(i) means a private, nonprofit entity that—

“(I) seeks or has been awarded a loan from the Administrator to make loans to small business concerns under this subsection; and

“(II) has not less than 1 year of experience making loans to startup, newly established, or growing small business concerns; and

“(ii) includes—

“(I) a private, nonprofit community development corporation;

“(II) a consortium of private, nonprofit organizations or nonprofit community development corporations; and

“(III) an agency of or nonprofit entity established by a Native American Tribal Government; and

“(B) the term ‘Program’ means the small business intermediary lending pilot program established under paragraph (2).

“(2) ESTABLISHMENT.—There is established a 3-year small business intermediary lending pilot program, under which the Administrator may make direct loans to eligible intermediaries, for the purpose of making loans to startup, newly established, and growing small business concerns.

“(3) PURPOSES.—The purposes of the Program are—

“(A) to assist small business concerns in areas suffering from a lack of credit due to poor economic conditions or changes in the financial market; and

“(B) to establish a loan program under which the Administrator may provide loans to eligible intermediaries to enable the eligible intermediaries to provide loans to startup, newly established, and growing small business concerns for working capital, real estate, or the acquisition of materials, supplies, or equipment.

“(4) LOANS TO ELIGIBLE INTERMEDIARIES.—

“(A) APPLICATION.—Each eligible intermediary desiring a loan under this subsection shall submit an application to the Administrator that describes—

“(i) the type of small business concerns to be assisted;

“(ii) the size and range of loans to be made;

“(iii) the interest rate and terms of loans to be made;

“(iv) the geographic area to be served and the economic, poverty, and unemployment characteristics of the area;

“(v) the status of small business concerns in the area to be served and an analysis of the availability of credit; and

“(vi) the qualifications of the applicant to carry out this subsection.

“(B) LOAN LIMITS.—No loan may be made to an eligible intermediary under this subsection if the total amount outstanding and committed to the eligible intermediary by the Administrator would, as a result of such loan, exceed \$1,000,000 during the participation of the eligible intermediary in the Program.

“(C) LOAN DURATION.—Loans made by the Administrator under this subsection shall be for a term of 20 years.

“(D) APPLICABLE INTEREST RATES.—Loans made by the Administrator to an eligible intermediary under the Program shall bear an annual interest rate equal to 1.00 percent.

“(E) FEES; COLLATERAL.—The Administrator may not charge any fees or require collateral with respect to any loan made to an eligible intermediary under this subsection.

“(F) DELAYED PAYMENTS.—The Administrator shall not require the repayment of principal or interest on a loan made to an eligible intermediary under the Program during the 2-year period beginning on the date of the initial disbursement of funds under that loan.

“(G) MAXIMUM PARTICIPANTS AND AMOUNTS.—During each of fiscal years 2011, 2012, and 2013, the Administrator may make loans under the Program—

“(i) to not more than 20 eligible intermediaries; and

“(ii) in a total amount of not more than \$20,000,000.

“(5) LOANS TO SMALL BUSINESS CONCERNS.—

“(A) IN GENERAL.—The Administrator, through an eligible intermediary, shall make loans to startup, newly established, and growing small business concerns for working capital, real estate, and the acquisition of materials, supplies, furniture, fixtures, and equipment.

“(B) MAXIMUM LOAN.—An eligible intermediary may not make a loan under this subsection of more than \$200,000 to any 1 small business concern.

“(C) APPLICABLE INTEREST RATES.—A loan made by an eligible intermediary to a small business concern under this subsection, may have a fixed or a variable interest rate, and shall bear an interest rate specified by the eligible intermediary in the application of the eligible intermediary for a loan under this subsection.

“(D) REVIEW RESTRICTIONS.—The Administrator may not review individual loans made by an eligible intermediary to a small business concern before approval of the loan by the eligible intermediary.

“(6) TERMINATION.—The authority of the Administrator to make loans under the Program shall terminate 3 years after the date of enactment of the Small Business Job Creation and Access to Capital Act of 2010.”.

(b) RULEMAKING AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out section 7(1) of the Small Business Act, as amended by subsection (a).

(c) AVAILABILITY OF FUNDS.—Any amounts provided to the Administrator for the purposes of carrying out section 7(1) of the Small Business Act, as amended by subsection (a), shall remain available until expended.

SEC. 1132. PUBLIC POLICY GOALS.

Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended—

(1) in subparagraph (J), by striking “or” at the end;

(2) in subparagraph (K), by striking the period at the end and inserting “, or”; and

(3) by adding at the end the following:

“(L) reduction of rates of unemployment in labor surplus areas, as such areas are determined by the Secretary of Labor.”.

SEC. 1133. FLOOR PLAN PILOT PROGRAM EXTENSION.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by redesignating paragraph (32), relating to increased veteran participation, as added by section 208 of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008 (Public Law 110-186; 122 Stat. 631), as paragraph (33); and

(2) by adding at the end the following:

“(34) FLOOR PLAN FINANCING PROGRAM.—

“(A) DEFINITION.—In this paragraph, the term ‘eligible retail good’—

“(i) means a good for which a title may be obtained under State law; and

“(ii) includes an automobile, recreational vehicle, boat, and manufactured home.

“(B) PROGRAM.—The Administrator may guarantee the timely payment of an open-end extension of credit to a small business concern, the proceeds of which may be used for the purchase of eligible retail goods for resale.

“(C) AMOUNT.—An open-end extension of credit guaranteed under this paragraph shall be in an amount not less than \$500,000 and not more than \$5,000,000.

“(D) TERM.—An open-end extension of credit guaranteed under this paragraph shall have a term of not more than 5 years.

“(E) GUARANTEE PERCENTAGE.—The Administrator may guarantee—

“(i) not less than 60 percent of an open-end extension of credit under this paragraph; and

“(ii) not more than 75 percent of an open-end extension of credit under this paragraph.

“(F) ADVANCE RATE.—The lender for an open-end extension of credit guaranteed under this paragraph may allow the borrower to draw funds on the line of credit in an amount equal to not more than 100 percent of the value of the eligible retail goods to be purchased.”.

(b) SUNSET.—Effective September 30, 2013, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by striking paragraph (34); and

(2) by redesignating paragraph (35), as added by section 1206 of this Act, as paragraph (34).

SEC. 1134. GUARANTEES FOR BONDS AND NOTES ISSUED FOR COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSES.

The Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4701 et seq.) is amended by inserting after section 114 (12 U.S.C. 4713) the following:

“SEC. 114A. GUARANTEES FOR BONDS AND NOTES ISSUED FOR COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSES.

“(a) DEFINITIONS.—In this section, the following definitions shall apply:

“(1) ELIGIBLE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ‘eligible community development financial institution’ means a community development financial institution (as described in section 1805.201 of title 12, Code of Federal Regulations, or any successor thereto) certified by the Secretary that has applied to a qualified issuer for, or been granted by a qualified issuer, a loan under the Program.

“(2) ELIGIBLE COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSE.—The term ‘eligible

community or economic development purpose’—

“(A) means any purpose described in section 108(b); and

“(B) includes the provision of community or economic development in low-income or underserved rural areas.

“(3) GUARANTEE.—The term ‘guarantee’ means a written agreement between the Secretary and a qualified issuer (or trustee), pursuant to which the Secretary ensures repayment of the verifiable losses of principal, interest, and call premium, if any, on notes or bonds issued by a qualified issuer to finance or refinance loans to eligible community development financial institutions.

“(4) LOAN.—The term ‘loan’ means any credit instrument that is extended under the Program for any eligible community or economic development purpose.

“(5) MASTER SERVICER.—

“(A) IN GENERAL.—The term ‘master servicer’ means any entity approved by the Secretary in accordance with subparagraph (B) to oversee the activities of servicers, as provided in subsection (f)(4).

“(B) APPROVAL CRITERIA FOR MASTER SERVICERS.—The Secretary shall approve or deny any application to become a master servicer under the Program not later than 90 days after the date on which all required information is submitted to the Secretary, based on the capacity and experience of the applicant in—

“(i) loan administration, servicing, and loan monitoring;

“(ii) managing regional or national loan intake, processing, or servicing operational systems and infrastructure;

“(iii) managing regional or national originator communication systems and infrastructure;

“(iv) developing and implementing training and other risk management strategies on a regional or national basis; and

“(v) compliance monitoring, investor relations, and reporting.

“(6) PROGRAM.—The term ‘Program’ means the guarantee Program for bonds and notes issued for eligible community or economic development purposes established under this section.

“(7) PROGRAM ADMINISTRATOR.—The term ‘Program administrator’ means an entity designated by the issuer to perform administrative duties, as provided in subsection (f)(2).

“(8) QUALIFIED ISSUER.—

“(A) IN GENERAL.—The term ‘qualified issuer’ means a community development financial institution (or any entity designated to issue notes or bonds on behalf of such community development financial institution) that meets the qualification requirements of this paragraph.

“(B) APPROVAL CRITERIA FOR QUALIFIED ISSUERS.—

“(i) IN GENERAL.—The Secretary shall approve a qualified issuer for a guarantee under the Program in accordance with the requirements of this paragraph, and such additional requirements as the Secretary may establish, by regulation.

“(ii) TERMS AND QUALIFICATIONS.—A qualified issuer shall—

“(I) have appropriate expertise, capacity, and experience, or otherwise be qualified to make loans for eligible community or economic development purposes;

“(II) provide to the Secretary—

“(aa) an acceptable statement of the proposed sources and uses of the funds; and

“(bb) a capital distribution plan that meets the requirements of subsection (c)(1); and

“(III) certify to the Secretary that the bonds or notes to be guaranteed are to be used for eligible community or economic development purposes.

“(C) DEPARTMENT OPINION; TIMING.—

“(i) DEPARTMENT OPINION.—Not later than 30 days after the date of a request by a qualified issuer for approval of a guarantee under the Program, the Secretary shall provide an opinion regarding compliance by the issuer with the requirements of the Program under this section.

“(ii) TIMING.—The Secretary shall approve or deny a guarantee under this section after consideration of the opinion provided to the Secretary under clause (i), and in no case later than 90 days after receipt of all required information by the Secretary with respect to a request for such guarantee.

“(9) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.

“(10) SERVICER.—The term ‘servicer’ means an entity designated by the issuer to perform various servicing duties, as provided in subsection (f)(3).

“(b) GUARANTEES AUTHORIZED.—The Secretary shall guarantee payments on bonds or notes issued by any qualified issuer, if the proceeds of the bonds or notes are used in accordance with this section to make loans to eligible community development financial institutions—

“(1) for eligible community or economic development purposes; or

“(2) to refinance loans or notes issued for such purposes.

“(c) GENERAL PROGRAM REQUIREMENTS.—

“(1) IN GENERAL.—A capital distribution plan meets the requirements of this subsection, if not less than 90 percent of the principal amount of guaranteed bonds or notes (other than costs of issuance fees) are used to make loans for any eligible community or economic development purpose, measured annually, beginning at the end of the 1-year period beginning on the issuance date of such guaranteed bonds or notes.

“(2) RELENDING ACCOUNT.—Not more than 10 percent of the principal amount of guaranteed bonds or notes, multiplied by an amount equal to the outstanding principal balance of issued notes or bonds, minus the risk-share pool amount under subsection (d), may be held in a relending account and may be made available for new eligible community or economic development purposes.

“(3) LIMITATIONS ON UNPAID PRINCIPAL BALANCES.—The proceeds of guaranteed bonds or notes under the Program may not be used to pay fees (other than costs of issuance fees), and shall be held in—

“(A) community or economic development loans;

“(B) a relending account, to the extent authorized under paragraph (2); or

“(C) a risk-share pool established under subsection (d).

“(4) REPAYMENT.—If a qualified issuer fails to meet the requirements of paragraph (1) by the end of the 90-day period beginning at the end of the annual measurement period, repayment shall be made on that portion of bonds or notes necessary to bring the bonds or notes that remain outstanding after such repayment into compliance with the 90 percent requirement of paragraph (1).

“(5) PROHIBITED USES.—The Secretary shall, by regulation—

“(A) prohibit, as appropriate, certain uses of amounts from the guarantee of a bond or note under the Program, including the use of such funds for political activities, lobbying, outreach, counseling services, or travel expenses; and

“(B) provide that the guarantee of a bond or note under the Program may not be used for salaries or other administrative costs of—

“(i) the qualified issuer; or

“(ii) any recipient of amounts from the guarantee of a bond or note.

“(d) **RISK-SHARE POOL.**—Each qualified issuer shall, during the term of a guarantee provided under the Program, establish a risk-share pool, capitalized by contributions from eligible community development financial institution participants an amount equal to 3 percent of the guaranteed amount outstanding on the subject notes and bonds.

“(e) **GUARANTEES.**—

“(1) **IN GENERAL.**—A guarantee issued under the Program shall—

“(A) be for the full amount of a bond or note, including the amount of principal, interest, and call premiums;

“(B) be fully assignable and transferable to the capital market, on terms and conditions that are consistent with comparable Government-guaranteed bonds, and satisfactory to the Secretary;

“(C) represent the full faith and credit of the United States; and

“(D) not exceed 30 years.

“(2) **LIMITATIONS.**—

“(A) **ANNUAL NUMBER OF GUARANTEES.**—The Secretary shall issue not more than 10 guarantees in any calendar year under the Program.

“(B) **GUARANTEE AMOUNT.**—The Secretary may not guarantee any amount under the Program equal to less than \$100,000,000, but the total of all such guarantees in any fiscal year may not exceed \$1,000,000,000.

“(f) **SERVICING OF TRANSACTIONS.**—

“(1) **IN GENERAL.**—To maximize efficiencies and minimize cost and interest rates, loans made under this section may be serviced by qualified Program administrators, bond servicers, and a master servicer.

“(2) **DUTIES OF PROGRAM ADMINISTRATOR.**—The duties of a Program administrator shall include—

“(A) approving and qualifying eligible community development financial institution applications for participation in the Program;

“(B) compliance monitoring;

“(C) bond packaging in connection with the Program; and

“(D) all other duties and related services that are customarily expected of a Program administrator.

“(3) **DUTIES OF SERVICER.**—The duties of a servicer shall include—

“(A) billing and collecting loan payments;

“(B) initiating collection activities on past-due loans;

“(C) transferring loan payments to the master servicing accounts;

“(D) loan administration and servicing;

“(E) systematic and timely reporting of loan performance through remittance and servicing reports;

“(F) proper measurement of annual outstanding loan requirements; and

“(G) all other duties and related services that are customarily expected of servicers.

“(4) **DUTIES OF MASTER SERVICER.**—The duties of a master servicer shall include—

“(A) tracking the movement of funds between the accounts of the master servicer and any other servicer;

“(B) ensuring orderly receipt of the monthly remittance and servicing reports of the servicer;

“(C) monitoring the collection comments and foreclosure actions;

“(D) aggregating the reporting and distribution of funds to trustees and investors;

“(E) removing and replacing a servicer, as necessary;

“(F) loan administration and servicing;

“(G) systematic and timely reporting of loan performance compiled from all bond servicers' reports;

“(H) proper distribution of funds to investors; and

“(I) all other duties and related services that are customarily expected of a master servicer.

“(g) **FEES.**—

“(1) **IN GENERAL.**—A qualified issuer that receives a guarantee issued under this section on a bond or note shall pay a fee to the Secretary, in an amount equal to 10 basis points of the amount of the unpaid principal of the bond or note guaranteed.

“(2) **PAYMENT.**—A qualified issuer shall pay the fee required under this subsection on an annual basis.

“(3) **USE OF FEES.**—Fees collected by the Secretary under this subsection shall be used to reimburse the Department of the Treasury for any administrative costs incurred by the Department in implementing the Program established under this section.

“(h) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary, such sums as are necessary to carry out this section.

“(2) **USE OF FEES.**—To the extent that the amount of funds appropriated for a fiscal year under paragraph (1) are not sufficient to carry out this section, the Secretary may use the fees collected under subsection (g) for the cost of providing guarantees of bonds and notes under this section.

“(i) **INVESTMENT IN GUARANTEED BONDS INELIGIBLE FOR COMMUNITY REINVESTMENT ACT PURPOSES.**—Notwithstanding any other provision of law, any investment by a financial institution in bonds or notes guaranteed under the Program shall not be taken into account in assessing the record of such institution for purposes of the Community Reinvestment Act of 1977 (12 U.S.C. 2901).

“(j) **ADMINISTRATION.**—

“(1) **REGULATIONS.**—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to carry out this section.

“(2) **IMPLEMENTATION.**—Not later than 2 years after the date of enactment of this section, the Secretary shall implement this section.

“(k) **TERMINATION.**—This section is repealed, and the authority provided under this section shall terminate, on September 30, 2014.”

SEC. 1135. TEMPORARY EXPRESS LOAN ENHANCEMENT.

(a) **IN GENERAL.**—Section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking “\$350,000” and inserting “\$1,000,000”.

(b) **PROSPECTIVE REPEAL.**—Effective 1 year after the date of enactment of this Act, section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking “\$1,000,000” and inserting “\$350,000”.

SEC. 1136. PROHIBITION ON USING TARP FUNDS OR TAX INCREASES.

(a) **IN GENERAL.**—Except as provided in subsection (b), nothing in section 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1122, or 1131, or an amendment made by such sections, shall be construed to limit the ability of Congress to appropriate funds.

(b) **TARP FUNDS AND TAX INCREASES.**—

(1) **IN GENERAL.**—Any covered amounts may not be used to carry out section 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1122, or 1131, or an amendment made by such sections.

(2) **DEFINITION.**—In this subsection, the term “covered amounts” means—

(A) the amounts made available to the Secretary of the Treasury under title I of the Emergency Economic Stabilization Act of 2008 S.C. 5201 et seq.) to purchase (under section 101) or guarantee (under section 102) assets under that Act; and

(B) any revenue increase attributable to any amendment to the Internal Revenue Code of 1986 made during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

Subtitle B—Small Business Trade and Exporting

SEC. 1201. SHORT TITLE.

This subtitle may be cited as the “Small Business Export Enhancement and International Trade Act of 2010”.

SEC. 1202. DEFINITIONS.

(a) **DEFINITIONS.**—In this subtitle—

(1) the term “Associate Administrator” means the Associate Administrator for International Trade appointed under section 22(a)(2) of the Small Business Act, as amended by this subtitle;

(2) the term “Export Assistance Center” means a one-stop shop referred to in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8)); and

(3) the term “rural small business concern” means a small business concern located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **DEFINITIONS.**—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(t) **SMALL BUSINESS DEVELOPMENT CENTER.**—In this Act, the term ‘small business development center’ means a small business development center described in section 21.

“(u) **REGION OF THE ADMINISTRATION.**—In this Act, the term ‘region of the Administration’ means the geographic area served by a regional office of the Administration established under section 4(a).”

(2) **CONFORMING AMENDMENT.**—Section 4(b)(3)(B)(x) of the Small Business Act (15 U.S.C. 633(b)(3)(B)(x)) is amended by striking “Administration district and region” and inserting “district and region of the Administration”.

SEC. 1203. OFFICE OF INTERNATIONAL TRADE.

(a) **ESTABLISHMENT.**—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking “SEC. 22. (a) There” and inserting the following:

“**SEC. 22. OFFICE OF INTERNATIONAL TRADE.**

“(a) **ESTABLISHMENT.**—

“(1) **OFFICE.**—There”; and

(2) in subsection (a)—

(A) in paragraph (1), as so designated, by striking the period and inserting “for the primary purposes of increasing—

“(A) the number of small business concerns that export; and

“(B) the volume of exports by small business concerns.”; and

(B) by adding at the end the following:

“(2) **ASSOCIATE ADMINISTRATOR.**—The head of the Office shall be the Associate Administrator for International Trade, who shall be responsible to the Administrator.”

(b) **AUTHORITY FOR ADDITIONAL ASSOCIATE ADMINISTRATOR.**—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking “five Associate Administrators” and inserting “Associate Administrators”; and

(2) by adding at the end the following: "One such Associate Administrator shall be the Associate Administrator for International Trade, who shall be the head of the Office of International Trade established under section 22."

(c) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following:

"(h) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—The Administrator shall ensure that—

"(1) the responsibilities of the Administration regarding international trade are carried out by the Associate Administrator;

"(2) the Associate Administrator has sufficient resources to carry out such responsibilities; and

"(3) the Associate Administrator has direct supervision and control over—

"(A) the staff of the Office; and

"(B) any employee of the Administration whose principal duty station is an Export Assistance Center, or any successor entity."

(d) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A)—

(1) by inserting "the Administrator of" before "the Small Business Administration"; and

(2) by inserting "through the Associate Administrator for International Trade, and" before "in cooperation with".

(e) IMPLEMENTATION DATE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall appoint an Associate Administrator for International Trade under section 22(a) of the Small Business Act (15 U.S.C. 649(a)), as added by this section.

SEC. 1204. DUTIES OF THE OFFICE OF INTERNATIONAL TRADE.

(a) AMENDMENTS TO SECTION 22.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) TRADE DISTRIBUTION NETWORK.—The Associate Administrator, working in close cooperation with the Secretary of Commerce, the United States Trade Representative, the Secretary of Agriculture, the Secretary of State, the President of the Export-Import Bank of the United States, the President of the Overseas Private Investment Corporation, Director of the United States Trade and Development Agency, and other relevant Federal agencies, small business development centers engaged in export promotion efforts, Export Assistance Centers, regional and district offices of the Administration, the small business community, and relevant State and local export promotion programs, shall—

"(1) maintain a distribution network, using regional and district offices of the Administration, the small business development center network, networks of women's business centers, the Service Corps of Retired Executives authorized by section 8(b)(1), and Export Assistance Centers, for programs relating to—

"(A) trade promotion;

"(B) trade finance;

"(C) trade adjustment assistance;

"(D) trade remedy assistance; and

"(E) trade data collection;

"(2) aggressively market the programs described in paragraph (1) and disseminate information, including computerized mar-

keting data, to small business concerns on exporting trends, market-specific growth, industry trends, and international prospects for exports;

"(3) promote export assistance programs through the district and regional offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector; and

"(4) give preference in hiring or approving the transfer of any employee into the Office or to a position described in subsection (c)(9) to otherwise qualified applicants who are fluent in a language in addition to English, to—

"(A) accompany small business concerns on foreign trade missions; and

"(B) translate documents, interpret conversations, and facilitate multilingual transactions, including by providing referral lists for translation services, if required."

(2) in subsection (c)—

(A) by striking "(c) The Office" and inserting the following:

"(c) PROMOTION OF SALES OPPORTUNITIES.—The Associate Administrator";

(B) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(C) by inserting before paragraph (2), as so redesignated, the following:

"(1) establish annual goals for the Office relating to—

"(A) enhancing the exporting capability of small business concerns and small manufacturers;

"(B) facilitating technology transfers;

"(C) enhancing programs and services to assist small business concerns and small manufacturers to compete effectively and efficiently in foreign markets;

"(D) increasing the ability of small business concerns to access capital; and

"(E) disseminating information concerning Federal, State, and private programs and initiatives;"

(D) in paragraph (2), as so redesignated, by striking "mechanism for" and all that follows through "(D) assisting" and inserting the following: "mechanism for—

"(A) identifying subsectors of the small business community with strong export potential;

"(B) identifying areas of demand in foreign markets;

"(C) prescreening foreign buyers for commercial and credit purposes; and

"(D) assisting";

(E) in paragraph (3), as so redesignated, by striking "assist small businesses in the formation and utilization of" and inserting "assist small business concerns in forming and using";

(F) in paragraph (4), as so redesignated—

(i) by striking "local" and inserting "district";

(ii) by striking "existing";

(iii) by striking "Small Business Development Center network" and inserting "small business development center network"; and

(iv) by striking "Small Business Development Center Program" and inserting "small business development center program";

(G) in paragraph (5), as so redesignated—

(i) in subparagraph (A), by striking "Gross State Produce" and inserting "Gross State Product";

(ii) in subparagraph (B), by striking "SIC" each place it appears and inserting "North American Industry Classification System"; and

(iii) in subparagraph (C), by striking "small businesses" and inserting "small business concerns";

(H) in paragraph (6), as so redesignated, by striking the period at the end and inserting a semicolon;

(I) in paragraph (7), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by inserting "concerns" after "small business"; and

(II) by striking "current" and inserting "up to date";

(ii) in subparagraph (A), by striking "Administration's regional offices" and inserting "regional and district offices of the Administration";

(iii) in subparagraph (B) by striking "current";

(iv) in subparagraph (C), by striking "current"; and

(v) by striking "small businesses" each place that term appears and inserting "small business concerns";

(J) in paragraph (8), as so redesignated, by striking and at the end;

(K) in paragraph (9), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking "full-time export development specialists to each Administration regional office and assigning"; and

(II) by striking "person in each district office. Such specialists" and inserting "individual in each district office and providing each Administration regional office with a full-time export development specialist, who";

(ii) in subparagraph (B)—

(I) by striking "current"; and

(II) by striking "with" and inserting "in";

(iii) in subparagraph (D)—

(I) by striking "Administration personnel involved in granting" and inserting "personnel of the Administration involved in making"; and

(II) by striking "and" at the end;

(iv) in subparagraph (E)—

(I) by striking "small businesses' needs" and inserting "the needs of small business concerns"; and

(II) by striking the period at the end and inserting a semicolon;

(v) by adding at the end the following:

"(F) participate, jointly with employees of the Office, in an annual training program that focuses on current small business needs for exporting; and

"(G) develop and conduct training programs for exporters and lenders, in cooperation with the Export Assistance Centers, the Department of Commerce, the Department of Agriculture, small business development centers, women's business centers, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and other relevant Federal agencies;"

(vi) by striking "small businesses" each place that term appears and inserting "small business concerns"; and

(L) by adding at the end the following:

"(10) make available on the website of the Administration the name and contact information of each individual described in paragraph (9);

"(11) carry out a nationwide marketing effort using technology, online resources, training, and other strategies to promote exporting as a business development opportunity for small business concerns;

"(12) disseminate information to the small business community through regional and district offices of the Administration, the small business development center network,

Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives authorized by section 8(b)(1), State and local export promotion programs, and partners in the private sector regarding exporting trends, market-specific growth, industry trends, and prospects for exporting; and

“(13) establish and carry out training programs for the staff of the regional and district offices of the Administration and resource partners of the Administration on export promotion and providing assistance relating to exports.”;

(3) in subsection (d)—

(A) by redesignating paragraphs (1) through (5) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(B) by striking “(d) The Office” and inserting the following:

“(d) EXPORT FINANCING PROGRAMS.—

“(1) IN GENERAL.—The Associate Administrator”;

(C) by striking “To accomplish this goal, the Office shall work” and inserting the following:

“(2) TRADE FINANCE SPECIALIST.—To accomplish the goal established under paragraph (1), the Associate Administrator shall—

“(A) designate at least 1 individual within the Administration as a trade finance specialist to oversee international loan programs and assist Administration employees with trade finance issues; and

“(B) work”;

(4) in subsection (e), by striking “(e) The Office” and inserting the following:

“(e) TRADE REMEDIES.—The Associate Administrator”;

(5) by amending subsection (f) to read as follows:

“(f) REPORTING REQUIREMENT.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

“(1) a description of the progress of the Office in implementing the requirements of this section;

“(2) a detailed account of the results of export growth activities of the Administration, including the activities of each district and regional office of the Administration, based on the performance measures described in subsection (i);

“(3) an estimate of the total number of jobs created or retained as a result of export assistance provided by the Administration and resource partners of the Administration;

“(4) for any travel by the staff of the Office, the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel; and

“(5) a description of the participation by the Office in trade negotiations.”;

(6) in subsection (g), by striking “(g) The Office” and inserting the following:

“(g) STUDIES.—The Associate Administrator”;

(7) by adding after subsection (h), as added by section 1203 of this subtitle, the following:

“(i) EXPORT AND TRADE COUNSELING.—

“(1) DEFINITION.—In this subsection—

“(A) the term ‘lead small business development center’ means a small business development center that has received a grant from the Administration; and

“(B) the term ‘lead women’s business center’ means a women’s business center that has received a grant from the Administration.

“(2) CERTIFICATION PROGRAM.—The Administrator shall establish an export and trade counseling certification program to certify employees of lead small business development centers and lead women’s business centers in providing export assistance to small business concerns.

“(3) NUMBER OF CERTIFIED EMPLOYEES.—The Administrator shall ensure that the number of employees of each lead small business development center who are certified in providing export assistance is not less than the lesser of—

“(A) 5; or

“(B) 10 percent of the total number of employees of the lead small business development center.

“(4) REIMBURSEMENT FOR CERTIFICATION.—

“(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall reimburse a lead small business development center or a lead women’s business center for costs relating to the certification of an employee of the lead small business center or lead women’s business center in providing export assistance under the program established under paragraph (2).

“(B) LIMITATION.—The total amount reimbursed by the Administrator under subparagraph (A) may not exceed \$350,000 in any fiscal year.

“(j) PERFORMANCE MEASURES.—

“(1) IN GENERAL.—The Associate Administrator shall develop performance measures for the Administration to support export growth goals for the activities of the Office under this section that include—

“(A) the number of small business concerns that—

“(i) receive assistance from the Administration;

“(ii) had not exported goods or services before receiving the assistance described in clause (i); and

“(iii) export goods or services;

“(B) the number of small business concerns receiving assistance from the Administration that export goods or services to a market outside the United States into which the small business concern did not export before receiving the assistance;

“(C) export revenues by small business concerns assisted by programs of the Administration;

“(D) the number of small business concerns referred to an Export Assistance Center or a small business development center by the staff of the Office;

“(E) the number of small business concerns referred to the Administration by an Export Assistance Center or a small business development center; and

“(F) the number of small business concerns referred to the Department of Commerce, the Department of Agriculture, the Department of State, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, or the United States Trade and Development Agency by the staff of the Office, an Export Assistance Center, or a small business development center.

“(2) JOINT PERFORMANCE MEASURES.—The Associate Administrator shall develop joint performance measures for the district offices of the Administration and the Export Assistance Centers that include the number of export loans made under—

“(A) section 7(a)(16);

“(B) the Export Working Capital Program established under section 7(a)(14);

“(C) the Preferred Lenders Program, as defined in section 7(a)(2)(C)(ii); and

“(D) the export express program established under section 7(a)(34).

“(3) CONSISTENCY OF TRACKING.—The Associate Administrator, in coordination with the departments and agencies that are represented on the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) and the small business development center network, shall develop a system to track exports by small business concerns, including information relating to the performance measures developed under paragraph (1), that is consistent with systems used by the departments and agencies and the network.”.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on any travel by the staff of the Office of International Trade of the Administration, during the period beginning on October 1, 2004, and ending on the date of enactment of the Act, including the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel.

SEC. 1205. EXPORT ASSISTANCE CENTERS.

(a) EXPORT ASSISTANCE CENTERS.—Section 22 of the Small Business Act (15 U.S.C. 649), as amended by this subtitle, is amended by adding at the end the following:

“(k) EXPORT ASSISTANCE CENTERS.—

“(1) EXPORT FINANCE SPECIALISTS.—

“(A) MINIMUM NUMBER OF EXPORT FINANCE SPECIALISTS.—On and after the date that is 90 days after the date of enactment of this subsection, the Administrator, in coordination with the Secretary of Commerce, shall ensure that the number of export finance specialists is not less than the number of such employees so assigned on January 1, 2003.

“(B) EXPORT FINANCE SPECIALISTS ASSIGNED TO EACH REGION OF THE ADMINISTRATION.—On and after the date that is 2 years after the date of enactment of this subsection, the Administrator, in coordination with the Secretary of Commerce, shall ensure that there are not fewer than 3 export finance specialists in each region of the Administration.

“(2) PLACEMENT OF EXPORT FINANCE SPECIALISTS.—

“(A) PRIORITY.—The Administrator shall give priority, to the maximum extent practicable, to placing employees of the Administration at any Export Assistance Center that—

“(i) had an Administration employee assigned to the Export Assistance Center before January 2003; and

“(ii) has not had an Administration employee assigned to the Export Assistance Center during the period beginning January 2003, and ending on the date of enactment of this subsection, either through retirement or reassignment.

“(B) NEEDS OF EXPORTERS.—The Administrator shall, to the maximum extent practicable, strategically assign Administration employees to Export Assistance Centers, based on the needs of exporters.

“(C) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the Administrator to reassign or remove an export finance specialist who is assigned to an Export Assistance Center on the date of enactment of this subsection.

“(3) GOALS.—The Associate Administrator shall work with the Department of Commerce, the Export-Import Bank of the United States, and the Overseas Private Investment Corporation to establish shared annual goals for the Export Assistance Centers.

“(4) OVERSIGHT.—The Associate Administrator shall designate an individual within the Administration to oversee all activities conducted by Administration employees assigned to Export Assistance Centers.

“(1) DEFINITIONS.—In this section—

“(1) the term ‘Associate Administrator’ means the Associate Administrator for International Trade described in subsection (a)(2);

“(2) the term ‘Export Assistance Center’ means a one-stop shop for United States exporters established by the United States and Foreign Commercial Service of the Department of Commerce pursuant to section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

“(3) the term ‘export finance specialist’ means a full-time equivalent employee of the Office assigned to an Export Assistance Center to carry out the duties described in subsection (e); and

“(4) the term ‘Office’ means the Office of International Trade established under subsection (a)(1).”

(b) STUDY AND REPORT ON FILLING GAPS IN HIGH-AND-LOW-EXPORT VOLUME AREAS.—

(1) STUDY AND REPORT.—Not later than 6 months after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall—

(A) conduct a study of—

(i) the volume of exports for each State;

(ii) the availability of export finance specialists in each State;

(iii) the number of exporters in each State that are small business concerns;

(iv) the percentage of exporters in each State that are small business concerns;

(v) the change, if any, in the number of exporters that are small business concerns in each State—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced;

(vi) the total value of the exports in each State by small business concerns;

(vii) the percentage of the total volume of exports in each State that is attributable to small business concerns; and

(viii) the change, if any, in the percentage of the total volume of exports in each State that is attributable to small business concerns—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced; and

(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing—

(i) the results of the study under subparagraph (A);

(ii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the greatest volume of exports, based upon the most recent data available from the Department of Commerce;

(iii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the lowest volume of exports, based upon the most recent data available from the Department of Commerce; and

(iv) such additional information as the Administrator determines is appropriate.

(2) DEFINITION.—In this subsection, the term “export finance specialist” has the meaning given that term in section 22(1) of the Small Business Act, as added by this title.

SEC. 1206. INTERNATIONAL TRADE FINANCE PROGRAMS.

(a) LOAN LIMITS.—

(1) TOTAL AMOUNT OUTSTANDING.—Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended by striking “\$1,750,000, of which not more than \$1,250,000” and inserting “\$4,500,000 (or if the gross loan amount would exceed \$5,000,000, of which not more than \$4,000,000”).

(2) PARTICIPATION.—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking “subparagraph (B)” and inserting “subparagraphs (B), (D), and (E)”; and

(B) in subparagraph (D), by striking “Notwithstanding subparagraph (A), in” and inserting “In”; and

(C) by adding at the end the following:

“(E) PARTICIPATION IN INTERNATIONAL TRADE LOAN.—In an agreement to participate in a loan on a deferred basis under paragraph (16), the participation by the Administration may not exceed 90 percent.”

(b) WORKING CAPITAL.—Section 7(a)(16)(A) of the Small Business Act (15 U.S.C. 636(a)(16)(A)) is amended—

(1) in the matter preceding clause (i), by striking “in—” and inserting “—”; and

(2) in clause (i)—

(A) by inserting “in” after “(i)”; and

(B) by striking “or” at the end;

(3) in clause (ii)—

(A) by inserting “in” after “(ii)”; and

(B) by striking the period at the end and inserting “, including any debt that qualifies for refinancing under any other provision of this subsection; or”; and

(4) by adding at the end the following:

“(iii) by providing working capital.”

(c) COLLATERAL.—Section 7(a)(16)(B) of the Small Business Act (15 U.S.C. 636(a)(16)(B)) is amended—

(1) by striking “Each loan” and inserting the following:

“(i) IN GENERAL.—Except as provided in clause (ii), each loan”; and

(2) by adding at the end the following:

“(ii) EXCEPTION.—A loan under this paragraph may be secured by a second lien position on the property or equipment financed by the loan or on other assets of the small business concern, if the Administrator determines the lien provides adequate assurance of the payment of the loan.”

(d) EXPORT WORKING CAPITAL PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(D), by striking “not exceed” and inserting “be”; and

(2) in paragraph (14)—

(A) by striking “(A) The Administration” and inserting the following: “EXPORT WORKING CAPITAL PROGRAM.—

“(A) IN GENERAL.—The Administrator”; and

(B) by striking “(B) When considering” and inserting the following:

“(C) CONSIDERATIONS.—When considering”; and

(C) by striking “(C) The Administration” and inserting the following:

“(D) MARKETING.—The Administrator”; and

(D) by inserting after subparagraph (A) the following:

“(B) TERMS.—

“(i) LOAN AMOUNT.—The Administrator may not guarantee a loan under this paragraph of more than \$5,000,000.

“(ii) FEES.—

“(I) IN GENERAL.—For a loan under this paragraph, the Administrator shall collect the fee assessed under paragraph (23) not more frequently than once each year.

“(II) UNTAPPED CREDIT.—The Administrator may not assess a fee on capital that is not accessed by the small business concern.”

(e) PARTICIPATION IN PREFERRED LENDERS PROGRAM.—Section 7(a)(2)(C) of the Small Business Act (15 U.S.C. 636(a)(2)(C)) is amended—

(1) by redesignating clause (ii) as clause (iii); and

(2) by inserting after clause (i) the following:

“(ii) EXPORT-IMPORT BANK LENDERS.—Any lender that is participating in the Delegated Authority Lender Program of the Export-Import Bank of the United States (or any successor to the Program) shall be eligible to participate in the Preferred Lenders Program.”

(f) EXPORT EXPRESS PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

“(35) EXPORT EXPRESS PROGRAM.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the term ‘export development activity’ includes—

“(I) obtaining a standby letter of credit when required as a bid bond, performance bond, or advance payment guarantee;

“(II) participation in a trade show that takes place outside the United States;

“(III) translation of product brochures or catalogues for use in markets outside the United States;

“(IV) obtaining a general line of credit for export purposes;

“(V) performing a service contract from buyers located outside the United States;

“(VI) obtaining transaction-specific financing associated with completing export orders;

“(VII) purchasing real estate or equipment to be used in the production of goods or services for export;

“(VIII) providing term loans or other financing to enable a small business concern, including an export trading company and an export management company, to develop a market outside the United States; and

“(IX) acquiring, constructing, renovating, modernizing, improving, or expanding a production facility or equipment to be used in the United States in the production of goods or services for export; and

“(ii) the term ‘express loan’ means a loan in which a lender uses to the maximum extent practicable the loan analyses, procedures, and documentation of the lender to provide expedited processing of the loan application.

“(B) AUTHORITY.—The Administrator may guarantee the timely payment of an express loan to a small business concern made for an export development activity.

“(C) LEVEL OF PARTICIPATION.—

“(i) MAXIMUM AMOUNT.—The maximum amount of an express loan guaranteed under this paragraph shall be \$500,000.

“(ii) PERCENTAGE.—For an express loan guaranteed under this paragraph, the Administrator shall guarantee—

“(I) 90 percent of a loan that is not more than \$350,000; and

“(II) 75 percent of a loan that is more than \$350,000 and not more than \$500,000.”

(g) ANNUAL LISTING OF EXPORT FINANCE LENDERS.—Section 7(a)(16) of the Small Business Act (15 U.S.C. 636(a)(16)) is amended by adding at the end the following:

“(F) LIST OF EXPORT FINANCE LENDERS.—

“(i) PUBLICATION OF LIST REQUIRED.—The Administrator shall publish an annual list of the banks and participating lending institutions that, during the 1-year period ending on the date of publication of the list, have made loans guaranteed by the Administration under—

“(I) this paragraph;

“(II) paragraph (14); or

“(III) paragraph (34).

“(ii) AVAILABILITY OF LIST.—The Administrator shall—

“(I) post the list published under clause (i) on the website of the Administration; and

“(II) make the list published under clause (i) available, upon request, at each district office of the Administration.”

(h) APPLICABILITY.—The amendments made by subsections (a) through (f) shall apply with respect to any loan made after the date of enactment of this Act.

SEC. 1207. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term “eligible small business concern” means a small business concern that—

(A) has been in business for not less than the 1-year period ending on the date on which assistance is provided using a grant under this section;

(B) is operating profitably, based on operations in the United States;

(C) has demonstrated understanding of the costs associated with exporting and doing business with foreign purchasers, including the costs of freight forwarding, customs brokers, packing and shipping, as determined by the Associate Administrator; and

(D) has in effect a strategic plan for exporting;

(2) the term “program” means the State Trade and Export Promotion Grant Program established under subsection (b);

(3) the term “small business concern owned and controlled by women” has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(4) the term “socially and economically disadvantaged small business concern” has the meaning given that term in section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 637(a)(4)(A)); and

(5) the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(b) ESTABLISHMENT OF PROGRAM.—The Associate Administrator shall establish a 3-year trade and export promotion pilot program to be known as the State Trade and Export Promotion Grant Program, to make grants to States to carry out export programs that assist eligible small business concerns in—

(1) participation in a foreign trade mission;

(2) a foreign market sales trip;

(3) a subscription to services provided by the Department of Commerce;

(4) the payment of website translation fees;

(5) the design of international marketing media;

(6) a trade show exhibition;

(7) participation in training workshops; or

(8) any other export initiative determined appropriate by the Associate Administrator.

(c) GRANTS.—

(1) JOINT REVIEW.—In carrying out the program, the Associate Administrator may make a grant to a State to increase the num-

ber of eligible small business concerns in the State that export or to increase the value of the exports by eligible small business concerns in the State.

(2) CONSIDERATIONS.—In making grants under this section, the Associate Administrator may give priority to an application by a State that proposes a program that—

(A) focuses on eligible small business concerns as part of an export promotion program;

(B) demonstrates success in promoting exports by—

(i) socially and economically disadvantaged small business concerns;

(ii) small business concerns owned or controlled by women; and

(iii) rural small business concerns;

(C) promotes exports from a State that is not 1 of the 10 States with the highest percentage of exporters that are small business concerns, based upon the latest data available from the Department of Commerce; and

(D) promotes new-to-market export opportunities to the People's Republic of China for eligible small business concerns in the United States.

(3) LIMITATIONS.—

(A) SINGLE APPLICATION.—A State may not submit more than 1 application for a grant under the program in any 1 fiscal year.

(B) PROPORTION OF AMOUNTS.—The total value of grants under the program made during a fiscal year to the 10 States with the highest number of exporters that are small business concerns, based upon the latest data available from the Department of Commerce, shall be not more than 40 percent of the amounts appropriated for the program for that fiscal year.

(4) APPLICATION.—A State desiring a grant under the program shall submit an application at such time, in such manner, and accompanied by such information as the Associate Administrator may establish.

(d) COMPETITIVE BASIS.—The Associate Administrator shall award grants under the program on a competitive basis.

(e) FEDERAL SHARE.—The Federal share of the cost of an export program carried out using a grant under the program shall be—

(1) for a State that has a high export volume, as determined by the Associate Administrator, not more than 65 percent; and

(2) for a State that does not have a high export volume, as determined by the Associate Administrator, not more than 75 percent.

(f) NON-FEDERAL SHARE.—The non-Federal share of the cost of an export program carried using a grant under the program shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

(g) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of this Act, the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report, which shall include—

(A) a description of the structure of and procedures for the program;

(B) a management plan for the program; and

(C) a description of the merit-based review process to be used in the program.

(2) ANNUAL REPORTS.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entre-

preneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the program, which shall include—

(A) the number and amount of grants made under the program during the preceding year;

(B) a list of the States receiving a grant under the program during the preceding year, including the activities being performed with grant; and

(C) the effect of each grant on exports by eligible small business concerns in the State receiving the grant.

(h) REVIEWS BY INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

(A) the extent to which recipients of grants under the program are measuring the performance of the activities being conducted and the results of the measurements; and

(B) the overall management and effectiveness of the program.

(2) REPORT.—Not later than September 30, 2012, the Inspector General of the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the review conducted under paragraph (1).

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program \$30,000,000 for each of fiscal years 2011, 2012, and 2013.

(j) TERMINATION.—The authority to carry out the program shall terminate 3 years after the date on which the Associate Administrator establishes the program.

SEC. 1208. RURAL EXPORT PROMOTION.

Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Commerce, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that contains—

(1) a description of each program of the Administration that promotes exports by rural small business concerns, including—

(A) the number of rural small business concerns served by the program;

(B) the change, if any, in the number of rural small business concerns as a result of participation in the program during the 10-year period ending on the date of enactment of this Act;

(C) the volume of exports by rural small business concerns that participate in the program; and

(D) the change, if any, in the volume of exports by rural small businesses that participate in the program during the 10-year period ending on the date of enactment of this Act;

(2) a description of the coordination between programs of the Administration and other Federal programs that promote exports by rural small business concerns;

(3) recommendations, if any, for improving the coordination described in paragraph (2);

(4) a description of any plan by the Administration to market the international trade financing programs of the Administration through lenders that—

(A) serve rural small business concerns; and

(B) are associated with financing programs of the Department of Agriculture;

(5) recommendations, if any, for improving coordination between the counseling programs and export financing programs of the

Administration, in order to increase the volume of exports by rural small business concerns; and

(6) any additional information the Administrator determines is necessary.

SEC. 1209. INTERNATIONAL TRADE COOPERATION BY SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—

(1) by striking “(2) The Small Business Development Centers” and inserting the following:

“(2) COOPERATION TO PROVIDE INTERNATIONAL TRADE SERVICES.—

“(A) INFORMATION AND SERVICES.—The small business development centers”; and

(2) in paragraph (2)—

(A) in subparagraph (A), as so designated, by inserting “(including State trade agencies),” after “local agencies”; and

(B) by adding at the end the following:

“(B) COOPERATION WITH STATE TRADE AGENCIES AND EXPORT ASSISTANCE CENTERS.—A small business development center that counsels a small business concern on issues relating to international trade shall—

“(i) consult with State trade agencies and Export Assistance Centers to provide appropriate services to the small business concern; and

“(ii) as necessary, refer the small business concern to a State trade agency or an Export Assistance Center for further counseling or assistance.

“(C) DEFINITION.—In this paragraph, the term ‘Export Assistance Center’ has the same meaning as in section 22.”.

**Subtitle C—Small Business Contracting
PART I—CONTRACT BUNDLING**

SEC. 1311. SMALL BUSINESS ACT.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1202, is amended by adding at the end the following:

“(v) MULTIPLE AWARD CONTRACT.—In this Act, the term ‘multiple award contract’ means—

“(1) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

“(2) any other indefinite delivery, indefinite quantity contract that is entered into by the head of a Federal agency with 2 or more sources pursuant to the same solicitation.”.

SEC. 1312. LEADERSHIP AND OVERSIGHT.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

“(q) BUNDLING ACCOUNTABILITY MEASURES.—

“(1) TEAMING REQUIREMENTS.—Each Federal agency shall include in each solicitation for any multiple award contract above the substantial bundling threshold of the Federal agency a provision soliciting bids from any responsible source, including responsible small business concerns and teams or joint ventures of small business concerns.

“(2) POLICIES ON REDUCTION OF CONTRACT BUNDLING.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 4219(a)) shall amend the Federal Acquisition Regulation issued under section 25 of such Act to—

“(i) establish a Government-wide policy regarding contract bundling, including regard-

ing the solicitation of teaming and joint ventures under paragraph (1); and

“(ii) require that the policy established under clause (i) be published on the website of each Federal agency.

“(B) RATIONALE FOR CONTRACT BUNDLING.—Not later than 30 days after the date on which the head of a Federal agency submits data certifications to the Administrator for Federal Procurement Policy, the head of the Federal agency shall publish on the website of the Federal agency a list and rationale for any bundled contract for which the Federal agency solicited bids or that was awarded by the Federal agency.

“(3) REPORTING.—Not later than 90 days after the date of enactment of this subsection, and every 3 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding procurement center representatives and commercial market representatives, which shall—

“(A) identify each area for which the Administration has assigned a procurement center representative or a commercial market representative;

“(B) explain why the Administration selected the areas identified under subparagraph (A); and

“(C) describe the activities performed by procurement center representatives and commercial market representatives.”.

(b) TECHNICAL CORRECTION.—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by striking “Administrator of the Office of Federal Procurement Policy” each place it appears and inserting “Administrator for Federal Procurement Policy”.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report regarding the procurement center representative program of the Administration.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) address ways to improve the effectiveness of the procurement center representative program in helping small business concerns obtain Federal contracts;

(B) evaluate the effectiveness of procurement center representatives and commercial marketing representatives; and

(C) include recommendations, if any, on how to improve the procurement center representative program.

(d) ELECTRONIC PROCUREMENT CENTER REPRESENTATIVE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall implement a 3-year pilot electronic procurement center representative program.

(2) REPORT.—Not later than 30 days after the pilot program under paragraph (1) ends, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the pilot program.

SEC. 1313. CONSOLIDATION OF CONTRACT REQUIREMENTS.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

“SEC. 44. CONSOLIDATION OF CONTRACT REQUIREMENTS.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘Chief Acquisition Officer’ means the employee of a Federal agency designated as the Chief Acquisition Officer for the Federal agency under section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(a));

“(2) the term ‘consolidation of contract requirements’, with respect to contract requirements of a Federal agency, means a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy 2 or more requirements of the Federal agency for goods or services that have been provided to or performed for the Federal agency under 2 or more separate contracts lower in cost than the total cost of the contract for which the offers are solicited; and

“(3) the term ‘senior procurement executive’ means an official designated under section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c)) as the senior procurement executive for a Federal agency.

“(b) POLICY.—The head of each Federal agency shall ensure that the decisions made by the Federal agency regarding consolidation of contract requirements of the Federal agency are made with a view to providing small business concerns with appropriate opportunities to participate as prime contractors and subcontractors in the procurements of the Federal agency.

“(c) LIMITATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.—

“(1) IN GENERAL.—Subject to paragraph (4), the head of a Federal agency may not carry out an acquisition strategy that includes a consolidation of contract requirements of the Federal agency with a total value of more than \$2,000,000, unless the senior procurement executive or Chief Acquisition Officer for the Federal agency, before carrying out the acquisition strategy—

“(A) conducts market research;

“(B) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements;

“(C) makes a written determination that the consolidation of contract requirements is necessary and justified;

“(D) identifies any negative impact by the acquisition strategy on contracting with small business concerns; and

“(E) certifies to the head of the Federal agency that steps will be taken to include small business concerns in the acquisition strategy.

“(2) DETERMINATION THAT CONSOLIDATION IS NECESSARY AND JUSTIFIED.—

“(A) IN GENERAL.—A senior procurement executive or Chief Acquisition Officer may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for the purposes of paragraph (1)(C) if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under paragraph (1)(B).

“(B) SAVINGS IN ADMINISTRATIVE OR PERSONNEL COSTS.—For purposes of subparagraph (A), savings in administrative or personnel costs alone do not constitute a sufficient justification for a consolidation of contract requirements in a procurement unless the expected total amount of the cost savings, as determined by the senior procurement executive or Chief Acquisition Officer, is expected to be substantial in relation to the total cost of the procurement.

“(3) BENEFITS TO BE CONSIDERED.—The benefits considered for the purposes of paragraphs (1) and (2) may include cost and, regardless of whether quantifiable in dollar amounts—

- “(A) quality;
- “(B) acquisition cycle;
- “(C) terms and conditions; and
- “(D) any other benefit.

“(4) DEPARTMENT OF DEFENSE.—

“(A) IN GENERAL.—The Department of Defense and each military department shall comply with this section until after the date described in subparagraph (C).

“(B) RULE.—After the date described in subparagraph (C), contracting by the Department of Defense or a military department shall be conducted in accordance with section 2382 of title 10, United States Code.

“(C) DATE.—The date described in this subparagraph is the date on which the Administrator determines the Department of Defense or a military department is in compliance with the Government-wide contracting goals under section 15.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 2382(b)(1) of title 10, United States Code, is amended by striking “An official” and inserting “Subject to section 44(c)(4), an official”.

SEC. 1314. SMALL BUSINESS TEAMS PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term “Pilot Program” means the Small Business Teaming Pilot Program established under subsection (b); and

(2) the term “eligible organization” means a well-established national organization for small business concerns with the capacity to provide assistance to small business concerns (which may be provided with the assistance of the Administrator) relating to—

- (A) customer relations and outreach;
- (B) team relations and outreach; and
- (C) performance measurement and quality assurance.

(b) ESTABLISHMENT.—The Administrator shall establish a Small Business Teaming Pilot Program for teaming and joint ventures involving small business concerns.

(c) GRANTS.—Under the Pilot Program, the Administrator may make grants to eligible organizations to provide assistance and guidance to teams of small business concerns seeking to compete for larger procurement contracts.

(d) CONTRACTING OPPORTUNITIES.—The Administrator shall work with eligible organizations receiving a grant under the Pilot Program to recommend appropriate contracting opportunities for teams or joint ventures of small business concerns.

(e) REPORT.—Not later than 1 year before the date on which the authority to carry out the Pilot Program terminates under subsection (f), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the effectiveness of the Pilot Program.

(f) TERMINATION.—The authority to carry out the Pilot Program shall terminate 5 years after the date of enactment of this Act.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under subsection (c) \$5,000,000 for each of fiscal years 2010 through 2015.

PART II—SUBCONTRACTING INTEGRITY

SEC. 1321. SUBCONTRACTING MISREPRESENTATIONS.

Not later than 1 year after the date of enactment of this Act, the Administrator, in

consultation with the Administrator for Federal Procurement Policy, shall promulgate regulations relating to, and the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a)) shall amend the Federal Acquisition Regulation issued under section 25 of such Act to establish a policy on, subcontracting compliance relating to small business concerns, including assignment of compliance responsibilities between contracting offices, small business offices, and program offices and periodic oversight and review activities.

SEC. 1322. SMALL BUSINESS SUBCONTRACTING IMPROVEMENTS.

Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(1) in subparagraph (E), by striking “and” at the end;

(2) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(3) by adding at the end, the following:

“(G) a representation that the offeror or bidder will—

“(i) make a good faith effort to acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work from the small business concerns used in preparing and submitting to the contracting agency the bid or proposal, in the same amount and quality used in preparing and submitting the bid or proposal; and

“(ii) provide to the contracting officer a written explanation if the offeror or bidder fails to acquire articles, equipment, supplies, services, or materials or obtain the performance of construction work as described in clause (i).”.

PART III—ACQUISITION PROCESS

SEC. 1331. RESERVATION OF PRIME CONTRACT AWARDS FOR SMALL BUSINESSES.

Section 15 of the Small Business Act (15 U.S.C. 644), as amended by this Act, is amended by adding at the end the following:

“(r) MULTIPLE AWARD CONTRACTS.—Not later than 1 year after the date of enactment of this subsection, the Administrator for Federal Procurement Policy and the Administrator, in consultation with the Administrator of General Services, shall, by regulation, establish guidance under which Federal agencies may, at their discretion—

“(1) set aside part or parts of a multiple award contract for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2);

“(2) notwithstanding the fair opportunity requirements under section 2304c(b) of title 10, United States Code, and section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)), set aside orders placed against multiple award contracts for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2); and

“(3) reserve 1 or more contract awards for small business concerns under full and open multiple award procurements, including the subcategories of small business concerns identified in subsection (g)(2).”.

SEC. 1332. MICRO-PURCHASE GUIDELINES.

Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Administrator of General Services, shall issue guidelines regarding the analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in purchases in an amount not in excess of the micro-purchase threshold, as defined in section 32 of the Of-

fice of Federal Procurement Policy Act (41 U.S.C. 428) (in this section referred to as “micro-purchases”), consistent with the national policy on small business participation in Federal procurements set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.

SEC. 1333. AGENCY ACCOUNTABILITY.

Section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)) is amended—

(1) by inserting “(A)” after “(2)”; and

(2) by striking “Goals established” and inserting the following:

“(B) Goals established”;

(3) by striking “Whenever” and inserting the following:

“(C) Whenever”;

(4) by striking “For the purpose of” and inserting the following:

“(D) For the purpose of”;

(5) by striking “The head of each Federal agency, in attempting to attain such participation” and inserting the following:

“(E) The head of each Federal agency, in attempting to attain the participation described in subparagraph (D)”.

(6) in subparagraph (E), as so designated—

(A) by striking “(A) contracts” and inserting “(i) contracts”; and

(B) by striking “(B) contracts” and inserting “(ii) contracts”; and

(7) by adding at the end the following:

“(F)(i) Each procurement employee or program manager described in clause (ii) shall communicate to the subordinates of the procurement employee or program manager the importance of achieving small business goals.

“(ii) A procurement employee or program manager described in this clause is a senior procurement executive, senior program manager, or Director of Small and Disadvantaged Business Utilization of a Federal agency having contracting authority.”.

SEC. 1334. PAYMENT OF SUBCONTRACTORS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

“(12) PAYMENT OF SUBCONTRACTORS.—

“(A) DEFINITION.—In this paragraph, the term ‘covered contract’ means a contract relating to which a prime contractor is required to develop a subcontracting plan under paragraph (4) or (5).

“(B) NOTICE.—

“(i) IN GENERAL.—A prime contractor for a covered contract shall notify in writing the contracting officer for the covered contract if the prime contractor pays a reduced price to a subcontractor for goods and services upon completion of the responsibilities of the subcontractor or the payment to a subcontractor is more than 90 days past due for goods or services provided for the covered contract for which the Federal agency has paid the prime contractor.

“(ii) CONTENTS.—A prime contractor shall include the reason for the reduction in a payment to or failure to pay a subcontractor in any notice made under clause (i).

“(C) PERFORMANCE.—A contracting officer for a covered contract shall consider the unjustified failure by a prime contractor to make a full or timely payment to a subcontractor in evaluating the performance of the prime contractor.

“(D) CONTROL OF FUNDS.—If the contracting officer for a covered contract determines that a prime contractor has a history of unjustified, untimely payments to contractors, the contracting officer shall record the identity of the contractor in accordance

with the regulations promulgated under subparagraph (E).

“(E) REGULATIONS.—Not later than 1 year after the date of enactment of this paragraph, the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a)) shall amend the Federal Acquisition Regulation issued under section 25 of such Act to—

“(i) describe the circumstances under which a contractor may be determined to have a history of unjustified, untimely payments to subcontractors;

“(ii) establish a process for contracting officers to record the identity of a contractor described in clause (i); and

“(iii) require the identity of a contractor described in clause (i) to be incorporated in, and made publicly available through, the Federal Awardee Performance and Integrity Information System, or any successor thereto.”.

SEC. 1335. REPEAL OF SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Business Opportunity Development Reform Act of 1988 (Public Law 100-656) is amended by striking title VII (15 U.S.C. 644 note).

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by this section—

(1) shall take effect on the date of enactment of this Act; and

(2) apply to the first full fiscal year after the date of enactment of this Act.

PART IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY

SEC. 1341. POLICY AND PRESUMPTIONS.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1311, is amended by adding at the end the following:

“(w) PRESUMPTION.—

“(1) IN GENERAL.—In every contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant which is set aside, reserved, or otherwise classified as intended for award to small business concerns, there shall be a presumption of loss to the United States based on the total amount expended on the contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant whenever it is established that a business concern other than a small business concern willfully sought and received the award by misrepresentation.

“(2) DEEMED CERTIFICATIONS.—The following actions shall be deemed affirmative, willful, and intentional certifications of small business size and status:

“(A) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement reserved, set aside, or otherwise classified as intended for award to small business concerns.

“(B) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement which in any way encourages a Federal agency to classify the bid or proposal, if awarded, as an award to a small business concern.

“(C) Registration on any Federal electronic database for the purpose of being considered for award of a Federal grant, contract, subcontract, cooperative agreement, or cooperative research agreement, as a small business concern.

“(3) CERTIFICATION BY SIGNATURE OF RESPONSIBLE OFFICIAL.—

“(A) IN GENERAL.—Each solicitation, bid, or application for a Federal contract, sub-

contract, or grant shall contain a certification concerning the small business size and status of a business concern seeking the Federal contract, subcontract, or grant.

“(B) CONTENT OF CERTIFICATIONS.—A certification that a business concern qualifies as a small business concern of the exact size and status claimed by the business concern for purposes of bidding on a Federal contract or subcontract, or applying for a Federal grant, shall contain the signature of an authorized official on the same page on which the certification is contained.

“(4) REGULATIONS.—The Administrator shall promulgate regulations to provide adequate protections to individuals and business concerns from liability under this subsection in cases of unintentional errors, technical malfunctions, and other similar situations.”.

SEC. 1342. ANNUAL CERTIFICATION.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1341, is amended by adding at the end the following:

“(x) ANNUAL CERTIFICATION.—

“(1) IN GENERAL.—Each business certified as a small business concern under this Act shall annually certify its small business size and, if appropriate, its small business status, by means of a confirming entry on the Online Representations and Certifications Application database of the Administration, or any successor thereto.

“(2) REGULATIONS.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with the Inspector General and the Chief Counsel for Advocacy of the Administration, shall promulgate regulations to ensure that—

“(A) no business concern continues to be certified as a small business concern on the Online Representations and Certifications Application database of the Administration, or any successor thereto, without fulfilling the requirements for annual certification under this subsection; and

“(B) the requirements of this subsection are implemented in a manner presenting the least possible regulatory burden on small business concerns.”.

SEC. 1343. TRAINING FOR CONTRACTING AND ENFORCEMENT PERSONNEL.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal Acquisition Institute, in consultation with the Administrator for Federal Procurement Policy, the Defense Acquisition University, and the Administrator, shall develop courses for acquisition personnel concerning proper classification of business concerns and small business size and status for purposes of Federal contracts, subcontracts, grants, cooperative agreements, and cooperative research and development agreements.

(b) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1342, is amended by adding at the end the following:

“(y) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with the Attorney General, shall issue a Government-wide policy on prosecution of small business size and status fraud, which shall direct Federal agencies to appropriately publicize the policy.”.

SEC. 1344. UPDATED SIZE STANDARDS.

(a) ROLLING REVIEW.—

(1) IN GENERAL.—The Administrator shall—

(A) during the 18-month period beginning on the date of enactment of this Act, and during every 18-month period thereafter,

conduct a detailed review of not less than ¼ of the size standards for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)), which shall include holding not less than 2 public forums located in different geographic regions of the United States;

(B) after completing each review under subparagraph (A) make appropriate adjustments to the size standards established under section 3(a)(2) of the Small Business Act to reflect market conditions;

(C) make publicly available—

(i) information regarding the factors evaluated as part of each review conducted under subparagraph (A); and

(ii) information regarding the criteria used for any revised size standards promulgated under subparagraph (B); and

(D) not later than 30 days after the date on which the Administrator completes each review under subparagraph (A), submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives and make publicly available a report regarding the review, including why the Administrator—

(i) used the factors and criteria described in subparagraph (C); and

(ii) adjusted or did not adjust each size standard that was reviewed under the review.

(2) COMPLETE REVIEW OF SIZE STANDARDS.—The Administrator shall ensure that each size standard for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)) is reviewed under paragraph (1) not less frequently than once every 5 years.

(b) RULES.—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate rules for conducting the reviews required under subsection (a).

SEC. 1345. STUDY AND REPORT ON THE MENTOR-PROTEGE PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the mentor-protégé program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), and other relationships and strategic alliances pairing a larger business and a small business concern partner to gain access to Federal Government contracts, to determine whether the programs and relationships are effectively supporting the goal of increasing the participation of small business concerns in Government contracting.

(b) MATTERS TO BE STUDIED.—The study conducted under this section shall include—

(1) a review of a broad cross-section of industries; and

(2) an evaluation of—

(A) how each Federal agency carrying out a program described in subsection (a) administers and monitors the program;

(B) whether there are systems in place to ensure that the mentor-protégé relationship, or similar affiliation, promotes real gain to the protégé, and is not just a mechanism to enable participants that would not otherwise qualify under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) to receive contracts under that section; and

(C) the degree to which protégé businesses become able to compete for Federal contracts without the assistance of a mentor.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of

Representatives a report on the results of the study conducted under this section.

SEC. 1346. CONTRACTING GOALS REPORTS.

Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended by striking "submit them" and all that follows through "the following:" and inserting "submit to the President and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives the compilation and analysis, which shall include the following:".

SEC. 1347. SMALL BUSINESS CONTRACTING PARITY.

(a) DEFINITIONS.—In this section—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the terms "HUBZone small business concern", "small business concern", "small business concern owned and controlled by service-disabled veterans", and "small business concern owned and controlled by women" have the same meanings as in section 3 of the Small Business Act (15 U.S.C. 632).

(b) CONTRACTING IMPROVEMENTS.—

(1) CONTRACTING OPPORTUNITIES.—Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking "shall" and inserting "may".

(2) CONTRACTING GOALS.—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended in the fourth sentence by inserting "and subcontract" after "not less than 3 percent of the total value of all prime contract".

(3) MENTOR-PROTEGE PROGRAMS.—The Administrator may establish mentor-protége programs for small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by women, and HUBZone small business concerns modeled on the mentor-protége program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(c) SMALL BUSINESS CONTRACTING PROGRAMS PARITY.—Section 31(b)(2) of the Small Business Act (15 U.S.C. 657a(b)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking "Notwithstanding any other provision of law—";

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "a contracting" and inserting "SOLE SOURCE CONTRACTS.—A contracting"; and

(B) in clause (iii), by striking the semicolon at the end and inserting a period;

(3) in subparagraph (B)—

(A) by striking "A contract opportunity shall" and inserting "RESTRICTED COMPETITION.—A contract opportunity may"; and

(B) by striking "and" and inserting a period; and

(4) in subparagraph (C), by striking "not later" and inserting "APPEALS.—Not later".

Subtitle D—Small Business Management and Counseling Assistance

SEC. 1401. MATCHING REQUIREMENTS UNDER SMALL BUSINESS PROGRAMS.

(a) MICROLOAN PROGRAM.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (3)(B)—

(A) by striking "As a condition" and inserting the following:

"(i) IN GENERAL.—Subject to clause (ii), as a condition";

(B) by striking "the Administration" and inserting "the Administrator"; and

(C) by adding at the end the following:

"(ii) WAIVER OF NON-FEDERAL SHARE.—

"(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this clause for successive fiscal years.

"(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

"(aa) the economic conditions affecting the intermediary;

"(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

"(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

"(dd) the performance of the intermediary.

"(III) LIMITATIONS.—

"(aa) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.

"(bb) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause for fiscal year 2013 or any fiscal year thereafter."; and

(2) in paragraph (4)(B)—

(A) by striking "As a condition" and all that follows through "the Administration shall require" and inserting the following:

"(i) IN GENERAL.—Subject to clause (ii), as a condition of a grant made under subparagraph (A), the Administrator shall require"; and

(B) by adding at the end the following:

"(ii) WAIVER OF NON-FEDERAL SHARE.—

"(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this clause for successive fiscal years.

"(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

"(aa) the economic conditions affecting the intermediary;

"(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

"(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

"(dd) the performance of the intermediary.

"(III) LIMITATIONS.—

"(aa) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.

"(bb) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause for fiscal year 2013 or any fiscal year thereafter.".

(b) WOMEN'S BUSINESS CENTER PROGRAM.—Section 29(c) of the Small Business Act (15 U.S.C. 656(c)) is amended—

(1) in paragraph (1), by striking "As a condition" and inserting "Subject to paragraph (5), as a condition"; and

(2) by adding at the end the following:

"(5) WAIVER OF NON-FEDERAL SHARE RELATING TO TECHNICAL ASSISTANCE AND COUNSELING.—

"(A) IN GENERAL.—Upon request by a recipient organization, and in accordance with this paragraph, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under this subsection for the technical assistance and counseling activities of the recipient organization carried out using financial assistance under this section for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this paragraph for successive fiscal years.

"(B) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this paragraph, the Administrator shall consider—

"(i) the economic conditions affecting the recipient organization;

"(ii) the impact a waiver under this clause would have on the credibility of the women's business center program under this section;

"(iii) the demonstrated ability of the recipient organization to raise non-Federal funds; and

"(iv) the performance of the recipient organization.

"(C) LIMITATIONS.—

"(i) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph if granting the waiver would undermine the credibility of the women's business center program under this section.

"(ii) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph for fiscal year 2013 or any fiscal year thereafter.".

(c) PROSPECTIVE REPEALS.—Effective October 1, 2012, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 7(m) (15 U.S.C. 636(m))—

(A) in paragraph (3)(B)—

(i) by striking "INTERMEDIARY CONTRIBUTION.—" and all that follows through "Subject to clause (ii), as" and inserting "INTERMEDIARY CONTRIBUTION.—As"; and

(ii) by striking clause (ii); and

(B) in paragraph (4)(B)—

(i) by striking "CONTRIBUTION.—" and all that follows through "Subject to clause (ii), as" and inserting "CONTRIBUTION.—As"; and

(ii) by striking clause (ii); and

(2) in section 29(c) (15 U.S.C. 656(c))—

(A) in paragraph (1), by striking "Subject to paragraph (5), as" and inserting "As"; and

(B) by striking paragraph (5).

SEC. 1402. GRANTS FOR SBDCS.

(a) IN GENERAL.—The Administrator may make grants to small business development centers under section 21 of the Small Business Act (15 U.S.C. 648) to provide targeted technical assistance to small business concerns seeking access to capital or credit, Federal procurement opportunities, energy efficiency audits to reduce energy bills, opportunities to export products or provide services to foreign customers, adopting, making innovations in, and using broadband technologies, or other assistance.

(b) ALLOCATION.—

(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding the requirements of section 21(a)(4)(C)(iii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(iii)), the amount appropriated to carry out this section shall be allocated under the formula under section 21(a)(4)(C)(i) of that Act.

(2) MINIMUM FUNDING.—The amount made available under this section to each State shall be not less than \$325,000.

(3) TYPES OF USES.—Of the total amount of the grants awarded by the Administrator under this section—

(A) not less than 80 percent shall be used for counseling of small business concerns; and

(B) not more than 20 percent may be used for classes or seminars.

(c) NO NON-FEDERAL SHARE REQUIRED.—Notwithstanding section 21(a)(4)(A) of the Small Business Act (15 U.S.C. 648(a)(4)(A)), the recipient of a grant made under this section shall not be required to provide non-Federal matching funds.

(d) DISTRIBUTION.—Not later than 30 days after the date on which amounts are appropriated to carry out this section, the Administrator shall disburse the total amount appropriated.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator \$50,000,000 to carry out this section.

Subtitle E—Disaster Loan Improvement

SEC. 1501. AQUACULTURE BUSINESS DISASTER ASSISTANCE.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1343, is amended by adding at the end the following:

“(z) AQUACULTURE BUSINESS DISASTER ASSISTANCE.—Subject to section 18(a) and notwithstanding section 18(b)(1), the Administrator may provide disaster assistance under section 7(b)(2) to aquaculture enterprises that are small businesses.”.

Subtitle F—Small Business Regulatory Relief

SEC. 1601. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

Section 604(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “succinct”;

(2) in paragraph (2), by striking “summary” each place it appears and inserting “statement”;

(3) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(4) by inserting after paragraph (2) the following:

“(3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments;”.

SEC. 1602. OFFICE OF ADVOCACY.

(a) IN GENERAL.—Section 203 of Public Law 94-305 (15 U.S.C. 634c) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(6) carry out the responsibilities of the Office of Advocacy under chapter 6 of title 5, United States Code.”.

(b) BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.—Title II of Public Law 94-305 (15 U.S.C. 634a et seq.) is amended by striking section 207 and inserting the following:

“SEC. 207. BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.

“(a) APPROPRIATION REQUESTS.—Each budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, shall include a separate statement of the amount of appropriations requested for the Office of Advocacy of the Small Business Administration, which shall be designated in a separate account in the General Fund of the Treasury.

“(b) ADMINISTRATIVE OPERATIONS.—The Administrator of the Small Business Administration shall provide the Office of Advocacy with appropriate and adequate office space at central and field office locations, together with such equipment, operating budget, and communications facilities and services as may be necessary, and shall provide necessary maintenance services for such offices and the equipment and facilities located in such offices.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title. Any amount appropriated under this subsection shall remain available, without fiscal year limitation, until expended.”.

Subtitle G—Appropriations Provisions

SEC. 1701. SALARIES AND EXPENSES.

(a) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, \$150,000,000, to remain available until September 30, 2012, for an additional amount for the appropriations account appropriated under the heading “SALARIES AND EXPENSES” under the heading “SMALL BUSINESS ADMINISTRATION”, of which—

(1) \$50,000,000 is for grants to small business development centers authorized under section 1402;

(2) \$1,000,000 is for the costs of administering grants authorized under section 1402;

(3) \$30,000,000 is for grants to States for fiscal year 2011 to carry out export programs that assist small business concerns authorized under section 1207;

(4) \$30,000,000 is for grants to States for fiscal year 2012 to carry out export programs that assist small business concerns authorized under section 1207;

(5) \$2,500,000 is for the costs of administering grants authorized under section 1207;

(6) \$5,000,000 is for grants for fiscal year 2011 under the Small Business Teaming Pilot Program under section 1314; and

(7) \$5,000,000 is for grants for fiscal year 2012 under the Small Business Teaming Pilot Program under section 1314.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a detailed expenditure plan for using the funds provided under subsection (a).

SEC. 1702. BUSINESS LOANS PROGRAM ACCOUNT.

(a) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for an additional amount for the appropriations account appropriated under the heading “BUSINESS LOANS PROGRAM ACCOUNT” under the heading “SMALL BUSINESS ADMINISTRATION”—

(1) \$8,000,000, to remain available until September 30, 2012, for fiscal year 2011 for the cost of direct loans authorized under section 7(l) of the Small Business Act, as added by section 1131 of this title, including the cost of modifying the loans;

(2) \$8,000,000, to remain available until September 30, 2012, for fiscal year 2012 for the cost of direct loans authorized under section 7(l) of the Small Business Act, as added by section 1131 of this title, including the cost of modifying the loans;

(3) \$6,500,000, to remain available until September 30, 2012, for administrative expenses to carry out the direct loan program authorized under section 7(l) of the Small Business Act, as added by section 1131 of this title,

which may be transferred to and merged with the appropriations account appropriated under the heading “SALARIES AND EXPENSES” under the heading “SMALL BUSINESS ADMINISTRATION”; and

(4) \$15,000,000, to remain available until September 30, 2011, for the cost of guaranteed loans as authorized under section 7(a) of the Small Business Act, including the cost of modifying the loans.

(b) DEFINITION.—In this section, the term “cost” has the meaning given that term in section 502 of the Congressional Budget Act of 1974.

SEC. 1703. COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT.

There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for an additional amount for the appropriations account appropriated under the heading “COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT” under the heading “DEPARTMENT OF THE TREASURY”, \$13,500,000, to remain available until September 30, 2012, for the costs of administering guarantees for bonds and notes as authorized under section 114A of the Riegle Community Development and Regulatory Improvement Act of 1994, as added by section 1134 of this Act.

SEC. 1704. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) EXTENSION OF PROGRAMS.—

(1) IN GENERAL.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for “Small Business Administration—Business Loans Program Account”, \$505,000,000, to remain available through December 31, 2010, for the cost of—

(A) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151), as amended by this Act; and

(B) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 152), as amended by this Act.

(2) COST.—For purposes of this subsection, the term “cost” has the same meaning as in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

(b) ADMINISTRATIVE EXPENSES.—There is appropriated for an additional amount, out of any funds in the Treasury not otherwise appropriated, for administrative expenses to carry out sections 501 and 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), \$5,000,000, to remain available until expended, which may be transferred and merged with the appropriation for “Small Business Administration—Salaries and Expenses”.

TITLE II—TAX PROVISIONS

SEC. 2001. SHORT TITLE.

This title may be cited as the “Creating Small Business Jobs Act of 2010”.

Subtitle A—Small Business Relief

PART I—PROVIDING ACCESS TO CAPITAL

SEC. 2011. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Subsection (a) of section 1202 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) 100 PERCENT EXCLUSION FOR STOCK ACQUIRED DURING CERTAIN PERIODS IN 2010.—In the case of qualified small business stock acquired after the date of the enactment of the

Creating Small Business Jobs Act of 2010 and before January 1, 2011—

“(A) paragraph (1) shall be applied by substituting ‘100 percent’ for ‘50 percent’,

“(B) paragraph (2) shall not apply, and

“(C) paragraph (7) of section 57(a) shall not apply.”.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 1202(a) of the Internal Revenue Code of 1986 is amended—

(1) by inserting “CERTAIN PERIODS IN” before “2010” in the heading, and

(2) by striking “before January 1, 2011” and inserting “on or before the date of the enactment of the Creating Small Business Jobs Act of 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after the date of the enactment of this Act.

SEC. 2012. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES FOR 2010 CARRIED BACK 5 YEARS.

(a) IN GENERAL.—Section 39(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph: “(4) 5-YEAR CARRYBACK FOR ELIGIBLE SMALL BUSINESS CREDITS.—

“(A) IN GENERAL.—Notwithstanding subsection (d), in the case of eligible small business credits determined in the first taxable year of the taxpayer beginning in 2010—

“(i) paragraph (1) shall be applied by substituting ‘each of the 5 taxable years’ for ‘the taxable year’ in subparagraph (A) thereof, and

“(ii) paragraph (2) shall be applied—

“(I) by substituting ‘25 taxable years’ for ‘21 taxable years’ in subparagraph (A) thereof, and

“(II) by substituting ‘24 taxable years’ for ‘20 taxable years’ in subparagraph (B) thereof.

“(B) ELIGIBLE SMALL BUSINESS CREDITS.—For purposes of this subsection, the term ‘eligible small business credits’ has the meaning given such term by section 38(c)(5)(B).”.

(b) CONFORMING AMENDMENT.—Section 39(a)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting “or the eligible small business credits” after “credit”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined in taxable years beginning after December 31, 2009.

SEC. 2013. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES IN 2010 NOT SUBJECT TO ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 38(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

“(5) SPECIAL RULES FOR ELIGIBLE SMALL BUSINESS CREDITS IN 2010.—

“(A) IN GENERAL.—In the case of eligible small business credits determined in taxable years beginning in 2010—

“(i) this section and section 39 shall be applied separately with respect to such credits, and

“(ii) in applying paragraph (1) to such credits—

“(I) the tentative minimum tax shall be treated as being zero, and

“(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the eligible small business credits).

“(B) ELIGIBLE SMALL BUSINESS CREDITS.—For purposes of this subsection, the term ‘eligible small business credits’ means the sum of the credits listed in subsection (b) which

are determined for the taxable year with respect to an eligible small business. Such credits shall not be taken into account under paragraph (2), (3), or (4).

“(C) ELIGIBLE SMALL BUSINESS.—For purposes of this subsection, the term ‘eligible small business’ means, with respect to any taxable year—

“(i) a corporation the stock of which is not publicly traded,

“(ii) a partnership, or

“(iii) a sole proprietorship,

if the average annual gross receipts of such corporation, partnership, or sole proprietorship for the 3-taxable-year period preceding such taxable year does not exceed \$50,000,000. For purposes of applying the test under the preceding sentence, rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply.

“(D) TREATMENT OF PARTNERS AND S CORPORATION SHAREHOLDERS.—Credits determined with respect to a partnership or S corporation shall not be treated as eligible small business credits by any partner or shareholder unless such partner or shareholder meets the gross receipts test under subparagraph (C) for the taxable year in which such credits are treated as current year business credits.”.

(b) TECHNICAL AMENDMENT.—Section 55(e)(5) of the Internal Revenue Code of 1986 is amended by striking “38(c)(3)(B)” and inserting “38(c)(6)(B)”.

(c) CONFORMING AMENDMENTS.—

(1) Subclause (II) of section 38(c)(2)(A)(ii) of the Internal Revenue Code of 1986 is amended by inserting “the eligible small business credits,” after “the New York Liberty Zone business employee credit.”.

(2) Subclause (II) of section 38(c)(3)(A)(ii) of such Code is amended by inserting “, the eligible small business credits,” after “the New York Liberty Zone business employee credit”.

(3) Subclause (II) of section 38(c)(4)(A)(ii) of such Code is amended by inserting “the eligible small business credits and” before “the specified credits”.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to credits determined in taxable years beginning after December 31, 2009, and to carrybacks of such credits.

SEC. 2014. TEMPORARY REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Subparagraph (B) of section 1374(d)(7) of the Internal Revenue Code of 1986 is amended to read as follows:

“(B) SPECIAL RULES FOR 2009, 2010, AND 2011.—No tax shall be imposed on the net recognized built-in gain of an S corporation—

“(i) in the case of any taxable year beginning in 2009 or 2010, if the 7th taxable year in the recognition period preceded such taxable year, or

“(ii) in the case of any taxable year beginning in 2011, if the 5th year in the recognition period preceded such taxable year.

The preceding sentence shall be applied separately with respect to any asset to which paragraph (8) applies.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

PART II—ENCOURAGING INVESTMENT

SEC. 2021. INCREASED EXPENSING LIMITATIONS FOR 2010 AND 2011; CERTAIN REAL PROPERTY TREATED AS SECTION 179 PROPERTY.

(a) INCREASED LIMITATIONS.—Subsection (b) of section 179 of the Internal Revenue Code of 1986 is amended—

(1) by striking “shall not exceed” and all that follows in paragraph (1) and inserting “shall not exceed—

“(A) \$250,000 in the case of taxable years beginning after 2007 and before 2010,

“(B) \$500,000 in the case of taxable years beginning in 2010 or 2011, and

“(C) \$25,000 in the case of taxable years beginning after 2011.”, and

(2) by striking “exceeds” and all that follows in paragraph (2) and inserting “exceeds—

“(A) \$800,000 in the case of taxable years beginning after 2007 and before 2010,

“(B) \$2,000,000 in the case of taxable years beginning in 2010 or 2011, and

“(C) \$200,000 in the case of taxable years beginning after 2011.”.

(b) INCLUSION OF CERTAIN REAL PROPERTY.—Section 179 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(f) SPECIAL RULES FOR QUALIFIED REAL PROPERTY.—

“(1) IN GENERAL.—If a taxpayer elects the application of this subsection for any taxable year beginning in 2010 or 2011, the term ‘section 179 property’ shall include any qualified real property which is—

“(A) of a character subject to an allowance for depreciation,

“(B) acquired by purchase for use in the active conduct of a trade or business, and

“(C) not described in the last sentence of subsection (d)(1).

“(2) QUALIFIED REAL PROPERTY.—For purposes of this subsection, the term ‘qualified real property’ means—

“(A) qualified leasehold improvement property described in section 168(e)(6),

“(B) qualified restaurant property described in section 168(e)(7) (without regard to the dates specified in subparagraph (A)(i) thereof), and

“(C) qualified retail improvement property described in section 168(e)(8) (without regard to subparagraph (E) thereof).

“(3) LIMITATION.—For purposes of applying the limitation under subsection (b)(1)(B), not more than \$250,000 of the aggregate cost which is taken into account under subsection (a) for any taxable year may be attributable to qualified real property.

“(4) CARRYOVER LIMITATION.—

“(A) IN GENERAL.—Notwithstanding subsection (b)(3)(B), no amount attributable to qualified real property may be carried over to a taxable year beginning after 2011.

“(B) TREATMENT OF DISALLOWED AMOUNTS.—Except as provided in subparagraph (C), to the extent that any amount is not allowed to be carried over to a taxable year beginning after 2011 by reason of subparagraph (A), this title shall be applied as if no election under this section had been made with respect to such amount.

“(C) AMOUNTS CARRIED OVER FROM 2010.—If subparagraph (B) applies to any amount (or portion of an amount) which is carried over from a taxable year other than the taxpayer’s last taxable year beginning in 2011, such amount (or portion of an amount) shall be treated for purposes of this title as attributable to property placed in service on the first day of the taxpayer’s last taxable year beginning in 2011.

“(D) ALLOCATION OF AMOUNTS.—For purposes of applying this paragraph and subsection (b)(3)(B) to any taxable year, the amount which is disallowed under subsection (b)(3)(A) for such taxable year which is attributed to qualified real property shall be the amount which bears the same ratio to the total amount so disallowed as—

“(i) the aggregate amount attributable to qualified real property placed in service during such taxable year, increased by the portion of any amount carried over to such taxable year from a prior taxable year which is attributable to such property, bears to

“(ii) the total amount of section 179 property placed in service during such taxable year, increased by the aggregate amount carried over to such taxable year from any prior taxable year.

For purposes of the preceding sentence, only section 179 property with respect to which an election was made under subsection (c)(1) (determined without regard to subparagraph (B) of this paragraph) shall be taken into account.”.

(c) **REVOCABILITY OF ELECTION.**—Paragraph (2) of section 179(c) of the Internal Revenue Code of 1986 is amended by striking “2011” and inserting “2012”.

(d) **COMPUTER SOFTWARE TREATED AS 179 PROPERTY.**—Clause (ii) of section 179(d)(1)(A) is amended by striking “2011” and inserting “2012”.

(e) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2009, in taxable years beginning after such date.

(2) **EXTENSIONS.**—The amendments made by subsections (c) and (d) shall apply to taxable years beginning after December 31, 2010.

SEC. 2022. ADDITIONAL FIRST-YEAR DEPRECIATION FOR 50 PERCENT OF THE BASIS OF CERTAIN QUALIFIED PROPERTY.

(a) **IN GENERAL.**—Paragraph (2) of section 168(k) of the Internal Revenue Code of 1986 is amended—

(1) by striking “January 1, 2011” in subparagraph (A)(iv) and inserting “January 1, 2012”, and

(2) by striking “January 1, 2010” each place it appears and inserting “January 1, 2011”.

(b) **CONFORMING AMENDMENTS.**—

(1) The heading for subsection (k) of section 168 of the Internal Revenue Code of 1986 is amended by striking “JANUARY 1, 2010” and inserting “JANUARY 1, 2011”.

(2) The heading for clause (ii) of section 168(k)(2)(B) of such Code is amended by striking “PRE-JANUARY 1, 2010” and inserting “PRE-JANUARY 1, 2011”.

(3) Subparagraph (D) of section 168(k)(4) of such Code is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting a comma, and by adding at the end the following new clauses:

“(iv) ‘January 1, 2011’ shall be substituted for ‘January 1, 2012’ in subparagraph (A)(iv) thereof, and

“(v) ‘January 1, 2010’ shall be substituted for ‘January 1, 2011’ each place it appears in subparagraph (A) thereof.”.

(4) Subparagraph (B) of section 168(l)(5) of such Code is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(5) Subparagraph (C) of section 168(n)(2) of such Code is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(6) Subparagraph (D) of section 1400L(b)(2) of such Code is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(7) Subparagraph (B) of section 1400N(d)(3) of such Code is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after December 31, 2009, in taxable years ending after such date.

SEC. 2023. SPECIAL RULE FOR LONG-TERM CONTRACT ACCOUNTING.

(a) **IN GENERAL.**—Section 460(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) **SPECIAL RULE FOR ALLOCATION OF BONUS DEPRECIATION WITH RESPECT TO CERTAIN PROPERTY.**—

“(A) **IN GENERAL.**—Solely for purposes of determining the percentage of completion under subsection (b)(1)(A), the cost of qualified property shall be taken into account as a cost allocated to the contract as if subsection (k) of section 168 had not been enacted.

“(B) **QUALIFIED PROPERTY.**—For purposes of this paragraph, the term ‘qualified property’ means property described in section 168(k)(2) which—

“(i) has a recovery period of 7 years or less, and

“(ii) is placed in service after December 31, 2009, and before January 1, 2011 (January 1, 2012, in the case of property described in section 168(k)(2)(B)).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

PART III—PROMOTING ENTREPRENEURSHIP

SEC. 2031. INCREASE IN AMOUNT ALLOWED AS DEDUCTION FOR START-UP EXPENDITURES IN 2010.

(a) **START-UP EXPENDITURES.**—Subsection (b) of section 195 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) **SPECIAL RULE FOR TAXABLE YEARS BEGINNING IN 2010.**—In the case of a taxable year beginning in 2010, paragraph (1)(A)(ii) shall be applied—

“(A) by substituting ‘\$10,000’ for ‘\$5,000’, and

“(B) by substituting ‘\$60,000’ for ‘\$50,000’.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2009.

SEC. 2032. AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES TRADE REPRESENTATIVE TO DEVELOP MARKET ACCESS OPPORTUNITIES FOR UNITED STATES SMALL- AND MEDIUM-SIZED BUSINESSES AND TO ENFORCE TRADE AGREEMENTS.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Office of the United States Trade Representative \$5,230,000, to remain available until expended, for—

(1) analyzing and developing opportunities for businesses in the United States to access the markets of foreign countries; and

(2) enforcing trade agreements to which the United States is a party.

(b) **REQUIREMENTS.**—In obligating and expending the funds authorized to be appropriated under subsection (a), the United States Trade Representative shall—

(1) give preference to those initiatives that the United States Trade Representative determines will create or sustain the greatest number of jobs in the United States or result in the greatest benefit to the economy of the United States; and

(2) consider the needs of small- and medium-sized businesses in the United States with respect to—

(A) accessing the markets of foreign countries; and

(B) the enforcement of trade agreements to which the United States is a party.

PART IV—PROMOTING SMALL BUSINESS FAIRNESS

SEC. 2041. LIMITATION ON PENALTY FOR FAILURE TO DISCLOSE REPORTABLE TRANSACTIONS BASED ON RESULTING TAX BENEFITS.

(a) **IN GENERAL.**—Subsection (b) of section 6707A of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) **AMOUNT OF PENALTY.**—

“(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amount of the penalty under subsection (a) with respect to any reportable transaction shall be 75 percent of the decrease in tax shown on the return as a result of such transaction (or which would have resulted from such transaction if such transaction were respected for Federal tax purposes).

“(2) **MAXIMUM PENALTY.**—The amount of the penalty under subsection (a) with respect to any reportable transaction shall not exceed—

“(A) in the case of a listed transaction, \$200,000 (\$100,000 in the case of a natural person), or

“(B) in the case of any other reportable transaction, \$50,000 (\$10,000 in the case of a natural person).

“(3) **MINIMUM PENALTY.**—The amount of the penalty under subsection (a) with respect to any transaction shall not be less than \$10,000 (\$5,000 in the case of a natural person).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to penalties assessed after December 31, 2006.

SEC. 2042. DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES IN 2010.

(a) **IN GENERAL.**—Paragraph (4) of section 162(l) of the Internal Revenue Code of 1986 is amended by inserting “for taxable years beginning before January 1, 2010, or after December 31, 2010” before the period.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 2043. REMOVAL OF CELLULAR TELEPHONES AND SIMILAR TELECOMMUNICATIONS EQUIPMENT FROM LISTED PROPERTY.

(a) **IN GENERAL.**—Subparagraph (A) of section 280F(d)(4) of the Internal Revenue Code of 1986 (defining listed property) is amended by adding “and” at the end of clause (iv), by striking clause (v), and by redesignating clause (vi) as clause (v).

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

Subtitle B—Revenue Provisions

PART I—REDUCING THE TAX GAP

SEC. 2101. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) **IN GENERAL.**—Section 6041 of the Internal Revenue Code of 1986, as amended by section 9006 of the Patient Protection and Affordable Care Act, is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

“(h) **TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.**—

“(1) **IN GENERAL.**—Solely for purposes of subsection (a) and except as provided in paragraph (2), a person receiving rental income from real estate shall be considered to be engaged in a trade or business of renting property.

“(2) **EXCEPTIONS.**—Paragraph (1) shall not apply to—

“(A) any individual, including any individual who is an active member of the uniformed services or an employee of the intelligence community (as defined in section

121(d)(9)(C)(iv)), if substantially all rental income is derived from renting the principal residence (within the meaning of section 121) of such individual on a temporary basis,

“(B) any individual who receives rental income of not more than the minimal amount, as determined under regulations prescribed by the Secretary, and

“(C) any other individual for whom the requirements of this section would cause hardship, as determined under regulations prescribed by the Secretary.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to payments made after December 31, 2010.

SEC. 2102. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 of the Internal Revenue Code of 1986 are each amended by striking “\$50” and inserting “\$100”.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 of such Code are each amended by striking “\$250,000” and inserting “\$1,500,000”.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) of the Internal Revenue Code of 1986 is amended by striking “\$15” and inserting “\$30”.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 of such Code are each amended by striking “\$75,000” and inserting “\$250,000”.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) of the Internal Revenue Code of 1986 is amended by striking “\$30” and inserting “\$60”.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 of such Code are each amended by striking “\$150,000” and inserting “\$500,000”.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN \$5,000,000.—

(1) IN GENERAL.—Paragraph (1) of section 6721(d) of the Internal Revenue Code of 1986 is amended—

(A) by striking “\$100,000” in subparagraph (A) and inserting “\$500,000”,

(B) by striking “\$25,000” in subparagraph (B) and inserting “\$75,000”, and

(C) by striking “\$50,000” in subparagraph (C) and inserting “\$200,000”.

(2) TECHNICAL AMENDMENT.—Paragraph (1) of section 6721(d) of such Code is amended by striking “such taxable year” and inserting “such calendar year”.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) of the Internal Revenue Code of 1986 is amended by striking “\$100” and inserting “\$250”.

(f) ADJUSTMENT FOR INFLATION.—Section 6721 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(f) ADJUSTMENT FOR INFLATION.—

“(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any amount adjusted under paragraph (1)—

“(A) is not less than \$75,000 and is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500, and

“(B) is not described in subparagraph (A) and is not a multiple of \$10, such amount shall be rounded to the next lowest multiple of \$10.”.

(g) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—Section 6722 of the Internal Revenue Code of 1986 is amended to read as follows:

“SEC. 6722. FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.

“(a) IMPOSITION OF PENALTY.—

“(1) GENERAL RULE.—In the case of each failure described in paragraph (2) by any person with respect to a payee statement, such person shall pay a penalty of \$100 for each statement with respect to which such a failure occurs, but the total amount imposed on such person for all such failures during any calendar year shall not exceed \$1,500,000.

“(2) FAILURES SUBJECT TO PENALTY.—For purposes of paragraph (1), the failures described in this paragraph are—

“(A) any failure to furnish a payee statement on or before the date prescribed therefor to the person to whom such statement is required to be furnished, and

“(B) any failure to include all of the information required to be shown on a payee statement or the inclusion of incorrect information.

“(b) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

“(1) CORRECTION WITHIN 30 DAYS.—If any failure described in subsection (a)(2) is corrected on or before the day 30 days after the required filing date—

“(A) the penalty imposed by subsection (a) shall be \$30 in lieu of \$100, and

“(B) the total amount imposed on the person for all such failures during any calendar year which are so corrected shall not exceed \$250,000.

“(2) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—If any failure described in subsection (a)(2) is corrected after the 30th day referred to in paragraph (1) but on or before August 1 of the calendar year in which the required filing date occurs—

“(A) the penalty imposed by subsection (a) shall be \$60 in lieu of \$100, and

“(B) the total amount imposed on the person for all such failures during the calendar year which are so corrected shall not exceed \$500,000.

“(c) EXCEPTION FOR DE MINIMIS FAILURES.—

“(1) IN GENERAL.—If—

“(A) a payee statement is furnished to the person to whom such statement is required to be furnished,

“(B) there is a failure described in subsection (a)(2)(B) (determined after the application of section 6724(a)) with respect to such statement, and

“(C) such failure is corrected on or before August 1 of the calendar year in which the required filing date occurs,

for purposes of this section, such statement shall be treated as having been furnished with all of the correct required information.

“(2) LIMITATION.—The number of payee statements to which paragraph (1) applies for any calendar year shall not exceed the greater of—

“(A) 10, or

“(B) one-half of 1 percent of the total number of payee statements required to be filed by the person during the calendar year.

“(d) LOWER LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN \$5,000,000.—

“(1) IN GENERAL.—If any person meets the gross receipts test of paragraph (2) with respect to any calendar year, with respect to failures during such calendar year—

“(A) subsection (a)(1) shall be applied by substituting ‘\$500,000’ for ‘\$1,500,000’,

“(B) subsection (b)(1)(B) shall be applied by substituting ‘\$75,000’ for ‘\$250,000’, and

“(C) subsection (b)(2)(B) shall be applied by substituting ‘\$200,000’ for ‘\$500,000’.

“(2) GROSS RECEIPTS TEST.—A person meets the gross receipts test of this paragraph if such person meets the gross receipts test of section 6721(d)(2).

“(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—If 1 or more failures to which subsection (a) applies are due to intentional disregard of the requirement to furnish a payee statement (or the correct information reporting requirement), then, with respect to each such failure—

“(1) subsections (b), (c), and (d) shall not apply,

“(2) the penalty imposed under subsection (a)(1) shall be \$250, or, if greater—

“(A) in the case of a payee statement other than a statement required under section 6045(b), 6041A(e) (in respect of a return required under section 6041A(b)), 6050H(d), 6050J(e), 6050K(b), or 6050L(c), 10 percent of the aggregate amount of the items required to be reported correctly, or

“(B) in the case of a payee statement required under section 6045(b), 6050K(b), or 6050L(c), 5 percent of the aggregate amount of the items required to be reported correctly, and

“(3) in the case of any penalty determined under paragraph (2)—

“(A) the \$1,500,000 limitation under subsection (a) shall not apply, and

“(B) such penalty shall not be taken into account in applying such limitation to penalties not determined under paragraph (2).

“(f) ADJUSTMENT FOR INFLATION.—

“(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d)(1), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any amount adjusted under paragraph (1)—

“(A) is not less than \$75,000 and is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500, and

“(B) is not described in subparagraph (A) and is not a multiple of \$10, such amount shall be rounded to the next lowest multiple of \$10.”.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

SEC. 2103. REPORT ON TAX SHELTER PENALTIES AND CERTAIN OTHER ENFORCEMENT ACTIONS.

(a) IN GENERAL.—The Commissioner of Internal Revenue, in consultation with the Secretary of the Treasury, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on the penalties assessed by the Internal Revenue Service during the preceding year under each of the following provisions of the Internal Revenue Code of 1986:

(1) Section 6662A (relating to accuracy-related penalty on understatements with respect to reportable transactions).

(2) Section 6700(a) (relating to promoting abusive tax shelters).

(3) Section 6707 (relating to failure to furnish information regarding reportable transactions).

(4) Section 6707A (relating to failure to include reportable transaction information with return).

(5) Section 6708 (relating to failure to maintain lists of advisees with respect to reportable transactions).

(b) **ADDITIONAL INFORMATION.**—The report required under subsection (a) shall also include information on the following with respect to each year:

(1) Any action taken under section 330(b) of title 31, United States Code, with respect to any reportable transaction (as defined in section 6707A(c) of the Internal Revenue Code of 1986).

(2) Any extension of the time for assessment of tax enforced, or assessment of any amount under such an extension, under paragraph (10) of section 6501(c) of the Internal Revenue Code of 1986.

(c) **DATE OF REPORT.**—The first report required under subsection (a) shall be submitted not later than December 31, 2010.

SEC. 2104. APPLICATION OF CONTINUOUS LEVY TO TAX LIABILITIES OF CERTAIN FEDERAL CONTRACTORS.

(a) **IN GENERAL.**—Subsection (f) of section 6330 of the Internal Revenue Code of 1986 is amended by striking “or” at the end of paragraph (2), by inserting “or” at the end of paragraph (3), and by inserting after paragraph (3) the following new paragraph:

“(4) the Secretary has served a Federal contractor levy.”.

(b) **FEDERAL CONTRACTOR LEVY.**—Subsection (h) of section 6330 of the Internal Revenue Code of 1986 is amended—

(1) by striking all that precedes “any levy in connection with the collection” and inserting the following:

“(h) **DEFINITIONS RELATED TO EXCEPTIONS.**—For purposes of subsection (f)—

“(1) **DISQUALIFIED EMPLOYMENT TAX LEVY.**—A disqualified employment tax levy is”; and

(2) by adding at the end the following new paragraph:

“(2) **FEDERAL CONTRACTOR LEVY.**—A Federal contractor levy is any levy if the person whose property is subject to the levy (or any predecessor thereof) is a Federal contractor.”.

(c) **CONFORMING AMENDMENT.**—The heading of subsection (f) of section 6330 of the Internal Revenue Code of 1986 is amended by striking “JEOPARDY AND STATE REFUND COLLECTION” and inserting “EXCEPTIONS”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to levies issued after the date of the enactment of this Act.

PART II—PROMOTING RETIREMENT PREPARATION

SEC. 2111. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) **IN GENERAL.**—Section 402A(e)(1) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following:

“(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”.

(b) **ELECTIVE DEFERRALS.**—Section 402A(e)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

“(2) **ELECTIVE DEFERRAL.**—The term ‘elective deferral’ means—

“(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

“(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 2112. ROLLOVERS FROM ELECTIVE DEFERRAL PLANS TO DESIGNATED ROTH ACCOUNTS.

(a) **IN GENERAL.**—Section 402A(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) **TAXABLE ROLLOVERS TO DESIGNATED ROTH ACCOUNTS.**—

“(A) **IN GENERAL.**—Notwithstanding sections 402(c), 403(b)(8), and 457(e)(16), in the case of any distribution to which this paragraph applies—

“(i) there shall be included in gross income any amount which would be includible were it not part of a qualified rollover contribution,

“(ii) section 72(t) shall not apply, and

“(iii) unless the taxpayer elects not to have this clause apply, any amount required to be included in gross income for any taxable year beginning in 2010 by reason of this paragraph shall be so included ratably over the 2-taxable-year period beginning with the first taxable year beginning in 2011.

Any election under clause (iii) for any distributions during a taxable year may not be changed after the due date for such taxable year.

“(B) **DISTRIBUTIONS TO WHICH PARAGRAPH APPLIES.**—In the case of an applicable retirement plan which includes a qualified Roth contribution program, this paragraph shall apply to a distribution from such plan other than from a designated Roth account which is contributed in a qualified rollover contribution (within the meaning of section 408A(e)) to the designated Roth account maintained under such plan for the benefit of the individual to whom the distribution is made.

“(C) **COORDINATION WITH LIMIT.**—Any distribution to which this paragraph applies shall not be taken into account for purposes of paragraph (1).

“(D) **OTHER RULES.**—The rules of subparagraphs (D), (E), and (F) of section 408A(d)(3) (as in effect for taxable years beginning after 2009) shall apply for purposes of this paragraph.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 2113. SPECIAL RULES FOR ANNUITIES RECEIVED FROM ONLY A PORTION OF A CONTRACT.

(a) **IN GENERAL.**—Subsection (a) of section 72 of the Internal Revenue Code of 1986 is amended to read as follows:

“(a) **GENERAL RULES FOR ANNUITIES.**—

“(1) **INCOME INCLUSION.**—Except as otherwise provided in this chapter, gross income includes any amount received as an annuity (whether for a period certain or during one or more lives) under an annuity, endowment, or life insurance contract.

“(2) **PARTIAL ANNUITIZATION.**—If any amount is received as an annuity for a period of 10 years or more or during one or more lives under any portion of an annuity, endowment, or life insurance contract—

“(A) such portion shall be treated as a separate contract for purposes of this section,

“(B) for purposes of applying subsections (b), (c), and (e), the investment in the con-

tract shall be allocated pro rata between each portion of the contract from which amounts are received as an annuity and the portion of the contract from which amounts are not received as an annuity, and

“(C) a separate annuity starting date under subsection (c)(4) shall be determined with respect to each portion of the contract from which amounts are received as an annuity.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to amounts received in taxable years beginning after December 31, 2010.

PART III—CLOSING UNINTENDED LOOPHOLES

SEC. 2121. CRUDE TALL OIL INELIGIBLE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) **IN GENERAL.**—Clause (iii) of section 40(b)(6)(E) of the Internal Revenue Code of 1986, as added by the Health Care and Education Reconciliation Act of 2010, is amended—

(1) by striking “or” at the end of subclause (I),

(2) by striking the period at the end of subclause (II) and inserting “, or”,

(3) by adding at the end the following new subclause:

“(III) such fuel has an acid number greater than 25.”, and

(4) by striking “UNPROCESSED” in the heading and inserting “CERTAIN”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 2122. SOURCE RULES FOR INCOME ON GUARANTEES.

(a) **AMOUNTS SOURCED WITHIN THE UNITED STATES.**—Subsection (a) of section 861 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(9) **GUARANTEES.**—Amounts received, directly or indirectly, from—

“(A) a noncorporate resident or domestic corporation for the provision of a guarantee of any indebtedness of such resident or corporation, or

“(B) any foreign person for the provision of a guarantee of any indebtedness of such person, if such amount is connected with income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States.”.

(b) **AMOUNTS SOURCED WITHOUT THE UNITED STATES.**—Subsection (a) of section 862 of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting “; and”, and by adding at the end the following new paragraph:

“(9) amounts received, directly or indirectly, from a foreign person for the provision of a guarantee of indebtedness of such person other than amounts which are derived from sources within the United States as provided in section 861(a)(9).”.

(c) **CONFORMING AMENDMENT.**—Clause (ii) of section 864(c)(4)(B) of the Internal Revenue Code of 1986 is amended by striking “dividends or interest” and inserting “dividends, interest, or amounts received for the provision of guarantees of indebtedness”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to guarantees issued after the date of the enactment of this Act.

SEC. 2123. ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.

(a) IN GENERAL.—The following provisions of the Internal Revenue Code of 1986 are repealed:

- (1) Section 3507.
- (2) Subsection (g) of section 32.
- (3) Paragraph (7) of section 6051(a).
- (b) CONFORMING AMENDMENTS.—

(1) Section 6012(a) of the Internal Revenue Code of 1986 is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 of such Code is amended by striking subsection (i).

(3) The table of sections for chapter 25 of such Code is amended by striking the item relating to section 3507.

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

PART IV—TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

SEC. 2131. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 36 percentage points.

TITLE III—STATE SMALL BUSINESS CREDIT INITIATIVE

SEC. 3001. SHORT TITLE.

This title may be cited as the “State Small Business Credit Initiative Act of 2010”.

SEC. 3002. DEFINITIONS.

In this title, the following definitions shall apply:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Small Business and Entrepreneurship, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(B) the Committee on Small Business, the Committee on Agriculture, the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

(2) APPROPRIATE FEDERAL BANKING AGENCY.—The term “appropriate Federal banking agency” —

(A) has the same meaning as in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)); and

(B) includes the National Credit Union Administration Board in the case of any credit union the deposits of which are insured in accordance with the Federal Credit Union Act.

(3) ENROLLED LOAN.—The term “enrolled loan” means a loan made by a financial institution lender that is enrolled by a participating State in an approved State capital access program in accordance with this title.

(4) FEDERAL CONTRIBUTION.—The term “Federal contribution” means the portion of the contribution made by a participating State to, or for the account of, an approved State program that is made with Federal funds allocated to the State by the Secretary under section 3003.

(5) FINANCIAL INSTITUTION.—The term “financial institution” means any insured depository institution, insured credit union, or community development financial institu-

tion, as those terms are each defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702)

(6) PARTICIPATING STATE.—The term “participating State” means any State that has been approved for participation in the Program under section 3004.

(7) PROGRAM.—The term “Program” means the State Small Business Credit Initiative established under this title.

(8) QUALIFYING LOAN OR SWAP FUNDING FACILITY.—The term “qualifying loan or swap funding facility” means a contractual arrangement between a participating State and a private financial entity under which—

(A) the participating State delivers funds to the entity as collateral;

(B) the entity provides funding from the arrangement back to the participating State; and

(C) the full amount of resulting funding from the arrangement, less any fees and other costs of the arrangement, is contributed to, or for the account of, an approved State program.

(9) RESERVE FUND.—The term “reserve fund” means a fund, established by a participating State, dedicated to a particular financial institution lender, for the purposes of—

(A) depositing all required premium charges paid by the financial institution lender and by each borrower receiving a loan under an approved State program from that financial institution lender;

(B) depositing contributions made by the participating State, including State contributions made with Federal contributions; and

(C) covering losses on enrolled loans by disbursing accumulated funds.

(10) STATE.—The term “State” means—

(A) a State of the United States;

(B) the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands;

(C) when designated by a State of the United States, a political subdivision of that State that the Secretary determines has the capacity to participate in the Program; and

(D) under the circumstances described in section 3004(d), a municipality of a State of the United States to which the Secretary has given a special permission under section 3004(d).

(11) STATE CAPITAL ACCESS PROGRAM.—The term “State capital access program” means a program of a State that—

(A) uses public resources to promote private access to credit; and

(B) meets the eligibility criteria in section 3005(c).

(12) STATE OTHER CREDIT SUPPORT PROGRAM.—The term “State other credit support program” —

(A) means a program of a State that—

(i) uses public resources to promote private access to credit;

(ii) is not a State capital access program; and

(iii) meets the eligibility criteria in section 3006(c); and

(B) includes, collateral support programs, loan participation programs, State-run venture capital fund programs, and credit guarantee programs.

(13) STATE PROGRAM.—The term “State program” means a State capital access program or a State other credit support program.

(14) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

SEC. 3003. FEDERAL FUNDS ALLOCATED TO STATES.

(a) PROGRAM ESTABLISHED; PURPOSE.—There is established the State Small Business Credit Initiative, to be administered by the Secretary. Under the Program, the Secretary shall allocate Federal funds to participating States and make the allocated funds available to the participating States as provided in this section for the uses described in this section.

(b) ALLOCATION FORMULA.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall allocate Federal funds to participating States so that each State is eligible to receive an amount equal to the average of the respective amounts that the State—

(A) would receive under the 2009 allocation, as determined under paragraph (2); and

(B) would receive under the 2010 allocation, as determined under paragraph (3).

(2) 2009 ALLOCATION FORMULA.—

(A) IN GENERAL.—The Secretary shall determine the 2009 allocation by allocating Federal funds among the States in the proportion that each such State’s 2008 State employment decline bears to the aggregate of the 2008 State employment declines for all States.

(B) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under subparagraph (A) for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the Federal funds.

(C) 2008 STATE EMPLOYMENT DECLINE DEFINED.—In this paragraph and with respect to a State, the term “2008 State employment decline” means the excess (if any) of—

(i) the number of individuals employed in such State determined for December 2007; over

(ii) the number of individuals employed in such State determined for December 2008.

(3) 2010 ALLOCATION FORMULA.—

(A) IN GENERAL.—The Secretary shall determine the 2010 allocation by allocating Federal funds among the States in the proportion that each such State’s 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

(B) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under subparagraph (A) for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the Federal funds.

(C) 2009 UNEMPLOYMENT NUMBER DEFINED.—In this paragraph and with respect to a State, the term “2009 unemployment number” means the number of individuals within such State who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

(c) AVAILABILITY OF ALLOCATED AMOUNT.—The amount allocated by the Secretary to each participating State under subsection (b) shall be made available to the State as follows:

(1) ALLOCATED AMOUNT GENERALLY TO BE AVAILABLE TO STATE IN ONE-THIRDS.—

(A) IN GENERAL.—The Secretary shall—

(i) apportion the participating State’s allocated amount into thirds;

(ii) transfer to the participating State the first ⅓ when the Secretary approves the State for participation under section 3004; and

(iii) transfer to the participating State each successive ⅓ when the State has certified to the Secretary that it has expended, transferred, or obligated 80 percent of the last transferred ⅓ for Federal contributions to, or for the account of, State programs.

(B) **AUTHORITY TO WITHHOLD PENDING AUDIT.**—The Secretary may withhold the transfer of any successive $\frac{1}{3}$ pending results of a financial audit.

(C) **INSPECTOR GENERAL AUDITS.**—

(i) **IN GENERAL.**—The Inspector General of the Department of the Treasury shall carry out an audit of the participating State's use of allocated Federal funds transferred to the State.

(ii) **RECOUPMENT OF MISUSED TRANSFERRED FUNDS REQUIRED.**—The allocation agreement between the Secretary and the participating State shall provide that the Secretary shall recoup any allocated Federal funds transferred to the participating State if the results of the an audit include a finding that there was an intentional or reckless misuse of transferred funds by the State.

(iii) **PENALTY FOR MISSTATEMENT.**—Any participating State that is found to have intentionally misstated any report issued to the Secretary under the Program shall be ineligible to receive any additional funds under the Program. Funds that had been allocated or that would otherwise have been allocated to such participating State shall be paid into the general fund of the Treasury for reduction of the public debt.

(iv) **MUNICIPALITIES.**—In this subparagraph, the term "participating State" shall include a municipality given special permission to participate in the Program, under section 3004(d).

(D) **EXCEPTION.**—The Secretary may, in the Secretary's discretion, transfer the full amount of the participating State's allocated amount to the State in a single transfer if the participating State applies to the Secretary for approval to use the full amount of the allocation as collateral for a qualifying loan or swap funding facility.

(2) **TRANSFERRED AMOUNTS.**—Each amount transferred to a participating State under this section shall remain available to the State until used by the State as permitted under paragraph (3).

(3) **USE OF TRANSFERRED FUNDS.**—Each participating State may use funds transferred to it under this section only—

(A) for making Federal contributions to, or for the account of, an approved State program;

(B) as collateral for a qualifying loan or swap funding facility;

(C) in the case of the first $\frac{1}{3}$ transferred, for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 5 percent of that first $\frac{1}{3}$; or

(D) in the case of each successive $\frac{1}{3}$ transferred, for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 3 percent of that successive $\frac{1}{3}$.

(4) **TERMINATION OF AVAILABILITY OF AMOUNTS NOT TRANSFERRED WITHIN 2 YEARS OF PARTICIPATION.**—Any portion of a participating State's allocated amount that has not been transferred to the State under this section by the end of the 2-year period beginning on the date that the Secretary approves the State for participation may be deemed by the Secretary to be no longer allocated to the State and no longer available to the State and shall be returned to the General Fund of the Treasury.

(5) **TRANSFERRED AMOUNTS NOT ASSISTANCE.**—The amounts transferred to a participating State under this section shall not be considered assistance for purposes of subtitle V of title 31, United States Code.

(6) **DEFINITIONS.**—In this section—

(A) the term "allocated amount" means the total amount of Federal funds allocated

by the Secretary under subsection (b) to the participating State; and

(B) the term " $\frac{1}{3}$ " means—

(i) in the case of the first $\frac{1}{3}$ and second $\frac{1}{3}$, an amount equal to 33 percent of a participating State's allocated amount; and

(ii) in the case of the last $\frac{1}{3}$, an amount equal to 34 percent of a participating State's allocated amount.

SEC. 3004. APPROVING STATES FOR PARTICIPATION.

(a) **APPLICATION.**—Any State may apply to the Secretary for approval to be a participating State under the Program and to be eligible for an allocation of Federal funds under the Program.

(b) **GENERAL APPROVAL CRITERIA.**—The Secretary shall approve a State to be a participating State, if—

(1) a specific department, agency, or political subdivision of the State has been designated to implement a State program and participate in the Program;

(2) all legal actions necessary to enable such designated department, agency, or political subdivision to implement a State program and participate in the Program have been accomplished;

(3) the State has filed an application with the Secretary for approval of a State capital access program under section 3005 or approval as a State other credit support program under section 3006, in each case within the time period provided in the respective section; and

(4) the State and the Secretary have executed an allocation agreement that—

(A) conforms to the requirements of this title;

(B) ensures that the State program complies with such national standards as are established by the Secretary under section 3009(a)(2);

(C) sets forth internal control, compliance, and reporting requirements as established by the Secretary, and such other terms and conditions necessary to carry out the purposes of this title, including an agreement by the State to allow the Secretary to audit State programs;

(D) requires that the State program be fully positioned, within 90 days of the State's execution of the allocation agreement with the Secretary, to act on providing the kind of credit support that the State program was established to provide; and

(E) includes an agreement by the State to deliver to the Secretary, and update annually, a schedule describing how the State intends to apportion among its State programs the Federal funds allocated to the State.

(c) **CONTRACTUAL ARRANGEMENTS FOR IMPLEMENTATION OF STATE PROGRAMS.**—A State may be approved to be a participating State, and be eligible for an allocation of Federal funds under the Program, if the State has contractual arrangements for the implementation and administration of its State program with—

(1) an existing, approved State program administered by another State; or

(2) an authorized agent of, or entity supervised by, the State, including for-profit and not-for-profit entities.

(d) **SPECIAL PERMISSION.**—

(1) **CIRCUMSTANCES WHEN A MUNICIPALITY MAY APPLY DIRECTLY.**—If a State does not, within 60 days after the date of enactment of this Act, file with the Secretary a notice of its intent to apply for approval by the Secretary of a State program or within 9 months after the date of enactment of this Act, file with the Secretary a complete application for approval of a State program, the Sec-

retary may grant to municipalities of that State a special permission that will allow them to apply directly to the Secretary without the State for approval to be participating municipalities.

(2) **TIMING REQUIREMENTS APPLICABLE TO MUNICIPALITIES APPLYING DIRECTLY.**—To qualify for the special permission, a municipality of a State shall be required, within 12 months after the date of enactment of this Act, to file with the Secretary a complete application for approval by the Secretary of a State program.

(3) **NOTICES OF INTENT AND APPLICATIONS FROM MORE THAN 1 MUNICIPALITY.**—A municipality of a State may combine with 1 or more other municipalities of that State to file a joint notice of intent to file and a joint application.

(4) **APPROVAL CRITERIA.**—The general approval criteria in paragraphs (2) and (4) shall apply.

(5) **ALLOCATION TO MUNICIPALITIES.**—

(A) **IF MORE THAN 3.**—If more than 3 municipalities, or combination of municipalities as provided in paragraph (3), of a State apply for approval by the Secretary to be participating municipalities under this subsection, and the applications meet the approval criteria in paragraph (4), the Secretary shall allocate Federal funds to the 3 municipalities with the largest populations.

(B) **IF 3 OR FEWER.**—If 3 or fewer municipalities, or combination of municipalities as provided in paragraph (3), of a State apply for approval by the Secretary to be participating municipalities under this subsection, and the applications meet the approval criteria in paragraph (4), the Secretary shall allocate Federal funds to each applicant municipality or combination of municipalities.

(6) **APPORTIONMENT OF ALLOCATED AMOUNT AMONG PARTICIPATING MUNICIPALITIES.**—If the Secretary approves municipalities to be participating municipalities under this subsection, the Secretary shall apportion the full amount of the Federal funds that are allocated to that State to municipalities that are approved under this subsection in amounts proportionate to the population of those municipalities, based on the most recent available decennial census.

(7) **APPROVING STATE PROGRAMS FOR MUNICIPALITIES.**—If the Secretary approves municipalities to be participating municipalities under this subsection, the Secretary shall take into account the additional considerations in section 3006(d) in making the determination under section 3005 or 3006 that the State program or programs to be implemented by the participating municipalities, including a State capital access program, is eligible for Federal contributions to, or for the account of, the State program.

SEC. 3005. APPROVING STATE CAPITAL ACCESS PROGRAMS.

(a) **APPLICATION.**—A participating State that establishes a new, or has an existing, State capital access program that meets the eligibility criteria in subsection (c) may apply to Secretary to have the State capital access program approved as eligible for Federal contributions to the reserve fund.

(b) **APPROVAL.**—The Secretary shall approve such State capital access program as eligible for Federal contributions to the reserve fund if—

(1) within 60 days after the date of enactment of this Act, the State has filed with the Secretary a notice of intent to apply for approval by the Secretary of a State capital access program;

(2) within 9 months after the date of enactment of this Act, the State has filed with the

Secretary a complete application for approval by the Secretary of a capital access program;

(3) the State satisfies the requirements of subsections (a) and (b) of section 3004; and

(4) the State capital access program meets the eligibility criteria in subsection (c).

(c) **ELIGIBILITY CRITERIA FOR STATE CAPITAL ACCESS PROGRAMS.**—For a State capital access program to be approved under this section, that program shall be required to be a program of the State that—

(1) provides portfolio insurance for business loans based on a separate loan-loss reserve fund for each financial institution;

(2) requires insurance premiums to be paid by the financial institution lenders and by the business borrowers to the reserve fund to have their loans enrolled in the reserve fund;

(3) provides for contributions to be made by the State to the reserve fund in amounts at least equal to the sum of the amount of the insurance premium charges paid by the borrower and the financial institution to the reserve fund for any newly enrolled loan; and

(4) provides its portfolio insurance solely for loans that meet both the following requirements:

(A) The borrower has 500 employees or less at the time that the loan is enrolled in the Program.

(B) The loan amount does not exceed \$5,000,000.

(d) **FEDERAL CONTRIBUTIONS TO APPROVED STATE CAPITAL ACCESS PROGRAMS.**—A State capital access program approved under this section will be eligible for receiving Federal contributions to the reserve fund in an amount equal to the sum of the amount of the insurance premium charges paid by the borrowers and by the financial institution to the reserve fund for loans that meet the requirements in subsection (c)(4). A participating State may use the Federal contribution to make its contribution to the reserve fund of an approved State capital access program.

(e) **MINIMUM PROGRAM REQUIREMENTS FOR STATE CAPITAL ACCESS PROGRAMS.**—The Secretary shall, by regulation or other guidance, prescribe Program requirements that meet the following minimum requirements:

(1) **EXPERIENCE AND CAPACITY.**—The participating State shall determine for each financial institution that participates in the State capital access program, after consultation with the appropriate Federal banking agency or, in the case of a financial institution that is a nondepository community development financial institution, the Community Development Financial Institution Fund, that the financial institution has sufficient commercial lending experience and financial and managerial capacity to participate in the approved State capital access program. The determination by the State shall not be reviewable by the Secretary.

(2) **INVESTMENT AUTHORITY.**—Subject to applicable State law, the participating State may invest, or cause to be invested, funds held in a reserve fund by establishing a deposit account at the financial institution lender in the name of the participating State. In the event that funds in the reserve fund are not deposited in such an account, such funds shall be invested in a form that the participating State determines is safe and liquid.

(3) **LOAN TERMS AND CONDITIONS TO BE DETERMINED BY AGREEMENT.**—A loan to be filed for enrollment in an approved State capital access program may be made with such interest rate, fees, and other terms and conditions, and the loan may be enrolled in the

approved State capital access program and claims may be filed and paid, as agreed upon by the financial institution lender and the borrower, consistent with applicable law.

(4) **LENDER CAPITAL AT-RISK.**—A loan to be filed for enrollment in the State capital access program shall require the financial institution lender to have a meaningful amount of its own capital resources at risk in the loan.

(5) **PREMIUM CHARGES MINIMUM AND MAXIMUM AMOUNTS.**—The insurance premium charges payable to the reserve fund by the borrower and the financial institution lender shall be prescribed by the financial institution lender, within minimum and maximum limits that require that the sum of the insurance premium charges paid in connection with a loan by the borrower and the financial institution lender may not be less than 2 percent nor more than 7 percent of the amount of the loan enrolled in the approved State capital access program.

(6) **STATE CONTRIBUTIONS.**—In enrolling a loan in an approved State capital access program, the participating State may make a contribution to the reserve fund to supplement Federal contributions made under this Program.

(7) **LOAN PURPOSE.**—

(A) **PARTICULAR LOAN PURPOSE REQUIREMENTS AND PROHIBITIONS.**—In connection with the filing of a loan for enrollment in an approved State capital access program, the financial institution lender—

(i) shall obtain an assurance from each borrower that—

(I) the proceeds of the loan will be used for a business purpose;

(II) the loan will not be used to finance such business activities as the Secretary, by regulation, may proscribe as prohibited loan purposes for enrollment in an approved State capital access program; and

(III) the borrower is not—

(aa) an executive officer, director, or principal shareholder of the financial institution lender;

(bb) a member of the immediate family of an executive officer, director, or principal shareholder of the financial institution lender; or

(cc) a related interest of any such executive officer, director, principal shareholder, or member of the immediate family;

(ii) shall provide assurances to the participating State that the loan has not been made in order to place under the protection of the approved State capital access program prior debt that is not covered under the approved State capital access program and that is or was owed by the borrower to the financial institution lender or to an affiliate of the financial institution lender;

(iii) shall not allow the enrollment of a loan to a borrower that is a refinancing of a loan previously made to that borrower by the financial institution lender or an affiliate of the financial institution lender; and

(iv) may include additional restrictions on the eligibility of loans or borrowers that are not inconsistent with the provisions and purposes of this title, including compliance with all applicable Federal and State laws, regulations, ordinances, and Executive orders.

(B) **DEFINITIONS.**—In this paragraph, the terms “executive officer”, “director”, “principal shareholder”, “immediate family”, and “related interest” refer to the same relationship to a financial institution lender as the relationship described in part 215 of title 12 of the Code of Federal Regulations, or any successor to such part.

(8) **CAPITAL ACCESS FOR SMALL BUSINESSES IN UNDERSERVED COMMUNITIES.**—At the time

that a State applies to the Secretary to have the State capital access program approved as eligible for Federal contributions, the State shall deliver to the Secretary a report stating how the State plans to use the Federal contributions to the reserve fund to provide access to capital for small businesses in low- and moderate-income, minority, and other underserved communities, including women- and minority-owned small businesses.

SEC. 3006. APPROVING COLLATERAL SUPPORT AND OTHER INNOVATIVE CREDIT ACCESS AND GUARANTEE INITIATIVES FOR SMALL BUSINESSES AND MANUFACTURERS.

(a) **APPLICATION.**—A participating State that establishes a new, or has an existing, credit support program that meets the eligibility criteria in subsection (c) may apply to the Secretary to have the State other credit support program approved as eligible for Federal contributions to, or for the account of, the State program.

(b) **APPROVAL.**—The Secretary shall approve such State other credit support program as eligible for Federal contributions to, or for the account of, the program if—

(1) the Secretary determines that the State satisfies the requirements of paragraphs (1) through (3) of section 3005(b);

(2) the Secretary determines that the State other credit support program meets the eligibility criteria in subsection (c);

(3) the Secretary determines the State other credit support program to be eligible based on the additional considerations in subsection (d); and

(4) within 9 months after the date of enactment of this Act, the State has filed with Treasury a complete application for Treasury approval.

(c) **ELIGIBILITY CRITERIA FOR STATE OTHER CREDIT SUPPORT PROGRAMS.**—For a State other credit support program to be approved under this section, that program shall be required to be a program of the State that—

(1) can demonstrate that, at a minimum, \$1 of public investment by the State program will cause and result in \$1 of new private credit;

(2) can demonstrate a reasonable expectation that, when considered with all other State programs of the State, such State programs together have the ability to use amounts of new Federal contributions to, or for the account of, all such programs in the State to cause and result in amounts of new small business lending at least 10 times the new Federal contribution amount;

(3) for those State other credit support programs that provide their credit support through 1 or more financial institution lenders, requires the financial institution lenders to have a meaningful amount of their own capital resources at risk in their small business lending; and

(4) uses Federal funds allocated under this title to extend credit support that—

(A) targets an average borrower size of 500 employees or less;

(B) does not extend credit support to borrowers that have more than 750 employees;

(C) targets support towards loans with an average principal amount of \$5,000,000 or less; and

(D) does not extend credit support to loans that exceed a principal amount of \$20,000,000.

(d) **ADDITIONAL CONSIDERATIONS.**—In making a determination that a State other credit support program is eligible for Federal contributions to, or for the account of, the State program, the Secretary shall take into account the following additional considerations:

(1) The anticipated benefits to the State, its businesses, and its residents to be derived

from the Federal contributions to, or for the account of, the approved State other credit support program, including the extent to which resulting small business lending will expand economic opportunities.

(2) The operational capacity, skills, and experience of the management team of the State other credit support program.

(3) The capacity of the State other credit support program to manage increases in the volume of its small business lending.

(4) The internal accounting and administrative controls systems of the State other credit support program, and the extent to which they can provide reasonable assurance that funds of the State program are safeguarded against waste, loss, unauthorized use, or misappropriation.

(5) The soundness of the program design and implementation plan of the State other credit support program.

(e) **FEDERAL CONTRIBUTIONS TO APPROVED STATE OTHER CREDIT SUPPORT PROGRAMS.**—A State other credit support program approved under this section will be eligible for receiving Federal contributions to, or for the account of, the State program in an amount consistent with the schedule describing the apportionment of allocated Federal funds among State programs delivered by the State to the Secretary under the allocation agreement.

(f) **MINIMUM PROGRAM REQUIREMENTS FOR STATE OTHER CREDIT SUPPORT PROGRAMS.**—

(1) **FUND TO PRESCRIBE.**—The Secretary shall, by regulation or other guidance, prescribe Program requirements for approved State other credit support programs.

(2) **CONSIDERATIONS FOR FUND.**—In prescribing minimum Program requirements for approved State other credit support programs, the Secretary shall take into consideration, to the extent the Secretary determines applicable and appropriate, the minimum Program requirements for approved State capital access programs in section 3005(e).

SEC. 3007. REPORTS.

(a) **QUARTERLY USE-OF-FUNDS REPORT.**—

(1) **IN GENERAL.**—Not later than 30 days after the beginning of each calendar quarter, beginning after the first full calendar quarter to occur after the date the Secretary approves a State for participation, the participating State shall submit to the Secretary a report on the use of Federal funding by the participating State during the previous calendar quarter.

(2) **REPORT CONTENTS.**—Each report under this subsection shall—

(A) indicate the total amount of Federal funding used by the participating State; and

(B) include a certification by the participating State that—

(i) the information provided in accordance with subparagraph (A) is accurate;

(ii) funds continue to be available and legally committed to contributions by the State to, or for the account of, approved State programs, less any amount that has been contributed by the State to, or for the account of, approved State programs subsequent to the State being approved for participation in the Program; and

(iii) the participating State is implementing its approved State program or programs in accordance with this title and regulations issued under section 3010.

(b) **ANNUAL REPORT.**—Not later than March 31 of each year, beginning March 31, 2011, each participating State shall submit to the Secretary an annual report that shall include the following information:

(1) The number of borrowers that received new loans originated under the approved

State program or programs after the State program was approved as eligible for Federal contributions.

(2) The total amount of such new loans.

(3) Breakdowns by industry type, loan size, annual sales, and number of employees of the borrowers that received such new loans.

(4) The zip code of each borrower that received such a new loan.

(5) Such other data as the Secretary, in the Secretary's sole discretion, may require to carry out the purposes of the Program.

(c) **FORM.**—The reports and data filed under subsections (a) and (b) shall be in such form as the Secretary, in the Secretary's sole discretion, may require.

(d) **TERMINATION OF REPORTING REQUIREMENTS.**—The requirement to submit reports under subsections (a) and (b) shall terminate for a participating State with the submission of the completed reports due on the first March 31 to occur after 5 complete 12-month periods after the State is approved by the Secretary to be a participating State.

SEC. 3008. REMEDIES FOR STATE PROGRAM TERMINATION OR FAILURES.

(a) **REMEDIES.**—

(1) **IN GENERAL.**—If any of the events listed in paragraph (2) occur, the Secretary, in the Secretary's discretion, may—

(A) reduce the amount of Federal funds allocated to the State under the Program; or

(B) terminate any further transfers of allocated amounts that have not yet been transferred to the State.

(2) **CAUSAL EVENTS.**—The events referred to in paragraph (1) are—

(A) termination by a participating State of its participation in the Program;

(B) failure on the part of a participating State to submit complete reports under section 3007 on a timely basis; or

(C) noncompliance by the State with the terms of the allocation agreement between the Secretary and the State.

(b) **DEALLOCATED AMOUNTS TO BE REALLOCATED.**—If, after 13 months, any portion of the amount of Federal funds allocated to a participating State is deemed by the Secretary to be no longer allocated to the State after actions taken by the Secretary under subsection (a)(1), the Secretary shall reallocate that portion among the participating States, excluding the State whose allocated funds were deemed to be no longer allocated, as provided in section 3003(b).

SEC. 3009. IMPLEMENTATION AND ADMINISTRATION.

(a) **GENERAL AUTHORITIES AND DUTIES.**—The Secretary shall—

(1) consult with the Administrator of the Small Business Administration and the appropriate Federal banking agencies on the administration of the Program;

(2) establish minimum national standards for approved State programs;

(3) provide technical assistance to States for starting State programs and generally disseminate best practices;

(4) manage, administer, and perform necessary program integrity functions for the Program; and

(5) ensure adequate oversight of the approved State programs, including oversight of the cash flows, performance, and compliance of each approved State program.

(b) **APPROPRIATIONS.**—There is hereby appropriated to the Secretary, out of funds in the Treasury not otherwise appropriated, \$1,500,000,000 to carry out the Program, including to pay reasonable costs of administering the Program.

(c) **TERMINATION OF SECRETARY'S PROGRAM ADMINISTRATION FUNCTIONS.**—The authorities

and duties of the Secretary to implement and administer the Program shall terminate at the end of the 7-year period beginning on the date of enactment of this Act.

(d) **EXPEDITED CONTRACTING.**—During the 1-year period beginning on the date of enactment of this Act, the Secretary may enter into contracts without regard to any other provision of law regarding public contracts, for purposes of carrying out this title.

SEC. 3010. REGULATIONS.

The Secretary, in consultation with the Administrator of the Small Business Administration, shall issue such regulations and other guidance as the Secretary determines necessary or appropriate to implement this title including to define terms, to establish compliance and reporting requirements, and such other terms and conditions necessary to carry out the purposes of this title.

SEC. 3011. OVERSIGHT AND AUDITS.

(a) **INSPECTOR GENERAL OVERSIGHT.**—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of the use of funds made available under the Program.

(b) **GAO AUDIT.**—The Comptroller General of the United States shall perform an annual audit of the Program and issue a report to the appropriate committees of Congress containing the results of such audit.

(c) **REQUIRED CERTIFICATION.**—

(1) **FINANCIAL INSTITUTIONS CERTIFICATION.**—With respect to funds received by a participating State under the Program, any financial institution that receives a loan, a loan guarantee, or other financial assistance using such funds after the date of the enactment of this Act shall certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in section 5312 (a)(2) and (c)(1)(A) of title 31, United States Code, to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

(2) **SEX OFFENSE CERTIFICATION.**—With respect to funds received by a participating State under the Program, any private entity that receives a loan, a loan guarantee, or other financial assistance using such funds after the date of the enactment of this Act shall certify to the participating State that the principals of such entity have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

(d) **PROHIBITION ON PORNOGRAPHY.**—None of the funds made available under this title may be used to pay the salary of any individual engaged in activities related to the Program who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

TITLE IV—ADDITIONAL SMALL BUSINESS PROVISIONS

Subtitle A—Small Business Lending Fund

SEC. 4101. PURPOSE.

The purpose of this subtitle is to address the ongoing effects of the financial crisis on

small businesses by providing temporary authority to the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses.

SEC. 4102. DEFINITIONS.

For purposes of this subtitle:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on Small Business and Entrepreneurship, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(B) the Committee on Small Business, the Committee on Agriculture, the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

(2) **APPROPRIATE FEDERAL BANKING AGENCY.**—The term “appropriate Federal banking agency” has the meaning given such term under section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

(3) **BANK HOLDING COMPANY.**—The term “bank holding company” has the meaning given such term under section 2(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(2)(a)(1)).

(4) **CALL REPORT.**—The term “call report” means—

(A) reports of Condition and Income submitted to the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation;

(B) the Office of Thrift Supervision Thrift Financial Report;

(C) any report that is designated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or the Office of Thrift Supervision, as applicable, as a successor to any report referred to in subparagraph (A) or (B);

(D) reports of Condition and Income as designated through guidance developed by the Secretary, in consultation with the Director of the Community Development Financial Institutions Fund; and

(E) with respect to an eligible institution for which no report exists that is described under subparagraph (A), (B), (C), or (D), such other report or set of information as the Secretary, in consultation with the Administrator of the Small Business Administration, may prescribe.

(5) **CDCI.**—The term “CDCI” means the Community Development Capital Initiative created by the Secretary under the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008.

(6) **CDCI INVESTMENT.**—The term “CDCI investment” means, with respect to any eligible institution, the principal amount of any investment made by the Secretary in such eligible institution under the CDCI that has not been repaid.

(7) **CDFI; COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.**—The terms “CDFI” and “community development financial institution” have the meaning given the term “community development financial institution” under the Riegle Community Development and Regulatory Improvement Act of 1994.

(8) **CDLF; COMMUNITY DEVELOPMENT LOAN FUND.**—The terms “CDLF” and “community development loan fund” mean any entity that—

(A) is certified by the Department of the Treasury as a community development financial institution loan fund;

(B) is exempt from taxation under the Internal Revenue Code of 1986; and

(C) had assets less than or equal to \$10,000,000,000 as of the end of the fourth quarter of calendar year 2009.

(9) **CPP.**—The term “CPP” means the Capital Purchase Program created by the Secretary under the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008.

(10) **CPP INVESTMENT.**—The term “CPP investment” means, with respect to any eligible institution, the principal amount of any investment made by the Secretary in such eligible institution under the CPP that has not been repaid.

(11) **ELIGIBLE INSTITUTION.**—The term “eligible institution” means—

(A) any insured depository institution, which—

(i) is not controlled by a bank holding company or savings and loan holding company that is also an eligible institution;

(ii) has total assets of equal to or less than \$10,000,000,000, as reported in the call report of the insured depository institution as of the end of the fourth quarter of calendar year 2009; and

(iii) is not directly or indirectly controlled by any company or other entity that has total consolidated assets of more than \$10,000,000,000, as so reported;

(B) any bank holding company which has total consolidated assets of equal to or less than \$10,000,000,000, as reported in the call report of the bank holding company as of the end of the fourth quarter of calendar year 2009;

(C) any savings and loan holding company which has total consolidated assets of equal to or less than \$10,000,000,000, as reported in the call report of the savings and loan holding company as of the end of the fourth quarter of calendar year 2009; and

(D) any community development financial institution loan fund which has total assets of equal to or less than \$10,000,000,000, as reported in audited financial statements for the fiscal year of the community development financial institution loan fund that ends in calendar year 2009.

(12) **FUND.**—The term “Fund” means the Small Business Lending Fund established under section 4103(a)(1).

(13) **INSURED DEPOSITORY INSTITUTION.**—The term “insured depository institution” has the meaning given such term under section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2)).

(14) **MINORITY-OWNED AND WOMEN-OWNED BUSINESS.**—The terms “minority-owned business” and “women-owned business” shall have the meaning given the terms “minority-owned business” and “women’s business”, respectively, under section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441A(r)(4)).

(15) **PROGRAM.**—The term “Program” means the Small Business Lending Fund Program authorized under section 4103(a)(2).

(16) **SAVINGS AND LOAN HOLDING COMPANY.**—The term “savings and loan holding company” has the meaning given such term under section 10(a)(1)(D) of the Home Owners’ Loan Act (12 U.S.C. 1467a(a)(1)(D)).

(17) **SECRETARY.**—The term “Secretary” means the Secretary of the Treasury.

(18) **SMALL BUSINESS LENDING.**—

(A) **IN GENERAL.**—The term “small business lending” means lending, as defined by and reported in an eligible institutions’ quar-

terly call report, where each loan comprising such lending is one of the following types:

(i) Commercial and industrial loans.

(ii) Owner-occupied nonfarm, nonresidential real estate loans.

(iii) Loans to finance agricultural production and other loans to farmers.

(iv) Loans secured by farmland.

(B) **EXCLUSION.**—No loan that has an original amount greater than \$10,000,000 or that goes to a business with more than \$50,000,000 in revenues shall be included in the measure.

(C) **TREATMENT OF HOLDING COMPANIES.**—In the case of eligible institutions that are bank holding companies or savings and loan holding companies having one or more insured depository institution subsidiaries, small business lending shall be measured based on the combined small business lending reported in the call report of the insured depository institution subsidiaries.

(19) **VETERAN-OWNED BUSINESS.**—

(A) The term “veteran-owned business” means a business—

(i) more than 50 percent of the ownership or control of which is held by 1 or more veterans;

(ii) more than 50 percent of the net profit or loss of which accrues to 1 or more veterans; and

(iii) a significant percentage of senior management positions of which are held by veterans.

(B) For purposes of this paragraph, the term “veteran” has the meaning given such term in section 101(2) of title 38, United States Code.

SEC. 4103. SMALL BUSINESS LENDING FUND.

(a) **FUND AND PROGRAM.**—

(1) **FUND ESTABLISHED.**—There is established in the Treasury of the United States a fund to be known as the “Small Business Lending Fund”, which shall be administered by the Secretary.

(2) **PROGRAMS AUTHORIZED.**—The Secretary is authorized to establish the Small Business Lending Fund Program for using the Fund consistent with this subtitle.

(b) **USE OF FUND.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Fund shall be available to the Secretary, without further appropriation or fiscal year limitation, for the costs of purchases (including commitments to purchase), and modifications of such purchases, of preferred stock and other financial instruments from eligible institutions on such terms and conditions as are determined by the Secretary in accordance with this subtitle. For purposes of this paragraph and with respect to an eligible institution, the term “other financial instruments” shall include only debt instruments for which such eligible institution is fully liable or equity equivalent capital of the eligible institution. Such debt instruments may be subordinated to the claims of other creditors of the eligible institution.

(2) **MAXIMUM PURCHASE LIMIT.**—The aggregate amount of purchases (and commitments to purchase) made pursuant to paragraph (1) may not exceed \$30,000,000,000.

(3) **PROCEEDS USED TO PAY DOWN PUBLIC DEBT.**—All funds received by the Secretary in connection with purchases made pursuant to paragraph (1), including interest payments, dividend payments, and proceeds from the sale of any financial instrument, shall be paid into the general fund of the Treasury for reduction of the public debt.

(4) **LIMITATION ON PURCHASES FROM CDLFS.**—

(A) **IN GENERAL.**—Not more than 1 percent of the maximum purchase limit of the Program, pursuant to paragraph (2), may be

used to make purchases from community development loan funds.

(B) **ELIGIBILITY STANDARDS.**—The Secretary, in consultation with the Community Development Financial Institutions Fund, shall develop eligibility criteria to determine the financial ability of a CDLF to participate in the Program and repay the investment. Such criteria shall include the following:

(i) Ratio of net assets to total assets is at least 20 percent.

(ii) Ratio of loan loss reserves to loans and leases 90 days or more delinquent (including loans sold with full recourse) is at least 30 percent.

(iii) Positive net income measured on a 3-year rolling average.

(iv) Operating liquidity ratio of at least 1.0 for the 4 most recent quarters and for one or both of the two preceding years.

(v) Ratio of loans and leases 90 days or more delinquent (including loans sold with full recourse) to total equity plus loan loss reserves is less than 40 percent.

(C) **REQUIREMENT TO SUBMIT AUDITED FINANCIAL STATEMENTS.**—CDLFs participating in the Program shall submit audited financial statements to the Secretary, have a clean audit opinion, and have at least 3 years of operating experience.

(c) **CREDITS TO THE FUND.**—There shall be credited to the Fund amounts made available pursuant to section 4108, to the extent provided by appropriations Acts.

(d) **TERMS.**—

(1) **APPLICATION.**—

(A) **INSTITUTIONS WITH ASSETS OF \$1,000,000,000 OR LESS.**—Eligible institutions having total assets equal to or less than \$1,000,000,000, as reported in a call report as of the end of the fourth quarter of calendar year 2009, may apply to receive a capital investment from the Fund in an amount not exceeding 5 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(B) **INSTITUTIONS WITH ASSETS OF MORE THAN \$1,000,000,000 AND LESS THAN OR EQUAL TO \$10,000,000,000.**—Eligible institutions having total assets of more than \$1,000,000,000 but less than \$10,000,000,000, as of the end of the fourth quarter of calendar year 2009, may apply to receive a capital investment from the Fund in an amount not exceeding 3 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(C) **TREATMENT OF HOLDING COMPANIES.**—In the case of an eligible institution that is a bank holding company or a savings and loan holding company having one or more insured depository institution subsidiaries, total assets shall be measured based on the combined total assets reported in the call report of the insured depository institution subsidiaries as of the end of the fourth quarter of calendar year 2009 and risk-weighted assets shall be measured based on the combined risk-weighted assets of the insured depository institution subsidiaries as reported in the call report immediately preceding the date of application.

(D) **TREATMENT OF APPLICANTS THAT ARE INSTITUTIONS CONTROLLED BY HOLDING COMPANIES.**—If an eligible institution that applies to receive a capital investment under the Program is under the control of a bank holding company or a savings and loan holding company, then the Secretary may use the Fund to purchase preferred stock or other financial instruments from the top-tier bank

holding company or savings and loan holding company of such eligible institution, as applicable. For purposes of this subparagraph, the term “control” with respect to a bank holding company shall have the same meaning as in section 2(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(2)(a)(2)). For purposes of this subparagraph, the term “control” with respect to a savings and loan holding company shall have the same meaning as in 10(a)(2) of the Home Owners’ Loan Act (12 U.S.C. 1467a(a)(2)).

(E) **REQUIREMENT TO PROVIDE A SMALL BUSINESS LENDING PLAN.**—At the time that an applicant submits an application to the Secretary for a capital investment under the Program, the applicant shall deliver to the appropriate Federal banking agency, and, for applicants that are State-chartered banks, to the appropriate State banking regulator, a small business lending plan describing how the applicant’s business strategy and operating goals will allow it to address the needs of small businesses in the areas it serves, as well as a plan to provide linguistically and culturally appropriate outreach, where appropriate. In the case of eligible institutions that are community development loan funds, this plan shall be submitted to the Secretary. This plan shall be confidential supervisory information.

(F) **TREATMENT OF APPLICANTS THAT ARE COMMUNITY DEVELOPMENT LOAN FUNDS.**—Eligible institutions that are community development loan funds may apply to receive a capital investment from the Fund in an amount not exceeding 5 percent of total assets, as reported in the audited financial statements for the fiscal year of the eligible institution that ends in calendar year 2009.

(2) **CONSULTATION WITH REGULATORS.**—For each eligible institution that applies to receive a capital investment under the Program, the Secretary shall—

(A) consult with the appropriate Federal banking agency or, in the case of an eligible institution that is a nondepository community development financial institution, the Community Development Financial Institution Fund, for the eligible institution, to determine whether the eligible institution may receive such capital investment;

(B) in the case of an eligible institution that is a State-chartered bank, consider any views received from the State banking regulator of the State of the eligible institution regarding the financial condition of the eligible institution; and

(C) in the case of a community development financial institution loan fund, consult with the Community Development Financial Institution Fund.

(3) **CONSIDERATION OF MATCHED PRIVATE INVESTMENTS.**—

(A) **IN GENERAL.**—For an eligible institution that applies to receive a capital investment under the Program, if the entity to be consulted under paragraph (2) would not otherwise recommend the eligible institution to receive the capital investment, the Secretary, in consultation with the entity to be so consulted, may consider whether the entity to be consulted would recommend the eligible institution to receive a capital investment based on the financial condition of the institution if the conditions in subparagraph (B) are satisfied.

(B) **CONDITIONS.**—The conditions referred to in subparagraph (A) are as follows:

(i) **CAPITAL SOURCES.**—The eligible institution shall receive capital both under the Program and from private, nongovernment investors.

(ii) **AMOUNT OF CAPITAL.**—The amount of capital to be received under the Program

shall not exceed 3 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(iii) **TERMS.**—The amount of capital to be received from private, nongovernment investors shall be—

(I) equal to or greater than 100 percent of the capital to be received under the Program; and

(II) subordinate to the capital investment made by the Secretary under the Program.

(4) **INELIGIBILITY OF INSTITUTIONS ON FDIC PROBLEM BANK LIST.**—

(A) **IN GENERAL.**—An eligible institution may not receive any capital investment under the Program, if—

(i) such institution is on the FDIC problem bank list; or

(ii) such institution has been removed from the FDIC problem bank list for less than 90 days.

(B) **CONSTRUCTION.**—Nothing in subparagraph (A) shall be construed as limiting the discretion of the Secretary to deny the application of an eligible institution that is not on the FDIC problem bank list.

(C) **FDIC PROBLEM BANK LIST DEFINED.**—For purposes of this paragraph, the term “FDIC problem bank list” means the list of depository institutions having a current rating of 4 or 5 under the Uniform Financial Institutions Rating System, or such other list designated by the Federal Deposit Insurance Corporation.

(5) **INCENTIVES TO LEND.**—

(A) **REQUIREMENTS ON PREFERRED STOCK AND OTHER FINANCIAL INSTRUMENTS.**—Any preferred stock or other financial instrument issued to Treasury by an eligible institution receiving a capital investment under the Program shall provide that—

(i) the rate at which dividends or interest are payable shall be 5 percent per annum initially;

(ii) within the first 2 years after the date of the capital investment under the Program, the rate may be adjusted based on the amount of an eligible institution’s small business lending. Changes in the amount of small business lending shall be measured against the average amount of small business lending reported by the eligible institution in its call reports for the 4 full quarters immediately preceding the date of enactment of this Act, minus adjustments from each quarterly balance in respect of—

(I) net loan charge offs with respect to small business lending; and

(II) gains realized by the eligible institution resulting from mergers, acquisitions or purchases of loans after origination and syndication; which adjustments shall be determined in accordance with guidance promulgated by the Secretary; and

(iii) during any calendar quarter during the initial 2-year period referred to in clause (ii), an institution’s rate shall be adjusted to reflect the following schedule, based on that institution’s change in the amount of small business lending relative to the baseline—

(I) if the amount of small business lending has increased by less than 2.5 percent, the dividend or interest rate shall be 5 percent;

(II) if the amount of small business lending has increased by 2.5 percent or greater, but by less than 5.0 percent, the dividend or interest rate shall be 4 percent;

(III) if the amount of small business lending has increased by 5.0 percent or greater, but by less than 7.5 percent, the dividend or interest rate shall be 3 percent;

(IV) if the amount of small business lending has increased by 7.5 percent or greater,

and but by less than 10.0 percent, the dividend or interest rate shall be 2 percent; or

(V) if the amount of small business lending has increased by 10 percent or greater, the dividend or interest rate shall be 1 percent.

(B) **BASIS OF INITIAL RATE.**—The initial dividend or interest rate shall be based on call report data published in the quarter immediately preceding the date of the capital investment under the Program.

(C) **TIMING OF RATE ADJUSTMENTS.**—Any rate adjustment shall occur in the calendar quarter following the publication of call report data, such that the rate based on call report data from any one calendar quarter, which is published in the first following calendar quarter, shall be adjusted in that first following calendar quarter and payable in the second following quarter.

(D) **RATE FOLLOWING INITIAL 2-YEAR PERIOD.**—Generally, the rate based on call report data from the eighth calendar quarter after the date of the capital investment under the Program shall be payable until the expiration of the 4½-year period that begins on the date of the investment. In the case where the amount of small business lending has remained the same or decreased relative to the institution's baseline in the eighth quarter after the date of the capital investment under the Program, the rate shall be 7 percent until the expiration of the 4½-year period that begins on the date of the investment.

(E) **RATE FOLLOWING INITIAL 4½-YEAR PERIOD.**—The dividend or interest rate paid on any preferred stock or other financial instrument issued by an eligible institution that receives a capital investment under the Program shall increase to 9 percent at the end of the 4½-year period that begins on the date of the capital investment under the Program.

(F) **LIMITATION ON RATE REDUCTIONS WITH RESPECT TO CERTAIN AMOUNT.**—The reduction in the dividend or interest rate payable to Treasury by any eligible institution shall be limited such that the rate reduction shall not apply to a dollar amount of the investment made by Treasury that is greater than the dollar amount increase in the amount of small business lending realized under this program. The Secretary may issue guidelines that will apply to new capital investments limiting the amount of capital available to eligible institutions consistent with this limitation.

(G) **RATE ADJUSTMENTS FOR S CORPORATION.**—Before making a capital investment in an eligible institution that is an S corporation or a corporation organized on a mutual basis, the Secretary may adjust the dividend or interest rate on the financial instrument to be issued to the Secretary, from the dividend or interest rate that would apply under subparagraphs (A) through (F), to take into account any differential tax treatment of securities issued by such eligible institution. For purpose of this subparagraph, the term "S corporation" has the same meaning as in section 1361(a) of the Internal Revenue Code of 1986.

(H) **REPAYMENT DEADLINE.**—The capital investment received by an eligible institution under the Program shall be evidenced by preferred stock or other financial instrument that—

(i) includes, as a term and condition, that the capital investment will—

(I) be repaid not later than the end of the 10-year period beginning on the date of the capital investment under the Program; or

(II) at the end of such 10-year period, be subject to such additional terms as the Secretary shall prescribe, which shall include a

requirement that the stock or instrument shall carry the highest dividend or interest rate payable; and

(ii) provides that the term and condition described under clause (i) shall not apply if the application of that term and condition would adversely affect the capital treatment of the stock or financial instrument under current or successor applicable capital provisions compared to a capital instrument with identical terms other than the term and condition described under clause (i).

(I) **REQUIREMENTS ON FINANCIAL INSTRUMENTS ISSUED BY A COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION LOAN FUND.**—Any equity equivalent capital issued to the Treasury by a community development loan fund receiving a capital investment under the Program shall provide that the rate at which interest is payable shall be 2 percent per annum for 8 years. After 8 years, the rate at which interest is payable shall be 9 percent.

(6) **ADDITIONAL INCENTIVES TO REPAY.**—The Secretary may, by regulation or guidance issued under section 4104(9), establish repayment incentives in addition to the incentive in paragraph (5)(E) that will apply to new capital investments in a manner that the Secretary determines to be consistent with the purposes of this subtitle.

(7) **CAPITAL PURCHASE PROGRAM REFINANCE.**—

(A) **IN GENERAL.**—The Secretary shall, in a manner that the Secretary determines to be consistent with the purposes of this subtitle, issue regulations and other guidance to permit eligible institutions to refinance securities issued to Treasury under the CDCI and the CPP for securities to be issued under the Program.

(B) **PROHIBITION ON PARTICIPATION BY NON-PAYING CPP PARTICIPANTS.**—Subparagraph (A) shall not apply to any eligible institution that has missed more than one dividend payment due under the CPP. For purposes of this subparagraph, a CPP dividend payment that is submitted within 60 days of the due date of such payment shall not be considered a missed dividend payment.

(8) **OUTREACH TO MINORITIES, WOMEN, AND VETERANS.**—The Secretary shall require eligible institutions receiving capital investments under the Program to provide linguistically and culturally appropriate outreach and advertising in the applicant pool describing the availability and application process of receiving loans from the eligible institution that are made possible by the Program through the use of print, radio, television or electronic media outlets which target organizations, trade associations, and individuals that—

(A) represent or work within or are members of minority communities;

(B) represent or work with or are women; and

(C) represent or work with or are veterans.

(9) **ADDITIONAL TERMS.**—The Secretary may, by regulation or guidance issued under section 4104(9), make modifications that will apply to new capital investments in order to manage risks associated with the administration of the Fund in a manner consistent with the purposes of this subtitle.

(10) **MINIMUM UNDERWRITING STANDARDS.**—The appropriate Federal banking agency for an eligible institution that receives funds under the Program shall within 60 days issue guidance regarding prudent underwriting standards that must be used for loans made by the eligible institution using such funds.

SEC. 4104. ADDITIONAL AUTHORITIES OF THE SECRETARY.

The Secretary may take such actions as the Secretary deems necessary to carry out

the authorities in this subtitle, including, without limitation, the following:

(1) The Secretary may use the services of any agency or instrumentality of the United States or component thereof on a reimbursable basis, and any such agency or instrumentality or component thereof is authorized to provide services as requested by the Secretary using all authorities vested in or delegated to that agency, instrumentality, or component.

(2) The Secretary may enter into contracts, including contracts for services authorized by section 3109 of title 5, United States Code.

(3) The Secretary may designate any bank, savings association, trust company, security broker or dealer, asset manager, or investment adviser as a financial agent of the Federal Government and such institution shall perform all such reasonable duties related to this subtitle as financial agent of the Federal Government as may be required. The Secretary shall have authority to amend existing agreements with financial agents, entered into during the 2-year period before the date of enactment of this Act, to perform reasonable duties related to this subtitle.

(4) The Secretary may exercise any rights received in connection with any preferred stock or other financial instruments or assets purchased or acquired pursuant to the authorities granted under this subtitle.

(5) Subject to section 4103(b)(3), the Secretary may manage any assets purchased under this subtitle, including revenues and portfolio risks therefrom.

(6) The Secretary may sell, dispose of, transfer, exchange or enter into securities loans, repurchase transactions, or other financial transactions in regard to, any preferred stock or other financial instrument or asset purchased or acquired under this subtitle, upon terms and conditions and at a price determined by the Secretary.

(7) The Secretary may manage or prohibit conflicts of interest that may arise in connection with the administration and execution of the authorities provided under this subtitle.

(8) The Secretary may establish and use vehicles, subject to supervision by the Secretary, to purchase, hold, and sell preferred stock or other financial instruments and issue obligations.

(9) The Secretary may, in consultation with the Administrator of the Small Business Administration, issue such regulations and other guidance as may be necessary or appropriate to define terms or carry out the authorities or purposes of this subtitle.

SEC. 4105. CONSIDERATIONS.

In exercising the authorities granted in this subtitle, the Secretary shall take into consideration—

(1) increasing the availability of credit for small businesses;

(2) providing funding to minority-owned eligible institutions and other eligible institutions that serve small businesses that are minority-, veteran-, and women-owned and that also serve low- and moderate-income, minority, and other underserved or rural communities;

(3) protecting and increasing American jobs;

(4) increasing the opportunity for small business development in areas with high unemployment rates that exceed the national average;

(5) ensuring that all eligible institutions may apply to participate in the program established under this subtitle, without discrimination based on geography;

(6) providing transparency with respect to use of funds provided under this subtitle;

(7) minimizing the cost to taxpayers of exercising the authorities;

(8) promoting and engaging in financial education to would-be borrowers; and

(9) providing funding to eligible institutions that serve small businesses directly affected by the discharge of oil arising from the explosion on and sinking of the mobile offshore drilling unit Deepwater Horizon and small businesses in communities that have suffered negative economic effects as a result of that discharge with particular consideration to States along the coast of the Gulf of Mexico.

SEC. 4106. REPORTS.

The Secretary shall provide to the appropriate committees of Congress—

(1) within 7 days of the end of each month commencing with the first month in which transactions are made under the Program, a written report describing all of the transactions made during the reporting period pursuant to the authorities granted under this subtitle;

(2) after the end of March and the end of September, commencing September 30, 2010, a written report on all projected costs and liabilities, all operating expenses, including compensation for financial agents, and all transactions made by the Fund, which shall include participating institutions and amounts each institution has received under the Program; and

(3) within 7 days of the end of each calendar quarter commencing with the first calendar quarter in which transactions are made under the Program, a written report detailing how eligible institutions participating in the Program have used the funds such institutions received under the Program.

SEC. 4107. OVERSIGHT AND AUDITS.

(a) INSPECTOR GENERAL OVERSIGHT.—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of the Program through the Office of Small Business Lending Fund Program Oversight established under subsection (b).

(b) OFFICE OF SMALL BUSINESS LENDING FUND PROGRAM OVERSIGHT.—

(1) ESTABLISHMENT.—There is hereby established within the Office of the Inspector General of the Department of the Treasury a new office to be named the “Office of Small Business Lending Fund Program Oversight” to provide oversight of the Program.

(2) LEADERSHIP.—The Inspector General shall appoint a Special Deputy Inspector General for SBLF Program Oversight to lead the Office, with commensurate staff, who shall report directly to the Inspector General and who shall be responsible for the performance of all auditing and investigative activities relating to the Program.

(3) REPORTING.—

(A) IN GENERAL.—The Inspector General shall issue a report no less than two times a year to the Congress and the Secretary devoted to the oversight provided by the Office, including any recommendations for improvements to the Program.

(B) RECOMMENDATIONS.—With respect to any deficiencies identified in a report under subparagraph (A), the Secretary shall either—

(i) take actions to address such deficiencies; or

(ii) certify to the appropriate committees of Congress that no action is necessary or appropriate.

(4) COORDINATION.—The Inspector General, in maximizing the effectiveness of the Office,

shall work with other Offices of Inspector General, as appropriate, to minimize duplication of effort and ensure comprehensive oversight of the Program.

(5) TERMINATION.—The Office shall terminate at the end of the 6-month period beginning on the date on which all capital investments are repaid under the Program or the date on which the Secretary determines that any remaining capital investments will not be repaid.

(6) DEFINITIONS.—For purposes of this subsection:

(A) OFFICE.—The term “Office” means the Office of Small Business Lending Fund Program Oversight established under paragraph (1).

(B) INSPECTOR GENERAL.—The term “Inspector General” means the Inspector General of the Department of the Treasury.

(C) GAO AUDIT.—The Comptroller General of the United States shall perform an annual audit of the Program and issue a report to the appropriate committees of Congress containing the results of such audit.

(D) REQUIRED CERTIFICATIONS.—

(1) ELIGIBLE INSTITUTION CERTIFICATION.—Each eligible institution that participates in the Program must certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in 31 U.S.C. 5312(a)(2) and (c)(1)(A), to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

(2) LOAN RECIPIENTS.—With respect to funds received by an eligible institution under the Program, any business receiving a loan from the eligible institution using such funds after the date of the enactment of this Act shall certify to such eligible institution that the principals of such business have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

(E) PROHIBITION ON PORNOGRAPHY.—None of the funds made available under this subtitle may be used to pay the salary of any individual engaged in activities related to the Program who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

SEC. 4108. CREDIT REFORM; FUNDING.

(a) CREDIT REFORM.—The cost of purchases of preferred stock and other financial instruments made as capital investments under this subtitle shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(b) FUNDS MADE AVAILABLE.—There are hereby appropriated, out of funds in the Treasury not otherwise appropriated, such sums as may be necessary to pay the costs of \$30,000,000,000 of capital investments in eligible institutions, including the costs of modifying such investments, and reasonable costs of administering the program of making, holding, managing, and selling the capital investments.

SEC. 4109. TERMINATION AND CONTINUATION OF AUTHORITIES.

(a) TERMINATION OF INVESTMENT AUTHORITY.—The authority to make capital investments in eligible institutions, including commitments to purchase preferred stock or other instruments, provided under this subtitle shall terminate 1 year after the date of enactment of this Act.

(b) CONTINUATION OF OTHER AUTHORITIES.—The authorities of the Secretary under section 4104 shall not be limited by the termination date in subsection (a).

SEC. 4110. PRESERVATION OF AUTHORITY.

Nothing in this subtitle may be construed to limit the authority of the Secretary under any other provision of law.

SEC. 4111. ASSURANCES.

(a) SMALL BUSINESS LENDING FUND SEPARATE FROM TARP.—The Small Business Lending Fund Program is established as separate and distinct from the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008. An institution shall not, by virtue of a capital investment under the Small Business Lending Fund Program, be considered a recipient of the Troubled Asset Relief Program.

(b) CHANGE IN LAW.—If, after a capital investment has been made in an eligible institution under the Program, there is a change in law that modifies the terms of the investment or program in a materially adverse respect for the eligible institution, the eligible institution may, after consultation with the appropriate Federal banking agency for the eligible institution, repay the investment without impediment.

SEC. 4112. STUDY AND REPORT WITH RESPECT TO WOMEN-OWNED, VETERAN-OWNED, AND MINORITY-OWNED BUSINESSES.

(a) STUDY.—The Secretary shall conduct a study of the impact of the Program on women-owned businesses, veteran-owned businesses, and minority-owned businesses.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted pursuant to subsection (a). To the extent possible, the Secretary shall disaggregate the results of such study by ethnic group and gender.

(c) INFORMATION PROVIDED TO THE SECRETARY.—Eligible institutions that participate in the Program shall provide the Secretary with such information as the Secretary may require to carry out the study required by this section.

SEC. 4113. SENSE OF CONGRESS.

It is the sense of Congress that the Federal Deposit Insurance Corporation and other bank regulators are sending mixed messages to banks regarding regulatory capital requirements and lending standards, which is a contributing cause of decreased small business lending and increased regulatory uncertainty at community banks.

Subtitle B—Other Provisions

PART I—SMALL BUSINESS EXPORT PROMOTION INITIATIVES

SEC. 4221. SHORT TITLE.

This part may be cited as the “Export Promotion Act of 2010”.

SEC. 4222. GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES OF THE DEPARTMENT OF COMMERCE.

(a) INCREASE IN EMPLOYEES WITH RESPONSIBILITY FOR GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES.—

(1) IN GENERAL.—During the 24-month period beginning on the date of the enactment of this Act, the Secretary of Commerce shall

increase the number of full-time departmental employees whose primary responsibilities involve promoting or facilitating participation by United States businesses in the global marketplace and facilitating the entry into, or expansion of, such participation by United States businesses. In carrying out this subsection, the Secretary shall ensure that—

(A) the cohort of such employees is increased by not less than 80 persons; and

(B) a substantial portion of the increased cohort is stationed outside the United States.

(2) **ENHANCED FOCUS ON UNITED STATES SMALL- AND MEDIUM-SIZED BUSINESSES.**—In carrying out this subsection, the Secretary shall take such action as may be necessary to ensure that the activities of the Department of Commerce relating to promoting and facilitating participation by United States businesses in the global marketplace include promoting and facilitating such participation by small and medium-sized businesses in the United States.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary for each of the fiscal years 2011 and 2012 such sums as may be necessary to carry out this section.

(b) **ADDITIONAL FUNDING FOR GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES OF THE DEPARTMENT OF COMMERCE.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Commerce for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, \$30,000,000 to promote or facilitate participation by United States businesses in the global marketplace and facilitating the entry into, or expansion of, such participation by United States businesses.

(2) **REQUIREMENTS.**—In obligating and expending the funds authorized to be appropriated by paragraph (1), the Secretary of Commerce shall give preference to activities that—

(A) assist small- and medium-sized businesses in the United States; and

(B) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 4223. ADDITIONAL FUNDING TO IMPROVE ACCESS TO GLOBAL MARKETS FOR RURAL BUSINESSES.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Commerce \$5,000,000 for each of the fiscal years 2011 and 2012 for improving access to the global marketplace for goods and services provided by rural businesses in the United States.

(b) **REQUIREMENTS.**—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 4224. ADDITIONAL FUNDING FOR THE EXPORTECH PROGRAM.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Commerce \$11,000,000 for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, to expand ExporTech, a joint program of the Hollings Manufacturing Partnership Program and the Export Assistance Centers of the Department of Commerce.

(b) **REQUIREMENTS.**—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 4225. ADDITIONAL FUNDING FOR THE MARKET DEVELOPMENT COOPERATOR PROGRAM OF THE DEPARTMENT OF COMMERCE.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Commerce for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, \$15,000,000 for the Manufacturing and Services unit of the International Trade Administration—

(1) to establish public-private partnerships under the Market Development Cooperator Program of the International Trade Administration; and

(2) to underwrite a portion of the start-up costs for new projects carried out under that Program to strengthen the competitiveness and market share of United States industry, not to exceed, for each such project, the lesser of—

(A) $\frac{1}{3}$ of the total start-up costs for the project; or

(B) \$500,000.

(b) **REQUIREMENTS.**—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 4226. HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM; TECHNOLOGY INNOVATION PROGRAM.

(a) **HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.**—Section 25(f) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(f)) is amended by adding at the end the following:

“(7) **GLOBAL MARKETPLACE PROJECTS.**—In making awards under this subsection, the Director, in consultation with the Manufacturing Extension Partnership Advisory Board and the Secretary of Commerce, may—

“(A) take into consideration whether an application has significant potential for enhancing the competitiveness of small- and medium-sized United States manufacturers in the global marketplace; and

“(B) give a preference to applications for such projects to the extent the Director deems appropriate, taking into account the broader purposes of this subsection.”

(b) **TECHNOLOGY INNOVATION PROGRAM.**—In awarding grants, cooperative agreements, or contracts under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), in addition to the award criteria set forth in subsection (c) of that section, the Director of the National Institute of Standards and Technology may take into consideration whether an application has significant potential for enhancing the competitiveness of small- and medium-sized businesses in the United States in the global marketplace. The Director shall consult with the Technology Innovation Program Advisory Board and the Secretary of Commerce in implementing this subsection.

SEC. 4227. SENSE OF THE SENATE CONCERNING FEDERAL COLLABORATION WITH STATES ON EXPORT PROMOTION ISSUES.

It is the sense of the Senate that the Secretary of Commerce should enhance Federal collaboration with the States on export promotion issues by—

(1) providing the necessary training to the staff at State international trade agencies to enable them to assist the United States and Foreign Commercial Service (established by section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721)) in providing counseling and other export services to businesses in their communities; and

(2) entering into agreements with State international trade agencies for those agencies to deliver export promotion services in their local communities in order to extend the outreach of United States and Foreign Commercial Service programs.

SEC. 4228. REPORT ON TARIFF AND NONTARIFF BARRIERS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the United States Trade Representative and other appropriate entities, shall report to Congress on the tariff and nontariff barriers imposed by Colombia, the Republic of Korea, and Panama with respect to exports of articles from the United States, including articles exported or produced by small- and medium-sized businesses in the United States.

PART II—MEDICARE FRAUD

SEC. 4241. USE OF PREDICTIVE MODELING AND OTHER ANALYTICS TECHNOLOGIES TO IDENTIFY AND PREVENT WASTE, FRAUD, AND ABUSE IN THE MEDICARE FEE-FOR-SERVICE PROGRAM.

(a) **USE IN THE MEDICARE FEE-FOR-SERVICE PROGRAM.**—The Secretary shall use predictive modeling and other analytics technologies (in this section referred to as “predictive analytics technologies”) to identify improper claims for reimbursement and to prevent the payment of such claims under the Medicare fee-for-service program.

(b) **PREDICTIVE ANALYTICS TECHNOLOGIES REQUIREMENTS.**—The predictive analytics technologies used by the Secretary shall—

(1) capture Medicare provider and Medicare beneficiary activities across the Medicare fee-for-service program to provide a comprehensive view across all providers, beneficiaries, and geographies within such program in order to—

(A) identify and analyze Medicare provider networks, provider billing patterns, and beneficiary utilization patterns; and

(B) identify and detect any such patterns and networks that represent a high risk of fraudulent activity;

(2) be integrated into the existing Medicare fee-for-service program claims flow with minimal effort and maximum efficiency;

(3) be able to—

(A) analyze large data sets for unusual or suspicious patterns or anomalies or contain other factors that are linked to the occurrence of waste, fraud, or abuse;

(B) undertake such analysis before payment is made; and

(C) prioritize such identified transactions for additional review before payment is made in terms of the likelihood of potential waste, fraud, and abuse to more efficiently utilize investigative resources;

(4) capture outcome information on adjudicated claims for reimbursement to allow for refinement and enhancement of the predictive analytics technologies on the basis of such outcome information, including post-payment information about the eventual status of a claim; and

(5) prevent the payment of claims for reimbursement that have been identified as potentially wasteful, fraudulent, or abusive until such time as the claims have been verified as valid.

(C) IMPLEMENTATION REQUIREMENTS.—

(1) REQUEST FOR PROPOSALS.—Not later than January 1, 2011, the Secretary shall issue a request for proposals to carry out this section during the first year of implementation. To the extent the Secretary determines appropriate—

(A) the initial request for proposals may include subsequent implementation years; and

(B) the Secretary may issue additional requests for proposals with respect to subsequent implementation years.

(2) FIRST IMPLEMENTATION YEAR.—The initial request for proposals issued under paragraph (1) shall require the contractors selected to commence using predictive analytics technologies on July 1, 2011, in the 10 States identified by the Secretary as having the highest risk of waste, fraud, or abuse in the Medicare fee-for-service program.

(3) SECOND IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(1)(B), the Secretary shall expand the use of predictive analytics technologies on October 1, 2012, to apply to an additional 10 States identified by the Secretary as having the highest risk of waste, fraud, or abuse in the Medicare fee-for-service program, after the States identified under paragraph (2).

(4) THIRD IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(2), the Secretary shall expand the use of predictive analytics technologies on January 1, 2014, to apply to the Medicare fee-for-service program in any State not identified under paragraph (2) or (3) and the commonwealths and territories.

(5) FOURTH IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(3), the Secretary shall expand the use of predictive analytics technologies, beginning April 1, 2015, to apply to Medicaid and CHIP. To the extent the Secretary determines appropriate, such expansion may be made on a phased-in basis.

(6) OPTION FOR REFINEMENT AND EVALUATION.—If, with respect to the first, second, or third implementation year, the Inspector General of the Department of Health and Human Services certifies as part of the report required under subsection (e) for that year no or only nominal actual savings to the Medicare fee-for-service program, the Secretary may impose a moratorium, not to exceed 12 months, on the expansion of the use of predictive analytics technologies under this section for the succeeding year in order to refine the use of predictive analytics technologies to achieve more than nominal savings before further expansion. If a moratorium is imposed in accordance with this paragraph, the implementation dates applicable for the succeeding year or years shall be adjusted to reflect the length of the moratorium period.

(D) CONTRACTOR SELECTION, QUALIFICATIONS, AND DATA ACCESS REQUIREMENTS.—

(1) SELECTION.—

(A) IN GENERAL.—The Secretary shall select contractors to carry out this section using competitive procedures as provided for in the Federal Acquisition Regulation.

(B) NUMBER OF CONTRACTORS.—The Secretary shall select at least 2 contractors to carry out this section with respect to any year.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The Secretary shall enter into a contract under this section with an entity only if the entity—

(i) has leadership and staff who—

(I) have the appropriate clinical knowledge of, and experience with, the payment rules and regulations under the Medicare fee-for-service program; and

(II) have direct management experience and proficiency utilizing predictive analytics technologies necessary to carry out the requirements under subsection (b); or

(ii) has a contract, or will enter into a contract, with another entity that has leadership and staff meeting the criteria described in clause (i).

(B) CONFLICT OF INTEREST.—The Secretary may only enter into a contract under this section with an entity to the extent that the entity complies with such conflict of interest standards as are generally applicable to Federal acquisition and procurement.

(3) DATA ACCESS.—The Secretary shall provide entities with a contract under this section with appropriate access to data necessary for the entity to use predictive analytics technologies in accordance with the contract.

(E) REPORTING REQUIREMENTS.—

(1) FIRST IMPLEMENTATION YEAR REPORT.—Not later than 3 months after the completion of the first implementation year under this section, the Secretary shall submit to the appropriate committees of Congress and make available to the public a report that includes the following:

(A) A description of the implementation of the use of predictive analytics technologies during the year.

(B) A certification of the Inspector General of the Department of Health and Human Services that—

(i) specifies the actual and projected savings to the Medicare fee-for-service program as a result of the use of predictive analytics technologies, including estimates of the amounts of such savings with respect to both improper payments recovered and improper payments avoided;

(ii) the actual and projected savings to the Medicare fee-for-service program as a result of such use of predictive analytics technologies relative to the return on investment for the use of such technologies and in comparison to other strategies or technologies used to prevent and detect fraud, waste, and abuse in the Medicare fee-for-service program; and

(iii) includes recommendations regarding—

(I) whether the Secretary should continue to use predictive analytics technologies;

(II) whether the use of such technologies should be expanded in accordance with the requirements of subsection (c); and

(III) any modifications or refinements that should be made to increase the amount of actual or projected savings or mitigate any adverse impact on Medicare beneficiaries or providers.

(C) An analysis of the extent to which the use of predictive analytics technologies successfully prevented and detected waste, fraud, or abuse in the Medicare fee-for-service program.

(D) A review of whether the predictive analytics technologies affected access to, or the quality of, items and services furnished to Medicare beneficiaries.

(E) A review of what effect, if any, the use of predictive analytics technologies had on Medicare providers.

(F) Any other items determined appropriate by the Secretary.

(2) SECOND YEAR IMPLEMENTATION REPORT.—

Not later than 3 months after the completion of the second implementation year under this section, the Secretary shall submit to the appropriate committees of Congress and make available to the public a report that includes, with respect to such year, the items required under paragraph (1) as well as any other additional items determined appropriate by the Secretary with respect to the report for such year.

(3) THIRD YEAR IMPLEMENTATION REPORT.—

Not later than 3 months after the completion of the third implementation year under this section, the Secretary shall submit to the appropriate committees of Congress, and make available to the public, a report that includes with respect to such year, the items required under paragraph (1), as well as any other additional items determined appropriate by the Secretary with respect to the report for such year, and the following:

(A) An analysis of the cost-effectiveness and feasibility of expanding the use of predictive analytics technologies to Medicaid and CHIP.

(B) An analysis of the effect, if any, the application of predictive analytics technologies to claims under Medicaid and CHIP would have on States and the commonwealths and territories.

(C) Recommendations regarding the extent to which technical assistance may be necessary to expand the application of predictive analytics technologies to claims under Medicaid and CHIP, and the type of any such assistance.

(F) INDEPENDENT EVALUATION AND REPORT.—

(1) EVALUATION.—Upon completion of the first year in which predictive analytics technologies are used with respect to claims under Medicaid and CHIP, the Secretary shall, by grant, contract, or interagency agreement, conduct an independent evaluation of the use of predictive analytics technologies under the Medicare fee-for-service program and Medicaid and CHIP. The evaluation shall include an analysis with respect to each such program of the items required for the third year implementation report under subsection (e)(3).

(2) REPORT.—Not later than 18 months after the evaluation required under paragraph (1) is initiated, the Secretary shall submit a report to Congress on the evaluation that shall include the results of the evaluation, the Secretary's response to such results and, to the extent the Secretary determines appropriate, recommendations for legislation or administrative actions.

(G) WAIVER AUTHORITY.—The Secretary may waive such provisions of titles XI, XVIII, XIX, and XXI of the Social Security Act, including applicable prompt payment requirements under titles XVIII and XIX of such Act, as the Secretary determines to be appropriate to carry out this section.

(H) FUNDING.—

(1) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out this section, \$100,000,000 for the period beginning January 1, 2011, to remain available until expended.

(2) RESERVATIONS.—

(A) INDEPENDENT EVALUATION.—The Secretary shall reserve not more than 5 percent of the funds appropriated under paragraph (1) for purposes of conducting the independent evaluation required under subsection (f).

(B) APPLICATION TO MEDICAID AND CHIP.—The Secretary shall reserve such portion of the funds appropriated under paragraph (1)

as the Secretary determines appropriate for purposes of providing assistance to States for administrative expenses in the event of the expansion of predictive analytics technologies to claims under Medicaid and CHIP.

(i) DEFINITIONS.—In this section:

(1) COMMONWEALTHS AND TERRITORIES.—The term “commonwealth and territories” includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States in which the Medicare fee-for-service program, Medicaid, or CHIP operates.

(2) CHIP.—The term “CHIP” means the Children’s Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(3) MEDICAID.—The term “Medicaid” means the program to provide grants to States for medical assistance programs established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(4) MEDICARE BENEFICIARY.—The term “Medicare beneficiary” means an individual enrolled in the Medicare fee-for-service program.

(5) MEDICARE FEE-FOR-SERVICE PROGRAM.—The term “Medicare fee-for-service program” means the original Medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(6) MEDICARE PROVIDER.—The term “Medicare provider” means a provider of services (as defined in subsection (u) of section 1861 of the Social Security Act (42 U.S.C. 1395x)) and a supplier (as defined in subsection (d) of such section).

(7) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services.

(8) STATE.—The term “State” means each of the 50 States and the District of Columbia.

PART III—AGRICULTURAL DISASTERS

SEC. 4261. EMERGENCY AGRICULTURAL DISASTER ASSISTANCE.

(a) DEFINITIONS.—Except as otherwise provided in this section, in this section:

(1) DISASTER COUNTY.—

(A) IN GENERAL.—The term “disaster county” means a county included in the geographic area covered by a qualifying natural disaster declaration for the 2009 crop year.

(B) EXCLUSION.—The term “disaster county” does not include a contiguous county.

(2) ELIGIBLE AQUACULTURE PRODUCER.—The term “eligible aquaculture producer” means an aquaculture producer that during the 2009 calendar year, as determined by the Secretary—

(A) produced an aquaculture species for which feed costs represented a substantial percentage of the input costs of the aquaculture operation; and

(B) experienced a substantial price increase of feed costs above the previous 5-year average.

(3) ELIGIBLE PRODUCER.—The term “eligible producer” means an agricultural producer in a disaster county.

(4) ELIGIBLE SPECIALTY CROP PRODUCER.—The term “eligible specialty crop producer” means an agricultural producer that, for the 2009 crop year, as determined by the Secretary—

(A) produced, or was prevented from planting, a specialty crop; and

(B) experienced specialty crop losses in a disaster county due to drought, excessive rainfall, or a related condition.

(5) QUALIFYING NATURAL DISASTER DECLARATION.—The term “qualifying natural disaster declaration” means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(6) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(7) SPECIALTY CROP.—The term “specialty crop” has the meaning given the term in section 3 of the Specialty Crops Competitive-ness Act of 2004 (Public Law 108-465; 7 U.S.C. 1621 note).

(b) SUPPLEMENTAL DIRECT PAYMENT.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to make supplemental payments under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to eligible producers on farms located in disaster counties that had at least 1 crop of economic significance (other than specialty crops or crops intended for grazing) suffer at least a 5-percent crop loss on a farm due to a natural disaster, including quality losses, as determined by the Secretary, in an amount equal to 90 percent of the direct payment the eligible producers received for the 2009 crop year on the farm.

(2) ACRE PROGRAM.—Eligible producers that received direct payments under section 1105 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8715) for the 2009 crop year and that otherwise meet the requirements of paragraph (1) shall be eligible to receive supplemental payments under that paragraph in an amount equal to 112.5 percent of the reduced direct payment the eligible producers received for the 2009 crop year under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

(3) RELATIONSHIP TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(c) SPECIALTY CROP ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$300,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to a natural disaster affecting the 2009 crops, of which not more than—

(A) \$150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of drought; and

(B) \$150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of excessive rainfall or a related condition.

(2) NOTIFICATION.—Not later than 45 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible specialty crop producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible specialty crop producers.

(3) PROVISION OF GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States for disaster counties on a pro rata basis based on the value of specialty crop losses in those counties during the 2009

calendar year, as determined by the Secretary.

(B) ADMINISTRATIVE COSTS.—State Secretary of Agriculture may not use more than five percent of the funds provided for costs associated with the administration of the grants provided in paragraph (1).

(C) ADMINISTRATION OF GRANTS.—State Secretary of Agriculture may enter into a contract with the Department of Agriculture to administer the grants provided in paragraph (1).

(D) TIMING.—Not later than 90 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(E) MAXIMUM GRANT.—The maximum amount of a grant made to a State for counties described in paragraph (1)(B) may not exceed \$40,000,000.

(4) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to issue payments to eligible specialty crop producers;

(B) provide assistance to eligible specialty crop producers not later than 60 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible specialty crop producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided by type of specialty crop; and

(iii) the process by which the State determined the levels of assistance to eligible specialty crop producers.

(D) RELATION TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(d) COTTONSEED ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$42,000,000 to provide supplemental assistance to eligible producers and first-handlers of the 2009 crop of cottonseed in a disaster county.

(2) GENERAL TERMS.—Except as otherwise provided in this subsection, the Secretary shall provide disaster assistance under this subsection under the same terms and conditions as assistance provided under section 3015 of the Emergency Agricultural Disaster Assistance Act of 2006 (title III of Public Law 109-234; 120 Stat. 477).

(3) DISTRIBUTION OF ASSISTANCE.—The Secretary shall distribute assistance to first handlers for the benefit of eligible producers in a disaster county in an amount equal to the product obtained by multiplying—

(A) the payment rate, as determined under paragraph (4); and

(B) the county-eligible production, as determined under paragraph (5).

(4) PAYMENT RATE.—The payment rate shall be equal to the quotient obtained by dividing—

(A) the total funds made available to carry out this subsection; by

(B) the sum of the county-eligible production, as determined under paragraph (5).

(5) COUNTY-ELIGIBLE PRODUCTION.—The county-eligible production shall be equal to the product obtained by multiplying—

(A) the number of acres planted to cotton in the disaster county, as reported to the Secretary by first handlers;

(B) the expected cotton lint yield for the disaster county, as determined by the Secretary based on the best available information; and

(C) the national average seed-to-lint ratio, as determined by the Secretary based on the best available information for the 5 crop years immediately preceding the 2009 crop, excluding the year in which the average ratio was the highest and the year in which the average ratio was the lowest in such period.

(e) AQUACULTURE ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$25,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible aquaculture producers for losses associated with high feed input costs during the 2009 calendar year.

(2) NOTIFICATION.—Not later than 45 days after the date of enactment of this Act, the Secretary shall notify the State Department of agriculture (or similar entity) in each State of the availability of funds to assist eligible aquaculture producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible aquaculture producers.

(3) PROVISION OF GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States under this subsection on a pro rata basis based on the amount of aquaculture feed used in each State during the 2009 calendar year, as determined by the Secretary.

(B) TIMING.—Not later than 90 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(4) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to assist eligible aquaculture producers;

(B) provide assistance to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided per species of aquaculture; and

(iii) the process by which the State determined the levels of assistance to eligible aquaculture producers.

(5) REDUCTION IN PAYMENTS.—An eligible aquaculture producer that receives assistance under this subsection shall not be eligible to receive any other assistance under the supplemental agricultural disaster assistance program established under section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) and section 901 of the Trade Act of 1974 (19 U.S.C. 2497) for any losses in 2009 relating to the same species of aquaculture.

(6) REPORT TO CONGRESS.—Not later than 240 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes in detail the manner in which this subsection has been carried out; and

(B) includes the information reported to the Secretary under paragraph (4)(C).

(f) HAWAII TRANSPORTATION COOPERATIVE.—Notwithstanding any other provision of law, the Secretary shall use \$21,000,000 of funds of

the Commodity Credit Corporation to make a payment to an agricultural transportation cooperative in the State of Hawaii, the members of which are eligible to participate in the commodity loan program of the Farm Service Agency, for assistance to maintain and develop employment.

(g) LIVESTOCK FORAGE DISASTER PROGRAM.—

(1) DEFINITION OF DISASTER COUNTY.—In this subsection:

(A) IN GENERAL.—The term “disaster county” means a county included in the geographic area covered by a qualifying natural disaster declaration announced by the Secretary in calendar year 2009.

(B) INCLUSION.—The term “disaster county” includes a contiguous county.

(2) PAYMENTS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$50,000,000 to carry out a program to make payments to eligible producers that had grazing losses in disaster counties in calendar year 2009.

(3) CRITERIA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), assistance under this subsection shall be determined under the same criteria as are used to carry out the programs under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(B) DROUGHT INTENSITY.—For purposes of this subsection, an eligible producer shall not be required to meet the drought intensity requirements of section 531(d)(3)(D)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(D)(ii)) and section 901(d)(3)(D)(ii) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(D)(ii)).

(4) AMOUNT.—Assistance under this subsection shall be in an amount equal to 1 monthly payment using the monthly payment rate under section 531(d)(3)(B) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(B)) and section 901(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(B)).

(5) RELATION TO OTHER LAW.—An eligible producer that receives assistance under this subsection shall be ineligible to receive assistance for 2009 grazing losses under the program carried out under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(h) EMERGENCY LOANS FOR POULTRY PRODUCERS.—

(1) DEFINITIONS.—In this subsection:

(A) ANNOUNCEMENT DATE.—The term “announcement date” means the date on which the Secretary announces the emergency loan program under this subsection.

(B) POULTRY INTEGRATOR.—The term “poultry integrator” means a poultry integrator that filed proceedings under chapter 11 of title 11, United States Code, in United States Bankruptcy Court during the 30-day period beginning on December 1, 2008.

(2) LOAN PROGRAM.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$75,000,000, to remain available until expended, for the cost of making no-interest emergency loans available to poultry producers that meet the requirements of this subsection.

(B) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, emergency loans under this subsection shall be subject to such terms and conditions as are determined by the Secretary.

(3) LOANS.—

(A) IN GENERAL.—An emergency loan made to a poultry producer under this subsection

shall be for the purpose of providing financing to the poultry producer in response to financial losses associated with the termination or nonrenewal of any contract between the poultry producer and a poultry integrator.

(B) ELIGIBILITY.—

(i) IN GENERAL.—To be eligible for an emergency loan under this subsection, not later than 90 days after the announcement date, a poultry producer shall submit to the Secretary evidence that—

(I) the contract of the poultry producer described in subparagraph (A) was not continued; and

(II) no similar contract has been awarded subsequently to the poultry producer.

(ii) REQUIREMENT TO OFFER LOANS.—Notwithstanding any other provision of law, if a poultry producer meets the eligibility requirements described in clause (i), subject to the availability of funds under paragraph (2)(A), the Secretary shall offer to make a loan under this subsection to the poultry producer with a minimum term of 2 years.

(4) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—A poultry producer that receives an emergency loan under this subsection may use the emergency loan proceeds only to repay the amount that the poultry producer owes to any lender for the purchase, improvement, or operation of the poultry farm.

(B) CONVERSION OF THE LOAN.—A poultry producer that receives an emergency loan under this subsection shall be eligible to have the balance of the emergency loan converted, but not refinanced, to a loan that has the same terms and conditions as an operating loan under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.).

(i) STATE AND LOCAL GOVERNMENTS.—Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting “(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)” before the period at the end.

(j) ADMINISTRATION.—

(1) REGULATIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement this section and the amendment made by this section.

(B) PROCEDURE.—The promulgation of the regulations and administration of this section and the amendment made by this section shall be made without regard to—

(i) the notice and comment provisions of section 553 of title 5, United States Code;

(ii) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(iii) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(C) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this paragraph, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(2) ADMINISTRATIVE COSTS.—Of the funds of the Commodity Credit Corporation, the Secretary may use up to \$10,000,000 to pay administrative costs incurred by the Secretary that are directly related to carrying out this Act.

(3) PROHIBITION.—None of the funds of the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act

of 1974 (19 U.S.C. 2497a) may be used to carry out this Act.

SEC. 4262. USE OF UNSPENT FUTURE FUNDS FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT.

Section 101(a) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 120) is amended—

(1) in paragraph (1), by inserting before the period at the end “, if the value of the benefits and block grants would be greater under that calculation than in the absence of this subsection”; and

(2) by striking paragraph (2) and inserting the following:

“(2) **TERMINATION.**—The authority provided by this subsection shall terminate after August 31, 2012.”.

TITLE V—BUDGETARY PROVISIONS

SEC. 5001. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the CONGRESSIONAL RECORD by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4520. Mr. REID proposed an amendment to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end of the amendment, insert the following:

The provisions of this Act shall become effective 10 days after enactment.

SA 4521. Mr. REID proposed an amendment to amendment SA 4520 proposed by Mr. REID to the amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

In the amendment, strike “10” and insert “5”.

SA 4522. Mr. REID proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job cre-

ation, and for other purposes; as follows:

At the end of the language proposed to be stricken, insert the following:

This section shall become effective 6 days after enactment.

SA 4523. Mr. REID proposed an amendment to amendment SA 4522 proposed by Mr. REID to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

In the amendment, strike “6” and insert “4”.

SA 4524. Mr. REID proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end, insert the following:

The Finance Committee is requested to study the impact of changes to the system whereby small business entities are provided with all opportunities for access to capital.

SA 4525. Mr. REID proposed an amendment to amendment SA 4524 proposed by Mr. REID to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end insert the following:

“and the economic impact on local communities served by small businesses.

SA 4526. Mr. REID proposed an amendment to amendment SA 4525 proposed by Mr. REID to the amendment SA 4524 proposed by Mr. REID to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end, insert the following:

“and its impact on state and local governments

SA 4527. Mr. JOHANNIS submitted an amendment intended to be proposed by

him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . POINT OF ORDER AGAINST CLIMATE CHANGE LEGISLATION.

(a) **POINT OF ORDER.**—Subject to subsection (b), it shall not be in order in the Senate to consider any conference report or other legislation that originates in the House of Representatives as a message, bill, amendment, or motion, or any Senate bill or related conference report to which the House of Representatives added a provision, that addresses climate change through the inclusion of a cap-and-trade program if the Senate has not considered and approved a bill addressing climate change that included such a cap-and-trade program.

(b) **WAIVER AND APPEAL.**—

(1) **WAIVER.**—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of $\frac{3}{5}$ of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of $\frac{3}{5}$ of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 4528. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle ____—Child Care Lending Pilot

SEC. ____ 01. DEFINITIONS.

In this subtitle—

(1) the term “program” means the loan program under section 502(b)(1)(B) of the Small Business Investment Act of 1958, as added by this subtitle;

(2) the term “small business concern” has the meaning given the term “small-business concern” in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662); and

(3) the term “State” has the meaning given that term in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662).

SEC. ____ 02. CHILD CARE LENDING PILOT PROGRAM.

(a) **IN GENERAL.**—Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “The Administration may, in addition to its” and inserting the following:

“(a) **AUTHORIZATION.**—The Administration may, in addition to the”;

(B) by striking “and such loans” and inserting “Such loans”; and

(C) by striking “; *Provided, however,* That the foregoing powers shall be subject to the following restrictions and limitations:” and inserting a period;

(2) by inserting before paragraph (1) the following:

“(b) RESTRICTIONS AND LIMITATIONS.—The authority under subsection (a) shall be subject to the following restrictions and limitations:”; and

(3) in subsection (b)(1), as so designated—

(A) by striking “The proceeds” and inserting the following:

“(A) IN GENERAL.—The proceeds”;

(B) by striking “such loan” and inserting “loan described in subsection (a)”;

(C) by adding at the end the following:

“(B) LOANS TO SMALL, NONPROFIT CHILD CARE BUSINESSES.—

“(i) IN GENERAL.—Notwithstanding paragraph (1), the proceeds of any loan described in subsection (a) may be used by a development company to assist a small, nonprofit child care business, if—

“(I) the loan is used for a sound business purpose that has been approved by the Administrator;

“(II) the small, nonprofit child care business meets all of the eligibility requirements applicable to for-profit businesses under this title, except for status as a for-profit business;

“(III) 1 or more individuals has personally guaranteed the loan;

“(IV) the small, nonprofit child care business has clear and singular title to the collateral for the loan; and

“(V) the small, nonprofit child care business has sufficient cash flow from the operations of the business to meet the obligations on the loan and the normal and reasonable operating expenses of the business.

“(ii) LIMITATION ON VOLUME.—Not more than 7 percent of the total number of loans guaranteed in any fiscal year under this title may be used for purposes described in this subparagraph.

“(iii) DEFINITION.—In this subparagraph, the term ‘small, nonprofit child care business’ means an establishment that—

“(I) is organized in accordance with section 501(c)(3) of the Internal Revenue Code of 1986;

“(II) is primarily engaged in providing child care for infants, toddlers, pre-school, or pre-kindergarten children (or any combination thereof), and may provide care for older children when the children are not in school and offer pre-kindergarten educational programs;

“(III) including its affiliates, has—

“(aa) a tangible net worth of not more than \$7,000,000; and

“(bb) an average net income (excluding any carryover losses) for the 2 completed fiscal years before the date of the application of not more than \$2,500,000; and

“(IV) is licensed as a child care provider by the State in which the establishment is located.”.

(b) SUNSET.—

(1) IN GENERAL.—Effective October 1, 2013, section 502(b)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 696(b)(1)) is amended—

(A) by striking subparagraph (B); and

(B) by striking “USE OF PROCEEDS.—” and all that follows through “The proceeds” and inserting “USE OF PROCEEDS.—The proceeds”.

(2) APPLICABILITY.—Notwithstanding paragraph (1), section 502(b)(1)(B) of the Small Business Investment Act of 1958, as added by this subtitle, shall apply to any loan author-

ized under that subparagraph that is applied for, approved, or disbursed during the period beginning on the date of enactment of this Act and ending on September 30, 2013.

SEC. 403. REPORTS.

(a) SMALL BUSINESS ADMINISTRATION.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until March 31, 2014, the Administrator shall submit a report on the implementation of the program to—

(A) the Committee on Small Business and Entrepreneurship of the Senate; and

(B) the Committee on Small Business of the House of Representatives.

(2) CONTENTS.—Each report under paragraph (1) shall contain—

(A) the date on which the program is implemented;

(B) the date on which the rules are issued under section 404; and

(C) the number and dollar amount of loans under section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) applied for, approved, and disbursed during the 6-month period before the date of the report—

(i) to assist nonprofit child care businesses under the program; and

(ii) to assist for-profit child care businesses.

(b) GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) IN GENERAL.—Not later than March 31, 2013, the Comptroller General of the United States shall submit a report on the program to—

(A) the Committee on Small Business and Entrepreneurship of the Senate; and

(B) the Committee on Small Business of the House of Representatives.

(2) CONTENTS.—The report under paragraph (1) shall contain information gathered during the first 2 years of the program, including—

(A) an evaluation of the timeliness of the implementation of the program;

(B) a description of the effectiveness and ease with which development companies, lenders, and small business concerns have participated in the program;

(C) a description and assessment of how the program was marketed;

(D) the number of small child care businesses in each State and in the United States, categorized by status as a for-profit or nonprofit business, that—

(i) applied for a loan under section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) (and, for each such business, whether the business was a new or expanding small child care business);

(ii) were approved for a loan under section 502 of that Act; and

(iii) received a loan disbursement under section 502 of that Act (and, for each such business, whether the business was a new or expanding small child care business); and

(E) categorized by status as a for-profit or nonprofit business—

(i) with respect to small child care businesses described under subparagraph (D)(iii), the number of such businesses in each State, as of the year of enactment of this Act;

(ii) the total amount loaned to small child care businesses under section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696);

(iii) the total number of loans to small child care businesses under section 502 of that Act;

(iv) the average amount and term of loans to small child care businesses under section 502 of that Act;

(v) the currency rate, delinquencies, defaults, and losses of loans to small child care businesses under section 502 of that Act;

(vi) the number and percent of children who receive subsidized assistance that are served using a loan to a small child care business under section 502 of that Act; and

(vii) the number and percent of children who are low income that are served using a loan to a small child care business under section 502 of that Act.

(3) ACCESS TO INFORMATION.—

(A) IN GENERAL.—The Administrator shall collect and maintain such information as may be necessary to carry out this subsection from development companies and small child care businesses, and such companies and businesses shall comply with a request for information from the Administration for that purpose.

(B) PROVISION OF INFORMATION TO GOVERNMENT ACCOUNTABILITY OFFICE.—The Administration shall provide information collected under this paragraph to the Comptroller General of the United States for purposes of the report required under this subsection.

SEC. 404. RULEMAKING AUTHORITY.

Not later than 120 days after the date of enactment of this Act, the Administrator shall issue final rules to carry out the loan program authorized under section 502(b)(1)(B) of the Small Business Investment Act of 1958, as added by this subtitle.

SA 4529. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 405. BUSINESSLINC GRANTS AND COOPERATIVE AGREEMENTS.

(a) DEFINITIONS.—In this section—

(1) the term “large business” means a business that is not a small business concern; and

(2) the term “Secretary” means the Secretary of the Treasury.

(b) AUTHORIZATION.—In accordance with this section, the Secretary may make grants to, and enter into cooperative agreements with, any coalition of private entities, public entities, or any combination of private and public entities to—

(1) expand business-to-business relationships between large businesses and small business concerns;

(2) develop innovative local and regional programs to expand access to capital for small business concerns;

(3) provide businesses, directly or indirectly, with online information and a database of public sector programs or private companies that are interested in mentor-protégé programs, supplier diversity programs, or State-wide, local, or community-based business development programs;

(4) collect, analyze, and publish data that tracks the impact of the programs of the coalition on revenue and employment at participating businesses, including disadvantaged business enterprises;

(5) foster communication and collaboration within and among the coalitions; and

(6) support efforts to enhance the long-term financial stability of employees, the

economic viability of a community, and local or regional business diversification.

(c) **MATCHING REQUIREMENT.**—The Federal share of the cost of an activity carried out using a grant made or under a cooperative agreement entered under subsection (b) shall be not more than 50 percent.

(d) **FUNDING.**—There is authorized to be appropriated to the Secretary to carry out the program under this section \$15,000,000 for each of fiscal years 2010 through 2015.

SA 4530. Mr. KERRY (for himself, Mr. WHITEHOUSE, Mr. WYDEN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . SMALL BUSINESS HEALTH INFORMATION TECHNOLOGY FINANCING PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 45 as section 46; and

(2) by inserting after section 44 the following:

“SEC. 45. LOAN GUARANTEES FOR HEALTH INFORMATION TECHNOLOGY.

“(a) **DEFINITIONS.**—In this section—

“(1) the term ‘cost’ has the meaning given that term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a);

“(2) the term ‘eligible professional’ means—

“(A) a physician (as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)));

“(B) a practitioner described in section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C));

“(C) a physical or occupational therapist;

“(D) a qualified speech-language pathologist (as defined in section 1861(11)(4)(A) of the Social Security Act (42 U.S.C. 1395x(11)(4)(A)));

“(E) a qualified audiologist (as defined in section 1861(11)(4)(B) of the Social Security Act (42 U.S.C. 1395x(11)(4)(B)));

“(F) a qualified medical transcriptionist;

“(G) a State-licensed pharmacist;

“(H) a State-licensed supplier of durable medical equipment, prosthetics, orthotics, or supplies; and

“(I) a State-licensed, a State-certified, or a nationally accredited home health care provider;

“(3) the term ‘health information technology’—

“(A) means computer hardware, software, and related technology that—

“(i) supports the requirements for being treated as a meaningful EHR user (as described in section 1848(o)(2)(A) of the Social Security Act (42 U.S.C. 1395w-4(o)(2)(A))) and is purchased by an eligible professional to aid in the provision of health care in a health care setting, including electronic medical records; and

“(ii) provides for—

“(I) enhancement of continuity of care for patients through electronic storage, trans-

mission, and exchange of relevant personal health data and information, such as ensuring that this information is accessible at the times and places where clinical decisions will be or are likely to be made;

“(II) enhancement of communication between patients and health care providers;

“(III) improvement of quality measurement by eligible professionals enabling the eligible professionals to collect, store, measure, and report on the processes and outcomes of individual and population performance and quality of care;

“(IV) improvement of evidence-based decision support; or

“(V) enhancement of consumer and patient empowerment; and

“(B) does not include information technology the sole use of which is financial management, maintenance of inventory of basic supplies, or appointment scheduling;

“(4) the term ‘qualified eligible professional’ means an eligible professional whose office is a small business concern; and

“(5) the term ‘qualified medical transcriptionist’ means a specialist in medical language and the healthcare documentation process who—

“(A) interprets and transcribes dictation by physicians and other healthcare professionals to ensure accurate, complete, and consistent documentation of healthcare encounters; and

“(B) is certified by or registered with the Association for Healthcare Documentation Integrity, or a successor association thereto.

“(b) **LOAN GUARANTEES FOR QUALIFIED ELIGIBLE PROFESSIONALS.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), the Administrator may guarantee not more than 90 percent of a loan made to a qualified eligible professional for the acquisition of health information technology for use in the medical practice of the qualified eligible professional and for the costs associated with the installation of the health information technology. Except as otherwise provided in this section, a loan guaranteed under this section shall be made on the same terms and conditions as a loan made under section 7(a).

“(2) **LIMITATIONS ON GUARANTEE AMOUNTS.**—The maximum amount of loan principal guaranteed under this subsection may not be more than—

“(A) \$350,000 with respect to any 1 qualified eligible professional; and

“(B) \$2,000,000 with respect to 1 group of affiliated qualified eligible professionals.

“(c) **FEEES.**—

“(1) **IN GENERAL.**—The Administrator may—

“(A) impose a guarantee fee on a qualified eligible professional for the purpose of reducing the cost of the guarantee to zero in an amount not to exceed 2 percent of the total guaranteed portion of any loan guaranteed under this section; and

“(B) impose an annual servicing fee on a lender making a loan guaranteed under this section of not more than 0.5 percent of the outstanding balance of the guaranteed portion of loans by the lender guaranteed under this section.

“(2) **NO FEES BY LENDERS.**—No service fees, processing fees, origination fees, application fees, points, brokerage fees, bonus points, or other fees may be charged to a loan applicant or recipient by a lender relating to a loan guaranteed under this section.

“(d) **DEFERRAL PERIOD.**—A loan guaranteed under this section shall carry a deferral period of not less than 1 year and not more than 3 years. The Administrator may subsidize interest during the period for which a

loan guaranteed under this section is deferred.

“(e) **EFFECTIVE DATE.**—The Administrator may not guarantee a loan under this section until the meaningful EHR use requirements have been determined by the Secretary of Health and Human Services.

“(f) **SUNSET.**—The Administrator may not guarantee a loan under this section after the date that is 7 years after meaningful EHR use requirements have been determined by the Secretary of Health and Human Services.

“(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary for the cost of guaranteeing \$10,000,000,000 in loans under this section. The Administrator shall determine the cost of guaranteeing loans under this section separately and distinctly from other programs operated by the Administrator.”.

SA 4531. Mr. JOHANNIS submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

PART IV—ADDITIONAL PROVISIONS

SEC. 4271. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

SEC. 4272. EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.

Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986 is amended by striking “8 percent” and inserting “5 percent”.

SEC. 4273. USE OF PREVENTION AND PUBLIC HEALTH FUND.

(a) **USE OF FUNDS AS OFFSET THROUGH FISCAL YEAR 2017.**—Section 4002(b) of the Patient Protection and Affordable Care Act is amended by striking “appropriated—” and all that follows and inserting “appropriated, for fiscal year 2018, and each fiscal year thereafter, \$2,000,000,000”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in the enactment of section 4002 of the Patient Protection and Affordable Care Act.

SEC. 4274. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 4.25 percentage points.

NOTICES OF INTENT TO SUSPEND THE RULES

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing

Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII for the purpose of proposing and considering the following Motion to Commit (with instructions) to H.R. 5297:

Mr. DEMINT moves to commit H.R. 5297 to the Committee on Finance with instructions to report the same back to the Senate with changes to include a permanent extension of the 2010 individual income tax rates, and to include provisions which decrease spending as appropriate to offset such a permanent extension.

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII for the purpose of proposing and considering the following Motion to Commit (with instructions) to H.R. 5297:

Mr. DEMINT moves to commit H.R. 5297 to the Committee on Finance with instructions to report the same back to the Senate with changes to extend all current individual income tax rates on small businesses and to include provisions which decrease spending as appropriate to offset such a permanent extension.

Mr. JOHANNES. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, Paragraph 2, for the purpose of proposing and considering the following amendment to H.R. 5297.

At the appropriate place, insert the following:

SEC. ____ . POINT OF ORDER AGAINST CLIMATE CHANGE LEGISLATION.

(a) POINT OF ORDER.—Subject to subsection (b), it shall not be in order in the Senate to consider any conference report or other legislation that originates in the House of Representatives as a message, bill, amendment, or motion, or any Senate bill or related conference report to which the House of Representatives added a provision, that addresses climate change through the inclusion of a cap-and-trade program if the Senate has not considered and approved a bill addressing climate change that included such a cap-and-trade program.

(b) WAIVER AND APPEAL.—

(1) WAIVER.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of $\frac{2}{3}$ of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of $\frac{2}{3}$ of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Subcommittee on Energy. The hearing will be held on Tues-

day, August 3, 2010, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to examine the role of strategic minerals in clean energy technologies and other applications as well as legislation to address the issue, including S. 3521 the "Rare Earths Supply Technology and Resources Transformation Act of 2010".

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Allyson Anderson or Rosemarie Calabro.

IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES AGAINST JUDGE G. THOMAS PORTEOUS, JR.

Mrs. McCASKILL. Mr. President, I wish to announce that the Impeachment Trial Committee on the Articles Against Judge G. Thomas Porteous, Jr., will meet on Wednesday, August 4, 2010, at 9 a.m., to conduct a hearing.

For further information regarding this meeting, please contact Erin Johnson at 202-228-4133.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 27, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 27, 2010, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 27, 2010, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 27, 2010, at 9:30 a.m., to hold a hearing entitled "Perspectives on Reconciliation Options in Afghanistan."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 27, 2010, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 27, 2010, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 27, 2010, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building to conduct a hearing entitled "Exxon Valdez to Deepwater Horizon: Protecting Victims of Major Oil Spills."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on July 27, 2010, at 10 a.m. to conduct a hearing entitled "Deepwater Drilling Moratorium: A Second Economic Disaster for Small Business?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 27, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Government Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on July 27, 2010, at 2:30 p.m. to conduct a hearing entitled, "High-Risk Logistics Planning: Progress on Improving Department of Defense Supply Chain Management."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the

Committee on Environment and Public Works be authorized to meet during the session of the Senate on July 27, 2010, at 2:30 p.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CARDIN. Mr. President, I ask unanimous consent that Robert Maes, Cory Mack, and Elizabeth Schwab of the office of Senator BINGAMAN be granted the privileges of the floor for today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent that Michael Starz, a fellow in my office, be granted the privilege of the floor for the remainder of the 111th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES MANUFACTURING ENHANCEMENT ACT OF 2010

Mrs. HAGAN. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4380, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4380) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. HAGAN. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4380) was ordered to be read a third time, was read the third time, and passed.

TEMPORARY EXTENSION OF SMALL BUSINESS PROGRAMS

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5849, received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5849) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. HAGAN. I ask unanimous consent that the bill be read three times,

passed, and the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5849) was ordered to be read a third time, was read the third time, and passed.

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 595.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 595) designating the week beginning September 12, 2010, as "National Historically Black Colleges and Universities Week."

There being no objection, the Senate proceeded to consider the resolution.

Mrs. HAGAN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 595) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 595

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities allow talented and diverse students, many of whom represent underserved populations, to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 12, 2010, as "National Historically Black Colleges and Universities Week"; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

MEASURE READ THE FIRST TIME—S. 3657

Mrs. HAGAN. Mr. President, I understand that S. 3657, introduced earlier today by Senator WYDEN, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill.

The legislative clerk read as follows:

A bill (S. 3657) to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to object to any measure or matter.

Mrs. HAGAN. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time during the next legislative day.

ORDERS FOR WEDNESDAY, JULY 28, 2010

Mrs. HAGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, July 28; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of H.R. 5297, the small business jobs bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mrs. HAGAN. Mr. President, tonight cloture was filed on the small business jobs bill. As a result, the filing deadline for first-degree amendments is 1 p.m. tomorrow. Senators should expect roll-call votes to occur throughout the day in relation to amendments to the bill, if an agreement can be reached to consider amendments.

ORDER FOR ADJOURNMENT

Mrs. HAGAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, following the remarks of Senator SPECTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HAGAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

SEPARATION OF POWERS

Mr. SPECTER. Mr. President, I have sought recognition to continue the discussion of the erosion of the very important principle of separation of powers.

Our Constitution was devised with three branches: article I, the Congress; article II, the Executive, the President; article III, the judiciary. A very important concept in the operation of our constitutional government has been the separation of powers to provide checks and balances.

During the course of the past two decades, we have seen a substantial erosion of the power of Congress. Congress's authority has been taken away in significant measure by the Supreme Court of the United States, which has, in effect, entered into the legislative process by disregarding the finding of fact that the Congress has undertaken and changed the standard for determining constitutionality of legislation.

There had been in effect the rational basis test which had been in existence for decades. But then in 1995, in a case captioned "United States v. Lopez," involving the bringing of guns onto school property, the Supreme Court overturned 60 years of precedent.

In the case of *United States v. Morrison*, when the Congress had legislated to protect women against violence, the Supreme Court of the United States, in a 5-to-4 decision—as was the *Lopez* case, 5 to 4—decided that because of the "method of reasoning" of the Congress, the act was unconstitutional, notwithstanding a mountain of evidence, as noted by Justice Souter in his dissent.

Then in a third case, *Kimel v. Florida Board of Regents*, an age discrimination case, the Court again undertook to declare an act of Congress unconstitutional on a new standard, and the standard is "proportionate and congruent," which is really a virtual impossibility to understand.

This evening, I propose to discuss two other cases: the case of *Alabama v. Garrett*, which interpreted the legislation to protect Americans with disabilities, and the case of *Lane v. Tennessee*, also to protect people with disabilities.

In the case of *Alabama v. Garrett*, the Court, in a 5-to-4 decision, decided that the legislation was unconstitutional because it did not fit this illusive congruent and proportionality test. That was an employment discrimination case.

In the case of *Lane v. Tennessee*, it involved a paraplegic who could not gain access to a courtroom. There was no elevator in the courtroom, and he could not walk up the steps. There, the same statute, the Americans with Disabilities Act—a voluminous record, hearings held all over the United States—by a 5-to-4 decision, the Supreme Court of the United States decided that application of the Americans with Disabilities Act was constitutional. The shifting vote was the vote of Justice Sandra Day O'Connor. But the standard which was applied

was this test of congruence and proportionality. Justice Scalia, in his dissenting opinion in that case, said the test was a flabby test which, in effect, enabled the court to engage in legislation. This subject of the standard to be applied was a significant concern in the recently concluded hearings for Solicitor General Elena Kagan for the Supreme Court of the United States. We are faced in these confirmation hearings, regrettably, with the fact that we can't get answers on judicial philosophy or judicial ideology.

I am not talking about how the case is going to be decided; that is a matter for the Court and, as a matter of judicial independence, that is for the Court to decide. The questions directed to nominees—directed to Ms. Kagan and directed to others—have not been about how they would decide a specific case. But in the confirmation hearing with Ms. Kagan, if we really couldn't get answers from her, it is hard to see any nominee from whom we could get answers in light of the fact that she had written extensively on the nomination procedure in a now famous *University of Chicago Law Review* where she criticized specifically Justice Ginsburg and Justice Breyer for stonewalling the Senate and criticized the Senate for not doing its job in getting information. But her confirmation proceeding was, in effect, a repeat performance. So we are really searching for ways to make a determination as to ideology to have some accountability for what the Justices are doing.

In a later floor statement, I will address the separate issue as to what, if anything, is possible when the nominees do a 180-degree U-turn, as Chief Justice Roberts and Justice Alito did when they decided the case of *Citizens United*, upsetting 100 years of precedent and a 100,000-page record in allowing corporations to engage in political advertising.

One of the suggestions which has been made following the proceedings for confirmation of Justice Scalia in 1986 where he would answer virtually nothing, Senator DeConcini and I considered a resolution to establish Senate standards. Then, in the next year, Judge Bork answered a great many questions as he, in fact, had to because he had such an extensive paper trail and had such an unusual interpretation of the Constitution on original intent. So after the Bork hearings, Senator DeConcini and I decided we didn't need to proceed. Perhaps we were too precipitous because the following nominations since Judge Bork in 1986 produced the same result: failure to really answer questions.

Another possibility was suggested by later Justice Louis Brandeis in a famous article he wrote in 1913 talking about sunlight being the best disinfectant and that publicity was the way to deal with society's ills. That raises the

possibility of finding accountability through informing the public as to what is going on. The Supreme Court flies under the radar. It is pretty hard to get an understanding as to what is going on.

A noted commentator on the Supreme Court, Stuart Taylor, has made a comment that the way to get accountability is to infuriate the public. That was his standard. He said until the public is infuriated, the Supreme Court will be able to continue to take power from the other branches of government and, most importantly, from my point of view, institutionally from the Senate of the United States and from the House of Representatives, in some cases where they leave the Executive with extensive authority. By refusing to decide a case, as they refused to decide the conflict between the Foreign Intelligence Surveillance Act, which is the congressional determination that the only way to get a warrantless wiretap is through a court order showing the probable cause and the President's assertion of article II power as Commander in Chief or the court's refusal to take up the issue of the Foreign Sovereign Immunities Act when lawsuits were brought by survivors of 9/11. Those are subjects I will discuss at a later time. The hour grows late this evening.

But these are issues which we have to grapple with because the doctrine of separation of powers is so important and, institutionally, the Congress ought to be assertive of our authority, when the authority is taken to the Court, which, in effect, is legislation illustrated by the two cases, the *Garrett* case and the *Lane* case, which I have discussed—same standard, congruency and proportionality—we can't get an answer from Ms. Kagan as to what standard she would apply, whether it would be the rational basis test which had been in effect until the *Boerne* case in 1997; not asking her how she would decide a case but what standard she would apply.

So these are issues I think that have to be very carefully considered by the Congress.

I have been speaking on the issue of televising the Court for a couple of decades now, and I tend to continue to acquaint the public as best we can through C-SPAN, through this medium. But if the public knew what was happening, I think we might meet the standard of Stuart Taylor on an infuriated public. I think it will take public concern to provide some accountability to restore the important balance on separation of powers.

I thank the Chair, I thank the staff for staying extra, and I yield the floor. I believe that is the curtain for the day.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

There being no objection, the Senate, at 6:37 p.m., adjourned until Wednesday, July 28, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL BOARD FOR EDUCATION SCIENCES

ANTHONY BRYK, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2015. (REAPPOINTMENT)

LEGAL SERVICES CORPORATION

JULIE A. REISKIN, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2013. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL FRANK E. BATTS
BRIGADIER GENERAL MELVIN L. BURCH
BRIGADIER GENERAL JOHN E. DAVOREN
BRIGADIER GENERAL LESTER D. EISNER
BRIGADIER GENERAL ALLEN M. HARRELL
BRIGADIER GENERAL ROBERT A. HARRIS
BRIGADIER GENERAL ALBERTO J. JIMENEZ
BRIGADIER GENERAL THOMAS H. KATKUS
BRIGADIER GENERAL JAMES D. TYRE

To be brigadier general

COLONEL STEVEN W. ALTMAN
COLONEL DAVID B. ANDERSON
COLONEL DAVID N. AYCOCK
COLONEL DAVID S. BALDWIN
COLONEL JONATHAN T. BALL
COLONEL CRAIG E. BENNETT
COLONEL JULIE A. BENTZ
COLONEL VICTORIA A. BETTERTON
COLONEL VICTOR J. BRADEN
COLONEL DAVID R. BROWN
COLONEL FELIX T. CASTAGNOLA
COLONEL PETER L. COREY
COLONEL DONALD S. COTNEY
COLONEL STEPHANIE E. DAWSON
COLONEL CAROL A. EGGERT
COLONEL ALFRED C. FABER
COLONEL WILLIAM A. HALL
COLONEL RICHARD J. HAYES
COLONEL TIMOTHY E. HILL
COLONEL TIMOTHY J. HILTY
COLONEL JEFFREY H. HOLMES
COLONEL JANICE G. IGOU
COLONEL JAMES C. LETTKO
COLONEL TOM C. LOOMIS
COLONEL WESLEY L. MCCLELLAN

COLONEL JOHN K. MCGREW
COLONEL JOHNNY R. MILLER
COLONEL STEVEN R. MOUNT
COLONEL ERIC C. PECK
COLONEL CHARLES E. PETRARCA
COLONEL ANDREW P. SCHAFER
COLONEL RAYMOND F. SHIELDS
COLONEL LESTER SIMPSON
COLONEL PHILIP A. STEMPEL
COLONEL RANDY H. WARM
COLONEL CHARLES W. WHITTINGTON

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DANIEL P. HOLLOWAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. WALTER M. SKINNER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. SAMUEL J. LOCKLEAR III

HOUSE OF REPRESENTATIVES—Tuesday, July 27, 2010

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. TONKO).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 27, 2010.

I hereby appoint the Honorable PAUL TONKO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

DEFICIT REDUCTION—A RETURN TO FISCAL RESPONSIBILITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, there has been considerable finger pointing, misdirected, I might add, by our colleagues on the other side of the aisle, with respect to who is responsible for the mountain of debt weighing on our Nation. I rise to set the record straight and highlight just some of the actions we have taken to reduce the deficit and restore fiscal responsibility.

When this Congress took office in January of 2009, we inherited the worst recession since the Great Depression and a \$1.2 trillion annual deficit with red ink forecast far into the future. As my colleagues will recall, the general concern 10 years ago in the financial sector was whether the United States bond market could survive in the event that the entire national debt was retired as projected at the time. Starting in fiscal year 1998, we had three straight budget surpluses, totaling more than \$559 billion, with a projected \$5.6 trillion surplus well into the decade.

Unfortunately, we now know what happened next. The Bush administration and Republican-controlled Congresses cast aside fiscal discipline and made a number of reckless, long-term budget decisions that turned record surpluses into record deficits. They initiated two wars, enacted two long-term tax cuts, and a new, permanent entitlement program, none of which was paid for, and all of which added to the debt. These actions alone added \$6.6 trillion to the national debt and left the Federal budget fundamentally unbalanced for the foreseeable future. Tragically, but predictably, the \$5.6 trillion in projected surpluses became more than \$6 trillion in national debt.

But, Mr. Speaker, while we inherited these budget deficits, we also inherited the responsibility to do something about them. The American people don't want to see more of the same bankrupt fiscal policies of the past. They want to return to fiscal responsibility, and this Congress has taken a number of steps to do just that.

Earlier in this Congress, we adopted one of the most significant deficit reduction tools, reinstituting statutory PAYGO, or pay-as-you-go legislation. PAYGO is a simple concept: If you've got an idea, you've got to pay for it. And we know it works.

In 1990, in the face of then record deficits, Congress enacted statutory PAYGO, which helped lead to three straight years of surpluses. Unfortunately, in 2002, President Bush and a Republican-controlled Congress failed to reenact PAYGO. The results were disastrous and predictable—an immediate return to record deficits. Our restoration of PAYGO this year is a critical step in controlling spending and reducing deficits.

Mr. Speaker, the House of Representatives has made deficit reduction a priority with the passage of a number of important pieces of legislation. One of the largest drivers of the deficit has been the rising cost of health insurance premiums and health care costs. According to the Congressional Budget Office, the health insurance reform law will finally bend the cost curve and reduce the deficit by \$124 billion over the next 10 years, and \$1.2 trillion in the 10 years thereafter.

Through passage of the Student Aid and Responsibility Act, we reformed the college loan program, producing new efficiencies, expanding opportunity for millions of young people, and we reduced the deficit by \$19 billion.

We responded swiftly to a Government Accountability Office report highlighting billions of dollars of cost overruns and wasteful Pentagon spending for weapons and services. The Weapons System Acquisition Reform Act and the IMPROVE Acquisition Act passed by this Congress will crack down on more than \$300 billion in wasteful spending, further reducing the deficit, and will ensure that our defense dollars are serving the actual needs of our men and women in uniform.

The American Clean Energy and Security Act which passed this body set new standards for energy efficiency and use of renewable energy, which would reduce the deficit by \$9 billion over the next decade.

The recently passed Wall Street Reform and Consumer Protection Act will enforce greater accountability of risky bank practices and reduce the deficit by \$3.2 billion over the next 10 years.

Beyond those actions, President Obama's proposed 3-year spending freeze for non-security discretionary spending will reduce the deficit by another \$250 billion over the next decade. The recently adopted House budget for fiscal year 2011 reduces the President's request by billions of dollars. I support the President's bipartisan National Commission on Fiscal Responsibility and Reform and its efforts to identify even further opportunities for additional deficit reduction.

Mr. Speaker, despite inheriting record deficits, we have taken a number of steps that will restore fiscal responsibility and reduce the deficit. Already, our actions, coupled with the improving economy, have resulted in more than \$250 billion in reduction of the debt in the current year alone.

The United States went almost 30 years between budget surpluses from 1969 to 1998. The actions of this Congress have set us on the path to ensure it doesn't take another generation.

SEEKING ADDITIONAL ASSISTANCE FOR VICTIMS OF HURRICANE ALEX

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. HINOJOSA) for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, I rise today for two reasons. The first is to thank my colleagues here in the House of Representatives, and, secondly, to ask for their continued assistance.

As many of you may know, Hurricane Alex hit south Texas the first week of

July. It was followed by a subsequent tropical storm that dropped more than a foot of rain on my region, which is represented by Congressmen ORTIZ, CUELLAR and myself. Even more rain, 30 inches, fell in the mountains of Monterey, Mexico, and over the next 2 weeks, the Rio Grande River swelled to record levels, causing flooding along the U.S.-Mexico border in Texas.

The Texas border, from Laredo to Brownsville, is home for over 2 million people. The international bridges in this region carry the bulk of U.S. land trade between the United States and Mexico. The border region is primarily protected by a Federal levee and floodway control system operated by the International Boundary and Water Commission, better known as the IBWC.

Although it is responsible for over 500 miles of levees just on the U.S. side and seven dams, for decades it received approximately \$5 million a year for maintenance of those levees. As a result, a Corps of Engineers assessment in 2005 showed that hundreds of miles of the levee system were inadequate, too low or too weak to be certified. Several of the dams were also of great concern.

When the report was published, my border colleagues and I knew we had to work hard and fast to protect the millions of people we represent. We began working with the IBWC, the Corps of Engineers and local officials to get the information we needed to make our case to Congress. We thought outside the box.

Hidalgo County, with 750,000 people, one of the fastest growing counties in the Nation, worked with IBWC and the Department of Homeland Security to develop an ingenious plan to combine the Federal effort to fix the levees with the effort to build a new border fence. The resulting border-wall concept met DHS's criteria for a fence and reinforced the IBWC levees.

The county believed so much in this project and its urgency that it raised bond money and gave \$82 million to the IBWC to expedite the repairs, even though these structures were totally a Federal responsibility. Hidalgo County is one of the poorest in the Nation and should not have had to spend their scarce resources on a Federal project. They deserve to be reimbursed.

In Washington, we met with the appropriators from both sides of the aisle to make our case. I want to particularly thank Congressman FRANK WOLF, Congressman DAVID PRICE, Congressman JOHN LEWIS, Congresswoman NITA LOWEY and Congressman DAVID OBEY for understanding the need and providing us with \$400 million over the last 4 years to make the badly needed repairs.

As a result, the river levees in Hidalgo and Cameron Counties were repaired. Dams and floodways near Presidio were repaired, although not be-

fore we suffered flooding that cost the lives of U.S. and Mexican heads of the International Boundary and Water Commission who died in a helicopter crash while surveying the damage. All along the U.S.-Mexico border, repairs have been made.

I have a few pictures that demonstrate what this meant during Hurricane Alex. Here is a map showing what we would have experienced in Hidalgo County if the levees had not been repaired. Everything in blue would have been a humongous lake of approximately 150 miles. It would have looked like New Orleans did under Hurricane Rita and Hurricane Katrina. This blue area of water would have covered most of the major population area, endangering hundreds of thousands of people and causing billions and billions of dollars worth of damage.

Despite historic levels of 20 and 30 feet over flood stage, which makes the Rio Grande cresting at 59 feet, the cars on the new Anzalduas Bridge show the daily traffic coming north from Mexico. As you can see the Anzalduas Bridge, it shows that the water all around us is holding up very well because of the wall and the strengthening of the levee system.

Look at this. Unfortunately, despite our progress and historic funding, IBWC internal floodways north of the river still have not been repaired. Levees in this area did not hold and communities have been flooded.

This picture shows a section of the Rio Grande River with no levees and the resulting flooding that occurred.

This final picture is of the Anzalduas Dam. Record river water flows forced the IBWC to divert river water into the spillway that leads to the floodway. For weeks, water releases from all of the upstream dams have been diverted into the floodway because there was too much water for the dams to hold back. The record river flows have weakened dams like Amistad and Falcon which were of concern to the Corps back in 2005. Although they held this time, they may not the next time.

In conclusion, I want to thank Congressmen ORTIZ, CUELLAR, REYES, DOGGETT, RODRIGUEZ and the other members of the Border Caucus for their help. I appreciate the assistance Chairman BARNEY FRANK and his staffer Tom Glassic provided with our flood mapping and insurance issues.

I close by saying that I want to thank all the Members of this body who responded to our pleas, and I urge them to help us finish the job and complete the system. It is much less expensive than cleaning up after a natural disaster.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 13 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Through Your Word all was created. In Your Word all can be healed and brought to the fullness of life. By Your Word we are taught the ways of justice and led to peace.

Speak, Lord, Your Word to this assembly of the 111th Congress, that this Nation may be strengthened in virtue, grow in its capacity to embrace the diversity of peoples, surround them with security and right order, and so give You glory, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SOCIAL SECURITY

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Madam Speaker, I rise today just a few weeks in advance of the 75th anniversary of Social Security. This bedrock promise, earned with a lifetime of hard work, should be available for our Nation's seniors and future generations. However, my friends on the other side of the aisle are once again attempting to privatize Social Security.

Returning to previously rejected ideas, Republicans want to create a casino economy and play Russian roulette with your hard-earned benefits. If they had succeeded, for instance in 2005, seniors would have lost trillions more in the stock market meltdown of the Bush recession. Instead, nobody lost a penny of Social Security.

In the area that I represent, many people are hurting. Families and seniors are facing uncertainty and anxiety ranging from their mortgage payments, to credit card bills, and more.

Let us not add to that anxiety by returning to failed ideas of the past. We must keep America moving forward.

There is a very clear choice here. We can hand the Social Security system over to Wall Street and continue raising anxiety, or we can strengthen the current system. I stand with our Nation's seniors to strengthen Social Security for the years to come.

PAKISTAN DISLOYAL ALLY?

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, I heard from a Texan yesterday who was mad about why taxpayers are shelling out another \$500 million for Pakistan. Americans are already giving Pakistan \$1 billion a year. And Secretary of State Hillary Clinton said officials in Pakistan know where Osama bin Laden is hiding. Well, why don't they tell us where the terrorist of the desert, Osama bin Laden, is?

Isn't Pakistan supposed to be with us in this war in Afghanistan? And if they're not our ally, why are we giving them billions of taxpayer dollars? Now, in light of the illegal release of classified documents, Pakistan also appears to be taking our money and supporting our enemy, the Taliban. Maybe Pakistan isn't the loyal ally we pay them to be.

We should not be giving money we need here at home to countries that are friends in public and thieves behind closed doors. As my colleague LOUIE GOHMERT says, "We don't have to pay these people to hate us. They will do it for free."

And that's just the way it is.

GUN LEGISLATION PRIORITIES

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIGLEY. Madam Speaker, this week Congress will vote on the Protecting Gun Owners in Bankruptcy Act of 2010 under suspension of the rules. This bill permits individuals filing for personal bankruptcy to exempt firearms from the claims of creditors. Really?

Today, there is a House bill sponsored by 109 Members of Congress that would close the gun show loophole and keep guns out of the hands of terrorists, felons, and the mentally ill. Today, there is a bill sponsored by 37 Members of this Congress that would prohibit those on the terrorist watch list from purchasing firearms. Each bill is supported by mainstream America. Each bill would save lives. Have we called either bill to the floor for debate? No.

Yet Congress stands at the ready to enact new policy that would require a

bankruptcy judge to sort assets into two piles: one pile for guns, one pile for all other personal belongings. We need to reassess our priorities and regain our common sense. It's a time to stop pandering and start acting responsibly.

PRESIDENT OBAMA'S JOB KILLING MORATORIUM ON AMERICAN ENERGY PRODUCTION

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Madam Speaker, I rise to highlight what the President's capricious and arbitrary moratorium on American energy production is doing to families.

The wife of a rig worker forwarded a letter to me that she sent to the President and to Secretary Salazar saying that while they may not need regular work, she and her family cannot keep going without jobs. Her family has bills to pay which are now 3 months behind, and they will lose almost everything they've ever worked for as a result of this arbitrary moratorium on energy production.

Her husband relies on rig exploration jobs, and even sent copies of their bills. She said her bank will not wait out the moratorium to receive her mortgage payment of over \$3,000 past due. She said her family will probably lose their cars. They won't even have a car to live in if this thing persists.

Due to the moratorium, her husband lost a 30-day exploration job that would pay \$732 a day, a total of \$21,960 for 30 days. This is an arbitrary and malicious moratorium, and it needs to end.

WAKE UP, AMERICA

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Wake up, America. WikiLeaks' release of secret war documents gave us 92,000 reasons to end the wars. Pick one.

Wake up, America. Main Street is falling apart, businesses have closed, bankruptcies abound, people are losing their jobs, their homes, losing their retirement security, the middle class is falling apart, workers' rights are not being protected, the government's out of money. There's not even money for childhood nutrition.

Wake up, America. There's unlimited money for war, money for a corrupt government in Afghanistan. When U.S. money is not going to the Karzai mob's personal use, it goes to help the Taliban kill our troops. There's money for a corrupt government in Pakistan, which helps the Taliban in Afghanistan kill our troops. Meanwhile, our troops are committing suicide in record numbers.

Wake up, America. How can we solve the world's problems if we can't solve our own problems here at home?

□ 1010

WE MUST FIGHT AGAINST THE COMING TAX INCREASES

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. The update of the President's budget estimates released Friday shows Washington still has not gotten the message. Dangerous economic and fiscal policies are not helping our country. They're resulting in deficit, debt, and an economy which continues to struggle.

Now after 18 months of government takeovers, Congress is positioned to allow the largest tax increase in history on American families and small businesses to take effect next year. January 1, 2011, every single tax bracket will increase. That means if a small business in Grand Island, Nebraska, paid 35 percent in Federal taxes this year, next year it will have to pay nearly 40 percent. When Times Square celebrates a new year, Americans who own a farm or ranch will see death taxes rise from 0 to 55 percent.

We cannot tax and spend our way back to a healthy economy. I urge my colleagues to join me against any tax increase on working families, small businesses, and farmers and ranchers before they wake up on January 1 to a brave new world.

HONORING MRS. MARGARETE HOLM

(Mr. COURTNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTNEY. Madam Speaker, I rise today in honor of Mrs. Margarete Holm, the widow of U.S. Army Captain Arnie Holm, a Waterford, Connecticut, native who went missing in the jungles of Vietnam 38 years ago.

Last Thursday, Margarete and Captain Holm's sister, Meg Brewster, who have been heroic in their efforts to search for Captain Holm, traveled to Crystal City, Virginia, for a family update conference organized by the Department of Defense.

During the conference, which took place during votes in this House, members of the U.S. Army presented Mrs. Holm with a POW/MIA commemorative medal to honor the next of kin for those Americans who are missing or unaccounted for in Southeast Asia. Although authorized by Congress in 1983, Mrs. Holm did not receive her Medal until last week.

For Margarete, who has tirelessly supported the cause of POW/MIAs locally in Connecticut and across the

country, this medal is a long overdue recognition of her loss. Although I was unable to be with her during the presentation, I spoke to her last night to let her know how important she and all of those who are still waiting for their loved ones to return home are to me and my colleagues in this House.

To Margarete, Meg, and to all those still waiting for their loved ones to return home, please know that as the POW/MIA flag says, "you are not forgotten"—not by the Members of this Congress, not by the men and women of our military, and certainly not by our fellow Americans.

WHERE ARE THE JOBS?

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Madam Speaker, I rise again today because southwest Missourians keep telling me that they're expecting us to keep our eye on the ball. The most important thing they want us working on in the House is jobs—that's J-O-B-S, Madam Speaker. But most of the bills we've considered here on the House floor have exactly the opposite effect.

Southwest Missourians know the difference between good policies that put people back to work and the tax-raising, job-killing agenda of the majority in Washington.

Madam Speaker, there is and has been a bipartisan resistance to this extreme agenda, but the majority does whatever is necessary to pass these bills. With government control of health care and the House-passed national energy tax of cap-and-trade, costs go up and jobs go down. Despite promises that the \$862 billion so-called stimulus bill would keep unemployment below 8 percent, here we are today, Madam Speaker, with an unemployment rate of over 9 percent per month.

Our top priority must be job creation. The government can't create private sector jobs, but it sure can pursue smart policies that help create those jobs.

SOCIAL SECURITY

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. This August marks the 75th anniversary of Social Security here in America. And our seniors say thank God we have the Social Security system. Over 5 million Americans currently rely on Social Security every year, including retirees, disabled Americans, who we just honored yesterday as well for serving here, and the survivors of deceased workers.

Unfortunately, on the 75th birthday, Social Security again faces a threat from congressional Republicans who

want to privatize, I state, who want to privatize and dismantle our current system. From our Republican colleagues, it's the same failed policies of the past.

President Bush and the congressional Republicans pushed Social Security privatizing and benefit cuts in 2005. Now, in 2010, we must tell them "no." If Republicans had been successful in 2005, seniors would have lost trillions more in the stock market meltdown of the Bush administration.

Hardworking Americans simply cannot afford the same old failed Republican policies of the past. We must continue to fight and move our economy forward.

REPEAL HEALTH CARE BILL

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Madam Speaker, now that Washington leftists have forced socialized medicine down the throats of Americans, the British are about to abandon it.

According to a recent report, a large part of the British health system is being dismantled by the new government because of skyrocketing costs and widespread rationing of care that has long plagued the system and its patients. This radical reorganization would essentially abolish the 150 bureaucracies who decide who gets health care in the system, restoring that decision to its rightful place between the doctor and the patient.

Madam Speaker, as the new British Government prepares to move away from government-controlled rationing of health care, President Obama and the liberals in Congress are taking our country further down the road of socialism. I urge my colleagues to take a lesson from the British and work to repeal this disastrous legislation which inserts Washington between patients and their doctors.

EXTENDERS BILL

(Mr. NEAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL. Madam Speaker, in December and again in May, this House passed legislation to extend a popular set of expiring tax provisions providing billions of dollars in relief to millions of American families. That tax bill passed the House and has been stymied in the other body where only two Republican Senators have stood up against their party's own filibuster against these tax cuts.

Let me tell you who's suffering in the meantime: 42,000 families in Kentucky cannot deduct \$108 million in college tuition fees; 86,000 families in Arizona cannot deduct \$166 million in tuition

fees; 304,000 families in Texas cannot deduct \$708 million in college tuition fees. Nationwide, more than 4 million families cannot deduct \$10.5 billion in college expenses.

A college degree means a better job for your kid. I urge our colleagues on the other side of the aisle to contact their Senators and tell them that Tax Extenders means jobs.

SOCIAL SECURITY

(Mr. CARSON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. CARSON of Indiana. Madam Speaker, one of the most important social programs of our times is nearing its 75th birthday, and I am so pleased to come to the floor today and speak on the vital role of Social Security.

Our economy has indeed seen signs of rebirth. However, millions of Americans are feeling the impact, and programs such as Social Security are playing an important role in ensuring these individuals and citizens are able to have their needs met. It aggravates me daily to hear the other side continue to threaten to cut these or to once again focus on privatization.

I'm committed to working across the aisle on real solutions when problems arise, but the claim that Social Security is paying out more than it is taking in is simply untrue. The trust fund has reserves of \$2.6 trillion, which continues to earn interest and will pay out benefits until 2037.

Again, I will continue to work for the American people and ensure this important program is here now and for future generations.

WHERE ARE THE JOBS?

(Mr. GUTHRIE asked and was given permission to address the House for 1 minute.)

Mr. GUTHRIE. Madam Speaker, I appreciate the opportunity to be here this morning to talk about during the last few weeks I've been back in my district doing America Speaking Out events and listening to people and talking with people about what their issues are and sharing with me what we should be doing here in Washington, D.C.

In my district, unemployment is the number one issue like it is across the country. And not just hearing from people looking for jobs but talking to people who want to provide jobs. And they are concerned about the tax increases that could be coming with the expiration of the tax cuts.

And one of the concerns that we heard Secretary Geithner talk about this weekend, Madam Speaker, is that the taxes could increase on those making \$250,000 or more, which we know half of that runs through small businesses. So I'm talking to a lot of small

business owners who are afraid of taxes because they want to grow their business and hire people and put them to work.

JOB CREATION POLICY

(Mr. WALZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ. Madam Speaker, perhaps my career as a public schoolteacher and having survived 20 years of the high school lunchroom makes me more optimistic than some of my colleagues in here—the idea of the trust that I have in our young people and in this country to overcome any adversities we see.

This weekend, I was out in Winona, Minnesota, at Peerless Chain Company, the number one producer of chain in this country, from tying down our jet fighters on aircraft carriers to providing the chains and the booms protecting the gulf coast. This is an American company who's standing with me in making sure that we get our provisions here, that don't extend long-range plans to outsource jobs, to allow people to take tax cuts to end jobs overseas but to keep them here in America. They were there also to focus on hiring veterans.

A company founded by Polish immigrants in 1917 who fought in World War I protecting American jobs, now we have the largest manufacturer of chain in North America, the fourth largest in the world, producing good American jobs by veterans and stamping those crates that go over to Asia with "Made in America" with a big American flag.

That's our job creation policy. That's what America can be, and that's what going forward means instead of turning back to disastrous policies that outsource those jobs.

□ 1020

JOB

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute.)

Ms. EDWARDS of Maryland. Well, Madam Speaker, here we go again. Today and every day in this Chamber my Republican colleagues stand here and blame Democrats for failing to create jobs. What nerve they have when they haven't voted for one jobs bill for the American workers.

Right now, Senate Republicans, just like their House colleagues, are blocking the passage of five critical bills that would create at least 1.5 million jobs for the American people, and House Republicans have the audacity to accuse Democrats of not doing enough to create jobs? Shame on them.

I urge Republican Senators to vote for the America COMPETES Act, the

Small Business Jobs and Credit Act, the Jobs For Main Street Act and the Small Business and Infrastructure Act to provide desperately needed jobs. If Republicans are really serious about job creation, then they'd urge their colleagues in the Senate to take immediate action and pass these bills.

Madam Speaker, it's been 186 days since we passed our first jobs bill and still they haven't acted. It's time for Senate Republicans to act, write a paycheck to the American people, and finish the job that House Democrats started.

LET'S PUT AMERICA BACK TO WORK

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Madam Speaker, this Democratic Congress, with our President, has begun to turn around the terrible job situation we inherited. The American Recovery and Reinvestment Act is working. Can you imagine where we would be without it? Private-sector employment has increased for 6 straight months, 35 percent of household wealth lost in the Bush administration has been recovered. Finally, the Senate overcame Republican objections and extended unemployment to help tide millions of people through these tough times. But that is not enough.

The American people need jobs. My community needs jobs. While unemployment overall has improved, there are too many communities which still have double-digit unemployment, and African Americans and young people are the hardest hit.

So to the other party on the other side of the Capitol: Pass the small business bill to fuel the engine of our economy, now. Pass funding we have included for youth jobs, now. Pass funding to keep teachers in our classrooms and policemen on our streets, now. Pass funding for black farmers, now.

This country thrives or falters on the strength of our working men and women. Senate Republicans: forget politics. Let's put America back to work.

THE DEFICIT

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Madam Speaker, you listen to the rhetoric in this hall and you hear a lot of talk from the folks on the other side of the aisle, the Republicans, about the deficit. It's very simple. There are two ways you deal with the deficit. Number one, you reduce spending or, number two, you increase income, and the way you increase income is you have more tax revenue. The two biggest ways you can get more tax revenue

is taxing the most wealthy people in the country who can afford it.

The Republicans don't want to eliminate the tax cuts to the upper 1 and 2 percent of the population, people making over \$250,000 a year, and they don't want require that to be a PAYGO. They just want those people to keep getting those tax breaks that were reduced 8 years ago. They're concerned about the inheritance tax, people that might inherit over \$3.5 million a person. They're concerned about them. That's who they're concerned about, not middle class families who got the largest tax cut in history with the American Recovery and Reinvestment Act that not a Republican voted for. It was a Democratic bill, and the balanced budget under the Clinton years, all Democrats, a balanced budget.

So if you want to reduce deficits, you need to support the Democrats who do the hard lifting and see that we have revenue as well as responsible spending.

VOTE "NO" ON THE SUPPLEMENTAL

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Madam Speaker, less than a month ago, Congress finally began the debate on the war in Afghanistan that really should have been held 9 years ago, but the fact remains Congress cannot continue to write a blank check for a war in Afghanistan that has ultimately made our country less safe. Our brave men and women in uniform have been put in an impossible situation in Afghanistan where there is no military solution. We should use this money to bring them home.

The Congressional Black Caucus included in the previous supplemental that the House passed the black farmer settlement and youth employment provisions, and in the supplemental it was passed several times. It was paid for, yet the Senate took these provisions out.

Let's support jobs and justice for the black farmers who have waited so long for our government to act. Let's support our teachers. Let's not spend another dime to escalate America's long-term war.

I urge my colleagues to vote "no" on this supplemental that we will be considering later in the day.

THE SOUTH KOREAN FREE TRADE AGREEMENT

(Mr. DJOU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DJOU. Madam Speaker, Members of the House, yesterday the United States Navy began conducting war

game operations off the coast of Korea. Many of the sailors and ships come from Pearl Harbor, located in my district.

Yesterday, I also had the opportunity to finally meet with the Korean ambassador to the United States, who is also the former Prime Minister of South Korea. These are important developments. It is important for our Nation to strengthen and deepen our ties with Korea in the troubling times we have in the Korean Peninsula.

I want to state and strongly urge this House to most expeditiously move the free trade agreement between the United States and South Korea to make sure that what happened 60 years ago in the Korean Peninsula doesn't happen again.

HONORING THE LIFE OF GOVERNOR KENNY GUINN

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Madam Speaker, today Nevada mourns the loss of a good man, former Governor Kenny Guinn, a true public servant who always put the interests of Nevadans first, ahead of party and above politics.

I was honored to serve in the State legislature during Governor Guinn's tenure there. As a former Clark County School Superintendent, Governor Guinn led efforts to improve Nevada's system of education. And through our shared commitment to both teachers and students, we became friends as well as colleagues.

It was thanks to his leadership that we created the Millennium Scholarship which bears his name and has helped some 60,000 young Nevadans fulfill the dream of a college education. That is his legacy.

Kenny Guinn reached the State's highest office, but he never lost his special common touch for which he is so beloved by so many. My thoughts and prayers go out to his family today.

BORDER SECURITY IS NATIONAL SECURITY

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KIRKPATRICK. Madam Speaker, Arizonans are tired of being let down by Washington on the border. For years, we have been calling on the Federal Government to start fulfilling its duties, and again and again, the Federal Government has debated, delayed, and stumbled.

By withholding funding for critical border resources in the Supplemental Appropriations Act, Congress is adding another black mark to its record of failure on this issue.

The fact is that border security is national security. The Federal Government has a responsibility to address threats to our communities, both abroad and at home. They are neglecting that responsibility with this bill. The House has previously accepted that expanding the border patrol is a necessary step to keep Arizonans safe. Why can't we find a way to get this done today?

Once again, lack of political will is being allowed to put our communities at risk. Folks have had enough of the culture in Washington that prizes scoring political points over solving problems. The people of my district and my State deserve better than this from Congress.

□ 1030

SOCIAL SECURITY

(Ms. FUDGE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FUDGE. Madam Speaker, for almost 75 years, Social Security has helped Americans save for retirement and has provided the supplemental income they could count on in their golden years. For almost as long, congressional Republicans have attacked Social Security and are doing so yet again.

The Republicans' efforts are unconscionable and inexcusable. They fail to realize Social Security is earned, not gifted, to American workers. It comes from a lifetime of hard work and investment.

Democrats will not let Republicans play politics with this benefit. They will not and must not succeed in robbing seniors of the benefits they have earned and deserve.

TAX RATES

(Mr. YARMUTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YARMUTH. Madam Speaker, we heard just a few minutes ago a repetition of the myth that our friends from the Republican Party tried to foist on the American people, the idea that somehow, by restoring the pre-Bush tax rates on the wealthiest Americans, we are going to impede small business. Well, I come from a family of small business people, and I can assure you that nothing is further from the truth.

I have a brother in the barbecue business. He does very well, makes a lot of money. He used to vote Republican because he didn't want to pay as much tax. But he called me in 2008 and said, you know, I am starting to support Democrats now and I am going to support President Obama. The reason is because I realized, finally, that if peo-

ple can't afford to buy barbecue, it doesn't matter what their tax rate is.

Ladies and gentlemen, the reason we need to restore the tax rates to the pre-Bush rates is because we have a way to get this country out of deficit. More importantly, the answer to our economic woes is rebuilding America, making it in America and restoring our manufacturing base and the jobs that come with it so people can afford barbecue.

FAILED RECOVERY POLICIES MAKE NEARLY 15 MILLION UN- EMPLOYED

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, 18 months into this administration, one thing is clear: the economic policies of this administration and this liberal Democratic Congress have failed. Nearly 15 million Americans are unemployed. Unemployment hovers near a heart-breaking 10 percent; and after months of runaway spending, bailouts and takeovers, Washington Democrats are now poised to add tax increases to their agenda.

The American people are starting to realize that unless this Congress acts, every single income tax bracket will increase on January 1, 2011, every single one. This weekend Treasury Secretary Geithner actually said "The country can withstand that. I think it's good policy."

Really? Fifteen million Americans unemployed and this administration defines good policy as what the country can withstand? The country cannot withstand more spending, more borrowing, more bailouts, or more taxes; and House Republicans will fight this tax increase with everything we have got.

HMONG VETERANS

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Madam Speaker, today I will introduce legislation that will provide for burial benefits in national cemeteries to Hmong veterans who served in support of U.S. forces in Vietnam.

Given the service to our Nation, I believe this is an appropriate honor. During the Vietnam War, officers from the CIA Special Activities Division trained and led Hmong men in Laos and in Vietnam for special combat activities. These forces numbered in the tens of thousands and conducted missions against communist forces and the North Vietnamese, fighting shoulder to shoulder with U.S. soldiers.

Since the end of the conflict in Vietnam, thousands of Hmong families

have resettled around the United States today and as a result of a law signed by President Ford are now United States citizens. Only a few thousand of these original veterans remain alive today.

As was done with the Philippine Armed Forces who served in support of U.S. in World War II, we should recognize that precedent by offering internment privileges to national cemeteries after verification and documentation is completed by the Department of Veterans Affairs.

I urge you to support this legislation.

U.S. MANUFACTURING WILL LEAD US INTO RECOVERY

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Madam Speaker, Democrats are committed to growing our economy and getting Americans back to work. We want to continue to support America's manufacturing workers by closing tax loopholes that outsource U.S. jobs overseas. These savings will pay for hometown tax credits for small businesses to expand American manufacturing jobs.

The Democrats are boosting incentives to create American clean energy jobs and build state-of-the-art wind turbines, solar panels and other new technologies. We can pay for this by ending subsidies to big oil companies, government giveaways to companies that rake in millions of dollars.

We are strengthening the rules that the U.S. Government and its contractors buy American, especially to build our transportation, energy and communications infrastructure. And we are telling foreign countries like China to honor fair trade principles or lose American business.

In just over 1 year we have turned our economy around, going from losing nearly 800,000 jobs in the last month of the Bush administration to 6 straight months of private sector job growth totaling nearly 600,000 new private sector jobs created just this year.

We are heading in the right direction and Democrats are going to ensure that U.S. manufacturing will continue to lead us into economic recovery. America will make things once again.

HISTORY AND POLICIES

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, we have been going back and forth between the Republican and Democratic sides with two views of history and two policies.

The Republican Party has argued all morning, and it will continue right

through the election, that we should go back to the Reagan-Bush policies of the past and the Democrats want to try a new approach. But let's just review the history.

Ronald Reagan ran for President saying that any President who doesn't balance the budget should be impeached, and yet for 8 years he never once submitted a balanced budget, and, in fact, quadrupled the deficit. Bill Clinton came into office, adopted the suggestion of President George Herbert Walker Bush, the 41st President, that you should have a concept called PAYGO. The first President Bush may have lost an election as a result, but it was the right thing to do.

Bill Clinton adopted the PAYGO concept as his own and made sure that any new spending was offset with additional revenue and for any tax cuts we were prepared to cut spending proportionately. It worked.

We created surpluses, so many surpluses, in fact, that Alan Greenspan was worried we had too much Treasury debt floating out there. The reality is that this past President's policy that the Republicans would want us to go back to, took a \$5.6 trillion projected Clinton surplus and turned it into \$3.5 trillion of Bush's legacy of debt. Is that what the American people really want to see repeated? I don't think so.

RACE TO GROW CLEAN ENERGY JOBS

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, we are involved in a race today. It's a race to grow clean energy jobs, and we are in a race with the rest of the world and particularly China.

China recently announced they will be investing over \$750 billion over the next 10 years to grow clean energy jobs in China. They have announced they are going to put a cap on carbon so that they can create demand for the creation of new, clean energy jobs.

What are we doing in this country? Unfortunately, the other Chamber, the U.S. Senate, has dropped the ball and isn't moving a ball to create a demand for these new clean energy jobs with a cap on carbon.

We can lose this race if we don't get off the dime and get into this race. But I want to assure folks we are going to get into this race one way or another and one way is with the Environmental Protection Agency creating a limitation on carbon so we can create the demands for these clean energy jobs so we can make clean energy electric cars in this country and sell them into China.

For those people who are going to object to the EPA regulation of carbon, you had your chance and you can't be

heard to squawk. We are going to move forward on clean energy jobs.

HONORING COAST GUARD ON 100TH ANNIVERSARY

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Madam Speaker, I rise today with a parent's pride to honor the 100th anniversary of the United States Coast Guard Academy.

The long and proud heritage of the Coast Guard Academy began in 1910 in New London, Connecticut, and continues today in the academy's ongoing mission to promote the values of honor, respect, and devotion to duty.

The rigorous academic program of the Coast Guard Academy provides a holistic education that includes academics, physical fitness, character and leadership and that trains cadets in the many roles the Coast Guard takes in our national security.

On behalf of my district in western Pennsylvania, I offer my congratulations to the commandant of the Coast Guard and the superintendent of the United States Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy.

I especially congratulate all the cadets and graduates of the academy, including my daughter Linden now serving in the Gulf of Mexico, for their incredible work and dedication to our country.

God bless the United States Coast Guard, Semper Paratus.

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TWO HEROES

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Madam Speaker, I wonder if we aren't loose in the way we use the word "hero." We sometimes call those who die unexpectedly, innocents who are killed, heroes. I wonder if in doing so we don't cheapen the extent to which the word "hero" must be applied to men like Michael Baik and Steven Velazquez, two firefighters in Bridgeport who gave their lives in the line of duty this weekend, two men who woke up every day and said, "I will risk my life and my well-being for you, my fellow citizens," and now leave behind wives, and in the case of Michael, three children, and in the case of Steven, two children.

These were men who exemplify, I think, the best of what we mean when we say that we care about each other. And speaking as their Representative, and I hope on behalf of all my colleagues, we thank them, we thank their families, and wish them Godspeed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. MARKEY of Colorado). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

SUPPLEMENTAL APPROPRIATIONS ACT, 2010

Mr. OBEY. Madam Speaker, I move that the House suspend the rules, recede from the House amendment to the Senate amendment to the bill (H.R. 4899) making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes, and concur in the Senate amendment.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, to be available from funds in the Agricultural Credit Insurance Fund, as follows: guaranteed farm ownership loans, \$300,000,000; operating loans, \$650,000,000, of which \$250,000,000 shall be for unsubsidized guaranteed loans, \$50,000,000 shall be for subsidized guaranteed loans, and \$350,000,000 shall be for direct loans.

For an additional amount for the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: guaranteed farm ownership loans, \$1,110,000; operating loans, \$29,470,000, of which \$5,850,000 shall be for unsubsidized guaranteed loans, \$7,030,000 shall be for subsidized guaranteed loans, and \$16,590,000 shall be for direct loans.

For an additional amount for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$1,000,000.

EMERGENCY FOREST RESTORATION PROGRAM

For implementation of the emergency forest restoration program established under section 407 of the Agricultural Credit Act of 1978 (16 U.S.C. 2206) for expenses resulting from natural disasters that occurred on or after January 1, 2010, and for other purposes, \$18,000,000, to remain available until expended: Provided, That the program: (1) shall be carried out without regard to chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act") and the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rule-

making; and (2) with rules issued without a prior opportunity for notice and comment except, as determined to be appropriate by the Farm Service Agency, rules may be promulgated by an interim rule effective on publication with an opportunity for notice and comment: Provided further, That in carrying out this program, the Secretary shall use the authority provided under section 808(2) of title 5, United States Code: Provided further, That to reduce Federal costs in administering this heading, the emergency forest restoration program shall be considered to have met the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for activities similar in nature and quantity to those of the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.).

FOREIGN AGRICULTURAL SERVICE

FOOD FOR PEACE TITLE II GRANTS

For an additional amount for "Food for Peace Title II Grants" for emergency relief and rehabilitation, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, \$150,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SECTION 101. None of the funds appropriated or made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a biomass crop assistance program as authorized by section 9011 of Public Law 107-171 in excess of \$552,000,000 in fiscal year 2010 or \$432,000,000 in fiscal year 2011: Provided, That section 3002 shall not apply to the amount under this section.

SEC. 102. (a) Section 502(h)(8) of the Housing Act of 1949 (42 U.S.C. 1472(h)(8)) is amended to read as follows:

"(8) FEES.—Notwithstanding paragraph (14)(D), with respect to a guaranteed loan issued or modified under this subsection, the Secretary may collect from the lender—

"(A) at the time of issuance of the guarantee or modification, a fee not to exceed 3.5 percent of the principal obligation of the loan; and

"(B) an annual fee not to exceed 0.5 percent of the outstanding principal balance of the loan for the life of the loan."

(b) Section 739 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation Act, 2001 (H.R. 5426 as enacted by Public Law 106-387, 115 Stat. 1549A-34) is repealed.

(c) For gross obligations for the principal amount of guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, an additional amount shall be for section 502 unsubsidized guaranteed loans sufficient to meet the remaining fiscal year 2010 demand, provided that existing program underwriting standards are maintained, and provided further that the Secretary may waive fees described herein for very low- and low-income borrowers, not to exceed \$697,000,000 in loan guarantees.

CHAPTER 2

DEPARTMENT OF COMMERCE

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

(RESCISSION)

Of the funds made available under the heading "National Telecommunications and Information Administration" for Digital-to-Analog Converter Box Program in prior years, \$111,500,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233),

for an additional amount for "Economic Development Assistance Programs", for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in States that experienced damage due to severe storms and flooding during March 2010 through May 2010 for which the President declared a major disaster covering an entire State or States with more than 20 counties declared major disasters under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, \$49,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", \$5,000,000, for necessary expenses related to commercial fishery failures as determined by the Secretary of Commerce in January 2010.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION

The matter contained in title III of division B of Public Law 111-117 regarding "National Aeronautics and Space Administration Exploration" is amended by inserting at the end of the last proviso "": Provided further, That notwithstanding any other provision of law or regulation, funds made available for Constellation in fiscal year 2010 for 'National Aeronautics and Space Administration Exploration' and from previous appropriations for 'National Aeronautics and Space Administration Exploration' shall be available to fund continued performance of Constellation contracts, and performance of such Constellation contracts may not be terminated for convenience by the National Aeronautics and Space Administration in fiscal year 2010".

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$1,429,809,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$40,478,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$145,499,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$94,068,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$5,722,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$2,637,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", \$34,758,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", \$1,292,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$33,184,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$11,719,927,000, of which \$218,300,000 shall be available to restore amounts transferred from this account to "Overseas Humanitarian, Disaster, and Civic Aid" for

emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$2,735,194,000, of which \$187,600,000 shall be available to restore amounts transferred from this account to "Overseas Humanitarian, Disaster, and Civic Aid" for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$829,326,000, of which \$30,700,000 shall be available to restore amounts transferred from this account to "Overseas Humanitarian, Disaster, and Civic Aid" for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$3,835,095,000, of which \$218,400,000 shall be available to restore amounts transferred from this account to "Overseas Humanitarian, Disaster, and Civic Aid" for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Defense-Wide", \$1,236,727,000: Provided, That up to \$50,000,000, to remain available until expended, shall be available for transfer to the Port of Guam Improvement Enterprise Fund established by section 3512 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417): Provided further, That funds transferred under the previous proviso shall be merged with and available for obligation for the same time period and for the same purposes as the appropriation to which transferred: Provided further, That these funds may be transferred by the Secretary of Defense only if he determines such amounts are required to improve facilities, relieve port congestion, and provide greater access to port facilities: Provided further, That any amounts transferred pursuant to the previous three provisos shall be available to the Secretary of Transportation, acting through the Administrator of the Maritime Administration, to carry out under the Port of Guam Improvement Enterprise Program planning, design, and construction of projects for the Port of Guam to improve facilities, relieve port congestion, and provide greater access to port facilities: Provided further, That the transfer authority in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than five days prior to making transfers under this authority, notify the congressional defense committees in writing of the details of any such transfer.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$41,006,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$75,878,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$857,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$124,039,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$180,960,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", \$203,287,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for "Afghanistan Security Forces Fund", \$2,604,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

IRAQ SECURITY FORCES FUND

For the "Iraq Security Forces Fund", \$1,000,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, United States Forces—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, and renovation: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$219,470,000, to remain available until September 30, 2012.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$3,000,000, to remain available until September 30, 2012.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$17,055,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$2,065,006,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$296,000,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$31,576,000, to remain available until September 30, 2012.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$162,927,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$174,766,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$672,741,000, to remain available until September 30, 2012.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$189,276,000, to remain available until September 30, 2012.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Mine Resistant Ambush Protected Vehicle Fund", \$1,123,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: Provided further, That the Secretary shall transfer such funds only to appropriations for operations and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That the funds transferred shall be merged with and available for the same purposes and the same time period as the appropriation to which they are transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$44,835,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND
EVALUATION, AIR FORCE

For an additional amount for “Research, Development, Test and Evaluation, Air Force”, \$163,775,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND
EVALUATION, DEFENSE-WIDE

For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide”, \$65,138,000, to remain available until September 30, 2011.

REVOLVING AND MANAGEMENT FUNDS
DEFENSE WORKING CAPITAL FUNDS

For an additional amount for “Defense Working Capital Funds”, \$1,134,887,000, to remain available until expended.

OTHER DEPARTMENT OF DEFENSE
PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for “Defense Health Program”, \$33,367,000 for operation and maintenance: Provided, That language under this heading in title VI, division A of Public Law 111–118 is amended by striking “\$15,093,539,000” and inserting in lieu thereof “\$15,121,714,000”.

DRUG INTERDICTION AND COUNTER-DRUG
ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, \$94,000,000, to remain available until September 30, 2011.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 301. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)): Provided, That section 8079 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118; 123 Stat. 3446) is amended by striking “fiscal year 2010 until” and all that follows and insert “fiscal year 2010.”.

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. Section 8005 of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118) is amended by striking “\$4,000,000,000” and inserting “\$4,500,000,000”.

SEC. 303. Funds made available in this chapter to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than \$250,000: Provided, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than \$500,000.

SEC. 304. Of the funds obligated or expended by any Federal agency in support of emergency humanitarian assistance services at the request of or in coordination with the Department of Defense, the Department of State, or the U.S. Agency for International Development, on or after January 12, 2010 and before February 12, 2010, in support of the Haitian earthquake relief efforts not to exceed \$500,000 are deemed to be specifically authorized by the Congress.

SEC. 305. Section 8011 of the title VIII, division A of Public Law 111–118 is amended by striking “within 30 days of enactment of this Act” and inserting in lieu thereof “30 days prior to contract award”.

(RESCISSIONS)

SEC. 306. (a) Of the funds appropriated in Department of Defense Appropriation Acts, the fol-

lowing funds are hereby rescinded from the following accounts and programs in the specified amounts:

“Other Procurement, Air Force, 2009/2011”, \$5,000,000; and

“Research, Development, Test and Evaluation, Army, 2009/2010”, \$72,161,000.

(b) Section 3002 shall not apply to the amounts in this section.

SEC. 307. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal years 2009 or 2010 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

HIGH-VALUE DETAINEE INTERROGATION GROUP
CHARTER AND REPORT

SEC. 308. (a) SUBMISSION OF CHARTER AND PROCEDURES.—Not later than 30 days after the final approval of the charter and procedures for the interagency body established to carry out an interrogation pursuant to a recommendation of the report of the Special Task Force on interrogation and Transfer Policies submitted under section 5(g) of Executive Order 13491 (commonly known as the High-Value Detainee Interrogation Group), or not later than 30 days after the date of the enactment of this Act, whichever is later, the Director of National Intelligence shall submit to the congressional intelligence committees such charter and procedures.

(b) UPDATES.—Not later than 30 days after the final approval of any significant modification or revision to the charter or procedures referred to in subsection (a), the Director of National Intelligence shall submit to the congressional intelligence committees any such modification or revision.

(c) LESSONS LEARNED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report setting forth an analysis and assessment of the lessons learned as a result of the operations and activities of the High-Value Detainee Interrogation Group since the establishment of that group.

(d) SUBMITTAL OF CHARTER AND REPORTS TO ADDITIONAL COMMITTEES OF CONGRESS.—At the same time the Director of National Intelligence submits the charter and procedures referred to in subsection (a), any modification or revision to the charter or procedures under subsection (b), and any report under subsection (c) to the congressional intelligence committees, the Director shall also submit such matter to—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, the Judiciary, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, the Judiciary, and Appropriations of the House of Representatives.

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for “Investigations”, \$5,400,000: Provided, That funds provided under this heading in this chapter shall be used for studies in States affected by severe storms and flooding: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for “Mississippi River and Tributaries” to dredge eligible

projects in response to, and repair damages to Federal projects caused by, natural disasters, \$18,600,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance” to dredge navigation projects in response to, and repair damages to Corps projects caused by, natural disasters, \$173,000,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use \$44,000,000 of the amount provided under this heading for nondisaster related emergency repairs to critical infrastructure: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies”, as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to natural disasters as authorized by law, \$20,000,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL PROVISIONS—THIS CHAPTER

EMERGENCY DROUGHT RELIEF

SEC. 401. For an additional amount for “Water and Related Resources”, \$10,000,000, for drought emergency assistance: Provided, That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any other applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West.

SEC. 402. Funds made available in the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85), under the account “Weapons Activities” shall be available for the purchase of not to exceed one aircraft.

RECLASSIFICATION OF CERTAIN APPROPRIATIONS
FOR THE NATIONAL NUCLEAR SECURITY ADMINISTRATION

SEC. 403. (a) FISCAL YEAR 2009 APPROPRIATIONS.—The matter under the heading “Weapons Activities” under the heading “National Nuclear Security Administration” under the heading “Atomic Energy Defense Activities” under the heading “Department of Energy” under title III of division C of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 621) is amended by striking “the 09–D–007 LANSCE Refurbishment, PED,” and inserting “capital equipment acquisition, installation, and associated design funds for LANSCE,”.

(b) FISCAL YEAR 2010 APPROPRIATIONS.—The amount appropriated under the heading “Weapons Activities” under the heading “National Nuclear Security Administration” under the heading “Atomic Energy Defense Activities” under the heading “Department of Energy” under title III of the Energy and Water Development and Related Agencies Appropriations

Act, 2010 (Public Law 111–85; 123 Stat. 2866) and made available for LANSCE Reinvestment, PED, Los Alamos National Laboratory, Los Alamos, New Mexico, shall be made available instead for capital equipment acquisition, installation, and associated design funds for LANSCE, Los Alamos National Laboratory, Los Alamos, New Mexico.

SEC. 404. (a) Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking “September 30, 2010” and inserting “September 30, 2012” in lieu thereof.

(b) Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) is amended by striking “through 2010” and inserting “through 2012” in lieu thereof.

SEC. 405. (a) The Secretary of the Army shall not be required to make a determination under the National Historic Preservation Act of 1966 (16 U.S.C. 470, et seq.) for the project for flood control, Trinity River and tributaries, Texas, authorized by section 2 of the Act entitled “An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved March 2, 1945 [59 Stat. 18], as modified by section 5141 of the Water Resources Development Act of 2007 [121 Stat. 1253].

(b) The Federal Highway Administration is exempt from the requirements of 49 U.S.C. 303 and 23 U.S.C. 138 for any highway project to be constructed in the vicinity of the Dallas Floodway, Dallas, Texas.

SEC. 406. (a) The Secretary of the Army may use funds made available under the heading “OPERATION AND MAINTENANCE” of this chapter to place, at full Federal expense, dredged material available from maintenance dredging of existing Federal navigation channels located in the Gulf Coast region to mitigate the impacts of the Deepwater Horizon Oil spill in the Gulf of Mexico.

(b) The Secretary of the Army shall coordinate the placement of dredged material with appropriate Federal and Gulf Coast State agencies.

(c) The placement of dredged material pursuant to this section shall not be subject to a least-cost-disposal analysis or to the development of a Chief of Engineers report.

(d) Nothing in this section shall affect the ability or authority of the Federal Government to recover costs from an entity determined to be a responsible party in connection with the Deepwater Horizon Oil spill pursuant to the Oil Pollution Act of 1990 or any other applicable Federal statute for actions undertaken pursuant to this section.

CHAPTER 5

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, \$690,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts made available for necessary expenses of the Office of Inspector General under this heading in Public Law 111–117, \$1,800,000 are rescinded: Provided, That section 3002 shall not apply to the amount under this heading.

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA (INCLUDING RESCISSION)

For an additional amount for “Federal Payment to the Public Defender Service for the District of Columbia”, \$700,000, to remain available until September 30, 2012.

Of the funds provided under this heading for “Federal Payment to the District of Columbia Public Defender Service” in title IV of division D of Public Law 111–8, \$700,000 are rescinded: Provided, That section 3002 shall not apply to the amounts under this heading.

INDEPENDENT AGENCY

FINANCIAL CRISIS INQUIRY COMMISSION

SALARIES AND EXPENSES

For the necessary expenses of the Financial Crisis Inquiry Commission established pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (Public Law 111–21), \$1,800,000, to remain available until February 15, 2011: Provided, That section 3002 shall not apply to the amount under this heading.

CHAPTER 6

DEPARTMENT OF HOMELAND SECURITY

COAST GUARD

OPERATING EXPENSES

For an additional amount for “Operating Expenses” for necessary expenses and other disaster-response activities related to Haiti following the earthquake of January 12, 2010, \$50,000,000, to remain available until September 30, 2012.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Acquisition, Construction, and Improvements”, \$15,500,000, to remain available until September 30, 2014, for aircraft replacement.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Disaster Relief”, \$5,100,000,000, to remain available until expended, of which \$5,000,000 shall be transferred to the Department of Homeland Security Office of the Inspector General for audits and investigations related to disasters.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For an additional amount for “United States Citizenship and Immigration Services” for necessary expenses and other disaster response activities related to Haiti following the earthquake of January 12, 2010, \$10,600,000, to remain available until September 30, 2011.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 601. Notwithstanding the 10 percent limitation contained in section 503(c) of Public Law 111–83, for fiscal year 2010, the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to \$20,000,000, from appropriations available to the Department of Homeland Security: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 5 days in advance of such transfer.

(RESCISSIONS)

SEC. 602. (a) The following unobligated balances made available pursuant to section 505 of Public Law 110–329 are rescinded: \$2,200,000 from Coast Guard “Operating Expenses”; \$1,800,000 from the “Office of the Secretary and Executive Management”; and \$489,152 from “Analysis and Operations”.

(b) The third clause of the proviso directing the expenditure of funds under the heading

“Alteration of Bridges” in the Department of Homeland Security Appropriations Act, 2009, is repealed, and from available balances made available for Coast Guard “Alteration of Bridges”, \$5,910,848 are rescinded: Provided, That funds rescinded pursuant to this subsection shall exclude balances made available in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

(c) From the unobligated balances of appropriations made available in Public Law 111–83 to the “Office of the Federal Coordinator for Gulf Coast Rebuilding”, \$700,000 are rescinded.

(d) Section 3002 shall not apply to the amounts in this section.

SEC. 603. The Administrator of the Federal Emergency Management Agency shall consider satisfied for Hurricane Katrina the non-Federal match requirement for assistance provided by the Federal Emergency Management Agency pursuant to section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5170c(a).

SEC. 604. Funds appropriated in Public Law 111–83 under the heading National Protection and Programs Directorate “Infrastructure Protection and Information Security” shall be available for facility upgrades and related costs to establish a United States Computer Emergency Readiness Team Operations Support Center/Continuity of Operations capability.

SEC. 605. Two C–130J aircraft funded elsewhere in this Act shall be transferred to the Coast Guard.

SEC. 606. Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance provided under sections 403, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5140b, 5172, and 5173), for damages resulting from FEMA–3311–EM–RI, FEMA–1894–DR, FEMA–1906–DR, FEMA–1909–DR, and all other areas Presidentially declared a disaster, prior to or following enactment, and resulting from the May 1 and 2, 2010 weather events that elicited FEMA–1909–DR, shall not be less than 90 percent of the eligible costs under such sections.

SEC. 607. (a) Not later than 30 days after the date of the enactment of this Act, the Assistant Secretary for the Transportation Security Administration shall issue a security directive that requires a commercial foreign air carrier who operates flights in and out of the United States to check the list of individuals that the Transportation Security Administration has prohibited from flying not later than 30 minutes after such list is modified and provided to such air carrier.

(b) The requirements of subsection (a) shall not apply to commercial foreign air carriers that operate flights in and out of the United States and that are enrolled in the Secure Flight program or that are Advance Passenger Information System Quick Query (AQO) compliant.

CHAPTER 7

DEPARTMENT OF LABOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Departmental Management” for mine safety activities and legal services related to the Department of Labor’s caseload before the Federal Mine Safety and Health Review Commission (“FMSHRC”), \$18,200,000, which shall remain available for obligation through the date that is 12 months after the date of enactment of this Act: Provided, That the Secretary of Labor may transfer such sums as necessary to the “Mine Safety and Health Administration” for enforcement and mine safety activities, which may include conference litigation functions related to the

FMSHRC caseload, investigation of the Upper Big Branch Mine disaster, standards and rule-making activities, emergency response equipment purchases and upgrades, and organizational improvements: Provided further, That the Committees on Appropriations of the Senate and the House of Representatives are notified at least 15 days in advance of any transfer.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund” for necessary expenses for emergency relief and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, \$220,000,000, to remain available until expended: Provided, That these funds may be transferred by the Secretary to accounts within the Department of Health and Human Services, shall be merged with the appropriation to which transferred, and shall be available only for the purposes provided herein: Provided further, That none of the funds provided in this paragraph may be transferred prior to notification of the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available in this or any other Act: Provided further, That funds appropriated in this paragraph may be used to reimburse agencies for obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That funds may be used for the non-Federal share of expenditures for medical assistance furnished under title XIX of the Social Security Act, and for child health assistance furnished under title XXI of such Act, that are related to earthquake response activities: Provided further, That funds may be used for services performed by the National Disaster Medical System in connection with such earthquake, for the return of evacuated Haitian citizens to Haiti, and for grants to States and other entities to reimburse payments made for otherwise uncompensated health and human services furnished in connection with individuals given permission by the United States Government to come from Haiti to the United States after such earthquake, and not eligible for assistance under such titles: Provided further, That the limitation in subsection (d) of section 1113 of the Social Security Act shall not apply with respect to any repatriation assistance provided in response to the Haiti earthquake of January 12, 2010: Provided further, That with respect to the previous proviso, such additional repatriation assistance shall only be available from the funds appropriated herein.

RELATED AGENCY

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For an additional amount for “Federal Mine Safety and Health Review Commission, Salaries and Expenses” \$3,800,000, to remain available for obligation for 12 months after enactment of this Act.

CHAPTER 8

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Joyce Murtha, widow of John P. Murtha, late a Representative from Pennsylvania, \$174,000: Provided, That section 3002 shall not apply to this appropriation.

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for “Capitol Police, General Expenses” to purchase and install the indoor coverage portion of the new radio system for the Capitol Police, \$12,956,000, to remain available until September 30, 2012: Provided, That the Chief of the Capitol Police may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and the House of Representatives.

CHAPTER 9

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for “Military Construction, Army”, \$242,296,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force”, \$406,590,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Family Housing Operation and Maintenance, Air Force”, \$7,953,000.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for “Compensation and Pensions”, \$13,377,189,000, to remain available until expended: Provided, That section 3002 shall not apply to the amount under this heading.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 901. (a) Of the amounts made available to the Department of Veterans Affairs under the “Construction, Major Projects” account, in fiscal year 2010 or previous fiscal years, up to \$67,000,000 may be transferred to the “Filipino Veterans Equity Compensation Fund” account or may be retained in the “Construction, Major Projects” account and used by the Secretary of Veterans Affairs for such major medical facility projects (as defined under section 8104(a) of title 38, United States Code) that have been authorized by law as the Secretary considers appropriate: Provided, That any amount transferred from “Construction, Major Projects” shall be derived from unobligated balances that are a direct result of bid savings: Provided further, That no amounts may be transferred from amounts that were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(b) Section 3002 shall not apply to the amount in this section.

LIMITATION ON USE OF FUNDS AVAILABLE TO THE DEPARTMENT OF VETERANS AFFAIRS

SEC. 902. The amount made available to the Department of Veterans Affairs by this chapter under the heading “VETERANS BENEFITS ADMINISTRATION” under the heading “COMPENSATION AND PENSIONS” may not be obligated or expended until the expiration of the period for Congressional disapproval under chapter 8 of

title 5, United States Code (commonly referred to as the “Congressional Review Act”), of the regulations prescribed by the Secretary of Veterans Affairs pursuant to section 1116 of title 38, United States Code, to establish a service connection between exposure of veterans to Agent Orange during service in the Republic of Vietnam during the Vietnam era and hairy cell leukemia and other chronic B cell leukemias, Parkinson’s disease, and ischemic heart disease.

CHAPTER 10

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Diplomatic and Consular Programs”, \$1,261,000,000, to remain available until September 30, 2011: Provided, That the Secretary of State may transfer up to \$149,500,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon concurrence of the head of such department or agency and after consultation with the Committees on Appropriations, to support operations in and assistance for Afghanistan and Pakistan and to carry out the provisions of the Foreign Assistance Act of 1961.

For an additional amount for “Diplomatic and Consular Programs” for necessary expenses for emergency relief, rehabilitation, and reconstruction support, and other expenses related to Haiti following the earthquake of January 12, 2010, \$65,000,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That up to \$3,700,000 of the funds made available in this paragraph may be transferred to, and merged with, funds made available under the heading “Emergencies in the Diplomatic and Consular Service”: Provided further, That up to \$290,000 of the funds made available in this paragraph may be transferred to, and merged with, funds made available under the heading “Repatriation Loans Program Account”.

OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General” for necessary expenses for oversight of operations and programs in Afghanistan, Pakistan, and Iraq, \$3,600,000, to remain available until September 30, 2013.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for “Embassy Security, Construction, and Maintenance” for necessary expenses for emergency needs in Haiti following the earthquake of January 12, 2010, \$79,000,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for “Contributions for International Peacekeeping Activities” for necessary expenses for emergency security related to Haiti following the earthquake of January 12, 2010, \$96,500,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations" for necessary expenses for emergency broadcasting support and other expenses related to Haiti following the earthquake of January 12, 2010, \$3,000,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General" for necessary expenses for oversight of operations and programs in Afghanistan and Pakistan, \$3,400,000, to remain available until September 30, 2013.

For an additional amount for "Office of Inspector General" for necessary expenses for oversight of emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, \$4,500,000, to remain available until September 30, 2012: Provided, That up to \$1,500,000 of the funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for "Global Health and Child Survival" for necessary expenses for pandemic preparedness and response, \$45,000,000, to remain available until September 30, 2011.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance" for necessary expenses for emergency relief and rehabilitation, and other expenses related to Haiti following the earthquake of January 12, 2010, \$460,000,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Economic Support Fund", \$1,620,000,000, to remain available until September 30, 2012, of which not less than \$1,309,000,000 shall be made available for assistance for Afghanistan and not less than \$259,000,000 shall be made available for assistance for Pakistan: Provided, That funds appropriated under this heading in this Act and in prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for assistance for Afghanistan may be made available, after consultation with the Committees on Appropriations, for disarmament, demobilization and reintegration activities, subject to the requirements of section 904(e) in this chapter, and for a United States contribution to an internationally managed fund to support the reintegration into Afghan society of individuals who have renounced violence against the Government of Afghanistan.

For an additional amount for "Economic Support Fund" for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010,

\$770,000,000, to remain available until September 30, 2012: Provided, That of the funds appropriated in this paragraph, up to \$120,000,000 may be transferred to the Department of the Treasury for United States contributions to a multi-donor trust fund for reconstruction and recovery efforts in Haiti: Provided further, That of the funds appropriated in this paragraph, up to \$10,000,000 may be transferred to, and merged with, funds made available under the heading "United States Agency for International Development, Funds Appropriated to the President, Operating Expenses" for administrative costs relating to the purposes provided herein and to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That funds appropriated in this paragraph may be transferred to, and merged with, funds available under the heading "Development Credit Authority" for the purposes provided herein: Provided further, That such transfer authority is in addition to any other transfer authority provided by this or any other Act: Provided further, That funds made available to the Comptroller General pursuant to title 1, chapter 4 of Public Law 106-31, to monitor the provision of assistance to address the effects of hurricanes in Central America and the Caribbean, shall also be available to the Comptroller General to monitor relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and shall remain available until expended: Provided further, That funds appropriated in this paragraph may be made available to the United States Agency for International Development and the Department of State to reimburse any accounts for obligations incurred for the purpose provided herein prior to enactment of this Act.

For an additional amount for "Economic Support Fund" for necessary expenses for assistance for Jordan, \$100,000,000, to remain available until September 30, 2012.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance" for necessary expenses for assistance for refugees and internally displaced persons, \$165,000,000, to remain available until expended.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for "International Affairs Technical Assistance" for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, \$7,100,000, to remain available until September 30, 2012: Provided, That of the funds appropriated in this paragraph, up to \$60,000 may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW
ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", \$1,034,000,000, to remain available until September 30, 2012: Provided, That of the funds appropriated under this heading, not less than \$650,000,000 shall be made available for assistance for Iraq of which \$450,000,000 is for one-time start up costs and limited operational costs of the Iraqi police program, and \$200,000,000 is for implementation, management, security, communications, and other expenses related to such program and may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that the Govern-

ment of Iraq supports and is cooperating with such program: Provided further, That funds appropriated in this chapter for assistance for Iraq shall not be subject to the limitation on assistance in section 7042(b)(1) of division F of Public Law 111-117: Provided further, That of the funds appropriated in this paragraph, not less than \$169,000,000 shall be made available for assistance for Afghanistan and not less than \$40,000,000 shall be made available for assistance for Pakistan: Provided further, That of the funds appropriated under this heading, \$175,000,000 shall be made available for assistance for Mexico for judicial reform, institution building, anti-corruption, and rule of law activities, and shall be available subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

For an additional amount for "International Narcotics Control and Law Enforcement" for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, \$147,660,000, to remain available until September 30, 2012: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", \$100,000,000, to remain available until September 30, 2012, of which not less than \$50,000,000 shall be made available for assistance for Pakistan and not less than \$50,000,000 shall be made available for assistance for Jordan.

GENERAL PROVISIONS—THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1001. Funds appropriated in this chapter may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

ALLOCATIONS

SEC. 1002. (a) Funds appropriated in this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

- (1) "Diplomatic and Consular Programs".
- (2) "Economic Support Fund".
- (3) "International Narcotics Control and Law Enforcement".

(b) For the purposes of implementing this section, and only with respect to the tables included in the report accompanying this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate, may propose deviations to the amounts referred in subsection (a), subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1003. (a) SPENDING PLANS.—Not later than 45 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, and the Broadcasting Board of Governors, shall submit reports to the Committees on Appropriations detailing planned uses of funds appropriated in this chapter, except for funds appropriated under the headings "International Disaster Assistance" and "Migration and Refugee Assistance".

(b) OBLIGATION REPORTS.—The Secretary of State, in consultation with the Administrator of

the United States Agency for International Development, and the Broadcasting Board of Governors, shall submit reports to the Committees on Appropriations not later than 90 days after enactment of this Act, and every 180 days thereafter until September 30, 2012, on obligations, expenditures, and program outputs and outcomes.

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except for funds appropriated under the headings “International Disaster Assistance” and “Migration and Refugee Assistance”.

AFGHANISTAN

SEC. 1004. (a) The terms and conditions of sections 1102(a), (b)(1), (c), and (d) of Public Law 111–32 shall apply to funds appropriated in this chapter that are available for assistance for Afghanistan.

(b) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” that are available for assistance for Afghanistan may be obligated only if the Secretary of State reports to the Committees on Appropriations that prior to the disbursement of funds, representatives of the Afghan national, provincial or local government, local communities and civil society organizations, as appropriate, will be consulted and participate in the design of programs, projects, and activities, and following such disbursement will participate in implementation and oversight, and progress will be measured against specific benchmarks.

(c)(1) Funds appropriated in this chapter may be made available for assistance for the Government of Afghanistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Afghanistan is—

(A) cooperating with United States reconstruction and reform efforts;

(B) demonstrating a commitment to accountability by removing corrupt officials, implementing fiscal transparency and other necessary reforms of government institutions, and facilitating active public engagement in governance and oversight of public resources; and

(C) respecting the internationally recognized human rights of Afghan women.

(2) If at any time after making the determination required in paragraph (1) the Secretary receives credible information that the factual basis for such determination no longer exists, the Secretary should suspend assistance and promptly inform the relevant Afghan authorities that such assistance is suspended until sufficient factual basis exists to support the determination.

(d) Funds appropriated in this chapter and in prior Acts that are available for assistance for Afghanistan may be made available to support reconciliation with, or reintegration of, former combatants only if the Secretary of State determines and reports to the Committees on Appropriations that—

(1) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and women’s internationally recognized human rights are protected in such process; and

(2) such funds will not be used to support any pardon, immunity from prosecution or amnesty, or any position in the Government of Afghanistan or security forces, for any leader of an armed group responsible for crimes against humanity, war crimes, or other violations of internationally recognized human rights.

(e) Funds appropriated in this chapter that are available for assistance for Afghanistan may be made available to support the work of the Independent Electoral Commission and the Electoral Complaints Commission in Afghanistan only if the Secretary of State determines and reports to the Committees on Appropriations that—

(1) the Independent Electoral Commission has no members or other employees who participated in, or helped to cover up, acts of fraud in the 2009 elections for president in Afghanistan, and the Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Afghanistan law as of December 31, 2009, and with no members appointed by the President of Afghanistan; and

(2) the central Government of Afghanistan has taken steps to ensure that women are able to exercise their rights to political participation, whether as candidates or voters.

(f)(1) Not more than 45 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a strategy to address the needs and protect the rights of Afghan women and girls, including planned expenditures of funds appropriated in this chapter, and detailed plans for implementing and monitoring such strategy.

(2) Such strategy shall be coordinated with and support the goals and objectives of the National Action Plan for Women of Afghanistan and the Afghan National Development Strategy and shall include a defined scope and methodology to measure the impact of such assistance.

(g)(1) Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) and requirements for awarding task orders under task and delivery order contracts under section 303J of such Act (41 U.S.C. 253j), the Secretary of State may award task orders for police training in Afghanistan under current Department of State contracts for police training.

(2) Any task order awarded under paragraph (1) shall be for a limited term and shall remain in performance only until a successor contract or contracts awarded by the Department of Defense using full and open competition have entered into full performance after completion of any start-up or transition periods.

PAKISTAN

SEC. 1005. (a) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Foreign Military Financing Program” and “Pakistan Counterinsurgency Capability Fund” shall be made available—

(1) in a manner that promotes unimpeded access by humanitarian organizations to detainees, internally displaced persons, and other Pakistani civilians adversely affected by the conflict; and

(2) in accordance with section 620J of the Foreign Assistance Act of 1961, and the Secretary of State shall inform relevant Pakistani authorities of the requirements of section 620J and of its application, and regularly monitor units of Pakistani security forces that receive United States assistance and the performance of such units.

(b)(1) Of the funds appropriated in this chapter under the heading “Economic Support Fund” for assistance for Pakistan, \$5,000,000 shall be made available through the Bureau of Democracy, Human Rights and Labor, Department of State, for human rights programs in Pakistan, including training of government officials and security forces, and assistance for human rights organizations.

(2) Not later than 90 days after enactment of this Act and prior to the obligation of funds

under this subsection, the Secretary of State shall submit to the Committees on Appropriations a human rights strategy in Pakistan including the proposed uses of funds.

(c) Of the funds appropriated in this chapter under the heading “Economic Support Fund” for assistance for Pakistan, up to \$1,500,000 should be made available to the Department of State and the United States Agency for International Development for the lease of aircraft to implement programs and conduct oversight in northwestern Pakistan, which shall be coordinated under the authority of the United States Chief of Mission in Pakistan.

IRAQ

SEC. 1006. (a) The uses of aircraft in Iraq purchased or leased with funds made available under the headings “International Narcotics Control and Law Enforcement” and “Diplomatic and Consular Affairs” in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the United States Chief of Mission in Iraq.

(b) The terms and conditions of section 1106(b) of Public Law 111–32 shall apply to funds made available in this chapter for assistance for Iraq under the heading “International Narcotics Control and Law Enforcement”.

(c) Of the funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Diplomatic and Consular Programs” and “Embassy Security, Construction, and Maintenance” for Afghanistan, Pakistan and Iraq, up to \$300,000,000 may, after consultation with the Committees on Appropriations, be transferred between, and merged with, such appropriations for activities related to security for civilian led operations in such countries.

HAITI

SEC. 1007. (a) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” that are available for assistance for Haiti may be obligated only if the Secretary of State reports to the Committees on Appropriations that prior to the disbursement of funds, representatives of the Haitian national, provincial or local government, local communities and civil society organizations, as appropriate, will be consulted and participate in the design of programs, projects, and activities, and following such disbursement will participate in implementation and oversight, and progress will be measured against specific benchmarks.

(b)(1) Funds appropriated in this chapter under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” may be made available for assistance for the Government of Haiti only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Haiti is—

(A) cooperating with United States reconstruction and reform efforts; and

(B) demonstrating a commitment to accountability by removing corrupt officials, implementing fiscal transparency and other necessary reforms of government institutions, and facilitating active public engagement in governance and oversight of public resources.

(2) If at any time after making the determination required in paragraph (1) the Secretary receives credible information that the factual basis for making such determination no longer exists, the Secretary should suspend assistance and

promptly inform the relevant Haitian authorities that such assistance is suspended until sufficient factual basis exists to support the determination.

(c)(1) Funds appropriated in this chapter for bilateral assistance for Haiti may be provided as direct budget support to the central Government of Haiti only if the Secretary of State reports to the Committees on Appropriations that the Government of the United States and the Government of Haiti have agreed, in writing, to clear and achievable goals and objectives for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended.

(2) The Secretary should suspend any such direct budget support to an implementing agency if the Secretary has credible evidence of misuse of such funds by any such agency.

(3) Any such direct budget support shall be subject to prior consultation with the Committees on Appropriations.

(d) Funds appropriated in this chapter that are made available for assistance for Haiti shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation and leadership of Haitian women and directly improves the security, economic and social well-being, and political status of Haitian women and girls.

(e) Funds appropriated in this chapter may be made available for assistance for Haiti notwithstanding any other provision of law, except for section 620J of the Foreign Assistance Act of 1961 and provisions of this chapter.

HAITI DEBT RELIEF

SEC. 1008. (a) For an additional amount for "Contribution to the Inter-American Development Bank", "Contribution to the International Development Association", and "Contribution to the International Fund for Agricultural Development", to cancel Haiti's existing debts and repayments on disbursements from loans committed prior to January 12, 2010, and for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank, to the extent separately authorized in this chapter, in furtherance of providing debt relief for Haiti in view of the Cancun Declaration of March 21, 2010, a total of \$212,000,000, to remain available until September 30, 2012.

(b) Up to \$40,000,000 of the amounts appropriated under the heading "Department of the Treasury, Debt Restructuring" in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be used to cancel Haiti's existing debts and repayments on disbursements from loans committed prior to January 12, 2010, to the Inter-American Development Bank, the International Development Association, and the International Fund for Agricultural Development, and for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank in furtherance of providing debt relief to Haiti in view of the Cancun Declaration of March 21, 2010.

HAITI DEBT RELIEF AUTHORITY

SEC. 1009. The Inter-American Development Bank Act, Public Law 86-147, as amended (22 U.S.C. 283 et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 40. AUTHORITY TO VOTE FOR AND CONTRIBUTE TO AN INCREASE IN RESOURCES OF THE FUND FOR SPECIAL OPERATIONS; PROVIDING DEBT RELIEF TO HAITI.

"(a) VOTE AUTHORIZED.—In accordance with section 5 of this Act, the United States Governor of the Bank is authorized to vote in favor of a resolution to increase the resources of the Fund for Special Operations up to \$479,000,000, in fur-

therance of providing debt relief for Haiti in view of the Cancun Declaration of March 21, 2010, which provides that:

"(1) Haiti's debts to the Fund for Special Operations are to be cancelled;

"(2) Haiti's remaining local currency conversion obligations to the Fund for Special Operations are to be cancelled;

"(3) undisbursed balances of existing loans of the Fund for Special Operations to Haiti are to be converted to grants; and

"(4) the Fund for Special Operations is to make available significant and immediate grant financing to Haiti as well as appropriate resources to other countries remaining as borrowers within the Fund for Special Operations, consistent with paragraph 6 of the Cancun Declaration of March 21, 2010.

"(b) CONTRIBUTION AUTHORITY.—To the extent and in the amount provided in advance in appropriations Acts the United States Governor of the Bank may, on behalf of the United States and in accordance with section 5 of this Act, contribute up to \$252,000,000 to the Fund for Special Operations, which will provide for debt relief of:

"(1) up to \$240,000,000 to the Fund for Special Operations;

"(2) up to \$8,000,000 to the International Fund For Agricultural Development (IFAD); and

"(3) up to \$4,000,000 for the International Development Association (IDA).

"(c) AUTHORIZATION OF APPROPRIATIONS.—To pay for the contribution authorized under subsection (b), there are authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury \$212,000,000, for the United States contribution to the Fund for Special Operations."

MEXICO

SEC. 1010. (a) For purposes of funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading "International Narcotics Control and Law Enforcement" that are made available for assistance for Mexico, the provisions of paragraphs (1) through (3) of section 7045(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8) shall apply and the report required in paragraph (1) shall be based on a determination by the Secretary of State of compliance with each of the requirements in paragraph (1)(A) through (D).

(b) Funds appropriated in this chapter under the heading "International Narcotics Control and Law Enforcement" that are available for assistance for Mexico may be made available only after the Secretary of State submits a report to the Committees on Appropriations detailing a coordinated, multi-year, interagency strategy to address the causes of drug-related violence and other organized criminal activity in Central and South America, Mexico, and the Caribbean, which shall describe—

(1) the United States multi-year strategy for the region, including a description of key challenges in the source, transit, and demand zones; the key objectives of the strategy; and a detailed description of outcome indicators for measuring progress toward such objectives;

(2) the integration of diplomatic, administration of justice, law enforcement, civil society, economic development, demand reduction, and other assistance to achieve such objectives;

(3) progress in phasing out law enforcement activities of the militaries of each recipient country, as applicable; and

(4) governmental efforts to investigate and prosecute violations of internationally recognized human rights.

(c) Of the funds appropriated in this chapter under the heading "Diplomatic and Consular

Programs", up to \$5,000,000 may be made available for armored vehicles and other emergency diplomatic security support for United States Government personnel in Mexico.

EL SALVADOR

SEC. 1011. Of the funds appropriated in this chapter under the heading "Economic Support Fund", \$25,000,000 shall be made available for necessary expenses for emergency relief and reconstruction assistance for El Salvador related to Hurricane/Tropical Storm Ida.

DEMOCRATIC REPUBLIC OF THE CONGO

SEC. 1012. Of the funds appropriated in this chapter under the heading "Economic Support Fund", \$15,000,000 shall be made available for necessary expenses for emergency security and humanitarian assistance for civilians, particularly women and girls, in the eastern region of the Democratic Republic of the Congo.

INTERNATIONAL SCIENTIFIC COOPERATION

SEC. 1013. Funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for science and technology centers in the former Soviet Union may be used to support productive, non-military projects that engage scientists and engineers who have no weapons background, but whose competence could otherwise be applied to weapons development, provided such projects are executed through existing science and technology centers and notwithstanding sections 503 and 504 of the FREEDOM Support Act (Public Law 102-511), and following consultation with the Committees on Appropriations, the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

INTERNATIONAL RENEWABLE ENERGY AGENCY

SEC. 1014. For fiscal year 2011 and thereafter, the President is authorized to accept the statute of, and to maintain membership of the United States in, the International Renewable Energy Agency, and the United States' assessed contributions to maintain such membership may be paid from funds appropriated for "Contributions to International Organizations".

OFFICE OF INSPECTOR GENERAL PERSONNEL

SEC. 1015. (a) Funds appropriated in this chapter for the United States Agency for International Development Office of Inspector General (OIG) may be made available to contract with United States citizens for personal services when the Inspector General determines that the personnel resources of the OIG are otherwise insufficient.

(1) Not more than 5 percent of the OIG personnel (determined on a full-time equivalent basis), as of any given date, are serving under personal services contracts.

(2) Contracts under this paragraph shall not exceed a term of 2 years unless the Inspector General determines that exceptional circumstances justify an extension of up to 1 additional year, and contractors under this paragraph shall not be considered employees of the Federal Government for purposes of title 5, United States Code, or members of the Foreign Service for purposes of title 22, United States Code.

(b)(1) The Inspector General may waive subsections (a) through (d) of section 8344, and subsections (a) through (e) of section 8468 of title 5, United States Code, and subsections (a) through (d) of section 4064 of title 22, United States Code, on behalf of any re-employed annuitant serving in a position within the OIG to facilitate the assignment of persons to positions in Iraq, Pakistan, Afghanistan, and Haiti or to positions vacated by members of the Foreign Service assigned to those countries.

(2) The authority provided in paragraph (1) shall be exercised on a case-by-case basis for positions for which there is difficulty recruiting or retaining a qualified employee or to address a temporary emergency hiring need, individuals employed by the OIG under this paragraph shall not be considered employees for purposes of subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title, and the authorities of the Inspector General under this paragraph shall terminate on October 1, 2012.

AUTHORITY TO REPROGRAM FUNDS

SEC. 1016. Of the funds appropriated by this chapter for assistance for Afghanistan, Iraq and Pakistan, up to \$100,000,000 may be made available pursuant to the authority of section 451 of the Foreign Assistance Act of 1961, as amended, for assistance in the Middle East and South Asia regions if the President finds, in addition to the requirements of section 451 and certifies and reports to the Committees on Appropriations, that exercising the authority of this section is necessary to protect the national security interests of the United States: Provided, That the Secretary of State shall consult with the Committees on Appropriations prior to the reprogramming of such funds, which shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the funding limitation otherwise applicable to section 451 of the Foreign Assistance Act of 1961 shall not apply to this section: Provided further, That the authority of this section shall expire upon enactment of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2011.

SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION

(INCLUDING RESCISSION)

SEC. 1017. (a) Of the funds appropriated under the heading "Department of State, Administration of Foreign Affairs, Office of Inspector General" and authorized to be transferred to the Special Inspector General for Afghanistan Reconstruction in title XI of Public Law 111-32, \$7,200,000 are rescinded.

(b) For an additional amount for "Department of State, Administration of Foreign Affairs, Office of Inspector General" which shall be available for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight in Afghanistan, \$7,200,000, and shall remain available until September 30, 2011.

CHAPTER 11

DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

Of the amounts provided for Safety Belt Performance Grants in Public Law 111-117, \$15,000,000 shall be available to pay for expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109-59 and chapter 301 and part C of subtitle VI of title 49, United States Code, and for the planning or execution of programs authorized under section 403 of title 23, United States Code: Provided, That such funds shall be available until September 30, 2011, and shall be in addition to the amount of any limitation imposed on obligations in fiscal year 2011.

Of the amounts made available for Safety Belt Performance Grants under section 406 of title 23, United States Code, \$25,000,000 in unobligated balances are permanently rescinded: Provided, That section 3002 shall not apply to the amounts under this heading.

CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM (RESCISSION)

Of the amounts made available for the Consumer Assistance to Recycle and Save Program, \$44,000,000 in unobligated balances are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT COMMUNITY DEVELOPMENT FUND

For an additional amount for the "Community Development Fund", for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas affected by severe storms and flooding from March 2010 through May 2010 for which the President declared a major disaster covering an entire State or States with more than 20 counties declared major disasters under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, \$100,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93-383): Provided, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: Provided further, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: Provided further, That funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: Provided further, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State or subdivision thereof under the Community Development Fund: Provided further, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: Provided further, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: Provided further, That the Secretary shall obligate to a State or subdivision thereof not less than 50 percent of the funding provided under this heading within 90 days after the enactment of this Act.

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount, in addition to amounts provided elsewhere in this Act, for

"Economic Development Assistance Programs", to carry out planning, technical assistance and other assistance under section 209, and consistent with section 703(b), of the Public Works and Economic Development Act (42 U.S.C. 3149, 3233), in States affected by the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$5,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount, in addition to amounts provided elsewhere in this Act, for "Operations, Research, and Facilities", \$13,000,000, to remain available until expended, for responding to economic impacts on fishermen and fishery-dependent businesses: Provided, That the amounts appropriated herein are not available unless the Secretary of Commerce determines that resources provided under other authorities and appropriations including by the responsible parties under the Oil Pollution Act, 33 U.S.C. 2701, et seq., are not sufficient to respond to economic impacts on fishermen and fishery-dependent business following an incident related to a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605).

For an additional amount, in addition to amounts provided elsewhere in this Act, for "Operations, Research, and Facilities", for activities undertaken including scientific investigations and sampling as a result of the incidents related to the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$7,000,000, to remain available until expended. These activities may be funded through the provision of grants to universities, colleges and other research partners through extramural research funding.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for the "Salaries and Expenses", Food and Drug Administration, Department of Health and Human Services, for food safety monitoring and response activities in connection with the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$2,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Office of the Secretary, Salaries and Expenses" for increased inspections, enforcement, investigations, environmental and engineering studies, and other activities related to emergency offshore oil spill incidents in the Gulf of Mexico, \$29,000,000, to remain available until expended: Provided, That such funds may be transferred by the Secretary to any other account in the Department of the Interior to carry out the purposes provided herein.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", \$10,000,000,

to remain available until expended, for litigation expenses resulting from incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon.

ENVIRONMENTAL PROTECTION AGENCY SCIENCE AND TECHNOLOGY

For an additional amount for “Science and Technology” for a study on the potential human and environmental risks and impacts of the release of crude oil and the application of dispersants, surface washing agents, bioremediation agents, and other mitigation measures listed in the National Contingency Plan Product List (40 C.F.R. Part 300 Subpart J), as appropriate, \$2,000,000, to remain available until expended: Provided, That the study shall be performed at the direction of the Administrator of the Environmental Protection Agency, in coordination with the Secretary of Commerce and the Secretary of the Interior: Provided further, That the study may be funded through the provision of grants to universities and colleges through extramural research funding.

GENERAL PROVISION—THIS TITLE DEEPWATER HORIZON

SEC. 2001. Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence:

(1) by inserting “: (1)” before “may obtain an advance” and after “the Coast Guard”;

(2) by striking “advance. Amounts” and inserting the following: “advance; (2) in the case of discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain one or more advances from the Oil Spill Liability Trust Fund as needed, up to a maximum of \$100,000,000 for each advance, the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 9509(c)(2)), and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance; and (3) amounts”.

PROHIBITION ON FINES AND LIABILITY

SEC. 2002. None of the funds made available by this Act shall be used to levy against any person any fine, or to hold any person liable for construction or renovation work performed by the person, in any State under the final rule entitled “Lead; Renovation, Repair, and Painting Program; Lead Hazard Information Pamphlet; Notice of Availability; Final Rule” (73 Fed. Reg. 21692 (April 22, 2008)), and the final rule entitled “Lead; Amendment to the Opt-out and Record-keeping Provisions in the Renovation, Repair, and Painting Program” signed by the Administrator on April 22, 2010.

RIGHT-OF-WAY

SEC. 2003. (a) Notwithstanding any other provision of law, the Secretary of the Interior shall—

(1) not later than 30 days after the date of enactment of this Act, amend Right-of-Way Grants No. NVN-49781/IDI-26446/NVN-85211/NVN-85210 of the Bureau of Land Management to shift the 200-foot right-of-way for the 500-kilovolt transmission line project to the alignment depicted on the maps entitled “Southwest Intertie Project” and dated December 10, 2009, and May 21, 2010, and approve the construction, operation and maintenance plans of the project; and

(2) not later than 90 days after the date of enactment of this Act, issue a notice to proceed with construction of the project in accordance with the amended grants and approved plans described in paragraph (1).

(b) Notwithstanding any other provision of law, the Secretary of Energy may provide or fa-

cilitate federal financing for the project described in subsection (a) under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115) or the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), based on the comprehensive reviews and consultations performed by the Secretary of the Interior.

FUNDING FOR ENVIRONMENTAL AND FISHERIES IMPACTS

SEC. 2004. (1) FISHERIES DISASTER RELIEF.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, \$15,000,000 to be available to provide fisheries disaster relief under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a) related to a commercial fishery failure due to a fishery resource disaster in the Gulf of Mexico that resulted from the Deepwater Horizon oil discharge.

(2) EXPANDED STOCK ASSESSMENT OF FISHERIES.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, \$10,000,000 to conduct an expanded stock assessment of the fisheries of the Gulf of Mexico. Such expanded stock assessment shall include an assessment of the commercial and recreational catch and biological sampling, observer programs, data management and processing activities, the conduct of assessments, and follow-up evaluations of such fisheries.

(3) ECOSYSTEM SERVICES IMPACTS STUDY.—For an additional amount, in addition to other amounts provided for the Department of Commerce, \$1,000,000 to be available for the National Academy of Sciences to conduct a study of the long-term ecosystem service impacts of the Deepwater Horizon oil discharge. Such study shall assess long-term costs to the public of lost water filtration, hunting, and fishing (commercial and recreational), and other ecosystem services associated with the Gulf of Mexico.

(4) IN GENERAL.—Of the amounts appropriated or made available under division B, title I of Public Law 111-117 that remain unobligated as of the date of the enactment of this Act under Procurement, Acquisition, and Construction for the National Oceanic and Atmospheric Administration, \$26,000,000 of the amounts appropriated are hereby rescinded.

TITLE III

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 3001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 3002. Unless otherwise specified, each amount in this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 3003. (a) Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. §§1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

(b) Section 3002 shall not apply to this section.

SEC. 3004. (a) Public Law 111-88, the Interior, Environment, and Related Agencies Appropriations Act, 2010, is amended under the heading “Office of the Special Trustee for American Indians” by—

(1) striking “\$185,984,000” and inserting “\$176,984,000”; and

(2) striking “\$56,536,000” and inserting “\$47,536,000”.

(b) Section 3002 shall not apply to the amounts in this section.

SEC. 3005. Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105-312) is amended by striking “2008” and inserting “2011”.

SEC. 3006. For fiscal years 2010 and 2011—

(1) the National Park Service Recreation Fee Program account may be available for the cost of adjustments and changes within the original scope of contracts for National Park Service projects funded by Public Law 111-5 and for associated administrative costs when no funds are otherwise available for such purposes;

(2) notwithstanding section 430 of division E of Public Law 111-8 and section 444 of Public Law 111-88, the Secretary of the Interior may utilize unobligated balances for adjustments and changes within the original scope of projects funded through division A, title VII, of Public Law 111-5 and for associated administrative costs when no funds are otherwise available;

(3) the Secretary of the Interior shall ensure that any unobligated balances utilized pursuant to paragraph (2) shall be derived from the bureau and account for which the project was funded in Public Law 111-5; and

(4) the Secretary of the Interior shall consult with the Committees on Appropriations prior to making any charges authorized by this section.

SEC. 3007. (a) Section 205(d) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2304(d)) is amended by striking “10 years” and inserting “11 years”.

(b) Section 3002 shall not apply to this section.

SEC. 3008. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading “STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE” under the heading “OFFICE OF JUSTICE PROGRAMS” under the heading “STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES” under title II of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to Genesee County, Michigan for assistance for individuals transitioning from prison in Genesee County, Michigan pursuant to the joint statement of managers accompanying that Act may be made available to My Brother's Keeper of Genesee County, Michigan to provide assistance for individuals transitioning from prison in Genesee County, Michigan.

SEC. 3009. Section 159(b)(2)(C) of title I of division A of the Consolidated Appropriations Act, 2010 (49 U.S.C. 24305 note) is amended by striking clauses (i) and (ii) and inserting the following:

“(i) requiring inspections of any container containing a firearm or ammunition; and

“(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains.”.

PUBLIC AVAILABILITY OF CONTRACTOR INTEGRITY AND PERFORMANCE DATABASE

SEC. 3010. Section 872(e)(1) of the Clean Contracting Act of 2008 (subtitle G of title VIII of Public Law 110-417; 41 U.S.C. 417b(e)(1)) is amended by adding at the end the following: “In addition, the Administrator shall post all such information, excluding past performance

reviews, on a publicly available Internet website.”.

ASSESSMENTS ON GUANTANAMO BAY DETAINEES

SEC. 3011. (a) **SUBMISSION OF INFORMATION RELATED TO DISPOSITION DECISIONS.**—Not later than 45 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the participants of the interagency review of Guantanamo Bay detainees conducted pursuant to Executive Order 13492 (10 U.S.C. 801 note), shall fully inform the congressional intelligence committees concerning the basis for the disposition decisions reached by the Guantanamo Review Task Force, and shall provide to the congressional intelligence committees—

(1) the written threat analyses prepared on each detainee by the Guantanamo Review Task Force established pursuant to Executive Order 13492; and

(2) access to the intelligence information that formed the basis of any such specific assessments or threat analyses.

(b) **FUTURE SUBMISSIONS.**—In addition to the analyses, assessments, and information required under subsection (a) and not later than 10 days after the date that a threat assessment described in subsection (a) is disseminated, the Director of National Intelligence shall provide to the congressional intelligence committees—

(1) any new threat assessment prepared by any element of the intelligence community of a Guantanamo Bay detainee who remains in detention or is pending release or transfer; and

(2) access to the intelligence information that formed the basis of such threat assessment.

(c) **CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.**—In this section, the term “congressional intelligence committees” has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

SEC. 3012. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading “STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE” under the heading “OFFICE OF JUSTICE PROGRAMS” under the heading “STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES” under title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to the Marcus Institute, Atlanta, Georgia, to provide remediation for the potential consequences of childhood abuse and neglect, pursuant to the joint statement of managers accompanying that Act, may be made available to the Georgia State University Center for Healthy Development, Atlanta, Georgia.

COASTAL IMPACT ASSISTANCE

SEC. 3013. Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended by adding at the end the following:

“(e) **EMERGENCY FUNDING.**—

“(1) **IN GENERAL.**—In response to a spill of national significance under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), at the request of a producing State or coastal political subdivision and notwithstanding the requirements of part 12 of title 43, Code of Federal Regulations (or a successor regulation), the Secretary may immediately disburse funds allocated under this section for 1 or more individual projects that are—

“(A) consistent with subsection (d); and

“(B) specifically designed to respond to the spill of national significance.

“(2) **APPROVAL BY SECRETARY.**—The Secretary may, in the sole discretion of the Secretary, approve, on a project by project basis, the immediate disbursement of the funds under paragraph (1).

“(3) **STATE REQUIREMENTS.**—

“(A) **ADDITIONAL INFORMATION.**—If the Secretary approves a project for funding under this subsection that is included in a plan previously approved under subsection (c), not later than 90 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary any additional information that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

“(B) **AMENDMENT TO PLAN.**—If the Secretary approves a project for funding under this subsection that is not included in a plan previously approved under subsection (c), not later than 90 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary for approval an amendment to the plan that includes any projects funded under paragraph (1), as well as any information about such projects that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

“(C) **LIMITATION.**—If a producing State or coastal political subdivision does not submit the additional information or amendments to the plan required by this paragraph, or if, based on the information submitted by the Secretary determines that the project is not in compliance with subsection (d), by the deadlines specified in this paragraph, the Secretary shall not disburse any additional funds to the producing State or the coastal political subdivisions until the date on which the additional information or amendment to the plan has been approved by the Secretary.”.

This Act may be cited as the “Supplemental Appropriations Act, 2010”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 4899.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I have a double and conflicting obligation on this matter. As chairman of the committee, I have an obligation to this House to bring this war supplemental before the House to allow this institution to work its will. But I also have the obligation of my conscience to indicate by my individual vote my profound skepticism that this action will accomplish much more than to serve as a recruiting incentive for those who most want to do us ill.

Last year, as the administration was undertaking its Afghanistan review, I expressed my concern that the best policy in the world could not succeed if we did not have the tools on the ground, namely, the effective cooperation of the governments of Afghanistan and Pakistan, to accomplish it. I submit today that those critical tools are not at hand.

The Afghan Government has not demonstrated the focused determination, reliability, and judgment necessary to bring this effort to a rational and successful conclusion. Even if we could have greater confidence in that government's capacity, it would likely take so long that it will obliterate our ability to make the kinds of long-term investments in our own country that are so desperately needed.

We have appropriated over \$1 trillion for the wars in Iraq and Afghanistan to date, more than \$700 billion to Iraq and \$300 billion for Afghanistan. These wars have been paid for with borrowed money. What's happened with this bill is a good indication of the tensions in the false choices that we face. The bill started in March as a domestic disaster relief and youth summer jobs bill, and the Senate added war funding. Then we tried to do something about other emergencies this year, such as the loss of more than 100,000 teachers' jobs because of devastating State and local budget cuts, border security vulnerabilities, and a shortfall in Pell Grant funding because more students qualify for aid due to the economic recession.

The House tried to fund those emergencies, which were largely paid for with offsets to other programs, but now, true to form, virtually everything we've attempted to do this year to address the economic crisis and emergencies on the domestic side of the ledger has fallen by the wayside. And on the current course, we will face the very same situation again next year and the following year as well.

Military experts tell us that it could take up to 10 more years to achieve any acceptable outcome in Afghanistan. We've already been there 9 years. I believe that is too high a price to pay. Now, to those who say we must pay it because we're going after al Qaeda, I would note that Afghanistan is where al Qaeda used to be. Today, there are fewer than 100 al Qaeda in Afghanistan, which was publicly confirmed last month by CIA Chief Panetta. Al Qaeda has relocated to other countries and regions.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBEY. I yield myself 1 additional minute.

I have the highest respect and appreciation for our troops who have done everything asked of them, but they are being let down by the inability of the governments of Afghanistan and, in some instances, Pakistan to do their parts. I would be willing to support additional war funding provided that Congress would vote up or down explicitly on whether or not to continue this policy after a new National Intelligence Estimate is produced. But absent that discipline, I cannot look my constituents in the eye and say that this operation will hurt our enemies more than it hurts us, and so I will reluctantly vote “no.”

I reserve the balance of my time.

Mr. LEWIS of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, our first job as Members of Congress is to support our troops, the men and women who are in harm's way protecting our country. It has been 6 months since the President sent the supplemental funding request to the Congress. The package we're considering today is, ironically, the very same clean emergency spending package the Senate approved on May 27, precisely 2 months ago. The delay in passing this legislation was caused by one thing and only one thing: the House Democratic leadership majority's continuing and unwavering appetite for spending.

The Senate passed its clean version of the supplemental in May and sent it to the House for speedy approval. Instead of quickly passing it and sending it to the President's desk, however, House Democrats spent weeks negotiating with themselves over just how much nonemergency spending could be placed on the backs of our troops.

Senate Democrats and the White House sent strong signals that adding billions in domestic nonemergency spending would further delay funding for our troops as well as critical disaster assistance to areas of our country in desperate need, but that advice was ignored by the House majority. Fortunately, the Senate, last week, wisely rejected the House majority's effort to piggyback tens of billions of dollars of additional spending onto the package. The Senate has sent back to the House the very same clean emergency supplemental it sent 2 months ago. Today, the House must do the right thing and approve this funding. We cannot afford to wait another minute to get this long overdue package to the President.

I applaud the Senate for rejecting billions of dollars of nonemergency spending placed on the backs of the troops. Let's support our men and women in uniform, support disaster assistance for areas of the country in great need, and pass this spending bill.

I urge an "aye" vote, and I reserve the balance of my time.

Mr. OBEY. Madam Speaker, I yield 3 minutes to the distinguished chair of the Defense Appropriations Subcommittee, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Madam Speaker, I rise in strong support of the supplemental. The Under Secretary of Defense, Mr. Hale, advises that the operation and maintenance accounts will begin to exhaust available obligation authority in early August. The Under Secretary has made it very clear that we have to get this funding enacted.

The Senate bill includes \$32.8 billion, \$352 million below the President's request for operations, personnel costs, and equipment reconstitution related

to overseas contingency operations in Iraq and Afghanistan, and for emergency relief activities related to the earthquake relief.

□ 1050

The bill includes funding in the following major categories:

For military personnel, \$1.8 billion;

For operations and maintenance, the bill includes \$24.6 billion;

Also, for the Afghanistan-Iraq Security Forces Fund, the bill includes requested funds of \$2.6 billion for the Afghan Forces Fund and \$1 billion for the Iraq Security Readiness programs;

The bill funds key readiness programs to prepare military forces for combat operations and other missions, including for OPTEMPO flying hours, steaming days, depot maintenance, training, spare parts, and base operations;

Regarding troop expansion in Afghanistan, the bill fully funds additional units to support the troop expansion in Afghanistan;

The bill provides \$50 million for the Department of Defense to transfer to the Department of Transportation for port activities in Guam;

It also reimburses \$72.5 million to the Navy for emergency flood repairs;

The bill includes \$4.9 billion for procurement. This would include aircraft-vehicle force protection and other equipment;

For research, development, test, and evaluation, the bill provides \$273.7 million for R, D, T, and E, which is a few million below the President's request;

Regarding the Revolving Management Fund, the bill would provide \$1.1 billion for defense work and capital funds. It would also provide \$33.4 million for the defense health program. The bill includes \$94 million for drug interdiction and counterdrug activities in Afghanistan, Pakistan, and Central Asia;

For the Joint Improvised Explosive Device, that money from JIEDDO would be transferred to the Army.

I just think it is clear that we have got to pass this bill today, this supplemental, and get this behind us as we move on to the 2011 bill. As stated, the Secretary and the comptroller pointed out that, by mid-August, we will start running out of funds for key crucial accounts, and they will have to start making adjustments that will be ridiculous, so we must get this done today.

Mr. LEWIS of California. Madam Speaker, I yield 3 minutes to our leader on the Homeland Security subcommittee, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I thank the gentleman for yielding.

Madam Speaker, while there should be no higher priority for Congress than to provide for our common defense, the Democrats have chosen to delay, abuse, and exploit this wartime funding bill—

no committee markup, the circumvention of regular order, and the exploitation of our national security needs in order to bail out the special interests. Perhaps most disturbing is the inexplicable 6-month delay that has kept our brave troops waiting far too long.

Madam Speaker, the sheer criticality of this war and disaster supplemental should transcend the inconvenience of election year politics. Sadly, that is not the case this year. This episode in political futility has brought us right back to where we should have been all along—funding our critical needs with a clean bill. Because of this calamitous process, we leave a glaring omission—failing to address the President's recently requested enhancements to border security and to fight the murderous drug war.

While I intend to support this vital bill, I must emphatically state that abusing the process and failing to deliver on our country's emergency needs is a failure of leadership of the highest order. The American people deserve much better.

Mr. OBEY. I yield 2 minutes to the chairwoman of the Foreign Operations Appropriations Subcommittee, the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Madam Speaker, I rise in support of providing urgently needed funds for our troops and diplomats to address the most pressing international crisis.

This bill provides approximately \$3.7 billion for State Department operations and assistance programs in Afghanistan, Pakistan, and Iraq, which are critical, not to continue war but to execute the President's strategy to bring home our troops.

My subcommittee is addressing serious concerns about the oversight of our assistance in Afghanistan. The administration must expend every dime of these funds responsibly and efficiently to advance our security interests.

An additional \$1.8 billion will aid recovery efforts in Haiti where 1,450,000 people remain displaced and struggle daily to survive. Other international assistance includes \$175 million for Mexico for counternarcotics programs and \$150 million in economic and military assistance for Jordan, an important ally facing increased economic and security pressures.

While I am pleased this bill includes an increased responsibility for airlines to check passenger lists against the TSA's issued No Fly List to prevent continued air security breakdowns, I am deeply disappointed it has been stripped of funding to help prevent teacher layoffs—an emergency in our districts. I hope the House will provide additional funds to preserve and create jobs in the coming months to continue our economic recovery.

Mr. LEWIS of California. Madam Speaker, I yield 3 minutes to our leader

on the Armed Services Committee, the gentleman from California, BUCK MCKEON.

Mr. MCKEON. I thank the gentleman for yielding.

Madam Speaker, I rise today in strong support of the long delayed troop funding supplemental. The failure to pass this supplemental before the August work period would result in severe consequences to our military departments.

Last Thursday, Undersecretaries of the Army, Navy, and Air Force testified at our committee that, without this supplemental, their services will be dangerously close to the point of having to furlough Department of Defense employees. According to Robert Work, Undersecretary of the Navy, the failure to pass the supplemental before the recess would "hamstring the department's operations for the remainder of the year and significantly disrupt operations within the department."

Madam Speaker, these are departments at war. The President sent us his troop funding request in February. Our former commander in Afghanistan, General McChrystal, urged its passage by Memorial Day. Secretary of Defense Robert Gates said if the supplemental were not passed by the Fourth of July recess, the department would have to resort to doing stupid things. Now we are 60 days past Memorial Day.

Those of us here in Congress cannot lose sight of the broader perspective. Our brave military men and women and their civilian counterparts are in the midst of a tough fight that is critical to U.S. national security. Cutting off their funding in the middle of that fight is tantamount to abandonment. I have confidence that General Petraeus and our troops will succeed in Afghanistan if given the time, space, and resources they need to complete their mission.

In December and again when we tapped General Petraeus, the President reminded us of why we are in Afghanistan. It was the epicenter of where al Qaeda planned and launched the 9/11 attacks against innocent Americans. The timeline for success in Afghanistan can not be dictated by arbitrary political clocks here in Washington. It must be driven by the operational clock in Kabul, Kandahar, and the Afghan countryside. We all hope and pray that this goal can be accomplished by July 2011, but conditions on the ground must dictate the pace of any withdrawal.

The Democratic leadership in the House has tried to advance their domestic political agenda on the backs of our forces while at the same time permitting one antiwar measure after another to be debated on the House floor. This is cynical and wrong.

A vote on a clean troop funding bill is long overdue. We should have accomplished this work months ago, not in

the last minutes before we adjourn for the August work period. We must send this troop funding to the President without further delay. I encourage all Members to send a clear message to our military men and women by supporting this critical troop funding bill.

This Congress believes in you. We support you and we honor your dedication.

□ 1100

Mr. OBEY. I yield 2 minutes to the distinguished gentleman from Texas (Mr. EDWARDS), the chairman of the Military Construction Subcommittee.

Mr. EDWARDS of Texas. Madam Speaker, I rise today in strong support of this bill which will provide our service men and women the vital support they need to carry out their missions in Afghanistan and Iraq. This bill also strongly supports America's veterans by including \$13.4 billion in funds for Vietnam veterans exposed to agent orange. And I thank Chairman OBEY for his strong support of this provision.

Last October VA Secretary Shinseki announced that the VA had found linkages between agent orange and three additional diseases, Parkinson's disease, ischemic heart disease and B cell leukemia. This presumption allows veterans who served in the Vietnam War and who have these diseases to have these benefits expedited.

Rick Weidman, director of government relations at the Vietnam Veterans of America, says this bill "provides some measure of justice to these very ill Vietnam veterans and their families by making the funds available for vitally needed health care and just compensation to replace their lost earnings due to these illnesses."

Passage of this bill, Madam Speaker, would mean that 86,000 Vietnam veterans or their survivors, at long last, who were previously denied disability compensation, would now be eligible for retroactive payments. In addition, the VA anticipates that approximately 67,400 new claims will be filed.

It is important that we pass this bill in support of both our active duty service men and women and our veterans to send a clear message that our country is grateful for those who serve today and will never forget those who served in years past.

I urge swift passage of this bill.

Mr. LEWIS of California. Madam Speaker, I reserve the balance of my time.

Mr. OBEY. I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the distinguished chairman of the Armed Services Committee.

Mr. SKELTON. Madam Speaker, today we take a vital step toward fulfilling one of Congress' most basic and important responsibilities. We will provide the men and women of the United States military with the resources they need to carry out their missions

in Iraq and Afghanistan, missions for which they are risking their lives.

While I wish we would have been able to send a bill to the President sooner, passage of this bill today will ensure that funding is provided to the Department of Defense without any operational disruptions.

Without this bill, the Department of Defense would be forced to use inefficient and costly budget workarounds throughout the month of August. According to testimony the Armed Services Committee received last week, without this bill the Department of Defense would be forced in September to furlough thousands of civilian employees and would even be forced to reprogram funding to pay the troops.

Instead, by passing this bill today on a strong bipartisan vote, we can uphold the best traditions of Congress in support of our national security.

Mr. LEWIS of California. Madam Speaker, I have no further requests for time, and I continue to reserve the balance of my time.

Mr. OBEY. I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MCGOVERN), a key member of the Rules Committee.

Mr. MCGOVERN. I thank Chairman OBEY for yielding me the time and for his incredible leadership on so many issues.

Madam Speaker, after nearly 10 years, thousands of American troops killed or wounded, and hundreds of billions of dollars of borrowed money, I believe we must radically change our policy in Afghanistan.

Of all the disturbing things in the recent Rolling Stone article about this war, the most disturbing was this: a senior adviser to General McChrystal said that if the American people paid more attention to the war, it would become even less popular.

Well, after seeing the documents published yesterday, it's clear what he was talking about: corruption and incompetence in the Afghan Government, questions about the role of the Pakistani intelligence services.

Madam Speaker, the same old same old is simply not working, and it's costing us dearly. At a time when the American people are suffering through the worst economy in generations, we're told that we can't afford to extend unemployment benefits. We're told that we can't afford to help States keep cops on the beat or teachers in the classroom. We're told we can't afford to help more families send their kids to college.

But today, we're asked to borrow another \$33 billion for nation-building in Afghanistan.

Well, with all due respect, Madam Speaker, I think we need to do some more nation-building here at home.

All of us are dedicated to defeating al Qaeda wherever they are, but our current policy in Afghanistan is deeply

flawed. Occupying Afghanistan in support of a corrupt and incompetent government will continue to claim the lives of our soldiers. It will continue to bankrupt us, and it will not enhance our national security.

This is not just the President's war. It's our war too. Congress has an obligation to ask the tough questions and demand straight answers. We must not simply kick the can down the road and hope for the best.

Our troops and their families have made incredible sacrifices. They deserve a policy worthy of those sacrifices. It is a mistake to give this administration yet another blank check for this war.

I urge my colleagues to vote "no" on this bill and make it clear that Congress demands a different approach.

Mr. OBEY. I yield 1 minute to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Wikileaks released 92,000 previously secret documents, totaling 200,000 pages, any one of which could conceivably be a case for a congressional hearing, which demonstrate that Congress has not been given a true account of the war by either the military or by two administrations. It would be good if Congress had announced hearings once WikiLeaks documents came forward.

But what we've learned is this: our troops are being placed in mortal peril because of poor logistics, countless innocent civilians killed by mistake, an Afghanistan Government which is hopelessly corrupt, Pakistan intelligence collaborating with the Taliban against the U.S., the Pentagon understating the fire power of the insurgents, a top Pakistani general visiting a suicide bombing school monthly.

Will we go deeper in this war in Afghanistan despite an abundance of information that it's time to get out?

We need to make the decision now. Today, vote against the supplemental.

Mr. OBEY. I yield 2 minutes to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE of California. I thank the gentleman for yielding and for his leadership.

Madam Speaker, less than a month ago Congress finally began the debate on the war in Afghanistan that should have really been held 9 years ago.

While evidence continues to mount that our military engagement in Afghanistan has become a quagmire of corruption and ill-defined objectives, the bill under consideration will provide, if you can believe this, another \$37 billion for the wars in Afghanistan and Iraq that have already cost this Nation more than \$1 trillion.

Congress cannot continue to write a blank check for a war in Afghanistan that has ultimately made our country less safe. Our brave men and women in uniform have been put in an impossible

situation in Afghanistan where there is no military solution.

It is time to provide funding for only their safe and orderly withdrawal. No more funding for combat operations.

It's a shame and disgrace that we cannot support justice long overdue for black farmers, or youth employment programs, or teachers, firefighters and police officers who need their jobs, or temporary assistance for needed families.

The Congressional Black Caucus continues to fight for jobs here in our own country. Let's not spend another dollar to escalate America's longest war. The costs of this war are too enormous in blood and treasure.

I urge my colleagues to stand in opposition to a policy of war without end, and vote against this bill, and really begin to look at our priorities and our own country.

Yes, we need to help continue to stabilize, actually, regionally, in terms of Afghanistan and the Middle East and the wars that our young men and women have served in so well. But, no, we cannot continue to do it in the way that we have done it. And so I respectfully ask for a "no" vote.

It's time to change direction in Afghanistan. It's time to vote for jobs in our own country.

□ 1110

Mr. LEWIS of California. I continue to reserve the balance of my time.

Mr. OBEY. I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished chairman.

Having recently returned from Afghanistan, I can say to you that our soldiers are resilient, and the people of Afghanistan are looking for their government to provide them with the leadership and the resources to improve their quality of life. But our plan is not working.

And now that we have two of our trusted and wonderful naval personnel missing, and we realize that this is a place that needs a plan, we cannot continue to support this war when the Government of Afghanistan will not stand up. They will have the necessary security forces. They need to be in front of the line.

And we need to provide moneys for Pell grants, for teachers, and firefighters, and police officers, for the settlement for black farmers, 100,000 of them, and for youth jobs and summer jobs for people in America who are unemployed, and those families who need support as a bridge to carry them over.

I believe in this Nation, and I believe in our soldiers. I salute them. And I believe it is time to bring them home with honors. They are our heroes. They have done what they needed to do in Afghanistan. They provided for a democratic government. It's time now to

bring them home with honor. Vote "no" on this supplemental.

Mr. LEWIS of California. Madam Speaker, I am prepared to yield 2 minutes, by way of a colloquy, to my colleague, the chairman of the Subcommittee on National Defense, the gentleman from Washington, NORM DICKS.

Mr. DICKS. I appreciate the gentleman yielding to me.

The purpose for this is just to discuss the situation. The Secretary of Defense and the comptroller have made it very clear that money for our troops in the field in Afghanistan and Iraq will start running out by August 7. So we have a responsibility to the men and women who are serving this country in harm's way—and we've seen the horrific injuries that these people have suffered—to make certain that they have the resources to conduct this operation until something different is the policy of the United States.

I just hope that we can have a bipartisan vote here today of people who understand their responsibility and recognize that we've got to provide the funding. If we don't get the funding done today, Mr. HOYER has already said we're not going home. We're going to stay here until we get this done.

So I think this is a responsibility of this Congress. We have had months to work on this thing. And it's now time to get the job done. I hope that we can have bipartisan support on both sides of the aisle for this supplemental.

It isn't the supplemental that I wanted. I had I think a much better bill. But the reality is time has run out. We've got to do it now.

Mr. LEWIS of California. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California.

Mr. LEWIS of California. I very much appreciate the leadership that my colleague is providing on the Defense Subcommittee of Appropriations. He knows very clearly that Secretary Gates is faced with his back against the wall. We've got to deliver this supplemental now. And I applaud very much his leadership in connection with this effort. I thank the gentleman.

Mr. OBEY. I yield 1 minute to the distinguished gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. I wish to address the security of our citizens. Here's a headline July 26 that we're going to see repeated across the country in the next year: "Linwood Cops Face Job Cuts." We are facing a 25 percent reduction of police officers in Linwood, Washington, because we can't pay for them, our first line of security in our neighborhoods. But today we would be voting for something on the order of over several years of about \$4 billion to train police officers in Kabul, Afghanistan.

It is wrong to be borrowing money from China, laying off American police

officers, to train police officers in Afghanistan. And it is wrong because it isn't showing respect for the few families that are fighting this war, our troops and their families, while the rest of us go to the beach and not be fiscally responsible for this war.

If we're going to fight this war, we should pay for it. And we should pay for it in a way that keeps our cops on the beat, our first line of security.

Mr. LEWIS of California. Madam Speaker, I yield myself the balance of my time.

In closing, I want to one more time express my deep appreciation for the Senate, of all things, for rejecting billions of dollars of nonemergency spending placed on the backs of our troops. Let's support our men and women in

uniform, support disaster assistance for areas of the country in need, and pass this spending bill today.

I yield back the balance of my time.
Mr. OBEY. I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 2½ minutes.

Mr. OBEY. Madam Speaker, I don't know when it was that this Congress has suddenly decided that when we talk about critical needs that that does not include border security, that that does not include meeting our obligation to those students in this country who are eligible for Pell Grants who also must get funding in this bill, and our school children, who do a whole lot better if they don't lose 100,000 teachers out of the classroom nationwide.

The second point I would make is simply this. If the Pakistani and Afghan Governments were doing half the job that American troops are doing in this war, I wouldn't be worried about supporting this bill. But tragically, they aren't. And the biggest favor we can do those troops is to recognize that reality.

As I indicated, I will vote "no" on this piece of legislation.

DISCLOSURE OF EARMARKS

The following table lists the congressional earmarks (as defined in clause 9(e) of rule XXI) contained in the Senate amendment to H.R. 4899. The Senate amendment does not contain any limited tax or tariff benefits as defined in paragraphs (f) or (g) of clause 9 of rule XXI.

TITLE I—CHAPTER 2—DEPARTMENT OF COMMERCE

[Congressionally directed spending items]

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
DOC	EDA	Economic Development Assistance Programs	\$49,000,000	(1)	
DOC	NOAA—ORF	Commercial Fisheries Failures	\$5,000,000	(1)	Young (AK)

TITLE I—CHAPTER 4—DEPARTMENT OF DEFENSE, CIVIL

[Congressionally directed spending items]

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Corps of Engineers & FHWA	GP	Dallas Floodway, TX		(1)	Edwards (TX); Johnson, Eddie Bernice

TITLE I—CHAPTER 6—DEPARTMENT OF HOMELAND SECURITY

[Congressionally directed spending items]

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
FEMA	GP	Reimbursements for Presidentially Declared Disasters—KY, MS, TN, RI		(1)	Kennedy; Langevin
FEMA	GP	Match Requirement for Hurricane Katrina—MS		(1)	

TITLE I—CHAPTER 11—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Congressionally directed spending items]

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
HUD	CPD	Community Development Fund	\$100,000,000	(1)	Davis (TN); Langevin

TITLE II—DEPARTMENT OF THE INTERIOR

[Congressionally directed spending items]

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
BLM	GP	Southwest Intertie Project		(1)	

TITLE III—GENERAL PROVISIONS

[Congressionally directed spending items]

Agency	Account	Recipient	Project	Amount	Requester(s)	
					Senate	House
DOJ	OJP-Byrne	Georgia State University, Atlanta, GA	Remediation For The Potential Consequences of Childhood Abuse and Neglect.	\$100,000	(1)	Bishop (GA)
DOJ	OJP-Byrne	My Brother's Keeper of Genesee County, Flint, MI.	Assistance for Those Transitioning From Prison	\$100,000	(1)	Kildee

¹ Included in the Senate amendment to H.R. 4899.

Ms. BORDALLO. Madam Speaker, I rise in strong support of H.R. 4899, the Supplemental Appropriations Act of 2010. This legislation provides crucial funding to our servicemen and

women who are serving in harm's way and protecting our Nation.

In addition, this legislation will provide funding to maintain America's strategic posture in

the Pacific region. H.R. 4899 includes \$50 million in funding for the Port of Guam. Specifically, the legislation authorizes the Department

of Defense to transfer \$50 million of operations and maintenance funds to the Port of Guam Improvement Enterprise Fund within the Maritime Administration. The \$50 million in funding is critical to begin necessary infrastructure improvements and modernization projects at the Port of Guam.

The 110th Congress took positive action when it authorized the Port of Guam Improvement Enterprise Fund as section 3512 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417). This provision, which I sponsored, codified an important relationship between the Maritime Administration and the Port Authority of Guam. The provision was critical to ensuring that the Federal Government would bring its expertise to assist the Port of Guam in beginning necessary improvements.

The Port of Guam has repeatedly been identified as a potential chokepoint for the delivery of materials, supplies and personnel to support the realignment of military forces to Guam. Further, the Port's operational capabilities are critical to maintaining civilian economic development on the island. If these improvements are not made, the realignment of military forces to Guam would be severely delayed, add additional costs to future military construction and could hinder the island's economy. Furthermore, in September 2009 the United States Transportation Command designated Guam as the 16th strategic port in the United States. Strategic port designation indicated the importance of the Port of Guam to our economic and military posture in the Asia-Pacific region.

The \$50 million in transfer authority for the Port of Guam in H.R. 4899 marks an important step toward ensuring the success of the military build-up on Guam and the future economic development of the island. After the Port of Guam was denied critical Recovery Act funding, the Obama Administration took quick action and requested the transfer authority. This demonstrates the Administration's commitment to address our island's longstanding infrastructure needs and I appreciate its support and leadership on this matter. I would also like to thank my colleagues in Congress for their support, in particular Congressman DAVID OBEY, Chairman of the House Committee on Appropriations; Congressman NORM DICKS, Chairman of the Subcommittee on Defense and Congressman JOHN OLVER, Chairman of the Subcommittee on Transportation, Housing and Urban Development and Related Agencies.

Mr. BOEHNER. Madam Speaker, while I'm concerned about why this critical troop funding bill was delayed, I am pleased the House is finally focused on meeting the most pressing needs of our troops and our Nation. I told the president three months ago that Republicans would work with him to pass a clean troop funding bill through Congress.

Unfortunately, this funding was delayed for months while Democrats sought to add billions in unnecessary, unrelated spending to the bill. This is unacceptable, especially when we're borrowing 41 cents of every dollar we spend from our kids and grandkids.

As we vote today, we should take a moment to reflect on the sacrifices our troops and their families have made, and continue to make, in

Iraq and Afghanistan. For nine years, we have asked our troops to leave their families and risk their lives to advance freedom abroad and protect our security at home. They have met every challenge presented to them, and continue pushing themselves every day to carry out a long, difficult, and dangerous mission.

As our troops continue their fight, it is imperative that Congress provide the resources they need, and remain committed to supporting them in the mission we have sent them on.

Denying terrorists a safe haven in Afghanistan is critical to the safety and security of our country. Going forward, I hope we will focus our attention on supporting our troops in a timely manner and promoting our long-term national security at home and abroad.

Ms. MCCOLLUM. Madam Speaker, across our country there are communities, businesses, and families that continue to struggle to escape an economic recession that has caused far reaching hardship and too much pain. Congress has a responsibility to ensure the economic security of the American people, as well as defend the national security of the Nation. This appropriations bill does not adequately meet the needs of the American people and I will not vote to pass it.

Today's vote on the emergency supplemental appropriation provides \$37 billion to continue the wars in Afghanistan and Iraq, plus nearly \$3 billion for the crisis in Haiti. There is also \$13 billion in funds for Vietnam War era veterans which I strongly support. To my great dismay the funds previously passed by the House to address urgent domestic needs such as securing our borders, preventing 100,000 teachers from layoffs, creating youth summer jobs, and financing Pell grants for higher education have been stripped from this bill by the U.S. Senate. Unlike the war funding which is financed by deficit spending, the House fully paid for the domestic priorities that were removed. It is simply unacceptable to abandon the serious needs of our communities while calling the war in Afghanistan—the longest war in the history of the United States—an “emergency.”

Since 2001, following the September 11th attack on the U.S., I have supported military action in Afghanistan to remove the Taliban from power and eliminate al-Qaeda. During this time U.S. and NATO troops have bravely pursued a military strategy that has provided the Afghan people with an opportunity to rebuild their country and determine their own future. It is now time for Afghans to be fully responsible for their own destiny without dependence on 100,000 U.S. troops.

After nine years of war and more than \$300 billion of war funds added to our national debt, it is clear that an open ended U.S. military presence in Afghanistan is not acceptable to Afghans or Americans. President Obama is correct to have established a July 2011 date to begin withdrawal of U.S. forces. Still I question whether an additional eleven months of U.S. troops in combat will result in a security and political environment that will be significantly improved from what exists today. I believe now is the time for a movement away from an expanded military presence in Afghanistan towards a strategic drawdown of U.S. troops and a refocus on a counter-terrorism strategy to prevent al-Qaeda from again taking root.

On July 1, 2010 during debate on this supplemental bill, I supported amendments to move towards ending the U.S. military presence in Afghanistan by putting limits on the funds appropriated. Unfortunately those amendments failed. I voted for the “Lee Amendment” to limit the use of military funding for Afghanistan to activities related to the safe withdrawal of troops and the continued protection of civilian and military personnel in the country. I also voted for the “McGovern, Obey, Jones Amendment” which calls for a plan for the safe, orderly and expeditious redeployment of U.S. troops from Afghanistan. Today's vote allows no such amendments to be offered.

It was a surprise to listen today to one of my Republican colleagues, the Armed Services ranking member, who stated during debate on this bill that the U.S. will succeed in Afghanistan if Congress only gives the military the “time, space and resources.” This Republican call for apparently endless resources for Afghanistan is in sharp contrast to their policies here at home in which “no” is their position on providing emergency assistance for our own citizens.

Madam Speaker, I would like to commend the courage and determination of all U.S. troops who are serving in Afghanistan or have served there since 2002. The Afghan people suffered mercilessly under the Taliban regime and it was U.S. and NATO troops who freed them from a medieval existence. It is not an appropriate role for U.S. troops to rebuild a country that has experienced 30 years of war nor can they provide on-going security for a government which has not earned the trust of its own people.

U.S. troops deserve a mission that is clear and achievable so they can return safely home with the knowledge that they have helped to keep America secure and allowed the Afghan people to make their own future. It is now time for the Afghan people to make that future.

Mr. BRALEY of Iowa. Madam Speaker, I rise today in support of this bill but also to voice my strong concerns with the direction of the wars in Iraq and Afghanistan. While I fully support ensuring the safety of our Nation's troops, I have serious concerns over the provisions of this bill related to the funding of the conflicts. I have long advocated a responsible withdrawal from Afghanistan and believe that the continued funding of these wars outside of the appropriations process without a plan in place for withdrawal is reckless and wasteful. I firmly believe that Congress must require a responsible exit strategy from Afghanistan and work to ensure that the withdrawal of U.S. forces from Iraq remains on track.

Over the weekend, severe weather across Iowa caused heavy rains, thunderstorms, hail, tornadoes, and flooding that devastated numerous communities in my district. I support this bill today for the \$5.1 billion included to replenish the Federal Emergency Management Agency's Disaster Relief Fund, which has been operating at a dangerously low level since the beginning of this year, halting recovery projects in Iowa and across the country from past disasters. With the recent disasters in my district, I believe this continued funding is vital to ensure that my constituents and

other citizens who are faced with disaster have the necessary assistance to recover and rebuild from these devastating storms.

I applaud the House and Senate for acting today to ensure appropriate funding is available for disaster recovery and for other provisions in support of veterans, but I do not support another blank check for the wars in Iraq and Afghanistan.

Mr. VAN HOLLEN. Madam Speaker, I support President Obama's request to provide our troops with the equipment and support they need for their mission. We also owe it to our troops to have a realistic strategy that is worthy of their sacrifice.

The toughest decisions we face as a nation are questions of war and peace. Whenever we ask the men and women of our armed forces to put their lives at risk, the President and Members of Congress have a solemn obligation to consider all the facts and exercise their best judgment for the country.

More than 8 years ago, our nation was the target of a terrorist attack launched by al Qaeda operating out of Afghanistan. The United Nations unanimously passed a resolution supporting the right of the United States to respond forcefully to that attack. Our NATO allies universally backed our actions, invoking the provisions of the NATO charter stating that an attack on one was an attack on all. Today, largely because the Bush administration diverted attention and resources away from this region to Iraq, Osama bin Laden and al Qaeda continue to regain strength and plot attacks against Americans from along the Afghanistan-Pakistan border. The Bush Administration also failed to persuade Pakistan to confront the Afghan Taliban insurgents operating inside Pakistan with the support of al Qaeda.

While there is no doubt that al Qaeda operates in parts of Yemen, Sudan, Somalia, and other areas, the Afghanistan-Pakistan border region remains the operational and ideological center for al Qaeda's global operations. The President is right to conclude that allowing al Qaeda to operate there unchecked poses a serious security risk to the U.S. and American citizens around the world.

President Obama has developed a carefully considered and comprehensive "counterinsurgency" strategy for Afghanistan and Pakistan that relies not only on the use of troops but also the use of civilian resources.

The strategy has four parts. First, American and NATO forces will accelerate the training and deployment of the Afghan national security forces, both army and police. This will allow U.S. forces to begin returning home starting in July of next year. Second, in the interim, U.S. and Afghan forces will reverse the Taliban's momentum by working to stabilize major population centers.

Third, the strategy engages Pakistan as a full partner in these efforts. As a result of better coordination between our two countries, for the first time since the beginning of the war, al Qaeda and the Taliban are being genuinely challenged by the Pakistan military.

Finally, the U.S. will work with its partners in Afghanistan and Pakistan to create a more effective civilian strategy—with the goal of establishing sustainable economic opportunities for Afghans and strengthening the country's national and local governance structures. As

the 9–11 Commission determined, extremist groups exploit the poor socioeconomic conditions, such as high unemployment, in the border areas to gain adherents to their cause. With this in mind, I introduced the Afghanistan-Pakistan Security and Prosperity Enhancement Act, which will allow the President to designate Reconstruction Opportunity Zones, ROZs, in Afghanistan and parts of Pakistan and allow qualified businesses duty-free access to U.S. markets for designated products. This legislation, which has passed the House and is pending in the Senate, would help create meaningful job opportunities for young people who are currently vulnerable to the lure of extremism.

The President's strategy contains a timeline which initiates a responsible redeployment of American troops in July of next year. He has established this timeline to send a clear message to the Afghan government that they must take seriously their role in creating a stable Afghanistan and to communicate to the people of Afghanistan that the U.S. has no interest in an open-ended engagement in their country.

During floor consideration of the House bill, I supported the McGovern/Obey Amendment, which would codify the president's plan to initiate a responsible drawdown of U.S. forces beginning a year from now. That amendment required that by April 4, 2011, the president submit to Congress a redeployment plan that is consistent with the policy he announced in December 2009. That amendment did not pass and the Senate bill did not contain a similar amendment.

The choice we face today is to cut off all funds for our troops in the field and operations in Afghanistan or support President Obama's request to provide the resources necessary to support the strategy outlined in his speech of December 2009. I oppose the immediate withdrawal of all U.S. and NATO forces in Afghanistan for two reasons. First, it would immediately strengthen the hand of the most extremist Taliban leaders (those most closely tied to al Qaeda), undercutting any leverage behind ongoing efforts to get some Taliban fighters to lay down their arms and undermining Afghan President Hamid Karzai's new initiative to reach a political accommodation with those members of the Taliban open to national reconciliation. If such a political solution is undermined and the old Taliban regime retakes control of Afghanistan, they will again turn that country into a safe haven for expanded al Qaeda operations. It would also lead to the return of an extreme Taliban regime that encourages horrendous acts like pouring gasoline into the eyes of girls who attempt to go to school.

Second, the immediate withdrawal of U.S. and NATO forces would weaken Pakistan's resolve to confront the Pakistani Taliban, the Afghan Taliban, and al Qaeda. The most promising development over the last year has been the Government of Pakistan's willingness to fight the growing menace of the Pakistani Taliban. In addition, very recently, the Pakistani government has also shown a willingness to confront elements of the Afghan Taliban. The capture of Mullah Bandar, the operational chief of the Afghan Taliban, and two Afghan Taliban shadow governors, demonstrates this progress. The withdrawal of

U.S. forces from Afghanistan would sabotage those nascent efforts. Why should the Pakistani forces confront the Afghan Taliban if the U.S. walks away now?

There are no guarantees of success in Afghanistan and Pakistan. But, we do know that failure to confront al Qaeda would leave Americans constantly exposed to another attack like that perpetrated on September 11, 2001.

Madam Speaker, I support adoption of the FY10 Supplemental Appropriations bill.

Mr. GARY G. MILLER of California. Madam Speaker, I rise in support of H.R. 4899, the Supplemental Appropriations Act for Fiscal Year 2010. Overall, this legislation provides necessary war funding and essential support for our Nation's military—without arbitrary benchmarks or timetables that would tie the hands of our military commanders—and much needed assistance for several other emergency needs.

For the men and women in uniform fighting in the defense of freedom, this troop funding bill is long overdue. Although the President had requested emergency funding in February, House Democrats have finally brought a clean version of the Supplemental Appropriations bill after multiple and convoluted attempts to attach expensive and controversial items on the legislation.

Approving this clean supplemental quickly and getting it to our military leaders is a top priority. Inaction would force our commanders to begin making compromising budget decisions that could negatively affect our military readiness. It would also signal to our enemies a lack of resolve that could undermine our mission in several very dangerous areas of the world.

In addition to providing our troops with this necessary funding, the bill also contains \$162 million to support the victims of the Gulf oil spill. Although I own stock in Transocean, I did not place the funding for the oil spill in the legislation and do not consider it a conflict of interest to vote for this bill. All in all, this funding represents less than .3 percent of the entire funding contained in the bill.

Mr. BLUMENAUER. Madam Speaker, as a nation, we face challenges ranging from education shortfalls and growing energy needs to a slowly recovering job market. We cannot afford to escalate the Afghan war with a credit card. The mounting loss of life and widespread corruption gives no indication that more money and more boots on the ground will achieve success in Afghanistan.

We need success at home. The elements in the bill for veterans exposed to Agent Orange and for FEMA are a start. I cannot support a bill that spends \$37 billion in Afghanistan while denying \$10 billion for teacher jobs, \$1 billion for summer youth employment, \$5 billion for Pell grants, and \$701 million for border security. My votes signal in the strongest possible terms that this war must be wound down and not escalated.

Across Oregon, our priorities are helping small businesses, creating jobs, and supporting our schools.

We need to start making the right choices. This means drawing down from a costly war that Americans and Afghans want to end, and investing in a better, more productive future for our country.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in opposition to H.R. 4899, the "Supplemental Appropriations Act of 2010." I oppose the Senate amendments because they will deny job programs to Americans, while continuing to fund a war that has gone far too long.

I want to thank Chairman OBEY for his timely leadership on this legislation. Clearly, opposing a bill that you are charged with bringing to the floor is not easy. However, this is an important moment to decide the direction that our military involvement and national economy are headed. Without some of the programs cut by the Senate, and with the knowledge revealed by the leaked documents, the sum of this bill is no longer palatable.

As originally conceived, H.R. 4899 would have provided funding for the needs of the American people, from national security, housing, employment, health, to education. I fully support these efforts and want to stress that we must continue to provide policies and funding that ensure that the United States remains a global leader in science and technology, including space exploration, which not only results in knowledge-building, but also in hundreds of thousands of jobs throughout the Nation.

The legislation would provide resources to support over 350,000 jobs for youth ages 16 to 21 through summer employment programs. This age group has some of the highest unemployment levels, 25 percent for those aged 16 to 24. This funding will allow local Workforce Investment Boards to expand successful summer jobs programs that were funded in the Recovery Act.

The legislation would also fully fund the settlement of both the Cobell and Pigford class action lawsuits. The Cobell settlement concerns the government's management and accounting for over 300,000 American Indians, trust accounts, and the Pigford settlement ends a decades-old discrimination lawsuit brought by black farmers against USDA.

Before it was amended, this supplemental appropriation would have provided over \$24 billion to keep teachers, firefighters and law enforcement personnel on the job while states continue to recover from the recession; over \$13 billion for Vietnam veterans and survivors exposed to Agent Orange; \$5.7 billion for PELL; \$2.8 billion for Haiti; \$677 million for border security; \$275 million for the Gulf Coast oil spill including unemployment benefits program and unemployment assistance related to the oil spill and an oil spill relief employment program that are underway for the self-employed businessmen and women who were greatly impacted by the Gulf Coast oil spill.

This bill would also provide \$10 billion for an Education Jobs Fund to provide additional emergency support to local school districts to prevent impending layoffs. It is estimated that this fund will help keep 140,000 school employees on the job next year.

Yet, despite these programs, the main purpose of this bill is to extend funding for our military—funds to pay for the war in Afghanistan. It is this that I object to. Although the situation in Afghanistan is far from perfect, the return on our investment has diminished to a point where it no longer makes sense to maintain a large-scale deployment. Additionally, as

the human and financial costs continue to rise, the war in Afghanistan is becoming increasingly unpalatable to the citizens of the United States. More than 1,000 U.S. soldiers have been killed in Afghanistan since October 2001, and half of all deaths have occurred since the beginning of 2009. Roadside bombings are on the rise, causing double the number of fatalities in 2009 that they did in 2008. And 2010 is on track to be even worse by that measure. Today we learned that one of two American servicemen who disappeared last week in a dangerous area south of the Afghan capital has been confirmed dead. The war in Afghanistan should end as safely and quickly as possible, and our troops should be brought home with honor and a national day of celebration. I strongly believe that this can and must be done by the end of the year.

This stance is borne from my deeply held belief that we must commend our military for their exemplary performance and success in Afghanistan. As lawmakers continue to debate U.S. policy in Afghanistan, our heroic young men and women continue to willingly sacrifice life and limb on the battlefield. Our troops in Afghanistan did everything we asked them to do. We sent them overseas to destroy the roots of terror and protect our homeland; they are now caught in the midst of an insurgent civil war and continuing political upheaval.

With the change in military leadership to General Petraeus, one year before the target drawdown date of July 2011, America faces a critical juncture in our involvement in Afghanistan and Pakistan. Recently, I returned from a 5-day trip to Afghanistan where I met with our outstanding men and women serving in the region. Although I found our troops and civilians to be of the highest caliber, I left Afghanistan with the impression the reasons for keeping them in a dangerous theatre have diminished. Today, we are at risk of forgetting the impetus for going to war. This is a dangerous mistake. Extending our involvement beyond the initial mandate is an unnecessary risk that makes the United States vulnerable.

Throughout the discussion of the Administration's proposed surge, I expressed my concern for the cost of sending additional troops, as well as the effect that a larger presence in Afghanistan will have on troop morale. The White House estimates that it will cost \$1 million per year for each additional soldier deployed, and I believe that \$30 billion would be better spent on developing new jobs and fixing our broken healthcare system. Many leaders in our armed forces, including Secretary Gates, have said that it is optimal for troops to have two years between overseas deployments; yet, today, our troops have only a year at home between deployments. Expanding the number of U.S. forces in Afghanistan by 30,000 will negatively impact troop morale and will bring us further away from the conditions necessary to maintain a strong, all-volunteer military.

I very strongly believe that our Nation has a moral obligation to ensure that our veterans are treated with the respect and dignity that they deserve. One reason that we are the greatest Nation in the world is because of the brave young men and women fighting for us in Iraq and Afghanistan. They deserve honor, they deserve dignity, and they deserve to

know that a grateful Nation cares about them. Whether or not my colleagues agree that the time has come to withdraw our American forces from Afghanistan, I believe that all of us in Congress should be of one accord that our troops deserve our sincere thanks and congratulations.

It is because I respect our troops that I am voting to bring them home from a war that has strayed far beyond its original mandate. The United States will not and should not permanently prop up the Afghan government and military. To date, almost \$27 billion—more than half of all reconstruction dollars—has been apportioned to build the Afghan National Security Forces.

U.S. military involvement in Afghanistan will come to an end and, when U.S. forces leave, the responsibility for securing their nation will fall to the people and government of Afghanistan. Governance is more than winning elections, it is about upholding human rights, especially the rights of women; it requires fighting corruption. Governance requires fighting corruption. Governance requires providing for the freedom to worship. Governance requires establishing schools that provide education from early childhood through higher education.

Yet, Afghanistan has largely failed to institute the internal reforms necessary to justify America's continued involvement. The recent elections did not reflect the will of the people, and the government has consistently failed to gain the trust of the people of Afghanistan. The troubling reports about the elections that were held on August 20, 2009 were the first in a series of very worrisome developments. The electoral process is at the heart of democracy and the disdain for that process that was displayed in the Afghanistan elections gives me great pause. The Special Inspector General for Afghanistan Reconstruction recently released his quarterly report which detailed our Nation's efforts to work with contractors and the Afghanistan government to prevent fraud and enhance transparency. This is the 8th report by the Special Inspector General but, as a recent series in the Washington Post showed, we are unable to stem the flow of corruption and waste within Afghanistan, despite our efforts at reforming our own contracting procedures. This money likely comes from the opium trade and U.S. assistance and, the Washington Post estimates, totals over one billion dollars each year.

The task of establishing legitimate governing practices remains formidable. A November 17, 2009 report from Transparency International listed Afghanistan as the second most corrupt country in the world, continuing its second straight year of declining in the corruption index. Such news is dispiriting and provides an important dynamic to how we consider our strategy with regards to Afghanistan going forward. In January, a UN survey found that an overwhelming 59 percent of Afghans view public dishonesty as a bigger concern than insecurity, 54 percent and unemployment, 52 percent. This is telling for a country with widespread violence and an unemployment rate of 40 percent.

As Co-Chair of the Congressional U.S.-Afghanistan Caucus, I have called for policies that allow the United States to provide benefits to the people of Afghanistan. Our effort must

enhance our efforts at building both hard and soft infrastructure in Afghanistan. Change in Afghanistan is going to come through schools and roads, through health care and economic opportunity, and through increased trade and exchange. The Afghan people need our help to achieve these objectives, but I am not convinced that our military is the solution. If the Government of Afghanistan can demonstrate a responsible and non-corrupt commitment to its people, I believe that America should respond with appropriate and targeted foreign assistance.

I am also concerned that the United States is shouldering too much of the burden in Afghanistan. Although the terror attacks on American soil prompted NATO to respond with collective military action, no nation is immune from the threat of terrorism. Although the troops and resources provided by our allies have been invaluable to date, especially in regarding development for the people of Afghanistan, questions must be raised about how long other nations will remain involved in Afghanistan. France and Germany, for example have already questioned whether or not to send additional troops. NATO resources must continue to focus on improving the livelihoods of the Afghan people, but if the support of these governments waiver, American troops and Afghan citizens will suffer the consequences.

I agree with our President that a stable Afghanistan is in the best interest of the international community and I was pleased to see President Obama's outreach to our allies for additional troops. Currently, 41 NATO and other allied countries contribute nearly 36,000 troops. That number is expected to increase by nearly 6,000 with at least 5,000 additional troops coming from NATO member countries. Multilateralism is vital to ensuring that our operations in Afghanistan succeed.

Madam Speaker, today, we face difficult realities on the ground. The Taliban attacks our forces whenever and wherever they can. Agents of the Taliban seek to turn the people of Afghanistan against us as we attempt to provide them with help in every way we can. This situation is unsustainable. Afghanistan's history has earned it the nickname, "The Graveyard of Empires," and I believe that we should not take this grim history lightly. By including a timetable for our operations in Afghanistan, we focus our mission and place it in a long-term context. But there is no need to ignore the successes and heroic work of the Armed forces and the civilian humanitarian workers. We can declare victory having achieved a stable government in Afghanistan and bring our troops home with honor.

Although development to improve the lives of the Afghan people is important, defeating al-Qaeda, and the threat they pose to America and our allies is the most important objective of our operations. To that end, I believe that Pakistan, not Afghanistan, is now the key to success and stability in the region. Over the past 8 years, Coalition Forces have successfully pushed most of al-Qaeda out of Afghanistan and into Pakistan. This has not only put them outside the mandate of our forces, but has also forced Pakistan to address an enlarged terrorist threat.

During his State of the Union Address, President Obama spoke of the importance of

Pakistan when he noted "America will remain a strong supporter of Pakistan's security and prosperity long after the guns have fallen silent, so that the great potential of its people can be unleashed." As the Co-Chair of the Congressional Pakistan Caucus, I know, first hand, of the great potential of the Pakistani people, and I strongly believe that the recently approved assistance package to Pakistan will work to this end. U.S. foreign assistance to Pakistan will improve Pakistan's capacity to address terrorist networks within its own borders, but I worry that a troop increase will cause even more refugees and insurgents to cross into Pakistan.

Ultimately, we in Congress must decide what is in the best interest of the American people. Fighting al-Qaeda was in the best interest of the American people in 2001, as it continues to be today. Yet, we are now fighting an insurgency—not al-Qaeda—in Afghanistan. This should not be their mission, and we must bring our troops home.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF AND SUMMER JOBS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2010 AND FOR OTHER PURPOSES

Madam Speaker, as you know, the Senate has proposed to strike out a portion of the Act that is vital to supporting the career development of our nation's youth. My amendment would reinstate the section of the bill pertaining to "Employment and Training Administration", which appropriates \$600 million dollars in grants to states to support summer employment programs for youth.

The recent recession has affected various sectors, and unemployment has been borne by many sectors of the economy, particularly in the housing and banking sectors. The suffering that comes with a major economic downturn has been felt not only by the adult population, but by our youth as well, and they have been hindered in their efforts to acquire summer employment as I speak. Statistics also demonstrate that youth minority groups have been more affected than other groups of young individuals. Data assembled by the Bureau of Labor Statistics indicates that in July 2009, 51.4 percent of young persons between the ages of 16 and 24 were involved in some form of summer employment. This was the lowest recorded rate since 1964. The youth unemployment rate, at 18.5 percent, was also a record low since the onset of the Bureau's statistical studies almost forty years ago. In comparison to a 4 percent rise in unemployment for white youth, 7 percent more African Americans and 10 percent more Hispanics became unemployed between 2006 and 2009. These numbers are troubling, and indicate a need for intervention on our part.

It is important that in our efforts to aid in the economic recovery effort, we do not forget our young Americans. Their career development is crucial to ensuring that whatever economic strides we make today will be sustainable tomorrow. As such, we must ensure that we do not neglect the hardships that have been inflicted upon them as a result of the economic downturn. These funds will promote the intellectual development of our youth, which, in turn, will promote a healthy and innovative economy. Studies have also shown that such an initiative could work to decrease the likeli-

hood of criminal activity by young individuals, who are less likely to engage in such activity when they are involved in productive use of their time.

This Amendment will provide an indispensable source of support for our States to help them develop our youth. For these reasons, I urge my colleagues to support my Amendment on summer youth jobs.

I thank you for consideration of H.R. 4899 for the Fiscal Year 2010 Emergency Supplemental Appropriations bill. Finally, no family, no settlement money for the Black farmers, no monies to save the jobs of teachers, police and fire personnel. This bill is lacking in helping more of the American People.

Mr. ETHERIDGE. Madam Speaker, I rise today in support of H.R. 4899, the Supplemental Appropriations Act of 2010.

This Supplemental Appropriations Act provides funds to meet the needs of our troops abroad and our families at home. It provides emergency flood relief for those recently washed out of their homes, improves Federal mine safety for those risking their lives to get energy from American soil, and supports disabled veterans who have given so much to our nation.

This funding will reduce injuries and increase recovery in the wars in Iraq and Afghanistan. It will reduce injuries by replacing vulnerable military transports with mine-resistant ambush-protected vehicles, and provide ballistic protection for helicopters that are in the line of fire. Even with this additional protection, injury is inevitable, but this bill enhances the healing mission. It funds field medical equipment to help heal those who are injured in battle and it funds health care for soldiers when they come home. Veterans exposed to Agent Orange, and their survivors, will finally receive the disability payments they deserve. The promises kept in this bill fulfill our commitments to soldiers today and our veterans from past conflicts.

Unfortunately, this version of the bill leaves out necessary funding for priorities here at home. Our children need teachers. Our neighborhoods need first responders. I agree that ignoring the needs of our states and local communities is wrong. However, we cannot make that right by ignoring the needs of our troops, our citizens in the Gulf, and by leaving our citizens to face hurricane season with no possibility of help from FEMA. Without this funding, the President can still declare disaster areas. But those declarations need to be backed up with the people, the expertise, and the funds provided in this bill. The need to support our troops and keep them safe will not go away either.

The funding in this bill will assist America in our shared, but fragile recovery. Forest lands damaged by natural disaster can be restored. Coast Guard helicopters damaged in the line of duty can be replaced. Fisheries in the Gulf Coast can be helped towards recovery and restoration.

Madam Speaker, I urge my colleagues to join me in voting "yes" on this bill.

Mrs. MALONEY. Madam Speaker, I rise today in opposition to the war supplemental funding bill.

After years of war that have strained our military, their families, and the country, I cannot continue to support funding for the war in

Afghanistan—a war marked by increasing violence and attacks on our troops and no clear definition of success.

The last time this measure was before us, I voted with my colleague Rep. BARBARA LEE on her amendment to prevent an escalation and limit funding to the safe and orderly withdrawal of our troops and military contractors from Afghanistan.

I also voted in favor of the McGovern-Obey amendment that would require the President to provide Congress with a plan for the expeditious redeployment of U.S. troops in Afghanistan and a timeline for completion of the redeployment.

But the bill before us is simply a continuation of a policy that needs to be changed—with no accountability and no debate on the merits of continuing this conflict in a country beset by corruption and seemingly endless violence.

Contained in this bill is badly needed funding for Haiti, disaster relief and funds for our veterans, which I wholeheartedly support and would urge a separate up or down vote.

But a vote for this bill before us today is a vote to continue this war and the time has come to bring our troops home.

Reports of corruption abound in Afghanistan, and without a true partner in the Karzai government, our prospects for making real progress have grown dim.

In recent days, even more troubling reports have come out of the region indicating that Pakistan intelligence may be collaborating with elements of the Taliban against the United States. With claims such as these coming to light, how can we move forward with business as usual on the war?

I cannot in good conscience vote to continue funding this war at so high a cost and with no guarantee that our efforts are reaching our goals there and keeping the American people safe.

That is why I vote “no” today.

Ms. ESHOO. Madam Speaker, I have grave concerns about the legislation before the House to provide \$37.1 billion for ongoing military operations in Iraq and Afghanistan. Our total war spending in Iraq and Afghanistan including the funding provided by this bill will exceed \$1 trillion. Yet this spending comes without a viable exit strategy for the conflict in Afghanistan which is the longest war in our nation's history.

The recent publication of tens of thousands of leaked field reports on Afghanistan confirm what we already know: Our continued troop presence is alienating the local population, corruption is rampant in the Afghan government, the Taliban population is stronger than ever, and our Pakistani partners are unreliable at best.

Afghanistan is known as the graveyard of empires for a reason. No one since Ghengis Khan—not Alexander the Great, not the Persians, not the Ottomans, not the British, nor the Soviets—has been able to succeed in this troubled country. Some have said the definition of insanity is continuing to do the same thing over and over again and hoping for a different result. We should learn from those who came before us.

Madam Speaker, without an exit strategy, approving billions more of hard-earned tax-

payer dollars for the war in Afghanistan is difficult enough to justify. But this cost pales in comparison to the loss of American lives. June was the deadliest month in the war thus far, when 102 Americans made the ultimate sacrifice.

It is also hard to justify supporting this legislation with billions more for war when the Senate stripped out \$10 billion for an Education Jobs fund that the House provided to help our school districts retain and develop their teaching workforce. I cannot cast a vote for war funding when we can't find the resources to invest in our schools and students.

Most importantly, the President said our mission in Afghanistan must be definable and winnable. I believe it is neither, and I will vote against funding for it.

Mr. KIND. Madam Speaker, I rise today in support of H.R. 4899, the Supplemental Appropriations Act of 2010. As long as our troops are in harm's way, it's important that they have the tools and resources they need to do their jobs safely and effectively. In the meantime, we need to be sure that we continue to have the right policy.

I am pleased that President Obama has been asking the right questions about what our exit strategy will be. While I supported the War Supplemental, I have a number of concerns with how this effort is proceeding. We know that our success depends on having a credible, responsible Afghan government. Unfortunately, Afghan President Hamid Karzai has not demonstrated that he is willing or able to seriously tackle corruption in his government.

Furthermore, nearly nine years after combat in Afghanistan first began we continue to see only limited progress in training Afghan security forces and developing the capability for Afghans to take full responsibility for the safety and security of their people.

Of course, even if we have our policy right, we still need full cooperation from Pakistan, particularly in preventing Afghanistan's western provinces from becoming a safe haven for al Qaeda and allowing the Taliban to operate with impunity.

We must, however, carefully consider the consequences of simply cutting and running, which would likely result in the Taliban taking over the country and providing a sanctuary to al Qaeda, which continues to threaten terrorist attacks on America and other countries.

I will work with my colleagues on both sides of the aisle to hold both the Afghanistan and Pakistan governments' feet to the fire and closely review the effectiveness of our efforts to stand up competent and capable Afghan security forces. I support the War Supplemental because we have to give our troops the resources they need to carry out their mission and because abandoning the Afghan people now would only strengthen those who seek to do us harm. It also endangers the many Afghans who have worked with coalition forces to help stabilize their country.

Throughout this difficult war, our troops have performed bravely and I am deeply honored by the sacrifices they and their families make. Wisconsin families have provided more than their fair share of troops to the wars in Iraq and Afghanistan.

Recently, the 32nd “Red Arrow” Brigade returned to Wisconsin after being deployed for

one year in Iraq. I was privileged to take part in a ceremony to welcome them back and thank them for their exemplary service. Their experience shows that with appropriate training, our troops can adapt to any situation in order to achieve their mission. We must work to ensure that we can bring our troops back home in a responsible way that protects America's security.

Mr. HOLT. Madam Speaker, this bill has not improved since the House voted on it earlier this year. This bill spends money on training police in Afghanistan as communities in New Jersey lay off police officers because of budget shortfalls. Our first responsibility to our citizens is to help keep them safe in their homes and their communities. This bill does the opposite: It allocates billions more for a war that cannot be won militarily while allowing our own communities to become much easier targets of crime and violence. Moreover, this bill is paid for by borrowing more money from countries like China, and it violates President Obama's pledge that the funding for our actions in Iraq and Afghanistan would be done through the usual appropriations process. By passing this unfunded bill, we will be adding tens of billions of dollars in new debt. I cannot support such reckless policy.

Further, the bill does not include funding that is essential to stop massive layoffs among teachers and other public servants we count on. The recession that began in 2008—the worst economic crisis since the Great Depression—has hit our communities hard, forcing school districts to layoff teachers and cut services. Previously, the American Recovery and Reinvestment Act made several sound investments in public education to keep teachers in the classroom and help school districts avoid painful cuts.

Most, if not all, of this emergency funding has been spent.

I cannot in good conscience vote for a bill that is so at odds with the most basic of our values, and I urge my colleagues to join me in voting against it.

Mr. HALL of New York. Madam Speaker, I rise in support of H.R. 4899, although I have strong reservations about the situation in Afghanistan.

I am glad that President Obama has remained committed to the draw-down of U.S. forces from Iraq. In August, another 20,000 American troops will return home from Iraq, leaving only 50,000 deployed there. We are on schedule to have all combat troops home by the end of 2011. H.R. 4899 funds this process, providing supplies, ammunition, and fuel for the ships and planes bringing our troops home.

I am also supportive of the disaster aid included in this bill, which allows FEMA to help communities rebuild after recent disastrous weather events and gives aid to Haiti. Further, the bill contains important funding for health care for veterans suffering from diseases related to Agent Orange, including b-cell leukemia, Parkinson's, and ischemic heart disease.

Regarding Afghanistan, I am still convinced that the presence of the Taliban and al Qaeda there and in Pakistan poses a serious threat to U.S. and Global security. Our troops are needed to continue the fight against enemies

who have shown themselves committed to, and capable of, killing American citizens here and abroad.

However, after more than 10 years of war, the situation in Afghanistan is still deeply concerning. A spate of bad news in recent months has served to deepen public mistrust over the previous administration's conduct of the war, and raises questions about how to move forward. We have reliable and repeated reports that the Pakistani Intelligence Service, the ISI, is collaborating with the Taliban, and that the rampant corruption in the Afghan Government of Hamid Karzai jeopardizes our mission and the lives of our troops. It is time for the United States to engage in a thoughtful, national conversation about the direction of this war.

Just last December, President Obama laid out his plan to refocus the conflict in Afghanistan and clearly articulate what we are trying to achieve and when we plan to bring our troops home to their families. Our commitment to Afghanistan is not open-ended, a point that must be reinforced to both the American and Afghan people.

Although we must continually re-examine our involvement in Afghanistan and Pakistan, it is important to remember our goals in Afghanistan are still worthy. Our troops are denying the Taliban the profits of the drug trade, promoting education for girls and women, providing power and clean water to villages lacking it, and working to build a functioning and stable government.

Ultimately, unless we make significant progress fighting the insurgency it is hard to envision the U.S. achieving these goals in any lasting way. Our allies need to show similar progress: The Karzai government must rein in corruption and Pakistan must purge its intelligence service of Taliban supporters. Without these developments, I do not believe it is worth additional sacrifice of American lives or resources.

In summary, despite these strong reservations, I plan to support this bill. The President announced his new strategy for Afghanistan only eight months ago, and General Petraeus has been in command for only a month. It is too early to pass judgment on their leadership, especially given the clear failure of the previous administration to pursue those who attacked us from Afghanistan while they diverted military and other resources to Iraq. I would strongly urge, however, that this be the last supplemental used to fund these conflicts. It is hard to envision how a war that has lasted more than 10 years can not be funded as part of the normal defense appropriation process.

Mr. OBEY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY) that the House suspend the rules, recede from the House amendment to the Senate amendment to the bill, H.R. 4899, and concur in the Senate amendment.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. OBEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1120

SURFACE TRANSPORTATION EARMARK RESCISSION, SAVINGS, AND ACCOUNTABILITY ACT

Ms. MARKEY of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5730) to rescind earmarks for certain surface transportation projects.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Surface Transportation Earmark Rescission, Savings, and Accountability Act".

SEC. 2. RESCISSION OF ALLOCATED PROJECT FUNDS.

(a) ISTEAA AND STURAA.—The unobligated balances available on December 31, 2010, under sections 1103(b), 1104(b), 1105(f), 1106(a), 1106(b), 1107(b), and 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) and subsections (c) and (d) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17) are rescinded.

(b) TEA 21.—The unobligated balance available on September 30, 2011, under section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105-178) for each project for which less than 10 percent of the amount authorized for such project under such section has been obligated is rescinded.

SEC. 3. REPEAL OF APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM CORRIDOR DESIGNATION.

Section 1117(d) of the Transportation Equity Act for the 21st Century (112 Stat. 161) is repealed and the designation made by that section shall no longer be effective.

SEC. 4. RESCISSION OF UNDESIGNATED HIGH PRIORITY PROJECT FUNDS.

Of the amounts authorized for fiscal years 2005 through 2009 in section 1101(a)(16) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) to carry out the high priority projects program under section 117 of title 23, United States Code, that are not allocated for projects described in section 1702 of such Act, \$8,190,355 are rescinded.

SEC. 5. REPORT.

Not later than October 31, 2011, and not later than October 31 of each year thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report identifying each project authorized under section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105-178), sections 1301, 1302, 1702, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59), and section 144(f) of title 23, United States Code, that has

inactive funds or that has been completed in the previous fiscal year. Such report shall include, for each such project—

(1) the amount of funds authorized under such section;

(2) the unobligated balance of such funds; and

(3) a reference to the public law, section number, and project number under which such project was authorized.

The SPEAKER pro tempore (Mr. HARE). Pursuant to the rule, the gentlewoman from Colorado (Ms. MARKEY) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Colorado.

Ms. MARKEY of Colorado. I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of my bill, H.R. 5730, the Surface Transportation Earmark Rescission, Savings, and Accountability Act. The bill will eliminate a total of \$713 million in contract authority for 309 old transportation earmarks. In short, this bill will prevent our deficit from rising by another \$713 million.

In today's fiscal climate, we must be judicious in our spending. And my legislation follows the commonsense principle of use it or lose it.

Before I came to Congress, I owned several small businesses. One of my businesses was a small coffee and ice cream shop called Huckleberry's. With a shop that sells food, the use it or lose it principle is intrinsic. We would not buy more perishable foods than we would sell; otherwise, we were at a loss.

Every small business owner knows that when you are working on a tight budget, you cannot afford wasteful spending. And that, Mr. Speaker, is exactly what these earmarks are. By targeting these earmarks, my legislation will deliver real savings.

H.R. 5730 is one step towards the ultimate goal of reducing our Nation's deficit. By rescinding unused earmark funds from over 20 years ago, we will be improving the way in which Federal funds are managed while proving our commitment to fiscal discipline.

In today's economy, it is essential that we manage taxpayer dollars well, especially with respect to transportation funding. We will never be able to adequately address the investment gap in transportation infrastructure if we do not curb unnecessary spending.

To promote responsible future funding, my bill also requires the Secretary of Transportation to submit an annual report that identifies each project authorized under TEA-21 in SAFTEA-LU that contains inactive funding or that has completed in the previous year. This provision will give Congress greater oversight, and with the identification of such projects, we may be able to implement more cost-saving measures in the future.

Mr. Speaker, many of these earmarks have been on the books since 1987, and

it's high time we tell the States to use it or lose it.

I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation, H.R. 5730. It rescinds \$713.2 million in contract authority for 309 projects from four prior Surface Transportation Authorization Acts. This rescission of contract authority will come from the following authorization bills: \$4.5 million for projects designated in the Surface Transportation and Uniform Relocation Assistance Act of 1987; \$263.5 million for projects designated in the Intermodal Surface Transportation Efficiency Act of 1991; \$441.4 million designated for projects in the Transportation Equity Act for the 21st Century; and \$8.1 million authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act, SAFETEA.

In total, H.R. 5730 rescinds approximately \$713 million in contract authority, which is a type of budget authority. However, this bill, like the bill sponsored by Mr. PERRIELLO last week, unfortunately will not have any impact on outlays or direct spending. According to the Congressional Budget Office, the budget deficit is defined as the amount by which the Federal Government's outlays exceed its total revenues. Because H.R. 5730 will not reduce the Federal Government's outlays, this bill, unfortunately, will not reduce the budget deficit. However, I believe it is smart for Congress to look at the projects it has funded in the past and take the projects that are no longer going to move forward off the books.

While I certainly applaud the gentlewoman from Colorado for this legislation, we need to go much further. Congress needs to do much more to reduce our ballooning national debt and the current budget deficit.

Last week the Office of Management and Budget projected that this year's budget deficit will be \$1.5 trillion. If I told somebody 10 years ago or even 5 years ago that we would be facing a \$1.5 trillion deficit in 1 year's time, they wouldn't have believed it. By the end of the year, the Federal debt will represent 62 percent of our Nation's economy. Congress needs to step up and take immediate action to ensure our children and grandchildren are not buried under a mountain of debt.

I've also been asked by Ranking Member MICA to point out that none of the five Transportation and Infrastructure Committee bills being considered on the floor today were sponsored by members of the minority. Traditionally, 30 percent of the bills considered under suspension of the rules have been sponsored by members of the minority. However, of the 43 T&I committee suspension bills that have been considered this session, only four have been sponsored by members of the minority, and

we certainly encourage the committee to try to work to improve this percentage back to its traditional 30 percent.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Ms. MARKEY of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 5730.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Ms. MARKEY of Colorado. Mr. Speaker, I continue to reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to our colleague, the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. I thank my colleague for yielding.

Mr. Speaker, while I support the overall intent of H.R. 5730, it appears that this bill also moves a political agenda, and, therefore, I rise in opposition.

Section 3 of the bill includes a repeal of Corridor O-1 on the Appalachian Highway system located in Pennsylvania's Fifth Congressional District—my district. While H.R. 5730 aims to rescind unspent funds, there are simply no authorized funds associated with the O-1 Corridor.

I have come to this floor on several occasions to speak in favor of deficit reduction. Section 3 of this bill does nothing to lessen the deficit.

Last month we lost a champion of the Appalachian Regional Commission, Senator Byrd. Senator Byrd was instrumental in capping the available miles in the Appalachian system. Section 3 is a feeble attempt to skirt that cap in hopes of moving this project to another district in the future.

Federal law provides metropolitan planning organizations with a role in the coordination of transportation improvements. I've received letters of opposition from planning organizations, and I quote: "The ARC has indicated that completion of the system is a top priority."

Investment in the O-1 Corridor has already occurred. In 2004, preliminary engineering was done. In 2006 and 2010, the project was added to the long-range plan. The planning organization actions indicate that it will advance the project when sufficient funds are available, and the current legislation enhances that possibility.

This scramble is nothing more than a political payout and a key sign of what is wrong in Washington. Repealing the Corridor O-1 designation would impede critical safety improvements and puts the future of infrastructure development of Centre and Clearfield Counties in jeopardy.

Mr. Speaker, I encourage my colleagues to join me in opposition of this flawed measure.

NORTH CENTRAL PENNSYLVANIA REGIONAL PLANNING AND DEVELOPMENT COMMISSION,

Ridgway, PA, July 15, 2010.

Senator ROBERT CASEY,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CASEY: On July 1, 2010, the House passed H.R. 4899, the Supplemental Appropriations Act, 2010, which included Obey Amendment #2, a repeal of the Appalachian Development Highway Systems (ADHS) designation of Corridor O-1 (Section 4172). The O-1 Corridor was designated in TEA-21 (Section 1117(d)) and has been in place for the past 12 years. The mileage of the ADHS is legislatively capped and the inclusion of Section 4172 is an inappropriate attempt at removing mileage from one congressional district in hopes that the Appalachian Regional Commission will then vote to move the miles to another project.

In 1965 Congress authorized the construction of the ADHS and by the end of FY 2009, 2,694.6 miles of the 3090 mile system were completed or under construction. The ARC has indicated that completion of the ADHS remains a top priority. Given numerous safety issues identified along the O-1 corridor, we believe it is imperative that you ensure the commitments made in TEA-21 are preserved and Section 4172 of H.R. 4899, as passed by the House, is not included in the final supplemental appropriations package.

It is widely known that ADHS projects would take years to complete and given the economic climate and strains on the Commonwealth's transportation budget, the residents along the O-1 Corridor should not be put at a disadvantage for the gain of another region. This is an important and vital link in our overall transportation system in North Central Pennsylvania and we ask for your continued support. We appreciate your attention to this matter and look forward to your response.

Sincerely,

ERIC M. BRIDGES,
Executive Director.

CENTRE COUNTY METROPOLITAN
PLANNING ORGANIZATION (CCMPO),
State College, PA, July 21, 2010.

Re H.R. 4899, Supplemental Appropriations Act, 2010—Section 4172.

Hon. ARLEN SPECTER,
U.S. Senate, Hart Building,
Washington, DC.

DEAR SENATOR SPECTER: On July 1, 2010, the CCMPO was informed that the U.S. House of Representatives recently approved H.R. 4899, the Supplemental Appropriations Act, 2010, which included an amendment repealing the Appalachian Development Highway System (ADHS) designation for Corridor O-1 in Centre and Clearfield Counties. Corridor O-1 was originally designated as part of the ADHS in June 1998, in the Transportation Equity Act for the 21st Century (TEA-21).

Improvements in Corridor O-1 will address safety issues on existing roads connecting Interstate 99 and Interstate 80, and will facilitate economic development activities in the Moshannon Valley and central Pennsylvania. Preliminary engineering work on Corridor O-1 began in 1999 and proceeded in a timely manner until March 2004, when work was suspended on over 20 major highway projects in the Commonwealth because of funding constraints. At that time, a recommended preferred alternative had been

identified, and the project was nearing environmental clearance.

In 2006, the CCMPO included Corridor O-1 as a high-priority "Project for Future Consideration" in its adopted Long Range Transportation Plan (LRTP) 2030. On March 23, 2010, the CCMPO again designated Corridor O-1 as a "Project for Future Consideration" in its new LRTP 2040, which is scheduled for adoption in September 2010. The CCMPO's actions indicate that it intends to advance the project when sufficient funding is available, and the current ADHS designation enhances the possibility of funding being committed.

The Appalachian Regional Commission (ARC) has indicated that completion of the ADHS is a top priority. Considerable investment has already been made in the ADHS system in Centre County, with only the I-99/I-80 Interchanges and the Corridor O-1 project yet to be finished. Pursuing these improvements in safety and the resulting economic development will fulfill the initial intention of the ADHS. We urge you to take action to ensure that the repeal of Corridor O-1's designation in Section 4172 of H.R. 4899 is not included in the final legislation, which will preserve the original commitment in TEA-21.

In late 2008, similar efforts were made to transfer the ADHS designation and associated system mileage from Corridor O-1 to another project in the Commonwealth. Although the CCMPO was aware of the 2008 efforts, we were not informed of the most recent action, which affects a key project within our jurisdiction. Federal law provides Metropolitan Planning Organizations with a role in the coordination of transportation improvements and the expenditure of federal funding for such improvements. A proposed action of this importance warrants early notification to the affected area, and the opportunity for discussion by the state and local officials represented on the CCMPO.

We also note that media reports about the passage of H.R. 4899 characterizing Corridor O-1 as a "stagnant" corridor are misleading. This project, like several other major highway projects across the Commonwealth, is only awaiting a commitment of funds in order to advance.

On behalf of the members of the CCMPO Coordinating Committee, we appreciate your past support for transportation projects of all modes in Centre County, and request your support in ensuring that Section 4172 of H.R. 4899 is not included in the final Supplemental Appropriations Act, 2010. We look forward to your response about this important issue.

If you have any questions or need additional information about this project, please contact Thomas P. Zilla of the CCMPO staff at tzilla@ccrcog.net.

Sincerely,

DANIEL D. KLEES,
Chair, CCMPO Coordinating Committee.

□ 1130

Ms. MARKEY of Colorado. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Arizona (Mr. FLAKE), cosponsor of the bill.

Mr. FLAKE. I thank the gentlelady for yielding, and I thank the gentlelady for sponsoring this legislation. I rise in support of it. As was mentioned, I am a cosponsor.

This would rescind contract authority for old transportation earmarks. I think we all recognize there are a lot of

earmarks that go through this place that are never funded, and that's usually a good thing because often they are quite wasteful.

This bill also shines a spotlight on wasteful transportation earmarks in a number of bills, and it rescinds more than \$8 million in contract authority for SAFETEA-LU which we passed just a few years ago. Many of us will remember, SAFETEA-LU contained more than 6,000 earmarks, including the infamous earmark for the Bridge to Nowhere, but it also included bike paths, museums, hiking trails, visitor centers, streetscapes, and parking facilities worth more than \$700 million alone.

I would urge those who are looking to bolster their fiscal credentials by voting for this legislation to rescind contract authority for old earmarks to remember that in 2 days we'll be considering the T-HUD transportation bill, which contains about 500 new earmarks worth more than \$300 million, and if we are going back and saying, yes, earmarks are wasteful, we ought to recognize that in the same week we're doing this we're also considering a new appropriation bill with about 500 earmarks worth about \$300 million.

I will be offering a series of amendments, and if I'm allowed I'll offer that, if the majority allows me to do it, to strike some of these earmarks, and I hope that the same people who vote for this legislation will also vote to strike certain wasteful earmarks from that legislation as well.

We simply can't say all right we're for fiscal responsibility when we're rescinding old earmarks that haven't been spent or earmarked moneys and then a couple of days later approve a bill that has more than 500 earmarks worth about \$300 million that will take effect now.

So, anyway, I commend the gentlelady for bringing this to the floor. I urge my colleagues to vote for it. This is a good piece of legislation. Let's also remember when we're approving new earmarks we ought to have the same fiscal discipline.

Mr. DUNCAN. Mr. Speaker, as I said earlier, I support this legislation. It is a small step for fiscal conservatism. I think it is very unfortunate, though, that this debate comes right on the heels of the debate about the war supplemental, a more than \$55 billion bill on top of the hundreds of billions we've already spent for the war in Afghanistan.

A columnist in today's Washington's Post said, We are wading deeper into a long running, morally ambiguous conflict that has virtually no chance of ending well.

I think it's very sad that we're talking about spending mega-billions more on a war that has continued for over 9 years at this point and is not worth one more American life.

But I commend the gentlewoman from Colorado for bringing this legislation to the floor. As I said earlier, it's unfortunate that in the way we do the Federal accounting this will not reduce the deficit, but it is a step in the right direction, and we need to go further and actually cut total Federal spending by the \$713 million that procedurally we are saving here in this bill.

I yield back the balance of my time. Ms. MARKEY of Colorado. Mr. Speaker, I include in the RECORD a letter from the Taxpayers For Common Sense Action that was written to Mr. OBERSTAR, chairman of the House Transportation and Infrastructure Committee.

TAXPAYERS FOR COMMON SENSE,
July 27, 2010.

CHAIRMAN JAMES OBERSTAR,
House Committee on Transportation and Infrastructure,
Rayburn House Office Building,
Washington, DC.

DEAR CHAIRMAN OBERSTAR: Taxpayers for Common Sense, a non-partisan budget watchdog, strongly supports a small but important step to reduce the nation's yawning budget deficit: the inclusion of a provision in the Federal Aviation Administration authorization legislation that would rescind transportation earmarks that remain unobligated ten or more years after their authorization.

The Senate has already adopted an amendment to its version of the bill, introduced by Sen. Russ Feingold (D-WI), which indicates that chamber's support for this idea. A bill introduced by Rep. Betsy Markey (D-CO) (H.R. 5730—Surface Transportation Earmark Rescission, Savings, and Accountability Act), builds upon the Senate provision and saves even more taxpayer dollars. Rep. Markey's proposal identifies more than \$713 million worth of unused earmarks that can be rescinded, most of which are more than ten years old. There may be an opportunity to rescind additional earmarks from previous appropriations bills, which would be worth pursuing as well.

We urge you will take this opportunity to save taxpayers hundreds of millions of dollars and wipe these liabilities off the books. If you would like to discuss this issue further please contact me or Erich Zimmermann.

Sincerely,

RYAN ALEXANDER,
President.

Mr. OBERSTAR. Mr. Speaker, I rise today in strong support of H.R. 5730, the "Surface Transportation Earmark Rescission, Savings, and Accountability Act," introduced by the gentlewoman from Colorado (Ms. MARKEY).

The gentlewoman from Colorado (Ms. MARKEY) has scoured the books of the Federal Highway Administration to identify funds that can be rescinded. This bill rescinds \$713.2 million of Federal-aid highway contract authority that is currently available for 309 Member-designated projects included in four prior surface transportation authorization bills. It takes this \$713 million off the table so that it cannot be used to increase spending in the future. Any savings from this bill will be used to reduce the deficit.

Specifically, the bill:

Rescinds all remaining highway earmarks designated in the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) (P.L. 100-17): \$4.55 million for 2 projects;

Rescinds all remaining highway earmarks designated in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (P.L. 102-240): \$263.543 million for 154 projects;

Rescinds all highway projects designated in the Transportation Equity Act for the 21st Century (TEA 21) (P.L. 105-178) that have not obligated at least 10 percent of the funds authorized for the project: \$441.475 million for 152 projects; and

Rescinds all High Priority Project program funds authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (P.L. 109-59) that were not designated for use on a specific project: \$8.190 million for 1 project.

In addition, the bill establishes a process for tracking unspent project funds going forward, enabling Congress to identify projects that have inactive funds or that have been completed in the previous year.

Member-designated projects play an important role in the Federal-aid highway program. They provide constituents with a chance to weigh in directly with their elected officials on their community priorities, and allow Members an opportunity to support transportation safety and mobility improvements that may be overlooked by the State Department of Transportation.

Yet, it is also necessary to use a common-sense approach to dealing with projects that are complete or no longer viable. Many of the funds rescinded under this bill are from projects that are complete, but have excess remaining funds that cannot be used now that the project is finished. There is no reason for these remaining funds to stay on the books.

Other projects affected are those that show no likelihood of going forward, due to changing community priorities or other transportation needs. Rescinding funds from projects that are no longer viable is a practical approach to saving taxpayers' dollars.

Rescinding this \$713 million now prevents it from being used to increase spending in the future.

It has, unfortunately, become somewhat routine for appropriations bills to rescind contract authority to offset other spending. Such rescissions are included in appropriations acts because they are useful in offsetting other spending. Even if a contract authority rescission is "scored" as only reducing budget authority, not outlays, a budget authority offset is often all that is needed to facilitate additional spending in an appropriations bill.

In fact, the Senate Appropriations Committee has proposed to use a portion of the funds rescinded in this bill to offset spending in its version of the FY 2011 Transportation, Housing and Urban Development appropriations bill.

To the extent that this bill takes \$713 million off the table and makes that amount unavailable for rescission, or use, by some future appropriations bill, it will indeed result in "real" savings.

The gentlewoman's bill is in line with the High Priority Project reform principles issued by the bipartisan leadership of the Committee on Transportation and Infrastructure in April 2009, which established an unprecedented level of transparency, accountability, and reform for surface transportation projects going forward.

These principles called for the repeal of funds from older projects that have not spent out. The gentlewoman's bill is an effective and thoughtful means of achieving this policy objective and will save the government money by eliminating unnecessary project designations.

H.R. 5730 is one step in a continuing effort to find savings within programs under the jurisdiction of the Committee on Transportation and Infrastructure. Other steps are also being taken. Last week, the House passed H.R. 5604, the "Surface Transportation Savings Act of 2010", introduced by the gentleman from Virginia (Mr. PERRIELLO), which rescinds \$107 million in highway safety and transit contract authority.

I applaud the gentlewoman from Colorado (Ms. MARKEY) for her initiative in bringing this measure forward and her commitment to sound fiscal policy.

I urge my colleagues to join me in supporting H.R. 5730.

Mr. HIGGINS. Mr. Speaker, today I made an error in how I voted on rollcall 471, passage of H.R. 5730, the Surface Transportation Earmark Rescission, Savings, and Accountability Act.

I intended to vote against this legislation and I would like to make the record clear as to why. For 50 years, my community in Buffalo and Western New York has long struggled with the vestiges of economic decline. The public has also been denied proper access to Buffalo's waterfront. This bill would rescind funding that would directly improve public access to the waterfront and support our community's economic revitalization. Providing public access to the waterfront has been my top goal throughout my career as a public servant.

While I understand the frustration with project funding that was long ago authorized, yet remains unspent, and the need to focus on deficit reduction, I will continue to insist that the agencies responsible for the deployment of these funds advance these initiatives without further delay. It is for this very reason that I opposed and intended to vote against this bill.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the Surface Transportation Earmark Rescission, Savings and Accountability Act, and commend my colleague Rep. BETSY MARKEY for bringing this legislation to the floor today.

Consistent with the Democratic majority's commitment to budget discipline, this bill rescinds unobligated funding for 309 earmarks contained in previous surface transportation authorizations, saving taxpayers \$713 million. While some only like to talk about fiscal responsibility, we are actually delivering it, scrutinizing the budget line by line to find savings for the American taxpayer.

Mr. Speaker, this is good government legislation. It's common sense legislation. It's what our constituents expect of us. And it's part of the Democratic agenda to bring real and responsible budget discipline back to Washington, DC.

I urge a "yes" vote.

Ms. MARKEY of Colorado. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado (Ms. MARKEY) that the House suspend the rules and pass the bill, H.R. 5730.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. MARKEY of Colorado. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATING COAST GUARD ACADEMY ON 100TH ANNIVERSARY

Mr. CUMMINGS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 258) congratulating the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 258

Whereas the School of Instruction to the U.S. Revenue Cutter Academy was established at Fort Trumbull in New London, Connecticut, in 1910, which later became known as the Coast Guard Academy after the consolidation of the Life Saving Service and the Revenue Cutter Service in 1915;

Whereas the Coast Guard Academy moved to its present location along the banks of the Thames River in 1932;

Whereas in 1946, the former German Navy training vessel HORST WESSEL was acquired by the United States for use by the Coast Guard and renamed EAGLE, which today travels around the world each year;

Whereas for 100 years, the Coast Guard Academy has called New London, Connecticut, home, where it has trained and shaped the leadership of the Coast Guard;

Whereas today, the Coast Guard Academy is a highly competitive educational institution that attracts driven, committed leaders who go on to serve our Nation in the many diverse roles played by our Coast Guard;

Whereas the rigorous academic program of the Coast Guard Academy provides a holistic education that includes academics, physical fitness, character, and leadership, and that trains cadets in the multiple roles of the Coast Guard's multimission responsibilities;

Whereas the Coast Guard Academy is an integral part of the southeastern Connecticut community and its cadets participate in many community service projects throughout the region, working with school systems and serving as mentors for children;

Whereas the Coast Guard Academy is a vital link to the maritime legacy of Connecticut and our Nation, and an important part of our Nation's defense; and

Whereas in 2010, in honor of its 100th year in New London, Connecticut, the Coast Guard Academy will open its gates to the

public for events highlighting this milestone, including concerts, art exhibits, an open house, and other events to allow Americans to learn more about this unique educational institution: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut;

(2) honors the many men and women who have graduated from the Coast Guard Academy and served on behalf of our Nation over the last 100 years; and

(3) encourages all Americans to learn more about the Coast Guard Academy, its mission, and its long history of training the men and women of the Coast Guard.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Con. Res. 258.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

H. Con. Res. 258, authored by Congressman COURTNEY, celebrates the 100th anniversary of the Coast Guard Academy in New London, Connecticut, and honors the many men and women who have graduated from the Academy and served our Nation with distinction over the past 100 years.

On September 15, 1910, what is today the Coast Guard Academy was established as the School of Instruction to the U.S. Revenue Cutter Academy at Fort Trumbull in New London. After the former Life Saving Service and the Revenue Cutter Service were merged in 1915 to form the modern U.S. Coast Guard, the school in New London formally became the U.S. Coast Guard Academy. In the 1930s, the Academy was moved to its present location on the Thames River in a new facility built specifically to house it.

Today, the Coast Guard Academy combines instruction in academic subjects, physical fitness, and character and leadership development to create the holistic education that prepares the future officers of the United States Coast Guard to manage all of the Coast Guard's mission areas, including search and rescue, marine safety, homeland security and maritime domain awareness, and oil spill response.

Mr. Speaker, as we celebrate the Academy's 100th anniversary, I also note that on June 28 the Academy's Class of 2014 was inducted: 199 male and

90 female cadets were sworn into the class. I am also proud to report that nearly 24 percent of this incoming class is composed of minorities, including 35 Hispanic Americans, 15 African Americans, and 13 Asian Americans. By comparison, the Class of 2013, which was inducted in 2009, was comprised of only 15.5 percent minorities, and previous classes have been even less diverse.

During my tenure as chairman of the Subcommittee on Coast Guard and Maritime Transportation, I have held four hearings in the subcommittee specifically to examine diversity in the Coast Guard, and particularly the decline in diversity at the Academy. Over the past year, the Academy has implemented new outreach initiatives in diverse communities that have enabled the Coast Guard to reach students who are qualified to attend the Academy and eager to serve our great Nation, but who have likely been unaware that the Coast Guard Academy even existed. These efforts are helping to ensure that the Coast Guard Academy is no longer our "best kept secret in higher education."

□ 1140

The Coast Guard Academy's diligent recruitment efforts have yielded great results, and this success reflects the commitment of the entire service to extend diversity at all levels. I commend Admiral Allen, the former commandant, as well as Admiral Papp, who was recently appointed as the commandant, as well as the Academy's leadership, including Superintendent Burhoe, for this achievement.

That said, the next step must be putting in place the measures that will sustain this level of diversity and expand it in coming years so that the Academy and the Coast Guard's officers corps fully reflect the diversity of America.

With that, I commend Congressman COURTNEY and I certainly thank my ranking member, Mr. LOBIONDO. I urge all Members to vote for this wonderful resolution.

With that, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 258, which congratulates the superintendent and staff of the United States Coast Guard Academy, as well as the commandant of the Coast Guard, on the 100 years of operation of the United States Coast Guard Academy.

Established in 1910 as the instructional school to the U.S. Revenue Cutter Academy and since being renamed and relocated to its present location on the banks of the Thames River in New London, Connecticut, the United States Coast Guard Academy has, for the last 100 years, upheld the highest reputation in molding young men and

women into officers that form the backbone of leadership in the United States Coast Guard.

Many years ago, in fact, shortly after graduating from the University of Tennessee, I took a tour with a friend of mine up to new England and one of the things we did was tour the United States Coast Guard Academy. In more recent years, I have gone many times to various Coast Guard installations around the United States and have seen the work of the Coast Guard and seen demonstrations that they have performed, and I have great admiration and respect for all of the men and women in the United States Coast Guard.

Often sort of an ignored or forgotten branch of our military service, I think in more recent years the Coast Guard has come into its own and more and more people recognize the great importance of the mission being performed by these outstanding men and women. The quality of character and leadership traits displayed by graduates of the United States Coast Guard Academy reflect on the exemplary job that the staff and faculty have been doing for the last 100 years and this resolution is at least small, a small way of recognizing all persons affiliated with the Coast Guard Academy for a job well done.

I encourage all Members to support this resolution, and I thank my colleagues on the other side of the aisle and especially the gentleman from Connecticut (Mr. COURTNEY) for introducing it.

I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield 4 minutes to the distinguished gentleman from Connecticut (Mr. COURTNEY), the sponsor of this legislation.

Mr. COURTNEY. I want to, first of all, thank Chairman CUMMINGS and the ranking member for their help in moving this resolution forward.

I particularly want to say thank you to Mr. CUMMINGS, who is clearly someone who doesn't come from Connecticut but someone who, because of the mission and the duties of his chairmanship, has taken an extraordinary interest in the Coast Guard Academy. He has been up to the academy and addressed the student body in an event that was widely covered by the media, and I know Superintendent Burhoe and others really appreciate the strong interest that he has in the academy, and I want to thank Mr. DUNCAN for his kind words as well.

We are very proud of the Coast Guard Academy in Connecticut. All you have to do is turn on the TV these days and you can see Admiral Thad Allen, the national incident commander at the Gulf of Mexico, showing extraordinary leadership skills, talent, both in terms of science and organization to get the best efforts to clean up the gulf.

The new commandant of the Coast Guard service, Admiral Papp, is a graduate of the Coast Guard Academy, as is Admiral Allen; and it is clear that the academy has done just an outstanding job in terms of giving the graduates there the skills that they need in terms of science, math, maritime sciences, but as well just the leadership skills to make sure that this critical military branch gets the finest folks carrying out its mission every single day, whether it's interceding drug runners coming into the U.S. or, again, leading the efforts down in the Gulf of Mexico to clean up the spill.

Chairman CUMMINGS described very eloquently the history of the Coast Guard Academy, the merger which took place in the 1930s, and its present home in New London on the Thames River. I was driving by a couple of days ago and saw the first-year cadets out there sweating in 100-degree heat doing calisthenics. They are also out there on the Thames River learning sailing skills.

The *Eagle*, which is the tall ship our country is proud to display both at coastal cities up and down the east and west coast but also in other parts of the world, is a training facility for Coast Guard cadets. Again, every single graduate over the last several decades has had the experience of working on the *Eagle* which, again, is a proud symbol of our country and its great maritime mission and also it's great maritime future.

What I would just say is lastly, again, partly because of Chairman CUMMINGS' interest, you have seen, I think, recently an effort by the Coast Guard Academy to get much more involved in the community of the city of New London. It is a distressed city and has many challenges, but we now have Coast Guard cadets who are out there helping in terms of the school system, out there helping in terms of cleanups and environmental efforts in the city, providing entertainment with the great Coast Guard band at different local events throughout the city. Again, we are very proud of the fact that they are a very involved neighbor in the city of New London in southeastern Connecticut.

Lastly, I would just say that the U.S. News and World Report, with its annual college survey, demonstrated the success of the Coast Guard Academy with its ranking of the Coast Guard Academy in the top 10 as far as small 4-year colleges. Any effort to widen the circle of young people—some may be listening here in the Chamber today, to learn about the Coast Guard Academy—it's free, but it's also the highest of quality in terms of the educational program that it provides. And, as I said earlier, it provides great leadership in terms of a great homeland security function that we need at so many different levels.

So I want to thank again Chairman CUMMINGS and Mr. DUNCAN for their support for this academy. I think it's an academy that deserves a bit of a spotlight today in terms of the great work that it's doing.

I urge all Members to support this measure.

Mr. DUNCAN. Madam Speaker, I yield such time as he may consume to the ranking member of the full committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. I thank our distinguished ranking member, Mr. DUNCAN, the gentleman from Tennessee, for yielding. I am pleased to join with the chairman of the Coast Guard Subcommittee, whom I have had the opportunity to work with in a number of capacities.

In support of this resolution, I am pleased to be a cosponsor.

The Coast Guard Academy, not a lot of folks know a lot about it. Everyone has heard of West Point, the Air Force Academy out in Colorado Springs. Everyone has heard of Annapolis and the U.S. Naval Academy close by here.

I highly recommend to Members who have not had the opportunity to visit, to visit the Coast Guard Academy, one of our finest military service academies, unsung heroes. It has over 50,000 men and women in service and many of the leaders come from the Coast Guard Academy.

One of the neat things I have to do as a ranking member of the full committee, Mr. OBERSTAR, the chairman, and myself get to serve on the Board of Visitors, as do some other Members from Congress; and you get to see firsthand the operations of the United States Coast Guard Academy.

I have been there and had the opportunity to meet with their leaders. They are very fortunate to have Admiral Scott Burhoe, who is doing an outstanding job of providing leadership and direction and commitment that the Coast Guard has always had to the young men and women who attend and graduate there.

The motto of the Coast Guard is *Semper Paratus*, and that's "Always Ready," and that's the mission of the Coast Guard Academy, to make those young leaders always ready. They are our first line of defense nationally, the United States Coast Guard.

We call on them, whether it's for safety or national security.

□ 1150

These are some of the most fantastic graduates, young men and women of this academy, and everyone who wears the label of being part of the Coast Guard. They don't whine. They don't whimper. They never come here asking for more compensation, more rights, more employee benefits. They get their mission assigned and they do their job. They are incredible. They are underpaid and overworked, but they are al-

ways ready when the Nation needs them.

I am pleased again to join others in recognizing the leadership of Thad Allen. We saw, when we had the spill in the gulf, who was responsible as the first responder from the Federal level—the United States Coast Guard.

I was dismayed when the Obama administration proposed its budget earlier this year before this spill and recommended cutting 1,100 Coast Guard positions, cutting back ships, helicopters, airplanes, and other assets that are so essential for the Coast Guard to carry out its mission. We give our men and women in the military, whether it's Coast Guard or any other service, the resources to do the job, and then we commit them to complete that job and they get it done.

So I am also pleased that both sides of the aisle stepped up when those cuts were proposed and they did not accept that recommendation, and those cuts are not going to take place because of bipartisan support on both sides of the aisle.

So, again, we are here to recognize the accomplishments not only of Thad Allen, but our new Admiral, the head of the Coast Guard, Bob Papp, an incredible gentleman.

How blessed we've been to have people like Thad Allen who, I think way back when I became a ranking member, was dealt probably every difficult situation, starting off with unrest in Cuba and problems with Guantanamo, preparing for any possible mass migration, through the Deepwater controversy, things he had nothing to do with but inherited those challenges and stepped up to the plate every single time. And then as he's about to retire, as he's about to exit his command and Bob Papp take over, he was dealt the cards of the oil spill and stepped right into that, and he has provided leadership. We haven't provided all the direction, resources, or assets that we should to deal with that, nor the administration, but Thad Allen and others have been there.

And Scott Burhoe continues to lead a great academy we can all be proud of.

So I join my colleagues in recognizing 100 years of service to our Nation, the United States Coast Guard Academy.

Mr. CUMMINGS. I yield myself such time as I may consume.

I want to thank the ranking member of our full committee, Mr. MICA, and Mr. DUNCAN. Both of them made some very good points that I would just like to elaborate on a little bit.

I call our Coast Guard our thin blue line at sea, and I think when we saw the oil spill situation, we realized that they are indeed our coast guard, they are guarding our coast.

And Mr. MICA was absolutely right. I think that sometimes those that are performing some of the most important

tasks are occasionally unseen, unnoticed, unappreciated and unapplauded, in the words of a Greek theologian, but they do the most important things. And this is a wake-up call, I think, to our Nation, when we see something like our oil spill, of how important the Coast Guard Academy is in training young folks to go out there and be leaders. But it is also a lesson to our Nation to give the United States Coast Guard the priority status that it gives the other armed service entities. It is very, very important.

I know that as I travel around the country, every time I go into a port where the Coast Guard is stationed, I try to spend some time with them to let them know what a grateful Nation we are for what they do every day. But one of the things, Madam Speaker, that has always impressed me in a lot of the ceremonies that I've gone to where they were giving medals is how these men and women put their lives on the line and put their lives before others to save lives. I've heard stories of 20-foot seawalls where they were able to save people, and again, putting their life on the line, and then all the other things they do.

I've often said that, since 9/11, their responsibilities have increased tremendously. And Mr. MICA is absolutely right, it is important that this Congress support the Coast Guard to the Nth degree. It must be and has been a bipartisan effort to make sure they get the funding that they need, and we will continue to do that.

So I, too, congratulate Thad Allen—Admiral Allen—and now Admiral Papp for all that they have done. When we look at Katrina, the agency that performed, without a doubt, the best was the United States Coast Guard, saving over 35,000 people, many of whom would have been dead today.

And so I take this moment not only to salute 100 years of the academy, but like my colleagues, to salute a great organization, one that is very small but has a big heart.

Madam Speaker, I reserve the balance of my time.

Mr. DUNCAN. Madam Speaker, I will join with Ranking Member MICA and Chairman CUMMINGS in their commendations, particularly of Admiral Allen, for whom all of us have such great respect, and say once again congratulations on this 100th anniversary to the United States Coast Guard Academy.

Mr. OBERSTAR. Madam Speaker, I rise today in strong support of H. Con. Res. 258. I thank the gentleman from Connecticut (Mr. COURTNEY) for his work on this legislation.

H. Con. Res. 258 congratulates the Commandant of the Coast Guard, the Superintendent of the United States Coast Guard Academy, and the Academy's staff on the Academy's 100th year of operation in New London, Connecticut.

In 1910, the School of Instruction to the Revenue Cutter Service relocated from Curtis

Bay, Maryland to New London at Fort Trumbull. The school became known as the Coast Guard Academy when the Life Saving Service and the Revenue Cutter Service were consolidated in 1915. In 1932, the Academy moved to its present location in New London, Connecticut, on the West Bank of the Thames River.

The Coast Guard Academy is the single accession point for all Coast Guard officers and home to the Coast Guard's Leadership Development Center, which touches virtually every aspect of the service through a host of training programs, including Officer Candidate School. Furthermore, the Coast Guard Academy is a highly competitive educational institution that provides a holistic education that includes academics, physical fitness, and leadership training as the Academy prepares its cadets for the Coast Guard's many diverse missions.

In addition to congratulating the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, H. Con. Res. 258 honors the many men and women who have graduated from the Academy and encourages all Americans to learn more about the Academy, its missions, and its long history.

As we celebrate this important anniversary, I also note that on June 28, 2010, the Coast Guard Academy inducted the Class of 2014, which is one of the most diverse in school history. Of the 290 students who started this summer, 68 students—or 23 percent—are minorities. This is the second-highest percentage in the school's history and higher than the Class of 2013, which consists of 15 percent minority students.

I urge my colleagues to join me in agreeing to H. Con. Res. 258.

Mr. THOMPSON of Mississippi. Madam Speaker, it is with great pleasure that I rise today to congratulate the U.S. Coast Guard Academy for its 100 years of operation in New London, Connecticut.

The Academy is one of our Nation's premier institutions of higher learning that attracts the best and brightest students who go on to serve our country with honor and distinction.

The Academy's excellent curriculum and small class sizes provide cadets with the training and character development skills that are necessary for our Nation's leaders of tomorrow. Academy graduates are members of an elite group who have pursued diverse civilian career paths in engineering, government, education and even space exploration. With over 85 percent of graduates choosing to serve beyond their five-year commitment, the Academy's graduates play an important part in fulfilling the Coast Guard's mission responsibilities related to homeland security. In the current threat environment, it is essential that the Academy continues to offer a rigorous academic program that produces diverse leaders who are highly trained to keep America safe and secure. One way to achieve greater diversity—especially geographical diversity—in the next hundred years is by adopting the congressional nomination processes that have served other U.S. military academies so well over the years.

Again, I congratulate the leadership within the Coast Guard and the Academy for all of

their accomplishments as they celebrate this important milestone.

Ms. MCCOLLUM. Madam Speaker, I rise today to recognize the United States Coast Guard Academy on its 100 years of operation in New London, Connecticut and in support of H. Con. Res. 258, sponsored by my friend and colleague, Mr. COURTNEY of Connecticut. Congratulations are due to the Commandant, the Superintendent, dedicated staff, cadets and all graduates of this fine U.S. Service Academy.

The U.S. Coast Guard Academy has educated and developed a century of U.S. leaders of character who have led and continue to lead men and women in the Coast Guard's unique role as a multi-mission, maritime military force. I am proud of those Minnesotans from my congressional district who have gone on to become leaders.

The role of the U.S. Coast Guard has grown beyond maritime safety and security. Particularly since the terrorist attacks of September 11, 2001, the Coast Guard has answered the call to serve our community, country and fellow citizens through critical service in protection of natural resources, management of maritime traffic, commerce and navigation and our national defense.

Madam Speaker, I am honored to submit this statement in honor of 100 years of excellence at the United States Coast Guard Academy. All Americans are fortunate to benefit from the leadership and service of its graduates.

Mr. DUNCAN. Madam Speaker, I yield back the balance of my time.

Mr. CUMMINGS. Madam Speaker, again I urge the Members to support this legislation. I think it's very important that we pause to recognize these wonderful, strong, courageous, and patriotic citizens of our Nation who, again, are our thin blue line at sea.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. MARKEY of Colorado). The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 258.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

COMMENDING AIR TRAFFIC CONTROLLERS

Mr. COSTELLO. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1401) expressing gratitude for the contributions that the air traffic controllers of the United States make to keep the traveling public safe and the airspace of the United States running efficiently, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1401

Whereas air traffic controllers dedicate themselves to the protection of the flying public;

Whereas air traffic controllers react to dangerous and complex situations on a daily basis, doing so in a calm and professional manner;

Whereas air traffic controllers work all day long and all year long, including holidays, to provide services to aircraft in their assigned airspaces;

Whereas, due to the highly stressful and demanding nature of the job and the total concentration required, air traffic controllers are required to take regular 30-minute breaks, work in shifts, and retire by the age of 56;

Whereas air traffic controllers perform courageous acts every day;

Whereas, on January 1, 2009, air traffic controller Kristin Danninger at the Madison, Wisconsin, Tower and Terminal Radar Approach Control ("TRACON") facility directed a new pilot back on course and above minimum altitude who had been stuck in the clouds in a small aircraft with zero visibility, successfully using her knowledge of local geography to point out a highway that led the pilot to the appropriate runway;

Whereas, on March 29, 2009, air traffic controller Troy Decker at the Salt Lake Center facility guided a Piper Aztec aircraft with an engine fire to a safe landing in Butte, Montana, providing detailed weather reports for several possible landing options;

Whereas, on April 12, 2009, air traffic controllers Jessica Anaya, Lisa Grimm, Nathan Henkels, Dan Favio, Brian Norton, and Carey Meadows at the Miami Center facility and the Fort Myers Tower and TRACON facility guided to safety a twin-engine King Air aircraft after the pilot died in-flight, assisting Doug White, an individual with limited private pilot experience in smaller aircraft, to locate the positions of controls and switches on the aircraft and to navigate the high-traffic area of southern Florida;

Whereas, on June 28, 2009, air traffic controller Ron Chappell at the Southern California TRACON facility issued a traffic advisory to a jet aircraft landing at Los Angeles after viewing another target on his radar screen that was at an unknown altitude and approaching the jet, circumstances that bore a similarity to a 1986 mid-air collision over Cerritos, California;

Whereas, on July 5, 2009, air traffic controller Louis Ridley at the Potomac TRACON facility assisted a Velocity aircraft stuck above a cloud layer to navigate through perilous mountain terrain with limited fuel remaining and, while doing so, reassured the pilot, gave detailed flight and weather information, determined the best airport for a safe approach and landing, and even had his wife, Carolyn, greet the pilot after the pilot landed in Culpepper, Virginia;

Whereas, on October 9, 2009, air traffic controllers Kevin Plante and Christopher Presley in Portland, Maine, helped guide an aircraft that had become stuck in rapidly deteriorating weather conditions by employing, with daylight waning and the aircraft near mountainous terrain, a road map to direct the pilot to Portland using several highways, lakes, and towns as guides;

Whereas, on November 14, 2009, air traffic controller Jessica Hermsdorfer at the Kansas City Tower and TRACON facility calmly helped guide back to the airport an Airbus 319 aircraft that had hit multiple birds and experienced engine trouble, directing other aircraft out of the way and assisting the stricken flight to land safely;

Whereas, on December 7, 2009, air traffic controllers Natasha Hodge and Douglas Wynkoop at the Dallas TRACON facility worked as a team to assist a confused and disoriented pilot

of an experimental aircraft, redirecting other aircraft in the area and suggesting an approach into Navy Fort Worth for the pilot, which resulted in a successful landing;

Whereas, on December 20, 2009, air traffic controllers Todd Lamb at the Anchorage Center facility and Michael Evans at the Fairbanks Flight Service Station ensured a safe landing for a Cessna aircraft that was experiencing smoke in the cockpit, as Mr. Evans was able to assist the pilot in locating a narrow dirt trail which was the only safe landing spot in the area and Mr. Lamb helped a second aircraft locate the downed plane's position;

Whereas approximately 15,600 Federal air traffic controllers, in airport traffic control towers, terminal radar approach control facilities, and air route traffic control centers, guide planes through the airspace of the United States;

Whereas approximately an additional 1,250 civilian contract controllers and more than 9,000 military controllers also provide air traffic services;

Whereas, from fiscal year 2001 to fiscal year 2009, according to the Federal Aviation Administration ("FAA") there have been 94,600,000 successful flights of United States commercial aircraft safely carrying more than 6,340,000,000 passengers;

Whereas air traffic controllers provide separation services over the entire airspace of the United States and 24,600,000 square miles of international oceanic airspace;

Whereas, as of May 22, 2010, the FAA operated 315 air traffic control facilities and the Air Traffic Control System Command Center in the United States;

Whereas, in the past 5 years, the FAA has hired more than 7,500 air traffic controllers in order to meet continuously changing traffic volumes and workload; and

Whereas air traffic controllers are facing staffing challenges, with an aging workforce and a wave of retirements: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses gratitude for the contributions that the air traffic controllers of the United States make to keep the traveling public safe and the airspace of the United States running efficiently;

(2) commends air traffic controllers for the calm and professional manner in which they handle air traffic, day and night, throughout the year;

(3) acknowledges the heroic actions, dedication, and quick and skilled decisionmaking that air traffic controllers employ to help avert many accidents and tragedies; and

(4) encourages greater investment in the modernization of the air traffic control system of the United States so that air traffic controllers have the resources and technology needed to better carry out their mission, both in the air and on the ground, as air travel continues to grow.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. COSTELLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 1401.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1200

Mr. COSTELLO. I yield myself such time as I may consume.

Madam Speaker, as a cosponsor of the resolution, I commend the gentlewoman from New York, Congresswoman CAROLYN MCCARTHY, for introducing the resolution and for her leadership on this issue.

The Nation's air traffic controllers ensure the safety of approximately 2 million aviation passengers per day, or almost 1 billion people per year, and safely guide more than 60 million aircraft annually to their destinations. The current air traffic controller workforce consists of approximately 15,600 dedicated and well-trained men and women across the country and at the Air Traffic System Command Center.

As chairman of the House Subcommittee on Aviation, I have visited many of the air traffic control facilities, and have witnessed firsthand the skills controllers utilize to safely separate aircraft moving through the Nation's airspace system. These individuals display exceptional skills, and are able to multitask and to work well under pressure. In fact, the resolution describes nine separate incidents where controllers have saved many lives by providing excellent service.

Madam Speaker, I urge my colleagues to join me in supporting H. Res. 1401, to express our gratitude for the contributions that the air traffic controllers make to keep the traveling public safe and the airspace of the United States running efficiently.

I reserve the balance of my time.

Mr. PETRI. I yield myself such time as I may consume.

Mr. Speaker, I would like to express my strong support for the resolution before us, and I am pleased to be a cosponsor. While I am pleased we are considering House Resolution 1401, I am disappointed that none of the suspensions we are considering today are Republican bills. However, I understand that the chairman of the full committee has scheduled three Republican bills for markup this coming Thursday.

House Resolution 1401 congratulates our Nation's air traffic controllers for their service and their dedication to protecting the flying public. Aviation safety is the product of many professionals in all sectors of the industry who are performing their best at all times. With nearly 87,000 flights operating over the United States daily, keeping the system safe is no small feat. The hard work and commitment of air traffic controllers play a key role in our exceptional record of aviation safety.

Over the past decade, nearly 1 billion passengers have successfully traveled aboard 93 million commercial flights. Thanks in part to the commitment of air traffic controllers, our Nation's air

transportation system is the safest in the world. As air traffic demand is forecasted to rebound and grow, it is important to sustain investments to modernize air transportation technologies and procedures.

According to the FAA, NextGen infrastructure and procedures will change the role of air traffic controllers, equipping them with the tools they need to manage the anticipated growth in air traffic demand. Air traffic controllers are an important part of improving air traffic control efficiency through NextGen, and I welcome their input in advancing these efforts.

I honor the hard work and dedication of our 25,000-plus air traffic controllers, and I join in commending their service to the Nation's air travelers. I fully support the adoption of the resolution.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. MCCARTHY), who is the sponsor of this resolution.

Mrs. MCCARTHY of New York. I want to thank Chairman OBERSTAR, Chairman COSTELLO, Ranking Member MICA, and certainly Congressman PETRI for bringing this resolution that I introduced to the floor. I want to also thank Representative PETER KING for his support as well.

Most of all, I want to thank our Nation's air traffic controllers for keeping us all safe.

Air traffic controllers work 24 hours a day, 7 days a week, all year long to keep the traveling public safe and to keep our Nation's airspace running efficiently. The more than 15,600 controllers are responsible for almost 1 billion passengers each year.

They handle dangerous and complex situations in a calm and professional manner, oftentimes working long shifts in dark rooms and monitoring many planes at one time. Their heroic efforts on September 11, during the miracle on the Hudson River landing of U.S. Airways Flight 1549, and during other incidents are all well-known.

Though, what we don't hear about are the dangerous situations they help to avert on a regular basis. I was pleased to include nine separate success stories in this resolution, but it is not a complete list. These types of stories happen every single day—averting accidents and disasters in the sky and on the ground.

The controllers help to make sure that air travel runs efficiently so that the planes avoid dangerous weather and so that families and businessmen and -women who are traveling reach their destinations as quickly as possible. We also must make sure that our air traffic controllers have the resources they need to do their jobs as well as they can.

We need to have greater investment in the modernization of the Nation's air traffic control system, which will

create jobs and have an environmental, performance and safety benefit for all of us. As air traffic continues to grow, air traffic controllers must have the resources and technology needed to better carry out their mission.

I look forward to the completion of the FAA reauthorization bill, and I want to thank the committee for all of their hard work in conference.

Finally, we need to make sure our air traffic facilities are well staffed. In my State of New York, our controllers handle thousands of flights every single day that are departing, arriving, and traveling through the tightly packed New York airspace. I have enjoyed visiting facilities like the New York TRAYCON, located in Westbury, New York, which is in my district. Our air traffic facilities should be fully staffed with experienced controllers, and the facilities should be properly run in order to ensure the safety and welfare of the flying public. I look forward to continuing to work with the committee and with the FAA to make sure that this happens.

Once again, please join me in expressing gratitude to the Nation's air traffic controllers. I urge my colleagues to support this resolution.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the ranking Republican on the full committee, my colleague, the gentleman from Florida, Mr. JOHN MICA.

Mr. MICA. I thank the gentleman for yielding.

Mr. PETRI and Mr. COSTELLO do a great job in leading the Aviation Subcommittee. They have both had the opportunity to serve in leadership positions. As a former chair of that Aviation Subcommittee, I do thank them for their work day in and day out to make certain that the United States continues to have the safest skies and continues to fly the safest flights of anywhere in the world.

Mr. Speaker, still, about two-thirds of all of the passenger flights in the world occur in the United States of America. Some 94 million commercial flights were handled last year by our air traffic controllers. Again, the safety record is just unprecedented. When you stop and think of all of the potential for human error, for something to go wrong, and of the record we have achieved, it is remarkable.

I am sad that we don't have an FAA reauthorization bill here. I am pleased that my legislation, which I crafted back in 2003 or 2004 and which expired in 2007, I believe—some 3 years ago—may be on its 15th extension this week. I knew I wrote a good bill. I didn't know, though, it was that good to last this long, but I look forward to passing that legislation which is so important that it sets forth the policy, the projects, and the funding for keeping our aviation system safe and sound.

This resolution does honor the men and women who serve as air traffic con-

trollers. As you know, there are 50,600 air traffic controllers—those are Federal air traffic controllers—who operate in the towers, in the TRAYCONS, and in other facilities that we have. In addition, we have 1,250 civilian contract air traffic controllers. Now, that doesn't sound like many—it's a little less than 10 percent—but we also honor those private contract tower air traffic controllers. They serve at 250 airports. The contract towers represent 45 percent of all control towers in the United States because they are smaller facilities, but they are scattered in 250 locations across the country, and they handle about 25 percent of all of the traffic.

So, on 9/11, when our air traffic controllers were doing such a great job, the Federal air traffic controllers, we also had contract air traffic controllers. Unfortunately, they earn less pay, but all of the reports we have are that their safety record is equal to, if not superior to, in performance, and there have been several studies that have confirmed that.

□ 1210

They don't get as much compensation, but they do a great job, and we recognize them too.

The final thing that I want to do in recognition today of air traffic controllers, the unsung heroes of our military, men and women. We have more than 9,000 military air traffic controllers.

Now, an FAA air traffic controller, the average pay is \$109,000, the base pay, I think about \$160,000 with benefits. The average military air traffic controller, their base pay is \$36,964. Here are dedicated men and women who serve, and there's 9,000 of them, who also have an incredible safety record.

It's not just at a commercial airport. These folks are all around the world. You saw them in Baghdad. You see them at foreign assignments, where they've had to land and attend to aircraft in hostile conditions and at very low wages. Each day, day in and day out, they do a great job in representing the United States of America and serving our military airlift needs.

So we commend all of our air traffic controllers today. We're going to need more of them, folks. They're retiring in record numbers. I'm told there may be 60 percent of the air traffic controllers, you know, many came on with Ronald Reagan when he replaced all of them, and they're aging now. They have a mandatory retirement age, and we need to replace them.

So we salute them for their work; we welcome the new hires on board. We've got to redouble our efforts to get the best trained, the most qualified on the job as soon as possible, because you just don't come on and take over New York airspace air traffic control or any of the other congested corridors and do

it overnight. It takes years of experience. And those are the people we want to replace, these people that have dedicated their life to safety and service.

So we salute them. And I join Members in asking for passage of this resolution in their honor.

Mr. COSTELLO. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BISHOP), a member of the subcommittee.

Mr. BISHOP of New York. Mr. Speaker, I thank Chairman COSTELLO for yielding time. And I want to thank Congresswoman MCCARTHY for her leadership on this issue.

I rise in support and as a cosponsor of H. Res. 1401, expressing our gratitude for the excellent work performed by our Nation's air traffic controllers who keep the traveling public safe.

I am proud to represent many of the Nation's nearly 16,000 air traffic controllers. They are often the unseen heroes of our Nation's airways. Their unique skills and training keep our travel in the United States and around the world safe and on time.

In the New York metropolitan area, among the world's busiest regions for air transportation, air traffic controllers work tirelessly 365 days a year to ensure that parents will see their children for holidays, that businesses depending on air travel will continue to thrive, and that your packages arrive on time.

Mr. Speaker, we should not overlook these men and women who are a critical link in our domestic and international transportation network. Indeed, they deserve our thanks. I commend them for their hard work, and I ask my colleagues to support this important resolution.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the dedicated men and women who keep the flying public safe and our airspace running efficiently, our Nation's air traffic controllers. Approximately 15,770 Federal air traffic controllers in airport traffic control towers, terminal radar approach control, TRACON, facilities, and air route traffic control centers across the country monitor the airspace of the United States and 24,600,000 square miles of international oceanic airspace. Together with 1,250 civilian contract controllers and more than 9,000 military controllers, they work 24 hours a day, 365 days a year to ensure that passengers and goods reach their destinations as safely and quickly as possible.

It is a well-established fact that air traffic controllers operate in one of the most stressful of work environments. With thousands of flights departing, arriving, and en route at any given moment, managing the flow of air traffic safely and efficiently is no simple task. It is a continuous process that requires great situational awareness, total concentration, and making split-second decisions.

While an air traffic controller's job is stressful and demanding by nature, it is also unpredictable because of nature. Without notice, weather conditions can change quickly. From turbulence to large storm systems, air traffic

controllers adapt to all inclement conditions in a calm and professional manner to reroute aircraft safely.

The extraordinary service that air traffic controllers provide becomes even more apparent when they are faced with greater adversities. When emergency situations develop in-flight, it is up to air traffic controllers to provide leadership and guidance. These amazing stories have been well-documented by the media, with reports of air traffic controllers providing life-saving navigation to pilots and, in some cases passengers, to land their aircraft given extreme weather conditions or mechanical failure. Thanks to the heroic actions, dedication, and quick and skilled decision-making of air traffic controllers, many accidents and tragedies have been averted.

I have had the pleasure of getting to know many air traffic controllers in and around my district in South Florida, and I can personally attest to the remarkable job they do. Air traffic controllers are motivated, decisive, committed, and self-confident individuals who often work many thankless hours. They are the reason that we have the safest air traffic control system in the world, and that is why we must continue to support them.

As we modernize our nation's air traffic control system, we must ensure that air traffic controllers are best equipped to continue delivering the highest levels of service to those flying within our airspace.

Mr. Speaker, I truly appreciate the hard work that our nation's air traffic controllers do each and every single day to keep us safe when we fly and to guide us home. Their reputation for expertly handling complex situations and responding to dangerous developments on a daily basis is well-deserved.

Mr. OBERSTAR. Mr. Speaker, I rise in support of this resolution, H. Res. 1401, as amended, introduced by the gentlewoman from New York (Mrs. MCCARTHY), which expresses gratitude for the contributions that the air traffic controllers of the United States make to keep the traveling public safe and the airspace of the United States running efficiently.

Our air traffic control system currently handles commercial aircraft with more than 700 million enplanements, and the Federal Aviation Administration, FAA, predicts that this figure will reach 1 billion by 2023. In 2010, air traffic controllers will handle 39 million terminal radar approach control, TRACON, operations, which are forecast to grow at an average annual rate of 1.7 percent, and to reach 54.4 million in 2030. It is also expected that 39.4 million aircraft operating under instrument flight rules will be handled at FAA air route traffic control centers in 2010, increasing 2.5 percent per year, and reaching 64.1 million in 2030.

Air traffic controllers provide essential services to ensure separation between aircraft in the national airspace system. They work in difficult and stressful situations to assist pilots with navigation during arrival and departure from airports and while in flight, and provide critical information and advisories during flight. Because of the stressful environment in which they work, they must take regular breaks and they must retire by age 56. Air traffic controllers help to ensure the safety of approximately two million aviation passengers each day.

H. Res. 1401 recognizes the critical work performed by air traffic controllers seven days

a week, 24 hours a day. The resolution describes nine recent incidents in which air traffic controllers were instrumental in ensuring the safety of flight crewmembers and passengers. These examples demonstrate air traffic controllers' heroic actions, dedication, and quick and skillful decision-making.

H. Res. 1401 commends air traffic controllers for the calm and professional manner in which they perform their duties. The resolution also encourages greater investment in modernizing the air traffic control system to ensure that controllers have the necessary resources and technology to better carry out their duties as air travel grows.

As we honor the nation's air traffic controllers in this resolution, there also several provisions in the House-passed FAA reauthorization bill—H.R. 1586, the "Aviation Safety and Investment Act of 2010"—that that support air traffic controllers.

H.R. 1586 creates certainty and stability for the FAA and its unionized employee groups, including air traffic controllers, by establishing mediation and arbitration processes for resolution of collective bargaining impasses. The new dispute resolution process makes it clear that labor-management disputes between FAA and its organized employees will be resolved through a fair and equitable process.

Under the bill, if the use of a Federal mediator in a collective-bargaining dispute does not produce an agreement, then the issues in controversy would be submitted to the Federal Service Impasses Panel, which would assert jurisdiction and order binding arbitration using a private three-member board. The bill requires the arbitration board to make its decision within 90 days; the decision would be binding and conclusive.

In addition, H.R. 1586 as passed by the House includes the following provisions that will benefit air traffic controllers in the important work they perform:

Stakeholder Involvement: Requires the FAA to establish a process for including and collaborating with qualified employees selected by each affected exclusive collective bargaining representative in the planning, development, and deployment of air traffic control modernization projects, including the Next Generation Air Transportation System, NextGen.

Staffing Studies: Facilitates the implementation of NextGen by requiring several studies related to the FAA's staffing needs and assumptions with respect to air traffic controllers and other safety-critical employees. Also requires the FAA to study training programs for air traffic controllers.

FAA Facility Conditions: Directs the Administrator of the FAA to convene a task force to study workplace conditions in FAA facilities.

Consolidation of FAA Facilities: Facilitates NextGen implementation and the protection of employee groups by requiring the Administrator of the FAA to convene a working group to develop criteria and make recommendations for potential consolidation and realignment of FAA facilities. The working group will contain members from airlines and affected labor groups, among other interested stakeholders.

We are currently negotiating with the Senate to reach a swift compromise on H.R. 1586. I

will work to ensure that these provisions are included in the final FAA reauthorization legislation.

Thank you, Mr. Speaker. I urge my colleagues to join me in supporting H. Res. 1401.

Mr. GRAVES of Missouri. Mr. Speaker, I rise today in support and as a cosponsor of H. Res. 1401, a resolution recognizing the important contributions of air traffic controllers in maintaining a safe and efficient aviation and airspace system.

Today we are honoring men and women who dedicate their professional lives to improve aviation safety and protect the traveling public. Air traffic controllers must perform their mission with perfection because mistakes put lives at risk. I think they do an outstanding job.

In particular, I would like to recognize Ms. Jessica Hermsdorfer at the Kansas City International Airport (MCI) and Terminal Radar Approach Control facility. On November 14, 2009, Ms. Hermsdorfer calmly helped guide back to the airport an aircraft that had hit multiple birds and experienced engine trouble, directing other aircraft out of the way and assisting the stricken flight to land safely. Her quick actions helped save the lives of the more than one-hundred passengers on board the aircraft.

As a Member of Congress and as a pilot, I am proud to honor and recognize the outstanding work of Ms. Hermsdorfer and all of our air traffic controllers across the nation. They truly provide a valuable public safety service.

Again, I rise in support of H. Res. 1401 and urge all of my colleagues to do the same.

Ms. WATERS. Mr. Speaker, I rise in strong support of H. Res. 1401, expressing gratitude for the contributions that the air traffic controllers of the United States make to keep the traveling public safe and the airspace of the United States running efficiently. I thank my colleague from New York, Mrs. MCCARTHY, for offering this resolution.

Air traffic controllers dedicate themselves to the protection of the flying public. Their job is important, and it is stressful and demanding. Air traffic controllers must make split second decisions at times when the lives of hundreds of passengers are in danger. They perform this work professionally and in doing so provide a great service.

My district in Southern California is home to Los Angeles International Airport (LAX), one of the busiest airports in the world. LAX is an economic hub for my district and for the region—it brings people and business to Los Angeles and Southern California from all over the country and the world. LAX is also a job creator for many of my constituents, and this includes the men and women who serve as air traffic controllers, working to keep passengers, aircraft, and area residents safe.

A little more than a year ago, on June 28, 2009, an air traffic controller at the Southern California TRACON facility—Ron Chappell—issued a traffic advisory to a jet aircraft landing at LAX after he saw another target on his radar screen at an unknown altitude and approaching the jet. This response by Mr. Chappell likely averted a deadly crash. I salute him and his fellow air traffic controllers who work in Southern California and throughout the United States to keep us safe.

I offered an amendment to prohibit consolidation of the Federal Aviation Administration's

regional offices and air traffic control facilities without congressional oversight and public comment which was included when the House reauthorized the FAA earlier this year.

I am concerned that consolidation of air traffic control offices and facilities could have an effect on the safety of flying. In addition, consolidation would result in the loss of many jobs, including jobs of some of my constituents as the Western-Pacific Regional Office which serves all of Southern California is located in Hawthorne—a city in my district.

The National Air Traffic Controllers Association recently presented me the Champion for Aviation Safety Award for my work to protect local jobs in Southern California and to keep passengers and the communities surrounding LAX safe. I truly appreciate this honor and will continue to be a strong advocate for air traffic controllers and passenger safety.

Members of Congress are perhaps some of the most frequent flyers, especially those of us who represent constituencies far away from Washington. We owe air traffic controllers—as well as flight attendants, pilots, ground crew, ticket agents, and others—a debt of gratitude for keeping us and our fellow passengers safe, and for keeping us moving safely and quickly so that we can get back to our constituents and our families in a timely manner.

So I am proud to rise in support of this resolution, Mr. Speaker, I thank the gentlelady from New York for offering it.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H. Res. 1401, expressing gratitude for the contributions that the air traffic controllers of the United States make to keep the traveling public safe and the airspace of the United States running efficiently, and for other purposes. I must commend and thank Congresswoman MCCARTHY for her leadership on this legislation and her dedication to recognizing the brave work of air traffic controllers.

Just last week, a plane taking off from my home state of Georgia was forced to make an emergency landing at Hartsfield-Jackson International Airport after a tire blew during takeoff. The plane circled the skies for several hours and with the help of air traffic controllers on the ground, the plane was able to land safely. No one was injured, and the passengers were routed to another flight.

This example is just one of many describing the crucial job of air traffic controllers, a group that might remain unrecognized were it not for this resolution. Everyday air traffic controllers work to keep the traveling public safe and U.S. airspace running efficiently. They execute their job with the highest level of efficiency and maintain a calm and professional manner despite the stressful circumstances they may encounter.

H. Res. 1401 serves as a small thank you and acknowledgement to air traffic controllers for their often heroic actions, dedication, and quick and skilled decision making to help avert many accidents and tragedies. Additionally, the resolution serves as an opportunity to encourage greater investment in the modernization of the air traffic control system so that they have the resources and technology to better carry out their mission.

Mr. Speaker I urge my colleagues to support this legislation. It serves as an opportunity

to give air traffic controllers the acknowledgment they so deserve and encourage them to keep our skies safe for all.

Ms. MCCOLLUM. Mr. Speaker, I rise in support of H. Res. 1401, a resolution expressing gratitude for the contributions of the air traffic controllers of the United States.

The women and men who work as air traffic controllers are dedicated to the protection of the flying public. On a daily basis, their work requires quick and skilled reactions to complex and dangerous situations. The safety of our air space is required all day, every day of the year—including holidays. More than 15,600 Federal air traffic controllers, 1,250 civilian contract controllers, and more than 9,000 military controllers are committed to meeting this demand. Air traffic controllers allow all Americans to travel with assurance of safety and speed of travel.

These individuals are quiet heroes deserving of recognition. With continued growth in air travel, the United States must invest in the modernization of our air traffic control system. These dedicated workers require the resources to carry out their mission.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COSTELLO. Mr. Speaker, I urge passage of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BLUMENAUER). The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and agree to the resolution, H. Res. 1401, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE FREIGHT RAILROAD INDUSTRY

Mr. COSTELLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1366) recognizing and honoring the freight rail industry, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1366

Whereas the United States utilizes the most efficient and productive freight railroad system in the world;

Whereas freight rail has played a critical role in the economic development of the United States and has helped to build cities and strengthen infrastructure throughout this great Nation;

Whereas the first common carrier railroad in North America, the Baltimore & Ohio Railroad, was chartered by the State of Maryland in 1827;

Whereas freight rail has been instrumental in bringing American goods to market nationally and internationally since 1830;

Whereas the United States freight rail network has over 560 railroad companies, includes 140,000 miles of track and carries more than 2,200,000,000 tons of freight annually;

Whereas 43 percent of all intercity freight volume is moved by freight rail, including the

clothes we wear, the food we eat, the coal we use for domestic energy, and the automobiles we drive;

Whereas freight railroads have nearly doubled the amount of cargo they have shipped over the past 3 decades with virtually no increase in fuel consumption;

Whereas freight rail is one of the most fuel-efficient modes of transportation, able to move one ton of freight 480 miles on 1 gallon of diesel fuel;

Whereas freight railroads have increased fuel economy by an average of 45 percent since 1990;

Whereas, from 1980 to 2009, United States freight railroads consumed 55,000,000,000 fewer gallons of fuel and emitted 617,000,000 fewer tons of carbon dioxide than they would have if their fuel efficiency had not improved;

Whereas the freight railroad sector complies with the Environmental Protection Agency's new locomotive emissions standards which will cut particulate emissions by up to 90 percent and nitrogen oxide emissions by up to 80 percent;

Whereas the freight rail industry has created good-paying jobs and provided its workers with good benefits, and as of 2008, there were 183,743 employees working for the freight railroads;

Whereas freight rail continues to play a vital role in the United States growth, job creation, and economic recovery;

Whereas freight rail companies have reinvested \$460,000,000,000 in revenues toward equipment, maintenance, and rail expansion since 1980, which has supported employment and economic activity throughout the United States;

Whereas such investments have continued even during the economic downturn, with major railroads spending more than \$10,000,000,000 in 2008 on capital improvements and similar amounts in 2009;

Whereas for every \$1 invested in freight rail capacity, the national economy sees \$3 in economic output;

Whereas freight rail growth will continue to generate jobs and produce a reliable means of transporting goods;

Whereas the seven Class I freight railroads have joined the Environmental Protection Agency's "SmartWay Transport", which works to improve fuel efficiency and reduce harmful greenhouse gases;

Whereas both the public and private sector and organized labor have contributed significantly toward the creation of the freight rail infrastructure we use today;

Whereas the freight rail industry has built one of the world's most envied infrastructure networks; and

Whereas a strong freight rail system is critical to the economic and environmental well-being of the United States of America: Now, therefore, be it

Resolved, That the House of Representatives—
(1) recognizes the contributions the freight rail industry and its employees have made to the national transportation system; and

(2) supports the efforts of the freight rail industry and its employees to continue improving safety as our Nation moves forward with developing its infrastructure.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their re-

marks and to include extraneous material on H. Res. 1366.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 1366, as amended, introduced by the gentleman from Illinois (Mr. HARE), which honors the freight railroad industry and its employees and the important contributions they have made to our Nation and the national transportation system.

Freight railroads have a long important history in the United States. Beginning in the early 1800s, during the Industrial Revolution, freight railroads played a critical role in the expansion and economic development of the Nation. Since May 24, 1830, when the Baltimore Ohio Railroad, now part of the CSX, the Nation's first common-carrier railroad, opened for business from Baltimore West to Ellicott City, freight rail has helped bring American goods to markets domestically and internationally. On May 10, 1869, the industry literally transformed America when the golden spike was driven into the final tie that joined 1,776 miles of the Central Pacific and Union Pacific railways, creating the Nation's first transcontinental railroad.

Today the freight rail industry employs more than 183,000 hardworking, dedicated Americans who help keep our country and its trains moving 24 hours a day, 7 days a week. Our freight rail industry boasts a vast network across the country. There are more than 560 freight rail companies in the United States that operate 140,000 miles of track and carry more than 2.2 billion tons of freight annually.

Freight rail is also one of the most energy-efficient modes of transportation. It is able to move one ton of freight 480 miles on one gallon of diesel fuel, and helps reduce congestion. One train can take 280 trucks off the road, the equivalent of 1,100 automobiles.

Freight and intercity passenger rails are also important components of our Nation's economic strength and mobility. Freight railroads account for 43 percent of intercity freight volume, more than any other mode of transportation.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 1366.

I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to speak in support of H. Res. 1366, recognizing and honoring the United States freight rail industry. Before I do, I must note, once again, as other of my colleagues have, that every single transportation bill on today's suspension calendar is a Democratic bill. The majority has not been living up to the common practice of a

70/30 split on those suspension calendars. Currently, it's running at about 95-5 percent, although I am pleased to say that they've added three Republican suspension bills to the calendar later this week. So I hope the majority will continue to try to honor that common practice we've had in the House for a number of years.

We are honoring the freight rails today because our freight rail network is the undisputed envy of the world. Every year freight trains move 40 tons of material for every man, woman and child in this country. Railroads provide a remarkable public benefit, reducing traffic on the highways, lowering pollution, and providing a less expensive mode of transit for freight. And this public benefit is provided at no expense to taxpayers.

Perhaps the greatest thing about the railroad industry is that it utilizes private money rather than public funds to build and maintain its infrastructure. Investors risk billions of capital annually to support the Nation's railroads because these private companies produce a reliable, although modest return to investors. We must not jeopardize this critical industry by over-regulating or re-regulating and creating an environment where railroads cannot access the capital to maintain and expand their operations.

□ 1220

Without this access to investment capital, the industry will decline, as it has in the past. And we don't want to be here 10 or 15 years from now discussing taxpayer subsidies for the freight rail industry.

Over the course of the 20th century, Congress enacted policies that nearly ruined the railroads in the name of reducing shipping rates. These policies discouraged investors, and led to decay in the railroad industry. "Standing derailments" became common in this dark era, a term that was used for an idle freight car that simply collapses on its side because of rotten tracks. Over one-fifth of the Nation's railroads were owned by bankrupt firms by the end of the 1970s.

But the Staggers Reform Act in 1980 created an environment that has led to the revitalized freight network we all benefit from today. Railroads are prosperous again, productivity has soared, and rail continues to gain market share thanks to improvements in service and competitive pricing. This reconnaissance culminated earlier this year when Warren Buffett made his \$34 billion investment in the BNSF railroad.

Despite the fact that shipping rates are much lower today than they were in the 1980s, and freight rates in the U.S. are half of what they are in Europe and Japan, the same forces are at play that nearly destroyed the railroads in the 20th century. Already the

urge to regulate has led to a policy that will force the railroads to spend more than \$12 billion on positive train control, a price tag that continues to grow at an alarming rate. Positive train control has a cost-benefit ratio of 20 to 1, and will prevent less than 3 percent of rail accidents. It is my belief that railroads themselves are the best judge of where to invest capital dollars for safety improvements, not Congress.

We should work together with the railroads to identify areas of safety improvement that can be accomplished at a reasonable cost. And I believe we should reexamine the scope of the positive train control mandate.

I note that this is the first time that Congress has considered a resolution recognizing and honoring the freight railroads alone. I think it's very appropriate, because the National Train Day resolution we passed earlier this year was changed from previous years' versions to focus solely on Amtrak and passenger rail. Amtrak operates primarily on private freight tracks. Without the continued economic vitality of the freight railroads and their constant investment in maintaining 140,000 miles of track in the U.S., Amtrak would not have a national passenger rail system.

In closing, I urge my colleagues to support H. Res. 1366, and believe that Congress should honor the freight rail industry by working to create an environment that will allow it to have continued success.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself 1 minute to respond to my friend, Mr. SHUSTER.

Mr. Speaker, let me say for the record Mr. SHUSTER made a point that we have Democratic bills from the committee before the House today and no Republican bills. The gentleman may or may not know that this Thursday Chairman OBERSTAR has agreed to markup five Republican bills in the Transportation and Infrastructure Committee.

For the record, I would point out that in the 110th and 111th Congress both, the committee passed well over 40, in fact I think 42 bills out of the committee, and moved them through the House. So I would just for the record say that to my friend from Pennsylvania.

Mr. SHUSTER. Will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I would say thank you. I did make note we are getting three more bills, and we appreciate the effort.

Mr. COSTELLO. Mr. Speaker, at this time I yield 5 minutes to the gentleman from Illinois (Mr. HARE), my friend and the sponsor of this resolution.

Mr. HARE. Mr. Speaker, I would like to begin by thanking Chairman OBER-

STAR, Ranking Member MICA, my friend Chairman COSTELLO, and the staff of the House Transportation and Infrastructure Committee for their strong support of this important resolution.

House Resolution 1366 formally recognizes the contributions and accomplishment of the freight rail industry and its employees throughout our great Nation. Like many of my colleagues on both sides of the aisle, freight rail is incredibly important to my district and my home State of Illinois.

I have had the opportunity to see firsthand the hard work freight rail employees put forth each and every day. In cities like Galesburg, Rock Island, and Decatur, I am constantly reminded of the positive impact that this industry has had on the economies of the localities and the improvements of our Nation's transportation infrastructure.

Throughout its rich American history, freight rail has proven time and again to be among the most efficient, environmentally friendly ways of transporting our Nation's goods. Freight rail generates hundreds of billions of dollars in annual economic activity, and supports over 1.2 million jobs throughout the United States. As our economy continues to recover, the freight rail industry will be an essential component in fulfilling the great demand to move goods again and put more Americans back to work.

I am proud to say that I have received letters of support for this resolution from both the business and the labor sector, including the Association of American Railroads, Growth Options for the 21st Century, and the Transportation Trades Department of the AFL-CIO.

I have no doubt that the industry will continue to contribute in indispensable ways to the health and growth of the United States economy and our infrastructure, and will continue to reduce its impact on the environment.

Again, I thank the chairman and my colleagues on the Transportation and Infrastructure Committee for supporting this resolution. I believe that Congress is long overdue in formally recognizing the industry and the vital role it continues to play in our country's growth, job creation, and economic recovery. I urge my friends on both sides of the aisle to support this noncontroversial resolution.

ASSOCIATION OF
AMERICAN RAILROADS,
MAY 19, 2010.

Hon. PHIL HARE,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN HARE: I am writing in support of your resolution recognizing and honoring America's freight rail industry. H. Res. 1366 correctly notes that our nation's freight railroads operate the safest, cleanest, most efficient and most environmentally

sound rail system in the world. We've worked hard to earn these credentials and look to set the standards even higher moving forward.

Freight rail is a highly efficient industry that is essential to the U.S. economy and economic recovery. Not only does our industry employ nearly 190,000 well-paid workers, the overwhelming majority which are union employees, but freight rail also supports millions of jobs for workers in American businesses that rely on our industry to ship their goods.

We are committed to continuing to provide the affordable, efficient transportation our customers depend on. And we will do so in the most environmentally sensitive and energy efficient manner possible. As you so eloquently stated, freight railroads meet our nation's transportation needs today and will have an even more positive impact in the future. We like to say that our nation's recovery is running on our steel spine.

Thank you again for taking the time to recognize our industry and the important benefits we deliver for America.

Sincerely,

EDWARD R. HAMBERGER,
President and
Chief Executive Officer.

GROWTH OPTIONS
FOR THE 21ST CENTURY,
Alexandria, VA, May 20, 2010.

Hon. PHIL HARE,
Member of Congress, Cannon House Office
Building, Washington, DC.

DEAR CONGRESSMAN HARE: As President of Growth Options for the 21st Century (Go21), I would like to thank you for introducing H. Res. 1366 to help focus well deserved attention on the important contributions of freight rail to improving quality of life in the United States. As a nonprofit grassroots organization devoted to advancing policies that maximize usage of our rail system, we fully support H. Res. 1366.

Since we founded Go21 in 2004, we have worked hard to spread the word about the public benefits of rail. I am pleased to say that to date, more than 3,500 community leaders from all across the nation and every part of the political spectrum have joined us in this effort. As your resolution notes, a strong freight rail system is a key component in rebuilding our nation's economy and creating jobs. Able to move a ton of freight 480 miles on a single gallon of fuel, rail is also helping to reduce our dependence on foreign oil while also decreasing emissions of pollutants.

In addition to the more than 190,000 Americans who make their livings working directly for the railroads, thousands more American jobs are dependent on the safe, efficient and cost effective transportation that rail provides. As many Go21 supporters can attest, rail is a vital link that is helping to drive the economic recovery and create new jobs in their own communities.

Go21 strongly supports your efforts and H. Res. 1366 and encourages Congress to pass this resolution with bi-partisan support.

Sincerely,

WILLIAM C. GIBB,
President.

TRANSPORTATION TRADES DEPARTMENT,
Washington, DC, July 20, 2010.

DEAR REPRESENTATIVE: On behalf of the Transportation Trades Department, AFL-CIO (TTD), including our affiliated rail unions, I would like to express support for H. Res. 1366, introduced by Representative Phil

Hare, which recognizes and honors the freight rail industry and its employees. For decades, the rail industry and its dedicated workers have contributed to our national transportation system and played a significant role in the growth and development of America's economy and infrastructure.

Today freight rail generates nearly \$265 billion in annual economic activity, making it a critical component of our national economy. The industry employs nearly two hundred thousand rail workers; the vast majority of which earn good pay and benefits through collective bargaining agreements. These rail workers operate and oversee the system, working to deliver tons of goods annually to destinations across the country. In addition to the workers freight rail directly employs, it also supports more than one million jobs in other industries throughout our economy and is an important part of our national transportation system.

According to the Department of Transportation, by 2035 total freight transportation will rise 92 percent from 2002 levels; this includes an 88 percent increase for railroads. Expanding freight rail infrastructure and capacity to meet this demand is critical and will create thousands of additional jobs across the country. During a time of historic unemployment levels, the freight rail industry is well-positioned to put thousands of Americans back to work.

To recognize the achievements of freight rail workers and the entire industry, we ask that you support H. Res. 1366 and advance policies that promote a rail system that creates and sustains good jobs, protects workers, and continues to enhance the safety and efficiency of the system.

Sincerely,

EDWARD WYTKIND,
President.

Mr. OBERSTAR. Mr. Speaker, I rise today in support of H. Res. 1366, as amended, which honors the freight railroad industry and its employees and the important contributions they have made to our nation and the national transportation system.

Freight railroads have played an essential role in the growth of our country since 1825, when Colonel John Stevens, considered the father of railroads, demonstrated the feasibility of steam locomotion on a circular experimental track constructed on his estate in Hoboken, New Jersey. By 1830, railroads were still in their infancy and there was less than 40 miles of track in operation.

However, Peter Cooper's Tom Thumb locomotive would change the face of railroad locomotion forever on August 28, 1830, when his American-built locomotive was challenged by horse-drawn equipment in a head-to-head race. The Tom Thumb easily pulled away from the horse until a belt on the locomotive slipped and failed. Though Peter Cooper and his locomotive lost the race, it was apparent that the locomotive offered superior performance. Steam locomotives would reign over American railroads for the next 100 years.

From these very humble beginnings, railroads brought economic and social changes never dreamed of by early Americans. Just 10 years later, in 1840, railroad mileage increased to slightly over 2,800 miles, tripling to over 9,000 miles by 1850. In 1860, mileage tripled again to more than 30,000 miles and brought prosperity to all the communities that railroads touched. Railroads moved manufactured goods, farm implements, and building

materials to the west, while bringing meat, produce and other crops to the east. Steam locomotives raced along averaging 25 miles per hour, reducing trips that used to take days to hours. For example, a trip from Cincinnati, Ohio, to St. Louis, Missouri, was reduced from three days to just 16 hours.

On July 1, 1862, the Pacific Railway Act of 1862, as enacted by Congress, was approved and signed into law by President Abraham Lincoln. This led to the creation of the first transcontinental railroad, when the Central Pacific Railroad and the Union Pacific Railroad linked at Promontory Summit, Utah, on May 10, 1869, connecting over 1700 miles of western railroads to the eastern railroads at the Missouri River. This established the first mechanized transcontinental transportation network that revolutionized the population and economy of the American west.

While the railroads moved goods across the country and helped build cities and towns across the west, the railroad was also the hi-tech industry of its day, responsible for innovations such as "standard time" and pioneering the use of the telegraph as a nationwide dispatching communication system.

The railroad industry was also a leader in bringing about worker protections. The Railway Labor Act of 1926 established basic principles of fair bargaining and mediation. Our Nation's social security system, enacted in 1935, was based partly on provisions of the Railroad Retirement Act of 1934. Today, more than 183,000 hardworking, dedicated Americans help keep our country and its trains moving around the clock.

Our freight rail industry is composed of an efficient and well-maintained network, moving 2.2 billion tons of freight over 140,000 miles of railroad annually. Freight rail is also one of the most energy-efficient modes of transportation, moving one ton of freight 480 miles on one gallon of diesel fuel. One train can take 280 trucks off the road—the equivalent of 1,100 automobiles.

Freight and intercity passenger rail are important components of our nation's economic strength and mobility. Freight railroads account for 43 percent of intercity freight volume—more than any other mode of transportation.

I urge my colleagues to join me in supporting H. Res. 1366.

Mr. QUIGLEY. Mr. Speaker, I rise today in strong support of H. Res. 1366 and to recognize the vital role that the freight rail industry plays in this country.

When a massive volcano recently erupted in Iceland, ash spewed into the atmosphere cancelling thousands of flights and grounding travelers and goods across Europe.

In the midst of this chaos and confusion, Europe's rail industry answered the call for everyone and everything that simply needed to get from point A to point B.

Here in the United States, we must remember this.

Our railroads are less susceptible to the unpredictable conditions caused by natural disasters, inclement weather, terrorist threats, and more.

Since the 19th Century, American citizens and industry have placed their trust in rail. Its dependability is proven and unparalleled.

I call on my colleagues to join me in recognizing the freight industry as one of our greatest assets and remember we must continue to advance, utilize, and invest in America's railways.

Mr. BLUMENAUER. Mr. Speaker, I am proud today to support House Resolution 1366, Recognizing and Honoring the Freight Rail Industry. Freight rail is an important part of our transportation system because of the unique role that it plays as both an economical and environmentally-friendly freight mode. Freight rail moves goods from place to place efficiently, reliably, and without increasing congestion on our highways. It is an efficient mode of transport, averaging 457 freight ton miles per gallon of gasoline. If 10 percent of goods currently shipped by truck were instead shipped by freight rail, we would decrease our annual greenhouse gas emissions by more than 12 million tons. Furthermore, freight rail creates local, green jobs. Estimates suggest that each \$1 billion invested in freight rail creates 20,000 jobs. Freight rail plays an important role in making our communities safer, healthier, and more economically secure.

I appreciate the opportunity today to honor the men and women who make up our freight industry. I encourage my colleagues to consider freight rail as we look for ways to make our transportation system more efficient, more environmentally-friendly, and more effective. Many of my colleagues have cosponsored H.R. 5478, the Green Railcar Enhancement Act, legislation I introduced offering a tax credit for replacing or rebuilding old, inefficient railcars. I appreciate their support and I look forward to continuing to promote freight rail as a critical part of a 21st century transportation system.

Mr. SHUSTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COSTELLO. Mr. Speaker, I urge our colleagues to support the resolution. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and agree to the resolution, H. Res. 1366, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. COSTELLO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MULTI-STATE DISASTER RELIEF ACT

Mr. COSTELLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5825) to review, update, and revise the factors to measure the severity, magnitude, and impact of a disaster

and to evaluate the need for assistance to individuals and households.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5825

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Multi-State Disaster Relief Act".

SEC. 2. INDIVIDUAL ASSISTANCE FACTORS.

(a) IN GENERAL.—In order to provide more objective criteria for evaluating the need for assistance to individuals and households and to speed a declaration of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), not later than one year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (referred to in this Act as the "Administrator"), in cooperation with representatives of State and local emergency management agencies, shall review, update, and revise through rulemaking the factors considered under section 206.48(b) of title 44, Code of Federal Regulations, to measure the severity, magnitude, and impact of a disaster.

(b) CONSIDERATION OF A CONTIGUOUS COUNTY.—In reviewing, updating, and revising the factors referenced in subsection (a) the Administrator shall include as a factor whether a contiguous county in an adjacent state has been designated in a major disaster or emergency as a result of the same incident.

(c) REPORT.—Not later than 3 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the Federal Emergency Management Agency's current regulations, policies, procedures, and practices on—

(1) recommending major disaster or emergency declarations in order to provide assistance to individuals and households; and

(2) making post-declaration designations of the need for assistance to individuals and households in a county that is contiguous to a State that has received a major disaster or emergency declaration for the same incident.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 5825.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5825, a bill to require the Federal Emergency Management Agency to review, update, and revise the factors to meas-

ure the severity, magnitude, and impact of a disaster and to evaluate the need for assistance to individuals and households, sponsored by my friend and colleague from Indiana, Congressman BARON HILL.

Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the President has the sole discretion to determine when a disaster is beyond the capability of State and local governments, and therefore, when FEMA and Federal assistance is needed. In doing so, the President looks to the administrator of FEMA for a recommendation.

FEMA published regulations more than 10 years ago to explain the factors it looks to when making a recommendation to the President on whether to declare a major disaster or emergency to provide assistance to individuals and households. These regulations are important, as they provide guidance to the States on when and how to seek Federal assistance under the Stafford Act, including specific criteria FEMA considers. Knowing this helps States put together the best information they can as quickly as possible, and hopefully expedite the process to get assistance where it is needed.

FEMA has recognized that these regulations need to be improved, and have been working with the States to do so. However, the process has been occurring for some time. This legislation would merely put a reasonable deadline of 1 year on that process. This legislation also requires that FEMA add to the list of criteria it considers whether an adjacent community across a State line has received a major disaster or emergency declaration for the same incident.

□ 1230

This logical approach recognizes that the impact of disasters do not stop at the State line. This is something that FEMA should be doing and, if they are not already doing so, will do so under this legislation.

I thank my friend, Mr. HILL, for bringing this issue to the attention of the House and for sponsoring this legislation.

I urge my colleagues to support H.R. 5825.

I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Florida (Mr. MARIO DIAZ-BALART) will control the time.

There was no objection.

Mr. MARIO DIAZ-BALART of Florida. I yield myself such time as I may consume.

Obviously, we've heard it before. I'm disappointed that, frankly, none of the bills that we are considering today are from any Republicans, and I know that's something we need to continue to work on, but I want to refer to this specific legislation.

It would direct the administrator of FEMA to review and revise the current the regulations, as we just heard, related to eligibility under its Individuals and Households Program. Again, specifically, it would require FEMA to consider whether a county in one State is adjacent to a State that has been designated in a major disaster or emergency. In other words, there may be a county in a different State that may be affected, and that's got to be considered as well because, again, the impact of disasters are obviously not contained or limited to just manmade geographic boundaries.

In many cases, the destruction is significant enough that all States involved are designated in a major disaster emergency, but in some cases that's not the case. So there could be a State right next door that has one county that's been significantly hit but the rest of the State has not, and this would hopefully remedy that, and this would allow FEMA to look at that and remedy that.

I think this is a commonsense bill. It's also taking place now while we're already in the hurricane season, so I think it's important that we're doing this now. For those of us who are living in States that are too often—more often than we would like, because obviously once is too often—affected by storms and the like, this could not come soon enough.

So I want to thank the chairman and thank all of you for bringing this forward. It's a commonsense piece of legislation.

With that, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield such time as he may consume to the sponsor of this legislation, the gentleman from Indiana (Mr. HILL).

Mr. HILL. First, let me thank Chairman OBERSTAR and Subcommittee Chairwoman NORTON for working with me on this particular piece of legislation and for the continuous work on bills aimed at improving our country's emergency response and preparedness. Let me also take the opportunity to thank Congressman COSTELLO for managing this bill today.

Mr. Speaker, I appreciate the opportunity to present information about this bill being considered here today, House Resolution 5825, the Multi-State Disaster Relief Act. Southern Indiana has been devastated by seven major natural disasters over the last few years. Yet the one that stands out and the one that brought the most pain and frustration to the residents of southern Indiana was the incident that occurred almost exactly 1 year ago today.

In early August of 2009, a series of severe storms rocked Indiana and Kentucky and damaged or destroyed hundreds of homes. The State of Kentucky received a major disaster declaration but Indiana did not from the same

storm. As a result, hundreds of Hoosiers living just a few miles from their friends and neighbors across the border in neighboring Kentucky were not eligible to receive Federal grants to repair their homes even though they were devastated by the same natural disaster.

We can try to be prepared for natural disasters, but these events are largely beyond our control. However, we do have full control over how our Federal Government responds and aids individuals following a disaster. And, in this instance, I believe our government missed the mark.

This incident exposed a major flaw with the current FEMA disaster assistance process—the inability to fairly and accurately provide assistance for natural disasters that strike more than one State. Currently, FEMA provides disaster assistance on a State-by-State basis. So when a disaster strikes, if a Governor believes a disaster is beyond the capability of the State, he or she will make a request to the President to receive a major disaster declaration, and FEMA will make a recommendation to the President about whether a State should receive a declaration and whether individuals in certain counties should be eligible for individual assistance to repair their homes.

When a disaster hits in the middle of a State and the damage is concentrated, the process is straightforward and the victims in the States most significantly affected will usually receive the necessary assistance. Yet, when a disaster crosses over State lines, FEMA treats the instance as two separate cases and requires each State to meet a specific Statewide damage threshold to receive a major disaster declaration. If that threshold is not met and a State is denied a disaster declaration, individuals who were as severely affected as those just across the State line have limited options for recourse and rebuilding.

FEMA considers certain factors when determining whether to recommend that the President declare a major disaster for a State and provide individual assistance. House Resolution 5825 would update and improve the factors FEMA uses to determine whether a State should receive a major disaster declaration.

Specifically, House Resolution 5825 would require FEMA to take into account whether contiguous counties in a neighboring State were designated in a major disaster from the same incident. This means that FEMA would have to look at the damage from a neighboring State and factor this into their decision about whether to provide aid to individuals and issue a major disaster declaration; whereas, now they are not required to take this into account.

The bill would also require FEMA to review, update, and revise the regulation used to measure the severity and

impact of a disaster when determining that the individuals should receive assistance within 1 year of the enactment.

Lastly, this bill would require FEMA to issue a report to Congress within 3 months of enactment on their current policies concerning major disaster declarations for individual assistance and their policy on providing aid to individuals in counties contiguous to a State that has received a major disaster declaration.

While this bill, unfortunately, is not retroactive, I believe if this law were in place last year, the result for my constituents in Indiana would have been very much different. This bill is the first step to right a wrong that befell Hoosiers last year when trying to pick up the pieces after a natural disaster while left wondering why their Federal Government was picking favorites.

Storms and natural disasters do not care about State lines when they destroy someone's home or business, and under this bill, when disaster strikes more than one State, FEMA officials would have to look at the impact of the overall storm and not just the impact on that individual State when deciding whether to provide disaster assistance to individuals. I believe this bill will help all Americans receive fair treatment the next time disaster strikes no matter which State they come from.

To the people of southern Indiana, I want to say that the lessons have been learned from last year's tragedy, and we're not going to let those same mistakes be repeated.

Let me also give my thanks to my Republican friends for their bipartisan support of this bill.

Mr. MARIO DIAZ-BALART. Mr. Speaker, as I said before, this is a commonsense bill. As the ranking member of the subcommittee that deals with emergency management and other issues, it would have been nice to have this go through the committee process through regular order. It didn't. It came straight to the floor. But it is a good bill. It's a very good bill. It's a commonsense bill and obviously I do support it.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 5825, the "Multi-State Disaster Relief Act". The gentleman from Indiana (Mr. HILL) identified this issue after floods struck last August in his district in Indiana, and neighboring counties in Kentucky. I thank Representative HILL for bringing this issue to the attention of the Committee on Transportation and Infrastructure, and working with the Committee on a practical solution.

The Stafford Act and our Nation's emergency management system are based on a multi-level system of response at the local, State, and Federal level, as necessary. Local citizens and communities have the primary responsibility for responding to incidents and disasters that strike their communities. When they need additional assistance, they seek that assistance from their State. When the dis-

aster is beyond the capability of the State, the State seeks help from the Federal Government. As a result, the President must look at the impacts on the State in which the disaster took place in determining whether Federal assistance is warranted.

However, disasters don't always stay neatly within the lines we have drawn, and the impact of a particular event often crosses State lines. When disaster strikes, first responders, emergency managers, volunteers, and others respond, regardless of county or State lines. In my home State of Minnesota, there are neighboring jurisdictions separated by a river. In many places, that river is the State boundary, but in reality, it is one community that encompasses both sides of the river. In 1997, in the western part of Minnesota along the Red River, devastating floods struck both Grand Forks, North Dakota, and East Grand Forks, Minnesota.

In my own district, we have seen this happen as well. In 1992, a gas leak from a derailed railroad tank resulted in the evacuation of more than 50,000 people from the Twin Ports of Duluth, Minnesota, and Superior, Wisconsin—communities separated by the St. Louis River. Hundreds of first responders provided assistance, including members of the National Guard and Army Reserve. While at least two dozen people from both States were hospitalized, we were fortunate that the cloud quickly dissipated and Federal assistance was not necessary.

It is only logical that the Federal Emergency Management Agency (FEMA) and the President, in making a determination whether to declare a disaster and provide assistance to individuals and households, consider both immediate local impacts and the impacts in neighboring communities, even if they are in another State. When a disaster also affects a neighboring county across a State line, this legislation directs FEMA to consider this fact when the agency recommends to the President whether or not to declare a disaster.

The Committee understands that FEMA is currently working with State and local emergency managers on revamping the criteria the agency uses regarding whether to recommend that the President declare a major disaster or emergency in order to provide assistance to individuals and households. FEMA has been working on these changes for some time. This legislation is not intended to impede that process. This legislation merely puts a reasonable deadline on the process and requires that one common-sense criteria be incorporated.

This legislation is supported by the International Association of Emergency Managers (IAEM), which represents our Nation's county, local, and tribal emergency managers, who serve in the communities that would benefit most from this legislation.

I urge my colleagues to join me in supporting H.R. 5825.

Mr. MARIO DIAZ-BALART of Florida. I yield back the balance of my time.

Mr. COSTELLO. Mr. Speaker, I urge passage of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and pass the bill, H.R. 5825.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1240

SUPPORTING OBSERVER STATUS FOR TAIWAN IN INTERNATIONAL CIVIL AVIATION ORGANIZATION

Ms. BERKLEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 266) expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 266

Whereas the Convention on International Civil Aviation, signed in Chicago, Illinois, on December 7, 1944, and entered into force April 4, 1947, approved the establishment of the International Civil Aviation Organization (ICAO), stating “The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to . . . meet the needs of the peoples of the world for safe, regular, efficient and economical air transport”;

Whereas following the terrorist attacks of September 11, 2001, the ICAO convened a High-level Ministerial Conference on Aviation Security that endorsed a global strategy for strengthening aviation security worldwide and issued a public declaration that “a uniform approach in a global system is essential to ensure aviation security throughout the world and that deficiencies in any part of the system constitute a threat to the entire global system”, and that there should be a commitment to “foster international cooperation in the field of aviation security and harmonize the implementation of security measures”;

Whereas, on January 22, 2010, the Secretary General of the ICAO stated, “The attempted sabotage of Northwest Airlines Flight 253 on 25 December [2009] is a vivid reminder that security threats transcend national boundaries and can only be properly addressed through a global strategy based on effective international cooperation.”;

Whereas the Taipei Flight Information Region, under the jurisdiction of the Republic of China (Taiwan), covers an airspace of 176,000 square nautical miles and provides air traffic control services to over 1,350,000 flights annually along 12 international and 4 domestic air routes;

Whereas over 174,000 international flights carrying more than 35,000,000 passengers travel to and from Taiwan annually, reflecting its importance as an air transport hub linking Northeast and Southeast Asia;

Whereas a total of 30 airlines, 23 of which are foreign-owned, provide scheduled flights to Taiwan;

Whereas airports in Taiwan handle more than 1,580,000 metric tons of air cargo annually;

Whereas Taiwan Taoyuan International Airport was ranked in 2009 by the Airports Council International as the world's 8th and 18th largest airport by international cargo volume and number of International passengers respectively;

Whereas exclusion from the ICAO since 1971 has impeded the efforts of the Government of Taiwan to maintain civil aviation practices that comport with evolving international standards, due to its inability to contact the ICAO for up-to-date information on aviation standards and norms, secure amendments to the Organization's regulations in a timely manner, obtain sufficient and timely information needed to prepare for the implementation of new systems and procedures set forth by the ICAO, receive technical assistance in implementing new regulations, and participate in technical and academic seminars hosted by the ICAO;

Whereas, despite these impediments and irrespective of its inability to participate in the ICAO, the Government of Taiwan has made every effort to comply with the operating procedures and guidelines set forth by the organization;

Whereas, despite this effort, the exclusion of Taiwan from the ICAO has prevented the organization from developing a truly global strategy to address security threats based on effective international cooperation, thereby hindering the fulfillment of its overarching mission to “meet the needs of the peoples of the world for safe, regular, efficient and economical air transport”;

Whereas the United States, in the 1994 Taiwan Policy Review, clearly declared its support for the participation of Taiwan in appropriate international organizations, in particular, on September 27, 1994, with the announcement by the Assistant Secretary of State for East Asian and Pacific Affairs that, pursuant to the Review and recognizing Taiwan's important role in transnational issues, the United States “will support its membership in organizations where statehood is not a prerequisite, and [the United States] will support opportunities for Taiwan's voice to be heard in organizations where its membership is not possible”;

Whereas section 4(d) of the Taiwan Relations Act (22 U.S.C. 3303(d)) declares, “Nothing in this Act may be construed as a basis for supporting the exclusion or expulsion of Taiwan from continued membership in any international financial institution or any other international organization.”; and

Whereas ICAO rules and existing practices have allowed for the meaningful participation of noncontracting countries as well as other bodies in its meetings and activities through granting of observer status: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) meaningful participation by the Government of Taiwan as an observer in the meetings and activities of the International Civil Aviation Organization (ICAO) will contribute both to the fulfillment of the ICAO's overarching mission and to the success of a global strategy to address aviation security threats based on effective international cooperation;

(2) the United States Government should take a leading role in gaining international support for the granting of observer status to Taiwan in the ICAO for the purpose of such participation; and

(3) the United States Department of State should provide briefings to or consult with Congress on any efforts conducted by the

United States Government in support of Taiwan's progress toward observer status in the ICAO.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Nevada (Ms. BERKLEY) and gentlewoman from Florida (Ms. ROSELEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Nevada.

GENERAL LEAVE

Ms. BERKLEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

Ms. BERKLEY. I yield myself such time as I may consume. Mr. Speaker, I rise today in support of H. Con. Res. 266, expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization, the ICAO.

As cochairman of the Congressional Taiwan Caucus, I have seen firsthand the amazing progress that Taiwan has made in its economic and political development. Throughout the 1970s and 1980s, Taiwan's economy grew by more than an amazing 10 percent per year and is now the United States' ninth-largest overall trading partner, with two-way trade in 2008 valued at \$61.6 billion. Taiwan also is the sixth-largest destination for U.S. agricultural exports, about \$2.5 billion annually.

Meanwhile, Taiwan has developed one of the strongest democracies in the region, having had several peaceful, democratic transfers of power. I have met their current President, President Ma Ying-jeou, who is a well-spoken, Western-educated leader who has worked very hard to reduce tensions between Taiwan and China and concluded an Economic Cooperation Framework Agreement with the PRC Government recently.

All the while, however, Taiwan has been shut out of participating in international organizations like the International Civil Aviation Organization. Founded in 1947, ICAO's goal is to “meet the needs of the peoples of the world for safe, regular, efficient, and economical air transport.” These goals can only be reached through a cooperative approach that brings together the world's leading economies to share best practices and information. We need look no further than this past Christmas for a reminder of how our aviation security transcends national boundaries and can only be addressed through a cooperative, international strategy.

Mr. Speaker, Taiwan deserves to be brought into the ICAO as an observer. Over 174,000 international flights travel to and from Taiwan each year, carrying more than 35 million passengers.

Their air traffic controllers now provide service to over 1.3 million flights each year. By cargo volume, Taiwan has the eighth-largest airport in the world.

Yet Taiwan has been excluded from ICAO since 1971, which has impeded Taiwan's efforts to maintain civil aviation practices that keep up with rapidly evolving international standards. It is unable to even contact ICAO for up-to-date information on aviation standards and norms, nor can it receive ICAO's technical assistance in implementing new regulations or participate in ICAO technical and academic seminars.

Despite these impediments, Taiwan has made every effort to comply with ICAO's standards, but their continued exclusion from such an important organization is nothing short of absurd. It not only hurts Taiwan, it puts us and the entire world at risk. With such a heavy volume of flights, Taiwan's exclusion has prevented ICAO from developing a truly global strategy to address security threats based on effective international cooperation. And regardless of one's position on the One-China Policy, ICAO's own rules allow for "noncontracting countries" to participate through observer status.

With this resolution today, we call upon the world community to grant Taiwan observer status at the ICAO, not only to help Taiwan but to ensure ICAO can fulfill its own stated mission and address threats to aviation security. We call on the U.S. government to take a leading role at ICAO to assist Taiwan in gaining this status and look forward to working with our administration officials to track the development of these efforts.

Mr. Speaker, enough is truly enough. It is time for the international community to recognize Taiwan as one of the world's leading economies, democracies, and responsible actors. It is a beacon of hope and liberty in a very difficult region, and we should be embracing, not excluding, these peace-loving people at every opportunity.

I hope ICAO will be only the beginning of Taiwan's reentry into the world community, to ICAO, to the World Health Organization, and other international organizations as appropriate.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise as a proud cosponsor of this important resolution, which calls upon the International Civil Aviation Organization, ICAO, to accord observer status to Taiwan.

Can there be any doubt that Taiwan, which provides air traffic control services for well over 1.3 million flights per year, needs to be a part of the international organization responsible for air safety and security? Is this espe-

cially not true in a post-September 11 world where security in the skies is of paramount importance to not only the American people but to all across the globe?

The provincial and shortsighted manipulations of Beijing's leaders who seek to deny Taiwan's international space cannot stand in the way of airport safety and security. It is time to bring to an end Beijing's petty parlor games of one-upmanship and humiliating slights in the running of international organizations.

If the alleged thaw in cross-Strait relations is to have any true significance, it must and should begin in the meeting rooms of ICAO and other international organizations. Those passengers, including our American citizens, who travel on any one of the almost 200,000 international flights headed to and from Taiwan every year expect and deserve every protection they can be afforded.

The time to let Taiwan begin to have constructive and meaningful participation in ICAO is long overdue. The United States State Department, as this resolution suggests, must assume a leading role to ensure that this happens as quickly as possible. The security in the skies of the people of Taiwan, of the people of the United States, and the citizens of the world demand no less.

So I strongly, Mr. Speaker, and enthusiastically urge my colleagues to support this important resolution.

With that, I reserve the balance of my time.

Ms. BERKLEY. I yield such time as he may consume to the gentleman from the great State of Oregon, Congressman WU.

Mr. WU. Mr. Speaker, I rise today in very strong support of House Concurrent Resolution 266, to support Taiwan in its bid to participate meaningfully in the International Civil Aviation Organization, known as ICAO.

I would like to thank my good friend and colleague, Congresswoman SHELLEY BERKLEY, and the other cochairs of the Taiwan Caucus for introducing this important resolution.

I have long believed that the greatest existential threat to Taiwan and, indeed, to any Nation is isolation, physical and psychological. I applauded Taiwan's participation in the 62nd World Health Assembly last year, which marked the first time since withdrawing from the United Nations 39 years ago that Taiwan rejoined a United Nations-related body as an observer. Taiwan's participation in the WHA was long overdue. Its renewed participation was an occasion to celebrate and to mark the beginning of what I hope is Taiwan's legitimate, growing involvement in other international organizations which do not require statehood.

□ 1250

Just as the United States supports Taiwan's meaningful participation in the World Health Organization, so too should we take the lead in supporting observer status for Taiwan in the International Civil Aviation Organization.

ICAO was formally established in 1947 as a means to secure international cooperation and the highest possible degree of uniformity and regulations, standards, procedures, and organization regarding civil aviation matters. The 1944 convention on ICAO stated, "The aims and objectives of the organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to meet the needs of the peoples of the world for safe, regular, efficient, and economical air transport."

Taiwan, one of United States' closest allies in the Asia-Pacific region, is also a key transport hub that links Northeast and Southeast Asia with approximately 2,600 weekly flights to and from neighboring nations. In 2008, 174,000 international flights carrying more than 35 million passengers arrived in and departed from Taiwan. Moreover, in 2009, Taiwan's Taoyuan International Airport was ranked by the Airports Council International as the world's eighth largest airport by international air cargo volume and 18th largest airport by international passengers.

Failure to include Taiwan as an observer in ICAO needlessly and recklessly endangers millions of passengers traveling through Taiwan, traveling through connecting airports and throughout the world because the threat of international terrorism finds any opportunity to enter our worldwide air transport system to threaten every passenger.

Given Taiwan's prominent role in regional and international air control and transport services, I support, and I believe the United States Government should support, Taiwan's meaningful participation in ICAO's meetings, mechanisms, and activities in order to ensure that Taiwan civil aviation regulations fully comply with ICAO standards and recommended practices. ICAO should find appropriate ways to incorporate Taiwan into its global civil aviation network.

I urge my colleagues to vote in favor of H. Con. Res. 266 to bolster the integration of our friend Taiwan into the international air transport system.

Ms. ROS-LEHTINEN. Mr. Speaker, at this time I am so pleased to yield 2 minutes to the gentleman from Georgia, Dr. GINGREY, an esteemed member of the Committee on Energy and Commerce.

Mr. GINGREY of Georgia. Mr. Speaker, as one of the cochairs of the bipartisan Congressional Taiwan Caucus, I

rise in strong support of House Concurrent Resolution 266, and I particularly want to commend one of my fellow co-chairs, Ms. SHELLEY BERKLEY of Nevada, for her leadership on this issue. Additionally, Mr. Speaker, I would like to applaud the leadership of other co-chairs, Mr. LINCOLN DIAZ-BALART of Florida and Mr. GERRY CONNOLLY of Virginia, for their work in bringing this resolution to the floor, and I thank the gentlewoman from Florida for yielding me time.

Since its inception in 1947, the International Civil Aviation Organization, ICAO, has been a great resource for the international community to develop and to foster the most efficient and the safest means of airline travel across the world. In the aftermath of the horrific terrorist attacks on September 11, 2001, it was the ICAO that convened a conference to endorse a uniform, international strategy to ensure aviation safety throughout the entire world.

Mr. Speaker, unfortunately, our friends in Taiwan have been excluded from participation in the ICAO since 1971. Not only has that diminished Taiwan's ability to stay at the cutting edge of aviation, it has also presented obstacles to the international community as a whole, because ICAO cannot completely fulfill its mission to meet the needs of all people in efficient and safe air travel.

Taiwan has a very large footprint within commercial aviation that warrants its inclusion within ICAO. The Taipei Flight Information Region, as has been mentioned by my colleagues, covers an airspace of 176,000 square nautical miles. It provides air traffic control services to over 1.3 million flights annually. Additionally, there are over 174,000 international flights carrying more than 35 million passengers that fly in and out of Taiwan each and every year.

With this high volume of air traffic, Taiwan certainly deserves to have a seat at the table of ICAO at least, Mr. Speaker, as an observer.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. ROS-LEHTINEN. I yield such time as he may consume to the gentleman.

Mr. GINGREY of Georgia. This is precisely what this concurrent resolution seeks to accomplish. Providing Taiwan with meaningful participation at ICAO benefits both the Taiwanese and the international community as a whole.

Due to our longstanding relationship and our respect for our friends in Taiwan, I want to urge all of my colleagues to support House Concurrent Resolution 266.

Ms. BERKLEY. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. I yield 3 minutes to the gentleman from Indiana

(Mr. BURTON), the ranking member on the Foreign Affairs Subcommittee on the Middle East and South Asia.

Mr. BURTON of Indiana. You know, I don't want to be redundant; I just want to point out a couple of things that have been said because I think everybody who is interested in air safety needs to understand what the ramifications of this legislation are, and I hope my colleagues will pay attention, those who aren't here on floor.

Taiwan's regional information center covers airspace of 176,000 square nautical miles and it provides air traffic control services to over 1.35 million flights a year. Now, when you are talking about air safety, and you are talking about that region—and many of us in this body have gone to that part of the world—you have to realize how important Taiwan's inclusion is because we are flying through that airspace and they should have observer status.

In addition to that, as has been stated, it's the eighth largest airport of international cargo volume in the entire world—so there are a lot of flights regarding cargo that are flying out of there on a regular basis—and it's the 18th largest airport as far as the number of passengers are concerned.

The safety of millions and millions of people that fly in and out of that entire region are at stake. In fact, they estimate as many as 10 million people's lives are at stake when they go through that area. So it seems to me logical and reasonable that Taiwan have observer status. It's important that everybody is coordinating, and Taiwan is an extremely important asset to that region.

I urge my colleagues to support this legislation. I want to thank the sponsors, Mr. DIAZ-BALART and Ms. BERKLEY, for sponsoring this bill. I think it's extremely important.

Ms. BERKLEY. I continue to reserve the balance of my time.

Ms. ROS-LEHTINEN. I am very honored, Mr. Speaker, to yield 3 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), my colleague, the ranking member on the Rules Subcommittee on Legislative and Budget Process and cochair of the Taiwan Caucus.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my dear friend, the great leader from south Florida, ILEANA ROS-LEHTINEN.

Today, a resolution, the resolution that we are debating, discussing, has been brought to the floor. It has been authored by another great leader, Congresswoman BERKLEY of Nevada, who I have the honor of serving with on the Taiwan Caucus, both of us as co-chairs. She is an extraordinary leader, and I thank her for doing this.

Taiwan is such a special friend. As a matter of fact, Mr. Speaker, I often think about the undignified and treacherous betrayal of that exemplary

friend and ally, the Republic of China, when the United States broke diplomatic relations—and again, I say, in a treacherous and undignified manner—in 1978.

So everything and anything that we can do to help our friends in that miracle of freedom and economic development, through their hard work and talent, achieved through their hard work and talent, that miracle of freedom and economic development that is Taiwan, anything that we can do and everything that we can do to help them, is appropriate and is dignified.

□ 1300

So I thank my colleague, Ms. BERKLEY, for bringing this resolution to the floor. I wholeheartedly support it and urge all of our colleagues to do so as well.

Mr. ROYCE. Mr. Speaker, I rise in support of H. Con. Res. 266.

For too long, Taiwan has been left out of international organizations at the demand of China. Taiwan was denied access to the World Health Organization, unable to participate as even an observer for over forty years. Thankfully, that changed last year as a Taiwanese delegation was able to observe meetings in Geneva. Infectious disease knows no borders.

Congress had long pressed for this action through bills and resolutions, so it is fitting that we once again take to the floor to press for Taiwan's inclusion in the International Civil Aviation Organization. Despite being home to the world's 18th busiest airport, Taiwan has been kept out of an organization that aims to keep passengers safe.

Indeed, as this resolution finds, Taiwan's exclusion from the ICAO has impeded Taiwan's government from keeping up to date with aviation standards, and prevented the implementation of new systems and procedures. The 35 million passengers that travel to and from Taiwan each year are done a great disservice by Taiwan's exclusion.

Mr. Speaker, in merely decades, Taiwan has gone from poverty to prosperity and autocracy to democracy. We have a strong relationship that stretches back over half a century. Today, our relations remain strong. Passage of this resolution will only serve to strengthen this relationship, and I urge my colleagues to support it.

Ms. ROS-LEHTINEN. I thank all the speakers who spoke on this important resolution.

Mr. Speaker, I yield back the balance of my time.

Ms. BERKLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Nevada (Ms. BERKLEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 266.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BERKLEY. Mr. Speaker, I object to the vote on the ground that a

quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CONDEMNING TERRORIST ATTACKS IN KAMPALA, UGANDA

Ms. BERKLEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1538) condemning the July 11, 2010, terrorist attacks in Kampala, Uganda, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1538

Whereas, on July 11, 2010, terrorists allegedly associated with the Somalia-based al Shabaab terrorist organization carried out multiple suicide attacks against civilian targets in the city of Kampala, Uganda;

Whereas Nate "Oteka" Henn, a United States citizen and committed volunteer of Invisible Children Inc., a nonprofit organization based in San Diego, California, and at least 70 other civilians were killed in the attack;

Whereas al Shabaab was designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act and as a specially designated global terrorist under section 1(b) of Executive Order 13224 on February 26, 2008;

Whereas the attacks for which al Shabaab has claimed responsibility, were allegedly in retaliation for the presence of Ugandan peacekeeping forces contributing to the African Union Mission in Somalia (AMISOM);

Whereas Uganda currently has 3,400 peacekeeping troops deployed to Somalia in support of AMISOM and reportedly has committed to deploying an additional 2,000 troops; and

Whereas it is in the interest of the United States and the international community to support efforts in Somalia to achieve lasting peace, democracy, rule of law, respect for human rights, and to eradicate extremism and terrorism from Somalia and the region: Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly condemns the terrorist attacks in Kampala, Uganda, on July 11, 2010;

(2) encourages the Administration to help Ugandan and Somali authorities bring those responsible for these attacks to justice;

(3) expresses its condolences to the families of Nate "Oteka" Henn and all the victims of these attacks;

(4) strongly condemns al Shabaab's destabilizing role in Somalia and the region;

(5) recognizes the contributions of Uganda's peacekeeping efforts in Somalia; and

(6) calls on the Administration to work with the international community to address the security threat emanating from Somalia.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Nevada (Ms. BERKLEY) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Nevada.

GENERAL LEAVE

Ms. BERKLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

Ms. BERKLEY. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

On July 11, 2010, bombs ripped through a crowd gathered in Kampala, Uganda to watch the World Cup finals. The Somali terrorist group al-Shabaab claimed responsibility for these cowardly attacks which killed at least 70 innocent civilians. Among those was one American, Nate "Oteka" Henn, a committed volunteer with the San Diego-based NGO Invisible Children. Dozens of others were injured in the blast, including several members of a Pennsylvania church group. The perpetrators of the attacks claim they were in retaliation for Uganda sending peacekeeping troops to participate in the African Union Mission in Somalia, or AMISOM.

Uganda currently has 3,400 troops deployed to Somalia in support of AMISOM and has pledged to deploy an additional 2,000 troops.

Mr. Speaker, the United States and our allies must support efforts by the Somali people and the African Union to achieve lasting peace, rule of law, democracy, and respect for human rights in Somalia. We must work together to eradicate extremism and terrorism from Somalia and the entire region and to counter the destabilizing influence of radical groups like al-Shabaab.

I would also like to thank my good friend from California (Mrs. DAVIS) for introducing this important resolution. I urge all of my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution, House Resolution 1538, which condemns the deadly suicide attacks that took place in Kampala, Uganda on July 11, 2010.

In the past, some Members have questioned the accuracy of reported links between al Qaeda and al-Shabaab insurgents. Some claim that it is operationally focused solely upon Somalia and, thus, poses no tangible threat to Americans, our allies, or our interests. Unfortunately, the attacks that rocked Uganda on July 11, 2010 provided indisputable evidence that those assumptions were dangerously wrong. Scores

were killed, including an American who worked with the advocacy group Invisible Children.

This senseless act of violence should serve as a wake-up call to U.S. officials on the need to vigorously address the threat of Islamist extremism wherever it lurks, which extends far beyond the Middle East. Many more lives are at stake.

The 1998 East Africa Embassy attacks exposed, and the July 11 Kampala attacks affirmed, that the United States cannot afford to ignore the activities of extremist groups in Africa as they attempt to expand their influence to bolster their ranks and spread their dangerous ideology. We must work vigilantly and cooperatively with other responsible nations to disrupt the operations of extremist groups and hold accountable their regional sponsors.

Over 18 months ago, Mr. Speaker, I introduced a resolution, H. Con. Res. 16, which brings sorely needed attention to the threat of Islamist extremism in Africa. It is alarming that even after these tragic attacks I have not been able to get the majority to bring this resolution to the floor.

I understand that Attorney General Holder is currently in Uganda attending the African Union Summit, attempting to impress upon the AU heads of state the imperative of confronting violent extremists on the continent. He is highlighting many of the issues that I have been attempting to address for 1½ years. Isn't it time for this body to take this threat seriously?

So, Mr. Speaker, I ask my colleagues to consider H. Con. Res. 16 while supporting this important resolution before us, House Resolution 1538.

Mr. Speaker, I reserve the balance of my time.

Ms. BERKLEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California, an esteemed Member of Congress, Mrs. SUSAN DAVIS.

Mrs. DAVIS of California. Mr. Speaker, I rise in strong support of House Resolution 1538, and I want to thank Chairman BERMAN for bringing my resolution to the floor.

As the world watched the World Cup finals on July 11, terrorists launched suicide attacks against innocent men and women in the city of Kampala, Uganda. At least 70 people tragically died in those blasts, one of whom was a 25-year-old American, Nate "Oteka" Henn.

This resolution condemns the terrorist attacks in Kampala, recognizes the important role Uganda plays in the African Union Mission in Somalia, and sends a message to our allies that the United States stands by our strategic partners. It also highlights the urgent need for the United States to work with the international community to address the root causes of extremism and terrorism in East Africa. And finally, this resolution honors Nate

"Oteka" Henn and all of the victims of this tragedy.

Mr. Speaker, Nate was a committed volunteer for Invisible Children, Inc., a nonprofit organization headquartered in San Diego. That organization works to shed light on the grim reality that is faced by many Ugandans, particularly the children who are abducted and forced to become child soldiers there. Nate was a beloved and hard-working part of this cause, whether at the helm of an Invisible Children van as a member of the team of "roadies" or as an effective and heartfelt fundraiser who helped send Ugandan students to school. From what I now know of Nate's innate warmth, humor, and determination, it's no surprise that he was given the name "Oteka," which means "the strong one," by his Ugandan friends, a name he proudly tattooed on his right arm.

Responsibility for the attack that killed Nate and the dozens of other innocent men and women in Uganda has been claimed by the Somalia-based al-Shabaab terrorist organization. Al-Shabaab has justified the deadly violence on Uganda's 3,400-troop contribution to the African Union Mission in Somalia. But al-Shabaab, which means "the youth," also chose its targets to send a message to Somalis around the world, a message designed to help tighten its control in Somalia and recruit young men into its ranks, including young men from many of the districts we represent.

□ 1310

Nate Henn's life, on quite the other hand, and the work of groups like Invisible Children send a far different message to the youth of Africa, a message that is one of promise and hope rather than of war.

Today, Congress can help reinforce that message by showing that the American people stand side by side with those who strive to make the future brighter for Africa's youth while at the same time telling groups like al-Shabaab that we will not ignore atrocities committed against civilians or our allies.

I hope, Mr. Speaker, that all of my colleagues will support this important resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I rise today in support of H. Res. 1538, condemning the July 11 terrorist attacks in Uganda, which claimed over 70 lives, including an American citizen, and Delawarean, Nate Henn.

Nate was in Uganda working as a volunteer for Invisible Children, a group dedicated to ending the practice of child soldiers in war. Nate left University of Delaware in 2008 and had been working with Invisible Children ever since. The tribes he worked with nicknamed him "Oteka," which means "The Strong One" and from all the accounts of his work that I

have read, he was more than deserving of that name.

This coordinated terrorist attack was both brutal and targeted, taking place in areas of Kampala where many Ugandans and others gathered to watch the World Cup games. This resolution rightfully calls on the administration to work with the international community to address the security threat emanating from Somalia, particularly the al Shabaab terrorist network, which claimed responsibility for these vicious attacks. I am hopeful that we can work together with the international community to eliminate extremism and promote stability and peace in Somalia, and throughout the region.

As a cosponsor of H. Res. 1538, I strongly support this measure and urge my colleagues to join me in condemning the July 11 terrorist attacks and honoring the victims, particularly Nate Henn.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H. Res. 1538, which condemns the terrorist attacks that took place on July 11, 2010, in Kampala, Uganda. This terrorist behavior is simply unacceptable and our nation must express our disapproval of the responsible parties who committed these horrible attacks.

Mr. Speaker, the situation in East Africa is grave. Unfortunately, the situation isn't getting any better either, given that this is the worst terrorist attack that this region has witnessed since 1998. The responsible party for these horrifying terrorist attacks is the hard-line Somali militant group, al-Shabab. Even more frightening is the fact that this group has threatened further attacks, if Uganda and Burundi continue to supply troops to an African Union peacekeeping force in Somalia. This continued threat of terrorist attacks is not only a dire concern in this area of East Africa, but also for our nation. Uganda, a key U.S. ally, is also a training ground for soldiers for Somalia's transitional government, the government which al-Shabab is seeking to overthrow. Both the United States and the United Kingdom support this mission. Consequently, we have responsibility to support and protect the peacekeeping forces that are working to provide stability in Somalia. In order for strength to be restored in the failing state of Somalia and the surrounding countries like Uganda, we must also find a way to remove the terrorist group al-Shabab from its destabilizing role.

Mr. Speaker, as the trend in globalization continues to increase, the connections among nations become more and more intertwined. Therefore, as Representatives of Congress, we must pass this resolution to call on our administration to work with the international community to address the security threat emanating from Somalia. This will hopefully ensure that this violence doesn't overspill more into other nations.

Again, I fully support this resolution and I urge my colleagues to support it as well.

Ms. BERKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Nevada (Ms. BERKLEY) that the House suspend the rules and agree to the resolution, H. Res. 1538, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 304. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of H.R. 725.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5610. An act to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers.

INTERNATIONAL MEGAN'S LAW OF 2010

Ms. BERKLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5138) to protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other registered sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high interest registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child sex offender is seeking to enter the United States, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "International Megan's Law of 2010".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings and declaration of purposes.
- Sec. 3. Definitions.
- Sec. 4. Sex offender travel reporting requirement.
- Sec. 5. Foreign registration requirement for sex offenders.
- Sec. 6. International Sex Offender Travel Center.
- Sec. 7. Center sex offender travel guidelines.
- Sec. 8. Authority to restrict passports.
- Sec. 9. Immunity for good faith conduct.
- Sec. 10. Sense of Congress provisions.
- Sec. 11. Enhancing the minimum standards for the elimination of trafficking.
- Sec. 12. Special report on international mechanisms related to traveling child sex offenders.

Sec. 13. Assistance to foreign countries to meet minimum standards for the elimination of trafficking.

Sec. 14. Congressional reports.

Sec. 15. Authorization of appropriations.

Sec. 16. Budget compliance.

SEC. 2. FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted, and murdered in 1994, in the State of New Jersey by a violent predator living across the street from her home. Unbeknownst to Megan Kanka and her family, he had been convicted previously of a sex offense against a child.

(2) In 1996, Congress adopted Megan's Law (Public Law 104-145) as a means to encourage States to protect children by identifying the whereabouts of sex offenders and providing the means to monitor their activities.

(3) The sexual exploitation of minors is a global phenomenon. The International Labour Organization estimates that 1.8 million children worldwide are exploited each year through prostitution and pornography.

(4) According to End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes (ECPAT International), all children are adversely affected by being commercially sexually exploited. Commercial sexual exploitation can result in serious, lifelong, even life-threatening consequences for the physical, psychological, spiritual, emotional and social development and well-being of a child.

(5) ECPAT International reports that children who are commercially sexually exploited are at great risk of contracting HIV or AIDS and are unlikely to receive adequate medical care. These children are also at great risk of further physical violence—those who make an attempt to escape or counter their abuse may be severely injured or killed. The psychological effects of child sexual exploitation and threats usually plague the victims for the rest of their lives.

(6) ECPAT International further reports that children who have been exploited typically report feelings of shame, guilt, and low self-esteem. Some children do not believe they are worthy of rescue; some suffer from stigmatization or the knowledge that they were betrayed by someone whom they had trusted; others suffer from nightmares, sleeplessness, hopelessness, and depression—reactions similar to those exhibited in victims of torture. To cope, some children attempt suicide or turn to substance abuse. Many find it difficult to reintegrate successfully into society once they become adults.

(7) According to ECPAT International, child sex tourism is a specific form of child prostitution and is a developing phenomenon. Child sex tourism is defined as the commercial sexual exploitation of children by people who travel from one place to another and there engage in sexual acts with minors. This type of exploitation can occur anywhere in the world and no country or tourism destination is immune.

(8) According to research conducted by The Protection Project of The Johns Hopkins University Paul H. Nitze School of Advanced International Studies, sex tourists from the United States who target children form a significant percentage of child sex tourists in some of the most significant destination countries for child sex tourism.

(9) According to the National Center for Missing and Exploited Children (NCMEC), most victims of sex offenders are minors.

(10) Media reports indicate that known sex offenders who have committed crimes

against children are traveling internationally, and that the criminal background of such individuals may not be known to local law enforcement prior to their arrival. For example, in April 2008, a United States registered sex offender received a prison sentence for engaging in illicit sexual activity with a 15-year-old United States citizen girl in Ciudad Juarez, Chihuahua, Mexico in exchange for money and crack cocaine.

(11) United States Immigration and Customs Enforcement (ICE) has taken a leading role in the fight against the sexual exploitation of minors abroad, in cooperation with other United States agencies, law enforcement from other countries, INTERPOL, and nongovernmental organizations. In addition to discovering evidence of and investigating child sex crimes, ICE has provided training to foreign law enforcement and NGOs, as appropriate, for the prevention, detection, and investigation of cases of child sexual exploitation.

(12) Between 2003 and 2009, ICE obtained 73 convictions of individuals from the United States charged with committing sexual crimes against minors in other countries.

(13) While necessary to protect children and rescue victims, the detection and investigation of child sex predators overseas is costly. Such an undercover operation can cost approximately \$250,000. A system that would aid in the prevention of such crimes is needed to safeguard vulnerable populations and to reduce the cost burden of addressing crimes after they are committed.

(14) Sex offenders are also attempting to enter the United States. In April 2008, a lifetime registered sex offender from the United Kingdom attempted to enter the United States with the intention of living with a woman who he had met on the Internet and her young daughters. Interpol London notified Interpol United States National Central Bureau (USNCB) about the sex offender's status. Interpol USNCB notified the United States Customs and Border Protection officers, who refused to allow the sex offender to enter the country.

(15) Foreign governments need to be encouraged to notify the United States as well as other countries when a known sex offender is entering our borders. For example, Canada has a national sex offender registry, but Canadian officials do not notify United States law enforcement when a known sex offender is entering the United States unless the sex offender is under investigation.

(16) Child sex tourists may travel overseas to commit sexual offenses against minors for the following reasons: perceived anonymity; law enforcement in certain countries is perceived as scarce, corrupt, or unsophisticated; perceived immunity from retaliation because the child sex tourist is a United States citizen; the child sex tourist has the financial ability to impress and influence the local population; the child sex tourist can “disappear” after a brief stay; the child sex tourist can target children meeting their desired preference; and, there is no need to expend time and effort “grooming” the victim.

(17) Individuals who have been arrested in and deported from a foreign country for sexually exploiting children have used long-term passports to evade return to their country of citizenship where they faced possible charges and instead have moved to a third country where they have continued to exploit and abuse children.

(18) In order to protect children, it is essential that United States law enforcement be able to identify high risk child sex offenders in the United States who are traveling

abroad and child sex offenders from other countries entering the United States. Such identification requires cooperative efforts between the United States and foreign governments. In exchange for providing notice of sex offenders traveling to the United States, foreign authorities will expect United States authorities to provide reciprocal notice of sex offenders traveling to their countries.

(19) ICE and other Federal law enforcement agencies currently are sharing information about sex offenders traveling internationally with law enforcement entities in some other countries on an ad hoc basis through INTERPOL and other means. The technology to detect and notify foreign governments about travel by child sex offenders is available, but a legal structure and additional resources are needed to systematize and coordinate these detection and notice efforts.

(20) Officials from the United Kingdom, Australia, Spain, and other countries have expressed interest in working with the United States Government for increased international cooperation to protect children from sexual exploitation, and are calling for formal arrangements to ensure that the risk posed by traveling sex offenders is combated most effectively.

(21) The United States, with its international law enforcement relations, technological and communications capability, and established sex offender registry system, should now take the opportunity to lead the global community in the effort to save thousands of potential child victims by notifying other countries of travel by sex offenders who pose a high risk of exploiting children, maintaining information about sex offenders from the United States who reside overseas, and strongly encouraging other countries to undertake the same measures to protect children around the world.

(b) DECLARATION OF PURPOSES.—The purpose of this Act and the amendments made by this Act is to protect children from sexual exploitation by preventing or monitoring the international travel of sex traffickers and other sex offenders who pose a risk of committing a sex offense against a minor while traveling by—

(1) establishing a system in the United States to notify the appropriate officials of other countries when a sex offender who is identified as a high interest registered sex offender intends to travel to their country;

(2) strongly encouraging and assisting foreign governments to establish a sex offender travel notification system and to inform United States authorities when a sex offender intends to travel or has departed on travel to the United States;

(3) establishing and maintaining non-public sex offender registries in United States diplomatic and consular missions in order to maintain critical data on United States citizens and lawful permanent resident sex offenders who are residing abroad;

(4) providing the Secretary of State with the discretion to revoke the passport or passport card of an individual who has been convicted overseas for a sex offense against a minor, or limit the period of validity of a passport issued to an individual designated as a high interest registered sex offender;

(5) including whether a country is investigating and prosecuting its nationals suspected of engaging in severe forms of trafficking in persons abroad in the minimum standards for the elimination of human trafficking under section 108 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

(6) mandating a report from the Secretary of State, in consultation with the Attorney General, about the status of international notifications between governments about child sex offender travel; and

(7) providing assistance to foreign countries under section 134 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152d) to establish systems to identify sex offenders and provide and receive notification of child sex offender international travel.

SEC. 3. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—Except as otherwise provided, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

(2) **CENTER.**—The term “Center” means the International Sex Offender Travel Center established pursuant to section 6(a).

(3) **CONVICTED AS EXCLUDING CERTAIN JUVENILE ADJUDICATIONS.**—The term “convicted” or a variant thereof, used with respect to a sex offense of a minor, does not include—

(A) adjudicated delinquent as a juvenile for that offense; or

(B) convicted as an adult for that offense, unless the offense took place after the offender had attained the age of 14 years and the conduct upon which the conviction took place was comparable to or more severe than aggravated sexual abuse (as described in section 2241 of title 18, United States Code), or was an attempt or conspiracy to commit such an offense.

(4) **HIGH INTEREST REGISTERED SEX OFFENDER.**—The term “high interest registered sex offender” means a sex offender as defined under paragraph (8) who the Center, pursuant to section 7 and based on the totality of the circumstances, has a reasonable belief presents a high risk of committing a sex offense against a minor in a country to which the sex offender intends to travel.

(5) **JURISDICTION.**—The term “jurisdiction” means any of the following:

(A) A State.

(B) The District of Columbia.

(C) The Commonwealth of Puerto Rico.

(D) Guam.

(E) American Samoa.

(F) The Northern Mariana Islands.

(G) The United States Virgin Islands.

(H) A federally recognized Indian tribe that maintains a sex offender registry, or another jurisdiction to which an Indian tribe has delegated the function of maintaining a sex offender registry on its behalf.

(I) A United States diplomatic or consular mission that maintains a sex offender registry pursuant to section 5 of this Act.

(6) **MINOR.**—The term “minor” means an individual who has not attained the age of 18 years.

(7) **PASSPORT CARD.**—The term “passport card” means a document issued by the Department of State pursuant to section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note).

(8) **SEX OFFENDER.**—Except as provided in sections 12 and 13, the term “sex offender” means a United States citizen or lawful permanent resident who is convicted of a sex offense as defined in this Act, including a conviction by a foreign court, and who, independently of this Act, is legally required to register in the United States with a jurisdiction,

or who is legally required to register outside the United States with a jurisdiction in accordance with section 5.

(9) **SEX OFFENSE.**—

(A) **IN GENERAL.**—The term “sex offense” means a criminal offense against a minor, including any Federal offense, that is punishable by statute by more than one year of imprisonment and involves any of the following:

(i) Solicitation to engage in sexual conduct.

(ii) Use in a sexual performance.

(iii) Solicitation to practice prostitution (whether for financial or other forms of remuneration).

(iv) Video voyeurism as described in section 1801 of title 18, United States Code.

(v) Possession, production, or distribution of child pornography.

(vi) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.

(vii) Conduct that would violate section 1591 (relating to sex trafficking of children or by force, fraud, or coercion) of title 18, United States Code, if the conduct had involved interstate or foreign commerce and where the person recruited, enticed, harbored, transported, provided, or obtained had not attained the age of 18 years at the time of the conduct.

(viii) Any other conduct that by its nature is a sex offense against a minor.

(B) **EXCEPTIONS.**—The term “sex offense” does not include—

(i) a foreign conviction, unless the conviction was obtained with sufficient safeguards for fundamental fairness and due process for the accused; or

(ii) an offense involving consensual sexual conduct if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.

(C) **SPECIAL RULE FOR DETERMINING WHETHER SUFFICIENT SAFEGUARDS EXIST.**—For the purposes of subparagraph (B)(i), compliance with the guidelines or regulations established under section 112 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911) creates a rebuttable presumption that the conviction was obtained with sufficient safeguards for fundamental fairness and due process for the accused.

SEC. 4. SEX OFFENDER TRAVEL REPORTING REQUIREMENT.

(a) **DUTY TO REPORT.**—

(1) **IN GENERAL.**—A sex offender who is a United States citizen or alien lawfully admitted to the United States for permanent residence shall notify a jurisdiction where he or she is registered as a sex offender of his or her intention to travel either from the United States to another country or from another country to the United States, subject to subsection (f) and in accordance with the rules issued under subsection (b). The sex offender shall provide notice—

(A) not later than 30 days before departure from or arrival in the United States; or

(B) in individual cases in which the Center determines that a personal or humanitarian emergency, business exigency, or other situation renders the deadline in subparagraph (A) to be impracticable or inappropriate, as early as possible.

(2) **TRANSMISSION OF NOTICE FROM THE JURISDICTION TO THE CENTER.**—A jurisdiction so notified pursuant to paragraph (1) shall transmit such notice to the Center within 24 hours or the next business day, whichever is later, of receiving such notice.

(3) **PERIOD OF REPORTING REQUIREMENT.**—The duty of the sex offender to report re-

quired under paragraph (1) shall take effect on the date that is 425 days after the date of the enactment of this Act or after a sex offender has been duly notified of the duty to report pursuant to subsection (d), whichever is later, and terminate at such time as the sex offender is no longer required to register in any jurisdiction for a sex offense.

(4) **NOTICE TO JURISDICTIONS.**—Not later than 395 days after the date of the enactment of this Act, the Center shall provide notice to all jurisdictions of the requirement to receive notifications regarding travel from sex offenders and the means for informing the Center about such travel notifications pursuant to paragraph (1).

(b) **RULES FOR REPORTING.**—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the Attorney General and the Secretary of State, shall issue rules to carry out subsection (a) in accordance with the purposes of this Act. Such rules—

(1) shall establish procedures for reporting by the sex offender under subsection (a), including the method of payment and transmission of any fee to United States Immigration and Customs Enforcement (ICE) pursuant to subsection (c);

(2) shall set forth the information required to be reported by the sex offender, including—

(A) complete name(s);

(B) address of residence and home and cellular numbers;

(C) all e-mail addresses;

(D) date of birth;

(E) social security number;

(F) citizenship;

(G) passport or passport card number, date and place of issuance, and date of expiration;

(H) alien registration number, where applicable;

(I) information as to the nature of the sex offense conviction;

(J) jurisdiction of conviction;

(K) travel itinerary, including the anticipated length of stay at each destination, and purpose of the trip;

(L) if a plane ticket or other means of transportation has been purchased, prior to the submission of this information, the date of such purchase;

(M) whether the sex offender is traveling alone or as part of a group; and

(N) contact information prior to departure and during travel; and

(3) in consultation with the jurisdictions, shall provide appropriate transitional provisions in order to make the phase-in of the requirements of this Act practicable.

(c) **FEE CHARGE.**—ICE is authorized to charge a sex offender a fee for the processing of a notice of intent to travel submitted pursuant to subsection (a)(1). Such fee—

(1) shall initially not exceed the amount of \$25;

(2) may be increased thereafter not earlier than 30 days after consultation with the appropriate congressional committees;

(3) shall be collected by the jurisdiction at the time that the sex offender provides the notice of intent to travel;

(4) shall be waived if the sex offender demonstrates to the satisfaction of ICE, pursuant to a fee waiver process established by ICE, that the payment of such fee would impose an undue financial hardship on the sex offender;

(5) shall be used only for the activities specified in sections 4, 6, and 7; and

(6) shall be shared equitably with the jurisdiction that processes the notice of intent to travel.

(d) CRIMINAL PENALTY FOR FAILURE TO REGISTER OR REPORT.—

(1) NEW OFFENSE.—Section 2250 of title 18, United States Code, is amended by adding at the end the following:

“(d) Whoever knowingly fails to register with United States officials in a foreign country or to report his or her travel to or from a foreign country, as required by the International Megan’s Law of 2010, after being duly notified of the requirements shall be fined under this title or imprisoned not more than 10 years, or both.”.

(2) AMENDMENT TO HEADING OF SECTION.—The heading for section 2250 of title 18, United States Code, is amended by inserting “or report international travel” after “register”.

(3) CONFORMING AMENDMENT TO AFFIRMATIVE DEFENSE.—Section 2250(b) of title 18, United States Code, is amended by inserting “or (d)” after “(a)”.

(4) CONFORMING AMENDMENT TO FEDERAL PENALTIES FOR VIOLENT CRIMES.—Section 2250(c) of title 18, United States Code, is amended by inserting “or (d)” after “(a)” each place it appears.

(5) CLERICAL AMENDMENT.—The item relating to section 2250 in the table of sections at the beginning of chapter 109B of title 18, United States Code, is amended by inserting “or report international travel” after “register”.

(e) DUTY TO NOTIFY SEX OFFENDERS OF REPORTING AND INTERNATIONAL REGISTRATION REQUIREMENT.—

(1) IN GENERAL.—When an official is required under the law of a jurisdiction or under the rules established pursuant to subsection (b) to notify a sex offender (as defined in section 3(8)) of a duty to register as a sex offender under the law of such jurisdiction, the official shall also, at the same time—

(A) notify the offender of such offender’s duties to report international travel under this section and to register as a sex offender under section 5, and the procedure for fulfilling such duties; and

(B) require such offender to read and sign a form stating that such duties to report and register, and the procedure for fulfilling such duties, have been explained and that such offender understands such duties and such procedure.

(2) SEX OFFENDERS CONVICTED IN FOREIGN COUNTRIES.—When a United States citizen or lawful permanent resident is convicted in a foreign country of a sex offense and the United States diplomatic or consular mission in such country is informed of such conviction and is informed of, or is otherwise aware of, the location of the sex offender, such diplomatic or consular mission shall—

(A) notify such sex offender of such offender’s duties to report travel to the United States and to register as a sex offender under this Act and the procedure for fulfilling such duties; and

(B) obtain from such offender a signed form stating that such duties to report and register, and the procedure for fulfilling such duties, have been explained and that such offender understands such duties and such procedure.

(3) REQUIREMENTS RELATING TO FORM.—The form required by paragraphs (1)(B) and (2)(B) shall be maintained by the entity that maintains the sex offender registry in the jurisdiction in which the sex offender was convicted.

(f) PROCEDURES WITH RESPECT TO SEX OFFENDERS WHO REGULARLY TRANSIT ACROSS THE UNITED STATES BORDERS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a system for identifying and monitoring, as appropriate and in accordance with the purposes of this Act, sex offenders who, for legitimate business, personal, or other reasons regularly transit across the border between the United States and Mexico or the border between the United States and Canada.

(2) REPORT.—Not later than the date of the establishment of the border system pursuant to paragraph (1), the Secretary of Homeland Security shall transmit to the appropriate congressional committees a report on the implementation of such system.

SEC. 5. FOREIGN REGISTRATION REQUIREMENT FOR SEX OFFENDERS.

(a) FOREIGN REGISTRATION REQUIREMENT.—

(1) IN GENERAL.—Not later than 395 days after the date of the enactment of this Act, a designated United States diplomatic or consular mission in each foreign country shall establish and maintain a countrywide nonpublic sex offender registry for sex offenders (as defined in section 3(8)) who are United States citizens or aliens lawfully admitted to the United States for permanent residence who remain in such country for the time period specified in subsection (b). Such registry shall include the information specified in subsection (d).

(2) REGIONAL REGISTRIES.—If there are fewer than ten sex offenders residing in a country, the Secretary of State, in the Secretary’s sole discretion, may designate a United States diplomatic or consular mission in the same region as such country to maintain the sex offender registry for sex offenders in such country.

(b) INTERNATIONAL REGISTRY REQUIREMENT FOR SEX OFFENDERS.—

(1) IN GENERAL.—A sex offender who is a United States citizen or alien lawfully admitted to the United States for permanent residence—

(A) who remains in a foreign country for more than 30 consecutive days; or

(B) who remains in a foreign country for more than 30 days within a six-month period, shall register, and keep such registration current, at the designated United States diplomatic or consular mission for such country.

(2) PERIOD OF REGISTRATION REQUIREMENT.—The registration requirement specified in paragraph (1) shall—

(A) begin when the sex offender registry has been established at the designated diplomatic or consular mission in the country in which a sex offender is staying and such sex offender has received notice of the requirement to register pursuant to this section; and

(B) end on the sooner of—

(i) such time as the sex offender departs such country and has provided notice of all changes of information in the sex offender registry as required under paragraph (3);

(ii) in the case of a conviction in the United States, such time has elapsed as the sex offender would have otherwise been required to register in the jurisdiction of conviction for the applicable sex offense; or

(iii) in the case of a foreign conviction, such time as the sex offender would have otherwise been required to register under section 115 of the Sex Offender Registration and Notification Act (42 U.S.C. 16915) for the applicable sex offense.

(3) KEEPING THE REGISTRATION CURRENT.—Subject to the period of registration requirement under paragraph (2), not later than five

business days after each change of name, residence, or employment or student status, or any change in any of the other information specified in subsection (d)(1), a sex offender residing in a foreign country shall notify a United States diplomatic or consular mission in such country for the purpose of providing information relating to such change for inclusion in the sex offender registry maintained by the designated diplomatic or consular mission in such country under subsection (a). If the diplomatic or consular mission is not the mission that maintains the registry for that country, the mission shall forward the changed information to the appropriate diplomatic or consular mission.

(4) REGISTRATION AND NOTIFICATION PROCEDURE.—Not later than one year after the date of the enactment of this Act, the Secretary of State, in consultation with the Attorney General and the Secretary of Homeland Security, shall issue regulations for the establishment and maintenance of the registries described in subsection (a), including—

(A) the manner in which sex offenders who are convicted in a foreign country of a sex offense, whose conviction and location in the foreign country are known by the United States Government, and who are required to register pursuant to United States law, including this Act, will be notified of such requirement;

(B) the manner for registering and changing information as specified in paragraphs (1) and (3);

(C) the manner for disclosing information to eligible entities as specified in subsection (h)(2); and

(D) a mechanism by which individuals listed on the sex offender registry can notify the diplomatic or consular mission of any errors with respect to such listing and by which the Department of State shall correct such errors.

(c) CROSS REFERENCE FOR CRIMINAL PENALTIES FOR NONREGISTRATION.—Criminal penalties for nonregistration are provided in section 2250(d) of title 18, United States Code, which was added by section 4(d)(1) of this Act.

(d) INFORMATION REQUIRED IN REGISTRATION.—

(1) PROVIDED BY THE SEX OFFENDER.—A sex offender described in subsection (b) shall provide the following information:

(A) Complete name (including any alias), date of birth, and current photograph.

(B) Passport or passport card number, date and place of issuance, date of expiration, and visa type and number, if applicable.

(C) Alien registration number, where applicable.

(D) Social Security number of the sex offender.

(E) Address of each residence at which the sex offender resides or will reside in that country, the address of any residence maintained in the United States, and home and cellular phone numbers.

(F) Purpose for the sex offender’s residence in the country.

(G) Name and address of any place where the sex offender is an employee or will be or has applied to be an employee and will have regular contact with minors.

(H) Name and address of any place where the sex offender is a student or will be or has applied to be a student and will have regular contact with minors.

(I) All e-mail addresses.

(J) Most recent address in the United States and State of legal residence.

(K) The jurisdiction in which the sex offender was convicted and the jurisdiction or

jurisdictions in which the sex offender was most recently legally required to register.

(L) The license plate number and a description of any vehicle owned or operated by the sex offender in the country in which the sex offender is staying.

(M) The date or approximate date when the sex offender plans to leave the country.

(N) Any other information required by the Secretary of State.

(2) PROVIDED BY THE ATTORNEY GENERAL AND THE JURISDICTION OF CONVICTION.—

(A) IN GENERAL.—The United States diplomatic or consular mission shall notify the Attorney General that a sex offender is registering with such mission pursuant to subsection (b). Upon receipt of such notice, the Attorney General shall obtain the information specified in subparagraph (C) and transmit it to the mission within 15 business days.

(B) INFORMATION PROVIDED BY THE JURISDICTION OF CONVICTION.—If the only available source for any of the information specified in subparagraph (C) is the jurisdiction in which the conviction of the sex offender occurred, the Attorney General shall request such information from the jurisdiction of conviction. The jurisdiction shall provide the information to the Attorney General within 15 business days of receipt of the request.

(C) INFORMATION.—The information specified in this subparagraph is the following:

(i) The sex offense history of the sex offender, including—

(I) the text of the provision of law defining the sex offense;

(II) the dates of all arrests and convictions related to sex offenses; and

(III) the status of parole, probation, or supervised release.

(ii) The most recent available photograph of the sex offender.

(iii) The time period for which the sex offender is required to register pursuant to the law of the jurisdiction of conviction.

(3) PROVIDED BY THE DIPLOMATIC OR CONSULAR MISSION.—The United States diplomatic or consular mission at which a sex offender registers shall collect and include the following information in the registry maintained by such mission:

(A) Information provided by the sex offender and Attorney General pursuant to paragraphs (1) and (2).

(B) A physical description of the sex offender.

(C) Any other information required by the Secretary of State.

(e) PERIODIC IN PERSON VERIFICATION.—Not less often than every six months, a sex offender who is registered under subsection (b) shall appear in person at a United States diplomatic or consular mission in the country where the sex offender is staying to verify the information in the sex offender registry maintained by the designated diplomatic or consular mission for such country under subsection (a) to allow such mission to take a current photograph of the sex offender if the photograph on file no longer accurately depicts the sex offender. If such diplomatic or consular mission is not the mission that maintains the registry for such country, such mission shall forward to the appropriate mission any new or changed information and any new photograph.

(f) TRANSMISSION OF REGISTRY INFORMATION TO THE ATTORNEY GENERAL.—For the purposes of updating the National Sex Offender Registry and keeping domestic law enforcement informed as to the status of a sex offender required to register under this section, when a United States diplomatic or consular mission receives new or changed in-

formation about a sex offender pursuant to paragraphs (1) and (3) of subsection (b) for the sex offender registry maintained by such mission under subsection (a), such mission shall, not later than 24 hours or the next business day, whichever is later, after receipt of such new or changed information, transmit to the Attorney General such new or changed information. Not later than 24 hours or the next business day, whichever is later, after the receipt of such new or changed information, the Attorney General shall transmit such new or changed information to the State of legal residence or the State of last known address, as appropriate, of such sex offender.

(g) ACCESS TO REGISTRY INFORMATION BY UNITED STATES LAW ENFORCEMENT.—Federal, State, local, tribal, and territorial law enforcement shall be afforded access for official purposes to all information on a sex offender registry maintained by a United States diplomatic or consular mission pursuant to subsection (a).

(h) OTHER ACCESS TO REGISTRY INFORMATION.—

(1) IN GENERAL.—Information on a registry established pursuant to subsection (a) shall not be made available to the general public except as provided in paragraph (2).

(2) EXCEPTION FOR ELIGIBLE ENTITIES.—

(A) IN GENERAL.—An eligible entity described in subparagraph (B) may request certain information on the sex offender registry maintained by the United States diplomatic or consular mission for the country where the eligible entity is located, in accordance with this paragraph.

(B) ELIGIBLE ENTITIES DESCRIBED.—An eligible entity referred to in subparagraph (A) is—

(i) an entity that provides direct services to minors;

(ii) an official law enforcement entity; or

(iii) an investigative entity that is affiliated with an official law enforcement entity for the purpose of investigating a possible sex offense.

(C) INFORMATION REQUEST PROCESS.—An eligible entity may request information on the sex offender registry from the United States Government official designated for this purpose by the head of the diplomatic or consular mission in which the sex offender registry is maintained. The official, in consultation with the head of such diplomatic or consular mission, shall have the sole discretion whether and to what extent to provide information about a particular registered sex offender on the sex offender registry as designated in subparagraph (D). Before providing an eligible entity with such information, the official shall first obtain from the eligible entity a written certification that—

(i) the eligible entity shall provide access to the information only to the persons as designated in the certificate who require access to such information for the purpose for which the information is provided;

(ii) the information shall be maintained and used by the eligible entity in a confidential manner for employment or volunteer screening or law enforcement purposes only, as applicable;

(iii) the information may not otherwise be disclosed to the public either by the eligible entity or by the employees of the eligible entity who are provided access; and

(iv) the eligible entity shall destroy the information or extract it from any documentation in which it is contained as soon as the information is no longer needed for the use for which it was obtained.

(D) INFORMATION TO BE DISCLOSED.—

(i) TO SERVICE PROVIDERS.—An eligible entity described in paragraph (2)(B) may request necessary and appropriate information on the registry with respect to an individual who is listed on the registry and is applying for or holds a position within the entity that involves contact with children.

(ii) TO LAW ENFORCEMENT AND INVESTIGATIVE ENTITIES.—An eligible entity described in paragraph (2)(B) may request necessary and appropriate information on the registry that may assist in the investigation of an alleged sex offense against a minor.

(E) FEE CHARGE.—The diplomatic or consular mission that maintains a sex offender registry from which an eligible entity seeks information may charge such eligible entity a reasonable fee for providing information pursuant to this subsection.

(F) NOTIFICATION OF POSSIBLE ACCESS TO INFORMATION.—The diplomatic or consular mission that maintains a sex offender registry should make a reasonable effort to notify law enforcement entities and other entities that provide services to children, particularly schools that hire foreign teachers, within the country in which the mission is located, or within the countries where sex offenders on the mission's registry are staying, as applicable, of the possibility of limited access to registry information and the process for requesting such information as provided in this subsection.

(G) DENIAL OF ACCESS TO INFORMATION.—An eligible entity that fails to comply with the certificate provisions specified in subparagraph (C) may be denied all future access to information on a sex offender registry at the discretion of the designated official.

(i) ACTIONS TO BE TAKEN IF A SEX OFFENDER FAILS TO COMPLY.—When a United States diplomatic or consular mission determines that a sex offender has failed to comply with the requirements of this section, such mission shall notify the Attorney General and revise the sex offender registry maintained by such mission under subsection (a) to reflect the nature of such failure.

(j) FEDERAL ASSISTANCE REGARDING VIOLATIONS OF REGISTRATION REQUIREMENTS.—The first sentence of subsection (a) of section 142 of the Sex Offender Registration and Notification Act (Public Law 109-248; 42 U.S.C. 16941) is amended by inserting before the period at the end the following: “, including under the International Megan's Law of 2010”.

SEC. 6. INTERNATIONAL SEX OFFENDER TRAVEL CENTER.

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall establish the International Sex Offender Travel Center to carry out the activities specified in subsection (d).

(b) PARTICIPANTS.—The Center shall include representatives from the following departments and agencies:

(1) The Department of Homeland Security, including United States Immigration and Customs Enforcement, United States Customs and Border Protection, and the Coast Guard.

(2) The Department of State, including the Office to Monitor and Combat Trafficking in Persons, the Bureau of Consular Affairs, the Bureau of International Narcotics and Law Enforcement Affairs, and the Bureau of Diplomatic Security.

(3) The Department of Justice, including the Interpol-United States National Central Bureau, the Federal Bureau of Investigation, the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and

Tracking, the Criminal Division Child Exploitation and Obscenity Section, and the United States Marshals Service's National Sex Offender Targeting Center.

(4) Such other officials as may be determined by the President.

(c) **LEADERSHIP.**—The Center shall be headed by the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement.

(d) **ACTIVITIES.**—The Center shall carry out the following activities:

(1) Prior to the implementation of the sex offender travel reporting requirement under section 4, cooperate with each jurisdiction to implement the means for transmitting travel reports from that jurisdiction to the Center.

(2) Prior to the implementation of the sex offender travel reporting system under section 4, offer to provide training to officials within each jurisdiction who will be responsible for implementing any aspect of such system.

(3) Establish a means to receive, assess, and respond to an inquiry from a sex offender as to whether he or she is required to report international travel pursuant to this Act.

(4) Conduct assessments of sex offender travel pursuant to section 7.

(5) Establish a panel to review and respond within seven days to appeals from sex offenders who are determined to be high interest registered sex offenders. The panel shall consist of individuals who are not involved in the initial assessment of high interest registered sex offenders, and shall be from the following agencies:

(A) The Department of Justice.

(B) The Department of State.

(C) The Office for Civil Rights and Civil Liberties of the Department of Homeland Security.

(6) Transmit notice of impending or current international travel of high interest registered sex offenders to the Secretary of State, together with an advisory regarding whether or not the period of validity of the passport of the high interest registered sex offender should be limited to one year or such period of time as the Secretary of State shall determine appropriate.

(7) Establish a system to maintain and archive all relevant information related to the assessments conducted pursuant to paragraph (4) and the review of appeals conducted by the panel established pursuant to paragraph (5).

(8) Establish an annual review process to ensure that the Center Sex Offender Travel Guidelines issued pursuant to section 7(a) are being consistently and appropriately implemented.

(9) Establish a means to identify sex offenders who have not reported travel as required under section 4 and who are initiating travel, currently traveling, or have traveled outside the United States.

(e) **ADDITIONAL ACTIVITY RELATED TO TRANSMISSION OF NOTICE.**—The Center may, in its sole discretion, transmit notice of impending or current international travel of high interest registered sex offenders to the country or countries of destination of such sex offenders as follows:

(1) If a high interest registered sex offender submits an appeal to the panel established pursuant to subsection (d)(5), no notice may be transmitted to the destination country prior to the completion of the appeal review process, including transmission of the panel's decision to the sex offender.

(2) The notice may be transmitted through such means as determined appropriate by the

Center, including through an ICE attaché, INTERPOL, or such other appropriate means as determined by the Center.

(3) If the Center has reason to believe that transmission of the notice poses a risk to the life or well-being of the high interest registered sex offender, the Center shall make every reasonable effort to issue a warning to the high interest registered sex offender of such risk in the travel report receipt confirmation provided to the high interest registered sex offender pursuant to section 7(c)(2) prior to the transmission of such notice to the country or countries.

(f) **ATTORNEY GENERAL COMPLAINT REVIEW.**—The Attorney General, in coordination with the Center, shall establish a mechanism to receive complaints from sex offenders negatively affected by the high interest registered sex offender assessment process pursuant to subsection (d)(4), the high interest registered sex offender determination review process pursuant to subsection (d)(5), or the travel report confirmation process pursuant to section 7(c). A summary of these complaints shall be included in the annual report to Congress required under section 14(c)(4).

(g) **CONSULTATIONS.**—The Center shall engage in ongoing consultations with—

(1) NCMEC, ECPAT-USA, Inc., World Vision, and other nongovernmental organizations that have experience and expertise in identifying and preventing child sex tourism and rescuing and rehabilitating minor victims of international sexual exploitation;

(2) the governments of countries interested in cooperating in the creation of an international sex offender travel notification system or that are primary destination or source countries for international sex tourism; and

(3) Internet service and software providers regarding available and potential technology to facilitate the implementation of an international sex offender travel notification system, both in the United States and in other countries.

(h) **TECHNICAL ASSISTANCE.**—The Secretary of Homeland Security and the Secretary of State may provide technical assistance to foreign authorities in order to enable such authorities to participate more effectively in the notification program system established under this section.

SEC. 7. CENTER SEX OFFENDER TRAVEL GUIDELINES.

(a) **ISSUANCE OF CENTER SEX OFFENDER TRAVEL GUIDELINES.**—Not later than 180 days after the date of the enactment of this Act, the Center shall issue the Center Sex Offender Travel Guidelines for the assessment of sex offenders—

(1) who report international travel from the United States to another country pursuant to section 4(a), or

(2) whose travel is reported pursuant to subsection (b),

for purposes of determining whether such sex offenders are considered high interest registered sex offenders by United States law enforcement.

(b) **LAW ENFORCEMENT NOTIFICATION.**—

(1) **IN GENERAL.**—Federal, State, local, tribal, or territorial law enforcement entities or officials from within the United States who have reasonable grounds to believe that a sex offender is traveling outside the United States and may engage in a sex offense against a minor may notify the Center and provide as much information as practicable in accordance with section 4(b)(2).

(2) **NOTICE TO LAW ENFORCEMENT ENTITIES.**—Not later than 425 days after the date of the enactment of this Act, the Center shall pro-

vide notice to all known, official law enforcement entities within the United States of their possibility of notifying the Center of anticipated international travel by a sex offender pursuant to paragraph (1).

(c) **TRAVEL REPORT RECEIPT CONFIRMATION.**—

(1) **IN GENERAL.**—Not later than seven days before the date of departure indicated in the sex offender travel report, the Center shall provide the sex offender with written confirmation of receipt of the travel report. The written communication shall include the following information:

(A) The sex offender should have the written communication in his or her possession at the time of departure from or return to the United States.

(B) The written communication is sufficient proof of satisfactory compliance with the travel reporting requirement under this Act if travel is commenced and completed within seven days before or after the dates of travel indicated in the travel report.

(C) The procedure that the sex offender may follow to request a change, at the sole discretion of the Center, of the time period covered by the written confirmation in the event of an emergency or other unforeseen circumstances that prevent the sex offender from traveling within seven days of the dates specified in the sex offender's travel report.

(D) The requirement to register with a United States diplomatic or consular mission if the sex offender remains in a foreign country for more than 30 consecutive days or for more than 30 days within a 6-month period pursuant to section 5.

(E) Any additional information that the Center, in its sole discretion, determines necessary or appropriate.

(2) **DEPARTURE FROM THE UNITED STATES.**—

(A) **IN GENERAL.**—If the sex offender is traveling from the United States, the written communication shall indicate, in addition to the information specified in paragraph (1), either—

(i) that the destination country or countries indicated in the travel report are not being notified of the sex offender's travel; or

(ii)(I) that such country or countries are being notified that the sex offender is a high interest registered sex offender and intends to travel to such countries; and

(II) that a review of such notification is available by the panel established pursuant to section 6(d)(5), together with an explanation of the process for requesting such a review, including the means for submitting additional information that may refute the Center's determination that the sex offender is a high interest registered sex offender.

(B) **CERTAIN RISK.**—If the high interest registered sex offender is traveling from the United States and the Center has reason to believe that the transmission of the notice poses a risk to the life or well-being of the high interest registered sex offender, the Center shall warn, in the written communication provided to the high interest registered sex offender, of such risk if the high interest registered sex offender travels as intended.

(d) **REPORT TO CONGRESS.**—Upon the issuance of the Center Sex Offender Travel Guidelines under subsection (a), the Center shall submit to the appropriate congressional committees a report containing the guidelines in a manner consistent with the protection of law enforcement-sensitive information.

SEC. 8. AUTHORITY TO RESTRICT PASSPORTS.

(a) **IN GENERAL.**—The Secretary of State is authorized to—

(1) revoke the passport or passport card of an individual who has been convicted by a court of competent jurisdiction in a foreign country of a sex offense; and

(2) limit to one year or such period of time as the Secretary of State shall determine appropriate the period of validity of a passport issued to an individual designated as a high interest registered sex offender.

(b) **LIMITATION FOR RETURN TO UNITED STATES.**—Notwithstanding subsection (a), in no case shall a United States citizen convicted by a court of competent jurisdiction in a foreign country of a sex offense be precluded from entering the United States due to a passport revocation under such subsection.

(c) **REAPPLICATION.**—An individual whose passport or passport card was revoked pursuant to subsection (a)(1) may reapply for a passport or passport card at any time after such individual has returned to the United States.

SEC. 9. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this Act.

SEC. 10. SENSE OF CONGRESS PROVISIONS.

(a) **BILATERAL AGREEMENTS.**—It is the sense of Congress that the President should negotiate memoranda of understanding or other bilateral agreements with foreign governments to further the purposes of this Act and the amendments made by this Act, including by—

(1) establishing systems to receive and transmit notices as required by section 4;

(2) requiring Internet service providers and other private companies located in foreign countries to report evidence of child exploitation; and

(3) establishing mechanisms for private companies and nongovernmental organizations to report on a voluntary basis suspected child pornography or exploitation to foreign governments, the nearest United States embassy in cases in which a possible United States citizen may be involved, or other appropriate entities.

(b) **MINIMUM AGE OF CONSENT.**—In order to better protect children and young adolescents from domestic and international sexual exploitation, it is the sense of Congress that the President should strongly encourage those foreign countries that have an age of consent to sexual activity below the age of 16 to raise the age of consent to sexual activity to at least the age of 16 and those countries that do not criminalize the appearance of persons below the age of 18 in pornography or the engagement of persons below the age of 18 in commercial sex transactions to prohibit such activity.

(c) **NOTIFICATION TO THE UNITED STATES OF SEX OFFENSES COMMITTED ABROAD.**—It is the sense of Congress that the President should formally request foreign governments to notify the United States when a United States citizen has been arrested, convicted, sentenced, or completed a prison sentence for a sex offense against a minor in the foreign country.

SEC. 11. ENHANCING THE MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

Section 108(b)(4) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106(b)(4)) is amended by adding at the end before the period the following: “, including cases involving nationals of that country who are suspected of engaging in severe forms of trafficking of persons in another country”.

SEC. 12. SPECIAL REPORT ON INTERNATIONAL MECHANISMS RELATED TO TRAVELING CHILD SEX OFFENDERS.

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of State, in consultation with the Attorney General, shall submit to the appropriate congressional committees a report containing the following information (to the extent such information is available from the government concerned or from other reliable sources):

(1) A list of those countries that have or could easily acquire the technological capacity to identify sex offenders who reside within the country.

(2) A list of those countries identified in paragraph (1) that utilize electronic means to identify and track the current status of sex offenders who reside within the country, and a summary of any additional information maintained by the government with respect to such sex offenders.

(3)(A) A list of those countries identified in paragraph (2) that currently provide, or may be willing to provide, information about a sex offender who is traveling internationally to the destination country.

(B) With respect to those countries identified in subparagraph (A) that currently notify destination countries that a sex offender is traveling to that country:

(i) The manner in which such notice is transmitted.

(ii) How many notices are transmitted on average each year, and to which countries.

(iii) Whether the sex offenders whose travel was so noticed were denied entry to the destination country on the basis of such notice.

(iv) Details as to how frequently and on what basis notice is provided, such as routinely pursuant to a legal mandate, or by individual law enforcement personnel on a case-by-case basis.

(v) How sex offenders are defined for purpose of providing notice of travel by such individuals.

(vi) What international cooperation or mechanisms currently are unavailable and would make the transmission of such notifications more efficacious in terms of protecting children.

(C) With respect to those countries identified in subparagraph (A) that are willing but currently do not provide such information, the reason why destination countries are not notified.

(4)(A) A list of those countries that have an established mechanism to receive reports of sex offenders intending to travel from other countries to that country.

(B) A description of the mechanism identified in subparagraph (A).

(C) The number of reports of arriving sex offenders received in each of the past 5 years.

(D) What international cooperation or mechanisms currently are unavailable and would make the receipt of such notifications more efficacious in terms of protecting children.

(5) A list of those countries identified in paragraph (4) that do not provide information about a sex offender who is traveling internationally to the destination country, and the reason or reasons for such failure. If the failure is due to a legal prohibition within the country, an explanation of the nature of the legal prohibition and the reason for such prohibition.

(b) **DEFINITION.**—In this section, the term “sex offender” means an individual who has been convicted of a criminal offense against a minor that involves any of the acts de-

scribed in clauses (i) through (viii) of section 3(9)(A).

SEC. 13. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

(a) **IN GENERAL.**—The President is strongly encouraged to exercise the authorities of section 134 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152d) to provide assistance to foreign countries directly, or through nongovernmental and multilateral organizations, for programs, projects, and activities, including training of law enforcement entities and officials, designed to establish systems to identify sex offenders and provide and receive notification of child sex offender international travel.

(b) **DEFINITION.**—In this section, the term “sex offender” means an individual who has been convicted of a criminal offense against a minor that involves any of the acts described in clauses (i) through (viii) of section 3(9)(A).

SEC. 14. CONGRESSIONAL REPORTS.

(a) **INITIAL CONSULTATIONS.**—Not less than 30 days before the completion of the activities required pursuant to sections 4(b), 5(b)(4), 6(a), and 7(a), the entities responsible for the implementation of such sections shall consult with the appropriate congressional committees concerning such implementation.

(b) **INITIAL REPORT.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the implementation of this Act, including—

(A) how the International Sex Offender Travel Center has been established under section 6(a), including the role and responsibilities of the respective departments and agencies that are participating in the Center, and how those roles are being coordinated to accomplish the purposes of this Act and the amendments made by this Act;

(B) the procedures established for implementing section 7 regarding the Center Sex Offender Travel Guidelines;

(C) the rules regarding sex offender travel reports issued pursuant to section 4(b);

(D) the establishment of registries at United States diplomatic missions pursuant to section 5, including the number and location of such registries and any difficulties encountered in their establishment or operation;

(E) the consultations that are being conducted pursuant to section 6(g), and a summary of the discussions that have taken place in the course of those consultations; and

(F) what, if any, assistance has been provided pursuant to section 6(h) and section 13.

(2) **FORM.**—The report required under paragraph (1) may be transmitted in whole or in part in classified form if such classification would further the purposes of this Act or the amendments made by this Act.

(c) **ANNUAL REPORT.**—Not later than one year after the date of the enactment of this Act, and every year for 4 years thereafter, the President shall transmit to the appropriate congressional committees a report on the implementation of this Act and the amendments made by this Act, including—

(1)(A) the number of United States sex offenders who have reported travel to or from a foreign country pursuant to section 4(a);

(B) the number of sex offenders who were identified as having failed to report international travel as required by section 4(a); and

(C) the number of those identified in each of subparagraphs (A) and (B) who reported travel or who traveled from the United States without previously reporting and whose travel was noticed to a destination country;

(2) the number of United States sex offenders charged, prosecuted, and convicted for failing to report travel to or from a foreign country pursuant to section 4(a);

(3) the number of sex offenders who were determined to be high interest registered sex offenders by the Center, the number of appeals of such determinations received by the panel established pursuant to section 6(d)(5), the length of time between the receipt of each such appeal and transmission of the response, the extent and nature of any information provided to the sex offender in response to the appeal, the reason for withholding any information requested by the sex offender, and the number of high interest registered sex offender determinations by the Center that were reversed by the review panel;

(4) with respect to the complaints received by the Attorney General pursuant to section 6(f)—

(A) the number of such complaints received; and

(B) a summary of the nature of such complaints;

(5) if ICE charges a fee pursuant to section 4(c)—

(A) the amount of the fee;

(B) a description of the process to collect the fee and to transfer a percentage of the fee to the jurisdiction that processed the report;

(C) the percentage of the fee that is being shared with the jurisdictions, the basis for the percentage determination, and which jurisdictions received a percentage of the fees;

(D) how the revenues from the fee have been expended by ICE; and

(E) the fee waiver process established pursuant to section 4(c)(4), how many fee waiver requests were received, and how many of those received were granted;

(6) the results of the annual review process of the use of the Center Sex Offender Guidelines conducted pursuant to section 6(d)(6);

(7) what immediate actions have been taken, if any, by foreign countries and territories of destination following notification pursuant to section 6(d)(3), to the extent such information is available;

(8)(A) the number of United States citizens or lawful permanent residents arrested overseas and convicted in the United States for sex offenses, and in each instance—

(i) the age of the suspect and the number and age of suspected victims;

(ii) the country of arrest;

(iii) any prior criminal conviction or reported criminal behavior in the United States;

(iv) whether the individual was required to and did report pursuant to section 4; and

(v) if the individual reported travel pursuant to section 4 prior to the commission of the crime, whether the individual was deemed not to be a high interest registered sex offender by the Center; and

(B) for purposes of this paragraph, the term “sex offense” means a criminal offense involving sexual conduct against a minor or an adult, including the activities listed in clauses (i) through (viii) in section 3(9)(A);

(9) which countries have been requested to notify the United States when a United States citizen has been arrested, convicted, sentenced, or completed a prison sentence for a sex offense in that country, and of

those countries so requested, which countries have agreed to do so, through either formal or informal agreement;

(10) any memoranda of understanding or other bilateral agreements that the United States has negotiated with a foreign government to further the purposes of this Act pursuant to section 10(a); and

(11) recommendations as to how the United States can more fully participate in international law enforcement cooperative efforts to combat child sex exploitation.

(d) INSPECTOR GENERAL AUDIT AND REPORT.—

(1) IN GENERAL.—Not later than three years after the date of the enactment of this Act, the Inspectors General of the Department of Justice and the Department of State shall perform a comprehensive audit of and submit to the appropriate congressional committees a report on the implementation of sections 4, 5, 6, and 7.

(2) CONTENTS.—The report required under paragraph (1) shall include the following:

(A) An assessment of all the complaints received by the Department of Justice pursuant to section 6(f), and a description as to what, if any, action was taken to resolve each complaint.

(B) A description of any instances in which a United States citizen or lawful permanent resident was mistakenly identified as a sex offender who failed to comply with the requirements of this Act and was confronted with such failure.

(C) A description of any instances in which a United States citizen or lawful permanent resident was prevented from travelling to or from the United States as a consequence of the implementation of this Act.

(D) A description of any instances in which a sex offender was charged with violating the travel reporting requirement under section 4 or the registration requirement under section 5 prior to such sex offender being duly noticed of the relevant requirement.

(E) A description of any physical or substantial emotional harm suffered by a high interest registered sex offender in a destination country as a result of notice being given to such destination country pursuant to section 6(e).

(F) A description of any instances in which information about a sex offender on a registry at a United States diplomatic or consular mission was disclosed in a manner not authorized by this Act.

(G) A description and assessment of high interest registered sex offender determination reviews conducted pursuant to section 6(d), including the number of such determinations that were overturned.

(H) A description and assessment of any other substantive or administrative challenges identified in implementing and administering sections 4, 5, 6, and 7.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

To carry out this Act and the amendments made by this Act, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2011 through 2015.

SEC. 16. BUDGET COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Nevada (Ms. BERKLEY) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Nevada.

GENERAL LEAVE

Ms. BERKLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

Ms. BERKLEY. I yield myself such time as I may consume.

I rise in very strong support of this bill.

I would like to first commend the gentleman from New Jersey (Mr. SMITH) and the ranking member from Florida (Ms. ROS-LEHTINEN) for their hard work and dedication to this bill, International Megan's Law of 2010.

Mr. Speaker, this is a product of a 2-year investigation into international child sex tourism and exploitation. Staffs on both sides of the aisle, including staff from the Judiciary Committee, have worked very hard to craft a bill that would serve as an important tool in protecting children abroad from child sex predators.

Some child sex offenders, who are really perverts, travel from the United States to other countries solely for the purpose of committing sexual acts with children. Others decide to stay abroad, taking advantage of their anonymity where laws against these sex acts are weak or are rarely enforced.

International Megan's Law would establish a system for providing advance notice to foreign countries when a convicted child sex offender travels to that country. It also mandates a registration requirement for child sex offenders from the United States who reside or stay abroad.

Worldwide, over 2 million children are sexually exploited each year through trafficking, prostitution, and child sex tourism. The damage inflicted on these children by sexual crimes can be incredibly severe and beyond comprehension to most of us. Not only are exploited children at risk of physical trauma and diseases, such as HIV/AIDS, but they suffer very serious psychological, emotional, and spiritual damage that can last for the remainder of their lives.

Between 2003 and 2009, U.S. Immigration and Customs Enforcement cooperated with INTERPOL and foreign law enforcement agencies to investigate cases of the sexual exploitation of children abroad, obtaining 73 convictions for such crimes committed in other countries.

This bill will strengthen that enforcement capability and will discourage child sex tourism by requiring

these offenders to notify relevant authorities of their intentions to travel abroad. It will also establish a non-public registry at U.S. consular and diplomatic missions where U.S. citizens and residents who live abroad and who have been convicted of sex offenses against minors will be required to register.

To know that an individual poses a danger to children and to do nothing simply because that person leaves our territory is unconscionable. We have the capability to help other governments protect their citizens, and we need to do all we can to prevent these predators from circumventing our laws to prey on children of foreign countries.

Mr. Speaker, I urge all of my colleagues to support this legislation.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Mr. Speaker, I rise as a strong and proud original cosponsor of H.R. 5138, the International Megan's Law of 2010.

The innocence of childhood is a sacred trust that deserves to be protected always and everywhere. Sexual crimes against children are especially deplorable because they violate that trust, rob children of their childhoods and, in some cases, begin a cycle of abuse that ruins multiple lives by turning victims into future abusers.

In recent decades, Mr. Speaker, we have grown in our understanding of these crimes and of the compulsions of their perpetrators, so our laws have also evolved to better protect the young. In most cases, convicted offenders who pose risks to children are required to register in the localities in which they reside.

Just 2 months ago, my home State of Florida enacted additional safeguards, barring predators from loitering near schools and other places where children congregate. But right now, such protections do not effectively extend beyond national borders, and so an alarming number of child predators use the anonymity that comes with international travel to help them find new victims.

Far away from the jurisdictions in which their crimes are known, these offenders enter unsuspecting communities to groom and exploit young boys and girls. This heartbreaking pattern occurs all around the world. It can involve something as simple as illicit travel to a known sex tourism destination, such as Cuba, where that brutal regime remains classified by our State Department as a tier 3 entity that fails to meet even the minimum standards for combating human trafficking. Or it can entail a ruse as sophisticated as establishing a front charity or an orphanage in economically depressed areas, such as southeast Asia, to secure ready access to vulnerable children.

These criminals are ruthless in their hunt for new victims, but as things

stand today, no country, including the United States, receives adequate warning when dangerous child predators are coming to visit. Thus, many crimes remain undeterred and undetected, and many young lives are permanently scarred as a result. The International Megan's Law will help protect the children of the world from these dangers in two major ways:

First, it will establish a system for providing advance notice to officials when a sex offender who poses a high risk to children is traveling to their country.

Second, it will require U.S. child sex offenders who live overseas to register and periodically reverify their presence with local U.S. diplomatic or consular missions.

This bill also grants the State Department clear authority to restrict the passports of convicted child sex offenders so that they cannot jump from country to country indefinitely to avoid returning to the U.S.

While the bill is simple in its basic concept, it provides a carefully constructed mechanism to ensure that the full range of operational, legal, and constitutional interests are protected.

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I want to thank my colleague from New Jersey (Mr. SMITH) for his leadership on this bill, which is the culmination of years of research, field visits and consultations with U.S. and foreign law enforcement officials.

Child predators do not become less dangerous when they cross international borders. They must not be allowed to use their passports as a disguise.

I urge my colleagues to support this basic protection of our children.

Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH), the author of this bill, and I ask unanimous consent that he control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SMITH of New Jersey. I yield myself such time as I may consume.

Mr. Speaker, the International Megan's Law is the culmination of over 3 years of extensive negotiations and research by multiple parties. Mr. PAYNE and I are deeply grateful to all who have helped craft this legislation.

I want to thank the majority leader, STENY HOYER, for scheduling this legislation today and for his commitment to mitigating the crime, the heinous crime, of human trafficking. He and I have worked on that for years. And the International Megan's Law, which is a corollary to the trafficking work, has as its singular goal the protection of children from sex predators.

Special thanks to Chairman BERMAN and ILEANA ROS-LEHTINEN for their

strong support for International Megan's Law, for helping to shepherd it through the committee, and for their staffs for being so helpful in terms of words and phrases, as well as important concepts in the bill.

I would also like to thank Chairman PAYNE and Ranking Member LAMAR SMITH and BOBBY SCOTT for their support and their recommendations that are included in the bill as well.

I would especially like to thank the gentleman from California (Mr. DANIEL E. LUNGREN), former Attorney General, now Congressman, an expert on Megan's Law, for his enormous contribution because he was at the forefront in his State in implementing the Megan's Law; and TED POE, who is the co-chairman of the Victims' Rights Caucus, for his work and for his compassion for those who are victimized by any number of crimes, including the crimes that we are talking about today.

I also would like to thank Sheri Rickert, Kristin Wells, and Janice Kaguyutan, staffers who have really done yeoman's work on this legislation. I am very, very grateful for that. And the NGOs that have also collaborated with us, the National Center for Missing and Exploited Children, who have endorsed the bill, the Covenant House, which has done a petition drive, and World Vision, and my distinguished friend from Nevada (Ms. BERKLEY), I thank her for her leadership as well.

This is a bipartisan bill and, hopefully, it will become law for one reason: to protect children.

Mr. Speaker, our national and various State versions of Megan's Law have revolutionized how we deal with child predators. Maureen and Richard Kanka of my hometown wrote the book on neighborhood notification and protection of children and families through information. We all owe an enormous debt to Maureen and Richard for taking a horrific tragedy, the sexual abuse and murder of their 7-year-old daughter, Megan, back in 1994, and turning it into the noble cause of protecting children throughout the United States.

But now it's imperative that we take the lessons learned on how to protect our children from known child sex predators within our borders and expand those protections globally.

Child predators, Mr. Speaker, thrive on secrecy and lack of any meaningful accountability. The secrecy they thrive on allows them to commit heinous crimes, crimes against children, and to do so with impunity. Megan's Law, with its emphasis on notification and knowing who is doing what and where, not only protects American children, but it also will protect children worldwide.

Just last month, Mr. Speaker, the GAO issued a deeply disturbing report

entitled "Current Situation Results in Thousands of Passports Issued to Registered Sex Offenders." The GAO found that at least 4,500 U.S. passports were issued to known registered sex offenders in fiscal year 2008 alone. The GAO emphasized that this number is probably understated due to the limitations of the data that it was able to analyze and to access.

Let me also remind—we all know it—passports last for 10 years, so, again, this number would grow every year.

What is even more disturbing are the details about 30 of those sex offenders, passport recipients the GAO selected for further investigation. One registered sex offender solicited trips to Mexico to find and prey on young boys. The FBI found cameras in a medical bag with a Spanish language flyer advertising lice removal for children, a procedure that requires children to undress. This offender, who is currently serving a prison sentence for possession of child pornography, applied for a passport because he plans to live in Mexico after he serves his sentence to avoid registering as a sex offender.

Another sex offender in the GAO report has multiple convictions for sexual contact with 11-year-olds. The offender had traveled to the Philippines, a known child sex tourism destination, as well as to Germany and France, since receiving his passport. He was recently indicted for possession of child pornography and for attempting to have sex with a two-year-old little girl.

Several of the registered sex offenders used their passports to travel to known child sex tourism destinations, including Mexico, the Philippines and the Caribbean islands. The victims of several of these offenders range from the ages of 7 to 11 years old.

Mr. Speaker, the ILO estimates that there are about 1.8 million children who are victims of commercial sexual exploitation around the world each year. The GAO's report confirms that American sex offenders are a significant part of this outrage.

According to the Immigration and Customs Enforcement, ICE, each year about 10,000 sex offenders covered by the bill before us travel internationally. We have information and the technology at our disposal to determine what constitutes a high-risk registered sex offender and to ensure that appropriate government officials are noticed in a timely fashion. And, frankly, if the country wants to say, "you don't get a visa, you don't come," or "if you do come, our law enforcement will keep an eye on you," that's what we hope will happen if this becomes law.

Mr. Speaker, H.R. 5138 would establish the legal framework that is required to accomplish this very achievable goal of noticing. Pursuant to the bill, registered sex offenders would notify our law enforcement 30 days before

they travel, allowing experts in the newly created international sex offender travel center, led by ICE, to ascertain whether the individual poses a high risk of sexually exploiting children in the destination country. If the answer is in the affirmative, our law enforcement would be able to notify officials in that country who could either monitor the activities when he enters or prevent him from entering all together.

The legislation would also establish sex offender registries at U.S. diplomatic missions for U.S. child sex offenders who reside in other countries. This foreign registration system would allow U.S. law enforcement to track the location of sex offenders and to better ascertain if and when they re-enter the United States.

Clearly, the goals of this legislation do not stop at protecting children overseas from U.S. predators. Sex offenders from around the world are now able to cross borders and oceans to carry out their nefarious activity under the cloak of anonymity and disappear before a child is willing or able to reveal the terrible crime.

The International Megan's Law would establish the model needed for the Administration to pressure other countries to take action to stop child sex tourism originating within their borders and threatening children in the United States and everywhere else.

I have finally, Mr. Speaker, had so many conversations with people from other countries, foreign dignitaries who have asked me when the United States Congress is going to do something about American sex offenders traveling to their countries to rape their children. The International Megan's Law is the answer to that question, and I hope my colleagues will support it.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. POE), an esteemed member of both the Foreign Affairs Committee and the Judiciary Committee, and founder and co-chair of the Congressional Victims Rights Caucus.

Mr. POE of Texas. Mr. Speaker, I appreciate the work the gentleman, Mr. SMITH, has done on human trafficking throughout his career here in Congress to make the Congress and the American people aware of this horrible tragedy that's taking place throughout the world. And I especially appreciate his work on this legislation, International Megan's Law.

Mr. Speaker, slavery is alive and, unfortunately, doing very well in this world today. We see it in the form of human trafficking, sex trafficking, slavery of children who are taken from different parts of the world by these slave traders and, for money, they exploit these children, and they make money because there are consumers that want to abuse children.

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Unfortunately, 25 percent of the consumers who use sex trade victims are from the United States. They leave this country. They go to foreign countries. They find some child, and they abuse that child, and they pay some slave trader for that service. A million people a year are involved as victims of human trafficking. Fifty percent of them are children. Most of them are under the age of 18. It is the scourge that is taking place in our world today. And it's about time we let the world know about it. And it's about time we do something about it.

I am founder and cochair, along with my friend Mr. COSTA from California, of the Victims Rights Caucus. Children that are exploited, that are taken and they are used for sex trafficking, first of all are not criminals. They are victims of criminal conduct. The criminals are the slave traders and the criminals are those who pay to exploit those children.

It's important that we first take care and find out who those victims are. We should treat them as victims, those children that have been exploited. The second thing we do, we find out who those slave traders are and we put them in jails throughout the world. Lock them up. That's where they belong, no matter where they do their dirty deeds. And the third thing is those consumers, those who pay to exploit children, some of those 25 percent from the United States, we not only lock them up, we let people know who they are. We publish their names, we put their photographs on the Internet, we let people know who these individuals are.

This legislation goes a long way in helping the children. So when some predator gets out of our penitentiary for molesting a kid and wants to leave the country to continue their evil ways, they've got to tell us about it so we can tell that other country, Watch out, this this guy's coming to your country. And so that country can be on notice, so we can be on notice, so we can keep up with these people.

Based on my experience as a judge in Texas for over 20 years, unfortunately most of these child molesters, when they leave the penitentiary, they do it again, and they continue those devilish ways. And it's important we know who they are. This legislation is excellent. I support it.

Ms. BERKLEY. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SMITH of New Jersey. I thank Judge POE for his extraordinary statement and his observation that they recommit. That is what this is all about.

I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), ranking member on the House Committee on Administration, an original cosponsor of this bill, and former Attorney General of California.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for the time.

Mr. Speaker, in the mid-1990s, when I was privileged to serve the State of California as its Attorney General, we looked to New Jersey for inspiration to change our laws. At that time, if you were a sex offender convicted of a sex offense and you had served your time, even though that was public information, it was almost impossible for the public at large to know who you were and where you were living. So we decided to follow the New Jersey law in California and adopt Megan's Law, which gave information more readily accessible to the public about where these predators live. It has worked enormously well.

The claims of those who thought we would somehow deprive those who had served their time of their privacy rights, or that we would somehow instill the seeds of vigilantism, have been proven wrong. It has worked very, very effectively.

Since that time we have adopted laws such as Jessica's Laws, which says that those who are registered sex offenders cannot live near children, they cannot live near schools where children go, they cannot live close to the parks where they may play. And that has worked well.

So some of these sex offenders have decided that they will ply their vicious trade, so to speak, beyond our shores. And those are the ones that this International Megan's Law directs its attention to. No longer will they have the mask of anonymity when they go looking for children to exploit in foreign countries.

This is a simple law. It is a law based on information. It is a law based on the knowledge of those who have already committed and are likely to recommit. It makes eminent sense. We hope there will be a unanimous vote in favor of International Megan's Law.

Ms. BERKLEY. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON), the ranking member of the Foreign Affairs Subcommittee on the Middle East and South Asia and one of the original sponsors of this legislation.

Mr. BURTON of Indiana. I want to thank everybody that's been involved in this legislation, Mr. POE; my colleague from California (Mr. LUNGREN); and I especially want to say something about CHRIS SMITH.

CHRIS SMITH, who is the sponsor of this bill, has been one of the hardest working Congressmen that I have ever seen in my life. He has worked very hard on the rights of the unborn since he came to Congress what, 25 or so years ago. He has worked very hard on things like Megan's Law. We have had

a lot of great legislators in this body throughout history, but I don't know of anybody who has been more dedicated, more committed to doing the right things for children, both born and unborn, than CHRIS SMITH.

And I think in the Bible, and I may misquote this, but Paul the Apostle said, "I have fought the fight, I have kept the faith, henceforth the crown of righteousness is laid up for me in Heaven." And that fits you too, CHRIS. I really mean that.

Let me just say this about Megan's Law. There should be no place in the world for these people to hide. There should be no place where they're not prosecuted or persecuted for what they do to these children. And so I think this law is so important because there have been literally planetloads of perverts, pedophiles that travel around the world to ply their evil when they can't do it here in the United States because we've started passing laws that deal with them so severely.

No matter what we do in this legislation or with this legislation, in my opinion it's not enough. It's just not enough. And I don't think I want to be redundant and say anything more than that except for all of you who have worked so hard on this legislation, you have my undying gratitude.

Ms. BERKLEY. I continue to reserve my time.

Mr. SMITH of New Jersey. In closing, Mr. Speaker, I again thank my friends on the majority side for their courtesy and for working so closely with us on this legislation. It truly is a bipartisan bill.

You know, in 2000 I was the prime sponsor of the Trafficking Victims Protection Act, and added the three Ps, prevention, prosecution, and protection. And a very comprehensive effort was made. We are now 10 years into implementation of that law. The TIP report that comes out every year comes out pursuant to that law.

One of the things we did in that law was to try to get every other country to pass laws that look a lot like ours, and maybe better and then we will borrow from their ideas. In this legislation as well there is a real admonition to the President and the State Department to try to get other countries to enact Megan's Laws in their own countries—a few have them, most don't—so we can protect our kids from these pedophiles when they come to our shores.

I urge a "yes" vote.

NATIONAL CENTER FOR MISSING &
EXPLOITED CHILDREN,
July 21, 2010.

Hon. CHRIS SMITH,
Washington, DC.

DEAR REPRESENTATIVE SMITH: On behalf of the National Center for Missing & Exploited Children (NCMEC), I commend you for introducing H.R. 5138, the International Megan's Law of 2010. This important piece of legislation will help protect children around the

world from registered sex offenders who seek to victimize them.

Sex tourism is an insidious practice whereby offenders travel to other countries for the purpose of sexually victimizing a child. According to an estimate from the U.S. Department of State, 1 million children are exploited by the global commercial sex trade each year. Currently, there are very few limitations regulating the international travel of registered sex offenders. Simply requiring registration within an offender's country of residence does nothing to protect children in other countries from victimization. It is imperative that we do everything we can to provide U.S. and international law enforcement with information that might prevent a child from being victimized.

We are grateful for your leadership and your steadfast commitment to the most vulnerable members of our society.

Sincerely,

ERNIE ALLEN,
President & CEO.

I have no further requests for time, and I yield back the balance of my time.

Ms. BERKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Nevada (Ms. BERKLEY) that the House suspend the rules and pass the bill, H.R. 5138, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TEMPORARY EXTENSION OF SMALL BUSINESS PROGRAMS

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5849) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5849

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111-162 (124 Stat. 1129), is amended by striking "July 31, 2010" each place it appears and inserting "September 30, 2010".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 30, 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the

gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

In every previous recession, small businesses have been central to our economic recovery. The Small Business Administration has an important role to play in giving businesses tools they need to succeed. Technical assistance programs operated by the SBA provide critical expertise in everything from writing a business plan, to finding new customers, to marketing a product.

□ 1340

While our Nation's financial landscape has improved, many small firms cannot find the financing they need. To bridge this gap, the agency's lending programs put over \$15 billion into the economy, making them the single largest source of long-term capital. So that entrepreneurs can better tap into the Federal marketplace, there is also assistance to help businesses navigate our government's procurement process. Taken together, this portfolio of services can empower small businesses to create new jobs and accelerate our recovery.

Since the start of this Congress, the House has passed 16 bills to strengthen and modernize the SBA initiatives. However, before these programs are fully updated, they must be extended. This legislation ensures these programs keep operating.

I urge my colleagues to vote "yes."

I reserve the balance of my time.

Mr. WESTMORELAND. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the gentlelady from New York, the chairlady's request to suspend the rules and pass H.R. 5849, a bill to provide a 2-month extension of the Small Business Administration's core programs through September 30, 2010. The previous extension that passed last April will expire at the end of this week.

In this tough economy, small businesses need all the help they can get. However, as the economic downturn has continued, entrepreneurs have lost the support they need from Congress and the administration to help them do what they do best—create jobs and opportunities. Instead of listening to the

needs of the small business community, Congress has continued along with the destructive course of tax increases, government expansion, massive deficits, and job-killing regulations.

Mr. Speaker, as we move toward extending these SBA programs, yet again a temporary effort to shore up our economy and small businesses, we must remember that uncertainty is the enemy of growth. Certain legislative and regulatory proposals that have been considered in Congress lately have injected a tremendous amount of certainty into our markets, uncertainty into our markets. This ambiguity creates unique difficulties for entrepreneurs. It makes them less willing to take risk, to expand operations, or hire new workers.

Entrepreneurs have created nearly 70 percent of all new jobs in the U.S. in recent years. We can all agree that their contributions to our economy and job force will be what will lead us to our recovery. It's time to show our small business owners that we recognize and support this central role they play in our economy. We can do so by approving this temporary extension of SBA programs, and then we must continue our work by crafting and implementing a more thoughtful and complete reauthorization of these critical programs.

I would also like to take this opportunity to commend the gentlelady from New York for her leadership in the small business committee. Her determination to work for the betterment of America's small businesses has allowed us to produce numerous pieces of bipartisan legislation that have reauthorized and modernized the SBA in these programs. Although we have not yet been able to successfully negotiate a compromise between our bills in what have previously passed the House and those that the Senate has passed, I remain confident that we will reach an agreement soon and look forward to working with the chairwoman to that end.

Again, I thank the chairwoman for her leadership and support her request to pass H.R. 5849, and I urge all Members to vote for the measure.

Mr. Speaker, I yield back the balance of my time.

Mr. WU. Mr. Speaker, I rise in reluctant support of H.R. 5849, which extends the Small Business Administration's programs—including the Small Business Innovation Research program—for another 60 days. It is disappointing that we must again approve an extension of these programs, particularly the SBIR program. We should have reauthorized SBIR long ago, and we should not be dragging this process out further. Unfortunately, we find ourselves yet again without a compromise bill as the program's most recent extension sunsets.

Knowledge-driven endeavors are essential if our nation is to compete globally, but without making important changes to the 20-year-old

SBIR program, we are giving today's companies outdated tools. Today's extension marks the seventh time since September 2008 that we have approved a "temporary" extension of the SBIR program. This is a travesty.

Mr. Speaker, I will be supporting today's extension of the SBIR program. But I am utterly opposed to a further extension after today. We have an obligation to America's high-tech entrepreneurs to ensure a steady and predictable funding stream from the SBIR program that is updated for today's economy. It is time we complete our work on this vital program. We have dillydallied for far too long. We can resolve any remaining differences in the bills passed by each chamber in 30 minutes if the principals will simply get in one room and negotiate face-to-face in good faith.

I look forward to working with my colleague, the chair of the House Small Business Committee, Ms. VELÁZQUEZ, to finalize a full reauthorization of the SBIR program in the coming weeks.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to express strong support for House Resolution 5849, which extends temporary programs under the Small Business Act and the Small Business Investment Act of 1958.

It is a well known fact that small businesses drive our economy in a significant way and serve as a stimulator for job creation and economic development. In my congressional district, there are thousands of small businesses which provide work opportunities and facilitate the continuous flow of goods and services which help to keep the economy moving.

Again, I express my strong support for House Resolution 5849 and look forward to its implementation.

Ms. VELÁZQUEZ. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 5849.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

IMPROVING CERTAIN LIBRARY OF CONGRESS ADMINISTRATIVE OPERATIONS

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5681) to improve certain administrative operations of the Library of Congress, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMITTING USE OF PROCEEDS FROM DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY.

(a) DISPOSITION OF PROPERTY.—Within the limits of available appropriations, the Librarian of Congress may dispose of surplus or obsolete personal property of the Library of

Congress by interagency transfer, donation, sale, trade-in, or other appropriate method.

(b) **USE OF PROCEEDS.**—Any amounts received by the Librarian of Congress from the disposition of property under subsection (a) shall be credited to the funds available for the operations of the Library of Congress, and shall be available to acquire the same or similar property during the fiscal year in which the amounts are received and the following fiscal year.

(c) **EFFECTIVE DATE.**—This section shall apply with respect to fiscal year 2011 and each succeeding fiscal year.

SEC. 2. AVAILABILITY OF FUNDS FOR STUDENT LOAN REPAYMENT PROGRAM FOR EMPLOYEES.

(a) **AVAILABILITY OF FUNDS WITHOUT REGARD TO SOURCE OF EMPLOYEE SALARY.**—Amounts appropriated or otherwise made available to the Librarian of Congress for a fiscal year for salaries and expenses of employees of the Library of Congress may be used by the Librarian to make payments under the student loan repayment program under section 5379 of title 5, United States Code, on behalf of an employee of the Library without regard to the source of the funds used to pay the employee's salary.

(b) **EFFECTIVE DATE.**—This section shall apply with respect to fiscal year 2011 and each succeeding fiscal year.

SEC. 3. USE OF UNOBLIGATED APPROPRIATIONS TO MAKE CONTRIBUTIONS TO WORKERS COMPENSATION FUND.

(a) **USE OF FUNDS.**—Unobligated balances of expired appropriations made to the Library of Congress for fiscal years beginning with fiscal year 2011 shall be available to the Librarian of Congress to make the deposit to the credit of the Employees' Compensation Fund required by subsection 8147(b) of title 5, United States Code.

(b) **EFFECTIVE DATE.**—This section shall apply with respect to fiscal year 2011 and each succeeding fiscal year.

SEC. 4. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in the RECORD and include extraneous matters on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself such time as I may consume.

Mr. Speaker, I sponsored this legislation to make improvements to the Library of Congress in three important areas. The bill was reported by the

Committee on House Administration on July 22, 2010.

First, H.R. 5681 would allow the Librarian of Congress to dispose of surplus or obsolete personal property and to use the proceeds from these transactions, if any, to buy similar but updated property. Congress has previously granted such authority to the Capitol Police and other agencies. This provision will allow the Library to replace dated equipment while it still has value and keep costs down. This is especially useful with respect to computers and other technology.

Second, the bill would also improve administration of the Library's student-loan repayment program. Currently, each service must draw from its operating budget for loan repayments for its participating employees. H.R. 5681 would create a common fund to support loan repayment agencywide.

Finally, the bill would make available expired but unobligated appropriations balances to pay the Library's annual deposits due to the Labor Department's workers compensation fund. This provision will help address a timing problem faced by the Library and avoid the need for new appropriations.

Mr. Speaker, this bill has the Library's full support. I know of no controversy, and I urge support of this legislation.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as was stated by the chairman of our committee, this is a sensible bill to improve administrative operations at the Library of Congress, and I'm pleased to support it.

The bill improves operations at the Library of Congress related to surplus or obsolete property, the student loan repayment program, and the workers' compensation payment program. These are reasonable and sound changes. We discussed them at our committee markup. I support them.

I thank my colleague and the staff for their hard work, and I urge my colleagues to support H.R. 5681.

I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I urge an "aye" vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 5681, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

IMPROVING OPERATION OF CERTAIN HOUSE PROGRAMS

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules

and pass the bill (H.R. 5682) to improve the operation of certain facilities and programs of the House of Representatives, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEMBERSHIP IN HOUSE OF REPRESENTATIVES EXERCISE FACILITY FOR ACTIVE DUTY ARMED FORCES MEMBERS ASSIGNED TO CONGRESSIONAL LIAISON OFFICE.

Any active duty member of the Armed Forces who is assigned to a congressional liaison office of the Armed Forces at the House of Representatives may obtain membership in the exercise facility established for employees of the House of Representatives (as described in section 103(a) of the Legislative Branch Appropriations Act, 2005) in the same manner as an employee of the House of Representatives, in accordance with such regulations as the Committee on House Administration may promulgate.

SEC. 2. REVOLVING FUND FOR HOUSE CHILD CARE CENTER.

(a) **CONVERSION OF HOUSE CHILD CARE CENTER ACCOUNT INTO REVOLVING FUND.**—

(1) **IN GENERAL.**—Section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062(d)(1)) is amended to read as follows:

“(1) There is established in the Treasury of the United States a revolving fund for the House of Representatives to be known as the ‘House Child Care Center Revolving Fund’ (hereafter in this section referred to as the ‘Fund’), consisting of the amounts received under subsection (c) and any other funds deposited by the Chief Administrative Officer of the House of Representatives from amounts received by the House of Representatives with respect to the operation of the center. Except as provided in paragraphs (2) and (3), the Fund shall be the exclusive source for all salaries and expenses for activities carried out under this section.”

(2) **TRANSFER OF EXISTING ACCOUNT.**—Any amounts in the account established by section 312(d)(1) of such Act as of the day before the effective date of this section, together with any amounts in the House Services Revolving Fund as of the effective date of this section which, at the time of deposit into the House Services Revolving Fund, were designated for purposes of the House Child Care Center, shall be transferred to the House Child Care Center Revolving Fund established by such section, as amended by paragraph (1).

(b) **TRANSFER AUTHORITY.**—Section 312 of such Act (2 U.S.C. 2062) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

“(e) The Fund shall be treated as a category of allowances and expenses for purposes of section 101(a) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(a)).”

(c) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect October 1, 2010, and shall apply with respect to fiscal year 2011 and each succeeding fiscal year.

SEC. 3. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) The second undesignated paragraph under the heading “Under Superintendent of

the Capitol Buildings and Grounds" in the Act of April 28, 1902 (chapter 594; 32 Stat. 125; 2 U.S.C. 2012) is amended to read as follows:

"The Chief Administrative Officer of the House of Representatives shall supervise and direct the care and repair of all furniture in the Hall, cloakrooms, lobby, committee rooms, and offices of the House, and all furniture required for the House of Representatives or for any of its committee rooms or offices shall be procured on designs and specifications made or approved by the Chief Administrative Officer."

(b) Effective as if included in the enactment of Public Law 111–145, section 3 of House Resolution 661, Ninety-fifth Congress, agreed to July 29, 1977 (2 U.S.C. 84-2), is restored into permanent law.

SEC. 4. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself such time as I may consume.

Mr. Speaker, the Committee on House Appropriations, reported this legislation, which I introduced on July 1, 2010, to improve the operation of certain facilities and programs of the House.

The bill will make two substantial changes into law. First it will make into permanent law a temporary provision allowing active-duty Armed Forces personnel working in House office buildings as congressional liaisons to use the House staff gym like any other staff member. This practice, which is currently in place, is working fine and we propose to make it permanent for the benefit of personnel who might prefer to exercise here rather than travel to the Pentagon or elsewhere.

□ 1350

Second, the bill includes language to eliminate needless bookkeeping related to the House Child Care Center. The account supporting the Center is not a true revolving fund, meaning that at the end of every year accountants must seek approval to transfer the unobli-

gated balances forward to the new year and work with the Treasury to implement what has become an annual ritual.

Converting the account to a true revolving fund will save House and Treasury staff time better spent elsewhere. This change will have no effect on the Center's staff, parents, or the children.

Finally, the bill includes two technical corrections and complies with the PAYGO rules.

I know of no controversy on this bill. Since H.R. 5682 affects only the House, I trust that the Senate will pass it quickly without change. I urge an "aye" vote.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support this resolution providing for administrative provisions affecting the House.

This resolution simply authorizes that any Active Duty member of the Armed Forces who is assigned to a congressional liaison office in the House of Representatives may obtain membership and access to the House staff fitness center. Given the sacrifices demonstrated by the members of our military each and every day, and their requirement to stay in good physical condition, this is entirely appropriate.

The resolution also establishes, as was mentioned by our chairman, a revolving fund for the House Child Care Center, and it codifies current practices relating to the CAO's allocation, care, and repair of furniture for use in the House.

These are all commonsense and appropriate changes, and I urge my colleagues to support H.R. 5682.

Mr. Speaker, I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I urge an "aye" vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 5682, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FALLEN HEROES FLAG ACT OF 2009

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 415) to provide Capitol-flown flags to the immediate family of fire fighters, law enforcement officers, emergency medical technicians, and other rescue workers who are killed in the line of duty.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fallen Heroes Flag Act of 2009".

SEC. 2. PROVIDING CAPITOL-FLOWN FLAGS FOR FAMILIES OF LAW ENFORCEMENT AND RESCUE WORKERS KILLED IN THE LINE OF DUTY.

(a) IN GENERAL.—At the request of the immediate family of a fire fighter, law enforcement officer, emergency technician, or other rescue worker who died in the line of duty, the Representative of the family may provide the family with a Capitol-flown flag, together with the certificate described in subsection (c).

(b) NO COST TO FAMILY.—A flag provided under this section shall be provided at no cost to the family.

(c) CERTIFICATE.—The certificate described in this subsection is a certificate which is signed by the Speaker of the House of Representatives and the Representative providing the flag, and which contains an expression of sympathy from the House of Representatives for the family involved, as prepared and developed by the Clerk of the House of Representatives.

(d) DEFINITIONS.—In this section—

(1) the term "Capitol-flown flag" means a United States flag flown over the United States Capitol in honor of the deceased individual for whom such flag is requested; and

(2) the term "Representative" includes a Delegate or Resident Commissioner to the Congress.

SEC. 3. REGULATIONS AND PROCEDURES.

(a) IN GENERAL.—Not later than 30 days after the date of the date of the enactment of this Act, the Clerk shall issue regulations for carrying out this Act, including regulations to establish procedures (including any appropriate forms, guidelines, and accompanying certificates) for requesting a Capitol-flown flag.

(b) APPROVAL BY COMMITTEE ON HOUSE ADMINISTRATION.—The regulations issued by the Clerk under subsection (a) shall take effect upon approval by the Committee on House Administration of the House of Representatives.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated from the applicable accounts of the House of Representatives for fiscal year 2009 and each succeeding fiscal year such sums as may be necessary to carry out this Act.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date of its enactment, except that no flags may be provided under section 2 until the Committee on House Administration of the House of Representatives approves the regulations issued by the Clerk of the House of Representatives under section 3.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous matter in the RECORD on the consideration of this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself such time as I may consume.

Mr. Speaker, there are brave public servants who selflessly put their lives at risk for the protection of others. On rare occasions, these men and women make the ultimate sacrifice. This bill will provide for a simple and eloquent tribute to these fallen heroes.

H.R. 415 would provide a flag flown over the United States Capitol to the immediate family of a firefighter, law enforcement officer, emergency medical technician, and other rescue workers who die in the line of duty. The flag would be presented by the House Member representing the family.

The family would also receive a certificate signed by the Speaker of the House and the Representative presenting the flag, and prepared by the Clerk of the House, expressing sympathy on behalf of the House of Representatives. There would be no cost at all to the family.

A United States flag flown over the Capitol is a simple expression of national sympathy and gratitude. I urge my colleagues on both sides of the aisle to join me in recognizing the heroism of these amazing men and women by supporting H.R. 415, the Fallen Heroes Flag Act.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 415, authored by the distinguished gentleman from New York (Mr. KING), allows the Representative of the immediate family of deceased emergency personnel who are killed in the line of duty to provide the family with a Capitol-flown flag at their request. These families would also receive a certificate bearing an expression of condolence signed by the Speaker, as well as by the Representative providing the flag.

Nine years later, the tragic events of September 11 are still a painful reminder of the sacrifices made daily by our first responders, including our firefighters, our law enforcement officers, our emergency technicians, and other rescue workers. These fallen heroes and their families deserve our appreciation, our thanks, and our honor for their sacrifice, and this resolution in a simple way will enable us to show that gratitude.

I urge my colleagues to join in supporting H.R. 415.

I have no further requests for time, and I yield back the balance of my time.

Mr. KING of New York. Mr. Speaker, I rise today in support of H.R. 415, the Fallen Heroes Flag Act.

I introduced this legislation to honor the brave rescue workers and law enforcement

agents who lost their lives protecting their fellow Americans. While we cannot make up for the loss of these heroes, my bill will allow members of Congress to extend a gesture of sympathy and gratitude to the immediate family.

The Fallen Heroes Flag Act allows members of Congress to honor any deceased fire fighter, law enforcement officer, emergency technician, or other rescue worker who died in the line of duty by providing to the family, at their request, a flag flown over the United States Capitol. The flag will be accompanied by a certificate expressing a message of sympathy, that is signed by the Speaker of the House and the Representative providing the flag.

Our rescue workers and law enforcement agents commit selfless acts every day for our safety. It is truly a tragedy when one of their lives is lost while acting to save another's. They should be honored for their heroism and my legislation provides that opportunity. I am pleased that the Fallen Heroes Flag Act has been brought to the House floor. I fully support this bill and urge my colleagues to do the same.

Mr. BRADY of Pennsylvania. Mr. Speaker, I also would like to thank my friend, PETER KING from New York, for this thoughtful bill and my ranking member for his cooperation and support. I urge a "yes" vote for again this courteous bill to our fallen heroes that paid the ultimate sacrifice.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 415.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1400

SECURING AIRCRAFT COCKPITS AGAINST LASERS ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5810) to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5810

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securing Aircraft Cockpits Against Lasers Act of 2010".

SEC. 2. PROHIBITION AGAINST AIMING A LASER POINTER AT AN AIRCRAFT.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

"§ 39A. Aiming a laser pointer at an aircraft

"(a) Whoever knowingly aims the beam of a laser pointer at an aircraft in the special

aircraft jurisdiction of the United States, or at the flight path of such an aircraft, shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) As used in this section, the term 'laser pointer' means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

"(c) This section does not prohibit aiming a beam of a laser pointer at an aircraft, or the flight path of such an aircraft, by—

"(1) an authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct such research and development or flight test operations;

"(2) members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing or training; or

"(3) by an individual using a laser emergency signaling device to send an emergency distress signal.

"(d) The Attorney General, in consultation with the Secretary of Transportation, may provide by regulation, after public notice and comment, such additional exceptions to this section, as may be necessary and appropriate. The Attorney General shall provide written notification of any proposed regulations under this section to the Committees on the Judiciary of the House and Senate, the Committee on Transportation and Infrastructure in the House, and the Committee on Commerce, Science and Transportation in the Senate not less than 90 days before such regulations become final."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by inserting after the item relating to section 39 the following new item:

"39A. Aiming a laser pointer at an aircraft."

SEC. 3. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore (Mr. CUMMINGS). Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, H.R. 5810 establishes criminal penalties for knowingly aiming a laser pointer at an aircraft or its flight path.

Incidents involving lasers aimed at aircraft have raised concerns over the potential threat to aviation safety and national security. Some are concerned that terrorists might use high-powered lasers to, among other things, incapacitate pilots. There is also concern that laser devices can distract or temporarily incapacitate pilots during critical phases of a flight.

Lasers pose a safety hazard to flight operations. Even brief exposure to a relatively low-powered laser beam can cause discomfort and temporarily affect the pilot's vision. The visual distractions of a laser can also cause a pilot to become disoriented or lose situational awareness while flying.

High-powered laser devices can incapacitate pilots and inflict eye injuries when viewed at closer ranges. In fact, the National Transportation Safety Board documented two cases in which pilots sustained eye injuries and were incapacitated during critical phases of a flight.

In one of those cases, after a laser was pointed at a pilot's plane, he experienced a burning sensation and tearing in his eyes. A subsequent eye examination revealed multiple flash burns in the pilot's cornea. The FAA researchers have compiled a data base of more than 400 incidences between 1990 and 2005 in which pilots have been startled, distracted, temporarily blinded, or disoriented by laser exposure.

Government officials at FAA, Defense Department, and Department of Homeland Security are exempted from the prohibition of this bill, as are individuals using lasers to send an emergency distress signal.

Mr. Speaker, I encourage my colleagues to support the bill. I thank the gentleman from California for his leadership in bringing this bill to our attention.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, I would like to thank my friend, Mr. SCOTT from Virginia, the chairman of the Crime Subcommittee, for working with dispatch to get this bill to the floor.

The danger of shining a laser beam into someone's eyes is not a new concept. It is reported that the power density from a 1 milliwatt laser, a power common in the laser pointers we have become familiar with, focused to a point, is brighter than the equivalent area of the sun's surface. Understandably, this can cause temporary or permanent eye damage. The danger from shining a laser at the cockpit of a com-

mercial aircraft, especially during a takeoff or a landing, is a tragedy waiting to happen.

This bill will help prevent such a disaster from being realized. In 2005, when a similar bill was passed by this body, this emerging threat was estimated at 400 reported incidents over the previous 15 years. By contrast, in 2009 alone, there were almost 1,600 episodes reported. In 2010, there have been approximately the same number of incidents from 2009 in just the first half of the year. In my home State of California, there have been over 570 incidents so far in 2010.

Mr. Speaker, we have discovered that a number of those incidents were reported to the regional air traffic control system unit in Sacramento within my district.

Since the Judiciary Committee first began examining this issue, the effects of pilots being hit by a beam of a laser pointer have varied from causing the pilots to become distracted, to requiring emergency evasive maneuvers. Emergency maneuvers, to prevent a perceived mid-air collision, resulted from a wide variety of mistaken beliefs, including that the aircraft was about to strike the warning light on a tower or that the laser beam was actually the lights of an approaching aircraft.

Law enforcement pilots are frequently targeted and have to consider the possibility that they are being illuminated by a laser scope attached to a rifle. Law enforcement pilots have, on occasion, been required to discontinue a response to a crime, a crime in progress, due to being hit by a laser.

Some Federal prosecutors have declined to pursue cases under current law, believing that the current Destruction of Aircraft statute does not fit the facts of their particular laser case. Some States have statutes that have been successfully used to address this problem, but, unfortunately, many do not.

This bill specifically addresses the incident of shining a laser pointer into an aircraft cockpit and will make, therefore, aircraft travel safer for pilots and for the public. While a number of laser pointers being aimed at aircraft cockpits has dramatically increased during the past 5 years, the power of the current generation of laser pointer devices has also significantly increased.

The cost, on the other hand, has gone down, making them much more widely available. Additionally, there are ways to increase the power of certain lasers by replacing the diodes with those intended for other purposes.

The problem of lasers being shone into cockpits is so prevalent in the Sacramento area that the FBI, FAA, Federal Air Marshal Service, as well as State and local law enforcement, have established a Laser Strike Working

Group to address the problem, with other working groups expanding to other areas. This bill provides an important tool for securing the safety of air travel and is endorsed by the Air Line Pilots Association.

I received a letter dated July 27 from the Air Line Pilots Association, International, wherein they say: "The inappropriate use of widely available lasers against airborne flight crews is a genuine and growing safety and security concern. A laser illumination event can, at a minimum, be an unwanted flight crew distraction; and in serious cases can even lead to eye damage and temporary incapacitation."

Going on, the Air Line Pilots Association, International states that "your legislation is greatly needed to ensure that such reckless and malicious activity will, in fact, be classified and prosecuted as a Federal offense. We have worked with numerous Federal law enforcement organizations over the past years on this issue and there is strong agreement that such crimes should be addressed by Federal statute and not be adjudicated solely by State laws. H.R. 5810 will also help put the public on notice that shining laser lights into aircraft cockpits is a serious offense which will be met with serious consequences for those convicted of such crime."

□ 1410

And in conclusion, the Airline Pilots Association, International states: "We urge Congress to expeditiously pass this legislation and thereby enhance the safety and security of all commercial airline passengers and crew members."

Mr. Speaker, I urge my colleagues to join me in supporting this important legislation.

I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to express my support for H.R. 5810, which amends title 18 of the United States Code to provide penalties for aiming laser pointers at airplanes. The effect of laser pointer glare on the windows of airplane cockpits is extremely dangerous to pilots. Laser glare that incapacitates pilots can endanger all other people onboard the aircraft. In order to prevent unnecessary harm to pilots, airplane passengers, and other airline employees, deliberate aiming of laser pointers at airplanes must be regulated.

Pilots experience laser glare in cockpits at a rate that has steadily increased over the past fifteen years. In 2009 alone, 1600 individual laser-aircraft incidents occurred. The intensity with which laser light reflects off cockpit glass can result in varying degrees of danger for pilots, from simple distraction by the bright flash of laser light to temporary flash blindness that greatly reduces their ability to capably navigate the aircraft. If the laser light is aimed from a near enough distance, pilots can sustain permanent eye damage from the brightness of the laser light. In some cases, pilots have even taken evasive action, confusing the

laser light for the dot-type laser reticle of a weapon.

Eleven states have already enacted laws regulating the use of laser pointers around aircraft. While the use and ownership of small laser pointers is legal, this legislation is vital to preventing laser pointer users from accidentally harming or incapacitating pilots. I support this bill, in the hope that it will help Americans to be more careful in their use of laser pointers, and realize the grave consequences their actions can have for our Nation's pilots and aircraft passengers.

I urge my colleagues to also support this important resolution.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume just to thank the gentleman from California for his leadership. This is an extremely important piece of legislation, and I urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 5810, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SENIOR FINANCIAL EMPOWERMENT ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3040) to prevent mail, telemarketing, and Internet fraud targeting seniors in the United States, to promote efforts to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud have on seniors, to educate the public, seniors, their families, and their caregivers about how to identify and combat fraudulent activity, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Financial Empowerment Act of 2010".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The proportion of the population of the United States age 60 years or older is predicted to drastically increase in the next 30 years as more than 76,000,000 Baby Boomers approach retirement and old age.

(2) It is estimated that between 500,000 and 5,000,000 seniors in the United States are abused, neglected, or exploited each year.

(3) Abuse, neglect, and exploitation of seniors crosses racial, social class, gender, and geographic lines.

(4) Each year millions of individuals in the United States are victims of financial exploi-

tation, including mail, telemarketing, and Internet fraud. Many of those who fall prey to such exploitation are seniors.

(5) It is difficult to estimate the prevalence of fraud that targets seniors because cases are severely underreported and national statistics on senior fraud do not exist.

(6) The Federal Bureau of Investigation notes that seniors in the United States are less likely to report fraud because they do not know to whom to report, they are ashamed to have been a victim of fraud, or they do not know that they have been a victim of fraud. In some cases, a senior who has been a victim of fraud may not report the crime because he or she is concerned that relatives may conclude that the senior no longer has the mental capacity to take care of his or her own financial affairs.

(7) According to a 2009 report by the MetLife Mature Market Institute, the annual financial loss by victims of senior financial abuse is estimated to be at least \$2,600,000,000.

(8) Perpetrators of mail, telemarketing, and Internet fraud frequently target seniors because seniors are often vulnerable and trusting people.

(9) As victims of such fraudulent schemes, many seniors pay a financial cost, having been robbed of their hard-earned life savings, and frequently pay an emotional cost, losing their self-respect and dignity.

(10) Perpetrators of fraud targeting seniors often operate outside the United States, reaching their victims through the mail, telephone lines, and the Internet.

(11) The Deceptive Mail Prevention and Enforcement Act increased the power of the United States Postal Service to protect consumers against persons who use deceptive mailings, such as those featuring games of chance, sweepstakes, skill contests, and facsimile checks.

(12) During fiscal year 2007, Postal Inspection Service analysts prepared more than 27,000 letters and informative postcards in response to mail fraud complaints. During that same year, postal inspectors investigated 2,909 mail fraud cases in the United States and arrested 1,236 mail fraud suspects, of whom 1,118 were convicted. Postal inspectors also reported 162 telemarketing fraud investigations, with 83 arrests and 61 convictions resulting from such investigations.

(13) In 2000, the United States Senate Special Committee on Aging reported that consumers lose approximately \$40,000,000,000 each year to telemarketing fraud, and estimated that approximately 10 percent of the Nation's 14,000 telemarketing firms were fraudulent. Some researchers estimate that only one in 10,000 fraud victims reports the crime to the authorities.

(14) A 2003 report by AARP found that, though the crime of telemarketing fraud is grossly underreported among seniors who have been victims of such fraud, seniors who are properly counseled by trained peer volunteers are less likely to fall victim to fraudulent practices.

(15) The Federal Bureau of Investigation reports that the threat of fraud to seniors is growing and changing. This is largely due to the fact that many younger Baby Boomers have considerable computer skills and criminals have responded by targeting seniors through online scams like phishing and email spamming, in addition to traditional telephone calls and mass mailings.

(16) The Internet Crime Complaint Center (hereinafter referred to in this paragraph as "IC3") is a partnership between the National White Collar Crime Center and the Federal

Bureau of Investigation that serves as a vehicle to receive, develop, and refer criminal complaints regarding cybercrime. The IC3 processed more than 219,553 complaints of Internet crime in 2007. From these submissions, the IC3 referred 90,008 complaints of Internet crime, representing a total dollar loss of \$239,090,000, to Federal, State, and local law enforcement agencies in the United States for further consideration.

(17) Consumer awareness is the best protection from fraud.

SEC. 3. CENTRALIZED SERVICE FOR CONSUMER EDUCATION ON MAIL, TELE- MARKETING, AND INTERNET FRAUD TARGETING SENIORS.

(a) CENTRALIZED SERVICE.—

(1) REQUIREMENT.—The Federal Trade Commission, after consultation with the Attorney General, the Secretary of Health and Human Services, the Postmaster General, the Chief Postal Inspector for the United States Postal Inspection Service, and the Director of the Bureau of Consumer Financial Protection, shall—

(A) periodically disseminate to seniors, and families and caregivers of seniors, general information on mail, telemarketing, and Internet fraud targeting seniors, including descriptions of the most common fraud schemes;

(B) periodically disseminate to seniors, and families and caregivers of seniors, information on methods available to report fraud targeting seniors, such as—

(i) referring complaints to law enforcement agencies, including the Director of the Federal Bureau of Investigation and State attorneys general; and

(ii) calling a national toll-free telephone number established by the Federal Trade Commission for reporting mail, telemarketing, and Internet fraud;

(C) in response to a specific request by a party to the Federal Trade Commission inquiring about any history of fraud committed by a particular entity or individual, provide to such party any publically available information on any record of law enforcement action for fraud against such entity or individual—

(i) by the Federal Trade Commission; and

(ii) by any other agency that reports such actions to the Federal Trade Commission; and

(D) maintain a website to serve as a resource for information for seniors, and families and caregivers of seniors, regarding mail, telemarketing, and Internet fraud targeting seniors.

(2) PROCEDURES AND COMMENCEMENT.—The Federal Trade Commission shall establish and implement procedures to carry out the requirements of paragraph (1), including procedures—

(A) with respect to the frequency and mode of dissemination of information under subparagraphs (A) and (B) of such paragraph; and

(B) that provide for the implementation of the requirements of such paragraph not later than one year after the date of the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of the fiscal years 2011 through 2015.

SEC. 4. GRANTS TO PREVENT MAIL, TELE- MARKETING, AND INTERNET FRAUD.

(a) GRANT PROGRAM AUTHORIZED.—Subject to the availability of funds authorized to be appropriated under this section, the Attorney General, after consultation with the Secretary of Health and Human Services, the

Postmaster General, the Chief Postal Inspector for the United States Postal Inspection Service, and the Director of the Bureau of Consumer Financial Protection, shall establish and administer a competitive grant program to award grants to eligible organizations to carry out mail, telemarketing, and Internet fraud prevention education programs for seniors.

(b) **ELIGIBLE ORGANIZATIONS.**—The Attorney General may award grants under this section to State Attorneys General, State and local law enforcement agencies and groups, senior centers, and other local non-profit organizations that provide assistance to seniors, as determined by the Attorney General.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$20,000,000 for each of the fiscal years 2011 through 2015.

SEC. 5. SENSE OF THE CONGRESS RELATED TO NATIONAL SENIOR FRAUD AWARENESS WEEK.

It is the sense of the Congress that—

(1) there is a need to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud have on senior citizens in the United States;

(2) a week in the month of May should be designated as “National Senior Fraud Awareness Week”;

(3) the people of the United States should observe National Senior Fraud Awareness Week with appropriate educational activities; and

(4) the President is encouraged to issue a proclamation supporting increased public awareness of the impact of, and the need to prevent, fraud committed against seniors.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Florida (Mr. ROONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3040 was introduced to address the need to educate and inform the public of the predatory practices of unscrupulous individuals who prey upon the vulnerabilities of our senior citizens. Ours is an aging society. The U.S. Census Bureau tells us the following: in 2006, the year in which the first baby boomers began turning 60, persons age 60 and older comprised almost 17 percent of the population. By 2030, it is estimated that the 60-plus population will comprise nearly 25 percent of the U.S. population, and the number of people older than 65 will exceed 71 million, double the number in just 2000.

The oldest segment of our population owns the largest portion of wealth in

the United States, and too often seniors have become a very enticing target to those who would seek to defraud them of their life savings. Although we currently lack national reporting mechanisms for tracking financial exploitation of elders, there is no doubt that we've got a real problem in this country. With the present state of the economy, older Americans are at greater risk of having their financial security threatened and disrupted.

Fraud perpetrated against seniors is a crime that they very often are incapable of recovering from because they don't have enough years left, so it's a matter of urgency. This bill, H.R. 3040, when enacted into law, will be part of the continuing effort to curb the rapidly growing problem of the victimization of senior citizens via telemarketing, mail, and Internet fraud through public awareness, education, and prevention.

It will accomplish this by creating a centralized service for consumer education on mail, telemarketing, and Internet fraud targeting seniors. It will direct the Federal Trade Commission to disseminate information on mail, telemarketing, and Internet fraud. It will provide means of referring complaints of fraud to appropriate law enforcement agencies. It will direct the FTC to establish a Web site to serve as a resource for seniors on financial fraud. This will be accomplished through an authorization to the FTC of \$10 million per year from FY11 through FY15.

□ 1420

H.R. 3040 will also authorize \$20 million a year from fiscal year 2011 through fiscal year 2015 for the Attorney General to establish and administer a competitive grant program to award grants to eligible organizations to carry out locally focused mail, telemarketing, and Internet fraud prevention and education programs for seniors.

Finally, the bill declares a sense of the Congress related to National Senior Fraud Awareness Week, and declares that a week in the month of May, Elder Abuse Awareness Month, should be designated as “National Senior Fraud Awareness Week.” It also encourages the President to issue a proclamation supporting increased public awareness.

I want to thank the gentlewoman from Wisconsin for her leadership on this bill, and for those reasons, I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. ROONEY. I yield myself such time as I may consume.

Mr. Speaker, crimes against the elderly are a serious growing problem in America. Senior citizens are often the victims of abuse and neglect. Experts estimate that as many as 2 million older Americans are the victims of

physical and psychological abuse every year. They are also the victims of financial crimes, including telemarketing fraud and identity theft.

The FBI reports that older Americans are prime targets for financial fraud because they are more likely to have nest eggs, own their homes, and have excellent credit. Seniors are more vulnerable to fraud schemes because they are less likely to report fraud or are ashamed of having been scammed or do not realize that they have been scammed.

These types of fraud are both creative and difficult to detect. Criminals will offer just about anything in an effort to defraud elderly victims—from counterfeit drugs, to health insurance, to anti-aging products, and even funeral services. Additionally, email scams have become more and more common.

In my home State of Florida, Attorney General Bill McCollum's office reports that, in 2009, it received over 13,000 consumer fraud complaints from residents over the age of 60. The number of complaints has doubled since the previous year and has increased six-fold since 2006.

Congress must address the rising incidence of fraud and scams that endanger our Nation's seniors. I am pleased to support H.R. 3040, the Senior Financial Empowerment Act, which is cosponsored by my colleagues Congresswoman BALDWIN, Chairman CONYERS, Ranking Member SMITH, Chairman SCOTT, and Ranking Member GOHMERT.

This legislation aims to do just what the title promises—to empower older Americans to protect themselves from seemingly harmless but devastating financial fraud schemes. The bill directs the Federal Trade Commission to provide tips to seniors on how best to safeguard themselves against fraud, and the bill directs the FTC to educate victims on how to report fraud to law enforcement authorities. Just learning simple steps, like shredding our billing statements, can help anyone prevent identity theft.

Today's seniors need to be empowered to protect themselves from the Internet, email, and telephone schemes. H.R. 3040 will help them achieve this goal. I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as she may consume to the sponsor of the bill, a great advocate for seniors and a member of the Judiciary Committee, the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Thank you, Chairman SCOTT, for yielding the time.

Mr. Speaker, I rise today in strong support of H.R. 3040, the Senior Financial Empowerment Act of 2009.

My own experience as the primary caregiver for my grandmother opened my eyes to some troubling exploitative

tactics targeted at America's seniors. Growing up in Wisconsin, I was raised by my maternal grandparents. Though I went east for college, I returned to my hometown, Madison, after graduation to be there for my grandmother, who by then was widowed and who had sacrificed so much of her own time and energy to raise me. Eventually, I became my grandmother's primary caregiver.

Around the time that my grandmother turned 90 years old, she asked me to help her sort through her mail and balance her checkbook. Now, first, I was struck by the sheer volume of solicitations she was getting. I was also shocked by how many were fly-by-night organizations or "look alike" charities that were writing her on a monthly basis. Their pleas for donations looked and sounded legitimate, but I had my suspicions, so I started digging a little bit deeper.

I was also disturbed by the amount of money my grandmother had been giving to some of these entities. She believed that those who were able to do so ought to be as generous as possible to those in need, but she had no way of determining the legitimacy of the entities that were contacting her and soliciting her so regularly.

That experience opened my eyes to the very real exploitation of seniors, like my grandmother, through the mail, telephone, and Internet. Millions of Americans become victims of similar financial exploitation each year, but it is not just the isolated and lonely who may fall prey to these scams. One only need read one's local newspaper in order to hear how widespread this really is.

In my home district in Wisconsin, over the years, we have seen all sorts of scams. One reads of ongoing reports about "notch baby" schemes in which Social Security beneficiaries born between the years 1917 and 1921 are asked to send money to organizations that promise to change the Federal laws to increase their benefits. These organizations go so far as to ask these seniors whether they would like their Federal money in a lump sum or in monthly payments.

Earlier this year, The Capital Times newspaper in Madison, Wisconsin, reported that an 84-year-old Madison woman was duped out of nearly \$3,000 after a phone scammer convinced her that her "granddaughter's boyfriend" was in a Canadian jail and needed bail money. Madison police reported that she received a phone call from the man, who called her "Grandma," and he told her he was in a Canadian jail after being picked up for drunk driving. To convince the elderly woman, "Officer Jacob Harris" came on the line and convinced her of the need for bail money for her "granddaughter's boyfriend." This elderly woman wired the money, and fell victim to a disturbingly common scam.

I also read that, not days after President Obama signed the historic health care reform bill into law, fraudsters were figuring out how to scam seniors. A cable TV advertisement exhorted viewers to call an 800 number so that they wouldn't miss a limited enrollment period to obtain coverage. We all know that there was no limited enrollment period for any coverage in the health care legislation that we passed.

Though we all have read and heard these anecdotal stories, it is difficult to estimate the prevalence of financial exploitation cases due to severe underreporting. According to a 2009 report by Met Life Mature Market Institute, for every case of abuse reported, there are an estimated four or more that go unreported. We do know some facts, though. This same study found that the annual financial loss by victims of senior financial abuse is estimated to be at least \$2.6 billion.

In my home State of Wisconsin, the Coalition of Wisconsin Aging Groups estimates that 35,000 seniors in Wisconsin alone were the victims of financial exploitation last year. The Wisconsin Department of Financial Institutions reports that half of their cases now being investigated include older victims.

On a national level, postal inspectors investigated almost 3,000 mail fraud cases in the U.S., and they arrested more than 1,200 mail fraud suspects in 2007 alone. Further, the FBI has confirmed that criminals are modifying their targeting techniques to include online scams, such as phishing and email spamming.

Given the prevalence of financial fraud targeting seniors, Congressman HOWARD COBLE and I introduced the Senior Financial Empowerment Act with a very specific goal in mind—to empower seniors and to end the abuse, neglect, and exploitation of America's elders. The bill builds on the good work already being done by the Federal Trade Commission and by the U.S. Department of Justice, and it seeks to empower these agencies to support local and State efforts to combat financial fraud and to empower our seniors.

I would like to extend a special thanks to my colleague HOWARD COBLE from North Carolina for his leadership on this issue. It has been a pleasure working with him to advance this legislation.

I also want to thank Chairman SCOTT, Chairman CONYERS, and Ranking Members GOHMERT and SMITH for their longstanding commitment to America's seniors.

□ 1430

Mr. Speaker, when I saw my grandmother go through the last years of her life, and what she went through with these solicitations, I made a pledge to make sure that all older Americans

have the tools that they need to protect themselves against financial crimes and fraud. I urge support for the Senior Financial Empowerment Act.

Mr. ROONEY. Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I want to thank the gentlewoman from Wisconsin (Ms. BALDWIN) for her leadership on this bill, as well as the gentleman from North Carolina (Mr. COBLE). This important legislation will protect a lot of seniors, and I would hope that we would pass the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 3040, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NORTHERN BORDER COUNTER-NARCOTICS STRATEGY ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4748) to amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counternarcotics strategy, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Border Counternarcotics Strategy Act of 2010".

SEC. 2. NORTHERN BORDER COUNTER-NARCOTICS STRATEGY.

The Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469) is amended by inserting after section 1110 the following new section:

"SEC. 1110A. REQUIREMENT FOR NORTHERN BORDER COUNTERNARCOTICS STRATEGY.

"(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this section, and every two years thereafter, the Director of National Drug Control Policy shall submit to Congress a Northern Border Counternarcotics Strategy.

"(b) PURPOSES.—The Northern Border Counternarcotics Strategy shall—

"(1) set forth the Government's strategy for preventing the illegal trafficking of drugs across the international border between the United States and Canada, including through

ports of entry and between ports of entry on that border;

“(2) state the specific roles and responsibilities of the Department of Justice, the Department of Homeland Security (including the Office of Counternarcotics Enforcement), and other relevant National Drug Control Program agencies (as defined in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701)) for implementing that strategy; and

“(3) identify the specific resources required to enable the agencies described in paragraph (2) to implement that strategy.

“(c) SPECIFIC CONTENT RELATED TO CROSS-BORDER INDIAN RESERVATIONS.—The Northern Border Counternarcotics Strategy shall include—

“(1) a strategy to end the illegal trafficking of drugs through Indian reservations on or near the international border between the United States and Canada; and

“(2) recommendations for additional assistance to tribal law enforcement agencies with respect to such strategy.

“(d) CONSULTATION REQUIRED.—The Director shall issue the Northern Border Counternarcotics Strategy in consultation with the Attorney General, the Secretary of Homeland Security, and the heads of other relevant National Drug Control Program agencies, and, with respect to subsection (c), the leaders of the affected Indian tribes.

“(e) LIMITATION.—The Northern Border Counternarcotics Strategy shall not change existing agency authorities or the laws governing interagency relationships, but may include recommendations about changes to such authorities or laws.

“(f) REPORT TO CONGRESS.—The Director shall provide a copy of the Northern Border Counternarcotics Strategy to the appropriate congressional committees (as defined in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701)), and to the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

“(g) TREATMENT OF CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—Any content of the Northern Border Counternarcotics Strategy that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Director or the head of any relevant National Drug Control Program agency, would be detrimental to the law enforcement or national security activities of any Federal, State, local, or tribal agency, shall be presented to Congress separately from the rest of the Strategy.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, H.R. 4748, the Northern Border Counternarcotics Strategy Act of 2010, amends the Office of National Drug Control Policy Reauthorization Act of 2006 to require that the director of the National Drug Control Policy submit to Congress a Northern Border Counternarcotics Strategy.

The United States' northern border with Canada is the longest open border in the world, spanning 12 States and over 4,000 miles.

President Obama's recently released Drug Control Strategy describes an increasing amount of drug trafficking and related criminal activity occurring near the Canadian border, including on Indian reservations in that area.

According to a 2010 National Drug Threat Assessment, the amount of drug commonly known as “ecstasy” being seized at the northern border has increased almost 600 percent between 2004 and 2009.

The Office of National Drug Control Policy has developed a comprehensive strategy for addressing drugs coming across the southwest border. Congress supported this effort with a directive contained in the 2006 reauthorization bill.

The bill before us extends that directive to our northern border to help bring focus to the efforts to curb illegal drug trafficking and related crimes on the international border between the United States and Canada.

As with the southern border strategy, the northern border strategy will detail the specific rules and coordinate the efforts of law enforcement agencies, including the ONDCP, the Justice Department, and the Homeland Security Departments.

In addition, H.R. 4748 brings in Indian tribes with reservations on or near the Canadian border for a consulting role in implementing the strategy on the reservations.

I would like to commend our colleague, the gentleman from New York (Mr. OWENS), whose district spans 250 miles along the border, along the St. Lawrence River and Lake Erie, for his leadership in this important legislation.

I would also like to thank the chairman of the Homeland Security Committee, the gentleman from Mississippi (Mr. THOMPSON), for his assistance in bringing this bill to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4748, the Northern Border Counternarcotics Strategy Act requires the director of the Office of National Drug Control Policy, ONDCP, to develop a counternarcotics strategy for the U.S. Canadian border.

Given the escalating drug violence in Mexico, many may think that illegal drug trafficking only occurs across our

southwestern border. And while the lion's share of cocaine and heroin is smuggled into America from Mexico, the U.S.-Canadian border is a major transit point for high-potency marijuana, ecstasy and other illegal drugs.

This is not something new. Several years ago, when I was chairman of a subcommittee on the Committee on Homeland Security, we held a hearing in our northwestern area, that is, on our U.S.-Canadian border on the west side of the country, and at that time it was pointed out to us the major trafficking in what was known as “BC Bud,” a high-grade marijuana coming out of British Columbia, also large amounts of money from the United States crossing over into Canada, and a serious number of weapons transiting across our common border.

It's gotten even worse since then. According to the 2010 National Drug Threat Assessment, the Asian drug trafficking organizations are responsible for the resurgence of ecstasy in the U.S. since 2005. And these organizations produce the drug in Canada and then smuggle it across our northern border.

The U.S.-Canadian border is remote, heavily wooded, and sparsely populated, ideal for smugglers seeking to move their product into the U.S. without being detected. These conditions have led to some creative, even brazen, trafficking methods.

For instance, in Operation Frozen Timber, led by Immigration and Customs Enforcement in 2006, six smugglers were caught transporting marijuana and cocaine across the border using helicopters. One smuggler touted the operation as being even better than FedEx because “they delivered anywhere in Washington State.”

Operation Iron Curtain, led by the Drug Enforcement Administration, resulted in charges against 45 suspects involved in trafficking approximately \$250 million worth of high-grade hydroponic marijuana into the U.S. annually.

America's Indian reservations along the Canadian border are also exploited by drug smugglers. Roughly 20 percent of the high-potency marijuana grown in Canada is smuggled across the St. Regis Mohawk Reservation in upstate New York.

In 2006, Congress directed the ONDCP to prepare a counternarcotics strategy for our southwestern border. H.R. 4748 mirrors this requirement to produce a strategy for the northern border. The bill requires coordination with the Departments of Justice and Homeland Security, as well as other relevant Federal agencies.

This legislation will help ensure a cohesive approach to combating drug smuggling across our border with Canada. While we continue to address drug trafficking across our southwestern border, we cannot and must not lose

sight of the ease by which our northern border can be exploited by dangerous drug smugglers.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. OWENS), whose district borders Canada.

□ 1440

Mr. OWENS. Mr. Speaker, I want to thank Chairman CONYERS and Chairman THOMPSON for their leadership and for bringing H.R. 4748 to the floor.

I do live along the Canadian border, and much of my district contains a broad swath of Indian reservation and much of the timber lands that were described by my colleague from California.

Our northern border with Canada spans over 4,000 miles, the longest open border in the world. The livelihoods of thousands of workers and their families in Upstate New York depend on a stable trading relationship with our northern neighbor. In my district alone, we saw more than \$677 million worth of goods exported to Canada in 2008. Nearly 20,000 jobs depend on this trading relationship.

Since coming into office in November, I have met with officials from local and Federal law enforcement, members of the trade community, and small business owners from my district. Immediately before coming to the floor, I was with a number of ICE agents who were discussing this very problem. One issue that nearly every one of them has mentioned to me is the importance of a safe and secure northern border that can ensure the movement of people and goods. Whether it's Canadian tourists who have driven to Upstate New York for dinner or a manufacturing plant that imports its raw materials from Canada, New York has benefited for decades from a robust business relationship across international borders, and any illegal activity that takes place on our border threatens that relationship.

Organized criminal elements are increasingly exploiting the northern border to traffic narcotics, illicit cigarettes, firearms, and humans. According to the 2010 National Drug Threat Assessment, the amount of ecstasy seized at or between northern border ports of entry increased 594 percent from 2004 to 2009. In 2009, there were 1,100 drug-related arrests of adults in New York's north country.

While our Nation's drug czar has developed a comprehensive strategy for dealing with the flow of drugs across the southwest border, dealing with this problem at the northern border is currently left up to individual law enforcement agencies. The Northern Border Counternarcotics Strategy Act will require the Office of National Drug

Control Policy to develop a comprehensive counternarcotics plan on the northern border.

By passing this legislation, we will be requiring all the relevant law enforcement officials at the Federal, State, and local levels to come together and start the process of developing a new approach to combat this problem. It is vital to both the economic development of our region and the safety of our community that we take the steps to stop the drug trade across our northern border. I ask my colleagues for their support.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I would reiterate my remarks, and say that this is a very, very good idea. Hopefully, it will pass unanimously.

I have no further requests for time, and I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I want to thank the gentleman from New York and the chairman of the Homeland Security Committee, Mr. THOMPSON, for their hard work on this bill. It's an extremely important bill dealing with narcotics on the northern border. I would hope that we would pass the bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of H.R. 4748, the Northern Border Counternarcotics Strategy Act of 2010. The bill is sponsored by Representative BILL OWENS of New York, a valued member of the Committee on Homeland Security and a Member representing a congressional district along our Nation's northern border. I am proud to be an original cosponsor of the bill.

H.R. 4748 would require the Director of National Drug Control Policy, in coordination with the Secretary of Homeland Security, to develop and submit to Congress a Northern Border Counternarcotics Strategy. The document will set forth the government's strategy for preventing the illegal trafficking of drugs across the U.S.-Canada border; establish the responsibilities of the relevant Federal agencies in carrying out the strategy; and identify the resources necessary for implementation.

Having an effective strategy is an essential step in combating narcotics smuggling and trafficking along our northern border. Much attention is paid to the challenges along our nation's border with Mexico, and rightfully so. However, securing the U.S.-Canada border, while expediting legitimate trade and travel, is also imperative for meaningful border security.

The bill is not only integral to border security, but is vital for economic development in New York's North Country and other communities along our border with Canada. Thousands of jobs in Upstate New York and elsewhere depend on the swift movement of lawful commerce across the northern border, and any illicit activity along the border may undermine this robust trading relationship. H.R. 4748 will help ensure that the U.S. and Canada continue to enjoy the world's largest bilateral trade relationship.

I commend Representative OWENS, a leader on my Committee on northern border security

issues, for bringing into focus the need for a strategic approach to stem the movement of illicit drugs across the U.S.-Canadian border, a longstanding northern border security challenge. I congratulate Representative OWENS on bringing H.R. 4748 to the House floor, and I urge my colleagues to join me in supporting this important legislation.

Mr. LARSEN of Washington. Mr. Speaker, I would like to take this opportunity to thank Representative OWENS for his work on drafting this bill.

I rise in support of H.R. 4748, the Northern Border Counternarcotics Strategy of 2010. This legislation fulfills a critical need by mandating that the Administration provide a comprehensive strategy to stem the flow of narcotics between the United States and Canada.

Our northern border with Canada is the longest open border in the world. While the Administration has developed a strategy for addressing the flow of drugs across the southwest border, our northern border must not be forgotten.

As a cosponsor of this legislation and as the representative of a district with nearly 60 miles of international border, I understand the critical need to keep our communities safe from the influence of drug trafficking.

It is essential that law enforcement agencies have the tools to minimize the influence of narcotics trafficking. In Washington state, Drug Trafficking Organizations (DTOs) have consistently used the I-5 corridor to distribute meth, cocaine, ecstasy, and marijuana from Canada into our local communities.

It is vital that the Office of National Drug Control Policy (ONDCP) work with the Secretary of Homeland Security to develop a comprehensive northern border counternarcotics strategy to ensure our local communities have the necessary resources to combat this illicit activity.

I urge my colleagues to vote "yes" on this legislation.

Mr. SCOTT of Virginia. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 4748, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 301, PAKISTAN WAR POWERS RESOLUTION

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1556 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1556

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the concurrent resolution (H. Con. Res. 301) directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Pakistan, if called up by Representative Kucinich of Ohio or his designee. The concurrent resolution shall be considered as read. The concurrent resolution shall be debatable for one hour, with 30 minutes controlled by Representative Kucinich of Ohio or his designee and 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs. The previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1556.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1556 provides for the consideration of H. Con. Res. 301, directing the President, pursuant to section 5(c) of the War Powers Resolution to remove the United States Armed Forces from Pakistan. The rule provides 1 hour of general debate in the House, with 30 minutes controlled by Representative KUCINICH and 30 minutes controlled by the Committee on Foreign Affairs. The rule waives all points of order against consideration of the concurrent resolution, and provides that the concurrent resolution shall be considered as read.

Mr. Speaker, I want to thank the gentleman from Ohio for pressing for greater scrutiny on our involvement in Pakistan. By introducing this resolution, Representative KUCINICH triggered an expedited process for consideration that can be modified only by a special rule. This is why we are doing this concurrent resolution today.

I'm sure my good friends on the other side of the aisle will remember that this is the exact same process used in 1998 and 1999, when the House Republican majority introduced resolutions to withdraw U.S. troops from Bosnia and the Republic of Yugoslavia while our American men and women were stationed in those countries.

As Democrats, we welcome a vigorous debate on this resolution. Just like the debates we have had over U.S. policy and military operations in Iraq and Afghanistan, and countless other places around the world, debate has never jeopardized the safety of our troops in the field. American troops are never endangered by Congress doing its job, looking closely at and debating the merits of where we send our troops and the price they might pay for our putting them in harm's way.

There are many reasons, Mr. Speaker, why we should have a broader debate about U.S. military involvement in Pakistan. Over the past 9 years, the United States has provided \$18.6 billion to Pakistan, with about \$12.5 billion of that in security-related aid. The administration has asked for \$3 billion for fiscal year 2011, with over half of those funds going to security assistance.

There are currently about 120 U.S. military trainers, mainly Special Operations personnel, in Pakistan according to a July 11 New York Times article. Pakistan has set that cap on the number of U.S. military personnel, although other statements from the Defense Department indicate that the number of total U.S. military personnel may be as high as 200.

The New York Times also reported on July 13 that the Pakistan intelligence agency exerts great sway over the Afghan Taliban and a wide range of other militant groups that operate from inside Pakistan. Yesterday's revelations in the documents published by WikiLeaks echoed these disturbing conclusions.

There have been a rising number of terrorist plots in the United States with links to militant groups in Pakistan, most recently the failed car bombing in Times Square. A recent study by the Rand Corporation concluded that this might be due in part to continued support by Pakistani leaders for these groups so that Pakistan may continue to influence events in Afghanistan, as well as a U.S.-Pakistan counterinsurgency effort that has not yet proven to be effective, and fails to protect the local population.

In addition, Mr. Speaker, there is Pakistan's continuing development of nuclear weapons and purchase of nuclear reactors from China.

Having said all this, at the same time there are many things the U.S. is doing right in Pakistan: supporting the strengthening of democratic institutions; providing substantial support for primary, middle, technical, and higher education; supporting agricultural development; and providing substantial aid for populations displaced by violence.

Mr. Speaker, I support the privilege of the gentleman from Ohio to bring this matter before the House and present his arguments on the need to

remove all U.S. military personnel from Pakistan.

I reserve the balance of my time.

□ 1450

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by expressing my appreciation to my very good friend from Worcester for yielding me the customary 30 minutes.

Mr. Speaker, there is absolutely no question whatsoever that Pakistan is ground zero in our struggle against violent extremism. The porous border with Afghanistan allowed the Taliban to retreat into Pakistan, regroup, and launch new offenses against our troops. Homegrown insurgents within Pakistan have perpetrated countless attacks killing thousands, including targeting their attacks against our fellow Americans.

And recent news reports that we've just had over this past weekend have only underscored how critically important it is that civilian control—again, Mr. Speaker, civilian control—of the Pakistani military and intelligence services is fully exercised. Again, these reports that we've had just this past weekend underscore the fact that we cannot entrust, we cannot see these other entities within the ISI empowered without having civilian oversight within that structure of democracy that they have.

Mr. Speaker, the democratically elected Government of Pakistan is working to eradicate the terrorist threat on their own soil, to secure the border with Afghanistan, and ensure accountability for the military. Working with the Pakistani Government to ensure that they're successful in doing this is vital to our national security interests. For the sake of our troops in Afghanistan and for the sake of stability and security in a critical region, we must remain engaged with the democratically elected government in Islamabad.

This engagement takes a number of different forms. While we have no combat troops in Pakistan, our military commanders have been building relationships with their Pakistani counterparts. Particularly, as Pakistan continues to go on the offensive against insurgent groups in the tribal border region, the technical advisory role of our military is a very limited yet a very important one.

Mr. Speaker, our national security leaders—Secretary of Defense Gates; Chairman of the Joint Chiefs of Staff, Admiral Mullen; Secretary of State Clinton; and the Special Envoy, Ambassador Holbrooke—all agree the democratic and economic development in Pakistan is at the heart of our national security interests. Building strong institutions will ultimately ensure that Pakistan is able to fully eradicate the violent extremism that

threatens both our troops in Afghanistan and stability for the entire region. That's why Secretary Clinton along with Ambassador Holbrooke and USAID Administrator Shah have put such a heavy emphasis on development during their visits just this past week.

There can be no long-term solution to the security challenges we face in South Central Asia without Democratic and economic capacity building. We have a number of ongoing programs, including, I'm very happy to say, our 20-member House Democracy Partnership, on which I have the privilege of serving with our great chairman, DAVID PRICE. We are currently working, Mr. Speaker, with the Pakistani legislature. And I underscore the House Democracy Partnership because, sadly, not many Members of this institution or among the American people are aware of the work of the House Democracy Partnership.

We have partnered with 15 legislatures in new and reemerging democracies around the world to help build up their parliament. We have one of these programs going with the Pakistani Parliament. Through this partnership, Members of the United States House of Representatives have the opportunity to engage with our counterparts in Islamabad. We've been sharing our experiences as a democracy, providing support and technical assistance in their efforts to strengthen their legislative institutions.

Now, Mr. Speaker, in the case of civilian control of the military, this has a very clear and direct tie to our national security issues, to the overall national security issues, and to our national security interests. But the connections go well beyond the most obvious arenas. By improving the capacity of the legislature overall, making the government more responsive and accountable to the Pakistani people, support for democracy can be solidified.

Now, as we look at this issue, as Democratic institutions strengthen, so does the economic environment, providing new opportunity and prosperity. There is this interdependence between political and economic liberalization. That's why I also introduced a resolution that will call for us to begin embarking on negotiations for an FTA with Pakistan.

We know very well that democracy and economic opportunity, as I say, are the only effective bulwarks against extremism in the long run. Through greater trade engagement, we can help build the capacity that enables economic growth, which will help to create a more secure, stable, free, and open Pakistan. This is clearly in our own strategic interest.

The resolution before us today is one that is likely motivated by frustrations that many of us share. My very good friend from Cleveland and I, Mr. KUCINICH and I, share a high level of

frustration, especially, as I said earlier, with the reports that just came out this past weekend, the WikiLeaks report that has been carried widely in The New York Times and in other media outlets.

We see the very difficult challenges that our troops are facing in the region, and we know that we must do everything we can to address them. But, frankly, it's a little puzzling why we would attempt to address these challenges through a resolution calling for the withdrawal of combat troops from a country where none are deployed. We should be focusing our efforts, instead, on the kinds of programs that I have described that focus on building of those democratic institutions and creating greater, greater economic liberalization.

As we look at this challenge, we all seek peace and prosperity around the world, but in this most troubled spot in South Central Asia, we have redoubled our efforts to ensure that that happens.

Now, Mr. Speaker, I know that I speak for every single one of my colleagues, Democrat and Republican alike, when I say that we want our troops in Afghanistan to come home safely, successfully, and soon, as soon as possible, and we want to ensure that we will not have to deploy them again.

Now, Mr. Speaker, we all know, repeatedly, as we look at nations around the world where we have focused in on crises that they have gone through jeopardizing our national security interests, we've chosen to deal with them often quickly but we have failed to recognize how important it is in the long term for us to do the kinds of things that will build up democratic institutions and ensure greater economic opportunity for these people in these regions. I believe that's a goal that we all share and we're all committed to.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank Mr. McGovern and Mr. DREIER for enabling me to participate in this debate. A little bit later we're going to get into the substance of the War Powers Resolution.

But I think it's very important for the record to state, as the Wall Street Journal in an article last week stated, that the United States is stepping up a ground presence in Pakistan, and as part of that ground presence, three United States troops were killed in Pakistan. This, according to the Wall Street Journal. And I will put this in the RECORD.

[From The Wall Street Journal, July 20, 2010]

U.S. FORCES STEP UP PAKISTAN PRESENCE

(By Julian E. Barnes)

Washington—U.S. Special Operations Forces have begun venturing out with Pakistani forces on aid projects, deepening the American role in the effort to defeat

Islamist militants in Pakistani territory that has been off limits to U.S. ground troops.

The expansion of U.S. cooperation is significant given Pakistan's deep aversion to allowing foreign military forces on its territory. The Special Operations teams join the aid missions only when commanders determine there is relatively little security risk, a senior U.S. military official said, in an effort to avoid direct engagement that would call attention to U.S. participation.

The U.S. troops are allowed to defend themselves and return fire if attacked. But the official emphasized the joint missions aren't supposed to be combat operations, and the Americans often participate in civilian garb.

Pakistan has told the U.S. that troops need to keep a low profile. "Going out in the open, that has negative optics, that is something we have to work out," said a Pakistani official. "This whole exercise could be counterproductive if people see U.S. boots on the ground."

Because of Pakistan's sensitivities, the U.S. role has developed slowly. In June 2008, top U.S. military officials announced 30 American troops would begin a military training program in Pakistan, but it took four months for Pakistan to allow the program to begin.

The first U.S. Special Operations Forces were restricted to military classrooms and training bases. Pakistan has gradually allowed more trainers into the country and allowed the mission's scope to expand. Today, the U.S. has about 120 trainers in the country, and the program is set to expand again with new joint missions to oversee small-scale development projects aimed at winning over tribal leaders, according to officials familiar with the plan.

Such aid projects are a pillar of the U.S. counterinsurgency strategy, which the U.S. hopes to pass on to the Pakistanis through the training missions.

U.S. military officials say if U.S. forces are able to help projects such as repairing infrastructure, distributing seeds and providing generators or solar panels, they can build trust with the Pakistani military, and encourage them to accept more training in the field.

"You have to bring something to the dance," said the senior military official. "And the way to do it is to have cash ready to do everything from force protection to other things that will protect the population."

Congressional leaders last month approved \$10 million in funding for the aid missions, which will focus reconstruction projects in poor tribal areas that are off-limits to foreign civilian aid workers.

The Pakistani government has warned the Pentagon that a more visible U.S. military presence could undermine the mission of pacifying the border region, which has provided a haven for militants staging attacks in Pakistan as well as Afghanistan.

The U.S. has already aroused local animosity with drone strikes targeting militants in the tribal areas, though the missile strikes have the tacit support of the Pakistani government and often aid the Pakistani army's campaign against the militants.

Providing money to U.S. troops to spend in communities they are trying to protect has been a tactic used for years to fight insurgencies in Iraq and Afghanistan.

The move to accompany Pakistani forces in the field is even more significant, and repeats a pattern seen in the Philippines during the Bush administration, when Army

Green Berets took a gradually more expansive role in Manila's fight against the terrorist group Abu Sayyaf in the southern islands of Mindanao.

There, the Green Berets started in a limited training role, and their initial deployment unleashed a political backlash against the Philippine president. But as the Philippine military began to improve their counterinsurgency skills, Special Operations Forces accompanied them on major offensives throughout the southern part of the archipelago.

In Pakistan, the U.S. military helps train both the regular military and the Frontier Corps, a force drawn from residents of the tribal regions but led by Pakistani Army officers.

The senior military official said the U.S. Special Operations Forces have developed a closer relationship with the Frontier Corps, and go out into the field more frequently with those units. "The Frontier Corps are more accepting partners," said the official.

For years the Frontier Corps was underfunded and struggled to provide basic equipment for its soldiers. A U.S. effort to help equip the force has made them more accepting of outside help.

Traveling with the Frontier Corps is dangerous. In February, three Army soldiers were killed in Pakistan's Northwest Frontier Province when a roadside bomb detonated near their convoy. The soldiers, assigned to train the Frontier Corps, were traveling out of uniform to the opening of a school that had been renovated with U.S. money.

The regular Pakistani military also operates in the tribal areas of Pakistan, but they are less willing to go on missions with U.S. forces off the base, in part because they believe appearing to accept U.S. help will make them look weak, the senior U.S. military official said. The Pakistani official said the military simply doesn't need foreign help.

During the past two years, Pakistan has stepped up military operations against the militant groups that operate in the tribal areas. Although Washington has praised the Pakistani offensives, Pentagon officials have said Pakistan's military needs help winning support among tribal elders. If successful, More interactive graphics and photos the joint missions and projects may help the Pakistani military retain control of areas in South Waziristan, the Swat valley and other border regions they have cleared of militants.

In Pakistan, the U.S. Embassy in Islamabad will retain final approval for all projects, according to Defense officials. But congressional staffers briefed on the program said the intent is to have Pakistani military forces hand out any of the goods bought with the funding or pay any local workers hired.

"The goal is never to have a U.S. footprint on any of these efforts," said a congressional staffer.

Now, the War Powers Resolution requires the President to report to Congress when he introduces U.S. Armed Forces abroad in certain situations. And section 4(a) requires reporting within 48 hours whenever, and in the absence of a declaration of war or congressional authorization, the introduction of U.S. Armed Forces "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances."

□ 1500

This is a report from the Congressional Research Service which indicates that, since we have had troops involved in hostilities, otherwise they would not have been killed by roadside bombs, that in effect the War Powers Act is triggered.

So this debate is in order and the purpose of the debate, to remove us from Pakistan, becomes urgent in light of the WikiLeaks expose, which has indicated that the intelligence agency in Pakistan has been collaborating with the Taliban in Afghanistan against our troops. Pakistan wants us in Pakistan to help the Pakistan Government resist the Taliban in Pakistan, but they want to play a double game, as the New York Times pointed out in an editorial today, with the United States by aiding the Taliban against our troops in Afghanistan. How can we advance our national interests when a country which is supposed to be our partner is duplicitous?

I insert the New York Times editorial in the RECORD.

[From the New York Times, July 26, 2010]

PAKISTAN'S DOUBLE GAME

There is a lot to be disturbed by in the battlefield reports from Afghanistan released Sunday by WikiLeaks. The close-up details of war are always unsettling, even more so with this war, which was so badly neglected and bungled by President George W. Bush.

But the most alarming of the reports were the ones that described the cynical collusion between Pakistan's military intelligence service and the Taliban. Despite the billions of dollars the United States has sent in aid to Pakistan since Sept. 11, they offer powerful new evidence that crucial elements of Islamabad's power structure have been actively helping to direct and support the forces attacking the American-led military coalition.

The time line of the documents from WikiLeaks, an organization devoted to exposing secrets, stops before President Obama put his own military and political strategy into effect last December. Administration officials say they have made progress with Pakistan since, but it is hard to see much evidence of that so far.

Most of the WikiLeaks documents, which were the subject of in-depth coverage in The Times on Monday, cannot be verified. However, they confirm a picture of Pakistani double-dealing that has been building for years.

On a trip to Pakistan last October, Secretary of State Hillary Rodham Clinton suggested that officials in the Pakistani government knew where Al Qaeda leaders were hiding. Gen. David Petraeus, the new top military commander in Afghanistan, recently acknowledged longstanding ties between Pakistan's Directorate for Inter-Services Intelligence, known as the ISI, and the "bad guys."

The Times's report of the new documents suggests the collusion goes even deeper, that representatives of the ISI have worked with the Taliban to organize networks of militants to fight American soldiers in Afghanistan and hatch plots to assassinate Afghan leaders.

The article painted a chilling picture of the activities of Lt. Gen. Hamid Gul of Paki-

stan, who ran the ISI from 1987 to 1989, when the agency and the C.I.A. were together arming the Afghan militias fighting Soviet troops. General Gul kept working with those forces, which eventually formed the Taliban.

Pakistan's ambassador to the United States said the reports were unsubstantiated and "do not reflect the current on-ground realities." But at this point, denials about links with the militants are simply not credible.

Why would Pakistan play this dangerous game? The ISI has long seen the Afghan Taliban as a proxy force, a way to ensure its influence on the other side of the border and keep India's influence at bay.

Pakistani officials also privately insist that they have little choice but to hedge their bets given their suspicions that Washington will once again lose interest as it did after the Soviets were ousted from Afghanistan in 1989. And until last year, when the Pakistani Taliban came within 60 miles of Islamabad, the country's military and intelligence establishment continued to believe it could control the extremists when it needed to.

In recent months, the Obama administration has said and done many of the right things toward building a long-term relationship with Pakistan. It has committed to long-term economic aid. It is encouraging better relations between Afghanistan and Pakistan. It is constantly reminding Pakistani leaders that the extremists, on both sides of the border, pose a mortal threat to Pakistan's fragile democracy—and their own survival. We don't know if they're getting through. We know they have to.

It has been only seven months since Mr. Obama announced his new strategy for Afghanistan, and a few weeks since General Petraeus took command. But Americans are increasingly weary of this costly war. If Mr. Obama cannot persuade Islamabad to cut its ties to, and then aggressively fight, the extremists in Pakistan, there is no hope of defeating the Taliban in Afghanistan.

Mr. DREIER. Will the gentleman yield?

Mr. KUCINICH. If I could get an extra minute.

Mr. MCGOVERN. I yield the gentleman 1 additional minute.

Mr. KUCINICH. I yield to Mr. DREIER.

Mr. DREIER. I thank my friend for yielding.

Let me just say very quickly that obviously I'm very sympathetic with the concern and I argue that the revelation of this WikiLeaks, you know, thousands and thousands of documents that came forward, is evidence that we need to work to continue to build the democratic institutions and greater economic opportunity and civilian control.

Now it is no secret over the past several decades the relationship between the ISI and problems in Afghanistan; everyone has been aware of that. These documents have underscored the importance of it, but I would argue, Mr. Speaker, that it is essential for us to make sure we build up greater civilian control, and I think that's what we are trying to do.

Mr. KUCINICH. I thank the gentleman, my friend.

I want to quote from The New York Times. You can understand how serious

this debate is. The Times said, "But the most alarming of the reports" relating to WikiLeaks "were the ones that described the cynical collusion between Pakistan's military intelligence service and the Taliban. Despite the billions of dollars the United States has sent in aid to Pakistan since September 11, they offer powerful new evidence that crucial elements of Islamabad's power structure have been actively helping to direct and support the forces attacking the American-led military coalition."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 1 minute.

Mr. KUCINICH. I appreciate that.

So we have special forces now at least 20 miles inside the border of Pakistan by news accounts, and they want us to help them there, while Pakistan at the same time is helping those who are shooting at our troops in Afghanistan.

Now, who are our allies? Who are our enemies here? That's the danger of getting increasingly involved on the ground in Pakistan. That is why I brought this resolution forward with the help of Mr. PAUL. We have to have this debate.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DREIER. Mr. Speaker, I would like to yield my friend an additional minute.

Mr. KUCINICH. The Times quotes General Petraeus as acknowledging "longstanding ties between Pakistan's Directorate for Inter-Services Intelligence" and what he calls the "bad guys."

And the Times goes on to say in this editorial, "The Times's report of the new documents suggests the collusion goes even deeper, that representatives of the ISI—that's their spy agency in Pakistan—"have worked with the Taliban to organize networks of militants to fight American soldiers in Afghanistan and hatch plots to assassinate Afghan leaders."

I'm saying, do we want these people to be our partners, people who are playing a double game with us? This is why we've got to get out of Pakistan. We have to take a different approach here, and in the debate that will ensue in the next, you know, few hours, whenever it's scheduled, I hope to be able to get to some of the specifics of why this resolution is important at this time.

Thank you, Mr. MCGOVERN. Thank you, Mr. DREIER, for the opportunity.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to my good friend from Lake Jackson, Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman from California for yielding, and I thank you both for bringing this rule

to the floor. Even though it is a privileged resolution, a privileged resolution has to qualify under the law, and under the War Powers Resolution, this does qualify.

The question is, why are we doing it at this time? It seems like Pakistan is a minor problem compared to what's going on in Afghanistan as well as Iraq, but I think people have to realize that we go into war differently these days. We don't make declarations of war and the people get behind it. We slip into war. We fall into war. We get into these messes, and it seems to me like it's so much easier to get into these problems than getting out. We debate endlessly about getting out of Afghanistan. We've debated for years about how and when it's ever going to end in Iraq, and we bring this up now because this is an appropriate time. It is escalating. The war is spreading, and we're trying to stop this. We're trying to let the people know and let the Congress know that this war is getting bigger. It is not getting smaller. A lot of people thought with this administration war would get smaller and we would end some of this.

It has been said that we need to be in Pakistan for national security reasons. I disagree with that. I think the fact that we're in there makes me feel more threatened because Pakistan is not about to attack us. We talk about the few troops there and that they're insignificant and we shouldn't worry about it, it's not significant, but that's the way we started in Vietnam. People were training soldiers, and before you knew it, we lost 60,000 people.

But you know, in this day and age, with the type of wars that we fight, occupation with combat troops is not exactly how we get involved, and I believe the way I read the War Powers Resolution, it does involve attacks on countries with bombs. This is what we're doing. We're attacking this country. The people of Pakistan don't like it. The number of drone attacks in Pakistan now has doubled the number that it was under the Bush administration. So it is escalating. There have been 14 al Qaeda leaders killed by these drone attacks, but there were also 687 civilians killed. So, therefore, the efficiency of this isn't all that good, and now there's reports coming out that these drones don't always come back, and a lot of times they crash, and a lot of times we have to go out and find them. So there's a lot of activity going on.

There is another reason we bring this up at this time. It is financial. We can't afford to expand the war. We can't afford the wars we have already. We can't afford to take care of our people at home. This costs money, and since we see this as an escalation and more provocation and a greater danger to us, because people are going to get upset. The people don't like this. There has actually already been a court ruling in Pakistan.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DREIER. Mr. Speaker, I yield my friend an additional 2 minutes.

Mr. PAUL. I thank the gentleman for yielding.

But the finances are certainly important. In the Congress, because we're slipping into this war, we have just recently granted \$7.5 billion of aid to Pakistan. And what did they do with this money?

□ 1510

Well, it's supposed to not be military. It's supposed to help rebuild their country, help their infrastructure. Well, we need a couple of dollars here for our infrastructure. But they can take that money; it's fungible. It goes into their intelligence. Their intelligence observations are being used for the Taliban, and we are fighting the Taliban.

So it's totally inconsistent that we are on both sides of so many wars and what's going on. The mujahedin, they were our allies and we were fighting the occupation of the Soviets. It's the occupation that is the issue, and we were on their side and the Soviets were run out.

But now that same group, who are called the Taliban now, the Taliban, we have to remember, had nothing to do with 9/11. It was the al Qaeda, not the Taliban. The Taliban are people who are unified with one issue, one concern they have, foreign occupation or foreign bombings of those countries.

We need to make sure the American people know what's going on and that there are sometimes revelations that we don't hear about. Too often our government is involved in secret wars. There was secret bombing of Cambodia back in the 1960s, and here we are slipping and sliding once more into the escalation of this war which, unfortunately, is going to cost us a lot of money; it's going to cost us a lot of lives, a lot of innocent lives.

Unfortunately, I wish I could believe that we are going to be more secure for this. I think we are going to be less secure because of this activity, and we will finally someday have to meet up to the question of why do they want to come here to kill us? Do they want to do it because of their religion? Do they want to do it because we are rich and because we are free? No. They want to come here because we occupy their territory.

Mr. MCGOVERN. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Colorado, a member of the Committee on Rules, Mr. POLIS.

Mr. POLIS. Mr. Speaker, I rise today in support of the rule and in opposition to the supplemental funding to escalate the war in Afghanistan.

This Nation does face a very real terrorist threat, but the terrorist threat is a stateless menace, a menace that is

not rooted in any one location or has any dominion in one particular area and is, in fact, mobile. In fact, the two countries that our Nation continues to occupy, namely, Iraq and Afghanistan are not significant bases of operation for al Qaeda.

This discussion should absolutely include Pakistan and the border area, particularly between Afghanistan and Pakistan. We have in Pakistan a better partner than we have in Afghanistan with regard to the war on terror. It is not an ideal partner, but it is a better partner than we have found, and I hope our Nation continues to work with the good people of Pakistan and the good forces within the Government of Pakistan to help keep the American people safe and the Pakistani people safe.

We need to continue our efforts to battle terrorists wherever they are. How to focus on this stateless menace? We need to use intelligence gathering, targeted special operations, and a re-focused emphasis on homeland security. All these are very costly and expensive and are ongoing and an indefinite occupation of Afghanistan reduces our ability to do the things we need to do to keep the American people safe.

That's why I have consistently opposed the escalation of troops in Afghanistan and will continue to do so today by voting against the supplemental funding. There is a real threat, but the answer is not to continue to indefinitely occupy countries where we only breed more sympathy with those who would do us harm. We must bring the war in Afghanistan to a responsible end. That's why I will vote against the war supplemental, and I call upon my colleagues to join me in helping to protect Americans with a new foreign policy in the region.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I have to say it's fascinating to see my two very good friends, our former Presidential candidates, Mr. PAUL and Mr. KUCINICH, who have obviously come together working very thoughtfully on this. I think, Mr. Speaker, they are both making some very interesting arguments about the cost, about the challenges that exist, and I do concur with that.

I would simply say that we are where we are today. It's very unfortunate that we are where we are today. Where we are, we are; but fact of the matter is, that is what we do face.

There are a number of people who, as leaders on this issue within the Obama administration, are working overtime to seek to address this. I mentioned Secretary Gates, Admiral Mullen, Secretary Clinton and Ambassador Holbrooke. I have spent time with virtually all of them talking about the challenge of this issue.

As I mentioned earlier, I am very privileged to work closely with DAVID PRICE and the other 18 members of our

House Democracy Partnership because we concur, the notion of anything other than civilian control of the military and the intelligence services in Pakistan or any other country for that matter is not acceptable. And that's why I believe that while we look at the cost of both lives, as well as the financial burden that is imposed on us, we need to ensure that we are not going to face the kind of threat that we have before.

Now, we know that al Qaeda and those al Qaeda-inspired terrorists, not necessarily tied to al Qaeda, but inspired, exist all over the world. We recognize that; but we also have to, Mr. Speaker, realize that Pakistan to this day continues to be ground zero.

As I said, the porous border with Afghanistan has provided an invitation for al Qaeda in Afghanistan to move into Pakistan. As we look at the difficulty that exists, for decades, there have been problems with the ISI. I just mentioned in a private discussion I had with my friend from Cleveland that I remember very vividly in the 1980s, in 1987, to be exact, when I had the opportunity to travel with our former colleague, the late Charlie Wilson, who took me to Pakistan and at that time we witnessed problems within the ISI.

But the fact that there are problems within the ISI, appropriately or inappropriately, I mean the leaks that came out, I know that there are more than a few who believe this could jeopardize the lives of our fellow Americans who are over there. But the fact of the matter is, it is not a completely new revelation.

That's why doing everything within our power to strengthen democratic institutions and opportunities for greater economic liberalization so that we can see the economy of this country of 140 million people in South Central Asia grow to the point where we will diminish the kind of threat that we faced on September 11. I mean, it's hard to believe that here it is now, almost August, and we will be marking the ninth anniversary of one of the most tragic days in our Nation's history.

I mean, that is the reason that we are doing what we are in Pakistan and Afghanistan. Has it gone perfectly? Absolutely not. No one can point to a war that has gone absolutely perfectly. Maybe Grenada, the invasion that Ronald Reagan had in the 1980s; but it is very rare that one can point to a conflict, the likes of which we have never seen before, and come to the conclusion that this has been handled perfectly.

Confirmation hearings are going on right now for the new CENTCOM leader. We have a new general who is leading the effort in Afghanistan, the highly, highly acclaimed General David Petraeus, who successfully oversaw the surge in Iraq. We are all very gratified that we are seeing the democratic institutions build up in Iraq. Still prob-

lems: just the news this morning of an al Qaeda attack in Mosul in Iraq.

So we are continuing to see problems, but I believe that if we were to take this action that we would undermine the ability for us to continue our quest to strengthen both the democratic institutions and the opportunity for greater economic opportunity to exist in this very, very critically important country.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. I yield 1 minute to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman for yielding.

I have one question about the rule: How will the time be divided?

Mr. MCGOVERN. The time will be 30 minutes for Mr. KUCINICH, and 30 minutes for the Committee on Foreign Affairs.

□ 1520

Mr. PAUL. So it will be a total of 1 hour?

Mr. MCGOVERN. That's correct.

Mr. PAUL. Thank you.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to simply use this opportunity to again talk about the very important work that is taking place in Pakistan today.

We all know that it is among the most troubled regions in the world. We just had the resolution read from the desk. As we look, 1 year from this coming September will mark the 10th anniversary of September 11. And it was, as I said a moment ago, one of the most tragic days in our Nation's history. We all can, those of us who were privileged to be serving in the Congress, recount the time here in the Capitol on September 11. And of course I'm immediately thinking about what a horrible, horrible day it was. Like many people, I knew people who were killed on September 11, and it changed our world forever.

We are dealing with a difficult and absolutely unprecedented situation. And I have to say that I am troubled with the notion of this resolution, respecting my colleagues, and actually agreeing with a number of the arguments that they make. But I believe that the resolution that will be made in order under this rule—as was said, we don't actually need a rule to do it, but the structure that has been put in place under this rule that will allow for consideration of the gentleman's resolution—is one that I think could create the potential to undermine something that I believe we all want to achieve, and that is we want to make sure that Pakistan, as it's developing its sea legs—and I was just thinking about a meeting that Mr. PRICE and I and other members of our House Democracy Partnership had with Prime Minister Gilani not long ago and with the Speaker of the Pakistani Parliament.

And as we look at these democratically elected leaders there who, on a daily basis, are striving to make sure that they can have adequate oversight of both the military and the intelligence agencies—I remember seeing General Musharraf, who was President at the same time. I was with him the day that he gave up his military uniform and became a civilian leader. So they are continuing to work through this. And the support that we are providing, which is in our national security interest, is very important.

And I mentioned, Mr. Speaker, the notion of a free trade agreement with Pakistan. I think that creating an opportunity for the greater free flow of goods and services will strengthen, again, the economies of both the United States of America and Pakistan as well. So these are the kinds of things that need to be done in our national security interest.

If I've said this once, I've said it 100 times here on the House floor. The five most important words in the preamble of our U.S. Constitution—that inspired document authored by the great Virginian, James Madison—the five most important words are “provide for the common defense.” Virtually everything else that's done can be done by other levels of government, whether it be individuals, families, churches or synagogues or mosques, cities, counties, States, but national security can only be handled by the United States of America's Federal Government. That is why I believe that we need to do what we can to ensure that we are successful and, as I said, that our men and women come home as quickly as possible and safely.

So I will say that my colleagues are working diligently on this, but I do believe that, at the end of the day, this resolution is not worthy of our support.

Mr. Speaker, I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

Let me, first of all, begin by saying I'm not sure whether the underlying resolution introduced by Mr. KUCINICH is necessarily the right way to approach this issue, but he and Mr. PAUL are reflecting the anxiety, the growing anxiety, the growing fear of a lot of Members of Congress and a lot of people throughout this country that the United States of America is continuously getting sucked into wars that have no end, wars that are costing us dearly in terms of the lives of our brave men and women who serve in uniform, and it is costing us dearly in terms of our treasury. We're going bankrupt.

People talk about the deficit all the time around here, but the reality is that these wars, by and large, are not paid for—the war in Afghanistan, the war in Iraq. It's all going onto our credit card, and it's going to be paid for

by my kids and my grandkids and my great-grandkids. We are going bankrupt by the wars that we are fighting.

And I think they also reflect this feeling that we seem unable to make the necessary adjustments to our policy when they appear to not be working in the way we would like them to work. In Afghanistan, for example, we've been there for nearly 10 years. And the WikiLeaks documents that were published all over the world yesterday remind us that, notwithstanding all the sacrifices of the American soldiers and their families and all the money we have poured into that country, that we don't have any reliable partners.

The Afghan Government is corrupt and incompetent. The President of that country oversaw an election where they stuffed the ballot boxes, and our men and women are sacrificing their lives to prop that government up. We don't have a reliable partner in the Afghan police or in the Afghan military. And as we learned from these documents—again, it isn't new, but it was emphasized by the release of these documents—that we don't have a reliable partner, by and large, with certain elements of Pakistan. That does not mean that we should walk away from Pakistan, and I want to agree with much of what my colleague from California (Mr. DREIER) said.

I believe it is important for the United States to support civilian institutions and to support democratic movements in Pakistan. I want the civilian government in Pakistan to be able to have control over the security forces and the military forces in a way that we believe that they are actually in control.

So I think this debate that we are going to have here today on the Pakistan War Powers Act is important. I'm not quite sure that this is the way we should deal with Pakistan with the underlying resolution, but I will conclude by making reference to another measure we are going to be voting on here today, and that is the supplemental war funding bill.

In light of what was released yesterday, in light of all the questions that have been raised, it seems to me that it is inappropriate for us to vote “yes” on a blank check for this administration to do whatever they want in Afghanistan. I have great respect for the Secretary of Defense and the Secretary of State and the President of the United States, but I have to tell you I am deeply troubled that, with all that is coming out, that we are not doing hearings, we're not doing our oversight. We're basically going to be asked to vote for a \$33 billion package—all borrowed money—and kick the can down the road and let's hope when we come back in September that maybe things will get better.

We were told almost 1 year ago that we would never have another supple-

mental. Well, here we are doing another supplemental and we have a policy in Afghanistan that is not clearly defined. And so I understand the anxiety and the frustration of Mr. PAUL and Mr. KUCINICH. I share that anxiety and frustration as well. But it seems to me that we in Congress have a responsibility, too. These wars are not just the administration's wars. They are our wars, too. We fund them. We're the ones who go along with it. We're the ones who decide whether we're going to condition aid or whether we're going to withhold aid, and I think we should be doing a better job.

We have known for a long time that the Pakistan intelligence agencies have been undercutting our efforts in Afghanistan. They have put our soldiers at risk. We have known that for a long time, yet what have we done? So this may be a time for us to raise some of these issues, raise some of these questions, hopefully prompt more Members of this body to get involved in this debate, but also to send a signal to the administration that we really need to reevaluate what we're doing. We need to rethink some of these strategies. And if we are going in the wrong direction, we need to have the courage to change course if necessary.

□ 1530

With that, Mr. Speaker, I would urge a “yes” vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5822, MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111-570) on the resolution (H. Res. 1559) providing for consideration of the bill (H.R. 5822) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume in the following order:

Adoption of House Resolution 1556, motion to suspend the rules on H.R. 5730; and motion to suspend the rules on H. Res. 1366, each by the yeas and nays.

PROVIDING FOR CONSIDERATION
OF HOUSE CONCURRENT RESOLUTION 301, PAKISTAN WAR POWERS RESOLUTION

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 1556, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 222, nays 196, not voting 14, as follows:

[Roll No. 470]

YEAS—222

Ackerman	Doggett	Larsen (WA)
Andrews	Doyle	Larsen (CT)
Arcuri	Driehaus	Lee (CA)
Baca	Duncan	Levin
Baird	Edwards (MD)	Lewis (GA)
Baldwin	Ellison	Lipinski
Barrow	Eshoo	Loeb
Bean	Etheridge	Lofgren, Zoe
Becerra	Farr	Lowe
Berkley	Fattah	Lujan
Berman	Filner	Lynch
Berry	Foster	Maffei
Bishop (GA)	Frank (MA)	Maloney
Bishop (NY)	Fudge	Markey (CO)
Blumenauer	Garamendi	Markey (MA)
Bocieri	Gonzalez	Marshall
Boswell	Gordon (TN)	Matheson
Boyd	Grayson	McCarthy (NY)
Brady (PA)	Green, Al	McCollum
Braley (IA)	Green, Gene	McDermott
Brown, Corrine	Grijalva	McGovern
Butterfield	Gutierrez	McMahon
Campbell	Hall (NY)	McNerney
Capps	Halvorson	Meeks (NY)
Capuano	Hare	Michaud
Cardoza	Harman	Miller (NC)
Carnahan	Hastings (FL)	Miller, George
Carney	Heinrich	Mollohan
Carson (IN)	Herseth Sandlin	Moore (KS)
Castor (FL)	Higgins	Moore (WI)
Chandler	Himes	Moran (VA)
Chu	Hinches	Murphy (CT)
Clarke	Hinojosa	Murphy (NY)
Clay	Hirono	Nadler (NY)
Cleaver	Hodes	Napolitano
Clyburn	Holt	Neal (MA)
Cohen	Honda	Oberstar
Connolly (VA)	Hoyer	Obey
Conyers	Inslee	Olver
Cooper	Israel	Ortiz
Costa	Jackson (IL)	Owens
Costello	Jackson Lee	Pallone
Courtney	(TX)	Pascarella
Crowley	Johnson (GA)	Pastor (AZ)
Cuellar	Johnson (IL)	Paul
Cummings	Johnson, E. B.	Payne
Davis (AL)	Jones	Perlmutter
Davis (CA)	Kagen	Perriello
Davis (IL)	Kaptur	Pingree (ME)
Davis (TN)	Kennedy	Polis (CO)
DeFazio	Kildee	Pomeroy
DeGette	Kilpatrick (MI)	Price (NC)
Delahunt	Kilroy	Quigley
DeLauro	Kind	Rahall
Deutch	Klein (FL)	Rangel
Dicks	Kucinich	Reyes
Dingell	Langevin	Richardson

Rodriguez	Scott (VA)
Ross	Serrano
Rothman (NJ)	Sestak
Roybal-Allard	Shea-Porter
Ruppersberger	Sherman
Rush	Sires
Ryan (OH)	Skelton
Salazar	Slaughter
Sánchez, Linda T.	Smith (WA)
Sanchez, Loretta	Snyder
Sarbanes	Space
Schakowsky	Speier
Schauer	Spratt
Schiff	Stark
Schrader	Stupak
Schwartz	Sutton
Scott (GA)	Thompson (CA)
	Thompson (MS)

NAYS—196

Aderholt	Franks (AZ)	Miller, Gary
Adler (NJ)	Frelinghuysen	Minnick
Alexander	Gallegly	Mitchell
Altmire	Garrett (NJ)	Murphy, Patrick
Austria	Gerlach	Murphy, Tim
Bachmann	Giffords	Myrick
Bachus	Gingrey (GA)	Neugebauer
Barrett (SC)	Gohmert	Nunes
Bartlett	Goodlatte	Nye
Barton (TX)	Granger	Olson
Bigert	Graves (GA)	Paulsen
Bilbray	Griffith	Pence
Bilirakis	Guthrie	Peters
Bishop (UT)	Hall (TX)	Peterson
Blackburn	Harper	Petri
Blunt	Hastings (WA)	Pitts
Boehner	Hensarling	Platts
Bonner	Herger	Posey
Bono Mack	Hill	Price (GA)
Boozman	Hoekstra	Putnam
Boucher	Holden	Rehberg
Boustany	Hunter	Reichert
Brady (TX)	Inglis	Roe (TN)
Bright	Issa	Rogers (AL)
Broun (GA)	Jenkins	Rogers (KY)
Brown (SC)	Johnson, Sam	Rogers (MI)
Brown-Waite,	Jordan (OH)	Rohrabacher
Ginny	Kanjorski	Rooney
Buchanan	King (IA)	Ros-Lehtinen
Burgess	King (NY)	Roskam
Burton (IN)	Kingston	Royce
Buyer	Kirk	Ryan (WI)
Calvert	Kirkpatrick (AZ)	Scalise
Camp	Kissell	Schmidt
Cantor	Kline (MN)	Schock
Cao	Kosmas	Sensenbrenner
Capito	Kratovil	Sessions
Carter	Lamborn	Shadegg
Cassidy	Lance	Shimkus
Castle	Latham	Shuler
Chaffetz	LaTourette	Shuster
Childers	LatTA	Simpson
Coble	Lee (NY)	Smith (NE)
Coffman (CO)	Lewis (CA)	Smith (NJ)
Cole	Linder	Smith (TX)
Conaway	LoBiondo	Stearns
Crenshaw	Lucas	Sullivan
Critz	Luetkemeyer	Tanner
Culberson	Lummis	Taylor
Dahlkemper	Lungren, Daniel E.	Teague
Davis (KY)	Mack	Terry
Dent	Manzullo	Thompson (PA)
Diaz-Balart, L.	Marchant	Thornberry
Diaz-Balart, M.	McCarthy (CA)	Tiberi
Djou	McCauley	Turner
Donnelly (IN)	McClintock	Upton
Dreier	McCotter	Walden
Edwards (TX)	McHenry	Wamp
Ehlers	McIntyre	Westmoreland
Ellsworth	McKeon	Whitfield
Emerson	McMorris	Wilson (SC)
Fallin	Rodgers	Wittman
Flake	Melancon	Wolf
Fleming	Mica	Wu
Forbes	Miller (FL)	Young (AK)
Fortenberry	Miller (MI)	
Fox		

NOT VOTING—14

Akin	Matsui
Boren	Meek (FL)
Engel	Moran (KS)
Graves (MO)	Poe (TX)
Heller	Radanovich

Tierney	Titus
Tonko	Towns
Tsongas	Van Hollen
Velázquez	Visclosky
Walz	Wasserman
Wasserman	Schultz
Waters	Watt
Weiner	Weiner
Welch	Wilson (OH)
Woolsey	Yarmuth

□ 1604

Messrs. GARRETT of New Jersey, BROWN of South Carolina, GARY G. MILLER of California, BARRETT of South Carolina, HOLDEN, KANJORSKI, BACHUS, EDWARDS of Texas, Ms. KOSMAS, and MR. TANNER changed their vote from “yea” to “nay.”

Mr. CLEAVER, Ms. CORINNE BROWN of Florida, Messrs. CAMPBELL and SPRATT changed their vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HELLER. Mr. Speaker, on rollcall No. 470, had I been present, I would have voted “nay.”

SURFACE TRANSPORTATION EAR-MARK RESCISSION, SAVINGS, AND ACCOUNTABILITY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5730) to rescind earmarks for certain surface transportation projects, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado (Ms. MARKEY) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 23, not voting 15, as follows:

[Roll No. 471]

YEAS—394

Ackerman	Boustany	Clarke
Adler (NJ)	Boyd	Clay
Alexander	Brady (PA)	Cleaver
Altmire	Brady (TX)	Clyburn
Andrews	Braley (IA)	Coble
Arcuri	Bright	Coffman (CO)
Austria	Broun (GA)	Cohen
Baca	Brown (SC)	Cole
Bachmann	Brown, Corrine	Conaway
Bachus	Brown-Waite,	Connolly (VA)
Baird	Ginny	Cooper
Baldwin	Buchanan	Costa
Barrett (SC)	Burgess	Costello
Barrow	Burton (IN)	Courtney
Bartlett	Butterfield	Crenshaw
Barton (TX)	Buyer	Critz
Bean	Calvert	Crowley
Becerra	Camp	Cuellar
Berkley	Campbell	Culberson
Berman	Cantor	Cummings
Bigert	Cao	Dahlkemper
Bilbray	Capito	Davis (AL)
Bilirakis	Capps	Davis (CA)
Bishop (GA)	Cardoza	Davis (IL)
Bishop (NY)	Carnahan	Davis (KY)
Bishop (UT)	Carney	Davis (TN)
Blackburn	Carson (IN)	DeFazio
Blumenauer	Carter	DeGette
Blunt	Cassidy	DeLauro
Bocieri	Castle	Dent
Bonner	Castor (FL)	Deutch
Bono Mack	Chaffetz	Diaz-Balart, L.
Boozman	Chandler	Diaz-Balart, M.
Boswell	Childers	Dicks
Boucher	Chu	Dingell

Djou	Klein (FL)	Polis (CO)	Whitfield	Wolf	Yarmuth	Brady (PA)	Franks (AZ)	Lowey
Doggett	Kline (MN)	Pomeroy	Wilson (SC)	Woolsey		Brady (TX)	Frelinghuysen	Lucas
Donnelly (IN)	Kosmas	Posey	Wittman	Wu		Braley (IA)	Fudge	Luetkemeyer
Doyle	Kratovil	Price (GA)				Bright	Gallely	Luján
Dreier	Kucinich	Price (NC)				Broun (GA)	Garamendi	Lummis
Driehaus	Lamborn	Putnam	Aderholt	Holden	Scott (VA)	Brown (SC)	Garrett (NJ)	Lungren, Daniel
Duncan	Lance	Quigley	Berry	Kanjorski	Space	Brown, Corrine	Gerlach	E.
Edwards (MD)	Langevin	Rahall	Capuano	LaTourette	Thompson (PA)	Brown-Waite,	Giffords	Lynch
Edwards (TX)	Larsen (WA)	Rangel	Conyers	Lynch	Tierney	Ginny	Gingrey (GA)	Mack
Ehlers	Larson (CT)	Rehberg	Delahunt	Markey (MA)	Weiner	Buchanan	Gohmert	Maffei
Ellison	Latham	Reichert	Frank (MA)	Neal (MA)	Wilson (OH)	Burgess	Gonzalez	Maloney
Ellsworth	Latta	Reyes	Guthrie	Nye	Young (AK)	Burton (IN)	Goodlatte	Manzullo
Emerson	Lee (CA)	Richardson	Hinchee	Rogers (AL)		Butterfield	Gordon (TN)	Marchant
Eshoo	Lee (NY)	Rodriguez				Buyer	Granger	Markey (CO)
Etheridge	Levin	Roe (TN)				Calvert	Graves (GA)	Markey (MA)
Fallin	Lewis (CA)	Rogers (KY)	Akin	Heller	Poe (TX)	Camp	Grayson	Matheson
Farr	Lewis (GA)	Rogers (MI)	Boehner	Matsui	Radanovich	Campbell	Green, Al	McCarthy (CA)
Fattah	Linder	Rohrabacher	Boren	Meek (FL)	Tiahrt	Cantor	Green, Gene	McCarthy (NY)
Filner	Lipinski	Rooney	Engel	Moran (KS)	Watson	Cao	Griffith	McCaul
Flake	LoBiondo	Ros-Lehtinen	Graves (MO)	Perlmutter	Young (FL)	Capito	Grijalva	McClintock
Fleming	Loeb sack	Roskam				Capps	Guthrie	McCollum
Forbes	Lofgren, Zoe	Ross				Capuano	Hall (NY)	McCotter
Fortenberry	Lowey	Rothman (NJ)				Cardoza	Hall (TX)	McDermott
Foster	Lucas	Roybal-Allard				Carnahan	Halvorson	McGovern
Fox	Luetkemeyer	Royce				Carney	Hare	McHenry
Franks (AZ)	Luján	Ruppersberger				Carson (IN)	Harman	McIntyre
Frelinghuysen	Lummis	Rush				Carter	Harper	McKeon
Fudge	Lungren, Daniel	Ryan (OH)				Cassidy	Hastings (FL)	McMahon
Gallely	E.	Ryan (WI)				Castle	Hastings (WA)	McMorris
Garamendi	Mack	Salazar				Castor (FL)	Heinrich	Rodgers
Garrett (NJ)	Maffei	Sánchez, Linda				Chaffetz	Hensarling	McNerney
Gerlach	Maloney	T.				Chandler	Herger	Meeks (NY)
Giffords	Manzullo	Sanchez, Loretta				Childers	Hersteth Sandlin	Melancon
Gingrey (GA)	Marchant	Sarbanes				Chu	Higgins	Mica
Gohmert	Markey (CO)	Scalise				Clarke	Hill	Michaud
Gonzalez	Marshall	Schakowsky				Clay	Himes	Miller (FL)
Goodlatte	Matheson	Schauer				Cleaver	Hinchee	Miller (MI)
Gordon (TN)	McCarthy (CA)	Schiff				Clyburn	Hinojosa	Miller (NC)
Granger	McCarthy (NY)	Schmidt				Coble	Hirono	Miller, Gary
Graves (GA)	McCaul	Schock				Coffman (CO)	Hodes	Miller, George
Grayson	McClintock	Schrader				Cohen	Hoekstra	Minnick
Green, Al	McCollum	Schwartz				Cole	Holden	Mitchell
Green, Gene	McCotter	Scott (GA)				Conaway	Holt	Mollohan
Griffith	McDermott	Sensenbrenner				Connolly (VA)	Honda	Moore (KS)
Grijalva	McGovern	Serrano				Conyers	Hoyer	Moore (WI)
Gutierrez	McHenry	Sessions				Cooper	Hunter	Moran (VA)
Hall (NY)	McIntyre	Sestak				Costa	Inglis	Murphy (CT)
Hall (TX)	McKeon	Shadegg				Costello	Inslee	Murphy (NY)
Halvorson	McMahon	Shea-Porter				Courtney	Israel	Murphy, Patrick
Hare	McMorris	Sherman				Crenshaw	Issa	Murphy, Tim
Harman	Rodgers	Shimkus				Critz	Jackson (IL)	Myrick
Harper	McNerney	Shuler				Crowley	Jackson Lee	Nadler (NY)
Hastings (FL)	Meeks (NY)	Shuster				Cuellar	(TX)	Napolitano
Hastings (WA)	Melancon	Simpson				Culberson	Jenkins	Neal (MA)
Heinrich	Mica	Sires				Cummings	Johnson (GA)	Neugebauer
Hensarling	Michaud	Skelton				Dahlkemper	Johnson (IL)	Nunes
Herger	Miller (FL)	Slaughter				Davis (AL)	Johnson, E. B.	Nye
Hersteth Sandlin	Miller (MI)	Smith (NE)				Davis (CA)	Johnson, Sam	Oberstar
Higgins	Miller (NC)	Smith (NJ)				Davis (IL)	Jones	Obey
Hill	Miller, Gary	Smith (TX)				Davis (KY)	Jordan (OH)	Olson
Himes	Miller, George	Smith (WA)				Davis (TN)	Kagen	Olver
Hinojosa	Minnick	Snyder				DeFazio	Kanjorski	Ortiz
Hirono	Mitchell	Speier				DeGette	Kaptur	Owens
Hodes	Mollohan	Spratt				Delahunt	Kildee	Pallone
Hoekstra	Moore (KS)	Stark				DeLauro	Kilpatrick (MI)	Pascarell
Holt	Moore (WI)	Stearns				Dent	Kilroy	Pastor (AZ)
Honda	Moran (VA)	Stupak				Deutch	Kind	Paul
Hoyer	Murphy (CT)	Sullivan				Diaz-Balart, L.	King (IA)	Paulsen
Hunter	Murphy (NY)	Sutton				Diaz-Balart, M.	King (NY)	Payne
Inglis	Murphy, Patrick	Tanner				Dicks	Kingston	Pence
Inslee	Murphy, Tim	Taylor				Dingell	Kirk	Perlmutter
Israel	Myrick	Teague				Djou	Kirkpatrick (AZ)	Perriello
Issa	Nadler (NY)	Terry				Doggett	Kissell	Peters
Jackson (IL)	Napolitano	Thompson (CA)				Donnelly (IN)	Klein (FL)	Peterson
Jackson Lee	Neugebauer	Thompson (MS)				Doyle	Kline (MN)	Petri
(TX)	Nunes	Thornberry				Dreier	Kosmas	Pingree (ME)
Jenkins	Oberstar	Tiberi				Driehaus	Kratovil	Pitts
Johnson (GA)	Obey	Titus				Duncan	Kucinich	Platts
Johnson (IL)	Olson	Tonko				Edwards (MD)	Lamborn	Polis (CO)
Johnson, E. B.	Oliver	Towns				Edwards (TX)	Lance	Pomeroy
Johnson, Sam	Ortiz	Tsongas				Ehlers	Langevin	Posey
Jones	Owens	Turner				Ellison	Larsen (WA)	Price (GA)
Jordan (OH)	Pallone	Upton				Ellsworth	Larson (CT)	Price (NC)
Kagen	Pascarell	Van Hollen				Emerson	Latham	Putnam
Kaptur	Pastor (AZ)	Velázquez				Eshoo	LaTourette	Quigley
Kennedy	Paul	Visclosky				Etheridge	Latta	Rahall
Kildee	Paulsen	Walder				Fallin	Lee (CA)	Rangel
Kilpatrick (MI)	Payne	Walz				Farr	Lee (NY)	Rehberg
Kilroy	Pence	Wamp				Fattah	Levin	Reichert
Kind	Perriello	Wasserman				Filner	Lewis (CA)	Reyes
King (IA)	Peters	Schultz				Flake	Lewis (GA)	Richardson
King (NY)	Peterson	Waters				Fleming	Linder	Rodriguez
Kingston	Petri	Watt				Forbes	Lipinski	Roe (TN)
Kirk	Pingree (ME)	Waxman				Fortenberry	LoBiondo	Rogers (AL)
Kirkpatrick (AZ)	Pitts	Welch				Fox	Loeb sack	Rogers (KY)
Kissell	Platts	Westmoreland				Frank (MA)	Lofgren, Zoe	Rogers (MI)

NAYS—23

NOT VOTING—15

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (Mr. CAPUANO) (during the vote). There are 2 minutes remaining in this vote.

□ 1611

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HELLER. Mr. Speaker, on rollcall No. 471, had I been present, I would have voted "yea."

Mr. PERLMUTTER. Mr. Speaker, on rollcall No. 471. I was in a meeting and was unavoidably detained. Had I been present, I would have voted "yea."

RECOGNIZING THE FREIGHT RAILROAD INDUSTRY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1366) recognizing and honoring the freight rail industry, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and agree to the resolution, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, answered "present" 2, not voting 19, as follows:

[Roll No. 472]

YEAS—411

Ackerman	Barrett (SC)	Bishop (UT)
Aderholt	Barrow	Blackburn
Adler (NJ)	Bartlett	Blumenauer
Alexander	Barton (TX)	Blunt
Altmire	Becerra	Bocciari
Andrews	Berkley	Boehner
Arcuri	Berman	Bonner
Austria	Berry	Bono Mack
Baca	Biggart	Boozman
Bachmann	Billbray	Boswell
Bachus	Bilirakis	Boucher
Baird	Bishop (GA)	Boustany
Baldwin	Bishop (NY)	Boyd

Rohrabacher	Shea-Porter	Tierney
Rooney	Sherman	Titus
Ros-Lehtinen	Shimkus	Tonko
Roskam	Shuler	Towns
Ross	Shuster	Tsongas
Rothman (NJ)	Simpson	Turner
Roybal-Allard	Sires	Upton
Royce	Skelton	Van Hollen
Ruppersberger	Smith (NE)	Velázquez
Rush	Smith (NJ)	Visclosky
Ryan (OH)	Smith (TX)	Walden
Ryan (WI)	Smith (WA)	Walz
Salazar	Snyder	Wamp
Sanchez, Loretta	Space	Wasserman
Sarbanes	Speler	Schultz
Scalise	Spratt	Waters
Schakowsky	Stark	Watt
Schauer	Stearns	Waxman
Schiff	Stupak	Weiner
Schmidt	Sullivan	Welch
Schock	Sutton	Westmoreland
Schrader	Tanner	Wilson (OH)
Schwartz	Taylor	Wilson (SC)
Scott (GA)	Teague	Wittman
Scott (VA)	Terry	Wolf
Sensenbrenner	Thompson (CA)	Woolsey
Serrano	Thompson (MS)	Wu
Sessions	Thompson (PA)	Yarmuth
Sestak	Thornberry	Young (AK)
Shadegg	Tiberi	

ANSWERED "PRESENT"—2

Bean	Slaughter
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NOT VOTING—19

Akin	Kennedy	Sánchez, Linda
Boren	Marshall	T.
Engel	Matsui	Tiahrt
Foster	Meek (FL)	Watson
Graves (MO)	Moran (KS)	Whitfield
Gutierrez	Poe (TX)	Young (FL)
Heller	Radanovich	

□ 1619

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Resolution recognizing and honoring the freight railroad industry and its employees."

A motion to reconsider was laid on the table.

Stated for:

Mr. HELLER. Mr. Speaker, on rollcall No. 472, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. AKIN. Madam Speaker, on July 27, 2010, I was absent from the House and missed rollcall votes 470, 471, and 472. Had I been present, I would have voted "no" on rollcall 470, "yes" on rollcall 471, and "yes" on rollcall 472.

PERSONAL EXPLANATION

Mr. POE of Texas. Mr. Speaker, on rollcall Nos. 470—H. Res. 1556, 471—H. Res. 5730, and 472—H. Res. 1366, I was unable to vote today, since I was at the White House meeting with the President. Had I been present, I would have voted "no" on H. Res. 1556, "yes" on H. Res. 5730, and "yes" on H. Res. 1366.

PAKISTAN WAR POWERS
RESOLUTION

Mr. KUCINICH. Mr. Speaker, pursuant to House Resolution 1556, I call up

the concurrent resolution (H. Con. Res. 301) directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Pakistan, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 1556, the concurrent resolution is considered read.

The text of the concurrent resolution is as follows:

H. CON. RES. 301

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. REMOVAL OF UNITED STATES ARMED
FORCES FROM PAKISTAN.

Pursuant to section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)), Congress directs the President to remove the United States Armed Forces from Pakistan—

(1) by no later than the end of the period of 30 days beginning on the day on which this concurrent resolution is adopted; or

(2) if the President determines that it is not safe to remove the United States Armed Forces before the end of that period, by no later than December 31, 2010, or such earlier date as the President determines that the Armed Forces can safely be removed.

The SPEAKER pro tempore. The concurrent resolution shall be debatable for 1 hour, with 30 minutes controlled by the gentleman from Ohio (Mr. KUCINICH) or his designee and 30 minutes equally divided and controlled by the chair and ranking member of the Committee on Foreign Affairs.

The gentleman from Ohio (Mr. KUCINICH) will control 30 minutes. The gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 15 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. Mr. Speaker, I yield myself 3 minutes.

U.S. forces are in Pakistan. Congress never voted expressly to send troops there. Congress has a constitutional responsibility under Article I, Section 8 of the Constitution. And I will insert Article I, Section 8, in the RECORD.

SECTION 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment and counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and Post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to

Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all places purchased by the Consent of the Legislature of the State in which the same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Under Article I, Section 8 of the Constitution, it is Congress which has the power to declare war.

Now, the War Powers Act extended the debate over Article I, Section 8 by pointing out that, if circumstances occurred where the President committed troops to imminent hostilities, that Congress has the right to create a debate and to create a vote over whether or not those troops should stay in those hostilities.

Now, are there hostilities involving U.S. troops in Pakistan? The answer is that three U.S. troops were killed as a result of an IED in Pakistan in February. Now, that was reported last week in The Wall Street Journal. There's just no question that troops have been involved in imminent hostilities. In this case, they perished.

Now, there are those who maintain that the War Powers Act is superseded by the authorization for the use of military force which passed Congress on September 14, 2001. I have here a copy of that resolution, which I will include in the RECORD.

H.J. RES. 64

Whereas on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens;

Whereas such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad;

Whereas in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence;

Whereas such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States; and

Whereas the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for Use of Military Force".

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) IN GENERAL.—That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

(b) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supercedes any requirement of the War Powers Resolution.

That resolution has this language: "Nothing in this resolution supersedes any requirement of the War Powers Resolution."

So let's put to rest right away that the authorization for use of military force would cover our presence in Pakistan and obviate the need for any congressional discussion. It is very clear that the President has a responsibility to notify Congress. He has a responsibility, according to section 4 of the War Powers Act, to report to Congress whenever he introduces U.S. Armed Forces abroad in certain situations.

Section 4(a)(1) triggers a time limit in the section, and it requires reporting to Congress. Why is that? Because the people's House has a responsibility under the Constitution. We cannot abrogate or renounce that responsibility.

This debate today is about assuring that Congress has a role in a critical foreign policy area where our troops have already lost lives in Pakistan.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I rise in opposition to the resolution, and I yield myself such time as I may consume.

Mr. Speaker, this is the second time in 4 months we are debating a resolution under the War Powers Act. I welcome congressional scrutiny of the commitment of U.S. forces abroad, and

I appreciate the gentleman from Ohio's effort to focus attention on one of the most sacred duties of Congress.

But once again, I have to take issue with the invocation of Section 5(c) of the War Powers Act as the basis for this debate. That section authorizes a privileged resolution, like the one before us today, to require the withdrawal of U.S. Armed Forces when they are engaged in hostilities and Congress has not authorized the use of military force.

Whereas the Afghanistan war powers debate focused on whether there was an authorization for U.S. military force, here we do not even reach that question because, based on everything I know, U.S. forces are not engaged in hostilities in Pakistan.

The Wall Street Journal article distributed by my friend from Ohio refers to the U.S. military's role in training and humanitarian assistance programs in Pakistan. That's not "engaging in hostilities." In fact, our Armed Forces participate in these types of programs in dozens of countries around the world.

The gentleman refers to the terrible tragedy of three U.S. forces killed by an IED. They were on a humanitarian aid mission. We have people on such missions, people involved in military training, uniformed officers, who have been killed in many different parts of the world. From that, one does not draw the conclusion that the U.S. is engaged in hostilities with enemy forces. In fact, since U.S. forces are not engaged in hostilities in Pakistan, there is no factual basis for invoking the War Powers Act.

Mr. Speaker, Pakistan is an important partner in the fight against extremism.

□ 1630

Last year Congress demonstrated America's long-term commitment to Pakistan by passing the Enhanced Partnership with Pakistan Act of 2009. Any attempt to cut the military ties between our two countries would be counterproductive for our national security interest in the region.

No matter what your position on the situation in Afghanistan, whether you think we should withdraw tomorrow, shift from a counterinsurgency strategy to a counterterrorism strategy, or send in even more troops, there is no reason to automatically conclude that we should cease our efforts to help Pakistan address the dire threats to its security.

In 1990, we stopped providing military assistance and training to Pakistan for what seemed like a good reason at the time. But as a result, a whole generation of Pakistani military officers rose through the ranks without any connection or affinity with the United States, and that contributed to some of the suspicion and mistrust

that we are still struggling to overcome.

Mr. Speaker, there is no question that Pakistan needs to step up in a number of important areas. We hope to improve cooperation on various security issues, strengthen the role of Pakistan's democratically elected government and achieve a greater parity between military and civilian assistance. The United States is aiding Pakistan because it is in our interest to ensure an economically and politically stable Pakistan does not provide sanctuary for al Qaeda and other terrorist organizations.

The reports in recent days that elements of the Pakistani intelligence service may have been aiding our enemies is nothing new to those of us who have been following this issue and is not a reason to abandon our many friends in Pakistan who are struggling to modernize their economy, their political system, and their military. The security forces of Pakistan are steadily taking on a Taliban-backed insurgency, taking direct action against those who threaten Pakistan's security instability, including military operations in the Federally Administered Tribal Areas and the North West Frontier Province.

Mr. Speaker, I am concerned that using the War Powers Act to call for the removal of U.S. combat forces, which do not exist, will only serve to inflame Pakistan's sensibilities and do nothing to strengthen the partnership that we need to achieve our goals in this critical region.

I urge my colleagues to oppose the resolution.

I reserve the balance of my time.

Mr. KUCINICH. With all due respect to my friend from California, special operations troops are inside of Pakistan right now. Three troops have died. Maybe they didn't intend to be hostile, but somebody intended hostilities towards them. There is no question about the hostile climate.

What I am trying to do here, with the help of Mr. PAUL, is to stop expanding the U.S. forces' footprint in Pakistan so that we stop an expanding war.

I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. I thank the gentleman from Ohio for this resolution and also the gentleman from Texas.

Mr. Speaker, "To Die for a Mystique, the Lessons Our Leaders Didn't Learn From the Vietnam War"—that's why this debate is so important today. Because I remember Mr. Nixon saying, no, no, there are no troops in Cambodia. Then a year later, he acknowledges there are. That's all it takes is a little incursion here and a little incursion there, and before you know it, it's out of control.

This article "To Die for a Mystique" was written by Andrew Bacevich, himself a Vietnam veteran, his son, a graduate of West Point, killed in Iraq.

“To Die for a Mystique.” The dirty little secret to which few in Washington will own up is that the United States now faces the prospect of perpetual war and conflict. That’s why this debate has to take place, whether we have three Americans killed in Pakistan or we have 33 or we have 300.

Where is Congress meeting its responsibility? That’s what this is about.

I will regret to the day I go to my grave that I voted to give President Bush the authority to go into Iraq. We did not meet our responsibilities. We passed some little resolution, and I voted for it. We trusted the President to not go to war unless it was absolutely necessary, but we went to war.

Mr. Speaker, I have signed over 9,400 letters to families. This is my retribution to my God for not doing my job that day when I voted for that resolution. That’s why I stand on the floor today with the gentleman from Ohio and the gentleman from Texas to say let’s meet our responsibility. Let’s not keep saying to the American kids, You need to die for a mystique. Let’s give them purpose.

Mr. Speaker, in closing, God, please bless our men and women in uniform.

Please support this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I believe that this dangerous resolution is less about U.S. policy toward Pakistan than it is about Afghanistan and a back-door attempt to force U.S. withdrawal from that country. Because our success in Afghanistan is directly linked to our effort in Pakistan, withdrawal from the latter, and you may bring defeat in both.

In response to the September 11 attacks, Congress authorized the President to use all necessary and appropriate force against the perpetrators of those attacks, including against those who harbored such organizations or persons in order to prevent future acts of international terrorism against the United States.

But al Qaeda and its allies in Pakistan fit that description precisely. Our wonderful U.S. personnel in Afghanistan are there to train and support Pakistani military and security forces to enable them to battle their own insurgencies, including al Qaeda and other threats.

Much of this training is not combat related, but instead is focused on helping Pakistan undertake civil, military operations aimed at establishing stable and effective civilian authority in areas that are now off limits and serve as safe havens for extremist groups.

Far from withdrawing, we must work with Pakistan to do more against the militant networks in that country that use it and neighboring Afghanistan as a launching pad from which to direct attacks against us and our allies. The adoption of this resolution would undo

our efforts to accomplish these goals and build trust and credibility with Pakistani leaders and the Pakistani people that will help provide for long-term stability and advance our long-term interests.

Mr. Speaker, removing our personnel from Pakistan would present al Qaeda with a gift that it desperately needs and convince it and the world that it is winning the fight, thereby inevitably enhancing its prestige, confidence, ambitions, resources, and recruits. If this resolution were adopted, it would make it more difficult, and perhaps impossible, for General Petraeus to effectively implement the strategy that he is pursuing in Afghanistan and that is being carried out by our brave men and women serving there.

Some will focus on the information reportedly contained in the many thousands of classified U.S. documents related to the conflict against al Qaeda and the Taliban in Afghanistan and Pakistan, that is, on a reckless and irresponsible act which compromises U.S. security as justification for this resolution.

Some of those documents reflect the legacy of mistrust between the United States and Pakistan as well as between Pakistan and Afghanistan, a legacy which we are even now trying to overcome through enhanced dialogue.

I am gravely concerned that those leaked documents may have put in jeopardy coalition troops and our military missions. As National Security Adviser General James Jones has warned, the leaks could “put the lives of Americans and our partners at risk and threaten our national security.”

But we would be compounding the risk and further undermining our efforts against radical Islamic militants in Pakistan and in Afghanistan if this Congress would take this knee-jerk approach to our national security and military strategy by adopting this resolution before us.

Instead, we must remain focused on our mission, on success, on prevailing against the global jihadist network. These Islamist radicals in Pakistan and Afghanistan, who seek to destabilize our allies and attack our Nation and our interest, are driven and are focused on carrying out their deadly mission.

We must, in turn, demonstrate that we possess the strength of character, the commitment, the wherewithal to counter al Qaeda, the Taliban and other enemies at every turn. We must not be looking at any opportunity or excuse to seek an immediate withdrawal from the epicenter of violent extremism, as Pakistan and Afghanistan have been described.

□ 1640

I strongly urge my colleagues to vote against this dangerous measure, and I reserve the balance of my time.

Mr. KUCINICH. I thank the gentlelady, for whom I have the greatest respect, for her concerns about the resolution. But I would like to respectfully suggest to her that the danger that’s presented here is that this Congress ignores the WikiLeaks documents that point out a connection between Pakistani intelligence and the Afghanistan Taliban where they’re actually helping the Taliban against our troops. We have to pay attention to that. I didn’t create this resolution in order to link it with the Afghanistan war, but the Pakistan intelligence has created the link with the Afghanistan war because they are actually helping the Taliban. They created the link.

I yield 1 minute to the gentlelady from California (Ms. WOOLSEY), who has been a strong advocate for peace in this Congress.

Ms. WOOLSEY. Mr. Speaker, I rise today to support wholeheartedly Mr. KUCINICH’s and Mr. PAUL’s resolution to remove U.S. Armed Forces from Pakistan.

The War Powers Act clearly states that the President must seek congressional approval before committing U.S. troops and before committing funds. As recent media reports confirmed, our troops are in Pakistan without congressional authorization, and they, as well as we, ask, To what end?

Mr. Speaker, we are running up record deficits with two wars which have cost the United States in blood and treasure. Together, the wars in Iraq and Afghanistan have cost the American taxpayers over \$1 trillion and, worst of all, more than 5,600 men and women in uniform have given their lives. And what do we get for all of this, Mr. Speaker? Instead of winning the hearts and minds of the Iraqi and Afghan people, we’re fueling hatred and insurgency, and now we want to export that to Pakistan. I don’t think so. Let’s not do it.

I urge my colleagues to demand that the administration comply with the War Powers Act and remove our troops from Pakistan.

Mr. BERMAN. Mr. Speaker, I yield myself 30 seconds in response to my friend from California’s point.

The War Powers Act, I repeat again, doesn’t deal with the presence of military forces without an authorization from Congress. It deals with engaging in hostilities or imminent hostilities without the authorization of Congress.

We have uniform personnel in Pakistan. They are working on the military assistance program. They are working in training Pakistani military. They are involved, as the Wall Street Journal revealed, in the delivering of humanitarian assistance in areas that are not secure enough for AID and civilian personnel to go.

The WikiLeaks documents, with all the transparency that it provided for us about what the situation is, I’m unaware of any excerpt which indicates

reports of U.S. military forces engaged in hostilities in Pakistan.

Mr. KUCINICH. I want to introduce into the RECORD a Gallup poll that revealed that 59 percent of Pakistanis view the U.S. as their biggest threat, and that 67 percent of Pakistanis polled were opposed to military operations in their country. Now, Mr. Speaker, if putting our troops inside the borders of Afghanistan, if we're not putting them in a hostile environment, with those poll results, I don't know what would be hostile.

[From Al Jazeera, Aug. 13, 2009]

PAKISTANIS SEE US AS BIGGEST THREAT
(By Owen Fay)

A survey commissioned by Al Jazeera in Pakistan has revealed a widespread disenchantment with the United States for interfering with what most people consider internal Pakistani affairs.

The polling was conducted by Gallup Pakistan, an affiliate of the Gallup International polling group, and more than 2,600 people took part.

Interviews were conducted across the political spectrum in all four of the country's provinces, and represented men and women of every economic and ethnic background.

When respondents were asked what they consider to be the biggest threat to the nation of Pakistan, 11 per cent of the population identified the Taliban fighters, who have been blamed for scores of deadly bomb attacks across the country in recent years.

Another 18 per cent said that they believe that the greatest threat came from neighbouring India, which has fought three wars with Pakistan since partition in 1947.

But an overwhelming number, 59 per cent of respondents, said the greatest threat to Pakistan right now is, in fact, the US, a donor of considerable amounts of military and development aid.

TACKLING THE TALIBAN

The resentment was made clearer when residents were asked about the Pakistan's military efforts to tackle the Taliban.

Keeping with recent trends a growing number of people, now 41 per cent, supported the campaign.

About 24 per cent of people remained opposed, while another 22 per cent of Pakistanis remained neutral on the question.

A recent offensive against Taliban fighters in the Swat, Lower Dir and Buner districts of North West Frontier Province killed at least 1,400 fighters, according to the military, but also devastated the area and forced two million to leave their homes.

The military has declared the operation a success, however, some analysts have suggested that many Taliban fighters simply slipped away to other areas, surviving to fight another day.

When people were asked if they would support government-sanctioned dialogue with Taliban fighters if it were a viable option the numbers change significantly.

Although the same 41 per cent said they would still support the military offensive, the number of those supporting dialogue leaps up to 43 per cent.

So clearly, Pakistanis are, right now, fairly evenly split on how to deal with the Taliban threat.

DRONE ANGER

However, when asked if they support or oppose the US military's drone attacks against what Washington claims are Taliban and al-

Qaeda targets, only nine per cent of respondents reacted favourably.

A massive 67 per cent say they oppose US military operations on Pakistani soil.

"This is a fact that the hatred against the US is growing very quickly, mainly because of these drone attacks," Makhdoom Babar, the editor-in-chief of Pakistan's The Daily Mail newspaper, said.

"Maybe the intelligence channels, the military channels consider it productive, but for the general public it is controversial . . . the drone attacks are causing collateral damage," he told Al Jazeera.

A senior US official told Al Jazeera he was not surprised by the poll's findings.

The US has a considerable amount of work to do to make itself better understood to the Muslim world, he said.

And it would take not only educational and economic work to win over the Pakistani people but also a concerted effort to help the Pakistani government deal with "extremist elements" that are trying to disrupt security within Pakistan, he added.

Nearly 500 people, mostly suspected Taliban and al-Qaeda fighters, are believed to have been killed in about 50 US drone attacks since August last year, according to intelligence agents, local government officials and witnesses.

Washington refuses to confirm the raids, but the US military in neighbouring Afghanistan and the Central Intelligence Agency (CIA) are the only forces operating in the area that are known to have the technology.

The government in Islamabad formally opposes the attacks saying that they violate Pakistani sovereignty and cause civilian casualties which turn public opinion against efforts to battle the Taliban.

Lieutenant-General Hamid Nawaz Khan, a former caretaker interior minister of Pakistan, told Al Jazeera that US pressure on Pakistan to take on the Taliban was one reason for the backlash.

"Americans have forced us to fight this 'war on terror' . . . whatever Americans wanted they have been able to get because this government was too weak to resist any of the American vultures and they have been actually committing themselves on the side of America much more than what even [former president] Pervez Musharraf did," he said.

PAKISTANI LEADERSHIP

The consensus of opinion in opposition to US military involvement in Pakistan is notable given the fact that on a raft of internal issues there is a clear level of disagreement, something which would be expected in a country of this size.

When asked for their opinions on Asif Ali Zardari, the current Pakistani president, 42 per cent of respondents said they believed he was doing a bad job. Around 11 per cent approved of his leadership, and another 34 per cent had no strong opinion either way.

That pattern was reflected in a question about Zardari's Pakistan People's party (PPP).

Respondents were asked if they thought the PPP was good or bad for the country.

About 38 per cent said the PPP was bad for the country, 20 per cent believed it was good for the country and another 30 per cent said they had no strong opinion.

Respondents were even more fractured when asked for their views on how the country should be led.

By far, the largest percentage would opt for Nawaz Sharif, a former prime minister and leader of the Pakistan Muslim League-N (PML-N) party, as leader. At least 38 per cent backed him to run Pakistan.

Last month, the Pakistani supreme court quashed Sharif's conviction on charges of hijacking, opening the way for him to run for political office again.

ZARDARI 'UNPOPULAR'

Zardari, the widower of assassinated former prime minister Benazir Bhutto, received only nine per cent support, while Reza Gilani, Pakistan's prime minister, had the backing of 13 per cent.

But from there, opinions vary greatly. Eight per cent of the population would support a military government, 11 per cent back a political coalition of the PPP and the PML-N party.

Another six per cent would throw their support behind religious parties and the remaining 15 per cent would either back smaller groups or simply do not have an opinion.

Babar told Al Jazeera that Zardari's unpopularity was understandable given the challenges that the country had faced since the September 11, 2001 attacks on the US.

"Any president in Pakistan would be having the same popularity that President Zardari is having, because under this situation the president of Pakistan has to take a lot of unpopular decisions," he said.

"He is in no position to not take unpopular decisions that are actually in the wider interests of the country, but for common people these are very unpopular decisions."

I yield 3 minutes to the gentleman from Texas (Mr. PAUL), who is the cosponsor of this resolution. I want to express to him my gratitude for his patriotism.

Mr. PAUL. I thank the gentleman for yielding.

First off, I would like to address the subject about hostilities. It is true that there are no armies facing each other and shooting and killing each other, no tanks, no conventional type of hostilities. We don't live in a conventional era and we don't fight conventional wars, but there is a lot of hostile action going on.

In looking and checking to find out if anybody has been killed, in the reports that I found, anywhere from 1,000 to 2,500 Pakistanis have been killed. Now, that sounds like it's rather hostile. And that comes not from our invasion in troop, but we've invaded them with our predators, with our drone missiles, and we drop bombs and we aim at targets, always at the bad people. But to the best of my knowledge from the information I get is that 14 al Qaeda leaders have been killed, and the rest have been civilians. And who knows exactly what their sentiments would be. Maybe a lot of them were defending their own country. Maybe they don't like foreign occupiers. But there is a lot of hostile action going on and a lot of people are dying.

The gentleman from Ohio is quite correct. If you check with the people of Pakistan, they don't want us there. They don't want bombs dropped on them. How would we react in this country if all of a sudden there was a drone missile that landed on one of our cities and even one or two or three Americans were killed? We would be outraged and we would want to know about it. And here we do it constantly.

I complain that we don't know enough about it and we give up our prerogatives. We allow the Presidents to do what they want and then we just capitulate and give them the money and do whatever. But I argue we don't know enough. We don't assume our responsibility. The American people don't know about it until we get deep into these quagmires and into these messes.

But what about in Pakistan? There is a lot of conniving going on there because I am sure their leaders are quite satisfied with us going in there because we bribe them. The Congress just recently passed a bill that promises them \$7.5 billion. That's how they stay in power, and it's also how they can help the Taliban who's fighting us.

The whole thing is such a mess, but the people, if you ask the people of Pakistan, they're not going to support this. And the argument is that we have to support this because our generals want us to, because this is our mission. Well, what is our mission? Our mission ought to be to defend this country, preserve liberty, and show people what a free society looks like. We shouldn't be trying to tell other people how to live with bombs and threats. We give them two options: We tell them do it our way, and if they do, we give them a lot of money. If they don't do it our way, we start bombing them. But we don't achieve anything. That's my contention. We just go on and on.

My big beef is with the overall policy. I know we're talking about the technicalities and we're talking about Afghanistan and Pakistan, but we don't solve any of these technical problems until we deal with the subject of what kind of a foreign policy we endorse. Are we supposed to be the policemen of the world? Are we supposed to be in nation building? Are we supposed to bankrupt our people? Are we supposed to support the infrastructure of others, building all around the world and neglect all of ours? It's coming to an end because this country is bankrupt, and we're going to have to change our policy whether we like it or not.

Ms. ROS-LEHTINEN. Mr. Speaker, I am so pleased to yield such time as he may consume to the gentleman from California (Mr. McKEON), the ranking member on the Committee on Armed Services.

Mr. McKEON. I thank the gentlelady for yielding.

Mr. Speaker, I rise today in opposition to this resolution and I am pleased to join my colleagues on the Foreign Affairs and the Armed Services Committees who are opposed to this ill-timed and ill-conceived measure. I am disappointed that the House Democratic leadership would allow this resolution to come to the floor for a vote at this time.

In April 2009, the President released his strategy for Afghanistan and Paki-

stan and began to make the case to the American people that security and stability in the region are vital to the U.S. national security interests. I support this strategy.

In Pakistan, instability and violence have reached new highs with the insurgency moving eastward toward the capital of Islamabad and bombings and suicide attacks on the rise. This fight not only affects the people of Pakistan but our security, too. Moreover, Pakistan is an essential partner to the United States, both in the near and the long term, and we must remain committed to building trust between our two nations.

□ 1650

It remains in our national interest to defeat al Qaeda and its extremist allies and to ensure they will have no safe havens from which to attack the American people. In Pakistan, the government and people are increasingly seeing the insurgency operating from the tribal border areas as the most existential threat to their country.

Despite Pakistan's increased military operations, the scale, nature, and frequency of violence in Pakistan makes it a nation more appropriately comparable to a combat zone, such as that found in Afghanistan, and it should be treated as such rather than as a central European country seeking foreign military financing.

That is why our military partnership with Pakistan is essential. There are approximately 230 U.S. military personnel in Pakistan—all assigned to the Office of the Defense Representative to Pakistan. This small contingent is in Pakistan at the invitation of the Government of Pakistan to support security assistance programs and training to deepen our cooperative relationship with Pakistan.

Let me be clear. This is not a combat mission but a train and equip role for the U.S. trainers in Pakistan. These trainers were selected based on the requirements established by the Government of Pakistan. These programs are key to Pakistan's counterinsurgency operations—training which Pakistan needs to defeat al Qaeda and Taliban forces operating within their borders.

Representative KUCINICH's resolution, if enacted into law, would mandate the withdrawal of all U.S. troops from Pakistan by the end of 2010. Why consider this resolution now? Why second-guess the Commander in Chief and his commanders without giving the military a chance to implement the strategy?

Finally, Mr. Speaker, I want to send a clear message to our military men and women:

This Congress believes in you. We support you, and we honor your dedication.

I urge my colleagues to vote "no."

Mr. KUCINICH. I want to thank my colleague for his support for the troops

because we both support the troops. The question is that some of us believe that the best way to support the troops is to bring them home.

I yield 1 minute to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Let me thank the gentleman for bringing this resolution.

Mr. Speaker, let there never be another war, military conflict, or armed hostilities involving U.S. military personnel that are not openly debated, expressly authorized and consented to, and scrupulously overseen by this Congress.

We are the Congress. It is our job to do our constitutional duty. It is not second-guessing. It is oversight. It is engaging in the process of governance. There is nowhere in the Constitution that says that the President just gets to go fight wars without the oversight of the Congress. It is not unpatriotic. It is not being a poor citizen. It is our constitutional duty, if you are going to commit troops, to know why, when and how, and there are provisions in the Constitution and in the War Powers Act to make sure that Congress has the ability to exercise its constitutional responsibility. We can't shirk these duties constitutionally, not under the War Powers Act or anything else.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KUCINICH. I yield the gentleman an additional 1 minute.

Mr. ELLISON. We are in Pakistan. We are there with troops on the ground, apparently, and we are there in unmanned aerial vehicles. We have to exercise our responsibility. We cannot escape what history has assigned to us. We can't turn a blind eye when we know troops are there and engaged. It is not responsible. It is not right.

The Pakistani public opinion is at an all-time low with regard to the United States. Why? We hardly know because we haven't dealt with this engagement in a forthright manner.

Vote "yes."

Mr. BERMAN. I yield myself such time as I may consume.

I want to just, if I might, Mr. Speaker, respond to my friend from California who is in my neighboring district, the ranking member of the Armed Services Committee. He made a reference to House leadership. He couldn't understand why it was setting this for debate.

Firstly, this is a privileged resolution pursuant to the War Powers Act. That's why it is being set for debate. It is a privileged resolution. It is not up to the leadership whether or not to debate this issue unless we change the statute.

Secondly, while I disagree with my friend from Ohio about whether the requisite requirements of the War Powers Act are met—because my conclusion is we are not engaged in hostilities as that term is used in the War Powers

Act—I do want to say I don't understand, when seeking oversight, when making sure that taxpayers' funds are well spent, that our troops are protected and are being well served, and that our interests are being pursued by a particular operation, why the debate of that on the House floor is evidence of not supporting the troops.

To the contrary, had we had more debate on the House floor over the past 10 years, perhaps \$8 billion in military assistance to Iraq, which was lost and can't be accounted for, might not have happened.

I know one thing. Perhaps we wouldn't have given the military leader of Pakistan free rein to cut deals with Taliban groups, appeasement agreements, in various parts of Pakistan during the period prior to his removal from office. Perhaps we would have a greater sense—and here we do have a greater sense—of knowledge of where our defense aid is going and what our military assistance is being used for than ever before, in large part, thanks to the oversight responsibilities of the Committee on Oversight and Government Reform. These are useful processes. They are much better than simply providing the money and then turning away until it is all over.

I commend the gentleman for using what, I think, is the wrong vehicle but the appropriate subject of having an open discussion about the wisdom of what we are doing. I think that serves our forces. I think it serves our country.

I reserve the balance of my time.

Mr. KUCINICH. Mr. Speaker, I would like to inquire as to how much time each side has remaining.

The SPEAKER pro tempore (Mr. YARMUTH). The gentleman from Ohio has 17 minutes remaining. The gentleman from California has 7 minutes remaining. The gentlewoman from Florida has 7 minutes remaining.

Mr. KUCINICH. I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman for yielding.

Mr. Speaker, I want to talk a little bit more about our policy because, as I said before, I think it is the policy that gets us into these predicaments and that, if you deal with this as a strictly technical/tactical problem that we have to face in how to rectify our problems, I don't think it will occur. I think we have to deal in the overall policy.

In many ways, we follow a schizophrenic type of foreign policy because, one time, they are our best friends, then later on they become our worst enemies. This was true with Saddam Hussein. In the 1980s, he was our friend. We took care of him. We encouraged him and supported his war. Then of course that changed. Even right before 9/11, the Taliban were still receiving money from us, and now they receive

money from us indirectly. The Taliban gets money from the Pakistanis, or at least information as has been reported, but they literally get some of our money in the process because, in order for us to move equipment through Afghanistan, they literally end up getting American dollars from doing this.

So here we are going into Pakistan. One of the arguments to go into Pakistan is that we have to go after the Taliban—that they are over there, that they are organizing and that they want to kill the American soldiers in Afghanistan. This means that now they are our archenemies. Yet the Taliban, especially in the 1980s, weren't called the Taliban; they were called the Mujahedeen. It was a precursor, but they were our best friends along with Osama bin Laden. We were allies with them because we supported the principle that it was wrong for the Soviets to be occupying Afghanistan.

Now the tables have turned. Now we are the occupiers. Now the very people who used to help us are shooting and killing us. It has been revealed just recently with this release of information that they actually have some Stinger missiles, and as of the last month or so, three of our helicopters have been shot down.

□ 1700

So where does this all end?

One thing about the reports in the newspaper, I think if they changed the definition or the use of one term, I think it would change everybody's attitude, if people came around to believing that the Taliban are people who aren't dedicated toward coming over here to kill us, like some of the al Qaeda are, but the Taliban are only interested in getting rid of the occupiers of their country.

So we call them militant. So we go in, and we raid and shoot and kill and bomb, and then we say, aha, we killed 37 militants today.

What if we reported this always like we did in the eighties.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KUCINICH. I yield the gentleman another minute.

Mr. PAUL. What if it was always reported that freedom fighters were killed, as it was when they were our friends and our allies? The whole thing would change.

But, no, we call them militants and we call them insurgents. But they were formerly our allies and our so-called friends.

So this is just a reflection on the ridiculousness of our analyst policy of intervention and how so often our allies and our friends turn against us, and how our money, taxpayers' money, so often is used against us. I think this is a perfect example.

We would like to stop it. That's why we brought this resolution up. We don't

want to see this war spread, and we want the American people to know about it, and we want this Congress to know about it, because foreign policy isn't even written in the Constitution.

The responsibility of how we run our foreign affairs is with the U.S. Congress; and when we go to war, it should be a congressional function, not an executive function; and some day we may get there, but right now, today, we have to do our very best to let people know the shortcomings of the policy we're following in Pakistan.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Indiana (Mr. BURTON), the ranking member on the Foreign Affairs Subcommittee on the Middle East and South Asia.

Mr. BURTON of Indiana. Mr. Speaker, I would like to remind my colleagues who are so hell bent to get the training troops that we have, 230 U.S. troops, helping with the training in Pakistan, out of Pakistan, I'd like to remind them that on 9/11 we were attacked by al Qaeda terrorists, whose head was Osama bin Laden. And Osama bin Laden has been going back and forth across the Afghani/Pakistani border. And there has been training going on with terrorists there, and in Yemen, to try to foment more terrorism and to try to get them to move toward more attacks on the United States of America.

This is a war that we're fighting to protect America, as well as make sure the entire region over there is stable.

Pakistan is a nuclear power. If the Taliban and al Qaeda are successful in taking over that country, can you imagine what the rest of the world would have to deal with with them having the nuclear capability that they would have? That's one of the things we have to talk about.

And without the training, I'd like to point this out, without the training of our troops that are in Pakistan as trainers, the 230 of them, the money that we're using to fight this war against the Taliban and al Qaeda would not be used as effectively and as efficiently because those people have to be trained to use the technology that we're giving them. And you have to have somebody over there that can train them and teach them about what this equipment can and will do.

Now, let me just make a couple of points. First of all, if we cut military ties to Pakistan, it's crazy. The border between Pakistan and Afghanistan just goes all over the place. Nobody can really tell you when you cross the border and go back and forth. So you're going to have some mistakes made in going after the Taliban or al Qaeda terrorists in that region.

And for us to cut aid and assistance to Pakistan at a time when we're trying to win the war and stop terrorism in Afghanistan would be, in my opinion, insane. We need to continue to

work with Pakistan, not only for the stability of that country, but to make sure we stop the terrorist training that's taking place.

Now, there's no question we have some differences, some policy differences with the Pakistani Government, but we have differences with a lot of our friends. But we still support them, especially when it's in our national interest to do so. And we are working with them, and helping with the training is extremely important, as I stated a moment ago.

And as I said before, the border between Pakistan and Afghanistan has mountains and valleys, and it's extremely difficult to know where those borders are. And we must not allow the enemy to have sanctuary. That's why it's important for us to train their troops to be able to go after the Taliban and al Qaeda, because if Osama bin Laden can go into Pakistan with impunity, if the terrorists can go in there with impunity, if they can go back and forth across that border, we can never win the war.

To say they can have sanctuary in Pakistan is like saying to a football team, win the game, but don't go beyond the 50-yard line. You cannot let the enemy have sanctuary. If we didn't learn anything from Vietnam, we should have learned that.

This is an entire breeding ground for terrorism, that border between Pakistan and Afghanistan, part of Pakistan and all of Afghanistan. And because we've been putting so much heat on the

Taliban and al Qaeda, they have been moving their training grounds outside of Afghanistan into Yemen and into Pakistan, and that's why we must not allow them to have sanctuary.

And another thing I would like to talk about that has not been mentioned is the rules of engagement. When I was coming in today, I heard on the radio an Afghanistan American soldier who had just gotten back from Afghanistan. And he said, the rules of engagement are crazy. He said, he'll go into a combat situation and he'll have an enemy target, and they'll say, you can't fire on that target unless you get approval from your commanding officer. And he says many times the soldiers who are put in that position will get killed before they get the approval to fire on their targets.

We need to change those rules of engagement so we can go after the enemy, where they are and get the job done. Why should we handcuff our troops when they're in a combat situation? It makes absolutely no sense. That's a recipe for disaster.

So if I were talking to the President or General Petraeus I would say, let the troops do their job. Don't give sanctuary to the enemy. Help the Pakistanis fight them, train the Pakistanis over there. And give our troops the ability, when they hit a target, to be able to go after that target, to knock that target out, and not wait for orders that might endanger their very lives. That's a good way to get all of our troops killed.

We are in a war, not only in that area that's going to decide what's going to go on in the entire Middle East with Iran and Afghanistan and Pakistan, but we're in a war that may very well come back to the United States and hurt us a great deal.

We cannot let the terrorists have the ability, with impunity, to be trained and be ready to attack the United States again or any of our allies. And that's why we, and our allies, must work together to make sure we stop the terrorists from having the ability to feel safe in their training practices in Pakistan, in Afghanistan, Yemen or wherever they are.

This is a war. And it's a war for the survival of many parts of the world and, I believe, including the United States. And so we must do whatever is necessary to win that war.

Mr. KUCINICH. Mr. Speaker, I yield myself 3 minutes.

I want to say to my friend from Indiana, who is my friend and with whom I have served in this Congress for 14 years and whose dedication to our Nation should never be questioned, I want to say to my friend from Indiana that this House Concurrent Resolution does not cut aid to Pakistan. It does not cut assistance to Pakistan.

I will place in the RECORD an account of the direct U.S. Aid and military reimbursements to Pakistan from fiscal year 2002 to fiscal year 2011.

DIRECT OVERT U.S. AID AND MILITARY REIMBURSEMENTS TO PAKISTAN, FY2002–FY2011

(rounded to the nearest millions of dollars)

Program or account	FY2002– FY2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010 (est.)	Program or account total	FY 2011 (req.)
1206	—	—	28	14	56	114	^r	212	^r
CN	—	8	24	49	54	47	^r 38	220	^r
CSF ^a	^c 3,121	964	862	731	1,019	^s 685	^s 756	^s 8,138	^s
FC	—	—	—	—	75	25	—	100	—
FMF	375	299	297	297	298	300	^t 2981	2,164	296
IMET	3	2	2	2	2	2	5	18	4
INCLE	154	32	38	24	22	88	^t 170	528	140
NADR	16	8	9	10	10	13	21	87	25
PCF/PCCF	—	—	—	—	—	400	700	1,100	1,200
Total Security-Related	3,669	1,313	1,260	1,127	1,536	^h 1,674	1,988	12,567	1,665
CSH/GHCS	56	21	28	22	30	33	30	220	67
DA	94	29	38	95	30	—	—	286	—
ESF	^d 1,003	298	337	^c 394	347	1,114	^t 1,277	4,770	1,322
Food Aid ^b	46	32	55	—	50	55	81	319	—
HRDF	3	2	1	11	—	—	—	17	—
IDA	—	—	70	50	—	103	9	282	—
MRA	22	6	10	4	—	60	42	144	—
Total Economic-Related	1,224	388	539	576	507	^h 1,365	1,439	6,038	1,389
Grand Total	4,893	1,701	1,799	1,703	2,043	^h 3,039	^t 3,427	18,605	3,054

Sources: U.S. Departments of State, Defense, and Agriculture; U.S. Agency for International Development

Abbreviations:

1206: Section 1206 of the National Defense Authorization Act (NDAA) for FY2006 (P.L. 109–163, global train and equip)

CN: Countermarcotics Funds (Pentagon budget)

CSF: Coalition Support Funds (Pentagon budget)

CSH: Child Survival and Health (Global Health and Child Survival, or GHCS, from FY2010)

DA: Development Assistance

ESF: Economic Support Funds

FC: Section 1206 of the NDAA for FY2008 (P.L. 110–181, Pakistan Frontier Corp train and equip)

FMF: Foreign Military Financing

HRDF: Human Rights and Democracy Funds

IDA: International Disaster Assistance (Pakistani earthquake and internally displaced persons relief)

IMET: International Military Education and Training

INCLE: International Narcotics Control and Law Enforcement (includes border security)

MRA: Migration and Refugee Assistance

NADR: Nonproliferation, Anti-Terrorism, Demining, and Related (the majority allocated for Pakistan is for anti-terrorism assistance)

PCF/PCCF: Pakistan Counterinsurgency Fund/Counterinsurgency Capability Fund (transferred to State Department oversight in FY2010)

Notes:

^a CSF is Pentagon funding to reimburse Pakistan for its support of U.S. military operations. It is not officially designated as foreign assistance.

^b P.L. 480 Title I (loans), P.L. 480 Title II (grants), and Section 416(b) of the Agricultural Act of 1949, as amended (surplus agricultural commodity donations). Food aid totals do not include freight costs and total allocations are unavailable until the fiscal year's end.

^c Includes \$220 million for FY2002 Peacekeeping Operations reported by the State Department.

^d Congress authorized Pakistan to use the FY2003 and FY2004 ESF allocations to cancel a total of about \$1.5 billion in concessional debt to the U.S. government.

^e Includes \$110 million in Pentagon funds transferred to the State Department for projects in Pakistan's tribal areas (P.L. 110-28).

^f This funding is "requirements-based;" there are no pre-allocation data.

^g Congress appropriated \$1.2 billion for FY2009 and \$1.57 billion for FY2010, and the Administration requested \$2 billion for FY2011, in additional CSF for all U.S. coalition partners. Pakistan has in the past received about 80% of such funds. FY2009-FY2011 may thus see an estimated \$3.4 billion in additional CSF payments to Pakistan.

^h Includes a "bridge" ESF appropriation of \$150 million (P.L. 110-252), \$15 million of which was later transferred to INCLE. Also includes FY2009 supplemental appropriations of \$539 million for ESF, \$66 million for INCLE, \$40 million for MRA, and \$2 million for NADR.

ⁱ The Administration's request for supplemental FY2010 appropriations includes \$244 million for ESF, \$40 million for INCLE, and \$60 million for FMF funds for Pakistan. These amounts are included in the estimated FY2010 total.

In this, it points out the following: that coalition support funds, Pakistan during this period has received \$8.11 billion; that with respect to foreign military financing, it has received \$2.1 billion; and with respect to economic support funds, it has received \$4.7 billion.

□ 1710

I am not advocating that we strike those funds. What I am saying to my friend from Indiana and to others who are concerned about this resolution is that this resolution is about stopping the United States from getting deeper into Pakistan.

Now some Members may feel that we should have troops in Pakistan, and this is the first time we've had this debate because since we do have troops there, we can at least have the debate, which is an appropriate role for Congress.

But my friend from Indiana has raised several important questions. He has talked about Osama bin Laden. The Pakistan ISI, their intelligence, is extraordinary. They're so extraordinary that they can play a double game with the United States. They can ask us to help them go after the Taliban in Pakistan, which we do, while at the same time they aid the Taliban in Afghanistan against our own troops. Now someone who is that slick, who can basically con the United States, you can imagine what's going on in their mind with respect to helping the United States locate Osama bin Laden if in fact he is still alive.

The other thing is, we have to be concerned that wherever we send our troops, that United States occupation fuels insurgencies. This is why we've had the casualties in Iraq. This is why we've had the casualties in Afghanistan. It is why if we continue to expand our footprint in Pakistan, why there will be more U.S. casualties there.

The final thing that I want to answer my friend—and I will yield him time in a minute—he mentioned Vietnam. Prior to the beginning of the Vietnam War, in 1964, U.S. military advisers had been in and around South Vietnam for almost a decade. As the government of South Vietnam grew weaker, the number of military advisers grew in number.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KUCINICH. I yield myself an additional minute.

The U.S. poured billions of dollars of military aid into South Vietnam to prop up the increasingly weak government and prevent the ostensible expansion of communism in the world.

Now does this scenario sound familiar? Well, it should, because it's exactly what is happening in Pakistan and why I am glad that the gentleman from Texas and I have been able to affect this debate.

I yield to my friend.

Mr. BURTON of Indiana. The point I made in my floor statement, I would like to ask you about this. There are 230 military trainers in Pakistan. The men that were killed were there on a training mission. The money that we're giving to Pakistan has to be used efficiently and effectively. If we give them the money and the equipment and they don't know how to use it in the front lines, it's a waste of our money when they're fighting the enemy. And that's why it's important for the 230 military trainers there to be there, to make sure that our tax dollars that are going over there to fight the Taliban and al Qaeda are used effectively and efficiently.

I hope you agree with that.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. KUCINICH. I yield myself another half minute.

Reclaiming my time, if the gentleman supports the idea of the U.S. presence in Afghanistan on the ground, then your logic would follow perfectly. However, what I am saying is that following the language of the War Powers Resolution. We've had three troops killed there. The atmosphere for the U.S. in Pakistan is quite hostile. A Gallup poll demonstrated that. People don't want us in their country, as the gentleman from Texas pointed out.

I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. McMAHON) will control the time of the gentleman from California.

There was no objection.

Mr. McMAHON. Thank you, Mr. Speaker. At this time I yield 3 minutes to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished manager and I really applaud Congressman KUCINICH for allowing us to come to the floor today and discuss a crucial aspect of America's foreign policy.

Frankly, I believe it is time for us to come home from Afghanistan, having just returned just over 2 weeks ago, in the early part of July, when I was able to see the enormity of corruption and the lack of standing up by the Afghan Government. But I saw the resilience of the United States military and the willingness of the people in Afghani-

stan to be able to desire a better quality of life. I think that we are now poised to build the Afghan national security forces and to remove our forces from the dangers of the Taliban neighbors who live in Afghanistan, who are not leaving, who have a difference of opinion.

In the instance of Pakistan, I think it is key that we recognize that there are some troubling circumstances. And yes, we do have some questions as relates to the people of Pakistan understanding the great humanitarian work that the American people have done; the work they've done with USAID, the work they've done in helping to build schools, and it is the responsibility of the Pakistan Government to be able to emphasize what the presence of the United States is all about.

I do not want boots on the ground dealing with hostility. We have boots on the ground all around the world, but they're not engaged in hostility. They're providing, if you will, a level of peacekeeping and friendship and cooperation.

Now we need to rid ourselves of the involvement of the ISI in undermining American soldiers in Afghanistan. They cannot be playing around with the Taliban while we are investing treasure. But at the same time Pakistani army or military forces is investing their treasure and we are trying to provide them with the training that is necessary.

I believe that what Congressman KUCINICH has done here is important, and he is absolutely right to be able to have this discussion and to recognize that something is awry. We've got to work together on the humanitarian side to be able to inform the Pakistani people and the Pakistan Parliament and government officials to not run away from the humanitarian work that the United States is doing. We have just passed a multi-billion-dollar bill that is going to work on building and helping to rebuild Pakistan from the education and social and health care-wise.

So the training that is being done by our military should be done in a peaceful mode. That should be announced by the officials of the Pakistan Government, and they should not run away from the good things that we are doing there.

My concern to be able to acknowledge or affirm that we have troops there under the War Powers Act would suggest that we are there in a hostile manner.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. McMAHON. I yield the gentlelady 1 additional minute.

Ms. JACKSON LEE of Texas. We are perceived with hostility because there has not been a standing up by our friends in Pakistan that we are working collaboratively in a diplomatic manner to enhance the quality of life and to provide for the security, if you will, of the Pakistan people, working with or with their military in the forefront.

So I would argue that we have much work to do in Afghanistan, our troops need to come home, and the technical assistance that is being given to the neighbor Pakistan must be defined as that and not defined as a hostile manner.

I'm looking forward to us clarifying the relationship and ensuring that the Pakistan intelligence is not undermining this diplomatic, civilian-focused effort of our military using training techniques and to be able to cooperate by allowing the Pakistani military to interact with our military for procedures and process. It is clear that we have a very contentious situation in the region; Pakistan, India, Bangladesh.

The SPEAKER pro tempore. The time of the gentlewoman has again expired.

Mr. McMAHON. I yield the gentlelady an additional 30 seconds.

Ms. JACKSON LEE of Texas. We have a contentious relationship there, but I have great hope as the cochair of the Pakistan Caucus that, working with Pakistani Americans, building on the core of humanitarianism that we are working with with the Pakistan American Foundation that has been developed, that we can overcome the image and the perception the Pakistan people have that we're not there to work with them to fight the Taliban, to fight against al Qaeda, to fight against Osama bin Laden, and to put them forward trained and equipped to be able to work on behalf of the Pakistan people.

Mr. KUCINICH. Mr. Speaker, I would inquire how much time the respective debaters have here.

The SPEAKER pro tempore. The gentleman from Ohio has 8½ minutes, the gentleman from New York has 2½ minutes, and the gentlewoman from Florida has 1 minute.

Mr. KUCINICH. I yield myself 5 minutes.

In response to the gentlelady's comments about training troops, the U.S. has been training troops in Iraq and Afghanistan for over 7 years now with arguably little or no sign of success; yet we are applying the same failed counterinsurgency strategies in Iraq, Afghanistan and now perhaps Pakistan.

□ 1720

A seemingly endless stream of money, an estimated \$1 trillion, has

been poured into the destruction of Iraq and Afghanistan. Millions of dollars in taxpayer money spent to prop up a corrupt and unpopular central government and to train local security forces. Yet attacks on the U.S. and allied troops continue to rise. Documents released by WikiLeaks report that Pakistan intelligence service, the ISI, supports Taliban attacks on U.S. forces. This despite an average of \$1 billion a year in aid from the U.S.

Now, this raises a broader question, Mr. Speaker, which is really about today in Washington. Can the United States win the war in Afghanistan or hope to have any success there at all if our major ally, Pakistan, through their intelligence agency, is cooperating with the Taliban against our troops in Afghanistan?

Listen to this. Even Afghanistan Government officials are complaining about this.

I refer to an article from Reuters I would like to place in the RECORD. The title of the article, "Afghanistan questions U.S. silence over Pakistan's role," where they are complaining that Pakistan's role in the insurgency is being ignored. And an official of the Afghanistan Security Council, according to Reuters, quote, "warned that the war would not succeed unless there was a review of Afghan policy by Washington that focuses on Taliban sanctuaries and bases in Pakistan and their supporters." Now, when you have things so bad that even in Afghanistan, where the government is hopelessly corrupt, they're complaining about Pakistan, you see the kind of mess we could get into if we expand the footprint of our troops within the border of Pakistan.

[From the Business & Financial News, Jul. 27, 2010]

AFGHANISTAN QUESTIONS U.S. SILENCE OVER PAKISTAN'S ROLE (By Sayed Salahuddin)

KABUL (Reuters)—The United States has pursued a contradictory policy with regard to the Afghan war by ignoring Pakistan's role in the insurgency, the Afghan government said on Tuesday, following the leak of U.S. military documents.

The classified documents released by the organization, WikiLeaks, show current and former members of Pakistan's spy agency were actively collaborating with the Taliban in plotting attacks in Afghanistan.

On Tuesday, in its first reaction to the leak, Afghanistan's National Security Council said the United States had failed to attack the patrons and supporters of the Taliban hiding in Pakistan throughout the nine-year conflict.

"With regret . . . our allies did not show necessary attention about the external support for the international terrorists . . . for the regional stability and global security," the council said in a statement.

Afghanistan has long blamed Pakistan for meddling in its affairs, accusing the neighbor of plotting attacks to destabilize it. Islamabad, which has had longstanding ties to the Taliban, denies involvement in the insurgency and says it is a victim of militancy itself.

The National Security Council did not name Pakistan, but said use of terrorism as an instrument of state policy was a dangerous gamble and had to be stopped.

"Having a contradictory and vague policy against the forces who use terrorism as a tool for interference and sabotage against others, have had devastating results," it said.

At a news conference later on Tuesday, council head Rameez Dardar Spanta was more specific, questioning the billions of dollars in cash aid and military assistance Washington has given to Pakistan over the years.

"It is really not justifiable for the Afghan people that how come you give to one country \$11 billion or more as help for reconstruction or strengthen its security or defensive forces, but from other side the very forces train terrorism," he said.

He warned that the war would not succeed unless there was a review of Afghan policy by Washington that focuses on Taliban sanctuaries and bases in Pakistan and their supporters.

Those supporting militants should be punished rather than be treated as an ally, said Spanta, who served for years as foreign minister in President Hamid Karzai's government until last year.

The White House has condemned the WikiLeaks disclosures, saying it could threaten national security. Pakistan said leaking unprocessed reports from the battlefield was irresponsible.

The documents numbering tens of thousands also said that coalition troops had killed hundreds of Afghan civilians in unreported incidents and often sought to cover up the mistakes that have shaken up confidence in the war effort among many in Afghanistan.

On Monday, the Afghan government said it had spoken in private and in public meetings with its Western allies about the need to stop civilian deaths.

"In the past nine years (since Taliban's fall) thousands of citizens of Afghanistan and from our ally countries have become victimised," it said.

It's been said early on in this debate that the WikiLeaks documents, 92,000 documents, I don't know who has had the time to read them all, but according to what's been said publicly, that it represents nothing new. Here's the key findings of these WikiLeaks documents that were reported in the New York Times in the last day: a point that our troops have been placed in mortal danger because of poor logistics; that countless innocent civilians have been killed by mistake; that the Afghan government is hopelessly corrupt; that Pakistan intelligence has collaborated with the Taliban against the U.S.; that the Pentagon has understated the firepower of the insurgents; and that a top Pakistani general was visiting a suicide bombing school on a monthly basis.

Now, if this has been going on for years and it's nothing new, you have to ask the question then why in the world weren't we having that debate over the last 6 years? If this is nothing new, why didn't the American people know all about this? Why did it take a document dump by WikiLeaks to suddenly wake up the Congress to say, Hey, wait a

minute, the war isn't going the way you thought it was?

I mean it's not only a question of if we knew then what we know now, it's a question that do we remember what we knew then? And why isn't it affecting our policy right now? Why aren't we getting out of Afghanistan? Why are we pretending there is a withdrawal from Iraq if we leave 50,000 troops there? And why in the world would we be in this environment expanding our footprint in Pakistan?

I reserve the balance of my time.

Mr. MCMAHON. I continue to reserve the balance of my time, Mr. Speaker.

Mr. KUCINICH. I would like to ask how much time remains on each side, because I am going to reserve the right to close.

The SPEAKER pro tempore. The gentleman from Ohio has 3½ minutes. The gentleman from New York has 2½ minutes. The gentlewoman from Florida has 1 minute.

Ms. ROS-LEHTINEN. I yield myself the balance of my time.

We all know that the U.S. relationship with Pakistan is one of the most complex and critically important in the world. While significant challenges remain, the U.S. and Pakistan have deepened mutual cooperation against insurgent groups. Counterterrorism cooperation has led to significant losses to al Qaeda's relationship and leadership within Pakistan, with more than half of al Qaeda's senior leaders being killed or captured.

The Pakistani military has undertaken offensives in Swat and South Waziristan, putting sustained pressure on violent militant groups. The U.S. and Pakistan have also commenced a strategic dialogue, which has expanded cooperation on a wide range of critical issues.

Even with these positive trends, the U.S. must continue to press the Pakistani Government, particularly its military and intelligence services, to continue their strategic shift against extremists and stay on the offensive.

Mr. Speaker, the U.S. needs to maintain steadiness in purpose in Pakistan, and I therefore urge the defeat of this dangerous resolution.

GENERAL LEAVE

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material into the RECORD on House Concurrent Resolution 301.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KUCINICH. I continue to reserve.

Mr. MCMAHON. Mr. Speaker, I yield myself such time as I may consume.

I will just conclude by applauding the gentleman from Ohio for his passion and concern for our men and women in

uniform, and certainly for the foreign policy of this Nation, even though I join in disagreement of his position with my colleague, the gentlelady from Florida, the ranking member of the House Foreign Affairs Committee.

I think it's quite clear to anyone that America's relationship with Pakistan is one that is fraught with uncertainty, cloudiness, and opaqueness. It's been clear since 1979, when the American embassy was stormed in Islamabad, and we realized that there are many different layers to this onion which is the society of Pakistan.

That being said, however, we know from the many Pakistani Americans who live in our districts, who have come to this country that these are people, both here in this country and in Pakistan, who want to have in the majority a strong relationship with America. And that's why it's so important, Mr. Speaker, that we have these boots on the ground, as we said, these few hundred military personnel, who are making sure that not only our counterinsurgency funds, but also our civil funds that go to this country are used in the right way.

We are not engaged in hostilities in Pakistan, and therefore this resolution is misguided. It is dangerous. It sends the wrong message. For those reasons, Mr. Speaker, I urge all of my colleagues in this House to oppose it.

I yield back the balance of my time.

Mr. KUCINICH. In closing, I want to thank the gentlelady from Florida for her commitment to this debate and for her passion to make sure American foreign policy always receives a very strong and ringing endorsement. I want to thank the gentleman from New York and also the gentleman from California for this. And I want to thank Mr. PAUL, who has been a very powerful voice in this country to talk about the limitations of power.

People have been asking why this resolution and why now? Because I strongly believe that we should nip in the bud an expansion of U.S. ground presence in Pakistan.

□ 1730

We need to do this to keep our troops out of harm's way. Now, it's no secret the administration ordered hundreds of drone attacks in Pakistan just this year resulting in the deaths of hundreds of innocent civilians. It's not been widely discussed until today that we had over 120 U.S. military in the country "training" Pakistani security forces. We have to appreciate the Wall Street Journal's reporting on this where they covered the fact that there was an increase in the U.S. forces in Pakistan who are there to train Pakistani military forces, and it's a force comprised of the tribal regions.

I want to say that the recent reports released by WikiLeaks and published in The New York Times and the Guardian

on the war in Afghanistan confirmed to us what we already know: that 9 years on we're still uncovering an abundance of information that our presence in Afghanistan is counterproductive. And now we want to further expand attacks, drone attacks in the presence of U.S. Special Forces in Pakistan?

The WikiLeaks reports also reveal that while we're in Pakistan spending billions to support them in their efforts to fight, to reshape their environment and also to fight the Pakistani Taliban, Pakistan is in Afghanistan to help the Taliban fight us.

Now, regardless of one's support for or opposition to the way that the global war on terror has unfolded, this resolution has been about securing an open and meaningful debate, about the expansion of war into Pakistan.

Mr. Speaker, Article I, section 8 puts very firmly in the hands of Congress the war powers. We have seen a series of imperial Presidencies and some that were not so imperial but, nevertheless, took this war power as their own, basically nullifying the position of Congress that has been with us since the founding of this country that it's Congress that's supposed to restrain the dog of war. This resolution is the way to put Congress back into the debate over whether or not America commits troops anywhere in the world.

I support the President, but I don't support sending more troops, for whatever reason, into Pakistan. I don't support sending more troops into Afghanistan. I don't support sending more troops into Iraq. I support bringing them home. That's the way you can support the troops, in my view. Other Members here, in conscience and rightly, understanding the world in a different way, have a different point of view. I respect that. But it's time that Congress has a say in this.

Mr. SKELTON. Mr. Speaker, the Kucinich Resolution is the wrong answer to the wrong question at the wrong time. It directs the U.S. under the War Powers Act to withdraw from a country where we are not in fact fighting a "war," a country where the desperately needed assistance we are providing is fundamental to protecting the Homeland at a time when Pakistan is now aggressively fighting our common enemy.

Here are the facts: we currently have less than 250 troops in Pakistan, and they are there only to train and equip Pakistan's security forces—not to fight. These troops report to the U.S. embassy and work with the full knowledge, permission, and support of Pakistan's civilian government. U.S. forces in Pakistan have nothing to do with alleged drone attacks against terrorists in Pakistan's Federally Administered Tribal Area (FATA), and this resolution would have no impact on those.

Pakistan is now aggressively fighting terrorists. In fact, it was Pakistani forces who, earlier this year, captured the Taliban's second-in-command—the most significant capture since the start of the war. The Pakistan Army has suffered enormous casualties in this fight

during the last year. We should not be confused by outdated, leaked information that doesn't reflect Pakistan's decision to truly take on the Taliban in 2009.

I urge my colleagues to vote against this fatally flawed resolution.

Mr. STARK. Mr. Speaker, I rise today to urge my colleagues to support H. Con. Res. 301, calling on the President to withdraw U.S. Troops from Pakistan, and oppose H.R. 4899, the supplemental spending bill.

The right way to foster democracy and opportunity in the region is to invest in infrastructure like schools and roads. The book "Stones into Schools" details how building schools in remote regions of Afghanistan and Pakistan opened up opportunities for young men and women, and helped promote peace. This is the type of aid we should be giving—not tanks and missiles.

H. Con. Res. 301 would take a step in the right direction. With drone attacks killing civilians in Pakistan, a Gallup poll from August 2009 shows that 59 percent of Pakistanis see the United States as their biggest threat. The recent documents posted on WikiLeaks show that Pakistan Intelligence has been working with the Taliban against U.S. troops. We need to stop aggressive military actions in Pakistan before the conflict escalates.

The supplemental spending bill is the wrong approach. It would add \$37 billion to the deficit to finance an additional 30,000 troops in Afghanistan. After nine years at war, we have little to show for our efforts despite \$232 billion spent, over a thousand American lives lost, and tens of thousands of Afghan civilians dead.

I urge my colleagues to stand for peace, vote for H. Con. Res. 301 to withdraw U.S. troops from Pakistan, and vote against the supplemental spending bill.

Mr. DINGELL. Mr. Speaker, I rise in opposition to H. Con. Res. 301, which would direct the President to withdraw U.S. Armed Forces from Pakistan within 30 days or, if the President deems it not safe within 30 days, to withdraw the troops by December 31, 2010.

Let me state unequivocally, I strongly support a vigorous debate on this matter, especially in light of the documents made available by WikiLeaks. I worry about leaks of classified information, especially when leaks could put our nation and our troops in harm's way. That said, the documents appear to make clear what we already knew, we are involved in a very messy and difficult war in the region.

This is something that President Obama realized when he ordered a new strategy in Afghanistan. For eight years I called on President George W. Bush to increase our resources devoted to the War in Afghanistan, which I don't need remind anyone is the nation from which the September 11th attacks were launched. There were many others arguing the same thing. Finally, with President Obama we got serious policy review and a real strategy. It has been just 18 months since the President's speech at West Point which aptly reminded the nation that a very real threat still exists. Moreover, the additional 30,000 troops called for in that speech will not be fully deployed until September. It would be a mistake to abandon the President's plan now before we allow time for the plan to work.

To do so could jeopardize the lives of our American troops.

Mr. BLUMENAUER. Mr. Speaker, I appreciate my colleagues raising the issue of Congressional oversight in Afghanistan and Pakistan and the debate here today. I share their deep reservations about our engagement in the region, though I disagree with their invocation of the War Powers Act in this case. In fact, the targeted cooperation and training that U.S. Special Forces are said to be conducting in the mountainous border area of Pakistan will likely do more to help us in the long run than doubling down with a troop surge in Afghanistan.

Though I cannot support this resolution, I support the spirit of oversight and accountability behind it. Because I believe our strategy in Afghanistan is fundamentally flawed and cannot succeed without a credible partner in the Afghan government, I hope we can have a serious and vigorous debate about this—the real issue—in the coming months.

Mr. KUCINICH. I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 1556, the previous question is ordered.

The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. KUCINICH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting House Concurrent Resolution 301 will be followed by 5-minute votes on suspending the rules with regard to H.R. 4899 and H.R. 4748.

The vote was taken by electronic device, and there were—yeas 38, nays 372, answered "present" 4, not voting 18, as follows:

[Roll No. 473]

YEAS—38

Baldwin	Gutierrez	Paul
Campbell	Jackson (IL)	Pingree (ME)
Clarke	Johnson (IL)	Qohley
Clay	Jones	Rohrabacher
Cleaver	Kucinich	Rush
Davis (IL)	Lee (CA)	Sánchez, Linda
Delahunt	Lewis (GA)	T.
Duncan	Lofgren, Zoe	Serrano
Edwards (MD)	Maffei	Sires
Ellison	McDermott	Stark
Farr	Miller, George	Towns
Filner	Napolitano	Velázquez
Grijalva	Ortiz	Woolsey

NAYS—372

Ackerman	Berman	Boucher	Heinrich	Minnick
Aderholt	Berry	Boustany	Hensarling	Mitchell
Adler (NJ)	Biggart	Boyd	Herger	Mollohan
Alexander	Billbray	Brady (PA)	Hersteth Sandlin	Moore (KS)
Altmire	Bilirakis	Brady (TX)	Higgins	Moore (WI)
Andrews	Bishop (GA)	Braley (IA)	Hill	Moran (VA)
Arcuri	Bishop (NY)	Bright	Himes	Murphy (CT)
Austria	Bishop (UT)	Brown (GA)	Hincheey	Murphy (NY)
Baca	Blackburn	Brown (SC)	Hinojosa	Murphy, Patrick
Bachmann	Blumenauer	Brown, Corrine	Hirono	Murphy, Tim
Bachus	Blunt	Brown-Waite,	Hodes	Myrick
Baird	Bocciari	Ginny	Hoekstra	Nadler (NY)
Barrett (SC)	Boehner	Buchanan	Holden	Neal (MA)
Barrow	Bonner	Burgess	Holt	Neugebauer
Barton (TX)	Bono Mack	Burton (IN)	Hoyer	Nunes
Bean	Boozman	Butterfield	Hunter	Nye
Becerra	Boren	Buyer	Inglis	Oberstar
Berkley	Boswell	Calvert	Inslee	Obey
			Israel	Olson
			Issa	Oliver
			Jenkins	Owens
			Johnson (GA)	Pallone
			Johnson, E. B.	Pascarell
			Johnson, Sam	Paulsen
			Jordan (OH)	Pence
			Kagen	Perlmutter
			Kanjorski	Perriello
			Kaptur	Peters
			Kennedy	Peterson
			Kildee	Petri
			Kilpatrick (MI)	Pitts
			Kilroy	Platts
			Kind	Poe (TX)
			King (NY)	Polis (CO)
			Kingston	Pomeroy
			Kirk	Posey
			Kirkpatrick (AZ)	Price (GA)
			Kissell	Price (NC)
			Klein (FL)	Putnam
			Kline (MN)	Rahall
			Kosmas	Rangel
			Kratovil	Rehberg
			Lamborn	Reichert
			Lance	Reyes
			Langevin	Richardson
			Larsen (WA)	Rodriguez
			Larson (CT)	Roe (TN)
			Latham	Rogers (AL)
			LaTourette	Rogers (KY)
			Latta	Rogers (MI)
			Lee (NY)	Rooney
			Levin	Ros-Lehtinen
			Lewis (CA)	Roskam
			Linder	Ross
			Ehlers	Rothman (NJ)
			LoBiondo	Roybal-Allard
			Loeb sack	Royce
			Lowey	Ruppersberger
			Lucas	Ryan (OH)
			Luetkemeyer	Ryan (WI)
			Luján	Salazar
			Lummis	Sanchez, Loretta
			Lungren, Daniel	Sarbanes
			E.	Scalise
			Lynch	Schakowsky
			Mack	Schauer
			Foster	Schiff
			Fox	Schmidt
			Frank (MA)	Schock
			Franks (AZ)	Schrader
			Frelinghuysen	Schwartz
			Fudge	Scott (GA)
			Gallegly	Scott (VA)
			Garamendi	Sensenbrenner
			Garrett (NJ)	Sessions
			Gerlach	Sestak
			Giffords	Shadegg
			Gingrey (GA)	Sherman
			Gohmert	Shimkus
			Gonzalez	Shuler
			Goodlatte	Shuster
			Gordon (TN)	Simpson
			Granger	Skelton
			Graves (GA)	Smith (NE)
			Green, Al	Smith (NJ)
			Green, Gene	Smith (TX)
			Griffith	Smith (WA)
			Guthrie	Snyder
			Hall (NY)	Space
			Hall (TX)	Speier
			Halvorson	Spratt
			Hare	Stearns
			Harman	Stupak
			Harper	Sullivan
			Hastings (FL)	Sutton
			Hastings (WA)	Tanner

Taylor	Turner	Welch
Teague	Upton	Westmoreland
Terry	Van Hollen	Whitfield
Thompson (CA)	Visclosky	Wilson (OH)
Thompson (MS)	Walden	Wilson (SC)
Thompson (PA)	Walz	Wittman
Thornberry	Wamp	Wolf
Tiberi	Wasserman	Wu
Tierney	Schultz	Yarmuth
Titus	Watt	Young (AK)
Tonko	Waxman	
Tsongas	Weiner	

ANSWERED "PRESENT"—4

Bartlett	Shea-Porter
Honda	Slaughter

NOT VOTING—18

Akin	Jackson Lee	Radanovich
Carson (IN)	(TX)	Tiahrt
Clyburn	King (IA)	Waters
Conyers	Meek (FL)	Watson
Graves (MO)	Moran (KS)	Young (FL)
Grayson	Pastor (AZ)	
Heller	Payne	

□ 1800

Ms. KILPATRICK of Michigan, Messrs. COSTA, SCHRADER, WALZ, SCOTT of Georgia, SESTAK, RANGEL, Ms. WASSERMAN SCHULTZ, Mr. CARDOZA, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "yea" to "nay."

Mr. RUSH changed his vote from "nay" to "yea."

Ms. SHEA-PORTER changed her vote from "nay" to "present."

So the concurrent resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. PASTOR. Mr. Speaker, during rollcall vote No. 473 on H. Con. Res. 301, I was unavoidably detained. Had I been present, I would have voted "no."

Mr. KING of Iowa. Mr. Speaker, on rollcall No. 473, had I voted I would have voted "no" on the bill that opposes the mission of our troops and our foreign policy.

SUPPLEMENTAL APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules, recede from the House amendment to the Senate amendment to the bill (H.R. 4899) making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes, and concur in the Senate amendment, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY) that the House suspend the rules, recede from the House amendment to the Senate amendment, and concur in the Senate amendment.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 308, nays 114, not voting 10, as follows:

[Roll No. 474]

YEAS—308

Ackerman	Edwards (TX)	Marshall
Aderholt	Ellsworth	Matheson
Adler (NJ)	Emerson	McCarthy (CA)
Alexander	Engel	McCarthy (NY)
Altmire	Etheridge	McCaul
Andrews	Fallin	McClintock
Arcuri	Fleming	McCotter
Austria	Forbes	McHenry
Baca	Fortenberry	McIntyre
Bachmann	Foster	McKeon
Bachus	Fox	McMahon
Baird	Franks (AZ)	McMorris
Barrett (SC)	Frelinghuysen	Rodgers
Barrow	Gallegly	McNerney
Bartlett	Garrett (NJ)	Melancon
Barton (TX)	Gerlach	Mica
Bean	Giffords	Miller (FL)
Berkley	Gohmert	Miller (MI)
Berman	Gonzalez	Miller (NC)
Berry	Goodlatte	Miller, Gary
Biggert	Gordon (TN)	Minnick
Bilbray	Granger	Mitchell
Bilirakis	Graves (GA)	Mollohan
Bishop (GA)	Green, Al	Moore (KS)
Bishop (NY)	Green, Gene	Murphy (NY)
Bishop (UT)	Griffith	Murphy, Patrick
Blackburn	Guthrie	Murphy, Tim
Blunt	Hall (NY)	Myrick
Boccheri	Hall (TX)	Neugebauer
Boehner	Halvorson	Nunes
Bonner	Hare	Nye
Bono Mack	Harman	Olson
Boozman	Harper	Ortiz
Boren	Hastings (WA)	Owens
Boswell	Heinrich	Pascarella
Boucher	Hensarling	Pastor (AZ)
Boustany	Herger	Paulsen
Boyd	Herseth Sandlin	Pence
Brady (PA)	Higgins	Perlmutter
Brady (TX)	Hill	Perriello
Braley (IA)	Himes	Peters
Bright	Hinojosa	Peterson
Brown (SC)	Hodes	Petri
Brown-Waite	Hoekstra	Pitts
Ginny	Holden	Platts
Buchanan	Hoyer	Poe (TX)
Burgess	Hunter	Pomeroy
Burton (IN)	Inglis	Posey
Butterfield	Israel	Price (GA)
Buyer	Issa	Price (NC)
Calvert	Jenkins	Putnam
Camp	Johnson, Sam	Radanovich
Cantor	Jordan (OH)	Rahall
Cao	Kanjorski	Rehberg
Capito	Kennedy	Reichert
Capps	Kildee	Reyes
Cardoza	Kilroy	Rodriguez
Carnahan	Kind	Roe (TN)
Carney	King (IA)	Rogers (AL)
Carter	King (NY)	Rogers (KY)
Cassidy	Kingston	Rogers (MI)
Castle	Kirk	Rooney
Chandler	Kirkpatrick (AZ)	Ros-Lehtinen
Childers	Kissell	Roskam
Clyburn	Klein (FL)	Ross
Coble	Kline (MN)	Rothman (NJ)
Coffman (CO)	Kosmas	Roybal-Allard
Cole	Kratovil	Royce
Conaway	Lamborn	Ruppersberger
Connolly (VA)	Lance	Ryan (OH)
Cooper	Langevin	Ryan (WI)
Costa	Larsen (WA)	Salazar
Courtney	Latham	Sarbanes
Crenshaw	LaTourette	Scalise
Critz	Latta	Schauer
Cuellar	Lee (NY)	Schiff
Culberson	Levin	Schmidt
Dahlkemper	Lewis (CA)	Schock
Davis (AL)	Lipinski	Schwartz
Davis (CA)	LoBiondo	Scott (GA)
Davis (KY)	Loeb sack	Sensenbrenner
Davis (TN)	Lowe	Sessions
DeGette	Lucas	Sestak
Dent	Luetkemeyer	Shadegg
Deutch	Lujan	Sherman
Diaz-Balart, L.	Lummis	Shimkus
Diaz-Balart, M.	Lungren, Daniel	Shuler
Dicks	E.	Shuster
Dingell	Lynch	Simpson
Djou	Mack	Sires
Donnelly (IN)	Manzullo	Skelton
Dreier	Marchant	Smith (NE)
Driehaus	Markey (CO)	Smith (NJ)

Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague

Terry
Thompson (PA)
Thornberry
Tiberi
Titus
Turner
Upton
Van Hollen
Visclosky
Walden
Walz

Wamp
Wasserman
Schultz
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Yarmuth
Young (AK)

NAYS—114

Baldwin	Hastings (FL)	Obey
Becerra	Hinchey	Oliver
Blumenauer	Hirono	Pallone
Broun (GA)	Holt	Paul
Brown, Corrine	Honda	Payne
Campbell	Inlee	Pingree (ME)
Capuano	Jackson (IL)	Polis (CO)
Castor (FL)	Jackson Lee	Quigley
Chaffetz	(TX)	Rangel
Chu	Johnson (GA)	Richardson
Clarke	Johnson (IL)	Rohrabacher
Clay	Johnson, E. B.	Rush
Cleaver	Jones	Sánchez, Linda
Cohen	Kagen	T.
Conyers	Kaptur	Sanchez, Loretta
Costello	Kilpatrick (MI)	Schakowsky
Crowley	Kucinich	Schrader
Cummings	Larson (CT)	Scott (VA)
Davis (IL)	Lee (CA)	Serrano
DeFazio	Lewis (GA)	Shea-Porter
Delahunt	Linder	Slaughter
DeLauro	Lofgren, Zoe	Speier
Doggett	Maffei	Stark
Doyle	Maloney	Stupak
Duncan	Markey (MA)	Thompson (CA)
Edwards (MD)	Matsui	Thompson (MS)
Ehlers	McCollum	Tierney
Ellison	McDermott	Tonko
Eshoo	McGovern	Towns
Farr	Meeks (NY)	Tsongas
Fattah	Michaud	Velázquez
Filner	Miller, George	Waters
Flake	Moore (WI)	Watt
Frank (MA)	Moran (VA)	Waxman
Fudge	Murphy (CT)	Weiner
Garamendi	Nadler (NY)	Welch
Gingrey (GA)	Napolitano	Woolsey
Grijalva	Neal (MA)	Wu
Gutierrez	Oberstar	

NOT VOTING—10

Akin	Heller	Watson
Carson (IN)	Meek (FL)	Young (FL)
Graves (MO)	Moran (KS)	
Grayson	Tiahrt	

□ 1811

Ms. SPEIER changed her vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GRAYSON. Mr. Speaker, I would have voted "yes" on rollcall No. 473 and "no" on No. 474. I was unable to vote on these rollcall votes because of a personal issue concerning one of my children.

NORTHERN BORDER COUNTER-NARCOTICS STRATEGY ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4748) to amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a

northern border counternarcotics strategy, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 19, as follows:

[Roll No. 475]

YEAS—413

Ackerman	Clay	Granger
Aderholt	Cleaver	Graves (GA)
Adler (NJ)	Clyburn	Grayson
Alexander	Coble	Green, Al
Altmire	Coffman (CO)	Green, Gene
Andrews	Cohen	Griffith
Arcuri	Conaway	Grijalva
Austria	Connolly (VA)	Guthrie
Baca	Conyers	Gutierrez
Bachmann	Cooper	Hall (NY)
Bachus	Costa	Hall (TX)
Baird	Costello	Halvorson
Baldwin	Courtney	Hare
Barrett (SC)	Crenshaw	Harman
Barrow	Critz	Harper
Bartlett	Crowley	Hastings (FL)
Barton (TX)	Cuellar	Hastings (WA)
Bean	Culberson	Heinrich
Becerra	Cummings	Hensarling
Berkley	Dahlkemper	Herseth Sandlin
Berman	Davis (AL)	Higgins
Berry	Davis (CA)	Hill
Biggert	Davis (IL)	Himes
Bilbray	Davis (KY)	Hinojosa
Bilirakis	Davis (TN)	Hirono
Bishop (GA)	DeFazio	Hodes
Bishop (NY)	DeGette	Holden
Bishop (UT)	Delahunt	Holt
Blackburn	DeLauro	Honda
Blumenauer	Dent	Hoyer
Blunt	Deutch	Hunter
Boccieri	Diaz-Balart, L.	Inglis
Boehner	Diaz-Balart, M.	Inslee
Bonner	Dicks	Israel
Bono Mack	Dingell	Issa
Boozman	Djou	Jackson (IL)
Boren	Doggett	Jackson Lee
Boswell	Donnelly (IN)	(TX)
Boucher	Doyle	Jenkins
Boustany	Dreier	Johnson (GA)
Boyd	Driehaus	Johnson (IL)
Brady (PA)	Duncan	Johnson, E. B.
Brady (TX)	Edwards (MD)	Johnson, Sam
Braleigh (IA)	Edwards (TX)	Jones
Bright	Ehlers	Jordan (OH)
Broun (GA)	Ellison	Kagen
Brown (SC)	Ellsworth	Kanjorski
Brown, Corrine	Emerson	Kaptur
Brown-Waite,	Engel	Kennedy
Ginny	Eshoo	Kildee
Buchanan	Etheridge	Kilpatrick (MI)
Burgess	Farr	Kilroy
Burton (IN)	Fattah	Kind
Butterfield	Filner	King (IA)
Calvert	Flake	King (NY)
Camp	Fleming	Kingston
Campbell	Forbes	Kirk
Cantor	Fortenberry	Kirkpatrick (AZ)
Cao	Foster	Kissell
Capito	Fox	Klein (FL)
Capps	Frank (MA)	Kline (MN)
Capuano	Franks (AZ)	Kosmas
Cardoza	Frelinghuysen	Kratovil
Carnahan	Fudge	Kucinich
Carney	Gallely	Lamborn
Carson (IN)	Garamendi	Lance
Carter	Garrett (NJ)	Langevin
Cassidy	Gerlach	Larsen (WA)
Castle	Giffords	Larson (CT)
Chaffetz	Gingrey (GA)	LaTourette
Chandler	Gohmert	Latta
Childers	Gonzalez	Lee (CA)
Chu	Goodlatte	Lee (NY)
Clarke	Gordon (TN)	Levin

Lewis (CA)	Obey	Sensenbrenner
Lewis (GA)	Olson	Serrano
Linder	Olver	Sessions
Lipinski	Ortiz	Sestak
LoBiondo	Owens	Shadegg
Lofgren, Zoe	Pallone	Shea-Porter
Lowe	Pascrell	Sherman
Lucas	Pastor (AZ)	Shimkus
Luetkemeyer	Paul	Shuler
Lujan	Paulsen	Shuster
Lummis	Payne	Simpson
Lungren, Daniel	Pence	Sires
E.	Perlmutter	Skelton
Lynch	Perriello	Slaughter
Mack	Peters	Smith (NE)
Maffei	Peterson	Smith (NJ)
Maloney	Petri	Smith (TX)
Manzullo	Pingree (ME)	Smith (WA)
Marchant	Pitts	Snyder
Markey (CO)	Platts	Space
Markey (MA)	Poe (TX)	Speier
Marshall	Polis (CO)	Spratt
Matheson	Pomeroy	Stark
Matsui	Posey	Stearns
McCarthy (CA)	Price (GA)	Stupak
McCarthy (NY)	Price (NC)	Sullivan
McCaul	Putnam	Sutton
McClintock	Quigley	Tanner
McCollum	Rahall	Taylor
McCotter	Rangel	Teague
McDermott	Rehberg	Terry
McGovern	Reichert	Thompson (CA)
McHenry	Reyes	Thompson (MS)
McIntyre	Richardson	Thompson (PA)
McKeon	Rodriguez	Thornberry
McMahon	Roe (TN)	Tiberi
McMorris	Rogers (AL)	Tierney
Rodgers	Rogers (KY)	Titus
McNerney	Rogers (MI)	Tonko
Meeks (NY)	Rohrabacher	Towns
Melancon	Rooney	Tsongas
Mica	Ros-Lehtinen	Turner
Michaud	Roskam	Upton
Miller (FL)	Ross	Van Hollen
Miller (MI)	Rothman (NJ)	Velázquez
Miller (NC)	Roybal-Allard	Visclosky
Miller, Gary	Royce	Walden
Miller, George	Ruppersberger	Walz
Minnick	Rush	Wamp
Mitchell	Ryan (OH)	Wasserman
Mollohan	Ryan (WI)	Schultz
Moore (KS)	Salazar	Waters
Moore (WI)	Sánchez, Linda	Watt
Moran (VA)	T.	Waxman
Murphy (CT)	Sanchez, Loretta	Weiner
Murphy (NY)	Sarbanes	Welch
Murphy, Patrick	Scalise	Westmoreland
Murphy, Tim	Schakowsky	Whitfield
Myrick	Schauer	Wilson (SC)
Napolitano	Schiff	Wittman
Neal (MA)	Schmidt	Wolf
Neugebauer	Schock	Woolsey
Nunes	Schrader	Wu
Nye	Schwartz	Yarmuth
Oberstar	Scott (GA)	Young (AK)
	Scott (VA)	

NOT VOTING—19

Akin	Herger	Radanovich
Buyer	Hinchey	Tiahrt
Castor (FL)	Hoekstra	Watson
Cole	Latham	Wilson (OH)
Fallin	Loeb sack	Young (FL)
Graves (MO)	Meek (FL)	
Heller	Moran (KS)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1819

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on July 27, 2010, I was absent from the House and missed rollcall votes 473, 474, and 475.

Had I been present, I would have voted “no” on rollcall 473, “yes” on rollcall 474, and “yes” on rollcall 475.

PERSONAL EXPLANATION

Ms. JACKSON LEE of Texas. Mr. Speaker, on H. Con. Res. 301, rollcall 473, I was unavoidably detained in a hearing. Had I been present, I would have voted “no.”

CORRECTION TO APPOINTMENT AS MEMBER TO COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore (Mr. DEUTCH). Pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431), and the order of the House of January 6, 2009, the Chair announces the following correction to the Speaker's appointment of June 23, 2010, of the following Member on the part of the House to the Commission on International Religious Freedom:

Upon the recommendation of the minority leader:

Mr. Ted Van Der Meid, Rochester, New York, for a 2-year term ending May 14, 2012, to succeed Ms. Felice Gaer.

APPOINTMENT AS MEMBER TO COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore. Pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member on the part of the House to the Commission on International Religious Freedom:

Upon the recommendation of the minority leader:

Ms. Nina Shea, Washington, D.C., for a 2-year term ending May 14, 2012, to succeed herself.

□ 1820

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

SECURING THE PROTECTION OF OUR ENDURING AND ESTABLISHED CONSTITUTIONAL HERITAGE ACT

Mr. COHEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2765) to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securing the Protection of our Enduring and Established Constitutional Heritage Act" or the "SPEECH Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The freedom of speech and the press is enshrined in the first amendment to the Constitution, and is necessary to promote the vigorous dialogue necessary to shape public policy in a representative democracy.

(2) Some persons are obstructing the free expression rights of United States authors and publishers, and in turn chilling the first amendment to the Constitution of the United States interest of the citizenry in receiving information on matters of importance, by seeking out foreign jurisdictions that do not provide the full extent of free-speech protections to authors and publishers that are available in the United States, and suing a United States author or publisher in that foreign jurisdiction.

(3) These foreign defamation lawsuits not only suppress the free speech rights of the defendants to the suit, but inhibit other written speech that might otherwise have been written or published but for the fear of a foreign lawsuit.

(4) The threat of the libel laws of some foreign countries is so dramatic that the United Nations Human Rights Committee examined the issue and indicated that in some instances the law of libel has served to discourage critical media reporting on matters of serious public interest, adversely affecting the ability of scholars and journalists to publish their work. The advent of the internet and the international distribution of foreign media also create the danger that one country's unduly restrictive libel law will affect freedom of expression worldwide on matters of valid public interest.

(5) Governments and courts of foreign countries scattered around the world have failed to curtail this practice of permitting libel lawsuits against United States persons within their courts, and foreign libel judgments inconsistent with United States first amendment protections are increasingly common.

SEC. 3. RECOGNITION OF FOREIGN DEFAMATION JUDGMENTS.

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following:

"CHAPTER 181—FOREIGN JUDGMENTS

"Sec.

"4101. Definitions.

"4102. Recognition of foreign defamation judgments.

"4103. Removal.

"4104. Declaratory judgments.

"4105. Attorney's fees.

"§4101. Definitions

"In this chapter:

"(1) DEFAMATION.—The term 'defamation' means any action or other proceeding for defamation, libel, slander, or similar claim alleging that forms of speech are false, have caused damage to reputation or emotional distress, have presented any person in a false light, or have resulted in criticism, dishonor, or condemnation of any person.

"(2) DOMESTIC COURT.—The term 'domestic court' means a Federal court or a court of any State.

"(3) FOREIGN COURT.—The term 'foreign court' means a court, administrative body, or other tribunal of a foreign country.

"(4) FOREIGN JUDGMENT.—The term 'foreign judgment' means a final judgment rendered by a foreign court.

"(5) STATE.—The term 'State' means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"(6) UNITED STATES PERSON.—The term 'United States person' means—

"(A) a United States citizen;

"(B) an alien lawfully admitted for permanent residence to the United States;

"(C) an alien lawfully residing in the United States at the time that the speech that is the subject of the foreign defamation action was researched, prepared, or disseminated; or

"(D) a business entity incorporated in, or with its primary location or place of operation in, the United States.

"§4102. Recognition of foreign defamation judgments

"(a) FIRST AMENDMENT CONSIDERATIONS.—

"(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, a domestic court shall not recognize or enforce a foreign judgment for defamation unless the domestic court determines that—

"(A) the defamation law applied in the foreign court's adjudication provided at least as much protection for freedom of speech and press in that case as would be provided by the first amendment to the Constitution of the United States and by the constitution and law of the State in which the domestic court is located; or

"(B) even if the defamation law applied in the foreign court's adjudication did not provide as much protection for freedom of speech and press as the first amendment to the Constitution of the United States and the constitution and law of the State, the party opposing recognition or enforcement of that foreign judgment would have been found liable for defamation by a domestic court applying the first amendment to the Constitution of the United States and the constitution and law of the State in which the domestic court is located.

"(2) BURDEN OF ESTABLISHING APPLICATION OF DEFAMATION LAWS.—The party seeking recognition or enforcement of the foreign judgment shall bear the burden of making the showings required under subparagraph (A) or (B).

"(b) JURISDICTIONAL CONSIDERATIONS.—

"(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, a domestic court shall not recognize or enforce a foreign judgment for defamation unless the domestic court determines that the exercise of personal jurisdiction by the foreign court comported with the due process requirements that are imposed on domestic courts by the Constitution of the United States.

"(2) BURDEN OF ESTABLISHING EXERCISE OF JURISDICTION.—The party seeking recognition or enforcement of the foreign judgment shall bear the burden of making the showing that the foreign court's exercise of personal jurisdiction comported with the due process requirements that are imposed on domestic courts by the Constitution of the United States.

"(c) JUDGMENT AGAINST PROVIDER OF INTERACTIVE COMPUTER SERVICE.—

"(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, a domestic court shall not recognize or enforce a foreign judgment for defamation against the provider of an interactive computer service, as defined in section 230 of the Communications Act of 1934 (47 U.S.C. 230) unless the domestic court determines that the judgment would be consistent with section 230 if the information that is the subject of such judgment had been provided in the United States.

"(2) BURDEN OF ESTABLISHING CONSISTENCY OF JUDGMENT.—The party seeking recognition or enforcement of the foreign judgment shall bear the burden of establishing that the judgment is consistent with section 230.

"(d) APPEARANCES NOT A BAR.—An appearance by a party in a foreign court rendering a foreign judgment to which this section applies shall not deprive such party of the right to oppose the recognition or enforcement of the judgment under this section, or represent a waiver of any jurisdictional claims.

"(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

"(1) affect the enforceability of any foreign judgment other than a foreign judgment for defamation; or

"(2) limit the applicability of section 230 of the Communications Act of 1934 (47 U.S.C. 230) to causes of action for defamation.

"§4103. Removal

"In addition to removal allowed under section 1441, any action brought in a State domestic court to enforce a foreign judgment for defamation in which—

"(1) any plaintiff is a citizen of a State different from any defendant;

"(2) any plaintiff is a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a State; or

"(3) any plaintiff is a citizen of a State and any defendant is a foreign state or citizen or subject of a foreign state,

may be removed by any defendant to the district court of the United States for the district and division embracing the place where such action is pending without regard to the amount in controversy between the parties.

"§4104. Declaratory judgments

"(a) CAUSE OF ACTION.—

"(1) IN GENERAL.—Any United States person against whom a foreign judgment is entered on the basis of the content of any writing, utterance, or other speech by that person that has been published, may bring an action in district court, under section 2201(a), for a declaration that the foreign judgment is repugnant to the Constitution or laws of the United States. For the purposes of this paragraph, a judgment is repugnant to the Constitution or laws of the United States if it would not be enforceable under section 4102 (a), (b), or (c).

"(2) BURDEN OF ESTABLISHING UNENFORCEABILITY OF JUDGMENT.—The party bringing an action under paragraph (1) shall bear the burden of establishing that the foreign judgment would not be enforceable under section 4102 (a), (b), or (c).

"(b) NATIONWIDE SERVICE OF PROCESS.—Where an action under this section is brought in a district court of the United States, process may be served in the judicial district where the case is brought or any other judicial district of the United States where the defendant may be found, resides, has an agent, or transacts business.

"§4105. Attorneys' fees

"In any action brought in a domestic court to enforce a foreign judgment for defamation, including any such action removed from State court to Federal court, the domestic court shall, absent exceptional circumstances, allow the

party opposing recognition or enforcement of the judgment a reasonable attorney's fee if such party prevails in the action on a ground specified in section 4102 (a), (b), or (c)."

(b) *SENSE OF CONGRESS.*—It is the Sense of the Congress that for the purpose of pleading a cause of action for a declaratory judgment, a foreign judgment for defamation or any similar offense as described under chapter 181 of title 28, United States Code, (as added by this Act) shall constitute a case of actual controversy under section 2201(a) of title 28, United States Code.

(c) *TECHNICAL AND CONFORMING AMENDMENT.*—The table of chapters for part VI of title 28, United States Code, is amended by adding at the end the following:

"181. Foreign judgments 4101."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Florida (Mr. ROONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. Mr. Speaker, I yield myself such time as I may consume.

Earlier this Congress, I introduced, together with Congressman DARRELL ISSA, H.R. 2765, to protect Americans' First Amendment rights against the threat posed by libel tourism, a new term in our vocabulary. The House passed that bill by voice vote under suspension of the rules. The 110th Congress had also passed that bill in this House as well.

Last week, the Senate passed, by unanimous consent, an amended version of H.R. 2765, named the Securing the Protection of our Enduring and Established Constitutional Heritage Act, or SPEECH. We consider the Senate version today.

Libel tourism is the name given to the practice of doing an end-run around the First Amendment by suing American authors and publishers for defamation in the courts of certain foreign countries with defamation laws that don't accord the same respect to free speech values as we do. Britain is a nation that particularly is a situs for these actions.

While we generally share a proud common law legal tradition with the United Kingdom, it is also true that the United Kingdom has laws that disfavor speech critical of public officials and public figures, contrary to our own constitutional tradition. As a result, the United Kingdom has become the favorite destination for libel tourists.

British defamation laws lack the constitutionally mandated speech-protection elements of U.S. law. For example,

in contrast to U.S. law, British law presumes the defendant is wrong and places the burden on the defendant to prove the truth of her allegedly defamatory statement.

This feature of British law has brought condemnation, not only from American defenders of free speech, but also from the United Nations, and even from some members of the British Parliament.

In addition to Britain's substantive defamation law, features of Britain's procedural law tend to facilitate libel tourism, especially when it comes to the exercise of personal jurisdiction over a defamation defendant.

Under their more expansive standard, British courts have been quick to take jurisdiction over an American defendant whose book, magazine or newspaper, though principally, or even exclusively, distributed in the United States, reaches even just a handful of readers in the United Kingdom, or whose Internet site, though based in the United States, is visited by someone in the UK.

Particular concerns have been raised that, as a result of British courts' expansive exercise of jurisdiction in libel cases, the Internet has rendered American authors and publishers especially vulnerable to libel suits in Britain.

As one commentator has described the situation: "In the Internet age, the British libel laws can bite you no matter where you live."

The Senate amendment to H.R. 2765 builds on the version of my bill that passed the House earlier this Congress, maintaining its core elements. Like the original bill, the Senate language prohibits U.S. courts from recognizing or enforcing foreign defamation judgments that are inconsistent with the First Amendment or do not comport with our due process requirements.

The Senate language also continues to prohibit the enforcement of a foreign defamation judgment against an interactive computer service if the claim of the party opposing enforcement in the judgment is inconsistent with section 230 of the Communications Act of 1934.

The purpose of this provision is to ensure that libel tourists do not attempt to chill speech by suing a third-party interactive computer service, rather than the actual author of the offending statement.

In such circumstances, the service provider would likely take down the allegedly offending material rather than face a lawsuit. Providing immunity removes this unhealthy incentive to take down material under improper pressure.

The Senate language enhances an existing attorneys' fee provision so that a court would now be required, absent exceptional circumstances, to award attorneys' fees to the party resisting enforcement of the foreign judgement

if that party prevails. That provision was added in committee this year to put more teeth in the bill.

The purpose of the provision is to dissuade libel tourists from putting American authors and publishers through the burden and expense of defending a meritless enforcement action and to compensate authors and publishers when they are forced to do so.

The most significant change made by the Senate, which I support, is the addition of a declaratory judgment remedy for a U.S.-based author or publisher who is the target of a foreign defamation judgment.

This provision would allow the U.S.-based party against whom a foreign defamation judgment is entered to seek a declaratory judgment in Federal court, finding that the foreign judgment is repugnant to the Constitution or laws of the United States under one of the grounds listed in the bill.

The declaratory judgment remedy provides an added measure of protection for the free speech rights of American authors and publishers.

Last Thursday, The New York Times hailed the passage of this bill by the Senate, where it was sponsored by Senator LEAHY, as a great move forward for First Amendment rights that are so important to our American way of life.

I thank Judiciary Committee Chairman JOHN CONYERS, Ranking Member LAMAR SMITH, the members of the Judiciary Committee, and the cosponsors of this bill for their support.

And I greatly thank Senators PATRICK LEAHY, JEFF SESSIONS and ARLEN SPECTER for their longstanding and committed leadership on this issue. And I should say particularly, Senator LEAHY, such a gentleman, in moving this bill forward.

I urge my colleagues to support this legislation.

[From The New York Times, July 22, 2010]

A VICTORY FOR WRITING

It is a rare achievement these days for the Senate to pass anything of real substance by a unanimous vote. But an important bill that protects Americans from the whims of foreign libel judgments was passed earlier this week by unanimous consent. Once it passes the House and is signed into law, it will provide a safeguard to authors and publishers threatened with ruinous foreign judgments.

In the United States, a plaintiff alleging libel must prove that a statement is false and defamatory, and public figures have to show that a writer acted with actual malice in making a false statement. But these protections, rooted in the First Amendment, do not exist in places like Britain, Australia and Singapore, where the burden is often on the author, once accused of libel, to show that a statement is true.

To sidestep American protections, subjects of books have sued publishers and authors in British courts where they have a better chance of winning. The practice, known as libel tourism, counts on a system in which American courts will enforce British fines and penalties.

The bill passed by the Senate on Monday would prohibit American courts from enforcing foreign defamation judgments if the

judgments are inconsistent with First Amendment protections. In other words, if a British court finds that an American author has committed libel but has not conducted the trial with the same legal standards as an American court, the judgment against the author would be void in the United States. Americans who are found overseas to have committed libel can also sue in federal court to have that judgment found to be “repugnant to the Constitution” or American law.

These kinds of cases have come up far too often. One of the best known examples was that of Rachel Ehrenfeld, who wrote a 2003 book called “Funding Evil: How Terrorism Is Financed—and How to Stop It,” that accused a Saudi businessman, Khalid bin Mahfouz, of providing financial support to Al Qaeda before the Sept. 11, 2001, attacks. After Mr. Mahfouz sued for libel in Britain—a charge that Ms. Ehrenfeld refused to defend—a British judge ordered her to pay £10,000 each to Mr. Mahfouz and his two sons, and more than £100,000 in legal costs, a total equaling about \$230,000 at the time. She refused to pay, and the case led the New York State Legislature to pass a bill similar to the Speech Act in 2008.

The House has already passed a similar bill and is expected shortly to support the version approved by the Senate, giving authors in the rest of the country the same protections that exist in New York. The next step is for the new British government to take the hint and follow through on the promise it made earlier this month to review and overhaul its libel laws. No one in either country wins if writers cannot express themselves freely.

I reserve the balance of my time.

Mr. ROONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Thomas Jefferson observed that “the only security of all is in a free press. The agitation it produces must be submitted to. It is necessary to keep the waters pure.”

It’s safe to say that Jefferson would not take kindly to libel tourists, the subject of H.R. 2765.

In the wake of 9/11, the American media has become increasingly alarmed over a phenomenon called libel tourism. Libel tourism is the practice of suing for libel in a country with weaker free speech protections than the United States. Surprisingly, most of these suits are filed in Great Britain as its libel and slander laws provide great writers and journalists less protection than those here in the United States system.

So how do courts handle foreign judgments that clash with the American legal values?

A foreign ruling will not be enforced in a U.S. court if the ruling offends State public policy or the Constitution.

The House version of H.R. 2765, which we passed unanimously in June 2009, contains three major provisions. First, it states that a U.S. court, either State or Federal, shall not enforce a foreign judgment for defamation if the judgment is inconsistent with the First Amendment.

Second, it clarifies that a foreign ruling denying an American citizen due process guarantees will also not be enforced.

And, third, H.R. 2765 prevents enforcement of foreign rulings that conflict with the U.S. telecommunications law that protects consumers’ rights to criticize corporate misconduct on Internet bulletin boards.

□ 1830

This version, as amended by the Senate, includes essential provisions to help deter libel tourists from bringing these suits in the first place. Among these is a feature that allows a U.S. citizen who loses a foreign suit to bring a declaratory action in Federal court to determine whether the foreign verdict is “repugnant to the Constitution or the laws of the United States.”

Mr. Speaker, this bipartisan legislation provides appropriate and necessary protection for U.S. journalists and authors and represents the strongest policy response to libel tourism. The issue has been thoroughly considered by the House Judiciary Committee. I urge the Members to support H.R. 2765 as amended by the other body.

I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I yield myself such time as I may consume.

I just want to reflect on the fact that this bill probably couldn’t have gotten as far as it had without the outstanding work of the gentleman from Massachusetts (Mr. DELAHUNT). The gentleman from Massachusetts has been an invaluable member of the Judiciary Committee for many years, contributed much to First Amendment rights, and participated as the vice chairman of the Commercial and Administrative Law subcommittee this year, an invaluable role that he actively engaged in.

On this bill in particular, he was very instrumental in its passage. I thank him for his service on this particular bill and in general. All the publishers and the authors also should know that the gentleman from Massachusetts was very involved in this bill.

With that, I would like to reserve the balance of my time for the purpose of closing.

Mr. ROONEY. Mr. Speaker, I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, it is with great pleasure that this bill comes to a conclusion. We passed this in the 110th Congress, we couldn’t get the Senate to agree on the language, and we did it in this Congress. It was a victory for writing, said the New York Times, a rare achievement for the Senate to pass this particular bill by a unanimous vote. It was an important bill that protects Americans from the whims of foreign libel judgments. This bill will safeguard authors and publishers threatened with ruinous foreign judgments. These particular First Amendment rights have been jeopardized in places like Britain, Australia and Singapore where the burden was shifted.

So it is important, as the New York Times suggested in what is an outstanding editorial endorsing and praising the passage of this bill, mentioning Ms. Rachel Ehrenfeld who wrote a 2003 book “Funding Evil: How Terrorism is Financed—and How to Stop It,” where she was the object of a libel tourism action by an individual that got a judgment against her which was improper. She has been a very active and important citizen in seeing that this bill was passed along with the publishers over the years.

It’s important that we pass this. The New York Times editorial was so complete, it only failed to mention Mr. DELAHUNT’s role in the passage of the bill. I wish it would have. With that, I would ask for the unanimous passage of the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2765.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

NATIONAL CRIMINAL JUSTICE COMMISSION ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5143) to establish the National Criminal Justice Commission, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5143

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Criminal Justice Commission Act of 2010”.

SEC. 2. FINDINGS.

Congress finds that—

(1) it is in the interest of the Nation to establish a commission to undertake a comprehensive review of the criminal justice system;

(2) there has not been a comprehensive study since the President’s Commission on Law Enforcement and Administration of Justice was established in 1965;

(3) that commission, in a span of 18 months, produced a comprehensive report entitled “The Challenge of Crime in a Free Society,” which contained 200 specific recommendations on all aspects of the criminal justice system involving Federal, State, tribal, and local governments, civic organizations, religious institutions, business groups, and individual citizens; and

(4) developments over the intervening 45 years require once again that Federal, State, tribal, and local governments, civic organizations, religious institutions, business groups, and individual citizens come together to review evidence and consider how to improve the criminal justice system.

SEC. 3. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the "National Criminal Justice Commission" (referred to in this Act as the "Commission").

SEC. 4. PURPOSE OF THE COMMISSION.

The Commission shall undertake a comprehensive review of the criminal justice system, encompassing current Federal, State, local, and tribal criminal justice policies and practices, and make reform recommendations for the President, Congress, State, local, and tribal governments.

SEC. 5. REVIEW AND RECOMMENDATIONS.

(a) **GENERAL REVIEW.**—The Commission shall undertake a comprehensive review of all areas of the criminal justice system, including Federal, State, local, and tribal governments' criminal justice costs, practices, and policies.

(b) **FINDINGS AND RECOMMENDATIONS.**—After conducting a review of the United States criminal justice system as required by section 5(a), the Commission shall make findings regarding such review and recommendations for changes in oversight, policies, practices, and laws designed to prevent, deter, and reduce crime and violence, reduce recidivism, improve cost-effectiveness, and ensure the interests of justice at every step of the criminal justice system.

(c) **REPORT ADVISORY IN NATURE.**—No finding or recommendation made by the Commission in its report shall be binding on any Federal, State, Tribal, or local unit of government. The findings and recommendations of the Commission are advisory in nature.

(d) **STATE AND LOCAL GOVERNMENT.**—In making its recommendations, the Commission should consider the financial and human resources of State and local governments. Recommendations shall not infringe on the legitimate rights of the States to determine their own criminal laws or the enforcement of such laws.

(e) **PUBLIC HEARINGS.**—The Commission shall conduct public hearings in various locations around the United States.

(f) **CONSULTATION WITH GOVERNMENT AND NONGOVERNMENT REPRESENTATIVES.**—

(1) **IN GENERAL.**—The Commission shall—

(A) closely consult with Federal, State, local, and tribal government and nongovernmental leaders, including State, local, and tribal law enforcement officials, legislators, public health officials, judges, court administrators, prosecutors, defense counsel, victims' rights organizations, probation and parole officials, criminal justice planners, criminologists, civil rights and liberties organizations, formerly incarcerated individuals, professional organizations, and corrections officials; and

(B) include in the final report required by subsection (g) summaries of the input and recommendations of these leaders.

(2) **UNITED STATES SENTENCING COMMISSION.**—To the extent the review and recommendations required by this section relate to sentencing policies and practices for the Federal criminal justice system, the Commission shall conduct such review and make such recommendations in consultation with the United States Sentencing Commission.

(g) **REPORT.**—

(1) **REPORT.**—Not later than 18 months after the first meeting of the Commission, the Commission shall prepare and submit a final report that contains a detailed statement of findings, conclusions, and recommendations of the Commission to Congress, the President, State, local, and tribal governments.

(2) **GOAL OF UNANIMITY.**—It is the sense of the Congress that, given the national importance of the matters before the Commission, the Commission should work toward unanimously supported findings and recommendations.

(3) **PUBLIC AVAILABILITY.**—The report submitted under this subsection shall be made available to the public.

(4) **VOTES ON RECOMMENDATIONS IN REPORT.**—Consistent with paragraph (2), the Commission shall state the vote total for each recommendation contained in its report to Congress.

SEC. 6. MEMBERSHIP.

(a) **IN GENERAL.**—The Commission shall be composed of 14 members, as follows:

(1) 1 member shall be appointed by the President, who shall serve as co-chairman of the Commission.

(2) 1 member shall be appointed by the minority leader of the Senate, in consultation with the minority leader of the House of Representatives, who shall serve as co-chairman of the Commission.

(3) 2 members appointed by the majority leader of the Senate, in consultation with the Chairman of the Committee on the Judiciary.

(4) 2 members appointed by the minority leader of the Senate, in consultation with the ranking member of the Committee on Judiciary.

(5) 2 members appointed by the Speaker of the House of Representatives, in consultation with the Chairman of the Committee on Judiciary.

(6) 2 members appointed by the minority leader of the House of Representatives, in consultation with the ranking member of the Committee on Judiciary.

(7) 2 members, who shall be State and local representatives, shall be appointed by the President in agreement with the minority leader of the Senate and the minority leader of the House of Representatives.

(8) 2 members, who shall be State and local representatives, shall be appointed by the President in agreement with the majority leader of the Senate and the Speaker of the House of Representatives.

(b) **MEMBERSHIP.**—

(1) **QUALIFICATIONS.**—The individuals appointed from private life as members of the Commission shall be individuals with distinguished reputations for integrity and nonpartisanship who are nationally recognized for expertise, knowledge, or experience in such relevant areas as—

- (A) law enforcement;
- (B) criminal justice;
- (C) national security;
- (D) prison and jail administration;
- (E) prisoner reentry;
- (F) public health, including physical and sexual victimization, drug addiction and mental health;

(G) victims' rights;

(H) civil liberties;

(I) court administration;

(J) social services; and

(K) State, local, and tribal government.

(2) **DISQUALIFICATION.**—An individual shall not be appointed as a member of the Commission if such individual possesses any personal financial interest in the discharge of any of the duties of the Commission.

(3) **TERMS.**—Members shall be appointed for the life of the Commission.

(c) **APPOINTMENT; FIRST MEETING.**—

(1) **APPOINTMENT.**—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

(2) **FIRST MEETING.**—The Commission shall hold its first meeting on the date that is 60 days after the date of enactment of this Act, or not later than 30 days after the date on which funds are made available for the Commission, whichever is later.

(3) **ETHICS.**—At the first meeting of the Commission, the Commission shall draft appropriate ethics guidelines for commissioners and staff, including guidelines relating to conflict of interest and financial disclosure. The Commission shall consult with the Senate and House Committees on the Judiciary as a part of drafting the guidelines and furnish the Committees with a copy of the completed guidelines.

(d) **MEETINGS; QUORUM; VACANCIES.**—

(1) **MEETINGS.**—The Commission shall meet at the call of the co-chairs or a majority of its members.

(2) **QUORUM.**—Seven members of the Commission, including at least 2 members chosen by either the Senate Majority Leader, Speaker of the House, or Senate Majority Leader and Speaker of the House in agreement with the President and 2 members chosen by either the Senate Minority Leader, House Minority Leader, or Senate Minority Leader and House Minority Leader in agreement with the President, shall constitute a quorum for purposes of conducting business, except that 2 members of the Commission shall constitute a quorum for purposes of receiving testimony.

(3) **VACANCIES.**—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. If vacancies in the Commission occur on any day after 45 days after the date of the enactment of this Act, a quorum shall consist of a majority of the members of the Commission as of such day, so long as at least 1 Commission member chosen by a member of each party, Republican and Democratic, is present.

(e) **ACTIONS OF COMMISSION.**—

(1) **IN GENERAL.**—The Commission—

(A) shall act by resolution agreed to by a majority of the members of the Commission voting and present; and

(B) may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under this title—

(i) which shall be subject to the review and control of the Commission; and

(ii) any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(2) **DELEGATION.**—Any member, agent, or staff of the Commission may, if authorized by the co-chairs of the Commission, take any action which the Commission is authorized to take pursuant to this Act.

SEC. 7. ADMINISTRATION.

(a) **STAFF.**—

(1) **EXECUTIVE DIRECTOR.**—The Commission shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate established for the Certified Plan pay level for the Senior Executive Service under section 5382 of title 5, United States Code.

(2) **APPOINTMENT AND COMPENSATION.**—The co-chairs of the Commission shall designate and fix the compensation of the Executive Director and, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the

competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) **PERSONNEL AS FEDERAL EMPLOYEES.**—

(A) **IN GENERAL.**—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) **MEMBERS OF COMMISSION.**—Subparagraph (A) shall not be construed to apply to members of the Commission.

(4) **THE COMPENSATION OF COMMISSIONERS.**—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States, State, or local government shall serve without compensation in addition to that received for their services as officers or employees.

(5) **TRAVEL EXPENSES.**—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(b) **EXPERTS AND CONSULTANTS.**—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(c) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(d) **OTHER RESOURCES.**—The Commission shall have reasonable access to materials, resources, statistical data, and other information such Commission determines to be necessary to carry out its duties from the Library of Congress, the Department of Justice, the Office of National Drug Control Policy, the Department of State, and other agencies of the executive and legislative branches of the Federal Government. The co-chairs of the Commission shall make requests for such access in writing when necessary.

(e) **VOLUNTEER SERVICES.**—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission is authorized to accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of Title 5, United States Code. A person providing volunteer services to the Commission shall be considered an employee of the Federal Government in performance of those services for the pur-

poses of chapter 81 of title 5 of the United States Code, relating to compensation for work-related injuries, chapter 171 of title 28 of the United States Code, relating to tort claims, and chapter 11 of title 18 of the United States Code, relating to conflicts of interest.

(f) **OBTAINING OFFICIAL DATA.**—The Commission may secure directly from any agency of the United States information necessary to enable it to carry out this Act. Upon the request of the co-chairs of the Commission, the head of that department or agency shall furnish that information to the Commission. The Commission shall not have access to sensitive information regarding ongoing investigations.

(g) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(h) **ADMINISTRATIVE REPORTING.**—The Commission shall issue bi-annual status reports to Congress regarding the use of resources, salaries, and all expenditures of appropriated funds.

(i) **CONTRACTS.**—The Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities. A contract, lease or other legal agreement entered into by the Commission may not extend beyond the date of the termination of the Commission.

(j) **GIFTS.**—Subject to existing law, the Commission may accept, use, and dispose of gifts or donations of services or property.

(k) **ADMINISTRATIVE ASSISTANCE.**—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act. These administrative services may include human resource management, budget, leasing, accounting, and payroll services.

(1) **NONAPPLICABILITY OF FACA AND PUBLIC ACCESS TO MEETINGS AND MINUTES.**—

(i) **IN GENERAL.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(2) **MEETINGS AND MINUTES.**—

(A) **MEETINGS.**—

(i) **ADMINISTRATION.**—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(ii) **NOTICE.**—All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(B) **MINUTES AND PUBLIC AVAILABILITY.**—Minutes of each open meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. The minutes and records of all open meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(m) **ARCHIVING.**—Not later than the date of termination of the Commission, all records and papers of the Commission shall be delivered to the Archivist of the United States for deposit in the National Archives.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated for fiscal years 2011 and 2012 such sums as are necessary to carry out the purposes of this Act, not to exceed \$7,000,000 per year for each fiscal year, and not more than \$14,000,000 total. None of the funds appropriated under this Act may be utilized for international travel.

(b) **AVAILABILITY.**—Any sums appropriated under the subsection (a) shall remain available, without fiscal year limitation, until expended.

SEC. 9. SUNSET.

The Commission shall terminate 60 days after it submits its report to Congress.

SEC. 10. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The **SPEAKER pro tempore**. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The **SPEAKER pro tempore**. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, the goal of H.R. 5143 is to examine the criminal justice system in its entirety in order to make recommendations for appropriate reform to the President and Congress as well as State, local and tribal governments. The United States depends on the criminal justice system to maintain our safety and security and we expect it to be reliable, fair and effective. It must provide a sense of justice for all Americans, and must treat victims and their families with compassion.

The last comprehensive review of our criminal justice system was President Johnson's Commission on Law Enforcement and Administration of Justice conducted more than 45 years ago. Despite the progress in achieving fair and effective outcomes in the criminal justice system since President Johnson's commission was convened, there is still work that needs to be done to fulfill these objectives.

Currently, the United States has the highest reported incarceration rate in the world. Whereas most countries lock up between 50 and 200 people for every 100,000 in their population, and only a

handful of countries lock up more than 300 per 100,000, the United States leads the world in over 700 per 100,000 locked up today. This number is particularly egregious when you review the recent study conducted by Pew Research Center that concluded that for any rate that exceeds 300 per 100,000, the cost of additional incarceration produced diminishing returns; and any rate over 500 per 100,000 is actually counterproductive. The United States' rate again is over 700 per 100,000. Minorities make up an alarmingly disproportionate share of the incarcerated population of adults and juveniles. In fact, the incarceration rate for African Americans approaches 4,000 per 100,000 in several States. And when you consider the Pew study that anything over 500 was counterproductive, we can see that a lot of money is being wasted in counterproductive incarceration. In fact, in those 10 States with the incarceration rate of African Americans approaching 4,000, you could spend thousands of dollars for every child in those communities with the money that's being wasted now on counterproductive incarceration. That money could be put in evidence-based programs that have been shown and proven not only to reduce crime but save more money than the programs cost. We know that those comprehensive plans work. They work everywhere you put them into effect; and we need to invest in those rather than counterproductive incarceration.

H.R. 5143 calls for a distinguished, nonpartisan group of experts to undertake a comprehensive review of the criminal justice system to promote broad reform. While this bill calls for an examination of the criminal justice system, it is intended to advance a national conversation and facilitate policy changes to complement, not replace, ongoing reform efforts.

The companion bill to this bill was introduced in the Senate by my Virginia colleague, Senator JIM WEBB, who has been a tireless and strong advocate for this study commission. This bill in the House has been introduced by a former prosecutor, the gentleman from Massachusetts (Mr. DELAHUNT), who has also been a strong advocate for intelligent criminal justice policies. For these reasons, I urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5143 establishes a National Criminal Justice Commission consisting of a bipartisan panel of 14 experts appointed by the President, the Majority and Minority Leaders in the Senate, the Speaker and Minority Leader in the House. The commission will review all areas of the criminal justice system at the Federal, State,

local and tribal levels. It will also examine national trends in criminal justice costs, practices and policies.

Further, the commission will provide recommendations for changes to prevent, defer and reduce crime and violence. The recommendations should also help to reduce recidivism, improve cost effectiveness and ensure the interests of justice at every step of the criminal justice system.

H.R. 5143 expresses the sense of Congress that the commission should work towards unanimity in making its findings and recommendations. Senator JIM WEBB of Virginia introduced legislation to establish this commission in the Senate. The bill is cosponsored by a group of 39 Senators.

In the House, my friend from Massachusetts, BILL DELAHUNT, a colleague on the Judiciary Committee and a former district attorney himself, introduced the House companion legislation to establish the commission. As a senior member of the Judiciary Committee, the gentleman from Massachusetts reached across the aisle to Republican members, including the gentleman from California (Mr. ISSA) and the gentleman from Florida (Mr. ROONEY) as well as myself to cosponsor this important piece of legislation.

□ 1840

I must confess initially to having some concerns about the bill. Why do we need another commission to do the work and consider the issues that we in Congress and on the Judiciary Committee ought to be doing? However, my friend from Massachusetts was insistent and persuasive in convincing me that the commission will be able to consider the data and underlying policy considerations without political considerations.

Another reason, Mr. Speaker, to support the measure is that it will serve as a fitting tribute to our colleague from Massachusetts, who is retiring at the end of this Congress. Passage of this bill represents an historic opportunity to undertake a bipartisan, thorough, and comprehensive review of what works and what does not work at every level of the criminal justice system. For this, and for his many other contributions to the American people, we can thank Congressman DELAHUNT, who I know is getting ready to speak on this legislation momentarily.

I urge my colleagues to vote in favor of H.R. 5143. And before I reserve the balance of my time, I want to thank the gentleman from Massachusetts (Mr. DELAHUNT) for being such an active and effective member of the Judiciary Committee, for being a close personal friend, whose advice I clearly take.

With that, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to

the lead sponsor of the House bill, former prosecutor, the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Thank you, Mr. Chairman.

Before I begin, let me extend a note of gratitude to the ranking member from Texas for his kind and generous words. I also want to indicate that I am wearing a tie that has "Cape Cod" emblazoned on this tie that was given to me by Mr. SMITH on behalf of the Republicans on the Judiciary Committee. At the time, I didn't know whether it was a sign of respect or affection. Later, I learned it was because I continually wear Cape Cod ties, that they were concerned that I had no tie without a stain on it.

So LAMAR, thank you. Thank you for those kind words. It's been truly an honor to serve with you and the Republicans on the Judiciary Committee these past 14 years. We've done, I think, extraordinary work. We've done it together. We've had our disagreements, but those disagreements often-times yielded a consensus that worked for the benefit of the American people.

This bill, I guess some would consider it rare for a concept that is supported not only by the American Civil Liberties Union and the National Association of Criminal Defense Attorneys, but also the Fraternal Order of Police and the International Association of Chiefs of Police to come to this floor on the suspension calendar. That truly is extraordinary. But all of those organizations, I would suggest, share the same goal, and that is how do we deal with crime in America in a way that makes us safer, but saves us money, while still protecting fundamental American liberties and values?

The bill's been described by my good friend from Virginia and by Mr. SMITH in terms of what it does. It will result in a commission that will do a comprehensive and holistic review of our criminal justice system at all levels, Federal, state, and local, and make findings and recommendations to prevent, deter, and reduce crime and violence in our country.

It's important to note, too, that the commission will be tasked with improving the cost-effectiveness of the criminal justice system, so that tax dollars are not wasted on inefficient, ineffective programs. There are excellent programs that are working currently. And I believe that they are responsible to a large degree for the reduction that we have observed in violence in America. I think this Congress shares some of that credit. But we don't have to reinvent the wheel. We simply have to identify what works, what makes sense, and pursue it.

Because let's not forget, it's the State and local governments that bear most of the burden. That's where the action is. It's no secret that the States find themselves in profound fiscal

straits. On the cover of the June 28 edition of Time magazine, a State license plate was depicted with the word "Bankrupt" emblazoned on it.

Now, the issues of safety, crime, and justice know no political party or geographic boundary, as evidenced by the bipartisan support that this bill has engendered. And let me pause again and thank Mr. ROONEY and Mr. ISSA, along with again, let me emphasize, the great leadership of my chairman, BOBBY SCOTT, on this matter. Along with Congresswoman FUDGE, who I am sure if she is not in the Chamber, will be running over to speak.

Again, we want to reduce crime. And everywhere we're concerned that the law enforcement agencies in this country and other groups have the resources to keep our streets safe. But they also insist that the system not needlessly waste taxpayer dollars. As Chairman SCOTT indicated, the United States currently incarcerates 2.3 million individuals. It's the highest incarceration rate in the world. More than 90 percent of the incarcerated adults in this country are incarcerated in the State and local systems, filling their prisons. And the Pew Center predicts that by 2011, continued State and local prison growth will cost taxpayers an additional \$75 billion. That's simply unsustainable.

This bill will help us battle those rising, escalating figures, and hopefully continue the decline that we observe in terms of crimes of violence in this country. It will allow us to take that comprehensive national review. This is not an audit of individual State systems. It's a review. There are no mandates. And the commission will issue concrete recommendations.

Again, as the chairman of the subcommittee alluded to, it's been more than four decades since a comprehensive review of criminal justice was conducted. It was 1965 when President Johnson established the Commission on Law Enforcement and Administration of Justice, the so-called Kerner Commission. The commission examined criminal justice systems in great detail, and ultimately reported over 200 recommendations to control crime and improve justice in this country. The time to take this on is now. I predict it will lead to a safer America and a smarter, more effective criminal justice system.

□ 1850

Mr. SMITH of Texas. Mr. Speaker, I will yield 3 minutes to the gentleman from Florida (Mr. ROONEY) who is an active member of the Judiciary Committee and also a cosponsor of this legislation.

Mr. ROONEY. Thanks to the ranking member for yielding.

Mr. Speaker, I rise today in support of H.R. 5143, the National Criminal Justice Commission Act. I'm proud to

have been an original cosponsor joining Mr. DELAHUNT and others on such an important bill, and I would take liberty to especially thank Mr. DELAHUNT for seeking me out, being a freshman, and letting me take a leadership role in this bill, which I think is going to do a lot of good for fighting crime in this country.

As a former prosecutor, it's important to take a close look at what works and what does not work in our criminal justice system. This bipartisan bill will create a commission to study all aspects of our criminal justice system and report back on what we can do better to prevent crime, reduce violence, and control costs.

This bill will create a blue ribbon, bipartisan commission charged with undertaking an 18-month comprehensive review of the Nation's criminal justice system. The commission will study all areas of the criminal justice system, including Federal, State, local and tribal governments, criminal justice costs, practices, and policies. After conducting the review, the commission will make the recommendations for changes in or continuation of oversight policies, practices, and laws designed to prevent, deter, and reduce crime and violence, improve cost effectiveness, and ensure the interests of justice.

This bill couldn't come at a better time. Every year Congress continues to add more and more laws to our U.S. code. Yet we haven't taken a sober look at the existing laws to find what is archaic, what is out of date, and what is duplicative.

This will be the first time in over 40 years that we will undertake such a study. I'm proud and honored to be a cosponsor of this bill along with Ms. FUDGE, Mr. ISSA, Ranking Member SMITH, and especially Mr. DELAHUNT. And I encourage all of my colleagues to support it as well.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to express my support for H.R. 5143, the National Criminal Justice Commission Act of 2010. I want to commend Representative DELAHUNT for his leadership on this legislation and dedication to our nation's criminal justice system.

H.R. 5143 establishes the National Criminal Justice Commission and directs that commission to review all areas of the criminal justice system, including costs, practices, and policies. It also directs the commission to make findings upon their review and recommendations for changes to prevent, deter, and reduce crime and violence, reduce recidivism, improve cost-effectiveness, and ensure interests of justice at every step of the criminal justice system.

As an attorney and former judge, I can say with confidence that I believe our criminal justice system is flawed. It is an expensive system that is in many ways ineffective. It is important that this commission be established

and put to work immediately. We can no longer be satisfied with allowing crime to fester and spread throughout the nation, especially among our youth. Real solutions to deter crime are possible if we only take the time to invest in them. It's time we identify the problems in our criminal justice system and make tangible efforts to ameliorate the system.

In our efforts to create "a more perfect union", we have to take a closer look at our nation and work to make our nation better for our children and the generations to follow. H.R. 5143 gives us an opportunity to do that.

Mr. Speaker, I urge my colleagues to support and pass H.R. 5143, the National Criminal Justice Commission Act of 2010.

Mr. SCOTT of Virginia. Mr. Speaker, in closing, this commission will study our criminal justice system to ascertain what we can do to use our resources in a more cost-effective manner to reduce crime. We know that comprehensive approaches to crime work.

In Massachusetts, they had a comprehensive approach to juvenile crime where they'd had a dozen or so murders every year. They had a comprehensive approach to the problem. They reduced juvenile murders from 13 a year to zero for 3 consecutive years.

In Pennsylvania, they invested in comprehensive programs in a hundred different localities, spent \$60 million, and they counted up a few years later and figured that they had saved over \$300 million, five times more than they spent, because they were so effective in reducing crime and other social problems.

In Virginia, they had an area where they had 19 murders one year. They came in with a comprehensive, evidence-based approach to crime reduction, and within a couple of years, they had two murders. And if you look at that \$2½ million that was invested in that program, there is no doubt that we saved at least that much in reduced medical care at the Medical College of Virginia Trauma Unit. So we know that we can reduce crime and save money.

We know that 700,000 prisoners are being released from prison—State, local, and Federal—every year, and we know that two-thirds of them are going right back to prison without intervention. So we need this opportunity for investments.

We know that the United States' incarceration rate is number 1 in the world and is already so high that the Pew Research Center says it's counterproductive. It causes more crime than it cures. And this study will show what we can do with our resources by showing what works and what does not and how we can have an intelligent focus on crime policy.

I want to thank the gentleman from Massachusetts (Mr. DELAHUNT) and my colleague from Virginia, Senator WEBB, for their vision to create a commission to outline effective strategies to reduce

crime. I would hope that we adopt the bill, create the commission, and reduce crime.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 5143, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REMOVAL CLARIFICATION ACT OF 2010

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5281) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Removal Clarification Act of 2010".

SEC. 2. REMOVAL OF CERTAIN LITIGATION TO FEDERAL COURTS.

(a) CLARIFICATION OF INCLUSION OF CERTAIN TYPES OF PROCEEDINGS.—Section 1442 of title 28, United States Code, is amended by adding at the end the following:

"(c) As used in subsection (a)—

"(1) the terms 'civil action' and 'criminal prosecution' include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued; and

"(2) the term 'against' when used with respect to such a proceeding includes directed to."

(b) CONFORMING AMENDMENTS.—Section 1442(a) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "capacity for" and inserting "capacity, for or relating to"; and

(B) by striking "sued"; and

(2) in each of paragraphs (3) and (4), by inserting "or relating to" after "for".

(c) APPLICATION OF TIMING REQUIREMENT.—Section 1446 of title 28, United States Code, is amended by adding at the end the following:

"(g)(1) Where the civil action or criminal prosecution that is removable under section 1442(a) is a proceeding in which a judicial order for testimony or documents is sought or issued, the thirty-day requirement of subsections (b) and (c) is satisfied if the person or entity desiring to remove the proceeding files the notice of removal not later than thirty days after receiving, through service, notice of that proceeding.

"(2) Where the civil action or criminal prosecution that is removable under section

1442(a) is a proceeding in which a judicial order described in paragraph (1) is sought to be enforced, the thirty-day requirement of subsections (b) and (c) is satisfied if the person or entity desiring to remove the proceeding files the notice of removal not later than thirty days after receiving, through service, notice of that proceeding."

(d) REVIEWABILITY ON APPEAL.—Section 1447(d) of title 28, United States Code, is amended by inserting "1442 or" before "1443".

SEC. 3. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from Florida (Mr. ROONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Removal Clarification Act of 2010 will enable Federal officials—Federal officers, in the words of the statute—to remove cases filed against them to Federal court in accordance with the spirit and intent of the current Federal officer removal statute.

Under the Federal officer removal statute, 28 U.S.C. 1442(a), Federal officers are able to remove a case out of State court and into Federal court when it involves the Federal officer's exercise of his or her official responsibilities. However, more than 40 States have pre-suit discovery procedures that require individuals to submit to deposition or respond to discovery requests even when a civil action has not yet been filed. Courts are split on whether the current Federal officer removal statute applies to pre-suit discovery. This means that Federal officers can be forced to litigate in State court despite the Federal statute's contrary intent.

This bill will clarify that a Federal officer may remove any legally enforceable demand for his or her testimony or documents if the basis for contesting the demand has to do with the officer's exercise of his or her official responsibilities. It will also allow for

appeal to the Federal circuit court if the district court remands the matter back to the State court over objection of the Federal officer.

Some clarity issues were raised by witnesses during a Courts and Competition Policy Subcommittee hearing on the bill. Since the subcommittee markup, we have worked to address those issues, and the bill before us today clarifies the bill without making substantive changes. In particular, the addition of "whether or not ancillary to another proceeding" helps clarify that the bill will not result in the removal of entire State court actions to Federal court simply because a Federal officer is sent a discovery request. In this type of situation, the Federal court is to consider the discovery request as a separate proceeding from the underlying State court case so that it will now be removed and dealt with separately without removing the underlying case.

Nor will this bill lead to cases being dismissed in Federal court on the grounds that there is no Federal corollary to pre-suit discovery. Application of the State pre-suit discovery law will be considered as substantive under the Erie doctrine. The Federal court will apply the State substantive law. This legislation does not create a substantive loophole. It merely makes a procedural clarification.

Finally, the bill makes clear that the timing requirement under 28 U.S.C., section 1446 is not affected. It restates the 30-day requirement for removing the case after the judicial order is sought as well as after the judicial order is enforced. This addition to section 1446 is limited to only the Federal officer removal under section 1442.

This bill has strong bipartisan support. I would like to thank Chairman CONYERS, Ranking Member SMITH, and the ranking member of the Court Subcommittee, HOWARD COBLE of North Carolina, for their work on this bill, and I urge my colleagues to support this important legislation.

I reserve the balance of my time.

□ 1900

Mr. ROONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Removal Clarification Act of 2010 amends the statute that allows Federal officers, under limited conditions, to remove cases filed against them in State court to the U.S. District Court for disposition. The purpose of current law is to restrict State courts' power to hold Federal officers liable for acts allegedly performed in the execution of their Federal duties. This doesn't mean Federal officers can break the law; it just means that these cases are transferred to Federal courts for determination. Federal officers and agents, even Members of Congress, should be forced to answer to Federal courts for their conduct during Federal duties.

Federal courts, however, have inconsistently interpreted the current statute, and that inconsistency can harm Federal interests. For example, this March the Court of Appeals for the Fifth Circuit upheld a district court ruling in the State of Texas that the Federal removal statute does not apply to a Texas law involving pre-suit discovery against a Federal officer. Because 46 other States have similar laws, the House general counsel's office became concerned that more Federal courts will adopt the Fifth Circuit's logic and then urge us to clarify the Federal law.

The problem occurs when a plaintiff considering a suit against a Federal officer petitions for discovery without actually filing suit in State court. Many Federal courts have held that this conduct only anticipates a suit; it isn't a cause of action as contemplated and covered by the current Federal removal statute. The problem is compounded because a separate Federal statute requires Federal courts to send any case back to State court if "at any time before final judgment it appears that the district court lacks subject matter jurisdiction."

Judicial review of remand orders is limited and does not apply to suits involving Federal officers. This means remanded cases brought against Federal officers under these conditions cannot find their way back to Federal court.

This result is at odds with the purpose of the Federal removal and remand statutes. The bill before us will clarify existing Federal law and overturn the recent Fifth Circuit ruling. It restores the core purpose of the removal statute by ensuring any claim against Federal officers at any stage of a proceeding or even potential proceeding will be entertained in a Federal court.

I urge my colleagues to support H.R. 5281.

I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 5281, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEDERAL RESTRICTED BUILDINGS AND GROUNDS IMPROVEMENT ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2780) to correct and simplify the drafting of section 1752 (relat-

ing to restricted buildings or grounds) of title 18, United States Code, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2780

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Restricted Buildings and Grounds Improvement Act of 2010".

SEC. 2. RESTRICTED BUILDINGS OR GROUNDS.

Section 1752 of title 18, United States Code, is amended to read as follows:

"§ 1752. Restricted buildings or grounds

"(a) Whoever—

"(1) knowingly enters or remains in any restricted building or grounds without lawful authority to do so;

"(2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engages in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;

"(3) knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions, obstructs or impedes ingress or egress to or from any restricted building or grounds; or

"(4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires to do so, shall be punished as provided in subsection (b).

"(b) The punishment for a violation of subsection (a) is—

"(1) a fine under this title or imprisonment for not more than 10 years, or both, if—

"(A) any person, during and in relation to the offense, uses or carries a deadly or dangerous weapon or firearm; or

"(B) the offense results in significant bodily injury as defined by section 2118(e)(3); and

"(2) a fine under this title or imprisonment for not more than one year, or both, in any other case.

"(c) In this section—

"(1) the term 'restricted buildings or grounds' means a posted, cordoned off, or otherwise restricted area of a building or grounds—

"(A) where the President or other person protected by the Secret Service is or will be temporarily visiting; or

"(B) so restricted in conjunction with an event designated as a special event of national significance; and

"(2) the term 'other person protected by the Secret Service' means any person whom the United States Secret Service is authorized to protect under section 3056 of this title when such person has not declined such protection."

SEC. 3. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Virginia (Mr. SCOTT) and the gentleman from Florida (Mr. ROONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2780 will assist the Secret Service to perform their protective duties.

Current Federal law prohibits individuals from entering or remaining in areas cordoned off as restricted because of protection being provided by the Secret Service. This bill would simply clarify that the prohibition under the existing statute only applies to those who do not have lawful authority to be in those areas.

The men and women of the Secret Service conduct themselves with valor and professionalism while carrying out the protective function of their agency. They provide protection for a variety of people and events, including the President of the United States and national special security events. This bill will assist the men and women of the Secret Service in doing their jobs.

I commend my colleague from Florida (Mr. ROONEY) for his work on this bill, which eliminates the ambiguity in the present law. I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. ROONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the United States Secret Service began providing protective services following the assassination of President McKinley in 1901. The Service's protection responsibilities have since expanded to include the First Family, the Vice President, former Presidents, heads of state, and others. This Service also provides protection at special events of national significance.

To address this vital responsibility, the Secret Service must anticipate, recognize, and assess threat situations and initiate strategies to eliminate and reduce threats or security vulnerabilities.

Key components to the Service's protection mission is securing the buildings and grounds where protectees work or visit. From the White House to a hotel ballroom, the Secret Service must provide a secure environment for the President and other protectees.

H.R. 2780 ensures that the Secret Service has the ability to secure all necessary areas surrounding the restricted buildings and grounds that

house our leaders, their families, and foreign heads of state.

The bill clarifies section 1752 of title 18, which sets penalties for knowingly entering or remaining in any restricted building or grounds without the lawful authority to do so. Currently written, the code does not distinguish between those who are there lawfully, such as Secret Service agents and other authorized staff, and those who are there without permission.

This bill does not create any new authorities for the Secret Service and does not restrict the liberties of American citizens. H.R. 2780 simply clarifies and improves existing criminal statutes that are necessary for the Secret Service to resolve security issues and implement prevention strategies before tragedy strikes.

There have been enough climbing incidents at the White House fence for at least one Web site to dedicate itself to chronicling the escapades of "White House fence jumpers." While some of these individuals are attempting a collegiate prank, other such breaches could be catastrophic.

This bill will enable the United States Secret Service to continue to deliver the highest level of protective services, consistent with their proud tradition. I urge my colleagues to join me in supporting this important legislation.

I yield back the balance of my time.
Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 2780, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1910

SIMPLIFYING THE AMBIGUOUS LAW, KEEPING EVERYONE RELIABLY SAFE ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5662) to amend title 18, United States Code, with respect to the offense of stalking, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Simplifying The Ambiguous Law, Keeping Everyone Reliably Safe Act of 2010" or the "STALKERS Act of 2010".

SEC. 2. STALKING.

(a) IN GENERAL.—Section 2261A of title 18, United States Code, is amended to read as follows:

"§ 2261A. Stalking

"(a) Whoever, with intent to kill, physically injure, harass, or intimidate a person, or place under surveillance with the intent to kill, physically injure, harass, or intimidate a person, travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, and in the course of, or as a result of, such travel—

"(1) causes or attempts to cause bodily injury or serious emotional distress to a person other than the person engaging in the conduct; or

"(2) engages in conduct that would be reasonably expected to cause the other person serious emotional distress;

shall be punished as provided in subsection (c).

"(b) Whoever, with intent to kill, physically injure, harass, or intimidate a person, engages in a course of conduct in or substantially affecting interstate or foreign commerce that—

"(1) causes or attempts to cause bodily injury or serious emotional distress to a person other than the person engaging in the conduct; or

"(2) occurs in circumstances where the conduct would be reasonably expected to cause the other person serious emotional distress;

shall be punished as provided in subsection (c).

"(c) The punishment for an offense under this section is the same as that for an offense under section 2261, except that—

"(1) if the offense involves conduct in violation of a protection order; and

"(2) if the victim of the offense is under the age of 18 years or over the age of 65 years, the offender has reached the age of 18 years at the time the offense was committed, and the offender knew or should have known that the victim was under the age of 18 years or over the age of 65 years;

the maximum term of imprisonment that may be imposed is increased by 5 years over the term of imprisonment otherwise provided for that offense in section 2261."

(b) CLERICAL AMENDMENT.—The item relating to section 2261A in the table of sections at the beginning of chapter 110A of title 18, United States Code, is amended to read as follows:

"2261A. Stalking."

SEC. 3. BEST PRACTICES REGARDING ENFORCEMENT OF ANTI-STALKING LAWS TO BE INCLUDED IN ANNUAL REPORT OF THE ATTORNEY GENERAL.

In the annual report under section 529 of title 28, United States Code, the Attorney General shall—

(1) include an evaluation of Federal, tribal, State, and local efforts to enforce laws relating to stalking; and

(2) identify and describe those elements of such efforts that constitute the best practices for the enforcement of such laws.

SEC. 4. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, the STALKERS Act of 2010 makes a number of changes in the United States Code with respect to the offense of stalking. It clarifies, strengthens, and enhances the current law.

First it allows law enforcement to intervene in cases where a victim may not be aware of the seriousness of the threat before it's too late. The existing statute requires a person have reasonable fear of bodily injury or to undergo emotional distress. These injuries are difficult to demonstrate, often frustrating both victims and prosecutors.

H.R. 5662 addresses this problem by permitting law enforcement to intervene in any event of stalking that might reasonably be expected to cause another person serious emotional distress. This small change will go a long way towards both effective law enforcement and justice for victims.

Second, the bill reaches criminals who make use of new technologies to stalk their victims. It extends the law to any course of conduct in or substantially affecting interstate commerce, which will apply to cyberstalking, acts of surveillance and other forms of stalking that employ emerging technologies.

Third, the bill takes several steps towards more effective enforcement of the Federal stalking statute and other stalking laws. It increases the maximum term of imprisonment by 5 years if a criminal violates a protection order or if the victim is under the age of 18 or over the age of 65.

The bill also requires the Attorney General to conduct an annual study of best practices and enforcement of stalking laws nationwide. In short, this legislation updates current law to target the full range of behavior that stalkers direct towards their victims. It will help law enforcement seek justice, help victims seek closure, and increase protections of the most vulnerable amongst us.

I want to thank the gentlewoman from California (Ms. LORETTA SANCHEZ) for her hard work and advocacy on behalf of victims of stalking. I ask my colleagues to join me in supporting this bipartisan legislation.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

First, let me say, Mr. Speaker, both as a Member of Congress and as the former attorney general of the State of California, I have long been concerned with the plight of those who have been victimized by crime. The anti-stalking law we had in the State of California was one that we worked with local law enforcement on and the agents that worked for me also worked on that in coordination with the local law enforcement officers. Certainly, those who have suffered from the threats of stalkers warrant our concern and our action.

I also would like to acknowledge the work, the pioneering work, that was done by the gentleman from California (Mr. ROYCE) on this with the original Federal anti-stalking legislation.

I certainly appreciate the motivations and efforts of the gentlewoman from California who brings this bill here today in an effort to respond to this serious issue.

However, I must suggest that legislation of this magnitude is of sufficient importance that it warrants attention by our committee commensurate with the serious nature of the stalking issue. Regrettably, we have had no hearings on this bill, no markups, no legislative process of any kind. Until this evening, we did not even know the full contents of this bill, and now Members are being asked to vote on it.

Further, it's my understanding the bill was added to the suspension calendar late last night. I understand that we may need to revisit the Federal statute now if this is not adequate to protect the victims of stalking. But having just received a copy of the final version of this legislation this evening, I do wish we had had more time to devote to this important bill.

Certainly, victims of emotionally and physically devastating crimes like stalking deserve the very best this Congress can produce, rather than us perhaps making some errors in the bill that we are considering, particularly a bill that was finalized an hour before votes. Although this bill comes to the floor under suspension of the rules, the lack of process surrounding this vote seems to have suspended all of the rules, unfortunately.

Nevertheless, the proposal does address issues of legitimate concern to stalking victims.

I, therefore, support this measure, and I would argue that all Members should support this measure. However, I do feel it necessary to register strong disappointment considering the method with which this bill has been brought to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as she may consume

to a strong advocate for victims of stalking, the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. I thank our chairman, BOBBY SCOTT, for bringing this forward and to Chairman CONYERS for bringing this forward.

You know, about a year and a half ago we put the first stalking legislation together for what we call the UCMJ, the Uniform Code of Military Justice. That is the code or the laws that govern our military. Since I am the ranking woman on all military issues here, I was the author of that.

Having looked at that and done that for the military code, I thought about all the issues that were still outstanding in the current Federal civil code. So I am here today to thank you, Mr. Chairman, for allowing me to bring this long overdue piece of legislation, the STALKERS Act of 2010.

Representative VIRGINIA FOXX of North Carolina and I have bridged party lines to introduce H.R. 5662, and I want to thank her for her leadership on this issue. There is also a companion bill that will be introduced in the Senate, we hope, next week.

No one can deny that the Internet is a remarkable tool, capable of connecting billions of people throughout the world. Unfortunately, it has also proven to be an effective weapon for stalkers to prey on innocent people.

Current Federal stalking statutes simply have not caught up with what is going on with the new tools and the emerging technologies that criminals have at their disposal. So the STALKERS Act would bring our lives into the 21st century by giving law enforcement the tools that it needs to combat stalking in the digital age.

The STALKERS Act would protect victims and empower prosecutors by increasing the scope of existing laws to cover acts of electronic monitoring, including spyware, bugging, video surveillance and other new technologies as they develop. Currently, Federal laws cannot be enforced unless stalking victims can demonstrate that they are in reasonable fear of physical injury. Because stalking is often a gateway to more violent acts, by the time a victim can actually demonstrate that they have "reasonable fear," it may be too late.

So the STALKERS Act lowers the threshold for action by permitting law enforcement to prosecute any act of stalking that is reasonably expected to cause another person serious emotional distress. Our laws should help to protect the victims, not serve as a roadblock to their safety.

This legislation helps to do that. At its core, stalking is about power and control. It is a violation of the worst kind and our justice system needs every single tool available to combat this crime.

I am proud to have introduced this STALKERS Act, and I urge my colleague to pass this bill. It is time we fight against stalking and other forms of harassment and intimidation and be on the side of victims.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do rise in support of this bill. Anybody who has spoken with or in any way had an opportunity to meet with those who have been the victims of stalkers understands the terrible emotional impact that this illegal activity can have. Oftentimes, it is an act precedent to actual physical harm; but even when actual physical harm is not done, the emotional toll is, in fact, real and extensive.

This bill, I think, furthers the interest that we have in the Federal anti-stalking law, but at the same time I do register my reservation about the manner in which it was brought forward without full consultation with those of us on this side of the aisle on the committee.

□ 1920

Nonetheless, it's a good idea. I urge my colleagues to support it, and I hope it gets unanimous support.

Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my colleague from California (Mr. DANIEL E. LUNGREN) for his support and the gentlelady from California (Ms. LORETTA SANCHEZ) for her strong advocacy on behalf of victims of stalking. I hope that we will pass the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 5662, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROTECTING GUN OWNERS IN BANKRUPTCY ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5827) to amend title 11 of the United States Code to include firearms in the types of property allowable under the alternative provision for exempting property from the estate, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Gun Owners in Bankruptcy Act of 2010".

SEC. 2. EXEMPTIONS.

Section 522 of title 11, the United States Code, is amended—

(1) in subsection (d) by adding at the end the following:

"(13) The debtor's aggregate interest, not to exceed \$3,000 in value, in a single rifle, shotgun, or pistol, or any combination thereof," and

(2) in subsection (f)(4)(A)—

(A) in clause (xiv) by striking "and" at the end,

(B) in clause (xv) by striking the period at the end and inserting ";; and", and

(C) by adding at the end the following:

"(xvi) The debtor's aggregate interest, not to exceed \$3,000 in value, in a single rifle, shotgun, or pistol, or any combination thereof."

SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) **EFFECTIVE DATE.**—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) **APPLICATION OF AMENDMENTS.**—The amendments made by this Act shall apply only with respect to cases commenced under title 11 of the United States Code on or after the date of the enactment of this Act.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield all of the time to the sponsor of the bill, the gentleman from Ohio (Mr. BOCCIERI), and ask unanimous consent that he be allowed to control the time.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BOCCIERI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while Congress works to pull our Nation out of this economic recession, many people across our great country continue to struggle with depleted savings and financial hardship, but those financial challenges should not affect a person's individual constitutional rights and their ability to protect their family. That is why I stand here today in strong support of H.R. 5827, Protecting Gun Owners in Bankruptcy Act. My legislation ensures families hit hard by the recent economic downturn in the recession and forced to file bankruptcy do not hand over their right to protection or their right to possess a firearm.

H.R. 5827 provides an exemption in the Federal Bankruptcy Code for personal firearms. Since 2005, debtors who file bankruptcy could retain household goods such as radios, TVs, VCRs and linens, but not firearms. Currently, bankruptcy for gun owners not only means the seizure of family heirlooms, but perhaps the inability for them to protect their own family. This means that families who file bankruptcy are left without this constitutionally provided right.

H.R. 5827 ensures a person who files for bankruptcy will not lose a treasured family heirloom or sporting equipment passed down from one generation to the next.

I happen to have a weapon that was passed down that my grandfather used in the Second World War, an M1 Carbine rifle that is a family heirloom. And as a small arms expert in the United States Air Force and a hunter in Ohio, I know that firearms are not just mere possessions but family heirlooms as well.

My fellow sportsmen in Ohio want to see the protection of their constitutionally protected rights. The Protecting Gun Owners in Bankruptcy Act will ensure that families can keep these prized possessions and continue to pass them on for generations to come.

The right protected by the Second Amendment is deeply rooted in our Nation's history and tradition. One needs to look no further than the woods of Ohio during autumn to know that this is true.

Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in support of H.R. 5827 and yield myself such time as I may consume.

Mr. Speaker, I am pleased to support the Protecting Gun Owners in Bankruptcy Act of 2010 because the bill does recognize that an individual's Second Amendment right to lawful self-defense is not suspended during periods of financial hardship.

The Second Amendment confirms the right of every American to keep and bear arms in self-defense. Neither Federal nor any State legislature is permitted to enact a law infringing on this most basic right. In 2008, the Supreme Court confirmed in its *Heller* decision that "There seems to us no doubt, on the basis of both text and history, that the Second Amendment conferred an individual right to keep and bear arms."

This fundamental right to defend oneself and one's family with lawful and responsible gun ownership was reinforced just this year when, in *McDonald*, the court prohibited State and local legislatures from passing laws infringing on an individual's Second Amendment rights.

Following passage of this bill, gun owners will be protected against over-

reaching legislatures but also from the harsh realities of the current economic crisis. Americans need not be reminded that our Nation is still mired in some of the worst economic conditions since the Great Depression. In my home State of California, bankruptcy filings in the first quarter of 2010 have increased approximately 41 percent over the first quarter of 2009.

The bill we're considering today, recognizing that constitutional rights do not halt in the face of financial difficulty, creates a new Federal exemption that places a personal firearm beyond the reach of creditors and allows the debtor to avoid liens on the firearm if they would otherwise prohibit him from taking the new exemption.

The Bankruptcy Code already exempts a variety of other basic items like linens and household goods that a debtor needs during a bankruptcy case to live a modest life and reorganize his or her financial affairs. The bill confirms that a debtor can maintain his or her own safety while the bankruptcy case is pending. The Federal bankruptcy exemption we are creating today is consistent with the principles embodied in the Second Amendment.

I would urge my colleagues to join with me in supporting the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BOCCIERI. Mr. Speaker, I yield 5 minutes to the gentlelady from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. I thank my colleague.

Mr. Speaker, I rise in strong opposition to H.R. 5827. I fail to see why we need to protect guns in a bankruptcy proceeding.

This bill had no hearings. It was not marked up. It only had 21 cosponsors. Suspension bills should be reserved for noncontroversial items. I know for a fact anywhere from 80 to 100 of our Members will be voting against this. This bill should have gone through regular order.

Bankruptcy is a tough time for everybody. I sympathize greatly with individuals and families who are facing a bankruptcy. But as part of a bankruptcy proceeding, personal assets are turned over to bankruptcy trustees. The trustees collect assets—cars, boats, and so on. Bankruptcy calls for all of these items.

The process is designed to provide some protections for both the bankrupt individual and the one who is owed money. Some items are exempt as they are essential to one's livelihood. We want someone in debt to be able to have a fresh start, and therefore the law prevents some items from being turned over.

Under Federal law, assets like homes, life insurance contracts, health aids, and retirement funds are exempt, with reasonable limits. What is special about guns, though, that they should

have a special carve-out? And the bill language would allow any single gun worth thousands of dollars from being turned over.

Take, for example, an engraved shotgun costing tens of thousands of dollars or a .50 caliber sniper rifle worth thousands of dollars. The bankrupt individual would get to keep these guns. I understand the committee has brought up revised text to correct this loophole, but this is another reason why the bill should have gone through the normal process of hearings and a markup.

Furthermore, studies have shown that the presence of guns in households, especially those experiencing bankruptcy, enhances the risk of suicide, or even worse, murder-suicide. According to the National Violent Death Reporting System, more than 12 percent of firearm-related murder-suicides and suicides were brought on by financial problems. Stories of murder-suicides also include descriptions of financial struggles.

In June 2010, a California couple died in a murder-suicide and their 3-year-old son was shot multiple times. The couple's 5-year-old son told authorities that his father tried to shoot him, and then shot his mother and brother. The family started missing house payments in early 2009 and had filed for bankruptcy in February 2010.

In February 2010, a Florida couple died of gunshot wounds in a murder-suicide in what the St. Petersburg Times described as "the end of a long history of money troubles." They had filed for bankruptcy in December 2004, listing more than \$200,000 in debt. The couple's two younger daughters hid in the bathroom during the shooting.

□ 1930

In June 2009, a Florida family of four, including two children, was shot to death in a murder-suicide. According to records filed in Federal bankruptcy court, the parents were deeply in debt and had struggled for 5 years to get out. The couple had filed chapter 13 bankruptcy in 2004, and the trustee had constructed a plan for the couple to repay their debts, but they had failed to make the payments. The case was converted to a chapter 7, which forced the couple to liquidate their assets. A status hearing on the case was scheduled to occur 2 months after the murder-suicide.

This bill wrongly puts guns before the health and safety of families.

As far as the Second Amendment rights, especially with the Keller decision, people have the right to own guns—I am not disputing that. Again, we are talking about bankruptcy, and we are also talking about those who collect guns and who have many, many guns which are worth a lot of money, and they should be paying that debt.

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Mr. Speaker, let me just say at the very beginning that I understand the sincerity and the strength of conviction of the gentlewoman from New York on this issue. I think we have a disagreement with respect to the times when firearms have been utilized to protect people from those who would otherwise do them harm, and I think there are some other reports that would suggest that that happens in far more instances than those incidents which result in harm to an owner of a gun or to someone in his or her family.

One of the things I just would like to put on the record is the limited effect of today's amendment. When a debtor files for bankruptcy relief, he or she must choose whether to claim the package of Federal exemptions or the State exemptions available in the State of his or her residence. Frequently, debtors claim State exemptions because they are typically more generous to the debtors than are the Federal exemptions. Moreover, under current bankruptcy law, States may opt out of the Federal exemption scheme by passing a law that prohibits debtors in those States from claiming the Federal exemptions. It is my understanding that, to date, 34 States have enacted such opt-out legislation, so debtors in only 16 States will ever be able to take advantage of the new Federal firearms exemption we are considering today. I do believe it is an appropriate piece of legislation, but one should understand the limited nature of its application.

Mr. Speaker, let me just conclude by saying that, while I support the creation of this exemption, the exemptions that Americans really want right now are exemptions from unemployment and skyrocketing national debt.

When I was home in my district this past weekend, my constituents talked to me about the exemption from the crushing burden of higher taxes that is poised to be unleashed upon them by the majority of this House at the end of the year. I am bemused at times when I hear people saying, Well, you Republicans won't pay for the tax cuts that are already in existence, which is another way of saying that the government has the first call on your money, and therefore, if we have lower taxes than otherwise would be the case, somehow we have done something wrong when, in fact, what will occur if we do not extend the current rates of taxes on the Federal level will be, by some calculations, the most massive, single tax increase in the history of the United States.

That is very, very disappointing. It is sort of a play on the language I used to hear on this floor from the majority when they used to talk about tax expenditures. That's another way of talking about the impact of "tax cuts," meaning that somehow the Federal Government is expending something

when it allows you or I or any American to keep the money in our pockets. That does indicate a philosophical difference that does divide us, unfortunately, a philosophical difference which is based on the premise that the money you earn is not yours, that the money you earn is kept by you only at the sufferance of the government and that if, in fact, the government by its generosity allows you to keep that money there, that somehow you should genuflect in supplication because you have done something to take money that justly belongs to them.

So we are going to find out by the end of this year whether that concept of whose money it is prevails or whether it is, in my judgment, the proper viewpoint that the money you earn is, in your case, yours first and that the government ought to only exact the smallest amount of funds, that which is necessary to do those things that are required by government function.

So I must lament that fact while I do continue to support this piece of legislation.

I reserve the balance of my time.

Mr. BOCCIERI. I yield myself such time as I may consume.

Mr. Speaker, today, we are talking about what is in a family's heirlooms, their possessions. I know the Republican would like to draw this into a long debate about how we got into this mess, but I will remind the gentleman that, on day one in 2009 when the 111th Congress started, we were faced with unprecedented budget deficits that were handed over to us from the previous administration—\$3.5 trillion to be exact—and an economy that was in free fall. We didn't know where it was going to land. We were faced with two undeclared, unfunded wars, unregulated greed on Wall Street, and a banking crisis that was affecting so many small businesses.

So I will remind the gentleman that, while the policies that allowed us to get into this ditch are not at the heart of this debate, certainly, he is welcome to debate us, as we proceed further, on how we got into this economic mess and on what measures we are taking to get ourselves out of this.

Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Mr. Speaker, I would just remind my colleague from Ohio that the last time we had a balanced budget on the Federal level was when we had a Democrat in the White House and a Republican-controlled House and a Republican-controlled Senate. Perhaps we ought to try that again after November.

I support this legislation. I hope that there will be strong support for it.

I yield back the balance of my time.

Mr. BOCCIERI. Mr. Speaker, in closing, I would remind the gentleman as

well on the other side that it was a Republican-controlled Congress and a Republican President who allowed us to get \$11 trillion in debt when the last Democratic-controlled White House had a \$5.6 trillion projected surplus.

So, now that the facts are straight, I just want to be clear that this legislation is about amending the Federal bankruptcy codes, which have already been used to exempt furniture, musical instruments, jewelry, and other household goods, to be allowed to exempt people's heirlooms, their firearms, that have been passed on from generation to generation.

I believe that the majority of Americans agrees with the Second Amendment—the constitutional right that we have to bear arms. We have continually upheld its validity for hundreds of years because, in many cases, a family's guns are heirlooms, treasured pieces of family history, which should not be subjected to financial hardship. I spoke of my grandfather's M1 carbine that has been handed down to me now through two successive generations.

One fact, one principle this country was founded upon was the ability of our people to provide their own protection. Bearing this in mind and this historical perspective, we respect the rights of gun owners as a shared value we see amongst Democrats and some Republicans. It is not a Republican or a Democratic issue but a foundational value of American ideals. We must protect the rights guaranteed to us by our Founding Fathers no matter what financial circumstances a citizen must face.

Mr. CRITZ. Mr. Speaker, I rise today in support of H.R. 5827, the Protecting Gun Owners in Bankruptcy Act of 2010. As a strong supporter of the Second Amendment, I believe that owning a gun is a right and that this right extends to all people, including those in bankruptcy.

After declaring bankruptcy, people are often denied their Constitutionally protected rights by being forced to relinquish their firearms. While other property, such as televisions, radios, china, crockery, and appliances, is protected from repossession, firearms are not. If owning a gun is a right, shouldn't guns be protected from repossession just as other property is protected?

Right now, only 10 states have laws that protect gun owners from firearm repossession during bankruptcy. Currently, the Commonwealth of Pennsylvania is not one of these 10, so I support this bill because I believe that my constituents' Second Amendment rights, as well as the Second Amendment rights of all Americans, should be protected during bankruptcy.

This is a good bill and I urge my colleagues to vote "yes."

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 5827, the Protecting Gun Owners in Bankruptcy Act of 2010. This legislation will ensure that individuals' Second Amendment rights are secure when they enter into bankruptcy.

In these challenging economic times, I have heard from families in Michigan's 15th Congressional District concerned they will lose their ability to protect themselves and their families should they enter into bankruptcy. As the Supreme Court recently ruled in *Heller vs. the District of Columbia* and confirmed in *McDonald vs. Chicago*, the Second Amendment affords individuals across the nation the right to keep and bear arms for the purpose of self defense. Hardworking Americans who have lost their jobs due to the economic downturn should not fear that they will be stripped of those rights because they are trying to turn their lives around through bankruptcy proceedings.

Most States, including Michigan, do not protect gun owners in bankruptcy because firearms are not listed among the "household goods" exempt from the claims of creditors. In 2005, amendments to the bankruptcy code made it even more unlikely firearms would be considered a "household good." However, H.R. 5827 changes that. Specifically, it permits firearms—rifles, pistols and shotguns, up to an aggregate value of \$3,000—held primarily for the personal, family or household use of the debtor to be exempt from the claims of creditors under federal exemption law.

Enacting H.R. 5827 will allow the citizens of Michigan and across the United States the ease of knowing they can protect themselves and their families in good times and bad. This is an important bill and I urge my colleagues to join me in voting for it.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in opposition to Protecting Gun Owners in Bankruptcy Act of 2010.

This legislation, as it was drafted and brought to this floor, would exempt one firearm of any value or a combination of firearms not to exceed \$1,500 from creditors' claims during bankruptcy proceedings. That's right—this bill would allow an unlimited exemption for a single firearm. Despite claims from supporters that this bill is intended to protect firearms used primarily for personal, family, or household use, there is absolutely no reference to this requirement in the bill.

This means someone could claim an exemption for an antique firearm worth tens of thousands of dollars. In essence, Congress is incentivizing individuals to game the system by purchasing an expensive firearm prior to filing for bankruptcy. While I understand language will be added to correct this glaring loophole, this just goes to show why this bill should have been vetted first by the Judiciary Committee.

In addition, supporters of this bill claim that it is a Second Amendment issue and that it will allow individuals going through bankruptcy to continue to protect their households. While I sympathize with those facing bankruptcy, the Second Amendment protects the right to bear arms. It is not intended to protect an individual's property from legitimate claims during bankruptcy anymore than the First Amendment protects an author's novels or other works during those same proceedings.

Finally, this bill was introduced 5 days ago and has a total of 21 cosponsors. Yet, here it is on the suspension calendar—a process that is supposed to be reserved for non-controversial legislation, particularly when that legisla-

tion has evaded the normal Committee process. By contrast, the Gun Show Loophole Closing Act, a bill introduced 446 days ago and supported by 109 cosponsors, languishes in committee. Closing that loophole, which we know puts guns into the hands of criminals and the mentally ill, is something worthy of this Chamber's attention. Instead, we are spending floor time on this.

I urge my colleagues to vote against this flawed and unnecessary bill.

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to offer clarification for my vote in favor of H.R. 5827, the Protecting Gun Owners in Bankruptcy Act of 2010.

I have tremendous respect for our nation's Constitution. In 12 other states around the country, including my own state of Wisconsin, there are already State protections for gun ownership during bankruptcy proceedings. When the Federal Government, and other States, already give basic protections for personal property like jewelry and musical instruments, I believe that it is fundamentally unfair to deny a second amendment protected item from being included in this list.

I do, however, want to be clear that I remain steadfast in my support for the ability of the Federal Government, States, and cities to regulate firearms. There have been too many times that we have seen preventable deaths from guns that end up in the wrong person's hands. Representing the City of Milwaukee, I know first hand how important it is to keep guns out of the hands of criminals and others that cause harm and undermine safety in our communities. Within the last few years, six police officers were shot in my district using guns that were traced back to a single store. How did this one store seemingly sell so many guns to straw buyers—people purchasing the guns not for themselves, but on behalf of other people who are prohibited from buying, like convicted domestic abusers, felons, and people with outstanding warrants? Had Federal gun laws been adequate to properly regulate stores like this, and others around the country, I sincerely believe that much of the gun violence could be prevented.

My record for reducing gun violence in our communities is clear. This year I have sent a letter to the director of the Bureau of Alcohol Tobacco and Firearms asking what resources they might need to more efficiently enforce Federal firearm legislation. I have also sent a letter requesting that the Attorney General revitalize and expand upon an existing "demand letter" program that can give the BATFE essential information on potential problem Federal Firearm Licensees. Current firearm regulation at the Federal level is simply inefficient and I will continue to work hard with my colleagues to make our streets a safer place.

Mr. BOCCIERI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 5827, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. MCCARTHY of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1940

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AN END TO CHINESE HOSTILITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. CAO) is recognized for 5 minutes.

Mr. CAO. Mr. Speaker, I rise today to discuss the ongoing maritime conflict in the South China Sea and the need for the United States to support long-term sovereignty of the Vietnamese people. Given this conflict will destabilize trade and peace in this region, this is a matter of great importance for all of us in this esteemed body.

Since the summer of 2009, reports of maritime disputes in the South China Sea have risen. I continue to hear of aggression from Chinese ships and submarines interfering with the freedom of navigation of neighboring Asian countries. I also hear of aggressive actions being taken towards United States interests as well, and this is particularly troubling and unacceptable.

According to reports, China has committed aggressive maritime acts against Southeast Asian countries including Japan, the Philippines, Taiwan, Malaysia, and especially the people of Vietnam.

China claims vast ocean territory that includes many islands and extends into much of the South China Sea. If we were to look at the map of the South China Sea, we see that China is here, Vietnam is here, the Philippines is here, and Malaysia is located here. And China, being the farthest away from the Paracel Islands, as well as the Spratly Islands, claims to have dominion over all of them. These claims, along with their aggressive presence, has caused tensions between the people of Southeast Asia and China to grow.

The conflict in the South China Sea is hindering free navigation of these waters, which could negatively affect commercial interests and regional security. This would directly affect the livelihoods of peaceful people in these nations. The time has come for the United States to take a strong stance against China's harassment before

these actions escalate into hostile confrontation.

China's hostile relationship has been reported to have gone so far as to commit aggressive actions towards Vietnamese citizens. As a Vietnamese American, I am especially interested in the territorial integrity of my native country. And I am concerned to hear reports outlining aggressive actions towards Vietnamese citizens, especially fishermen, that have resulted in injuries, damages to their fishing vessels and, in severe cases, death.

The goal of the United States diplomacy should be to recognize the tensions in this region and to concentrate on first alleviating this tension. The United States should strongly consider advocating for China's release of disputed territories like the Spratly and Paracel Islands and to ensure multilateral dialogue and action to resolve the ongoing maritime dispute.

What is the basis for China's aggression?

Many experts ascribe China's aggression toward its neighbors as stemming from its ever-increasing appetite for energy. There is no question China continues to seek additional sources of energy, particularly across Africa, where their influence continues to grow.

According to reports, China's oil consumption is expected to double over the next 25 years, from 7.2 million barrels per day in 2006 to 15.3 million barrels per day in 2030.

China's natural gas consumption is expected to more than triple in that same period of time, from 2 trillion cubic feet in 2006 to 6.8 trillion cubic feet in 2030.

It has been reported that, in addition to substantive fishing resources, the disputed areas contain oil and natural gas reserves. Further, the islands are in China's pathway as their economy continues to expand. This may be why China is racing to secure its maritime territory, to secure these areas for their oil and natural gas exploration, and to assist in their economic expansion.

However, credible reports indicate that China has claimed lands beyond Taiwan, which may point to China's intention of expanding its power over a much larger area, in direct conflict with the interests of its neighbors.

While some explain China's territorial behavior as strategic to secure their access to energy resources, others strongly believe China's intentions may be going further to gain territory to impose its influence.

What is certain, however, is that while China appears to be negotiating, we cannot underestimate their appetite for influence. When we are talking about China's track record, China has a history of aggressive actions which have been the source of tension in Southeast Asia.

In 1974, China seized the Western Paracel Islands from Vietnam. In 1988,

China seized six of the Spratly Islands from Vietnam and sank three Vietnamese ships, claiming 70 Vietnamese lives. In 2007, China fired upon Vietnamese fishermen in the disputed area, killing one and wounding six others.

The Vietnamese American community has denounced China's claim to territory in the Spratly and Paracel Islands as unofficial, with no legal, historical or factual basis. China, in turn, ordered a ban on all Vietnamese fishing in these disputed territories until August 1, 2009; and during this ban, approximately 50 Vietnamese fishermen were detained.

China's actions infringe upon the sovereignty of the Vietnamese people to freely navigate crucial waterways that support their livelihoods, which is a direct violation of international treaties.

China's harassment is not limited to their neighbors. China has also engaged in hostile confrontations with U.S. vessels traveling through the disputed area.

Given these violations, it is time that the United States take aggressive action against China, and to, hopefully, resolve these disputes without resorting to any force.

We must pursue a peaceful resolution to this conflict in the South China Sea, and the United States must take actions in doing so.

In 2001, a Chinese Naval vessel attacked the USNS *Bowditch*, a U.S. surveillance ship, in the Yellow Sea, and, in another occasion, a Chinese Navy F-8 fighter collided with a U.S. Navy EP-3 reconnaissance plane in international airspace over the South China Sea. China detained the 24 U.S. crew members for 11 days.

In 2009, there were reports of aggressive encounters with the Chinese Navy and unarmed U.S. ocean surveillance ships, which were freely operating in international waters in the Yellow Sea and the South China Sea. A U.S. destroyer was called to escort the surveillance ships as they continued their operations and avoid further hostility from the Chinese Navy.

China's aggression poses a threat to the U.S.-China relationship, too. And, there is no excuse for these territorial disputes potentially pitting two powerful nations against each other.

The maritime disputes over the South China Sea must be addressed immediately to protect the United States' regional relationships and agreements.

For example, the United States is involved in the U.S.-Japan Security Treaty that covers the Senkaku Islands, which are actively disputed. If tensions increase for these islands, Japan might seek assistance from the United States against China.

Likewise, the United States continues to collaborate with the Philippines, and, if regional tensions were to rise, the Philippines, too, might seek assistance from the United States against China.

China has test-fired missiles at enemies trespassing onto claimed Chinese territory.

This may trigger other countries to expand their naval forces as well, which may cause more tension in these disputed waters.

I appreciate Secretary Clinton's statements on Friday that the resolution to the South China Sea dispute is a "national interest" to the United States, and I agree with her that we must seek a peaceful solution.

United officials including Secretary Clinton must demonstrate their strong concern for China's hostile actions, which are causing a disruption of free navigation.

At the same time, China needs to recognize and honor the freedom of navigation of all neighboring nations as well as the United States.

While the Chinese Foreign Minister said yesterday that the United States should not internationalize the South China Sea issue, which could worsen matters and complicate the situation, as an influential nation, we must not remain neutral and passive.

We must take action to end Chinese harassment—not only to ensure the freedom of navigation, but also to restore the respect and interests of the U.S. and these Asian nations.

□ 1950

THE YEAR IN REVIEW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Mr. Speaker, I appreciate being recognized to address you here on the floor of the House of Representatives. It is always an honor and one of the reasons I try to come down here often and convey the values that emanate from the Midwest; and hopefully some of the people across the rest of the country that don't adhere to those values can index with the things that we believe in.

But what I have found out, Mr. Speaker, as I have traveled around the country is that we have a tremendous amount of common values, from corner to corner of America and up through the Midwest as well. When I think of the States that I have been to in helping other candidates in trying to convey a message, from the Northeast to the Southeast to the South, up through the Midwest, down to the Southwest and off to the West, what I have found is that the people that show up, that care about our Constitution, the constitutional conservatives, the newly energized Tea Party groups that are out there, the 912 Project people that are there, the independents that aren't affiliated that care a lot about America and fiscal responsibility, when they show up, they show up with their American flags, they show up with their yellow Gadsden flags, the Don't Tread on Me flags; they carry a Constitution in their pocket or on their heart; and they know that if this country is going to be refurbished and put back together again, that we need to

go back to the Constitution and this Congress needs to adhere to our oath to the Constitution. We have to ensure that our road map, and a road map is not someplace out there in Never-Never Land of progressivism that has always failed. We have a century and a half of progressivism that we can look at that goes clear back to the shaping of those kind of ideals in the utopian segments of non-English speaking western Europe.

We've watched what's happened. They have been at each other's throats in wars. They've killed tens of millions of each other. Their economy and their industry has collapsed over and over again. They've propped it back up. Their growth has been slower than ours. We've provided them the global defense from the enemies to enemies that are still lined up against each other. The Soviet Union imploded because Ronald Reagan was right. He was right because he decided that we could press the Soviet Union to the point where their economy would collapse before they could keep up with us economically and build themselves up militarily. All of that has taken place.

When we saw the Soviet Union go down, I thought, now it will be obvious even to the most leftist American that you can't grow and prosper and move on into the 21st century and lead the world economically, culturally, politically, militarily, every measure that there is, unless you have a free enterprise system.

Free enterprise. Free enterprise. A simple thing. It's so simple that on the flash cards that are produced by USCIS, the United States Citizenship and Immigration Services, the services that provide the path for legal immigrants to become citizens of the United States. When you're training and you're studying to become an American citizen, there are a lot of things there. You have to learn a little about our history; you have to be able to have a command of the English language in both the spoken and written English language; and there are a number of questions in the test. And the flash cards that are proposed, that stack of flash cards produced by USCIS, Citizenship and Immigration Services, glossy flash cards, red cards, about like that, they will ask questions. They would be questions such as, Who's the father of our country? You snap that card over and the other side says—you know the answer, I trust, Mr. Speaker—George Washington. Another one will be, who emancipated the slaves? Abraham Lincoln. What is the economic system of the United States of America? You flip that flash card over, if you study and you want to be a citizen of the United States, and it says free enterprise capitalism. How about that? Now that's one of the questions we would consider to be basic, rudimentary, something that any third

grader—well, they may not know that, but a sixth grader will; an eighth grader will for sure, or should. It should be taught in all of our schools: The vigor and the vitality that comes from free enterprise capitalism. It is a basic question. If you want to become an American, you have to understand our economic system; free enterprise capitalism.

I wouldn't say that the President doesn't understand the system, but I am not convinced that he adheres to the free enterprise capitalism system that we have. I have yet to see a single move on the part of the President of the United States or this administration or the progressive leftists in this Congress, House or Senate, that supports the underpinnings of free enterprise capitalism as the engine of our economy. And I've seen move after move after move that undermines free enterprise, over and over again.

Nobody over here is going to stand up and say, "You're wrong, STEVE KING. You're wrong. I'm a free enterprise capitalist." You can't say that. If you're going to raise taxes, if you're going to raise taxes to the tune of something in the area of \$1.5 trillion? If you're going to be part of a \$1.5 trillion deficit on top of it? A deficit that we have never seen in this country. And be part of punishing—they say punishing the rich. What about the job makers? What about the job givers? What about the employers in America? What happens when you punish the people that produce the jobs? What about big employers, big job givers? Do we punish them?

Yes, you guys want to do that. You're doing it every day. You're advancing regulations. You're advancing taxes. You think that the goose that lays the golden egg which is free enterprise capitalism, that somehow if you slaughter the goose, you find all of those golden eggs inside. Well, it doesn't work that way. It's one egg at a time by the economic engine that is out there struggling to make some profit. And the people over on this side of the aisle, I wish somebody would stand up and tell me that they created a job, that they signed somebody else's paycheck on the front, not the back; somebody that had invested capital to establish a business, that had a chance to make some profit. And out of that, you're only as good as the employees that you have and you're not going to make money in business if you don't have good employees. So you want to hire the best employees you can hire and get the most production out of them that you can. And in today's world it's not good enough, Mr. Speaker, to work hard. Hard workers are respected, certainly. But this is a technological era. You've got to work hard and work smart; do both of those things together. If you work hard and don't work smart, you're going to be

down there in the lowest income levels in America, the under-skilled jobs. And then those folks are the ones that are receiving public benefits in greater percentages and numbers than anybody else.

Here's how this works out. And tomorrow morning, Mr. Speaker, I will have a guest at the Conservative Opportunity Society, an organization that was founded in 1984 by Vin Weber, Newt Gingrich and others for the purposes of identifying the roots of our prosperity; the Conservative Opportunity Society. I happen to be the chairman of the Conservative Opportunity Society. Over the course of the last 6 years or 5½ that I have had the honor of that task, we've had a whole variety of excellent educators and speakers that have come forward. Tomorrow morning it's Robert Rector of the Heritage Foundation.

Robert Rector is one of those guys who goes back in the back room and does that deep due diligence research to try to come up with the numbers to quantify and identify what is actually happening in America, economically, socially, culturally. Robert Rector is one of the people that I think if you take him out of the equation in 2006 or 2007, that grand coalition of the President and Teddy Kennedy—President Bush and Teddy Kennedy and others—would have passed a comprehensive amnesty piece of legislation on us. But Robert Rector gave us the facts that showed us the cost to illegal immigration in America. And now he's done a new study. This is a new study that identifies what's happening with welfare reform in America. This study goes back and looks at that time in the mid nineties when this Congress went into showdown mode on welfare reform. And for a time the government was shut down because the Republican majority in the Congress refused to knuckle under to the demands of President Bill Clinton at the time and he demanded that they spend more money and he demanded that they not reform welfare, that we let people continue to be paid not to work in the same numbers as before, because of his sense of compassion. But Republicans persisted, and we got a welfare reform bill. In the end, though, they blinked when it came down to who was going to give in. It's kind of like a street brawl when whoever's standing there when it's over is the one that won. Well, in that case Bill Clinton won the final showdown on who would give in to put the government back at work instead of leaving them shut down.

□ 2000

But we got some welfare reform. America thinks that there was a real model of welfare reform that was accomplished, and some of that was a model that came out of Wisconsin from Governor Tommy Thompson, who's

done an outstanding job in Wisconsin and set a pace here for Washington. A lot of that actually was done in the neighboring next-door Iowa without that level of fanfare, but that came here to the Capitol. That's where our federalist system that leaves the decisions as much as possible to the State had manifested itself. And the model of Wisconsin and Iowa—as some will say, it's a better program even than Wisconsin—was reflected here in Washington with welfare reform.

Well, we thought we reformed welfare in the mid-1990s. But when you track the dollars that are handed out in welfare benefits, you look and you find out it's not just that handful of welfare components that we might think of such as food stamps and rent subsidy and heat subsidy and aid to dependent children and some others, but it's 72 different programs. And these programs are so myriad in their number and disparate in their varieties that it's impossible for a citizen that's sitting at home reading the newspaper or tracking—maybe they're tracking the Internet now. If you're a student now, you could figure this out. Seventy-two different programs, many of them, most of them, maybe even all of them, growing.

And so what we've seen, if you chart the graph, is welfare spending was going up. You hit the mid-1990s, the reform came and it leveled off, dipped down just a little bit. And then it went up again at a pace that accelerated at a level greater to or equal to what it was in the mid-1990s, because they added so many programs in, blended so many in that it crept in on us before we knew what was going on. Robert Rector's nailed that down.

Now I'm looking forward to hearing him at 8 o'clock tomorrow morning, and I hope there will be a good number of Members that will arrive down at the Capitol Hill Club at that 8 o'clock breakfast, and we will get into this subject matter. This is one of the things, Mr. Speaker, that goes on in this Congress that doesn't get any press, that we're back behind those doors constantly sticking our nose, our eyes, and our ears into programs trying to find ways that we can better configure this government, ways we can save money, ways we can get more productivity out of the people in this country. And our job, our job, Mr. Speaker, is to increase the average annual productivity of our people.

Average annual productivity. That doesn't mean everybody is going to be producing. Some people are going to be in a hospital bed, some are going to be in a nursing home, some are going to be shut-ins at home. Some will be retired because of their age or maybe they've earned it. Maybe they're retired because they have earned the kind of wealth that let's them retire. Their capital is still working.

But we need to have the able-bodied people and the able-minded people in this technological era—doesn't always have to be able-bodied; able-minded—that are contributing to this economy, that are producing something on a daily basis, that are proud of what they do, that are creative. And when you add that all up, 306 million Americans. And just think, if every single one got up every day and did something that's constructive and productive in the private sector, how much difference that would make.

Think of this. If we're all on a great ship sailing out across the ocean back in the era where you had to grab ahold of the oar and pull on the oar to go anywhere, you're in the calms. Sails aren't helping you. You can man the sails when the wind is blowing. So if everybody goes down there and grabs ahold of an oar and pulls on that oar, you sail through the water without a lot of effort. But every time somebody let's go of the oar and goes up and sits in the steerage passage, in the steerage compartment and watches as the ocean goes by and watches everybody else work and pull on the oar, do you know what that does? Every time somebody lets go of an oar, it's harder to keep that ship going at the same speed. In fact, it must slow down because you've got fewer people pulling on this economic engine.

And the more people that quit and give up or are provided an incentive—let's just say it pays the same to pull on the oar as it does to sit up there in steerage. Let's just say the food is the same. The service is the same. You get a bunk that's just as good. Why would you pull on the oar? If you're living as good a life without having to go down in the hold and do your share of the work and carry your share of the load, why would you do it? Just out of good conscience because you like to row the boat?

Mr. Speaker, that's not the way it works in the real world. Some people do like to row the boat. Some people work just out of conscience. Some of them give from an altruism from within their heart. But that's not what keeps the economy going. What keeps the economy going is—it contributes. But what ensures that the economy goes is people are rewarded for their labor. People are rewarded for their creativeness, for their entrepreneurial spirit, for inventing, for producing, and for marketing.

People that add to this economy need to be rewarded for what they do in proportion to their contribution. And only the markets can determine that; not some government bureaucrat, not some pay czar, not somebody that decides this CEO should get paid X and this CEO should get paid Y. Or like the President who can decide this CEO needs to be fired.

Well, Mr. Speaker, I'm not making that up. That is a fact of history,

undenied by the President of the United States or any of his spokesmen in the White House. The President fired the CEO of General Motors a year ago, a little more, fired him. Came out in the press. President eliminates the CEO. There was no denial out of the White House. He essentially took a bow.

Remember how many times he said Barack Obama or President Obama or just put "Obama" in there and then put in quotes in your Google search "I'm the President." How many times has he said "I'm the President" in the last year and a half or a little more? A number that I can think of. He constantly reminds us that he's the President. But no President in America should ever have the authority to fire the CEO of a Fortune 500 company or anything else. Let him fire his own staff. Let him fire his own Cabinet. Let him fire his own executive branch right on down to the lowest person on the totem pole. That's fine with me. That's his shop.

General Motors and Chrysler were private companies taken over by the Federal Government, and the President of the United States fired the CEO of General Motors and approved the replacement hire, and he fired and replaced all but two of the board members on General Motors. And he ordered, his people ordered, the elimination of 3,400 car dealerships. Why? Because his car czar and his people in the White House had some off-balance idea that, if you eliminate dealerships, you can sell more cars.

Now, I come to this office with, I think, maybe a gift of the common sense that comes from the Midwest, and I'm sure that it exists in all of the rest of the country, too. But here's what I know from where I come from. If you want to manufacture widgets, especially if you invent a widget, but if you want to manufacture them—let's just say you go in your little shop and you go and create and you manufacture a widget, and you decide, "I can make these things pretty good and I can mass produce them, even, so now I want to sell them." What would you do? Simple. You'd go to the county fairs. You'd go to all of the county fairs and you would show these widgets to all of the people walking by. And when they stopped and showed a little interest, you'd say, "Hey, I'll tell you what. You should be a franchisee. I want to let you be my dealer, and you can take this widget home with you—pay for it, of course—stock it in your inventory. I'll give you the material and you can sell widgets out of the window of your shop or out of the implement lot" or whatever the widget might happen to be.

And you would know that if you want to sell a million widgets, you can't stand there and sell every one of them. There's not enough time. But if you

can get enough dealers out there, if you can get 3,400 dealers out there with enough widgets on the lot, you can sell a whole lot more widgets than if you don't have any dealers.

So do 3,400 less car dealers sell more cars than 3,400 car dealers? The answer is obviously no. It is a stupid decision to believe that you can eliminate car dealers and sell more cars. And what's happened? The company that was not dictated to by the White House is the one that's selling the cars and growing and turning a profit—Ford Motor Company. And I've not been one that went out and bought a Ford as the first vehicle. In fact, it's been hard for me to buy a Ford in the past. But it's looking a little more attractive to me now because they're American cars, American made, that are not propped up by the taxpayers. And they're proving what free enterprise does. When you get out there and compete, you can build a good product.

Now, I'm not saying necessarily that I'd go out there and change the brand that I currently drive. I'm happy with that. But, Mr. Speaker, my point is the White House has been dictating to the private sector. They have nationalized and taken over General Motors and Chrysler and three banks, three large banks; AIG, the insurance company, to the tune of \$180 billion; Fannie Mae and Freddie Mac—this just popped up a couple of days ago—in addition to that, the \$145 billion that has been poured into Fannie Mae and Freddie Mac to prop them up.

We also have the other agencies—FHA, Federal Housing Administration—and some other loans that are rolled down through other Federal agencies. The loans that have been issued throughout those other agencies, now the no down payment and the very low down payment loans, and that means the low down payment of 3½ percent.

□ 2010

From 3½ percent down to zero, that's \$1 trillion in loans that the Federal Government is the guarantor of, \$1 trillion. Fannie Mae and Freddie Mac give the taxpayers a contingent liability of \$5.5 trillion.

So what happens if these loans all blow up? That means the taxpayers are stuck at 5½ plus one, and I know the math on that: \$6.5 trillion in contingent liability for the American taxpayers because the people that don't understand free enterprise think somehow the only reason that somebody that doesn't have an income, doesn't own their home, is because nobody's offered them a no down payment loan, and somehow they're going to figure out if they don't have any money how they're still going to pay mortgage payments on a house.

Now, that means here's your house, you have no skin in the game, and it

takes at least 6 months to foreclosure in most of the States on a loan like that. Well, who wouldn't take a home? I wouldn't actually, but there are many people that would take a home for no down payment, you get to live here for 6 months without making payments before we figure out how to evict you.

We had a bankruptcy clawback bill that was brought through the Judiciary Committee and here to the floor of the House that exempted some people and gave them breaks in whose homes are being foreclosed on. And I offered just a simple amendment in the Judiciary Committee, and it was this. If someone had defrauded their lender or attempted to defraud their lender, they wouldn't be able to take advantage of the special provisions in this special bankruptcy clawback law. That amendment passed the Judiciary Committee, Mr. Speaker, by a vote of 23-3.

But guess what happened? The will of the committee was reflected in the vote, the recorded vote, but by the time the bill got to the floor the language was changed miraculously. By whom? Well, maybe the staff of the Judiciary Committee, with the consent of the chairman of the Judiciary Committee, JOHN CONYERS, with the complicity of the Rules Committee chaired by LOUISE SLAUGHTER, and I think that at least in the silence of it all, within the arrangement of the Speaker of the House's method of running this place, Speaker PELOSI.

So this franchise that as every Member of Congress, each of us that represents about 700,000 people in this Congress, we come here to carry the values of our constituents, and out among our districts we have all the solutions for America. We have all the answers that man and woman can devise out there among our constituents, 700,000, I have the privilege to represent, added to the other 305.3 million or so that are represented by the other 435 Members of Congress.

We have an information network. We gather input, we gather data, and we have those voices coming into my office constantly. That's what we do, and it's part of my job to weigh those ideas, place them in the right place, get them to the subcommittees, get information before the hearings, get them to the subcommittees for the markups, and get them to the full committee for the secondary markup, get them to the floor with amendments, before the Rules Committee, if it's just that they go there, and get this into the debate. If we don't get it solved, we want to go down the hallway to the Senate and weigh in over there and use whatever kind of influence we have because it's so important that we collect the wisdom of the 300-plus million Americans. That's what a constitutional republic does. That's what it's designed to do, Mr. Speaker.

But we have a draconian House of Representatives that has shut off the input from the citizens of the United States, has shut down the process to the point where an amendment can be offered and passed in a markup of a bill before a full committee like the Judiciary Committee, or the Energy and Commerce Committee would be another example, Mr. Speaker, where this has happened on ObamaCare, on cap-and-tax as well, where the will of the committee is just ignored and they go rewrite the bill and bring it to the floor. They don't say anything to anybody. They don't ask permission. They don't ask for a signoff or a consent from the people that recorded their vote in support of those amendments. They just simply ignore the entire will of the committee or defy it and rewrite the bill after the fact and send it to the floor without notice.

And when caught red-handed, their answer is, well, it was so obvious we knew you'd catch us. That really gives me a feeling of comfort. How many were not obvious, how many didn't we catch when they changed a little word like a "may" to a "shall" or vice versa, something that can completely transform the meaning of an entire piece of legislation. If you're looking at every word, I suppose you would catch it, it's obvious a "may" to a "shall" or a "shall" to a "may" or a "notwithstanding" slipped in somewhere or was taken out.

But it should have the integrity that the will of the group as brought out by the chairman of the committee and that decision of the committee must be sacrosanct and honored, and it should not ever be changed unless it's changed by a vote, not of the Rules Committee, to change the language of a bill that goes up there. If there's something that's been a mistake or there's a change of opinion, then whoever wants to change that conclusion of a committee should have to bring an amendment to the floor of the House of Representatives and debate it here. That's how a constitutional republic is supposed to work. That's how it was designed to work, and in fact, it's dysfunctional if it's not run that way. This is a dysfunctional Congress, Mr. Speaker. The will of the people is not being reflected in this Congress in many, many ways. So this takes me to a couple of issues.

Cap-and-tax passed this House almost very close to a year ago today. Looks like it's balled up in the Senate, and I hope that it stays buried there. They will keep trying. That didn't reflect the will of the people. That was a high-handed leverage operation, and I won't go so deeply into that because I actually don't expect we will see that at least before the election.

And after the election, if there's a lame duck session—and there likely will be—it better be just pro forma ac-

tivity of this Congress to get the business done that must be done so this country can function, because the people in November will have spoken, Mr. Speaker, and their will needs to be reflected after the election. A lame duck session that brings transformative pieces of legislation breaks with the trust of the American people. It would be a defiant action, and it should be met with the defiance of the American people, and anything they should try to do in that kind of environment should be repealed, and the President of the United States ought to say so. He ought to say no transformative legislation should be brought before this Congress in a lame duck session. A President that honored the Constitution and the will of the people would reinforce that position right now and do it today, Mr. Speaker.

But another one of those pieces of legislation that was brought before this Congress that defied the will of the people is ObamaCare, and I will just tell you what ObamaCare is. It is what the President has identified it. He's referred to it as ObamaCare. I happen to remember February 25 at the Blair House this year when President Obama talked about this health care plan as ObamaCare. That's the moniker he would like to have on it, and that's what he would like to have for his legacy. The American people can't have ObamaCare and have freedom too. It has to be one or the other. It cannot be both. They are not compatible with each other. Freedom and liberty cannot coexist side by side with ObamaCare, Mr. Speaker.

This ObamaCare that was contrived and recontrived and manipulated and remanipulated and sent up to the Congressional Budget Office for another CBO scoring after another CBO scoring turned logical contortionism inside out to get to a conclusion that ObamaCare wasn't going to be expensive, and the assumptions that were made defied rational thought.

One of them was, well, we'll save \$532 billion by cutting Medicare \$532 billion. Think of it. Here we are, the senior citizens are now the baby boomers arriving at retirement age, and in my district—I have Iowa—Iowa has the highest percentage of its population over age 85 of all the States, and there are 99 counties in Iowa. Ten of the 12 most senior counties in Iowa are in my district, western Iowa, the Fifth District of Iowa, which is 32 counties. Draw a line from Minnesota and Missouri and put a third of the State on the west side of that, that's the Fifth District.

In those 32 counties, we have 10 of the 12 most senior counties in the most senior State in America. So I will submit by that standard that I represent the most senior congressional district in America, a district that would have most likely the highest percentage of

its people on Medicare and Social Security.

□ 2020

This President and his administration proposed and force fed legislation on the American people that would slash the already tight undercompensated budget of Medicare by \$532 billion because of a couple of things. One is they allege that there is fraud and corruption and waste, fraud and abuse in ObamaCare. We don't know whether that's true everywhere in America, but we know or I am confident that it's not true in the small towns in the rural areas, especially in the Midwest where I happen to have the privilege to serve. And so the idea is slash the budget of Medicare and then if you do that it will magically find the corruption and the waste and chop it out.

Well, the people that are involved in gaming the system are the best at gaming the system. So those that are simply working on a stable budget providing services that aren't waste, fraud and abuse, they are likely the ones that get their budget cut because they are not going to be gaming the system. They are just honest people that are trying to provide services to senior citizens that need the help.

A \$532 billion cut, now here is where we find out also that ObamaCare, if you look at the real numbers, the numbers that are emerging, it's a trillion-dollar deficit, a trillion dollars over the budget projections. We are also seeing that they are putting things in place to ration our care; they are putting a CEO in place who is convinced that the United Kingdom, their socialized medicine is the best plan, worships at the altar of socialized medicine.

It looks like the British are starting to repeal their socialized medicine plan, and we have just adopted one in the form of ObamaCare. The American people don't yet know what all of this means.

The Speaker tells the Americans we have to pass ObamaCare, we have to pass the bill, she said, in order for you to learn what's in it. As if we can't read 2,300 or 2,400 pages and figure it out. Well, it's true, it isn't possible to read the bill and figure it out because you have to be able to understand and predict what the bureaucrats will do to write the rules in the aftermath, and that is just beginning.

But here are some things that I have seen and things that I know, Mr. Speaker, and that is that the President said he wanted to provide some competition into the health insurance industry and the problem was there wasn't enough competition for health insurance. So he wants to set up a public option. Do you remember that public option?

His public option would be Federal Government setting up an insurance

company that would compete with the private sector health insurance companies. All right, so if there isn't enough competition, the first question the President should have asked and the first question that the pundits should have asked would be, Mr. President, do you have any idea how many insurance companies, health insurance companies there are in the United States?

If you want one more company to provide more competition, wouldn't you at least, before you came to such a conclusion, as the President has, wouldn't you ask the simple question, this is like the dumb question, how many insurance companies are there in America selling health insurance? I know it sounds a little dumb, Mr. Speaker, but there are a whole lot of people out there that made decisions on this that don't know the answer to this question.

So I checked it out: 1,300 health insurance companies in America, 1,300; 1,300 health insurance companies selling insurance in America and the President says we need more competition, so let's have a government company to compete against—I don't know what's in his head, one or three or five or so health insurance companies—1,300, Mr. President. That's a far cry from not having enough companies, I would say. And if you add one more and it's a government company, it's 1,301 companies. Is that really the bright, perfect balance number?

His motive isn't to provide more competition. His motive is to replace the private sector. He campaigned early on for the public option and also for a single-payer. The President is on record being for a single-payer. Single-payer is the government takes care of everything. They take care of providing all of the health insurance and all of the health care that there is.

By the way, where they get to the point where they would have a monopoly, it would wipe out the insurance component of this by arguing that we are wasting money administratively by helping people's health insurance policies. Why don't we just give them the health care? Why would we tell them you have to own your own policy, carry your own insurance card, pay your premium and we will back-fill your account. We will subsidize your premium if you aren't making enough money. We will tax you if you are making too much money.

This is a share-the-wealth Robin Hood strategy. The only thing is the President's idea that we are not going to increase taxes on anybody that is making less than \$250,000 a year turns out not to be true. It turns out to be false.

The question that needs to be asked there with the President is, Was it a mistake, Mr. President, or was it a willful misinformation to the American people? That's the question.

I remember during the campaign in 1996, when Charlton Heston at the time was the president of the National Rifle Association, ran commercials against Bill Clinton, the President. Charlton Heston said, you know, the question was did President Clinton tell the truth or did he lie, Mr. Speaker?

Charlton Heston's comment was this. He said, Mr. President, if you say something that's wrong and you don't know that it's wrong, that's called a mistake. If you say something that's wrong and you know that it's wrong, that's a lie.

The question becomes what did the President believe when he repeated to the American people that he would not raise taxes on the American people if you made less than \$250,000 a year?

ObamaCare raises taxes on many people that make less than \$250,000 a year. It imposes an individual mandate that requires everybody to buy insurance or be fined and punished and penalized for doing the same. That's never been a requirement by the Federal Government in the history of this country that the Federal Government would produce a product or approve a product and compel the American people to buy it.

So if they are going to approve the health insurance policies that are produced by, let's say, Wellmark or some other company, we say, we like your policy and your policy and your policy and our health choices health administration czar, I call him the commaczarishioner, I pick some of these 1,300 companies that exist when ObamaCare was passed and say, I anoint these policies but you have got to adjust them all to match the demand of the rules to be written by the Health Choices Administration commaczarishioner.

Once we approve all this, then it will be a decision of how many companies will be left to do business and the Federal Government injecting themselves to compete directly against that, and then every health insurance policy in America under those standards—well, actually, every health insurance policy that is effective today will be effectively canceled by the Federal Government under the law and under the rule.

They will have to requalify. Actually, they will have to qualify under Federal standards yet to be written.

There is not a single policy in America that the President of the United States himself, even if it was at a beer summit back in the South Lawn of the White House, of all 100,000 policies in America, Mr. Speaker, there is not one that the President of the United States himself could pull out of that stack of 100,000 policies. That's a pretty deep stack, maybe that high, and point to it and say this policy, Mr. or Mrs. American, is your policy and you get to keep it, and the substance of the benefits on it will not be changed, and your premiums will not increase or be altered

dramatically different than the markets would normally move it. Not one policy out of any one of the millions of Americans that are insured and not one policy out of the 100,000 varieties that are out there to be sold can be guaranteed, even by the President of the United States.

The man who fired the CEO of General Motors, replaced the board of directors, all but two, reminded us that he is the President and he gets to do these things. Maybe he is also the one that has brought about the firing or the elimination, the replacement of the CEO of BP. I think he would be pretty proud of that if he could get right down to the inner soul of who he is.

But there is not one policy in America that he can point to and say this is yours, you get to keep it; the premium is not going to be altered substantively and neither will the terms of the benefits that are in it, not one. They will all get canceled. All of them that will be viable on the other side of the implementation of ObamaCare after 2014, all have to qualify.

You know, that's like, that's like going to the racetrack and having the fastest car and you have been around and around the racetrack, and you set your standards. And when you pull on there with that nice, fastest car, and you have got to go back and you have got to run the laps and go again and qualify again and again and again, that's what it is.

□ 2030

That's what it is. Everybody's got to qualify. Many won't. Many companies will be broke. They will be driven down. A lot of these policies will have to be rewritten, premiums will go up, but that's also part of the equation. There's more to that. Employers will look at the penalty, the 8 percent penalty on payroll, those that employ 50 or more, and they will decide, many of them, I can pay the 8 percent penalty for not insuring my employees cheaper than I can pay their premiums, so why would I knuckle under and comply with a Federal mandate when it's cheaper to do something else?

And then you will have individuals that will be self-employed, those who will be working for companies that don't have 50 or more employees. Those companies are going to be providing health insurance less and less, and those employees that don't have health insurance are going to be more likely to just pay the penalty because they know this: They've got guarantee issue. They've got preexisting condition language that's there. So why would you buy insurance if you could just simply buy the insurance when you get sick, on your way to the hospital, in the hospital, from intensive care? Sign the application, pay the premium like somebody that's completely robustly healthy and pay the same premium.

This is the myopic thinking that comes from the White House and from the other side of the aisle. They don't understand how business works. They don't understand how insurance works. They understand how socialism works, and they're seeking to drag us there.

Now, I used to refrain from saying such things, Mr. Speaker, but the evidence is so replete, and it's a constant out there among the American people. They understand this. Some of this actually began at the end of the Bush administration—all of this, though, with the blessing of now President Obama. But we had a \$700 billion TARP program that was a mistake; \$350 billion of that was passed in the lame duck of the Bush administration. And then there was the nationalization of three large investment banks, AIG, Fannie Mae/Freddie Mac, General Motors/Chrysler, a takeover of the student loan program in the United States that not that many years ago was all private. Now it's all run by the Department of Education, every bit of it. And if you're wondering about this pattern, this isn't something that they don't understand. They know what they're doing.

Back in 1960, 1960, 1961 and 1962, in that era, the only flood insurance that you could buy in America was sold at the private sector, property and casualty flood insurance. So if you lived in a floodplain, you could pay the premium to a private sector company and you could protect yourself from floods. But the Federal Government decided they would get involved in the Federal flood insurance program and they passed that. Just a few years later, there was no longer any private sector property and casualty flood insurance in America. There hasn't been any for almost 50 years. Almost 50 years since we've had private sector property and casualty insurance, because the Federal Government got in the business and they couldn't compete well enough in the beginning, but then they passed legislation that required that anybody that had a loan through a national bank had to buy flood insurance. So the flood insurance premiums were compelled as a condition of the loan, and so they imposed a requirement to pay those premiums. And over time, they pushed out the property and casualty people, the private property and casualty people, and the flood insurance program became 100 percent Federal Government.

Now, you can't go out in the market—and for years you have not been able to go out in the market—and buy flood insurance. You have to buy that through the Federal flood insurance program. And curiously, that program is \$19.2 billion in the red, Mr. Speaker, and they're looking for ways to compel more people to pay premiums because the value of those premiums hasn't reflected the risk or else they paid out

the benefits in such a way. I think it's a combination of the two, but mostly the premiums haven't reflected the value of the risk. They haven't run their insurance company very well. They're the government, after all. And if they fail to meet a casualty, they don't go broke. They just run deficit spending or come back to this Congress and ask us to borrow money from the Chinese to backfill their business inefficiencies, and that's the model.

So we've got a Federal flood insurance program that is a bust—\$19.2 billion. We've got the student loan program now taken over by the Department of Education and done so in the dark of the night as part of a reconciliation package that circumvented the filibuster rules in the Senate and was attached to the last-minute deals that were made in place on ObamaCare. And now we've got ObamaCare, and it will move itself towards the nationalization of our health care. In fact, I'd say it is the nationalization of our health care, because there isn't anybody in America that will be able to manage their health care anymore at their own choice.

The markets will not establish the demand. You will not be able to go to an insurance company and, say, if you and a million other people in America want to be able to buy low-premium catastrophic insurance—let's just say you're 22 or 23 years old, in robust health and you've got an income where you're making \$25,000 a year and your employer is not providing your health insurance, but you want to be responsible and you want to pay for catastrophic insurance and you say, I want to have a \$2,500 deductible premium that only pays catastrophic.

You should be able to buy that really cheaply in the marketplace. And what's going to happen? I guarantee you, it will not exist. It will not exist because the community ratings at 3-1 already eliminate catastrophic, low-premium health insurance for young people, which means they have to pay a disproportionate share of the premium.

And when they look at that, they wonder, What am I getting back for my money? Well, they're getting the privilege of paying somebody else's health insurance premium that levels this out a little bit, as if the generations has an equal shot at it.

But here's what happens. Young people that are healthy don't have very many health insurance and health care claims. Their premiums generally have reflected the risk in the States where the States allow them to do that, and it's many—in fact, it's most. But under ObamaCare, with the 3-1 community rating, now that premium can't be anything less than one-third of the highest premium that's charged out there.

So if you have somebody with, let's say, a bad health record that you would

charge a high premium to, your low-income guy has got to subsidize the high-claims guy. And the world doesn't sit there just so that a younger person with low health care claims can't afford to pay a lot more premium than that. Well, they're not a lot more risk than that either. But somebody that gets on upwards to their income peak earning level—I don't know what that number is but I'm just going to say 55 just to pick a number. Your income earning capacity increases throughout your lifetime to a certain point and then it tends to level off as people start to retire. So let's just say mid-fifties. That's the time also that health tends to cost more, in the aftermath of the mid-fifties. So the premiums go up, and that's a higher income time of life.

Why would we go down to the younger people and discourage them from buying insurance, people that will drop off and pay the penalty instead of the premium because we've rigged the game in favor of the people at the upper age group and the upper claims group of this? Again, it defies logic.

We could go on and on about how bad ObamaCare is, Mr. Speaker, but I just want to make this point. I brought legislation to repeal ObamaCare. I could not sleep the night this passed. I typed up a request for the bill draft and I sent it to leg. counsel at the opening of business that morning. It was a Monday morning. That draft came back to me completed in legislative form within 3 minutes of the time that Congresswoman MICHELE BACHMANN's repeal bill also came down. Within 3 minutes. Each of them were 40 words. They were verbatim to each other, pieces of legislation that were pure in their simplicity, 2,000-plus pages of ObamaCare ripped out by the roots, lock, stock and barrel if we pass this legislation that is so simple that repeals all of ObamaCare, 100 percent of ObamaCare, lock, stock and barrel, not one vestige of it left behind, not one particle of ObamaCare DNA left behind.

It has become a malignant tumor in our society. It is metastasizing as we speak, and it has got to be repealed. Every single word of it, every component of ObamaCare has got to be repealed. MICHELE BACHMANN's legislation does that. Mine does that. CONNIE MACK's of Florida repeals it. Also, Parker Griffith's of Alabama, BOB INGALLS of South Carolina, all—those are the ones I can think of. I think JERRY MORAN will be another one—have introduced legislation that repeals ObamaCare, all of it, lock, stock and barrel. That needs to happen, Mr. Speaker, if we're to have our liberty back, if we're to have our freedom back. If we're to have our American vitality back, it's got to go, all of it.

Now, what I have done is worked that legislation pretty hard. I ended up with 89 signatures, and I'm still taking more if they will sign them on, to the repeal legislation.

□ 2040

Most of those people who signed onto my bill I asked to sign onto the bills of the others, especially onto MICHELE BACHMANN's, because she had worked it so hard, but it ended up there were a few more signatures on my bill than on the others, so I introduced a discharge petition some 5 or 6 weeks ago.

A discharge petition, Mr. Speaker, is the one single tool that the disenfranchised majority opinion in this Congress can use to bring legislation to the floor over the will of the Speaker of the House, NANCY PELOSI. Any other method that we might have to move legislation here in the House is blocked by the iron fist of the Speaker. Any legislation we try to move through committee will go nowhere. No matter what the support is for a bill, if the Speaker doesn't want it to move, it doesn't move. If you want a hearing for a piece of legislation before a committee, you will not get that hearing. If you want a markup before a subcommittee or a full committee, you will not get that markup. The Speaker will decide whether it moves or whether it doesn't. It is an iron fist, a draconian hand, that shuts down the opportunity for the will of the people to be manifested in a recorded vote on the floor of the House of Representatives.

There is only one tool—only one tool, Mr. Speaker—and that is a discharge petition. It is there to give relief for the will of the people in America reflected in this republican form of government that is guaranteed to us in the United States Constitution.

It is a discharge petition.

When a bill has been introduced here into the House and has been allowed to cure for a minimum of 30 legislative days, then it can be converted into a discharge petition on file right over here with the Clerk of the House, and that requires a signature on that document and an initial of the Members of Congress who support it. Now, those signatures are accumulated here on this discharge petition, Mr. Speaker, and it is discharge petition No. 11 that repeals 100 percent of ObamaCare. That discharge petition that is on file has my signature at the top. It has MICHELE BACHMANN's right there with mine and with CONNIE MACK's at the top, and it goes right on down the line.

When I first filed it, some of the critics out there in America said, Well, there's an act of frustration. He won't be able to get anything done on this. They aren't going to sign onto that discharge petition.

Well, we can take a look and see what has happened today, Mr. Speaker. In fact, we can check it currently, and I might be able to do that, actually, on the fly. We are at least at 159—I think at 160—on the discharge petition. When we get to 218, then we will be able to bring that bill to the floor for an up-or-down vote. No amendments. It cannot

be blocked by the Speaker of the House. That is what a discharge petition does.

Let me see. There we go. I'll get this going and try to give you a report, Mr. Speaker.

This discharge petition No. 11 is here in the well. Republicans have lined up to sign that petition, and they have done so repeatedly and consistently. It is a logistical difficulty to get that many people to go to the well and sign a discharge petition, but we are up to 159 or 160 on this petition, and there are others who have agreed to sign.

Of the Republicans, Mr. Speaker, there are only 14, by current count, who haven't either signed this discharge petition or haven't agreed to sign the discharge petition. All of the elected leadership has signed. In fact, I am seeing a notice here that all of the appointed leadership has signed. The entire leadership team has agreed to sign the discharge petition. Actually, the entire leadership team on the Republican side has signed the discharge petition. That's 100 percent support by the leadership team and by the Republican Conference. That is Leader BOEHNER. That is Whip ERIC CANTOR. That is Republican Conference Chair and master communicator MIKE PENCE. That is everybody along the line who you will see who line up at the microphones to lay out our Republican policy.

One hundred sixty of us altogether have signed. There is at least another four who have agreed to who haven't quite made it down here to put their John Henrys on the discharge petition. That is very, very close to a full court effort here in the House, and I think that the Republican numbers have an opportunity, by the end of this week, to be signatories on the discharge petition, totaling perhaps all but maybe four who have a little difficulty getting there. I'm expecting that we'll have a chance to get to that point, and maybe, just maybe, on the best day, every Republican will have signed the discharge petition. I hope we get there because here is what it is about, Mr. Speaker.

Thirty-four Democrats voted "no" on ObamaCare. Every single Republican voted "no" on ObamaCare. It was universal. Every Republican opposed it and 34 Democrats opposed it. Why did they vote "no"? That question is out there. The American people are wondering this, Mr. Speaker. Why? Did they oppose ObamaCare? Did they do so on a philosophical basis? Was it a policy question?

Every one of them would like to tell you it's a policy question. Well, is it ever a policy question in some of their cases? I think we're going to find out. Were they voting "no" on ObamaCare because the Speaker of the House said, "I don't have to have your vote. Go ahead and vote 'no,' and then you can posture yourself back in your district as someone who is against ObamaCare

and as someone who is not necessarily doing the bidding of the Speaker of the House from San Francisco?"

Well, this San Francisco agenda has been driven through this House because every single Democrat voted for NANCY PELOSI as Speaker—every one. All 34 of those Democrats who voted "no" on ObamaCare voted for NANCY PELOSI.

So, when you think about how this fits together, if they voted for NANCY PELOSI for Speaker, they enabled the San Francisco agenda to be driven through this House of Representatives. That includes cap-and-tax. It includes ObamaCare. It includes Barney Frank's financial reform legislation that sets the Federal Government up to be in a position to take over our lending institutions, or at least the larger ones if they decide to do so. All of that agenda and more has been driven by the Speaker of the House—NANCY PELOSI from San Francisco, a San Francisco agenda imposed upon America—because every Democrat voted for NANCY PELOSI for Speaker.

Now they'll be going back home at the end of this week, and they're going to say, I voted "no" on ObamaCare. It was a tough vote on cap-and-tax. I was doing something because I had a little nuance here.

I know one Member of Congress, who is part of the Iowa delegation, who said, Well, I think the bill has gotten better here in the House, and I'm going to vote for cap-and-tax because I think they're going to fix it down the hall in the Senate.

You'd sell out your franchise like that? If you had any leverage to fix anything, you just lost it when you voted for it and sent the bill down to the Senate. You stand here, and you hold your vote "no." You don't hold your nose and vote "yes" and say you've done something responsible.

Where we are, Mr. Speaker, is this: ObamaCare has got to be repealed. There are 34 Democrats who said they were opposed to it who will have an opportunity to prove it right here at the well by signing discharge petition No. 11. Thirty-four Democrats voted "no" on ObamaCare. If they are sincere, they will sign the discharge petition. They will be added to the Republicans who have signed it and to those who will. There will be more tomorrow, and there will be more the next day. I can guarantee that, Mr. Speaker. When we get to this point, we will find out the separation between the women and the girls and the men and the boys.

Were they for the repeal of ObamaCare? If they opposed it in their votes, they shouldn't be for it in policy today. If they are going to duck and cover and try to have it both ways, a discharge petition will help separate that. In fact, it will separate it, and the American people will know the difference. We will gavel out of here perhaps on Thursday night, and most

every Republican will have signed the discharge petition. I am hopeful there will be a handful of Democrats who will step up to it, who will take a stand and say, I really meant it when I voted "no" on ObamaCare, and I'm going to put my signature down here on this discharge petition, which commits them to voting for the repeal of ObamaCare if we get 218 signatures and it comes to the floor.

That is being honest with America. That is sending a message out across America. It is giving the constituents in each of these congressional districts an opportunity to take a look at the real record, an opportunity to evaluate the real positions of the Members of Congress—not the smoke and mirrors version, not the duplicity, not the straddle-the-fence version, but the real version, which is, if you voted "no" on ObamaCare, you'd better be for the repeal of ObamaCare. If you voted "yes" on ObamaCare, you might want to reconsider and sign the discharge petition anyway because it is bad policy. It is lousy policy. It can't be afforded. In no way can it be calculated to fit with anything that we might be able to sustain. It is unsustainable.

It is unforgivable to do this to the American people and to take away our freedom to manage our health care—to go out in the market and buy the health insurance policy that we want.

There are many things we can do for reform. There are many things we have tried to do for reform. We sent some of them over to the Senate when the Republicans were in charge here in the majority, and they got locked up with the trial lawyers in the Senate. We are going to have to roll the trial lawyers. That has to happen in this next Congress and in the Congress after that, Mr. Speaker, but we cannot tolerate a Congress that drives up the spending in America, one that runs in a \$1.4 trillion or \$1.5 trillion deficit. That is 10 times the average deficit under George Bush.

□ 2050

And still they stand up and say, Bush's fault, Bush's fault. Bush's fault?

\$140 billion deficit under Bush. Now, I'd like to have balanced the budget, and I voted for a number of balanced budgets and I'll keep doing that. And I'm an original cosponsor of the balanced budget amendment.

But, Mr. Speaker, to equate a \$1.4 trillion deficit and \$1.8 trillion deficit coming the year behind that, and to equate that to a \$140 billion deficit, it defies any rational thought, Mr. Speaker.

And I hope that I have conveyed some rational thought for you tonight, and I'm glad that you paid attention.

CORRECTING THE RECORD

The SPEAKER pro tempore (Mr. MAFFEI). Under the Speaker's an-

nounced policy of January 6, 2009, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. RYAN of Ohio. Mr. Speaker, I'm going to rise this evening with some of my colleagues to repudiate some of the comments that have been made here tonight, to correct some of the record, and to provide, I think, the real story, Mr. Speaker, of what is going on in America and compare that—and my friend from Iowa, who was up here prior to me stated that it's about the record. And I would 100 percent agree: it is about the record.

And if you look at the past few years prior to the Democrats taking over, our friends on the other side had complete control of the entire Federal Government. And in States like Ohio, they had control of the whole Ohio Government.

And with President Bush, Republican House, Republican Senate, they had an opportunity to implement their economic policy. They had an opportunity to implement their foreign policy. They had an opportunity to implement their energy policy. They had an opportunity to implement their health care policy.

All across the board, our friends on the other side had an opportunity to govern this great country. And the end result, we saw just a few short years ago with deregulation of Wall Street, turning a blind eye to what was going on, hoping that the health care problem would go away, hoping that the energy policy, the energy problems we had in this country would go away.

And the end result was what happened just a couple of years ago with the complete collapse of the American economy, with trillions and trillions and trillions of dollars lost by American families and American businesses, with millions of people losing their homes due to foreclosure, with the Federal Government down here saying that government never works, it has no role, no place in our society, let the free market work, let Wall Street run the show, let the multinational corporations run the show.

And we will do everything in our power, while President Bush was in office, to completely denigrate the responsibilities of having a referee on the field to monitor Wall Street shenanigans, Mr. Speaker, to make sure, learning from history, that if you let Wall Street go without any regulation, that they will run free and, for a short time, monitor themselves. But then after a while, they will get greedy and they will cheat, and it will become inherent in the system. And at some point, as we saw many economists predict the collapse that they said maybe would happen in '08, maybe '09, or maybe '06, they thought it would come a little bit earlier. But there were economists out there that could see what was going to

happen. And it did. The unregulated free market Wall Street collapsed and took Main Street with it.

For example, our friends on the other side, just in the last week or so, when this Congress and this President passed a complete overhaul of the regulations of Wall Street to make sure that this doesn't happen again, our friends on the other side voted against it, Mr. Speaker, voted against regulating Wall Street after we all just watched, as a country, and as the world watched, this system collapse because people just started moving money around.

You want to talk about family values and taking responsibility?

We are now holding Wall Street's feet to the fire, and our friends on the other side said, nope, we're going to side with the big banks. We're going to side with Wall Street. We're going to side with the status quo. And to me, Mr. Speaker, that's unacceptable. That's unacceptable.

And we have a bogey man America now. Oh, we've got to hold up. A San Francisco agenda's coming. Or here comes socialism. It's coming at you.

This time in our country's history requires very sober, mature analysis of the facts and an attempt to build a consensus around solutions. And our friends on the other side have consistently said no, no, no, no to everything that we've done.

Now, you can't disagree with everything. My goodness gracious. Everything?

Regulating Wall Street, saying we need a referee on the field to keep an eye on the big banks and the big-time money firms on Wall Street, to say they need regulated and you say, no?

To say that we wanted to pass unemployment insurance at this very difficult time, and the Republicans put up procedural block after procedural block saying no?

They come out and readily admit we've got to pay for \$30 billion in unemployment insurance, but we don't have to pay for \$650 billion worth of tax cuts that go primarily to the top 1 percent of the people in the United States of America, millionaires? That doesn't need to be paid for?

So what we're here tonight to do, Mr. Speaker, is to provide for this Chamber and for the American people, and to put into the CONGRESSIONAL RECORD, the choice, the difference between the party that is now governing the country, and the party of George W. Bush, who left us this mess.

Now, no one's saying that we can fix this overnight; but, basically, what happened is that we were in a football game, and President Bush was the quarterback. And when they took President Bush out as quarterback, we were down 50-0. And now President Obama is in as the quarterback; Democrats are now in on the team. And we may not have won the game yet, but

we're still in the second quarter, and the score is now 50–21. But we're moving in the right direction.

And when you look at where the Bush economic policies that everyone on the other side of the aisle, Mr. Speaker, rubber stamped, those policies cost our country millions and millions of jobs; 8 million jobs were lost because of the economic collapse on Wall Street, which was the final result of the Bush economic policies.

Millions of people and their homes went into foreclosure because of the Bush economic policies. Trillions of dollars in wealth were lost because of the Bush economic policies.

We were bleeding jobs. The January that President Obama came into office, we were losing almost 800,000 jobs in that month alone, in that month alone.

And so this President and this Congress took a series of bold measures that weren't necessarily the most popular measures to take, but definitely needed, mature measures to help stabilize our economy and turn it around.

□ 2100

And that, Mr. Speaker, beyond all facts to be presented, worked. Now, as I said, we are not anywhere near where we need to be, but it worked. The stimulus package worked. Did it work well enough? Probably not.

But I can only imagine what would have happened if our friends on the other side were in charge and there wasn't any stimulus package at all. How many thousands and thousands of teachers would have been laid off? How many thousands and thousands of State workers would have been laid off? Police and fire would have been laid off because our friends on the other side said, No, we're going to implement a political strategy that means we have to repudiate everything that President Obama does. We have to hope that he does poorly. We have to root against the President. We have to root for the President to fail. We have to root for the country to fail so that we could maybe benefit politically in the next election.

And that's what's happened.

"No" to the stimulus. "No" to unemployment compensation. "No" on reducing dependency on foreign oil. "No" to taking on the insurance companies. "No" to Wall Street reform. "No" to the banks. "No" to providing more credit for small businesses. "No" to tax credits. This is the one I really like. Our friends on the other side voted against getting rid of the tax credits that incentivized moving jobs offshore.

Now, can you imagine saying that, you know, there are some things I'm for and some things I'm against. Our friends on the other side voted against a closing of a loophole to disincentivize jobs moving offshore where Democrats are closing that loophole and incentivizing American manufacturing.

Things made in the United States again, making things in the United States again, those times where our parents and grandparents grew up where we made things as a country, where we built things.

And that's what the energy revolution is all about. We send a billion dollars a day offshore. A billion a day, Mr. Speaker, offshore to oil-producing countries that don't like us all that much, and in many instances take our money and fund terroristic acts, try to in the United States and across the world. And then we have to spend money in our military to combat the global terrorist acts.

So if we come up with the idea of can't we produce our own energy here with nuclear, natural gas, wind, solar and put people back to work in the United States making the 8,000 component parts that go into a windmill, making the 400 tons of steel that go into a windmill, making the component parts that go into a solar panel, this is the idea of putting America back to work. And our friends on the other side, Mr. Speaker, are saying, No. Let's keep giving tax cuts to the oil companies so that they can keep drilling when we only have 2 percent of the world's oil in the United States of America.

There's a real choice here. There's a real difference here. And it's important for all of us to recognize the choices that have been made down here and the differences between the two parties.

So we stabilized things. We went from losing 750,000 jobs in that first month in January, and now we have an average monthly job growth of 170,000 jobs a month here in the United States. Not nearly enough. We need more. And we're working on more by helping small businesses, eight-plus small business tax credits to help create jobs, including a tax credit to create jobs here in the United States—as opposed to a tax credit that our friends on the other side support to move jobs overseas—so that we can put Americans back to work making things, manufacturing things, and taking on China. That's what these policies are all about. A green revolution in the United States is about resuscitating manufacturing in the United States.

And let me say that if you had a 401(k) or if you have a retirement plan, it looks a heck of a lot better today than it did when our friends threw us the keys. Most families have gained about 60 percent of their wealth back because of the increase in the stock market because of the policies of this administration, the bold policies of this administration.

We have seen 98 percent of families in the United States in this past year see a reduced level of taxation.

Again, it's in vogue today in America, especially if you're a part of the neoconservative radical right wing

that has taken control of the Republican Party, quite frankly, Mr. Speaker, to put up another bogeyman to say, They're raising your taxes. Well, we haven't. Ninety-eight percent of Americans have seen a reduction in taxes.

And so we are doing what we need to do to get us out of this economic catastrophe that President Bush and his Republican Party left this country. De-regulated Wall Street, looked the other way; let the insurance companies run crazy over the health insurance industry. And we've seen skyrocketing costs, incentivized "drill baby drill," continue down that road while oil-producing countries take our money and fund terrorism when we could be investing that money in the United States and manufacturing renewable energy products here.

So we have seen, Mr. Speaker, a dramatic change over the course of the last 2 years.

So the choice is quite clear. Do we return back to the failed tried and tested policies, the worn-out, trite policies of the Bush administration? Do we trot those back out after we saw where they took us?

You know, here's the thing that I love.

Our friends on the other side say, Well, if we just cut taxes for the people that make all the money, it will trickle down and it will benefit everybody else. We tried that, Mr. Speaker. Those were the policies of the first 6 years of this decade. Bush came in, passed his tax cuts, and we didn't see extreme economic growth. We didn't see the middle class rise. We didn't see wages go up. We saw more offshoring of jobs to China and foreign countries. We saw the tax burden pushed off on the middle class. We saw health care costs skyrocket and go through the roof, continuing to take money out of the pockets of middle class families. We saw tuition costs go up all across the country, 9 percent a year.

And Pell Grant, because our friends said, Well, you're on your own; we don't even want to invest in education. You know, Pell Grants did not keep pace with where they needed to be. And our friend who was here earlier was talking about the student loans, how the Department of Education took over the student loan program and the free market. Yeah. Because the banks were charging our kids 8, 9 percent.

You want to keep that system going where you've got to take out a student loan and you get out of college and you owe \$20,000 or \$30,000 to get a college education? Or heaven forbid you get a master's degree or go to medical school and you come out with hundreds of thousands of dollars in debt so that banks could make a profit off of trying to educate our kids so we could be globally competitive? That's what the other side wants to do, Mr. Speaker. They want to keep that system in place.

□ 2110

They like it just the way it was. Everybody was happy. The insurance companies were happy. The multinationals were happy. The banks were happy. Wall Street was happy, but we weren't happy as a country. And not only did the banks charge 8 or 9 percent for a student loan, check this out. The government said, if a student defaults on that loan, we'll pick up the tab. Jesus, I mean, wouldn't it be nice to be a bank under George Bush. You mean I get to loan this student and this family a student loan at 8 percent and if they default on it, the government will come in and pick up the tab? Hey, we should all go into banking and be that lucky.

They set up a system, Wall Street did, that if there were lots of profits and lots of economic activity, they reaped all the benefits and the wealth was not spread throughout society. They would benefit. And that if it failed and collapsed, they would bring the whole country down with them, Main Street included. And then President Obama gets in and we pass the most sweeping Wall Street reforms since the Great Depression and our friends on the other side voted against it, just to keep the status quo.

So let's recap a little bit. Bush comes in, Republicans rubberstamp his agenda, they cut taxes for the top 1 percent. They try to privatize Social Security and Medicare. Their policies are implemented across the board, economic, energy, foreign policy, right down the line. After they're all implemented, the economy completely collapses and shuts down.

And then the Democrats come in. We get the keys to the car. The wheels are spinning, wobbling. There's cracks in the windshield. There's steam coming out of the engine. The tailpipe's dragging on the ground. There's no back window. It's like the car from "The Big Lebowski" that the Dude used to drive. So this thing's just wobbling down the aisle, wobbling down the street. We get the keys to the car. We take some bold needed actions, and our friends on the other side don't even try to solve the problem, don't even try to solve the problem.

But what has happened is we went from losing 700,000 jobs a month to creating on average 170,000 jobs a month. We saw the stock market go from a little over 6,000 up to 11,000, and 60 percent of the wealth returned to American families. We have seen a reduction in student loans, an increase in Pell grants, an increase in the minimum wage, making sure everybody in the country has health care. We tried to provide, and we have provided, tax incentives for businesses who create jobs here in the United States of America as opposed to our friends on the other side who voted against closing the loophole to bring jobs to the U.S. They wanted

to keep the status quo which incentivized people and businesses moving their companies offshore. And our friends on the other side don't want us to reduce our dependency on foreign oil and have consistently voted against initiatives to resuscitate manufacturing here in the United States and invest in green technologies and green energy here in the United States. So on and on and on.

In addition to that, Mr. Speaker, which I think really highlights the difference between the two parties is, if you look at the alternative budget provided by the Republican Party here in the House of Representatives, it privatizes Social Security and it attempts to turn Medicare into a voucher system for our senior citizens. Again, a leap back to the Bush-era policies. Do we really want to go back there?

I'm the first to say, Mr. Speaker, we haven't done everything right. I could talk about my disagreements I have with some of what the President has done, or everything we're not all in agreement here. But clearly, there's a difference between what we have done and what our friends on the other side handed us after full implementation of their agenda.

I'd like to yield to the gentlelady from Florida.

Ms. WASSERMAN SCHULTZ. Thank you so much.

Mr. RYAN of Ohio. Who has her Florida orange on tonight.

Ms. WASSERMAN SCHULTZ. I do, that's because I bleed orange and blue, and Mr. RYAN knows that, and I appreciate the recognition.

And we're also joined by our good friend who has been a weekly staple of these important message hours where we're trying to communicate to our constituents and to people across the country and to our colleagues about the progress that we've been able to make that has been so significant and evident.

One of the things that I wanted to highlight—Mr. RYAN, I'm not sure if you have gone over any of this—but I think an important chart that we usually begin with when we talk about the private sector that has been made, the private-sector employment increases over the past year and a half.

And if you look December of 2007 all the way through to June of 2010, you can see the dramatic job losses that occurred during the Bush administration. The Bush administration ended right about here in January of 2009, and when President Obama took over, we at this point in the year passed the Recovery Act, the stimulus package that injected \$787 billion into our economy, both in terms of an infusion of spending as well as tax cuts, 98 percent of Americans received a tax cut, mostly focused on tax cuts for small businesses and working families. And then at that point, that's when you see the

job growth curve start to shift from almost 800,000 job losses a month in the month before President Bush left office and President Obama was inaugurated, then you begin starting to gain jobs to today where you look in June of 2010 where we have added jobs for six straight months, an average of 100,000 jobs per month, almost 600,000 jobs created this year alone. And if we keep on this pace, by the end of this year we will have created under President Obama's leadership and the Democratic leadership in this Congress more private-sector jobs in this year than the entire Bush presidency. I mean, that's just the facts, and it's an unbelievable fact.

We have turned the economy around, and we've begun to go in the right direction. We have a long way to go but look at the other indicators. Look at the stock market. Look at the three straight quarters of growth in the GDP. Look at the 11 straight months of growth in the manufacturing sector. America has always been about making things. Mr. TONKO and Mr. RYAN are from communities where your constituents, the people that sent you here to represent them, they're used to rolling up their sleeves, doing a hard day's work for a hard day's pay and making stuff, and we want to make sure that we can get America back to work making things again. And that's why we have our Making it in America agenda that we're going to be talking about over the next few weeks as we enter the August recess period.

And we're so pleased to be joined by our good friend Mr. TONKO, a new Member who has been doing a fantastic job.

Mr. TONKO. Thank you, Representative WASSERMAN SCHULTZ. It's a pleasure to join with you and Representative RYAN on the floor here to talk about what's happening.

You talked about Representative RYAN's district and mine being about making things. I thought tonight I would share some numbers that personalize it to the 21st Congressional District in New York, the greater capital region. Let's look at some of the numbers.

Beechnut, which produces baby foods, a tremendously powerful economic engine in our Mohawk Valley. Their total jobs right now, new positions, are at 106; 52 in the management position and some 54 in new factory positions. These are workers that will be producing on the line. It is a strength to our region.

X-ray Optical. The X-ray Optical system says that they need to share with the world that throughout this recession they have maintained their workforce. In their order of business, they believe this is a monumental feat.

□ 2120

So we are thrilled that they are able to survive throughout this economic climate without any layoffs, any

firings. Certainly the jobs in the capital region are plentiful, or becoming more plentiful. The Albany Medical Center has more than 400 openings, including nurses, technicians and other specializations. General Electric company needs some 200 engineers, researchers and financial analysts. Certainly GlobalFoundries is hiring some 69 people, mostly engineers and technicians. Comfortex has hired 40 people since May and is looking for 15 additional workers.

This time last year the State Labor Department in New York reported that there were some 3,800 registered job openings in our area. Now it's reporting that there are some 6,000 job openings.

The unemployment in the Albany area is down to some 6.6 percent, and just recently 2,900 jobs were added to the regional private job sector this past June. So these are numbers personalized to one congressional district in one State.

As we continue to see this sort of increase in jobs across the country, we begin to understand that the dynamics of the Recovery Act are indeed important. There are those who might bemoan that investment. We stop the bleeding of the recession; and for slightly less than a trillion dollars of investment, we see factors now like \$18.5 trillion lost in the last 18 months of the Bush administration in household income that was just lost in that 18-month period. We have recovered some \$6 trillion of that household income as a result of the Recovery Act. So when we talk about that, a down payment of under a trillion dollars has recovered some \$6 trillion household wealth.

I think that's an amazing return for the dollar. That's an amazing recovery, and so the Recovery Act is not only producing that private sector job growth, as my two colleagues indicated this evening with the chart that they have presented; it's also recovered some \$6 trillion in household income and for a down payment, again, of under a trillion dollars. That's a great return.

So I think America is poised for greatness. This cleansing process has been painful; but it allows us to go forward with the sense of commitment to innovation, to a clean energy economy, to the sort of emerging technologies and the innovative genius that is uniquely American.

If we can move forward and take a number of these success stories, success stories in our R&D centers, in our basic research and allow them to be deployed into manufacturing sectors and into the workforce by taking those passions and making the investment that we need to make, we cannot only respond with a jobs agenda but respond to some socioeconomic ills out there.

Our energy crises in this country, several crises under the umbrella of en-

ergy, can be addressed by investment in technology, investment in R&D and, certainly, job growth that comes into a new dimension that allows jobs to be created from the trades on up to the PhDs. It covers the full gamut, and I think that's the sort of investment we are talking about here.

We are talking about advanced battery manufacturing. We are talking about smart meters, smart grids, smart thermostats. These are the investments that could be made, people that will install energy efficiency improvements in homes and make businesses more productive, maintaining homes at a cheaper cost by using less electricity and creating jobs in the process.

I am thrilled to join you both as colleagues here this evening because we have a message, we have a great message to share and people need to know. The public needs to know that this investment was made in a very deliberative, laser-sharp focus-type manner that allows us now to begin to see the improvements that are taking hold. Had nothing been done, had the previous administration been allowed its way, we would have seen that straight-line decline continue until we hit the Great Depression.

So I think we are on the right course; we are now bearing northward with that V formation and we are going to continue to grow north to make certain that we continue to grow the private sector economy.

Mr. RYAN of Ohio. I think it's important for us to say we have tried the old way, and this is what we have been trying and attempting to fix. Here you will see, again—or even a rise in manufacturing. What the Democrats are saying here, and you see 2, 4, 6 months of job growth in the manufacturing sector, and what Democrats are saying is that is part of the economic stimulus package, that is part of moving towards a green economy where our people in our country have always made things, have always gone to the factory and made things.

Not everybody can be in an ivory tower; not everyone can do the research. If we are going to succeed as a country, we need the middle class of our country to make things.

You can see that our policies are beginning to work, beginning to take hold; and the idea of taking a billion dollars a day that leaves our country and goes to oil-producing countries that don't like us all that much, that fund terrorism, and then we have got to fund the military to chase them all around the world, is an ignorant policy. It's a frivolous policy that doesn't work.

So what we have done is made investments in wind and solar and the batteries and things that the gentleman stated earlier so that we can do the cutting-edge research, but then we can make it here.

We could manufacture those products here; 8,000 component parts go into a windmill, 400 tons of steel. Solar panels are filled with different components. In Toledo, for example, they are doing a lot of different solar panels, in Toledo, Ohio.

Let's make this stuff in the United States of America again so we can get back to a time when our parents and grandparents throughout the country could go to work and make something and watch it ride down the road or look at the steel in a building, in the concrete and the windows and the framing and everything that goes into it.

That's what we are moving back to. We have broken with the past, we have broken with the Bush economic policies that our friends on the other side have rubber stamped. We are now moving in a new direction, not nearly as quickly or with the celerity that we all want, but we are going in that direction.

Ms. WASSERMAN SCHULTZ. Mr. RYAN, a couple of years ago, when we would be out here each night with the 30-Something Working Group, our symbol was the Republican rubber stamp that was emblematic of the philosophy of our friends on the other side of the aisle.

I think we should take a walk down memory lane. Maybe we want to bring the rubber stamp back because it does appear that they have not shed those tendencies, and that's evidenced in the choice that Americans are going to have over the next few months.

Let's go through some of those choices. You are talking about how important it is that we go back to making things in America, that we revitalize the economies that had manufacturing as the backbone of cities and towns throughout this country, throughout the Northeast and the Rust Belt and even—I don't even like the term "Rust Belt" because it implies something that's irretrievable. You know, once something is rusted out, your perception is it's not able to be regained.

I know we don't believe that, and we believe in investing in the concept of making America and that it's more than just a concept, that we are going to put resources into making sure that when we have a choice that we choose to make sure that it's Americans that are doing the manufacturing for the things that we need here, and we are doing that by backing that up with action when it comes to our policy decisions as well.

So are the Republicans. Their actions are vastly different than ours. We propose to close tax loopholes that allow outsourcing U.S. jobs overseas and use the savings to pay for hometown tax credits for small businesses to expand manufacturing jobs. And what do they do? They vote, "they" being the Republicans, vote 170–1, 170 Republicans

voted “no,” to 1 that votes “yes” to protecting tax breaks for companies that shipped jobs overseas; 170–1 they voted to keep that tax loophole intact so that we could continue to allow companies to get tax breaks when they ship jobs overseas.

Mr. RYAN of Ohio. Could I make a point real quickly. That vote is such an example that the other side seems to just be playing politics. They want Obama to fail, and they want to be able to say—

Ms. WASSERMAN SCHULTZ. They have said it.

Mr. RYAN of Ohio. Yes, they have said it. And they want to be able to say, see, we had nothing to do with any of that. So being so ideological that they vote against getting rid of tax cuts that incentivize off-shoring business. I mean, that says it all. It's one thing to say you are against some of this stuff, but that too?

Ms. WASSERMAN SCHULTZ. Let's take it one step further. It's not just bad enough, okay, to say they voted to protect the tax break. On top of that, 95 percent of House Republicans have signed a pledge to protect those tax breaks, signed a pledge, put their name on the line and said, I am going to protect tax breaks for companies that ship jobs overseas.

□ 2130

It's absolutely mind-boggling. We want to make sure that we protect companies and give tax breaks and incentivize companies that make decisions to create jobs here in the United States, in your district in New York, in your district in Ohio, in districts across this country. And they would rather have those jobs created in China and in other countries and boost up their economy.

Mr. TONKO. If the gentlelady would yield, you talk about telling statements on the floor or the behavior in and around Washington that proves very telling, actions sometimes speaking louder than words. The activity that has taken place on this floor as it dealt with America COMPETES, here was a major bill invested in by the Science and Tech Committee, a number of groups overseeing this legislation, monumental to the future of America's workforce, to manufacturing, to investment in basic research, in R&D. And there were all sorts of efforts made to hear everyone, to be totally inclusive about that final package that was developed and then presented on this floor, approved in committees and travels to the floor, and then the game of “gotcha” politics takes hold.

We use all kinds of stall tactics, all sorts of gimmicks to embarrass, to trap people, to really circumvent the real issue of how do you strengthen manufacturing, how do you put together a package that invests in the re-

search monies that are required. How do you invest in the training of the future workforce, beginning in the educational networks, so that STEM—the science, technology, engineering, and math—concepts can all be learned in a way that will enable us to have the workforce of the future? That effort was so very important. It almost went to defeat. It was pulled as a bill on the floor, and a few weeks later we figured out how to get around the politics spirit that existed.

Ms. WASSERMAN SCHULTZ. Will the gentleman yield on that point?

Mr. TONKO. Yes, I will.

Ms. WASSERMAN SCHULTZ. And your point is very well taken. We had to use a procedural motion just to be able to get around there being an obstacle to the America COMPETES Act coming to the floor and being able to get a straight-up vote. And when it came right down to it, we were for it and most of them were against it.

Mr. TONKO. And I think the actions taken by the majority in this House—Speaker PELOSI and members of the Democratic majority—have been about job creation, private sector growth. What I don't think the other side realizes is that what we have out there is middle-class anxiety and uncertainty that's at an all-time high. They're concerned about paying their mortgage. They're concerned about paying for education, for credit card bills that they have, for medical bills. And they are impacted. They are losing jobs through no fault of their own, and now finally they will see hope growing as we grow that private sector situation. That is the dynamic that has really been avoided and not addressed by the minority in this House.

When they asked to have control back—I think what we need to look at is the contrast, and we've mentioned this, Representative WASSERMAN SCHULTZ, several times over in our frequent visits to the floor. But what we need to do is take the big picture, the big frame here and allow people to see the contrast.

We're looking at a group that drove the car out of the ditch. We towed that car out of the ditch. When the minority in this House was in the majority working with the previous administration, they drove this car right into the ditch and couldn't get it out. And then up comes the new team, and what we have done, working with the President and with the leadership in this House, is towed that car out of the ditch, and now they want the keys back to drive. And we say “no” because we need to go forward, not backward. We need to continue to pursue a progressive agenda.

I think when we look at those big picture issues, Social Security—and where they are with that issue? They want to privatize. They want to put it at risk. Imagine the trillions of dollars that would have been lost had we en-

abled them in 2005 to have their way. I wasn't yet in Congress, but fortunately the Republicans did not get their way and they did not privatize Social Security. We are now here attempting to keep that out of their wish list of privatization.

They also wanted to voucher out the Medicare program, a very successful program for our seniors. They want to put a voucher system in. We're trying to keep it and maintain it, develop the security of that system into the future.

They liken our work on Wall Street reform akin to attacking an ant with an atom bomb. Well, nothing could be further from the truth. It's a deception that they're proud of. And a number of other things.

They asked our President to apologize for coming down hard on BP for not responding effectively and efficiently and in rapid pace to make certain that we save our environment in the Gulf States area.

So there are all these snapshots that we need to look at. And there is a contrast. There is a team that wants to go back to the failed policies of the past. There is a team that wants to promote an agenda for the future. I firmly believe that what we need to remind them is that there is this anxiety level, this uncertainty with our middle-income Americans, with middle-class America that is at an all-time high. And they are now beginning to see that there is a difference between the former majority and now this Democratic majority. I think we have a track record of history that will show that when we're in control, we deliver for America's working families. I think that's a record for which we can be very proud and which really speaks to the strengthening of America, her families, and her economy.

Ms. WASSERMAN SCHULTZ. Absolutely. Thank you very much, Mr. TONKO.

Just to veer a little bit in a different direction towards, again, the choice that Americans are going to be facing, because your facts are stubborn things. You can run away from a lot of different things. Facts are just persistent in chasing you. They've been chasing the Republicans, those stubborn facts, for a long time. One of the facts is that Republicans are consistently on the record of voting against statutory pay-as-you-go legislation.

Now, back in the Clinton administration when PAYGO was first established—and that was a tough, tough vote that Democrats led the way on, made sure happened under President Clinton's leadership—the country finished his Presidency with a record surplus, which was handed to President Bush and he promptly squandered in just a few short years.

If you look at this chart, we will start back in the Reagan administration. And I want to start back in the

Reagan administration because—walk with me down memory lane, shall we?

Mr. TONKO. Do we have to?

Ms. WASSERMAN SCHULTZ. I know it's painful, but I think it's instructive.

As you walk with me down memory lane, let's look at under which Presidents we operated on a deficit and under which Presidents we operated at a surplus. President Reagan, \$1.4 trillion deficit. President Bush, didn't get any better, got worse, \$3.3 trillion deficit. Go to President Clinton, we went from a record deficit at the time to a record surplus of \$5.6 trillion. And then when President Bush finished office after being handed a record surplus, he finished office with an \$11.5 trillion deficit, handing that record to President Obama. And, as you said, after having driven our economy off a cliff, now the Republicans are asking for the keys once again.

Facts being stubborn things, as I mentioned, the Republicans consistently voted against statutory PAYGO. In fact, under the Bush administration, they allowed statutory PAYGO to lapse, which is, in large part, why we ended up in a deficit situation. They deficit-spent like drunken sailors—two wars not paid for, the Medicare prescription drug part D program. As good and as pleased as we are that seniors have their prescription drugs paid for, we know that program was deeply flawed, could have been a thousand times better. Ultimately, we were able to fix it in the Affordable Care Act.

But they blindly spent, through tax cuts and spending, and now suddenly seem to have found religion when it comes to spending and deficits.

Mr. TONKO. Representative WASSERMAN SCHULTZ, if you will allow me to just make a comment here.

Ms. WASSERMAN SCHULTZ. Sure.

Mr. TONKO. When you talk about the \$11.5 trillion deficit, when the Bush administration ended is when I arrived in Washington as a freshman, several months ago now, in my first term. I distinctly recall that economists of all stripes, from far right thinking to far left, found unanimity in that they thought we needed to invest in solving this deficit situation because the time had long but passed since something like that needed to be done.

□ 2140

The denial under the deficit growth, which became a record proportion, could have been resolved if they had changed their policies, if they had looked at the failure and tried to turn it around. So, by the time the new administration took hold in January of 2009, the requirement was there. It was basic. Every economist was suggesting and was strongly urging that it took investing. So we really had to take additional moneys that drove the deficit a little larger, but it was to stop the bleeding of the recession because the

likelihood of disaster was tremendous, so there was no choice but to further invest.

That deficit really drove additional investment requirements, but because of the track record we are showing this evening, it did have its corresponding results. There were lucrative dividends that came from those investments, but they were the smart investments that, yes, grew the deficit slightly, but they finally stopped the bleeding and now show the growth.

Ms. WASSERMAN SCHULTZ. One of the things that is important to note, Mr. RYAN, is that, when we became the majority once again in 2006 and over the last several years, we reestablished statutory PAYGO. First, we established it in rule. Then we passed it in statute. One hundred percent of the Republicans in this body voted "no." They voted against making sure that we made a commitment in the law to not spend more than we take in, to pay for the legislation other than in emergency spending, and obviously, we've been in an emergency. We've been, you know, pretty careful about what we declare as an emergency, making sure that we have covered the legislation with pay-fors. They haven't believed in pay-fors in years and years, if ever.

Let's keep in mind the tax-cutting policy that they had, which was exclusively focused on the wealthiest 1 percent of Americans, which also wasn't paid for. I mean tax cuts are spending, and there is nothing wrong with tax cuts. We have to balance tax cuts with our spending policy, but when you don't collect revenue, that is less revenue that we have in the Treasury, which affects the deficit as well. So I mean their total disregard for balancing the books is not something that they're going to be able to run away from, and we are not going to let them run away from it.

Mr. RYAN of Ohio. I'm just standing here, listening to you both.

When you piece this all together, their philosophy, which obviously didn't work because we saw how it ended, is to cut taxes for primarily the top 1 percent of the people—millionaires and multi-, multimillionaires—and expect that money to get reinvested. We all saw that the money was reinvested, for the most part, abroad in China and in other countries, so that was part of the offshoring.

Then their philosophy was to completely look the other way. It was to take the referee off the field on Wall Street, and let those people who are making all this money continue to find out all these other schemes to make more money—that's how that ran—even to the tune of the student loans where they let banks give student loans and charge 8, 9 percent. Then the government would back the loan if somebody defaulted. So the system was set up to allow just the wealthiest peo-

ple in the country to keep making money any way they saw fit.

Mr. TONKO. If I might add to that, I think also—and history will show—that it was a partnership with big interests. It was with Big Oil, with big banks and with the big insurance industry. In the beginning stages of the Bush Presidency, we saw some of the attempts there for trade contracts, for contracts with China. When we look at the investment, when we look at the job market, it can be broken down into three elements—agriculture, manufacturing, and financial services.

Well, it appeared as though the manufacturing was kind of pushed aside. We didn't see the kind of execution of these trade contracts to favor manufacturing. Instead, somehow, they were gripped by the special interests of big banks, and they ruled in these contracts that were developed.

So I think that, you know, history will show that manufacturing didn't have a high priority with these groups. When you see the emerging technologies, when you see the innovation, the American innovation, there were many small businesses that were continuing to grow, which could have prospered with the appropriate treatment from Washington—policies, programs, resources—and that just didn't happen. Then we saw the further relaxation of regulation with the financial services sector.

So tools were being developed to intentionally circumvent regulation, to relax regulation—perhaps avoiding an aggressive approach with drilling deeper in the Gulf States. All of this created a failure that brought America's economy to its knees, and it was all about partnerships with special interests—big companies, big industries—that really had a grip on what was happening here, and it has caused a lot of failure.

Ms. WASSERMAN SCHULTZ. Mr. TONKO, I want to bring us back to the choice, to the choice of going in the direction that we have been taking the country, which is a new direction to reinvest in America, to make sure that we can create jobs here and not give tax breaks to companies that send jobs overseas, to reestablish statutory pay-as-you-go rules so that we can make sure we pay for the legislation we pass and so that we don't spend more money than we take in.

Let's walk through some of the other bills that we have passed here to make sure we can focus on our own economy and can compare the record because, again, this is going to be about a choice that Americans are making.

How about the Small Business Jobs and Credit Act? That was legislation that provided loans to small businesses and access to capital for small business start-ups to help support the economic recovery and to create jobs. Ninety-eight percent of Republicans voted against that legislation.

How about the Small Business Jobs Tax Relief Act? That was a bill that provided tax incentives to spur investment in small businesses and that granted small businesses some tax penalty relief. Ninety-seven percent of Republicans voted against that legislation.

How about the American Jobs and Closing Tax Loopholes Act? It is legislation that would help create or save more than 1 million American jobs and prevent corporations from shipping jobs overseas and sticking American taxpayers with the bill. Eighty-three percent of Republicans voted against that legislation.

There is the HIRE Act. That bill would give small businesses tax incentives to hire jobless Americans. Between February and May of 2010, an estimated 4.5 million new workers were hired, making American businesses eligible for up to \$8.5 billion in tax exemptions and credits under the HIRE Act. Ninety-seven percent of Republicans voted against that legislation.

I could keep going. I mean, really, this is an unbelievably long list of job-creating legislation that we have passed, that we have put out here on the floor of this House.

Mr. TONKO. Oh, absolutely.

Ms. WASSERMAN SCHULTZ. Over 95 percent of Republicans voted against it.

So we could continue to move in the direction in which we have been going—job creation, spurring the economy, investing in America—or we could backslide toward the Bush era and go back to the exact same agenda as they have committed to focusing on, but I'm not sure that I've met anybody who wants to go back to that agenda.

Mr. RYAN of Ohio. Right. I think what we are proposing and have been investing in is a pro-growth agenda for our country, and that is not as simple as cutting taxes for rich people and hoping and praying that they somehow will invest in the manufacturing in the U.S., you know, and in other investments in the U.S.

We need to rebuild our infrastructure in this country—roads, bridges, waterlines, sewer lines, and combined sewer in all of our big cities. We've got to invest. That's going to put people to work, and that's going to rebuild our country. Our highways and our bridges, we're going to invest in those. We're going to rebuild our country, and that's going to lead to economic development and to economic growth. We're going to invest in technology—green technology—and in National Institutes of Health biotechnology, which is ultimately going to make us healthier and create more jobs.

Those investments aren't made by the private sector, and we need to make those investments which will directly put people back to work. So we want to go back to the philosophy we

had in this country in the 1950s, in the 1960s and a little bit in the 1970s, when we had balanced growth, a rising middle class, strong wage growth, and increases in productivity. This is as opposed to what started in the 1980s, except for the blip during the Clinton administration, which was deregulation and letting the big dogs, as you said earlier—big insurance, Big Oil, big banks, and multinational corporations—come into Washington, D.C., and run this show, too. That doesn't work for Main Street.

Ultimately, I think, as difficult as these last couple of years have been, we have gotten to see the supply side economic policy and what really happens once it is fully implemented. We saw the end result of that.

□ 2150

Mr. TONKO. To my colleague from Florida and my colleague from Ohio, I would say this: I believe, the sense I get is that there's a very thoughtful process now to provide the strong incentives to grow small business, to grow private sector jobs, done in a way that really shows respect, respect for the taxpayers' dollar, and wanting to pull us out of this recession that was so deep and so long. And I think it's happening.

I know that the innovative genius will be inspired by the legislative route we're taking, by the priorities we're establishing, with the budget priorities that we have put into play.

And it's about growing jobs. It's about giving people the chance again to feel the greatness of America, the greatness of America that allows us to know that we have it within our potential, we have it within our grasp.

And I firmly believe that we will do our manufacturing, and our jobs will grow in the manufacturing sector because we do it smarter. We do it smarter.

And, Representative WASSERMAN SCHULTZ, thank you for the opportunity to share with you and Representative RYAN thoughts that I have and that we all share on how we're going down the right course.

Ms. WASSERMAN SCHULTZ. Thank you. And I look forward, as we go into the August recess, talking with our constituents about how we've begun to turn this economy around.

I want to close out the last couple of seconds with the focus on tax cuts, remind people that tax bills in 2009 were at their lowest level since 1950, and we look forward to continuing to work on that, striking that balance.

And Mr. RYAN, we'll turn it over to you to close us out.

Mr. RYAN of Ohio. We're going to continue to go down the road. We're not going to turn back. We've had too much success. We've got a long way to go.

STUDENT LOANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Mr. Speaker, it's always an honor to be on this floor. But at times it gets very difficult hearing positions put as being mine which were not mine.

I would like to point out, for example, about student loans. I have student loans. We gave up—well, I won't even get into that. The only asset my wife and I have left is our home so that we could have the honor of being public servants.

We've got a lot of student loans, and I cannot imagine a worse scenario than having to come begging to an administration that we already see punishes Republican States, Republican communities, and beg the administration for a student loan, because there is no one else that makes student loans besides the government.

There were people that fought a revolution to avoid having the government, the King, make all the calls on who got to be educated, well-educated, that is, and who got to be property owners, who got to be well-to-do. They fought a revolution so that we would have the chance, the opportunity to at least succeed ourselves without having a government pick the winners and losers. That was the last thing they wanted.

Patrick Henry talked about that. Is life so dear and peace so sweet that it can be purchased at the price of chains and slavery? Forbid it, Almighty God.

They did not want the government to tell them what they could have and not have, what they could do and not do, who could have their children educated and who couldn't. And we have grown into a government that tells everybody everything they have to do.

And now, though some of us read those disastrous health care bills, others are just now finding out the things we tried to warn about: that it was not about health care, it was about the GRE, the Government Running Everything.

So now we find out in the news what some of us already knew. Gee, people are surprised to find out the government, under that disastrous health care bill, so-called, will keep everybody's records.

And then people were surprised to find out that the health care czar says we may require everyone to have a body mass index, so we know who all is fat in this country and who isn't, who's more fat than others. That's the government's business? It wasn't after the revolution.

They didn't want the government to say who could eat what and who couldn't eat this and that. My gracious. They got upset over a tea tax. If they could only see what's happened now.

But, my friends are honorable people. So are they all, all honorable people. Come not to praise this country. Apparently, we're coming to bury it and to start with a new country where the government controls everything.

Boy, Shakespeare could have a day with what's going on now.

The government, our friend the government, is going to tell us who gets health care. We tried to warn people that if this health care bill passed, it would mean rationing. It passes, signed into law, all kinds of joyous occasions, and then we find out the President puts in charge the ration king. It shouldn't have surprised anybody. The President himself said to that dear lady at the White House, tea party precedent, whatever they tried to bill it as, when she said, what about my mother? She had a pacemaker put in, and she's had all these additional years of really quality life. And the President ends up, after stammering around for a while saying, maybe we'd been better off to just tell your mom to take a pain pill. Those were his words. Maybe we'd have been better off telling her to take a pain pill.

I don't want the government to have that kind of power. Your mom lives, your mom dies. You live, you die.

Was the revolution for nothing but 200 years?

And now we've left all personal responsibility. We don't want personal responsibility. We're going to let the government tell us who can have a college-educated child and who can't.

We've seen what happened under this majority with the African Americans who had come begging in this city saying, please don't end the voucher program that was started under the Republicans. We weren't sure about it.

One dear lady was talking about her children, how one had been brutalized, but others had been able to go to a good school, a private school because they got a voucher, and it allowed them the freedom to have their child as educated as any rich Democrat in this city.

But apparently, as Clarence Thomas points out, and I can't do his book justice, "My Grandfather's Son," he talked about being raised in a poor, poor African American community by loving grandparents who had very little. And he talked about his grandfather pointing out that some snakes, you don't have to worry so much about because you see them. They make a big deal if they're going to try to bite you from the front. But you have to worry about those that will sneak up on you, act like they're no big deal, just kind of blend in, and all of a sudden they bite you.

And that's what he talks about, as I understood him to talk about this soft form of discrimination. You know, we're going to help you. We're going to provide for you. We're going to take

care of you. But don't have a thought of your own because if you dare, as a minority, to have a thought of your own and try to rise above your circumstances on your own, we're going to slap you down. And that, as he talks about in his book, is the kind of discrimination that can hurt worse than any kind.

The liberals who would talk to him, and you could tell they only wanted to talk about sports, or how he had been mistreated as a poor black growing up in America; whereas others, he began to notice, as a radical liberal himself, Clarence Thomas in the early days, bitter about what he had been through, began to notice that conservatives would talk to him and wanted to know his opinion about a lot of different things, including politics.

And he began to see that soft discrimination from liberals. Yeah, we'll help you. We'll provide for you, but you've got to do what we tell you, because if you dare to have a thought of your own, if you dare to think for yourself, if you dare to try to rise above your circumstances, we'll slap you down.

□ 2200

As he said during those hearings, it was an electronic lynching that he got.

And what's tragic through it all, when you go back and review his incredible school record, growing up with the poverty he did, the man had and has a brilliant intellect, but you wouldn't know it from the liberals. They were out to slap him down.

And here you have African American mothers coming to Congress saying, Please, don't let the voucher program go. Allow us not to have our kids educated where they can be shot and be part of gangs, but where they can go and have a uniform and get a great education and end up being very wealthy or very powerful down the road, much like the President himself did.

Why wouldn't you want that for every child. Regardless of the race, creed, color, nationality, why wouldn't you want that for the child? Give them a voucher. Let them choose what school they can go to so they don't have to worry about their child being shot, killed, brutalized by gangs.

You want to talk about what this majority did? They struck that program down and condemned minorities in this city back to the poor schools from which they came. Don't you dare try to rise above your circumstances. We want you back in the poor schools where you will have to rely totally on us. Why not let them reach their God-given potential? Slapping them down.

And our friends across the aisle want to come in here and trash-mouth Republicans because we had concerns about the government taking over all of the student loan business. Yes, I do,

and I always will. The government gets to tell us who's going to get a loan, whose child gets a college education? Yes, I've got a problem with that.

One of our friends across the aisle says it's like a car wobbling down the aisle or the street, he said. And people on our side of the aisle, he says, don't even want to try to fix it. Well, guess who set it to wobbling? Our friends across the aisle. And guess what? I am so sick and tired about hearing all of this trash mouth of the last 2 years of the Bush Presidency and how terrible the last year of the Bush Presidency was and how bad the last 2 years of the Bush Presidency was, because guess who was in charge? It sure wasn't George W. Bush. He was over there in the executive branch. But the Constitution makes clear that the people who run the country will be the Congress. That the President down at the other end of Pennsylvania Avenue, right down that way, he can't appropriate one dime for any program. It has to come from the Congress.

So what happened? Our friends across the aisle appropriately complained that during the Bush early years the Republicans got giddy and began spending too much, began to have a \$160 billion annual deficit in their budget. And so our friends across the aisle said, Throw them out. Put us in. They're overspending. We'll fix things.

And so the voters appropriately said, Republicans, you have been overspending. We loved you in 1995, 1996, 1997, 1998, 1999, 2000, when you, not President Clinton—he was in the office. He fought the Republican Congress kicking and screaming. But when they would have enough votes over here, he couldn't stop them, vetoed a few things. When he couldn't stop the Congress, they had folks across the aisle that realized they wouldn't get re-elected if they didn't vote for balanced budgets, then the Republican Congress brought President Clinton around.

And that's why I love the comment from my colleague across the aisle about the Clinton administration. He said, There were problems except for the blip during the Clinton administration. That's right. There was 4 years of Democrat control in this House as they brought our financial situation closer and closer to the day we are now. And as my Democratic colleague pointed out, there was a blip during the Clinton administration after the Contract with America when Republicans took over, and they balanced the budget. The President can't do that. This Congress has to do that.

And what do we have to show this year? No budget. As one of our Democratic colleagues said back in 2006, If you can't put together a budget, you can't govern. This year, they didn't put together a budget. So according to our Democratic friend, they cannot govern.

I'm proud to be joined by my friend, Congresswoman VIRGINIA FOXX, and I'll

be proud to yield to her such time that she needs.

Ms. FOXX. Thank you, Congressman GOHMERT. I wasn't subjected to listening to the entire last hour, but I am responding to your email.

We know for a long time that our colleagues who just preceded us have often been on the floor and made some really outrageous comments where they rewrite history and present things as facts that just can't be backed up with facts. And in response to your plea to come share some of the truth telling with you, I'm glad to join you this evening. I did bring a few facts with me that I want to share.

But I heard the last 5 minutes or so of our colleagues, and I was really astounded at some of the words that they used, like their "pro-growth agenda" and how our tax-cutting policy was not paid for and how they did everything under PAYGO except very, very rare emergencies where they had to go outside of PAYGO and that we were so irresponsible that we would just not vote for the PAYGO bill.

I find it really like the book "1984." I would say to people, if you haven't read the book "1984" or if you haven't read it in a long time, take some time to read it, because what you're seeing here from our colleagues on the other side of the aisle is "1984" being played out in the year 2010.

I do want to bring some facts to it, and I'm glad, Madam Speaker, that Congressman GOHMERT is explaining the fact that under the Clinton years, which we hear so much about and which I, on the Rules Committee, am often having to correct various chairmen, such as the chairman of the Budget Committee when he came to the Rules Committee who bragged about the surplus at the end of the Clinton years. And I asked him, well, who was in charge of the Congress the last 6 years of President Clinton's administration? And he really didn't want to have to say, but he had to finally admit it was Republicans.

And then he talked about the terrible situation under the last 2 years of the Bush administration. I had to again say, Now, remind me again who was in charge of the Congress under the last 2 years of the Bush administration. And of course it was our colleagues across the aisle, the Democrats.

And we have to constantly remind them, as my colleague from Texas has done, that the President is not able to spend money. The President doesn't set up the appropriations bills. It's the House of Representatives that's charged with that in the Constitution. The President can veto a bill, and the Congress can override the veto.

But, you know, our colleagues across the aisle wouldn't even put in an appropriations bill in the last year of President Bush's administration because they were afraid that President

Bush would veto those bills, and they wouldn't be able to override them.

□ 2210

And they wouldn't be able to override them because I agree with Mr. GOHMERT that Republicans did lose their way for a short period of time when President Bush was President and the Republicans were in control of Congress. They spent too much money. When I came here and Mr. GOHMERT came here in 2005, we brought that message from our districts and our colleagues from all across the country brought that message, and actually what a lot of people don't know is that we actually cut spending in 2005 and 2006, but we get absolutely no credit for it.

Let me say, contrary to what our colleagues were saying, I did hear them talk about what the deficit was when President Bush left office. The little piece of fact that they left out was they were in charge of the Congress the last 2 years of Mr. Bush's administration. When they took over the Congress in January 2007, the deficit happened to be \$458 billion and was on a trajectory to go to zero again. That would have been wonderful.

Now, let me say, that's more of a deficit than I wanted to see, but it was not the trillion dollar deficit that they talk about which they created in the last 2 years of President Bush's administration. At the end of 2008, the deficit was \$1.4 trillion. In 2 years, the deficit quadrupled. It went from \$458 billion to \$1.4 trillion, the largest deficit ever. And what is it going to be this year? It's going to be the largest deficit ever again and be even larger than the deficit that they created in 2008.

My colleague was talking about the health care bill that passed with only one Republican voting for it in the House, and we're all very proud of that. Republicans are very proud of the fact that we all voted against the health care bill the first time. The second time, no Republicans voted for it. And what does that health care bill do exactly? It's been extolled as such a virtuous thing but it imposes \$569 billion in new and higher taxes on businesses and individuals, and the cost for this health care overall bill jumps to more than \$1.2 trillion.

The American people are very concerned about where these folks who are in control—I will not say anything about leadership on their side—but they're in control, they're in charge, and they are leading us down a path of ruin in this country.

Mr. GOHMERT talked about the education situation in Washington. Basically, the trend of these folks, the student loans, what to do about education in Washington, the health care bill, everything that has been done by our colleagues across the aisle, Mr. Speaker, has been to put the government in con-

trol of our lives. Republicans don't believe in that. That's not an American ideal. We're the freest country in the world. That's what's made us the greatest country in the world over the years, and we will remain the greatest country in the world as soon as we can replace our colleagues across the aisle and put this government on a sound footing economically.

What's threatening our freedom is the control and the bills that have been passed that say government knows best. The government bureaucracy is what they believe in. We believe in the American people. We believe in government of, by, and for the American people, not government to control the American people.

So we have to do something to stop this slide that is occurring, and I want to give just one little example, if my colleague from Texas would let me. There is a Web site called republicanwhip.house.gov which has many of these items on it, and I would invite people watching to go to this Web site. I'm just going to share with you something that our Republican whip has put out called Weekly Waste Watch; Week 52 is this one:

"\$2 Million to Hire Goats (not people) and Fight Weeds.

"Benewah County, Idaho, recently received a \$2 million Stimulus grant for weed control. Heyburn State Park, located within the county, will use a portion of the \$2 million to fight weeds across Plummer Creek. Their solution? Renting 540 goats to graze on the weeds.

"The South African Boer goat is the 'latest weapon' in Benewah County's fight against invasive weeds. The goats have already been put to work munching on weeds like knapweed, tansy, and St. John's wort. Each goat eats about 3½ pounds of weeds per day and should be finished pruning the creek shoreline within the next 2 weeks."

Now, this is the cost of the dollar per goat per day, and with 2 weeks and the taxpayer expenditure on goat employment, it should come to roughly \$7,560.

"Idaho's unemployment rate is currently at 8.8 percent. While invasive weeds on State park land may be a problem, it is unclear how fighting their growth by employing 540 goats and two foreign herders"—by the way, the herders are not Americans—"will get Americans back to work."

This is the way they think you should spend money. They're out of touch with reality. Most of them have never worked a job in their lives. Many of them have been in Washington 40-plus years. They have no idea what the average American is doing out there. They don't go home. They won't hold town hall meetings. They're out of touch. And to provide this kind of money to take goats to eat weeds, when we have a 9.5 percent unemployment rate—it is probably closer to 16 percent—is really a shame.

I'd be embarrassed. I would be embarrassed if I had voted for that stimulus package. I'd be embarrassed if I'd voted for the health care bill. I'd be embarrassed if I'd voted for the bailouts of the automobile companies. I'd be embarrassed if I'd done any of the things that our colleagues across the aisle have done in the last 3½ years, almost 4 years that they've been in control while our economy has been going in the ditch. Talk about things going in the ditch. They've taken the economy in the ditch, and they're totally out of touch with the American people.

Mr. GOHMERT. If I could reclaim my time, going to the June employment numbers, I have an article here. I call him a friend. I hope he would. Mallory Factor had written an article entitled, "The Truth About June Employment Numbers," and Mallory talks about the spin that our friends across the aisle are creating, trying to make it sound great about the unemployment numbers.

And as he says, "All this spin is supposed to make us respond positively: 'Wow! Happy days are here again. The recovery must be really gaining steam.' And we are supposed to conclude that maybe we don't need to throw out the Democrats in the midterm elections after all."

Mallory goes on and says, "The June jobs numbers show unemployment falling .2 percent to 9.5 percent."

□ 2220

This may sound, or this may seem, like an improvement until you realize that this decrease is almost all caused by an additional 611,000 Americans giving up on finding jobs last month. When people stop looking for work, unemployment percentages go down even though the economy has not improved and may have even gotten worse."

He goes on and says, "Not only is unemployment the lowest in the government sector of all industry sectors in America, Federal civilian employees make a stunning 30 to 40 percent more in total compensation than similarly skilled private workers, according to the Heritage Foundation."

Now, further, he says, basically, at the end of 2007, "The Federal Government's civilian payroll has actually increased by 240,000 to 2.2 million workers, excluding Census and postal workers."

We know last month, in June, there was all this hoop-de-do about 431,000 new jobs; and that would ordinarily be fantastic, except that 411,000 of them were temporary Census workers. Anyway, Mallory goes on and says, "This leaves a smaller private sector supporting an ever larger public sector. And that can't be good for the recovery."

I yield to the gentlewoman.

Ms. FOXX. Well, I happen to have here a piece put out by the Joint Eco-

nomics Committee. This is a committee made up of Democrats and Republicans, and I am sorry I don't have a chart to show it. I know there is one somewhere around here, but there is a figure here that Federal Government jobs from February 2009, when President Obama became President, to June 2010, the number of jobs in the Federal Government increased by 405,000. The number of private sector jobs decreased by 3,261.

When the stimulus package was passed, Dr. Christina Romer, who is his economic adviser, chief economic adviser, promised that the unemployment rate would not go above 8 percent and that a tremendous number of private sector jobs would be created.

I do have this, and I want to try to show it if I can here, it shows that under a fully controlled Republican government, Federal Government, that is with Republicans in charge of Congress and a Republican President, 6,690,000 million jobs were created. Under a fully Democrat-controlled Congress, we have lost 6,403,000 jobs.

You know, again, facts are stubborn things. These are coming from the Obama administration's own Labor Department. And what caused this to happen? It's cutting taxes and letting the American people keep more of the money they have earned.

Our colleagues across the aisle believe that the money, all the money in the economy belongs to the government; and that if you have a tax cut, it is the government giving something to the citizens. The government does create money in the sense it prints money. However, the government doesn't create wealth. The government destroys wealth.

Regulations and government spending destroy wealth. It's only when you allow the American people to keep their money do you see job growth, and we are talking about the lapsing of tax cuts that were passed in 2001, 2003, occurring January 1; and those tax increases are going to hit every American. They keep saying, oh, it's only going to hit the wealthiest; they are going to hit every American. It's going to destroy even more jobs.

And as you have pointed out, and our friend TOM MCCLINTOCK from California does so eloquently, he points out the similarities between what's happening now with this Democratic administration and what happened under Franklin Roosevelt in the Depression, how these policies made the Depression worse. What they are doing at every stage is making things worse.

Mr. GOHMERT. I appreciate the point of the gentlewoman.

I would submit that it appeared that after the Republicans not only had Congress, as they took over in January of 2005, but then also had the White House beginning January of 2001, that there apparently is a giddiness from

controlling both Houses of Congress and the White House. Because when there was a Democratic President, Bill Clinton, the economy was going to Hades in a hand basket, and that's when the Republicans took the majority, November in 1994.

So Republicans took over, and they fought tooth and nail against the Clinton administration. They succeeded, despite the best efforts of the Clinton administration, in balancing the budget and bringing us to the point where things were balanced despite the President's desire to spend out of control.

But then once the White House was obtained, January 2001, the Republican Congress quit being as diligent. It was as if the Republicans did not want to tell the President "no." From the other standpoint, the Bush administration didn't want to say "no" to Democrats or Republicans so there were no vetoes for, I think, at least 6 years or more of President Bush's two terms.

But what we have seen since our friends across the aisle had the House, the Senate and the White House, is giddiness, dizziness beyond anything anybody could have ever have imagined. Where we got beat up where it was \$160 billion deficit in a year, our friends think nothing of having 10 times that deficit in a year.

I am just shocked because I remember so vividly people on the other side of the aisle complaining, appropriately, about not having a balanced budget, that I am shocked that they could stand up and act like they haven't created the biggest deficits in American history in a year and a half, and going back the 2 years before that. It shocked me that once our friends across the aisle took the majority November of 2006, that their runaway budgets and deficits were far more than anything we had done in our first 2 years here in 2005 and 2006, and I am talking about my friend, Ms. FOXX, having both been elected in 2004.

So I don't want to return to the same overspending from 2001 through 2006, but I absolutely know we have got to stop the craziness from the last 3½ years of spending with our Democrat friends in charge. I would just have to submit, with the runaway spending, and the damage that was done to our energy programs, beginning in 2007 and 2008, as the Democrats took control, to our economy, to our private sector, the additional requirements that were rammed down from this Congress down the private sector's throat, when they took over in January of 2007 and, again, in 2008, that I would submit to you that either our Democratic friends who took the majority in January of 2007 need to stand up and take credit for what they did in 2007 and 2008, or they need to admit that they were the most incompetent Congress in the history of the country.

Because you can't have it any way but one of those two ways. Either you

intentionally cause what you did in 2007 and 2008, or you were just so incompetent you need to be put out of your misery, let out of the majority, so that we can go on and try to straighten things up.

□ 2230

But to sit here, and having heard friends across the aisle say, gee—and I believe this is the quote—Republicans don't want to reduce dependency on foreign oil, it just flies all over me. How could anybody have ears and think that. All the people I know on this side of the aisle want to end dependency on foreign oil. We want to end dependency on our enemies.

And let me just add, I'm tired of paying our enemies, not only through oil purchases—heck, the New England area just made a 20-year contract this year with Yemen to provide liquefied natural gas that will come rolling up in Boston Harbor. And they're hoping—and I imagine there are a few people praying—that there will not be a stow-away from Yemen, one of those terrorists that they were able to get released from Guantanamo that went back to terrorism in Yemen. They're hoping they won't be onboard that ship to blow it up and take half the city with it.

Now, that does not make sense. I want to end any dependency on foreign oil because I know, having been a member of the military, having had years of military history, having been in the military 4 years, I know if you cannot produce, as a country, everything you need in war, and especially energy, you can't win a serious war, you can't.

Some people are not aware of how dangerous the Battle of the Bulge was at the end of World War II. Some think it was all over. That was not true. Many historians believe, and there is evidence to support it, that if the Germans had had enough gasoline, the Battle of the Bulge, the bulge that was being pushed to the west through the American front—good old Montgomery said, I've got the back back here. I'll stay in the rear in case they break through. It would have been too late if they had gotten Montgomery, but they ran out of gas.

My personal belief, those incidences when the German Army got so close to American supplies of gasoline and through different flukes did not go ahead and take the supply depots I think were acts of God. As a result, they didn't have the gasoline they needed. Patton was able to move in, others were able to move in, and they stopped the bulge. But the intent was working to drive Americans back to the Atlantic Ocean, and they ran out of gasoline.

Now we're to the point where we are so dependent on foreign oil, if we had a major war we had to win, we would need steel. We would need energy, gaso-

line, things to power our jets, the ability to make jets like we used to. You would need wood products. You would be amazed at how much the military requires in the way of wood product. But all of those things you need to produce yourself—the plastics, all those things—in order to sustain an attack against your own soil, and we're not in a very good position right now.

It also was so infuriating to hear a colleague across the aisle say Republicans are constantly voting against efforts to build back manufacturing jobs in this country. I know that so many of my friends across the aisle never met a tax they didn't like, but some of us, in a bipartisan group, went across to China some years back, and one of the purposes was to talk to manufacturers about, Why did you pick up your industry and move it to China? I figured, in advance, the number one answer we would probably get was the labor was so much cheaper, you don't have to deal with labor unions, that kind of thing. That was an attraction, as was fewer regulations, but the number one reason we heard why whole industries left, took manufacturing jobs from the United States and went to China, was how much cheaper the corporate tax was, less than half of what we have here.

I talked to major injuries—industries—they have been injured—about what would happen if we cut our corporate tax down to 17 percent like China. I've heard repeatedly, We would be back in America in no time. And yet, what do our friends across the aisle talk about? Let's heap more and more and more tax on these mean, nasty corporations. There are corporations like BP who have done wrong and deserve to suffer the consequences, but corporations provide jobs, small businesses provide jobs.

Small businesses, so many of them are subchapter S corporations, and yet we hear from both the majority and from the President that they want to hammer those people with higher taxes. Those are the people that create the jobs. And the insidious thing about corporate tax—apparently it's a secret that the other side does not want people to know—is no corporation stays in business if they cannot pass that corporate tax onto their customers or clients, no corporation. So it's an insidious tax because it's paid by the folks we're trying to help, who are the working folks, the working poor in America who are getting those prices heaped higher and higher on them. And they're told, Oh, don't worry, we'll make the corporations pay. And the corporations, to stay in business, have to keep passing it down to those poor folks that can't pay anymore.

And so in talking to folks, some people across the aisle say let's erect trade barriers, and yet that would trigger so many problems internationally in

trade, so many punitive measures against the United States, when what we could do is eliminate corporate taxes, and nobody in the world could compete with how cheap our prices would be produced. That would explode the economy upward. And as Art Laffer, Ronald Reagan's economic advisor—boy, I sure wish he were advising this President. As he pointed out, you can only increase the percentage of taxes so far, and each increase, to a certain extent, will increase the revenues in the Federal Treasury. But if you increase it too far, then you start hurting the economy, which then, in turn, starts decreasing the revenues into the Federal Treasury.

So if you want to maximize the tax dollars coming into the government so our friends across the aisle can continue to buy safe havens in China for rare dogs and cats, continue to buy safe havens for cranes in foreign countries, continue to pay billions to Pakistan so they can turn around and reward the Taliban that we had pretty much defeated but they're on the rise again, if we want to keep paying enemies of our friends, like the enemies of Israel, all this money, then we need to have higher revenues by the Federal Treasury. And that's going to require not raising taxes—we're too high already—but lowering.

And I know this is going to offend some of my friends across the aisle, but you're going to have to lower taxes on the people that are actually paying them. I know that's an affront to some people. They think, well, the people that are paying taxes must be wealthy or they wouldn't be paying taxes, so they should not be entitled to tax cuts. We should give the tax cuts to people that aren't paying them. So I know it's serious. I know it's an affront to some of my friends, but you have to lower taxes on the people paying the taxes or the tax cuts don't explode the economy and create new jobs.

I yield to my friend, Ms. FOXX.

Ms. FOXX. Well, I want to give a little statistic from the Small Business Committee, which has put out a packet of material that I think is very useful.

Since January of 2009, President Obama and Congressional Democrats have enacted into law gross tax increases totaling more than \$670 billion, or more than \$2,100 for every man, woman and child in the United States. The list of tax increases includes at least 14 violations of the President's pledge not to raise taxes on Americans earning less than \$200,000 for singles and \$250,000 for married couples.

□ 2240

To back up what you were saying, according to the Congressional Budget Office, the nonpartisan Congressional Budget Office, if we could have a full repeal of the death tax, we could create 1.5 million jobs and increase small

business investment capital by more than \$1.6 trillion each year.

Now, you're talking about the fact that, again, our colleagues across the aisle don't really understand that people don't have to be wealthy to be paying these high taxes, and we know that, if they allow the tax cuts from 2001, 2003 to expire, it is going to be the largest tax increase in the history of this country, and that is where we are going to hurt the economy tremendously because of that, and these are the people actually paying taxes, as you said.

The President wants to say he gave a tax cut to 95 percent of the American people. Well, it wasn't a cut. It was a little rebate, as I recall, and the tax rates were not cut at all. But people can be persuaded to think that they were given a tax cut when it was only a rebate, and it is their money to begin with. It also went to people who paid no taxes, as you said, and had no tax liability, and we have things that actually give people more money back than they have actually paid in taxes.

Where is that coming from? From the people who pay the taxes.

Mr. GOHMERT. If I could reclaim my time on that point, apparently, my friends across the aisle do not want to recall, but the truth is that the rebate that was \$40 billion of the stimulus package, of the Democratic Congress stimulus package of January 2008, which I did not support and was totally against. It was \$40 billion out of \$160 billion, and it was going as so-called "rebates" to people who didn't pay any taxes.

Yes, President Bush was in office, but the Democratic majority in the House and Senate passed that stimulus bill with my fussing about it and complaining about it. In fact, after President Bush's State of the Union Address, he was coming up the aisle over here, and I asked him a question. I didn't realize the microphone was picking my question up, but I asked:

By the way, Mr. President, how do you give a rebate to people who didn't put any "bate" in?

The question still stands. How do you give a rebate to somebody who didn't put something in to begin with? It's not a rebate. It's a giveaway. You are redistributing wealth from people who have worked hard, who have earned it and who have paid taxes on it so that people here in our majority party could give it away to others who they wanted to give it to.

That does not encourage job growth. It does something that encouraged me to leave the bench and run for Congress, and that is because this Congress was incentivizing people to never achieve their God-given potential, and Congress should never be in that business. We should incentivize people to do their best and to become all they can be.

I know my friend Ms. FOXX, having been president of a university, has

spent a lifetime working to try to help people reach their potential. That's what we all ought to be doing. You know, when you have 30, 40 percent of high school students dropping out and never finishing high school, those kids are going to be condemned to never reaching the potential that they have.

Why wouldn't you want to give vouchers to kids and say, "Go get the very best education you can possibly get"?

"We don't care how poor the neighborhood is that you're growing up in. If you want to go where the rich Democrats' children go to school, here is a voucher. Go there. Get as good an education as they have. Don't let people try to push you down as they did Clarence Thomas when he was growing up. Let's help you reach your God-given potential. Go where you can get the best education."

What happens when you do that?

Schools know they've got to get better because, if they don't get better, no one is going to choose to go to their schools. So they have to be more picky about the teachers they hire. They have to be really good teachers or nobody is going to want to have those teachers. That's kind of the American way, and that is kind of the way America became the greatest nation in the history of the world. We are in danger of losing that. It is a dangerous time.

My friends across the aisle have continued to say that Republicans hope President Obama fails. I hope President Obama succeeds. I would love it if he became the most successful President in helping people reach the great American dream of any President in our history, but if he continues to try to have the government take over all of the private sector, if he continues to take over health care so that his czar, who is unaccountable to the Congress, can tell people which person lives and which person dies, I sure don't want that to succeed. I want him to succeed as a great President.

There are the words of George Washington when he resigned his commission. It was the only time in history anybody has ever led a revolution as the head of the military, has ever won the revolution as the head of the military, and has resigned and gone home. He sent this beautiful resignation letter.

In it, at the end, he says, "I now make it my earnest prayer that God would have you and the state over which you preside in his holy protection."

He goes down toward the end and says, in talking about God, "And finally, that He would most graciously be pleased to dispose us all to do justice, to love mercy and to demean ourselves with that charity, humility, and specific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a

humble imitation of whose example in these things we can never hope to be a happy nation."

George Washington says, if President Obama wants to have a happy nation, he needs to inspire this nation to have the characteristics of the "Divine Author" of our blessed religion and without a humble imitation of whose example in these things we can never hope to be a happy nation.

We are in trouble. We are in big trouble in this country, and it does not help when the government takes over health care.

There is an article here, dated July 24, in the New York Times: "Britain Plans to Decentralize Health Care." It talks about the aim now is clear "to shift control of England's \$160 billion annual health budget from a centralized bureaucracy to doctors at the local level."

Do you want to talk about Republicans not being in support of education? I am not in support of this educational bureaucracy. Think about what individual school districts in America could do if you took the billions of dollars that this Education Department has lavished on itself over the years and if you put that money to work hiring good teachers, not administrators who are simply going to have to respond to all of the bureaucratic redtape put out by the Federal Government, which requires bureaucratic redtape and bureaucratic jobs in each State capital, which require bureaucratic redtape and new administrators in every school district.

It is time for the madness to stop. It is time to put the money where it will do the most good and to quit spending the rest of it.

I have a bill, the U.N. Voting Accountability bill, that I will bring to the floor with a discharge petition in September, when we come back. I am hoping my friends on the other side of the aisle, as well as friends on this side of the aisle, will sign on. It is very simple. It will end what has happened as to our apparently having given, according to the recent reports, billions of dollars to Pakistan, billions of dollars which have found their way into helping the people who are killing American soldiers.

□ 2250

We're paying people indirectly to kill American soldiers. As I've said repeatedly, you don't have to pay people to hate you. They'll do it for free.

My U.N. Voting Accountability Act says any nation that votes against the U.S. position on a contested vote more than half the time will receive no financial assistance from the United States the following year. Very simple. It eliminates those problems, because Pakistan's made very clear in the U.N. they're going to fight us and oppose everything we believe and hold dear.

I don't hope President Obama fails. I hope he will reach the stage of enlightenment that will allow him to see that

every government that's tried these socialized efforts to take over car industries, manufacturing, banking, health care, always results in failure.

And it's time to get back to what George Washington described as the characteristic of the divine author of our blessed religion, without a humble imitation of whose example in these things we can never hope to be a happy nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. POE of Texas (at the request of Mr. BOEHNER) for today until 5 p.m. on account of attending the signing ceremony of the Cruise Vessel Security and Safety Act at the White House.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BOCCIERI) to revise and extend their remarks and include extraneous material:)

Mr. QUIGLEY, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 725. An act to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

H.R. 4684. An act to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial and Museum at the World Trade Center.

ADJOURNMENT

Mr. GOHMERT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 28, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 2780, the Federal Restricted Buildings and Grounds Improvement Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 2780, THE FEDERAL RESTRICTED BUILDINGS AND GROUNDS IMPROVEMENT ACT OF 2010 WITH AN AMENDMENT PROVIDED TO CBO ON JULY 24, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (–) in the Deficit													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

H.R. 2780 would modify the current laws that prohibit access to certain federal property. Thus, the government might be able to pursue cases that it otherwise would not be able to prosecute. Because those prosecuted and convicted under H.R. 2780 could be subject to criminal fines, the federal government might collect additional amounts if the legislation is enacted. Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and later spent. CBO estimates that any additional revenues and direct spending would not be significant because of the small number of cases likely to be affected.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5138, the International Megan's Law of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5138, AS AMENDED

	By fiscal year in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (–) in the Deficit													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: H.R. 5138 would authorize jurisdictions to collect fees from sex offenders who provide notice of international travel and would impose new criminal penalties on certain sex offenders. CBO expects those penalties and fees would total less than \$500,000 each year and would be spent in the same year in which they are collected. CBO estimates the direct spending and revenue effects of H.R. 5138 would not be significant over the 2010–2015 period or the 2010–2020 period.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5143, the National Criminal Justice Commission Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5143, THE NATIONAL CRIMINAL JUSTICE COMMISSION ACT OF 2010, WITH AN AMENDMENT PROVIDED BY THE HOUSE COMMITTEE ON THE BUDGET ON JULY 27, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (–) in the Deficit													
Statutory Pay-As-You-Go Impact ^{1a}	0	0	0	0	0	0	0	0	0	0	0	0	0

^a H.R. 5143 would establish the National Criminal Justice Commission to review the criminal justice system in the United States. Because the legislation would authorize the commission to accept and spend gifts, enacting the legislation could have a negligible impact on offsetting receipts and associated direct spending.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5281, the Removal Clarification Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5281, THE REMOVAL CLARIFICATION ACT OF 2010, WITH AN AMENDMENT PROVIDED TO CBO ON JULY 24, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (–) in the Deficit													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

H.R. 5281 would clarify when certain litigation is moved to federal courts. This legislation would affect a small number of federal court cases, and CBO estimates that it would have no significant effect on direct spending by the federal court system.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5662, the Simplifying the Ambiguous Law, Keeping Everyone Reliably Safe Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5662, THE STALKERS ACT OF 2010 WITH AN AMENDMENT PROVIDED TO CBO ON JULY 24, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (–) in the Deficit													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

H.R. 5662 would modify the current laws that prohibit stalking. Thus, the government might be able to pursue cases that it otherwise would not be able to prosecute. Because those prosecuted and convicted under H.R. 5662 could be subject to criminal fines, the federal government might collect additional amounts if the legislation is enacted. Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and later spent. CBO estimates that any additional revenues and direct spending would not be significant because of the small number of cases likely to be affected.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5681, To improve certain administrative operations of the Library of Congress, and for other purposes, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5681, A BILL TO IMPROVE CERTAIN ADMINISTRATIVE OPERATIONS AT THE LIBRARY OF CONGRESS, AND FOR OTHER PURPOSES, AS AMENDED

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (–) in the Deficit													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

NOTE: H.R. 5681 would allow the Librarian of Congress to sell or dispose of obsolete property and use the proceeds of any sale to acquire new, replacement property.
Source: Congressional Budget Office.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5682, To improve the operation of certain facilities and programs of the House of Representatives, and for other purposes, as amended, for printing in the CONGRESSIONAL RECORD.

CBO Estimate of Pay-As-You-Go Effects for H.R. 5682, a bill to improve the operation of certain facilities and programs of the House of Representatives, and for other purposes, as provided by the House Committee on the Budget on July 23, 2010

	By fiscal year in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (–) in the Deficit													
Statutory Pay-As-You-Go Impact ^a	0	0	0	0	0	0	0	0	0	0	0	0	0

^a The legislation would make changes how the exercise facilities and child care center of the U.S. House of Representatives operate, and make other technical changes to House operations. CBO estimates those changes would have no significant net impact on direct spending.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5810, the Securing Aircraft Cockpits Against Lasers Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO Estimate of the Statutory Pay-As-You-Go Effects for H.R. 5810, the Securing Aircraft Cockpits Against Lasers Act of 2010 with an Amendment Provided to CBO on July 27, 2010

	By fiscal year in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (–) in the Deficit													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

H.R. 5810 would establish a new federal crime for aiming the beam of a laser pointer at an aircraft or at the aircraft's flight path. Thus, the government might be able to pursue cases that it otherwise would not be able to prosecute. Because those prosecuted and convicted under H.R. 5810 could be subject to criminal fines, the federal government might collect additional amounts if the legislation is enacted. Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and later spent. CBO estimates that any additional revenues and direct spending would not be significant because of the small number of cases likely to be affected.

EXECUTIVE COMMUNICATIONS, ETC.	8566. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Voluntary Public Access and Habitat Incentive Program (RIN: 0560-AH98) received July 14, 2010, pursuant to 5 U.S.C.	801(a)(1)(A); to the Committee on Agriculture.
Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:		8567. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Health Information Technology: Initial Set

of Standards, Implementation Specifications, and Certification Criteria for Electronic Health Record Technology (RIN: 0991-AB58) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8568. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 2010 through June 30, 2010 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 111—135); to the Committee on House Administration and ordered to be printed.

8569. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Minimum Level of Financial Responsibility for Motor Carriers [Docket No.: FMCSA-2006-26262] (RIN: 2126-AB05) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8570. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-802 and AT-802A Airplanes [Docket No.: FAA-2009-0707; Directorate Identifier 2009-CE-035-AD; Amendment 39-16339; AD 2010-13-08] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8571. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Cherokee, IA [Docket No.: FAA-2010-0085; Airspace Docket No. 10-ACE-1] received July 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8572. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30731; Amdt. No. 3380] received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8573. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30732; Amdt. No. 3381] received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8574. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Low Altitude Area Navigation Route (T-284); Houston, TX [Docket No.: FAA-2009-0878; Airspace Docket No. 09-ASW-7] (RIN: 2120-AA66) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8575. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Osceola, AR [Docket No.: FAA-2009-1183; Airspace Docket No. 09-ASW-38] received July 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8576. A letter from the Senior Program Analyst, Department of Transportation, trans-

mitting the Department's final rule — Modification of Class E Airspace; Kelso, WA [Docket No.: FAA-2009-1135; Airspace Docket No. 09-ANM-20] received July 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8577. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Hamilton, TX [Docket No.: FAA-2009-0190; Airspace Docket No. 09-ASW-5] received July 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8578. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International S.A. CFM56-5, -5B, and -7B Series Turbofan Engines [Docket No.: FAA-2010-0026; Directorate Identifier 2010-NE-03-AD; Amendment 39-16340; AD 2010-13-09] (RIN: 2120-AA64) received July 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8579. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of VOR Federal Airway V-625; Arizona (Docket No.: FAA-2009-0248; Airspace Docket No. 09-AWP-2] (RIN: 2120-AA66) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8580. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class C Airspace; Flint, MI [Docket No.: FAA-2010-0599; Airspace Docket No. 10-AWA-3] (RIN: 2120-AA66) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8581. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Yuma, AZ [Docket No.: FAA-2009-1141; Airspace Docket No. 09-AWP-13] received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8582. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lucin, UT [Docket No.: FAA-2009-1134; Airspace Docket No. 09-ANM-25] received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8583. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Bryce Canyon, UT [Docket No.: FAA-2009-1011; Airspace Docket No. 09-ANM-19] received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8584. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Kemmerer, WY [Docket No.: FAA-2009-1190; Airspace Docket No. 09-ANM-27] received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8585. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Bridge Safety Standards [Docket No.: FRA 2009-0014, Notice No. 2] (RIN: 2130-AC04) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8586. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; The Boeing Company Model 777-200LR and -300ER Series Airplanes [Docket No.: FAA-2010-0280; Directorate Identifier 2009-NM-259-AD; Amendment 39-16334; AD 2010-13-03] (RIN: 2120-AA64) received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8587. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.27 Mark 500 and 600 Airplanes [Docket No.: FAA-2010-0551; Directorate Identifier 2009-NM-202-AD; Amendment 39-16333; AD 2010-13-02] (RIN: 2120-AA64) received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8588. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0070 and 0100 Airplanes [Docket No.: FAA-2010-0220; Directorate Identifier 2008-NM-166-AD; Amendment 39-16342; AD 2010-13-11] (RIN: 2120-AA64) received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8589. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes [Docket No.: FAA-2010-0273; Directorate Identifier 2009-NM-134-AD; Amendment 39-16355; AD 2010-13-04] (RIN: 2120-AA64) received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8590. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model DC-10-10, DC-10-10F, and MD-10-10F Airplanes [Docket No.: FAA-2010-0043; Directorate Identifier 2009-NM-128-AD; Amendment 39-16337; AD 2010-13-06] (RIN: 2120-AA64) received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8591. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700 & 701) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2009-0995; Directorate Identifier 2009-NM-123-AD; Amendment 39-16336; AD 2010-13-05] (RIN: 2120-AA64) received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8592. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piper Aircraft, Inc. Models PA-32R-301T and PA-46-350P Airplanes [Docket No.: FAA-2010-0122; Directorate Identifier 2009-CE-067-AD; Amendment 39-16338; AD 2010-13-07] (RIN: 2120-AA64) received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8593. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2009-1029; Directorate Identifier 2009-NM-103-AD; Amendment 39-

16348; AD 2010-14-03] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8594. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100B, 747-200B, 747-200F, 747-300, 747-400, 747-400F and 747SP Series Airplanes Equipped with Rolls-Royce RB211-524 Series Engines [Docket No.: FAA-2010-0614; Directorate Identifier 2010-NM-130-AD; Amendment 39-16354; AD 2010-14-09] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8595. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-400, 747-400D, and 747-400F Series Airplanes [Docket No.: FAA-2009-0454; Directorate Identifier 2008-NM-156-AD; Amendment 39-16353; AD 2010-14-08] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8596. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100, -200B, and -200F Series Airplanes [Docket No.: FAA-2010-0132; Directorate Identifier 2009-NM-096-AD; Amendment 39-16355; AD 2010-14-10] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8597. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-243, -341, -342, and -343 Airplanes; and Model A340-541 and -642 Airplanes; Equipped with Rolls-Royce Trent 500 and Trent 700 Series Engines [Docket No.: FAA-2010-0177; Directorate Identifier 2009-NM-222-AD; Amendment 39-16349; AD 2010-14-04] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8598. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B16 (CL-604 Variant) Airplanes [Docket No.: FAA-2009-1227; Directorate Identifier 2009-NM-119-AD; Amendment 39-16347; AD 2010-14-02] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8599. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), CL-600-2B16 (CL-601-3A, CL-601-3R, AND CL-604 Variants (Including CL-605 Marketing)) Airplanes [Docket No.: FAA-2010-0039; Directorate Identifier 2009-NM-239-AD; Amendment 39-16350; AD 2010-14-05] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8600. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-200, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2009-1224; Directorate Identifier 2009-NM-118-AD; Amendment 39-16351; AD 2010-14-06] (RIN: 2120-AA64) received

July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8601. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-200, -300, -400, -500, -600, -700, -800, and -900 Series Airplanes; Model 747-400 Series Airplanes; Model 757-200 and 757-300 Series Airplanes; Model 767-200, 767-300, and 767-400ER Series Airplanes; and Model 777-200 Series Airplanes [Docket No.: FAA-2010-0638; Directorate Identifier 2007-NM-333-AD; Amendment 39-16346; AD 2008-01-01] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8602. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400F, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2010-0275; Directorate Identifier 2009-NM-231-AD; Amendment 39-16344; AD 2010-14-01] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8603. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747 Airplanes [Docket No.: FAA-2008-0981; Directorate Identifier 2008-NM-073-AD; Amendment 39-16352; AD 2010-14-07] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8604. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model DC-9-10 Series Airplanes, DC-9-30 Series Airplanes, DC-9-81 (MD-81) Airplanes DC-9-82 (MD-82) Airplanes, DC-9-83 (MD-83) Airplanes, DC-9-87 (MD-87) Airplanes, MD-88 Airplanes, and MD-90-30 Airplanes [Docket No.: FAA-2010-0637; Directorate Identifier 2009-NM-062-AD; Amendment 39-16345; AD 2009-15-16] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8605. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2009-0906; Directorate Identifier 2009-NM-075-AD; Amendment 39-16343; AD 2010-13-12] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5629. A bill to ensure full recovery from responsible parties of damages for physical and economic injuries, adverse effects on the environment, and clean up of oil spill pollution, to improve the safety of vessels and pipelines supporting off-

shore oil drilling, to ensure that there are adequate response plans to prevent environmental damage from oil spills, and for other purposes; with amendment (Rept. 111-567, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. BERMAN: Committee on Foreign Affairs. H.R. 5138. A bill to protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other registered sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high interest registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child sex offender is seeking to enter the United States, and for other purposes (Rept. 111-568, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 5682. A bill to improve the operation of certain facilities and programs of the House of Representatives, and for other purposes (Rept. 111-569). Referred to the Committee of the Whole House on the State of the Union.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 1559. Resolution providing for consideration of the bill (H.R. 5822) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes and providing for consideration of motions to suspend the rules (Rept. 111-570). Referred to the House Calendar.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 2480. A bill to improve the accuracy of fur product labeling, and for other purposes; with an amendment (Rept. 111-571). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 5156. A bill to provide for the establishment of a Clean Energy Technology Manufacturing and Export Assistance Fund to assist United States businesses with exporting clean energy technology products and services; with an amendment (Rept. 111-572, Pt. 1). Ordered to be printed.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1796. A bill to amend the Consumer Product Safety Act to require residential carbon monoxide detectors to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule, to encourage States to require the installation of such detectors in homes, and for other purposes; with an amendment (Rept. 111-573). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on the Judiciary discharged from further consideration. H.R. 5138 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Pursuant to clause 2 of rule XIII the Committees on the Judiciary and Natural Resources discharged from further consideration. H.R. 5629 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. CHAFFETZ (for himself, Mr. SCHOCK, Mr. FLAKE, Mr. ISSA, Mr. WILSON of South Carolina, Mr. BARTLETT, Mr. FRANKS of Arizona, Mr. COFFMAN of Colorado, and Mr. BILBRAY):

H.R. 5865. A bill to amend title 44, United States Code, to prohibit the Archivist of the United States from making grants to preserve or publish non-Federal records; to the Committee on Oversight and Government Reform.

By Mr. GORDON of Tennessee (for himself, Mr. HALL of Texas, Mr. BAIRD, and Mr. INGLIS):

H.R. 5866. A bill to amend the Energy Policy Act of 2005 requiring the Secretary of Energy to carry out initiatives to advance innovation in nuclear energy technologies, to make nuclear energy systems more competitive, to increase efficiency and safety of civilian nuclear power, and for other purposes; to the Committee on Science and Technology.

By Mr. NYE:

H.R. 5867. A bill to amend title 23, United States Code, to authorize States to allow vehicles operated by members of the Armed Forces, law enforcement officers, and emergency response personnel to use HOV facilities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HALL of New York:

H.R. 5868. A bill to amend the Outer Continental Shelf Lands Act to establish conditions for the issuance of oil and gas leases under that Act to prevent discharges of oil in operations under such leases, and for other purposes; to the Committee on Natural Resources.

By Mr. LEWIS of Georgia:

H.R. 5869. A bill to direct the Secretary of the Interior to conduct a special resource study of the West Hunter Street Baptist Church in Atlanta, Georgia, and for other purposes; to the Committee on Natural Resources.

By Mr. POE of Texas (for himself and Mr. COSTA):

H.R. 5870. A bill to restrict passports of certain sex offenders, and for other purposes; to the Committee on Foreign Affairs.

By Mr. CARNAHAN:

H.R. 5871. A bill to amend the Public Works and Economic Development Act of 1965 to allow non-debt financing for for-profit companies in business incubators; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 5872. A bill to provide adequate commitment authority for fiscal year 2010 for guaranteed loans that are obligations of the General and Special Risk Insurance Funds of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mr. RYAN of Wisconsin (for himself, Ms. BALDWIN, Mr. KIND, Ms. MOORE of Wisconsin, Mr. SENSENBRENNER, Mr. PETRI, Mr. OBEY, and Mr. KAGEN):

H.R. 5873. A bill to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the "Captain Rhett W. Schiller

Post Office"; to the Committee on Oversight and Government Reform.

By Mr. MOLLOHAN (for himself and Mr. PATRICK J. MURPHY of Pennsylvania):

H.R. 5874. A bill making supplemental appropriations for the United States Patent and Trademark Office for the fiscal year ending September 30, 2010, and for other purposes; to the Committee on Appropriations.

By Mr. PRICE of North Carolina (for himself, Mr. MOLLOHAN, Mr. RODRIGUEZ, Ms. GIFFORDS, Mr. TEAGUE, Mrs. DAVIS of California, Mr. ORTIZ, Mr. CUELLAR, Mr. GENE GREEN of Texas, Mr. REYES, and Mrs. KIRKPATRICK of Arizona):

H.R. 5875. A bill making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York (for himself, Mr. KING of New York, Mr. HIMES, Mr. MURPHY of Connecticut, Mr. ACKERMAN, Mr. SERRANO, Mr. COURTNEY, Ms. DELAURO, Mr. ISRAEL, Mr. CROWLEY, Mr. ENGEL, Mr. HALL of New York, Mrs. LOWEY, and Mr. OLIVER):

H.R. 5876. A bill to amend the Federal Water Pollution Control Act to reauthorize and improve activities for the protection of the Long Island Sound watershed, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAPUANO:

H.R. 5877. A bill to designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. CLYBURN:

H.R. 5878. A bill to amend the American Recovery and Reinvestment Act of 2009 and the Internal Revenue Code of 1986 to make funds and tax benefits available to assist job creation and workforce diversification in the golf industry, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTA (for himself, Mr. CARDOZA, Mr. HONDA, Mr. KAGEN, Mr. LANGEVIN, Mr. HOLDEN, Ms. BORDALLO, Mr. KENNEDY, Mr. KIND, Mr. DELAHUNT, Mr. PIERLUISI, Mr. PETERSON, Ms. BALDWIN, Mr. STARK, Mr. MCNERNEY, Mr. NUNES, Mr. WOLF, Mr. RADANOVICH, Mr. MCHENRY, Mr. CAO, Mrs. MYRICK, Mr. MCCOTTER, and Mr. PETRI):

H.R. 5879. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to inter in national cemeteries individuals who supported the United States in Laos during the Vietnam War era; to the Committee on Veterans' Affairs.

By Mr. DJOU:

H.R. 5880. A bill to amend the Immigration and Nationality Act to provide for non-immigrant visas for certain aliens whose petitions or applications are pending or who have not received immigrant visas; to the Committee on the Judiciary.

By Mr. FORTENBERRY:

H.R. 5881. A bill to amend section 520 of the Housing Act of 1949 to revise the requirements for areas to be considered as rural areas for purposes of such Act; to the Committee on Financial Services.

By Mr. GRAVES of Georgia (for himself, Mr. PRICE of Georgia, Mr. WESTMORELAND, Mr. GINGREY of Georgia, Mr. KINGSTON, and Mr. BROUN of Georgia):

H.R. 5882. A bill to deauthorize appropriation of funds to carry out the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, the Judiciary, Natural Resources, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Mr. DELAHUNT, Mr. HONDA, Ms. MCCOLLUM, and Mr. GRIJALVA):

H.R. 5883. A bill to spur rapid and sustainable growth in renewable electricity generation in the United States through priority interconnection and renewable energy payments, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLEIN of Florida:

H.R. 5884. A bill to establish a separate office within the Federal Trade Commission to prevent fraud targeting seniors, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LINDER:

H.R. 5885. A bill to amend the Internal Revenue Code of 1986 to terminate the advance payment of the earned income tax credit; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 5886. A bill to provide grants to eligible consortia to provide professional development to superintendents, principals, and prospective superintendents and principals; to the Committee on Education and Labor.

By Mrs. LOWEY:

H.R. 5887. A bill to amend the Federal Hazardous Substances Act to require the inclusion of warning labels on Internet and catalogue advertising of certain toys and games; to the Committee on Energy and Commerce.

By Mr. MICHAUD (for himself, Ms. PINGREE of Maine, and Mr. GRIJALVA):

H.R. 5888. A bill to establish an America Rx program to establish fairer pricing for prescription drugs for individuals without access to prescription drugs at discounted prices; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 5889. A bill to amend the Public Health Service Act and title XVIII of the Social Security Act to increase the number of primary care physicians and medical residents serving health professional shortage areas, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means,

for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H. Con. Res. 305. Concurrent resolution expressing the sense of the Congress concerning contraceptives for women; to the Committee on Energy and Commerce.

By Mr. EHLERS (for himself and Mr. POLIS):

H. Res. 1560. A resolution supporting the increased understanding of, and interest in, computer science and computing careers among the public and in schools, and to ensure an ample and diverse future technology workforce through the designation of National Computer Science Education Week; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS:

H. Res. 1561. A resolution directing the Secretary of Health and Human Services to transmit to the House of Representatives copies of each portion of any document, record, or communication in her possession consisting of or relating to documents prepared by or for the Centers for Medicare & Medicaid Services regarding the Patient Protection and Affordable Care Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MINNICK (for himself, Mr. CUELLAR, Mr. MORAN of Virginia, Mr. KIND, Mr. CAO, Mr. OLSON, Mr. BOOZMAN, and Mr. REYES):

H. Res. 1562. A resolution recognizing the importance of trade to job creation and the United States economy and calling for the immediate implementation of the United States-Colombia Trade Promotion Agreement, United States-Panama Free Trade Agreement, and United States-Korea Free Trade Agreement; to the Committee on Ways and Means.

By Mr. ROTHMAN of New Jersey:

H. Res. 1563. A resolution commending the New York Giants, the New York Jets, the New Meadowlands Stadium Project, and the people of the State of New Jersey for creating one of the most energy-efficient and environmentally sustainable sports complexes in the world; to the Committee on Energy and Commerce.

By Mr. STUPAK (for himself, Mr. DINGELL, Mr. CONYERS, Mr. KILDEE, Mr. LEVIN, Mr. UPTON, Mr. CAMP, Mr. HOEKSTRA, Mr. EHLERS, Ms. KILPATRICK of Michigan, Mr. ROGERS of Michigan, Mrs. MILLER of Michigan, Mr. McCOTTER, Mr. PETERS, Mr. SCHAUER, Mr. DOYLE, Mr. MELANCON, Mr. BOREN, Mr. LIPINSKI, Mr. HOLDEN, Mr. KIND, Ms. SUTTON, Mr. BRALEY of Iowa, Mr. BARROW, Mr. KAGEN, and Mr. MILLER of North Carolina):

H. Res. 1564. A resolution commending and congratulating Michigan Technological University on the occasion of its 125th anniversary; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. FLAKE.

H.R. 197: Mr. McKEON, Mr. DeFAZIO, and Mr. KINGSTON.

H.R. 208: Mr. TIBERI.

H.R. 213: Mr. KAGEN.

H.R. 336: Mr. SCHIFF.

H.R. 571: Ms. LORETTA SANCHEZ of California.

H.R. 614: Mr. SCHOCK.

H.R. 673: Mr. MORAN of Virginia.

H.R. 949: Mr. KISSELL.

H.R. 1124: Mr. GRIJALVA, Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, Ms. ROYBAL-ALLARD, and Mr. COHEN.

H.R. 1126: Mr. WU and Mr. McCOTTER.

H.R. 1179: Mr. SPRATT.

H.R. 1205: Ms. LINDA T. SANCHEZ of California, Mr. PUTNAM, and Mrs. MALONEY.

H.R. 1277: Mr. GARY G. MILLER of California.

H.R. 1294: Mr. DENT.

H.R. 1340: Mr. MCGOVERN.

H.R. 1594: Mr. VISCLOSKEY.

H.R. 1806: Mr. LARSON of Connecticut.

H.R. 1875: Mr. LIPINSKI.

H.R. 1884: Mr. MINNICK and Mr. CHILDERS.

H.R. 1972: Mr. HEINRICH.

H.R. 2000: Mr. CALVERT, Mrs. CHRISTENSEN, Mr. KANJORSKI, Mr. MOLLOHAN, Mr. MURPHY of Connecticut, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SPRATT, Mr. THOMPSON of California, Mr. VAN HOLLEN, and Ms. WASSERMAN SCHULTZ.

H.R. 2016: Mr. BISHOP of New York.

H.R. 2428: Mr. FILNER.

H.R. 2575: Ms. SHEA-PORTER.

H.R. 2579: Mr. CUMMINGS.

H.R. 2648: Mrs. LOWEY.

H.R. 2855: Mr. OLVER.

H.R. 2866: Mr. DAVIS of Kentucky.

H.R. 2932: Mr. CLAY.

H.R. 3024: Mr. SCHRADER.

H.R. 3315: Mr. HODES.

H.R. 3421: Mr. GENE GREEN of Texas.

H.R. 3488: Ms. GIFFORDS and Ms. MATSUI.

H.R. 3729: Ms. SCHAKOWSKY, Ms. TSONGAS, and Mr. SCOTT of Virginia.

H.R. 3734: Mr. WATT.

H.R. 3752: Mr. HEINRICH.

H.R. 3786: Mr. KAGEN.

H.R. 3856: Mr. WU.

H.R. 3920: Mr. THORNBERRY.

H.R. 4109: Mr. GRIJALVA.

H.R. 4116: Mr. MICHAUD.

H.R. 4123: Mr. CONNOLLY of Virginia.

H.R. 4195: Mrs. LUMMIS.

H.R. 4197: Mr. CALVERT.

H.R. 4226: Mr. FILNER and Mr. CLEAVER.

H.R. 4266: Mr. NEUGEBAUER, Mr. MCCAUL, and Mr. CARTER.

H.R. 4306: Mr. JORDAN of Ohio.

H.R. 4427: Mr. PUTNAM.

H.R. 4536: Mr. DRIEHAUS, Mr. LATOURETTE, Ms. KILROY, Mr. RYAN of Ohio, Mr. SPACE, and Mr. WILSON of Ohio.

H.R. 4541: Mr. MILLER of Florida.

H.R. 4594: Mr. DENT and Mr. LANCE.

H.R. 4599: Ms. TITUS.

H.R. 4689: Mr. BLUMENAUER and Mr. HERGER.

H.R. 4692: Mr. KIND.

H.R. 4693: Mr. PUTNAM and Mr. MARKEY of Massachusetts.

H.R. 4722: Ms. SHEA-PORTER.

H.R. 4800: Mr. WEINER.

H.R. 4844: Ms. FUDGE.

H.R. 4856: Mr. BOSWELL and Mr. ARCURI.

H.R. 4882: Mr. CALVERT.

H.R. 4890: Ms. ZOE LOFGREN of California.

H.R. 4891: Mr. STARK.

H.R. 4914: Ms. JACKSON LEE of Texas.

H.R. 4925: Ms. ZOE LOFGREN of California.

H.R. 4986: Mr. CUMMINGS, Mr. HONDA, Mr. WILSON of South Carolina, and Mr. TURNER.

H.R. 4993: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5016: Mr. BLUNT.

H.R. 5040: Mr. MICHAUD.

H.R. 5058: Ms. BERKLEY, Mrs. MYRICK, and Mr. MILLER of North Carolina.

H.R. 5081: Mr. MICA and Mr. HEINRICH.

H.R. 5101: Mr. PRICE of North Carolina and Mr. CONNOLLY of Virginia.

H.R. 5134: Ms. DEGETTE.

H.R. 5137: Mr. MINNICK and Mrs. SCHMIDT.

H.R. 5138: Mr. POMEROY.

H.R. 5141: Mr. CASSIDY and Mr. BOUSTANY.

H.R. 5162: Mr. POE of Texas, Mr. ROONEY, Mr. HALL of Texas, Mr. BILIRAKIS, Mr. WITTMAN, and Mrs. LUMMIS.

H.R. 5174: Mr. LOEBSACK and Mr. ISRAEL.

H.R. 5178: Mr. PASTOR of Arizona, Mr. COSTELLO, Mr. DINGELL, Mr. FALEOMAVAEGA, and Mr. KING of New York.

H.R. 5180: Mr. SABLAN.

H.R. 5214: Mr. JACKSON of Illinois.

H.R. 5244: Mr. GUTHRIE.

H. R. 5369: Mr. CALVERT.

H.R. 5404: Mr. MARSHALL.

H.R. 5426: Mr. MURPHY of New York.

H.R. 5462: Mr. TOWNS and Mr. MCCAUL.

H.R. 5470: Mr. BOUCHER.

H.R. 5473: Mr. DICKS.

H.R. 5475: Ms. BERKLEY.

H.R. 5504: Mr. ARCURI and Mr. DEUTCH.

H.R. 5527: Mr. REICHERT.

H.R. 5536: Mr. HERGER.

H.R. 5537: Mr. BISHOP of New York and Mr. MURPHY of Connecticut.

H.R. 5540: Mr. STEARNS.

H.R. 5541: Mr. STEARNS.

H.R. 5554: Mr. EHLERS.

H.R. 5565: Mr. GONZALEZ and Ms. JACKSON LEE of Texas.

H.R. 5577: Mr. FILNER.

H.R. 5612: Mr. SIMPSON.

H.R. 5615: Mr. McKEON.

H.R. 5625: Mr. LATOURETTE, Mr. KAGEN, Mr. KUCINICH, Ms. SUTTON, and Ms. FUDGE.

H.R. 5643: Ms. WOOLSEY and Mr. COHEN.

H.R. 5644: Ms. MATSUI.

H.R. 5647: Mr. McKEON.

H.R. 5663: Mr. CHANDLER, Mrs. MALONEY, and Mr. GENE GREEN of Texas.

H.R. 5664: Mr. HARE.

H.R. 5677: Ms. GINNY BROWN-WAITE of Florida.

H.R. 5680: Mr. CALVERT.

H.R. 5714: Mr. ALEXANDER and Mr. DEUTCH.

H.R. 5729: Mr. MURPHY of New York and Ms. LORETTA SANCHEZ of California.

H.R. 5738: Ms. NORTON.

H.R. 5753: Ms. KILPATRICK of Michigan and Mr. MEEKS of New York.

H.R. 5766: Mr. LIPINSKI.

H.R. 5769: Ms. GIFFORDS, Mr. HALL of Texas, Mr. CALVERT, and Mr. BERRY.

H.R. 5778: Mr. MATHESON, Mr. ROYCE, and Mr. BOUCHER.

H.R. 5779: Ms. TITUS.

H.R. 5783: Ms. LEE of California, Mr. JACKSON of Illinois, and Mr. GRIJALVA.

H.R. 5825: Mr. SESTAK.

H.R. 5827: Mr. CRITZ, Mr. GRAYSON, Mr. POMEROY, Mr. COOPER, and Mr. PERRIELLO.

H.R. 5829: Mr. MILLER of North Carolina and Mr. FATTAH.

H.R. 5831: Mr. CARTER, Mr. DOGGETT, Mr. EDWARDS of Texas, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. HINOJOSA, Ms. JACKSON LEE of Texas, Mr. EDDIE BERNICE JOHNSON of Texas, Mr. MCCAUL, Mr. NEUGEBAUER, Mr. OLSON, Mr. ORTIZ, Mr. REYES, and Mr. RODRIGUEZ.

H.J. Res. 94: Mr. KINGSTON, Mr. THORNBERRY, Mr. ALEXANDER, Mr. MITCHELL, Mr. BILIRAKIS, Mr. TANNER, and Mr. SPRATT.

H. Con. Res. 29: Mr. TIAHRT.

H. Con. Res. 97: Mr. FRANK of Massachusetts.

H. Con. Res. 259: Mr. ENGEL.

H. Con. Res. 266: Mr. BILIRAKIS, Mr. DEUTCH, Mr. HERGER, Mr. HASTINGS of Florida, Mr. RYAN of Wisconsin, Mr. BILBRAY, Mr. COFFMAN of Colorado, and Mr. WILSON of South Carolina.

H. Con. Res. 281: Mr. SCALISE.

H. Con. Res. 298: Mr. GRIJALVA.

H. Res. 111: Mr. PETERS and Mr. THOMPSON of Mississippi.

H. Res. 241: Mr. PASTOR of Arizona.

H. Res. 637: Mr. BURGESS, Mr. DANIEL E. LUNGREN of California, Mr. HARPER, and Mr. MCCAUL.

H. Res. 899: Mr. BOREN and Mr. HOLT.

H. Res. 953: Ms. WATERS and Mr. MORAN of Virginia.

H. Res. 1207: Mrs. MYRICK and Mr. GALLAGLY.

H. Res. 1217: Ms. SHEA-PORTER and Mr. MAFFEI.

H. Res. 1319: Mr. HINOJOSA.

H. Res. 1326: Mr. COFFMAN of Colorado.

H. Res. 1355: Ms. NORTON.

H. Res. 1371: Mr. LATTA.

H. Res. 1390: Ms. WOOLSEY.

H. Res. 1431: Mrs. SCHMIDT, Mr. ALEXANDER, Mr. PRICE of North Carolina, and Mr. ROONEY.

H. Res. 1441: Mr. BARTLETT, Mr. OLSON, and Mr. LAMBORN.

H. Res. 1442: Mr. TANNER, Mr. ROGERS of Alabama, Mr. LINDER, and Ms. GIFFORDS.

H. Res. 1449: Mr. TURNER, Mr. RUPPERSBERGER, Mr. ALEXANDER, Mr. WOLF, and Mr. BUTTERFIELD.

H. Res. 1479: Mr. INGLIS, Mr. MICA, Ms. NORTON, Mr. KING of New York, Mr. POLIS, Mr. WOLF, Mr. PAULSEN, Ms. JENKINS, Mr. POSEY, Mrs. BIGGERT, Mr. MCHENRY, Mr. KIRK, Mr. GARRETT of New Jersey, Ms. KOSMAS, Mr. HOLT, Mr. HALL of New York, Mrs. CAPITO, Ms. ROS-LEHTINEN, Mr. DENT, Mr. SCHOCK, Mr. GUTHRIE, Mr. THOMPSON of Pennsylvania, Mr. MANZULLO, Mr. HIMES, Mr. PAYNE, and Mr. PENCE.

H. Res. 1515: Mr. ROYCE and Ms. CHU.

H. Res. 1522: Mr. RYAN of Ohio, Mr. McMACHON, Mr. ISRAEL, Mr. BARROW, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. BURTON of Indiana, Mr. BOUCHER, Mr. WU, Mrs.

CHRISTENSEN, Ms. KILROY, and Mr. MARIO DIAZ-BALART of Florida.

H. Res. 1527: Mr. SESSIONS and Ms. HARMAN.

H. Res. 1528: Ms. ROYBAL-ALLARD.

H. Res. 1529: Mr. RANGEL, Mrs. LOWEY, and Mr. ENGEL.

H. Res. 1554: Mr. SABLON.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Protection Act of 2010, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

EXTENSIONS OF REMARKS

HONORING CAMP FIRE'S 100TH ANNIVERSARY

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. McDERMOTT. Madam Speaker, today I rise to offer special recognition to Camp Fire on its upcoming centennial celebration. Since its founding in 1910, Camp Fire has worked to build caring, confident youth and future leaders nationwide. In 2009 alone, thousands of youth and family in and around Seattle benefited from its programs.

When it was founded a century ago, Camp Fire was the first interracial, non-sectarian organization for young women in the United States. This legacy showcases an early and bold commitment to enriching the lives of all American girls; this spirit of openness was continued when the organization was expanded in 1975 to include boys.

Camp Fire has positively affected those it serves through its curriculum and through its physical facilities. Camp Fire's camps and classes prepare our children to be responsible leaders in an increasingly global community, with an emphasis on environmental education and healthy living. Camp Sealth, a Camp Fire facility on Vashon Island, continues to be an invaluable resource to the community, providing children with a safe space to learn and grow, and local organizations with an outstanding retreat.

Today, it is as important as ever for the nation's youth to maintain a connection to America's great outdoors, but many children lack such opportunities without outside support. Camp Fire's work to bring communities together around children and to reconnect them to nature is an inspiration. It is with gratitude that I extend my congratulations to Camp Fire on a century of exceptional work, and my best wishes for another century of progress and service.

REMEMBERING LORRAINE FERN PIPKIN

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. McCLINTOCK. Madam Speaker, I rise today in memory of Lorraine Fern Pipkin of Manhattan Beach, CA.

Lorraine was born August 10, 1925 in North Dakota. She was raised on her grandparents' farm, working to help support her family during the Great Depression. At the age of 14 she moved with her mother to Yakima, Washington, and in the 1940s Lorraine moved to Los Angeles, where she went to work to fill

the vital jobs vacated by GIs fighting in World War II. Lorraine loved being a mother and cherished time with her family and raising her two sons and daughters in Hawthorne. She was known for her wonderful cooking and open-house policy of hosting friends and family on a regular basis.

Madam Speaker, Winston Churchill once said, "There is no doubt that it is around the family and the home that all the greatest virtues, the most dominating virtues of human society, are created, strengthened and maintained." Lorraine spent her life raising a family, whom I have had the privilege to know for many years, who reflect the finest virtues of our nation, and I share in mourning their loss.

IN HONOR OF EDNA AND WALT MINNICK

HON. BETSY MARKEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Ms. MARKEY of Colorado. Madam Speaker, I rise today to speak in tribute of Edna and Wayne Minnick, two constituents of the Fourth Congressional District who exemplify the fulfillment of the American dream and who chose to give back to their community in ways that will last for generations.

Edna Minnick was born in 1916 in Springfield, Colorado, and passed away in 2009 at 92 years of age. She loved Baca County, and although she spent the middle part of her life in other places, Baca County was her home.

Wayne was born in 1913 in Oswego, Kansas and developed a love for farming. During the Depression, Wayne moved to Colorado, where he met and married Edna in 1939. They were married for 54 years, until Wayne's death in 1993. Visits to Edna's family ranch in the 1940s, a homestead five miles west and two miles north of Springfield, revealed Wayne's farming potential. The couple moved to California prior to WWII where Wayne worked as an electrical engineer. When drafted into the Army Air Corps during the war, he instructed aircraft mechanics and electricians. The electrical trade followed on his return to Colorado, putting many miles of lines through the Colorado mountains. However, the old love of farming prevailed, and in 1957 Wayne rented a portion of his mother-in-law's Baca County farm. The Minnicks purchased the farm in 1963 and worked the farm on weekends until Wayne could retire from the electric business. This required endless hours of nighttime labor, tractor driving, and commuting time between Colorado Springs and Baca County. Both Wayne and Edna loved wheat farming and trying new ideas.

Edna had great admiration for her family and the homesteaders who settled in Baca County, and she wished to preserve and

honor their contributions and lives in Baca County. She wished to contribute to the preservation of Baca County history and help fulfill present and future needs of Baca County, Springfield and their citizens. She was a shrewd businesswoman, and during the years in Colorado Springs, she purchased real estate surrounding her home and built rental duplexes. She used much of the income to support her deep interests in child and youth welfare, rehabilitation and care.

Upon her death, Edna left her considerable estate to Baca County. Community recipients of this estate include many scholarship funds for area youth; improvements to the Baca County Fairground and a new community building; Cancer and Parkinson's research; the Baca County Food Bank; the Salvation Army; area FFA Buildings; improvements to the Springfield movie theatre and swimming pool; renovations to the Courthouse, Methodist Church, and Walsh Community Center; needed projects on area cemeteries; Clubhouse for the Blue Rose Ranch Horse Rescue; Springfield school milk fund, substantial Hospital improvement projects; and many more.

The Minnicks have truly been a blessing to Baca County. I am honored to remember them today and to have their contributions and generosity recorded in the CONGRESSIONAL RECORD.

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. PENCE. Madam Speaker, I was absent from the House floor during rollcall vote 434. Had I been present, I would have voted "yea."

CONGRATULATING STATE POLICE CAPTAIN MIKE FOSTER

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. BOOZMAN. Madam Speaker, I would like to congratulate State Police Captain Mike Foster for his recent promotion by the Arkansas State Police Commission.

Captain Foster is a 19-year veteran of the department, faithfully serving the State of Arkansas and working to protect its citizens since 1991. Having served most recently as acting assistant commander and acting commander of Troop I based out of Harrison, Arkansas, he is now officially taking over as commander of Highway Patrol, Troop I. Captain Foster will lead highway patrol troopers in Baxter, Boone, Fulton, Izard, Marion, Newton, Searcy and Stone counties.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Captain Foster is to be commended for his many years of service and sacrifice for the people of Arkansas. He is well deserving of this recommendation and I ask my colleagues to join me in recognizing these accomplishments and congratulate Arkansas State Police Captain Mike Foster and wish him future success in his career.

HONORING MS. GLADYS MCDANIEL
FOR HER 32 YEARS OF SERVICE
TO THE ASHEVILLE POLICE DE-
PARTMENT AND CONTINUAL EF-
FORTS WITHIN THE COMMUNITY

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. SHULER. Madam Speaker, I rise today to honor Ms. Gladys McDaniel for her dedication to the City of Asheville, North Carolina and to congratulate her on her retirement after 32 years of service to the Asheville Police Department. Her dedication to philanthropy and her community is evident as she has participated in nearly every community event Asheville has had to offer for the last 3 decades.

Ms. McDaniel has come to be known as the "heart" of the Asheville police department. Serving as the gatekeeper of the department, her attention to detail and tireless efforts have touched almost everyone who has interacted with the Asheville police department. Police Chief Bill Hogan recalls how Ms. McDaniel's "organizational and historical knowledge helped to get his feet on the ground" when he joined the department 6 years ago.

In addition to her full time job as a public servant, Ms. McDaniel has taken an unofficial position as a full time volunteer in the Asheville community. From helping to organize the nationally recognized Bele Chere festival to donning costumes to entertain children, no job has ever been too big or too small for Ms. McDaniel. For the past 30 years she has played an integral role in the planning and orchestration of the Bele Chere festival. A proven problem solver, she is the key force behind the scenes. In addition to her efforts at the Bele Chere festival, Ms. McDaniel organizes two blood drives every year, coordinates events for the Special Olympics, and assists with the annual Asheville film festival.

Along with her tremendous commitment to the Asheville Police Department and the Asheville community, Ms. McDaniel has always shown remarkable commitment and devotion to her country and family. Ms. McDaniel spent 4 years in the Army Reserves, and 2 years as an inactive ready-reservist, while raising two gentlemen. A devoted mother of two, Ms. McDaniel describes herself as "[thriving] on nurturing both her family and community." Madam Speaker, I urge my fellow colleagues to honor and thank Ms. Gladys McDaniel for her tireless devotion to her family, country, and community.

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. PENCE. Madam Speaker, I was absent from the House floor during rollcall votes 465-466. Had I been present, I would have voted "no" on rollcall Nos. 465 and 466.

HONORING TYLER GROSDECK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Tyler Grosdeck. Tyler is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 447, and earning the most prestigious award of Eagle Scout.

Tyler has been very active with his troop, participating in many scout activities. Over the many years Tyler has been involved with scouting, he has not only earned numerous merit badges and contributed to his community through his Eagle Scout project, but also earned the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Tyler Grosdeck for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. DAVIS of Illinois. Madam Speaker, this is a good opportunity to implement Wall Street reform, and help make our financial markets safer for everyday American citizens, investors, and small businesses. At the center of our efforts today is the concept of power, and what it means to those who have it, and those who don't. Baltasar Gracian, a renowned Spanish Jesuit writer, once said that "The sole advantage of power is that you can do more good."

I think many people would agree with me that the corporations and executives on Wall Street have considerable power. The question remains, however, whether they are using that power to do good things. People will point out, and I agree, that they are making many people very wealthy, but at what cost? For too long corporate interests have been allowed to dominate decision making in America's financial capital, and many times, this has meant unfair and predatory practices. As lawmakers, we should set out to make our financial markets a more evenhanded place for our citizens, and the consumers that put their trust and money on the line.

One of the key things that H.R. 4173 will do is to create a Consumer Financial Protection Bureau, tasked with the responsibility of making sure consumer lending practices are fair. Also, under the Volcker rule, large financial institutions would no longer be allowed to engage in risky trading using federal dollars, supported by taxpayers. Throughout the many various initiatives and stipulations in the bill, one theme is clear: protecting American citizens, and maintaining a fair market that allows both informed consumers and powerful financial markets to thrive in tandem.

H.R. 4173 does not set out to take power away from those on Wall Street, but to make sure they use their many strengths and abilities for the benefit of the average American investor and small business owner. I support H.R. 4173, the Restoring American Financial Stability Act of 2010, knowing that the benefits and wealth for the few should not come at the cost of the many.

HONORING COLONEL THOMAS C. CHAPMAN

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Ms. MATSUI. Madam Speaker, I rise today to honor COL Thomas C. Chapman upon his retirement from the United States Army Corps of Engineers. For the past three years I have had the pleasure of working with Colonel Chapman on a number of flood protection projects that are key to my hometown of Sacramento. I found Colonel Chapman to be a man of intelligence and integrity, a man who never forgot the public he served. As he retires, I would like to pause today and ask that my colleagues join with me in offering our thanks to a distinguished American.

Beginning with his graduation from the United States Military Academy at West Point in 1984, Colonel Chapman has led a distinguished and notable career in the Corps of Engineers. He has assisted with and led many projects which have helped to maintain the integrity and vitality of our nation's infrastructure and worked to improve the security of our military bases abroad.

Colonel Chapman's career has taken him and his family from Fort Knox to South Korea, from Philadelphia to Afghanistan and a number of stops in between. Each stop has been characterized by success. At Camp Red Cloud in South Korea, he developed a new master plan for installations, which was later adopted as a model for all U.S. forces in Korea. As the Chief of Staff of the U.S. Army Engineer School, he oversaw the integration of the Engineer School into the Army's Maneuver Support Center. In Afghanistan, he served as the senior engineer at NATO Corps Headquarters, where he managed both the construction of all NATO facilities and oversaw NATO's Counter-IED training. Colonel Chapman aided Coalition Forces by developing a new engineer organizational structure and by developing NATO's first Counter-IED doctrine.

In July of 2007, Colonel Chapman was installed as the Commander of the Corps of Engineers' Sacramento Division. Lying at the

confluence of the Sacramento and American Rivers, the City of Sacramento and surrounding region faces the constant threat of flooding. Our levee and flood protection systems require continuous attention and the Corps of Engineers is actively involved with major upgrades currently being undertaken at Folsom Dam and along local rivers and streams.

In particular, Colonel Chapman's leadership has helped keep the Folsom Dam Joint Federal Project, a collaborative effort with the Bureau of Reclamation, on schedule and on budget. When completed, this immense project will strengthen the dam and add a second spillway, which will allow more water to be released in anticipation of a storm, giving much of Sacramento over 200-year protection. Colonel Chapman has also worked diligently to advance the Natomas Levee Improvement Project, which will also give 200-year protection to the 75,000 people that call Natomas home. On these and other projects, Colonel Chapman has worked with local and state officials to ensure there is a strong partnership between all levels of government.

Madam Speaker, I am truly honored to stand here today to congratulate COL Thomas Chapman, for his tireless work in Sacramento and throughout his 26-year career with the Army Corps of Engineers. As his colleagues, friends and family gather today, including his wife Deidre and their seven children, I once again ask my colleagues to join me in saluting Colonel Chapman. His work has kept American servicemen and women safe abroad and the public safe at home. I offer him my warmest thanks and wish him continued success in the next chapter of his life.

LIEL MAGHEN

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. PAYNE. Madam Speaker, I rise to commend Liel Maghen, one of my 2010 summer interns in the New Story Leadership Program. The New Story Leadership Program, hosts interns from Israel and Palestine, to Washington, DC every year. As a requirement of the program a Congressional Forum is held, and in my attendance on July 20, 2010 Liel Maghen gave a remarkable speech. His story is very inspirational and it gives a clear perspective of his culture and obstacles he overcame. At this time, I present to you his speech:

"I am Liel Maghen and I am your Master of Ceremony for this morning's event.

The Middle East story receives high media coverage and public attention. It is a story of a conflict between two people over the same land and it is a story of terror, occupation, and suffering.

The dimensions of this story combine religion, economy, cultural differences and racism in a complex history of hatred, and present reality of mistrust, that seems far from being solved. However, the small particles of this conflict are the personal stories of people that live in that region.

And like looking at atoms of a human body, these stories reveal different percep-

tions and demonstrate how these separate particles are connected together in one body that is called the Middle East.

My story starts with my heritage. But before I will begin, let me note that today is "Tisha Beav". It is a day of grief for the Jewish people that commemorate the destruction of both great temples in Jerusalem.

According to the religious scriptures, which refer to these temples as Houses, these temples were destroyed as god's punishment for corruption, moral degradation, and false hatred.

I believe that we, the Jewish people who are gathered here today, came here in order to prevent the collapse of our third House the Israeli state.

I was born in the state of Israel to an Italian mother and Libyan father, who decided, as true Zionists, to leave their families and home in order to move to the Jewish state. My mother is a daughter of two Holocaust survivors and my father himself suffered persecution in his Arab homeland throughout his childhood. Therefore, my education, which was traditional Jewish, emphasized the importance of a Jewish state and the need of the Jewish people to defend themselves in order to prevent a second Holocaust. My education was also affected by the political activism of my parents, who were members of the Halikud right wing party.

When I grew up, especially in the time of the second Intifada, I adopted my parents' perspective as my own and believed that the Jewish people are in danger, and that there is no chance for peace. Thus, I was eager to serve my country in a combat unit and to be a representative of my people and history through my army service. This concept of service has a major role in Israeli society and education. And eventually, this service would be the reason for a big change in my perception, a change that occurred because of a friend.

This friend was Johan Zarbib.

I met him in the first week of basic training. We were together in the same unit and partners in the same squad. He, as a foreigner who was born in France, decided to immigrate to Israel for the same reasons as my parents. He told me, that after suffering modern anti-Semitism in his homeland, he understood the importance of the Jewish country and wanted to join the army and contribute his share for the sake of the Jewish people.

I, on the other hand, made a personal and difficult decision to change units. I decided to complete my military service by transferring to an education unit, where I could contribute in a different way.

In the last day of the war of Lebanon, in 2006, after the cease-fire was signed but before it was fully implemented, I was shocked to hear that Johan was killed.

The day after, in his funeral, I saw that many other friends from our unit were injured in the same battle.

Looking at them and thinking about Johan, made me re-examine these values of contribution and service. I have asked myself if serving in the army is the only way to contribute to my society or maybe there was another option.

My conclusion was that it is our responsibility, as people who suffer from the war, to make an effort for achieving peace. Or as Mahatma Gandhi has said: "you must be the change that you wish to see in the world".

Since then, I have participated in different co-existence programs. Although these experiences are difficult and confront sensitive

issues, I have come to understand through them, that both sides suffer from this conflict and that only personal connection between people can create a bridge beyond the walls of separation and fear. I have also come to understand that maybe we don't agree on the details of the solution, but we can agree on the process of finding one, process that requires communication, compromise, and reconciliation.

And Finally, Here in Washington, I have had a great opportunity to take this understanding one step further. Thank to Congressman Payne and his inspirational staff I have learned about the political process and how it can make a major impact in people's life. Furthermore, being a part of a group of Israeli and Palestinian activists through the New Story Leadership Program teaches me that many people from both sides are basically on the same side, the side that wants peace.

This future is reachable, and we should join together, Israelis, Palestinians, and Americans, in order to make this future closer to the present."

Thank you very much,

Shalom, Peace and Salam Aleikum

Madam Speaker, I call upon my colleagues in joining me congratulating Liel Maghen and wishing him all the best. He is truly an inspiration to all that know him.

HONORING DYLAN COCHRAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Dylan Cochran. Dylan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1179, and earning the most prestigious award of Eagle Scout.

Dylan has been very active with his troop, participating in many scout activities. Over the many years Dylan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Dylan has earned the rank of Warrior in the Tribe of Mic-O-Say and the World Conservation Award. Dylan has also contributed to his community through his Eagle Scout project. Dylan constructed and installed a bench along the Maple Woods Conservation Area trail route.

Madam Speaker, I proudly ask you to join me in commending Dylan Cochran for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING USA HOCKEY

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. QUIGLEY. Madam Speaker, I rise today in recognition of USA Hockey and their support of disabled hockey programs. USA Hockey has proven that hockey truly is for everyone, and their efforts to share the wonderful game of hockey should be commended.

USA Hockey supports four disciplines of disabled hockey, all serving players both young and old. This includes Standing/Amputee hockey, Deaf/Hard of Hearing hockey, Sled hockey, and Special hockey. These groups provide unique practices that enable the players to reconnect with a sport they love. For example, Deaf/Hard of Hearing hockey incorporates a special lighting system and allows coaches and players to communicate through sign language, lip-reading and interpreters. And Sled hockey provides paraplegics with the opportunity to enjoy the sport by using specially designed sleds on the ice.

USA Hockey also proudly supports the USA Warriors Ice Hockey Program, providing wounded United States Military Personnel with therapeutic and recreational opportunities to play hockey. This program focuses on integrating disabled and non-disabled players in order to build self confidence and assist disabled veterans to reconnect with the activities they were involved with prior to their disability. While I can't begin to comprehend all that these brave veterans have experienced and what they've done in service to our nation, I can understand why they still want to play hockey.

I believe that hockey is a tremendous game that teaches its players the value of hard work, discipline, and the benefit of playing as a team. Through the support of USA Hockey, thousands of disabled participants of all ages are able to learn these important lessons that will help them be successful both on and off the ice.

HONORING THE NEW LONDON
ROTARY CLUB

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. COURTNEY. Madam Speaker, I rise today in appreciation and support for the New London, Connecticut Rotary Club's Camp Rotary, a service program showcased at a July 23rd event that I had the opportunity to attend. The event joined together the Connecticut College AmeriCorps VISTA volunteers and students and teachers of New London Public Schools to celebrate the success of Camp Rotary.

The Rotary motto "Service Above Self" exemplifies their strong devotion to community service internationally, and the Rotary Club of New London demonstrates this commitment every day. The New London Rotary Club organizes many service projects annually, including a holiday book drive, a literacy initiative, and a community playground cleanup.

Rotarians have long understood that many young students lose academic momentum over summer vacation. Often, students also practice unhealthy eating habits and sedentary lifestyles over the summer because they lack access to healthy, affordable food and places to exercise.

Camp Rotary, now in its 18th year, provides a valuable opportunity for disadvantaged students of the New London Public School system to enrich their summers through physical

activities, educational programs, and college preparation. The school system partners with New London teachers and Connecticut College student volunteers who graciously devote their summers to helping these youth progress.

Camp activities aim to provide an educational and entertaining experience for the 11–15 year olds, but the overarching goal of the program is to put the students on a college path. Many of these young people would be the first in their family to attend college, and Camp Rotary helps them plan for their future by offering tours of universities and goal planning workshops.

The importance of this effort was recently underscored by a report issued by the National College Board finding that the U.S. is now ranked 12th in the industrialized world in college graduation rates. As recently as 1986, the U.S. was ranked first. Camp Rotary aims to solve this problem by awakening interest and motivation in college achievement at the middle school level, which experts agree is the most successful strategy to increase college involvement and completion.

The New London Rotarians understood the need for the Camp Rotary program in the community and successfully and generously established a program to provide more productive summers for hundreds of disadvantaged students. I ask my colleagues to join me in honoring the valuable opportunity the New London Rotary Club and the Rotary Foundation continues to provide for the youth of New London, and the New London teachers and AmeriCorps VISTA volunteers that help Camp Rotary to succeed.

HONORING JORDAN M. MCCLLOUD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Jordan M. McCloud. Jordan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1179, and earning the most prestigious award of Eagle Scout.

Jordan has been very active with his troop, participating in many scout activities. Over the many years Jordan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Jordan has earned the rank of Brave in the Tribe of Mic-O-Say and the World Conservation Award. Jordan has also contributed to his community through his Eagle Scout project. Jordan constructed a fire ring and installed erosion prevention measures at New Hope Retreat Center outside of Holt, Missouri.

Madam Speaker, I proudly ask you to join me in commending Jordan M. McCloud for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Ms. LEE of California. Madam Speaker, today I missed rollcall vote No. 458 on H. Res. 1537. Had I been present, I would have voted "aye."

CONGRATULATING SPECTRUM
HEALTH ON BEING NAMED A
TOP HOSPITAL

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. EHLERS. Madam Speaker, it is my distinct pleasure to congratulate Spectrum Health on being named one of the Nation's top ten health care systems. Spectrum has a long-standing reputation as an exceptional health care provider. It is a true benefit and blessing to our community to have world-class health care available locally.

Spectrum Health is now in the company of a very select group of health systems that have demonstrated that they provide better care, save more lives, have fewer medical complications, and make fewer patient safety errors. According to Thomson Reuters, the esteemed national organization presenting this award, Spectrum Health "set the standard for the industry." As a member of The United States House of Representatives serving Grand Rapids and West Michigan, I am delighted to have the opportunity to recognize this health system for its excellence—especially since Spectrum is the only health system in Michigan to receive this honor.

Great recognition brings great appreciation, and I am certain this award will create in our community an increased awareness of the remarkable health care services that Spectrum Health makes available to them through a number of exceptional facilities. I thank Spectrum Health for its steadfast commitment to providing the residents of west Michigan with the finest possible care through the efforts of its physicians and staff.

I am honored to offer my best wishes to Spectrum Health on being named one of the Nation's top ten!

HONORING JOSEPH PAUL HOMAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Joseph Paul Homan. Joseph is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 312, and earning the most prestigious award of Eagle Scout.

Joseph has been very active with his troop, participating in many scout activities. Over the many years Joseph has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Joseph has earned the rank of Firebuilder in the Tribe of Mic-O-Say and a four-year Air Force Reserve Officer Training Corps scholarship to the University of Missouri-Columbia. Joseph has also contributed to his community through his Eagle Scout project. Joseph planted landscaping, painted fire lanes and refurbished the flag pole at Lutheran High School of Kansas City, Missouri.

Madam Speaker, I proudly ask you to join me in commending Joseph Paul Homan for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

SILVETTE WOMEN'S GOLF CLUB

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. McMAHON. Madam Speaker, I rise today to honor the Silvette Women's Golf Club of Staten Island on their 75th Anniversary and to recognize this organization as the oldest women's golf club in the State of New York.

On Staten Island in 1935, a group of women came together to form their own golf club. The Silvettes became pioneers in the field of women's golf because they formed the first public women's golf club not associated with a country club. These women played weekly tournaments at the Staten Island-Silver Lake Golf Course and the Latourette Golf Course. Combining the names of the two courses, this group became known as the Silvette Women's Golf Club. The club played their first tournament on May 4, 1938 at the Silver Lake Golf Course.

During the late 1930s and the 1940s, the Silvettes continued to grow as an organization. The Silvettes established an executive board and supported the war effort during World War II by giving out Defense Stamps as prizes. The club has also held many tournaments and events to support various charities.

The Silvettes are very active in Islandwide Golf Tournaments. The Silvettes frequently play against six other women's golf clubs on Staten Island. The club also plays interclub matches against New Jersey and Brooklyn clubs.

In 1968, as a result of overcrowding at the Silver Lake Golf Course, the Silvettes moved to their current home at the South Shore Country Club in the Huguenot area of Staten Island.

I would like to take this time to give special recognition to two members of the Silvette Women's Golf Club. Helen Sangiorgio, the former club president and current publicity chairlady, and Elissa Barry, the current club president, have worked tirelessly for many years to ensure the club continues to grow and prosper. The dedication of these women to the game of golf and for their love of Staten Island.

Madam Speaker, I ask that my colleagues join me in congratulating the Silvette Women's Golf Club on their 75th Anniversary and on the distinction of being the oldest women's golf club in the State of New York.

THE 60TH ANNIVERSARY OF THE KOREAN WAR: WHY PEACE MATTERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. KUCINICH. Madam Speaker, this year marks the 60th anniversary of the Korean War and the fifty-seventh anniversary of the signing of the July 1953 Armistice Agreement. The Korean War cost the lives of over 4 million people and a lasting peace remains elusive. The people on the Korean peninsula continue to suffer as they are caught in the midst of a perpetual state of war and heightened tension. Families are divided and they are left voiceless.

The recent sinking of the Republic of Korea Ship (ROKS) *Cheonan* in May and the subsequent announcement that North Korea was severing all relations with South Korea is a symptom of a failed policy in the region. It highlights the need for a permanent peace settlement and for diplomatic efforts to bring North and South Korea to such a settlement.

Following the sinking of the ROKS *Cheonan*, officials in the Administration vowed that the attack would not go unanswered. After 60 years, the United States has failed to establish formal diplomatic channels with North Korea that would be vital in diffusing such crises.

The United States spends over one billion dollars per year to maintain its military presence in South Korea. At a time when millions of Americans are out of work and are struggling to pay their bills, one billion dollars per year is needlessly poured into further militarizing the Korean peninsula. There are debates in Washington over how we are going to pay for unemployment benefits. Yet no one asks how we are going to pay to maintain hundreds of U.S. military bases around the world. No one questions the costs to U.S. taxpayers or the Korean people.

I believe strongly in the power and necessity of diplomacy. The United States has a responsibility to utilize its unique role as an ally of South Korea to bring the nation closer to resolution with North Korea.

The Administration can better express support for the people of the Republic of Korea by recommitting to promoting dialogue between the two nations. The expression of support for a possible military response to North Korea's actions can only serve to heighten the likelihood of a military confrontation. Military action in retaliation to North Korea's attack on the South Korean ship can only result in the further loss of life.

Further militarization in the region can have adverse effects on U.S. national security and our support of a military response to North Korea can only undermine future prospects of peace. Further isolating North Korea from

South Korea and the international community does not serve the interest of any country truly dedicated to regional stability. Let us use this somber anniversary to work toward peace and facilitate a lasting peace settlement between North and South Korea.

HONORING KEVIN HADLEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Kevin Hadley. Kevin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 447, and earning the most prestigious award of Eagle Scout.

Kevin has been very active with his troop, participating in many scout activities. Over the many years Kevin has been involved with scouting, he has not only earned numerous merit badges and contributed to his community through his Eagle Scout project, but also earned the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kevin Hadley for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING STATE POLICE MAJOR J.R. HANKINS

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. BOOZMAN. Madam Speaker, I would like to congratulate Arkansas State Police Major J.R. Hankins for his promotion to the rank of major by the Arkansas State Police Commission.

Having served in several capacities for the Arkansas State Police, in areas all over the state for more than 30 years, Major Hankins has dedicated and sacrificed his life to make Arkansas safer.

Most recently, Major Hankins served as commander of Troop J headquartered in Clarksville. Earning the promotion of major earlier this year, he has taken on new duties as commander of the Highway Patrol Division for the eastern region of Arkansas. This region includes cities such as Little Rock, Jonesboro, Newport, Forrest City, Pine Bluff and Warren. Major Hankins is to be commended for his many years of faithful service. He is well deserving of this commendation and I ask my colleagues to join me in congratulating Major J.R. Hankins and wish him future success in his career.

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. DAVIS of Illinois. Madam Speaker, I was unable to cast votes on the following legislative measures on July 26, 2010. My congressional district suffered massive flooding, and I needed to remain in Chicago to focus on the recovery. If I had been present for rollcall votes, I would have voted "yea" on each of the following:

Roll 467, July 26, 2010: On Motion to Suspend the Rules and Pass, as Amended: H.R. 1320, To amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes.

Roll 468, July 26, 2010: On Motion to Suspend the Rules and Agree, as Amended: H. Res. 1504, Recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990.

Roll 469, July 26, 2010: On Motion to Suspend the Rules and Pass, as Amended: H.R. 3101, Twenty-First Century Communications and Video Accessibility Act.

HONORING BRAD ROWALD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Brad Rowald. Brad is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 447, and earning the most prestigious award of Eagle Scout.

Brad has been very active with his troop, participating in many scout activities. Over the many years Brad has been involved with scouting, he has not only earned numerous merit badges and contributed to his community through his Eagle Scout project, but also earned the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Brad Rowald for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR AND RECOGNITION OF THE 100TH ANNIVERSARY OF SAINTS PETER AND PAUL UKRAINIAN ORTHODOX CHURCH OF CLEVELAND, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Saints Peter and Paul Ukrainian Orthodox Church of Cleve-

land, Ohio, as its members celebrate one hundred years of faith, hope and tradition.

The history of Saints Peter and Paul Ukrainian Orthodox Church began on September 21, 1910 at 2280 West 7th Street in Cleveland when the structures of the church and rectory were officially dedicated. These buildings were built with the labor and generous donations of the parishioners, most of whom were immigrants from the Ukraine. Metropolitan Archbishop Andrew Sheptytsky of Lviv was present to provide a blessing to the newly opened parish. The buildings and grounds have since been restored and expanded, yet the original structures remain as strong and as beautiful as when first built.

Saints Peter and Paul Ukrainian Orthodox Church grew quickly. It soon became a part of the community and a strong cultural connection for hundreds of Ukrainian families throughout Cleveland. To assist immigrants and families, the parish expanded services, including the establishment of a savings and loan to help young families secure loans to purchase homes. Picnics, concerts and fundraisers became a weekly tradition. The church offered musical treasures from Ukraine, including performances of a 60-string instrument, the bandura. Parishioners would also make and sell varenyky, a delectable Ukrainian dumpling, which quickly sold to Clevelanders of all ethnic backgrounds.

Madam Speaker and colleagues, please join me in honor of the members of Saints Peter and Paul Ukrainian Orthodox Church, past and present, as they celebrate their 100th anniversary. Their contributions to our community are immeasurable. The church continues to stand as a beacon of culture and faith for Ukrainian Americans, for the diverse people in Cleveland's Tremont neighborhood and throughout our Greater Cleveland community.

STOP DISTORTING HISTORY AND
WORK FOR REAL PEACE ON CYPRUS**HON. DAN BURTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. BURTON of Indiana. Madam Speaker, Monday, July 20, 2010 marked the 36th anniversary of the day in 1974 that Turkey intervened to stop an ethnic cleansing campaign against Turkish Cypriots by militant Greek Cypriots. As usual, a number of my colleagues have come to the floor of this Chamber over the last few days and weeks to lament the so-called "invasion" of Cyprus by Turkey. And as usual every year I come down to the floor to set the record straight and ask my colleagues to stop perpetuating revisionist history that attempts to lay all the blame for the ills of Cyprus at the doorstep of Turkish Cypriots and Turkey; to ask them to lay aside the inflammatory rhetoric; and to ask them to actually work to bring peace to this troubled island.

So, once again, here I am but I am not going to focus on the past—I believe an objective evaluation of the history of Cyprus proves that the crisis on Cyprus is significantly more complex than the "blame Turkey" special in-

terest groups would like people to believe. Instead, I am going to focus on the future. While the Cyprus dispute is between Greek Cypriots and Turkish Cypriots, it has a much greater impact on the global community. Over the past few decades this dispute has involved not only the two peoples on the island, but also Turkey, Greece, the United Kingdom, the United States, the United Nations, and the European Union. Moreover, Turkey's membership to the European Union, which the United States enthusiastically supports, is unfortunately being impacted because of the situation in Cyprus.

All of us in this chamber, Republicans and Democrats, want to see peace and prosperity come to all the people of Cyprus. In fact, in 2003, the U.S. House of Representatives unanimously passed House Resolution H. Res. 165 urging support for the U.N. backed Annan Plan—which proposed the creation of a new bizonal, bicomunal state. Unfortunately, the Annan Plan collapsed in 2004, because Greek Cypriots opposed the referendum which would have approved the plan.

Although Turkish Cypriots overwhelmingly supported the referendum, the Greek Cypriots became EU members, and despite promises made to Turkish Cypriots, they remain under international isolation despite their positive efforts. To their credit though, Turkish Cypriots continue to seek a settlement to the issue. This is a testament to their hope for the future.

In September 2008, Greek Cypriot leader Dimitris Christofias and Turkish Cypriot leader Mehmet Ali Talat began a positive and concerted effort to reach some type of acceptable solution. From all reports, over the last two years, the two men have been able to reach a number of "understandings" regarding so-called "convergences."

However, on April 18, 2010, through a democratic process Turkish Cypriot voters elected a new President, Dr. Dervis Eroglu of the National Unity Party (UBP). Almost immediately the "blame Turkey" special interest groups began screaming that the change in Turkish Cypriot Leadership from Talat to Eroglu would lead to a period of retrenchment with future negotiations dominated by hardline views. Once again, though, the "blame Turkey" crowd was wrong. Since taking office, Dr. Eroglu has reassured everyone of his commitment for a just and lasting comprehensive settlement through the ongoing negotiations, under the auspices of U.N. Secretary General Ban Ki Moon.

The first round of the new talks was held on May 26, 2010, and continued briefly on June 3rd and again on June 15th. Four additional sessions have been scheduled through the end of July. Are negotiations proceeding as rapidly and as smoothly as everyone would like; no, but progress is still being made. But, I believe that we are really on the cusp of a breakthrough that could lead to a fair and lasting peace on Cyprus; a peace where the two parties on the island enjoy political equality.

The United States has long maintained a position of strong support for a negotiated settlement. This position has been reaffirmed by the Obama Administration and I urge the Administration to continue to take an active role in the efforts to reach a mutually agreed upon resolution.

If the Administration can keep the sides talking; if the "blame Turkey" groups here in the

United States can end the "blame game" and redirect their misspent energies towards the real work of reshaping Cyprus into a Cyprus that respects human rights and the fundamental freedoms for all Cypriots; and if the Greek Cypriots and the Turkish Cypriots can continue to demonstrate political will and negotiate in good faith for the future of all Cypriots; I am hopeful for the future of Cyprus.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. PUTNAM. Madam Speaker, on Monday, July 26, 2010, I was not present for three recorded votes. Had I been present, I would have voted the following way:

Rollcall No. 467—"yea."

Rollcall No. 468—"yea."

Rollcall No. 469—"yea."

IN HONOR OF UNITED STATES
SENATOR GEORGE VOINOVICH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of United States Senator GEORGE VOINOVICH as he is named the Honorary President of the American Nationality Movement at the Annual Captive Nations Commemoration held in Cleveland, Ohio. During his career, Senator VOINOVICH has served as a State Representative, County Auditor, Lieutenant Governor, Governor, Mayor of Cleveland and Senator. In each capacity, he served with honor and dignity.

Senator VOINOVICH learned early on the significance of family, heritage and faith. He was born and raised in the working class, ethnically diverse neighborhood of Collinwood along Cleveland's northeast side. His parents encouraged him to go to college, and he graduated with a BA degree from Ohio University, and in 1961, a law degree from The Ohio State University.

Since his first election to public office as a Member of the Ohio House of Representatives in 1967, Senator VOINOVICH has focused his public service on issues and causes that require strong leadership. He has focused on children's issues, environmental issues, economic issues and government accountability. As Governor of the State of Ohio, Senator VOINOVICH brought together members of both parties to strengthen and enact new laws in the areas of child support, child safety and early childhood education. He also enacted stricter laws against child abusers and predators.

Since his election to the United States Senate in 1999, Senator VOINOVICH has served on numerous committees where he has worked diligently to ensure that the Federal Government works as efficiently and resourcefully as

possible. In the 111th Congress, Senator VOINOVICH has continued his work protecting and preserving our environment including our most significant natural resource—our Great Lakes. He serves as co-chair of the Senate Great Lakes Task Force where he has worked to clean up and restore the Great Lakes, to safeguard the Great Lakes from oil and gas drilling, and to protect the Lakes from invasive species like the Asian carp.

Madam Speaker and colleagues, please join me in honor and recognition of Senator George VOINOVICH as he is named as Honorary President by the American Nationalities Movement. Senator VOINOVICH's lifelong public service reflects hard work, accomplishment and dedication on behalf of our community and our Nation.

RECOGNIZING SIX OUTSTANDING HIGH SCHOOLS IN TEXAS' 26TH DISTRICT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. BURGESS. Madam Speaker, I rise today to recognize six outstanding high schools located within the 26th Congressional District of Texas that were chosen by Newsweek to be placed on "America's Best High School List 2010."

"America's Best High School List" is compiled annually utilizing statistical data about the academia that public, magnet, and specialty high schools implement within their classrooms. Ranking of each school is based upon the rigorous courses that school staffs challenge their students with, such as advanced placement college-level courses and tests. Only six percent of public schools in the United States made the list this year.

Madam Speaker, I would like to submit for the RECORD the names of the high schools within my district that achieved this honor:

Keller High School (Keller ISD), Keller, TX;
Wakeland High School (Frisco ISD), Frisco, TX;

Flower Mound High School (Lewisville ISD), Flower Mound, TX;

LD Bell High School (Hurst-Euless-Bedford ISD), Hurst, TX;

Marcus High School (Lewisville ISD), Flower Mound, TX; and

The Colony High School (Lewisville ISD), The Colony, TX.

Madam Speaker, it is truly an honor to rise today and commend these exemplary high schools. I am proud to represent all of the hard working teachers, administrators, staff and students of these fine educational institutions in the U.S. House of Representatives.

HONORING THE LIFE OF MRS. KAREN BAUMAN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. HIGGINS. Madam Speaker, I rise today to honor the life of Karen Bauman and to ac-

knowledge her dedication to the teachers, students, and people of Western New York. Mrs. Bauman passed away suddenly on June 30, 2010 at the age of fifty-eight.

Karen Bauman was born on October 5, 1951 in Buffalo, New York. She was the younger of two children born to Frank and Sophia Hlavna. She graduated from Hamburg High School in 1969 and continued her education at Bryant and Stratton College. After finishing school, Karen found a job working for Liberty National Bank. It was at this bank where Karen met her future husband, Thomas Bauman. They were married in 1979, and when their children were born, Steven in 1980 and Joseph in 1984, Karen decided to stay home to raise her family.

Karen became uniquely involved in education when her oldest son, Steven, began kindergarten in 1986. She started volunteering at St. Mary of the Lake School several times a week, but it wasn't until 1990, the same year her son Joseph started kindergarten, when she was hired full time. She stayed in her position as an aide for twenty years.

During her many years of service, Karen had the privilege of teaching many children, leaving an everlasting impression on their lives. One of her students, Nicole Santiago, wrote, "She was one of the sweetest women I have ever had the good fortune to know. The things she has taught me will stay with me for the rest of my life. I will miss her so much."

Everyone who knew Karen remembers how her smile and laughter would brighten up the room and how she was always involved with various school, parish, and community functions. Whether it was serving as a Eucharistic Minister at St. Mary of the Lake Church or helping out at various school functions at St. Mary's School for the Deaf, Karen dedicated her life to service and volunteerism. Karen believed in living a Catholic life and she passed that on to her two sons.

Mrs. Bauman is survived by her husband, Thomas Bauman, her sons, Steven and Joseph, her brother, Larry Hlavna, as well as one niece and six nephews.

Madam Speaker, I rise today to honor Karen Bauman for her dedication to others and tireless service to the Western New York community. I invite my colleagues to join me in honoring her life and extending her family our deepest condolences.

CELEBRATING THE 75TH ANNIVERSARY OF THE SOCIAL SECURITY PROGRAM

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. YOUNG of Florida. Madam Speaker, our nation will observe a landmark event next month as we celebrate the 75th anniversary of the Social Security program.

With its signing into law by President Franklin Roosevelt on August 14, 1935, our nation established a lifeline for countless millions of Americans and for thousands of the residents of the 10th Congressional District I have the privilege to represent. Throughout the past

eight decades, Congress has always acted in a bipartisan manner to ensure the fiscal solvency of the program.

Ever since I was elected to Congress in 1970, I have dedicated myself to ensuring the financial security of the Social Security Trust Funds. At times, I had to speak out against Presidents of both parties who proposed changes in the system that would cut or eliminate Social Security cost-of-living-adjustments (COLAs) or even replace the program with private Social Security savings accounts. It was in the early 1980s that I established the bipartisan Social Security Caucus to fight against cuts in the COLAs and to preserve and protect the Social Security Trust Funds to ensure that benefits would continue to be there, as promised, for current and future generations of workers.

It was with great pride that I supported two of the major legislative initiatives to improve the delivery of Social Security benefits and to provide for the program's long-term financial solvency. The 1972 amendments adjusted benefits to allow them to catch up with inflation over the program's first 37 years and also instituted an automatic cost-of-living payment to allow them to stay in balance with inflation from there on out. The 1983 amendments made some adjustments to the program to reflect the longer lifespan of workers and the impact of inflation on the program and protected the long-term stability of the program for more than 75 years. That legislation passed the House 243-102 with my support as I joined 163 Democrats and 79 Republicans in approving the bill.

The 1983 amendments reflect what Congress can do in the interest of the American people when we work together in a bipartisan manner for the good of the people we are elected to serve. A House with a large Democrat majority joined a Senate with a Republican majority and worked with Republican President Ronald Reagan to make some tough decisions that protected the Social Security benefits for generations of older Americans.

As our nation looks down the road at our fiscal future, I will remain vigilant in seeing that Social Security continues to be a sound self-financing system that provides retirement security for generations of retirees. There is no doubt though that the time will come when we need to reexamine the financial footing of the system and it is my hope that we will once again join together in a bipartisan manner to make the best decisions for the American people.

Madam Speaker, too often Social Security has been used as a political weapon to scare older Americans for the benefit of one political cause or another. As we prepare to celebrate a milestone anniversary of the Social Security program, let us dedicate ourselves to reassuring the American people of our commitment to its long-term solvency and to honoring the greatest traditions of this House and this Congress to ensure that we address any future needs of the program in a bipartisan manner as we have done so many times in the past.

My resolve to protect Social Security for our nation's elderly remains firm and you can be sure of my continuing commitment in this re-

gard. We owe the people we represent no less.

RECOGNIZING THE BICENTENNIAL OF THE CITY OF McMINNVILLE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. DAVIS of Tennessee. Madam Speaker, I rise today to recognize the City of McMinnville, which next week will celebrate its bicentennial.

Named after Governor Joseph McMinn, who helped write the Tennessee state constitution in 1796, McMinnville has been the center of economic activity for Warren County for the last two hundred years. Agriculture and horticulture have long been staples of the people who live in middle Tennessee, and McMinnville is no exception. McMinnville's position on the Cumberland Plateau makes it uniquely suited to growing a wide variety of crops and plants. Home to about 650 nurseries specializing in everything from evergreen trees to flowering shrubs, it's no wonder that McMinnville is known as the "Nursery Capital of the World."

For a rural Tennessee community, McMinnville has given our country its fair share of notable statesmen and entertainers. Carl Thomas Rowan grew up in McMinnville before attending Tennessee State and Washburn Universities. He was later appointed Deputy Assistant Secretary of State by President John F. Kennedy, served at the U.S. Ambassador to Finland, and became the first African American to hold a seat on the National Security Council.

In keeping with Tennessee's musical tradition, several McMinnville residents have become well known musicians in Nashville and throughout the United States. McMinnville native Uncle Dave Macon, also known as "the Dixie Dewdrop," became one of the first stars of the Grand Ole Opry. Dinah Shore moved to McMinnville with her family in 1924 and went on to become a television star and singer, performing alongside stars like Frank Sinatra and Ella Fitzgerald. Born and raised in McMinnville, Dottie West was made famous with her role as "Miss Country Sunshine" in a Coca-Cola commercial and her performances at the Grand Ole Opry.

As residents in McMinnville and across Warren County prepare to mark the city's 200th anniversary, I encourage them to take a moment and reflect on the history and heritage of their community so that it may be preserved as the city begins its third century.

IN MEMORY OF HARRY W. "RED" CAUGHRON

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. CANTOR. Madam Speaker, I rise today to pay tribute to an outstanding educator and

coach who graced the hallways—and the gridiron—of some of the finest academic institutions in the Commonwealth of Virginia. Harry W. "Red" Caughron, an All-Conference tackle for the College of William & Mary in the 1940s and longtime head coach and athletic director at Woodberry Forest School in Madison County, VA, died May 28, 2010.

Coach Caughron was described by admirers as "the very best of the principles that should imbue sport." A native of Sevierville, Tennessee, he played freshman football at William & Mary before serving with the 78th Infantry Division, 2nd Battalion, and the 84th Infantry Division during World War II. After the war, he returned to William & Mary, where he co-captained the squad that defeated Oklahoma State in the 1948 Delta Bowl, and completed both undergraduate and graduate degrees.

Caughron coached at James Wood High School in Winchester, Virginia, and at Hammond High School in Alexandria, Virginia, before joining Woodberry Forest in 1960. He became athletic director at Woodberry in 1961.

Over 31 seasons as Woodberry's head coach, Caughron compiled a record of 217 wins, 56 losses, and seven ties—one of the best among Virginia high school coaches. His teams, eight of which were undefeated, earned 15 conference championships. He was an eight-time Virginia Prep League Coach of the Year, and was inducted into the Virginia Sports Hall of Fame in 2009.

Caughron was a modest man who, while committed to winning, was even more invested in developing young men of sterling character who played by the rules and exhibited good sportsmanship. It is my privilege to honor the memory of Red Caughron.

RECOGNIZING THE 200TH ANNIVERSARY OF THE PENSACOLA FIRE DEPARTMENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. MILLER of Florida. Madam Speaker, it is with great pleasure that I rise today to recognize the 200th Anniversary of the City of Pensacola's Fire Department. Pensacola has truly benefited from their 200 years of exceptional service.

Since 1810, Pensacola's Fire Department has been made up of men and women with the utmost valor and integrity. These individuals have dedicated their lives to the service of protecting the 60,000 residents of Pensacola, Florida. Specializing in fire suppression, fire code enforcement, emergency medical services and public education programs, these first responders have provided vital services that have benefited countless individuals throughout the community.

Determined and dedicated, the city of Pensacola's brave fire fighters go above and beyond the call of duty every day. Their level of commitment and sacrifice over the last 200 years is truly remarkable and will never be forgotten. Whether it is fighting flames or visiting school campuses, these men and women serve with distinction and as real American heroes.

Madam Speaker, on behalf of the United States Congress and the entire northwest Florida community, I am proud to honor the Pensacola Fire Department on their 200th Anniversary. Their commitment to community and passion to protect will always be remembered. It is an honor to acknowledge this momentous occasion, and I thank the men and women of the department for their two centuries of selfless service.

PERSONAL EXPLANATION

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. BRALEY of Iowa. Madam Speaker, I missed votes on Monday, July 26, 2010 due to flooding in the district. If I were present, I would have voted:

"Yea" on rollcall No. 467, On Motion to Suspend the Rules and Pass, as amended, H.R. 1320—To amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes.

"Yea" on rollcall No. 468, On Motion to Suspend the Rules and Agree, as amended, H. Res. 1504—Recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990.

"Yea" on rollcall No. 469, On Motion to Suspend the Rules and Pass, as amended, H.R. 3101—Twenty-First Century Communications and Video Accessibility Act.

COLONEL THOMAS C. CHAPMAN

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. CARDOZA. Madam Speaker, I rise today to honor Colonel Thomas C. Chapman as he is completing his post as the 29th District Commander of the Sacramento District of the U.S. Army Corps of Engineers.

Col. Chapman was commissioned as a second lieutenant in the Army Corps of Engineers in 1984. His initial assignments were at Fort Knox, KY, with the 552nd Engineer Battalion, 194th Armor Brigade and 19th Engineer Battalion as Platoon Leader, Company Executive Officer and Battalion Assistant S3. Follow-on assignments included Battalion S4 and Company Commander with the 326th Engineer Battalion, 101st Airborne Division (Air Assault) at Fort Campbell and during Operations Desert Shield and Desert Storm. He was also Project Manager in the Chicago District, U.S. Army Corps of Engineers; Staff Engineer for the 2nd Infantry Division at Camp Red Cloud, Korea; and Brigade Operations and Executive Officer at Fort Leonard Wood. Col. Chapman also served as Assistant Chief of Staff of the U.S. Army Maneuver Support Center and Chief of Staff of the U.S. Army Engineer School.

Col. Chapman commanded the Philadelphia District of the U.S. Army Corps of Engineers

from July 2002 to July 2004. Before coming to the Sacramento District in 2007, he also was Assistant Corps Engineer for the NATO Rapid Deployment Corps in Italy, which included serving as Chief Engineer for NATO's International Security Assistance Force in Afghanistan.

Col. Chapman holds a bachelor of science degree in civil engineering from the United States Military Academy and a master of science degree in civil engineering from the Illinois Institute of Technology. He is a graduate of the U.S. Army Ranger, Airborne and Air Assault courses, the Engineer Officer Basic and Advanced courses, the U.S. Army Command and General Staff College, and the Industrial College of the Armed Forces where he earned a master of science degree in national resource strategy. He is a registered professional engineer in Virginia.

Through my professional work with Col. Chapman, I found him to be a consummate public servant dedicated to mission of the Corps and to seeing progress on several flood control projects of utmost importance to my congressional district. I am honored to recognize his service and call him my friend. I wish him continued success and happiness in his future.

Madam Speaker, I ask that my colleagues join me in honoring Colonel Thomas C. Chapman for his efforts and dedication to the Sacramento District of the U.S. Army Corps of Engineers.

RECOGNITION OF SUDHIR PARIKH

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. PALLONE. Madam Speaker, I rise today in recognition of Dr. Sudhir M. Parikh, a resident of New Jersey and honored member of the Indian American community. Dr. Parikh recently received the 2010 Padma Shri award from President Pratibha Patil of India, honoring distinguished Indians and people of Indian origin for their contributions to a wide variety of fields in public life. I applaud Dr. Parikh's achievements and dedication and recognize his work as it serves as an inspiration to us all.

Dr. Parikh is a nationally acclaimed and respected allergist and immunologist and has used his time, money, and influence to advance the goals of the Indian American and Indian communities. With the Padma Shri award, Dr. Parikh becomes the only Indian American to receive the Ellis Island Medal of Honor, the Pravasi Bharatiya Samman, and the Padma Shri. The Ellis Island Medal is the highest civilian honor presented to a U.S. immigrant for community and social service. The Pravasi Bharatiya Samman award is the highest honor the Government of India presents to non-residents.

Publisher of Parikh Worldwide Media, Inc., the largest Indian American publishing group in the United States, Dr. Parikh's priority is to use the media to empower second-generation Indians assimilating to American society. His work with the media has a dual purpose: to

expose mainstream America to the accomplishments and quality of the Indian American community and to encourage young people to pursue the American Dream.

Dr. Parikh has also helped construct an influential Indian American lobbying force in Washington D.C., arranged several high-level meetings between U.S. and Indian lawmakers, and secured critical votes on multiple Indian issues. Dr. Parikh has worked closely with members of both houses of Congress and the Administration to develop a close, strategic relationship between the United States and India. Under his guidance, the Friends of India Caucus was created in the Senate. Dr. Parikh was also actively involved in the U.S.-India Civilian Nuclear Agreement. He currently serves as founding board member and Vice Chairman of the Indian American Republican Council, President of the Indian American Forum for Political Education and the board of the Federation of Indian Associations.

As a community activist, Dr. Parikh has donated to charitable organizations in both the United States and India. Most notably, he accompanied former President Bill Clinton to Gujarat in 2001 following the devastating earthquake and in 2004 launched a humanitarian program to help tsunami victims. Dr. Parikh has worked to establish trauma centers in India and supports the One Teacher School in tribal regions. Moreover, Dr. Parikh has donated considerably to the Indian Independence Day Parade, the American India Foundation, Share and Care, and the Nargis Dutt Foundation. Dr. Parikh is one of the largest benefactors of both the Vraj Temple and the Vaishnavite Temple.

Madam Speaker, please join me in leading this body in acknowledgement of the extraordinary contributions of Dr. Sudhir Parikh. He is a greatly valued citizen of the state of New Jersey, and I am honored to recognize him today.

RECOGNIZING THE FORSAN LADY BUFFS' SOFTBALL 2009 AND 2010 STATE CHAMPIONSHIP

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. NEUGEBAUER. Madam Speaker, I proudly congratulate the Lady Buffs softball team of Forsan High School in Forsan, Texas for winning the 2009 and 2010 Texas 1A State Softball Championships.

In their second appearance in the state tournament, the Lady Buffs defended their softball state championship. The Forsan Lady Buffs finished their 2009–2010 season with a 26–4 record, with none of their four losses coming against Class 1A opponents. The impressive record demonstrates the team's strength and ability to work together to achieve success.

Coached by Shanna Roberts, this year's Forsan Lady Buffs successfully proved that their 2009 State Championship was not a fluke, as critics claimed. The team had a strong postseason, outscoring their opponents by 41 runs, 50–9. In the 2010 state championship game, Amanda Longorio pitched a one-

hit shutout, leading the Lady Buffs to a 5–0 win over Blue Ridge; this earned her the distinction as the game's Most Valuable Player.

I applaud the Lady Buffs' hard work and tradition of success. With great support from the community, the team proved itself as the best 1A softball team in Texas two years running. The Lady Buffs exemplify the principles of competitive spirit and success both on and off the field, and I congratulate them on their well-deserved state championships.

**HONORING THE RETIREMENT OF
MR. STEVEN MORRISON**

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Ms. BALDWIN. Madam Speaker, I rise today to honor the career and achievements of Mr. Steven Morrison, Executive Director of the Jewish Federation of Madison, as he retires from his esteemed position after 27 years of service.

From an early age, Steve displayed a passion for service in the Jewish community. Shortly after joining the B'nai B'rith Youth Organization in his hometown of Elgin, Illinois in 1959, he was elected AZA Grand Aleph Godol—International President. This position was only the beginning of a long career dedicated to improving the world and giving back to his community.

When Steve arrived in Madison in 1984, he immediately began working to strengthen Madison's Jewish community and weave it into the larger fabric of this great city. Under his leadership, Camp Shalom grew from a program serving 150 youngsters to one which now serves almost a thousand children of diverse racial, ethnic, and social backgrounds and abilities every summer. Steve helped enrollment in the Hilde L. Mosse Gan HaYeled Preschool and Midrasna Hebrew High School reach record levels. He also assisted in the development of the recreational facilities and programs offered at the Goodman Campus, which are now enjoyed by families throughout the region. Furthermore, as Executive Director of Madison's Jewish Social Services, Steve expanded the agency's outreach to immigrants and refugees in need of support as they adapted to a new home and way of life.

Steve's commitment to the larger Madison community is rooted in the Judaic teachings of education and justice. With humor, tact, keen intellect, compassion, and chutzpah, he brings people to the table and helps guide them toward mutual understanding and growth. Steve is a fierce defender of minority rights, whether speaking against hate crimes or in support of same-sex marriage. As Chair of the Madison Public Schools Human Relations Council for more than two decades, Steve helped teachers and administrators better understand the needs of students who come from a variety of backgrounds. Among the countless awards and honors that Steve received over the years are the Mandelkorn Distinguished Service Award given by the Association of Jewish Community Organization Professionals and Ally of the Year given by OutReach, Madison's LGBT Community Center.

Tikkun olam, or the obligation to repair the world, is a basic tenet of Judaism. Broadly, it is interpreted to suggest that we all have a role to play in giving back and enhancing the world in which we live. There is nobody, in my mind, who personifies this better than Steve. I have no doubt that the impact of his work will continue to benefit individuals in communities here in Wisconsin, across the United States, and far beyond the borders of our great nation. May his unwavering dedication, vision, and lifelong commitment to the highest ethical standards continue to serve as an inspiration for us. I join both the Jewish and greater Madison communities in honoring Mr. Steven Morrison's achievements and thanking him for his lifetime of service.

PERSONAL EXPLANATION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent yesterday afternoon, July 26, on very urgent business. Had I been present for the three votes which occurred yesterday evening, I would have voted "aye" on H.R. 1320, rollcall vote No. 467; I would have voted "aye" on H. Res. 1504, rollcall vote No. 468; and I would have voted "aye" on H.R. 3101, rollcall vote No. 469.

**OUR UNCONSCIONABLE NATIONAL
DEBT**

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,252,030,092,034.06.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,613,604,345,740.26 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

**THE 29TH CELEBRATION OF LA
PRESENCIA PUERTORRIQUEÑA**

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. VISCLOSKY. Madam Speaker, I am honored to stand here before you today to commemorate La Presencia Puertorriqueña, or the Puerto Rican Presence, a celebration in honor of Puerto Rican heritage. On July 29, 2010, the patrons of Northwest Indiana will come together in East Chicago to celebrate,

learn, and understand one another's differences through festivities of the diverse ethnic heritage. Through the variety of Puerto Rican showcases and spotlights, people will learn the history, heritage, culture, and much more about the commonwealth.

La Presencia Puertorriqueña, which embarks on its 29th celebration, is done in coordination each year with a significant event: Puerto Rico's unification to the United States through a commonwealth, which occurred on July 25, 1952. Each year, as over 5,000 people flock to line the streets of East Chicago, the initiation of Puerto Rico as a part of the United States is celebrated. With this celebration, the entire history and culture of Puerto Rico is presented to the people of Northwest Indiana for a memorable experience.

In an array of ways, families and folk who attend can share an educational and warm Puerto Rican influenced experience. During the festivities, Puerto Rican ethnic heritage is put on display. Relics, traditional instruments, drawings, paintings, and a variety of other items representative of Puerto Rican culture fill the East Chicago library. Many talented individuals find themselves performing for these festivities through music and dance. Each year, people reminisce about native regalia, delectable food, stylistic art, and the notorious island coqui, a tiny frog known throughout the island of Puerto Rico for its relentless chirping. It is an educational experience the whole family can enjoy. People are left with memories and knowledge about the culture, heritage, and diverse values of the Puerto Rico.

For the past twenty-nine years, La Presencia Puertorriqueña has brought together thousands, including an assortment of local sponsors, business and civic leaders, politicians, non-profit organizations, and people of a variety of heritages to appreciate the Puerto Rican presence in Northwest Indiana and come together.

Madam Speaker, at this time, let us pay tribute to the Puerto Rican people and their influence in the Northwest Indiana area. As we celebrate the welcoming of Puerto Rico as a commonwealth, I ask that you and my other distinguished colleagues join me in honoring Puerto Rican contributions and culture in the Northwest Indiana area. Their efforts in the community to educate and serve the people are to be commended.

**HONORING FALLEN MARINE
LANCE CPL. GARRETT GAMBLE**

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. OLSON. Madam Speaker, I rise today to honor Lance Cpl. Garrett Gamble. Garrett died in the Helmand province, Afghanistan on March 11th, 2010.

In honor of Garrett's life and service, I submit the following poem, penned by Albert Cafrey Caswell.

GARRETT'S GIFT

Garrett's!
Garrett's gift!
So Brilliant, and Bright!

So Magnificent, this light!
 So all of this!
 So Brave, This Light!
 As That Last Full Measure . . .
 Was but Garrett's fine gift, this night!
 A United States Marine!
 Who upon battlefields of honor, was seen!
 Seen . . . Marching, into that valley of
 death. . . .
 With no regrets!
 As shone, his most brilliant sheen! His quest!
 As he took, all of those most courageous
 steps!
 But worn upon his fine chest, all in courage's
 crest!
 Giving all, until none lie left!
 For all of his most beloved Brothers In
 Arms, to bless!
 All in a Hero's quest, all To Be The Best!
 As a Freedom Fighter, no less!
 For such lights come, only from one's soul so
 bright!
 To but vanquish the darkness, and bring The
 Light!
 All in what you have done, all in your short
 life. . . !
 A Mother cries, as her fine son has died . . .
 as she asks why?
 Fine comfort! One day up in Heaven, he will
 be by your side!
 Thy Will Be Done!
 For you Garrett my son, are but the Bright-
 est of All Ones!
 Because, moments are all we have!
 To Grab Hearts, To Make Difference . . . To
 Heaven Rise!
 All in your most magnificent shades of
 green! You United States Marine . . .
 And when there comes a gentle rain, all
 across Sugar Land. . . .
 Our Lord's tears will remain, with your
 Mother to ease pain!
 For Heaven has just gotten stronger, as a
 new Marine belongs there!
 And as the tears roll down our cheeks, re-
 member what brilliance can be!
 And remember all of this, and remember
 Garrett's Gift!
 Amen!

IN HONOR OF THE DONATION OF
 JOSEPH SCHIPRETT TO THE
 LONSDALE PUBLIC LIBRARY

HON. JOHN KLINE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. KLINE of Minnesota. Madam Speaker, I rise today to recognize the generosity of a benevolent donation to benefit the community of Lonsdale, Minnesota.

The Lonsdale public library is now home to a text enlarger that returns the gift of reading to those whose eyes aren't as sharp as they once were. Estimated to cost \$1,800, this gift was made possible by Joseph Schiprett, a Lonsdale resident. Joseph purchased the machine for his wife who was losing her eyesight due to Diabetes. Helen, who never lost her love for reading, passed away in 2007, at which time Joseph shared this gift with the entire Lonsdale community.

As the Senior Republican on the Education and Labor Committee, I commend Mr. Schiprett for his selfless donation and investment in the continuing education of the Lonsdale community.

HONORING DAVE SOLEM

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. WALDEN. Madam Speaker, I rise today to share with you the deep appreciation that I and the people of the Klamath Basin hold for Dave Solem, the manager of the Klamath Irrigation District.

Those who know Dave admire his considerable knowledge, skill, and leadership abilities. You can always rely on Dave to have the informed perspective and good judgment to find solutions that make a difference.

It is with mixed emotions that I join my fellow Oregonians in bidding Dave farewell as he leaves the Klamath Basin for a new career. After 28 years of managing the Klamath Irrigation District, Dave is leaving to become the general manager of the South Columbia Basin Irrigation District in Pasco, Washington. Dave's departure is a great loss for those of us who hold Klamath Basin agriculture close to our hearts.

Madam Speaker, you may be familiar with the vast agricultural bounty of the Klamath Basin. Known worldwide for its superior food and forage crops, the success of the basin depends on the conservation and delivery of water. Dave's contributions to irrigated agriculture have been unmatched.

As the general manager of the Klamath Irrigation District, Dave earned a stellar reputation as a leader, organizer, and team player, overseeing all aspects of operation and maintenance of a complex irrigation and drainage system. The Klamath Irrigation District is a major enterprise consisting of irrigation and drainage systems that span 400 miles in length.

Dave, a professional in every sense of the word, managed major water projects during his tenure, including the \$14 million A-Canal Fish Screen and Headworks Construction, the \$900,000 A-Canal Tunnel Invert Replacement, the \$700,000 Miller Hill Pumping Plant Replacement, and the \$350,000 Adams Siphon Construction.

Madam Speaker, Dave knows the value of water and has spent a career managing that precious resource for all uses. Klamath Irrigation District, under Dave's leadership, has been committed to ongoing efforts to conserve water, including several miles of canal piping, the automated telemetric control system of all of the head gates and major canals, and, most recently, the initiation of a GIS mapping and monitoring system for the district.

Dave has served as director of the Klamath Water Users Association, including two terms as president. He was frequently the voice of irrigated agriculture in state and federal forums. He distinguished himself in his time at the Klamath Water Users Association by receiving their Leadership Award three times, and was praised for the strong roles he took in the Klamath River Fisheries Task Force and his participation in addressing issues related to water supply, water quality, herbicide application, tribal trust, the environment, and electric power.

Dave is no stranger to Congress, as he has made frequent trips to Washington, D.C. to

meet with members of Congress, Senators, and staff members as well as testify in hearings. He has met with high level agency and administration officials to help them understand that intricacies of water in the Klamath Basin.

I invite my colleagues to join me in wishing Dave and his wife, Julie, Godspeed as they pursue new horizons. Dave will be sorely missed in the Klamath Basin, as he is a man of extraordinary character and honesty who has served the irrigators in the Klamath Reclamation Project exceptionally well.

Dave may be leaving the area, but the results of his great work will remain, and he will always be our friend.

HONORING MILFORD POLICE CHIEF
 WAYNE WALLI

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Milford Police Chief Wayne Walli, upon his retirement after a distinguished 39 year career in law enforcement.

After graduating from Rochester High School in 1967, Wayne pursued what he thought would be his career path, earning a Bachelor of Science Degree in Engineering from Oakland University in 1971. During his senior year at Oakland University Wayne discovered that he no longer felt a passion for the vocation he had chosen. Soon after graduation, Mr. Walli took an extended vacation to New York City where by observing the busy police officers of Manhattan he took an interest in police work.

Upon his return to Michigan, Wayne Walli was elated to discover that the City of Pontiac was hiring police officers. Applying for the position, Walli set himself on the career path he would follow for the next four decades. Chief Walli began his career in law enforcement with the City of Pontiac in 1972. He served that city for 11 years as a police officer, 4½ years as a Sergeant and Captain for 6½ years. Leaving a lasting legacy, Walli authored the orientation manual still employed by the Pontiac Police Department for beginning sergeants.

Walli completed training at the FBI National Academy in 1993 and in 1996 became Police Chief of Milford where he was instrumental in initiating a township wide police millage in 1997. In 2004 he was instrumental in the approval of a millage dedicated to converting the former library to house the police department headquarters. Under his leadership the Milford Police Department increased its patrol and investigative abilities, growing the number of sworn officers from 12 to 20 although the number of officers is currently 18.

Chief Wayne Walli is a member of the FBI National Academy Associates, the International Association of Chiefs of Police, the Michigan Association of Chiefs of Police and the Oakland County Association of Chiefs of Police.

Wayne Walli has proven to be a man of dedicated and irreplaceable service. His loss

will be felt by all the citizens of Milford who wish him nothing but happiness.

Madam Speaker, for 39 years Police Chief William Walli has faithfully served the State of Michigan. As he enters the next phase of his life, he leaves behind a legacy of dedication, integrity, and excellence. Today, I ask my colleagues to join me in congratulating Police Chief William Walli upon his retirement and recognizing his years of loyal service to our community and country.

RECOGNIZING LAURA HURD, CODY HUDSON, MARCELO SOMOS VALENZUELA, AND RACHEL CHISHOLM FOR THEIR OUTSTANDING WORK IN SANDERSON, TX

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. RODRIGUEZ. Madam Speaker, I rise today to recognize 4 students for their outstanding contributions in my district and their dedication to academic success. University of Texas students Laura Hurd, Cody Hudson, Marcelo Somos Valenzuela, and Rachel Chisholm recently completed and presented their graduate hydrology projects on flooding in Sanderson, Texas. This is especially important because their academic work will directly benefit the people of Sanderson and Terrell County.

In 1965, Sanderson experienced severe flooding, killing 27 people and devastating the town. In response, the Federal government built \$37 million worth of dams and watershed infrastructure to protect the flood-prone area from any future incidents. This infrastructure has prevented similar devastating floods and changed the flood plain forever; however, the FEMA flood plain maps were never updated to reflect this new infrastructure. The old maps still show much of the town and over 200 residents living in a flood plain that no longer exists. By law, residents living in flood zones are required to purchase flood insurance. For many years residents of this tiny, rural town have been unnecessarily paying for flood insurance.

The town of Sanderson in Terrell County, Texas, is a town of just over 1000 people and is larger than the state of Rhode Island. By itself, this community does not possess the capacity or means to remap its flood zones. With the help of the University of Texas and its graduate hydrology students, the town was able to complete much of the technical and complex analysis required in flood zone mapping. At the same time the students were able to gain valuable experience by completing hands-on coursework.

The students traveled to Sanderson during their Spring Break to begin their work. The community of Sanderson is very appreciative and I am proud to acknowledge their work. I want to again thank Laura Hurd, Cody Hudson, Marcelo Somos Valenzuela, and Rachel Chisholm as well as Mr. David Maidment the Director of the UT Center for Research in Water Resources and other administrators that made this possible.

As a former educator myself, I am always impressed when we can use academic enrichment exercises to improve local communities. This will leave a lasting effect on this community and we are grateful for your work.

PERSONAL EXPLANATION

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Ms. CHU. Madam Speaker, on July 26, 2010, I was absent from the House and missed rollcall votes 467, 468 and 469.

Had I been present for vote 468, on H.R. 1320, the Federal Advisory Committee Act Amendments, I would have voted "aye."

Had I been present for vote 469, on H. Res. 1504, recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act, I would have voted "aye."

Had I been present for vote 470, H.R. 3101, the Twenty-first Century Communications and Video Accessibility Act, I would have voted "aye."

HONORING MR. BRIAN TOUPS FOR EARNING THE GOLD CONGRESSIONAL AWARD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Mr. Brian Toups for earning the Gold Congressional Award. Mr. Toups has proven himself to be an achiever and an exceptionally capable young man. Madam Speaker, I am pleased to recognize him for being awarded with such a distinct and coveted honor.

The Gold Congressional Award is the only congressionally recognized award given to youth. The recipient must meet a rigorous set of requirements. These requirements include a minimum of four hundred community service hours, two hundred hours of personal development and physical fitness activities, and the planning, preparation, and execution of a four night expedition. Not only has Mr. Toups successfully met each requirement, he has surpassed every expectation.

To fulfill the four hundred hours of community service, Mr. Brian Toups spent time working at a program for underprivileged children. While working with these children, Mr. Toups was a shining example of the virtue of volunteerism as he worked to provide a positive influence and make a lasting impact in their lives. Additionally, Mr. Toups pushed his physical limits by enrolling in a competitive gymnastics program. Indeed, this was no easy task. However, focusing his ambition and remaining steadfast in his commitment, he prevailed.

Mr. Brian Toups, spent many hours penning literary works ranging from short stories to novels. Honing his skills as a writer, he has submitted at least 500 pages of stories to a local publisher. In his final effort to earn the

Gold Congressional Award, Mr. Toups prepared a journey to Northern Alaska. During this trip, he was faced with numerous challenges as he traversed the rugged road known as the James W. Dalton Highway.

Madam Speaker, throughout the course of his journey, Mr. Brian Toups had an incredible opportunity to develop character and integrity by taking an active role in his community. It is a real privilege to recognize Mr. Toups, and on behalf of the entire United States Congress I congratulate him on his amazing accomplishment.

IN HONOR OF CAROL HARTUNIAN GIRVETZ

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. FARR. Madam Speaker, I rise today to honor the life of Carol Hartunian Girvetz of Santa Cruz, California. Carol Hartunian Girvetz passed away on July 4th, 2010. Carol will be remembered always as a loving mother, loyal wife, and dedicated citizen committed to her community.

Carol Hartunian Girvetz was born in Hollywood in 1946 to Armenian immigrant parents. She spent her early years as a young adult studying Art and English at UC Santa Barbara. After college, she began her career as a teacher and quickly changed paths upon taking a job with Pan American as a flight attendant. During this time, she worked on many R&R flights tending to soldiers from the Vietnam War as they traveled to meet their loved ones back at home, and then returning them back to the battlefield.

After her days of traveling with Pan American, Carol returned to California to begin her new life as a wife and mother. Carol and her husband George raised their two children, Evan and Shyla in the small town of Freedom in Santa Cruz County. Her connection with the community was immediate as she became enmeshed in the community's needs. She served on the Women's Commission and along with several women, started the first shelter for female victims of domestic violence. This achievement would be the first of many in her thirty years of service to Santa Cruz County. Carol most recently retired from the position of Assistant County Administrative Officer, where I had worked with her for years. Carol was known by her colleagues for her strong work ethic, great sense of humor, and devotion to public service. She was an extraordinary person and public employee who will always be remembered and missed by her colleagues.

In addition to her work in public service, Carol was also heavily involved in local fine arts in Santa Cruz. She played a large role in the development of the McPherson Center for Art and History. She also served as a board member for such organizations as United Way of Santa Cruz County and Santa Cruz Museum of Art and History, among others. Her hard work has given the community and future generations the opportunity to be immersed in fine arts. Her life is a testament to how the

commitment of public service can leave a lasting impact on a community.

Madam Speaker, I ask members of the House to join me in honoring the life of Carol Hartunian Girvetz, and extend our nation's deepest gratitude to her thirty years of service to her community. Carol lived sixty-four years of life filled with the love of her family, passion for public service and the arts, and will be greatly missed.

ON THE BIRTH OF CAMERON ROSE
DONAHUE

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. WILSON of South Carolina. Madam Speaker, I am happy to congratulate Brian Donahue and his wife Julie on the birth of their new daughter Cameron Rose Donahue. Cameron was born on Monday, July 26, 2010, at 3:34 in the afternoon at Arlington, Virginia, with a full head of gorgeous red hair.

Cameron Rose Donahue is 6 pounds of pride and joy to her grandparents, R. Scott and Claudia Horner of New Jersey and Marilyn and Francis Donahue of Florida and New Jersey.

I am so excited for this new blessing to the Donahue family and wish them all the best.

HONORING GEORGE B. VASHON

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor George B. Vashon, a 19th century Pennsylvanian who distinguished himself as an African-American educator, abolitionist, poet, and activist, and who earlier this year was posthumously admitted to the bar 163 years after he first tried to break this barrier. Vashon was born in Carlisle, PA in 1824 and raised in Pittsburgh, the son of John B. Vashon, a leading anti-slavery crusader, businessman, and veteran of the War of 1812. Both John and George Vashon were active in the western Pennsylvania abolitionist efforts of the time, helping escaped slaves on the Underground Railroad and organizing Pittsburgh's black community in several anti-slavery gatherings. Frederick Douglass, William Lloyd Garrison, and Martin Delany were among the Vashons' closest associates and family friends.

Growing up as a student of the abolitionist crusade, George B. Vashon became the first black American to graduate from Oberlin College and soon turned his focus toward the law as the means by which he would effect change. In 1847, after studying under the Honorable Judge Walter Forward, later a U.S. Treasury Secretary, George Vashon applied for admission to the Pennsylvania bar but was denied because of his race. In 1838, a revision of Pennsylvania's constitution restricted the practice of law to white men. Shortly after

he was turned down in Pennsylvania, Vashon applied for and passed the New York bar and became the first black lawyer in that state, where he later went on to become the first black person to run for office in New York. Vashon would later also be admitted to the bar of the U.S. Supreme Court. After he gained this achievement, he again sought admission to the Pennsylvania bar, but was denied for a second time.

George B. Vashon's career was mostly spent in education: as one of the first black college professors in this country, an official in Pittsburgh's public school system, a founder and the first black professor at Howard University, and the President of Avery College in Pennsylvania. He helped lead many anti-slavery conventions, was active in the lobbying efforts to pass the 13th, 14th, and 15th amendments to the Constitution, and was a contributor to Frederick Douglass' newspaper, *The North Star*.

Madam Speaker, George Vashon's life was dedicated to bringing equality to African Americans and he broke many barriers in trying to do so. Not surprisingly, however, he also faced significant discrimination and his being denied admission to the Pennsylvania bar thwarted his hopes of practicing law in his home state. His many accomplishments and lifework are inspiring and continue to stand as impressive for a person of any color.

In an attempt to remedy what was denied George B. Vashon in his lifetime, his great grandson Nolan Atkinson, a prominent Philadelphia attorney and constituent of mine, was joined by his nephew and Vashon's great, great grandson, Paul Thornell, in petitioning the Supreme Court of Pennsylvania on behalf of their ancestor. On May 4, the Pennsylvania Supreme Court righted a wrong in the history books when it posthumously admitted Vashon to the Pennsylvania bar. In doing so, the Court issued the following order: "In acknowledgment of Mr. Vashon's credentials and achievements, this Court hereby admits George B. Vashon to the practice of law in the Courts of this Commonwealth posthumously."

Madam Speaker, I am pleased to share this notable achievement of an outstanding, if lesser-known American—George B. Vashon. It is also a privilege to recognize the important efforts that resulted in his becoming the first African American to gain admission to legal practice in Pennsylvania.

HONORING THE CROSS PLAINS
FIRE DEPARTMENT

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Ms. BALDWIN. Madam Speaker, I rise today to honor the 100th anniversary of the Cross Plains Fire Department.

Since 1910, the Cross Plains area has been under the responsive and watchful eye of the Cross Plains Fire Department. Fire departments play an essential role in any community, and the Cross Plains Fire Department is no exception. Their steadfast vigilance of the area is a reflection of the tight-knit community

which they safeguard and the outstanding bravery of the men and women of the Cross Plains Fire Department over the last 100 years is praiseworthy.

The establishment of the Cross Plains Fire Department in 1910 actually predates the incorporation of the Village of Cross Plains. Today, Fire Chief Dale Lochner and his staff operate out of a single fire station, protecting over 41 square miles and almost 4,000 residents. In addition to providing service to the Village of Cross Plains, the station also serves the Townships of Cross Plains and Berry. Whether it is fighting fires, search and rescue, or saving lives as first responders, firefighters are essential to our communities.

Volunteer firefighters risk their lives everyday for the people of their communities and the livelihood of our great Nation. These true heroes provide every citizen with a feeling of security and safety, something that cannot be taken for granted. Every year, in towns all across Wisconsin and the United States, volunteer firefighters like those of the Cross Plains Fire Department provide a vital public service without requiring a single dime in compensation. Their selflessness and willingness to give back to the community is inspirational.

The motto of the Village of Cross Plains is, "Famous for Friendliness," and this ideal is personified by the volunteer staff at the Cross Plains Fire Department. Every day since 1910, the residents of the Cross Plains area have enjoyed the service and protection provided by the department. Today, I join the residents of the Village of Cross Plains and the towns of Cross Plains and Berry, the residents of Wisconsin, and all citizens of the United States in recognizing, honoring, and sincerely thanking the Cross Plains Fire Department for their tireless work and commitment for the past 100 years.

HONORING THE SERVICE OF U.S.
MARSHAL RICHARD J. O'CONNELL

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. BOOZMAN. Madam Speaker, I rise today to honor U.S. Marshal Richard J. O'Connell for his outstanding service to this country.

In June of 2003, President Bush appointed Dick the U.S. Marshal for the Western District of Arkansas and for the last 5½ years he has worked to uphold justice and initiate programs to make our streets safer.

Dick was instrumental in establishing a Sex Offender Task Force, a multi-jurisdictional group of law enforcement officers working to keep our kids safe. In the first 14 months, task force officers arrested 1,047 people.

In 2006, the city of Fort Smith aggressively campaigned to be the home of the U.S. Marshals Museum and Dick served as steering committee cochairman. Under his leadership, the city was chosen to be the site of the U.S. Marshals Museum.

I have had the privilege to work with Dick during his time serving as U.S. Marshal. I appreciate his friendship and example. I am honored to have had the opportunity to have

worked with such a great man, and thank him for his service.

HONORING MATTHEW LANE

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. COURTNEY. Madam Speaker, I rise today to honor Matthew Lane for his heroic lifesaving efforts in reviving his coworker from cardiac arrest. Matthew is a 19-year-old employee at Wicker Park in Manchester, Connecticut, and a resident of nearby Colchester. On June 19, during cleanup for an event held earlier in the evening, Matthew found his coworker Stephanie Lee in cardiac arrest. During the weeks prior to her collapse, Stephanie had undergone several medical tests on her heart and had received a heart monitor to help diagnose her condition. As soon as he realized the severity of the situation, Matthew quickly called 911 and carefully followed the dispatcher's instructions to perform CPR. Matthew, who had received instruction on CPR several years earlier in preparation for a camp counselor position, was able to successfully revive Stephanie.

Stephanie, a 22-year-old resident of Vernon, was quickly taken to a nearby hospital, where doctors were able to diagnose her with a rare condition called catecholaminergic polymorphic ventricular tachycardia (CPVT). Doctors implanted an internal cardiac defibrillator to help prevent future collapses. Thanks to the quick actions of her co-worker, Stephanie will be able to return to the Massachusetts College of Pharmacy in Boston, where she will be a fourth year pharmacology student. Matthew will be returning to Central Connecticut State University as a sophomore this fall.

This lesson in heroics brings attention to the importance of CPR training and exposure to basic first aid education. In honor of Matthew's heroic actions, the city of Manchester's Board of Directors will present him with an official citation during their August 3rd meeting. I ask all members of the House to join me in honoring Matthew Lane for his undying sense of service and commitment to the people of eastern Connecticut.

HONORING REV. DR. MARK ANTHONY JONES, SR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. KILDEE. Madam Speaker, Christ Fellowship Missionary Baptist Church will celebrate the installation of Rev. Dr. Mark Anthony Jones, Sr., as their new pastor on Sunday, August 8 in Flint, Michigan.

Rev. Dr. Mark Anthony Jones, Sr., is the son of Leora Yvonne Jones and the late Rev. Dr. Charles William Jones. He was licensed at the age of 16 and ordained the following year. He was the pastor of a church in Alabama when he took over his father's church in Chi-

cago, the Mount Union Missionary Baptist Church. In what he considers one of his greatest accomplishments, Reverend Dr. Jones and his wife, Valda, founded the Mount Union Missionary Baptist Church of Grand Rapids in 2007. A nationally known evangelist, Reverend Dr. Jones has preached across the United States and in Seoul Korea.

In addition to his ministerial work, Reverend Dr. Jones found time to earn his associate of arts in religious education degree, his bachelor of arts in theology degree, his master of divinity degree and his doctorate of divinity degree.

Madam Speaker, I ask the House of Representatives to join me in congratulating Rev. Dr. Mark Anthony Jones, Sr., and Christ Fellowship Missionary Baptist Church as they celebrate this milestone. Christ Fellowship Missionary Baptist Church has been bringing the reality of God's love and His plan for salvation through Jesus Christ to the people of Flint since the 1920s. Continuing in this tradition, the congregation may rejoice in the work they have already accomplished and under the leadership of Reverend Dr. Jones embark upon a new era of enthusiasm and spiritual growth. I pray God will bless and guide him as he brings the message of God's assurance of eternal life to the people of our community.

PERSONAL EXPLANATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. COLE. Madam Speaker, on Monday, July 26, 2010, I missed a series of 3 votes. I missed rollcall votes Nos. 467, 468, and 469. Had I been present and voting, I would have voted as follows: rollcall vote No. 467: "no" (On agreeing to H.R. 1320), rollcall vote No. 468: "aye" (On agreeing to H. Res. 1504), rollcall vote No. 469: "aye" (On agreeing to H.R. 3101).

RECOGNIZING THE 60TH ANNIVERSARY OF THE KOREAN WAR AND THE JULY 27, 1953, ARMISTICE SIGNING

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Ms. LEE of California. Madam Speaker, I rise to recognize the 60th anniversary of the outbreak of the Korean War, and commemorate the signing of the Armistice which brought an end to three years of brutal fighting.

This year marks the 60th anniversary of the Korean War, and the 57th anniversary of the signing of the Armistice that ended the fighting on July 27th, 1953. We must reflect not only upon the enduring strength of the U.S.-Korea relationship, but also on the past and present suffering of millions of Korean and Korean-American families caused by the hostilities on the Korean Peninsula.

I have long stood against the scourge of pre-emptive and endless war and advocated

in support of constructive diplomacy and engagement.

The Armistice was only intended as a temporary measure to stop open hostilities until a permanent accord could be reached. It is my sincere hope that, in light of the continuing conflict between North and South Korea, this somber milestone will serve as a call to action in working toward a proactive and peaceful resolution to the situation on the Korean Peninsula. 60 years is enough.

HONORING ARTHUR SCHWENK

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. PENCE. Madam Speaker, I rise to honor an extraordinary servant leader and fellow Hoosier. My relationship with Reverend Arthur Schwenk dates back to my school boy days when I was a student in his German class, and I recognize his extraordinary achievements and work on behalf of German-American relations.

Reverend Schwenk earned his Bachelor of Arts Education and Master of Arts degrees in German and psychology from Ball State University, and went on to teach in the public school system for 34 years. In 2005 he graduated from Concordia Theological Seminary with a Masters degree in theology and was ordained in 2006.

Throughout his career, Reverend Schwenk was an active and engaged community leader, as well as citizen ambassador. Never one to sit on the sidelines, he was instrumental in creating a partnership between my hometown of Columbus, Indiana, and Lane, Germany, and he also helped Indiana counties learn about many facets of German culture. For over thirty five years, Reverend Schwenk organized and led both adult and student tour groups to Germany to learn from and engage in German culture.

Clearly, Reverend Schwenk is passionate about, and dedicated to, helping fellow Hoosiers and Americans better understand and appreciate German-American relations. It is most fitting that he is being awarded the "Federal Republic of Germany Friendship Award," one of the highest awards bestowed upon an individual by the German government. This prestigious award honors Reverend Schwenk's desire to create mutual understanding and appreciation of his native Germany here in America. On behalf of hundreds of students, myself included, I thank Reverend Schwenk for his sacrifice in educating and encouraging continued understanding and respect for German-American relations.

TRIBUTE TO DIXIE/BERKELEY TRAINING SCHOOL

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to an institution that

helped to educate some of South Carolina's brightest minds and contributed significantly to our state's history. The Berkeley Training School, like so many schools established to educate African American children, was vital to its community and its students. I pay this tribute as its alumni are preparing to hold a Grand School Reunion on September 3–5, 2010, to celebrate the school's anniversary and the contributions of this tremendous institution.

Berkeley Training School began as Dixie Training School in early 1880 in Moncks Corner, South Carolina. It was originally planned as a short-term program to last just three months in a local church. The local school superintendent, Mr. I. Percher, was so impressed by the program and its teacher, Mr. J.L. Mitchell that he extended the school's term to eight months.

In 1900, a one-room schoolhouse was constructed to house Dixie Training School. Mr. Essex Reid organized the effort to build the school, and Mrs. Annie Williams was hired as the teacher. It didn't take long, however, before the school outgrew its small building. A building committee was organized and charged with raising \$6,700 for a new four-room school. Mr. Steven Reid made the first \$5 donation, and the community stepped up to raise \$5,500. Reverend James Van Wright was instrumental in securing support from local citizens for the school using the mantra "a dollar a day." Philanthropist Julius Rosenwald contributed the remaining \$1,200 that was needed to complete the project. The new four-room schoolhouse opened in 1920.

Also, in 1920, Richard Allen Ready became principal, and three teachers were hired Ella Forest, Wilhemena Alston, and Laurieene Shine Heywood. Mr. Ready served the school faithfully for 32 years. During his tenure, Alberta Garnett Dupree received the first Dixie Training Certificate in 1924. The name of the school was changed in the 1930s to Berkeley Training School.

After Mr. Ready's death in 1952, Mr. Swinzon S. Wigfall, Sr. was named the new principal. He served just two years and was followed by Frank Gadsden, Sr., who oversaw the school's move into a new building in an area known as "Mitten Lane" on Highway 17A. The move included a new principal, Joseph H. Jefferson, Sr., who remained in this position until the school was merged with

Berkeley High School in the 1970s. Mr. Jefferson went on to become an area superintendent and Berkeley Training School ceased to exist as a separate entity.

Over its 90-year history, a number of students who attended Dixie/Berkeley Training School have distinguished themselves in all walks of life. A few notable alumni include: the late Lt. General Henry Doctor, Jr., the first African-American Inspector General of the Army; banker Elijah B. McCants; businessman Joseph Sanders; Dr. Syrus Alston; lawyers Dorothy Manigault and the late Donald Gadsden; funeral directors the late George Holman, Milton Scott and the late Octavious Gethers; building contractors the late Oscar Haynes and Sass Burden; School Superintendent the late William Baylor; educator Dr. Lela Haynes-Session; R. Delores Gibbs, MD and Henry Marion, MD; artist Robert Alston; Henry Harris, CPA; Franklyn Scott, DDS, PC; Robert L. Wilson, Jr., MSW, New York City Deputy Commissioner of Children Services; and my wife and partner for the last 49 years the former Emily England to name just a few.

Madam Speaker, I ask you and my colleagues to join me in celebrating the contributions of Dixie/Berkeley Training School. This remarkable school was a beacon for Moncks Corner and all of Berkeley County. It helped shape the lives of hundreds of students who spent their formative years at this institution, and they, in turn, have made a lasting impact on our state.

REMEMBERING HERMAN NEUROHR

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. KILDEE. Madam Speaker, it is with a heavy heart that I rise today and pay tribute to a man that I consider a father, a brother and a friend. Sadly, Herman Neurohr passed away on July 15th at the age of 86. I have worked with Herm for most of my adult life and I will miss him immensely.

Herman Neurohr was born on September 21, 1923 in Flint, Michigan. At the beginning of World War II, he joined the Marine Corps and was stationed in the Pacific Theater. At the

conclusion of the war, Herm returned to Flint and worked for many years at Buick Motor Division of General Motors before retiring.

It was during this time that I became acquainted with Herm. Herm's son, Neil, was one of my students when I ran for a seat in the Michigan House of Representatives in 1964 and both became active in my campaign. Herm has been an integral part of my life since that time. He quickly became my number one volunteer and the "go to guy" to get any job done. I have fond memories of Herm and his wife Hazel helping out not only with campaign work but daily tasks and babysitting my children. I still have the letter Neil wrote to me in 1969 asking that I make Herm the campaign manager. It is a decision I have never regretted.

In 1976 when I was elected to Congress, the first person I hired to be on my staff was Herm and he ran my district office for 7 years. He loved politics and government and he was loyal and inspired loyalty in others. He helped me lay the framework for my district office, a framework that has functioned successfully for more than 30 years.

As a member of VFW Post 4139, Herm helped construct the building. He loved working with his hands and built 3 homes over the years. He traveled to Arizona in the winter and made 7 trips to Germany to visit relatives. Neil, and his daughter-in-law, Carol, were able to accompany him on 2 of his trips.

Left to treasure his memory are Neil and Carol, his daughter Kelly, special friend Shirley Wager, many relatives and friends. Herm was deeply devoted to his family and loved to spend time with his grandsons, Nick and Dustin Stevens, and his great-granddaughter, Asia.

Madam Speaker, it is a profound honor for me to ask the House of Representatives to join me in a moment of silence to remember the life of Herman Neurohr. He changed the way I viewed the world and I often remember his advice when I am contemplating a problem today. His wisdom was pragmatic, direct and grounded in common sense and I always welcomed his input. Even after he retired, I would talk to him about critical issues. Even though I am saddened by his passing, my memories of Herm warm my heart and I will cherish the time we spent together.

SENATE—Wednesday, July 28, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father, creator and sustainer of our lives, thank You for the gift of freedom. Lord, we are grateful for the religious, political, and social freedoms that bless our lives. Remind our lawmakers to think seriously about the blessings of liberty as they help people to reflect soberly about the cost of protecting our democratic way of life.

Raise up on Capitol Hill people who are true to You and who will follow wherever You lead. As they accept Your guidance, lift their burdens and keep them from being bogged down by trying to carry their problems without Your strength.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 28, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period

of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each. The Republicans will control the first 30 minutes and the majority will control the final 30 minutes.

Following morning business, we will resume consideration of the small business jobs bill. I will continue to work with the Republican leader today on an agreement to consider amendments to the bill. If we are able to reach an agreement, we will have votes on amendments today.

Last night, I filed cloture on the substitute and the underlying bill, two cloture motions. As a result, the filing deadline for germane first-degree amendments is at 1 p.m. today.

Senators will be notified when an agreement is reached and votes are scheduled.

MEASURE PLACED ON THE CALENDAR—S. 3657

Mr. REID. Mr. President, S. 3657 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for a second time.

The assistant legislative clerk read as follows:

A bill (S. 3657) to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to objecting to any measure or matter.

Mr. REID. I object to any further proceedings on this bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

Mr. REID. Would the Chair announce morning business.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each and with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The Senator from Nebraska is recognized.

PAPERWORK MANDATE ELIMINATION ACT AMENDMENT

Mr. JOHANNIS. Mr. President, I rise to talk about small businesses. I think we all know and recognize—certainly they do—that small businesses and businesses in general face a mountain of paperwork to comply with a whole host of regulations, most notably our very complex tax laws. Instead of trying to aid that, now Washington is increasing that paperwork mountain through a new 1099 mandate found in, of all places, the new health care bill. This mandate has absolutely nothing—absolutely nothing—to do with improving health care of this country, and it should not be a part of that law or any other law, for that matter. Thus, I am offering an amendment to repeal this mandate.

The amendment says no to piles of unnecessary paperwork which the IRS itself admits is going to be virtually useless. Any taxpayer with business income will be required to issue 1099 forms to all vendors from whom they buy more than \$600 of goods or services in any year. So now the most routine business expenses will be subject to this new burdensome paper trail.

Let me give my colleagues some examples. A laundromat that buys soap each week would now have to issue a 1099 to their supplier and the IRS at the end of the year. A landscaper who buys lawn fertilizer a couple of times a month will now be forced to issue 1099s to the companies they do business with, and no one is excluded. The law applies equally to businesses and churches and charities and even State and local governments.

A recent *cnmoney.com* article suggests that the cost of the new paper trail could literally swamp small companies. One small business organization conducted a survey and found that their members currently average about 10 1099 filings per year. The new rules would push that average to more than 200 filings—200 filings—per year, an almost 2,000-percent increase. Of course, their costs for that would skyrocket.

According to the National Federation of Independent Business:

At \$74 per hour, tax paperwork is the most expensive paperwork burden placed on small businesses by the Federal Government.

Small businesses have been hit so hard by this recession, they just simply cannot afford this new burden. We need to give them a break. They are imploring us to do something to help them.

According to the National Taxpayer Advocate, which is part of the IRS, this provision will affect—get this—40 million businesses in the United States,

including 26 million of our very small-businesses, our sole proprietorships.

Americans are desperately searching for jobs. They want to work. These businesses should be focused on growing, not be wasting their resources on unnecessary paperwork that the government won't even utilize.

The amendment I introduced is clear. It simply repeals the section of the law requiring the extra paperwork. I might add, it is paid for. It identifies two areas within the health care law to fully offset the repeal of this mandate. First, by lowering the affordability exemption from the new individual mandate from 8 percent to 5 percent, fewer individuals will be subject to the individual mandate.

The new health care individual mandate infringes on individual freedoms of Americans and, in my view, it has constitutional problems. People who did not want to buy government-approved insurance in the first place are compelled to buy it under the new law. Thus, exempting more people, especially the poorest among us, from this absolutely ill-advised mandate is a good thing. These folks may be living paycheck to paycheck and requiring one more thing to come out of that paycheck instead of making the mortgage payment or buying the groceries is not right. Thus, allowing more people to decide for themselves whether they buy health insurance when they look at all their other obligations is a positive.

Let's be clear. My amendment does not restrict these individuals from buying health insurance or signing up for government subsidies. My amendment simply says, if they don't want to, they don't have to.

Second, the new health care law establishes a \$15 billion, what I would regard as a slush fund for a long list of potential uses by the Obama administration, including the Community Transformation Grants Program. I generally support wellness programs. I believe in wellness. Who doesn't believe in wellness? However, concern has been raised that this fund will be used for a number of purchases that aren't specifically related to healthy outcomes. Thus, my amendment proposes that this fund not be allocated resources until 2018 to help offset removing this 1099 provision. It decreases the amount in this \$15 billion fund; it doesn't eliminate it, but it does give us time to get it right. Besides, this delay gives us more time to ensure that only worthy projects utilize taxpayer money. These outlined pay-fors will cover any government revenue that might be lost by this ill-advised 1099 provision. With record deficits, we must be accountable for tax dollars, so this amendment is fully offset.

Small businesses generate 64 percent of our job growth in this country. We need them. We need them to move us

toward economic recovery. Let's send a message that we want them to focus their time and money on hiring workers, on expanding our economy, not filling out unnecessary paperwork that even the IRS acknowledges is so overwhelming it will not be utilized.

My hope is, we will get a vote on this amendment later today, and I ask my colleagues to stand for small businesses, to stand by them, and to send the message to them that we want them creating jobs. I ask my colleagues to support this very common-sense amendment.

I yield the floor and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I am going to proceed in my leader time.

The ACTING PRESIDENT pro tempore. The leader has that right.

DEFLECTING ATTENTION

Mr. MCCONNELL. The small business bill we are now considering has an interesting history, and given the President's recent statements on the bill, it is worth recounting that history.

Remember, we got on this bill in June. But then Democrats took us off of it to move to financial regulation. Then last week, they took us off of it again to move to the DISCLOSE Act.

So if the President wants to criticize somebody about slowing this bill down, he simply has the wrong party. He needs to direct his criticism at Democrats, not Republicans.

The fact is Democrats had other priorities. They thought it was more important to impose job-killing regulations on the financial industry and give even more authority to the kinds of regulators who missed the last financial crisis.

They also thought it was more important to shut up their critics ahead of the fall elections by pushing a bill that amounted to an all-out assault on free speech.

These are the things Democrats have been doing instead of the small business bill. Yet the President continues to claim that somehow Republicans are the problem. Well, it is obvious what they are doing: They want to deflect attention away from the fact that trillions of dollars in government spending and debt has failed.

Spending, debt, regulations, more government—none of it has worked. Now they want to raise taxes on the very small businesses that are trying so desperately to create jobs.

It is time to change course and to do something that will create lasting private sector jobs and get us moving in the right direction.

Democrats can try to deflect attention away from their failed policies all they want, but the consequences of their actions are obvious to the American people.

It is time to put aside the liberal wish list and allow America's small business men and women to do something that has a chance of reviving this economy. Spending, debt, and tax hikes are the last things we need.

Republicans have offered a number of ideas to improve the small business bill and, until now, those amendments have been obstructed by the other side and, along with them, the bill itself.

I am encouraged to see that the majority has changed its mind and now seems committed to staying on this bill, allowing votes on Republican better ideas, and working with us on something other than raising taxes, growing the debt, or burying job creators in a sea of new regulation.

ENERGY

Mr. President, it is perfectly obvious that Democrats are doing their best to keep us from passing a serious energy bill before the August recess.

Later today, we expect the majority leader to offer the Democratic alternative to the oilspill response that the Republicans proposed last week.

This is not a serious exercise. All indications are that they don't intend to have a real debate about one of the most important issues we face. Anybody who has been here for any period of time knows that energy bills take at least a couple of weeks. So it doesn't appear there is either the time or the willingness on the other side to debate this critical issue.

We would have liked to have had a debate on ideas we have already offered. Our energy bill would give the President the ability to raise the liability caps on economic damages done by companies such as BP, without driving small independent oil producers out of business.

It would lift the administration's job-killing moratorium on offshore drilling as soon as new safety standards are met—a moratorium that one senior Gulf State Democrat says could cost more jobs than the oilspill itself. How can you have a serious energy debate without addressing a problem that a leading Gulf State Democrat said is costing more jobs than the oilspill itself?

Our bill has a true bipartisan commission—with subpoena power—to investigate the oilspill, rather than the President's antidrilling commission.

Importantly, it also takes good ideas from Democrats, including Senator BINGAMAN's idea for much needed reform at MMS. Surely, we can all agree that this administration's oversight at MMS is in need of major reform.

Our bill includes revenue sharing for coastal States that allow offshore drilling to help them prepare for and deal with disasters such as the one we have right now in the gulf.

We have our own ideas, we have some of their ideas, and our bill doesn't kill jobs; it doesn't put a moratorium on production.

We are not interested in yet another debate about a Democratic bill in which the prerequisite is killing more jobs.

Our bill would address this crisis at hand. Their bill would use the crisis to stifle business and kill jobs in a region that is in desperate need of jobs.

It was my hope we could have a real debate about energy. Clearly, the majority—at least so far—isn't interested in that debate.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

ENERGY REGULATIONS

Ms. MURKOWSKI. Mr. President, it has now been 99 days since the Deepwater Horizon drill rig caught fire and sank to the ocean floor. That incident—and the millions of barrels of oil that have spilled into the Gulf of Mexico since it began—has made it absolutely clear that our Nation's offshore energy regulations need to be reformed. Even in a Congress as deeply and bitterly divided as this one, the fact that we are living through a terrible environmental disaster, caused at least in part by certain failures of the government, should be more than enough for us to work in good faith and reach consensus on a path forward.

For the past 3 months, that is exactly what the members of the Energy Committee have sought to develop. We have been working toward a responsible path that is acceptable to all—or at least most—of the Members of the Senate. We started by holding four major hearings on the gulf spill. This allowed us to build a record within the committee on everything from blowout preventers to certificates of financial responsibility. Our committee worked very hard on this. We spent countless hours working on legislation to repair the failed offshore regulatory system. We concluded our efforts last month, after all these series of hearings, and we unanimously passed legislation, S. 3516, the OCS Reform Act, out of committee unanimously. Around here nowadays, sometimes it is tough to get not only that real good committee work

product but then to see that move through committee unanimously. It is not easy, and it is certainly not a perfect bill, but it was a fair and open process. I would like to think that our hard work within the committee and the negotiating that went on, and our very open markup and amendment process—what we did was the best of the Senate. It was an open and fair and a deliberative process. You would think that would go somewhere. But once that bill left committee, it became clear that some people cannot take yes for an answer, and that good committee product was not going to be advanced.

About the time we were marking up the MMS bill, we witnessed a deeply misguided effort to tie oilspill legislation to cap and trade. I think this was an attempt to literally convert one disaster into another. We were told that cap and trade was somehow or other going to end our dependence on oil and hold polluters accountable and prevent future spills. Then an analysis of cap and trade from the EPA itself showed that cap and trade would have almost no effect on our Nation's oil consumption—not now and not over the course of the next 40 years. After nearly 19 months of vote counting, I think the majority was forced to admit the obvious: There are not 50 votes, let alone 60, for cap and trade in the Senate.

What we now have before us is this coming together, or slapping together, of the Clean Energy Jobs and Oil Company Accountability Act—the bill that members of the press and the lobbyists received before my staff on the Energy Committee. A draft came out last night around 10 o'clock. I am told it will be officially introduced sometime this morning.

Again, this is such a disappointment. Instead of an open and transparent process as we did through our committee, what should and what could have been a bipartisan bill was hashed out in secret, written behind closed doors with very few Members of the Senate, least of all Members from the Gulf States, allowed to provide any level of input.

Since its 409 pages of text were released late last night, we have not had time to thoroughly review it, to develop amendments, negotiate improvements, or even decide if it is worth supporting yet. We have instead been told the majority leader is unlikely to allow amendments to be considered—unlikely to allow any amendments to this just-cobbled-together bill.

I can only imagine it is because there are provisions that are contained in this bill to which he does not want to draw attention, much less talk about and vote on. The phrase, "rush to judgment," is used a lot around here. I challenge my colleagues to find a more flagrant example of that than what we have in front of us with this bill.

We talk around here about why Congress's approval ratings are as low as they are. We are at about 11 percent right now. It is bills such as this—when people look at this and say, How did this come about, what happened to the committee bill—that makes cynics out of all of us, especially when we know there is a very serious problem that demands a quick and robust policy response.

Instead of working together to fix the problems, the majority leader's bill would undoubtedly create more problems. The Senate's process and our traditions have just been left in the ditch. Decisions have been made almost exclusively in secret behind closed doors. Republicans were shut out of the room. But, of course, we are going to be blamed for holding up the bill.

One has to ask the question, Does anyone honestly believe that we in the Senate can pass something by Friday or perhaps early next week that we did not even see the light of day on until this morning?

I suggest that from every procedural vantage point, it seems as if the majority's goal has been to drive a stake into the heart of anything that can attract Republican support. The staging of this bill has been choreographed to ensure partisan opposition so the majority can blame us for the problems they are making even worse, such as the job losses from the moratorium, the increase in reliance on foreign oil—which, of course, we know is coming—the injustice of Federal OCS revenues never reaching coastal States such as in Alaska and the gulf where they derive in the first place.

The Democratic caucus can try to pass this bill as introduced without amendment and with almost no debate, but I suggest this will be nothing more than a Pyrrhic victory. Like the stimulus, like health care, like financial reforms, it will give folks something to talk about, but it will only worsen the problems it is meant to deal with.

Unfortunately, it will come at the expense of a far better bill, a bill that was introduced last week by the Republican leadership team. Let me talk a couple minutes about the bill that has been introduced.

It starts at the root of the problem—the already apparent shortcomings with offshore regulations and at the Minerals Management Service, MMS. It includes the OCS Reform Act that we moved through our committee, reported unanimously by all 23 members of the Senate Energy Committee. Permitting and best available commercial technology requirements are strengthened to enhance the safety and the integrity of offshore operations. We also codify a complete reorganization of MMS. We remove the President's offshore moratorium once new safety requirements have been met. We establish strict liability limits for each

project based on a range of risk factors. There is a series of 13 different risk factors that would be relevant. We include a bipartisan commission to investigate what went wrong with Deepwater Horizon. And, finally, we right a long-standing wrong by returning a large share of production revenues to the coastal States.

It has been suggested in one of the Hill publications this morning—a Democratic staffer is quoted as saying this Republican package was hastily thrown together. I remind that Democratic staffer or others who are looking at this that almost all of what is contained in this Republican package was introduced 1 month ago today, as a matter of fact, in an oilspill compensation act I introduced. We include that with the component pieces of the OCS Reform Act that was passed unanimously by the committee. To suggest this has been somehow hastily cobbled together, one needs to go back and look at the fact that it has been out there for public review and scrutiny now for almost 1 month.

As much as I will push back against the decision to race to finish this bill, we must—we absolutely must—have more debate on these issues. The majority, with very commanding numbers in both Houses and control of the White House, may want to try to somehow blame Republicans for the thousands of lost jobs from Alabama to our State of Alaska as well as the administration's failure to protect and restore the gulf's offshore environment. But that strategy will fail.

We are offering a more responsible and dramatically less costly piece of legislation that truly deserves to be considered and passed by the full Senate.

I wish the majority would take that same path instead of deciding, judging from the development of the bill and its actual content, that it is time we give up on policy for the year and focus instead on just messaging.

We need to look at the terrible toll we all know is taking place as a result of the Deepwater Horizon spill, the obvious failure of our offshore regulatory system, and of the growing economic consequences of the administration's offshore moratorium.

It is absolutely crystal clear there is action that needs to be taken. There is policy that needs to be put in place to respond to the oilspill, the environmental devastation, the economic devastation, and the regulatory confusion that was in place. It is not time for the politics or partisan activities. It is not time to roll the dice with our Nation's energy policy. For the continued vitality of an entire region in the United States, it is imperative that we move beyond the message and we provide the policy and the legislative response that is so necessary and so needed.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TELEVISIONING SUPREME COURT PROCEEDINGS

Mr. SPECTER. Mr. President, I have sought recognition to address the subject of televising the Supreme Court of the United States. Legislation is pending on the Senate docket which was voted out of the Judiciary Committee by a vote of 13 to 6, and it is particularly appropriate to consider this issue at a time when we are examining the nomination of Solicitor General Elena Kagan for the Supreme Court.

We have seen, in a series of nomination proceedings, the grave difficulties of getting answers from nominees as to their philosophy or ideology, and that is particularly important when the Supreme Court has become an ideological battleground. There is a great deal of lip service to the proposition that the courts interpret the Constitution and interpret legislation as opposed to making law, but the reality is that on the cutting edge of the decisions made by the Supreme Court, the decisions are based on ideology. Therefore, for the Senate to discharge its constitutional duty on advise and consent—on the consent facet, to have an idea of where nominees stand—there is an adjunct to that consideration; that is, to find a way to have the nominees follow the testimony they give.

We have found that in notable cases—the most recent of which is *Citizens United*—two of the Justices made a 180 degree about-face. Both Chief Justice Roberts and Justice Alito testified extensively about reliance upon Congress for factfinding under the obvious proposition that Congress has the ability to hear witnesses and make factual determinations. Chief Justice Roberts was explicit in his testimony that when the Court takes over the fact-finding function, that it is legislation which is coming from the Court decisions.

Similarly, those two Justices were emphatic on their view of stare decisis, and there was a 180-degree about-face in *Citizens United* on precedent which lasted for 100 years, and now corporations may engage in political advertising. So the issue is one of trying to deal with some level of accountability.

The principle of judicial independence is the bulwark of our Republic. It is the rule of law which distinguishes the United States from most of the other countries of the world. The independence of the judiciary is assured by the fact they serve for life or good be-

havior. The suggestion that the Court be televised is in no way an infringement upon judicial independence.

We are not suggesting how the Justices should decide cases, we are saying to the Justices that the public ought to know what is going on. Recent public opinion polls show that 63 percent of the American people favor televising the Supreme Court. When the other 37 percent was informed that the Supreme Court Chamber only holds a couple hundred people and that when someone arrives there they can only stay for 3 minutes, that number in favor of televising the Court rose to 85 percent.

The highest tribunal in Great Britain is televised. The highest tribunal in Canada is televised. Many State supreme courts are televised. The press—the print media have an absolute right to be present in the proceedings under Supreme Court decision. So why not the Supreme Court?

This comes into sharp focus on the factor that there has been an erosion of congressional authority by what the Supreme Court has done. In the course of the past two decades—really, 15 years—the Congress has lost a considerable amount of its authority—some taken by the Court and some taken by the executive branch. The Court has taken greater authority.

In 1995, with the decision of *United States v. Lopez*, on the issue of carrying guns into a school yard, for 60 years there had been no challenge to the authority of Congress under the commerce clause. That followed the legislation declared invalid under the New Deal of Franklin Roosevelt in the 1930s and led to the move to pack the Court. But since that time, the commerce clause has been respected.

The case of *United States v. Morrison*, involving legislation protecting women against violence, was another case diminishing the power of Congress. In a 5-to-4 decision, the Supreme Court declared that act unconstitutional because of Congress's "method of reasoning." One may wonder what the method of reasoning is in the Supreme Court Chamber, a short distance beyond the pillars of the Senate. What happens when a nominee leaves the confirmation proceedings and walks across Constitution Avenue? Do they have some different method of reasoning?

The fact is, there has been a reduction in the authority of the Congress. The Court has further taken authority from the Congress in a series of decisions interpreting the Americans with Disabilities Act. Two cases—*Alabama v. Garrett* and *Tennessee v. Lane*—came to opposite results with 5-to-4 decisions. In the case of *Tennessee v. Lane*, the Americans with Disabilities Act was upheld when a paraplegic sued because he couldn't gain access to a courtroom because there was no elevator. With a shift in the vote of Justice

Sandra Day O'Connor in *Alabama v. Garrett*, the section of the Americans with Disabilities Act was declared unconstitutional dealing with employment.

In the case of *Alabama v. Garrett*, the Court applied a test called congruence and proportionality. Up until the case of *City of Boerne* in 1997, the standard had been a rational basis. But a new standard was articulated—congruence and proportionality—which is impossible to understand.

Justice Scalia correctly asserted that it was a “flabby test,” designed to give the court flexibility to engage in judicial legislation.

When nominee Elena Kagan was asked which standard she would apply, the rational basis test or the congruence and proportionality test, she declined to answer. That certainly fell within the ambit of Ms. Kagan's now famous 1995 *Law Review* article, where she chastised Justice Ginsburg and Justice Breyer for stonewalling in their nomination hearings, and also the Senate for not getting information to help in discharging our duty to consent to Supreme Court nominations.

One approach with television would be to hold some level of accountability when the public understands what is going on. Louis Brandeis, before he came to the Supreme Court, in a famous article in 1913 advocated that the sunlight was the best disinfectant and publicity was to deal with social ills. Stuart Taylor, noted commentator on the Supreme Court, said the only way to have the Court stop taking away power from the Congress and from the executive branch is by infuriating the public.

To infuriate the public, the public has to be informed, and television would be a significant step forward.

FOREIGN TRAVEL

Mr. SPECTER. It has been my custom to make a report to the Congress and my constituents and the general public when I return from a trip, which I did on July 11, having started on July 3, and having visited the Czech Republic, Israel, Syria, and Croatia. I will ask at the conclusion of my comments the full text of my prepared statement be printed in the RECORD.

A few supplementary comments about my visits to Israel and Syria: The Mideast peace process is of enormous importance, not only to that region but to U.S. national security interests and to the interest of peace in the world. The Palestinian track seems to be stuck with the controversies over the neighborhoods, also referred to as the settlements. But the administration is hard at work through special envoy former Senator George Mitchell moving ahead on that line.

I believe the time is ripe now for movement on the Israel-Syria track. I

say that based on the conversations I had with Israeli and Syrian officials. I was invited to come to Damascus. I have been to Syria on many occasions in the past, starting in 1984. I have been there some 19 times. This was the first time that I received a specific invitation from President Bashar al-Assad to come there. I believe that is an indication, which President Assad is very open about, of his interest in having peace talks with Israel without preconditions.

He immediately follows that with a statement that Syria has a right to the Golan Heights. But it is no surprise that this is being asserted from the Syrian point of view.

Only Israel should decide for itself whether it wishes to trade the Golan for other national security interests, for concerns about Hezbollah and Hamas and the link with Iran—whatever effect there may be with the Iranian-Syrian relationship and the stabilization of Lebanon. But it is a different world today than it was in 1967 in an era of rockets, so the security interests are very different.

The Israelis and the Syrians came very close to a peace agreement in 1995 and again in the year 2000. Turkey had been brokering talks between Israel and Syria, but the Turkish envoys have withdrawn after the so-called flotilla incident, asking Israel for an apology. Since none is forthcoming, the Turks are not brokering that issue. So it seems to me with the role the United States played, the very active role of former President Clinton—with U.S. participation I believe the prospects are good and there could be a treaty there.

Israel has significant potential gains—to stop the shelling by Hamas from the south and the threat and potential shelling from Hezbollah from the north, and also the relationship between Syria and Iran. President Assad said to me that Iran supports Syria, but Syria does not support Iran. With the recent action by Syria in changing the veiling requirement, it is an indication that Syria is pursuing being a secular state with significant differences from the practices in Iran. If it should become the national interest of Syria to side with the West, that is a potential which ought to be explored. It is not going to happen overnight, but it is something worth thinking about and worth considering.

I now ask unanimous consent that the full text of my prepared statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. President—As is my custom, when I return from foreign travel, I file a report with the Senate.

From July 3 to July 11, 2010, I traveled to the Czech Republic, Israel, Syria, and Croatia.

CZECH REPUBLIC

I arrived in Prague on Sunday, July 4, 2010 after having departed Washington, D.C. on Saturday with a brief overnight stay in England. This was my first trip to Prague since Czechoslovakia peacefully split into the Czech Republic and Slovakia in 1993. The evening of my arrival in Prague, I dined with U.S. Ambassador John Ordway, who is serving as the Chargé d'Affaires of the U.S. Embassy in Prague while the Senate considers the nomination of Norman Eisen to be U.S. Ambassador to the Czech Republic. One of the issues we discussed was his belief in the importance of congressional travel. In addition to raising Members of Congress' understanding of world affairs, it provides embassy staff with opportunities to raise issues of importance with foreign leaders at higher levels than normally possible. Along these lines, I was asked to voice my support to Czech officials for the efforts of Westinghouse—a Pittsburgh-based company—to build a nuclear power plant in the Czech Republic.

The Westinghouse facility would provide 9,000 American jobs, create \$18 billion in U.S. exports, and would allow the Czech Republic to reduce its reliance on Russia as an energy provider. Russia currently provides the Czech Republic with 70 percent of its natural gas, 60 percent of its petroleum, and 30 percent of its nuclear power.

The following morning I met with Ambassador Ordway and some of his deputies for a country team briefing. One of the issues we discussed was the newly-elected Czech Parliament's plan to balance the national budget by 2013 through cuts in expenditures and increased indirect taxes. Additionally, we discussed the Czech Republic's presence in Iraq and Afghanistan. Approximately 535 Czech soldiers are currently serving in Afghanistan, and it was the sense of the embassy staff that public sentiment regarding the mission could change following the recent deaths of 3 Czech servicemen.

Following the meeting at the Embassy, Ambassador Ordway and I proceeded to a meeting with Czech President Vaclav Klaus. I thanked the President for his country's contribution to the military efforts in Iraq and Afghanistan, and he expressed the belief that while the missions were not popular in the court of world opinion, something had to be done and the world could not afford to standby.

I raised the issue of the prospects of forming lasting democratic institutions in Iraq and Afghanistan. He expressed the view that he thought democracy would come to Iraq, but was unsure when. He expressed doubts as to whether it could ever take hold in Afghanistan.

I urged President Klaus to support Westinghouse's nuclear bid and he said that he has been impressed with Westinghouse products since his days as Prime Minister, but added that the decision would be made by others in the Czech government.

Knowing President Klaus to be a former economics professor, I raised the issue of China's unfair subsidization of its steel industry—something I have fought against and argued before the International Trade Commission on a number of occasions—which leads to an unlevel playing field for U.S. and Czech companies alike. President Klaus shared my frustration with such practices, but he disagreed when I suggested the implementation of countervailing duties. It was his sense that democratic reform in China would be the greatest driver for improvements in trade practices, although he could not suggest a timeline for such reform.

I inquired with President Klaus his views of Iran and what could be done there. While he did not have a direct answer, he shared a very interesting story about an encounter he had with Russian Prime Minister Putin and Russian President Medvedev. He explained that during a conference the three had attended, both Putin and Medvedev expressed great concern over the situation in Iran, because of Iran's efforts to develop a nuclear weapon.

We also discussed efforts to create a lasting Mideast peace, strategies for dealing with North Korea, and climate change. With regard to the last issue, knowing me to be concerned with current changes to the global climate, President Klaus provided me with a copy of his book "Blue Planet in Green Shackles," in which he expresses his skepticism with regard to man's impact on the warming of our planet.

ISRAEL

We spent most of July 6 traveling to Israel from the Czech Republic. This was my 27th visit to Israel in my capacity as a Senator. The following day, I had a series of meetings with Palestinian Liberation Organization negotiator Dr. Saeb Erekat, Palestinian Authority Prime Minister Salam Fayyad, Israeli Opposition Leader Tzipi Livni, Israeli President Simon Peres, and finally had a dinner meeting with Israeli Deputy Foreign Minister Danny Ayalon.

My first meeting of the day was with Dr. Saeb Erekat in Ramallah, someone I have gotten to know very well over the past 15 years. We opened the meeting with a discussion about the prospects for peace. Dr. Erekat immediately said that peace was obtainable—very much in reach—and the next move lay in the hands of Israeli Prime Minister Benjamin Netanyahu. I mentioned that I would be meeting with Israeli President Peres later that day and Syrian President Assad the following day. Erekat told me to speak to Israel about using Turkey to resume the indirect talks between Israel and Syria. According to him, it was both his and President Abbas's position that it was in the Palestinians' interest for Syria and Israel to resume talks and that the current tension between Israel and Turkey benefitted no party.

That afternoon I remained in Ramallah to meet with Palestinian Authority Prime Minister Salam Fayyad. He said he is focusing on growing the economy in order to undercut peoples' reliance on Hamas for basic needs. Prime Minister Fayyad was optimistic that the Palestinian Authority can regain control of the government from Hamas in the upcoming elections.

I raised the issue of Israel's talks through Turkey with Syria. Prime Minister Fayyad was skeptical of the utility of this track, and indicated his belief that the best course forward is to formulate a joint public document outlining the key issues which need to be resolved to make peace. He also discussed his belief that concerted U.S. involvement could greatly improve the chances of success.

I asked the Prime Minister if there were other ways the U.S. could be helpful and he explained that much of the progress on moving the economy and infrastructure has come from USAID, including more than \$2.9 billion since 1994 for programs in the areas of water, sanitation, infrastructure, education, health care, economic growth and democracy.

After meeting with Prime Minister Fayyad, we returned to Jerusalem where I met with Israeli Opposition Party Leader Tzipi Livni. We opened the discussions talk-

ing about Israel's indirect talks with Syria through Turkey. She indicated her belief that an agreement was "feasible".

I proceeded to ask her about Prime Minister Fayyad's assertion that there will be no peace between Israel and the Palestinians until the Palestinians are united. In her view talks between Israeli and Palestinians could proceed, and when an agreement is reached it could be presented to Hamas—where they would be given a choice work together or be seen as an obstructionist minority.

That evening I joined Deputy Minister of Foreign Affairs Daniel Ayalon for dinner. We became friends when he served as Israel's ambassador to the United States. I opened the discussion by expressing Dr. Erekat's position that if Prime Minister Netanyahu were serious about peace, a deal could be made. Ayalon responded by stating that peace was on the table in November of 2008 and was rejected by the Palestinians.

During my meeting with Dr. Erekat, he mentioned a situation where Minister of Foreign Affairs Avigdor Lieberman would not shake his hand, so I raised the issue with Deputy Foreign Minister Ayalon. He denied the account and referred to Lieberman's oft-quoted remark that he would give his own house for peace with the Palestinians.

Before concluding dinner, Ayalon asked me to return with two messages to the U.S. The first was to pass a request shorten the life sentence for Jonathan Pollard, a former civilian intelligence analyst who was convicted of spying for Israel. The second was to express appreciation for the funds stemming from the United States-Israel Energy Cooperation Act of 2007, which authorizes grants to encourage collaboration between the U.S. and Israel in the research, development, and commercialization of renewable energy and energy efficiency technologies. The \$4 million appropriated to date by Congress for this program has been matched 100 percent by the Israeli Government. Funding has gone to support eight collaborative projects between Israelis and American universities and private companies, including a company based in Bala Cynwyd, Pennsylvania. With this funding Israel hopes to reduce its oil dependence by 50 percent.

SYRIA

The next morning we flew to Syria—my 19th trip to the country—via Jordan to meet with President Bashar al-Assad. I have gotten to know President Bashar al-Assad well over the past decade, just as I knew his father, Hafez al-Assad. I opened my meeting with President Assad by expressing regret that the U.S. Senate had not acted to confirm Robert Ford to be the Ambassador to Syria, in addition to ambassadors to other important countries and international bodies. President Assad replied that he was very pleased by President Obama's signal that he wanted an American ambassador in Damascus.

I continued the conversation by recounting a discussion I had recently with Syria's Ambassador to the United States, Imad Moustapha, in which we discussed the opportunity to restart talks between Israel and Syria. President Assad expressed great openness to resuming the talks with Turkey as the broker.

I pressed Assad on Syria's alleged sale of Scud missiles to Hezbollah and his support for Hamas and Hezbollah. He asked for proof on the missile issue and denied the charge. He said that once there was a Syria-Israeli peace agreement there would no longer be a reason for any concern about missiles. Hezbollah or Hamas.

In discussing Iran, President Assad suggested the U.S. work to improve its relationship with Iran by further pursuing diplomatic engagement.

As I have done in previous conversations with President Assad, I expressed my desire that he allow forensic teams into his country on the missing Israeli soldiers issue. I also raised again my request that the remains of Eli Cohen be returned to Israel—or, at a bare minimum, allow a kaddish to be said over his remains by his widow and a rabbi. He said those matters would have to await a Syria-Israeli peace treaty.

Finally, at the urging of the Charge, I asked that recent changes to Syrian visa regulations—which seem to target Americans—be reversed in light of the fact that the U.S. has reduced visa wait periods for Syrians and lifted the Travel Warning for Syria. President Assad said he would look into this situation.

CROATIA

On Friday, July 9, 2010 I flew to Dubrovnik, Croatia where I met with U.S. Ambassador Jim Foley. During our meeting Ambassador Foley underscored Croatia's strong support of the U.S. and cited its commitment of 300 soldiers to the mission in Afghanistan. The Ambassador expressed his support for Croatia's desire to enter the European Union so as to strengthen the economy and provide incentives for governmental reform. I inquired about the status of the Serbian fugitives responsible for the Srebrenica Massacre and the Ambassador assured me everything was being done to bring those men to justice. While we were in Croatia, there was a summit of regional leaders being held in the city.

The next morning I met with Croatian Foreign Minister Gordan Jandroković before the Croatian summit. I expressed my appreciation for Croatia's efforts in Afghanistan and my support for Croatia's desire to enter the E.U. He indicated in response that Croatia plans to expand its troop commitment in Afghanistan by five percent to 320. We also discussed efforts to improve relations between Kosovo and Serbia so as to improve regional security.

We returned to the United States on Sunday, July 11, following an overnight layover in France.

Mr. SPECTER. In the absence of any other Senator on the floor seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask the time be yielded back so we can proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SMALL BUSINESS LENDING FUND ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 5297, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

Pending:

Reid (for Baucus/Landrieu) amendment No. 4519, in the nature of a substitute.

Reid amendment No. 4520 (to amendment No. 4519), to change the enactment date.

Reid amendment No. 4521 (to amendment No. 4520), of a perfecting nature.

Reid amendment No. 4522 (to the language proposed to be stricken by amendment No. 4519), to change the enactment date.

Reid amendment No. 4523 (to amendment No. 4522), of a perfecting nature.

Reid motion to commit the bill to the Committee on Finance with instructions, Reid amendment No. 4524 (the instructions on the motion to commit), to provide for a study.

Reid amendment No. 4525 (to the instructions (amendment No. 4524) of the motion to commit), of a perfecting nature.

Reid amendment No. 4526 (to amendment No. 4525), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I ask unanimous consent Senator LANDRIEU be recognized to speak for up to 1 hour at 12:30 p.m. today and that the Republican leader or his designee then be recognized following Senator LANDRIEU.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, the Senate once again has before it the small business jobs bill. We have created this bill to help move the economy toward recovery. We have crafted this bill to create jobs. We have crafted this bill to strengthen capital investment.

Over the course of the great recession, small business capital investment has fallen dramatically. Since 2005, the percentage of small businesses that made a capital outlay in the previous 6 months fell by nearly 30 percent. Capital investments are an integral part of getting the economy back on track. We need to make sure that businesses, and especially small businesses, have the opportunity to make these investments so they can improve and expand.

Our small business jobs bill includes two accelerated cost recovery provisions. These incentives would lower the cost of capital and they would help businesses to make capital investments. One accelerated cost recovery provision in this bill would increase the amount of capital investment that a business could expense under section 179 of the Tax Code. Section 179 is one

of the most widely used tax benefits available to small businesses.

We all hear of this constantly from our small business constituents in our home States. This year business owners may purchase and write off up to \$250,000 in equipment for use in their trade or business. This tax benefit phases out for expenditures between \$250,000 and \$800,000, but in 2011, under current law, the \$250,000 threshold will decrease sharply to \$25,000, and the \$800,000 ceiling on the benefit will decrease to \$200,000. The bill before us today would increase the thresholds to \$500,000 and \$2 million in 2010 and 2011.

Expensing is an important tool for small businesses because it is the most accelerated type of depreciation. With expensing, a business can deduct the complete cost of an asset such as equipment or software in the same year the business buys the asset. With expensing, businesses do not have to wait for years to recover these costs as they do through traditional forms of depreciation.

In this weak and uncertain economy, the ability to deduct the cost of assets in the same year provides an immediate benefit for businesses. These immediate benefits strengthen the investment practices of a business, and that strengthens the economy as a whole. An increase in the thresholds for section 179 expensing effectively decreases the cost of newly purchased equipment, and that makes it more economical for a business to invest. These investments can help a business grow with relatively simple acquisitions.

For example, a business could boost productivity by updating office technology. This provision will also increase cashflow for businesses, and businesses that invest in new equipment put money back into the larger economy with their purchases. Take, for example, Brown's Automotive in Billings, MT. Brown's Automotive specializes in transmission repairs. Those repairs require significant equipment investments, such as lifts and scanners. Business has been down lately as few people are able to afford expensive transmission repairs these days. When business is slow, purchases of heavy equipment can put a major strain on cashflow. But section 179 expensing and the 50 percent bonus depreciation extension in this bill make a huge difference for Brown's Automotive. Brown's can now write off a portion of the cost of new equipment, and that helps them maintain their cashflow and encourages them to make further capital investments.

Because of provisions like 179 expensing, Brown's has retained all 43 of its employees despite the recession.

This bill also allows taxpayers to expense up to \$250,000 of certain real property within the newly expanded thresholds in 2010 and 2011. Currently, taxpayers can expense only tangible

personal property. Tangible personal property includes things such as machines or equipment. Expanding section 179 expensing to include some real property greatly increases the value of this provision to small businesses. This provision means a business could expense the improvements to the property itself.

For example, a small business owner with a retail clothing store may expense improvements that were made inside the store, such as built-in cabinets to better stock clothing or lights to brighten the fitting rooms. Allowing a retail owner to expense these improvements immediately lowers the owner's costs, and ultimately this will help the retail store owner to run a better business. This expansion also applies to qualified restaurant property and qualified leasehold improvement property.

A second accelerated cost recovery provision in this bill is bonus depreciation. Bonus depreciation also helps Brown's Automotive and many other small businesses. This bill would extend bonus depreciation through the end of this year. This important provision would quickly spark investment, increase cashflow, and help to create jobs.

Bonus depreciation especially helps businesses that need to make large capital expenditures but that may not be able to take advantage of accelerated depreciation under section 179. Currently, businesses are allowed to recover the cost of capital expenditures over time. As a result of the great recession, Congress temporarily allowed businesses to recover the cost of certain capital expenditures more quickly by increasing the writeoff to 50 percent of the cost of property placed in service in 2008 and 2009.

This bill would extend the additional depreciation to property placed in service in 2010. This additional depreciation makes property more affordable. The business can use the savings it receives to reinvest in the business and to hire new employees. This provision benefits immediate investments that can strengthen the economy now. We do not have to wait to see the benefits of this important provision.

Bonus depreciation also helps the business that sells the equipment. It helps manufacturers and suppliers retain and hire employees as their businesses rebound. The more purchases that are made, the more other businesses are helped. This double benefit makes bonus depreciation a cost-effective way to strengthen business investment.

Section 179 expensing and bonus depreciation encourage investment and creates jobs. There is no doubt about it, and very significantly, I might add, with this bill, we can help put the American economy back on track.

This bill would provide continued support to our small businesses on the

path to economic recovery. The bill increases access to much needed capital, encourages entrepreneurship, and promotes equity. The small business jobs bill includes incentives to strengthen capital investment.

I urge my colleagues to support the small business jobs bill. I might add that today we are working to reach an agreement on consideration of amendments to this legislation. We hope we will have more to announce later as we reach that agreement. I very much hope that can be done very expeditiously so we get this bill passed and get the needed assistance to our small businesses.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFGHANISTAN

Mr. CASEY. Mr. President, I rise this morning to talk about the United States strategy in Afghanistan. However troubling the recent leak of classified documents, the topics discussed in those documents confirm some of the difficulty we face as a country today in Afghanistan.

Much of what was reported in the newspapers the last couple of days is, frankly, not news, but a review of what we already knew, that corruption continues to plague the Afghan Government, the performance of the Afghan National Army and police is uneven and at times problematic, and the Taliban have been emboldened in recent years.

As I said, this is all information we knew. It might have more details about it, some more reliable than others. But the release of these documents should, at the same time, help to sharpen our focus on all of those issues and more, and ask the tough questions, as is our responsibility in the Senate in a time of war.

This year, 2010, has already been the deadliest year on record in Afghanistan. We have new military leadership on the ground, General Petraeus, and assurances from the administration that civil-military relations are strong. Two weeks ago, Ambassador Holbrook appeared before the Foreign Relations Committee where he described the civilian component of our engagement in Afghanistan.

Our regular reports from the administration are instructive and do indeed show that we are making progress in some areas. But the overall picture is not encouraging. Casualties are up. Fifty-three servicemembers from Pennsylvania have lost their lives in Afghanistan. And, by way of comparison,

in Iraq over the course of that battle, that war and the battles that were part of it, Pennsylvania has had 196 killed in action. So when we get above 50 Pennsylvanians killed in action, that is getting very high.

Of course, casualties mean both those who have been killed and those who have been wounded. So the 53 from Pennsylvania I mentioned are killed in action. We have many more who have been wounded. Our troops continue to be plagued by the threats posed by IEDs, improvised explosive devices, something I have been continually raising with the administration and others and will continue to do this until the threat to our servicemembers ends or is sharply reduced.

Unfortunately, we have a problem which is not just the IED itself but the ammonium nitrate, which is the most significant ingredient, which, as everyone knows, is a fertilizer which is used across the region and in other parts of the world as well. But that ammonium nitrate is both the main and most potent ingredient, and its inflow from Pakistan is still a huge problem. We are working to address this proliferation and the transport of this deadly material in the region. We are also working closely with the Government of Pakistan to address this threat.

But today I wish to review what I see as three main areas of our involvement in Afghanistan. The three we have talked about over and over here in the Senate are: security, governance, and development.

First, the most significant issue for many Americans is the basic security or military question, and that part of the strategy. On last Tuesday, the international community met in Kabul to assess the progress as it relates to Afghanistan itself and the stability in Afghanistan. This was the biggest international gathering in Kabul in 40 years, 70 dignitaries from around the world, including our own Secretary of State, Secretary Clinton, and U.N. Secretary General Ban Ki-moon. Kabul itself, the city, was under virtual lockdown for the gathering, which passed without any major attacks, thank goodness. That is a testimony to the Afghan security forces.

The conference attendees endorsed President Karzai's plan for Afghan security forces to take over the responsibility for safeguarding the country by 2014, setting a potential timeline for foreign troops' departure.

President Karzai also said his government "continued earnestly and with the full dedication, the pursuit of the peace process," with the Taliban, which has been endorsed by the international community. The United States has laid down basic requirements or conditions for any group seeking to negotiate, seeking some kind of reconciliation. There are three, and we need all three.

First, any group that wants to engage in this process has to end its ties to al-Qaida; second, they have to end violence itself; and, third, accept the Afghanistan Constitution.

Secretary Clinton met with a group of women in Kabul and reiterated her commitment to protecting women during this difficult transition period in Afghanistan. This issue is critical and has a direct impact on U.S. national security.

Women are the backbone of Afghan society, and they play a determinative role in whether their sons resort to extremism. It is that simple. With American fighting men and women giving, as Lincoln said, their "last full measure of devotion to their country," the product of our troops' sacrifice cannot be an Afghanistan that does not respect the rights of women. The Taliban cannot be allowed to impose their draconian version of justice as it relates to women or society in general.

Senator BOXER and I cochaired a Foreign Relations Subcommittee hearing on women in Afghanistan a number of months ago and will continue to strongly advocate for the rights of women in Afghanistan. We commend and applaud the work of Secretary Clinton and her Department on this issue. It is not only the right thing to do, it is literally in our national security interest to do this work.

The most unfortunate indicator in the security environment, however, is the increase in American casualties, killed in action, and wounded. June was the deadliest month on record. The death toll was 103. More than half of them were American servicemembers, and from Pennsylvania four servicemembers were among those 103 killed in action.

A new Afghan study also revealed that civilian casualties are on the rise. More than 1,000 Afghan civilians were killed in the first 6 months of 2010, a slight increase compared to the same period in 2009. However, the number of people killed in NATO air strikes in the same period has decreased by 50 percent because of changes in the rules of engagement. So it is good news that that number is going down.

Most of the civilian deaths documented by the report were caused by insurgents, with the widespread use of roadside bombs, IEDs, as I mentioned before, particularly deadly. They alone have killed 300 civilians, those kinds of explosions.

In addition to security, which is essential, of course, in any strategy to make sure there is stability in Afghanistan, the second element is once you have security or are making progress on security, you hear this talk over and over again about clear, hold, and build. You clear out the insurgents, clear out the enemy, and then you have got to hold that region or that geography, and then build on it. The building, of course, cannot take place unless

there is good governance. And to say we have a lot of questions in this area is a dramatic understatement.

Corruption in the Afghan Government was a major issue at this week's conference. President Karzai identified corruption as a major concern in his inaugural address, going back a number of months. We support steps he has taken to begin addressing this problem. These include issuing a Presidential decree in March of 2010 that provided that the USAID-supported High Office of Oversight have additional investigative powers.

It also outlined a process we are supporting for establishing a monitoring and evaluation committee on corruption comprised of Afghan and international experts. Last week, Afghanistan's Cabinet approved a bill which will allow government ministers and senior officials accused of corruption to be put on trial. For Americans, that doesn't seem like a big development, but that alone is significant progress, to put corrupt officials on trial and have a judgment rendered pursuant thereto. Once passed by Parliament or Presidential decree, this bill will allow the creation of a special tribunal to try officials accused of graft or corruption. Under current Afghan law, ministers are immune from prosecution in ordinary courts. It is hard to understand that, but that is the situation as it stands now.

American officials estimate that \$14 billion a year in assistance is put through the government, but most of the current assistance package now goes through Western organizations. As the Obama administration makes an effort to increase direct assistance to the Afghan Government, safeguards must be put in place to ensure Afghans bolster their financial management systems and combat corruption. As emphasized in the administration's January Afghan strategy document, there has been a major U.S. and Afghan push to build up local governance. This approach represents an attempt to build some of the tribal and other local structures destroyed in the course of constant warfare over several decades. We have a long way to go on governance, but it bears scrutiny and attention and a lot of tough questions asked by Members of the House and Senate and getting answers to those tough questions from the administration and from President Karzai and his government.

Third is the issue of development. In his testimony last week, Ambassador Holbrooke highlighted USAID's agriculture voucher program. Launched in September of 2009, this program has distributed wheat seed to more than 366,00 farmers—critically important to give farmers the resources and help to develop their crops. This strategy also resulted in the training of 80,000 Afghan farmers in best practices and em-

ployed over 70,000 Afghans on short-term rural infrastructure projects. In many places throughout Afghanistan's south, these programs are being administered increasingly under the auspices of the Afghan Ministry of Agriculture, whose extension agents receive training from forward-deployed USDA and USAID agricultural advisers. Many Americans might think the only people on the ground are soldiers and military personnel. We have a lot of dedicated Americans who work for the Department of Agriculture, for USAID, who work for a number of Federal Government agencies helping the Afghan people to develop their economy and to govern their country better.

Ambassador Holbrooke also discussed our new counternarcotics strategy, which combines law enforcement, intelligence, interdiction, demand reduction, regional coordination, and alternative livelihood programs. He reports that:

We have seen significant increases in: the number of drug labs destroyed; the number of drug traffickers arrested; the amounts of opium, poppy, heroin, and morphine [based-drugs] seized; the number of joint operations with Afghan forces.

A joint ISAF-Embassy Kabul effort has been restoring cellular telephone service in areas where the Taliban has destroyed or deactivated cell towers. Over 20 cell towers have been reactivated in Helmand Province and Kandahar, with significant benefits for local communities. One of the civilians embedded with the Marines in Helmand Province reported that soon after a local cell tower resumed operation, "three cell phone shops opened up in the district bizarre and SIM cards were available in the whole of the district—without involvement from the Marines or U.S. civilians."

That is a bit of good news in the midst of a lot of difficult challenges.

All of us commend the Obama administration's work to bolster civilian efforts in Afghanistan. On a mission so important, where troops and families are sacrificing so much every day, building civilian capacity can never move fast enough. However, we have tripled the amount of civilian advisers since the Obama administration assumed office in 2009. The administration has refocused development priorities on agriculture and changed the rules of engagement to ensure fewer Afghan civilians are negatively affected and turned into potential enemies. We are making progress, but much more remains to be done on the three critical measurements: security, governance, and development.

I will continue to ask tough questions and demand answers on all three parts of our strategy. The American people have a right to these answers.

The threat posed by IEDs in Afghanistan is the No. 1 killer. We know this from many reports. The work done by

the Joint Improvised Explosive Devices Defeat Organization, known as JIEDDO, is working actively to address the threat on the ground. The State Department, led by Secretary Clinton, is engaged with governments across the region to develop a comprehensive approach on countering IEDs and having a strategy for stopping the flow of ammonium nitrate into Afghanistan from Pakistan and other places in the region, which is the central ingredient in the IEDs. I am glad this effort is taking place by our government but much more work needs to be done. We need to do everything we can to stop the attacks that result from the use of ammonium nitrate and other ingredients in the IEDs. Nothing is more important as part of our strategy.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Virginia is recognized.

REFORM OF THE CRIMINAL JUSTICE SYSTEM

Mr. WEBB. Mr. President, I rise to point out to Members of this body that yesterday in the House of Representatives, the National Criminal Justice Commission Act of 2010 was passed in a noncontroversial manner by a voice vote. This legislation is identical to legislation my staff and I have worked on for more than 3 years, which has cleared the Judiciary Committee, which now has 39 cosponsors, including the Senator from Pennsylvania and the Presiding Officer. I urge leadership on both sides of the aisle to bring this legislation to the floor. Let's get the task of reforming our criminal justice system into motion. It has been more than 40 years since we have had a strong look at all the different components of our criminal justice system and how broken it has become. This legislation would provide the right vehicle to do so.

I started working on this issue as soon as I came to the Senate. We worked along with the Joint Economic Committee and many nonprofit groups and 501(c) groups to hold extensive hearings on the issues of mass incarceration, drug policy, how these different components of criminal justice interrelate, and why we need to take a larger look at the process. We designed this legislation with input from across the philosophical spectrum in order to provide strong advice to the Congress about how to fix all the components of the criminal justice system, from how people are apprehended, what to do with them after they are apprehended, when do we put people in prison, how long, what happens to them when they are in prison, what does prison administration look like, what do reentry programs look like, and how do we deal with issues such as transnational gains. While it is very difficult to deal with these issues one at a time, we have a vehicle here that has been scrubbed through the entire philosophical spectrum with great support. I

will show some of the areas of support in a minute.

The starting point is why, why do we need to move on this now.

I wrote an article for *Parade* magazine last March when I decided to move our legislation forward. We got tremendous support across the country once we started talking about it. The two components we all ought to be concerned about are, first, incarceration in the United States has skyrocketed, particularly since about 1980. In the United States today, we have far more people in jail per capita than any other country in the Western world and actually in other parts of the world as well. We have 5 percent of the world's population and 25 percent of the world's known prison population. At the same time, we have another 5 million people in different parts of the criminal justice process who are not incarcerated. More than 7 million people are involved in the criminal justice process today.

At the same time, if we ask people if they feel any safer, more than 70 percent will tell us they feel less safe in their communities than they did 1 year ago. This is a trend that has actually increased over the years since about 2001. We are putting more people in jail, we have more people involved in the criminal justice system, and people feel less safe. Clearly, this is a leadership issue. We need to get our arms around it. We have a responsibility as leaders of the Nation to put the right process into motion so we can make better sense out of the criminal justice system.

Another statistic, before I talk about the process we went through, when we look at the increase in incarceration, a huge part of it has been through our inability to get our arms around enforcement of drug policies. If we go from 1980 to 2007 and look at Federal, State, and local prisons or jails, we will see that our incarceration of drug offenders has skyrocketed by 1,200 percent. In 1980, we had 41,000 people in jail on drug offenses. By 2007, it was 500,000. A significant percentage of these people are incarcerated for nonviolent offenses, and a very high percentage have been minorities.

When we started talking about this issue, we heard a lot of unease, particularly from law enforcement's side. We brought them in one at a time. I am not on the Judiciary Committee. My staff brought them right into the office. We sat down with more than 100 different organizations from across the philosophical spectrum to listen, to get their input on what this Commission ought to do, and to make sure we are reaching out to all aspects of the issue of criminal justice. We have support now from across the philosophical spectrum: Fraternal Order of Police, National Association of Police Organizations, the International Association of

Chiefs of Police, nearly 20,000 members who called their own press conference a couple months ago to endorse this legislation. Among their leadership, they were saying this was the most important issue they would be working on in their careers.

At the same time, we have received endorsements from people who were more concerned about the individual rights area of criminal justice: the NAACP, the American Civil Liberties Union, Human Rights Watch, the National Association of Social Workers. This is a buy-in from all the elements in our country involved in this issue; that we need to find the type of solution that is going to make our system more fair, more efficient, and, in the end, is going to give us the potential, in terms of the reentry process, to reduce recidivism and reduce crime in communities.

The last point I would make—and I hope my colleagues will think about this—with the passage of this legislation from the House last night, we are ready. There is not any major piece of controversy over a piece of legislation that we have sat down and listened to from the Republican side. We have a seven and seven buy-in on the membership of the commission in terms of appointments from different party leaders.

This is a copy of the cover of this week's *Economist* magazine I show you in the Chamber. The *Economist* magazine, in my view, even though it is a British magazine, is probably the finest news magazine in the world. I have read it for more than 30 years. The cover is "Why America locks up too many people." They have an in-depth article in here asking the question, What is wrong with the American criminal justice system, and what needs to be done to fix it?

So I would ask the leadership of both our parties, and particularly those on the other side, let's step forward and create this commission. It is a 1½-year sunsetted commission. It is not something that is going to keep going. We are going to put experts on the commission to come back to us and talk to us about how we can make this system fair, take care of the problems of crime, the worries people have, and at the same time be a lot more sensible in terms of whom we are incarcerating and how we are assisting them in their reentry into our society.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is considering the small business bill.

Mr. UDALL of Colorado. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Mr. President, I will speak to the bill we are considering.

I rise today because I know we need to throw a lifeline to small businesses by increasing their access to credit. They have bills to pay, payroll checks to issue, and accounts payable mounting as they try to drive economic development. I supported the \$30 billion lending increase this past week—I think the Presiding Officer did as well—because we know we have to do all we can to get small business cranked up in our country. I supported it with the understanding that if we were going to finance \$30 billion from the banking sector, the very least we could do as well would be to increase lending without costing taxpayers a dime.

I wish to speak specifically to a piece of legislation I introduced, and I introduced it in amendment format as well, with bipartisan support. This amendment would get government out of the way so that credit unions could increase their small business loan portfolios. Right now, credit unions are making small business loans, but there is an arbitrary cap on the size and how many loans they can actually issue. In every single State—in Illinois, Colorado, California, and North Carolina—there are credit unions that have money and are ready to responsibly lend more money, but the Federal Government is standing in the way. I, for one, am not ready to say to all businesses that they have to close their doors because of a Federal cap on loans. In an economy such as the one we now face, we have to change that situation. We all know that when small businesses expand and grow, that will be critical to pulling us out of this recession. In the last 15 years, small businesses have generated two-thirds of all the new jobs created in the United States, and they currently employ more than half of all Americans in the workforce.

As I travel across Colorado—as I know the Senator from Illinois travels across Illinois—and I visit with small businesspeople, they continually ask me: Where is the lending? I thought the banks were supposed to start lending again.

Despite remaining profitable, small businesses have been unable to secure the loans they need to make investments in inventory, expand, and ultimately hire new workers. That is, again, why I introduced this bipartisan

amendment to allow credit unions to ramp up small business lending without costing taxpayers a dime. I wish to say that again. We are not costing taxpayers a dime to put these changes into current law.

Let me speak to current law. Under current statute, credit unions are required to limit their small business lending to 12.25 percent of their credit union's total assets. But credit unions have run up against that cap, and the only thing keeping them from jump-starting our economy is an outmoded, antigrowth law which I have referenced.

After we introduced our bill last year, we heard from inside-the-beltway banking representatives who said increasing credit union loans to small businesses wasn't going to be safe or sound. Now, I suspect they were more concerned about others making loans than they were about safety and soundness. We all know in this Chamber that banks and credit unions regularly snipe at each other. It is almost like the Hatfields and the McCoys. But in the end, this isn't a bank or credit union issue; this is a small business issue.

So in coming to this updated, bipartisan compromise, I have spoken to the Senate Banking Committee, the Treasury Department, and even the credit unions' own regulator, the National Credit Union Administration. They have all agreed to support our compromise that will safely and soundly increase small business lending by the credit union sector without costing Americans a dime. Best of all, most important of all, this legislation could lead to large-scale job creation in my home State of Colorado and around our country.

The amendment takes the most well capitalized, the most experienced, and best run credit unions that have run up against this lending cap I have mentioned and allows them to meet the rising demand for small business loans. When they meet those conditions, their regulator will then allow that small business lending cap to slowly increase from the current 12.25 percent to a maximum of 27.5 percent of total assets. We know these credit unions are the most prudent financial institutions around, and nobody can argue that allowing them to throw a lifeline to small business is irresponsible. So this amendment is a sound, surefire way to grow our economy by increasing credit unions' ability to lend to small businesses. Again, I wish to remind my colleagues that this is at no cost to the taxpayers—no cost to our taxpayers.

The National Credit Union Association estimates that these sensible reforms would increase credit union lending to small businesses by \$10 billion within the first year of enactment, with an increase of nearly \$200 million in my home State of Colorado. This is just an example. This new access to

credit is estimated to create over 100,000 new jobs nationwide. It sounds to me like a probusiness, projobs policy that we all can agree we need. The National Small Business Association and even the National Association of Realtors have gotten behind our efforts, and they are urging us to pass this important provision.

Everybody here—I look around the Chamber, and I see my friend from Oklahoma—knows what shape our economy is in today. Small businesses continue to struggle to access credit as large banks have significantly cut back on Main Street lending. We have all met business owners who have experienced this credit squeeze. If we are going to finance \$30 billion to increase lending, which I do support, we should at least take this small step and help small businesses at no cost to taxpayers.

So as I close, I wish to urge my colleagues to avoid the infighting that would have us believe this is about banks or credit unions because it is truly about our small business sector. We can't turn away entrepreneurs in this economic climate. We want to create jobs and begin new businesses, especially because of our politics here in Washington. I know there is not a single Senator who wants to look a small business owner in the eye who hasn't been able to get a loan because of an arbitrary government cap on small business lending. So let's unlock credit markets in Colorado and throughout the country. This amendment could be an important part of that effort. I wish to work with colleagues on both sides of the aisle to quickly pass this amendment and allow our Nation's small businesses to again set our country on a path toward job growth and prosperity in the future.

Mr. President, I thank my colleagues for their attention, and I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that after addressing the Senate for 5 minutes, Senator INHOFE be next in line.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I thank the Senator from Oklahoma, and I thank Senator UDALL from Colorado for his words.

Each day in towns and cities across my State of Ohio, small business owners and manufacturers will walk into a bank and apply for a loan to expand their business. They have workers, they have the capacity to grow, and they have orders for sales. They want to hire more workers. Too often, though, a creditworthy bakery shop owner, an auto supply manufacturer, or a clean energy entrepreneur will be turned away, snuffing out their dream and our economic recovery.

The strength of our economy depends on the strength of our small businesses. We know that about half of all employees in my State of Ohio and in most places across the country work in small businesses. We know that about two-thirds of jobs created in this country come from small business. Whether it is to create these jobs or supply services to other businesses or export products to new markets, small businesses, of course, rely on access to credit. Yet bank lending dropped by \$578 billion last year—the largest decline since the 1940s. That means 60 percent of small businesses in America reported they didn't have the credit they needed to meet their business needs.

It is unacceptable that the same banks taxpayers helped save when the economy faltered are refusing to lend to responsible small businesses with good credit histories and good business plans. Many of these banks are building massive reservoirs of cash rather than making simple loans or extending lines of credit to small businesses. As a result, small businesses are denied the capital they desperately need to expand operations and hire more workers. That need is especially acute for Ohio manufacturers that have higher operating expenses, large upfront costs, and complex machinery to maintain. The issue of easing access to credit for manufacturers has been simmering for more than a year.

For the past year, I have chaired several hearings in the Banking Subcommittee on Economic Policy on how to restore credit to Main Street. We examined how to fix the problems to small business borrowing and lending programs, having heard directly from small manufacturers and other small businesses and small and big banks.

Chairwoman LANDRIEU of the Small Business Committee has assembled a powerful small business bill that strengthens our economic recovery by partnering business and government. Senator SNOWE has made significant contributions to this bill. There are few stronger advocates for small business and small manufacturers than she is.

This bill has several provisions that will help small business owners access new credit, refinance existing debt, and open cash flow as the economy continues to recover.

Last week, we took a big step toward helping small businesses in this country by ending debate on the amendment to add a \$30 billion lending fund to the bill. I applaud Senator VOINOVICH, the senior Senator in my State, and Senator LEMIEUX for their work and support.

A key feature in the bill is the State Small Business Credit Initiative Program, a program I have worked on with Senators LEVIN and WARNER and STABENOW, along with the Secretary of the Treasury. This program would help

small business owners and manufacturers whose collateral—it might be commercial real estate or it might be factory equipment—depreciated during the recession.

It is the same collateral, but it is not worth as much because of what has happened to the economy.

Too many small business owners have been forced to pay higher interest rates on their loans, through no fault of their own, because their underlying collateral lost value due to the weakened real estate market and overall economy.

Almost daily, Governor Ted Strickland and I hear from small business owners who would benefit from the program, along with other State-based small business lending initiatives.

The bill also extends the Recovery Act's Small Business Administration-backed loans, which have already helped create more than 650,000 jobs nationwide.

Because of these loans, small businesses can now create jobs and generate tax revenue for communities across Ohio, at no cost to taxpayers.

By extending these loans, startup small businesses could buy new equipment, or existing small businesses can make long-term investments to expand operations.

My office has held more than a dozen SBA workshops across Ohio—in New Philadelphia, Chillicothe, Toledo, Akron, Youngstown, Cleveland, and Columbus—to connect more than a thousand small businesses with SBA resources. Clearly, there is a demand for these types of loans, which is one of the reasons the bill is so important.

Let's not forget that 2 years ago, our economy was on the brink of another Great Depression. When President Obama took office, we were losing 700,000 jobs a month. Today, we are growing the economy—not fast enough, and there is not enough job creation to hire everybody back who lost their jobs. We know that. And there is not enough job creation to hire high school and college graduates and young men and women returning from service in the military. We are growing, but we are not growing the economy at the speed we need. We need to continue the growth.

From the Recovery Act, to the health care bill, to financial reform, we are helping small business owners achieve the American dream of entrepreneurship, while rebuilding the economy along the way.

Through the Small Business Jobs Act, more small business owners can walk into a bank and receive the loans they need to expand operations, hire new workers, and get our economy back on track.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Oklahoma is recognized.

ENERGY

Mr. INHOFE. Mr. President, first, let me state that I have a great deal of re-

spect for my friend from Ohio. I cannot agree, however, with the things this administration has done to pull us out of the recession. A lot of people believe the Federal Government can do that. I look at the institutions, and I say to the Chair, I have people who come into my office and it doesn't matter what industry they are in, they are all scared to death. It is a mentality that the Federal Government can take these things over and somehow make them better.

This administration is attacking every institution that made this country great right now. I don't care if you are in banking, insurance, health care, or the oil businesses—all of them are under attack. There is a myth out there that if the Federal Government takes it over, it will be run better than it would when run by the private sector. That is a prelude for the thoughts I want to share concerning what happened last night after 10 o'clock.

The majority leader, Senator REID, came out with a type of energy bill, I suppose you could say. He has been talking about an energy bill for quite some time. What I have seen in the bill that is called an energy bill—I can't speak too specifically about it, because it didn't come out until late last night. But we know this: First, they start off by taking off any liability cap on drilling, whether it is in the gulf or elsewhere. That is my understanding.

The problem we have—and some of the people in this Chamber might remember that I had occasion to come to the floor and object to the Menendez request about four different times in the last month, because what he was attempting to do is what this bill is suggesting—take all liability caps off. If you do that, something happens that is bad. I hope that is not the intent of the authors of the bill that came out last night. But what you do by taking the cap off is you limit who is going to be able—once the moratorium is lifted—to drill offshore to the giants.

We have five big oil companies—the big of the bigs—and everybody is talking about BP, the one responsible for the most devastating spill in our history. If you take the cap off, that allows the BPs and the nationally owned oil companies to drill. In other words, we have independents all over America that have the capability and are providing jobs in the gulf, to all the Gulf States. If you come along and, all of a sudden, say you cannot do it now because you cannot comply with this, there is a serious problem.

We have a solution to that, where oil companies would be putting into a fund—some of you might remember, 20 years ago, the Exxon Valdez oilspill. I remember going up there 20 years ago. That was a devastating thing. We are still feeling the damage that came from that spill. When I got there, something interesting was happening.

The far-left environmentalists, who wanted to shut down all kinds of drilling all over America and elsewhere, were up there celebrating. I said: What are you celebrating? They said: We are going to parlay this spill—20 years ago—into stopping drilling on the North Slope. I said: Why would we do that?

That was a transportation accident. If you remember, that was a ship that came in carrying oil from foreign countries. They had the accident, and we had the devastating spill. But if you stop us from developing our own domestic resources, we are going to have to transport more oil from other countries. The incident of a potential oil-spill would be much greater if we are transporting that much. They said: We are going to do it anyway.

I saw the same thing when the oil-spill took place a few months ago in the gulf. All the people down there were almost celebrating, saying: We are going to parlay this into stopping all oil production offshore, and maybe even beyond that. That is essentially what the far left wants to do.

Here we have this bill that came out last night, which takes the caps off so that the only ones left—I call this the big oil bill. If we were to pass what came out of the majority leader's office last night, it would only allow giant oil companies, and maybe nationalized ones, to do the drilling. This is a huge thing.

The statement I am making—by the way, I have to quote someone I don't often agree with, and that is Carol Browner, the head of the EPA during the Clinton administration, and now the environmental czar in this administration. She said:

So it will mean [talking about this subject] that you only have large companies in this sector, but maybe this is a sector where you really need large companies who can bring to bear the expertise and who have the wherewithal to cover the expense if something goes wrong.

She is saying that only big oil and China should be able to produce in the gulf. The problem with this is, everybody understands—certainly those Senators, Democrats and Republicans, from Texas, Louisiana, Mississippi, Alabama, and Florida all understand what the problem is here in terms of jobs. If you stop the independents from producing out in the gulf, it not only makes us more dependent upon foreign countries, or our ability to run this machine called America, but it does away with jobs.

The IHS Global Insight came out with a study that said if you do this, the gulf region would lose over 300,000 jobs by 2020. That is the IHS Global Insight. People don't argue with their credibility.

This is probably one of the biggest job loss bills we could have. I don't think it will pass, but if it did, that would be the problem.

I am going to address one more thing in this bill, and that is the technique of hydraulic fracturing. Hydraulic fracturing is a system whereby they go down—here is the aquifer here, 400 or 500 feet below the surface, and about 2 miles down—they drill down through that and use the hydraulic fracturing in order to get the close formation of oil and gas so they can produce that. Without that, they say—and I think nobody disagrees with this—we are not going to be able to produce natural gas. Everybody is talking about natural gas and how we are going to need more and more of it, how we would develop our potential and the shale potential particularly, and we can do away with having to be dependent upon countries such as Venezuela and countries in the Middle East for our ability to run the machine called America. So we have this methodology called hydraulic fracturing. The first hydraulic fracturing was done in 1949 in my State of Oklahoma. That is 60 years ago. There has never been one incident of contamination of water since that happened.

I am going to show you this. This is not me saying this; this is the EPA Administrator, Carol Browner:

There is no evidence that the hydraulic fracturing at issue has resulted in any contamination or endangerment of underground sources of drinking water.

Ever. Again, that is Carol Browner. This gives you an idea of where all this shale is. If you look at this—and I remember talking about hydraulic fracturing at some length some time ago, and Senator DORGAN, from North Dakota, came in and said he agreed with everything that INHOFE said. Obviously, this is Bakken shale up here. This chart shows the extremely large potential all over the country. Last July, I addressed the Senate for 30 minutes on this invaluable technique to access natural gas and oil reserves throughout the country.

While the country is at nearly 10-percent unemployment, access to these reserves means good news for jobs. I provided some examples of the thousands of jobs and billions of dollars in royalties, State tax revenues, and economic activity shale plays, such as the Barnett shale in Texas, Woodford shale in Oklahoma and Arkansas, and Haynesville shale in Louisiana and, as you can see, all over America on this map.

People are talking about big oil or oil in some negative context. There are hundreds of thousands of royalty owners around the country who would be shut down if we try to close down this methodology called hydraulic fracturing. This 60-year-old technique has been responsible for 7 billion barrels of oil and 600 trillion cubic feet of natural gas. The National Petroleum Council reports that 60 to 80 percent of all wells in the next 10 years will require hydraulic fracturing to remain productive

and profitable. In other words, it is almost all of them that will require hydraulic fracturing to be competitive.

In Oklahoma, we should know. The first hydraulic fracturing was near Duncan, OK, in 1949. Very simply, it is the temporary injection of mostly water with sand, nitrogen, carbon dioxide, and other additives to fracture and prop open a ground formation to improve the flow of oil and natural gas through rock pores and increase oil and gas production. Ninety-five percent of the fluid is water, and 99 percent is water and sand.

New reports over the last 2, 3 years reveal some of the highest totals ever of natural gas in the United States. These reports demonstrate that at 2 quadrillion cubic feet of current demand, we have enough natural gas for us to keep America going for the next 100 years. That is the significance of this. If you do this and do away with that process—hydraulic fracturing—that will shut it down. So we are talking about now we have the potential to supply enough natural gas to run this country for the next hundred years. That is how significant this is.

Due to new natural gas shale plays all over the country, new studies demonstrate recoverable reserves of natural gas to meet the current demand for at least the next hundred years.

By the way, a report that came out shows that the United States is No. 1 in terms of recoverable reserves. We are talking about gas, natural gas, oil, and coal.

Some Democrats may argue that this section 4301 is only a disclosure provision of the chemicals used in the hydraulic fracturing process. That is not true. State regulators have safely and effectively regulated hydraulic fracturing for the past 60 years, as was stated by Carol Browner. State rules, such as in my State of Oklahoma, require disclosure of chemicals. What this provision is about is a new EPA Federal control. Somehow this administration thinks that if the Federal Government isn't running something—this is an obsession, where the Federal Government has to run everything. When I was mayor of Tulsa, we had a guy, a police commissioner, and he had a saying that “if it ain't broke, don't fix it.” This hasn't been broken once in 60 years. At a press conference, somebody talked about, well, didn't this happen in Nevada once? Well, I have no record—neither does Carol Browner—that there has been contamination as a result of hydraulic fracturing.

Proponents of this language argue that it is needed because fracking contaminates groundwater. As the ranking member of the Environment and Public Works Committee, I have asked the USGS and the EPA's Assistant Administrators for both the Enforcement Office and the Water Office in testimony in front of the Environ-

ment and Public Works Committee whether they are aware of any documented case of water contamination due to hydraulic fracturing. They could not name one. That is because there isn't any.

These officials are not alone in this opinion. President Obama's energy czar agrees with me. In 1995, as EPA Administrator, Carol Browner wrote in response to litigation that Federal regulation is not necessary for hydraulic fracturing. She correctly made the point that the practice was closely regulated by the States and that “EPA is not legally required to regulate hydraulic fracturing.” Most importantly, she further wrote that there was “no evidence that hydraulic fracturing resulted in any drinking water contamination” in the litigation involved. We are talking about something that is not broken.

It clearly is necessary for us to get all of this out to run this machine called America. As we can see, this is not a partisan Republican issue; Democrats alike understand the importance of hydraulic fracturing.

When I spoke on the floor last July, as I mentioned, Senator DORGAN from North Dakota followed my comments saying that he agreed with my assessment that not only is fracking needed to access new reserves, such as the ones in the Bakken shale in North Dakota, but that he is not aware of any groundwater contamination from the practice. I appreciate the fact that he is outspoken in this area.

It is also extremely important to point out that Congress has already tasked EPA in law to study the effects of any hydraulic fracturing on water quality and public health. The EPA has already begun using \$4.3 million for this effort, which is being led by Dr. Robert Puls, who works in EPA's Groundwater Research Laboratory based in Ada, OK. I encourage this study. We know there has not been any problem. I want to make sure we can put the final nail in this coffin, that people somehow think hydraulic fracturing contaminates water. This is a way to do an independent study. Let the government study it.

This bill was drafted last night at 10 o'clock in spite of the fact that we do not have any results back from that study. Even if one wanted to believe so badly and did believe this is a problem, let's at least wait for the study before composing new legislation.

Natural gas development brings billions in private investment and millions of jobs to America. This country cannot afford to limit the production of its domestic energy resources due to unfounded rumors of environmental damage and the usual hysterical claims from extremist environmental organizations looking for the next crusade because cap and trade is dead.

Let me repeat that. It was 13 months ago that I made a statement from this

podium that for the next 12 months, people are going to say: We are going to pass some cap-and-trade legislation.

I said: We are not going to because it is dead. How many people, particularly the newly elected Senators, want to go back to their States and say: Aren't you proud of me? I voted for the largest tax increase in the history of America. That would be cap and trade.

Cap and trade is dead. Yesterday, the White House made some kind of statement that if we can get something thrown into conference and then have a lameduck session after all these faces have changed, we are going to try it again. It is not going to work. It is dead.

Let's look at what came out last night and study it. We have not had time to do that. We have not seen the exact language yet. It was not drafted until 10 o'clock last night. When they come to the point where they say they are going to do something to change hydraulic fracturing, that would be critical. That is one thing that would kill the development and production of natural gas to run this machine called America.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTHY, HUNGER-FREE KIDS ACT

Mrs. LINCOLN. Mr. President, I come to the floor today to speak again, as I did yesterday, on the committee-passed children's nutrition reauthorization legislation. Before I do, I ask unanimous consent that my colleague, Senator CHAMBLISS, be able to speak for 5 minutes following my speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I come to the floor today again to speak about our committee-passed bill, the child nutrition reauthorization, and certainly the critical need for us to pass this legislation before child nutrition programs expire on September 30. Most people know we do not move at breakneck speeds in Washington, and we have very limited time between now and September 30. In that time, our children will be going back to school. They will be going to their respective schools across this country, and we will have missed an opportunity to improve their lives in that school and in that community, to improve their health and well-being through greater access to free and reduced lunches and—not summer feeding programs but our breakfast programs, as well as the nutritional value of those meals.

I hope all of my colleagues will join me in helping us move our child nutri-

tion bill forward. The bipartisan Healthy, Hunger-Free Kids Act will make a tremendous step toward addressing the childhood hunger and obesity crisis in our country and put us on a path to significantly improving the health of the next generation of Americans.

Congress has the opportunity to make a historic investment in our most precious gift and the future of this country—all of our children, not just my children, not just the other Members' children, but children all across this Nation. Other mothers and fathers, parents all across this country, and grandparents who are raising their children, who love and care for their children just as much as I love and care for my children, will have an opportunity, when we pass this bill, to realize a greater opportunity for their children.

Today, I am here to talk about what it will mean if we miss this opportunity, what it will mean for our children, our hard-working families across this Nation, and schools across the country if we fail to pass this bill and pass it before we leave.

The obesity crisis America faces comes at a tremendous cost to our health care system. Many of us do not think of it that way, but it does. It costs us roughly \$147 billion per year. We should not miss this opportunity to proactively address the obesity crisis and begin to relieve our health care system of those financial burdens that follow obesity-related disease.

This bill includes the first congressionally mandated, noninflationary increase in the reimbursement rate for school meals prepared and served across this country since 1973. I do not want to talk too much because in 1973, I believe I was in junior high, perhaps. We have not increased the reimbursement rate for meals in our schools since 1973. We know what 1973 dollars purchased and we know what today's dollars purchase. We are strapping our school districts with trying to do a better job at providing healthier meals since we now know the difference it makes in our children's lives, both in their ability to learn and in their ability to grow and be healthy.

This reimbursement rate is performance based in our bill. That means schools only get it if they provide healthy meals that meet program guidelines. This provision will invest roughly \$3.2 billion in additional money over the next 10 years. That is over \$300 million per year in additional revenue for our schools. That is meaningful to these schools that are working diligently to try to provide the healthiest meals possible for all of our children.

I toured a lot of our schools during some of the breaks we have had this year and listened to some of those food service folks who work hard day-in and

day-out trying to come together and figure out how they can meet guidelines and provide the healthiest foods possible to our students and to our children and to do so on those 1973 dollars. One of the things I found, which is amazing, is that many of them are still using 40-, 50-year-old equipment, which means they are having an even harder time not only because they do not have enough dollars to purchase the kinds of foods they feel would be healthier, but they do not even have the equipment to provide the preparation of those foods. Steaming vegetables one pot at a time for 300 students is impractical.

We look at the opportunities that exist for us to do something. However, if we fail to pass this bill, schools will miss out on over \$300 million each year, and the next generation will still continue to pay the price for the health risks caused by obesity.

We can see on this chart what schools in each of our States stand to lose if we fail to pass this bill. I have looked pretty heavily at the State of Arkansas, and I notice that the children of Arkansas will miss out on \$3.5 million a year that we could be providing them for improving the health and well-being of our children through healthier meals and through greater access for low-income children.

We look at the economy and the economic crisis we have come through. We know many working families are in dire straits. Having to go through what they are going to have to go through to try to get their children into a free or reduced lunch is unbelievable. Yet that is a great place for those children to get a healthy meal when their families are suffering in these economic times.

I look at what some of my neighbors might receive. I notice Texas. Texas gets well over \$32 million in these increases to help them provide for their children through breakfast programs and lunch programs in their schools and in their school districts.

Some of my other neighbors—Missouri. I look at Missouri and I see almost \$6.5 million. Think about what it would mean to those school districts and those school service programs to have those additional resources. Those are critical dollars that schools desperately need to help reverse the dangerous trend of childhood obesity.

All it will take is just a few hours of floor time to pass this bipartisan, fully paid for legislation.

Another provision in our bill expands the at-risk afterschool snack program, also known as the Child and Adult Care Food Program. Our bill expands this program so afterschool sites in every State can offer children a full, healthy meal so they do not have to go hungry in the afternoons as parents are working and, at the end of their work day, having to pick up their children and then trying to get home to feed them. If we do not pass this bill, 29 million

nutritious afterschool meals will not be served to hungry children.

Other provisions in our bill expand and improve the use of direct certification for free school meals through the SNAP and Medicaid Programs. There will be 120,000 eligible low-income children each year who will not receive quality meals if we neglect our responsibilities and fail to pass this legislation.

Again, as I mentioned yesterday, I think of the mountain of paperwork that comes home from school in the backpacks of my children at the beginning of the school year—paperwork that has to be filled out that is detailed. We know that through a direct certification program—and we know those families have already filled out that paperwork, whether it is for Medicaid or whether it is for other programs they qualify for, such as SNAP or other programs—it is critical that we use that opportunity and those resources to feed hungry children instead of the staff it takes or the time of the parent or the neglect, perhaps, because there is not enough time to fill out that paperwork so that child could have access in a dignified way to the free or reduced school lunch they need so desperately.

I emphasize again that the critical investment this bill makes is completely paid for and will not add one cent to the national debt. I know people have great concern about the debt because I do too. I know my constituents do, and I know my colleagues do. In the committee, we worked hard, in a responsible way, to ensure that this bill would be a good, common-ground area where we could come to find an increase for a very critical need but to also pay for it in a responsible way. This truly is an investment, Mr. President, in the next generation. It ensures that our children will be healthy, and it does so without saddling them with the financial burden they cannot afford.

Make no mistake, Mr. President, if we fail to pass this legislation there will be real-world consequences. Those statistics I just cited aren't just numbers, they are very real children. They are very real children from the age of 5 to the age of 18. Mine happen to be right in the middle right now, but they are growing boys. I know how desperately important it is for them to get nutritious meals, and I work hard at that. I know every other parent out there wants to do the same for their children; real children who come from hard-working families are struggling to make ends meet. These are real children who struggle with obesity and will deal with long-term health consequences throughout their lifetimes if we don't take the steps to both increase their availability to choices and, more importantly, increase their access to nutritious meals in the

schools where they spend the majority of their day to begin with.

Let's take the time to pass this legislation. If it is a priority, we should do it, plain and simple. Just a few hours is all it will take. I hope my other colleagues will look at this issue and realize that even in the busy world we are in here, and all the things that we do, taking just a few hours to focus on things where we have done our work in committee, where we know it is essential, where we know it will expire, and when it does we will lose resources, that we can take the time now to get something done and move it forward.

So I thank you, Mr. President, for this time, and I say a special thanks to my ranking member, Senator CHAMBLISS, who does a tremendous job on the Senate Agriculture Committee. I am grateful to him for his hard work and dedication, and I am a great admirer of all the things he does and will continue to enjoy working with him on any of the issues he finds before us in the committee.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I came to the floor to speak on something else, but I just want to say to my chairman that I commend her for her hard work and dedication and her leadership on this issue of child nutrition. We have worked extremely hard over the last couple of years on this issue, and when she assumed the chairmanship of the committee, she really put this as a top priority and I think it was the first major piece of legislation we passed out of committee under her leadership. Boy, did she ever work hard to make sure that happened.

It is a pleasure always to work with her. She is exactly right. We have actually modified the bill a little, even though it came out of the committee unanimously. It is totally paid for, and we are using existing farm bill money, for the most part, to pay for it. So it is a matter of adjusting priorities within good, solid, agricultural policy.

So I thank her for it, and I look forward to this bill ultimately coming to the Senate floor and its passage.

2009 LITTLE LEAGUE SOFTBALL CHAMPS

Mr. President, I rise today to congratulate the Warner Robins American Little League Softball team on winning the 2009 Little League Softball World Series.

They visited the White House yesterday, where President Obama offered them congratulations, and I appreciate his hosting them in that very generous way. I can't imagine this will be the last time the Warner Robins Little League girls come to DC as the Softball World Series champions because they have the knack for winning.

The girls went undefeated in the tournament. There was only one game that was ever in doubt. In the final

game they beat a team from Crawford, TX, by a score of 14 to 2. Undoubtedly, there must be something in the water down in Warner Robins because, boy, do these girls know how to win. And they deserved to win. Throughout the tournament they played with heart, played with courage, and played with sportsmanship.

In 2007, the boys Little League Baseball team from the same town—Warner Robins—won the world championship title, making Warner Robins, GA, the first community in America to have a baseball team and a softball team win their respective Little League World Series championships.

I am proud of what the girls have accomplished, but my pride cannot compare to that of Warner Robins, to the State of Georgia, or to the entire Little League community. I am also proud of the commitment shown by the parents, coaches, and managers, who offered so much love and support for these girls so they could achieve their dream.

Softball is part of our American heritage, our history. It is a sport that cultivates competitiveness, hard work, and speed. It is also a sport that prepares children for the ups and downs of adult life because it brings together people and builds communities.

I am grateful to these girls not only for the sense of community their softball team helps bring to Georgia, but also for the economic opportunities this win is helping to bring to Warner Robins. The Little League International's southeastern regional headquarters and stadium recently moved from Florida to Georgia, bringing hundreds of jobs to this city of 60,000.

Mr. President, it is my privilege to be able to give voice to the citizens of our State in congratulating Warner Robins on a job well done and on thanking these girls for the recognition and opportunities they have brought to middle Georgia.

Once again, I offer my congratulations to the Warner Robins Little League Softball team on this very special occasion, and wish its players the best of luck as they defend their title over the next year.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, in just a few moments Senator LANDRIEU is going to come to the floor to talk about the small business bill, and I will just say a word or two about my support for her efforts.

She did something extraordinary last week. She is a determined Senator, and the time came when she wanted to see a fund created to lend money to small businesses. So she took to that desk and grabbed her charts and stayed there all day until she got the job done. She got 60 votes, which is a daunting task sometimes in the Senate, and added into this bill a fund to loan

money to small businesses across America.

We need it. We need it across America, and we need it in Illinois. There were over 258,000 small business employers in Illinois in 2006—that is the last year for which we have data—led by professional services and construction firms. They account for over 98 percent of the employers in our State. These small businesses added 93,000 jobs in 2006, more than three times as many jobs added by Illinois companies with more than 500 employees. We can see that small businesses are a major part of our job economy. Another 850,000 people work for themselves, meaning the number of people working for small businesses was actually dramatically larger.

I fear that some of the firms likely to have failed during this economic crisis would have continued to do battle and might have prospered if they would have had access to credit. That is why this small business bill is so important.

Yesterday, the Republican minority leader, Senator MCCONNELL, came to the Senate floor and questioned why we would even raise the so-called DISCLOSE Act, about the Citizens United decision at the Supreme Court. He said we should be on the small business bill. I couldn't agree more. I hope that sense of commitment and urgency from the Republican side will be shown again today.

If there are amendments, let's bring them to the floor, debate them in an orderly fashion, and bring them to a vote so we can bring this bill to passage. The House of Representatives is waiting for this bill. They want to help us move forward to help create jobs and turn this economy around. The best place to start is with the small businesses across America. With 10.8 percent unemployment in Illinois, it is crucial we help Illinois small businesses start hiring again.

I personally thank Senator LANDRIEU for her leadership. What she is taking are TARP funds, funds that were originally designated to go to the biggest banks in America but didn't. They were funds that were held back. What Senator LANDRIEU is doing is claiming these funds that went to these big banks and saying: Now let's send them to healthy banks, banks that are not going to fail, with the understanding they will loan them to small businesses. That, to me, is a good answer.

I am disappointed with what happened to TARP initially. To think that we sent these moneys, taxpayers' dollars, to some of the largest financial institutions in America that were guilty of misconduct and bad judgment and they showed their gratitude by announcing bonuses for their officers instead of paying back the Government right away, is inexcusable.

The remaining funds, some \$30 billion, will come into this small business

effort. I think I have heard Senator LANDRIEU say the multiplier on this is a factor of 10, so there could be some \$300 billion across the economy.

In Illinois, in Chicago, across my State small businesses say: If we could just borrow money, we are doing well, we can expand, we can hire more people. But even though we have a good story to tell, with banks we have always worked with, we can't get the credit.

I thank Senator LANDRIEU for her leadership. We are going to get back to this bill. As I said, as she was preparing to come to the floor, if there are amendments, let's get these amendments in order, let's have a reasonable time to debate them, and then let's move on. Let's get this done and pass it over to the House so they can act on it before we leave next week. That is critically important. The House, I know, is hoping to wrap up this week.

Let me clarify one point. Although at one point in time this \$30 billion lending fund was to be created from unused TARP funds, I'm reminded that this is no longer the case. This fund will be created independent of the TARP or any other existing program. It will be a standalone lending facility within the Treasury that will help small businesses access loans through community banks. And according to the Congressional Budget Office, this fund will not cost the taxpayers a penny—in fact, it will raise money to help reduce the deficit.

I urge my colleagues to support this bill, to help Americans get back to work.

I thank Senator LANDRIEU for her leadership and I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Louisiana.

Ms. LANDRIEU. I understand, under a previous order, I have the next hour to follow up on Senator DURBIN's comments. I would like to claim that hour now.

The PRESIDING OFFICER. The Senator is recognized.

Ms. LANDRIEU. Mr. President, the Senator from Illinois is absolutely correct. One of the last remaining works that we have to do, as we try to wrap up this portion of the session as we move to an August work period in our home States and our home districts, is to get this small business bill passed. It has been a focus of the Democrats. It has also been the focus of some Republican support. That is what I wish to talk about today. I wish to make sure we understand that the team that is following this bill is a broad team of hundreds of organizations from the Chamber of Commerce to the National Federation of Independent Business, to the Small Business Alliance, to the Community Bankers of America, to individual business owners around the country, as the Presiding Officer knows

because he himself has been a great leader in this effort. The point I wish to make in the first few minutes of this hour is the tremendous bipartisan support and input that has gone into this bill to get us to this point.

There is some criticism that is not valid. There is a criticism out there that Democrats are trying to ram this through and Republicans have not been able to offer amendments. The facts are that this bill, this small business job growth bill, has been built through two committees, the Finance Committee and the Small Business Committee.

I have the pleasure and honor of chairing the Small Business Committee. Senator BAUCUS chairs the Finance Committee. For the last, literally, year, these two committees have been working to bring a bill to the floor that is focused on Main Street, not Wall Street; that is focused on job creation, not capital accumulation; focused on job creation on Main Street through traditional, old-fashioned, smart strategic lending to small businesses that have the potential to grow.

We know there is no disagreement that the new jobs created—the Presiding Officer will know—will be created by small businesses that do not hoard their cash. They cannot wait for a better day. They have to act now. That is the nature of small business. Lucky for us it is, because if we give them a little help, they can start creating that one new job or two new jobs or three new jobs. But if it is done millions of times across the country, which it can be, it can make a difference in a significant way by creating literally the millions of jobs we need.

If people want to know why this is a jobless recovery, I would like to say—because it seems like it is—that is because we have been giving a lot of money to the big guys: a lot of money to Wall Street, a lot of money to big manufacturers, large manufacturers. But if we would spend some time today—and we have over the course of drafting a bill which we have done in a bipartisan way—to get money to Main Street, we might see an end to this recession. That is the hope of all of us.

This is a description, Small Business Jobs and Credit Act of 2010. These are just the small business provisions—small business access to credit. You will see here, this was done jointly by myself and my ranking member, Senator SNOWE. It passed our committee 17 to 1, and we have almost an equal number of Republicans and Democrats on our committee. It passed with overwhelming support. This will increase 7(a) loans from \$2 to \$5 million, increase 504 loans from \$1.5 million to \$5.5 million, and increase microloans from \$35,000 to \$50,000.

It also extends the 90-percent guarantee on loans up from 75 percent and eliminates fees.

Let me read what one business in Louisiana says. I can probably read you thousands of testimonies, but let me read from one. Sawyer Industrial Plastics of West Monroe has been in existence for 32 years. It has provided plastic repair parts for the paper industry. Mr. Sawyer's line of credit was canceled by his bank so he needed to term out his debt as well as arrange for expansion capital to move into other areas that could design plastic parts.

Mr. Sawyer's existing business would service his debt, but without capital to expand into new markets and industries, his long-term business prospects would be tied to the weakening paper industry.

With this provision that was in the stimulus package but which has expired, which is in this bill—which will reignite when this bill passes but not a minute before—Mr. Sawyer was able to get a 90-percent guarantee. It allowed the lender, North Louisiana BIDCO, to leverage its capital and provide more funds to meet this \$700,000 loan. The waiver of the guaranty fee added over \$20,000 to available working capital.

In other words, instead of paying the \$20,000 to the Federal Treasury, under the provision we are passing, he paid it to himself, which is the point of our legislation.

We have \$12 billion in tax cuts for small businesses and that is not including this fee waiver I am talking about now. This is a significant amount of money to go into the pockets of small business owners. Mr. Sawyer, from my State, took that \$20,000 and, instead of paying a fee to the Federal Government, we are waving those fees under this bill, and he hired an additional worker.

That is the point. That is the point of this bill you have helped to draft. We are reducing fees, we are reducing taxes, and we are targeting much needed capital—access to capital to small businesses, which will create the jobs that lead us out of this recession. So he added a new employee and he added some new product lines.

Another story comes from First Bank and Trust. This is in Mandeville, LA. It is about Woolf Harris, Inc., a 14-year-old company. The acquisition of a building recently left the business short of cash. Although the national economy turned down, residual effects of two recent hurricanes continue to push demand for the product. It is a plumbing supply business. Lacking adequate collateral for a conventional loan, First Bank and Trust—again, a local trusted community bank—was able to extend a \$120,000 line of credit, with a \$125,000 3-year term loan for working capital to Woolf Harris. With the 90-percent guaranty, First Bank felt comfortable taking the soft collateral available to secure the loan while being able to provide Woolf Harris a most favorable interest rate of 2.25 over prime.

This might not sound like a lot, but to small businesses out there struggling, getting a loan at 2.25 points over prime is much better and much preferable to having to put it on their credit card and pay 16 percent or 20 percent or 24 percent or run down to the payday lender because they are so desperate for cash and pay 36 percent or 50 percent.

If we can't help small business now, I don't know when we can. This bill we put together with bipartisan support is supported by the Independent Community Bankers, the U.S. Hispanic Chamber, the National Small Business Association, the National Federation of Independent Business, the Small Business Majority, the National Association of the Self-Employed, and, yes, the U.S. Chamber of Commerce. They told me this morning they are proud that their membership is actually representative—96 percent is made up of small business. So I am proud to have the Chamber support for this legislation.

Now we need all these coalitions to support bringing this debate to an end. We agree there are some amendments, two or three, that could be added—on the Republican side, on the Democratic side. We could have an open debate. But there is such a thing as amending a bill to death. I do not think that is going on. I hope it is not going on. I believe both leaders are working in good faith.

But to the small business team out there that has done such a good job in building bipartisan support for this bill, I hope you will trust me when I say that at some point the debate has to come to an end and we have to vote on a bill. If we do not, we will leave here—I do not want to be one who does leave here without doing one of the most important things that I think we were sent here to do; that is, create jobs. The people creating the jobs are not us, it is the small businesspeople out there. To leave without this bill—fully paid for, \$12 billion in tax relief, reduced regulations, reduced fees, and expansion of very popular and broadly supported programs—would, in fact, be a shame.

I see the Senator from Virginia who has worked so diligently on this bill. If I could, as I relinquish the floor to him, I would like to ask him if he would comment, as a former Governor of the State of Virginia and someone knowledgeable about the programs he initiated as Governor, how this bill might be helpful to those programs and what other Governors are saying about this bill today, if the Senator would not mind answering that question.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I appreciate the opportunity to join my colleague and friend, the chair of the Small Business Committee, the Sen-

ator from Louisiana, in support of this very important piece of legislation. Let me first of all say: In her inimitable style, she has been relentless on this issue. The Presiding Officer and I are both new Members. I think we have seen, in our short time here, certain Members who get that bit in their mouth and just will not let it go. On this issue, Senator LANDRIEU has truly been a leader. It is an issue of paramount importance.

I wish to answer the question of the Senator, but I wish to first of all preface it by saying what I hear in Virginia—and I know what the Senator hears in Louisiana, with all the other challenges Louisiana has—is our constituents want us to focus on jobs. On any historic basis coming out of recession, 65 to 70 percent of all the new jobs created come from small businesses.

And while we can point to certain positive signs in our economy right now—the Dow at 10,500 from a low of 6,500, 15, 16 months ago; corporate balance sheets, large Fortune 500 companies with more money on their balance sheets than at any point in recent history—good news. But if they are not hiring—and I hear from corporate CEOs, as well, their concern that the small businesses that are in their supply chain are going out of business, not just the small businesses that would normally go out with a traditional recession, but this recession has been so deep and so hard that we have now cut through the fat and we are into the muscle and bone. And if we continue to lose small businesses at the rate we are, then the ability to create a robust recovery will be dramatically stymied.

So what do we do? There is no single silver bullet. And what the Senator from Louisiana has crafted is a menu of options for small businesses, to get them that additional assistance, particularly in terms of access to credit, that will allow them to get back and do what they do best—continue to innovate, grow, and create jobs.

The Senator asked me what I am hearing from other Governors. Other Governors, Democratic and Republican alike, are saying that we in Congress have to focus on jobs. The issue of credit and access to credit to small businesses is paramount to all of them, and they want to see this legislation passed.

I was a former chair of the NGA. This is the kind of issue where Governors of both parties come together because we don't see these issues simply through Democratic or Republican partisan lenses. And sometimes this is the kind of bill that, candidly, as I remember as Governor, you kind of scratch your head and say: This is kind of a no-brainer. This bill is paid for. Why would not the Congress do all it can to support small business?

The Senator has outlined, and I know I was repeating some of the items, but

I want to reinforce again—I want to particularly focus on one part of this legislation, but there are really four buckets here. They are, how can we expand some of the initiatives within the Small Business Administration that were put in place, particularly in the trough of the downturn, to make sure that these SBA programs, which have been vitally important to small business lending, are maintained—the 90-percent matches, some of the other loan guarantee programs?

I should acknowledge right here that I think the Administrator of the SBA, Karen Mills, has done a remarkable job in streamlining a lot of the processes. I have heard from banks for years about their challenges in dealing with SBA. Well, the current SBA team realizes this is a moment of crisis, and they have done everything possible to streamline their procedures. They need to have these tools put back in place so that the SBA can continue to do the very important work and, candidly, work that goes much broader in terms of a portfolio of small businesses that they are now attracting to their programs than in the past.

I would also acknowledge the dramatic increase in the number of particularly independent and community-based banks that are now accessing and using SBA programs. If we don't pass this legislation, these programs will be dramatically cut back, No. 1.

No. 2, the Senator has crafted, again, at her committee, in a bipartisan way, a whole series of targeted small business tax cuts, a kind of accelerated depreciation that will have the ability to write off core investments, the ability to focus on these job creators. How can we give them a little bit of a break right now, during these challenging times, in our Tax Code?

The third bucket in this program is building on a proposal the Senator and I and others had. We actually suggested this to the administration last October, but they have now built in a \$30 billion lending program. The interesting thing about this lending program is it actually, on CBO scoring, scores as a net positive. So this is money not only that we will recover, but we will make—albeit a small one—a profit on it, to shore up particularly independent and community-based banks and give them a direct incentive in terms of increasing their small business lending.

Then a fourth bucket, one that I have been working on—and I wish to commend both my colleagues from Michigan, Senator LEVIN and Senator STABENOW. They have been very active in this as well—which is saying: Can we take what is already working in the marketplace at a State level and build upon it? This is the so-called Capital Access Program. Twenty-six States in America already have this program in place, and those States that do not

have it can, in effect, piggyback on other State programs. So there is no need to create new bureaucracy. There is no need to create tons of new paperwork.

I hear, I say to the Senator, from my banking community that this particular initiative is one that they are perhaps even the most supportive of because they know how to do it, they know how to access it, and it can immediately generate a great deal of additional lending.

Let me take a moment, at the Senator's discretion and time—I know this is her hour, but I wish to take one moment to explain it because I think we have focused on the lending facility, we focused on SBA, we focused on some of the tax cuts, but the Capital Access Program has not received as much attention. Each State has slight variations, but let me describe how this initiative works.

Basically, the independent bank, frankly, at this point is probably a little leery of making a loan, even to a relatively healthy small business because chances are, most small businesses coming out of this recession, their cash flows are down, and if they have real estate as collateral, it has perhaps declined in value. So while I have great sympathy for the small businesses that cannot get their credit lines renewed, I also understand the bankers' predicament in that small business credit isn't quite as good as it was, perhaps, in 2007.

So how does this program work to benefit these small businesses? What it basically does is it creates a separate loss reserve pool for small businesses that fall into this category. What does that mean? If a small business was coming to a bank, a local bank in Baton Rouge or a local bank in Martinsville, VA, wanting to borrow \$100,000, the bank would charge that small business a couple of extra points—\$2,000 or \$3,000 out of that loan that would go into a separate loss reserve pool. We, with this Capital Access Program, would then match that separate loss reserve pool for, again, a matching amount of points, 2 or 3 additional points. So on a \$100,000 loan, you would have \$6,000 that would be absorbed, first dollar loss, if this loan went into default. Now, the bank still has to do its due diligence because if you eat through that \$6,000, the bank has to bear the burden. But it gives you a little cushion there. It takes that marginal credit and makes it credit-worthy during these challenging times.

Think about this \$100,000 with that \$6,000 loss reserve pool taken times a hundred or times a million. You could have a \$100 million basket of small business loans with a \$6 million reserve, and suddenly you have a very valuable tool that can be used by banks across the country.

The roughly \$1.4 billion, \$1.5 billion that is in the legislation in this pro-

gram, it has been estimated it will be leveraged. And I know "leverage" is a bad word in this Hall at this point, and I particularly have pointed out some of the concerns of overleveraging. But because the person who is receiving the loan is putting up money and we from the government side are putting up money, we actually double every dollar we put out, and on an actual dollar basis, we are going to be leveraging the Federal dollar commitment 20 to 30 times. So that means this \$1.4 billion, \$1.5 billion can create \$50 billion of additional small business lending. Think about the power of this tool, a tool that banks are familiar with, a tool that already exists in 26 States, a short-term shot in the arm for an awful lot of small businesses that might not prefer to use the SBA program, might not want to go through a bank, that might want to access the lending facility. It just gives us one more tool.

So I hope my colleagues and folks who are watching and listening will recognize that what the Senator from Louisiana has tried to create is a menu of options because there is no one-size-fits-all in the case of small businesses. Their needs are different. The banking community's desires are different. I think she has crafted a great tool that will dramatically help small business lending.

If we want to go back to our constituents in the month of August and talk about a real, live deliverable, if we want to talk about what we have done in a tangible way that will get credit back into the small business lending pool, that could be delivered by Labor Day, we need to make sure we move forward on this important piece of legislation.

I again commend the chair of the Small Business committee for her relentless work on this issue. I hope our colleagues from the other side of the aisle will hear all of the various business organizations across the political spectrum that are supporting this legislation. My hope is that we can deal with the amendments, get those amendments dispensed with at some point during the day, and pass this bill today because it is very important to making sure this recovery we are just starting to creep into is actually not a jobless recovery but a recovery that creates jobs. To do that, we have to have these small businesses healthy.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I wish to thank my colleague from Virginia for that explanation and for his commitment to this bill and this effort. He was an extremely successful Governor before he became a Senator, and I say "successful" measured by the way those of us in public life are measured: by results. He left his State with a surplus. I know he did not do that singlehandedly, but it is a great feat

these days to leave office with a surplus, and he did, with very high approval ratings and with a reputation as being very strong on fiscal matters. I think that is what our Congress needs. I thank the Senator so much for his help on this bill because that is exactly what people are looking for—a smart, strategic way to move big pieces of legislation forward but with our eyes on the bottom line and our eyes focused on results, not bureaucracy, not regulation, not additional rules, et cetera, but real results.

That is the way this bill was built. It was built with, as the Senator said, menus and choices, not one-size-fits-all. We did not say: There is one way to save small business in America, and this is what we are going to do. We said: We have heard a lot of good ideas. Let's try to put them together in a bill—some strategic tax cuts, some reduced regulation, some reduction in fees, and some options for capital.

Options—none of this is mandatory. All of this is voluntary on the part of the banks—all voluntary. If they want to use those programs to lend to small businesses, they can. No one is forcing them. No one is requiring them. And if they do, they can actually make a significant profit. So it really is putting the incentives in the right place.

That is why this is not anything like TARP. We are not using TARP funds to fund this. We are not designing it like TARP. TARP was a completely different program in size, scope, and focus. TARP stands for Troubled Asset Relief Program. It was for big banks that were failing. This is for small community banks on Main Street that are healthy, so that they can lend to the small businesses that can grow with the money the banks lend.

Let me read a letter we just received from the Lake Charles area, which is the southwestern area of Louisiana, from a business, Lake Area Marine.

It says: Dear Senator Landrieu. Lake Area Marine strongly supports your substitute bill, the Small Business Lending Fund Act, and the other parts of the bill. Our company is based in Lake Charles. The provisions outlined will restore much needed credit to small business owners like me, by addressing one of the primary reasons for the extent of the depression in the boating industry. By restoring the disruption in the recreational boating industry's distribution chain caused by the credit crunch, thousands of American jobs will be preserved or created.

It goes on to say: The Small Business Administration's dealer floor plan financing—which is part of this bill—is a critical component, helping, as I said, to raise the cap, from \$2 million to \$5 million.

We have hundreds of letters. This happens to be from a marine business, but there is floor plan financing for other businesses where large inven-

tories are required. Although lots of people do buy products in the house from the Internet, as you know, millions of consumers still like to go to the showroom, they like to touch and feel and drive and see before they buy a car, buy a boat, buy other products. Many of these businesses in all of our States have seen their lines of credit evaporate, just go away. This bill is a lifeline for them.

So I thank the business owners, such as Jerald Link, who sent me this letter, and the thousands of business owners around the country who have said, yes, let's pass this bill now.

I see my colleague from Michigan. He also helped to craft a section of this bill. I would like him to explain the importance of that particular section which has to do with supporting weakened collateral in States such as Michigan, States such as Nevada, probably Florida, where they have seen such a depression of real estate prices. Thank goodness not so much in Louisiana, although the spill and the moratorium are giving us fits at the moment. But last year our prices held pretty well. In Michigan, in Ohio, Florida, Nevada, California, these assessments collapsed. Small businesses were trying to function and were asked to put up collateral, and did. Then the banks came a long and said: Mr. Jones or Ms. Smith, you have collateral, but it used to be worth \$500,000. Now the assessors are out there, and it is only worth \$200,000. We are pulling your loan.

If we don't do something to fix that, they are going to lose their business. It is that simple. This is not complicated. It is horrifying, it is painful, but not complicated.

Senator LEVIN worked hard and came up with an innovative solution. Hopefully, he will speak about how this provision will technically work in Michigan and throughout many of the States.

I, again, wish to read into the RECORD some of the specifics about this initiative and talk about job creation by small businesses. First, to reiterate, there is great support for this bill, in large measure because it is not like TARP. It is not funded with TARP moneys. It is completely different—different focus, different scope—than TARP. What it does do is create a small business lending fund to banks with less than \$10 billion in assets. TARP, although some of the money did go to middle-size and small banks, most of it was taken by the big banks, worth billions and billions of dollars. This is only for small banks, \$10 billion or less. There are about 8,000 small community banks in America. The SBLF, Small Business Lending Fund, is performance based, unlike TARP, which we sort of gave the money and said: Do what you need to do with it. This says: If you take the money, you need to lend it to small business. When

you do, we will give you a discounted rate so your bank can make more money, and the small business can make more money.

The most important part, equally important, the taxpayers can be repaid. This program doesn't cost the Federal Government money or the taxpayers money. It will make \$1.1 billion, according to the CBO score. This is what I call smart government. This is not big or little government; it is smart government. It is leveraging the power and assets of the Federal Government. There are many to be proud of. It is using it to support Main Street so that jobs can be created, the recession can end, people can get back to work, business can flourish, and then we can work our way out of the terrible deficit situation we inherited. This recession called for additional spending which was necessary, although it is troubling. In this case we are going to make money on this program for the taxpayer.

It also supports a new small business credit initiative, as Senator WARNER explained. It is going to save taxpayers \$1 billion.

One of the most important components of this argument is the 81-percent job loss in the last year. This is from the national employment report. People need to know—and it is startling—that 81 percent of the jobs lost in America were from small business. Only 19 percent were from large business. The dramatic dropoff in employment has come from small business. If we do our job right on this bill today and tomorrow—not in September, not next week but today and tomorrow—if we do our job in the Senate, it will give the House enough time to deal with this before they go home, and we can give relief now. The pain is so great. The times are so desperate. They are not getting better. This is the bill that will jumpstart, jolt, be a catalyst.

We have tried other things this year. Some things have worked; some haven't. But there is great confidence that this bill we are putting forward now will do the job. It is not one size fits all. It is not mandatory. It is a smart, strategic, voluntary, public/private partnership which makes so much sense in this day and age.

I see others who may want to speak. Then, hopefully, we can get to a vote in the next few hours.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I congratulate Senator LANDRIEU and thank her. I am on the Small Business Committee. I serve with her on the committee and others. I have watched her extraordinary talent flourish as chair of the Small Business Committee.

The bill before us does something we all say we believe in; that is, support small business. Every Member of this

body has pointed out something which the Senator from Louisiana knows and reflects in her work; that is, the engine of jobs is small business. We all say that. Most of us believe it. I hope all of us believe it, if we say it. It is not a partisan comment. This is a jobs bill which should get bipartisan support. Some of the jobs efforts have not. But this bill, because it is focused on small business and because that focus has been supported so regularly by Republicans and Democrats, will pick up some Republican support, I hope. It deserves that support.

Senator LANDRIEU has reached out to try to obtain that support for this bill. I hope she succeeds. In addition to thanking her for her great work on this bill, I wish to note the work of the Presiding Officer who worked very hard on a provision of this bill. As a matter of fact, he has worked so hard on other provisions on other bills which have recently passed this body and been signed into law. But Senator MERKLEY is actually the key sponsor of a provision which I will not be focusing on but which I believe has either already been discussed or will be.

I commend Senator MERKLEY for his great work on this bill with that particular provision.

I wish to begin my description of the part of the bill I have focused on with a thank-you, a thank-you to Senators SHERROD BROWN, STABENOW, WARNER, BAUCUS, SHAHEEN, BEGICH, MCCASKILL, and others who have worked so hard with me on a very major provision of this bill which I will now spend a few minutes describing in detail.

Senator LANDRIEU made reference to a significant fact in this recession; that is, the value of real property has gone down. Almost all of our houses are assessed at less now than they were a few years ago. I don't know if that is 70 percent or 80 percent, but it is a high percentage of homes that have lost value because of the recession. The home is exactly the same home, it is either maintained well or not, the way it was before the recession. This is true with businesses.

In all of our States, when we go home the thing we hear about more than anything else is jobs—get credit flowing to small businesses that, through no fault of their own, are unable to obtain credit; not because they are not creditworthy, not because they don't have customers, but because the collateral for their line of credit has gone down in value because of the recession. It hasn't gone down in value because it isn't maintained. It has gone down in value like most other businesses and industries on the same block or in the same community because the recession has reduced the value of these real assets.

The part of the legislation I have focused on is called a State small business credit initiative. It provides cru-

cial funding to State and local programs that expand capital access for small businesses. We have lots of companies in all of our States that have stayed open. They have customers, they have business. Indeed, in many instances, they have more customers than they are able to handle and want to expand. I will give a few examples of how that has happened in my home State of Michigan, and I believe it is true in other States. The customers are there; the creditworthiness is there. We have many examples of businesses that have never missed a payment on money they owed to the bank down the street or in their community. They are creditworthy.

The problem is, because the banks require a certain ratio of collateral to the amount of the loan, that ratio cannot be met because of the collateral's loss of some value in the recession.

A couple success stories are a powerful argument for expanding these programs which are in 30 of our States, and other States will be able to follow these programs and pursue these programs as well when this bill passes.

In Saline, MI, a company called Saline Electronics makes electric circuit boards. They are good at it, and they are so good that in 2009 the company began to plan for an extension of their facility because it was too small to handle increased production. However, it hit a roadblock when the recession came.

Just as the company was exploring their expansion possibilities, the recession battered down the value of their real estate. Their building fell in value. So, again, they had good credit and great demand for their product, so much so that they wanted to expand, but the value of the collateral it could offer in applying for a loan had shrunk. That logjam carried a real threat that good-paying jobs for American workers would be going overseas instead.

We have a collateral support program in Michigan. It stepped in to end that threat. The program is designed exactly for situations such as this, where the value of equipment or the real estate has fallen because of the recession and, therefore, the collateral amount is not there as it was previous to the recession and would not support the loan because of the ratio between collateral and the amount of the loan required by local banks. But the State has this collateral support program. With that support, Saline Electronics was able to add 32,000 feet of production space and hired 30 new workers. There are similar examples across my State, across the country and, again, in the 30 other States that have a similar program.

Another example from Michigan: In Grand Rapids a company called Display Pack, a packaging company, got more than \$1 million in financing through Michigan's capital access program which uses, again, very small public in-

vestments to leverage larger commercial loans for small businesses. That particular funding created 20 new jobs and saved another 125 that may have been at risk.

Driesenga & Associates, a small statewide engineering firm, used the same program to get loans for operating capital expansion. They added 11 new jobs, protecting 120 existing jobs.

This program in Michigan has used only \$24 million in State government commitments to generate over \$600 million in private financing. That is a hugely smart investment, and especially so when small businesses are so starved for capital.

As Senator LANDRIEU pointed out, this is not big government. This is not small government. This is plenty smart government. If you can leverage \$1 of Federal funds and get, in this case, \$30 of private funds as a result, that kind of leverage of public funding to private funding is a particularly smart investment.

But as the State budgets have been stretched and more and more businesses have sought access to these programs, there is an inability to meet rising demand. So the need for Federal support is great.

The State Small Business Credit Initiative in the legislation before us would provide support for States such as Michigan and the roughly 30 other States that now have them. Again, States that do not have these programs would have access to that Federal support and could start these programs. The House has approved a larger amount than is in our bill. On the other hand, we have a significant amount in this bill, and I thank Senator BAUCUS—that even though it was not to the amount the House put in for their bill, it is a significant portion of that, and we are appreciative of his support for this provision.

So there are a lot of other provisions in the bill that are worth commenting on, and, obviously, we are supporting, including the Small Business Job Creation and Access to Capital Act, which raises Small Business Administration loan limits. It includes a proposal I offered for an Intermediary Lending Pilot Program, which allows the SBA to make loans to intermediary lenders, such as business incubators, which can then loan that money to growing businesses.

The Small Business Lending Fund, which is included in this bill, which is the provision I referred to, which Senator MERKLEY, Senator LANDRIEU, our chairwoman, and Senator LEMIEUX and others have worked so hard on, is very similar to the Bank on Our Communities Act, which I previously had cosponsored.

So this bill is the right approach because it supports the engine of job growth. It is a small business bill.

It deserves the support of Senators of both parties. I hope, given the job situation we find ourselves in and the support that has been proclaimed for small business across the aisle and on this side of the aisle, we can find some good, bipartisan support for this tremendous initiative.

(Ms. LANDRIEU assumed the chair.)

Mr. LEVIN. Again, I commend our chairwoman, Senator LANDRIEU, who I now see is the Presiding Officer, and all those who have worked with her to bring us to this point.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I also rise to discuss provisions of this bill and would like to begin by saying, when one gets into the details, you see there is a spectacular array of provisions that have been put together by the Small Business Committee to assist small businesses in helping them get themselves back on track, and, in the course of doing so, get our Nation back on track.

Particularly, I thank the chair of the Small Business Committee, the Presiding Officer, Senator LANDRIEU, for working in such a bipartisan manner to bring together the best ideas that can be brought to bear in that effort to assist our small businesses.

I will mention just a few of them. A 100-percent exclusion of small business capital gains will be big factor for helping our small businesses, a carryback provision so small businesses can take and balance out losses against former profits, making the general business credit not subject to the alternative minimum tax, increasing the Small Business Administration loan limits, eliminating the Small Business Administration loan fees, and so on and so forth.

These are terrific provisions to assist small businesses. But I wish to particularly speak to two additional parts of this bill. One is the Small Business Jump Start Act. This is intended to help businesses get started in their first year. Under this provision, it allows the deduction not of \$5,000 in startup expenses but of \$10,000. So it is a doubling of kind of a jump-start or a boost to getting businesses off the ground. It is for those entrepreneurs who say: Here is an opportunity, and I am going to take a big risk, and I am going to take my savings or borrow against my house or utilize my credit card in order to jump in and seize this opportunity.

It is giving those folks additional help in that first year, and who knows when those first-year efforts—when so much is at risk—are going to turn into the successes that employ person after person after person on Main Street in communities throughout this Nation.

The second piece I wish to address is the Small Business Lending Fund. I

think every legislator who has been spending time back home in townhalls has heard from owners of small businesses, has heard the stories of how a long-term banking relationship—a relationship in which they knew they could always turn to their community bank for help—has not been able to yield the credit they need at this moment and not through the fault of the community bank. The community bank wants to lend but because the community bank's capital has diminished, they are at the limit of their ability to make loans. Unless they bring in additional capitalization, they are not able to make additional loans, no matter how good that opportunity might be.

We have heard about small businesses that, in fact, are having to rely upon their credit cards. The percent of small businesses in America that are currently turning to their credit cards has increased 14 percent in a single year—14 percent more small businesses having to rely on a credit card because they cannot get access to traditional lending from their community bank.

Well, this chokepoint in our system is essential to address because if the small business entrepreneur cannot access credit to seize an opportunity or to expand on a successful formula, then we will not be putting businesses back to work, we will not be putting citizens back to work for those businesses. So that is what the Small Business Lending Fund does.

There are a number of questions that have been raised about it. I wish to address each of those. But I wish to note the potential of taking \$30 billion in recapitalization, which actually makes a profit for the taxpayer—CBO estimates a profit of \$1.1 billion—and in addition will bring in additional revenue through the taxes on the additional folks who are employed and the larger small business profits. So the \$1.1 billion, that is just the base. That is not including the additional revenue that will flow from the success of small businesses and the restoration to employment of workers across this Nation.

So one of the questions has been: Will these funds recapitalize or bail out failing banks? The answer is absolutely not. This is a program for small business, making capital available to small businesses through healthy community banks. That is a very important distinction, and there are ratings in which the regulators evaluate the health of banks. They range from 1 through 5. They are called CAMELS ratings, and only those banks with ratings of 1, 2, or 3—that is, healthy banks—will be eligible for this program.

A second question has been: Well, if we help recapitalize community banks, is there a possibility they will sit on the funds, prepare for a rainy day or a rainier day? The answer is no. The pro-

gram is structured so that if funds are lent out, then the dividend rate falls to 1 percent. But if they are not lent out, the dividend rate rises to as high as 7 percent. Well, that 7-to-1 distinction means you are not going to borrow money if you do not have an intention of using it to leverage funds to lend out because you will be losing money, and you want to take advantage of that incentive to only pay a 1-percent dividend. So there is a lot of carrot in this in a structure that makes it illogical for a bank to seek these funds in order to sit on them.

A third question is: Why utilize community banks to help get lending to small businesses? Why not just do it in some other direct government fashion?

Well, the answer can be discerned by anyone exercising a small portion of common sense. Main Street banks are in the business of evaluating opportunities, entrepreneurial opportunities, and funding those opportunities to make a profit. That is what community banks do. That is their expertise. This approach builds on the expertise of Main Street banks to produce successful Main Street small businesses across our country.

Another question that was raised was: Will recapitalization cause banks to have to rush to make speedy loans and not take the time to evaluate that business opportunity thoroughly? The answer is it will not, because this program was designed so there is a 2-year span of time in which a bank has the opportunity to make that transition from capitalization to lending before the dividend rate is locked in. So there is no incentive for a rush to judgment.

I ask all my colleagues: Is not this the type of bipartisan problem-solving America wants us to undertake, bringing forth, through the committee process, through an open discussion—with television cameras running—the consideration of this idea and that idea being merged together to bring to the floor a coherent piece of thoughtful legislation to help address one of the major challenges in America, which is getting our small businesses back on track? Is not this what we are being brought here to do?

So I applaud the Small Business Committee. I applaud the work of the chair and all the members of the committee who produced this type of concrete aid to put Main Street back on track, to create employment for citizens across this Nation, and, by so doing, put our Nation back on track.

Thank you, Madam President.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I thank my colleague from Oregon, who has been one of the creators and designers of this bill and who has been a leading advocate and tireless in his efforts. He has conducted probably dozens of meetings in his office with

Treasury officials, with Members from both sides of the aisle.

I have put this poster up in the Chamber because I want everybody to know this is what we are talking about today: small business. We spend a lot of time in this Chamber talking about lots of other issues—foreign aid, other countries, big corporations, Wall Street—but today, in these few hours—today and tomorrow—we are going to be talking about small businesses on Main Street. Small businesses on Main Street, I think they deserve this time, and they deserve our focus.

I know there are many other issues Members of this body, both Democrats and Republicans, want to solve or try to solve before we break in a few days. But I have to say, we cannot solve every problem in the world in this bill for Main Street and for small business. Some have criticized and said: Oh, well, the Democratic leadership is not allowing amendments. Nothing could be further from the truth.

This bill was built on amendments in committee—amendments by Democrats, amendments by Republicans, negotiations. The Presiding Officer most certainly knows this. I see my colleague from Texas, and I know he will have time in a moment. But the Presiding Officer knows, because she is a member of the Small Business Committee, this bill was built on a foundation of bipartisan support for small business because we all agree we want to end this recession, and the best way to end it is by smartly investing in strategic alliances with community banks and other lenders to get money to small businesses on Main Street. That is what this bill does.

As I conclude, I am asking Members on both sides of the aisle: Let's work with our leaders. Let's not burden this bill to help Main Street with amendments that have nothing to do with small business, that have to do with other political objectives, et cetera. Let's try to come together for the benefit of all of the 27 million small businesses in America that are watching us, hoping we can take the right steps to help them end this recession and get the country moving again.

I see my colleague from Texas.

The PRESIDING OFFICER. The Senator from Texas.

ENERGY

Mr. CORNYN. Madam President, I wish to speak for a few minutes on the subject of energy. Particularly I wish to contrast the approach that has been taken by the administration with regard to the blanket moratorium on drilling in the Gulf of Mexico for at least 6 months—but who knows how much longer that will slip—and a better approach that I think will provide a way of promoting safety but also not kill jobs in the Gulf of Mexico, particularly in the Gulf States, including Louisiana, Texas, Alabama, and Florida.

There is no secret about the fact that the blanket moratorium, which has been struck down by a Federal judge as unjustified by the rationale given by the administration, is now being appealed, so drilling activity has essentially halted—new drilling activity in the Gulf of Mexico. I think there is a better way to approach this. These ideas are actually included in the alternative we will be considering I hope as early as tomorrow. I think there is a better way to approach this.

A few weeks ago I had the opportunity to fly from Sugarland, TX, 200 miles offshore into the Gulf of Mexico to a drilling rig called the Noble Danny Adkins. This drilling rig was sitting in 9,000 feet of water, and of course it was idle as a result of the drilling moratorium. When fully operational, it employs up to 200 people, but of course they weren't working because there isn't any drilling going on. This particular rig was scheduled to drill in more than 12,000 feet of water to a depth of 37,000 feet. It is one of dozens of rigs not doing any work today because of the uncertainty caused by the moratorium. I had a chance to talk with a number of the professionals who work on that rig, and I have to tell my colleagues my impression of being on an offshore rig was like my first experience going to NASA. It is that technically advanced and that impressive.

The offshore drilling industry is a highly technologically advanced operation in which many very skilled professionals are working. These are typically high-paying jobs, as my colleague from Louisiana knows. My fear is that the blanket moratorium imposed by Secretary Salazar of the administration, unless it is modified in a more rational way, will destroy 50,000 jobs and up. We already know that the moratorium has caused two drilling rigs, offshore rigs—which cost an incredible amount of money to lease, and, of course, you can't afford to have them sit idle and not do what they are designed to do. What happens is with the moratorium attached, two of these rigs we know of moved to Egypt and one to the Republic of the Congo. Of course, with the departure of the rigs, the workers go too, and it is a big question as to whether those rigs and the jobs associated with them will ever return.

But it is not just the people who work on the rigs such as the Noble Danny Adkins and the other rigs that are idle now as a result of the moratorium; it is the associated businesses that support the oil and gas industry in the Gulf of Mexico, such as Sunbelt Machine Works Corporation. This is a small family-owned business I visited which manufactures many of the tools that are actually used in deepwater rigs such as the one I visited in the gulf. We need to think of not just the impact on the people who work on these rigs but also everybody who sup-

ports those efforts, including the people who supply food, people who supply the machinery, people who fly, the people who work on those rigs. Everyone is impacted negatively by a blanket moratorium.

My colleagues don't have to take my word for it. The Energy Information Administration recently projected that in addition to killing jobs, it will actually cost a lot more than that in terms of the domestic production of oil and gas that we will have to make up for by importing it from abroad. The dependency we have in this country, which is a true national security problem, would be exacerbated by this moratorium, because as long as America is going to continue to consume oil and gas, until we are able to develop new forms of energy in the future, as I hope we will, we are going to continue to consume oil and gas in this country. Right now, about 30 percent of the oil consumed in America comes from the Gulf of Mexico—30 percent.

The Energy Information Administration recently projected that domestic production will decline as a result of the moratorium by an average of 31,000 barrels a day in the fourth quarter of 2010 and then by an average of 82,000 barrels a day in 2011. By December 2011, monthly oil production in the Gulf of Mexico will decrease by an average of 100,000 barrels a day. Assuming the economy picks up, as I hope it will, we know there is going to be demand for that oil which will need to be replaced and, of course, where does that come from but places which I know most of us would rather not have to do business with: Venezuela, to mention one.

The Louisiana Mid-Continent Oil and Gas Association estimated last May that the impacts of the moratorium were estimated to be 80,000 barrels of production loss per day. That is what they estimated for 2011. They estimate up to 37,000 jobs will be lost, and \$7.6 billion in future government revenue will be put at risk. That is the effect of this blanket moratorium.

I wish to talk about a better solution, I believe, that was offered in the energy legislation Senator MCCONNELL introduced last Thursday which incorporates this approach.

I also wish to talk for a minute about the attempts to basically make it impossible for independent oil and gas companies from working in the Gulf of Mexico. How do you do that? Well, it would be by raising the liability cap, or by removing it entirely, thereby making it impossible for independent oil and gas companies to work in the Gulf of Mexico because they, frankly, can't afford the insurance for unlimited liability. Under the current regime, there is a limit of individual liability up to \$75 million and, above that, 8 cents on every gallon of oil imported into the United States or produced in America goes into an oilspill trust fund

which is then used to pay for anything not covered by the \$75 million liability for the company.

Well, if, as some of my colleagues have proposed, we eliminate that cap, it makes it impossible for smaller companies—these independent oil and gas companies—to operate in the Gulf of Mexico or anywhere else. They simply will go out of business or take their operations elsewhere if they can.

Let me give my colleagues an idea of what the job impact on that would be. In 2009, independents accounted for more than 200,000 jobs and \$10 billion in State and Federal taxes and royalty payments. As my colleague from Louisiana knows, because she was one of the principal negotiators, we were able to get royalties which actually go to the Gulf Coast States for the incidental impact of oil and gas operations in the Gulf of Mexico. Of course, all of that income will be lost, together with the royalty that would be paid to the U.S. Treasury, as a result of the moratorium and certainly by chasing off these independents. The study forecasted that by 2020 this would eliminate 300,000 jobs and cost \$147 billion in Federal, State, and local taxes from the gulf region.

The study also concluded that if independent oil and gas companies are excluded from deepwater oil and gas operations, the job loss would be 265,000 by 2020 and \$106 billion in lost tax revenues over the 10-year period. Of course, we know other countries are delighted with this moratorium because it means these rigs and these operators are moving to these other countries, creating jobs there and producing oil and gas from there.

For example, a recent Washington Post article reported that Brazil, Canada, Nigeria, Angola, and Libya are among the countries that are moving forward with drilling, lured by oil reservoirs they are discovering that are two to six times as big as the average Gulf of Mexico reservoir. As I mentioned, once these rigs leave the United States, leave the Gulf of Mexico, they go to places with far less stringent regulatory controls than we have here in the United States, so actually the risk of an environmental disaster is greater in these countries that have far more lenient regulatory regimes. In fact, the moratorium has the perverse effect on safety as the newest and most expensive and most technologically advanced rigs move overseas to work while the less-in-demand older rigs stay behind.

I mentioned there is a better alternative than a blanket moratorium such as the administration has proposed, and unlimited liability exposure which will basically chase off most of the independent oil and gas companies as proposed by the legislation that we will be considering tomorrow. My trip to this rig and my visits with these work-

ers and these experts in producing this domestic energy source have made me even more convinced that it is an absolute mistake and really, frankly, not very smart, to essentially cut off our domestic oil and gas production from the gulf. Senators VITTER, WICKER, and I have introduced legislation which would lift the Obama administration's blanket moratorium and instead would require companies to go through new safety inspection requirements and then to be certified by third parties, after which the Department of the Interior would have to issue a permit for continued exploration and development of our domestic oil and gas reserves in the Gulf of Mexico.

Our legislation would essentially limit the moratorium and make it easier for good-faith and conscientious operators who are in compliance to get their permits approved quickly and keep the rigs and jobs here at home. Our approach would ensure that operators who are in compliance with safety guidelines have some deadline on when their permits would be considered and keep gulf coast residents, and particularly those who work in the oil and gas industry, at work, and continue to produce American energy and not make it necessary for us to continue to buy that additional amount, in addition to what we already are purchasing, from abroad.

Instead of reconsidering this devastating moratorium, though, I know the majority leader has introduced a bill that would have the Secretary of Energy publish a monthly study evaluating the effect of the moratorium. Well, I have to say we don't need a study to know what the effect of the moratorium is in Louisiana and in Texas, in Alabama and along the gulf coast, because we already know its devastating impact. I wish to invite my colleagues, any of them who wish, to come and talk to some of the folks who work in this industry and to look at the sophistication and the technological expertise that they employ in producing oil and gas in the Gulf of Mexico. I would be glad to help host them.

One example, though. A seismic company in Texas is spending \$250,000 a day under a contract with the leaseholder to explore a potential area for oil and gas, but the seismic company can't even get a permit to do the work. I don't know how long they can hold on, how long they can continue to keep people on their payroll if they don't have any work to do. Something has to give. These hard-working folks who live along the gulf coast don't want to wind up as another statistic on a monthly report on the impact of the moratorium, nor do they want to add to the 9.5 percent unemployment in this country, higher even in some parts of the country; as high as 14.2 percent in Nevada. They want to work. They

don't want to collect unemployment benefits. They want to work, and they want to provide for their families. I think they deserve better from their elected officials than this blanket moratorium or job-killing policies which are going to basically move their jobs overseas.

The fact is we need to maintain our position in the gulf. Eighty percent of oil produced in the Gulf of Mexico comes from deepwater reserves now off limits due to the moratorium.

Without this activity, production will fall as much as 100,000 barrels a day by December 2011. To put this into perspective, the United States uses almost 20 million barrels of oil a day and produces nearly 5 million barrels a day, obtaining the rest from imports. The moratorium will not only destroy tens of thousands of jobs; it will leave us more dependent on foreign oil and gas, raising the cost of any products shipped and transported, not to mention travel.

I think Jay Leno basically had it right when he said:

President Obama said today he is going to use the Gulf disaster to immediately push a new energy bill through Congress. I've got an idea. How about first using the Gulf disaster to fix the Gulf disaster?

That ought to be our focus—preventing recurrences such as we have seen in the gulf—and I think we can do that by the safety inspection mechanism and third-party certification and let's get on with the production of oil and gas from American sources, rather than having to bring it in from abroad.

We need to focus on the problems and look at solving these problems and not use these disasters as a reason to exploit them and to grow government and kill jobs in the meantime.

America's energy security will continue to depend on oil and gas for the foreseeable future. As much as I like the idea that we are developing new energy resources—Texas, for example, produces the most electricity from wind sources of any State in the country—we know that developing these alternative sources of energy is still going to be a long time coming. We need to bridge into that new energy future, and that bridge will continue to consist of American-produced oil and gas.

The question is, Will it be to the benefit of the American people in the form of good-paying jobs and associated revenue or will the misguided policy, included in the bill introduced by the majority leader, ensure that we merely increase our imports that we need and send the good jobs and rigs overseas by this misguided policy?

I hope my colleagues will reconsider this misguided approach that would drive independent oil and gas producers out of the Gulf of Mexico by making it financially impossible for them to purchase the insurance they need in order

to comply with an uncapped liability. We know the resources will remain there in the case of another disaster, which we hope and pray will never occur because of the oilspill liability trust fund—again, funded by 8 cents on every barrel produced in America, as well as every barrel imported from abroad. So this isn't eliminating a fund that will actually pay in the event of another catastrophe.

Certainly, we don't ground all airplanes in America or around the world when there happens to be a terrible airplane crash. We look at the problem and try to make sure we understand the reason why it happened, and then we move on and continue flying.

I think the oil and gas industry basically operates the same way. We need to make sure we understand what happened in this spill, do everything humanly possible to make sure it never happens again and make sure BP is held accountable and pays for all the cleanup that needs to be done as a result of this unfortunate incident. But the conclusion we should reach should not be let's shoot ourselves in the other foot by denying ourselves access to American energy and increasing our dependency on imports from abroad and, at the same time, kill jobs along the gulf coast in the oil and gas industry and all those companies and businesses that support the oil and gas industry during a time when unemployment is already at 9.5 percent.

We can do a lot better than what the majority leader's bill proposes and continuing job-killing policies. We can actually do it smarter and better and come up with a real solution rather than creating more problems.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONGRATULATING WARNER ROBINS' GIRLS
SOFTBALL TEAM

Mr. ISAKSON. Mr. President, I am very pleased to come before the Senate today and commend the Warner Robins, GA, girls softball team that yesterday attended the White House and was honored by President Obama.

The 11- and 12-year-old girls who went all the way last year and this year are in the finals to hopefully do the same thing again. This team of young women is coached by a great group of coaches: Emily Whaley and her assistants, Patti Carriker and Roger Stella.

I commend each one of these young ladies individually: Kaylee Albritton, Sydney Barker, Carson Carriker, Me-

lissa Cox, Sabrina Doucette, Ashley Killebrew, Avery Lamb, Hannah Livingston, Caitlyn Parker, Sierra Stella, Kelly Warner, and Chelsea Whaley.

This is a fine group of young Georgians who went all the way in the Little League level and are about to do it again. In fact, yesterday, as she was leaving the White House, President Obama asked her if there was anything she had to say. Ashley Killebrew said: Mr. President, we are doing really well this year, and we are going to be back next year because we are going to win it again. That is the type of positive attitude in sports that separates the winners from the second-place finishers.

I commend the Warner Robins Little League softball team, young women from Warner Robins, GA. I thank the President for honoring them yesterday at the White House.

BIENNIAL APPROPRIATIONS

Mr. President, we have been going through difficult economic times as a country, not only in our expenditures but in the revenues of our citizens of our States who face higher unemployment, lower productivity, and very difficult economic times.

As I have watched us on the floor time and again deal with paying for new amendments that have been proposed, we are all of a sudden scrambling to find a savings here to borrow from Peter to pay Paul to patch together an appropriations bill that hopefully keeps us out of debt but unfortunately continues to keep us in a downward spiral of borrowing.

I wish to talk today about legislation I have introduced and have been joined by other Members of the Senate, a bill that has a simple proposition to it, and that is that maybe as a government we should start doing what the people of our country have to do—determining how much we take in, prioritizing what we spend—and get back into balancing our budget, while providing oversight on what we spend to see where savings can come from.

There is a great American who has a syndicated radio show called Dave Ramsey. I don't know how many of my colleagues have ever heard him. He started Financial Peace University. He started it after he went bankrupt in the real estate business. He did a great job in real estate on the way up but leveraged himself all the way, so when times got tough and the leverage was too difficult, Dave Ramsey went bankrupt. After a couple years of struggling, he got himself back together and built himself a large company on the basis of a philosophy of staying out of debt and spending within your means. I commend everybody to look at his proposals, read his book, or attend Financial Peace. It is really an interesting concept because it works.

Dave Ramsey suggested that what you really ought to do when you get

into economically difficult times and you owe more than you take in is sit down and say: All right, what do I make? And you write that down. You write down what you have to spend—utilities, food, whatever it might be—and then see what is left over. If nothing is left over, then you have to take the things you are spending on and don't have the money for and have been borrowing and begin to cut it piece after piece, so that each month and year you live on a budget that is not predicated on going into debt and living beyond your means.

We as a country must do the same. There may be an exception, obviously, for war. There may be an exception, obviously, if there is a significant terrorist attack or a tremendous international incident or a natural incident that takes place that might demand some short-term appropriations. But in the general expenditures of government, we have to get back to the business of spending within our means.

How do we do that? We have 12 individual appropriations bills or an omnibus bill that rolls in at the end of the year talking about spending \$3.6 trillion. We cannot do it that way. We have to have a process where we are able to examine on what we are spending money, quantify how much money we are going to take in, and balance the two numbers so we do not go into debt.

My suggestion and what I want to talk about is a biennial budget or appropriations, a change in the way we do business and how we do it, which I believe will result in less debt, more reasonable spending, and a more rational expenditure by the U.S. Government. First of all, it is predicated on appropriating for 2 years rather than 1 year. The appropriations years should be the odd-numbered years, and the even-numbered years should be dedicated to oversight.

I know the distinguished Presiding Officer, as I do, sits on a number of committees. Every now and then, we will have an oversight meeting, but more often than not, oversight gets left out because the focus is on what we are going to spend next or what project is going to be added to what we spend our money on. That process itself builds more debt, builds a bigger appropriations act, and never allows us to do those things we should be doing; that is, focusing on prioritizing the expenditure of our money.

We all know, because from time to time we have found them, there are savings in the appropriations. We know that from time to time in oversight, we find dollars we did not realize we had. We need to make it a part of our culture in the Congress of the United States that when the even-numbered years come, two things ought to be happening: One, Congress ought to be doing oversight of its expenditures, and

second is running for office. I would love to see a time when running for office is in a year when we are doing oversight so we are focusing more on what we are saving the American taxpayers than what we are going to spend to try to impress them to get their vote one more time.

We have a serious, difficult problem in our country. We have a debt of \$13 trillion. I am going to be the first—not the first who ever said this. I am not going to let this speech end without saying it. I voted against appropriations bills under President Bush, and I voted against them under President Obama. I am not taking a target at anybody. We all have a responsibility, and it is time we focused on a way to start saving rather than continuing to spend.

I would like nothing better than that focus on savings to take place in the same election year where everybody is running to be reelected to come back and do the job. We would change the dynamics and paradigm of Congress toward a focus on savings rather than a focus on expenditures. Will it be difficult? Yes, but it is going to be a whole lot more difficult very soon. Our country owes \$13 trillion today and is moving toward a number that could be as high as \$19 trillion before the end of the next decade.

To put in perspective how much that is, I will tell a short story. I was in Albany, GA, making a speech at the end of last year, and I referred two or three times to \$1 trillion.

At the end of the speech, this farmer raised his hand and said: Excuse me, Senator, can I ask a question?

I said: Sure.

He said: How much is 1 trillion?

I don't know if you ever thought about it, Mr. President, but when somebody asks you a question like that, you try to come up with a comparison to explain, and it is hard to do, and I had a difficult time. In fact, I fumbled around, and I am not sure I ever did a good job of quantifying how much 1 trillion really is.

I got home and talked with my wife. I said: I got stumped today, sweetheart.

She said: What happened?

I said: I was on the stump in Albany and was asked by a farmer to explain what 1 trillion was, and I couldn't quantify it. I didn't know a good comparison.

In her own inimitable way, she said: Why don't you figure out how many years have to go by for 1 trillion seconds to pass?

I thought, that is a great idea. I got a calculator out and multiplied 60 seconds times 60 minutes to get the number of seconds in an hour. I multiplied that times 24 to get the seconds in a day. I multiplied that by 365 to get the number of seconds in a year. And then I divided that product into 1 trillion.

Mr. President, do you know how many years have to go by for 1 trillion seconds to pass? It is 31,709 years. We owe \$13 trillion. We are at a point where we are going to go one way or another. Fortunately, we are recognizing that we are at that point.

I submit one of the keys to stopping the growth of debt and improving the plight of our country in the future for our children and grandchildren is to begin spending within our means. And it takes a process such as a biennial budget or biennial appropriations where we combine the responsibility of spending with the absolute responsibility of oversight.

Everybody in America today during these difficult times is looking at where they spend their money, and they are trying to find savings. They are trying to find those places they can better allocate their money so they are not going into debt, not borrowing, and not raising the prospects of debt in the future. The American Government ought to be doing the same thing.

I voted for the supplemental for our troops in Afghanistan last week, and we will do it again. That is a special appropriation for our men and women, who deserve that backing at a time we commit them to war. We are not always at war. War is a special and difficult time, and we ought to give our troops the support they need. But in every other case, it ought to be an expenditure that is based on the priorities of what are the most important things we should be doing. When we find those things that do not meet that test through oversight, that is where we begin the cutting process. Over time, the process is motivated toward savings, motivated against borrowing, and motivated for a balanced budget. I submit that we can talk about it all day long, but until we put it in a framework that brings about that type of process, we will never really do it.

The biennial budget with appropriations in odd-numbered years and oversight in even-numbered years ensures we begin in an election year being accountable to the electorate on what we are spending. And in those off years when we are appropriating, we are doing it based on the previous year's oversight, so we know the effectiveness of the department we are appropriating the money for and whether it was prioritized appropriately the way it should have been.

At a time when we are focusing on spending money, focusing on an appropriations act which will come up this November after the elections, I think we can look this year at going to a biennial budget process in future years so that instead of rolling everything into an omnibus bill after the elections, we have a process that ensures it is done systematically, as it should be, in odd-numbered years for appropriations and in even-numbered years we

are doing oversight, so our election is based on accountability of spending money, not how much we can borrow and how much we can spend.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the Senate floor again today as someone who has practiced medicine in Casper, WY, taking care of families there since 1983. I come also as the medical director of the Wyoming Health Fair and someone who has brought low-cost blood screening to people, looking for ways to help with early detection of medical problems, whether it is high blood pressure or diabetes or cancer because so often early detection means early treatment and, as a result, longer survivability and better care.

So I come to the floor of the Senate today with a doctor's second opinion about the health care law that was signed by the President a little over 100 days ago. The goal, of course, of health care reform was to lower the cost of care, to increase the quality of care, and to increase the access to care around the country. Since this bill was signed into law, we have heard week after week of new unintended consequences. We hear the personal stories of people whose lives have been affected because of the law, whose lives have been impacted by the unintended consequences of the law.

During the entire debate, I was concerned if the legislation passed and became law that it would be bad for patients relying on our health care system, bad for providers—the nurses and the doctors in this country who take care of patients—and bad for payers because I believed the law would drive up the cost of care, making insurance more expensive, and also have an impact on the taxes people would pay. So I have come each week, as I do today, with this doctor's second opinion of things that have happened during the past week; new things that we have learned about the health care law and what is happening with trying to provide health care to so many Americans but also people worldwide.

As part of the discussion of this health care law, there was a discussion

about the Canadian health care system and the British health care system. We now have in charge of Medicare and Medicaid in this country someone who has said he is in love with the National Health Service, which is the British health care system. So, Mr. President, I come to the Senate floor today having come across an article in a British paper—the Sunday Telegraph—about their National Health System—a system who some in this country have held up as a model. It is a system I look to as one that results in people having care delayed and care denied.

When I look at the survivability of patients after, say, cancer in the United States, we know patients with cancer survive longer in the United States than in Britain or in Canada, and not because our doctors are better but just because people receive more timely care.

Mr. President, I am going to quote from this article, but I ask unanimous consent to have printed in the RECORD the entire article.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BARRASSO. Mr. President, this article, as I said, is from the Sunday Telegraph, and the headline is “Axe falls on NHS services.” This is dated July 24, and it talks about some of the most common operations performed in England, including hip replacements and cataract surgery. I am an orthopedic surgeon, so I have done many hip operations, but this is what the article says:

Many of the most common operations—hip replacements and cataract surgery—will be rationed as part of attempts to save billions of pounds, despite government promises that front-line services would be protected. Patients’ groups have described the measures as “astonishingly brutal.” An investigation by The Sunday Telegraph has uncovered widespread cuts planned across the National Health Service, many of which have already been agreed by senior health service officials. They include: Restrictions on some of the most basic and common operations, including hip and knee replacements, cataract surgery, and orthodontic procedures. Plans to cut hundreds of thousands of pounds from budgets for the terminally ill, . . . the closure of nursing homes for the elderly . . . a reduction in acute hospital beds, including those for the mentally ill.

The article goes on:

Thousands of job losses at NHS hospitals, including 500 staff to go at a trust where cancer patients recently suffered delays in diagnosis and treatment because of staff shortages.

They are cutting 500 more staff positions there. The article continues:

The Sunday Telegraph found the details of hundreds of cuts buried in obscure appendices to lengthy policy and strategy documents published by the trusts. In most cases, local communities appear to be unaware of the plans.

When we read on in this article, it is very disturbing. If I were living in Brit-

ain, I would be very disturbed. As someone living in the United States, with a new person now in charge of Medicare and Medicaid who has said he loves what is happening in the British health care system, I have great concerns.

The article also says:

As well as sending more patients home to die, the paper said the savings would be made by admitting fewer terminally ill cancer patients to hospital because they were struggling to cope with symptoms such as pain. Instead, more patients would be given advice on “self management” of their condition.

In other words, essentially telling them to go it alone. These are very disturbing words and a very disturbing situation now occurring in Britain.

Next, there is an article that appeared in Tuesday’s New York Times—yesterday’s New York Times—entitled “Settling Down to a New Job, but Hampered by Old Words.” This is an article about the new Director of Medicare and Medicaid. This article by Robert Pear talks about the fact that the new administrator has never had a confirmation hearing, never had a confirmation hearing and never had to respond to the American people through Congress to the questions that the American people have about the person who is newly in charge of Medicare or Medicaid, especially when we see the hundreds and hundreds and hundreds of billions of dollars spent every year by Medicare and Medicaid.

The article says he never had a confirmation hearing and has not responded publicly to critics. It goes on to say:

The White House has declined to make him available for an interview.

Amazingly, the budget—we hear so much about the Pentagon and the military budget—but, amazingly, the budget of Medicare and Medicaid is larger than the budget for the Pentagon. Here we have someone newly appointed, in a recess appointment, someone in charge of Medicare and Medicaid at a time when this Congress, through its action and the laws signed by the President, cuts \$500 billion from our seniors on Medicare and does it without having someone come and explain to Congress how he plans to keep the quality of care up or try to keep the quality of care up at a time with such cuts—not to save Medicare but to start a whole new government program.

Dr. Berwick, it goes on to say, “has received an honorary knighthood from Queen Elizabeth II in 2005,” because of his love of the British health care system. In fact, they quote him here in this article saying, “I am romantic about the National Health Service.” He says, “I love it.”

The other thing so interesting, at this time in the history of the United States, is we now have someone in charge of Medicare and Medicaid who

says that “any health care funding plan that is just, equitable, civilized and humane must—” and he repeats the word “must”—“must redistribute wealth from the richer among us to the poorer. . . .”

It is no surprise that this week in a report out Monday, 58 percent of Americans, in a Rasmussen poll, favor repeal of the health care law. Fifty-eight percent of Americans favor repeal of a law that was forced down their throats, with people around the country saying no, don’t do this to us, we do not want to go in that direction. But this Congress, this body, felt it knew more than the American people.

I talked a little bit about the British health care system. People also look to Canada where, as the President said to us when we had our roundtable discussion in January, the summit at the White House, he said: Everybody in Canada gets coverage.

There is a big difference between coverage and care. It is interesting where things are turning in Canada. It is in Regina, which is the birthplace of Canada’s socialized health care system. That is where, in 1962, the bill was passed and the law was signed for a government-run health care system. Now the health care plan there is contracting out CT scans to the private sector. They are contemplating private reforms because the government system is failing.

Some people say: But in Canada everybody has a doctor. According to the Canadian Medical Association, this report shows 4 million to 5 million people still do not have a family physician.

By the government’s own standards in Canada—and that is a government and those are standards where they are used to waiting in line, where they expect long delays—even according to their own standards they are saying the Canadians are now waiting too long for care. This is even after massive increases in spending.

They go on to talk about how much better the care is in the United States, in terms of surviving cancer, surviving heart attacks, surviving transplants—because in America there is greater access to preventive screening tests and higher treatment rates for chronic illnesses. So Canada is rethinking their system. Britain has announced they are rethinking their system under the new Prime Minister there, and the new government. They are cutting significantly more.

That brings us back to Dr. Berwick, who said “the decision is not whether or not we will ration care, the decision is whether we will ration with our eyes open.”

It is no surprise that many people across this country view this nominee the same way that a former nominee who received a recess appointment was viewed. I will quote at the time Senator Obama when he was talking about

a recess appointment made by then President Bush. He talked about the appointee, saying, "He's damaged goods. He'll have less credibility."

That gets back to the New York Times headline, "Settling Down to a New Job But Hampered By Old Words."

Does the public deserve a hearing for this Medicare appointee? Does the public deserve a hearing? Do they have a right to hear what this man has to say? According to the Washington Post, in a headline of their July 23 editorial, "The public deserves a hearing for a Medicare appointee."

This goes on and says, in explaining his move to sidestep the Senate:

President Obama said in explaining his move to sidestep the Senate and use a recess appointment to install Donald Berwick to run Medicare and Medicaid—they had some reasons.

But they go on to say:

Mr. Obama's hurry would have been more understandable had he not waited for more than a year to select an administrator. . . .

Now the President has resubmitted Dr. Berwick's nomination, as is the general practice here, and those Members of this body and specifically those on the Senate Finance Committee, want and have made a reasonable request for a confirmation hearing. Still, none has been planned.

It is interesting because the American people still want to know more about this nominee, what his beliefs are, and what we have to go by are the quotes. I have gone through a number of them now.

The question comes also to what questions does Dr. Berwick not want to answer. When one looks into the past, you say: He is a doctor, he is going to be involved with health care, he is going to likely have to live under the system with Medicare and Medicaid. I am sure he is not going to establish something that is going to impact his health personally. But that gets back to the source, where Dr. Berwick has come from. It turns out Dr. Berwick does not need to worry about those things. He does not have to deal with the anxieties the rest of America deals with, created by limited access to care and the extent of coverage. I am reading now from an article from Washington, from the Examiner:

As it turns out, Berwick himself does not have to deal with the anxieties created by limited access to care and the extent of coverage.

It goes on to talk about a "special benefit conferred on him by the board of directors of the Institute for Health Care Improvement," where he came from, "a nonprofit health care charitable organization that he created and which he served as chief executive officer."

He and his wife will have health coverage "from retirement until death." He has now retired to come work for the government, to be the head of

Medicare and Medicaid. According to page 17 of his employment contract, under postretirement health benefits, "health care coverage from retirement until death."

How many others can look for that sort of benefit who are working for nonprofit charitable organizations? Maybe he does not want to answer those questions. The Senate has a right and the American people have a right to ask the questions.

I also found it interesting that for somebody at a nonprofit charitable organization, that that benefit of health care from retirement until death went along with the salary he earned. His compensation in 2008—\$2.3 million, in a nonprofit charitable organization. I think it is reasonable for people to want to ask the questions, where does the \$12 million in contributions come from? Where are the grants? How did it come in? What impact are those people going to have and try to have on you as you work on rules and regulations in Medicare and Medicaid? Those are reasonable questions that the American people would want to have answered, yet we do not have the answers.

As a doctor, I go home every week, visit the people in Wyoming, and visit with doctors and nurses and patients. One of the things that strikes me is the last report—they talk about side effects. "Obamacare," it says, "Could Punish Docs for Better Quality Care."

That is what I hear about the most at home from doctors who are taking care of their patients, saying: I do a good job, I do everything I can. Yet the rules and regulations are going to punish me for doing what I know is right for my patients.

Part of that is rules and regulations that are coming out of Medicare and Medicaid and the Secretary of Health and Human Services who is developing these with financial incentives dealing with patient outcomes. One of the things they want to do is punish people, punish physicians and hospitals by penalizing them if a patient returns to the hospital after they have been discharged within a certain number of days.

One of the finest hospitals in this country is the Cleveland Clinic, specifically relating to heart conditions. People from around the world—kings, sultans, queens—come to the Cleveland Clinic. Some fly in in their private jets. Why? Because of the quality of care at the Cleveland Clinic—very understandable.

It is interesting, when the Cleveland Clinic took a look at their numbers, seeing how they are likely to do under the scenario that the Secretary of Health and Human Services says is the way to improve care in this country, the clinic found—it has to do with people with heart failure, people who are being readmitted to the hospital, patients with heart failure. It is consid-

ered to be a sign of poor quality care when a heart patient must be readmitted for further treatment.

What the clinic did is they studied their readmission rates and they found that their readmission rate, in a 30-day period, was actually much higher than the national average. So they must not be a very good hospital, according to the Secretary of Health and Human Services, because that is how they are being judged.

But when you look at the Cleveland Clinic in terms of how the patients do, how many live for much longer, what we find out is that the survivability of the patients at the Cleveland Clinic is also much longer. More people survive. The results are better. So if you are a patient with heart failure, you want to go to the Cleveland Clinic. If, on the other hand, you are somebody who works at Health and Human Services and are just keeping the records, they are going to say: You don't want to go there because some people come back into the hospital.

Once again, we have a situation where government is saying one thing and people—doctors, nurses, patients, families—know that the government is wrong and we should trust the doctors to make the right decision.

That is why I return to the floor today to say it is time to repeal and to replace this health care law. We need a patient-centered health care bill. We need to replace anything that is either insurance company centered or government centered, and be patient centered. We can do that by allowing patients to buy insurance across State lines, to give people who buy their own health insurance the same tax breaks that the big companies get; by providing individual incentives for people who stay healthy, take preventive measures, lose weight, get their diabetes under control, get their blood pressure down, quit smoking—provide those incentives because that will lower the cost of care.

We need to deal with lawsuit abuse and the expenses of unnecessary tests provided by doctors practicing defensive medicine. We also need to allow small businesses to join together to buy health insurance much more effectively.

Those are the things that will work to get down the cost of care, increase the quality and increase the access. That is why today I offer my second opinion: It is time to repeal and replace this health care law.

EXHIBIT 1

AXE FALLS ON NHS SERVICES

(By Laura Donnelly, July 24, 2010)

NHS bosses have drawn up secret plans for sweeping cuts to services, with restrictions on the most basic treatments for the sick and injured.

Some of the most common operations—including hip replacements and cataract surgery—will be rationed as part of attempts to

save billions of pounds, despite government promises that front-line services would be protected.

Patients' groups have described the measures as "astonishingly brutal".

An investigation by The Sunday Telegraph has uncovered widespread cuts planned across the NHS, many of which have already been agreed by senior health service officials. They include:

Restrictions on some of the most basic and common operations, including hip and knee 7 replacements, cataract surgery and orthodontic procedures.

Plans to cut hundreds of thousands of pounds from budgets for the terminally ill, with dying cancer patients to be told to manage their own symptoms if their condition worsens at evenings or weekends.

The closure of nursing homes for the elderly.

A reduction in acute hospital beds, including those for the mentally ill, with targets to discourage GPs from sending patients to hospitals and reduce the number of people using accident and emergency departments.

Tighter rationing of NHS funding for IVF treatment, and for surgery for obesity.

Thousands of job losses at NHS hospitals, including 500 staff to go at a trust where cancer patients recently suffered delays in diagnosis and treatment because of staff shortages.

Cost-cutting programmes in paediatric and maternity services, care of the elderly and services that provide respite breaks to long-term carers.

The Sunday Telegraph found the details of hundreds of cuts buried in obscure appendices to lengthy policy and strategy documents published by trusts. In most cases, local communities appear to be unaware of the plans.

Dr. Peter Carter, the head of the Royal College of Nursing, said he was "incredibly worried" about the disclosures.

He urged Andrew Lansley, the Health Secretary, to "get a grip" on the reality of what was going on in the NHS.

The Government has promised to protect the overall budget of the NHS, which will continue to receive above-inflation increases, but said the service must make "efficiency savings" of up to £20 billion by 2014, which would be diverted back to the front line.

Mr. Lansley said last month: "This protection for the NHS is protection for patients—to ensure that the sick do not pay for the debt crisis."

Dr. Carter said: "Andrew Lansley keeps saying that the Government will protect the front line from cuts—but the reality appears to be quite the opposite. We are seeing trusts making job cuts even when they have already admitted to being short staffed."

"The statements he makes may be well intentioned—but we would implore him to get a grip on the reality, because these kinds of cuts are incredibly worrying."

Katherine Murphy, of the Patients Association, said the cuts were "astonishingly brutal" and expressed particular concern at moves to ration operations such as hip and knee operations.

"These are not unusual procedures, this is a really blatant attempt to save money by leaving people in pain," she said.

"Looking at these kinds of cuts, which trusts have drawn up in such secrecy, it particularly worries me how far they disadvantage the elderly and the vulnerable."

"We cannot return to the days of people waiting in pain for years for a hip operation or having to pay for operations privately."

She added that it was "incredibly cruel" to draw up savings plans based on denying care to the dying.

On Thursday, the board of Sutton and Merton primary care trust (PCT) in London agreed more than £50 million of savings in two years. The plan included more than £400,000 to be saved by "reducing length of stay" in hospital for the terminally ill.

As well as sending more patients home to die, the paper said the savings would be made by admitting fewer terminally ill cancer patients to hospital because they were struggling to cope with symptoms such as pain. Instead, more patients would be given advice on "self management" of their condition.

Bill Gillespie, the trust's chief executive, said patients would stay at home, or be discharged from hospital only if that was their choice, and would be given support in their homes.

This week, Hertfordshire PCT plans to discuss attempts to reduce spending by rationing more than 50 common procedures, including hip and knee replacements, cataract surgery and orthodontic treatment.

Doctors across the county have already been told that their patients can have the operations only if they are given "prior approval" by the PCT, with each authorisation made on a "case by case" basis.

Elsewhere, new restrictions have been introduced to limit funding of IVF.

While many infertile couples living in Yorkshire had previously been allowed two cycles of treatment—still short of national guidance to fund three cycles—all the primary care trusts in the county are now restricting treatment to one cycle per couple.

A "turnaround" plan drawn up by Peterborough PCT intends to make almost £100 million of savings by 2013.

Its cuts include closing nursing and residential homes and services for the mentally ill, sending 500 fewer patients to hospital each month, and cutting £17 million from acute and accident and emergency services.

Two weeks ago, Mid Yorkshire Hospitals trust agreed plans to save £55 million in two years, with £20 million coming from about 500 job losses.

Yet, a month before the decision was taken, senior managers at a board meeting described how staff shortages were already causing delays for patients being diagnosed and treated for breast cancer.

Mr. Lansley said any trusts that interpreted the Government's demands for efficiency savings as budget or service cuts were wrong to do so, and were "living in the past".

The PRESIDING OFFICER. The Senator from Delaware is recognized.

HEALTH CARE

Mr. CARPER. Mr. President, I was going to talk about small business lending and some ideas about how to get our economy moving again. I feel compelled to say something. I had the privilege of visiting, almost a year ago, the Cleveland Clinic. The Cleveland Clinic is one of a number of well-known, highly respected health delivery systems in this country—the Cleveland Clinic, the Mayo Clinic, Geisinger, which is in Pennsylvania, Intermountain up in Utah, Kaiser Permanente out in northern California, and several others. They have demonstrated the ability to provide better care for less money. Think about that.

Better care, better outcomes, for less money.

Their reputation is well known in this country, along with Mayo and some of the others I have mentioned. So I had an opportunity to go visit, go along with a member of my staff, Racquel Russell. We went and spent a day and actually stayed into the evening. It was so fascinating.

What we learned was that if we look at the health care delivery systems, including the Cleveland Clinic I just mentioned, try to look and drill down on why they are able to provide better health care, better outcomes for less money, they have a lot of things in common with one another. I want to mention some of them.

They focus on primary care, access to primary care. They like to catch problems when they are small, easy to repair, easy to cure. They focus big time on preventive care, making sure when people are the right age, they get colonoscopies or they have mammograms, and just a variety of other tests. They use preventive medicine to catch things when they are early.

If prescription medicines, pharmaceuticals can be helpful in controlling particular cases, they make sure people have access to that medicine. They actually coordinate care across not just doctors that happen to maybe be in oncology but doctors and nurses who are in different parts of medicine. It may be oncology, maybe it deals with pulmonary disease, dementia.

They do a better job working across medical lines than we work across party lines some days. But they do a very good job of coordinating care with different aspects of their health care delivery system. They have gotten away from what we call fee for service. Here we have something called fee for service. If the Presiding Officer, instead of being a Senator were a doctor, and I were a patient, I would come to see him. Every time I would come to see him, he would get paid. He would get paid for each visit. If he actually owns the lab he refers me to, every time he refers me to the lab for tests he gets some remuneration for that. If he has an interest in an imaging center, and I go for x rays or for MRIs or that kind of thing, then that is called fee for service.

What happens in a number of places in our country, not all, is sometimes the doctors will, in an effort partly to make sure they do not get sued, and partly to make sure they are doing the best job they can to cure people, and in other cases there is some financial incentive, just refer people to maybe more visits, more tests than they really need. That is called fee for service. That helps drive the cost of our health care system. They do not have that problem at the Cleveland Clinic.

I remember listening to an interview on television with a cardiologist at

Cleveland Clinic, on CNN last year, before I went for the visit. He said: I am a cardiologist. He said: I am here at the Cleveland Clinic. I used to have my own practice. It used to be in my old practice I got paid—largely my salary came out of operating on hearts. He said: People came in and they were overweight or bad diet, bad fitness, and that kind of thing and just were not taking care of themselves, were not taking the right kind of medicines. I would urge them to do the right thing. But, he said, at the end of the day, if they did not do it, I would operate on their hearts, and that is how I made the bulk of my income.

He said: Here at the Cleveland Clinic, when somebody comes to me with a heart problem, at the end of the day, I may operate on their heart. But we work very hard to make sure they are fit, that they are eating the right food. We work hard to make sure they are involved in some kind of appropriate exercise regimen. He said: We work hard to make sure they are not only prescribed the right medicines, they actually take the right medicines and do all of those things.

He said: I get paid pretty much the same amount of money whether I am treating a patient that way or if I am operating on their hearts. I probably operate on fewer hearts today, but I think we get a better outcome for less money.

One of the things I learned at the Cleveland Clinic that day is all of the amazing things they do to harness information technology for the delivery of health care. I was in a Walgreens drugstore in Seaford, DE, about a week or two ago and had an opportunity to see how at the other end—in this case we will use pharmaceuticals—but this is a way to use information technology to drive down health care costs.

Anybody who has ever had a prescription given to them, written by a doctor, sometimes you look at it, you read it and say: What is this? Is this a prescription or does this say *Alpo*? What does this actually say? It is hard to read. My handwriting is not the best, but I read some others that are even harder than mine to read.

At the Cleveland Clinic, they do not handwrite prescriptions; they do electronic prescriptions so there is no mistake. They are smart enough with their IT system that all of their patients have electronic health records. So they have the full health care picture of their patient.

Not only that, if they were going to prescribe something, a medicine—let's say a patient is already taking 10 medicines. Whatever new ones they are prescribing, their IT system looks at the other 10 medicines. They look to see whether the new prescription is compatible with medicines they are already taking. They do not want to prescribe medicine that creates more problems than actually helps people.

Also, they have the ability—a bunch of our leading health care delivery systems—to know when a prescription has been ordered or that it has actually been picked up; that it has been filled and someone is taking it. They have the ability to know whether someone, if they are supposed to get refills in so many days, if someone actually refills the prescriptions and continues to take the medicines they are supposed to be taking. If they do not, they get a call from their health care delivery system, clinic, hospital, or doctor's office.

We are getting smart enough now, after mapping the human genome, to actually know what medicines—let's say the Presiding Officer and I have the same health condition, but we have a different genetic makeup. He can take this medicine, and it will make him well. I can take this medicine all day, all week, all month, all year, and it will never help me at all. We have the same problem, but because of our genetic makeup it will help him but it will not help me.

We are smart enough now to start figuring this stuff out. We are making sure that not only people are taking the medicines they need to take, but they do not interact badly with other medicines; that they continue to take the medicines they are supposed to be taking. But we stop spending money on medicines that are not going to help people and spend that money in ways that will help them and continue to provide the money for medicines that will help someone who has the right genetic makeup.

My colleague who spoke before me said we need to sell insurance across State lines. Well, one of the things we do in terms of things that work, we have a big purchasing pool that all Federal employees are part of, the Federal Employees Health Benefits Plan. We buy our health insurance from an 8 million-person purchasing pool, 8 million people. We do not have 8 million Federal employees, but if we add up all Federal employees, all Federal retirees, all of our dependents, it adds up to 8 million people. That is a large purchasing pool. We buy private health insurance from all kinds of private health insurance companies. They compete with each other, and it drives down prices. We have a large purchasing pool, economies of scale. The administrative cost for our purchasing pool is 3 percent; 3 percent for every premium dollar goes for administrative cost.

If you go out on your own and try to buy health care in the DC area or back home in Delaware or Illinois or wherever you are from, administrative cost for an individual, for a family, for a small business, is more like maybe 23 percent of premiums or 33 percent. But they are not 3 percent.

What we call for in our legislation, this new law, we want to create these

large purchasing pools all across the country. Every State is going to be required to establish, by 2014, a large purchasing pool that individuals can join, families can join, small businesses can join to buy their health care. If it is a little State like Delaware, we are too small to have a big purchasing pool. But under our legislation, we can enter into an interstate compact with our neighbor, Maryland, or maybe with Pennsylvania, or maybe with New Jersey, or maybe with all of them and create a large regional purchasing pool, be able to drive down administrative costs, increase competition.

Listen to this, to my colleague's point: sell insurance, health insurance, across State lines. We have a four-State exchange or purchasing pool. The insurance sold in Delaware could be sold in Maryland; it could be sold in Pennsylvania; it could be sold in New Jersey, and vice-versa, to drive down costs.

My colleague mentioned we ought to incentivize people who take better care of themselves. Well, Senator ENSIGN of Nevada and I offered, and it was adopted and is part of the law today, something that says employers can offer premium discounts to employees who are overweight and lose weight, keep it off; employees who smoke, stop smoking, continue to stop smoking; employees who have high blood pressure, high cholesterol, if they bring it down, keep it down, they can receive premium discounts through their employer by as much as 30 percent for those employees to incentivize them to take better care of themselves and be less of a health risk.

A lot of the problems we have with health care today in this country flow from the fact that we are overweight. One-third of us are overweight or on our way to being obese. Almost one-third of us are obese, kids too.

We actually have done in the legislation what my colleague was calling for, incentivize people to take personal responsibility. If they do that, they are better off. He also mentioned medical malpractice reform. We actually included in the legislation medical malpractice reform based on earlier proposals by Senator MIKE ENZI, also from Wyoming, and Senator MAX BAUCUS. They are in the bill. I think they are going to give us a lot of good ideas of what is working to do three things across the country: One, reduce medical malpractice lawsuits; two, reduce the incidence of defensive medicine; and, three, provide better outcomes. We will be seeing results of some very exciting things done in Delaware and other States to be able to emulate Michigan among those other States.

I did not come to the floor to talk about that. But when I hear stuff like this, I say: Someone needs to set the record straight. As a guy who is on the Finance Committee, I worked a lot on

the legislation and focused on, day after day, month after month, trying to figure out how to provide better health care for less money, looking at other the Cleveland Clinic or Mayo Clinic or other entities, or looking at other countries, such as Japan. They spend half as much for health care as we do. Eight percent of gross domestic product is what they spend. We spend 16 percent. They get better results: lower rates of infant mortality, higher rates of longevity. They get better results. They cover everybody. We have about 30 to 40 million who are not covered.

So for us to say, well, we will just go willy-nilly on for the rest of this decade or this century and pretty much do what we have been doing, that is foolish. Ironically, some of things that my colleague was recommending, we are actually doing in the legislation and will be rolling out and doing more in the years to come.

The last thing I want to say before I move to small businesses and job creation is Dr. Donald Berwick has been nominated to be the head of CMS, which is the entity that oversees Medicare and Medicaid. One of the people I most respect in trying to learn about health care and health care delivery, finding out how we provide better outcomes for less money, is a guy named Mark McClellan. Mark McClellan, when I first met him, was a health adviser to former President George W. Bush. He ended up being the head of the Food and Drug Administration. I think for a while he was the head of CMS, the position to which Dr. Berwick has been nominated.

Among the people who have recommended Dr. Berwick highly for this position is Mark McClellan, who is an economist, who is a physician, who has actually run a couple of big Federal agencies. I think it would be smart to listen to a fellow who actually worked in a Republican administration, had the President's ear, and served us very well in some high-level positions, including the same agency, CMS.

It would be smart to listen to Mark McClellan. I think I might have misheard, but I thought there was an assertion that Dr. Berwick and his wife had worked for a nonprofit and he had health care insurance for the rest of his life, up to death.

I would just think, for the folks who serve here today, who served in wars—we have people who have earned the Congressional Medal of Honor for their service in World War II, folks who were prisoners of war in Vietnam and served, gosh, 20, 30 years and more in some cases in the military. They have lifetime insurance as well—not from being in the Senate but from the work for nonprofit; whether it was a State government or Federal Government or local government. I do not think there is anything that is so unusual about

that. Should they be disqualified from being a Senator because they have lifetime health care because of their service or because they were Governor of a State or attorney general of a State? I do not know if that makes a whole lot of sense.

So I did not come here to talk about any of this, but I just felt compelled to mention these things.

Let me pivot, if I can, and just take 5 minutes to talk about small business. Mark Zandi is an economist, a smart one too. He started something called *moodyseconomy.com*. He comes and speaks to not just our caucuses, Democrats in the Senate, but he was, during the Presidential campaign in 2008, an economic adviser to JOHN MCCAIN, very well respected. He just calls them like he sees them, calls them like he sees them.

We asked him earlier this year: Well, why are we not seeing—even though job loss is way down, where 18 months ago we lost 700,000 jobs a month, last month we actually gained 50,000 or 60,000 jobs or so. I think that is about what we are averaging for the first part of this year. We want to do better than that. It is not like losing 700,000 jobs a month. So we have made improvements.

But we asked him: Dr. Zandi, why aren't big businesses hiring?

He said: Uncertainty. Businesses like certainty. There is too much uncertainty. He said this earlier this year. There is uncertainty about what, if anything, you all are going to do about health care; drive down costs, better outcomes, drive them down. What are you going to do about financial regulatory reform, Wall Street? What are you going to do about deficit reduction? What are you going to do about climate change, global warming, energy policy?

What are you going to do about transportation policy? What are you going to do about a variety of things but those major things I have just mentioned.

Dr. Zandi's counsel is: You want big companies to start hiring? They are making money. You want them to start hiring people? Address the uncertainties.

So we have addressed the uncertainty with health care, not to everyone's satisfaction, but it does a lot more good than bad. We have addressed the uncertainties with respect to financial regulatory reform. I think it does more good than bad. Not everyone shares that view, but I think it does. We are trying to address with our legislation today and this week, this month, next month, something called tax extenders; a lot of tax cuts, tax credits that expired at the beginning of this year, such as the R&D tax credit and biodiesel tax credit. A bunch of them are expired and have been expired for 7 months. We need to provide some cer-

tainty so that businesses and families know what to plan for and do.

We need to provide some certainty so businesses and families know what to plan for and do. Mark Zandi said those are the concerns for big businesses that want to start hiring, to address the uncertainty, and to provide predictability and certainty.

We said: How about small businesses?

He said: Unlike big businesses—a lot of big businesses are reporting pretty big earnings levels—a lot of small businesses are not doing so well. One of the things that small businesses need is better access to capital. They need to be able to borrow money and raise money, whether they want to buy or rent a building, buy new equipment for their building, whether they want to buy transportation equipment, trucks or whatever, forklifts, whether they just need money for working capital. Small businesses need access to capital.

There is not a perfect solution for that problem, but that is a big problem for small businesses, and access to capital is not the solution for every small business, but it is for a number.

The legislation before us seeks to address that need for small businesses. I will take a moment and read through a couple items in the legislation that commend it to the Senate and to our acting on it soon.

This bill has about \$12 billion in tax incentives to help boost investment in small businesses and promote entrepreneurship. The bill eliminates the capital gains tax on small business stocks for people who purchase these stocks this year and hold them for 5 years. This legislation will encourage more people to invest in small businesses and will help give these businesses the capital they need to grow and create new jobs. The legislation also allows more small businesses an immediate tax write-off. We call this expensing for upgrades in their buildings and equipment. If they buy a building, a business, they usually have to depreciate it over a period of years. This legislation allows small businesses that make a capital expenditure, whether it is a building or equipment, to write it off in the first year. That is a great incentive to making major investments. This kind of tax break will encourage businesses to purchase everything from new software and computers to buildings, new roofs, windows, and vehicles. At the same time, it will encourage hiring in industries that sell those products.

The bill before us fosters the next generation of entrepreneurs by temporarily doubling the tax incentive, an existing tax incentive from \$5,000 to \$10,000 to incentivize entrepreneurs to start a new business. We call this the startup deduction. This increase will help offset the high cost of launching a new company.

These ideas, along with many other bipartisan tax breaks in the bill, will encourage smaller employers to create jobs. It will strengthen capital investment and ultimately move the economy forward on the road to recovery.

(Mr. MERKLEY assumed the chair.)

The bill also includes what we call a Small Business Lending Fund to help our Nation's struggling small businesses succeed. Almost every week I visit businesses, small and large, in Delaware. I hear over and over again, especially from small businesses, the same concern—access to capital. The \$30 billion Small Business Lending Fund in this bill addresses this concern by providing our community banks with the funds they need to increase lending to small businesses. We incentivize banks to increase their lending by lowering the dividend rate they must pay back to the Treasury as they demonstrate an increase in small business lending.

We did something similar to this earlier. We created a fund, and we essentially didn't give the money to the banks. We didn't loan the money to banks. We bought the bank's preferred stock. They had to pay us a dividend on the stock. Five percent was the dividend rate on the preferred stock we bought. If they didn't buy back the preferred stock within several years, they had to pay us a 9-percent dividend rate on the preferred stock. We infused capital into the banks, largely banks with over \$10 billion in assets. For the most part, they have returned to profitability. They have repaid, bought back their preferred stock. They have paid dividends on all of it for the most part. Actually, we have exercised, on behalf of taxpayers, something called warrants which, as the stock values recover, enables taxpayers to participate in the debt and the return of profitability.

We wish to do a similar thing with banks of less than \$10 billion. In this case, we buy the preferred stock. The amount of dividend they have to pay back to the Treasury depends on whether they lend the money to small businesses. If they lend the money and they use essentially this capital infusion as it is intended, they end up with almost a zero dividend rate. If they don't lend any of it, they have to pay a 9-percent dividend rate. So there is an incentive there.

Finally, we are building upon successful Small Business Administration initiatives that were part of the Recovery Act. By increasing both loan sizes and the guarantees for the Small Business Administration loans, we can help meet the credit needs of small businesses. According to a recent report by the National Small Business Association, these Recovery Act programs are working, and they are still greatly needed. Last week, the National Small Business Association announced that

when the small business provisions of the stimulus package, adopted about a year and a half ago, expired at the end of May, Small Business Administration lending plummeted. In June of this year, the Small Business Administration approved only \$647 million of loans to small businesses. The previous month, before this expired, it was \$1.9 billion in loans. It is clear—to me at least—that the enhancements to current Small Business Administration programs in the bill are critically important and will help lenders provide loans and help small businesses create jobs in communities.

One of the things we need to do to relieve uncertainty and get us going on the right track is to eliminate uncertainty. One of the great sources of uncertainty is what we do on health care. We have done something on health care—more good than bad. The CBO tells us the actual effect on the deficit is to reduce the deficit, forecasted deficits by \$120 billion over the next 10 years and by roughly another \$1.2 trillion in the years after that. So not only do we have the potential of providing better health care to people who don't have it but also to do something positive on the deficit side, beginning to address the uncertainty. In terms of uncertainty, it is important for large business and for small business. The real problem for small business is to make it possible for them to access capital, to get loans, whether for plant and equipment or for working capital. The legislation we are debating this week actually does that in a variety of ways.

The Presiding Officer is somebody who has actually worked on this stuff pretty hard. I commend Senator MERKLEY and a variety of others, Senator LANDRIEU and others, for the good work they have done on this legislation, on both sides of the aisle. We ought to let this bill go. We ought to give this bill an up-or-down vote. In doing so, we will do the right thing not only for the Senate and those of us who are privileged to serve here but for the country, particularly our small businesses.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, I am impressed by the distinguished Senator from Delaware. Not only has he outlined the information in the small business legislation which we are in the process of debating, but he so eloquently expounded on what we have done in health care to respond to the second opinion of our distinguished colleague from Wyoming. The Senator from Delaware did a tremendous job of covering the health care issue and what is actually in the bill. It has to be on the record. I thank the Senator for being eloquent in that regard.

I am here to speak about the small business legislation. I must also com-

mend the Senator from Delaware, as he covered some key points. Being a former banker myself, an individual who actually financed companies—when I was in the banking business, I financed small businesses, even startup businesses—I have a great knowledge of what it takes to make sure those businesses have the necessary capital and resources in order to survive and provide jobs across the respective communities they serve. The legislation before us is crucial to the recovery of our respective communities with this recession.

As a public servant, I have been a strong advocate for American small businesses, especially disadvantaged and minority-owned businesses, because they are the engine of the economy. Before I was a public official, I was a banker. I worked hard every day to spur investments on Main Street. I worked to make capital available for small businesses so entrepreneurs and innovators could create jobs and bring prosperity to local communities. Today, as a result of the harsh economic reality in which we are existing, many of these businesses are finding it tougher than ever to survive. Credit is largely dried up. Capital investment is difficult to come by. Even as our economy begins to move forward toward recovery, small and disadvantaged businesses continue to lag behind. I believe we need to place small businesses at the heart of our response to this crisis. More needs to be done. Passing the Small Business Lending Act would be a step in the right direction. This incentive will create jobs for struggling Americans by providing increased lending to small businesses so they can support and expand their operations.

Small businesses are in a position to create well-paying jobs and produce growth at the local level. It is time to make them a priority again. If we fail to act today, if we fail to pass the Small Business Lending Act and fall short of our commitment to America's innovators and entrepreneurs, I fear our Nation will fall into a jobless recovery, and small businesses across the country will continue to suffer the detrimental effects of this recession.

I recognize government cannot directly create jobs in the same way the private sector can but few can deny that government has an integral role in getting America back on track. Our job as public officials is to support and promote responsible practices, implement sensible regulations, and help direct investments to the areas that need it most. Under current law, the Small Business Administration provides key support to small businesses through its 8(a) program. This program offers technical assistance, training, and contract opportunities to small businesses that meet specific criteria. I am a strong advocate of this initiative which has helped to keep small and disadvantaged businesses viable and make sure

everyone has a chance to share in the economic prosperity.

Mr. President, 8(a) has made a difference in numerous communities. It has eased some of the worst effects of the crisis for those entities that are most vulnerable. Yet despite its success, this program's impact and reach has been restricted because only a small number of businesses are eligible for this kind of support. That is why I introduced an amendment during the debate that would expand the 8(a) program.

My measure would have increased the continued eligibility amount from \$750,000 to \$2.5 million, so more small businesses could benefit from this assistance. But, unfortunately, my amendment was not included in the final package.

While it did not make the cut this time, I hope my colleagues will join me in giving further consideration and attention to the 8(a) program in the near future. What this will do is allow those individuals who may have reached a net worth of \$1.1 million or \$1.2 million or \$1.5 million or even \$2 million to say they are still small. In this economy, if you have \$2 million, people say you are rich. Well, that is not the case if you are a small businessperson. That is the reason why I am saying in order to still be able to qualify for the 8(a) program, we should increase the eligibility amount to \$2.5 million, and thereby they can continue to compete and continue to have a chance to be in the small and disadvantaged minority category.

Expansion of this program would afford our small businesses the assistance they need and create jobs for Americans amid this rough economic climate.

With the Small Business Lending Act before us today, we have an opportunity to renew our investment in America's small businesses. I urge my colleagues to vote in favor of this legislation so we can foster economic growth on the local level and generate much needed jobs.

I wish to reiterate what the distinguished Senator from Delaware said in terms of how we can expand these businesses by giving tax incentives to these companies, by eliminating the capital gains tax that would come about for any transaction they would make, by allowing them to write off the depreciation for their capital purchases.

We have this legislation before us now, which we must pass before we adjourn for our summer recess, and get this legislation over to the House so the House can pass it before they adjourn, a week before we adjourn. We need to make sure we get this legislation passed.

We saw the Senator from Louisiana fight gallantly to pass the amendment to allow the banks to have \$30 billion which they could put out for small

businesses. That amendment had been stricken, and the Senator did not yield to that deduction from that piece of this package. She fought to get that amendment into this legislation. Now what we must do is get the 60 votes needed to pass the Small Business Lending Act so we can get about the business of saying, yes, we are concerned about Main Street as much as we are about Wall Street. When we do that, we can go back to our constituents and say we have done something that is beneficial to our communities which will help us to get this economy moving again to help those people who need it the most.

Mr. President, I see the distinguished Senator from New Hampshire on the floor. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am pleased to join my colleague, Senator BURRIS, from Illinois, and the other Senators who have been on the floor this afternoon to speak to the Small Business Jobs Act that is pending before us today.

For weeks now, the Senate has been considering the Small Business Jobs Act. Today, I hope we will finally be able to pass this commonsense legislation that will help small employers and entrepreneurs to grow their businesses and to hire new workers.

While we have seen some signs that our economy is beginning to recover in New Hampshire, too many workers still cannot find the jobs they need to put food on the table and pay the mortgage. The best way to create those jobs is to invest in our small businesses.

Over the past 15 years, small businesses have created almost two-thirds of the new jobs in America. Small businesses are the cornerstone of New Hampshire's economy. Over 96 percent of businesses in the Granite State are small businesses with fewer than 50 employees.

But small businesses, as we all have heard, continue to feel the effects of a recession they had no hand in creating. That is why we need to pass the Small Business Jobs Act today.

This bipartisan legislation will dramatically increase lending to small businesses. It will enhance the ability of small companies to export. It will provide tax relief to so many small firms.

I am proud, as a member of the Small Business Committee, I worked with my chair, MARY LANDRIEU, who has done a terrific job on this bill, and ranking member OLYMPIA SNOWE, on provisions to enhance critical SBA programs. I am pleased to report this was a bipartisan effort.

I have come to the floor several times over the past few weeks to talk about the many important provisions in this bill—provisions that will get capital moving to small businesses

again, and to provide them with some tax relief. But today I want to come to the floor to discuss another critical component of this bill, one that every Senator in this Chamber should support; that is, helping our small businesses sell their products overseas.

Exports are a great opportunity for small businesses that are looking to grow. Growing a small business is often about finding new markets for your products. Selling into foreign markets is especially important for businesses in my home State of New Hampshire.

Even in the difficult economic climate last year, one of the real bright spots in New Hampshire's economy has been exports. In 2009, New Hampshire had its second highest export year ever. But there is still a huge potential to continue to increase exporting by America's small businesses.

This chart I have in the Chamber shows the opportunity that exists for our small businesses. Only 5 percent of the world's customers live in the United States. We can see on the chart that is that very small blue portion of this pie chart. So that means 95 percent of the world's markets are outside of the United States.

But, of course, there are still significant barriers to small businesses as they try to access that remaining 95 percent of the world's population. For a small business, starting to export can be challenging. Unlike big firms, they do not have the technical capacity to identify new markets. They do not have the resources to go on trade missions, and they do not have the marketing expertise to promote their products to foreign buyers.

We can see the challenge small businesses face versus the challenge large businesses face on this pie chart. For large businesses, 42 percent of them export. For small businesses, only 1 percent of them in the country export. So 99 percent of small businesses still have the opportunity to access those international markets.

A vote for this bill is a vote to help small businesses in New Hampshire and across the country—businesses that are looking to export but do not have the resources or the expertise to do so. It is a vote to help small businesses create the jobs that will help us emerge from this recession.

I want to talk a little bit about one New Hampshire business that has been able to benefit from the kind of export assistance this bill will offer. The company is called Dartware. It is a high-tech company in West Lebanon, NH, over in the western part of our State, right across the river from Vermont. It is a pretty sophisticated business. It builds software to help improve professional networks. But even though they are sophisticated, they still had a tough time navigating the international terrain. So Dartware went to New Hampshire's International Trade

Resource Center where they found a U.S. Foreign Commercial Service specialist who could help them, along with the folks at the Trade Resource Center. The center provided Dartware with a customized international market assessment and connected the business to international buyers for their services.

As a result, Dartware now has developed partner relationships in countries such as Brazil, China, South Africa, Egypt, and Argentina—countries that are emerging markets that offer opportunities for New Hampshire and America's small businesses.

The bill that is pending before us would give more small businesses such as Dartware the opportunity to succeed in exporting.

The Small Business Jobs Act includes two bipartisan bills I cosponsored that will help more companies access critical export resources. For the past few years, Federal and State resources have dwindled, while companies such as Dartware have clamored for more of these services to help them know how to export.

The Foreign Commercial Service has not been able to replace many of their retiring officials and, as a result, the service has been severely understaffed. This legislation, the small business jobs bill, restores staffing at the Commerce Department to 2004 levels and creates a competitive grant program so that strapped State export assistance centers will have that ability to provide grants to companies. This bill passed out of the Senate Commerce Committee with broad bipartisan support.

The Small Business Jobs Act also includes bipartisan legislation which will strengthen SBA export assistance programs. These programs help small businesses get the loans they need to finance their export growth and will provide export expertise. This part of the bill passed out of the Small Business Committee by a vote of 18 to 0.

So two more provisions in the legislation pending before us that have broad bipartisan support. These commonsense measures that had strong bipartisan support in committee deserve support on the floor when we vote on this legislation. There is no reason we should not have a strong bipartisan vote today when the full Senate takes up this legislation.

I hope all of my colleagues on both sides of the aisle will join me in voting for this bill because it is going to make a difference to our small businesses, and it is going to mean they can grow, they can add jobs, and we can put people back to work in this country. I urge my colleagues to join us in voting for this legislation.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AVIATION SAFETY

Mr. DORGAN. Mr. President, I have come to the floor to talk about a piece of legislation that perhaps is not on the front pages of the newspapers today but is very important in this Congress and to the American people. It is very important that we pass this legislation. We have been waiting and waiting, and we continue to wait. It is called the reauthorization of the Federal Aviation Administration bill. We have been working on this for a long time.

This is not just reauthorization for some bureaucracy; this is about safety for the American public who is flying today. Let me put up a chart that shows where the airplanes are in the skies today. I think I have a chart on that which describes the number of flights in this country. The air is literally packed with airplanes flying all across this country. The question is, How are they controlled? Ground-based radar systems are keeping track of all of these flights. This is a map that shows the airplanes that are flying in the country at a given time—very crowded skies. This FAA reauthorization bill has a lot to do with safety. The reason it is so important—I am going to talk about the safety piece first, and then I will talk about why it has been blocked and how we finally get some action on this and why I finally have had a bellyful of trying to persuade people that we ought to pass legislation that I think is critically important to save lives in this country.

Let me remind all of my colleagues about February 12 last year. February 12 of last year was the tragic crash of Colgan Air flight 3407. That crash should not have happened. That crash took the lives of 45 passengers, 2 flight attendants, 2 pilots, and 1 person on the ground. It should never, ever have happened.

The families of the victims of Colgan Air flight 3407 have consistently been to every hearing I have held on safety dealing with aviation. They have been, at every moment possible, here in the Capitol Building, office to office, door to door, saying: Pass this legislation to reauthorize the FAA, including the dramatic safety changes we propose.

They provided a chart board that shows photographs of their loved ones, those who climbed on that airplane that evening to fly from Newark to Buffalo, NY. It was a night flight on a Bombardier-8. During that flight, icing occurred on the wings.

I have read the transcript from that cockpit between the pilot and the copilot. Let me describe a couple of things we learned.

The young pilot lived in Seattle, WA, and commuted to work to Newark. She deadheaded all night long on a FedEx plane stopping in Memphis, landed in Newark—no evidence that she slept—and then she boarded an airplane to haul passengers to Buffalo, NY. That was the copilot. The copilot, I understand, earned somewhere around \$20,000, \$22,000 a year and had a second job in a coffee job to make ends meet. My understanding was she lived with her parents. That was the copilot. The pilot commuted from Florida. There is no evidence that the pilot slept the night before. He spent time in the crew lounge, where there is no bed. That pilot boarded the same plane. That raises all kinds of issues about fatigue and commuting—commuting all night to board an airplane to haul passengers.

When you read the transcript of what occurred in that cockpit, you also understand there were very serious issues about training—the stick pusher and the stick shaker and flying into ice and not following procedures, all of these issues.

Forty-five passengers died that night. The question is, Is there one level of safety in this country when you get on an airplane and you look in that cockpit? Is there one level of safety if you are on a large plane or carrier versus a small regional carrier? Do you have the same experience in the cockpit, the same level of training? Where have the crews come from? Did they fly all night all across the country just to get to their work station?

Well, the Colgan crash told us a lot. Here is what happened that evening. There was ice on the wings. This was the crash site near Buffalo, NY, on February 12, 2009.

Here is another photograph of the crash site. This crash should never have happened. Those victims should not have died. They should have been safely on the ground with their loved ones.

What has gone wrong here? Let me at least describe a few things that I think. One was fatigue. Clearly, that played a role. Here is a quote that NBC News ran from a pilot on a 737 jet flying to Denver, CO:

I had been doing everything in my power to stay awake: coffee, gum, candy. But as we entered one of the most critical phases of flight, I had been up for 20 straight hours.

Fatigue. Is this someone in a working condition who is sharp, on edge, landing a plane with perhaps 150 people on board?

Here is another quote from an 18-year veteran pilot, describing the routine of commuter flights with short layovers in the middle of the night:

Take a shower, brush your teeth, and pretend you slept.

He said that is the way it works.

Here is another quote from a pilot:

I was bathed in sweat and scared to death.

That is an 18-year pilot describing the approach to the runway after numerous early morning commuter flights over 3 days.

Here is a photograph of a pilot crash pad. He watches a movie on his computer at a crash house in Sterling Park, VA, which is not far from here. These houses, which can have 20 to 24 occupants at a time, are designed to give flight crews from regional airlines a quiet place to sleep near their base airports. Many can't afford hotels, so they use crash houses where they pay \$200 a month for a bed.

I described the young lady who was the copilot on the Colgan Air flight that crashed. She commuted from Seattle, WA to Newark to get to her duty station. There was no evidence that she had slept in a bed. It raises a lot of questions.

At hearings I held, I held up this chart to show where the Colgan pilots were commuting from flying on that particular regional airline. They were flying out of Newark. You could see where they are commuting from, such as home stations in Los Angeles, in Seattle, in Texas, and they commuted to work all the way across the country.

I describe these charts only to talk about one phase of the investigation of the Colgan crash, and that is fatigue and rest—crew rest. We have a piece of legislation that addresses a number of these issues: What is the experience of the pilot in the cockpit? How many hours must that pilot have of relevant experience and training to sit in that cockpit and haul passengers on a commercial airplane?

We addressed that and so many other critical areas of safety. That is in the FAA reauthorization bill—a piece of legislation we passed in the Senate Commerce Committee long ago. Now it is awaiting action on the floor of the Senate. Yet, we have not been able to get it done.

I want to talk a little about the importance of this legislation. No. 1, it creates jobs. It is investment in infrastructure, airport improvement funds—investing in the infrastructure of this country.

Let me describe the central elements of this bill. Airport Improvement Program. That is tens of thousands of jobs around this country.

Aviation safety. I have touched on that.

Air traffic control modernization.

A passenger bill of rights.

Small community air service.

Let me talk for a moment about the air traffic control modernization. I showed a chart with all of those airplanes in the air. Every single passenger on every one of those planes could be flying in safer conditions now if we were moving, as we should, with

this bill, in modernizing the air traffic control system. Our kids carry cell phones around that have GPS capability. Those of the commercial airliners in this country are flying to ground-based radar, not GPS. They don't utilize what our kids have in their cell phones in commercial airplanes, which would allow them to fly safer routes, fly more direct routes. Modernization of the air traffic control system is long overdue, and it has a lot to do with aviation safety. It is in this bill.

This bill must get done. To not move forward on this—Europeans are, and others—and to have us fall further behind is unthinkable to me. The passenger bill of rights—we include that in this bill, and it says some very important things. The passenger bill of rights says that they are not going to be able to keep you on an airplane for 6 or 8 hours when they have trouble on the runway and you sit on the tarmac for 6 or 8 hours. Three hours. We set the conditions under the passenger bill of rights, airplanes—that is, the aircraft companies, airline companies, must comply with the rules that we have established.

This legislation provides consumer benefits for 700 million plane trips per year taken by the American people. We have heard horror stories from around this country: passengers stuck on the tarmac for 6 hours, 8 hours, bathrooms not working, out of water. The fact is, this bill will improve that and the disclosure of flight information to passengers, impose certain burdens on the airlines, and that is the right approach. All of these things are in this FAA reauthorization bill.

What is holding up the bill? Well, first and foremost, in the Senate, we passed the bill with the understanding that there is a controversy called slots and perimeter rules at Washington National Airport. When we passed it through the Senate, 93 to 0, we understood that we didn't resolve the slots and perimeter rule issue. The House has additional slots at DC National, but we didn't do anything on it. We didn't do zero. We understood that we passed the bill and would negotiate it later, and negotiations have ensued. Now we have several representations saying: I represent my area, my region, or my airport, and therefore I object.

Do you know what. It is fine to represent your interests in your region, but it is not fine to block the bill. It is not fine to block this bill. In fact, the latest discussions that have been held, with respect to slots at DC airport, are 16 additional slots—not new flights in or out of DC National Airport, but flights that would have flown within the perimeter that would now fly outside of the perimeter. I know that is lost on most people because this perimeter rule limits the number of miles you can fly from DC National Airport.

This would convert flights inside the perimeter to flights outside of it—16 flights. So it is no new traffic to DC National. Those who proposed it said: We would agree that we would have the same size airplanes flying the flights.

Yet, we have massive amounts of controversy around here with people saying: Well, I am going to block this and that.

Let me say this: If you care much about safety in the skies and at long last you want to pass an FAA bill to improve safety, if you care about the airport improvement program and infrastructure and airports and runways and building the infrastructure and creating tens of thousands of jobs, and if you care about small community air services, a passenger bill of rights and having America keep up with air traffic control modernization, you can't possibly be blocking this bill.

I am not going to describe who it is, with names and so on. This is not about Democrats or Republicans, or conservatives or liberals; this is about, are we going to fail again? I have watched so many failures because people have decided they are going to block this or that. What we have had in this entire Congress is one side of the aisle blocking most everything for a long period of time. This bill happens to be bipartisan. There is no excuse, no reason to block this legislation.

It appears to me that a couple things are likely to happen. If interests that have been involved in these discussions continue to block this, this bill will fail, and the American people will be flying in skies that are less safe than they could be. We will not have made the improvements we should make. We will not make the investments and create the jobs we should create. I suppose those who block it will think they have done something meritorious for the country, but they will have injured this country's interests.

My hope is that in the coming couple of days, those who have said they are going to block this legislation will think again and understand that this place only works through compromise; it only works if we are willing to understand that everybody has different views on these things, and let's find a way to effectively compromise and pass legislation that strengthens this country.

If I sound a little irritated, I am, because I have had a belly full of the intransigence that exists in this Chamber. Nobody fights harder for their interests than I do. But I also understand, having served here long enough, that there is a need to make this place work by being willing to compromise your interests in a fair way. We have gone at this now for some weeks. It has been a long while since the Senate passed this bill. It is very close to a point where, I believe, we will not have the time to continue working on this,

and what we will see is that this bill will, once again, fail, and we will extend, once again, the FAA reauthorization bill for a short time, and then until the next Congress. God bless everybody who dug their heels in and decided they could only live with what they could live with and would not compromise, but they have done no favor to this country. They can all chew on that for a while.

I hope that in the coming days, yes, families of the victims of Colgan will perhaps have some ability to influence those who want to block this legislation. Perhaps those who are out of work and would get work with the airport improvement funds will influence them. Maybe those who care about continued air service to small communities would have some ability to influence them. Maybe those who care about the passengers bill of rights—at long last, maybe they will be persuasive.

One way or another, I hope that finally we will see if maybe there is a public spiritedness in this Chamber and also an interest in doing the right thing and pass the FAA reauthorization bill.

I understand my colleague from Kansas is here ready to speak. I will defer until later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

RENEWABLE ENERGY STANDARD

Mr. BROWNBACK. Mr. President, I thank my colleague for yielding the floor. I invite him to stay. I want to talk about a renewable energy standard we need to have in an energy piece of legislation. I know it is something he is interested in, and has been, and it is something I am interested in. I think it is one of these commonsense approaches that you can get bipartisan support built for if you do it in a sensible fashion that doesn't raise utility rates; and that is a key issue to watch here—not to raise utility rights.

I think if we have a robust enough—but not greedy—renewable energy standard that is prudent, workable, over a period of time, where companies can work into this, we can start moving forward on renewable energy in a sound economic fashion, and we can balance our energy needs with our environmental needs and our economic demands and not raise utility rates.

That is why I was hoping that the leader, when he introduced his energy bill, would put forward a renewable energy standard. He didn't call for that. I do. If we get an energy bill on the floor—which I hope we do—I will certainly be supporting a renewable energy standard the likes of which we passed on a bipartisan basis through the Energy Committee.

I am looking forward to supporting what we put forward in the American Clean Energy Leadership Act of 2009,

which was reported out of the committee on a strong bipartisan basis. There was a provision in it that called for a 15-percent renewable energy standard by 2021, and within that 15 percent was even allowed 11 percent by renewables and up to 4 percent by conservation, so there were some ways for groups and individuals to be able to work forward, building in some conservation but also renewable energy into the portfolio, such as renewable energy of wind, solar, biomass, or other means.

I have been advocating this, as has my colleague from North Dakota. It is something we have voted on recently in this body, as recently as 2005, when we looked at a 10-percent renewable energy standard. The differences in the conference prevented that from moving forward.

The amendment I would support on this bill that I hope the leader will reconsider and put forward in his base bill that he puts up on the floor is 15 percent, as I stated, by 2021. That is something that could have and would gain bipartisan support.

If we are serious about moving forward on reducing our dependency on foreign oil, from foreign sources, if we are serious about moving forward on environmental needs, this is a very sensible, pragmatic, prudent approach. It is one we can do. It is one we can accomplish. It is one that has passed this body before. We already know the votes are here to pass something like a modest renewable energy standard. That is why I am calling for this to be put forward in the leader's base bill. If not, I am supporting an amendment that would be put in this Energy bill should it come to the floor. I hope it does come to the floor. We need to address the energy needs of this country. We have a huge problem that has been going on for some time in the Gulf of Mexico. We have enormous energy needs in this country. We need to balance our energy needs with the environment and our economic abilities. We are in difficult economic shape now. We cannot put a load on the economy. We should not put any load on the economy. If we are wise and prudent about this, we can do these renewable energy standards and not put any load on the economy. I ask the leader to do that. I hope we can in moving this process forward. It is my hope that this will be included in any energy legislation that ultimately passes this body.

Mr. President, I ask my colleague from North Dakota for any comments he might have on a renewable energy portfolio in energy legislation.

Mr. DORGAN. Mr. President, if I may, I know the Senator from Kansas spoke about this issue that we worked on in the Energy Committee over a year ago. We worked together to get what is called a renewable electricity

standard, some people also call it a renewable portfolio standard—through the committee process. A renewable electricity standard is a requirement that a certain percentage of electricity delivered be from renewable sources—wind, solar, and so on. I believe that it is very important to do that. I appreciate the Senator from Kansas and his position.

There is an old saying: If you don't care where you are going, you are never going to be lost. If our country does not describe the route we want to take, if we don't say here is where we want to go as a country, then wherever we find ourselves 5 and 10 years from now, that is where we are, I guess.

I believe however, that it ought to be a circumstance where we decide what our energy future looks like. I believe that we should incentivize the development of renewable energy. How do we maximize the development of wind and solar energy? By creating a renewable electricity standard that drives the development and by building the transmission that allows us to produce it in one area and move it to a load center in another area. We did that in the bill that passed the Energy Committee just over a year ago.

I fully support the notion of the Senator from Kansas that the 15-percent renewable electricity standard we created in committee ought to be advanced in any energy bill. In fact, I don't know whether we will part company on this point, but I have always indicated that I support a 20-percent renewable electricity standard. I believe our country ought to push very hard to move in the direction of maximizing the capability to produce renewable energy where the wind blows and the Sun shines, and put it on the wires and move it to the load centers. That is exactly what we ought to be doing. The Senator and I sure agree on the philosophy of this issue and the need for this provision in an energy bill.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I wanted to engage my colleague from North Dakota because there is a strong base of bipartisan support to do this, and I also believe there is a strong majority community across America that supports this. Don't get it out there so wild that it starts driving up utility rates. Nobody wants to do that, and everybody is opposed to pushing up utility rates. We don't want them to go up. They cannot go up. We cannot afford for them to go up in bad economic times, and I do not want it to happen in good economic times. But if we do this in a balanced approach where we say we are going to have a modest renewable electricity standard, a modest RES that people can work with—and in the bill in committee, we actually had an 11-percent energy standard—we could do 4 of the 15 by conservation,

which is prudent as well. This is something we can support.

I know this is something which we could see a strong majority of the American public support. This is balanced and it makes sense and it moves us forward. That is why I hope that if we get into this Energy bill this week—it may not happen this week or it may not happen until September—that this is a piece that is in the bill, and it is something we can get done, and the vast majority of the public, if we do it wisely and prudently, will support this.

Mr. DORGAN. Mr. President, will the Senator yield for a question?

Mr. BROWNBACK. Yes.

Mr. DORGAN. The fact is, I happen to support limiting or capping carbon. I will support a price on carbon. I do not support cap and trade as a mechanism, as a way of doing that, or giving Wall Street the ability to trade carbon securities. But that is another side to this.

Because we have not been able to do climate change legislation and develop a consensus on broader climate change legislation in this country, I have always felt we should bring the Energy bill to the floor which was, in fact, bipartisan and which would, in fact, do the very things we would want done to limit carbon. Take energy from the wind—that limits carbon. You develop energy without putting carbon into the air, just as an example.

I know Senator REID is trying very hard to do a couple of things. No. 1, he is trying to get this session moving on issues that matter. He has a lot of things on his plate. The Senator from Kansas knows—I am not being partisan when I say this—that a lot of things have been blocked, even motions to proceed. So the Senator from Nevada, Mr. REID, has a difficult job getting legislation to the floor and getting them moving. He has indicated he wants to bring to the floor an energy bill that includes a lot of items with which the Senator from Kansas and I would agree. We need to do something about oilspill regulation and safety and try to address those issues in the right way, and we do need to address a number of the other issues the Senator from Nevada suggested. I happen to think that using natural gas for long-haul vehicles on the interstate roadways makes a lot of sense. He has proposed a number of items, including electric vehicles. The bill I introduced, along with my colleagues, Senator ALEXANDER and Senator MERKLEY, that we passed through the Energy Committee last week, begins incentivizing and moving toward an electric vehicle fleet. All of those things are good. I support that, and I commend the Senator from Nevada for doing that. To the extent we can, if we can find ways to add other things that have a broad bipartisan consensus, that makes a lot of sense to me. I think that is what the Senator from Kansas is saying.

In order for a renewable electricity standard to be added, it would take 60 votes because things just take 60 votes around here. I went to a small school, and I thought a majority was just a majority, but it is not these days. But if we have the 60 votes—and I think there is some evidence that may exist—then adding a renewable electricity standard will substantially improve, I believe, the potential to pass an energy bill that would matter to America.

I want to say quickly that I understand Senator REID is trying very hard to get something done, to get it up, get it passed, and get it done. I commend him for that. I do not want to be critical at all. But I commend the Senator from Kansas as well because he and I agree: If we can add a renewable electricity standard to this legislation, we will advance our country's energy interests in a very significant way.

Mr. BROWNBACK. Mr. President, I thank my colleague.

I yield the floor.

Mr. DORGAN. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

KAGAN NOMINATION

Mr. SESSIONS. Mr. President, I wish to share a few thoughts on the nomination of Elena Kagan to the Supreme Court. I will share some other thoughts as we go along, and I will be producing for my colleagues a summary of some of the concerns I have about the nomination that would explain why I and a number of other Senators voted against this nomination in committee and why I think that calls for our colleagues to vote against the nomination on the floor of the Senate.

This nominee has the least experience of any nominee in the last 50 years, perhaps longer than that, having practiced law only about 2 years, right out of law school, with a large law firm, never having tried a case or argued a case before a jury of any kind, and spent 5 years in the Clinton White House, spent time teaching and being active politically. Those are issues that I think go to the basic qualities that you look for in a nomination. She had 14 months as the Solicitor General of the United States, and that is a legitimate legal job, but as I will point out, she didn't perform very well in that job and made some serious errors that I think reflect a weakness in her judicial philosophy.

So while there is no sustained legal practice that gives us a direct view of her judicial philosophy, other things do indicate it. There is plenty of evidence

that I think will show this nominee is not committed to faithfully following the law. The Constitution's words say we "do ordain and establish this Constitution for the United States," not some other constitution—not a European constitution, not a constitution as viewed by somebody in Argentina or France or wherever but our Constitution, passed by real Americans through the process that calls upon American input to pass that Constitution. Judges take an oath to be faithful to our Constitution. They take an oath to serve under the Constitution and laws of the United States.

So I think the evidence will show that this nominee believes judges have powers that go beyond what a judge has. This is what we have taken to calling an activist judge—a judge who believes they can advance the law, further the law, bend the law; that the Constitution is not plain words or a contract with the American people but a living document, which means they can make it grow into what they would like it to be; that they can set policy from the bench. That is not law, that is politics. Judges are required to adhere to the law. This is the great American principle that we are taught from elementary school on.

This nominee, pretty clearly, is a legal progressive and acknowledges that in her own testimony. When I asked her if she was, she didn't acknowledge it to me. But later, when she was asked again about it, she acknowledged to Senator LINDSEY GRAHAM that she was. That is what liberals have taken to calling themselves today—progressives—apparently thinking that is more popular than calling themselves liberals. I don't know why they have taken to doing that, but progressivism has a history in this country, and I think the people who call themselves legal progressives today are indeed in the tradition of progressivism that was rejected in the early part of the 20th Century by the American people.

President Obama is a legal progressive, I am convinced. He is a lawyer, a good friend, and somebody we all liked when he was in the Senate. But he has a view of the law that I think is a progressive view. He seeks, he says, to advance a "broader vision of what America should be," and that is what judges should do. I am not in agreement with that. I don't think judges have that responsibility. They have never been given that responsibility. Their responsibility is to objectively decide discrete cases before them.

Some have complained that Justice Roberts somehow was an automaton by declaring that a judge should be a neutral umpire—just call the balls and strikes; that he can't take sides in the game. I think that is a very wonderful metaphor for what a judge should be—a neutral umpire.

Judges cannot take sides in the game. That is not what they are paid to do. That is not what they are empowered to do, not in the American legal system. Maybe somewhere else but not in our system. The American people understand that clearly. They are not happy with judges who legislate from the bench, who think they know better, who consult some European somewhere, with very little accompanying scientific data, to say the world has advanced and evolved and the Constitution has grown and is alive and read new words into it that were not in there before, and we can find those words and we can have a broader vision for what America should be.

I do not think that is law. It is not law, and I do not think the American people want that kind of judge.

I do not believe in this nominee's slight differences of gradations in judicial philosophy. I do not think it is just a little bit more activist and it is a little bit more advanced law philosophy, and somebody else does not and there is not much difference. I think there is a very serious difference, and it is a question of where the American people allow power to reside—power over themselves.

They can vote us out of office. I suspect people will be voted out of office this November. People are not happy with us, I can tell you that. Polling numbers show Congress is at the bottom of popularity more than it has ever been—11 percent or something. The question is, Who is that 11 percent who is happy with this crowd? Where are they? I have not met any.

I would say the American people are not enamored with the idea that somehow, when a person puts on that robe they have been anointed with greater wisdom than if they had to run for office and answer to them. If you want to be a politician, run as a politician. Don't go for it on the bench.

I think the President has an incorrect view of that, frankly, a very seriously defective view of that. In a speech in the Senate just a few years ago when he was a young new Senator, he opposed now Chief Justice John Roberts, one of the finest nominees ever to come before this Senate. What a fabulous person he was. How magnificently did he testify and what a good background he had. He was recognized as a premier appellate lawyer in America and argued 50 cases, I believe, before the Supreme Court—more than almost anybody, certainly more than anybody his age—and demonstrated the kind of skill you look for in someone who would sit on our Nation's Highest Court.

President Obama voted against him. He said he thought that in truly difficult cases Judge John Roberts would rely on precedent and try to follow the law. He said that you can't rely on precedent or "rules of statutory or con-

stitutional construction." Instead, he argued that judges must base their rulings on "one's deepest values, one's core concerns, one's broader perspectives on how the world works and the depth and breadth of one's empathy." That is what President Obama said a judge should do.

I would assert that is contrary to the American heritage of law. That is not law. If you make decisions based on your deepest values—you mean the judge's deepest values? His core concerns? One's broader perspectives on how the world works and the depth and breadth of one's empathy? That is what a judge should do? Not in the U.S. order of jurisprudence, not the way I understand it, and I do not think it is the way the American people understand it either.

In a speech to Planned Parenthood, President Obama said he hoped judges would reach decisions on "their broader vision of what America should be."

His nomination of Ms. Kagan indicates that he believes she fits that bill. If we look at her record and speeches and background, I think it is fair to conclude she does. In a Law Review article she once declared that the Court primarily exists to look out for "the despised and the disadvantaged."

I think the Court is required to do justice. The oath a judge takes says a judge should do equal justice to the poor and the rich.

In another Law Review article, Ms. Kagan said, dealing with confirmation—actually the title of it was "Confirmation Messes, Old and New." She quoted Stephen Carter's book, "The Confirmation Mess" with approval, writing:

In every exercise of interpretive judgment there comes a crucial moment when the judge's own experience and values become the most important data.

Well, I don't think so. What do you mean the judge's own values become the most important data? You mean we are ceding to the judge their personal values instead of faithfully following the law and the facts as written?

In her Oxford thesis she wrote:

Judges will often try to mold and steer the law in order to promote certain ethical values and achieve certain social ends. Such activity is not necessarily wrong or invalid. The law, after all, is a human instrument, an instrument designed to meet men's needs.

The law is a set of commands from the government that have to be consistent with our Constitution. If they are, they should be followed, if they have been duly enacted by Congress. The American people can elect a new Congress and change those laws if they desire, but until they do so they remain the law and I do not think judges are supposed to be steering the law to promote certain ethical values.

Let me ask you, whose values are they? Whose ethical values are they? The judge's? Is that what we put them

on the bench for, to be able to steer the law to promote their ethical values?

Some people wrongly say the Constitution is defined by the nine Justices on the Supreme Court. Not so, really. If we want to be cynical about it, if they are not faithful to the law, five Justices can redefine the Constitution.

Recently, four Justices voted to basically eviscerate the second amendment, saying the constitutional right to keep and bear arms was not a personal right and that the Constitution did not apply to the States and counties and cities; and in effect a city, Chicago, could have basically eliminated all guns in their city, and it would not have violated the constitutional guarantee of the right to keep and bear arms.

They just wrote it out of the Constitution, I guess—and they cited foreign law about it.

We know other cultures are not as accepting of people having guns as in the American culture. It is just different. What does foreign culture have to do with ours? This is the kind of thing we are talking about. It played out in real cases and creates a real abuse.

She goes on to say that judges will often try to mold and achieve "certain social ends." Such activity, she says, "is not necessarily wrong or invalid."

I think it is wrong or invalid.

Am I being unfair to the nominee, Ms. Kagan? I don't think so. When asked about Ms. Kagan's record, a person in a very good position to know, Gregg Craig, former counsel to President Obama in the first year or two of the administration, who knows Ms. Kagan and who reviewed her when she was considered, apparently, for the first Sotomayor appointment, said:

She is largely a progressive in the mold of Obama himself.

I have come to believe that is exactly right. I mean, I just believe that is right. I think the President looked around the country to pick somebody young, who would serve a long time. She is 50 years old. If she serves as long as Justice Stevens whom she is replacing, she will serve 38 years. It is a lifetime appointment. It could be longer. So Mr. GREGG Craig said "she is largely a progressive in the mold of Obama himself."

The President was a community activist and a lawyer. He has taught some constitutional law—I am sure he is a good teacher. But if he is teaching this kind of philosophy I think it is not good, sound, judicial philosophy, and his approach I don't think is good.

I believe he looked for somebody who shared his views. As 59 Democratic Senators, he expects them to, lemming-like, go down the line and vote for whomever he puts up there, so he has put up somebody he thinks follows his views.

A second person who has been in a good position to know Ms. Kagan is Vice President BIDEN's chief of staff, Ron Klain, who worked in the Clinton White House closely with Ms. Kagan when she spent 5 years in the White House doing mostly policy work, as she said. This is what Mr. Klain, an experienced lawyer who has been around Washington a long time, said about her:

Elena is clearly a legal progressive. I think Elena is someone who comes from the progressive side of the spectrum. She clerked for Judge Mikva, clerked for Justice Marshall, worked in the Clinton administration, worked in the Obama administration. I don't think there is any mystery to the fact that she is, as I said, more of the progressive mold than not.

Let's just take a note there, when she graduated from law school she clerked for Judge Mikva. She is a very smart individual, a very liberal individual. I believe she clearly would be considered a judge of the activist variety. Then she clerked for Justice Marshall, a great, famous Justice on the U.S. Supreme Court but probably considered the most activist member ever to sit on the Supreme Court of the United States. That is whom she worked for.

She took a leave, I think it was a leave from her teaching position, to come to the Senate to work on the Judiciary Committee to help confirm to the Supreme Court of the United States the chief counsel for the American Civil Liberties Union, Ruth Bader Ginsburg. That is the kind of judge she has admired and worked for.

She made a speech in which she called Justice Barak of Israel, who has been called the most activist judge in the world, her judicial hero.

I think the American people know the role of a judge. They know a judge is not empowered to legislate. They know a judge is not empowered to set policy. They know a judge is not empowered to redefine the meaning of words in the Constitution or some statute to make it say what they would like it to say in a given case that is before them. They know that is an abuse of power.

It is a violation of oath, and the American people care about it. When I talk to people, when I am in townhall meetings, people invariably ask about activist judges who are legislating from the bench. They know it is against the American view of law because these judges are unaccountable to the public. They have a lifetime appointment. They cannot be removed if you disagree with their approach. So for them to advance an ideological, philosophical social agenda from the bench frustrates democracy in a very real way, and the American people understand it.

I do not think the American people are going to hold harmless those who vote to impose a legal progressive activist legislator from the bench upon

them. So I am asking my colleagues to look at this nomination carefully. Do not be a rubberstamp for the President. I am talking primarily to my Democratic colleagues now. It is your vote. It is your responsibility to make sure your constituents do not wake next year, next year, next year, and find some judge redefining the Constitution to make it say something it was never intended to say.

So do not be a lemming. Review this nomination. Be careful about it because I am afraid we have a dangerous, progressive, political-type nominee who is going to be before us. So I would call on my Democratic leadership in the Senate, let's be sure we have a good time for debate, let's not curtail it. I call on all my colleagues to come to the floor and express their views, but, most important, to ask themselves, is this nominee the kind of nominee you who will serve on the Federal bench for the next 30, 40 years who will subordinate herself and serve "under the Constitution and laws of the United States" as that oath says or will she feel she is just a little bit above it, and has a right to advance a social agenda or some other broader vision for what America should be that somehow Congress did not see fit to enact, the people's branch did not see fit to enact, so she should just do it anyway because Congress did not act. We should act. That is not a justification for judicial activism.

When Congress does not act, it does not act. That is a decision not to act. Courts are not empowered to set about to fix all that if they are not happy with it.

We are heading into an important period for the Congress, for the Senate. We will be looking at this nomination. The nominee was a skillful and articulate one and had a good sense of humor and handled herself in many ways well. But I think, as you hear from a number of people who studied her testimony, that it had a bit too much spin and not enough law, not enough clarity, not enough intellectual honesty to meet the high standards we should look for in a Supreme Court nominee.

We ought to be looking for the best of the best, a lawyer's lawyer, not a political lawyer, a lawyer's lawyer or a proven judge. The fact that she is not a judge is not disqualifying. But I would expect, if you are not a judge, you ought to be proven as a lawyer in the real world of law practice. This nominee simply is not. She is a political lawyer, and I do not believe she should be elevated to the Supreme Court of the United States.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, I rise in strong support of the amendment offered by my good friend from Colorado, Senator MARK UDALL. Credit unions across the country are currently restricted in the amount of lending they can provide to their members for business purposes. The Udall amendment, which I proudly cosponsor, will raise that limit. Congress should be focused like a laser on bringing unemployment down and getting the economy humming on all cylinders again. The bill before us today is part of that ongoing effort. It is a much needed, targeted bill that will help small business expand and hire.

There are many worthy ideas and important programs in the bill, from bonus depreciation to increasing the loan limits on SBA's flagship programs to providing grants to help States expand innovative small business initiatives. But a core mission of this bill was always to jump-start lending.

When I travel around New York and talk to business owners about creating jobs, the No. 1 thing they bring up is their inability to get access to credit. I believe the small business lending fund, which I vociferously supported and which the Senate approved last week, will prove to be a shot in the arm for small business, greatly increasing access to credit. I thank my colleague from Louisiana, Senator LANDRIEU, and my colleague from Florida, Senator LEMIEUX, my colleague from Washington State, Senator CANTWELL, and others, Senator SHAHEEN, for their efforts to reinstate this important fund. But we can't stop there.

Credit unions are an important source of credit for small businesses from coast to coast. They should not be neglected as we seek to improve the economy. When this idea was originally proposed, some concerns were raised about the safety and soundness of credit unions, their members, and the credit unions' insurance deposit fund.

My office worked with Senator UDALL and the Treasury Department to come up with a plan that would address those concerns. First, the cap is only raised for credit unions that meet strict eligibility criteria. To qualify, credit unions must be well capitalized, demonstrate sound underwriting and servicing based on historical performance, have strong management and policies to manage increased lending, and be approved by their regulator for the higher cap.

They must also be at or above 80 percent of their current cap, with 5 or more years of experience lending to member businesses. This means only credit unions with significant experience lending to small businesses will

have their cap raised, and it is targeted at those credit unions most likely to expand their lending because they are at or near the existing cap.

I commend Mr. UDALL, the Senator from Colorado, for taking the lead on this novel approach. His amendment is a sensible compromise that successfully addresses the concerns that were raised.

Based on conservative estimates, this amendment will lead directly to over \$10 billion in new lending and will create over 120,000 jobs. In my home State of New York, it will create over \$750 million in new lending and create over 8,000 jobs. It does it all with no cost to the taxpayer. I repeat, the amendment does not add a dime to the deficit and will have a positive impact on GDP.

Certainly, this amendment is not a cure-all for our economy. But with small businesses starved for credit, it seems obvious to me we should be trying everything we can to increase lending to small businesses. Simply put, this amendment is a no-brainer. I urge my colleagues to support the amendment offered by my friend from Colorado.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCHUMER). Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I come to the floor today in support of the small business jobs bill, which is moving through the Senate.

I first would like to say how much I appreciate Senator LANDRIEU of Louisiana and her leadership on this bill, as well as the members of the Small Business Committee, who have worked incredibly hard to bring this bill to the point it is ready to get voted on.

When we first began discussing how we could help our small businesses deal with the issues they face in this difficult economy, I spent a lot of time going around my State and actually talking to those who run small businesses, who work in small businesses, to get some ideas of what would really work. That is when I heard time and time again about how they desperately need capital.

In fact, according to the National Federation of Independent Business, 45 percent of small businesses in America say adequate access to capital is their No. 1 problem. I think this is summed up well in a letter I got from a constituent of mine. He founded his first real estate company over 20 years ago, and when the market went south, he did not just tighten the hatches, he actually invested his savings in a new

home staging business to help people get their homes ready to be put on the market.

While his new business is profitable, he still cannot get credit. In the letter to me he said:

I have approached over 10 banks and guaranteed a loan using my building with a free and clear title, and have been turned down by every bank. The answer to growing the economy and creating jobs is getting the banks to lend to low risk entrepreneurs like me.

The great thing is, our community banks agree.

Last week on the Senate floor, I read a letter I received from Harry Wahlquist of Star Bank in Bertha, MN. As you can imagine, Bertha is not exactly a majority metropolis. Bertha, MN, is not New York City. I just want to read it again because I think it drives home the point that there is broad consensus that this bill is what we need. In this letter, the banker from Bertha said this:

I am a banker and need capital to continue serving my nine Minnesota towns. Please pass the small business lending bill now. You gave money to Wall Street. How about Main Street in Minnesota?

That is what this bill will do. It will help Main Street. It does it with more than a number of provisions to expand access to credit. It provides for a 100-percent exclusion on capital gains taxes on small business investments made in 2009 and 2010. It increases the maximum deduction for business start-up expenses to help entrepreneurs get their businesses off the ground. It allows businesses of all sizes to write off more of their investments in property and equipment to help them grow.

Provisions like these are why this bill has such broad support. Whether it is the Chamber of Commerce or the Independent Community Bankers of America, they want us to work together to pass this bill.

We have gotten this economy off the cliff. We worked with our banks and our financial institutions 2 years ago. We also worked with the stimulus bill, with the Recovery Act. But we know the answer cannot just be government jobs. We know that. What we are looking at is how do we work with small businesses that create 65 percent of the jobs in this country? How do we work with the private sector to create jobs?

Another reason we need this bill is that it helps small businesses increase demand for their products and services. At a time of sluggish consumer spending, we need to be sure all American businesses—both big and small—have a chance to reach new customers abroad because when our companies are able to unlock new markets, they are also able to create new jobs.

Currently, the United States derives the smallest percentage of our GDP from exports compared to other major economies—the smallest percentage when we look at other economies

across the world. As people in China, in India, and other countries gain more purchasing power, there is great potential for exports in this country because the people in these countries, in China and India, as they are gaining purchasing power, will become our potential customers.

More exports will mean more business, more jobs, and more growth for the American economy. So you can finally go in the store, look at the best good for the best price, and you can turn it over and it says “Made in the USA.” You can see that good on the shelves in China, and you can see it in India.

First and most obviously, exports allow a company to increase its sales and grow its business. Second, a diversified base of customers helps a business weather the economic ups and downs.

Currently, less than 1 percent of all American businesses export overseas. Of those that do, nearly 60 percent sell their products to only one foreign country, typically Canada or Mexico.

With 95 percent of potential customers outside our borders, and with the purchasing power they have increasing, it is clear the opportunities that lay in exporting for our businesses, large and small, are there.

But for many businesses, especially the small and medium-sized ones, the world looks like one of those ancient maps that contains only the outlines of the continent and a few coastline features, but the rest of it is a blank space of vast, unknown, and unexplored territory.

But do you know what. Thirty percent of our small and medium-sized businesses say they would like to export if they knew how, if they had the connections. In many situations, our small and medium-sized businesses have the products. They have the services. They simply cannot deal with the complexity of the international markets.

The overwhelming majority of businesses, even those that want to export, do not know about the export promotion services offered by our Federal agencies, and they do not know where to begin in order to make use of these services.

To help blunt the learning curve for these businesses, Senator LEMIEUX and I introduced legislation, which is included in this small business bill, to make sure companies have the capital and tools not only to continue exporting but to expand their reach to those 95 percent of customers who are located outside the borders of the United States.

If we really want to get out of this economic slump, we have to look outside our borders. We have to look at the customers across the world.

First of all, this bill increases the activities and staffing of the Department

of Commerce U.S. and Foreign Commercial Service Officers in carrying out their mission.

Secondly, it expands the Rural Export Initiative, which helps rural businesses develop international opportunities. Every \$1 invested creates \$213 in rural exports. That is a return on investment. It does so by helping businesses, to prepare them for profitable growth in global markets. It focuses on locating and targeting new markets, the mechanics of exporting, including shipping, documentation, and financing.

My State is now seventh in the country for Fortune 500 companies. But these companies did not start big. Medtronic started in a garage. 3M started as a sandpaper company in Two Harbors, MN. Target started as a dry goods store in the Nicollet Mall in Minneapolis, and they grew and they grew and they grew and a lot of how they grew was exporting their products, building new stores across the world, sending medical devices to places such as China and India.

Well, do you know what. It is a lot easier for big companies to do it because they have the staff to do it. It is a lot harder for small and medium-sized companies.

I saw success in our State, a little company in southern Minnesota, near Austin, MN, Akkerman Inc., named after Darryl Akkerman, who is there now—the son of the owner. He has been named “the trenchless digger of the year” in the United States. He has a product, and it is a big one. He puts big steel piping underground and pushes the piping through to do trenchless digging. Guess what. Countries such as China and India that have a lot of people on the surface of their land, they do not want to dig up big trenches. They want to do trenchless digging. In the middle of a cornfield he has grown from a few dozen employees to 77 employees, all because of exports.

Matracks, the moose capital of Minnesota, Karlstad, MN, has grown from 5 employees to 50 employees simply by driving to Fargo, ND, and meeting with a woman named Heather who is with the Foreign Commercial Service Department, and finding out what potential customers they had from Turkey to Kazakhstan.

That is what we are talking about, exports. I am so proud the small business bill includes some major provisions, the bill Senator LEMIEUX and I introduced in Commerce. We got it through the committee, and it is now on the small business bill. It is going to make a world of difference so small businesses can access a world of opportunity.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I come to the floor to strongly support the legislation before the Senate on behalf of small businesses in this country. They are the greatest generators of jobs in the country. We hear that so often from our colleagues on the other side of the aisle. This is something on which we agree. They are the greatest generators of jobs in the country. So when we are trying to get people back to work, let's help them help us collectively in putting more Americans back to work. That is what this legislation is all about.

We have talked a lot about protecting Main Street, and now this bill gives us the opportunity to do exactly that. It gives communities the guarantees they need to get lending started again, to put money into our engines of job growth, and all without any pay-go implications. That is a good bill.

I wish to thank our distinguished colleague from Louisiana, Senator LANDRIEU, the chair of the Small Business Committee, for her hard work in putting this important legislation together, as well as the ranking member of the committee, Senator SNOWE, for her work on the bill and particularly her past work with me on community development financial institutions or what we commonly call CDFIs. I am very grateful to Senator LANDRIEU, the chair, for including an important CDFI component in the bill before us.

Let me take a moment to talk about how this is an opportunity to have direct and immediate opportunities to help jump-start job growth.

It invests directly in small businesses and local communities by supporting community development financial institutions, or CDFIs, and based on what we know from historic performance—not because we are guessing but from historic performance—the provision I authored will create approximately 40,000 new jobs by authorizing the government to guarantee bonds issued by qualified CDFIs for community and economic development loans. Best of all, again, there are no pay-to implications.

As their name implies, the primary mission of community development financial institutions is to foster economic and community development in underserved areas. They have a proven track record of job creation and are arguably the most effective way to infuse capital in underserved areas for community and economic development.

CDFIs leverage public and private dollars to support economic development projects, such as job training clinics and startup loans for small businesses in areas full of potential but desperate for development.

CDFIs have been hit hard by the recession because they have had to rely on big banks for capital. We know and have seen that capital is neither affordable nor accessible and, to be honest with you, not forthcoming.

I am proud to have had bipartisan support on this provision that is included in the bill. Again, I thank Senator LANDRIEU for including it. I thank Senator SNOWE for cosponsoring it, along with Senators JOHNSON, LEAHY, and SCHUMER.

The idea is simple: If big banks don't care about lending to small businesses and communities in need of capital, then we should empower the very organizations that do care, that make it their mission every day to rebuild Main Street across this country, and that have a proven record of achievement. As I said earlier, all the calculations are based upon their historic performance, and this provision alone, within this bill, could create 40,000 new jobs.

I don't understand how our colleagues on the other side of the aisle can go back home to their States, looking at high unemployment, and rail about the realities that unemployment continues to be high and then be here in Washington stopping the very essence of what could create the jobs to reduce those unemployment levels, put people back to work, and give them the dignity of having a job that can help sustain their families and realize their hopes and dreams and aspirations. I don't get it. But that is where we seem to be. We seem to be where everything has a political equation, which is to ultimately have this President and this Congress fail, and somehow that is the road to electoral victory.

If you were just a political tactician, maybe that would make sense. The problem is, it is not about this President or this Congress failing; it is about failing the country at one of its most critical junctures in history. I hope we can see some support for this legislation.

Finally, I have often heard my colleagues talk about the home building industry. Well, I have an amendment that is out there, and I believe we should be supporting small businesses regardless of what industry they are in. The home building industry has been especially hit hard by this recession, resulting in the loss of hundreds of thousands of the middle-class, blue-collar jobs this country was built on and that communities were built on. Encouraging community banks to fund the construction of housing would not only put many of our unemployed construction workers back on the payroll, it will help revitalize the housing market, which is one of the root causes of this recession in the first place. But it would be nice to have some Republican support, to have that provision included, and to ultimately help us pass

the bill, so we can get people back to work.

I hope the Republicans will join in this effort to ensure that all small businesses share in the benefits of this valuable program and this legislation. If we do that, this will be a good down-payment on getting more people back to work.

I don't know, again, how our colleagues seem to be able to go back home and rail about where are the jobs and then be here as the job killers. That is what they seem to be doing all the time—voting no, opposing process, so the creation of jobs is not achieved, so that, in fact, we can find ourselves in a situation in which the American people who are looking to this Senate to help create the circumstances in this country and the economic underpinnings to drive the private sector and create the jobs that they can work in, which will give them gainful employment and help them realize their hopes, dreams and aspirations and, therefore, have money in the economy to spend for the challenges they have and then further enhance the ripple effect of that, which will create more jobs. That is what this is about. It is about the private sector having the opportunities, but the private sector that creates the greatest rates of growth for job opportunities is small business.

I hope our colleagues on the other side of the aisle can find their way to finally come together with us on this specific piece of legislation to create jobs for our families and put America back to work.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I know we are awaiting the arrival of the majority leader on the floor, but I wish to say a few words as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. WHITEHOUSE. Mr. President, almost every family in America has experienced the pain of a loved one who has been diagnosed with cancer. Today, I want to tell the story of the Grimes family from West Greenwich, RI.

According to the Rhode Island Department of Health, nearly 4 in every 10 Rhode Islanders will develop cancer sometime during their life. In a State as small as ours, this means almost everyone has a friend or a family member who is affected by this disease. For

those of us who have been touched by cancer, directly or indirectly, those are memorable emotions. In my family, both my mother and father died of cancer.

Survival rates have greatly increased for many forms of cancer, thanks to new technology. But one form of cancer has not seen the same progress, and that is pancreatic cancer. Janet Grimes recently wrote to me about her mother Muriel who was diagnosed with pancreatic cancer this past April. Currently pancreatic cancer patients have about a 6-percent chance of living more than 5 years and about 75 percent die within the first year. These are dismal numbers.

Janet has watched this cancer deeply affect her mother's quality of life. Janet wrote me that her 82-year-old mother was active, sharp, vivacious, and living in her own home in North Carolina until this disease struck. Since then, Janet has had to move her mother to Rhode Island to care for her, taking a leave of absence from her work. In the past few months, her mother has lost 25 pounds, is frequently nauseated, and needs constant care. Janet is seeing all too clearly how devastating this disease can be. As I speak, it appears our thoughts and prayers need very much to be with the Grimes family.

Janet has authorized me to speak about what is happening in her family because she is concerned about pancreatic cancer research, that it suffers from a lack both of funding and of institutional focus, constituting less than 2 percent of the National Cancer Institute's research funding. According to the American Cancer Society, pancreatic cancer remains the fourth leading cause of cancer death overall. In fact, they estimate that in 2010, more than 43,000 people in the United States will be diagnosed with this disease, and nearly 37,000 will die.

We may not yet be able to cure this terrible disease, but there are important steps we in Congress can take. I have introduced the Pancreatic Cancer Research and Education Act to help address this funding and research gap. It is a bipartisan bill cosponsored by 20 colleagues, including 4 Republicans. It makes vital investments in research into new treatments and represents a strong Federal commitment to fight back against pancreatic cancer.

Specifically, this bill directs the Secretary of Health and Human Services to design and implement an initiative to coordinate and promote pancreatic cancer research and increase physician and public awareness of the disease. It creates an interdisciplinary committee to guide pancreatic research activities, develop an annual strategic plan, and make recommendations regarding the prioritization and award of NIH grants for pancreatic cancer research. Finally, it authorizes an NIH grant program for

research institutions to develop innovative compounds or technologies for prevention, early detection, or treatment with cancers with 5-year survival rates of less than 50 percent. And, of course, pancreatic cancer is well less than 50 percent.

It authorizes the Secretary of Health and Human Services to designate two centers of research excellence focusing on pancreatic cancer research.

As I said, our thoughts and prayers this evening need to be with the Grimes family. Their story, however, is just one of many that my office has received calling for this much needed investment.

For these families and for others who will face the same dread diagnosis, we need to keep working toward advancing pancreatic research and awareness. I hope my colleagues will join me in support of this legislation.

Mr. President, I rise to speak about an important provision included in the Small Business Jobs Act that will significantly reduce fraud, abuse and waste of taxpayer dollars in Medicare. I commend the Senator from Florida, Mr. LEMIEUX, who introduced the idea earlier this year. I am a cosponsor of that legislation, and he and I have worked on it together with Senator BAUCUS. I am gratified that my colleagues have voted to include it in this bill.

Neither the public nor private sectors have done enough to detect and prevent health care fraud. The National Health Care Anti-Fraud Association estimates that private insurers and government health care programs lose at least \$60 billion annually to fraud. In 2008, HHS estimated a 3.6 percent improper payment rate in Medicare fee for service, totaling \$10.4 billion, and 10.6 percent rate in Medicare Advantage, or \$6.8 billion. These funds should be used to provide health benefits for seniors but are squandered on criminals instead.

The Departments of Justice and Health and Human Services have taken important steps to attack the problem, creating a joint task force on health care fraud and a specialized unit—the Health Care Fraud Prevention and Enforcement Action Team—to prosecute fraud and abuse. But in a program as large and complex as Medicare, these efforts are too often hindered by technical blind spots. We can only pursue those offenders we can detect, and the volume and speed of Medicare reimbursement data too often overwhelms our ability to catch wrongdoers.

The fraud prevention provisions in this bill represent a paradigm shift in fraud detection and prevention, moving away from the "pay and chase" model to an environment in which fraudulent claims can be flagged and investigated before taxpayer funds are spent. The bill requires Medicare to deploy the

most advanced technology at our disposal predictive modeling systems currently used in the credit card and banking industries to sift the chaff from the wheat, so to speak.

These systems can analyze significant volumes of data and identify patterns of behavior by certain providers as presenting a high risk of fraud. These claims can then be flagged for further investigation and denied if fraudulent.

In the program's first year, the system will be rolled out in 10 States that have the highest levels of waste, fraud and abuse. Ten more States will be added in the second year. The Department's inspector general will report on the effectiveness of the program at the end of each of these years. If such reports demonstrate to the Secretary's satisfaction that it saves taxpayer funds and operates correctly, the system will be expanded to Medicare claims nationwide.

We must marshal our best technical know-how to defeat the cheats and crooks that swindle the taxpayers and Medicare beneficiaries. This bill starts us down that road, and I applaud my colleagues for including it.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, on Thursday night, we had a successful vote on the small business jobs bill. It was an amendment that had been worked on for more than a week by Senator LANDRIEU and many others, including Members on the other side of the aisle. We were able to get the votes to pass the amendment—60 votes on it. Now we are back on the bill.

I was told by the Republicans who voted with us on that amendment that it was appropriate before we moved to cloture that there be amendments by the Republicans on the legislation. I conferred with Senator LANDRIEU and, because Senator BAUCUS of the Finance Committee had to provide some of the money for some of the things we did, I conferred with him.

We were told that there were three amendments they wanted to have: a Hatch amendment, one by Senator GRASSLEY, and one by the Senator from Nebraska, Mr. JOHANNIS. We agreed with those amendments.

As happens around here and has for many years, when someone offers an amendment, it is very traditional to have an amendment opposite that, a so-called side-by-side amendment. I do not know what could be more fair. We have agreed to their amendments, that we would have votes on them. Our amendments are within the same subject matter of their amendments. I cannot understand why we cannot move forward in good faith on this legislation.

Both parties claim they are friends of small business. This bill gives Members

of both parties an opportunity to prove that.

This bill expands access to credit for small businesses across our entire country, cuts taxes for small businesses across our entire country, and expands both domestic and foreign markets for small businesses.

We spent the last several weeks working with Members of both parties to pull this bill together and bring us to the point we are today—on the verge of final passage. My friends on the other side of the aisle said the only thing standing between us and their support for final passage is giving them an opportunity to vote on some of their amendments.

Last week, they requested we give them votes on three amendments. I repeat, a Grassley amendment on a biodiesel tax credit; a Hatch amendment on a research and development tax credit; and a Johannis amendment on repeal of the corporate reporting requirement in the health care bill. I do not know what could be more fair than saying yes.

I am going to propound a unanimous consent request that would give the Republicans votes on all three of their amendments, with a vote on a Democratic alternative on each one of them.

In addition, I will ask for a vote on a Democratic education jobs amendment and, of course, Republicans would have an opportunity to offer an alternative to that amendment. If they truly are friends of small business, if they meant what they said last week, the Republicans should accept this request because we are, in effect, saying yes, and we would then be on a path toward completing this bill.

The only alternative we would have then, which would be disappointing for I think most everyone, is we would have, by virtue of the rules, a cloture vote sometime in the morning. I hope that is not necessary.

Mr. President, I ask unanimous consent that the pending motion to commit be withdrawn; that all pending amendments be withdrawn, except amendment No. 4519; and that the following amendments be the only amendments in order to amendment No. 4519, with no motions to commit or motions to suspend the rules are in order during the pendency of H.R. 5297; that all amendments included in this agreement be subject to an affirmative 60-vote threshold; and that if the amendment achieves that threshold, then it be agreed to and the motion to reconsider be laid on the table; that if it does not achieve that threshold, then it be withdrawn; that any majority side-by-side amendment be voted on first in any sequence of votes; further, that debate on any amendment included in the agreement be limited to 60 minutes each, with all time divided and controlled in the usual form:

Baucus amendment regarding information reporting provisions health

care as a side-by-side to Johannis amendment No. 1099 reporting amendment; Johannis amendment No. 1099 which is on reporting; Murray-Harkin amendment regarding education funding; a Republican side-by-side to the Murray-Harkin amendment regarding education funding; Baucus amendment regarding expiring provisions, as a side-by-side to the Hatch R&D amendment; the Hatch amendment regarding R&D; Reid amendment regarding FMAP/Cobell funding; Grassley amendment regarding biodiesel; that upon disposition of the listed amendments, no further amendments be in order; that the substitute amendment, as amended, if amended, be agreed to, the bill, as amended, be read a third time, and without further intervening action or debate, the Senate proceed to vote on passage of the bill; finally, that once this agreement is entered, the cloture motions on the substitute bill be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. This is a bill which, at its core, initially had pretty broad bipartisan support. But, as sometimes happens in the Senate, it got all snarled up with a variety of other matters.

I would like to propound an alternative consent with the following explanation. When you review the record on this bill, you will find that we have had exactly two votes. One was a motion to proceed, and the other was on an amendment offered by the majority. The majority leader has filled the tree on three separate occasions on three different substitutes. In effect, we have been completely shut out on the floor in terms of amendments we wanted to offer. We basically had to ask permission to offer amendments. I don't like that kind of process, but to get things moving, we actually gave the other side copies of our first few amendments almost 2 weeks ago—2 weeks ago. We were told the other side would want alternatives to our amendments, and it took until about an hour ago—an hour ago—before they produced their amendments.

So to be clear, the majority leader moved to proceed to this bill on June 24, and since the time the bill was actually pending, the small business bill was set aside to consider six other legislative matters during that period. And although I supported a number of those other issues, the fact is, we have not had any opportunity to offer amendments.

Having said that, I believe a better way forward is as follows:

I ask unanimous consent that the cloture motions with respect to the small business substitute and bill be vitiated.

I further ask that the following amendments be in order to the Reid substitute: the Johannis 1099 repeal, the Hatch R&D, the Hatch tax hike prevention, the Grassley biodiesel, the Sessions amendment on spending caps, a Hutchison amendment on nuclear loan guarantees, a McCain amendment on border security, and a Kyl amendment on death tax.

I further ask unanimous consent that it be in order for the majority to offer a relevant side-by-side to any of the above-mentioned amendments.

Before the Chair rules, I would tell the majority leader that I will work with each of our sponsors to lock in reasonable time agreements on these amendments.

Therefore, Mr. President, I propound that alternative consent.

THE PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

THE PRESIDING OFFICER. The majority leader.

Mr. REID. I am terribly disappointed, Mr. President. We have tried our utmost to be fair and reasonable, but it is obvious there is no effort here to solve the problem with small business across this country.

The spending caps in the Sessions amendment we voted on five times, at least. Anyway, we have voted on it quite a few times.

Nuclear loan guarantees. This is an amendment that is suggesting there are not enough loan guarantees for constructing nuclear powerplants. And that is probably true, but that has nothing to do with this bill. That is not small business. We are talking about tens of billions of dollars—tens of billions of dollars for one plant, and we are talking about five or six plants. So we are talking about maybe \$50 billion. That has nothing to do with small business.

The McCain amendment on border security. We know that is the place they always go—“they” meaning my friends on the other side of the aisle—is to border security. It is interesting to note that on the supplemental appropriations bill, that was one of the amendments that was on the bill we got from the House, and we agreed to do that. We said: Let’s do that. The money is there. Let’s do it. There was an objection from the Republicans.

So I feel so disappointed for a lot of reasons, not the least of which is small businesses in America need this help. The Small Business Administration needs what we are doing here, and community banks need what we are doing here.

I also feel badly for another reason. Senator LANDRIEU, the chairman of the Small Business Committee, has worked on this matter tirelessly for a couple of weeks. The Landrieu provision was taken out of the bill in an effort to get

enough votes to pass this. She was given the assignment of getting some Republican support, and she did that. That is how we got the votes last Thursday evening, because she worked with them and we picked up two Republican votes. So I feel bad that she is not going to see the fruit of her labors unless something changes. She has done remarkably good work.

This legislation is supported by chambers of commerce and all kinds of organizations. This is not a Democratic bill; this is one that is bipartisan. If there ever were anything that is bipartisan, it is this bill.

The estate tax? Let’s be serious. We all know, Mr. President, that this is an effort to stall and not do this bill. There is no suggestion that we don’t need to do something with the estate tax before we end this congressional session, but it has nothing to do with this legislation before us. We were told there were three amendments they wanted, and we agreed to take those.

So regretfully, unless someone can come up with a proposal that is something that has reasonableness in it—I can’t imagine what is wrong with what we have suggested. We take their three amendments, we have side-by-sides to those and go to cloture in the morning.

I notice the consent agreement they have given us here has no time limit. I know my friend said he would work on time agreements. And even when we finish this, there is nothing that says we would even go to the bill then. This is the proverbial stall we have had all year—an effort to say no to everything we do. So I regretfully have to object.

THE PRESIDING OFFICER. Objection is heard.

Is there objection to the majority leader’s request?

Mr. McCONNELL. Reserving the right to object—and I will object—I would just say to my friend that this bill initially did enjoy bipartisan support. But where we stand today, the Democrats want to offer amendments about health care, about educational funding, about FMAP, and about Cobell funding, so we have both sides sort of piling on here.

I guess I would say to my friend from Louisiana that this is a discussion worth continuing with her counterpart, the Senator from Maine, who is our leader on the Small Business Committee, because somewhere in all of this there is a bipartisan bill, if we can structure the right kind of process that eliminates the feeling—beyond feeling, the reality of the minority getting shut out.

Therefore, Mr. President, I object.

THE PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, if the minority leader will yield for a question, I appreciate how the leaders have tried to work together, although we

don’t seem to be getting to an agreement at this moment, but I wanted to ask the minority leader to clarify something. When he said things got snarled up, I don’t know what has been snarled. The only amendment that has been offered on this bill, which was passed with 60 votes, was an amendment offered by Senator LEMIEUX from Florida, who is a Republican. It wasn’t mine. I was a cosponsor, but he was the lead sponsor. It was a Republican amendment that was offered on the floor and received 60 votes. Is that what he was referring to that got snarled or was it something else?

Mr. McCONNELL. I would just say there is now substantial opposition to the bill. I sense a significant lack of enthusiasm on the part of our ranking member. She can speak for herself, but my advice to my friend from Louisiana is that this is worth continuing to discuss to see if there isn’t some way to get this bill passed in a form that is acceptable to most of the Senate.

Ms. LANDRIEU. May I ask another question? I appreciate what the Senator has said, but the ranking member has made it clear for many months now that she doesn’t support—and I have great respect for her—the Small Business Lending Fund. So we actually did what we were supposed to do. We had a debate for 12 hours on the floor, and everybody got to speak. She spoke, I spoke, everyone spoke. And do you know what happened? The minority leader may remember. We got 60 votes, so we won.

Mr. McCONNELL. If the Senator will yield for a suggestion.

Ms. LANDRIEU. Hold on. I just want to say, if that is not the process, I don’t know what is. We didn’t cut that deal in the back room. We told everybody what we were going to do. I stood out here for 12 hours. We voted in public. Everyone knew about it. So if that is the definition of snarled, we have a real problem.

But go ahead. Yes, I will yield for a question.

THE PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. I was going to say that those points are ones better addressed to the Senator from Maine, and she is not on the floor at the moment. I am sure, if you can discuss it—you know a great deal about it as you have worked on it together. I think you ought to continue to discuss it.

Ms. LANDRIEU. Well, I appreciate that because I do have the greatest respect for the Senator from Maine. But she has not been excited about this program. She voted no, but we got 60 votes for the program. So I think perhaps we might find a way forward.

I am going to yield in just a minute, but the minority leader said he wanted eight amendments; our side wants three. Maybe we can figure out some way to agree on five on each side and

get the small businesses in America the help they need.

I don't know if the Senator from Illinois has an idea, but the Republicans want eight; we want three; let's get five.

Mr. DURBIN. If the Senator from Louisiana will yield for a question, the majority leader just said we are going to continue to work on this, but I remember yesterday, during the debate on the DISCLOSE Act, the Republican leader came to the floor and was critical of the fact that we had left the small business bill. He said: Why don't we stay on the small business bill? It is very important.

Today, we couldn't work out an agreement when we accepted the three amendments which the Republicans said they wanted to offer. We said: Fine, you may offer those three, we will offer three, and let the Senate decide.

Now the Senate minority leader, the Republican leader, comes to the floor and objects again. He can't have it both ways. He can't complain that we are killing time here on the floor instead of taking up small business and then, when we return to it, object to finishing the bill.

Right now, if I am not mistaken, we are facing a cloture vote. That will happen automatically in the morning, if I am not mistaken, on this bill, and I am hoping we can either get a unanimous consent agreement by then or some agreement by some Republicans to stand up for small business.

Ms. LANDRIEU. Yes. And I thank the Senator.

Mr. DURBIN. Is that not true? I am supposed to form a question.

Ms. LANDRIEU. I think the Senator has assessed it correctly. But we have worked in a bipartisan fashion through both the Finance Committee—and I see the Senator from Montana, the leader of that committee, is here—and through the Small Business Committee. There were a few issues that couldn't be worked out in those committees, so the idea is to bring them to the floor and get a vote. We brought the lending provision to the floor, we had a vote, and we got 60 votes.

So let's just continue to move on. If someone wants to offer an amendment to strike it and take it out—I don't think they will get that but, fine, and let's move on. It is a very strong bill.

I just want to say that the only amendment that has been adopted to this bill has been a Republican amendment—with my cosponsorship—by Senator LEMIEUX from Florida because he says he has a State full of small businesses that desperately need this help. So we are not that far apart. They want eight amendments; we want three. Maybe we can figure out five amendments that could be offered because I think the small businesses of America deserve our best efforts.

I thank the Senator from Illinois.

MORNING BUSINESS

Mr. REID. Mr. President, it appears we have reached an impasse here. I ask unanimous consent that we go into a period of morning business now, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. I wish to speak up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS LENDING FUND ACT

Ms. LANDRIEU. Mr. President, I am still hopeful we can find a way forward. Many things in life are worth fighting for and this bill is one of them. I did not know if we would have to fight 12 hours and a few days or 12 hours and a month. But we are going to continue to fight for a strong small business bill for America.

It is extremely important that we focus our attention on small business and that is what this bill does. We have a bipartisan bill. We have had a bipartisan amendment offered by the Republican from Florida, Republican GEORGE LEMIEUX, that got on this bill after 12 hours of debate. It is a stronger bill because of it.

Because of a request by Senator LINCOLN from Arkansas and, I understand, Senator SAXBY CHAMBLISS from Georgia, the leader, our leader, included at the request of both of them—not one, but both the Senator from Georgia and the Senator from Arkansas asked for the farm disaster relief to be included. It costs \$1.2 billion. The wonderful thing about it is it is paid for.

The status now is we have a very strong bill—\$12 billion in tax cuts, a small business lending program and credit and collateral programs, a strengthening of all the SBA programs, the entire bill is paid for, and we have bipartisan support. What could go wrong?

Something has. I am not sure that I know all the details of it, but I do know this bill is worth fighting for. I have been joined by the U.S. Chamber of Commerce, the National Federation of Independent Business—I am going to submit again the long list of associations supporting this bill. I wish I

could tell all these organizations that we could get this done tonight or in the morning. We have a vote in the morning.

If we cannot get it done in the morning, and we may, I want the leader to know we are going to work hard over the August break because small business in America is desperate for a bill such as this, with a menu of choices, things that could work for them. We have spent a lot of time focused on Main Street.

We have given a lot of tax credits for big business. We bailed out the auto industry. We bailed out Wall Street. Yet when it comes to supporting and coming to closure on an extraordinarily good bill for small business, we cannot seem to do it because one side wants eight amendments and one side wants three? We can't figure that out? Any three? Any eight? Even if they are not paid for, people can vote them up or down.

I hope these organizations that have a lot at stake in this bill, our community bankers, our realtors, homebuilders—manufacturers have worked so hard. Because of the Senator from Montana, something that the self-employed wanted—and Senator DURBIN has worked on this, actually worked for 8 years to put a \$2 billion tax break in for the self-employed so they can get a write-down for their health insurance. They worked on that. We tried to get it done on the health care bill and could not. Senator BAUCUS promised the minute we had an opportunity we would do that. That is in this bill. So we have a \$2 billion tax cut for the self-employed, to help them fund insurance for this year.

We have \$10 billion in other targeted tax cuts for small business as well as strengthened programs that raise the loan limits, et cetera.

I think the bill is in great shape. We just need to get it over the finish line, and I hope the Senator will continue to fight for it because he has and I hope he will continue.

Mr. DURBIN. Will the Senator yield for a question?

Ms. LANDRIEU. I will yield for a question.

Mr. DURBIN. She made reference to the fact that the Senator from Arkansas, Senator LINCOLN, had asked for some agricultural disaster assistance which is now included in this bill, and she has represented in the Senate that this has bipartisan support?

Ms. LANDRIEU. Yes.

Mr. DURBIN. I don't know if the Senator has heard from others that they object to her adding this in the bill, but if I am not mistaken, we are prepared to take a vote on that on the floor on the agricultural disaster assistance, if that is what is being asked of us.

Ms. LANDRIEU. I thank the Senator for raising that. Although it was not

said publicly, I have been told privately that there is some strong objection on the Republican side for including that. I said I thought it was a bipartisan amendment, but if it is not, perhaps something could be worked out where we could have a straight up-or-down vote on that on the floor. That did not seem to satisfy the critics. Let's wait and see. I don't know how to respond other than I have heard that. I have said I think there are enough votes on the floor of the Senate, Republicans and Democrats, to vote to move that provision with this bill. If there is any doubt about it, then let's have a straight up-or-down vote on it, but we will see.

Right now, in conclusion, the bill, the package that came to the floor, has one amendment offered by Republican LEMIEUX and LANDRIEU, and the agricultural disaster. That is it. That is what is in this bill and it is worthy of a positive vote.

If there are three or four or other things that need to be amended, we should figure that out, but I am prepared to vote to move this bill to final passage because it is in excellent shape with bipartisan support—although not everybody supports every provision. We most certainly have had a very rigorous debate and hopefully we can continue to keep this bill in its current form, with maybe a few additions, but if not, it is in very good form now, and I yield the floor.

I will suggest the absence of a quorum.

THE PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Alaska is recognized.

Mr. BEGICH. I appreciate the Senator coming up for a couple of minutes while I echo the concerns of the Senator from Louisiana. I listened to this debate that was going on for hour after hour and, as a new Member, I have to echo what the Senator said.

The committee worked on it. They worked very hard, and not just the last few weeks. For the last year and a half it seems like she has been working on this—a good small business package that ensures that the small business communities of this country in my State and your State and the State of the Presiding Officer can move forward, can advance. The Senator did not come to agreement on some, so she came to the floor. She worked an amendment and 60 people supported it. That is part of the bill now. That is part of the process.

I don't know about this idea of going behind closed doors and trying to work it out when you have done that. You have done the people's business in front of the people. That is exactly how, I thought, as a new Member of this body, it works. You fight your fight in the committee, you win or lose, and then you get a chance down here hopefully to offer an amendment. It might pass, it might not pass.

I think what we have tried to do—and I commend the Senator for it—in this bill, to echo what the Senator said, is about \$12 billion that the small business community will not have to pay to the IRS. It will save them money. It will get the IRS out of their pockets. This is good for small business.

When they made the comment on their side this might be killing time, they are killing small business. Every day we wait to not allow them an opportunity to reduce their taxes, to save them money, to give them a chance to expand their businesses, is outrageous.

The second piece, on the loan package, is a great loan package. No one is forcing the community banks to do it; it is an option. If they do it, they get a lower rate than the small businesses then benefit from and create new jobs and more jobs. They are the creators of the new economy and long-term economy of this country. Fifty-six percent of the employment in my State is from small business. This is a good plan.

Why they want to go into all these other amendments that have no relationship to small business—it is appalling. That is why the American people are so mad at Congress, why we have an 11-percent popularity rating, because people want to put on their special deals so they can say some statements in a campaign, when we should be focused on small business. We can all say then we helped save this country from another economic collapse because we actually invested in the people who build jobs, who work every single day. As we sit here and wrangle over a couple of amendments, they are trying to make their businesses survive.

I was not planning to speak. I just got a little agitated. Again, as a new Member I get so frustrated with all these political gimmicks they want to add on the bills when we should be focused on one thing. Small business is what we need to protect. I have been in the small business world. I have taken out these 7(a) loans that SBA does. I have dealt with the 504 loans. I have seen the impact in my State, tripling the amount of small business loans because we made adjustments in the Recovery Act that you are now trying to extend. It works. It actually creates real jobs.

For us to sit down here and have the other side come down and say we are killing time—they are killing small business every day.

I got a little agitated. I wanted to come down and say my piece. As a person who had my first business license at the age of 16 and still continue to have business licenses today—my wife is a small business owner—we understand what businesses go through.

When the chairman of the Finance Committee talked about the 179 depreciation, accelerate it, that is a huge benefit. If you can write off \$250,000 in

the first year and put in the 30-percent tax bracket, that is a \$75,000-plus savings, hard cash now that small businesses can generate and put into their businesses. I don't know how many people on the other side have been in small businesses and have had to struggle and deal with their bankers and deal with tax returns and all that. I have. These provisions will make a difference and create jobs, not only today but in the future.

I commend the chairwoman for what she is doing. I agree, it is a simple solution. Let's move on, save our businesses, save our country, and protect the jobs we need to have in this country.

I will stop there before I go on.

Ms. LANDRIEU. I wish to speak for 2 minutes to close this out.

I thank the Senator from Alaska who has been very forceful in his advocacy for this bill and for lending the experience he has had, before he was a Senator, as a small business owner to help strengthen this bill.

I want to be very clear. As this bill stands right now, this was a bipartisan bill when it came out of the Small Business Committee and the Finance Committee and it still is a bipartisan bill. The only two changes that have been made to this bill we are going to vote on tomorrow—the only two that were made to this bill—No. 1 was a LeMieux-Landrieu amendment that added a \$30 billion small business lending fund that was voted on on the floor of this Senate by 60 Senators, a voluntary small business lending fund that goes only to small community banks so they can turn around and lend money to Main Street. That is it.

In addition, the Senator was smart enough to also ask for, and it was in that amendment, an antifraud provision to save the taxpayers money from people trying to defraud the Federal Government by not using their credit cards in the right way when they pay for Medicaid and Medicare services. That is an added benefit to the taxpayer.

The third piece of this amendment, to be very clear, was an expansion of an export provision that Senator SNOWE and I jointly put on the bill that the Senator did with Senator KLOBUCHAR. So all three aspects of the LeMieux-Landrieu amendment were jointly supported by Republicans and Democrats and debated for 12 hours on this floor, voted on with 60 votes.

The other amendment that was added to this bill in late night negotiations, which was in public view and public record because it was done at about midnight in public view, was that the leader said—at the request of both Senator from Arkansas, Senator LINCOLN, and the Senator from Georgia, Senator SAXBY CHAMBLISS—he was going to put in a \$1.2 billion disaster loan provision for farmers, not all but many of whom are small businesses.

I know you might say why is that on this bill. This is a small business bill and that is a farming issue. It is an issue important to Members on both sides. There are not going to be that many bills passed between now and the next few days.

Ms. LANDRIEU. The farmers are an important constituency. They have broad-based support. So that is on this bill. That is it; the bill as it came out of Finance, the bill as it came out of Small Business with those two amendments—one put in by the leader on the request of Democrats and Republicans, another one added by a public vote, by the Members of this body. This is a very good bill.

I do not understand why we cannot have eight or five or three. But I want the small business community out there to know, they need to fight for this bill in its current form. We can have a debate on nuclear policy on an energy bill. We can have a debate on tax extenders on the extenders bill. We can have a debate on Tax Code changes on a finance bill. But this is a very bipartisan, strongly supported, broad-based small business bill that is going to affect every Member in a positive way.

I see my friend from Rhode Island. I do not want to take any more time, so I will yield the floor.

I thank my colleague from Washington State who may speak on this and other subjects.

She has been extraordinary. And she knows. She has built a small business that turned out to be quite a big business—very successful. So she has been there before, and she understands what businesses need, the kind of capital they need to grow.

I thank both Senators, particularly the Senator from Rhode Island for his tremendous support.

I yield the floor.

THE PRESIDING OFFICER (Mr. BEGICH.) The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, shortly I will be going into the closing script for the evening. But before I do that I wanted to first commend the Senator from Louisiana for her tenacity on the subject, Senator CANTWELL of Washington State, Senator MERKLEY of Oregon, and others who have been equally determined. But Senator LANDRIEU has been the front and center voice, and it has been impressive to watch her in action. I wish her success and pledge her my complete support.

ENERGY

Mr. WHITEHOUSE. Mr. President, before I go to the closing script, I just want to take a moment to express my sorrow and dismay that we appear to have walked away from doing anything serious about our energy posture and the hazard that carbon pollution is cre-

ating in our climate and in our atmosphere during the remainder of this Congress.

People will tell you differently, and there clearly has been a massive campaign of misinformation and disinformation funded by very powerful special interests. But I think the facts are pretty clear. History will judge us whether we are right or wrong. But I feel safe in history's judgment that if we do not act seriously to do something about our energy picture, there are real consequences coming. There are real consequences coming.

In my home State, you can go to Johnston where there are nurseries, and some of them have been owned for generations. For the first time a few years ago we had a winter bloom. A cherry tree in my yard in Providence bloomed in January. It has not happened before. I spoke to some of the nursery owners, again, going back generations; no recollection of that ever happening. Of course, you start blooming fruit trees out of season, you can put that crop in peril.

If you go out to Narragansett Bay you will see that the winter water temperature of Narragansett Bay has climbed about 4 degrees. That may not seem like much to us who do not live in those waters, but as Perry Jeffries, who is a very distinguished marine biologist at the University of Rhode Island, told me years ago, that is an ecosystem shift. Our fishermen have seen that ecosystem shift. They used to trawl for winter flounder, a very productive crop in Narragansett Bay. That is almost gone. The population has crashed 90 percent, by press reports. Now they catch scup instead. There is nothing wrong with scup, but it does not pay what winter flounder does, and it has had a real effect on that industry.

If you go out more broadly into our oceans, you go up to the Presiding Officer's home State of Alaska, into the far North, and you see ice caps that have been there for as long as the memory of the Native Alaskans runs. They have been there for as long as the memory of man runs. Now they are receding and disappearing and changing the entire arctic ecosystem.

If you go down to the Southern Ocean and the tropical coral reefs that are the nurseries of the oceans, they are bleaching, they are dying, they are going. Many are gone. If you go way offshore, you find garbage gyres in the Pacific the size of Texas and things we have dumped that are trapped out there.

You find a dead zone in seas around the world, where there simply is not the oxygen left to support life. Wherever you go, you find the acidification of the ocean. The ocean is more acid right now than it has been in 8,000 centuries, and 8,000 centuries is a long time.

We are gambling with some very dangerous consequences when we are not doing something about an ocean whose acid level is the highest it has been in 8,000 centuries. Science tells us that there have been ocean die-offs before. Very bad things can happen.

We need to take prudent action now, and it is not as if this is a choice just between a dangerous future that we need to guard against and costs that we need to impose on society now to protect against those dangers. I would be happy to have that conversation. I think it is still important because those outyear concerns for our grandchildren, our great-grandchildren are so serious that it merits a little bit of effort now and maybe even a little bit of economic pain now to spare them disaster.

But, in point of fact, when you make these investments in a new green, renewable economy, you actually win. It is not lose now to win later, it is win-win because we advance our green economy, we claw back the advantage that the Chinese, the Indians, and others—the European Union—are running away from us right now because we have not adapted our policies to the needs of the moment. You create jobs, thousands and thousands, hundreds of thousands of jobs.

You reduce our deficit; that was the calculation. You clearly enhance our national defense—there is literally no dispute about that—and you take a vital step toward energy independence so we are not in that terrible cycle of funding people who wish us harm and do us harm. Those are all wins.

There are people on this floor who would come and object. We did not have one Republican vote. Not one. Not one. But I think we should have had the fight anyway. I think it is an important fight to have. I think history will look back on this day, and when they are looking at the consequences of our heating planet, of all of the changes in our economy and our habitat in our home States that will accrue, and they look back and say: Why did you do nothing, it will be very hard to have an answer.

I think it would be better to answer: Well, at least we tried. Frankly, I think because the American public is so clearly behind this, if we had taken this to the Senate floor and we had a real fight, if we had the White House behind us and ready for a fight, if the environmental community was willing to put their resources behind this moment and stand up at the same time and join that fight, and if all of the hundreds and thousands of green businesses out there were willing to go to their elected officials and say: This is good for the economy, good for our jobs, good for development, it will help put us back in the fight against China and India and the European Union, I think we could have won. I truly think we could have won.

We probably would have started with maybe 50 Democratic votes. I would hope a few more, but I think once we engaged and all of that pressure came and the logic of the debate began to happen and the magic of the Senate of real debate, of ideas clashing, of back and forth right here in the Chamber began to happen, I think we could have gotten to it.

But even if we had not, we should not have walked away. We should not have just rolled up our tent, given up, and walked away because some fights are worth having even when you lose.

There is a plaque near the pass at Thermopylae where, many years ago, a very small band of Spartans held off the Persian Army for a while. Eventually, they were all killed. There is a burial mound where their bodies rest. On the burial mound there is a plaque. The plaque says: Go tell the Spartans, stranger passing by, that here, faithful to their laws, we lie.

It has been 2,000 years since those Spartans died at the Thermopylae Pass. Today on the Senate floor, a Senator from Rhode Island can talk about what they did that day. If they had said: Gosh, there are an awful lot of Persians there; I do not know if this is such a great idea; we probably are not going to win today; we will just head up into the hills for a while and see how this all works out, well, maybe they would have lived another 10 or 15 years, but they would have lived in shame. They would have lived with a little cloud of disgrace on their consciences for the rest of their days. And 2,000 years later, no one would ever have heard of them. No one would ever have thought of them. There is sometimes value in having a fight even when you cannot win. And if there is value in having a fight when you cannot win, my God, there is value in having a fight when you can.

I think it was worth trying. So I am going to keep pushing and coming to the Senate floor and urging my colleagues to ramp up and let's take on this fight. We have to do it together. We need to have a strong majority of our caucus because not one Republican is prepared to join with us on this issue. Not one.

We have to have the support of the White House. They have to be ready to have a fight. They have to be willing to enter into a fight in which they are not guaranteed a victory. But the principle I believe is, if you set as your own limit that you will not get into any fight you are not guaranteed to win, you are going to miss out on the most important fights of your day. That is no place to be when the stakes are high. So here we are, and there the plaque lies: Go tell the Spartans, stranger passing by, that here, faithful to their laws, we lie.

We could have had a moment. It brings a little bit of goose bumps to my

skin to say those words. To think that the sacrifice of those men that many thousands of years ago is still something in our minds, in our history, and in our consciences, I would hope that the day will soon come when we have a similar fight right here and, win or lose, our grandchildren, and our great-grandchildren, looking back on this day when we let them down, will at least know that we tried; that faithful to their benefit, faithful to their good lives, we tried.

NORTHERN ILLINOIS FLOODING

Mr. DURBIN. Mr. President, Illinois, over the weekend, had torrential rains hit our State. They took a terrible toll on already strained water and flood control systems across Illinois. In a matter of hours, Chicago and northwestern Illinois were pounded by nearly record amounts of rainfall. An estimated 60 billion gallons of rain fell on Chicago Friday night. I was driving in. I was there. My wife was struggling to come in from Washington, and it took her all night to make it to Chicago. It led to flash flooding, a lot of evacuation, and lot of property damage.

The rain actually started Thursday night. By Friday morning, we had 6 inches of rain and flood conditions. Another intense rain began again on Friday and didn't let up until Saturday morning. In Joe Daviess County, at the northwest corner of our State, more than 12 inches fell during the course of the weekend. Roads are closed in Joe Daviess, bridges are out, and the county—along with several other counties in the region—have declared a state of disaster as they focus on cleanup and restoring basic services.

Yesterday, I talked to Mayor Larry Stebbins of Savannah and to Sheriff Jeff Doran of Carroll County. I spoke to Randy Prasse, too, who leads the Tri County Economic Development Alliance. His group is part of the local leadership working to assess damage and restore business.

Across the north and northwestern part of Illinois, people have lost homes and businesses, many more were forced to evacuate, and hundreds of thousands lost power and safe drinking water.

The Chicago area was hit particularly hard by the Friday night rains which dumped 4½ inches of rain on Chicago and up to 7 inches on the nearby towns of Westchester and Cicero. The rains flooded 43 viaducts and quickly filled all 190 miles of the Deep Tunnel system.

I would just like to say to my friends who talk about the access of our river and canal system to Lake Michigan that if we could not send that storm water out into Lake Michigan, the flooding would be dramatically worse. We have a deep tunnel that gathers as much water as we can in these rains, but it is not enough. It was over-

whelmed this last weekend. So those who have a concern about the Asian carp, as I do, need to also be as concerned about the environmental impact of decisions that might be made. We are trying to put this in the context of economic reality, flood reality, and certainly the reality that none of us want to see this invasive species in Lake Michigan. But it is a complex interconnected system, and we have to look at the entire system, not some quick press release that might suggest an easy answer that may not really solve the problem but may create more.

One apartment building along the Chicago River was evacuated before 12 feet of water rolled in—12 feet—flooding the basement and cutting off electricity to a 17-story building.

The Sun came out on Sunday and, true to form, Illinoisans began digging out and cleaning up. The damage from these floods led Governor Pat Quinn to declare a State disaster in 12 counties—Carroll, Cook, DuPage, Henders, Joe Daviess, Lee, Mercer, Ogle, Rock Island, Stephenson, Whiteside, and Winnebago. As the water begins to recede, the recovery and damage assessment has just begun. Communities such as Savannah, Westchester, Cicero, Melrose Park, and others suffered substantial damage. But anyone who suffered damage during this flood faces a long difficult process to recover. Some homes will need to be rebuilt in some parts of our State, mold and waste removed, possessions replaced or repaired, highways, bridges and other necessary infrastructure restored, and businesses reopened.

Already cash-strapped, many of the affected communities are struggling to figure out how they will manage the cleanup, repair the roads, restore the bridges, and help the residents recover. I spoke last night with John Blum, the County Board Chair for Stephenson County, Congressman MANZULLO, and other leaders in the region. We also talked to Marvin Shultz, Joe Daviess County board chair, and Rodney Fritz, the Carroll County board chair. They are hurting, but they are determined. They are working around the clock to restore services and get their communities back to work.

As the State and Governor continue to assess damages and options for recovery assistance, I am standing ready, I am sure, with my colleague, Senator BURRIS, to help Illinois residents impacted by this flood. I look forward to working with the Governor to explore any Federal assistance for which the State and communities may be eligible.

Mr. President, I might say, we were recently asked by the States of Tennessee and Rhode Island to deal with their horrible flooding conditions, and we did, no questions asked. In this

body, we stand as a family for our Nation. If one part of our Nation is struggling with a disaster, we stand together to help. No questions asked about Democrats and Republicans, no questions asked about are we going to raise a tax to do it. Let's help these people in trouble right now. I hope once the assessment is made we don't have to come here and ask for that assistance for Illinois. But if we do, I will do it with the knowledge that I have stood with other communities and other States when they have faced similar circumstances, and this Senate and this government have responded when needed.

REQUEST FOR CONSULTATION

Mr. COBURN. Mr. President, I ask unanimous consent that the following letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SENATOR TOM COBURN, MD,
Washington, DC, July 27, 2010.

Hon. MITCH MCCONNELL,
Senate Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: I am requesting that I be consulted before the Senate enters into any unanimous consent agreements or time limitations regarding S. 714, National Criminal Justice Commission Act of 2010.

I support the goals of this legislation and believe that our criminal justice systems should be effectively and efficiently managed. However, I believe that we can and must do so in a fiscally responsible manner that upholds the Constitution. My concerns are included in, but not limited to, those outlined in this letter.

First, this bill costs the American people \$14 million. While an amendment proposed by the bill's sponsor does have offset language, it is insufficient. It does not specifically rescind a certain program or dollar amount from the Justice Department's budget. Rather, it directs the Attorney General to propose an offset in the amount of \$14 million. This will neither guarantee a truly wasteful or fraudulent DOJ program will be eliminated, nor even guarantee an offset will be enacted into law, as the bill does not require Congress to act on the Attorney General's proposed offset.

Moreover, it is irresponsible for Congress to jeopardize the future standard of living of our children by borrowing from future generations. The U.S. national debt is now more than \$13 trillion. That means over \$42,000 in debt for each man, woman and child in the United States. A year ago, the national debt was \$11.2 trillion. Despite pledges to control spending, Washington adds \$4.6 billion to the national debt every single day—that is \$3.2 million every single minute.

Second, I believe this legislation gives the federal government too much control over the practices of state and local criminal justice systems. This commission is tasked with a very broad and comprehensive review of federal, tribal, state and local criminal justice systems' costs, practices and policies. While I support and affirmatively recommend individual states' investigation and analysis of their own criminal justice sys-

tems, doing so is not the responsibility of the federal government. Our Constitution establishes distinct responsibilities for the federal government, and we should use federal funds wisely to prioritize and support those enumerated powers. By allocating \$14 million in federal funds under this legislation, we do a disservice to our own federal criminal justice system.

For example, the purposes of this commission are broad enough to include an analysis of juvenile incarceration policies. The Congressional Research Service (CRS) notes, "administering justice to juvenile offenders has largely been the domain of the states . . . there is no federal juvenile justice system." CRS continues, "states and localities have the primary responsibility for prevention and control of domestic crime." This is just one example of how the breadth of commission's duties not only fails the test of federalism, but also fails the federal criminal justice system. By focusing on issues that are clearly the responsibility of the states, this bill gives short shrift to needs of the federal criminal justice system.

States are already free to share with each other the positive and negative features of their individual criminal justice systems. States do not need a federal commission in order to communicate their ideas to one another. Furthermore, the budgetary decision by a state to spend certain state revenues on state corrections, for example, versus other state budget line items is the business of each individual state, not the federal government. Each state has different needs and priorities based on its own unique population for which it must account in its budget allocations. Congress should focus on improving its oversight of the federal criminal justice system under its jurisdiction so it can be an example to the states of best practices, rather than spending money on a commission to help the states determine what is right for their communities.

Third, the scope of the report required under this legislation is entirely too broad to be completed within the 18 month timeline. If Congress is looking for specific recommendations for improvements in federal, tribal, state, and local criminal justice systems, this commission will not accomplish that goal effectively in 18 months.

In fact, the Government Accountability Office (GAO) has been asked to produce similar reports in the past. However, GAO has declined to do so because of the breadth of the report elements, such as the ones required under this bill. In addition, in GAO's experience, states do not return requests for information promptly or responsively in order to create a report that is actually helpful and valuable to Congress. In fact, the outcome of the commission's report will be heavily based on whether states choose to cooperate in providing information.

Even if the report were narrowed to only study the federal criminal justice system, the scope of issues to be examined is still too extensive. In this bill, the term "criminal justice system" remains far too broad. While a report on only the federal criminal justice system could be valuable to Congress, to be effective, such a report should be narrowly targeted on specific features of the federal criminal justice system, such as law enforcement, courts, or detention facilities.

Finally, Congress already has the authority to request reports and studies of the federal and tribal criminal justice system. The Judiciary Committee and its subcommittees are also free to hold hearings on the topics outlined in this legislation. Arguably, the

Judiciary Committee is abdicating to the commission part of the responsibilities it is already federally funded to perform. The commission is not necessary in order for Congress to study these issues, and it is likely duplicative of existing Judiciary Committee duties.

Our federal government has a debt of over \$13 trillion. While I realize there are likely changes we should consider making to our federal criminal justice system, I do not believe this commission, with its unlimited scope and \$14 million in funding, is the best way to determine which improvements may need to occur. Supporters of this legislation believe nothing in the bill requires the states to implement any of the commission's recommendations. It is true, sponsors included language stating, the "[r]ecommendations shall not infringe on the legitimate rights of the states to determine their own criminal laws . . ." However, it is hard to imagine state and local governments would not feel pressure to enact whatever changes the commission recommends. Thus, in effect, not only would the federal government ultimately shape state and local criminal justice policy, but state and local governments could also easily determine they "deserve" federal funds to enact what the Congressionally-established commission proposes.

While there is no question there are vast improvements to be made at all levels of the criminal justice system, the federal government should focus on remedying the growing problems in the federal criminal justice system, not spending federal funds to determine what states are doing wrong and how to fix those problems. States can improve their criminal justice systems by learning from other states, as well as the federal government, if only Congress would effectively perform oversight of and insist on improvements within the federal criminal justice system to make it an example the states can emulate.

Sincerely,

TOM A. COBURN, M.D.,
United States Senator.

20TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

Mr. KOHL. Mr. President, I rise to highlight the significance of the many events and announcements occurring around the country to celebrate the enactment of the 1990 Americans with Disabilities Act. This week in Wisconsin, disability advocates are holding multiple events around the State to commemorate the signing of the law on July 26, 1990, at a White House ceremony by President George H.W. Bush.

Disability advocates, employers, State and local officials, and policymakers are speaking about and reflecting on how they have worked together and joined forces during the last two decades to make major changes in housing, in transportation, and in health and social services.

There is much discussion in the news and online about the ADA as well. In an online video entitled "We Came Together: Wisconsin Reflects on the ADA's 20th Anniversary," one Wisconsin disability rights advocate, Dick Pomo, observes that "disability today

is simply a fact of life—not a way of life.” This statement is testament to the hard work of millions of Americans who have come together over the last several decades, and who have journeyed to State capitals and Washington, DC, to deliver the message that they wanted to participate fully in society. Simply put, they did not take “no” for an answer.

I am also reminded that in the Senate the ADA is one of the legacies of the late Senator Edward Kennedy, with whom I worked to see that this civil rights bill became the law of the land. The House of Representatives experienced a milestone this week when Representative JIM LANGEVIN of Rhode Island was able to preside over the House because the Speaker’s rostrum—a raised platform—had been made wheelchair accessible. This is a wonderful and public symbol of accessibility, a core principle of the ADA.

There are many other concrete, visible gains: kneeling buses, sidewalks and driveways with curb cuts, crosswalks with traffic lights that make audible noises to signal when it is safe to walk, and elevators and ramps that have been artfully worked into the structure of new buildings and even many historic ones. For all this and much more, I salute the tirelessness and tenacity of disability advocates across the country who have joined forces to make American society far more open and accessible to all.

As chairman of the Special Committee on Aging, I know that many of these changes will also be of enormous benefit to our now rapidly aging society. Equally important are a series of changes that are now transforming the way health and social services are delivered to those with lifelong disabilities, as well as to older Americans whose disabilities are age related.

One such key program, known as Money Follows the Person, is a Medicaid demonstration initiative in which Wisconsin has participated since 2003. This program allows States to transition beneficiaries in nursing homes to community-based living situations if they wish to do so. Funds are used for various purposes—for example, for ramps, clothes, equipment and furniture. In Wisconsin, funds have been used to reduce the number of nursing facility beds and to track spending on long-term care services and supports on an individual level. The State has also applied for additional funding under the health reform law’s expansion of Money Follows the Person, which is slated to provide \$2.25 billion in new funding through 2016.

Another program that has been central to Wisconsin’s growing success in making long-term services both more available and more focused on each person’s individual needs is its Aging and Disability Resource Center initiative. State officials started ADRCs in

1998 in 8 of the State’s 72 counties, and they have been gradually spreading and opening in new counties ever since. The goal is to have a statewide network of ADRCs in place by 2012, operated either by county government or nonprofit organizations. Often called the “front door” of long-term care, ADRCs are charged with serving all State residents by providing them with unbiased, comprehensive information about what services and options are available to them, and, where appropriate, with eligibility and enrollment information for the Medicaid Family Care managed long-term care program.

I am pleased that the Obama administration has made ADRCs—which were pioneered in Wisconsin—an important part of their efforts to make long-term services and supports a much more well-defined and well-understood part of our health care system. This is consistent with the intent and language of the ADA, and also with the Supreme Court’s *Olmstead v. L.C.* decision of a decade ago, asserting that involuntary institutionalization of people with disabilities was discriminatory under the ADA. I commend U.S. Secretary of Health and Human Services Kathleen Sebelius for her efforts to engage States in the complex and critical tasks of improving the availability of community-based long-term services and supports, while simultaneously improving the quality and accountability of services that are provided in nursing homes.

One of my constituents recently shared with me a story that demonstrates both how important the ADA has been to people with disabilities, and also how far we still have to work toward a more inclusive and accessible society. Steve Verriden has been a quadriplegic for 35 years, the result of a dive into a lake when he was just 23 years old. Following his life-changing accident, he spent years in a nursing home before he was able to use a community integration waiver to transition to home-based assistance. With his new independence, Steve was also able to go back to school to complete a degree in journalism.

Steve has experienced how the ADA has changed the lives of people with disabilities, literally opening doors that were before inaccessible to people in wheelchairs and with severe disabilities. As Steve transitioned out of facility living and returned to school before the ADA was passed, he knows what it was like to have to wait in the cold for someone to open a door for him, hope the classes he needed to take would be offered on a wheelchair-accessible building, and rely on friends to drive him and his wheelchair around before kneeling buses came along. Steve has since worked with an Independent Living Center, recruiting and helping people with disabilities transition from nursing homes back into the

community, and sharing his personal insights with others in order to help them live more fulfilling and independent lives.

At the ADA’s 20-year mark, it is clear that while we have accomplished a great deal, much change still lies ahead. The Aging Committee will continue to monitor implementation of health care reform initiatives that are designed to improve the quality of life for older adults, and will examine and explore new best practices and other efforts that can create better services, housing, and employment opportunities for the millions of Americans with disabilities.

STENNIS CENTER PROGRAM

Mr. KOHL. Mr. President, for 8 years now, the John C. Stennis Center for Public Service Leadership has conducted a program for summer interns working in congressional offices. This 6-week program is designed to enhance their internship experience by giving them an inside view of how Congress really works. It also provides an opportunity for them to meet with senior congressional staff and other experts to discuss issues ranging from the legislative process to the influence of the media and lobbyists on Congress, to careers on Capitol Hill.

Interns are selected for this program based on their college record, community service experience, and interest in a career in public service. This year, 23 outstanding interns, most of them juniors and seniors in college, are working for Democrats and Republicans in both the House and Senate.

I congratulate the interns for their participation in this valuable program and I thank the Stennis Center and the senior Stennis fellows for providing such a meaningful experience for these interns and for encouraging them to consider a future career in public service.

I ask unanimous consent that a list of 2010 Stennis congressional interns and the offices in which they work be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

Jonathan Alfuth, attending the University of Wisconsin-Madison interning in the Office of Rep. Ron Kind.

Evan Armstrong, attending Villanova Law School interning in the Office of Rep. Bob Latta.

Patrick J. Behling, attending St. Olaf College interning in the Office of Sen. Herb Kohl.

Andrew Clough, attending the University of Oregon interning in House Committee on Rules.

Paul Doucas, attending Georgetown University interning in the Office of Sen. Herb Kohl.

Justin Folsom, graduate of Montana State University interning in the Office of Sen. Jon Tester.

Aquene Freechild, attending NYU Wagner School of Public Service interning in the House Committee on Appropriations.

Elizabeth Garner, attending Vanderbilt University interning in the Office of Rep. Michael R. Turner.

Nicole Gill, attending the University of San Francisco interning in the Office of Sen. Michael Enzi.

Susan Gleiser, attending Vanderbilt University interning in the Office of Rep. Pete Sessions.

Matthew Hoppler, attending Providence College interning in the Office of Rep. Michael R. Turner.

Justin Lee, attending Utah State University interning in the Senate Committee on Rules and Administration.

Amber Manglona, attending San Jose State University interning in the Office of Rep. Zoe Lofgren.

Hallie Mast, attending Ashland University interning in the Office of Rep. Bob Latta.

Rachael Nelson, attending Augustana College interning in the Office of Sen. Kent Conrad.

Ryan Oxford, attending the University of Michigan interning in the Office of Rep. Michele Bachmann.

Kristin Palmer, attending George Washington University interning in the House Committee on Appropriations.

William Rohla, attending Minnesota State University Moorhead interning in the Office of Sen. Kent Conrad.

Wes Wakefield, attending the University of Mary interning in the Office of Sen. Kent Conrad.

Kasey Wang, attending the University of Michigan interning in the Office of Rep. David Wu.

Zachary Warma, attending Stanford University interning in the House Committee on Armed Services.

Jared Wrage, attending the University of Wyoming College of Law interning in the Office of Sen. Michael Enzi.

Hannah Wrobel, attending the University of Wisconsin-Madison interning in the Office of Rep. Ron Kind.

BOY SCOUTS OF AMERICA 100TH ANNIVERSARY

Mr. LEMIEUX. Mr. President, I rise today to pay tribute and recognition to the Boy Scouts of America as they gather in our Nation's Capital to celebrate their 100th anniversary.

The Boy Scouts of America was incorporated on February 8, 1910, by William Dickson Boyce. Over the last century, the Boy Scouts of America has reached more than 114 million young people by combining lifelong values and educational activities with the fun and wonder of the outdoors.

Scouting plays an important role in preparing generations of young men for the responsibilities of adulthood. Boys learn the importance of respect and community service. Through scouting activities, Boy Scouts discover the satisfaction of achievement and self-confidence. Today's Scouts embrace a lifelong commitment to service, and embody the values of personal responsibility and self-discipline. They share a love of our environment, an appreciation of diversity, and an idealism and optimism in the future of our country. These are values that must continue to be cultivated and strengthened in communities all across our great Nation.

The Boy Scouts of America embody the moral values important to any society, and Scouts and Scout leaders are to be commended for their good work in promoting these values. As found in the Scout's Handbook, "A Scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent."

Let us welcome the Boy Scouts of America to Washington, DC, for their 2010 Boy Scout National Jamboree and recognize their enormous contributions to our country. I commend the Boy Scouts of America organization for a century's worth of service and commitment to instilling the finest values in America's future leaders.

ADDITIONAL STATEMENTS

REMEMBERING GEORGE J. RITTER

• Mr. DODD. Mr. President, today I honor the life and career of George J. Ritter, who passed away on July 18, 2010, at the age of 90.

George was a remarkable public servant and a person of great principle and energy. His commitment to helping the less fortunate and for advancing social progress through the law made a lasting impact on the city of Hartford and the lives of many working families.

He grew up in New Jersey, raised by the children of German immigrants who were the very embodiment of the American dream. His grandfather had been sent to this country—alone—as little more than a child and began working full time to build a new life at the age of 12. His parents both began working when they were very young as well.

Their lives and the values they espoused had a deep impact on George, and it should come as no surprise that he would become a stalwart advocate for advancing the economic opportunities of all Americans, particularly for working families and minorities.

This clearly defined sense of social justice and the value of equal opportunities no doubt contributed to George's lifelong captivation with the law and the Constitution. He even hitchhiked as a teenager all the way to Washington, DC—just to observe the U.S. Supreme Court firsthand.

In our Nation, the will of citizens is the strongest force for social change. But building the coalitions necessary to make change happen is a difficult task and requires a common vision and commitment, and lots of energy.

George certainly had energy, and got to work building coalitions to push for change at a young age. As a student at Rutgers University, he worked to organize the nonfraternity members of the student body into a cohesive voting block—which in turn, elected him to serve as the first nonfraternity student body president in the school's nearly 200 year history.

After college, his passion for the law took him to Yale Law School, in my home State of Connecticut. His legal education was interrupted by his distinguished service to the United States in the Pacific during World War II. Upon finishing his degree, he became active in the U.S. labor movement. He and his wife and partner in social activism, Patricia, had the opportunity to travel the United States and Europe studying unions and the labor movements that were beginning to gain steam and become a force in politics and society all across the globe. As a young labor attorney he worked to organize some of Connecticut's first municipal unions, and also served as an attorney for Dr. Martin Luther King, Jr.

At the ripe old age of 36 he became Hartford Corporation counsel, which launched a career in public service that continued until 1980. He served on the Hartford City Council from 1959 until 1968, and in 1969 was elected to represent Hartford in the Connecticut General Assembly. During his time on the council and in the general assembly, George worked to highlight and pursue progressive solutions to issues that were not yet part of mainstream concerns; from civil rights, to elder and juvenile justice, to government accountability, and of course, working to provide equal opportunities for all.

He was truly a pioneer when it came to raising concerns about and finding solutions to address the issue of civil rights and equal opportunities. In fact, in the early 1960s—prior to the passage of the Civil Rights Act—he and Patricia started the Connecticut Housing Investment Fund to help finance minority home-ownership and integrated housing. This organization became a model for subsequent national programs to support affordable housing.

Throughout his career he fought tirelessly for the rights of workers, and the advancement of housing, employment, and other opportunities for minorities—including by recruiting and managing the campaigns of the first minority candidates for the Hartford City Council and Board of Education.

He was also the first man ever appointed to Connecticut's Permanent Commission on the Status of Women, an honor that always gave him a smile, and spoke volumes of his commitment to equal opportunities for all Americans.

Even outside of public life, George continued to work to help others. After retiring from the general assembly in 1980, he cofounded the Independent Energy Corporation. One of the projects of Independent Energy helped to streamline the electricity usage of the largest business in the Caribbean region. The electricity savings from that one business helped to lower the foreign exchange bill of the entire nation of Jamaica—a truly notable achievement.

By any measure, the life of George Ritter was an utter success. In business, in public life, and as the loving father of five children, George led a life of principle and purpose. His work benefitted his community and helped to expand opportunities for the less fortunate.

Even though he has passed, George's spirit of public service lives on. His sons Thomas and John have both served in the State legislature, and his grandson Matt is a member of the Hartford City Council and is running to fill the general assembly seat George once held.

I am confident they will continue to build on George's legacy, and am proud to call them my constituents. I wish them the best of luck, and hope that they will continue to pass George's values and character on for generations to come.●

FAITH, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 100th anniversary of Faith, SD. Faith is a strong community, and I am proud to represent them.

When the railroad announced its plan to settle a community at the edge of the Cheyenne Sioux Indian Reservation, settlers rushed to the area. Businesses sprung up before the town was officially mapped out. The railroad decided to plot the town south of the tracks so the town would expand into Meade County. Even after the drought in 1911, Faith continued to grow, making changes to its approach to farming and ranching. When the water supply was low in 1946, the town began shipping in water from Mobridge, and started constructing a water filtration plant. Faith is also known for the 1990 discovery of Sue, the most complete and best preserved *Tyrannosaurus rex* ever found. Sue is now on display at the Field Museum in South Dakota.

One hundred years after its founding, Faith holds its history close while continually looking to the future, demonstrating what is great about South Dakota, and why I am proud to call this great State home.●

FEDORA, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I honor the community of Fedora, SD, and to recognize the 125th Territorial Day. Situated in Miner County, Fedora is a testament to the great State of South Dakota.

From its beginnings, agriculture and small businesses have played an instrumental role in the livelihood of Fedora. Fedora was originally named after the daughter of a founding railroad executive. Upon the completion of the railroad, the town of Fedora slowly flourished. A creamery, grocery store and the Farmers Purchasing and Shipping

Company gradually urbanized the town's landscape. Over time, small businesses have come and gone, however, the town's bond to agriculture is unwavering.

The 125th anniversary celebration will be held July 24, 2010, kicking off with Ghost Parade. More activities include a road race, Jaws of Life demonstration, antique/history display, supper pie auction and a dance. People of all ages will be able to take part in the day's activities.

I am proud to publicly congratulate the community on this achievement. As the people of Fedora take this opportunity to appreciate and reflect on how far the town has come from its beginnings, I know they understand the important role Fedora plays in making South Dakota a great State to live.●

SOUTH DAKOTA STATE FAIR QUASQUICENTENNIAL

● Mr. JOHNSON. Mr. President, it is with great honor that today I recognize the 125th anniversary of the South Dakota State Fair. This quasquicentennial is meaningful to the citizens of South Dakota, as many visit this event each year for entertainment, competition and great company. Whether it is the 4-H competitions, carnival rides, live music, informational booths or the many commercial vendors there is something for everyone at the State fair.

From its humble beginnings, the State fair started with only 85 acres of land that was deeded to the State of South Dakota by the Chicago and Northwestern Railway Company for \$50,000. With time, the fair grew as the South Dakota population grew. More land has been purchased, buildings have been constructed, and several improvements have been made. Today, the grounds host a wide range of buildings from the 4-H livestock complex to grandstands. Although changes have been made to fair ground's landscape since its founding, the South Dakota State Fair has stayed true to its mission, which is to have the fairgrounds be seen as a successful year-round, family-friendly venue that showcases youth, achievement, agriculture and community.

September 2-6, 2010, South Dakotans from across the State will gather at the State fairgrounds in Huron to celebrate 125 years of our State's history. With live entertainment, livestock events, the South Dakota Outdoor Expo, and more, all ages will celebrate in the day's activities. I hope this celebration gives our citizens a chance to reflect on our shared State history, as well as our promising future.

As frequent visitor to the South Dakota State Fair, I congratulate the South Dakota State Fair on reaching this monumental anniversary, and I look forward to the future as the fair continues to prosper.●

VIENNA, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I recognize the town of Vienna, SD, on reaching its 125th anniversary. Throughout its history, this small, rural community in Clark County has faced many hardships yet it still remains a strong town, and I congratulate the people of Vienna for all that they have accomplished.

Vienna was founded in 1887 along the Milwaukee railroad. Named by the Austrian founders after Vienna, Austria, this small town quickly grew as a result of daily freight and passenger trains. Unfortunately, a fire in 1913 destroyed six buildings on Main Street, slowing down the progress of the town. However, Vienna persevered and rebuilt two brick buildings which housed a meat market and a drug store. In 1937, a new elevator was built by the Vienna Grain Company, which greatly enhanced the community.

Residents of Vienna will kick off their July 30–August 1 celebration with a lawnmower only poker run followed by the Fireman Olympics, threshing bee, all-school reunion, dance, and conclude with a Sunday morning service at Bethlehem Lutheran Church. I am proud to honor Vienna, a town that contributes so much to the identity of rural South Dakota, for its historic milestone.●

ARKANSAS'S FARM FAMILIES

● Mrs. LINCOLN. Mr. President, today I recognize eight Arkansas families who were recently selected as district winners of the Arkansas Farm Bureau's 64th Annual Farm Family of the Year program. This year's winners are:

Michael and Sarah Oxner of Searcy (White County) in the East Central District. The Oxners own Red River Farms, where they grow 2,700 acres of rice, 2,100 acres of soybeans, 300 acres of corn, 280 acres of cotton and 700 acres of moist soil, millet, and native grasses for wildlife. They have three children, Mary, Laura, and Paten.

Mark and Nancy Satterfield of Norfork (Baxter County) in the North Central District. The Satterfields are registered seed stock producers of Charolais and Angus cattle with a production herd of 110 cows. They have had champion bulls and females in both Arkansas and Missouri. They have two children, Taylor and Justin.

Lammers Farms Partnership located in Manila (Mississippi County) in the Northeast District. Lammers Farms Partnership is a family operation with three generations of farmers. Louis and Carol Lammers, their children Jeff Lammers and Laura Weiss, and their respective families, are partners of Lammers Farm. Louis and Carol Lammers also have seven grandchildren. On 6,662 acres, Lammers Farms grows 530 acres of irrigated upland cotton, 1,072 acres of nonirrigated upland cotton, 2,060 acres of long grain rice, 80 acres of grain sorghum, 1,207 acres of irrigated soybeans, 742 acres of nonirrigated soybeans and 971 acres dedicated to the Conservation Reserve Program. Lammers Farms Partnership also owns a grain storage facility in Blytheville that is currently leased to Riceland.

Randy and Anjie Cockrum of Rudy (Crawford County) in the Northwest District. Randy and Anjie Cockrum have 578 acres, 400 of which produce hay. They also have 160 cow/calf pairs and a meat processing operation. When calf prices are low the Cockrums market their calves as beef through their processing operation. They have three children, Siera, Tyler and Shelby.

Curt and Ellen Rankin of Lake Village (Chicot County) in the Southeast District. The Rankin's farm consists of 500 acres of corn, 1,950 acres of irrigated soybeans and 150 acres of nonirrigated soybeans. They have two children, Seth and Jacob.

Darrell and Jennifer Ford of Hope (Hempstead County) in the Southwest District. The Fords graze about 700 yearling calves per year. The cattle-grazing operation also provides pasture for outside farmers. The Fords own 100 cows and about 25 percent of the calves they graze. The Fords also co-own the Hope Livestock Auction, which sells roughly 45,000 head of cattle each year. They have four children, Kade, Kylan, Grace and Aubrie.

Jeremy and Leslie Allmon of Murfreesboro (Pike County) in the West Central District. The Allmons have 103 cows, 92 calves, 35 heifers, 2 bulls, 2 poultry laying houses containing approximately 28,400 hens and 100 acres of hay on their 420 acre operation. They have one child, Holden, who is 2.

Larry and Marilyn Huddleston of Waldron (Scott County) in the Western District. The Huddlestons run 100 cows, 700 stocker calves and produce hay on 1,340 acres. They have two children, Hannah and Cole.

As a seventh-generation Arkansan and farmer's daughter, and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our farm families. Agriculture is the backbone of Arkansas's economy, creating more than 270,000 jobs in the State and providing \$9.1 billion in wages and salaries. In total, agriculture contributes roughly \$15.9 billion to the Arkansas economy each year and is responsible for one out of every four Arkansas jobs.

We must work to continue the farm family tradition, so these families are able to maintain their livelihoods and continue to help provide the safe, abundant, and affordable food supply that feeds our own country and the world and that is essential to our own economic stability.

I salute all Arkansas farm families for their hard work and dedication.●

2010 TONTITOWN GRAPE FESTIVAL

● Mrs. LINCOLN. Mr. President, today I join residents of Tontitown and all Arkansans to commemorate the 2010 Tontitown Grape Festival. For 112 years, the festival has celebrated the history and heritage of this unique community nestled in the Ozark Mountains.

Like many American towns, the history of Tontitown begins with the story of immigrants. Facing high taxes and political unrest, a group of Italian farming families set sail for the United States in 1895, hoping to start a new

life. Father Pietro Bandini bought a plot of land in northwest Arkansas and brought some 40 families to what would soon become Tontitown. Today, Tontitown is a culturally rich and business-friendly community, home to approximately 1,000 citizens and 100 businesses.

Every year, the Tontitown Grape Festival, sponsored by St. Joseph's Church, has welcomed visitors of all ages. The festival celebrates Tontitown's Italian heritage with live entertainment, a carnival, an arts and crafts fair, a used book sale, a Run for the Grapes, for both kids and adults, and the annual coronation of the Queen of the Festival.

I commend the residents of the Tontitown area for their commitment to the history and heritage of Arkansas. I wish them all the best as they celebrate during this year's Grape Festival.●

TRIBUTE TO SHARON CAMPBELL

● Ms. SNOWE. Mr. President, today I extend my heartfelt congratulations to Sharon Campbell, regional representative for my office in Presque Isle, ME, as she was recently honored with the prestigious Frank Hussey Award from the Presque Isle Rotary Club, named for a highly regarded former Presque Isle Rotarian.

Sharon could not be more deserving of this prestigious accolade as it recognizes her selfless commitment to Aroostook County and our great State of Maine. As I have witnessed firsthand, whether through her outstanding tenure with me which began more than a decade ago to her exceptional examples of giving back as a Rotary member, Sharon is the epitome of our State's motto, "Dirigo or I Lead," many times over.

Just in the past 2 years alone, Sharon has diligently promoted greater literacy in The County, leading the Rotary's Literacy and Thesaurus Project, which distributes thesauruses to area children, and raising close to \$2,000 to start a "Children's Book of the Month Club," where books are purchased every month for school libraries.

Described by her Rotary peers as a "get it done" Rotarian, Sharon strives to make a substantive difference in the lives of others and in a way that garners lasting results. And when it comes to galvanizing support for a new task, it is helpful that people find it incredibly difficult to say "no" to her. By the same token, she is the last person who would say "no" herself to a challenge to help someone else. She is that caring and that determined. Sharon truly exemplifies the can-do spirit and tireless work-ethic that are the hallmarks of the people of Maine she serves, in particular those who proudly call The County home.

Nothing crystallizes Sharon's contributions as a Rotarian and as some-

one devoted to public service than the Rotary motto of "Service Above Self." Her receipt of The Frank Hussey Award is an enduring testament to her dedication to that precept.●

RECOGNIZING HUGO'S

● Ms. SNOWE. Mr. President, the city of Portland, ME, is quickly becoming one of America's most recognized locations for five-star dining experiences. Recognized as the 2009 "Foodiest Small Town in America" by Bon Appétit, it has been reported that visitors and residents alike spend more money in Portland restaurants per capita than in any other U.S. city, with the exception of San Francisco and New York. The demand for delicious, well-prepared food has drawn a plethora of culinary artists to the city, inspired by both the challenge of cooking for an avid audience and incorporating the bounty of Maine's natural resources into their recipes. Using native ingredients such as corn, blueberries, fiddleheads, and off-the-dock seafood, Portland restaurants have transformed even casual dining into something brilliant. As such, today I wish to recognize Hugo's, one of the many restaurants that has been an integral part of this lively city's culinary renaissance.

Hugo's is among the restaurants that stay true to the Portland tradition of local and organic food. As a member of the Maine Organic Farmers and Gardeners Association, Hugo's is active in increasing local food production and simultaneously supporting other Maine small businesses. Working with these organic ingredients, Hugo's puts a modern twist on American cuisine with various international influences. They produce imaginative dishes that make the restaurant not only a favorite to the locals, but also to out-of-town "foodies" looking for an elegant meal as well.

Chef Rob Evans, the driving force behind Hugo's turned his restaurant job into a career after he landed positions at the famed Inn at Little Washington in Virginia and French Laundry in California, studying under some of the best chefs in the world. In 2000, Chef Evans took over the former Hugo's Portland Bistro with his wife, Nancy Pugh. Soon Hugo's became distinguished as one of the top restaurants in Maine, as well as throughout New England.

Indeed, Chef Evans's culinary creativity has not gone unnoticed by both his peers and others in the industry. In 2004 Food & Wine Magazine recognized him with the "Best New Chef Award." Hugo's has also been given the Four-Diamond title by the American Automobile Association, or AAA, for the past 5 years. Most notably, Chef Evans was named the recipient last year of the James Beard Award, arguably one

of the most coveted honors in the culinary world, as the best chef in the Northeast.

Since receiving the award, traffic at Hugo's has significantly increased, with more locals intrigued by what Chef Evans can do with the resources that make Maine the unique place that it is. But even with an uptick in new patrons, Chef Evans insists that Hugo's will stay the same and not forget its humble origins.

Additionally, Chef Evans and his wife Nancy are also the proud owners of Duckfat, another popular restaurant situated just down the street from Hugo's serving European fries and sandwiches. Duckfat, whose name derives from the manner in which they cook their fries, is yet another example of Evans' and Pugh's efforts to promote all that Maine's restaurant industry has to offer.

Hugo's is an excellent representative of a trend in Maine's dining culture that showcases a wide variety of exciting, creative chefs and restaurants eager to put Maine on the map when it comes to food. The initiatives of Rob Evans and Nancy Pugh have helped foster a revitalization of Portland's restaurant scene, and I commend them for their outstanding work. I thank everyone at both Hugo's and Duckfat, and wish them much success in their future endeavors.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:37 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 415. An act to provide Capitol-flown flags to the immediate family of fire fighters, law enforcement officers, emergency medical technicians, and other rescue workers who are killed in the line of duty.

H.R. 2780. An act to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code.

H.R. 4748. An act to amend the Office of National Drug Control Policy Reauthoriza-

tion Act of 2006 to require a northern border counternarcotics strategy, and for other purposes.

H.R. 5138. An act to protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other registered sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high interest registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child sex offender is seeking to enter the United States, and for other purposes.

H.R. 5143. An act to establish the National Criminal Justice Commission.

H.R. 5281. An act to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

H.R. 5662. An act to amend title 18, United States Code, with respect to the offense of stalking.

H.R. 5681. An act to improve certain administrative operations of the Library of Congress, and for other purposes.

H.R. 5682. An act to improve the operations of certain facilities and programs of the House of Representatives, and for other purposes.

H.R. 5730. An act to rescind earmarks for certain surface transportation projects.

H.R. 5810. An act to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes.

H.R. 5825. An act to review, update, and revise the factors to measure the severity, magnitude, and impact of a disaster and to evaluate the need for assistance to individuals and households.

The message also announced that the House has agreed to the following concurrent resolution:

H. Con. Res. 258. Concurrent resolution congratulating the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 5849. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The message also announced that pursuant to section 201(B) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431), and the order of the House of January 6, 2009, the Speaker announces the following correction to the appointment of June 23, 2010, of the following member on the part of the House of Representatives to the Commission on International Religious Freedom, upon the recommendation of the Minority Leader: Mr. Ted Van Der Meid of Rochester, New York, for a two-year term ending May 14, 2012, to succeed Ms. Felice Gaer.

At 3:59 p.m., a message from the House of Representatives, delivered by

Mr. Novotny, one of its reading clerks, announced that the House recedes from its amendment to the amendment of the Senate to the bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

At 6:47 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1789. An act to restore fairness to Federal cocaine sentencing.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 415. An act to provide Capitol-flown flags to the immediate family of fire fighters, law enforcement officers, emergency medical technicians, and other rescue workers who are killed in the line of duty; to the Committee on Rules and Administration.

H.R. 2780. An act to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code; to the Committee on the Judiciary.

H.R. 4748. An act to amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counternarcotics strategy, and for other purposes; to the Committee on the Judiciary.

H.R. 5281. An act to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes; to the Committee on the Judiciary.

H.R. 5662. An act to amend title 18, United States Code, with respect to the offense of stalking; to the Committee on the Judiciary.

H.R. 5681. An act to improve certain administrative operations of the Library of Congress, and for other purposes; to the Committee on Rules and Administration.

H.R. 5682. An act to improve the operation of certain facilities and programs of the House of Representatives, and for other purposes; to the Committee on Rules and Administration.

H.R. 5810. An act to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes; to the Committee on the Judiciary.

H.R. 5825. An act to review, update, and revise the factors to measure the severity, magnitude, and impact of a disaster and to evaluate the need for assistance to individuals and households; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 258. Concurrent resolution congratulating the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100

years of operation of the Coast Guard Academy in New London, Connecticut, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3657. A bill to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to objecting to any measure or matter.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3663. A bill to promote clean energy jobs and oil company accountability, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6845. A communication from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Final Rule Regarding Amendment of the Temporary Liquidity Guarantee Program to Extend the Transaction Account Guarantee Program" (RIN3064-AD37) received during adjournment of the Senate in the Office of the President of the Senate on July 23, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6846. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Arrow Falcon Exporters, Inc.; AST, Inc.; Rotorcraft Development Corporation; Global Helicopter Technology, Inc.; Hagglund Helicopters, LLC; International Helicopters, Inc.; Northwest Rotorcraft, LLC; Robinson Air Crane, Inc.; San Joaquin Helicopters; S.M. and T. Aircraft; Smith Helicopters; Southern Helicopter, Inc.; Southwest Florida Aviation International, Inc.; Tamarack Helicopters, Inc.; US Helicopter, Inc.; West Coast Fabrications; and Overseas Aircraft Support Inc. Model AH-1G, AH-1S, HH-1K, TH-1F, TH-1L, UH-1A, UH-1B, UH-1E, UH-1F, UH-1H, UH-1L, and UH-1P Helicopters; and Southwest Florida Aviation Model UH-1B (SW204 and SW204HP) and UH-1H (SW205) Helicopters" ((RIN2120-AA64)(Docket No. FAA-2010-0565)) received in the Office of the President of the Senate on July 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6847. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aircraft Industries a.s. (Type Certificate G60EU Previously Held by LETECKE ZAVODY a.s. and LET Aeronautical Works) Model L-13 Blanik Gliders" ((RIN2120-AA64)(Docket No. FAA-2010-0684)) received in the Office of the President of the Senate on July 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6848. A communication from the Executive Analyst, Department of Health and

Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Administrator of the Centers for Medicare and Medicaid Services in the Department of Health and Human Services; to the Committee on Finance.

EC-6849. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Internal Claims and Appeals and External Review Processes Under the Patient Protection and Affordable Care Act" ((RIN1545-BJ63)(TD 9494)) received in the Office of the President of the Senate on July 27, 2010; to the Committee on Finance.

EC-6850. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, a report entitled "The Year in Trade 2009"; to the Committee on Finance.

EC-6851. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a Report to Congress on Costs of Treatment in the President's Emergency Plan for AIDS Relief (PEPFAR); to the Committee on Foreign Relations.

EC-6852. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of State (Educational and Cultural Affairs); to the Committee on Foreign Relations.

EC-6853. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, status reports relative to Iraq for the period of April 14, 2010 through June 16, 2010; to the Committee on Foreign Relations.

EC-6854. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Notice of Final Priorities, Requirements, Definition, and Selection Criteria—Smaller Learning Communities" (CFDA No. 84.215L) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6855. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Internal Claims and Appeals and External Review Process Under the Patient Protection and Affordable Care Act" (RIN1210-AB45) received during adjournment of the Senate in the Office of the President of the Senate on July 23, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6856. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Children and Families in the Department of Health and Human Services, received in the Office of the President of the Senate on July 22, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6857. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Legislation in the Department of Health

and Human Services, received in the Office of the President of the Senate on July 22, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6858. A communication from the Director of Human Resources, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the category rating system; to the Committee on Health, Education, Labor, and Pensions.

EC-6859. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a proposed rule entitled "Employee Contribution Elections and Contribution Allocations" (5 CFR Part 1600) received in the Office of the President of the Senate on July 26, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6860. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a proposed rule entitled "Uniformed Services Accounts and Death Benefits" (5 CFR Parts 1604 and 1651) received in the Office of the President of the Senate on July 26, 2010; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 3267. A bill to improve the provision of assistance to fire departments, and for other purposes (Rept. No. 111—235).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 3516. A bill to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, and for other purposes (Rept. No. 111—236).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 5278. A bill to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the "President Ronald W. Reagan Post Office Building".

H.R. 5395. A bill to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the "Paula Hawkins Post Office Building".

S. 3567. A bill to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the "Navy Corpsman Jeffrey L. Wiener Post Office Building".

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

Steve A. Linick, of Virginia, to be Inspector General of the Federal Housing Finance Agency.

Osvaldo Luis Gratacós Munet, of Puerto Rico, to be Inspector General, Export-Import Bank.

*Peter A. Diamond, of Massachusetts, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2000.

*Sarah Bloom Raskin, of Maryland, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2002.

*Janet L. Yellen, of California, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2010.

*Janet L. Yellen, of California, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAPO (for himself, Mr. BARRASSO, Mr. ENSIGN, Mr. ENZI, Mr. HATCH, Ms. MURKOWSKI, Mr. RISCH, and Mr. ROBERTS):

S. 3660. A bill to amend the Act of June 8, 1906, to require certain procedures for designating national monuments, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself, Ms. MIKULSKI, Mr. KERRY, and Mr. CARDIN):

S. 3661. A bill to amend the Federal Water Pollution Control Act to ensure the safe and proper use of dispersants in the event of an oil spill or release of hazardous substances, and for other purposes; to the Committee on Environment and Public Works.

By Ms. STABENOW:

S. 3662. A bill to require the President to prepare a quadrennial National Manufacturing Strategy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID:

S. 3663. A bill to promote clean energy jobs and oil company accountability, and for other purposes; read the first time.

By Mrs. FEINSTEIN (for herself, Mr. CRAPO, Mr. UDALL of Colorado, Mr. BENNETT, and Mrs. BOXER):

S. 3664. A bill to amend the Internal Revenue Code of 1986 to exempt certain farmland from the estate tax, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WHITEHOUSE (for himself, Mr. CARDIN, Ms. MIKULSKI, Mr. CASEY, Mr. REED, Mrs. MURRAY, Mr. KERRY, Mr. WYDEN, Mrs. FEINSTEIN, Mr. LIEBERMAN, Mr. WARNER, Mr. MERKLEY,

Mr. MENENDEZ, Ms. LANDRIEU, Mr. SCHUMER, Mr. NELSON of Florida, Mr. KAUFMAN, Ms. COLLINS, Mr. GREGG, Mr. WEBB, and Mrs. BOXER):

S. Res. 596. A resolution to designate September 25, 2010, as "National Estuaries Day"; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. BAYH, Mr. BENNETT, Mrs. BOXER, Mr. BURR, Mr. BURRIS, Mr. CARDIN, Mr. CASEY, Mr. CHAMBLISS, Mr. COCHRAN, Mr. CRAPO, Mr. DODD, Mr. DORGAN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. INHOFE, Mr. INOUE, Mr. JOHNSON, Mr. JOHANNIS, Mr. KERRY, Ms. LANDRIEU, Mr. LUGAR, Mr. SCHUMER, Mr. SHELBY, Mr. SPECTER, Mr. TESTER, and Mr. VITTER):

S. Res. 597. A resolution designating September 2010 as "National Prostate Cancer Awareness Month"; to the Committee on the Judiciary.

By Mr. BURR (for himself and Mrs. FEINSTEIN):

S. Res. 598. A resolution designating September 2010 as "National Child Awareness Month" to promote awareness of charities benefitting children and youth-serving organizations throughout the United States and recognizing efforts made by these charities and organizations on behalf of children and youth as critical contributions to the future of the Nation; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. REED, Mr. REID, Mrs. HAGAN, Mr. BURR, Mrs. LINCOLN, Mr. VOINOVICH, Mr. INHOFE, Mr. CRAPO, Ms. SNOWE, Mr. BAUCUS, Mr. ISAKSON, Mr. BEGICH, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Mr. THUNE, Mr. AKAKA, Mr. BURRIS, Mr. SESSIONS, Mr. ROBERTS, Mr. WHITEHOUSE, Mr. BOND, Mr. BENNETT, Ms. LANDRIEU, Mr. CHAMBLISS, Mr. INOUE, and Mr. CORKER):

S. Res. 599. A resolution designating August 16, 2010, as "National Airborne Day"; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 600. A resolution to authorize document production and testimony by, and representation of, the Select Committee on Intelligence; considered and agreed to.

By Mr. ENZI:

S. Con. Res. 69. A concurrent resolution recognizing the 500th anniversary of the birth of Italian architect Andrea Palladio; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 322

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 322, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 379

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 379, a bill to provide fair compensation to artists for use of their sound recordings.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi

(Mr. WICKER) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1553, *supra*.

S. 2828

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2828, a bill to amend the Public Health Service Act to authorize the National Institute of Environmental Health Sciences to conduct a research program on endocrine disruption, to prevent and reduce the production of, and exposure to, chemicals that can undermine the development of children before they are born and cause lifelong impairment to their health and function, and for other purposes.

S. 2982

At the request of Mr. KERRY, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2982, a bill to combat international violence against women and girls.

S. 3231

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 3231, a bill to amend the Internal Revenue Code of 1986 to extend certain tax incentives for alcohol used as fuel and to amend the Harmonized Tariff Schedule of the United States to extend additional duties on ethanol.

S. 3232

At the request of Mr. BURR, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3232, a bill to amend the Internal Revenue Code of 1986 to make employers of spouses of military personnel eligible for the work opportunity credit.

S. 3424

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 3501

At the request of Mr. HATCH, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Texas (Mr. CORNYN), the Senator from Kansas (Mr. ROBERTS), the Senator from Mississippi (Mr. WICKER) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 3501, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 3502

At the request of Mr. HATCH, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Texas (Mr. CORNYN), the Senator from Texas

(Mrs. HUTCHISON), the Senator from Kansas (Mr. ROBERTS), the Senator from Mississippi (Mr. WICKER) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 3502, a bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance.

S. 3528

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3528, a bill to promote coastal jobs creation, promote sustainable fisheries and fishing communities, revitalize waterfronts, and for other purposes.

S. 3578

At the request of Mr. JOHANNIS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 3578, a bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

S. 3583

At the request of Mrs. MURRAY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3583, a bill to amend title 38, United States Code, to increase flexibility in payments for State veterans homes, and for other purposes.

S. 3640

At the request of Mr. UDALL of Colorado, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3640, a bill to amend the Internal Revenue Code of 1986 to increase the limitations on the amount excluded from the gross estate with respect to land subject to a qualified conservation easement.

S. 3647

At the request of Mr. TESTER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 3647, a bill to amend the Public Health Service Act to provide for the participation of particular specialists determined by the Secretary of Health and Human Services to be directly related to the health needs stemming from environmental health hazards that have led to its declaration as a Public Health Emergency to be eligible under the National Health Service Corps in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 3653

At the request of Mr. CORNYN, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 3653, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. RES. 519

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr.

BENNETT) was added as a cosponsor of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 579

At the request of Mr. BROWNBACK, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 579, a resolution honoring the life of Manute Bol and expressing the condolences of the Senate on his passing.

AMENDMENT NO. 4527

At the request of Mr. JOHANNIS, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Kansas (Mr. ROBERTS), the Senator from Kansas (Mr. BROWNBACK), the Senator from Idaho (Mr. RISCH), the Senator from Wyoming (Mr. BARRASSO), the Senator from Wyoming (Mr. ENZI), the Senator from Idaho (Mr. CRAPO) and the Senator from Utah (Mr. HATCH) were added as cosponsors of amendment No. 4527 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4531

At the request of Mr. JOHANNIS, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Kansas (Mr. ROBERTS), the Senator from Wyoming (Mr. ENZI), the Senator from South Carolina (Mr. GRAHAM) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of amendment No. 4531 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 3663. A bill to promote clean energy jobs and oil company accountability, and for other purposes; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Energy Jobs and Oil Company Accountability Act of 2010".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into 6 divisions as follows:

- (1) Division A—Oil Spill Response and Accountability.
- (2) Division B—Reducing Oil Consumption and Improving Energy Security.
- (3) Division C—Clean Energy Jobs and Consumer Savings.
- (4) Division D—Protecting the Environment.
- (5) Division E—Fiscal Responsibility.
- (5) Division F—Miscellaneous.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—OIL SPILL RESPONSE AND ACCOUNTABILITY

TITLE I—REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES

Sec. 101. Short title.

Sec. 102. Removal of limits on liability for offshore facilities.

Sec. 103. Claims procedure.

Sec. 104. Oil and hazardous substance response planning.

Sec. 105. Reports.

Sec. 106. Trust Fund advance authority.

TITLE II—FEDERAL RESEARCH AND TECHNOLOGIES FOR OIL SPILL PREVENTION AND RESPONSE

Sec. 201. Short title.

Sec. 202. Purposes.

Sec. 203. Interagency Committee.

Sec. 204. Science and technology advice and guidance.

Sec. 205. Oil pollution research and development program.

TITLE III—OUTER CONTINENTAL SHELF REFORM

Sec. 301. Short title.

Sec. 302. Purposes.

Sec. 303. Definitions.

Sec. 304. National policy for the outer Continental Shelf.

Sec. 305. Structural reform of outer Continental Shelf program management.

Sec. 306. Safety, environmental, and financial reform of the Outer Continental Shelf Lands Act.

Sec. 307. Study on the effect of the moratoria on new deepwater drilling in the Gulf of Mexico on employment and small businesses.

Sec. 308. Reform of other law.

Sec. 309. Safer oil and gas production.
 Sec. 310. National Commission on Outer Continental Shelf Oil Spill Prevention.

Sec. 311. Savings provisions.

TITLE IV—ENVIRONMENTAL CRIMES ENFORCEMENT

Sec. 401. Short title.
 Sec. 402. Environmental crimes.

TITLE V—FAIRNESS IN ADMIRALTY AND MARITIME LAW

Sec. 501. Short title.
 Sec. 502. Repeal of limitation of Shipowners' Liability Act of 1851.
 Sec. 503. Assessment of punitive damages in maritime law.
 Sec. 504. Amendments to the Death on the High Seas Act.
 Sec. 505. Effective date.

TITLE VI—SECURING HEALTH FOR OCEAN RESOURCES AND ENVIRONMENT (SHORE)

Sec. 601. Short title.
 Subtitle A—National Oceanic and Atmospheric Administration Oil Spill Response, Containment, and Prevention

Sec. 611. Improvements to National Oceanic and Atmospheric Administration oil spill response, containment, and prevention.

Sec. 612. Use of Oil Spill Liability Trust Fund for preparedness, response, damage assessment, and restoration.

Sec. 613. Investment of amounts in Damage Assessment and Restoration Revolving Fund in interest-bearing obligations.

Sec. 614. Strengthening coastal State oil spill planning and response.

Sec. 615. Gulf of Mexico long-term marine environmental monitoring and research program.

Sec. 616. Arctic research and action to conduct oil spill prevention.

Subtitle B—Improving Coast Guard Response and Inspection Capacity

Sec. 621. Secretary defined.

Sec. 622. Arctic maritime readiness and oil spill prevention.

Sec. 623. Advance planning and prompt decision making in closing and reopening fishing grounds.

Sec. 624. Oil spill technology evaluation.

Sec. 625. Coast Guard inspections.

Sec. 626. Certificate of inspection requirements.

Sec. 627. Navigational measures for protection of natural resources.

Sec. 628. Notice to States of bulk oil transfers.

Sec. 629. Gulf of Mexico Regional Citizens' Advisory Council.

Sec. 630. Vessel liability.

Sec. 631. Prompt intergovernmental notice of marine casualties.

Sec. 632. Prompt publication of oil spill information.

Sec. 633. Leave retention authority.

TITLE VII—CATASTROPHIC INCIDENT PLANNING

Sec. 701. Catastrophic incident planning.

Sec. 702. Alignment of response frameworks.

TITLE VIII—SUBPOENA POWER FOR NATIONAL COMMISSION ON THE BP DEEPWATER HORIZON OIL SPILL AND OFFSHORE DRILLING

Sec. 801. Subpoena power for National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

TITLE IX—CORAL REEF CONSERVATION ACT AMENDMENTS

Sec. 901. Short title.

Sec. 902. Amendment of Coral Reef Conservation Act of 2000.

Sec. 903. Agreements; redesignations.

Sec. 904. Emergency assistance.

Sec. 905. Emergency response, stabilization, and restoration.

Sec. 906. Prohibited activities.

Sec. 907. Destruction of coral reefs.

Sec. 908. Enforcement.

Sec. 909. Regulations.

Sec. 910. Judicial review.

DIVISION B—REDUCING OIL CONSUMPTION AND IMPROVING ENERGY SECURITY

TITLE XX—NATURAL GAS VEHICLE AND INFRASTRUCTURE DEVELOPMENT

Sec. 2001. Definitions.

Sec. 2002. Program establishment.

Sec. 2003. Rebates.

Sec. 2004. Infrastructure and development grants.

Sec. 2005. Loan program to enhance domestic manufacturing.

TITLE XXI—PROMOTING ELECTRIC VEHICLES

Sec. 2101. Short title.

Sec. 2102. Definitions.

Subtitle A—National Plug-in Electric Drive Vehicle Deployment Program.

Sec. 2111. National Plug-In Electric Drive Vehicle Deployment Program.

Sec. 2112. National assessment and plan.

Sec. 2113. Technical assistance.

Sec. 2114. Workforce training.

Sec. 2115. Federal fleets.

Sec. 2116. Targeted Plug-in Electric Drive Vehicle Deployment Communities Program.

Sec. 2117. Funding.

Subtitle B—Research and Development

Sec. 2121. Research and development program.

Sec. 2122. Advanced batteries for tomorrow prize.

Sec. 2123. Study on the supply of raw materials.

Sec. 2124. Study on the collection and preservation of data collected from plug-in electric drive vehicles.

Subtitle C—Miscellaneous

Sec. 2131. Utility planning for plug-in electric drive vehicles.

Sec. 2132. Loan guarantees.

Sec. 2133. Prohibition on disposing of advanced batteries in landfills.

Sec. 2134. Plug-in Electric Drive Vehicle Technical Advisory Committee.

Sec. 2135. Plug-in Electric Drive Vehicle Interagency Task Force.

DIVISION C—CLEAN ENERGY JOBS AND CONSUMER SAVINGS

TITLE XXX—HOME STAR RETROFIT REBATE PROGRAM

Sec. 3001. Short title.

Sec. 3002. Definitions.

Sec. 3003. Home Star Retrofit Rebate Program.

Sec. 3004. Contractors.

Sec. 3005. Rebate aggregators.

Sec. 3006. Quality assurance providers.

Sec. 3007. Silver Star Home Retrofit Program.

Sec. 3008. Gold Star Home Retrofit Program.

Sec. 3009. Grants to States and Indian tribes.

Sec. 3010. Quality assurance framework.

Sec. 3011. Report.

Sec. 3012. Administration.

Sec. 3013. Treatment of rebates.

Sec. 3014. Penalties.

Sec. 3015. Home Star Efficiency Loan Program.

Sec. 3016. Funding.

DIVISION D—PROTECTING THE ENVIRONMENT

TITLE XL—LAND AND WATER CONSERVATION AUTHORIZATION AND FUNDING

Sec. 4001. Short title.

Sec. 4002. Permanent authorization; full funding.

TITLE XLI—NATIONAL WILDLIFE REFUGE SYSTEM RESOURCE PROTECTION

Sec. 4101. Short title.

Sec. 4102. Definitions.

Sec. 4103. Liability.

Sec. 4104. Actions.

Sec. 4105. Use of recovered amounts.

Sec. 4106. Donations.

TITLE XLII—GULF COAST ECOSYSTEM RESTORATION

Sec. 4201. Gulf Coast Ecosystem restoration.

TITLE XLIII—HYDRAULIC FRACTURING CHEMICALS

Sec. 4301. Disclosure of hydraulic fracturing chemicals.

TITLE XLIV—WATERSHED RESTORATION

Sec. 4401. Watershed restoration.

DIVISION E—FISCAL RESPONSIBILITY

Sec. 5001. Modifications with respect to Oil Spill Liability Trust Fund.

DIVISION F—MISCELLANEOUS

Sec. 6001. Budgetary effects.

DIVISION A—OIL SPILL RESPONSE AND ACCOUNTABILITY

TITLE I—REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES

SEC. 101. SHORT TITLE.

This title may be cited as the "Big Oil Bailout Prevention Unlimited Liability Act of 2010".

SEC. 102. REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES.

(a) IN GENERAL.—Section 1004(a)(3) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(3)) is amended by striking "plus \$75,000,000" and inserting "and the liability of the responsible party under section 1002".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to all claims or actions brought within the limitations period applicable to the claims or action, including any claims or actions pending on the date of enactment of this Act and any claims arising from events occurring prior to the date of enactment of this Act.

SEC. 103. CLAIMS PROCEDURE.

(a) WAITING PERIOD.—Section 1013(c)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2713(c)(2)) is amended by striking "settled by any person by payment within 90 days" and inserting "settled in whole by any person by payment within 30 days".

(b) PROCESSING OF CLAIMS.—Section 1012(a)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(4)) is amended by inserting before the semicolon at the end the following: "and, in the event of a spill of national significance, administrative and personnel costs to process claims (including the costs of commercial claims processing, expert services, training, and technical services)".

SEC. 104. OIL AND HAZARDOUS SUBSTANCE RESPONSE PLANNING.

(a) AREA COMMITTEES.—Section 311(j)(4)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)(A)) is amended—

(1) by striking “from qualified” and inserting “from—

“(i) qualified”;

(2) by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(ii) individuals representing industry, conservation, and the general public.”.

(b) NATIONAL RESPONSE SYSTEM.—Section 311(j)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)) is amended—

(1) in subparagraph (A), by adding at the end the following:

“(iii) The President shall ensure that the regulations promulgated pursuant to this paragraph are designed to prevent, to the maximum extent practicable, injury to the economy, jobs, and the environment, including to prevent—

“(I) loss of, destruction of, or injury to, real or personal property;

“(II) loss of subsistence use of natural resources;

“(III) loss of revenue;

“(IV) loss of profits or earning capacity;

“(V) an increase in the cost of providing public services to remove a discharge; and

“(VI) loss of, destruction of, or injury to, natural resources.

“(iv) The President shall promulgate regulations that clarify the requirements of a response plan in accordance with subparagraph (D).”;

(2) by striking subparagraph (D) and inserting the following:

“(D) A response plan required under this paragraph shall—

“(i) be consistent with the requirements of the National Contingency Plan and Area Contingency Plans;

“(ii) identify the qualified individual having full authority to implement removal actions, and require immediate communications between that individual and the appropriate Federal official and the persons providing personnel and equipment pursuant to clause (iii);

“(iii) identify, and ensure by contract or other means approved by the President the availability of, private personnel and equipment in the quantities necessary, staged and available in the appropriate region to respond immediately to and sustain the response effort for as long as necessary—

“(I) to remove, to the maximum extent practicable, a worst-case discharge (including a discharge resulting from fire or an explosion);

“(II) to mitigate damage from a discharge; and

“(III) to prevent or reduce a substantial threat of such a discharge;

“(iv) demonstrate, to the maximum extent practicable, the financial capability to pay for removal costs and damages;

“(v) describe the training, equipment testing, periodic unannounced drills, and response actions of persons on the vessel or at the facility, to be carried out under the plan to ensure the safety of the vessel or facility and to meet the requirements of this subparagraph;

“(vi) describe the environmental effects of the response plan methodologies and equipment;

“(vii) describe the process for communication and coordination with Federal, State, and local agencies before, during, and after a response to a discharge;

“(viii) identify the effective daily recovery capacity for the quantity of oil or hazardous substance that will be removed under the response plan immediately following the discharge and at regular, identified periods;

“(ix) in the case of oil production, drilling, and workover facilities, describe the specific measures to be used in response to a blowout or other event involving loss of well control;

“(x) identify provisions for the owner or operator of a tank vessel, nontank vessel, or facility to report the actual quantity of oil or a hazardous substance removed at regular, identified periods following the discharge;

“(xi) identify potential economic and ecological impacts of a worst-case discharge and response activities to prevent or mitigate, to the maximum extent practicable, those impacts in the event of a discharge;

“(xii) be updated periodically; and

“(xiii) be resubmitted for approval of each significant change.”;

(3) in subparagraph (E), by striking clauses (i) through (v) and inserting the following:

“(i) require notice of a new proposed response plan or significant modification to an existing response plan for an offshore facility to be published in the Federal Register and provide for a public comment period for the plan of at least 30 days, taking into appropriate consideration security concerns and any proprietary issues otherwise provided by law;

“(ii) promptly review the response plan;

“(iii) require amendments to any plan that does not meet the requirements of this paragraph;

“(iv) approve any plan only after finding, based on evidence in the record, that—

“(I) the response plan meets the requirements of subparagraph (D);

“(II) the methods and equipment proposed to be used under the response plan are demonstrated to be technologically feasible in the area and under the conditions in which the tank vessel, nontank vessel, or facility is proposed to operate;

“(III) the available scientific information about the area allows for identification of potential impacts to ecological areas and protection of those areas in the event of a discharge, including adequate surveys of wildlife; and

“(IV) the response plan describes the quantity of oil likely to be removed in the event of a worst-case discharge;

“(v) obtain the written concurrence of such other agencies as the President determines have a significant responsibility to remove, mitigate damage from, or prevent or reduce a substantial threat of the worst-case discharge of oil or a hazardous substance;

“(vi) review each plan periodically thereafter and require each plan to be updated not less often than once every 5 years, with each update considered a significant change requiring approval by the President;

“(vii) require an update of a plan pursuant to clause (vi) to include the best available technology and methods to contain and remove, to the maximum extent practicable, a worst-case discharge (including a discharge resulting from fire or explosion), and to mitigate or prevent a substantial threat of such a discharge; and

“(viii) in the case of a plan for a nontank vessel, consider any applicable State-mandated response plan in effect on August 9, 2004, and ensure consistency to the maximum extent practicable.”; and

(4) by adding at the end the following:

“(J) TECHNOLOGY STANDARDS.—The President may establish requirements and guidance for using the best available technology and methods in response plans, which shall be based on performance metrics and standards whenever practicable.

“(K) APPROVAL OF EXISTING PLANS.—

“(i) IN GENERAL.—The President shall—

“(I) implement an expedited review process of all response plans that were valid and approved on the day before the date of enactment of this subparagraph to identify those response plans that do not meet the requirements of this section; and

“(II) require those response plans to be amended to conform to the requirements of this section as soon as practicable after the date of enactment of this subparagraph.

“(ii) EXISTING PLANS.—Notwithstanding any other provision of this section, a response plan that was valid and approved on the day before the date of enactment of this subparagraph—

“(I) shall remain valid and approved until required to be updated pursuant to clause (i); and

“(II) shall not be found not to be valid and approved as a result of the enactment of this subparagraph.

“(iii) PUBLIC NOTICE.—The President shall provide public notice of the process for updating response plans required by clause (i).”.

(c) DEFINITIONS.—Section 311(a)(24)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)(24)(B)) is amended by inserting “, including from an unanticipated and uncontrolled blowout or other loss of well control,” after “foreseeable discharge”.

SEC. 105. REPORTS.

Not later than 180 days after the date of enactment of this Act and every 90 days thereafter until all claims resulting from the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred April 20, 2010, and resulting hydrocarbon releases into the environment, have been paid, the administrator of the fund described in paragraph (1) shall submit to Congress a report that describes—

(1) the status of the compensation fund established by British Petroleum Company to pay claims resulting from the blowout and explosion; and

(2) each claim that has been paid from that fund.

SEC. 106. TRUST FUND ADVANCE AUTHORITY.

Section 6002(b)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)(2)) is amended by striking “the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon*,” and inserting “a spill of national significance.”.

TITLE II—FEDERAL RESEARCH AND TECHNOLOGIES FOR OIL SPILL PREVENTION AND RESPONSE

SEC. 201. SHORT TITLE.

This title may be cited as the “Federal Research and Technologies for Oil Spill Prevention and Response Act of 2010”.

SEC. 202. PURPOSES.

The purposes of this title are—

(1) to maintain and enhance the world-class research and facilities of the Federal Government; and

(2) to ensure that there are adequate knowledge, practices, and technologies to detect, respond to, contain, and clean up oil spills, whether onshore or on the outer Continental Shelf.

SEC. 203. INTERAGENCY COMMITTEE.

Section 7001(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(b)) is amended by striking paragraph (4) and inserting the following:

“(4) CHAIRMAN.—

“(A) IN GENERAL.—A representative of the National Oceanic and Atmospheric Administration, the Environmental Protection Agency, Coast Guard, or the Department of the

Interior shall serve as Chairman of the Interagency Committee (referred to in this section as the 'Chairman').

"(B) ROTATION.—The responsibility to chair the Interagency Committee shall rotate between representatives of each of the agencies described in subparagraph (A) every 2 years."

SEC. 204. SCIENCE AND TECHNOLOGY ADVICE AND GUIDANCE.

Section 7001(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(b)) is amended by striking paragraph (2) and inserting the following:

"(2) SCIENCE AND TECHNOLOGY ADVISORY BOARD.—

"(A) IN GENERAL.—The Chairman shall enter into appropriate arrangements with the National Academy of Sciences to establish an independent committee, to be known as the 'Science and Technology Advisory Board', to provide scientific and technical advice to the Interagency Committee relating to research carried out pursuant to the program established under subsection (c), including—

"(i) the identification of knowledge gaps that the program should address;

"(ii) the establishment of scientific and technical priorities;

"(iii) the provision of advice and guidance in the preparation of—

"(I) the report required under paragraph (3);

"(II) the update required under paragraph (4); and

"(III) the plan required under subsection (c)(14); and

"(iv) an annual review of the results and effectiveness of the program, including successful technology development.

"(B) REPORTS.—Reports and recommendations of the Board shall promptly be made available to Congress and the public.

"(C) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—The National Institute of Standards and Technology shall provide the Interagency Committee with advice and guidance on issues relating to quality assurance and standards measurements relating to activities of the Interagency Committee under this section.

"(3) REPORTS ON CURRENT STATE OF OIL SPILL PREVENTION AND RESPONSE CAPABILITIES.—

"(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this paragraph, the Interagency Committee shall submit to Congress a report on the current state of oil spill prevention and response capabilities that—

"(i) identifies current research programs conducted by governments, institutions of higher education, and corporate entities;

"(ii) assesses the current status of knowledge on oil pollution prevention, response, and mitigation technologies;

"(iii) identifies regional oil pollution research needs and priorities for a coordinated program of research at the regional level developed in consultation with State and local governments and Indian tribes;

"(iv) assesses the current state of spill response equipment, and determines areas in need of improvement, including the quantity, age, quality, and effectiveness of the equipment and necessary technological improvements;

"(v) assesses the current state of real-time data available to mariners, including water level, currents, weather information, and predictions, and assesses whether lack of timely information increases the risk of discharges of oil;

"(vi) assesses the capacity of the National Oceanic and Atmospheric Administration to

respond, restore, and rehabilitate marine sanctuaries, monuments, sea turtles, and other protected species;

"(vii) establishes goals for improved oil discharge prevention and response on which to target research for the following 5-year period before the next report is submitted under subparagraph (B); and

"(viii) includes such recommendations as the Committee considers appropriate.

"(B) QUINQUENNIAL UPDATES.—The Interagency Committee shall submit a report every fifth year after the first report of the Interagency Committee submitted under subparagraph (A) that updates the information contained in the previous report of the Interagency Committee under this paragraph.

"(4) IMPLEMENTATION PLAN UPDATE.—Not later than 1 year after the date of enactment of this paragraph, the Interagency Committee shall update the implementation plan required under paragraph (1) to reflect the findings of the report required under paragraph (3) and the requirements of this title.

"(5) ADDITIONAL ADVICE AND GUIDANCE.—In carrying out the duties of the Interagency Committee under this title, the Interagency Committee shall accept comments and input from State and local governments, Indian tribes, industry representatives, and other stakeholders."

SEC. 205. OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Section 7001(c) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (C), by striking "and bioremediation" and inserting "bioremediation, containment vessels, booms, and skimmers, particularly under worst-case release scenarios";

(B) by striking subparagraph (H) and inserting the following:

"(H) research and development of methods to respond to, restore, and rehabilitate natural resources and ecosystem health and services damaged by oil discharges;"

(C) in subparagraph (I), by striking "and" at the end;

(D) by redesignating subparagraph (J) as subparagraph (L); and

(E) by inserting after subparagraph (I) the following:

"(J) research, development, and demonstration of new or improved technologies and systems to contain, respond to, and clean up a discharge of oil in extreme or harsh conditions on the outer Continental Shelf;

"(K) research to evaluate the relative effectiveness and environmental impacts (including human and environmental toxicity) of dispersants; and"

(2) by striking paragraphs (8) and (9);

(3) by redesignating paragraphs (3) through (7) and (10) and (11) as paragraphs (4) through (8) and (11) and (12), respectively;

(4) by inserting after paragraph (2) the following:

"(3) AUTHORIZATION OF AGENCY OIL DISCHARGE RESEARCH AND DEVELOPMENT PROGRAMS.—

"(A) IN GENERAL.—The Secretary of the Interior, in coordination with the program established under this subsection, the Interagency Committee, and such other agencies as the President may designate, shall carry out a program of research, development, technology demonstration, and risk assessment to address issues associated with the detection of, response to, and mitigation and cleanup of discharges of oil occurring on

Federal land managed by the Department of the Interior, whether onshore or on the outer Continental Shelf.

"(B) SPECIFIC AREAS OF FOCUS.—The program established under this paragraph shall provide for research, development, demonstration, validation, personnel training, and other activities relating to new and improved technologies that are effective at preventing or mitigating oil discharges and that protect the environment, including technologies, materials, methods, and practices—

"(i) to detect the release of hydrocarbons from leaking exploration or production equipment;

"(ii) to characterize the rates of flow from leaking exploration and production equipment in locations that are remote or difficult to access;

"(iii) to protect the safety of workers addressing hydrocarbon releases from exploration and production equipment;

"(iv) to control or contain the release of hydrocarbons from a blowout or other loss of well control; and

"(v) in coordination with the Administrator and the Secretary of Commerce, for environmental assessment, restoration, and long-term monitoring;"

(5) in paragraph (5) (as redesignated by paragraph (3))—

(A) by striking subparagraphs (B) and (C);

(B) in the matter preceding clause (i), by striking "(A) The Committee" and inserting "The Department of Commerce, in coordination with the Environmental Protection Agency and the Department of the Interior;"

(C) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively;

(D) in subparagraph (A) (as redesignated by subparagraphs (C)), by striking the period at the end and inserting the following: ", including—

"(i) fundamental scientific characterization of the behavior of oil and natural gas in and on soil and water, including miscibility, plume behavior, emulsification, physical separation, and chemical and biological degradation;

"(ii) behavior and effects of emulsified, dispersed, and submerged oil in water; and

"(iii) modeling, simulation, and prediction of oil flows from releases and the trajectories of releases on the surface, the subsurface, and in water;"

(E) by adding at the end the following:

"(E) The evaluation of direct and indirect environmental effects of acute and chronic oil discharges on natural resources, including impacts on marine sanctuaries and monuments, protected areas, and protected species.

"(F) The monitoring, modeling, and evaluation of the near- and long-term effects of major spills and long-term cumulative effects of smaller endemic spills;"

(6) in paragraph (6) (as redesignated by paragraph (3))—

(A) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;

(B) by striking "The United States Coast Guard" and inserting the following:

"(A) IN GENERAL.—The Coast Guard"; and

(C) by adding at the end the following:

"(B) EXTREME ENVIRONMENTAL CONDITION DEMONSTRATION PROJECTS.—

"(i) IN GENERAL.—The Secretary of the Interior, in conjunction with the heads of such other agencies as the President may designate, shall conduct deepwater, ultra deepwater, and other extreme environment oil

discharge response demonstration projects for the purpose of developing and demonstrating new integrated deepwater oil discharge mitigation and response systems that use the information and implement the improved practices and technologies developed through the program under this subsection.

“(ii) REQUIREMENTS.—The mitigation and response systems developed under clause (i) shall use technologies and management practices for improving the response capabilities to deepwater oil discharges, including—

“(I) improved oil flow monitoring and calculation;

“(II) improved oil discharge response capability;

“(III) improved subsurface mitigation technologies;

“(IV) improved capability to track and predict the flow and effects of oil discharges in both subsurface and surface areas for the purposes of making oil mitigation and response decisions; and

“(V) any other activities necessary to achieve the purposes of the program.”;

(7) by inserting after paragraph (8) (as redesignated by paragraph (3)) the following:

“(9) RESEARCH CENTERS OF EXCELLENCE.—

“(A) RESPONSE TECHNOLOGIES FOR DEEPWATER, ULTRA DEEPWATER, AND OTHER EXTREME ENVIRONMENT OIL DISCHARGES.—

“(i) ESTABLISHMENT.—The Secretary of the Interior shall establish at 1 or more institutions of higher education a research center of excellence for the research, development, and demonstration of technologies necessary to respond to, contain, mitigate, and clean up deepwater, ultra deepwater, and other extreme-environment discharges of oil.

“(ii) GRANTS.—The Secretary shall provide grants to the research center of excellence established under clause (i) to conduct and oversee basic and applied research in the technologies described in that clause.

“(B) OIL DISCHARGE RESPONSE AND RESTORATION.—

“(i) ESTABLISHMENT.—The Undersecretary of Commerce for Oceans and Atmosphere, in coordination with the Administrator and the Secretary of the Interior, shall establish at 1 or more institutions of higher education a research center of excellence for research and innovation in the fate of, behavior and effects of, and damage assessment and restoration relating to discharges of oil.

“(ii) GRANTS.—The Undersecretary of Commerce for Oceans and Atmosphere shall provide grants to the research center of excellence established under clause (i) to conduct and oversee basic and applied research in the areas described in that clause.

“(C) OTHER RESEARCH CENTERS OF EXCELLENCE.—Any agency that is a member of the Interagency Committee may establish such other research centers of excellence as the agency determines to be necessary for the research, development, and demonstration of technologies necessary to carry out the program established under this subsection.

“(10) PILOT PROGRAM.—

“(A) IN GENERAL.—The Secretary of the Interior, the Commandant of the Coast Guard, and the Administrator shall jointly conduct a pilot program to conduct field tests, in the waters of the United States, of new oil discharge response, mitigation, and cleanup technologies developed under the program established under this subsection.

“(B) RESULTS.—The results of the field tests conducted under subparagraph (A) shall be used—

“(i) to refine oil discharge technology research and development; and

“(ii) to assist the Secretary of the Interior, the Commandant of the Coast Guard, and the Administrator in the development of safety and environmental regulations under this Act and other applicable laws.”;

(8) by striking paragraph (11) (as redesignated by paragraph (3)) and inserting the following:

“(11) GRANTS.—

“(A) IN GENERAL.—In carrying out the research and development program established under this subsection, the Department of the Interior, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the Coast Guard shall each establish a program to enter into contracts and cooperative agreements and make competitive grants to institutions of higher education, National Laboratories, research institutions, other persons, or groups of institutions of higher education, research institutions, and other persons, for the purposes of conducting the program established under this subsection.

“(B) APPLICATIONS AND CONDITIONS.—In carrying out this paragraph, each agency—

“(i) shall establish a notification and application procedure;

“(ii) may establish such conditions and require such assurances as may be appropriate to ensure the efficiency and integrity of the grant program; and

“(iii) may make grants under the program on a matching or nonmatching basis.

“(C) PRIORITIES.—Contracts, cooperative agreements, and grants provided under this subparagraph shall address research and technology priorities described in the research and technology plan required under paragraph (13).”; and

(9) by adding at the end the following:

“(13) RESEARCH AND TECHNOLOGY PLAN.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, and every 2 years thereafter, the Interagency Committee shall develop and publish a research and technology plan for the program established under this subsection.

“(B) CONTENTS.—The plan under this paragraph shall—

“(i) identify research needs and opportunities;

“(ii) propose areas of focus for the program;

“(iii) establish program priorities, including priorities for—

“(I) demonstration projects under paragraph (7);

“(II) the research centers of excellence under paragraph (9); and

“(III) research funding provided under paragraph (11); and

“(iv) estimate—

“(I) the extent of resources needed to conduct the program; and

“(II) timetables for completing research tasks under the program.

“(C) PUBLICATION.—The Interagency Committee shall timely publish—

“(i) the plan under this paragraph; and

“(ii) a review of the plan by the Board.

“(14) PEER REVIEW OF PROPOSALS AND RESEARCH.—

“(A) IN GENERAL.—Any provision of funds under the program established under this subsection shall be made only after the agency providing the funding has carried out an impartial peer review of the scientific and technical merit of the proposals for the funding.

“(B) REQUIREMENTS.—The agency providing funding shall ensure that any research conducted under the program shall be peer-re-

viewed, transparent, and made available to the public.

“(15) FUNDING.—

“(A) IN GENERAL.—Subject to subparagraphs (B) through (E), of amounts in the Oil Spill Liability Trust Fund, \$25,000,000 for each of fiscal years 2010 through 2020 shall be available, without further appropriation and without fiscal year limitation, to carry out the program under this section.

“(B) ANNUAL EXPENDITURE PLAN.—

“(i) IN GENERAL.—The President shall transmit, as part of the annual budget proposal, a plan for the expenditure of funds under this paragraph.

“(ii) RESEARCH AND TECHNOLOGY PLAN.—The plan developed pursuant to clause (i) shall be consistent with the research and technology plan developed under paragraph (13).

“(C) AVAILABILITY OF AMOUNTS.—On the date that is 15 days after the date on which the Congress adjourns sine die for each year, amounts shall be made available from the Oil Spill Liability Trust Fund, without further appropriation, for the programs and projects in the expenditure plan of the President, unless prior to that date, a law is enacted establishing a different expenditure plan.

“(D) ALTERNATE EXPENDITURE PLAN.—If Congress enacts a law establishing an alternate expenditure plan and the expenditure plan provides for less than the annual funding amount under subparagraph (A), the difference between the annual funding amount and the alternate expenditure plan shall be available for expenditure, without further appropriation, in accordance with the expenditure plan submitted by the President.

“(E) ROLE OF INTERAGENCY COMMITTEE.—In developing the annual expenditure plan under subparagraph (B), the President shall consider the recommendations of the Interagency Committee.”.

(b) FUNDING.—Section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2761) is amended by striking subsection (f) and inserting the following:

“(f) FUNDING.—

“(1) IN GENERAL.—In addition to amounts made available subsection (c)(15), not to exceed \$20,000,000 of the amounts in the Fund shall be available each fiscal year to each of the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior to carry out this section.

“(2) APPROPRIATIONS.—Funding authorized under paragraph (1) shall be subject to appropriations.”.

(c) USES OF OIL SPILL LIABILITY TRUST FUND.—Section 1012(a)(5)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)(A)) is amended—

(1) by striking “\$25,000,000” and inserting “\$50,000,000”; and

(2) by inserting before the semicolon at the end the following: “, of which not less than 40 percent shall be used each fiscal year to conduct research, development, and evaluation of oil spill response and removal technologies and methods consistent with the research and technology plan developed under section 7001(c)(13).”.

TITLE III—OUTER CONTINENTAL SHELF REFORM

SEC. 301. SHORT TITLE.

This title may be cited as the “Outer Continental Shelf Reform Act of 2010”.

SEC. 302. PURPOSES.

The purposes of this title are—

(1) to rationalize and reform the responsibilities of the Secretary of the Interior

with respect to the management of the outer Continental Shelf in order to improve the management, oversight, accountability, safety, and environmental protection of all the resources on the outer Continental Shelf;

(2) to provide independent development and enforcement of safety and environmental laws (including regulations) governing—

(A) energy development and mineral extraction activities on the outer Continental Shelf; and

(B) related offshore activities; and

(3) to ensure a fair return to the taxpayer from, and independent management of, royalty and revenue collection and disbursement activities from mineral and energy resources.

SEC. 303. DEFINITIONS.

In this title:

(1) DEPARTMENT.—The term “Department” means the Department of the Interior.

(2) OUTER CONTINENTAL SHELF.—The term “outer Continental Shelf” has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 304. NATIONAL POLICY FOR THE OUTER CONTINENTAL SHELF.

Section 3 of the Outer Continental Shelf Lands Act (43 U.S.C. 1332) is amended—

(1) by striking paragraph (3) and inserting the following:

“(3) the outer Continental Shelf is a vital national resource reserve held by the Federal Government for the public, which should be managed in a manner that—

“(A) recognizes the need of the United States for domestic sources of energy, food, minerals, and other resources;

“(B) minimizes the potential impacts of development of those resources on the marine and coastal environment and on human health and safety; and

“(C) acknowledges the long-term economic value to the United States of the balanced and orderly management of those resources that safeguards the environment and respects the multiple values and uses of the outer Continental Shelf;”;

(2) in paragraph (4)(C), by striking the period at the end and inserting a semicolon;

(3) in paragraph (5), by striking “; and” and inserting a semicolon;

(4) by redesignating paragraph (6) as paragraph (7);

(5) by inserting after paragraph (5) the following:

“(6) exploration, development, and production of energy and minerals on the outer Continental Shelf should be allowed only when those activities can be accomplished in a manner that provides reasonable assurance of adequate protection against harm to life, health, the environment, property, or other users of the waters, seabed, or subsoil; and”;

and

(6) in paragraph (7) (as so redesignated)—

(A) by striking “should be” and inserting “shall be”; and

(B) by adding “best available” after “using”.

SEC. 305. STRUCTURAL REFORM OF OUTER CONTINENTAL SHELF PROGRAM MANAGEMENT.

(a) IN GENERAL.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding to the end the following:

“SEC. 32. STRUCTURAL REFORM OF OUTER CONTINENTAL SHELF PROGRAM MANAGEMENT.

“(a) LEASING, PERMITTING, AND REGULATION BUREAUS.—

“(1) ESTABLISHMENT OF BUREAUS.—

“(A) IN GENERAL.—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), the Secretary shall establish in the Department of the Interior not more than 2 bureaus to carry out the leasing, permitting, and safety and environmental regulatory functions vested in the Secretary by this Act and the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.) related to the outer Continental Shelf.

“(B) CONFLICTS OF INTEREST.—In establishing the bureaus under subparagraph (A), the Secretary shall ensure, to the maximum extent practicable, that any potential organizational conflicts of interest related to leasing, revenue creation, environmental protection, and safety are eliminated.

“(2) DIRECTOR.—Each bureau shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(3) COMPENSATION.—Each Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

“(4) QUALIFICATIONS.—Each Director shall be a person who, by reason of professional background and demonstrated ability and experience, is specially qualified to carry out the duties of the office.

“(b) ROYALTY AND REVENUE OFFICE.—

“(1) ESTABLISHMENT OF OFFICE.—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), the Secretary shall establish in the Department of the Interior an office to carry out the royalty and revenue management functions vested in the Secretary by this Act and the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.).

“(2) DIRECTOR.—The office established under paragraph (1) shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(3) COMPENSATION.—The Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

“(4) QUALIFICATIONS.—The Director shall be a person who, by reason of professional background and demonstrated ability and experience, is specially qualified to carry out the duties of the office.

“(c) OCS SAFETY AND ENVIRONMENTAL ADVISORY BOARD.—

“(1) ESTABLISHMENT.—The Secretary shall establish, under the Federal Advisory Committee Act (5 U.S.C. App.), an Outer Continental Shelf Safety and Environmental Advisory Board (referred to in this subsection as the ‘Board’), to provide the Secretary and the Directors of the bureaus established under this section with independent peer-reviewed scientific and technical advice on safe and environmentally compliant energy and mineral resource exploration, development, and production activities.

“(2) MEMBERSHIP.—

“(A) SIZE.—

“(i) IN GENERAL.—The Board shall consist of not more than 12 members, chosen to reflect a range of expertise in scientific, engineering, management, and other disciplines related to safe and environmentally compliant energy and mineral resource exploration, development, and production activities.

“(ii) CONSULTATION.—The Secretary shall consult with the National Academy of Sciences and the National Academy of Engineering to identify potential candidates for membership on the Board.

“(B) TERM.—The Secretary shall appoint Board members to staggered terms of not more than 4 years, and shall not appoint a member for more than 2 consecutive terms.

“(C) CHAIR.—The Secretary shall appoint the Chair for the Board.

“(3) MEETINGS.—The Board shall—

“(A) meet not less than 3 times per year; and

“(B) at least once per year, shall host a public forum to review and assess the overall safety and environmental performance of outer Continental Shelf energy and mineral resource activities.

“(4) REPORTS.—Reports of the Board shall—

“(A) be submitted to Congress; and

“(B) made available to the public in an electronically accessible form.

“(5) TRAVEL EXPENSES.—Members of the Board, other than full-time employees of the Federal Government, while attending a meeting of the Board or while otherwise serving at the request of the Secretary or the Director while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Federal Government serving without pay.

“(d) SPECIAL PERSONNEL AUTHORITIES.—

“(1) DIRECT HIRING AUTHORITY FOR CRITICAL PERSONNEL.—

“(A) IN GENERAL.—Notwithstanding sections 3104, 3304, and 3309 through 3318 of title 5, United States Code, the Secretary may, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, recruit and directly appoint highly qualified accountants, scientists, engineers, or critical technical personnel into the competitive service, as officers or employees of any of the organizational units established under this section.

“(B) REQUIREMENTS.—In exercising the authority granted under subparagraph (A), the Secretary shall ensure that any action taken by the Secretary—

“(i) is consistent with the merit principles of chapter 23 of title 5, United States Code; and

“(ii) complies with the public notice requirements of section 3327 of title 5, United States Code.

“(2) CRITICAL PAY AUTHORITY.—

“(A) IN GENERAL.—Notwithstanding section 5377 of title 5, United States Code, and without regard to the provisions of that title governing appointments in the competitive service or the Senior Executive Service and chapters 51 and 53 of that title (relating to classification and pay rates), the Secretary may establish, fix the compensation of, and appoint individuals to critical positions needed to carry out the functions of any of the organizational units established under this section, if the Secretary certifies that—

“(i) the positions—

“(I) require expertise of an extremely high level in a scientific or technical field; and

“(II) any of the organizational units established in this section would not successfully accomplish an important mission without such an individual; and

“(ii) exercise of the authority is necessary to recruit an individual exceptionally well qualified for the position.

“(B) LIMITATIONS.—The authority granted under subparagraph (A) shall be subject to the following conditions:

“(i) The number of critical positions authorized by subparagraph (A) may not exceed 40 at any 1 time in either of the bureaus established under this section.

“(ii) The term of an appointment under subparagraph (A) may not exceed 4 years.

“(iii) An individual appointed under subparagraph (A) may not have been an employee of the Department of the Interior during the 2-year period prior to the date of appointment.

“(iv) Total annual compensation for any individual appointed under subparagraph (A) may not exceed the highest total annual compensation payable at the rate determined under section 104 of title 3, United States Code.

“(v) An individual appointed under subparagraph (A) may not be considered to be an employee for purposes of subchapter II of chapter 75 of title 5, United States Code.

“(C) NOTIFICATION.—Each year, the Secretary shall submit to Congress a notification that lists each individual appointed under this paragraph.

“(3) REEMPLOYMENT OF CIVILIAN RETIREES.—

“(A) IN GENERAL.—Notwithstanding part 553 of title 5, Code of Federal Regulations (relating to reemployment of civilian retirees to meet exceptional employment needs), or successor regulations, the Secretary may approve the reemployment of an individual to a particular position without reduction or termination of annuity if the hiring of the individual is necessary to carry out a critical function of any of the organizational units established under this section for which suitably qualified candidates do not exist.

“(B) LIMITATIONS.—An annuitant hired with full salary and annuities under the authority granted by subparagraph (A)—

“(i) shall not be considered an employee for purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code;

“(ii) may not elect to have retirement contributions withheld from the pay of the annuitant;

“(iii) may not use any employment under this paragraph as a basis for a supplemental or recomputed annuity; and

“(iv) may not participate in the Thrift Savings Plan under subchapter III of chapter 84 of title 5, United States Code.

“(C) LIMITATION ON TERM.—The term of employment of any individual hired under subparagraph (A) may not exceed an initial term of 2 years, with an additional 2-year appointment under exceptional circumstances.

“(e) CONTINUITY OF AUTHORITY.—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), any reference in any law, rule, regulation, directive, or instruction, or certificate or other official document, in force immediately prior to the date of enactment of this section—

“(1) to the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to the appropriate bureaus and offices established under this section;

“(2) to the Director of the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to the Director of the bureau or office under this section to whom the Secretary has assigned the respective duty or authority; and

“(3) to any other position in the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to that same or equivalent position in the appropriate bureau or office established under this section.”

(b) CONFORMING AMENDMENT.—Section 5316 of title 5, United States Code, is amended by

striking “Director, Bureau of Mines, Department of the Interior” and inserting the following:

““Bureau Directors, Department of the Interior (2).

““Director, Royalty and Revenue Office, Department of the Interior.”.

SEC. 306. SAFETY, ENVIRONMENTAL, AND FINANCIAL REFORM OF THE OUTER CONTINENTAL SHELF LANDS ACT.

(a) DEFINITIONS.—Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended by adding at the end the following:

“(r) SAFETY CASE.—The term ‘safety case’ means a complete set of safety documentation that provides a basis for determining whether a system is adequately safe for a given application in a given environment.”.

(b) ADMINISTRATION OF LEASING.—Section 5(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)) is amended in the second sentence—

(1) by striking “The Secretary may at any time” and inserting “The Secretary shall”; and

(2) by inserting after “provide for” the following: “operational safety, the protection of the marine and coastal environment.”.

(c) MAINTENANCE OF LEASES.—Section 6 of the Outer Continental Shelf Lands Act (43 U.S.C. 1335) is amended by adding at the end the following:

“(f) REVIEW OF BOND AND SURETY AMOUNTS.—Not later than May 1, 2011, and every 5 years thereafter, the Secretary shall—

“(1) review the minimum financial responsibility requirements for mineral leases under subsection (a)(11); and

“(2) adjust for inflation based on the Consumer Price Index for all Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, and recommend to Congress any further changes to existing financial responsibility requirements necessary to permit lessees to fulfill all obligations under this Act or the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

“(g) PERIODIC FISCAL REVIEWS AND REPORTS.—

“(1) ROYALTY RATES.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection and every 4 years thereafter, the Secretary shall carry out a review of, and prepare a report that describes—

“(i) the royalty and rental rates included in new offshore oil and gas leases and the rationale for the rates;

“(ii) whether, in the view of the Secretary, the royalty and rental rates described in subparagraph (A) would yield a fair return to the public while promoting the production of oil and gas resources in a timely manner; and

“(iii) whether, based on the review, the Secretary intends to modify the royalty or rental rates.

“(B) PUBLIC PARTICIPATION.—In carrying out a review and preparing a report under subparagraph (A), the Secretary shall provide to the public an opportunity to participate.

“(2) COMPARATIVE REVIEW OF FISCAL SYSTEM.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection and every 4 years thereafter, the Secretary in consultation with the Secretary of the Treasury, shall carry out a comprehensive review of all components of the Federal offshore oil and gas fiscal system, including requirements for bonus bids, rental rates,

royalties, oil and gas taxes, income taxes and other significant financial elements, and oil and gas fees.

“(B) INCLUSIONS.—The review shall include—

“(i) information and analyses comparing the offshore bonus bids, rents, royalties, taxes, and fees of the Federal Government to the offshore bonus bids, rents, royalties, taxes, and fees of other resource owners (including States and foreign countries); and

“(ii) an assessment of the overall offshore oil and gas fiscal system in the United States, as compared to foreign countries.

“(C) INDEPENDENT ADVISORY COMMITTEE.—In carrying out a review under this paragraph, the Secretary shall convene and seek the advice of an independent advisory committee comprised of oil and gas and fiscal experts from States, Indian tribes, academia, the energy industry, and appropriate nongovernmental organizations.

“(D) REPORT.—The Secretary shall prepare a report that contains—

“(i) the contents and results of the review carried out under this paragraph for the period covered by the report; and

“(ii) any recommendations of the Secretary and the Secretary of the Treasury based on the contents and results of the review.

“(E) COMBINED REPORT.—The Secretary may combine the reports required by paragraphs (1) and (2)(D) into 1 report.

“(3) REPORT DEADLINE.—Not later than 30 days after the date on which the Secretary completes each report under this subsection, the Secretary shall submit copies of the report to—

“(A) the Committee on Energy and Natural Resources of the Senate;

“(B) the Committee on Finance of the Senate;

“(C) the Committee on Natural Resources of the House of Representatives; and

“(D) the Committee on Ways and Means of the House of Representatives.”.

(d) LEASES, EASEMENTS, AND RIGHTS-OF-WAY.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by striking subsection (d) and inserting the following:

“(d) DISQUALIFICATION FROM BIDDING.—No bid for a lease may be submitted by any entity that the Secretary finds, after prior public notice and opportunity for a hearing—

“(1) is not meeting due diligence, safety, or environmental requirements on other leases; or

“(2)(A) is a responsible party for a vessel or a facility from which oil is discharged, for purposes of section 1002 of the Oil Pollution Act of 1990 (33 U.S.C. 2702); and

“(B) has failed to meet the obligations of the responsible party under that Act to provide compensation for covered removal costs and damages.”.

(e) EXPLORATION PLANS.—Section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340) is amended—

(1) in subsection (c)—

(A) in the fourth sentence of paragraph (1), by striking “within thirty days of its submission” and inserting “by the deadline described in paragraph (5)”; and

(B) by striking paragraph (3) and inserting the following:

“(3) MINIMUM REQUIREMENTS.—

“(A) IN GENERAL.—An exploration plan submitted under this subsection shall include, in such degree of detail as the Secretary by regulation may require—

“(i) a complete description and schedule of the exploration activities to be undertaken;

“(ii) a description of the equipment to be used for the exploration activities, including—

“(I) a description of the drilling unit;

“(II) a statement of the design and condition of major safety-related pieces of equipment;

“(III) a description of any new technology to be used; and

“(IV) a statement demonstrating that the equipment to be used meets the best available technology requirements under section 21(b);

“(iii) a map showing the location of each well to be drilled;

“(iv)(I) a scenario for the potential blowout of the well involving the highest expected volume of liquid hydrocarbons; and

“(II) a complete description of a response plan to control the blowout and manage the accompanying discharge of hydrocarbons, including—

“(aa) the technology and timeline for regaining control of the well; and

“(bb) the strategy, organization, and resources to be used to avoid harm to the environment and human health from hydrocarbons; and

“(v) any other information determined to be relevant by the Secretary.

“(B) DEEPWATER WELLS.—

“(i) IN GENERAL.—Before conducting exploration activities in water depths greater than 500 feet, the holder of a lease shall submit to the Secretary for approval a deepwater operations plan prepared by the lessee in accordance with this subparagraph.

“(ii) TECHNOLOGY REQUIREMENTS.—A deepwater operations plan under this subparagraph shall be based on the best available technology to ensure safety in carrying out the exploration activity and the blowout response plan.

“(iii) SYSTEMS ANALYSIS REQUIRED.—The Secretary shall not approve a deepwater operations plan under this subparagraph unless the plan includes a technical systems analysis of—

“(I) the safety of the proposed exploration activity;

“(II) the blowout prevention technology; and

“(III) the blowout and spill response plans.”; and

(C) by adding at the end the following:

“(5) DEADLINE FOR APPROVAL.—

“(A) IN GENERAL.—In the case of a lease issued under a sale held after March 17, 2010, the deadline for approval of an exploration plan referred to in the fourth sentence of paragraph (1) is—

“(i) the date that is 90 days after the date on which the plan or the modifications to the plan are submitted; or

“(ii) the date that is not later than an additional 180 days after the deadline described in clause (i), if the Secretary makes a finding that additional time is necessary to complete any environmental, safety, or other reviews.

“(B) EXISTING LEASES.—In the case of a lease issued under a sale held on or before March 17, 2010, the Secretary, with the consent of the holder of the lease, may extend the deadline applicable to the lease for such additional time as the Secretary determines is necessary to complete any environmental, safety, or other reviews.”;

(2) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively; and

(3) by striking subsection (d) and inserting the following:

“(d) DRILLING PERMITS.—

“(1) IN GENERAL.—The Secretary shall, by regulation, require that any lessee operating under an approved exploration plan obtain a permit—

“(A) before the lessee drills a well in accordance with the plan; and

“(B) before the lessee significantly modifies the well design originally approved by the Secretary.

“(2) ENGINEERING REVIEW REQUIRED.—The Secretary may not grant any drilling permit until the date of completion of a full review of the well system by not less than 2 agency engineers, including a written determination that—

“(A) critical safety systems (including blowout prevention) will use best available technology; and

“(B) blowout prevention systems will include redundancy and remote triggering capability.

“(3) MODIFICATION REVIEW REQUIRED.—The Secretary may not approve any modification of a permit without a determination, after an additional engineering review, that the modification will not compromise the safety of the well system previously approved.

“(4) OPERATOR SAFETY AND ENVIRONMENTAL MANAGEMENT REQUIRED.—The Secretary may not grant any drilling permit or modification of the permit until the date of completion and approval of a safety and environmental management plan that—

“(A) is to be used by the operator during all well operations; and

“(B) includes—

“(i) a description of the expertise and experience level of crew members who will be present on the rig; and

“(ii) designation of at least 2 environmental and safety managers that—

“(I) are employees of the operator;

“(II) would be present on the rig at all times; and

“(III) have overall responsibility for the safety and environmental management of the well system and spill response plan; and

“(C) not later than May 1, 2012, requires that all employees on the rig meet the training and experience requirements under section 21(b)(4).

“(e) DISAPPROVAL OF EXPLORATION PLAN.—

“(1) IN GENERAL.—The Secretary shall disapprove an exploration plan submitted under this section if the Secretary determines that, because of exceptional geological conditions in the lease areas, exceptional resource values in the marine or coastal environment, or other exceptional circumstances, that—

“(A) implementation of the exploration plan would probably cause serious harm or damage to life (including fish and other aquatic life), property, mineral deposits, national security or defense, or the marine, coastal or human environments;

“(B) the threat of harm or damage would not disappear or decrease to an acceptable extent within a reasonable period of time; and

“(C) the advantages of disapproving the exploration plan outweigh the advantages of exploration.

“(2) COMPENSATION.—If an exploration plan is disapproved under this subsection, the provisions of subparagraphs (B) and (C) of section 25(h)(2) shall apply to the lease and the plan or any modified plan, except that the reference in section 25(h)(2)(C) to a development and production plan shall be considered to be a reference to an exploration plan.”.

(f) OUTER CONTINENTAL SHELF LEASING PROGRAM.—Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended—

(1) in subsection (a)—

(A) in the second sentence, by inserting after “national energy needs” the following: “and the need for the protection of the marine and coastal environment and resources”;

(B) in paragraph (1), by striking “considers” and inserting “gives equal consideration to”; and

(C) in paragraph (3), by striking “, to the maximum extent practicable,”;

(2) in subsection (b)—

(A) in paragraph (3), by striking “and” at the end;

(B) in paragraph (4), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(5) provide technical review and oversight of the exploration plan and a systems review of the safety of the well design and other operational decisions;

“(6) conduct regular and thorough safety reviews and inspections, and;

“(7) enforce all applicable laws (including regulations).”;

(3) in the second sentence of subsection (d)(2), by inserting “, the head of an interested Federal agency,” after “Attorney General”;

(4) in the first sentence of subsection (g), by inserting before the period at the end the following: “, including existing inventories and mapping of marine resources previously undertaken by the Department of the Interior and the National Oceanic and Atmospheric Administration, information provided by the Department of Defense, and other available data regarding energy or mineral resource potential, navigation uses, fisheries, aquaculture uses, recreational uses, habitat, conservation, and military uses on the outer Continental Shelf”; and

(5) by adding at the end the following:

“(i) RESEARCH AND DEVELOPMENT.—

“(1) IN GENERAL.—The Secretary shall carry out a program of research and development to ensure the continued improvement of methodologies for characterizing resources of the outer Continental Shelf and conditions that may affect the ability to develop and use those resources in a safe, sound, and environmentally responsible manner.

“(2) INCLUSIONS.—Research and development activities carried out under paragraph (1) may include activities to provide accurate estimates of energy and mineral reserves and potential on the outer Continental Shelf and any activities that may assist in filling gaps in environmental data needed to develop each leasing program under this section.

“(3) LEASING ACTIVITIES.—Research and development activities carried out under paragraph (1) shall not be considered to be leasing or pre-leasing activities for purposes of this Act.”.

(g) ENVIRONMENTAL STUDIES.—Section 20 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346) is amended—

(1) by redesignating subsections (a) through (f) as subsections (b) through (g), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

“(a) COMPREHENSIVE AND INDEPENDENT STUDIES.—

“(1) IN GENERAL.—The Secretary shall develop and carry out programs for the collection, evaluation, assembly, analysis, and dissemination of environmental and other resource data that are relevant to carrying out the purposes of this Act, including assessments under subsection (g) .

“(2) SCOPE OF RESEARCH.—The programs under this subsection shall include—

“(A) the gathering of baseline data in areas before energy or mineral resource development activities occur;

“(B) ecosystem research and monitoring studies to support integrated resource management decisions; and

“(C) the improvement of scientific understanding of the fate, transport, and effects of discharges and spilled materials, including deep water hydrocarbon spills, in the marine environment.

“(3) USE OF DATA.—The Secretary shall ensure that information from the studies carried out under this section—

“(A) informs the management of energy and mineral resources on the outer Continental Shelf including any areas under consideration for oil and gas leasing; and

“(B) contributes to a broader coordination of energy and mineral resource development activities within the context of best available science.

“(4) INDEPENDENCE.—The Secretary shall create a program within the appropriate bureau established under section 32 that shall—

“(A) be programmatically separate and distinct from the leasing program;

“(B) carry out the environmental studies under this section;

“(C) conduct additional environmental studies relevant to the sound management of energy and mineral resources on the outer Continental Shelf;

“(D) provide for external scientific review of studies under this section, including through appropriate arrangements with the National Academy of Sciences; and

“(E) subject to the restrictions of subsections (g) and (h) of section 18, make available to the public studies conducted and data gathered under this section.”; and

(3) in the first sentence of subsection (b)(1) (as so redesignated), by inserting “every 3 years” after “shall conduct”.

(h) SAFETY RESEARCH AND REGULATIONS.—Section 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1347) is amended—

(1) in the first sentence of subsection (a), by striking “Upon the date of enactment of this section,” and inserting “Not later than May 1, 2011, and every 3 years thereafter.”;

(2) by striking subsection (b) and inserting the following:

“(b) BEST AVAILABLE TECHNOLOGIES AND PRACTICES.—

“(1) IN GENERAL.—In exercising respective responsibilities under this Act, the Secretary, and the Secretary of the Department in which the Coast Guard is operating, shall require, on all new drilling and production operations and, to the maximum extent practicable, on existing operations, the use of the best available and safest technologies and practices, if the failure of equipment would have a significant effect on safety, health, or the environment.

“(2) IDENTIFICATION OF BEST AVAILABLE TECHNOLOGIES.—Not later than May 1, 2011, and not later than every 3 years thereafter, the Secretary shall identify and publish an updated list of best available technologies for key areas of well design and operation, including blowout prevention and blowout and oil spill response.

“(3) SAFETY CASE.—Not later than May 1, 2011, the Secretary shall promulgate regulations requiring a safety case be submitted along with each new application for a permit to drill on the outer Continental Shelf.

“(4) EMPLOYEE TRAINING.—

“(A) IN GENERAL.—Not later than May 1, 2011, the Secretary shall promulgate regula-

tions setting standards for training for all workers on offshore facilities (including mobile offshore drilling units) conducting energy and mineral resource exploration, development, and production operations on the outer Continental Shelf.

“(B) REQUIREMENTS.—The training standards under this paragraph shall require that employers of workers described in subparagraph (A)—

“(i) establish training programs approved by the Secretary; and

“(ii) demonstrate that employees involved in the offshore operations meet standards that demonstrate the aptitude of the employees in critical technical skills.

“(C) EXPERIENCE.—The training standards under this section shall require that any offshore worker with less than 5 years of applied experience in offshore facilities operations pass a certification requirement after receiving the appropriate training.

“(D) MONITORING TRAINING COURSES.—The Secretary shall ensure that Department employees responsible for inspecting offshore facilities monitor, observe, and report on training courses established under this paragraph, including attending a representative number of the training sessions, as determined by the Secretary.”; and

(3) by adding at the end the following:

“(g) TECHNOLOGY RESEARCH AND RISK ASSESSMENT PROGRAM.—

“(1) IN GENERAL.—The Secretary shall carry out a program of research, development, and risk assessment to address technology and development issues associated with outer Continental Shelf energy and mineral resource activities, with the primary purpose of informing the role of research, development, and risk assessment relating to safety, environmental protection, and spill response.

“(2) SPECIFIC AREAS OF FOCUS.—The program under this subsection shall include research, development, and other activities related to—

“(A) risk assessment, using all available data from safety and compliance records both within the United States and internationally;

“(B) analysis of industry trends in technology, investment, and interest in frontier areas;

“(C) analysis of incidents investigated under section 22;

“(D) reviews of best available technologies, including technologies associated with pipelines, blowout preventer mechanisms, casing, well design, and other associated infrastructure related to offshore energy development;

“(E) oil spill response and mitigation;

“(F) risks associated with human factors; and

“(G) renewable energy operations.

“(3) INFORMATION SHARING ACTIVITIES.—

“(A) DOMESTIC ACTIVITIES.—The Secretary shall carry out programs to facilitate the exchange and dissemination of scientific and technical information and best practices related to the management of safety and environmental issues associated with energy and mineral resource exploration, development, and production.

“(B) INTERNATIONAL COOPERATION.—The Secretary shall carry out programs to cooperate with international organizations and foreign governments to share information and best practices related to the management of safety and environmental issues associated with energy and mineral resource exploration, development, and production.

“(4) REPORTS.—The program under this subsection shall provide to the Secretary,

each Bureau Director under section 32, and the public quarterly reports that address—

“(A) developments in each of the areas under paragraph (2); and

“(B)(i) any accidents that have occurred in the past quarter; and

“(ii) appropriate responses to the accidents.

“(5) INDEPENDENCE.—The Secretary shall create a program within the appropriate bureau established under section 32 that shall—

“(A) be programmatically separate and distinct from the leasing program;

“(B) carry out the studies, analyses, and other activities under this subsection;

“(C) provide for external scientific review of studies under this section, including through appropriate arrangements with the National Academy of Sciences; and

“(D) make available to the public studies conducted and data gathered under this section.

“(6) USE OF DATA.—The Secretary shall ensure that the information from the studies and research carried out under this section inform the development of safety practices and regulations as required by this Act and other applicable laws.”.

(i) ENFORCEMENT.—Section 22 of the Outer Continental Shelf Lands Act (43 U.S.C. 1348) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the first sentence, by inserting “, each loss of well control, blowout, activation of the blowout preventer, and other accident that presented a serious risk to human or environmental safety,” after “fire”; and

(ii) in the last sentence, by inserting “as a condition of the lease” before the period at the end;

(B) in the last sentence of paragraph (2), by inserting “as a condition of lease” before the period at the end;

(2) in subsection (e)—

(A) by striking “(e) The” and inserting the following:

“(e) REVIEW OF ALLEGED SAFETY VIOLATIONS.—

“(1) IN GENERAL.—The”; and

(B) by adding at the end the following:

“(2) INVESTIGATION.—The Secretary shall investigate any allegation from any employee of the lessee or any subcontractor of the lessee made under paragraph (1).”; and

(3) by adding at the end of the section the following:

“(g) INDEPENDENT INVESTIGATION.—

“(1) IN GENERAL.—At the request of the Secretary, the National Transportation Safety Board may conduct an independent investigation of any accident, occurring in the outer Continental Shelf and involving activities under this Act, that does not otherwise fall within the definition of an accident or major marine casualty, as those terms are used in chapter 11 of title 49, United States Code.

“(2) TRANSPORTATION ACCIDENT.—For purposes of an investigation under this subsection, the accident that is the subject of the request by the Secretary shall be determined to be a transportation accident within the meaning of that term in chapter 11 of title 49, United States Code.

“(h) INFORMATION ON CAUSES AND CORRECTIVE ACTIONS.—

“(1) IN GENERAL.—For each incident investigated under this section, the Secretary shall promptly make available to all lessees and the public technical information about the causes and corrective actions taken.

“(2) PUBLIC DATABASE.—All data and reports related to an incident described in

paragraph (1) shall be maintained in a database that is available to the public.

“(i) INSPECTION FEE.—

“(1) IN GENERAL.—To the extent necessary to fund the inspections described in this paragraph, the Secretary shall collect a non-refundable inspection fee, which shall be deposited in the Ocean Energy Enforcement Fund established under paragraph (3), from the designated operator for facilities subject to inspection under subsection (c).

“(2) ESTABLISHMENT.—The Secretary shall establish, by rule, inspection fees—

“(A) at an aggregate level equal to the amount necessary to offset the annual expenses of inspections of outer Continental Shelf facilities (including mobile offshore drilling units) by the Department of the Interior; and

“(B) using a schedule that reflects the differences in complexity among the classes of facilities to be inspected.

“(3) OCEAN ENERGY ENFORCEMENT FUND.—There is established in the Treasury a fund, to be known as the ‘Ocean Energy Enforcement Fund’ (referred to in this subsection as the ‘Fund’), into which shall be deposited amounts collected under paragraph (1) and which shall be available as provided under paragraph (4).

“(4) AVAILABILITY OF FEES.—Notwithstanding section 3302 of title 31, United States Code, all amounts collected by the Secretary under this section—

“(A) shall be credited as offsetting collections;

“(B) shall be available for expenditure only for purposes of carrying out inspections of outer Continental Shelf facilities (including mobile offshore drilling units) and the administration of the inspection program;

“(C) shall be available only to the extent provided for in advance in an appropriations Act; and

“(D) shall remain available until expended.

“(5) ANNUAL REPORTS.—

“(A) IN GENERAL.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2011, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report on the operation of the Fund during the fiscal year.

“(B) CONTENTS.—Each report shall include, for the fiscal year covered by the report, the following:

“(i) A statement of the amounts deposited into the Fund.

“(ii) A description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.

“(iii) Recommendations for additional authorities to fulfill the purpose of the Fund.

“(iv) A statement of the balance remaining in the Fund at the end of the fiscal year.”

(j) REMEDIES AND PENALTIES.—Section 24 of the Outer Continental Shelf Lands Act (43 U.S.C. 1350) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) CIVIL PENALTY.—

“(1) IN GENERAL.—Subject to paragraphs (2) through (3), if any person fails to comply with this Act, any term of a lease or permit issued under this Act, or any regulation or order issued under this Act, the person shall be liable for a civil administrative penalty of not more than \$75,000 for each day of continuance of each failure.

“(2) ADMINISTRATION.—The Secretary may assess, collect, and compromise any penalty under paragraph (1).

“(3) HEARING.—No penalty shall be assessed under this subsection until the person

charged with a violation has been given the opportunity for a hearing.

“(4) ADJUSTMENT.—The penalty amount specified in this subsection shall increase each year to reflect any increases in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.”;

(2) in subsection (c)—

(A) in the first sentence, by striking “\$100,000” and inserting “\$10,000,000”; and

(B) by adding at the end the following: “The penalty amount specified in this subsection shall increase each year to reflect any increases in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.”; and

(3) in subsection (d), by inserting “, or with reckless disregard,” after “knowingly and willfully”.

(k) OIL AND GAS DEVELOPMENT AND PRODUCTION.—Section 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1351) is amended by striking “, other than the Gulf of Mexico,” each place it appears in subsections (a)(1), (b), and (e)(1).

(l) CONFLICTS OF INTEREST.—Section 29 of the Outer Continental Shelf Lands Act (43 U.S.C. 1355) is amended to read as follows:

“SEC. 29. CONFLICTS OF INTEREST.

“(a) RESTRICTIONS ON EMPLOYMENT.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities under this Act shall—

“(1) within 2 years after his employment with the Department has ceased—

“(A) knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before;

“(B) with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to; or

“(C) knowingly aid, advise, or assist in—

“(i) representing any other person (except the United States) in any formal or informal appearance before; or

“(ii) making, with the intent to influence, any oral or written communication on behalf of any other person (except the United States) to,

any department, agency, or court of the United States, or any officer or employee thereof, in connection with any judicial or other proceeding, application, request for a ruling or other determination, regulation, order, lease, permit, rulemaking, inspection, enforcement action, or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest which was actually pending under his official responsibility as an officer or employee within a period of one year prior to the termination of such responsibility or in which he participated personally and substantially as an officer or employee;

“(2) within 1 year after his employment with the Department has ceased—

“(A) knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before;

“(B) with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to; or

“(C) knowingly aid, advise, or assist in—

“(i) representing any other person (except the United States) in any formal or informal appearance before, or

“(ii) making, with the intent to influence, any oral or written communication on behalf of any other person (except the United States) to,

the Department of the Interior, or any officer or employee thereof, in connection with any judicial, rulemaking, regulation, order, lease, permit, regulation, inspection, enforcement action, or other particular matter which is pending before the Department of the Interior or in which the Department has a direct and substantial interest; or

“(3) accept employment or compensation, during the 1-year period beginning on the date on which employment with the Department has ceased, from any person (other than the United States) that has a direct and substantial interest—

“(A) that was pending under the official responsibility of the employee as an officer or employee of the Department during the 1-year period preceding the termination of the responsibility; or

“(B) in which the employee participated personally and substantially as an officer or employee.

“(b) PRIOR EMPLOYMENT RELATIONSHIPS.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities under this Act shall participate personally and substantially as a Federal officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, inspection, enforcement action, or other particular matter in which, to the knowledge of the officer or employee—

“(1) the officer or employee or the spouse, minor child, or general partner of the officer or employee has a financial interest;

“(2) any organization in which the officer or employee is serving as an officer, director, trustee, general partner, or employee has a financial interest;

“(3) any person or organization with whom the officer or employee is negotiating or has any arrangement concerning prospective employment has a financial interest; or

“(4) any person or organization in which the officer or employee has, within the preceding 1-year period, served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee has a financial interest.

“(c) GIFTS FROM OUTSIDE SOURCES.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities under this Act shall, directly or indirectly, solicit or accept any gift in violation of subpart B of part 2635 of title V, Code of Federal Regulations (or successor regulations).

“(d) EXEMPTIONS.—The Secretary may, by rule, exempt from this section clerical and support personnel who do not conduct inspections, perform audits, or otherwise exercise regulatory or policy making authority under this Act.

“(e) PENALTIES.—

“(1) CRIMINAL PENALTIES.—Any person who violates paragraph (1) or (2) of subsection (a) or subsection (b) shall be punished in accordance with section 216 of title 18, United States Code.

“(2) CIVIL PENALTIES.—Any person who violates subsection (a)(3) or (c) shall be punished in accordance with subsection (b) of section 216 of title 18, United States Code.”.

SEC. 307. STUDY ON THE EFFECT OF THE MORATORIA ON NEW DEEPWATER DRILLING IN THE GULF OF MEXICO ON EMPLOYMENT AND SMALL BUSINESSES.

(a) IN GENERAL.—The Department of Energy, acting through the Energy Information Administration, shall publish a monthly study evaluating the effect of the moratoria resulting from the blowout and explosion of the mobile offshore drilling unit Deepwater Horizon that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment, on employment and small businesses.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act and at the beginning of each month thereafter during the effective period of the moratoria described in subsection (a), the Secretary of Energy, acting through the Energy Information Administration, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report regarding the results of the study conducted under subsection (a), including—

(1) a survey of the effect of the moratoria on deepwater drilling on employment in the industries directly involved in oil and natural gas exploration in the outer Continental Shelf;

(2) a survey of the effect of the moratoria on employment in the industries indirectly involved in oil and natural gas exploration in the outer Continental Shelf, including suppliers of supplies or services and customers of industries directly involved in oil and natural gas exploration;

(3) an estimate of the effect of the moratoria on the revenues of small business located near the Gulf of Mexico and, to the maximum extent practicable, throughout the United States; and

(4) any recommendations to mitigate possible negative effects on small business concerns resulting from the moratoria.

SEC. 308. REFORM OF OTHER LAW.

Section 388(b) of the Energy Policy Act of 2005 (43 U.S.C. 1337 note; Public Law 109-58) is amended by adding at the end the following:

“(4) **FEDERAL AGENCIES.**—Any head of a Federal department or agency shall, on request of the Secretary, provide to the Secretary all data and information that the Secretary determines to be necessary for the purpose of including the data and information in the mapping initiative, except that no Federal department or agency shall be required to provide any data or information that is privileged or proprietary.”.

SEC. 309. SAFER OIL AND GAS PRODUCTION.

(a) **PROGRAM AUTHORITY.**—Section 999A of the Energy Policy Act of 2005 (42 U.S.C. 16371) is amended—

(1) in subsection (a)—

(A) by striking “ultra-deepwater” and inserting “deepwater”; and

(B) by inserting “well control and accident prevention,” after “safe operations.”;

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

“(1) Deepwater architecture, well control and accident prevention, and deepwater technology, including drilling to deep formations in waters greater than 500 feet.”; and

(B) by striking paragraph (4) and inserting the following:

“(4) Safety technology research and development for drilling activities aimed at well control and accident prevention performed by the Office of Fossil Energy of the Department.”; and

(3) in subsection (d)—

(A) in the subsection heading, by striking “NATIONAL ENERGY TECHNOLOGY LABORATORY” and inserting “OFFICE OF FOSSIL ENERGY OF THE DEPARTMENT”; and

(B) by striking “National Energy Technology Laboratory” and inserting “Office of Fossil Energy of the Department”.

(b) **DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS AND OTHER PETROLEUM RESEARCH AND DEVELOPMENT PROGRAM.**—Section 999B of the Energy Policy Act of 2005 (42 U.S.C. 16372) is amended—

(1) in the section heading, by striking “ULTRA-DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS AND OTHER PETROLEUM” and inserting “SAFE OIL AND GAS PRODUCTION AND ACCIDENT PREVENTION”;

(2) in subsection (a), by striking “, by increasing” and all that follows through the period at the end and inserting “and the safe and environmentally responsible exploration, development, and production of hydrocarbon resources.”;

(3) in subsection (c)(1)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

“(D) projects will be selected on a competitive, peer-reviewed basis.”; and

(4) in subsection (d)—

(A) in paragraph (6), by striking “ultra-deepwater” and inserting “deepwater”;

(B) in paragraph (7)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking “ULTRA-DEEPWATER” and inserting “DEEPWATER”;

(II) by striking “development and” and inserting “research, development, and”; and

(III) by striking “as well as” and all that follows through the period at the end and inserting “aimed at improving operational safety of drilling activities, including well integrity systems, well control, blowout prevention, the use of non-toxic materials, and integrated systems approach-based management for exploration and production in deepwater.”;

(ii) in subparagraph (B), by striking “and environmental mitigation” and inserting “use of non-toxic materials, drilling safety, and environmental mitigation and accident prevention”;

(iii) in subparagraph (C), by inserting “safety and accident prevention, well control and systems integrity,” after “including”; and

(iv) by adding at the end the following:

“(D) **SAFETY AND ACCIDENT PREVENTION TECHNOLOGY RESEARCH AND DEVELOPMENT.**—Awards from allocations under section 999H(d)(4) shall be expended on areas including—

“(i) development of improved cementing and casing technologies;

“(ii) best management practices for cementing, casing, and other well control activities and technologies;

“(iii) development of integrity and stewardship guidelines for—

“(I) well-plugging and abandonment;

“(II) development of wellbore sealant technologies; and

“(III) improvement and standardization of blowout prevention devices.”; and

(C) by adding at the end the following:

“(8) **STUDY; REPORT.**—

“(A) **STUDY.**—As soon as practicable after the date of enactment of this paragraph, the Secretary shall enter into an arrangement with the National Academy of Sciences

under which the Academy shall conduct a study to determine—

“(i) whether the benefits provided through each award under this subsection during calendar year 2011 have been maximized; and

“(ii) the new areas of research that could be carried out to meet the overall objectives of the program.

“(B) **REPORT.**—Not later than January 1, 2012, the Secretary shall submit to the appropriate committees of Congress a report that contains a description of the results of the study conducted under subparagraph (A).

“(C) **OPTIONAL UPDATES.**—The Secretary may update the report described in subparagraph (B) for the 5-year period beginning on the date described in that subparagraph and each 5-year period thereafter.”;

(5) in subsection (e)—

(A) in paragraph (2)—

(i) in the second sentence of subparagraph (A), by inserting “to the Secretary for review” after “submit”; and

(ii) in the first sentence of subparagraph (B), by striking “Ultra-Deepwater” and all that follows through “and such Advisory Committees” and inserting “Program Advisory Committee established under section 999D(a), and the Advisory Committee”; and

(B) by adding at the end the following:

“(6) **RESEARCH FINDINGS AND RECOMMENDATIONS FOR IMPLEMENTATION.**—The Secretary, in consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall publish in the Federal Register an annual report on the research findings of the program carried out under this section and any recommendations for implementation that the Secretary, in consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, determines to be necessary.”;

(6) in subsection (i)—

(A) in the subsection heading, by striking “UNITED STATES GEOLOGICAL SURVEY” and inserting “DEPARTMENT OF THE INTERIOR”; and

(B) by striking “, through the United States Geological Survey,”; and

(7) in the first sentence of subsection (j), by striking “National Energy Technology Laboratory” and inserting “Office of Fossil Energy of the Department”.

(c) **ADDITIONAL REQUIREMENTS FOR AWARDS.**—Section 999C(b) of the Energy Policy Act of 2005 (42 U.S.C. 16373(b)) is amended by striking “an ultra-deepwater technology or an ultra-deepwater architecture” and inserting “a deepwater technology”.

(d) **PROGRAM ADVISORY COMMITTEE.**—Section 999D of the Energy Policy Act of 2005 (42 U.S.C. 16374) is amended to read as follows:

“**SEC. 999D. PROGRAM ADVISORY COMMITTEE.**

“(a) **ESTABLISHMENT.**—Not later than 270 days after the date of enactment of the Outer Continental Shelf Reform Act of 2010, the Secretary shall establish an advisory committee to be known as the ‘Program Advisory Committee’ (referred to in this section as the ‘Advisory Committee’).

“(b) **MEMBERSHIP.**—

“(1) IN GENERAL.—The Advisory Committee shall be composed of members appointed by the Secretary, including—

“(A) individuals with extensive research experience or operational knowledge of hydrocarbon exploration and production;

“(B) individuals broadly representative of the affected interests in hydrocarbon production, including interests in environmental protection and safety operations;

“(C) representatives of Federal agencies, including the Environmental Protection Agency and the Department of the Interior;

“(D) State regulatory agency representatives; and

“(E) other individuals, as determined by the Secretary.

“(2) LIMITATIONS.—

“(A) IN GENERAL.—The Advisory Committee shall not include individuals who are board members, officers, or employees of the program consortium.

“(B) CATEGORICAL REPRESENTATION.—In appointing members of the Advisory Committee, the Secretary shall ensure that no class of individuals described in any of subparagraphs (A), (B), (D), or (E) of paragraph (1) comprises more than ⅓ of the membership of the Advisory Committee.

“(c) SUBCOMMITTEES.—The Advisory Committee may establish subcommittees for separate research programs carried out under this subtitle.

“(d) DUTIES.—The Advisory Committee shall—

“(1) advise the Secretary on the development and implementation of programs under this subtitle; and

“(2) carry out section 999B(e)(2)(B).

“(e) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but shall be entitled to receive travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code.

“(f) PROHIBITION.—The Advisory Committee shall not make recommendations on funding awards to particular consortia or other entities, or for specific projects.”

(e) DEFINITIONS.—Section 999G of the Energy Policy Act of 2005 (42 U.S.C. 16377) is amended—

(1) in paragraph (1), by striking “200 but less than 1,500 meters” and inserting “500 feet”;

(2) by striking paragraphs (8), (9), and (10);

(3) by redesignating paragraphs (2) through (7) and (11) as paragraphs (4) through (9) and (10), respectively;

(4) by inserting after paragraph (1) the following:

“(2) DEEPWATER ARCHITECTURE.—The term ‘deepwater architecture’ means the integration of technologies for the exploration for, or production of, natural gas or other petroleum resources located at deepwater depths.

“(3) DEEPWATER TECHNOLOGY.—The term ‘deepwater technology’ means a discrete technology that is specially suited to address 1 or more challenges associated with the exploration for, or production of, natural gas or other petroleum resources located at deepwater depths.”; and

(5) in paragraph (10) (as redesignated by paragraph (3)), by striking “in an economically inaccessible geological formation, including resources of small producers”.

(f) FUNDING.—Section 999H of the Energy Policy Act of 2005 (42 U.S.C. 16378) is amended—

(1) in the first sentence of subsection (a) by striking “Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund” and inserting “Safe and Responsible Energy Production Research Fund”;

(2) in subsection (d)—

(A) in paragraph (1), by striking “35 percent” and inserting “21.5 percent”;

(B) in paragraph (2), by striking “32.5 percent” and inserting “21 percent”;

(C) in paragraph (4)—

(i) by striking “25 percent” and inserting “30 percent”;

(ii) by striking “complementary research” and inserting “safety technology research and development”; and

(iii) by striking “contract management,” and all that follows through the period at the end and inserting “and contract management.”; and

(D) by adding at the end the following:

“(5) 20 percent shall be used for research activities required under sections 20 and 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346, 1347).”.

(3) in subsection (f), by striking “Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund” and inserting “Safer Oil and Gas Production and Accident Prevention Research Fund”.

(g) CONFORMING AMENDMENT.—Subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16371 et seq.) is amended in the subtitle heading by striking “Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources” and inserting “Safer Oil and Gas Production and Accident Prevention”.

SEC. 310. NATIONAL COMMISSION ON OUTER CONTINENTAL SHELF OIL SPILL PREVENTION.

(a) ESTABLISHMENT.—There is established in the Legislative branch the National Commission on Outer Continental Shelf Oil Spill Prevention (referred to in this section as the “Commission”).

(b) PURPOSES.—The purposes of the Commission are—

(1) to examine and report on the facts and causes relating to the Deepwater Horizon explosion and oil spill of 2010;

(2) to ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the incident;

(3) to build upon the investigations of other entities, and avoid unnecessary duplication, by reviewing the findings, conclusions, and recommendations of—

(A) the Committees on Energy and Natural Resources and Commerce, Science, and Transportation of the Senate;

(B) the Committee on Natural Resources and the Subcommittee on Oversight and Investigations of the House of Representatives; and

(C) other Executive branch, congressional, or independent commission investigations into the Deepwater Horizon incident of 2010, other fatal oil platform accidents and major spills, and major oil spills generally;

(4) to make a full and complete accounting of the circumstances surrounding the incident, and the extent of the preparedness of the United States for, and immediate response of the United States to, the incident; and

(5) to investigate and report to the President and Congress findings, conclusions, and recommendations for corrective measures that may be taken to prevent similar incidents.

(c) COMPOSITION OF COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(A) 1 member shall be appointed by the President, who shall serve as Chairperson of the Commission;

(B) 1 member shall be appointed by the majority or minority (as the case may be) leader of the Senate from the Republican Party and the majority or minority (as the case may be) leader of the House of Representatives from the Republican Party, who shall serve as Vice Chairperson of the Commission;

(C) 2 members shall be appointed by the senior member of the leadership of the Senate from the Democratic Party;

(D) 2 members shall be appointed by the senior member of the leadership of the House

of Representatives from the Republican Party;

(E) 2 members shall be appointed by the senior member of the leadership of the Senate from the Republican Party; and

(F) 2 members shall be appointed by the senior member of the leadership of the House of Representatives from the Democratic Party.

(2) QUALIFICATIONS; INITIAL MEETING.—

(A) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(B) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be a current officer or employee of the Federal Government or any State or local government.

(C) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience and expertise in such areas as—

(i) engineering;

(ii) environmental compliance;

(iii) health and safety law (particularly oil spill legislation);

(iv) oil spill insurance policies;

(v) public administration;

(vi) oil and gas exploration and production;

(vii) environmental cleanup; and

(viii) fisheries and wildlife management.

(D) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before September 15, 2010.

(E) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable after the date of enactment of this Act.

(3) QUORUM; VACANCIES.—

(A) IN GENERAL.—After the initial meeting of the Commission, the Commission shall meet upon the call of the Chairperson or a majority of the members of the Commission.

(B) QUORUM.—6 members of the Commission shall constitute a quorum.

(C) VACANCIES.—Any vacancy in the Commission shall not affect the powers of the Commission, but shall be filled in the same manner in which the original appointment was made.

(d) FUNCTIONS OF COMMISSION.—

(1) IN GENERAL.—The functions of the Commission are—

(A) to conduct an investigation that—

(i) investigates relevant facts and circumstances relating to the Deepwater Horizon incident of April 20, 2010, and the associated oil spill thereafter, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure; and

(ii) may include relevant facts and circumstances relating to—

(I) permitting agencies;

(II) environmental and worker safety law enforcement agencies;

(III) national energy requirements;

(IV) deepwater and ultradeepwater oil and gas exploration and development;

(V) regulatory specifications, testing, and requirements for offshore oil and gas well explosion prevention;

(VI) regulatory specifications, testing, and requirements offshore oil and gas well casing and cementing regulation;

(VII) the role of congressional oversight and resource allocation; and

(VIII) other areas of the public and private sectors determined to be relevant to the Deepwater Horizon incident by the Commission;

(B) to identify, review, and evaluate the lessons learned from the Deepwater Horizon

incident of April 20, 2010, regarding the structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, and the private sector, relative to detecting, preventing, and responding to those incidents; and

(C) to submit to the President and Congress such reports as are required under this section containing such findings, conclusions, and recommendations as the Commission determines to be appropriate, including proposals for organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(2) RELATIONSHIP TO INQUIRY BY CONGRESSIONAL COMMITTEES.—In investigating facts and circumstances relating to energy policy, the Commission shall—

(A) first review the information compiled by, and any findings, conclusions, and recommendations of, the committees identified in subparagraphs (A) and (B) of subsection (b)(3); and

(B) after completion of that review, pursue any appropriate area of inquiry, if the Commission determines that—

(i) those committees have not investigated that area;

(ii) the investigation of that area by those committees has not been completed; or

(iii) new information not reviewed by the committees has become available with respect to that area.

(e) POWERS OF COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out this section—

(A) hold such hearings, meet and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials;

as the Commission or such subcommittee or member considers to be advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this paragraph only—

(I) by the agreement of the Chairperson and the Vice Chairperson; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), a subpoena issued under this paragraph—

(I) shall bear the signature of the Chairperson or any member designated by a majority of the Commission;

(II) and may be served by any person or class of persons designated by the Chairperson or by a member designated by a majority of the Commission for that purpose.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A), the United States district court for the district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence.

(ii) JUDICIAL ACTION FOR NONCOMPLIANCE.—Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(iii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this subsection, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes (2 U.S.C. 192 through 194).

(3) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge the duties of the Commission under this section.

(4) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from any Executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government, information, suggestions, estimates, and statistics for the purposes of this section.

(B) COOPERATION.—Each Federal department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairperson, the Chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(C) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall be received, handled, stored, and disseminated only by members of the Commission and the staff of the Commission in accordance with all applicable laws (including regulations and Executive orders).

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the functions of the Commission.

(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in subparagraph (A), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as are determined to be advisable and authorized by law.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property, including travel, for the direct advancement of the functions of the Commission.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(f) PUBLIC MEETINGS AND HEARINGS.—

(1) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(A) hold public hearings and meetings, to the extent appropriate; and

(B) release public versions of the reports required under paragraphs (1) and (2) of subsection (j).

(2) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of proprietary or sensitive information provided to or developed for or by the Commission as required by any applicable law (including a regulation or Executive order).

(g) STAFF OF COMMISSION.—

(1) IN GENERAL.—

(A) APPOINTMENT AND COMPENSATION.—

(i) IN GENERAL.—The Chairperson, in consultation with the Vice Chairperson and in accordance with rules agreed upon by the Commission, may, without regard to the civil service laws (including regulations), appoint and fix the compensation of a staff director and such other personnel as are necessary to enable the Commission to carry out the functions of the Commission.

(ii) MAXIMUM RATE OF PAY.—No rate of pay fixed under this subparagraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The staff director and any personnel of the Commission who are employees shall be considered to be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not apply to members of the Commission.

(2) DETAILEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(h) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION OF MEMBERS.—

(A) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(i) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—

(1) IN GENERAL.—Subject to paragraph (2), the appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the members and staff of the Commission appropriate security clearances, to the maximum extent practicable, pursuant to existing procedures and requirements.

(2) PROPRIETARY INFORMATION.—No person shall be provided with access to proprietary

information under this section without the appropriate security clearances.

(j) **REPORTS OF COMMISSION; ADJOURNMENT.**—

(1) **INTERIM REPORTS.**—The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of members of the Commission.

(2) **FINAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of members of the Commission.

(3) **TEMPORARY ADJOURNMENT.**—

(A) **IN GENERAL.**—The Commission, and all the authority provided under this section, shall adjourn and be suspended, respectively, on the date that is 60 days after the date on which the final report is submitted under paragraph (2).

(B) **ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.**—The Commission may use the 60-day period referred to in subparagraph (A) for the purpose of concluding activities of the Commission, including—

(i) providing testimony to committees of Congress concerning reports of the Commission; and

(ii) disseminating the final report submitted under paragraph (2).

(C) **RECONVENING OF COMMISSION.**—The Commission shall stand adjourned until such time as the President or the Secretary of Homeland Security declares an oil spill of national significance to have occurred, at which time—

(i) the Commission shall reconvene in accordance with subsection (c)(3); and

(ii) the authority of the Commission under this section shall be of full force and effect.

(k) **FUNDING.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

(A) \$10,000,000 for the first fiscal year in which the Commission convenes; and

(B) \$3,000,000 for each fiscal year thereafter in which the Commission convenes.

(2) **AVAILABILITY.**—Amounts made available to carry out this section shall be available—

(A) for transfer to the Commission for use in carrying out the functions and activities of the Commission under this section; and

(B) until the date on which the Commission adjourns for the fiscal year under subsection (j)(3).

(1) **NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 311. SAVINGS PROVISIONS.

(a) **EXISTING LAW.**—All regulations, rules, standards, determinations, contracts and agreements, memoranda of understanding, certifications, authorizations, appointments, delegations, results and findings of investigations, or any other actions issued, made, or taken by, or pursuant to or under, the authority of any law (including regulations) that resulted in the assignment of functions or activities to the Secretary, the Director of the Minerals Management Service (including by delegation from the Secretary), or the Department (as related to the implementation of the purposes referenced in this title) that were in effect on the date of enactment of this Act shall continue in full force and effect after the date of enactment of this Act

unless previously scheduled to expire or until otherwise modified or rescinded by this title or any other Act.

(b) **EFFECT ON OTHER AUTHORITIES.**—This title does not amend or alter the provisions of other applicable laws, unless otherwise noted.

TITLE IV—ENVIRONMENTAL CRIMES ENFORCEMENT

SEC. 401. SHORT TITLE.

This title may be cited as the “Environmental Crimes Enforcement Act of 2010”.

SEC. 402. ENVIRONMENTAL CRIMES.

(a) **SENTENCING GUIDELINES.**—

(1) **DIRECTIVE.**—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall review and amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of offenses under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), in order to reflect the intent of Congress that penalties for the offenses be increased in comparison to those provided on the date of enactment of this Act under the guidelines and policy statements, and appropriately account for the actual harm to the public and the environment from the offenses.

(2) **REQUIREMENTS.**—In amending the Federal Sentencing Guidelines and policy statements under paragraph (1), the United States Sentencing Commission shall—

(A) ensure that the guidelines and policy statements, including section 2Q1.2 of the Federal Sentencing Guidelines (and any successor thereto), reflect—

(i) the serious nature of the offenses described in paragraph (1);

(ii) the need for an effective deterrent and appropriate punishment to prevent the offenses; and

(iii) the effectiveness of incarceration in furthering the objectives described in clauses (i) and (ii);

(B) consider the extent to which the guidelines appropriately account for the actual harm to public and the environment resulting from the offenses;

(C) ensure reasonable consistency with other relevant directives and guidelines and Federal statutes;

(D) make any necessary conforming changes to guidelines; and

(E) ensure that the guidelines relating to offenses under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) adequately meet the purposes of sentencing, as set forth in section 3553(a)(2) of title 18, United States Code.

(b) **RESTITUTION.**—Section 3663A(c)(1) of title 18, United States Code, is amended—

(1) in clause (ii), by striking “or” at the end;

(2) in clause (iii), by striking “and” at the end and inserting “or”; and

(3) by adding at the end the following:

“(iv) an offense under section 309(c) of the Federal Water Pollution Control Act (33 U.S.C. 1319(c)); and”.

TITLE V—FAIRNESS IN ADMIRALTY AND MARITIME LAW

SEC. 501. SHORT TITLE.

This title may be cited as the “Fairness in Admiralty and Maritime Law Act”.

SEC. 502. REPEAL OF LIMITATION OF SHIP-OWNERS’ LIABILITY ACT OF 1851.

(a) **IN GENERAL.**—Chapter 305 of title 46, United States Code, is amended as follows:

(1) Subsection (a) of section 30505 is amended to read as follows:

“(a) **IN GENERAL.**—Except as provided in section 30506 of this title, the liability of the

owner of a vessel for any claim, debt, or liability described in subsection (b) shall not exceed three times the value of the vessel and pending freight. If the vessel has more than one owner, the proportionate share of the liability of any one owner shall not exceed that owner’s proportionate interest in the vessel and pending freight.”.

(2) Subsection (c) of section 30505 is amended to read as follows:

“(c) **CLAIMS NOT SUBJECT TO LIMITATION.**—Subsection (a) does not apply—

“(1) to a claim for wages; or

“(2) to a claim resulting from a discharge of oil from a vessel or offshore facility, as those terms are defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701).”.

(3) Subsection (c) of section 30511 is amended to read as follows:

“(c) **CESSATION OF OTHER ACTIONS.**—At the time that an action is brought under this section and the owner has complied with subsection (b), all claims and proceedings against the owner related to the matter in question which are subject to limitation under section 30505 shall cease.”.

SEC. 503. ASSESSMENT OF PUNITIVE DAMAGES IN MARITIME LAW.

(a) **IN GENERAL.**—Chapter 301 of title 46, United States Code, is amended by adding at the end the following:

“§ 30107. Punitive damages

“In a civil action for damages arising out of a maritime tort, punitive damages may be assessed without regard to the amount of compensatory damages assessed in the action.”.

(b) **CLERICAL AMENDMENT.**—The table of contents for chapter 301 of title 46, United States Code, is amended by adding at the end the following:

“§ 30107. Punitive damages.”.

SEC. 504. AMENDMENTS TO THE DEATH ON THE HIGH SEAS ACT.

(a) **IN GENERAL.**—Chapter 303 of title 46, United States Code, is amended—

(1) by inserting “or law” after “admiralty” in section 30302;

(2) by inserting “and nonpecuniary loss” after “pecuniary loss” in section 30303;

(3) by striking “sustained by” and all that follows in section 30303 and inserting “sustained, plus a fair compensation for the decedent’s pain and suffering. In this section, the term ‘nonpecuniary loss’ means the loss of care, comfort, and companionship.”;

(4) by inserting “or law” after “admiralty” in section 30305; and

(5) by inserting “or law” after “admiralty” in section 30306.

(b) **AVIATION ACCIDENTS.**—

(1) **IN GENERAL.**—Section 30307 of title 46, United States Code, is amended—

(A) by striking subsection (a) and inserting the following:

“(a) **DEFINITIONS.**—

“(1) **COMMERCIAL AVIATION; GENERAL AVIATION.**—The terms ‘commercial aviation’ and ‘general aviation’ have the same meaning as those terms, respectively, as used in subtitle VII of title 49, United States Code.

“(2) **NONPECUNIARY DAMAGES.**—The term ‘nonpecuniary damages’ means damages for loss of care, comfort, and companionship.”;

(B) by inserting “or general aviation” after “commercial aviation” in subsections (b) and (c); and

(C) by adding at the end thereof the following:

“(d) **PROCEDURE.**—Notwithstanding sections 30302, 30305, and 30306, an action to which this section applies may be brought in admiralty and may not be brought in law.”.

(2) CONFORMING AMENDMENTS.—

(A) SECTION HEADING.—Section 30307 of title 46, United States Code, is amended by striking the section heading and inserting “**Aviation accidents**”.

(B) CLERICAL AMENDMENT.—The table of contents for chapter 303 of title 46, United States Code, is amended by striking the item relating to section 30307 and inserting the following:

“30307. Aviation accidents.”.

(C) APPLICATION TO FISHING VESSELS.—

(1) IN GENERAL.—None of the amendments made by this section shall apply with respect to a fishing vessel.

(2) FISHING VESSEL DEFINED.—In this subsection, the term “fishing vessel” means—

(A) a vessel, boat, ship, or other watercraft that is used for, equipped to be used for, or of a type normally used for—

(i) charter fishing (as defined in section 3(3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(3)));

(ii) commercial fishing (as defined in section 3(4) of such Act (16 U.S.C. 1802(4))); or

(iii) aiding or assisting one or more vessels at sea in the performance of any activity relating to commercial fishing (as so defined), including preparation, supply, storage, refrigeration, transportation, or processing; but

(B) does not include a passenger vessel (as defined in section 2101(22) of title 46, United States Code).

SEC. 505. EFFECTIVE DATE.

This title and the amendments made by this title shall apply to—

(1) causes of action and claims arising after April 19, 2010; and

(2) actions commenced before the date of enactment of this Act that have not been finally adjudicated, including appellate review, as of that date.

TITLE VI—SECURING HEALTH FOR OCEAN RESOURCES AND ENVIRONMENT (SHORE)

SEC. 601. SHORT TITLE.

This title may be cited as the “Securing Health for Ocean Resources and Environment Act” or the “SHORE Act”.

Subtitle A—National Oceanic and Atmospheric Administration Oil Spill Response, Containment, and Prevention

SEC. 611. IMPROVEMENTS TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OIL SPILL RESPONSE, CONTAINMENT, AND PREVENTION.

(A) REVIEW OF ABILITY OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO RESPOND TO OIL SPILLS.—

(1) COMPREHENSIVE REVIEW REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Under Secretary for Oceans and Atmosphere shall conduct a comprehensive review of the current capacity of the National Oceanic and Atmospheric Administration to respond to oil spills.

(2) ELEMENTS.—The review conducted under paragraph (1) shall include the following:

(A) A comparison of oil spill modeling requirements with the state-of-the-art oil spill modeling with respect to near shore and offshore areas.

(B) Development of recommendations on priorities for improving forecasting of oil spill, trajectories, and impacts.

(C) An inventory of the products and tools of the National Oceanic and Atmospheric Administration that can aid in assessment of the potential risk and impacts of oil spills. Such products and tools may include environmental sensitivity index maps, the

United States Integrated Ocean Observing System, and regional information coordinating entities established as part of such System, and oil spill trajectory models.

(D) An identification of the baseline oceanographic and climate data required to support state of the art modeling.

(E) An assessment of the Administration’s ability to respond to the effects of an oil spill on its trust resources, including—

(i) marine sanctuaries, monuments, and other protected areas;

(ii) marine mammals, sea turtles, and other protected species, and efforts to rehabilitate such species.

(3) REPORT.—Upon completion of the review required by paragraph (1), the Under Secretary shall submit to Congress a report on such review, including the findings of the Under Secretary with respect to such review.

(b) OIL SPILL TRAJECTORY MODELING.—

(1) IN GENERAL.—The Under Secretary for Oceans and Atmosphere and the Secretary of the Interior shall be responsible for developing and maintaining oil spill trajectory modeling capabilities to aid oil spill response and natural resource damage assessment, including taking such actions as may be required by subsections (c) through (g).

(2) REAL-TIME TRAJECTORY MODELING.—The Under Secretary shall have primary responsibility for real-time trajectory modeling.

(3) LONG-TERM TRAJECTORY MODELING.—The Secretary of the Interior shall have primary responsibility for long-term trajectory modeling.

(4) COORDINATION WITH NATIONAL LABORATORIES.—In carrying out this subsection, the Under Secretary and the Secretary of the Interior shall coordinate with National Laboratories with established oil spill modeling expertise.

(c) ENVIRONMENTAL SENSITIVITY INDEX.—

(1) UPDATE.—Beginning not later than 180 days after the date of the enactment of this Act and not less frequently than once every 7 years thereafter, the Under Secretary shall update the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the United States and for each offshore area of the United States that is leased or under consideration for leasing for offshore energy production.

(2) EXPANDED COVERAGE.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary shall, to the maximum extent practicable, create an environmental sensitivity index product for each area described in paragraph (1) for which the National Oceanic and Atmospheric Administration did not have an environmental sensitivity index product on the day before the date of the enactment of this Act.

(3) ENVIRONMENTAL SENSITIVITY INDEX PRODUCT DEFINED.—In this subsection, the term “environmental sensitivity index product” means a map or similar tool that is utilized to identify sensitive shoreline, coastal or offshore, resources prior to an oil spill event in order to set baseline priorities for protection and plan cleanup strategies, typically including information relating to shoreline type, biological resources, and human use resources.

(4) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection shall be construed to alter or limit the authority or responsibility of the Secretary of the Interior provided by this or any other Act.

(d) SUBSEA HYDROCARBON REVIEW AND PROGRAM.—

(1) REVIEW REQUIRED.—Not later than 180 days after the date of the enactment of this

Act, the Under Secretary shall, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of the Interior, conduct a comprehensive review of the current state of the National Oceanic and Atmospheric Administration to observe, monitor, map, and track subsea hydrocarbons, including a review of the effect of subsea hydrocarbons and dispersants at varying concentrations on living marine resources.

(2) ELEMENTS OF REVIEW.—The review conducted under paragraph (1) shall include the following:

(A) A review of protocol for the application of dispersants that contemplates the variables of temperature, pressure, and depth of the site of release of hydrocarbons.

(B) A review of technological capabilities to detect the presence of subsea hydrocarbons at various concentrations and at various depths within a water column resulting from releases of oil and natural gas after a spill.

(C) A review of technological capabilities for expeditiously identifying the source (“fingerprinting”) of subsea hydrocarbons.

(D) A review of coastal and ocean current modeling as it relates to predicting the trajectory of oil and natural gas.

(E) A review of the effect of varying concentrations of hydrocarbons on all levels of the food web, including evaluations of sea-food safety, toxicity to individuals, negative impacts to reproduction, bioaccumulation, growth, and such other matters as the Under Secretary and the Administrator think appropriate.

(F) Development of recommendations on priorities for improving forecasting of movement of subsea hydrocarbon.

(G) Development of recommendations for implementation of a Subsea Hydrocarbon Monitoring and Assessment program within the Office of Response and Restoration.

(3) PROGRAM REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Under Secretary shall, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of the Interior, establish a hydrocarbon monitoring and assessment program that is based on the recommendations developed under the comprehensive review required by paragraph (1).

(e) NATIONAL INFORMATION CENTER ON OIL SPILLS.—The Under Secretary shall, in cooperation with the Interagency Coordinating Committee on Oil Pollution Research, establish a national information center on oil spills that—

(1) includes scientific information and research on oil spill preparedness, response, and restoration;

(2) serves as a single access point for emergency responders for such scientific data;

(3) provides outreach and utilizes communication mechanisms to inform partners, the public, and local communities about the availability of oil spill preparedness, prevention, response, and restoration information and services and otherwise improves public understanding and minimizes impacts of oil spills; and

(4) applies the data interoperability standards developed by the Integrated Coastal Ocean Observation System [to all for free and open access to all relevant Federal and non-Federal data using, to the extent practicable, the existing infrastructure of the regional information coordinating entities developed as part of the Integrated Coastal Ocean Observing System as a portal for accessing non-federal data].

(f) INITIATIVE ON OIL SPILLS FROM AGING AND ABANDONED OIL INFRASTRUCTURE.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary shall establish an initiative—

(1) to determine the significance, response, frequency, size, potential fate, and potential effects, including those on sensitive habitats, of oil spills resulting from aging and abandoned oil infrastructure; and

(2) to formulate recommendations on how best to address such spills.

(g) INVENTORY OF OFFSHORE ABANDONED OR SUNKEN VESSELS.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary shall, in consultation with the Secretary of the Interior, develop an inventory of offshore abandoned or sunken vessels in the exclusive economic zone of the United States and identify priorities (based on amount of oil, feasibility of oil recovery, fate and effects of oil if released, and cost-benefit of preemptive action) for potential preemptive removal of oil or other actions that may be effective to mitigate the risk of oil spills from offshore abandoned or sunken vessels.

(h) QUINQUENNIAL REPORT ON ECOLOGICAL BASELINES, IMPORTANT ECOLOGICAL AREAS, AND ECONOMIC RISKS.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, and not less frequently than once every 5 years thereafter, the Under Secretary shall submit to Congress a report that, with respect to regions that are leased or are under consideration for leasing for offshore energy production—

(A) characterizes ecological baselines;

(B) identifies important ecological areas, critical habitats, and migratory behaviors; and

(C) identifies potential risks posed by hydrocarbon development to these resources.

(2) IMPORTANT ECOLOGICAL AREA DEFINED.—In this subsection, the term “important ecological area” means an area that contributes significantly to marine ecosystem health.

(3) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection shall be construed to alter or limit the authority and responsibility of the Secretary of the Interior provided by this or any other Act.

SEC. 612. USE OF OIL SPILL LIABILITY TRUST FUND FOR PREPAREDNESS, RESPONSE, DAMAGE ASSESSMENT, AND RESTORATION.

Section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

“(B)(i) not more than \$5,000,000 in each fiscal year shall be available to the Under Secretary for Oceans and Atmosphere and the Assistant Secretary of the Interior for Fish and Wildlife and Parks without further appropriation for expenses incurred by, and activities related to, preparedness, response, restoration, and damage assessment capabilities of the National Oceanic and Atmospheric Administration, the United States Fish and Wildlife Service, and other relevant agencies; and

“(ii) in a fiscal year in which an oil spill of national significance occurs, not more than \$25 million shall be available to Federal trustees designated by the President pursuant to section 1006 (b)(2).”.

SEC. 613. INVESTMENT OF AMOUNTS IN DAMAGE ASSESSMENT AND RESTORATION REVOLVING FUND IN INTEREST-BEARING OBLIGATIONS.

The Secretary of the Treasury shall invest such a portion of the amounts in the Damage Assessment and Restoration Revolving Fund described in title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1991 (33 U.S.C. 2706 note) as is not required to meet current withdrawals, as determined by the Secretary, in interest-bearing obligations of the United States in accordance with section 9602 of the Internal Revenue Code of 1986.

SEC. 614. STRENGTHENING COASTAL STATE OIL SPILL PLANNING AND RESPONSE.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended adding at the end the following new section:

“SEC. 320. STRENGTHENING COASTAL STATE OIL SPILL RESPONSE AND PLANNING.

“(a) GRANTS TO STATES.—The Secretary may make grants to eligible coastal states—

“(1) to revise management programs approved under section 306 and National Estuarine Research Reserves approved under section 315 to identify and implement new enforceable policies and procedures to ensure sufficient response capabilities at the State level to address the environmental, economic and social impacts of oil spills or other accidents resulting from Outer Continental Shelf energy activities with the potential to affect and land or water use or natural resource of the coastal zone;

“(2) to undertake regionally based coastal and marine spatial planning that would assist in data collection, oil spill preparedness activities, and energy facility siting; and

“(3) to review and revise where necessary applicable enforceable policies within approved coastal State management programs affecting coastal energy activities and energy to ensure that these policies are consistent with—

“(A) other emergency response plans and policies developed under Federal or State law; and

“(B) new policies and procedures developed under paragraph (1).

“(b) ELEMENTS.—New enforceable policies and procedures developed by coastal states with grants awarded under this section shall be coordinated with Area Contingency Plans developed pursuant to section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)) and shall consider, but not be limited to—

“(1) other existing emergency response plans, procedures and enforceable policies developed under other Federal or State law that affect the coastal zone;

“(2) identification of critical infrastructure essential to facilitate spill or accident response activities;

“(3) identification of coordination, logistics and communication networks between Federal and State government agencies, and between State agencies and affected local communities, to ensure the efficient and timely dissemination of data and other information;

“(4) inventories of shore locations and infrastructure and equipment necessary to respond to oil spills or other accidents resulting from Outer Continental Shelf energy activities;

“(5) identification and characterization of significant or sensitive marine ecosystems or other areas possessing important conservation, recreational, ecological, historic, or aesthetic values;

“(6) inventories and surveys of shore locations and infrastructure capable of supporting alternative energy development;

“(7) observing capabilities necessary to assess ocean conditions before, during, and after an oil spill; and

“(8) other information or actions as may be necessary.

“(c) GUIDELINES.—The Secretary shall, within 180 days after the date of enactment of this section and after consultation with the Administrator of the Environmental Protection Agency, the Commandant of the Coast Guard, and the coastal states, publish guidelines for the application for and use of grants under this section.

“(d) PARTICIPATION.—Coastal states shall provide opportunity for public participation in developing new enforceable policies and procedures under this section pursuant to subsections (d)(1) of (e) of section 306, especially by relevant Federal agencies, relevant Area Committees established pursuant to section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)), other coastal state agencies, local governments, regional organizations, port authorities, and other interested parties and stakeholders, public and private, that are related to, or affected by Outer Continental Shelf energy activities.

“(e) ANNUAL GRANTS.—

“(1) IN GENERAL.—For each of fiscal years 2011 through 2015, the Secretary may make a grant to a coastal state to develop new enforceable policies and procedures as required under this section.

“(2) GRANT AMOUNTS AND LIMIT ON AWARDS.—The amount of any grant to any one coastal state under this section shall not exceed \$750,000 for any fiscal year.

“(3) NO STATE MATCHING CONTRIBUTION REQUIRED.—A coastal state shall not be required to contribute any portion of the cost of a grant awarded under this section.

“(4) SECRETARIAL REVIEW AND LIMIT ON AWARDS.—After an initial grant is made to a coastal state under this section, no subsequent grant may be made to that coastal state under this section unless the Secretary finds that the coastal state is satisfactorily developing revisions to address offshore energy impacts. No coastal state is eligible to receive grants under this section for more than 2 fiscal years.

“(f) APPLICABILITY.—The requirements of this section shall only apply if appropriations are provided to the Secretary to make grants under this section to enable States to develop new or revised enforceable policies and procedures. Further, this section shall not be construed to convey any new authority to any coastal state, or repeal or supersede any existing authority of any coastal state, to regulate the siting, licensing, leasing, or permitting of alternative energy facilities in areas of the Outer Continental Shelf under the administration of the Federal Government. Nothing in this section repeals or supersedes any existing coastal state authority.

“(g) ASSISTANCE BY THE SECRETARY.—The Secretary shall, as authorized under section 310(a) and to the extent practicable, make available to coastal states the resources and capabilities of the National Oceanic and Atmospheric Administration to provide technical assistance to the coastal states to prepare revisions to approved management programs to meet the requirements under this section.”.

SEC. 615. GULF OF MEXICO LONG-TERM MARINE ENVIRONMENTAL MONITORING AND RESEARCH PROGRAM.

(a) ENVIRONMENTAL MONITORING AND RESEARCH PROGRAM REQUIRED.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act and subject to the availability of appropriations or other sources of funding, the Secretaries and the Administrator shall jointly establish and carry out a long-term marine environmental monitoring and research program for the marine and coastal environment of the Gulf of Mexico to ensure that the Federal Government has independent, peer-reviewed scientific data and information to assess long-term direct and indirect impacts on trust resources located in the Gulf of Mexico and Southeast region resulting from the oil spill caused by the mobile offshore drilling unit *Deepwater Horizon*.

(2) PERIOD OF PROGRAM.—The Secretaries and the Administrator shall carry out the program required by paragraph (1) during the 10-year period beginning on the date of the commencement of the program. The Secretaries and the Administrator may extend such period upon a determination by the Secretaries and the Administrator that additional monitoring and research is warranted.

(b) SCOPE OF PROGRAM.—The program established under subsection (a) shall include the following:

(1) Monitoring and research of the physical, chemical, and biological characteristics of the affected marine, coastal, and estuarine areas of the Gulf of Mexico and other regions of the exclusive economic zone of the United States and adjacent regions affected by the oil spill caused by the mobile offshore drilling unit *Deepwater Horizon*.

(2) The fate, transport, and persistence of oil released during the spill and spatial distribution throughout the water column, including in-situ burn residues.

(3) The fate, transport, and persistence of chemical dispersants applied in-situ or on surface waters.

(4) Identification of lethal and sub-lethal impacts to shellfish, fish, and wildlife resources that utilize habitats located within the affected region.

(5) Impacts to regional, State, and local economies that depend on the natural resources of the affected area, including commercial and recreational fisheries, tourism, and other wildlife-dependent recreation.

(6) The development of criteria for the protection of marine aquatic life.

(7) Other elements considered necessary by the Secretaries and the Administrator to ensure a comprehensive marine research and monitoring program to comprehend and understand the implications to trust resources caused by the oil spill from the mobile offshore drilling unit *Deepwater Horizon*.

(c) COOPERATION AND CONSULTATION.—In developing the research and monitoring program established under subsection (a), the Secretaries and the Administrator shall consult with—

(1) the National Ocean Research Leadership Council established under section 7902 of title 10, United States Code;

(2) such representatives from the Gulf coast States and affected countries as the Secretary considers appropriate;

(3) academic institutions and other research organizations;

(4) regional information coordination entities; and

(5) such other experts with expertise in long-term environmental monitoring and research of the marine environment as the Secretary considers appropriate.

(d) AVAILABILITY OF DATA.—Upon review by and approval of the Attorney General regarding impacts on legal claims or litigation involving the United States, data and informa-

tion generated through the program established under subsection (a) shall be managed and archived according to the standards developed under section 12304 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603) to ensure that it is accessible and available to governmental and non-governmental personnel and to the general public for their use and information.

(e) REPORT.—Not later than 1 year after the date of the commencement of the program under subsection (a) and biennially thereafter, the Secretaries and the Administrator shall jointly submit to Congress a comprehensive report—

(1) summarizing the activities and findings of the program; and

(2) detailing areas and issues requiring future monitoring and research.

(f) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) GULF COAST STATE.—The term “Gulf coast State” means each of the States of Texas, Louisiana, Mississippi, Alabama, and Florida.

(3) SECRETARIES.—The term “Secretaries” means the Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, and the Secretary of the Interior.

(4) TRUST RESOURCES.—The term “trust resources” means the living and non-living natural resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States, any State, an Indian Tribe, or a local government.

SEC. 616. ARCTIC RESEARCH AND ACTION TO CONDUCT OIL SPILL PREVENTION.

(a) IN GENERAL.—The Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere and in collaboration with the heads of other agencies or departments of the United States with appropriate Arctic science expertise, direct research and take action to improve the ability of the United States to conduct oil spill prevention, response, and recovery in Arctic waters.

(b) INCLUSIONS.—Research and action under this section shall include the prioritization of resources—

(1) to address—

(A) ecological baselines and environmental sensitivity indexes, including stock assessments of marine mammals and other protected species in the Arctic;

(B) identification of ecological important areas, sensitive habitats, and migratory behaviors;

(C) the development of oil spill trajectory models in Arctic marine conditions;

(D) the collection of observational data essential for response strategies in the event of an oil spill during both open water and ice-covered seasons, including data relating to oil spill trajectory models that include data on—

(i) currents;

(ii) winds;

(iii) weather;

(iv) waves; and

(v) ice forecasting;

(E) the development of a robust operational monitoring program during the open water and ice-covered seasons;

(F) improvements in technologies and understanding of cold water oil recovery planning and restoration implementation; and

(G) the integration of local and traditional knowledge into oil recovery research studies; and

(2) to establish a robust geospatial framework for safe navigation and oil spill response through increased—

(A) hydrographic and bathymetric surveying, mapping, and navigational charting;

(B) geodetic positioning; and

(C) monitoring of tides, sea levels, and currents in the Arctic.

Subtitle B—Improving Coast Guard Response and Inspection Capacity

SEC. 621. SECRETARY DEFINED.

In this subtitle, except as otherwise specifically provided, the term “Secretary” means the Secretary of the Secretary of the Department in which the Coast Guard is operating.

SEC. 622. ARCTIC MARITIME READINESS AND OIL SPILL PREVENTION.

(a) IN GENERAL.—The Commandant of the Coast Guard shall assess and take action to reduce the risk and improve the capability of the United States to respond to a maritime disaster in the United States Beaufort and Chukchi Seas.

(b) MATTERS TO BE ADDRESSED.—The assessment and actions referred to in subsection (a) shall include the prioritization of resources to address the following:

(1) Oil spill prevention and response capabilities and infrastructure.

(2) The coordination of contingency plans and agreements with other agencies and departments of the United States, industry, and foreign governments to respond to an Arctic oil spill.

(3) The expansion of search and rescue capabilities, infrastructure, and logistics, including improvements of the Search and Rescue Optimal Planning System.

(4) The provisional designation of places of refuge.

(5) The evaluation and enhancement of navigational infrastructure.

(6) The evaluation and enhancement of vessel monitoring, tracking, and automated identification systems and navigational aids and communications infrastructure for safe navigation and marine accident prevention in the Arctic.

(7) Shipping traffic risk assessments for the Bering Strait and the Chukchi and Beaufort Seas.

(8) The integration of local and traditional knowledge and concerns into prevention and response strategies.

SEC. 623. ADVANCE PLANNING AND PROMPT DECISION MAKING IN CLOSING AND REOPENING FISHING GROUNDS.

(a) REQUIREMENT THAT AREA CONTINGENCY PLANS CONTAIN AREA-SPECIFIC PROTOCOLS AND STANDARDS.—

(1) COOPERATION WITH STATE AND LOCAL OFFICIALS.—Section 311(j)(4)(B)(ii) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)(B)(ii)) is amended by striking the semicolon after “wildlife” and inserting a comma and “including advance planning with respect to the closing and reopening of fishing grounds following an oil spill;”.

(2) FRAMEWORK.—Section 311(j)(4)(C) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)(C)) is amended—

(A) by redesignating clauses (vii) and (viii) as clauses (viii) and (ix), respectively; and

(B) by inserting after clause (vi) the following:

“(vii) develop a framework for advance planning and decision making with respect to the closing and reopening of fishing grounds following an oil spill, including protocols and standards for the closing and reopening of fishing areas;”.

(b) NATIONAL GUIDANCE.—Section 311(j)(4)(D) of the Federal Water Pollution

Control Act (33 U.S.C. 1321(j)(4)(D)) is amended—

(1) in clause (i) by striking “and” at the end;

(2) in clause (ii) by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(iii) acting through the Commandant of the Coast Guard and in consultation with the Under Secretary for Oceans and Atmosphere and any other government entities deemed appropriate, issue guidance for Area Committees to use in developing a framework for advance planning and decision making with respect to the closing and reopening of fishing grounds following an oil spill, which guidance shall include model protocols and standards for the closing and reopening of fishing areas.”.

(c) **RELATIONSHIP TO OTHER LAWS.**—Nothing in this section shall be construed as changing or affecting in any way the authorities or responsibilities of the Under Secretary for Oceans and Atmosphere under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 624. OIL SPILL TECHNOLOGY EVALUATION.

(a) **IN GENERAL.**—The Secretary and the Secretary of the Interior (in this section referred to as the “Secretaries”) and the Administrator of the Environmental Protection Agency (in this section referred to as the “Administrator”) shall establish a program for the formal evaluation and validation of oil pollution containment and removal methods and technologies.

(b) **APPROVAL.**—The program required by subsection (a) shall establish a process for new methods and technologies to be submitted, evaluated, and gain validation for use in spill responses and inclusion in response plans. Following each validation, the Secretaries and the Administrator shall consider whether the method or technology meets a performance capability warranting designation of a new standard for best available technology or methods. Any such new standard shall be incorporated into each update of a response plan submitted pursuant to section 311(j)(5)(E)(vii) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)), as amended by section 104(b)(3) of this Act.

(c) **TECHNOLOGY CLEARINGHOUSE.**—All technologies and methods validated under this section shall be included in the comprehensive list of spill removal resources maintained by the Coast Guard through the National Response Unit.

(d) **CONSULTATION.**—The Secretaries and the Administrator shall consult with the Under Secretary for Oceans and Atmosphere and the Secretary of Transportation in carrying out this section.

SEC. 625. COAST GUARD INSPECTIONS.

(a) **IN GENERAL.**—The Secretary shall increase the frequency and comprehensiveness of safety inspections of all United States and foreign-flag tank vessels that enter a United States port or place, including increasing the frequency and comprehensiveness of inspections of vessel age, hull configuration, and past violations of any applicable discharge and safety regulations under United States and international law that may indicate that the class societies inspecting such vessels may be substandard, and other factors relevant to the potential risk of an oil spill.

(b) **ENHANCED VERIFICATION OF STRUCTURAL CONDITION.**—The Secretary shall adopt, as part of the Secretary’s inspection requirements for tank vessels, additional procedures for enhancing the verification of the reported structural condition of such vessels,

taking into account the Condition Assessment Scheme adopted by the International Maritime Organization by Resolution 94(46) on April 27, 2001.

SEC. 626. CERTIFICATE OF INSPECTION REQUIREMENTS.

(a) **IN GENERAL.**—Chapter 33 of title 46, United States Code, is amended—

(1) in section 3301, by adding at the end the following:

“(16) vessels and other structures, fixed or floating, including those which dynamically hold position or are attached to the seabed or subsoil, which are capable of exploring for, drilling for, developing, or producing oil or gas.”; and

(2) in section 3305(a)(1)—

(A) by amending subparagraph (E) to read as follows:

“(E) is in a condition to be operated with safety to life and property, including, for the entities described in paragraph (16) of section 3301, those systems specified in regulations required by paragraph (3);”;

(B) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(C) by adding the following:

“(G) for vessels and other structures described in paragraph (16) of section 3301, complies with the highest relevant classification, certification, rating, and inspection standards for vessels or structures of the same age and type imposed by—

“(i) the American Bureau of Shipping; or

“(ii) another classification society approved by the Secretary and the Secretary of the Interior as meeting acceptable standards for such a society, except that the classification of vessels or structures under this section by a foreign classification society may be accepted by the Secretary and the Secretary of the Interior only—

“(I) to the extent that the government of the foreign country in which the society is headquartered accepts classification by the American Bureau of Shipping of vessels and structures used in the offshore exploration, development, and production of oil and gas in that country; and

“(II) if the foreign classification society has offices and maintains records in the United States.”.

(b) **REGULATIONS.**—

(1) **REQUIREMENT FOR REGULATIONS.**—Notwithstanding section 3306 of title 46, United States Code, in implementing section 3305 of such title, as amended by subsection (a), the Secretary and the Secretary of the Interior shall jointly issue regulations specifying which systems of the vessels or structures described in paragraph (16) of section 3301 of such title, as added by subsection (a)(1), shall be subject to such requirements. At a minimum, such systems shall include—

(A) mobile offshore drilling units;

(B) fixed and floating drilling facilities; and

(C) risers and blowout preventers.

(2) **EXCEPTIONS.**—The Secretary and the Secretary of the Interior may waive the standards established by the regulations required by paragraph (1) for a system of an existing vessel or structure if—

(A) such system is of an age or type for which meeting such requirements is impractical; and

(B) such system poses an acceptably low level of risk to the environment and to human safety.

(3) **RELATIONSHIP TO OTHER LAWS.**—Nothing in this section shall be construed to alter or limit the authority and responsibility of the Secretary or the Secretary of the Interior provided by this or any other Act. The regu-

lations required by paragraph (1) shall be supplemental to any other regulation issued by the Secretary or the Secretary of the Interior under any other provisions of law.

SEC. 627. NAVIGATIONAL MEASURES FOR PROTECTION OF NATURAL RESOURCES.

(a) **DESIGNATION OF AT-RISK AREAS.**—The Commandant of the Coast Guard, in consultation the Under Secretary for Oceans and Atmosphere, shall identify areas in waters subject to the jurisdiction of the United States in which routing or other navigational measures are warranted to reduce the risk of oil spills and potential damage to natural resources. In identifying such areas, the Commandant shall give priority consideration to natural resources of particular ecological importance or economic importance, including—

(1) commercial fisheries;

(2) aquaculture facilities;

(3) marine sanctuaries designated by the Secretary of Commerce pursuant to the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.);

(4) estuaries of national significance designated under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);

(5) critical habitat, as defined in section 3(5) of the Endangered Species Act of 1973 (16 U.S.C. 1532(5));

(6) estuarine research reserves within the National Estuarine Research Reserve System established by section 315 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1461); and

(7) national parks and national seashores administered by the National Park Service under the National Park Service Organic Act (16 U.S.C. 1 et seq.).

(b) **FACTORS CONSIDERED.**—In determining whether navigational measures are warranted for an area under subsection (a), the Commandant and the Under Secretary for Oceans and Atmosphere shall consider, at a minimum—

(1) the frequency of transits of vessels which are required to prepare a response plan under section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j));

(2) the type and quantity of oil transported as cargo or fuel;

(3) the expected benefits of routing measures in reducing risks of spills;

(4) the costs of such measures;

(5) the safety implications of such measures; and

(6) the nature and value of the resources to be protected by such measures.

(c) **ESTABLISHMENT OF ROUTING AND OTHER NAVIGATIONAL MEASURES.**—The Commandant shall establish such routing or other navigational measures for areas identified under subsection (a).

(d) **ESTABLISHMENT OF AREAS TO BE AVOIDED.**—To the extent that the Commandant and the Under Secretary for Oceans and Atmosphere identify areas in which navigational measures are warranted for an area under subsection (a), the Secretary and the Under Secretary shall seek to establish such areas through the International Maritime Organization or establish comparable areas pursuant to regulations and in a manner that is consistent with international law.

(e) **OIL SHIPMENT DATA AND REPORT.**—

(1) **DATA COLLECTION.**—The Commandant of the Coast Guard, in consultation with the Chief of Engineers, shall analyze data on oil transported as cargo on vessels in the navigable waters of the United States, including information on—

(A) the quantity and type of oil being transported;

(B) the vessels used for such transportation;

(C) the frequency with which each type of oil is being transported; and

(D) the point of origin, transit route, and destination of each such shipment of oil.

(2) QUARTERLY REPORT.—

(A) REQUIREMENT FOR QUARTERLY REPORT.—The Secretary shall, not less frequently than once each calendar quarter, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the data collected and analyzed under paragraph (1).

(B) FORMAT.—Each report submitted under subparagraph (A) shall be submitted in a format that does not disclose information exempted from disclosure.

SEC. 628. NOTICE TO STATES OF BULK OIL TRANSFERS.

(a) IN GENERAL.—A State may, by law, require a person to provide notice of 24 hours or more to the State and to the Coast Guard prior to transferring oil in bulk as cargo in an amount equivalent to 250 barrels or more to, from, or within a vessel in State waters.

(b) COAST GUARD ASSISTANCE.—The Commandant of the Coast Guard may assist a State in developing appropriate methodologies for joint Federal and State notification of an oil transfer described in subsection (a) to minimize any potential burden to vessels.

SEC. 629. GULF OF MEXICO REGIONAL CITIZENS' ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Not later than 270 days after the date of enactment of this Act, the President shall establish a Gulf of Mexico Regional Citizens' Advisory Council (hereinafter in this section referred to as the "Council").

(b) GOAL.—The goal of the Council shall be to foster more effective engagement by interested stakeholders and local communities in providing relevant Federal agencies and the energy industry with advice on energy, safety, health, maritime, national defense, and environmental aspects of offshore energy and minerals production in the Gulf of Mexico.

(c) PARTICIPATION.—In establishing the Council, the President shall provide for the appropriate participation by relevant stakeholders located in the coastal areas of the Gulf of Mexico, including—

(1) the commercial fin, shellfish, and charter fishing industries;

(2) the tourism, hotel, and restaurant industries;

(3) socially vulnerable communities, including both indigenous and non-indigenous communities;

(4) marine and coastal conservation entities;

(5) incorporated and unincorporated municipalities; and

(6) other appropriate entities.

(d) CONSIDERATION.—In establishing the Council, the President shall take into account the experience of Federal government and industry in working with the Prince William Sound Regional Citizens' Advisory Council to promote the environmentally safe operation of the Alyeska Pipeline marine terminal in Valdez, Alaska, and the oil tankers that use it.

(e) REPORT TO CONGRESS PRIOR TO ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the President shall submit to Congress a plan for the appointment and operation of the Council. The report shall include a description of—

(1) the legal form proposed for the Council;

(2) the duties proposed for the Council;

(3) the manner in which the work of the Council would relate to—

(A) the execution by relevant Federal agencies of their respective statutory authorities; and

(B) the activities of the energy industry;

(4) the manner in which the appointments would be made to the Council to ensure balanced representation of all relevant stakeholders with respect to the goal of the Council;

(5) the manner in which advice and recommendations from the Council would be treated by the relevant Federal agencies and the energy industry;

(6) provisions relating to conflict of interest and protection of sensitive or confidential information that may be shared with the Council; and

(7) the manner in which the activities of the Council would be financially supported.

(f) ANNUAL REPORTS.—The President shall require that an annual report be submitted to Congress on the activities of the Council.

SEC. 630. VESSEL LIABILITY.

(a) IN GENERAL.—Section 1004(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)) is amended by striking paragraph (1) and inserting the following:

“(1) for a vessel that is—

“(A) a tank ship that is a single-hull vessel, including a single hull vessel fitted with double sides only or a double bottom only, \$3,300 per gross ton or \$93,600,000, whichever is greater;

“(B) a tank ship that is a double-hull vessel, \$1,900 per gross ton or \$16,000,000, whichever is greater;

“(C) a tank barge that is a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only, \$7,000 per gross ton or \$29,100,000, whichever is greater; or

“(D) a tank barge that is a double-hull vessel, \$7,000 per gross ton or \$10,000,000, whichever is greater.”

(b) DEFINITIONS.—Section 1001(34) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(34)) is amended—

(1) by redesignating subparagraphs (A),(B), and (C) as clauses (i), (ii), and (iii), respectively;

(2) by striking “‘tank vessel’ means” and inserting “(A) ‘tank vessel’ means”; and

(3) by inserting at the end the following:

“(B) ‘tank barge’ means a non-self-propelled tank vessel; and

“(C) ‘tank ship’ means a self-propelled tank vessel.”

SEC. 631. PROMPT INTERGOVERNMENTAL NOTICE OF MARINE CASUALTIES.

Section 6101 of title 46, United States Code, is amended by adding at the end the following:

“(j) NOTICE TO STATES AND TRIBAL GOVERNMENTS.—

“(1) REQUIREMENT TO NOTIFY.—Not later than 1 hour after receiving a report of a marine casualty under this section, the Secretary shall forward the report to each appropriate State agency and tribal government of an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) that has jurisdiction concurrent with the United States or adjacent to waters in which the marine casualty occurred.

“(2) APPROPRIATE STATE AGENCY.—Each State shall identify for the Secretary the appropriate State agency to receive a report under paragraph (1). Such agency shall be responsible for forwarding appropriate information related to such report to local and tribal governments within the State.”

SEC. 632. PROMPT PUBLICATION OF OIL SPILL INFORMATION.

(a) IN GENERAL.—In any response to an oil spill in which the Commandant of the Coast Guard serves as the Federal On-Scene Coordinator leading a Unified Command, the Commandant, on a publicly accessible website, shall publish all written Incident Action Plans prepared and approved as a part of the response to such oil spill.

(b) TIMELINESS AND DURATION.—The Commandant shall—

(1) publish each Incident Action Plan pursuant to subsection (a) promptly after such Plan is approved for implementation by the Unified Command, and in no event later than 12 hours into the operational period for which such Plan is prepared; and

(2) ensure that such plan remains remain publicly accessible by website for the duration of the response to oil spill.

(c) REDACTION OF PERSONAL INFORMATION.—The Commandant may redact information from an Incident Action Plans published pursuant to subsection (a) to the extent necessary to comply with applicable privacy laws and other requirements regarding personal information.

SEC. 633. LEAVE RETENTION AUTHORITY.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by inserting after section 425 the following:

“§ 426. Emergency leave retention authority

“(a) IN GENERAL.—A duty assignment for an active duty member of the Coast Guard in support of a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or in response to a spill of national significance shall be treated, for the purpose of section 701(f)(2) of title 10, as a duty assignment in support of a contingency operation.

“(b) DEFINITIONS.—In this section:

“(1) DISCHARGE.—The term ‘discharge’ has the meaning given that term in section 1001(7) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(7)).

“(2) SPILL OF NATIONAL SIGNIFICANCE.—The term ‘spill of national significance’ means a discharge of oil or a hazardous substance that is declared by the Commandant to be a spill of national significance.”

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 425 the following:

“426. Emergency leave retention authority.”

TITLE VII—CATASTROPHIC INCIDENT PLANNING

SEC. 701. CATASTROPHIC INCIDENT PLANNING.

(a) CATASTROPHIC INCIDENT PLANNING INITIATIVE.—Chapter 1 of subtitle C of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 741 et seq.) is amended by adding at the end the following:

“SEC. 655. CATASTROPHIC INCIDENT PLANNING.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘catastrophic incident plan’ means a plan to prevent, prepare for, protect against, respond to, and recover from catastrophic incidents;

“(2) the term ‘critical infrastructure’ has the meaning given that term in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e)); and

“(3) the term ‘National Response Framework’ means the successor document to the National Response Plan issued in January 2008, or any other successor plan prepared under section 504(a)(6) of the Homeland Security Act of 2002 (6 U.S.C. 314(a)(6)).

“(b) COORDINATED PLANNING.—

“(1) IN GENERAL.—The President shall ensure that there is a coordinated system of catastrophic incident plans throughout the Federal Government.

“(2) IMPLEMENTATION.—In carrying out paragraph (1), the President shall—

“(A) identify risks of catastrophic incidents, including across all critical infrastructure sectors;

“(B) prioritize risks of catastrophic incidents to determine for which risks the development of catastrophic incident plans is most necessary or likely to be most beneficial;

“(C) ensure that Federal agencies coordinate to develop comprehensive and effective catastrophic incident plans to address prioritized catastrophic risks; and

“(D) review catastrophic incident plans developed by Federal agencies to ensure the effectiveness of the plans, including assessing whether—

“(i) the assumptions underlying the catastrophic incident plans are realistic;

“(ii) the resources identified to implement the catastrophic incident plans are adequate, including that the catastrophic incident plans address the need for surge capacity;

“(iii) exercises designed to evaluate the catastrophic incident plans are adequate;

“(iv) the catastrophic incident plans incorporate lessons learned from other catastrophic incidents, include those in other countries, where appropriate;

“(v) the catastrophic incident plans appropriately account for new events and situations;

“(vi) the catastrophic incident plans adequately address the need for situational awareness and information sharing;

“(vii) the number, skills, and training of the available workforce is sufficient to implement the catastrophic incident plans;

“(viii) the catastrophic incident plans reflect coordination with governmental and nongovernmental entities that would play a significant role in the response to the catastrophic incident; and

“(ix) the catastrophic incident plans set forth a clear command structure and allocation of responsibilities consistent with the National Response Framework and the National Incident Management System.

“(c) REPORT.—Not later than 1 year after the date of enactment of the Clean Energy Jobs and Oil Company Accountability Act of 2010, and annually thereafter until December 31, 2020, the President shall submit a report to the appropriate committees of Congress that includes—

“(1) a discussion of the status of catastrophic incident planning efforts required under this section, including a list of all catastrophic incident plans in progress or completed; and

“(2) a report on planning efforts by Federal agencies required under section 653, including any certification under subsection 653(d).”

(b) OFFICE OF CATASTROPHIC PLANNING.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

“SEC. 525. CATASTROPHIC INCIDENT PLANNING.

“(a) DEFINITION.—In this section, the term ‘catastrophic incident plan’ means a plan to prevent, prepare for, protect against, respond to, and recover from a catastrophic incident.

“(b) ESTABLISHMENT.—The Secretary shall establish an Office of Catastrophic Planning in the Agency, which shall be headed by a Director of Catastrophic Planning.

“(c) MISSION.—The mission of the Office of Catastrophic Planning shall be to lead ef-

forts within the Department, and to support, promote, and coordinate efforts throughout the Federal Government, by State, local and tribal governments, and by the private sector, to plan effectively to prevent, prepare for, protect against, respond to, and recover from catastrophic incidents, whether natural disasters, acts of terrorism, or other man-made disasters.

“(d) RESPONSIBILITIES.—The responsibilities of the Director of Catastrophic Planning shall include—

“(1) assisting the President and Federal agencies in identifying risks of catastrophic incidents for which planning is likely to be most needed or beneficial, including risks across all critical infrastructure sectors;

“(2) leading the efforts of the Department to prepare catastrophic incident plans to address risks in the areas of responsibility of the Department;

“(3) providing support to other Federal agencies by—

“(A) providing guidelines, standards, training, and technical assistance to assist the agencies in developing effective catastrophic incident plans in the areas of responsibility of the agencies;

“(B) assisting the agencies in the assessment of the catastrophic incident plans of the agencies, including through assistance with the design and evaluation of exercises; and

“(C) assisting the agencies in developing tools to meaningfully evaluate catastrophic incident plans submitted to the agency by private sector entities;

“(4) ensuring coordination with State, local, and tribal governments in the development of Federal catastrophic incident plans;

“(5) providing assistance to State, local, and tribal governments in developing catastrophic incident plans, including supporting the development of catastrophic incident annexes under section 613 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196b);

“(6) promoting and supporting appropriate catastrophic incident planning by private sector entities, including private sector entities that own or manage critical infrastructure;

“(7) promoting the training and education of additional emergency planners;

“(8) assisting the Administrator in the preparation of the catastrophic resource report required under section 652(b) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752(b));

“(9) assisting the President in ensuring consistency and coordination across Federal catastrophic incident plans; and

“(10) otherwise assisting the President in implementing section 655 of the Post-Katrina Emergency Management Reform Act of 2006.”

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out this section, for each of fiscal years 2011 through 2020.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 524 the following:

“Sec. 525. Catastrophic incident planning.”

SEC. 702. ALIGNMENT OF RESPONSE FRAMEWORKS.

(a) DEFINITIONS.—In this section—

(1) the term “National Response Framework” means the successor document to the National Response Plan issued in January

2008, or any other successor plan prepared under section 504(a)(6) of the Homeland Security Act of 2002 (6 U.S.C. 314(a)(6));

(2) the term “National Contingency Plan” means the National Contingency Plan prepared under section 311(d) of the Federal Water Pollution Control Act (33 U.S.C. 1321(d)) or revised under section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9605); and

(3) the term “plans” means the National Response Framework, the National Contingency Plan, and any other plan the Secretary of Homeland Security and the Administrator of the Environmental Protection Agency jointly determine plays a significant role in guiding the response by the Federal Government to the discharge of oil or other hazardous substances.

(b) ALIGNMENT OF PLANS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security (in coordination with the Administrator of the Federal Emergency Management Agency and the Commandant of the Coast Guard) and the Administrator of the Environmental Protection Agency, in conjunction with the head of any other Federal agency determined appropriate by the President, shall review the plans and submit to Congress a report regarding—

(1) the coordination and consistency between the plans, including with respect to—

(A) unified command and reporting structures;

(B) relationships with State, local, and tribal governments; and

(C) assignment of support responsibilities among Federal agencies;

(2) lessons learned from an initial post-incident analysis of the implementation of the plans during the response by the Federal Government to the discharge of oil arising from the explosion on and sinking of the mobile offshore drilling unit *Deepwater Horizon*;

(3) recommendations for modifications to the plans to ensure coordination and, where appropriate, consistency between the plans and to maximize the purpose of each plan, consistent with statutory authorities;

(4) planned actions to address any modifications recommended under paragraph (3); and

(5) how the plans will be integrated in the event of a disaster occurring after the date of the report involving a discharge of oil or other hazardous material.

(c) SAVINGS CLAUSE.—Nothing in this section requires a modification to the National Contingency Plan or the National Response Framework or affects the authority of the Administrator of the Environmental Protection Agency or the Secretary of Homeland Security to modify or carry out the National Contingency Plan or the National Response Framework.

TITLE VIII—SUBPOENA POWER FOR NATIONAL COMMISSION ON THE BP DEEPWATER HORIZON OIL SPILL AND OFFSHORE DRILLING

SEC. 801. SUBPOENA POWER FOR NATIONAL COMMISSION ON THE BP DEEPWATER HORIZON OIL SPILL AND OFFSHORE DRILLING.

(a) SUBPOENA POWER.—The National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling established by Executive Order No. 13543 of May 21, 2010 (referred to in this section as the “Commission”), may issue subpoenas to compel the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, and other documents.

(b) ISSUANCE.—

(1) AUTHORIZATION.—A subpoena may be issued under this section only by—

(A) agreement of the Co-Chairs of the Commission; or

(B) the affirmative vote of a majority of the members of the Commission.

(2) JUSTICE DEPARTMENT COORDINATION.—

(A) NOTIFICATION.—

(i) IN GENERAL.—The Commission shall notify the Attorney General or designee of the intent of the Commission to issue a subpoena under this section, the identity of the witness, and the nature of the testimony sought before issuing such a subpoena.

(ii) FORM AND CONTENT.—The form and content of the notice shall be set forth in the guidelines to be issued under subparagraph (D).

(B) CONDITIONS FOR OBJECTION TO ISSUANCE.—The Commission may not issue a subpoena under authority of this section if the Attorney General objects to the issuance of the subpoena on the basis that the taking of the testimony is likely to interfere with any—

(i) Federal or State criminal investigation or prosecution; or

(ii) pending investigation under sections 3729 through 3732 of title 31, United States Code (commonly known as the “Civil False Claims Act”) or other Federal law providing for civil remedies, or any civil litigation to which the United States or any Federal agencies is or is likely to be a party.

(C) NOTIFICATION OF OBJECTION.—The Attorney General or relevant United States Attorney shall notify the Commission of an objection raised under this paragraph without unnecessary delay and as set forth in the guidelines to be issued under subparagraph (D).

(D) GUIDELINES.—As soon as practicable, but no later than 30 days after the date of the enactment of this Act, the Attorney General, after consultation with the Commission, shall issue guidelines to carry out this subsection.

(3) SIGNATURE AND SERVICE.—A subpoena issued under this section may be—

(A) issued under the signature of either Co-Chair or any member designated by a majority of the Commission; and

(B) served by any person designated by the Co-Chairs or a member designated by a majority of the Commission.

(c) ENFORCEMENT.—

(1) REQUIRED PROCEDURES.—

(A) IN GENERAL.—In the case of contumacy of any person issued a subpoena under this section or refusal by the person to comply with the subpoena, the Commission shall request the Attorney General to seek enforcement of the subpoena.

(B) ENFORCEMENT.—On such request, the Attorney General shall seek enforcement of the subpoena in a court described in paragraph (2).

(C) ORDER.—The court in which the Attorney General seeks enforcement of the subpoena—

(i) shall issue an order requiring the subpoenaed person to appear at any designated place to testify or to produce documentary or other evidence; and

(ii) may punish any failure to obey the order as a contempt of that court.

(2) JURISDICTION FOR ENFORCEMENT.—Any United States district court for a judicial district in which a person issued a subpoena under this section resides, is served, or may be found, or in which the subpoena is returnable, shall have jurisdiction to enforce the subpoena as provided in paragraph (1).

TITLE IX—CORAL REEF CONSERVATION ACT AMENDMENTS

SEC. 901. SHORT TITLE.

This title may be cited as the “Coral Reef Conservation Amendments Act of 2010”.

SEC. 902. AMENDMENT OF CORAL REEF CONSERVATION ACT OF 2000.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.).

SEC. 903. AGREEMENTS; REDESIGNATIONS.

The Act (16 U.S.C. 6401 et seq.) is amended—

(1) by redesignating section 208 (16 U.S.C. 6407) as section 213;

(2) by redesignating section 209 (16 U.S.C. 6408) as section 214; and

(3) by redesignating section 210 (16 U.S.C. 6409) as section 215.

SEC. 904. EMERGENCY ASSISTANCE.

Section 206 (16 U.S.C. 6405) is amended to read as follows:

“SEC. 206. EMERGENCY ASSISTANCE.

“The Secretary, in cooperation with the Administrator of the Federal Emergency Management Agency, as appropriate, may provide assistance to any State, local, or territorial government agency with jurisdiction over coral reef ecosystems to address any unforeseen or disaster-related circumstance pertaining to coral reef ecosystems.”.

SEC. 905. EMERGENCY RESPONSE, STABILIZATION, AND RESTORATION.

Section 207 (16 U.S.C. 6406) is amended to read as follows:

“SEC. 207. EMERGENCY RESPONSE, STABILIZATION, AND RESTORATION.

“(a) ESTABLISHMENT OF ACCOUNT.—The Secretary shall establish an account (to be called the ‘Emergency Response, Stabilization, and Restoration Account’) in the Damage Assessment Restoration Revolving Fund established by the Department of Commerce Appropriations Act, 1991 (Public Law 101-515; 33 U.S.C. 2706 note), for implementation of this title for emergency actions.

“(b) DEPOSITS.—

“(1) DEPOSITS.—There shall be deposited in the Emergency Response, Stabilization, and Restoration Account amounts as follows:

“(A) Amounts appropriated for the Account.

“(B) Amounts received by the United States pursuant to this title.

“(C) Amounts otherwise authorized for deposit in the Account by this title.

“(2) AVAILABILITY OF DEPOSITS.—Amounts deposited in the Account shall be available for use by the Secretary for emergency response, stabilization, and restoration activities under this title.”.

SEC. 906. PROHIBITED ACTIVITIES.

(a) IN GENERAL.—The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 207 the following:

“SEC. 208. PROHIBITED ACTIVITIES AND SCOPE OF PROHIBITIONS.

“(a) PROVISIONS AS COMPLEMENTARY.—The provisions of this section are in addition to, and shall not affect the operation of, other Federal, State, or local laws or regulations providing protection to coral reef ecosystems.

“(b) DESTRUCTION, LOSS, TAKING, OR INJURY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), it is unlawful for any person to destroy, take, cause the loss of, or injure any coral reef or any component thereof.

“(2) EXCEPTIONS.—The destruction, loss, taking, or injury of a coral reef or any component thereof is not unlawful if it—

“(A) was caused by the use of fishing gear used in a manner permitted under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) or other Federal or State law;

“(B) was caused by an activity that is authorized or allowed by Federal or State law (including lawful discharges from vessels, such as graywater, cooling water, engine exhaust, ballast water, or sewage from marine sanitation devices), unless the destruction, loss, or injury resulted from actions such as vessel groundings, vessel scrapings, anchor damage, excavation not authorized by Federal or State permit, or other similar activities;

“(C) was the necessary result of bona fide marine scientific research (including marine scientific research activities approved by Federal, State, or local permits), other than excessive sampling or collecting, or actions such as vessel groundings, vessel scrapings, anchor damage, excavation, or other similar activities;

“(D)(i) was caused by a Federal Government agency during—

“(I) an emergency that posed an unacceptable threat to human health or safety or to the marine environment;

“(II) an emergency that posed a threat to national security; or

“(III) an activity necessary for law enforcement or search and rescue; and

“(ii) could not reasonably be avoided; or

“(E) was caused by an action taken by the master of the vessel in an emergency situation to ensure the safety of the vessel or to save a life at sea.

“(c) INTERFERENCE WITH ENFORCEMENT.—It is unlawful for any person to interfere with the enforcement of this title by—

“(1) refusing to permit any officer authorized to enforce this title to board a vessel (other than a vessel operated by the Department of Defense or United States Coast Guard) subject to such person’s control for the purposes of conducting any search or inspection in connection with the enforcement of this title;

“(2) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title; or

“(3) submitting false information to the Secretary or any officer authorized to enforce this title in connection with any search or inspection conducted under this title.

“(d) VIOLATIONS OF TITLE, PERMIT, OR REGULATION.—It is unlawful for any person to violate any provision of this title, any permit issued pursuant to this title, or any regulation promulgated pursuant to this title.

“(e) POSSESSION AND DISTRIBUTION.—It is unlawful for any person to possess, sell, deliver, carry, transport, or ship by any means any coral taken in violation of this title.”.

(b) EMERGENCY ACTION REGULATIONS.—The Secretary of Commerce shall initiate a rulemaking proceeding to prescribe the circumstances and conditions under which the exception in section 208(b)(2)(E) of the Coral Reef Conservation Act of 2000, as added by subsection (a), applies and shall issue a final rule pursuant to that rulemaking as soon as practicable but not later than 1 year after the date of the enactment of this Act. Nothing in this subsection shall be construed to

require the issuance of such regulations before the exception provided by that section is in effect.

SEC. 907. DESTRUCTION OF CORAL REEFS.

The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 208, as added by section 906 of this title, the following:

“SEC. 209. DESTRUCTION, LOSS, OR TAKING OF, OR INJURY TO, CORAL REEFS.

“(a) **LIABILITY.**—

“(1) **LIABILITY TO THE UNITED STATES.**—Except as provided in subsection (f), all persons who engage in an activity that is prohibited under subsections (b) or (d) of section 208, or create an imminent risk thereof, are liable, jointly and severally, to the United States for an amount equal to the sum of—

“(A) response costs and damages resulting from the destruction, loss, taking, or injury, or imminent risk thereof, including damages resulting from the response actions;

“(B) costs of seizure, forfeiture, storage, and disposal arising from liability under this section; and

“(C) interest on that amount calculated in the manner described in section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705).

“(2) **LIABILITY IN REM.**—

“(A) **IN GENERAL.**—Any vessel used in an activity that is prohibited under subsection (b) or (d) of section 208, or creates an imminent risk thereof, shall be liable in rem to the United States for an amount equal to the sum of—

“(i) response costs and damages resulting from such destruction, loss, or injury, or imminent risk thereof, including damages resulting from the response actions;

“(ii) costs of seizure, forfeiture, storage, and disposal arising from liability under this section; and

“(iii) interest on that amount calculated in the manner described in section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705).

“(B) **MARITIME LIENS.**—The amount of liability shall constitute a maritime lien on the vessel and may be recovered in an action in rem in any district court of the United States that has jurisdiction over the vessel.

“(3) **DEFENSES.**—A person or vessel is not liable under this subsection if that person or vessel establishes that the destruction, loss, taking, or injury was caused solely by an act of God, an act of war, or an act or omission of a third party (other than an employee or agent of the defendant or one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly with the defendant), and the person or master of the vessel acted with due care.

“(4) **NO LIMIT TO LIABILITY.**—Nothing in chapter 305 or section 30706 of title 46, United States Code, shall limit liability to any person under this title.

“(b) RESPONSE ACTIONS AND DAMAGE ASSESSMENT.—

“(1) **RESPONSE ACTIONS.**—The Secretary may undertake or authorize all necessary actions to prevent or minimize the destruction, loss, or taking of, or injury to, coral reefs, or components thereof, or to minimize the risk or imminent risk of such destruction, loss, or injury.

“(2) **DAMAGE ASSESSMENT.**—

“(A) **IN GENERAL.**—The Secretary shall assess damages to coral reefs and shall consult with State officials regarding response and damage assessment actions undertaken for coral reefs within State waters.

“(B) **PROHIBITION ON DOUBLE RECOVERY.**—There shall be no double recovery under this title for coral reef damages, including the cost of damage assessment, for the same incident.

“(c) COMMENCEMENT OF CIVIL ACTION FOR RESPONSE COSTS AND DAMAGES.—

“(1) **COMMENCEMENT.**—The Attorney General, upon the request of the Secretary, may commence a civil action against any person or vessel that may be liable under subsection (a) of this section for response costs, seizure, forfeiture, storage, or disposal costs, and damages, and interest on that amount calculated in the manner described in section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705). The Secretary, acting as trustee for coral reefs for the United States, shall submit a request for such an action to the Attorney General whenever a person or vessel may be liable for such costs or damages.

“(2) **VENUE IN CIVIL ACTIONS.**—A civil action under this title may be brought in the United States district court for any district in which—

“(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

“(B) the vessel is located, in the case of an action against a vessel;

“(C) the destruction, loss, or taking of, or injury to a coral reef, or component thereof, occurred or in which there is an imminent risk of such destruction, loss, or injury; or

“(D) where some or all of the coral reef or component thereof that is the subject of the action is not within the territory covered by any United States district court, such action may be brought either in the United States district court for the district closest to the location where the destruction, loss, injury, or risk of injury occurred, or in the United States District Court for the District of Columbia.

“(d) **USE OF RECOVERED AMOUNTS.**—

“(1) **IN GENERAL.**—Any costs, including response costs and damages recovered by the Secretary under this section shall—

“(A) be deposited into an account or accounts in the Damage Assessment Restoration Revolving Fund established by the Department of Commerce Appropriations Act, 1991 (33 U.S.C. 2706 note), or the Natural Resource Damage Assessment and Restoration Fund established by the Department of the Interior and Related Agencies Appropriations Act, 1992 (43 U.S.C. 1474b), as appropriate given the location of the violation;

“(B) be available for use by the Secretary without further appropriation and remain available until expended; and

“(C) be for use, as the Secretary considers appropriate—

“(i) to reimburse the Secretary or any other Federal or State agency that conducted activities under subsection (a) or (b) of this section for costs incurred in conducting the activity;

“(ii) to be transferred to the Emergency Response, Stabilization, and Restoration Account established under section 208(d) to reimburse that account for amounts used for authorized emergency actions; and

“(iii) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any coral reefs, or components thereof, including the reasonable costs of monitoring, or to minimize or prevent threats of equivalent injury to, or destruction of coral reefs, or components thereof.

“(2) **RESTORATION CONSIDERATIONS.**—In development of restoration alternatives under paragraph (1)(C), the Secretary shall consider State and territorial preferences and, if appropriate, shall prioritize restoration projects with geographic and ecological linkages to the injured resources.

“(e) **STATUTE OF LIMITATIONS.**—An action for response costs or damages under sub-

section (c) shall be barred unless the complaint is filed not later than 3 years after the date on which the Secretary completes a damage assessment and restoration plan for the coral reefs, or components thereof, to which the action relates.

“(f) **FEDERAL GOVERNMENT ACTIVITIES.**—In the event of threatened or actual destruction of, loss of, or injury to a coral reef or component thereof resulting from an incident caused by a component of any Department or agency of the United States Government, the cognizant Department or agency shall satisfy its obligations under this section by promptly, in coordination with the Secretary, taking appropriate actions to respond to and mitigate the harm and restoring or replacing the coral reef or components thereof and reimbursing the Secretary for all assessment costs.”

SEC. 908. ENFORCEMENT.

The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 209, as added by section 907 of this title, the following:

“SEC. 210. ENFORCEMENT.

“(a) **IN GENERAL.**—The Secretary shall conduct enforcement activities to carry out this title.

“(b) **POWERS OF AUTHORIZED OFFICERS.**—

“(1) **IN GENERAL.**—Any person who is authorized to enforce this title may—

“(A) board, search, inspect, and seize any vessel or other conveyance suspected of being used to violate this title, any regulation promulgated under this title, or any permit issued under this title, and any equipment, stores, and cargo of such vessel, except that such authority shall not exist with respect to vessels owned or time chartered by a uniformed service (as defined in section 101 of title 10, United States Code) as warships or naval auxiliaries;

“(B) seize wherever found any component of coral reef taken or retained in violation of this title, any regulation promulgated under this title, or any permit issued under this title;

“(C) seize any evidence of a violation of this title, any regulation promulgated under this title, or any permit issued under this title;

“(D) execute any warrant or other process issued by any court of competent jurisdiction;

“(E) exercise any other lawful authority; and

“(F) arrest any person, if there is reasonable cause to believe that such person has committed an act prohibited by section 208.

“(2) **NAVAL AUXILIARY DEFINED.**—In this subsection, the term ‘naval auxiliary’ means a vessel, other than a warship, that is owned by or under the exclusive control of a uniformed service and used at the time of the destruction, take, loss, or injury for government, non-commercial service, including combat logistics force vessels, pre-positioned vessels, special mission vessels, or vessels exclusively used to transport military supplies and materials.

“(c) CIVIL ENFORCEMENT AND PERMIT SANCTIONS.—

“(1) **CIVIL ADMINISTRATIVE PENALTY.**—

“(A) **IN GENERAL.**—Any person subject to the jurisdiction of the United States who violates this title or any regulation promulgated or permit issued hereunder, shall be liable to the United States for a civil administrative penalty of not more than \$200,000 for each such violation, to be assessed by the Secretary.

“(B) **CONTINUING VIOLATIONS.**—Each day of a continuing violation shall constitute a separate violation.

“(C) DETERMINATION OF AMOUNT.—In determining the amount of civil administrative penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, and any history of prior violations, and such other matters as justice may require.

“(D) CONSIDERATION OF ABILITY TO PAY.—In assessing such penalty, the Secretary may also consider information related to the ability of the violator to pay.

“(2) PERMIT SANCTIONS.—For any person subject to the jurisdiction of the United States who has been issued or has applied for a permit under this title, and who violates this title or any regulation or permit issued under this title, the Secretary may deny, suspend, amend, or revoke in whole or in part any such permit. For any person who has failed to pay or defaulted on a payment agreement of any civil penalty or criminal fine or liability assessed pursuant to any natural resource law administered by the Secretary, the Secretary may deny, suspend, amend or revoke in whole or in part any permit issued or applied for under this title.

“(3) IMPOSITION OF CIVIL JUDICIAL PENALTIES.—

“(A) IN GENERAL.—Any person who violates any provision of this title, any regulation promulgated or permit issued thereunder, shall be subject to a civil judicial penalty not to exceed \$250,000 for each such violation.

“(B) CONTINUING VIOLATIONS.—Each day of a continuing violation shall constitute a separate violation.

“(C) CIVIL ACTIONS.—The Attorney General, upon the request of the Secretary, may commence a civil action in an appropriate district court of the United States, and such court shall have jurisdiction to award civil penalties and such other relief as justice may require.

“(D) AMOUNTS OF CIVIL PENALTIES.—In determining the amount of a civil penalty, the court shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations, and such other matters as justice may require.

“(E) CONSIDERATION OF ABILITY TO PAY.—In imposing such penalty, the district court may also consider information related to the ability of the violator to pay.

“(4) NOTICE.—No penalty or permit sanction shall be assessed under this subsection until after the person charged has been given notice and an opportunity for a hearing.

“(5) IN REM JURISDICTION.—A vessel used in violating this title, any regulation promulgated under this title, or any permit issued under this title, shall be liable in rem for any civil penalty assessed for such violation. Such penalty shall constitute a maritime lien on the vessel and may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

“(6) COLLECTION OF PENALTIES.—

“(A) IN GENERAL.—If any person fails to pay an assessment of a civil penalty under this section after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States (plus interest at current prevailing rates from the date of the final order).

“(B) NOT SUBJECT TO REVIEW.—In such action, the validity and appropriateness of the

final order imposing the civil penalty shall not be subject to review.

“(C) ATTORNEY'S FEES, COSTS, AND NON-PAYMENT PENALTY.—

“(i) IN GENERAL.—Any person who fails to pay, on a timely basis, the amount of an assessment of a civil penalty shall be required to pay, in addition to such amount and interest, attorney's fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists.

“(ii) AMOUNT OF NONPAYMENT PENALTY.—Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person's penalties and nonpayment penalties that are unpaid as of the beginning of such quarter.

“(7) COMPROMISE OR OTHER ACTION BY SECRETARY.—The Secretary may compromise, modify, or remit, with or without conditions, any civil administrative penalty or permit sanction which is or may be imposed under this section and that has not been referred to the Attorney General for further enforcement action.

“(8) JURISDICTION.—

“(A) IN GENERAL.—The several district courts of the United States shall have jurisdiction over any actions brought by the United States arising under this section.

“(B) AMERICAN SAMOA.—For the purpose of this section, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii.

“(C) TREATMENT OF VIOLATIONS.—Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized by law.

“(d) FORFEITURE.—

“(1) CRIMINAL FORFEITURE.—

“(A) IN GENERAL.—A person who is convicted of an offense in violation of this title shall forfeit to the United States—

“(i) any property, real or personal, constituting or traceable to the gross proceeds taken, obtained, or retained, in connection with or as a result of the offense, including, without limitation, any coral reef or coral reef component (or the fair market value thereof); and

“(ii) any property, real or personal, used or intended to be used, in any manner, to commit or facilitate the commission of the offense, including, without limitation, any vessel (including the vessel's equipment, stores, catch and cargo), vehicle, aircraft, or other means of transportation.

“(B) APPLICATION OF CERTAIN PROVISIONS OF CONTROLLED SUBSTANCES ACT.—Pursuant to section 2461(c) of title 28, United States Code, the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853) other than subsection (d) thereof shall apply to criminal forfeitures under this section.

“(2) CIVIL FORFEITURE.—The property set forth below shall be subject to forfeiture to the United States in accordance with the provisions of chapter 46 of title 18, United States Code, and no property right shall exist in it:

“(A) Any property, real or personal, constituting or traceable to the gross proceeds taken, obtained, or retained, in connection with or as a result of a violation of this title, including, without limitation, any coral reef or coral reef component (or the fair market value thereof).

“(B) Any property, real or personal, used or intended to be used, in any manner, to commit or facilitate the commission of a

violation of this title, including, without limitation, any vessel (including the vessel's equipment, stores, catch and cargo), vehicle, aircraft, or other means of transportation.

“(3) APPLICATION OF CUSTOMS LAWS.—

“(A) IN GENERAL.—All provisions of law relating to seizure, summary judgment, and judicial forfeiture and condemnation for violation of the customs laws, the disposition of the property forfeited or condemned or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, insofar as applicable and not inconsistent with the provisions hereof.

“(B) AUTHORITY FOR ACTIONS BY SECRETARY.—For seizures and forfeitures of property under this section by the Secretary, such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs law may be performed by such officers as are designated by the Secretary or, upon request of the Secretary, by any other agency that has authority to manage and dispose of seized property.

“(4) PRESUMPTION.—For the purposes of this section there is a rebuttable presumption that all coral reefs, or components thereof, found on board a vessel that is used or seized in connection with a violation of this title or of any regulation promulgated under this title were taken, obtained, or retained in violation of this title or of a regulation promulgated under this title.

“(e) PAYMENT OF STORAGE, CARE, AND OTHER COSTS.—Any person assessed a civil penalty for a violation of this title or of any regulation promulgated under this title and any claimant in a forfeiture action brought for such a violation, shall be liable for the reasonable costs incurred by the Secretary in storage, care, and maintenance of any property seized in connection with the violation.

“(f) EXPENDITURES.—

“(1) DEPOSIT AND AVAILABILITY.—Notwithstanding section 3302 of title 31, United States Code, or section 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861), amounts received by the United States as civil penalties under subsection (c) of this section, forfeitures of property under subsection (d) of this section, and costs imposed under subsection (e) of this section, shall—

“(A) be placed into an account;

“(B) be available for use by the Secretary without further appropriation; and

“(C) remain available until expended.

“(2) USE OF FORFEITURES AND COSTS.—Amounts received under this section for forfeitures under subsection (d) and costs imposed under subsection (e) shall be used to pay the reasonable and necessary costs incurred by the Secretary to provide temporary storage, care, maintenance, and disposal of any property seized in connection with a violation of this title or any regulation promulgated under this title.

“(3) USE OF CIVIL PENALTIES.—Amounts received under this section as civil penalties under subsection (c) of this section and any amounts remaining after the operation of paragraph (2) of this subsection shall—

“(A) be used to stabilize, restore, or otherwise manage the coral reef with respect to which the violation occurred that resulted in the penalty or forfeiture;

“(B) be transferred to the Emergency Response, Stabilization, and Restoration Account established under section 207(a) or an

account described in section 209(d)(1), to reimburse such account for amounts used for authorized emergency actions;

“(C) be used to conduct monitoring and enforcement activities;

“(D) be used to conduct research on techniques to stabilize and restore coral reefs;

“(E) be used to conduct activities that prevent or reduce the likelihood of future damage to coral reefs;

“(F) be used to stabilize, restore or otherwise manage any other coral reef; or

“(G) be used to pay a reward to any person who furnishes information leading to an assessment of a civil penalty, or to a forfeiture of property, for a violation of this title or any regulation promulgated under this title.

“(g) CRIMINAL ENFORCEMENT.—

“(1) INTERFERENCE WITH ENFORCEMENT.—Any person (other than a foreign government or any entity of such government) who knowingly commits any act prohibited by section 208(c) of this title shall be imprisoned for not more than 5 years and shall be fined not more than \$500,000 for individuals or \$1,000,000 for an organization; except that if in the commission of any such offense the individual uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this title, or places any such officer in fear of imminent bodily injury, the maximum term of imprisonment is not more than 10 years.

“(2) OTHER KNOWING VIOLATIONS.—Any person (other than a foreign government or any entity of such government) who knowingly violates subsection (b), (d), or (e) of section 208 shall be fined under title 18, United States Code, or imprisoned not more than 5 years or both.

“(3) OTHER UNKNOWNING VIOLATIONS.—Any person (other than a foreign government or any entity of such government) who violates subsection (b), (d), or (e) of section 208, and who, in the exercise of due care should know that such person's conduct violates subsection (b), (d), or (e) of section 208, shall be fined under title 18, United States Code, or imprisoned not more than 1 year, or both.

“(4) JURISDICTION.—

“(A) IN GENERAL.—The several district courts of the United States shall have jurisdiction over any actions brought by the United States arising under this subsection.

“(B) AMERICAN SAMOA.—For the purpose of this subsection, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii.

“(C) TREATMENT OF VIOLATIONS.—Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized by law. Any offenses not committed in any district are subject to the venue provisions of section 3238 of title 18, United States Code.

“(h) SUBPOENAS.—In the case of any investigation or hearing under this section or any other natural resource statute administered by the Under Secretary for Oceans and Atmosphere which is determined on the record in accordance with the procedures provided for under section 554 of title 5, United States Code, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, electronic files, and documents, and may administer oaths.

“(i) COAST GUARD AUTHORITY NOT LIMITED.—Nothing in this section shall be considered to limit the authority of the Coast

Guard to enforce this or any other Federal law under section 89 of title 14, United States Code.

“(j) INJUNCTIVE RELIEF.—

“(1) INJUNCTIVE RELIEF BY SECRETARY.—

“(A) IN GENERAL.—If the Secretary determines that there is an imminent risk of destruction or loss of or injury to a coral reef, or that there has been actual destruction or loss of, or injury to, a coral reef which may give rise to liability under section 209 of this title, the Attorney General, upon request of the Secretary, shall seek to obtain such relief as may be necessary to abate such risk or actual destruction, loss, or injury, or to restore or replace the coral reef, or both.

“(B) JURISDICTION.—The district courts of the United States shall have jurisdiction in such a case to order such relief as the public interest and the equities of the case may require.

“(2) INJUNCTIVE RELIEF BY ATTORNEY GENERAL.—Upon the request of the Secretary, the Attorney General may seek to enjoin any person who is alleged to be in violation of any provision of this title, or any regulation or permit issued under this title, and the district courts shall have jurisdiction to grant such relief.

“(k) AREA OF APPLICATION AND ENFORCEABILITY.—The area of application and enforceability of this title includes the internal waters of the United States, the territorial sea of the United States, as described in Presidential Proclamation 5928 of December 27, 1988, the Exclusive Economic Zone of the United States as described in Presidential Proclamation 5030 of March 10, 1983, and the continental shelf, consistent with international law.

“(l) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this title, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process, and for civil cases may also be served in a place not within the United States in accordance with rule 4 of the Federal Rules of Civil Procedure.

“(m) VENUE IN CIVIL ACTIONS.—A civil action under this title may be brought in the United States district court for any district in which—

“(1) the defendant is located, resides, or is doing business, in the case of an action against a person;

“(2) the vessel is located, in the case of an action against a vessel;

“(3) the destruction of, loss of, or injury to a coral reef, or component thereof, occurred or in which there is an imminent risk of such destruction, loss, or injury; or

“(4) where some or all of the coral reef or component thereof that is the subject of the action is not within the territory covered by any United States district court, such action may be brought either in the United States district court for the district closest to the location where the destruction, loss, injury, or risk of injury occurred, or in the United States District Court for the District of Columbia.

“(n) UNIFORMED SERVICE OFFICERS AND EMPLOYEES.—No officer or employee of a uniformed service (as defined in section 101 of title 10, United States Code) shall be held liable under this section, either in such officer's or employee's personal or official capacity, for any violation of section 208 occurring during the performance of the officer's or employee's official governmental duties.

“(o) CONTRACT EMPLOYEES.—No contract employee of a uniformed service (as so defined), serving as vessel master or crew

member, shall be liable under this section for any violation of section 208 if that contract employee—

“(1) is acting as a contract employee of a uniformed service under the terms of an operating contract for a vessel owned by a uniformed service, or a time charter for pre-positioned vessels, special mission vessels, or vessels exclusively transporting military supplies and materials; and

“(2) is engaged in an action or actions over which such employee has been given no discretion (e.g., anchoring or mooring at one or more designated anchorages or buoys, or executing specific operational elements of a special mission activity), as determined by the uniformed service controlling the contract.”.

SEC. 909. REGULATIONS.

The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 210, as added by section 908 of this title, the following:

“SEC. 211. REGULATIONS.

“(a) IN GENERAL.—The Secretary may issue such regulations as are necessary and appropriate to carry out the purposes of this title.

“(b) APPLICATION IN ACCORDANCE WITH INTERNATIONAL LAW.—This title and any regulations promulgated under this title shall be applied in accordance with international law.

“(c) LIMITATIONS WITH RESPECT TO CITIZENSHIP STATUS.—No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.”.

SEC. 910. JUDICIAL REVIEW.

The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 211, as added by section 909 of this title, the following:

“SEC. 212. JUDICIAL REVIEW.

“(a) IN GENERAL.—Chapter 7 of title 5, United States Code, is not applicable to any action taken by the Secretary under this title, except that—

“(1) review of any final agency action of the Secretary taken pursuant to sections 210(c)(1) and 210(c)(2) may be had only by the filing of a complaint by an interested person in the United States District Court for the appropriate district; any such complaint must be filed within 30 days of the date such final agency action is taken; and

“(2) review of any final agency action of the Secretary taken pursuant to other provisions of this title may be had by the filing of a petition for review by an interested person in the Circuit Court of Appeals of the United States for the federal judicial district in which such person resides or transacts business which is directly affected by the action taken; such petition shall be filed within 120 days from the date such final agency action is taken.

“(b) NO REVIEW IN ENFORCEMENT PROCEEDINGS.—Final agency action with respect to which review could have been obtained under subsection (a)(2) shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

“(c) COST OF LITIGATION.—In any judicial proceeding under subsection (a), the court may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing party whenever it determines that such award is appropriate.”.

DIVISION B—REDUCING OIL CONSUMPTION AND IMPROVING ENERGY SECURITY

TITLE XX—NATURAL GAS VEHICLE AND INFRASTRUCTURE DEVELOPMENT

SEC. 2001. DEFINITIONS.

In this title:

(1) **DEPARTMENT.**—The term “Department” means the Department of Energy.

(2) **INCREMENTAL COST.**—The term “incremental cost” means the difference between—

(A) the suggested retail price of a manufacturer for a qualified alternative fuel vehicle; and

(B) the suggested retail price of a manufacturer for a vehicle that is—

(i) powered solely by a gasoline or diesel internal combustion engine; and

(ii) comparable in weight, size, and use to the vehicle.

(3) **MIXED-FUEL VEHICLE.**—The term “mixed-fuel vehicle” means a mixed-fuel vehicle (as defined in section 30B(e)(5)(B) of the Internal Revenue Code of 1986) (including vehicles with a gross vehicle weight rating of 14,000 pounds or less) that uses a fuel mix that is comprised of at least 75 percent compressed natural gas or liquefied natural gas.

(4) **NATURAL GAS REFUELING PROPERTY.**—The term “natural gas refueling property” means units that dispense at least 85 percent by volume of natural gas, compressed natural gas, or liquefied natural gas as a transportation fuel.

(5) **QUALIFIED ALTERNATIVE FUEL VEHICLE.**—The term “qualified alternative fuel vehicle” means a vehicle manufactured for use in the United States that is—

(A) a new compressed natural gas- or liquefied natural gas-fueled vehicle that is only capable of operating on natural gas;

(B) a vehicle that is capable of operating for more than 175 miles on 1 fueling of compressed or liquefied natural gas and is capable of operating on gasoline or diesel fuel, including vehicles with a gross vehicle weight rating of 14,000 pounds or less.

(6) **QUALIFIED MANUFACTURER.**—The term “qualified manufacturer” means a manufacturer of qualified alternative fuel vehicles or any component designed specifically for use in a qualified alternative fuel vehicle.

(7) **QUALIFIED OWNER.**—The term “qualified owner” means an individual that purchases a qualified alternative fuel vehicle for use or lease in the United States but not for resale.

(8) **QUALIFIED REFUELER.**—The term “qualified refueler” means the owner or operator of natural gas refueling property.

(9) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

SEC. 2002. PROGRAM ESTABLISHMENT.

(a) **IN GENERAL.**—There is established within the Department a Natural Gas Vehicle and Infrastructure Development Program for the purpose of facilitating the use of natural gas in the United States as an alternative transportation fuel, in order to achieve the maximum feasible reduction in domestic oil use.

(b) **CONVERSION OR REPOWERING OF VEHICLES.**—The Secretary shall establish a rebate program under this title for qualified owners who convert or repower a conventionally fueled vehicle to operate on compressed natural gas or liquefied natural gas, or to a mixed-fuel vehicle or a bi-fuel vehicle.

SEC. 2003. REBATES.

(a) **INTERIM FINAL RULE.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall promulgate an interim final rule establishing regulations that the Secretary considers necessary to administer the rebates required under this section.

(2) **ADMINISTRATION.**—The interim final rule shall establish a program that provides—

(A) rebates to qualified owners for the purchase of qualified alternative fuel vehicles; and

(B) priority to those vehicles that the Secretary determines are most likely to achieve the shortest payback time on investment and the greatest market penetration for natural gas vehicles.

(3) **ALLOCATION.**—Of the amount allocated for rebates under this section, not more than 25 percent shall be used to provide rebates to qualified owners for the purchase of qualified alternative fuel vehicles that have a gross vehicle rating of not more than 8,500 pounds.

(b) **REBATES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary shall provide rebates for 90 percent of the incremental cost of a qualified alternative fuel vehicle to a qualified owner for the purchase of a qualified alternative fuel vehicle.

(2) **MAXIMUM VALUES.**—

(A) **NATURAL GAS VEHICLES.**—The maximum value of a rebate under this section provided to a qualified owner who places a qualified alternative fuel vehicle into service by 2013 shall be—

(i) \$8,000 for each qualified alternative fuel vehicle with a gross vehicle weight rating of not more than 8,500 pounds;

(ii) \$16,000 for each qualified alternative fuel vehicle with a gross vehicle weight rating of more than 8,500 but not more than 14,000 pounds;

(iii) \$40,000 for each qualified alternative fuel vehicle with a gross vehicle weight rating of more than 14,000 but not more than 26,000 pounds; and

(iv) \$64,000 for each qualified alternative fuel vehicle with a gross vehicle weight rating of more than 26,000 pounds.

(B) **MIXED-FUEL VEHICLES.**—The maximum value of a rebate under this section provided to a qualified owner who places a qualified alternative fuel vehicle that is a mixed-fuel vehicle into service by 2015 shall be 75 percent of the amount provided for rebates under this section for vehicles that are only capable of operating on natural gas.

(C) **BI-FUEL VEHICLES.**—The maximum value of a rebate under this section provided to a qualified owner of a vehicle described in section 2001(5)(B) shall be 50 percent of the amount provided for rebates under this section for vehicles that are only capable of operating on natural gas.

(c) **TREATMENT OF REBATES.**—For purposes of the Internal Revenue Code of 1986, rebates received for qualified alternative fuel vehicles under this section—

(1) shall not be considered taxable income to a qualified owner;

(2) shall prohibit the qualified owner from applying for any tax credit allowed under that Code for the same qualified alternative fuel vehicle; and

(3) shall be considered a credit described in paragraph (2) for purposes of any limitation on the amount of the credit.

(d) **FUNDING.**—

(1) **IN GENERAL.**—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section \$3,800,000,000, to remain available until expended.

(2) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

SEC. 2004. INFRASTRUCTURE AND DEVELOPMENT GRANTS.

(a) **INTERIM FINAL RULE.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall promulgate an interim final rule establishing an infrastructure de-

velopment program and a manufacturing development program, and any implementing regulations that the Secretary considers necessary, to achieve the maximum practicable cost-effective program to provide grants under this section.

(b) **GRANTS.**—The Secretary shall provide—

(1) grants of up to \$50,000 per unit to qualified refuelers for the installation of natural gas refueling property placed in service between 2011 and 2015; and

(2) grants in amounts determined to be appropriate by the Secretary to qualified manufacturers for research, development, and demonstration projects on engines with reduced emissions, improved performance, and lower cost.

(c) **COST SHARING.**—Grants under this section shall be subject to the cost-sharing requirements of section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(d) **MONITORING.**—The Secretary shall—

(1) require regular reporting of such information as the Secretary considers necessary to effectively administer the program from grant recipients under this section; and

(2) conduct on-site and off-site monitoring to ensure compliance with grant terms.

(e) **FUNDING.**—

(1) **IN GENERAL.**—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section \$500,000,000, to remain available until expended.

(2) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

SEC. 2005. LOAN PROGRAM TO ENHANCE DOMESTIC MANUFACTURING.

(a) **INTERIM FINAL RULE.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall promulgate an interim final rule establishing a direct loan program to provide loans to qualified manufacturers to pay not more than 80 percent of the cost of reequipping, expanding, or establishing a facility in the United States that will be used for the purpose of producing any new qualified alternative fuel motor vehicle or any eligible component.

(b) **OVERALL COMMITMENT LIMIT.**—Commitments for direct loans under this section shall not exceed \$2,000,000,000 in total loan principal.

(c) **COST OF DIRECT LOANS.**—The cost of direct loans under this section (including the cost of modifying the loans) shall be determined in accordance with section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(d) **ADDITIONAL FINANCIAL AND TECHNICAL PERSONNEL.**—Section 621(d) of the Department of Energy Organization Act (42 U.S.C. 7231(d)) is amended by striking “two hundred” and inserting “250”.

(e) **FUNDING.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, on October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary for the cost of loans to carry out this section \$200,000,000, to remain available until expended.

(2) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

TITLE XXI—PROMOTING ELECTRIC VEHICLES

SEC. 2101. SHORT TITLE.

This title may be cited as the “Promoting Electric Vehicles Act of 2010”.

SEC. 2102. DEFINITIONS.

In this title:

(1) **AGENCY.**—The term “agency” has the meaning given the term “Executive agency” in section 105 of title 5, United States Code.

(2) **CHARGING INFRASTRUCTURE.**—The term “charging infrastructure” means any property (not including a building) if the property is used for the recharging of plug-in electric drive vehicles, including electrical panel upgrades, wiring, conduit, trenching, pedestals, and related equipment.

(3) **COMMITTEE.**—The term “Committee” means the Plug-in Electric Drive Vehicle Technical Advisory Committee established by section 2134.

(4) **DEPLOYMENT COMMUNITY.**—The term “deployment community” means a community selected by the Secretary to be part of the targeted plug-in electric drive vehicles deployment communities program under section 2116.

(5) **ELECTRIC UTILITY.**—The term “electric utility” has the meaning given the term in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602).

(6) **FEDERAL-AID SYSTEM OF HIGHWAYS.**—The term “Federal-aid system of highways” means a highway system described in section 103 of title 23, United States Code.

(7) **PLUG-IN ELECTRIC DRIVE VEHICLE.**—

(A) **IN GENERAL.**—The term “plug-in electric drive vehicle” has the meaning given the term in section 131(a)(5) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(a)(5)).

(B) **INCLUSIONS.**—The term “plug-in electric drive vehicle” includes—

(i) low speed plug-in electric drive vehicles that meet the Federal Motor Vehicle Safety Standards described in section 571.500 of title 49, Code of Federal Regulations (or successor regulations); and

(ii) any other electric drive motor vehicle that can be recharged from an external source of motive power and that is authorized to travel on the Federal-aid system of highways.

(8) **PRIZE.**—The term “Prize” means the Advanced Batteries for Tomorrow Prize established by section 2122.

(9) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(10) **TASK FORCE.**—The term “Task Force” means the Plug-in Electric Drive Vehicle Interagency Task Force established by section 2135.

Subtitle A—National Plug-in Electric Drive Vehicle Deployment Program.

SEC. 2111. NATIONAL PLUG-IN ELECTRIC DRIVE VEHICLE DEPLOYMENT PROGRAM.

(a) **IN GENERAL.**—There is established within the Department of Energy a national plug-in electric drive vehicle deployment program for the purpose of assisting in the deployment of plug-in electric drive vehicles.

(b) **GOALS.**—The goals of the national program described in subsection (a) include—

(1) the reduction and displacement of petroleum use by accelerating the deployment of plug-in electric drive vehicles in the United States;

(2) the reduction of greenhouse gas emissions by accelerating the deployment of plug-in electric drive vehicles in the United States;

(3) the facilitation of the rapid deployment of plug-in electric drive vehicles;

(4) the achievement of significant market penetrations by plug-in electric drive vehicles nationally;

(5) the establishment of models for the rapid deployment of plug-in electric drive vehicles nationally, including models for the deployment of residential, private, and publicly available charging infrastructure;

(6) the increase of consumer knowledge and acceptance of plug-in electric drive vehicles;

(7) the encouragement of the innovation and investment necessary to achieve mass market deployment of plug-in electric drive vehicles;

(8) the facilitation of the integration of plug-in electric drive vehicles into electricity distribution systems and the larger electric grid while maintaining grid system performance and reliability;

(9) the provision of technical assistance to communities across the United States to prepare for plug-in electric drive vehicles; and

(10) the support of workforce training across the United States relating to plug-in electric drive vehicles.

(c) **DUTIES.**—In carrying out this subtitle, the Secretary shall—

(1) provide technical assistance to State, local, and tribal governments that want to create deployment programs for plug-in electric drive vehicles in the communities over which the governments have jurisdiction;

(2) perform national assessments of the potential deployment of plug-in electric drive vehicles under section 2112;

(3) synthesize and disseminate data from the deployment of plug-in electric drive vehicles;

(4) develop best practices for the successful deployment of plug-in electric drive vehicles;

(5) carry out workforce training under section 2114;

(6) establish the targeted plug-in electric drive vehicle deployment communities program under section 2116; and

(7) in conjunction with the Task Force, make recommendations to Congress and the President on methods to reduce the barriers to plug-in electric drive vehicle deployment.

(d) **REPORT.**—Not later than 18 months after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to the appropriate committees of Congress a report on the progress made in implementing the national program described in subsection (a) that includes—

(1) a description of the progress made by—

(A) the technical assistance program under section 2113; and

(B) the workforce training program under section 2114; and

(2) any updated recommendations of the Secretary for changes in Federal programs to promote the purposes of this subtitle.

(e) **NATIONAL INFORMATION CLEARINGHOUSE.**—The Secretary shall make available to the public, in a timely manner, information regarding—

(1) the cost, performance, usage data, and technical data regarding plug-in electric drive vehicles and associated infrastructure, including information from the deployment communities established under section 2116; and

(2) any other educational information that the Secretary determines to be appropriate.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out sections 2111 through 2113 \$100,000,000 for the period of fiscal years 2011 through 2016.

SEC. 2112. NATIONAL ASSESSMENT AND PLAN.

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the

Secretary shall carry out a national assessment and develop a national plan for plug-in electric drive vehicle deployment that includes—

(1) an assessment of the maximum feasible deployment of plug-in electric drive vehicles by 2020 and 2030;

(2) the establishment of national goals for market penetration of plug-in electric drive vehicles by 2020 and 2030;

(3) a plan for integrating the successes and barriers to deployment identified by the deployment communities program established under section 2116 to prepare communities across the Nation for the rapid deployment of plug-in electric drive vehicles;

(4) a plan for providing technical assistance to communities across the United States to prepare for plug-in electric drive vehicle deployment;

(5) a plan for quantifying the reduction in petroleum consumption and the net impact on greenhouse gas emissions due to the deployment of plug-in electric drive vehicles; and

(6) in consultation with the Task Force, any recommendations to the President and to Congress for changes in Federal programs (including laws, regulations, and guidelines)—

(A) to better promote the deployment of plug-in electric drive vehicles; and

(B) to reduce barriers to the deployment of plug-in electric drive vehicles.

(b) **UPDATES.**—Not later than 2 years after the date of development of the plan described in subsection (a), and not less frequently than once every 2 years thereafter, the Secretary shall use market data and information from the targeted plug-in electric drive vehicle deployment communities program established under section 2116 and other relevant data to update the plan to reflect real world market conditions.

SEC. 2113. TECHNICAL ASSISTANCE.

(a) **TECHNICAL ASSISTANCE TO STATE, LOCAL, AND TRIBAL GOVERNMENTS.**—

(1) **IN GENERAL.**—In carrying out this subtitle, the Secretary shall provide, at the request of the Governor, Mayor, county executive, or the designee of such an official, technical assistance to State, local, and tribal governments to assist with the deployment of plug-in electric drive vehicles.

(2) **REQUIREMENTS.**—The technical assistance described in paragraph (1) shall include—

(A) training on codes and standards for building and safety inspectors;

(B) training on best practices for expediting permits and inspections;

(C) education and outreach on frequently asked questions relating to the various types of plug-in electric drive vehicles and associated infrastructure, battery technology, and disposal; and

(D) the dissemination of information regarding best practices for the deployment of plug-in electric drive vehicles.

(3) **PRIORITY.**—In providing technical assistance under this subsection, the Secretary shall give priority to—

(A) communities that have established public and private partnerships, including partnerships comprised of—

(i) elected and appointed officials from each of the participating State, local, and tribal governments;

(ii) relevant generators and distributors of electricity;

(iii) public utility commissions;

(iv) departments of public works and transportation;

(v) owners and operators of property that will be essential to the deployment of a sufficient level of publicly available charging infrastructure (including privately owned parking lots or structures and commercial entities with public access locations);

(vi) plug-in electric drive vehicle manufacturers or retailers;

(vii) third-party providers of charging infrastructure or services;

(viii) owners of any major fleet that will participate in the program;

(ix) as appropriate, owners and operators of regional electric power distribution and transmission facilities; and

(x) other existing community coalitions recognized by the Department of Energy;

(B) communities that, as determined by the Secretary, have best demonstrated that the public is likely to embrace plug-in electric drive vehicles, giving particular consideration to communities that—

(i) have documented waiting lists to purchase plug-in electric drive vehicles;

(ii) have developed projections of the quantity of plug-in electric drive vehicles supplied to dealers; and

(iii) have assessed the quantity of charging infrastructure installed or for which permits have been issued;

(C) communities that have shown a commitment to serving diverse consumer charging infrastructure needs, including the charging infrastructure needs for single- and multi-family housing and public and privately owned commercial infrastructure; and

(D) communities that have established regulatory and educational efforts to facilitate consumer acceptance of plug-in electric drive vehicles, including by—

(i) adopting (or being in the process of adopting) streamlined permitting and inspections processes for residential charging infrastructure; and

(ii) providing customer informational resources, including providing plug-in electric drive information on community or other websites.

(4) BEST PRACTICES.—The Secretary shall collect and disseminate information to State, local, and tribal governments creating plans to deploy plug-in electric drive vehicles on best practices (including codes and standards) that uses data from—

(A) the program established by section 2116;

(B) the activities carried out by the Task Force; and

(C) existing academic and industry studies of the factors that contribute to the successful deployment of new technologies, particularly studies relating to alternative fueled vehicles.

(5) GRANTS.—

(A) IN GENERAL.—The Secretary shall establish a program to provide grants to State, local, and tribal governments or to partnerships of government and private entities to assist the governments and partnerships—

(i) in preparing a community deployment plan under section 2116; and

(ii) in preparing and implementing programs that support the deployment of plug-in electric drive vehicles.

(B) APPLICATION.—A State, local, or tribal government that seeks to receive a grant under this paragraph shall submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary may prescribe.

(C) USE OF FUNDS.—A State, local, or tribal government receiving a grant under this paragraph shall use the funds—

(i) to develop a community deployment plan that shall be submitted to the next available competition under section 2116; and

(ii) to carry out activities that encourage the deployment of plug-in electric drive vehicles including—

(I) planning for and installing charging infrastructure, particularly to develop and demonstrate diverse and cost-effective planning, installation, and operations options for deployment of single family and multifamily residential, workplace, and publicly available charging infrastructure;

(II) updating building, zoning, or parking codes and permitting or inspection processes;

(III) workforce training, including the training of permitting officials;

(IV) public education described in the proposed marketing plan;

(V) shifting State, local, or tribal government fleets to plug-in electric drive vehicles, at a rate in excess of the existing alternative fueled fleet vehicles acquisition requirements for Federal fleets under section 303(b)(1)(D) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)(1)(D)); and

(VI) any other activities, as determined to be necessary by the Secretary.

(D) CRITERIA.—The Secretary shall develop and publish criteria for the selection of technical assistance grants, including requirements for the submission of applications under this paragraph.

(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this paragraph.

(b) UPDATING MODEL BUILDING CODES, PERMITTING AND INSPECTION PROCESSES, AND ZONING OR PARKING RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the American Society of Heating, Refrigerating and Air-Conditioning Engineers, the International Code Council, and any other organizations that the Secretary determines to be appropriate, shall develop and publish guidance for—

(A) model building codes for the inclusion of separate circuits for charging infrastructure, as appropriate, in new construction and major renovations of private residences, buildings, or other structures that could provide publicly available charging infrastructure;

(B) model construction permitting or inspection processes that allow for the expedited installation of charging infrastructure for purchasers of plug-in electric drive vehicles (including a permitting process that allows a vehicle purchaser to have charging infrastructure installed not later than 1 week after a request); and

(C) model zoning, parking rules, or other local ordinances that—

(i) facilitate the installation of publicly available charging infrastructure, including commercial entities that provide public access to infrastructure; and

(ii) allow for access to publicly available charging infrastructure.

(2) OPTIONAL ADOPTION.—An applicant for selection for technical assistance under this section or as a deployment community under section 2116 shall not be required to use the model building codes, permitting and inspection processes, or zoning, parking rules, or other ordinances included in the report under paragraph (1).

(3) SMART GRID INTEGRATION.—In developing the model codes or ordinances described in paragraph (1), the Secretary shall consider smart grid integration.

SEC. 2114. WORKFORCE TRAINING.

(a) MAINTENANCE AND SUPPORT.—

(1) IN GENERAL.—The Secretary, in consultation with the Committee and the Task Force, shall award grants to institutions of higher education and other qualified training and education institutions for the establishment of programs to provide training and education for vocational workforce development through centers of excellence.

(2) PURPOSE.—Training funded under this subsection shall be intended to ensure that the workforce has the necessary skills needed to work on and maintain plug-in electric drive vehicles and the infrastructure required to support plug-in electric drive vehicles.

(3) SCOPE.—Training funded under this subsection shall include training for—

(A) first responders;

(B) electricians and contractors who will be installing infrastructure;

(C) engineers;

(D) code inspection officials; and

(E) dealers and mechanics.

(b) DESIGN.—The Secretary shall award grants to institutions of higher education and other qualified training and education institutions for the establishment of programs to provide training and education in designing plug-in electric drive vehicles and associated components and infrastructure to ensure that the United States can lead the world in this field.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$150,000,000.

SEC. 2115. FEDERAL FLEETS.

(a) IN GENERAL.—Electricity consumed by Federal agencies to fuel plug-in electric drive vehicles—

(1) is an alternative fuel (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13218)); and

(2) shall be accounted for under Federal fleet management reporting requirements, not under Federal building management reporting requirements.

(b) ASSESSMENT AND REPORT.—Not later than 180 days after the date of enactment of this Act and every 3 years thereafter, the Federal Energy Management Program and the General Services Administration, in consultation with the Task Force, shall complete an assessment of Federal Government fleets, including the Postal Service and the Department of Defense, and submit a report to Congress that describes—

(1) for each Federal agency, which types of vehicles the agency uses that would or would not be suitable for near-term and medium-term conversion to plug-in electric drive vehicles, taking into account the types of vehicles for which plug-in electric drive vehicles could provide comparable functionality and lifecycle costs;

(2) how many plug-in electric drive vehicles could be deployed by the Federal Government in 5 years and in 10 years, assuming that plug-in electric drive vehicles are available and are purchased when new vehicles are needed or existing vehicles are replaced;

(3) the estimated cost to the Federal Government for vehicle purchases under paragraph (2); and

(4) a description of any updates to the assessment based on new market data.

(c) INVENTORY AND DATA COLLECTION.—

(1) IN GENERAL.—In carrying out the assessment and report under subsection (b), the Federal Energy Management Program, in consultation with the General Services Administration, shall—

(A) develop an information request for each agency that operates a fleet of at least 20 motor vehicles; and

(B) establish guidelines for each agency to use in developing a plan to deploy plug-in electric drive vehicles.

(2) AGENCY RESPONSES.—Each agency that operates a fleet of at least 20 motor vehicles shall—

(A) collect information on the vehicle fleet of the agency in response to the information request described in paragraph (1); and

(B) develop a plan to deploy plug-in electric drive vehicles.

(3) ANALYSIS OF RESPONSES.—The Federal Energy Management Program shall—

(A) analyze the information submitted by each agency under paragraph (2);

(B) approve or suggest amendments to the plan of each agency to ensure that the plan is consistent with the goals and requirements of this title; and

(C) submit a plan to Congress and the General Services Administration to be used in developing the pilot program described in subsection (e).

(d) BUDGET REQUEST.—Each agency of the Federal Government shall include plug-in electric drive vehicle purchases identified in the report under subsection (b) in the budget of the agency to be included in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code.

(e) PILOT PROGRAM TO DEPLOY PLUG-IN ELECTRIC DRIVE VEHICLES IN THE FEDERAL FLEET.—

(1) PROGRAM.—

(A) IN GENERAL.—The Administrator of General Services shall acquire plug-in electric drive vehicles and the requisite charging infrastructure to be deployed in a range of locations in Federal Government fleets, which may include the United States Postal Service and the Department of Defense, during the 5-year period beginning on the date of enactment of this Act.

(B) EXPENDITURES.—To the maximum extent practicable, expenditures under this paragraph should make a contribution to the advancement of manufacturing of electric drive components and vehicles in the United States.

(2) DATA COLLECTION.—The Administrator of General Services shall collect data regarding—

(A) the cost, performance, and use of plug-in electric drive vehicles in the Federal fleet;

(B) the deployment and integration of plug-in electric drive vehicles in the Federal fleet; and

(C) the contribution of plug-in electric drive vehicles in the Federal fleet toward reducing the use of fossil fuels and greenhouse gas emissions.

(3) REPORT.—Not later than 6 years after the date of enactment of this Act, the Administrator of General Services shall submit to the appropriate committees of Congress a report that—

(A) describes the status of plug-in electric drive vehicles in the Federal fleet; and

(B) includes an analysis of the data collected under this subsection.

(4) PUBLIC WEB SITE.—The Federal Energy Management Program shall maintain and regularly update a publicly available Web site that provides information on the status of plug-in electric drive vehicles in the Federal fleet.

(f) ACQUISITION PRIORITY.—Section 507(g) of the Energy Policy Act of 1992 (42 U.S.C. 13257(g)) is amended by adding at the end the following:

“(5) PRIORITY.—The Secretary shall, to the maximum extent practicable, prioritize the acquisition of plug-in electric drive vehicles (as defined in section 131(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(a)) over nonelectric alternative fueled vehicles.”.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for use by the Federal Government in paying incremental costs to purchase or lease plug-in electric drive vehicles and the requisite charging infrastructure for Federal fleets \$25,000,000.

SEC. 2116. TARGETED PLUG-IN ELECTRIC DRIVE VEHICLE DEPLOYMENT COMMUNITIES PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the national plug-in electric drive deployment program established under section 2111 a targeted plug-in electric drive vehicle deployment communities program (referred to in this section as the “Program”).

(2) EXISTING ACTIVITIES.—In carrying out the Program, the Secretary shall coordinate and supplement, not supplant, any ongoing plug-in electric drive deployment activities under section 131 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011).

(3) PHASE 1.—

(A) IN GENERAL.—The Secretary shall establish a competitive process to select phase 1 deployment communities for the Program.

(B) ELIGIBLE ENTITIES.—In selecting participants for the Program under paragraph (1), the Secretary shall only consider applications submitted by State, tribal, or local government entities (or groups of State, tribal, or local government entities).

(C) SELECTION.—Not later than 1 year after the date of enactment of this Act and not later than 1 year after the date on which any subsequent amounts are appropriated for the Program, the Secretary shall select the phase 1 deployment communities under this paragraph.

(D) TERMINATION.—Phase 1 of the Program shall be carried out for a 3-year period beginning on the date funding under this title is first provided to the deployment community.

(4) PHASE 2.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that analyzes the lessons learned in phase I and, if, based on the phase I analysis, the Secretary determines that a phase II program is warranted, makes recommendations and describes a plan for phase II, including—

(A) recommendations regarding—

(i) options for the number of additional deployment communities that should be selected;

(ii) the manner in which criteria for selection should be updated;

(iii) the manner in which incentive structures for phase 2 deployment should be changed; and

(iv) whether other forms of onboard energy storage for electric drive vehicles, such as fuel cells, should be included in phase 2; and

(B) a request for appropriations to implement phase 2 of the Program.

(b) GOALS.—The goals of the Program are—

(1) to facilitate the rapid deployment of plug-in electric drive vehicles, including—

(A) the deployment of 400,000 plug-in electric drive vehicles in phase 1 in the deployment communities selected under paragraph (2);

(B) the near-term achievement of significant market penetration in deployment communities; and

(C) supporting the achievement of significant market penetration nationally;

(2) to establish models for the rapid deployment of plug-in electric drive vehicles nationally, including for the deployment of single-family and multifamily residential, workplace, and publicly available charging infrastructure;

(3) to increase consumer knowledge and acceptance of, and exposure to, plug-in electric drive vehicles;

(4) to encourage the innovation and investment necessary to achieve mass market deployment of plug-in electric drive vehicles;

(5) to demonstrate the integration of plug-in electric drive vehicles into electricity distribution systems and the larger electric grid while maintaining or improving grid system performance and reliability;

(6) to demonstrate protocols and communication standards that facilitate vehicle integration into the grid and provide seamless charging for consumers traveling through multiple utility distribution systems;

(7) to investigate differences among deployment communities and to develop best practices for implementing vehicle electrification in various communities, including best practices for planning for and facilitating the construction of residential, workplace, and publicly available infrastructure to support plug-in electric drive vehicles;

(8) to collect comprehensive data on the purchase and use of plug-in electric drive vehicles, including charging profile data at unit and aggregate levels, to inform best practices for rapidly deploying plug-in electric drive vehicles in other locations, including for the installation of charging infrastructure;

(9) to reduce and displace petroleum use and reduce greenhouse gas emissions by accelerating the deployment of plug-in electric drive vehicles in the United States; and

(10) to increase domestic manufacturing capacity and commercialization in a manner that will establish the United States as a world leader in plug-in electric drive vehicle technologies.

(c) PHASE 1 DEPLOYMENT COMMUNITY SELECTION CRITERIA.—

(1) IN GENERAL.—The Secretary shall ensure, to the maximum extent practicable, that selected deployment communities in phase 1 serve as models of deployment for various communities across the United States.

(2) SELECTION.—In selecting communities under this section, the Secretary—

(A) shall ensure, to the maximum extent practicable, that—

(i) the combination of selected communities is diverse in population density, demographics, urban and suburban composition, typical commuting patterns, climate, and type of utility (including investor-owned, publicly-owned, cooperatively-owned, distribution-only, and vertically integrated utilities);

(ii) the combination of selected communities is diverse in geographic distribution, and at least 1 deployment community is located in each Petroleum Administration for Defense District;

(iii) at least 1 community selected has a population of less than 125,000;

(iv) grants are of a sufficient amount such that each deployment community will achieve significant market penetration; and

(v) the deployment communities are representative of other communities across the United States;

(B) is encouraged to select a combination of deployment communities that includes multiple models or approaches for deploying plug-in electric drive vehicles that the Secretary believes are reasonably likely to be

effective, including multiple approaches to the deployment of charging infrastructure;

(C) in addition to the criteria described in subparagraph (A), may give preference to applicants proposing a greater non-Federal cost share; and

(D) when considering deployment community plans, shall take into account previous Department of Energy and other Federal investments to ensure that the maximum domestic benefit from Federal investments is realized.

(3) CRITERIA.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, and not later than 90 days after the date on which any subsequent amounts are appropriated for the Program, the Secretary shall publish criteria for the selection of deployment communities that include requirements that applications be submitted by a State, tribal, or local government entity (or groups of State, tribal, or local government entities).

(B) APPLICATION REQUIREMENTS.—The criteria published by the Secretary under subparagraph (A) shall include application requirements that, at a minimum, include—

(i) goals for—

(I) the number of plug-in electric drive vehicles to be deployed in the community;

(II) the expected percentage of light-duty vehicle sales that would be sales of plug-in electric drive vehicles; and

(III) the adoption of plug-in electric drive vehicles (including medium- or heavy-duty vehicles) in private and public fleets during the 3-year duration of the Program;

(ii) data that demonstrate that—

(I) the public is likely to embrace plug-in electric drive vehicles, which may include—

(aa) the quantity of plug-in electric drive vehicles purchased;

(bb) the number of individuals on a waiting list to purchase a plug-in electric drive vehicle;

(cc) projections of the quantity of plug-in electric drive vehicles supplied to dealers; and

(dd) any assessment of the quantity of charging infrastructure installed or for which permits have been issued; and

(II) automobile manufacturers and dealers will be able to provide and service the targeted number of plug-in electric drive vehicles in the community for the duration of the program;

(iii) clearly defined geographic boundaries of the proposed deployment area;

(iv) a community deployment plan for the deployment of plug-in electric drive vehicles, charging infrastructure, and services in the deployment community;

(v) assurances that a majority of the vehicle deployments anticipated in the plan will be personal vehicles authorized to travel on the United States Federal-aid system of highways, and secondarily, private or public sector plug-in electric drive fleet vehicles, but may also include—

(I) medium- and heavy-duty plug-in hybrid vehicles;

(II) low speed plug-in electric drive vehicles that meet Federal Motor Vehicle Safety Standards described in section 571.500 of title 49, Code of Federal Regulations; and

(III) any other plug-in electric drive vehicle authorized to travel on the United States Federal-aid system of highways; and

(vi) any other merit-based criteria, as determined by the Secretary.

(4) COMMUNITY DEPLOYMENT PLANS.—Plans for the deployment of plug-in electric drive vehicles shall include—

(A) a proposed level of cost sharing in accordance with subsection (d)(2)(C);

(B) documentation demonstrating a substantial partnership with relevant stakeholders, including—

(i) a list of stakeholders that includes—

(I) elected and appointed officials from each of the participating State, local, and tribal governments;

(II) all relevant generators and distributors of electricity;

(III) State utility regulatory authorities;

(IV) departments of public works and transportation;

(V) owners and operators of property that will be essential to the deployment of a sufficient level of publicly available charging infrastructure (including privately owned parking lots or structures and commercial entities with public access locations);

(VI) plug-in electric drive vehicle manufacturers or retailers;

(VII) third-party providers of residential, workplace, private, and publicly available charging infrastructure or services;

(VIII) owners of any major fleet that will participate in the program;

(IX) as appropriate, owners and operators of regional electric power distribution and transmission facilities; and

(X) as appropriate, other existing community coalitions recognized by the Department of Energy;

(ii) evidence of the commitment of the stakeholders to participate in the partnership;

(iii) a clear description of the role and responsibilities of each stakeholder; and

(iv) a plan for continuing the engagement and participation of the stakeholders, as appropriate, throughout the implementation of the deployment plan;

(C) a description of the number of plug-in electric drive vehicles anticipated to be plug-in electric drive personal vehicles and the number of plug-in electric drive vehicles anticipated to be privately owned fleet or public fleet vehicles;

(D) a plan for deploying residential, workplace, private, and publicly available charging infrastructure, including—

(i) an assessment of the number of consumers who will have access to private residential charging infrastructure in single-family or multifamily residences;

(ii) options for accommodating plug-in electric drive vehicle owners who are not able to charge vehicles at their place of residence;

(iii) an assessment of the number of consumers who will have access to workplace charging infrastructure;

(iv) a plan for ensuring that the charging infrastructure or plug-in electric drive vehicle be able to send and receive the information needed to interact with the grid and be compatible with smart grid technologies to the extent feasible;

(v) an estimate of the number and dispersion of publicly and privately owned charging stations that will be publicly or commercially available;

(vi) an estimate of the quantity of charging infrastructure that will be privately funded or located on private property; and

(vii) a description of equipment to be deployed, including assurances that, to the maximum extent practicable, equipment to be deployed will meet open, nonproprietary standards for connecting to plug-in electric drive vehicles that are either—

(I) commonly accepted by industry at the time the equipment is being acquired; or

(II) meet the standards developed by the Director of the National Institute of Stand-

ards and Technology under section 1305 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17385);

(E) a plan for effective marketing of and consumer education relating to plug-in electric drive vehicles, charging services, and infrastructure;

(F) descriptions of updated building codes (or a plan to update building codes before or during the grant period) to include charging infrastructure or dedicated circuits for charging infrastructure, as appropriate, in new construction and major renovations;

(G) descriptions of updated construction permitting or inspection processes (or a plan to update construction permitting or inspection processes) to allow for expedited installation of charging infrastructure for purchasers of plug-in electric drive vehicles, including a permitting process that allows a vehicle purchaser to have charging infrastructure installed in a timely manner;

(H) descriptions of updated zoning, parking rules, or other local ordinances as are necessary to facilitate the installation of publicly available charging infrastructure and to allow for access to publicly available charging infrastructure, as appropriate;

(I) a plan to ensure that each resident in a deployment community who purchases and registers a new plug-in electric drive vehicle throughout the duration of the deployment community receives, in addition to any Federal incentives, consumer benefits that may include—

(i) a rebate of part of the purchase price of the vehicle;

(ii) reductions in sales taxes or registration fees;

(iii) rebates or reductions in the costs of permitting, purchasing, or installing home plug-in electric drive vehicle charging infrastructure; and

(iv) rebates or reductions in State or local toll road access charges;

(J) additional consumer benefits, such as preferred parking spaces or single-rider access to high-occupancy vehicle lanes for plug-in electric drive vehicles;

(K) a proposed plan for making necessary utility and grid upgrades, including economically sound and cybersecure information technology upgrades and employee training, and a plan for recovering the cost of the upgrades;

(L) a description of utility, grid operator, or third-party charging service provider, policies and plans for accommodating the deployment of plug-in electric drive vehicles, including—

(i) rate structures or provisions and billing protocols for the charging of plug-in electric drive vehicles;

(ii) analysis of potential impacts to the grid;

(iii) plans for using information technology or third-party aggregators—

(I) to minimize the effects of charging on peak loads;

(II) to enhance reliability; and

(III) to provide other grid benefits;

(iv) plans for working with smart grid technologies or third-party aggregators for the purposes of smart charging and for allowing 2-way communication;

(M) a deployment timeline;

(N) a plan for monitoring and evaluating the implementation of the plan, including metrics for assessing the success of the deployment and an approach to updating the plan, as appropriate; and

(O) a description of the manner in which any grant funds applied for under subsection (d) will be used and the proposed local cost share for the funds.

(d) PHASE 1 APPLICATIONS AND GRANTS.—

(1) APPLICATIONS.—

(A) IN GENERAL.—Not later than 150 days after the date of publication by the Secretary of selection criteria described in subsection (c)(3), any State, tribal, or local government, or group of State, tribal, or local governments may apply to the Secretary to become a deployment community.

(B) JOINT SPONSORSHIP.—

(i) IN GENERAL.—An application submitted under subparagraph (A) may be jointly sponsored by electric utilities, automobile manufacturers, technology providers, carsharing companies or organizations, third-party plug-in electric drive vehicle service providers, or other appropriated entities.

(ii) DISBURSEMENT OF GRANTS.—A grant provided under this subsection shall only be disbursed to a State, tribal, or local government, or group of State, tribal, or local governments, regardless of whether the application is jointly sponsored under clause (i).

(2) GRANTS.—

(A) IN GENERAL.—In each application, the applicant may request up to \$100,000,000 in financial assistance from the Secretary to fund projects in the deployment community.

(B) USE OF FUNDS.—Funds provided through a grant under this paragraph may be used to help implement the plan for the deployment of plug-in electric drive vehicles included in the application, including—

(i) planning for and installing charging infrastructure, including offering additional incentives as described in subsection (c)(4)(I);

(ii) updating building codes, zoning or parking rules, or permitting or inspection processes as described in subparagraphs (F), (G), and (H) of subsection (c)(4);

(iii) reducing the cost and increasing the consumer adoption of plug-in electric drive vehicles through incentives as described in subsection (c)(4)(I);

(iv) workforce training, including training of permitting officials;

(v) public education and marketing described in the proposed marketing plan;

(vi) shifting State, tribal, or local government fleets to plug-in electric drive vehicles, at a rate in excess of the existing alternative fueled fleet vehicle acquisition requirements for Federal fleets under section 303(b)(1)(D) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)(1)(D)); and

(vii) necessary utility and grid upgrades as described in subsection (c)(4)(K).

(C) COST-SHARING.—

(i) IN GENERAL.—A grant provided under this paragraph shall be subject to a minimum non-Federal cost-sharing requirement of 20 percent.

(ii) NON-FEDERAL SOURCES.—The Secretary shall—

(I) determine the appropriate cost share for each selected applicant; and

(II) require that the Federal contribution to total expenditures on activities described in clauses (ii), (iv), (v), and (vi) of subparagraph (B) not exceed 30 percent.

(iii) REDUCTION.—The Secretary may reduce or eliminate the cost-sharing requirement described in clause (i), as the Secretary determines to be necessary.

(iv) CALCULATION OF AMOUNT.—In calculating the amount of the non-Federal share under this section, the Secretary—

(I) may include allowable costs in accordance with the applicable cost principles, including—

(aa) cash;

(bb) personnel costs;

(cc) the value of a service, other resource, or third party in-kind contribution deter-

mined in accordance with the applicable circular of the Office of Management and Budget;

(dd) indirect costs or facilities and administrative costs; or

(ee) any funds received under the power program of the Tennessee Valley Authority or any Power Marketing Administration (except to the extent that such funds are made available under an annual appropriation Act);

(II) shall include contributions made by State, tribal, or local government entities and private entities; and

(III) shall not include—

(aa) revenues or royalties from the prospective operation of an activity beyond the time considered in the grant;

(bb) proceeds from the prospective sale of an asset of an activity; or

(cc) other appropriated Federal funds.

(v) REPAYMENT OF FEDERAL SHARE.—The Secretary shall not require repayment of the Federal share of a cost-shared activity under this section as a condition of providing a grant.

(vi) TITLE TO PROPERTY.—The Secretary may vest title or other property interests acquired under projects funded under this title in any entity, including the United States.

(3) SELECTION.—Not later than 120 days after an application deadline has been established under paragraph (1), the Secretary shall announce the names of the deployment communities selected under this subsection.

(e) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Committee, shall—

(A) determine what data will be required to be collected by participants in deployment communities and submitted to the Department to allow for analysis of the deployment communities;

(B) provide for the protection of consumer privacy, as appropriate; and

(C) develop metrics to evaluate the performance of the deployment communities.

(2) PROVISION OF DATA.—As a condition of participation in the Program, a deployment community shall provide any data identified by the Secretary under paragraph (1).

(3) REPORTS.—Not later than 3 years after the date of enactment of this Act and again after the completion of the Program, the Secretary shall submit to Congress a report that contains—

(A) a description of the status of—

(i) the deployment communities and the implementation of the deployment plan of each deployment community;

(ii) the rate of vehicle deployment and market penetration of plug-in electric drive vehicles; and

(iii) the deployment of residential and publicly available infrastructure;

(B) a description of the challenges experienced and lessons learned from the program to date, including the activities described in subparagraph (A); and

(C) an analysis of the data collected under this subsection.

(f) PROPRIETARY INFORMATION.—The Secretary shall, as appropriate, provide for the protection of proprietary information and intellectual property rights.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,000,000,000.

(h) CONFORMING AMENDMENT.—Section 166(b)(5) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking “Before September 30, 2009, the State” and inserting “The State”; and

(2) in subparagraph (B), by striking “Before September 30, 2009, the State” and inserting “The State”.

SEC. 2117. FUNDING.

(a) TARGETED PLUG-IN ELECTRIC DRIVE VEHICLE DEPLOYMENT COMMUNITIES PROGRAM.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out section 2116 \$400,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out section 2116 the funds transferred under paragraph (1), without further appropriation.

(b) OTHER PROVISIONS.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subtitle (other than section 2116) \$100,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subtitle (other than section 2116) the funds transferred under paragraph (1), without further appropriation.

Subtitle B—Research and Development**SEC. 2121. RESEARCH AND DEVELOPMENT PROGRAM.**

(a) RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Committee, shall establish a program to fund research and development in advanced batteries, plug-in electric drive vehicle components, plug-in electric drive infrastructure, and other technologies supporting the development, manufacture, and deployment of plug-in electric drive vehicles and charging infrastructure.

(2) USE OF FUNDS.—The program may include funding for—

(A) the development of low-cost, smart-charging and vehicle-to-grid connectivity technology;

(B) the benchmarking and assessment of open software systems using nationally established evaluation criteria; and

(C) new technologies in electricity storage or electric drive components for vehicles.

(3) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the status of the program described in paragraph (1).

(b) SECONDARY USE APPLICATIONS PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Committee, shall carry out a research, development, and demonstration program that builds upon any work carried out under section 915 of the Energy Policy Act of 2005 (42 U.S.C. 16195) and—

(A) identifies possible uses of a vehicle battery after the useful life of the battery in a vehicle has been exhausted;

(B) assesses the potential for markets for uses described in subparagraph (A) to develop, as well as any barriers to the development of the markets;

(C) identifies the infrastructure, technology, and equipment needed to manage the charging activity of the batteries used in stationary sources; and

(D) identifies the potential uses of a vehicle battery—

(i) with the most promise for market development; and

(ii) for which market development would be aided by a demonstration project.

(2) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress an initial report on the findings of the program described in paragraph (1), including recommendations for stationary energy storage and other potential applications for batteries used in plug-in electric drive vehicles.

(c) **SECONDARY USE DEMONSTRATION PROJECTS.**—

(1) **IN GENERAL.**—Based on the results of the program described in subsection (b), the Secretary, in consultation with the Committee, shall develop guidelines for projects that demonstrate the secondary uses of vehicle batteries.

(2) **PUBLICATION OF GUIDELINES.**—Not later than 30 months after the date of enactment of this Act, the Secretary shall—

(A) publish the guidelines described in paragraph (1); and

(B) solicit applications for funding for demonstration projects.

(3) **GRANT PROGRAM.**—Not later than 38 months after the date of enactment of this Act, the Secretary shall select proposals for grant funding under this section, based on an assessment of which proposals are mostly likely to contribute to the development of a secondary market for batteries.

(d) **MATERIALS RECYCLING STUDY.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the Committee, shall carry out a study on the recycling of materials from plug-in electric drive vehicles and the batteries used in plug-in electric drive vehicles.

(2) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the findings of the study described in paragraph (1).

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$1,535,000,000, including—

(1) \$1,500,000,000 for use in conducting the program described in subsection (a) for fiscal years 2011 through 2020;

(2) \$5,000,000 for use in conducting the program described in subsection (b) for fiscal years 2011 through 2016;

(3) \$25,000,000 for use in providing grants described in subsection (c) for fiscal years 2011 through 2020; and

(4) \$5,000,000 for use in conducting the study described in subsection (d) for fiscal years 2011 through 2013.

SEC. 2122. ADVANCED BATTERIES FOR TOMORROW PRIZE.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, as part of the program described in section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396), the Secretary shall establish the Advanced Batteries for Tomorrow Prize to competitively award cash prizes in accordance with this section to advance the research, development, demonstration, and commercial application of a 500-mile vehicle battery.

(b) **BATTERY SPECIFICATIONS.**—

(1) **IN GENERAL.**—To be eligible for the Prize, a battery submitted by an entrant shall be—

(A) able to power a plug-in electric drive vehicle authorized to travel on the United States Federal-aid system of highways for at least 500 miles before recharging;

(B) of a size that would not be cost-prohibitive or create space constraints, if mass-produced; and

(C) cost-effective (measured in cost per kilowatt hour), if mass-produced.

(2) **ADDITIONAL REQUIREMENTS.**—The Secretary, in consultation with the Committee, shall establish any additional battery specifications that the Secretary and the Committee determine to be necessary.

(c) **PRIVATE FUNDS.**—

(1) **IN GENERAL.**—Subject to paragraph (2) and notwithstanding section 3302 of title 31, United States Code, the Secretary may accept, retain, and use funds contributed by any person, government entity, or organization for purposes of carrying out this subsection—

(A) without further appropriation; and

(B) without fiscal year limitation.

(2) **RESTRICTION ON PARTICIPATION.**—An entity providing private funds for the Prize may not participate in the competition for the Prize.

(d) **TECHNICAL REVIEW.**—The Secretary, in consultation with the Committee, shall establish a technical review committee composed of non-Federal officers to review data submitted by Prize entrants under this section and determine whether the data meets the prize specifications described in subsection (b).

(e) **THIRD PARTY ADMINISTRATION.**—The Secretary may select, on a competitive basis, a third party to administer awards provided under this section.

(f) **ELIGIBILITY.**—To be eligible for an award under this section—

(1) in the case of a private entity, the entity shall be incorporated in and maintain a primary place of business in the United States; and

(2) in the case of an individual (whether participating as a single individual or in a group), the individual shall be a citizen or lawful permanent resident of the United States.

(g) **AWARD AMOUNTS.**—

(1) **IN GENERAL.**—Subject to the availability of funds to carry out this section, the amount of the Prize shall be \$10,000,000.

(2) **BREAKTHROUGH ACHIEVEMENT AWARDS.**—In addition to the award described in paragraph (1), the Secretary, in consultation with the technical review committee established under subsection (d), may award cash prizes, in amounts determined by the Secretary, in recognition of breakthrough achievements in research, development, demonstration, and commercial application of—

(A) activities described in subsection (b); or

(B) advances in battery durability, energy density, and power density.

(h) **500-MILE BATTERY AWARD FUND.**—

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the “500-mile Battery Fund” (referred to in this section as the “Fund”), to be administered by the Secretary, to be available without fiscal year limitation and subject to appropriation, to award amounts under this section.

(2) **TRANSFERS TO FUND.**—The Fund shall consist of—

(A) such amounts as are appropriated to the Fund under subsection (i); and

(B) such amounts as are described in subsection (c) and that are provided for the Fund.

(3) **PROHIBITION.**—Amounts in the Fund may not be made available for any purpose other than a purposes described in subsection (a).

(4) **ANNUAL REPORTS.**—

(A) **IN GENERAL.**—Not later than 60 days after the end of each fiscal year beginning

with fiscal year 2012, the Secretary shall submit a report on the operation of the Fund during the fiscal year to—

(i) the Committees on Appropriations of the House of Representatives and of the Senate;

(ii) the Committee on Energy and Natural Resources of the Senate; and

(iii) the Committee on Energy and Commerce of the House of Representatives.

(B) **CONTENTS.**—Each report shall include, for the fiscal year covered by the report, the following:

(i) A statement of the amounts deposited into the Fund.

(ii) A description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.

(iii) Recommendations for additional authorities to fulfill the purpose of the Fund.

(iv) A statement of the balance remaining in the Fund at the end of the fiscal year.

(5) **SEPARATE APPROPRIATIONS ACCOUNT.**—Section 1105(a) of title 31, United States Code, is amended—

(A) by redesignating paragraphs (35) and (36) as paragraphs (36) and (37), respectively;

(B) by redesignating the second paragraph (33) (relating to obligational authority and outlays requested for homeland security) as paragraph (35); and

(C) by adding at the end the following:

“(38) a separate statement for the 500-mile Battery Fund established under section 8(h) of the ‘Promoting Electric Vehicles Act of 2010’, which shall include the estimated amount of deposits into the Fund, obligations, and outlays from the Fund.”

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated—

(1) \$10,000,000 to carry out subsection (g)(1); and

(2) \$1,000,000 to carry out subsection (g)(2).

SEC. 2123. STUDY ON THE SUPPLY OF RAW MATERIALS.

(a) **IN GENERAL.**—The Secretary of the Interior, in consultation with the Secretary and the Task Force, shall conduct a study that—

(1) identifies the raw materials needed for the manufacture of plug-in electric drive vehicles, batteries, and other components for plug-in electric drive vehicles, and for the infrastructure needed to support plug-in electric drive vehicles;

(2) describes the primary or original sources and known reserves and resources of those raw materials;

(3) assesses, in consultation with the National Academy of Sciences, the degree of risk to the manufacture, maintenance, deployment, and use of plug-in electric drive vehicles associated with the supply of those raw materials; and

(4) identifies pathways to securing reliable and resilient supplies of those raw materials.

(b) **REPORT.**—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a report that describes the results of the study.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$1,500,000.

SEC. 2124. STUDY ON THE COLLECTION AND PRESERVATION OF DATA COLLECTED FROM PLUG-IN ELECTRIC DRIVE VEHICLES.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Committee, shall enter into an agreement with the National Academy of Sciences under which the Academy shall conduct a study that—

(1) identifies—

(A) the data that may be collected from plug-in electric drive vehicles, including data on the location, charging patterns, and usage of plug-in electric drive vehicles;

(B) the scientific, economic, commercial, security, and historic potential of the data described in subparagraph (A); and

(C) any laws or regulations that relate to the data described in subparagraph (A); and

(2) analyzes and provides recommendations on matters that include procedures, technologies, and rules relating to the collection, storage, and preservation of the data described in paragraph (1)(A).

(b) **REPORT.**—Not later than 15 months after the date of an agreement between the Secretary and the Academy under subsection (a), the National Academy of Sciences shall submit to the appropriate committees of Congress a report that describes the results of the study under subsection (a).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$1,000,000.

Subtitle C—Miscellaneous

SEC. 2131. UTILITY PLANNING FOR PLUG-IN ELECTRIC DRIVE VEHICLES.

(a) **IN GENERAL.**—The Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended—

(1) in section 111(d) (16 U.S.C. 2621(d)), by adding at the end the following:

“(20) **PLUG-IN ELECTRIC DRIVE VEHICLE PLANNING.**—

“(A) **UTILITY PLAN FOR PLUG-IN ELECTRIC DRIVE VEHICLES.**—

“(i) **IN GENERAL.**—Not later than 2 years after the date of enactment of this paragraph, each electric utility shall develop a plan to support the use of plug-in electric drive vehicles, including medium- and heavy-duty hybrid electric vehicles in the service area of the electric utility.

“(ii) **REQUIREMENTS.**—A plan under clause (i) shall investigate—

“(I) various levels of potential penetration of plug-in electric drive vehicles in the utility service area;

“(II) the potential impacts that the various levels of penetration and charging scenarios (including charging rates and daily hours of charging) would have on generation, distribution infrastructure, and the operation of the transmission grid; and

“(III) the role of third parties in providing reliable and economical charging services.

“(iii) **WAIVER.**—

“(I) **IN GENERAL.**—An electric utility that determines that the electric utility will not be impacted by plug-in electric drive vehicles during the 5-year period beginning on the date of enactment of this paragraph may petition the Secretary to waive clause (i) for 5 years.

“(II) **APPROVAL.**—Approval of a waiver under subclause (I) shall be in the sole discretion of the Secretary.

“(iv) **UPDATES.**—

“(I) **IN GENERAL.**—Each electric utility shall update the plan of the electric utility every 5 years.

“(II) **RESUBMISSION OF WAIVER.**—An electric utility that received a waiver under clause (iii) and wants the waiver to continue after the expiration of the waiver shall be required to resubmit the waiver.

“(v) **EXEMPTION.**—If the Secretary determines that a plan required by a State regulatory authority meets the requirements of this paragraph, the Secretary may accept that plan and exempt the electric utility submitting the plan from the requirements of clause (i).

“(B) **SUPPORT REQUIREMENTS.**—Each State regulatory authority (in the case of each electric utility for which the authority has ratemaking authority) and each municipal and cooperative utility shall—

“(i) participate in any local plan for the deployment of recharging infrastructure in communities located in the footprint of the authority or utility;

“(ii) require that charging infrastructure deployed is interoperable with products of all auto manufacturers to the maximum extent practicable; and

“(iii) consider adopting minimum requirements for deployment of electrical charging infrastructure and other appropriate requirements necessary to support the use of plug-in electric drive vehicles.

“(C) **COST RECOVERY.**—Each State regulatory authority (in the case of each electric utility for which the authority has ratemaking authority) and each municipal and cooperative utility may consider whether, and to what extent, to allow cost recovery for plans and implementation of plans.

“(D) **DETERMINATION.**—Not later than 3 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority), and each municipal and cooperative electric utility, shall complete the consideration, and shall make the determination, referred to in subsection (a) with respect to the standard established by this paragraph.”;

(2) in section 112(c) (16 U.S.C. 2622(c))—

(A) in the first sentence, by striking “Each State” and inserting the following:

“(1) **IN GENERAL.**—Each State”;

(B) in the second sentence, by striking “In the case” and inserting the following:

“(2) **SPECIFIC STANDARDS.**—

“(A) **NET METERING AND FOSSIL FUEL GENERATION EFFICIENCY.**—In the case”;

(C) in the third sentence, by striking “In the case” and inserting the following:

“(B) **TIME-BASED METERING AND COMMUNICATIONS.**—In the case”;

(D) in the fourth sentence—

(i) by striking “In the case” and inserting the following:

“(C) **INTERCONNECTION.**—In the case”;

(ii) by striking “paragraph (15)” and inserting “paragraph (15) of section 111(d)”;

(E) in the fifth sentence, by striking “In the case” and inserting the following:

“(D) **INTEGRATED RESOURCE PLANNING, RATE DESIGN MODIFICATIONS, SMART GRID INVESTMENTS, SMART GRID INFORMATION.**—In the case”;

(F) by adding at the end the following:

“(E) **PLUG-IN ELECTRIC DRIVE VEHICLE PLANNING.**—In the case of the standards established by paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph.”; and

(3) in section 112(d) (16 U.S.C. 2622(d)), in the matter preceding paragraph (1), by striking “(19)” and inserting “(20)”.

(b) **REPORT.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the Technical Advisory Committee, shall convene a group of utility stakeholders, charging infrastructure providers, third party aggregators, and others, as appropriate, to discuss and determine the potential models for the technically and logistically challenging issues involved in using electricity as a fuel for vehicles, including—

(A) accommodation for billing for charging a plug-in electric drive vehicle, both at home

and at publicly available charging infrastructure;

(B) plans for anticipating vehicle to grid applications that will allow batteries in cars as well as banks of batteries to be used for grid storage, ancillary services provision, and backup power;

(C) integration of plug-in electric drive vehicles with smart grid, including protocols and standards, necessary equipment, and information technology systems; and

(D) any other barriers to installing sufficient and appropriate charging infrastructure.

(2) **REPORT.**—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to the appropriate committees of Congress a report that includes—

(A) the issues and model solutions described in paragraph (1); and

(B) any other issues that the Task Force and Secretary determine to be appropriate.

SEC. 2132. LOAN GUARANTEES.

(a) **LOAN GUARANTEES FOR ADVANCED BATTERY PURCHASES FOR USE IN STATIONARY APPLICATIONS.**—Subtitle B of title I of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011 et seq.) is amended by adding at the end the following:

“SEC. 137. LOAN GUARANTEES FOR ADVANCED BATTERY PURCHASES.

“(a) **DEFINITIONS.**—In this section:

“(1) **QUALIFIED AUTOMOTIVE BATTERY.**—The term ‘qualified automotive battery’ means a battery that—

“(A) has at least 4 kilowatt hours of battery capacity; and

“(B) is designed for use in qualified plug-in electric drive motor vehicles but is purchased for nonautomotive applications.

“(2) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means—

“(A) an original equipment manufacturer;

“(B) an electric utility;

“(C) any provider of range extension infrastructure; or

“(D) any other qualified entity, as determined by the Secretary.

“(b) **LOAN GUARANTEES.**—

“(1) **IN GENERAL.**—The Secretary shall guarantee loans made to eligible entities for the aggregate purchase of not less than 200 qualified automotive batteries in a calendar year that have a total minimum power rating of 1 megawatt and use advanced battery technology.

“(2) **RESTRICTION.**—As a condition of receiving a loan guarantee under this section, an entity purchasing qualified automotive batteries with loan funds guaranteed under this section shall comply with the provisions of the Buy American Act (41 U.S.C. 10a et seq.).

“(c) **REGULATIONS.**—The Secretary shall promulgate such regulations as are necessary to carry out this section.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$50,000,000.”.

(b) **LOAN GUARANTEES FOR CHARGING INFRASTRUCTURE.**—Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

“(4) Charging infrastructure and networks of charging infrastructure for plug-in drive electric vehicles, if the charging infrastructure will be operational prior to December 31, 2016.”.

SEC. 2133. PROHIBITION ON DISPOSING OF ADVANCED BATTERIES IN LANDFILLS.

(a) **DEFINITION OF ADVANCED BATTERY.**—

(1) **IN GENERAL.**—In this section, the term “advanced battery” means a battery that is

a secondary (rechargeable) electrochemical energy storage device that has enhanced energy capacity.

(2) **EXCLUSIONS.**—The term “advanced battery” does not include—

(A) a primary (nonrechargeable) battery; or

(B) a lead-acid battery that is used to start or serve as the principal electrical power source for a plug-in electric drive vehicle.

(b) **REQUIREMENT.**—An advanced battery from a plug-in electric drive vehicle shall be disposed of in accordance with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the “Resource Conservation and Recovery Act of 1976”).

SEC. 2134. PLUG-IN ELECTRIC DRIVE VEHICLE TECHNICAL ADVISORY COMMITTEE.

(a) **IN GENERAL.**—There is established the Plug-in Electric Drive Vehicle Technical Advisory Committee to advise the Secretary on the programs and activities under this title.

(b) **MISSION.**—The mission of the Committee shall be to advise the Secretary on technical matters, including—

(1) the priorities for research and development;

(2) means of accelerating the deployment of safe, economical, and efficient plug-in electric drive vehicles for mass market adoption;

(3) the development and deployment of charging infrastructure;

(4) the development of uniform codes, standards, and safety protocols for plug-in electric drive vehicles and charging infrastructure; and

(5) reporting on the competitiveness of the United States in plug-in electric drive vehicle and infrastructure research, manufacturing, and deployment.

(c) **MEMBERSHIP.**—

(1) **MEMBERS.**—

(A) **IN GENERAL.**—The Committee shall consist of not less than 12, but not more than 25, members.

(B) **REPRESENTATION.**—The Secretary shall appoint the members to Committee from among representatives of—

(i) domestic industry;

(ii) institutions of higher education;

(iii) professional societies;

(iv) Federal, State, and local governmental agencies (including the National Laboratories); and

(v) financial, transportation, labor, environmental, electric utility, or other appropriate organizations or individuals with direct experience in deploying and marketing plug-in electric drive vehicles, as the Secretary determines to be necessary.

(2) **TERMS.**—

(A) **IN GENERAL.**—The term of a Committee member shall not be longer than 3 years.

(B) **STAGGERED TERMS.**—The Secretary may appoint members to the Committee for differing term lengths to ensure continuity in the functioning of the Committee.

(C) **REAPPOINTMENTS.**—A member of the Committee whose term is expiring may be reappointed.

(3) **CHAIRPERSON.**—The Committee shall have a chairperson, who shall be elected by and from the members.

(d) **REVIEW.**—The Committee shall review and make recommendations to the Secretary on the implementation of programs and activities under this title.

(e) **RESPONSE.**—

(1) **IN GENERAL.**—The Secretary shall consider and may adopt any recommendation of the Committee under subsection (c).

(2) **BIENNIAL REPORT.**—

(A) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act and

every 2 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report describing any new recommendations of the Committee.

(B) **CONTENTS.**—The report shall include—

(i) a description of the manner in which the Secretary has implemented or plans to implement the recommendations of the Committee; or

(ii) an explanation of the reason that a recommendation of the Committee has not been implemented.

(C) **TIMING.**—The report described in this paragraph shall be submitted by the Secretary at the same time the President submits the budget proposal for the Department of Energy to Congress.

(f) **COORDINATION.**—The Committee shall—

(1) hold joint annual meetings with the Hydrogen and Fuel Cell Technical Advisory Committee established by section 807 of the Energy Policy Act of 2005 (42 U.S.C. 16156) to help coordinate the work and recommendations of the Committees; and

(2) coordinate efforts, to the maximum extent practicable, with all existing independent, departmental, and other advisory Committees, as determined to be appropriate by the Secretary.

(g) **SUPPORT.**—The Secretary shall provide to the Committee the resources necessary to carry out this section, as determined to be necessary by the Secretary.

SEC. 2135. PLUG-IN ELECTRIC DRIVE VEHICLE INTERAGENCY TASK FORCE.

(a) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, the President shall establish the Plug-in Electric Drive Vehicle Interagency Task Force, to be chaired by the Secretary and which shall consist of at least 1 representative from each of—

(1) the Office of Science and Technology Policy;

(2) the Council on Environmental Quality;

(3) the Department of Energy;

(4) the Department of Transportation;

(5) the Department of Defense;

(6) the Department of Commerce (including the National Institute of Standards and Technology);

(7) the Environmental Protection Agency;

(8) the General Services Administration; and

(9) any other Federal agencies that the President determines to be appropriate.

(b) **MISSION.**—The mission of the Task Force shall be to ensure awareness, coordination, and integration of the activities of the Federal Government relating to plug-in electric drive vehicles, including—

(1) plug-in electric drive vehicle research and development (including necessary components);

(2) the development of widely accepted smart-grid standards and protocols for charging infrastructure;

(3) the relationship of plug-in electric drive vehicle charging practices to electric utility regulation;

(4) the relationship of plug-in electric drive vehicle deployment to system reliability and security;

(5) the general deployment of plug-in electric drive vehicles in the Federal, State, and local governments and for private use;

(6) the development of uniform codes, standards, and safety protocols for plug-in electric drive vehicles and charging infrastructure; and

(7) the alignment of international plug-in electric drive vehicle standards.

(c) **ACTIVITIES.**—

(1) **IN GENERAL.**—In carrying out this section, the Task Force may—

(A) organize workshops and conferences;

(B) issue publications; and

(C) create databases.

(2) **MANDATORY ACTIVITIES.**—In carrying out this section, the Task Force shall—

(A) foster the exchange of generic, nonproprietary information and technology among industry, academia, and the Federal Government;

(B) integrate and disseminate technical and other information made available as a result of the programs and activities under this title;

(C) support education about plug-in electric drive vehicles;

(D) monitor, analyze, and report on the effects of plug-in electric drive vehicle deployment on the environment and public health, including air emissions from vehicles and electricity generating units; and

(E) review and report on—

(i) opportunities to use Federal programs (including laws, regulations, and guidelines) to promote the deployment of plug-in electric drive vehicles; and

(ii) any barriers to the deployment of plug-in electric drive vehicles, including barriers that are attributable to Federal programs (including laws, regulations, and guidelines).

(d) **AGENCY COOPERATION.**—A Federal agency—

(1) shall cooperate with the Task Force; and

(2) provide, on request of the Task Force, appropriate assistance in carrying out this section, in accordance with applicable Federal laws (including regulations).

DIVISION C—CLEAN ENERGY JOBS AND CONSUMER SAVINGS

TITLE XXX—HOME STAR RETROFIT REBATE PROGRAM

SEC. 3001. SHORT TITLE.

This title may be cited as the “Home Star Retrofit Act of 2010”.

SEC. 3002. DEFINITIONS.

In this title:

(1) **ACCREDITED CONTRACTOR.**—The term “accredited contractor” means a residential energy efficiency contractor that meets the minimum applicable requirements established under subsections (a) and (b) of section 3004.

(2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(3) **BPI.**—The term “BPI” means the Building Performance Institute.

(4) **CERTIFIED WORKFORCE.**—The term “certified workforce” means a residential efficiency construction workforce in which all persons performing installation work in the areas of building envelope retrofits, duct sealing, or any other additional skill category designated by the Secretary of Labor, in consultation with stakeholders and the Secretary of Energy, are certified through an existing certification that covers the appropriate job skills under—

(A) an applicable third party skills standard established—

(i) by the BPI;

(ii) by the North American Technician Excellence;

(iii) by the Laborers’ International Union of North America;

(B) an applicable third party skills standard established in the State in which the work is to be performed, pursuant to a program operated by the Home Builders Institute in connection with Ferris State University, to be effective beginning on the date that is 30 days after the date notice is provided by those organizations to the Secretary that the program has been established

in the State unless the Secretary determines, not later than 30 days after the date of the notice, that the standard or certification does not equal in quality the standards and certifications described in subparagraph (A); or

(C) other standards that the Secretary shall approve not later than 30 days after the date of submission, in consultation with the Secretary of Labor and the Administrator.

(5) **CONDITIONED SPACE.**—The term “conditioned space” means the area of a home that is—

- (A) intended for habitation; and
- (B) intentionally heated or cooled.

(6) **CONTRACTOR.**—The term “contractor” means a residential efficiency contracting business entity.

(7) **DOE.**—The term “DOE” means the Department of Energy.

(8) **ELECTRIC UTILITY.**—The term “electric utility” means any person or State agency that delivers or sells electric energy at retail, including unregulated utilities and utilities that are subject to State regulation and Federal power marketing administrations.

(9) **EPA.**—The term “EPA” means the Environmental Protection Agency.

(10) **FEDERAL REBATE PROCESSING SYSTEM.**—The term “Federal Rebate Processing System” means the Federal Rebate Processing System established under section 3003(b).

(11) **GOLD STAR HOME RETROFIT PROGRAM.**—The term “Gold Star Home Retrofit Program” means the Gold Star Home Retrofit Program established under section 3008.

(12) **HOME.**—The term “home” means a principal residential dwelling unit in a building with no more than 4 dwelling units that—

- (A) is located in the United States; and
- (B) was constructed before the date of enactment of this Act.

(13) **HOMEOWNER.**—The term “homeowner” means the resident or non-resident owner of record of a home.

(14) **HOME STAR LOAN PROGRAM.**—The term “Home Star loan program” means the Home Star efficiency loan program established under section 3015(a).

(15) **HOME STAR RETROFIT REBATE PROGRAM.**—The term “Home Star Retrofit Rebate Program” means the Home Star Retrofit Rebate Program established under section 3003(a).

(16) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(17) **NATURAL GAS UTILITY.**—The term “natural gas utility” means any person or State agency that transports, distributes, or sells natural gas at retail, including unregulated utilities and utilities that are subject to State regulation.

(18) **QUALIFIED CONTRACTOR.**—The term “qualified contractor” means a contractor that meets minimum applicable requirements established under section 3004(a).

(19) **QUALITY ASSURANCE FRAMEWORK.**—The term “quality assurance framework” means a policy adopted by a State to develop high standards for ensuring quality in ongoing efficiency retrofit activities in which the State has a role, including operation of the quality assurance program and creating significant employment opportunities, in particular for targeted workers.

(20) **QUALITY ASSURANCE PROGRAM.**—

(A) **IN GENERAL.**—The term “quality assurance program” means a program established under this title or recognized by the Sec-

retary under this title, to oversee the delivery of home efficiency retrofit programs to ensure that work is performed in accordance with standards and criteria established under this title.

(B) **INCLUSIONS.**—For purposes of subparagraph (A), delivery of retrofit programs includes delivery of quality assurance reviews of rebate applications and field inspections for a portion of customers receiving rebates and conducted by a quality assurance provider, with the consent of participating consumers and without delaying rebate payments to participating contractors.

(21) **QUALITY ASSURANCE PROVIDER.**—The term “quality assurance provider” means any entity that meets the minimum applicable requirements established under section 3006.

(22) **REBATE AGGREGATOR.**—The term “rebate aggregator” means an entity that meets the requirements of section 3005.

(23) **RESNET.**—The term “RESNET” means the Residential Energy Services Network, which is a nonprofit certification and standard setting organization for home energy raters that evaluate the energy performance of a home.

(24) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(25) **SILVER STAR HOME RETROFIT PROGRAM.**—The term “Silver Star Home Retrofit Program” means the Silver Star Home Retrofit Program established under section 3007.

(26) **STATE.**—The term “State” means—

- (A) a State;
- (B) the District of Columbia;
- (C) the Commonwealth of Puerto Rico;
- (D) Guam;
- (E) American Samoa;
- (F) the Commonwealth of the Northern Mariana Islands;
- (G) the United States Virgin Islands; and
- (H) any other territory or possession of the United States.

(27) **TARGETED WORKER.**—The term “targeted worker” means—

- (A) an individual who (as determined by the Secretary of Labor, in consultation with the Secretary of Energy)—
 - (i) is old enough to be employed under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and State law;
 - (ii) resides in an area with high or chronic unemployment and low median household incomes; and
 - (iii) is unemployed or underemployed; or
- (B) a veteran of Operation Iraqi Freedom or Operation Enduring Freedom.

(28) **VENDOR.**—The term “vendor” means any retailer that sells directly to homeowners and contractors the materials used for the savings measures under section 3007.

(29) **WATERSENSE PRODUCT OR SERVICE.**—The term “WaterSense product or service” means a water-efficient product or service that meets specifications established by the Administrator under the WaterSense Program of the Environmental Protection Agency.

SEC. 3003. HOME STAR RETROFIT REBATE PROGRAM.

(a) **IN GENERAL.**—The Secretary shall establish the Home Star Retrofit Rebate Program.

(b) **FEDERAL REBATE PROCESSING SYSTEM.**—

(1) **REQUIREMENTS.**—

(A) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury and the Administrator, shall—

- (i) establish a Federal Rebate Processing System which shall serve as a database and information technology system that will

allow rebate aggregators to submit claims for reimbursement using standard data protocols;

(ii) establish a national retrofit website that provides information on the Home Star Retrofit Rebate Program, including—

(I) how to determine whether particular efficiency measures are eligible for rebates; and

(II) how to participate in the program;

(iii) make available, on a designated website, model forms for compliance with all applicable requirements of this title, to be submitted by—

(I) each qualified contractor on completion of an eligible home retrofit;

(II) each quality assurance provider on completion of field verification; and

(III) each purchaser of a WaterSense product or service; and

(iv) subject to section 3016, provide such administrative and technical support to rebate aggregators and States as is necessary to carry out this title.

(B) **DISTRIBUTION OF FUNDS.**—Not later than 10 days after the date of receipt of bundled rebate applications from a rebate aggregator, the Secretary shall distribute funds to the rebate aggregator on approved claims for reimbursement made to the Federal Rebate Processing System.

(C) **FUNDING AVAILABILITY.**—The Secretary shall post, on a weekly basis, on the national retrofit website established under subparagraph (A)(ii) information on—

- (i) the total number of rebate claims approved for reimbursement; and
- (ii) the total amount of funds disbursed for rebates.

(D) **PROGRAM ADJUSTMENT OR TERMINATION.**—Based on the information described in subparagraph (C), the Secretary shall announce a termination date and reserve funding to process the rebate applications that are in the Federal Rebate Processing System prior to the termination date to ensure that all valid applications made to the program for rebate reimbursement are paid.

(2) **MODEL FORMS.**—In carrying out this section, the Secretary shall consider the model forms developed by the National Home Performance Council.

(c) **ADMINISTRATIVE AND TECHNICAL SUPPORT.**—Effective beginning not later than 30 days after the date of enactment of this Act, the Secretary shall provide such administrative and technical support to rebate aggregators and States as is necessary to carry out this title.

(d) **PUBLIC INFORMATION CAMPAIGN.**—Not later than 60 days after the date of enactment of this Act, the Administrator shall develop and implement a public education campaign that describes, at a minimum—

(1) the benefits of home energy and water-saving retrofits;

(2) the availability of rebates for—

(A) the installation of qualifying efficiency measures; and

(B) whole home efficiency improvements; and

(3) the requirements for qualified contractors and accredited contractors.

(e) **LIMITATION.**—Silver Star rebates provided under section 3007 and Gold Star rebates provided under section 3008 may be provided for the same home only if—

(1) Silver Star rebates are awarded prior to the Gold Star rebates;

(2) savings obtained from measures under the Silver Star Home Retrofit Program are not counted towards the simulated savings that determine the value of a rebate under the Gold Star Home Retrofit Program; and

(3) the combined Silver Star and Gold Star rebates provided to the individual homeowner do not exceed \$8,000.

(f) **AVAILABILITY.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall ensure that Home Star retrofit rebates are available to all homeowners in the United States to the maximum extent practicable.

SEC. 3004. CONTRACTORS.

(a) **CONTRACTOR QUALIFICATIONS FOR SILVER STAR HOME RETROFIT PROGRAM.**—A contractor may perform retrofit work under the Silver Star Home Retrofit Program only if the contractor meets or provides—

(1) all applicable contractor licensing requirements established by the applicable State or, if none exist at the State level, the Secretary;

(2) insurance coverage of at least \$1,000,000 for general liability, and for such other purposes and in such other amounts as required by the State;

(3) warranties to homeowners that completed work will—

(A) be free of significant defects;

(B) be installed in accordance with the specifications of the manufacturer; and

(C) perform properly for a period of at least 1 year after the date of completion of the work;

(4) an agreement to provide the owner of a home, through a discount, the full economic value of all rebates received under this title with respect to the home; and

(5) an agreement to provide the homeowner, before a contract is executed between the contractor and a homeowner covering the eligible work, a notice of—

(A) the rebate amount the contractor intends to apply for with respect to eligible work under this title; and

(B) the means by which the rebate will be passed through as a discount to the homeowner.

(b) **CONTRACTOR QUALIFICATIONS FOR GOLD STAR HOME RETROFIT PROGRAM.**—

(1) **IN GENERAL.**—A contractor may perform retrofit work under the Gold Star Home Retrofit Program only if the contractor—

(A) meets the requirements for qualified contractors under subsection (a);

(B) is accredited—

(i) by the BPI; or

(ii) under other standards that the Secretary shall approve not later than 30 days after the date of submission, in consultation with the Administrator, under an equivalent accreditation approved by the Secretary under which the contractor, at a minimum—

(I) educates the consumer on the value of comprehensive energy retrofit work;

(II) meets whole house contracting standards in conducting home performance work relating to home energy auditing, health and safety testing, heating, air-conditioning, and heat pumps;

(III) employs sufficient levels of staff who are certified to the standards covering the appropriate whole house energy audits and retrofit upgrades;

(IV) maintains calibrated diagnostic equipment for use in conducting energy retrofitting, assessment, and health and safety testing on the house;

(V) records and maintains all project information for review during the quality assurance inspection;

(VI) maintains quality assurance records of internal reviews of the operation and performance of the business;

(VII) adopts a customer dispute resolution policy that establishes a specific time line in resolving any disputes with the consumer; and

(VIII) meets such other standards as are required by the Secretary;

(C) except as provided in paragraph (2), effective 1 year after the date on which funds are provided under this title, employs a certified workforce; and

(D) effective beginning 1 year after the date of enactment of this Act, meets all requirements of an applicable State quality assurance framework.

(2) **EXCEPTION.**—A contractor described in paragraph (1)(C) may employ a person who is not certified to perform installation work covered under section 3002(4) if the employee—

(A) has not worked for the contractor or on Home Star projects for a period of more than 180 days;

(B) is supervised on each project by a fellow employee who is certified under section 3002(4) to perform the applicable covered work;

(C) is the only person who performs covered installation work on a project and has not been certified under section 3002(4); and

(D) is directly employed by the contractor or the subcontractor of the contractor, and not self employed, or employed through a temporary employment agency, staffing service, or other intermediary.

(c) **HEALTH AND SAFETY REQUIREMENTS.**—Nothing in this title relieves any contractor from the obligation to comply with applicable Federal, State, and local health and safety code requirements.

SEC. 3005. REBATE AGGREGATORS.

(a) **IN GENERAL.**—The Secretary shall develop a network of rebate aggregators that can facilitate the delivery of rebates to participating contractors and vendors for discounts provided to homeowners for efficiency retrofit work.

(b) **RESPONSIBILITIES.**—Rebate aggregators shall—

(1) review the proposed rebate application for completeness and accuracy;

(2) review measures under the Silver Star Home Retrofit Program and savings under the Gold Star Home Retrofit Program for eligibility in accordance with this title;

(3) provide data to the Federal Data Processing Center consistent with data protocols established by the Secretary; and

(4) distribute funds received from DOE to contractors, vendors, or other persons.

(c) **PROCESSING REBATE APPLICATIONS.**—A rebate aggregator shall—

(1) submit the rebate application to the Federal Rebate Processing Center not later than 14 days after the date of receipt of a rebate application from a contractor; and

(2) distribute funds to the contractor not later than 6 days after the date of receipt from the Federal Rebate Processing System.

(d) **ELIGIBILITY.**—To be eligible to apply to the Secretary for approval as a rebate aggregator, an entity shall be—

(1) a Home Performance with Energy Star partner;

(2) an entity administering a residential efficiency retrofit program established or approved by a State;

(3) a Federal Power Marketing Administration, an electric utility, or a natural gas utility that has—

(A) an approved residential efficiency retrofit program; and

(B) an established quality assurance provider network; or

(4) an entity that demonstrates to the Secretary that the entity can perform the functions of an rebate aggregator, without disrupting existing residential retrofits in the States that are incorporating the Home Star Program, including demonstration of—

(A) corporate status or status as a State or local government;

(B) the capability to provide electronic data to the Federal Rebate Processing System;

(C) a financial system that is capable of tracking the distribution of rebates to participating contractors; and

(D) coordination and cooperation by the entity with the appropriate State office regarding participation in the existing efficiency programs that will be delivering the Home Star Program.

(e) **APPLICATION TO BECOME A REBATE AGGREGATOR.**—Not later than 30 days after the date of receipt of an application of an entity seeking to become a rebate aggregator, the Secretary shall approve or deny the application on the basis of the eligibility criteria under subsection (d).

(f) **APPLICATION PRIORITY.**—In reviewing applications from entities seeking to become rebate aggregators, the Secretary shall give priority to entities that commit—

(1) to reviewing applications for participation in the program from all qualified contractors within a defined geographic region; and

(2) to processing rebate applications more rapidly than the minimum requirements established under the program.

(g) **PUBLIC UTILITY COMMISSION EFFICIENCY TARGETS.**—The Secretary shall—

(1) develop guidelines for States to use to allow utilities participating as rebate aggregators to count the savings from the participation of the utilities toward State-level savings targets; and

(2) work with States to assist in the adoption of the guidelines for the purposes and duration of the Home Star Retrofit Rebate Program.

SEC. 3006. QUALITY ASSURANCE PROVIDERS.

(a) **IN GENERAL.**—An entity shall be considered a quality assurance provider under this title if the entity—

(1) is independent of the contractor;

(2) confirms the qualifications of contractors or installers of home efficiency retrofits;

(3) confirms compliance with the requirements of a “certified workforce”; and

(4) performs field inspections and other measures required to confirm the compliance of the retrofit work under the Silver Star program, and the retrofit work and the use of software simulation savings under the Gold Star program, based on the requirements of this title.

(b) **INCLUSIONS.**—An entity shall be considered a quality assurance provider under this title if the entity is qualified through—

(1) the International Code Council;

(2) the BPI;

(3) the RESNET;

(4) a State;

(5) a State-approved residential efficiency retrofit program; or

(6) any other entity designated by the Secretary, in consultation with the Administrator.

SEC. 3007. SILVER STAR HOME RETROFIT PROGRAM.

(a) **IN GENERAL.**—If the energy-efficiency or water-saving retrofit of a home is carried out after the date of enactment of this Act in accordance with this section, a rebate shall be awarded for the energy or water savings retrofit of a home for the installation of savings measures—

(1) selected from the list of energy and water savings measures described in subsection (b);

(2) installed in the home by a qualified contractor not later than 1 year after the date of enactment of this Act;

(3) carried out in compliance with this section; and

(4) subject to the maximum amount limitations established under subsection (d)(4).

(b) ENERGY AND WATER SAVINGS MEASURES.—Subject to subsection (c), a rebate shall be awarded under this section for the installation of the following energy or water savings measures for a home energy or water retrofit that meet technical standards established under this section:

(1) Whole house air-sealing measures (including interior and exterior measures and using sealants, caulks, insulating foams, gaskets, weather-stripping, mastics, and other building materials), in accordance with BPI standards or other procedures approved by the Secretary.

(2) Attic insulation measures that—

(A) include sealing of air leakage between the attic and the conditioned space, in accordance with BPI standards or the attic portions of the DOE or EPA thermal bypass checklist or other procedures approved by the Secretary;

(B) add at least R-19 insulation to existing insulation;

(C) result in at least R-38 insulation in DOE climate zones 1 through 4 and at least R-49 insulation in DOE climate zones 5 through 8, including existing insulation, within the limits of structural capacity; and

(D) cover at least—

(i) 100 percent of an accessible attic; or

(ii) 75 percent of the total conditioned footprint of the house.

(3) Duct seal or replacement that—

(A) is installed in accordance with BPI standards or other procedures approved by the Secretary; and

(B) in the case of duct replacement, replaces and seals at least 50 percent of a distribution system of the home.

(4) Wall insulation that—

(A) is installed in accordance with BPI standards or other procedures approved by the Secretary;

(B) is to full-stud thickness; and

(C) covers at least 75 percent of the total external wall area of the home.

(5) Crawl space insulation or basement wall and rim joist insulation that is installed in accordance with BPI standards or other procedures approved by the Secretary—

(A) covers at least 500 square feet of crawl space or basement wall and adds at least—

(i) R-19 of cavity insulation or R-15 of continuous insulation to existing crawl space insulation; or

(ii) R-13 of cavity insulation or R-10 of continuous insulation to basement walls; and

(B) fully covers the rim joist with at least R-10 of new continuous or R-13 of cavity insulation.

(6) Window replacement that replaces at least 8 exterior windows, or 75 percent of the exterior windows in a home, whichever is less, with windows that—

(A) are certified by the National Fenestration Rating Council; and

(B) comply with criteria applicable to windows under section 25(c) of the Internal Revenue Code of 1986.

(7) Door replacement that replaces at least 1 exterior door with doors that comply with criteria applicable to doors under the 2010 Energy Star specification for doors.

(8) Skylight replacement that replaces at least 1 skylight with skylights that comply with criteria applicable to skylights under

the 2010 Energy Star specification for skylights.

(9)(A) Heating system replacement with—

(i) a natural gas or propane furnace with an AFUE rating of 95 or greater;

(ii) a natural gas or propane boiler with an AFUE rating of 90 or greater;

(iii) an oil furnace with an AFUE rating of 86 or greater and that uses an electrically commutated blower motor;

(iv) an oil boiler with an AFUE rating of 86 or greater and that has temperature reset or thermal purge controls; or

(v) a wood or wood pellet furnace, boiler, or stove, if—

(I) the new system—

(aa) meets at least 75 percent of the heating demands of the home; and

(bb) in the case of a wood stove, replaces an existing wood stove with a stove that is EPA-certified, if a voucher is provided by the installer or other responsible party certifying that the old stove has been removed and made inoperable;

(II) the home has a distribution system (such as ducts, vents, blowers, or affixed fans) that allows heat from the wood stove, furnace, or boiler to reach all or most parts of the home; and

(III) an independent test laboratory approved by the Secretary or the Administrator certifies that the new system—

(aa) has thermal efficiency (with a lower heating value) of at least 75 percent for stoves and 80 percent for furnaces and boilers; and

(bb) has particulate emissions of less than 3.0 grams per hour for wood stoves or pellet stoves, and less than 0.32 lbs per million BTU for outdoor boilers and furnaces.

(B) A rebate may be provided under this section for the replacement of a furnace or boiler described in clauses (i) through (iv) of subparagraph (A) only if the new furnace or boiler is installed in accordance with ANSI/ACCA Standard 5 QI – 2007.

(10) Automatic water temperature controllers that vary boiler water temperature in response to changes in outdoor temperature or the demand for heat, if the retrofit is to an existing boiler and not in conjunction with a new boiler.

(11) Air-conditioner or heat-pump replacement with a new unit that—

(A) is installed in accordance with ANSI/ACCA Standard 5 QI–2007; and

(B) meets or exceeds—

(i) in the case of an air-source conditioner, SEER 16 and EER 13;

(ii) in the case of an air-source heat pump, SEER 15, EER 12.5, and HSPF 8.5; and

(iii) in the case of a geothermal heat pump, Energy Star tier 2 efficiency requirements.

(12) Replacement of or with—

(A) a natural gas or propane water heater with a condensing storage water heater with an energy factor of 0.80 or more or a condensing storage water heater or tankless water heater with a thermal efficiency of 90 percent or more;

(B) a tankless natural gas or propane water heater with an energy factor of at least .82;

(C) a natural gas or propane storage water heater with an energy factor of at least .67;

(D) an indirect water heater with an insulated storage tank that—

(i) has a storage capacity of at least 30 gallons and is insulated to at least R-16; and

(ii) is installed in conjunction with a qualifying boiler described in paragraph (7);

(E) an electric water heater with an energy factor of 2.0 or more;

(F) a water heater with a solar hot water system that—

(i) is certified by the Solar Rating and Certification Corporation under specification SRCC-OG-300; or

(ii) meets technical standards established by the State of Hawaii; or

(G) a water heater installed in conjunction with a qualifying geothermal heat pump described in paragraph (11) that provides domestic water heating through the use of—

(i) year-round demand water heating capability; or

(ii) a desuperheater.

(13) Storm windows that—

(A) are installed on at least 5 single-glazed windows that do not have storm windows;

(B) are installed in a home listed on or eligible for listing in the National Register of Historic Places; and

(C) comply with any procedures that the Secretary may establish for storm windows (including installation).

(14) Roof replacement that replaces at least 75 percent of the roof area with energy-saving roof products certified under the Energy Star program.

(15) Window films that are installed on at least 8 exterior windows, doors, or skylights, or 75 percent of the total exterior square footage of glass, whichever is more, in a home with window films that—

(A) are certified by the National Fenestration Rating Council;

(B) have a Solar Heat Gain Coefficient of 0.43 or less with a visible light-to-solar heat gain ratio of at least 1.1 in 2009 International Energy Conservation Code climate zones 1 through 8; and

(C) are certified to reduce the U-factor of the National Fenestration Rating Council dual pane reference window by 0.05 or greater and are only applied to nonmetal frame dual pane windows in 2009 International Energy Conservation Code climate zones 4 through 8.

(16) WaterSense products or services.

(c) INSTALLATION COSTS.—Measures described in paragraphs (1) through (16) of subsection (b) shall include expenditures for labor and other installation-related costs (including venting system modification and condensate disposal) properly allocable to the onsite preparation, assembly, or original installation of the component.

(d) AMOUNT OF REBATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), the amount of a rebate provided under this section shall be \$1,000 per measure for the installation of savings measures described in subsection (b)

(2) HIGHER REBATE AMOUNT.—Except as provided in paragraph (4), the amount of a rebate provided to the owner of a home or designee under this section shall be \$1,500 per measure for—

(A) attic insulation and air sealing described in subsection (b)(2);

(B) wall insulation described in subsection (b)(4);

(C) a heating system described in subsection (b)(9); and

(D) an air-conditioner or heat-pump replacement described in subsection (b)(11).

(3) LOWER REBATE AMOUNT.—Except as provided in paragraph (4), the amount of a rebate provided under this section shall be—

(A) \$125 per door for the installation of up to a maximum of 2 Energy Star doors described in subsection (b)(7) for each home;

(B) \$125 per skylight for the installation of up to a maximum of 2 Energy Star skylights described in subsection (b)(8) for each home;

(C) \$750 for a maximum of 1 natural gas or propane tankless water heater described in subsection (b)(12)(B) for each home;

(D) \$450 for a maximum of 1 natural gas or propane storage water heater described in subsection (b)(12)(C) for each home;

(E) \$250 for rim joist insulation described in subsection (b)(5)(B);

(F) \$50 for each storm window described in subsection (b)(13);

(G) \$500 for a desuperheater described in subsection (b)(12)(G)(ii);

(H) \$500 for a wood or pellet stove that has a heating capacity of at least 28,000 BTU per hour (using the upper end of the range listed in the EPA list of Certified Wood Stoves) and meets all of the requirements of subsection (b)(9)(A)(v) other than the requirements in items (aa) and (bb) of subsection (b)(9)(A)(v)(I);

(I) \$250 for an automatic water temperature controller described in subsection (b)(10);

(J) \$500 for a roof described in subsection (b)(14);

(K) \$500 for window films described in subsection (b)(15); and

(L) \$150 for any combination of WaterSense products or services described in subsection (b)(16), if the total cost of all WaterSense products or services is at least \$300.

(4) **MAXIMUM AMOUNT.**—The total amount of a rebate provided to the owner of a home or designee under this section shall not exceed the lower of—

(A) \$3,000;

(B) the sum of the amounts per measure specified in paragraphs (1) through (3);

(C) 50 percent of the total cost of the installed measures; or

(D) if the Secretary finds that the net value to the homeowner of the rebates is less than the amount of the rebates, the actual net value to the homeowner.

(e) **INSULATION PRODUCTS PURCHASED WITHOUT INSTALLATION SERVICES.**—

(1) **IN GENERAL.**—A rebate shall be awarded under this section if—

(A) the measure—

(i) is—

(I) a whole house air-sealing measure described in subsection (b)(1);

(II) an attic insulation measure described in subsection (b)(2);

(III) a duct seal or replacement measure described in subsection (b)(3);

(IV) a wall insulation measure described in subsection (b)(4); or

(V) a crawl space insulation measure or basement wall and rim joist insulation measure described in subsection (b)(5);

(ii) is purchased by a homeowner for installation by the homeowner in a home identified by the address of the homeowner;

(iii) is identified and attributed to a specific home in a submission by the vendor to a rebate aggregator;

(iv) is not part of—

(I) a savings measure described in paragraphs (6) through (11) of subsection (b); and

(II) a retrofit for which a rebate is provided under the Gold Star Home Retrofit Program; and

(v) is not part of a savings measure described in paragraphs (1) through (5) in subsection (b) for which the homeowner received or will receive contracting services; or

(B) educational material on proper installation of the product is provided to the homeowner, including material on air sealing while insulating.

(2) **AMOUNT.**—A rebate under this subsection shall be awarded in an amount equal to 50 percent of the total cost of the products described in paragraph (1), but not to exceed \$250 per home.

(f) **QUALIFICATION FOR REBATE UNDER SILVER STAR HOME RETROFIT PROGRAM.**—On sub-

mission of a claim by a rebate aggregator to the system established under section 3005, the Secretary shall provide reimbursement to the rebate aggregator for reduced-cost energy-efficiency measures installed in a home, if—

(1) the measures undertaken for the retrofit are—

(A) eligible measures described on the list established under subsection (b);

(B) installed properly in accordance with applicable technical specifications; and

(C) installed by a qualified contractor;

(2) the amount of the rebate does not exceed the maximum amount described in subsection (d)(4);

(3) not less than—

(A) 20 percent of the retrofits performed by each qualified contractor under this section are randomly subject to a third-party field verification of all work associated with the retrofit by a quality assurance provider; or

(B) in the case of qualified contractor that uses a certified workforce, 10 percent of the retrofits performed under this section are randomly subject to a third-party field verification of all work associated with the retrofit by a quality assurance provider; and

(4)(A) the installed measures will be brought into compliance with the specifications and quality standards for the Home Star Retrofit Rebate Program, by the installing qualified contractor, at no additional cost to the homeowner, not later than 14 days after the date of notification of a defect, if a field verification by a quality assurance provider finds that corrective work is needed;

(B) a subsequent quality assurance visit is conducted to evaluate the remedy not later than 7 days after notification by the contractor that the defect has been corrected; and

(C) notification of disposition of the visit occurs not later than 7 days after the date of that visit.

(g) **HOMEOWNER COMPLAINTS.**—

(1) **IN GENERAL.**—During the 1-year warranty period, a homeowner may make a complaint under the quality assurance program that compliance with the requirements of this section has not been achieved.

(2) **VERIFICATION.**—

(A) **IN GENERAL.**—The quality assurance program shall provide that, on receiving a complaint under paragraph (1), an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor.

(B) **ADMINISTRATION.**—A verification under this paragraph shall be—

(i) in addition to verifications conducted under subsection (f)(3); and

(ii) corrected in accordance with subsection (f)(4).

(h) **AUDITS.**—

(1) **IN GENERAL.**—On making payment for a submission under this section, the Secretary shall review rebate requests to determine whether program requirements were met in all respects.

(2) **INCORRECT PAYMENT.**—On a determination of the Secretary under paragraph (1) that a payment was made incorrectly to a party, the Secretary may—

(A) recoup the amount of the incorrect payment; or

(B) withhold the amount of the incorrect payment from the next payment made to the party pursuant to a subsequent request.

SEC. 3008. GOLD STAR HOME RETROFIT PROGRAM.

(a) **IN GENERAL.**—If the energy efficiency or water savings retrofit of a home is carried

out after the date of enactment of this Act by an accredited contractor in accordance with this section, a rebate shall be awarded for retrofits that achieve whole home energy or water savings.

(b) **AMOUNT OF REBATE.**—

(1) **ENERGY SAVINGS.**—Subject to subsection (e), the amount of a rebate provided to the owner of a home or a designee of the owner for energy savings under this section shall be—

(A) \$3,000 for a 20-percent reduction in whole home energy consumption; and

(B) an additional \$1,000 for each additional 5-percent reduction up to the lower of—

(i) \$8,000; or

(ii) 50 percent of the total retrofit cost (including the cost of audit and diagnostic procedures).

(2) **WATER SAVINGS.**—Subject to subsection (e), the amount of a rebate provided to the owner of a home or a designee of the owner for a reduction in water consumption under this section shall be—

(A) \$500 for measures that achieve a 20-percent reduction in water consumption; and

(B) an additional \$100 for each additional 5-percent reduction in water consumption up to the lower of—

(i) \$1,200; or

(ii) 50 percent of the total retrofit cost (including the cost of audit and diagnostic procedures).

(c) **ENERGY AND WATER SAVINGS.**—

(1) **IN GENERAL.**—Reductions in whole home energy or water consumption under this section shall be determined by a comparison of the simulated energy or water consumption of the home before and after the retrofit of the home.

(2) **DOCUMENTATION.**—The percent improvement in energy or water consumption under this section shall be documented through—

(A)(i) the use of a whole home simulation software program that has been approved as a commercial alternative under the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.); or

(ii) a equivalent performance test established by the Secretary, in consultation with the Administrator; or

(B)(i) the use of a whole home simulation software program that has been approved under RESNET Publication No. 06-001 (or a successor publication approved by the Secretary);

(ii) an equivalent performance test established by the Secretary; or

(iii) a State-certified equivalent rating network, as specified by IRS Notice 2008-35; or

(iv) a HERS rating system required by State law.

(3) **MONITORING.**—The Secretary—

(A) shall continuously monitor the software packages used for determining rebates under this section; and

(B) may disallow the use of software programs that improperly assess energy or water savings.

(4) **ASSUMPTIONS AND TESTING.**—The Secretary may—

(A) establish simulation tool assumptions for the establishment of the pre-retrofit energy or water consumption;

(B) require compliance with software performance tests covering—

(i) mechanical system performance;

(ii) duct distribution system efficiency;

(iii) hot water performance; or

(iv) other measures; and

(C) require the simulation of pre-retrofit energy or water usage to be bounded by metered pre-retrofit energy or water usage.

(5) **RECOMMENDED MEASURES.**—The simulation tool shall have the ability at a minimum to assess the savings associated with all the measures for which incentives are specifically provided under the Silver Star Home Retrofit Program.

(6) **QUANTIFICATION OF WATER SAVINGS.**—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator, shall make public an approved methodology for use in quantifying reductions in water consumption for the purpose of carrying out this section.

(d) **QUALIFICATION FOR REBATE UNDER GOLD STAR HOME RETROFIT PROGRAM.**—On submission of a claim by a rebate aggregator to the system established under section 3005, the Secretary shall provide reimbursement to the rebate aggregator for reduced-cost whole-home retrofits, if—

(1) the retrofit is performed by an accredited contractor;

(2) the amount of the reimbursement is not more than the amount described in subsection (b);

(3) documentation described in subsection (c) is transmitted with the claim;

(4) a home receiving a whole-home retrofit is subject to random third-party field verification by a quality assurance provider in accordance with subsection (e); and

(5)(A) the installed measures will be brought into compliance with the specifications and quality standards for the Home Star Retrofit Rebate Program, by the installing qualified contractor, at no additional cost to the homeowner, not later than 14 days after the date of notification of a defect if a field verification by a quality assurance provider finds that corrective work is needed;

(B) a subsequent quality assurance visit is conducted to evaluate the remedy not later than 7 days after notification by the contractor that the defect has been corrected; and

(C) notification of disposition of the visit occurs not later than 7 days after the date of that visit.

(e) **VERIFICATION.**—

(1) **IN GENERAL.**—Subject to paragraph (2), all work installed in a home receiving a whole-home retrofit by an accredited contractor under this section shall be subject to random third-party field verification by a quality assurance provider at a rate of—

(A) 15 percent; or

(B) in the case of work performed by an accredited contractor using a certified workforce, 10 percent.

(2) **VERIFICATION NOT REQUIRED.**—A home shall not be subject to random third-party field verification under this section if—

(A) a post-retrofit home energy or water rating is conducted by an eligible certifier in accordance with—

(i) RESNET Publication No. 06-001 (or a successor publication approved by the Secretary);

(ii) a State-certified equivalent rating network, as specified in IRS Notice 2008-35; or

(iii) a HERS rating system required by State law;

(B) the eligible certifier is independent of the qualified contractor or accredited contractor in accordance with RESNET Publication No. 06-001 (or a successor publication approved by the Secretary); and

(C) the rating includes field verification of measures.

(f) **HOMEOWNER COMPLAINTS.**—

(1) **IN GENERAL.**—A homeowner may make a complaint under the quality assurance program during the 1-year warranty period that compliance with the requirements of this section has not been achieved.

(2) **VERIFICATION.**—

(A) **IN GENERAL.**—The quality assurance program shall provide that, on receiving a complaint under paragraph (1), an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor.

(B) **ADMINISTRATION.**—A verification under this paragraph shall be—

(i) in addition to verifications conducted under subsection (e)(1); and

(ii) corrected in accordance with subsection (e).

(g) **AUDITS.**—

(1) **IN GENERAL.**—On making payment for a submission under this section, the Secretary shall review rebate requests to determine whether program requirements were met in all respects.

(2) **INCORRECT PAYMENT.**—On a determination of the Secretary under paragraph (1) that a payment was made incorrectly to a party, the Secretary may—

(A) recoup the amount of the incorrect payment; or

(B) withhold the amount of the incorrect payment from the next payment made to the party pursuant to a subsequent request.

SEC. 3009. GRANTS TO STATES AND INDIAN TRIBES.

(a) **IN GENERAL.**—A State or Indian tribe that receives a grant under subsection (d) shall use the grant for—

(1) administrative costs;

(2) oversight of quality assurance programs;

(3) development and implementation of ongoing quality assurance framework;

(4) establishment and delivery of financing pilots in accordance with this title;

(5) coordination with existing residential retrofit programs and infrastructure development to assist deployment of the Home Star program;

(6) assisting in the delivery of services to rental units; and

(7) the costs of carrying out the responsibilities of the State or Indian tribe under the Silver Star Home Retrofit Program and the Gold Star Home Retrofit Program.

(b) **INITIAL GRANTS.**—Not later than 30 days after the date of enactment of this Act, the Secretary shall make the initial grants available under this section.

(c) **INDIAN TRIBES.**—The Secretary shall reserve an appropriate amount of funding to be made available to carry out this section for each fiscal year to make grants available to Indian tribes under this section.

(d) **STATE ALLOTMENTS.**—From the amounts made available to carry out this section for each fiscal year remaining after the reservation required under subsection (c), the Secretary shall make grants available to States in accordance with section 3016.

(e) **QUALITY ASSURANCE PROGRAMS.**—

(1) **IN GENERAL.**—A State or Indian tribe may use a grant made under this section to carry out a quality assurance program that is—

(A) operated as part of a State energy conservation plan established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.);

(B) managed by the office or the designee of the office that is—

(i) responsible for the development of the plan under section 362 of that Act (42 U.S.C. 6322); and

(ii) to the maximum extent practicable, conducting an existing efficiency program; and

(C) in the case of a grant made to an Indian tribe, managed by an entity designated by the Indian tribe to carry out a quality assurance program or a national quality assurance program manager.

(2) **NONCOMPLIANCE.**—If the Secretary determines that a State or Indian tribe has not provided or cannot provide adequate oversight over a quality assurance program to ensure compliance with this title, the Secretary may—

(A) withhold further quality assurance funds from the State or Indian tribe; and

(B) require that quality assurance providers operating in the State or by the Indian tribe be overseen by a national quality assurance program manager selected by the Secretary.

(f) **IMPLEMENTATION.**—A State or Indian tribe that receives a grant under this section may implement a quality assurance program through the State, the Indian tribe, or a third party designated by the State or Indian tribe, including—

(1) an energy or water service company;

(2) an electric utility;

(3) a natural gas utility;

(4) a third-party administrator designated by the State or Indian tribe;

(5) a unit of local government; or

(6) a public or private water utility.

(g) **PUBLIC-PRIVATE PARTNERSHIPS.**—A State or Indian tribe that receives a grant under this section are encouraged to form partnerships with utilities, energy service companies, and other entities—

(1) to assist in marketing a program;

(2) to facilitate consumer financing;

(3) to assist in implementation of the Silver Star Home Retrofit Program and the Gold Star Home Retrofit Program, including installation of qualified retrofit measures; and

(4) to assist in implementing quality assurance programs.

(h) **COORDINATION OF REBATE AND EXISTING STATE-SPONSORED PROGRAMS.**—

(1) **IN GENERAL.**—A State or Indian tribe shall, to the maximum extent practicable, prevent duplication through coordination of a program authorized under this title with—

(A) the Energy Star appliance rebates program authorized under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115); and

(B) comparable programs planned or operated by States, political subdivisions, electric and natural gas utilities, Federal power marketing administrations, and Indian tribes.

(2) **EXISTING PROGRAMS.**—In carrying out this subsection, a State or Indian tribe shall—

(A) give priority to—

(i) comprehensive retrofit programs in existence on the date of enactment of this Act, including programs under the supervision of State utility regulators; and

(ii) using Home Star funds made available under this title to enhance and extend existing programs; and

(B) seek to enhance and extend existing programs by coordinating with administrators of the programs.

SEC. 3010. QUALITY ASSURANCE FRAMEWORK.

(a) **IN GENERAL.**—Not later than 180 days after the date that the Secretary initially provides funds to a State under this title, the State shall submit to the Secretary a plan to implement a quality assurance framework.

(b) **MODEL STATE PLANS.**—The Secretary shall—

(1) as soon as practicable after the date of enactment of this Act, solicit the submission of model State quality assurance framework plans that are consistent with this section; and

(2) not later than 60 days after the date of enactment or the receipt of funding to carry out this title (whichever is later), approve 1 or more such model plans that incorporate nationally consistent high standards for optional use by States.

(c) **IMPLEMENTATION.**—The State shall—

(1) develop a quality assurance framework in consultation with industry stakeholders, including representatives of efficiency program managers, contractors, and environmental, efficiency, and labor organizations; and

(2) implement the quality assurance framework not later than 1 year after the date of enactment of this Act.

(d) **COMPONENTS.**—The quality assurance framework established under this section shall include—

(1) a requirement that contractors performing covered retrofits meet—

(A) the accreditation, workforce certification, and all other requirements established under section 3004(b); and

(B) minimum standards for accredited contractors, including—

(i) compliance with applicable Federal, State, and local laws;

(ii) maintenance of records needed to verify compliance; and

(iii) use of independent contractors only when appropriately classified as such pursuant to Revenue Ruling 87-41 and section 530 of the Revenue Act of 1978 and relevant State law;

(2) maintenance of a list of accredited contractors;

(3) requirements for maintenance and delivery to the Federal Rebate Processing System of information needed to verify compliance and ensure appropriate compensation for quality assurance providers;

(4) targets and realistic plans for—

(A) the recruitment of minority- and women-owned small business enterprises;

(B) the employment of graduates of training programs that primarily serve targeted workers;

(C) the employment of targeted workers; and

(D) the availability of financial assistance under the Home Star loan program to—

(i) public use microdata areas that have a poverty rate of 12 percent or more; and

(ii) homeowners served by units of local government in jurisdictions that have an unemployment rate that is 2 percent higher than the national unemployment rate;

(5) a plan to link workforce training for efficiency retrofits with training for the broader range of skills and occupations in construction or emerging clean energy industries;

(6) quarterly reports to the Secretary on the progress of implementation of the quality assurance framework and any success in meeting the targets and plans; and

(7) maintenance of a list of qualified quality assurance providers and minimum standards for the quality assurance providers.

(e) **NONCOMPLIANCE.**—If the Secretary determines that a State that has elected to implement a quality assurance program, but has failed to plan, develop, or implement a quality assurance framework in accordance with this section, the Secretary shall suspend further grants for State administration pursuant to section 3016(b)(1).

(f) **COORDINATION.**—The Secretary shall take reasonable steps consistent with the existing authority of the Secretary to promote coordination between State quality assurance frameworks and any residential retrofit program funded in whole or in part by the Secretary, which may include the adoption of standards established under the quality assurance frameworks and the use of participating accredited contractors.

(g) **EXCLUSIONS.**—The quality assurance frameworks shall not apply to any measures or activities under the Silver Star Home Retrofit Program.

SEC. 3011. REPORT.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the use of funds under this title.

(b) **CONTENTS.**—The report shall include a description of—

(1) the savings produced as a result of this title;

(2) the direct and indirect employment created as a result of the programs supported by the funds provided under this title;

(3) the specific entities implementing the efficiency programs;

(4) the beneficiaries who received the efficiency improvements;

(5) the manner in which funds provided under this title were used;

(6) the sources (such as mortgage lenders, utility companies, and local governments) and types of financing used by the beneficiaries to finance the retrofit expenses that were not covered by grants provided under this title; and

(7) the results of verification requirements; and

(8) any other information the Secretary considers appropriate

(c) **NONCOMPLIANCE.**—If the Secretary determines that a rebate aggregator, State, or Indian tribe has not provided the information required under this section, the Secretary shall provide to the rebate aggregator, State, or Indian tribe a period of at least 90 days to provide any necessary information, subject to penalties imposed by the Secretary for entities other than States and Indian tribes, which may include withholding of funds or reduction of future grant amounts.

SEC. 3012. ADMINISTRATION.

(a) **IN GENERAL.**—Subject to section 3016(b), not later than 30 days after the date of enactment of this Act, the Secretary shall provide such administrative and technical support to rebate aggregators, States, and Indian tribes as is necessary to carry out the functions designated to States under this title.

(b) **APPOINTMENT OF PERSONNEL.**—Notwithstanding the provisions of title 5, United States Code, governing appointments in the competitive service and General Schedule classifications and pay rates, the Secretary may appoint such professional and administrative personnel as the Secretary considers necessary to carry out this title.

(c) **RATE OF PAY.**—The rate of pay for a person appointed under subsection (a) shall not exceed the maximum rate payable for GS-15 of the General Schedule under chapter 53 of title 5, United States Code.

(d) **CONSULTANTS.**—Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), the Secretary may retain such consultants on a noncompetitive basis as the Secretary considers necessary to carry out this title.

(e) **CONTRACTING.**—In carrying out this title, the Secretary may waive all or part of any provision of the Competition in Contracting Act of 1984 (Public Law 98-369; 98 Stat. 1175), an amendment made by that Act, or the Federal Acquisition Regulation on a determination that circumstances make compliance with the provisions contrary to the public interest.

(f) **REGULATIONS.**—

(1) **IN GENERAL.**—Notwithstanding section 553 of title 5, United States Code, the Secretary may issue regulations that the Secretary, in the sole discretion of the Secretary, determines necessary to carry out the Home Star Retrofit Rebate Program.

(2) **DEADLINE.**—If the Secretary determines that regulations described in paragraph (1) are necessary, the regulations shall be issued not later than 60 days after the date of the enactment of this Act.

(3) **LIMITATIONS.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary shall not use the authority provided under this subsection—

(i) to develop, adopt, or implement a public labeling system that rates and compares the energy or water performance of 1 home with another home; or

(ii) to require the public disclosure of an energy or water performance evaluation or rating developed for any specific home.

(B) **ADMINISTRATION.**—Nothing in this paragraph precludes—

(i) the computation, collection, or use by the Secretary, rebate aggregators, quality assurance providers, or States, for the purposes of carrying out sections 3007 and 3008, of information on the rating and comparison of the energy and water performance of homes with and without energy or water efficiency features or an energy or water performance evaluation or rating;

(ii) the use and publication of aggregate data (without identifying individual homes or participants) based on information referred to in clause (i) to determine or demonstrate the performance of the Home Star program; or

(iii) the provision of information referred to in clause (i) with respect to a specific home—

(I) to the State, homeowner, quality assurance provider, rebate aggregator, or contractor performing retrofit work on that home, or an entity providing Home Star services, as necessary to enable carrying out this title; or

(II) for purposes of prosecuting fraud or abuse.

(4) **WATERSENSE PRODUCTS OR SERVICES.**—In issuing regulations under this subsection, the Secretary shall coordinate with the Administrator to carry out the provisions of the Home Star Retrofit Rebate Program relating to WaterSense products or services.

(g) **INFORMATION COLLECTION.**—Chapter 35 of title 44, United States Code, shall not apply to any information collection requirement necessary for the implementation of the Home Star Retrofit Rebate Program.

(h) **ADJUSTMENT OF REBATE AMOUNTS.**—Effective beginning on the date that is 180 days after the date of enactment of this Act, the Secretary may, after not less than 30 days public notice, prospectively adjust the rebate amounts provided in this section based on—

(1) the use of the Silver Star Home Retrofit Program and the Gold Star Home Retrofit Program; and

(2) other program data.

SEC. 3013. TREATMENT OF REBATES.

(a) **IN GENERAL.**—For purposes of the Internal Revenue Code of 1986, rebates received for eligible measures under this title—

(1) shall not be considered taxable income to a homeowner;

(2) shall prohibit the consumer from applying for a tax credit allowed under section 25C or 25D of that Code for the same eligible measures performed in the home of the homeowner; and

(3) shall be considered a credit allowed under section 25C or 25D of that Code for purposes of any limitation on the amount of the credit under that section.

(b) **NOTICE.**—

(1) **IN GENERAL.**—A participating contractor shall provide notice to a homeowner of the provisions of subsection (a) before eligible work is performed in the home of the homeowner.

(2) **NOTICE IN REBATE FORM.**—A homeowner shall be notified of the provisions of subsection (a) in the appropriate rebate form developed by the Secretary, in consultation with the Secretary of the Treasury.

(3) **AVAILABILITY OF REBATE FORM.**—A participating contractor shall obtain the rebate form on a designated website in accordance with section 3003(b)(1)(A)(iii).

SEC. 3014. PENALTIES.

(a) **IN GENERAL.**—It shall be unlawful for any person to violate this title (including any regulation issued under this title), other than a violation as the result of a clerical error.

(b) **CIVIL PENALTY.**—Any person who commits a violation of this title shall be liable to the United States for a civil penalty in an amount that is not more than the higher of—

(1) \$15,000 for each violation; or

(2) 3 times the value of any associated rebate under this title.

(c) **ADMINISTRATION.**—The Secretary may—

(1) assess and compromise a penalty imposed under subsection (b); and

(2) require from any entity the records and inspections necessary to enforce this title.

(d) **EXCLUSION.**—A State may bar a contractor from receiving receive rebates under this title if the contractor has committed repeated violations of this title.

(e) **FRAUD.**—In addition to any civil penalty, any person who commits a fraudulent violation of this title shall be subject to criminal prosecution.

SEC. 3015. HOME STAR EFFICIENCY LOAN PROGRAM.

(a) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE PARTICIPANT.**—The term “eligible participant” means a homeowner who receives financial assistance from a qualified financing entity to carry out energy or water efficiency or renewable energy improvements to an existing home or other residential building of the homeowner in accordance with the Gold Star Home Retrofit Program or the Silver Star Home Retrofit Program.

(2) **PROGRAM.**—The term “program” means the Home Star Efficiency Loan Program established under subsection (b).

(3) **QUALIFIED FINANCING ENTITY.**—The term “qualified financing entity” means a State, political subdivision of a State, tribal government, electric utility, natural gas utility, nonprofit or community-based organization, energy service company, retailer, public water system, or any other qualified entity that—

(A) meets the eligibility requirements of this section; and

(B) is designated by the Governor of a State in accordance with subsection (e).

(4) **QUALIFIED LOAN PROGRAM MECHANISM.**—The term “qualified loan program mechanism” means a loan program that is—

(A) administered by a qualified financing entity; and

(B) principally funded—

(i) by funds provided by or overseen by a State or local government; or

(ii) through the energy loan program of the Federal National Mortgage Association.

(b) **ESTABLISHMENT.**—The Secretary shall establish a Home Star Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified financing entities for making, to existing homes, efficiency improvements that qualify under the Gold Star Home Retrofit Program or the Silver Star Home Retrofit Program.

(c) **ELIGIBILITY OF QUALIFIED FINANCING ENTITIES.**—To be eligible to participate in the program, a qualified financing entity shall—

(1) offer a financing product under which eligible participants may pay over time for the cost to the eligible participant (after all applicable Federal, State, local, and other rebates or incentives are applied) of making improvements described in subsection (b);

(2) require all financed improvements to be performed by contractors in a manner that meets minimum standards that are at least as stringent as the standards provided under sections 3007 and 3008; and

(3) establish standard underwriting criteria to determine the eligibility of program applicants, which criteria shall be consistent with—

(A) with respect to unsecured consumer loan programs, standard underwriting criteria used under the energy loan program of the Federal National Mortgage Association; or

(B) with respect to secured loans or other forms of financial assistance, commercially recognized best practices applicable to the form of financial assistance being provided (as determined by the designated entity administering the program in the State).

(d) **ALLOCATION.**—In making funds available to States for each fiscal year under this section, the Secretary shall use the formula used to allocate funds to States to carry out State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(e) **QUALIFIED FINANCING ENTITIES.**—Before making funds available to a State under this section, the Secretary shall require the Governor of the State to provide to the Secretary a letter of assurance that the State—

(1) has 1 or more qualified financing entities that meet the requirements of this section;

(2) has established a qualified loan program mechanism that—

(A) includes a methodology to ensure credible energy or water savings or renewable energy generation;

(B) incorporates an effective repayment mechanism, which may include—

(i) on-utility-bill repayment;

(ii) tax assessment or other form of property assessment financing;

(iii) municipal service charges;

(iv) energy, water, or energy or water efficiency services contracts;

(v) efficiency power purchase agreements;

(vi) unsecured loans applying the underwriting requirements of the energy loan program of the Federal National Mortgage Association; or

(vii) alternative contractual repayment mechanisms that have been demonstrated to have appropriate risk mitigation features; and

(C) will provide, in a timely manner, all information regarding the administration of the program as the Secretary may require to permit the Secretary to meet the reporting requirements of subsection (h).

(f) **USE OF FUNDS.**—Funds made available to States under the program may be used to support financing products offered by qualified financing entities to eligible participants for eligible efficiency work, by providing—

(1) interest rate reductions;

(2) loan loss reserves or other forms of credit enhancement;

(3) revolving loan funds from which qualified financing entities may offer direct loans; or

(4) other debt instruments or financial products necessary—

(A) to maximize leverage provided through available funds; and

(B) to support widespread deployment of efficiency finance programs.

(g) **USE OF REPAYMENT FUNDS.**—In the case of a revolving loan fund established by a State described in subsection (f)(3), a qualified financing entity may use funds repaid by eligible participants under the program to provide financial assistance for additional eligible participants to make improvements described in subsection (b) in a manner that is consistent with this section or other such criteria as are prescribed by the State.

(h) **PROGRAM EVALUATION.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a program evaluation that describes—

(1) how many eligible participants have participated in the program;

(2) how many jobs have been created through the program, directly and indirectly;

(3) what steps could be taken to promote further deployment of energy and water efficiency and renewable energy retrofits;

(4) the quantity of verifiable energy and water savings, homeowner energy and water bill savings, and other benefits of the program; and

(5) the performance of the programs carried out by qualified financing entities under this section, including information on the rate of default and repayment.

(i) **CREDIT SUPPORT FOR FINANCING PROGRAMS.**—Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) (as amended by section 2132(b)) is amended—

(1) in subsection (a), by adding at the end the following:

“(5) Energy and water efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment, including financing programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment.”.

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

“(e) **CREDIT SUPPORT FOR FINANCING PROGRAMS.**—

“(1) **IN GENERAL.**—In the case of programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment described in subsection (a)(4), the Secretary may—

“(A) offer loan guarantees for portfolios of debt obligations; and

“(B) purchase or make commitments to purchase portfolios of debt obligations.

“(2) **TERM.**—Notwithstanding section 1702(f), the term of any debt obligation that receives credit support under this subsection

shall require full repayment over a period not to exceed the lesser of—

“(A) 30 years; and

“(B) the projected weighted average useful life of the measure or system financed by the debt obligation or portfolio of debt obligations (as determined by the Secretary).

“(3) UNDERWRITING.—The Secretary may—

“(A) delegate underwriting responsibility for portfolios of debt obligations under this subsection to financial institutions that meet qualifications determined by the Secretary; and

“(B) determine an appropriate percentage of loans in a portfolio to review in order to confirm sound underwriting.

“(4) ADMINISTRATION.—Subsections (c) and (d)(3) of section 1702 and subsection (c) of this section shall not apply to loan guarantees made under this subsection.”.

(j) TERMINATION OF EFFECTIVENESS.—The authority provided by this section and the amendments made by this section terminates effective on the date that is 2 years after the date of enactment of this Act.

SEC. 3016. FUNDING.

(a) FUNDING.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this title \$5,000,000,000, to remain available until September 30, 2012.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under paragraph (1), without further appropriation.

(3) MAINTENANCE OF FUNDING.—Funds provided under this section shall supplement and not supplant any Federal and State funding provided to carry out efficiency programs in existence on the date of enactment of this Act.

(b) GRANTS TO STATES.—

(1) IN GENERAL.—Of the amount provided under subsection (a), \$380,000,000 or not more than 6 percent, whichever is less, shall be used to carry out section 3009.

(2) DISTRIBUTION TO STATE ENERGY OFFICES.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall—

(i) provide to State energy offices 25 percent of the funds described in paragraph (1); and

(ii) determine a formula to provide the balance of funds to State energy offices through a performance-based system.

(B) ALLOCATION.—

(i) ALLOCATION FORMULA.—Funds described in subparagraph (A)(i) shall be made available in accordance with the allocation formula for State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(ii) PERFORMANCE-BASED SYSTEM.—The balance of the funds described in subparagraph (A)(ii) shall be made available in accordance with the performance-based system described in subparagraph (A)(ii) designed to support the objectives of achieving efficiency gains, employment of underemployed workers, and implementing quality assurance programs and frameworks in participating States.

(c) QUALITY ASSURANCE COSTS.—

(1) IN GENERAL.—Of the amount provided under subsection (a), not more than 5 percent shall be used to carry out the quality assurance provisions of this title.

(2) MANAGEMENT.—Funds provided under this subsection shall be overseen by—

(A) State energy offices described in subsection (b)(2); or

(B) other entities determined by the Secretary to be eligible to carry out quality assurance functions under this title.

(3) DISTRIBUTION TO QUALITY ASSURANCE PROVIDERS OR REBATE AGGREGATORS.—The Secretary shall use funds provided under this subsection to compensate quality assurance providers, or rebate aggregators, for services under the Silver Star Home Retrofit Program or the Gold Star Home Retrofit Program through the Federal Rebate Processing Center based on the services provided to contractors under a quality assurance program and rebate aggregation.

(4) INCENTIVES.—The amount of incentives provided to quality assurance providers or rebate aggregators shall be—

(A)(i) in the case of the Silver Star Home Retrofit Program—

(I) \$25 per rebate review and submission provided under the program; and

(II) \$150 for each field inspection conducted under the program; and

(ii) in the case of the Gold Star Home Retrofit Program—

(I) \$35 for each rebate review and submission provided under the program; and

(II) \$300 for each field inspection conducted under the program; or

(B) such other amounts as the Secretary considers necessary to carry out the quality assurance provisions of this title.

(d) TRACKING OF REBATES AND EXPENDITURES.—Of the amount provided under subsection (a), not more than \$150,000,000 shall be used for costs associated with database systems to track rebates and expenditures under this title and related administrative costs incurred by the Secretary.

(e) PUBLIC EDUCATION AND COORDINATION.—Of the amount provided under subsection (a), not more than \$10,000,000 shall be used for costs associated with public education and coordination with the Federal Energy Star program incurred by the Administrator.

(f) INDIAN TRIBES.—Of the amount provided under subsection (a), the Secretary shall reserve not more than 3 percent to make grants available to Indian tribes under this section.

(g) SILVER STAR HOME RETROFIT PROGRAM.—

(1) IN GENERAL.—In the case of the Silver Star Home Retrofit Program, of the amount provided under subsection (a) after funds are provided in accordance with subsections (b) through (f), $\frac{3}{4}$ of the remaining funds for the 1-year period beginning on the date of enactment of this Act (less any amounts required under subsection (f)) shall be used by the Secretary to provide rebates and incentives authorized under the Silver Star Home Retrofit Program.

(2) PRODUCTS PURCHASED WITHOUT INSTALLATION SERVICES.—Of the amounts made available for the Silver Star Home Retrofit Program under this section, not more than \$250,000,000 shall be made available for rebates under section 3007(e).

(h) GOLD STAR HOME RETROFIT PROGRAM.—

(1) IN GENERAL.—In the case of the Gold Star Home Retrofit Program, of the amount provided under subsection (a) after funds are provided in accordance with subsections (b) through (g), $\frac{1}{2}$ of the remaining funds for the 2-year period beginning on the date of enactment of this Act (less any amounts required under subsection (f)) shall be used by the Secretary to provide rebates and incentives authorized under the Gold Star Home Retrofit Program.

(2) WATER EFFICIENCY RETROFITS.—Of the amounts made available for the Gold Star

Home Retrofit Program under this section, \$70,000,000 shall be made available for rebates for water efficiency retrofits under section 3008.

(i) PROGRAM REVIEW AND BACKSTOP FUNDING.—

(1) REVIEW AND ANALYSIS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall perform a State-by-State analysis and review the distribution of Home Star retrofit rebates under this title.

(B) RENTAL UNITS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall perform a review and analysis, with input and review from the Secretary of Housing and Urban Development, of the procedures for delivery of services to rental units.

(2) ADJUSTMENT.—The Secretary may allocate technical assistance funding to assist States that, as determined by the Secretary—

(A) have not sufficiently benefitted from the Home Star Retrofit Rebate Program; or

(B) in which rental units have not been adequately served.

(j) RETURN OF UNDISBURSED FUNDS.—

(1) SILVER STAR HOME RETROFIT PROGRAM.—If the Secretary has not disbursed all the funds available for rebates under the Silver Star Home Retrofit Program by the date that is 1 year after the date of enactment of this Act, any undisbursed funds shall be made available to the Gold Star Home Retrofit Program.

(2) GOLD STAR HOME RETROFIT PROGRAM.—If the Secretary has not disbursed all the funds available for rebates under the Gold Star Home Retrofit Program by the date that is 2 years after the date of enactment of this Act, any undisbursed funds shall be returned to the Treasury.

(k) FINANCING.—Of the amounts allocated to the States under subsection (b), not less than \$200,000,000 shall be used to carry out the financing provisions of this title in accordance with section 3015.

DIVISION D—PROTECTING THE ENVIRONMENT

TITLE XL—LAND AND WATER CONSERVATION AUTHORIZATION AND FUNDING

SEC. 4001. SHORT TITLE.

This title may be cited as the “Land and Water Conservation Authorization and Funding Act of 2010”.

SEC. 4002. PERMANENT AUTHORIZATION; FULL FUNDING.

(a) PURPOSES.—The purposes of the amendments made by subsection (b) are—

(1) to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5); and

(2) to maximize the effectiveness of the fund for future generations.

(b) AMENDMENTS.—

(1) PERMANENT AUTHORIZATION.—Section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5) is amended—

(A) in the matter preceding subsection (a), by striking “During the period ending September 30, 2015, there” and inserting “There”; and

(B) in subsection (c)—

(i) in paragraph (1), by striking “through September 30, 2015”; and

(ii) in paragraph (2), by striking “: Provided,” and all that follows through the end of the sentence and inserting a period..

(2) FULL FUNDING.—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6) is amended to read as follows:

“SEC. 3. AVAILABILITY OF FUNDS.

“(a) IN GENERAL.—

“(1) FISCAL YEARS 2011 THROUGH 2015.—For each of fiscal years 2011 through 2015, \$900,000,000 of amounts covered into the fund under section 2 shall be available for expenditure to carry out the purposes of this Act, without further appropriation.

“(2) FISCAL YEAR 2016.—For fiscal year 2016—

“(A) \$425,000,000 of amounts covered into the fund under section 2 shall be available for expenditure to carry out the purposes of this Act, without further appropriation; and

“(B) the remainder of amounts covered into the fund shall be available subject to appropriations, which may be made without fiscal year limitation.

“(3) FISCAL YEARS 2017 THROUGH 2020.—For each of fiscal years 2017 through 2020, amounts covered into the fund under section 2 shall be available for expenditure to carry out the purposes of this Act subject to appropriations, which may be made without fiscal year limitation.

“(4) FISCAL YEAR 2021 AND SUBSEQUENT FISCAL YEARS.—For fiscal year 2021 and each fiscal year thereafter—

“(A) \$500,000,000 of amounts covered into the fund under section 2 shall be available to carry out the purposes of this Act, without further appropriation; and

“(B) the remainder of amounts covered into the fund shall be available subject to appropriations, which may be made without fiscal year limitation.

“(b) USES.—Amounts made available for obligation or expenditure from the fund may be obligated or expended only as provided in this Act.”

(c) ALLOCATION OF LAND AND WATER CONSERVATION FUND FOR STATE AND FEDERAL PURPOSES.—Section 5 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-7) is amended—

(1) in the first sentence, by inserting “or expenditures” after “appropriations”;

(2) in the second sentence—

(A) by inserting “or expenditures” after “appropriations”; and

(B) by inserting before the period at the end the following: “, including the amounts to be allocated from the fund for Federal and State purposes”; and

(3) by striking “Those appropriations from” and all that follows through the end of the section.

(d) CONFORMING AMENDMENTS.—Section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8(b)) is amended —

(1) in the matter preceding paragraph (1), by inserting “or expended” after “appropriated”;

(2) in paragraph (1)—

(A) by inserting “or expenditures” after “appropriations”; and

(B) by striking “; and” and inserting a period; and

(3) in the first sentence of paragraph (2), by inserting “or expenditure” after “appropriation”.

(e) FEDERAL LAND ACQUISITION PROJECTS.—Section 7(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively;

(2) in the matter preceding paragraph (2) (as redesignated by paragraph (1), by striking “Moneys appropriated” and all that follows through “subpurposes” and inserting the following:

“(1) PRIORITY LIST.—

“(A) IN GENERAL.—The President shall transmit, as part of the annual budget proposal, a priority list for Federal land acquisition projects.

“(B) AVAILABILITY OF AMOUNTS.—

“(i) IN GENERAL.—Amounts shall be made available from the fund, without further appropriation, on the date that is 15 days after the date on which the Congress adjourns sine die for each year, for the projects on the priority list of the President, unless prior to that date, legislation is enacted establishing an alternate priority list, in which case amounts from the fund shall be made available, without further appropriation, for expenditure on the projects on the alternate priority list.

“(ii) ALTERNATE PRIORITY LIST.—If Congress enacts legislation establishing an alternate priority list and the priority list provides for less than the amount made available for that fiscal year under this subsection, the difference between that amount and the amount required to fund projects on the alternate priority list shall be available for expenditure, without further appropriation, in accordance with the priority list submitted by the President.

“(C) DUTIES OF SECRETARIES.—

“(i) IN GENERAL.—In developing the annual land acquisition priority list required under subparagraph (A), the President shall require the Secretary of the Interior and the Secretary of Agriculture to develop the priority list for the sites under the jurisdiction of that Secretary.

“(ii) CONSULTATION.—The Secretary of the Interior and the Secretary of Agriculture shall prepare the priority list described in subparagraph (A) in consultation with the head of each affected Federal agency.

“(iii) RECREATIONAL ACCESS.—

“(I) IN GENERAL.—In preparing the priority list under subparagraph (A), the Secretary of the Interior and the Secretary of Agriculture shall ensure that not less than 1.5 percent of the annual authorized funding amount is made available each year for projects that secure recreational public access to existing Federal public land for hunting, fishing, and other recreational purposes through easements, rights-of-way, or fee title acquisitions.

“(II) ACQUISITION OF LAND.—For each recreational access project carried out under subclause (I), the land or interest in land shall be acquired by the Federal Government only from willing sellers.”; and

(3) in paragraph (2) (as redesignated by paragraph (1)), by striking “For the acquisition of land” and all that follows through “as follows:” and inserting the following:

“(3) USE OF FUNDS.—Amounts from the fund for the acquisition of land, waters, or interests in land or waters under this Act shall be used as follows:”.

(f) CONFORMING AMENDMENT.—Section 9 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-10a) is amended in the first sentence by striking “section 7(a)(1) of this Act” and inserting “section 7(a)(2)”.

TITLE XLI—NATIONAL WILDLIFE REFUGE SYSTEM RESOURCE PROTECTION

SEC. 4101. SHORT TITLE.

This title may be cited as the “National Wildlife Refuge System Resource Protection Act of 2010”.

SEC. 4102. DEFINITIONS.

In this title:

(1) DAMAGES.—The term “damages” includes, when used in connection with compensation—

(A) compensation for—

(i)(I) the cost of replacing, restoring, rehabilitating, or acquiring the equivalent of a refuge system resource; and

(II) the value of any significant loss of use of a refuge system resource pending its restoration or replacement or the acquisition of an equivalent resource; or

(ii) the value of the refuge system resource if the resource cannot be replaced or restored; and

(B) the cost of damage assessments under this section.

(2) FISH AND WILDLIFE SERVICE SYSTEM RESOURCE.—

(A) IN GENERAL.—The term “Fish and Wildlife Service system resource” means any living or nonliving resource that is located within the boundaries of a unit of—

(i) the National Wildlife Refuge System;

(ii) the National Fish Hatchery System; or

(iii) other land managed by the United States Fish and Wildlife Service.

(B) EXCLUSION.—The term “Fish and Wildlife Service system resource” does not include a resource owned by a non-Federal entity.

(3) MARINE OR AQUATIC REFUGE SYSTEM RESOURCE.—

(A) IN GENERAL.—The term “marine or aquatic refuge system resource” means any living or nonliving part of a marine or aquatic regimen that is located within the boundaries of a unit of—

(i) the National Wildlife Refuge System; or

(ii) the National Fish Hatchery System.

(B) EXCLUSION.—The term “marine or aquatic refuge system resource” does not include a resource owned by a non-Federal entity.

(4) REFUGE SYSTEM RESOURCE.—The term “refuge system resource” means—

(A) a Fish and Wildlife Service system resource; and

(B) a marine or aquatic refuge system resource.

(5) REGIMEN.—The term “regimen” means a water column and submerged land, up to the high-tide or high-water line.

(6) RESPONSE COSTS.—The term “response costs” means the costs of actions taken by the Secretary—

(A) to prevent or minimize destruction or loss of or injury to refuge system resources;

(B) to abate or minimize the imminent risk of such destruction, loss, or injury; or

(C) to monitor ongoing effects of incidents causing such destruction, loss, or injury.

SEC. 4103. LIABILITY.

(a) IN GENERAL.—Subject to subsection (c), any person that destroys, damages, causes the loss of, or injures any refuge system resource is liable to the United States for response costs and damages resulting from the destruction, loss, or injury.

(b) LIABILITY IN REM.—Any instrumentality (including a vessel, vehicle, aircraft, or other equipment) that destroys, causes the loss of, or injures any refuge system resource shall be liable in rem to the United States for response costs and damages resulting from the destruction, loss, or injury to the same extent as a person is liable under subsection (a).

(c) DEFENSES.—A person shall not be liable under this section if the person establishes that—

(1) the destruction, loss of, or injury to the refuge system resource was caused solely by an act of God or act of war, if the person exercised due care to employ safety precautions and best management practices to minimize potential destruction, loss, or injury in advance of an act of God or act of war;

(2) the person acted with due care, and the destruction, loss of, or injury to the refuge system resource was caused solely by an act or omission of a third party, other than an employee or agent of the person; or

(3) the destruction, loss, or injury to the refuge system resource was caused by an activity authorized by Federal or State law, if the activity was conducted in accordance with Federal and State law.

(d) SCOPE.—Liability under this section shall be in addition to any other liability that may arise under Federal or State law.

SEC. 4104. ACTIONS.

(a) CIVIL ACTIONS FOR RESPONSE COSTS AND DAMAGES.—

(1) IN GENERAL.—If the Secretary makes a finding of damage to a refuge system resource or makes a finding that, absent response costs, damage to a refuge system resource will occur and the Secretary requests the Attorney General to initiate action, the Attorney General may commence a civil action in the United States district court for the appropriate district against any person that may be liable under section 4103 for response costs and damages.

(2) REQUESTS FOR ACTION.—The Secretary shall submit a request for an action described in paragraph (1) to the Attorney General if a person may be liable or an instrumentality may be liable in rem for response costs and damages under section 4103.

(b) RESPONSE ACTIONS AND ASSESSMENT OF DAMAGES.—

(1) IN GENERAL.—The Secretary shall take all necessary actions—

(A) to prevent or minimize the destruction, loss of, or injury to a refuge system resource; or

(B) to minimize the imminent risk of such destruction, loss, or injury.

(2) MONITORING.—The Secretary shall assess and monitor damages to refuge system resources.

SEC. 4105. USE OF RECOVERED AMOUNTS.

(a) IN GENERAL.—Subject to subsections (b) and (c), response costs and damages recovered by the Secretary under this title or amounts recovered by the Federal Government under any Federal, State, or local law (including regulations) or otherwise as a result of damage to any living or nonliving resource located within a unit managed by the United States Fish and Wildlife Service (other than resources owned by a non-Federal entity) shall be available to the Secretary, without further appropriation—

(1) to reimburse response costs and damage assessments incurred by the Secretary or other Federal agencies as the Secretary considers appropriate; or

(2) to restore, replace, or acquire the equivalent of resources that were the subject of an action and to monitor and study the resources.

(b) ACQUISITION.—No funds may be used under subsection (a) to acquire any land, water, or interest or right in land or water unless the acquisition is—

(1) specifically approved in advance in an appropriations Act; and

(2) consistent with any limitations contained in the organic law authorizing the refuge unit.

(c) EXCESS FUNDS.—Any amounts remaining after expenditures pursuant to subsection (a) shall be deposited into the general fund of the Treasury.

SEC. 4106. DONATIONS.

(a) IN GENERAL.—The Secretary may accept donations of money or services for expenditure or employment to meet expected, immediate, or ongoing response costs.

(b) AVAILABILITY.—The donations may be expended or employed at any time after the acceptance of the donation, without further appropriation.

TITLE XLII—GULF COAST ECOSYSTEM RESTORATION

SEC. 4201. GULF COAST ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section:

(1) COMPREHENSIVE PLAN.—The term “comprehensive plan” means the comprehensive plan required by subsection (c).

(2) GOVERNORS.—The term “Governors” means the Governors of each of the States of Alabama, Florida, Louisiana, and Mississippi.

(3) GULF COAST ECOSYSTEM.—The term “Gulf Coast ecosystem” means the coastal zones (as determined pursuant to the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)) of the States of Alabama, Florida, Louisiana, and Mississippi and adjacent State waters and areas of the outer Continental Shelf, adversely impacted by the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) TASK FORCE.—The term “Task Force” means the Gulf Coast Ecosystem Restoration Task Force established by subsection (g).

(b) GULF COAST ECOSYSTEM RESTORATION.—

(1) IN GENERAL.—The Chair of the Task Force shall undertake restoration activities in the Gulf Coast ecosystem in accordance with this section.

(2) FUNDING.—Subject to appropriations, of amounts in the Oil Spill Liability Trust Fund, there shall be available to the Chair of the Task Force to carry out this section \$2,500,000,000 for the period of fiscal years 2012 through 2021.

(3) AUTHORIZED USES.—Amounts under paragraph (2) shall be available to the Chair of the Task Force for the conservation, protection, and restoration of the Gulf Coast ecosystem in accordance with the comprehensive plan.

(c) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and after notice and opportunity for public comment, the Chair of the Task Force shall develop a proposed comprehensive plan for the purpose of long-term conservation, protection, and restoration of biological integrity, productivity, and ecosystem functions in the Gulf Coast ecosystem.

(2) EXISTING PLANS.—The Chair of the Task Force shall incorporate, to the maximum extent practicable, any applicable plans developed by local, State and Federal agencies for the restoration of coastal wetland and other areas of the Gulf Coast ecosystem.

(d) CRITICAL AND EMERGENCY RESTORATION PROJECTS AND ACTIVITIES.—If the Chair of the Task Force, in cooperation with the Governors, determines that a restoration project or activity will produce independent, immediate, and substantial conservation, protection, or restoration benefits, and will be consistent with overall restoration goals, the Chair of the Task Force shall proceed expeditiously with the implementation of the project or activity in accordance with laws (including regulations) in existence on the date of enactment of this Act.

(e) PRIORITY PROJECTS.—

(1) LIST.—

(A) IN GENERAL.—The comprehensive plan shall include a list of specific projects to be funded and carried out during the subsequent 3-year period.

(B) PREREQUISITES.—Each project listed in the comprehensive plan shall be—

(i) consistent with the strategies identified in the comprehensive plan; and

(ii) cost-effective.

(C) UPDATES.—The Task Force shall update annually the list of projects in the comprehensive plan.

(2) SELECTION.—The Task Force shall select projects and activities to carry out under this section—

(A) based on the best available science;

(B) without regard to geographic location; and

(C) with the highest priority to projects and activities that will achieve the greatest contribution in restoring—

(i) the ability of Gulf Coast ecosystems to become self-sustaining;

(ii) biological productivity; and

(iii) ecosystem function in the Gulf of Mexico.

(f) COST SHARING.—The Federal share of projects and activities conducted under this section shall not exceed 65 percent, as determined by the Task Force.

(g) GULF COAST ECOSYSTEM RESTORATION TASK FORCE.—

(1) IN GENERAL.—There is established the Gulf Coast Ecosystem Restoration Task Force.

(2) MEMBERSHIP.—The Task Force shall consist of the following members or, in the case of a Federal agency, a designee at the level of Assistant Secretary or the equivalent:

(A) The Secretary of the Interior.

(B) The Secretary of Commerce.

(C) The Secretary of the Army.

(D) The Attorney General.

(E) The Secretary of Homeland Security.

(F) The Administrator of the Environmental Protection Agency.

(G) The Commandant of the Coast Guard.

(H) The Secretary of Transportation.

(I) The Secretary of Agriculture.

(J) A representative of each affected Indian tribe, appointed by the Secretary based on the recommendations of the tribal chairman.

(K) 2 representatives of each of the States of Alabama, Florida, Louisiana, and Mississippi, appointed by the Governor of each State, respectively.

(L) 2 representatives of local government within each of the States of Alabama, Florida, Louisiana, and Mississippi, appointed by the Governor of each State, respectively.

(3) CHAIR.—The chair of the Task Force shall be a Federal official appointed by the President.

(4) DUTIES.—The Task Force shall—

(A) consult with, and provide recommendations to, the Chair of the Task Force during development of the comprehensive plan;

(B) coordinate the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for addressing the restoration of the Gulf Coast ecosystem;

(C) establish a Gulf Coast-based working group composed of representatives of members of the Task Force and other local agencies and representatives as appropriate for purposes of recommending, coordinating, and implementing policies, programs, activities, and projects to accomplish Gulf Coast ecosystem restoration;

(D) coordinate scientific and other research associated with restoration of the Gulf Coast ecosystem;

(E) prepare an integrated financial plan and coordinated budget requests for the funds proposed to be expended by the agencies represented on the Task Force; and

(F) submit an annual report to Congress that summarizes the activities of the Task Force and the policies, plans, activities, and projects for restoration of the Gulf Coast ecosystem.

(5) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Task Force and the working group established under paragraph (4)(C) shall not be considered to be advisory committees under the Federal Advisory Committee Act (5 U.S.C. App.).

(h) RELATIONSHIP TO OTHER LAW AND AUTHORITY.—Nothing in this section preempts or otherwise affects any Federal law or limits the authority of any Federal agency.

TITLE XLIII—HYDRAULIC FRACTURING CHEMICALS

SEC. 4301. DISCLOSURE OF HYDRAULIC FRACTURING CHEMICALS.

(a) DISCLOSURE.—Title III of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11041 et seq.) is amended by adding at the end the following:

“SEC. 331. DISCLOSURE OF HYDRAULIC FRACTURING CHEMICALS.

“(a) IN GENERAL.—

“(1) STATE AUTHORITY.—A State that permits oil and natural gas drilling—

“(A) may require any person using hydraulic fracturing for an oil or natural gas well in the State to disclose to the State, not later than 30 days after completion of drilling the well, the list of chemicals used in each hydraulic fracturing process (identified by well location and number), including the chemical constituents of mixtures, Chemical Abstracts Service registry numbers, and material safety data sheets; and

“(B) shall make any such disclosure available to the public, including a posting of the information online.

“(2) DISCLOSURE IF NO STATE IMPLEMENTATION.—If a State that permits oil and natural gas drilling does not require and make available disclosures in accordance with paragraph (1) by December 31, 2011, or ceases to require and make available disclosures in accordance with paragraph (1) after that date, the operator of the oil or natural gas well in the State shall make available to the public online, not later than 30 days after completion of drilling the well, the list of chemicals used in each hydraulic fracturing process (identified by well location and number), including the chemical constituents of mixtures, Chemical Abstracts Service registry numbers, and material safety data sheets.

“(b) PROPRIETARY CHEMICAL FORMULAS; MEDICAL EMERGENCIES.—

“(1) IN GENERAL.—Except as provided in this subsection, this section does not require the disclosure of proprietary chemical formulas used in hydraulic fracturing.

“(2) DISCLOSURE IN MEDICAL EMERGENCIES.—

“(A) IN GENERAL.—If the State or the Administrator, or a treating physician or nurse, determines that a medical emergency exists and the proprietary chemical formulas, or the identity, of 1 or more chemical constituents used in hydraulic fracturing is necessary for medical treatment, the person using hydraulic fracturing shall immediately disclose the proprietary chemical formulas or the identity of the chemical constituents to the State, the Administrator, or that treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement.

“(B) STATEMENT OF NEED.—The person using hydraulic fracturing may require a written statement of need and a confidentiality agreement as soon thereafter as circumstances permit.

“(c) THRESHOLDS INAPPLICABLE.—Threshold limitations under this Act shall not apply to disclosures made under this section.”.

(b) ENFORCEMENT.—Section 325(c)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11045(c)(2)) is amended by striking “section 311 or 323(b)” and inserting “section 311, 323(b), 331(a)(2), or 331(b)”.

TITLE XLIV—WATERSHED RESTORATION

SEC. 4401. WATERSHED RESTORATION.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a program of watershed restoration and job stabilization for the purposes of—

(1) performing landscape scale restoration, reducing hazardous fuels, increasing employment, and maintaining infrastructure in timber communities; or

(2) making biomass available for sustainable economic development.

(b) ELIGIBLE PROJECTS.—The program conducted under this section may include projects and activities for—

(1) preparing and implementing riparian corridor improvements;

(2) fish and wildlife habitat improvements;

(3) invasive species eradication;

(4) nonsystem road decommissioning;

(5) appropriate road density achievement;

(6) forest health improvements; and

(7) sustainable timber harvest and fuels treatments, specifically for reducing the potential effects that fires pose to water quality and communities.

(c) FUNDING.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture \$75,000,000, to remain available until expended, for use in carrying out this section.

(d) TERMINATION OF PROGRAM.—The program conducted under this section shall terminate on the date that is 10 years after the date of enactment of this Act.

(e) NO EFFECT ON COMPLIANCE WITH LAWS.—Nothing in this section affects or limits the application of, or obligation to comply with, any law, including any public health or environmental law.

DIVISION E—FISCAL RESPONSIBILITY

SEC. 5001. MODIFICATIONS WITH RESPECT TO OIL SPILL LIABILITY TRUST FUND.

(a) EXTENSION OF APPLICATION OF OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—Paragraph (2) of section 4611(f) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2017” and inserting “December 31, 2020”.

(b) INCREASE IN OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—Subparagraph (B) of section 4611(c)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

“(B) the Oil Spill Liability Trust Fund financing rate is 45 cents a barrel.”.

(c) INCREASE IN PER INCIDENT LIMITATIONS ON EXPENDITURES.—Subparagraph (A) of section 9509(c)(2) of the Internal Revenue Code of 1986 is amended—

(1) by striking “\$1,000,000,000” in clause (i) and inserting “\$5,000,000,000”;

(2) by striking “\$500,000,000” in clause (ii) and inserting “\$2,500,000,000”; and

(3) by striking “\$1,000,000,000 PER INCIDENT, ETC” in the heading and inserting “PER INCIDENT LIMITATIONS”.

(d) EFFECTIVE DATE.—

(1) EXTENSION OF FINANCING RATE.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) INCREASE IN FINANCING RATE.—The amendment made by subsection (b) shall

apply to crude oil received and petroleum products entered during calendar quarters beginning more than 60 days after the date of the enactment of this Act.

DIVISION F—MISCELLANEOUS

SEC. 6001. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN (for herself, Mr. CRAPO, Mr. UDALL of Colorado, Mr. BENNET, and Mrs. BOXER):

S. 3664. A bill to amend the Internal Revenue Code of 1986 to exempt certain farmland from the estate tax, and for other purposes; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and Senators CRAPO, UDALL of Colorado, BENNET of Colorado, and BOXER, to introduce legislation that will help preserve the great tradition of the American family farm.

Our legislation is called the Family Farm Estate Tax Deferral Act.

It is designed to prevent the unintended consequences of the estate tax's disproportionate impact on family farms, by providing relief to families who want to continue their family farming and ranching operations.

This is especially important in California, where high unemployment has devastated many of our state's agricultural communities.

Specifically, this legislation would allow qualifying family operated farms and ranches to defer estate taxes if the farm-related income of the decedent in the three years prior to death does not exceed \$750,000 annually, and the non-farm related income does not exceed \$500,000 per year; the farm is passed down to a family member who has been materially engaged in its management and operations for at least 5 years; the farm generated more than 50 percent of the farm owner's income, or comprised more than 50 percent of the farm owner's estate at the time of death; the farm was owned by the decedent for at least 5 years and is located within the United States.

The family member inheriting the estate continues to use the land for farming purposes; and, at the time of his or her death, the decedent associated with the estate was a U.S. citizen or legal resident of the United States.

The bill also includes a “recapture” provision, to ensure that farm heirs are subject to strict oversight and must pay taxes if at any time they sell the land or cease to use the property for farming.

The bill would also encourage the preservation of land and protect millions of acres of open space and wildlife

habitat. It does so by incorporating legislation introduced in the House by Representative EARL BLUMENAUER to increase the limitation on the estate tax exclusion for conservation easements to \$5 million, up from \$500,000.

Farm and ranch estates are estimated to be up to 20 times more likely to face an estate tax burden than other estates.

Roughly one in 10 family farms and ranches confronted estate tax bills last year, according to data from the U.S. Department of Agriculture Economic Research Service.

Let me explain why this is cause for concern, and why our legislation is so important.

Most of the financial value of a family farm or ranch operation lies in its land. Assets such as specialized equipment and production tools have limited resale value and are not likely to quickly generate sufficient liquidity.

It is land—not securities or other more-liquid assets—that comprises the lion's share of many farmers' assets. So, many farmers are quite literally land rich, and cash poor.

The property value of fertile farmland can appreciate greatly over time.

For example, in 1997 the average farm real estate value was \$926 per acre; today it is \$2160 per acre, according to the Land Trust Alliance. This represents a 133 percent increase in the value of farmland in just over a decade.

As this farmland appreciates, the potential estate tax bill grows.

When a farm estate is passed on to an heir, portions of the land are sometimes fragmented, or even sold to developers in order to manage the tax consequences.

The result is that some farms are rendered inoperable, and heirs face difficult choices in these tough economic times.

Let me share the story of a constituent, Hannah Tangeman-Cheney, whose story illustrates the problem.

Hannah's ranch in Susanville, California, has been owned by her family since 1862, and run by women since 1914.

After her mother passed away, Hannah had to deal with the IRS, attorneys, and appraisers, during this difficult period in her life. Her mother had a will and a trust, but there was still a significant tax burden that Hannah and her sister had to deal with.

It took 2 years for Hannah and the IRS to reach agreement on the value of her ranch since their appraisers came up with different numbers.

Eventually, she reached agreement with the IRS to pay the taxes off over a ten-year period.

Facing these difficult circumstances, Hannah and her sister made the painful decision to harvest thousands of trees.

In all, 13,157 trees were cut—far more than they would have ever dreamed of harvesting under any other circumstances.

Some of the trees took more than 100 years to grow, and the property had not been harvested since the 1950's.

Eventually, she was able to pay off the taxes, but this was a very emotional experience for Hannah and her sister.

They are both environmentally conscious, and their ranch was even certified as part of the "Green Building" program with the Forest Stewardship Council.

Our legislation is designed to prevent these unintended consequences, and provide relief to families wishing to keep their farms in operation.

By mandating a \$750,000 cap on income in order to qualify, we can ensure that this relief goes to those farmers who need it most, not to major agribusinesses.

To be clear, many Americans have suffered tremendously during this very difficult economic downturn.

But, some agricultural communities have been hit especially hard.

Family farms in many of California's most productive agricultural areas are currently struggling just to make ends meet.

I come from the largest agricultural state in the country.

California has suffered a crippling three-year drought, and many growers have had to fallow their fields to cut their losses.

Many have had to lay off employees, and some have left the business entirely.

These hardships can be seen, and I have witnessed them firsthand, in Fresno County where the unemployment rate is 16 percent.

In Kings County unemployment is 15.9 percent. Tulare County unemployment is 15.8 percent.

Imperial County is suffering under unemployment which has reached 27.6 percent. Within these counties, unemployment in some agricultural communities has touched 40 percent.

Farms and ranches are an important source of jobs in these communities.

This legislation aims to protect family farms that intend to hire, while providing more certainty to thousands of workers across the State.

In 2006, I warned that difficult decisions would be required before the estate tax expired in 2010.

Well, 2010 is here and the picture of our nation's fiscal health is not a pretty one.

We are facing a record \$1.3 trillion budget deficit.

The national debt has reached a new high at roughly \$13 trillion.

The parameters of the estate tax debate have shifted for most, by necessity.

Full estate tax repeal is out of the question, and our number one priority for allocating federal resources has rightly been shifted to job creation and economic recovery.

But, absent Congressional action, the estate tax will return with ferocity next year at a 55 percent rate with an exemption level of \$1 million.

I don't think this is something that many in this body would like to see.

So, any estate tax reform must be well-targeted and balanced to ensure it is fiscally responsible.

As we work to develop comprehensive, permanent, and fiscally responsible estate tax reform this year, I urge my colleagues to remember that the estate tax was never intended to prevent family farms from being passed from generation to generation.

Our legislation resolves this issue for once and for all, and by safeguarding against loopholes for rich farming conglomerates and agribusinesses, it does so at minimal cost.

Moreover, we take steps forward to protect our precious environment and preserve open space and agricultural lands.

There is no doubt that many family farmers are under financial pressure during these difficult times.

We must take steps to bring relief to the very family farmers and ranchers who have devoted their lives to helping feed and sustain this great nation.

This legislation is a fiscally responsible and targeted effort to ensure that we preserve this tradition for legitimate working farms.

Estate tax reform must be addressed soon, and this issue can no longer be delayed.

I urge my colleagues to support this effort and to enact this legislation as quickly as possible.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 596—TO DESIGNATE SEPTEMBER 25, 2010, AS "NATIONAL ESTUARIES DAY"

Mr. WHITEHOUSE (for himself, Mr. CARDIN, Ms. MIKULSKI, Mr. CASEY, Mr. REED, Mrs. MURRAY, Mr. KERRY, Mr. WYDEN, Mrs. FEINSTEIN, Mr. LIEBERMAN, Mr. WARNER, Mr. MERKLEY, Mr. MENENDEZ, Ms. LANDRIEU, Mr. SCHUMER, Mr. NELSON of Florida, Mr. KAUFMAN, Ms. COLLINS, Mr. GREGG, Mr. WEBB, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 596

Whereas the estuary regions of the United States comprise a significant share of the national economy, with 43 percent of the population, 40 percent of the employment, and 49 percent of the economic output of the United States located in the estuary regions of the United States;

Whereas coasts and estuaries contribute more than \$800,000,000,000 annually in trade and commerce to the United States economy;

Whereas more than 43 percent of all adults in the United States visit a sea coast or estuary at least once a year to participate in

some form of recreation, generating \$8,000,000,000 to \$12,000,000,000 in revenue annually;

Whereas more than 28,000,000 jobs in the United States are supported by commercial and recreational fishing, boating, tourism, and other coastal industries that rely on healthy estuaries;

Whereas estuaries provide vital habitat for countless species of fish and wildlife, including many that are listed as threatened or endangered;

Whereas estuaries provide critical ecosystem services that protect human health and public safety, including water filtration, flood control, shoreline stabilization and erosion prevention, and the protection of coastal communities during extreme weather events;

Whereas 55,000,000 acres of estuarine habitat have been destroyed during the 100 years preceding the date of agreement to this resolution;

Whereas bays once filled with fish and oysters have become dead zones filled with excess nutrients, chemical wastes, harmful algae, and marine debris;

Whereas sea level rise is accelerating the degradation of estuaries by—

- (1) submerging low-lying land;
- (2) eroding beaches;
- (3) converting wetland to open water;
- (4) exacerbating coastal flooding; and
- (5) increasing the salinity of estuaries and freshwater aquifers;

Whereas the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) declares that it is the national policy to preserve, protect, develop, and if possible, to restore or enhance, the resources of the coastal zone of the United States, including estuaries, for current and future generations;

Whereas scientific study leads to better understanding of the benefits of estuaries to human and ecological communities;

Whereas Federal, State, local, and tribal governments, national and community organizations, and individuals work together to effectively manage the estuaries of the United States;

Whereas estuary restoration efforts restore natural infrastructure in local communities in a cost effective manner, helping to create jobs and reestablish the natural functions of estuaries that yield countless benefits; and

Whereas September 25, 2010, has been designated as “National Estuaries Day” to increase awareness among all people of the United States, including Federal, State and local government officials, about the importance of healthy estuaries and the need to protect and restore estuaries: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 25, 2010, as “National Estuaries Day”;

(2) supports the goals and ideals of National Estuaries Day;

(3) acknowledges the importance of estuaries to the economic well-being and productivity of the United States;

(4) recognizes that persistent threats undermine the health of the estuaries of the United States;

(5) applauds the work of national and community organizations and public partners that promote public awareness, understanding, protection, and restoration of estuaries;

(6) reaffirms the support of the Senate for estuaries, including the scientific study, preservation, protection, and restoration of estuaries; and

(7) expresses the intent of the Senate to continue working to understand, protect,

and restore the estuaries of the United States.

SENATE RESOLUTION 597—DESIGNATING SEPTEMBER 2010 AS “NATIONAL PROSTATE CANCER AWARENESS MONTH”

Mr. SESSIONS (for himself, Mr. BAYH, Mr. BENNETT, Mrs. BOXER, Mr. BURR, Mr. BURRIS, Mr. CARDIN, Mr. CASEY, Mr. CHAMBLISS, Mr. COCHRAN, Mr. CRAPO, Mr. DODD, Mr. DORGAN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. INHOFE, Mr. JOHNSON, Mr. JOHANNES, Mr. KERRY, Ms. LANDRIEU, Mr. LUGAR, Mr. SCHUMER, Mr. SHELBY, Mr. SPECTER, Mr. TESTER, and Mr. VITTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 597

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 males in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among males in the United States;

Whereas in 2010, 217,730 males in the United States will be diagnosed with prostate cancer, and 32,050 males will die from the disease;

Whereas 30 percent of newly diagnosed prostate cancer cases occur in males under the age of 65;

Whereas approximately every 14 seconds, a male in the United States turns 50 years old and increases his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer from a prostate cancer incidence rate that is up to 65 percent higher than White males and have double the prostate cancer mortality rate of White males;

Whereas obesity is a significant predictor of the severity of prostate cancer;

Whereas the probability that obesity will lead to death and high cholesterol levels is strongly associated with advanced prostate cancer;

Whereas males in the United States with 1 family member diagnosed with prostate cancer have a 1 in 3 chance of being diagnosed with the disease; males with 2 family members diagnosed have an 83 percent chance; and males with 3 family members diagnosed have a 97 percent chance;

Whereas screening by a digital rectal examination and a prostate-specific antigen blood test can detect the disease at the early stages, increasing the chances of survival for more than 5 years to nearly 100 percent;

Whereas only 33 percent of males survive more than 5 years if diagnosed during the late stages of the disease;

Whereas there are no noticeable symptoms of prostate cancer while it is still in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatment; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of males and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2010 as “National Prostate Cancer Awareness Month”;

(2) declares that steps should be taken—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding that is commensurate with the burden of prostate cancer so that—

(i) screening and treatment may be improved;

(ii) the causes may be discovered; and

(iii) a cure may be developed; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

SENATE RESOLUTION 598—DESIGNATING SEPTEMBER 2010 AS “NATIONAL CHILD AWARENESS MONTH” TO PROMOTE AWARENESS OF CHARITIES BENEFITTING CHILDREN AND YOUTH-SERVING ORGANIZATIONS THROUGHOUT THE UNITED STATES AND RECOGNIZING EFFORTS MADE BY THESE CHARITIES AND ORGANIZATIONS ON BEHALF OF CHILDREN AND YOUTH AS CRITICAL CONTRIBUTIONS TO THE FUTURE OF THE NATION

Mr. BURR (for himself and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 598

Whereas millions of children and youth in the United States represent the hopes and future of the United States;

Whereas numerous individuals, charities benefitting children, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of children and youth throughout the United States;

Whereas raising awareness of and increasing support for organizations that provide access to healthcare, social services, education, the arts, sports, and other services will result in the development of character and the future success of the children and youth of the Nation;

Whereas September, as the school year begins, is a time when parents, families, teachers, school administrators, and communities increase their focus on children and youth throughout the United States;

Whereas September is a time for the people of the United States to highlight and be mindful of the needs of children and youth;

Whereas private corporations and businesses have joined with hundreds of national and local charitable organizations throughout the United States in support of a month-long focus on children and youth; and

Whereas designating September 2010 as “National Child Awareness Month” would

recognize that a long-term commitment to children and youth is in the public interest, and will encourage widespread support for charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

Resolved, That the Senate designates September 2010 as "National Child Awareness Month"—

(1) to promote awareness of charities benefiting children and youth-serving organizations throughout the United States; and

(2) to recognize efforts made by such charities and organizations on behalf of children and youth as critical contributions to the future of the Nation.

SENATE RESOLUTION 599—DESIGNATING AUGUST 16, 2010, AS "NATIONAL AIRBORNE DAY"

Ms. MURKOWSKI (for herself, Mr. REED, Mr. REID, Mrs. HAGAN, Mr. BURR, Mrs. LINCOLN, Mr. VOINOVICH, Mr. INHOFE, Mr. CRAPO, Ms. SNOWE, Mr. BACUS, Mr. ISAKSON, Mr. BEGICH, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Mr. THUNE, Mr. AKAKA, Mr. BURRIS, Mr. SESSIONS, Mr. ROBERTS, Mr. WHITEHOUSE, Mr. BOND, Mr. BENNETT, Ms. LANDRIEU, Mr. CHAMBLISS, Mr. INOUE, and Mr. CORKER) submitted the following resolution; which was considered and agreed to:

S. RES. 599

Whereas the airborne forces of the Armed Forces have a long and honorable history as units of bold and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas the United States experiment with airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War and was launched when 48 volunteers began training in July 1940;

Whereas August 16 marks the anniversary of the first official Army parachute jump on August 16, 1940, to test the innovative concept of inserting United States ground combat forces behind a battle line by means of parachute;

Whereas the success of the Army Parachute Test Platoon in the days immediately before the entry of the United States into World War II led to the formation of a formidable force of airborne units that have served with distinction and have had repeated success in armed hostilities;

Whereas among those first airborne units are the former 11th, 13th, and 17th Airborne Divisions, the current 82nd and 101st Airborne Divisions, and the later airborne regiments and battalions (some as components of those divisions and some as separate units) that achieved distinction as the 75th Ranger Regiment, the 173rd Airborne Brigade Combat Team, the 187th Infantry (Airborne) Regiment, which is the only airborne unit to have served as a Glider, Parachute, and Air Assault Regiment, the 501st, 502nd, 503rd, 504th, 505th, 506th, 507th, 508th, 509th, 511th, 513th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th, 127th, 193rd, 194th, 325th, 326th, 327th, and 401st Glider Infantry Regiments, the 509th, 550th, 551st, and

555th Parachute Infantry Battalions, and the 550th Airborne Infantry Battalion;

Whereas the achievements of the airborne forces during World War II prompted the evolution of those forces into a diversified force of parachute and air assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas since the terrorist attacks on September 11, 2001, United States paratroopers, which include members of the XVIII Airborne Corps, the 82nd Airborne Division, the 101st Airborne Division (Air Assault), the 173rd Airborne Brigade Combat Team, the 4th Brigade (Airborne) of the 25th Infantry Division, the 75th Ranger Regiment, and special forces units, together with other units of the Armed Forces, have demonstrated bravery and honor in combat operations, civil affairs missions, and training operations in Afghanistan and Iraq;

Whereas the modern day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, Air Force combat control teams, pararescue, and weather teams, all of which are part of the United States Special Operations Command;

Whereas of the members and former members of the United States airborne forces, thousands have achieved the distinction of making combat jumps, dozens have earned the Medal of Honor, and hundreds have earned the Distinguished Service Cross, the Silver Star Medal, or other decorations and awards for displays heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States airborne forces are all members of a proud and honorable tradition that, together with their special skills and achievements, distinguishes them as intrepid combat parachutists, air assault forces, special operation forces, and, in former days, glider troops;

Whereas the history and achievements of the members and former members of the United States airborne forces warrant special expressions of the gratitude of the people of the United States; and

Whereas, since the airborne community celebrates August 16 as the anniversary of the first official jump by the Army Parachute Test Platoon, August 16 would be an appropriate day to recognize as National Airborne Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 2010, as "National Airborne Day"; and

(2) calls on the people of the United States to observe National Airborne Day with appropriate programs, ceremonies, and activities.

SENATE RESOLUTION 600—TO AUTHORIZE DOCUMENT PRODUCTION AND TESTIMONY BY, AND REPRESENTATION OF, THE SELECT COMMITTEE ON INTELLIGENCE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 600

Whereas, the United States Department of Justice has requested that the Senate Select Committee on Intelligence provide it with documents in connection with a pending investigation into the unauthorized disclosure of classified national security information;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent former or current employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Vice Chairman of the Senate Select Committee on Intelligence, acting jointly, are authorized to provide to the United States Department of Justice, under appropriate security procedures, copies of Committee documents sought in connection with a pending investigation into the unauthorized disclosure of classified national security information, and former and current employees of the Committee are authorized to testify in proceedings arising out of that investigation, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent the Select Committee on Intelligence, and any former or current employee of the Committee from whom testimony may be required, in connection with the testimony and document production authorized in section one of this resolution.

SENATE CONCURRENT RESOLUTION 69—RECOGNIZING THE 500TH ANNIVERSARY OF THE BIRTH OF ITALIAN ARCHITECT ANDREA PALLADIO

Mr. ENZI submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 69

Whereas 2008 was the 500th anniversary of the birth year of the Italian architect Andrea Palladio;

Whereas Andrea Palladio was born Andrea di Pietro in Padua on November 30, 1508;

Whereas Palladio, born of humble origins, apprenticed as a stonemason in his early life; Whereas under the patronage of Count Giangiorgio Trissino (1478–1550), Palladio studied architecture, engineering, topography, and military science in his mid-twenties;

Whereas in 1540, Count Trissino renamed him "Palladio", a reference to the wisdom of Pallas Athena, as well as the Italian form of the name of the Roman writer of the fourth century, Rutilius Taurus Aemilianus Palladius;

Whereas Palladio's designs for public works, churches, mansions, and villas rank

among the most outstanding architectural achievements of the Italian Renaissance;

Whereas Palladio's surviving buildings are collectively included in the UNESCO World Heritage List;

Whereas Palladio's treatise, "The Four Books of Architecture", ranks as the most influential publication on architecture ever produced and has shaped much of the architectural image of Western civilization;

Whereas "The Four Books of Architecture" has served as a primary source for classical design for many architects and builders in the United States from colonial times to the present;

Whereas Thomas Jefferson called Palladio's "The Four Books of Architecture" the "Bible" for architectural practice, and employed Palladio's principles in establishing lasting standards for public architecture in the United States and in constructing his own masterpiece, Monticello;

Whereas our Nation's most iconic buildings, including the United States Capitol Building and the White House, reflect the influence of Palladio's architecture through the Anglo-Palladian movement, which flourished in the 18th century;

Whereas Palladio's pioneering reconstruction and restoration drawings of ancient Roman temples in "The Four Books of Architecture" provided inspiration for many of the great American classical edifices of the 19th and 20th centuries, in the period known as the American Renaissance;

Whereas the American Renaissance marked the high point of the classical tradition and enriched the United States from coast to coast with countless architectural works of timeless dignity and beauty, including the John A. Wilson Building, the seat of government of the District of Columbia;

Whereas the American architectural monuments inspired both directly and indirectly by the writings, illustrations, and designs of Palladio form a proud and priceless part of our Nation's cultural heritage;

Whereas a special exhibition, "Palladio and His Legacy: A Transatlantic Journey", featuring 31 original Palladio drawings, organized by the Royal Institute of British Architects Trust in association with the Centro Internazionale di Studi di Architettura Andrea Palladio, demonstrates how Palladio's work has significantly influenced American architecture from colonial times to the present and will travel to The Morgan Library & Museum, the National Building Museum, the Milwaukee Art Museum, and The Heinz Architectural Center, Carnegie Museum of Art during the years 2010 and 2011; and

Whereas other organizations, educational institutions, museums, governmental agencies and many other entities have continued to celebrate the 500th anniversary of the birth of Palladio, beyond the year 2008, including the Italian National Committee for Andrea Palladio 500, the Istituto Italiano di Cultura, the Institute of Classical Architecture & Classical America, the Center for Palladian Studies in America, Inc. and the Palladium Musicum, Inc., as well as Italian American cultural organizations, such as the Italian Heritage and Culture Committee of New York, Inc., with a wide variety of public programs, museum exhibits, publications, symposia, proclamation ceremonies and salutes to the genius and legacy of Palladio. Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) recognizes the 500th anniversary of Andrea Palladio's birth year;

(2) recognizes his tremendous influence on architecture in the United States; and

(3) expresses its gratitude for the enhancement his life and career has bestowed upon the Nation's built environment.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4532. Mr. CORNYN (for himself, Mrs. MCCASKILL, Mr. BOND, Mrs. HUTCHISON, Ms. LANDRIEU, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table.

SA 4533. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4534. Mr. UDALL of Colorado (for himself, Ms. COLLINS, Mr. REID, Mr. SCHUMER, Mr. LIEBERMAN, Mrs. BOXER, Mrs. GILLIBRAND, Mr. SANDERS, Mr. INOUE, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4535. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4536. Mr. BENNET (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4537. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4538. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4539. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4540. Mr. WEBB (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4541. Mr. DODD (for himself, Mr. COCHRAN, Ms. MIKULSKI, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4542. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4543. Mr. WEBB (for himself, Ms. LANDRIEU, Mr. NELSON of Florida, and Mr. WAR-

NER) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4544. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4545. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4546. Mrs. LINCOLN (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4547. Mrs. LINCOLN (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4548. Mrs. LINCOLN (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4549. Mrs. LINCOLN (for herself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4550. Mr. WHITEHOUSE (for himself, Mr. BENNET, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CORKER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. KAUFMAN, Mr. LEAHY, Mr. LEMIEUX, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. PRYOR, Mr. SCHUMER, Mr. SESSIONS, Mr. SPECTER, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4551. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4552. Mr. MCCAIN (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4553. Mrs. LINCOLN (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4554. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4555. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4556. Mr. ROCKEFELLER (for himself and Mr. GOODWIN) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4557. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4558. Mrs. HUTCHISON (for herself, Mr. GRAHAM, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, *supra*; which was ordered to lie on the table.

SA 4559. Mr. HATCH (for himself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, *supra*; which was ordered to lie on the table.

SA 4560. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 5297, *supra*; which was ordered to lie on the table.

SA 4561. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5297, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4532. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . EXTENSION OF EXPENDITURE DEADLINE OF SOCIAL SERVICES BLOCK GRANT DISASTER FUNDING.

Notwithstanding any other provision of law, amounts made available to the Department of Health and Human Services, Administration for Children and Families, under the heading "Social Services Block Grant" under chapter 7 of division B of Public Law 110-329, shall remain available for expenditure through September 30, 2012.

SA 4533. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

In section 4261 (relating to emergency agricultural disaster assistance), strike subsection (h).

SA 4534. Mr. UDALL of Colorado (for himself, Ms. COLLINS, Mr. REID, Mr. SCHUMER, Mr. LIEBERMAN, Mrs. BOXER, Mrs. GILLIBRAND, Mr. SANDERS, Mr. INOUE, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr.

REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, after line 25, add the following:

SEC. 1137. LIMITS ON MEMBER BUSINESS LOANS.

(a) IN GENERAL.—

(1) REVISED LIMITATION AND CRITERIA.—Effective 6 months after the date of enactment of this Act, section 107A(a) of the Federal Credit Union Act (12 U.S.C. 1757a(a)) is amended to read as follows:

“(a) LIMITATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), an insured credit union may not make any member business loan that would result in the total amount of such loans outstanding at that credit union at any one time to be equal to more than the lesser of—

“(A) 1.75 times the actual net worth of the credit union; or

“(B) 12.25 percent of the total assets of the credit union.

“(2) ADDITIONAL AUTHORITY.—The Board may approve an application by an insured credit union upon a finding that the credit union meets the criteria under this paragraph to make 1 or more member business loans that would result in a total amount of such loans outstanding at any one time of not more than 27.5 percent of the total assets of the credit union, if the credit union—

“(A) had member business loans outstanding at the end of each of the 4 consecutive quarters immediately preceding the date of the application, in a total amount of not less than 80 percent of the applicable limitation under paragraph (1);

“(B) is well capitalized, as defined in section 216(c)(1)(A);

“(C) can demonstrate at least 5 years of experience of sound underwriting and servicing of member business loans;

“(D) has the requisite policies and experience in managing member business loans; and

“(E) has satisfied other standards that the Board determines are necessary to maintain the safety and soundness of the insured credit union.

“(3) EFFECT OF NOT BEING WELL CAPITALIZED.—An insured credit union that has made member business loans under an authorization under paragraph (2) and that is not, as of its most recent quarterly call report, well capitalized, may not make any member business loans, until such time as the credit union becomes well capitalized, as reflected in a subsequent quarterly call report, and obtains the approval of the Board.”.

(b) IMPLEMENTATION.—

(1) TIERED APPROVAL PROCESS.—The Board shall develop a tiered approval process, under which an insured credit union gradually increases the amount of member business lending in a manner that is consistent with safe and sound operations, subject to the limits established under section 107A(a)(2) of the Federal Credit Union Act (as amended by this Act). The rate of increase under the process established under this paragraph may not exceed 30 percent per year.

(2) RULEMAKING REQUIRED.—The Board shall issue proposed rules, not later than 6 months after the date of enactment of this Act, to establish the tiered approval process required under paragraph (1). The tiered approval process shall establish standards designed to ensure that the new business lending capacity authorized under the amendment made by subsection (a) is being used only by insured credit unions that are well-managed and well capitalized, as required by the amendments made under subsection (a) and as defined by the rules issued by the Board under this paragraph.

(3) CONSIDERATIONS.—In issuing rules required under this subsection, the Board shall consider—

(A) the experience level of the institutions, including a demonstrated history of sound member business lending;

(B) the criteria under section 107A(a)(2) of the Federal Credit Union Act, as amended by this Act; and

(C) such other factors as the Board determines necessary or appropriate.

(c) REPORTS TO CONGRESS ON MEMBER BUSINESS LENDING.—

(1) REPORT OF THE BOARD.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Board shall submit a report to Congress on member business lending by insured credit unions.

(B) REPORT.—The report required under subparagraph (A) shall include—

(i) the types and asset size of insured credit unions making member business loans and the member business loan limitations applicable to the insured credit unions;

(ii) the overall amount and average size of member business loans by each insured credit union;

(iii) the ratio of member business loans by insured credit unions to total assets and net worth;

(iv) the performance of the member business loans, including delinquencies and net charge offs;

(v) the effect of this section on the number of insured credit unions engaged in member business lending, any change in the amount of member business lending, and the extent to which any increase is attributed to the change in the limitation in section 107A(a) of the Federal Credit Union Act, as amended by this Act;

(vi) the number, types, and asset size of insured credit unions that were denied or approved by the Board for increased member business loans under section 107A(a)(2), as amended by this Act, including denials and approvals under the tiered approval process;

(vii) the types and sizes of businesses that receive member business loans, the duration of the credit union membership of the businesses at the time of the loan, the types of collateral used to secure member business loans, and the income level of members receiving member business loans; and

(viii) the effect of any increases in member business loans on the risk to the National Credit Union Share Insurance Fund and the assessments on insured credit unions.

(2) GAO STUDY AND REPORT.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study on the status of member business lending by insured credit unions, including—

(i) trends in such lending;

(ii) types and amounts of member business loans;

(iii) the effectiveness of this section in enhancing small business lending;

(iv) recommendations for legislative action, if any, with respect to such lending; and

(v) any other information that the Comptroller General considers relevant with respect to such lending.

(B) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the study required by subparagraph (A).

(d) DEFINITIONS.—In this section—

(1) the term “Board” means the National Credit Union Administration Board;

(2) the term “insured credit union” has the meaning given that term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

(3) the term “member business loan” has the meaning given that term in section 107A(c)(1) of the Federal Credit Union Act (12 U.S.C. 1757a(c)(1));

(4) the term “net worth” has the meaning given that term in section 107A(c)(2) of the Federal Credit Union Act (12 U.S.C. 1757a(c)(2)); and

(5) the term “well capitalized” has the meaning given that term in section 216(c)(1)(A) of the Federal Credit Union Act (12 U.S.C. 1709d(c)(1)(A)).

SA 4535. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, after line 25, add the following:
SEC. 1137. SURETY BONDS.

Section 508(f) of division A of the American Recovery and Reinvestment Act of 2009 (15 U.S.C. 694a note) is repealed.

SA 4536. Mr. BENNET (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, after line 25, add the following:
SEC. 1137. TARGETED SMALL BUSINESS LENDING PILOT PROGRAM.

(a) IN GENERAL.—Section 23 of the Small Business Act (15 U.S.C. 650) is amended by adding at the end the following:

“(k) TARGETED SMALL BUSINESS LENDING PILOT PROGRAM.—

“(1) PURPOSE.—The purpose of the targeted small business lending pilot program is to increase the lending activity of small business

lending companies to small business concerns operating in low-income communities.

“(2) DEFINITIONS.—In this subsection:

“(A) LOW-INCOME COMMUNITY.—The term ‘low-income community’ means a low-income community within the meaning of section 45D(e) of the Internal Revenue Code of 1986 (relating to the new markets tax credit).

“(B) TARGETED SMALL BUSINESS LENDING COMPANY.—The term ‘targeted small business lending company’ means a business concern—

“(i) described in section 3(r)(1), without regard to whether the business concern was authorized to make loans under section 7(a) before the date on which the Administrator authorizes the business concern to make the loans under this subsection;

“(ii) that has a primary mission of serving or providing investment capital for low-income communities, low-income persons, or businesses located in low-income communities;

“(iii) that maintains accountability to low-income communities through participation of representatives of the communities on a governing or an advisory board to the business concern;

“(iv) that has a demonstrated ability, directly or through a controlling entity, to make loans to businesses in low-income communities; and

“(v) that makes substantially all of the loans made by the business concern to businesses operating in low-income communities.

“(3) ESTABLISHMENT.—There is established a targeted small business lending pilot program, under which the Administrator—

“(A) shall authorize not more than 12 targeted small business lending companies to make loans under section 7(a); and

“(B) may not charge a fee relating to an authorization under subparagraph (A).

“(4) SAFETY AND SOUNDNESS REQUIREMENTS.—

“(A) PROHIBITION ON SALE OF AUTHORIZATION.—A targeted small business lending company may not sell the authorization of the targeted small business lending company to make loans under section 7(a).

“(B) GAO REVIEW.—During the 2-year period beginning on the date of enactment of this subsection, the Comptroller General of the United States shall—

“(i) review the oversight of targeted small business lending companies by the Administration; and

“(ii) submit periodic reports to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the review under clause (i).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3(r)(1) of the Small Business Act (15 U.S.C. 632(r)(1)) is amended by inserting “, including a targeted small business lending company authorized under section 23(k)” before the period at the end.

SA 4537. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job cre-

ation, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 21, add the following:

SEC. 1336. STUDY BY COMPTROLLER GENERAL.

(a) DEFINITIONS.—In this section—

(1) the terms “HUBZone small business concern”, “small business concern”, “small business concern owned and controlled by service-disabled veterans”, and “small business concern owned and controlled by women” have the meaning given those terms under section 3 of the Small Business Act (15 U.S.C. 632);

(2) the term “minority business enterprise” means a small business concern that is unconditionally owned, controlled, and managed by an individual who is—

(A) a Black American;

(B) a Hispanic American;

(C) a Native American, including an American Indian, Eskimo, Aleut, or Native Hawaiian;

(D) an Asian Pacific American, including an individual having origins in any of the original peoples of Myanmar, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China (including Hong Kong), Taiwan, Laos, Cambodia (Kampuchea), Vietnam, North Korea, South Korea, the Philippines, a United States Trust Territory of the Pacific Islands (including the Republic of Palau), the Republic of the Marshall Islands, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Fiji, Tonga, Kiribati, Tuvalu, or Nauru;

(E) a Subcontinent Asian American, including an individual having origins in any of the original peoples of India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal; or

(F) a member of another minority group, as determined by the Administrator of the Small Business Administration;

(3) the term “qualified HUBZone small business concern” means a HUBZone small business concern that is qualified under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)); and

(4) the term “small business concern owned and controlled by socially and economically disadvantaged individuals” has the meaning given that term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

(b) STUDY REQUIRED.—The Comptroller General of the United States shall carry out a study on the participation of small business concerns owned and controlled by socially and economically disadvantaged individuals, qualified HUBZone small business concerns, minority business enterprises, and small business concerns owned and controlled by women in procurement contracts awarded using funds made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116), which shall include—

(1) determining the percentage of all contracts awarded by Federal agencies and departments using funds made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116) that were awarded to—

(A) small business concerns owned and controlled by socially and economically disadvantaged individuals;

(B) minority business enterprises;

(C) small business concerns owned and controlled by women; and

(D) qualified HUBZone small business concerns; and

(2) evaluating whether Federal agencies and departments have met the Government-wide goals established under section 15(g) of the Small Business Act (15 U.S.C. 644(g)) for procurement contracts awarded to small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women, with respect to procurement contracts awarded using funds made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 116).

(c) REPORT.—Not later than 120 days after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study required under subsection (b).

SA 4538. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 224, strike line 12 and all that follows through page 225, line 10, and insert the following:

(4) INELIGIBLE INSTITUTIONS.—

(A) INELIGIBILITY OF INSTITUTIONS ON FDIC PROBLEM BANK LIST.—

(i) IN GENERAL.—An eligible institution may not receive any capital investment under the Program, if—

(I) such institution is on the FDIC problem bank list; or

(II) such institution has been removed from the FDIC problem bank list for less than 90 days.

(ii) CONSTRUCTION.—Nothing in clause (i) shall be construed as limiting the discretion of the Secretary to deny the application of an eligible institution that is not on the FDIC problem bank list.

(iii) FDIC PROBLEM BANK LIST DEFINED.—For purposes of this subparagraph, the term “FDIC problem bank list” means the list of depository institutions having a current rating of 4 or 5 under the Uniform Financial Institutions Rating System, or such other list designated by the Federal Deposit Insurance Corporation.

(B) INELIGIBILITY OF NON-PAYING CPP PARTICIPANTS.—

(i) IN GENERAL.—An eligible institution that has missed more than one dividend payment due under the CPP may not receive any capital investment under the Program.

(ii) DETERMINATION OF MISSED DIVIDEND PAYMENTS.—For purposes of this subparagraph, a CPP dividend payment that is submitted within 60 days of the due date of such payment shall not be considered a missed dividend payment.

SA 4539. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr.

REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 214, between lines 3 and 4, insert the following:

(v) If the eligible institution notifies the Secretary in the application for a capital investment under the Program that the eligible institution elects to have such loans included as small business lending by the eligible institution, construction, land development, and other land loans.

SA 4540. Mr. WEBB (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE —TAXPAYER FAIRNESS ACT

SEC. 001. SHORT TITLE.

This title may be cited as the “Taxpayer Fairness Act”.

SEC. 002. FINDINGS.

Congress finds the following:

(1) During the years 2008 and 2009, the Nation’s largest financial firms received extraordinary and unprecedented assistance from the public.

(2) Such assistance was critical to the success and in many cases the survival of these firms during the year 2009.

(3) High earners at such firms should contribute a portion of any excessive bonuses obtained for the year 2009 to help the Nation reduce the public debt and recover from the recession.

SEC. 003. EXCISE TAXES ON EXCESSIVE 2009 BONUSES RECEIVED FROM MAJOR RECIPIENTS OF FEDERAL EMERGENCY ECONOMIC ASSISTANCE.

(a) IMPOSITION OF TAX.—Chapter 46 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 4999A. EXCESSIVE 2009 BONUSES RECEIVED FROM MAJOR RECIPIENTS OF FEDERAL EMERGENCY ECONOMIC ASSISTANCE.

“(a) IMPOSITION OF TAX.—There is hereby imposed on any person who receives a covered excessive 2009 bonus a tax equal to 50 percent of the amount of such bonus.

“(b) DEFINITION.—For purposes of this section, the term ‘covered excessive 2009 bonus’ has the meaning given such term by section 280I(b).

“(c) ADMINISTRATIVE PROVISIONS AND SPECIAL RULES.—

“(1) WITHHOLDING.—

“(A) IN GENERAL.—In the case of any covered excessive 2009 bonus which is treated as

wages for purposes of section 3402, the amount otherwise required to be deducted and withheld under such section shall be increased by the amount of the tax imposed by this section on such bonus.

“(B) BONUSES PAID BEFORE ENACTMENT.—In the case of any covered excessive 2009 bonus to which subparagraph (A) applies which is paid before the date of the enactment of this section, no penalty, addition to tax, or interest shall be imposed with respect to any failure to deduct and withhold the tax imposed by this section on such bonus.

“(2) TREATMENT OF TAX.—For purposes of subtitle F, any tax imposed by this section shall be treated as a tax imposed by subtitle A.

“(3) NOTICE REQUIREMENTS.—The Secretary shall require each major Federal emergency economic assistance recipient (as defined in section 280I(d)(1)) to notify, as soon as practicable after the date of the enactment of this section and at such other times as the Secretary determines appropriate, the Secretary and each covered employee (as defined in section 280I(e)) of the amount of covered excessive 2009 bonuses to which this section applies and the amount of tax deducted and withheld on such bonuses.

“(4) SECRETARIAL AUTHORITY.—The Secretary may prescribe such regulations, rules, and guidance of general applicability as may be necessary to carry out the provisions of this section, including—

“(A) to prescribe the due date and manner of payment of the tax imposed by this section with respect to any covered excessive 2009 bonus paid before the date of the enactment of this section, and

“(B) to prevent—

“(i) the recharacterization of a bonus payment as a payment which is not a bonus payment in order to avoid the purposes of this section,

“(ii) the treatment as other than an additional 2009 bonus payment of any payment of increased wages or other payments to a covered employee who receives a bonus payment subject to this section in order to reimburse such covered employee for the tax imposed by this section with regard to such bonus, or

“(iii) the avoidance of the purposes of this section through the use of partnerships or other pass-thru entities.”.

(b) CLERICAL AMENDMENTS.—

(1) The heading and table of sections for chapter 46 of the Internal Revenue Code of 1986 are amended to read as follows:

“CHAPTER 46—TAXES ON CERTAIN EXCESSIVE REMUNERATION

“Sec. 4999. Golden parachute payments.

“Sec. 4999A. Excessive 2009 bonuses received from major recipients of Federal emergency economic assistance.”.

(2) The item relating to chapter 46 in the table of chapters for subtitle D of such Code is amended to read as follows:

“Chapter 46. Taxes on certain excessive remuneration.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments of covered excessive 2009 bonuses after December 31, 2008, in taxable years ending after such date.

SEC. 004. LIMITATION ON DEDUCTION OF AMOUNTS PAID AS EXCESSIVE 2009 BONUSES BY MAJOR RECIPIENTS OF FEDERAL EMERGENCY ECONOMIC ASSISTANCE.

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 280I. EXCESSIVE 2009 BONUSES PAID BY MAJOR RECIPIENTS OF FEDERAL EMERGENCY ECONOMIC ASSISTANCE.

“(a) GENERAL RULE.—The deduction allowed under this chapter with respect to the amount of any covered excessive 2009 bonus shall not exceed 50 percent of the amount of such bonus.

“(b) COVERED EXCESSIVE 2009 BONUS.—For purposes of this section, the term ‘covered excessive 2009 bonus’ means any 2009 bonus payment paid during any calendar year to a covered employee by any major Federal emergency economic assistance recipient, to the extent that the aggregate of such 2009 bonus payments (without regard to the date on which such payments are paid) with respect to such employee exceeds the dollar amount of the compensation received by the President under section 102 of title 3, United States Code, for calendar year 2009.

“(c) 2009 BONUS PAYMENT.—

“(1) IN GENERAL.—The term ‘2009 bonus payment’ means any payment which—

“(A) is a payment for services rendered,

“(B) is in addition to any amount payable to a covered employee for services performed by such covered employee at a regular hourly, daily, weekly, monthly, or similar periodic rate,

“(C) in the case of a retention bonus, is paid for continued service during calendar year 2009 or 2010, and

“(D) in the case of a payment not described in subparagraph (C), is attributable to services performed by a covered employee during calendar year 2009 (without regard to the year in which such payment is paid). Such term does not include payments to an employee as commissions, contributions to any qualified retirement plan (as defined in section 4974(c)), welfare and fringe benefits, overtime pay, or expense reimbursements. In the case of a payment which is attributable to services performed during multiple calendar years, such payment shall be treated as a 2009 bonus payment to the extent it is attributable to services performed during calendar year 2009.

“(2) DEFERRED DEDUCTION BONUS PAYMENTS.—

“(A) IN GENERAL.—The term ‘2009 bonus payment’ includes payments attributable to services performed in 2009 which are paid in the form of remuneration (within the meaning of section 162(m)(4)(E)) for which the deduction under this chapter (determined without regard to this section) for such payment is allowable in a subsequent taxable year.

“(B) TIMING OF DEFERRED DEDUCTION BONUS PAYMENTS.—For purposes of this section and section 4999A, the amount of any payment described in subparagraph (A) (as determined in the year in which the deduction under this chapter, determined without regard to this section, for such payment would be allowable) shall be treated as having been made in the calendar year in which any interest in such amount is granted to a covered employee (without regard to the date on which any portion of such interest vests).

“(3) RETENTION BONUS.—The term ‘retention bonus’ means any bonus payment (without regard to the date such payment is paid) to a covered employee which—

“(A) is contingent on the completion of a period of service with a major Federal emergency economic assistance recipient, the completion of a specific project or other activity for the major Federal emergency economic assistance recipient, or such other circumstances as the Secretary may prescribe, and

“(B) is not based on the performance of the covered employee (other than a requirement that the employee not be separated from employment for cause).

A bonus payment shall not be treated as based on performance for purposes of subparagraph (B) solely because the amount of the payment is determined by reference to a previous bonus payment which was based on performance.

“(d) MAJOR FEDERAL EMERGENCY ECONOMIC ASSISTANCE RECIPIENT.—For purposes of this section—

“(1) IN GENERAL.—The term ‘major Federal emergency economic assistance recipient’ means—

“(A) any financial institution (within the meaning of section 3 of the Emergency Economic Stabilization Act of 2008) if at any time after December 31, 2007, the Federal Government acquires—

“(i) an equity interest in such person pursuant to a program authorized by the Emergency Economic Stabilization Act of 2008 or the third undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343), or

“(ii) any warrant (or other right) to acquire any equity interest with respect to such person pursuant to any such program, but only if the total value of the equity interest described in clauses (i) and (ii) in such person is not less than \$5,000,000,000.

“(B) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, and

“(C) any person which is a member of the same affiliated group (as defined in section 1504, determined without regard to subsection (b) thereof) as a person described in subparagraph (A) or (B).

“(2) TREATMENT OF CONTROLLED GROUPS.—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as a single employer with respect to any covered employee.

“(e) COVERED EMPLOYEE.—For purposes of this section, the term ‘covered employee’ means, with respect to any major Federal emergency economic assistance recipient—

“(1) any employee of such recipient, and

“(2) any director of such recipient who is not an employee.

In the case of any major Federal emergency economic assistance recipient which is a partnership or other unincorporated trade or business, the term ‘employee’ shall include employees of such recipient within the meaning of section 401(c)(1).

“(f) REGULATIONS.—The Secretary may prescribe such regulations, rules, and guidance of general applicability as may be necessary to carry out the provisions of this section, including—

“(1) to prescribe the due date and manner of reporting and payment of any increase in the tax imposed by this chapter due to the application of this section to any covered excessive 2009 bonus paid before the date of the enactment of this section, and

“(2) to prevent—

“(A) the recharacterization of a bonus payment as a payment which is not a bonus payment in order to avoid the purposes of this section, or

“(B) the avoidance of the purposes of this section through the use of partnerships or other pass-thru entities.”.

(b) CLERICAL AMENDMENT.—The table of sections for part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 280I. Excessive 2009 bonuses paid by major recipients of Federal emergency economic assistance.”.

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (F) of section 162(m)(4) of the Internal Revenue Code of 1986 is amended—

(A) by inserting “AND EXCESSIVE 2009 BONUSES” after “PAYMENTS” in the heading,

(B) by striking “the amount” and inserting “the total amounts”, and

(C) by inserting “or 280I” before the period.

(2) Subparagraph (A) of section 3121(v)(2) of such Code is amended by inserting “, to any covered excessive 2009 bonus (as defined in section 280I(b)),” after “section 280G(b))”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments of covered excessive 2009 bonuses after December 31, 2008, in taxable years ending after such date.

SA 4541. Mr. DODD (for himself, Mr. COCHRAN, Ms. MIKULSKI, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page ___, line ___, insert the following:
SEC. ___. EXCLUSION FROM GROSS INCOME OF AMERICORPS EDUCATIONAL AWARDS.

(a) IN GENERAL.—Section 117 of the Internal Revenue Code of 1986 (relating to qualified scholarships) is amended by adding at the end the following:

“(e) AMERICORPS EDUCATIONAL AWARDS.—Gross income shall not include any national service educational award described in subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of enactment of this Act.

SA 4542. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 12 and 13, insert the following:

SEC. 4114. CONFORMING AMENDMENT.

Section 171(b)(5) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203) is amended—

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(D) debt or equity instruments of a depository institution holding company organized in the mutual form or as an S corporation that are issued to or purchased by the United States, or any agency or instrumentality thereof, under the Small Business Lending Fund Program during the 1-year period beginning on the date of enactment of the Small Business Jobs Act of 2010.”.

SA 4543. Mr. WEBB (for himself, Ms. LANDRIEU, Mr. NELSON of Florida, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

Subtitle C—Other Relief

SEC. ____ . GUIDANCE ON TAX TREATMENT OF LOSSES RELATED TO TAINTED DRYWALL AS CASUALTY LOSS DEDUCTIONS.

Not later than the due date, including extension, for filing a return of tax for taxable year 2009, the Secretary of the Treasury shall issue guidance with respect to the availability of a casualty loss deduction under section 165(c)(3) of the Internal Revenue Code of 1986 for a taxpayer who has sustained a loss due to defective or tainted drywall, including drywall imported from China.

SA 4544. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 214, between lines 3 and 4, insert the following:

(v) If the eligible institution notifies the Secretary in the application for a capital investment under the Program that the eligible institution elects to have such loans included as small business lending by the eligible institution, construction, land development, and other land loans.

SA 4545. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund

Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, after line 24, add the following:

(c) WORKING CAPITAL EXPRESS PROGRAM.—

(1) PROGRAM ESTABLISHED.—

(A) WORKING CAPITAL EXPRESS PROGRAM.—Section 7(a)(31) of the Small Business Act (15 U.S.C. 636(a)(31)) is amended by adding at the end the following:

“(G) WORKING CAPITAL EXPRESS PROGRAM IN RESPONSE TO ECONOMIC CRISIS.—

“(i) LOAN GUARANTEES.—The Administrator may guarantee loans under the Express Loan Program made by lenders designated in accordance with clause (iii)(I) to small business concerns that have been in business for not less than 2 years before the date on which the small business concern submits an application for a loan under this subparagraph.

“(ii) LOAN TERMS.—

“(I) MINIMUM AMOUNT.—The Administrator may guarantee a loan under this subparagraph of not less than \$100,000.

“(II) GUARANTEE RATE.—Notwithstanding subparagraph (A)(ii), the guarantee rate for a loan under this subparagraph shall be 75 percent.

“(iii) PROGRAM SAFEGUARDS.—

“(I) ELIGIBILITY.—The Administrator shall, by rule, establish criteria for the designation of lenders that are eligible to make a loan guaranteed under this subparagraph.

“(II) UNDERWRITING STANDARDS.—The Administrator shall, by rule, establish underwriting standards for loans guaranteed under this subparagraph, to ensure that the Administrator may guarantee new loans under this subparagraph until 1 year after the date of enactment of this subparagraph. The standards established under this subclause shall require the borrower to submit income tax returns to provide verification of business income.

“(III) PENALTIES FOR FRAUD.—Notwithstanding section 16, a lender that knowingly makes a false statement with respect to the income, assets, or other qualifications of a small business concern in connection with a loan or application for a loan guaranteed under this subparagraph shall be fined not more than \$500,000, imprisoned for not more than 5 years, or both.

“(iv) AUTHORITY OF PARTICIPATING LENDERS.—A lender designated in accordance with clause (iii) shall have the same authority with respect to the underwriting and liquidation of a loan guaranteed under this subparagraph as a lender participating in the Certified Lenders Program under paragraph (19).

“(v) TOTAL AMOUNT OF LOANS.—The Administrator may guarantee a total of not more than \$3,000,000,000 in loans under this subparagraph.

“(vi) DEFAULT RATE.—The Administrator shall calculate the default rate for loans guaranteed under this subparagraph separately from the default rate for any other loans made or guaranteed by the Administration.”.

(B) CONFORMING AMENDMENT.—Section 7(a)(25)(B) of the Small Business Act (15 U.S.C. 636(a)(25)(B)) is amended by inserting “, and does not include loans under paragraph (31)(G)” after “by law”.

(C) IMPLEMENTATION.—Not later than 45 days after the date of enactment of this Act, the Administrator shall begin guaranteeing loans under section 7(a)(31)(G) of the Small Business Act, as added by this subsection.

(2) FUNDING.—

(A) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, \$75,000,000, to remain available until 1 year after the date of enactment of this Act, for an additional amount for the appropriations account appropriated under the heading “BUSINESS LOANS PROGRAM ACCOUNT” under the heading “SMALL BUSINESS ADMINISTRATION” for the cost of loan guarantees under section 7(a)(31)(G) of the Small Business Act, as added by this subsection.

(B) OFFSETS.—There are permanently rescinded from the appropriations account appropriated under the heading “FEDERAL BUILDINGS FUND” under the heading “REAL PROPERTY ACTIVITIES” under the heading “GENERAL SERVICES ADMINISTRATION”, \$50,000,000 from Rental of Space and \$25,000,000 from Building Operations, to be derived from unobligated balances that were provided in previous appropriations Acts.

(3) PROSPECTIVE REPEAL.—

(A) IN GENERAL.—Effective 1 year after the date of enactment of this Act, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(i) in paragraph (25)(B), by striking “, and does not include loans under paragraph (31)(G)”;

(ii) in paragraph (31), by striking subparagraph (G).

(B) PENALTIES.—Notwithstanding subparagraph (A), subclause (III) of section 7(a)(31)(G)(iii) of the Small Business Act, as added by this subsection, shall continue to apply on and after the date described in subparagraph (A), to loans guaranteed under section 7(a)(31)(G) of the Small Business Act.

(C) SAVINGS PROVISION.—A loan guaranteed under section 7(a)(31)(G) of the Small Business Act, as added by this subsection, before the date described in subparagraph (A) shall remain in full force and effect under the terms, and for the duration, of the loan.

SA 4546. Mrs. LINCOLN (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . DIRECT PAYMENT OF ENERGY EFFICIENT APPLIANCES TAX CREDIT.

In the case of any taxable year which includes December 31, 2009, or December 31, 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as

made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for taxable years 2009 and 2010, but once made shall be irrevocable. No amount shall be includible in gross income or alternative minimum taxable income by reason of this section.

SA 4547. Mrs. LINCOLN (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REDUCTION IN CORPORATE RATE FOR QUALIFIED TIMBER GAIN.

(a) IN GENERAL.—Paragraph (1) of section 1201(b) of the Internal Revenue Code of 1986 is amended by striking “ending” and all that follows through “such date”.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 1201(b) of the Internal Revenue Code of 1986 is amended to read as follows:

“(3) APPLICATION OF SUBSECTION.—The qualified timber gain for any taxable year shall not exceed the qualified timber gain which would be determined by not taking into account any portion of such taxable year after December 31, 2010.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

SA 4548. Mrs. LINCOLN (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REVISION OF BENEFITS.

(a) SAFE HARBOR FOR MEETING REQUIREMENT THAT 35 PERCENT OF EMPLOYEES BE RESIDENTS OF ZONE.—

(1) IN GENERAL.—Section 1397C of the Internal Revenue Code of 1986 (defining enterprise zone business) is amended by adding at the end the following new subsection:

“(g) ADDITIONAL SAFE HARBOR FOR MEETING REQUIREMENT THAT 35 PERCENT OF EMPLOYEES BE RESIDENTS OF ZONE.—The requirements of subsections (b)(6) and (c)(5) shall not fail to be treated as met for any period with respect to a qualified business if—

“(1) as of the date of issuance of an issue, the date property is placed in service, or the date of the sale of an asset, it is reasonably expected that within 3 years after such date the business will increase employment by at least the lesser of—

“(A) in the case of—

“(i) a business located in a renewal community or in a rural area (as defined in section 1393(a)(2)) in an empowerment zone or enterprise community, 500 full-time employees, or

“(ii) a business located outside a rural area (as so defined) in an empowerment zone or enterprise community, 1,000 full-time employees, or

“(B) 10 percent of the number of full-time employees estimated to have been employed in such zone or community on the date of its designation,

“(2) as of the date of issuance of the issue, it is reasonably expected that as a result of the bonds the business will increase employment by at least one job for each \$150,000 in face amount of the issue,

“(3) at any time within 3 years after the date of the issuance of an issue, the date property is placed in service, or the date of the sale of an asset, the requirements of such subsections are met, or

“(4) the business enters into a binding agreement with the appropriate local government employment agency to apply a first source rule to advertise and prioritize employment opportunities with such business for qualified residents of such zone or community.”

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act, except that in the case of obligations which are outstanding on such date, such date shall be deemed the date of issuance for such obligations.

(b) ELIGIBILITY OF BUSINESSES DEVELOPING OR HOLDING INTANGIBLES.—

(1) IN GENERAL.—Paragraph (4) of section 1397C(d) of the Internal Revenue Code of 1986 is amended by inserting before the period “unless the intangibles are developed within the empowerment zone”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

(c) REDUCED WAGE CREDIT ALLOWABLE FOR ZONE RESIDENTS EMPLOYED OUTSIDE THE ZONE; EMPLOYEES NEED NOT BE RESIDENTS OF ZONE IN WHICH EMPLOYED.—

(1) IN GENERAL.—Subsection (b) of section 1396 of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) APPLICABLE PERCENTAGE.—

“(1) QUALIFIED ZONE EMPLOYEES WHO PERFORM SUBSTANTIALLY ALL OF THEIR SERVICES IN AN EMPOWERMENT ZONE.—The applicable percentage is 20 percent with respect to qualified zone employees who would meet the requirement of subsection (d)(1) if only services performed within an empowerment zone were taken into account.

“(2) OTHER QUALIFIED ZONE EMPLOYEES.—

“(A) IN GENERAL.—The applicable percentage is—

“(i) 20 percent in the case of designated qualified zone employees of employers which are enterprise zone businesses, and

“(ii) 10 percent in the case of any other designated qualified zone employee.

“(B) LIMITATIONS ON NUMBER OF DESIGNATED EMPLOYEES.—

“(i) IN GENERAL.—For purposes of subparagraph (A), the term ‘designated qualified zone employee’ means a qualified zone employee—

“(I) to whom paragraph (1) does not apply, and

“(II) who is designated under this subparagraph.

“(ii) MANNER OF DESIGNATIONS.—Designations under this subparagraph shall be made

by the local government or governments which nominated the area to be an empowerment zone.

“(iii) LIMITATION ON DESIGNATIONS.—The number of employees for whom a designation under this subparagraph is in effect at any one time with respect to each empowerment zone shall not exceed—

“(I) 500 for purposes of subparagraph (A)(i), and

“(II) 2,000 for purposes of subparagraph (A)(ii).”

(2) QUALIFIED ZONE EMPLOYEE.—Paragraph (1) of section 1396(d) of such Code is amended—

(A) by striking “within an empowerment zone” in subparagraph (A), and

(B) by striking “such empowerment zone” in subparagraph (B) and inserting “an empowerment zone”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

(d) CARRYFORWARD OF UNALLOCATED STATE COMMERCIAL REVITALIZATION EXPENDITURE CEILING.—

(1) IN GENERAL.—Paragraph (1) of section 1400I(d) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) IN GENERAL.—The aggregate commercial revitalization expenditure amount which a commercial revitalization agency may allocate for any calendar year is the amount equal to the sum of—

“(A) the amount of the State commercial revitalization expenditure ceiling determined under this paragraph for such calendar year for such agency (determined without regard to subparagraph (B)), and

“(B) the aggregate of the unused State commercial revitalization expenditure ceilings determined under this paragraph for such agency for each of the 2 preceding calendar years.

For purposes of subparagraph (B), amounts of expenditure ceiling shall be treated as allocated by an agency first from unused amounts for the second preceding calendar year, then from unused amounts for the 1st preceding calendar year, and then from amounts from the current year State allocation.”

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to calendar years beginning after the date of the enactment of this Act.

(e) AUTHORITY TO EXPAND BOUNDARIES OF ZONES AND COMMUNITIES.—

(1) EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES.—Section 1391 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(i) AUTHORITY TO EXPAND BOUNDARIES OF DESIGNATED AREAS.—

“(1) IN GENERAL.—At the request of all governments which nominated an area as an empowerment zone or enterprise community, the appropriate Secretary may expand the area of such zone or community to include 1 or more contiguous or noncontiguous areas if such governments establish to the satisfaction of the appropriate Secretary that such expansion furthers the purposes of the designation of the initial area as such a zone or community.

“(2) RURAL AREAS.—With respect to any empowerment zone or enterprise community located in a rural area, at the request of the nominating local government, the appropriate Secretary shall expand the area of such zone or community to include the entire area of such nominating local government, but only if—

“(A) either—

“(i) the poverty rate and the unemployment rate for such entire area as determined by the 2000 decennial census data was at least 110 percent of such rate for the United States, or

“(ii) during the period beginning with the 1990 decennial census and ending with the 2000 decennial census, such entire area has a net out migration of inhabitants of at least 10 percent of the population of such area, and

“(B) such entire area meets 1 or more of the following criteria determined by the 2000 decennial census data:

“(i) Median household income is not more than 70 percent of such income for the United States.

“(ii) Per capita income is not more than 75 percent of such income for the United States.

“(iii) The percentage of such area’s population which is disabled is at least 130 percent of such percentage for the United States.”.

(2) RENEWAL COMMUNITIES.—Section 1400E of such Code is amended by adding at the end the following new subsection:

“(h) AUTHORITY TO EXPAND BOUNDARIES OF DESIGNATED AREAS.—

“(1) IN GENERAL.—At the request of all governments which nominated an area as a renewal community, the Secretary of Housing and Urban Development may expand the area of such community to include 1 or more noncontiguous areas if such governments establish to the satisfaction of such Secretary that such expansion furthers the purposes of the designation of the initial area as a renewal community.

“(2) RURAL AREAS.—With respect to any renewal community located in a rural area, at the request of the nominating local government, the Secretary of Housing and Urban Development shall expand the area of such community to include the entire area of such nominating local government, but only if—

“(A) either—

“(i) the poverty rate and the unemployment rate for such entire area as determined by the 2000 decennial census data was at least 110 percent of such rate for the United States, or

“(ii) during the period beginning with the 1990 decennial census and ending with the 2000 decennial census, such entire area has a net out migration of inhabitants of at least 10 percent of the population of such area, and

“(B) such entire area meets 1 or more of the following criteria determined by the 2000 decennial census data:

“(i) Median household income is not more than 70 percent of such income for the United States.

“(ii) Per capita income is not more than 75 percent of such income for the United States.

“(iii) The percentage of such area’s population which is disabled is at least 130 percent of such percentage for the United States.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(f) ELECTION OF FINANCING ARRANGEMENT IN LIEU OF TAX BENEFITS.—

(1) IN GENERAL.—Section 1396 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(e) ELECTION OF FINANCING ARRANGEMENT IN LIEU OF TAX BENEFITS.—

“(1) IN GENERAL.—At the election of any significant empowerment zone business, for the payment period of the debt obligation designated in such election (or as an amendment to such election) by such business—

“(A) such business—

“(i) shall not be allowed an empowerment zone employment credit described in subsection (a), and

“(ii) shall not be allowed any deduction for depreciation under section 168 with respect to qualified zone property that provides a cost recovery benefit described in paragraph (2), and

“(B) the Secretary shall make the payments described in paragraph (2) to a trustee designated by the electing business to accept such payments on behalf of such holders).

“(2) PAYMENTS.—

“(A) IN GENERAL.—At the beginning of each year of the payment period, the Secretary shall pay (out of any money in the Treasury not otherwise appropriated) to the trustee designated by such business an amount equal to—

“(i) the empowerment zone employment credit computed for such year under this section as if the election was not made under this subsection, and

“(ii) except as provided in paragraph (4)(A), the amount equal to the cost recovery benefit divided by the number of years in the payment period described in subparagraph (C).

“(B) COST RECOVERY BENEFIT.—For purposes of subparagraph (A), the cost recovery benefit shall be an amount equal to 25 percent of—

“(i) the cost of any tangible property which is qualified zone property (including improvements to such tangible property) incurred by the significant empowerment zone business before the end of the first 5 full calendar years beginning after the date the election is made under this subsection, and

“(ii) any such cost for which a binding contract for financing the acquisition of such tangible property (including improvements to such tangible property) has been made by such business and which under the terms of the financing is to be incurred within the first 5 full calendar years beginning after the date of the election made under this subsection.

“(C) PAYMENT PERIOD.—The payment period is the period of 15 calendar years beginning with the earlier of—

“(i) the calendar year specified by the significant empowerment zone business as the 1st year of the payment period without regard to the date the property is placed in service, or

“(ii) the 5th calendar year beginning after the date that the election under this subsection is made.

“(3) SIGNIFICANT EMPOWERMENT ZONE BUSINESS.—For purposes of this subsection, the term ‘significant empowerment zone business’ means any trade or business operating in an empowerment zone if—

“(A) such business is nominated by the chief executive or the legislative body of the State or a local government in which the zone property is located, and

“(B) the Secretary of Housing and Urban Development determines that—

“(i) it is a facility for qualified research as defined in section 41(d) which is reasonably anticipated to make at least \$50,000,000 of capital expenditures within the first 3 years of the payment period, or

“(ii) with respect to any other business, it is reasonably anticipated that such business will increase employment in such zone by the end of the first 3 years of the payment period by at least the lesser of—

“(I) 1,000 full-time employees or equivalents, or

“(II) 10 percent of the number of full-time employees estimated to have been employed in such zone on the date of its designation.

“(4) SPECIAL RULES.—

“(A) ADJUSTMENT TO COST RECOVERY BENEFIT.—In the event that the significant empowerment zone business does not incur a cost within the period described in paragraph (2)(B) and for which a cost recovery benefit payment is made under this subsection, the Secretary shall reduce future recovery benefit payments to recover 110 percent of the overpayments in equal installments over the remaining payment period. In the event that a cost described in paragraph (2)(B)(i) is incurred, or a contract described in paragraph (2)(B)(ii) is entered into, after the beginning of the payment period, the Secretary shall increase future recovery benefit payments to recover 100 percent of the cost recovery benefit associated with such costs or contracts in equal installments over the remaining payment period.

“(B) BASIS ADJUSTMENT.—For purposes of this subtitle, if a cost recovery payment is made under this subsection with respect to any property, the basis of such property shall be reduced by the amount of such payment.

“(5) TREATMENT OF PAYMENTS.—Any payment made under this subsection shall not be treated as a Federal Government guarantee for purposes of section 149(b).”.

(2) CONFORMING AMENDMENT.—Section 1016(a) of such Code is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

“(38) to the extent provided in section 1396(e)(4)(B).”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

SA 4549. Mrs. LINCOLN (for herself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle A of title II, add the following:

SEC. ____. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A of the Internal Revenue Code of 1986 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) Subparagraph (B) of section 6427(e)(6) of such Code is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. _____. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) ALTERNATIVE FUEL CREDIT.—Paragraph (5) of section 6426(d) of the Internal Revenue Code of 1986 is amended by striking “after December 31, 2009” and all that follows and inserting “after—

“(A) September 30, 2014, in the case of liquefied hydrogen,

“(B) December 31, 2010, in the case of fuels described in subparagraph (A), (C), (F), or (G) of paragraph (2), and

“(C) December 31, 2009, in any other case.”.

(b) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) of the Internal Revenue Code of 1986 is amended by striking “after December 31, 2009” and all that follows and inserting “after—

“(A) September 30, 2014, in the case of liquefied hydrogen,

“(B) December 31, 2010, in the case of fuels described in subparagraph (A), (C), (F), or (G) of subsection (d)(2), and

“(C) December 31, 2009, in any other case.”.

(c) PAYMENT AUTHORITY.—

(1) IN GENERAL.—Paragraph (6) of section 6427(e) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting “, and”, and by adding at the end the following new subparagraph:

“(E) any alternative fuel or alternative fuel mixture (as so defined) involving fuel described in subparagraph (A), (C), (F), or (G) of section 6426(d)(2) sold or used after December 31, 2010.”.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 6427(e)(6) is amended by inserting “or (E)” after “subparagraph (D)”.

(d) EXCLUSION OF BLACK LIQUOR FROM CREDIT ELIGIBILITY.—The last sentence of section 6426(d)(2) of the Internal Revenue Code of 1986 is amended by striking “or biodiesel” and inserting “biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SA 4550. Mr. WHITEHOUSE (for himself, Mr. BENNET, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CORKER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. KAUFMAN, Mr. LEAHY, Mr. LEMIEUX, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. PRYOR, Mr. SCHUMER, Mr. SESSIONS, Mr. SPECTER, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 284, between lines 9 and 10, insert the following:

TITLE V—REGISTRATION OF AGENTS OF FOREIGN MANUFACTURERS AUTHORIZED TO ACCEPT SERVICE OF PROCESS

SEC. 5001. FINDINGS.

Congress makes the following findings:

(1) Each year, many people in the United States are injured by defective products manufactured or produced by foreign entities and imported into the United States.

(2) Both consumers and businesses in the United States have been harmed by injuries to people in the United States caused by defective products manufactured or produced by foreign entities.

(3) People in the United States injured by defective products manufactured or produced by foreign entities often have difficulty recovering damages from the foreign manufacturers and producers responsible for such injuries.

(4) The difficulty described in paragraph (3) is caused by the obstacles in bringing a foreign manufacturer or producer into a United States court and subsequently enforcing a judgment against that manufacturer or producer.

(5) Obstacles to holding a responsible foreign manufacturer or producer liable for an injury to a person in the United States undermine the purpose of the tort laws of the United States.

(6) The difficulty of applying the tort laws of the United States to foreign manufacturers and producers puts United States manufacturers and producers at a competitive disadvantage because United States manufacturers and producers must—

(A) abide by common law and statutory safety standards; and

(B) invest substantial resources to ensure that they do so.

(7) Foreign manufacturers and producers can avoid the expenses necessary to make their products safe if they know that they will not be held liable for violations of United States product safety laws.

(8) Businesses in the United States undertake numerous commercial relationships with foreign manufacturers, exposing the businesses to additional tort liability when foreign manufacturers or producers evade United States courts.

(9) Businesses in the United States engaged in commercial relationships with foreign manufacturers or producers often cannot vindicate their contractual rights if such manufacturers or producers seek to avoid responsibility in United States courts.

(10) One of the major obstacles facing businesses and individuals in the United States who are injured and who seek compensation for economic or personal injuries caused by foreign manufacturers and producers is the challenge of serving process on such manufacturers and producers.

(11) An individual or business injured in the United States by a foreign company must rely on a foreign government to serve process when that company is located in a country that is a signatory to the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters done at The Hague November 15, 1965 (20 UST 361; TIAS 6638).

(12) An injured person in the United States must rely on the cumbersome system of letters rogatory to effect service in a country that did not sign the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. These countries do not have an enforceable obligation to serve process as requested.

(13) The procedures described in paragraphs (11) and (12) add time and expense to litigation

in the United States, thereby discouraging or frustrating meritorious lawsuits brought by persons injured in the United States against foreign manufacturers and producers.

(14) Foreign manufacturers and producers often seek to avoid judicial consideration of their actions by asserting that United States courts lack personal jurisdiction over them.

(15) The due process clauses of the fifth amendment to and section 1 of the fourteenth amendment to the Constitution govern United States courts' personal jurisdiction over defendants.

(16) The due process clauses described in paragraph (15) are satisfied when a defendant consents to the jurisdiction of a court.

(17) United States markets present many opportunities for foreign manufacturers.

(18) In choosing to export products to the United States, a foreign manufacturer or producer subjects itself to the laws of the United States. Such a foreign manufacturer or producer thereby acknowledges that it is subject to the personal jurisdiction of the State and Federal courts in at least one State.

SEC. 5002. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) foreign manufacturers and producers whose products are sold in the United States should not be able to avoid liability simply because of difficulties relating to serving process upon them;

(2) to avoid such lack of accountability, foreign manufacturers and producers of foreign products distributed in the United States should be required, by regulation, to register an agent in the United States who is authorized to accept service of process for such manufacturer or producer;

(3) it is unfair to United States consumers and businesses that foreign manufacturers and producers often seek to avoid judicial consideration of their actions by asserting that United States courts lack personal jurisdiction over them;

(4) those who benefit from exporting products to United States markets should expect to be subject to the jurisdiction of at least one court within the United States;

(5) exporting products to the United States should be understood as consent to the accountability that the legal system of the United States ensures for all manufacturers and producers, foreign, and domestic;

(6) exporters recognize the scope of opportunities presented to them by United States markets but also should recognize that products imported into the United States must satisfy Federal and State safety standards established by statute, regulation, and common law;

(7) foreign manufacturers should recognize that they are responsible for the contracts they enter into with United States companies;

(8) foreign manufacturers should act responsibly and recognize that they operate within the constraints of the United States legal system when they export products to the United States;

(9) United States laws and the laws of United States trading partners should not put burdens on foreign manufacturers and producers that do not apply to domestic companies;

(10) it is fair to ensure that foreign manufacturers, whose products are distributed in commerce in the United States, are subject to the jurisdiction of State and Federal courts in at least one State because all United States manufacturers are subject to

the jurisdiction of the State and Federal courts in at least one State; and

(1) it should be understood that, by registering an agent for service of process in the United States, the foreign manufacturer or producer acknowledges consent to the jurisdiction of the State in which the registered agent is located.

SEC. 5003. DEFINITIONS.

In this title:

(1) **APPLICABLE AGENCY.**—The term “applicable agency” means, with respect to covered products—

(A) described in subparagraphs (A) and (B) of paragraph (4), the Food and Drug Administration;

(B) described in paragraph (4)(C), the Consumer Product Safety Commission;

(C) described in subparagraphs (D) and (E) of paragraph (4), the Environmental Protection Agency; and

(D) described in subparagraph (F) of paragraph (4)—

(i) the Food and Drug Administration, if the item is intended to be a component part of a product described in subparagraphs (A) and (B) of paragraph (4);

(ii) the Consumer Product Safety Commission, if the item is intended to be a component part of a product described in paragraph (4)(C); and

(iii) the Environmental Protection Agency, if the item is intended to be a component part of a product described in subparagraphs (D) and (E) of paragraph (4).

(2) **COMMERCE.**—The term “commerce” means trade, traffic, commerce, or transportation—

(A) between a place in a State and any place outside of the State; or

(B) which affects trade, traffic, commerce, or transportation described in subparagraph (A).

(3) **COMMISSIONER OF U.S. CUSTOMS AND BORDER PROTECTION.**—The term “Commissioner of U.S. Customs and Border Protection” means the Commissioner responsible for U.S. Customs and Border Protection of the Department of Homeland Security.

(4) **COVERED PRODUCT.**—The term “covered product” means any of the following:

(A) Drugs, devices, and cosmetics, as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(B) A biological product, as such term is defined in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)).

(C) A consumer product, as such term is used in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052).

(D) A chemical substance or new chemical substance, as such terms are defined in section 3 of the Toxic Substances Control Act (15 U.S.C. 2602).

(E) A pesticide, as such term is defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(F) An item intended to be a component part of a product described in subparagraph (A), (B), (C), (D), or (E) but is not yet a component part of such product.

(5) **DISTRIBUTE IN COMMERCE.**—The term “distribute in commerce” means to sell in commerce, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce.

SEC. 5004. REGISTRATION OF AGENTS OF FOREIGN MANUFACTURERS AUTHORIZED TO ACCEPT SERVICE OF PROCESS IN THE UNITED STATES.

(a) **REGISTRATION.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act

and except as otherwise provided in this subsection, the head of each applicable agency shall require foreign manufacturers and producers of covered products distributed in commerce to establish a registered agent in the United States who is authorized to accept service of process on behalf of such manufacturer or producer—

(A) for the purpose of any civil or regulatory proceeding in State or Federal court relating—

(i) to a covered product; and

(ii) to—

(I) commerce in the United States;

(II) an injury or damage suffered in the United States; or

(III) conduct within the United States; and

(B) if such service is made in accord with the State or Federal rules for service of process in the State of the civil or regulatory proceeding.

(2) **LOCATION.**—The head of each applicable agency shall require that an agent of a foreign manufacturer or producer registered under this subsection with respect to a covered product be located in a State with a substantial connection to the importation, distribution, or sale of the covered product.

(3) **MINIMUM SIZE.**—This subsection shall only apply to foreign manufacturers and producers that manufacture or produce covered products in excess of a minimum value or quantity the head of the applicable agency shall prescribe by rule for purposes of this section. Such rules may include different minimum values or quantities for different subcategories of covered products prescribed by the head of the applicable agency for purposes of this section.

(b) **REGISTRY OF AGENTS OF FOREIGN MANUFACTURERS.**—

(1) **IN GENERAL.**—The Secretary of Commerce shall, in cooperation with each head of an applicable agency, establish and keep up to date a registry of agents registered under subsection (a).

(2) **AVAILABILITY.**—The Secretary of Commerce shall make the registry established under paragraph (1) available—

(A) to the public through the Internet website of the Department of Commerce; and

(B) to the Commissioner of U.S. Customs and Border Protection.

(c) **CONSENT TO JURISDICTION.**—A foreign manufacturer or producer of covered products that registers an agent under this section thereby consents to the personal jurisdiction of the State or Federal courts of the State in which the registered agent is located for the purpose of any civil or regulatory proceeding relating—

(1) to a covered product; and

(2) to—

(A) commerce in the United States;

(B) an injury or damage suffered in the United States; or

(C) conduct within the United States.

(d) **DECLARATIONS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, any person importing a covered product manufactured outside the United States shall provide a declaration to U.S. Customs and Border Protection that—

(A) the person has made appropriate inquiry, including seeking appropriate documentation from the exporter of the covered product and consulting the registry of agents of foreign manufacturers described in subsection (b); and

(B) to the best of the person's knowledge, with respect to each importation of a covered product, the foreign manufacturer or producer of the product has established a

registered agent in the United States as required under subsection (a).

(2) **PENALTIES.**—Any person who fails to provide a declaration required under paragraph (1), or files a false declaration, shall be subject to any applicable civil or criminal penalty, including seizure and forfeiture, that may be imposed under the customs laws of the United States or title 18, United States Code, with respect to the importation of a covered product.

(e) **REGULATIONS.**—Not later than the date described in subsection (a)(1), the Secretary of Commerce, the Commissioner of U.S. Customs and Border Protection, and each head of an applicable agency shall prescribe regulations to carry out this section, including the establishment of minimum values and quantities under subsection (a)(3).

SEC. 5005. STUDY ON REGISTRATION OF AGENTS OF FOREIGN FOOD PRODUCERS AUTHORIZED TO ACCEPT SERVICE OF PROCESS IN THE UNITED STATES.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture and the Commissioner of Food and Drugs shall jointly—

(1) complete a study on the feasibility and advisability of requiring foreign producers of food distributed in commerce to establish a registered agent in the United States who is authorized to accept service of process on behalf of such producers for the purpose of all civil and regulatory actions in State and Federal courts; and

(2) submit to Congress a report on the findings of the Secretary with respect to such study.

SEC. 5006. STUDY ON REGISTRATION OF AGENTS OF FOREIGN MANUFACTURERS AND PRODUCERS OF COMPONENT PARTS WITHIN COVERED PRODUCTS.

Not later than 1 year after the date of the enactment of this Act, the head of each applicable agency shall—

(1) complete a study on determining feasible and advisable methods of requiring manufacturers or producers of component parts within covered products manufactured or produced outside the United States and distributed in commerce to establish registered agents in the United States who are authorized to accept service of process on behalf of such manufacturers or producers for the purpose of all civil and regulatory actions in State and Federal courts; and

(2) submit to Congress a report on the findings of the head of the applicable agency with respect to the study.

SEC. 5007. RELATIONSHIP WITH OTHER LAWS.

Nothing in this title shall affect the authority of any State to establish or continue in effect a provision of State law relating to service of process or personal jurisdiction, except to the extent that such provision of law is inconsistent with the provisions of this title, and then only to the extent of such inconsistency.

SA 4551. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPEAL OF UNEARNED INCOME MEDICARE CONTRIBUTION.

Section 1402 of the Health Care and Education Reconciliation Act of 2010 and the amendments made by such section are repealed.

SA 4552. Mr. MCCAIN (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. BORDER SECURITY.

(a) UNITED STATES CUSTOMS AND BORDER PROTECTION.—

(1) REQUIREMENT FOR ADDITIONAL AGENTS.—Not later than January 1, 2015, the Secretary of Homeland Security shall increase the number of trained Customs and Border Patrol agents stationed along the international border between the United States and Mexico border by 6,000, compared to the number of agents at such locations as of the date of the enactment of this Act to increase security and expedite cross border trade. The Secretary shall make progress in increasing such number of trained Customs and Border Patrol agents during each of the years 2010 through 2015.

(2) OFFSETTING RESCISSION.—On the date of the enactment of this Act, the unobligated balance of each amount appropriated or made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 116), other than under title X of such division, is hereby rescinded pro rata such that the aggregate amount of such rescissions equals \$1,200,000,000.

(b) OPERATION STREAMLINE.—

(1) APPROPRIATION OF FUNDS.—To fully fund multi-agency law enforcement initiatives that address illegal crossings of the Southwest border, including those in the Tucson Sector, as authorized under title II of division B and title III of division C of the Consolidated Appropriations Act, 2010 (Public Law 111-117; 123 Stat. 3034), \$200,000,000 for fiscal year 2011, of which—

(A) \$155,000,000 shall be available for the Department of Justice for—

(i) hiring additional Deputy United States Marshals;

(ii) constructing additional permanent and temporary detention space; and

(iii) other established and related needs of the Secretary of Homeland Security and the Attorney General; and

(B) \$45,000,000 shall be available for the Judiciary for—

(i) courthouse renovation;

(ii) administrative support, including hiring additional clerks for each District to process additional criminal cases; and

(iii) hiring additional judges.

(2) OFFSETTING RESCISSION.—On the date of the enactment of this Act, the unobligated balance of each amount appropriated or made available under division A of the

American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 116), other than under title X of such division, is hereby rescinded pro rata such that the aggregate amount of such rescissions equals \$200,000,000.

SA 4553. Mrs. LINCOLN (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part IV of subtitle A of title II, insert the following:

SEC. _____. INCREASE IN LIMITATION FOR ALTERNATIVE TAX LIABILITY FOR SMALL PROPERTY AND CASUALTY INSURANCE COMPANIES.

(a) IN GENERAL.—Clause (i) of section 831(b)(2)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

“(i) the net written premiums (or, if greater, direct written premiums) for the taxable year do not exceed \$2,025,000, and”.

(b) INFLATION ADJUSTMENT.—Paragraph (2) of section 831(b) of such Code is amended by adding at the end the following new subparagraph:

“(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2010, the dollar amount set forth in subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount as adjusted under the preceding sentence is not a multiple of \$1,000, such amount shall be rounded to the next lowest multiple of \$1,000.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 4554. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 4 _____. ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS.

In chapter 2 of title I of the Act entitled “An Act making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes”, strike the matter under the heading “ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS” under the heading “ECONOMIC DEVELOPMENT ADMINISTRATION” under the heading “DEPARTMENT OF COMMERCE” and insert the following:

“Pursuant to section 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3233), for an additional amount for “Economic Development Assistance Programs”, for necessary expenses relating to disaster relief, long-term recovery, and restoration of infrastructure in areas affected by flooding for which the President declared a major disaster during the period beginning on March 29, 2010, and ending on May 7, 2010, which included individual assistance for an entire State or not fewer than 45 counties within a State under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), \$49,000,000, to remain available until expended: *Provided*, That not more than 50 percent of the amount provided under this heading shall be allocated to any State.”.

SA 4555. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 130, after line 25, insert the following:

SEC. 1705. COMMUNITY DEVELOPMENT FUNDS.

Chapter 11 of title I of the Supplemental Appropriations Act, 2010, is amended by striking the heading “Community Development Fund” and all the matter that follows through the ninth proviso under such heading and inserting the following:

“COMMUNITY DEVELOPMENT FUND

“For an additional amount for the ‘Community Development Fund’, for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas affected by flooding for which the President declared a major disaster between March 29, 2010, and May 7, 2010, which included Individual Assistance for an entire State or not fewer than 45 counties within a State under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, \$100,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93-383): *Provided*, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: *Provided further*, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State or subdivision thereof under the Community Development Fund:

Provided further, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That the Secretary shall obligate to a State or subdivision thereof not less than 50 percent of the funding provided under this heading within 90 days after the enactment of this Act: *Provided further*, That not more than 50 percent of the funding provided under this heading shall be allocated to any State (including units of general local government).".

SA 4556. Mr. ROCKEFELLER (for himself and Mr. GOODWIN) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 284, between lines 9 and 10, insert the following:

PART IV—COAL ACCOUNTABILITY AND RETIRED EMPLOYEES

SEC. 4271. AMENDMENT OF SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977.

Section 402(i)(2) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(i)(2)) is amended—

(1) by striking "Subject to" and inserting the following:

- "(A) IN GENERAL.—Subject to"; and
- (2) by adding at the end the following:

"(B) EXCESS AMOUNTS.—

"(i) IN GENERAL.—Subject to paragraph (3), and after all transfers referred to in paragraph (1) and subparagraph (A) of this paragraph have been made, any amounts remaining after the application of paragraph (3)(A) (without regard to this subparagraph) shall be transferred to the trustees of the 1974 UMWA Pension Plan and used solely to pay pension benefits required under such plan.

"(ii) 1974 UMWA PENSION PLAN.—In this subparagraph, the term '1974 UMWA Pension Plan' means a pension plan referred to in section 9701(a)(3) of the Internal Revenue

Code of 1986 but without regard to whether participation in such plan is limited to individuals who retired in 1976 and thereafter.'".

SA 4557. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 214, between lines 3 and 4, insert the following:

(v) If the eligible institution notifies the Secretary in the application for a capital investment under the Program that the eligible institution elects to have such loans included as small business lending by the eligible institution, construction, land development, and other land loans.

SA 4558. Mrs. HUTCHISON (for herself, Mr. GRAHAM, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B, add the following:

PART V—TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

SEC. 4. TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM.

(a) FUNDING.—The matter under the heading "TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM" of title III of division C of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 619) is amended, in the matter preceding the first proviso—

- (1) by striking "\$47,000,000,000" and inserting "\$56,000,000,000"; and
- (2) by striking "\$18,500,000,000" and inserting "\$27,500,000,000".

(b) USE OF STIMULUS FUNDS TO OFFSET SPENDING.—

(1) IN GENERAL.—The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115) (other than under title X of division A of that Act) is rescinded, on a pro rata basis, by an aggregate amount that equals the amounts necessary to offset any net increase in spending or foregone revenues resulting from this section and the amendments made by this section.

(2) REPORT.—The Director of the Office of Management and Budget shall submit to each congressional committee the amounts rescinded under paragraph (1) that are within the jurisdiction of the committee.

SA 4559. Mr. HATCH (for himself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, insert the following:

PART V—OTHER PROVISIONS

SEC. . RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) of the Internal Revenue Code of 1986 is amended by striking "December 31, 2009" and inserting "December 31, 2010".

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) of such Code is amended by striking "December 31, 2009" and inserting "December 31, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

SA 4560. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for an additional amount for "Salaries and Expenses" of the United States Patent and Trademark Office, \$129,000,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2010, so as to result in a fiscal year 2010 appropriation from the general fund estimated at \$0: *Provided further*, That during fiscal year 2010, should the total amount of offsetting fee collections be less than \$2,016,000,000, this amount shall be reduced accordingly: *Provided further*, That any amount received in excess of \$2,016,000,000 in fiscal year 2010, in an amount up to \$150,000,000, shall remain available until expended: *Provided further*, That \$129,000,000 in prior year unobligated balances available to "Periodic Censuses and Programs" of the Bureau of the Census, Department of Commerce, are hereby rescinded.

SA 4561. Mr. REID submitted an amendment intended to be proposed by

him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE
BORDER SECURITY
CHAPTER 1

DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$253,900,000, to remain available until September 30, 2011, of which \$39,000,000 shall be for costs to maintain U.S. Customs and Border Protection Officer staffing on the Southwest Border of the United States, \$29,000,000 shall be for hiring additional U.S. Customs and Border Protection Officers for deployment at ports of entry on the Southwest Border of the United States, \$175,900,000 shall be for hiring additional Border Patrol agents for deployment to the Southwest Border of the United States, and \$10,000,000 shall be to support integrity and background investigation programs.

BORDER SECURITY FENCING, INFRASTRUCTURE,
AND TECHNOLOGY

For an additional amount for “Border Security Fencing, Infrastructure, and Technology”, \$14,000,000, to remain available until September 30, 2011, for costs of designing, building, and deploying tactical communications for support of enforcement activities on the Southwest Border of the United States.

AIR AND MARINE INTERDICTION, OPERATIONS,
MAINTENANCE, AND PROCUREMENT

For an additional amount for “Air and Marine Interdiction, Operations, Maintenance, and Procurement”, \$32,000,000, to remain available until September 30, 2012, for costs of acquisition and deployment of unmanned aircraft systems.

CONSTRUCTION AND FACILITIES MANAGEMENT

For an additional amount for “Construction and Facilities Management”, \$6,000,000, to remain available until September 30, 2011, for costs to construct up to two forward operating bases for use by the Border Patrol to carry out enforcement activities on the Southwest Border of the United States.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$80,000,000, to remain available until September 30, 2011, of which \$30,000,000 shall be for law enforcement activities targeted at reducing the threat of violence along the Southwest Border of the United States and \$50,000,000 shall be for hiring of additional agents, investigators, intelligence analysts, and support personnel.

FEDERAL LAW ENFORCEMENT TRAINING
CENTER

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$8,100,000, to remain available until September 30, 2011, for costs to

provide basic training for new U.S. Customs and Border Protection Officers, Border Patrol agents, and U.S. Immigration and Customs Enforcement personnel.

(RESCISSION)

SEC. ____101. From unobligated balances of prior year appropriations made available to “U.S. Customs and Border Protection—Border Security Fencing, Infrastructure, and Technology”, \$100,000,000 are rescinded: *Provided*, That section ____01 of chapter 4 of this title shall not apply to the amount in this section.

CHAPTER 2

SEC. ____201. For an additional amount for the Department of Justice for necessary expenses for increased law enforcement activities related to Southwest border enforcement, \$196,000,000, to remain available until September 30, 2011: *Provided*, That funds shall be distributed to the following accounts and in the following specified amounts:

- (1) “Administrative Review and Appeals”, \$2,118,000;
- (2) “Detention Trustee”, \$7,000,000;
- (3) “Legal Activities, Salaries and Expenses, General Legal Activities”, \$3,862,000;
- (4) “Legal Activities, Salaries and Expenses, United States Attorneys”, \$9,198,000;
- (5) “United States Marshals Service, Salaries and Expenses”, \$29,651,000;
- (6) “United States Marshals Service, Construction”, \$8,000,000;
- (7) “Interagency Law Enforcement, Interagency Crime and Drug Enforcement”, \$21,000,000;
- (8) “Federal Bureau of Investigation, Salaries and Expenses”, \$24,000,000;
- (9) “Drug Enforcement Administration, Salaries and Expenses”, \$33,671,000;
- (10) “Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses”, \$37,500,000; and
- (11) “Federal Prison System, Salaries and Expenses”, \$20,000,000.

CHAPTER 3

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND
OTHER JUDICIAL SERVICES
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Salaries and Expenses”, \$10,000,000, to remain available until September 30, 2011: *Provided*, That notwithstanding section 302 of division C of Public Law 111–117, funding shall be available for transfer between Judiciary accounts to meet increased workload requirements resulting from immigration and other law enforcement initiatives.

CHAPTER 4

GENERAL PROVISION

SEC. ____01. Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing scheduled before the Senate Subcommittee on Energy has been postponed. The hearing was to be held on Tuesday, August 3, 2010, at 2:30

p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to examine the role of strategic minerals in clean energy technologies and other applications as well as legislation to address the issue, including S. 3521 the “Rare Earths Supply Technology and Resources Transformation Act of 2010”.

For further information, please contact Allyson Anderson or Rosemarie Calabro.

AUTHORITY FOR COMMITTEES TO
MEET

COMMITTEE ON BANKING, HOUSING AND URBAN
AFFAIRS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be authorized to meet during the session of the Senate on July 28, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC
WORKS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on July 28, 2010, at 2:30 p.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 28, 2010, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on July 28, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 28, 2010, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 28, 2010, at 10 a.m., in room SD-226 of the Dirksen Senate Office building, to conduct a hearing entitled “Oversight of the Federal Bureau of Investigation.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 28, 2010, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on July 28, 2010, at 10:30 a.m., to conduct a hearing entitled "Examining the Filibuster: Legislative Proposals to Change Senate Procedures."

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION AND THE AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration and the Ad Hoc Subcommittee on Disaster Recovery of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 28, 2010, at 3 p.m. to conduct a hearing entitled, "Flood Preparedness and Mitigation: Map Modernization, Levee Inspection, and Levee Repairs."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that a fellow from my office, Ms. Anna-Marie Laura, be granted floor privileges for the remainder of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

CELL PHONE CONTRABAND ACT OF 2010

Mr. WHITEHOUSE. Mr. President, I ask the chair to lay before the Senate a message from the House with respect to S. 1749.

The PRESIDING OFFICER laid before the Senate the following message:

Resolved, That the bill from the Senate (S. 1749) entitled "An Act to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners," do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cell Phone Contraband Act of 2010".

SEC. 2. WIRELESS DEVICES IN PRISON.

Section 1791 of title 18, United States Code, is amended—

(1) in subsection (b)—
(A) in paragraph (4), by striking "or (d)(1)(E)" and inserting ", (d)(1)(E), or (d)(1)(F)"; and

(B) in paragraph (5), by striking "(d)(1)(F)" and inserting "(d)(1)(G)"; and

(2) in subsection (d)(1)—
(A) in subparagraph (E), by striking "and" at the end;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

"(F) a phone or other device used by a user of commercial mobile service (as defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))) in connection with such service; and"

SEC. 3. GAO STUDY.

Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to Congress with research and findings on the following issues:

(1) A study of telephone rates within Federal prisons to include information on interstate, intrastate and collect calls made by prisoners, including—

(A) the costs of operating inmate telephone services;

(B) the general cost to prison telephone service providers of providing telephone services to the Federal prisons;

(C) the revenue obtained from inmate telephone systems;

(D) how the revenue from these systems is used by the Bureau of Prisons; and

(E) options for lowering telephone costs to inmates and their families, while still maintaining sufficient security.

(2) A study of selected State and Federal efforts to prevent the smuggling of cell phones and other wireless devices into prisons, including efforts that selected State and Federal authorities are making to minimize trafficking of cell phones by guards and other prison officials and recommendations to reduce the number of cell phones that are trafficked into prisons.

(3) A study of cell phone use by inmates in selected State and Federal prisons, including—

(A) the quantity of cell phones confiscated by authorities in selected State and Federal prisons; and

(B) the reported impact, if any, of: (1) inmate cell phone use on the overall security of prisons; and (2) connections to criminal activity from within prisons.

SEC. 4. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

Mr. WHITEHOUSE. I ask unanimous consent that the Senate concur in the House amendment and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL CHILD AWARENESS MONTH

Mr. WHITEHOUSE. I ask unanimous consent that the Senate now proceed to

the consideration of S. Res. 598, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 598) designating September 2010 as "National Child Awareness Month" to promote awareness of charities benefitting children and youth-serving organizations throughout the United States and recognizing efforts made by these charities and organizations on behalf of children and youth as critical contributions to the future of the Nation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 598) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 598

Whereas millions of children and youth in the United States represent the hopes and future of the United States;

Whereas numerous individuals, charities benefitting children, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of children and youth throughout the United States;

Whereas raising awareness of and increasing support for organizations that provide access to healthcare, social services, education, the arts, sports, and other services will result in the development of character and the future success of the children and youth of the Nation;

Whereas September, as the school year begins, is a time when parents, families, teachers, school administrators, and communities increase their focus on children and youth throughout the United States;

Whereas September is a time for the people of the United States to highlight and be mindful of the needs of children and youth;

Whereas private corporations and businesses have joined with hundreds of national and local charitable organizations throughout the United States in support of a month-long focus on children and youth; and

Whereas designating September 2010 as "National Child Awareness Month" would recognize that a long-term commitment to children and youth is in the public interest, and will encourage widespread support for charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

Resolved, That the Senate designates September 2010 as "National Child Awareness Month"—

(1) to promote awareness of charities benefitting children and youth-serving organizations throughout the United States; and

(2) to recognize efforts made by such charities and organizations on behalf of children and youth as critical contributions to the future of the Nation.

NATIONAL AIRBORNE DAY

Mr. WHITEHOUSE. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 599, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 599) designating August 16, 2010, as "National Airborne Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 599) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 599

Whereas the airborne forces of the Armed Forces have a long and honorable history as units of bold and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas the United States experiment with airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War and was launched when 48 volunteers began training in July 1940;

Whereas August 16 marks the anniversary of the first official Army parachute jump on August 16, 1940, to test the innovative concept of inserting United States ground combat forces behind a battle line by means of parachute;

Whereas the success of the Army Parachute Test Platoon in the days immediately before the entry of the United States into World War II led to the formation of a formidable force of airborne units that have served with distinction and have had repeated success in armed hostilities;

Whereas among those first airborne units are the former 11th, 13th, and 17th Airborne Divisions, the current 82nd and 101st Airborne Divisions, and the later airborne regiments and battalions (some as components of those divisions and some as separate units) that achieved distinction as the 75th Ranger Regiment, the 173rd Airborne Brigade Combat Team, the 187th Infantry (Airborne) Regiment, which is the only airborne unit to have served as a Glider, Parachute, and Air Assault Regiment, the 501st, 502nd, 503rd, 504th, 505th, 506th, 507th, 508th, 509th, 511th, 513th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th, 127th, 193rd, 194th, 325th, 326th, 327th, and 401st Glider Infantry Regiments, the 509th, 550th, 551st, and 555th Parachute Infantry Battalions, and the 550th Airborne Infantry Battalion;

Whereas the achievements of the airborne forces during World War II prompted the evolution of those forces into a diversified force of parachute and air assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia and have engaged in peace-

keeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas since the terrorist attacks on September 11, 2001, United States paratroopers, which include members of the XVIII Airborne Corps, the 82nd Airborne Division, the 101st Airborne Division (Air Assault), the 173rd Airborne Brigade Combat Team, the 4th Brigade (Airborne) of the 25th Infantry Division, the 75th Ranger Regiment, and special forces units, together with other units of the Armed Forces, have demonstrated bravery and honor in combat operations, civil affairs missions, and training operations in Afghanistan and Iraq;

Whereas the modern day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, Air Force combat control teams, pararescue, and weather teams, all of which are part of the United States Special Operations Command;

Whereas of the members and former members of the United States airborne forces, thousands have achieved the distinction of making combat jumps, dozens have earned the Medal of Honor, and hundreds have earned the Distinguished Service Cross, the Silver Star Medal, or other decorations and awards for displays heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States airborne forces are all members of a proud and honorable tradition that, together with their special skills and achievements, distinguishes them as intrepid combat parachutists, air assault forces, special operation forces, and, in former days, glider troops;

Whereas the history and achievements of the members and former members of the United States airborne forces warrant special expressions of the gratitude of the people of the United States; and

Whereas, since the airborne community celebrates August 16 as the anniversary of the first official jump by the Army Parachute Test Platoon, August 16 would be an appropriate day to recognize as National Airborne Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 2010, as "National Airborne Day"; and

(2) calls on the people of the United States to observe National Airborne Day with appropriate programs, ceremonies, and activities.

SELECT COMMITTEE ON INTELLIGENCE AUTHORIZATION

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 600, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 600) to authorize document production and testimony by, and representation of, the Select Committee on Intelligence.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, the Select Committee on Intelligence has received a request from the Department of Jus-

tice for records, created by the committee in the course of its oversight work, pertinent to a pending investigation into the unauthorized disclosure of classified national security information by someone not connected with the committee.

This resolution would authorize the chairman and vice chairman of the Select Committee on Intelligence, acting jointly, to provide records, created by the committee in the course of oversight, in response to this request from the Department of Justice.

Because the Department of Justice may seek testimony at some point from staff of the committee, the resolution would also authorize former and current employees of the committee to testify in proceedings arising out of this matter, except where a privilege should be asserted, and to be represented by the Senate legal counsel.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 600) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas, the United States Department of Justice has requested that the Senate Select Committee on Intelligence provide it with documents in connection with a pending investigation into the unauthorized disclosure of classified national security information;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent former or current employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Vice Chairman of the Senate Select Committee on Intelligence, acting jointly, are authorized to provide to the United States Department of Justice, under appropriate security procedures, copies of Committee documents sought in connection with a pending investigation into the unauthorized disclosure of classified national security information, and former and current employees of the Committee are authorized to testify in proceedings arising out of that investigation, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent the Select Committee on Intelligence, and any former or current employee of the Committee from whom testimony may be required, in connection with the testimony and document production authorized in section one of this resolution.

MEASURE READ THE FIRST
TIME—S. 3663

Mr. WHITEHOUSE. Mr. President, I understand that S. 3663, introduced earlier today by Senator REID, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 3663) to promote clean energy jobs and oil company accountability, and for other purposes.

Mr. WHITEHOUSE. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

ORDERS FOR THURSDAY, JULY 29,
2010

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it

adjourn until 9:30 a.m., on Thursday, July 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of H.R. 5297, the small business jobs bill, with 1 hour for debate prior to the cloture vote, with the time equally divided and controlled between the two leaders or their designees and with Senators permitted to speak therein for up to 10 minutes each, with the final 10 minutes reserved for the two leaders or their designees, with the majority leader controlling the final 5 minutes. Finally, I ask consent that the filing deadline for second-degree amendments be 10 o'clock a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WHITEHOUSE. Mr. President, I am advised to inform my colleagues that at approximately 10:40 a.m. tomorrow, there will be a cloture vote on the Baucus-Landrieu substitute amendment No. 4519 to the small business jobs bill.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. WHITEHOUSE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:02 p.m., adjourned until Thursday, July 29, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

MARIA ELIZABETH RAFFINAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE ODESSA F. VINCENT, RETIRED.
MARINA GARCIA MARMOLEJO, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, VICE SAMUEL B. KENT, RESIGNED.

DEPARTMENT OF JUSTICE

M. SCOTT BOWEN, OF MICHIGAN, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS, VICE MARGARET M. CHIARA, RESIGNED.

RIPLEY RAND, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE ANNA MILLS S. WAGONER, TERM EXPIRED.

BEVERLY JOYCE HARVARD, OF GEORGIA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS, VICE RICHARD VAUGHN MECUM, TERM EXPIRED.

DAVID MARK SINGER, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE CENTRAL DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE ADAM NOEL TORRES, TERM EXPIRED.

HOUSE OF REPRESENTATIVES—Wednesday, July 28, 2010

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 28, 2010.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Pastor Shawn Black, Calvary Chapel, Costa Mesa, California, offered the following prayer:

Dear Lord God in heaven, we thank You for Your faithfulness, Your hand in creating this great Nation. We acknowledge that all wisdom, guidance, and governance truly comes from You.

Lord, we acknowledge that You tear down and You alone build up. Thank You for Your hand in the affairs and the hearts of those who govern, for You steer the hearts of kings and of nations. For to You alone belong mercy, forgiveness, and grace. Help us to restore what is neglected, submitting with solitude and remaining resolute with this reflection in our lives.

May You forgive us our trespasses and renew in us a steadfast spirit, immovable, dependent upon Your truth and grace.

May You today encourage, rebuild our lives, our Nation, with the steadfast dedication in accomplishing Your will, devoted to none other than in God we trust.

United in will, submitted in spirit, we thank You, and we praise Your holy name. And in Jesus' name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Maine (Ms. PINGREE) come forward and lead the House in the Pledge of Allegiance.

Ms. PINGREE of Maine led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 4380. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes.

H.R. 5849. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

TOXIC CHEMICALS SAFETY ACT

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PINGREE of Maine. Mr. Speaker, today I want to commend Chairmen WAXMAN and RUSH for introducing H.R. 5820, the Toxic Chemical Safety Act, a bill that will for the first time require the chemical industry to prove that the chemicals in our products are safe.

In America, we have too long failed to regulate chemicals and consumer products—even those that we know have links to cancer, learning disabilities, reproductive disorders, and other serious health problems.

Under the old Toxic Substance Control Act, 62,000 chemicals were grandfathered in. Only six chemicals have been banned since its passage. Not even asbestos—a widely known carcinogen—could be taken off the market.

Maine has always been the leader in toxic chemical regulation, passing new laws phasing out mercury, lead, and flame-retardant chemicals in everyday products. In 2008, our legislature passed the groundbreaking Kid-Safe Products Act that establishes a new statewide system to identify and phase out the most toxic chemicals that endanger our children.

It is time for the Nation to follow Maine's lead. It has never been more important for Congress to pass the strongest and most effective toxic chemical bill possible.

EXTEND TAX CUTS FOR THE MIDDLE CLASS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, it's time to give hardworking Americans incentives to invest in order to create jobs and grow the economy. We must also protect middle class Americans from significant tax hikes that are headed their way. Contrary to liberal claims, these are not tax hikes only on the wealthy.

The picture isn't pretty if these tax hikes go into effect. If you're a family of four and your income is \$50,000 a year, you could pay \$2,100 in additional taxes; if you're married as a senior citizen earning \$40,000 a year, you could pay \$1,400 in higher taxes; a single mom making \$36,000 a year could end up paying \$1,100 in new taxes.

Hardworking middle class Americans across the country cannot afford an attack on creating jobs. The Federal Government cannot pay off America's debt by higher taxes.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

EXTENDERS BILL

(Mr. NEAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL. Mr. Speaker, in December and again in May, this House passed legislation to extend a popular set of expiring tax provisions providing billions of dollars in relief to millions of American families. This tax bill passed the House and has been stymied in the other body where only two Republican Senators have stood up against their party's filibuster for these tax cuts.

The State sales tax deduction has provided parity for families living in States without an income tax.

Let me tell you who's suffering: 600,000 families in Tennessee cannot deduct \$1.3 billion of State sales taxes; 2 million families in Florida cannot deduct \$3 billion of State taxes; 2.2 million families in Texas cannot deduct \$4 billion in State sales taxes. Nationwide, more than 12 million families

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

cannot deduct \$19.5 billion in State sales taxes.

This deduction will spur purchases for cars, boats, and school supplies. But time is slipping away. We need to tell the other side to move these Senators on the tax extenders bill because it means jobs.

DICTATOR CHAVEZ AND U.S. OIL

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Venezuela's dictator Hugo Chavez is threatening to cut off oil supplies to the United States. Chavez doesn't like the fact America is friendly with Colombia. Since America is the biggest buyer of Venezuelan oil, Dictator Chavez thinks he has a say in American foreign policy.

American dependence on foreign oil poses a national security risk. It makes no sense at all. And why are we paying dictators and tyrants to supply us with energy? We have all of the energy we need right here at home, but we don't produce it. American-made energy provides jobs for Americans—good-paying jobs, the kind of jobs that buy houses and cars and put kids through college.

But the offshore jobs and money are moving to Indonesia, Egypt, Brazil, and Venezuela.

The moratorium on drilling in the Gulf of Mexico threatens America's jobs and economy. It is a national security issue, and it gives a brutal buffoon dictator like Hugo Chavez dangerous influence.

End the illogical, ill-advised, ill-conceived offshore drilling moratorium. It's about time.

And that's just the way it is.

IN SUPPORT OF A NATIONAL OCEAN POLICY

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today in support of the President's executive order establishing a comprehensive national ocean policy. Now, more than ever, we need a coordinated approach for the management of our ocean and coastal resources.

The tragedy in the gulf is a wake-up call. We would have been much better prepared to deal with this disaster had a national ocean policy been in place before the spill.

But Mr. Speaker, oil spills are just one threat. Overfishing and ocean acidification are also evidence of the urgent need to ensure wise stewardship of our coasts, our oceans, and the Great Lakes.

In the gulf and around the country, our communities are intimately linked

to healthy coastal oceanic ecosystems. A national ocean policy will make our oceans healthier and our coastal economy stronger. It will strengthen ocean governance and coordination. It will bring a science-based approach to ocean conservation.

Mr. Speaker, I applaud the President for taking this historic step. This vision of healthy, resilient oceans will ensure that future generations can share in the wonders of our cherished seas.

□ 1010

HEALTH CARE REFORM

(Mr. GRIFFITH asked and was given permission to address the House for 1 minute.)

Mr. GRIFFITH. Mr. Speaker, I rise today to revisit the subject of health care reform. The bill was passed behind closed doors using bribery, deceit, and arm twisting. It is not popular with the American people, and the majority of them want it repealed.

The promises made to the American people were false. You will not be able to keep your doctor. You will not be able to keep your insurance. There will be rationing of health care, even to the seniors.

The acute physician shortage means the poor, near poor, and middle class Americans will find the quality of their health care diminished and their access limited. Emergency rooms will be busier than ever, and it will be increasingly difficult for Medicare and Medicaid patients to be seen.

The unfunded medical mandates forced onto the weakened financial systems of the States are designed to collapse and fail. The administration had no intention of keeping any of the promises it made. Their only concern was furthering their own agendas, even at the expense of the taxpayer and the American health care system.

The American people stand ready to support those of us who seek to repeal this disastrous health care bill, and I stand resolute with my colleagues to do so.

9/11 HEALTH LEGISLATION

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, this week, yesterday, we approved billions for the war in Afghanistan but Congress has yet to fully address the impact of the events that caused the war in the first place, the 9/11 terrorist attacks. On 9/11, thousands of Americans were murdered and killed in the first act of the war on terror on our soil, but thousands more on that day lost their health when they ran into burning buildings to save the lives of others. Nine long years after the attack, we

have yet to approve guaranteed help for the first responders that risked their lives for others.

The House will soon vote on the 9/11 Health and Compensation Act, a bill that provides health care and compensation to the thousands of Americans that came from almost every congressional district around this country to help others. The bill is fully paid for and meets our moral responsibility to help those who came to the aid of our Nation in one of America's darkest hours.

I urge my colleagues from across the country to support this patriotic bill.

ADA ANNIVERSARY

(Mr. REICHERT asked and was given permission to address the House for 1 minute.)

Mr. REICHERT. Mr. Speaker, Monday we recognized the 20th anniversary of the Americans with Disabilities Act. It's important to recognize the work this country has done to ensure equality for people with disabilities, to make sure they experience a good quality of life; that their rights are protected; that they have access, resources, and tools to live fulfilled, productive lives.

I am thankful for the leaders who fought for this law 20 years ago because it benefits people I love, family, friends, and coworkers. But Mr. Speaker, this Congress failed our disabled community miserably this year when it passed the health care overhaul, and it did so at a steep cost.

Somehow this Congress thought, let's tax medical devices, tools that people with disabilities depend on every day. Was this the right thing to do? I don't think so. Some thought taxing pacemakers, hearing aids, prosthetics, and wheelchairs was okay, it's acceptable. If that isn't an example of broken government, I don't know what is. It's not okay. It's not acceptable. Taxing our disabled population is flat out wrong.

9/11 HEALTH AND COMPENSATION ACT

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. This week when the House considers the 9/11 Health and Compensation Act, my colleagues will have a simple choice: to vote to protect foreign corporations who are avoiding paying U.S. taxes or vote to protect those who stood in protection of us on 9/11.

It has been almost 9 years since our Nation was attacked. Three thousand lives were lost, including that of my cousin, Battalion Chief John Moran. Thousands more were injured, particularly those who spent days and months cleaning up Ground Zero.

Our Nation stood together in the aftermath, defiant against those who attacked us, committed to never again let a terrorist attack occur on American soil. And we stood with the thousands who came to Ground Zero, first to look for survivors and then to clean up.

Tomorrow, the House will get a chance to fulfill our thanks to those who served us. Thousands were told by the Federal Government, "the air is safe, return home," go back to work. Thousands were told that a flimsy medical mask would keep them secure and to keep searching, keep cleaning up Ground Zero. But the air was not safe and now thousands are sick.

We have a commitment to those who served us. We have a duty to pass the 9/11 Health and Compensation Act. Vote "yes" tomorrow. Make our Nation proud.

ANOTHER SETBACK FOR VIETNAMESE HUMAN RIGHTS

(Mr. CAO asked and was given permission to address the House for 1 minute.)

Mr. CAO. Mr. Speaker, earlier this year local authorities in Con Dau, Vietnam, announced the demolition of properties to make way for a tourist resort. No plans for adequate compensation or relocation were offered. At the same time, the government posted a sign forbidding burials in the local church cemetery, which, for more than 100 years, had served as the town's burial site and which the government had recognized as an historical site.

On May 4, 2010, Da Nang police intervened in the funeral of Mary Dang Thi Tan, preventing her burial at the cemetery and brutally beating 59 of the mourners. When 43-year-old Mr. Nam Nguyen refused to make false statements to authorities about the mourners, he was beaten by police and died at his home shortly thereafter.

Along with many others, this incident shows that the Government of Vietnam has no respect for human rights. To make matters worse, they defended and protected those who committed these outrageous acts.

If our Nation is to be recognized as a beacon of democracy and an advocate of human rights, we must demand the same from those we work with, especially from Vietnam, whose human rights record is atrocious.

What happened to Mr. Nguyen is an outrage and should be met with condemnation from our government and from this esteemed body.

CONGRATULATING WORLD CUP TEAM MEMBER HERCULEZ GOMEZ

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, I rise today to congratulate my constituent and member of the United States men's soccer World Cup team, Herculez Gomez, on his performance in the World Cup.

Herculez Gomez, a former soccer star at Las Vegas High School, was a stand-out forward for the United States at the World Cup. With Team U.S.A. facing a 2-0 deficit in a match with Slovenia, Coach Bob Bradley turned to Gomez to come off the bench to provide a spark to his squad. Thanks to Gomez's energy and play-making abilities, Team U.S.A. rallied for a 2-2 tie.

Although we didn't prevail in the final competition, I want to congratulate Herculez Gomez and his teammates for their performance in the tournament. Their teamwork and passion inspired millions of fans throughout the United States and was just a preview of what U.S.A. soccer can do in the future.

I wish the best of luck to Herculez Gomez and welcome him home to District Three, where he is a local hero and role model to many aspiring young soccer players.

WE NEED A CONSTITUTIONAL BALANCED BUDGET AMENDMENT NOW

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, this weekend I had an opportunity in my community, Sarasota, Florida, to talk to a couple hundred people, working families and small businesses. They've had to cut their expenses 20, 30 percent, but yet Congress is incapable of cutting its own expenses.

First 206 years, the history of our country, we accumulated a trillion dollars. The last 9 months we accumulated a trillion dollars. Last year was a trillion and a half dollar deficit. You would think after last year we would cut the expenses, no. But this year, another trillion and a half dollar deficit. Next year they're projecting another trillion and a half dollar deficit.

You can talk about Greece. We're the next Greece. We have to have a constitutional balanced budget amendment. It's a bill I introduced my first year here. It just says simply you can't spend more than you take in. We need a constitutional balanced budget amendment now.

□ 1020

SOCIAL SECURITY

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, I join my colleagues today in recognizing the 75th anniversary of Social Security.

Social Security has provided basic economic security for generations of Americans.

A woman from Tewksbury, Massachusetts, a city that I represent, recently wrote me to say, "I am retired and dependent on Social Security to survive. Please protect the benefits I've worked so hard for for many years."

Over the years, Democrats have fought to improve and strengthen Social Security. As a result, the Social Security Trust Fund has reserves of \$2.6 trillion, which will continue to earn interest and pay benefits until 2037.

But imagine if Social Security benefits had been invested in the stock market during the recent Wall Street crisis. Seniors would have lost billions of dollars in Social Security income, along with any retirement savings they had when the economy collapsed.

Despite what my colleagues on the other side of the aisle would argue, subjecting Social Security to the whims of Wall Street is not the answer. We must be committed to strengthening Social Security so that our contract with American workers endures for generations.

HOLD ON TO YOUR WALLETS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. America, hold on to your wallets. NANCY PELOSI and the Democrats are coming after you with higher taxes—in the middle of a recession.

Come January, tax rates are going to skyrocket on hardworking, middle class families and small businesses. A new poll says 55 percent of voters in battleground States would be less likely to vote for Democrat congressional candidates if Congress doesn't stop or delay next year's scheduled tax increases before election day.

Most small business owners file personal income taxes and will feel the tax hike, which will make it more difficult for them when they try to hire more people or give their employees a raise. This is about stopping a job-killing tax hike on small businesses during tough economic times.

Let's stop it for our future and our freedom.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that remarks in debate are to be addressed to the Chair.

BUILDING AN ECONOMY

(Mr. DEUTCH asked and was given permission to address the House for 1 minute.)

Mr. DEUTCH. Mr. Speaker, Democrats are committed to building an economy where anyone can make it in America. The oil spill compels us to do this by encouraging growth in green energy. We can do this by creating new manufacturing jobs, by improving access to credit for small businesses and investing in our infrastructure, our schools, and our communities. We can encourage job creation here at home by closing tax loopholes for companies that ship jobs overseas and ending giveaways to special interests.

Despite Republican obstruction of our efforts on behalf of the American people, Democrats have delivered 6 consecutive months of private sector job growth to the American people. We are moving in the right direction, and in America we refuse to go backward.

Until every American out of work can find a good paying job, we in Congress must make it our job to pass legislation that will spur economic growth and create good opportunities for all Americans.

OBAMA ADMINISTRATION SETS WRONG RECORDS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, President Obama and the Democratic Congress have set six records. Unfortunately, they are not the ones the American people hoped for:

One, Americans are staying unemployed longer than ever before;

Two, for the first time since the current budget rules were adopted 35 years ago, the House will not pass a budget;

Three, the Federal debt has never been larger;

Four, the cost of health care has never been higher;

Five, we are more dependent on foreign oil than ever before;

Six, the Federal Government has taken control of an unprecedented number of private companies, according to the Congressional Research Service.

These records stifle economic growth and hurt all Americans. They are taking our country in the wrong direction.

READ LABELS ON WHAT YOU BUY

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, when you start wondering where all the jobs in America have gone, just read the labels on what you buy. You will know the answer. What's happened to the proud logo, "Made in America"?

Our jobs have gotten shipped out by the millions and millions by the multinationals. They offshored them to places where people who labor in

sweatshops can't afford to buy what they make. America will create jobs here again when we start making products here again. We have been amassing a trillion dollars of trade deficit year after year. That means more imports coming in here than our imports going out.

So read labels carefully. Maytag washing machines used to be made in Newton, Iowa. Now they are made in Monterrey, Mexico. You know what? The people down there can't afford to buy what they make. Then those machines are shipped back here. And did you notice the price for us didn't go down? Hundreds and hundreds and hundreds and hundreds and thousands and millions of our jobs were outsourced to places where some of our students can't even spell the names.

Did you know 10 percent of the exports out of China go to one company? Wal-Mart, you guessed it—clothing, tools, gloves, even frozen fish.

When you start wondering where all the jobs have gone, just read the labels on what you buy. You will find the right answer. It's time to make goods in America again.

BP OIL SPILL

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, last week in my home State of Louisiana, nearly 15,000 citizens gathered to rally against the Obama administration's destructive moratorium on offshore drilling. The Rally for Economic Survival was meant to send a message to Washington that this moratorium is causing serious damage to the gulf coast economy.

While speaking to the thousands of concerned gulf coast citizens, Governor Bobby Jindal put forth another plea to the Obama administration pointing out that the moratorium is causing just as much damage as the spill itself. Here is a quote from Governor Jindal: "We shouldn't have to fight our own Federal Government. Just as we are fighting one disaster, we're fighting another disaster caused by Washington, D.C."

Mr. Speaker, let me be clear, this spill is tragic and it was caused by BP. Those responsible must be held accountable and we need to find the root cause of the spill. However, history will show that President Obama did even more damage to the economy than BP through his destructive drilling moratorium.

SOCIAL SECURITY

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Mr. Speaker, in the 1930s, over half of our seniors lived in poverty. They survived on whatever

friends and relatives could spare. So Congress created a shield against common threats like old age and disability.

For 75 years, Social Security has protected millions of Americans. For 75 years, it's been our government's bedrock promise. For 75 years, it's helped people like Janice Moore, whose husband passed away 13 years ago, leaving Janice and their three children to fend for themselves.

Republicans want to hand this over to Wall Street. It's the same privatization scheme they tried 5 years back. If they had succeeded, we would have lost trillions in the stock market. But Democrats and the American people said "no."

Today, we again reject these schemes and say "yes" to Social Security's promise—protecting American lives for another 75 years and many generations to come.

BORDER SECURITY FUNDING CUTS

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GIFFORDS. Mr. Speaker, I am absolutely appalled the United States Senate eliminated over \$700 million for protecting our U.S.-Mexico border. This appropriations bill in the Senate included money to deploy the National Guard to Arizona and increase the number of Border Patrol agents and surveillance systems on the border.

By refusing to approve these funds, the United States said "no" to supporting the troops who will be arriving on the border next week. The Senate said "no" to increasing Border Patrol agents who would stop the flow of illegal drugs and illegal immigrants into our country. And the Senate said "no" to protecting ranchers and border residents in my district.

Since Thursday, I have been fighting to reinstate the funding stripped out by the Senate, and I am pleased that the House will consider an emergency supplemental border security measure today. I am proud to be an original sponsor of that bill, and I urge Members on both sides of the aisle to pass it without delay.

The failure by our Senate to provide the border resources that Arizonans and all Americans deserve represents Washington at its worst. It's also a sober reminder to all of us that the fight to strengthen border security is not over.

□ 1030

MAKE IT IN AMERICA

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute.)

Mr. CARNAHAN. Mr. Speaker, I rise today in support of the Democrats' Make it in America initiative.

In my home State of Missouri, we make things. Manufacturing has always been a source of enormous pride and good-paying jobs for Missourians, particularly in the part of the State surrounding St. Louis that I represent.

It's no secret that American manufacturing has had some hard times, but with Make it in America, we are reinvigorating that spirit of making things of American entrepreneurship. We are working to promote American jobs and put an end to policies that ship our jobs overseas. That is why we need to close tax loopholes that allow for outsourcing of U.S. jobs. We can use that savings to fund hometown tax credits to help small businesses expand American manufacturing. We are already strengthening the rules, ensuring the U.S. and its contractors buy American when building our transportation, energy and communications infrastructure.

We must keep going and fulfill the Make it in America agenda to ensure a new prosperity by promoting the competitiveness and innovation of the American people.

WHERE ARE THE JOBS?

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, there is one question. The question is: Where are the jobs?

We are at 9.5 percent unemployment and nearly 15 million people out of work. Since President Obama has been elected, we've spent over \$6.1 trillion in just these 18 months.

Why are there no jobs? Because there is uncertainty displayed by this administration and this Congress—there is uncertainty on energy costs, there is uncertainty about health care costs, there is uncertainty about taxes. Like a businessman told me just yesterday, you can't raise our taxes and expect us to hire more people and create new jobs.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

NATIONAL MANUFACTURING STRATEGY ACT OF 2010

Mr. RUSH. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 4692) to require the President to prepare a quadrennial National Manufacturing Strategy, and for other purposes, as amended.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 4692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Manufacturing Strategy Act of 2010".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) *the United States Government should promote policies related to the Nation's manufacturing sector that are intended to promote growth, sustainability, and competitiveness; create well-paying, decent jobs; enable innovation and investment; and support national security; and*

(2) *the President and Congress should act promptly to pursue policies consistent with a National Manufacturing Strategy.*

SEC. 3. NATIONAL MANUFACTURING STRATEGY.

(a) *STRATEGY REQUIRED.*—Not later than the first day of July of the second year of each Presidential term, the President shall submit to Congress, and publish on a public website, a National Manufacturing Strategy.

(b) *DEADLINE FOR FIRST NATIONAL MANUFACTURING STRATEGY.*—Notwithstanding subsection (a), the President shall issue the first National Manufacturing Strategy not later than the date that is one year after the date of the enactment of this Act.

SEC. 4. PRESIDENT'S MANUFACTURING STRATEGY BOARD.

(a) *IN GENERAL.*—The President shall establish, within the Department of Commerce, the President's Manufacturing Strategy Board.

(b) *PUBLIC SECTOR MEMBERS.*—The President's Manufacturing Strategy Board shall include the following individuals:

(1) *The Secretary or head (or the designee of the Secretary or head) of each of the following organizations:*

(A) *The Department of the Treasury.*

(B) *The Department of Defense.*

(C) *The Department of Commerce.*

(D) *The Department of Labor.*

(E) *The Department of Energy.*

(F) *The Office of the United States Trade Representative.*

(G) *The Office of Management and Budget.*

(H) *The Office of Science and Technology Policy.*

(I) *The Small Business Administration.*

(J) *Other Federal agencies the President determines appropriate.*

(2) *The Governors of two States, from different political parties, appointed by the President in consultation with the National Governors Association.*

(c) *PRIVATE SECTOR MEMBERS.*—

(1) *IN GENERAL.*—The President's Manufacturing Strategy Board shall further include 9 individuals from the private sector, appointed by the President after consultation with industry and labor organizations, including individuals with experience in the areas of—

(A) *managing manufacturing companies;*

(B) *managing supply chain providers;*

(C) *managing labor organizations;*

(D) *workforce development;*

(E) *conducting manufacturing-related research and development; and*

(F) *the defense industrial base.*

(2) *BALANCE IN REPRESENTATION.*—In making appointments of private sector members to the President's Manufacturing Strategy Board

under paragraph (1), the President shall seek to ensure that the individuals appointed represent a balance among and within regions, sizes of firms, and industries of the manufacturing sector.

(3) *TERMS.*—

(A) *IN GENERAL.*—Each member appointed under this subsection shall be appointed for a term of 6 years, except as provided in subparagraphs (B) and (C).

(B) *TERMS OF INITIAL APPOINTEES.*—As designated by the President at the time of appointment, of the members first appointed—

(i) *3 shall be appointed for a term of 2 years;*

(ii) *3 shall be appointed for a term of 4 years; and*

(iii) *3 shall be appointed for a term of 6 years.*

(C) *VACANCIES.*—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a new member has been appointed.

(d) *CHAIR AND VICE CHAIR.*—

(1) *CHAIR.*—The Secretary of Commerce (or the designee of the Secretary) shall serve as the Chair of the President's Manufacturing Strategy Board.

(2) *VICE CHAIR.*—The President shall appoint the Vice Chair of the President's Manufacturing Strategy Board from among the private sector members appointed by the President under subsection (c).

(e) *SUBGROUPS.*—The President's Manufacturing Strategy Board may convene subgroups to address particular industries, policy topics, or other matters. Such subgroups may include members representing any of the following:

(1) *Such other Federal agencies as the Chair determines appropriate.*

(2) *State, local, tribal, and Territorial governments.*

(3) *The private sector, including labor, industry, academia, trade associations, and other appropriate groups.*

(f) *MEETINGS.*—

(1) *TIMING OF MEETINGS.*—The President's Manufacturing Strategy Board shall meet at the call of the Chair.

(2) *FREQUENCY OF MEETINGS.*—The President's Manufacturing Strategy Board shall meet not less than 2 times each year, and not less than 4 times in a year preceding the issuance of a National Manufacturing Strategy required under section 3(a).

(3) *PUBLIC MEETINGS REQUIRED.*—The President's Manufacturing Strategy Board shall convene public meetings to solicit views on the Nation's manufacturing sector and recommendations for the National Manufacturing Strategy.

(4) *LOCATIONS OF PUBLIC MEETINGS.*—The locations of public meetings convened under paragraph (3) shall ensure the inclusion of multiple regions and industries of the manufacturing sector.

(g) *APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.*—The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14 of such Act, shall apply to the President's Manufacturing Strategy Board, including any subgroups established pursuant subsection (e).

SEC. 5. DUTIES OF THE PRESIDENT'S MANUFACTURING STRATEGY BOARD.

(a) *IN GENERAL.*—The President's Manufacturing Strategy Board shall—

(1) *advise the President and Congress on issues affecting the Nation's manufacturing sector;*

(2) *conduct a comprehensive analysis in accordance with subsection (b);*

(3) *develop a National Manufacturing Strategy in accordance with subsection (c);*

(4) *submit to the President and Congress an annual report under subsection (d); and*

(5) carry out other activities determined appropriate by the President.

(b) **COMPREHENSIVE ANALYSIS.**—In developing each National Manufacturing Strategy under subsection (c), the President's Manufacturing Strategy Board shall conduct a comprehensive analysis of the Nation's manufacturing sector that addresses—

(1) the value and role, both historic and current, of manufacturing in the Nation's economy, security, and global leadership;

(2) the current domestic and international environment for the Nation's manufacturing sector, and any relevant subset thereof;

(3) Federal, State, local, and Territorial policies, programs, and conditions that affect manufacturing;

(4) a comparison of the manufacturing policies and strategies of the United States relative to other nations' policies and strategies;

(5) the identification of emerging or evolving markets, technologies, and products for which the Nation's manufacturers could compete;

(6) the short- and long-term forecasts for the Nation's manufacturing sector, and forecasts of expected national and international trends and factors likely to affect such sector in the future; and

(7) any other matters affecting the competitiveness, growth, stability, and sustainability of the Nation's manufacturing sector, including—

- (A) levels of domestic production;
- (B) productivity;
- (C) the trade balance;
- (D) financing and investment;
- (E) research and development;
- (F) job creation and employment disparities;
- (G) workforce skills and development; and
- (H) adequacy of the industrial base for maintaining national security.

(c) **NATIONAL MANUFACTURING STRATEGY.**—

(1) **DEVELOPMENT.**—The President's Manufacturing Strategy Board shall develop a National Manufacturing Strategy, based on—

(A) the results of the comprehensive analysis conducted under subsection (b);

(B) the studies carried out by the National Academy of Sciences pursuant to section 7; and

(C) any other information, studies, or perspectives that the President's Manufacturing Strategy Board determines to be appropriate.

(2) **GOALS AND RECOMMENDATIONS.**—

(A) **GOALS.**—The President's Manufacturing Strategy Board shall include in each National Manufacturing Strategy short- and long-term goals for the Nation's manufacturing sector, taking into account the matters addressed in the comprehensive analysis conducted under subsection (b).

(B) **RECOMMENDATIONS.**—The President's Manufacturing Strategy Board shall include in each National Manufacturing Strategy recommendations for achieving the goals provided under subparagraph (A). Such recommendations may propose—

(i) actions to be taken by the President, Congress, State, local, and Territorial governments, the private sector, universities, industry associations, and other stakeholders; and

(ii) ways to improve Government policies, coordination among entities developing such policies, and Government interaction with the manufacturing sector.

(3) **REPORT.**—

(A) **DRAFT.**—Not later than 90 days before the date on which the President is required to submit to Congress a report containing a National Manufacturing Strategy under section 3, the President's Manufacturing Strategy Board shall publish in the Federal Register and on a public website a draft report containing a National Manufacturing Strategy.

(B) **PUBLIC COMMENT; REVIEW AND REVISION.**—A draft report published under subparagraph

(A) shall remain available for public comment for a period of 30 days from the date of publication. The President's Manufacturing Strategy Board shall review any comments received regarding such draft report and may revise the draft report based upon those comments.

(C) **PUBLICATION.**—Not later than 30 days before the date on which the President is required to submit to Congress a report containing a National Manufacturing Strategy under section 3, the President's Manufacturing Strategy Board shall submit to the President for review and revision a final report containing a National Manufacturing Strategy, and shall publish such final report on a public website.

(D) **ESTIMATES.**—The final report submitted under subparagraph (C) shall include—

(i) when feasible, an estimate of the short- and long-term Federal Government outlays and revenue changes necessary to implement the National Manufacturing Strategy and an estimate of savings that may be derived from implementation of the National Manufacturing Strategy;

(ii) a detailed explanation of the methods and analysis used to determine the estimates included under clause (i); and

(iii) detailed recommendations regarding how to pay for the cost of implementation estimated under clause (i), when feasible.

(d) **ANNUAL REPORT.**—Not later than the date that is one year after the date on which the first National Manufacturing Strategy is published under section 3, and annually thereafter, the President's Manufacturing Strategy Board shall submit to the President and Congress a report that includes—

(1) views on the current state of manufacturing in the United States;

(2) an assessment of the implementation of previously issued National Manufacturing Strategies;

(3) recommendations for furthering the implementation of previously issued National Manufacturing Strategies; and

(4) any suggested revisions to the estimate required under section 5(c)(3)(D)(i) to implement the recommendations included under paragraph (3).

(e) **CONSULTATION.**—In order to gain perspectives and avoid duplication of efforts, the President's Manufacturing Strategy Board shall consult on manufacturing issues with the Defense Science Board, the President's Council of Advisors on Science and Technology, the Manufacturing Council established by the Department of Commerce, and the Labor Advisory Committee for Trade Negotiations and Trade Policy, and may consult with other relevant governmental entities or the private sector.

SEC. 6. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF NATIONAL MANUFACTURING STRATEGY.

Not later than the first day of April in calendar years 2013, 2017, and 2021, the Comptroller General shall submit to Congress a report regarding the National Manufacturing Strategy published under section 3. The report shall include—

(1) an assessment of whether the recommendations from such National Manufacturing Strategy, and any preceding National Manufacturing Strategies, were implemented;

(2) an analysis of the impact of such recommendations, to the extent data are available;

(3) a review of the process involved in developing such National Manufacturing Strategy and any preceding National Manufacturing Strategies; and

(4) recommendations for improvements in developing the next National Manufacturing Strategy.

SEC. 7. STUDIES.

(a) **QUADRENNIAL STUDY.**—

(1) **IN GENERAL.**—In developing each National Manufacturing Strategy, the President, acting

through the Secretary of Commerce, shall enter into an agreement with the National Academy of Sciences to conduct a study in accordance with this subsection.

(2) **ELEMENTS.**—The study shall examine the following:

(A) The current state of manufacturing in the United States.

(B) Federal programs and activities related to manufacturing systems.

(C) The ways in which Federal policies affect manufacturing, and likely future trends in manufacturing if such policies remain unchanged.

(D) Various possible approaches for evaluating the implementation of the National Manufacturing Strategy.

(E) An assessment of the trends and short- and long-term forecasts of manufacturing.

(F) A review of the trends and short- and long-term forecasts of manufacturing relied upon in previous National Manufacturing Strategies as compared with actual events and trends.

(3) **REPORT.**—The agreement entered into under paragraph (1) shall provide that not later than the first day of April of the first year of each Presidential term, the National Academy of Sciences shall submit to Congress and the President a report containing the findings of the study.

(4) **DEADLINE FOR FIRST REPORT.**—Notwithstanding paragraph (3), the first agreement entered into under this subsection shall provide that the National Academy of Sciences shall submit to Congress and the President a report containing the findings of the study not later than 2 years after the date such agreement is entered into.

(5) **DEADLINE FOR SUBSEQUENT AGREEMENTS.**—After the first agreement entered into under this subsection, all subsequent agreements under this subsection shall be entered into not later than 18 months before the deadline for submission of the corresponding report under paragraph (3).

(b) **DISCRETIONARY STUDIES.**—The President, acting through the Secretary of Commerce, may enter into further agreements with the National Academy of Sciences as necessary to develop studies to provide information for future National Manufacturing Strategies.

SEC. 8. REQUIREMENT TO CONSIDER NATIONAL MANUFACTURING STRATEGY IN BUDGET.

In preparing the budget for a fiscal year under section 1105(a) of title 31, United States Code, the President shall include information regarding the consistency of the budget with the goals and recommendations included in National Manufacturing Strategy covering that fiscal year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Georgia (Mr. GINGREY) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. RUSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RUSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4692, the National Manufacturing Strategy Act of 2010, introduced

by my dear friend from Illinois, Congressman DAN LIPINSKI. I commend him for his leadership on this important issue.

Mr. Speaker, it is time for the U.S. to revise our manufacturing policy. This bill under consideration has gained strong bipartisan support from Members of Congress because it speaks to the level of leadership in the manufacturing arena that our Nation seeks to assert once again on the global stage.

America's manufacturing sector is an essential foundation of our Nation's economy. Consider the fact that in 2009 the manufacturing sector employed more than 11.5 million people. Ladies and gentlemen, that number, though significant, is not as good as it could be when you consider that 10 years ago America's manufacturing sector employed 17.3 million people, meaning that our Nation actually lost 5.8 million manufacturing jobs between the years 1999 and 2009.

The National Manufacturing Strategy Act of 2010 will make a significant difference in helping to restore and reposition our Nation's manufacturing capacity so that American workers can compete in today's global economy.

Today, we are still fighting our way through a global financial crisis, and we are facing aggressive competition from industrialized nations as well as emerging countries. Some of our manufacturing competitors have designed and implemented 5- or 10-year strategic plans to allow their economies to not only compete globally, but also to exploit their goods to our markets here in the U.S. The sad fact of the matter is that these international markets are not reciprocating, Mr. Speaker, by welcoming our U.S. goods to their marketplace.

In recent years, the U.S. has actually lost market share to growing export countries like China, regional areas like Southeast Asia, and countries like India. If we do not act now, this steady decline will continue to exist and it will also persist. We simply cannot allow that to happen.

This bill requires the President to undertake a deep and broad analysis of the Nation's manufacturing sector, including the international economic environment, related technological development, workforce elements, the impact of governmental policies, and other relevant issues affecting domestic manufacturers.

I also added a provision requiring analysis on the trade imbalance, job creation, employment disparities, and workforce development. Based on this analysis, Mr. Speaker, the President, in collaboration with key Cabinet officials within his administration, as well as Governors, State and local elected officials and other key stakeholders in the public and private sectors, will develop a 4-year national strategy that identifies goals and makes rec-

ommendations to improve our Nation's economic growth.

Mr. Speaker, I urge my colleagues to support this bill and to help our manufacturing sector become bigger, become bolder, and become better than it was in the distant past.

Mr. Speaker, I reserve the balance of my time.

□ 1040

The SPEAKER pro tempore. Without objection, the gentleman from Kentucky (Mr. WHITFIELD) will control the time.

There was no objection.

Mr. WHITFIELD. First of all, I do want to thank Congressman LIPINSKI of Illinois for introducing this legislation on the National Manufacturing Strategy Act.

Mr. Speaker, I think we all recognize in America today that our manufacturing sector, while still one of the strongest in the world, has lost a lot of manufacturing jobs. In fact, we have lost way too many. This legislation, while providing additional studies to look at the problems for our manufacturing sector, I firmly believe does not go far enough and does not address the real problems with manufacturing in America today.

One issue that we certainly need to look at, in my view, is the American tax policy. It is my understanding that the United States has the second-highest corporate tax rate in the developed world and will soon move into the No. 1 slot because Japan, evidently, is getting ready to drop its corporate income tax rate.

We also know that, already in the Federal Government, there are many task forces that are looking at this manufacturing issue. For example, there is an Interagency Working Group on Manufacturing Competitiveness. The Commerce Department has a manufacturing council. The Manufacturing Extension Partnership Program is in existence, and the Interagency Working Group on Manufacturing Research and Development is operating today. Additionally, both the Department of Commerce under the Bush administration and the White House under President Obama has issued reports and recommendations on the state of domestic manufacturing.

Then just recently, in June of this year, the National Manufacturers Association issued an extensive report on what was needed in America to make manufacturing in America more competitive. One of the things that I pointed out was tax policy and a more aggressive trade policy to have tariffs lowered in other countries. Then the ability to compete in the global marketplace is vitally important.

One of the reasons I have been very much concerned about some of the energy policies of this administration, particularly as they relate to cap-and-

trade, is that, if that kind of legislation is adopted, it is going to increase electricity costs and make manufacturing in America less competitive in the global marketplace.

The CEO of CSX Railroads was in my office 2 weeks ago. He said the railroads are moving more coal to the ports for export to China today than they ever have in the past. He also said the same thing is happening in Australia. The reason for that is that the Chinese are depending more and more upon coal to produce electricity. A delegation of them came to Washington, and said one of the reasons they were doing it was that they wanted the lowest electricity costs in order to be more competitive in the global marketplace and to encourage more manufacturing plants to move to China.

So I think we need to take concrete action. We know the problems. I will say that this legislation will provide an additional study, and that may be important.

I would like to commend Chairman RUSH and Mr. LIPINSKI, because I think they improved this bill a great deal when they eliminated the task force and created one strategy board so that there would be less repetitiveness on the studies that this legislation calls for.

Mr. Speaker, I reserve the balance of my time.

Mr. RUSH. Mr. Speaker, I yield 5 minutes to the author of the legislation, my friend and an outstanding Member of this House, the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I rise today in strong support of H.R. 4692, the National Manufacturing Strategy Act.

Over the past decade, almost one-third of American manufacturing jobs have disappeared. After 110 years as the world's top manufacturing country, the United States is about to lose that perch to China. We all know how hard it is when we go anywhere to buy toys, tools—whatever it is, we know how hard it is to find "made in the USA" on a label, but American manufacturing job loss is not inevitable, and I do not accept the notion that there is nothing that we can do. Clearly, another decade like the last one would dramatically undermine the American middle class and our national security.

That is why I introduced the National Manufacturing Strategy Act. I worked with business, labor, and trade organizations to make this a bipartisan bill with broad support, and I submit for the RECORD letters of this support from some of these organizations.

The Strategy Act requires the President to appoint a board composed of government and private-sector personnel to conduct an in-depth analysis of American manufacturing. Then they must produce a strategy that includes

short-term and long-term goals for creating jobs, improving domestic production, investment, international competitiveness, and for assuring an adequate defense industrial base.

Finally, the President and the board must deliver specific recommendations for accomplishing these goals. Like America's Quadrennial Defense Review, the manufacturing strategy will be updated every 4 years, enabling us to build upon successful initiatives while correcting course as necessary. The Government Accountability Office will have to produce an analysis of progress on the implementation of the strategy. All of this is designed to make sure that the board is producing something and that we are following through on it.

Mr. Speaker, the passage of the National Manufacturing Strategy Act will ensure that American manufacturing remains on the national agenda. Numerous other countries already have manufacturing strategies, including not only China and India, but the United Kingdom, Canada, Brazil, Japan, and Germany. It is about time that America does the same before it is too late for middle class Americans and for our national security.

Some may say that the time for American manufacturing has passed. I don't believe this. I know that American manufacturers can compete with anyone in the world if we have a level playing field and if we are planning ahead. In my district, from Atlas Tool & Die, to Corey Steel, to Archer Wire, to West Bend, to ODM, they are just a few of the manufacturers who are making it and are having a difficult time, but they can do it. All American manufacturers can do it because America has the greatest manufacturers in the world.

I would like to thank Majority Leader HOYER and Caucus Chairman LARSON for bringing this bill to the floor. I would like to thank Congressman BRALEY for his work on this, along with Chairman BOBBY RUSH and Ranking Member WHITFIELD for the work that they did in improving this bill. Thank you for your comments.

I wanted to make sure that we made this a strong bipartisan bill that we could agree upon. There are a lot of issues that are out there, and I believe we must continue to promote policies to help create jobs immediately. We are not going to agree on all of those, but I think this is something that we can agree upon. The National Manufacturing Strategy Act establishes a process for strengthening American manufacturing over the long term, and it is something that we must do.

I ask my colleagues today to support this important legislation. Pass this bill.

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL OR-
GANIZATIONS,

Washington, DC, July 15, 2010.

Hon. DANIEL LIPINSKI,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE LIPINSKI: On behalf of the ten million working men and women of the AFL-CIO, I write in support of the National Manufacturing Strategy Act of 2010 (NMSA), H.R. 4692.

The quickest road to economic recovery and reversing high unemployment is boosting domestic production and creating good paying jobs right here at home. The best way to pursue this is by developing a comprehensive strategy to pursue these goals.

The NMSA provides a road map to do just that by requiring the President to conduct a thorough analysis of the U.S. manufacturing sector and prepare a quadrennial report to Congress. This report must include short and long-term recommendations as well as plans for improving domestic production, investment and competitiveness.

This important work would be conducted by a governmental Manufacturing Strategy Task Force comprised of federal officials and governors and convened by the President. The task force would be assigned with soliciting public views; holding public meetings, assessing manufacturing policy; and supporting the President's overall manufacturing strategy.

Over the past decade too many investors and domestic businesses focused on short-term profits and outsourcing of jobs. It is time to refocus and recommit the United States to a long-term strategy of domestic prosperity and sustainability. The NMSA is a key component to starting that process.

The National Manufacturing Strategy Act has bipartisan sponsorship and is supported by the AFL-CIO.

Sincerely,

WILLIAM SAMUEL,
Director,
Government Affairs Department.

THE ASSOCIATION FOR
MANUFACTURING TECHNOLOGY,
McLean, VA, March 1, 2010.

Hon. DANIEL LIPINSKI,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN LIPINSKI: I am writing on behalf of AMT—The Association For Manufacturing Technology—to applaud your leadership in introducing the National Manufacturing Strategy Act (H.R. 4692). AMT supports your efforts to strengthen America's manufacturing sector and ensure that its competitiveness remains a top priority of the U.S. government.

AMT represents U.S.-based manufacturing technology companies. Our members provide the tools that enable production of all manufactured goods. The recession has hit capital intensive industries, like ours, particularly hard; but we remain committed to forging a strong and prosperous future. Our national security and economic growth depend on it.

AMT welcomes the opportunity to work with you and your colleagues in advancing manufacturing to the top of our national agenda. We recognize that it will take a co-ordinated effort from all stakeholders—our government, business leaders and their workers, communities, and academia—to regain our competitive position. H.R. 4692 takes the important step of calling for a formal strategy to address our short and long term challenges. American manufacturers

need a cohesive public policy plan that will encourage and support our ventures in creating innovative products, diversifying into new industries and capturing emerging markets. That is the path to worldwide leadership.

I have taken the liberty of letting AMT members in Illinois know of your efforts to rebuild and strengthen this critical sector of the U.S. economy. Thank you again for your support.

Best regards,

DOUGLAS K. WOODS,
President.

PRECISION METALFORMING ASSOCIA-
TION AND NATIONAL TOOLING &
MACHINING ASSOCIATION,

March 9, 2010.

Hon. DANIEL LIPINSKI,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN LIPINSKI: On behalf of One Voice, the joint effort between the National Tooling and Machining Association (NTMA) and the Precision Metalforming Association (PMA), and our nearly 3,000 metalworking member companies, thank you for your leadership and continued efforts to address the issues facing businesses manufacturing in America. Your introduction of H.R. 4692, the National Manufacturing Strategy Act of 2010, is an important step in developing a cohesive national manufacturing strategy to support the growth and improvement of manufacturers across the country.

Manufacturing businesses employ nearly 12 million Americans and represent more than 10 percent of our entire economy, and is vital for the future of our economic and national security. In order to revitalize American manufacturing, we need our own national pro-manufacturing strategy to advance policies that will enhance U.S. industrial competitiveness. The National Manufacturing Strategy Act will put in place a process to promote policies to support a strong, vibrant national manufacturing base. It is a crucial first step to revitalize American manufacturing.

Thank you for your consideration and your leadership on behalf of the metalworking industry.

Sincerely,

WILLIAM E. GASKIN,
PMA President.
ROBERT AKERS,
NTMA Chief Operating Officer.

THE COLD FINISHED STEEL
BAR INSTITUTE,
Washington, DC, July 14, 2010.

Hon. BOBBY L. RUSH,
Chairman, Subcommittee on Commerce, Trade
and Consumer Protection, Energy & Commerce Committee, House of Representatives,
Washington, DC.

DEAR CONGRESSMAN RUSH: The Cold Finished Steel Bar Institute (CFSBI) commends you for holding a hearing on H.R. 4692, the "Manufacturing Strategy Act of 2010" and requests that this letter be included in the official record of the hearing. Cold finished steel bar is incorporated into a wide range of consumer, industrial, aerospace, medical, and military products. The ultimate consumers of cold finished steel bars are small and medium-size independently owned precision machining companies across the country. The U.S. cold finished steel bar industry produces high-quality products on an efficient and cost-competitive basis, using highly-trained workers under environmentally

sound conditions. The CFSBI is a trade association of these producers who account for over 85 percent of all U.S. cold finished steel bar production.

The CFSBI supports this legislation and included a strong statement of support for it in its 2010 White Paper, "Strong Medicine for Manufacturing." This paper recommended a number of actions the Congress and the Administration should take to support U.S. manufacturers. Our first recommendation on behalf of a stronger and more stable manufacturing sector in the United States was passage of H.R. 4692: Pass the "Manufacturing Strategy Act." On February 25, 2010, Congressman Dan Lipinski (D-IL) introduced a bill that directs the President, every four years, to conduct a comprehensive analysis of the nation's manufacturing sector and submit to Congress a National Manufacturing Strategy (Strategy). The bill requires the President, in developing each Strategy, to convene an inter-agency U.S. government Manufacturing Strategy Task Force and a private-sector Manufacturing Strategy Board to make recommendations regarding specific issues to be incorporated into the Strategy, including short- and long-term goals for the manufacturing sector. This bill will not solve the problems facing U.S. manufacturers, but it is an excellent first step. Congressman Lipinski recognizes that a sound manufacturing strategy cannot be developed agency-by-agency. A successful solution will require an integrated approach across multiple agencies in the U.S. government, working in partnership with the private sector. The Administration is using a similar approach to address problems with health care, financial markets, and energy; manufacturing also deserves a comprehensive focus.

The CFSBI and its member companies applaud Congressman LIPINSKI for authoring this important legislation. We hope that this hearing is the first step in successful consideration of H.R. 4692 in the House of Representatives and that the Senate will follow suit.

Sincerely,

JOHN W. KENEFICK,
CHAIRMAN, COLD FINISHED STEEL BAR
INSTITUTE.

AEROSPACE INDUSTRIES ASSOCIATION,
Arlington, VA, March 15, 2010.

Hon. DANIEL LIPINSKI,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN LIPINSKI: Thank you for the opportunity to provide the aerospace and defense industry's comments on the National Manufacturing Strategy Act of 2010. As you may know, the Aerospace Industries Association (AIA) represents nearly 300 manufacturing companies with over 644,200 high-wage, high skilled aerospace employees across the civil aviation, space systems, and national defense. Our member companies export nearly 40 percent of their total output, and we routinely post the nation's largest manufacturing trade surplus, \$56 billion in 2009. Aerospace indirectly supports 2 million middle class jobs and 30,000 suppliers from all 50 states. The aerospace industry continues to look to the future, investing heavily in R&D, spending well more than \$100 billion over the last 15 years.

The aerospace industry commends you for the hard work and interest you have shown to the nation's manufacturing capability. We share many of the same goals outlined by your legislation including the creation of high-quality jobs; increased productivity, ex-

ports, and global competitiveness; increased domestic manufacturing capacity; and expanded research and development activities to encourage innovation. The requirement for a detailed analysis of the U.S. manufacturing base and creation of an interagency task force will certainly help improve the government's understanding of the challenges faced by this vital industry.

We also appreciate the requirement for a detailed review of tax, federal procurement, workforce development, and export control reform policies. AIA has issued a number of reports in these areas and would be pleased to work with the task force in an effort to share the perspective of the aerospace industry. With the creation of the Manufacturing Strategy Board, we hope that the President will also consider a strong representation from the aerospace sector given our role as one of the leading manufacturing industries.

Thank you again for your interest, hard work, and efforts to address the needs of our nation's manufacturing sector.

Best regards,

MARION C. BLAKEY.

NATIONAL DEFENSE
INDUSTRIAL ASSOCIATION,
Arlington, VA, March 16, 2010.

Hon. DANIEL LIPINSKI,
Longworth House Office Building,
Washington, DC.

DEAR MR. LIPINSKI: The National Defense Industrial Association (NDIA) offers its strong support for H.R. 4692, the National Manufacturing Strategy Act of 2010. NDIA, with just over 1,700 corporate members and nearly 80,000 individual members, is America's leading Defense Industry association promoting national security. As such, we understand the importance of a strong U.S. manufacturing base and the need for a national manufacturing strategy.

A vibrant industrial base is critical to U.S. national security, for both economic and materiel supply reasons. The U.S. industrial base represents a critical element of the economic power of our country. Although about 12 percent of total U.S. GDP is generated directly by the industrial base, it is responsible for a much larger portion, as much as one third of total GDP, when considering the commodities and services that manufacturers consume. Further, over 60 percent of total U.S. exports are manufactured goods and about 10 percent of total employment is within the industrial base.

The national security is also dependent upon the uninterrupted supply of critical materials, systems and logistics support. This is especially true for the needs of our armed forces and homeland security. To guarantee this supply we must ensure the continued viability of the production capabilities of the U.S. industrial base. We simply cannot rely on developing or potentially adversarial nations for these critical supplies.

A national manufacturing strategy, such as proposed by H.R. 4692, provides the U.S. with an understanding of critical industrial base issues and their impact on our nation. It will also provide a common direction for future government, academia and industrial programs and a focus for these organizations to leverage each other's efforts for the common good. A national manufacturing strategy will also put the U.S. on an equal strategic footing with many other countries that have had national strategic plans in place for some time.

Mr. Lipinski, NDIA strongly supports H.R. 4692, the National Manufacturing Strategy

Act of 2010 and encourages all members of Congress to consider the significant contribution that such a strategy will have on the U.S. industrial base, we ask that they endorse the passage of this critical bill.

Sincerely and Respectfully,

LAWRENCE P. FARRELL, JR.,
Lieutenant General, USAF (Ret.),
President and CEO, NDIA.

COALITION FOR A
PROSPEROUS AMERICA,
Sheffield, MA, April 27, 2010.

Hon. DANIEL LIPINSKI,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN LIPINSKI: The Coalition for a Prosperous America is pleased to announce that we have endorsed your National Manufacturing Strategy Act, H.R. 4692.

The United States is the only major country that does not have an industrial strategy. Every one of our trading rivals has a plan that considers their industrial sector in terms of many factors including national security, economic growth, full employment, and geopolitical competition. The fact that the U.S. has no such plan is a key component in our economic problems.

Your National Manufacturing Strategy Act requires the creation of a process to devise a national manufacturing strategy. Such a plan will consider the role of manufacturing in national security, achieving full employment, increasing global competitiveness, and other important factors. We would suggest strengthening the bill with more action steps beyond procedural items already listed, and would be pleased to work with you accordingly.

Today, too many disparate agencies lay claim to portions of what would otherwise be a national manufacturing strategy. Some in Washington call this the "silo" approach. We need government to break down these silos. Tax, trade, currency valuation, innovation, infrastructure, government procurement and other important topics should be considered in a cohesive plan.

We retooled our country to successfully fight and win World War II. We need to be able to do this again today. CPA is pleased to offer our support and thanks for your efforts.

Respectfully,

BRIAN O'SHAUGHNESSY,
Chief Co-Chair, Man-
ufacturing Co-Chair.

JOE LOGAN,
Agriculture Co-Chair.

ROBERT BAUGH,
Labor Co-Chair.

AMERICAN MANUFACTURING TRADE
ACTION COALITION,
Washington, DC, June 8, 2010.

Rep. DANIEL LIPINSKI,
Longworth House Office Building,
Washington DC.

DEAR REPRESENTATIVE LIPINSKI: I write on behalf of the American Manufacturing Trade Action Coalition (AMTAC) endorsing H.R. 4692, the National Manufacturing Strategy Act. We thank you for introducing H.R. 4692 in an effort to reinvigorate the manufacturing sector of the U.S. economy.

Our first Secretary of Treasury, Alexander Hamilton, understood the need for a national manufacturing strategy. His "Report on Manufactures" provided President Washington, and all subsequent presidents and Congresses a blueprint for encouraging the development of a vibrant manufacturing sector in the United States. One of the great

stories of the history of the United States during the 19th and 20th centuries was that of the rise of our manufacturing sector. Unfortunately, the story of U.S. based manufacturing during the last twenty or thirty years has been one of disinvestment, off-shoring and decline. And, of course, this has meant the loss of many jobs—usually good, high paying jobs. In fact, over the past ten years the United States has lost some 4 million manufacturing jobs.

H.R. 4692 would help begin the reinvigoration of the domestic manufacturing sector by directing the President to conduct a comprehensive analysis of the nation's manufacturing sector. More importantly, H.R. 4692 recognizes that analysis alone will do nothing to jump-start our manufacturing sector. Therefore, it directs that the President use the information gleaned from that analysis and submit to Congress a national manufacturing strategy.

These and other provisions of the bill are salutary reforms that, if implemented, can help ignite a rebirth of the American manufacturing sector and AMTAC welcomes and supports these changes.

Sincerely,

AUGGIE TANTILLO,
Executive Director, American
Manufacturing Trade Action Coalition.

AMERICAN IRON AND STEEL
INSTITUTE,
Washington, DC, February 23, 2010.

Hon. DANIEL LIPINSKI,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN LIPINSKI: I write today, on behalf of the members of the American Iron and Steel Institute (AISI), to thank you for introducing legislation that would require the President to develop a quadrennial national manufacturing strategy.

The domestic steel industry strongly supports implementation of a national pro-manufacturing strategy and your bill takes an important step towards achieving this goal. As you know, in the current global economy, overall cost factors play a decisive role in how and where companies choose to invest and locate their facilities. As such, it is critical that the U.S. government address these cost factors and provide industry with a level playing field on which to compete globally. This means minimizing burdensome regulations and taxes, investing in transportation and energy infrastructure and promoting exports while enforcing trade laws, trade agreements and Customs rules.

Consequently, we appreciate that your bill creates a process for the U.S. government to develop a national manufacturing strategy and identifies key policy goals for such a strategy. We also support the creation of a Manufacturing Strategy Board consisting of individuals from the private sector, from a broad range of industries and regions, who are to provide the President with the needs of and opportunities for the nation's manufacturing sectors. The President will be well served in gaining advice and suggestions from industry experts who live and work in their respective fields each and every day.

U.S. manufacturing is critical to the future of our economy and security and we appreciate your efforts on behalf of manufacturing with the introduction of this important legislation. We look forward to working with you on this bill and on future efforts to put in place policies that promote a strong, vibrant national manufacturing base.

Sincerely,

THOMAS J. GIBSON.

UNITED STATES BUSINESS AND
INDUSTRY COUNCIL
Washington, DC, July 12, 2010.

Hon. DANIEL LIPINSKI,
Longworth House Office Building,
Washington, DC.

DEAR REP. LIPINSKI: On behalf of the 2,000 domestic manufacturing companies comprising the U.S. Business and Industry Council, I am writing to thank you for introducing H.R. 4692, the National Manufacturing Strategy Act of 2010, and to offer our strong support for this legislation. Your legislation will create the policy framework urgently needed by the nation to revitalize its dramatically weakened domestic manufacturing sector, and thereby help achieve genuine recovery from the ongoing economic crisis. We strongly urge its prompt passage by Congress and enactment into law.

Although most of Washington remains uneducated as to the centrality of domestic manufacturing for a strong economy, the paramount lesson of the current economic crisis is that the United States needs a completely new strategy to deal with the so-called globalization of our economy and to revitalize our industrial base.

For decades, most of our political and multinational business establishment has promulgated the falsehood that American prosperity could be based on borrowing, spending, and importing. Creating real wealth—the historical foundation of national success—and creating the appropriate policy environment for it were totally ignored. The U.S. housing and financial sectors were codded (with artificially low interest rates and the abandonment of successful oversight in laws like Glass-Steagall), while manufacturing—which has been the dominant factor in domestic wealth creation since the nation industrialized—was neglected and even scorned. Typical was former Federal Reserve Chairman Alan Greenspan's remark that manufacturing is "something we were terrific at fifty years ago . . . essentially a nineteenth- and twentieth-century technology." A worldwide financial meltdown, painful recession, and mammoth long-term U.S. debt burden have been the inevitable results.

Your introduction of the National Manufacturing Strategy Act demonstrates convincingly that you and your cosponsors understand that restoring our nation's economic health requires producing not consuming our way out of recession, and that expanding our industrial output is the biggest key to success. But without swift Congressional and presidential action, the U.S. economy may deteriorate past the point of no return.

America's massive manufacturing job loss and factory closings over the past decade are well known. But even more serious signs of the sector's distress abound. Despite trillions of dollars of government stimulus spending, tax breaks, and industry bailouts, the U.S. economy has shrunk in real terms by 1.14 percent during the recession. But manufacturing output, though now higher than its recession trough, is still down 9.72 percent—and recent scholarly research indicates that even this figure may significantly understate the devastation.

In addition, industrial capacity has fallen during this recession for only the second time since the end of World War II. A new report by the U.S. Business and Industry Council shows that, in 2008, imports captured 36.23 percent of America's domestic markets for advanced manufactured goods like semiconductors, aircraft, construction equip-

ment, machine tools, and pharmaceuticals. In 1997, the figure was only 21.36 percent.

To make matters worse, many in the political leadership class seem determined to recreate the borrowing, spending, and importing bubble that just burst so disastrously. For example, the same Wall Street firms whose crackpot lending and compensation policies, and especially their phony financial instruments, helped trigger the crisis received an enormous bailout, and the new financial regulation bill generally preserves their too-big-to-fail status and license to speculate recklessly. The Fed's loose-money policies have become free-money policies, and outright spending and lending subsidies. Finally, too much of the economic stimulus package was simply unproductive spending.

Meanwhile, here's the "help" that genuinely productive industries like manufacturing have gotten: a miserly auto rescue package that has helped reduce GM to its 1920s dimensions; auto and appliance rebate programs that spurred the purchase of at least as many imports as domestically produced goods; buy American stimulus bill provisions shot through with loopholes; vague rhetoric about "green manufacturing" that ignores the need to ensure these industries remain onshore; and the continued pursuit of outsourcing-focused trade agreements sure to send more productive American jobs abroad.

Largely as a result of misguided policies, personal consumption is even higher today than at its dangerous pre-crisis levels, the trade deficit in the first quarter of this year grew more than 10 times faster than the economy, and the manufacturing trade deficit is up by more than 19 percent on an annual basis—with manufacturing exports continuing to grow more slowly than total goods exports despite 15 years worth of free-trade agreements touted as foreign market-opening bonanzas.

No wonder the unemployment rate remains sky high, and only the federal government and heavily subsidized sectors, like health care and education, are creating meaningful numbers of jobs.

The National Manufacturing Strategy Act will help replace this failed binge-spending and borrowing approach with a strategy aimed at promoting the production- and earnings-based prosperity that only a much stronger manufacturing sector can create.

The U.S. Business and Industry Council is especially heartened by the following features of the bill:

1. It would encourage a long overdue explicit acknowledgment by Congress of domestic manufacturing's central role in generating and preserving American prosperity, technological progress, and national security.

2. It recognizes that a sweeping and concerted federal government-wide effort is instrumental for domestic manufacturing's revival.

3. It would require several federal studies to assess domestic manufacturing's strengths and weaknesses rigorously and comprehensively. Similarly, it would foster detailed government study of manufacturing trade and off-shoring flows, and federal procurement of manufactures imports in the civilian and defense sectors. These provisions would fill much of the knowledge vacuum that currently hamstring U.S. manufacturing policymaking. In the process, the legislation would end the monopoly currently enjoyed by outsourcing-happy multinational companies over too much crucial manufacturing and national security-related data.

4. It recognizes the scale of the challenges facing domestic manufacturing by setting a deadline of February, 2011, for publication of the first annual White House National Manufacturing Strategy blueprint.

5. It recognizes that expanding manufacturing employment requires expanding manufacturing production—that only healthy industries can create new jobs and preserve existing positions.

6. It understands that active efforts are needed to ensure that more of America's wealth and investment capital gets channeled to productive activities like manufacturing.

7. It would mandate that the Executive Branch and Congress examine the often make-or-break impact of the range of federal policies on manufacturing's fortunes.

8. It recognizes the special importance of small and medium-sized manufacturing companies, which through their production of precision parts and components in particular generate so much of America's value-added and innovation.

9. It gives these companies meaningful representation on the proposed President's Manufacturing Strategy Board.

10. It promotes follow-through and accountability in domestic manufacturing policy by requiring a Comptroller General's evaluation of the President's manufacturing strategy blueprint—including progress in implementation—and a presidential report on "the consistency of the budget with the goals and recommendations included in the blueprint."

America's economic and industrial success has always resulted first and foremost from its free-enterprise system. But government has consistently played a major role, too, from the publication of Alexander Hamilton's Report on Manufactures to the National Institutes of Health's support for pharmaceutical research to the Defense Department's nurturing of the aviation and information technology sectors. And this government role will surely expand as competition intensifies from foreign countries whose leaders vigorously support their industries in a host of overt and covert ways.

Your National Manufacturing Strategy Act will boost the odds of America's getting manufacturing policy right. Thank you again for introducing this vital legislation. The U.S. Business and Industry Council looks forward to working with you to help it attract the strong support and quick passage it deserves.

Sincerely,

KEVIN L. KEARNS,
PRESIDENT,
U.S. Business and Industry Council.

MOTOROLA, INC.,
Washington, DC, July 12, 2010.

For more than 80 years Motorola has been committed to innovation in communications and electronics. We developed the first mobile police car radio, the first mobile backpack radio systems for World War II, the first cellular network and phone. The first words spoken from the moon were carried over Motorola equipment. We are a company born in America and now operating around the globe, drawing on the diversity of perspectives and talents from different parts of the globe.

American manufacturers, like Motorola, have long spurred economic growth and technological advancement in America and abroad. That said, we wholeheartedly support the spirit H.R. 4692, the National Manufacturing Strategy Act, sponsored by Rep-

resentative DANIEL LIPINSKI that expresses a sense of Congress that the United States Government should promote policies related to the Nation's manufacturing sector that would foster economic growth, create jobs, improve the workforce, increase productivity, and maintain and improve national security, among other improvements. Specifically, H.R. 4692 requires the President to conduct an analysis of factors affecting manufacturing competitiveness, and devise a strategy to pursue policies and improve government coordination in support of domestic manufacturing. We believe that such an analysis will foster more innovation and competitiveness for U.S. manufacturers.

We look forward to working with Representative DANIEL LIPINSKI and his staff as this measure moves through the legislative process.

Sincerely,

YARDLY POLLAS-KIMBLE,
Senior Director,
Global Government Affairs.

MOTOR & EQUIPMENT
MANUFACTURERS ASSOCIATION,
Washington, DC, July 19, 2010.

Hon. DANIEL LIPINSKI
*House of Representatives,
Washington, DC.*

DEAR REPRESENTATIVE LIPINSKI: The Motor & Equipment Manufacturers Association (MEMA) represents over 600 companies that manufacture motor vehicle parts for use in the light vehicle and heavy-duty original equipment and aftermarket industries. Motor vehicle parts manufacturers are the nation's largest manufacturing sector, directly employing nearly 686,000 U.S. workers and contributing to over 3.29 million jobs across the country. In fact, parts manufacturers are the largest manufacturing employer in eight states: Indiana, Kentucky, Michigan, Missouri, Ohio, Oklahoma, South Carolina and Tennessee. The economic impact of this industry is felt not only by motor vehicle manufacturers, but also in the millions of other jobs that are dependent on parts suppliers.

MEMA is pleased to support H.R. 4692, the National Manufacturing Strategy Act of 2010. Parts manufacturers believe a national manufacturing strategy will help focus resources on important manufacturing initiatives. In addition, MEMA hopes that the process will provide all manufacturers with a forum to discuss the wide range of policies necessary to provide for a secure and strong manufacturing base.

Thank you for your leadership on this important issue.

Sincerely,

ROBERT MCKENNA,
President and CEO.

AMERICAN FOUNDRY SOCIETY,
Schaumburg, IL, July 23, 2010.

Congressman DAN LIPINSKI,
*Longworth HOB,
Washington, DC.*

DEAR CONGRESSMAN LIPINSKI: On behalf of the American Foundry Society, we commend you for introducing the National Manufacturing Strategy Act of 2010 (H.R. 4692). We strongly support this measure which would require the President to develop a quadrennial national manufacturing strategy and identify key policy goals critical to the future of U.S. manufacturing. This represents the first step in restoring our manufacturing competitiveness.

Over the last decade, America has lost one-third of all its manufacturing jobs, including

thousands of jobs in the metalcasting industry. Metalcasters face the most intense global competition in history from companies operating in countries that enjoy government trade protections, fixed currency levels and a variety of subsidies.

The U.S. metalcasting industry is critical for the future of our economic and national security. More than 90 percent of all manufactured goods and capital equipment use castings as engineered components or rely on castings for their manufacture. In fact, foundries supply millions of castings a year for use in our military's jets, helicopters, ships, tanks, weapon systems and other vital components.

AFS serves as the voice of the North American metalcasting industry. Our association is comprised of more than 7,000 members representing more than 700 U.S.-based metalcasting firms, students, industry suppliers and customers in every state in the country. Our members produce thousands of different types of metal castings ranging from aircraft and automobile components to cookware and surgical equipment.

There are over 2,000 metal casting facilities in the U.S. employing more than 200,000 workers. Foundries are predominantly small businesses, with 80 percent having less than 100 employees. Many of these shops are still family-owned.

The time is now for the U.S. to develop its own national pro-manufacturing strategy to advance policies that will enhance U.S. industrial competitiveness. Again, thank you for your leadership and support of American manufacturing.

Sincerely,

JERRY CALL,
Executive Vice President.

Mr. WHITFIELD. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Georgia (Mr. GINGREY), who is a member of the Energy and Commerce Committee.

Mr. GINGREY of Georgia. I thank the gentleman from Kentucky for yielding. I also thank my colleague from Illinois (Mr. LIPINSKI) for bringing forward this bill, H.R. 4692, the National Manufacturing Strategy Act of 2010, as it is formally called.

□ 1050

And I also, of course, thank the subcommittee chair, Mr. RUSH, as well. I think they should be commended. It's a nice thing to do. It's a nice statement to make, this National Manufacturing Strategy Act. And, as Mr. LIPINSKI just said, Mr. Speaker, it would assure, hopefully, that manufacturing remains on our national agenda. And that's about all it can do, in my humble opinion. Mr. Speaker, that's just about all it can do if it's 100 percent successful. It will assure that manufacturing remains on our national agenda.

When we're sitting here in this country with 10 percent, nearly 10 percent unemployment and 16 million people out of work, many of them for more than 6 months—indeed, that's the reason we wanted to extend unemployment coverage for 99 weeks—it's time, I think, that we need to act, and act very positively, very aggressively.

And you just heard, Mr. Speaker, from the ranking member of the committee, Mr. WHITFIELD, talk about

these trade agreements that have been negotiated, in fact, 2 or 3 years ago, with South Korea, with Colombia, with Panama. And yet, the Democratic leadership of this House refuses to bring those trade agreements to the floor for an up-or-down vote.

It's just amazing to me that we're spending time on a bill that's going to study the issue more and come forward with a report when we have information that says the free trade agreements with South Korea and Colombia alone would lead to a decline of \$40.2 billion—the failure to implement, I should say, the failure to implement those trade agreements will lead to a decline of \$40.2 billion in U.S. exports of goods and services. Failure to act would also leave \$44.8 billion in missed opportunities for U.S. companies, while also resulting in roughly another 400,000 jobs going elsewhere, that is, offshore.

So, again, there's no finer gentleman in this House than Representative LIPINSKI. I have great respect for him. And I think he's trying to do the right thing because it's the only thing that his majority will let him do, Mr. Speaker.

What we need to do is approve these free trade agreements. We need to lower the corporate tax rate. OECD countries have done that, except us, and we're sitting here with a 35 percent corporate tax rate. And we're doing nothing, really we're doing nothing but creating another study group, and that's about as duplicative as you could get. God knows how many study groups, Mr. Speaker, we have already created.

I, too, like Mr. LIPINSKI, meet with my manufacturers in the 11th District of Georgia, and I just did that last week. And we talked about these things, these free trade agreements that have been negotiated, how much it would improve our exports and our positive trade balance and create manufacturing jobs, and do it now. We talked about the tax structure. We talked about overregulation and the burdens that this government is placing on our manufacturers.

And then, you know, just like we stand up and honor the troops once a week, I guess at least once a month we stand up and honor the manufacturing industry in the Rust Belt, all the while suffering, 16 million unemployed and a 10 percent unemployment rate. We're not doing anything except studying it to death, as the ship continues to sink.

So I say, the bill, I'm going to support it, sure, but this is the wrong approach. And I don't mean any disrespect to my colleagues. It's a good bipartisan effort, and I'm glad that we've finally taken an opportunity to do something in a bipartisan way. But we need to move much quicker, much faster, and much further, Mr. Speaker.

Mr. RUSH. Mr. Speaker, I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, today we have a unique opportunity to lend a hand to American manufacturers. I'm proud to join my good friend and colleague from Illinois (Mr. LIPINSKI) in being an original cosponsor of this legislation. And, in fact, when I chaired the Small Business Committee, we had field hearings in both his district and Mr. DAVIS' centered on the issue of manufacturing in America.

As the cofounder and cochair of the House Manufacturing Caucus, I can't overstate the importance of manufacturing to America. One in six jobs in America is directly related to manufacturing, and one in four in the congressional district that I represent.

Manufacturing drives innovation by conducting nearly half of all research and development and creating the bulk of technology in our Nation. Nearly 60 percent of exported goods are manufactured goods.

Every \$1 in final sales of manufactured goods supports \$1.40 in output, which is higher than any other economic sector. If we don't make things in America, then even those service jobs, however, will disappear.

I spent probably two-thirds of my time in Congress studying and working on manufacturing issues, from raw materials and minerals all the way through to export controls. In fact, within the past Congress, working with Congressmen BLUMENAUER, CROWLEY, and SHERMAN, all Democrats, we were able to amend section 17(c) of the Export Administration Act, which has resulted in the additional billions of dollars more of aircraft parts being exported. In fact, I'm probably the only Member of Congress who's ever gone to warehousing school to study the flow of manufactured items to the floor of sales.

Every few years, the manufacturing sector in the U.S. experiences a crisis. The last report that was issued was in 2004. This chart right here represents probably 12 or 14 years of work in my office. We tried to identify the numerous Federal programs and agencies that support manufacturing. People will come to the office, we would add in hand exactly what those are.

It's still difficult to have a central focus point to know who's manufacturing and who's doing research in a particular area. For example, if somebody wants to do research on machining titanium or Inconel, there's no central portal through which that person can go to determine exactly what programs or who's doing that research. That's one of the beauties of the bill that Congressman LIPINSKI has introduced.

Why is it necessary to have a study? Because Americans need to know the importance of manufacturing. If we

don't have manufacturing, agriculture, and mining in this country, we become a Third World nation. If we can't make things with our hands, then we become hindered in maintaining our status as a world leader.

The whole purpose of having a comprehensive strategy in manufacturing is, as Mr. LIPINSKI said, to call the Nation's importance to the fact that young people need to go into manufacturing, need to go to our community colleges to learn how these sophisticated machines are made.

I've probably been in 500 to 700 factories all over the world studying and analyzing exactly what America needs.

This bill has, as its purpose, to show Americans, but more importantly to bring to the attention of fellow Members of Congress, the absolute importance of protecting manufacturing in this country. It is a great bill because what it will do is it will help identify those programs that exist, those that are working, and those that should be eliminated.

If we pass the National Manufacturing Strategy Act into law, a new Manufacturing Strategy Board will help the President to conduct an in-depth analysis of the Nation's manufacturing sector and develop a comprehensive strategy for enhancing its competitiveness and promoting its success in the global economy.

So I urge my colleagues to support H.R. 4692.

We have a unique opportunity today to boost the U.S. economy and lend a hand to American manufacturers.

The bipartisan National Manufacturing Strategy Act (H.R. 4692) will help American manufacturing rebound from recent economic turmoil to ensure that both our workers and our factories are equipped to thrive in the 21st Century.

The 16th District of Illinois, which I am so proud to represent, is one of the most heavily industrialized Congressional districts in the nation. Winnebago County, in the center of the district I represent, is second only to Wayne County, Michigan, in terms of per capita concentration of manufacturing as a percentage of the local economy. And Rockford, Illinois, is in the center of Winnebago County. There, we make everything from nuts and bolts to the advanced electrical system for the new Boeing 787, the Dreamliner.

I simply cannot overstate the importance of manufacturing not only to northwest Illinois but to the America. The United States has the largest manufacturing economy in the world, producing \$1.6 trillion in value annually—that's 11 percent of U.S. gross domestic product (GDP). One in six U.S. jobs is tied directly or indirectly to manufacturing, and strides in productivity have held down inflation and contributed to higher standards of living for hard-working Americans. Manufacturing drives innovation by conducting nearly half of all research and development and creating the bulk of technology in our nation. Nearly 60 percent of all exported goods from the U.S. originate from the manufacturing sector.

In the United States, every \$1.00 in final sales of manufactured goods supports \$1.40 in output from other sectors of the economy. That multiplier effect on our investment dollars is higher than any other economic sector.

Manufacturing is the lifeblood of the American economy and its continued strength is key to putting Americans back to work. For too long, manufacturing has received second-class treatment from our government. While Washington hesitates to act, American industries are withering under intense global competition and jobs have gone overseas. It's time for the federal government to get serious and implement an agenda to strengthen American manufacturing and restore American jobs, and that's exactly what this legislation will require.

There are numerous existing federal programs to support American manufacturing, but our national manufacturing policy is disjointed and reactionary. Other nations proactively support their industrial base through programs and policies. If we pass the National Manufacturing Strategy Act into law, a new Manufacturing Strategy Board will help the President to conduct an in-depth analysis of the nation's manufacturing sector and develop a comprehensive strategy for enhancing its competitiveness and promoting its success in the global economy.

The aim of the strategy and the quadrennial review is to harmonize manufacturing policy across the government and ensure that it is unified, innovative, and results-oriented.

As noted in recent committee testimony from AAM president Scott Paul, Alexander Hamilton himself constructed America's first industrial policy in 1791. Our founding fathers recognized that a robust industrial base is vital to both our national security and a flourishing economy.

Instead of wallowing in anxiety over the fate of our economy, Congress needs to demand action that will produce results. America's manufacturers are among the most innovative and productive in the world, but they aren't getting the support they need from their government. By developing a long-term plan with input from a wide range of stakeholders and experts, the National Manufacturing Strategy Act will ensure that we are doing absolutely all that we can to help this vital industry.

□ 1100

Mr. RUSH. Mr. Speaker, it is my privilege and honor to yield 1 minute to our great majority leader, Congressman HOYER of Maryland.

Mr. HOYER. I thank the gentleman for yielding.

I am pleased to follow my friend, Congressman MANZULLO, in speaking about the importance of making it in America. Making it in America is not just about manufacturing in America, it's about succeeding in America, making sure that America continues to be the vibrant engine of our economy and the international economy, making things not only for Americans, but for all the world. And I thank Mr. MANZULLO for his comments.

Americans have always looked to the manufacturing sector as a source of economic vitality and as a source of

pride. I want to thank my friend from Illinois (Mr. RUSH), who has been such an outstanding leader in this Congress on behalf of growing our economy, jobs for Americans, good pay and good benefits for all Americans.

America has long prided itself on being a country that makes things. And Democrats, and I know my Republican friends, are committed to making sure that is true in the future. America agrees on the importance of manufacturing to our economy. You just ask them and they will tell you we need to make it in America. Fifty-seven percent of Americans believe it is one of the most important factors in our economic strength, and 85 percent of Americans believe that creating manufacturing jobs is important to our economic recovery. We need to make it in America.

It's true that manufacturing has taken a severe hit in this recession. In fact, it's been taking hits for quite some time, particularly under the previous administration. Over the past decade, America lost one-third of its manufacturing jobs. These three bills are designed to turn that status around.

If we want American manufacturing to be strong again, if we want to emerge from these hard times with a more competitive, job-creating economy, we need to get serious about our manufacturing strategy. That is the impulse behind the Democrats' Making it in America agenda: creating incentives for investments in industry, strengthening manufacturing infrastructure and innovation, strengthening our workforce, and helping to level the playing field for American companies. That's what our focus is going to be. That's what Mr. MANZULLO was talking about.

So far, the Make it in America agenda has resulted in the passage of the U.S. Manufacturing Enhancement Act. It passed the House just a few days ago on an overwhelmingly bipartisan vote, passed the Senate by unanimous consent, and is at the White House. This helps American companies get the affordable materials they need. And it's passed the Senate and is on the way to becoming law, as I said.

The House has also passed the SEC-TORS Act, which invests in 21st-century workforce training, to make sure that our people have the skills to make it in America. Bills like these build on the success we have already in rallying America's manufacturing sector under the Obama administration. Since the beginning of the year, our private sector has actually created 136,000 new manufacturing jobs.

This bill, the National Manufacturing Strategy Act, can contribute to that job creation. It directs the President to develop a national manufacturing strategy every 4 years, with input from the private sector, from

manufacturing leaders, Federal officials, and State governments. They will analyze all of the factors affecting American manufacturing, from financing to trade barriers, and recommend actions that industry and Federal and State and local governments can take to boost manufacturing and create good-paying jobs.

I spoke about this the other day at the Center for American Progress. And a representative of the National Association of Manufacturers, Mr. Speaker, stood and congratulated us on this effort. And I told her that we were looking to work with the National Association of Manufacturers and others to build manufacturing capacity and to create these good-paying jobs with good benefits and making America work better.

The bill's sponsor, Congressman LIPINSKI, from the heartland of America, your State, Mr. RUSH, Illinois, points out that similar national strategies are widespread. China, India, the UK, Brazil, Canada, and Germany all have manufacturing strategies; and we need one if we want to stay competitive with them.

And as has been true in the past, the "Made in America" label will be sought and admired throughout the world. This bill is an important way to take our industries' struggles seriously and begin responding to them constructively.

I urge my colleagues to pass this bill and the two that will follow to make America a more competitive, growing economy. Make it in America, an agenda that the House will consider this week and the 4 weeks when we return from our break: the Clean Energy Technology Manufacturing and Export Assistance Act, which will ensure that clean energy technology firms have the information and assistance they need to stay competitive; and the End the Trade Deficit Act, all on the agenda, sponsored by Congresswoman MATSUI, which will develop strategies to combat the trade deficit. Through steps like these we can begin to restore America's pride in its manufacturing and in the solid jobs it creates for middle class families.

Make it in America is not simply a slogan; it is a commitment, a commitment to reestablish a dynamic engine for job creation. Make it in America is a commitment to ensuring that America's future is one in which America competes successfully and profitably in the new global marketplace. Make it in America is a psychology of excellence, a level playing field in trade relations, and the creation of an environment that facilitates manufacturing projects, expansion, and the sale of American products to the world.

America's innovative abilities and the talent and work ethic of our workers have historically led our country to extraordinary economic growth and

success. The Make it in America agenda is a commitment, a commitment to making that success not only a proud part of our history, but a reality for our future. We're going to make it in America, and we're going to make it in America.

Mr. WHITFIELD. May I ask how much time we have remaining on this side?

The SPEAKER pro tempore. The gentleman from Kentucky has 7 minutes.

Mr. WHITFIELD. At this time I yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I come in support of H.R. 4692, the National Manufacturing Strategy Act. I was pleased to support, actually, my two great colleagues from Illinois, Mr. LIPINSKI and Mr. RUSH. I appreciate them bringing it down to the floor.

Basically, I think what can occur from this is a reevaluation of things that we know. When we are at 9.5 percent unemployment, 15 million Americans unemployed, 1.5 percent increase since the failed stimulus bill was passed at a cost of \$1.2 trillion, what do businesses need to create jobs? And what does the manufacturing sector need to create jobs? They need certainty.

As I said in my 1-minute this morning, a businessman talked to me, You can't ask us to create new jobs when you raise our taxes. You can't ask us to create more jobs when you raise our taxes. That's issue one. I think that will come out of the national manufacturing strategy.

You can't expect us to create jobs when you raise our energy costs. The cap-and-trade energy bill passed through this House raises energy costs. It is a tax on carbon. Carbon is a fossil fuel. That raises manufacturing costs. We cannot create more jobs when we add costs to the manufacturing sector.

We cannot create jobs when there is regulatory uncertainty. When we've got EPA and OSHA and all these people poking around trying to protect the workers, which they do, it's that old saying: I'm from the government and I'm here to help you.

They are not here to help you under this administration. They're here to penalize. They're here to fine. They're here to create uncertainty, which makes it very difficult to create jobs.

□ 1110

And the last one is the health care law. Additional uncertainty. "We have to pass the bill before we know what's in the bill." What do you think the manufacturing companies are doing? They're trying to figure out what we just did to them.

So I hope this national manufacturing strategy, which I am a cosponsor of, will say: Reduce the tax burden, ease the regulatory burden, lower energy costs, make a competitive, vi-

brant market. That's how we create jobs in America.

Mr. RUSH. Mr. Speaker, I yield 1 minute to the author of the legislation, Mr. LIPINSKI, once again.

Mr. LIPINSKI. Mr. Speaker, the gentleman from Maryland (Mr. HOYER) was just down here. I wanted to thank him again for really putting forward this make it in America, sell it to the world. That is what we need to do. You ask any American. They know that is what we need to do to keep this recovery going and really get us out of this recession.

I also want to thank the gentleman from Illinois (Mr. MANZULLO) for all of the work that he has done. We've worked closely together since I have been in Congress on manufacturing. And I think the chart he had up here was one of the best reasons why we need this strategy.

The government is doing a lot on manufacturing; it's just disjointed. It's oftentimes ad hoc. We need to bring that together. So I thank Mr. MANZULLO for his work on that, and that's just a great example.

And those who say maybe the government shouldn't be doing anything on manufacturing, we are already doing a lot. Let's get it together and let's do it right.

Mr. WHITFIELD. Mr. Speaker, I would just like to make some concluding remarks.

All of us on this side of the aisle support Mr. LIPINSKI's effort. We believe that this legislation is good and we commend Mr. RUSH and Mr. LIPINSKI.

But we reiterate that this administration is not doing enough to improve manufacturing in America. The majority leader said we want more products produced in America. But in order to do that, we need a tax policy that encourages investment, not making it more expensive to do business in America. We need a policy to provide incentives for more research and development to be more competitive in the global marketplace. We need a strong program to defend and protect intellectual property developed by our manufacturers. We need a strong international trade policy that encourages more American products to be sold abroad.

And as the gentleman from Illinois said, we need an energy policy that does not raise energy costs. And every objective analysis of the Obama administration's cap-and-trade system indicates that that bill would dramatically increase electricity costs making American manufacturers less competitive, not more competitive. I have already talked about China and the steps that they're taking to decrease their electricity costs.

So we support this bill, but we need to do more. And we call upon the administration to do more than just talk about these issues.

With that, I yield back the balance of my time.

Mr. RUSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what we don't need is more excuses. What America doesn't need is more excuses that have been heard on this floor for many years now. We don't need any more excuses, Mr. Speaker. We need action. This bill that we are deliberating on today will go a long ways toward making America much more viable and making America's manufacturing center much more robust.

Mr. Speaker, I want to remind the Members of this House that manufacturing has been the engine that drives the American economy for more than 100 years and it will continue to well into the 21st century. America's future growth, security, and leadership in the global economy will depend on the strength and viability of our manufacturing base. That's why it's so important to reverse the current ebb.

The U.S., Mr. Speaker, has lost more than 5 million manufacturing jobs since 2000—almost 17 percent of all manufacturing jobs in the Nation. We can maintain our leadership position in the global economy but only if we strengthen the core of our economy, which is manufacturing.

America's economy depends on manufacturing. Manufacturing in the U.S. generates about \$1.4 trillion, or 12 percent of our gross domestic product. Manufacturing is responsible for nearly two-thirds of private sector research and development in the U.S. Over the past two decades manufacturing productivity has increased at twice the rate of the rest of the private sector.

America's economy depends on manufacturing. America's economy depends on manufacturing for good jobs. Manufacturing directly employs 14 million Americans and supports 8 million more. Each manufacturing job supports as many as four other jobs, providing a boost to local economies. For example, every 100 steel or every 100 auto jobs create between 400 and 500 new jobs in the rest of the economy. This contrasts with the retail sector, where every 100 jobs generate 94 new jobs elsewhere, and in contrast with the personal and service sectors where every 100 jobs create 147 new jobs.

This multiplier effect reflects how manufacturing's linkages run deep into the overall economy and means improvements in manufacturing productivity translate broadly into the economy as a whole.

America's economy depends on manufacturing. America depends on manufacturing for good jobs. And across this Nation, our States depend on manufacturing. Manufacturing is a vital part of the economies of most States. As a share of gross State product (GSP), in 2001 manufacturing was among the three largest private-industry sectors

in all but 10 States. Manufacturing is the largest sector in 10 States and in the Midwest region as a whole, the region that I love and I live in. It's the second largest in nine States and the third largest in 21 other States.

Mr. Speaker, manufacturing is important. This is not just some kind of pipe dream. This is not just a study. This is a roadmap to recovering America's position in terms of manufacturing in the world. Make manufacturing real for America. Make manufacturing robust for America. Make manufacturing jobs reachable for all Americans.

Mr. KUCINICH. Mr. Speaker, I rise today in support of H.R. 4692, the National Manufacturing Strategy Act of 2010.

Across America, and especially in Ohio, people are hurting. The national unemployment rate is hovering near 10%—that's 15 million people out of work. Sixteen states and the District of Columbia have double-digit unemployment. In my home state of Ohio, which is home to over 20,000 manufacturing companies, unemployment is even higher—10.5%. Almost half of all unemployed workers have been out of work for over six months. There are simply not enough jobs, and if we are to change that, the key is to better support and enhance our manufacturing sector. With this bill, we are taking a first step toward creating a coordinated federal policy that puts the manufacturing sector back in its rightful place as an engine of the American economy.

There are some encouraging signs: More than 135,000 manufacturing jobs were created in the last six months. Americans understand that creating manufacturing jobs should be among the highest priorities for government. In a recent poll 87 percent said they believed it is time we had a national manufacturing strategy.

Where it is necessary, so-called "legacy industries"—such as steel, automotive, aerospace and shipping industries—within our nation's manufacturing sector are adjusting to meet new economic realities. The government must do all that it can to make sure it does not get left behind countries like China who are rapidly growing their green manufacturing economies.

Americans who were surveyed about our manufacturing economy rejected the idea that we can only rely on other sectors to keep the United States in its position as a world leader. They said that manufacturing is central to our economic strength. And they are right. With this bill we will take a vital and tangible step toward reinvigorating our manufacturing base.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 4692, the "National Manufacturing Strategy Act of 2010". This legislation provides a pragmatic and forward-looking means to enhance, develop, and secure our nation's manufacturing industry for the future. Its contributions to our economy and the sheer size of this industry make it imperative that we take the necessary steps to ensure its continued growth and success. I commend my colleague, Representative DANIEL LIPINSKI, for introducing this legislation to do just that.

Mr. Speaker, as you may know, the manufacturing industry generates 2/3 of U.S. ex-

ports, employs over 11 million American workers, and serves as an industrial base to assure that our national defense remains strong and to sustain infrastructure. This bill addresses the growing importance of the manufacturing sector to our nation's health and economy. It directs the President, every four years, to conduct a comprehensive analysis of the nation's manufacturing sector and to submit to Congress a National Manufacturing Strategy. It also requires the President, in developing each strategy, to convene a Manufacturing Strategy Task Force to make recommendations regarding specified matters for incorporation into the Strategy, including short- and long-term goals for the manufacturing sector. Furthermore, the bill directs the National Academy of Sciences to conduct quadrennial studies concerning U.S. manufacturing and to report each study's results to Congress and the President. Finally, the bill requires the President, in preparing each annual budget, to include information regarding that budget's consistency with the goals and recommendations included in the latest Strategy.

The enactment of this bill would express that it is the view of Congress that policies should be promoted to support and secure the growing manufacturing industry. We should support efforts that seek to create sustainable economic growth, increase employment, productivity, exports, and global competitiveness, and that improve our national and homeland security. As other countries, including the United Kingdom, Canada, India, and China, have already engaged in similar strategic development plans for manufacturing, it is only fitting that the world's largest manufacturing nation do the same. I have supported for a long time America moving back to making products and creating jobs. It is long overdue.

Furthermore, as this bill does not call for mandatory action, its benefit is purely inherent in the positive effects of information and preemptive planning. Therefore, the door remains open for governmental action that may need to be taken in order to promote growth and provide efficient outcomes in the manufacturing industry. I strongly believe that more information and strategic planning in the immense manufacturing sector can only put the nation's economy in a better position for the future.

For these reasons I urge my colleagues to support H.R. 4692.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 4692, the National Manufacturing Strategy Act of 2010, of which I am an original co-sponsor. I wish to commend my friend, Congressman LIPINSKI of Illinois for his fine work in authoring this important piece of legislation.

In light of the pressing need to create and maintain good-paying jobs in this country, it is imperative we pass H.R. 4692. This bill will mandate that the President develop a national manufacturing strategy and update it every four years. It is crucial that the federal government support domestic manufacturing, which has been a traditional driver of middle-class growth. I am particularly glad that H.R. 4692 includes a requirement that the President consult with organized labor in appointing members to the advisory group that will help him draft the strategy.

Further, I view this legislation as part and parcel to the federal government's ongoing efforts to create much-needed jobs and adapt the country's economy to the future. I am quite gratified to see that H.R. 4692 rightly directs that the manufacturing strategy it mandates include an examination of the detrimental effect of unfair trade practices on domestic manufacturing. I firmly believe the federal government must do all it can to ensure our trading partners play by the rules in order to foster sustainable employment growth at home.

In conclusion, I note this bill comes at a time when my home state of Michigan continues to endure record unemployment levels, largely due to the hemorrhaging of manufacturing jobs caused by a decade of unfair trade policies. I believe H.R. 4692 will serve to right past failed policies and, as such, I very passionately support its expedited consideration and adoption.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H.R. 4692, the National Manufacturing Strategy Act of 2010. I would like to thank Representative LIPINSKI for introducing this bill which put in place a plan to invigorate our nation's manufacturing sector.

It is no secret that our nation's manufacturers are struggling, and have been for a long time. In this globalized economy, it is now time to develop a strategy for the proper management of our manufacturing sector. Every day, manufacturing jobs move overseas. This outsourcing is hurting American families and shifting our economy from manufacturing to service. The plan developed through this legislation will improve our domestic manufacturing competitiveness in these new emerging markets so that we can keep our jobs at home. Moreover, there must be an established minimum domestic manufacturing capability in order to rapidly respond in times of national emergencies. This plan takes this important measure into account by further emphasizing the key role of continued domestic manufacturing to our national security.

Mr. Speaker, I also support the provisions of this bill that provide the necessary oversight for these improvements to be properly implemented. I think that the creation of a Manufacturing Strategy Board for the President is a tremendous idea. It enables a more focused body to narrow in on the needs and opportunities for the manufacturing sector and then report back to the President for action. This will enable budgeting requests to be in line with the recommendations and goals included in the strategy of this new board.

Overall, a unified, definitive plan is what the manufacturing sector needs in order to continue to grow and flourish. I urge my colleagues to support this bill.

Mr. RUSH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 4692, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. RUSH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1120

CLEAN ENERGY TECHNOLOGY MANUFACTURING AND EXPORT ASSISTANCE ACT OF 2010

Mr. DEUTCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5156) to provide for the establishment of a Clean Energy Technology Manufacturing and Export Assistance Fund to assist United States businesses with exporting clean energy technology products and services, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Energy Technology Manufacturing and Export Assistance Act of 2010".

SEC. 2. CLEAN ENERGY TECHNOLOGY MANUFACTURING AND EXPORT ASSISTANCE FUND.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "clean energy technology" means a technology related to the production, use, transmission, storage, control, or conservation of energy that will contribute to a stabilization of atmospheric greenhouse gas concentrations through reduction, avoidance, or sequestration of energy-related emissions and—

(A) reduce the need for additional energy supplies by using existing energy supplies with greater efficiency or by transmitting, distributing, or transporting energy with greater effectiveness through the infrastructure of the United States; or

(B) diversify the sources of energy supply of the United States to strengthen energy security and to increase supplies with a favorable balance of environmental effects if the entire technology system is considered; and

(2) the term "Secretary" means the Secretary of Commerce.

(b) ESTABLISHMENT.—The Secretary shall establish a Clean Energy Technology Manufacturing and Export Assistance Fund, to be administered through the International Trade Administration. The Secretary shall administer the Fund to promote policies that will reduce production costs and encourage innovation, investment, and productivity in the clean energy technology sector, and implement a national clean energy technology export strategy. The purpose of the Fund is to ensure that United States clean energy technology firms, including clean energy technology parts suppliers and engineering and design firms, have the information and assistance they need to be competitive and create clean energy technology sector jobs in the United States.

(c) ASSISTANCE.—The Secretary, consistent with the National Export Initiative, shall provide information, tools, and other assistance to United States businesses to promote clean energy technology manufacturing and

facilitate the export of clean energy technology products and services. Such assistance shall include—

(1) developing critical analysis of policies to reduce production costs and promote innovation, investment, and productivity in the clean energy technology sector;

(2) helping educate companies about how to tailor their activities to specific markets with respect to their product slate, financing, marketing, assembly, and logistics;

(3) helping United States companies learn about the export process and export opportunities in foreign markets;

(4) helping United States companies to navigate foreign markets; and

(5) helping United States companies provide input regarding clean energy technology manufacturing and trade policy developments and trade promotion.

(d) REPORTS TO CONGRESS.—

(1) Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Congress a report indicating how the funds provided under this section will be used to—

(A) focus on small and medium-sized United States businesses;

(B) encourage the creation and maintenance of the greatest number of clean energy technology jobs in the United States; and

(C) encourage the domestic production of clean energy technology products and services, including materials, components, equipment, parts, and supplies related in any way to the product or service.

(2) Not later than January 1, 2015, the Secretary shall transmit to the Congress a report assessing the extent to which the program established under this section—

(A) has been successful in developing critical analysis of policies to reduce production costs and promote innovation, investment, and productivity in the clean energy technology sector;

(B) has been successful in increasing the competitiveness of United States clean energy technology firms in emerging markets;

(C) has been successful in assisting United States businesses, specifically small and medium-sized firms, with exporting clean energy technology products and services;

(D) has been successful in creating jobs directly related to the clean energy technology sector in the United States, including specific information as to the nature, location, and duration of those jobs and the methodology used by the Secretary to compile such information;

(E) has been successful in helping United States companies provide input regarding clean energy technology manufacturing and trade policy developments and trade promotion; and

(F) should be continued.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for carrying out this section \$15,000,000 for each of the fiscal years 2011 through 2015.

(2) LIMITATION.—No assistance provided using funds appropriated pursuant to this section shall be provided in the form of a monetary grant.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. DEUTCH) and the gentleman from Illinois (Mr. SHIMKUS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. DEUTCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. DEUTCH. I also ask unanimous consent for Mr. RUSH of Illinois to control the time after my opening remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. DEUTCH. Mr. Speaker, I rise in strong support of this legislation, and I yield myself such time as I may consume.

Mr. Speaker, the Clean Energy Technology Manufacturing and Export Assistance Act, H.R. 5156, will help American companies develop, manufacture, and export clean and renewable energy technologies around the world. Most importantly, this bill will help create high quality jobs for American workers.

The bill establishes a fund in the Department of Commerce to promote policies that reduce costs and encourage innovation and investment in the clean energy industry. The fund, which focuses on small- and medium-sized businesses, will also help American companies target foreign markets for exports. This will help us meet the President's goal of doubling American exports over the next 5 years.

Finally, H.R. 5156 would give businesses the opportunity to provide their own voice and input into U.S. manufacturing and trade policies. As President Obama remarked last month, the transition to clean energy has the potential to grow our economy and create millions of jobs as we move out of this recession.

Despite a global decrease in clean energy investments last year, the United States continued to increase investments in this sector. For the second consecutive year, the United States added more power capacity from renewable energy, solar and wind, for example, than from conventional energy sources. But the United States still trails Germany and China in renewable energy investments. This important legislation will help eliminate this gap by harnessing the creativity and innovation of American entrepreneurs and making the United States more competitive in a global market that reached over \$160 billion last year.

Mr. Speaker, this bill will help create high quality jobs for American workers. I would like to thank my friend and colleague from California (Ms. MATSUI) for authoring this legislation, and I urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I yield myself such time as I may consume.

I would remind my colleague that wind and solar power is high-cost power. Wind and solar costs on average three times more per kilowatt hour. That's the whole energy debate. That's why you have to have low energy prices if you want jobs. And everybody thinks it's free. It's not free. It's more expensive energy.

But I'm here to thank my colleague and friend, Congresswoman MATSUI, for her bill, H.R. 5156. That's what we're addressing today, the Clean Energy Technology Manufacturing and Export Assistance Act. This came through the Commerce, Trade and Consumer Protection Subcommittee of the Energy and Commerce Committee on June 30 and in a markup of the full committee on July 21, both times passing by voice vote, and it's to her credit for her great work in a bipartisan manner.

The purpose of this bill is to create a 5-year, \$15 million annual assistance fund within the Department of Commerce International Trade Administration. The purpose of the fund is to promote policies to reduce production costs, encourage innovation and investment, and create a clean energy export strategy.

I also commend the chairman of the subcommittee, my good friend BOBBY RUSH, for working with the minority to address our concerns and for offering a manager's amendment at the subcommittee markup that made two important changes. The first was to amend the definition of clean energy technology so that the definition would include nuclear energy and carbon capture and sequestration. It is important to recognize that nuclear power and clean coal are essential elements to reducing our dependence on foreign oil and thereby strengthening our energy security, and as I was mentioning, also keeping energy costs low. The second was to include a provision that explicitly prohibits any of the \$75 million to be allocated in the form of grants.

However, if this Congress and this administration truly want to revitalize the manufacturing sector, the easiest path would be to pass the existing free trade agreements that are pending: South Korea, Colombia, and Panama. These are all gains for us. In any projection by any export strategy, these are gains in the manufacturing sector and in some of the agricultural sector I'll talk about later.

We always have to be concerned. Jobs and the economy is the number one issue in the country, but trailing close behind is the deficit and the national debt. So we've been harping on the fact that we really need things paid for now. The public is not allowing us to go along, continuing with multiple authorizations without saying these

things have to be paid for, and as we've said in numerous other debates, if it's important enough to do, it is important enough to pay for.

I will just read from the CBO, "Federal Debt and the Risk of a Fiscal Crisis, Economic and Budget Issue Brief" dated July 27. "Unless policymakers," that's us, "unless policymakers restrain the growth of spending," which is what we're not doing today, "increase revenues significantly as a share of GDP, or adopt some combination of those two approaches, growing budget deficits will cause debt to rise to unsupportable levels."

I would submit that we're already at unsupportable levels, and so that's why we do support the bill. But we will always be looking for and making sure that additional spending and growth is offset with pay-fors.

I reserve the balance of my time.

Mr. RUSH. Mr. Speaker, I yield 6 minutes to the author of the legislation, my dear friend from California (Ms. MATSUI).

Ms. MATSUI. Thank you, Mr. Chairman, for your leadership.

Mr. Speaker, I rise in strong support of my legislation, H.R. 5156, the Clean Energy Technology Manufacturing and Export Assistance Act of 2010.

Our Nation is running a trade deficit in green technologies ranging in the billions, and the U.S. clean tech industry is lagging behind many of its competitors in exports, most notably China and Germany.

Currently, only six of the top 30 global clean energy companies are American-owned. This is simply unacceptable. We must not become a Nation dependent on foreign clean energy products. We must be the Nation that leads the world in manufacturing and exporting clean energy technologies. That is why I, along with Chairmen RUSH and DINGELL and Congresswoman ESHOO, introduced H.R. 5156 to boost the competitiveness of the U.S. clean energy industry.

Specifically, the bill would require the Department of Commerce, in coordination with relevant agencies, to implement, develop and sustain a National Clean Energy Technology Export Strategy to provide U.S. clean tech firms with export assistance in finding and navigating foreign markets to sell their goods and services to new customers.

The President has laid out a laudable goal to double U.S. exports over the next 5 years, and this legislation will ensure clean energy exports are at the forefront of our national export strategy. The bill will also help strengthen America's domestic clean tech manufacturing industry.

Mr. Speaker, I am pleased that this legislation is a part of the Make It in America manufacturing agenda to demonstrate this Congress' commitment to the U.S. domestic manufac-

turing industry, and I applaud the majority leader's leadership in this.

This legislation encourages American clean energy manufacturers across the Nation to sell their American-made clean energy technologies here in America and around the world.

□ 1130

This is also about jobs. The Department of Energy has found that the emerging U.S. clean energy sector could create more than 750,000 jobs over the next decade. The clean energy emerging economy is one that we cannot afford to let pass us by.

Mr. Speaker, my home district of Sacramento is well positioned to be a national leader in manufacturing clean energy technologies, with more than 120 small and medium-sized clean energy companies in the region. Many of these companies are beginning to manufacture clean energy products or are seeking to expand their manufacturing operation and wanting to export through clean energy technologies to foreign markets.

However, unlike big U.S. companies, small and medium-sized firms simply do not have the resources and expertise to find and navigate foreign markets and are seeking assistance. In fact, according to the Trade Promotion Coordinating Committee, more than 30 percent of nonexporting small and medium-sized companies would export if they had more access to market information, export opportunities, and the export process. Many of these companies have validated their clean energy technologies and are now looking to expand their businesses by exporting their goods and services to new foreign markets but actually lack the resources to do so.

Mr. Speaker, let me briefly clarify that this bill provides a modest authorization to help American small businesses with the manufacturing and export assistance they are seeking.

It is not an appropriations bill. As my colleagues on the other side are aware, authorization measures do not appropriate funds and they do not add a dime to our deficit. The measure would have to fit within our budget caps during the congressional appropriation process.

The bill would not affect direct spending or revenues. Therefore, PAYGO procedures would not apply, and it does not violate PAYGO rules.

Mr. Speaker, during the Energy and Commerce markup of this bill, we included several changes that my Republican colleagues recommended; most notably, working in a bipartisan manner, we expanded the definition of "clean energy technology."

We also include a transparency provision that requires the Commerce Department to report back to Congress within 180 days of enactment, a plan to assist small and medium-sized businesses, encourage job growth in the

U.S. clean energy sector, and encourage greater domestic manufacturing of clean energy products.

H.R. 5156 will also enhance our standing in the race to be the global leader in clean energy. The BP oil spill only underscores the need for leadership in the clean energy market, and this bill will send a strong message that America is serious about being the leader and producing and exporting these technologies.

I urge my colleagues to support this legislation, which will support clean energy products being made in America and, in turn, will help families make it in America.

Mr. SHIMKUS. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

Mr. Speaker, as I stood a few minutes before in expressing my concerns about the bill that Representative LIPINSKI brought forth, the same issue exists with regard to my good friend from California (Ms. MATSUI) regarding H.R. 5156, Clean Energy Technology Manufacturing and Export Assistance Act.

Ms. MATSUI, Mr. Speaker, just momentarily said we need to be exporting clean energy technology. Well, with all due respect, what we need to be exporting is beef and pork and corn and soybeans and, yes, Harley Davidson would like to export a few motorcycles to Colombia, but they can't do it because they face such a high tariff.

Again, the bill is fine as far as it goes, other than the fact that you are authorizing another \$75 million. And you can say, well, it's an authorization; it's not an appropriation. But if you give permission within committee to let those that do the appropriating, you essentially open up the floodgates for 75 additional million dollars of taxpayer-funded programs.

As President Reagan said, you know, government is not the solution to our problems; it is the problem. More and more government growth, spending, deficit debt, Mr. Speaker and my colleagues, the American people have spoken. I'm going to tell you they are going to speak again.

We leave here, I guess, sometime Friday afternoon, and we will be in our district work period this year for not 1 month but probably 6 weeks. We have got to face these people, not just me in the 11th Congressional District of Georgia, but every one of us. All 435 of us have got to go home and look these folks in the eye.

We have to say, you know, I am trying to explain to you why, in our last week before our break, we authorized another \$75 million worth of spending, adding to the \$1.4 trillion deficit this year and, indeed, finally adding to the national debt which is now, as we all know, over \$13 trillion, something like

95 percent of our gross domestic product. That makes no sense.

Again, with all due respect, I know these bills came through committee, voice voted in subcommittee and full committee, but there were concerns. There were concerns about the spending.

Representative PARKER GRIFFITH, Mr. Speaker, our colleague from Alabama, had an amendment. He said, Look, we need deficit neutrality in this bill.

That was one thing that we did vote on, that amendment, and it failed along party lines 30-15, even though the majority party keeps saying, well, you know, we honor PAYGO—except when we don't honor it.

Again, my colleague from California is a most respected Member of the committee and this House. As a friend of mine, she is trying, just as Representative LIPINSKI was trying with his bill. But let's get the job done by lowering corporate tax rates and taking the burden, the regulatory burden off of our manufacturers, and go ahead and pass these free trade agreements with Colombia, South Korea, and Panama.

They have been negotiated to a fare-thee-well, and I think the Democratic majority ought to explain to the American people why we don't do that. That's what we need to do to grow jobs immediately and not just continue to kick the can down the road and study it and study it and study it with an unemployment rate of 10 percent and 16 million people, many of them in the manufacturing sector—in fact, 2 million manufacturing jobs have been lost in the last couple of years.

This has got to stop.

Mr. RUSH. Mr. Speaker, it is my honor and privilege to yield 3 minutes to the dean of the House and the chairman emeritus of the Energy and Commerce Committee, my dear friend Mr. DINGELL.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 5156, the Clean Energy Technology Manufacturing and Export Assistance Act.

I commend my good friend from Illinois for the outstanding work he did in leading the subcommittee and moving this and the other legislation forward today, and I also commend my colleagues, Ms. MATSUI and Ms. ESHOO, as well as Mr. RUSH, for their original cosponsorship, of which I am also proud to be one.

This bill will build up domestic manufacturing by promoting exports and clean energy technologies and will help the United States develop an early competitive advantage in this area. I urge my colleagues on both sides of the aisle, especially my good Republican friends, to join us in moving this legislation forward.

Now, we hear some objections to the bill's costs. It's time they be reminded that this is not an appropriation but an

authorization. Moreover, should the funds be appropriated, H.R. 5156 will more than pay for itself through the growth in tax receipts from increased corporate revenue. The Department of Commerce estimates that every dollar invested in export promotion generates \$56 worth of exports.

I urge my colleagues again to join me in moving this forward.

□ 1140

Thus in a corporate tax rate of 35 percent, additional revenues of only \$40 million a year would have to be generated to cover the bill's annual \$15 million authorization. This is more than double that which is based on the Department of Commerce's export promotion cost benefit analysis.

Mr. Speaker, if my Republican and Democratic colleagues are truly concerned about promoting job growth and improving the economy, they should vote in favor of this eminently sensible bill.

I've been a little distressed to hear my colleagues on the other side of the aisle making a fuss about the fact that they don't like things like cap-and-trade and other matters. That bill is not before us, and most of the other questions are not before us. I would remind my colleagues here that we are discussing increasing job opportunities at home by exporting things which are valuable and which help the world and which help the United States. I would remind my colleagues that they are better served to light a little candle rather than to sit there quietly and to curse the darkness.

When this administration came in, I would remind my colleagues that the previous administration had left us two wars, a depression, and a deficit of \$1.3 trillion. We are still trying to dig out of the mess which was left us by our Republican colleagues, and I would urge them to cooperate with us and to focus on the important things about creating jobs and getting opportunity and economic activity going forward. To continue the kind of self-defeating program that my Republicans seem to be sponsoring on the other side of the aisle—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RUSH. Mr. Speaker, I yield 1 additional minute to the gentleman from Michigan.

Mr. DINGELL. I would urge my colleagues on the other side to join us. Let us move forward towards jobs; let us move forward towards economic development and activity; let us move forward towards cooperation on important matters, like seeing to it that the economy gets moving and Americans are going back to work.

Let's not sit around here whining and complaining about situations about which we have nobody at this particular minute at this particular time

to address it. But we are addressing three pieces of legislation that are going to make economic prosperity a greater reality and a more real object of our attentions.

I urge my Republican colleagues to cease this nitpicking on the floor and this nattering, which I'm hearing coming from the other side, and work with us to put Americans back to work. And let us understand that the people have spoken in the last election, and they spoke for jobs and change. We are trying to give it to them, and we invite our Republican colleagues to give us a little bit of that cooperation that will enable us to move more easily forward.

I thank my colleagues.

Mr. SHIMKUS. Mr. Speaker, I yield myself such time as I may consume.

I am always honored to follow the dean of the House, Mr. DINGELL, who is well known for his oratory ability and his passion, and we have great respect. But I have a few things to remind him too.

We passed a \$1.2 trillion stimulus bill that was promised to reduce unemployment to 8 percent. Our unemployment is at 9.5 percent. We have 15 million unemployed Americans. Our issue is let's do things that help create jobs. And if we want to talk, you ought to go to the businesses that want to create jobs and they will tell you a cap-and-trade bill that raises carbon prices and energy cost does not help create jobs; in fact, it destroys jobs. It raises gasoline prices, at a minimum, 50 cents. It raises electricity rates. It raises consumer rates for what they pay for home electricity or home heating. And those are just the facts.

We are \$13.5 trillion in debt. Now, part of my life—I don't talk about it very much—I taught high school for 4 years, and I taught government history. This authorization and appropriation debate is important because authorizing gives us the right to appropriate. You shouldn't—we do it sometimes—you should not appropriate without an authorization. So you can't hide behind the argument that it's just an authorization, it means nothing. Well, it does mean something. It does mean that you could go and get the money. If you don't authorize, you shouldn't. So that is why we are having this debate. \$13.5 trillion. The public is concerned about debt and spending.

We can have a lot of feel-good legislation on the floor, and my colleagues are well-intentioned; but if we want to do things, if we want to fulfill the President's promise of doubling exports in 5 years, we ought to move on these three free trade agreements—Panama, Colombia, South Korea. As was stated, Harley Davidson would like to export motorcycles to Colombia, but they face a high tariff. A tariff is a tax. The tax imposed by Colombia is the only thing that makes our motorcycles not competitive in Colombia—and that's not

Columbia, South Carolina, that's the country of Colombia.

Caterpillar would like to export more to Panama. Of course Caterpillar is a great Illinois company, big Earth-moving equipment. If there is talk of a new Panama Canal being built, we would like Caterpillar equipment building that. What prohibits that? A high import tax. That's why we have trade negotiations. And of course my corn and soybean, my pork producers and my beef producers would like to be in those markets.

So this is an important bill to talk about "green" industry and environment. I want to remind my folks that according to industry observers, lack of market expertise is not among the primary trade barriers. The three primary barriers to market entry are access to raw materials, labor rate comparisons, and access to foreign markets. This bill does nothing to address the serious market barriers. It also creates a risk of stifling future innovation and development once government picks winners and losers. The market will direct innovation and development once the government picks winners and losers.

Furthermore, China announced in the first week of July that it will cut rare Earth exports by 72 percent for the second half of this year. Rare Earth exports are the minerals needed in the green economy. They're going to control it. They're going to cut their exports. That's what we need, these minerals, to build this stuff. These resources are used in green technologies—in wind turbines, hybrid vehicles, as well as in national security and defense system, in consumer products such as new batteries on the Chevy Volt, mobile phones, PDAs and MP-3s. This cut will drop the amount of exports from just over 28,000 metric tons to just under 8,000 metric tons for the same period as last year.

So we have a challenge. We ought to be negotiating. We ought to get these rare Earth minerals released, or we ought to allow permitting to redevelop our mining operations for our rare Earth minerals. One is shut down; it will take us forever to re-permit it. Naturally we ought to be focusing on it.

Congresswoman MATSUI is a well-respected member of the committee; we appreciate her good work. Of course, BOBBY RUSH, the chairman, does a great job in the city of Chicago. We appreciate the friendship. Unfortunately, we have to bring up other issues, but that is part of being the loyal opposition in these austere times.

Mr. Speaker, I yield back the balance of my time.

Mr. RUSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me return our attention to the matter at hand, to the issue that is before us.

I want to, first of all, thank our chairman of the committee, Mr. WAXMAN, Chairman WAXMAN, and also the ranking member of the subcommittee, Mr. WHITFIELD, for their vigorous support of H.R. 5156, the Clean Energy Technology Manufacturing and Export Assistance Act of 2010. I was proud to cosponsor the bill with the author, Congresswoman MATSUI of California, and also with my other cosponsors, Congresswoman ESHOO and our chairman emeritus, JOHN DINGELL.

□ 1150

I want to thank this lady to my left, Congresswoman MATSUI, for her stellar leadership and for taking the lead on this critical issue.

I am asking my colleagues today to vote on this bill, a bill which addresses the challenges that we face in today's economy. My friends on the other side want to bring up a whole lot of other issues. They want to throw a lot of things on the floor. They want to try to baffle us with a lot of their sidebar discussion.

Yet this bill, the bill that is before us today, will help to increase American manufacturers' green products through the establishment of a Clean Energy Technology Manufacturing and Export Assistance Fund to assist U.S. businesses with exporting clean energy technology, products, and services.

We all, Mr. Speaker, know that America is a prime market for foreign manufacturers. The other side doesn't want to deal with the issues that we are discussing in this bill. Though, I must remind all of us that, far too often, the U.S. market is open to everybody else—open to global manufacturers—but sadly, the converse is not always the case. This is the case, however, for green technology products as our Nation is in a unique position to once again lead on a global scale.

The U.S. manufacturing industry faces serious challenges overseas despite the fact that we are a leader in green technology. As I have said repeatedly, we must seize the energy opportunity that we have today lest we slip further behind to foreign competition. We must seize the time, Mr. Speaker, and now is the time. Now is the time. There is no other time like this time. Now is the time.

We need a strong domestic policy to allow the manufacturing industry to be confident enough to penetrate the international market. Also, it is equally important to strengthen and transform our economy and, in doing so, to further assert our global leadership. The disaster that continues to take place in the Gulf of Mexico in the aftermath of the BP oil spill is a wake-up call. We should not only be a global leader in offshore technology; we should also be a leader in green and clean technology exports. When I say "clean," Mr. Speaker, I also mean responsible energy technology.

This bill is results-oriented because I have added language that helps us to evaluate the impact of this program on its ability to create jobs, including the gathering of specific information as to the nature, location, and the duration of those jobs, as well as the methodology used by the Secretary to compile such needed and necessary information.

Mr. Speaker, the jabbering and the nattering, let's bring that to a screeching halt on this bill. This is an important bill. This bill has to go forward. It has to go forward for the American people. It has to go forward for the American economy. It has to go forward so that we can once again assert our leadership across the world in the manufacturing sector, the green and clean manufacturing sector.

I urge my colleagues to vote in favor of this bill and to expand their commitment to significantly increase our exports.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 5156, the "Clean Energy Technology Manufacturing and Export Assistance Act of 2010". This legislation, which provides for the establishment of a Clean Energy Technology Manufacturing and Export Assistance Fund, will go a long way to ensure that American clean energy technology firms possess the information and assistance required to become and remain competitive in the world markets. The bill will also focus our priorities in the energy sector to reduce production costs, encourage innovation, and promote investment and productivity.

Mr. Speaker it is imperative that the U.S. remain a leader in global exports of innovative technology, particularly clean energy. It is no secret that our dependence on foreign oil and other fossil fuel energy sources is too great. The Clean Energy Technology Manufacturing and Export Assistance Act of 2010 will assist us in our efforts to move away from this problematic energy paradigm. It will provide our domestic clean energy firms the means to keep the U.S. ahead of the curve.

This bill directs the Secretary to provide information, tools, and other assistance to U.S. businesses to promote clean energy technology manufacturing and facilitate the export of clean energy technology products and services. It also promotes the implementation of a national clean energy technology export strategy.

Mr. Speaker, this bill is a practical means to assist our direction in clean energy technology. For these reasons I urge my colleagues to support H.R. 5156.

Mr. RUSH. Mr. Speaker, with that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. DEUTCH) that the House suspend the rules and pass the bill, H.R. 5156, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ESTABLISHING EMERGENCY TRADE DEFICIT COMMISSION

Mr. LEVIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1875) to establish an Emergency Commission to End the Trade Deficit, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The United States has run persistent trade deficits since 1978, and many of such trade deficits since 2000 have been especially large.

(2) There appeared to be some improvements in the United States trade balance in 2009, but this was during a time of global economic crisis, and the reduction in the United States trade deficit appears to be attributable to a shrinking United States demand for imports rather than an increase in United States exports.

(3) Many of the trade deficits are structural—that is, with the same countries, year after year. In 2009, the United States continued to have significant merchandise trade deficits with the People's Republic of China (\$226.8 billion), the European Union (\$60.5 billion), Japan (\$44.7 billion), and Mexico (\$47.5 billion), notwithstanding the overall decline in the United States trade deficit. In fact, in 2009, China accounted for 44 percent of the United States merchandise trade deficit.

(4) While the United States has one of the most open borders and economies in the world, the United States faces significant tariff and non tariff trade barriers with its trading partners.

(5) The causes and consequences of the United States trade deficit must be documented and recommendations must be developed to expeditiously address structural imbalances in the trade deficit.

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Emergency Trade Deficit Commission (in this Act referred to as the "Commission").

(b) MEMBERSHIP OF COMMISSION.—

(1) COMPOSITION.—The Commission shall be composed of 11 members, of whom—

(A) three persons shall be appointed by the President, of whom one shall be appointed to represent labor interests, one shall be appointed to represent small businesses, and one shall be appointed to represent manufacturing interests;

(B) two persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader of the Senate, after consultation with the Chairman of the Committee on Finance of the Senate;

(C) two persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Minority Leader of the Senate, after consultation with the ranking minority member of the Committee on Finance of the Senate;

(D) two persons shall be appointed by the Speaker of the House of Representatives, after consultation with the Chairman of the Committee on Ways and Means of the House of Representatives; and

(E) two persons shall be appointed by the Minority Leader of the House of Representatives, after consultation with the ranking

minority member of the Committee on Ways and Means of the House of Representatives.

(2) QUALIFICATIONS OF MEMBERS.—

(A) PRESIDENTIAL APPOINTMENTS.—Of the persons appointed under paragraph (1)(A), not more than one may be an officer, employee, or paid consultant of the executive branch.

(B) OTHER APPOINTMENTS.—Persons appointed under subparagraph (B), (C), (D), or (E) of paragraph (1) shall be persons who—

(i) have expertise in economics, international trade, manufacturing, labor, environment, or business, or have other pertinent qualifications or experience; and

(ii) are not officers or employees of the United States.

(C) OTHER CONSIDERATIONS.—In appointing members of the Commission, every effort shall be made to ensure that the members—

(i) are representative of a broad cross-section of economic and trade perspectives within the United States; and

(ii) provide fresh insights to in identifying the causes and consequences of the United States trade deficit and developing recommendations to address structural trade imbalances.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) IN GENERAL.—Members shall be appointed not later than 60 days after the date of the enactment of this Act and the appointment shall be for the life of the Commission.

(2) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(f) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall elect a chairperson and vice chairperson from among the members of the Commission.

(g) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(h) VOTING.—Each member of the Commission shall be entitled to one vote, which shall be equal to the vote of every other member of the Commission.

SEC. 3. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall be responsible for examining the nature, causes, and consequences of the United States trade deficit and providing recommendations on how to address and reduce structural trade imbalances, including with respect to the United States merchandise trade deficit, in order to promote sustainable economic growth that provides broad-based income and employment gains.

(b) CAUSES OF U.S. TRADE DEFICIT.—In examining the causes of the United States trade deficit, the Commission shall, among other things—

(1) identify and assess the impact of macroeconomic factors, including currency practices, foreign government purchases of United States assets, and savings and investment rates, including savings rates of foreign state-owned enterprises, on United States bilateral trade imbalances and global trade imbalances;

(2) with respect to countries with which the United States has significant, persistent sectoral or bilateral trade deficits, assess with respect to the magnitude and composition of such trade deficits—

(A) the impact of tariff and non tariff barriers maintained by such countries and the

lack of reciprocal market access as a result of such barriers;

(B) the impact of investment, offset, and technology transfer requirements by such countries;

(C) any impact due to the failure of such countries to adhere to internationally-recognized labor standards, including the extent to which such failure affects conditions of competition with the United States or the ability of consumers in such countries to buy United States goods and services;

(D) any impact due to differences in levels of environmental protection and enforcement of environmental laws between such countries and the United States, including the extent to which such differences affect conditions of competition with the United States;

(E) policies maintained by such countries that assist manufacturers in such countries, including the impact of such policies on manufacturers in the United States; and

(F) the impact of border tax adjustments by such countries;

(3) examine the impact of free trade agreements on the United States trade deficit;

(4) examine the impact of investment flows both into and out of the United States on the trade deficit, including—

(A) the impact of United States outbound investment on the United States trade deficit and on standards of living and production in the United States;

(B) the impact that the relocation of production facilities overseas has on the United States trade deficit, including by reviewing major domestic plant closures over an appropriate representative period to determine how much production terminated from such closures was relocated offshore;

(C) the impact of foreign direct investment in the United States on the United States trade deficit and on standards of living and production in the United States; and

(D) the impact of United States bilateral investment treaties, including bilateral investment treaties under negotiation, on the United States trade deficit;

(5) examine the role and impact of imports of oil and other energy products on the United States trade deficit; and

(6) assess the extent to which United States foreign policy interests influence United States economic and trade policies.

(c) CONSEQUENCES OF U.S. TRADE DEFICIT.—In examining the consequences of the United States trade deficit, the Commission shall, among other things—

(1) identify and, to the extent practicable, quantify the impact of the trade deficit on the overall domestic economy, and, with respect to different sectors of the economy, on manufacturing capacity, on the number and quality of jobs, on wages, and on health, safety, and environmental standards;

(2) assess the effects the trade deficits in the areas of manufacturing and technology have on defense production and innovation capabilities of the United States; and

(3) assess the impact of significant, persistent trade deficits, including sectoral and bilateral trade deficits, on United States economic growth.

(d) RECOMMENDATIONS.—In making recommendations, the Commission shall, among other things—

(1) identify specific strategies for achieving improved trade balances with those countries with which the United States has significant, persistent sectoral or bilateral trade deficits;

(2) identify United States trade policy tools including enforcement mechanisms

that can be more effectively used to address the underlying causes of structural trade deficits;

(3) identify domestic and trade policies that can enhance the competitiveness of United States manufacturers domestically and globally, including those policies of the United States and other countries that have been successful in promoting competitiveness;

(4) address ways to improve the coordination and accountability of Federal departments and agencies relating to trade; and

(5) examine ways to improve the adequacy of the collection and reporting of trade data, including identifying and developing additional databases and economic measurements that may be needed to properly assess the causes and consequences of the United States trade deficit.

SEC. 4. REPORT.

(a) REPORT.—Not later than 16 months after the date of the enactment of this Act, the Commission shall submit to the President and the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that contains—

(1) the findings and conclusions of the Commission described in section 3; and

(2) any recommendations for administrative and legislative actions as the Commission considers necessary.

(b) SEPARATE VIEWS.—Any member of the Commission may submit additional findings and recommendations as part of the report.

SEC. 5. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission shall hold at least seven public hearings, one or more in Washington, D.C., and four in different regions of the United States.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal departments and agencies.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of duties of the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS; GAO AUDIT.

(a) IN GENERAL.—There are authorized to be appropriated \$2,000,000 to the Commission to carry out this Act.

(b) GAO AUDIT.—Not later than 6 months after the date on which the Commission terminates, the Comptroller General of the United States shall complete an audit of the financial books and records of the Commission and shall submit a report on the audit to the President and the Congress.

SEC. 8. TERMINATION OF COMMISSION.

The Commission shall terminate 30 days after the date on which the Commission submits its report under section 4(a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from Texas (Mr. BRADY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. I yield myself such time as I may consume.

Mr. Speaker, I urge Members to support H.R. 1875, a bill to establish an Emergency Trade Deficit Commission. This commission will examine the causes and the consequences of the United States' persistent and substantial trade deficits, and it will provide recommendations on how to address and reduce those deficits.

Over the past 10 years, our trade deficits have been unprecedented. Before

2000, our largest trade deficit was in 1987 when the deficit was equal to 3.3 percent of GDP, but that 1987 deficit pales in comparison to the deficits we have had every year from 2000 through 2008. Indeed, in 2006, our trade deficit represented 6.4 percent of GDP, nearly twice as high as in 1987.

These enormous trade deficits are corrosive. They lower our GDP. They weaken our economic growth. It is no surprise that global imbalances and, in particular, huge U.S. trade deficits have contributed to the global economic crisis that we are slowly recovering from. Our trade deficits are improving now, but this appears to be largely due to a still weak economic recovery, not to any structural policy change, and many economists are warning that massive global imbalances will return unless we take corrective action.

Our recent trade deficits are due, in part, to a passive, hands-off approach to trade in the past. Proponents of this flawed approach mistakenly believed that our trade deficits would resolve themselves. Ignoring their effect on U.S. manufacturers, they claim that the mercantilistic practices of China and of some of our trade partners may be okay for the U.S. because they result in cheaper imports for our consumers. This is not a trade policy; this is a recipe for economic failure.

As our President has said: Trade is going to be reciprocal. It is not just going to be a one-way street.

Those words have been backed up by strong action, such as the China safeguard action the administration took last year.

To be sure, there are many causes of our trade deficits, many causes which are not directly related to trade or to industrial policy. The fiscal deficits we amassed over the past decade certainly played a signature role, for example, and we need to confront those issues as well. Trade can contribute substantially to the strength of our economy, but it has to be reciprocal. It has to be two-way trade.

I believe that the work of the Emergency Trade Deficit Commission can help us determine how best to achieve two-way trade. It can help us expand and shape trade to ensure that it is working for working Americans. It can help us make a thing of the past these corrosive trade deficits that weaken our economy and hurt our workers and the manufacturers which employ them.

I, therefore, urge my colleagues to vote in favor of this important legislation.

Madam Speaker, I reserve the balance of my time.

Mr. BRADY of Texas. Madam Speaker, at this point I yield 4 minutes to the gentleman from Kentucky, who is focused on creating manufacturing jobs through open markets, Congressman DAVIS.

□ 1200

Mr. DAVIS of Kentucky. Madam Speaker, I'm pleased that we're having this debate today about the importance of trade for America's manufacturing sector. Given my extensive experience in manufacturing, I'm pleased to provide my firsthand familiarity with what makes business successful and what creates jobs.

My own experience tells me that international trade is vital to the success of America's manufacturing sector. In my home State of Kentucky, nearly 50,000 manufacturing jobs are dependent on exports. The simple fact is that 95 percent of the world's consumers live outside the United States, and the fastest growing markets are outside our borders. So success in those markets is critical to growing our manufacturing sector and creating good paying jobs.

As the President has noted, America's exports of manufactured goods support one out of every five manufacturing jobs, and those jobs pay 15 percent more than average. We simply must increase exports, and that's the key to any debate about the trade deficit.

If we're going to be successful in growing U.S. exports and reducing the deficit, we need to identify the best practices for doing so. We have real world results that we can use to identify these best practices, and these facts show clearly that there has been no more effective way to reduce the trade deficit and create U.S. jobs than negotiating new trade agreements to open foreign markets to U.S. exports.

The benefits of CAFTA to the United States manufacturing sectors and workers are clear. Because of this agreement, we swung a negative trade balance, a trade deficit in manufactured goods of \$1.1 billion, to a trade surplus of \$1.9 billion, and we already have a surplus of \$1.3 billion so far this year.

Madam Speaker, in the manufacturing world, we'd never base our best practices on just one successful outcome. Fortunately, the success of the Central America Free Trade Agreement is not the only example we have. The United States has implemented trade agreements with eight other countries under the Trade Promotion Authority. In 2009, the U.S. had an overall trade surplus of over \$27 billion with these eight countries, and so far in 2010, we have a surplus of over \$14 billion.

And the results for the American manufacturing sector are even stronger. In 2009, the United States had a trade surplus of over \$29 billion with these countries, and in 2010, \$16 billion. This is a track record that firmly establishes the aggressive pursuit of trade agreements as the best practice for increasing U.S. exports and lowering the trade deficit.

Given the ambitious track record of success of our trade agreements, I don't think we need another government commission. However, I understand that for some, the facts I've cited aren't enough and, therefore, I do rise in support of this bill.

I want to help those with doubts about the benefits of trade agreements to see how vital they are to the success of American manufacturing, so I'll support this legislation in an effort to educate others on these benefits, the benefits of well-executed, bilateral, and free trade agreements properly structured between the partners.

I fully expect the commission will reach the same conclusion that I and many others on both sides of the aisle have already reached. However, I'm concerned that we can't simply wait for the commission to do its analysis.

As the President has noted, other countries are racing ahead of us in negotiating agreements that benefit their workers while we sit on the sidelines. That's why I strongly support the President's call to resolve the outstanding issues around the U.S.-South Korea trade agreement.

My colleagues and I on this side of the aisle stand ready to work with the President to implement these best practices and prepare not only the South Korea agreement for congressional approval, but to prepare the agreements with Colombia and Panama as well. I'm confident these agreements will be just as successful for American workers in the U.S. manufacturing sector as our prior agreements.

Mr. LEVIN. I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL), our distinguished colleague, a member of the Ways and Means Committee.

Mr. PASCRELL. Madam Speaker, I want to agree with the gentleman from Kentucky (Mr. DAVIS), but there's a catch here. In the last 6 months, we have gained 136,000 manufacturing jobs, private jobs. It's one of the few pluses that we can refer to. So there is hope for the future in terms of manufacturing if we do the right thing.

I rise in support of H.R. 1875, the End the Trade Deficit Act, and I want to thank my friend from Oregon for introducing this important legislation. All through the years, Mr. DEFAZIO continues to speak out over the din and over the years for the American consumer and for fair trade policies. I salute you.

The United States has run a persistent trade deficit with the world since 1978, including structural deficits with several major trading partners year after year. This includes a \$220 billion trade deficit with China alone.

In 2001, just think of it, 9 years ago, China was granted admission to the World Trade Organization, that number was \$84 billion. It's increased in 9 years by \$136 billion. One study by the

Economic Policy Institute estimates that the dramatic increase in our trade deficit with China alone has cost this country 2.4 million jobs.

The American people, the middle class, know that our trade policy has not worked for them. They see it in their everyday lives. My hometown of Paterson, New Jersey, I still live there. We close factories. We reopen them south of the border or overseas. Why haven't we stopped the hemorrhaging of jobs to places offshore?

The SPEAKER pro tempore (Ms. MCCOLLUM). The time of the gentleman has expired.

Mr. LEVIN. I yield an additional 2 minutes to the gentleman from New Jersey.

Mr. PASCRELL. We cannot continue down this path. Our trade deficit is unsustainable. We must begin to tackle it if we want to create jobs here in the United States and remain a prosperous country in the future.

There's no silver bullet out there that will balance the books, which is why a comprehensive study of the problem and recommendations for policy solutions, which is proscribed in this legislation specifically, is very necessary.

The commission will look at many of the tactics we know our trading partners use in order to place their exports at an advantage and in order that they have played and gamed the system to our disadvantage:

Foreign currency manipulation, we've addressed it in some esoteric statements now and then. But we know what China is doing, and it hurts us in terms of what the Americas are trying to do.

Tariff and nontariff barriers, just mentioned before in the previous legislation by the gentleman from Illinois.

Foreign subsidization of manufacturing, other countries have different taxing methodologies than we do. They subsidize their industries. How can our industries compete against that unless we address that particular issue, which we're afraid to do. Both sides of the aisle are afraid to address the real issues on trade and the weak environmental and labor standards.

I'm pleased the commission will include the impact of border tax adjustments on our trade deficit, which penalized our exporters by an average of 15.2 percent and are currently totally legal under current global trade agreements.

We will not deal with the imbalance in our trade agreements unless we understand how countries have gamed the system to hurt our workers, and that's why we continue to offshore these jobs.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

Mr. PASCRELL. At the end of the day, the United States is the most

open, accessible, and dynamic market in the world. We hold our trading partners, hopefully, to the same standard. We must tackle our trade deficit head-on so that United States businesses and families can continue to prosper in the years to come.

I urge passage of this legislation. I eagerly await the report of the commission.

□ 1210

Mr. BRADY of Texas. Madam Speaker, I yield 3 minutes to the gentleman who is the top Republican on the Oversight Committee on Ways and Means and has focused both on ending the drilling moratorium that is killing U.S. jobs in the gulf, and also opening new markets for our American manufacturers, services, and ag community, the gentleman from Louisiana, Dr. BOUSTANY.

Mr. BOUSTANY. I thank the ranking member on the Trade Subcommittee, Mr. BRADY from Texas, for yielding time to me.

I think it's important to recognize, and I agree with the gentleman who just spoke, Mr. PASCRELL, that the United States has the most vibrant, open market in the entire world, and we need to take advantage of our leadership position. The U.S. has led globally since 1945 in setting the standards for open trade.

Trade agreements give access to American workers and businesses to other markets for U.S. services and products. Let's face it, 95 percent of the consumers of the world are outside of the borders of the United States. So our trade agreements create U.S. jobs.

Despite having the trade deficit that we've talked about, the U.S. trade balance with 13 countries that we have free trade agreements implemented through Trade Promotion Authority has really improved our export capacity by 476 percent between 2001 and 2009, creating a trade surplus with those respective countries of over \$25 billion.

Case by case we can look at these: CAFTA-DR, Chile, Morocco, Singapore, Australia. These trade agreements actually exceeded actual export growth estimates initially put forth by the International Trade Commission. The U.S. had a trade surplus with each of these countries, enhancing the competitiveness of U.S. workers and businesses.

The failure to implement an aggressive trade strategy that focuses on exports puts the U.S. at extreme risk of falling behind competitively. We know that China's embarking on a very aggressive trade policy globally. Other countries, Brazil. We have a very multipolar world today with very aggressive trade policies working against us, and our country has really been on the sidelines for the last year-and-a-half in trade. This failure threatens

U.S. credibility globally. Frankly, it threatens the U.S. credibility. And it's also a threat to the historic U.S. leadership role that we have set in setting open standards for global trade.

Now, I believe that this new commission really is unnecessary. I am going to support it if it's the only way we can jump-start something on trade, but I really do think it's unnecessary. And if you go back and look at the historic role that the Ways and Means Committee has played in implementing an open trade policy, a trade policy that benefits U.S. businesses and U.S. workers, it goes all the way back into the twenties, and possibly even before that.

I remember reading about Cordell Hull as a member of the House Ways and Means Committee, a Democrat who espoused open trade, and then went on to become Secretary of State and continued to espouse open trade. Our committee, the Ways and Means Committee, has an illustrious history in doing this, and I believe that's where the leadership should come from.

Mr. Chairman, I believe we can work together in trying to implement in working with this current administration to come up with a really good, solid trade strategy that really promotes U.S. competitiveness. That's where I believe the authority should lie.

I believe it's pretty clear what we need to do. We ought to implement the three pending free trade agreements: South Korea, Panama, and Colombia. Let's move forward on these. These will immediately help enhance exports and create U.S. jobs. They already have access to our market. We need access to those markets. In the hearing just yesterday, Stu Eizenstat, who served in the Clinton administration, talked about these being no-cost stimulus, no-cost job creation mechanisms.

I also believe, in addition to implementing a very aggressive trade strategy that focuses on U.S. exports not just for large corporations but small and mid-sized companies as well, where we can really enhance our export capacity, we also need to take a look at the other things holding us back on U.S. competitiveness.

We need to lower the corporate rate. If we lower the corporate tax rate, this will enhance U.S. competitiveness. And we also need to back away from some of these proposals in international tax that are hurting U.S. competitiveness.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BRADY of Texas. I yield the gentleman 1 additional minute.

Mr. BOUSTANY. If we lower our corporate tax rate at least down to OECD averages, that will enhance U.S. competitiveness. And we do have a different tax system than other countries utilize that I think actually hurts our competitiveness. But if we actually take steps such as what the administration has proposed in its current

budget in the international tax treatment of U.S. companies, we're actually going to hurt U.S. job growth, we're going to hurt exports, and we're going to hurt U.S. competitiveness. So I think it's imperative that we take a look at this. And our committee, the Ways and Means Committee, should take the lead in this issue as well.

Mr. LEVIN. It is now my distinct pleasure to yield 3 minutes to the author of this legislation, the active, distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the chairman.

It's interesting to hear some Republicans on the other side of the aisle say this commission isn't necessary. We are going to run a \$700 billion trade deficit this year. That means we will borrow, predominantly from China, Japan, and a few other countries, \$700 billion to buy things that we used to make in America. And it's not a level playing field. We get played for a sucker in these trade deals.

We need a new, strong trade policy. Yes, American workers can compete, but not on an unfair, tilted playing field, which is what they're being asked to do today. I will give a couple of examples. When we were doing MFN permanently for China, which I voted against because we lost that annual leverage with them, wheat guys from Oregon came in, and they said, Congressman, right now a ship is going into China. Imagine what it's going to mean for our markets. They're finally accepting our wheat. This new trade deal's going to be great.

I said, Well, actually, I have got translated broadcasts of their agriculture minister that say that they're not going to allow that, and they're not going to become dependent upon imported food. They said, Oh, no, you are wrong. So, yeah, that one ship got in.

Congress voted the deal, China was permanently off the hook to be reviewed for unfair trade practices by the Congress, and, guess what, that was the last ship. They came in the next year kind of hanging their heads and said, You were right. Are you going to say it? I said, No. I am going to say, what are we going to do now? And talked about fighting back against these unfair trade practices.

We can look at just after the first President Bush signed the deal with Canada that was supposed to deal with their unfair subsidies and dumping of cheap lumber into the U.S. But before the ink was even dry on the deal, Canada reclassified much of their lumber to salvage. They basically started giving away their trees on the stump instead of making companies buy them and provided subsidized transportation and other things and again flooded the U.S. market. We're still fighting with the Canadians 17 years later over their subsidized lumber, and we've still lost thousands of jobs.

Yeah, there was a little bit of cheaper lumber available here; but when you lose the jobs for working-class Americans, middle class American families, our consumers, when they lose their jobs, it doesn't matter if a house is maybe \$300 or \$400 cheaper. They can't afford the house. So we need a level playing field.

We need to identify these barriers that are being put up by the Chinese and others. The Chinese are going to run more than a quarter of a trillion dollar trade surplus with the U.S. this year. They recently passed a law saying they're going to have a huge renewable program in China. And the law says that nobody can buy a renewable windmill or photovoltaic or anything else if it wasn't manufactured in China by a Chinese company.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield an additional 2 minutes to the author of the bill.

Mr. DEFAZIO. I thank the gentleman.

So the Chinese have passed a law saying that no one in China can buy a U.S.-made windmill or photovoltaic. If we get these green jobs and green industry going that the President wants, the Chinese aren't going to buy them. But guess what? The so-called stimulus bill that passed this Congress, part of those funds, our taxpayer dollars, money we borrowed in part from China to finance that bill, were used to buy windmills made in China. They can get their windmills in here like that.

There's a company proposing to assemble photovoltaics in my hometown of Eugene, Oregon. But I also have people in Oregon trying to keep their companies going with made in America photovoltaics. But they are having trouble competing with the subsidized cheap junk from China because their photovoltaics are not very good. Again, we can't send our ours there, but they can send theirs here without any constraints.

I remember back to Lee Iacocca, back when we used to sort of laugh at the Japanese cars. And when he had minivans and the Japanese started producing minivans, he said, You know, I produce a minivan for \$16,000. I send it to Japan, it sits on the dock for 6 months while a series of inspectors come down and look at it. And then finally when it gets to the showroom, it costs \$30,000 and it's been there 6 months. He said the Japanese take their minivan, it costs \$17,000 to make it—they were less efficient then—he said they put it on a ship, it gets to Portland, they roll it off, it's in the showroom the next day. Do we ever reciprocate?

We say, okay, if you are going to keep our cars on your docks for 6 months, how about we're going to keep your cars on our docks for 6 months? And that's what the trade commission

will point to. It will point to the unfair trade barriers, these whole series of different phytosanitary, or actually safety inspections, or currency manipulation, all of the things that China and other countries are doing to steal our jobs and kill off our industries. This commission can point to those things, they can emphasize them, and they can propose ways that we can deal with it more meaningfully in trade agreements in the future.

I recommend to my colleagues, help end the trade deficit. Vote for this legislation.

□ 1220

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the former top Republican on the Trade Subcommittee, the gentleman from California who's focused on creating jobs through selling more California and United States products and services, Mr. HERGER.

Mr. HERGER. Madam Speaker, I find it ironic that we are here today creating one more commission to study a problem and report back with possible solutions some time in the future when we could be taking action right now today that would reduce our trade deficit and make a real difference for American workers.

One of the findings in this bill states the problem very clearly: "While the United States has one of the most open economies in the world, the United States faces significant tariff and non-tariff trade barriers with its trading partners."

For example, over 90 percent of Panamanian and Colombian exports enter the U.S. duty free. Additionally, the average Korean tariff for U.S. exporters is more than four times the average tariff that Korean products face in the United States market.

We could slash these high tariffs on U.S. exports and level the playing field for American workers by passing the current pending Free Trade Agreements with these three nations.

Madam Speaker, I urge my colleagues to continue the bipartisan tradition since World War II of supporting trade and call for passage of the pending FTAs with Colombia, Panama, and South Korea. If we really want to create jobs, pass these trade agreements. If we want to increase exports, pass these trade agreements. If we want to reduce the trade deficit, pass these trade agreements. We don't need another commission; we need action.

Mr. LEVIN. I reserve the balance of my time.

Mr. BRADY of Texas. Madam Speaker, I yield myself such time as I may consume.

First, addressing some earlier comments, many Democrats, including Chairman LEVIN, supported bringing China into the World Trade Organization to force them to play by the rules. And since we've done that, when they

have violated those rules, the United States has prevailed in seven of the eight complaints we have brought to that organization. So it is helping keep China in line so we have a level playing field.

Also, if you've picked up the paper in the last week, you've noticed that while auto sales in the United States for our auto manufacturers has remained flat, its sales are growing overseas, and its profits are growing because they're allowed to sell American automobiles around the world. That's good for the U.S. auto workers in the United States.

I appreciate the chairman bringing this legislation together. I know it is well-intended. It's important to tackle America's trade deficit the right way. And I think everyone understands another government commission alone is no substitute for new customers for American workers, farmers, and manufacturers.

The best way to strengthen the trade deficit while strengthening America's economy is to reduce America's dependence on foreign oil and open the world to more U.S. products and services. I know if my Democrat friends and those in the White House are serious about reducing the trade deficit, we are eager to work with them by starting to take up and passing the pending trade agreements with South Korea, Panama, and Colombia.

I rise in support of this bill because I think that any objective and honest commission will find that creating new markets and new customers for American exports will reduce our trade deficit, will create jobs, and stimulate our economy.

I think it's absolutely appropriate that Congress is considering this legislation today of all days. Today is the fifth anniversary of House passage of the U.S.-Central American Free Trade Agreement, which gives us an opportunity to look at real results. Those results clearly show how trade agreements increase U.S. sales and reduce trade deficits. As you know, America is a very open market. Countries sell into the United States. But when we try to sell our products, too often we find that "America need not apply" sign.

Trade agreements tear that sign down and give us a chance not one-way trade in, but two-way trade where we have a level playing field. The world has changed. It's not enough to simply buy American. We have to sell American. We have to sell our products and goods and services throughout this world. In fact, over 80 percent of our trade deficit today is with countries that are not trade agreement partners, that are not level playing fields for the United States. That's why we push hard for those agreements.

For example, 5 years ago the United States had a \$1.2 billion trade deficit with Central America. Last year, the

United States had turned that around, because of the agreement, to a \$1.2 billion trade surplus, and we're on track to surpass that surplus again this year. Last year, the United States had a trade surplus in manufactured goods with our Central American partners of almost \$2 billion. We're on track again this year.

Nor is CAFTA the only example of how trade agreements can improve the U.S. trade balance. This week also marks the eighth anniversary of the final House vote on the Trade Act of 2002, under which we have resoundingly successful trade agreements with 13 countries now in force. Last year, the United States had a trade surplus of over \$25 billion with these 13 countries. And so far this year, we have a surplus again.

Looking at just trade in manufactured goods reveals that these agreements were even better for American manufacturing workers. Last year, the United States had a trade surplus of over \$29 billion in manufactured products with these countries that we have free trade agreements. And again, we have this year a surplus already of nearly \$16 billion. Without question, these trade agreements have reduced U.S. trade deficits and increased U.S. trade surpluses.

The three pending agreements with Colombia, Panama, and South Korea would have the same results by leveling the playing field for our American workers.

Madam Speaker, there is one sector in which the United States runs a structural trade deficit, that is energy, and I appreciate the chairman including this in the commission. Last year, our deficit in energy products accounted for almost half of the trade deficit.

So our trade deficit isn't principally in goods—it's in oil, it's in energy. That's what the American people want to change. We can take an enormous step toward reducing our trade deficit simply by increasing American-made energy. Unfortunately, many Democrats in Congress have taken just about every step they can to reduce American-made energy production.

First, House Democrats rushed through the House a massive national energy tax that would cripple the U.S. energy sector. Now, the White House has defied the courts and has imposed a moratorium on offshore drilling that damages jobs and damages U.S. energy production. The impact of that moratorium would be to increase the deficit because it will result in more imports of foreign oil. This moratorium also means fewer manufacturing jobs.

In fact, last week a recent analysis by IHS Global Insight found the drilling moratorium in the gulf would result in over 300,000 jobs lost along the gulf and over \$147 billion in lost State, local, and Federal tax revenue. It is a terrible blow to American jobs.

If the sponsors of this legislation are serious—and I believe they are—about reducing the trade deficit and working together to create manufacturing jobs, let's focus on negotiating more trade agreements to open foreign markets to our U.S. sales and promoting U.S. energy production. We don't need a new government commission to accomplish either of these.

□ 1230

Madam Speaker, I yield back the balance of my time.

Mr. LEVIN. Now, that the distinguished ranking member on the Trade Subcommittee has yielded back the balance of his time, I will close.

First of all, I want to thank Mr. DEFAZIO for introducing the bill and for his willingness and his really effective efforts to work with us. His staff also collaborated in bringing this bill to the floor. I also want to thank Congressman CAMP and Congressman BRADY and their staff for working with us.

So let me just say a word. We'll debate trade issues another time. I think everybody here has spoken about the importance of two-way trade and ending the one-way street. The problem with the Korea agreement, as it was negotiated, was that when it comes to the industrial sector, there was no way it was even close to a likelihood that there would be two-way trade in vital industrial sectors. So far it's only been one way, and now steps have to be taken with the other provisions in the bill to make sure there's two-way trade in industrial, as well as agricultural, goods as well as opening up their markets to service products.

I think we're now finished with this. We can discuss the moratorium on drilling some other day, and I now urge passage of this bill.

Mr. DINGELL. Madam Speaker, I rise to express my strong support for H.R. 1875, the End the Trade Deficit Act. I wish to commend my colleague, Congressman DEFAZIO of Oregon for his fine work on this bill.

At a time of nascent national economic recovery, we have the opportunity to right the policy failures of the past. This is particularly important with respect to trade. I have long criticized the NAFTA trade agreement model for its detrimental effect on this country's manufacturing base. Indeed, with the implementation of NAFTA and CAFTA, we have witnessed the off-shoring of millions of good-paying American jobs.

In light of this, H.R. 1875 will direct establishment of a commission to develop a trade policy plan that will eliminate the U.S. merchandise trade deficit and develop a competitive trade policy for the 21st century. I am particularly pleased that this report, which will include recommendations for administrative and legislative actions to reduce this deficit, must be submitted to the Congress and the President prior to the President's submitting any free trade agreement to the House and Senate for approval.

Madam Speaker, H.R. 1875 will substitute measured concern in place of rash trade policy. I urge my colleagues to vote in favor of this bill and in so doing, help this country achieve sustainable economic recovery.

Mr. COSTELLO. Madam Speaker, I rise today in support of H.R. 1875, the End the Trade Deficit Act of 2009.

Since coming to Congress, I have worked to level the playing field of international trade, stop the illegal trade practices of other countries, notably China, and support American workers. The first step in achieving these goals must be addressing our \$375 billion trade deficit with other countries. While this deficit is down from the \$753 billion deficit we had in 2006, as the global economy recovers, this deficit has increased by billions of dollars each month, and our deficit with China stands at a staggering \$226 billion. In addition, the U.S. has lost 3,178,000 manufacturing jobs since 1998 and the recession has aggravated this damaging trend.

The Trade Deficit Review Commission established by H.R. 1875 will take positive steps to address the trade deficit by developing a new, competitive trade policy that emphasizes fair trade and U.S. jobs. Our trade policy must promote the export of U.S.-made goods to foreign markets and support our workers rather than aiding the multi-national corporations who seek weaker labor, safety, and environmental requirements overseas.

I have consistently opposed free trade agreements—including NAFTA and DR-CAFTA—because I believe they have driven good-paying American jobs out of the country. H.R. 1875 is needed to reverse these damaging trade agreements and takes a positive step forward to revitalize manufacturing in the U.S. and create jobs here at home.

Madam Speaker, I urge my colleagues to join me in supporting this important legislation.

Mr. LEVIN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill, H.R. 1875, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to establish the Emergency Trade Deficit Commission."

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL SAVE FOR RETIREMENT WEEK

Ms. SCHWARTZ. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1481) supporting the goals and ideals of "National Save for Retirement Week", including raising public awareness of the various tax-preferred retirement vehicles and increasing personal financial literacy.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1481

Whereas people in the United States are living longer, and the cost of retirement is increasing significantly;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅓ of workers or their spouses are currently saving for retirement and that the actual amount of retirement savings of workers lags far behind the amount that will be needed to adequately fund their retirement years;

Whereas financial literacy is an important factor in United States workers' understanding of the true need to save for retirement;

Whereas saving for one's retirement is a key component to overall financial health and security during retirement years, and the importance of financial literacy in planning one's retirement must be advocated;

Whereas many workers may not be aware of their options for saving for retirement or may not have focused on the importance of, and need for, saving for their own retirement;

Whereas many employees have available to them through their employers access to defined benefit and defined contribution plans to assist them in preparing for retirement, yet many of them may not be taking advantage of such plans at all or to the full extent allowed by such plans as prescribed by Federal law;

Whereas the need to save for retirement is important even during economic downturns or market declines, making continued contributions all the more important;

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to develop personal budgets and financial plans including retirement savings strategies and to take advantage of the availability of tax-preferred savings vehicles to assist them in saving for retirement; and

Whereas October 17 through October 23, 2010, has been designated as "National Save for Retirement Week": Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of "National Save for Retirement Week", including raising public awareness of the various tax-preferred retirement vehicles as important tools for personal savings and retirement financial security;

(2) supports the need to raise public awareness of the importance of saving adequately for retirement, and the continued existence of tax preferred employer-sponsored retirement savings vehicles; and

(4) calls on the States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe this week with appropriate programs and activities with the goal of increasing retirement savings for all the people of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

Pennsylvania (Ms. SCHWARTZ) and the gentleman from Texas (Mr. SAM JOHNSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

GENERAL LEAVE

Ms. SCHWARTZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Pennsylvania?

There was no objection.

Ms. SCHWARTZ. Madam Speaker, I yield myself such time as I may consume.

Today, I rise in support of the National Save For Retirement Week resolution that I have sponsored with my friend and colleague, Representative SAM JOHNSON. He and I have championed this proposal, which has passed the House of Representatives in each of the last 3 years.

Saving for one's retirement is of paramount importance. Less than two-thirds of workers are saving for retirement and those who are saving are not saving enough to adequately fund their retirement. As a result, too many Americans rely solely on Social Security to fund their retirements. Social Security is the bedrock of retirement security and retirement income for many Americans. However, on average, Social Security retirees today receive \$14,000 a year, hardly adequate as the sole source of retirement income for most Americans.

This resolution will help raise public awareness of the importance of saving for retirement and encourage greater personal financial responsibility. Congress and employers can encourage saving for retirement through information on long-term saving vehicles and payroll deduction options that currently exist for most American workers.

Since the economic downturn, the personal savings rate has risen to 3 percent, up from 2 years ago when Americans were barely saving at all. We can build on this recent experience to raise awareness about the need to save for emergencies, for future expenses, and for retirement. Small savings throughout one's working lifetime will result in a more secure retirement.

So as we acknowledge the 75th anniversary of Social Security and renew our commitment to Social Security's guaranteed minimum benefits for future seniors, we should also acknowledge and support this resolution and encourage more Americans to save for their retirement.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, July 28, 2010.

Hon. SANDER M. LEVIN,
Chairman, Committee on Ways and Means,
House of Representatives, Longworth House
Office Building, Washington, DC.

DEAR CHAIRMAN LEVIN: I am writing to you concerning the jurisdictional interest of the Committee on Education and Labor in H. Res. 1481, supporting the goals and ideals of "National Save for Retirement Week."

Our committee recognizes the importance of H. Res. 1481 and the need to move expeditiously. Therefore, while we have a valid claim to jurisdiction over portions of the resolution, I do not intend to request a referral. This, of course, is conditional on our mutual understanding that nothing in this resolution or my decision to forego a referral waives, reduces or otherwise affects the jurisdiction of the Committee on Education and Labor, and that a copy of this letter and your response acknowledging our jurisdictional interest will be included in the Congressional Record during consideration of this resolution by the House.

Thank you for your consideration in this matter.

Sincerely,

GEORGE MILLER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 28, 2010.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor,
House of Representatives, Rayburn House
Office Building, Washington, DC.

DEAR GEORGE: Thank you for your recent letter regarding your committee's jurisdictional interest in H. Res. 1481, supporting the goals and ideals of "National Save for Retirement Week."

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of the bill on the House floor. Thank you for your cooperation.

Sincerely,

SANDER M. LEVIN,
Chairman.

I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I want to thank my colleague from Pennsylvania for working with me on this resolution. This resolution calls attention to the importance of saving for retirement by designating October 17 through October 23, 2010, as National Save For Retirement Week.

With fewer and fewer employers offering traditional pension plans and with Social Security intended to provide only basic income support, saving for retirement is more important than ever before. The good news, however, is that the tax code offers any number of savings incentives that not only are intended to encourage Americans to save but also make it easier for them to do so.

For young workers, just putting away a little bit from each paycheck

through tax-deferred retirement savings accounts such as a 401(k) plan or an IRA can add up to a sizeable nest egg. While young workers may not start off with big paychecks, they at least have the benefit of time and compound interest on their side. Meanwhile, for older workers nearing retirement, the tax code can help by enabling these workers to make catch-up contributions.

With this resolution, it is my hope that we can make more Americans aware not just of the importance of saving for retirement but of the available tax incentives to do so. By taking advantage of these incentives and regularly putting away a little bit, Americans can better secure their retirement.

That's why Ms. SCHWARTZ and I have offered this resolution.

Mr. Speaker, I yield back the balance of my time.

Ms. SCHWARTZ. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Pennsylvania (Ms. SCHWARTZ) that the House suspend the rules and agree to the resolution, H. Res. 1481.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1240

CARBON MONOXIDE POISONING PREVENTION ACT

Mr. SARBANES. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1796) to amend the Consumer Product Safety Act to require residential carbon monoxide detectors to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule, to encourage States to require the installation of such detectors in homes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1796

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Carbon Monoxide Poisoning Prevention Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Carbon monoxide is a colorless, odorless gas produced by burning any fuel. Exposure to unhealthy levels of carbon monoxide can lead to carbon monoxide poisoning, a serious health condition that could result in death.

(2) Unintentional carbon monoxide poisoning from motor vehicles and the abnormal operation of fuel-burning appliances, such as furnaces, water heaters, portable generators, and stoves, in residential homes and other dwelling units kills more than 400 people each year and sends

more than 20,000 to hospital emergency rooms for treatment.

(3) Research shows that purchasing and installing carbon monoxide alarms close to the sleeping areas in residential homes and other dwelling units can help avoid fatalities.

(4) Congress should promote the purchase and installation of carbon monoxide alarms in residential homes and dwelling units nationwide in order to promote the health and public safety of citizens throughout the Nation.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions apply:

(1) The term "approved carbon monoxide alarm" means a carbon monoxide alarm that complies with the standards published, incorporated, or amended by the Commission with respect to such alarms pursuant to this Act.

(2) The term "carbon monoxide alarm" means a device that detects carbon monoxide and sounds a distinctive audible alert before concentrations of carbon monoxide reach levels that would cause symptoms of carbon monoxide poisoning.

(3) The term "Commission" means the Consumer Product Safety Commission.

(4) The term "dwelling unit" means a room or suite of rooms used for human habitation, and includes a single family residence as well as each living unit of a multiple family residence (including apartment buildings) and each living unit in a mixed use building.

(5) The term "fire code enforcement officials" means officials of the fire safety code enforcement agency of a State or local government.

(6) The term "NFPA 720" means the Standard for the Installation of Carbon Monoxide Warning Equipment in Dwelling Units issued by the National Fire Protection Association in 2008, and any amended or similar successor standard pertaining to the proper installation of carbon monoxide alarms in dwelling units.

SEC. 4. ADOPTION OF CONSUMER PRODUCT SAFETY RULES.

(a) MANDATORY STANDARDS.—Notwithstanding any other provision of law, not later than 90 days after the date of enactment of this Act, the Commission shall publish in the Federal Register as mandatory consumer product safety standards the American National Standard for Single and Multiple Station Carbon Monoxide Alarms (ANSI/UL 2034) and the American National Standard for Gas and Vapor Detectors and Sensors (ANSI/UL 2075). Such mandatory consumer product safety standards shall take effect 180 days after they are published.

(b) REVISION OF STANDARDS.—Beginning 1 year after the date of enactment of this Act, if either standard described in subsection (a) is revised through the applicable consensus standards development process, Underwriters Laboratories shall notify the Commission of the revision and the revision shall be incorporated in the consumer product safety rule unless, within 60 days of such notice, the Commission determines that such revision does not carry out the purposes of this Act and publishes the basis for such a determination in the Federal Register.

(c) RULEMAKING.—Notwithstanding any other provision of this Act, the Commission may, at any time subsequent to publication of the consumer product safety standards required by subsection (a), initiate a rulemaking in accordance with section 553 of title 5, United States Code, to amend either standard to include any provision that the Commission determines is reasonably necessary to ensure the safe and effective operation of carbon monoxide alarms.

(d) TREATMENT OF STANDARDS FOR PURPOSES OF ENFORCEMENT.—For purposes of enforcement under the Consumer Product Safety Act, the standards published by the Commission pursuant to subsection (a), including any revision to

such standards pursuant to subsection (b) or (c), shall be consumer product safety rules as defined in section 3(a)(6) of such Act (15 U.S.C. 2052(a)(6)).

SEC. 5. REPORT TO CONGRESS.

Not later than 1 year after the date of enactment of this Act, the Commission shall complete a study to evaluate whether requiring a language or languages in addition to English would improve the effectiveness of the label required of manufacturers of portable generators by the Commission under part 1407 of title 16, Code of Federal Regulations, to warn consumers of carbon monoxide hazards.

SEC. 6. GRANT PROGRAM FOR CARBON MONOXIDE POISONING PREVENTION.

(a) *IN GENERAL.*—Subject to the availability of appropriations authorized by subsection (f), the Commission shall establish a grant program to provide assistance to eligible States and local governments to carry out the carbon monoxide poisoning prevention activities in subsection (d).

(b) *ELIGIBILITY.*—To be eligible for a grant under the program, a State or local government shall—

(1) demonstrate to the satisfaction of the Commission that a State or local government has adopted a statute, or a State or local government agency has adopted a rule, regulation, or similar measure with the force and effect of law, requiring approved carbon monoxide alarms to be installed in accordance with NFPA 720 in dwelling units; and

(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require, which application may be filed on behalf of any qualified State or local government by the fire code enforcement officials for such State or local government.

(c) *GRANT AMOUNT; PRIORITY.*—The Commission shall determine the amount of the grants awarded under this section, and shall give priority to applications from States or local governments that—

(1) require approved carbon monoxide alarms to be installed in each existing dwelling unit—

(A) within which a fuel-burning appliance is installed, including a furnace, boiler, water heater, fireplace, or any other apparatus, appliance, or device that burns fuel; or

(B) which has an attached garage;

(2) propose to serve vulnerable populations such as children, the elderly, or low-income households; and

(3) demonstrate greater than average losses of life from carbon monoxide poisoning in the home.

(d) *USE OF FUNDS.*—A State receiving a grant under this section may use grant funds—

(1) to purchase and install approved carbon monoxide alarms in the dwelling units of low-income families or elderly persons, facilities that commonly serve children or the elderly, including childcare facilities, public schools, and senior centers, or student dwelling units owned by public universities;

(2) to train State or local fire code enforcement officials in the proper enforcement of State or local laws concerning approved carbon monoxide alarms and the installation of such alarms in accordance with NFPA 720;

(3) for the development and dissemination of training materials, instructors, and any other costs related to the training sessions authorized by this subsection; and

(4) to educate the public about the risk associated with carbon monoxide as a poison and the importance of proper carbon monoxide alarm use.

(e) *LIMITATION ON USE OF FUNDS.*—

(1) *ADMINISTRATIVE COSTS.*—No more than 10 percent of any grant funds may be used to cover administrative costs not directly related to training described in paragraph (2) of subsection (d).

(2) *PUBLIC OUTREACH.*—No more than 25 percent of any grant may be used to cover costs of activities described in paragraph (4) of subsection (d).

(f) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to the Commission \$2,000,000 for each of fiscal years 2011 through 2015 to carry out this Act, such sums to remain available until expended. Any amounts appropriated pursuant to this paragraph that remain unexpended and unobligated at the end of fiscal year 2015 shall be retained by the Commission and credited to the appropriations account that funds enforcement of the Consumer Product Safety Act.

(g) *COMMISSION REPORT.*—Not later than 1 year after the last day of each fiscal year for which grants are made under this section, the Commission shall submit to Congress a report evaluating the implementation of the grant program authorized by this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentleman from Georgia (Mr. GINGREY) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 1796, the Residential Carbon Monoxide Poisoning Prevention Act, sponsored by Representative JIM MATHESON of Utah.

Carbon monoxide poisoning kills more than 400 people each year and sends more than 20,000 people to hospital emergency rooms for treatment. Carbon monoxide can build up in your home in a furnace or some other fuel-burning appliance if it isn't functioning properly.

What makes this gas particularly dangerous is that you can't see it or smell it. At least with a fire, you can see the flames, smell the smoke, or feel the heat. With carbon monoxide, in many cases, all you start to feel is flu-like symptoms. You have no idea you are facing something even more dangerous.

But there is a simple and effective way to combat carbon monoxide poisoning: installing a carbon monoxide alarm in your home.

H.R. 1796 takes two important steps to promote the use of carbon monoxide alarms in homes and other places:

First, this legislation makes the voluntary industry standards for carbon monoxide alarms mandatory consumer product safety standards. This means these lifesaving devices will be required to meet these performance standards rather than allowing compli-

ance to just be voluntary. If we are going to encourage the use of a safety device, then we must be sure that it meets and will continue to meet industry performance standards. Putting in place mandatory standards means that if a carbon monoxide alarm doesn't meet the relevant performance standard, then it cannot be sold in the United States and it will be subject to action by the Consumer Product Safety Commission.

Secondly, this legislation authorizes a grant program to encourage States to adopt laws to expand the use of carbon monoxide alarms in all homes with fuel-burning appliances or attached garages. The authorization for their program is very modest, just \$2 million in each of fiscal years 2011 through 2015. The funds will help States and local governments with strong carbon monoxide alarm laws to carry out training for enforcement of those laws, educate the public about the dangers of carbon monoxide, and, most importantly, to purchase alarms for low-income and elderly households and other places serving vulnerable populations.

I want to thank my colleagues in the minority for working with us on this legislation. I want to salute my colleague, Representative MATHESON. I would also like to thank the industry and other stakeholders for offering their advice to help improve this legislation and for their support of this measure.

I reserve the balance of my time.

Mr. GINGREY of Georgia. Madam Speaker, I rise not really in opposition to H.R. 1796, the Residential Carbon Monoxide Poisoning Prevention Act—in fact, parts of this legislation I am very much in favor of, particularly regarding the encouragement in the grant program to try to help people to know of what the gentleman from Maryland just said in regard to the danger of carbon monoxide, which is colorless and odorless. It causes far too many poisonings and, indeed, deaths. I think, 170 Americans each year. One would be too many, Madam Speaker.

I question, somewhat, the necessity of making the standards for the detectors going from a voluntary standard to a mandatory standard.

But in regard to encouraging widespread use of the detectors, not only in places of business but, absolutely, in a home setting where a lot of times you have got these generators because of a power outage or camping equipment that, you know, is misused or malfunctions and it leads to these tragedies that we are trying to avoid.

I absolutely commend my colleagues, and in particular my friend from Utah, JIM MATHESON, in bringing this bill forward. I was very supportive in the committee markup.

Madam Speaker, I would like to take the opportunity to relate the same story that I did in committee, a true

story, unfortunately. When I was growing up, my parents owned what you might refer to as a mom-and-pop motel, sort of like a Motel 6, except I think we had 25 units and we charged \$8 a night for one person and \$10 a night for two, but that was a family business.

For a number of years, Madam Speaker, we didn't have a home. My parents had an efficiency apartment in the office of the motel. Most of the time we would have vacancies, so my two brothers and I would spend the night in one of the motel rooms, and it would vary from night to night.

I was about, I guess, 13 years old, one weekend in unit 1. Unit number 1 was a unit with two double beds. It was a larger unit of our 25-unit motel, so we would always like to stay in unit number 1. On the weekend, a cold winter night, my brother was 14, I was 13, and his best friend was 14, and we stayed in unit number 1.

Well, the very next weekend, unit number 1 was rented, so we weren't able to stay there. I remember going to mass on Sunday morning. My dad was Methodist, my mom was a Catholic, and Mom took my two brothers and me to mass.

□ 1250

When we came back, unfortunately in the parking lot of that motel I saw what I had never seen before, a beige-brown hearse—in fact, two or three of them—in the parking lot of this motel.

Madam Speaker, what had happened is three soldiers that weekend stayed in unit No. 1; they were 18–19 years old. They had crossed the State line because you could drink beer in South Carolina when you were 18 years old, and you couldn't do it in Georgia, so we would get a lot of weekend business from the military. These young soldiers got asphyxiated that night with carbon monoxide poisoning. It was just such a devastating thing to my dad. It just about caused him to lose his mind, quite honestly, and his business, even though it wasn't his fault. It was a faulty heater that the way the wind was blowing that night, it blew the burnt fuel back into the room, and these three soldiers, young boys, God bless them, lost their lives that night.

So when Representative MATHESON brought this bill before the Energy and Commerce Committee, as you know, Madam Speaker, as also a committee member, man, it brought all of that back. It was 55 years ago that that happened, and it was just like it was yesterday.

So I commend the gentleman, I absolutely do. I have some concerns about changing from a voluntary standard to a mandatory standard; but this is good work, this is good legislation, and for that reason I am going to support it.

Madam Speaker, I reserve the balance of my time.

Mr. SARBANES. Madam Speaker, our colleague from Georgia's story really puts a punctuation mark on why this legislation is so critical.

I am pleased to yield such time as he may consume to the sponsor of the legislation, Representative MATHESON from Utah.

Mr. MATHESON. Madam Speaker, I am pleased to rise to talk about this bill today.

This legislation, quite frankly, addresses an issue that has been growing in awareness, but it still requires attention in order to significantly reduce the number of easily preventable injuries and deaths caused by carbon monoxide poisoning in the United States.

Annually, over 500 people die from carbon monoxide poisoning and an additional 15,000 are hospitalized for carbon monoxide poisoning sickness. Unfortunately, many of these individuals are already at risk, the elderly and children.

In many cities and States, including my home State of Utah, local governments have really addressed this issue. They are at the forefront of an effort to pass legislation aimed at reducing carbon monoxide poisonings in homes, and I hope this legislation will expand those efforts.

The risks of this type of poisoning are real, yet the danger is poorly understood. Carbon monoxide poisonings are often misdiagnosed as stomach flu, and individuals can unknowingly spend hours inside homes which have dangerously high levels of carbon monoxide. Nearly all of these incidents could have been easily prevented with functioning carbon monoxide alarms. This legislation aims to cut down on those numbers while increasing awareness of the issues by taking three simple steps: number one, it codifies accepted scientific standards for carbon monoxide alarms into law; number two, it examines whether carbon monoxide warnings on portable generators should be expanded; and, number three, it establishes a grant program for States and local governments to provide carbon monoxide alarms and raise awareness of carbon monoxide poisoning.

Madam Speaker, I would also like to point out that this is a bill that has gone through a legislative process. We held hearings. And from the original bill that was introduced, the text has changed. That is what we are here to do as legislators is we try to work through things. And through the Energy and Commerce Committee, in bringing in witnesses to learn more about this issue, we have perfected this bill and made it better.

I really want to acknowledge the efforts of everyone on the Energy and Commerce Committee, in a bipartisan way, trying to address this issue as best we could. That is what we are supposed to do here in Congress. There is

a lot of bickering going on in Washington these days, but here's an example where folks actually sat down and rolled up their sleeves and tried to address an issue in a constructive way. So I want to acknowledge that effort on both sides of the aisle, and I encourage all my colleagues to support this bill.

Mr. GINGREY of Georgia. Madam Speaker, I yield back the balance of my time.

Mr. SARBANES. Madam Speaker, again, we can't emphasize enough the importance of this legislation. You've heard recounted here the tragic stories of what happens when you don't have these kinds of mechanisms in place and you don't have the education to support people in terms of bringing this into their homes. And so I want to again congratulate Representative MATHESON for his efforts, thank my colleagues for the bipartisan support of this measure, and urge its passage today.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 1796, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HONORING DR. ROBERT M. CAMPBELL, JR.

Mr. PALLONE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1499) honoring the achievements of Dr. Robert M. Campbell, Jr., to provide children with lifesaving medical care, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1499

Whereas Dr. Robert M. Campbell, Jr., is a pediatric orthopedic surgeon affiliated for many years with the University of Texas Health Science Center at San Antonio and now Director of the Thoracic Insufficiency Center at The Children's Hospital of Philadelphia;

Whereas Dr. Campbell has devoted his career to working with children suffering from congenital scoliosis, fused ribs, small chest, and missing ribs;

Whereas Dr. Campbell, working with other specialists, helped identify Thoracic Insufficiency Syndrome, which is associated with the rare conditions of congenital scoliosis, fused ribs, small chests, and missing ribs, and results in the inability of the thorax to support normal respiration or lung growth which is often fatal in children;

Whereas the life-saving medical devices often used in adult care of rib conditions are not designed or sized for the bodies of children suffering from Thoracic Insufficiency Syndrome or similar conditions;

Whereas, over the years, physicians have often turned to adult devices, less effective treatments, more invasive therapies, or jury-rigging makeshift equipment to provide vital care for children;

Whereas doctors were often left with no effective treatment for these critically ill children;

Whereas, in 1987, Dr. Robert Campbell, working together with the late Dr. Melvin Smith, a professor of pediatric general surgery at CHRISTUS Santa Rosa Children's Hospital, invented the Vertical Expandable Prosthetic Titanium Rib, which is easy to implant and easy to expand with minor outpatient surgery as the child grows;

Whereas the first successful surgery by Drs. Campbell and Smith in 1989 began a long crusade to receive approval for the device from the Food and Drug Administration (FDA); however, so few children are in need of such devices that study trials stretched out for well over a decade;

Whereas, after over 14 years of advocacy by Dr. Campbell and Dr. Smith and in large part due to their persistence and devotion to children, on September 2, 2004, the Food and Drug Administration approved the Vertical Expandable Prosthetic Titanium Rib;

Whereas the FDA found that the device was safe and of benefit in enabling unassisted breathing and less dependence on ventilators, and that without treatment, children with the syndrome risk death from respiratory infections or inability to breathe;

Whereas, since the FDA approval, the Vertical Expandable Prosthetic Titanium Rib for children with conditions such as Thoracic Insufficiency Syndrome, Jeune syndrome, and other medical problems that constrict the growth of children's lungs has saved the lives of hundreds of children with no other hope for survival;

Whereas the National Organization for Rare Disorders (NORD) and the Office of Orphan Products Development at the FDA made critical investments in Dr. Campbell's technology;

Whereas Dr. Campbell has served as an advocate for children with rare medical conditions across the Nation by providing many hours of volunteer service to the National Organization for Rare Disorders (NORD) as a member of its Medical Advisory Committee; and

Whereas Dr. Campbell has also served as an advocate for children through actions such as his March 27, 2007, testimony before the United States Senate Committee on Health, Education, Labor, and Pensions entitled "Ensuring Safe Medicines and Medical Devices for Children": Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors Dr. Robert Campbell for his life-long devotion to children's health care;

(2) congratulates Dr. Robert Campbell and his colleagues on their extraordinary achievement in pediatric and orthopedic innovation; and

(3) recognizes the Vertical Expandable Prosthetic Titanium Rib device which has saved the lives of so many infants and children, while giving hope to their families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Georgia (Mr. GINGREY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 1499 honors the achievements of Dr. Robert M. Campbell, Jr. to provide children with lifesaving medical care. I want to thank the sponsor of the bill, Congresswoman DEBBIE WASSERMAN SCHULTZ from Florida, for sponsoring this bill, and also her tireless efforts to get cosponsors and what's necessary to bring this bill to the floor on an expedited basis today.

I will leave it to the Congresswoman to talk more about Dr. Robert M. Campbell, but let me just say that he is a pediatric orthopedic surgeon, affiliated for many years with the University of Texas, and also now director of the Thoracic Insufficiency Center at the Children's Hospital in Philadelphia.

In collaboration with other specialists, he helped identify thoracic insufficiency syndrome, which is associated with a rare condition of congenital scoliosis, fused ribs, small chests, and missing ribs. After 14 years of advocacy, the Food and Drug Administration approved the vertical expandable prosthetic titanium rib in 2004 through Dr. Campbell's efforts, so I want to applaud his work.

I urge my colleagues to join me in supporting this resolution, and I reserve the balance of my time.

□ 1300

Mr. GINGREY of Georgia. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this resolution, House Resolution 1499, honoring the achievements of Dr. Robert Campbell, Jr. and the work that he did in regard to not only this particular device that Mr. PALLONE just described but in regard to a lot of other pediatric medical equipment.

I guess today is my day for reflection, Mr. Speaker, because, as a practicing physician for 31 years before being elected as a Member of the House, I distinctly recall having a patient who actually died of this Thoracic Insufficiency Syndrome, which Mr. PALLONE was discussing in regard to how Dr. Campbell invented this device, this vertical expandable prosthetic rib. I don't know when that invention occurred. Well, I do know. It was in 1987. So, Mr. Speaker, the story of my patient was before that.

My patient was someone who was born with spina bifida, someone who

never had usage of her lower body, her limbs. She was what I guess you would refer to as a paraplegic. She did live into adulthood. When she was my patient, she was in her midthirties, and she was beautiful. Her name was Fran. Out of respect for the family, I won't say her last name, but Fran was beautiful. She looked like a child even though she was in her midthirties, but her chest—her thorax—as was just described with Dr. Campbell's patient, had not grown or fully developed, and it was difficult for her to breathe. When Fran actually died, I am sad to say, maybe a couple of years after she became my patient, that is what she died from.

Maybe if she, as a child, had had the opportunity to take advantage of Dr. Campbell's knowledge and expertise and contributions to medicine, particularly in the field of pediatrics and pediatric birth defects, maybe Fran would be alive today. That would be great, because she was a wonderful person.

So I am very supportive of this resolution honoring Dr. Robert Campbell, Jr.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ). If I could say, not only on this bill but on so many bills related to health care, she has really been out front and has taken a leadership role. I want to commend her for that.

Ms. WASSERMAN SCHULTZ. Thank you, Chairman PALLONE, for your consideration.

Thank you to the Energy and Commerce Committee—Mr. WAXMAN and Mr. GINGREY—for granting us this time to honor Dr. Robert M. Campbell. Thank you to all of the Members. In the last few days, we have added more than 100 cosponsors to this legislation now, which is really remarkable in only a few days. I had a chance to talk to so many of our colleagues about Dr. Campbell's story, and they wanted to join us in honoring him.

Mr. Speaker, Dr. Robert M. Campbell has dedicated his life to providing children with life-saving medical care. I first learned about Dr. Campbell's work when a little boy in my district named Devin Alfonso was given a terminal diagnosis of severe scoliosis. His spine and ribs were so severely bent that there was no room for his lungs and heart to grow.

For some time, the technology had existed to help adult patients with serious skeletal conditions. However, as Devin's family had to learn the hard way, the life-saving medical devices used in adult care are not fit for the small bodies of children. So often, these medical devices are simply far too big for children who are suffering from either scoliosis, Thoracic Insufficiency Syndrome, or similar conditions. Even if miniature versions of

these devices were created, a growing child's body would mean that the device would quickly become too small and would require more invasive surgery.

For years, physicians trying to treat children like Devin were forced to use less effective treatments, more invasive therapies or jury-rigged makeshift equipment as their only options in providing this vital care. Far too often, these doctors are left with no effective treatment at all, meaning that a diagnosis like Devin's was simply a death sentence.

Dr. Campbell refused to accept these outcomes. He devoted his career to working with children like Devin who were suffering from congenital scoliosis, fused ribs, small chests, and missing ribs. He made it his mission to change their fates. In such a dire environment, the work of this dedicated physician, Dr. Robert Campbell, has made all the difference. He has waged a decades-long campaign to provide a solution for these children that gives them a fighting chance.

During the 1980s, while at the University of Texas Health Science Center at San Antonio, Dr. Campbell teamed up with the late Dr. Melvin Smith on developing a medical device suitable for children. In 1987, Dr. Campbell, along with Dr. Smith, made a major breakthrough with the invention of the Vertical Expandable Prosthetic Titanium Rib. This device proved to be easy to implant, and importantly, it could be expanded with minor outpatient surgery as the child grows.

Unfortunately, as these rare rib and spine disorders occur so infrequently in the population, Dr. Campbell was just starting his journey on getting this life-saving device to the children who needed it. Completing the necessary trials for Food and Drug Administration approval proved to be a tremendous challenge. The process stretched out for well over a decade, but Dr. Campbell kept at it, working to develop and complete the needed trials.

In this effort, he received invaluable help from the National Organization for Rare Disorders, or NORD. This organization of medical professionals helps bring attention to the 6,800 known rare diseases that currently have no approved therapies. Through funding and support from NORD, Dr. Campbell was able to continue his work.

Dr. Campbell persevered and he ultimately prevailed. After many years of advocacy, due in large part to his devotion to children, he won approval from the FDA for the Vertical Expandable Prosthetic Titanium Rib on September 2, 2004.

Thanks to Dr. Campbell's work, Devin Alfonso was able to enroll in a clinical trial to receive the medical device that saved his life. Hundreds of other children suffering from spinal

and skeletal abnormalities have also survived and have even thrived thanks to this enthusiastic doctor and his noteworthy invention.

From his identification of Thoracic Insufficiency Syndrome to his persistence in bringing his life-saving device to fruition, Dr. Campbell has been a stalwart for children's health. He is an inspiration to everyone who has worked with him and, most certainly, to the children and families he has helped.

I know the impact he has had on Devin and on his mom, Rixys Alfonso. I know, over the past decade, I have gotten to share in the joy as Devin has grown into a wonderful young man.

So please join me in celebrating Dr. Campbell's achievements and in honoring his unwavering devotion to saving the lives of so many children.

Mr. GINGREY of Georgia. Mr. Speaker, I ask my colleagues to support House Resolution 1499, the resolution honoring Dr. Robert Campbell, Jr.

I have no further requests for time, and I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I urge adoption of the resolution.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BLUMENAUER). The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 1499, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

TRUTH IN FUR LABELING ACT OF 2009

Mr. SARBANES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2480) to improve the accuracy of fur product labeling, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth in Fur Labeling Act of 2009".

SEC. 2. ELIMINATION OF EXEMPTION TO FUR PRODUCT LABELING REQUIREMENTS FOR PRODUCTS CONTAINING RELATIVELY SMALL QUANTITIES OR VALUES OF FUR.

(a) IN GENERAL.—Section 2(d) of the Fur Products Labeling Act (15 U.S.C. 69(d)) is amended by striking "except that" and all that follows through "contained therein".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on

the date that is 90 days after the date of the enactment of this Act.

SEC. 3. EXEMPTION FOR DISCRETE SALES BY NON-RETAILERS.

Section 3 of the Fur Products Labeling Act (15 U.S.C. 69a) is amended by adding at the end the following:

"(g) No provision of this Act shall apply to a fur product—

"(1) the fur of which was obtained from an animal through trapping or hunting; and

"(2) when sold in a face to face transaction at a place such as a residence, craft fair, or other location used on a temporary or short term basis, by the person who trapped or hunted the animal, where the revenue from the sale of apparel or fur products is not the primary source of income of such person."

SEC. 4. FEDERAL TRADE COMMISSION REVIEW OF FUR PRODUCTS NAME GUIDE.

Not later than 90 days after the date of the enactment of this Act, the Federal Trade Commission shall publish in the Federal Register notice of, and an opportunity to comment on, a review of the Fur Products Name Guide (16 CFR 301.0).

SEC. 5. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2480, the Truth in Fur Labeling Act.

I want to begin by thanking Representative MORAN from Virginia for introducing this bill and Representatives RUSH, WAXMAN, WHITFIELD, and BARTON for moving this bill through the committee process.

H.R. 2480 is a commonsense, bipartisan bill that, with one exception, requires all articles of apparel containing fur to be labeled regardless of the cost of the garment. This legislation will make clear to consumers and retailers exactly which products contain fur and which do not.

During committee consideration, one exception was added to these requirements. An amendment by Mr. LATTA was accepted by voice vote to exempt from the labeling requirements those

fur products that are sold by hunters and trappers out of their homes or at fairs or at other temporary spaces. This exemption is extremely limited. It applies only to fur sold by the individual who actually hunted or trapped the animal when the sale of such furs is not the primary source of income for that individual. The bill also directs the Federal Trade Commission to update the Fur Products Name Guide, which has been criticized as inaccurate and outdated.

As indicated, this bill enjoys very broad support from Members on both sides of the aisle. I urge my colleagues to support it.

I reserve the balance of my time.

□ 1310

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

I also would like to thank Congressman MORAN for being a real leader on this legislation, and I certainly want to thank Chairman RUSH and Chairman WAXMAN and others on the Energy and Commerce Committee.

This legislation, as Mr. SARBANES adequately described, is relatively simple. It simply amends the Fur Products Labeling Act of 1951. That act required accuracy in the labeling of fur products and apparel, but it did not apply to any apparel sold for less than \$150.

A series of recent investigations revealed that a significant number of clothes designers and retailers were selling some fur-trimmed garments described as faux or raccoon or coyote or mink or whatever, when actually it turned out to be dog fur or something else. As a matter of fact, of 38 jackets subjected to very specific tests, every single garment of those 38 was either unlabeled or it contained a label that misidentified the animal's fur that was used in that garment. And so this legislation is about transparency, providing consumers with accurate information on what they're buying.

Eighty-seven percent of garments sold in the U.S. today with fur already are required to abide by this. This will simply require the other 13 percent, those valued below \$150, to abide by the same law. And consumer protection organizations, retail, and even the fashion industry all support this legislation. And I would urge our colleagues to support it as well.

I yield back the balance of my time.

Mr. SARBANES. Mr. Speaker, I want to, again, salute my colleagues for making this a bipartisan effort. I think there's a consensus of opinion that the more information that's available to the consumer, to the retailer, the better off we all are. I mean, in many respects that's the essence of a consumer protection initiative is to make sure that people who are purchasing these products actually have good information, truth in labeling at their fingertips.

I did want to salute the efforts of the Humane Society of the United States because they have been very responsible and persistent advocates on these issues over many, many, many years. As a result of those efforts, Americans have been learning more and more about some of the unsavory practices—it was just referred to by my colleague—when it comes to the sale of these fur products and how they're manufactured and what the source of the fur is. And, as a result, consumers want to know more, rightly. They justifiably want to understand more about where those products come from and be in a position to support the many businesses who are actually doing the right thing and are engaged in good, positive, best practices when it comes to marketing these products that contain fur.

And so I think that this bill that's been brought forward by my colleague, Mr. MORAN, the Truth in Fur Labeling Act, is going to help to advance that goal. And again, I'm very pleased that it has the bipartisan support that was indicated.

I did want to cite some of the information that was gleaned through a few investigations that were initiated by The Humane Society. They discovered that there were dozens of designers and retailers—Mr. WHITFIELD has referred to this—that were selling some of these fur-trimmed jackets as faux or raccoon or coyote, or they weren't labeled at all. And you could find these in many of the retailers whose names you know. And they looked at 38 jackets. They subjected them to the spectrometry test which allows you to look and see exactly what the source of it is.

Many of them, as I say, that were identified as faux, of the 38 jackets that were looked at, every single garment was either unlabeled, contained a label that misidentified the animal, or was falsely advertised with this faux label. Three of the jackets advertised as fake fur, two of which had no label, were found to contain fur from domestic dogs. Now, this goes in contravention of legislation that's already on the books. But if you don't have that labeling imperative at work, then this kind of thing can slide through.

Designers, retailers, and consumers, as a result of this, get put in a position where they can't have confidence that what they're getting—whether it's faux fur or real, and if real, from what animal—is something that they can count on, especially, I might add, when it is a source from China, based on some of the investigations that have been done. So that's why this legislation is so critical.

As a result of the very broad support it has, and based on its merits and the substance of it, I would urge my colleagues to support its passage today.

Mr. Speaker, I am pleased to yield such time as she may consume to Rep-

resentative SUTTON from Ohio, who is a member of the Energy and Commerce Committee and sits on the subcommittee that had jurisdiction with respect to this particular piece of legislation.

Ms. SUTTON. Mr. Speaker, I rise today in support of H.R. 2480, the Truth in Fur Labeling Act.

Mr. Speaker, consumers should be able to make informed decisions on what they're purchasing. When fur is not labeled because the value is below a certain level, a consumer may believe that no fur is used, even when it is. This bill will fix that problem by requiring that all fur apparel have labels, regardless of the value.

It's alarming when investigations reveal that dog fur and other animal furs are being sold to consumers who thought that they had merely purchased fake fur. Labels on all fur products will allow consumers to know what they are buying for themselves and their families, and it will help us disclose the truth about the type of fur that is being used on garments.

I urge a "yes" vote on this bill.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in support of the Truth in Fur Labeling Act, legislation I introduced along with Representative MARY BONO MACK.

The Fur Products Labeling Act of 1951 requires that animal fur garments be labeled with the name of the species used, manufacturer, country of origin, and other information.

That law protects consumers by providing product information and letting them know whether the product is made from real animal fur, and if so, what type of fur.

A provision in that labeling law, however, exempts products with a "relatively small quantity or value" of fur.

Since 1998, the Federal Trade Commission has set that amount at \$150.

Many garments—such as jackets, sweaters, vests, and accessories—that are only trimmed with animal fur fall below this \$150 threshold.

And because that threshold includes only the cost of the fur, not the total cost of the garment, even products containing several pelts could fall below the limit.

Products without labels, which are estimated to account for 13 percent of the fur garment market, pose a significant problem for consumers.

Some consumers may be allergic to certain fur products. Absent a label, they may buy a product that they assume is faux fur, but turns out to contain real fur that can impact their health.

Also, many consumers have strong moral objections to purchasing real fur products or have concerns about the use of certain species.

Without labels, how are customers supposed to know what they are buying?

At its core, this is a consumers' rights bill.

And consumers have a right to be skeptical about the accuracy of the information they receive when buying products at retail outlets.

A series of recent investigations by The Humane Society of the United States revealed that dozens of designers and retailers were

selling fur-trimmed jackets advertised as “faux,” “raccoon,” “coyote,” or not labeled at all, which turned out to be raccoon dog, domestic dog, or wolf.

The problem is complicated by the increasing use of dyeing and shearing on fur products.

If customers see pink, orange, blue, or sheared trim, they often assume it is synthetic because it is not labeled and does not resemble an animal's fur.

Quite simply, the current labeling law has not kept up with changes in the marketplace.

The only way to ensure consumers have all the information they deserve is by removing the \$150 loophole and requiring labels on all fur products.

This bill has the support of designers and retailers such as Gucci, Burberry, Saks Fifth Avenue, Bloomingdale's, Macy's, and Tommy Hilfiger.

These companies recognize the need for clear and consistent standards as a way to ensure consumer confidence in the products they sell.

It is also supported by National Association of Consumer Agency Administrators (NACAA), an organization representing more than 160 government agencies and 50 corporate consumer offices.

This bill has been vetted thoroughly and modified at both the Subcommittee and Committee level to address valid concerns raised by the Members of the Minority, including the addition of language excluding from the labeling requirements small amounts of homemade products made by hunters and trappers.

Finally, it is important to note that this bill would in no way restrict any trade in fur or any methods of producing fur.

Again, this is about giving all consumers, whether they have a closet full of fur garments or wouldn't be caught dead in one, the complete information they need to make enlightened purchasing decisions.

This is a commonsense bill that deserves broad support, and I ask my colleagues to vote for its passage.

Mr. BLUMENAUER. Mr. Speaker, I am proud to support H.R. 2480, the Truth in Fur Labeling Act. This legislation is an important step for consumers and animals. It is also basic common sense. It removes a loophole that has kept consumers from knowing what they're buying and enforces a law that Congress passed ten years ago.

We all deserve to know what we're buying. However, the current fur labeling exemption is unclear and out of date, leaving consumers in the dark. Consumers often end up buying real fur that they are told is fake or domestic dog fur mislabeled as raccoon fur. If a product has less than \$150 worth of fur on it, it doesn't even need to be labeled at all. That means that a \$500 coat with \$150 worth of fur on the collar and cuffs does not require a label. Based on approximate pelt prices after tanning and dressing, that coat could be made using the fur from 30 rabbits, three Arctic foxes, one otter or one timber wolf, without requiring any sort of label. That does not provide consumers with adequate protection and doesn't allow them to make informed decisions. The Truth in Fur Labeling Act will remedy the situation and give consumers the ability to make choices for

themselves, rather than being kept in the dark or even deceived.

I am proud to support this legislation today, and am pleased to see the widespread support it has received from outside organizations, including such diverse groups as the Humane Society of the United States, Macy's and Saks Fifth Avenue. I hope that my colleagues will join me in protecting consumer rights and animal welfare.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to express my support for H.R. 2480, the Truth in Fur Labeling Act, which improves the accuracy of labels on fur products sold in the United States. The bill would also require the Federal Trade Commission to review its Fur Products Name Guide, ensuring that document contains accurate and consistent species names. I support the Truth in Fur Labeling Act because American consumers deserve to know what, exactly, they are purchasing when they shop for fur garments, regardless of the price of those garments.

This legislation guarantees transparency so that shoppers can make informed decisions about the products they buy. This transparency is currently compromised by the “fur loophole” in the Fur Products Labeling Act of 1951, which allows manufacturers of fur and faux-fur garments under \$150.00 to sell these products without a label or with a label that fails to list all of the types of fur included in the product. In the market today, exporters use this loophole to deceptively sell products made from cat and dog fur as though they were made from faux fur or the fur of other animals, although it is illegal to import, export, sell or advertise domestic dog or cat fur in the U.S.

China exports about half of all the imported fur garments sold on the U.S. market. In Chinese factories, many domestic dogs and cats are brutally killed and sometimes even skinned alive for their fur. A Humane Society investigation found in the 1990s that the death toll of domestic dogs and cats in China reached 2 million animals every year; the same investigation revealed that some of the resulting dog fur was being sold in the U.S. After this scandal broke, Congress passed the Dog and Cat Protection Act of 2000, which banned the trade in dog and cat fur. Unfortunately, the “fur loophole” has created a way for dishonest exporters to continue profiting from sales of dog and cat fur to American consumers. Manufacturers also use the loophole to market real fur as faux fur, tricking Americans with humane shopping policies into supporting an industry they oppose.

Part of my objection to the current, deficient, language of the Fur Products Labeling Act lies in the fact that its loophole only applies to products of “relatively small quantity or value.” A garment of \$150, the upper limit of that category, can contain multiple animal pelts. Clearly, new legislation is necessary to allow customers to be confident in the type of fur they are buying, regardless of how much money they spend.

I urge my colleagues to also support this important resolution.

Mr. FARR. Mr. Speaker, I rise today in strong support of H.R. 2480, the Truth in Fur Labeling Act of 2009. This bill will amend the Fur Products Labeling Act of 1951 to close the

loophole that allows the sale of products containing a relatively small quantity of fur or fur that is valued at \$150 or less.

The current loophole denies consumers the right to know what their garment is really made of. It may say “faux” but this may not be accurate. Consumers who may have allergies to fur or ethical objections to fur cannot make informed purchases. Our constituents have the right to know what they are purchasing and wearing.

This bill was introduced in response to a series of investigations of fur products sold at major retailers across the country. This investigation found that a significant number of clothes designers and retailers were selling some fur-trimmed garments that were described as faux when actually they turned out to be real fur. This legislation is about transparency and providing consumers with accurate information on what they're buying.

This legislation simply requires that fur-trimmed garments meet the same labeling standard already in place for fur garments of a higher dollar value. It does not affect the trade in any animal fur or the methods used to produce animal fur. The legislation also asks the Federal Trade Commission to review the Fur Products Name Guide and ensure accuracy and consistency of species names.

I supported this legislation in the 110th Congress, and strongly support it today.

Mr. Speaker, I want to strongly add my support to H.R. 2480, the Truth in Fur Labeling Act of 2009.

Mr. SARBANES. Mr. Speaker, again, I urge the support of this bill from my colleagues, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 2480, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1320

FAIR SENTENCING ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1789) to restore fairness to Federal cocaine sentencing.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fair Sentencing Act of 2010”.

SEC. 2. COCAINE SENTENCING DISPARITY REDUCTION.

(a) CSA.—Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) is amended—

(1) in subparagraph (A)(iii), by striking “50 grams” and inserting “280 grams”; and

(2) in subparagraph (B)(iii), by striking “5 grams” and inserting “28 grams”.

(b) **IMPORT AND EXPORT ACT.**—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1)(C), by striking “50 grams” and inserting “280 grams”; and

(2) in paragraph (2)(C), by striking “5 grams” and inserting “28 grams”.

SEC. 3. ELIMINATION OF MANDATORY MINIMUM SENTENCE FOR SIMPLE POSSESSION.

Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by striking the sentence beginning “Notwithstanding the preceding sentence,”.

SEC. 4. INCREASED PENALTIES FOR MAJOR DRUG TRAFFICKERS.

(a) **INCREASED PENALTIES FOR MANUFACTURE, DISTRIBUTION, DISPENSATION, OR POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE, OR DISPENSE.**—Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended—

(1) in subparagraph (A), by striking “\$4,000,000”, “\$10,000,000”, “\$8,000,000”, and “\$20,000,000” and inserting “\$10,000,000”, “\$50,000,000”, “\$20,000,000”, and “\$75,000,000”, respectively; and

(2) in subparagraph (B), by striking “\$2,000,000”, “\$5,000,000”, “\$4,000,000”, and “\$10,000,000” and inserting “\$10,000,000”, “\$25,000,000”, “\$8,000,000”, and “\$50,000,000”, respectively.

(b) **INCREASED PENALTIES FOR IMPORTATION AND EXPORTATION.**—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1), by striking “\$4,000,000”, “\$10,000,000”, “\$8,000,000”, and “\$20,000,000” and inserting “\$10,000,000”, “\$50,000,000”, “\$20,000,000”, and “\$75,000,000”, respectively; and

(2) in paragraph (2), by striking “\$2,000,000”, “\$5,000,000”, “\$4,000,000”, and “\$10,000,000” and inserting “\$10,000,000”, “\$25,000,000”, “\$8,000,000”, and “\$50,000,000”, respectively.

SEC. 5. ENHANCEMENTS FOR ACTS OF VIOLENCE DURING THE COURSE OF A DRUG TRAFFICKING OFFENSE.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines to ensure that the guidelines provide an additional penalty increase of at least 2 offense levels if the defendant used violence, made a credible threat to use violence, or directed the use of violence during a drug trafficking offense.

SEC. 6. INCREASED EMPHASIS ON DEFENDANT'S ROLE AND CERTAIN AGGRAVATING FACTORS.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines to ensure an additional increase of at least 2 offense levels if—

(1) the defendant bribed, or attempted to bribe, a Federal, State, or local law enforcement official in connection with a drug trafficking offense;

(2) the defendant maintained an establishment for the manufacture or distribution of a controlled substance, as generally described in section 416 of the Controlled Substances Act (21 U.S.C. 856); or

(3)(A) the defendant is an organizer, leader, manager, or supervisor of drug trafficking activity subject to an aggravating role enhancement under the guidelines; and

(B) the offense involved 1 or more of the following super-aggravating factors:

(i) The defendant—

(I) used another person to purchase, sell, transport, or store controlled substances;

(II) used impulse, fear, friendship, affection, or some combination thereof to involve such person in the offense; and

(III) such person had a minimum knowledge of the illegal enterprise and was to receive little or no compensation from the illegal transaction.

(ii) The defendant—

(I) knowingly distributed a controlled substance to a person under the age of 18 years, a person over the age of 64 years, or a pregnant individual;

(II) knowingly involved a person under the age of 18 years, a person over the age of 64 years, or a pregnant individual in drug trafficking;

(III) knowingly distributed a controlled substance to an individual who was unusually vulnerable due to physical or mental condition, or who was particularly susceptible to criminal conduct; or

(IV) knowingly involved an individual who was unusually vulnerable due to physical or mental condition, or who was particularly susceptible to criminal conduct, in the offense.

(iii) The defendant was involved in the importation into the United States of a controlled substance.

(iv) The defendant engaged in witness intimidation, tampered with or destroyed evidence, or otherwise obstructed justice in connection with the investigation or prosecution of the offense.

(v) The defendant committed the drug trafficking offense as part of a pattern of criminal conduct engaged in as a livelihood.

SEC. 7. INCREASED EMPHASIS ON DEFENDANT'S ROLE AND CERTAIN MITIGATING FACTORS.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and policy statements to ensure that—

(1) if the defendant is subject to a minimal role adjustment under the guidelines, the base offense level for the defendant based solely on drug quantity shall not exceed level 32; and

(2) there is an additional reduction of 2 offense levels if the defendant—

(A) otherwise qualifies for a minimal role adjustment under the guidelines and had a minimum knowledge of the illegal enterprise;

(B) was to receive no monetary compensation from the illegal transaction; and

(C) was motivated by an intimate or familial relationship or by threats or fear when the defendant was otherwise unlikely to commit such an offense.

SEC. 8. EMERGENCY AUTHORITY FOR UNITED STATES SENTENCING COMMISSION.

The United States Sentencing Commission shall—

(1) promulgate the guidelines, policy statements, or amendments provided for in this Act as soon as practicable, and in any event not later than 90 days after the date of enactment of this Act, in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note), as though the authority under that Act had not expired; and

(2) pursuant to the emergency authority provided under paragraph (1), make such conforming amendments to the Federal sentencing guidelines as the Commission deter-

mines necessary to achieve consistency with other guideline provisions and applicable law.

SEC. 9. REPORT ON EFFECTIVENESS OF DRUG COURTS.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report analyzing the effectiveness of drug court programs receiving funds under the drug court grant program under part EE of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797–u et seq.).

(b) **CONTENTS.**—The report submitted under subsection (a) shall—

(1) assess the efforts of the Department of Justice to collect data on the performance of federally funded drug courts;

(2) address the effect of drug courts on recidivism and substance abuse rates;

(3) address any cost benefits resulting from the use of drug courts as alternatives to incarceration;

(4) assess the response of the Department of Justice to previous recommendations made by the Comptroller General regarding drug court programs; and

(5) make recommendations concerning the performance, impact, and cost-effectiveness of federally funded drug court programs.

SEC. 10. UNITED STATES SENTENCING COMMISSION REPORT ON IMPACT OF CHANGES TO FEDERAL COCAINE SENTENCING LAW.

Not later than 5 years after the date of enactment of this Act, the United States Sentencing Commission, pursuant to the authority under sections 994 and 995 of title 28, United States Code, and the responsibility of the United States Sentencing Commission to advise Congress on sentencing policy under section 995(a)(20) of title 28, United States Code, shall study and submit to Congress a report regarding the impact of the changes in Federal sentencing law under this Act and the amendments made by this Act.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, S. 1789, the Fair Sentencing Act of 2010, is a bipartisan compromise that was negotiated and drafted by Democratic and Republican members of the Senate Judiciary Committee. It then passed the Senate Judiciary Committee and the Senate by unanimous consent.

The legislation will reduce the 100-to-1 sentencing disparity between crack and powder cocaine in Federal law from 100-to-1 down to 18-to-1. The crack penalties, under present law, for example, it only takes five grams of crack to

trigger a 5-year mandatory minimum sentence, but for powder cocaine it takes 500 grams to trigger the same 5-year mandatory sentence, a 100-to-1 ratio.

This disparity is particularly egregious when you consider that the Sentencing Commission has concluded that there is no pharmacological difference between the two forms of cocaine, and that 80 percent of the crack defendants are black, whereas only 30 percent of the powder cocaine defendants are black.

The crack penalties also create bizarre sentences when you consider sentences such as the 24½-year sentence given to Kimba Smith for behavior that was just inferentially involved with her boyfriend's cocaine dealing.

The legislation moves the threshold amount for the 5-year mandatory minimum from five grams to one ounce, reducing the disparity from 100-to-1 to 18-to-1. The legislation does not fully eliminate the 100-to-1 disparity in sentencing for crack and powder, but it does make good progress in addressing what is widely recognized as unfair treatment of like offenders based simply on the form of cocaine they possessed.

The bill also addresses another concern. Arguments are made that crack defendants are more likely to use violence or minors in the distribution, and this bill specifically requires the Sentencing Commission to significantly increase penalties for drug violations involving violence, threats of violence, or use of minors, and another long list of aggravating activities that would be involved. This way the defendant is sentenced for what he or she actually did, not the form of cocaine involved.

Many organizations are supporting S. 1789, including the Federal Law Enforcement Officers Association, the National District Attorneys Association, the National Association of Police Officers, the Council of Prison Locals, and several conservative religious organizations such as Prison Fellowship and the National Association of Evangelicals. And all of the civil rights organizations that one can imagine are also supporting the legislation.

I would like to thank the sponsors of the Senate bill, Senators DURBIN of Illinois and SESSIONS of Alabama, and ORRIN HATCH of Utah, who came together to pass this important bipartisan legislation.

There are many Members of the House who have worked tirelessly over the years to reform this disparity, including chairman of the Judiciary Committee, Mr. CONYERS; SHEILA JACKSON LEE; MAXINE WATERS; CHARLIE RANGEL; and MEL WATT.

On behalf of the organizations and Members of Congress who support S. 1789, I urge my colleagues to support the legislation.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, those who fail to learn the lessons of history often pay a price. Unfortunately, the real cost usually falls on others. In the 1980s, America faced an epidemic created by a new, more potent form of cocaine known as crack. Its abuse spread through major cities and across the country at a stunning speed. Along with crack came guns and violence, which riddled many urban communities.

These communities cried out for help, and in 1986 Congress responded. We enacted tough penalties to protect these neighborhoods and bring an end to the scourge of crack cocaine. The penalties helped make America's communities safer.

Now Congress is considering legislation to wind down the fight against drug addiction and drug-related violence. Reducing the penalties for crack cocaine could expose our neighborhoods to the same violence and addiction that caused Congress to act in the first place.

Twenty-five years ago, crack was cheap, easily available, and highly profitable. According to the Drug Enforcement Agency, never before had any form of cocaine been available at such low prices and at such high purity. As a result, the number of Americans addicted to cocaine increased dramatically. Crack cocaine devastated many communities, especially inner-city communities. Black Americans who lived in these communities bore the brunt of the violence associated with the drug trade.

Today, crime rates, particularly for violent crimes, are at their lowest levels in more than 30 years, thanks in large part to the enactment of tough penalties for drug trafficking and other offenses. Crack and powder cocaine use has dropped by almost two-thirds in the past 20 years, from 5.8 million users in 1985 to 2.1 million users in 2007. According to the Bureau of Justice Statistics, crime victimization rates for black Americans have fallen by more than two-thirds since enactment of these tough Federal trafficking penalties. What's wrong with that? Why do we want to risk another surge of addiction and violence by reducing penalties?

Many argue that Federal prisons are filled with addicts convicted of simple possession of cocaine, but that's not true. The vast majority of Federal drug offenders are convicted for drug trafficking. In fiscal year 2009, the U.S. Sentencing Commission reports that there were 25,000 Federal drug trafficking convictions compared to fewer than 300 convictions for simple possession. So why do we want to make it more difficult to take drug traffickers off the streets and easier for them to peddle their lethal product?

Crack cocaine is associated with a greater degree of violence than most other drugs. Crack offenders are also more likely to have prior convictions and lengthier criminal histories than powder cocaine offenders. It is these aggravating factors, which are more common to crack cocaine trafficking, that contribute to higher Federal crack sentences. These aggravating factors also render many Federal crack offenders ineligible for the so-called "safety valve provision." The safety valve allows low-level offenders to be sentenced below the statutory mandatory penalties if they meet certain criteria, including no significant criminal history.

So why should we reduce the ratio for defendants who are more violent, more likely to have criminal records, and less likely to benefit from the safety valve provision that already provides a mechanism for reduced penalties? Why are we coddling some of the most dangerous drug traffickers in America?

Proponents of reducing or eliminating the crack/powder ratio argue that crack penalties impact a larger number of minorities than powder cocaine penalties. But the percentage of minority defendants for Federal crack and powder cocaine offenses is quite similar. Eighty-two percent of crack offenders and 90 percent of powder cocaine offenders are minorities, though black Americans comprise the majority of Federal crack cocaine offenders.

Crack and powder cocaine offenders are even sentenced with mandatory penalties at similar rates. In 2009, 80 percent of crack cocaine offenders and 77 percent of powder cocaine offenders were convicted under a mandatory penalty statute. The bill before us today, S. 1789, lowers the ratio for Federal crack cocaine offenses from 100-to-1 to 18-to-1. The bill also eliminates the mandatory penalties for crack cocaine possession, making it only a misdemeanor under Federal law. Why enact legislation that could endanger our children and bring violence back to our inner-city communities?

S. 1789 includes a requirement that the U.S. Sentencing Commission review and amend the applicable guidelines for crack offenses involving violence. However, since Federal judges are not required to adhere to the guidelines, there is no guarantee that any increased penalty will be imposed under this provision.

Last year, the House Judiciary Committee reported legislation, over Republican opposition, that would have eliminated entirely the ratio between crack and powder cocaine. Before that, the Obama administration relaxed enforcement of marijuana laws.

Mr. Speaker, the Democratic Party teeters on the edge of becoming the face of deficits, drugs, and job destruction. I cannot support legislation that

might enable the violent and devastating crack cocaine epidemic of the past to become a clear and present danger.

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Mr. Speaker, for these reasons, I urge my colleagues to oppose this legislation.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the majority whip, the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Speaker, I want to first thank my good friend, subcommittee Chairman BOBBY SCOTT, for yielding me this time and for his leadership on this very important issue. He and committee Chairman CONYERS have worked for years to eliminate the unjust and discriminatory disparities between crack cocaine and powder cocaine.

Although I'm disappointed that this measure does not entirely eliminate the disparity, I want to commend Senators DURBIN, SESSIONS, and COBURN for crafting a very significant compromise. The Fair Sentencing Act of 2009 will significantly reduce the disparity in sentencing for crack and powder cocaine and help to correct an enormous disparity in our criminal justice system.

When the current law was passed, Congress felt that crack cocaine was a plague that was destroying minority communities. Twenty years of experience has taught us that many of our initial beliefs were wrong. We now know that there's little or no pharmacological distinction between crack cocaine and powder cocaine, yet the punishment for these offenses remains radically different.

Down where I come from, Mr. Speaker, we say that when one learns better, one should do better.

Equally troubling is the enormous growth in the prison population, especially among minority youth. The current drug sentencing policy is the single greatest cause of the record levels of incarceration in our country. One in every 31 Americans is in prison or on parole or on probation, including one in 11 African Americans. This is unjust and runs contrary to our fundamental principles of equal protection under the law.

Since 1995, the United States Sentencing Commission has issued report after report calling on Congress to address this unfair disparity. According to the Sentencing Commission, restoring sentencing parity will do more than any other policy change to close the gap in incarceration rates between African Americans and white Americans.

The American drug epidemic is a serious problem, and we must address that problem. But our drug laws must be smart, fair, and rational. The legis-

lation to be considered today takes a significant step towards striking that balance.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), a former chairman of the Judiciary Committee.

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of this legislation. It is a fair compromise. It deals with conflicting issues, and it looked at the data on who was indicted and who has been sentenced both by race as well as by the amount of cocaine that they possessed.

Unlike some allegations, this bill does not let those who possess crack cocaine off easily. The sentencing disparity is 18-to-1. That means that someone who possesses crack cocaine only has to have one-eighteenth of the amount of someone who possesses powder cocaine. So I don't think that people who either deal in crack cocaine or who possess crack cocaine are getting off the hook by reducing the ratio from 100-to-1 to 18-to-1.

The Sentencing Commission has been set up by this Congress to look at sentencing patterns and look at sentencing statistics. For the last 15 years, they have called for a change in the disparity and the minimum sentences between those who are indicted for violating the crack cocaine laws versus those who are indicted for violating the powder cocaine laws.

This is a very fair compromise. I salute the three members of the other body who worked the compromise out. It is a compromise that should be endorsed by this body and sent to the President. I urge an "aye" vote.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentlelady from Texas who has sponsored one of the many bills on this issue and has worked hard to eliminate the disparity altogether, Ms. JACKSON LEE.

Ms. JACKSON LEE of Texas. I want to thank the gentleman from Virginia for being a champion of this issue of eliminating the disparities that have so long plagued so many communities. I thank the chairman, JOHN CONYERS, for being persistent over the years on the criminal justice issues—even coming to Houston, Texas, and listening to a teeming room of individuals who came to tell him how they had been discriminated against by this overwhelming inequitable law dealing with crack cocaine. Thank you.

Today we're doing something that is not going to be soft on crime. But let me see if you understand this.

It takes 500 grams of powder cocaine to trigger the 5-year mandatory minimum. It just takes 5 grams of crack cocaine. Similarly it takes 5 kilograms of powder cocaine to trigger the 10-year mandatory minimum but 50 grams of crack cocaine.

And so it is important that this 1-to-18 be put in place in response to the

1980s when we thought this devastating act of using drugs was the underpinnings of crime. But what we have seen and what the U.S. Sentencing Commission has seen is that we're creating crime by throwing these individuals in jail instead of rehabilitation and by keeping this oppressive sentencing structure.

So for the first time, we're eliminating the 5-year mandatory minimum prison term for first-time possession of crack cocaine and it encourages the U.S. Sentencing Commission to amend the sentencing guidelines.

In addition, however, there's more to go. Passing the Promise Bill to detour young people away from crime. H.R. 265, the bill I introduced, which was the underpinnings of the S. 1789, had a number of other provisions that would be dealing with rehabilitation and drug courts.

So there's more work to be done, Mr. Speaker. But I believe this is a first step and all good-thinking Americans who understand justice will appreciate the fact that we are eliminating these disparities. And in particular, I will say to you that this fell heavily on the poor African American and Hispanic communities.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SCOTT of Virginia. Mr. Speaker, I yield the gentlelady an additional minute.

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman.

The statistics are very clear that the burden fell on a population that suffered more by not getting into rehabilitation than others. It is very clear that those numbers are strong.

So I would simply say that as we begin our work on establishing fairness, this is a first step. And I would say to the distinguished Members that we can do better on rehabilitation, drug court, intervention—which allows people to get into rehabilitation and have an obligation to finish.

And the main thing that I want to leave us with, doing this will help us detour any number of individuals to be able to support their family and maybe be real role models for children who we likewise want to detour away from crime by having an innovative juvenile justice system by passing this bill and going on to have criminal justice reform as we pass the Promise Act as well.

I rise in support of S. 1789, a bill that seeks to amend the Controlled Substances Act and the Controlled Substances Import and Export Act in order to lessen the disparity between penalties for crack cocaine and powder cocaine that permeates the Sentencing Guidelines. I also want to thank Senator RICHARD DURBIN (IL), for introducing this important legislation and being a leader on this issue.

This act requires Congress to change existing legislation in order to increase the amount of a controlled substance or mixture containing

a cocaine base (i.e., crack cocaine) required for the imposition of mandatory minimum prison terms for trafficking. This bill also calls for an increase of monetary penalties for drug trafficking and for the importation and exportation of controlled substances.

Last year I introduced a bill called the Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2009, H.R. 265, in which I proposed many of the reforms proposed in S. 1789. In H.R. 265, I proposed 1 to 1 for crack and cocaine and added a long list of drug treatment measures. It is widely known that it takes 100 times more powder cocaine than crack cocaine to trigger the 5- and 10-year mandatory minimum sentences. While it takes 500 grams of powder cocaine to trigger the 5-year mandatory minimum sentence, it takes just 5 grams of crack cocaine to trigger that sentence. Similarly, while it takes 5 kilograms of powder cocaine to trigger the 10-year mandatory minimum sentence, 50 grams of crack cocaine will trigger the same sentence.

This disparity made no sense when it was initially enacted, and makes absolutely no sense today, because cocaine base commonly known as 'crack cocaine,' is made by dissolving cocaine hydrochloride, which is commonly known as 'powder cocaine,' in a solution of sodium bicarbonate (or a similar agent) and water. Therefore, crack and powder cocaine are simply different forms of the same substance and all crack cocaine originates as powder cocaine.

Both forms of cocaine cause identical physical effects, although crack is smoked, while powder cocaine is typically snorted or injected. Epidemiological data show that smoking a drug delivers it to the brain more rapidly, which increases the likelihood of addiction. Therefore, differences in the typical method of administration of the two forms of the drug, and not differences in the inherent properties of the two forms of the drug, make crack cocaine potentially more addictive to typical users than powder cocaine. Both forms of the drug are addictive, however, and the treatment protocol for the drug is the same regardless of the form of the drug the patient has used.

Although Congress in the mid-1980s was understandably concerned that the low-cost and potency of crack cocaine would fuel an epidemic of use by minors, the epidemic of crack cocaine use by young people never materialized to the extent feared. In fact, in 2005, the rate of powder cocaine use among young adults was almost 7 times as high as the rate of crack cocaine use. Furthermore, sentencing data suggest that young people do not play a major role in crack cocaine trafficking at the Federal level.

The current 100 to 1 penalty structure undermines various congressional objectives set forth in the Anti-Drug Abuse Act of 1986. Data collected by the U.S. Sentencing Commission show that Federal resources have been targeted at offenders who are subject to the mandatory minimum sentences, which sweep in low-level crack cocaine users and dealers.

It is time for us to realize that the only real difference between these two substances is that a disproportionate number of the races flock to one or the other. It follows that more whites use cocaine, and more African Americans use crack cocaine. The unwarranted

sentencing disparity not only overstates the relative harmfulness of the two forms of the drug and diverts federal resources from high-level drug traffickers, but it also disproportionately affects the African-American community. According to the U.S. Sentencing Commission's May 2007 Report, 82 percent of Federal crack cocaine offenders sentenced in 2006 were African-American, while 8 percent were Hispanic and 8 percent were white.

Like H.R. 265, my bill, S. 1789 will eliminate the five-year mandatory minimum prison term for first-time possession of crack cocaine. It also encourages the U.S. Sentencing Commission to amend its sentencing guidelines to (1) increase sentences for defendants convicted of using violence during a drug trafficking offense; (2) incorporate aggravating and mitigating factors in its guidelines for drug trafficking offenses; (3) promulgate guidelines, policy statements, or amendments required by this Act as soon as practicable, but not later than 90 days after the enactment of this Act; and (4) study and report to Congress on the impact of changes in sentencing law under this Act.

For the foregoing reasons, I stand with Mr. DURBIN in support of amending the Controlled Substances Act and the Controlled Substances Import and Export Act in order to lessen the disparity between penalties for crack cocaine and powder cocaine that permeate the Sentencing Guidelines.

I urge my colleagues to support this bill.

H.R. 265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2009".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Cocaine base (commonly known as "crack cocaine") is made by dissolving cocaine hydrochloride (commonly known as "powder cocaine") in a solution of sodium bicarbonate (or a similar agent) and water. Therefore, crack and powder cocaine are simply different forms of the same substance and all crack cocaine originates as powder cocaine.

(2) The physiological and psychotropic effects of cocaine are similar regardless of whether it is in the form of cocaine base (crack) or cocaine hydrochloride (powder).

(3) One of the principal objectives of the Anti-Drug Abuse Act of 1986, which established different mandatory minimum penalties for different drugs, was to target Federal law enforcement and prosecutorial resources on serious and major drug traffickers.

(4) In 1986, Congress linked mandatory minimum penalties to different drug quantities, which were intended to serve as proxies for identifying offenders who were "serious" traffickers (managers of retail drug trafficking) and "major" traffickers (manufacturers or the kingpins who headed drug organizations).

(5) Although drug purity and individual tolerance vary, making it difficult to state with specificity the individual dose of each form of cocaine, 5 grams of powder cocaine generally equals 25 to 50 individual doses and 500 grams of powder cocaine generally equals 2,500 to 5,000 individual doses, while 5 grams

of crack cocaine generally equals 10 to 50 individual doses (or enough for a heavy user to consume in one weekend) and 500 grams of crack cocaine generally equals 100 to 500 individual doses.

(6) In part because Congress believed that crack cocaine had unique properties that made it instantly addictive, the Anti-Drug Abuse Act of 1986 established an enormous disparity (a 100 to 1 powder-to-crack ratio) in the quantities of powder and crack cocaine that trigger 5- and 10-year mandatory minimum sentences. This disparity permeates the Sentencing Guidelines.

(7) Congress also based its decision to establish the 100 to 1 quantity ratio on the beliefs that—

(A) crack cocaine distribution and use was associated with violent crime to a much greater extent than was powder cocaine;

(B) prenatal exposure to crack cocaine was particularly devastating for children of crack users;

(C) crack cocaine use was particularly prevalent among young people; and

(D) crack cocaine's potency, low cost, and ease of distribution and use were fueling its widespread use.

(8) As a result, it takes 100 times more powder cocaine than crack cocaine to trigger the 5- and 10-year mandatory minimum sentences. While it takes 500 grams of powder cocaine to trigger the 5-year mandatory minimum sentence, it takes just 5 grams of crack cocaine to trigger that sentence. Similarly, while it takes 5 kilograms of powder cocaine to trigger the 10-year mandatory minimum sentence, 50 grams of crack cocaine will trigger the same sentence.

(9) Most of the assumptions on which the current penalty structure was based have turned out to be unfounded.

(10) Studies comparing usage of powder and crack cocaine have shown that there is little difference between the two forms of the drug and fundamentally undermine the current quantity-based sentencing disparity. More specifically, the studies have shown the following:

(A) Both forms of cocaine cause identical effects, although crack is smoked, while powder cocaine is typically snorted. Epidemiological data show that smoking a drug delivers it to the brain more rapidly, which increases likelihood of addiction. Therefore, differences in the typical method of administration of the two forms of the drug, and not differences in the inherent properties of the two forms of the drug, make crack cocaine potentially more addictive to typical users than powder cocaine. Both forms of the drug are addictive, however, and the treatment protocol for the drug is the same regardless of the form of the drug the patient has used.

(B) Violence committed by crack users is relatively rare, and overall violence has decreased for both powder and crack cocaine offenses. Almost all crack-related violence is systemic violence that occurs within the drug distribution process. Sentencing enhancements are better suited to punish associated violence, which are separate, pre-existing crimes in and of themselves.

(C) The negative effects of prenatal exposure to crack cocaine were vastly overstated. They are identical to the effects of prenatal exposure to powder cocaine and do not serve as a justification for the sentencing disparity between crack and powder.

(D) Although Congress in the mid-1980s was understandably concerned that the low-cost and potency of crack cocaine would fuel an epidemic of use by minors, the epidemic of crack cocaine use by young people never materialized to the extent feared. In fact, in

2005, the rate of powder cocaine use among young adults was almost 7 times as high as the rate of crack cocaine use. Furthermore, sentencing data suggest that young people do not play a major role in crack cocaine trafficking at the Federal level.

(E) The current 100 to 1 penalty structure undermines various congressional objectives set forth in the Anti-Drug Abuse Act of 1986. Data collected by the United States Sentencing Commission show that Federal resources have been targeted at offenders who are subject to the mandatory minimum sentences, which sweep in low-level crack cocaine users and dealers.

(11) In 1988, Congress set a mandatory minimum sentence for mere possession of crack cocaine, the only controlled substance for which there is a mandatory minimum sentence for simple possession for a first-time offender.

(12) Major drug traffickers and kingpins traffic in powder, not crack.

(13) Contrary to Congress's objective of focusing Federal resources on drug kingpins, the majority of Federal powder and crack cocaine offenders are those who perform low level functions in the supply chain.

(14) As a result of the low-level drug quantities that trigger lengthy mandatory minimum penalties for crack cocaine, the concentration of lower level Federal offenders is particularly pronounced among crack cocaine offenders, more than half of whom were street level dealers in 2005.

(15) The Departments of Justice, Treasury, and Homeland Security are the agencies with the greatest capacity to investigate, prosecute, and dismantle the highest level of drug trafficking organizations, but investigations and prosecutions of low-level offenders divert Federal personnel and resources from the prosecution of the highest-level traffickers, for which such agencies are best suited.

(16) The unwarranted sentencing disparity not only overstates the relative harmfulness of the two forms of the drug and diverts Federal resources from high-level drug traffickers, but it also disproportionately affects the African-American community. According to the United States Sentencing Commission's May 2007 Report, 82 percent of Federal crack cocaine offenders sentenced in 2006 were African-American, while 8 percent were Hispanic and 8 percent were White.

(17) Only 13 States have sentencing laws that distinguish between powder and crack cocaine.

SEC. 3. COCAINE SENTENCING DISPARITY ELIMINATION.

(a) CSA.—Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) is amended—

(1) in subparagraph (A)(iii), by striking “50 grams” and inserting “5 kilograms”; and

(2) in subparagraph (B)(iii), by striking “5 grams” and inserting “500 grams.”

(b) IMPORT AND EXPORT ACT.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1)(C), by striking “50 grams” and inserting “5 kilograms”; and

(2) in paragraph (2)(C), by striking “5 grams” and inserting “500 grams”.

SEC. 4. ELIMINATION OF MANDATORY MINIMUM FOR SIMPLE POSSESSION.

Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by striking the sentence beginning “Notwithstanding the preceding sentence,”.

SEC. 5. INCREASED EMPHASIS ON CERTAIN AGGRAVATING AND MITIGATING FACTORS.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines to ensure that the penalties for an offense involving trafficking of a controlled substance—

(1) provide tiered enhancements for the involvement of a dangerous weapon or violence, including, if appropriate—

(A) an enhancement for the use or brandishment of a dangerous weapon;

(B) an enhancement for the use, or threatened use, of violence; and

(C) any other enhancement the Commission considers necessary;

(2) adequately take into account the culpability of the defendant and the role of the defendant in the offense, including consideration of whether enhancements should be added, either to the existing enhancements for aggravating role or otherwise, that take into account aggravating factors associated with the offense, including—

(A) whether the defendant committed the offense as part of a pattern of criminal conduct engaged in as a livelihood;

(B) whether the defendant is an organizer or leader of drug trafficking activities involving five or more persons;

(C) whether the defendant maintained an establishment for the manufacture or distribution of the controlled substance;

(D) whether the defendant distributed a controlled substance to an individual under the age of 21 years of age or to a pregnant woman;

(E) whether the defendant involved an individual under the age of 18 years or a pregnant woman in the offense;

(F) whether the defendant manufactured or distributed the controlled substance in a location described in section 409(a) or section 419(a) of the Controlled Substances Act (21 U.S.C. 849(a) or 860(a));

(G) whether the defendant bribed, or attempted to bribe, a Federal, State, or local law enforcement officer in connection with the offense;

(H) whether the defendant was involved in importation into the United States of a controlled substance;

(I) whether bodily injury or death occurred in connection with the offense;

(J) whether the defendant committed the offense after previously being convicted of a felony controlled substances offense; and

(K) any other factor the Commission considers necessary; and

(3) adequately take into account mitigating factors associated with the offense, including—

(A) whether the defendant had minimum knowledge of the illegal enterprise;

(B) whether the defendant received little or no compensation in connection with the offense;

(C) whether the defendant acted on impulse, fear, friendship, or affection when the defendant was otherwise unlikely to commit such an offense; and

(D) whether any maximum base offense level should be established for a defendant who qualifies for a mitigating role adjustment.

SEC. 6. OFFENDER DRUG TREATMENT INCENTIVE GRANTS.

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, and Indian tribes in an

amount described in subsection (c) to improve the provision of drug treatment to offenders in prisons, jails, and juvenile facilities.

(b) REQUIREMENTS FOR APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (a) for a fiscal year, an entity described in such subsection shall, in addition to any other requirements specified by the Attorney General, submit to the Attorney General an application that demonstrates that, with respect to offenders in prisons, jails, and juvenile facilities who require drug treatment and who are in the custody of the jurisdiction involved, during the previous fiscal year that entity provided drug treatment meeting the standards established by the Single State Authority for Substance Abuse (as that term is defined in section 7(e)) for the relevant State to a number of such offenders that is two times the number of such offenders to whom that entity provided drug treatment during the fiscal year that is 2 years before the fiscal year for which that entity seeks a grant.

(2) OTHER REQUIREMENTS.—An application under this section shall be submitted in such form and manner and at such time as specified by the Attorney General.

(c) ALLOCATION OF GRANT AMOUNTS BASED ON DRUG TREATMENT PERCENT DEMONSTRATED.—The Attorney General shall allocate amounts under this section for a fiscal year based on the percent of offenders described in subsection (b)(1) to whom an entity provided drug treatment in the previous fiscal year, as demonstrated by that entity in its application under that subsection.

(d) USES OF GRANTS.—A grant awarded to an entity under subsection (a) shall be used—

(1) for continuing and improving drug treatment programs provided at prisons, jails, and juvenile facilities of that entity; and

(2) to strengthen rehabilitation efforts for offenders by providing addiction recovery support services, such as job training and placement, education, peer support, mentoring, and other similar services.

(e) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of such grant.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$10,000,000 to carry out this section for each of fiscal years 2009 and 2010.

SEC. 7. GRANTS FOR DEMONSTRATION PROGRAMS TO REDUCE DRUG USE SUBSTANCE ABUSERS.

(a) AWARDS REQUIRED.—The Attorney General may make competitive grants to eligible partnerships, in accordance with this section, for the purpose of establishing demonstration programs to reduce the use of alcohol and other drugs by supervised substance abusers during the period in which each such substance abuser is in prison, jail, or a juvenile facility, and until the completion of parole or court supervision of such abuser.

(b) USE OF GRANT FUNDS.—A grant made under subsection (a) to an eligible partnership for a demonstration program, shall be used—

(1) to support the efforts of the agencies, organizations, and researchers included in the eligible partnership, with respect to the program for which a grant is awarded under this section;

(2) to develop and implement a program for supervised substance abusers during the period described in subsection (a), which shall include—

(A) alcohol and drug abuse assessments that—

(i) are provided by a State-approved program; and

(ii) provide adequate incentives for completion of a comprehensive alcohol or drug abuse treatment program, including through the use of graduated sanctions; and

(B) coordinated and continuous delivery of drug treatment and case management services during such period; and

(3) to provide addiction recovery support services (such as job training and placement, peer support, mentoring, education, and other related services) to strengthen rehabilitation efforts for substance abusers.

(c) APPLICATION.—To be eligible for a grant under subsection (a) for a demonstration program, an eligible partnership shall submit to the Attorney General an application that—

(1) identifies the role, and certifies the involvement, of each agency, organization, or researcher involved in such partnership, with respect to the program;

(2) includes a plan for using judicial or other criminal or juvenile justice authority to supervise the substance abusers who would participate in a demonstration program under this section, including for—

(A) administering drug tests for such abusers on a regular basis; and

(B) swiftly and certainly imposing an established set of graduated sanctions for non-compliance with conditions for reentry into the community relating to drug abstinence (whether imposed as a pre-trial, probation, or parole condition, or otherwise);

(3) includes a plan to provide supervised substance abusers with coordinated and continuous services that are based on evidence-based strategies and that assist such abusers by providing such abusers with—

(A) drug treatment while in prison, jail, or a juvenile facility;

(B) continued treatment during the period in which each such substance abuser is in prison, jail, or a juvenile facility, and until the completion of parole or court supervision of such abuser;

(C) addiction recovery support services;

(D) employment training and placement;

(E) family-based therapies;

(F) structured post-release housing and transitional housing, including housing for recovering substance abusers; and

(G) other services coordinated by appropriate case management services;

(4) includes a plan for coordinating the data infrastructures among the entities included in the eligible partnership and between such entities and the providers of services under the demonstration program involved (including providers of technical assistance) to assist in monitoring and measuring the effectiveness of demonstration programs under this section; and

(5) includes a plan to monitor and measure the number of substance abusers—

(A) located in each community involved; and

(B) who improve the status of their employment, housing, health, and family life.

(d) REPORTS TO CONGRESS.—

(1) INTERIM REPORT.—Not later than September 30, 2009, the Attorney General shall submit to Congress a report that identifies the best practices relating to the comprehensive and coordinated treatment of substance abusers, including the best practices identified through the activities funded under this section.

(2) FINAL REPORT.—Not later than September 30, 2010, the Attorney General shall submit to Congress a report on the dem-

onstration programs funded under this section, including on the matters specified in paragraph (1).

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTNERSHIP.—The term “eligible partnership” means a partnership that includes—

(A) the applicable Single State Authority for Substance Abuse;

(B) the State, local, territorial, or tribal criminal or juvenile justice authority involved;

(C) a researcher who has experience in evidence-based studies that measure the effectiveness of treating long-term substance abusers during the period in which such abusers are under the supervision of the criminal or juvenile justice system involved;

(D) community-based organizations that provide drug treatment, related recovery services, job training and placement, educational services, housing assistance, mentoring, or medical services; and

(E) Federal agencies (such as the Drug Enforcement Agency, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the office of a United States attorney).

(2) SUBSTANCE ABUSER.—The term “substance abuser” means an individual who—

(A) is in a prison, jail, or juvenile facility;

(B) has abused illegal drugs or alcohol for a number of years; and

(C) is scheduled to be released from prison, jail, or a juvenile facility during the 24-month period beginning on the date the relevant application is submitted under subsection (c).

(3) SINGLE STATE AUTHORITY FOR SUBSTANCE ABUSE.—The term “Single State Authority for Substance Abuse” means an entity designated by the Governor or chief executive officer of a State as the single State administrative authority responsible for the planning, development, implementation, monitoring, regulation, and evaluation of substance abuse services in that State.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2009 and 2010.

SEC. 8. EMERGENCY AUTHORITY FOR UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—The United States Sentencing Commission, in its discretion, may—

(1) promulgate amendments pursuant to the directives in this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100-182), as though the authority under that Act had not expired; and

(2) pursuant to the emergency authority provided in paragraph (1), make such conforming amendments to the Sentencing Guidelines as the Commission determines necessary to achieve consistency with other guideline provisions and applicable law.

(b) PROMULGATION.—The Commission shall promulgate any amendments under subsection (a) promptly so that the amendments take effect on the same date as the amendments made by this Act.

SEC. 9. INCREASED PENALTIES FOR MAJOR DRUG TRAFFICKERS.

(a) INCREASED PENALTIES FOR MANUFACTURE, DISTRIBUTION, DISPENSATION, OR POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE, OR DISPENSE.—Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended—

(1) in subparagraph (A), by striking “\$4,000,000”, “\$10,000,000”, “\$8,000,000”, and “\$20,000,000” and inserting “\$10,000,000”, “\$50,000,000”, “\$20,000,000”, and “\$75,000,000”, respectively; and

(2) in subparagraph (B), by striking “\$2,000,000”, “\$5,000,000”, “\$4,000,000”, and “\$10,000,000” and inserting “\$5,000,000”, “\$25,000,000”, “\$8,000,000”, and “\$50,000,000”, respectively.

(b) INCREASED PENALTIES FOR IMPORTATION AND EXPORTATION.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1), by striking “\$4,000,000”, “\$10,000,000”, “\$8,000,000”, and “\$20,000,000” and inserting “\$5,000,000”, “\$50,000,000”, “\$20,000,000”, and “\$75,000,000”, respectively; and

(2) in paragraph (2), by striking “\$2,000,000”, “\$5,000,000”, “\$4,000,000”, and “\$10,000,000” and inserting “\$5,000,000”, “\$25,000,000”, “\$8,000,000”, and “\$50,000,000”, respectively.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS AND REQUIRED REPORT.

(a) AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF JUSTICE.—There is authorized to be appropriated to the Department of Justice not more than \$36,000,000 for each of the fiscal years 2009 and 2010 for the prosecution of high-level drug offenses, of which—

(1) \$15,000,000 is for salaries and expenses of the Drug Enforcement Administration;

(2) \$15,000,000 is for salaries and expenses for the Offices of United States Attorneys;

(3) \$4,000,000 each year is for salaries and expenses for the Criminal Division; and

(4) \$2,000,000 is for salaries and expenses for the Office of the Attorney General for the management of such prosecutions.

(b) AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF TREASURY.—There is authorized to be appropriated to the Department of the Treasury for salaries and expenses of the Financial Crime Enforcement Network (FINCEN) not more than \$10,000,000 for each of fiscal years 2009 and 2010 in support of the prosecution of high-level drug offenses.

(c) AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF HOMELAND SECURITY.—There is authorized to be appropriated for the Department of Homeland Security not more than \$10,000,000 for each of fiscal years 2009 and 2010 for salaries and expenses in support of the prosecution of high-level drug offenses.

(d) ADDITIONAL FUNDS.—Amounts authorized to be appropriated under this section shall be in addition to amounts otherwise available for, or in support of, the prosecution of high-level drug offenses.

(e) REPORT OF COMPTROLLER GENERAL.—Not later than 180 days after the end of each of fiscal years 2009 and 2010, the Comptroller General shall submit to the Committees on the Judiciary and the Committees on Appropriations of the Senate and House of Representatives a report containing information on the actual uses made of the funds appropriated pursuant to the authorization of this section.

SEC. 11. EFFECTIVE DATE.

The amendments made by this Act shall apply to any offense committed on or after 180 days after the date of enactment of this Act. There shall be no retroactive application of any portion of this Act.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LUNGREN), a senior and active member of the Judiciary Committee.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in support of S. 1789, but as someone who helped to write the Drug Control Act of 1986 that we seek to amend, I'd like to make a

few observations to set the record straight.

It is indeed true that the death of basketball star Len Bias served as an exclamation point concerning the threat posed to our Nation by the scourge of illegal drug use. The fact that someone who seemed bigger than life could fall prey to the growing cocaine epidemic brought home the reality of the danger to every home with a television set that had tuned into the University of Maryland basketball games. And that reality was not lost on this body.

The number of Americans addicted to cocaine dramatically increased in the 1980s thanks in major part to the escalation in crack use. Hospital emergencies increased by 110 percent in 1986. From 1984 to 1987, cocaine incidents increased fourfold. The crack epidemic was associated with a dramatic increase in drug gang-related violence.

A 1988 study by the Bureau of Justice Statistics found that in New York City, crack use was tied to 32 percent of all homicides and 60 percent of all drug-related homicides.

□ 1340

I would add that even 5 years after the drug bill was considered on this floor there was a growing concern over the crack epidemic which plagued minority neighborhoods. The acclaimed depiction of this scourge was even portrayed in the movie "New Jack City." Director Mario Van Peebles, also one of the main characters in the film, observed that "the immediate problem is that crack is and was a killer in the Black community today."

That's what we faced at the time we passed this bill. This is the context of the crack epidemic and the 1986 drug bill. The concern about crack cocaine was, and in my view remains, a valid one. According to the National Institute on Drug Abuse, crack causes faster and shorter highs than powder, which results in more frequent use. Crack cocaine is also associated with gang activities and violence, as evidenced by U.S. Sentencing Commission data. There is, in my view, a basis for disparate treatment of those who traffic in crack versus powder.

Having said that, the inclusion that there is a basis for treating crack and powder differently is in no way a justification for the 100-to-1 sentencing ratio contained in the 1986 drug bill. We initially came out of committee with a 20-to-1 ratio. By the time we finished on the floor, it was 100-to-1. We didn't really have an evidentiary basis for it, but that's what we did, thinking we were doing the right thing at the time.

Certainly, one of the sad ironies in this entire episode is that a bill which was characterized by some as a response to the crack epidemic in African American communities has led to

racial sentencing disparities which simply cannot be ignored in any reasoned discussion of this issue. When African Americans, low-level crack defendants, represent 10 times the number of low-level white crack defendants, I don't think we can simply close our eyes.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman.

Although I cannot, and could not, support the legislation reported out of our committee to completely eliminate any disparity in the treatment of these illicit substances, that is not what we have before us today on this floor. I must say that from a law enforcement standpoint, perhaps the most important factor here is the amount of the substance that is covered. According to narcotics officers I have spoken with, you want to reach the wholesale and mid-level traffickers who often trafficked in 1-ounce quantities.

That is why S. 1789 would raise the amount of crack cocaine necessary to trigger a mandatory 5-year sentence from 5 grams to 28 grams, which is close to the 1 ounce. This does seem to make some sense. It is a fair and just treatment of the problem. It serves the interests of law enforcement in reaching wholesale and mid-level traffickers while reducing the crack powder ratio to 18-to-1 from the current 100-to-1.

I think this is tough but fair. I would not support going further. I support this bill very strongly. I believe that this is what justice should be about. This is a well-crafted bill. It is a good compromise. It serves the ends of justice and fairness. I hope people will support it.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself 30 seconds to make a brief comment.

The gentleman from California just mentioned the 1986 law. We are not blaming anybody for what happened in 1986, but we have had years of experience and have determined that there is no justification for the 100-to-1 ratio. We know that's what we know now, and so we're not blaming anybody for what happened in 1986, but we are fixing what we have learned through years of experience.

I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Let me thank Chairman SCOTT, Chairman CONYERS, and also let me thank my colleagues on the other side of the aisle who see the wisdom of moving forward based on what we know about the disparity in crack cocaine sentencing now, what we've learned over the years, thank all of them for yielding to evidence, which I think is so important.

Before I ever came to Congress, Mr. Speaker, I spent the better part of my

life representing people in the courts of our country as a public defender and representing them in the courts of our country in Federal and State court, and I saw so many of these cases. I think what disgusted me the most is the human potential that would just be thrown away, as I would have to tell a young person who was caught with crack that if they'd had cocaine they would have a chance at probation, they would be able to really take advantages of treatment and perhaps reconstruct their lives. But because they had crack, their lives were going to be basically over at a pretty young age, thrown away in a cell to have really no real opportunity, be in prison for 10, 5 years for what another person would get probation for. And this made it incredibly difficult to argue that our system of law was fair, that we believed in justice, that we thought it was right and just to treat people the same for doing the same thing.

The fact is, the chemical difference between crack and cocaine is the differences between water and ice. It is the same thing, and you cannot explain to a people that for doing the same thing that they should get 100-to-1 more severe treatment. It doesn't make sense.

So let me just commend people on both sides of the aisle for correcting this severely disproportionate and unfair anomaly in our law enforcement, and I take no blame for anybody. But I will say that there are thousands of people, literally thousands of people, who may get a real chance at life because of a mistake in their drug cases, because of this law.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to my friend and colleague from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this legislation. It's called the Fair Sentencing Act. I'd like to rename it, though. I'd like to call it the Slightly Fairer Resentencing Act, because it really makes an attempt to correct a very, very serious problem in equal justice in our systems, and that effort I think we should all applaud. I would have much preferred H.R. 3245. I was an original cosponsor of that along with Congressman SCOTT, but I think this is a typical example of trying to fix a problem that we invite upon ourselves.

In economics, I adhere to the position that once you want to do some good in the economy, with all the best motivations, we do things and we create new problems and we have to go back. If you get two new problems for every intervention, then you're constantly writing laws.

Well, in social policy, I believe the same thing. It was trying to improve social policy with crack cocaine. There was no evidence on this. It was designed to help people, especially the

minorities that were using crack cocaine, and they thought this was terrible, and it turned out that its law backfired. It actually hurt minorities, didn't help them. Here we are trying to correct this disparity, and it just, to me, confirms the fact that government management, whether it is the economy or social policy, doesn't make a whole lot of sense.

When this country decided it was very dangerous to drink alcohol and we had to stop it, back in those days, in the teens of the last century, they decided in order for the government to do this they had to amend the Constitution. Can you imagine anybody being concerned today by what we do here and say we have to amend the Constitution? Oh, no. We amended the Constitution. It was a bomb. It made alcohol much more dangerous. All the drug dealers sold the alcohol, and the alcohol was more concentrated and less pure. People died. People woke up and they repealed it.

This is what's going to have to happen someday. We need to repeal the war on drugs.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the majority leader of the House of Representatives, the gentleman from Maryland (Mr. HOYER).

□ 1350

Mr. HOYER. Mr. Speaker, I rise in support of this legislation and thank Mr. SCOTT for yielding to me.

I also want to thank the former attorney general from California, DAN LUNGREN, for working with me on this issue and JIM SENSENBRENNER and others.

Two decades ago, Congress responded to the addictiveness of crack cocaine, a terrible drug, and the violence it brought in its wake by establishing harsh mandatory sentences for possessing and dealing it. In supporting that policy, Congress also created a wide disparity, however, between crack cocaine and powder cocaine sentences—both addictive, both illegal.

Possessing an amount of crack equal to the weight of two pennies has resulted in a mandatory minimum sentence of 5 years. In order to receive a similar sentence for possessing a chemically similar powder, cocaine, one would have to be carrying 100 times as much cocaine.

It has long been clear that 100-to-1 disparity has had a racial dimension as well, helping to fill our prisons with African Americans disproportionately put behind bars for longer.

The 100-to-1 disparity is counterproductive and unjust. That's not just my opinion, but the opinion of a bipartisan U.S. Sentencing Commission, the Judicial Conference of the United States, the National District Attorneys

Association, the National Association of Police Organizations, the Federal Law Enforcement Officers Association, the International Union of Police Associations, and dozens of former Federal judges and prosecutors. They have seen firsthand the damaging effects of our unequal sentencing guidelines up close, and they understand the need to change them. That's what this is about.

The Fair Sentencing Act does that. It also strengthens sentences for those who profit by addicting others to drugs, as it should do.

This bill has overwhelming bipartisan support. Whatever their opinions on drug policies, members of law enforcement, community advocates, and Members of Congress overwhelmingly support this bill. In fact, it passed the Senate unanimously.

In the words of a letter signed by a bipartisan group with sponsors on the Senate Judiciary—Senators LEAHY, SESSIONS, FEINSTEIN, HATCH, SPECTER, GRASSLEY, DURBIN, GRAHAM, CARDIN, CORNYN and COBURN—a very, very bipartisan and broad spectrum group of supporters, they said this: "Congress has debated the need to address the crack powder disparity for too long. We now have the ability to address this issue on a bipartisan basis." They supported this legislation, which is, again, why it passed in a bipartisan fashion through the United States Senate.

My colleagues, I urge support of this legislation. I am pleased that the leadership on both sides of the aisle will be supporting this legislation. We do so for the same reason that Senators CORNYN, HATCH, GRAHAM, and SESSIONS all support their legislation. It's the right thing to do. It will enhance, not diminish prosecution, and it will lead to better justice in America while at the same time making sure that we penalize and hold accountable those who would addict our children and our fellow citizens.

I urge support of this legislation.

Mr. SMITH of Texas. I yield myself the balance of my time.

Mr. Speaker, more than any other drug, the majority of crack defendants have prior criminal convictions. Despite claims by some, this is not an issue of one-time crack users being prosecuted for possession. This is about offenders who perpetually peddled this dangerous drug and should pay the price for their actions.

Despite the devastating impact crack cocaine has had on American communities, this bill reduces the penalties for crack cocaine. Why would we want to do that? We should not ignore the severity of crack addiction or ignore the differences between crack and powder cocaine trafficking. We should worry more about the victims than about the criminals.

Why would we want to reduce the penalties for crack cocaine trafficking

and invite a return to a time when cocaine ravaged our communities, especially minority communities?

This bill sends the wrong message to drug dealers and those who traffic in destroying Americans' lives. It sends the message that Congress takes drug crimes less seriously than they did. The bill before us threatens to return America to the days when crack cocaine corroded the minds and bodies of our children, decimated a generation, and destroyed communities.

Mr. Speaker, I hope, sincerely, that those who support this legislation are prepared to take responsibility if cocaine trafficking increases, if our neighborhoods and communities once again become riddled with violence, and the lives of Americans are unnecessarily destroyed.

I hope that doesn't happen, but at least today we have gone on record as saying that there was a warning, and I can only hope that at some point in the future it will be heeded and responded to.

Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, this bill does not reduce the disparity from 100-to-1 to 1-to-1. It does not eliminate the mandatory minimums, but it is a step in the right direction and, therefore, I urge my colleagues to support S. 1789.

Mr. PAUL. Mr. Speaker, I rise in reluctant support for S. 1789, the Fair Sentencing Act. My support is reluctant because S. 1789 is an uncomfortable mix of some provisions that reduce the harms of the federal war on drugs and other provisions that increase the harms of that disastrous and unconstitutional war. I am supporting this legislation because I am optimistic the legislation's overall effect will be positive.

Congress should be looking critically at how we can extricate America from the four decades of destruction that has ensued since President Richard Nixon announced the federal war on drugs in 1972. As a medical doctor with over 30 years' experience, I certainly recognize the dangers that can arise from drug abuse. However, experience shows that the federal drug war creates many additional dangers, while failing to reduce the problems associated with drug abuse. Like 14 years of federal alcohol prohibition in the 1920s and '30s, America's federal drug war has failed to ameliorate the problems associated with drug use, while fostering violence and disrespect for individual rights.

While imperfect, I am optimistic that the Senate bill being considered today will reduce the harms of the federal drug war. I also hope consideration of this legislation will enliven interest in ending the federal war on drugs.

It is unfortunate that the House of Representatives is today considering this compromise legislation from the Senate instead of Representative BOBBY SCOTT's H.R. 3245, the Fairness in Cocaine Sentencing Act. I am an original cosponsor of Representative SCOTT's bill, which passed the House of Representatives Committee on the Judiciary on July 29,

2009—one year ago tomorrow. Representative SCOTT's legislation is a short and simple bill that repeals a handful of clauses, sentences, and subparagraphs of federal drug laws to eliminate the 100 to one drug weight basis for sentencing disparity for crack cocaine violations in comparison to powder cocaine violations.

I will vote for the Senate legislation today because it rolls back some of the enhanced mandatory minimum sentences for crack cocaine that the federal government created in 1986. These enhanced mandatory minimum sentences have caused people convicted for small amounts of crack cocaine to serve much longer sentences in prison than people convicted for the same amount of powder cocaine.

While the Senate legislation reduces the drug weight basis for mandatory minimum sentencing disparity between crack cocaine and powder cocaine convictions for many individuals to only 18 to one compared to the total elimination of the disparity in Representative SCOTT's bill, the Senate bill does make a step in the right direction. The Senate bill eliminates entirely the mandatory minimum sentence for simple possession of crack cocaine and reduces significantly the mandatory minimum sentence for many people convicted of crack offenses by raising the number of grams of crack cocaine a person must possess for each mandatory minimum sentence level to apply. In addition, the Senate bill allows courts to show compassion for individuals with compelling cases for leniency by reducing sentences for some people convicted of controlled substances violations who a court determines meet requirements including having minimum knowledge of the illegal enterprise, receiving no monetary compensation from the illegal transaction, and being motivated by threats, fear, or an intimate or family relationship.

Unfortunately, while the Senate bill reduces some of the most extreme and unjust mandatory minimum sentences in the federal drug war, it also contains expansions of the federal drug war that I fear may yield results destructive to individual liberty and public safety. In particular, the Senate bill significantly increases maximum allowed monetary penalties for violations of federal restrictions on controlled substances and increases sentences for people convicted of controlled substances violations whose circumstances include certain aggravating factors.

Some people will argue that the increased penalties in the Senate legislation are desirable because they target people who are high up in the illegal drug trade or who took particularly disturbing actions, such as involving a minor in drug trafficking. But, the history of the federal drug war has shown that ramping up penalties always results in increasing rather than decreasing the harms arising from the federal drug war. Such enhanced penalties increase the risks of the drug trade thus causing illegal drug operations to be more ruthless and violent in their tactics. Enhanced penalties also can result in even more inflated prices for illegal drugs, leading to more thefts by individuals seeking funds to support their drug use. High monetary fines for drug trafficking also tend to provide police and prosecutors with a perverse incentive to focus on nonviolent drug crimes instead of violent crimes.

Each successive ramping up of the federal war on drugs has made it more evident that this war is incompatible with constitutional government, individual liberty, and prosperity. It is time for Congress to reverse course. I am optimistic that S. 1789—even with its faults—may signal that Congress is ready to begin reversing course. It is imperative that the House of Representatives pursue a dialogue on how we can end the federal war on drugs—a war that has increasingly become a war on the American people and our Constitution.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of S. 1789, the Fair Sentencing Act of 2010. For too long, crack cocaine users, predominantly minorities, have been subject to excessive penalties when compared to users of powder cocaine even though both drugs are chemically identical. While this bill does not go far enough towards righting this injustice, it is a tremendous step in the right direction, and I commend Senator DURBIN and the rest of the Senate for passing this long overdue piece of legislation and urge my colleagues to support this bill.

Mr. Speaker, for too long users of crack cocaine were sentenced to prison terms that were much longer than prison terms for users of cocaine, a chemically identical drug. We all know why this is the case. In the 1980's, the United States was in the midst of a crack cocaine epidemic. While cocaine was often considered a harmless, even glamorous, "recreational" drug of privilege, crack cocaine was considered a more harmful drug and was associated with crime and destitution. The reality is that crack cocaine, though chemically identical to cocaine, is less pure and therefore sells for less on the street. As a result, this drug rapidly spread across already impoverished and crime-ridden areas of the country, in many cases making a bad situation worse. As we all know, low income Americans are disproportionately minority. Crack cocaine quickly became associated with minorities, particularly African Americans. It would be more accurate, however, to associate crack cocaine use with poverty than with African Americans. It is important to let the American people know that, at the height of the crack cocaine epidemic in this country, a 1982 the National Survey on Drug Abuse found that 22 million Americans had used cocaine at one time or another. I say this to make it clear that cocaine was as much of an epidemic as crack cocaine during the 1980s. The only difference between crack and cocaine is the user.

In response to the crack cocaine epidemic, Congress passed the Anti-Drug Abuse Act of 1986 in a reactionary effort to try and put a stop to the use of crack cocaine. The law was a part of the so called "war on drugs," a popular political catch phrase at the time. This "war" was launched by stressing the serious social harms of violent crime, theft, social exclusion; with which crack cocaine use was associated.

Current law provides that a person convicted of crack cocaine possession receives the same mandatory prison term as someone who possesses 100 times the same amount of powder cocaine and the law has mandatory minimums for simple possession. Mr. Speaker, let me repeat that. The Anti-Drug Abuse Act of 1986 sets the penalty for possession of crack

cocaine at 100 times the penalty for a chemically identical drug, cocaine and sets mandatory minimum sentences for crack cocaine users while setting a mandatory minimum sentence for cocaine users. As a result of this law, wealthy users of cocaine have received more lenient penalties than poor minority users of crack, a chemically identical drug. According to U.S. government statistics, 82 percent of Federal crack cocaine offenders are African American and only 9 percent are white. African-Americans and Latinos were incarcerated at a higher rate because of their drug use preference. In this country, where everyone is born equal, it is absolutely outrageous that the law could be so slanted. It simply makes no sense. As a former Magistrate Judge and defense attorney, I firmly believe that there should be no difference in the ratio of sentencing for crack cocaine and powder cocaine possession.

Over the years, there have been numerous efforts to lower this ratio to a more reasonable difference in sentencing for crack cocaine and powder cocaine. In 2007, The United States Sentencing Commission voted to recommend that this disparity be rectified and existing sentences reduced. Also in 2007, The Supreme Court ruled in *Kimbrough v. United States* that the guidelines for cocaine are advisory only, and that a judge may consider the disparity between the guidelines' treatment of crack and powder cocaine offenses when sentencing a defendant. Finally, today, the United States House of Representatives will consider and hopefully pass a bill that will lower the ratio of sentencing from 100 to 1, to a new ratio of 18 to 1. Mr. Speaker, I support this bill but 18 to 1 is still unnecessary and discriminatory. An 18 to 1 ratio still preserves and institutional disparity between drug sentences of wealthy cocaine users and predominantly poor and African American crack cocaine users.

I support the direction that this bill takes the country however I am disappointed that, after all these years, an institutional disparity will be preserved. I firmly believe that there should be no disparity in the ratio of sentencing between users of crack cocaine and powder cocaine. The ratio should be one to one. This view is shared by both Republicans and Democrats alike. Former D.C. prosecutor, later D.C. Superior Court judge, and present D.C. Federal judge, Judge Reggie B. Walton, a Republican nominated by former President George W. Bush, supports an equalization of the sentencing disparity. Even President Obama stated in 2008 that the sentencing disparity "has disproportionately filled our prisons with young black and Latino drug users." He cited figures that African Americans serve almost as much time for drug offenses, at 58.7 months, as whites do for violent offenses, at 61.7 months. Finally, in early 2009, Attorney General Holder made it clear where the Administration stands when he said, "One thing is very clear. We must review our Federal cocaine sentencing policy. This administration firmly believes that the disparity in crack and powdered cocaine sentencing is unwarranted. It must be eliminated."

There is absolutely no justification for this racial disparity in federal cocaine sentencing policy. The playing field must be leveled to bring total equality for all races in sentencing

for drug use for all variations of the same drug.

I urge my colleagues to take an enormous step in the right direction by supporting this bill to greatly improve this outdated and discriminatory law. I urge my colleagues to support this bill.

Mr. SCOTT of Virginia. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, S. 1789.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

LOBBYING DISCLOSURE ENHANCEMENT ACT

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5751) to amend the Lobbying Disclosure Act of 1995 to require registrants to pay an annual fee of \$50, to impose a penalty of \$500 for failure to file timely reports required by that Act, to provide for the use of the funds from such fees and penalties for reviewing and auditing filings by registrants, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lobbying Disclosure Enhancement Act".

SEC. 2. LOBBYING DISCLOSURE ACT TASK FORCE.

(a) ESTABLISHMENT.—The Attorney General shall establish the Lobbying Disclosure Act Enforcement Task Force (in this section referred to as the "Task Force").

(b) FUNCTIONS.—The Task Force—

(1) shall have primary responsibility for investigating and prosecuting each case referred to the Attorney General under section 6(a)(8) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605(a)(8)); and

(2) shall collect and disseminate information with respect to the enforcement of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 3. REFERRAL OF CASES TO THE ATTORNEY GENERAL.

Section 6(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605(a)) is amended—

(1) in paragraph (8), by striking "United States Attorney for the District of Columbia" and inserting "Attorney General"; and

(2) in paragraph (11), by striking "United States Attorney for the District of Columbia" and inserting "Attorney General".

SEC. 4. RECOMMENDATIONS FOR IMPROVED ENFORCEMENT.

The Attorney General may make recommendations to Congress with respect to—

(1) the enforcement of and compliance with the Lobbying Disclosure Act of 1995; and

(2) the need for resources available for the enhanced enforcement of the Lobbying Disclosure Act of 1995

SEC. 5. INFORMATION IN ENFORCEMENT REPORTS.

Section 6(b)(1) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605(b)(1)) is amended by striking "by case" and all that follows through "public record" and inserting "by case and name of the individual lobbyists or lobbying firms involved, any sentences imposed".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Lobbying Disclosure Enhancement Act makes several straightforward, commonsense amendments to the enforcement provisions of the Lobbying Disclosure Act.

First, this bill establishes a task force specifically dedicated to the enforcement of our lobbying laws. Although the newspapers are full of stories about lobbyists who file late, inaccurate, and incomplete reports, there has not yet been a single significant enforcement action.

□ 1400

We believe that an institutional change is in order. The task force will receive complaints from the Clerk of the House, investigate these cases, and enforce the disclosure laws to the fullest extent.

Second, this bill asks the Department of Justice to make recommendations to the Congress for additional improvements to the enforcement of lobbying disclosure laws. The ethics reform legislation we passed last Congress was an important step in bringing transparency and accountability to lobbying disclosure, but much more can and should be done. We look forward to working with Attorney General Holder to improve on the current system.

Third, the bill amends the Lobbying Disclosure Act to require the Attorney General to publish the names of lobbyists and lobbying firms who are sanctioned under the law. Just as we expect the Department of Justice to enforce the LDA, this bill will require the Department to be transparent about the results of their investigations and prosecutions.

I would like to thank the sponsor of the bill, the gentlelady from Ohio (Ms. KILROY), for her steadfast leadership on this important issue. I urge my colleagues to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 5751, the Lobbying Disclosure Enhancement Act. The purpose of the bill is to provide flexibility to the executive branch for the enforcement of the provisions in the Lobbying Disclosure Act of 1995.

H.R. 5751 directs the Attorney General of the United States to establish a task force towards this end. The task force is given the primary responsibility to investigate and prosecute possible violations of the Lobbying Disclosure Act. The task force is also directed to collect and disseminate information with respect to compliance with the enforcement of the act.

Legislation specifies that with the information gathered by the task force, the Attorney General may make recommendations to Congress with regard to improving enforcement of the Lobbying Disclosure Act and the resources it needs. We expect the task force created by this bill to become a new point of contact. It will be up to the Attorney General to determine where to locate the task force and the responsibilities under the Lobbying Disclosure Act within the Justice Department's organizational structure.

I urge my colleagues to join me in supporting this bill.

Mr. Speaker, I do want to express concern about the process and the development of the execution or the bringing of this bill forward.

I have expressed support of it, it makes some sense—it doesn't, quite frankly, do much—but it should also be noted that there should be a proper way and process by which we move these bills forward.

This bill was introduced on July 15. It didn't show up on the whip notice until late last night. This morning, in a very bipartisan way—and I thank both sides for working together with the staff—but we have a copy of this bill that came across at 12:15; it is now just after 2 o'clock.

The title of the bill, as read, talks about a fee that would be imposed, a penalty that would be imposed. My understanding is—and I'm happy to yield to the gentleman who is managing this bill to help talk about this—but the title of the bill talked about a new fee and penalty, but I don't think there's fees and penalties even in the bill.

There was no hearing, there was no subcommittee work, there was no committee work on this.

I would be happy to yield to the gentleman if he can help clarify any of those points.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Yes, there are fees in the title of the bill; however, in working with the minority, the bill was amended and the fees were taken out. The title did not change because of the amendments, but that's why the fees are not there because we were accommodating the minority side of the aisle.

Mr. CHAFFETZ. Reclaiming my time, the annual fee, I guess, was going to be \$50. To impose a penalty of \$500 for failure to file timely reports—these lobbyists walk around with \$5,000 bills in their pockets. I would like to see, if we had time to discuss this in committee, a \$500 penalty. They get that in a half hour's work. That isn't much of an incentive for them to file in a timely manner.

The bigger, broader point, Mr. Speaker, is these are the types of discussions that really should happen in the subcommittee and in the committee, the timing of these issues, why we would make this change.

Mr. Speaker, I would just make a further point on H.R. 5751. While it moves the structure slightly and gives more flexibility to the Attorney General, obviously we want to see these laws and the compliance fulfilled as much as possible. If this will in any way help the Attorney General in doing so, so be it; we're happy to support this bill.

I still must reiterate that the speed in which this bill was offered, the lack of opportunity for members within the Judiciary Committee to properly debate this, vet this, the fact that we were still dealing back and forth with some staff—and, again, I appreciate the bipartisan way in which it was done, but at the same time, these are the types of things that get vetted and ferreted out with better discussion and review. I think we could have made it stronger, quite frankly. We could have added some real teeth to it, that's unfortunate, but nevertheless, we do urge its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, may I inquire as to how much time remains on this side?

The SPEAKER pro tempore. The gentleman has 18½ minutes remaining.

Mr. SCOTT of Virginia. Mr. Speaker, to close for our side, I yield the balance of my time to the sponsor of the bill, the gentlelady from Ohio (Ms. KILROY).

Ms. KILROY. Mr. Speaker, I rise in support of legislation I introduced, H.R. 5751, the Lobbying Disclosure Enhancement Act, to help bring accountability to the way lobbyists do business in Washington.

Back home, many people tell us that Washington is broken, that we need to end politics as usual. Well, one of the ways we tried to do this is to rein in lobbyists through the disclosure filings that they are required to file, and it is amazing how difficult it is to even make that happen.

H.R. 5751 would create a task force to help investigate and prosecute violations of the Lobbying Disclosure Act. If there is not some kind of push to enforce, then frequently people fall into noncompliance and they don't take us seriously. Well, it's time for us to be taken seriously on this question.

Mandated by the Honest Leadership and Open Government Act of 2007, a recent GAO study found the need for more transparency and accountability for special interest influence in government. Specifically, the GAO found that since 1996, the Secretary of the Senate has referred 8,281 potential violations of lobbying disclosure rules to the DOJ. About 4,400 of those referrals occurred in 2009 alone. The Office of the Clerk has referred an aggregate of 760 potential noncompliant registrants to the U.S. Attorney for the District of Columbia. And for 9 years, at least one organization reported lobbying the same 16 outdated—and mostly dead—pieces of legislation it initially reported in 1999 and 2000.

These statistics show a growing trend of mistakes and noncompliance that can't be ignored by this body. We have promised the American people more transparency and accountability, and my bill will help deliver on that promise.

Mr. CHAFFETZ. Will the gentleman yield for a question?

Ms. KILROY. I yield to the gentleman from Utah.

Mr. CHAFFETZ. Thank you.

Mr. Speaker, my question is about the fees. Originally, the title said there was going to be a fee and that there was going to be a penalty. And suddenly, why did those come out? If you want accountability, why would you take out the penalty?

Ms. KILROY. I thank the gentleman for his question.

I fully would have supported a fee such as was included in the original bill, but we were informed by the Clerk of the House that they could not administer such a fee. So I would be more than happy if you and others in Judiciary would take up that question and return that question when we come back in September.

□ 1410

But reclaiming my time, I came here to change the "politics as usual" approach and to help bring reform.

The Attorney General is given the responsibility to report back to Congress with policy recommendations about how best to improve the Lobbying Disclosure Act going forward and about how to make the processing and enforcement seem self-funded. I believe that the taxpayers should not have to shoulder the heavy burden of playing watchdog to this industry and that the creation of a self-sustaining system could be possible.

My legislation changes the current disclosure rule that previously pre-

vented the Department of Justice from publishing the name and firm of anyone in violation of the Lobbying Disclosure Act. We will now know the names of the lobbyists who continue to file late or to file incorrect information. This change reminded me of a phrase I heard recently: "What you can't get through altruism, you must get through shame."

Mr. Speaker, I want to thank Chairman CONYERS and the Judiciary Committee staff, who worked with me on this bill, as well as the majority leader for giving me the opportunity to speak to this bill this afternoon on the floor.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 5751, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to provide for the establishment of a task force that will be responsible for investigating cases referred to the Attorney General under the Lobbying Disclosure Act of 1995, and for other purposes."

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5822, MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1559 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1559

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5822) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 63, line 4. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment

shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. It shall be in order at any time through the calendar day of August 1, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 1559 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes the violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden under the rule, and the gentleman from Arizona and the gentleman from Maine each will control 10 minutes of debate on the question of consideration. After that debate, the Chair will put the question of consideration.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, I raise this point of order today not because of unfunded mandates in the bill, although, there are probably some, but because it is about the only opportunity we have here in the minority to protest the

kind of treatment that these appropriation bills are getting in the Rules Committee and to protest the manner in which they are coming to the floor.

It used to be that it was a time-honored tradition in this House to have appropriation bills come to the floor under an open rule. Over the past couple of years, that has turned into a structured rule, so many Members in this body, in the minority and the majority, have not had this opportunity. Let's take last year, for example.

Every appropriation bill, all 12, came to the floor under structured rules. There were some Members on both sides of the aisle who offered multiple amendments throughout the year. That is the one chance they have to actually offer amendments on appropriation bills—the things that we are supposed to be doing here in Congress—and they weren't allowed to offer one. Many Members were denied the opportunity to offer any amendments.

□ 1420

There were some 1,500 amendments offered last year. Just 12 percent, fewer than 200, were made in order. And, in fact, I offered about 635 myself. I was only permitted to offer 50, after the structured rule took effect.

Now, the leadership on the majority side will often say, well, we have to keep order in this place, and people would simply offer dilatory amendments and take too long in the process. I remember times in years past, and I haven't been here that long, but just a couple of years ago where we would spend 2 or 3 or 4 days on one appropriation bill because that's what we do here. That's the important part of what we do. Yet, the majority can't seem to find time to allow all amendments to these bills.

Instead of allowing debate on amendments to appropriation bills, let me give you some idea of what we've been doing over the past couple of months and why the statement that we simply can't allow people to offer this many amendments would be proper because we don't have time. Well, here's what we've had time for. And let me note that each one of these that I mention, and this is just a fraction of these kind of suspension bills that we've dealt with, each one of these allows for 10 minutes of debate. That's as much time as we allow on any amendment coming before on the appropriation bill.

H.R. 1460, Recognizing the important role of pollinators. That one we dealt with just a month or so ago.

H.R. 1491, Congratulating the University of South Carolina, the Gamecocks, for winning the 2010 NCAA Division I College World Series.

H. Res. 1463, Supporting the goals and ideals of Railroad Retirement Day.

Now, these things may be nice to do and nice to those who receive these kind of accolades, but it's not the im-

portant business of this House. And so to say that we don't have time to actually debate amendments to these appropriation bills, and the one that we are dealing with today, many amendments that were submitted by Members were turned away, were not allowed in this structured role.

Another thing we dealt with, supporting the goals of National Dairy Month. Now, how in the world is that more important than allowing Members to strike funding from appropriation bills?

I need not remind this Chamber that 42 cents of every dollar we spend this year, 42 cents of every dollar we spend this year will be borrowed from our kids, from our grandkids, from whom-ever overseas who buys our bonds. And yet we can't allow time to let Members offer amendments to strike spending from these bills. We only allow a certain percentage of them.

Supporting the goals and ideals of American Craft Beer Week. That was H.R. 1297 that we dealt with in the last couple of months, the time that we usually designate in this body to deal with appropriation bills.

Congratulating the Chicago Blackhawks. That was H.R. 1439.

Supporting National Men's Health Week.

Recognizing June 8, 2010, as World Ocean Day.

As I mentioned, these might be good things to do, but when they're taking up time that the majority seems to say now we don't have time for appropriation bills, that's wrong.

And when they, in the Rules Committee, will say, sorry, the gentleman from Colorado or wherever else can't offer his amendment because we've taken too much time recognizing National Nurses Week or supporting the goals and ideals of National Learn to Fly Day or expressing support for the goals and ideals of Children's Book Week, recognizing the 75th anniversary of the establishment of the East Bay Regional Park District in California, I think you're getting the picture here.

It's a hollow statement to say that we don't have time to deal with these amendments on appropriation bills. The truth is the leadership simply doesn't want these things debated all that much.

Mr. Speaker, I reserve the balance of my time, and I will explain why in a minute.

Ms. PINGREE of Maine. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the thoughts of my colleague from Arizona.

I would say that I wouldn't stand up here and criticize nurses, dairy farmers, small breweries, which I have many of in my State, or even the pollinators. I actually have a daughter who's a beekeeper, and I think we all recognize the importance of pollination.

But let me get serious here. Once again, my friends on the other side of the aisle, I think, are trying to block important legislation by using a procedural tactic. They want to prevent this rule and the underlying legislation from going forward without any opportunity for debate, without an opportunity for an up-or-down vote on the legislation itself.

I think that's wrong. I hope my colleagues will vote "yes" so we can consider this legislation on its merits and not kill it with a procedural motion.

I say, let's not waste any more time on unrelated parliamentary measures. Those who oppose the bill can vote against it on final passage. We must consider this rule, and we must pass the bill today.

I have the right to close but, in the end, I will urge my colleagues to vote "yes" to consider the rule.

I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I want to respond to the gentlelady.

The gentlelady says that I am criticizing pollinators or beer distillers or whomever. I'm not. I'm just saying the Congress doesn't need to congratulate everybody who wins a championship or everybody who distills beer. I mean, it's just nutty for us to spend so much time on these things and then say, I'm sorry, we don't have time for Members to offer amendments on appropriation bills to actually strike spending so that we're not borrowing 43 cents on every dollar that we spend this year.

Let me mention why it is that the leadership and the Appropriations Committee may not be so anxious for Members to debate these bills—because there are a lot of earmarks in them. This chart shows 11 of the 12 appropriation bills that have gone through either the subcommittee or committee. It looks like a hungry Pacman here, but what this shows in the red is the percentage of earmark dollars associated with powerful Members of Congress. That includes members of the Appropriations Committee, members of leadership, or chairmen of committees. That represents about 13 percent of this body.

Yet, when you look at the number of earmark dollars or percentage of earmark dollars, Homeland Security, that 13 percent is garnering 52 percent of the earmark dollars. CJS, 57 percent; Agriculture, 76 percent of the earmark dollars are going to just 13 percent of this body, the 13 percent that are writing the rules here and are deciding that certain amendments simply won't be offered. That is wrong. We shouldn't be doing that. TTHUD, which we'll be doing just tomorrow, 42 percent of the earmark dollars are going to just 13 percent of this body.

Is it any wonder that the leadership on the majority side does not want certain amendments debated here?

MILCON VA, 51 percent going to just 13 percent of this body. Energy and

Water, 53 percent; Labor/HHS, 66 percent; Interior, 60; Defense, 55.

In Defense, we just learned today that an amendment has been submitted—I'm sorry, an earmark has been submitted, \$10 million for the John Murtha Center, our beloved Member who deceased just a few months ago. We're going to earmark \$10 million to create a center in his honor in the Defense bill. I think that that ought to be debated here, but chances are we won't even get to the Defense bill.

It's unlikely we're going to get to very many of the appropriation bills this year, and the ones that we do will come to the floor under a structured rule where Members will not be allowed to offer amendments, or just a few of them on the ones that the majority chooses to hear. They can choose the ones they don't want to hear and choose the ones that they hear.

I would like to hear a response from the Rules Committee as to what reasoning goes behind which amendments will be allowed under what is traditionally an open rule and which ones will not.

And I would yield to the gentlelady if she would explain the rule or how the Rules Committee arrives at this rule.

I guess the gentlelady doesn't want to respond on this. I wouldn't either. I wouldn't want to try to justify closed rules or structured rules coming to this body on appropriation bills when we're spending more time doing things like recognizing the 50th anniversary of Title VI international education programs, recognizing the importance of manufactured and modular housing in the United States. These are all good things. It doesn't mean we should spend time that could otherwise be debating appropriation bills, which is what we do here. We prioritize by funding. That's what Congress does. We have the power of the purse. And yet we're shortchanging that process so that we can support the goals and ideals of Student Financial Aid Awareness Month and raise awareness of student financial aid. Like I said, not a bad thing, but not something that should supplanting what we should be doing here.

And so, Mr. Speaker, I would just plead with the Rules Committee and, more importantly, the leadership on the majority side to realize that the traditions of this body, the institutional things that we have here, open rules on appropriations, should be honored.

Now, I've come here for the past 10 years and offered a lot of amendments, many of which when we were in the majority. My own party didn't like these amendments, but they suffered through them because they knew that things matter here like tradition or upholding the institution.

□ 1430

So they allowed all amendments, some of which targeted Members of our own party. But the majority in power now doesn't seem to want that. They want to shield their Members from difficult votes and also shield those who are getting these earmarks from any scrutiny. These amendments aren't really scrutinized in the Appropriations Committee. So if they aren't argued and debated here, they simply aren't going to get a vetting.

I yield back the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, to the questions of my colleague from Arizona, I have to say you have far more experience in this body than I do. As you know, I'm a freshman Member. So I have only operated under the current process that we have today. I can't speak to what the process was like in the past.

I can say, as a member of the Rules Committee, a tremendous number of amendments come before our committee. And if all of them were allowed to come to the floor, and if this were an open rule, I'm sure there would be some advantages and some opportunities for greater debate.

On the other hand, on the issues that we're about to take up today, the essential issue of veterans benefits, which I'm going to look forward to speaking to in a few minutes, assuming that we vote down this current point of privilege, I am looking forward to the opportunity to move forward on taking better care of our veterans. And if we had a tremendous number of amendments before us today, I am not sure we would ever get there.

In fact, when I look at some of the information that I have before me, I am reminded that during the DOD appropriations bill in 2009, when I was sitting on the Rules Committee, we actually had 606 amendments come before us. Many of them were just there, I think everybody would agree on both sides of the aisle, many of them were just there to score political points. So do our constituents want us to take up our time today with listening to political back and forth taking up day after day with 606 amendments, or do they want us to get right to the heart of the matter, and that is to move forward on the issue of taking better care of our veterans?

And let me make one other point. You know, you've talked about earmarks, and you are very eloquent on the topic of earmarks; and I appreciate that. I think a lot of our constituents have great concerns about earmarks, how are they handed out, how does the budgeting process work here. But I do have to say as a freshman Member, I have taken great care to have a tremendous amount of transparency around the topic of earmarks.

We hold appropriations meetings in our district. We invite individuals with

any kind of issue to come before us that they would like to see appropriated, whether it's a highway bridge, or whether it's a community center, or whether it's a particular project that might benefit anyone in our district, the university, or some system. We actually ask each person who comes before us with an earmark request to make a 3-minute video. Then we post it on our Web site. Then we ask our constituents, do you have opinions on this?

So while I understand much of the concerns about the earmark process, I have to say as one Member who I can't say is in the top 13 percent of the highest recipients of earmarks, I still appreciate the process which allows me to take my constituents' wishes before the Appropriations Committee and say, you know, this would benefit my district, this would benefit my university, this would create more jobs. And I do it in a fully transparent manner. So I believe my constituents have the benefit of knowing all of the information around earmarking and doing the very best we can with making sure that process isn't handled in back rooms or in the dark of the night, but is actually a very transparent process.

So I appreciate the concerns that you have brought before us today. I look forward to moving forward on the debate on this rule so that we can move forward on what I think is a vital part of our appropriations process, that's taking care of our veterans.

So again, I want to urge my colleagues to vote "yes" on this motion to consider so we can debate and pass this important legislation today.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. The gentleman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of this rule is for debate only.

GENERAL LEAVE

Ms. PINGREE of Maine. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1559.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

Ms. PINGREE of Maine. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1559 provides for consideration of H.R. 5822, the Military Construction and Veterans Affairs and Related Agencies Ap-

propriations Act of 2011, under a structured rule. The rule provides 1 hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule waives points of order against provisions of the bill for failure to comply with clause 2 of rule XXI. The rule makes in order only those amendments printed in the report. All points of order against the amendments except those arising under clause 9 or 10 of rule XXI are waived.

The rule provides that for those amendments reported from the Committee of the Whole, the question of their adoption shall be put to the House en gros and without division of the question. The rule provides one motion to recommit with or without instructions. The rule provides that after consideration of the bill for amendment, the chair and the ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate. Finally, the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee.

Mr. Speaker, for more than 9 years our country has been engaged in two conflicts halfway around the world. The number of wounded military personnel in Iraq and Afghanistan has put a financial strain on the Department of Veterans Affairs. The VA expects to treat more than 6.1 million patients in 2011, including more than 439,000 veterans of Iraq and Afghanistan. In addition, the constant training, deployment, and redeployment of our troops have put a significant burden on our military.

H.R. 5822 appropriates funding for military construction, veterans programs, and four related agencies. Our troops have performed admirably wherever they have been deployed, and Congress has an obligation to provide the care and compensation to every eligible veteran. This bill also provides additional funding for the Guard and Reserves to address critical unfunded requirements as a result of prolonged and repeated deployments. In my home State of Maine, thousands of Guard and Reservists have made invaluable contributions to our national defense, and I am proud to see this funding included in the bill.

H.R. 5822 renews our commitment to redevelop closed military bases and their surrounding communities. The bill provides necessary funding to implement the 2005 BRAC and address the enormous backlog of environmental cleanup projects from previous BRAC rounds. This funding is essential to communities across the country, in-

cluding the towns of Brunswick and Topsham in my district, which are already experiencing economic difficulties from the closing of Brunswick Naval Air Station. We must do everything we can to support the communities that the BRAC bases leave behind.

While the investments in military construction are vital, they are only a small portion of this bill. The vast majority of legislation is devoted to veterans' programs. The bill provides the necessary funding for veterans' medical care, claims processors, and facility improvements, including increased funding for mental health services, assistance programs for homeless veterans, and innovative services for veterans in rural areas.

The military construction projects in this bill are vital to ensure that the missions of each installation are carried out in the most efficient manner possible. One great example is the funding contained in this bill for Portsmouth Naval Shipyard in Kittery, Maine. The shipyard provides world-class overhaul, repair, and modernization of nuclear submarines. The yard has a reputation of delivering subs back to the fleet on time and under budget.

This fall, the Portsmouth Naval Shipyard will welcome the first Virginia-class submarine to Maine for an overhaul. This bill contains \$11.9 million to modernize the structural shops at the yard, which will improve the equipment layout and streamline process flow within the shipyard. It will help workers at the yard continue to do high quality work while increasing their efficiency. And this funding is essential to this mission. Increasing maintenance efficiencies and eliminating redundancies will no doubt make the yard more competitive for Navy sub projects in the future.

The Portsmouth Naval Shipyard is an economic success story in Maine. The yard is in the middle of adding approximately 160 new jobs this year, jobs like painters, sheet metal workers, electricians, welders, and engineers. And the construction work that this bill will fund will be done by outside contractors, bringing even more jobs to the area. The funding in this bill will help this economic engine in southern Maine remain competitive and create new, good-paying jobs.

Finally, I am very proud of what this bill does for our Nation's veterans. Their service has earned them world-class health care and benefits, and Congress has a moral obligation to provide the best benefits possible.

□ 1440

This bill is an example of what happens when politics is put aside and veterans come first. I strongly support this rule which provides for consideration of this essential legislation.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend, the gentlewoman from Maine, for the time, and I yield myself such time as I may consume.

Each year Congress undertakes its duty to fund the government through what is commonly known as the appropriations process. The appropriations process usually begins with the consideration of a budget. The budget sets the parameters of congressional spending for the upcoming year, allowing the Appropriations Committee to begin assembling the 12 appropriations bills.

But for the first time since the Congressional Budget Act was passed in 1974, the House of Representatives has failed to even vote on a budget because of what some suspect may be an attempt by the majority to protect their Members from a vote that would increase what are already record budget deficits.

Yet the dysfunction does not end with the majority's abandonment of one of the most basic duties of governing. It continues today with the consideration of the first appropriations bill, the Fiscal Year 2010 Military Construction and Veterans Affairs and Related Agencies Appropriations Act.

Article I, section 9, clause 7 of the Constitution gives Congress the power of the purse. It says, "No money shall be drawn from the treasury but in consequence of the appropriations made by law; and a regular statement of account of receipts and expenditures of all public money shall be published from time to time."

The Congress' constitutional obligation under Article I, section 9, clause 7 has traditionally manifested itself in an open appropriations process. That process allows every Member of the House to propose any amendments—any amendments that are germane—to the 12 appropriations bills. That's the way it's been done, certainly since I've been here, and I know for decades and decades and generations before.

Yet, last year the majority decided to close down the deliberative process of the House on appropriations bills. I came to the floor to oppose that procedure last year, and I stated that I felt that the majority's decision to block debate on amendments from Members on both sides of the aisle was unnecessary and it was unfair, unjust. I thought it was a mistake. I said the majority would come to regret that mistake.

Today, on the very first appropriations bill of this year, the majority has once again decided to close down the appropriations process, and that's unfortunate. Last year we were told that the majority was taking this unprecedented step in order to move the appropriations bills to the Senate so that Congress could avoid an omnibus appropriations bill. What happened was

just the opposite. Despite the fact that the Military Construction-VA bill did in fact pass both the House and the Senate, the Democratic leadership never allowed the bill to go to conference, and instead that MILCON-VA appropriations bill was wrapped up in an omnibus appropriations bill—contrary to the reasoning that had been given by the majority.

So what is this year's reason? I believe that it is so that the majority can again use a restrictive process on appropriations bills so the leadership, the majority leadership, has the ability to pick and choose which amendments the House will consider.

Although I strenuously disagree with the manner in which the majority leadership has decided to close the appropriations process once again, and in this case it has allowed only 14 out of 35 amendments, I do wish to congratulate my friends, Chairman CHET EDWARDS, Ranking Member ZACH WAMP and Mr. CRENSHAW for their bipartisan work on the underlying legislation that is undoubtedly very important.

We owe our military veterans and their families an extraordinary debt of gratitude for their service and their sacrifices as a people, not just as a Congress. I think we have to ensure that our veterans and their families, who bear sacrifices and hardships as well, receive all the benefits and assistance to which they are entitled and that they deserve.

The underlying legislation that has been agreed to, it has been drafted in a fair and bipartisan manner, provides crucial funding for military construction and for housing, for quality-of-life projects for our troops and their families.

The legislation includes a total of \$141.1 billion in both mandatory and discretionary funding for these agencies. Of this, approximately \$120 billion is dedicated to the Department of Veterans Affairs.

The underlying legislation continues our commitment to the brave men and women who sacrifice so much to keep the Nation safe, supporting our servicemembers on base, deployed abroad, and to care for them when they come home.

The Pentagon recognized two important projects to south Florida, which were included in the President's budget and received funding in the underlying legislation. This legislation provides \$41 million to construct a permanent headquarters for Special Operations Command South. Currently Special Operations Command South is headquartered at Homestead Air Force Reserve Base. Headquarters personnel are supported by temporary, leased trailers. The trailers were not intended to support the headquarters mission beyond 3 years, and they require significant repairs for continued use.

The project in this legislation will consist of a command and control

building with a secure compartmentalized information facility, sensitive items storage, standby generator, and general purpose administrative areas. It will include anti-terrorism measures to protect military personnel stationed there and will be able to withstand—and this is very important—a category 5 hurricane. And, Mr. Speaker, as you know in Homestead, we had a category 5 hurricane the year I was elected to Congress. Hopefully we won't see that again. But it's important that this facility be able to withstand such force.

I am pleased that this legislation also includes funding for construction of a new commissary to be located at the Southern Command Headquarters in Doral, in the congressional district that I am honored to represent. Construction of this commissary will greatly benefit the over 13,000 military personnel and retirees within 20 miles of SOUTHCOM and the thousands more beyond. It will greatly reduce the high cost of living in south Florida for these men and women, and it will improve their quality of life.

I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I am very pleased to yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentlewoman for yielding.

Mr. Speaker, I rise in support of this bill. I especially want to thank Chairman EDWARDS and Ranking Member WAMP for providing the resources our Nation's veterans desperately need and for providing additional funding for FY2012. This advanced funding helps the VA avoid disruption of critical programs. We must take care of our brave men and women who serve this country, and this funding goes a long way to address many of their needs.

I also want to thank the chairman and ranking member for including report language on veterans' burial benefits. I am deeply concerned about the eroding value of the plot allowance and burial benefits provided to our Nation's veterans by the Department of Veterans Affairs. Because the benefits are not indexed to inflation, their value continues to diminish with each passing year. As a result, families and State veterans' cemeteries have been left to cover the increasing costs.

In FY09, the subcommittee included my report language urging the VA to assess the viability of increasing the plot allowance and burial benefits to cover the same percentage of veterans' burial benefits that they covered in 1973, when they were first initiated. The Department of Veterans Affairs has still not yet heeded our recommendations. I'm glad the subcommittee recognizes the importance of the issue and has again included the burial benefits report language.

□ 1450

However, we need to move on this, and I think having it included once

again is a step in reminding the VA that this is an important issue.

This Congress I have reintroduced the Veterans' Burial Benefits Improvement Act, H.R. 4045. This bill would increase the plot allowance from \$300 to \$745 for the burial costs of veterans who are buried in a State veterans' cemetery or a private cemetery; increase burial allowance benefits from \$2,000 to \$4,100 for veterans who die as a result of service-connected injuries and are buried in a national cemetery; increase the burial allowance from \$300 to \$1,270 for a veteran who wishes to be buried in a national veterans' cemetery and whose cause of death is not service-connected.

I urge my colleagues to become a cosponsor of this important piece of legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my very good friend from Florida (Mr. CRENSHAW).

Mr. CRENSHAW. I thank the gentleman for yielding.

I rise today to urge my colleagues to vote "no" on this rule.

I want to make it clear that I'm very much in favor of the underlying legislation, but this legislation is being brought to us today under a rule that will restrict our Members, both Democrats and Republicans, from offering amendments, having them considered.

I thought I would give you a little perspective because this bill has come to us this day through the regular order, a very open and fair process. Sixteen hearings took place. All the members of the subcommittee had an opportunity to ask questions and feel like they were being treated fairly, listened to their input. At the subcommittee level, six amendments were offered: four by the minority, two by the majority. They were all adopted unanimously in a bipartisan way. Then we went to the full committee, the full Appropriations Committee. At that point, eight amendments were offered, discussed, and they were adopted as well, in a bipartisan way, four from the Democrats, four from the Republicans.

Yet, when we got to the Rules Committee, that's where the fair and open process ran into a roadblock, the graveyard, if you will, because now we come to the floor with no longer a process where Members can stand up, offer amendments, maybe make a good bill even better, because this rule does not allow that.

I would think that at this time, when deficits are at record levels, when spending is more important to be looked at with a wise and efficient look, that we would allow Members to come to the floor and offer their input, but no, that's not the case.

So while the underlying legislation is very important and very good, I urge my colleagues to vote "no" and bring this back under an open rule and allow their participation.

Ms. PINGREE of Maine. I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to my good friend, Mr. BUYER from Indiana.

Mr. BUYER. Thank you very much.

I want to associate myself with the remarks of the gentleman from Florida (Mr. CRENSHAW).

When the majority went to this process to be restrictive here on the floor with regard to amendments on appropriations, that was really a dark day for liberty, and it's really very, very unfortunate. And I understand the Speaker wants to rule the House with a mighty hand and is utilizing the Rules Committee to make Congress an undemocratic institution. The American people are watching. They know that there's something going on in Washington, DC, that's not right. They don't completely understand all this process, but something they do know and understand and that's freedom and that's liberty.

So we're charged with this responsibility to care for those who wear the uniform who now have been injured not only in the workplace but also on the battlefield. But when it comes time then for us to have an open discussion and debate on how best to do that, freedoms are denied. Pretty weird, pretty strange, very peculiar.

As the ranking member of the Veterans Affairs Committee, I have three amendments that were made in order, but there are also two amendments that were not made in order. The first amendment that was not made in order would have transferred \$230 million from the information technology system account to fund improvements in various other programs. In 2010, the VA conducted a major review of its major IT initiatives. Of over 300 programs that were reviewed, about 100 are still active or are in planning and about 100 are still being reviewed and about the other hundred have been stopped permanently or have been paused.

This amendment would have taken the \$230 million in savings from this review and put \$120 million toward deficit reduction and use the remaining \$100 million to increase the following VA accounts: medical and prosthetic research by \$50 million to fund further research into new innovative treatments, such as the hyperbaric oxygen therapy for TBI; prosthetic devices for female amputees who often have difficulties with the fit and size of the traditional prosthesis tailored to the male physique; and helmets that measure the G-force impact and protect our servicemembers from these blast injuries.

Also, with regard to the VBA general operating account, increase it by \$2 million for VA to conduct an authorized longitudinal study for the VRE participants to assess the effectiveness

of the program. Also, then increase the VHA medical services account by \$48 million; \$30 million to improve VA's suicide prevention programs, including \$100 million for the national broadcast suicide prevention advertising campaign; \$10 million for the VA to improve its services for homeless women veterans and homeless veterans with children; and \$8 million for innovative treatments for TBI and mental health.

Does that sound radical? That was made not in order. It is hard. That was not made in order. And so, okay, why? I don't know. The Rules Committee didn't give me an answer. That should have been made in order. That's something that should have been discussed.

We have had a challenge here with regard to the IT systems at the VA, and I leave here in 6 months and the appropriators and the authorizers are going to have a real challenge here, especially as you go forward.

Now, fortunately once we centralize the IT architecture you've got a really good—Roger Baker as the chief information officer, very talented individual, doing assessments. The Secretary's Shinseki. He gets it, he understands it. He's doing this review. But when you take down projects, and we've got those moneys, we can make judgments and choices with regard to how to use some of those dollars, and that's what we sought to do here, and that amendment should, in fact, have been made in order, and it's really unfortunate.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 1 additional minute.

Mr. BUYER. There is another amendment, and I know, Mr. Speaker, my good friend, Chairman EDWARDS, had some concerns about one of the amendments that, in fact, was made in order, and I understand, and we can have a colloquy and we can get into that because I know you agree with what we're doing. Mr. Speaker, I believe that Chairman EDWARDS agrees with the initiatives in working with—I guess we can call them green initiatives, green management initiatives, but it's the renewable energy portfolio that's being done down at the VA.

And it's really this advance appropriation is making it hard on how we move moneys between accounts, at the same time, what type of amendments can be brought to the floor. I mean, I tried to do this a couple of years ago, and the parliamentarian knocked an amendment out. And so I wanted to raise this issue on the floor that we have about 60 projects out there, around \$162 million, and we've got to figure out how to best fund these, and I will get into that with the Speaker later.

My intention is not to offer that amendment that has been authorized

to offer, and I will work this out with Chairman EDWARDS. But I'm going to ask to oppose the rule, even though I compliment the good work the committee has done. But we need an open process.

Ms. PINGREE of Maine. I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my pleasure to yield 5 minutes to my friend, the distinguished ranking member of the Rules Committee, Mr. DREIER from California.

□ 1500

Mr. DREIER. Mr. Speaker, I thank my friend from Miami for his very thoughtful remarks in his opening statement in which he talked about the greatness of this bill.

This is a bipartisan bill, as has been pointed out by Mr. CRENSHAW, as has been pointed out by Mr. BUYER. Democrats and Republicans alike have come together because, obviously, if we don't take care of our Nation's veterans, how are we going to incent our fellow Americans to join the armed services?

When commitments are made to them, they need to be kept. We all want to do everything we can for the brave men and women who have fought on behalf and served on behalf of the United States of America.

Obviously, I am here with a degree of sadness. I wasn't here for the exchange that took place when our friend, Mr. FLAKE, was here, but I have been told that my good friend from North Haven, who is managing this rule for the majority, indicated that if we had had an open amendment process, we would be allowing partisan obstructionism or something along that line to take place.

Mr. Speaker, it's very interesting that we have made what I consider to be rather sad history in this place. My friend from North Haven is a new Member of this institution and has not once, in her 18 months as a Member of the United States House of Representatives, been able to witness or participate in a bill being debated under an open amendment process.

I have got to say that until it is tried, I would say to my friend, Mr. Speaker, until it's tried, I would think that the notion of passing judgment on the problems of an open rule should really not be brought forward.

I will tell you that it is clear that an open amendment process is messier and uglier and more difficult than having everything shut down, but that's really what the framers of our Constitution wanted. They wanted there to be a free-flowing discussion. I just listened to Mr. BUYER a few minutes ago talking about the green initiative, and he wanted to engage in a colloquy with Chairman EDWARDS about this.

The fact is, when we get into an open amendment process, which, by the way,

was done for every single year up until last year for almost all appropriations bills—in fact, virtually every appropriations bill has begun under an open amendment process. Then, if a bipartisan consensus and agreement cannot be struck to bring about some kind of limitation of debate between the chairman of the subcommittee and the ranking member, the Rules Committee has, on occasion, been called on. But the difficulty here for me to understand, Mr. Speaker, is that we are not even beginning with even a modicum of regular order.

Yesterday, in the Rules Committee, I talked about William Natcher, who was a great Member of this institution and served for a period of time as chairman of the Appropriations Committee. Two decades ago, when I joined the Rules Committee, I discussed the appropriations process with Chairman Natcher. He was probably best known—well, he was known for lots of accomplishments, probably best known as the only human being to go, for all the years that he served here, without missing a single vote. In fact, he gave me advice when I got here. He said, Make a speech in the well and miss a vote. This guy never missed a vote, and he was bound to that.

But one of the things that he was was a great institutionalist, and he understood what regular order consisted of. He believed that since appropriations bills are considered to be privileged resolutions, that those measures didn't have to go upstairs through the Rules Committee. They, instead, could come directly to the House floor. By virtue of doing that, it would mean that legislating an appropriations bill could be stricken by a point of order that a Member would raise, but he believed that that was the best way to do that.

Well, we moved away from that, and he said he didn't think that it was a wise thing. But we moved to the point where the Rules Committee would say, gosh, if there are items in an appropriations bill that consisted of things like legislation, there was an agreement with the authorizing committee that the Rules Committee would protect those. It was understood and done pretty much with bipartisan consensus.

But then Democrats and Republicans, alike, would be able to, under that sacrosanct appropriations process, offer germane amendments to the appropriations bill. Now we have gotten to the point, again, and for the first time in the history of the Republic, of shutting down the appropriations process, limiting the opportunities for Members to offer amendments.

While this is a very, very, very good and a critically important bill which virtually all of us will support at the end of the day, it's not the right way to do it. Process is substance. The American people learned that very clearly when we had the 300-page amendment

dropped on us up in the Rules Committee at 3 o'clock in the morning, that, in fact, said that we had just a few hours to look at that measure before it was to be debated on the House floor.

The SPEAKER pro tempore (Mr. CUELLAR). The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 30 additional seconds.

Mr. DREIER. Let me just close by saying that it's very, very important for us to recognize that process is substance. The American people get that. They understand that we are preventing their voice, Democrat and Republican alike, from being heard in this appropriations process.

It is wrong, and I hope very much that as we move through the appropriations process this year we will get back through to regular order. I certainly hope that beginning next year, when a new appropriations process will begin, that we will have the kind of open amendment process that the American people expect and, through their elected representatives, deserve.

Ms. PINGREE of Maine. Mr. Speaker, I thank my colleagues on the other side of the aisle, and I appreciate the words of my colleague and far more experienced Member from California. Thank you very much.

I take your criticism that perhaps, although you didn't hear my words earlier today, that had I been here for the amount of time that you had or had the previous experience, I wouldn't have said exactly what I said about the political posturing that could go on under an open rule.

You are right, 18 months I have been here. I have never had any experience in this legislative body about the process of which of you speak. So, far be it from me to say what the differences were from then until today, but I will say a little bit about my own experience.

I have the good fortune of sitting on the Rules Committee, and perhaps some day, if I am here long enough, and I move my way up the chairs and I am the ranking member or the chair, I will want to advocate for doing things differently. But I only know the experience that I have had up to today, Mr. Speaker, as a member of the Rules Committee.

Now, I see frequent meetings of the Rules Committee. I see a tremendous number of amendments come before us. As my fellow members well know, Mr. Speaker, we often spend hours listening to potential amendments that could be heard here on the floor. I think this afternoon we will have the pleasure of joining the other members of the Rules Committee, Mr. Speaker, and hearing 120 or more amendments to the next potential appropriation bill that could come to the floor.

I hear lively debate. I have been there to submit amendments. Sometimes they are accepted; sometimes they are not. I see amendments come to the floor that I agree with and I disagree with. So I see a lot of back-and-forth about the number of amendments. Perhaps it's not an open rule. You are right, I have never had the experience of an open rule here in this Chamber, but I have also had the experience of a tremendous number of amendments, some of which are politically motivated, some of which could take up a tremendous amount of our time, and I feel that generally the Rules Committee pares down the number of amendments to a reasonable number from each side, probably more for the majority than the minority, and I am sure that happened when the other party was in control, too.

But the fact is, I hear a lot of lively debate. I have only the experiences that I have had, and I can't defend what might have happened in the past or what may happen in the future.

Mr. DREIER. Would the gentleman yield, very briefly?

Ms. PINGREE of Maine. I yield to the gentleman.

Mr. DREIER. I thank the gentleman for yielding.

I would say to my friend that she is absolutely right, having this 18-month experience.

The fact is, if the Rules Committee were to follow regular order and report out open rules, the meetings upstairs would last a grand total of 5 minutes because we would have the chairman and the ranking member of the subcommittee come forward, say we have got this bill, we have an open amendment process, any Member can stand up on the House floor and offer a germane amendment to the measure. It is considered under the 5-minute rule. We would end the meeting upstairs and we would allow the House to work its will, which is, again, what was done up until last year when we had this shut down for the first time.

Ms. PINGREE of Maine. I thank my friend for those words.

I happen to enjoy many of the meetings we have when we have the time to consider both sides, the rules on both sides and the opportunities for what discussion will come to the floor. I appreciate being a member of the Rules Committee and being a part of that filtering process. I don't know if the process will change in the future, but I will say today we have a goodly number of amendments that will be considered on this.

From my perspective, the most important thing that we are doing today is moving forward on this rule, which I hope will pass with a great majority, and moving forward to the consideration of this bill which, I will remind my colleagues, holds a tremendous amount of benefit for our home com-

munities and our veterans, and that is actually why we are here today.

I wouldn't want to see extensive consideration of so many amendments that we never got to the point of what people asked us to do. In this case, it's taking care of our veterans and making sure that they get the services that they deserve after they have served our country.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Nebraska (Mr. TERRY).

□ 1510

Mr. TERRY. Mr. Speaker, I must rise in opposition to this closed, or partially closed, rule.

Thirty-four amendments is not overwhelming. Back just a couple years ago, heck, we would have double or triple that many on an open rule. And it really saddens me to hear that if something will take time to debate or it's controversial, that we are not going to allow it on the floor anymore. Mr. Speaker, democracy isn't supposed to be easy; dictatorships are.

Now, I will rise in support of the underlying bill because I'm going to stand with our men and women in uniform, whether it's current or retired; those are our veterans.

This bill does a great deal of good for Offutt Air Force base, the Bellevue/Omaha area, for our veterans. One of the most significant is \$56 million for the design of a new VA inpatient hospital facility for that entire regional area. The current facility was built 60 years ago. It is dilapidated to the point where it is no longer even safe, let alone meets the appropriate standards. So I am proud that the VA has decided and agrees with the entire congressional delegation and the community that this inpatient facility must be replaced and we begin that process.

The second has been a vision of our veterans community. There is no national veterans cemetery within the area of eastern Nebraska, western Iowa, northwest Missouri. The previous administration realized that the rule that was applied needed to be changed, and that was under Secretary Peake, and continued under the current administration—and I want to thank General Shinseki and this administration for following through—in rightfully determining that the service area for a veterans cemetery was actually 112,000 veterans that could be served. By doing that, that shot the eastern Nebraska, Omaha area to the top of the list. And so inside this bill is the appropriation to start the design and purchase of land of a new national veterans cemetery in the Omaha/Bellevue area. That has been a labor of love that started with a small group of veterans in my office just a few years ago, and now I get to see it come to reality.

The last is specific to Offutt Air Force Base. It makes a reference in the MILCON provisions that the new STRATCOM headquarters will begin construction in 2012 and that the costs need to be borne throughout all of the branches and the DOD. This is important for the community and the psyche of the Offutt Air Force Base community.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 30 additional seconds.

Mr. TERRY. I want to point out, in conclusion, that these are based on the merits of the project—the need for the hospital, the veterans cemetery, and the need for the headquarters. These aren't earmarks; these are things that are determined by merit by the VA and the Department of Defense. And I want to go on record as the Representative of this area in complete support of this bill and those projects.

Ms. PINGREE of Maine. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I thank the gentleman from Florida.

My amendment that was proposed to the Rules Committee is one of those that's been denied under this very closed rule.

This appropriation bill does much to honor our Nation's commitment to veterans who have sacrificed for our freedoms, but I'm concerned that our own government is unfairly taking away freedom from those veterans.

Many Americans should be shocked to learn that an outrageous Department of Veterans Affairs process is arbitrarily stripping the Second Amendment rights of veterans and their families who simply receive assistance managing their financial affairs. I offered an amendment to reform the VA practice that wrongly denies gun ownership rights to veterans. Despite the support for this change by a number of veterans organizations, like the American Legion, as well as the National Rifle Association, I am disappointed that the majority did not allow my amendment to go forward and be heard and offered on the floor today.

Federal law prohibits certain individuals from possessing firearms because they pose a danger to society or themselves, such as convicted felons, illegal aliens, and those who are adjudicated mentally ill. The Brady Act requires the FBI to maintain a database of these individuals called the National Instant Criminal Background Check System which prevents them from purchasing firearms.

Over the past 10 years, the VA has sent names of over 100,000 veterans, their spouses, and their children to the

FBI, not because they pose any danger, but simply because the VA determined they could not handle their VA benefits. The VA appoints fiduciaries to help veterans who, for example, have a credit problem or who cannot manage their financial affairs due to health reasons.

The VA's review process for assigning a fiduciary only examines a veteran's financial responsibility and does not look at whether the veteran is a danger to himself or others. But when veterans are appointed fiduciaries, the VA automatically deems them as "mentally defective" and forwards their names to the FBI. Without so much as a hearing, these veterans are then prohibited by law from purchasing firearms. By comparison, the Social Security Administration has assisted over 5 million beneficiaries with their finances, but the Social Security Administration does not send those names to the FBI.

It is wrong to take away any veteran's constitutional right to keep and bear arms simply because they cannot manage their financial affairs. My amendment would have ended this unjust practice. The amendment would have required that before the VA can forward the veteran's name to the FBI, an appropriate judicial authority must rule that the veteran poses a danger to himself or to others should he own a firearm.

I am disappointed my amendment was denied, and as a result veterans will continue to be denied their due process and constitutional rights. I encourage my colleagues to support legislation that I and the gentleman from Texas have introduced called the Veterans Second Amendment Protection Act, H.R. 2547, to correct this wrong and restore gun rights to our country's veterans.

Ms. PINGREE of Maine. I continue to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to a brilliant new Member of this House from Hawaii (Mr. DJOU).

Mr. DJOU. I thank my colleague from Florida.

Mr. Speaker, thank you for giving me the opportunity to express my disappointment that my amendment was not allowed to be submitted to this body. I specifically wanted to highlight my amendment, which was asking to restore funding for the relocation of American forces away from Okinawa to Guam, as requested by President Obama. I think it is a major mistake that this body is not going to support the President's request for the relocation of American forces.

As a member of the Armed Services Committee and a Member who represents a large portion of the Pacific fleet in Hawaii, I support restoring funds for construction to further the

realignment of Marine Corps forces from Okinawa to Guam in H.R. 5822. The committee reduced the appropriation request submitted by the President by 50 percent.

The Guam realignment will be one of the largest moves of military forces in decades. The postponement of construction of necessary military facilities and infrastructure will cause unnecessary delay and threaten our geopolitical positioning in the Asia-Pacific region.

My amendment was also completely offset by reallocating funds from military construction requests that were put above what President Obama had asked for. Mr. Speaker and Members, I want to highlight to this body that right now, as all of us talk, 2 days ago, the United States Armed Forces began the largest war game operations in the Korean peninsula in the Yellow Sea since the end of the Cold War. The reason we entered these war game operations is because of the instability that continues to unfortunately exist in East Asia and the Korean peninsula.

By failing to support the President in allocating sufficient funding to establish new force location in Guam, over the short term we might be okay; but over the long term, this is a major geopolitical mistake that this Congress is making. I hope that Congress reconsiders and I hope the Senate re-examines this. I am disappointed I was unable to offer this amendment on this very important and serious matter.

Ms. PINGREE of Maine. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, the passage of this rule is a vital step towards improving our military infrastructure and ensuring that the quality of care for our veterans and their families is worthy of their sacrifice.

My home State has one of the highest populations of veterans per capita in the country. In a State of 1.3 million people, Maine is home to over 155,000 veterans.

□ 1520

These men and women have served without question, without politics and without hesitation. We must make a promise to them and to all of our veterans that we will do the same. We must provide them with the health care and the benefits that they deserve—without question, without politics, and without hesitation. By passing H.R. 5822, we will begin to keep that promise.

I urge a "yes" vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 1559 will be followed by 5-minute votes on motions to suspend the rules with regard to:

H.R. 4692, by the yeas and nays;

H. Res. 1543, by the yeas and nays; and

H.R. 5827, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 243, nays 178, not voting 11, as follows:

[Roll No. 476]

YEAS—243

Ackerman	Edwards (TX)	Lynch
Adler (NJ)	Ellison	Maffei
Altmire	Engel	Maloney
Arcuri	Eshoo	Markey (CO)
Baca	Etheridge	Markey (MA)
Baird	Farr	Marshall
Baldwin	Fattah	Matheson
Barrow	Filner	Matsui
Bean	Foster	McCarthy (NY)
Becerra	Frank (MA)	McCollum
Berkley	Fudge	McDermott
Berman	Garamendi	McGovern
Berry	Giffords	McIntyre
Bishop (GA)	Gonzalez	McMahon
Bishop (NY)	Gordon (TN)	McNerney
Blumenauer	Grayson	Meek (FL)
Bocchieri	Green, Al	Meeks (NY)
Boren	Green, Gene	Melancon
Boswell	Grijalva	Michaud
Boucher	Gutierrez	Miller (NC)
Boyd	Hall (NY)	Miller, George
Brady (PA)	Halvorson	Mollohan
Braley (IA)	Hare	Moore (KS)
Brown, Corrine	Harman	Moore (WI)
Butterfield	Hastings (FL)	Moran (VA)
Capps	Heinrich	Murphy (CT)
Capuano	Higgins	Murphy (NY)
Cardoza	Hill	Murphy, Patrick
Carnahan	Himes	Nadler (NY)
Carney	Hinchey	Napolitano
Carson (IN)	Hinojosa	Neal (MA)
Castor (FL)	Hirono	Nye
Chandler	Hodes	Oberstar
Childers	Holden	Obey
Chu	Holt	Olver
Clarke	Honda	Ortiz
Clay	Hoyer	Owens
Cleaver	Inslee	Pallone
Clyburn	Israel	Pascrell
Cohen	Jackson (IL)	Pastor (AZ)
Connolly (VA)	Jackson Lee	Payne
Conyers	(TX)	Perlmutter
Cooper	Johnson (GA)	Perriello
Costa	Johnson, E. B.	Peters
Costello	Kagen	Peterson
Courtney	Kanjorski	Pingree (ME)
Critz	Kaptur	Polis (CO)
Crowley	Kennedy	Pomeroy
Cuellar	Kildee	Price (NC)
Cummings	Kilpatrick (MI)	Quigley
Dahlkemper	Kilroy	Rahall
Davis (AL)	Kind	Rangel
Davis (CA)	Kirkpatrick (AZ)	Reyes
Davis (IL)	Kissell	Richardson
Davis (TN)	Klein (FL)	Rodriguez
DeFazio	Kosmas	Ross
DeGette	Kucinich	Rothman (NJ)
Delahunt	Langevin	Roybal-Allard
DeLauro	Larsen (WA)	Ruppersberger
Deutch	Larson (CT)	Rush
Dicks	Lee (CA)	Ryan (OH)
Dingell	Levin	Salazar
Doggett	Lipinski	Sánchez, Linda
Donnelly (IN)	Loebach	T.
Doyle	Lofgren, Zoe	Sanchez, Loretta
Driehaus	Lowey	Sarbanes
Edwards (MD)	Lujan	Schakowsky

Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder

NAYS—178

Aderholt
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)

NOT VOTING—11

Akin
Andrews
Fallin
Hoekstra

□ 1550

Messrs. MCCLINTOCK, GERLACH, and POSEY changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wu
Yarmuth

Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)

Watson
Woolsey
Young (FL)

NATIONAL MANUFACTURING STRATEGY ACT OF 2010

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4692) to require the President to prepare a quadrennial National Manufacturing Strategy, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 379, nays 38, not voting 15, as follows:

[Roll No. 477]

YEAS—379

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu

Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords

Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebuck
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)

Bachmann
Barrett (SC)
Bartlett
Broun (GA)
Burton (IN)
Campbell
Carter
Chaffetz
Conaway
Djou
Flake
Franks (AZ)
Gohmert

Akin
Andrews
Bishop (NY)
Costello
Culberson
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich

Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascarelli
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perrilli
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader

NAYS—38

Graves (GA)
Hensarling
Herger
Inglis
King (IA)
Kingston
Linder
Mack
McClintock
Miller (FL)
Myrick
Nunes
Paul

NOT VOTING—15

Fallin
Gordon (TN)
Hoekstra
Lewis (GA)
Moore (WI)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1600

Messrs. BURTON of Indiana, ROYCE and ROHRABACHER changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING DR. JANE GOODALL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1543) honoring the educational significance of Dr. Jane Goodall's work on this the 50th anniversary of the beginning of her work in Tanzania, Africa, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 16, as follows:

[Roll No. 478]

YEAS—416

Ackerman	Brown-Waite,	Davis (AL)
Aderholt	Ginny	Davis (CA)
Adler (NJ)	Buchanan	Davis (IL)
Alexander	Burgess	Davis (KY)
Altmire	Burton (IN)	Davis (TN)
Arcuri	Butterfield	DeFazio
Austria	Calvert	DeGette
Baca	Camp	Delahunt
Bachmann	Campbell	DeLauro
Bachus	Cantor	Dent
Baird	Cao	Deutch
Baldwin	Capito	Diaz-Balart, L.
Barrett (SC)	Capps	Diaz-Balart, M.
Barrow	Capuano	Dicks
Bartlett	Cardoza	Dingell
Barton (TX)	Carnahan	Djou
Bean	Carney	Doggett
Becerra	Carson (IN)	Donnelly (IN)
Berkley	Carter	Doyle
Berman	Cassidy	Dreier
Berry	Castle	Driehaus
Biggert	Castor (FL)	Duncan
Bilbray	Chaffetz	Edwards (MD)
Bilirakis	Chandler	Edwards (TX)
Bishop (GA)	Childers	Ehlers
Bishop (NY)	Chu	Ellison
Bishop (UT)	Clarke	Ellsworth
Blackburn	Clay	Emerson
Blumenauer	Cleaver	Engel
Blunt	Clyburn	Eshoo
Boocieri	Coble	Etheridge
Boehner	Coffman (CO)	Farr
Bonner	Cohen	Fattah
Bono Mack	Cole	Filner
Boozman	Conaway	Flake
Boren	Connolly (VA)	Fleming
Boswell	Conyers	Forbes
Boucher	Cooper	Fortenberry
Boustany	Costa	Foster
Boyd	Costello	Fox
Brady (PA)	Courtney	Frank (MA)
Brady (TX)	Crenshaw	Franks (AZ)
Braley (IA)	Critz	Frelinghuysen
Bright	Crowley	Fudge
Brown (GA)	Cuellar	Gallegly
Brown (SC)	Culberson	Garamendi
Brown, Corrine	Cummings	Garrett (NJ)
	Dahlkemper	Gerlach

Giffords	Lujan	Roe (TN)
Gingrey (GA)	Lummis	Rogers (AL)
Gohmert	Lungren, Daniel	Rogers (KY)
Gonzalez	E.	Rogers (MI)
Goodlatte	Lynch	Rohrabacher
Gordon (TN)	Mack	Rooney
Granger	Maffei	Ros-Lehtinen
Graves (GA)	Maloney	Roskam
Graves (MO)	Manzullo	Ross
Grayson	Marchant	Rothman (NJ)
Green, Al	Markey (CO)	Roybal-Allard
Green, Gene	Markey (MA)	Royce
Griffith	Marshall	Ruppersberger
Grijalva	Matheon	Rush
Guthrie	Matsui	Ryan (OH)
Gutierrez	McCarthy (CA)	Ryan (WI)
Hall (NY)	McCarthy (NY)	Salazar
Hall (TX)	McCauley	Sanchez, Linda
Halvorson	McClintock	T.
Hare	McCollum	Sarbanes
Harman	McCotter	Scalise
Harper	McDermott	Schakowsky
Hastings (FL)	McGovern	Schauer
Hastings (WA)	McHenry	Schiff
Heinrich	McIntyre	Schmidt
Heller	McKeon	Schock
Hensarling	McMahon	Schrader
Herger	McMorris	Schwartz
Herseth Sandlin	Rodgers	Scott (VA)
Higgins	McNerney	Sensenbrenner
Hill	Meek (FL)	Serrano
Himes	Meeks (NY)	Sessions
Hinche	Melancon	Sestak
Hinojosa	Mica	Shadegg
Hirono	Michaud	Shea-Porter
Hodes	Miller (FL)	Sherman
Holden	Miller (MI)	Shimkus
Holt	Miller (NC)	Shuler
Honda	Miller, Gary	Shuster
Hoyer	Miller, George	Simpson
Hunter	Minnick	Sires
Inglis	Mitchell	Skelton
Inlee	Mollohan	Slaughter
Israel	Moore (KS)	Smith (NE)
Issa	Moore (WI)	Smith (NJ)
Jackson (IL)	Moran (KS)	Smith (TX)
Jackson Lee	Moran (VA)	Smith (WA)
(TX)	Murphy (CT)	Snyder
Jenkins	Murphy (NY)	Space
Johnson (GA)	Murphy, Patrick	Speier
Johnson (IL)	Murphy, Tim	Spratt
Johnson, E. B.	Myrick	Stark
Johnson, Sam	Nadler (NY)	Stearns
Jones	Napolitano	Stupak
Jordan (OH)	Neal (MA)	Sullivan
Kagen	Nunes	Sutton
Kanjorski	Nye	Tanner
Kaptur	Oberstar	Taylor
Kennedy	Olson	Teague
Kildee	Oliver	Terry
Kilpatrick (MI)	Ortiz	Thompson (CA)
Kilroy	Owens	Thompson (MS)
Kind	Pallone	Thompson (PA)
King (IA)	Pascarella	Thornberry
King (NY)	Pastor (AZ)	Tiberi
Kingston	Paul	Tierney
Kirk	Paulsen	Titus
Kirkpatrick (AZ)	Payne	Tonko
Kissell	Pence	Tsongas
Klein (FL)	Perlmutter	Turner
Kline (MN)	Perriello	Upton
Kosmas	Peters	Van Hollen
Kratovil	Peterson	Velázquez
Kucinich	Petri	Visclosky
Lamborn	Pingree (ME)	Walden
Lance	Pitts	Walz
Langevin	Platts	Wasserman
Larsen (WA)	Poe (TX)	Schultz
Larson (CT)	Polis (CO)	Waters
Latham	Pomeroy	Watt
LaTourette	Posey	Waxman
Latta	Price (GA)	Weiner
Lee (CA)	Price (NC)	Welch
Lee (NY)	Putnam	Westmoreland
Levin	Quigley	Whitfield
Lewis (CA)	Radanovich	Wilson (OH)
Linder	Rahall	Wilson (SC)
Lipinski	Rangel	Wittman
LoBiondo	Rehberg	Wolf
Loeb	Reichert	Woolsey
Loeb	Reyes	Wu
Lucas	Richardson	Yarmuth
Luetkemeyer	Rodriguez	Young (AK)

NOT VOTING—16

Akin	Lofgren, Zoe	Towns
Andrews	Neugebauer	Wamp
Buyer	Obey	Watson
Fallin	Sanchez, Loretta	Young (FL)
Hoekstra	Scott (GA)	
Lewis (GA)	Tiahrt	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1608

Mrs. NAPOLITANO changed her vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROTECTING GUN OWNERS IN BANKRUPTCY ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5827) to amend title 11 of the United States Code to include firearms in the types of property allowable under the alternative provision for exempting property from the estate, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 307, nays 113, not voting 12, as follows:

[Roll No. 479]

YEAS—307

Aderholt	Bright	Costello
Adler (NJ)	Brown (GA)	Courtney
Alexander	Brown (SC)	Crenshaw
Altmire	Brown-Waite,	Critz
Arcuri	Ginny	Cuellar
Austria	Buchanan	Culberson
Baca	Burgess	Dahlkemper
Bachmann	Burton (IN)	Davis (AL)
Bachus	Buyer	Davis (KY)
Barrett (SC)	Calvert	Davis (TN)
Barrow	Camp	DeFazio
Bartlett	Campbell	Dent
Barton (TX)	Cantor	Diaz-Balart, L.
Bean	Cao	Diaz-Balart, M.
Berkley	Capito	Dicks
Biggert	Cardoza	Dingell
Bilbray	Carnahan	Doggett
Bilirakis	Carney	Donnelly (IN)
Bishop (GA)	Carson (IN)	Dreier
Bishop (UT)	Carter	Driehaus
Blackburn	Cassidy	Duncan
Blunt	Castle	Edwards (TX)
Boocieri	Chaffetz	Ehlers
Boehner	Chandler	Ellsworth
Bonner	Childers	Emerson
Bono Mack	Clyburn	Etheridge
Boozman	Coble	Flake
Boren	Coffman (CO)	Fleming
Boswell	Cole	Forbes
Boucher	Conaway	Fortenberry
Boustany	Connolly (VA)	Foster
Boyd	Conyers	Fox
Brady (TX)	Cooper	Franks (AZ)
Braley (IA)	Costa	Frelinghuysen

Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Halvorson
Hare
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hodes
Holden
Hoyer
Hunter
Inglis
Inslee
Issa
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebuck
Lucas
Luetkemeyer

Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris
Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Owens
Pascarell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Pierello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pollis (CO)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Reyes

NAYS—113

Ackerman
Baird
Baldwin
Becerra
Berman
Berry
Bishop (NY)
Blumenauer
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Castor (FL)
Chu
Clarke
Clay
Clever
Cohen
Crowley
Cummings
Davis (CA)
Davis (IL)

DeGette
Delahunt
DeLauro
Deutch
Djou
Doyle
Edwards (MD)
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Grijalva
Gutierrez
Hall (NY)
Harman
Hastings (FL)
Himes
Hirono

Holt
Honda
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson, E. B.
Kennedy
Kilpatrick (MI)
Kilroy
Klein (FL)
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey (MA)
Matsui
McCarthy (NY)

Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Scalise
Schauer
Schiff
Schmidt
Schock
Schradler
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Titus
Turner
Upton
Walden
Walz
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)

McCollum
McDermott
McGovern
McMahon
Meeks (NY)
Miller, George
Moran (VA)
Murphy (CT)
Nadler (NY)
Napolitano
Neal (MA)
Oliver
Pallone
Payne
Price (NC)
Quigley

NOT VOTING—12

Akin
Andrews
Fallin
Gingrey (GA)

Rangel
Richardson
Rothman (NJ)
Roybal-Allard
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Serrano
Sherman
Sires
Slaughter
Speier
Stark
Thompson (MS)

Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Woolsey
Yarmuth

□ 1617

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

Ms. KILPATRICK of Michigan, Messrs. JACKSON of Illinois and TONKO changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. AKIN. Madam Speaker, on July 28, 2010, I was absent from the House and missed rollcall votes 476, 477, 478, and 479.

Had I been present, I would have voted “no” on rollcall 476; “yes” on rollcall 477; “yes” on rollcall 478; and “yes” on rollcall 479.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 1548

Mr. SABLON. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H. Res. 1548.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

GENERAL LEAVE

Mr. EDWARDS of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5822.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore. Pursuant to House Resolution 1559 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5822.

□ 1618

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5822) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, with Ms. EDWARDS of Maryland in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. EDWARDS) and the gentleman from Florida (Mr. CRENSHAW) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. EDWARDS of Texas. Madam Chair, I yield myself such time as I may consume.

Madam Chair, it's a privilege for me to present the fiscal year 2011 Military Construction and Veterans Affairs appropriations bill. I believe this bill and the work we have done since January of 2007 is a work all of us can be very proud of.

In this time of war, we have continued our tradition of a bipartisan Military Construction and Veterans Affairs appropriation bill. It has honored in a meaningful way the service and sacrifice of our servicemen and -women, our veterans and their families.

With passage of this fiscal year 2011 bill, the Congress will have increased veterans health care and benefits funding by 70 percent in the last 3½ years. In addition, we have funded a new 21st century GI education bill that 510,000 servicemen and -women, veterans, and military children have used to further their education. This is an unprecedented increase in Congress' commitment to veterans.

In our book, our veterans have earned every dime of this funding. We have, among other things, increased by 10,200 the number of permanent claims processors in the VA to reduce VA case backlogs, provided an additional 145 community-based outpatient clinics, built 92 new vet centers. This bill will add 30 mobile vet centers to serve rural communities. It allowed the Veterans Health Administration to hire an additional 18,000 new doctors and nurses.

These resources mean that our veterans have better access to the health care they need and deserve, including improved access in rural areas, increased access for VA health care for low- and middle-income vets. Additionally, these resources ensure that our veterans receive, on a more timely basis, the services and benefits that they have earned.

We have also worked hard to make sure that our military knows that the Congress respects the sacrifices that they and their families have made each and every day to keep our great Nation safe. We have heard time and time again in testimony that the best support we can give our military when they are deployed is the knowledge that their families are cared for here at home.

We have listened and funded initiatives, such as:

\$2.8 billion for new military hospitals so servicemen and -women know that their families will get the best possible health care in high quality facilities;

New child care centers to serve 20,000 military children;

Over \$500 million in additional funding for barracks, because Congress needs to show our volunteer forces from day one that we respect and honor their decision to serve.

The Subcommittee for Military Construction and Veterans Affairs did not accomplish this alone. There are several key leaders that have worked tirelessly behind the scenes to support our efforts.

Speaker PELOSI promised our veterans that they would be a top priority for her, and the fact is she has more than honored that promise. Her fingerprints are on every bill that has provided for our military and veterans in the past 3½ years through our subcommittee, and I thank her for her leadership in these efforts.

Also, we would not have seen the historic funding increases that I have just highlighted were it not for the dedicated support of Chairman DAVE OBEY, who, in my book, is the unsung hero of America's veterans.

I must also salute, and want to salute, the VA Committee chairman, BOB FILNER, for his strong leadership every day on behalf of America's veterans. He has truly made a difference.

Lastly, but definitely not least, our ranking member, Mr. WAMP of Tennessee, has been a vital partner in putting together this bill, and last year's bill as well. Mr. WAMP has a genuine

heart for America's servicemen and -women and our veterans, and he has championed their cause. It has been a privilege to work with him, and also with ANDER CRENSHAW, who has filled in when Mr. WAMP could not be with us in some of our deliberations this year. Mr. CRENSHAW has truly been a partner every step of the way in putting together this bipartisan bill, and I thank him for that.

I also thank Mr. FARR on the Democratic side, the vice chairman of our subcommittee, who has done an outstanding job for our veterans and our military.

Madam Chair, I would like to highlight several key initiatives in this bill.

First, this bill continues an initiative begun last year to provide advance appropriation for VA medical care. This will allow the VA to invest taxpayer dollars more effectively and efficiently, and it is a top priority of America's veterans' service organizations.

Second, we provide \$190 million to new troop housing for Army trainees, over 60,000 of whom are presently living in barracks that don't even meet minimum DOD standards. Our 18- and 19-year-old military recruits don't have many lobbyists running around the halls of Capitol Hill, but they deserve our Nation's respect and support for their decision to serve in our military during a time of war.

Third, we provide \$200 million for a Guard and Reserve construction initiative, recognizing the vital role these troops are playing in Iraq and Afghanistan.

Fourth, the bill provides \$1.3 billion in emergency appropriations for military construction of facilities in support of our military operations in Afghanistan.

Fifth, recognizing the mental wounds of war can sometimes be more painful and long lasting than the physical wounds of combat, we provide \$5.2 billion for the VA to continue its improvements in PTSD and mental health care for America's veterans.

Sixth, this bill includes funding for 4,048 new permanent VA claims proc-

essors in order to help veterans receive their earned benefits on a more timely basis.

The seventh initiative I would highlight, this bill also continues to open up VA medical care to more middle- and low-income veterans by 292,000, the number of veterans receiving health care since reopening enrollment in 2009.

Finally, we want to ensure that historic increases in funding for the VA are spent wisely. To increase oversight of the taxpayers' dollars, we provide an additional \$6 million to VA's Office of Inspector General.

Madam Chair, I am going to skip over some of the numbers that we have in this bill, but I would be remiss if I did not thank the committee staff, very professional committee staff, a very dedicated committee staff, for their hard work and long hours during this process: the minority staff, led by Martin Delgado, Liz Dawson and Kelly Shea; and Erin Fogleman and Gilbert DMeza from Mr. WAMP's staff; and the majority staff led by Subcommittee Clerk Tim Peterson, Mary Arnold, Walter Hearne, Sue Quantius and Todd Friedman and Michelle Dominguez on my staff. They don't get public credit for the work, but the work of this bill would not have been done had it not been for their professionalism, and I thank each of them personally.

In conclusion, this bill keeps our promise to our veterans. That is what the Paralyzed Veterans of America, AMVETS, Disabled American Veterans, and Veterans of Foreign Wars have said. In fact, they state, "We offer our strong support for the FY 2011 Military Construction and Veterans Affairs appropriations bill and we hope that the House will quickly pass this critical legislation."

This bill sends a clear message to America's servicemen and -women, their families, and our veterans. We appreciate and respect their service and sacrifice.

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2011 (H.R. 5822)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF DEFENSE					
Military construction, Army.....	3,719,419	4,078,798	4,051,512	+332,093	-27,286
Military construction, Navy and Marine Corps.....	3,769,003	3,879,104	3,587,376	-181,627	-291,728
Military construction, Air Force.....	1,450,426	1,311,385	1,276,385	-174,041	-35,000
Rescission.....	-37,500	---	---	+37,500	---
Total.....	1,412,926	1,311,385	1,276,385	-136,541	-35,000
Military construction, Defense-Wide.....	3,093,679	3,118,062	2,999,612	-94,067	-118,450
Rescission.....	-151,160	---	---	+151,160	---
Total.....	2,942,519	3,118,062	2,999,612	+57,093	-118,450
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Total, Active components.....	11,843,867	12,387,349	11,914,885	+471,464	-472,464
Military construction, Army National Guard.....	582,056	873,664	1,020,228	+438,172	+146,564
Military construction, Air National Guard.....	371,226	176,986	292,386	-78,840	+115,400
Military construction, Army Reserve.....	431,566	318,175	358,325	-73,241	+40,150
Military construction, Navy Reserve.....	125,874	61,557	91,557	-34,317	+30,000
Military construction, Air Force Reserve.....	112,269	7,832	48,182	-64,087	+40,350
Total, Reserve components.....	1,622,991	1,438,214	1,810,678	+187,687	+372,464
=====					
Total, Military construction.....	13,466,858	13,825,563	13,725,563	+258,705	-100,000
Appropriations.....	(13,655,518)	(13,825,563)	(13,725,563)	(+70,045)	(-100,000)
Rescissions.....	(-188,660)	---	---	(+188,660)	---
Emergency appropriations.....	---	---	---	---	---
North Atlantic Treaty Organization Security Investment Program.....	197,414	258,884	258,884	+61,470	---
Family housing construction, Army.....	273,236	92,369	92,369	-180,867	---
Family housing operation and maintenance, Army.....	523,418	518,140	518,140	-5,278	---
Family housing construction, Navy and Marine Corps....	146,569	186,444	186,444	+39,875	---
Family housing operation and maintenance, Navy and Marine Corps.....	368,540	366,346	366,346	-2,194	---
Family housing construction, Air Force.....	66,101	78,025	78,025	+11,924	---
Family housing operation and maintenance, Air Force....	502,936	513,792	513,792	+10,856	---
Family housing construction, Defense-Wide.....	2,859	---	---	-2,859	---
Family housing operation and maintenance, Defense-Wide	49,214	50,464	50,464	+1,250	---
Department of Defense Family Housing Improvement Fund.....	2,600	1,096	1,096	-1,504	---
Homeowners assistance fund.....	323,225	16,515	16,515	-306,710	---
=====					
Total, Family housing.....	2,258,698	1,823,191	1,823,191	-435,507	---
Appropriations.....	(2,258,698)	(1,823,191)	(1,823,191)	(-435,507)	---
Rescissions.....	---	---	---	---	---
Emergency appropriations.....	---	---	---	---	---
Chemical demilitarization construction, Defense-Wide..	151,541	124,971	124,971	-26,570	---
Base realignment and closure:					
Base realignment and closure account, 1990.....	496,768	360,474	460,474	-36,294	+100,000
Base realignment and closure account, 2005.....	7,455,498	2,354,285	2,354,285	-5,101,213	---
Total.....	7,455,498	2,354,285	2,354,285	-5,101,213	---
=====					
Total, Base realignment and closure.....	7,952,266	2,714,759	2,814,759	-5,137,507	+100,000
General Reductions (Sec. 129)					
Military Construction, Army.....	-230,000	---	---	+230,000	---
Military Construction, Navy and Marine Corps.....	-235,000	---	---	+235,000	---
Military Construction, Air Force.....	-64,091	---	---	+64,091	---

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2011 (H.R. 5822)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
General Rescissions (Sec. 130)					
Military Construction, Army.....	-33,000	---	---	+33,000	---
Military Construction, Navy and Marine Corps.....	-51,468	---	---	+51,468	---
Military Construction, Defense-Wide.....	-93,268	---	---	+93,268	---
Military Construction, Army National Guard.....	-33,000	---	---	+33,000	---
Military Construction, Air National Guard.....	-7,000	---	---	+7,000	---
Total, title I.....	23,279,950	18,747,368	18,747,368	-4,532,582	---
Appropriations.....	(23,686,346)	(18,747,368)	(18,747,368)	(-4,938,978)	---
Rescissions.....	(-406,396)	---	---	(+406,396)	---
Emergency appropriations.....	---	---	---	---	---

TITLE II - DEPARTMENT OF VETERANS AFFAIRS

Veterans Benefits Administration

Compensation and pensions.....	47,396,106	53,492,234	53,492,234	+6,096,128	---
Readjustment benefits.....	9,232,369	10,440,245	10,440,245	+1,207,876	---
Veterans insurance and indemnities.....	49,288	62,589	62,589	+13,301	---
Veterans housing benefit program fund (indefinite).....	23,553	19,078	19,078	-4,475	---
(Limitation on direct loans).....	(500)	(500)	(500)	---	---
Credit subsidy.....	-133,000	-165,000	-165,000	-32,000	---
Administrative expenses.....	165,082	163,646	163,646	-1,436	---
Guaranteed Transitional Housing Loans for Homeless Veterans.....	(750)	---	---	(-750)	---
Vocational rehabilitation loans program account.....	29	48	48	+19	---
(Limitation on direct loans).....	(2,298)	(3,042)	(3,042)	(+744)	---
Administrative expenses.....	328	337	337	+9	---
Native American veteran housing loan program account..	664	707	707	+43	---
Total, Veterans Benefits Administration.....	56,734,419	64,013,884	64,013,884	+7,279,465	---

Veterans Health Administration

Medical services.....	34,707,500	---	---	-34,707,500	---
Advance from prior year.....	---	(37,136,000)	(37,136,000)	(+37,136,000)	---
Advance appropriation, FY 2012.....	37,136,000	39,649,985	39,649,985	+2,513,985	---
Subtotal.....	71,843,500	39,649,985	39,649,985	-32,193,515	---
Medical support and compliance.....	4,930,000	---	---	-4,930,000	---
Advance from prior year.....	---	(5,307,000)	(5,307,000)	(+5,307,000)	---
Advance appropriation, FY 2012.....	5,307,000	5,535,000	5,535,000	+228,000	---
Subtotal.....	10,237,000	5,535,000	5,535,000	-4,702,000	---
Medical facilities.....	4,859,000	---	---	-4,859,000	---
Advance from prior year.....	---	(5,740,000)	(5,740,000)	(+5,740,000)	---
Advance appropriation, FY 2012.....	5,740,000	5,426,000	5,426,000	-314,000	---
Subtotal.....	10,599,000	5,426,000	5,426,000	-5,173,000	---
Medical and prosthetic research.....	581,000	590,000	590,000	+9,000	---
Medical care cost recovery collections:					
Offsetting collections.....	-2,954,000	-3,393,000	-3,393,000	-439,000	---
Appropriations (indefinite).....	2,954,000	3,393,000	3,393,000	+439,000	---
Total, Veterans Health Administration.....	93,260,500	51,200,985	51,200,985	-42,059,515	---
Appropriations.....	(45,077,500)	(590,000)	(590,000)	(-44,487,500)	---
Emergency appropriations.....	---	---	---	---	---
Advance from prior year.....	---	(48,183,000)	(48,183,000)	(+48,183,000)	---
Advance appropriations, FY 2012.....	(48,183,000)	(50,610,985)	(50,610,985)	(+2,427,985)	---

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2011 (H.R. 5822)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Cemetery Administration					
National Cemetery Administration.....	250,000	250,504	259,004	+9,004	+8,500
Departmental Administration					
General operating expenses.....	2,086,707	2,588,389	2,601,389	+514,682	+13,000
Information technology systems.....	3,307,000	3,307,000	3,222,000	-85,000	-85,000
Office of Inspector General.....	109,000	109,367	115,367	+6,367	+6,000
Construction, major projects.....	1,194,000	1,151,036	1,166,036	-27,964	+15,000
Construction, minor projects.....	703,000	467,700	507,700	-195,300	+40,000
Grants for construction of State extended care facilities.....	100,000	85,000	85,000	-15,000	---
Grants for the construction of State veterans cemeteries.....	46,000	46,000	46,000	---	---
Total, Departmental Administration.....	7,545,707	7,754,492	7,743,492	+197,785	-11,000
Appropriations.....	(7,545,707)	(7,754,492)	(7,743,492)	(+197,785)	(-11,000)
Emergency appropriations.....	---	---	---	---	---
Administrative Provision - GOE.....	---	---	23,584	+23,584	+23,584
Total, title II.....	157,790,626	123,219,865	123,240,949	-34,549,677	+21,084
Appropriations.....	(109,607,626)	(72,608,880)	(72,629,964)	(-36,977,662)	(+21,084)
Emergency appropriations.....	---	---	---	---	---
Advance from prior year.....	---	(48,183,000)	(48,183,000)	(+48,183,000)	---
Advance appropriations, FY 2012.....	(48,183,000)	(50,610,985)	(50,610,985)	(+2,427,985)	---
(Limitation on direct loans).....	(2,798)	(3,542)	(3,542)	(+744)	---
Discretionary.....	(101,222,310)	(59,370,719)	(59,391,803)	(-41,830,507)	(+21,084)
Mandatory.....	(56,568,316)	(63,849,146)	(63,849,146)	(+7,280,830)	---
TITLE III - RELATED AGENCIES					
American Battle Monuments Commission					
Salaries and expenses.....	62,675	64,200	65,667	+2,992	+1,467
Foreign currency fluctuations account.....	17,100	20,200	20,200	+3,100	---
Total, American Battle Monuments Commission.....	79,775	84,400	85,867	+6,092	+1,467
U.S. Court of Appeals for Veterans Claims					
Salaries and expenses.....	27,115	90,147	90,147	+63,032	---
Department of Defense - Civil					
Cemeterial Expenses, Army					
Salaries and expenses.....	39,850	38,100	39,600	-250	+1,500
Armed Forces Retirement Home					
Operation and maintenance.....	62,000	69,200	69,200	+7,200	---
Capital program.....	72,000	2,000	2,000	-70,000	---
Total, Armed Forces Retirement Home.....	134,000	71,200	71,200	-62,800	---
Total, title III.....	280,740	283,847	286,814	+6,074	+2,967
(By transfer).....	---	---	---	---	---

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2011 (H.R. 5822)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request

TITLE IV - OVERSEAS CONTINGENCY OPERATIONS					
Military Construction, Army.....	924,484	929,996	---	-924,484	-929,996
Military Construction, Army (Emergency).....	---	---	929,996	+929,996	+929,996
Military Construction, Air Force.....	474,500	280,506	---	-474,500	-280,506
Military Construction, Air Force (Emergency).....	---	---	280,504	+280,504	+280,504
Military Construction, Defense-Wide.....	---	46,500	---	---	-46,500
Military Construction, Defense-Wide (Emergency).....	---	---	46,500	+46,500	+46,500
=====					
Total, title IV.....	1,398,984	1,257,002	1,257,000	-141,984	-2
=====					
TITLE V - GENERAL PROVISIONS					
General operating expenses.....	---	23,584	---	---	-23,584
=====					
Total, title V.....	---	23,584	---	---	-23,584
=====					
Grand total.....	182,750,300	143,531,666	143,532,131	-39,218,169	+465
Appropriations.....	(133,574,712)	(91,663,679)	(91,664,146)	(-41,910,566)	(+467)
Rescissions.....	(-406,396)	---	---	(+406,396)	---
Emergency appropriations.....	---	---	(1,257,000)	(+1,257,000)	(+1,257,000)
Advance from prior year.....	---	(48,183,000)	(48,183,000)	(+48,183,000)	---
Advance appropriations, FY 2012.....	(48,183,000)	(50,610,985)	(50,610,985)	(+2,427,985)	---
Overseas contingency operations.....	(1,398,984)	(1,257,002)	---	(-1,398,984)	(-1,257,002)
(By transfer).....	---	---	---	---	---
(Limitation on direct loans).....	(2,798)	(3,542)	(3,542)	(+744)	---
=====					

Madam Chair, I reserve the balance of my time.

□ 1630

Mr. CRENSHAW. Madam Chair, I yield myself such time as I may consume.

First let me just say that I rise in support of this appropriations bill. It's the first appropriations bill that we will bring to the floor today, and I think it's an excellent bill.

I would like to start by thanking Chairman EDWARDS, not only for his leadership, but for the example that he sets to make every member of the subcommittee feel like they are valued. He has treated everyone with a sense of fairness. It has been an open process, bipartisan process, and we appreciate that very much. I think because of that atmosphere that everything we do in this subcommittee is really geared to make sure that we put the best interests of the men and women in uniform first, and put their families first, the veterans, and those fallen heroes.

I want to say a word about Ranking Member ZACH WAMP. I am here in his stead. He is back home in Tennessee trying to represent the people of Tennessee in a different way, as the Governor of that State. But I can tell you that even though he is not here, as Mr. EDWARDS mentioned, he has been very much a part of this process. I think this bill is a reflection of his dedication, his commitment to the men and women in uniform. And I know that I've heard Mr. WAMP say on occasion that serving as the ranking member of this subcommittee has been the highest achievement of his career here in the House of Representatives, and so we wish him well as he leaves.

I want to also say a word about Mr. YOUNG. He's not here today, but he has been a long-time member of this subcommittee. I think Chairman EDWARDS agrees that he has been a great champion of the men and women in uniform. He and his wife, Beverly, are often visitors at our military hospitals to see the folks that have come back, the wounded warriors. If he were here, I'm sure he would stand up and say that he believes this is a very good bipartisan bill. He is recovering from some surgery himself, so I know we all wish him well in this committee.

Mr. EDWARDS has done a great job of talking about kind of an overview of what goes on here, and so I don't want to repeat that. I certainly want to echo his words of congratulations to the staff; we thank everyone for their hard work. But I want to mention a couple of items that were brought up that were concerns that, because of the open process, because of the bipartisan nature in our subcommittee markup, members had a chance to talk about some issues of concern.

One was, and Mr. EDWARDS mentioned that, we found that while we

were adding dollars to most of the programs in the VA, the Inspector General was kind of held to last year's level. We all felt like—it was a bipartisan agreement—that the Inspector General has so much to offer in terms of oversight, in terms of accountability, by doing audits, that they ought to have additional resources, and so we added \$6 million there.

Another concern that was raised at the subcommittee level was the VA had decided that they wanted to reduce the number of claims processors they had in the new GI bill as part of the veterans affairs. You all remember when we passed that updated version of the GI bill and added benefits that are so important to our veterans as they come back, and yet we found out that last year there had been quite a bit of problems just because of the increased demand on those claims processors. We thought it would be a bad idea to reduce the number of folks that were processing those claims when last year this chaos was created—and my office got calls, I know other Members got calls because the tuition payments weren't being made in a timely fashion, the claims weren't being processed; in fact, sometimes the checks were written by hand and delivered without much accountability.

And so while we applaud the VA for saying we want to try to do more with less, we thought right now that would be penny wise and pound foolish. And so we added back those claims processors. We want to make sure that we get everything done on time. Next year, they're actually estimating the increase will be 31 percent. There will be over 2.2 million claims made under those new GI benefits, and we want to make sure that they are paid on time. So we added back those individuals.

And, finally, there was a concern about Arlington National Cemetery. I think a lot of people read about some of the horror stories that went on there. We found out that the management was really a little bit behind in terms of modern day. So the Secretary of the Army, John McHugh, acted very quickly and very forcefully. He set up some guidelines to improve what's going on at Arlington National Cemetery. Mr. YOUNG offered some report language to make sure that the members of this subcommittee will have a chance to exercise appropriate oversight.

So those were areas of concern that I think were addressed because of this open process, and those amendments were adopted unanimously on a bipartisan basis.

I would say from the big-picture standpoint, as Mr. EDWARDS has talked about, I came to Congress primarily because I believed that the number one responsibility of the Federal Government is to protect American lives, and I still believe that today. But what I

found when I was assigned to this subcommittee was that we also have a sacred responsibility to make sure that the men and women who wear the uniform are treated with respect, that they have adequate housing, and that they have the quality of life they so richly deserve.

This bill continues the commitment that we've made there. Sometimes when you think about military construction projects, you think about a new hangar or a new dock or a ship or a landing strip or a wharf; but as Mr. EDWARDS pointed out, housing is so very vital. We've done a great job, and we continue that commitment. Whether it's a barracks or whether it's married housing, we want to have the housing we would want our sons and daughters to live in, and we're making great progress in that area.

I think we all agree we've got the best trained and the most equipped military in the world, and we've worked hard to do that. But we are also beginning to make sure that when people come back that have been under some stress, under unique situations, that they have adequate counseling, that they have those kinds of programs that are so very important; and I think this bill continues that commitment.

And just finally I would say there are a couple of important projects that are funded this year as part of the administration's budget deal with my district in northeast Florida. There is a naval station, Mayport, that the Navy has decided to make that home port for a nuclear carrier; and so last year there was money to begin dredging, to begin wharf upgrades. This year, there is \$2 million for planning and design to continue that process. I worked with the chief of naval operations—in fact, spoke with him just about a month ago—and the Navy is still very committed, because of national security, to make sure that we have the ability to disperse our assets, to make sure we have a backup nuclear maintenance facility, and I thank the subcommittee and the members for their support.

Also in northeast Florida, the Marines have a project called Blount Island, where a great deal of the materiel goes back and forth through that port to the Middle East. There is money to upgrade and make that more of a world-class facility.

So this is a great bill that I think we can all be proud of. And it really is the result of the leadership of Mr. EDWARDS and his hard work, the leadership of Mr. WAMP and his hard work and, actually, the hard work of every member of this subcommittee. And I think because of that, we have a bill that truly honors our American heroes. It speaks to the people that defend us today, it speaks to those who have returned as veterans, and also to those who have paid the ultimate sacrifice. And so for those reasons, Madam Chair, I urge everyone to support this bill.

I reserve the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, before introducing Chairman OBEY, I would like to join with my friend and colleague, Mr. CRENSHAW, in saluting Mr. YOUNG of Florida. While he is not here because of an illness today, he has spent a lifetime of service and commitment to our servicemen and women, our veterans and their families.

I also see Mr. LEWIS on the floor, the ranking member of the full committee, the former chairman of the full committee, the former chairman of the Defense Appropriations Committee. I thank Mr. LEWIS also for working on this bill and for his leadership throughout his long career here in Congress in support of our servicemen and -women.

Madam Chair, it is one of two honors of my lifetime to recognize and introduce Chairman DAVE OBEY. I must say that in the last 3½ years, this Congress has increased veterans funding by more than any 3½-year period in history. That would not have happened had it not been for the allocations and the personal leadership of Chairman DAVE OBEY. And while others of us at the subcommittee level or the VA authorizing subcommittee level have been the ones sometimes recognized by veterans groups for our work over these past 3½ years, it has been Chairman OBEY's leadership and partnership with Speaker PELOSI behind the scenes that have made all of these new programs, including the funding of the GI bill, that has helped over 500,000 servicemen and -women and veterans and their families.

It's been Mr. OBEY's leadership that has truly made a difference in this process. Of his many great legacies of his service to this country and Congress, I hope he will always be remembered as a true champion of America's veterans.

Madam Chair, I yield 5 minutes to Chairman OBEY.

□ 1640

Mr. OBEY. I thank the gentleman for the time. I thank him for his overblown words.

I do want to extend my best wishes to BILL YOUNG, who is one of the most loved Members of this House and one of the most respected.

I also want to congratulate the gentleman from Texas for the superb job he has done in putting this bill together. It is a well-balanced bill, and everyone understands the gentleman's convictions and his passionate desire to defend the interests of American veterans.

Madam Chair, there are more than 6 million veterans and their families who depend on the Department of Veterans Affairs for medical care, for disability payments, and education benefits, and this bill represents our obligation to them. It builds on our actions of the

last 2 years, which have provided the most significant enlargement of education benefits for veterans since the passage of the original GI Bill of Rights.

One of the bill's highest priorities is to help cut through the bureaucracy that disabled veterans face over their claims. They shouldn't have to wait months and months for their paperwork to be processed before receiving the benefits owed to them. The bill provides for an additional 4,000 permanent claims processors—a 25 percent increase to work through more than 1 million disability claims.

These resources are especially needed now that the Vietnam veterans will be eligible to file claims for disabilities caused by Agent Orange. Veterans' medical care is the largest component of the bill. According to the VA, more than 6.1 million patients will be treated in 2011, including nearly 440,000 veterans of the wars in Iraq and Afghanistan.

Now, many people think of veterans' health care as being solely focused on physical injuries. We understand now, better than ever, how combat threatens soldiers' mental health as well. We owe it to every one of them to address not only their physical wounds but also the mental and emotional consequences of war. This bill includes added resources for services to veterans suffering from traumatic brain injury, post-traumatic stress disorder, depression, and other mental conditions. Full access to this care remains a problem for some veterans, for seeing the right specialist can mean expensive trips and hours and hours in the car.

In Northern Wisconsin, for instance, there are tens of thousands of veterans who cannot regularly see counselors because there aren't vet centers anywhere near their homes. This bill makes critical investments to meet our obligations to them.

This bill also addresses the high rate of veterans' homelessness. On any given night last year, 107,000 veterans were homeless. That is shameful. With the goal of ending veterans' homelessness in 5 years, this bill matches the budget request for VA homeless assistance grants and supportive services for veterans and their families who need them.

At the end of the day, it is important to remember that this bill is not just about dollars and programs. It is about our duty to American veterans—to respect their service and sacrifice, not only with flowery words on the Fourth of July, but also with actions like this, on days like this, that are less noticed but every bit as important.

I congratulate the subcommittee for the bill that they have produced.

Mr. CRENSHAW. Madam Chair, I reserve the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, I yield 2 minutes to the vice

chairman of the Appropriations Subcommittee on Military Construction and Veterans Affairs, the gentleman from California (Mr. FARR), who has been a champion on this committee for veterans, our troops, their families, and for all of the many issues involved in this subcommittee's affairs.

Mr. FARR. Thank you very much, Mr. Chairman.

To our current acting ranking member, Mr. CRENSHAW, thank you very much for giving me this moment to speak on this very important bill.

Madam Chair, yesterday, the House of Representatives had a very important vote, a very controversial vote here. The vote was on funding the war effort in Afghanistan. Those votes ought to be controversial—whether we go to war, where we go to war, and how long the mission is going to take. Those ought to be votes that you can cast for and against. Yet there is one bill you can't vote against, and that is the bill that supports the troops in their residence, in their training and back here at home—the quality of life that we provide defense personnel, military personnel.

This is the bill that funds the child care centers. This is the bill that creates the housing for men and women in uniform, who voluntarily join the service. This is the bill that creates the clinics and the hospitals, the support systems—any kind of community of support—and a special one for military personnel needs. So one can vote against the war, but one cannot vote against the support here at home.

This bill has bipartisan support because it is interested in improving the quality of life of military personnel, who voluntarily come into the military. Everybody who passes through the Department of Defense ends up becoming a veteran. You cannot be a veteran without having served in active duty.

This committee also supports the continuum of care. We ought not to have a silo of Defense Department quality of care and a separate silo for veterans. We are making it seamless. We are making it so that, when you enroll in the Department of Defense, you also automatically enroll in the Department of Veterans Affairs. The Department of Veterans Affairs takes care of you for the rest of your life. We owe it to any man or woman who has ever served in the military to provide them the promises that were made. These promises were made, but the quality of care until now has not been that great. It has changed.

Please support this appropriations bill as the real “support our troops” bill.

Mr. CRENSHAW. Madam Chair, I continue to reserve the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, I yield 1½ minutes to a very important member of our Appropriations

subcommittee, the gentleman from Colorado (Mr. SALAZAR), who has been a real champion for our vets and our troops.

Mr. SALAZAR. Madam Chair, I want to take a moment to recognize my colleagues.

Chairman EDWARDS has been a great champion of our veterans since his tenure here in Congress began. Also, I thank Ranking Member WAMP and Mr. CRENSHAW for their valiant efforts in putting this bill together.

I don't think that I have had a greater honor than to serve on a committee of this type where we all work together in a bipartisan manner. Chairman EDWARDS, Ranking Member WAMP, Mr. CRENSHAW—all of us—have worked very hard for veterans and their families. All 17.5 million living veterans in the United States should applaud you for your diligent work as you fight for those who provide us freedom.

Madam Chair, as the chairman mentioned, it is important to recognize the bipartisanship and fiscal responsibility of this bill. In completing BRAC 2005, the subcommittee was able to reduce the overall spending of this bill by three-quarters of a billion dollars. The bill includes a total of \$57 billion, which is an increase of nearly \$4 billion for veterans' medical care, disability, and educational benefits. Veterans in Colorado are a major winner in this bill again. Thanks to the President and to the subcommittee for their continued support of a new VA medical center in Denver, Colorado.

I want to thank all of those Members who continue to fight the good fight for our veterans and military personnel.

Mr. CRENSHAW. Madam Chair, I yield myself 1 minute.

I would ask Chairman EDWARDS if he would engage in a brief colloquy.

Mr. EDWARDS, it is my understanding that the committee authorized a study in March to review various portions of the Veterans Health Administration. As I understand it, the committee has just received the report. Once the report has been analyzed by the committee staff, I believe it would be important, as we move this veterans' appropriations bill forward, that we use the recommendations in the report, if feasible, to provide better oversight and better transparency to the health care spending at the VA.

Mr. EDWARDS of Texas. Will the gentleman yield?

Mr. CRENSHAW. I yield to the gentleman.

Mr. EDWARDS of Texas. I want to thank the gentleman both for the points he is making now and also for his focus on oversight.

As we have provided these historic increases in veterans' funding over the last several years, and as we have been working together on a bipartisan basis, I think it is also very important that

we see that those tax dollars are spent wisely, efficiently, and effectively.

I have been concerned for some time that the large increases we have provided the VA health care system have not always made their way down to the individual hospitals on a very rapid basis as quickly as we would like.

The CHAIR. The time of the gentleman has expired.

Mr. CRENSHAW. I yield myself 1 additional minute.

Mr. EDWARDS, please continue.

□ 1650

Mr. EDWARDS of Texas. Because of that and our work together, we asked the S&I staff to do this study to help us understand the process the Department's using in distributing money and to highlight areas where we can exert more oversight, if necessary, to ensure the efficient use of taxpayer dollars.

The report just completed is quite large, and in the coming weeks, staff on both sides of the aisle will be evaluating it to determine how its recommendations can be incorporated into our final bill and report. And I certainly look forward to working with the gentleman on examining that report and seeing how we can incorporate some of its ideas into the final conference report on this bill.

Mr. CRENSHAW. Madam Chair, I continue to reserve the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, I yield such time as he may consume to the gentleman from Indiana (Mr. DONNELLY) for the purpose of my entering into a colloquy with him.

Mr. DONNELLY of Indiana. Madam Chairman, I want to thank the chairman for his and his committee's work on this bill.

As we all know, there are veterans across the country, including thousands in my district, who are forced to drive long distances to receive the medical care they earned through their service to the Nation. But I understand that included in this bill is \$15 million for the VA Health Care Center Advance Planning account, which would go toward new VA Health Care Centers, which could help these veterans.

I wonder if the chairman wouldn't mind going into some detail on this item.

I yield to the gentleman.

Mr. EDWARDS of Texas. I want to thank the gentleman for his hard work on behalf of our veterans. He's been a leader on these issues. And thanks to you, Mr. DONNELLY, this bill directs \$15 million that you referenced to planning the VA health care centers across the country. It's an innovative way to make more services available to veterans locally.

I understand that among the locations due to have a new VA health care center is South Bend, in the gentleman's district. And South Bend's dem-

onstrated need for such an expansion of VA health care services was noted by the committee in its report language.

Furthermore, the committee expects that this account will be utilized by the VA as soon as possible.

Mr. DONNELLY of Indiana. Mr. Chairman, thank you so much for your leadership.

Mr. CRENSHAW. I reserve the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, I yield 1 minute to the gentleman from Connecticut (Mr. MURPHY), who has worked very hard on behalf of our veterans and troops.

Mr. MURPHY of Connecticut. Mr. Chairman, thank you and the committee for bringing this bill before us.

There's \$13 billion in this legislation for construction. That's more in the last 4 years combined than any 4-year period since the 1940s. And though that will mean transformational things for our veterans, I want to just briefly highlight this afternoon what it will mean for the people that will do that work.

We've lost 2 million construction jobs in this recession and the Associated General Contractors of America estimate that almost 400,000 construction jobs could be created just by this bill alone. That's good news for jobs in this country. But we can have even better news if we make sure that the materials used to build those buildings are bought here in America as well.

Many of us have been working very hard on reinforcing our Buy America law. This construction funding presents us with a unique opportunity to not only serve our veterans, not only honor our commitment to them, but also grow the types of jobs in construction and construction materials that this economy badly needs.

I'm so thankful to the chairman for all of his work bringing this bill to the floor and what it will mean for veterans and for jobs.

Mr. CRENSHAW. I continue to reserve.

Mr. EDWARDS of Texas. Madam Chair, there are several other speakers on our side of the aisle who said they would like to speak, but perhaps we have progressed more quickly than they thought.

I yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ), a member of the Appropriations Committee who has been vocal in his strong support of our veterans and troops.

Mr. RODRIGUEZ. Madam Chair, I just wanted to take this opportunity to come down to the House floor and congratulate our chairman, Congressman CHET EDWARDS, on his efforts in this area. I feel really elated in terms of the amount of resources that we have been able to put for our veterans.

Having been on the Veterans' Committee and on the appropriations side and the authorizing side, I had the opportunity to witness the situation that

we suffered with when we had to do the copayments and require our veterans to come up and pay copayments. We cut Category 8 veterans from that. In addition, not only that, but we asked them to pay for additional fees for services.

And in the last 3 years, it's been a turnaround, and this bill provides resources there for the first time that allow an opportunity for us to be able to look at our infrastructure and improve on those areas that are out there.

We have a good number of hospitals out there that are lacking on infrastructure, and I'm hoping that in the future we continue to do this. This bill puts us on the right track to provide additional resources, and I want to thank him, personally, also.

I know that it also has been able to put additional resources and creating additional polytrauma centers. We have four in the Nation. Now we have a fifth in Texas, and so I want to thank him personally, there in San Antonio, for the polytrauma center that has had the resources to be able to begin to provide those needed items that our veterans need.

I also want to just thank him for putting the resources there and just advertise the fact that, just in the last year and a half, we have over 240,000 veterans that are now taking advantage of the GI Bill. And this is a tremendous bill. We expect to have over half a million veterans participating in the GI bill. And that, in the future, will show a tremendous amount of positiveness when those individuals get their bachelor's, their master's, and their doctorate degrees as they move forward. In addition to that bill, it also allows their kids and their spouses to take advantage.

So congratulations on the great work that you have been doing, Chairman.

Mr. EDWARDS of Texas. Madam Chair, I yield 2 minutes to the gentleman from New York (Mr. HALL), who is a leading voice of America's veterans on the Veterans' Affairs Authorizing Committee.

Mr. HALL of New York. Madam Chair, on behalf of the veterans of the Hudson Valley of New York and all those who have served our country in uniform, I'm strongly supportive of the bill which we're considering today. It's a solemn contract that we who do not serve in uniform—we have enjoyed the benefits of their sacrifice and their personal risk and their families doing without them—need to uphold our part of the bargain, which is to take care of them anytime after their return. And, therefore, I think it's really critical that we pass this bill to fund not just military construction but veterans facilities.

We don't know yet what the cost will be from the conflicts we're currently engaged in. Unfortunately, our country has a habit of deciding to go into a con-

flict without an educated, informed figure being given out, or a guess even that's very accurate as to what the lifetime costs may be for care of the veterans created by that conflict, but it's essential that we protect those veterans facilities that we have and improve them as needed, construct new ones as needed.

And I am concerned, first of all, with passing the underlying bill. But secondly, I'm also concerned with some amendments that have been offered to this bill, which I will speak to later when the amendments are being considered, which move money from what's considered to be, or what's called minor construction and, in particular, from an urgent care center and minor construction, and to other things which sound and are good in and of themselves.

□ 1700

Mr. CRENSHAW. Madam Chair, I continue to reserve my time.

Mr. EDWARDS of Texas. Madam Chair, I yield 5 minutes to the gentleman from Rhode Island (Mr. KENNEDY). And as he approaches the well, let me just thank him. This will be his last year to be in the House, a member of this committee. And he has been an inspiration to veterans throughout America and to every member of our subcommittee on both sides of the aisle in his championing the cause of mental health care services and other services for veterans, care for our homeless veterans. I thank the gentleman. It will be a legacy that will live on for many decades to come.

Mr. KENNEDY. I thank the chairman and my ranking member for all the work they did to make this a fine veterans appropriations bill.

Ladies and gentlemen, if our soldiers were caught behind enemy lines, we would think nothing of mounting the full might of military power to go in and retrieve those members of our military. In fact, every American would wrap yellow ribbons around their trees in solidarity in order that we may set those prisoners of war free, in order that we may bring back those hostages of the Taliban, or the terrorists, or whomever may have captured them.

But ladies and gentlemen, something is going on in this country, something very tragic. Our military, our Veterans Affairs, everybody talks a good game, talks a very good game of patriotism when it comes to saying we're going to stand by our guardians of freedom, while those very guardians of freedom aren't free themselves. They may have come home in body, but they have not come home, many of them, in mind.

They are suffering from the signature wound of this war. What is that? Traumatic brain injury. What is that? Post-traumatic stress disorder. My colleagues, these veterans in essence are

being held hostage. They're being held hostage all over this great country. They are in essence prisoners of war. They are prisoners of this war, prisoners of traumatic brain injury and its symptoms, its many symptoms: loss of memory, loss of cognitive ability, and the symptoms that ensue.

Many of them self-medicate. Many of them isolate. Why? Because these injuries are invisible, invisible to the naked eye, but not invisible to anybody who loves them. These are real injuries. They are injuries that can turn their lives upside down. All of the commanders in DOD say they are doing something about it. I'm not seeing it. In fact, I was briefed a year ago on some neuroscience research of an off-label drug that's used to treat bleeding in the intestines, to reduce swelling. They thought it might help reduce swelling of a concussion and the onset of swelling in the brain. Guess what? It proved to be effective, initial findings showed.

If this were the battle of AIDS, that drug would have been in the field helping our soldiers. But no, we don't have the urgency we have with AIDS. Somehow we don't have the urgency when it comes to our veterans and the signature of this war wound, TBI and PTSD, that we bring when it comes to something like AIDS. We don't set aside parochial concerns. We don't set aside partisan. We don't set aside the value of someone's proprietary research concerns.

When are we going to make our special interest the veteran? There's nothing dirty about special interests so long as we make it the right one. When are we going to agree that there is one special interest in this town that there should be no disagreement about, and that's the veteran. When are we going to say with our actions, not just our words, that the veteran is the one who counts? When are we going to say we're going to release them from terror, the terror and tyranny of their bondage, of their disability because they served us?

Ladies and gentlemen, this study showed that if you reduce the swelling in the brain you can reduce the longer-term impact.

The CHAIR. The time of the gentleman has expired.

Mr. EDWARDS of Texas. I yield the gentleman an additional 15 seconds.

Mr. KENNEDY. The blood-brain barrier reduces the ability for a bruise that is absorbed by the regular body to be absorbed by the brain. This drug helped reduce the swelling. The DOD has an obligation to implement it. They are not. They should. And they ought to.

Mr. CRENSHAW. Madam Chair, I yield myself the balance of my time.

Madam Chair, I think we have heard today what a well-balanced bill this is, as we said at the beginning. And I think it demonstrates—it's an example

of what happens when people come together in an open process, in a fair process, in a bipartisan process. I think this bill demonstrates the work that we can do when we work together. So again, I am honored to be part of this process, to work with the chairman and the ranking member.

I urge everyone to support this bill.

I yield back the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, I want to finish by thanking Mr. CRENSHAW for, again, his leadership on this and working together importantly on so many parts of this bill, and doing so in a bipartisan manner. We thanked a lot of people in this process. It's been a work of good faith on both sides of the aisle.

I always want to save the best for the last in thanking our veterans service organizations for their partnership in putting together this legislation.

I add two letters, one from the DAV, AMVETS, Paralyzed Veterans of America, and Veterans of Foreign Wars; another from the president of the National Guard Association of the United States, in support of this legislation.

THE INDEPENDENT BUDGET,
July 27, 2010.

Hon. CHET EDWARDS,
Chairman, Subcommittee on Military Construction and Veterans Affairs, House Committee on Appropriations, The Capitol, Washington, DC.

DEAR CHAIRMAN EDWARDS: On behalf of the co-authors of the Independent Budget, we would like to take this opportunity to thank you for your unwavering support for our nation's sick and disabled veterans, as well as all of the men and women who have so honorably served this country. We appreciate your efforts as Chairman of the House Appropriations Subcommittee on Military Construction and Veterans Affairs to achieve an excellent funding level for the Department of Veterans Affairs (VA) once again this year. Through your leadership, the VA will receive another significant funding increase for FY 2011.

More importantly, the Military Construction and Veterans Affairs appropriations bill also includes approximately \$50.6 billion in advance appropriations for the VA medical care accounts—Medical Services, Medical Support and Compliance, and Medical Facilities—for FY 2012. By providing the VA with an advance appropriation for FY 2012, the VA will once again be able to better plan for hiring critical new staff and addressing demand on the health care system. The additional planning time will also allow the VA to better work with Congress to ensure that its true resource needs are met well in advance of the start of the fiscal year.

These actions reflect the priority that you and the House leadership have placed on needs of the men and women who have so honorably served this country. We offer our strong support for the FY 2011 Military Construction and Veterans Affairs appropriations bill and we hope that the House will quickly pass this critical legislation. Final passage of sufficient funding for the VA will allow the VA to better address the needs of the men and women returning from Operation Enduring Freedom and Operation Iraqi Freedom as well as all veterans who have served in the past.

Sincerely,

RAYMOND C. KELLEY,

National Legislative Director, AMVETS.

CARL BLAKE,
National Legislative Director, Paralyzed Veterans of America.

JOSEPH A. VIOLANTE,
National Legislative Director, Disabled American Veterans.

ERIC A. HILLEMANN,
Director, National Legislative Service, Veterans of Foreign Wars.

[From the National Guard Association of the United States, Inc., July 14, 2010]

NGAUS HAILS HOUSE EFFORTS TO MODERNIZE NATIONAL GUARD FACILITIES

WASHINGTON.—The association that represents the leadership of nearly 465,000 National Guard men and women today applauded efforts in the U.S. House of Representatives to modernize Guard facilities across the country.

This morning, the House appropriations subcommittee on military construction and veterans' affairs (VA), led by chairman Chet Edwards, D-Texas, and ranking member Zach Wamp, R-Tenn., approved \$200 million above the president's budget request for Guard and Reserve military construction.

The move came as the House appropriations committee marks up the fiscal 2011 military construction/VA budget.

"Today, chairman Edwards and ranking member Wamp continued to lead the congressional effort to modernize our aging National Guard facilities," said retired Maj. Gen. Gus L. Hargett Jr., NGAUS president. "We are grateful for their leadership, and the actions of the subcommittee speak volumes about their support of citizen-soldiers and airmen."

Last year, the House appropriations subcommittee on military construction and veterans affairs, took the unique step of adding to its bill a block of funding to address critical unfunded military construction requirements in the National Guard and Reserve.

The extra \$30 million each for the Army and Air Guard funded an additional eight projects, which otherwise may have been lost for years or even permanently.

NGAUS has been at the forefront of the push for additional funds for military construction. Hargett sent a letter in early March to House and Senate authorizers and appropriators requesting additional funds for Guard facilities.

According to the House appropriations committee press release, the markup provides "\$200 million to continue the subcommittee's Guard and Reserve initiative begun last year. This money will go to the highest unfunded military construction priorities of the commanders of the reserve components of the Army, Navy, Marine Corps, and Air Force."

The appropriations mark mirrors the House-passed version of the fiscal 2011 National Defense Authorization Act, which authorizes an additional discretionary \$60 million for the Army National Guard and \$50 million for the Air Guard for military construction. The president's budget request for Army Guard military construction for fiscal 2011 was \$873.6 million; the Air Guard request was \$177 million.

NGAUS believes the Army Guard needs \$1.5 billion annually just to begin reducing a nationwide backlog of more than \$13 billion in Army Guard military construction projects.

The average armory is 43 years old. Many can no longer accommodate modern units and equipment.

The Air Guard requires \$300 million a year.

Mr. VAN HOLLEN. Madam Chair, I rise in support of the Military Construction Appropriations Act of 2011.

This measure provides \$141.1 billion for military construction of all kinds from military family housing, to construction of operational facilities in the U.S. and abroad. This funding will be used to construct schools, hospitals and other facilities for veteran's healthcare.

The Veterans Health Administration has estimated that it will treat over 6.1 million patients next year. This number includes more than 439,000 veterans of Iraq and Afghanistan. This measure provides \$48.8 billion for health programs within the Veterans Health Administration. Additionally, the bill provides \$53 billion for service-connected compensation, pensions and benefits for the estimated 4 million veterans and their families.

This measure provides \$2.4 billion to further implement base closures and realignments outlined in the 2005 BRAC, including support for the re-stationing of troops and their families from overseas to the United States. The bill provides \$1.3 billion to support our troops in Afghanistan and \$259 million for U.S. construction funding obligations as part of the North Atlantic Treaty Organization Security Investment Program in that country.

For military families living on base, the measure appropriates \$1.8 billion for housing as well as for operation and maintenance costs. These funds are used for everything from repairs, to furnishings, management, utilities, and even for mortgage insurance. To address the growing housing backlog for unmarried troops and trainees, the bill provides \$190 million for Army trainee housing facilities.

And finally, to ensure accountability, the measure provides funding to the Defense Department inspector general to audit these and other military construction projects.

I encourage my colleagues to join me in support of this bill.

Ms. JACKSON LEE of Texas. Madam Chair, I rise in strong support of the rule for H.R. 5822, the Military Construction and Veterans Affairs and Related Agencies Appropriations Act of 2011. I would like to thank my colleague, Mr. EDWARDS, for introducing this important bill honoring our continued commitment to support the brave men and women who have been willing to sacrifice their very lives in the service of our nation and the freedom we so cherish. Our armed forces and their family members are among the most valued members of our society, custodians of our freedom and protectors of our democracy. We must continually re-commit ourselves to serving them with the same honor, dignity and respect with which they serve their country.

This bill generously provides substantial funding, over 77 billion dollars, in the service of our men and women in uniform, veterans, and their families for fiscal year 2011. It is a continuation of three and a half years of hard work and tireless efforts on behalf of the House Appropriations Subcommittee on Military Construction, Veterans Affairs, and Related Agencies. This bill is a testament to their commitment to our soldiers, veterans and their

loved ones. Moreover, the bill contains specific guidelines and provisions to ensure that all funds are spent responsibly, accountably and in a way that serves our troops and American taxpayers.

Of the 77 billion dollars, 18.7 billion are for Military Construction. The funds will provide adequate housing for our young military trainees bravely serving their country; it will fund environmental cleanup of closed or moved bases as we strategically re-align resources; it will provide for a National Guard and Reserve initiative for the men and women serving their nation at home; and it grants funding for critical construction for overseas contingencies operations in Iraq and Afghanistan.

The bill also dedicates over 56 billion dollars to Veterans Affairs honoring those who, after serving their country overseas, returned home to re-integrate into the society they fought valiantly to protect. The majority of the funding, over 37 billion, will go to providing much needed and well deserved medical services for all veterans, including mental health services and assistance to homeless veterans. The remaining funding will be used for major and minor construction projects, medical and prosthetic research, and medical facilities in the service of our honored veterans.

Finally, in Related Agencies, the bill is providing for a number of other critical needs, such as the National Cemetery, funding for an Armed Forces Retirement Home, and the Monuments Commission which manages and cares for the monuments and cemeteries around the world that honor the service of our armed forces.

Additionally, in respect for the fact that the American public has rightly demanded greater efficiency in government and efforts to reduce our deficit spending, there are a number of important provisions to ensure that all funds are spent in the most effective, efficient and expedient way possible. The provisions include several controls for Veterans Affairs spending and contract oversight, as well as oversight provisions for all construction projects in Iraq and Afghanistan, among others.

Although I am disappointed that my amendment, establishing portability between states for individualized education, disability and therapeutic benefits of a dependent of a member of the armed forces upon transfer of the member, was not included in the final version, I still gladly and proudly support this bill.

However, I would like to reiterate that an important part of anyone's quality of life is their family and dependents. One of the ways in which we can serve the members of the armed forces who sacrifice so much for our safety and our liberty is to ensure that their families are taken care of, and eliminate the bureaucratic red tape involved in moving from one place to another. Members of the armed forces often find themselves moving, and uprooting their families and their lives. Hopefully such a provision, aimed at facilitating that process by making the educational, disability and therapeutic benefits of a child or dependent of a member of the armed forces transferable from one state to another, will be included in future legislation.

In closing, I reiterate my strong support for this bill, and express my most sincere and heartfelt appreciation to everyone fighting to

defend our country for their service and sacrifice for the good of the nation.

Mr. DINGELL. Madam Chair, I rise in support of H.R. 5822, the Military Construction and Veterans Affairs (Mil Con-VA) and Related Agencies Appropriations Act for fiscal year 2011.

I commend my friend and colleague, Chairman of the House Appropriations Subcommittee on Military Construction and Veterans Affairs, Congressman CHET EDWARDS (D-TX) for writing a bill that provides tremendous support to our veterans and families. One of the greatest accomplishments since the Democrats regained control of Congress has been providing our veterans with a budget worthy of their service and sacrifice. The Mil Con-VA Appropriations Act for FY 2011 is no exception.

Since the Democrats took back Congress in 2007, we have provided a 70 percent increase in funding for veterans health care and benefits. Some of the highlights of this increase include the addition to the VA of more than 10,000 claims processors to reduce claims backlogs, 3,389 doctors and 14,316 nurses, 145 community-based outpatient clinics, 92 new vet centers, and more than 47,000 additional Veterans Health Administration employees.

In addition, the FY 2011 Mil Con-VA Appropriations Act also fulfills a top priority of national veterans service organizations by continuing to provide advance appropriations of the VA. This way, the VA will be better able to plan for its future needs.

Other important provisions in this legislation include \$37.1 billion to improve access to medical services for all veterans; \$5.2 billion for mental health services for our veterans suffering from post-traumatic stress disorder, depression, and traumatic brain injury; and \$4.2 billion to help our homeless veterans move from the streets to secure homes.

Madam Chair, as a veteran of World War II, I am proud to support this legislation which continues the Democratic Congress' strong commitment to our veterans and their families. I urge my colleagues to join me in voting for H.R. 5822.

Ms. BORDALLO. Madam Chair, I rise today to express my concern with the reduction in military construction funding to Guam for the realignment of U.S. Marines from Okinawa, Japan to Guam. I appreciate the Committee's recognition of the strategic importance of this realignment as well as their general support for these efforts. However, I remain concerned that these cuts send the wrong message at the wrong time. It is unfortunate that my counterparts in the Subcommittee on Military Construction and Veterans Affairs did not follow the funding levels for Guam military construction that were agreed to in H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. Given the recent reluctance by the Government of Japan to reaffirm the Guam International Agreement, I believe it is important to collectively move forward with a unified position.

However, these cuts do make one point clear to my constituents. Congress holds the power of the purse. There are concerns on Guam and with certain federal agencies that the pace of construction during the military

build-up could place an undue burden on our civilian infrastructure. However, I have made it clear that if construction was outpacing the local community's ability to handle the additional people we could put our foot on the brakes. Given the concerns raised by our local government this reduction in funding highlights how Congress can ensure that we get this build-up done right.

Finally, I would like to rise in support of amendment #8 introduced by my colleague from Georgia, Congressman PHIL GINGREY. His amendment would restrict funds authorized by this bill to be used for the purposes of eminent domain without providing payment of just compensation. This amendment highlights our concern that eminent domain is not a preferred method through which the Federal Government should obtain private or other government lands. I support this amendment because there is concern that the Department of the Navy would use the powers of eminent domain to obtain private and Government of Guam land to build a new training range. This amendment would demonstrate that I am opposed to any such action on Guam in the future.

Mr. YOUNG of Florida. Madam Chair, I rise in support of H.R. 5822, the Fiscal Year 2011 Military Construction, Veterans Affairs, and Related Agencies Appropriations Act. It is with great pride that I serve on this subcommittee and I want to commend my colleague from Texas, Mr. EDWARDS, the Chairman of the Subcommittee, and our ranking member, my colleague from Tennessee, Mr. WAMP, for their work in putting together this legislation.

The men and women of our armed forces and our veterans deserve the very best support and care that we can offer them and this bill achieves that. This legislation fulfills our commitment to their future and to their well being.

We include in this appropriations bill \$57.0 billion in funding for veterans programs, an increase of \$3.9 billion over the level of funding we provided last year. These funds will address some of the major problems our Nation has in addressing the needs of our veterans, including those with mental illness, traumatic brain injuries, the homeless, and the disabled who are forced to wait countless months and even years to resolve their disability claims.

The largest portion of this funding, \$48.8 billion, is for veterans medical care. It will enable the VA doctors and staff to treat an estimated 6.1 million patients, including thousands of Iraq and Afghanistan veterans. We also continue our emphasis on mental health and medical services for our returning heroes who are suffering from Post Traumatic Stress Disorder and Traumatic Brain Injuries.

We also increase by 20 percent to \$4.2 billion our commitment to providing housing and medical services to our homeless veterans. We must do better in providing transitional housing and serves to these American heroes who now find themselves with nowhere to live and nowhere to work.

We also provide a 25 percent increase in funding, to \$2.6 billion, to hire 4,000 additional claims processors to reduce the unacceptable backlog in claims for veterans benefits. With this increase in staffing levels, our Committee will have added more than 10,200 new claims processors over the past four years.

Our committee's support has also been vital to my efforts to continue to support the work of the medical professionals at the Bay Pines VA Healthcare System, which I have the privilege to represent.

We have opened at Bay Pines one of our Nation's most active VA Inspector General operations, to ferret out waste, fraud and abuse in veterans programs and to ensure that every dollar we appropriate to care for our veterans is spent as intended.

We have also been able to speed up work on the construction of a brand new facility to treat veterans with mental illness and Post Traumatic Syndrome Disorder. We also have broken ground this year on a new Ambulatory Surgery Center and Eye Treatment facility at Bay Pines, work is well underway on a new facility to provide radiation treatment for cancer patients, and we have opened two new VA medical clinics in northern and southern Pinellas County to better serve veterans and their medical needs closer to their homes.

Finally, Madam Chair, I want to thank the members of the subcommittee for accepting my amendment to this legislation to ensure that we fix the problems associated with the national embarrassment that we find at Arlington National Cemetery. The committee has included \$150 million in the bill to address the many problems, those which we already know about and those which we have yet to find out about, at Arlington. My amendment would require that the Army develop a clear timetable and specify their plan to resolve all identified issues before they can spend these funds. We owe no less to our America's fallen heroes for whom Arlington is their final resting place and to their families who share our shock and outrage at the situation that we find at one of our Nation's most sacred places.

Madam Chair, this is a good bill, one that addresses the current and future needs of our Nation's veterans. It is also a bill that emphasizes what our committee and this House can do when we work together in a bipartisan way to solve our problems.

Mr. BLUMENAUER. Madam Chair, this bill contains many worthy items, including a substantial investment in our Veterans Affairs programs. A strong safety net for our veterans is more important than ever, particularly in Oregon, where returning Guard and Reserve members face high unemployment and a difficult transition back to civilian life.

I also want to highlight what my colleague Representative CHELLIE PINGREE of Maine stated earlier in this debate: the cleanup of closed military bases is critical to health and growth of our communities. Across America, these closed bases contain discarded munitions, toxins, and shell fragments leftover from years of military training. Funding the return of these properties to safe and productive use is vital. Funds go directly to the development of detection and removal technology, the creation of skilled technician jobs, and generate economic growth as cleaned lands become commercial, residential, or recreational spaces.

For the past decade I have worked with a bipartisan group of members to raise awareness of this issue. I am pleased that with the leadership of my friend Representative SAM FARR, the House has designated \$100 million over the President's budget request for the

legacy BRAC account. This \$460 million is critically needed to address the large backlog of environmental hazards still present at bases closed during the earliest Base Realignment and Closure rounds. I hope in future years we can build on this commitment to our nation's safety and prosperity.

Mr. TIAHRT. Madam Chair, we have a moral obligation to fully fund our veteran programs. The liberties we enjoy today were earned through the bravery and sacrifice of patriotic Americans. Congress must ensure that these honorable men and women have access to benefits and top-notch healthcare. We can never turn our back on our veterans.

As such, I am pleased to support H.R. 5822, the Fiscal Year (FY) 2011 Military Construction/Department of Veterans Affairs Appropriations bill. This legislation continues the goal set by the Republican majority to prioritize veteran programs. H.R. 5822 provides \$56.8 billion in discretionary funding for the VA and \$64.0 billion for mandatory VA programs. The legislation also makes available \$37.1 billion to improve access to medical services for all veterans, \$2.4 billion above last year's level.

Among some of its most significant provisions, H.R. 5822 provides \$50.6 billion in advance appropriations for VA medical accounts to ensure stable and uninterrupted services. It also provides new family caregiver benefits for disabled veterans as well as additional VA workers to address the continuing claims backlogs and to process new educational benefits. To address the needs of rural veterans, the legislation provides \$250 million for innovative practices to improve access to care for veterans in rural areas. This is particularly important to many Kansas veterans.

In addition to supporting this legislation, I applaud the work of all the Veteran Service Organizations (VSOs) who contributed to the bill. From the Veterans of Foreign Wars to the American Legion, VSOs provide the appropriations committee invaluable information on the needs of the veteran community. They are tremendous advocates for all veterans.

H.R. 5822 is a good bill worthy of strong bipartisan support. I encourage my colleagues to join with me in voting for this legislation.

Mr. EDWARDS of Texas. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered read for amendment under the 5-minute rule, and the bill shall be considered read through page 63, line 4.

The text of that portion of the bill is as follows:

H.R. 5822

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent

public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$4,051,512,000, to remain available until September 30, 2015, of which \$190,000,000 shall be for trainee troop housing facilities: *Provided*, That of this amount, not to exceed \$259,456,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for trainee troop housing facilities.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$3,587,376,000, to remain available until September 30, 2015: *Provided*, That of this amount, not to exceed \$123,750,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,276,385,000, to remain available until September 30, 2015: *Provided*, That of this amount, not to exceed \$73,536,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$2,999,612,000, to remain available until September 30, 2015: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred:

Provided further, That of the amount appropriated, not to exceed \$434,217,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the amount appropriated, notwithstanding any other provision of law, \$31,863,000 shall be available for payments to the North Atlantic Treaty Organization for the planning, design, and construction of a new North Atlantic Treaty Organization headquarters.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$1,020,228,000, to remain available until September 30, 2015, of which \$60,000,000 shall be for critical unfunded requirements: *Provided*, That of the amount appropriated, not to exceed \$57,182,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Director of the Army National Guard shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$292,386,000, to remain available until September 30, 2015, of which \$50,000,000 shall be for critical unfunded requirements: *Provided*, That of the amount appropriated, not to exceed \$21,214,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Director of the Air National Guard shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$358,325,000, to remain available until September 30, 2015, of which \$30,000,000 shall be for critical unfunded requirements: *Provided*,

That of the amount appropriated, not to exceed \$26,250,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Chief of Army Reserve shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$91,557,000, to remain available until September 30, 2015, of which \$15,000,000 shall be for critical unfunded requirements of the Navy Reserve and \$15,000,000 shall be for critical unfunded requirements of the Marine Forces Reserve: *Provided*, That of the amount appropriated, not to exceed \$1,857,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Chief of Navy Reserve and the Commander, Marine Forces Reserve shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$48,182,000, to remain available until September 30, 2015, of which \$30,000,000 shall be for critical unfunded requirements: *Provided*, That of the amount appropriated, not to exceed \$2,503,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Chief of Air Force Reserve shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and

Military Construction Authorization Acts, \$258,884,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$92,369,000, to remain available until September 30, 2015.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$518,140,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$186,444,000, to remain available until September 30, 2015.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$366,346,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$78,025,000, to remain available until September 30, 2015.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$513,792,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, \$50,464,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, \$1,096,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND

For the Homeowners Assistance Fund established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374), \$16,515,000, to remain available until expended.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal

chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, \$124,971,000, to remain available until September 30, 2015, which shall be only for the Assembled Chemical Weapons Alternatives program.

DEPARTMENT OF DEFENSE BASE CLOSURE
ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$460,474,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE
ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$2,354,285,000, to remain available until expended: *Provided*, That the Department of Defense shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to obligating an amount for a construction project that exceeds or reduces the amount identified for that project in the most recently submitted budget request for this account by 20 percent or \$2,000,000, whichever is less: *Provided further*, That the previous proviso shall not apply to projects costing less than \$5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under section 2805 of title 10, United States Code.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install

utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries within the United States Central Command Area of Responsibility, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries within the United States Central Command Area of Responsibility, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and

design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883, of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 120. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 121. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 122. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 123. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

SEC. 124. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an

active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: *Provided*, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 125. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense", to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 126. None of the funds appropriated or otherwise made available in this title may be used for any action that is related to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.

SEC. 127. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in the report of the Committee on Appropriations of the House of Representatives to accompany this bill and in the guidance for military construction reprogrammings and notifications contained in Department of Defense Financial Management Regulation 7000.14-R, Volume 3, Chapter 7, of December 1996, as in effect on the date of enactment of this Act.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV

of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, \$53,492,234,000, to remain available until expended: *Provided*, That not to exceed \$30,423,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses", "Medical support and compliance", and "Information technology systems" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical care collections fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, \$10,440,245,000, to remain available until expended: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapters 19 and 21, \$62,589,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 2011, within the resources available, not to exceed \$500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$163,646,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$48,000, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$3,042,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$337,000, which may be paid to the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, \$707,000.

VETERANS HEALTH ADMINISTRATION
MEDICAL SERVICES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of health care employees hired under title 38, United States Code, aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, and loan repayments authorized by section 604 of Public Law 111-163, \$39,649,985,000, plus reimbursements, shall become available on October 1, 2011, and shall remain available until September 30, 2012: *Provided*, That, of the amount made available under this heading \$1,015,000,000 shall remain available until September 30, 2013: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); \$5,535,000,000, plus reimbursements, shall become available on October 1, 2011, and shall remain available until September 30, 2012: *Provided*, That, of the amount made available under this heading, \$145,000,000 shall remain available until September 30, 2013.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for,

either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, \$5,426,000,000, plus reimbursements, shall become available on October 1, 2011, and shall remain available until September 30, 2012: *Provided*, That, of the amount made available under this heading, \$145,000,000 shall remain available until September 30, 2013: *Provided further*, That, of the amount available for fiscal year 2012, \$130,000,000 for non-recurring maintenance shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, \$590,000,000, plus reimbursements, shall remain available until September 30, 2012.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, \$259,004,000, of which not to exceed \$24,200,000 shall remain available until September 30, 2012.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, \$2,601,389,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That the Veterans Benefits Administration shall be funded at not less than \$2,162,776,000: *Provided further*, That of the funds made available under this heading, not to exceed \$111,000,000 shall remain available until September 30, 2012: *Provided further*, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs as-

sociated with operations authorized by section 3109 of title 5, United States Code, \$3,222,000,000, plus reimbursements, shall remain available until September 30, 2012: *Provided*, That none of the funds made available under this heading may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: *Provided further*, That not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which sets forth, by project, the operations and maintenance costs, with salary expenses separately designated, and development costs to be carried out utilizing amounts made available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$115,367,000, of which \$6,000,000 shall remain available until September 30, 2012.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, \$1,166,036,000, to remain available until expended, of which \$6,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and salaries and associated costs of the resident engineers who oversee those capital investments funded through this account, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project which has not been approved by the Congress in the

budgetary process: *Provided further*, That funds made available under this heading for fiscal year 2011, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2011; and (2) by the awarding of a construction contract by September 30, 2012: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, \$507,700,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, \$85,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to assist States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, \$46,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS (INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2011 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal

year 2011, in this Act or any other Act, under the "Medical services", "Medical support and compliance", and "Medical facilities" accounts may be transferred among the accounts: *Provided*, That any transfers between the "Medical services" and "Medical support and compliance" accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: *Provided further*, That any transfers between the "Medical services" and "Medical support and compliance" accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That any transfers to or from the "Medical facilities" account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for "Construction, major projects", and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2010.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from "Compensation and pensions".

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2011, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of

title 38, United States Code, reimburse the "General operating expenses" and "Information technology systems" accounts for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2011 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2011 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed \$35,794,000 for the Office of Resolution Management and \$3,354,000 for the Office of Employment and Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to the "General operating expenses" and "Information technology systems" accounts for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental cost is more than \$1,000,000, unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, proceeds or revenues derived

from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

SEC. 214. Amounts made available under "Medical services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to "Medical services", to remain available until expended for the purposes of that account.

SEC. 216. The Secretary of Veterans Affairs may enter into agreements with Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, and Indian tribes and tribal organizations serving rural Alaska which have entered into contracts with the Indian Health Service under the Indian Self Determination and Educational Assistance Act, to provide healthcare, including behavioral health and dental care. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term "rural Alaska" shall mean those lands sited within the external boundaries of the Alaska Native regions specified in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), and those lands within the Alaska Native regions specified in sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), which are not within the boundaries of the Municipality of Anchorage, the Fairbanks North Star Borough, the Kenai Peninsula Borough or the Matanuska Susitna Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, major projects" and "Construction, minor projects" accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 219. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the "Medical services", "Medical support and compliance", "Medical facilities", "General operating expenses", and "National Cemetery Administration" accounts for fiscal year 2011, may be transferred to or from

the "Information technology systems" account: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Amounts made available for the "Information technology systems" account may be transferred between projects: *Provided*, That no project may be increased or decreased by more than \$1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 222. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with—

(1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109-115; 119 Stat. 2506); or

(2) section 8110(a)(5) of title 38, United States Code.

SEC. 223. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2011, in this Act or any other Act, under the "Medical facilities" account for non-recurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last 2 months of that fiscal year: *Provided*, That the Secretary may waive this requirement after providing written notice to the Committees on Appropriations of both Houses of Congress.

SEC. 224. Of the amounts appropriated or otherwise made available by this title, the Secretary may execute \$5,000,000 for cooperative agreements with State and local government entities or their designees with a demonstrated record of serving veterans to conduct outreach to ensure that veterans in underserved areas receive the care and benefits for which they are eligible.

(INCLUDING TRANSFER OF FUNDS)

SEC. 225. Of the amounts appropriated to the Department of Veterans Affairs in this Act, and any other Act, for "Medical services", "Medical support and compliance", "Medical facilities", "Construction, minor projects", and "Information technology systems", such sums as may be necessary, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of title XVII of division A of Public Law 111-84, and shall be available to fund operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veteran Affairs Medical Center, and Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by Section 706 of Public Law 110-417.

(INCLUDING TRANSFER OF FUNDS)

SEC. 226. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for health care provided at the Captain James A. Lovell Federal Health Care Center may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of title XVII of division A of Public Law 111-84, and shall be available to fund operations of the inte-

grated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veteran Affairs Medical Center, and Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 1706 of Public Law 110-417.

(INCLUDING TRANSFER OF FUNDS)

SEC. 227. Of the amounts available in this title for "Medical services", "Medical support and compliance", and "Medical facilities", a minimum of \$15,000,000, shall be transferred to the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

(INCLUDING RESCISSION OF FUNDS)

SEC. 228. (a) Of the funds appropriated in the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010 (Public Law 111-117, Division E), the following amounts which become available on October 1, 2010 are hereby permanently cancelled from the accounts in the amounts specified:

"Medical services", Department of Veterans Affairs, \$1,015,000,000;

"Medical support and compliance", Department of Veterans Affairs, \$145,000,000; and

"Medical facilities", Department of Veterans Affairs, \$145,000,000.

(b) An additional amount is appropriated to the following accounts in the amounts specified, to become available on October 1, 2010 and to remain available until September 30, 2012:

"Medical services", Department of Veterans Affairs, \$1,015,000,000;

"Medical support and compliance", Department of Veterans Affairs, \$145,000,000; and

"Medical facilities", Department of Veterans Affairs, \$145,000,000.

SEC. 229. For an additional amount for the "General operating expenses" account, \$23,584,000, to increase the Department's acquisition workforce capacity and capabilities: *Provided*, That such funds may be transferred by the Secretary to any other account in the Department to carry out the purposes provided herein: *Provided further*, That such transfer authority is in addition to any other transfer authority provided in this Act: *Provided further*, That such funds shall be available only to supplement and not to supplant existing acquisition workforce activities: *Provided further*, That such funds shall be available for training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.): *Provided further*, That such funds shall be available for information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management.

SEC. 230. The Secretary of the Department of Veterans Affairs shall report to the Committees on Appropriations of both Houses of Congress within 30 days of enactment of this Act the planned funding allocation from each of the Veterans Health Administration accounts to the National Reserve Fund and any subsequent increase in these allocations of ten percent or more: *Provided*, That the Secretary shall notify the Committees of any planned obligation of the National Reserve Fund fifteen days before such obligation takes place, as well as the intended use of the funds.

SEC. 231. The Secretary of the Department of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in major construction projects that total at least \$5,000,000, or five percent of the programmed amount, whichever is less: *Provided*, That such notification shall occur within 14 days after the date on which funds are obligated.

SEC. 232. The scope of work for a project included in "Construction, major projects", may not be increased above the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations, without prior notification to the Committees on Appropriations of both Houses of Congress.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed \$7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$65,667,000, to remain available until expended: *Provided*, That of the amount made available under this heading, \$1,000,000 shall be for improvements and rehabilitation of the Bataan Death March Memorial at the Cabanatuan American Memorial in the Philippines.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, \$90,147,000: *Provided*, That, of the foregoing amount, \$62,000,000 shall be transferred to the General Services Administration for the construction of a courthouse to house the United States Court of Appeals for Veterans Claims: *Provided further*, That \$2,515,229 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102-229.

DEPARTMENT OF DEFENSE—CIVIL CEMETERIAL EXPENSES, ARMY SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed \$1,000 for official reception and representation expenses, \$39,600,000, to remain available until expended: *Provided*, That none of the funds available under this heading shall be for construction of a perimeter wall at Arlington National Cemetery. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally-owned water main at Arlington National Cemetery making additional land available for ground burials.

ARMED FORCES RETIREMENT HOME TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$71,200,000, of which \$2,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi.

TITLE IV

OVERSEAS CONTINGENCY OPERATIONS DEPARTMENT OF DEFENSE MILITARY CONSTRUCTION, ARMY (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Military Construction, Army", \$929,996,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the amount appropriated, \$10,000,000 shall be transferred to "Department of Defense — Other Department of Defense Programs — Office of the Inspector General", to be merged with and to be available for the same time period as the appropriation to which transferred, for the purpose of carrying out audits of military construction projects in Afghanistan: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", \$280,504,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for "Military Construction, Defense-Wide", \$46,500,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

ADMINISTRATIVE PROVISIONS

SEC. 401. Unless otherwise specified, each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 402. None of the funds made available in this title may be obligated for architect

and engineer contracts estimated by the Government to exceed \$500,000, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 403. None of the funds made available in this title may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That the Secretary of Defense may waive the limitation imposed by this section upon a determination that such limitation is inconsistent with national security: *Provided further*, That the Secretary of Defense shall notify the Committees on Appropriations of both Houses of Congress no later than five days following a decision to waive the limitation imposed in this section.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Such sums as may be necessary for fiscal year 2011 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 503. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 504. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 505. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 506. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 507. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 508. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

SEC. 509. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 510. None of the funds made available in this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SEC. 511. None of the funds appropriated or otherwise made available by this Act may be obligated by any covered executive agency in contravention of the certification requirement of section 6(b) of the Iran Sanctions Act of 1996, as included in the revisions to the Federal Acquisition Regulation pursuant to such section.

SEC. 512. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 513. None of the funds made available in this Act may be used for the processing of new enhanced-use leases at the National Home for Disabled Volunteer Soldiers located in Milwaukee, Wisconsin.

The CHAIR. No amendment is in order except those printed in House Report 111-570. Each such amendment may be offered only in the order printed in the report, may be offered by a Member designated in the report, shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question.

After consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

□ 1710

AMENDMENT NO. 1 OFFERED BY MR. HOLT

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-570.

Mr. HOLT. Madam Chair, I have amendment No. 1 at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 33, line 15, after the dollar amount, insert “(reduced by \$20,000,000) (increased by \$20,000,000)”.

The CHAIR. Pursuant to House Resolution 1559, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Madam Chair, I want to thank the Rules Committee for making this amendment in order and for the strong support and encouragement I have received in this effort from the chairman of the Military Construction and Veterans Affairs subcommittee. The gentleman from Texas' leadership of the subcommittee and his concern and compassion and advocacy for the needs of veterans is truly an inspiration.

Madam Chair, we have few responsibilities as solemn and as important as ensuring that our veterans receive the care that we have promised them as a Nation. To that end, my amendment directs the Department of Veterans Affairs to allocate \$20 million for direct advertising, the use of online social media and other media for suicide prevention outreach. Let me take a moment to tell you why this issue means so much to me, and I would like to tell you about one very remarkable family from my central New Jersey congressional district.

A little over a week ago, on July 14, I had the privilege of introducing Mrs. Linda Bean of East Brunswick, New Jersey, to the House Committee on Veterans' Affairs. Linda was appearing before the Oversight and Investigations subcommittee to tell the story of how her son, Coleman, came to take his own life in September 2008. Linda made it clear why she had traveled to Washington to, I would say, courageously share her family's painful story: “I owe a duty to my son and our debt to the men with whom Coleman served.”

You see, Coleman was a two-tour veteran of Operation Iraqi Freedom. Like so many of our troops who have served in Iraq and Afghanistan, Coleman developed post-traumatic stress disorder. In between and after those tours, he sought treatment for his PTSD. Because Sergeant Bean was a member of the Individual Ready Reserve, the so-called IRR—a pool of reserve soldiers not assigned to any unit but available for mobilization if needed—he could not get treatment for his condition because the Departments of Defense and Veterans Affairs refused to take ownership of Sergeant Bean and the thousands like him. A few weeks after Coleman took his life, the VA called to confirm his next appointment.

As Linda closed her testimony before the House Veterans' Affairs Committee, she relayed how one VA official had told her, “If they won't walk through the door, we can't help them.” Linda's response must be our response: “Of course we can help them. It is our duty to figure out how, not theirs.”

Earlier this year, I secured the inclusion of a suicide prevention provision

in the annual defense authorization bill that would require the Secretary of Defense to conduct periodic telephone or in-person outreach and counseling calls to reservists like Coleman. The idea is to check on the IRR member's mental, emotional and professional well-being and to identify and treat any IRR members who are deemed to be at risk of harming themselves.

Because the other body has thus far failed to act on the fiscal year 2011 authorization, I have sent a letter to Secretaries Gates and Shinseki asking that they take whatever administrative action is necessary to reach out and monitor this very large pool of at-risk reservists. I have also asked that they meet with Greg and Linda Bean and explain in detail what those departments intend to do to prevent other Iraq and Afghanistan war veterans from suffering Coleman's fate.

Our commitment to reducing suicides among our veterans must be comprehensive and unwavering. This amendment today is designed to give the VA the resources and the direction to get appropriate and broad-based outreach under way as soon as President Obama signs this bill. I hope this amendment will be supported on a bipartisan basis, because, as Linda Bean says, “It's not their job to figure out how, it's ours.”

I yield to the gentleman from Texas.

Mr. EDWARDS of Texas. I just want to commend the gentleman for his leadership on this effort. It is a heart-breaking tragedy every time a veteran takes his or her life as a result of their service to our country. I look forward to working with the gentleman and with the gentleman from Florida (Mr. CRENSHAW) and the gentleman from Tennessee (Mr. WAMP) as we go to conference committee to see that we do more than everything that is already being done to see that we prevent suicides from occurring.

If we save one life, then the gentleman's and our service here in Congress will have been time well served.

Mr. HOLT. I thank the gentleman.

In closing, I would say there are tens of thousands of people who will be helped.

The CHAIR. The time of the gentleman has expired.

Mr. CRENSHAW. Madam Chair, I would like to claim the time in opposition, although I'm not necessarily opposed to the amendment.

The SPEAKER pro tempore. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

Mr. CRENSHAW. Madam Chair, I just want to also commend the gentleman for offering this amendment. I think so often we have resources that are available like this that sometimes our veterans are not aware of. I think we've made great strides in dealing with this. We have a suicide prevention

hotline we're working every day, but I think he makes an excellent point that so often people are not aware of the services they might avail themselves of.

I commend him for this. I would certainly favor this amendment so that we can get the word out to know that we're trying to help folks.

Mr. KENNEDY. Will the gentleman yield?

Mr. CRENSHAW. I yield to the gentleman from Rhode Island.

Mr. KENNEDY. I appreciate the gentleman's yielding.

I too want to join in paying tribute to the gentleman from New Jersey for this amendment and also to the chairman, Chairman EDWARDS, for his diligence to this mental health issue in the bill.

As I said earlier, these wounds may be invisible but they're not invisible to the members of our uniform who are suffering from them. I think it may not come as a surprise to most people that those servicemembers dying of suicide outnumber those who are killed in action. And that does not include our veterans. It wasn't until this defense bill that we just passed that we included a provision that the President of the United States would actually send a letter of condolence to the family of those who had taken their life in the field, and we all know what the pressures are on those individuals: more tours of duty, longer times away from their families, and more stress.

The fact of the matter is I think that this work that you're doing, RUSH, is to be commended. I think it is also important for everyone to note that this historic health bill that we just passed will encompass 72 percent of all veterans who will get their care thanks to this Congress' work to include mental health parity in the health care reform bill that was just passed. Seventy-two percent of all vets will never see the VA for their health care but, rather, through private health insurance. And this Congress passed legislation making it illegal for them to be discriminated against based upon health status, whether it be mental, physical, and we all know that mental now is a neurological disorder.

Thanks again for your good work. Again thank you to the chairman and ranking member for their good work on this.

Mr. CRENSHAW. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BUYER

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-570.

Mr. BUYER. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 34, line 7, before the period at the end insert the following: "Provided further, That of the funds made available under this heading, \$10,000,000 shall be available to increase the number of Department of Veterans Affairs employees who administer benefits under chapter 31 of title 38, United States Code".

The CHAIR. Pursuant to House Resolution 1559, the gentleman from Indiana (Mr. BUYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BUYER. Madam Chair, I rise today in support of my amendment to H.R. 5822. This amendment would fence off \$10 million in the VA's general operating expenses account.

The goal of the VA's vocational rehabilitation and employment program is to put disabled veterans back to work or, for the most severely disabled, to live as independently as possible.

VA's counselors currently have an average caseload of over 130 disabled veterans. Because of the heavy workload which includes a significant amount of case management and regular interaction with their clients, the time to actually enter vocational training is nearly six months. That is on top of the average of the 6 months it takes to receive a disability rating needed to even become eligible for this benefit.

The \$10 million included in this amendment would fund one hundred additional professional level staff and will be a small step towards reducing the caseload to a more manageable average of 100 per counselor thereby shortening the time it takes to begin training. For many veterans and servicemembers VR&E training is the bridge to meaningful and productive employment.

I urge all members to vote in favor of my amendment to H.R. 5822.

□ 1720

I yield to the gentleman from Texas.

Mr. EDWARDS of Texas. I want to commend Mr. BUYER for offering this amendment.

Without this amendment, the VA would actually be reducing at the very worst time the number of vocational rehab employees. We ought to be increasing those numbers, and that's what we will be doing with this, particularly given a lot of our troops coming back from Iraq and Afghanistan are having difficult times finding jobs. They need this support.

The VA gets a lot of things right, but I don't think they got this part of their budget right. And I thank the gentleman for correcting it, and it's a privilege to support his amendment.

Mr. BUYER. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. BUYER).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. BUYER

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-570.

Mr. BUYER. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 38, line 18, before the period insert the following: "Provided further, That of the funds made available under this heading, \$162,734,000 shall be for renewable energy projects at Department of Veterans Affairs medical facility campuses pursuant to section 8103 of title 38, United States Code".

The CHAIR. Pursuant to House Resolution 1559, the gentleman from Indiana (Mr. BUYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BUYER. I ask unanimous consent to modify my amendment.

The CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 3 offered by Mr. BUYER:

The amendment as modified is as follows:

Page 54, after line 2, insert the following:

SEC. ____ Of the amounts made available for fiscal year 2011 for "Medical Facilities" in Public Law 111-117, \$162,734,000 shall be available for renewable energy projects at the Department of Veterans Affairs medical facility campuses subject to section 8103 of title 38, United States Code.

The CHAIR. Is there objection to the modification?

Without objection, the amendment is modified.

There was no objection.

The CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. BUYER. I will proceed on the modified amendment.

After discussion with Chairman EDWARDS and with the ranking member, Mr. CRENSHAW, we've all agreed to a better way forward on the amendment. So I appreciate your efforts on the modification.

Accordingly, what we're seeking to do here is overcome some challenges that we have with regard to the advance appropriation and how dollars can be dedicated to particular uses. So the Appropriations Committee has worked with me, and for that I am deeply appreciative.

I want to express my thanks to Chairman EDWARDS and to Mr. CRENSHAW. Both of you have been very good friends. I respect your leadership, and I appreciate your good faith in working with myself and my staff.

Over the years, the 18 years I've been here, the years I've been privileged to work in leadership as chairman and as ranking member, I have respected the interoperability and cooperation between the Appropriations staff and the authorizers. It has worked really, really well. At times they can disagree, but

they can professionally work it out. I've been impressed by that, and it has continued.

So I want to thank you for that. And this is a prime example. This is one of them whereby I look back to 2008 when we wanted to do these renewable energy projects, and you were challenged at the time because the Speaker didn't want renewable projects in the bill, but you agreed that this was something that we needed to do and tried to figure out how we're going to do it.

So I recognize it couldn't be done at the time, but it was something that you also embraced and supported. And I went on down the street like I said I was going to do, and we did 16 of these renewable energy projects. Then we come back in 2009, you and I do a colloquy, and we're \$147 million already down the road. That's how far we're into this now, Chairman EDWARDS and Mr. CRENSHAW, and this is a good thing.

The VA, such a very large enterprise, large consumer of energy and being the second largest department here of government, what you're doing here in this green management and renewable energy, geothermal, wind, solar, this is smart. It really is. It's smart what you're doing. So I really want to thank you for doing this.

We've got more projects identified. They're around 60. These moneys will allow the VA to stay on track on their timelines, and I really appreciate your working with me to do this.

I yield to the gentleman from Texas.

Mr. EDWARDS of Texas. I just want to commend Mr. BUYER for his leadership. This is not the first time he has come to the floor fighting for renewable energy projects and conservation projects for the VA. And as he leaves Congress at the end of this Congress, I want to thank him for this effort. Every dollar we save by conservation investments and renewable energy investments is a dollar that's either back into the taxpayers' pocket or a dollar that goes to actually provide better health care for America's veterans. So that's why I'm enthusiastic in my support of this amendment, and I commend the gentleman for his authorship of it.

Mr. BUYER. Reclaiming my time, I also want to extend my appreciation to Secretary Shinseki for his work and the previous Secretary.

I yield back the balance of my time.

The CHAIR. The question is on the amendment, as modified, offered by the gentleman from Indiana (Mr. BUYER).

The amendment, as modified, was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. BUYER

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-570.

Mr. BUYER. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 34, line 7, before the period at the end insert the following: "Provided further, That of the funds made available under this heading, \$8,000,000 shall be available to fund the adaptive sports grant program under section 521A of title 38, United States Code, and \$2,000,000 shall be available to carry out section 322 of title 38, United States Code".

The CHAIR. Pursuant to House Resolution 1559, the gentleman from Indiana (Mr. BUYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BUYER. Madam Chair, I rise today in support of my amendment to H.R. 5822, as reported.

This amendment would provide \$10 million in VA general operating expense funding for the VA-US Paralympic Adaptive Sports Grant Program.

Madam Chairwoman, several years ago I had the opportunity to visit the U.S. Olympic Training Center in San Diego. From that moment we then set the course to restructure the United States Olympic Committee. Once we did that, by the relationships that developed, by the reorganization of the Olympic Committee, we then became a Nation at war. I then sought to leverage these relationships with the VA and their sports programs.

I looked at this and how we can use sports as a platform for healing, and you know, when I looked back on this, yes, you know, we moved out and we embraced it. I started at the top and probably should have started at the bottom. I started where I started and it was with the Olympics, the Olympic Committee. Not everyone is an Olympian. That's the reality of this. Not everyone was blessed with an Olympic body or the mind or the will. But it's how do we, as a Nation, use sports as a platform for healing? And most of our warriors are athletes. And so when they get injured, how do we inspire them?

Now, when we brought the Olympic Committee and the sports programs from the VA together, we were able to leverage that whereby our military athletes then could actually have an avenue to be part of the Olympic team. And that has, in fact, happened and has been done.

Last year—and I want to thank Chairman EDWARDS—he supported the \$10 million that went into this adaptive sports program.

□ 1730

The Olympic committee helps with this grant program now to take the same ideal, the Olympic ideal, and move it out to all the communities across the country. And so an individual who may not be an Olympian can be an Olympian of their own community, can actually compete. It is that competition—it's not the winning.

It's have you improved yourself, have you bettered your time, and making someone feel good about that, this Adaptive Sports program, whereby it's done at the local level and then builds up is really good, and this is a very good program. We're in our infancy, and I want to thank the chairman and for supporting this last time.

So the concept I think is pretty simple. I do have some pictures here I'd like to share with everyone. This is a picture of disabled veterans and servicemembers running the 100 meter dash at the Warrior Games in Colorado Springs, Colorado, and this was in May of this year. And when you see this running the 100 meter dash, you know we've got a mixture here. This gentleman lost—this is a below the ankle, here is a below the knee amputation, and this is a double amputation, and they're sprinting the 100 meter dash. Think about the inspiration that they have. I mean, these warrior athletes are truly remarkable.

I want to show you another photo of a double amputee. This Olympian right here during the winter games, this is Heath Calhoun, a Paralympian, and this was in Vancouver in March of this year. Mr. Calhoun is an Army Ranger. He was wounded when a rocket-propelled grenade hit his Humvee while he was serving in Iraq. He lost both legs as a result of that attack. His grandfather served in World War II, his father served in Vietnam, and he then sought to serve his country and lost both legs. He dedicated himself then to overcome this challenge and made the United States Olympic team and competed in Vancouver.

So these Olympians also then mentor and aspire others into the Adaptive Sports Grant Program. So this is remarkable. This is building off the Olympic ideal to really help our warriors, and we're achieving the goal, and that is to use sports as a platform for healing.

So \$10 million can be a lot of money, but talking about what we get out of this, the intangibles that we can get out of this, when these men and women that go through this feel so good about themselves and take their bodies to new levels, guess what? They feel good about their families, they feel good about their jobs, and our goal here is to make sure that they can live as full a life as they possibly can.

That's what we want to do.

The CHAIR. The time of the gentleman has expired.

Mr. CRENSHAW. Madam Chair, I claim the time in opposition, although I'm not necessarily opposing this amendment.

The CHAIR. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

Mr. CRENSHAW. I just wanted to say that I think this is a wonderful program. I'm a little bit aware of that because in my home district in Jacksonville, Florida, there's an organization called the Wounded Warriors, and they work in conjunction with this program, and I've had the chance to visit that program to see and meet some of these Wounded Warriors.

The thing that I hear over and over again is they say this is something that gives us our spirit back. We can compete. We can enjoy life. We can be with our families, and I think it is something that is very, very worthwhile and commend the gentleman for bringing it up.

Mr. EDWARDS of Texas. Will the gentleman yield?

Mr. CRENSHAW. I yield to the gentleman from Texas.

Mr. EDWARDS of Texas. I just want to commend him and commend Mr. BUYER for this effort. These photographs are an inspiration to all of us, to our veterans, to our Wounded Warriors, but to every American. This program is an inspiration to our Wounded Warriors, our veterans, and all Americans who hear about it. I am in full support of this amendment. I also want to thank again Mr. BUYER, along with Mr. PERLMUTTER and Mr. LANGEVIN, who over the last several years have been real champions, along with Mr. BUYER, of this program, and again, I'm honored to support the amendment.

Mr. CRENSHAW. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. BUYER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. CUELLAR

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-570.

Mr. CUELLAR. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following new section:

SEC. 5 _____. None of the funds appropriated or otherwise made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

The CHAIR. Pursuant to House Resolution 1559, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Madam Chair, my amendment is a commonsense amendment that ensures no taxpayers dollars will be used to purchase first-class tickets for employees of agencies funded by this bill except in special circumstances as allowed under law.

This is, again, important because it does prohibit unapproved first-class

travel and offers a direct method of guidance by referencing the Code of Federal Regulations to prohibit this type of premium travel for Federal employees.

I think the chairman is in agreement with me that this is a way to save taxpayer dollars, and he's in agreement with this amendment.

Mr. EDWARDS of Texas. Will the gentleman yield?

Mr. CUELLAR. I yield to the gentleman from Texas.

Mr. EDWARDS of Texas. I am glad to support this amendment.

Mr. CUELLAR. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. FLAKE

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-570.

Mr. FLAKE. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act shall be available from the following Department of Defense military construction accounts for the following projects:

Account	Location	Project	Amount
Army	Alabama: Fort Rucker	Emergency Medical Services Facility	\$1,700,000
Air Force	Alabama: Maxwell AFB	Air Traffic Control Tower	\$810,000
Defense-Wide	Arizona: Marana	SOF Parachute Training Facility	\$6,250,000
Army NG	Arkansas: Camp Robinson	Regional Training Institute, Ph 2	\$2,334,000
Navy	California: Coronado NAB	MESG-1 Consolidated Boat Maintenance Facility	\$6,890,000
Air Force	California: Los Angeles AFB	Parking Structure, Ph 2	\$4,500,000
Air NG	California: Moffett Field	Relocate Main Gate	\$2,000,000
Navy	California: Monterey NSA	International Academic Instruction Building	\$11,960,000
Army NG	California: Sacramento	Field Maintenance Shop Paving	\$891,000
Air Force	California: Travis AFB	BCE Maintenance Shops and Supply Warehouse	\$387,000
Army NG	California: Ventura	Renewable Photovoltaic Solar Power	\$1,466,000
Air NG	Colorado: Buckley AFB	Repair Taxiways Juliet and Lima	\$4,000,000
Army NG	Colorado: Watkins	Parachute Maintenance Facility	\$3,569,000
Navy	Connecticut: New London NSB	Submarine Group Two Headquarters	\$550,000
Air Force	Florida: MacDill AFB	Infrastructure Improvements	\$249,000
Navy	Florida: Panama City NSA	Land Acquisition-9 Acres	\$5,960,000
Navy	Georgia: Albany MCLB	Maintenance Center Test Firing Range	\$5,180,000
Air Force	Georgia: Robins AFB	Combat Communications Squadron Warehouse	\$5,500,000
Army NG	Illinois: Marseilles Training Area	Simulation Center	\$2,500,000
Air Force	Illinois: Scott AFB	New Fitness Facility, Ph 1	\$396,000
Navy	Indiana: Crane NSWC	Platform Protection Engineering Complex	\$760,000
Army NG	Iowa: Camp Dodge	Regional Training Institute, Ph 1	\$800,000
Air NG	Iowa: Des Moines	Corrosion Control Hangar	\$4,750,000
Army NG	Iowa: Iowa City	Simulation Center/MVSB/ Helipad/Parking	\$1,999,000
Army NG	Kentucky: Frankfort	Joint Forces Headquarters, Ph 1	\$281,000
Air NG	Kentucky: Standiford Field	Contingency Response Group Facility	\$534,000
Air NG	Louisiana: New Orleans NAS/JRB	ASA Replace Alert Complex	\$2,000,000
Navy	Maine: Portsmouth NSY	Consolidation of Structural Shops, Ph 1	\$11,910,000
Army NG	Maryland: Easton	Readiness Center Add/Alt	\$347,000
Army	Maryland: Fort Meade	Infrastructure-Mapes Road & Cooper Avenue	\$1,750,000
Navy	Maryland: Patuxent River NAS	Atlantic Test Range Addition	\$10,160,000
Air NG	Massachusetts: Barnes ANGB	Add to Aircraft Maintenance Hangar	\$6,000,000
Army NG	Michigan: Fort Custer (Augusta)	Troop Service Support Center	\$446,000
Air NG	Minnesota: Duluth	Load Crew Training & Weapons Release Shops	\$8,000,000

Account	Location	Project	Amount
Army NG	Minnesota: Mankato	Field Maintenance Shop	\$947,000
Defense-Wide	Mississippi: Stennis Space Center	SOF Land Acquisition, Ph 3	\$8,000,000
Air Force	Missouri: Whiteman AFB	Consolidated Air Operations Facility	\$23,500,000
Army NG	Nevada: Las Vegas	Civil Support Team Ready Building	\$8,771,000
Air NG	New Jersey: Atlantic City IAP	Fuel Cell and Corrosion Control Hangar	\$8,500,000
Army Reserve	New Jersey: Fort Dix	Automated Multipurpose Machine Gun Range	\$9,800,000
Air Force	New Mexico: Holloman AFB	Parallel Taxiway, Runway 07/25	\$8,000,000
Air Force	New Mexico: Kirtland AFB	Replace Fire Station 3	\$6,800,000
Army	New York: Fort Drum	Alert Holding Area Facility	\$6,700,000
Air Reserve	New York: Niagara Falls ARS	C-130 Flightline Operations Facility, Ph 1	\$9,500,000
Army NG	New York: Ronkonkoma (MacArthur Air- port)	Flightline Rehabilitation	\$2,780,000
Air NG	New York: Stewart ANGB	Aircraft Conversion Facility	\$3,750,000
Army NG	North Carolina: Camp Butner	Barracks (AT), Ph 1	\$1,484,000
Army NG	North Carolina: Morrisville	AASF 1 Fixed Wing Hangar Annex	\$8,815,000
Army NG	North Carolina: Murphy	Fire Fighting Team Support Facility	\$223,000
Air Force	North Carolina: Pope AFB	Crash/Fire/ Rescue Station	\$13,500,000
Air Force	North Dakota: Grand Forks AFB	Central Deployment Center	\$495,000
Army NG	Ohio: Camp Sherman	Maintenance Building Add/Alt	\$3,100,000
Army NG	Ohio: Ravenna Training Site	Unit Training Equipment Site Add/Alt	\$2,000,000
Air NG	Ohio: Toledo Express Airport	Replace Security Forces Complex	\$7,300,000
Defense-Wide	Oklahoma: Tulsa IAP	Fuels Storage Complex	\$1,036,000
Army NG	Oregon: Salem	Armed Forces Reserve Center Add/Alt (JFHQ)	\$1,243,000
Air NG	Pennsylvania: Fort Indiantown Gap	Multipurpose Air National Guard Training Facility	\$675,000
Army NG	Pennsylvania: Hermitage	Readiness Center	\$671,000
Army NG	Pennsylvania: Tobyhanna	Armed Forces Reserve Center	\$1,513,000
Army NG	Pennsylvania: Williamsport	Field Maintenance Shop	\$1,508,000
Army NG	Rhode Island: Middletown	Readiness Center Add/Alt	\$3,646,000
Army NG	Rhode Island: Quonset Point	Readiness Center	\$3,729,000
Air NG	South Carolina: McEntire JRB	Replace Operations and Training Facility	\$9,100,000
Air NG	South Dakota: Joe Foss Field	Aircraft Maintenance Shops	\$3,600,000
Air Force	Tennessee: Arnold AFB	AEDC Power Distribution Modernization	\$378,000
Army	Texas: Corpus Christi Depot	Rotor Blade Processing Facility, Ph 2	\$13,400,000
Army	Texas: Fort Bliss	Alternative Energy Projects	\$1,166,000
Army	Texas: Fort Bliss	Rail Yard Improvements	\$2,070,000
Army	Texas: Fort Hood	Soldier Readiness Processing Center	\$1,000,000
Navy	Texas: Kingsville NAS	Youth Center	\$2,610,000
Air Force	Texas: Lackland AFB	Consolidated Security Forces Ops Center, Ph 1	\$900,000
Air Force	Texas: Laughlin AFB	Community Event Complex	\$10,500,000
Army NG	Texas: Laredo	Receiving, Staging, & Onward Integration Facility/Hangar	\$475,000
Army NG	Texas: McLennan County	Operational Reserve Headquarters	\$5,000,000
Army NG	Texas: South Texas Training Center	Cantonment and Support Infrastructure	\$5,000,000
Army	Virginia: Fort Belvoir	Growth Support Infrastructure	\$3,060,000
Air Force	Virginia: Langley AFB	Clear Zone Land Acquisition, Ph 1	\$3,000,000
Defense-Wide	Washington: Fort Lewis	SOF Military Working Dog Kennel	\$4,700,000
Navy	Washington: Kitsap NB	Charleston Gate ECP Improvements	\$6,150,000
Army NG	West Virginia: Bridgeport	FWAATS Apron Expansion	\$2,000,000
Army NG	West Virginia: Bridgeport	FWAATS Expansion	\$2,000,000
Army NG	West Virginia: Glen Jean	Emergency Power Generator	\$1,500,000
Army NG	Wisconsin: Wausau	Field Maintenance Shop	\$12,008,000
Army NG	Guam: Barrigada	Joint Forces HQ Readiness Center Add/Alt ...	\$778,000

The CHAIR. Pursuant to House Resolution 1559, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chair, this amendment is straightforward.

It would simply prevent the funding of all Member-requested earmarks in the bill. It would return the funds to the original accounts. I'm not here to dispute the merits of these projects. I have no doubt that some of those projects are worthwhile and would improve the quality of life for our military servicemembers and their families, but that's not what is at issue here.

At issue, again, as I pointed out before, is the spoils system that this

process of earmarking represents. This year's Military Construction-VA appropriations bill shows that the spoils system is alive and well. It's happened in previous years, and it's no different this year. The only difference here is we have basically just one party engaging in it, and so the spoils are even more concentrated in fewer Members.

Let me just put this chart up here. These are the FY 2011 earmark dollars associated with powerful Members of Congress. By powerful Members I mean those who are on the Appropriations Committee, those who are in leadership, or those who are chairmen of committees. And if you look at the appropriations bills that have gone through either the subcommittee or full committee on appropriations, you

see this appropriations spoils system in action here.

This looks like a Pacman chart here with a hungry Pacman here. The red represents the percentage taken by powerful members. In the Homeland Security bill, 52 percent of the earmark dollars go to powerful Members. Fifty-two percent go to just 13 percent of this body; CJS bill, 57 percent; Agriculture, 76 percent; THUD, 42 percent; and MILCON VA, what we're doing now, 51 percent.

More than half of the earmark dollars in this legislation are going to just 13 percent of the Members in this body. Madam Chair, that is simply not right. We shouldn't be doing this. Yet year after year we do it. No matter what kind of reforms we enact, we still have the spoils system alive and well.

I reserve the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, I claim time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

□ 1740

Mr. EDWARDS of Texas. Madam Chair, I respect the gentleman. He takes a principled position on congressionally sponsored projects, but I strongly oppose this amendment.

The Flake amendment, regardless of its intentions, would cut \$163 million out of important military construction projects for the National Guard and Reserves, which are playing a key role in our war in Iraq and Afghanistan.

This amendment would cut \$57 million out of force protection, safety and security forces facilities, including more secure entrance gates at our military installations, fire stations to protect our troops and their families on posts.

The Flake amendment would cut \$30 million from quality of life facilities—much needed by our troops and earned by our troops, deserved by our troops—barracks, youth and community centers, roads. It cuts 44 projects that are in the Department of Defense's Future Years Defense Program.

One of the programs this would cut is \$1 million I put in this bill as an earmark to provide for a new Soldier Readiness Processing Center at Fort Hood so those soldiers, over 40,000 serving there, will not have to go through a processing center which was the site of the murder of 12 of their Army comrades and one civilian just months ago.

A "yes" vote on this amendment will cut these kinds of worthy projects.

Now, Mr. FLAKE will claim and has claimed that DOD will still have the money to spend, but that's not correct because this amendment is flawed in the way it's drafted because—well, first of all, let me say that let's at least get rid of the pretence that cutting earmarks would save taxpayer dollars if he says, well, this money could still be spent by DOD.

But the reality is, because of the flawed nature of the way this amendment was put together, it would be the best—the worst, actually, of both worlds. One, it wouldn't save taxpayers' dollars because the appropriations would go to the Department of Defense; but because it would be in an account for programs not authorized, that money could not be spent for all of the worthwhile kinds of projects that I have just mentioned.

Let me put in perspective what we are talking about here. This is a \$140 billion bill. Less than three-tenths of 1 percent of this bill was designated by Members of Congress working with community leaders, military leaders, military base leaders.

If I can ask my staff for a chart, I would just like to show, in perspective,

what a small part of this total bill actually goes to congressionally sponsored projects.

Now, Mr. FLAKE apparently has more trust in the Obama administration than I did. I don't think bureaucrats in Washington are right 100 percent of the time, and it's not wrong—in fact, it's right—to say that Members of Congress, working with military leaders and community leaders, ought to have some voice in where their taxpayers' dollars go.

Madam Chair, I want to point out this is a chart. This graph shows how much is spent in this bill. The part of the bill that Mr. FLAKE is objecting to is this red part right here. Probably from that side of the aisle it would be very, very hard to see it.

But I just want people to understand that the administration gets a voice on this amount of money in the bill. Members of Congress working with military leaders get a voice on this amount. This is what we are talking about.

But I want to talk and say this amount is significant because, if this amendment were to pass, and I hope it will not and I do not believe it will, it would harm important quality of life and protection projects for our service men and women. It would kill a major initiative in this bill to increase funding for the National Guard and Reserves who are playing a vitally important role in Iraq and Afghanistan.

May I inquire how much time I have remaining?

The CHAIR. The gentleman has 1 minute remaining.

Mr. EDWARDS of Texas. I would yield that time to my colleague Mr. ORTIZ.

Mr. ORTIZ. I rise in opposition to the Flake amendment. This amendment would seek to strike certain modifications to the Military Construction appropriations bill.

I believe that it is essential that this body work with the administration and determine a budget that is best for the Nation. I believe that the process that my subcommittee and Chairman EDWARDS' subcommittee has put in place accomplishes this goal.

For example, the projects that this amendment would seek to strike have been individually reviewed by the administration for cost and the way it's going to be executed. The projects are carefully compared against a very long list of requirements that the Department of Defense has generated. These projects have been included in the National Defense Authorization Act for Fiscal Year 2011 that this body has recently passed.

Finally, all of these military construction projects that are included at the end of this process, including all of the projects that this amendment seeks to strike, will be competitively awarded.

The CHAIR. The time of the gentleman has expired.

The gentleman from Arizona has 3 minutes remaining.

Mr. FLAKE. Madam Chair, I yield the gentleman another 30 seconds if he wants to finish.

Mr. ORTIZ. We cannot forget the fact that we are involved in two wars. We have soldiers stationed in 120 countries. Whatever we do today, let's do it for our servicepeople. They are my sons and your daughters and family here who are serving our country.

Mr. FLAKE. Madam Chair, I plan to withdraw this amendment. I had planned to from the beginning. What I wanted to do was come down here and explain the spoils system that this kind of earmarking represents.

The problem, the gentleman mentioned that this amendment is crafted in a way that it would prohibit the spending of money on these projects. It would. The problem is there is no way to craft an amendment that wouldn't do that.

What we have here is a situation where we simply can't go in and say this is a good earmark and this is not, not through this process. That's part of the whole flawed aspect of what we are doing here and why we need to change this.

But the gentleman is correct, we shouldn't give the administration a free ride to say this is where things ought to be spent. We have the power of the purse. This is article I stuff, and we ought to exercise it.

The problem I have is we basically exercise authority over that much of it and leave the administration with this, instead of saying, through the process of authorization, appropriation, and oversight, we have more control of what the administration is doing.

Instead, we say we don't like the way you are spending this money—we say that to the executive branch—so we are going to run a little parallel track in the Congress where we determine where this much goes. Then when we determine where this much goes, 51 percent of it goes to just 13 percent of this body.

Mr. EDWARDS of Texas. Will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Texas.

Mr. EDWARDS of Texas. I appreciate that, and I do respect his principled position on this, not with just this bill but with other bills.

I just want to point out the reason we don't spread out earmarks evenly among 435 Members is military bases in the United States are not spread out evenly among 435 congressional districts. So it is logical and it makes sense and it's good policy that Members that represent military bases get more earmarks than Members that don't represent military bases.

Mr. FLAKE. I think that is a valid point; although, I would argue that Members with military bases don't necessarily align with the 13 percent represented in this chart.

But I would again, before asking unanimous consent to withdraw this amendment, make the case, we will be dealing with another appropriation bill tomorrow that is cleaner than this one in terms of being able to target earmarks and prohibit funding for them and actually save money. The way this bill is structured makes it difficult to do that, but I recognize it.

I just wanted to make the point and to drive it home again, through the process of authorization, appropriation, and oversight, we can do a far better job.

The CHAIR. The time of the gentleman has expired.

Mr. FLAKE. Madam Chair, I ask unanimous consent to withdraw the amendment.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 7 OFFERED BY MR. HILL

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-570.

Mr. HILL. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 33, line 15, after the dollar amount, insert “(reduced by \$100,000) (increased by \$100,000)”.

The CHAIR. Pursuant to House Resolution 1559, the gentleman from Indiana (Mr. HILL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. HILL. I want to thank Chairman EDWARDS for crafting this critically important bill for our Nation's veterans.

My amendment simply removes funding from the VA General Operating Expense Account and replaces it back in the very same account. My intent in doing this is to highlight an issue for my colleagues and for the VA.

I believe that the VA needs to examine its practice in how it accounts for returned post-9/11 GI benefit payments and that the VA should submit a report to Congress no later than January 1 of 2011 on changes they intend to make to ensure accurate, timely, and efficient accounting of any returned post-9/11 GI benefit payments.

□ 1750

I, along with many of my colleagues, enthusiastically supported the Post-9/11 Veterans Education Assistance Act of 2008. This law provides qualified veterans with a full 4-year college scholarship, restoring a commitment our country made to our World War II-era veterans.

I believe that the Post-9/11 GI bill can spark another period of economic growth and prosperity for the current generation of veterans, much like the

Montgomery GI bill did for the previous generation of veterans. That is why I believe it is so critical that this bill be implemented accurately.

I understand that the VA legitimately requires some payments to veterans and universities to be returned. There can be instances of a student taking fewer classes than what was originally thought, accidentally duplicating payments. This is reasonable to an extent. I believe that these funds need to be accounted for accurately; however, this is a two-way street. It has come to my attention that there has been some difficulty with the VA to properly and accurately account for returned payments from universities and veterans alike. In some instances, this has resulted in the VA withholding further post-9/11 educational benefit payments to the student in question as they are credited with an outstanding debt despite having already paid back the necessary accounts. This is even after the returned checks have been cashed by the VA. This issue needs to be addressed in a timely manner.

I do not believe that the VA is acting with any malice in this measure, far from it. I applaud the work that the VA is doing to improve the lives of veterans. They deserve this benefit, but they deserve for it to work for them.

Madam Chair, I yield to the chairman, Mr. EDWARDS, for the purpose of a colloquy.

Mr. EDWARDS of Texas. I thank the gentleman. I support this amendment.

Through no one's malicious intentions, students—our veteran servicemen and -women or their children using the new 21st Century GI Bill—are being punished for mistakes that they did not make, perhaps paperwork mistakes by a school administration or by the VA. The result can be that sometimes students can have halted their additional GI benefits in order to continue college. So this is really an important issue. I salute the gentleman. We are going to see that this issue is solved with his leadership, and I look forward to working with him.

Mr. HILL. I thank the chairman for his support.

This issue was brought to my attention by Indiana University, which is a university that I represent back home in Indiana. I have also been working with a community college, Ivy Tech in Indiana, with the same problem.

I thank the chairman for his support for this amendment, and I encourage my colleagues to support it as well.

Madam Chair, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. HILL).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. GINGREY OF GEORGIA

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-570.

Mr. GINGREY of Georgia. Madam Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following new section:

SEC. 5 _____. None of the funds appropriated or otherwise made available in this Act may be used by an agency of the executive branch to exercise the power of eminent domain (to take private property for public use) without the payment of just compensation.

The CHAIR. Pursuant to House Resolution 1559, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY of Georgia. Madam Chairman, my amendment would prohibit funds in the bill from being used to exercise eminent domain without just compensation to the individuals involved. This is necessary because the *Kelo v. City of New London* Supreme Court decision expanded the so-called “public use” provision of the takings clause of the Fifth Amendment. This decision allows State and local governments to practice eminent domain for the benefit of one private party over another.

In this specific case, Madam Chairman, the City of New London, Connecticut, used its eminent domain authority to actually seize private property to sell to private developers in order to aid a struggling economy in the name of economic development, but not specifically in the traditional interpretation of “public use.”

Justice John Paul Stevens' majority opinion states that the Fifth Amendment does not require a literal “public use.” However, the Fifth Amendment of the document this Nation holds sacred—and I have it right here with me all the time, Madam Chairman—the Fifth Amendment of this document clearly reads: “Nor shall private property be taken for public use without just compensation.”

This decision represents the disparity between constitutional interpretation and, yes, judicial activism. Governments should solely be allowed to compel an individual to forfeit their property for the public's use, but not for the benefit of another private person.

I agree with the dissenting views in the case which point out that the decision is an intrusion into private citizens' lives, and it picks winners and losers in the private market at the cost of an individual losing their personal property.

Madam Chairman, according to the Fifth Amendment to the Constitution, all levels of government have a responsibility and a moral obligation to defend the property rights of individuals and only exercise eminent domain when it's necessary for public use—the

literal interpretation of public use—and then just compensation is paid to those affected individuals. Any execution of eminent domain by State and local governments that does not specifically adhere to these requirements constitutes an abuse of government power and a usurpation of the individual property rights as indeed defined in the Fifth Amendment.

My amendment would take one step toward ensuring that property rights of citizens are protected and they are justly compensated when they are taken for public use.

Mr. EDWARDS of Texas. Will the gentleman yield?

Mr. GINGREY of Georgia. I yield to the gentleman from Texas.

Mr. EDWARDS of Texas. I want to thank the gentleman. I will support his amendment.

I want to make it clear there is nothing, to my knowledge, in this bill intended to allow the exercise of eminent domain without payment of just compensation, but I believe in the principle of just compensation, and I would be glad to support the gentleman's amendment.

Mr. GINGREY of Georgia. Madam Chairman, reclaiming my time, I thank Mr. EDWARDS for that commitment. I certainly appreciate his comments.

Again, I would urge all of my colleagues to support the amendment. Let's end this abuse of eminent domain. Eminent domain is necessary, but it is being abused; this definition of which, with the help of very liberal interpretations by the Supreme Court in some cases, has been blurred to seemingly allow one private entity to benefit over another. That, as the gentleman from Texas indicated, is the intent of the amendment, and I am very grateful for his support.

Madam Chair, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. GINGREY OF GEORGIA

The CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111-570.

Mr. GINGREY of Georgia. Madam Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to renovate or construct any facility in the continental United States for the purpose of housing any individual who has been detained, at any time after September 11, 2001, at United States Naval Station, Guantanamo Bay, Cuba.

The CHAIR. Pursuant to House Resolution 1559, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY of Georgia. Madam Chairman, I rise today to offer an amendment to ensure that no funds in this bill are used to construct or to renovate any facility in the United States to house Gitmo detainees.

Now, I realize that the majority will likely support my amendment given that the bill contains no funds for this purpose; but today, Madam Chairman, I want to challenge the Democratic majority to commit to adhering to an underlying principle, that being that it is wholly unnecessary to transfer the detainees and to close Guantanamo Bay, or Gitmo. No matter what appropriations bills we are considering—today, MILCON/VA, when we come back, DOD, Homeland Security, CJS—this fact still holds true.

□ 1800

We have spent hundreds of millions of dollars on the facilities at Gitmo, and the only reason we continue to debate its status is, quite honestly, Madam Chair, for public relations reasons.

As I witnessed most recently in April during my third site visit, the Gitmo detainees are treated with dignity and with respect. They are allowed access to their attorneys. They are allowed access to the International Committee of the Red Cross. They are provided with excellent medical care. As I am a physician Member, I know of what I speak. They are even allowed to live in a communal setting. If they were to consume everything provided to them on a daily basis, they would take in 5,500 calories per day. Indeed, most of them have gained anywhere from 15 to 25 pounds since they were originally detained. Their religious customs in all areas of their lives are respected, and they are provided with everything necessary to observe those customs.

If the world knew how we were actually treating these detainees, we would not be facing the prospect of spending hundreds of millions of dollars more—money that we don't have unless China will continue to lend it to us—to duplicate what we are already doing at Guantanamo Bay.

Madam Chair, transferring the detainees to the United States could eventually lead to their release on American soil, which would put our own citizens at risk. It could create significant immigration issues as aliens could become eligible for asylum or other forms of immigration-related relief from removal. It most certainly would make any facility where they are held a terrorist target.

Not surprisingly, Madam Chair, the American people are overwhelmingly

opposed to closing Gitmo. In a March 2010 CNN/Opinion Research Corporation poll, 60 percent of Americans expressed that the United States should continue to operate the detention center at Guantanamo Bay. They understand that the battlefield is not limited to our military operations in Afghanistan and Iraq. They have recently witnessed two attempted attacks on our homeland in the skies over Detroit and, indeed, on the streets of New York City.

The American people know that the detainees located at Gitmo are not minor offenders by any means. These detainees include terrorist trainers, terrorist financiers, bomb makers, Osama bin Laden's bodyguards, terrorist recruiters, and would-be suicide bombers. Indeed, one of three adolescents originally detained is currently being tried by a military tribunal. Another, who was released after extensive efforts at rehabilitation, was subsequently killed on the battlefield after returning to the fight in Afghanistan.

Madam Chair, simply put, the American people believe that bringing Guantanamo Bay detainees to American soil for any purpose puts Americans at risk and is a national security threat. It is time this Congress listens to the collective voice of the American people and stops perpetrating the "Washington knows best" mindset.

I urge my colleagues to support my amendment on this bill—and on all other appropriations bills—to prevent the wholly unnecessary transfer of Gitmo detainees to American soil.

I reserve the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, I claim time in opposition to the amendment, though I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. EDWARDS of Texas. I will support this amendment, Madam Chair.

I do want to clarify that there is no funding in this bill of any type to fund any kind of facility to house detainees from Guantanamo. Having said that, I would be glad to support the gentleman's amendment.

I yield back the balance of my time.

Mr. GINGREY of Georgia. I want to thank my friend from Texas. In knowing him and his heart, I am not surprised that he would support this amendment, but I want to ask the gentleman a question.

Mr. EDWARDS, can I count on you to commit to supporting this amendment in future appropriations bills so that we can end the debate as to whether Guantanamo Bay should be closed once and for all?

I hope the gentleman will answer the question.

The CHAIR. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. GINGREY of Georgia. Madam Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 10 OFFERED BY MRS. HALVORSON

The CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-570.

Mrs. HALVORSON. Madam Chair, I have an amendment offered at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 33, line 15, after the dollar amount, insert “(reduced by \$10,000,000)”.

Page 36, line 11, after the dollar amount, insert “(increased by \$10,000,000)”.

The CHAIR. Pursuant to House Resolution 1559, the gentlewoman from Illinois (Mrs. HALVORSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois.

Mrs. HALVORSON. I yield myself such time as I may consume.

Madam Chair, I would first like to take a moment and praise Chairman OBEY and Chairman EDWARDS for their continued commitment to caring for American veterans. Three-and-a-half years ago, their committee made a commitment and renewed the promise to care for those who have served in our armed services. They have kept that promise and have dramatically increased funding for our veterans by 70 percent since 2007.

As the only Member of Congress from Illinois who sits on the Veterans' Affairs Committee, I really can speak to the critical need that these funds have addressed for Illinois veterans.

Madam Chair, my amendment is simple. It adds \$10 million to the VA Major Construction Project and subtracts \$10 million from the general operating expenses. Much of the VA medical infrastructure is aging, outdated and, in many cases, obsolete.

According to the 2011 Independent Budget, which is written by some of the largest Veteran Service Organizations, a great number of current medical facilities were built after World War II and were constructed with structurally obsolete designs which “typically do not meet the needs of modern health care delivery.” The result of these outdated buildings has left the VA with a long list of major construction projects, which are just sitting there, waiting for congressional funding.

Right now, there are over 60 medical construction projects in the backlog. That means that there are over 60 locations that are in need of major construction, renovation, or modification.

It means that there are 60 locations where our veterans are not receiving optimal care in modern facilities. Unfortunately, this bill was only able to address a total of five of these projects, and only two of them are new medical facilities.

With more women and men service-members transitioning from active duty to VA care and with multiple illnesses, such as PTSD and TBI, we will require even more new and modified medical facilities. Though \$10 million is far less than what is needed to address these aging medical facilities' infrastructures and construction needs, the amendment will still play a role in ensuring that more veterans are receiving the care they deserve in a modern and quality health care facility. This amendment is also supported by the American Legion.

I urge my colleagues to stand up and to support modern medical facilities for our veterans and to vote “yes” on this amendment.

I reserve the balance of my time.

Mr. CRENSHAW. Madam Chair, I claim time in opposition, though I am not opposed to the gentlewoman's amendment.

The CHAIR. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

Mr. CRENSHAW. I have a couple of questions.

We have a process for building outpatient clinics. I just wondered: Does this amendment, in any way, try to circumvent the process? Does it direct where the money would be spent in any way?

I yield to the gentlewoman.

Mrs. HALVORSON. Absolutely not.

You have the amendment, as do I, and it just takes \$10 million out of the general operating to put it into major construction.

You know, there are needs everywhere. I wish it were in some way to help my district. We have needs, but it does not help my district. This major construction is \$28 million less than it was last year. So I would like to see that we gradually get it back up to the \$28 million at least that it was last year.

Mr. CRENSHAW. Reclaiming my time, the amendment allows the VA to use this funding at any location that it seeks?

Mrs. HALVORSON. At any location anywhere. I wish I could say that it were for someplace special, but it is not.

Mr. CRENSHAW. Reclaiming my time, I would just point out to the gentlewoman that there is \$1.166 billion for construction. That is \$15 million above the request.

I can appreciate that the gentlewoman would like to spend even more and that she, apparently, is not trying to circumvent the process, because a

lot of people would like to have clinics in their districts, and a lot of people have been waiting in line and have been watching this process work, but if it doesn't seek to spend it at any one location, then that is helpful to me.

I yield back the balance of my time.

□ 1810

Mrs. HALVORSON. Madam Chairman, our veterans deserve the best care in the world and at the best and most modern medical facilities, and that's why we're working to accomplish this here. And in this body we need to keep those promises. This is something that is very important, I think, to all of us here in Congress.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Illinois (Mrs. HALVORSON).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. BILIRAKIS

The CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111-570.

Mr. BILIRAKIS. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 38, line 18, before the period insert the following: “: *Provided further*, That of the funds made available under this heading, \$9,500,000 shall be for the acquisition, construction, and alteration of up to four post-acute long-term care residential brain injury medical facilities pursuant to section 8103 of title 38, United States Code”.

The CHAIR. Pursuant to House Resolution 1559, the gentleman from Florida (Mr. BILIRAKIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. BILIRAKIS. Madam Chair, my amendment would provide \$9.5 million to acquire and construct up to four long-term care residential brain injury medical facilities.

The primary danger faced by our troops in Operation Enduring Freedom and Operation Iraqi Freedom comes in the form of improvised explosive devices. When an IED explodes, the blast wave can result in our servicemembers incurring catastrophic injuries including amputations, spinal cord injuries, visual and auditory impairments, traumatic brain injury, and posttraumatic stress.

Wounded warriors with these complex injuries require a high level of health care coordination with an interdisciplinary clinical support team and a wide range of specialized services. Since 2003, almost 2,000 severely injured servicemembers have received state-of-the-art care at one of the Department of Veterans Affairs four Polytrauma Rehabilitation Centers.

But what happens to these heroes when they are discharged? Some of

them require intensive medical care for the rest of their lives. My amendment addresses the problem of how to provide ongoing recovery for these wounded warriors.

These heroes honorably served their country. Now we have to step up to meet our obligation to them. They need a place to go that will provide for post-acute long-term care, subacute residential rehabilitation, and outpatient day rehabilitation with the dignity, respect, and honor they have earned.

Their families, who are enduring the extreme stress of having one of their own come home with catastrophic injuries, also need this long-term care facility for their loved ones.

My amendment will enable the VA to construct facilities that are specifically designed to provide ongoing recovery for wounded warriors. Such facilities will enable families to visit in an atmosphere that is conducive to the rehabilitation and the reintegration.

These facilities will be paid for with existing funds within the VA's budget and will allow the VA to select locations that are close enough to existing VA medical facilities to ensure that intensive, ongoing medical and specialist care is easily provided. At the same time, the facility can be in a location that would be natural and, importantly, family friendly.

By supporting my amendment, you will be requiring funds already available to the VA to be directed toward relieving the obvious need for long-term, ongoing recovery for our veterans suffering from TBI and other polytrauma injuries.

A properly selected and designed facility is so important, Madam Chair. My amendment will enable medical specialists from the VA to develop a special plan to allow our veterans to heal. That is so important. It should be our top priority. A doctor would be able to look in the eyes of a wounded warrior and tell him or her, This is your home, and we are going to help you participate in society and visit with your family.

The facilities my amendment would promote, Madam Chairman, would enable our young wounded warriors to focus on hope and to focus on honor and have hope for a future. We owe them that, Madam Chair. Let's give them that.

I ask my colleagues to recognize the extreme difficulty faced by our catastrophically wounded warriors. Show them your support and vote "yes" on the Bilirakis amendment.

I reserve the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, I rise to claim time in opposition to the amendment.

The Acting CHAIR (Ms. JACKSON LEE of Texas). The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. I want to salute the gentleman's focus, his gen-

uine commitment on the important need of providing long-term care for our veterans and wounded warriors with traumatic brain injury.

I care deeply about this. We all care deeply about it. In fact, several years ago I personally put the money in our VA appropriations bill to build a new polytrauma center where there was not one in the entire southwestern part of the United States.

I wish the gentleman could agree to work with the majority and the minority, the conference committee, to try to find a way to also work with the VA to find a way to address the very important needs that he is wanting to address.

If he's not willing to pull this amendment down, I must reluctantly rise in opposition to it for several reasons:

First, the VA is studying this issue right now, and we ought to sit down with them and find out what they have learned and what they think are the best ways to use taxpayers' dollars to address these needs.

Secondly, I don't know if we need four of these long-term centers or six or eight or 10. Rather than spending money on four centers, perhaps it would be better to do smaller renovations on 10 to 20 centers where our traumatically injured veterans could receive care closer to the homes of their loved ones.

Third, I don't know what the full cost of this is going to be. The \$9.5 million doesn't, I don't think, even come close to providing for the full cost of the construction of these four projects. Perhaps the gentleman could help illuminate for all of us both the cost of the construction plus the cost of the operations of those centers. And there are a lot of unanswered questions, important questions, such as: Where would the staff come from to man these centers? Would they come from existing VA facilities? I don't know. Perhaps there are good answers to those questions. I just don't think the committee has them at this point.

Finally, there are pay-fors on this. The consequences of how this gentleman would pay for these would be that we would have a domiciliary extended-stay unit would not be replaced in Butler, Pennsylvania; a kidney dialysis unit expansion would not occur in Richmond, Virginia; an ambulatory surgery center would not be completed in Albuquerque, New Mexico; an urgent care center will not be renovated at Castle Point, New York; and a psychiatric residential rehab facility will not be replaced in Perry Point, Maryland.

It was not the intention of the gentleman to try to prevent these five important projects from being completed, but it is the consequence of his amendment as written.

I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Madam Chair, I rise in opposition to the amendment by the gentleman from Florida (Mr. BILIRAKIS). I support the underlying goal of the gentleman's amendment to acquire and construct long-term residential medical facilities for veterans suffering from traumatic brain injury; however, this designation will jeopardize other important construction projects because it is offset by a decrease in what is called the minor projects construction account.

This would jeopardize an important project in my district at the Hunter Holmes McGuire Veterans Hospital. And if this amendment is adopted, it would hinder the expansion of McGuire's dialysis unit. This is an important project and will improve services that many veterans in the Richmond area need very desperately.

So I appreciate the gentleman's intent; however, I believe that circumventing the Veterans Affairs Department's construction priorities is an inappropriate way to achieve that goal. The Nation has promised our veterans access to quality health care services, and we owe them to ensure that those services are there.

So, Madam Chairman, I would urge the rejection of this amendment so that the underlying projects can go forward.

Mr. CRENSHAW. Will the gentleman yield?

Mr. EDWARDS of Texas. I would be glad to yield.

Mr. CRENSHAW. Mr. EDWARDS, I appreciate the concerns that have been raised here, and I think, as you point out, this is a very important subject, very worthwhile. And to the question of where the money comes from, those minor construction projects, I think everyone has a concern about that.

□ 1820

But I think if Mr. BILIRAKIS is willing to work, there is probably a way to find an offset that doesn't impact the minor construction. There are some funds, as you know, that might be available. And I would encourage Mr. BILIRAKIS, with your commitment, to say let's try to figure out a way to do this, find a way to pay for it, find out what the real costs are. And it says up to four. Maybe there is a way just to begin that process, because we know, based on what Mr. KENNEDY had said earlier, it's a very, very important issue.

Mr. EDWARDS of Texas. Reclaiming my time, if Mr. BILIRAKIS would be willing to ask unanimous consent to bring down his amendment, I will make my genuine commitment to work with him, because I salute him for pointing out the important need that needs to be addressed here.

I'll work with Mr. CRENSHAW, the acting ranking member, Mr. WAMP, the

ranking member of the subcommittee, and we will get together with the VA and try to find a pay-for that doesn't take away from awfully important projects such as Mr. SCOTT's in Virginia and others.

Mr. BILIRAKIS. If you would agree to work with me on this particular amendment—this is a very important project, as you know. We do have our polytrauma centers, but we need the long-term care for our heroes. And this is a top priority of mine. If you would agree to work with me on this, then I will withdraw.

Mr. EDWARDS of Texas. If the gentleman will yield, I appreciate that. I will work in good faith. And let's see if by working with the VA, the majority and minority, see if we can find a way to most efficiently and effectively take care of these great Americans that have suffered such a sacrifice on behalf of our country, and do so without impacting these other important projects throughout the country.

Mr. BILIRAKIS. I yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. I would join in support of this. Traumatic brain injuries is a very important problem that we need to deal with. I would join in support of that and work with you as long as you do not affect the other projects.

Mr. BILIRAKIS. Reclaiming my time, I have studied this issue, and it's a top priority of mine. We need to get this done. So thank you for your willingness to work with me.

With that, I appreciate the gentleman's willingness, as I said, to work with me. I look forward to doing so.

Madam Chair, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT NO. 12 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111-570.

Mr. PETERS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 33, line 15, after the dollar amount, insert the following: "(reduced by \$50,000) (increased by \$50,000)".

The Acting CHAIR. Pursuant to House Resolution 1559, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. PETERS. I yield myself such time as I may consume.

Madam Chair, in the interests of common sense, I rise today to offer an amendment that will save taxpayer dollars by reducing waste in prescrip-

tion medications at the VA. Currently, whenever patients leave a VA hospital, leftover medications like eye drops and inhalers are just thrown away. Often, veterans would have to go right to the pharmacy to refill what was discarded.

My amendment simply directs the VA to implement a program that would re-label prescription drugs used in VA hospitals to be sent home with discharged patients for outpatient use. My amendment offers a simple, commonsense change that will save taxpayers an estimated \$14 million over 10 years, while saving patients both time and effort.

I am proud that this amendment has the support of the American Legion and the Iraq and Afghanistan Veterans of America, and urge its passage here today.

I yield to the gentleman from Texas.

Mr. EDWARDS of Texas. I just want to commend the gentleman. This is such a good amendment. Sometimes common sense can prevail, because it certainly makes no sense to take drugs that a veteran is using, prescription drugs used in a VA hospital, and then have a half a bottle or three-quarters of a bottle of those pills left, have to throw them away, and then go directly to the pharmacy at the VA hospital to get those exact same prescription drugs to take for use at home.

So this is going to save taxpayers money. And every dollar that's saved can be put back into much-needed medical care for our veterans. So I am thrilled to support the gentleman's amendment and salute him for working on this.

Mr. PETERS. Madam Chair, my amendment is a commonsense change and saves taxpayers money, saves time and effort for veterans. I urge passage.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. PETERS).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111-570.

Mr. PETERS. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 33, line 15, after the dollar amount, insert "(reduced by \$150,000) (increased by \$150,000)".

The Acting CHAIR. Pursuant to House Resolution 1559, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. PETERS. Madam Chair, I yield myself such time as I may consume.

Madam Chair, while I applaud the progress this Congress has made in en-

suring that our Nation's veterans receive the care they deserve, and the efforts of Secretary Shinseki in making the VA a more proactive institution, we must continue to work to improve the responsiveness of the VA both in terms of treatment our veterans receive and the care with which the VA or any agency handles taxpayer money.

It is in this spirit that I am offering my amendment to the MILCON-VA Appropriations Act. My amendment works to both increase the efficiency in which the VA obligates funds, and the speed at which necessary contracts for supplies and services are fulfilled.

The VA Office of Inspector General audited a sample of over 18,000 VA contracts which identified some areas of concern regarding contracts that remain unfulfilled. With little or no oversight for months of these contracts, the OIG projected that \$55 million a year, and \$261 million over 5 years, could be put to better use.

By conducting a simple review after a period of 90 days in which the contract is inactive in fulfilling the contract, millions of dollars can be de-obligated from contracts that no longer need to be fulfilled or can be fulfilled in a more productive manner.

The American Legion agrees with my amendment as a commonsense change and step in the right direction, and I urge its passage here today.

I yield to the gentleman from Texas.

Mr. EDWARDS of Texas. I once again on this amendment want to thank the gentleman for bringing this before the House. This could save up to \$55 million in taxpayer funding according to the Inspector General. It's a good amendment, and I am glad to support it.

Mr. PETERS. My amendment is a commonsense change that frees taxpayer dollars for better use to care for our veterans, and I urge its passage here today.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. PETERS).

The amendment was agreed to.

□ 1830

AMENDMENT NO. 14 OFFERED BY MR. GARRETT OF NEW JERSEY

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 111-570.

Mr. GARRETT of New Jersey. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 38, line 7, after the dollar amount, insert the following: "(decreased by \$7,000,000)".

Page 39, line 8, after the dollar amount, insert the following: "(increased by \$7,000,000)".

The Acting CHAIR. Pursuant to House Resolution 1559, the gentleman

from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. I thank the Chair.

This amendment would increase the amount of funding for grants for construction of States veterans cemeteries by \$7 million while reducing funding for grants for construction of minor projects by an equal amount.

The VA provides funding for State veterans cemeteries through the grants for construction of State veterans cemeteries program. All pending projects are evaluated by the VA and ranked in order of priority. This is not an earmark program. It is a competitive ranking process.

The current priority list shows that there are \$121 million worth of projects where the State matching funds are already in place. More than half of these projects—totaling \$70 million—are still awaiting Federal matching grants. Yet the appropriations bill we are considering today provides only \$46 million for grants for construction of State veterans cemeteries.

The first priority for the State cemetery program is to provide funding for the expansion of existing cemeteries. The second priority is for the construction of new cemeteries according to geographical need. The third is for improvements to existing cemeteries. So what this means is that existing cemeteries which require improvements do not receive the necessary funding.

For example, my State of New Jersey is home to the BGWC Doyle Veterans Memorial Cemetery. This cemetery is the busiest State veterans cemetery in the Nation. On average, it has seven burials per day. For the past 2 years, the cemetery has had two important improvement projects with State grants in place, but there hasn't been sufficient funding for matching Federal grants.

The following States also have a State matching grant but have at least one unfunded project: Tennessee, Minnesota, Kentucky, Alabama, California, Idaho, South Dakota, Hawaii, Maryland, Montana, Virginia, Nevada and Maine.

To make matters worse, the State veterans cemetery grant program has been underfunded over the past several years, even though the number of World War II veterans that are needing interments is rapidly increasing. VA and VFW officials at both the State and national level agree that there is a need for an overall increase to the annual budget of the grants to State cemeteries program. In fact, it is one of their top priorities.

This bipartisan amendment would increase the amount for this program by \$7 million. This amendment would simultaneously decrease by \$7 million

the amount for the minor projects. However, the construction of minor project account is already fully funded at a level that is \$40 million above both the VA and the President's budget requests.

Last year, during consideration of the FY10 MILCON-VA appropriations bill, I introduced an almost identical amendment. The only difference was that the amount of increase/decrease was \$4 million rather than \$7 million. That amendment passed this House by voice vote.

With that, I reserve the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Madam Chair, I will salute the gentleman from New Jersey for focusing on the need to fund our State veterans cemeteries. I believe in those cemeteries. I think they're an important partnership between the Federal Government and our State governments. So I have absolutely no objection to his wanting to try to find additional funding for State cemeteries.

However, I will object and ask my colleagues to vote "no" on this amendment because of the way in which he pays for it. While not intended in any way, it just turns out the money that he would be taking out of the VA minor construction project would come out of these specific projects:

A domiciliary extended stay unit will not be replaced in Butler, Pennsylvania; a kidney dialysis unit expansion will not occur in Richmond, Virginia; an ambulatory surgery center will not be completed in Albuquerque, New Mexico; and an urgent care center will not be renovated at Castle Point, New York.

So you have an amendment that won't even guarantee that even one dime of this amendment's funding will go to State veterans cemeteries in New Jersey. In fact, the last list I saw the VA has put out officially has the New Jersey project significantly down the list. But regardless of that, I think it's just not right to take funding out of these much-needed health care construction projects.

I would like to yield to the gentleman from Pennsylvania (Mr. ALTMIRE) for any time he would care to consume.

Mr. ALTMIRE. I thank the chairman.

Madam Chair, I rise in opposition to the Garrett amendment to the Military Construction and Veterans Affairs appropriations bill which would transfer \$7 million in funding for the grants for construction, minor projects account into another unrelated account. This amendment would adversely affect veterans in my district by shifting funding

away from priority construction projects, such as the domiciliary extended stay unit in Butler, Pennsylvania. That facility is a vital source of shelter and rehabilitation for homeless veterans in western Pennsylvania, and I will not allow its upkeep and improvement to be compromised by this type of unwise amendment.

Last-minute shifts in funding for parochial concerns take away from priority projects and plans that the VA has determined to be necessary for veterans' health and safety nationwide. I ask my colleagues to join me in strongly opposing the Garrett amendment to prevent harmful construction project cuts for the VA.

Mr. EDWARDS of Texas. I would like to now yield time to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Madam Chair, I too rise in opposition to the amendment.

As it has been said before, this would jeopardize the dialysis unit in the McGuire Hospital in Richmond. Although I appreciate the gentleman from New Jersey's intent, I do not believe that shortchanging important projects at the VA to improve and expand quality health care for our veterans is the appropriate way to achieve that goal. We have promised our veterans health care and decreases in what is called the minor projects account will actually jeopardize important projects all over the country, including one in Richmond, Virginia.

I urge my colleagues to reject the amendment. Hopefully we can work out some other pay-for. But we do not want it taken out of the projects in Richmond, Virginia; Pennsylvania; and other projects around the country.

Mr. EDWARDS of Texas. I now yield to the gentleman from New York.

Mr. HALL of New York. Thank you, Mr. Chairman.

I rise in opposition to the amendment, although I do support the underlying intent; but not, however, the pay-for.

One project that would be affected by this cutback is the renovation of the urgent care center at Castle Point, New York, a VA hospital that was built in 1926. It's the oldest VA hospital in the country and has never undergone a major renovation. The project would dramatically increase urgent care capacity at Castle Point and make the facility more accommodating for female veterans who are increasingly a large part of our force.

I ask that before you vote on this measure, please take a moment to consider the unintended consequences and the negative consequences, not just in the Hudson Valley but across the country.

Mr. EDWARDS of Texas. Madam Chair, do I have any time remaining?

The Acting CHAIR. The gentleman has 30 seconds remaining.

Mr. EDWARDS of Texas. Let me just conclude by saying no one objects to the gentleman's goal. We would be glad to try to work in good faith to see if we can find another pay-for to improve funding for our veterans cemeteries. But I will strongly object and ask my colleagues to vote "no" on this amendment because of the damage done to veterans at these facilities that need the care that they would otherwise not get if this amendment is passed into law.

I yield back the balance of my time.

Mr. GARRETT of New Jersey. Madam Chair, I would just remind the gentleman that the money you appropriated is already \$40 million over what the President asked for and also what the VA asked for.

I yield 1 minute to the gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. Madam Chair, I rise in support of Congressman GARRETT's amendment also sponsored in a bipartisan capacity by Congressman ADLER on the other side of the aisle and by me. This is bipartisan in nature, and, of course, we believe that across the country, veterans and their families are dealing with the hardships of overcrowded and unkempt State cemeteries.

For example, in New Jersey there is only one State veterans cemetery that is currently available for new burials—the Doyle Veterans Memorial Cemetery in Wrightstown, in southern New Jersey, not in my district and not in Congressman GARRETT's district, but this is bipartisan in nature on our side of the aisle; and certainly we think that this amendment will help fund these projects and reduce existing backlogs in the State veterans cemetery grant program.

I certainly concur with Congressman GARRETT's point of view that the funding is already over what has been requested by the administration and we believe strongly that this is in the best interest of the United States.

Mr. GARRETT of New Jersey. May I inquire of the time remaining.

The Acting CHAIR. The gentleman from New Jersey has 1 minute remaining.

Mr. GARRETT of New Jersey. In conclusion, I will end where I started, and that is to say, there is a need for the cemeteries not just in the state of New Jersey but across the country as well. In a bipartisan manner we passed this bill with the support presumably from the chairman last year in a similar manner as we are doing this year. As was stated already, the amount of money that is already appropriated is \$40 million more than not only what the White House wants but also what the VA wants.

I do find it curious that the chairman is able to come to the floor and cite specifically what programs would be cut when our staff tried diligently

through the committee to ask them to identify exactly which ones would be cut and we could never get an answer from them as to what would be cut whatsoever with regard to priorities. Now the chair comes and says, well, this program, this program, and this program will be cut.

□ 1840

How can anybody say it's being cut when we're already spending \$40 million more than what the VA and the administration is asking for?

This is a duty that we owe to our veterans, and we should do it in a proper manner, and we should do it now. We should not be pointing fingers saying that we want a cut from this or a cut from that. We have set out the program this year as we have done in the past. And we should meet that moral obligation.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-570 on which further proceedings were postponed, in the following order:

Amendment No. 9 by Mr. GINGREY of Georgia.

Amendment No. 14 by Mr. GARRETT of New Jersey.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

AMENDMENT NO. 9 OFFERED BY MR. GINGREY OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. GINGREY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 353, noes 69, not voting 16, as follows:

[Roll No. 480]

AYES—353

Ackerman	Dicks	Lee (NY)
Aderholt	Djou	Levin
Adler (NJ)	Donnelly (IN)	Lewis (CA)
Alexander	Doyle	Linder
Altmire	Dreier	Lipinski
Arcuri	Drieaus	LoBiondo
Austria	Duncan	Loebsack
Baca	Edwards (TX)	Lowey
Bachmann	Ellsworth	Lucas
Bachus	Emerson	Luetkemeyer
Barrett (SC)	Eshoo	Lujan
Barrow	Etheridge	Lummis
Bartlett	Flake	Lungren, Daniel
Barton (TX)	Fleming	E.
Bean	Forbes	Lynch
Berkley	Fortenberry	Mack
Berry	Foster	Maffei
Biggart	Fox	Maloney
Blibray	Franks (AZ)	Manzullo
Bilirakis	Frelinghuysen	Marchant
Bishop (GA)	Gallegly	Markey (CO)
Bishop (NY)	Garrett (NJ)	Markey (MA)
Bishop (UT)	Gerlach	Marshall
Blackburn	Giffords	Matheson
Blunt	Gingrey (GA)	Matsui
Bocieri	Gohmert	McCarthy (CA)
Boehner	Gonzalez	McCarthy (NY)
Bonner	Goodlatte	McCaul
Bono Mack	Gordon (TN)	McClintock
Boozman	Granger	McCollum
Boren	Graves (GA)	McCotter
Boswell	Graves (MO)	McGovern
Boucher	Grayson	McHenry
Boustany	Green, Al	McIntyre
Boyd	Green, Gene	McKeon
Brady (PA)	Griffith	McMahon
Brady (TX)	Guthrie	McMorris
Bright	Hall (NY)	Rodgers
Brown (GA)	Hall (TX)	McNerney
Brown (SC)	Halvorson	Meek (FL)
Brown, Corrine	Hare	Meeks (NY)
Brown-Waite,	Harper	Melancon
Ginny	Hastings (FL)	Mica
Buchanan	Hastings (WA)	Michaud
Burgess	Heinrich	Miller (FL)
Burton (IN)	Heller	Miller (MI)
Butterfield	Hensarling	Miller (NC)
Buyer	Herger	Miller, Gary
Calvert	Herseth Sandlin	Miller, George
Camp	Higgins	Minnick
Campbell	Hill	Mitchell
Cantor	Himes	Mollohan
Cao	Hinojosa	Moore (KS)
Capito	Hirono	Moran (KS)
Capuano	Hodes	Murphy (CT)
Cardoza	Holden	Murphy, Patrick
Carnahan	Holt	Murphy, Tim
Carney	Hoyer	Myrick
Carson (IN)	Hunter	Napolitano
Carter	Inglis	Neal (MA)
Cassidy	Issa	Neugebauer
Castle	Jackson (IL)	Nunes
Chaffetz	Jenkins	Nye
Chandler	Johnson (IL)	Oberstar
Childers	Johnson, Sam	Obey
Clarke	Jones	Olson
Clyburn	Jordan (OH)	Ortiz
Coble	Kagen	Owens
Coffman (CO)	Kanjorski	Pallone
Cole	Kaptur	Pascarell
Conaway	Kennedy	Paul
Connolly (VA)	Kildee	Paulsen
Conyers	Kilpatrick (MI)	Payne
Cooper	Kilroy	Pence
Costa	Kind	Perlmutter
Costello	King (IA)	Perriello
Courtney	King (NY)	Peters
Crenshaw	Kingston	Peterson
Critz	Kirk	Petri
Cuellar	Kirkpatrick (AZ)	Pitts
Culberson	Kissell	Platts
Cummings	Klein (FL)	Poe (TX)
Dahlkemper	Kline (MN)	Polis (CO)
Davis (CA)	Kosmas	Pomeroy
Davis (KY)	Kratovil	Posey
Davis (TN)	Lamborn	Price (GA)
DeFazio	Lance	Putnam
Delahunt	Langevin	Radanovich
DeLauro	Larsen (WA)	Rahall
Dent	Larson (CT)	Rangel
Deutch	Latham	Rehberg
Diaz-Balart, L.	LaTourette	Reichert
Diaz-Balart, M.	Latta	Reyes

Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz

Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague

Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Yarmuth
Young (AK)

NOES—69

Baird
Baldwin
Becerra
Berman
Blumenauer
Bordallo
Braley (IA)
Capps
Castor (FL)
Christensen
Chu
Clay
Cohen
Davis (IL)
DeGette
Dingell
Doggett
Edwards (MD)
Ellison
Engel
Farr
Fattah
Filner
Frank (MA)

Fudge
Garamendi
Grijalva
Gutierrez
Harman
Hinchey
Honda
Inslee
Israel
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kucinich
Lee (CA)
Lofgren, Zoe
McDermott
Moore (WI)
Moran (VA)
Murphy (NY)
Nadler (NY)
Norton
Oliver
Pastor (AZ)

Pierluisi
Pingree (ME)
Price (NC)
Quigley
Roybal-Allard
Ryan (OH)
Sablan
Sanchez, Linda
T.
Schakowsky
Scott (VA)
Sestak
Smith (WA)
Snyder
Towns
Tsongas
Velázquez
Wasserman
Schultz
Waters
Watt
Waxman
Woolsey
Wu

NOT VOTING—16

Akin
Andrews
Cleaver
Crowley
Davis (AL)
Ehlers

Faleomavaega
Fallin
Hoekstra
Lewis (GA)
Slaughter
Stark

□ 1911

Mr. ELLISON, Ms. NORTON, Ms. LINDA T. SÁNCHEZ of California, Ms. DEGETTE, Mr. TOWNS, Ms. JACKSON LEE of Texas, Mr. ISRAEL, Ms. WASSERMAN SCHULTZ, Mr. CLAY, Ms. SCHAKOWSKY, Ms. ROYBAL-ALLARD, Messrs. DAVIS of Illinois, DOGGETT, INSLEE, COHEN and SCOTT of Virginia changed their vote from “aye” to “no.”

Mr. POLIS, Ms. RICHARDSON, Messrs. AL GREEN of Texas, SERRANO, MCGOVERN, MINNICK and GEORGE MILLER of California changed their vote from “no” to “aye.” So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MR. GARRETT OF NEW JERSEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 128, noes 296, not voting 14, as follows:

[Roll No. 481]

AYES—128

Aderholt
Adler (NJ)
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boustany
Brady (TX)
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Capito
Cassidy
Chaffetz
Cole
Conaway
Crenshaw
Davis (KY)
DeFazio
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Flake
Fleming
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords

Gingrey (GA)
Gohmert
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hereth Sandlin
Hodes
Holt
Hunter
Issa
Johnson (IL)
Johnson, Sam
King (NY)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Lummis
Lungren, Daniel
E.
Mack
McCarthy (CA)
McCaull
McClintock
McCotter
McHenry
McKeon
McMahon
Mica
Michaud
Miller (MI)
Miller, Gary

Mitchell
Myrick
Neugebauer
Nunes
Nye
Olson
Pallone
Pascrell
Paul
Pence
Petri
Pingree (ME)
Pitts
Poe (TX)
Price (GA)
Radanovich
Rahall
Rangel
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Rothman (NJ)
Ruppersberger
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Shadegg
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Walden
Westmoreland
Wilson (SC)
Wu

NOES—296

Ackerman
Altmire
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggart
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bocchieri
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Broun (GA)

Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Butterfield
Camp
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Connolly (VA)

Conyers
Cooper
Costa
Costello
Courtney
Critz
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel

Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Fudge
Garamendi
Gerlach
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latta
Lee (CA)

Levin
Lipinski
Loebach
Lofgren, Zoe
Lowey
Luetkemeyer
Lujan
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (FL)
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Oliver
Ortiz
Owens
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Reichert
Reyes
Richardson
Rodriguez
Rooney
Ros-Lehtinen
Ross

Roybal-Allard
Royce
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Skelton
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Peters
Visclosky
Walz
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)

NOT VOTING—14

Akin
Andrews
Crowley
Ehlers
Faleomavaega

Fallin
Hoekstra
Lewis (GA)
Moran (KS)
Slaughter

□ 1919

Mr. ROONEY changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the “Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2011”.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. BALDWIN) having assumed the chair, Ms. JACKSON LEE of Texas, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5822) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, and pursuant to House Resolution 1559, reported the bill back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 1559, the question on adoption of the amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 6, not voting 15, as follows:

[Roll No. 482]

YEAS—411

Ackerman	Brown (GA)	Courtney
Aderholt	Brown (SC)	Crenshaw
Adler (NJ)	Brown, Corrine	Critz
Alexander	Brown-Waite,	Cuellar
Altmire	Ginny	Culberson
Arcuri	Buchanan	Cummings
Austria	Burgess	Dahlkemper
Baca	Burton (IN)	Davis (AL)
Bachmann	Butterfield	Davis (CA)
Bachus	Buyer	Davis (IL)
Baird	Calvert	Davis (KY)
Baldwin	Camp	Davis (TN)
Barrett (SC)	Cantor	DeFazio
Barrow	Cao	DeGette
Bartlett	Capito	Delahunt
Barton (TX)	Capps	DeLauro
Bean	Capuano	Dent
Becerra	Cardoza	Deutch
Berkley	Carnahan	Diaz-Balart, L.
Berman	Carney	Diaz-Balart, M.
Berry	Carson (IN)	Dicks
Biggert	Carter	Dingell
Bilbray	Cassidy	Djou
Bilirakis	Castle	Doggett
Bishop (GA)	Castor (FL)	Donnelly (IN)
Bishop (NY)	Chaffetz	Doyle
Bishop (UT)	Chandler	Dreier
Blackburn	Childers	Driehaus
Blumenauer	Chu	Edwards (MD)
Blunt	Clarke	Edwards (TX)
Boccieri	Clay	Ellison
Boehner	Cleaver	Ellsworth
Bonner	Clyburn	Emerson
Bono Mack	Coble	Engel
Boozman	Coffman (CO)	Eshoo
Boren	Cohen	Etheridge
Boswell	Cole	Farr
Boucher	Conaway	Fattah
Boustany	Connolly (VA)	Filner
Boyd	Conyers	Fleming
Brady (PA)	Cooper	Forbes
Brady (TX)	Costa	Fortenberry
Bright	Costello	Foster

Fox	LoBiondo	Reyes
Frank (MA)	Loebuck	Richardson
Franks (AZ)	Loftgren, Zoe	Rodriguez
Frelinghuysen	Lowey	Roe (TN)
Fudge	Lucas	Rogers (AL)
Galleghy	Luetkemeyer	Rogers (KY)
Garamendi	Lujan	Rogers (MI)
Garrett (NJ)	Lummis	Rohrabacher
Gerlach	Lungren, Daniel	Rooney
Giffords	E.	Ros-Lehtinen
Gingrey (GA)	Lynch	Roskam
Gohmert	Mack	Ross
Gonzalez	Maffei	Rothman (NJ)
Goodlatte	Maloney	Roybal-Allard
Gordon (TN)	Manzullo	Royce
Granger	Marchant	Ruppersberger
Graves (GA)	Markey (CO)	Rush
Graves (MO)	Markey (MA)	Ryan (OH)
Grayson	Marshall	Ryan (WI)
Green, Al	Matheson	Salazar
Green, Gene	Matsui	Sanchez, Linda
Griffith	McCarthy (CA)	T.
Grijalva	McCarthy (NY)	Sanchez, Loretta
Guthrie	McCauley	Sarbanes
Gutierrez	McClintock	Scalise
Hall (NY)	McCollum	Schakowsky
Hall (TX)	McCotter	Schauer
Halvorson	McDermott	Schiff
Hare	McGovern	Schmitt
Harman	McHenry	Schock
Harper	McIntyre	Schrader
Hastings (FL)	McKeon	Schwartz
Hastings (WA)	McMahon	Scott (GA)
Heinrich	McMorris	Scott (VA)
Heller	Rodgers	Serrano
Hensarling	McNerney	Sessions
Hergert	Meek (FL)	Sestak
Herseth Sandlin	Meeks (NY)	Shadegg
Higgins	Melancon	Shea-Porter
Hill	Mica	Sherman
Himes	Michaud	Shimkus
Hinchee	Miller (FL)	Shuler
Hinojosa	Miller (MI)	Shuster
Hirono	Miller (NC)	Simpson
Hodes	Miller, Gary	Sires
Holden	Miller, George	Skelton
Holt	Minnick	Smith (NE)
Honda	Mitchell	Smith (NJ)
Hoyer	Mollohan	Smith (TX)
Hunter	Moore (KS)	Smith (WA)
Inglis	Moore (WI)	Snyder
Inslee	Moran (VA)	Space
Israel	Murphy (CT)	Speier
Issa	Murphy (NY)	Spratt
Jackson (IL)	Murphy, Patrick	Stark
Jackson Lee	Murphy, Tim	Stearns
(TX)	Myrick	Stupak
Jenkins	Nadler (NY)	Sullivan
Johnson (GA)	Napolitano	Sutton
Johnson, E. B.	Neal (MA)	Tanner
Johnson, Sam	Neugebauer	Taylor
Jones	Nunes	Teague
Jordan (OH)	Nye	Terry
Kagen	Oberstar	Thompson (CA)
Kanjorski	Obey	Thompson (MS)
Kaptur	Olson	Thompson (PA)
Kennedy	Olver	Thornberry
Kildee	Ortiz	Tiberi
Kilpatrick (MI)	Owens	Tierney
Kilroy	Pallone	Titus
Kind	Pascrell	Tonko
King (IA)	Pastor (AZ)	Towns
King (NY)	Paulsen	Tsongas
Kingston	Payne	Turner
Kirk	Pence	Upton
Kirkpatrick (AZ)	Perlmutter	Van Hollen
Kissell	Perriello	Velázquez
Klein (FL)	Peters	Visclosky
Kline (MN)	Peterson	Walden
Kosmas	Petri	Walz
Kratovil	Pingree (ME)	Wasserman
Kucinich	Pitts	Schultz
Lamborn	Platts	Watt
Lance	Poe (TX)	Waxman
Langevin	Polis (CO)	Weiner
Larsen (WA)	Pomeroy	Welch
Larsen (CT)	Posey	Westmoreland
Latham	Price (GA)	Whitfield
LaTourette	Price (NC)	Wilson (OH)
Latta	Putnam	Wilson (SC)
Lee (CA)	Quigley	Wittman
Lee (NY)	Radanovich	Wolf
Levin	Rahall	Woolsey
Lewis (CA)	Rangel	Wu
Linder	Rehberg	Yarmuth
Lipinski	Reichert	Young (AK)

NAYS—6

Campbell	Flake	Paul
Duncan	Johnson (IL)	Sensenbrenner

NOT VOTING—15

Akin	Fallin	Tiahrt
Andrews	Hoekstra	Wamp
Braley (IA)	Lewis (GA)	Waters
Crowley	Moran (KS)	Watson
Ehlers	Slaughter	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1937

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TONKO). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

GENERAL AND SPECIAL RISK INSURANCE FUNDS AVAILABILITY ACT OF 2010

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5872) to provide adequate commitment authority for fiscal year 2010 for guaranteed loans that are obligations of the General and Special Risk Insurance Funds of the Department of Housing and Urban Development, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “General and Special Risk Insurance Funds Availability Act of 2010”.

SEC. 2. ADEQUATE COMMITMENT AUTHORITY.

Notwithstanding any other provision of law, for fiscal year 2010 the Secretary of Housing and Urban Development may enter into commitments to guarantee loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), in an amount not exceeding \$20,000,000,000 in total loan principal, any part of which is to be guaranteed.

SEC. 3. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that

such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

□ 1940

GENERAL LEAVE

Mr. FRANK of Massachusetts. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

The FHA has become a very successful program. It has taken up a lot of the slack that was created by problems elsewhere in the housing area. It is being run very well. Secretary Donovan and Administrator Stevens deserve a great deal of credit.

In a bipartisan way, the Committee on Financial Services has cooperated with them. We recently passed a bill, again a bipartisan bill, and the ranking member of the Housing Subcommittee, the gentlewoman from West Virginia (Mrs. CAPITO) is here, to enhance their authority to allow them to do a better job statutorily of guarding against abuse and fraud.

The program's been sufficiently successful so that they have now run out of commitment authority. This bill would give them \$5 billion more in commitment authority. But it is not an expenditure. Indeed, it is the opposite. This will save \$94 million because we have structured the FHA today, and it's being run in a way that it makes a small profit for the Federal Government.

If we do not pass this bill before the end of next week, us first and then the Senate, the FHA program will stop until October. That will deny people housing, and this is housing, homeownership and other forms of housing, that is responsibly done. It will be a further shot to the housing sector of the economy which is so important.

I add letters from the American Bankers Association and a joint letter from virtually every organization that deals with housing from the standpoint of consumers, or from the standpoint of financing, also from the standpoint of people in the business of providing housing. So providers of housing, financiers of housing, sellers of housing, consumers of housing all agree that we need this bill.

It should not be controversial because it extends a very successful program,

stops it from being interrupted between now and October, and it will present savings of \$94 million.

I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, just briefly, I would like to join with the chairman of the full committee, Mr. FRANK, in full support of this bill. I would also like to thank the Appropriations Committee for letting us bump up two bills so we could get ahead a little bit on our evening.

I would like to reiterate just very quickly that this FHA program is a critical source of financing for affordable rental housing, and I am in full agreement that we should pass this bill, as it will help to mitigate any disruptions in the housing market.

I have no further speakers, and I yield back the balance of my time.

Mr. FRANK of Massachusetts. I yield myself 1½ minutes to say that some of the homeownership parts will continue, but there are very important pieces here involving health care facilities, involving multi-family housing, and there is some homeownership which would be lost if we were not able to do this. So I am glad to be joined by my colleague from West Virginia, and I hope that the House will promptly pass this bill and that the Senate will even promptly pass this bill, although that's always a greater hope.

JULY 28, 2010.

Hon. BARNEY FRANK,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FRANK: Our organizations would like to express strong support for H.R. 5872, The General and Special Risk Insurance Funds Availability Act of 2010. Recently, the Federal Housing Administration (FHA) notified Congress that it had exceeded 75 percent of its commitment authority to insure mortgages under the General Insurance and Special Risk Insurance (GI/SRI) Fund. FHA Commissioner David Stevens further warned that without an additional \$5 billion in commitment authority, the agency's current limitation would be fully exhausted by late August or September.

FHA is now facing the real possibility that it will have to shut down the multifamily and health care insurance programs. Without swift passage of H.R. 5872, needed affordable rental housing and health care facilities could be at risk of losing time-sensitive financing and subsidy commitments as a result. Properties with maturing loans that must refinance could be at risk of losing the only source of refinancing available in the market at this time. The consequence is the delay or loss of bringing affordable housing to those people who need it so much.

As you know, during this period of significant turmoil in the credit markets, FHA's multifamily and health care programs have been a critical source of stable and affordable financing. We cannot afford a suspension of these important programs now.

We strongly urge Congress to act expeditiously to provide FHA with the additional commitment authority it is seeking. Failure to do so before Congress recesses this summer will cause significant disruptions to financing for apartment, hospital, and health care facilities that serve millions of Americans.

We thank you in advance for your support for H.R. 5872.

Sincerely,

American Health Care Association;
American Association of Homes and Services for the Aging; American Seniors Housing Association; Assisted Living Federation of America; Coalition for Seniors Health Care Reform; Council for Affordable Rural Housing; Committee on Health Care Financing; Housing Partnership Network; Institute of Real Estate Management; Institute for Responsible Housing Preservation; Mortgage Bankers Association; National Apartment Association; National Affordable Housing Management Association; National Association of Affordable Housing Lenders; National Association of Home Builders; National Association of Realtors; National Council of State Housing Agencies; National Leased Housing Association; National Multi Housing Council; New York Housing Coalition; Settlement Housing Fund; Stewards of Affordable Housing for the Future; Volunteers of America.

NATIONAL ASSOCIATION OF HOME

BUILDERS,

Washington, DC, July 28, 2010.

Hon. BARNEY FRANK,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FRANK: On behalf of the 175,000 members of the National Association of Home Builders (NAHB), I am writing to express our strong support for H.R. 5872, the General and Special Risk Insurance Funds Availability Act of 2010. H.R. 5872 would increase the commitment authority for fiscal year 2010 for the General and Special Risk Program Account of the U.S. Department of Housing and Urban Development. Without the proposed \$5 billion increase, the Federal Housing Administration (FHA) could be forced to shut down the multifamily and health care facilities mortgage insurance programs. FHA recently notified Congress that without this increase, the agency's current limitation would be fully exhausted by late August or September, in advance of the end of the fiscal year.

The FHA multifamily and health care mortgage insurance programs are critically needed during this period of significant turmoil in the credit markets. Without additional commitment authority, needed affordable rental housing and health care facilities could be at risk of losing time-sensitive financing and subsidy commitments as a result. Properties with maturing loans that must refinance could be at risk of losing the only source of refinancing available in the market at this time. The consequence is the delay or loss of bringing affordable housing to those people who need it so much.

Again, NAHB supports H.R. 5872 and urges your support on the House floor. This critical legislation will benefit thousands of people who need affordable rental housing and health care facilities, as well as provide needed construction jobs in this difficult economy.

Best regards,

JOE STANTON,
Senior Vice President,
Government Affairs.

MORTGAGE BANKERS ASSOCIATION,
Washington, DC, July 28, 2010.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.
Hon. SPENCER BACHUS,
Ranking Member, Committee on Financial Services,
House of Representatives, Washington,
DC.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: On behalf of the Mortgage Bankers Association, I want to thank you for your leadership in quickly moving H.R. 5872, the General and Special Risk Insurance Funds Availability Act of 2010, to the House floor. This legislation is urgently needed to avert a looming shutdown in the Federal Housing Administration's multifamily programs.

Recently, FHA notified Congress that it was close to exhausting its commitment authority to insure multifamily mortgages, and that an additional \$5 billion would be needed to keep the programs running through the end of the fiscal year. FHA's multifamily programs have been a critical source of stable and affordable financing during the current downturn in the credit markets. We simply cannot afford a suspension of these important programs now.

It is also important to note that the authorization of commitment authority is not the same as a direct appropriation and does not come with a cost to taxpayers. In fact, because FHA collects premiums to guard against the risk of default, the additional \$5 billion in commitment authority is estimated to generate \$94 million to the U.S. Treasury.

We urge the House to approve this bill so that we keep these important multifamily programs up and running.

Sincerely,

WILLIAM P. KILLMER,
Senior Vice-President,
Legislative and Political Affairs.

NATIONAL MULTI HOUSING COUNCIL
AND NATIONAL APARTMENT ASSO-
CIATION,

Washington, DC, July 28, 2010.
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The National Multi Housing Council (NMHC) and National Apartment Association (NAA) urge immediate action on H.R. 5872, the "General and Special Risk Insurance Funds Availability Act of 2010", to prevent an imminent shutdown of the FHA multifamily loan program.

Absent Congressional action the multifamily and health care insurance programs will shut down. As a result, needed affordable rental housing and health care facilities could be at risk of losing time-sensitive financing and subsidy commitments. Properties with maturing loans that must refinance could be at risk of losing the only source of refinancing available in the market at this time. The consequence is the delay or loss of bringing affordable housing to those people who need it so much.

As required, the Federal Housing Administration (FHA) notified Congress that it had exceeded 75 percent of its commitment authority to insure mortgages under the General Insurance and Special Risk Insurance (GI/SRI) Fund. FHA Commissioner David Stevens further warned that without an additional \$5 billion in commitment authority, the agency's current limitation would be fully exhausted by late August or September. Without swift action, that warning is now a reality.

As you know, during this period of significant turmoil in the credit markets, FHA's multifamily and health care programs have been a critical source of stable and affordable financing. We cannot afford a suspension of these important programs.

NMHC and NAA strongly urge passage of this critical legislation.

Sincerely,

DOUGLAS M. BIBBY,
President, National
Multi Housing
Council.

DOUGLAS S. CULKIN, CAE,
President, National
Apartment Associa-
tion.

I yield back the balance of my time.
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 5872, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5893, INVESTING IN AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111-577) on the resolution (H. Res. 1568) providing for consideration of the bill (H.R. 5893) to amend the Internal Revenue Code of 1986 to create jobs through increased investment in infrastructure, to eliminate loopholes which encourage companies to move operations offshore, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5850, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111-578) on the resolution (H. Res. 1569) providing for consideration of the bill (H.R. 5850) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, which was referred to the House Calendar and ordered to be printed.

UNITED STATES PATENT AND TRADEMARK OFFICE SUPPLEMENTAL APPROPRIATIONS ACT, 2010

Mr. MOLLOHAN. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 5874) making supplemental appropriations for the United States Patent and Trademark Office for the fiscal year ending September 30, 2010, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2010, and for other purposes, namely:

DEPARTMENT OF COMMERCE

UNITED STATES PATENT AND TRADEMARK OFFICE

For an additional amount for "Salaries and Expenses" of the United States Patent and Trademark Office, \$129,000,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2010, so as to result in a fiscal year 2010 appropriation from the general fund estimated at \$0: *Provided further*, That during fiscal year 2010, should the total amount of offsetting fee collections be less than \$2,016,000,000, this amount shall be reduced accordingly.

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

Of funds made available under this heading by Public Law 111-117, \$129,000,000 are hereby rescinded.

This Act may be cited as the "United States Patent and Trademark Office Supplemental Appropriations Act, 2010".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from Virginia (Mr. WOLF) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. MOLLOHAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 5874.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. MOLLOHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the United States Patent and Trademark Office, on an annual basis practically, has budgetary problems. It arises from the system under which they are funded and estimate their own finances, and the Appropriations Committee responds to that. It's imperfect because their predictions are obviously imperfect. They are talking about revenues that they may or may not receive into the future.

This legislation addresses their concerns for this year. The activities of the U.S. Patent and Trademark Office are fully financed by user fees. And every year Congress appropriates an

amount for the agency's activities that is equal to what the agency estimates it will collect in fees.

Based on higher-than-estimated fee collections to date in fiscal year 2010, it appears that the agency could potentially collect more in fees this year than was earlier estimated, and these additional fees would be unavailable to the agency this year under its current 2010 appropriation level.

What this bill, Mr. Speaker, will do, is allow USPTO to spend up to an additional \$129 million in patent and trademark fees if the agency actually collects fees over and above the current appropriation level of \$1.887 billion. This additional appropriation was requested by President Obama's administration and is based on a revised CBO estimate of the agency's fee collections for fiscal year 2010. This bill reflects the administration's and Congress's commitment to make fee revenue available to USPTO for patent and trademark activities.

The timely and efficient processing of patent and trademark applications is critical to the competitiveness of American businesses and the contributions of individual inventors to economic growth. The USPTO currently takes an average of over 34 months to complete the examination of patent application and has maintained a backlog of unexamined applications for several years. There are approximately 1.2 million patent applications now in the system, with over 750,000 awaiting an initial review by a USPTO patent examiner.

We should be clear, however, about what this bill will do and what this bill will not do. If the additional fees are actually collected in the remaining weeks of the fiscal year, the additional \$129 million in budget authority provided by this bill will begin to help the agency address the ongoing patent pendency and backlogs.

□ 1950

Mr. Speaker, what this bill will not do is fix the underlying structural flaws in USPTO's revenue mechanisms that are the major cause for the patent pendency and backlog problems that have plagued USPTO for years. The only path to a meaningful and permanent reduction in patent pendency and the backlog is for stakeholders to support, and Congress to approve, new fee authorities for USPTO that will lead to patent fees that reflect the actual cost to the agency and to our government. But that is beyond the scope of this appropriations bill.

Before concluding, Mr. Speaker, I want to reiterate that the Appropriations Committee consistently appropriates budget authority for USPTO based on the agency's own estimates of fee collections, and the current year appropriation was no exception to this rule. The administration's request for

this supplemental appropriation is based on higher-than-expected fee collections.

In cases where fees collected by USPTO but not appropriated in an annual appropriations bill are credited to a specific account within the general Treasury, those additional resources can be made available for appropriation to USPTO in subsequent appropriations acts, such as the one we are considering today.

While the bill before us today will not address the underlying problems at USPTO, it will provide additional relief to the agency as it seeks to address the patent backlog issue, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume.

Yesterday the House passed a supplemental appropriations bill under suspension of the rules. I think—and I would ask somebody to look—I think this Congress, and every Congress has a history and has a name. I think this will be called “the suspension Congress.” We have taken more legislation up under suspension of the rules, without any opportunity for people to be offering amendments. I think whatever side you're on, whatever party you're in, there really ought to be the opportunity for Members to offer amendments.

And so I think, I don't know how you would do it, but I officially would request that maybe the Clerk of the House look to see how many bills at the end of this year were passed by suspension and to see if I was right by calling this “the suspension Congress.”

We are now resorting to considering an odds and ends bill at the end again on suspension. This bill could clearly be put on our own bill. On July 12, the administration requested language to allow the Patent and Trademark Office to spend an additional \$129 million in fiscal year 2010, with the desired effect being the reduction of backlogs in processing patent applications.

The bill before the House does that, and fully offsets the spending, as requested, with a rescission from excess amounts appropriated for the 2010 Census. The language in the bill differs somewhat from the language requested by the administration. I personally—and maybe others on the committee had—but personally I have not seen the bill until today after it had been placed on the suspension calendar. So you're going to bring a bill up under suspension and the minority, maybe other people in the minority, but we haven't been given the opportunity even to see it. Since there was no subcommittee or full committee consideration and no discussion with the minority prior to introduction, I don't know why the changes were made to the request. It sort of says we're not going to talk to

the minority; we're not going to discuss these things. Frankly I would tell the Patent and Trademark Office, “You haven't been up here to talk to anybody.” Just because the party in power happens to be the majority party, this ought to be an issue of non-partisan, or bipartisan working together. But again it all just sort of rolls out and comes up.

Finally, I would just say that this issue could have easily been addressed in regular order, either in committee markup or on the supplemental where I am sure the chairman, Mr. MOLLOHAN, as we go to conference on a bill—and I appreciate the leadership of Mr. MOLLOHAN on the committee—we could have rolled it in for timely action on the FY11 CJS appropriations bill. I don't know why we're doing it at this hour.

Secondly, anytime one party pushes the other party, and I would say this to my own party. If we ever get back into the majority, we ought to be sure that we treat the minority the way that we wanted to be treated when we were in the minority, because there were times past when we were in the majority that we maybe treated the minority in ways that we should not have treated them.

And so I would just say, speaking only for myself, but the party that I belong to, I think it's important if or when we return to the majority that we have respect for the minority, to notify them and tell them and do everything we possibly can to make sure that we're doing things in a bipartisan basis, particularly on bills that are not Republican or Democrat but are good for the country.

With that, I would reserve the balance of my time.

Mr. MOLLOHAN. Mr. Speaker, I note the distinguished ranking member's comments about “the suspension Congress” and lack of notice with regard to pieces of legislation.

I would just point out that, first of all, he is very familiar with this bill and very familiar with the USPTO. He has handled this legislation very competently as chairman and as ranking member and as a member of the committee. So he is very familiar, I know, with the subject matter of which we speak and the difficulty that USPTO faces because of the structural nature of the way it achieves funding every year.

He also knows that their estimating at the beginning of the year is an imperfect process because it's a prediction and it's based upon that prediction coming true in the future and it rarely does. They are either underestimating, or they overestimate. In this case they have financial needs that can be better met with this additional \$129 million. And the good news for USPTO is that they underestimated last year. Consequently, if they continue to collect fees at the current

rate, they will collect \$129 million more than they projected.

Given that, it is only right that we try to address those needs in the context of their newly projected fee collections so that they will be able to reduce this unacceptable backlog. As the gentleman points out, in a negative way, that's not known really until it happens or if the trend line begins to become apparent; and it is becoming apparent.

We're going on recess here in a couple of days. It would be great to have notice on everything; a week in advance, or 3 days in advance or whenever in advance it would be satisfactory. This is a pretty simple proposal actually and I don't think it's difficult to understand.

I must say we on the majority side weren't noticed many minutes before the minority was about the approach to this. I know the gentleman is—or I believe from his remarks and his attitude in the past with regard to recognizing USPTO's needs, not a current but its structural needs of how you fund it, is certainly not opposing this.

I just wanted to assure him that there is no intent on our part in any way to mislead the gentleman.

Mr. WOLF. If the gentleman will yield, I just want the record to show that Mr. MOLLOHAN and his staff have been very fair. And I would not want to have the connection of what I said earlier with regard to that. Mr. MOLLOHAN and his entire staff have been very, very fair and have treated us very, very well. I didn't want that to be inferred. With that, I thank the gentleman.

Mr. MOLLOHAN. I would be very chagrined if we ever did anything but treat the gentleman fair. He is an outstanding Member of the Congress.

Mr. Speaker, a lot of Members are very interested in USPTO and interested in fixing it on the authorizing side and, of course, on the appropriations side.

□ 2000

Three of those many Members who are particularly interested in USPTO have cosponsored this legislation. One of them is PATRICK MURPHY of Pennsylvania. Mr. MURPHY is here to speak on the legislation. The other two are Chairman CONYERS and Chairman MORAN: Chairman CONYERS in the authorizing committee, and Chairman MORAN is a distinguished member of the Appropriations Committee. I just want to note that they've been at the forefront of fighting for PTO and adequate funding so that they can reduce the backlog of which we speak today.

Mr. MURPHY is a young Member, a distinguished member of the Commerce, Justice, Science Subcommittee which funds USPTO. He's taken a particular interest in this issue, becoming very knowledgeable about it, and has been in the forefront of moving this legislation that would help them.

It is my pleasure to yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I thank Chairman MOLLOHAN. I appreciate your leadership on this issue and allowing me to partner with you on this important piece of legislation.

Mr. Speaker, we need to continue to get our economy back on the right track, and this bill is about boosting American technology and innovation. It's about making things in America again. Right now, at an office building outside of Washington, D.C., over 1 million patent applications sit gathering dust. Hundreds of thousands have yet to be looked at for the first time. Those applications could be the next iPhone, the next Netbook, or the next Google. But the agency tasked with reviewing those applications just can't keep up. So they sit and they sit, often for years. In fact, the average time that it takes a patent to be approved is about 30 months, but when you consider that today technologies often become obsolete within 18 months or less, it is clear that a process that takes 2½ years is simply too long, and it hurts our competitiveness.

Those applications at the U.S. Patent and Trade Office, or USPTO, represent the greatest this country has to offer in terms of new ideas and new technologies. They contain any number of breakthroughs that could help to propel our economy out of the recession, expand small businesses, and create new jobs. And they could be the key to helping our Nation maintain its technological edge globally. Patent activity among our biggest competitors like China, India, and South Korea have shown exponential growth, but this bill is one step in providing the USPTO the resources necessary to keep pace with the flow of innovation and ensure American businesses and workers can compete globally. And it is fully offset with a reduction in spending for the U.S. Census Bureau.

We need to make sure that the USPTO can hire the necessary patent examiners, install up-to-date information technology, and make other operational changes necessary to get at this backlog. This is an issue that's of critical importance for our economy and the job market. I encourage my colleagues to join me in supporting this commonsense and paid-for legislation. I know the manufacturers in Bucks County, Pennsylvania, and across our country care about it.

I want to thank, again, the leadership of Chairman MOLLOHAN.

Mr. WOLF. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I rise to support, H.R. 5874. The purpose of H.R. 5874 is simple: it would allow the USPTO to access more of the fees that it will collect in FY2010.

This year, the United States Patent and Trademark Office, also known as the USPTO,

is expected to collect more in user fees than they are permitted to retain. As everyone in the patent community is aware, I, with my colleagues on both sides of the aisle, have worked to ensure that the USPTO has the resources it needs. Part of that equation is for the USPTO to retain the user fees that they collect from patent and trademark applicants.

While not perfect, H.R. 5874 significantly moves the United States Patent and Trademark Office in the right direction by enabling the USPTO to continue the progress they have made already in reducing the backlog and shortening pendency.

I would have liked to see the President requested buffer of \$150 million also included in this legislation because that is the only way to ensure that ALL user fees collected in FY2010 will be retained; however, H.R. 5874 is a big step forward and is undeniably better than the current situation.

I thank the Appropriators for working with us on this Presidential request and for honoring the spirit of the gentlemen's agreement.

I urge my colleagues to join IPO, AIPLA, ABA IP Section, ACT, the Motor & Equipment Manufacturers Association, the National Association of Manufacturers, the National Treasury Employees Union, and the U.S. Chamber of Commerce, among others, and support this important legislation.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to support H.R. 5874, the United States Patent and Trademark Office Supplemental Appropriations Act of 2010. This bill will help reduce backlogs in processing patent applications. I am a proud to have voted with a majority of the House to pass this important piece of legislation.

Processing patents is crucial to the U.S. economy. In order for our nation to thrive in a global economy, it is essential that patent and trademark applications are processed in a timely and efficient manner. Currently, the U.S. Patent and Trademark Office (USPTO) can take an average of nearly three years to complete the examination of a patent application and has maintained a backlog of unexamined applications for several years. At this time, there are approximately 1.2 million patent applications in the system with more than 750,000 awaiting review by a USPTO patent examiner. The more time patent applications are waiting to be reviewed, the longer the U.S. goes without an invention that can spur economic growth.

Specifically, H.R. 5874 provides up to \$129 million, fully offset, to help prevent additional backlogs in the processing of patent applications. With this funding, the USPTO will be able to hire additional staff and afford to pay necessary overtime to prevent additional backlogs.

Patents are critical to American innovation and economic growth. An efficient patent examination system will foster innovation and job creation by ensuring that individuals and small businesses have the ability to protect their intellectual property and continue to create new products.

Again, I am a proud supporter of this supplemental appropriations bill for the USPTO. I am proud to have voted with a majority of the House yesterday to pass this vital legislation.

Mr. MOLLOHAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. MOLLOHAN) that the House suspend the rules and pass the bill, H.R. 5874.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EMERGENCY BORDER SECURITY SUPPLEMENTAL APPROPRIATIONS ACT, 2010

Mr. PRICE of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5875) making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$356,900,000, to remain available until September 30, 2012, of which \$78,000,000 shall be for costs to maintain U.S. Customs and Border Protection Officer staffing on the Southwest Border of the United States, \$58,000,000 shall be for hiring additional U.S. Customs and Border Protection Officers for deployment at ports of entry on the Southwest Border of the United States, \$208,400,000 shall be for hiring additional Border Patrol agents for deployment to the Southwest Border of the United States, \$2,500,000 shall be for forward operating bases on the Southwest Border of the United States, and \$10,000,000 shall be to support integrity and background investigation programs: *Provided*, That section 104 shall not apply to \$151,000,000 of the amount under this heading.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For an additional amount for "Border Security Fencing, Infrastructure, and Technology", \$14,000,000, to remain available until September 30, 2012, for costs of designing, building, and deploying tactical communications for support of enforcement activities on the Southwest Border of the United States.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement", \$32,000,000, to remain available until September 30, 2012, for costs of acquisition and deployment of unmanned aircraft systems.

CONSTRUCTION AND FACILITIES MANAGEMENT

For an additional amount for "Construction and Facilities Management", \$9,000,000, to remain available until September 30, 2012,

for costs to construct up to three forward operating bases for use by the Border Patrol to carry out enforcement activities on the Southwest Border of the United States.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$30,000,000 to remain available until September 30, 2012, for law enforcement activities targeted at reducing the threat of violence along the Southwest Border of the United States.

FEDERAL EMERGENCY MANAGEMENT AGENCY STATE AND LOCAL PROGRAMS

For an additional amount for "State and Local Programs", \$50,000,000, to remain available until September 30, 2011, for Operation Stonegarden.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$8,100,000, to remain available until September 30, 2011, for costs to provide basic training for new U.S. Customs and Border Protection Officers and Border Patrol agents.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 101. For an additional amount for the Department of Justice for necessary expenses for increased law enforcement activities related to Southwest border enforcement, \$201,000,000, to remain available until September 30, 2012: *Provided*, That funds shall be distributed to the following accounts and in the following specified amounts—

- (1) "Administrative Review and Appeals", \$2,118,000;
- (2) "Detention Trustee", \$7,000,000;
- (3) "Legal Activities, Salaries and Expenses, General Legal Activities", \$3,862,000;
- (4) "Legal Activities, Salaries and Expenses, United States Attorneys", \$9,198,000;
- (5) "United States Marshals Service, Salaries and Expenses", \$29,651,000;
- (6) "United States Marshals Service, Construction", \$8,000,000;
- (7) "Interagency Law Enforcement, Interagency Crime and Drug Enforcement", \$21,000,000;
- (8) "Federal Bureau of Investigation, Salaries and Expenses", \$25,262,000;
- (9) "Drug Enforcement Administration, Salaries and Expenses", \$35,805,000;
- (10) "Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses", \$39,104,000; and
- (11) "Federal Prison System, Salaries and Expenses", \$20,000,000.

SEC. 102. (a) From unobligated balances made available to U.S. Customs and Border Protection "Border Security Fencing, Infrastructure, and Technology", \$100,000,000 are rescinded: *Provided*, That section 104 shall not apply to this subsection.

(b) From unobligated balances of prior year appropriations made available for "Transportation Security Administration—Aviation Security" in chapter 5 of title III of Public Law 110-28, \$15,500,000 are rescinded.

(c) From unobligated balances of prior year appropriations made available for "Federal Emergency Management Agency—Administrative and Regional Operations" in chapter 4 of title II of Public Law 109-234, \$34,500,000 are rescinded.

(d) From unobligated balances of prior year appropriations made available for "Department of Commerce—Bureau of the Cen-

sus—Periodic Censuses and Programs" in title I of Public Law 111-117; 123 Stat. 3115, \$51,000,000 are rescinded: *Provided*, That section 104 shall not apply to this subsection.

SEC. 103. Notwithstanding any other provision of law, from available funds, the Department of Defense shall pay in fiscal years 2010 and 2011 the full costs associated with the deployment of the National Guard along the Southwest Border of the United States.

SEC. 104. Each amount made available herein is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

This Act may be cited as the "Emergency Border Security Supplemental Appropriations Act, 2010".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. PRICE) and the gentleman from Kentucky (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. PRICE of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 5875.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. PRICE of North Carolina. I yield myself such time as I may consume.

Mr. Speaker, this bill provides a total of \$701 million to support high-priority Homeland Security and Justice programs to enhance security along the Southwest border, where violence on the Mexican side is intensifying due to turf battles among murderous transnational criminal organizations competing for drug, alien, and weapons trafficking business. The funding would enable DHS and DOJ, in cooperation with the National Guard, to build on the current border enforcement surge.

This bill is largely uncontroversial. It simply re-proposes funding the House already approved as part of the war and disaster supplemental bill on July 1. As we all know, these funds, along with funds to stop teacher layoffs, were stripped by the Senate, leaving only funding for the wars, the Disaster Relief Fund, and Haiti earthquake relief. This funding is required now to improve security on our border and in our border communities.

I want to thank the dedicated Members from the Southwest border region who have kept the focus on this issue and are responsible for bringing us here today. We will hear from a good number of these Members tonight. I especially want to thank GABBY GIFFORDS and SILVESTRE REYES for their effort leadership on this effort, along with CIRO RODRIGUEZ, a member of our subcommittee who is a tireless advocate of these border communities; ALAN MOLLOHAN, who helped shape the Department of Justice items in the bill; and

many others who helped substantially: CHET EDWARDS, ANN KIRKPATRICK, HARRY TEAGUE, HENRY CUELLAR, SOLOMON ORTIZ, RUBÉN HINOJOSA, SUSAN DAVIS, and GENE GREEN, among others.

Very briefly, the bill would fund several critical initiatives, including 1,200 new border patrol agents to sustain current levels on the Southwest border and build up capacity for when the National Guard is withdrawn next year, and 500 new Customs and Border Protection officers for the Southwest border to keep up staffing at ports of entry as customs and immigration fee funding continues to fall.

The bill includes funding for integrity programs to ensure CBP personnel operate at the high standards we expect and to combat efforts by the cartels to corrupt CBP personnel.

The bill would fund three new forward operating bases and better tactical communications to enable the border patrol to operate close to the border and to close gaps that can be exploited by smugglers.

It would establish four new Border Enforcement Security Task Forces on the border and build up a permanent ICE presence in joint counterdrug efforts in the region, as well as provide for a surge in ICE's criminal alien removal efforts.

It would add \$50 million to expand support for State and local joint law enforcement efforts on the border.

It would add two additional Predator unmanned aircraft systems to ensure better coverage of the Southwest border, in particular on the Texas border.

And finally, it provides \$201 million for Justice Department staffing to surge agents and U.S. attorneys to high-crime areas in the Southwest border region, to provide more robust assistance to Mexican law enforcement authorities, and to better handle criminal aliens referred by the Department of Homeland Security.

On June 22 of this year, the President requested a \$600 million border security supplemental, offsetting \$100 million of these funds and designating the rest as an emergency.

□ 2010

This bill is consistent with that request, funding \$500 million under an emergency designation and offsetting \$201 million from unobligated balances in TSA Aviation Security, FEMA Administrative and Regional Operations, the Census Bureau, and CBP's delayed virtual fence effort, or SBInet.

Consistent with past practices for supplemental appropriations, we consider our challenges on the southwest border as important as our military's work to secure Afghanistan from the Taliban or to promote stability in Iraq, and some would argue that the southwest border mission is more important. That's why this President, like past Presidents, has requested the funding

under an emergency designation. I know the minority has agreed with this point of view repeatedly in the past, and I hope we can count on their support now.

Mr. Speaker, this bill will help us counter the pressures on our law enforcement agencies and our border communities, and I urge my colleagues to adopt it.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself as much time as I may consume.

Let me start, Mr. Speaker, by saying that I take a backseat to no one on border security. I have read the intelligence reports, the briefings. I have been on this subcommittee since it started in 2003, chaired it for its first years, now ranking member on the subcommittee.

I have led and supported the robust funding for the Coast Guard, CBP, ICE, DOJ, all the other law enforcement agencies, even the local ones.

I have implored, in fact, practically begged, the White House and the Democrat majority to recognize the spillover violence from this heinous drug war raging on the border with Mexico.

I have even pushed for a new joint command along the southwest border for all of the American agencies.

Finally, I have been first in line calling for a serious, sustained approach to breaking the backs of the cartels and enforcing our immigration laws.

Unfortunately, Mr. Speaker, this bill is not a serious, sustained response. Rather, this is little more than a cynical knee-jerk, political ploy.

I have three concerns with this bill:

This suspension bill is not paid for. At a time of record deficit spending, why can't we at least attempt to find the prudent offsets necessary to address our Nation's border security needs, as \$600 million of this money will be borrowed money. Is this so important that we will ask our children and our grandchildren to pay for it?

Secondly, this bill circumvents regular order. These expenditures should be considered as part of the 2011 Homeland Security bill, the very same process that was derailed by the majority only yesterday when the Homeland bill was to be considered by the full committee. Ten minutes before we were to meet, they cancelled the meeting.

Thirdly, and perhaps most importantly and disappointing, this bill is woefully inadequate and the wrong mix of security, leaving gaping holes at the Judiciary, CBP, and the Coast Guard.

If we are going to do this, let's do it right, as \$500 million out of this bill's \$700 million price tag, as I said before, is borrowed money. So, in many ways, in bill is addressing one urgent security issue and creating another. While border security is, indeed, a priority, our skyrocketing debt and continued deficit spending have the makings of a

genuine national security crisis. We can no longer ignore our debt and continue to recklessly spend, call everything an emergency and simply hope it will go away. We have to make the tough, disciplined decisions at every level and on every issue.

So these border security enhancements can and should be paid for by way of responsible offsets. More to the point, why can't we consider these obvious funding needs as part of the 2011 Department of Homeland Security appropriations bill? That's where it belongs.

The majority took 6 months to consider a true emergency, funding our troops at war, and sent that bill through a tangled, politicized labyrinth. The White House only woke up to this drug violence on the border in June with a haphazard request, which begs the question: Where is the administration's and Democrat majority's commitment to security?

Instead, yesterday, the Democrat majority cancelled the full committee markup of the 2011 Homeland Security appropriations bill, where this belongs, just 10 minutes before it was scheduled to begin. And for what? So that we can turn to this suspension bill, borrow half a billion dollars, and then ignore all the other vital Homeland Security issues for the coming year. Addressing the critical needs facing our Nation's aviation security, immigration enforcement, disaster response, and cybersecurity are now left dead in the water with little hope of resurrection.

Or was the last-minute cancellation of the markup for some other more political reason, like the fact that Arizona's new tough immigration enforcement law is in the midst of a contentious lawsuit?

Mr. Speaker, the murderous drug war along our border with Mexico demands serious solutions, not reckless spending in the middle of the night after no preparation or no hearings, a flawed process, and, worst of all, political games.

As it were, I was prepared to offer yesterday, at the full committee markup of our annual bill, I was prepared to offer a responsible, completely offset amendment that would have achieved this goal and would have included many of Chairman OBEY's ideas. And the minority was prepared to take a strong stand in defense of the Arizona immigration enforcement law, a law that simply makes being illegally present in the United States against the law. Sadly, thanks to the dictatorial tactics of the Democrat majority, we don't get a chance to offer, let alone debate, these sound amendments.

So, let's get our border security right. Let's provide the right mix of enforcement resources to combat the ruthless drug cartels, but let's do so through regular order in a fiscally responsible way.

This bill, just like President Obama's flawed request, neglects our counter-smuggling needs in the source and transit zones, fails to fully address aerial surveillance shortfalls, and ignores the judicial resources required to follow through on enforcement actions.

If only the Democrat majority would be willing to take up the regular 2011 Homeland Security Department and Commerce and Justice Department appropriations bills, we could consider and debate the improvement of our border security in such a way that all of these issues could be addressed and paid for without passing along the bill to our kids and grandkids. Sadly, that's not the case here tonight.

I have grave reservations about this bill, Mr. Speaker, as you may have noticed, and this process. While I wholeheartedly believe we can and must do more to shore up our porous border, I believe we can do it far better and be willing to pay for it.

I reserve the balance of my time.

□ 2020

Mr. PRICE of North Carolina. Mr. Speaker, I yield 2 minutes to an outstanding member of our subcommittee, Mr. RODRIGUEZ of Texas.

Mr. RODRIGUEZ. Mr. Speaker, I rise today in support of H.R. 5875.

I want to personally thank Chairman PRICE for his work on these issues. The chairman has joined me on the border touring—I represent more border than anybody else in the Congress, over 785 miles along the Mexican border. We've had the opportunity to tour all the way from Texas to San Diego, including the northern border. And I want to thank him for bringing forth this piece of legislation. Let me also just indicate that this is a major piece of legislation that's critical to making sure that we secure our border. If anything is important, it is making sure that this country remains secure.

Earlier this month, the House passed a supplemental appropriation bill that continued to fund our operations both in Iraq and Afghanistan, and in addition included \$701 million in much needed border security funding. This is the funding that our men and women on the border are asking for and need to get the job done.

We all know that violence in Mexico has escalated, and we need to ensure that U.S. borders are not left vulnerable. We were disappointed when the Senate did not include the border funding in their version of the supplemental appropriations bill. So earlier this week, I was joined by Congressman TEAGUE from New Mexico, as well as Congresswoman GIFFORDS from Arizona, in writing a letter to our leadership asking them for the emergency border funding for this piece of legislation. We could not let the Senate gridlock sacrifice our ability to keep the border secure.

Last night, we were pleased to join Chairman PRICE in cosponsoring H.R. 5875, the bill that will provide these resources for the border. This bill is paid for, and not a penny will be borrowed. This bill will target funds just as the previous House-passed supplemental bill. It includes additional Border Patrol people that we need on the border, additional officers right at the points of entry. I ask support for this piece of legislation.

Mr. ROGERS of Kentucky. Mr. Speaker, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Speaker, I yield 2 minutes to an outstanding chairman of our authorizing subcommittee, Mr. CUELLAR of Texas.

Mr. CUELLAR. I want to thank Chairman PRICE for taking the leadership in making sure that we provide the funding for the border. I certainly want to thank the authorizing chairman, Mr. BENNIE THOMPSON, and all the Members here that have worked so hard, and the ranking member, also, for all the work that he has done.

I live on the border, my family lives on the border, my brother is a sheriff there on the border in Webb County, so I understand what's been happening there on the border for the last 54 years that I have lived there. I would have to say that this would be the largest infusion of resources that the border has ever gotten at one particular time: 1,200 Border Patrol, ICE agents, ATF, FBI, other folks who make sure that we have the right mixture of technology, including two UABs that are so important to put eyes in the sky, and certainly to make sure that we get other communications to do this. This will allow us to make sure that we stop the drugs and make sure that we secure the border. And this is one point that is very important: if we secure the border, then we secure the rest of the United States. This is why this effort is so important.

So, Chairman PRICE and the ranking member, I thank all of you for the work that you have done. And again, Members, I ask you to support this very important funding for the security of our Nation.

Mr. ROGERS of Kentucky. I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Speaker, I yield 2 minutes to another outstanding Member who has worked tirelessly to secure the border, Mr. TEAGUE of Arizona.

Mr. TEAGUE. Thank you, Chairman PRICE, and thank you for the work that you've done.

Mr. Speaker, I rise tonight in support of a supplemental appropriation bill to secure our border now.

A drug war is being waged along our border, threatening communities, families and our livelihoods in border States. And while the violence only continues to escalate, Congress seems

content to step back and ignore the issue.

The drug violence is an immediate threat, and it calls for immediate action. It is deeply troubling that the Senate failed to take this opportunity to protect our national security and secure our borders. That is why I am proud to bring this bill to secure our borders to the floor tonight.

Mr. Speaker, deploying our National Guard troops to the border is critical, but we also need an increased and sustained presence of Border Patrol to protect our citizens. This bill does that by providing additional Border Patrol agents and resources for local law enforcement agencies located near the border through important programs like Operation Stonegarden.

Something important that this bill will fund are added forward operating bases for our Border Patrol. FOBs get our agents on the ground, on the border, where they can protect our citizens 24 hours a day, 7 days a week.

Currently, to protect the fine Americans living in the New Mexico boot heel, Border Patrol agents must travel 85 miles from their station in Lordsburg, New Mexico. This costs the Border Patrol agents hours in travel time before they even begin their work. This bill will get agents on the line protecting New Mexican citizens.

Mr. Speaker, the safety of our communities and our country is too important to subject to partisan politics. The House has already passed this legislation, and I urge my colleagues to stand up for our national security once more. Vote "yes" to protect the communities along the southern border.

Mr. ROGERS of Kentucky. Mr. Speaker, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Speaker, may I inquire as to how much time is remaining.

The SPEAKER pro tempore (Mr. SCHAUER). The gentleman from North Carolina has 10 minutes remaining.

Mr. PRICE of North Carolina. I yield 2 minutes to Ms. GIFFORDS of Arizona, who is a sponsor of this bill and has also worked with citizens in her region ever since she came to this Congress to secure the border and to make certain that the citizens of Arizona on the border region were safe and protected.

Ms. GIFFORDS. Thank you, Chairman PRICE, for your leadership.

Mr. Chairman, the last couple of days have been extremely difficult for me because I represent the most porous part of the U.S.-Mexico border.

I'm thinking right now about Rob Krentz, a fifth-generation Arizona rancher whose family ranched on their land since before Arizona even achieved statehood. On March 27, Rob Krentz was heartlessly murdered on his land, murdered on his land that was in his family's hands for over 100 years.

Five years ago, the Tucson sector of the Border Patrol apprehended over

500,000 illegal immigrants in my community. Last year, 242,000 illegal immigrants were apprehended in the Tucson sector of the Border Patrol, and year to date we are at over 180,000 illegal immigrants apprehended in the Tucson sector. Last year we hit another record, 1.2 million pounds of marijuana seized in the Tucson sector. So for those of you who are saying that this is not critical, that keeping Americans safe is not critical, whether you live directly on the border or you live in other parts of the country, is outrageous.

The Federal Government needs to step up and take responsibility now and stop pointing fingers and blaming other people. So for those Senators who voted “no” last week, they said no to those ranchers who live along the U.S.-Mexico border, they said no to those National Guard troops who are being deployed next week, not in a vacuum, with resources coming in behind them, and they said no to Federal law enforcement officials, those who are not going to be receiving Operation Stonegarden grants.

Mr. Chairman, this is outrageous that the Federal Government, the United States Congress, Democrats and Republicans working together, are not fixing this problem. Because in Arizona, in my sector with my constituents, this is our BP oil spill crisis. But this crisis has not been going on for a couple of months. It's been going on for years—years and years. And now tonight is our opportunity to step up and finally do something about it. So, Mr. Chairman, you can only imagine how outrageous I find this debate to be. I urge Members to support this bill.

□ 2030

Mr. ROGERS of Kentucky. Mr. Speaker, I reserve the balance of my time.

Mr. PRICE of North Carolina. I yield myself such time as I may consume to respond to some of the pertinent questions raised by our ranking member.

Mr. Speaker, the gentleman has raised a series of questions which deserve answers. I will briefly attempt to provide those answers, and then we will, perhaps, bring this debate to a close.

The gentleman asked: Why this bill in this form at this point?

The answer to that is very simple, which is that it was only this week that the Senate stripped these provisions from the supplemental appropriations bill. Up until this point, our hope was—and, indeed, our expectation was—that the Senate would find a way to pass these border security provisions, or some major portion of them, in the supplemental appropriations bill. It is only because that did not happen that we find ourselves in this position here tonight, offering those provisions as a free-standing bill.

The gentleman asked: Does this somehow supplant the regular bill?

Absolutely not. As the gentleman knows, we have worked cooperatively in putting together the 2011 Homeland Security bill, and that bill addresses border security in serious ways. It builds on the work we have done in the last number of years to fortify that border, to equip those who are protecting the border and to have adequate personnel at the border. So the 2011 bill is going to address these matters and in a serious way. We still hope and expect to send that bill to the President this fall.

This, however, is an emergency supplemental, a supplemental which was debated on this floor weeks ago, which addresses the urgent needs. Our colleagues from the border regions have made it very, very clear tonight, I believe, that these urgent needs really shouldn't have to wait for that regular bill, but it absolutely takes nothing away from the regular 2011 bill.

The gentleman made some assertions as to what might have happened had the markup gone forward on schedule yesterday. The fact is that neither of us knows exactly what would have been offered, much less how the votes might have gone.

I do want to address one very serious matter, though, and that is the question of offsets, the question of where this bill fits in the overall budget picture.

As I said in my opening statement, when the President requested a \$600 million border security supplemental on June 22, he proposed the offsetting of \$100 million of these funds, and he designated the rest as an emergency. This bill is consistent with that request. It funds \$500 million under an emergency designation. It offsets \$201 million from unobligated balances from DHS and DOJ.

As I said, this is entirely consistent with past practice under the leadership of both parties. When Mr. ROGERS was chairman of the Homeland Security Appropriations Committee and when the Republicans were in control of this body and were in control of the administration, Congress passed three emergency spending bills for the Southwest border, and none were offset.

Of these bills, the administration, in fact, requested only one as an emergency. The other two bills contained border security funding, added by a Republican-controlled Congress, not even requested by the administration, and congressional Republicans unilaterally deemed this as emergency funding.

The situation on the border necessitates immediate action. It makes it a true emergency. Why would the minority or anybody else consider this a less emergent priority than fighting the Taliban or stabilizing Iraq? No questions are ever raised about the emergency status of those funds. These are missions that are much more expensive, I might add.

Finally, let me quote a letter that we got from Mr. ROGERS, Mr. LEWIS, and other leading Republican Members a mere week ago. This has to do with the kind of enforcement efforts that might be undertaken on the Southwest border:

While cross-border criminal activity is not a new phenomenon, it has escalated into an unquestionably clear and present threat to the security of the United States. Therefore, we believe it is necessary to pursue any and all means of addressing this threat within the parameters of the law.

Mr. Speaker, I submit that that is exactly what our supplemental emergency appropriations bill does, and for that reason, I urge its adoption.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. I yield myself such time as I may consume.

Mr. Speaker, the gentleman is correct. Years ago, when we requested and put in the bill funding for the border, some of it was so-called “emergency spending,” but that was at a time when we did not have a \$1.4 trillion annual deficit. Times were different. We are in a monetary crisis in the country now. So that is the reason that I believe now is not the time to use what is called “emergency money,” which means borrowed money. It means not paying for it. This is not the time to do that.

Mr. Speaker, the drug cartels have demonstrated that they will not relent so long as there is a viable way to smuggle their drugs and money—blood money—across our border. To take this threat lightly or to address it with only half-baked ideas which are brought up under suspension, at night and without any preparation, will only, I think, get us further into the morass. The last thing we want to do is to cause trouble for President Calderon as the drug war reaches its boiling point, because he has been so diligent in his efforts. We must not rush into something that does not have their, President Calderon's, complete understanding and agreement.

So that means we must get our border security right through serious solutions, having thought through them carefully and having worked with our allies in the matter rather than through reckless spending and flawed political gimmicks like this bill is. It is not paid for. It is incomplete, and it is absolutely no substitute for the urgently needed fiscal 2011 Homeland Security appropriations bill.

Now, as to this funding and as to the urgent need that it is said to represent, the Congressional Budget Office told me that none of this bill's funding will outlay in this fiscal year. According to the CBO, this money will not be used in this year. What that tells me is that this bill is really padding the fiscal 2011 regular bill process.

Where is our fiscal 2011 bill?

It is almost August. We're going on recess for 6 weeks, and there is no bill

that this Congress has produced that the Democrat majority has put before us to fund the department a few days later.

Where is the bill?

We had it scheduled to be heard in the full committee yesterday. Ten minutes before we were to convene and mark up the fiscal 2011 bill, which could have included moneys like this in the regular process, they canceled the hearing. They pulled the rug out. We are not worried, they apparently said, about the Nation's security.

Where is the bill?

This is neither a substitute for the regular department bill that funds everything nor is it the substitute for one that funds the border war. Bypassing regular order and throwing more money at the border is not responsible leadership with regard to our Nation's security needs.

Though, Mr. Speaker, it is not too late. The Democrat majority can still make up for all of the lost time and for all of the inaction this year, and it can move the DHS fiscal 2011 and CJS appropriations bills to properly address our border security and enforcement needs. That is what I would have proposed had we actually convened our markup yesterday, had we moved the fiscal bill through regular order, and had we had a genuine and thoughtful debate on our security priorities. Somehow, I don't think I'm going to get that chance.

So I caution Members to consider this bill very carefully, and I urge the Democrat majority to move the regular appropriations bills through regular order with all due haste.

Mr. Speaker, I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Speaker, I believe we are ready to move to a vote. I appreciate the comments of the gentleman from Kentucky, and I, of course, share his hope that we will in reasonably short order have progress to report on the fiscal 2011 Homeland Security bill.

□ 2040

We have that bill assembled. We have put it through the subcommittee process, and we plan to proceed with it in due course.

I stress, this bill tonight is in no way a substitute for that bill. This bill tonight is not new. This bill was passed by this House. The exact language, the exact provisions were passed by this House on July 1 as part of a supplemental appropriations bill, and the only reason it is before us tonight as a freestanding measure is because of the Senate's unwise action in stripping these border security provisions from the bill.

As for the emergency spending, we did run surpluses in this country in the 1990s. We remember that period when we were actually paying off part of the

national debt. Unfortunately, that's not the period we're talking about when we talk about the previous precedents that have been set in this area.

The emergency spending that was done during the last administration in this border security area on three occasions under Republican leadership, this was done not at a time of budget surpluses; it was done at a time, in fact, when this Nation was sinking deeper and deeper into debt.

We have no more speakers on our side. I appreciate the attention of our colleagues, and especially the work that has gone into this measure from our colleagues on the southwest border. They have been absolutely tireless in standing up for their constituents and in calling to the rest of the Congress and the rest of the country this emergency situation that demands to be addressed.

Mr. CUELLAR, I think it was, this afternoon said to the press, however, that this isn't just a border matter. This isn't just a border security. This is a matter of national security. It's a matter of urgent national security.

And so we're grateful for those who have worked very quickly now, after the developments in the Senate, have worked very quickly to put this bill forward in this form. We urge its passage. We want to send it along to the Senate and hope very much that this bill will be law in a matter of days and that we can get the emergency relief where it's needed. And then, of course, we will address all of these matters more systematically and in a more long-term basis in the regular appropriations bill.

Mr. REYES. Mr. Speaker, I rise today to shed light on the talk and walk Republicans in Congress. They are on the Sunday talk shows stating that we have an emergency situation at our Nation's borders. They are on the campaign trail saying that border security is broken. They criticize the administration on its efforts to keep our borders safe and secure and yet when it came time to vote on the \$700 million to secure our borders, they walked away.

Indeed, when the FY2010 Supplemental went to the Senate for a vote, not one Republican stood up for increased border security. On the contrary, they talked and then they walked. I was disappointed because even the Republican Senators from my home State of Texas voted against border security.

The challenges our border communities face each and every day along the border are an emergency, and we need to do all we can to ensure the safety and security of our 2,000-mile long border with Mexico.

But thanks to the House leadership, we are once again attempting to secure our border by moving to strengthen our border with \$700 million in emergency funds. These funds will:

Add 500 Customs and Border Patrol Officers to our understaffed ports of entry;

Add 1,200 additional Border Patrol agents between ports of entry;

Increase funds for Immigration and Customs Enforcement activities that would reduce the threat of narcotics smuggling and violence;

Improve tactical communications for those on the ground;

Provide funds for workforce integrity investigations and training for new officers and agents; and

Support local law enforcement along the border with additional Stonegarden grants.

I ask my colleagues to seriously consider the importance of giving our law enforcement officers who are working along the border the resources they need to enhance our border security. In particular, the 500 additional Customs and Border Patrol Officers are of concern because GSA estimates that we need 5,000 more officers in order to fully staff our ports of entry—1,000 per year for five years.

Increasing staffing of our CBP Officers is critical both to expedite the flow of trade and commerce and more effectively screen out illicit drugs, weapons, human smugglers, and any other potential criminals. It would also give us greater ability to conduct southbound checks so that we can also curb the supply of arms, illegal narcotics and cash going into Mexico and fueling violence there.

Residents in our border states know this is an emergency because they live it each and every day. I urge my colleagues on the other side of the aisle to go beyond talking about supporting our borders. I urge you to turn that talk into action and vote for the Emergency Border Security Supplemental Appropriations Act of 2010.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise in support of H.R. 5875, but am disappointed the bill does not contain critical spending for the overwhelmed district courts along our Nation's Southwest border.

During the last several years, stepped up enforcement and prosecution efforts in Southwest border jurisdictions have resulted in a significant increase in the number of drug, immigration, and weapons cases being filed in courts along the border. Consequently, the current workload experienced by the five district courts along the Southwest border is staggering. When combined, border districts handled nearly 75 percent of criminal immigration cases in the Nation's 94 districts in fiscal year 2009 and almost 40 percent of all the Nation's federal criminal case filings.

Here's a brief snapshot of the district court in Arizona:

Last year in the Tucson division of the district court for Arizona, felony cases and defendants increased by more than 65 percent from the previous year. Ninety percent of those cases were drug and immigration related. In addition, there were 300,000 apprehensions during the first six months of 2009, and 1.2 million pounds of marijuana were seized. Although the court facility is sized to handle no more than 120 detainees a day, at one point the Tucson court processed 323 detainees in a single day.

It is clear that the Judiciary's resources must continue to keep pace with these workload increases.

As written, the Border Security Emergency Supplemental provides a total of \$701 million for border security. Spending in the bill includes critical funding for border patrol agents, Department of Justice programs, Customs and Border Protection, among other items.

While this spending is needed to secure our border and protect our communities from the

escalating drug-related violence, it must be coupled with adequate resources to the Judiciary in order to keep pace with the anticipated growth in workload. As it stands now, the district courts along the Southwest border are already overwhelmed and understaffed.

In June, the Judicial Conference of the United States wrote to the Office of Management and Budget Director, Peter Orszag, requesting \$40 million for the Judiciary. To ensure the federal government's stepped-up border security plan is full-circle, several of my colleagues and I have urged Congressional Appropriators to make these funds available to the Judiciary.

Unfortunately, the \$40 million requested for the Judiciary is not included in this emergency spending bill. Without these resources, a bottleneck in the judicial system will occur because the courts will lack the resources necessary to process the additional criminal cases brought by the Department of Justice.

As Congress continues to debate a comprehensive border security strategy, we must consider the Judiciary. It would be a shame to spend so much money on border security and then fail to provide the Judiciary the resources necessary to ensure justice is met along the border.

Mr. PRICE of North Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. PRICE) that the House suspend the rules and pass the bill, H.R. 5875.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

INDEPENDENT LIVING CENTERS TECHNICAL ADJUSTMENT ACT

Ms. CHU. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5610) to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

In section 2(a)(2)(A), strike "July 30" and insert August 5.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 5610 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. I yield myself as much time as I may consume.

Mr. Speaker, a month ago we passed H.R. 5610, the Independent Living Centers Technical Adjustment Act, to provide a necessary fix to protect services for the many people with disabilities who benefit from the work of the independent living centers. This fix will allow States to request that ARRA funds not be included in determining their centers' previous year allocations so that the temporary funds provided under ARRA do not permanently change centers' base allocations.

The Senate amendment before us today changes the deadline for States to make that request from July 30 to August 5 so that eligible States can make use of this fix after this bill is passed.

I urge you to support this technical change to ensure independent living centers can continue the important work for people with disabilities in our communities.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5610, the Independent Living Centers Technical Adjustment Act.

Independent living centers provide a valuable service, including employment, skilled training, peer counseling, and information for people with disabilities.

H.R. 5610, the Independent Living Centers Technical Adjustment Act, as passed in the House and Senate, allows States to apply to the Department of Education for a waiver to disregard funds received under the American Recovery and Reinvestment Act in the fiscal year 2010 allotments.

Because of a discrepancy in how current law factors in prior year funds, some independent living centers will see dramatic decreases in the funding that they will receive this year. This technical fix will enable funds granted through the Rehabilitation Act to be distributed to independent living centers in a more fair and appropriate manner for this year.

The House-passed version of this legislation allows States to apply for these important waivers until July 30. Because the deadline included in the original version of H.R. 5610 does not provide sufficient time for States to take advantage of these waivers, the Senate extended the timeline until August 5.

Mr. Speaker, I stand in support of this bill, which will assist independent living centers that help disabled persons live full and productive lives, and I ask for my colleagues' support.

Mr. Speaker, I yield back the balance of my time.

Ms. CHU. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5610.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GROWN IN AMERICA ACT

Mr. CARDOZA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1558) expressing the sense of the House of Representatives that fruit and vegetable and commodity producers are encouraged to display the American flag on labels of products grown in the United States, reminding us all to take pride in the healthy bounty produced by American farmers and workers.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1558

Whereas American farmers produce the most abundant food supply in the entire world;

Whereas, on average, each farmer provides enough food and fiber to meet the needs of 155 people in the United States and abroad;

Whereas the majority of farms in the United States are family owned;

Whereas everyday products from crayons to fuel are produced by America's farmers and ranchers;

Whereas American farmers take pride in their yearly harvest, and consumers value "grown in America" produce, and in doing so contribute to the protection of American's ability to be self-sufficient, create jobs, and remain a world leader;

Whereas rural Americans honorably serve their country in peace time and in war, sacrificing their lives for their land and Nation;

Whereas, as a sign of support, rural Americans regularly display the flag in their homes, on their barns, and anyplace else they can find to share their love of flag and country;

Whereas this bounty is not only a symbol of the selflessness of the American farmer but is a symbol of the generosity of our Nation;

Whereas the image of the American flag gives inspiration to our Nation's farmers that produce our most valued products that we are so dependent on;

Whereas the American flag is our most honored national symbol;

Whereas the American flag commands respect and admiration;

Whereas the American flag reminds us of our Nation's commitment to hard work and our historic ability to rise to any occasion;

Whereas the American flag symbolizes freedom, the entrepreneurial spirit, and the path to our own individual destinies;

Whereas the American flag symbolizes the noble dreams of our founding fathers, the freedoms fought for by our soldiers, and the most noble aspirations in history of the human spirit; and

Whereas the American flag has served throughout our Nation's history as the needle with which we have sewn our patriotic seed: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that fruit and vegetable and commodity producers are encouraged to display the American flag on labels of products grown in the United States, reminding us all to take pride in the healthy bounty produced by American farmers and workers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CARDOZA) and the gentlewoman from Ohio (Mrs. SCHMIDT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 1558.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 2050

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in my district my farmers produce a bounty of fruits and vegetables that feed families across the country and abroad. My farmers work hard in the field every single day. They love their families, their farms, and the healthy products that they grow. They also love their country. As with many of my constituents, they are proud to fly the American flag on Memorial Day and the Fourth of July.

My resolution, the Grown in America Act, encourages farmers across the country to feature the American flag on their packaging so that all Americans know quickly and easily that the food that they are feeding their families is grown with pride right here in the good old USA.

In the U.S., we have 310 million consumers to feed, and much of the food is supplied by our hardworking farmers right here at home. Whether you realize it or not, agriculture is at the center of many of our vital issues: feeding the hungry, improving our health, addressing the crisis of childhood obesity, emphasizing the importance of the school lunch program and much, much more.

Where does that food come from? From people across the United States who are becoming more curious about their food sources. They want to know more about the food products themselves and who grew it.

This resolution also has a practical application. Starting in 2002, Congress mandated that all food products be labeled with their country of origin. We had a sense that consumers wanted to know the true origins of their food. And when given that choice, consumers will choose an American-made product

most every time. This choice strengthens demand and prices for U.S. farmers and ranchers. It is also important that the public understand the vital role domestic agriculture carries out to produce the safest and highest quality food in the world.

Agriculture not only serves the public with high quality food, but it also creates jobs right here. In a time of economic hardship, a strong agricultural sector is needed to ensure employment at multiple levels. We often use the expression "farm to fork" in reference to the jobs gained as a certain commodity is grown, harvested, packed, bagged, labeled, shipped, and sold at local farmers' markets and in our neighborhood grocery stores.

With this resolution, consumers can be even more empowered to choose American products over foreign imports. The flag clearly communicates the origin of the fruit or vegetable, and it's easier to read than the fine print at the bottom of the label that reads "Product of the USA."

If we want to feed our children the healthiest possible foods and simultaneously try to create jobs in our country, then we need to encourage American production of American products. I'm proud of the great agricultural tradition of this country, Mr. Speaker, and I encourage my colleagues to support this resolution.

I reserve the balance of my time.

Mrs. SCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1558, which expresses the sense of Congress that our Nation's farmers use the American flag to promote fruits, vegetables, and commodities produced in the United States.

In the early 20th century, about 40 percent of Americans were engaged in agricultural production. Today, that number is down to 1.75 percent. Our Nation's farmers and ranchers provide Americans the safest, most affordable, and most abundant food supply in the history of the world. Our bounty of sustainable and nutritious food is so great that we also feed countless millions around the world.

America's farmers and ranchers endure uncertain weather, regulatory burdens, and animal and plant disease and pest threats in order to participate in a highly competitive global market. This resolution encourages them to stand tall for what they provide for us every day.

When passage of the 2008 farm bill closed the long-running debate on mandatory country-of-origin labeling for fruits, vegetables, meat, and poultry, there remained considerable concern among opponents that we should not impose labeling on our producers. The reasoning held that origin labeling is an element of marketing and should be left to the producers, processors, packers, and retailers that bring America's

food to our tables. Proponents of labeling argued that affixing country-of-origin labeling would enhance value and benefit farmers and ranchers.

Mr. Speaker, no matter what position an individual has taken on the question of country-of-origin labeling, it is easy to support this resolution. House Resolution 1558 simply asserts that the American flag is such a positive attribute that farmers are encouraged to use this symbol to promote the products they grow here at home in America.

Mr. Speaker, I support this resolution because it encourages our farmers and ranchers to act in what we believe to be their own self interest, while refraining from additional regulatory requirements or burdens.

I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I want to thank the gentlelady from Ohio, the ranking member on my committee, for her support of this resolution. It's a pleasure to serve with her on the Horticulture and Organic Subcommittee of the Agriculture Committee. I would just say that support of this resolution is in fact, as she said, something that will help promote products, and it is voluntary.

Mrs. SCHMIDT. Mr. Speaker, I yield back the balance of my time.

Mr. CARDOZA. Mr. Speaker, I ask my colleagues to support the motion, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CARDOZA) that the House suspend the rules and agree to the resolution, H. Res. 1558.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CARDOZA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

BENTON MACKAYE CHEROKEE NATIONAL FOREST LAND CONSOLIDATION ACT OF 2010

Mr. CARDOZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4658) to authorize the conveyance of a small parcel of National Forest System land in the Cherokee National Forest and to authorize the Secretary of Agriculture to use the proceeds from that conveyance to acquire a parcel of land for inclusion in that national forest, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Benton MacKaye Cherokee National Forest Land Consolidation Act of 2010”.

SEC. 2. LAND CONVEYANCES, CHEROKEE NATIONAL FOREST, TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Agriculture (in this section referred to as the “Secretary”) shall convey and quitclaim to the Towee Falls Baptist Church all right, title, and interest of the United States in and to a parcel of National Forest System land in Cherokee National Forest consisting of approximately 66.5 acres surrounding the Towee Falls Baptist Church, as generally depicted on the map titled “Legislative Map H.R. 4658” and dated June 1, 2010 (in this section referred to as the “parcel”).

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration received under paragraph (1) shall be deposited into the account in the Treasury established by Public Law 90-171 (commonly known as the Sisk Act; 16 U.S.C. 484a).

(2) DEPOSIT OF CONSIDERATION.—

The consideration received under paragraph (1) shall be deposited into the account in the Treasury established by Public Law 90-171 (commonly known as the Sisk Act; 16 U.S.C. 484a).

(3) USE OF CONSIDERATION.—

(A) IN GENERAL.—Monies deposited pursuant to paragraph (1) shall be available to the Secretary, until expended and without further appropriation, for the acquisition of lands and interests in land in the Cherokee National Forest in Tennessee.

(B) ACQUISITION OF DOC ROGERS TRACT.—Congress finds that it is in the public interest that the Secretary acquire from the Monroe County Tennessee Board of Education all right, title, and interest of the Board of Education in and to a tract of land in Monroe County, Tennessee, consisting of approximately 102 acres and known as the “Doc Rogers tract”. The Secretary may apply the monies deposited pursuant to paragraph (1) to acquire the Doc Rogers tract if the Secretary and the Monroe County Tennessee Board of Education reach agreement on the terms of a Federal acquisition.

(c) VALUATION.—The parcel will be appraised in accordance with appraisal specifications prescribed by the Secretary, and such specifications shall include that the parcel be valued as a free standing lot unconnected with any larger tract, and unencumbered with any Forest Service special use authorization held by the Church.

(d) CONDITION OF CONVEYANCE.—The conveyance of the parcel shall be subject to the condition that the Towee Falls Baptist Church accept the parcel in its condition at the time of conveyance (commonly known as a conveyance “as is”).

(e) SURVEY AND COSTS.—The exact acreage and legal description of the parcel shall be determined by a survey satisfactory to the Secretary of Agriculture. The cost of the survey and all other costs incurred by the Secretary to convey the parcel shall be borne by the Towee Falls Baptist Church.

(f) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance of the parcel as the Secretary considers appropriate to protect the interests of the United States.

SEC. 3. STATUTORY PAY-AS-YOU-GO LANGUAGE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CARDOZA) and the gentlewoman from Ohio (Mrs. SCHMIDT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4658.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4658, the Benton-MacKaye Cherokee National Forest Land Consolidation Act, authorizes the conveyance of land in the Cherokee National Forest and authorizes the Secretary to use the proceeds of the sale of that land for purchase of other suitable land within the forest. This bill, sponsored by my colleague from Tennessee, Representative DUNCAN, has the support of the Forest Service.

Specifically, this legislation would relieve the Forest Service of a 66.5-acre parcel of land that has long been maintained by the Towee Falls Baptist Church. The church will purchase the land at a fair market value to make the needed expansion to the property's cemetery and church buildings. The proceeds of the sale will be used to purchase the Doc Rogers Tract within Cherokee National Forest. This tract is close to the Benton-MacKaye Hiking Trail, which feeds into the Appalachian Trail. The local community supports this sale, including the parcel into the forest boundary.

I encourage all my colleagues to support the legislation.

I reserve the balance of my time.

□ 2100

Mrs. SCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4658, a bill that authorizes two land exchanges in the Cherokee National Forest. This legislation authorizes the Forest Service to sell a 66-acre tract of land to the Towee Falls Baptist Church in order to enlarge their cemetery which is within the boundary of the national forest. The funds the Forest Service receives from this sale will be used to purchase a 102-acre tract of land to add to the national for-

est. I think it's a good deal. The land exchanges would ensure better land management by the Forest Service and the Cherokee National Forest.

This bill will not cost the taxpayers one penny. The church is responsible for all costs associated with the purchase of the land. The gentleman from Tennessee (Mr. DUNCAN) has worked with the Forest Service to ensure that this bill is drafted in a manner that is acceptable to all interested parties, including the community. I think this is a great idea. I hope my colleagues will join me in supporting this bill.

Mr. DUNCAN. Mr. Speaker, I rise in support of my amended bill, H.R. 4658, the Benton MacKaye Cherokee National Forest Land Consolidation Act.

This bill is a simple bill that authorizes the Secretary of Agriculture to convey to the Towee Falls Baptist Church a 65-acre parcel of National Forest System land in the Cherokee National Forest, which surrounds the Church.

The bill would also allow the Forest Service to acquire from the Monroe County Tennessee Board of Education an 102-acre parcel of land in Monroe County, Tennessee, known as the Doc Rogers tract. The result is a net increase of 37 acres for the Cherokee National Forest.

This bill is very important to Monroe County, Tennessee, a rural county in my District that is struggling economically. This bill is a win-win for all parties involved.

The Towee Falls Church sale would allow the Forest Service to dispose of a piece of property and end an inholding created by the granting of a permit to the church in question in 1946.

The Church is a willing buyer of the additional property to expand its building and cemetery, the latter of which will soon be full.

The sale of the Doc Rogers tract would allow the Monroe County School Board to dispose of a piece of property that the Forest Service would like to purchase because it is traversed by the Benton MacKaye Trail, a hiking trail that feeds into the Appalachian Trail.

This bill is named in honor of Benton MacKaye, who was an American forester, planner and conservationist who lived from 1879 to 1975. He helped pioneer the idea of land preservation for recreation and conservation purposes.

Mr. MacKaye is best known for developing the idea of the Appalachian Trail, the National Scenic Trail that runs 2,179 miles from Georgia to Maine and runs through my District in Tennessee.

Mrs. SCHMIDT. I yield back the balance of my time.

Mr. CARDOZA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CARDOZA) that the House suspend the rules and pass the bill, H.R. 4658, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

STORY COUNTY, IOWA LAND CONVEYANCE

Mr. CARDOZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5669) to direct the Secretary of Agriculture to convey certain Federally owned land located in Story County, Iowa, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSES AND DEFINITIONS.

(a) PURPOSES.—The purposes of this Act are—

(1) to direct the conveyance of approximately 44 acres, more or less, of Federally owned land administered by the Agricultural Research Service to the City of Ames, Iowa; and

(2) to authorize the use of the funds derived from the conveyance to purchase replacement land and for other purposes relating to the National Animal Disease Center.

(b) DEFINITIONS.—In this Act:

(1) CITY.—The term “City” means the City of Ames, Iowa, and its assigns.

(2) PROPERTY.—The term “Property” means approximately 44 acres, more or less, of the Federally owned land comprising part of the National Animal Disease Center, which—

(A) was acquired by the United States in 1951 within sec. 1, T. 83 N., R. 24 W., Fifth Principal Meridian; and

(B) is generally located on 13th Street in the City.

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

SEC. 2. PROPERTY CONVEYANCE.

(a) IN GENERAL.—On receipt of the consideration and cost reimbursement provided in this Act, the Secretary shall convey and quitclaim to the City, all rights, title, and interests of the United States in the Property subject to easements and rights of record and such other reservations, terms, and conditions as the Secretary may prescribe.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance authorized by this Act, the City shall pay to the Secretary an amount in cash equal to the market value of the Property.

(2) APPRAISAL.—

(A) IN GENERAL.—To determine the market value of the Property, the Secretary shall have the Property appraised for the highest and best use of the Property in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference.

(B) REQUIREMENTS.—The appraisal shall be subject to review and approval by the Secretary, and the approved appraisal shall at all times be the Property of the United States.

(c) CORRECTIONS.—With the agreement of the City, the Secretary may make minor corrections or modifications to the legal description of the Property or configure the Property to facilitate conveyance.

(d) COSTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the City shall at closing pay or reimburse the Secretary, as appropriate, for the reasonable transaction and administrative costs incurred by the Secretary associated with the conveyance authorized by this Act, including personnel costs directly

attributable to the transaction, and the transactional costs of appraisal, survey, title review, hazardous substances examination, and closing costs.

(2) ATTORNEYS FEES.—The City and the Secretary shall each bear their own attorneys fees.

(e) HAZARDOUS MATERIALS.—

(1) IN GENERAL.—For the conveyance authorized by this Act, the Secretary shall meet disclosure requirements for hazardous substances, but shall otherwise not be required to remediate or abate those substances or any other hazardous pollutants, contaminants, or waste that might be present on the Property at the time of closing.

(2) LEAD-BASED PAINT OR ASBESTOS-CONTAINING BUILDING MATERIALS.—

(A) IN GENERAL.—Notwithstanding any provision of law relating to the mitigation or abatement of lead-based paint or asbestos-containing building materials and except as provided in subparagraph (B), the Secretary shall not be required to mitigate or abate any lead-based paint or asbestos-containing building materials present on the Property at the time of closing.

(B) REQUIREMENTS.—If the Property has lead-based paint or asbestos-containing building materials, the Secretary shall—

(i) provide notice to the City of the presence of the lead-based paint or asbestos-containing building materials; and

(ii) obtain written assurance from the City that the City will comply with applicable Federal, State, and local laws relating to the management of the lead-based paint and asbestos-containing building materials.

(f) OTHER TERMS.—The Secretary and the City may agree on such additional terms as may be mutually acceptable and that are not inconsistent with the provisions of this Act.

SEC. 3. RECEIPTS.

(a) IN GENERAL.—The Secretary shall deposit all funds received from the conveyance authorized under this Act, including the market value consideration and the reimbursement for costs, into the Treasury of the United States to be credited to the appropriation for the Agricultural Research Service.

(b) USE OF FUNDS.—Notwithstanding any limitation in applicable appropriation Acts for the Department of Agriculture or the Agricultural Research Service, all funds deposited into the Treasury pursuant to subsection (a) shall—

(1) be available to the Secretary until expended, without further appropriation, for the acquisition of land and interests in land and other related purposes of the National Animal Disease Center; and

(2) be considered to authorize the acquisition of land for the purposes of section 11 of the Act of August 3, 1956 (7 U.S.C. 428a).

SEC. 4. STATUTORY PAY-AS-YOU-GO LANGUAGE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CARDOZA) and the gentlewoman from Ohio (Mrs. SCHMIDT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 5669.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5669 would authorize the Secretary of Agriculture to sell a parcel of land that is part of the National Animal Disease Center to the city of Ames, Iowa, in order to facilitate the building of a new water treatment facility.

Faced with increasing demand and aging infrastructure, the city has determined that the most cost-effective solution is to build a new plant. The land owned by USDA adjacent to the National Animal Disease Center is such a suitable location. If Congress does not authorize this land for sale, then the city of Ames may find itself in the unpopular position of using eminent domain to acquire land to move forward with the project.

It makes sense to move this legislation quickly so that a needed infrastructure project can move forward, especially since the United States Department of Agriculture has expressed support for this legislation.

I urge my colleagues on both sides of the aisle to join me in supporting this bill.

I reserve the balance of my time.

Mrs. SCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H.R. 5669. This bill will allow the Agricultural Research Service to convey 44 acres of land in Ames, Iowa, to the city of Ames. The funds derived from this conveyance will then be used by the Agricultural Research Service to purchase replacement land and for other purposes relating to the National Animal Disease Center.

The National Animal Disease Center located in Ames, Iowa, is the largest Federal animal disease center in the United States. This facility, along with the National Veterinary Services Laboratory and the Center for Veterinary Biologics co-located on the same site, make up our National Centers for Animal Health.

The USDA has advised that it no longer has any use for the land to be conveyed and that it supports this legislation.

This legislation is important for the continued development and operation of this critical laboratory facility, and I ask my colleagues to support this legislation.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentlewoman from Ohio for yielding and the

gentleman from California, and I certainly want to thank Chairman PETERSON and Ranking Member LUCAS for waiving jurisdiction so that we could shepherd this bill to the floor, H.R. 5669.

This bill really is a solution for the city of Ames and the local landowners. H.R. 5669 will allow the city to buy land from the USDA's National Animal Disease Center and use that land to build a modern water treatment plant.

Before introducing this legislation, city officials were exploring the acquisition of nearby farmland by eminent domain. This bill will prevent a conflict between the city of Ames and the local landowners. The farmland in question is highly productive land. In fact, it's a century farm. It has been in that family for over 100 years. Century farms have a special status in Iowa, and the families who have carried on the tradition of farming have deep ties to the soil.

Working with the city of Ames and the USDA, I believe we have found a way to preserve this fertile land and honor the memory of the man who began farming it, Abel Powell Griffith. Griffith, a Union Army veteran, picked this land because it was near Iowa State University, and he knew his descendants would be able to get a quality education while making a living through farming.

H.R. 5669 is a win for everyone involved. Ames, Iowa, will be able to proceed with its water treatment facility, residents will have clean water, the Animal Disease Center will be able to plan for its needs, and the landowners will be spared the loss of productive farmland.

I appreciate very much the time.

Mrs. SCHMIDT. Mr. Speaker, I yield back the balance of my time.

Mr. CARDOZA. Mr. Speaker, I want to congratulate my friend and colleague from Iowa for doing what seems to be a very responsible piece of legislation here.

I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CARDOZA) that the House suspend the rules and pass the bill, H.R. 5669, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONGRATULATING JOHN COLEMAN ON HIS CONFIRMATION AS COMMISSIONER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

(Mr. THOMPSON of Pennsylvania asked and was given permission to ad-

dress the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to congratulate Mr. John Coleman from Port Matilda, Pennsylvania, on his Pennsylvania State Senate confirmation as Commissioner of the Pennsylvania Public Utility Commission.

Coleman recently resigned as the president and CEO of the Chamber of Business and Industry of Centre County after 11 years of dedicated service. Under John's leadership, the chamber experienced significant organizational growth, becoming the largest business membership organization in central Pennsylvania. He oversaw such projects as the construction of the 217-acre Benner Commerce Park, adding to his reputation.

Through his work in State College, Mr. Coleman has proven himself to be an effective leader, and as he prepares to pick up and move to Harrisburg, I am certain he'll be a valuable addition to the commission. In Harrisburg, he will join the five-member commission, which provides oversight to more than 8,600 utility and transportation companies and provides work for approximately 500 employees.

His experience as president of the chamber, as well as his overall expertise, will certainly prove useful during his service in Harrisburg. I wish Mr. Coleman the best of luck in his upcoming endeavor.

□ 2110

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING BARBERTON POLICE CHIEF MICHAEL KALLAI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. SUTTON) is recognized for 5 minutes.

Ms. SUTTON. Mr. Speaker, I rise today with a heavy heart to honor the life and service of Barberton Police Chief Michael Kallai. On June 30, Chief Kallai suffered a fatal heart attack while vacationing in Tennessee with his family.

Chief Kallai was a committed public servant, a 32-year veteran of the Barberton Police Department, serving the last 13 years as police chief.

But, most importantly, he was the loving and devoted husband of 35 years to his wife, Jennifer, and the proud father of four—Michael, Jr., Joe, Zak and Vanessa.

Chief Kallai was also very proud to be an assistant wrestling coach at Wadsworth High School for the past 19 years.

He was born in Barberton, Ohio, and lived in the area all of his life, and he touched the lives of people all across our community with his outgoing spirit.

Chief Kallai was known as a cop's cop and a true professional. His death was a shock to his family and the City of Barberton and the numerous communities throughout Ohio which he touched.

Over the past weeks, we have seen just how much he meant to so many. Though he was soft spoken, Mike had a commanding presence and was very well respected and, as the hardest worker on the force, helped every service department in Barberton in some way or another.

So much love was felt for the chief throughout the community that over 100 former and present wrestlers, who were coached by Chief Kallai, were in attendance at his funeral. Police officers stood at attention outside the church in sweltering heat. The sea of blue uniforms was a testament to the fraternal brotherhood of police that he embraced, the thin blue line.

His spirit and dedication to our community will be sorely missed, but his service and his sacrifice will never be forgotten.

Barberton was the community he grew up in. It was the community he served in and he embraced. His memory will live on in the hearts of his family, friends, and our community.

Chief Kallai will truly be missed. We will always remember Mike for his commitment to his community and his dedication to his family. He was a friend and a leader, and he leaves a void that cannot be filled.

On behalf of the people of Ohio's 13th District, I want to express my deepest sympathies to the Kallai family. They have lost a great son, brother, husband, father, and grandfather who passed away much too soon, and we have lost a true friend and committed member of our community.

PEARLAND HIGH SCHOOL LADY OILERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. OLSON) is recognized for 5 minutes.

Mr. OLSON. Mr. Speaker, I rise today to congratulate the Pearland High School Lady Oilers for winning the UIL-5A State softball championship.

The Lady Oilers defeated Austin Bowie on June 5 with a 4-0 victory. It's impressive to note that five Lady Oilers were named to the UIL State All-Around Team. Coach Laneigh Clark and her softball team posted an impressive 37-6-1 record for the season.

There is no question that these students have the leadership, dedication, and commitment that it takes to

achieve great things now and in the future. They are persistent. They finished second last year; now they are number one.

The Lady Oilers are proven role models and a source of pride for Pearland. With hard work and dedication, they have achieved their lofty goals.

Mr. Speaker, I congratulate the Pearland Lady Oilers on their championship and thank them for representing their community and school in a manner befitting the champions that they are.

HELP THE UNEMPLOYED AND THE WORKING FAMILIES IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. TOWNS) is recognized for 5 minutes.

Mr. TOWNS. Madam Speaker, I rise today to encourage my colleagues to help the unemployed and the working families in America.

Last week we did the seemingly impossible. We helped millions of Americans that were no longer able to put food on the table because through no fault of their own, their company had to let them go. We sent a message that this Congress, and this President, would not leave them behind on our road to recovery.

Last month, over 8,300 jobs were added in the private sector in NYC alone. That's pretty significant, but we can do better.

While the unemployment rate is steadily dropping across the country, unemployment within minority communities is, at best, staying the same, at nearly double the rate. That's pretty significant too.

I have said this time and time again—but small business will drive our economy towards recovery. Our colleagues in the Senate are currently working on efforts to assist small businesses across the nation. They are helping to ensure that small businesses will have access to something desperately needed—credit. I support the work that the Senate is doing and hope that when this proposal returns to the House for a vote, my colleagues here will join me in support.

Let's not forget our working families—in particular, in communities of color. As our country moves forward, let's move forward together. Let's not leave anyone behind.

HONORING CHILDREN'S AID SOCIETY OF CLEARFIELD, JOHNSONBURG BOROUGH, AND TIOGA IN FIFTH DISTRICT OF PENNSYLVANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise this evening to

mark a number of very important anniversaries and celebrations within my congressional district.

First, today I rise to honor the compassionate work that goes on in the nearly 100-year-old Children's Aid Society house in Clearfield, Pennsylvania. On this coming August 6, the society will be celebrating its 120th anniversary, marking over a century of dedication and service.

Originally founded as a child welfare agency, which served to place orphan children into suitable homes, the Society eventually grew into a successful children's home. Several auxiliaries were established, from DuBois to Winburne, and they proved instrumental in fundraising, investigating homes, maintaining contact with the children placed in homes.

As the years passed, the Society also expanded within Clearfield and became involved in many programs, such as Big Brothers Big Sisters and the Health and Human Services Council.

This organization has received consistent praise and monetary support from the public and has battled through many financial and procedural issues. Their endurance through time and their far-reaching services attest to the authenticity of their work.

Mr. Speaker, I congratulate the Children's Aid Society on their success and wish them the best in the future. Here's to another 120 years of successful service.

Mr. Speaker, this also, this August, marks the 200th anniversary of the Johnsonburg borough in Elk County, and we will be celebrating this milestone in August.

Founded in 1810, its major industry was paper, with a mill still operating in the area. Originally owned by Curtis Publishing Company, which published the Saturday Evening Post, it was thought to be the largest coated paper mill in the world.

Once called Quay, Johnsonburg is the oldest settlement in Elk County. Considered a booming town along the Clarion River, former President Ulysses S. Grant used to come there to fish and visit the other retired Civil War generals.

As befits a 200th anniversary, the community will hold a grand celebration, including a parade and ceremonies at the Johnsonburg Fire Department, which is celebrating its own 100th anniversary.

There will be a social, fireworks display, a pancake breakfast, and a Fire Department Anniversary Dance. From carnival games to an Elvis impersonation, the 3 days of activities August 27 through 29 promises to hold something for everyone.

I am proud of this community in my district and wish it continued success and prosperity for the next 200 years.

Finally, Mr. Speaker, the tiny community of Tioga celebrates its 150th

anniversary this year. It's located in Tioga County, Pennsylvania, near the border of New York State.

When it was founded, the community was a dense and overpowering wilderness of towering pines and hemlocks with deep undergrowth and teeming wildlife. The early inhabitants were tribes of Seneca Indians, who viewed it as prime hunting and fishing grounds.

□ 2120

It took a brave family, Jesse Losey and his wife, to travel from New Jersey and become the first settlers in the area. Later, Benajah Ives acquired the Losey land and built a house and inn at the southern part of Tioga Borough, now located beneath the Tioga Dam. There is even a story that Thomas Berry won Ives' Inn in a poker game, and it was at Berry's Inn that the first local elections were held in Tioga County in 1804.

It was 1860 when Tioga Borough was separated from Tioga Township and recognized as a separate political division. It is that date that is celebrated this year. The residents are proud of their town and their history, and I wish them sincere congratulations on this historic occasion.

MAKE IT IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. GARAMENDI. Mr. Speaker, before I start, I would like to ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of Manufacturing in America. This is the subject of my Special Order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GARAMENDI. Mr. Speaker, if I might just review with you and others what's happened since 2007 here in the United States. As this diagram indicates, beginning in 2007, the Great Recession during the George W. Bush administration, reaching its lowest point in December of 2008 and January of 2009 where 750,000 jobs were lost. The Barack Obama administration came in in January of 2009 and within 2 months passed the first stimulus bill which leveled off the decline and slowly began the recovery of the American economy. And most every month since January of 2009 we've seen an improvement, so that in this year, in 2010, we are now seeing small, but important, gains in the employment in America. Some 600,000 jobs have been created over the

last several months. This is the result of policies that were enacted by the Democratic Congress, the Senate, and signed by the President.

Those policies we need to understand. They began with the stimulus bill and carried on through several other pieces of legislation. In each and every one of those pieces of legislation, there was no help from our Republican colleagues. They were absent. They voted "no" on the American Recovery and Reinvestment Act; they voted "no" on the Workers, Homeownership, and Business Assistance Act—93 percent of them voted "no." One hundred percent voted "no" on the stimulus even though, as you can see from the charts here, it stabilized the economy and then led to 2.8 million people keeping their jobs and getting a job here in the United States.

The Student Aid and Financial Responsibility Act, 100 percent of Republicans voted "no," denying students larger loans, greater Pell Grants, and it goes on and on. The Cash for Clunkers—and we will hear from Ohio in a few moments—a majority of the Republicans voted "no." The Democrats had to carry the day. The hiring incentives to restore employment, the HIRE Act, creating 300,000 jobs, again, it was the Democrats; the Republicans voted "no."

So after this 18 months of concerted effort to create jobs in America through the various stimulus programs, such as the Cash for Clunkers, the homeowners assistance programs, all of those, we're seeing an improvement. But this was the first 18 months. We are now moving on to the second half of the Democratic agenda. If I might just reach over here, this is the second half of the Democratic agenda, Make It in America; Make It in America so that America can make it.

Manufacturing matters, and that's the subject of our discussion. The first 18 months, get people back to work, stimulate the economy, set a solid foundation. We are now on the road to permanent improvement in the American economy through manufacturing.

Joining me here tonight are my colleagues from Wisconsin and from the great State of Ohio to talk about manufacturing in the Heartland—some of it a little cool, or cold, depending on the time of the year, and some of it, the central part of America's manufacturing sector.

I would like to ask the gentlewoman from Ohio, BETTY SUTTON, to join us and share with us her experiences about the great State of Ohio and "making it in America."

Ms. SUTTON. Thank you very much, Representative GARAMENDI, for your leadership as we move forward to activate our manufacturing base to revitalize our economy. By enacting policies that will work with our U.S. manufacturers and our workers, we are going to "make it in America."

Manufacturing is the backbone of our economy; it's the backbone of our national security and, frankly, the promise of the middle class. When I grew up, it was a time when people could count on a good manufacturing job to put food on the table and take care of their families and have a pension that they could count on that would be there when they retired, and security. But we've watched our Nation witness the loss of millions of good manufacturing jobs due to policies that put our companies and our workers at an unfair disadvantage. Over the last decade, we've certainly seen those effects across the country, but we've seen them in a big way in Ohio.

The U.S. has lost roughly 6 million manufacturing jobs, with Ohio losing more than one in three manufacturing jobs in the last decade. We've seen factory after factory close as jobs are shipped overseas. We've seen our workers and our jobs undercut by foreign countries and foreign companies and competitors that engage in unfair trade tactics, ranging from Chinese currency manipulation, which is the same thing as cheating, to illegally subsidized steel; and for too long we haven't had a comprehensive plan to reverse this trend. But with our Make It in America initiative, we are saying very loudly, very clearly, and very persistently that we have had enough, that we are going to pass policies that work with and for our U.S. manufacturers and our workers and our country.

Today we passed three bills that are going to bolster U.S. manufacturing and provide for families in northeast Ohio and across this country opportunities for good jobs for today and for tomorrow, because though we may make different things or improved things, we still need to make things; and we're going to do it today, and we're going to do it tomorrow.

Manufacturing jobs have a multiplier effect like no other job out there. Each manufacturing job can generate at least four other jobs in the private sector. Our workers can compete—we know it—as long as they have a level playing field, and our Make It in America agenda is going to help level that playing field.

So I'm very happy to be with you. I know we're going to talk about the bills that were passed today. And I want to just also, before I turn it over, talk about something that we're going to do tomorrow. Tomorrow we are going to, under the Make It in America agenda, we are going to take up the Assistance, Quality, and Affordability Act, known as AQUA. It includes an amendment of mine that will ensure that U.S. taxpayer dollars, number one, are going to be used to build our cities' drinking water and sewer systems, and that when we do that, American-made steel and iron and manufac-

tured goods are going to be used to build them.

□ 2130

It is just another example of the things that we can do to make it in America and to make it possible for our workers and for our economy to make it in America.

Mr. GARAMENDI. Would the gentlelady yield for a moment?

Ms. SUTTON. I yield.

Mr. GARAMENDI. Do I understand you to say that, presently, our tax dollars that are used for water projects and sanitation projects purchase steel, pumps and other material which are manufactured overseas?

Ms. SUTTON. We have seen our "buy America" provisions in a number of our bills be whittled away over time so that we aren't ensured the way that we should be. When taxpayer dollars are used, I think the American taxpayers expect that we use goods made in America and that we put Americans to work. That is what this amendment is now going to ensure so that the predicament that you've described can't happen, because we now have an amendment to stop it.

Mr. GARAMENDI. So we will use our tax dollars to create manufacturing jobs in America.

Ms. SUTTON. Exactly.

Mr. GARAMENDI. We will make it in America.

If the gentlelady would yield, I would like to turn to our colleague, Dr. KAGEN from Wisconsin. He and I were chatting earlier, and he was in a rage about what happens on the international scene.

Would you like to share that with us, Dr. KAGEN?

Mr. KAGEN. I certainly would.

I want to thank you for convening this special hour to have this conversation about manufacturing things here in America and about making it in America.

Ms. SUTTON from Ohio described what we need. We need a level playing field because, with a level playing field, we can compete and win against anybody in the world as long as we have a level playing field, but that level playing field hasn't existed for quite some time. I'm not going to point fingers at which party started it, because we all had something to do with it—Democrats and Republicans alike.

How did it happen? How did our manufacturing base escape and bleed away? Who opened the door? Who put the hole in the ship? Who bled away our American manufacturing base?

I think it was corporate America. I think, today, we are really back to 1910 where our real competition is on Wall Street.

So people who are back home, listening tonight, have to ask themselves a question: Well, whose side are we on? Do we have our heads in the boardroom

of a Wall Street bank or of a Wall Street corporation that is benefiting by shipping our jobs overseas?

No, not at all. We have our feet on the factory floor, and our voting record shows it.

You mentioned earlier in your opening remarks about tax cuts. The Democrats have delivered over \$300 billion in tax cuts to the middle class—to people like Elaine from Peshtigo, who wrote me this note. It's people like Elaine who have rung the bell:

I am soon an 80-year-old woman and a widow. My husband and I farmed, and we certainly had hard times the first years, but the years now are harder for old people. Oil companies take a huge profit. The CEOs make a salary no man on earth is worth. Pill companies are taking huge profits with no consideration for old people. The people of my generation lived through the Depression, World War II and two more wars, and now, in our old age, we face other obstacles.

Well, Elaine, from Peshtigo, Wisconsin, has nailed it. We are on her side. We voted to prevent the Republicans from privatizing Social Security. We voted to prevent the Republicans from sending her money to Wall Street. We voted to strengthen Medicare and to make sure that there are services available for prevention—and at no cost to her and to her husband, should he still be around. We have strengthened Medicare, but the Republicans are trying to destroy it.

Let me come back to the essential point of being here. We know things are tough for everybody in California, Ohio, Wisconsin, and everywhere else in America. How did it get this way? Well, we have been through some tough times. We are going to make it, but we have a lot of work to do.

What happened to our middle class? Middle class destruction. Here is where it is today:

Today, the banks own more homes than people do.

Mr. GARAMENDI. Excuse me.

Are you telling us that banks own more homes than individual families do?

Mr. KAGEN. The banks own more homes today than individual people do.

Mr. GARAMENDI. Those would be Wall Street banks?

Mr. KAGEN. Those would be banks which derivatized and created these derivatives to somehow gin up the mortgage market to \$63 trillion when it was down to \$13 trillion. The banks own more homes than people do, but people need to be in their own homes at prices they can afford to pay.

Secondly, executives on Wall Street earn incomes that are 300 times that of a worker on the factory floor—300–1. Well, 25, 30 years ago, it was 20– to 25–1. Now it's 300–1. So things have been tilted in Wall Street's favor.

Again, whose side are you on—Wall Street's or Main Street's?

Third, these numbers are pretty frightening.

Mr. GARAMENDI. If the gentleman would yield, the Wall Street Reform Act goes to the heart of both of those issues.

Mr. KAGEN. Exactly.

Mr. GARAMENDI. There was significant reform of the mortgage industry with the Wall Street Reform and Consumer Protection Act, and there was also a provision—well, it wasn't in the Wall Street Reform Act, but there is a debate going on now here in Congress and in the Senate about what to do with this executive pay, with this 300–1 ratio. That is the question of:

Do we continue the middle class tax cuts, and do we let the tax cuts expire that the Bush administration put in for the high and the mighty and the wealthy?

Mr. KAGEN. Would the gentleman yield?

Mr. GARAMENDI. Please.

Mr. KAGEN. The wealthy in America have had a 10-year free ride. For the past 10 years, they haven't paid their fair share. As a direct result, 63 percent of the people in America who used to be middle class are now living paycheck to paycheck and week to week, and 43 percent of Americans have less than \$10,000 in their retirement funds. That is going up towards half of the people in this country who will never be able to retire.

Things have tilted towards the top. This trickle-up philosophy that Republicans launched on us for the past 8 years really hasn't worked for the middle class. That is why I call it “middle class destruction,” and the numbers prove it. We have to keep people in their own homes, but they can only afford homes if they have the higher wage jobs, jobs where they're making things in America.

Let me show you this one. If you thought that was bad, here is our competition.

How does the middle class become destroyed? How do you compete with garment workers in China who are being paid 82 cents per hour? Well, I guess you go to Cambodia, because they get paid 22 cents per hour.

Now, America is watching tonight. Do you think Elaine's children and grandchildren are looking forward to working for 22 cents an hour? Maybe the banks should own all of the homes. As for the middle class in America, I'm not sure why we even talk about it. It's an endangered species.

Mr. GARAMENDI. Before you go to the next issue, I recall a piece of legislation that we had on the floor more than a month ago. That piece of legislation dealt with corporate tax breaks. It ended corporate tax breaks for corporations that ship jobs offshore. When a corporation under the present Tax Code sends a job offshore, it gets a tax break. It amounts to \$14.5 billion a year.

Would you put that previous one back up?

Mr. KAGEN. I sure will. Do you want the 22 cents an hour?

Mr. GARAMENDI. The 82 or the 22 cents an hour. Either way.

So, if a corporation were to be making shirts, ties, or suits here in America, it could ship those jobs to China or to Cambodia and get a tax break. Now, this House voted to end that tax break. We voted to end that tax break.

Mr. KAGEN. But it was Democrats.

Mr. GARAMENDI. Again, whose side are you on?

Mr. KAGEN. Right.

Mr. GARAMENDI. Every Republican voted to continue that corporate tax break, giving those corporations tax advantages, literally giving them our tax money so that they could offshore that garment worker's job.

Ms. SUTTON. Excuse me. Will both gentlemen yield for just a moment?

Mr. GARAMENDI. Of course.

Ms. SUTTON. You bring up such an important point.

We had this policy that encouraged jobs to be moved offshore, and we had other policies that, frankly, allowed, for many years, unfair practices to undercut our workers and our businesses.

Now, I know we're all pretty new here. You know, I'm in my second term, and you're in your first term, and the gentleman from Wisconsin—you know, we just came here, so we're fresh in the fight. Yet the reality is that it is important to notice what was happening before the big recession hit.

□ 2140

So in Ohio, those wages have taken our jobs overseas, with the help of tax policies that we have finally been able, with the majority on this side of the aisle, to pass by ourselves to try and change.

And it does beg the question, and I listened to your comments earlier about how we went through this litany of measures to try and stabilize the economy, and we did. And now, of course, this is so important because this goes beyond stabilizing the economy, and it goes towards creating real value by making real things, not pretend values that the banks made and people moving money around made.

Mr. KAGEN. Would the gentlewoman yield?

Ms. SUTTON. I will yield.

Mr. KAGEN. We want a middle class to have higher wage jobs, to earn the money they need, to not just educate themselves as workers, but also their family, to begin to save for a retirement that so far they haven't had, and that can only happen with manufacturing jobs. But how can any corporation on Wall Street or Main Street compete with a government?

What's really going on in the world today is the idea, the free market capitalism idea that grew up our middle

class, the greatest middle class in human history. Free market capitalism has bumped into a brick wall in China because the Chinese and Asian model of capitalism is the government is the business, because over in China, the case against China, they have no environmental protection laws. We do. The cost of everything we make went up. Theirs went down.

They have absolutely no social safety net. If a worker in a factory gets injured, he or she is a widget and is gone. No social safety net.

And finally, they really, until recently, haven't had a middle class. They're beginning to move up and develop a middle class. But, you know, where I come from, why should we have to have our middle class begin to disappear just so they can develop their own? I think that's wrong.

And my final slide here, the chase against China. Everybody on the Democratic side of the aisle is fervently interested in promoting making things in America. But how can we compete against China when they continue to manipulate their currency? It gives them a 20 percent to 40 percent price advantage right out of the chute. When China provides subsidies to investors from foreign nations to come in and not pay taxes for several years, well, we can't afford to do that. We actually care about people in America.

And what about the value-added tax, giving them 17 percent benefit? They have import barriers you can't believe.

And then they have something else we're going to begin to talk about, like "Buy American." They've had, for a number of years, "Buy Chinese." They have taken advantage of the United States of America. And this Congress, both the House and the Senate, until this point in time, has been had because we fell into this trap of chasing things at the lowest price of production. But these days must come to an end, and I believe it's time for the American people to understand whose side are we on.

The Democrats have a policy and a way forward to work our way back into prosperity, and it begins with addressing our trade imbalance with Asia and, specifically, with China. It begins with this administration changing their mind about allowing China to manipulate its currency. It begins with people like Ms. SUTTON, Mr. GARAMENDI, myself, standing up to big corporations on Wall Street and calling them out.

It's time to change their ways, begin to make things in America, do that through our trade deals as well.

And I yield.

Mr. GARAMENDI. Ms. SUTTON, would you like to pick it up from there?

Ms. SUTTON. I appreciate the gentleman's remarks and I would—because sometimes we come down here and we make the case, but it's important to also let people know that it's not just

us saying this. The Economic Policy Institute, on this point about China, the Economic Policy Institute reported that unfair trade with China has cost our Nation 2.4 million jobs between 2001 and 2008.

Ohio, where I am so honored to serve, has lost nearly 92,000 jobs because of China alone. In my congressional district, the 13th District of Ohio, made up of hardworking citizens who want nothing but a fair shake, in my congressional district, 5,700 jobs have been lost as a result of China's currency manipulation, pointed out by the gentleman from Wisconsin, and other illegal subsidies and unfair trade barriers. And these, of course, are good paying jobs that pay family sustaining wages.

And if I could just indulge the gentleman for one moment about a case study, something that has played out in the past year or so. You know, during this recession, when market forces would indicate that you cut back on steel production, do you know what China did? They ramped up production. They dumped that steel into the United States, and my steel companies, our manufacturing companies in Lorain, Ohio, at U.S. Steel—and I like the name, U.S. Steel—were undercut, and so our workers were laid off.

So what did we do? What is our mechanism? Right? Our mechanism is we go to the International Trade Commission. So they had a preliminary hearing, and I went to the preliminary hearing, which was, evidently, an unusual move. But I think I've got to do everything I can to stand up for the people that I represent, so I went to the preliminary hearing.

We got them to move the process forward to a final hearing. We took a letter, I took a letter signed by 40-some colleagues in this House, and we went—I went and others got others to go, and we all went to the final hearing of the ITC. This was about oil country tubular goods, which is what we make in the 13th Congressional District, and how China was unfairly subsidizing their steel.

And what happened? A unanimous decision that it was, indeed, happening. And you know what? That's good, right. That's good news. But the only problem is our people have been out of a job for over a year before we get the tariff gone.

Mr. GARAMENDI. Let me, if I might, just bring that to the West Coast. The San Francisco Bay Bridge, from Oakland to San Francisco, major artery, had a problem with the Loma Prieta earthquake and had to be rebuilt. It's been a long process to rebuild. It's going to be a magnificent new bridge.

The CalTrans, California Transportation Authority went out to bid. An American contractor proposed two bids. One bid was the steel would be manufactured and fabricated here in the United States; the other bid was

the steel would be manufactured and fabricated in China. There was a 10 percent difference. The State of California chose to save 10 percent, and all of the steel winds up being imported from China.

We lost jobs. This is an example of where our tax money, and that's exactly what it is, was not used to support American jobs but, rather, used to support jobs in China. For what, 10 percent?

It turns out it actually turned out to be more expensive because the Chinese welds in the fabrication were not satisfactory, were purposely hidden, and it was only because an inspector finally arrived from California, looked at it and said, Oh, my. This will not work. So they had to go back and do the whole thing over.

One example. I'll give you more examples as we go down here, but I'm telling you this: We can make it in America.

Wind turbines. We led in the development of wind turbines. We're spending billions of dollars a year to subsidize the wind turbine industry.

China said, Oh, we've got wind in China. Let's build wind turbines. They have excluded every international company except a Chinese company in the manufacturing of turbines, and now they are exporting those turbines to America.

The same way with solar panels, photovoltaic panels. And I'll come to buses a little later. But this is something that I find extraordinarily wrong, and we're going to change it. And before this conversation is over, we're going to talk about how it can change.

Mr. KAGEN—excuse me. Dr. KAGEN.

Mr. KAGEN. Yes, yes, the doctor in the House. Thank you.

I was very moved by the idea of steel being targeted for extinction by Communist China. I was very moved. But I represent Paper Valley, you know, Kimberly-Clark, Proctor & Gamble. We have 22 different paper companies in my district or just outside of it. We invented the tissue business and femcare products. We have some tremendous paper products.

□ 2150

But we have some problems. The problem is that China has targeted not just steel for extinction here in America, but also automobiles, and a number of other things. And the list goes on: armaments, power generation, oil and petrochemicals, telecommunications, civil aviation, shipping, machinery, automobiles, information technology, iron, steel. They have some very strategic plans underway to target everything we manufacture for extinction to take the jobs away.

And let me detail how they did it in paper. The government would purchase raw materials in Brazil, at government expense ship it over to China, ship it

from the port on trucks up to the paper mill, make the paper. And then again at government expense, after the government allows slave-like wages to be paid, the government then pays for the paper to be shipped back to the port, shipped over off of Oakland, and then dumped into the United States of America below our cost of production.

Well, as Ms. SUTTON pointed out, the International Trade Commission can at times be effective, but it takes so long. You know, justice delayed is justice denied. In health care, treatment delayed is malpractice. And what happened in the paper industry, we lost two paper companies in my district because of unfair trade and unbalanced trade with Communist China. Only recently did the Appleton company that makes coated paper have a successful case before the ITC.

I had the opportunity to testify, much as BETTY did, and I was proud to hold up a picture of the family and to let these judges know that we're not talking about dollars and cents and the worth of a piece of paper like a stock. We're talking about people that live in their home and can't chase their job to China. You can't swim to China, get the job. You can't survive there. So the bottom line is we have to ship our values overseas, not our jobs.

Ms. SUTTON. You are so right, I just want to put a highlight on this fact. When we went to that hearing, the standard for judgment is material harm. So we showed that these actions were undertaken and resulted in material harm; and that material harm, those are people, people with families that they're trying to raise right here in this country right in Lorain, Ohio, and in Wisconsin, and all over this great country. And because of the length of time that this went on, these folks didn't have the income coming in. And guess what? Then our communities didn't have the tax base to support what? Police and fire and city services. And we end up what? Paying unemployment. And people suffer the loss of the dignity of work, which is so important to the people that I represent. They just want an opportunity.

Mr. KAGEN. Everybody that we represent understands the United States of America can't pay its bills, can't pay its debts on unemployment checks. We need real checks, checks that come from manufacturing. And that we can do with balanced trade, but we are running out of time. The American people understand that. That's part of their anger. That's part of their great frustration.

And I know that we have been listening to them on the Democratic side of the aisle, and we are moving as hard and pressing as hard as we can against any administration, against anyone in the United States Senate to begin to identify how we can begin to make things in America again, put people

back to work so they can stay in their own home.

Mr. GARAMENDI. At the beginning of this discussion, the gentlewoman from Ohio talked about the wise use of our tax money, in this case in the water systems and the sanitation systems, to use that tax money for materials and products and machines that are built in America. That's but one example. It's a very good example, because we desperately need that infrastructure. It's the foundation for quality life, for healthy life, as well as for building our economy.

There's another one that came to me in this process. Actually, today I had a telephone town hall, and a fellow said, you know, in Vallejo, California, the old shipyard at Vallejo, Mare Island Shipyard, has this huge building, and one of the European train companies is setting up a shop there. They don't know what they are going to do with it, but is there some way that you could help that company bring to Vallejo, California, and Mare Island jobs to refurbish trains? And my answer was, yes, absolutely.

We have had a buy American provision in your tax money for years and years. There has also been in the law four waivers that Secretaries of Transportation have used repeatedly for more than 20 years now to waive off, forget about, ignore the buy America clause. So about \$5 billion a year of our gasoline tax money is used not to buy buses and trains and light rail cars made in America, but rather made overseas.

So my answer to this gentleman was a piece of legislation that I have introduced, a lot of support among my Democratic colleagues to simply tell the Secretary of Transportation you don't have four waivers; we're eliminating three of those discretionary waivers. If the cost is more than 25 percent, then maybe you can have a waiver. But the other three waivers, they're gone. We're bringing those manufacturing jobs, those manufacturing jobs that build the buses, that build the trains, that build the BART cars, the MARTA cars, the transit cars here in Washington, DC, we are going to make those in America because, by golly, that's our tax money, and we're going to use it in America just as we're going to use our tax dollars to make those sanitation systems and water systems from American-made goods. That's our promise, and we can do it.

I talked to Secretary LaHood, the Secretary of the Department of Transportation, yesterday. I said, Mr. Secretary, I know that you have been working hard not to give waivers, but I want to give you—in fact, I want to take away three of the tools that your predecessors have used to ship jobs overseas. And he said, I'm not giving waivers. And I said, if my bill passes, you won't be able to. We're going to

spend that money in America. One more example of what we can do not just for jobs today, but for tomorrow and for generations in the future using our tax money to make it in America.

Manufacturing matters. It's the heart and soul of the middle class. It is the strength of the economy. And we're going to reestablish in America the manufacturing industries of yesterday and today, whether it's buses or trains or light rail.

Mr. KAGEN, you were kind of getting agitated there. Maybe you want to add to this.

Mr. KAGEN. Yeah, I was going to actually ask you a question. Isn't it true that we have really begun to close those tax loopholes that allowed these Wall Street corporations, with the Republican support, to take our jobs overseas? Is that really true?

Mr. GARAMENDI. Well, the answer is halfway home. This House passed legislation more than a month ago, and tomorrow I believe we will have that same legislation back for another vote. Our Republican colleagues universally voted "no" on ending the tax loophole that gives corporations \$14.5 billion of our tax money to offshore American jobs. We're going to end it. We're going to put the issue back on the floor tomorrow.

The problem is the United States Senate and the Republican Party, where in the Senate one Republican Senator stands up and objects and says I'm going to filibuster, and everything stops. They got to round up 60 votes. The Republican Party controls that 60 votes, and they have repeatedly, time after time said "no" to jobs for American workers in the first 18 months of this Congress, where we have put 2.8 million people back to work. The Republicans in this House and in the Senate say "no."

I have got a solution for it. The next Senator that says, I object and I'm going to filibuster ought to be paraded down to the well of the Senate, the microphones turned on, and start talking, Mr. Senator. Let's see how long you are going to talk with the C-SPAN cameras on you. My guess is within an hour you'll make a fool of yourself. The filibuster will be over. The votes will be there to put Americans back to work.

I yield.

Ms. SUTTON. I thank the gentleman, and I could not agree more. Call the bluff. Let them get up, make the case to the American people about why they're standing between people who need jobs and the jobs that can be there. I mean, I don't think the American people will stand with them. I think they will stand with these policies that we are offering now in this agenda and this moment forward on making it in America.

And I just have to ask the question, because it is really startling if you

think about, you laid out all of the things that we did to try and stabilize the economy, and all of the actions we are undertaking and have been undertaking as we build towards the future, where we can make products in America and we can also enable our communities and our workers and our businesses to make it in America.

□ 2200

Every once in a while people must turn on the TV, I know that they do, and they hear our counterparts on the other side, and they say over and over again, as if the American people won't notice that they're voting against everything, they say: Where are the jobs? Where are the jobs?

Well, the reality of it is we're putting the bills on the floor and you're voting against the jobs. So there's this idea that they must insult the American people by suggesting that somehow the jobs are missing. You're voting against the jobs, and now you have a chance to join us in the Make It in America.

Mr. GARAMENDI. Yesterday, Dr. KAGEN and I were in the Transportation and Infrastructure Committee hearing, and Dr. KAGEN was in the chair, and we heard from a panel of contractors and bus manufacturers that the stimulus bill actually created jobs.

Dr. KAGEN, I know you have personal experience in this. You had told me about it earlier. Why don't you share that experience where Republicans say no jobs are created, yet the contractors, the voters are saying thank goodness for the stimulus bill because it kept me in business, it kept my employees employed. Dr. KAGEN.

Mr. KAGEN. The real question would be where would America be today, where would our economy be today, had we not in February of 2009 passed the American Recovery and Reinvestment Act? We'd be in the tank.

Mr. GARAMENDI. That was the stimulus bill.

Mr. KAGEN. That was the stimulus bill. More and more people would be out of work. We stabilized State governments. We stabilized private corporations like road builders, like asphalt people, like bridge builders. We stabilized State and local governments to make sure that the police would be there when you dial 911. We stabilized fire departments to make sure if you're on fire at home, help will be on the way. But no, somebody over there has got people confused and angry that somehow it just didn't work.

Look, many economists have said that the economic stimulus bill that we passed last year simply wasn't big enough to get us all the way out of the economic ditch that we're in, but make no mistake about it. The Democratic Party and all of us here in Congress who are voting "yes" for progress, we are cleaning up after the biggest ele-

phant parade in American history. There is so much mess to clean up.

Now, I always told my patients that it would take you about as long to get better as it took you to get sick and to come into my office, and it's going to take us a while to work our way back into prosperity. We will succeed but people in America have an election coming up, and not to be electioneering, but you have to ask yourself the question: What would your life be like without the stimulus bill and having the police and firemen there when you need them? What would your children's life be like at school not to have a qualified educator and teacher in the room to help your children get that world-class education they're going to need to compete against unfair trade deals, as we have with Asia?

So the bill clearly worked and the testimony yesterday in the Transportation and Infrastructure Committee was a resounding "yes." I asked each of the gentlemen there to testify, a hypothetical question: If you had been in Congress, knowing what you know now about how it benefited your company, would you have voted for the stimulus bill. Yes, yes, yes, yes, universally it has helped.

Now, where do we need to invest? Here in America. And when I ask my constituents I say, look, I'm your hired hand. I've got your tax dollars right here. Where should we build the next bridge, the next school, in the sands of Iraq, maybe in northern or south-eastern Afghanistan? No, Doc, we need that invested here at home.

Our Nation's infrastructure is about \$2.1 trillion behind. We need to build our bridges once again, our schools, our water treatment plants. Our hard-earned tax dollars are better invested here at home to grow the economy, to grow the jobs that we need, not on Wall Street but on Main Street, and the real contest here is who are we listening to.

Now, if the C-SPAN camera pans around, they will see a whole lot of empty chairs, but there are three Members standing up having a conversation about in which direction we're going to be moving. But you have to ask the question: who are these other gentlemen and ladies listening to? I'm listening to Elaine from Peshtigo. You're listening to people back home from California, from Ohio, and this is a painful job. This is a painful job because progress is so slow.

But be confident, America. We're beginning to make progress. We're moving our economy forward and up. We need to move up, not down.

Mr. GARAMENDI. Let me give another example of where we can set the stage for future manufacturing jobs in America. It was America that really created the photovoltaic cells. We've lost this industry in America. This is in China. Some of it is in Europe. But it's no longer really much of a manufacturing industry in America.

We talked earlier about the wind turbines and the way in which that industry has gone offshore. We talked about the buses. It turns out that many, many economists, and certainly I would join with them, say that the future industries are green technology industries. We have to shift away from coal and oil. We needed to be energy independent. The green technologies of solar, wind, all of those biofuels and algae fuels, all of those are the industries of the future.

Yet, our tax money is not used to support those industries. All too often here's what happens: Just as in buses, our tax money is used to buy wind turbines from China or Korea. I will give you another example on the wind turbine. Let me get that wind turbine back up here so I can get excited about this.

I represent some of the biggest wind resource areas in the Nation: the Altamont Pass and the Solano wind resource area. I was out there touring it one day with one of the three companies that operate in the area. I looked at this thing. It's 400 feet tall. The blades are wider than the length of a football field. It's going round and round and generating electricity, and I said, where is it made? And the executive looks at me and said, well—I said, no, no, where is it made? He said, well, the tower is made in Korea. Oh, how about the blades? Well, the blades are coming from Europe. And I said what about the generator and all of the electronics? Well, it's not made here. It's either made in China or it's made in Europe. And I told him, I said, what's wrong with that story? And he said, well, that's where it's made. And I said you're receiving serious taxpayer subsidies to build those, to put those towers in place, and you are subsidizing China. Do you think that's right?

He goes, well—and I said, I'm going to promise you this. I'm going to go back to Washington and I'm going to introduce legislation that says in the green technology, all of those subsidies, all of those tax subsidies for putting the photovoltaic system on top of your roof, for building a huge, giant solar thermal system or biofuels of all kinds, and of course the wind turbines, if you want that tax subsidy, it's going to be made in America or else you will get no tax subsidy. Those are our tax dollars. Those tax dollars are going to be spent on American-made equipment. And he said, Well, I don't think we can do it. I said, Your choice; you don't want the subsidy, then you can buy it from China, but by golly, if you want a subsidy, you're going to buy American-made equipment.

That bill is introduced. It is going to move because Democrats understand American taxpayer money, whether it's building a sanitation system or a water system or paying for a wind turbine or a photovoltaic system on top of

your house, those are going to be made in America.

Ms. SUTTON. Or a bridge or a highway. We want this to all be made in America. These are taxpayer dollars. The taxpayers expect it to happen. We need to do this work when it needs to be done, but we need to do it with the American workers and American businesses having the chance to make it in America.

I just want to say to my friend from Wisconsin, I know what he's trying to convey in his remarks, but you know, the American people, they are facing great challenges, and that's what you're reflecting in your comments.

And I have to tell you that I still think that this job, this honor that I have to serve here, I don't think it's painful. I think it's a privilege and I think it's an honor, and I know that the gentleman thinks the same thing about his service in this House.

□ 2210

Because when people are facing the unfair competition that they are facing, the policies that are working against them instead of with them, the cheating that goes on with currency manipulation and unfair practices, all of those things that are happening, we are here in this moment and we have a chance to change it for them and it matters the most.

So I am very excited about being here, fighting forward, not fighting back, but fighting forward to make sure that we make it in America by strengthening U.S. manufacturing at every turn in ways that make sense for our country, our people. We know we need to manufacture here also because our national security requires us to make things in America.

Mr. GARAMENDI. Dr. KAGEN.

Mr. KAGEN. I certainly appreciate my colleague's comments and I couldn't agree with her more that what we are talking about is our national security. If you don't make anything, you won't have anything. If we don't have a viable economy, we cannot defend ourselves with our military. So we need to manufacture things here in America if, for nothing else, for our own national security.

Mr. GARAMENDI. Well, we have about 10 minutes left, and I would like to bring us back really to where we started, or where I started this discussion, and that is, for the first 18 months, the strategy of the Democratic Party in this House, in the Senate, and with President Obama has been to stabilize the American economy. Let me go back to this. Let's review what was happening.

Beginning in December of 2007, the last 2 years of the George W. Bush administration, the American economy slid into a recession. It became the greatest recession in America's recent history, since the Great Depression of the 1930s.

By December of 2008, in January of 2009, the last months of the Bush administration, we were losing over 700,000 jobs, 750,000 jobs a month. President Obama came in and my two colleagues here—I was not yet in Congress, having just joined last November—you put through the stimulus bill, the American Recovery and Reinvestment Act. It stabilized. It stopped the slide, and people began to go back to work, with the largest, middle class tax cut in America's history, the largest middle class tax cut ever in American history. There were major investments in infrastructure. The result, after 18 months, was 2.8 million Americans working that otherwise would have been out of work or had gone back to work; 2.8 million Americans.

We see that here. We see the improvement, the monthly reduction in the number of people losing jobs. So that by this year, 2010, after 1 year of the stimulus program and other programs that were all voted on by Democrats with virtually no Republican support, we began to see job growth; not enough, not nearly enough.

We are now shifting gears. We are into the second half. We have stabilized the first half. We have reached some improvement, and now, now it is the second half.

In the second half, manufacturing matters. This is the heart, the soul, the strength of the American economy, and it is where the middle class makes it. It happens to be, as you so eloquently pointed out, Dr. KAGEN, it is where the middle class lost. When those manufacturing jobs were shipped overseas, middle class lost. We will make it in America when we manufacture once again in America.

Both of my colleagues here have laid out some very important elements. One is the international competition, and I would like, Dr. KAGEN, if you could review with us the international competition and the disadvantage of one—both hands tied behind the American manufacturer's back.

Dr. KAGEN.

Mr. KAGEN. We are beginning to build a better Nation. We are beginning to put people back to work. There is a great deal of work to do, but our trade deals have to be balanced. Where I come from, people don't want fair trade or free trade; they want it to be balanced.

And if China is sending us a ship with \$50 million worth of goods that they produced and unloading it for sale here in the United States, then they should purchase from our manufacturers, from our workers, \$50 million worth of goods, again, to take back to their country. We have to balance our trade deals.

But it is hard to balance a trade deal when the country manipulates its currency and begins with a 20 to 40 percent price advantage just because they are

cheating on the price of their money. It is hard to balance a trade deal when China is subsidizing foreign investors to come in and gives them taxes for free, a free ride for several years. It is hard to have a balanced trade deal when you have got value-added taxes that benefit the Chinese Government's corporations.

When you understand that there is no difference between the government and a corporation, I don't know of a single company that can defeat a government, especially one that is manipulating its currency. You know they have got a "buy China" policy.

We need to balance this deal, have a level playing field, and it begins by manufacturing, giving our manufacturers the tax advantages they need to create American jobs for American workers. For too long, for too long the Republican tax policy has been to reward the wealthy, not those who are working.

If you reward work instead of wealth, we can begin to not just balance our trade deals, but keep people in their own homes to solve our housing crisis and make certain that people have a positive future once again.

Mr. GARAMENDI. Before I turn to the gentlewoman from Ohio, I want to pick up that tax policy. American tax policy, probably set by both Democrats and Republicans in the past decades, gave an advantage to United States corporations that would offshore American jobs with a tax credit, \$14.5 billion a year.

The end of those credits came to the floor a month ago on a piece of legislation that would end those tax breaks that American corporations have for offshoring jobs. The Democrats voted to move that to the Senate. Not one Republican voted for ending those despicable tax breaks that the corporations have.

There is a difference here. Where do you stand? For whom do you fight?

Now, the gentlewoman from Ohio started us off talking about how we might use our tax money more wisely. Would you please bring us back to the reality of what's going on in your district and how this would benefit your district.

Ms. SUTTON. Well, certainly.

The taxpayers in my district and the businesses, the workers there and across this country, I believe, expect that, when we use those tax dollars, that we use them to buy things and build things in America.

This is about their money and making sure we put it to work for them by putting them to work and not about shipping the money to foreign countries so that they can produce the products there and then ship them back over here.

So today, something very important happened and was passed. It is called the End the Trade Deficit Act, sort of

to put a punctuation mark on this. You know, our trade deficit has continued to grow for all of the reasons that we talked about, and our trade deficit increased to \$42.3 billion for May of this year, up from the previous month. The deficit with China, alone, in May was \$22.3 billion, up from \$19.3 billion in April.

So this Make It in America program—and it is not a flash in the pan. This is an ongoing mission that we are on because we are going to revitalize U.S. manufacturing, and we are going to stand up for U.S. manufacturing against unfair competition.

You know, the issue of currency manipulation—we have to, when we come back, I urge everyone, and I know you guys are on board, to bring the bill that is part of Make It in America called the currency manipulation—end currency manipulation, End Chinese Currency Manipulation bill to the House floor for a vote so we can see who wants to stand with U.S. manufacturing. And I am fairly certain that those on this side of the aisle are prepared to do it.

I think we do have some even on the other side of the aisle who are prepared to do it. But it is so critically important that we do take all of these steps on this multifaceted mission that we are on to make sure that our businesses and workers get a fair shake, because we know when they do, it strengthens our economy. It strengthens our national security, and our folks will be able to make it in America.

□ 2220

Mr. GARAMENDI. How correct you are. And we would reach out to our Republican colleagues and ask them to join us on Making It in America.

We've had enough of our tax dollars shipped overseas to buy buses that are manufactured overseas, to buy trains and ferries. Our tax dollars need to be spent at home. If it's a water system, a sanitation system, a bus, if it's our tax dollars, make it in America. If it's our tax dollars, then let's use it to make our future energy supplies—wind turbines, solar systems—make it in America. It's our mission, in the second half of this session, to make it in America.

Mr. RAHALL. Mr. Speaker, we in West Virginia understand well the need for this "Make it in America" initiative. Even as we diversify, from broadband infrastructure to tourism marketing, we all know what the manufacturing center means for good paying jobs. The leap from a hard days work, producing the best products in the world, to a service-based industry is a far stretch—one that leaves our national security at risk. The House Democrats understand the need for a plan and action to increase American manufacturing and create new American jobs.

When we "Make It in America," we create jobs to lead the world economy. First and foremost, we must ensure that every nook and cranny of the federal government is geared to-

wards American products, American companies and American workers. In 2007, the Defense Department alone allowed over 14,000 contracts for goods and services to go to foreign companies. That's \$5.7 billion American tax dollars we waved goodbye to. We've got to shut the floodgates on the tidal wave of taxpayer's dollars flowing overseas, and shore up our contracts for goods and services bought by the federal government and provided by American workers. I'm a long time advocate for 'Buy American' provisions in law, but a concentrated effort will sharpen the focus on a fair deal for our workers and small business and industries.

A global economy doesn't mean a one way trade route for American capital. There's no question we can compete here at home, under fair rules applied to all competitors. Federal agencies should be partners, not competitors, with our workers. The first step towards this realignment is the National Manufacturing Strategy. We passed Congressman LIPINSKI's bill that calls for a National Manufacturing Strategy and will create the high-skill, high-wage jobs of the future—promoting American competitiveness, innovation, and exports.

The manufacturing sector generates two-thirds of our exports, and employs millions of Americans. This manufacturing strategy goes hand-in-hand with the newly formed Buy American Caucus, of which I am a member, by working to promote American jobs; reclaim American leadership in manufacturing; support small businesses; and close loopholes in current law to ensure that the federal government is purchasing American-made products.

Our efforts have the potential to assist manufacturing businesses throughout southern West Virginia. We are proud of those manufacturers who continue to support the economy and workers, and are particularly proud of those in the Third District of West Virginia. We have to create a continued demand for American products and create a rebirth of our state and nation as the manufacturing world leader. That effort must start with buying American products here at home.

POSITIVE SOLUTIONS

The SPEAKER pro tempore (Mr. PERRIELLO). Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. GRAVES) is recognized for 60 minutes as the designee of the minority leader.

Mr. GRAVES of Georgia. Mr. Speaker, I guess I rise at an appropriate time to follow the dialogue that we just heard.

It amazes me, as I'm here now on my 44th day in the House of Representatives, and it seems like on each and every day I've heard the other side of the aisle do nothing but blame a previous administration for the failings of today. It is my hope that at some point they will begin taking responsibility for some of the policy actions.

But what we're here to talk about tonight are positive solutions. We've heard a lot of blaming and name calling here over the past several weeks, and we're here tonight to talk about

positive solutions to some of the difficult challenges.

So to the colleagues that were just speaking, we're here to call your bluff. You said come call your bluff, well, here we are, and I've got some good gentlemen that are going to join me. But what I want to start out with today is we're going to talk about the kitchen table solutions.

As you may have heard, we have had a program here where we've been actually going out and seeking solutions from the American people, not from our leadership, not from a political party, but from the American people; and it's called America Speaking Out. And there have been more than 12,000 specific ideas generated from the American people, more than 600,000 votes cast on these ideas as to what is most important.

And so the top concerns from the kitchen table all across America: number one, jobs—and I think we've been saying, where are the jobs? Number two, spending. Why isn't the Federal Government balancing their checkbook? And then health care, ObamaCare itself. So that's what we are going to talk about tonight.

As we move through this, I know we have some colleagues that are going to join me. My good colleague from Georgia (Mr. GINGREY) is going to be with us and also Mr. THOMPSON from Pennsylvania. But first we're going to talk about the number one issue facing America: jobs, jobs creation.

We have a few quotes here. One—this is, I guess, just from last year, it says: "Our stimulus plan will likely save"—"likely," key word—"save or create 3 to 4 million jobs. Ninety percent of these jobs will be created in the private sector and the remaining 10 percent in the public sector." But now the public sector has lost nearly 8 million jobs in the last 2 years; government has gained 656,000 jobs. So when our colleagues from the other side of the aisle stood here a minute ago and said jobs have been created, they were in fact true; but they were created in the public sector, not the private sector.

And then it also says estimated unemployment without the stimulus would be 8.8 percent this year. Well, with all of the stimulus bailouts, buyouts, Cash for Clunkers, you ring it all up, unemployment in May was 9.7; far exceeded their expectations. So obviously the plans are not working.

So what have been the job killers? Excessive taxation, insufficient liquidity, economic uncertainty, and red tape and government mandates. So over the last year we've seen nearly double-digit unemployment, the debt is continuing to grow, we've got a job-killing agenda, and according to the National Federation of Independent Businesses, one in six small businesses are concerned about the uncertainty of the future. Fifteen million people out

of jobs, out of work right now, unemployment at its highest rate in 25 years, and the private sector, again, has lost 8 million jobs.

So we heard a minute ago, stimulus: that was creating all the jobs, that was going to take care of America. Well, I think about stimulus and health care and all that we saw last year, and it brought Americans to the National Capital last year. If you will remember, on September 12, Americans from all over this Nation rode on buses here, flew on airplanes to celebrate—was it to celebrate or to speak out against what has been done? And we all know the American people are not happy right now.

So what is coming up next? 2011, 5 months away, under the leadership here in Congress, we will see taxes go up on each and every American. We heard “middle class tax cuts” just a few minutes ago. There aren’t going to be any middle class tax cuts; in fact, every tax rate goes up for every American all across the country in so many different ways. Every individual tax bracket goes up. We have a marriage penalty, the Child Tax Credit will be cut in half. It doesn’t sound like a tax cut to me; it’s actually a tax increase. And then farmers, small business owners will see their tax rate go up to 55 percent in the States. And then of course capital gains and dividend taxes will rise as a result of the leadership here in Washington.

So much to do, so much to do. The good thing is that we have positive solutions. That’s what we are here to talk about tonight. I know my good friend, Mr. THOMPSON from Pennsylvania, is a good leader on job creation and is working hard in that area. I would love to have you join us, if you would like, to share with us some positive solutions here to get Americans back to work. And does that include public sector jobs or private sector jobs?

Mr. THOMPSON of Pennsylvania. I thank my good friend for coordinating this hour tonight, very important hour. This is about real solutions, not the types of policies we’ve seen over these past 19 months which has grown the size of government—bloating the size of government, actually. We have increased the deficit to the point that what we have is a legacy of debt. There is not a generation, I don’t think, that ever wants to have it so that—we always want to leave this country better than what we found it, to pass it on to our children and our grandchildren. Yet with the trend that we have been on from the leadership, or the lack of leadership, from my colleagues across the aisle in terms of the taxing, the spending, the borrowing, what we have today for the generations to follow us is just a tremendous legacy of debt.

I think the data that just recently came out showed the deficit pushing

\$14 trillion, \$14 trillion. But you know what? There are better ways. We’ve been working on these. These are not new ideas. We’ve had bills that we have introduced. Unfortunately, the Speaker has control over what bills get to the floor. We have many solutions. What I call is, as opposed to Big Government solutions which we’ve been seeing, we’ve been working on smart government solutions, those that truly stimulate the economy—or would stimulate the economy if we were able to get moving on those.

Many of those have to do with who the true economic engine is in this country, and frankly that economic engine is small business. There are over 20 million small businesses in this country. These are the folks who take risk. They’re the ones that work 6, 7 days a week; they’re putting in those 16- and 17-hour days. Many times they do that without taking a dollar back for themselves. They keep reinvesting in their companies. They’re growing jobs. They’ve got that American Dream, and they are trying to live that dream. Unfortunately, what we’ve seen in the past 19 months is this government, the Obama administration and Speaker PELOSI, just crushing those dreams.

On back home, I describe it as, if the economy is a football game, there are yellow flags flying everywhere for piling on the backs of small businesses. Actually, a former colleague here, Dick Arme, I understand once described it—it was a great description, I repeat it often—that if the economy is a horse race, and of course the economy is the horse and government is the jockey, at whatever point the jockey becomes larger than the horse, you know you’ve got problems. And that’s what we have today.

We’ve been working on things and looking at trying to reduce the costs for small businesses, and it has been very challenging to do in the 111th Congress with the folks that we have here.

□ 2230

To start out with, I’ll share one bill that I have that I’ve been working on, which I introduced some time ago. It was to allow individuals—entrepreneurs—who have this vision, who have this American dream, to be able to take some money and to be able to put that money into a tax-deferred savings account. It allows them to do that on a regular basis and to build that amount of money up. You know, they’ve got the dream. They’ve got the idea. They know what they want to do. When they’ve accumulated enough of the tax-deferred savings, they can use that money to purchase maybe physical property, maybe the resources, equipment or capital they need to start that business and to be able to stimulate a new business that grows jobs.

That is just one of, obviously, I think, thousands of ideas that we’ve been working on as Republicans. You know, we are often accused of being the party of “no,” N-O. Well, that’s a partial truth, actually. There are a lot of half-truths around Capitol Hill. The fact is we are the party of “know,” K-N-O-W. More importantly than that, we are listening to the American people.

I thank my colleague for really emphasizing tonight America Speaking Out and the fact that we are here as public servants.

We are here to work for the American people. That means we want to have a dialogue. That means we want to be communicating with the people we work for. So America Speaking Out is just a great program that has allowed Americans from coast to coast to be able to do that. That, to me, is so important. I look forward to it.

Mr. GRAVES of Georgia. Well, let’s get to some simple facts, because you’re right. America has been speaking out. The main thing they’ve been asking is: Where are the jobs?

Just in the last year, we know there have been 2.5 million jobs lost here in the United States. So, you know, I guess a great admittance to that is the fact that the Democrats were pushing through the expansion or the extension of the unemployment benefits. If, in fact, their policies were to work or were working, there would be no need to extend unemployment benefits. The truth is they had to extend them because their policies aren’t working.

Let’s get to some simple facts here real quick. I’m a finance major. You know, the problem is not that difficult. The challenges are certainly great, but the facts are simple. There is a commonsense equation here.

We have total employers in the United States of about 24 million. The unemployment rate is 9.5 percent. We have about 14.6 million unemployed Americans right now. So there is a simple equation, which is, if one in three businesses hired just one employee over the next year, the unemployment rate would be 4.4 percent. That gets it to reasonable, sensible, easy-to-understand ideas.

Here is the equation: If one in three businesses adds one new hire in the next 12 months, unemployment is down to 4.4 percent.

So the question is: How do businesses get to this point where they hire that next person? Right now, they’re not doing it, and there is a reason for that. It is called “uncertainty.” It is the uncertainty of what is about to happen to them next—and I think we know the tax increases that are coming and things like that. It’s certainly scaring businesses.

So what are some of the solutions?

I guess the broader solution is getting government out of the way of job

creation and fighting the efforts here, you know, that we've seen as they're pushing through the largest tax increase in the history of this country, and it is coming in 5 months.

Yet today, here tonight, right before us, stood Members of the other party, saying, Oh, middle class tax cuts. That's not what is happening.

In 5 months, we will have the largest tax increase in the history of this Nation. We need to return to spending levels that were from the 2008 levels and then roll back taxes. You know, we often hear them say, Oh, those big corporate tax breaks. Well, guess who hires Americans? Businesses. Wouldn't it be sensible to relieve them of some of the tax burdens here in the United States instead of increasing taxes like they're going to do? Then, of course, there's rolling back the regulatory burdens that we see. There is so much to do, so much to do.

We heard them a few minutes ago say, Well, Republicans have voted against these job-creation packages. Well, I don't know that any of those packages have been successful, so it's probably a good thing that Republicans have voted against them.

The fact is they have a majority that is far greater than the Republicans. They can push through anything they want to push through, and they have certainly been doing that against the will of the American people.

Mr. GOHMERT. Will the gentleman yield for a question?

Mr. GRAVES of Georgia. Yes, sir.

Thank you for joining us.

Mr. GOHMERT. I love having a new Congressman here who's so good at math.

The question is: We have heard repeatedly that the majority wants to have a green economy like that in Spain. Now we've heard from Spain, and it turns out they're having to abandon their green effort at a green economy because they have determined that, every time they created one green job, they lost two regular jobs in the economy.

I was just wondering if the gentleman from Georgia would make a calculation and figure out how long it would take us to get to the 4 percent unemployment rate if we were to lose two jobs for every one job the majority were to create under their green plan.

Mr. GRAVES of Georgia. I think we'd be going backwards a little bit. You're right.

I mean the fact is we need to empower the business community. We need to embrace the entrepreneurial spirit. We need to equip them with lower burdens of regulation, and we need to lower tax rates. We do not need to be creating jobs as a government. Instead, we need the private sector to be creating jobs. It's a zero sum game. There are only so many employees in the United States, and if more of them

are shifting to the public sector, it is only taking intellectual capital and wealth out of the private sector.

I would love to turn it over to my good colleague from Georgia (Mr. GINGREY).

Thank you for joining us on this late evening to talk about getting this country back on track.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman from Ranger in Gordon County. It's almost my district. We have contiguous congressional districts, and we have the privilege, actually, of sharing Gordon County.

The gentleman from Ranger, Representative GRAVES, has done a great job in a short period of time, Mr. Speaker, in the House of Representatives, and he knows of what he speaks. I mean this is the kind of work that he did in the Georgia House of Representatives, and he represented us extremely well at the State level. It is really interesting to see him on the floor of the House of Representatives now, here to explain to the American people and to our colleagues, Mr. Speaker, what truly is going on here.

He and I had the privilege, I guess you could say, of watching the previous hour, of watching our colleagues from the Democratic majority. It seems, Mr. Speaker, that they spent an hour whining about competition from other countries, particularly from China. They wanted to focus in on China and talk about, you know, all of these unfair trade practices and what China is doing in regard to their currency and dumping and all of these things. You'd think there were, indeed, no World Trade Organization to police anything. Yet it was, you know, a whole hour of blaming other countries for the woes that we have in our country.

As Representative GRAVES pointed out, the fact is that we have an unemployment rate of 10 percent, and 16 million people are out of work.

I even heard from the other side of the aisle, Mr. Speaker, the Representative from Wisconsin, the distinguished Dr. KAGEN, say that the problem is that the economic stimulus package of February 2009 of \$862 billion—that's right, with a "b"—was not enough, that they just simply didn't pour enough money into this problem.

Of course, we all know on this side of the aisle that we conservative Republicans are going to continue to fight this plan the Democratic majority has of just spending more money. You cannot spend your way out of debt. Every family in this country understands that and understands that very clearly. We'll talk about this in the ensuing hour as we proceed with the colloquy.

As Representative GRAVES points out, Mr. Speaker, the problem is not them. The problem is us. We can blame other countries all we want for our own woes. We can blame Greece. We can

blame Spain. They spent an hour blaming China. How about blaming our tax policy that has a corporate tax rate of 35 percent? It is one of the highest rates of any industrialized country. While all of the other countries in Western Europe are lowering their corporate tax rates, we just leave it alone. We don't do anything about it.

As the gentleman from Calhoun and from Gordon County just said, we are about to let—not "we," but you, Mr. Speaker, and the Democratic majority—the Bush tax cuts expire.

Representatives GRAVES talks about marginal rates. He didn't have a chance yet—and I'm sure he will—to get into the estate tax and, instead of there being a 15 percent tax on dividends, letting it go up to the marginal rate, indeed up to 39.6 percent, and letting capital gains go back up from 10 or 15 percent to 20 percent.

□ 2240

These are the job killers. All of these regulations, union wages, kowtowing to them, giving them special deals, paying them, in many instances far more, and, indeed, even letting them work Federal jobs and negotiate union activities while they're supposed to be working for the taxpayer.

I could go on and on, but I want to yield back to the gentleman controlling the time and look forward to my colleagues as we go through this hour.

Mr. GRAVES of Georgia. Well, let's take a quick glance at where we are from a perspective financially, and then the positive solution of balancing the budget. Imagine that, balancing the budget, balancing the checkbook here at the Federal Government.

Well, here's the truth of where we are. And we heard earlier when our friends from the other side were talking about how good it was since the new administration has taken over. Well, here's some facts. The facts don't lie. I mean, the truth is that the deficit under this current administration and leadership has just blossomed tremendously since they've taken charge.

Now, we've heard a lot. In my 44 days, I've heard so much about President Bush, President Bush, the last 8 years, his administration. But you know what? I think they've had a little bit of amnesia, because they took the majority in 2006, swore in their Speaker in 2007, and look what happened. From that point forward, the deficit bloomed and unemployment increased.

It all works together simultaneously, but yet they want to look back over the full decade and forget that, You know what? They're responsible. They were in a governing position, and yet they don't want to accept the responsibility of governing.

So that leads us to where we are right now, at a point of lack of governing, because for the first time since 1974 no budget has been presented here.

And the question is: Where's the budget?

And right here you can read the quote. It says, Skipping a budget resolution this year would be unprecedented. And we've seen a lot of unprecedented things over the last several months, but this, in itself, is unprecedented. The House has never failed to pass an annual budget resolution since the current budget rules were put into place in 1974. And that's reported here back in April.

But budgets are necessary, according to the leadership here. STENY HOYER, our current majority leader, said, enacting a budget was the most basic responsibility of governing. That was the year they took over, the year they took over. And since then, look what's happened.

And then, of course, from the House Budget Committee chairman, if you can't budget, you can't govern. Right there it is.

Well, that leads us to today. I believe it's time to let the American people know that we have solutions to balance the budget and actually have a proposal in place, and that, I can tell the American people, hasn't got a hearing. I wonder why. I wonder why.

H. Con. Res. 281, which I know many of the colleagues here have signed on to it—I'm not sure if one would want to speak to it in its specifics, but it provides tax relief, returns to 2008 spending levels, makes no changes to the Social Security laws as they currently are, provides spending increases equivalent to the inflation growth in Medicare and Medicaid, requires each committee in this House to find savings equal to 1 percent of the mandatory spending, repeals the Troubled Asset Relief Program, TARP, repeals TARP, repeals ObamaCare, and then also provides medical liability reform, freedom to purchase health care across State lines, repeals Davis-Bacon, so many other things, great concepts there. And I'm sure you'd like to speak to some of those and the need, the importance of balancing the budget here in the United States Congress.

Mr. GOHMERT. I appreciate my new friend for yielding.

And going back to a comment from good Dr. GINGREY from Georgia about the \$862 billion stimulus package, because I know he recalls and others recall that CBO told us that it was a \$787 billion stimulus package. And lo and behold, we get here a year later, and they say, Oh, you know what? We blew it by about 15 percent. We just blew it.

Most statistical analysts say, you know, it's within the margin of error, 2 to 4 percent. Not with CBO here. You know, maybe we can blow it 25 percent, in this case, 15 percent or so. Whoops.

In a year's time, we were \$100 billion off the mark. Really, to be fair, \$80 billion off the mark. But still, that points out just how irresponsible things have gotten.

And when you look at the numbers, too, you find out that CBO really has been a bit of a willing ally, an accomplice, complicit in what's been going on. They told the country, okay, this ridiculous health care bill that's going to bankrupt the country, we're already finding, they're already starting to tell people we're going to have to ration your care. And, by the way, it's going to cost about \$250 billion more than we thought it would. We just misplaced some numbers somehow, because if we had found them before the bill came for a vote, people had said they wouldn't vote for it if it was more than \$1 trillion.

Well, what difference does another \$250 billion make when you're putting us in debt \$1 trillion? But the CBO just magically forgot, misplaced, you know, 200, \$250 billion or so until after it passed, and then within a matter of a couple of months they found it.

We're in trouble here and we need to get rid of CBO. We need to get some kind of independent group, whether it's Moody's or some other, that can do an adequate statistical analysis.

But the games that are being played with jobs would be comical if it weren't representing real people hurting, real people hurting. And I proposed a year and a half ago that instead of spending \$1 trillion, and we were told that we may be spending \$3 to \$9 trillion just to try to get the economy going. Hey, spend \$1.21 trillion and you would let everybody in America forego paying any income tax for the year. You let people keep their own money and they would jump-start this economy.

Yet, what our friends across the aisle are saying, "No, no, no. Our friends across the aisle want to give tax cuts and allow the lower rates only to go to the wealthy." Because the way they identify it, the 53 percent of adult Americans that will pay all of the income tax this year they consider to be the wealthy. And so what they're, in effect, saying is the Republicans want to give tax relief to the only people paying the taxes.

"We, on our side of the aisle, we want to give tax relief to all the people that aren't paying any tax." Well, there's another name for that. It's called redistribution of the wealth. It means those who have not been able to earn anything will have money taken away from those that earned it and given to those who didn't.

We need to help those that can't help themselves, no question. But we do not need to become a government that did what I saw as a judge, where the government lures people into a rut they can never get out of and gives them no hope, no way out, just still feeding them a little unemployment check, feeding them a little check here and there just to keep them in a rut with no help getting out.

It's time to blow the lid off this thing and get an economy going where small

businesses create the jobs. Yes, the small businesses are the ones that need the tax cuts. They certainly don't need the biggest tax increase in American history that's coming in January. They're the ones that are going to provide the hope for creating the jobs.

And so I hope and pray we'll be able to help the small businesses create the jobs instead of just doling out these little temporary census worker jobs, which, as my friends know, was all that happened in June. 411,000 out of 431,000 jobs created in America were temporary census jobs.

I yield back to my friend from Georgia.

□ 2250

Mr. GRAVES of Georgia. You know what's so exciting about this America Speaking Out program is that we're getting ideas from Americans that are sitting around the kitchen table and they're talking about what would they do if they were in charge. What would they do if they were making these decisions. As they're watching the TV, and oftentimes in disgust seeing what comes out of Washington, D.C. The ideas that they have proposed and the thousands of connections that have been made.

And I took that to my district and somewhat implemented a program much like that and developed an economic advisory council of business and community leaders from each and every county in my district to seek input from them to tear down that wall. Because for far too long Washington has not been listening. And so we just took that wall down and said, hey, we want your ideas so we can push them up and present them here to the full House as the ideas from Main Street itself, not from Capitol Hill. But we need the ideas from the hills of north Georgia, are where the ideas come from, and the hills from all over this great Nation.

But you know, balancing the budget is a great start. Every American family has to balance their checkbook. But yet right now, here, leading by example, a terrible example is a Federal Government that is so far outside of its bounds with deficit spending and increasing its debt, it's unsustainable.

So I guess the Republicans have a solution right here. House Concurrent Resolution 281 balances the budget, cuts taxes, and cuts spending, something that's unheard of here in Washington, D.C. When every State and local government all around this Nation's cutting spending right now, every family's cutting spending out of their personal budget, here on the Federal level we just keep spending, spending, spending.

Mr. THOMPSON, you looked like you had something good to add to the conversation here.

Mr. THOMPSON of Pennsylvania. Well, I thank my good friend. And I

want to come back to one word I think that really describes what is suppressing jobs, what is killing jobs, what is keeping jobs from being created. And that is uncertainty. Uncertainty is the direct result of all the policies we've seen piled upon the American economy in the past 19 months. And you know, as I travel around in my district, just like you do, you talk with the job creators, you talk with the people who take the risks, that every year take their profits—and no, that's not a bad word, that's a good word. That's how we've grown and built this wonderful Nation, on the backs of entrepreneurs and small business men and women.

And they take their profits and they reinvest them back in their company. And they add a product line or they build a new site. They hire people. Well, they're not doing that right now. They're sitting on the sidelines. And that's a direct result of just all the terrible policies that have been crushing our small businesses.

When I think over this past 19 months, and I'm in my first term here, you know how many times taxes have been raised? Now, we're looking at the largest tax increase ever that's looming. And we should talk more about that. But we should not lose sight of the fact that taxes have already been raised tremendously on these job creators, these small businesses.

Now, my colleagues across the other side will say, well, we only taxed the wealthy, those folks who made somewhere around \$200,000 or more a year. And you know, where I come from, yeah, that's a lot of money. Absolutely. But when you really drill down and you look at who those people are, 60 percent of those folks are small business owners whose small businesses are organized as a limited liability corporation or an S corporation. They pay their taxes as individuals. And out of that maybe \$200,000, if they are lucky, that they generate, they're paying a payroll, they're employing people, they're providing family-sustaining jobs. And, you know, I've lost count of how many times they've raised taxes on those folks since January 2009. It's crushing.

And you talked about the largest tax increase ever. And this has been my fear all along, that 2009 was a really tough year. 2010's a tough year. But it's been—you know, there's almost like an anesthesia that, Doc, that's been applied. You know, all this government money's been thrown at people so it makes folks feel a little bit better because unemployment went down. But as my good friend from Texas noted, a lot of those were temporary government sector jobs that drove down unemployment nationally for a short time. Never went down much less than 10 percent, but it took the edge off.

Well, my greatest fear is in January 2011 we're going right off the cliff. Be-

cause that's when these new taxes, these new regulations—we've tripled the size of the Environmental Protection Agency, although around home I refer to them as the Excessive Punishment Agency. You know, all that takes effect beginning January of 2011. And then you put on top of that the things that you've talked about, the largest tax increase ever, \$3.8 trillion. What will that be? Well, we are going to see the marriage penalty is going to return. The child tax credit's going to be halved. The death tax, which I think is just double taxation at the least. We put a tax on somebody's death.

Mr. GRAVES of Georgia. Let's stop there for a second. You're talking about the marriage tax. Now, those are the people, the wealthy married people or is that all married people? That's everyone, right?

Mr. THOMPSON of Pennsylvania. That's everybody.

Mr. GRAVES of Georgia. And now the individuals with children are the ones getting the penalty here, the ones who are the wealthy, or is it everyone who has children?

Mr. THOMPSON of Pennsylvania. It's everyone.

Mr. GRAVES of Georgia. It is everyone. So the fact that they stood over here, what, 40 minutes ago and said, oh, these are tax cuts for the middle class, that's not the case. The largest tax increase in the history of this Nation will occur in 5 months. But we have a bill that we've introduced, and I am sure y'all have cosponsored it, I cosponsored it, to block that, to block that tax increase, and to allow the taxes to remain at the level they are today. And of course we would want to see them lowered. But it's not a tax cut. We're just saying, hey, keep it at the level it is. Don't raise them. Because that's what they are doing. They're raising taxes.

Let me finish this balance the checkbook thing real quick, and we'll talk about confidence in a minute. So balance the checkbook. Republicans, we're saying let's cut spending. Let's stop this excessive spending that's going on here in Washington. We can do that by repealing the unused portions of the stimulus bill. They talk about how great it's been, the grand fanfare of the stimulus, when in fact a third of it hasn't even been spent, which means, again, it's not working.

We need to end the bailouts. And then of course the big one, repeal ObamaCare, which is a nearly \$600 billion tax increase on all Americans and businesses all over the United States.

Mr. GINGREY of Georgia. If the gentleman will yield.

Mr. GRAVES of Georgia. Billion, right, that's nine zeroes.

Mr. GINGREY of Georgia. In regard to America Speaking Out, the poster—if you don't mind, Mr. Speaker, have the gentleman put that America

Speaking Out poster back up so our colleagues can take a good look at it. I was just, as I stood here, thinking about our colleagues from the majority side of the aisle who had the previous hour. There was a Member from Ohio, there was a Member from Wisconsin, and there was a Member from California.

And I will just bet you, Mr. Speaker, if the folks in those great States will take the opportunity of going on that Web site, www.AmericaSpeakingOut.com, and input what their concerns are, it would probably mirror what is on that poster that Representative GRAVES has presented to our colleagues this evening in regard to balance the checkbook, cut spending, repeal the stimulus, \$862 billion. Indeed, the Representative from Wisconsin said that wasn't enough spending; we need to spend more.

Mr. GRAVES of Georgia. This is what Americans are saying right here. Americans did not go to AmericaSpeakingOut.com—and this is nonpartisan, it's confidential—Americans did not go to that Web site and say increase spending. They did not say increase the stimulus and do another one. They did not say continue the bailouts or keep ObamaCare. They actually said stop all this stuff. Stop it. That was America speaking out right here.

Mr. GINGREY of Georgia. If the gentleman will yield, I would say that the gentleman is absolute, Mr. Speaker, right on target. And he said a key word. And that is that this is a nonpartisan Web site. Yes, it is created by the Republican minority for all of America to let us know, whether they be Democrats, Republicans, independents, libertarians, whatever. Let them have the opportunity to tell us, and let's have a bubble-up-from-the-bottom contract with America, not a top-down driven government-knows-better-than-anybody-else kind of plan that it seems the Democratic majority is heck bent and determined to force on the American people, just as they tried to force a year-and-a-half ago cap-and-trade, an energy policy that was run amok, that would result in probably \$1,500 minimum a year per family in increased energy costs.

And then of course they come right back after that with this ObamaCare that Representative GRAVES is talking about. He mentioned the \$600 billion worth of increased taxes to pay for it.

□ 2300

What he didn't mention was the additional \$525 billion cut to the Medicare program, which we all know, all four of us know, is \$75 trillion of unfunded liability over the next 50 years, and you're going to gut it 12 percent a year and then have the unmitigated gall, Mr. Speaker, to spend taxpayer money and send out these brochures, these

glossy, fancy Medicare brochures assuring seniors that it's going to be better for them to cut their programs 12 percent a year and Medicare Advantage 18 percent a year.

I think the American people know better, and I think that the folks in Wisconsin, the folks in Ohio, and the folks in California are going to let those three Representatives know and give them a sure earful when they get back to their districts come August recess.

Mr. GRAVES of Georgia. Thank you, Dr. GINGREY. You are absolutely right.

Now, let me summarize. We've been talking about solutions here tonight. First one we were talking about was job creation. Certainty was mentioned by Mr. THOMPSON there. Uncertainty being the problem; certainty being the solution. So some certainty would be let's pass this legislation that blocks the largest tax increase in the history of our Nation. Let's get some of this regulation out of the way. Let's empower the small business owners and just embrace and ignite that entrepreneurial spirit. The solutions to job creation.

The second component we were talking about is the spending and balancing the budget. It's time to cut spending. Let's say enough is enough here in Washington. All of America, all businesses, all State, all local governments are cutting spending, whereas here we are, we're raising spending. But we've even gone a step further, taken a bold step and said, we've got a plan to balance the budget here for the Federal Government.

And now the third category, which I think really involved the American people last year, not in a positive way because they weren't engaged in the process, because it was a process that was behind closed doors, but it raised the awareness of the abuse of the process and the abuse of the rules and abuse of the system right here, and that was health care.

As we've talked about America Speaking Out, repealing ObamaCare was one of the top items mentioned or indicated out of the—what did we say, nearly 12,000 respondents, 12,000 specific ideas and 600,000 votes cast for different ideas. We've got an interesting chart here, and this will be the debut I believe of it publicly to show the health care plan as passed, the health care plan as passed.

It was approached or presented as a plan that was patient friendly, right? Isn't that what it's called, the Patient Protection Act? This is the ObamaCare health care plan in a schematic of what occurred out of the 2,000 pages of legislation. They're still today figuring out that portions of it were in there that they never expected or knew were in there, including new additional taxes.

But let me point out as we discuss this, and I know, Doctor, you've prob-

ably got a lot of insight into it because we do have an alternative plan. We had one then, it was presented then, but it's still in committee right now.

But let me point out to those watching. Here's the physician at this point. Here's the patient down here at this point, and all of this government is in between. How is that better for the American patient, for the young boy that's needing care? How is this better for that young single mom who's just trying to get care for her child? This is not better. This is a mess, a governmental nightmare right here, and this is as it's passed and has been signed into law, the Obama health care plan.

Mr. GINGREY of Georgia. If the gentleman will yield, Mr. Speaker, this is absolutely astounding. I have seen that chart before, not maybe in quite such a vivid highlight and outline, but Mr. Speaker, my degree is in chemistry. And when I first saw Representative GRAVES put that chart up for all of our colleagues to see, I thought that was the periodic table. Really, it took me back to my chemistry days and the periodic table of the elements. It's probably changed some now because it has been a long time since I attended Georgia Tech and got that BS in chemistry, but this is more complex than the periodic table.

And I'm sure the gentleman from Ranger will agree with me, it's something like 130 new Federal agencies that were created by this mess, all between the doctor and the patient. Maybe my colleague will point out where the doctor is on that chart and where the patient is.

Mr. GRAVES of Georgia. You're right. This is the doctor. There's the patient. You would think the patient and doctor would be in the center, right? That should be the center of this diagram, but it is not. It is this newly empowered Secretary of the Health and Human Services that is in the center of which all of this spirals off of, and all of this is documented and all the code sections are outlined on here how it was created, and it indicates new mandates, new taxes, new programs, new processes. All of this is in this new health care plan that is going to be a mess for Americans right here.

The great thing is, though, that as we stand before America tonight, we don't stand here without an alternative, without another idea. We come before America boldly with another alternative, and the first step, in my opinion, is we have to defund this mess. Let's just put the brakes on it. We don't need another, what, \$600 billion in new taxes. We need to defund this, and we have introduced legislation that is H.R. 5882, which each of you are probably cosponsors of and I'm the sponsor of the legislation to just defund it altogether, and let's start over because the process was broken. The policy is flawed.

Let's get a patient-centered, patient-driven health care plan in place of which we've got good alternatives. Would you like to share a little bit about the proposal that's out there, or do you have some ideas yourself?

Mr. THOMPSON of Pennsylvania. Thank you so much for looking at this. What a nightmare this is. I spent 28 years managing a rural hospital, and what I see there, when I look at that chart is not the periodic table. I see bankruptcy for hospitals, physicians, health care providers.

I mean, my health care career goes back to the beginning of the 1980s, and I am a proud survivor of the first prospective payment system, diagnostic related groups that were rolled into hospitals all across the Nation. I was there in the 1980s. I was there in the 1990s for the Health Insurance Portability and Accountability Act, HIPAA.

HIPAA would just be one of those circles on that chart, but let me tell you the experience of health care, and it's health care everywhere, but it really hits hard in rural health care and underserved urban areas.

The bureaucracy that was required to implement HIPAA in the 1990s was tremendous. It took dollars from actually providing what I thought was compassionate and cost-effective care, and you had to hire clerical staff, you had to hire compliance individuals, you had to hire people that never saw a patient, never did anything to directly touch that life of somebody that was facing life-changing disease and disability in the health care work that I was privileged to participate in for 30 years.

You take that experience of HIPAA in the 1990s and now multiply that by the complexity of that chart. You know we have worked hard, I know Dr. GINGREY has, all health care professionals work very hard to make sure that health care is patient-centered. It's about the patient. And this is not about the patient. This obviously is government. This is not patient-centered health care. This is government-centered health care, and there's many different proposals out there.

Let me just touch on two of those because I think it's very important that as we show the negative impacts of this, that we show the alternatives, the things we are working on that are better solutions, what I like to call smart government solutions.

Going back to July of 2009 when we introduced the Putting Patients First Act. That's an act that addresses people with preexisting conditions and makes sure they're able to purchase affordable health care insurance. It's about providing greater access to care. It was about bringing down the cost of health care for all Americans. It was about preserving and even increasing the innovation quality of health care that comes out of this country and certainly about preserving that important

decisionmaking relationship between the patient and physician, not allowing the government or bureaucrat to do that.

□ 2310

Putting Patients First Act, I encourage people to check that act out. You know what, it doesn't raise taxes a dollar. No cuts to Medicare, and yet it achieves all the things it needs to achieve.

You know that's the kind of thing, when we repeal this, that's what we need to replace it with. And I would tell you there are things we need to surgically repair right now, because I don't expect that President Obama—I would expect a veto on any general repeal any time soon, so we need to surgically repair, certainly working with an eye to repeal.

And I am sure all my colleagues on the floor here are also cosponsors of H.R. 5141. It goes right back and it deals with the health care bill, but the impact's directly on small businesses.

Under the ObamaCare plan, every small business, for every exchange of business, a vendor, a contractor, just buying resources, anything more than \$600, they are required to file a 1099 form today under the ObamaCare plan. For some businesses, that's thousands of 1099 forms. We are talking more clerical staff. We are talking more overhead cost. We are talking about complying with bureaucracy that is just raising the cost on small businesses.

I am proud to be a cosponsor of H.R. 5141. It puts an end to what I call death by a thousand paper cuts. And that is where health care buries small businesses, in paperwork.

That's another example of a Republican, smart government solution that we have put forward and it has been introduced. It's out there and, frankly, it would be good for America.

Mr. GRAVES of Georgia. You are absolutely right. So you presented a solution. H.R. 3400 would be the Empowering Patients First Act. We have talked about deauthorizing the funding for this mess here, and you talk about surgically removing some items here. I mean, this is a mess.

Mr. THOMPSON of Pennsylvania. It's going to be a whole lot of surgery, though.

Mr. GRAVES of Georgia. You wonder why this component would be in a health care proposal. The IRS, the Internal Revenue Service, is part of a health care plan; although, I think we all know that the American people do not want to have to go through this maze in order to get their health care taken care of here in the United States.

We have a couple of opportunities. One, H.R. 5882, for those whom are viewing this tonight, could encourage their Members to sign on to, and that would not allow any funds to be au-

thorized or spent towards this here. Then there is the Repeal It proposal that repeals this altogether, and there are two of those out there. There is a letter or petition to have one voted on here on the floor, and that's H.R. 4972, by Mr. KING. That's the Repeal It legislation.

Then you have spoken about the alternative, the replacement. So you have defund it, repeal it, and then replace it with H.R. 3400, which is a free market, capitalistic solution to health care for Americans to allow them to be empowered, empowering them.

Would you like to add some more to this? I know we are getting close here before we need to stop sharing the truth here.

Mr. GOHMERT. It should be noted in all those little areas, you talk about all the new parts of government that are created and brought together in this—it's not a health care bill. It's a GRE—government running everything—bill. But they all have little references to the specific areas within the law that created them and created the relationship. That's one thing.

Another thing is, you know, all of the records, the medical records that people consider so personal and so dear will be in the Federal Government control. I think they are contracting out to their dear benefactors and contributors at General Electric, but they will have all that information, and the IRS could have access to your most personal information.

Can you imagine the debt collectors of America being able to have your most personal medical records? Well, that's what will occur here, and there's a great quote from Patrick Henry. People remember, "Is life so dear and peace so sweet as to be purchased at the price of chains and slavery?"

He had one quote where he said, "The Constitution is not an instrument for the government to restrain the people; it is an instrument for the people to restrain the government—lest it come to dominate our lives and interests." When I look at that board and I look at all the new government that is just going to be overwhelming people, they don't need the doctor after they start dealing with all this stuff.

Is that quote ever more appropriate that the Constitution should restrain the government lest it come to dominate our lives and interests? Will it ever?

Mr. GRAVES of Georgia. Last August, the American people were pretty upset about that. They were fired up 1 year ago as the leadership of this Hall went out all across America and avoided town hall meetings because they could not defend this 2,000-page spaghetti plate here of mess, because the American people know that the government taking over their health care is not the best option. The best option is the patient, the individual that is being empowered.

Mr. GINGREY of Georgia. You know, you talk about there is a temptation to try to surgically repair. But, Mr. Speaker, when you look at that chart that Representative GRAVES is presenting and you realize the complexity and there is so much wrong with this bill, I am afraid that by the time that you tried to surgically repair, there would be very little left to say grace over. That's why so many of our colleagues on this side of the aisle feel like that we need to repeal this bill, this monstrosity, this omnibus of 2,400 pages, government takeover of one-sixth of our economy, 16 percent, and start over, and start over.

Just this past week in the Energy and Commerce Committee—but we deal with a lot of health care issues, and this monstrosity, indeed, started over a year ago. We passed, this week, eight separate health care-related bills, none of which were more than five pages long, and we did it in a bipartisan way.

We can certainly come back and, with four or five really good solid ideas, and maybe we can present those in a subsequent town hall meeting or Special Order hour here on the House floor, but that's what we really need to do. I think it's important that people understand that.

I thank the gentleman for having us here and this colloquy so that our colleagues, Mr. Speaker, and the American people can better understand what we truly need to do to repair this.

Mr. GRAVES of Georgia. Mr. Speaker and my colleagues, I want to thank you for joining me tonight, because here at this late hour here on the east coast, we are standing before the American people presenting alternatives, solutions to these challenging days.

We started off by talking about the economy and jobs and job creation, and that's empowering the private sector, not empowering government, creating certainty in the marketplace as opposed to the uncertainty that is out there today by standing in the way of the largest tax increase in the history of this Nation, which is about to be unfolded here in the next 5 months. And then also the reduction of capital gains. The reduction of the corporate tax rate and just igniting that entrepreneurial spirit once again to allow that entrepreneur, the American business owner, to dream, and to dream big and to go work hard.

Then next we talked about spending and spending cuts, balancing the budget. Very difficult items here on the Federal level, it would seem by the majority party. But, instead, we have proposed positive solutions to balance the budget like has never been seen before.

Then lastly, the health care. And all of this comes as a result of America Speaking Out, the Web site in which 12,000 responses were given and over

600,000 votes were cast on different ideas and concepts. Listening to the American people about jobs and the economy, about spending, about balancing the budget and the health care proposal, which leads us to defunding it, repealing it and then replacing it with a patient center, patient-driven concept that provides affordability, portability, and accessibility to Americans.

But this is not a time in which we stand and point fingers as we have heard over the past several weeks. My 44 days being here, the other side has pointed fingers back, back in time. But we are not here to do that. This is not about Republican and Democrat. This is about America right now and this is about getting our economy back on track. It's about creating the confidence once again in the marketplace and then providing true health care solutions.

So I appreciate my colleagues in joining me tonight on this late hour. I know it means a lot to your constituents that you would do that and that you would be working at this late hour in the evening because you know how important it is.

Mr. Speaker, I yield back.

□ 2320

CELEBRATING 100 YEARS OF THE BOY SCOUTS OF AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for half the remaining time to midnight.

Mr. GOHMERT. Mr. Speaker, I do appreciate my friends from Georgia and the wonderful contributions that they have made to enlightenment with regard to these issues.

There is an issue that we want to recognize and take up tonight, and it's a wonderful topic, the 100th anniversary of the Boy Scouts of America here in the United States.

The Boy Scouts of America were incorporated on February 8, 1910 and chartered by Congress in 1916. The mission statement of Boy Scouts was to prepare young people to make ethical and moral choices over their lifetimes by instilling in them the values of the scout oath and the scout law.

It's interesting, doctors say that often our short-term memory is the first to go and our long-term memory seems to last longer, but I still do recall the scout law, that a scout is supposed to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent. Those are good things to live by. The Boy Scouts have continued to live by that and produced incredible Americans over the years.

Right now we celebrate this fact because there is the National 2010 Boy

Scout Jamboree going on at AP Hill—not terribly far from here—and so we've had thousands of Boy Scout visitors come through Washington, come through the Capitol. It's been an honor to take many through the Capitol and through this area, and we have many more coming. I know my district has 85 in one group that will be coming through on August 4 when they leave the AP Hill area and others have been helping as staff members.

But the jamboree is worth noting. There are 45,000 attendees that will include 37,000 Boy Scouts from all 50 States, 8,000 scout leaders and staff. A whopping 275,000 visitors will join the celebration over the course of 10 days to partake in the festivities. This 76,000-acre area has been hosting the National Scout Jamboree since 1981. The Boy Scouts use approximately 3,000 acres of this land to support a city of over 50,000 inhabitants.

One of my daughters asked years back, after having found out that one of the parents of one of her friends had been at Woodstock, asked me, Daddy, did you go to Woodstock, she said. I said, Well, no I didn't. She said, Do you remember where you were during Woodstock? I said, I certainly do. Well, where were you? I was outside of Coeur d'Alene, Idaho, at the 1969 National Boy Scout Jamboree. And we had rest rooms that worked, we didn't commit immoral acts, we didn't have illegal drugs, and we didn't need the National Guard to come in and rescue us from ourselves as happened at Woodstock. Today there are those who are proud to proclaim that they had the morals of Woodstock—some continue to, they continue to attack the Boy Scouts.

Of course we know the Speaker and 10 other people had pointed out in 2000 that the Boy Scouts had an "intolerant policy" of excluding people who practice homosexuality from leadership, so they were demanding that President Clinton step down as honorary chairman. He did not do that. And President Obama right now is Honorary Chair of the Boy Scouts of America and has spoken to them by video, and I know the scouts appreciate that.

Scouting has meant so much to so many. It prepares you for the future. It prepares you to save lives. I never thought I would have an opportunity to use any CPR training that I had gotten through all my years as a Boy Scout, going up to becoming an Eagle Scout; but when the day occurs, there is no substitute for having been through that. I get a big hug from a dear friend at church every time and he says, This is the guy that saved my life. Actually, it was the Boy Scouts that did it through all those years of training.

I've been joined by a dear friend, also a Boy Scout—I believe an Eagle Scout as well—and I would certainly be glad to yield to a fellow Eagle Scout.

Mr. THOMPSON of Pennsylvania. Well, I appreciate being yielded to by a fellow Eagle Scout.

It truly is an honor and a privilege to be here this evening to recognize an organization that has for 100 years, for an entire century, served this Nation through serving the youth. It is just a remarkable organization.

This is actually my 40th year in scouting, and so I've had tremendous opportunity to be able to see how scouting touches the lives of boys and girls. We think scouting today is the Boy Scouts of America, but frankly the Venture Scouts is a coed organization, and the Boy Scouts make a tremendous difference in the lives of boys and girls.

I have with me today actually the 12th printing of the Boy Scout Handbook, which is a handbook that is just a fascinating read. For 100 years, 12 editions, this has been printed, and the basics are still the same. Like my good friend from Texas talked about, he named those 12 parts of the scout law. The principles of citizenship are here, of character, of the scout motto, "Be prepared," the scout slogan, "Do a good turn daily," and the principles that are found within the scout oath.

This 12th edition, since 1910 there have been 39,470,000 handbooks printed. What a legacy in terms of service. And I want to take from it just a couple of quotes. First of all, the vision statement for the Boy Scouts of America. And this is a vision that is just as solid today in terms of serving youth—and I think our Nation—as it was in 1910 when a Chicago businessman, William D. Boyce, was traveling to London, England and was out on a foggy evening.

He was looking for a business address, and he was absolutely lost in the fog, as the story goes. And as he was bewildered and wandering aimlessly, he was approached by a young youth from England who volunteered his services, not just to point this American businessman in the right direction, but to actually physically take him to that location. This boy went out of his way to serve him—to provide a good turn, so to speak. At the end of that, the businessman wanted to reward the lad.

I suppose he reached into his pocket to offer him a coin and the young boy said, sir, I can't take that, I'm a scout, and we provide that kind of service. This was a good turn. That so impressed Mr. Boyce that he came back to this country, got together with some other leaders within this Nation, and soon gave birth to the Boy Scouts of America 100 years ago, all from the selfless service and good acts of one young person. And today, scouting continues to make differences one good turn at a time.

I would like to share with you the vision which really stands as true today as it has been. This is the vision statement: "The Boy Scouts of America will

prepare every eligible youth in America to become a responsible, participating citizen and leader who is guided by the scout oath and the scout law." I mean, what a great vision, a vision that continues to guide an organization that serves our youth.

I want to share and also quote because my good friend from Texas reflected on our President and past President related to scouting. This is another President who also was an Eagle Scout. This was former President Gerald Ford, who was an Eagle Scout and the 38th President of the United States of America. And President Ford was quoted: "I can say without hesitation that because of scouting principles I know I was a better athlete, I was a better naval officer, I was a better Congressman, and I was a better prepared President." And so obviously President Ford recognized the value of scouting in his life.

□ 2330

Mr. GOHMERT. If the gentleman will yield back for a moment, I owed the Army 4 years from an Army scholarship to Texas A&M.

From the years of being a Boy Scout, I was good at orienteering, which is the process of taking a map and a compass and finding your way from point A to point B and getting back. Those were things that were important to know when you were in the Army. There is no question that I was quite good at it in the Army because I'd had fantastic training in the Boy Scouts. It was the same way when learning to fire a .22 out on the range as a very young Boy Scout. The first day was the camping, the cooking. It was all about this planet and the things that occupy the planet—this amazing creation that God provided to us, which we learned and studied and had to spend a great deal of time becoming so acquainted with as Boy Scouts.

It may seem silly, but when my wife and I were helping with some decorations before a big dance there in Tyler, there were some ladies on a big scissor lift, helping put up heavy 10-, 15-pound decorations to suspend from the ceiling. They had a 50-pound fishing line, but they couldn't get any knot to hold to keep those things up.

So they yelled down, Does anybody know of a knot that would hold?

Well, I was an Eagle Scout. Of course I do. So they brought the scissor lift down. I got on. I got somebody to come up and help.

I would yield to my friend: If you had somebody yelling, "Does anybody know a knot that would hold?" what would my friend seek to use?

Mr. THOMPSON of Pennsylvania. Oh, there are a couple that come to mind. I'd probably start with a bowline, though.

Mr. GOHMERT. That's exactly what I did, a bowline, and that thing doesn't give. You can even do it with one hand.

Mr. THOMPSON of Pennsylvania. That's right.

Mr. GOHMERT. They made you learn to do it with one hand. In case you were hanging from a rope on a mountainside, you could reach up with the other hand and tie that bow and be able to suspend yourself, just hanging with the rope, without having to hold on for dear life. So there are amazing things you learn in the Army—from the stars to Morse code. I don't remember that so well anymore, but what phenomenal training.

One of the facts we have indicates that, in 2009, Boy Scouting recognized their 2 millionth Eagle Scout. We know that the Eagle Scouts are only a tiny percentage of all of those who actually go into Scouting and who benefit from Scouting. So that's quite an accomplishment. There are 2 million Eagle Scouts in the Boy Scout program.

Another thing that is worth noting is, when you see a Boy Scout get to be a Tenderfoot and as you work your way up to Second Class, First Class, Star, Life, and Eagle, you don't attain those badges, those accomplishments, by representing only yourself. No Boy Scout ever has or ever will. It represents the millions of people who have helped Scouting over the years.

In my case, my parents were so encouraging, and my mother was actually more than encouraging. She was downright pushy—my late mother, rest her soul. My Scoutmaster—rest his soul, Sam Parker—had more influence on my life than any man besides my father, I think. I've had such wonderful men and women help teach and encourage me; but my Scoutmaster, who was also an American history teacher, instilled just a love of American history and of America's greatness, not because America just all of a sudden appeared and did these things, but because it was blessed by God. Those things are in the Scout Oath.

My daughter Katie prepared a collage some years back, and it had all kinds of things on there from the music I liked to different things I'd accomplished. There was high school football and all of these different things that were pasted, and there were slogans and things. Well, right in the middle, on a small piece of paper—in the center of everything and with all the other things emanating from it—was the Boy Scout Oath:

"On my honor, I will do my best to do my duty to God and my country and to obey the Scout Law to help other people at all times, to keep myself physically strong, mentally awake, and morally straight."

When I saw that and saw that that was the centerpiece of everything, I asked, "Sweetheart, do you think of me as a Boy Scout?"

She said, "Daddy, you'll always be a Boy Scout."

I take that as quite a compliment, as I know my friend Mr. THOMPSON, likewise, is proud of the accomplishment.

One other thing before I yield to my friend about becoming an Eagle Scout: The people in my hometown who contributed, the churches and businesses that helped make our Scout troop a success and the volunteers who worked and made it go and who gave us that opportunity deserve such accolades for what they did and for the difference they made in all of our lives as boys.

When it came time for the Eagle Court of Honor, which is where I received my Eagle Award, I was the oldest of three boys. I have another sister who is older, and I just lost my younger brother a few months ago. We each, in turn, became Eagle Scouts. After my mother passed away in 1991, we were looking through her jewelry box. She had some jewelry pieces that were very nice; but in a small area, she had the most valuable pieces of jewelry she'd ever owned. There was a ring that had some rubies and diamonds on it. There was a gold nugget necklace, which had real gold nuggets. Then there were the three Eagle Pins that Eagles pin on their mothers at the time they're awarded the Eagle. It made it pretty clear that, not just for me but in my mother's life, her boys—all three—becoming Eagle Scouts was one of the most treasured things that she had.

I yield to my friend, Mr. THOMPSON.

Mr. THOMPSON of Pennsylvania. Well, I thank my good friend.

You know, I think the statistic is one out of every three persons has had some experience with Scouting, with Boy Scouting. They've been Boy Scouts or they've been parents of a Scout or they've had a sibling who's a Scout. There is a connection there. I know, for those who have been in Scouting for just a few years, what a difference it makes.

One of the hardest things I had to do 19 months ago when I was sworn into Congress was, 3 days before that, I had to retire as Scoutmaster. I wasn't going to be home for the meetings. Certainly, when I am home on weekends, I wish I could go on camp-outs. It doesn't happen in this job, just the demands of it. I served as a Scoutmaster for 30 years and saw literally dozens of boys earn their Eagle Scout Awards. You know, that's what they do. In the 100 years of Scouting in this country, there has never been one Eagle Award given away. They've all been earned—each one.

□ 2340

And to have three sons that are Eagle Scouts and who frankly, went on to—I've seen how that has made a difference in their lives.

And it has just been, you know, my home troop of Howard, Pennsylvania, Troop 353 is a great troop, and it's a family experience, too, in scouting. It

makes families stronger. There's just a role. It's not just for the youth. It's families. Moms and dads get involved and extended families get involved.

And I think back very fondly to my years, from age 11 to 18, as a youth in scouting, Walker Township Troop 52, where—and my scoutmaster. Actually, I just talked with my scoutmaster. He'll always be my scoutmaster, even though I'm 51 now.

I talked with him just a few days ago, Harold Yearick, and Ray Lahr, who was assistant scoutmaster and also scoutmaster during that time. Those were men that just, you know, the values that I learned from them they demonstrated in their actions of duty to God and duty to country and duty to others and duty to self.

And so, to this day, those are principles I use when I make decisions in Congress. I ask myself those four questions. Is the decision I'm making, what about my duty to God. Is it righteous according to God's word?

The SPEAKER pro tempore (Mr. PERRIELLO). The gentleman is recognized for an additional 20 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker. And I yield again to my friend from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Thank you.

Duty to country. The decision I'm going to make, is it according to the Constitution?

Duty to others. Is the decision I'm going to make as a Member of Congress today in this job, you know, how does it impact the people that I work for? What are the intended consequences? What are the unintended consequences?

And, frankly, duty to self. Am I prepared to do my best?

Those are values that—I learned those starting when I was age 11.

One of the most important things that probably happened in my life was that I had a foster brother come live with my family at age 11. And when Mom and Dad brought Bob into our home, they had made a promise to him that he could continue in the scouting program—he was a couple years older than I—that he had been attending in a neighboring valley. And, frankly, as a younger brother, I got to tag along. And I'd have to say that was probably one of the most important things that ever happened to me. I'm so thankful for that opportunity, and it has just made just a tremendous difference in my life.

I want to share just from 2009, in terms of the service to the Nation of scouting. What has scouting been?

And just most recently, we're celebrating 100 years. But just this past year, there has been 1,634,715 boys, ages 7 to 10, in Cub Scouts in this Nation. What a number. Amazing.

Of boys 11 to 17, so that would be Boy Scout age or what we call Varsity Scouts, a parallel program, 897,868 boys involved in that program.

And then you go ages 14 to 20. This is the coed program that we have in scouting today. This is young men and young women, ages 14 to 20. They're Adventurers or Sea Scouts; 257,361 of those young folks.

We have over 800,000, almost 850,000 boys and girls in elementary through high school in what's called Learning for Life Character Education programs in this country.

And then finally, over 120,000 young men and women ages 14 to 20 in exploring career-based programs. I think that's an important part of scouting. I've seen that. I still call them boys, but they are adults today that I remember vividly when they were 11 years old, came into my scout room. But today they're grown, they're married, they have children of their own who are actually in scouting, many of them.

And, you know, I saw their career paths take shape through the scouting program, whether it was involved in a high adventure program that we might have done, a camping program, or more than likely through one of the merit badge programs where they learned a specific skill. And as a result of that exposure and that experience in the scouting program, they picked a career path, and it's a passion that they pursued. And, frankly, scouting opened that door for them and so just creates all kinds of great opportunities.

Mr. GOHMERT. Well, to follow up on some of the numbers that my friend, Mr. THOMPSON, was quoting:

Total youth served in the hundred years of scouting here in the United States, 114,304,329; adult volunteers, 33,364,261; total number of merit badges, over 117 million. And those merit badges don't just represent little pieces of fabric with stitching on them. They represent a great deal of work, skills attained, knowledge attained, things that will help throughout life in the issues that come in the future.

Now, I do feel we need to touch on this briefly because Boy Scouting has been under attack. There have been groups that have been trying to eliminate and have successfully eliminated, like in San Francisco. For years, there have been efforts to restrict scouting from enjoying the parks that other groups might enjoy. There are efforts in Congress on a regular basis to try to hurt the scouting effort. And it all boils down to this one thing about scouting.

Despite the oath that scouts take, the Scout Law, scouting has chosen to stay faithful to religious tenets that man represented as the only full face of all the greatest lawgivers in this room. Every one of them has a side profile except the one in the middle who's considered to be the greatest lawgiver of all time. That's Moses. And one of the laws that Moses said were given to him that he gave was thou shalt not com-

mit adultery. In other words, you shall not have sex, sexual relations, outside the marriage of a man and a woman.

Scouting, through all these years, has chosen to honor that Commandment, honor the Ten Commandments in all it did. And obviously, all sin, all fail, fall short, but scouting, at least, has tried to exemplify the best of humanity that most of us in this country believe come out when we try to live by those Ten Commandments.

So scouting has upheld that they preferred adult leaders who were not open adulterers. And I know, in our society today, so many believe that it's no big deal, there's nothing wrong with it. Adultery is no big deal, regardless of the sexual gender of the people participating. It's just fine.

Boy Scouting has chosen to say, we believe the Commandments given by Moses that he believed and we believe came to him from God are worth observing and trying to follow. Scouting has and, ironically, it has produced such great ire among so many who now want to kill the program because Boy Scouts say, We just believe those Ten Commandments are a good thing, including that one about adultery, not having sexual relations outside of marriage between a man and a woman.

And as a result, there's a number of corporate sponsors who used to give huge sums, six, seven figures even, to the Boy Scouts to assist them, who've chosen to say that because Boy Scouts have persisted in believing that avoiding adultery is a good thing, then they're not going to help the Boy Scouts.

□ 2350

And in the process, they have robbed so many, many minorities, people who would love to be Scouts. And I know in our east Texas area there are so many young minorities without fathers who we've met with and talked with and talked to their moms about starting Scout troops. And they're so excited. And some have started, and it's such a help. And it would be so wonderful if those corporate sponsors were not blaming Scouts for thinking the Ten Commandments were a good thing, and therefore withholding contributions, choosing to give them to groups who think that just blatantly violating the Ten Commandments are the best thing that we could do in America.

So they're giving to those who demean those who think morality is a good thing and in the process hurting so many who could be Eagle Scouts, who could be great Scouts. But the contributions are dropping, and the involvement has been dropping some.

I think that we're seeing things turn in this Nation in such a way that we're going to have a reawakening, we're going to have a great awakening, and people are going to come back to the fact that the real truth is this Nation

has been blessed by God because this Nation has lived up to the blessed tenets that God said to live by. And as we return to those—certainly don't want to give up on the progress that this, the greatest Nation in the history of mankind has made. But in the moral area, where we've fallen apart and Boy Scouting has stayed so steadfast, I think we'll see people come back to the basics on morality, and we'll see even greater accomplishments.

And so it should be observed that 50 percent of all the NASA astronauts were Boy Scouts. More than 30 percent of all graduates from the military, Air Force, and naval academies were involved in Scouting in their youth, and five of our Presidents have been Boy Scouts. And even within this Congress, 199 of our current Members once participated in Scouting. And 22 in Congress, are, as my friend G.T. and I, Eagle Scouts. I had somebody try and say I was a former Eagle Scout. But it's kind of like being an Aggie: once you are, you are for the rest of your life.

And so that's why in my district office something wonderful my wife did, I believe it was Father's Day, she had a shadow box, unknown to me, put together with my Eagle award and so many of the things I traded for and had earned during my time in Scouting in that shadow box. And I am so proud of that. That's in my office back in east Texas.

But Scouting has done so much to contribute not merely to making boys far better than they could have been otherwise, but by making this Nation so much greater than it ever would have been without Boy Scouts of America.

I yield to my friend Mr. THOMPSON.

Mr. THOMPSON of Pennsylvania. I thank you for yielding.

I want to take a moment to talk about an important key member of the Scouting team, and that is sponsoring organizations, from all over. Every Scouting unit has a community partner called a sponsoring organization. And they are churches, fire departments, Lions clubs, Rotary, Salvation Army. I mean, there are just an endless list of organizations who step forward. In becoming a partner, they sponsor these Scouting units.

And it seems fitting, as we pay tribute to the 100th anniversary of Scouting, to say "thank you" to those community partners. They play such an important role in making sure that the units, the Scouting units have qualified leadership, that they usually provide a place for them to meet, they provide them the support they need to have within the community. So "thank you" to certainly our sponsoring organizations within Scouting.

And, finally, just touch on the things that Scouting provides in a real tangible way to our communities, because

they are a central part of our community, our Scouting units. It's called the National Good Turn Project. It started in February of 2004, and it began to track all the things that we knew Scouting has done for a hundred years of the amount of hours of community service. I remember washing a lot of fire trucks when I was 11 years old. Only later did I find out my Scoutmaster was fire chief. But that was good training for community service.

And we went on to do litter pickups and do all kinds of community service. Well, we never tracked that prior to 2004. But February 2004 we began to start to keep track. You know, since February 2004 Scouting has provided 8.5 million hours of community service in this country. That's what's documented. I am sure there's stuff that didn't get documented.

And, finally, the Eagle Scout projects this past year totaled just in service what calculates to be \$47 million of community service, of providing and reaching out to the community. So I am just real proud to be here this evening to join my good friend and fellow Eagle Scout to pay tribute to the 100th anniversary of Scouting and also to wish a safe and enjoyable and fun Scouting experience at Fort A.P. Hill for the tens of thousands of Scouts that are gathered from all over this Nation just about an hour south of our Capitol. And thank you for being with me tonight.

Mr. GOHMERT. Thank you. I would ask my friend to stay with me one more moment as we have been paying tribute to Boy Scouts of America, the organization, what they've done. I know that as an Eagle Scout, as a Scoutmaster, my friend, Mr. THOMPSON has many Courts of Honor stood and asked all of those Boy Scouts and Eagle Scouts to stand and say the scout oath together. I wondered if my friend might join me, as I yield time to him, as we might conclude tonight.

Mr. THOMPSON of Pennsylvania. I would be honored. I think that's a fitting tribute and way to do that.

Mr. GOHMERT. That's what went through my mind.

Mr. THOMPSON of Pennsylvania. All right. Here we go.

Mr. GOHMERT. On my honor, I will do my best, to do my duty to God and my country, and to obey the Scout Law; to help other people at all times; to keep myself physically strong, mentally awake, and morally straight. Two.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KAGEN) to revise and extend their remarks and include extraneous material:)

Ms. LEE of California, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Ms. SUTTON, for 5 minutes, today.

Mr. BRIGHT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. THOMPSON of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. PUTNAM, for 5 minutes, July 29.

Mr. FORTENBERRY, for 5 minutes, today.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4899. An act making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 5849. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on July 27, 2010 she presented to the President of the United States, for his approval, the following bills.

H.R. 725. To protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes

H.R. 4684. To require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center

H.J. Res. 83. Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes

Lorraine C. Miller, Clerk of the House further reports that on July 28, 2010 she presented to the President of the United States, for his approval, the following bill.

H.R. 5849. To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Thursday, July 29, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 2480, the Truth in Fur Labeling Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 2480, THE TRUTH IN FUR LABELING ACT OF 2010, AS AMENDED AND TRANSMITTED TO CBO ON JULY 27, 2010

	By fiscal year in millions of dollars—													
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020	
	Net Increase or Decrease (–) in the Deficit													
Statutory Pay-As-You-Go Impact ^a	0	0	0	0	0	0	0	0	0	0	0	0	0	

^a The legislation could increase civil and criminal penalties and thus would affect federal revenues and direct spending; CBO estimates those effects would not be significant in any year.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 4658, the Benton MacKaye Cherokee National Forest Land Consolidation Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 4658, THE BENTON MACKAYE CHEROKEE NATIONAL FOREST LAND CONSOLIDATION ACT OF 2010, AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON AGRICULTURE, ON JUNE 30, 2010, WITH AN AMENDMENT PROVIDED BY THE HOUSE COMMITTEE ON THE BUDGET ON JULY 28, 2010

	By fiscal year in millions of dollars—													
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020	
	Net Increase or Decrease (–) in the Deficit													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0	

H.R. 4658 would authorize the Secretary of Agriculture to sell 67 acres of land in the Cherokee National Forest to the Towee Falls Baptist Church. Proceeds from the sale would be available to the Forest Service, without further appropriation, to acquire other lands within the Cherokee National Forest.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5669, To direct the Secretary of Agriculture to convey certain Federally owned land located in Story County, Iowa, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5669, A BILL TO DIRECT THE SECRETARY OF AGRICULTURE TO CONVEY CERTAIN FEDERALLY OWNED LAND LOCATED IN STORY COUNTY, IOWA, AS INTRODUCED ON JULY 1, 2010, WITH AN AMENDMENT PROVIDED BY THE HOUSE COMMITTEE ON THE BUDGET ON JULY 28, 2010

	By fiscal year, in millions of dollars—													
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020	
	Net Increase or Decrease (–) in the Deficit													
Statutory Pay-As-You-Go Impact	0	– 1	1	0	0	0	0	0	0	0	0	0	0	

H.R. 5669 would authorize the Secretary of Agriculture to sell 44 acres of land in Story County, Iowa, to the city of Ames. Proceeds from the sale would be available to the Secretary, without further appropriation, to acquire other lands and to support activities related to the National Animal Disease Center.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5872, the General and Special Risk Insurance Funds Availability Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5872, THE GENERAL SPECIAL RISK INSURANCE FUNDS AVAILABILITY ACT OF 2010, AS INTRODUCED BY THE HOUSE COMMITTEE ON FINANCIAL SERVICES ON JULY 27, 2010, WITH AN AMENDMENT PROVIDED BY THE HOUSE COMMITTEE ON THE BUDGET ON JULY 27, 2010

	By fiscal year, in millions of dollars—													
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020	
	Net Decrease (–) in the Deficit													
Statutory Pay-As-You-Go Impact ^a	– 94	0	0	0	0	0	0	0	0	0	0	– 94	– 94	

^a This legislation would enable the Federal Housing Administration (FHA) to guarantee up to \$20 billion in mortgage loans under its General and Special Risk Insurance program in fiscal year 2010. Under current law, FHA is permitted to insure up to \$15 billion in loan guarantees. With this additional loan commitment authority, FHA would make additional loan guarantees and consequently the budget would record additional receipts under procedures in the Federal Credit Reform Act. CBO estimates that enacting this legislation would reduce direct spending by \$94 million in 2010. Enacting this legislation would not affect revenues.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8606. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — South American Cactus Moth Regulations; Quarantined Areas [Docket No.: APHIS-2010-0037] received July 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8607. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the De-

partment's final rule — Defense Federal Acquisition Regulation Supplement; Notification Requirements for Awards of Single-Source Task or Delivery Orders (DFARS Case 2009-D036) received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8608. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Contract Reporting Requirements of Intrastate Natural Gas Companies [Docket No.: RM09-2-000; Order No. 735] received July 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8609. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the

Commission's report entitled, "Report to Congress on Abnormal Occurrences: Fiscal Year [FY] 2009", pursuant to 42 U.S.C. 5848; to the Committee on Energy and Commerce.

8610. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Commerce Control List to Update and Clarify Crime Control License Requirements [Docket No.: 080721866-0167-02] (RIN: 0694-AE42) received July 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8611. A letter from the Executive Analyst, Department of Health and Human Services,

transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8612. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on the use of the Category Rating System during calendar year 2009, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

8613. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Technical Amendments [FAC 2005-42; Item XII; Docket 2010-0078; Sequence 2] received July 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8614. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Reedville July 4th Celebration, Cockrell's Creek, Reedville, VA [Docket No.: USCG-2010-0293] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8615. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Shore Thing & Independence Day Fireworks, Chesapeake Bay, Norfolk, VA [Docket No.: USCG-2010-0294] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8616. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fourth of July Fireworks Event, Pagan River, Smithfield, VA [Docket No.: USCG-2010-0454] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8617. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mackinac Island 4th of July Fireworks, Lake Huron, Mackinac Island, MI [Docket No.: USCG-2010-0497] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8618. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Festivals & Fireworks Celebration, East Moran Bay, Lake Huron, St. Ignace, MI [Docket No.: USCG-2010-0452] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8619. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sault Saint Marie 4th of July Fireworks, St. Mary's River, Sault Saint Marie, MI [Docket No.: USCG-2010-0543] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8620. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Stockton Ports Baseball Club/City of Stockton, 4th of July Fireworks Display, Stockton, CA [Docket No.: USCG-2010-0369] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8621. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Jameson Beach 4th of July Fireworks Display [Docket No.: USCG-2010-0378] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8622. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Swim Across the Sound, Long Island Sound, Port Jefferson, NY to Captain's Cove Seaport, Bridgeport, CT [Docket No.: USCG-2009-0395] (RIN: 1625-AA08) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8623. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tacoma Freedom Fair Air Show, Commencement Bay, Tacoma, Washington [Docket No.: USCG-2010-0495] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8624. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Delta Independence Day Foundation Celebration, Mandeville Island, CA [Docket No.: USCG-2010-0364] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8625. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Private Fireworks, Wilson Creek, Gloucester, VA [Docket No.: USCG-2010-0257] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8626. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; City of Chicago's July 4th Celebration Fireworks, Lake Michigan, Chicago, IL [Docket No.: USCG-2010-0249] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8627. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Pittsburgh Independence Day Celebration, Pittsburgh, CA [Docket No.: USCG-2010-0366] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8628. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Annual Firework Displays within the Captain of the Port, Puget Sound Area of Responsibility [Docket No.: USCG-2010-0063] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8629. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Michigan Orthopaedic Society 50th Anniversary Fireworks, Lake Huron, Mackinac Island, MI [Docket No.: USCG-2010-0436] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8630. A letter from the Secretary, Federal Trade Commission, transmitting the ninth annual report pursuant to the College Schol-

arship Fraud Prevention Act of 2000; jointly to the Committees on Education and Labor and the Judiciary.

8631. A letter from the Inspector General, Department of Health and Human Services, transmitting a report entitled "Review of Medicare Contractor Information Security Program Evaluations for Fiscal Year 2007"; jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 4692. A bill to require the President to prepare a quadrennial National Manufacturing Strategy, and for other purposes; with an amendment (Rept. 111-574, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3534. A bill to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes; with an amendment (Rept. 111-575, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 5781. A bill to authorize the programs of the National Aeronautics and Space Administration, and for other purposes; with an amendment (Rept. 111-576). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 1568. Resolution providing for consideration of the bill (H.R. 5893) to amend the Internal Revenue Code of 1986 to create jobs through increased investment in infrastructure, to eliminate loopholes which encourage companies to move operations offshore, and for other purposes (Rept. 111-577). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 1569. Resolution providing for consideration of the bill (H.R. 5850) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes (Rept. 111-578). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Agriculture discharged from further consideration. H.R. 3534 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Pursuant to clause 2 of rule XIII the Committee on the Budget discharged from further consideration. H.R. 4692 referred to the committee of the Whole House on the state of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. DOGGETT (for himself, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. McDERMOTT, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 5890. A bill to amend the Internal Revenue Code of 1986 and title XIX of the Social Security Act to reform the provision of long-term care insurance; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LINDER:

H.R. 5891. A bill to direct the Bureau of the Census to publish improved annual measures of family income for use in more accurately determining the extent of poverty in the United States and the anti-poverty effectiveness of means-tested benefit and tax programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 5892. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LEVIN (for himself, Mr. RANGEL, Mr. STARK, Mr. McDERMOTT, Mr. LEWIS of Georgia, Mr. BECERRA, Mr. PASCRELL, Mr. CROWLEY, Ms. BERKLEY, Mr. MEEK of Florida, Mr. DAVIS of Illinois, Mr. ETHERIDGE, Mr. HIGGINS, Mr. GARAMENDI, Mrs. DAHLKEMPER, Mr. KAGEN, Mr. PERRIELLO, Ms. KILROY, Mr. McMAHON, Mr. KISSELL, and Mr. CARNEY):

H.R. 5893. A bill to amend the Internal Revenue Code of 1986 to create jobs through increased investment in infrastructure, to eliminate loopholes which encourage companies to move operations offshore, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POLIS (for himself, Ms. BERKLEY, Mrs. CAPPS, Ms. CLARKE, Mr. CONYERS, Mr. GRIJALVA, Mr. HINOJOSA, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MATSUI, Ms. MOORE of Wisconsin, Ms. NORTON, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, and Ms. WOOLSEY):

H.R. 5894. A bill to authorize the Secretary of Education to make grants to promote the education of pregnant and parenting students; to the Committee on Education and Labor.

By Ms. WATERS (for herself, Mr. CONYERS, and Mr. JACKSON of Illinois):

H.R. 5895. A bill to limit the effect of legal releases in certain civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. MINNICK (for himself and Mr. SIMPSON):

H.R. 5896. A bill to authorize an additional district judgeship for the district of Idaho; to the Committee on the Judiciary.

By Mr. OBERSTAR (for himself, Ms. NORTON, Mr. RAHALL, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. BISHOP of New York, Mr. CARNAHAN, Ms. HIRONO, Mr. ARCURI, Mr. KAGEN, Ms. RICHARDSON, Mr. HARE, and Mr. JOHNSON of Georgia):

H.R. 5897. A bill to reauthorize and improve programs and activities carried out under the Public Works and Economic Development Act of 1965, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SHEA-PORTER:

H.R. 5898. A bill to amend the Buy American Act to require each department or independent establishment to conduct an annual audit of its contracts for compliance with such Act, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. NUNES (for himself, Mr. RYAN of Wisconsin, Mr. SHIMKUS, Mr. BISHOP of Utah, and Mr. SIMPSON):

H.R. 5899. A bill to expand domestic fossil fuel production, develop more nuclear power, and expand renewable electricity; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, Ways and Means, Oversight and Government Reform, Armed Services, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Mr. LEVIN, Mr. MICA, Mr. COSTELLO, and Mr. PETRI):

H.R. 5900. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend airport improvement program project grant authority and to improve airline safety, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY:

H.R. 5901. A bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investment in United States real property interests, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SANCHEZ of California (for herself, Ms. BALDWIN, Mr. BRALEY of Iowa, Mr. DELAHUNT, Ms. DELAURIO, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. GRIJALVA, Mr. HARE, Mr. HASTINGS of Florida, Mr. HONDA, Ms. KAPTUR, Mr. LANGEVIN, Ms. LEE

of California, Mr. LEWIS of Georgia, Mr. LOEBBSACK, Mr. McDERMOTT, Mr. MICHAUD, Ms. PINGREE of Maine, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Mr. SIRES, Ms. SUTTON, Mr. THOMPSON of California, Ms. WOOLSEY, and Mr. WU):

H.R. 5902. A bill to amend the Fair Labor Standards Act with regard to certain exemptions under that Act for direct care workers and to improve the systems for the collection and reporting of data relating to the direct care workforce, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CULBERSON:

H.R. 5903. A bill to restore State sovereignty, and to dedicate excess grant funds to deficit reduction; to the Committee on Oversight and Government Reform, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUTTERFIELD (for himself, Mr. ETHERIDGE, Mr. JONES, Mr. McHENRY, Mr. PRICE of North Carolina, Ms. FOXX, Mr. KISSELL, Mr. MILLER of North Carolina, Mr. WATT, Mr. SHULER, Mr. COBLE, Mr. MCINTYRE, and Mrs. MYRICK):

H.R. 5904. A bill to designate the facility of the United States Postal Service located at 204 South Main Street in Seaboard, North Carolina, as the "Louise Lassiter Post Office"; to the Committee on Oversight and Government Reform.

By Mr. CONNOLLY of Virginia:

H.R. 5905. A bill to amend the Internal Revenue Code of 1986 to deny a deduction for removal costs and damages for which taxpayers are liable under the Oil Pollution Act of 1990; to the Committee on Ways and Means.

By Mr. GOHMERT (for himself, Mr. PENCE, Mrs. LUMMIS, Mr. CONAWAY, Mr. COFFMAN of Colorado, Mr. FRANKS of Arizona, Mr. POSEY, Mr. BARTLETT, and Mr. SHADEGG):

H.R. 5906. A bill to prohibit the expenditure of funds for the construction or lease of buildings or space in the District of Columbia for the United States Government until January 1, 2012; to the Committee on Transportation and Infrastructure.

By Ms. HARMAN (for herself and Mr. SHIMKUS):

H.R. 5907. A bill to require the National Telecommunications and Information Administration to conduct a competition to award grants for the development of nonstationary radio over Internet protocol devices that support mission-critical broadband voice and data communications of public safety personnel, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KINGSTON:

H.R. 5908. A bill to authorize the Secretary of the Interior to conduct a special resource study of Point Peter in St. Marys, Georgia, and for other purposes; to the Committee on Natural Resources.

By Mrs. LOWEY:

H.R. 5909. A bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Administrator of the United States Fire Administration to provide assistance to firefighting task forces, and for other

purposes; to the Committee on Science and Technology.

By Mrs. LOWEY:

H.R. 5910. A bill to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to issue rules that designate no-fly zones in the vicinity of certain nuclear power plants, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. MARKEY of Colorado:

H.R. 5911. A bill to modify the boundary of Rocky Mountain National Park, and for other purposes; to the Committee on Natural Resources.

By Mr. ORTIZ:

H.R. 5912. A bill to designate the facility of the United States Postal Service located at 313 East Main Street in Robstown, Texas, as the "Lieutenant Juan G. Carrion Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. PAULSEN (for himself and Mr. LANGEVIN):

H.R. 5913. A bill to establish a pilot program for law enforcement agencies to use anonymous texts from citizens to augment their anonymous tip hotlines; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 5914. A bill to repeal the requirements under the United States Housing Act of 1937 for residents of public housing to engage in community service and to complete economic self-sufficiency programs; to the Committee on Financial Services.

By Mr. ROONEY (for himself, Mr. PAUL, Ms. ROS-LEHTINEN, and Mr. LINCOLN DIAZ-BALART of Florida):

H.R. 5915. A bill to amend the Internal Revenue Code of 1986 to create Catastrophe Savings Accounts; to the Committee on Ways and Means.

By Mr. SALAZAR (for himself, Mr. SIMPSON, Mr. REHBERG, and Ms. MARKEY of Colorado):

H.R. 5916. A bill to establish a methamphetamine prevention campaign grant program; to the Committee on Energy and Commerce.

By Mr. FRANKS of Arizona:

H. Con. Res. 306. Concurrent resolution authorizing the use of the rotunda of the Capitol for the photo exhibition "Being Untouchable" and a ceremony in honor of the exhibition; to the Committee on House Administration.

By Mr. HALL of Texas (for himself and Mr. COFFMAN of Colorado):

H. Res. 1565. A resolution expressing support for the designation of the third Thursday of April as "Rachel's Challenge: A Day of Kindness and Compassion" in honor of the triumph and hope stemming from the life of Rachel Scott and in memoriam of the Columbine High School tragedy; to the Committee on Education and Labor.

By Mr. LEWIS of Georgia (for himself and Mr. COHEN):

H. Res. 1566. A resolution recognizing the 50th anniversary of the Student Nonviolent Coordinating Committee (SNCC) and the pioneering of college students whose determination and nonviolent resistance led to the desegregation of lunch counters and places of public accommodation over a 5-year period; to the Committee on the Judiciary.

By Mr. HONDA (for himself, Mr. FILLNER, Mr. FALEOMAVAEGA, Ms. KILPATRICK of Michigan, Mr. COHEN, Mr. ISRAEL, and Mr. TEAGUE):

H. Res. 1567. A resolution welcoming and commending the Government of Japan for extending an official apology to all United

States former prisoners of war from the Pacific War and moving forward in planning to invite surviving members to Japan; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

355. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 51 decrying the atrocities taking place in Darfur; to the Committee on Foreign Affairs.

356. Also, a memorial of the Senate of the Commonwealth of the Northern Mariana Islands, relative to Senate Resolution No. 17-20 requesting that the Congress grant the Northern Mariana Islands full voting rights in the U.S. House of Representatives on matters affecting the Northern Mariana Islands; to the Committee on the Judiciary.

357. Also, a memorial of the House of Representatives of the State of New Hampshire, relative to House Concurrent Resolution 28 rescinding any and all requests by the New Hampshire legislature for a federal constitutional convention; to the Committee on the Judiciary.

358. Also, a memorial of the House of Representatives of the State of New Hampshire, relative to House Joint Resolution 20 urging the Congress to maintain the crime victims fund; to the Committee on the Judiciary.

359. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 166 calling to task the Obama Administration for its failed leadership on preventing Asian Carp from invading the Great Lakes; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. TONKO, Mr. QUIGLEY, and Ms. WASSERMAN SCHULTZ.

H.R. 205: Mr. SHUSTER.

H.R. 333: Mr. SPACE.

H.R. 413: Mr. STARK and Mr. ORTIZ.

H.R. 442: Mr. KINGSTON.

H.R. 571: Ms. ESHOO.

H.R. 745: Mr. DEUTCH.

H.R. 775: Mr. ENGEL.

H.R. 1021: Mr. HODES.

H.R. 1124: Mr. SIREN, Ms. RICHARDSON, and Ms. WATERS.

H.R. 1230: Mr. HOLDEN.

H.R. 1324: Mr. GARAMENDI.

H.R. 1337: Mr. PALLONE.

H.R. 1347: Mr. LOESACK.

H.R. 1507: Ms. NORTON and Mr. PALLONE.

H.R. 1547: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1549: Mr. OBEY and Mr. McDERMOTT.

H.R. 1712: Mr. CARTER.

H.R. 1765: Mr. HILL.

H.R. 1806: Mr. THOMPSON of California and Mr. CRITZ.

H.R. 1895: Ms. SPEIER.

H.R. 1929: Mr. JONES.

H.R. 1990: Mr. HINCHY.

H.R. 2000: Mr. LAMBORN, Mr. BUTTERFIELD, Mr. DOYLE, Ms. MARKEY of Colorado, Mr. SCHIFF, Mr. THOMPSON of Mississippi, Ms. VELÁZQUEZ, Mr. WEINER, Mr. HOYER, and Mr. MCINTYRE.

H.R. 2016: Mr. DEUTCH.

H.R. 2112: Mr. EHLERS.

H.R. 2267: Mr. CAMPBELL.

H.R. 2296: Mr. LOBIONDO.

H.R. 2378: Mr. GEORGE MILLER of California.

H.R. 2598: Mr. MEEKS of New York.

H.R. 2648: Mr. WU.

H.R. 2811: Ms. CASTOR of Florida.

H.R. 3186: Mr. TONKO.

H.R. 3199: Mr. MCNERNEY.

H.R. 3408: Mr. CRITZ.

H.R. 3412: Mr. TIBERI.

H.R. 3710: Mr. HONDA, Ms. MATSUI, Mr. HALL of New York, and Mr. DEUTCH.

H.R. 3716: Mr. HILL, Mr. SPACE, and Mr. BRALEY of Iowa.

H.R. 3742: Mr. LYNCH and Mr. DELAHUNT.

H.R. 3786: Ms. SHEA-PORTER and Mr. STUPAK.

H.R. 3787: Mr. MILLER of Florida.

H.R. 3839: Mr. RUPPERSBERGER.

H.R. 4116: Mr. LOESACK and Mr. HEINRICH.

H.R. 4149: Mr. DEUTCH.

H.R. 4223: Ms. FUDGE.

H.R. 4278: Mr. CANTOR.

H.R. 4306: Mr. GARY G. MILLER of California and Mr. DUNCAN.

H.R. 4383: Mr. HEINRICH.

H.R. 4420: Ms. TSONGAS.

H.R. 4509: Mr. PRICE of North Carolina.

H.R. 4530: Mr. LYNCH and Ms. SCHWARTZ.

H.R. 4554: Mr. CLAY and Mr. DAVIS of Illinois.

H.R. 4689: Ms. HERSETH SANDLIN and Mr. KLEIN of Florida.

H.R. 4693: Mr. REYES and Mr. BRALEY of Iowa.

H.R. 4698: Mr. LOBIONDO.

H.R. 4756: Mr. THOMPSON of Mississippi, Mr. SCOTT of Georgia, Mr. CARSON of Indiana, Mr. ELLISON, Mr. FATTAH, Mr. WATT, Mr. CLAY, Mr. DAVIS of Illinois, Mr. RUSH, and Ms. MOORE of Wisconsin.

H.R. 4785: Mr. SCHOCK.

H.R. 4788: Mrs. LOWEY, Mr. RYAN of Ohio, and Mr. MILLER of North Carolina.

H.R. 4923: Ms. ZOE LOFGREN of California.

H.R. 4951: Mr. WITTMAN.

H.R. 4959: Mrs. CAPPS, Mr. LOBIONDO, and Mr. PLATTS.

H.R. 4960: Mr. BLUNT.

H.R. 4986: Mr. ROHRBACHER, Mr. WAMP, and Mr. CAO.

H.R. 4993: Mr. BOUCHER and Mr. DELAHUNT.

H.R. 5001: Mr. MURPHY of New York and Mr. GRIJALVA.

H.R. 5008: Mrs. DAHLKEMPER.

H.R. 5034: Mr. SESSIONS.

H.R. 5037: Mr. HODES.

H.R. 5040: Mr. HOLT.

H.R. 5041: Mr. DEUTCH.

H.R. 5044: Mr. CONNOLLY of Virginia and Ms. MCCOLLUM.

H.R. 5081: Mr. MCNERNEY and Mr. THORNBERRY.

H.R. 5107: Mr. ORTIZ and Mr. STARK.

H.R. 5111: Mr. BARTON of Texas and Mr. AUSTRIA.

H.R. 5137: Mr. WOLF, Mr. BILIRAKIS, and Mr. DEUTCH.

H.R. 5156: Mr. KLEIN of Florida and Mr. DEUTCH.

H.R. 5240: Ms. CHU and Mr. CLAY.

H.R. 5244: Mr. PRICE of North Carolina.

H.R. 5291: Mrs. DAHLKEMPER.

H.R. 5363: Mrs. DAHLKEMPER.

H.R. 5374: Mr. ALEXANDER.

H.R. 5380: Mr. SABLON.

H.R. 5434: Mr. ELLISON, Mr. GRIFFITH, Ms. CASTOR of Florida, Mrs. HALVORSON, Mr. SARBANES, Ms. SUTTON, Mr. PETERS, and Ms. MCCOLLUM.

H.R. 5454: Mr. BOSWELL and Mr. HEINRICH.

H.R. 5456: Mr. RYAN of Ohio.

H.R. 5504: Ms. SLAUGHTER, Mr. ELLISON, and Mr. HEINRICH.

H.R. 5527: Mr. BRALEY of Iowa.

H.R. 5533: Mr. ALEXANDER and Mr. MICHAUD.

H.R. 5539: Mr. SMITH of Nebraska.

H.R. 5554: Mrs. CAPITO.

H.R. 5575: Mr. ELLISON.

H.R. 5597: Mr. RUPPERSBERGER, Mr. KIND, Ms. TITUS, Mr. DEUTCH, Mr. PAUL, Ms. FUDGE, and Mr. THOMPSON of Mississippi.

H.R. 5599: Mr. ISRAEL and Mr. BOUSTANY.

H.R. 5612: Mr. WU.

H.R. 5631: Mr. DEUTCH.

H.R. 5637: Ms. SHEA-PORTER.

H.R. 5643: Mr. FILNER and Mr. SCHRADER.

H.R. 5663: Ms. BERKLEY, Mr. LARSEN of Washington, Ms. MCCOLLUM, and Mr. JACKSON of Illinois.

H.R. 5677: Mr. PUTNAM.

H.R. 5688: Mr. GUTIERREZ.

H.R. 5729: Mr. LAMBORN and Mr. RUPPERSBERGER.

H.R. 5769: Mr. BRIGHT and Mr. MCINTYRE.

H.R. 5778: Mr. SCHOCK, Mr. BLUNT, Mr. HILL, and Mr. SULLIVAN.

H.R. 5806: Mr. GRIJALVA and Mr. BACA.

H.R. 5817: Ms. DELAURO.

H.R. 5842: Mr. PITTS, Mr. PENCE, Mr. LATTA, Mr. BARTLETT, Mr. PRICE of Georgia, Mr. BROWN of South Carolina, Mr. GINGREY of Georgia, Mr. LAMBORN, Mr. ROONEY, Mr. FRANKS of Arizona, Mr. OLSON, and Mr. NEUGEBAUER.

H.R. 5853: Mr. ROE of Tennessee, Mrs. BLACKBURN, Mr. ROGERS of Alabama, Mr. BROUN of Georgia, Mr. AKIN, Mr. GRIFFITH, Mr. POSEY, and Mr. GARY G. MILLER of California.

H.R. 5860: Mr. NEUGEBAUER.

H.R. 5874: Mr. MORAN of Virginia and Mr. CONYERS.

H.R. 5875: Mr. EDWARDS of Texas and Mr. HINOJOSA.

H.R. 5876: Mrs. MCCARTHY of New York.

H.R. 5877: Mr. OLVER, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Ms. TSONGAS, Mr. TIERNEY, Mr. MARKEY of Massachusetts, Mr. LYNCH, and Mr. DELAHUNT.

H.R. 5882: Mr. JORDAN of Ohio, Mr. BARTLETT, Mr. LATTA, Mr. PITTS, Mr. GOHMERT, Mr. HALL of Texas, Mr. LAMBORN, Mr. GARRETT of New Jersey, Mr. BROWN of South Carolina, Mr. ISSA, and Mr. BRADY of Texas.

H. J. Res. 42: Mr. GRAVES of Georgia.

H. J. Res. 94: Mr. GENE GREEN of Texas, Mr. SABLAN, Mr. DELAHUNT, Mr. WITTMAN, Mr. ROSS, Mr. SCOTT of Georgia, Mr. MEEKS of New York, and Mr. SIRES.

H. Con. Res. 274: Mr. BOUCHER and Mr. WALDEN.

H. Con. Res. 291: Mr. SNYDER.

H. Con. Res. 298: Mr. STARK.

H. Res. 111: Mr. TURNER, Mr. RYAN of Wisconsin, and Mr. STUPAK.

H. Res. 771: Mr. KLEIN of Florida.

H. Res. 1191: Mr. TIBERI.

H. Res. 1217: Mr. MCMAHON.

H. Res. 1226: Mr. MILLER of Florida.

H. Res. 1319: Mr. COURTNEY.

H. Res. 1326: Mr. WILSON of South Carolina.

H. Res. 1445: Ms. SHEA-PORTER.

H. Res. 1449: Mr. GARRETT of New Jersey, Mr. LAMBORN, Mr. BILBRAY, Mr. GOHMERT, Mr. HALL of Texas, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, Mr. SHADEGG, Mr. PITTS, Mr. HENSARLING, Mr. LATTA, Mr. BRADY of Texas, Mr. BARTLETT, Mr. ISSA, Mrs. BACHMANN, Mr. SCHOCK, and Mr. WHITFIELD.

H. Res. 1476: Mr. HODES, Ms. PINGREE of Maine, Ms. MOORE of Wisconsin, Mr. LARSEN of Washington, and Mr. SHERMAN.

H. Res. 1485: Mr. MCCAUL, Mr. LAMBORN, Mr. HEINRICH, Mr. DAVIS of Illinois, Mr. SNYDER, Mr. PITTS, and Mr. LOEBSACK.

H. Res. 1518: Ms. LINDA T. SANCHEZ of California.

H. Res. 1519: Mr. BAIRD.

H. Res. 1522: Mr. GRIFFITH, Mr. TERRY, Mr. DONNELLY of Indiana, Mr. CARNAHAN, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MOORE of Kansas, Mr. SCHOCK, Ms. KOSMAS, Mr. CONNOLLY of Virginia, Ms. LEE of California, Mr. LATOURETTE, Ms. KILPATRICK of Michigan, Mr. COBLE, Mr. YOUNG of Florida, Ms. SHEA-PORTER, Ms. BORDALLO, Mr. BLUNT, Mr. VAN HOLLEN, and Mr. TONKO.

H. Res. 1524: Mr. REYES, Ms. LINDA T. SANCHEZ of California, Mr. SABLAN, Mr. SERRANO, Mr. GONZALEZ, Mr. ORTIZ, Mrs. DAVIS of California, Ms. JACKSON LEE of Texas, Mr. STARK, Ms. SUTTON, Mr. POLIS, Ms. RICHARDSON, Mr. RANGEL, Ms. MOORE of Wisconsin, Ms. HIRONO, Mr. JOHNSON of Georgia, Ms. HARMAN, Ms. MATSUI, Ms. WOOLSEY, Mr. LEWIS of Georgia, Mr. HONDA, Mrs. CAPPS, Mr. FILNER, Ms. ZOE LOFGREN of California, and Mrs. NAPOLITANO.

H. Res. 1527: Mr. DENT, Mr. BACA, and Mr. PASTOR of Arizona.

H. Res. 1532: Mr. SHULER and Mr. MORAN of Kansas.

H. Res. 1534: Mrs. MYRICK, Ms. GINNY BROWN-WAITE of Florida, Mr. BARTLETT, Mr. BROWN of South Carolina, and Mr. FRANKS of Arizona.

H. Res. 1546: Mr. MCNERNEY and Mr. HOLT.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative GEORGE MILLER of California, or a designee, to H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Protection Act of 2010, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. SPRATT

The provisions that warranted a referral to the Committee on the Budget, in H.R. 5893, the Investing in American Jobs and Closing Tax Loopholes Act of 2010, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. LEVIN

The provisions that warranted a referral to the Committee on Ways and Means, in H.R. 5893, the Investing in American Jobs and Closing Tax Loopholes Act of 2010, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 1548: Mr. SABLAN.

EXTENSIONS OF REMARKS

HONORING THE CAREER OF
KENNETH CANTER, D.P.M.

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Ms. McCOLLUM. Madam Speaker, today I rise to honor the service of Kenneth Canter, Doctor of Podiatric Medicine, who recently retired after 32 years serving our veterans at the Minneapolis VA Medical Center.

Dr. Canter received his undergraduate degree from the University of Maryland in College Park, Maryland and his medical degree from the Pennsylvania College of Podiatric Medicine in Philadelphia, Pennsylvania in 1972. He began his career with the Department of Veterans Affairs in Minneapolis in 1977 as one of the first 35 podiatrists hired to treat our veterans. For 32 years, he worked at the Minneapolis VA Medical Center, retiring as Chief of Podiatry in June 2010.

Dr. Canter cared for Minnesota veterans with compassion and respect, always taking additional care to render the finest and most effective treatments. Aside from treating his patients, he authored scientific articles and mentored podiatrists who came to the VA for post-graduate training. Dr. Canter's dedication to outstanding medical care and sincere concern for our nation's veterans are the qualities of a truly great VA doctor, and I am proud that he is a resident of my Congressional District.

Madam Speaker, please join me in honoring Dr. Kenneth Canter for his distinguished 32 years of service to Minnesota veterans.

HONORING THE HENDERSON
MEMORIAL BAPTIST CHURCH

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. MICHAUD. Madam Speaker, I rise today to recognize the Henderson Memorial Baptist Church for their remarkable perseverance and dedication to their community.

The Henderson Memorial Baptist Church was formed in the homes and barns of the people of Farmington in 1810. Without a building to meet in, community members met in private spaces until they built their church in 1836. From its humble beginnings, the church and its members formed a strong bond that lasts to this day.

Despite many obstacles, the congregation continues to thrive. Two major fires disrupted the ability of church members to practice in their building in 1886 and again in 1938. Both of these fires were devastating, especially considering the loss of a new Austin pipe organ bought through donations during the

Great Depression. However, the congregation has always rallied to rebuild and continue their good work.

The community of the Henderson Memorial Baptist Church has always come together and united for the common goal of keeping their church and congregation alive. The resiliency shown by this congregation during their tumultuous history is highly commendable.

Madam Speaker, please join me in honoring the Henderson Memorial Baptist Church for their resiliency, perseverance and extraordinary dedication.

A TRIBUTE IN RECOGNITION OF
THE WEEKLY DOWNTOWN LOS
ANGELES COMMUNITY NEWS-
PAPER, THE GARMENT & CIT-
IZEN, AND ITS FOUNDER, EDI-
TOR AND PUBLISHER, JERRY
SULLIVAN

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize the Los Angeles Garment & Citizen newspaper in Downtown Los Angeles, which, after 10 years in publication, is closing its doors this month.

With a weekly circulation of 10,000, the Garment & Citizen covered Downtown and the adjacent areas of Echo Park, Angeleno Heights, Silverlake, Westlake, Pico-Union, Chinatown, Little Tokyo, the Arts District and portions of south Los Angeles.

As the member of Congress who represents Downtown, I know the closure of this free weekly will leave a void. Jerry Sullivan, the paper's founder, editor and publisher, started the Garment & Citizen in 2000 to report Downtown area news and events that were not being reported elsewhere.

Every week, one could always count on Jerry to run news items that directly related to the diverse readership he served. The articles heralded the achievements of Downtown students, workers, families and businesses, and provided a vehicle for residents to share a wide range of viewpoints.

I also salute the paper's contributors. They include John Fish, Roberto Porras, Sam Hassan, Rick Ness, J.C. Choe, Raby Savage, Eugene Yi, and Elias Cruz, among others. As Jerry says, they all served the Garment & Citizen and the community with great skill and dedication.

I wish Jerry well as he pursues new endeavors. While the Echo Park resident will no longer hang his notorious fedora in the office of the Garment & Citizen, all of us here in the U.S. House of Representatives will continue to have a unique connection to Jerry. We have the privilege of working closely with one of

Jerry's eight siblings, John Sullivan, who has served as House Parliamentarian since May 2004. Upon learning of this tribute, John said of his brother, "It is impossible for me to overstate how proud I am to be Jerry's brother, and I know I can say the same for each of our brothers and sisters."

Madam Speaker, I ask my colleagues to please join me in thanking Jerry and his team for their accomplishments and success in publishing the Garment & Citizen. To fully tell the story of the newspaper, I would like to submit into the CONGRESSIONAL RECORD Jerry's own reflections. They clearly reveal his passion and commitment to the news industry and Los Angeles' culturally rich Downtown neighborhoods that he and I both know well, love and celebrate.

WHAT WORKED

(By Jerry Sullivan, Editor & Publisher, Los Angeles Garment & Citizen)

"A lot of famous folks have said that they wouldn't change a thing if they had it all to do over again.

I don't think any of them ever had to shut down a community newspaper.

I would change some things if I had it to do over again.

I'd make some changes—apply the lessons of experience—because whatever I did as the founder and editor and publisher of the Los Angeles Garment & Citizen didn't get the newspaper through these historically tough economic times.

I can carry the weight of that outcome because—while I would make some changes if I had it all to do over—there are so many things that I would make sure to do again.

I would again keep my eyes and my mind wide open in order to give the community the coverage it deserves.

I'd still tell everyone's truth—not just this niche or that demographic group. I'd keep striving to tell the stories of the entire community, and to explain how and why this segment or demographic group matters to the other.

I'd continue to acknowledge the fact that readers are smart.

I'd keep giving advertisers credit for their roles as members of the community.

I'd always do my best to hold both readers and advertisers accountable for their actions as community members.

I'd keep assuming that immigrants are part of our American culture—whether they've obtained citizenship or remain uncertain about taking that step.

I'd still speak truth to power in plain language.

I'd still keep a civil tone in all matters.

I'd still receive whoever found their way to my office, and listen to their story even if their only point is to let someone know that they weren't always in the shape they're in today.

I'd continue to make ideas the heart of reporting.

I'd keep in mind that important and even great ideas can come from unexpected sources buried deep in conversations.

I'd keep the Letters to the Editor section as a truly open forum for all voices and viewpoints in the community.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I'd continue to laud police officers for the job they do so well the vast majority of the time.

I'd keep calling police officers to task—and give others the opportunity to do so—on matters of public concern.

I'd continue to make space for the poets who happen to wash dishes or manufacture garments on their day jobs.

I'd keep reminding longtime, hard-pressed Downtown residents that property owners have a right to build lofts—and young, upscale tenants have a right to move into them.

I'd still tell developers and young, upscale tenants that a community existed Downtown long before anyone built any lofts—and remind them that all communities deserve respect.

I'd keep telling the folks in Echo Park about the Lions Club.

I'd continue to highlight the success stories of youngsters in Westlake and Pico-Union.

I'd keep mentioning Angeleno Heights at every legitimate opportunity.

I'd always expect the unexpected in Chinatown.

I'd still keep some space reserved on deadline for late-breaking news on the latest community cause in Little Tokyo.

I'd keep asking why suffering has such a comfortable home on Skid Row.

I'd remember to always respect my elders on Bunker Hill.

I'd continue to appreciate the artists of the Arts District.

I'd continue to learn from the contentious culture of the Fashion District.

I'd keep marveling at the blend of old and new ways in the Jewelry District.

I'd still highlight folks who work hard and choose decency every day as the Local Heroes of our society.

There are many more things I would do again, because the Garment & Citizen earned some great victories. Our coverage has mattered. We saved taxpayers money. We gave credit where it was due to the mothers and fathers, sons and daughters, and workers and business owners who make our city work. We added valuable insights, criticisms and plaudits to the public debate.

The Garment & Citizen served with honor and distinct style. We developed a voice that reached our readers and earned a strong and unique connection with their lives. We reached rich, poor, working-class and middle-class individuals and families. We reached across ethnic and racial and religious lines. We reached them all—and called them a community.

The Garment & Citizen will disappear but the community shall remain.

It's now up to others to serve this community with the comprehension, courage, and clarity that's called for by the guarantee of freedom of the press that we enjoy under the 1st Amendment to the U.S. Constitution.

The Garment & Citizen has demonstrated that it can be done.

Our fate also shows that it could be done better.

I will look upon the next effort with interest.

Respectfully,

JERRY SULLIVAN.

TRIBUTE TO TRACY PATTON, 2010 STATE WINNER OF LETTERS ABOUT LITERATURE COMPETITION

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mrs. CAPITO. Madam Speaker, I rise today to honor Tracy Patton and congratulate her as a state winner of the Library of Congress 2010 Letters About Literature competition.

Letters About Literature is a program developed by the Library of Congress in partnership with Target Stores and state Centers for the Book. It aims to promote reading and writing to young people in fourth through twelfth grades across the nation. Students are encouraged to read a book, then write a letter to the author, dead or alive, conveying their appreciation for the book and its impact on their lives. More than 70,000 students from across the nation entered the contest, a 25% increase from last year's competition.

The Letters About Literature competition divided students into three divisions by age, and the top letter from each age level were chosen from the states. Level three included all high school students, in ninth through twelfth grades. Tracy was chosen as the Level 3 state winner for 2010 by West Virginia's panel of judges, comprised of authors, editors, publishers, librarians, and teachers. She addressed her letter to renowned playwright and poet William Shakespeare, about his tragedy *Romeo and Juliet*. Tracy is from Charleston, West Virginia and attends Capital High School. Tracy's teacher, Rosalie Blaul, submitted this winning letter.

It is an honor to pay tribute to Tracy Patton, a student that has committed herself to scholarship in reading and writing. Bright young minds such as hers are truly the future of the Mountain State, and I wish her congratulations.

HONORING THE AGENCIES INVOLVED IN CONTAINING THE RANGE 9 AND MERIDIAN BOUNDARY FOREST FIRES IN NORTHERN MICHIGAN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. STUPAK. Madam Speaker, I rise to recognize the men and women who showed bravery and perseverance in fighting the Meridian Boundary and Range 9 fires in northern Michigan's Crawford County and surrounding areas in May of this year. Through their impressive efforts the fire's damage was contained with minimal loss of structures and no loss of life.

On May 18, two separate forest fires broke out only two counties apart—one in Crawford County and the other on land within Camp Grayling's Range No. 9 near the border of Crawford and Kalkaska Counties. Federal, State and local agencies worked together,

managing the two fires as one single complex. In total, 16 local fire departments worked alongside members of the Michigan Army Reserve National Guard and State and federal forest management officials, to have the fire 95 percent contained within 8 days.

In all, nearly ten thousand acres were impacted by the fires, with 12 residences destroyed and 6 residences damaged. These firefighters and responders acted with expertise in the field and crews worked around the clock to fight and contain the blaze. Without their determined efforts and quick response the situation on the ground likely would have been far worse.

Agencies involved in containing the Meridian Boundary and Range 9 fires were: South Branch Township Fire Department, Higgins Township Fire Department, Frederic Township Fire Department, Beaver Creek Township Fire Department, Grayling Fire Department, Lovells Township Fire Department, Luzerne-Big Creek Township Fire Department, Tri-Town Fire Department, Merritt Fire Rescue Department, Clam Union Fire Department, Lake Missaukee Area Fire Department, McBain Fire Department, Lake City Fire Department, Otsego County Fire Department, Otsego Lake Township Fire Department, Vanderbilt Corwith Fire and Rescue, Michigan Army Reserve National Guard, Michigan Department of Natural Resources and Environment Forest Management Division and USDA Forest Service, Mio Ranger District.

Madam Speaker, the men and women of these agencies did excellent work controlling and containing the Meridian Boundary and Range 9 forest fires and keeping people in the surrounding communities safe. Therefore, I ask that you, and all of my colleagues in the U.S. House of Representatives, join me in recognizing their service, honoring their bravery, and thanking them for the heroic job they did in fighting these fires.

HONORING MR. IRVIN R. LAI

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Ms. CHU. Madam Speaker, I rise today to recognize a great loss to our community, Mr. Irvin Lai, who passed away on July 16, 2010, at the age of 83. My heart goes out to his son, Laurence; his daughters Arlene Lowe, Corinne Gill, Irene Jong, Kathleen Lih and Pauline Yau; his brother Collin and sister Mildred Wong; his 12 grandchildren and three great-grandchildren; and the rest of his family and friends.

Irvin was an extraordinary citizen, a role model for community activism and a powerful advocate for the Chinese American community. His selfless and just nature was cultivated in childhood during the Great Depression by his mother, Effie Lai, an unpaid social worker who helped Chinese immigrant women navigate the U.S. social welfare system. It was his mother's work, and his education in a segregated "Oriental" school, that taught him the importance of joining together and helping his community.

Lai first served his country as a teenage volunteer in the U.S. Coast Guard Merchant Marines during World War II, where he achieved rank of Chief Steward during his 2 years of service. In 1950 he was drafted into the Korean War, where he served for 2 years in the 4th Infantry Division, 42nd Field Artillery in Germany.

But it was upon his return from the war that Mr. Lai's civil rights activism really took off, when he joined the Los Angeles Lodge of the Chinese American Citizens Alliance in 1957. He worked his way up to national Grand President of the Alliance by 1985, and along the way he fought hard for equal political and economic rights for all Chinese Americans.

Irvin is probably best known for saving the Peking duck in America, when he led the charge to change a law that required Chinese restaurateurs to throw away large quantities of Chinese roast duck and dim sum, or receive costly citations. As a direct result of testimony from Mr. Lai before the State Legislature, a roast duck exemption was added to the health code.

Mr. Lai also stepped forward to help arrange the proper reinterment of Chinese remains unearthed during construction of the Gold Line Eastside Extension, and the preservation of artifacts found at the site.

I urge all my House colleagues to join me in honoring our community hero, Mr. Irvin for his remarkable service and contributions to our country.

**TRIBUTE TO MOLLY LOVERN, 2010
STATE WINNER OF LETTERS
ABOUT LITERATURE COMPETITION**

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mrs. CAPITO. Madam Speaker, I rise today to honor Molly Lovern and congratulate her as a state winner of the Library of Congress 2010 Letters About Literature competition.

Letters About Literature is a program developed by the Library of Congress in partnership with Target Stores and state Centers for the Book. It aims to promote reading and writing to young people in fourth through twelfth grades across the nation. Students are encouraged to read a book, then write a letter to the author, dead or alive, conveying their appreciation for the book and its impact on their lives. More than 70,000 students from across the nation entered the contest, a 25% increase from last year's competition.

The Letters About Literature competition divided students into three divisions by age, and the top letter from each age level were chosen from the states. Level two included all students in seventh and eighth grades. Molly was chosen as the Level 2 winner for 2010 by West Virginia's panel of judges, comprised of authors, editors, publishers, librarians, and teachers. She addressed her letter to Jean-Dominique Bouby, about his book, *The Diving Bell and the Butterfly*. Molly is from Fairmont, West Virginia and attends Bluefield Middle School. Molly's teacher, Mrs. Putorek, submitted the winning letter.

It is an honor to pay tribute to Molly Lovern, a student that has committed herself to scholarship in reading and writing. Bright young minds such as hers are truly the future of the Mountain State, and I wish her congratulations.

**RECOGNIZING THE HEROISM OF
EVAN LANGSTON**

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. BOOZMAN. Madam Speaker, I rise today to honor Mr. Evan Langston, for his act of heroism. His call to action in an emergency situation saved the lives of his fellow citizens in Franklin County, Arkansas.

Mr. Langston was the first to arrive at an accident on highway 309 in April and helped the passengers get out of the burning car. He successfully helped a mother and her children get out of dangers way. By doing so, he saved their lives and I would like to ask my colleagues to join me in recognizing Mr. Langston with the honor he deserves.

By acting as a good samaritan, he prevented a great tragedy within his community, and for that I wish to honor him with my appreciation. Mr. Langston's selfless actions have not gone unnoticed.

PERSONAL EXPLANATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. KING of New York. Madam Speaker, I regret that I was unable to be in Washington from July 12 through July 15 and missed roll-call votes 434 through 466 due to illness.

**TRIBUTE TO CARA LASWELL, 2010
STATE WINNER OF LETTERS
ABOUT LITERATURE COMPETITION**

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mrs. CAPITO. Madam Speaker, I rise today to honor Cara Laswell and congratulate her as a state winner of the Library of Congress 2010 Letters About Literature competition.

Letters About Literature is a program developed by the Library of Congress in partnership with Target Stores and state Centers for the Book. It aims to promote reading and writing to young people in fourth through twelfth grades across the nation. Students are encouraged to read a book, and then write a letter conveying their appreciation for the book and its impact on their lives to the author, living or dead. Of the 70,000 students from across the nation that entered the contest, a 25% increase from last year's competition.

Cara was chosen as the 2010 state winner by West Virginia's panel of judges, comprised of authors, editors, publishers, librarians, and teachers.

The contest divided students into three divisions by age, and the top letter from each age level were chosen from the states. The youngest division included students from fourth through sixth grades. Cara Laswell from Fairmont wrote the winning Level 1 letter from West Virginia. Her letter was addressed to Jerry Spinelli about his book *Stargirl*. Cara attends Fairmont Catholic Elementary School, and her letter was submitted by her teacher Cynthia Garcia.

It is an honor to pay tribute to Cara Laswell, a young student that has committed herself to scholarship in reading and writing. Bright young minds such as hers are truly the future of the Mountain State, and I wish her congratulations.

**RECOGNITION OF NATIONAL
CONVENIENT CARE CLINIC WEEK**

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mrs. CAPPS. Madam Speaker, today I rise in recognition of National Convenient Care Week and in support of the 1,100 retail-based convenient care clinics in our nation.

Convenient care clinics, which are based in retail outlets with pharmacy services across the nation, provide an extension to our traditional health care system. Primarily staffed by nurse practitioners, these clinics provide preventative services like vaccinations, as well as acute illness diagnosis and treatment. Furthermore, they can also provide needed services to help manage chronic illnesses.

Convenient care clinics are an important component of our health care system. Not only are they a way to relieve the stress on busy emergency rooms and primary care offices, but they also provide care to working families who benefit from their extended hours and walk-in policies.

For all of these reasons, I encourage my colleagues to support National Convenient Care Week.

DR. WALTER L. SMITH

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Ms. CASTOR of Florida. Madam Speaker, I rise to herald the achievements of Dr. Walter L. Smith, and to acknowledge our pride in his contribution to the education community.

Dr. Smith was born and spent his early childhood in Tampa, FL before moving to live with family in Cairo, Georgia and Harlem, New York. A self-proclaimed rebellious child, Dr. Smith dropped out of high school at the age of 16 to work at a processing plant. After stints in the Army studying medical laboratory technology and working in a hospital, he moved

back in Tampa in 1957 and enrolled in St. Petersburg's Gibbs High School, which doubled as a community college by night. By the age of 23, he had completed his GED and started classes at Gibbs Junior College, where he served as the first student body president. Dr. Smith continued his educational pursuits at Florida A&M and earned his bachelor's and master's degree. After graduation, Dr. Smith was named an African American Institute Scholar and studied at the University of Cape Coast in Ghana and the University of Lagos in Nigeria. Upon his return, Dr. Smith continued his education at Florida State University, where he received his PhD in Higher Education.

Dr. Smith served as Provost of Hillsborough Community College before accepting the position as President at Roxbury Community College in Massachusetts. In 1977, Dr. Smith returned to Florida to serve as the President of his alma mater, FAMU. Our community burst with pride. During his presidency, FAMU grew from seven to eleven schools and colleges. The university also became a Division of Graduate Studies and Continuing Education under his tenure in office. In 1985, Dr. Smith ended his presidency and was named a Senior Fulbright Scholar to the University of Malawi in Central Africa and served as the International Team Leader for Higher Education in the Republic of South Africa. There, he built South Africa's first American-based community college.

In 2000, Dr. Smith moved back to his hometown of Tampa and opened a local library. Named in his honor, the Dr. Walter L. Smith Library, located in a converted house just blocks from his childhood home, serves as both a learning center and haven for local children to cultivate their interests and follow their dreams toward higher education.

Dr. Smith's perseverance and successes have most recently been recognized with the Cornelius P. Turner Award. This award, presented annually by the GED Testing Service of the American Council on Education, recognizes a GED graduate who has made outstanding contributions to society and speaks volumes about Dr. Smith's unlikely road to success.

The Tampa community is proud to recognize Dr. Smith for this award and his many significant contributions to the education community. His determination and hard work have made him an inspirational leader within our Tampa Bay community.

THE TELEWORK IMPROVEMENT ACT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Ms. McCOLLUM. Madam Speaker, I rise in support of the Telework Improvement Act. This bill will help to modernize the Federal Government by expanding and improving the availability of teleworking in federal agencies. I thank Chairman TOWNS and the House leadership for their work on this legislation.

With this bill, Congress takes important steps to improve the efficiency of the Federal

Government by allowing more Federal employees to have access to telework. Today, many private companies have more vigorous and flexible telework policies that result in increased efficiency and productivity. Yet telework continues to be under-utilized by Federal agencies. H.R. 1722 will require Federal agencies to develop policies within one year that allow qualifying employees to telework. This bill ensures accountability by directing the Office of Management and Budget to issue guidelines to prevent improper uses of official time or resources by those working outside the office.

Madam Speaker, I also oppose the Republican Motion to Recommit on H.R. 1722. The underlying legislation makes clear that Federal employees are strictly prohibited from visiting inappropriate websites using government computers. In addition, this motion contains a provision designed to indiscriminately and unfairly prohibit an employee from collective bargaining activities while they are teleworking. Under current law, official time for union activity may only be used to represent employees in adverse actions, attend official meetings with management, and bargain union contracts. To disallow these activities from being performed through telework would constitute a rollback of existing policy.

I urge a "no" vote on the Republican Motion to Recommit and urge my colleagues to support final passage.

H.R. 5897, THE "ECONOMIC REVITALIZATION AND INNOVATION ACT OF 2010"

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. OBERSTAR. Madam Speaker, I rise today to introduce H.R. 5897, the "Economic Revitalization and Innovation Act of 2010", to authorize the programs of the Economic Development Administration, EDA, for 5 years. This legislation creates new programs and adds additional flexibility to EDA's current authorities to ensure that EDA will continue to meet the challenges of high unemployment in economically distressed communities and the need for innovative job creation programs.

In 1965, I served as a staff member of the Committee on Public Works when President Lyndon B. Johnson signed the Public Works and Economic Development Act into law, creating EDA. I was a strong supporter of EDA then and I continue to support the agency now, 45 years later.

I know EDA works because I have seen it work first-hand: providing infrastructure investment, job training, and planning funds to create jobs and economic opportunities in economically distressed communities across the Nation—from blighted urban and rural communities to regions devastated by natural disasters. In fact, we need look no further than in Congress' own back yard where EDA provided critical funding to reconstruct the Eastern Market facility, which was destroyed in a fire. Eastern Market, with assistance from EDA's flexible and responsive programs, was quickly

rebuilt, restoring not only bricks and mortar, but economic opportunity for small businesses and jobs for the local community.

In the current difficult economic climate, EDA plays a strategic role in supporting the efforts of economically distressed communities to cope with a diverse range of economic disruptions and move toward recovery. Part of EDA's success is due to the fact that it truly operates its programs as an investor, seeking to obtain the maximum impact for the Federal dollar. EDA investments are also instrumental in attracting private capital to communities. In fact, in fiscal year 2009, EDA invested \$466 million in infrastructure that attracted \$11.7 billion in private investment—or \$25 for every \$1 of Federal investment.

What enables EDA to operate such effective programs is its extensive network of more than 800 local economic development partners across the country. These partners, with assistance from EDA, perform the rigorous regional planning activities necessary to ensure viable, locally-supported, job-creating projects that EDA then funds on a competitive basis. Such projects include:

- Construction of a job training center in Delaware to train former auto workers in green building technology and alternative energy systems;

- Expansion of port infrastructure in Georgia to allow for increased exports of U.S. manufactured products;

- Conversion of an obsolete furniture factory in Mississippi to train workers for new advanced manufacturing positions; and

- Expansion of rail infrastructure in Tennessee to service a new industrial park where the first Volkswagen automobile plant in the United States will locate.

These projects are just a handful of EDA's efforts to create jobs and provide the building blocks for economic development in economically distressed communities throughout the nation.

H.R. 5897, the "Economic Revitalization and Innovation Act of 2010", reauthorizes EDA for 5 years and provides the necessary funding and investment tools to enable EDA to help regional and local communities raise the standard of living for their citizens, increase the overall rate of economic growth by expanding economic opportunities, increasing international competitiveness, and fostering a climate to create jobs.

H.R. 5897 provides \$500 million for Economic Development Administration, EDA, investments for each of fiscal years FY 2011 through FY 2015, for a total authorization of \$2.5 billion. This annual investment level is equal to the FY 2008 authorization level, but represents a significant increase over current appropriations levels.

Specifically, the bill authorizes:

- \$2.225 billion for economic development investments, including public works and economic adjustment grants;

- \$180 million for planning grants to Economic Development Districts (EDDs);

- \$50 million for university centers in States, including DC, without such centers; and

- Such sums as necessary for EDA administrative expenses.

The authorized funding levels in H.R. 5897 will support grants to economically distressed

communities, increased staffing to assist communities, and new and expanded programs.

With more than 8.4 million jobs lost during the recent recession, the call from the American people is "jobs, jobs, jobs." H.R. 5897 is a considered response to this dire need. Major provisions in H.R. 5897 that accomplish the goal of increasing jobs and support to distressed communities include:

Providing loan guarantees, up to a total of \$500 million, to construct business incubators and science and research parks;

\$25 million in annual funding to support green and alternative energy investments;

Direct funding using EDA's existing network of non-profit lenders to lend to technology and manufacturing companies;

Increased funding to EDA's network of local planning organizations;

Assistance to communities to incentivize manufacturing and technology companies to locate or relocate to the United States from overseas, or "on-shoring";

Funding and direction to EDA and its local planning partner organizations to capitalize on economic development opportunities from high-speed rail; and

Greater flexibility in EDA funding to allow communities to adapt to new economic circumstances, such as high home foreclosures and reduced tax revenues.

By focusing EDA's efforts on proven programs and projects such as business incubators, which tend to generate the greatest number of long-term jobs, we can help facilitate and support the economic renaissance that so many communities need.

I cannot overstate the importance of this legislation. I am sure that every Member has seen firsthand the devastation of lost jobs and distressed communities. As we consider reauthorization of EDA, we must recognize the current economic picture is unsettled: investor confidence and enthusiasm has given way to uncertainty and wariness of future development opportunities. However, EDA, the only Federal agency tasked with the mission of supporting economic development in distressed areas from the ground up, must be empowered to continue to identify opportunities for future economic growth, job creation, and global competitiveness using its expertise and model of proven success.

A complete summary of H.R. 5897, the "Economic Revitalization and Innovation Act of 2010," is included with my statement.

[Committee on Transportation and Infrastructure, July 28, 2010]

H.R. 5897, THE "ECONOMIC REVITALIZATION AND INNOVATION ACT OF 2010"

(Introduced by the Honorable James L. Oberstar, the Honorable Eleanor Holmes Norton, and Other Members of the Committee)

AUTHORIZED FUNDING LEVELS AND JOB CREATION GOALS

Authorized Funding Levels

H.R. 5897, the "Economic Revitalization and Innovation Act of 2010," provides \$500 million for Economic Development Administration (EDA) investments for each of fiscal years (FY) 2011 through FY 2015, for a total authorization of \$2.5 billion. This annual investment level is equal to the FY 2008 authorization level, but represents a significant increase over current appropriations levels.

Specifically, the bill authorizes:

\$2.225 billion for economic development investments, including public works and economic adjustment grants;

\$180 million for planning grants to Economic Development Districts (EDDs);

\$50 million for university centers in States (including D.C.) without such centers; and such sums as necessary for EDA administrative expenses.

Job Creation Goals

Requires that recipients of EDA assistance establish job creation goals as a condition of receipt of EDA assistance, and penalizes recipients for failure to satisfy job creation goals.

EXPANDED SUPPORT FOR BUSINESS INCUBATORS AND SCIENCE AND RESEARCH PARKS

Loan Guarantee Funding

Provides a total of \$500 million in loan guarantees (i.e., a guarantee of non-Federal financing) to enable EDA to provide loan guarantees for the construction and development of business incubators and science and research parks.

Construction Funding

Continues funding for the construction or expansion of business incubators and science and research park facilities under EDA's public works grant program (requiring matching funds).

Operations Funding

Clarifies EDA's ability to provide business incubator operating support.

HIGH-SPEED RAIL ECONOMIC DEVELOPMENT AND SUSTAINABLE ECONOMIC DEVELOPMENT

High-speed Rail Economic Development

Requires EDA to coordinate and evaluate opportunities (including studies and reports) related to high-speed rail projects in conjunction with its local economic development partners and the Department of Transportation. In addition, the bill directs university centers to conduct research and provide technical assistance to communities with respect to the economic development opportunities related to high-speed rail projects. Provides \$500,000 per year to EDDs for high-speed rail economic development planning.

Sustainable Economic Development

Creates a new program for investment (\$25 million annually) in projects focused on economic development and job creation connected to alternative energy technologies (photovoltaic, wind, and geothermal), including assistance to communities for business attraction or retention and alternative energy focused job training analyses.

"ON-SHORING" OF JOBS TO THE UNITED STATES AND INCENTIVES TO ENCOURAGE PRIVATE SECTOR INVESTMENT IN TECHNOLOGY AND MANUFACTURING COMPANIES

On-Shoring Incentive

Establishes three separate programs to allow or provide preference for EDA investment assistance to projects that locate or relocate technology and manufacturing companies to the United States, including:

Incubator Loan Guarantee Program to provide assistance to a facility that will house technology or manufacturing companies locating or relocating to the United States;

Sustainable Economic Development Program to provide assistance to support the efforts of communities to attract technology and manufacturing businesses locating or relocating to the United States; and

Equity Financing Program to establish preference for a Revolving Loan Fund (RLF)

equity investment for technology and manufacturing companies that locate or relocate to the United States.

Equity Financing

Creates a new program that allows EDA's current RLF program to be used to fund investment (up to \$250,000 per company) in exchange for equity. This program will leverage the network of existing RLF third-party, non-profit intermediaries to administer the program. Provides preference to incubator companies, companies commercializing technology at science and research parks, and technology or manufacturing companies locating or relocating to the United States.

FLEXIBILITY IN ECONOMIC DEVELOPMENT FUNDING OF PROJECTS

Revolving Loan Funds and Construction Projects

Provides EDA grant recipients with authority (pursuant to EDA approval) to redirect funds for new projects that meet EDA criteria.

BRAC- and Department of Defense-Impacted Communities

Authorizes EDA to consider "mission growth" of Defense Base Closure and Realignment (BRAC) or Department of Defense-impacted communities as a criterion for assistance, and allows EDA to consider economic opportunities and not simply economic injury as a basis for assistance to these communities.

Declining Tax Revenue Communities

Authorizes EDA to consider communities' declining tax revenues as the basis for increased Federal share of project costs or an eligibility determination, such as substantial home foreclosure rates creating economic conditions allowing grant assistance to particular communities or regions.

DEFINED ROLE FOR ECONOMIC DEVELOPMENT DISTRICTS AND INCENTIVES FOR REGIONAL PLANNING

Role of EDDs

Clearly defines the responsibilities of an EDD in statute to ensure that local communities have an established role in developing economic development projects.

Multi-Regional Planning and Incentives

Allows EDDs to consolidate without the current penalty of reduced EDD funding.

IN CELEBRATION OF FIFTEEN YEARS OF U.S.-VIETNAM DIPLOMATIC RELATIONS

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. FALEOMAVAEGA. Madam Speaker, I rise today in celebration of 15 years of U.S.-Vietnam diplomatic relations. On July 14, 2010, I joined former President Bill Clinton, Senator JOHN KERRY and Senator JOHN MCCAIN in offering remarks at an event hosted by Ambassador of Vietnam Le Cong Phung and Assistant Secretary of State Kurt Campbell in honor of this occasion.

While time will not permit me to elaborate about the competing interests of ridding the world of colonialism versus communism and America's decision to eventually intervene in Vietnam, the majority of the American people did not know of the complexities facing the countries of the Asia region.

Why, for example, did Ho Chi Minh and so many other Asian leaders become followers of socialist, Marxist, and communist ideologies? One obvious reason is that the worst examples of those who advocated freedom and democracy were those European countries that came and colonized so many of these Asian nations, including Vietnam.

For some 100 years, Vietnam was colonized and exploited by the French and, during President Dwight Eisenhower's Administration, the French government requested American military assistance to fight the Vietnamese who, under the leadership of Ho Chi Minh, were struggling for independence from French colonial rule. President Eisenhower refused to help the French in Vietnam for the simple reason that French exploitation and colonial policies in the region went against the ideals upon which America was built.

Subsequently, in 1954, long before American intervention in Vietnam, Ho Chi Minh led his people to fight against French colonialism for which the famous battle of Dienbienphu was fought to liberate his country. While Ho Chi Minh's early intent was to get rid of 100 years of French colonialism and establish a better life for his own people, regrettably when the U.S. entered the fray in 1955 and by the time the Nixon administration withdrew U.S. troops forces in 1973, millions of U.S. troops had served in Vietnam, with more than 58,000 killed.

Three to four million Vietnamese were also killed, as were 1.5 to 2 million Laotians and Cambodians. For what, we ask? As a result of this horrific war, U.S.-Vietnam diplomatic and economic relations were virtually non-existent for more than 20 years following North Vietnam's victory in 1975—until President Bill Clinton announced the formal normalization of diplomatic relations with Vietnam on July 11, 1995.

Prior to this, President Clinton announced the end of the U.S. trade embargo in 1994 and, 2 months later, the U.S. Congress passed the Foreign Relations Authorization Act which contained a Sense of the Senate express the chamber's support for the normalization of relations with Vietnam.

In 1997, President Clinton appointed the first post-war ambassador to Vietnam and signed the landmark U.S.-Vietnam bilateral trade agreement, BTA, in 2000. Vietnam did its part, too, improving cooperation on POW/MIA and refugee issues and moving forward on its ongoing reform efforts.

In November 2000, President Clinton visited Vietnam, the first trip by a U.S. President since Richard Nixon went to Saigon in 1969. Tonight, we applaud former President Clinton for his visionary leadership which has led to this moment. I also commend Ambassador Le Cong Phung for the tremendous service he has rendered to his country.

Today, economic ties are the most mature aspect of our bilateral relationship with trade flows exceeding \$15 billion in 2009, more than ten times the level in 2001. But we can do better, and one area that must be addressed is our forgotten responsibility to the victims of Agent Orange because part of normalizing relations means coming to terms with our past.

As Chairman of the House Foreign Affairs Subcommittee on Asia, the Pacific and the

Global Environment, I have held a series of hearing about Agent Orange and our need to clean up the mess we left behind.

From 1961 to 1971, the U.S. military sprayed more than 11 million gallons of Agent Orange in Vietnam. Agent Orange was manufactured under Department of Defense, DOD, contracts by several companies including Dow Chemical and Monsanto. Dioxin, a toxic contaminant known to be one of the deadliest chemicals made by man, was an unwanted byproduct and is thought to be responsible for most of the medical problems associated with exposure to Agent Orange.

According to Hatfield Consultants, the U.S. Department of Defense as well as Dow Chemical and Monsanto knew as early as 1967 of the potential long-term health risks, and sought to "censor" relevant news reports, "fearing a negative backlash from government and the public."

More than 30 years later, while research clearly shows that Agent Orange was much more hazardous than anyone would admit, U.S. and Vietnamese victims have not been adequately compensated, and Vietnam has not been cleaned-up. Ironically, Dow is now doing business in Vietnam but refuses to help the victims of Agent Orange, and this is not right.

In 2007, after 40 years, I, too, returned to Vietnam and, at a closing dinner hosted by the National Assembly of Ho Chi Minh City, I had long discussions with members of their Foreign Affairs Committee who had also served in the Vietnam War. Although we were once enemies, we embraced each other as friends who share the same hopes and dreams for our families and countries, and this is how it should be but full normalization will not be achieved until the Agent Orange issue is addressed. It is my sincere hope that we will come together and agree on a way to make this matter right.

Once more, I congratulate the government and people of Vietnam and applaud former President Bill Clinton, President George W. Bush, President George H.W. Bush, President Ronald Reagan, President Barack Obama and Secretary of State Hillary Clinton for all they have done to get us where we are today.

CONGRATULATING TEAM WASHINGTON AT LAST WEEK'S SPECIAL OLYMPICS IN LINCOLN, NEBRASKA

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to congratulate Team Washington on an outstanding performance at last week's Special Olympic National Games in Lincoln, Nebraska.

I'm proud to say that Washington's team took home eleven gold, twenty-two silver and fifteen bronze medals. Two of these medalists are from my district: Jason Raymond from Spokane won one gold and three bronze medals in swimming, and Scott Tobin of Cheney brought home three gold and one silver medal in Track and Field.

Our athletes also won medals in bowling, weight-lifting, shot-put and aquatics—and they were extraordinarily successful in many other events, too.

So today I'd like to congratulate the twenty-seven talented, brave and hardworking athletes from my home State of Washington.

They have inspired us with their strength and determination—and are paving the way for a brighter future for my son Cole and all those with special needs.

On behalf of the U.S. Congress, congratulations, Team Washington. Thank you for making us proud.

POSITIVE DEVELOPMENTS IN THE DOMESTIC AUTOMOBILE INDUSTRY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. DINGELL. Madam Speaker, I rise to draw my colleagues' attention to recent positive developments in the domestic automobile industry. Two-and-a-half years ago, at the onset of the current recession, such good news would have seemed improbable, yet thanks to constructive engagement by the best workers in the world, reinvigorated management, attractive product design, and, in the case of Chrysler and General Motors, timely and thoughtful intervention by the federal government, the United States' automakers are back on track to become industry leaders.

Such leadership is already manifest in three measurable areas. First, after consistent losses for the past 5 years and record low levers of U.S. aggregate demand for the sale of light vehicles, Chrysler, Ford, and General Motors have all reported positive operating earnings and cash flow for the first quarter of 2010. Second, according to the 2009 Harbour Report, all three major U.S. automakers now match or exceed Toyota North America's labor productivity levels in major manufacturing operations in North America. Third and finally, according to the most recent JD Power Initial Quality Survey, the Ford Motor Company is now the highest quality mass production automaker based on consumer rankings, beating out Honda, Toyota, and Nissan.

Indeed, these accomplishments merit praise and confirm the wisdom of the Federal Government's role in nursing the domestic auto industry, whether through loans or tax credits, back to health. This in mind, however, we in Congress and the Administration must continue working together to protect the nascent recovery of Chrysler, Ford, and General Motors and the millions of American jobs they support. We must direct Federal support toward the manufacturing sector to rebuild our dwindling supply base. Further, we must enact initiatives to improve the flow of private credit to consumers, suppliers, and automakers alike, so that they can grow and put more Americans back to work. We must also stridently oppose lop-sided trade agreements and unfair foreign trade practices that put our domestic industries at a competitive disadvantage. Finally, we must ensure our automakers

and suppliers have the requisite support to meet future technical challenges, for which foreign companies will surely receive state-financed aid.

I urge my colleagues to join with me in congratulating the domestic automobile industry for its most recent achievements, wish it continued success, and help it compete in the future by creating a level playing field with our trade partners.

IN HONOR OF MAJOR GENERAL
RUPERT H. BURRIS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. ROSS. Madam Speaker, I rise today to honor a fallen hero who was a respected and dedicated officer in the United States Air Force. On July 13, 2010, our State and Nation lost a great patriot when Maj. Gen. Rupert H. Burris of the U.S. Air Force, aged 84, passed away at his home in El Dorado.

General Burris was born in Whelan Springs, Arkansas, to his late parents Thomas and Estelle Burris and attended high school in El Dorado. General Burris graduated from Jackson College in Honolulu, Hawaii.

General Burris enlisted in the U.S. Army Air Forces during World War II and served as a crew member of a B-17 bomber in the European theater of operations. He completed more than 30 bombing missions over Germany and France, serving as an armorer and gunner.

Following the war, General Burris re-enlisted in the U.S. Army Air Forces in 1947, eventually entering Officer Candidate School in 1948. What followed was a long and distinguished military career. General Burris held numerous commands in the United States and overseas, becoming the first nonrated officer ever to head an Air Force major command.

During his highly decorated career, General Burris received many military awards and decorations, including the Legion of Merit with oak leaf cluster; Bronze Star Medal; Meritorious Service Medal; Air Medal with four oak leaf clusters; Air Force Commendation Medal with two oak leaf clusters; Air Force Outstanding Unit Award Ribbon with "V" device; Good Conduct Medal; Vietnamese Honor Medal, First Class; Republic of Vietnam Cross of Gallantry with Palm; and the Republic of China Meritorious Service Medal, Class A, Second Degree.

My thoughts and prayers go out to his daughter and son-in-law Clarice and Chris Long; his brother, Thomas; sister, Jane; four grandchildren and three great-grandchildren. I know I, along with all Arkansans, will sorely miss General Burris' presence and will try to find solace in the fact General Burris defined what it meant to be a true patriot—dedicating your life to the service of our great Nation and to leave your community better than you found it.

Our Nation is safer and stronger because of the men and women who have dedicated their lives to military service like General Burris. Today, I ask all members of Congress to join

me as we honor the life of Maj. Gen. Rupert H. Burris and his legacy, as well as each man and woman in our Armed Forces who gives the ultimate sacrifice in service to our great country.

CONGRATULATING THE PATIENT
ADVOCATE FOUNDATION ON THE
OPENING OF THEIR NEW HEAD-
QUARTERS IN HAMPTON, VIR-
GINIA

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. SCOTT of Virginia. Madam Speaker, I take great pride in the fact that Virginia is home to the Patient Advocate Foundation and that the Nation's most vulnerable citizens have such a great group of people working diligently on their behalf. I cannot mention health care in Virginia or the Patient Advocate Foundation without telling you how proud I am to know and have worked with its founder, Nancy Davenport-Ennis. Not only is she an incredible force for health care in Virginia and the Nation, she is also a constituent and a friend.

Nancy's efforts embody the struggle of her friend and mentor, Cheryl Grinnel. Cheryl's battle with cancer and her frustration with the insurance industry inspires Nancy and all of us to do what we can to correct the egregious context in which a patient has to operate in trying to obtain the level of medical care needed to address a serious health condition. Drawing on that inspiration, Nancy and her husband, John Ennis, founded the Patient Advocate Foundation. Nancy and John have worked tirelessly to get laws on the books in Virginia, and she is now at the forefront of the effort to close the health disparities gap and secure more funding for research and clinical trials.

Since 1996, the Patient Advocate Foundation has advocated for patients who are working through the complexities of a serious illness while navigating through health insurance red tape, selecting the right treatment options for them and their family, while dealing with possible financial problems that arise due to the chosen method of treatment and addressing care giver stress. The Foundation gives hope to many patients and their families on a daily basis. Its number one goal is to get patients the necessary treatment after they are diagnosed with cancer or other life-threatening diseases. Through the Virginia Cares for the Uninsured program, VCUP, the Patient Advocate Foundation provides assistance to individuals who have been diagnosed with a chronic illness but do not have health insurance to pay for treatment or cannot afford treatment. The goal of the Foundation is to connect these individuals with doctors and facilities that will donate treatment services or accept reduced fees while ensuring the patient gets all necessary treatment. The advocacy efforts and community connections of Nancy and John, the executive board of directors, staff and volunteers at the Patient Advocate Foundation are often critical in making this happen.

Madam Speaker, I would like to take this opportunity to congratulate Nancy Davenport-Ennis, president and CEO, the executive board of directors, the staff and volunteers of the Patient Advocate Foundation on the opening of the Foundation's new headquarters in Hampton, Virginia. The Patient Advocate Foundation's executive board of directors includes directors from Virginia as well as national directors including Admiral Deborah Parham Hopson, appointed to serve this year on the Federal Coordinating Council. Three national non-profit patient advocacy organizations are represented on the executive board of directors by Dr. Lovell Jones, co-founder of the Intercultural Cancer Council; Dr. Alan Balch of the Preventive Health Partnership, a collaborative of the American Heart Association, American Diabetes Association and the American Cancer Society; and Venus Gines, executive director and founder of the Dia de la Mujer Latina, Inc. The Foundation's support is partially derived from national non-profit organizations in the United States including the American Cancer Society, Lance Armstrong Livestrong, the Leukemia Lymphoma Society and the Susan G. Komen Foundation. Support over the years has also come from the Centers for Disease Control, the federal appropriations process, the Commonwealth of Virginia and by the Foundation's annual fundraiser in Hampton Roads, where it receives strong support from the business community.

Madam Speaker, with the assistance of 180 full-time employees in their national headquarters in Hampton Roads, a corporate foundation office in San Diego, California, and with satellite locations in Iowa, Florida, North Carolina, New York and Nevada, the Foundation successfully closed 55,364 cases of patients diagnosed with chronic, debilitating and/or life-threatening conditions just last year. The Foundation provides services in both English and Spanish with special national outreach programs to underserved populations, specifically, the African American community and the Hispanic and Latino communities. Additionally, the Foundation serves the Asian population and Pacific Islanders.

Madam Speaker, access to quality, affordable health care is critical to the well being of our country, today and in the future. While we have accomplished a tremendous feat by passing the health care reform bill this year, we still have much more work to do in Congress and on Main Street U.S.A. I believe the work that the Foundation does is key to fixing our health care system not only in Virginia, but nationwide. It is imperative that we have organizations like the Patient Advocate Foundation to assist the chronically ill through the health care system by helping them get insurance coverage, medical assistance and medication.

Again, I commend the Foundation for all of the work that it has done for the citizens of the 3rd district of Virginia and wish it continued success in its new home.

HONORING THE VOLUNTEERS OF AMERICA ON THE 40TH ANNIVERSARY OF THE MAPLEWOOD CARE CENTER, AND THE 15TH ANNIVERSARY OF THE HOMESTEAD ASSISTED LIVING CENTER

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Ms. MCCOLLUM. Madam Speaker, it is my honor to congratulate the Volunteers of America on the 40th anniversary of the Maplewood Care Center, and the 15th anniversary of The Homestead Assisted Living Center. These centers provide a caring community through assisted living housing, short-term rehabilitation, long-term care and dementia care for senior citizens.

The Volunteers of America are a national, non-profit organization that has been active in Minnesota for 114 years. Providing quality community programs and services to those in need for over a century has made them a leader among Minnesota's human service organizations.

A dedication to caring for Minnesota's seniors led the Volunteers of America to open the doors of its Maplewood Minnesota Care Center in 1970. This quality center has provided my community with skilled nursing care for individuals with chronic diseases and for those recovering from illness or injury. In addition to participating in both the Medicare and Medicaid programs. Joining the Maplewood Care Center, on what is now known as the Volunteers of America Maplewood Campus, in 1995, The Homestead Assisted Living Center provides care and an atmosphere of independence for seniors. An on-site Dementia Support group provides support for families with loved ones with dementia.

I commend Volunteers of America for their commitment to Minnesota seniors and for their dedication to providing compassionate, quality care, and housing for those in need.

Madam Speaker, in honor of Volunteers of America, I am pleased to submit this statement.

TRIBUTE TO EDWARD M. CUNNINGHAM

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to Edward M. Cunningham. On July 19th, 2010 the cause of justice in America and Arkansas lost one of its faithful servants, Edward M. Cunningham of Jonesboro, Arkansas.

After completing special agent training in the FBI, Edward Cunningham dutifully served for over 30 years in law enforcement. He was also a United States Navy Veteran following his service in World War II. His stations would take him to San Francisco in 1951, Little Rock in 1964, Blytheville in 1967, and Jonesboro in 1971. These cities were made safer and their futures brighter by his work and dedication.

He would employ these many years of expertise in his tenure as Chief of Police in Jonesboro from 1979 until his retirement in 1987. Even after his retirement he continued his work by helping to educate the next generation of law enforcement agents by teaching Criminology at Arkansas State University.

A cancer survivor of 51 years, he pledged his time and efforts to encourage and support those battling cancer through his work with the St. Bernard's Auxiliary. Edward Cunningham was a magnanimous individual and a beloved member of his community.

I send Edward's family my deepest condolences for their loss, and hope they can find some comfort in the thought of the powerful and positive mark he left on the communities he served. I ask today of my fellow colleagues that we stand and honor the legacy of Mr. Edward Cunningham.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,258,280,104,675.66.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,619,854,358,381.86 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

COMMEMORATING THE TURKISH INVASION OF CYPRUS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. SCHIFF. Madam Speaker, I rise today to recognize the 36th anniversary of the Turkish invasion and continuing occupation of the northern part of Cyprus. Since then, Cypriots have suffered from the division of their country and countless violations of their human rights by Turkish occupation forces. Even today, there is one Turkish soldier for every 2 Cypriots, making Cyprus one of the most heavily militarized places on Earth. It is important that we recognize not only the anniversary of the invasion, but also the island's ongoing problems at the hands of Turkey.

On July 20, 1974, Turkish troops unlawfully occupied the northern part of Cyprus with a heavily-armed force that maintains control of 37 percent of Cyprus today. This has resulted in the usurpation and exploitation of Cypriot property, as well as the creation of hundreds of thousands of refugees. Additionally, an influx of Turkish immigrants has settled into the evicted Cypriots' homes, permanently altering the demographics of Cyprus and outnum-

bering native Cypriots by two to one. The UN has passed a multitude of resolutions calling for Turkish withdrawal from Cyprus, but they have been continually ignored.

As Cyprus has always been a reliable partner of the United States, we must not forget the injustices suffered by its people. We must uphold the ideals of freedom, democracy, justice, human rights, and the international rule of law. By invading Cyprus, Turkey is in direct offense to all of these. As much as we would rather have no such grievance to recognize, it is important that we commemorate these injustices today.

I urge my colleagues to join me in expressing the hope that Cyprus will be reunified soon and that peace will return to this beautiful and historic land in the eastern Mediterranean.

IN MEMORY OF DORILL WRIGHT

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. GALLEGLY. Madam Speaker, I rise in memory of Dorill Wright, a close, personal friend of my wife, Janice, and me, who passed away on Sunday.

Dorill served as Mayor of Port Hueneme, California, from 1974-1990 and served as a city councilman and planning commissioner before that. He decided to run for office, he said, because if you're unhappy with government, you should do something about it. It was that same philosophy that led me to my first run for public office.

A member of the Christian Church of Oxnard, Dorill and Jacquelyn, his wife of 63 years, believed in God, community and family and devoted their efforts to all three.

Born and raised in Missouri, Dorill served in the Army Air Corps during World War II. After college, the Navy hired Dorill and four other engineers to form a research laboratory for structures with electrical check equipment.

In 1950, the staff and laboratory were transferred to the Port Hueneme Naval Construction Battalion Center and in 1957 Dorill transferred to Point Mugu. There he served as a field and design engineer and was later named head of the technical support department.

In 1965, Dorill moved his family to Port Hueneme and Dorill started his long and lasting impact on the city. He joined the Chamber of Commerce, was appointed to the city Planning Commission, was elected to the City Council in 1970, and served on the California Coastal Commission, the Oxnard-Port Hueneme Wastewater Treatment Authority and the Ventura County Association of Governments.

The dedication and love Dorill gave to Port Hueneme was reciprocated when the city named the cultural center in his honor.

Jacqueline passed away in 2005. Surviving Dorill are his three daughters, Valory Wright-Pietruszenko, and her husband, George; Jacquelyn Jay, and her husband, William; and Dorilan Arko, and her husband, Ron; seven grandchildren and numerous great-grandchildren.

Madam Speaker, I know my colleagues will join Janice and me in offering our condolences

to the Wright family, and in remembering a remarkable man whose life of service will live on in all those whose lives he touched.

VIET BAO DAILY NEWS' 10TH ANNIVERSARY OF THE WRITING ON AMERICA AWARD

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to celebrate Viet Bao Daily News' 10th Anniversary of the Writing on America Award. In 2000, Viet Bao Daily News established the Writing on America Award with one simple mission—to create an opportunity for Vietnamese people to share their individual experiences.

The writing competition soon turned into a grand annual award celebration, and then became a uniting set of stories for thousands of Vietnamese people. The initial objective of the writing contest was to preserve the Vietnamese language and cultural values. However, the impact exceeded Viet Bao's initial expectation. The writings have become more than just a compilation of shared, collective philosophical values—they are a means to preserve historical values.

I applaud Viet Bao Daily News for these important achievements. I would also like to congratulate all of the winners and participants, who have contributed countless inspiring stories on their experiences and journey to assimilate in American society. I look forward to seeing the future contributions that Viet Bao Daily News will make to this great country.

HONORING THE VEILLEUX/VIGUE FAMILY REUNION

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. MICHAUD. Madam Speaker, I rise today to recognize the Maine Veilleux/Vigue Family Reunion which takes place on September 11, 2010 at the St. John Regional Catholic School in Winslow, Maine.

The history of Maine is rich with the stories of Franco-American heritage. As residents of Maine for many generations, the Veilleux and Vigue family history is intertwined with the history of Maine.

In 1658, Nicolas Verieul, the Veilleux/Vigue family patriarch, immigrated to Canada, and in 1665, he and Marguerite Hyardin, his wife, began the Verieul family. Eventually, many Verieul descendants moved to Maine to become integral parts of the seasonal labor workforce in the early 1800's and permanent residents of Maine in the mid to late 1800's.

The Veilleux/Vigue family history is a story of hard work and significant achievement. Many descendants of Nicolas and Marguerite Verieul have founded their own businesses and thrived as entrepreneurs in the State of Maine. Members of the family have been

homemakers, service members, doctors and business owners. What marks them all is their dedication to family, community and hard work.

With their family reunion, the Veilleux/Vigue family has great cause for celebration. For generations, their pioneering family has prospered in Maine and helped make our state a better place. This occasion is a chance to honor the past generations for their sacrifices to give their children a better life today and look ahead to the bright future of the Veilleux/Vigue family.

Madam Speaker, please join me in honoring the hard work, dedication and accomplishments of the Veilleux/Vigue family for their reunion September 11, 2010.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. HELLER. Madam Speaker, on rollcall No. 474, had I been present, I would have voted "yea."

THE THIRD ANNIVERSARY OF HOUSE RESOLUTION 121

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to recognize the Korean American Voters' Council for their continued commitment to the advancement of the Korean American community and to remind my colleagues about House Resolution 121, the "comfort women" resolution which was passed by the U.S. House of Representatives on July 30, 2007.

The Korean American Voters' Council was a strong advocate and key initiator in educating members of Congress on the "comfort women" issue three years ago when House Resolution 121 was passed. The Korean American Voters' Council is a grassroots non-profit organization built up of volunteers who work on constituency development, civic participation, voting rights advocacy, and community education within Korean American communities across the country.

Friday, July 30, 2010, will mark the third anniversary of the passing of House Resolution 121. House Resolution 121 calls upon the Government of Japan to make an official and unequivocal apology, taking responsibility for the Japanese Imperial Armed Force's role in enslaving over 200,000 girls and women of Asia as "comfort women" before and during World War II.

House Resolution 121 was sponsored by my distinguished colleague, Representative MICHAEL M. HONDA, and it was my privilege to serve as a co-sponsor of this bill and to hold the first hearing ever held in the U.S. Congress on this sensitive subject. The hearing was held before the House Foreign Affairs' Subcommittee on Asia, the Pacific and the

Global Environment on February 15, 2007 and paid tribute to those who suffered while acknowledging the past contributions of those Members of Congress like former Chairman Henry Hyde of the House Foreign Affairs Committee and also the late Congressman Lane Evans who also championed this cause.

It has been three years since passage and the resolution clearly expressed a need for a formal acknowledgement and apology by the Government of Japan, through the Prime Minister to the victims of this atrocity. The Government of Japan has had multiple changes in the Prime Minister position and not one has formally acknowledged and apologized for this human rights violation. The victims are running out of time for this apology, as most of them are elderly, and the time is now for the Government of Japan to formally apologize for their past mistake.

I strongly urge the Government of Japan to formally acknowledge and apologize in order to begin the reconciliation process and to create better relationships in the future. Japan cannot move forward by erasing the past and it is of the utmost importance that Japan follows through on House Resolution 121.

BIRTHDAY GREETINGS TO REVEREND EARLINE MCGREGOR

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. PAUL. Madam Speaker, on August 13 a birthday dinner will be held for Reverend Earline McGregor of Kendleton, Texas, to celebrate his eighty-fifth birthday and thank him for his years of community service. It is my pleasure to join the people of Kendleton in wishing Reverend McGregor a happy birthday and thanking him for all he has done for his community, his state, and his country.

Earline McGregor was born on August 26, 1926 in Brenham, Texas. He spent over a year in the army in World War II. After receiving an honorable discharge from the Army, Earline McGregor decided to continue to serve his country by joining the Air Force. After twenty years of distinguished service in the Air Force, he retired with an honorable discharge in 1971.

Since leaving the military, Reverend McGregor has worked as a Metro Bus Driver in Austin and also owned his own landscaping business. Today, Reverend McGregor serves his community by working as an associate minister and Sunday school teacher at Oak Hill Missionary Baptist Church in Kendleton, Fort Bend County, Texas under the leadership of Pastor Pleas Mayfield Sr.

Madam Speaker the parishioners of Oak Hill Missionary Baptist Church, and the entire Kendleton community, are fortunate to have the services of someone as dedicated to public service as Reverend McGregor. It is therefore a pleasure to once again join the people of Kendleton in wishing a very happy birthday to Reverend Earline McGregor.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. JOHNSON of Illinois. Madam Speaker, Monday, July 26th, I was unable to cast my votes on H.R. 1320, H. Res. 1504, and H.R. 3101 and wish the RECORD to reflect my intentions had I been able to vote. Last night I was conducting a town hall meeting at the Mahomet Village Hall in Mahomet, Illinois and was unable to travel to Washington, DC in time for the votes.

Had I been present on rollcall No. 467 on suspending the rules and passing H.R. 1320, To amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes, I would have voted "nay."

Had I been present on rollcall No. 468 on suspending the rules and passing H. Res. 1504, Recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990, I would have voted "aye."

Had I been present on rollcall No. 469 on suspending the rules and passing H.R. 3101, Twenty-First Century Communications and Video Accessibility Act, I would have voted "aye."

HONORING FIRE CHIEF POSEY W. DILLON AND VOLUNTEER FIREFIGHTER WILLIAM DANIEL ALTICE

HON. THOMAS S.P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. PERRIELLO. Madam Speaker, it is with a heavy heart that I rise today to honor two brave firefighters from Rocky Mount, Virginia, who passed away on July 26, 2010.

Earlier this week, Fire Chief Posey W. Dillon and volunteer firefighter William Daniel (Danny) Altice were tragically killed in a fatal traffic accident while responding to a house fire in Rocky Mount, Virginia. While we mourn this heartbreaking event, we are reminded of the risk our first responders assume every day to protect us all. Throughout Franklin County and the 5th District, we are in mourning over the passing of these two courageous men, who committed themselves to the service of others.

Fire Chief Dillon was a man of remarkable faith, who strove to serve his community throughout his life. From 1980 to 2000, he served on the Rocky Mount Town Council, including 8 years as Vice Mayor. In 2006, he was reappointed to the Town Council and reassumed his position as Vice Mayor two years later. Additionally, he spent 33 years with the Rocky Mount Volunteer Fire Department. During this time, he rose up through the ranks, becoming Chief in 1990, a position he would hold for 20 years. His vision and leadership throughout his 30 years of civic involvement helped shape the town of Rocky Mount and his legacy will continue long after his passing.

Danny Altice began as a volunteer firefighter at the age of 20 and served the Rocky Mount community for over 47 years. During his distinguished career, he spent seven years as Fire Chief from 1977 to 1984, and was awarded the 2008 Lifetime Achievement Service Recognition Award by the Rocky Mount Volunteer Fire Department. He helped teach younger members of the department how to handle difficult situations and could always be counted on for his leadership through challenging circumstances. In becoming a firefighter, he followed in the footsteps of his father, who was a founding member of the Rocky Mount volunteer force. His legacy will be carried on by his brother, who serves as a firefighter in Rocky Mount, as well as his son, who serves in Boones Mill.

My heart and prayers go out to the families of our fallen heroes and to the entire Rocky Mount community, which has lost two of its finest. In remembrance of their sacrifice, I have requested that two flags be flown over the United States Capitol and then presented to their loved ones. On behalf of Virginia's 5th District, I honor the passing of these heroes, and ask that their legacies be remembered for years to come.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. SMITH of Washington. Madam Speaker, on Monday, July 26, 2010, I was unable to be present for recorded votes. Had I been present, I would have voted "yes" on rollcall vote No. 467 (on the motion to suspend the rules and pass H.R. 1320, as amended), "yes" on rollcall vote No. 468 (on the motion to suspend the rules and agree to H. Res. 1504, as amended), and "yes" on rollcall vote No. 469 (on the motion to suspend the rules and pass H.R. 3101, as amended).

INTRODUCTION OF H.R. 5817, THE FOSTERING SUCCESS IN EDUCATION ACT

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. LEWIS of Georgia. Madam Speaker, I am proud to sponsor the Fostering Success in Education Act. This legislation is the House companion to Senator FRANKEN and Senator MURRAY's bill and lays out a clear road map to assisting young people in the child welfare system.

This legislation continues the efforts of the P.L. 110-351, Fostering Connections Act by improving educational assistance for those most in need—children and youth in the child welfare system. I hope that the Fostering Success in Education Act will enjoy the same bipartisan support and consideration to help these young people who have no one else.

Today, more than half a million children are living in foster care. As a member of the Ways

and Means Subcommittee on Income Security and Family Support, I have constantly heard from young people who struggle as they are constantly moved from home to home, and school to school when they are in foster care. Those in the child welfare system have not chosen this life; they did not ask to be victims of neglect and abuse. For a variety of reasons beyond their control, foster care children are uprooted from all that they know and rely on us for help.

We all remember our years in elementary, middle, and high school. We recall our friends, classmates, teachers, extracurricular activities, favorite classes, and hardest subjects. For foster care youth, it's a whirlwind of memories. Names, faces, classes, teachers, grades, and subjects are a blur. Imagine being the new kid, over and over and over again without the support you need. Imagine maneuvering the bureaucracy and politics of different schools and school districts on your own as a 12-year-old, as a 16-year-old, as a 6-year-old. This bill ensures that youth in foster care have school stability, immediate access to tools and resources, and the necessary support for academic success.

Madam Speaker, I believe that each and every young person has a right to a childhood; each has a right to a basic education. I believe that in addition to consistency, friendships, and healthy relationships, education is the key to opportunity, stability, and success. It is a cornerstone of our nation's values of democracy, hope, and infinite possibility.

The Fostering Success in Education Act takes us one step further in the right direction and responds to these all-too-real issues. Madam Speaker, I hope all of my colleagues will support this worthy and important legislative effort.

HONORING BILL LEGERE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. MICHAUD. Madam Speaker, I rise today to congratulate Bill Legere on being named the Maine Hospital Association's Caregiver of the Year and to recognize his many accomplishments as a medical professional.

After studying health care at the University of Southern Maine, Bill went on to work at Central Maine Medical Center. As a nurse practitioner in the ER at CMMC, he provides medical care and comfort to patients and their families.

When he suddenly and tragically lost his 9-year-old daughter, Grace, two years ago, Bill's response was not to give in to grief. Instead, Bill and his wife launched the Foundation for Hope and Grace, a charity in Grace's memory that provides grants to families looking to adopt and financial help to organizations that help orphans and other children in need.

Bill's ability to set people at ease, his willingness to stay late to support his colleagues and his empathy and selflessness in all aspects of his life meant that this year he was nominated by co-workers for the Caregiver of the Year award. He was selected from among

19 Maine doctors and nurses by the award committee, who was impressed by his outstanding work and humanistic approach to medical care.

An accomplished, compassionate, and deeply humble man, Bill Legere exemplifies the type of caregiver that every hospital and community would be lucky to have. His co-workers related stories of Bill taking the time to reassure a frightened child and being an ally for patients who might otherwise be intimidated by the medical process.

Bill has left a lasting mark on CMMC, its workers, its patients, and their loved ones. On behalf of the people of Maine, it is with pride that I congratulate Bill for his excellent work. I wish him, his wife Teresa, and his daughters Sarah and Deanna the best, especially as Sarah and Deanna become big sisters to their new sisters from Uganda.

Madam Speaker, please join me in honoring Bill Legere for his continued commitment to providing medical care and support to the people of Maine.

NEXT GENERATION PUBLIC
SAFETY DEVICE ACT OF 2010

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Ms. HARMAN. Madam Speaker, I rise today to introduce the bipartisan Next Generation Public Safety Device Act of 2010 with my Energy and Commerce colleague Representative JOHN SHIMKUS, Co-Chair of the E-911 Caucus. Our legislation is intended to spur development of 21st Century public safety communication devices that will provide the highest-speed transmission of data, voice, and video services over the Internet.

Almost a decade after 9/11, America's first responders still do not have the communication tools they need to support their mission.

Currently, the public safety device market is a monopoly. There are two reasons for lack of competition: first, this particular market is relatively small, and second, the device requirements are unique. As a result, first responders and local governments can pay up to \$5,000 per radio. The money spent on these devices has not enabled seamless on-the-ground coordination between first responders or the ability to access databanks, fingerprint records, facial recognition software, or streaming video.

To solve the problem, our bill authorizes \$70 million for a research and development grant program to build devices that support data, video, and voice communications.

This bill charges the National Telecommunications and Information Agency to coordinate with a working group, consisting of the Federal Communications Commission, the DHS Office of Emergency Communications, the National Institute of Standards and Technology, and public safety stakeholders, to develop criteria, evaluate devices in multiple stages, and select products for funding and licensing. This process will produce devices ready for first responders' use within five years—hopefully sooner. Thereafter, the GAO will study the process by which the program was carried

out, the impacts of the grant program on competition in the market and the development of first responder devices. The cost of this program will not add to the deficit because it is offset by extending the authority of the FCC to auction spectrum.

Directed research and development is essential to achieving interoperability because it will drive down cost and develop devices that public safety has a hand in selecting. Equally as important, this bill will accelerate the development of those devices, quickly giving public safety more options with new cost savings to states and localities, and assurance that the technology can be trusted for their important work.

This bill has the support of the Association of Public Safety Communications Officials, which has identified research and development as one of its top priorities. The Fraternal Order of Police and the National Emergency Numbers Association also endorse the bill, as do Sprint and the Rural Cellular Association.

We in Congress must ensure public safety officials have access to a competitive, dynamic, and innovative market for the devices that are used to save lives and help protect our communities.

I hope that this effort will bring technologists, first responders, and government together to create innovative solutions for a major national security concern, and urge prompt action on this legislation.

THE DIRECT CARE WORKFORCE
EMPOWERMENT ACT

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, imagine a very tall corporate office building, and a man is working inside sitting at his desk dressed in a suit and tie. He is talking on the phone while working from his computer and sipping a latte.

Now imagine a very small home in a quiet neighborhood, and a woman is working inside, wearing sneakers and comfortable clothes. She is straining to lift up an elderly man almost twice her size trying to help him put on his t-shirt to get ready for lunch.

Is the work the corporate man is doing more important than the home-worker? More valued? Better paid?

I am here to say that all work has dignity.

I am here to say that our nation's laws should respect the work we all do.

Yet, even in America, some workers are paid less than the minimum wage.

Even in America, some are denied overtime pay.

Even in America, some people do not have health insurance or other benefits, and their wages are so low that they need to turn to food stamps to make ends meet.

I am introducing legislation today to show that in America, all work does have dignity.

I am introducing legislation that will say, "Regardless of the work you do, if you do it well, you should be compensated enough to take care of your family and put food on the table."

This legislation is meant to provide equity to those we trust enough to let in our homes and care for our loved ones. Home care workers are the linchpin of our nation's long-term care system, providing essential care and daily living services to more than 13 million Americans.

However, they are among the worst-paying jobs in America—mostly because of Department of Labor regulations that exclude them from federal minimum wage and overtime protections.

In 1975, after Congress had revised the Fair Labor Standards Act to include previously excluded domestic service workers, the Department of Labor issued rules that exempted home care aides from the federal overtime and minimum wage protections.

The Clinton Administration's Department of Labor issued proposed rules to correct this injustice, but the Bush Administration withdrew those proposals.

Secretary of Labor Hilda Solis, tasked with the tough job of trying to fix eight years of neglect and anti-worker policies at the Department of Labor, has committed to remedy this injustice by including it on her regulatory agenda. And I commend those efforts.

But I believe that workers not only need the right regulations, but they also need the right law. I want to make sure that any administration—whether it is this one, or one to come, can never tell any worker they are "less than."

The Direct Care Workforce Empowerment Act would do three things: ensure that home care workers receive the federal minimum wage and overtime protections of the Fair Labor Standards Act; improve federal and state data collection and oversight with respect to the direct care workforce; and establish a grant program to help states improve direct care worker recruitment, retention, and training.

Yesterday, someone asked me why this was so important to me. Home care touches all of us—most of us in this room know someone who has required the assistance of a home care worker.

They help their patients with daily living, enabling them to stay in their homes and maintain independence. As the daughter of a father living with Alzheimer's—I know just how important home care workers are.

Yet, every year, home care aides land on Forbes magazine's list of the "25 worst-paying jobs in America." The mean annual wages put them behind parking lot attendants.

Once hired, they leave in droves; turnover rates run 50 to 80 percent a year.

Rights earned decades ago by similar workers continue to be denied to these hard-working healthcare providers. Yet, even healthcare reform signed into law this year failed to protect these workers, even though their jobs directly relate to quality of care.

People with disabilities, seniors, and anyone needing home care on a permanent or temporary basis deserves caring, decently trained, and well-paid workers caring for them.

Direct-care workers constitute one of the largest and fastest-growing workforces in the country, playing a vital role in job creation and economic growth, particularly in low-income communities.

These workers help their clients bathe, dress, eat, and negotiate a host of other daily

tasks. They are a lifeline for those they serve, as well as for families struggling to provide quality care.

If labor conditions are not improved, the demand for more workers may prove difficult to meet and the quality of care may decline. Those who work in the industry will become less and less able to meet basic living expenses for themselves and their families.

Let's make things right for workers—no matter whether they sit behind a desk or care for someone in a home.

Our working Americans—care givers and care receivers—deserve this.

NINA ARCHABAL'S 23 YEARS OF SERVICE TO MINNESOTA AS THE DIRECTOR OF THE MINNESOTA HISTORICAL SOCIETY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Ms. McCOLLUM. Madam Speaker, I rise today in recognition of Nina Archabal for her 33 years of service to the Minnesota Historical Society, including 23 years of service as the Director.

The Minnesota Historical Society is a private nonprofit organization that was founded in 1849 to preserve the history of the State of Minnesota, while providing educational and cultural learning opportunities. Today, the society operates 26 historic sites and museums throughout the state of Minnesota.

Ms. Archabal began her distinguished career with the Minnesota Historical Society in 1977. In 1987, Archabal became the Historical Society's 10th Director after serving nine years as deputy director.

While at the helm of the Historical Society, Archabal oversaw several major projects including the construction of the Minnesota Historical Society Center in Saint Paul, the Mille Lacs Indian Museum in Onamia and the Mill City Museum in Minneapolis. These projects have helped to preserve and protect Minnesota's past and tell Minnesota's story. Visitors to Historical Society sites learn about our past through unique and engaging exhibits, including "living history" demonstrations like the beloved celebration of the holidays at the Saint Paul home of Minnesota's first territorial governor, Alexander Ramsey, where visitors experience Christmas 1875 by meeting "members" of the Ramsey family, sampling fresh cookies from the wood-burning stove. These unique traditions make history accessible and understandable to young and old alike.

Throughout her career, Nina Archabal has demonstrated strength of character, hard work, dedication and perseverance that has made the Minnesota Historical Society a national model for historic preservation and interpretation. I value her service and commitment, which will be felt by generations of Minnesotans in the future.

Madam Speaker, please join me in congratulating Nina Archabal for her 23 years of service for the state of Minnesota. It is my honor to submit this statement.

SOCIAL SECURITY'S 75TH ANNIVERSARY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. WAXMAN. Madam Speaker, I rise today to commemorate the 75th anniversary of the Social Security program. Social Security has been one of the most popular and successful government programs in our nation's history. It is a social compact that extends across all generations and all income groups. More than 95 percent of American workers pay into the system and without it, more than half of today's seniors would live below the poverty line. In addition to lifting millions of elderly Americans out of poverty, Social Security provides vital social insurance to countless disabled workers and survivor benefits for dependent spouses and families. Because so many people depend upon the Social Security benefits they have earned over a lifetime of work, any changes in the current system must be reviewed very carefully. Any effort to change the Social Security system should be bipartisan, reflect broad public support and continue to ensure a guaranteed benefit with annual cost-of-living adjustments. I will continue to work with my colleagues to preserve and strengthen the current Social Security program and to oppose any plan that would violate our nation's compact with retirees.

RECOGNIZING PASTOR SHAWN BLACK

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. CAMPBELL. Madam Speaker, I rise today to recognize a constituent of mine, Pastor Shawn Black of Calvary Chapel in Costa Mesa, California. Pastor Black served as our guest Chaplain this morning. Eight years ago, he founded Project Prayer Flag, a non-profit organization which has supported over 700,000 American military personnel by providing care packages and support for troops' families. Pastor Black himself volunteered for military service at age 17, and in addition to his ministry, has spent over twenty years in law enforcement, including a stint as a Federal Air Marshal from 2002–2005. I would like to thank him for opening this session of Congress today in prayer, as well as for his many years of dedicated service to our country.

TRIBUTE TO NICK DANIEL BACON

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. BERRY. Madam Speaker, I rise today to pay tribute to the life of a Medal of Honor recipient, a committed advocate of veterans' rights, and a true American hero. On July

17th, 2010 Nick "Nicky" Bacon passed away at the age of 64 after a hard-fought battle with cancer. He lived a life of service to our nation's military, our country and our state.

Nick Bacon served in the United States Army from 1963 to 1984; in his service he displayed a love of country and faithful service to his fellow soldiers. While serving, he risked his life and led two platoons forward through heavy enemy fire to save men pinned down on the battlefield. It was for this act of selfless valor and courage under fire that Nick Bacon earned the Congressional Medal of Honor. In his long and dedicated career he was also awarded the Distinguished Service Cross, Legion of Merit, two Bronze Stars, and Purple Heart.

Following his service in the Army, Nick Bacon served his fellow veterans and his state as Director of the Arkansas Department of Veterans Affairs and President of the Medal of Honor Society. He had steadfast support for the veterans of Arkansas and was instrumental in the creation of the Arkansas State Veterans Cemetery and the Arkansas State Veterans Cemetery Beautification Foundation.

I wish First Sergeant Bacon's family the deepest condolences for their loss. Nick Bacon conducted his life in a selfless, dedicated manner that we all should aspire to; his service and sacrifice will not soon be forgotten in his state or by his fellow soldiers. I ask today of my fellow colleagues that we stand and honor the legacy of First Sergeant Nick Bacon.

HONORING MR. SHEPARD "SHEP" LEE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. MICHAUD. Madam Speaker, I rise today to commemorate the accomplishments and life of Shepard "Shep" Lee, who passed away on June 23rd of this year.

Shep was a well-known entrepreneur and philanthropist within the state of Maine. After taking over his father's local automobile dealership in 1947, he eventually expanded the business to encompass thirteen locations throughout Maine. He was a true pioneer in his field and was never afraid to take a risk to help the business community. He was the first local car dealer to use television ads in the 1960s and employ a board of directors. He was a tireless advocate of economic development in Maine, even offering advice to competitors.

In addition, Shep is remembered for his contributions to the greater community. A graduate of Bowdoin College, he championed educational progress, donating generous amounts to both Bowdoin and Bates Colleges and the George Mitchell Scholarship fund. He sat on the law and business school boards of the University of Southern Maine, the board of the Muskie School of Public Service and the Maine Community College Board.

His life-long commitment to gender equality and civil rights was also remarkable. He was an active member of the Maine branch of the

NAACP and served on the board of the American Civil Liberties Union, later receiving the Roger Baldwin Award, the ACLU's higher honor. Shep supported gay rights legislation well before the passage of Maine's non-discrimination law.

An advisor, friend and tireless fund-raiser for Senator George Mitchell, the late Justice Frank Coffin and the late Edmund Muskie, Shep's political activism was notable both locally and nationally. He is fondly remembered by his friends, family and colleagues, and his contributions to the State of Maine will not soon be forgotten.

Madam Speaker, please join me in honoring Shepard Lee for his life of dedication and service to his community and his country.

H.R. 5892, THE WATER RESOURCES
DEVELOPMENT ACT OF 2010

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. OBERSTAR. Madam Speaker, together with Subcommittee on Water Resources and Environment Chairwoman EDDIE BERNICE JOHNSON, I rise today to introduce H.R. 5892, the "Water Resources Development Act of 2010". This legislation continues the long-standing tradition of the Committee on Transportation and Infrastructure to address the critical infrastructure needs of the Nation, including its water-related infrastructure.

The Committee on Transportation and Infrastructure is second to none in terms of authorizing investment in our Nation's vital infrastructure projects. Whether the issue is investment in our Nation's wastewater infrastructure, investment in our nation's highways and public transit, or investment in our nation's water-related infrastructure, this Committee is committed to investment in our Nation's infrastructure, to create well-paid jobs that cannot be outsourced, and to ensure the economic and environmental health and well-being of this Nation for decades to come.

Every day, we see and hear of the Nation's crumbling infrastructure, and, on a bipartisan basis, are moving an agenda to repair and replace existing assets, and to plan for the next generation of highways, bridges, transit systems, airports, water transportation, and water-related infrastructure.

Last year, in an effort to stave off the worst impacts of the economic downturn, Congress passed the American Recovery and Reinvestment Act of 2009, Pub. L. 111–5. The Recovery Act has already played a key role in putting Americans back to work. The Recovery Act enabled communities to invest in safe and reliable modes of transportation, invest in our Nation's economy and environment, and ensure that the next generation will be provided with the same opportunities that were provided to us by our predecessors.

Yesterday, our Committee held its 20th oversight hearing on the implementation of the Recovery Act, and heard testimony that, as of July 2009, 17,024 highway, transit, and wastewater infrastructure projects have broken ground across the nation, totaling \$32.7 bil-

lion—that is 86 percent of the total available formula funds. Within this total, work has been completed on 6,920 projects, totaling \$5.3 billion. Many of the projects built with these Recovery Act funds were originally considered and authorized by this Committee, including projects and studies authorized in prior water resources development acts.

Under the Recovery Act's appropriation of \$4.6 billion for the U.S. Army Corps of Engineers, Corps, the agency has committed \$3.9 billion for 793 projects, or 85 percent of its total allotment. These investments have enabled the Corps to repair or improve 155 lock chambers, and maintain or improve harbors and waterways that serve over 2,400 commercial ports. In addition, through the Recovery Act, the Corps has initiated 1,132 flood risk management projects to improve dam or levee safety, and 1,034 projects to maintain or upgrade recreation areas.

The basis for these types of investments is the water resources development act. For decades, the Committee on Transportation and Infrastructure has strived to enact a water resources development act every Congress. Since at least 1986, this Committee has been successful in reporting legislation, every Congress, to meet the water-related infrastructure needs of the Nation. While these efforts were not always successful in moving a bill to the President's desk for his consideration, the tradition of our Committee, under both Democratic and Republican majorities, is to address the critical needs of the Nation in a timely and regular manner.

Following the successful enactment of the Water Resources Development Act of 2007, Pub. L. 110–114, the current Democratic and Republican leadership of the Committee on Transportation and Infrastructure renewed our commitment to enactment of a water resources development act in every Congress. Through a water resources bill, Congress authorizes critical navigation, flood damage reduction, and environmental restoration projects and studies carried out by the Corps. Throughout its history, these water resources development acts have provided the Corps with the authority to carry out nationally significant projects that have improved the economic prosperity of the nation, have protected its citizenry from the threat of flooding and coastal storms, and have put in place restoration efforts for many of America's natural treasures. In the Water Resources Development Act of 2007, Congress authorized major navigation projects along the coasts of the United States, and throughout its interior, authorized projects for the long-term recovery and restoration of coastal Louisiana from the effects of Hurricanes Katrina and Rita, and authorized the first critical projects for the restoration of the Florida Everglades.

Today, the Corps maintains more than 11,000 miles of channels for commercial navigation and operates locks at 230 sites. One-half of all locks are more than 50 years old. The Corps also maintains 300 deep commercial harbors and 600 shallow coastal and inland harbors. There are 75 hydropower plants at Corps facilities producing one-fourth of the Nation's hydroelectric power. To address flood risks, the Corps manages 383 major lakes and reservoirs, and 8,500 miles of levees. The

Corps estimates that, on average, its civil works projects prevent \$20 billion in flood damages every year.

The enactment of water resources development acts has a unique history, in which Congress authorizes each individual project. Since the first authorizations for these projects in the earliest days of our Nation, Congress has always provided line-item authorizations for each project. Congress has never authorized a blank check to the Corps to enable it to invest wherever it chooses.

Given this unique history, and in the interest of transparency and accountability, the Committee on Transportation and Infrastructure charted a new chapter for project authorizations at the outset of the 110th Congress. We adopted a policy requiring each project authorization in the Water Resources Development Act of 2007 to be requested by a Member of Congress and accompanied by a "no financial interest" certification signed by the requesting Member.

Every project authorization included in the Water Resources Development Act of 2007 was specifically requested by a Member of Congress, either in the House of Representatives or the United States Senate, and each request of a Member of the House was accompanied by a certification from the Member that neither he nor she nor his or her spouse had a financial interest in the project. This information was made publicly available through the Committee report, the CONGRESSIONAL RECORD, and in the Joint Explanatory Statement of the Conference Report prior to consideration of the legislation in the House of Representatives.

That transparency and accountability principle continues to be the policy of the Committee on Transportation and Infrastructure in the formulation of H.R. 5892, the "Water Resources Development Act of 2010." In December 2009, the Committee received more than 2,000 individual requests from both Democratic and Republican Members for projects and studies to be included in the water resources development bill. Although this bill includes only a small percentage of those requests, the legislation introduced today represents progress in meeting the next generation of critical navigation, flood damage reduction, and environmental restoration projects for our Nation.

In addition, with the introduction of this legislation, the Committee on Transportation and Infrastructure has instituted an additional measure of transparency and accountability by requiring that all project and study requests included in the introduced bill be publicly disclosed and made electronically-available on the Internet, along with a copy of the individual certifications from Members of Congress stating that neither the Member nor his or her spouse has a financial interest in the project, and a copy of a letter from the State or local government expressing support for the project.

A summary of H.R. 5892, the "Water Resources Development Act of 2010", is included with my statement.

H.R. THE "WATER RESOURCES DEVELOPMENT
ACT OF 2010"

IN GENERAL

Reaffirms the continuing commitment of the Committee on Transportation and Infrastructure to the nation's water resources infrastructure, and a regular authorization

schedule for the Civil Works Program of the Army Corps of Engineers to address new and emerging water resources needs, and to fine-tune the Corps' missions and responsibilities.

Authorizes three projects with Chief of Engineer's reports relating to hurricane and storm damage reduction, and ecosystem restoration.

Includes technical changes to the Corps' programmatic authorities, including: clarifying the intent of Congress related to the Corps' crediting authority; increasing the transparency of independent reviews; and improving the effectiveness of mitigation that addresses impacts from Corps' projects on the natural environment.

Establishes a policy for increased expenditures from the Harbor Maintenance Trust Fund to ensure that annual revenues collected are utilized to meet the nation's navigation maintenance dredging needs.

Authorizes the Corps of Engineers to work with local communities in the assessment and evaluation of local flood control structures, including levees.

NAVIGATION AND COMMERCE

Authorizes four small projects for navigation.

Authorized additional Federal funding for the upgrade of the St. Lawrence Seaway.

FLOOD DAMAGE REDUCTION

Authorizes 29 small flood damage reduction projects.

HURRICANE AND STORM DAMAGE REDUCTION AND SHORE PROTECTION

Authorizes the project Mississippi Coastal Improvements Program, Hancock, Harrison, and Jackson Counties, Mississippi.

Authorizes the project West Onslow Beach and New River Inlet (Topsail Beach), Pender County, North Carolina.

Authorizes ten smaller projects for shoreline and streambank protection.

ENVIRONMENTAL RESTORATION AND PROTECTION

Authorizes the project for Mid-Chesapeake Bay Island Ecosystem Restoration Project, Chesapeake Bay.

Authorizes 31 smaller projects for aquatic ecosystem restoration and increases the per-project limit for small aquatic ecosystem restoration projects and small project modifications for improvement of the environment to \$10 million.

Authorizes the Corps of Engineers to upgrade the initial electrical barrier and implement additional barriers in and around the Chicago Sanitary and Ship Canal to enhance efforts in keeping the Asian Carp from entering the Great Lakes.

Directs the Secretary to study the potential for hydrologic separation of the Mississippi River basin system and the Great Lakes basin at the Chicago Sanitary and Ship Canal. Directs the Corps to develop a comprehensive plan for restoration of the Chesapeake Bay, in coordination with other Federal agencies and consistent with the Chesapeake Bay Agreement.

Directs the Corps to develop a comprehensive plan for carrying out ecosystem restoration projects within the coastal waters of the Northeastern United States.

STUDY AUTHORITY

Authorizes the Secretary to undertake more than 160 studies for potential future water resource projects, including potential projects for navigation, flood damage reduction, hurricane and storm damage reduction, environmental restoration, and water supply.

WATERSHED PLANNING

Increases the opportunities for the Corps to facilitate watershed planning and carry out watershed and river basin assessments.

Authorizes the Corps of Engineers to undertake a comprehensive water supply and allocation study for the State of Georgia.

CONGRATULATING ROGERS-LOWELL CHAMBER FOR RECEIVING FIVE-STAR U.S. ACCREDITATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. BOOZMAN. Madam Speaker, I rise today to recognize the Rogers-Lowell Area Chamber of Commerce for receiving a five-star accreditation from the U.S. Chamber of Commerce. There are 66 chambers in the country to hold this honor and it is the only chamber in Arkansas to earn this recognition, the U.S. Chamber's highest accreditation.

The chamber goes through accreditation every five years. This measures achievement and shows how to reach and maintain industry standards. Accreditation also provides a path to building effective chambers and helps chambers effectively fight for business. The chamber received a perfect score on five of the nine sections of the review.

The Rogers-Lowell chamber received this award five years ago and is a great example for the state and the country. This honor truly reflects the chamber's enthusiasm and dedication to working on behalf of the Arkansas business community.

This is an honor in which few receive. I am very proud of the Rogers-Lowell Area Chamber for this accomplishment. I am confident the good work will continue and I look forward to celebrating and recognizing its future successes.

HONORING THE WILLIAM LADD CHAPTER OF VETERANS FOR PEACE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. MICHAUD. Madam Speaker, I rise today to recognize the William Ladd Chapter of Veterans for Peace for their 25 years of commitment to the cause of world peace.

Veterans for Peace was founded in 1985 and is comprised of veterans from all across the country. It includes men and women veterans of all eras and duty stations spanning the Spanish Civil War, World War II, the Korean, Vietnam, Gulf and current Iraq wars as well as other conflicts.

The founding and success of the Maine chapter of Veterans for Peace is a story of humanitarianism and cooperation based on collective experience. Twenty five years ago, several Maine Vietnam veterans drew up the organizational documents for what today has become a leading voice for peace in the Nation.

For 25 years, Maine Veterans for Peace have used their unique perspective as veterans to work toward increasing public awareness of the costs of war. They are a constant reminder that non-violent means of problem solving are not just possible, but necessary. They have tirelessly worked to restrain the government from intervening, overtly and covertly, in the internal affairs of other nations, to end the arms race and to reduce and eventually eliminate nuclear weapons, to seek justice for veterans and victims of war and to abolish war as an instrument of national policy. To achieve these goals, members of Veterans for Peace use non-violent means and maintain an organization that is both democratic and open.

With their 25th anniversary, the William Ladd Chapter of Maine Veterans for Peace has great cause for celebration. Their successful work and meaningful contributions to the State, the Nation and the world are immeasurable.

Madam Speaker, please join me in honoring the William Ladd Chapter of Veterans for Peace for their outstanding work to change and bring peace to the world.

PASSAGE OF NATIONAL CRIMINAL JUSTICE COMMISSION

HON. MARCIA L. FUDGE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Ms. FUDGE. Madam Speaker, the House's endorsement of the National Criminal Justice Commission is a major victory as the bill moves towards final passage. My constituents believe a thorough examination of America's criminal system is needed, and I agree.

Our Nation has approximately 5 percent of the world's population, but roughly 25 percent of the world's prison population. About 1 of every 45 adults is currently behind bars, which is five times the world's average incarceration rate. These rates indicate inconsistencies and flaws within our judicial system. This must change.

African Americans are far more likely to be incarcerated for drug offenses than other groups. We represent only 12 percent of the U.S. population, but 74 percent of America's drug offenders who have been sentenced to prison. This must change.

If we fail to implement effective reform, our Nation will continue to spend more on prisons while depleting already financially stressed State budgets. As significantly, we will not make our communities safer or reduce high recidivism rates.

I look forward to the day we receive the Commission's report. Then we can begin the crucial task of reforming and improving America's ailing criminal justice system.

PERSONAL EXPLANATION

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. PAYNE. Madam Speaker, unfortunately, on July 27, 2010 I was delayed during the

vote on the adoption of H. Con. Res. 301, the Pakistan War Powers Resolution.

However, if I had been present, I would have voted "yes" on H. Con. Res. 301.

HONORING THE BOY SCOUTS OF AMERICA'S CENTENNIAL ANNIVERSARY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 2010

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor the Centennial Anniversary of the Boy Scouts of America. For the past 100 years, the Boy Scouts of America have worked tirelessly to provide an educational program for boys and young adults to build character, to train in the responsibilities of participating citizenship, and to develop personal fitness.

William Boyce founded the Boy Scouts of America on February 8, 1910 using, as a model, the British system of Scouting created by General Robert Baden-Powell in 1907. In 1916, the organization was granted a Congressional Charter, and as the organization grew, it served more and more young men, teaching them to live by the Scout Law. Since its inception, over 110 million Americans have been members of the Boy Scouts of America.

I am proud to say that my life has been strengthened through scouting. As a young man, I was a member of Troop 201 in Mobile, Alabama. It was while earning my merit badges in Citizenship in the home, community, and the Nation that my interest in our great political process was ignited. From my experience as an Eagle Scout, I know the time, effort, and thorough dedication the Boy Scouts instilled in me, to be a better person, and to serve God and the greater good of our country.

For a full century, boys and men have gathered and declared: "On my honor I will do my best to do my duty to God and my country and to obey the Scout Law; to help other people at all times; to keep myself physically strong, mentally awake, and morally straight." And for a full century, we have constantly remained Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, Cheerful, Thrifty, Brave, Clean, and Reverent. Our future leaders are cultivated through a combination of educational and fun activities, instilling lifelong values. Through various programs, the Boy Scouts of America strive to create a more conscientious, responsible, and productive society, and they have succeeded now for 100 years.

The distinguished products of scouting can be found among my colleagues. Of the 111th Congress, 211 members have participated with the Boy Scouts of America, either as a youth member, an Eagle Scout, an adult volunteer, or some combination of the three. Personally, I take great store in what I learned as a Boy Scout and Eagle Scout. The experience has been a great influence on both my personal life and my work in Congress. I am especially honored to have received the Distinguished Eagle Scout Award, and I also am

honored to have been a part of Alvin Townley's book, "Legacy of Honor: The Values and Influence of America's Eagle Scouts."

Madam Speaker, we should all be inspired by the Boy Scouts of America and we should all be motivated to incorporate their goals into our daily lives. As the Boy Scout slogan says, we should all "do a good turn daily." For the past 100 years, the Boy Scouts of America have lived this ideal, and our country is a better place due to their actions. On this day, I extend my sincerest congratulations to the Boy Scouts and join them in celebrating their Centennial Anniversary, and I pray that God will grant them one hundred more!

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 29, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 3

9:30 a.m.

Armed Services

To hold hearings to examine the report of the Quadrennial Defense Review Independent Panel.

SD-G50

10 a.m.

Budget

To hold hearings to examine a status report on the United States economy.

SD-608

Environment and Public Works

Children's Health Subcommittee

To hold hearings to examine the state of research on potential environmental health factors with autism and related neurodevelopment disorders.

SD-406

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings to examine protecting public interest, focusing on understanding the threat of agency capture.

SD-226

2:15 p.m.

Foreign Relations

Business meeting to consider the nominations of Peter Michael McKinley, of Virginia, to be Ambassador to the Republic of Colombia, Rose M. Likins, of Virginia, to be Ambassador to the Re-

public of Peru, Christopher W. Murray, of New York, to be Ambassador to the Republic of the Congo, Mark Charles Storella, of Maryland, to be Ambassador to the Republic of Zambia, James Frederick Entwistle, of Virginia, to be Ambassador to the Democratic Republic of the Congo, Eric D. Benjaminson, of Oregon, to be Ambassador to the Gabonese Republic, and to serve concurrently and without additional compensation as Ambassador to the Democratic Republic of Sao Tome and Principe, Phillip Carter III, of Virginia, to be Ambassador to the Republic of Cote d'Ivoire, J. Thomas Dougherty, of Wyoming, to be Ambassador to Burkina Faso, Michael S. Owen, of Virginia, to be Ambassador to the Republic of Sierra Leone, Laurence D. Wohlers, of Washington, to be Ambassador to the Central African Republic, Patrick S. Moon, of Virginia, to be Ambassador to Bosnia and Herzegovina, Luis E. Arreaga-Rodas, of Virginia, to be Ambassador to the Republic of Iceland, Daniel Bennett Smith, of Virginia, to be Ambassador to Greece, Scot Alan Marciel, of California, to be Ambassador to the Republic of Indonesia, Judith R. Fergin, of Washington, to be Ambassador to the Democratic Republic of Timor-Leste, Helen Patricia Reed-Rowe, of Maryland, to be Ambassador to the Republic of Palau, Paul W. Jones, of New York, to be Ambassador to Malaysia, James Franklin Jeffrey, of Virginia, to be Ambassador to the Republic of Iraq, Maura Connelly, of New Jersey, to be Ambassador to the Republic of Lebanon, Gerald M. Feierstein, of Pennsylvania, to be Ambassador to the Republic of Yemen, and Francis Joseph Ricciardone, Jr., of Massachusetts, to be Ambassador to the Republic of Turkey, all of the Department of State, Mark Feierstein, of Virginia, to be an Assistant Administrator of the United States Agency for International Development, Mimi E. Alemayehou, of the District of Columbia, to be Executive Vice President of the Overseas Private Investment Corporation, Richard M. Lobo, of Florida, to be Director of the International Broadcasting Bureau, Broadcasting Board of Governors, Nisha Desai Biswal, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development, and a routine list in the foreign service.

S-116, Capitol

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine transforming government through innovative tools and technology.

SD-342

AUGUST 4

9 a.m.

Foreign Relations

Business meeting to consider S. 2982, to combat international violence against women and girls, and Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation

of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol (Treaty Doc. 111-05).

S-116, Capitol

Impeachment Trial Committee (Porteous)
Organizational meeting of the Impeachment Trial Committee on the Articles Against Judge G. Thomas Porteous, Jr.

SR-301

10 a.m.

Environment and Public Works

To hold an oversight hearing on the use of oil dispersants in the Deepwater Horizon Oil Spill.

SD-406

Health, Education, Labor, and Pensions

To hold hearings to examine for-profit schools, focusing on the student recruitment experience.

SD-106

Armed Services

SeaPower Subcommittee

Strategic Forces Subcommittee

To receive a briefing on the Navy's plans for the next generation Ohio class ballistic missile submarine.

SVC-217

Judiciary

Terrorism and Homeland Security Subcommittee

To hold hearings to examine government preparedness and response to a terrorist attack using weapons of mass destruction.

SD-226

2:30 p.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine social security disability fraud, focusing on case studies in Federal employees and commercial drivers licenses.

SD-342

AUGUST 5

9:30 a.m.

Veterans' Affairs

Business meeting to consider pending calendar business.

SR-418

10:30 a.m.

Banking, Housing, and Urban Affairs

Economic Policy Subcommittee

To hold hearings to examine the Obama Administration Manufacturing Agenda.

SD-538

SEPTEMBER 15

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine implementation, improvement, and sustainability, focusing on management mat-

ters at the Department of Homeland Security.

SD-342

SEPTEMBER 22

10 a.m.

Veterans' Affairs

To hold hearings to examine a legislative presentation focusing on the American Legion.

345, Cannon Building

SEPTEMBER 23

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Veterans' Affairs disability compensation, focusing on presumptive disability decision-making.

SDG-50

POSTPONEMENTS

AUGUST 3

2:30 p.m.

Energy and Natural Resources

Energy Subcommittee

To hold hearings to examine the role of strategic minerals in clean energy technologies and other applications as well as legislation to address the issue, including S. 3521, the "Rare Earths Supply Technology and Resources Transformation Act of 2010".

SD-366

SENATE—Thursday, July 29, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Holy, holy, holy, Lord God of hosts, speak to our lawmakers and fill them with bright memories, holy commitments, and deep resolve. May their bright memories remind them of the way You have guided and protected this Nation throughout the seasons of its history. May their holy commitments prompt them to be true to their duties to stand for right though the heavens fall. May their deep resolve motivate them to not become weary in doing Your will. Lord, remind them that without Your power, human efforts are useless.

Today, bless the women and men of our armed services. Place Your shield of protection around them and their loved ones.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 29, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURE PLACED ON THE CALENDER—S. 3663

Mr. REID. Madam President, it is my understanding that S. 3663 is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for a second time.

The bill clerk read as follows:

A bill (S. 3663) to promote clean energy jobs and oil company accountability, and for other purposes.

Mr. REID. Madam President, I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar under rule XIV.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will resume consideration of the small business jobs bill. There will be an hour of debate prior to a rollcall vote on a motion to invoke cloture. The hour will be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each. The final 10-minute block is reserved for the two leaders, with the majority leader controlling the final 5 minutes. Senators should expect a cloture vote around 10:40 this morning.

BIPARTISANSHIP

Mr. REID. Madam President, both parties claim they are friends of small business. This bill gives Members of both parties the opportunity to prove it. This is not just talk. Listen to what this bill has in it.

This bill is called the Small Business Jobs Act of 2010. There is a small business access to credit provision. SBA estimates the loan limit adjustments will increase lending to small business by \$5 billion within the first year of its enactment. This is a bipartisan provision: Landrieu-Snowe.

Small business trade and export promotion: It is believed this will save and create as many as 50,000 jobs this year.

Small business contracting: Increasing contracts to small business by 1 percent could create more than 100,000 jobs. This is bipartisan: Snowe-Merkley, Landrieu-Snowe, Landrieu-Crapo-Risch.

Small business management and counseling will create or save more than 10,000 jobs in 2011. It is bipartisan: Snowe-Landrieu.

Small business disaster loan improvements: This is also supported by Landrieu and Nelson of Nebraska. This is not bipartisan, but everyone knows these two Senators work on a bipartisan basis on virtually everything they do.

Small business regulatory relief: This is bipartisan: Snowe-Pryor.

Exclusion of capital gains tax: This allows investors in small businesses to take a 100-percent exclusion from capital gains tax on small business investments made this year. It is bipartisan: Kerry-Snowe-Menendez.

Increased deductions for startups: Temporary increase in maximum deduction for business startup in 2010-11. This would increase the limits to \$10,000. It is bipartisan: Merkley-Alexander.

Extension of section 179: Extends small business expensing. This is supported by Senator SNOWE; it is her provision. It extends section 179 expensing provisions.

Tax equity for self-employed: Allows self-employed taxpayers to deduct health care costs for payroll tax purposes on their 2010 tax returns. Bipartisan: Bingaman-Hatch-Landrieu.

Extension of ARRA: That is the stimulus bill bonus depreciation. Bipartisan: Baucus-Grassley-Brownback-Inhofe-Johanns-Menendez.

Small business penalty relief: Makes a penalty for failing to disclose listed transactions proportionate to the tax savings. This is bipartisan: Baucus-Grassley-Crapo.

Remove cell phones from listed property: Delists cell phones and other telecommunications devices from the category of "listed property" for tax purposes. Bipartisan: Kerry-Ensign.

S corporation holding period: Reduces the asset holding period for converted S corporation from 10 to 5 years: Snowe.

General business credits not subject to AMT limits: Allows small business to use all types of general business tax credits to offset the AMT liability: Grassley.

Carryback up to 5 years: Allows sole proprietorships, partnerships and non-public trading corporations with less than \$50 million in average gross annual receipts for the prior 3 years to carry back unused credits for 5 years: Grassley.

Small business lending fund: Bipartisan: LeMieux-Landrieu. This is the one that has created all the interest all over the country, a program level of \$30 billion, which by conservative estimates would lead to \$300 billion in small business lending. It is not related

to TARP. There are no TARP-like restrictions.

Utilizing predictive modeling to fight health care fraud: That is bipartisan: LeMieux-Landrieu.

Export promotion: Klobuchar-LeMieux, LeMieux-Landrieu. Very well accepted in the business community.

We have agriculture disaster relief. Bipartisan: Lincoln-Chambliss.

State small business credit initiative, bipartisan—developed with the support of 28 Republican Governors.

That is the bill. How could we have anything more bipartisan? That is why 80 different organizations support this legislation, including many Governors. The majority of the Governors support this legislation. Those who don't are maybe not familiar with it. But there are so many organizations that support this legislation.

Naming just a few, there are some 80 of them: Marine Retailers Association, people who sell boats; National Restaurant Association; Community Bankers for a number of States; National Small Business Association; Small Business Majority, and 76 other organizations. This is about as fair as it can be.

My friends on the other side of the aisle have indicated they want to offer some amendments. We say go ahead and do that. They can't take yes for an answer. I hope those Republicans who voted with the Landrieu-LeMieux amendment on Thursday would do so again on cloture. This is a bill that will help businesses all over America.

This bill is literally on the verge of final passage. My friends on the other side of the aisle have said the only thing standing between us and their support for final passage is giving them the opportunity to vote on their amendments. Here are the amendments they said they wanted: Grassley amendment on biodiesel; Hatch amendment on research and development; Johanns amendment on corporate reporting requirements. We said: Fine, go ahead and offer those. We will have our alternatives to those, as we do here. That is how it works. I propounded a consent that gave the Republicans votes on all three of these amendments along with the Democratic alternative.

So I wish to close by expressing my appreciation—I think I can say this without any reservation—the appreciation of the country, small businesses in America. We would not be where we are but for the work of Senator LANDRIEU and Senator LEMIEUX. Others have joined in. I had phone calls late last night with one of the most deliberate Senators. She has impressed me for so long. I got a call from Senator LANDRIEU. At her home was Senator CANTWELL, who is a truly good legislator, and the two of them worked late into the night trying to come up with support for this legislation. But it wasn't only last night. Senator LANDRIEU, as

chairman of the Small Business Committee, has been tireless. I had a conversation with her today. I have been so proud of her work on the floor—great speeches that she has gotten people to give in support of this legislation.

I can remember when she was a brandnew Senator and she was working on a military issue, and the headline in a Louisiana newspaper had "Military Mary" because she was fighting so hard for the troops. She hasn't stopped fighting for the beleaguered State of Louisiana, which has had so many problems. But for her aggressive work on behalf of her State, that State would not be where it is today. It was doing so well when the oilspill came. But who has been out in front on the oilspill? MARY LANDRIEU.

So I am proud of her being in the Senate. She has great lineage. I have such fond feelings for her father who was a legend in his own time, but that legend has been caught by his daughter, MARY LANDRIEU. So Moon is very happy, I am sure, with her legislative skills, as he should be, and as her mom is.

So anyway, thank you very much. I see my friend, the chairman of the Small Business Committee, is here. I would ask that the Record be pretty clear that there be an hour from now until the cloture vote. So I ask unanimous consent that be the case.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SMALL BUSINESS LENDING FUND ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 5297, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

Pending:

Reid (for Baucus-Landrieu) amendment No. 4519, in the nature of a substitute.

Reid amendment No. 4520 (to amendment No. 4519), to change the enactment date.

Reid amendment No. 4521 (to amendment No. 4520), of a perfecting nature.

Reid amendment No. 4522 (to the language proposed to be stricken by amendment No. 4519), to change the enactment date.

Reid amendment No. 4523 (to amendment No. 4522), of a perfecting nature.

Reid motion to commit the bill to the Committee on Finance with instructions, Reid amendment No. 4524 (the instructions on the motion to commit), to provide for a study.

Reid amendment No. 4525 (to the instructions (amendment No. 4524) of the motion to commit), of a perfecting nature.

Reid amendment No. 4526 (to amendment No. 4525), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour for debate prior to the cloture vote on amendment No. 4519, with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the final 10 minutes reserved for the two leaders or their designees, with the majority controlling the final 5 minutes.

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I wish to begin by thanking Leader REID for his very kind comments regarding the work that is going into this bill. It has been my pleasure and honor to help lead a team, actually, which the Presiding Officer has been a part of, as well as Ms. CANTWELL, the Senator from Washington; Senator MURRAY; Senator LEMIEUX from Florida; and many others. Senator CARDIN, who I know is on the floor, is an outstanding member of the Small Business Committee and a long-time advocate of small business, serving many years in the House of Representatives, and now brings his expertise to the floor of the Senate. I like having bulldogs on my committee and he is one of them and I greatly appreciate his support.

Let me be very clear that in 1 hour, we will come to the end of a very long, important public and open debate on the best way we can help Main Street.

This bill is not about Wall Street. We have had enough of those. This bill is not about big corporations; they take up 80 percent of the agenda in this place on any given day. This bill is about the 27 million small businesses that need the Members of the Senate to stand up for them today. If we can stand up for small businesses today, they will stand up for us and lift this country out of the worst recession since the Great Depression. I want to repeat that. It will not be the big banks that do this. It will not be the big international firms that do this. As it always has been since the beginning of America, since the first small business, the first enterprise, it will be small businesses that create jobs.

For 1½ years, this debate has been going on—not 1½ weeks, not last month, but for 1½ years we have been debating, as we should as Senators, about the best way to do that. There have been differences of opinion. There have been two primary committees focused on building this package, including the Finance Committee, which has put forward in a completely bipartisan

fashion a \$12 billion tax cut package for small business. The leader just spoke about some of those provisions this morning. The chairman of that committee, MAX BAUCUS, has been to the floor on several occasions to explain the extraordinarily significant tax cuts I will mention. I will mention only one.

For a decade, Members on both sides of the aisle have been trying to get the self-employed in America to have parity with other businesses when it comes to health care. Madam President, the Chair knows that her State of New York is full of self-employed people. Do they get the same tax break as General Electric? No. Do they get the same tax break as General Motors? No. These individuals who are self-employed pay more for their health care than big corporations. Is that right? No. We tried to help them in the health care bill, and we could not. We didn't give up the fight. They are in this bill—a \$2 billion tax cut for the self-employed. That is just one of the good tax provisions.

Senator REID read off the list, and I will share it with you because I know there are going to be critics coming to the floor, and unfortunately some people will vote against cloture. I hope most people are smart enough not to. If some of them do, I want them to know we have widely distributed this red line document to every news outlet in the country. We have distributed it to many, many organizations. There are over 70 organizations supporting this. This is what we call our red line document. So there is no confusion, the most wonderful thing about this document is that it is just four pages. It is very easy to read. There are not 40 pages. It is not 4,000 pages. There are no special deals. It is all here, and it is all bipartisan.

I am going to read some of the names associated with the bill: Kerry-Snowe-Menendez; Snowe; Merkley-Alexander; Snowe; Bingaman-Hatch-Landrieu; Grassley; Baucus-Grassley-Brownback-Inhofe-Johanns-Menendez; Baucus-Grassley-Crapo; Kerry-Ensign and 72 bipartisan cosponsors equally divided between Democrats and Republicans; Snowe; Grassley; Grassley.

If somebody comes to the floor and says this bill doesn't have bipartisan support, they might want to answer why their names are here: Landrieu-Snowe; Snowe; Snowe-Landrieu; Snowe-Merkley; Landrieu-Snowe; Landrieu-Crapo-Risch; Snowe; Landrieu-Nelson; Snowe-Pryor; Snowe.

I don't know how many more items a Senator can have in a bill. Senator SNOWE wrote lots of pieces of this bill. LeMieux-Landrieu; LeMieux; LeMieux-Landrieu; Klobuchar-LeMieux; LeMieux-Landrieu; Cantwell-Boxer-Murray. That lists just a few.

So we bring a bipartisan bill to the floor, and then we have a 12-hour de-

bate on one amendment, the first amendment, which is a Republican amendment by Senator LEMIEUX and myself—it is LeMieux-Landrieu-Nelson. Both Senators from Florida have been extraordinary in their advocacy for this. We had a public, open vote, and we got 60 votes. So now the small business lending provision is in this bill, which makes it even better, even greater, and equally bipartisan. If some people aren't happy with that—I don't write the rules of the Senate. I showed up, and that is what the rules were. If you got 60 votes, you got your amendment on the bill.

There are other Members who are coming to speak. I want to just say this has been a very vital debate. This is the time for us to say yes to Main Street. There are literally millions of business owners who not only want this package to pass, they need it to pass. If it passes now, they might be able to hold on. They might be able to create the jobs that are necessary. It is now our chance to deliver a bipartisan bill that will help 27 million small businesses on Main Street.

In conclusion, we have spent a lot of time helping big auto manufacturers from Detroit. Today, we can help that repair shop in our neighborhood. This is about corner stores. This is about small banks. Are we going to vote for them or are we going to leave them high and dry?

I see the chairman from the Finance Committee, who I think is scheduled to speak. I also see the Senator from Maryland. I will soon yield to the Senator from Maryland, a member of the Small Business Committee, to say a word, and then we have the time under our control. I am sorry, the Senator from Washington is here. I didn't see the Senator. I was blocked. I apologize. I see the Senator from Washington and the Senator from Montana and the Senator from Maryland.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I believe I was next.

Ms. LANDRIEU. I thought we had the first half hour and the Senator's side had the second, but I understand now that it is back and forth.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I rise to express my frustration and disappointment with the decision of the majority leader yesterday that seems to have effectively precluded Republicans from offering amendments to the small business lending bill that is before us today.

Let's understand one thing. Since the health care bill, we have not marked up one bill in the Finance Committee. That is just not right. These bills have been brought to the floor through a

rule XIV parliamentary procedure without the impetus and agreement of all of us who are on the Finance Committee. I am not going to blame anybody for that other than to say I don't think that is the proper way to do things. Then we get here on the Senate floor and the majority leader fills up the amendment tree so that neither Republicans nor Democrats have a chance to amend this bill.

Having said that, let me say that the majority leader has put forward this small business lending bill in an ostensible effort to help the economy create more jobs. Of course, this is what every Senator on both sides of the aisle wants to see happen. This is what every American wants to see happen. Yet once again we are faced with an "it is my way or the highway" attitude in dealing with this legislation.

Let me be clear. The small business lending bill before us includes many positive provisions. I commend those who have put them in there. It has a number of tax provisions that I fully support and that Republicans and Democrats alike believe would be helpful to small business growth.

Yet, I do not believe that any Member in this Chamber truly believes that this bill would do enough to solve our job creation problem. This is because it ignores the main problems that are afflicting the economy and preventing the kind of job creation that we need right now.

This is exactly why Republicans want to improve this bill. Many parts of the bill are fine as far as they go. But, again, they do not go nearly far enough.

One of the amendments the Republican leader was trying to get permission to offer to this bill is a motion I would like to make to commit this bill to the Finance Committee with instructions to report it back to the Senate with an amendment to address the biggest problem facing small businesses at this time. And that problem is the threat of the largest tax increase in history that is due to hit this country like a monster tsunami in just 155 days.

In just over 5 months from now, on January 1, a good share of America's most prolific potential job creators—small businesses that generally employ between 20 and 500 workers—are going to face large tax increases unless Congress acts to stop them. The problem is that President Obama and many of his allies in Congress have already made it clear that they have no intention of stopping these increases.

The President called on the Senate yesterday to pass this legislation to help small businesses so they can create jobs. But, ironically, he and his supporters just cannot seem to see that their support for allowing these massive tax increases to hit these fastest growing small businesses will do far

more harm than the good that could come from this bill as it now stands.

The bill before us, while well intentioned, misses the boat.

The real problem that this bill does not address is that the threat of these tax increases, combined with the other business unfriendly changes this Congress has recently passed, have created such an atmosphere of uncertainty in this country, that no one wants to take the jump and risk their capital on new business ventures or expansions. These other changes include the recently enacted financial regulation bill, the tragically misguided health care bill from earlier this year, and the menace of a monstrous climate bill that still hangs over our heads.

Let us briefly review what it takes to create a private sector job in our economy. First, we need an entrepreneur—a risk taker. Second, we need an idea. Third, we need some capital. Finally, we need some certainty so that the risk the entrepreneur is facing is manageable.

We have plenty of entrepreneurs in our economy. America has always had these, and they are a big part of what has made this country great. We also have lots of good ideas for new businesses. This is another area in which our Nation has never lacked.

We also have lots of capital in our economy. Studies indicate that banks are flush with money and corporations have more cash on their balance sheets than at any time in the past 50 years. Investors have money too and are just waiting for the last ingredient.

And that last ingredient is what is missing. A degree of certainty that the business climate will begin to improve, or at least not get any worse. This means stable tax rates, a manageable level of regulation, and customers who are not worried about the future.

But if we have a situation, as we have now, where the investors and entrepreneurs cannot see any real stability, risk taking freezes up. Everyone decides to stand on the sidelines and wait it out and see how things look in a few months, or next year.

The result of this inaction is that the new expansion to the manufacturing plant is put on hold, the bank loan is not extended, and the new equipment is not ordered. The result, of course, is that the new job is not created, and everyone stands and waits.

Many of my friends on the other side of the aisle and in the administration seem to be puzzled as to why the economy has not yet started to create the jobs we so desperately need. After all, the huge stimulus bill that they pushed through last year was supposed to solve these problems.

A very big part of the reason for this lack of jobs is this terrible uncertainty, which has a corrosive effect on the economy. We need to add the lubricating oil of lower taxes, fewer regula-

tions, and certainty to the engine of economic growth.

Instead, we have been adding the acid of uncertainty to the engine—uncertainty about higher taxes, uncertainty about a worse regulatory climate, and uncertainty of what might come next. It is small wonder that the engine is not working as it should.

What little certainty that might have existed in the recent past has surely been evaporating because of the President's broken pledge to not raise taxes on those making less than \$200,000 per year and the Democratic leadership's obvious willingness to allow these huge tax increases to go into effect for millions of Americans.

This attitude is often excused by the misguided belief that the "rich" are not paying their fair share of taxes and need to contribute much more to the Treasury.

Many of our colleagues forget that a high percentage of new and small businesses, where most of the new jobs are created in a recession, pay their taxes as individuals. This means that attempts to make the so-called rich pay more will backfire and harm the very people our liberal colleagues are trying to help—those who desperately need employment.

This is not so much a question of fairness as it is of economic reality. If we raise the top rates on individuals, we raise tax rates on small and growing businesses and stifle them from fulfilling their job-creation potential.

According to the Joint Committee on Taxation, tax increases on those making more than the limits the President has pledged to protect will attack one-half of all small business income. Owners of these small businesses, as well as those who want to invest and start new enterprises, are frozen on the sidelines. They are not going to take the risk as long as these tax increases are hovering on the horizon. As long as they do not act, they will not create those jobs.

Let us look at the calendar. We simply do not have the time to pass small Band-Aid bills when the patient—our underperforming economy—needs a blood transfusion. We need to address the real problems facing our economy, not play around at the edges. Our first job should be to reduce the uncertainty that is throwing sand into the cylinders of the job creation engine of small businesses, and the first step of this is to remove the threat of these huge tax hikes.

Let us assure investors, entrepreneurs, lenders, and other players in the job creation machine that we will not raise taxes in 5 months. Let us dispel these clouds of uncertainty and let the private sector do what it does best—innovate and create and put America to work.

Having said all that, it is important for me to add to this discussion a few other points.

Dr. Christina Romer, Chair of the President's Council of Economic Advisers, in last month's issue of the "American Economic Review" said this:

... tax increases appear to have a very large, sustained, and highly negative impact on output.

... [T]he more intuitive way to express this result is that tax cuts have very large and persistent positive output effects.

Senator KENT CONRAD, our great Budget Committee chairman—and he is also on the Finance Committee—had this to say:

As a general rule, you don't want to be cutting spending or raising taxes in the midst of a downturn.

That was in the Wall Street Journal on the 23rd of this month.

He also said:

In a perfect world, I would not be cutting spending or raising taxes for the next 18 months to 2 years. This downturn is still very much with us, unfortunately.

He said that on CNN on the 26th of this month.

Senator BEN NELSON from Nebraska "supports extending the expiring tax cuts at least until the economy is clearly recovering and supports addressing them before the fall elections."

Senator EVAN BAYH had this to say:

And so raising taxes right now—

The ACTING PRESIDENT pro tempore. The Senator has consumed 10 minutes.

Mr. HATCH. Madam President, I ask unanimous consent that I be given 1 more minute.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BAUCUS. I object unless—it is off his time. Fine. I do not object.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Senator EVAN BAYH said:

And so raising taxes right now would be the wrong thing to do because it would dampen consumer demand and lessen business investment.

"We're not creating jobs, and raising taxes now would not be a great idea," Rep. Michael McMahon, a New York Democrat, said this week."

This is a quote from the Wall Street Journal on July 21:

Martin Vaughan and John McKinnon: "Bush Tax Cuts Split Democrats."

"Rep. Bobby Bright, a Democrat facing a tough reelection race in Alabama, said tax increases, even if limited to the wealthiest families, could imperil the recovery."

This is a quote from The Hill newspaper on July 22:

Alexander Bolton: "Democrats may stop Bush-era tax cuts for wealthy from expiring."

"I think the recovery is sufficiently fragile that we ought to leave tax rates where they are," said Rep. Gerry Connolly, a freshman Democrat from Virginia. Connolly said Democrats should

not allow the 2001 Bush tax cuts to expire for anybody.”

Again, a quote from The Hill newspaper on July 22:

Alexander Bolton: “Democrats may stop Bush-era tax cuts for wealthy from expiring.”

The leader of the Federal Reserve, Dr. Ben Bernanke, said: “In the short term I would believe that we ought to maintain a reasonable degree of fiscal support, stimulus for the economy . . . There are many ways to do that. This is one way.”

I do not blame the distinguished chairman of the committee because we have not marked up these bills. I blame the leadership here for not realizing that is why we have a Finance Committee, to mark up these bills and let both sides have a chance to make them better if they can.

We all have an interest in spurring small businesses and getting the economy going. Bringing these important bills right to the floor and bypassing the Finance Committee, and then doing what has been done on every bill since the health care bill and even before—locking up the parliamentary tree so we cannot have a reasonable shot at even putting up some amendments—is not the way to do business. It is not what creates the bipartisanship we need right now in our Senate.

I wanted to make that point and hope we can change our ways so the Senate will be what it ought to be—the greatest deliberative body in the world.

I thank my colleague from Montana for granting me additional time. I appreciate him as leader of the Finance Committee. I enjoy working with him, and I enjoy working with my colleagues on the other side. But my gosh, let's stop this business of locking up the tree on everything and not debating the way we should, not giving people half a reasonable shot of bringing up their amendments, and, above all, let's start marking up these very important bills in the Finance Committee.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, I know other Senators have risen before me, so I will be very brief. I will take a minute. The Senator from Washington is next. I thank her for her indulgence in letting me take 1 minute.

This is very clear: The American people want us in Congress to do their work. They want us to do something that is reasonable and makes sense. Most Americans are not way off on the left side, and they are not way off on the right side. They are basically in the middle and do a good job.

Most Americans would want us to help small businesses in a good way, in a solid way—maybe not in the exact way each American would want but in a good, solid way. This bill clearly does

that. It does what the American people want.

Small businesses generate jobs. They are the small engine of growth. We need to help small businesses. This bill does that. It cuts taxes for small businesses. It gives lending authority for small businesses. There are many other provisions I do not have time to explain that help small businesses.

This is not some small Band-Aid bill. This is a bill that makes sense for small businesses. It provides certainty to small businesses. It helps them. We cannot solve all the world's problems in one bill, but we can certainly help small businesses in this bill.

I can say—and I am pleading, frankly, with a few Republican Senators who have not quite decided how they are going to vote on this cloture vote—this is a good bill, a solid bill, a start in the right direction. Let's pass it. Let's not get hung up on who said what to whom, caught up on debating points, and come across like kids in a sandbox. Let's pass this bill. It is a good bill. It is good for America.

We can deal with other issues, such as the expiring tax cuts, another time in the future. But right now this is small business. It is solid. It is getting done. It is going to help people. That is what people want us to do. They want us to do the right job. I urge us to pass this bill.

I yield 5 minutes to my good friend from Washington.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Madam President, on Tuesday, I came to the floor to voice my support for this bill by telling the stories of small business owners in every corner of my State who have struggled so hard to get credit since this recession began.

I talked about people who were driven by their passions, who want to grow their businesses, who want to hire, but who have been stymied by the lack of credit flowing from our banks.

I talked about the drivers of our economy and job creation. But if small businesses are the driver of our economic recovery, then our community banks are the engine. Right now we all know that engine is in neutral. That is because for far too long, our community banks have been ignored in our economic recovery.

Since this recession began, we have seen banks fail one after another, lending dry up to our small businesses, and job growth suffer. While Wall Street institutions, such as AIG and Goldman Sachs, were deemed “too big to fail,” the collapse of our community banks has apparently been “too small to notice.”

Last year, I introduced the Main Street Lending Restoration Act which would have directed \$30 billion to help jump-start small business lending. That is why I have spoken with Sec-

retary Geithner and President Obama about this directly and why I have been pushing so hard to make small business lending a priority.

I have felt very strongly that we have to focus more on our community banks if we want to make progress and bring true recovery to our Main Street businesses. It is why I am so proud to stand here today and support this bill. I thank Senator LANDRIEU and others for working with us in creating the Small Business Lending Fund and the State Small Business Credit Initiative.

This Small Business Lending Fund takes the most powerful idea from my Main Street Lending Restoration Act and sets aside \$30 billion to help our local community banks—those that are under \$10 billion in assets—to help them get the capital they need to begin lending to our small businesses again. It is going to reward the banks that are helping our small businesses grow by reducing the interest rates on capital that they get under this program, and it will help our small support business initiatives run by our States across the country that are struggling because of local budget cutbacks. And, as Senator LANDRIEU has told us, it will save taxpayers an estimated \$1 billion.

It is a bill that should have broad support and, in fact, it does from small business groups of all stripes, community bankers, and so many others across this country who have found common cause with this bill.

Once again we are finding ourselves faced with opposition from the other side. Once again a commonsense bill that will save taxpayers money is being held hostage by political calculation. I think an editorial in yesterday's Seattle Times on this bill summed up some of the frustration in living rooms and communities across the country very well on the obstruction we see every day.

The editorial first noted the importance of this bill we are considering by saying:

Economic recovery is all about jobs. And American consumers, who help power the economy, are spending less in the shadow of a shaky employment market. Small banks lending to small businesses puts people to work. Access to credit is key. Helping Main Street rekindles hiring, boosts consumer confidence in overall economic conditions, and fuels the recovery.

That is how the editorial started. It went on to say this is “part of a larger package of legislation for small business and Main Street America that has attracted scant Republican interest or support.”

Then the editorial briefly, but very accurately, summarized what I think so many in our country are thinking when they return home from pounding the pavement, looking for work only to turn on their TV to see that a bill such as this is blocked from consideration. It said:

Nothing should be more nonpartisan than putting people back to work.

It is a line that speaks volumes in this Chamber because it is a line that truly represents how so many of our constituents feel. This is a nonpartisan bill. This is a bill that puts credit back into the hands of our small business owners. It puts people back to work. And nothing should be more nonpartisan than putting people back to work.

I urge all of our colleagues to listen to the voices of their constituents and small business owners. Support this cloture motion. Let's get this sent to the President.

Quickly, I do want to say that I worked very hard to include funding in this bill to help save over 130,000 teacher jobs. Again that effort has been blocked by Republican obstruction.

I remind all of us, every day we see more reports about the continuing wave of layoffs affecting our school districts. This is not just about school districts. It is about losing teachers, and it may be the only teacher who touches a child in their classroom. It is about kids in every one of our States. We need to be sure we do not lose focus of this issue.

I am going to continue to fight to ensure that our teachers return to the classrooms and our kids have the best instructors in September.

Again I thank Senator LANDRIEU for her tremendous work on this bill.

Ms. LANDRIEU. Madam President, how much time is remaining on our side?

The ACTING PRESIDENT pro tempore. There is 8 minutes 36 seconds remaining.

Ms. LANDRIEU. The Senator from Maryland has been on the floor for almost an hour. May he have the next 3 minutes? I see the Senator from Maine who could then speak after him.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Madam President, I thank Senator LANDRIEU for her incredible leadership and work in regard to the Small Business Jobs and Credit Act of 2010. This is the work of the Small Business and Entrepreneurship Committee and the Finance Committee.

As Senator LANDRIEU pointed out, it has been the work of Democrats and Republicans working together on many important provisions to help the small business community. It truly is a bipartisan bill. It is a critically important bill. I, quite frankly, do not understand why there are those who want to oppose us getting this done.

It contains many provisions that have been brought to us by the small business community that we need to get done. We all profess and understand that the growth engine of America is in small business. That is where new jobs are created. Sixty-four percent of the net nonfarm new jobs are created by small businesses.

Innovation is the way for America to stay on the cutting edge. More patents and more copyrights are created through small businesses per employee than a larger company.

This bill is about creating jobs for Americans who desperately need them. This legislation combines many bills reported out of the Small Business Committee. I say congratulations to Senator LANDRIEU and Senator SNOWE. These are bills that both of them worked on together that are important for us to get done.

Let me just summarize some of the important bills that came out of our committee that are included.

We helped small businesses with international trade, leveraging \$1 billion of export capital. This alone will affect 40,000 to 50,000 jobs. We deal with government contracting. We have had hearings—I had a hearing in the State of Maryland on behalf of the Small Business Committee—where small business companies pointed out how difficult it is for them to access the government procurement system. So our committee went to work.

Thank you, Senator LANDRIEU; thank you, Senator SNOWE. We went to work and reported out a bill that is incorporated that deals with the abuses of bundling. Bundling is when the agency puts together a lot of small contracts into a large contract where a small company can't compete for it. We have taken action to correct that in this bill so that small companies can access government procurement in an easier way.

We started to attack what is known as prime contract abuse, where prime contractors don't pay their small contractors on time or abuse their small contractors, which are more likely to be small businesses. That is dealt with in this legislation.

We deal with gender equity by investing in the Women's Business Center. As Senator LANDRIEU has pointed out, working with the Finance Committee, we deal with tax equity. Business owners can deduct the cost of health care for their families in calculating the self-employment tax. This is a matter of fairness for small business owners to be treated equally with larger companies; to be able to increase the amount of startup costs that can be deducted from \$5,000 to \$10,000.

These are all important issues. If you are a small business owner struggling to make payroll or to keep your doors open, this help could be the difference between hiring another employee or not.

Lastly, Madam President, it deals with credit. It extends credit to small businesses. We all talk about that.

The ACTING PRESIDENT pro tempore. The Senator has consumed 3 minutes.

Mr. CARDIN. I ask unanimous consent for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. The credit provisions are critically important. We make permanent the SBA guarantee programs—90 percent guarantees, the cost reductions, the 7(a) limits from \$2 million to \$5 million, the 504 limits from \$1.5 million to \$5.5 million, the microloans. We boost lending, by that alone, in the first year by \$5 billion. Then, as our chairman has talked about, the State programs are funded as well as the community bank programs.

I want to mention one additional point, if I might. I am disappointed the surety bond extension is not in this bill. I will work with the chairman of the Small Business Committee and the Finance Committee to make sure we find a way to include that in the American Recovery Act. We increase that from \$2 million to \$5 million. It deals with small construction companies.

It is very important because for State and Federal contract projects over \$100,000, you need to have a surety bond. If you are a small business owner, what you need to pledge in order to get that surety bond can deny you credit in the market. We have to extend that to the \$5 million that was included in the Recovery Act, and I feel confident, after talking to the chairman, that we will find a way to get that done.

The bottom line is this is a critically important, well-balanced bill that will help small businesses. This is our opportunity to vote for it. In half an hour, we will have a chance to decide whose side we are on. Are we on the side of small business owners, to help this economy recover, or are we just going to continue this partisan division in the Senate? I hope my colleagues will vote on the side of small businesses.

With that, Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. SNOWE. Madam President, all I can think of, in listening to the Senator from Maryland, is if we could have limited this legislation before the Senate to the provisions we agreed to on a bipartisan basis—in fact, many of which passed unanimously in the Senate Small Business Committee—clearly, we would be in a far better position than we are today. That is the regrettable dimension to the situation we are facing procedurally in the Senate.

I know from the majority side there is not an inclination to accommodate the rights of the minority, but that is the tradition in the Senate. The majority rules, but you accommodate the rights of the minority. That is the essence of what the institution of the Senate is all about.

I regret we are where we are today in the Senate on this issue that I have

been championing since January of this year. It seems to me we are all worried about the legislative train running out of the station. If we are all concerned about the limited time we have available to address the issues of small business and job creation, which are the foremost issues in the United States of America, I would have suggested—and I did and I asked and I pleaded—that we should have addressed this issue in January, at the outset of the legislative session, not, at the end of July, when we are about to recess for August.

So everybody is worried about the recess. We only have 1 week left. Well, that is right. What do we know today that we didn't know earlier? Jobs and the economy are the foremost issues facing the country, facing Americans. If it took several months to address those issues, then we should have taken several months to address those issues. But now we are faced with a procedural impasse because we are being denied the opportunity to offer some amendments to this legislation.

Now, you would think we ran out of time. We didn't run out of time. We didn't run out of time. We had 81 days this year—81 days—in which we did not have rollcall votes; 81 days excluding weekends and Federal holidays, all through yesterday, when we didn't have any recorded votes. We could have addressed this issue long before now, given it the attention it deserved, rather than treating it as a mere afterthought in the legislative process that we have to ram through here and deny the minority the opportunity to offer a few amendments. That is all we are asking.

Now, you think we just dropped this bill on the floor of the Senate yesterday? This bill was on the floor more than 3 weeks ago. How many amendments have we been able to offer on this bill on our side? Zero. I will give them the lending facility that was offered by Senator LEMIEUX. But, obviously, that was an amendment the majority wanted. I recognize the Chair here, and that was one of her major issues, an area in which I disagreed in creating a \$30 billion lending facility. But we have not been able to offer any amendments.

We have had this bill on the Senate floor for 3 weeks. We have had three substitutes—three substitutes. No amendments. No amendments. Then yesterday, no votes on anything. We could have been finished with this bill by now, if you had given the minority the right to offer a few amendments. We are shutting down this process, Madam President, denying the opportunity to debate the foremost issue facing America—creating jobs. We have a 9.5-percent unemployment rate. We need to create jobs in America.

As illustrated last month, only 83,000 jobs were created in the private sector,

and we are saying we don't have time to address this issue? It is not only frustration, Madam President, it does a disservice to the American people. They know better. We have had plenty of time to address this issue. This bill has been on the floor of the Senate for 3 weeks and we have had three substitutes and 81 days that we have had no rollcall votes. We had no rollcall votes yesterday. Then, suddenly, what appeared last night was that we have a substitute and we have side-by-sides, or alternatives, to Republican amendments. No opportunity to review them, no opportunity to have a discussion or to reach a true unanimous consent.

The majority has said we have a unanimous consent agreement, but actually it is an ultimatum to the minority—take it or leave it. So we had no opportunity to review these alternatives because they were just filed. Actually, the amendments were not even filed. The majority leader posed them in his unanimous consent agreement that we either had to accept or reject. There was no opportunity to have a discussion yesterday. How could we reach an agreement, maybe on several amendments that would be important to this legislation, Madam President?

So we had four amendments that were filed on the majority side, and now we are faced with a cloture vote today at 10:40. Why are we rushing to a cloture vote? Why don't we spend more time talking to each other to get the policy right? Is it something that we are not familiar with anymore—how to sit down and talk to one another, to discuss the issues?

What are the alternatives the majority provided in the unanimous consent agreement that wasn't a consent agreement because nobody talked to anybody about it? Well, it is adding issues that were in the supplemental. It is basically taking the supplemental, the tax extenders bill, fiscal assistance to the States, education funding, and agricultural appropriations disaster funding that is actually in the new substitute that was filed. Those are the alternatives that have been offered to this bill.

So this has become a mega bill. It is a mega supplemental, it is a mega tax extender bill, it is now an agricultural disaster bill on the small business bill. So if we were to take the issues that we agreed to on a unanimous and bipartisan basis in the Senate Small Business Committee, we could have had 75 to 80 votes. But that wasn't sufficient for the majority. It wasn't sufficient.

So here we are today with a cloture motion—take it or leave it—because we only have 1 week left. Well, why do we have 1 week left? Why don't we take as long as it requires to do what is right, to try to get the best policy to create jobs in America instead of facing this

figurative legislative brick wall that is artificially contrived? It is all political theater. It is not about legislating anymore. It is all political theater. It is scoring political points. It is all for the next election, which is coming very shortly. It is not about getting the right policy for America—for small businesses that are suffering, for the 8 million who have lost their jobs, the nearly 15 million who are a part of that, with the underemployed who are desperate and who need certainty.

The House is adjourning tomorrow. So where is this legislation going? This was supposed to be a jobs agenda legislative session. That is what we were told by the majority. That is what we were told by the President of the United States. I said back in January—I sent letters to the President, to the Small Business Administrator, to the majority—saying let's do it now. I had a major initiative that I filed in early March, and I was asked by the majority leader to defer because he said we were going to be addressing this on the floor of the Senate before the April recess.

Well, according to my calendar, we are at the end of July, and here we are. We are not even going to get done before the August recess because the House is adjourning tomorrow. So we have to get this done. So we are going to ram it and jam it and take it or leave it, but we are not going to be able to offer any amendments on this side. We are not going to be allowed to offer any amendments because the majority is going to dictate the will of the minority on a few amendments.

Madam President, this is unacceptable. I regret this. I deeply regret this, as one who has worked across the political aisle. I wish more would do it on both sides—look at the policy and see what is right and what works. Now we are talking about these side-by-sides offered by the majority last night—the night before a cloture vote. We filed a cloture vote on the third substitute that has disallowed any amendments to be offered by the majority; the third substitute in the third or fourth week this bill has been pending. The third substitute was filed on Tuesday and we are having a cloture vote at 10:40 this morning, Madam President, with no amendments because the majority is going to tell us what amendments we can offer. But they are going to offer plenty of amendments that aren't even related to the small business bill.

Enough is enough. This has been anything but a jobs agenda. The American people are suffering. I suspect we will all go home and talk to our constituents. What do you think is happening on Main Street? Yet here we are, all for jobs. Oh, but by the way, we are going to offer the supplemental that we dropped last week.

Last week, before we voted on the lending facility amendment, I deferred

my remarks on the lending facility out of deference to one of our colleagues on the other side. I never made my final arguments because we went to the supplemental. They stripped everything and sent it to the House. Now they are taking all the rest of it and putting it in this package on top of tax extenders, the fiscal assistance and education funding? They are talking billions and billions. \$40 billion here, \$20 million there, all that added to the small business bill.

For what purpose? Is that the way we legislate? Well, the American people know. They know it. They can see through this masquerade. They see it all the time. They know it. That is why they have lost confidence. That is why we are at a historic low, Madam President, in terms of public approval. It is a disgrace for this institution. It is a disgrace and a shame, and I am speaking as one who has worked mightily across the political aisle for more than 30 years, in both the House and the Senate. My career and my legislative record is replete with examples of bipartisanship. I think this is nothing but a disgrace and a shame and I regret that—more than anything else, for the people who are suffering in America in every one of our communities. We all know better.

We had no votes yesterday. It was possible to sit down and talk and see what unanimous consent request could be agreed to between the minority leader and the majority leader. But, no, we decided we are going to forgo all that. We are going to play a political game. Isn't this nice, offer these side-by-sides so the American people should know there are so-called alternatives to whatever the majority would allow us to offer. It is a sad commentary because two-thirds of the American people disagree with the direction we are going.

But more than anything else, they need jobs to support their families. I supported the unemployment benefit extension, much to the consternation of the minority leader and others on this side, because they wanted to pay for it and I would have preferred to also, but I knew that would not be acceptable on that side. But I was willing to do it because I didn't want to put people in the terrible position of making a choice in their lives about how they are going to put food on their table. I have talked to people in Maine. I talk to my constituents and I listen, so that is why I supported it, because I thought it was important to do it for the American people, and I hope there could be some reciprocity here, to do what is right for America.

I yield the floor.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. The Senator from California.

Mrs. BOXER. Madam President, what the American people want from us is for us to work together. They don't want partisan political attacks. Here is what is so strange about this particular partisan attack we have just heard. The Senator from Maine said she wants a chance for her side to have "just a few amendments."

I ask unanimous consent to have printed in the RECORD the offer made by the majority leader to allow that. Any of the amendments they wanted, the other side wanted, matched by amendments we wanted. I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Leader: Mr. President, I ask unanimous consent that the pending motion to commit be withdrawn, and all pending amendments be withdrawn except #4519, and that the following amendments be the only amendments in order to amendment #4519, with no mo-

tions to commit or motions to suspend the rules in order during the pendency of H.R. 5297; that all amendments included in this agreement be subject to an affirmative 60 vote threshold; and that if the amendment achieves that threshold, then it be agreed to and the motion to reconsider be laid upon the table; that if it does not achieve that threshold, then it be withdrawn; that any majority side-by-side amendment be voted first in any sequence of votes; further that debate on any amendment included in this agreement be limited to 60 minutes each; with all time equally divided and controlled in the usual form:

Baucus amendment re: information reporting provisions health care as a side-by-side to the Johanns 1099 reporting amendment; Johanns amendment 1099 reporting; Murray/Harkin amendment re: education funding; Republican side-by-side amendment re: education funding; Hatch amendment re: R&D; Reid amendment re: FMAP/Cobell funding Grassley amendment re: biodiesel.

That upon disposition of the listed amendments, no further amendments be in order; that the substitute amendment, as amended, if amended, be agreed to; the bill, as amended, be read a third time, and without further intervening action or debate, the Senate proceed to vote on passage of the bill; finally, that once this agreement is entered, the closure motions on the substitute and bill be withdrawn.

Mrs. BOXER. Madam President, I also work across the political aisle. I worked with Senator SNOWE on the Passenger Bill of Rights. I worked with the former Senator Smith on guns in the cockpit. I worked with Senator ENSIGN on afterschool, I worked with Senator INHOFE on highway bills, on WRDA bills. We all work across the aisle and I too compliment the Senator from Maine for standing with us on some very tough votes. But I have to say—she is asking for a bipartisan bill?

Let me read the sections of this bill and I ask unanimous consent to have this printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 5297 – Small Business Jobs Act of 2010: SBC Provisions		
Proposal	Description	Underlying Provisions
Small Business Access to Credit	<ul style="list-style-type: none"> Increases limits on SBA 7(a) loans from \$2 - \$5 million, 504 loans from \$1.5 - \$5.5 million, and microloans from \$35,000 - \$50,000; allows 504 loans to be used to refinance short-term commercial real estate debt into long-term, fixed rate loans; extends SBA-ARRA provisions to provide a 90 percent guarantee on 7(a) loans and fee waivers for borrowers on 7(a) and 504 loans until 12/31/10. SBA estimates the loan limit adjustments will increase lending to small businesses by \$5 billion within the 1st year of enactment. 	<p>Bipartisan: Landrieu-Snowe (S. 2869) Snowe (S. 3103) S. 2869 Passed SBC 17-1</p>
Small Business Trade & Export Promotion	<ul style="list-style-type: none"> Improves the SBA's trade and export finance programs, elevates the Office of International Trade, expands the export finance specialist counseling program, establishes a State Export Promotion Grant Program (STEP), and strengthens coordination between federal/state export agencies and SBA resource partners. Leverages more than \$1 billion in export capital for small businesses, creating/saving as many as 40,000 - 50,000 jobs in the U.S. in 2010. 	<p>Bipartisan: Snowe-Landrieu (S. 2862) Snowe (S. 3103) S. 2862 Passed SBC 18-0</p>
Small Business Contracting	<ul style="list-style-type: none"> Establishes stricter federal contract bundling requirements, ensures prompt payment of subcontractors, requires an aggressive review of SBA size standards every five years, and allows small businesses to team to compete for large federal contracts. Also places all federal restricted competition contracting programs on equal footing and clarifies that no program has priority over any other, and establishes a Mentor Protégé Program for the HUBZone program. Increasing contracts to small businesses by 1 percent could create more than 100,000 jobs. 	<p>Bipartisan: Snowe-Merkley (S. 1489) Landrieu-Snowe (S. 2989) Landrieu-Crapo-Risch (S. 3190) S. 2989 Passed SBC 18-0</p>
Small Business Management & Counseling	<ul style="list-style-type: none"> Allows SBA to waive or reduce the non-federal share of a WBC's or Microloan Intermediary's funding requirement for a period of up to 1 year, through FY12. SBA estimates that the microloan program will create or save more than 10,000 jobs in FY11. 	<p>Bipartisan: Snowe (S. 3103) Landrieu-Snowe (S. 3165)</p>
Small Business Disaster Loan Improvements	<ul style="list-style-type: none"> Allows small aquaculture businesses to receive SBA Economic Injury Disaster Loans (EIDL) if no other Federal disaster assistance is available. 	<p>Democrat: Landrieu-Nelson (S. 2731)</p>
Small Business Regulatory Relief	<ul style="list-style-type: none"> Requires Federal agencies to officially respond to regulatory comments filed by the Chief Counsel of the SBA's Office of Advocacy and also establishes the Office of Advocacy as a line item in the SBA's annual budget. 	<p>Bipartisan: Snowe-Pryor (S. 3024) Snowe (S. 3103)</p>

H.R. 5297 – Small Business Jobs Act of 2010: Tax Provisions		
Proposal	Description	Underlying Provisions
100% Exclusion of Capital Gains Tax	<ul style="list-style-type: none"> Allows investors in small businesses to take a 100% exclusion from capital gains taxes on small business investments made in 2010. Cost: \$517 million. 	Bipartisan: Kerry-Snowe-Menendez (S. 78) Snowe (S. 3103)
Increase Deduction for Start-Up Expenditures	<ul style="list-style-type: none"> Temporarily increases the maximum deduction for business start-up expenditures in 2010 and 2011 from \$5,000 to \$10,000, subject to a \$60K threshold. Cost: \$230 million. 	Bipartisan: Merkley-Alexander (S. 1402)
Extension of Sec. 179 Enhanced Small Business Expensing	<ul style="list-style-type: none"> Extends the Sec. 179 expensing provision that allows small businesses to immediately expense up to \$500,000 (up from \$250K) for tangible personal property and up to \$250K for improvements to leasehold property and retail property. Cost: \$2.2 billion. 	Republican: Snowe (S. 3103)
Tax Equity for the Self-Employed	<ul style="list-style-type: none"> Allows self-employed taxpayers to deduct health care costs for payroll tax purposes on their 2010 tax returns. Cost: \$1.96 billion. 	Bipartisan: Bingaman-Hatch-Landrieu (S. 725) Grassley (H.R. 5297)
Extension of ARRA Bonus Depreciation	<ul style="list-style-type: none"> Extends ARRA provisions that allow businesses to immediately write-off 50% of the cost of capital expenditures for 1 additional year for qualifying property purchased and placed into service in 2010. Extends ARRA bonus depreciation provisions that include a modification allowing long-term contractors that use the percentage-of-completion method of accounting (PCM) to elect bonus depreciation on property whose depreciation term is less than seven years. Cost: \$5.5 billion. 	Bipartisan: Baucus-Grassley-Brownback-Inhofe-Johanns-Menendez (S. 3515)
Small Business Penalty Relief	<ul style="list-style-type: none"> Would make the penalty for failing to disclose "listed transactions" proportionate to the tax savings for the transaction. Cost: \$176 million. 	Bipartisan: Baucus-Grassley-Crapo (S. 2771)
Removes Cell Phones from Listed Property	<ul style="list-style-type: none"> Delists cell phones and other telecommunications devices from the category of "listed property" for tax purposes. Cost: \$411 million. 	Bipartisan: Kerry-Ensign (S. 144) 72 bipartisan cosponsors
S-Corp Holding Period	<ul style="list-style-type: none"> Temporarily reduces the asset holding period for converted S-Corporations from 10 years to 5 years. Cost: \$70 million. 	Republican: Snowe (H.R. 5297)
General Business Credits Not Subject to AMT Limits	<ul style="list-style-type: none"> Allows small businesses to use all types of general business tax credits to offset AMT liability. Cost: \$1 billion. 	Republican: Grassley (H.R. 5297)
Carryback Up to 5 Years 2010 General Business Credits	<ul style="list-style-type: none"> Allows sole proprietorships, partnerships and non-publicly traded corporations with less than \$50M in average gross annual receipts for the prior 3 years, to carryback unused credits for 5 years. Cost: \$107 million. 	Republican: Grassley (H.R. 5297)

H.R. 5297 – Small Business Jobs Act of 2010: LeMieux-Landrieu Amendment		
Proposal	Description	Underlying Provisions
Small Business Lending Fund	<ul style="list-style-type: none"> Establishes a voluntary capital purchase program under which Treasury purchases equity in small banks under \$10 billion. Banks repay at a dividend rate that decreases as their small business lending increases; the decreased dividend rate can be as low as 1%. Not at all related to TARP, and there are no TARP-like restrictions. Program level is \$30 billion which by conservative estimates, will lead to \$300 billion in small business lending. 	<p>Bipartisan: LeMieux-Landrieu (H.R. 5297)</p>
Utilizing Predictive Modeling to Fight Health Care Fraud	<ul style="list-style-type: none"> Utilizes similar technology that the credit card industry uses to prevent fraud from taking place. Credit card companies often call customers after a purchase that appears out of the ordinary. This is done to prevent payment of a fraudulent transaction from taking place. The same process would be implemented in fighting Medicare and Medicaid fraud. 	<p>Bipartisan: LeMieux (S. 2128) 15 <i>Bipartisan cosponsors</i> LeMieux-Landrieu (H.R. 5297)</p>
Export Promotion	<ul style="list-style-type: none"> Small Business Export promotion bill that enhances export assistance programs operated by the Department of Commerce. Adds 80 U.S. and Foreign Commercial Service Officers. Temporarily increases funding for the Rural Export Initiative (REI), ExportTech program, Market Development Cooperator Program (MDCP). Requires that small businesses be receive priority consideration for awards made through the Manufacturing Extension Partnership (MEP) & Technology Innovation Program (TIP). Encourages collaboration between the Department of Commerce and state export assistance agencies. Requires a report on tariff and non-tariff barriers for small businesses seeking export opportunities in Colombia, Panama and Korea. 	<p>Bipartisan: Klobuchar-LeMieux (S. 3084) LeMieux-Landrieu (H.R. 5297)</p>

H.R. 5297 – Small Business Jobs Act of 2010: Other Provisions

Proposal	Description	Underlying Provisions
Agriculture Disaster Relief	<ul style="list-style-type: none"> Provides assistance for any agricultural losses on crops that occurred in 2009, including specialty crops, livestock, sugar, aquaculture, cottonseed, and poultry. Would distribute \$1 billion in supplemental direct payments to producers with minimum 5-percent losses in production, including: \$42M in cottonseed assistance; \$25M in aquaculture assistance; \$21M to a Hawaiian sugar cane cooperative; \$75M to poultry producers; \$50M for livestock producers; and \$300M for specialty crop producers. Any state that has a county that was declared a primary disaster county in 2009 is eligible. 	<p>Bipartisan: Lincoln-Chambliss</p>
State Small Business Credit Initiative	<ul style="list-style-type: none"> Provides \$1.5 billion in grants to States to support small business lending programs. States apply for the funds to be used for approved programs that leverage private lenders to extend up to \$15 billion in credit to small businesses and manufacturers. Allows States to build upon successful models for state small business programs, including capital access, loan participation, collateral support, State-run venture capital, and credit guarantee programs: <ul style="list-style-type: none"> Capital Access Programs (CAPs): CAPs, which are already up and running in over 20 states, are loan portfolio insurance programs, where states provide a matching contribution to bank loan loss reserves when lenders extend credit to qualified small businesses. These reserve enhancements allow lenders to take slightly more risk in expanding credit to new borrowers. Collateral Support Programs: Help businesses struggling to get credit because the value of the collateral they hold has fallen. These programs, which set aside funds to augment collateral the borrower already holds – provide banks greater confidence in extending credit to these borrowers. Funds are allocated to the States using formulas based on certain State employment and unemployment rate data. States have nine months to apply for the program and if a state does not apply, the largest municipalities of a state can apply. 	<p>Bipartisan: <i>Developed with the support of 28 Republican and Democratic Governors</i> Warner-Levin</p>

Mrs. BOXER. The first amendment written by Landrieu-Snowe; the second, Snowe-Landrieu; the third one, Snowe-Merkley; the fourth one, Snowe-Landrieu; the next one, Landrieu-Nelson; the next one, Snowe-Pryor—and on and on.

The next section: Merkley-Alexander. We all know Senator HATCH worked with Senator BINGAMAN on many of these. Senator GRASSLEY is involved in this, Senator BROWBACK is involved.

I have to say, of all the bills we have taken up, this is the most bipartisan. I think that to make a process argument now is a shame.

Let me read some of the groups that support this bill, even though the Senator from Maine doesn't like it. Let me tell you where you are. The U.S. Chamber of Commerce: Pass this bill; National Federation of Independent Businesses: Pass this bill; the U.S. Hispanic Chamber of Commerce: Pass this bill; the Black Chamber of Commerce: Pass this bill; the National Association for the Self-Employed; the Small Business Majority—and on and on.

I ask unanimous consent to have the entire list printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPORTERS OF THE SMALL BUSINESS LENDING FUND (SBLF)

American Apparel and Footwear Association; American Bankers Association; American International Automobile Dealers Association; Arkansas Community Bankers; Associated Builders & Contractors; California Independent Bankers; Community Bankers Association of Alabama; Community Bankers Association of Georgia; Community Bankers Association of Illinois; Community Bankers Association of Kansas; Community Bankers Association of Ohio; Community Bankers of Iowa; Community Bankers of Washington; Community Bankers of West Virginia; Community Bankers of Wisconsin; Conference of State Bank Supervisors; Fashion Accessories Shippers Association; Financial Services Roundtable; Florida Bankers Association; Governors of Michigan, Ohio, Colorado, Connecticut, Illinois, Massachusetts, Pennsylvania, New Mexico, New York, North Carolina, Oregon, Washington, West Virginia.

Heating, Air conditioning & Refrigeration Distributors International; Independent Bankers Association of Texas; Independent Bankers of Colorado; Independent Community Bankers Association of New Mexico; Independent Community Bankers of America; Independent Community Bankers of Minnesota; Independent Community Bankers of South Dakota; Indiana Bankers Association; International Franchise Association; Louisiana Bankers Association; Maine Association of Community Banks; Marine Retailers Association of America; Maryland Bankers Association; Massachusetts Bankers Association; Michigan Association of Community Bankers; Missouri Independent Bankers Association; National Association for the Self-Employed; National Association of Government Guaranteed Lenders; National Association of Manufacturers; National Automobile Dealers Association.

National Bankers Association; National Council of Textile Organizations; National

Marine Manufacturers Association; National Restaurant Association; National RV Retailers Association; National Small Business Association; Nebraska Independent Community Bankers; Pennsylvania Association of Community Bankers; Printing Industries of America; Small Business California; Small Business Majority; Tennessee Bankers Association; Travel Goods Association; Virginia Association of Community Banks; Women Impacting Public Policy.

Mrs. BOXER. Madam President, the Senator from Maine is right when she says we have to move to help this economy, and this bill is one of the answers. That is why it has such broad support. Republicans and Democrats across the country support this, independent voters support this, small businesses support this. The only group that is filibustering this bill happens to be the Republicans in the Senate. I am telling you, if they say no again, they are hurting this economy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Ms. LANDRIEU. I understand the leadership has 5 minutes each, equally divided.

The ACTING PRESIDENT pro tempore. The time remaining currently belongs to the Republican leader. There is 5 minutes, followed by the majority leader.

Ms. LANDRIEU. That is fine. Thank you. I would like the minority leader to go ahead. It is his 5 minutes, and I will reserve the last 5.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, I had the opportunity to hear the distinguished Senator from Maine, a few moments ago, speak on the measure before us and how it has seemed to become completely enmeshed in the political agenda of the other side. I commend her for her efforts to get this bill right. Senator LEMIEUX was on the floor earlier, another one of our colleagues on the Republican side who worked long and hard to get this bill across the finish line.

But I must say, it takes a lot of effort to make a partisan issue out of a bill that should have broad bipartisan support. You have to go out of your way, as Senator SNOWE pointed out, to make a small business bill controversial, but our friends on the other side have managed to pull it off.

They have outdone themselves. We got this bill in late June. This is July 29. Since then, the Democrats have set it aside six separate times to move on to something else. So, from the beginning, this bill clearly was not a priority to them until they realized they didn't have anything to talk about when they go home in August. I think one Democratic Senator put it best when he suggested this week that a midterm campaign that revolves around his party's agenda and that of

the White House is a losing proposition for the majority.

He was summing up their strategy on this bill. They knew they could not run on a record of job-killing taxes, burdensome new regulations, massive government intrusions and record deficits and debt. So what do they do? What do they do? They create an issue where there is none. That is what this debate is all about.

It was clear from the beginning there was a path for this bill to pass with a very broad bipartisan majority. Instead, we are standing here this morning looking at a third version of a bill and we have yet to engage in any substantive amendment process. They have been adding either controversial or completely unrelated matters to the bill—all to avoid any real debate and to avoid voting on Republican amendments.

This bill now has over \$1 billion in agricultural spending in it. It has \$1 billion in agricultural spending in a small business bill, in the core bill—the most recent version of the core bill. As I said, we have been on this since June 29.

Republicans have asked for a total of eight amendments. That is about two votes a week if we had been on this bill. That is not too much to ask.

It is obvious what is going on. They wanted to make this an issue so they have something to talk about other than their failed economic policies. The President made that clear 2 weeks ago when he accused Republicans of blocking this bill, a statement every single fact checker in town has shown to be false. So they can try to deflect attention all they want, they can manufacture a legislative impasse—and that is what has happened here, a manufactured legislative impasse—but the American people know what is going on. Nearly every major piece of legislation this Congress has considered has had painful consequences for small business. Nearly every major piece of legislation this Congress has considered has had painful consequences for small business. Attempting to create a controversy is not going to hide that from anyone.

Hopefully, if cloture is not invoked, we can return to the original intent of this bill, strip it of its controversial add-ons and pass a small business bill that attracts broad bipartisan support and helps American small business owners. Given the legislative record of this Congress, they could certainly use the help.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. We have 5 minutes left; is that right?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I yield 4 minutes to my friend from Louisiana.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I would like to respond directly to the minority leader because I wish to make clear that there are no extraneous provisions in this bill other than disaster relief for farmers. The last time I checked, they were small business owners, many of them. They are running a different kind of business. It is not a hardware store, it is not a restaurant—they go out and actually get their food out of the ground. The last time I checked or thought about it, they were small businesses.

If the minority leader is suggesting there is not bipartisan support for agricultural disaster relief, I urge him, at his next available opportunity, to file an amendment to repeal it because I think his side would have strong objection to that. That was put in at the request of Senator LINCOLN and Senator CHAMBLISS from Georgia, and he very well knows that—through the Chair to the minority leader.

There were only two arguments made this morning against this bill because it was just a political advertisement that the minority leader outlined, so I will not even respond to him, to the Senator from Kentucky, but I will respond, in closing, to Senator SNOWE and Senator HATCH.

Mr. HATCH came to the floor, the Senator from Utah, and said we couldn't possibly pass a \$12 billion tax cut for small business today unless we could, as a Senate, in the next few hours, make final decisions on whether to extend the entire tax package passed by George Bush when he was President 8 years ago. I think that is a big lift for the Small Business Committee. We want to give \$12 billion of tax cuts today. I hope people will vote for them.

Second and finally, Senator SNOWE does deserve the last reference on this because she is an outstanding Senator, one of the finest I have ever worked with, but this issue is a public debate between those of us who support the Small Business Lending Fund and those who do not. She does not support it. She has made excellent arguments. Her arguments are given merit. We voted on it, but we got 60 votes.

Senator REID, I know, has the last minute and he has been outstanding in this, but, please, there are only two legitimate arguments. We cannot solve extension of all the tax cuts in the next 2 hours. Our small businesses have picked up enough weight. They cannot handle that weight. If we don't give them some help now, today, many of them are not going to be here, I want the Senator from Kentucky to know, when we show up in September.

I yield the last minute to the leader.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, let me bring all of the Senators up to date as to where we are.

A member of the minority indicated that that Senator would vote for cloture if we took out a provision we put in, the agricultural disaster relief. So after having conferred with a number of Senators on both sides of the aisle, I have agreed we will take that out. With that provision not in the bill it got 60 votes on Thursday night, that same provision. But even to show good faith, which I am not sure it is necessary, but to show we are going to go the extra mile, I will not only agree to take out that extra provision but also have the same amendments we asked for yesterday; that is, the three amendments the Republicans wanted, which are the Johanns, Hatch, and Grassley amendments. I will be more specific on the legislative language in a minute. So we would take the agricultural disaster relief out and have the same amendments we had yesterday and offer the same amendment we had.

I don't know how we could be more fair. In fact, a number of my Members think we should go ahead with this, but we are willing to do that.

Madam President, I ask unanimous consent that Title 4, part 3, under substitute B, be stricken; and that the pending motion to commit be withdrawn, and all pending amendments be withdrawn except No. 4519, as amended, and that the following amendments be the only amendments in order to amendment No. 4519, with no motions to commit or motions to suspend the rules in order during the pendency of H.R. 5297; that all amendments included in this agreement be subject to an affirmative 60-vote threshold; and that if the amendment achieves that threshold, then it be agreed to and the motion to reconsider be laid upon the table; that if it does not achieve that threshold, then it be withdrawn; that any majority side-by-side amendment be voted first in any sequence of votes; further, that debate on any amendment included in this agreement be limited to 60 minutes each, with all time equally divided and controlled in the usual form:

Baucus amendment regarding information reporting provisions health care as a side-by-side to the Johanns 1099 reporting amendment; Johanns amendment 1099 reporting; Murray/Harkin amendment regarding education funding; Republican side-by-side amendment regarding education funding; Hatch amendment regarding R&D; Reid amendment regarding FMAP/Cobell funding; Grassley amendment regarding biodiesel; that upon disposi-

tion of the listed amendments, no further amendments be in order; that the substitute amendment, as amended, if amended, be agreed to; the bill, as amended, be read a third time, and without further intervening action or debate, the Senate proceed to vote on passage of the bill; finally, that once this agreement is entered, the cloture motions on the substitute and bill be withdrawn.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object, let me first compliment my friend the majority leader. I think we are beginning to make some real progress here toward making a bill that was initially bipartisan bipartisan again. This doesn't quite get back to where I had hoped we could get, but I think we are making progress.

Therefore, I would encourage my Members to oppose cloture on the vote, but we are going to continue the discussion. This is only 11:30 on Thursday. I think we are getting closer to getting where we may be able to do some business and get this bill out of here, but there will have to be some amendments on our side. Actually, I think our friends on the other side knew it would have to be more than three. I appreciate the movement in the direction with the three, but that would not be enough, at least for this juncture right now, to be satisfactory. Therefore, I object.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. My frustration is pretty high. I cannot possibly understand how my friends on the other side of the aisle could vote against cloture. We have agreed to take out the provision dealing with agricultural disaster—take it out. We have agreed to have the amendments they have indicated they have wanted for days. We have agreed to do that. It is unreasonable.

Some people said, Well, why don't you talk to Senator MCCONNELL. I have talked to Senator MCCONNELL. It is obvious that no one on the other side of the aisle wants this bill to pass. I am so disappointed.

We are going to have this cloture vote in a minute. I hope Senators on the other side of the aisle understand the good faith we have engaged in. This is not a victory for Democrats or a defeat for Republicans; it is an effort to help small business. It is an effort to help small business. I went over line by line what this does for small business. It is miraculous. Hundreds of thousands of jobs—not tens of thousands—will be created with this legislation.

I appreciate the chairman of the Small Business Committee leading this effort. I understand that I said Lincoln-LeMieux; of course I meant Landrieu-LeMieux when I spoke earlier. I am not going to mention Republicans by name,

but there are some Republicans who have stepped forward, and I appreciate it very much. Again, it is not for my appreciation, it is for the appreciation of the American people. Look what this message will send. We have at least 80 groups, entities, which support this legislation. Major small business conglomerates support this legislation. This is all they have. We shouldn't leave here and not complete this legislation. It would be too bad. This should not be partisan.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Madam President, we turned to this bill initially on June 24. We have left it six times over the last month. There is widespread agreement on a bipartisan basis that we should pass a small business bill. We are finally making some progress. It has become less a political instrument and more the initial bill, as Senator SNOWE has been asking us to do for quite some time. I think we should continue to discuss it after the vote.

It is only 11:30 on Thursday. I think there is a chance we may be able to make some significant progress very soon. In the meantime, we should go ahead and have the vote. The majority leader and I can continue to try to unsnarl this problem and see if we can move forward.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. There is nothing to unsnarl. We have agreed to take out the offending provision that Senators on the other side of the aisle said they wanted out. I took it out. They wanted to offer amendments. I have agreed to let them offer amendments. There is nothing snarled. There is only an effort to stop passage of this bill.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Madam President, the majority leader is graciously giving us three amendments. What I am saying is three amendments is not enough, and he knows that. So we are not expecting to have an unlimited number of amendments, but three amendments will not suffice.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, could I ask the minority leader a question, please. Will he yield?

Would the minority leader be willing to say how many amendments might be enough? The Senator from Maine, the ranking member, said a few. The Senator from Florida—if I could finish—the Senator from Florida, Mr. LEMIEUX, said he thought it would be fair if there were four or five. We have offered three. Is there any sort of possibility—because that would help us get even further.

Mr. MCCONNELL. Is that a question?

Ms. LANDRIEU. Yes.

Mr. MCCONNELL. I will tell my friend from Louisiana that is the sort

of thing the majority leader and I work on every day, is to try to determine the number of amendments, and we ought to continue to try to do that.

Ms. LANDRIEU. Madam President, let me press for a minute on this question, because with all due respect to the minority leader, until we can finally agree on that number, it is going to be hard to figure out a path forward. So my question to the minority leader is, so we can do this in a more public way—

The ACTING PRESIDENT pro tempore. The Senate has a cloture vote at this time.

Mr. MCCONNELL. Regular order.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Reid-Baucus substitute amendment No. 4519 to H.R. 5297, the Small Business Lending Fund Act of 2010:

Harry Reid, Max Baucus, Edward E. Kaufman, Amy Klobuchar, Mark R. Warner, Jeff Merkley, Jack Reed, Jon Tester, John D. Rockefeller IV, Dianne Feinstein, Daniel K. Akaka, Sherrod Brown, Barbara A. Mikulski, Patty Murray, Jeff Bingaman, Debbie Stabenow, Bill Nelson, Carl Levin.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4519, offered by the Senator from Nevada, Mr. REID, to H.R. 5297, the Small Business Lending Fund Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 58, nays 42, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—58

Akaka	Feinstein	McCaskill
Baucus	Franken	Menendez
Bayh	Gillibrand	Merkley
Begich	Goodwin	Mikulski
Bennet	Hagan	Murray
Bingaman	Harkin	Nelson (NE)
Boxer	Inouye	Nelson (FL)
Brown (OH)	Johnson	Pryor
Burr	Kaufman	Reed
Cantwell	Kerry	Rockefeller
Cardin	Klobuchar	Sanders
Carper	Kohl	Schumer
Casey	Landrieu	Shaheen
Conrad	Lautenberg	Specter
Dodd	Leahy	Stabenow
Dorgan	Levin	Tester
Durbin	Lieberman	
Feingold	Lincoln	

Udall (CO)	Warner	Whitehouse
Udall (NM)	Webb	Wyden

NAYS—42

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brown (MA)	Graham	Reid
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kyl	Voynovich
Cornyn	LeMieux	Wicker

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Madam President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Madam President, I ask unanimous consent that the cloture motion on H.R. 5297 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, we have had a very enlightening debate this morning on the floor that started at 9:30. It has been continuing until now. The good news about this debate is that although we did not win on this vote—cloture was not invoked—Main Street is still winning and we are alive. We are still standing. Earlier this morning, the two leaders came to the floor and said—basically agreed—that if we can have a few more amendments, what I heard the minority leader say, the Senator from Kentucky—the minority leader said a few more amendments, we could then bring some help to Main Street.

Main Street has been waiting for a year and a half. We have had bill after bill, amendment after amendment. What I heard this morning from the minority leader was very positive. He said: All we need is just a few more amendments. I asked what “a few” was. Was that two or three or four or five? That answer never came. I am assuming that “a few” is a few, and if we work hard over the next few hours and come up with a few, Main Street could win because this bill is about Main Street and businesses on Main Street. It is not about Wall Street. It is not about big banks. It is about small community banks and the small businesses in our country that are desperate for help.

This bill has \$12 billion in tax cuts for small business, not big business. This bill has a \$30 billion lending program that is voluntary, with no restrictions for small banks, not big banks. This bill is supported by over 70 organizations. I would like my colleagues on the other side to know that

the chamber of commerce and the National Federation of Independent Business are supporting this bill. Chambers and community bankers all over America are supporting this bill. And we are two votes from passage.

Mrs. BOXER. Madam President, will the Senator yield for one question?

Ms. LANDRIEU. I very much would like to yield to the Senator from California for a question.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I am just asking a question through the Chair. This is the time of the Senator from Louisiana.

I have watched the Senator from Louisiana make a case for this bipartisan bill day after day, and I have heard her lay out why we should come together, Republicans and Democrats, to do something right for small businesses that create 62 percent of all jobs. It is astounding to me that we could not get even one Republican to join with us today. But I do have hope. As we speak, we see the majority leader and the minority leader discussing amendments.

I want to ask my friend two questions. The Senator from Maine gave a very impassioned speech saying that the Democrats were the ones who were stopping this legislation. She said all we needed to do was offer "a few" amendments to the Republicans.

My first question: Is it not true, I say to my friend who is managing this bill, that, in fact, the majority leader, HARRY REID, did offer the other side a few amendments—clearly did before this cloture vote? And the second question is whether my friend would be willing to share with our colleagues and the people who are engaged in this debate how this bill is perhaps the most bipartisan bill ever to come out of any committee. I know my friend gave me that information—title after title after title containing the names of Republicans and Democratic Senators.

So if she would answer those two questions, No. 1, when the Senator from Maine says that our leader did not offer a few amendments to the other side; isn't she incorrect? And, No. 2, isn't this one of the most bipartisan efforts to come out of any committee?

Ms. LANDRIEU. I would like to answer the Senator from California by saying the record will speak for itself because that vote we just took, there were 59 Senators, all on this side of the aisle, who pushed a green light, and there were 41 on the other side who pushed a red light. So it is very clear who is trying to move forward and who is trying to stop this bill. It is very clear.

I don't think there is anyone, even in the press, confused about that because this debate, amazingly, has been so open. So much of it has gone on on the Senate floor that they can actually fol-

low it. These deals are not being done in back rooms; they are being done right here on the Senate floor, and they are following it. They know there are 70 organizations, and they know this bill is bipartisan.

I am just going to read the names, not the provisions, that the Senator was asking about: Landrieu-Snowe, Snowe-Landrieu, Snowe-Merkley-Landrieu-Crapo-Risch, Snowe-Landrieu, Landrieu-Nelson, Snowe-Pryor.

And let's continue: Kerry-Snowe-Menendez, Merkley-Alexander, Snowe, Bingaman-Hatch-Landrieu-Grassley, Baucus-Grassley-Brownback-Inhofe-Johanns-Menendez, Baucus-Grassley-Crapo, Kerry-Ensign—there are 72 cosponsors that Senators KERRY and ENSIGN put on this bill—SNOWE, GRASSLEY.

For the ranking member to come and suggest that there are not enough bipartisan amendments, let me continue. There are more: There is LeMieux-Landrieu, NELSON is on this one, LeMieux-Landrieu-Nelson-Klobuchar.

This bill came out of the Finance Committee and the Small Business Committee with bipartisan support. One of the things we couldn't agree on was the Small Business Lending Fund. I understand the rules; I have been around here 14 years. So we had a vote on it. You know what. It got 60 votes. The Small Business Lending Program got 60 votes on the floor of the Senate after it passed the House of Representatives.

When I was in school, I learned that once a bill was passed, it comes to the Senate, they pass it, and it goes to the President for signature. Maybe there are some people who don't want that provision to go to the President for signature. I understand that. But we got 60 votes on the bill, as the Senator from California knows.

So here we are. The other side is very good about hiding behind pages. They bring out these big pages of bills and they say: We don't know what is in it, and we can't tell. So I sent the four pages in my hand to all the press organizations today. It is just four pages. Anyone can read this. They are on my Web site and lots of other Web sites. There are just four pages. That is all that is in the bill—all small business items.

There was an agricultural provision that was in the bill that I actually support. Senator LINCOLN put it in the bill, along with Senator CHAMBLISS. But you heard the minority leader say this morning that he didn't think farmers were small businesspeople. I will let him explain that to the farmers in Kentucky. But he said he did not think the provision for the farmers had anything to do with small business. Maybe he hasn't been in a seed store lately, or maybe he hasn't been where people purchase hay and supplies. Maybe he hasn't been to a John Deere dealership,

but they sure are all over Louisiana and Arkansas.

Mrs. BOXER. Would the Senator yield?

Ms. LANDRIEU. I yield for a question.

Mrs. BOXER. Of course. I just have one more question for my friend.

We hear every Senator—Democratic, Republican, Independent—say the biggest issue before us, the biggest one is jobs—jobs, jobs, jobs. When my friend goes home, I know she has to deal with the oil disaster and still rebuilding after Katrina. In California, we have our series of deep problems in tough, tough times. But she knows that whatever we do here we have to push forward with policies that create jobs, and we have to keep our eye on the deficit.

So my friend has brought forth a bill, along with Senator BAUCUS and many Republicans—because she just went through the many bipartisan provisions—that will leverage \$30 billion into \$300 billion from the private sector. If we turn that into jobs, we are talking thousands and thousands of jobs created by the innovators, the small businesspeople who have gotten no help. That is why my friend has the sign "Main Street." We have to help Main Street.

So I want to ask in the form of question, and then I will leave the floor at that point: Isn't this a bill that is desperately needed by our small businesses? Aren't our small businesses the creators of jobs? Is this bill not paid for? And won't this bill deliver the kind of policy that will allow for job growth through growth of small businesses that are solid, with community banks that are solid? Isn't this bill just what we need to do before we leave to go home and be with our constituents in August?

Ms. LANDRIEU. Absolutely, the Senator is correct. I am glad I have this chart to answer her question because she has been representing the State of California beautifully for so many years. She knows this without me showing it, but 81 percent of the jobs lost in America are from small business.

So when the other side complains and complains and just flaps and flaps all day long about it is a jobless recovery, we have a bill on the floor to create jobs from small business and they say no. That vote today was a "no" vote to give help to small business. They can color it, paint it any way they want. That is what it was.

We know this recovery is having a hard time with jobs. I am going to yield in a minute because there are eight other Senators on the floor who want to speak on different subjects, so I will conclude with this. This isn't MARY LANDRIEU information. This comes from the monthly national employment reports from 2008 to 2010—the job losses with small business.

That crew over there on the other side of that aisle can't run fast enough to help big business, to help Wall Street. But when it comes to voting to help small businesses that are bleeding jobs, they want to run and hide off the floor.

The minority leader said a few amendments. I would like to know how many is a few? Is it three, is it four, is it five, is it six? Let's get a deal done today. I would just as soon do it here, out in the open, but I guess that is not the way things are done here.

So I will yield the floor and let other Senators speak about judges and other things that have to be done because there are other problems in the world. This isn't the only one. This is a big one, but it is not the only one.

I will end with this sign because this is what this debate is about. It is about Main Street. You are either for it or you are against it. It is about as simple as that.

When I became chair of this committee, I said: We are going to fight hard for small business, and I asked the chamber the other day: How many of your members are small businesses? They said: Senator, you would be surprised. It is 96 percent of the members of the chamber.

I asked: Are you all standing up for this bill? They said: Yes, we are. So I thank the chamber and I thank the NFIB. I feel like I am Alice in Wonderland. Most of the time they are on that side, but this time they are on our side, and we can't get the Republicans to vote.

Finally, the Senator from Utah came to give a feeble argument this morning. He said he could not vote for it because we haven't debated the entire extent of the Bush tax cuts. That is a big debate that we need to have, but we don't have to have it on this bill. These people can't take any more waiting. They have had enough. We can handle that debate on another day, on another bill, but not on this one. So I would suggest to the Senator from Utah that he has quite a few amendments on this bill, and of the few amendments we might have, he may have two.

Mr. DURBIN. Will the Senator yield for a question.

Ms. LANDRIEU. I will yield.

Mr. DURBIN. I see the Senator from Florida is here, but I wanted to ask a question through the Chair.

Is it my understanding that we have been debating this small business bill, which has come out of the committee the Senator from Louisiana chairs, for quite some time now? Isn't this the second week, or maybe even longer? Is it true the other side objected to a provision in the bill because it related to agricultural disaster assistance in a few States?

Ms. LANDRIEU. Yes.

Mr. DURBIN. The Senator from Louisiana argued that farmers are small

businesspeople too. So it is not unreasonable to include it. But we decided, in an effort to get a bipartisan agreement on the bill, that we would remove the section they objected to. Then they came in with a list of three amendments and said they wanted to offer these three amendments, which have maybe a loose connection with small business but not much more of a connection, and we said: Fine, you can offer those three amendments, and we will offer three amendments, and let's go and get this done. Then they came back and objected again.

So isn't it correct that right now we are trying to get to a point where we are providing credit to small businesses all across the United States through good sound banks, and that credit will help these small businesses survive and hire more employees, and we are being stopped by the Republicans in our effort to help small business? Is that what is happening?

Ms. LANDRIEU. That is exactly what it looks like. The Senator from Illinois has described it accurately. If anybody believes he has not described it accurately, let them come to the floor because he has described the truth. He has said the truth.

So I am going to yield right now because others wish to talk, but I thank the Senator from Illinois. This battle is going on, and we intend to win it for Main Street. I hope the other side will get their short list of a few amendments together pretty quickly.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, before the Senator from Louisiana leaves the floor, I just want to say that this issue is very simply characterized as Main Street versus Wall Street. It is a question of whether we are serious about reviving this economy and getting money into the hands of small business through community banks. Anybody voting no on a motion to invoke cloture to go to a bill that is ready to be embraced is inexcusable.

This legislation is critical to getting small businesses back on their feet. That is certainly the case in my State of Florida. It gets the credit flowing again on Main Street through the community banks.

The statistics about small business and jobs is all too familiar. Small businesses create most of the jobs in this country. In the last 15 years, they have created 12 million jobs or two-thirds of the American jobs that have been created. When the economy falters, guess who takes it on the chin the hardest? Small business does. Over the past couple of years, small firms have accounted for between 64 and 80 percent of net job losses. So it is time for us to step up and help them.

For example, in Florida, small businesses play an even bigger role in the

local economy. According to the Small Business Administration, small business employers account for 99 percent of the State's employers and provides for nearly half of the State's private sector jobs. Just when it looked as though things could not get worse for small businesses—and especially so in our State—along came the tragic explosion of the Deepwater Horizon platform, and our seasonally adjusted unemployment was 12 percent, representing in our State 1.1 million people out of work in a labor force of 9 million.

We have not yet gauged the full impact of that oil spill on Florida's economy, but there is ample evidence that it is the small businesses that are the ones that have been hurt the worst and the ones who have had to lay off the jobs as a result of that oil spill.

There was a study done by Dun & Bradstreet that found that the impact of the spill on Florida tourism, boating, and fishing industries—these businesses located along the gulf coast—is going to affect 46,000 businesses, with almost 300,000 employees and \$14 billion in sales volume. One of the key features of this legislation and another main reason why we need to pass it is that Small Business Lending Fund. It sets up the voluntary capital investment program, under which the Treasury Department can purchase up to \$30 billion in equity from small banks, those whose total assets fall under \$10 billion. Although the fund is set at \$30 billion, conservative estimates indicate it will lead to \$300 billion in new small business lending. This is the economic shot in the arm that so many States need, including ours. I cosponsored the amendment that was added to this overall small business bill that put the lending facility back in the bill.

It is an overlooked feature of the legislation that it actually provides \$56 billion in tax relief for small businesses over the next couple years. Upfront tax relief comes in the form of early tax writeoffs for investments in new equipment, new machinery, and new construction. That is all a part of this small business bill. Together with the tax breaks, the targeted tax incentives, and the lending fund, we have a package that is exactly the type of relief small businesses need today. We need to jump-start them and that is what this bill accomplishes.

Obviously, as the Senator from Louisiana has already said, this bill has very wide support. I underscore the Independent Community Bankers of America, and 29 State community banking associations have urged approval of this plan. So does the American Bankers Association, the National Small Business Association, the National Association for the Self-Employed, the Small Business Majority, the National Bankers Association, and the Conference of State Bank Supervisors.

I have heard from many constituents—including small business owners, bankers, chambers, entrepreneurs—who believe this legislation is needed. I am proud to cosponsor it.

I ask unanimous consent to join as a cosponsor of the Baucus-Landrieu substitute amendment because I think it is the right thing to do and the right thing for our State.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. It is my hope we can pass this substitute amendment without further opposition as we are continuing to see.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. LEMIEUX. Madam President, it has been my privilege to work on the measure that is before the Senate, the small business bill that has been championed by my friend from Louisiana, Senator LANDRIEU, that Ms. CANTWELL, the Senator from Washington, has been so instrumental working on, as well as my friend, Senator KLOBUCHAR, with whom I worked on the export portion of this bill.

To the American people at home watching this, this must be a rather confusing process. Why is it that there is a piece of legislation, a Small Business Promotion Act, that has bipartisan support—why is it not being voted on today? Frankly, there are a lot of things around here we cannot agree on—the majority of things, it seems. But this is something we can agree on. It is going to be good for America. I was pleased to sponsor the amendment along with my friend from Louisiana, the LeMieux-Landrieu amendment, which is the lending facility. It is a provision that will bring money to local community banks to loan money to the people on Main Street—not Wall Street bankers but the bankers you see at Rotary or Kiwanis or at church or synagogue who loan to the auto mechanic, to the dentist, to the hair stylist, to the people working in your local communities.

In my home State of Florida, that is the vast majority of our businesses—nearly 2 million small businesses in Florida, small businesses that are struggling in the worst economy anyone can remember, the worst economy in Florida since the Great Depression.

Today I saw a report out of Florida Trend, one of our leading business magazines, saying that for the first half of the year, Florida now leads the country in home foreclosures. We are No. 1 behind on payments on our mortgages. Our unemployment rate is 11.4 percent, but that does not truly capture how bad the situation is because that unemployment rate is a moving average over time, and after a certain period of time when you have been out of work, you are no longer counted as unemployed because those who make these statis-

tics believe you are not actively in the job market anymore. The truth of it is, if you walk down the street in my home State of Florida, you have a 1-in-5 chance, if you see an able-bodied adult, that they are unemployed or underemployed. Twenty percent is the real number of people who don't have a job or don't have enough of a job.

The people in my State are hurting. This is a bipartisan bill and it should pass. I am hopeful our leaders, Leader REID and Leader MCCONNELL, who are meeting right now, are going to come to an agreement on amendments.

Let me break this down for the American people so they can understand what is going on. Our friends on the other side of the aisle, the Democrats, are in the majority. They have 59 votes. They can control the agenda. We, here on the Republican side, want to offer amendments to bills, but we can only offer amendments by agreement. The majority that is in charge only lets us offer amendments if they agree to it, so we have little bargaining power. But we believe we should have the opportunity to make bills better.

So we are going to have some amendments to this bill, and we should have some amendments to this bill. You know what. If they are good ideas, the power of our ideas will prevail and the other side will agree to them and if they are not, they will not. If the American people, later on, think we have better ideas, maybe they will send more of us here and if they don't, maybe they will send more of them. But we should have the opportunity to offer our amendments.

On the other side, they are going to have some amendments, too, and that is fine, but they should be relevant to this bill. They should not be leftover appropriations on issues that have nothing to do with small business just because this is the train leaving the station and some Members of this body want to see their stuff put on it. I understand why they want to get things done, but this small business bill should pass, it should pass with relevant amendments from both sides, and we should do it today. We should do it today and pass it and send it over to the House so the House can pass it and send it to the President and he could sign it.

I say that as a Republican because, before I am a Republican, I am a Floridian and I am an American, and this bill is good for our country and it is especially good for my State.

I was pleased that the leader, Leader REID, came down and made some changes in his proposal. I am heartened he is meeting with Leader MCCONNELL right now. I hope they can work this out, because if they cannot work this out, shame on us. Shame on us if we cannot get this done when there is bipartisan support for this bill, a bill that will cut taxes for small businesses

providing much needed credit and lending for local community banks to lend to small businesses without increasing taxes and without increasing the debt or deficit. When do we get to do that around here? Not too often—we do not.

I have tried to work in good faith with my friends on the other side to facilitate the negotiations today to get us to a place where we can have reasonable amendments, where the rights of the minority will be protected and in the same vein we can still get this bill passed and I hope we can do so because we have good people on the other side of the aisle who I know want to get this done.

I remain hopeful. I thank Senator LANDRIEU and Senator CANTWELL. I see my friend from Rhode Island, whom I also thank for his good work on this bill, and I hope today we will get this done with a reasonable accommodation so we can help the American people.

Mr. WHITEHOUSE. Will the Senator yield for a question?

Mr. LEMIEUX. I am pleased to.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Through the Chair, if I can inquire of the junior Senator from Florida, is it not true that if one Member of his caucus, just one, had voted with us just a few moments ago on this vote, we would actually be on this bill and we could begin to move to amendments and consider the bill; is that not correct?

Mr. LEMIEUX. That reminds me, my friend, if I may, reminds me of the saying that half the truth is no truth at all. Yes, that part is true. But the rest of the story, as Paul Harvey would say, is if this bill were not loaded with all these appropriations bills that have nothing to do with small business, we would be on this bill right now and it would be passed.

The keys to the kingdom lie with the majority. This deal could be done right now and we could get to this bill.

The PRESIDING OFFICER. The Senator from Colorado.

JUDICIAL NOMINATIONS

Mr. UDALL of Colorado. Madam President, I rise on an important matter that affects all of us, Senators and citizens of our States alike, and that is the shortfall in the process of confirming nominations to the Federal bench. In particular, I wish to talk about one outstanding nominee from my home State of Colorado, William Martinez. Bill has an inspirational story. I will tell you more about it in a minute, but first I wish to explain why there is such an urgency to confirm this fine nominee.

The situation in the Colorado District Court is dire—and I do not use that word easily or casually. There are currently five judges on our court and two vacancies, both of which are rated as judicial emergencies by the Administrative Office of the U.S. Courts.

These five judges have been handling the work of seven judges for nearly 2 years, and it has been over 3 years since our court had a full roster of judges.

But there is more to the story. In 2008, based on the significant caseload in Colorado, the Judicial Conference of the United States recommended that an eighth judgeship be created. So you could argue we are actually three judges down from what we should have.

I ask unanimous consent to have printed in the RECORD a letter from Chief Judge Wiley Daniel to Leaders REID and MCCONNELL, explaining the profound impact this vacancy is having on the courts of the District of Colorado.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES DISTRICT COURT,
DISTRICT OF COLORADO,
Denver, CO, May 6, 2010.

Hon. HARRY REID,
Hart Senate Office Building,
Washington, DC.
Hon. MITCH MCCONNELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS REID AND MCCONNELL, I write this letter in my capacity as Chief Judge for the District of Colorado. As more fully detailed in this letter, our court has suffered multiple judicial vacancies for years. Presently, we are down two district court judges. It is important that you understand that these vacancies have caused a profound impact on the court's ability to discharge its important obligations to the citizens within the State and District of Colorado in a timely and efficient manner.

As you are aware, President Obama nominated William Martinez to be a judge on the court several months ago. Within the past several weeks, he was voted out of the Senate Judiciary Committee and is presently on the Senate floor awaiting a vote. I urgently ask the two of you, in your capacities as Senate Majority and Senate Minority Leaders, to reach a "Time Agreement" so that a Senate vote on Mr. Martinez's nomination can occur. As I am sure you understand, this is a critical resource issue for me as it is my responsibility to ensure the adequacy of judicial resources to handle the business of the court.

The court is presently authorized seven judgeships. At this time, the court has five active judges and the assistance of five senior judges with each senior judge having various levels of a partial workload.

A history of vacant judgeships continues to impede the public service of the court to the citizens of Colorado and to those outside of the state who depend on the court for timely judicial rulings. For more than three years, the court has not had a full complement of authorized judges.

In March, 2007, Judge Phillip S. Figa underwent medical treatment necessitating extended periods of absence from the court. Following nine months of intermittent service, Judge Figa, unfortunately, passed away on January 5, 2008. During the time of Judge Figa's illness, the majority of his caseload responsibilities were covered by other judges. Following his untimely death, his cases were permanently reassigned to other judges resulting in an average ten percent increase in per judge workload, and the num-

ber of active judges went from seven full-time active judges down to six full-time active judges.

Shortly thereafter on March 31, 2008, Judge Walker D. Miller elected to take senior status, and on April 4, 2008, Judge Lewis T. Babcock took senior status. As senior judges, each exercised their discretion to assume reduced caseloads. With the unfortunate death of Judge Figa, and the taking of senior status by two active judges, the number of full-time active judges was reduced to four full-time active judges, a judge vacancy rate of 42.8%.

In July, 2008, the Judicial Conference of the United States conducted a scheduled biennial judgeship need survey. The survey reviews the caseloads of all district courts throughout the nation applying a workload formula to determine the need for additional judges. The survey indicated, and the Judicial Conference subsequently approved, the need for an eighth authorized Article III judge for the District of Colorado. At the time of the survey, the court was attempting to address a workload requiring eight judges with only four full-time active judges.

In October, 2008, two of the three vacant judgeships were filled with the appointments of Judge Philip A. Brimmer and Judge Christine M. Arguello. As a result, the court's judgeship vacancy numbers were reduced from three to one. The court was now staffed with six full-time active judges; however, the overall workload numbers continued to justify a need for eight judges.

On October 29, 2008, Judge Edward W. Nottingham elected to resign from the court. The court was again down by two judges, with five full-time active judges and two vacancies. Over 200 civil and criminal cases formerly assigned to Judge Nottingham were reassigned drastically increasing per judge caseload assignments. From that date to the present, the vacancies have contributed to a growing case backlog within the court.

Before leaving his senatorial office, Secretary of Interior Ken Salazar worked with a local committee of legal experts to identify possible nominees for the vacant two judgeships. In a January 16, 2009 press release it was reported that then Senator Salazar was asking Senator Mark Udall and Senator-Designee Michael Bennet to continue to urge the early appointment of qualified judicial candidates to fill the two vacant positions. In a reported letter to Senator Udall and Mr. Bennet, Senator Salazar wrote "Over the last thirty years, the U. S. District Court has often been plagued with vacancies that have prevented the court from functioning at its full capacity."

Though the court has the continued assistance of well qualified senior judges, and has also been relying on visiting judges from other courts to assist with heavy workloads, having a fully staffed cadre of authorized judges is the most effective method by which the court can address the needs of those depending on its vital services.

In that the U. S. District Court for the District of Colorado has been subject to lengthy periods of judicial vacancy, I believe it is in the best interest of the court, and the public it serves, that the judicial nomination and appointment process proceed at a responsible pace designed to yield qualified judges within a reasonable period of time. Reasonableness to me means that the two of you agree, without further delay, to set a date certain for a vote on Mr. Martinez's pending nomination.

As the work of the court continues to grow, the court needs judicial officer re-

sources sufficient to conduct the business of the court in a timely and efficient manner. The overall integrity of the federal judicial process can best be maintained by having a sufficient number of judges to address the disputes of our citizenry without unnecessary delay or expense.

In closing, I appreciate your consideration of my viewpoint as to the judgeships urgently needed by the court. Until the two judicial vacancies are filled, it is impossible for the court to possess the judicial resources that are necessary to effectively discharge the business of the court. Scheduling a vote on Mr. Martinez's nomination is the next critical step in this important process. I await your response to this letter including your indication of the date on which the Senate will vote on Mr. Martinez.

Sincerely,

WILEY Y. DANIEL,
Chief Judge.

Mr. UDALL of Colorado. Judicial understaffing in Colorado and in the home State of the Presiding Officer and all the Senators has a real effect on residents and businesses. As the caseload increases for each judge, more and more time must be devoted to criminal cases. That is because the Constitution guarantees a speedy trial. But as time and energy shifts to the criminal docket, the civil docket in turn suffers. It continues to become increasingly difficult to schedule a trial as these backups grow longer and longer.

This increased caseload I am referencing also has a huge impact on our rural and tribal communities around the State as well. Our Federal District judges are all located in Denver, but they often have to travel to other parts of the State for hearings or trials. The geography in Colorado makes travel a little more complicated than in some other States. We have a big State with the Rocky Mountains running right through the middle of our State, and I can tell you from my own experience getting around the mountainous areas of Colorado during the snowy winter months is not easy. As a result, all over the State, residents on the Western Slope and down in the valleys, my tribal constituents, they have a more difficult time accessing the Federal judicial system—as plaintiffs, defendants, even as witnesses.

As pressing as this situation is in Colorado, I know it is not unique. Of the nearly 100 current judicial vacancies, 42 are considered judicial emergencies—almost half. I understand our Senate has confirmed only 24 nominees so far this year and 36 total since President Obama was elected. That is a historic low.

I don't wish to turn my comments on these nominations to a partisan affair, but the Senate has not kept up with the pace of past Presidents' judicial nominees.

In fact, last year the Senate confirmed the fewest judges in 50 years—50 years.

Bill Martinez, the man whom I spoke of when I began my remarks, was nominated in February of this year, had a

hearing in March, and was referred favorably by the Judiciary Committee in April. Today, his nomination has been sitting on the Senate Executive Calendar—on that calendar—for 105 days. Here is the question: Can we set aside our partisanship and support the people who need our system of justice and those who work in our system of justice? The people of Colorado want us to vote on Bill Martinez and help us reduce the workload on the Federal District Court of Colorado.

Senator BENNET has joined me, and I know he is going to speak in a few minutes.

Last year, we convened a bipartisan advisory committee so that we could have the best candidates put forward. It was ably chaired by Denver lawyer Hal Haddon, a well-known figure, and former Colorado Supreme Court Justice Rebecca Kourlis. The committee interviewed numerous candidates, and based on his life experience, his record of legal service, and his impressive abilities, we both recommended, on the advice of the committee, Bill Martinez for a Federal judgeship.

I know I was very impressed with Bill. In addition to being an accomplished attorney and a true role model in his community, Bill has a personal story which captures what is great about America and highlights what can be accomplished when you have focus, discipline, and you work hard.

Bill was born in Mexico City and lawfully immigrated to the United States as a child. He worked his way through school and college and toward a career in the law. He received undergraduate degrees in environmental engineering and political science from the University of Illinois and earned a law degree from the University of Chicago. As a lawyer, he is an expert in employment and civil rights law. He currently practices in those areas. He previously served as the regional attorney for the U.S. Equal Opportunity Commission in Denver.

I believe—as we all do, I think—in strong, well-balanced courts that serve the needs of our citizens. Bill Martinez brings that sense of balance because of his broad legal background, professionalism, and outstanding intellect. I am pleased to have been able to recommend Bill, and I am certain that once he is confirmed, he will make an outstanding judge.

I was going to ask for unanimous consent that we move to consider Mr. Martinez's nomination. I am going to hold back on that request for the time being, but I want those who watch the Chamber to know that a group of us who are going to speak to this backlog are going to ask, at the appropriate time, for that to be considered.

Whatever happens today in these unanimous consent requests—and I would hope they would be granted—I am not going to give up. I am going to

continue to work with people on both sides of the aisle, as well as any Senator who might have reason to block Bill Martinez's nomination, to find a reasonable solution so we can fully stock our courts and we can deliver justice and services to our citizens, who deserve courts that are up and running fully.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Madam President, I also rise today in support of Bill Martinez's nomination to serve on the Federal district court in Colorado.

Before I talk about that, I wish to take a moment to address this small business bill that is before the Senate because people are watching this in my State, and they are saying to themselves: We have spent 18 months with credit frozen—longer than that for small businesses—and Washington cannot seem to do anything for us.

Today is the day Washington could do something for small businesses in my State and across the country. And it is not a case of Democrat against Republican; this feels to me like a case of Washington politics against the rest of the country. So I lend my voice to the Senator from Florida and say that I hope the leadership can get it together.

I wish to add my push today for the unanimous consent request of the senior Senator from Colorado to consider this nomination of Bill Martinez. We need him confirmed so he can begin serving our State.

Bill appeared before the Judiciary Committee in March, where I had the privilege of introducing him. His nomination passed the committee with votes to spare in April. The Martinez nomination, like so many others, has gotten stuck because of the obstructionist tactics of a few.

So this man with a breadth of public and private sector legal experience that makes him more than qualified to serve on the Federal bench is being held up month after month.

Like my senior Senator, I am frustrated with the secret delays in this body. The purposeless shelving of nominations such as this one and even of important legislation affects real lives and poisons the atmosphere in the Senate.

There are 99 vacancies in the Federal court right now. To date, the President has nominated 39 individuals to fill these vacancies. For the sake of judicial efficiency and ensuring fair access for all of our people to our courts, I think it is time to move ahead on outstanding nominees who have cleared the Judiciary Committee easily. For the nominees, careers and families are being put on hold. If a nominee is unqualified or unfit for office, then let's have those concerns registered for public consumption.

Like far too many Coloradans, I am so frustrated with our broken politics.

Instead of making sure qualified candidates are confirmed to key government posts, the Senate has secret holds and stall tactics. It is painful to watch, and it is painful to the American people to live through.

Bill Martinez, for one, has earned better treatment through a lifetime of professional achievement. He has a stellar reputation and credentials in Denver and possesses rare intangibles too. His career spans the legal profession and represents a true immigrant success story on which this country is founded. Bill was the first in his family to attend college. His experience is an inspiration to all Coloradans.

Is there any reason this attorney with an expertise in employment law and civil rights, coupled with years of courtroom experience, should not receive an up-or-down vote? I, for one, would like to know, as would the people of Colorado. I ask my colleagues to end the delay of consideration of Bill Martinez. Let's have an up-or-down vote on Bill Martinez and then move forward and go through other remaining nominees being needlessly upheld.

HEALTHY, HUNGER-FREE KIDS ACT

With the indulgence of my colleague from Minnesota, I wanted to mention one last thing. While I am here, I would also like to call attention to another priority that languishes as the Senate wastes time wrangling over nominees and partisan politics: the Healthy, Hunger-Free Kids Act, a fully paid for, bipartisan bill that unanimously passed out of committee last March. This bill will make a tangible difference in the lives of millions of children.

It is high time the Senate begin doing the people's business again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I rise today to address the need to move quickly and to confirm several qualified judicial nominees—I would say many qualified judicial nominees. You are going to hear about a number of them today. I am going to talk specifically about the highly qualified nominee for the District of Minnesota who was unanimously voted out of our Judiciary Committee more than a month ago.

Our failure to confirm Susan Richard Nelson quickly has consequences for my State. The judge she has been nominated to replace took senior status as of last October and is stepping down from the Federal bench altogether in a couple of weeks. That means a smaller number of judges will be doing the same heavy workload until she is confirmed, which is not fair to my State or many of the States you will hear from today.

This nomination is important to our district. Our district's caseload has increased significantly in recent years.

In fact, as of June 2008, our district had the second highest number of case filings per judgeship in the entire country—the second highest in 2008 in the entire country. Yet, if she is not confirmed after coming through our committee unanimously, we will be down a judge even though we have this high caseload. Even as of December 2009, we were still in the top 10 most overloaded districts in the country. From 2008 to 2009, the district saw a 54-percent jump in the number of civil cases filed. That is over 5,000 civil cases currently pending and only 6 judges on a full-time status to deal with these cases, not to mention the docket of criminal cases on top of that. The district needs Judge Nelson to be confirmed quickly. Delay is not an option.

It is worth noting that by this time in President Bush's administration, we had confirmed 61 judicial nominees. By contrast, we have only confirmed 36 of President Obama's.

When a vacancy arose on the Federal district court in Minnesota, I convened a judicial selection committee to consider mainly highly qualified candidates. From this fine pool of applicants, I recommended Susan Richard Nelson to the President. President Obama formally nominated her for this position, and I appreciate the work of Senator LEAHY and Senator SESSIONS, who is also here, in making sure she had a speedy nomination hearing. However—this is a familiar story for several nominees—after Susan Richard Nelson received a unanimous vote in the committee, her nomination stalled on the Senate floor.

There is no reason to hold up this nomination. Susan Richard Nelson is exactly the kind of person you would like to see sitting in a judge's seat. She has been a magistrate judge for the District of Minnesota for the last 8 years, where she has earned the respect of litigants, lawyers, and judicial colleagues alike. She has the judicial temperament, personal integrity, and keen legal mind that are absolute prerequisites for this job. Throughout her tenure, she has gained a reputation as a fair but stern magistrate judge, one who is thorough and prepared. She has been described as a judge "who favors neither plaintiff nor defendant, who listens carefully to both sides of every matter she hears, and who can be relied upon to give articulate, well-reasoned explanations for her decisions." The ABA Standing Committee on the Federal Judiciary unanimously gave Judge Nelson their highest rating.

I believe she will make a fine Federal judge, and that is why I rise to speak today. But this is not just a Minnesota issue; this is a national issue. As a former prosecutor, I know what happens when you have an overloaded judiciary, when you do not have the players in place, either the prosecutor, the public defender, or the judges. When

you do not have judges available to hear cases, judges whose time is spread too thin, cases do not get heard, victims do not get justice, and litigants do not get their problems solved. In other words, it slows down the wheels of justice when you do not have the people in place to actually hear the cases.

It is my hope again that we can end this waiting game and confirm these nominees. I truly appreciate the bipartisan work on our committee to get these judges through to the floor. But now is the time to get the work done.

I know we will be asking for unanimous consent for a group of the judges whom we are addressing. I know Susan Richard Nelson's name will be included at that time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Madam President, I rise to today in support of Louis Butler's nomination to be District Court Judge for the Western District of Wisconsin. Justice Butler is an accomplished lawyer whose career has been distinguished across the board as an advocate, trial court judge, Wisconsin Supreme Court justice, and professor. He is supported throughout Wisconsin and I am confident that he will be an excellent Federal judge.

For 30 years, Justice Butler has dedicated himself to public service. He began his career fighting for the rights of indigent defendants as a public defender. He was the first public defender in Wisconsin history to argue a case before the U.S. Supreme Court.

As a trial court judge, he earned a reputation for being a tough but fair jurist and was recognized as a top Milwaukee judge. For more than 10 years, Justice Butler has shared his expertise and knowledge by training judges as a faculty member of the National Judicial College.

Justice Butler served with distinction on the Wisconsin Supreme Court for 4 years. There, he participated in hundreds of cases, many of which were decided by a unanimous or near-unanimous court. During his 4 years on the bench, he proved himself to be a hard-working, thoughtful and consensus building jurist.

Throughout his career, Justice Butler has been a judge who upholds the rule of law in an impartial and deeply respectful manner. He possesses all the best qualities that we look for in a judge: intelligence, diligence, humility, and integrity. In addition to Justice Butler's impressive legal background and solid record as a judge, he is a fine man. He is deeply committed to his family, to his community, and to public service.

Justice Butler's nomination proves once again that the process we use in Wisconsin to choose federal judges and

U.S. attorneys ensures excellence. The Wisconsin Federal Nominating Commission has been used to select Federal judges and U.S. attorneys in Wisconsin for 30 years, through Republican and Democratic administrations and the tenure of Senators from both parties. Through a great deal of cooperation and careful consideration, and by keeping politics to a minimum, we always find highly qualified candidates like Justice Butler.

I along with Senator FEINGOLD are confident that the people of Wisconsin will be enormously proud of him and that he will serve them well.

So, it is clear that this upstanding and well-qualified nominee should be promptly considered by the Senate. Justice Butler has been pending for far too long and a vote on his confirmation is overdue. Someone like this deserves an up or down vote. I understand that some of my colleagues may oppose his nomination, and I accept that, but let us take an up or down vote as soon as possible.

Mr. FEINGOLD. Madam President, I am pleased to support the efforts of my colleagues to call attention to the refusal of Republicans in the Senate to allow confirmation votes on judicial nominees. We have all heard the numbers only 9 circuit and 27 district judges confirmed so far in this Congress, 7 circuit and 14 district judges now awaiting floor action, with 15 of those nominees having been reported by the Judiciary Committee before the end of May. This is an inexcusable blockade of justice in America for wholly political reasons, and it needs to stop.

I am pleased also to join the senior Senator from my State, Mr. KOHL, in specifically seeking consent to debate and vote on Justice Louis Butler's nomination to be a U.S. District Judge for the Western District of Wisconsin. Justice Butler, who was the first African American to serve on Wisconsin's Supreme Court, was first reported by the Judiciary Committee on December 3, 2009. He has essentially been waiting for the full Senate to take up his nomination for more than 7 months.

Justice Butler is the product of a system for picking Federal judges and U.S. attorneys in our State that has been used since the late 1970s. A nominating commission interviews and considers applicants and presents a slate of candidates to the Senators. We then send our recommendations to the President drawn solely from the commission-approved slate. This process has yielded highly qualified nominees under both Republican and Democratic presidents, and the nominees have had the support of both Republican and Democratic Senators.

Justice Butler clearly has the experience and the qualifications needed to serve with distinction as a U.S. District Court judge. First, he has experience as a judge on both the trial court

and appellate court levels in Wisconsin. He understands the difference between following precedent and making precedent. Handling criminal trials is probably the biggest job of a Federal trial judge, and Justice Butler has a great deal of criminal experience both as a judge and as a public defender in his early days as a practicing lawyer. He is well versed in Wisconsin law, which as we know is often applied in diversity jurisdiction cases in the Federal courts.

Justice Butler is widely admired for his intellect and his judicial temperament. In 1997, Milwaukee Magazine named him the top municipal judge in the city. He has been a law professor. In short, he has a depth of experience that is unusual for a nominee to the district court.

Justice Butler has been a trailblazer in our State. As I mentioned, he was the first African American to serve on the Wisconsin Supreme Court, and he would be the first African American to be a judge on the Western District. He is a man of great distinction and achievement.

Justice Butler is a thoughtful and conscientious judge. I know I will not agree with every decision he makes, just as I do not necessarily agree with everything he has said or done thus far. But I know he will be conscious of the judicial role, and that he will make his decisions based on the facts and the law and do his very best to carry out his responsibilities with dignity and care, as he has done throughout his career.

Now I understand that Justice Butler's nomination is opposed by some Members of the Senate and a number of outside organizations. The Republicans on the Judiciary Committee voted against the nomination. They have every right to do so, and I respect their positions. I believe the arguments against him are misguided and unfair. But I am prepared to have that debate on the Senate floor and live with the result, if only the Republicans will allow the debate to take place.

It is time for the delay of Justice Butler's nomination and the other nominations that have been pending for months to end. Let's have a debate and a vote. I thank Mr. KOHL and my other colleagues for shining a spotlight on this issue, and I hope we can look forward to debating and voting on the pending judicial nominations soon. Such delay, particularly for a district court nominee, is unprecedented. I urge my colleagues to consider Justice Butler's nomination forthwith.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I rise to join Rhode Island's senior Senator JACK REED and other colleagues to call attention to the recurring Republican roadblock of qualified nominees

to circuit and district courts. On the circuit courts, I spoke some time ago about Albert Diaz and James Wynn to sit on the fourth circuit in North Carolina. I know the Presiding Officer has a keen interest in those two. These two were reported out of the Judiciary Committee on January 28, 2010, 6 months ago yesterday. Albert Diaz was voted out 19 to 0. James Wynn was voted out 18 to 1. That means a combined score of 37 to 1 for these two candidates whom the two Senators from North Carolina had agreed on, a Republican Senator and a Democratic Senator. I came to the floor 3 months ago, given that background, on April 20 to ask unanimous consent for their confirmation. Senator KYL, who voted for both of these nominees in committee, objected on behalf of his colleagues. That is the environment we are in.

Unfortunately, that environment has filtered down to district judges. Consider the four district court nominees currently on the Executive Calendar, voted out of committee by a party-line vote, who are ahead of our Rhode Island nominee and who have to be cleared before we get to our Rhode Island judge. Lewis Butler is a former Wisconsin Supreme Court justice. Ed Chen and Benita Pearson are long-serving and well-respected Federal magistrate judges in San Francisco and Akron, OH. Bill Martinez is a well-known and well-respected attorney in Colorado. Each nominee had the full support of both of their home State Senators. Each nominee would bring proper expertise, judicial temperament, and great diversity to the bench. Each nominee would be confirmed, if we could simply get them voted on by the Senate. The way these nominees have been treated stands in stark contrast to the way district court nominees were treated in the Bush administration. In 8 years, only one district court nominee during the Bush administration was reported by the Judiciary Committee on a party-line vote. That nominee got a vote and was confirmed on this floor 51 to 46.

Why is it that nominees of President Obama are being held to a different, new standard than applied to the nominees of President Bush? Why have we departed from the longstanding tradition of respect to the views of home State Senators who know the nominees best and who best understand their home districts? Is disregard for the views of home State Senators the standard Republicans want to live by during the next Republican Presidency? Is that the new precedent we wish to set here in the Senate? I ask this because we have a highly qualified nominee in Rhode Island, Jack McConnell, who was reported by the Judiciary Committee on June 17. It was a bipartisan vote, 13 to 6, with the support of Senator LINDSEY GRAHAM. Jack McConnell is a pillar of the legal com-

munity in Rhode Island. He is a pillar of the community generally in Rhode Island, serving with great generosity and distinction on numerous boards that help communities in Rhode Island. The Providence Chamber of Commerce has praised Jack McConnell as a well-respected member of the local community. Political figures from across our political spectrum have called for his confirmation, one of them being my predecessor as Rhode Island attorney general, Republican Jeffrey Pine. The Providence Journal, our hometown paper, has endorsed his nomination by saying that Jack McConnell, in his legal work and community leadership, has shown that he has the legal intelligence, character, compassion, and independence to be a distinguished jurist.

Notwithstanding the support of Senator REED and myself, the two Senators from Rhode Island, notwithstanding that this is a district court nomination, notwithstanding the powerful support across Rhode Island from those who know Jack McConnell best, special interests from outside the State have interfered in his nomination. The U.S. Chamber of Commerce, not the Rhode Island chapter, the U.S. Chamber of Commerce has attacked Jack for having the temerity to stand up to big business, to the asbestos industry, to the lead paint industry, to the tobacco industry, and to have devoted his career to representing the rights of the powerless. In doing so, the U.S. Chamber has created a cartoon image of Jack McConnell that bears no relation to the man Senator REED and I know as a great lawyer, as a great Rhode Islander, and somebody who will be a great judge.

I ask my colleagues—I see the distinguished ranking member of the Judiciary Committee here on the floor with us today, the distinguished Senator from Alabama—do we want to let powerful out-of-State interests trump the better informed views of home State Senators about district court nominees? That is not the tradition of this body. I again ask my colleagues: Is this the tradition they want to set? If they open the door to out-of-State special interests trumping the considered judgment of home State Senators on district court nominees, will they ever get that door closed again? I submit it is a mistake for this body to go that road. I urge colleagues on the other side to reconsider what I think is a terrible mistake, which is to allow out-of-State special interests to prevail over the considered judgment of home State Senators when they agree on the best qualified nominee for district court in their home State.

I yield the floor.

The PRESIDING OFFICER. (Mr. BURRIS). The Senator from Rhode Island.

Mr. REED. Mr. President, I join my colleague from Rhode Island who, with

eloquence and passion, has clearly highlighted a disturbing phenomenon taking place in this Chamber. Well-qualified individuals who have received the support of the Judiciary Committee—in many cases, unanimous support—are being denied a final confirmation vote by the full Chamber. This is a break from our history. At the end of the first Congress, during President Reagan's first term, 88 Circuit and District Court nominees were confirmed. At the end of the first Congress during President George H.W. Bush's term, 72 Circuit and District Court nominees were confirmed. At the end of the first Congress under President Clinton, 126 Circuit and District Court nominees were confirmed. At the end of the first Congress during President George W. Bush's first term, 100 Circuit and District Court nominees were confirmed. As of now, if nothing else is done, President Obama, at the end of this Congress, will have only 36 Circuit and District Court nominees confirmed by the Senate, in contrast to 88 for President Reagan, 72 for President George H.W. Bush, 126 for President Clinton, and 100 for George W. Bush.

Something is going on here. What is going on is a deliberate attempt by the minority to frustrate the traditions and precedents of the Senate where, as Senator WHITEHOUSE suggested, there is a long-held view that Senators have more insight into the skills, ability, and integrity of nominees from the Senators' home State than national special interest groups, whose major goal seems to be the generation of controversy for the purposes of contributions.

We in Rhode Island have an extraordinarily competent and capable individual. As Senator WHITEHOUSE indicated, Jack McConnell is an accomplished attorney. He is a plaintiff's lawyer. He takes cases of individual Americans, who have been harmed, and he fights the good fight for them. He has been very successful doing it. He has received the bipartisan support of members of the bar, judges of both political parties, and the Providence Journal, our major Statewide newspaper, which has a reputation of being very sensitive to the legitimate concerns and needs of our business community. He is supported because he is an outstanding attorney and because he is an outstanding individual. He is someone who knows the law and knows the court. I am always kind of interested when someone who has spent a long time as a corporate counsel for a big corporation is suddenly—and in most cases—very quickly confirmed as a District Court Judge, even though that individual may or may not have had a lot of experience in a trial court. Here, we have an individual who actually has spent his life in trial court, both Federal and State courts.

Jack McConnell is a fair and good man, and he understands that a judge must hear the facts, apply the law, and indicate clearly to all plaintiffs and defendants who come before the court that there is no bias and that the case will be decided fairly on the merits within the bounds of the law. That is something all of my colleagues in Rhode Island, Republicans and Democrats alike, recognize that Jack McConnell will do.

There is something else about this individual. He is an extraordinarily decent person. That counts for something too. There is no one in our State who is more generous, not only with his money, but with his time. There is no one in our State who is more committed to helping people, not to gain notoriety, but because it is the right thing to do. Those qualities are important. Ultimately, I believe one of the major criteria that should be met by a Judge is that when someone goes before the court, whether it is a big corporation or a person who has been harmed, they know they will be treated fairly. Frankly, Jack McConnell passed that test with flying colors. As Senator WHITEHOUSE pointed out, he passed the Judiciary Committee on a bipartisan vote. I thank Senator LINDSEY GRAHAM, who has used his experience as a lawyer fighting for individuals as well as corporations. He was able to recognize these talents, these skills, and these qualities in Jack McConnell and support him. I appreciate that. But we are here now in a situation where not only Jack McConnell, but 21 other nominees are pending. We have to do more. We have to get them to a vote here in the Senate, and I will insist upon that vote as best I can.

Again, the numbers don't lie. They suggest there is something going on here, something that was not at work during the Reagan administration, the George H.W. Bush administration, the Clinton administration, and the George W. Bush administration, regardless of which party was in the majority or the minority. Particularly, when it came to District Court Judges, if they had cleared the Judiciary Committee, if they had the support of the two Senators from the home State, there would be at least an opportunity, an obligation, to bring their nomination to a vote and let the Senate, as a whole, decide.

I urge that we return to what has been a dependable practice, one the Senate has embraced for good reasons, that we let these gentlemen and ladies come to the floor for a vote, and that we vote.

That is all we ask. I think if that is agreed to, it will provide for not only the disposition of these nominations, but it will continue a tradition of thoughtful, appropriate practice by this Senate.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I join my colleagues who are expressing our frustration on the inability of the Senate to take up for confirmation judges who have been approved by the Judiciary Committee. You have heard our colleagues from Colorado, Minnesota and Rhode Island and there are many others who have come down and given similar circumstances about their judges being held up from a final vote.

I know next week we will be considering the nomination of Elena Kagan to the Supreme Court of the United States and that will get a lot of attention and rightly so. It should get a lot of attention.

Let me point out the facts. The Supreme Court will issue less than 100 opinions in a given year; whereas, our circuit courts of appeals will issue many more opinions that will have a direct impact on the lives of the people of this Nation. Most Americans who have contact with a court are going to have contact with the district court and the circuit court, where the cases are heard, where the juries are convened in trials. So there is a great interest in making sure we have confirmed judges for our intermediate appellate courts and our district courts.

Here is the problem. The vacancies in these judgeships today are about 11 percent of the court. More than 1 out of every 10 judicial spots is vacant currently in the United States. My colleagues have told you about the backlog. So let me try to put it in, I hope, terms that those listening to this debate will understand as to why we are so frustrated by the obstructionist tactics being taken by our Republican colleagues.

Most nominees for judicial vacancies, once they have cleared the Judiciary Committee, are brought forward under unanimous consent; that is, if they have the support of their home State Senators, if there has not been controversy in their nomination, if the Judiciary Committee has approved them by a bipartisan vote, they will come to the floor of the Senate by unanimous consent and will be handled that way.

Well, we are not able to do that because Republican Senators are objecting to that process. So we go to the next level. We say: OK, if we need to have debate on the floor, how much debate time do you need—1 hour, 2 hours, 4 hours? Well, we cannot get consent to the number of hours in order to debate the nominee and then vote on the nominee in an up-or-down vote. The majority leader said we could have that time, but they will not allow us to bring the nomination to the floor.

So then the only course the majority leader has will be to file a cloture motion. A cloture motion takes several days, and we have 100 vacancies on our district and appellate courts. Obviously, we do not have enough time.

So let me give you an example on the Fourth Circuit: Judge Barbara Keenan. I chaired her confirmation hearing. I chaired that confirmation hearing on October 3 of last year. The Judiciary Committee reported her out by a voice vote on October 29. That was October 29 of last year. It took us until March of this year to be able to get her nomination to the floor, and then it was not by unanimous consent. It was not by a consent as to the amount of time necessary to consider this nominee on the floor and then a vote afterwards. It came to the floor through a cloture motion the majority leader had to file—a cloture motion—because we could not get consent to bring up her nomination almost 5 months after the committee acted on her nomination.

What happened with the cloture motion? It was approved 99 to 0 on the floor of the Senate, and she was ultimately approved as an appellate court judge by a 99-to-0 vote.

My point is simple: These were dilatory actions in order to slow down the process of the confirmation of judges which my friends on the Republican side have used. That is why we had these huge numbers. As my colleague from Rhode Island pointed out, the numbers tell the facts. There were twice as many judges confirmed by this time when a Republican controlled the White House than there are today. In other words, we are working at less than one-half the pace than when the tables were turned. That is wrong.

My friend from Rhode Island, Senator WHITEHOUSE, talked about two vacancies we want to fill in the Fourth Circuit. The Fourth Circuit includes the State of Maryland. The two vacancies we want to fill are the North Carolinian spots, in which the two Senators—one a Democrat, one a Republican—have recommended their confirmation: James Wynn and Albert Diaz.

Well, we held that confirmation hearing—and I chaired that also—in December of last year. The committee reported them out in January of 2010. In Mr. Wynn's case, the vote was 18 to 1; and in Mr. Diaz's case, it was 19 to 0. Both of these judicial candidates were considered "well qualified"—the highest rating by the American Bar Association—and they would add greatly to the diversity on the Fourth Circuit, a circuit that is not known for its diversity. James Wynn would be the third African American to serve on the Fourth Circuit and Albert Diaz would be the first Latino.

It is time—well past time—for these nominees to be confirmed by the Senate. I do not think anyone doubts, once this issue is taken up, both these individuals will be confirmed. Look at the votes in committee.

For noncontroversial judicial nominations, it has taken, on average, 2 months, after the Judiciary Committee

has acted, for a district court nominee to be considered by the full Senate; and over 4 months for a circuit court of appeals nominee. That is not doing the work the Senate should do. There have been dilatory actions in order to slow down the process, and that is not what we should be doing as Members of the Senate.

So I urge my colleagues, as my friends who have taken the floor today have done, let's get on with the process of confirming these noncontroversial judicial nominees. Let's give the people what they deserve; that is, a full complement of their judges. We should do better than we have done in the past. I urge us to put aside our partisan differences. This is not a tactic that should be used. It is time we move forward on the confirmation process.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I thank the Senator from Colorado, Mr. UDALL, and his staff for arranging this opportunity for us to speak on what is a far more important issue than I would have imagined, oh, 20 years ago.

Before I came to the Senate, in 2001, I was privileged to serve as Governor of my State for 8 years. I ran for that position in 1992, and my opponent was a very good man named B. Gary Scott. During the course of our campaign for the Governorship of Delaware, we had something like 30 or more joint appearances. All kinds of questions were raised by the audience members at those joint appearances, and we would respond to the questions that were raised.

I do not recall one question in any of those joint appearances related to what kind of criteria we would use to consider nominees for the judgeships in the State of Delaware. As it turns out, some of the judgeships in Delaware, some of the courts in Delaware, have national importance, national prominence—the Court of Chancery, the Delaware State Supreme Court. That was an issue that never came up.

When I was fortunate enough to win, in 1993, I ended up, for the next 8 years, actually spending a lot of time thinking about the qualities we should look for in the candidates for judgeships I would nominate to all our courts and ask the Delaware State senate to confirm. I am grateful to the State they confirmed them all.

I came to the Senate in 2001. I ran against a wonderful man, Bill Roth, who had been our Senator for a long time. During our campaign, no one ever raised with us, to my recollection: What kind of qualities would you look for if you were in a position, as senior Senator, to recommend judges to the President of the United States for our courts, either for our district court or for the Third Circuit Court in which we are a part?

But I had thought for years about the qualities I would look for, and the qualities look something like this: I concluded that my job in nominating people as Governor and in recommending people to this President or other Presidents is that we ought to look for somebody who is bright, smart, who knows the law, somebody who also embraces what I call the Golden Rule, treats other people the way he or she wants to be treated; that when they come before the court, the judge will treat all sides the same; that they will not go into a hearing or a proceeding having made up their mind; that they will show no favoritism to either side.

I think it is important to nominate folks who have a strong work ethic and who will work hard to find the right decision, that they will have the ability to make a decision. Sometimes folks have a hard time making decisions. They should not be judges. We need judges who can make a decision and often the right decision.

That is sort of the criteria I used in my last job, and it is the criteria I have used in my current position as I have suggested people—now twice—to this President to consider for filling vacancies on the U.S. district court in my State.

We have four district court judges in our State at most times; we have that many judgeships. For several years, we have been down to three. As of tomorrow, we will be down to two, with the retirement of Judge Joe Farnan, who will step down for his well-earned retirement.

But last year, I was pleased to provide to our President the names of three highly qualified Delawareans for him to consider for nomination to the U.S. District Court in Delaware. I said at the time—and I say here today—the talent pool from which I selected those three names was the strongest pool I have seen in my 8 years as Governor and during the time I have been here as a Senator. At least a half dozen of the people who applied for that judgeship to be a Federal judge would make us all proud. I could only select three and I selected three terrific candidates and submitted those to the administration last year.

After careful deliberation, in March of this year, the President selected one name, and he sent to the Senate the nomination of U.S. magistrate Len Stark for a seat on the Delaware District Court.

Following his nomination in March, I was honored to introduce Len at his confirmation hearing before the Senate Judiciary Committee in April. Ironically, the hearing was chaired by committee member Ted Kaufman from Delaware. Judge Stark was well received by the committee at that hearing and was unanimously approved by the committee in May of this year.

So far so good. But since that time, for the last almost 3 months now, that nomination has basically been held up. We have not had an opportunity to debate it. We have not had an opportunity to vote on it, through no fault of Judge Stark.

I think the lack of a U.S. district court judge in almost any State, large or small, is a problem. When you happen to have a court with four judgeships, and you are down to three, the workload does not go away. The workload is the same. The judges have to work harder. That is fine for a while. We go out and we literally borrow district court judges from other States to come in and sit with our court in Delaware to try to deal with the workload. That works for a while, but it is sort of robbing Peter to pay Paul. They have work to do in their own States in their own courts.

When you go from three to two, and you have two judges trying to do the work of four, it does not work. It is not fair, and it means we delay, in too many cases, the justice that is needed. I do not recall who it was who said—I want to say it was William Gladstone, a former British Prime Minister, who once said: Justice delayed is justice denied. My fear is, if we find ourselves, next week, with two judges—with two judges—in our district court, justice will be delayed and justice will be denied.

Not everybody in this Chamber has a real understanding of who Len Stark is and what kind of person he is. I wish to take a few minutes to sort of introduce him to those who do not know him. Len Stark is a fellow University of Delaware graduate. Unlike most people who graduate—they maybe get an undergraduate degree with one major—when he graduated, in 1991, he earned an undergraduate degree in economics and an undergraduate degree in political science and he earned a master's degree in history, all at the same time. He was an extraordinary student at the University of Delaware. As a student there he received a full scholarship as the Eugene du Pont Memorial Distinguished Scholarship. Following graduation, he was twice honored by his fellow students and alumni by serving as their commencement speaker.

Immediately upon graduating from the University of Delaware, Len Stark was elected a Rhodes Scholar. He studied at Oxford University. He has authored numerous academic and scholarly publications, including a book on British politics which he wrote—listen to this—in his spare time during his studies at Oxford. After Oxford, Len then went on to earn his law degree at Yale Law School where he served as senior editor of the Yale Law Journal.

Len launched his legal career as a clerk for one of the most distinguished judges to come out of Delaware in the last century—Walter Stapleton—on the

Third Circuit Court of Appeals, and after that he practiced as a corporate litigator for the law firm of Skadden Arps.

Len began his public service as an assistant U.S. attorney for Delaware, where from 2002 until 2007 he handled a wide variety of Federal, criminal, and civil matters. Currently, Len Stark serves the U.S. District Court of Delaware as a magistrate judge. In this position he has already done much of the same work as a district court judge. His docket consists of civil cases that are referred to him by the three active district court judges—at least three active as of today, not after tomorrow. On these referral cases, a great many of which are patent infringement actions, Judge Stark handles all types of pretrial matters, and in certain cases even presides at trial, just as he would if he were confirmed as our new district court judge.

If I were half as accomplished as Len Stark is and half as smart as he is, my colleagues wouldn't want to be in the same room with me. But Len Stark is as humble a person as I know. He is a dedicated public servant. He has a great family. He is a dedicated husband, father, and person of great integrity and character. In every facet of his life he has performed with distinction, earning the highest praise from his colleagues and many of the most prestigious awards given to legal scholars and public servants.

I can sum this up by simply saying that Len Stark has the heart of a servant. He has a big heart. A little State, Delaware, but we have a guy with a heart as big as Texas. Judge Stark's position as magistrate on the U.S. district court clearly provides him with the skills to be not just an adequate district court judge, he will be an outstanding district court judge.

Len's legal acumen, his tireless work ethic, and his experience as a Federal magistrate judge, as assistant U.S. attorney and litigator, have prepared him well for this seat on the U.S. district court in Delaware.

I will be honest with you. It is hard to think of anybody who would be a better candidate, a better choice to serve in this position. With that having been said, we all know there are a bunch of good candidates like Len Stark—Maybe not just like Len Stark, but people who are equally qualified who should be serving in vacancies around the country, and they ought to be confirmed.

I will close with this, before yielding to Senator KAUFMAN. I wish to close with this: I have just come from a Bible study group. We meet every Thursday for about a half an hour off the Senate floor with our Senate Chaplain. It is sort of like an adult Sunday school class. Democrats, Republicans there, people of different faiths.

One of the things Chaplain Barry Black is always reminding us to do is

to treat other people the way we want to be treated. He urges us to live our faith. I don't care what faith we subscribe to, almost every faith, that idea of treating other people the way we want to be treated is a fundamental, basic tenet. It should be a fundamental, basic tenet with the way we behave in the Senate, whether the Democrats are in the majority or the Republicans are in the majority; whether the President is a Democrat or the President is a Republican.

When we have somebody as good as this man is, Len Stark, and we have such a dire need for a district court judge in the district court in Delaware, I would just ask my Republican colleagues to put themselves in our shoes to see if they can't find it in their hearts to give us the opportunity to vote up or down on this nomination.

Thank you very much. I am pleased to yield the floor for my colleague and friend from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I rise to echo the comments of my colleagues and object to the tactics being used by the minority in the Congress to block and delay confirmation votes for President Obama's judicial nominees.

I support this body's—I really do—I support this body's longstanding tradition of respecting the rights of the minority. I think it is one of the most important characteristics of the Senate. I am not one of those who wants to change the filibuster rule. I think it is important that we have a filibuster rule and that political minorities in the Senate are respected and that their rights are respected.

However, I think this practice of indiscriminately blocking nominations serves no legitimate purpose. I don't see the time created by the delay being used to meet with the nominee, to check the nominee's credentials, or to review the nominee's scholarship, speeches, or written opinion. This is delay for delay's sake.

Of the 27 district court nominees confirmed during this Congress, only 1 has received a "no" vote so far, and even she was confirmed by a vote of 96 to 1. Not a single member of the minority objected to 26 out of the 27 of these nominees. Yet someone forced them to wait for weeks or months for an up-or-down vote.

The minority may say this is simply the way things are done in the Senate,

but that demonstrably is not the case. As this chart shows, during the first Congress of the Bush administration, President Bush's district court nominees waited for an average of 25 days to be confirmed after being favorably reported out of the Judiciary Committee. This pace was set when Democrats were in the majority party for most of the 107th Congress and reflects a willingness to cooperate with President Bush in a bipartisan manner.

In contrast, President Obama's district court nominees have been pending for 74 days, on average, after being favorably reported out of committee. This wait only seems to be getting longer. Sharon Coleman of the Northern District of Illinois, the only judicial nominee to be confirmed so far this month, waited almost 3 months to be confirmed 86 to 0.

This is unacceptable. These nominees are good men and women who have agreed to put their lives on hold and submit to the scrutiny of the Senate in order to serve our Nation. This body owes more to these nominees for their sacrifices than to use them as instruments of delay and obstruction. As long as the minority continues to stall these nominees, then the American people will be deprived of the fair and efficient administration of justice. We now have nearly 100 judicial vacancies and more than 40 of them have been declared judicial emergencies. One of these emergencies is located in the district of Delaware.

After tomorrow, the district will be operating at half capacity with only two out of four district judges confirmed to the bench. With this concern in mind, I join with my senior Senator, TOM CARPER, and urge my colleagues to agree to consider the nomination of Leonard P. Stark to the district court of the district of Delaware without delay.

Judge Stark was nominated on March 17 of this year. He received a nominations hearing on April 22, and the Judiciary Committee reported him out by a unanimous vote on May 14. Ranking Member SESSIONS has called him "a fine nominee" whom he would support. As of today, no Senator has raised any public objection to his nomination. So I am confident that Judge Stark will be confirmed by an overwhelming margin, perhaps unanimously, when he receives a final vote. However, he has remained on the Senate Executive Calendar for 2½ months now without justification or explanation.

Judge Stark has all the qualities required to be a successful district judge. Since 2007, he has dutifully served the district of Delaware as a magistrate judge and previously spent 5 years serving in the district as an assistant U.S. attorney. In his career, he has established himself as a talented, dedicated, and humble public servant who

possesses a strong work ethic and the highest integrity and intellect.

He also has stellar academic credentials. He is a *summa cum laude* graduate of the University of Delaware, a Rhodes Scholar, and a graduate of Yale Law School, where he was editor of the Law Journal.

Following law school, he clerked for Judge Walter K. Stapleton of the U.S. Court of Appeals for the Third Circuit. Through his experiences in private practice, as an assistant U.S. Attorney, and as a magistrate judge, Leonard Stark has developed the knowledge, skills, and temperament to be an outstanding district court judge.

Therefore, I support the unanimous consent request about to be made by my colleague from Colorado to move to the consideration of several well-qualified judges whose nominations have been delayed. I know Judge Stark will be on that list.

I yield for the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Mr. President, I believe over the last hour and a half the Senate has heard from almost one-tenth of the body. Nine Senators have come to the floor to talk about a litany of great nominees for district court positions all over our country. The viewers have heard and our colleagues have heard the importance of passing these nominees through the process so we can deliver justice to our citizens in all the ways that our courts operate. In that spirit, therefore, I have a series of unanimous consent requests that I wish to make at this time.

UNANIMOUS-CONSENT REQUESTS—EXECUTIVE CALENDAR

Mr. President, as in executive session, I ask unanimous consent that at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to executive session to consider the following nomination on the Executive Calendar: Calendar No. 813, William Martinez, to be a U.S. district court judge for the district of Colorado; that the nomination be debated for up to 3 hours with time equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that upon the use or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Reserving the right to object, and I will object, I wish to express a few thoughts before my colleagues who are here and who wish to

speak on another subject. I wish to be heard on the nomination process and maybe I can be recognized after I make that objection. Hoping to be so recognized, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. UDALL of Colorado. Mr. President, it is disappointing that we can't get unanimous consent for an up-or-down vote on the Martinez vote. I wish to make clear to all the Coloradans who watched the proceedings today that I attempted to bring up this nomination for a vote, along with my colleague, Senator BENNET, but the minority party, as you have heard, has objected. It is a shame. I will not give up. I will continue to work in every way possible with colleagues on both sides of the aisle to confirm this important and impressive list of nominees.

I shared Bill Martinez's story earlier with the full Senate. It is a quintessential American story, and Bill Martinez deserves to serve on our district court in Colorado.

Mr. President, let me move to this unanimous consent request: I ask unanimous consent that the Senate proceed to executive session to consider en bloc the following nominations on the Executive Calendar: No. 656, Albert Diaz, U.S. circuit judge for the Fourth Circuit, and No. 657, James Wynn, to be a U.S. circuit judge for the Fourth Circuit; that the nominations be confirmed en bloc, and the motions to reconsider be laid upon the table en bloc; that upon confirmation, the President be immediately notified of the Senate's action, and the Senate then resume legislation.

Before the Chair rules, let me indicate that the Diaz nomination was reported on a 19-to-0 vote. The Wynn nomination was reported with a vote of 18 to 1.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider en bloc the following nominations on the Executive Calendar:

No. 696, Louis Butler, to be a U.S. District Judge for the Western District of Wisconsin; No. 697, Edward Chen, to be a U.S. District Judge for the Northern District of California; No. 703, Benita Pearson, to be a U.S. District Judge for the Northern District of Ohio; No. 948, John J. McConnell, to be a U.S. District Judge for the District of Rhode Island; that the nominations be debated concurrently for a total of 4 hours, with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that upon the use or yielding back of time, the Senate then proceed to vote on confirmation of the nominations in

the order listed; that upon confirmation, the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SESSION. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. UDALL of Colorado. Mr. President, I will continue to ask my friend from Alabama to consider joining with me in approving these unanimous consent requests.

I ask unanimous consent that the Senate proceed to executive session and consider en bloc the following nominations on the Executive Calendar:

No. 883, Michelle Childs, to be a U.S. District Judge, South Carolina; No. 884, Richard Gergel, to be a U.S. District Judge, South Carolina; No. 885, Catherine Eagles, to be a U.S. District Judge, Middle District of North Carolina; No. 886, Kimberly Mueller, Eastern District of California; No. 893, Leonard Stark, to be a U.S. District Judge, District of Delaware; No. 917, John Gibney, to be a U.S. District Judge for the Eastern District of Virginia; No. 935, James Bredar, to be a U.S. District Judge, District of Maryland; No. 936, Ellen Hollander, to be a U.S. District Judge, District of Maryland; No. 937, Susan Nelson, to be a U.S. District Judge, District of Minnesota; that the nominations be confirmed en bloc and the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

Before the Chair entertains the request, let me indicate that all of the above nominees were reported unanimously or on a voice vote in the Judiciary Committee.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. UDALL of Colorado. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I appreciate my colleague from Colorado raising these issues. The Senate does have a responsibility to treat nominees fairly. I have worked to do that as ranking member of the Judiciary Committee, and they are entitled to be considered on the floor.

But things don't always go as smoothly as you would like. I will make a couple of points that are very important.

President Obama's nominees are moving considerably faster—to both circuit and district courts—than Presi-

dent Bush's nominees, many of whom were subjected to incredibly unjustified actions to obstruct their nominations. My good friend, the Senator from Delaware, says we should use the Golden Rule. I would say that is always a good policy. I am pleased that nominees are moving faster than President Bush's nominees were moved. But if we ask for parity, consistency, and if we ask for fairness, based on what was done to President Bush's nominees, they would be held considerably longer, and a lot of nominees would never even get a hearing, and they would wait for years.

I want to mention a few facts about these matters. President Obama's circuit court nominees have waited for a hearing only 59 days, on average. President Bush's nominees waited, on average, 176 days to even have a hearing in the committee. Actually that was in his first Congress, and the Republicans had a majority at that time. But they had to wait 247 days to get a hearing for his entire Presidency. Whereas, we are now having hearings in the Judiciary Committee in 59 days. We had one yesterday, 14 days after the nomination of a district court nominee. That doesn't sound like a railroad to me. President Obama's district court nominees have waited for hearings only 45 days, on average, while President Bush's district court nominees waited 120 days for hearings in the committee. So they come out of committee at an unprecedented rate. That is all right; we will deal with that. But sometimes we have to ask ourselves, how fast should you move a nominee to the floor? Should you have some time that the nominee lays over?

Let us talk about the time from nomination to confirmation. I guess that is the ultimate test. How long do you wait between the time a person is nominated until the time they are confirmed? President Bush's circuit court nominees, on average, waited 350 days from nomination to confirmation. By contrast, President Obama's circuit court nominees, on average, are being confirmed almost twice as fast, in 208 days.

Similarly, President Bush's district court nominees, on average—people have said somehow this is unusual, the way President Obama's nominees are being treated—waited 178 days from nomination to confirmation. By contrast, President Obama's district court nominees, on average, are being processed almost 2 months faster, about 130 days.

I think it is important to look at other processes that cause disturbances in the Senate. It should not go unnoted that President Obama bypassed the Senate and recess-appointed Donald Berwick as Administrator of the Centers for Medicare and Medicaid Services less than 3 months after his nomination, and without even a Senate Fi-

nance Committee hearing taking place. He was very controversial.

The reasoning offered was that the Republicans are blocking this appointment and that he has to go forward. Without even having a hearing? That is particularly odd, since that position was vacant for 16 months before we even had a nomination and hasn't had a confirmed Administrator since 2006, and now they want to move it through with a recess appointment, bypassing the confirmation process entirely, without even having a hearing in the Finance Committee.

I have to note that the President has been slow to nominate. There are now 100 vacancies in our courts—20 in the circuit courts and 80 in the district courts—but only 48 nominations are before the Senate. So the President has been a bit slow, perhaps, in making his nominations. But he should take care; they don't have to be rushed. The Republic won't collapse if there is a vacancy for a reasonable period of time. But one reason the confirmations are as they are is because nominations are not being submitted in a rapid way.

Look at the fourth circuit. A lot of complaints have been made about the fourth circuit. This is stunning to me. You know the old story about the man who killed his parents and then complained that he was an orphan. One Bush nominee—a highly qualified nominee—for the fourth circuit waited 585 days and never got a hearing. He was rated by the American Bar Association as “unanimously well qualified.” He was a presiding judge in the district court on which he served. He had served in the Department of Justice. He had been point guard on the Clemson basketball team in the ACC. I always thought that clearly meant he knew how to make decisions if he could be a point guard at Clemson and dish out the ball. He was also asked—out of the entire United States of America—by Janet Reno to investigate President Clinton. She had so much confidence in him, she picked him. He didn't indict the President. You would think they would be appreciative of that. No, they blocked him. He never got a hearing.

When President Bush left office, there were five vacancies on the fourth circuit. What an outrage. They were systematically blocked by the Senate and the Democrats, who are now complaining so piously, and since that time, two have been filled. Now they are complaining that some other vacancies haven't been filled. Give me a break.

Look, the nominations are moving rapidly out of the Judiciary Committee. They are coming on the floor. When they get here, they get caught up in all kinds of messes. The leaders on both sides have to talk and they have to work out floor time. Some of these nominees are going to have some debate about them. You have heard a

number of names mentioned. I point out to my friend from Colorado that Mr. Martinez had a lot of "no" votes. He was a top lawyer with the ACLU in Colorado. He doesn't seem to me to be the most mainstream nominee.

The American people are very tired of judges who get on the bench, with lifetime appointments, and start advancing all kinds of agendas and legislate from the bench. They expect this Congress to make sure that whoever gets nominated will show restraint and will follow the law, and follow their oath to serve under the Constitution and not above it. So he is a controversial nomination.

Mr. Butler from Wisconsin—I know he is controversial. Mr. Butler has twice run for the Supreme Court of Wisconsin and twice lost. He ran in 2000 and lost by a 2 to 1 margin. He was appointed to a vacancy on that court in 2004, and then ran for election when term of the vacancy ended. Those kinds of elections are normally won easily. He lost that, because his reputation was that of one of the most pro-plaintiff judges in the United States.

This is a serious concern when we appoint somebody on the bench with a lifetime appointment and he can't be voted out of office. Others have problems. Some of them are due to come up and be voted on for sure. It just takes time. I am not able to make the decisions that the leaders of our two parties make. They try to work out matters here. Some judges come forward and some don't. I have kind of quit worrying about who gets picked and who doesn't. That is above my pay grade.

I will say that, at least with regard to any fair analysis of the numbers, the Obama administration judges are moving faster than the Bush administration judges moved. There is a growing concern about the philosophy that President Obama has about judges. He said that when he looks for a judge, he wants to know if they have empathy. Empathy for who? Which party does he have empathy for? He wants a judge who will be willing to help advance "a broader vision for what America should be." I am not aware that judges need to be promoting visions. Whose vision? My vision, or the judge's vision, or President Obama's vision? Whose vision is the judge going to promote? Who is he going to have empathy for? This party or that party?

The oath a judge takes is that they will do equal justice to the poor and the rich, and they will serve impartially. I believe Chief Justice Roberts' metaphor that a judge should be a neutral umpire is a simple and beautiful way to say what a judge should be. That doesn't mean he takes sides in a lawsuit because he has more empathy for one party than the other.

We have a serious problem. This is the definition of activism. It politicizes

the court. These kinds of empathies and other matters are not law; they are politics. We do not need politics in the court.

Some of these nominations are controversial and are going to take some time to move forward. We are not a rubberstamp over here. We do not intend to stand by and have this court packed with nominees who are not absolutely committed to following the law as written whether or not they like it.

The Constitution says in its Preamble: "We . . . do ordain and establish this Constitution for the United States of America," not some constitution a judge who got appointed last week thinks it ought to be but the one that actually was passed. Otherwise, we do not have law in this country.

We have a great heritage of law. We have a responsibility to move nominations. I made a commitment to the President, to Chairman LEAHY, to my colleagues on both sides of the aisle that to the extent I am able to do so, we are going to treat nominees fairly. We are not going to misrepresent their records. Certain nominees are going to be moved forward. I expect I will vote for over 90 percent of the nominees, giving deference to President Obama. Some of them I may be worried about, but I am not certain they are not going to be faithful to the law. I am going to give the President deference, and I am going to vote for them. If I do have objections, I am going to raise those objections. I believe the American people expect this Senate to scrutinize a nominee to make sure they will be faithful to the law and follow it whether or not they like it.

My colleagues know a lot of these nominees. They care about them. It does seem like a long time. Perhaps we ought to get together, I say to Senator UDALL, in a "do unto others" situation and see whether we can figure a way to be more effective in moving nominations as a whole and not have it change if Republicans were to elect a President next time.

How we really got into the controversy—and I will conclude with this—was President Clinton had almost 95, 98 percent of his nominees confirmed. When President Bush got elected, Democratic Senators—Senator UDALL was not here then—met in a retreat. This is according to a New York Times article. Appearing at the retreat were Marcia Greenberger, Laurence Tribe, and Cass Sunstein—three very aggressive, liberal lawyers who believe that judges should be activists to promote the law, advance the law in a certain way. The report was that agreement had been reached to change the ground rules of confirmations.

That is exactly what happened. President Bush nominated eight judges. He nominated Roger Gregory, an African American who had been

nominated by President Clinton but was not confirmed before President Clinton left office, as a gesture of good faith. He nominated another Democrat, I think out of his 8 or 10, within a few months. Those were promptly confirmed. The rest of them waited months and years. Some never got confirmed. A filibuster took place that we had never seen before. We even had Justice Sam Alito filibustered by the Senate, one of the most fabulous nominees we have seen and who is doing a great job on the Supreme Court. All of this never happened before. It was quite a change. We are having more difficulties now than we probably should have.

I say to Senator UDALL, I appreciate his commitment to the nominees he knows and respects and would like to see confirmed. I am sorry they have not been brought up as quickly as he would like. When they get out of committee, it basically becomes a leadership matter. They have a lot of issues on the agenda, and frequently good nominees can get tied up in them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Mr. President, I listened intently to my friend from Alabama. I have had the opportunity when I have presided to listen to him share his point of view with the Senate. As always, he is articulate and passionate.

Before I make two unanimous consent requests, I wish to make some brief remarks. I see a number of colleagues on the Senate floor.

I heard the comments about the time in which the Judiciary Committee is considering these nominees. And there are numbers and there are numbers, but the number that stands out to me, as I mentioned earlier, is we have 100 judicial vacancies, which the Senator from Alabama acknowledged. Forty-two of those are considered judicial emergencies by the bodies that oversee and monitor the judiciary. The Senate has confirmed 24 nominees so far this year and 36 total since President Obama was elected. Those are historic lows. That is the fewest number of judges confirmed in 50 years. We may have accelerated the process by which nominees are considered, but we have not accelerated the process by which they are confirmed so they can serve on a circuit court or a district court.

The Senator talked about a nominee who was in limbo for 8 years, and I heard the passion with which he thinks that was a wrong. But two wrongs do not make a right. We need to get our courts fully staffed with jurists who want to serve.

I heard piety mentioned. The eight of my colleagues who came to talk about filling the district and circuit courts—I did not hear a lot of piety; I heard a need and a desire to fill the courts so

citizens' rights can be maintained and justice can be delivered, whether it is in criminal or civil settings.

Finally, with all due respect to my friend from Alabama, I will wait until we hopefully have a debate on the floor about Bill Martinez to tell all the 99 Senators what a marvelous candidate he is and what a strong member of the bench he would be. We will set that debate aside until I hope, I say to Senator SESSIONS, we actually can discuss the Bill Martinez confirmation on the floor.

UNANIMOUS CONSENT REQUESTS—EXECUTIVE CALENDAR

In that spirit, I ask unanimous consent that the Senate proceed to executive session to consider en bloc the following nominations on the Executive Calendar: No. 891, Goodwin Liu, to be a U.S. circuit judge for the Ninth Circuit; and No. 933, Robert Chatigny, to be a U.S. circuit judge for the Second Circuit. I ask unanimous consent that those nominations be debated concurrently for a total of 4 hours, with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that upon use or yielding back of time, the Senate then proceed to vote on the confirmation of the nominations in the order listed; that upon confirmation, the motions to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Reserving the right to object, I do say to my colleague, perhaps we should, in the spirit of harmony, work together and see if we can get a commitment that will be binding, not just for this Congress but perhaps one in the future, that would do a little better job than we have done in moving nominations. I do think there is room for criticism and we could do better. And I feel a responsibility, I say to Senator UDALL, to work with good people on the other side to try to do that.

With regard to these two nominees, Mr. Chatigny is a controversial nominee. He stayed the execution of a serial murderer, and, among other things he did, he found that sexual sadism was a mitigating factor that would mitigate against him receiving the death penalty after he had been duly convicted and sentenced by a Connecticut jury.

Mr. Liu is probably the most controversial activist nominee before the Senate. He has written that people have a constitutional right to welfare. He would be very controversial.

I say with regard to those two, when they are brought up, Majority Leader REID will have to be sure there is considerable time available so the debate can be effective.

For those reasons, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. UDALL of Colorado. The concerns of the Senator from Alabama are his, and they are most likely shared by others. The point I am trying to make is, let's bring nominees to the floor, have that debate, fully consider their records, and then have an up-or-down vote.

Mr. President, moving to my last unanimous consent request, I ask unanimous consent that the Senate proceed to executive session to consider en bloc the following nominations on the Executive Calendar: No. 892, Raymond Lohier, to be U.S. circuit judge for the Second Circuit of New York; and No. 934, Scott Matheson, to be U.S. circuit judge for the Tenth Circuit; that the nominations be debated concurrently for a total of 4 hours, with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that upon the use or yielding back of time, the Senate then proceed to vote on confirmation of the nominations in the order listed; that upon confirmation, the motions to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. UDALL of Colorado. Mr. President, I look forward to working with the Senator from Alabama and the Senator from Vermont to move all of these worthy nominations to the floor. I appreciate the conversation we have had.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The small business bill is pending, H.R. 5297.

Mr. DODD. Mr. President, I ask unanimous consent that I may proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO BEN WEINGROD

Mr. DODD. Mr. President, I wish to make note of the fact that a young man who has worked with me for 3 years in this body and who is present on the floor today will be leaving to go to graduate school.

I thank Ben Weingrod for his tremendous service to the Senate. Maybe this will be his last opportunity to be a staff member in a floor proceeding. I express my gratitude to him for his service to our country and as a member of our staff over the past 3 years. I thank him very much.

FREE-TRADE AGREEMENTS

I rise today to talk about the importance of our relationship with Latin

America and the role that free trade plays in those relationships. In particular, I wish to emphasize the need for action, in my view, by the Congress to implement free-trade agreements signed with the nations of Colombia and Panama. President Obama described the importance of these agreements in his State of the Union Address earlier this year. I know the President and the U.S. Trade Representative are currently working on the remaining details, and it is my hope that the President will soon submit legislation to the Congress to implement these agreements.

While the recession has been a challenge to economies across the globe, it also has given us the opportunity to soberly reevaluate our global relationships and look to build stronger partnerships in places we may have overlooked in the past. The most logical place, in my view, to start that review is Latin America.

For too long, American policy has treated Latin America as our backyard, and our policies toward the region have run the spectrum from shortsighted and unsophisticated to arrogant and paternalistic. The narrative of our relationship has been based on the negative, often ignoring and glossing over the important economic, political, and social advances that have been made in the region. The truth is that Latin America is not our backyard at all but part of our common neighborhood. We share far more than a hemisphere with our neighbors in this region. We share a common history, common goals, common opportunities, and a common future.

From my time as a Peace Corps volunteer in the Dominican Republic to my current chairmanship of the Western Hemisphere Subcommittee in the Senate, I have had the opportunity to watch this region change dramatically over almost the last half century. Thinking back over the past three decades of my service in the Senate, the progress in many ways has been astounding, and it is time our regional policies reflected these changes.

Embracing these free-trade agreements is an important first step to achieve these goals. They will help to cement our regional partnerships and make important strides in shifting the story of the United States and Latin America from conflict to engagement, from division to empowerment.

I had the opportunity to visit almost every one of these countries in the region over the last 6 or 7 months and have seen these changes firsthand. In my conversations with numerous leaders and citizens, I have come to see not just problems and conflicts but, rather, remarkable, positive changes and opportunities.

Panama, for example, has been a critically important strategic and commercial partner of the United States.

The United States, in fact, helped Panama gain its independence, and in 1914, the construction of the Panama Canal, as my colleagues will certainly recall, was completed.

Since that time, Panama has developed into an advanced economy based on professional-level services and is currently a destination of \$4.4 billion worth of American goods. Despite its small size—3.4 million people, smaller than the population of my State of Connecticut—Panama rates in the top 50 of our trading partners globally.

Panama has also made important strides in building democratic institutions. Over the last 20 years, five civilian governments have been elected. With each new election, its commitment to human rights and respect for the rule of law has grown stronger. Challenges, obviously, still remain, particularly in the areas of human trafficking, violence against women, and increasing transparency in the banking and financial sectors. But Panama has made progress—great progress—and I am confident that the Martinelli government is committed to continuing this trend and to implementing solutions.

Mr. President, Panama is focused on becoming a financial and economic hub in Latin America. Passing the Panama Free Trade Act would give American businesses access to Panamanian markets. Today, tariffs and barriers remain on all goods and services sold in that country. By eliminating those barriers and tariffs on the overwhelming majority of goods and services, we could increase tremendously the job opportunities not only in my State but others around the country, and it would allow us to take advantage of the economic dynamism occurring in that country.

It is estimated upon implementation of a free-trade agreement with Panama, nearly 88 percent of U.S. commercial and industrial exports to Panama would become duty free, and Panama would be required to phase out tariffs on over 60 percent of all U.S. agricultural exports. This would lead to more U.S. exports to Panama and more jobs at home in the United States. This is good news for American workers, for farmers, and for small businesses and consumers alike.

Yet strengthening our partnership with Panama is not the only opportunity for increasing our engagement in Latin America. Our pending agreement with Colombia presents, as well, a chance to move forward in our renewed commitment to engagement and empowerment in Latin America. I believe this will have significant positive benefits over time.

Colombia has weathered a civil war that has lasted longer than most Colombians have been alive. Fueled by narco trafficking, this war has claimed the lives of thousands of innocent Co-

lombians, from farmers and shopkeepers to judges, elected officials, candidates, and community leaders, and has left countless more homeless in that country.

In fact, there are nearly 3 million internally displaced persons living within the country of Colombia today. Colombia still must improve its human rights protections and strengthen its commitment to the rule of law, but great changes have occurred on the positive side.

I understand why, of course, some may question moving forward with this agreement. I firmly agree we must not ignore these very real challenges in Colombia. But I also recognize that tremendous progress has been made in Colombia. I recently spent time there, as I did in the neighboring Andean countries, and the common belief is that great steps have been made in moving in the right direction. Mechanisms are in place today that will strengthen the rule of law, protect human rights, and Colombia recently held, as we all know, its most free and open election in decades.

In just 1 weeks' time, Colombia will mark a historic, dramatic transition to power from President Uribe to President-elect Santos. This peaceful democratic transition is an important marker in Colombia's history, and the President-elect has committed himself to strengthening Colombia's judicial system and working to reduce violence against labor leaders and others.

The Colombian people have pursued a fresh start, and we must recognize this and be willing to do the same. By passing the Colombia Free Trade Agreement, we have a historic opportunity to do just that.

This agreement, with its strong commitment to labor standards, environmental protections, and human rights will help shape Colombia's course to encourage its move toward a more open and democratic system and to build a relationship based on common values and not common enemies. This is an important opportunity that continues on the heels of the nearly 10 years of U.S. support for Colombia, including billions of dollars in aid through Plan Colombia.

Allowing this agreement to continue to languish now poses a significant roadblock, in my view, to continued reform in Colombia because it calls into question our Nation's commitment to a sincere and ever more important partnership. We need to act now, in my view, to affirm our commitment to the Colombian people, to show them that we recognize the hard work they have done and to signal that the United States will be a strong partner in their continued improvement.

Over the course of my career in the Senate, we have considered a number of trade agreements. I have evaluated each one, as I know my colleagues

have, on its merits. Some I have supported strongly, and many others I have opposed just as strongly, including ones for Latin America. A poor free-trade agreement can undermine very important protections for workers, human rights, and the environment. So I opposed the Central American Free Trade Agreement much to my pain and disappointment. But that was a weak agreement which did not deserve the support of this body.

These two agreements are different because since May 10 we have strengthened those labor protections, environmental protections, and human rights protections. I believe this agreement is deserving of our support. In the case of these two agreements, they are a commitment to our allies, and a signal to our friends that we value our partnerships and will continue to work with them to promote our shared values of democracy, the rule of law, and economic opportunity. As such, what they represent is much more significant than simply the exchange of goods and services between nations.

Trade agreements such as the ones before us represent opportunities to build long-lasting partnerships as well. I believe that is the case with the Panamanian and Colombian agreements before us. With the inclusion of the provisions of the bipartisan May 10 agreement on labor, environmental, and human rights standards, I believe we have addressed some of the most significant concerns about these two trade agreements. I also believe that because these trade deals and agreements have languished for so long, they have turned some opportunities into roadblocks to the success of our bilateral and regional relationships. It simply makes no sense to continue the delay. It is time to pass these two trade agreements in order to help move our economy forward as well.

Passage of these agreements is not just a good foreign policy decision; they also make strong economic sense as well. Currently, goods from Colombia and Panama flow north largely unhindered. Yet American businesses and American workers and the jobs, products, and services we provide are subject to significant duties and tariffs when we export goods to the nations of Panama and Colombia.

For example, while the vast majority of goods from Colombia enter the United States duty free, American goods exported to Colombia face average duties of 12 percent and, in some cases, as high as 20 percent. This is costing America jobs and American business. If we implement this agreement, we would eliminate many—as I mentioned earlier, almost 90 percent—of these duties and tariffs on these services and products nationwide, and U.S. exports to Colombia would increase, we are told, by a projected \$1 billion annually.

In 2009, more than \$14 billion worth of goods were exported by Connecticut firms to markets all over the world. According to the latest available data from my State—the Department of Economic and Community Development—Connecticut firms exported about \$91 million worth of goods to Colombia and roughly \$15 million of goods to Panama. Connecticut businesses export a variety of products to these nations, particularly chemical products, manufactured machinery, transportation equipment, computers, electronic products, and paper goods.

Under the Colombia Free Trade Agreement, 80 percent of all consumer and industrial goods, which include the categories I just listed, become duty free immediately. In addition, 88 percent would become immediately duty free once the Panama agreement is ratified as well.

What can this mean for the future? Well, certainly jobs. The International Trade Administration calculates that nearly one-third of all manufacturing workers in my State depend on exports for their jobs, and more than 4,000 companies engage in exporting some kind of products to these nations. Of those firms, 89 percent were small or medium-sized businesses—precisely the firms that President Obama's Export Initiative targets—that will be well positioned to take advantage of these agreements once they are ratified. This means expanded economic opportunities for workers in our own country and businesses in our various States across the Nation.

The Panama and Colombia Free Trade Agreements were established over 2 years ago. They have been the subject of intense scrutiny and public debate. They have benefitted by the input of the Congress, through the historic May 10 agreement, which I described earlier, that saw the inclusion of binding, enforceable, and meaningful labor, public health, and environmental standards. These discussions have allowed the Congress and the American people to critically examine the importance of these trade agreements and our partnerships with these key allies.

I urge support of these trade agreements before us not in spite of our current economic situation but because of it. This recession demands bold moves and innovation. It requires us to strengthen our key economic partnerships and to expand into new markets where we can. Now is not the time to close our borders to nations with whom we already have strong ties. History shows that erecting barriers to trade has the potential for deepening the global recession. Conversely, these agreements mean more economic opportunities for American workers and our families.

It is time for us to change the way we relate to the world, particularly in

Latin America. For too long we have used our differences in this region with our allies as an excuse not to act, as a reason to disengage. These agreements offer us a chance to refresh that paradigm, to make the United States a proactive partner in fostering economic opportunity by bringing us closer together and promoting our shared values.

It is time, in my view, for the United States of America to lead a global economic recovery. A small but important step down that road is the passage of the Panamanian and Colombian Free Trade Agreements, and I urge my colleagues, both Democrats and Republicans, to support these agreements. I hope we can do so before we adjourn this session of Congress.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

EDUCATION REFORM

Mr. ALEXANDER. Mr. President, the President of the United States made an important speech this morning. He spoke to the National Urban League Centennial Conference on Education.

Every speech a President makes is important, but this speech is especially important, and I commend the President for his courage, for his vision, and for his willingness to undertake the hard work of helping children across this country learn what they need to know and be able to do, and the competence with which he is doing that.

Let me be specific about why I say that. No. 1, the President began with teachers. He extolled teachers. He said he wanted to lift them up as high as he could, he wanted them to be on the front pages of magazines, and for us to dignify them in every way we could. But he didn't back away from tackling the most important and the most difficult challenge that any of us who have dealt with education reform have found; that is, how do we reward outstanding teachers. Especially, how do we tie that reward to student achievement? In other words, what can we do to help reward and encourage those outstanding men and women who help our children learn, particularly our children who are having the hardest time learning?

All of us know a great teacher makes a great difference. The President said that himself. Each of us in the Senate knows that. But any of us who have, over the last several years, spent time trying to find ways to reward outstanding teaching knows how hard it is.

I worked on it in 1983 when Tennessee became the first State to reward outstanding teaching. Not one State at that time paid one teacher one penny more for being a good teacher. They could make more money for being around a long time. They could make more money for getting a degree. But they didn't make more money at all if the children were succeeding.

For a while that worked because we were able to capture women. They had very few options and they became saints in the classroom and they were our teachers. But in the 1970s, the 1980s, and the 1990s, women had many options, and they took them. In the companies where they went to work, they were paid more for excellence. They made good salaries. As a result, it became more difficult to attract and keep outstanding men and women in our classrooms.

Governor Graham, who was later a Senator, tried the same thing in Florida. Governor Clinton—later a President—was trying many of the same ideas in Arkansas. Those were the 1980s. Every education meeting I go to comes down to the same point: After you get past the role of the parent, the teacher is the center of it. Whether a child is a gifted child or whether a child comes from a home where he or she does not have breakfast, or whether a child comes from a home where he or she has never been read a book until they are 7, whether a child needs to be in school 12 hours a day or 8, on Saturdays or not, the teacher at the center of the education of that school is the indispensable product and the best and most important part of a child's ability to achieve and to learn.

What the President has done—through the Teacher Incentive Fund that he has continued to encourage, and through his leadership on the subject—deserves credit and support from all Americans. I for one am here to offer him that.

Second, he talked about charter schools. He is not the first to do that either. I remember as Education Secretary on my last week in office, in 1993, I wrote a letter to all the superintendents in America to encourage them to try charter schools. At the time they were the invention of a few Democratic liberal reformers in Minnesota. There were maybe a dozen charter schools at that moment. But charter schools were simply "start over" schools. It was simply saying to a faculty: Let's start over. What if we took off the rules and regulations and gave you the freedom to do with the children who are presented to you what they need, so if you need to start at 7 in the morning and finish at 7 in the night, do it. If you need 2-hour classes, do it. If you need 200 days a year instead of 180 days at school, do that as well. If you need to learn during Easter holidays, do that.

Who are the beneficiaries of the charter schools? When they work, the beneficiaries are most often the children who come from the most difficult circumstances.

I can point to a charter school in Memphis I visited 3 years ago where it was an Easter holiday. The children there were ninth or tenth graders. Instead of being on Easter holiday, they

were studying for their advanced placement course in biology at the freshman or sophomore level. There was not any other school in Tennessee where children that age were studying advanced placement biology, especially during the Easter week break.

President Obama has done what President Bush did, what President Clinton did, what Vice President Gore did, what I have done, what many others have done, which is to say: Let's have independent public charter schools and give teachers the freedom to do what they know how to do. The first thing is rewarding outstanding teaching. As the late Albert Shanker, the head of the American Federation of Teachers, used to say: If we can have master plumbers, we can have master teachers, and we can pay them accordingly, pay them very well, and let's have charter schools and give teachers the freedom to do what they in their own good judgment know to do.

The third thing the President talked about was high standards. That is also not a new idea but he has advanced it down the road very well. Higher standards are an indispensable part of a good education in kindergarten through the 12th grade.

The way I used to help Tennesseans learn about that was to say look at all these big new auto plants that are coming into our State. To get a job there, you have to know a lot more today than you did when your parents might have worked there, or your grandparents. You have to know algebra and statistics. You have to know English well to be able to communicate. In other words, the standards are high if we are going to compete in the world and keep our high standard of living.

While a lot of work has been done by the Governors of the country through ACHIEVE, the President has advanced the idea of common standards very well in the last 18 months, and he has done it in the right way. He has not said: Okay, I am the President; we will write it from Washington. That would have killed it—or at least I hope it would have killed it. He didn't say that. He said let's create an environment in which States can make a difference and make their own choices, and States, in surprisingly large numbers, are beginning to do that, in terms of reading and math.

The fourth area the President spoke about, and this is his own initiative, is the Race to The Top. This is infusing one of the hardest things that is possible to infuse in public education and that is excellence. We have a democratic society. We are usually interested in leveling things. If we have five things, one goes to each person.

What is hard for us to do in government, and that means public education as well, is to say let's reward excellence. Let's say to those school dis-

tricts or to those States or those teachers or those others who are making the A-pluses and the A's and doing the best job, we want to incentivize you to do that. He has found a way to do that. It is a fair way. He has kept politics out of it. He has put money into it and he deserves credit for it.

Finally, he has picked a very good Secretary of Education. I said when Arne Duncan was appointed that he might be the President's best appointment. I still think that. That is not because I agree with everything Arne Duncan has recommended. In fact, I think he was completely wrong about the student loan takeover. I think his proposal on gainful employment, which is an obscure higher education thing and a different subject, is, with all respect, a little wacky. But what I think is he is an excellent leader for education, and he has a big heart and he has worked in a bipartisan way, and he has gotten results that are as good as anybody could possibly have gotten on some of the toughest subjects facing our country.

The President and Arne Duncan deserve our applause and support for their efforts. We will have differences of opinion about how much we can spend and when we can spend it, but if the goal is to reward outstanding teaching, to create more charter schools, to help States raise standards in an environment where they are not told to do so by Washington, but create an environment to do it themselves; if the goal is to infuse excellence into public higher education by challenging States to do better, then we should be for that and we should do it together.

I think President Obama has the opportunity in public education to do what President Nixon did in China. It may be easier for a Democratic President to make these changes or to lead the country in these changes than it would be for a Republican President, just as it was easier for a Republican President in the early 1970s to cause us to have an opening to China. That is a large claim to make but I think it is an equally important goal.

About the only thing I disagreed with today in the President's speech was this. He said teachers were the most important part of a child's education. I think a parent is and I think he does, too. I think he would agree. I think parents and teachers are 90 percent of it and it starts with the parent. The reason I think he would agree with that is because he had good parents and he is a good parent and a very good example to the rest of the country.

Anyone who has read his biography, "The Audacity of Hope," knows the story of his mother getting him up at 4 o'clock in the morning in Indonesia and teaching him math and to read and telling him: Buster, it's not any fun for me so get busy and learn, and he learned very well. His example as a

good parent and good student is exactly the kind of example we need for students and parents across our country.

This is a time when we have differences of opinion on many issues. I will have some differences of opinion with the President on education, as I mentioned. But I have no lack of enthusiasm for the importance of his leadership on K-12 education, on rewarding outstanding teaching, on giving teachers the freedom to create schools in which they can use their common sense, on creating high standards, on the Race to The Top, on setting a good example as a good parent, and I thought it was important—perhaps especially for a Republican Senator who spent a number of years working on these issues as Education Secretary and president of a university and Governor—to come to the floor and say: Good work, Mr. President. An excellent address. And on those broad issues and themes, you have my full support.

The President's remarks can be found at: <http://www.whitehouse.gov/the-press-office/remarks-president-education-reform-national-urban-league-centennial-conference>.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. BEGICH. Mr. President, I come for a few minutes on the floor. I am down here with Senator WYDEN from Oregon, and I want to talk a little bit and probably in an informal way about a piece of legislation, a bipartisan piece of legislation on tax fairness and simplification.

There is one thing I hear a lot about when I go back home and when I was running for office, when I was mayor, and serving in our city government—how do you simplify the process of taxes, making them fairer for the middle class.

For all my time prior to serving in the Senate, I have thought about these ideas and ways we can move forward. When I was mayor, we simplified the business taxes for our small businesses, making it easier and simpler, lowering their tax burden, for our residents doing the same thing.

Here I am in the Senate and I look at lots of legislation every day, as I know you do, Mr. President, and I know the Senator from Oregon does. We see all sorts of ideas created and put on the table, and one which intrigued me was the Wyden-Gregg bill, which is focused on simplifying the tax paperwork mill. I call it, that we are subjected to every single year as individuals; the mound of paper we have to fill out not only as an individual but as a small businessperson trying to go through the rules and regulations and what is a reasonable amount of taxation that we should pay; also, the complicated system in what is owed or hopefully refunded

back to us because we overpaid the IRS.

As I looked at a lot of different ideas, I have to tell you this idea—as we debate here on the floor a small business plan, small business ideas—sooner or later we will debate the Bush tax cuts and what we will do with those. To me, there is a simpler solution when it comes to issues of taxation, what we are going to do lowering the tax burden on small business, lowering the tax burden on the middle class, and simplifying it. Today there are so many different things we have to worry about and focus on: multiple retirement accounts we are trying to balance, trying to figure out who is a dependent, who is not, doing our returns—how to simplify this so our life is less burdened by the IRS.

I want to first commend Senator WYDEN and Senator GREGG for their work in multiple years pushing this issue forward, trying to figure out how we can help the middle class and the small business people of this country lower their tax burden; getting the IRS, as we would say back home in Alaska, out of our pockets. They have done a good job.

If there is no objection from the Presiding Officer, if it is OK, I will ask Senator WYDEN to join me here with couple of questions. Sometimes you look at these bills and you wonder are they too good to be true. Here we have, if I am not mistaken, not only the Heritage Foundation and some of the more conservative groups as well as the more liberal groups, the Brookings Institution and others, commenting positively about this legislation. In my year and a half here I have not seen that on anything.

We have Republicans and Democrats who are looking at it positively. We have business groups that look at it positively because it lessens their burden and allows them to reinvest in their businesses, to grow this economy. It reduces the deficit, which I know Senator WYDEN, myself, and others—like yourself, Mr. President—are concerned about—the growing deficit and the burden it may lay onto future generations.

But it also has true tax reduction, tax relief for the middle class and businesses. When you see something such as that—and, by the way, you can also do this in one page, a one-page return. When you hear those kinds of things, those claims, you are wondering, What is the catch? What does the small print say? What are you going to get hooked into and pay a pretty good price for later? We have been going through it, I have been going through it. Actually when you first introduced it before I was a Senator, I looked at this legislation when I campaigned. Here I am now in the Senate with a chance to participate, to see what we can do to accelerate this.

We are going to talk a lot about the tax extender bill and other tax issues in the future. But my view is it is time to reform the system. The system is broken. The middle class is paying higher than they should. Small businesses are burdened with incredible paperwork and increased costs. It is time that we reform the system and do something that is dramatic and makes a difference.

Today it is an honor to be down here. Senator WYDEN, I hope doesn't mind; I have extracted off of every piece of his Web site every document related to this, the research to understand it, to make sure I do not see that small print that later I might regret. So far what I have seen is small print, big print, that I do not regret and that is why a few weeks ago I cosponsored the legislation to be one of those who joined the team, to move us forward to real reform.

I know when I joined, Senator Bob Bennett from Utah also joined on—again, focused on the same issues we are, again keeping it a bipartisan, fair, simplification of taxes.

No one likes to talk about taxes. No one loves to be around April 15. But the fact is, it does occur. So how do we make the burden less on middle-class America?

How do we make the burden less on small businesses? This bill does it. So, again, I say to the Senator from Oregon, I wish to make sure I am saying the right stuff. So maybe the Senator could comment back to me. But it does have a positive impact. Correct me if I am wrong, but I think the numbers, for example, on average for a small business, they are pretty much going to be guaranteed they are going to save at least \$5,000 in taxes and more, depending on the size of their business.

For middle-class America, they are clearly going to save. Their rates will be lower, which means their cash out of their pocket will be less to the IRS, meaning the IRS is not reaching in there, not only in your front pocket but your back pocket. They will have less capacity to do that.

Tell me, I hope I am right on this and I do not want to mislead—the public is watching—but also make sure I am correct.

Mr. WYDEN. I thank my colleague. I especially appreciate his kind words about a piece of legislation Senator GREGG and I sat for the better part of 2 years working on. I think everyone appreciates colleagues supporting their legislation. I appreciate the Senator's kind words.

I think he is right with respect to the relief, and colleagues will see that, whether it is the Heritage organization or the Brookings Institution or the various analyses that have been done by other groups. But I think it is especially important, even apart from our piece of legislation, that we get at the central question the Senator's talking

about, which is, the current tax system is broken. It is broken, and we are not going to get the country where we need to go by just kind of tinkering here and tinkering there.

I wish to give a couple examples because I think the central question is, Are we going to make a break with a broken system and look forward or are we going to do what has been done year after year after year, which is to just to tinker with a broken system and cause more problems?

Here is the heart of it. What we are seeing today is that every few years there are thousands of changes in tax law. So that means all the small businesses—and you were a small business leader before you came to the Senate—all those small businesses, trying to compete in the tough global market, incredibly competitive markets, do not even have any certainty and predictability of what is ahead. They are not in a position to be able to know what the Federal Government and particularly the IRS is going to do in terms of taxes, and that drains additional chances for them to make changes in their production, in their workplace, productivity areas. It defies common sense. So the fact that there are these thousands of changes every few years, in my view, is very antibusiness, and particularly antismall business.

Then, the second point that the Senator touched on deals with individuals. The reality is, today, the current tax system is so complicated that most Americans do not even know when a tax break has been extended to them.

The Senator and I have talked about it. It seems to me Senator BEGICH made the central point here. In the stimulus legislation, in the Recovery Act, there were \$300 billion worth of tax cuts put into that legislation—\$300 billion worth of tax cuts. If we left today and walked the streets in Anchorage or Portland or Gresham or wherever and asked people about the stimulus legislation, people would know virtually nothing about any tax incentives.

Mr. BEGICH. If I may interject.

Mr. WYDEN. Please.

Mr. BEGICH. That is actually right. One thing I thought, wow, \$300 billion tax relief, predominately for middle-class America. I thought my phone would be ringing off the hook with people saying: Wow, what a great relief. If we got 1 e-mail on this out of the 1,000 or so e-mails and phone calls we get every single week, I would be surprised.

Because, as the Senator said, it is a complicated system we have, and when we do relief, no one will even notice it. That is why I was so attracted to Senator WYDEN and Senator GREGG's proposal, because it is reform. It is changing the system for the better. It is ensuring that middle-class America, making sure small businesses benefit.

That is when I was shocked, actually. I know if I was back in the mayor's office when we did the small business relief, making sure 90-plus percent of our small businesses did not have to fill out the paperwork anymore and got relief, I heard from them because they were very appreciative because they could reinvest it. But we made it real because we reformed it, not just tinkered with it as you talk about how the past Congresses have done.

Mr. WYDEN. The other aspect of the Recovery Act, I think, that reaffirms this point with respect to the complexity is the Internal Revenue Service puts out what they call their annual "oops" list. This is the list of the 10 most common mistakes made by taxpayers when filing. The "oops" list released this past March included, for example, one of the principal credits in the Recovery Act because people simply were unable to figure out how to make it work on their 1040EZ forms. So the fact is, the Tax Code today is anything but an easy system. It is quite the opposite.

To further support the point with respect to the complexity, this year individuals and businesses are going to spend 10.6 billion hours to comply with the code. If the tax compliance sector were an industry, it would be one of the Nation's largest, requiring a full-time effort of 3.8 million people to get done that 7.6 billion hours.

The cost of compliance is jaw-dropping, \$200 billion a year, 15 percent of all tax revenue the IRS collects each year. So the point of this is, we are at a fork in the road. We can either look to the kind of approach that a Republican President, Ronald Reagan, and a number of Democrats talked about one-quarter century ago and move in and drain the swamp, Democrats and Republicans together, taking on these special interest groups that have hijacked the Tax Code or the Congress can continue, as Senator BEGICH has said, to keep fiddling with one provision or another, making the Tax Code even more complicated, running what amounts to a full employment program for tax preparers or we can take steps that will make the code fairer and more progrowth.

I also think it is worth noting that in the last round of tinkering, 2001 and 2003, for much of that period we had stagnant economic growth. So we were not doing what the country needed in terms of fairness for the middle class, nor was the country doing what was essential in terms of promoting more high-skill, high-wage jobs.

You and I know, for example, if you take away the tax breaks for shipping jobs overseas, you can use that money to lower the cost to manufacture in this country. I see Senator CASEY. He comes from the State of Pennsylvania. He has done terrific work because I have heard him on the floor talking

about the importance of manufacturing.

This is one of the issues relating to the question of tax reform. Right now there are tax breaks in the code that reward companies for closing U.S. operations and moving them overseas. Why would not Democrats and Republicans want to go to a more simple system, as Senator BEGICH is talking about? That would be in the interest of fairness for all but also one that is likely to create more good-paying manufacturing jobs in Pennsylvania and other parts of the country, by taking away the tax break for shipping the jobs overseas and use those dollars to hold down costs for manufacturing red, white, and blue here in the United States. So I am very much appreciate Senator BEGICH taking this time. He has been awfully kind with us. I appreciate the kind words about the bill and having him on it. But I especially appreciate him outlining what this problem is all about in terms of starting—with getting beyond the tinkering and the complexity to real reform that works for all Americans.

I thank my friend.

Mr. BEGICH. To the Senator from Oregon, I will close and say thank you very much. It is kind of like the Senator said, a fork in the road. It is a moment. We can continue to do business as usual, tinker with it a little bit here, a little bit there, have special interests kind of run the show or we can turn it back to the American people by helping them keep more money in their pockets, helping small business keep more money in their pockets. Let them invest in the economy, as the data that I have seen around this can show, that over a 10-year spread, you will add over \$2 trillion to the GDP, based on small business reinvesting those dollars instead of the IRS grabbing them from them.

This is a positive step. I do think, I hope as our colleagues—a couple of them are on the floor and we will stop in a second so they can get their time to do their presentations. But I know and I hope other colleagues are watching and listening because this is a moment maybe in this body that we can actually do some significant reform in a bipartisan way.

I do not sit on Banking. I do not sit on Finance. Some people have asked me: Well, if you are not on those committees, why are you interested in this? Well, simply because it has a simplification of the tax return system. It lowers middle-class taxes and those on small business. That is what drives this economy. That is what we should be focused on.

So I credit these Senators for stepping up, kind of plowing the field in a way. I am a latecomer to this. But I am going to be one of those who is taking that plow and putting a high-speed engine on it so we can keep plowing more

and getting more folks, hopefully, on board. So, at the end of the day, the American people can look at this Congress, Republicans and Democrats, and say: They did something that reformed the system, made it simpler in our lives, saved the middle-class taxpayer money and improved and lowered the taxes for small business.

Now the business economy is humming along and investing those dollars to grow this economy and keeping those jobs right here in the country.

So thank you for allowing us a few minutes to, hopefully, start to engage the Congress as we move into tinkering with the Tax Code, so we do something different and we reform the Tax Code for the betterment of this country.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Kansas is recognized.

AVIATION SUBSIDIZATION

Mr. BROWNBACK. Mr. President, I appreciate the discussion I was hearing. I would also like to draw attention to an issue that I think is about the most important to our Nation. We recently won a major trade case against the European Union and their subsidization of Airbus.

This is an effort by the European Union, over a period of 30 years, to buy their way into the large commercial aviation marketplace. They did so. They did so successfully. They drove out two major U.S. competitors, McDonnell-Douglas, Lockheed-Martin, drove them out completely. They do not even make those big jet airliners anymore, and they had Boeing on the ropes.

Airbus took more than half the market share globally in the large airliner business. The U.S. Trade Representative's office, over a couple different administrations, pursued Airbus's subsidization. We just won this case, a multibillion dollar trade subsidy case that we won against the Europeans and their subsidization of Airbus, taking market share in the large commercial airliner business in an illegal fashion, illegally subsidized.

Now we will go into the damage and remedy phase. But we won the case, and it is a massive case. The reason I am raising this to my colleagues, my colleagues all know about, is a similar setting is starting in the small aircraft market, general aviation market. It is starting in the business jets, the small airplane business.

This is a U.S. homegrown business, it is centered in my State in Kansas. It is a great business. It provides connection throughout this country and increasingly throughout the world. There are 5,000 airports in the United States; only 500 of them have commercial service.

So the other 4,500, I guess you ride a bike to if you do not have a business jet or an airplane to get people there. Eighty-six percent of the passengers on

those business jets or airplanes are mid-level sales, engineers. They make connections in between their various properties as the company operates. They make them much more efficient within that business.

But what is taking place today is this homegrown general aviation business in the United States that is a major exporter, recently cited by a major study by Brookings that this is a major export cluster, 40 percent export that we do in general aviation, the small business jet-airplane market is now under targeted attack by other countries to take this business away from the United States, the same way Airbus, subsidized by the European Union, took that market share away from the United States.

Instead of going after the big airliners, they are going after the small jets, the small airplanes. Several countries are lining up to do this. This is one of the major challenges facing general aviation domestically—foreign countries targeting this industry, which has high-wage, high-scale manufacturing sets of jobs. Various governments around the world are lining up and preparing programs with various means of support for their domestic aircraft industries, in research and development, sales and export financing, as well as certification of new aircraft, very similar to what took place in Airbus taking over that market share that they did.

In that situation, you had large companies fighting against a government operation, and they had, in some cases, deep enough pocketbooks to last, such as Boeing did. Lockheed-Martin, McDonnell-Douglas did not and were driven out of the field. My great fear in this targeting of general aviation, of the smaller business aircraft market, is that they are going to have countries behind them, companies in those countries are going to push forward and they are going to take the market share away and they are going to be aggressive and it is going to happen rapidly if we do not get out in front of it and stop these other countries from doing this subsidization.

It is absolutely critical to engage this competition now, that we stop it now, that we start the investigation of foreign governments' illegal subsidization in the general aviation market now, and that we get on top of this now, before it goes on 10, 20 years, as it did with Airbus, and we drive U.S. businesses out of the field.

One country in particular I wish to draw attention to, and one company. The country in particular is Brazil. It has made a strong commitment to expanding its presence in this market, the general aviation market, through Embraer, one of Brazil's largest exporters and employers. Embraer has made it a strategic focus and publicly stated its goal in 2005 to become "a major

player in the business aviation market by 2015." That was their statement in 2005, so they are 5 years away.

How have they done? After entering the business aviation market in 2002, Embraer has been involved in a massive program to develop aircraft for this market segment. They have experienced unbelievable growth and have rolled out a full product line of new jets, including the Phenom 100 and 300, the Legacy 600 and 650, and the Lineage 1000. Beyond the staggering numbers of models Embraer has introduced since 2002—in 8 years that number of product introduction—it is now responsible for around 14 percent of all global sales of business aircraft.

Again, this is a U.S. homegrown business. This business didn't exist outside of the United States before we started it many years ago. It is headquartered in my State in Wichita, the air capital of the world. What they have done since 2002 is get 14 percent of the market share from a start position, a cold start position. This is quite an unbelievable feat for a company that has only been manufacturing business aviation for a little over 7 years. That is phenomenal. It also, I suspect, was done illegally and subsidized by the government. At the same time, Embraer continues full speed ahead toward its goal of being a major player in the business aviation market.

U.S. manufacturers during this same period have had to delay or cancel new program starts due to challenging market conditions. I don't need to remind Members what has happened since 2008. It has been a horrific market condition. In my State, we have had huge job losses and sales in the business aviation field since 2008. We had a nice period going into 2007. We were up to 40 percent international sales. International sales helped us a lot because previously we sold 90, 95 percent of the market domestically, so that's a nice expansion in the international marketplace.

Since that period, 2007 moving forward, this has been a downward market. In that period, Embraer has moved up to 14 percent and introduced a whole new cross-section of planes. As someone who has seen similar signs in the past that were later proven to be the result of illegal subsidization of aircraft by the EU, this activity by Embraer and the Brazilian Government and growing market control does not seem possible without heavy and creative government support across the board. It does not seem possible to have done that in this market condition, in this atmosphere, in that short a period of time by a new startup company that hasn't been making these aircraft for more than 7 years. That was the similar sort of trajectory Airbus went on when it had heavy and creative government subsidization to go into a marketplace they had not been

anywhere close to in the past. That's seven years, now 14 percent of the market share by Embraer, starting from a dead start. There is heavy illegal subsidization.

I urge the President to look into this matter through the U.S. Trade Representative's Office, the International Trade Commission, to start an investigation into what I believe is illegal subsidization. Let's get the factual setting established.

We now see what they have accomplished in this period, I believe, through illegal subsidization. We need to get the International Trade Commission and the U.S. Trade Representative's Office focused on what needs to take place; otherwise, what will happen is Embraer will continue to grow in its market presence, taking over more and more of the global and U.S. domestic market. It will drive weaker incumbents out of the field in the United States, as happened in the large aviation market. We will lose export share. It will encourage other entrants such as the Chinese to come into this marketplace, possibly the Japanese as well in subsidized ways, illegal government subsidization into this marketplace that has high-wage, high-skill manufacturing jobs that we should be doing in the United States and not allow to be stolen by foreign treasuries to other places around the world.

We have to do this and get in it before they do what Airbus and the EU did to the large market which is to drive Lockheed Martin and McDonnell Douglas out of the business. While we were sitting here saying: We think maybe there is a problem, there might be a problem, there was a huge problem, a huge illegal subsidization by the Europeans. But we didn't get on top of it until two major U.S. companies were completely driven out of the business. Let's not let this be repeated.

As my colleague from Kentucky loves to say: There is no education in the second kick of a mule. We have seen this play before. We have seen countries go after key market segments in the United States. If we are not aggressive in confronting it, it goes on until we do. I hope my colleagues will look at this. There are two actions we can take near term with the International Trade Commission, starting the investigation in this particular case with the U.S. Trade Representative's Office, starting to raise this issue, particularly with the Brazilians but also other countries. Now is the time to do it, not 5 years later after U.S. companies have been driven out of the business.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Pennsylvania.

CLEAN ENERGY JOBS

Mr. CASEY. Mr. President, I rise today to discuss a very important provision in the new Clean Energy Jobs

and Oil Company Accountability Act just introduced by the majority leader which would require public disclosure of hydraulic fracturing chemicals used in natural gas drilling. The bill itself will have a number of important benefits which I will highlight before getting into the issue I rose to speak about.

This legislation will create at least 150,000 jobs and save millions of consumers up to \$500 annually. Second, it will hold BP accountable. A lot of Americans are waiting for that accountability. Third, it will reduce our dependence on foreign oil and create up to 550,000 jobs. Next, it will protect the environment by providing full funding for the Land and Water Conservation Fund over the next 5 years. Finally, the bill will protect taxpayers from any future oil spills. That is the overall bill itself.

I wish to speak about a provision included in the bill as it stands now. I thank the majority leader for his leadership on energy issues for many years but especially, as our leader, for his work on efforts to combat global warming, pollution, and certainly for his leadership in putting together this new piece of legislation. I thank him for including important language in the bill as it relates to natural gas drilling in places such as Pennsylvania.

The language in the bill amends the Emergency Planning and Community Right-to-Know Act, which was designed to help local communities protect health, safety, and the environment from chemical hazards. It would require well operators to disclose to the State and the public a list of the chemicals used in each hydraulic fracturing process, including chemical constituents but not the proprietary chemical formulas the companies are so concerned about.

This bill also includes the chemical abstract service registry numbers and material safety data sheets. If a State does not have a disclosure program in effect, the disclosure would be made to the public itself. This provision would also require disclosure of a proprietary formula or chemical constituents to a treating physician or nurse in an emergency situation. That is a narrow exception to the general disclosure rule.

This is about something that is critically important to the people of Pennsylvania and people across the country. In order to extract the gas from the Marcellus shale which lies beneath large portions of Pennsylvania and several other States—of course, there is shale formations—the gas industry uses a process called hydraulic fracturing or, by the shorthand, fracking, as it is known colloquially, whereby about ½ million or more gallons of water, sand, and chemicals, in combination, are injected at very high pressures into underground rock formations to blast them open and increase the efficiency of the wells.

Each well must be fracked multiple times, really hit with that combination of sand, water and chemicals in order to release the natural gas from the shale. Then, of course, the gas is captured and can be used as an energy source.

The explosive growth of natural gas wells in Pennsylvania in many incidents involving some of these wells highlights the urgent need—I think that is an understatement—for disclosure of the chemicals used in hydraulic fracturing. Pennsylvanians and people across the Nation have a right to know what is being injected into the ground at thousands of sites throughout the country.

Fracking fluids are believed to contain toxic chemicals. These compounds are kept secret from the public as proprietary information. However, even low concentrations of toxic chemicals can have adverse health and environmental consequences.

We all know the history of our Nation as it relates to the extraction of a natural resource. Pennsylvania has a history as well. We have developed our natural resources to power the region and, indeed, the Nation from the first commercial oil well, the Drake well near Titusville, PA, in the 1850s, to western Pennsylvania's production of natural gas and, of course, most notably, Pennsylvania coal. We have used that coal and other sources of energy but especially coal to provide electricity throughout the State and throughout many States in the Nation. We have been a producer of a resource which has helped to light and heat the country.

Pennsylvanians are proud of that contribution. We are also proud of the way we have been able to balance the need for that resource and the benefit with what happens to our environment and our quality of life. However, before our State did the right thing in striking that balance, we did create a number of environmental legacies that we should not be proud of. Most were created in previous generations when Federal regulations that promoted responsible development did not exist. We know that history. We know it all too well. We cannot make those mistakes again in Pennsylvania or anywhere around the country when it comes to the benefit and the burden of having a resource under the ground.

Natural gas has played and will continue to play an important role in our energy portfolio as we transition to a new energy future, and we are fortunate to have domestic sources to help us meet our growing needs.

Pennsylvania will develop the natural gas in the Marcellus shale, and we should. But we should also make sure we develop the Marcellus shale using the best practices to protect our communities and our people. We have to get this right. The good news is that we

have a lot of knowledge and information and research and technology and good-old American ingenuity and can-do spirit to get it right. Those old, false choices we used to debate all the time years ago—about choosing jobs over the environment, about choosing economic prosperity or great economic opportunity over quality of life and health and safety—are largely part of our history. But we have to make sure we get this right.

It is not just underground sources of drinking water. That has been my main concern when it comes to this issue. What happens to groundwater or drinking water with all of this hydraulic fracturing going on? And the EPA, of course, is in the midst of a study. But it is not just a concern I have about underground sources of water. There have been cases where this fracking fluid—again, a combination of chemicals and sand and water and millions of gallons of it in one small area, in one geographic area—that those fracking fluids have, in fact, spilled on the ground.

The language in this legislation will require that the natural gas industry provide complete disclosure of the chemical composition of hydraulic fracturing materials to ensure that if drinking water supplies, surface waters, or human health is compromised, the public and first responders will know exactly—exactly—what they are dealing with.

The intent is not to stop hydraulic fracturing, and this disclosure language is not going to stop it, despite what we have heard in the last couple of days here in Washington and around the country. I would categorize some of that language, some of that hysteria from the industry as a lot of hot air and not a lot of truth. The provision that is in this bill that relates to the fracturing process simply requires well operators to disclose what chemicals they are releasing underground in our environment. What is so problematic or troubling about that? Let me read that again: requiring well operators to disclose what chemicals they are releasing underground into our environment. That is what we are talking about.

We know companies, such as big soft drink companies, over many years—Coke and Pepsi—have put their ingredients on their soda cans without revealing their so-called secret formula. This is a lot more serious. This is lot more serious business. So for the life of me, I cannot understand—I really cannot, try as I might—why would oil and gas companies oppose this? What are they afraid of? If the chemical composition—the chemicals that are used in the process are not harmful or cannot compromise health and safety or contaminate drinking water or compromise groundwater or put the public at risk—if that is all OK, then why

can't we shine the light of disclosure on it? What are they opposing here or the better question is, I guess, why? Why would they oppose this kind of disclosure?

This is very simple—not complicated, very simple. We do this in America. When we are getting it right, we disclose information to give the public the information they should have a right to expect about what is happening underneath the ground, underneath their own homes or in their communities. This is not a well every couple of miles. There are thousands of these—thousands—across Pennsylvania and a lot more across the country. In the next year, there will be thousands more just in Pennsylvania.

So I think it is a simple matter of citizens having the right to know. You have heard that expression before, that line, that commitment we have made, that value of having information—the right to know about any risks in their communities.

We have had some good news lately. One major company has already announced it will voluntarily disclose hydraulic fracturing chemicals used in each of its wells on a well-by-well basis. The chairman of the company, when they made the decision, said:

It's the right thing to do morally and ethically. . . .

Those are not my words; those are the words of the leader of Range Resources. So if companies like that are willing to provide some disclosure—now, we have to check and double-check that disclosure is equivalent to the disclosure we are talking about here, and we will do that analysis—but if he is speaking in that way and using that language, I do not know what the others are all worried about. There is a lot of worry here by the industry.

If the development of the Marcellus shale and other shale formations is carried out in a manner that fully protects the environment and human health, then I believe the economic benefits for Pennsylvania and a lot of other States can be achieved without environmental costs.

So I hope we can kind of lower the rhetoric and speak forthrightly on this issue. But I will tell you, what I have heard over the last couple, 2 days or so or over the last couple of hours is really hysteria, and I think we have to make sure we do everything possible to get this right—have the economic benefits from this, the job creation potential, but make sure that when we are creating jobs and enlarging a new industry, we do not compromise the environment and we do not threaten health and safety.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, I am going to speak for some time and try and reengage this debate. We had an excellent debate this morning between 9:30 and 12:30 trying to find a way forward on a very important bill, the small business bill. This is the Main Street bill we have been working on. As you know, Madam President—you are a member of the Small Business Committee—we have been working in good faith up until the last few hours. It has been a good effort on both sides. I am hoping in potentially the next few hours we can work through this because we are extremely close on a very important bill for small businesses in America and for Main Street.

I wanted to come to the floor to clarify a few things. Many people are following this debate. They heard the minority leader say that he was upset and some of the Republican Members were upset that they had not quite gotten amendments on this bill. That is a charge that needs an answer.

I want to go over, again, this bill and point out how many amendments are already included in the underlying bill that were offered by the other side, by Republican Senators.

I had in the last few hours several of my Members on the Democratic side say to me: Gee, Mary, I didn't realize there was so much in the bill and how good the bill was, but I didn't understand how many Republican provisions are in this bill.

I want to take a minute, because the minority leader has made a charge that Democrats have been heavyhanded—it does not sit well with many of us who have a fairly light glove here. I don't think anybody watching this debate over the last couple of weeks, or even as it has gone through the iterations of the past year, can say we are trying to have a heavy hand. We are trying to get a bill that is important to the 27 million small businesses closed, finished, and delivered to them.

The fact is, the longer we stay here without coming to some terms, the harder and harder that gets. As the 70 organizations that support this bill most certainly understand, there is a risk because not every bill that every Member can think of is going to pass in this Congress, but they are going to think this is a bill that has a lot of support, which it does, and they are going to think: This bill is going to get passed, so I am going to add my amendment, I am going to add my amendment, I am going to add my amendment.

If we do not hurry up and get this done—you can kill a bill in a lot of ways. One way you can kill it is put

too many amendments on it and it is too heavy to carry itself. The small businesses do not deserve that. I said 100 times on this floor, they are already carrying a heavy load. They are carrying more regulations. They are carrying a weakened economy. They are having to lay off employees, and in a small business, it is like laying off family because these businesses are having to say goodbye and hand pink slips to people they literally know well and love. It is hard to fire anyone but particularly upfront, close, and personal, like this is happening.

I want to put up one chart—the lost business chart—to make this point. I know that Members are clear, but this is according to the National Employment Reports. This is jobs lost by firm size. Small businesses, which are defined by businesses 500 or less—that is the official definition: 81 percent of the job loss has been absorbed by small businesses. They have laid off people.

When people ask the question, How do we get this recovery engaged, how do we make this recovery successful, how do we get jobs attached to the recovery as opposed to just money—we know the big businesses have money. They are sitting on it. It has been widely reported. We know Wall Street has money because they just paid \$1.8 billion in bonuses to top executives, the money we gave them. We know they have it. The people who do not have the money are the small businesses.

That is what this bill is for, to help them in many different ways, voluntarily lay out some things they can choose. This is not government telling them what to do. They can choose. They can choose to take part of the \$12 billion tax cuts we are providing them. They can file for those tax cuts. If they want to, they can get the tax cuts. They can apply for the lending program.

Eighty-one percent of the jobs are lost by small businesses. If we want jobs, I suggest we focus on small business. That is what this bill is. For a year and a half, we have been pulling this bill together.

I want to go over how many Republican provisions are in this bill. I do not want my Democratic colleagues to get upset. I am taking some risk because they could come to me and say there are more Republican proposals in this bill than Democratic proposals. But we tried to be very fair.

Again, the 7(a) loans, an increase to \$5 million, was a Landrieu-Snowe provision; small business trade export was a Snowe-Landrieu provision; small business contracting was SNOWE and MERKLEY, CRAPO and RISCH; small business management counseling, Senator SNOWE took the lead on that amendment; Senators SNOWE and PRYOR took the lead on small business regulation relief; Senators KERRY, SNOWE, and

MENENDEZ, the 100-percent exclusion. You pay no capital gains. People on that side are talking about reducing capital gains from 20 percent or 15 percent. They are arguing it should not go up to 20 percent. This is 100 percent, zero capital gains. If you invest in a small business in America, you will pay zero capital gains. Zero. This is a bipartisan amendment.

MERKLEY and LAMAR ALEXANDER, a leader on the Republican side, the increased deduction for small business expenditures; another Republican amendment, the Snowe amendment, extension of section 179; another bipartisan amendment, Senator HATCH, Senator GRASSLEY, Senator INHOFE, Senator JOHANNIS, Senator BROWNBACK. These are Republican Senators.

For the minority leader to say this bill has not had Republican input, this is the red line. I put down all of the sponsors of the amendment so that the press and the groups that are following this debate can see.

This is probably the most bipartisan bill we have taken up on this floor in the last Congress and maybe in a long time, maybe a decade.

The leader would come to the floor and say: That is in the underlying bill, Senator. What we are talking about is amendments on the floor. I will go through a few Republican amendments that were put in on the floor.

The first bill the majority leader laid down was a bill that included the lending fund. Senator SNOWE and others objected. A Republican objection was laid against that bill, so the lending fund was taken out. That was a Republican amendment. They were against the lending fund. It was taken out. We had to fight to put it back in.

Then Senators SNOWE, GRASSLEY, ENZI, ISAKSON, and COLLINS filed amendment No. 4483 which adds the SBA Recovery Act extenders to the bill. That was not in the bill. I think these are Republican Senators—Republicans SNOWE, GRASSLEY, ENZI, and ISAKSON. The last time I checked, they were Republicans. This is another amendment they got in the bill.

Then Senators THUNE, JOHANNIS, COBURN, INHOFE, and filed amendment No. 4453 to strip out the Small Business Lending Fund. That was agreed to. We have been fighting over this Small Business Lending Fund. They want to strip it out. We are putting it back in with support from two Republicans, maybe more as this debate goes on. We have two now. We won that.

Then comes the substitute, the second one, with the SBA extenders in it and the lending fund is out. That is at least two or three amendments, in addition to the underlying amendments, that Republicans put in this bill, both in the Finance Committee and the Small Business Committee.

I hope no one tries to tell a reporter, either in Washington or back home—

because reporters are smart. They need to be listening, and I think they are. I hope no reporter takes the line: Oh, well, the Democrats were heavyhanded. They offered us no amendments, so we could not possibly vote for the small business bill.

We are clear that there are many Republican amendments in the underlying bill. We have made clear in the RECORD that to get us to this point, there have been any number of Republican amendments either accepted or voted in or voted out. I have not mentioned one Democratic amendment yet.

I am thinking we are doing fine. We are not being heavyhanded. We are going right along. We have an open vote, 12-hour debate on the Small Business Lending Fund, and we win with 60 votes. It is back in the bill because it is the right thing to do.

I know some people are opposed to it, but we have 70 organizations, including the Chamber of Commerce, the National Federation of Independent Business, Small Business Majority, manufacturers, heating and air conditioning—all sorts of organizations. I submitted for the RECORD several times this long and impressive list.

In addition, we have the Community Bankers Association of Alabama, the community bankers of Georgia, the community bankers of Illinois, the community bankers of Kansas, the community bankers of Ohio, the community bankers of Iowa—I could go on and on; the Independent Bankers of America, the International Automobile Dealers. I don't know how many other groups we can have to step up and say: This is the right thing to do. The Travel Goods Association, the Tennessee Bankers Association, the Virginia Association of Community Banks, National RV Retailers Association, Nebraska Independent Community Bankers. They are for this lending program. They have been sitting on the sidelines watching us give money to big banks, bailing out Wall Street, bailing out big car manufacturers in Michigan. These small banks are sitting out there saying to us: Don't you know we are out here, 8,000 of us? We are ready to do our job, roll up our sleeves, be a partner with you, and go to work getting capital to small businesses so we can have a job-filled recovery instead of a jobless recovery. We want a job-filled recovery.

This is not about this recovery making a few fat cats richer. This is about making the middle class stronger. It is about creating jobs and hope and opportunity for the broad middle class. I do not want to be part of a recovery that does not include that. It is not worth it.

So we created a fund that works with our community bankers and we still can't get the Republican side to step to the plate and say it is time to close this debate.

We have had a year and a half to talk and to think, and that is what the vote was this morning. Every Democrat, I am extremely proud to say, voted to say yes to Main Street. They gave a green light to go forward. Every single Republican in this Chamber voted no against Main Street this morning, which is why I am here, to try to pull up the shades here a little bit and shed some light, under the guise that they weren't given enough amendments.

If I give them any more amendments, I am going to get in trouble with the Democrats because I am the Democratic chair of the committee. I have given more amendments to the Republicans than I have given to my own side. After a while, it is hard to convince our side, and my Democratic colleagues have been so good. I have 10 Democrats who are dying to offer amendments on this bill—and some of them are relevant to the underlying bill—but they know the more time that passes the less likely it is we will get this bill passed, and they know how important it is.

I wish to say another thing about this, and hopefully the last about this amendment situation, unless the minority leader says something else—and he might this afternoon about amendments. I have in front of me, and every reporter also has this, the unanimous consent agreement from last night. Senator REID offered four amendments—Baucus, Murray, another Baucus, and then another Reid amendment. Four. Senator MCCONNELL reserved his right to object and he did object and then he offered eight. So that is where we are. We offered four, they offered eight.

You would think, in the next few hours, that somebody could figure out around here how to split this baby and do six and get it done. I am hoping that is what we can do. We are running out of options. If six is too many, maybe we could agree to have no amendments, because we already have so many, and pass this good bill that is already right here on the floor. I mean, we do have a good bill already that has Republican and Democratic amendments in it.

So the Democrats have offered four, the Republicans have offered eight. Some of them are directly germane and some are indirect. It gets a little confusing sometimes about what is direct and indirect. I am not confused about farmers, but the Senator from Kentucky said today he doesn't think farmers are small businesses. I think there are a lot of Senators who disagree with that. They do think farmers work hard, and many of them are small business owners and operate small operations. I think most people understand that those disaster payments that go to farmers don't stay in their pockets that long. They go to pay out all sorts of vendors—seed companies, to pay down their tractor or their equipment bill. I think people understand,

even though it has the title “disaster aid,” it actually is a small business issue.

I heard the majority leader say that if the Republican leader objected so much to that, even though Senator LINCOLN worked so hard to put it in, we would take that out of this bill and find another way to do that. But that didn't seem to be enough either. So I am going to say again that I am so proud of the Senators who have worked hard on this bill—Senator MERKLEY, Senator CANTWELL, Senator MURRAY, Senator BOXER, Senator SCHUMER—and Senator DURBIN has been down to the floor—both Senators from Florida. I am hoping Senator LEMIEUX will do his very best and I know he is continuing to work through the afternoon to talk with his leadership, to say: Look, there are dozens of amendments already in the bill. The only amendments that have been offered on the bill to date have been Republican amendments, either Republican amendments by Senator SNOWE to take things out or put things in or an amendment by Senator LEMIEUX to put the lending fund in, the only amendments.

The amendment Senator LINCOLN put in the bill, without a vote, we offered to take that out to try to move this forward. So I hope reporters here and around the country will not allow a Republican Senator to say they just couldn't get to the small business bill because Democrats would not let them have amendments. The question is, Do they want to get to a small business bill or do they want to just continue to support big business, big corporations, and Wall Street?

That is the question. Do they want to get to Main Street? Do they want to help Main Street? They have to show that by their votes—not just by their words but by their votes. In this business it is not words, it is actions that matter, and the only action we have is them voting no. No. I am trying to help them say yes. I know they want to say no. That is what they think they should say to America: No on this, no on that. I don't think Americans want to hear no when it comes to help for small business. I could be wrong, but I don't think I am. I think they want to hear yes.

So let's find a way. I am asking my colleagues on the other side to look at their list of amendments again and see if there is some way between the numbers of two and four and eight we can find a way to move forward to help Main Street businesses.

Just so people understand, again, this bill that is pending before the Senate—and I see the Senator from Michigan is here. I am hoping he wants to speak a minute about the provision he has. I am thinking in a minute we may have some word—I know the leadership is talking, and perhaps sometime in the next hour or so we may have some-

thing that has come together. But I hope the Members are focusing on the importance of this bill for creating jobs in America today, and that is what people want. That is what we should have been focused on.

We have tried, in many different ways, through many different bills, but this bill has \$10 billion in tax cuts to small businesses—not to the big businesses, not to Wall Street but to small businesses. It has so many helpful provisions, through the Small Business Administration, to give small businesses the support they need.

Mr. SCHUMER. Madam President, would my colleague yield for a question?

Ms. LANDRIEU. I would be delighted to yield for a question.

Mr. SCHUMER. I would like to ask the chair of the Small Business Committee, who has done such an outstanding job here, is it not true that we have heard many different numbers and types of amendments that should be offered?

Ms. LANDRIEU. Yes, it is true.

Mr. SCHUMER. Is it not true that many of the amendments the other side wanted to offer had nothing to do with small business whatsoever?

Ms. LANDRIEU. That is true.

Mr. SCHUMER. They were not an attempt to improve, modify or help small business but were to simply get us off the subject?

Ms. LANDRIEU. That is true.

Mr. SCHUMER. Isn't it true that yesterday or a day or so ago, when we did the Citizens United bill, the minority leader was complaining that the leadership was getting off the subject of small business to go to some other subject? It would seem now, at least, that the other side is doing exactly that. Is that an unfair characterization?

Ms. LANDRIEU. That is a fair characterization.

Mr. SCHUMER. Is it not true as well that as chair of the committee, you have offered them every opportunity and all kinds of amendments and all kinds of compromises in the committee before we got to the floor and now on the floor?

Ms. LANDRIEU. That is absolutely true.

I say to the Senator, in some ways I have some trepidation of continuing to read this because I have had any number of Democrats come to me and say: But there are more Republican provisions in this bill than there are Democratic provisions in the underlying bill. That is a credit to Senator SNOWE, I have to say, who worked so hard and does such a good job. But to come to the floor, I say to the Senator from New York, that there are no Republican provisions in this bill, it is laughable.

Mr. SCHUMER. So it wouldn't seem, to me at least—and I am wondering about your opinion—to be an unfair

conclusion that what is going on is not a dispute about which amendments or how many amendments, even the subjects of the amendments, but that they don't want to pass a small business bill that will help create jobs, for whatever reason.

Ms. LANDRIEU. For whatever reason, I don't know why. I think maybe they think that is good politics. But I don't believe it is, and I don't think most Americans, even Republicans, would think that is good politics.

Mr. SCHUMER. I thank my colleague.

Ms. LANDRIEU. I see the Senator from Michigan, and I yield to him.

Mr. LEVIN. I wonder, through the Chair, if I could inquire of the chairman of the Small Business Committee—unless the majority leader is seeking the floor.

I am trying to figure out exactly why it is that the Republicans, who over and over say they understand that small business is the generator of at least two-thirds of jobs and maybe more—in fact, I use a figure that all the new jobs in this country were created by small businesses—but at least two-thirds. The Republicans, I think, believe that small businesses are the creators and generators of these jobs. As I understand it, organizations that represent small business have endorsed this bill. The Senator from Louisiana has done such a great job of putting those together.

But I am trying to figure out exactly how it is that in the situation where the small business organizations—or those purporting to represent small business—have supported this bill and where Republicans say, and I think believe, that small businesses are the great generators of jobs, that we are now in a position where, despite those things being true, the Republicans are not letting us proceed to a bill supported by those organizations. Is that where we are?

Ms. LANDRIEU. That seems to be where we are. That is why I said I feel like I am “Alice in Wonderland,” because it is topsy-turvy.

Mr. LEVIN. I would hope the organizations which purport to support small business—and, by the way, the greatest complaint I get when I go home, just about, other than the general one of where are the jobs, is that credit is not available to small businesses that are creditworthy and have proven it over and over—never missed a payment, have contracts that provide services or goods—yet can't get credit.

Ms. LANDRIEU. You are absolutely correct.

Mr. LEVIN. This bill has provisions for credit to flow. The community bankers, as I understand it, are supportive of this bill.

Ms. LANDRIEU. Absolutely.

Mr. LEVIN. I would just hope that between now and the time the majority

leader moves to reconsider that vote that we would hear loudly and clearly from those organizations representing community bankers, representing small businesses. Maybe they just have to say more loudly and clearly that this filibuster is wrong—wrong for Main Street, wrong for the organizations they represent, whether it is community banks or small businesses. If the NFIB has spoken on this already, and if community bankers have spoken on this, I would hope they would speak a lot more loudly and a lot more clearly and a lot more forcefully.

This is the big job creator where I come from. I would just hope we would hear more clearly and forcefully from those organizations between now and the time the majority leader offers a motion to reconsider.

Ms. LANDRIEU. Well, through the Chair, I thank the Senator from Michigan because he is absolutely right. This is the wrong bill to filibuster. I mean, you may get political points by filibustering other issues, but to filibuster a small business bill, to filibuster a Main Street bill is not the way forward.

Again, I cannot stand here and allow any Member of the other side to say there haven't been Republican amendments that have been accepted, offered. We have done everything to the point where there are almost more Republican provisions than there are Democratic provisions in the bill, which is completely paid for and provides a \$12 billion tax cut today.

I see the majority leader, and I will yield the floor in just 30 seconds, but I wish to repeat one thing that is worth repeating. The Senator from Michigan was a cosponsor of this. For 10 years, independent entrepreneurs, sole entrepreneurs—and there are 20 million of them in America—have begged and pleaded to be on the same parity with big corporations so they could get a little bit of a break on their health insurance. This is a big issue for 20 million Americans. You know where it is? In this bill. Two billion dollars will leave the Federal Treasury and go into the pockets of every independent entrepreneur in America, and that side is standing in the way of that. I hope the reporters are following this carefully because the details are important.

I thank the Senator from Michigan, and I see the majority leader on the floor. I think he may have a word or two to say.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names.

[Quorum No. 4 Leg.]

Akaka	Bayh	Bingaman
Alexander	Begich	Bond
Barrasso	Bennet (CO)	Boxer
Baucus	Bennett (UT)	Brown (MA)

Brown (OH)	Hagan	Nelson (NE)
Bunning	Harkin	Nelson (FL)
Burr	Hatch	Pryor
Burriss	Inouye	Reed (RI)
Cantwell	Isakson	Reid (NV)
Cardin	Johanns	Risch
Carper	Johnson	Roberts
Casey	Kaufman	Rockefeller
Chambliss	Kerry	Sanders
Cochran	Klobuchar	Schumer
Collins	Kohl	Sessions
Conrad	Kyl	Shaheen
Corker	Landrieu	Shelby
Cornyn	Lautenberg	Snowe
Crapo	Leahy	Specter
DeMint	LeMieux	Stabenow
Dodd	Levin	Tester
Dorgan	Lieberman	Thune
Durbin	Lincoln	Udall (CO)
Ensign	Lugar	Udall (NM)
Feingold	McCain	Vitter
Feinstein	McCaskill	Voinovich
Franken	McConnell	Warner
Gillibrand	Menendez	Webb
Goodwin	Merkley	Whitehouse
Graham	Mikulski	Wicker
Grassley	Murkowski	Wyden

The PRESIDING OFFICER. A quorum is not present.

Mr. REID. Madam President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Mrs. MURRAY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON), the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. INHOFE), the Senator from New Hampshire (Mr. GREGG), the Senator from Oklahoma (Mr. COBURN), and the Senator from Kansas (Mr. BROWNBACK).

The result was announced—yeas 70, nays 23, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—70

Akaka	Franken	Mikulski
Baucus	Gillibrand	Nelson (NE)
Bayh	Goodwin	Nelson (FL)
Begich	Grassley	Pryor
Bennet	Hagan	Reed
Bingaman	Harkin	Reid
Boxer	Hatch	Rockefeller
Brown (MA)	Inouye	Sanders
Brown (OH)	Isakson	Schumer
Burr	Johnson	Shaheen
Burriss	Kaufman	Shelby
Cantwell	Kerry	Snowe
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Casey	Landrieu	Tester
Cochran	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Corker	Levin	Voinovich
Dodd	Lieberman	Warner
Dorgan	Lincoln	Webb
Durbin	Lugar	Whitehouse
Ensign	McCaskill	Wyden
Feingold	Menendez	
Feinstein	Merkley	

NAYS—23

Alexander	Bunning	Crapo
Barrasso	Chambliss	DeMint
Bennett	Collins	Graham
Bond	Cornyn	Johanns

Kyl	Murkowski	Thune
LeMieux	Risch	Vitter
McCain	Roberts	Wicker
McConnell	Sessions	

NOT VOTING—7

Brownback	Gregg	Murray
Coburn	Hutchison	
Enzi	Inhofe	

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The majority leader is recognized.

Mr. REID. We have before us the small business bill we have worked on so hard. As I went through the bill today, virtually every provision in this is bipartisan, except some are strictly Republicans with no Democrats involved. It expands access to credit for small business all across America, cuts taxes for small business, and expands domestic and foreign markets for small business. This has the potential of creating hundreds of thousands of jobs. The reason for that is that most jobs in America are small business jobs. Two-thirds of the jobs lost in America have been from small business.

As I indicated today, I was disappointed that my friends on the other side of the aisle have not been willing to work with us. It seems to me the goalposts were moved often, but I have been here a while and I understand how things work.

Last week, they requested; that is, the Republicans, that we give them votes on three amendments.

We all know what they are now. GRASSLEY has an amendment dealing with biodiesel. HATCH has an amendment dealing with research and development. JOHANNIS has an amendment to repeal the corporate reporting requirement.

Earlier today, I propounded a unanimous consent request where we took out of the bill the issue relating to agricultural disaster and that we would have the three votes I mentioned and we would have Democratic amendments that would be opposite those, three in number. There was an objection. I cannot understand why they, my friends on the Republican side, cannot take yes for an answer. It tells me and I think the American public that it is more about something than getting votes. It seems they think it is more important to say no to votes on Democratic amendments than say yes to helping small business. But I understand where we are, and I am working very hard.

I have had a number of conversations with my friends on the other side of the aisle about a couple of amendments we have that we want to be voted on in opposition to the amendments offered by my friends on the other side of the aisle. A number of Republicans do not want to vote on those amendments as it relates to small business. I think that is unreasonable, but that is me. I accept their view that it is not unreasonable.

As I have talked with the Republican leader and a number of other people, I am going to try my utmost—and I think I figured a way to do that—to get the two amendments my friends did not want to vote on as relates to small business off this bill. I am going to do everything I can to do that in the near, foreseeable future.

But I say to everyone here: Let's take a little time over the next couple of days to kind of cool down. This is important. I know we have argued and scrapped, as my friend the Republican leader said, a lot of the time during this year. But let's do this legislation. This is not a victory, if we can get this done, for the Democrats. This is not a defeat for the Republicans. It is a victory for Democrats and Republicans and Independents and the people who supply most of the jobs in America today—small businesses. That is why, if one can imagine, the chamber of commerce supports this bill. They are in favor of the JOHANNIS amendment, and I accept that. When I was here this morning, 80 organizations supported this bill. We are now well over 100. This has gotten traction.

This is something we should do. This is good legislation. It would set a very good tone before we leave for the August recess to do this bill because by the time we come back in September, there would actually be some jobs created as a result.

I renew my request that I made this morning. I am not going to read this again. My request this morning was that we will take out the disaster relief, and they, the Republicans, can have their three amendments. We will have our three amendments. That is my request. I renew that request.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object, I think we are making some real headway. I appreciate the majority leader taking out basically the appropriations measures. One was in the underlying bill and the others were going to be offered as amendments.

I had not originally intended to offer a counter UC, but in order to reassure everyone—I know there is support on our side of the aisle if we can get it right—I offer a counter UC which I suppose will be objected to, as I will object to the majority leader's, for the afternoon.

But I want to underscore what he said, which is I do think we are getting closer to getting back to the original bill which started off on a pretty strong bipartisan basis and then seemed to deteriorate over the course of the last month. In fact, we turned to the bill on June 24 and left it six times between then and now.

Having said all that, I think we are heading back in the right direction.

Madam President, I ask unanimous consent that the cloture motions with

respect to the small business substitute and the bill be vitiated. I further ask unanimous consent that the following amendments be the only amendments in order to the Reid substitute, and there are four: JOHANNIS amendment No. 1099, repeal; Hatch, R&D; Grassley, biodiesel; Sessions, spending caps. I further ask unanimous consent that it be in order for the majority to offer relevant side-by-sides limited to the subject matter of the above-listed amendments. And, as I said last night, we are prepared to enter into reasonable time agreements on each of these amendments.

Mr. REID. Reserving the right to object to my friend's proposal, I have to smile, even though I have not smiled a lot today. On the Sessions amendment, how many times do we have to vote on it? How many times? One of my friends on the other side of the aisle said: How many times do we have to vote on what you propose to vote on? Not nearly as many times as this Sessions amendment. There has been a general agreement between the Republican leader and myself that we are going to wind up there basically anyway. I understand he has people he has to satisfy on his side of the aisle. I do my best to satisfy people over here. But I have to respectfully object.

The PRESIDING OFFICER. The majority leader has declined to accept the Republican leader's modification of his request.

Is there objection to the majority leader's request?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

Mr. REID. Madam President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 1586.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the title of the bill (H.R. 1586) entitled "An Act to impose an additional tax on bonuses received from certain TARP recipients" with the House amendment to the Senate amendment.

MOTION TO CONCUR WITH AMENDMENT NO. 4567

Mr. REID. Mr. President, I move to concur in the House amendment to the Senate amendment to H.R. 1586 with an amendment, which is at the desk.

The PRESIDING OFFICER (Mr. BURRIS). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mrs. MURRAY, for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER, proposes an amendment numbered 4567.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4568 TO AMENDMENT NO. 4567

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4568 to amendment No. 4567.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, insert the following.

The provisions of this Act shall become effective 5 days after enactment.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion on the motion to concur at the desk. I ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 1586, an act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes, with amendment No. 4567.

Harry Reid, Max Baucus, Charles E. Schumer, Edward E. Kaufman, Barbara Boxer, Roland W. Burris, Tom Udall, Robert P. Casey, Jr., Mark Begich, Patrick J. Leahy, Jack Reed, John F. Kerry, Richard J. Durbin, Sheldon Whitehouse, Amy Klobuchar, Tom Harkin, Al Franken, Daniel K. Akaka, Maria Cantwell.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO REFER WITH AMENDMENT NO. 4569

Mr. REID. Mr. President, I have a motion to refer with instructions at the desk. I ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message to the Senate Appropriations Committee with instructions to report back forthwith, with an amendment numbered 4569.

The amendment is as follows:

At the end insert the following:

The Appropriations Committee is requested to study the impact of any delay in providing funding to educators across the country.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4570

Mr. REID. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4570 to the instructions to the motion to refer.

The amendment is as follows:

At the end, insert the following:

"and include any data on the impact on local school districts"

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4571 TO AMENDMENT NO. 4570

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4571 to amendment No. 4570.

The amendment is as follows:

At the end, insert the following:

"and the impact on the local community"

Mr. MCCAIN. Mr. President, I opposed the motion to invoke cloture on the small business lending bill for several reasons, with the foremost being that it had become a vehicle for petty partisanship rather than a serious effort to extend a much-needed helping hand to America's small businesses.

The manner in which this bill has been deliberated in the Senate has been both frustrating and disappointing to say the very least. The majority leader has brought this bill up for consideration and then moved off of it to consider other matters no less than six times since June 24. Furthermore, he has offered at least three different substitute amendments—each time filling the amendment tree and filing cloture—effectively choking off debate and prohibiting my colleagues and me on this side of the aisle from offering amendments.

This should not be a partisan bill. In fact, as originally introduced, this

measure enjoyed broad bipartisan support. The original version of this bill included many positive provisions. For example, it included a number of tax provisions that had been championed by both Republican and Democrats which both sides believed would help small businesses create new jobs.

The \$30 billion fund contained in this bill was supposedly designed to provide capital to community banks and give them incentives to make loans to small business owners. While this is a nice notion, I have heard from some of the smaller, community banks in my home State of Arizona that the capital requirements were so stringent that they would not even qualify for the program and, there are serious concerns as to whether or not this would turn into another bank bailout program.

One of the provisions of this bill that I strongly opposed was a carve-out of \$1.5 billion for agriculture disaster assistance which was not requested by the administration. While I support ensuring that our farmers are protected from financial losses caused by natural disasters, Congress must first find a way to pay for this increased spending just like many of the other handouts included in this bill. That is why many of my colleagues had hoped to offer amendments, including an amendment to extend expiring tax breaks for small business owners, an amendment to eliminate the death tax, and an amendment to make permanent the tax credit for research and development—just to name a few. Unfortunately, the majority prevented us from offering those important amendments.

I had planned to offer an amendment on border security that would have helped generate sales tax revenue for border towns. The amendment would have added an additional 6,000 new Customs and Border Protection agents and officers to secure the border and to ensure that those seeking to cross our borders legally at our ports of entry are able to do so without unnecessary wait times. There are frequent, often excessive wait times in the northbound lanes at the DeConcini/Port of Entry in Nogales. The economy of Nogales, AZ, is heavily dependent on cross border traffic, with the majority of the city's sales tax revenue generated by shoppers from Mexico. The long wait times to cross the border are having real, adverse effects on the economy of Nogales. Securing our borders should be the top priority of CBP and that the drug related violence that threatens our border communities must be combated with all available resources. With that said, businesses and law abiding citizens should be able to cross the border in an efficient manner.

Our economic recovery and the creation of new jobs are the most important issues facing our nation today. We have an unemployment rate of 9.5 per-

cent and we need to do all that we can to help our small businesses thrive. It is my sincere hope that we can end the partisan bickering and reach an agreement that will give our small businesses the tools necessary to create jobs.

MORNING BUSINESS

Mr. REID. Mr. President, unless my friend the Republican leader has an objection, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Having said that, there will be no more votes until Monday at probably around 5:30 p.m.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

SMALL BUSINESS LENDING FUND ACT OF 2010

Mr. MERKLEY. Mr. President, I wish to speak to the proceedings that have just taken place this evening and try to put them in some context.

What we have had before this Chamber is a bill that is very important to putting the American economy back on track. Lots of folks have looked at the various chokepoints in our economy, and so many have found that one of the critical issues is the access to lending by small businesses. That is a key provision in the bill before us—the ability to capitalize healthy community banks so they can make funds available to small businesses so small businesses can seize opportunities and put Americans back to work.

There are many other terrific provisions in this small business jobs bill. They include, for example, a capital gains tax holiday that will assist small businesses. It includes a whole number of provisions, in fact, that stack up to \$12 billion in tax reductions for small businesses.

This bill came to this floor in a bipartisan way, with many provisions that were Republican provisions, some that were Democratic provisions, bipartisan support out of committee. It is before us now, and the question throughout this day has been this: Are the Republicans blocking this support for small businesses because they are opposed to helping small businesses and want to drive this economy back into a double-dip recession or do they have a legitimate concern that they should get a chance to offer amendments on the floor of the Senate?

To put that issue to rest, our majority leader made the following proposal: Our colleagues across the aisle would get three amendments. The Democrats on this side of the aisle would get three amendments. Both sides get to choose

the amendments they want to bring forward. That is a legitimate debate about small business. That gives everybody a chance to weigh in. That certainly addresses any procedural issue. What was the response of the Republican leadership? The Republican leadership responded and said: No, we want four amendments, and we also want to control what the Democratic amendments are. In other words, we want to have the say on eight amendments while the Democrats choose none.

Of course, it becomes very clear: The Republican intent is not to have a debate about taking our Nation forward and getting out of recession; it is to block bills that will help our small businesses and put this economy back on track.

I say to my colleagues across the aisle, there is too much at stake for this sort of outrageous political competition. Put your November thoughts aside, I say to my friends, and focus on what is right for the economy of this Nation, what is right for the small businesses of this Nation. Let's have the three amendments on each side as each side would choose. Let's get it done, and then let's go home and know we are working together in a problem-solving, bipartisan fashion to make our communities stronger, to create employment opportunities for our working families, and to strengthen our economy as a whole.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, there are a number of Senators on the floor who wish to speak. I see the Senator from Michigan, who has indicated she would like to speak for a minute on this bill. I will talk for the next 5 minutes, and others are going to want to speak as well.

I commend the Senator from Oregon, who has been down here day after day explaining the value of this extraordinary bill that was put together through hours and hours and days and weeks and months of debate in the Finance Committee and in the Small Business Committee.

I was very pleased to hear the leadership—although we came to no final agreement in the last hour, I am feeling and hearing, as the Senator from Oregon alluded, that perhaps we are moving closer to that opportunity because this bill was built with good will, with hard work, with some smart and innovative ideas.

Just to say how proud I am of the effort, this is just a list of headlines today that have come out in support of this bill. Some of these headlines are questioning, is someone blocking this bill? What is happening? Why can't we get this small business bill done? It is a good question.

So it is Thursday night. We have some time to continue to work. The problem with the four amendments

that were offered by the minority is that they are not exactly offering side-by-sides to that, but it is better than eight. So we are making some progress. So I am going to stay on the Senate floor tonight and talk about the fact that this bill has, if you count it, actually probably more Republican provisions than Democratic provisions in the bill. They are all good.

As the majority leader said, this will be a great victory, not for us but for the small businesses we represent. This will be a great step forward to turn this recovery into a job-filled recovery rather than a jobless recovery because the only entities that will be creating jobs, Mr. President, as you know, because you were a former banker, are small businesses.

I want to show the chart about the jobs lost to just repeat this. The job loss in America has been from small businesses. If people want to know what happened to the 15 million jobs, what happened to the 10 million jobs, I will tell you. They ran out the front and back doors and out the windows of small businesses all over this country. If we don't do something, either tonight or tomorrow or next week, they are going to go through another whole month and maybe longer.

We have been debating this for a year and a half. It is bipartisan. I believe we are coming to some conclusion, and I am very proud I have helped lead a part of this effort. But I see the Senator from Michigan and one of the members of the Small Business Committee here, and I say to them that I think we are just speaking in morning business. So under the previous order they can be recognized.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I am here to join my colleagues to again talk about why it is so important that we pass this small business jobs bill that is before us.

I so much appreciate the leadership of Senator LANDRIEU to try to get this bill through. She has stated so eloquently why it is important for us to pass this legislation. It has been pointed out that this is a bill that has significant input from our Republican colleagues. It has been pointed out that this is a bill that will go a long way toward addressing the jobs we need to create if we are going to bring this economy back. She has stated so eloquently why it is going to be there to help so many small businesses.

Everywhere I go in New Hampshire, what I hear from the small business owners I talk to is that their No. 1 challenge is adequate access to credit. This bill addresses that. It sets up a fund to help community banks so they can lend to small businesses. It sets up a fund to help States so they can go through their programs to lend to

small businesses. It expands the SBA loan programs, which have been so important to keep small businesses afloat. It helps with export assistance for our small businesses—something they have had trouble doing because they do not have the resources to be able to access international markets on their own. It provides \$12 billion in tax breaks for small businesses.

Right now, the only thing standing in the way of this bill being passed to help the tens of thousands of small businesses across this country is our colleagues on the other side of the aisle. It is unconscionable that we can't get the votes to pass this bill and to do what we need to do to help small businesses grow and create the jobs that are going to help lead us out of this recession.

So I congratulate Senator LANDRIEU and all of my colleagues who are here or who have spoken on this bill and who have worked so hard to try to get it done, and the people on the other side of the aisle who have been courageous enough to support aspects of this bill and to provide amendments to it. I hope over the weekend they will hear from their constituents about why this is important to get done so that when we come back next week we will see a change in the perspective and we will see the 60 votes that we need in this body to pass this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I also want to start by thanking the chair of the Small Business Committee, the Senator from Louisiana. She has done a remarkable job. Her tenacity and passion and commitment for small business and for this legislation has gotten us to where we are today, and I am proud to be joining with her in this effort, along with the Senator from New Hampshire, who just spoke, and the Senator from Washington, Ms. CANTWELL, who has been such a champion, and the Senator from Oregon—both Senators from Oregon—and the many Members who have come to the floor and colleagues on the other side of the aisle who have joined in particular provisions of this bill.

As the leader and the chair of the Small Business Committee has said, this is, in fact, a bill that has significant pieces, if not the majority of pieces, that have been bipartisan or have come from the Republican side of the aisle. Yet what we are seeing is a strategy by the Republican leadership to continue to block and block and block, and to filibuster, filibuster, filibuster even something that is important for Main Street.

This is not about Wall Street. This is not about a bailout to Wall Street hoping that they will lend to small businesses, which didn't happen after the crisis when credit markets froze up and lending didn't happen, certainly, in my

State of Michigan or across the country. So we have had to come back and try a different route for Main Street, and this is what this is about—Main Street, the folks who are creating the majority of jobs which are in small businesses.

We also have a lot of folks who have lost their jobs and who are now starting a small business. I know lots of folks in their forties, fifties, and sixties who have never been out of work before in their lives who are now out of work and are turning to a small business. They are going out in the garage or the basement or maybe the spare bedroom—maybe they are starting up a business with someone else—and they are starting something new. The problem is they can't get a loan to get started. They can't get the capital they need, and that is exactly what this bill is about.

This is about a new partnership with community banks and small businesses to create a lending facility to open the doors to capital. It is also about expanding what the SBA is doing.

Another very important provision of this addresses what happens when people's assets go down in value. People are seeing a decrease in the value of their own property, whether it is their home, their business, their equipment, their commercial buildings, so that their collateral has lessened and the ability for them to go to the bank and say: I have X amount of collateral to put up against the loan—now they are finding that the value of that property has been cut in half and they can't continue their line of credit or they are not able to get the loan.

There is also an important provision in here that addresses a program that actually started in Michigan, Mr. President, and I am very proud of it. It is with the Michigan Economic Development Corporation. This will allow a partnership with the State economic development entity to be able to back up the business, to be able to help them be able to finance even though their collateral has decreased.

Before I talk more about that, I also want to mention that we are talking about basically allowing investors and small businesses to take a 100-percent exclusion from capital gains on small business investments made this year. So eliminating the capital gains provisions for this year—100 percent.

We are focusing on other important provisions that relate to tax cuts for small business and also trade and export promotion. We want to help our small businesses export their products, not their jobs. So there are many important provisions in here, and I believe we have some 80 different business organizations supporting this legislation.

This is not Republican versus Democrat out in the real world. We have Republican businesses, Democratic-owned

businesses, tea party-owned businesses, all kinds of folks out there who can't get loans. This is not a partisan issue, and it is extremely unfortunate that it has become a partisan issue.

I want to share a couple of stories. This is about a business called American Gear in Michigan. It is a 25-year-old manufacturer of custom-made machine parts. They sell parts to the automotive industry, to the U.S. Navy, the glass industry, and the steel industry.

In 2008, American Gear made a record profit. But then in 2009 they saw a tremendous pullback from their customers and lost money for the first time in history. They were forced to cut staff, trim overhead, and tried to work with their bank to access additional cash to keep going. But they weren't able to secure access to enough of the capital they needed to complete their existing orders—even the existing business that they had.

They are trying to expand. They are trying to get new customers. They are profitable once again. But because their 27,000-square-foot building has lost so much of its value, the bank has pulled their loan and they have been unable to get another lender.

They have just hired two new employees to help with new orders, but they can't get credit. They might have to start cutting back again and turning away customers because they can't get access to capital.

This bill will help American Gear. It will help this company that has been dealt the double whammy of reduced cashflow and property, which is used as collateral, that has decreased in value because of the recession. This is very important. This is something that has been overwhelmingly successful in Michigan. Michigan's program started in 2009 and targets businesses with good credit risks but those who can't get the cash they need because their collateral or their cashflow is falling short.

That is what this is all about. The business I am talking about, American Gear, is a solid business. They are making a profit again. This is a business with good credit, but they have lost the value on their buildings, and they are unable now to get a loan. This bill addresses that. This bill addresses that.

We also have another story from Michigan—and there are many stories from Michigan—about Michigan Ladder in Ypsilanti, MI. It is the oldest ladder maker in the United States. They have been in business since 1901. They are still in their original buildings with 20 employees in Ypsilanti, MI. Nearly all the other makers of ladders have moved to Asia or South America.

Michigan Ladder sells primarily to commercial and industrial contractor suppliers directly. They manufacture

several sizes of wooden ladders, distribute fiberglass and aluminum ladders which they have produced for them as well. The company experienced difficulty due to the poor commercial real estate market and the housing market. They trimmed their staff, cut benefits, and worked hard to rightsize themselves. They believe they can be competitive. They are aggressively working to continue to produce in Michigan, but they can't get the financing they need to buy equipment to produce new products because of the fact that their equipment, the collateral they have, has been reduced in value.

This is a story that I have heard repeated hundreds and hundreds of times, Mr. President. This bill addresses that. This bill fixes that.

Let me move now to process because substantively we have no reason not to pass this bill. There is absolutely no reason, based on the substance, on the need for small businesses and the support from over 80 different organizations across this country, not to pass this legislation. So why do we have a filibuster going on?

I just want to speak about that for a moment because the reality is, we need to vote.

The democratic process is to vote. When we run for reelection, if you get one more vote than the other person you win the election. We don't say a supermajority. We say simple majority, one more than the other person. That is a democracy. We are saying here, let's vote, give us a vote, an up-or-down vote. You can vote no or you can vote yes, but don't keep using these efforts that block us and force a supermajority to block us from even having a vote. That is what is happening here. Over and over again we are being blocked from even having a vote.

Can you imagine in the election if there were a capacity to block an election day from even actually having the vote? We have men and women serving us in this country around the world, putting their lives on the line, losing their lives for the democratic process based on the ability to vote and majority rule. Yet here in the Senate the rules have been totally perverted and twisted to throw sand in the gears and require a supermajority to even move a step forward on anything.

Let's review where we are right now. We have had 246 objections and filibusters since we started 18 months ago—246. That is unheard of. Not all of those have actually gone to a cloture vote, a vote to stop a filibuster, because we do not have 246 weeks. The leader cannot get us through that whole process that takes a week to stop a filibuster on every single objection. Some of these have gone to an actual vote, a 60 vote, and on others there have been objections that have stopped us from voting.

It is unheard of. We have never seen this before in the history of our country.

When our country started, there were two that year. Then some have been zero, some there have been maybe three or four or ten. Some sessions of Congress there have been no filibusters.

Here we are. In the last Congress we ended the year at 139 filibusters, and we have topped that. This is what happened last time when this began to be used as a strategy by the Republican leadership. It is way off the charts. Now it is so far off the charts we cannot put it on the chart. This is now used as the basic strategy for everything: Stop everything, throw sand in the gears, and make sure nothing improves, that nothing happens that will improve the lives of families in this country, improve the economy, create jobs. I find that to be extremely unfortunate.

We have a situation right now where we have the opportunity to do something for those on Main Street, the folks who have not caused any of the crises that have been facing our country. They did not make the reckless decisions on Wall Street that brought the financial crisis. They were not the ones who didn't enforce our trade laws fairly so we lost jobs overseas. They are not the ones who made any of the decisions. But they have been affected. Middle-class families, who may not consider themselves middle class anymore, are just holding on.

Many of them own small businesses or work in small businesses or are trying to start a small business. These are folks in every one of our States, in every community that we represent—small businesses, mom-and-pop operations, small suppliers. Most of the people in the auto industry are small businesses. They are small companies, small suppliers such as the ones I mentioned, such as American Gear, a small supplier. They find themselves now in a situation where they cannot operate; they can't expand; they cannot conduct business. They are having to lay people off because they cannot get credit.

We can fix that. We can fix that right here. All we have to do is one of two things: Have courageous colleagues on the other side of the aisle join us to stop a filibuster or, all together, stop this thing and vote. That is vote, that is all we are asking for, an up-or-down vote, yes or no. But allow a vote to happen.

I hope we are close on an agreement. Unfortunately, our leader, who has an incredible amount of patience, finds himself too often in a situation where he is trying to negotiate but the numbers keep changing, the circumstances keep changing, and we are never actually able to get an agreement in good faith. I hope that is not the case here because we need to get this done.

People are watching us and wondering what in the world is going on in the Senate. People understand what is happening in the real world, what is happening to small businesses. Every weekend when I go home—and I do go home every weekend—every weekend when I go home I hear about small businesses not getting access to capital. They cannot get a loan, they cannot continue their line of credit. Everywhere I go I hear about that.

I understand my time is up. I again thank my colleague, the chair of the Small Business Committee, for standing strong. I stand with her. This is incredibly important and there is no reason whatsoever that we cannot get this done on behalf of small businesses across America.

The PRESIDING OFFICER. The Senator from Washington State is recognized.

Ms. CANTWELL. Mr. President, I thank my colleague, Senator LANDRIEU, for her fight and vigor today, trying to break a logjam here on the Senate floor and to pass important small business legislation.

When you think of Louisiana and you think of the Saints, you think of the people there who have such spirit. If there were a time in our country's history when small business ever needed a patron saint, it was at the crisis of 2008. Senator LANDRIEU and the Small Business Committee have become a leader and voice for small business in America. I thank her for that, for that same fight she put into making sure her constituents received help and support in the post-Katrina catastrophe, the same fight she displays now, making sure the gulf is addressed and that there are resources put in for cleanup. She is putting up that same fight for the millions of Americans who are trying to get access to capital for their small businesses.

We are only talking about three basic things in this bill, all to help small business. We are talking about tax credits to make sure that items such as equipment and machinery get some little support so small businesses will make some more investments. We are talking about tried and true programs such as the 7(a) loan program and the 504 loan program and the enhancements of those programs to put more capital out onto the streets. We have already pointed out because we have allowed this enhancement to expire that we have seen a 60-percent reduction in June of the amount of money accessible for small businesses, below 2008 levels.

Is that what we want to do, suppress capital to small business by 60 percent below 2008? In the month of August, if we do not get this legislation passed, there will be \$760 million less available for small business.

I know some of my colleagues are saying let this keep going, Republicans

will keep voting against cloture and we will do business in September. It is not acceptable to wait until September to help small businesses that need access to capital today. I wish people would listen to the heartbreak in America of small businesses. When the crisis happened in 2008—many of those people are resourceful people. That is why they start small businesses. So what did they do when the crisis happened? They buckled down; they tried to figure out how to make adjustments in their businesses. They borrowed money from relatives. They borrowed from their 401 programs. They did everything they possibly could to hang on for a year.

Contrast that to Wall Street. Wall Street didn't even have to hang on for 1 day before they got help from the Treasury. Not even what Congress did; the Treasury was over there helping people before they even asked for help. Nobody did that for small business in America. So these people have waited over a year to get this help. They hung on with their savings and their investments for 1 year.

In January they were ready to go with these programs and these support systems and wanted to see the access to capital, but they did not see that. Not only did they not see these program enhancements like we wanted, such as the recapitalization of community banks, instead, they saw their community bankers tell them: We are canceling your performing line of credit.

People did everything to hang on. They did everything they could to hang on. I could tell you stories that are heartbreaking about restaurants, about small businesses that closed their doors after 30 years of being in business—closed their doors because they could not hang on anymore.

The question for my colleagues on the other side of the aisle is how many more businesses are going to close? How many more people are going to lose their jobs if we do not address this issue and break this deadlock and make sure we are voting on access to capital for small businesses on Main Street? Calculate it. They have already been holding on. They cannot hold on much longer.

Every day that goes by that we do not reauthorize this advancement in the 7(a) program, we are costing dollars, we are costing small business access to capital they used to have. It is not even new capital in some cases; it is capital they used to have but it got canceled out from under them because of what happened on Wall Street.

It is time for my colleagues to show the same level of urgency for small business, to show we understand that these individuals in America have been hanging on. Listen, they are what makes America a great country because they are such entrepreneurs and

they have done everything they can to weather this storm. But it is time to put down the “no” votes on moving ahead and move to getting this product, the enhancement of 7(a) and the 504 and the capital and recapitalization of community banks, off the Senate floor and get it signed before the House adjourns. That is what we need to do to create jobs now, in August. If you do not want to do that, you are going to be costing many more Americans their livelihood.

I yield the floor.

Ms. STABENOW. Mr. President, before my friend from Washington State leaves the floor, I thank her as well. She has been an incredible leader on this issue and we are very fortunate to have someone who has been in business, a successful businesswoman who brings her knowledge of business and of finance into the Senate. Her passion and partnership with Senator LANDRIEU have been very important in getting us to this point. I want to say thank you to the Senator from Washington for her leadership as well.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I am pleased to join my two outstanding colleagues on the floor tonight to continue to talk about this extremely important bill. I follow up on what the Senator from Michigan said about the Senator from Washington State. There are only a handful of Senators in this Chamber who have actually built a business, a small business—it was when it started—and then of course it was an extremely successful larger business in the State of Washington State, and then it went national. So she knows about what she speaks, the details of how a business needs to be built.

You cannot build it without access to affordable capital. Our businesses, some of them that are lucky enough to have something, are paying exorbitant interest rates on their credit cards. Some of them have watched their lines of credit evaporate, so they have to scramble to go get high-cost—it is hard to run a small business if you are paying 10 percent, 20 percent, 30 percent or 50 percent on the money you are borrowing to run your business.

You know you have to get affordable capital. That is what small businesses need. That is what they do not have. Members on the other side of the aisle could not run fast enough to bail out big banks on Wall Street, but they are walking at a snail's pace to get small business help on Main Street, and it is a shame.

But these headlines today say it all: “GOP Filibusters Small Business Bill After Criticising Dems For Delay,” “Senate Republicans Block Small-Business Lending Measure,” “GOP blocks small business bill,” “Republicans block Senate vote on small business,” “Republicans block small business lending bill.”

The New York Times article today is actually pretty devastating. I would think if anybody bothered to read the top two paragraphs—I am going to ask my staff to get that to me in just a second, and I am going to read it into the RECORD. It goes on and on and on.

I think that this debate has shown that we actually brought a bipartisan bill to the floor, that has been worked on openly in public all year or longer, in two committees, Finance and Small Business. As I said earlier today, and I put the red-line chart up, which I will put up in just a minute, this chart that we sent out to many people today showed every provision of the bill and who suggested that provision. As you can see, there are many Republican names listed here—Senator SNOWE, Senator CRAPO, Senator RISCH, Senator SNOWE again. Senator GRASSLEY is on here. Senator HATCH is on here—because this bill was built with some of the best ideas from these committees over a long period of time.

This is not a little bill. It is not a technical bill. It is not a bill that you pass and nobody knows you passed it because it does not do anything. This bill does some great things that we have needed to do for a long time.

That is why we are fighting so hard. That is why we are not going to give up, and we cannot wait much longer. As Senator CANTWELL said, it is heart-breaking for small businesses that had nothing to do with the Wall Street meltdown. They never owned a derivative. They never heard of the word “derivative.” They never heard of the word “swap.” All they were doing was serving pancakes in their diner day after day. All they were doing was selling hardware equipment so their neighbors could build or repair their houses. They never heard the word “derivative.”

Then a couple things happened. They started seeing some very scary headlines. All of a sudden, the entire world economy was at risk, and they are standing there saying: Wait a minute, what did I do? I have been doing the same business. I am not a millionaire, but I am happy, I take care of my employees, I am bringing home a nice paycheck, I am building my business, and the floor fell out from underneath them through no fault of their own.

This Congress has scrambled and scrambled and could not run fast enough to go help the big businesses and the executives. Sometimes I read in the paper what they make and I sit there and I almost want to cry, not because I am jealous of what they make in that way, but I think to myself, how does it feel to be struggling in a business and you—I have had letters from people who said: Senator, I stopped paying myself completely. That is what business owners are doing right now. They have stopped paying themselves completely, and I have to wake

every morning and read about big company executives who are complaining because their take-home salary is \$20 million a year or \$200 million a year.

I mean, think about that, \$20 million, \$200 million a year. We have business owners, 27 million small business owners, and many of them right now—because as Senator CANTWELL said, this catastrophe did not start just 2 months ago—who have been holding on.

I think about them at night. I see them. I think they are holding on with just their bare knuckles, by the remaining strength they have. They are not making any money. So the article today says—and they have gotten it right. This is dozens of articles:

Senate Republicans on Thursday rejected a bill to aid small business with expanded loan programs and tax breaks, a procedural blockade that underscored how fiercely determined the party's leaders are to deny Democrats any further legislative accomplishments before November's midterm elections.

This is a small business measure championed by myself and others and has the backing of some of the Republican party's most reliable allies in the business world, including the United States Chamber of Commerce and the National Federation of Independent Business. Several Republican lawmakers, the article says, helped to write the bill. But Republican leaders filibustered.

As the Senator from Michigan said, this is unprecedented. I do not know if the Senator from Michigan has that chart, but I would like to ask her to show it again, if you could hold it up or let me take it here because it is unprecedented in the number of noes and filibusters.

I think this is a no that might have been said, but we need to find a way to say yes. I know a no was said, but we have to find a way to say yes. So that is what we are going to be doing tonight, tomorrow, through the weekend. I wish to say how much I appreciate the 70, now over 100, organizations that are supporting this bill. I know the NFIB has said, and I wish to be very clear, they want the bill. They also would like a few amendments.

But they did not say they wanted 100 amendments. They did not say they wanted 50 amendments. We are now sort of down somewhere between one and four. That is better than 8 or 12 or 10. We are somewhere between one and four. If we can just keep narrowing it and try to be as fair as we can, we can deliver for the American people and share this wonderful victory, and I mean that. Share it. This is not a Democratic victory. It will not be a Republican victory. It will be a victory for our constituents and for the 27 million small businesses in America that are waiting for someone to stand and help them, cheer for them, and encourage them.

That is what we are trying to do. I appreciate the support the President

himself has given. He has been leading. He has been saying, as he is trying to work our way out of this recession—and I have not agreed with every single thing, of course, and no Senator does with any President, but I think this President has said that he understands the recession will be over when small businesses start to hire because big businesses are not going to.

They basically say that in their reports. They are holding their capital. The big banks are holding their capital. It is going to be the small businesses that create the jobs. It is where the jobs were lost.

I am going to show this chart again. This is from the monthly National Employment Report: Small business, 81 percent of the jobs lost were lost by small businesses. So it makes common sense that if it was the small businesses that lost the jobs in a recession, as I said, they were not in the back when they were making the “donuts,” they were not trading on derivatives. They did not have anything to do with that.

But they got caught up in a terrible financial collapse because of greed and poor regulations and all sorts of shady dealings, and they did not have anything to do with it. But they lost the jobs. So in order to get this recovery moving and get jobs in the recovery, so it is not a jobless recovery but a job-filled recovery, we have to focus on small business.

My ranking member, Senator SNOWE, has worked very hard on many provisions of this bill. She has been a remarkable champion for small business. MAX BAUCUS, every time we have sent him a couple things we want to do, you know what his job is? It is to find a way to pay for it. He has a thankless job around here. I want everyone to know. He has probably the toughest job in this entire place because everything everyone wants to do, everything, we have to find a way to pay for it.

You know the guy who tries to find that is MAX BAUCUS. I have given him page after page, amendment after amendment. He has been so gracious. Every time we say: We need this amendment paid for, MAX, can we find a way to pay for it, he goes to work.

But we are getting exhausted through this process, but we are going to continue to fight. Senator BAUCUS has found amazing ways to pay for these amendments because we are not going to add to the deficit anymore. Those days are over. We are going to pay for this bill. This bill has tremendous possibilities to actually make a lot of money. One program will actually earn \$1.1 billion, it was so smartly put together. Then we understand that if more people are hired, of course, they will pay taxes, and that money will come back to local government and State government and that will be a big help to everyone, to try to get us out of our deficit situation.

I see one or two other Senators on the floor. I see the Senator from Pennsylvania. My time has expired under the 10-minute morning business order. But I wish to thank the Senator from Michigan and the Senator from Pennsylvania for their support. I am going to be working over the weekend with Members of both sides of the aisle.

I am going to be working with both sides of the aisle over the weekend, through tonight, tomorrow, be in touch with both leaders, and continue to work with Senator LEMIEUX and Senator VOINOVICH, who were the two Republicans who gave us a vote on the lending program, and see what we can do to narrow it down from four to potentially one, have a great vote, and claim victory for the small businesses of America. We all share a great victory and can be proud of the work we have done over the last year and a half. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, first of all, just in case our chair of the Small Business Committee, Senator LANDRIEU has to leave, I wish to reiterate what a number of us have not only felt but have even spoken about over the last couple days, in light of her work on this legislation.

She has been, in a word, tireless and fearless, for one reason: Because she, like so many of us, but I think in a very special way she understands what so many of these small business owners have told her and told a lot of us, that they need help and they need it now.

They do not want to hear about a political debate, they want action and they want us to pass this legislation. She has worked so hard on the substance. She has worked so hard on the work that you have to do in the Senate to get an agreement, to get a bipartisan agreement, to make this a bill that has no impact on the deficit.

So whether it is fiscal responsibility, whether it is the substantive provisions that help small businesses from Louisiana to California and back all across our country in places such as Pennsylvania that I represent, she has done that work. I think the people of this country know that.

I think it is very important that even when we thanked her once, we need to repeat ourselves because she has done great work. I think we should follow her lead. We should not have the kind of political debate we are having. She and others have worked out a very good agreement, and I think they are on their way to doing that again.

We are so grateful for her leadership and for her tireless efforts to get this passed because this is a bill that, in the end, is about not just the rhetoric, as we often have in Washington about small business, but having substantive provisions that will cut taxes for small business. It will enhance existing small

business loan programs that work. All the criticism we hear sometimes about programs that do not work, there are loan programs that are working and just need another bump, just need a bit of help.

Finally, establishing a new Small Business Lending Fund and all this without adding to the deficit. Let me take them one at a time.

First of all, tax breaks: Over \$12 billion in tax cuts going back to taxpayers. Here are just a couple examples: To encourage investment in small businesses, the bill will increase the capital gains exclusion from 50 percent up to 100 percent of the gain through the sale of small business stock. This provision will provide a greater incentive to invest in small businesses and will spur job creation.

This is a bill that is about jobs, about creating lots of jobs in the near term. The bill will encourage small businesses to invest in their companies, which is what a lot of owners tell us. They say: I want to create jobs. I want to expand. But they don't have the capital or the help to do so. It will do that by expanding a business's ability to write off the cost of certain real property that is purchased for the use of the business. We know the section 179 program in the Tax Code helps us do that. To further encourage Americans to start their own small businesses, the bill will double the deduction for start-up expenditures.

Let me move to another element: the need for capital for small businesses in a State such as Pennsylvania and around the country. We have heard this over and over. Month after month, you walk up to someone and you say: How are we doing? Sometimes you get good news, sometimes bad news. One resounding and consistent message we have heard: We are glad you passed the Recovery Act; we are glad you passed the HIRE Act; but I still don't see enough help for small business.

Finally, we have a piece of legislation which is targeted at the engine of the economy—small businesses and the people who are creating the jobs: small business owners. These owners all across the country, tens of thousands, hundreds of thousands, have made that point to us over and over. They want to expand, but they don't have access to capital to do it.

The changes in this bill, which is budget neutral, will increase small business lending by \$5 billion in the next year. That will create or save over 200,000 jobs. In the end, it is a jobs bill. It is not only a bill about programs, it is a bill that will create jobs.

First, the bill will increase the limits of the 7(a) loans from \$2 million to \$5 million. We have heard about that provision. Just to give a sense of what that means for Pennsylvania, in the last roughly 18 months or less, from February of 2009 to June of this year,

the SBA administered over 1,700 7(a) loans in Pennsylvania. The changes in this bill should allow for many more. We have 67 counties in our State. You can imagine the impact county by county when you have more than 1,700 loans on an existing program just in less than 18 months. If anything, this bill will exponentially increase the number of those loans. So next year or the year after, when we are reporting on this, if we complete work on this and get it passed, instead of 1,700 loans in Pennsylvania to small business owners, maybe it will be 2,500 or 3,000 or much higher.

I come from a State which most people think of as big cities such as Philadelphia and Pittsburgh. But there are so many places in Pennsylvania where we have a very small town or even a rural population. We don't have a lot of big buildings, a lot of big cities. We have a lot of small business owners fighting every day to make ends meet, to borrow a little bit more money to keep going, literally living week to week and month to month. These kinds of loans can have a direct and positive impact, a disproportionately positive impact on those kinds of businesses in small towns and rural areas of Pennsylvania and across the country.

The bill will also increase the loan limits of microlenders who provide short-term working capital to small businesses from \$35,000 to \$50,000. That is a lot of money when you are really up against it as a small business owner and you are trying to get to the next month or the next quarter in terms of your workforce or your payroll.

The bill will increase the limit of 504 loans from \$1.5 million to \$5.5 million. We know the purpose of the 504 Loan Program—to provide financing for acquisition and renovation of capital assets.

Let me give a personal example: Kate Berger of North Huntingdon in Westmoreland County, near Pittsburgh, a big county that has a lot of smaller communities. The Presiding Officer knows counties such as that from his State of West Virginia. There are a lot of parallels in terms of the population and demographics.

Kate Berger received a 504 loan to help grow her business. She is a former accountant and owner of JB's Bright Beginnings. She entered into the childcare business when her own childcare needs for her two children were not being met. Here is someone who had a challenge in her own life, and she decided to deal with it by starting a small business. The center she sent her children to was closing. She purchased equipment, hired staff, and went back to school for additional training in early childhood education. She was doing all the right things, everything anyone could ask of her to create a new business.

She began running her business out of a very small facility. When the op-

portunity to purchase a larger facility—a former elementary school—arose, she jumped at it, as a very capable small business owner would. With the help of the 504 Loan Program, Kate was able to purchase the space, with room for expanded services and 8 acres of outdoor space for the children, for her childcare center. Since moving to the new location, enrollment at JB's Bright Beginnings has increased from 66 to 104 children. Kate has hired an additional 15 employees, bringing the total number of staff to 35.

That is a success story. We don't get a lot of those in the news. But for Kate Berger, the 504 Loan Program is not some theory, some concept; this is real life for her. She took a risk. She got more training and more education. She borrowed money. She took some personal risk to do this. She is now increasing the number of children served and hiring 15 more people.

Finally, the bill will provide an opportunity to create the Small Business Lending Fund, a critical component of this bill, the creation of a \$30 billion Small Business Lending Fund. This will provide working capital to small banks that have continued to lend during this financial crisis. Approximately 80 percent of commercial lending is done through the smallest loans at these banks. We hear that over and over again. Small bankers say: We want to provide more lending. We cannot always do it. An increase in lending by the banks will amount to a new lending and growth for small businesses.

We know that by providing this opportunity to have \$30 billion of lending available, this lending fund will be able to unlock \$300 billion in capital for small businesses. The fund will spur lending and get credit flowing to small businesses, which is another reason to take action on this bill. An investment of \$30 billion incentivizes the creation of \$300 billion in capital that is leveraged. We know that when we give the private sector a little help and a kickstart here and there, they can provide a lot of extra money to increase exponentially what we can do to help small businesses.

We need to pass this legislation. We need to remove the politics from this debate. We need to make sure our friends on the other side of the aisle know that when they—some of them, not all but some of them—were lecturing us month after month, saying our side of the aisle was not doing enough for small business, I would argue they were dead wrong when they made the assertion, but that was their argument. Now we have the opportunity, this rare opportunity to have a single piece of legislation that is focused on small businesses.

I urge colleagues to live up to the rhetoric they have been putting forth all these many months, to stand up and

vote for this bill. A vote for this bill is not a vote only for a piece of legislation. This, indeed, is a vote for small businesses. It is a vote for the people they represent in their States. Small businesses are not Democratic or Republican or Independent; they are American. It is about time people in this Chamber, who talk and talk about small business, do more than talk. It is about time for them to stand up and vote, vote the right way to help small businesses of whatever political party that small business owner happens to belong to.

I yield the floor.

The PRESIDING OFFICER (Mr. GOODWIN). The Senator from Michigan.

Ms. STABENOW. Mr. President, before my friend from Pennsylvania leaves, I thank him for his wonderful commitment to small business and passion and voice on this issue. We are lucky to have him and very much appreciate all of his wonderful work. Pennsylvania and Michigan have a lot in common. Our hard-working folks, a lot of them who have been losing their jobs in one industry, are starting small businesses. They are looking to us to understand what it takes to start a small business and to keep a small business. That is what this bill is all about. I echo what the Senator from Pennsylvania said about the importance of this bill, and the chairman of the Small Business Committee, and wish to stress a couple provisions we haven't talked as much about.

First, of course, the major piece is about access to loans from SBA, increasing the loan limits and the size of microloans. That will increase lending through the SBA by about \$5 billion next year. A lot of small businesses will buy new equipment, will be able to hire staff to expand or keep their business going.

The large lending facility we have all talked about that takes \$30 billion and partners with community banks and creates \$300 billion worth of capital for small businesses—I can't imagine a better shot in the arm than having that capital available.

There is something else that is also important. I am pleased to be a part of the President's Export Council. The President has set a goal of doubling exports in the next 5 years. Many of the businesses we are talking about interested in exporting are small businesses. We have international businesses in Michigan, and they have their own operations around the world. They are not in need of support through the export operations in the Department of Commerce, but small businesses need that.

I think of one woman whom I know. Her sister-in-law is a dear friend of mine. I talked with her. She lives in northern Michigan on Leelanau peninsula, which is absolutely beautiful, north of Traverse City, MI, the kind of

place you would like to be today. It is absolutely beautiful up there on the Great Lakes. It is certainly much less warm than here. She is in an area where there are wonderful cherry growers and all kinds of fruit and vegetable growers. She has put together nutritional products from the power and nutrition of cherries and has come up with a number of things that are very healthy to help people with joint problems and other issues which cherries are actually very helpful with, a very powerful commodity in nutritional assistance. She is interested in exporting. She started a small business up in northern Michigan, and she has now moved out to, the last time I talked to her, 300 different places around Michigan and the country.

We have talked to her about what she could do to sell her product overseas as a nutritional product. There is a great deal of interest in doing that, and I hope we can help her do that. But she needs assistance from the export expertise in the Department of Commerce.

In this bill, we have small business trade and export promotion efforts. The great Senator from Minnesota, Ms. KLOBUCHAR, championed this effort. It would improve the SBA's trade and export promotion programs. It establishes a State export promotion grant program and strengthens coordination. It would leverage more than \$1 billion in export capital for small businesses. That is estimated to create or save about 50,000 jobs this year.

So there are new opportunities. With the wonders of the Internet, we are now in a global economy. We can communicate around the world with our cell phone or certainly with the Internet. We have the ability to help small businesses create jobs by connecting them to the world in terms of the markets they can access. Help for that is in this bill. So that is another very important piece.

There is also an increase in Federal contracts for small businesses. Just increasing Federal contracts for small businesses by 1 percent is estimated to create 100,000 jobs. Now, we know in the bidding process, again, larger businesses tend to participate, tend to have major contracts from the Federal Government. Yet this is an opportunity for small business. If we can increase contracts by just 1 percent, we can create 100,000 jobs; 2 percent, 200,000 jobs, and so on. Provisions are in the bill to increase contracting opportunities, which are very important opportunities for small business.

We have talked about the tax cuts. I hear frequently as a member of the Finance Committee from friends on the other side of the aisle concerned about raising taxes on small business, and we certainly share that concern. We certainly are not supportive of doing that. But here you have an opportunity to cut taxes on small businesses, doing

away with the capital gains on small businesses this year, increasing the deduction to start a new business, expanding the expensing provisions, bonus depreciation provisions for small businesses, and also something very important that we, of course, have been working on in health care, and put in place in the structure that will help small businesses down the road, in 2014, with the new insurance pool—a competitive way to price and purchase insurance. But until then we have a lot of self-employed people who find themselves in a very difficult situation, who cannot find affordable insurance, if they can find it at all.

This bill would allow them to deduct their health care costs for payroll tax purposes on their tax returns. This is another important matter that people who own small businesses care about and worry about for their families. That is a part of this bill.

When we go down through here and look at the huge effort around capital available for small businesses, the efforts in partnering with States to help small businesses that have lost the value of their property, their equipment—the collateral they would use normally to get a loan—there are provisions to address that, provisions to help small businesses afford health care by deducting their health care costs, help for exports, expanding bonus depreciation and expensing, eliminating capital gains, and giving small businesses more opportunities to contract with the Federal Government.

When you look at all of this, I am stunned. Why are we still having to have this debate? How long are we going to have to do this when every day we have small businesses that are holding on trying to figure out what they are going to do to keep their doors open? We are at a point now where we have to come to a conclusion and pass this bill. I hope anyone who says they care about small business will join with us and show they do—not just talk about it—but show they do by supporting the small business bill, as the chairwoman said, that now has over 100 different organizations, business organizations, supporting it.

I hope they will do that. I hope they will stop the filibustering, stop blocking this bill, stop the strategy of throwing sand in the gears over and over, using the rules of the Senate to tie this place in knots. What we need—what we need—is to just vote. That is it. What we need is to exercise the democratic process of just voting, do away with the filibusters, do away with all the efforts to block, and just allow the democratic process to work. People can vote “yes.” They can vote “no.” But just allow us to have a vote.

We are looking for colleagues, just a couple of colleagues, joining with us. We have colleagues who have worked across the aisle. We are urging them to

stand with us to stop this filibuster and allow us to vote on behalf of small businesses in America, to give them the support they need.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I would like to follow up on what the Senator from Michigan has said because she has been one of the most forceful voices for trying to find a way to get the Senate to be able to move more quickly on so many important things. She is right. We have to stop saying no every day, and particularly on this day, and start saying yes to small businesses. The sooner we can say yes to small business, the sooner this recession will end, the sooner Americans can get back to work, and the sooner we can begin to put a real downpayment on the deficit that has been caused by reckless policies of the past.

She is right. And every day matters. This bill has been debated literally for a year and a half—not on the Senate floor but in committees and meetings and negotiations. As I held up a chart earlier today, most of the provisions in the bill—both from the Finance Committee and the Small Business Committee—were Republican-generated ideas or amendments. As I said, small business has many champions in this Chamber, and we need to show them, not just say we are but actually show them that with our votes.

It is going to be a long weekend for some people. I am going to be working all weekend. But it is going to be a long weekend for some who are concerned about image because I am going to submit for the RECORD, just today, in the last 24 hours, the list of headlines that are coming out around America from papers—conservative papers, liberal papers, independent newspapers—and they are not good for my friends on the other side of the aisle.

The Huffington Post, more liberal, of course: “GOP Filibusters Small Business Bill After Criticizing Dems For Delay.”

But Bloomberg, not that liberal: “Senate Republicans Block Small Business-Lending Measure.”

Politico, one of our papers here: “GOP blocks small-businesses bill.”

CQ: “Republicans Block Senate Vote on Small-Business Bill.”

An AP article in the Boston Globe: “Republicans Block Small Business Lending Bill.”

This cannot be good news over the weekend for a group that claims they are very probusiness.

A Las Vegas Sun editorial today: “Helping Main Street—Senate Should Approve Legislation That Could Spark Small Businesses’ Growth.”

The Washington Independent: “Democrats Go Small. GOP Still Says ‘No.’”

They have said no one too many times. We have to say yes. If we want

this recession to end—and I believe we do; I believe all of us do—we know our constituents are counting on us to do good work. So it is going to be a long weekend for whoever's job it is—the staffers over there—to try to get better headlines for their bosses. They are going to be working hard over the weekend. One of the ways we can do that is to get a small list of amendments, like one, two, three, four. The leader, our leader, offered three. It was rejected. We have been talking somewhere now between one and four. I think over the weekend we can figure that out, how to pay for these amendments.

Mr. President, I ask unanimous consent that a list of other headlines be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF HEADLINES

New York Times—"Small-Business Bill Falters On Senate Partisanship"

Washington Post (Opinion)—"GOP blocks small business bill. Who will get the blame?"

AFP—"Obama pleads with Republicans on small business bill"

International Business News—"Small business aid bill stalls in Senate"

Congress Daily—"GOP Blocks Small-Biz Measure"

Star Ledger Editorial Board—"Obama in Edison: President seeks to aid small business, but Republicans resist"

Credit Union Times—"Small Business Bill Stalls Again"

American Banker—"Small Business Lending Fund Bill Stalls—Again"

The Wall Street Journal—"Reid, McConnell in Talks Over Small-Business Bill"

Ms. LANDRIEU. But I want to answer again because these small business groups—we have 80 of them and they are counting on us—keep calling and saying: Vote for the bill. Vote for the bill. And what they are hearing from the other side is: We can't vote for the bill until we get amendments.

If we try to put too many amendments on this bill, even good ones, it will bring this bill down. We have to find a way to come to an end of the debate, give the small businesses of America a \$12 billion tax cut, and strengthen the SBA programs that banks and credit unions use—the small business programs—and then get this special lending program, in partnership with community banks, for the banks that know their community the best, the banks that know the businesses down the street.

The Taco Sisters Restaurant in Lafayette, LA—I have used Katy and Molly Richard before, and I would like to repeat some of the things they said. This is in 2008, looking back now—not a great time, but Molly convinced her sister Katy to move back home from New Hampshire and they made their dream come true. They leased a small restaurant on Johnston Street in Lafayette and they opened in February of 2009. They sell wonderful Louisiana

products. Molly goes on to say they have seven employees but would like to open more locations. The problem has been getting credit to grow. She says:

We have good credit, a good business plan, but have had trouble finding capital to grow our business. I was surprised that credit would be so tight for a business like ours—a short success story but successful nonetheless. Our business has seven employees and would like to keep growing, open more locations.

This is the kicker line:

Small community banks know businesses in their towns and can create jobs by getting more money out to them.

This bill is not about big banks on Wall Street. It is about entering a partnership with banks on Main Street so they can send capital to the businesses across the street.

It is a very simple bill, and we are going to work hard—hard—to pass it.

On the issue of amendments, again, so we are clear, the minority leader came to the floor earlier today and said something like: The majority leader keeps putting down substitutes, and we don't get to read the substitutes, and we don't know what the substitutes are.

Well, I have read the substitutes. I will tell him what they said. Senator REID came down to the floor and offered the substitute first. He introduced a new substitute because Senators SNOWE, GRASSLEY, ENZI, ISAKSON, and COLLINS wanted to put the SBA recovery provisions—those are the very popular loan provisions they had in the stimulus package—the Republican Senators—I am going to repeat their names: SNOWE, GRASSLEY, ENZI, ISAKSON, and COLLINS—all five Republican Senators wanted to move that provision from a bill that is pending somewhere else into this bill. So the Democratic leader said yes, and he did it. He put that in the substitute, and then offered it as a substitute. That was not good enough.

So then five other Republican Senators—I am going to get their names right here—Senators THUNE, JOHANNES, COBURN, INHOFE, and BOND—filed an amendment. The record will show it was amendment No. 4453. Their amendment, led by Senator THUNE, was to kill the Small Business Lending Fund.

So this is where it really gets interesting. My leader comes to me and says there is a Republican amendment to kill the Small Business Lending Fund, and so he has to accommodate them. I said: But that is the heart of the bill. He says: We still have to accommodate them. So he takes it out of the bill, really against my wishes, but I guess at the time I did not think I had any alternative.

That was a Republican amendment. The leader not only accepted it, we did not even have to vote on it. He just did it automatically.

Those are two amendments they got that we did not even vote on because

the leader did it for them, against my wishes, and against a lot of people's wishes.

So we build up again and say: OK, you had to take it out, but we think we have 60 votes to put it back in. And so we did. That is the process. We had 60 votes. We put the lending fund back in.

I see the Senator from Florida in the Chamber. He helped to do that. Senator NELSON from Florida helped to put that lending provision back in this bill.

Now we have come to sort of a standstill because of that, and maybe because of a few other things. I am figuring this out as we go along. But one thing I have already figured out is, we have to find a way now to pass this bill.

The leader has had some very good discussions on the floor—just a couple of hours ago. But I have to defend my leader because when the other side says that HARRY REID, the Senator from Nevada, will not give them amendments, he does more than that. He puts their amendments in his substitutes, which means they do not even have to offer them. He does it for them automatically.

So they deserve headlines like this. I hate to say it. They earned them. They tagged themselves with these headlines.

Maybe other people around here would not call them out, but I think it is my job as the chairman of this committee because I said when I took this chairmanship that this committee was going to be a champion for small business and we were going to fight hard for them. I offered lots of amendments for them in other bills. Sometimes I was successful; sometimes I wasn't. But I said we would fight for them, and that is what we are going to do. If there was ever a time they needed us to stand up and fight for them, it is now.

There was an article in the Washington Post—and I will conclude in a minute. I see the Senator from Florida. This is what our people read. I know not everybody reads the L.A. Times, and I think this came from the L.A. Times, but this was the headline I read and got upset about, and I want to say why I did.

I think the small businesspeople in my State sit around and read articles such as this, and when their kids come to the breakfast table I think they fold the article at the breakfast table because they don't want their children to see it because it is very upsetting. Lots of kids can't read; they are young. But a lot of teenagers can. This is what teenagers read.

This is by Kenneth Feinberg, who is doing some work in the gulf. He just released a list of firms that gave their top employees bonuses of \$1.6 billion. The report found that bonuses and other payments to highly paid executives at Goldman Sachs, Bank of America, Citigroup, Wells Fargo, and 13

other financial forums were, he said, ill-advised. The payments, more than \$10 million in addition to generous annual salaries for some, came as many of the 17 firms suffered huge losses. Feinberg says they were not good. The President says they were lavish bonuses. I don't know what to say about them because I can imagine a small business owner who has borrowed from everybody he knows to keep his business open the last year and a half; he stopped paying himself 8 months ago, and his children are sitting at the table saying: So, Dad, why can't we go on vacation?

While they are asking that question, he is reading the headlines about the same companies we gave money to on Wall Street gave bonuses of \$10 million or \$20 million or \$30 million, and he doesn't have \$200 to take his kids down the street to the amusement park.

Do my colleagues want to know why people in America are mad? I think this might be one reason. They don't understand what Washington is all about.

I am not on the committee that has to oversee bonuses. It makes me so mad I don't know what I would do if I were, but I am just pointing this out. While we are here diddling over small business, this is what small business owners are reading, and they are wondering: Has the world turned completely upside down? The same firms that got our money to bail them out get bonuses, and I can't even pay myself or my wife who works for the business or my child a salary for a month.

I am telling my colleagues, we better get moving on this bill, or I am not sure what is going to happen to either party when this election comes up because we need to do what is right. We need to do it soon. We know what is right, I think. I believe we do. We have worked hard to put a very smart, good bill together that doesn't increase the deficit by a penny; that provides \$12 billion in tax cuts—tax cuts, \$12 billion. I know those people on the other side, our friends, say Democrats are never for tax cuts. Well, we have \$12 billion in tax cuts paid for in this bill for small business.

So to the sisters who started this restaurant in hopes they could depend on us to do some right things for them, for all the small businesses struggling out there, I am saying to them: Just hang on. I know it is hard, but just try to hang on a few more weeks, a few more months if you can, because this bill is going to have a major impact, we hope. We don't know 100 percent for sure, but I can promise you doing nothing is a disaster. This bill has a lot of things we are going to try. Nobody here has a magic wand. But we have loan programs. We have some counseling programs. We have some small bank programs. We have some credit union programs. We are going to just throw it

out there carefully, strategically, and hope it hits because if it doesn't, I am kind of running out of ideas because I am not giving any more money to Wall Street.

So these are our best ideas for Main Street. I am proud of the work we have done. I see the Senator from Florida. I am going to yield the floor. There may be other Senators who wish to come down and speak.

I wish to thank Senator NELSON from Florida who has been a champion. I wish to again thank Senator MERKLEY, Senator SNOWE for her work earlier today. Although we disagree on one small aspect on this bill, we will still work together over this weekend to see what agreement we can come to. I wish to thank Senator CANTWELL particularly, and Senator SCHUMER, Senator KLOBUCHAR, and others who have been terrific—Senator BOXER, Senator MURRAY. We are going to continue to work over the weekend to see what we can do to say yes to small business in America soon.

Mr. NELSON of Florida. Before the Senator yields the floor, would the Senator entertain a question?

Ms. LANDRIEU. I would be happy to.

Mr. NELSON of Florida. First of all, I don't want the Senator to be rushed because I came over here so that I could hear the Senator. The Senator from Louisiana is so articulate and so passionate. She has laid the case out with the bare facts that if there is any embracing, as there seems to be, of support for small business, including a lending facility of \$30 billion to try to get money through the community banks into small businesses, which are desperate—and my State of Florida has a lot of small business—if there is this unanimity of feeling, then why are we playing these parliamentary games of adding on, insisting on the other side of the aisle's position that they want amendments that have nothing to do with small business and, therefore, cluttering up, as the Senator from Louisiana says?

Is the world coming to an end? Is the Senate coming to an end where we are in such perpetual gridlock that something that is so commonsense as this legislation to help small business—to help that family at the breakfast table the Senator so eloquently described—are we at the point that the Senate is incapable of functioning because one side says it has to have its way of having amendments that it wants that has nothing to do with small business? Have we come to the point of complete gridlock?

Ms. LANDRIEU. Well, I hope not. I wish to answer the question. I hope not. But we are very close because this bill, as the Senator knows, came to the floor because he helped to draft certain provisions of this from two committees with bipartisan support. Our leader, Senator REID, has bent over backwards.

When Republicans objected, he basically sort of took some things out of the bill to put on the floor in hopes—didn't even make anybody vote on it, against my objections, and then we started a debate. Then it just sort of shut down after we got that lending program back on. We have to open it again. We have to find a way forward because that lending program is extremely important.

The Senator was a cosponsor of that. We have to find a way forward. I think I heard tonight on the Senate floor—I think I heard—that we are somewhere between one and four amendments.

So as we work over the weekend, I am hoping we can find a way to say yes because the Senator knows, representing Florida, it is a whole State full of small businesses. The Senator knows more than any Senator here how many businesses are hurting in Florida. Our whole gulf coast has been under tremendous strain over many issues the last couple of years. So I thank the Senator. I am just responding to his question to say I hope we are not at the point of no return. But we are close.

If we can salvage this bill and move forward and do the right thing for small business, I think we can all be proud of that work.

Mr. NELSON of Florida. Mr. President, if the Senator would further yield, why do we have to mess up this bill with message amendments? These are political message amendments. For example, there are some amendments that on their own might be desirable amendments. There is an amendment—the fourth amendment of the four the Senator from Louisiana just mentioned—is one having to do with spending caps. That might be a desirable thing, but it is controversial. So why is the Republican side insisting on an amendment that is going to be controversial which lessens the chance for us to get 60 votes to cut off debate?

Ms. LANDRIEU. Well, the Senator is exactly right, but a better question is why would the minority leader insist on voting on an amendment we have already voted on three times. That is even a more interesting question. We have already voted on the Sessions-McCaskill amendment three times.

The Senator knows some people work for 10 years on amendments and never get a vote on the floor of the Senate. That amendment has had three chances—not one, not two, but three—and now we have to give them a fourth vote on the floor of the Senate. That is not anything to do with small business; that is a message.

It sends a terrible message. It says we are looking for bumper stickers and slogans as opposed to bills. I will say that again. Some people work around here for 10 years and can't get their amendment one vote on the floor of the Senate, and the Sessions-McCaskill

amendment, in this case, because the minority leader has thrown it out there, we have voted this year three times already on that amendment. I don't think we need to vote on it again. We surely don't need it for this bill. It has nothing to do with spending caps. It has to do with sending money to community banks because they know the businesses that might be able to hire people, to create jobs, to lead us out of the recession. That is all this bill is mainly about.

Mr. NELSON of Florida. Mr. President, if the Senator will further yield—and I will be very brief because the Senator's patience has been extraordinary, and she has been at this going hard, full throttle all day—I would ask the Senator, in light of the extremely descriptive word picture that she painted of the family at the breakfast table and the mom and the dad don't want the teenagers to see that folks on Wall Street are getting all of these bonuses while they cannot even go down and have a weekend vacation because the money is not there, all of this is just exacerbated in the Senator's gulf coast State, as is my gulf coast State, because of the loss of income, the loss of business as a result of the gulf oil spill. Now we find that BP indeed wants to lessen their Federal tax liability by \$10 billion by writing off all of the expenses attendant to this gulf oil spill.

When you lessen your tax revenue, that means that you are asking for the taxpayers to make up the difference. Is it any wonder the mom and dad at the breakfast table don't want their children to know what in reality is going on here?

Ms. LANDRIEU. Exactly. I mean, I don't know how you explain to teenagers. There really is no explanation.

I think it is shameful and we need to fix it. The Senator should know that is what we are trying to do. Again, I don't know what we can do about those bonuses. That is a subject for another committee. I am concerned and the Senator is as well. Maybe we can find a way. The BP writeoff—there will be a tremendous amount of criticism, and perhaps there are some legal grounds for us not allowing them to do that. It is inexplicable to people who are trying to run a small business and they see us having worked for a year and a half, and all that is going on and we still cannot seem to move this bill forward to the House for negotiation and then to the President's desk as quickly as possible.

Mr. NELSON of Florida. Mr. President, I will say this in conclusion, if the Senator will yield further, every one of us has small businesses in our States. The economic engine of Florida is small business. It is those very people who have come forth in this recession and have said they are having difficulty and, in many cases, cannot

make financial ends meet because they cannot get the banks to lend to them.

The big banks will lend to big customers. They are not fulfilling the obligation of lending to the entire community. The community banks wish to make those loans to small business and, yet, they say they are harassed by regulators. Here we have provided an avenue of money to flow through community banks to small business to help them make their financial ends meet. It is unconscionable that people in a parliamentary and partisan fashion would hold up this legislation.

That is what I wanted to say, in conclusion, to the Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator from Florida. I am going to speak another 4 minutes. I know staff is tired and we are going to wrap up soon. I wanted to end with a comment from another small business in Metairie, LA, which is right outside of New Orleans. This is a small business owner, Patti Martinez, a lifelong resident of New Orleans, who opened her business in March 2009. I am sure she thinks about that decision every day, thinking: Maybe I should have opened a couple of years earlier or waited. But she didn't know all the derivatives on Wall Street would blow up. She opened her business in March 2009. She has three children, so the idea is she waited for 10 years—there are a lot of moms out there who have small kids at home. Frank and I have raised our children while I have been in the Senate. He works, too. We know how difficult that is.

I know a lot of moms dream for a long time about what they would do if they had some time. Patti waited 10 years and then opened her business—lucky her—in March 2009. She said: I have 15 employees; they are part time. Our little business has taken off beautifully. We host birthday parties, holiday parties, and sock hops. I recently hosted a 50th birthday party.

She is explaining that her business is going on. She said:

Everyone, once inside our facility, loves our business and comes back again [even in these difficult times]. We ran one commercial on Channel 4 for a week and our bookings quadrupled.

One commercial on Channel 4, which is our big station, for a week and her bookings quadrupled.

If I had additional funds for advertising, video games, and maybe one more employee, our business would really take off.

This is the story of the recovery. This is the story of the end of this recession. If we don't have more business owners like Patti Martinez who will hire that one more person, this recovery is never going to happen. Don't take my word for that. Go look up all of the journals, the scientific journals, and all of the economic studies. You can go to the fancy schools—Harvard, MIT—and look and they say that. It is not just what I am saying. Big business

isn't going to hire. Small business is going to hire—the Patti Martinezes of the world. She ran one commercial and her business quadrupled. Couldn't we give her a loan so she can run maybe two or three commercials? She is not paying herself any bonus, I can promise you that.

I am going to end with a letter we received today from the National Restaurant Association, representing 945,000 restaurants across the United States. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL RESTAURANT ASSOCIATION.

DEAR SENATOR: The National Restaurant Association, representing 945,000 restaurant locations across the U.S., supports H.R. 5297, the Small Business Jobs Act of 2010. The restaurant industry, which employs nearly 13 million Americans and is expected to generate an overall economic impact of \$1.5 trillion this year, is comprised mainly of small, independent businesses. In fact, more than 98% of restaurants are classified as small businesses.

H.R. 5297 would provide our nation's small businesses with tax relief and assistance in gaining access to capital that is critical to economic and financial recovery. Importantly, this legislation would increase the Section 179 expensing limits and expand Section 179 to allow taxpayers to expense up to \$250,000 of the cost of qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property. In addition, the legislation would extend bonus depreciation, which expired at the end of last year. These provisions would encourage small businesses, including those in the restaurant industry, to undertake capital expenditures. Moreover, these capital expenditures have a multiplier effect, spurring economic activity and job growth in communities throughout the country.

An important part of the bill are the provisions to modernize popular Small Business Administration (SBA) loan programs and extend expiring loan guarantees and borrower fee reductions. Specifically, the maximum size of SBA 7(a) and 504 loans would increase from \$2 million to \$5 million and from \$1.5 million to \$5.5 million respectively. The fees on such loans, which were eliminated through 2009, would continue to be eliminated through 2010. In addition, government guarantees of 90 percent on such loans would also be extended through 2010. These provisions have the strong support of Small Business Committee Chairman Landrieu and Ranking Member Snowe. We also support the LeMieux-Landrieu Amendment incorporated into the bill, which would establish a \$30 billion Small Business Lending Fund designed to assist small banks to specifically lend money to small businesses. As the nation's fragile economic recovery continues, households are still holding back on spending and, as a result, many restaurant operators are continuing to struggle. Expanding access to capital will help restaurant operators make necessary investments, hire and retain workers, and, in certain cases, keep their doors open.

Additionally, we urge passage at some point this year of two additional amendments that were filed but will not be taken up at this time. First, we support an amendment filed by Senator Bill Nelson that would

provide some tax benefits to small businesses and individuals impacted by the Gulf Oil Spill. Where the Gulf Coast's beaches and wetlands attracted millions of visitors in previous years and generated demand for restaurants, the Deepwater Horizon oil spill is now having resounding negative economic consequences. As such, we urge your support for the Gulf Coast recovery package recently released by Senators Bill Nelson, Wicker, Landrieu, Cochran, Vitter, and LeMieux. The package contains tax incentives that would assist small businesses such as restaurants as they grapple with the long-term challenges resulting from the worst environmental disaster in U.S. history. The tax incentives include tax deferral for reinvested small business reimbursements, extension of the net operating loss carryback period, an oil spill recovery zone job creation tax credit, and enhanced small business expensing in the oil spill recovery zone. Another meritorious provision that should be considered is allowing the deferral of SBA loan repayments for those businesses located in the gulf region and impacted by the oil spill.

Finally, we urge permanent resolution of the estate tax issue. In this regard, we would like to take this opportunity to note our support for the estate tax amendment offered by Senators Kyl and Lincoln, which would provide hard-working small business owners with certainty on this important issue.

We urge you to support H.R. 5297, which will go a long way to help small business during this difficult economic climate.

Sincerely,

SCOTT DEFIFE,
*Executive Vice President,
Policy & Government Affairs.*

Ms. LANDRIEU. In part, it says:

We also support the LeMieux-Landrieu Amendment incorporated into the bill, which would establish a \$30 billion Small Business Lending Fund. . . . As the nation's fragile economic recovery continues, households are still holding back on spending and, as a result, many restaurant operators are continuing to struggle. Expanding access to capital will help restaurant operators make necessary investments, hire and retain workers, and, in certain cases, keep their doors open.

The restaurants in my State are having a particularly difficult time because they don't have capital. Now they don't have any seafood to sell. If we keep going much longer, they are not going to have any customers even if I could give them capital and seafood, because people don't think they should come to the gulf now. That is a whole other subject.

Tonight, we can loosen up some of this capital through bankers that they know—they worship with them in church, they worship with them in synagogues; they know them. The bankers know them. If we can help small community banks, maybe—just maybe—and some of these credit unions—maybe some of the money we shower on Wall Street—maybe we could give a little bit of rain out there to middle America and get this recession over.

I yield the floor.

TRIBUTE TO LOIS BAKER

Mr. McCONNELL. Mr. President, I rise to pay tribute to Mrs. Lois Baker

and the commitment she made to providing rural health care services to thousands of Kentuckians. Beginning in 1971, Mrs. Baker was the chief executive officer of Mountain Comprehensive Health Corporation, MCHC, which continues to provide the residents of eastern Kentucky with quality, affordable health care. Since opening its first location, a trailer located on the line between Perry and Leslie Counties, MCHC has become a fixture in the region, operating locations in five eastern Kentucky counties. Now, with 250 employees, MCHC proudly serves over 27,000 patients each year.

Mrs. Baker's commitment to the Commonwealth extends well beyond her accomplishments at MCHC. A graduate of Fugazzi Business College and the University of Michigan's School of Public Health, Mrs. Baker served as president of Baker Coal & Land Company and as president of Letcher Manufacturing Company prior to becoming CEO of MCHC. As a member of the admissions committee for the University of Kentucky College of Medicine, Mrs. Baker proudly encouraged students from eastern Kentucky to pursue careers in the medical field and then to return home and utilize their skills to better the lives of their fellow Kentuckians.

Following her recent passing, the Booneville Sentinel published an article commemorating the life and accomplishments of Mrs. Lois Baker, and I would like to share that tribute with my colleagues. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From the Booneville Sentinel, July 14, 2010]

Lois Baker leaves a long list of achievements.

Funeral services for the founder and past chief executive officer of Mountain Comprehensive Health Corporation (MCHC) was held Wednesday, June 30, 2010 at the First Baptist Church in Whitesburg.

Lois attended Stuart Robinson High School, Fugazzi Business College in Lexington, KY and the University of Michigan School of Public Health.

Before leading Mountain Comprehensive Health to become one of the country's most successful rural health providers, she worked in the coal business and operated a furniture plant. She was president of Baker Coal & Land Company from 1959 to 1963, president of Letcher Manufacturing Company, Inc. in 1963 and became CEO of MCHC in 1971.

The first MCHC clinic was located in Wooten on the Perry/Leslie county line, in a trailer. MCHC operates five clinics, located in Letcher, Perry, Harlan and Owsley counties. MCHC's team consists of 250 employees and provides services to more than 27,000 patients each year. In looking back, Lois stated, "there was no way that at that time I could have imagined or anyone else that was working at that time could imagine Mountain Comp as it is today."

In October 1983, Lois extended her commitment of providing quality healthcare serv-

ices to the residents of Owsley County and surrounding counties by opening the Owsley County Medical Clinic. Owsley Medical Clinic is now a medical practice consisting of two primary care providers and 15 employees whose mission is to utilize all available resources to provide affordable health care to those persons residing in its service area. The Owsley Medical Clinic is an asset to the area as well as a source of pride for Owsley County. Thank you Lois for thinking of us!

Lois served on many boards and committees. She was a member of the University of Kentucky College of Medicine Admissions Committee. She said that if an eastern Kentucky student applied to UK College of Medicine, they were accepted and encouraged to come back to the mountains to practice medicine. She was inducted into the Mountain Heritage Hall of Fame, the National Association of Community Health Centers Grassroots Advocacy Hall of Fame and the UK College of Public Health Hall of Fame.

Lois always had a vision and she never lost that vision. She was always a pioneer in everything and never afraid to tackle anything. She had a presence that seemed larger than life and felt it was purely about helping people by providing excellent health care. Lois's great passion for her work, compassion for her staff and patients, and friendliness even under stress made her a role model for all of us. She will be missed greatly by many.

CLEAN ENERGY JOBS AND OIL COMPANY ACCOUNTABILITY ACT

Mr. LEAHY. Mr. President, I commend the majority leader for introducing the Clean Energy Jobs and Oil Company Accountability Act. This bill, which I am proud to support, is a timely and targeted response to the continuing devastation in the Gulf of Mexico, a catastrophe which began 100 days ago. The Senate must move quickly to address one of the most immediate and pressing problems facing our Nation and to find meaningful ways to prevent similar disasters in the future. The American people rightly expect that the lessons learned from this disaster will be heeded.

This legislation addresses several issues brought to light in the spill's aftermath. It will ensure the fair treatment of victims like the families of the 11 Americans who were killed in the explosion on the Deepwater Horizon oil rig. It will encourage responsible corporate behavior and provide meaningful criminal penalties for environmental crimes. It will ensure that British Petroleum and those responsible for this disaster and any responsible party associated with an oil spill at an offshore facility in the future are held fully accountable and liable for all of the damages the oil spill causes and that the American taxpayer is not left with the bill. It is a response that will help the people of the gulf begin the long process of restoring what they have lost. And for those who cannot recover what they have lost, it will help them as they move forward. These matters, and others, have been the subject of several recent hearings in the Senate Judiciary Committee.

Senators from several committees, including the Judiciary Committee, have made important contributions to this bill. I am pleased that the majority leader asked for and listened to the calls of members of the Judiciary Committee to make sure that a significant part of this legislative response was focused squarely on the needs of the victims of this disaster and that the Federal laws designed to provide justice for wrongdoing are fair.

I thank the majority leader for including two pieces of legislation I have introduced—the Survivor's Equality Act, and the Environmental Crimes Enforcement Act. I am confident that, when enacted, both of these provisions will help victims and promote responsibility and safety within the energy industry.

The Survivor's Equality Act would remedy profound unfairness in our maritime tort laws. The enactment of this provision will end the unequal treatment under the law for those who are killed at sea. The Death on the High Seas Act, which is one of the few remedies for these families to seek justice, provides compensation only for pecuniary losses associated with a wrongful death. This involves a cold calculation of a victim's monetary worth to his or her family and nothing more. And if an individual who is killed has no dependents, he or she is entitled to very little, yet the loss to a parent or a sibling is no less tragic. The current Federal maritime law does not recognize the profound losses associated with the death of a loved one—the suffering of a widow who has lost her husband; a parent who has lost a child; or a child who will no longer have a parent to guide them through life. In modern America, it is simply unfair to have a different standard of justice for those killed at sea than those killed on land.

Another important provision in the pending bill is the Environmental Crimes Enforcement Act which would bolster the enforcement of environmental crimes. Often in the case of serious environmental catastrophes the companies that caused the disaster may be guilty of committing environmental crimes. These wrongdoers must be held accountable for their criminal acts, and they, rather than American taxpayers, should pay for the damage. The Environmental Crimes Enforcement Act is crafted to deter environmental crime, protect and compensate its victims, and encourage accountability among corporate actors. This would deter schemes by big oil corporations and by others that hurt hard-working Americans and their local economies and that damage the environment by increasing sentences for environmental crimes. All too often, corporations treat fines and monetary penalties as merely a cost of doing business, to be factored against profits.

To deter criminal behavior by corporations, it is important to have laws resulting in prison time, and this bill would appropriately raise sentences for environmental crimes so they are comparable with sentences for other serious crimes. Nothing gets the attention of corporate decisionmakers like the prospect of serving time behind bars.

This provision would also help victims of environmental crime—the people who lose their livelihoods, their communities, and even their loved ones—reclaim their natural and economic resources by making restitution mandatory for criminal Clean Water Act violations.

Other members of the Judiciary Committee have made important contributions to the majority leader's bill. Senator WHITEHOUSE's legislation to reverse the Supreme Court's decision in *Exxon v. Baker* is included in this package. When this provision is enacted, the Supreme Court's arbitrary cap on punitive damages in maritime cases will be erased. Instead, with the appropriate measure of liability returned to a jury to decide, corporations engaged in dangerous and environmentally risky work will think twice about endangering the safety of their workers and the ecosystem.

Senator SCHUMER's legislation to repeal the antiquated Limitation of Shipowners' Liability Act has also been included. This statute limits a vessel owner's total liability to the value of the vessel after an accident has occurred. Updating this arcane law will foreclose the type of conduct we witnessed in this case when Transocean, the owner of the Deepwater Horizon, claimed its liability should be limited to the value of the Deepwater Horizon as it sat on the bottom of the gulf. That defies common sense and propriety. Congress cannot control a corporation's desire to evade its responsibilities, but the American people, through their Congress, need not allow a law that invites such behavior to stand.

Another important provision in this legislative package is the amendment to the Land and Water Conservation Fund, LWCF, Act of 1965 to provide for full funding of the Land and Water Conservation Fund. This comes at a time when the purposes of this program are keenly important to communities across the country that are facing escalating development pressures, while striving to maintain their focus on improving the quality of life in their communities.

In my own home State of Vermont, LWCF has led to the conservation of many valued areas—from the Green Mountain National Forest, which stretches over nearly two-thirds of the length of Vermont across a diverse landscape, to our Missisquoi National Wildlife Refuge near the Canadian border, to the Appalachian Trail that

winds through the State, and to the stunning Marsh-Billings-Rockefeller National Historical Park in Woodstock, VT. In recent years, LWCF has also helped to fund the Forest Legacy Program, which has permanently conserved more than 60,000 acres of forestland in Vermont and nearly 2 million acres nationwide. I am concerned, though, with how this new LWCF language has been drafted and worry that it could restrict our ability to allocate funds for the federal purposes, such as the Forest Legacy Program and other land acquisition programs that assist in preserving, developing, and assuring accessibility to quality outdoor recreation resources and important natural resources. I hope that I can work with the majority leader and other supporters of these land conservation programs moving forward to ensure that LWCF meets the outdoor conservation and recreation needs of the American people.

These investments not only protect crucial and delicate ecosystems and landscapes that are relied upon by countless communities and by indigenous wildlife; they also offer important recreation opportunities for Vermonters and visitors from other States to enjoy these beautiful places for our campgrounds, hiking trails, skiing, snow shoeing, snowmobiling, and fishing. It made good economic and environmental sense in 1965 and it remains good sense today to reinvest a small fraction of Federal leasing revenues in permanent natural resource protection. A healthier environment and more recreational opportunities will not only promote health and quality of life but also have a positive impact on our economy. More than 500 million people visit national parks and monuments, wildlife refuges, and recreational sites each year, contributing to family paychecks and to local economies.

LWCF is a visionary and bipartisan program. Since its creation in 1964, it has conserved more than 5 million acres of land and water across the country. These are iconic American landscapes like the redwood forests, the Grand Canyon National Park, the Appalachian National Scenic Trail, the Great Smoky Mountains, the Denali National Park and Preserve, the Everglades, and our own Green Mountain National Forest in Vermont. This is a program that touches every American. Even those who have not been able to visit a national park or forest likely have enjoyed one of the many urban parks, picnic areas, playgrounds, open trails, or open spaces that LWCF has been the key to providing and protecting—places prized by everyday Americans across the land as places for recreation and so many other uses.

I am proud to have led the bipartisan efforts in the Senate to build support for the fund, whose budget is overseen

by the Interior Appropriations Subcommittee. I have sought, with bipartisan support, increased funding for both the Federal and State sides of the program and the Forest Legacy Program, another successful and popular conservation initiative that I was gratified to be able to launch when I chaired the Committee on Agriculture, Nutrition, and Forestry. Regrettably, securing adequate resources for LWCF has always been difficult, and LWCF has only been fully funded once in its history.

I must also voice some additional concerns and reservations that I have about the LWCF language in this bill regarding the role of the Appropriations Committee. I hope that we can ensure that Congress, through the direction of the Appropriations Committee, will still have control in establishing how the Land and Water Conservation Fund is allocated among the State and Federal purposes and the various agencies within. I ask that the majority leader commit to working with the Interior Appropriations Subcommittee chairman to develop language that guarantees the role of the Congress in appropriating and directing these funds rather than leaving all control in the administration. I trust that we can find a way to fully fund LWCF and maintain the congressional involvement through the appropriations process.

I applaud the majority leader for including this provision in the bill and appreciate both his support and that of the chairman of the Energy and Natural Resources Committee, Senator BINGAMAN, for leading this effort to protect America's most treasured landscapes, to strengthen our local economies, and to ensure the future of our natural, cultural, and recreation heritage.

Now I would be remiss if I did not mention another program that has faced the same difficulty receiving its full authorized amount. That would be the Historic Preservation Fund, which also receives funding from the Outer Continental Shelf oil lease revenues but has rarely been appropriated more than half of the authorized level of \$150 million. I hope that I can work with my colleagues to solve this issue for the Historic Preservation Fund, just as we are trying to do for the Land and Water Conservation Fund.

This bill is also an important step forward for the Home Star Program, a bipartisan home efficiency effort that Congressman WELCH has helped lead in the House, that will lower consumers' energy and water costs while creating jobs. As Vermont has shown time and again, energy efficiency retrofits work. They not only create quality jobs and save homeowners money on their energy and water bills, but they also reduce our dependence on foreign oil and cut down on harmful carbon emissions.

The Clean Energy Jobs and Oil Company Accountability Act would reduce our dependence on foreign oil by making investments in vehicles that run on electricity and natural gas. The lack of fuel diversity in our transportation sector makes our economy and American consumers particularly vulnerable to increases in oil prices, and I am pleased that this bill invests in other transportation alternatives that will also bring down our carbon emissions.

I am sorely disappointed in Washington's inability so far to overcome the entrenched power of special interests by acting on comprehensive climate change remedies. This bill is not a substitute for that, but it does signifies several constructive steps forward.

I am proud to stand with Majority Leader REID in support of the victims of the greatest environmental disaster on American shores. But the legislative package he has assembled will do more than just bring justice to these victims. It will save consumers and taxpayers money, create jobs throughout the country, and move our country toward a safer, more responsible energy industry. It is a commonsense solution. I hope it will receive bipartisan support.

45TH ANNIVERSARY OF MEDICARE

Mrs. LINCOLN. Mr. President, tomorrow our Nation celebrates the 45th anniversary of Medicare, a vital program that has provided health care for millions of Americans through the years. During my career in the Senate, I have fought to ensure that our Arkansas seniors and all seniors receive the best health care possible. I have fought to protect Medicare benefits for our Arkansas seniors, so they can receive the care they need, when they need it.

I believe in the promise our government made to working Americans that if we work hard, Medicare will be there to help us in our golden years. Medicare has made a healthy and secure retirement possible for tens of millions of Americans, including my own mother.

More than 500,000 Arkansans are enrolled in Medicare, and I am proud of my work on their behalf. In particular, our Arkansas seniors will see significant new benefits because of the Patient Protection and Affordable Care Act, which I played a major role in crafting.

The new health care law will enhance the life and well being of our seniors in many ways. For example, I fought successfully to reduce the Medicare Part D prescription drug coverage gap known as the doughnut hole, which will save seniors money beginning this year. In addition, the legislation will immediately extend Medicare payment protections for small rural hospitals and other health care providers that play vital roles in their communities.

I am proud that the Senate health care reform law explicitly states that no reductions in guaranteed Medicare benefits will be made, and that any savings generated for the Medicare program will extend Medicare solvency, reduce Medicare premiums and cost-sharing for beneficiaries, improve or expand Medicare guaranteed benefits, and preserve access to Medicare health care providers.

In addition my Medicare Advantage lemon law included in the bill creates a 45-day period—January 1 through February 15—beginning in 2011 during which beneficiaries who enroll in Medicare Advantage or prescription drug plans during the annual enrollment period can disenroll and return to traditional fee-for-service Medicare. This proposal will help protect seniors from losing benefits or the ability to see their doctors if they have discovered they signed up for a Medicare Advantage plan that does not cover their doctors or does not meet their health care needs, a problem we have experienced often in Arkansas.

As we commemorate the 45th anniversary of Medicare, I would like to take this opportunity to thank the entire Arkansas health care community for their dedicated efforts to ensure that their fellow Arkansans receive the best care possible. In particular, I commend our health care professionals for their participation in the Medicare program, providing comfort and care and making a healthy retirement possible for millions of Arkansans since the program's inception 45 years ago.

AFGHANISTAN REPORT

Mrs. FEINSTEIN. Mr. President, the Senate Caucus on International Narcotics Control has been studying the evolving counternarcotics efforts in Afghanistan and has found that the Taliban has morphed into a hybrid—it is one part terrorist organization, one part global drug trafficking cartel.

The Taliban's terrorist operations are increasingly fueled by its substantial narcotics profits, with as much as \$169 million coming from a single heroin trafficker in a 10-month period.

In Afghanistan, the convergence of terrorism and international drug trafficking is strikingly similar to what we have witnessed in Colombia. There, profits from the cocaine trade has kept the Marxist terrorist group known as the FARC going for the past 46 years.

These hybrid organizations are the face of 21st century organized crime.

In just one counternarcotics operation in October 2009, a major laboratory in Kandahar province in Afghanistan was raided. Sixteen Taliban were killed.

Roughly 1.8 metric tons of opium and heroin were seized at the lab—along with improvised explosive devices, IEDs, IED bomb-making materials, and Taliban training manuals.

The Drug Enforcement Administration, DEA, took down 25 heroin processing labs in Afghanistan in fiscal year 2009. All of them had ties to the Taliban.

In December 2009, before the House Armed Services Committee Karl W. Eikenberry, U.S. Ambassador to Afghanistan testified that:

The cultivation of poppy and the trafficking of opium without a doubt has the most debilitating effect of Afghan society, feeding corruption and undermining the legal economy, while generating funds for the insurgency.

Systemic corruption at all levels of the Afghan government remains a problem fueled by the drug trade.

The two largest income-generators in Afghanistan are estimated to be drugs and bribes, accounting for \$2.8 billion and \$2.5 billion per year, respectively, according to the U.N. Office on Drugs and Crime report: "Corruption in Afghanistan," January 2010.

Together, that is equal to about half of the country's legitimate GDP. This shocking figure clearly identifies the two biggest problems in Afghanistan: drugs and corruption.

Additional resources for the counter-narcotics mission are now being developed after it was determined that drug trafficking clearly supports the insurgency.

However, experts agree that it may take many years to get the drug trade in Afghanistan under control.

Meanwhile, as the U.S. military plans to scale back its presence starting in summer 2011, civilian personnel will remain to continue to support Afghans.

So the question comes: Will the civilian counternarcotics forces in Afghanistan have enough personnel and equipment to continue meaningful operations without the U.S. military?

As part of the Drug Caucus review, I asked that we identify which programs and tools work, and which ones don't.

This report makes several recommendations, including: Increasing the capacity of the Afghan counternarcotics forces; continuing U.S. support for alternative livelihood programs and evaluating new program proposals; clarifying U.S. policy on eradication; increasing dedicated assets for air support of counternarcotics missions prior to the U.S. military drawdown; utilizing narcotics investigations as a tool to root out and prosecute corrupt Afghan officials; and suggesting policymakers develop a counternarcotics plan as soon as possible for when the military-to-civilian ratio changes.

Let me highlight one of the report's nine findings and recommendations. This finding involves narco-terrorism investigations.

In addition to hearing testimony, we have spoken to experts from the Departments of Justice, State, and De-

fense, nonpartisan think tanks, and intelligence community officials.

All agreed that it is essential to remove the leadership of the Afghan narco-cartels from the deadly mix of drug money and terror.

However, the Afghan judicial system is not capable of prosecuting and incarcerating high-value narcotics kingpins.

The good news is that there is a legal vehicle for U.S. law enforcement to remove these high-value targets.

In March 2006, as part of the Patriot Reauthorization Act, the United States enacted title 21 United States Code section 960a.

Known as the Federal narco-terrorism statute, this law gives DEA the authority to pursue narcotics and terrorism crimes committed anywhere in the world—if a link can be established between a drug offense and a terrorist act or group.

This statute can be applied worldwide. It has been particularly effective in combating major drug violators in Afghanistan.

These are the violators who are providing weapons and other substantial resources to the Taliban for use against American and coalition forces, and against the innocent civilian population of Afghanistan.

DEA currently has two 13-agent units—the Bilateral Investigations Unit and the Terrorism Investigations Unit—which address this type of narco-terrorism.

The Bilateral Investigations Unit primarily pursues cases of drugs being exported to the United States, and has been responsible for successfully investigating and convicting major Mexican and Colombian drug traffickers.

The Terrorism Investigations Unit investigates international criminal organizations that use illicit drug proceeds to promote and finance foreign terrorist organizations and acts of terror, pursuant to title 21 U.S.C. § 960a, narco-terrorism.

Agents with the Terrorism Investigations Unit have produced impressive case results, including: obtaining the first conviction under the new narco-terrorism law, against Khan Mohammed. Captured by DEA and Afghan Counternarcotics Police in Nangarhar Province in October 2006, Khan Mohammed was convicted in May 2008 in U.S. District Court in Washington, DC. He received two life sentences for selling narcotics and intending to use the proceeds to purchase rockets to attack the U.S. military base in Jalalabad, Afghanistan.

Indicting Haji Juma Khan and coordinating his arrest and expulsion from Indonesia on October 23, 2008. He was placed into DEA custody and transported to New York, where he awaits trial. He is one of the world's most significant heroin and opium traffickers, who provided direct support to the Taliban from his drug trafficking revenue.

The Terrorism Investigations Unit worked in Afghanistan to capture Haji Bashir Noorzai, who was the world's largest heroin trafficker and one of the five original founding members of the Taliban Ruling Shura in Kabul. He was convicted in the Southern District of New York and is now serving a life sentence.

In December 2009, a Terrorism Investigations Unit investigation confirmed that al-Qaida is becoming increasingly involved with the drug trade, when Federal prosecutors in New York charged three people with ties to al-Qaida and al-Qaida in the Islamic Maghreb, AQIM, in Africa with narco-terrorism for conspiring to transport 500 kilograms of cocaine belonging to the FARC across Africa and into Europe.

This case marks the first time that associates of al-Qaida have been charged with narco-terrorism offenses, as well as the first prosecution of crimes related to drug trafficking in support of terrorism in sub-Saharan Africa.

Based on the success of these investigative units and the conditions in Afghanistan, I believe it is important to stand up a new team to focus directly on Afghanistan.

By providing funding for an Afghanistan team, the existing Terrorism Investigations Unit would be able to continue their work in Africa on al-Qaida-linked organizations.

An Afghanistan team would also expand the Terrorism Investigations Unit's operations—currently focused in the South and East—to throughout the country.

The contacts and leads they discover have produced, and will produce, collateral intelligence for American and coalition forces. I am confident that a new unit will produce additional indictments and convictions of Taliban members and others for narco-terrorism.

Our findings have clearly identified that this is a program that works. Simply put: Narco-terrorism investigations have proven to be an effective tool in Afghanistan. So it should be a priority for funding and action.

There's another area that should be a priority—helicopters. Helicopters are essential to this fight here's why:

After all our efforts—after the recruiting and training of Afghan police, after developing intelligence, after following leads—the times comes to lawfully arrest traffickers and seize their narcotics.

This requires a large force of law-enforcement personnel, supported by troops, and the counternarcotics team must be transported to the target location by helicopter.

Afghanistan is unlike most countries in the world in this respect. It is a vast country, with a challenging geography, and little in the way of passable roads. So helicopters are essential.

Unfortunately, many times there are no helicopters available, so the mission has to be scrubbed.

The Drug Caucus looked into this. We found that it is critical to have dedicated helicopters for counter-narcotics operations in Afghanistan. For example, last October Michael Braun, former Chief of Operations for DEA, told the Drug Caucus that:

The DEA's counter narco-terrorism operations and vitally important intelligence gathering missions are routinely delayed, often for several days, because the DEA lacks its own organic helicopter assets in Afghanistan."

The Government Accountability Office reported to Congress in March of this year that:

Defense and DEA officials stated that air-lift requirements have grown beyond what was originally envisaged for the Air Interdiction Unit, and they also stated they expected these requirements to grow further as DEA expands into forward operating bases

Attorney General Eric Holder told me this when I asked him on March 22, at the Judiciary Committee about the lack of air assets for counternarcotics operations:

The most significant factor we face in Afghanistan is helicopter lift. DEA must have adequate helicopter lift capacity that is night capable and flown by veteran pilots.

Recently, the Drug Caucus learned the following:

There are funds available, allocated by Congress and provided to the State Department, for supporting other civilian agencies operating in Afghanistan. These funds can be used for to obtain dedicated helicopters for counter-narcotics missions.

There are retired Navy Sikorsky helicopters mothballed at Davis-Monthan Air Force Base and elsewhere available at no cost.

The State Department has a contract with Sikorsky to refurbish up to 110 S-61 helicopters over the next 5 years.

It will take approximately 9 months to refurbish these helicopters and get them to Afghanistan.

When I learned that we have these helicopters, a signed contract with Sikorsky, and funds for the retrofit the helicopters were all available to meet the needs of the counternarcotics mission I thought great, "When will they be in country?"

Unfortunately, I cannot get an answer to that question because there has been a hold placed on the final decision regarding these helicopters. A hold that has lasted several months. This is unacceptable. Time is of the essence. These funds must be used now to prepare these helicopters to get them to Afghanistan by next spring.

I ask for the President and the Secretary of State's full support on this matter so, for the first time, there will be helicopters dedicated to U.S.-led counternarcotics operations in Afghanistan.

Drug trafficking in Afghanistan provides more than 90 percent of the world's opium.

It fuels the insurgency, corrupts public officials, and undermines political stability and the rule of law.

If we are to protect coalition forces from an influx of weapons now, and leave Afghanistan on firm footing, we must put an end to this relationship between terrorism and drugs.

In September 2009, the executive director of the United Nations Office of Drugs and Crime, Antonio Maria Costa had this to say:

Like never before, the fates of counter-narcotics and counter-insurgency are inextricably linked.

On March 16 of this year at the Senate Armed Services Committee hearing General David Petraeus testified that:

Another major component of our strategy is to disrupt narcotics trafficking, which provides significant funding to the Taliban insurgency. This drug money has been the 'oxygen' in the air that allows these groups to operate.

What we have learned is that heroin is a weapon for the insurgents and the terrorists.

It kills people. It ruins lives. It leads to criminal behavior.

And it corrupts governments, putting a terrible burden and strain on society.

When he learned that a large shipment of heroin was heading to American cities, convicted Afghan narco-terrorist Khan Mohammed was recorded on a surveillance tape saying:

Good, may God turn all the infidels into dead corpses . . . whether it is by opium or by shooting, this is our common goal.

There can be no question that the drug trade in Afghanistan is inextricably linked to terrorism. So, the drug trade there must be met with the same robust response, the same level of resolve, as our efforts against the insurgency.

Bottom line: If we ignore the drug problem in Afghanistan we will fail in Afghanistan.

Mr. President, this report may be found at <http://drugcaucus.Senate.gov>.

I thank the Chair.

SEC FOIA EXEMPTION

Mr. KAUFMAN. Mr. President, I rise to discuss a provision in the Dodd-Frank Wall Street Reform and Consumer Protection Act, section 929I, that is attracting a lot of attention today, and for good reason. The SEC cited it yesterday in seeking to block a Freedom of Information Act, FOIA, action brought by Fox Business News.

Press freedom is a subject that is very important to me and many other Members of Congress, and one which our country is keen to stress as important around the world. It would be ironic if the Dodd-Frank bill substantially diminished our own press freedoms. This is particularly the case in

the aftermath of a devastating financial crisis when we now hope that greater transparency into our financial institutions, markets and regulatory agencies will help ensure that systemic risks do not emerge and grow undetected.

Section 929I deals with "records of registered persons," that is, information received by the SEC in the course of its oversight duties with respect to any person or entity registered under the Securities and Exchange Act and other applicable laws, such as the Investment Company Act and Investment Advisers Act. I am concerned that this provision has been written far too broadly. Indeed, it appears to have the effect of exempting from FOIA requests virtually all information received by the Securities and Exchange Commission from "registered persons." An overbroad exclusion from public disclosure undermines the strong public interest in transparency. Narrowing or eliminating this new exclusion should be at the top of the list for a bill designed to amend the Dodd-Frank Act.

Section 929I reads in part:

The Commission shall not be compelled to disclose records or information obtained pursuant to section 17(b), or records or information based upon or derived from such records or information, if such records or information have been obtained by the Commission for use in furtherance of the purposes of this title, including surveillance, risk assessments, or other regulatory and oversight activities.

Let me repeat: The Commission shall not be compelled to disclose records or information if such records or information have been obtained by the Commission for use in furtherance of the purposes of this title, including surveillance, risk assessments or other regulatory and oversight activities.

This provision is overly broad. I understand how it could help the SEC obtain information from the firms they examine when those firms are reluctant to turn over proprietary information that might later be subject to FOIA requests. But FOIA already has exemptions in it to deal with such concerns. If those exemptions need to be broadened, we should have done so with a scalpel.

For example, the provision fails to differentiate between proprietary information that might be turned over to the SEC during an examination, financial information a firm may simply prefer not to provide, and market data collected through standard surveillance activities by the Commission. It is not difficult to imagine why hedge funds and other trading firms would be reluctant to turn over proprietary algorithms: Quite simply, those computer programs likely contain loads of historical data, analysis, pattern recognition code and other tools that comprise a trading firm's "special sauce." Just as Coca-Cola and Heinz 57 have strong motivations to keep their

recipes a secret, and have done so for generations, so too do proprietary traders have strong incentives to guard their carefully written algorithms.

But data collected by the SEC as part of everyday surveillance activities, including the data set to be collected pending the Commission's approval of "large trader" tagging and a consolidated audit trail, should fall into an entirely different category.

And as the Financial Crisis Inquiry Commission and the Senate's Permanent Subcommittee on Investigations have learned, financial companies are often reluctant to turn over extensive financial records that permit the public to better understand complex financial transactions and accounting practices.

As written, the exemption throws a cloak over all information received by the Commission from the entities the SEC regulates. It is too broad; it does not serve the public interest; it is not consistent with the general goal of greater transparency, as President Obama has emphasized both with respect to FOIA and financial regulatory issues, and it should be reevaluated by the SEC and Congress.

As I understand it, the SEC has a legitimate concern now that it must examine thousands of additional entities, including private equity and hedge funds that must for the first time must register under the Investment Advisers Act. In the course of those examinations, a hedge fund may be reluctant to turn over information of a proprietary nature because it is concerned that despite the existing exemptions written into the FOIA statute, the hedge fund cannot be certain whether a judge will uphold the exemption. And so the hedge fund will be reluctant to turn over the information, and the SEC examiner may be stymied from receiving it unless he or she turns the matter into an enforcement action.

It may be that Congress needs to give the SEC some additional ability to compel documents in such a situation, or perhaps provide some narrowly tailored clarification to a FOIA exemption for financial information of a particularly sensitive proprietary nature. But this provision as signed into law drops a net over such information that is far too wide.

Indeed, in writing such a broad provision, Congress may have inadvertently encouraged registered entities to seek even more FOIA protection before cooperating with the SEC. That is because the logical corollary of protecting confidential information is to insist on a wider scope of confidential information, which, in turn, further erodes both our press freedoms and market transparency.

In addition, the SEC may be legitimately concerned that it could be required to turn over sensitive proprietary information in response to a

third-party subpoena issued in litigation to which the SEC is not even a party. Once again, however, Congress should carefully examine the appropriate contours of third-party discovery requests to the SEC. It should not categorically exclude information held by the SEC based only upon its status as having been obtained from a "registered person."

Over the last few years, the credibility of our markets has been damaged. Only transparency can best restore that credibility; any exemptions to transparency should hence be narrowly crafted. Section 929I needs a "do-over." In the coming weeks, I hope to work with the SEC and other Senators to craft a more reasonable approach that satisfies the legitimate concerns of the SEC without sacrificing the goals of transparency and public accountability.

NATIONAL URBAN LEAGUE'S 100TH ANNIVERSARY

Ms. LANDRIEU. Mr. President, I rise today to ask my colleagues to join me in recognizing the National Urban League on celebrating 100 years of enabling African Americans to secure economic self-reliance, parity, power, and civil rights.

The National Urban League is a historic civil rights organization dedicated to economic empowerment in order to elevate the standard of living in historically underserved urban communities. Founded in 1910 and headquartered in New York City, the National Urban League spearheads the efforts of its local affiliates through the development of programs, public policy research, and advocacy. Today, there are more than 100 local affiliates in 36 States and the District of Columbia, providing direct services that impact and improve the lives of more than 2 million people nationwide.

This week, some of the Nation's foremost power brokers, celebrities, corporate leaders, and activists are convening at the Washington Convention Center in the Nation's Capital to celebrate the 100th anniversary of the National Urban League. The Centennial Conference marks the completion of the first century of leadership and service and now prepare for a new civil rights strategy to meet the new challenges to equal opportunity in America.

The National Urban League employs a five-point approach to provide economic empowerment, educational opportunities, and the guarantee of civil rights for African Americans: education and youth empowerment, which ensures the education of all children by providing access to early childhood literacy, aftercare programs and college scholarships; economic empowerment, which invests in the financial literacy and employability of adults through

job training, home ownership, and entrepreneurship; health and quality of life empowerment, which promotes community wellness through a focus on prevention, including fitness, healthy eating, and access to affordable healthcare; civic engagement and leadership empowerment, which encourages all people to take an active role to improve quality of life through participation in community service projects and public policy initiatives; and civil rights and racial justice empowerment, which guarantees equal participation in all facets of American society through proactive public policies and community-based programs.

I ask that my colleagues join me in congratulating the National Urban League on its 100th anniversary and in wishing them the best for years to come.

ADDITIONAL STATEMENTS

TRIBUTE TO THOMAS L. CHARLTON

• Mr. BURRIS. Mr. President, as a longtime public servant, I have always had the utmost regard for individuals who dedicate themselves to a greater cause.

Among these, educators stand out in my mind as especially worthy of thanks and recognition.

I often say that educators have an eternal impact on our country's youth.

From primary school through graduate school, these dedicated men and women are charged with shaping the next generation of Americans.

They provide our Nation's young people with the inspiration to achieve, and the tools to succeed in a global marketplace.

So today, I honor one such educator, Professor Thomas L. Charlton—a brilliant scholar, a remarkable advocate for the values of higher learning, and an avid student of history in his own right.

Professor Charlton began his career in 1962, at San Antonio College, where he taught as many as five classes at one time.

He developed a passion for teaching that would guide him for the rest of his career. After he earned his Ph.D. in 1969 at the University of Texas at Austin, he became a professor of history at Baylor University.

At Baylor, he founded the Institute for Oral History. And over the next quarter century, he presided over its ascension as one of the top oral history research centers in the country.

He pushed for excellence at every turn, and he dedicated himself to the preservation of our rich past.

In 1981, Dr. Charlton authored a landmark academic text on the oral history of Texas, entitled "Oral History for Texans."

The following year, he became founding president of the Texas Oral History Association and saw his national reputation grow by leaps and bounds.

But for all the acclaim and success that he enjoyed, those who know Professor Charlton will be quick to point out that he is never happier than when he is out in the field with a group of his graduate students.

He has never lost the passion for teaching that he discovered in the early days of his career—a passion which has guided him to this day.

In the last two decades, Professor Charlton served the Baylor community as vice provost for research, and later as director of the Texas Collection library.

And after nearly half a century of dedicated service at the college level, he announced his retirement earlier this year.

Mr. President, today I honor the tremendous contributions Thomas Charlton has made during his remarkable career.

I celebrate the achievements that have marked his tenure and the lives he touched at every step along the way.

But even as we wish him a happy retirement and recognize the indelible mark he has left on Baylor University, I cannot help but reflect that, among his students, his peers, and all who share his dedication, he will be sorely missed.

I yield the floor.●

TRIBUTE TO MICHAEL J. SULICK

● Mrs. FEINSTEIN. Mr. President, I wish to recognize and pay tribute to Mr. Michael J. Sulick, Director of the National Clandestine Service of the Central Intelligence Agency, who will retire tomorrow, July 30, 2010. Mr. Sulick's career spans over 30 years in the CIA during which he distinguished himself as a patriot, leader, and friend of the U.S. Senate. Mike Sulick also served as a marine in Vietnam from 1968 to 1969.

It is a rare opportunity to pay tribute publicly to one of the men and women who serve beyond the front lines, working in secret to protect and serve the Nation. Having "come in from the cold," I am pleased to be able to say a few words about Mike.

A New York native, Mr. Sulick graduated from Fordham University in 1971 with a B.A. degree in Russian language/literature and continued at the University to earn a M.A. in Russian language/literature in 1972. In 1977, he received a doctorate in comparative literature from City University of New York, NY.

During his career, Mike served more than 11 years abroad in Asia, Latin America, Poland, and Russia, where he was able to use his language fluency of Spanish, Polish, and Russian. In head-

quarters assignments, he served as Chief of Liaison in the Office of Congressional Affairs, Chief of Central Eurasia Division, Chief of Counterintelligence, and as the Deputy Director and later as Director of the National Clandestine Service.

Mr. Sulick retired from the CIA as the Deputy Director of the National Clandestine Service in 2004. In 2007, Mike heeded the call of service when he was asked by the CIA Director, GEN Michael Hayden, and his Deputy Director, Steve Kappes, to rejoin the Agency. He has been the head of the clandestine service for the past 3 years.

In this capacity, he had frequent interaction with Senators and staff of the Senate Select Committee on Intelligence. His professionalism, mature judgment, sage advice, and interpersonal skills earned him the respect and confidence of the committee. His sound judgment, courage, and candor also directly contributed to his successful representation of the CIA's interests before the committee and Congress.

Throughout his career, Mike Sulick demonstrated a profound commitment to our Nation, a selfless service to the CIA, a deep concern for Agency officers and their families, and a commitment to excellence. Mike is a consummate professional whose performance, in over 30 years of service, has personified those traits of courage, competency, and integrity that our Nation has come to expect and so desperately needs from its professional intelligence officers.

Mr. President, I ask my colleagues to join me in thanking Mr. Mike Sulick for his honorable service to the Central Intelligence Agency and the people of the U.S. and also thanking Mike's wife Shirley for her support and understanding, as well as her sacrifices in allowing Mike to selflessly commit himself to protecting our Nation.

We wish Mike and Shirley Sulick all the best in the future.●

SPRINGFIELD BAPTIST CHURCH

● Mr. ISAKSON. Mr. President, today I honor in the RECORD Springfield Baptist Church in Greensboro, GA.

On August 15, 2010, the Georgia Historical Society will place a permanent marker recognizing this historic church as the oldest African-American church in Greene County. Established in 1864, Springfield Baptist Church has been a place of faith, hope, and dreams for its members for almost 150 years.

This isn't the first time that Springfield Baptist Church has been honored for its important place in Greene County's history. On September 8, 1987, the church was listed on the National Register of Historic Places.

It gives me a great deal of pleasure and it is a privilege to recognize the Springfield Baptist Church and its con-

tributions to Greene County. I congratulate Pastor James C. Tazel, Jr. and the entire congregation on this historic occasion.●

TRIBUTE TO PIUS BANNIS

● Mr. LEMIEUX. Mr. President, today I honor a true American hero, Mr. Pius Bannis.

Mr. Bannis is the field office director for U.S. Citizenship and Immigration Services stationed in the U.S. Embassy in Port-au-Prince, Haiti. During the darkest moments of the devastating earthquake of January 12, 2010, that destroyed Port-au-Prince, Haiti, Mr. Bannis bravely performed his duties.

As we know, children are the most vulnerable victims of any disaster—let alone the tragic January 12, 2010, earthquake causing devastation of monumental proportions in Haiti. In the immediate aftermath of this tragedy, Mr. Bannis selflessly worked around the clock to ensure hundreds of orphaned Haitian children were removed from harm's way and placed in a safe environment with loving American families. It was during these very emotional moments Mr. Bannis heroically united families but never wavered from his sworn duty of upholding the law as a field office director for U.S. Citizenship and Immigration Services. His heroic actions will afford countless orphaned children an opportunity to build a better life in the wake of this tragedy.

Today I wish to recognize Mr. Bannis' extraordinary leadership. I commend him and his colleagues of the U.S. Citizenship and Immigration Services for their selfless sacrifices and service to protect the most vulnerable victims of the January 2010 earthquake in Haiti.●

REMEMBERING REAR ADMIRAL LEROY COLLINS, JR.

● Mr. LEMIEUX. Mr. President, today I wish to give special recognition to the life and work of a friend and fellow Floridian, former U.S. Navy RADM LeRoy Collins, Jr. I had the pleasure of working closely with Admiral Collins during my time with the Governor's office and more recently on federal issues improving health care for veterans. He was a fifth-generation Floridian who came from a long line of public servants and will always be remembered for his commitment to the military community and our State.

A native of Tallahassee, FL, LeRoy Collins received his commission from the U.S. Naval Academy in June 1956 and began a long career with the Navy. His first tour was aboard the amphibious transport USS *Calvert*, followed by a Submarine Officer's Basic Course in Groton, CT. Later, he served aboard the submarine USS *Chivo*. Through hard work, dedication and sacrifice, LeRoy earned the rank of rear admiral.

Admiral Collins served as an analyst for Naval Intelligence in Washington, DC and as a ballistic missile weapons officer aboard the nuclear-powered ballistic missile submarine USS *James Madison*. After a brief tour working missile test operations at Naval Ordnance Training Unit in Cape Canaveral, he transferred to the Navy Reserve in 1966.

While a naval reservist, Admiral Collins served as commanding officer of the coastal minesweeper USS *Thrush* and later as commander of various Navy Reserve submarine units. During his time, he was the Navy's liaison to the Florida National Guard and also commanding officer of the Navy liaison unit at U.S. Readiness Command, headquartered at MacDill Air Force Base, FL.

The admiral served as Commander, Naval Reserve Readiness Command, Region 8 and later as Deputy Chief of Naval Operations (Reserve) for Logistics, Pentagon, until his retirement from the Navy Reserve as a two-star rear admiral in October, 1990.

Throughout his service in the Navy Reserve, Admiral Collins was also a businessman. He spent time with the Florida Power & Light Company and IBM. He was the founding president of Financial Transaction Systems, Inc., and president of Telecredit Service Center, Inc. In addition, he served as president of Dynamic Realty of Tampa, Inc., was chairman of Gateway Holdings, Inc., and served as president of the Armed Forces Financial Network.

I wish to take this opportunity to pay tribute to Admiral Collins, a pillar of our great State, for his service to our Nation and his commitment to helping Florida's veterans. His work for Florida's veterans, their families and survivors in improving their health and well-being will be greatly missed.

Admiral Collins served his country diligently, with pride, and with honor. On behalf of all Floridians, and specifically the nearly 1.8 million veterans who call Florida home, I thank him for his service and know he will be greatly missed.●

TRIBUTE TO GEORGE AUSTIN HAY

● Mr. SPECTER. Mr. President, I congratulate and honor George Austin Hay on his recent retirement as a multimedia specialist for the U.S. Department of Transportation, DOT. As a former resident of, and originally from, Johnstown, PA, Mr. Hay's 37 years with the Federal Highway Administration capped an extraordinary career of 55 years of public service with the Federal Government. He has distinguished himself as a truly dedicated public servant.

Mr. Hay joined the Department of Defense in 1955 as a motion picture producer and casting director at the Department's Army Pictorial Center in

Astoria, New York—the most expansive government film facility and, at that time, the fourth largest studio and sound stage in the world. There he produced Army training films, Government documentaries, and Defense Department short subjects. While employed at the Department of Defense, Mr. Hay had the privilege of working with some of Hollywood's best, including Paul Newman, Edward R. Murrow, Ed Asner, Henry Fonda, Gene Hackman, Dick Cavett, and Ronald Reagan, all of whom Mr. Hay hired for military training films. He also developed a friendship with Walter Cronkite.

In 1973, Mr. Hay was called to Washington to fill the shoes of the retiring chief of the Federal Highway Administration's photographic section. While at the Federal Highway Administration, Mr. Hay produced his crowning achievement in film: "Highways of History." This film narrative depicts the history of transportation in the United States. The film has been shown on television and has been distributed to high schools and universities with an estimation of more than 1 million viewers over the last 30 years.

As a multimedia specialist, Mr. Hay was involved with an extensive photo and illustration search program. He has researched information to describe hundreds of selected images showing excellence in highway design, outstanding bridge structures, and multimodal transportation. Mr. Hay was also responsible for historical exhibits, and was widely known for his wealth of knowledge about the Federal Highway Administration's history, as well as the history of America's roadways. As an integral part of the publishing and visual communications team, he has written numerous fascinating articles that chronicle the development of our modern transportation system.

In his spare time, Mr. Hay has also appeared as an extra in more than 100 movies. His film credits include walking beside Cary Grant in the Alfred Hitchcock masterpiece, "North by Northwest." Today, Mr. Hay continues to act as an extra, averaging two films per year.

Throughout his career, Mr. Hay's outstanding efforts have enhanced DOT's public image by bringing positive transportation messages to citizens across the Nation. His multimedia products have depicted significant historical events and garnered widespread attention, as well as notable commendations. His fascinating articles, films, and exhibits have chronicled the development of our modern transportation system. His work demonstrates an extraordinary ability to harness knowledge about DOT's history, as well as the history of America's transportation system. Mr. Hay has provided an invaluable service for many years, and his achievements will have a lasting legacy.●

GANN VALLEY, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Gann Valley, SD. Founded in 1885, the town of Gann Valley will celebrate its 125th anniversary this year.

Located in Buffalo County, Gann Valley is a small yet steadfast community that embodies the spirit of South Dakota. Gann Valley's proximity to the Missouri River has made this town a great location for outdoor adventures, such as fishing, camping, and boating. Gann Valley has continued to be a strong reflection of South Dakota's greatest values and traditions.

Gann Valley will commemorate the 125th anniversary of its founding with a celebration held from July 30 through August 1, featuring events such as a wagon train, parade, buffalo chip throwing, rooster roping, live minnow races, and a street dance. I would like to offer my congratulations to the citizens of Gann Valley on this milestone anniversary and wish them continued prosperity in the years to come.●

TRIBUTE TO ROBERT BERRY

● Mr. THUNE. Mr. President, today I wish to recognize Robert Berry, an intern in my Aberdeen, SD, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Robert is a graduate of Aberdeen Central High School in Aberdeen, SD. Currently, he is attending the University of Minnesota, where he is majoring in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Robert for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO AIMEE CORNELIUS

● Mr. THUNE. Mr. President, today I wish to recognize Aimee Cornelius, an intern in my Aberdeen, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Aimee is a graduate of Aberdeen Central High School in Aberdeen, SD. Currently, she is attending North Central University, where she is majoring in journalism. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Aimee for all of the fine work she has done and wish her continued success in the years to come.●

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE ACTIONS OF CERTAIN PERSONS TO UNDERMINE THE SOVEREIGNTY OF LEBANON OR ITS DEMOCRATIC PROCESSES AND INSTITUTIONS—PM 65

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared with respect to the actions of certain persons to undermine the sovereignty of Lebanon or its democratic processes and institutions is to continue in effect beyond August 1, 2010.

While there have been some recent positive developments in the Syrian-Lebanese relationship, continuing arms transfers to Hizballah that include increasingly sophisticated weapons systems serve to undermine Lebanese sovereignty, contribute to political and economic instability in the region, and continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared on August 1, 2007, to deal with that threat and the related measures adopted on that date to respond to the emergency.

BARACK OBAMA.
THE WHITE HOUSE, July 29, 2010.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:33 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4899. An act making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

At 10:08 a.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1796. An act to amend the Consumer Product Safety Act to require residential

carbon monoxide detectors to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule, to encourage States to require the installation of such detectors in homes, and for other purposes.

H.R. 1875. An act to establish the Emergency Trade Deficit Commission.

H.R. 2480. An act to improve the accuracy of fur product labeling, and for other purposes.

H.R. 4658. An act to authorize the conveyance of a small parcel of National Forest System land in the Cherokee National Forest and to authorize the Secretary of Agriculture to use the proceeds from that conveyance to acquire a parcel of land for inclusion in that national forest, and for other purposes.

H.R. 4692. An act to require the President to prepare a quadrennial National Manufacturing Strategy, and for other purposes.

H.R. 5156. An act to provide for the establishment of a Clean Energy Technology Manufacturing and Export Assistance Fund to assist the United States businesses with exporting clean energy technology products and services.

H.R. 5669. An act to direct the Secretary of Agriculture to convey certain Federally owned land located in Story County, Iowa.

H.R. 5751. An act to provide for the establishment of a task force that will be responsible for investigating cases referred to the Attorney General under the Lobbying Disclosure Act of 1995, and for other purposes.

H.R. 5827. An act to amend title 11 of the United States Code to include firearms in the types of property allowable under the alternative provision for exempting property from the estate.

H.R. 5872. An act to provide adequate commitment authority for fiscal year 2010 for guaranteed loans that are obligations of the General and Special Risk Insurance Funds of the Department of Housing and Urban Development.

H.R. 5874. An act making supplemental appropriations for the United States Patent and Trademark Office for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 5875. An act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2765) to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 5610) to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers.

The message also announced that pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431), and the order of the House of January 6, 2009, the Speaker appoints the following member on the part of the House of Representatives to the Commission on International Religious Freedom: Upon the recommenda-

tion of the Minority Leader: Ms. Nina Shea of Washington, DC, for a two-year term ending May 14, 2012, to succeed herself.

ENROLLED BILLS SIGNED

At 11:54 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1749. An act to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

S. 1789. An act to restore fairness to Federal cocaine sentencing.

H.R. 2765. An act to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services.

H.R. 5610. An act to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers.

At 3:33 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5822. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 307. Concurrent resolution providing for a conditional recess or adjournment of the Senate.

H. Con. Res. 308. Concurrent resolution providing for a conditional adjournment of the House of Representatives.

ENROLLED BILL SIGNED

At 5:45 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4380. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3663. A bill to promote clean energy jobs and oil company accountability, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5822. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on July 29, 2010, she had presented to the President of the United States the following enrolled bills:

S. 1749. An act to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

S. 1789. An act to restore fairness to Federal cocaine sentencing.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6861. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mevinphos; Proposed Data Call-in Order for Pesticide Tolerance" (FRL No. 8835-7) received in the Office of the President of the Senate on July 27, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6862. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California; Order Amending Marketing Order No. 920" (Docket Nos. AO-FV-08-0174; AMS-FV-08-0085; FV08-920-3) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6863. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pistachios Grown in California, Arizona, and New Mexico; Modification of the Aflatoxin Regulations" (Docket Nos. AMS-FV-10-0031; FV10-983-1 IR) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6864. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, OR; Suspension of Reporting and Assessment Requirements" (Docket Nos. AMS-FV-10-0054; FV10-924-2 IR) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6865. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California; Changes to District Boundaries" (Docket Nos. AMS-FV-08-0085; FV08-920-3 IR) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6866. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pur-

suant to law, the report of a rule entitled "Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 2009-10 Crop Natural (Sun-Dried) Seedless Raisins" (Docket Nos. AMS-FV-09-0075; FV10-989-1 FIR) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6867. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Organic Program; Amendments to the National List of Allowed and Prohibited Substances (Crops)" ((RIN0581-AC93)(Docket Nos. AMS-NOP-09-0081; TM-09-04 FR)) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6868. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarines and Peaches" (Docket Nos. AMS-FV-09-0090; FV10-916/917-1 FIR) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6869. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Colorado; Relaxation of Handling Regulation for Area No. 3" (Docket Nos. AMS-FV-08-0115; FV09-948-2 FIR) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6870. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Washington; Temporary Change to the Handling Regulations and Reporting Requirements" (Docket Nos. AMS-FV-10-0052; FV10-946-1 IR) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6871. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Sheep Industry Improvement Center" (Docket No. AMS-LS-08-0064) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6872. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Evaluation Assistance for Rural Communities and Households Program" ((7 CFR Part 1774)(RIN0572-AC14)) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6873. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (4) officers authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-6874. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the inventory lists for the Departments of the Army, Navy, and Air Force, as well as U.S. Transportation Command, U.S. Special Operations Command, Washington Headquarters Services, and the other defense agencies; to the Committee on Armed Services.

EC-6875. A communication from the Secretary of the Army, transmitting, pursuant to law, an annual report relative to recruitment incentives; to the Committee on Armed Services.

EC-6876. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Jeffrey A. Wieringa, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-6877. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Melvin G. Williams, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-6878. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Inflation Adjustment of Acquisition-Related Thresholds" (DFARS Case 2009-D003) received in the Office of the President of the Senate on July 29, 2010; to the Committee on Armed Services.

EC-6879. A communication from the Assistant Secretary of the Navy (Research, Development and Acquisition), transmitting, pursuant to law, a report relative to the determination and findings for authority to award a single source task or delivery order contract; to the Committee on Armed Services.

EC-6880. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12947 with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC-6881. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC-6882. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Lebanon Sanctions Regulations" (31 CFR Part 549) received in the Office of the President of the Senate on July 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6883. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Registration of Mortgage Loan Originators" (RIN1557-AD23) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6884. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Containment Isolation Provisions for Fluid Systems" (Regulatory Guide 1.141, Revision 1)

received in the Office of the President of the Senate on July 28, 2010; to the Committee on Environment and Public Works.

EC-6885. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Methods for Measuring Effective Dose Equivalent from External Exposure" (Regulatory Guide 8.40) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Environment and Public Works.

EC-6886. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Washington: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 9181-8) received in the Office of the President of the Senate on July 27, 2010; to the Committee on Environment and Public Works.

EC-6887. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Arizona State Implementation Plan, Maricopa County Air Quality Department" (FRL No. 9180-1) received in the Office of the President of the Senate on July 27, 2010; to the Committee on Environment and Public Works.

EC-6888. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment for PM-10; Fort Hall PM-10 Nonattainment Area, Idaho" (FRL No. 9180-2) received in the Office of the President of the Senate on July 27, 2010; to the Committee on Environment and Public Works.

EC-6889. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Minnesota" (FRL No. 9182-2) received in the Office of the President of the Senate on July 27, 2010; to the Committee on Environment and Public Works.

EC-6890. A communication from the Director of Human Resources, Environmental Protection Agency, transmitting, pursuant to law, (3) three reports relative to vacancies in the Environmental Protection Agency, received in the Office of the President of the Senate on July 28, 2010; to the Committee on Environment and Public Works.

EC-6891. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for *Limnanthes floccosa* ssp. *grandiflora* (Large-Flowered Woolly Meadowfoam) and *Lomatium cookii* (Cook's Lomatium)" (RIN1018-AW21) received in the Office of the President of the Senate on July 27, 2010; to the Committee on Environment and Public Works.

EC-6892. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted in Feed and Drinking Water of Ani-

mals; Ammonium Formate" (Docket No. FDA-2008-F-0151) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6893. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Food and Drug Administration's report relative to the Backlog of Postmarketing Requirements and Postmarketing Commitments; to the Committee on Health, Education, Labor, and Pensions.

EC-6894. A communication from the Chairman, Merit System Protection Board, transmitting, pursuant to law, a report entitled "A Call to Action: Improving First-Level Supervision of Federal Employees"; to the Committee on Homeland Security and Governmental Affairs.

EC-6895. A communication from the Acting Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, an annual report relative to the federal work force for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-6896. A communication from the Policy Analyst, Bureau of Immigration and Customs Enforcement, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Electronic Signature and Storage of Form I-9, Employment Eligibility Verification" (RIN1653-AA47) received in the Office of the President of the Senate on July 28, 2010; to the Committee on the Judiciary.

EC-6897. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Florida Advisory Committee; to the Committee on the Judiciary.

EC-6898. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Texas Advisory Committee; to the Committee on the Judiciary.

EC-6899. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Department's activities regarding civil rights era homicides; to the Committee on the Judiciary.

EC-6900. A communication from the Secretary of Veterans Affairs, transmitting proposed legislation relative to ending homelessness among Veterans and establishment of a nonprofit research and education corporation at the VA's central office; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on Appropriations, without amendment:

S. 3676. An original bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2011, and for other purposes (Rept. No. 111-237).

By Mr. DURBIN, from the Committee on Appropriations, without amendment:

S. 3677. An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2011, and for other purposes (Rept. No. 111-238).

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 3397. A bill to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

John F. Walsh, of Colorado, to be United States Attorney for the District of Colorado for the term of four years.

William J. Ihlenfeld, II, of West Virginia, to be United States Attorney for the Northern District of West Virginia for the term of four years.

John William Vaudreuil, of Wisconsin, to be United States Attorney for the Western District of Wisconsin for the term of four years.

Mark Lloyd Ericks, of Washington, to be United States Marshal for the Western District of Washington for the term of four years.

Joseph Patrick Faughnan, Sr., of Connecticut, to be United States Marshal for the District of Connecticut for the term of four years.

Harold Michael Oglesby, of Arkansas, to be United States Marshal for the Western District of Arkansas for the term of four years.

Conrad Ernest Candelaria, of New Mexico, to be United States Marshal for the District of New Mexico for the term of four years.

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

*James R. Clapper, of Virginia, to be Director of National Intelligence.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR (for himself and Mr. KERRY):

S. 3665. A bill to promote the strengthening of the private sector in Pakistan; to the Committee on Foreign Relations.

By Mr. CARDIN (for himself, Mrs. FEINSTEIN, and Mr. LIEBERMAN):

S. 3666. A bill to authorize certain Department of State personnel, who are responsible for examining and processing United States passport applications, to be able to access certain Federal, State, and other databases, for the purpose of verifying the identity of a passport applicant, to reduce the incidence of fraud, to require the authentication of identification documents submitted by passport applicants, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mrs. LINCOLN, and Mr. FRANKEN):

S. 3667. A bill to amend part A of title IV of the Social Security Act to exclude child

care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. BAYH, and Mr. BOND):

S. 3668. A bill to require the Secretary of Health and Human Services to establish a demonstration program to award grants to, and enter into contracts with, medical—legal partnerships to assist patients and their families to navigate health—related programs and activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself and Mr. FRANKEN):

S. 3669. A bill to increase criminal penalties for certain knowing violations relating to food that is misbranded or adulterated; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 3670. A bill to establish standards limiting the amounts of arsenic and lead contained in glass beads used in pavement markings; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER (for himself and Mr. GOODWIN):

S. 3671. A bill to improve compliance with mine and occupational safety and health law, empower workers to raise safety concerns, prevent future mine and other workplace tragedies, establish rights of families of victims of workplace accidents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WICKER:

S. 3672. A bill to clarify and improve the payment of multiperil insurance claims, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON (for herself, Mr. BURR, Mr. ENZI, Mr. WICKER, Mr. BOND, Ms. MURKOWSKI, and Mr. CORNYN):

S. 3673. A bill to amend the Patient Protection and Affordable Care Act to repeal certain limitations on tax health care benefits; to the Committee on Finance.

By Ms. STABENOW:

S. 3674. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and other dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease by increasing detection, diagnosis, care, and planning; to the Committee on Finance.

By Mr. WHITEHOUSE:

S. 3675. A bill to amend chapter 11 of title 11, United States Code, to address reorganization of small businesses; to the Committee on the Judiciary.

By Mr. LEAHY:

S. 3676. An original bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2011, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. DURBIN:

S. 3677. An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2011, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. LAUTENBERG:

S. 3678. A bill to improve mental health services for members of the National Guard and Reserve deployed in connection with a

contingency operation, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 601. A resolution to authorize testimony of Senate employees in a grand jury proceeding in the District of Columbia; considered and agreed to.

ADDITIONAL COSPONSORS

S. 749

At the request of Mr. COCHRAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1553

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1553, *supra*.

S. 3152

At the request of Mr. DEMINT, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3152, a bill to repeal the Patient Protection and Affordable Care Act.

S. 3157

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3157, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to allow time for pensions to fund benefit obligations in light of economic circumstances in the financial markets of 2008, and for other purposes.

S. 3262

At the request of Mr. MENENDEZ, the name of the Senator from Georgia (Mr.

CHAMBLISS) was added as a cosponsor of S. 3262, a bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 3265

At the request of Mr. MCCAIN, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 3265, a bill to restore Second Amendment rights in the District of Columbia.

S. 3397

At the request of Ms. KLOBUCHAR, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3397, a bill to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

S. 3434

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3434, a bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes.

S. 3437

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3437, a bill to amend the Child Abuse Prevention and Treatment Act to establish grant programs for the development and implementation of model undergraduate and graduate curricula on child abuse and neglect at institutions of higher education throughout the United States and to assist States in developing forensic interview training programs, to establish regional training centers and other resources for State and local child protection professionals, and for other purposes.

S. 3447

At the request of Mr. AKAKA, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3474

At the request of Mr. FEINGOLD, the names of the Senator from Idaho (Mr. RISCH), the Senator from Virginia (Mr. WARNER) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 3474, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 3486

At the request of Mr. BROWN of Ohio, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3486, a bill to amend title 38, United States Code, to repeal the

prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay, and for other purposes.

S. 3570

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3570, a bill to improve hydropower, and for other purposes.

S. 3571

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3571, a bill to extend certain Federal benefits and income tax provisions to energy generated by hydropower resources.

S. 3583

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3583, a bill to amend title 38, United States Code, to increase flexibility in payments for State veterans homes, and for other purposes.

S. 3593

At the request of Mr. JOHANNIS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 3593, a bill to require the Federal Government to pay the costs incurred by a State or local government in defending a State or local immigration law that survives a constitutional challenge by the Federal Government in Federal court.

S. 3628

At the request of Mr. SCHUMER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3628, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

S. 3637

At the request of Mr. KOHL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3637, a bill to authorize appropriations for the Housing Assistance Council.

S. 3645

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3645, a bill to direct the Secretary of Education to establish and administer an awards program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

S. RES. 586

At the request of Mr. FEINGOLD, the name of the Senator from Delaware

(Mr. KAUFMAN) was added as a cosponsor of S. Res. 586, a resolution supporting democracy, human rights, and civil liberties in Egypt.

S. RES. 592

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Res. 592, a resolution designating the week of September 13–19, 2010, as “Polycystic Kidney Disease Awareness Week”, and supporting the goals and ideals of Polycystic Kidney Disease Awareness Week to raise awareness and understanding of polycystic kidney disease and the impact the disease has on patients now and for future generations until it can be cured.

S. RES. 597

At the request of Mr. SESSIONS, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Res. 597, a resolution designating September 2010 as “National Prostate Cancer Awareness Month”.

AMENDMENT NO. 4519

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 4519 proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4531

At the request of Mr. JOHANNIS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 4531 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4532

At the request of Mr. CORNYN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4532 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4558

At the request of Mrs. HUTCHISON, the names of the Senator from Maryland

(Mr. CARDIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 4558 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself and Mr. KERRY):

S. 3665. A bill to promote the strengthening of the private sector in Pakistan; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to introduce legislation that will lead to the establishment of the Pakistan-American Enterprise Fund on behalf of myself and Senator KERRY. The Pakistan-American Enterprise Fund bill authorizes the Administration to allocate, from existing funds granted under the Enhanced Partnership with Pakistan Act of 2009, such sums as required to create the Fund. The mission of the Fund will be to help empower Pakistan's private sector to create jobs, which will contribute towards achieving long-term social stability and economic growth.

The failed attack that occurred on May 1, 2010 in Times Square reinforces the need for our governments to work together to neutralize the imminent threats posed by terrorist waiting to strike, while simultaneously preventing the cancer of extremism from spreading and corrupting local communities in both our countries.

It was to help undergird such cooperation that President Obama last year signed the Kerry-Lugar-Berman Enhanced Partnership with Pakistan Act authorizing \$7.5 billion over 5 years. This non-military aid package is intended to help reverse Pakistan's converging crises of a growing al-Qaeda sanctuary, an expanding Taliban insurgency, a failing economy and deteriorating human development indicators. These conditions were intensifying turmoil and violence in the country, helping to incubate extremism and putting in question the security of Pakistan's nuclear weapons arsenal, as well as our own domestic security.

In order to directly address Pakistan's troubling economic trajectory, the Pakistan-American Enterprise Fund will work with the private sector to catalyze indigenous job creation, which will empower the people of Pakistan to help themselves. Entrepreneurial innovation is the engine that fuels sustainable economic growth and

development. Pakistan currently enjoys a vibrant private sector, especially among small and medium size enterprises, but more must be done to encourage business formation and expansion.

According to the World Bank, small and medium size enterprises, SMEs, in Pakistan account for nearly 90 percent of all businesses, 80 percent of all non-agricultural employees, and 40 percent of annual GDP. If the country is to emerge as a commercial partner and regional leader, SMEs must receive a strong transfusion of investment capital so that gainful employment exists as an alternative to the financial incentives offered by radical groups in Pakistan.

In addition to providing much needed capital to aspiring and established Pakistani entrepreneurs, the Fund will provide a vehicle through which we might also export the entrepreneurial instincts and experience that are widely dispersed, but largely untapped, among US financial experts. Sustainable entrepreneurial activity requires a combination of financial and intellectual capital. Delivering both of these ingredients effectively is essential.

USAID has demonstrated a limited capacity to deliver this type of relevant, usable assistance when needed. Currently under-resourced for and over-stretched by the task of rebuilding the infrastructures and economies of Iraq, Afghanistan and now Haiti—while simultaneously rebuilding the agency itself—USAID's efforts would be enhanced by the expertise the Fund could bring to bear.

The creation of a Fund for Pakistan, like many of its predecessors, could couple financial and intellectual capital in a framework that is uniquely suited to addressing the financial and technical assistance needs in distressed economies like Pakistan. Appointed by the president, the Board of Directors, comprised of 4 private citizens of the United States and 3 private citizens of Pakistan who serve without compensation, will leverage their experience and expertise operating in international and emerging markets to oversee the Fund, which will be based in Pakistan. In turn, the Board would hire and direct a group of American and Pakistani bankers, who would be dispatched, using existing funds granted under the Enhanced Partnership with Pakistan Act of 2009, to provide technical assistance and traditional financial products, like working capital loans and 3 to 5 year cash flow term loans for expansion capital, to the private sector.

While the enterprise fund model is not perfect, it is a tested mechanism for promoting economic growth and reinvigorating fledgling economies. After the fall of the Berlin Wall, Congress, through enactment of the Support for East European Development Act, SEED, and the Freedom Support Act,

FSA, authorized nearly \$1.2 billion for USAID to establish ten new investment funds, collectively known as the "Enterprise Funds", throughout Central and Eastern Europe and the Former Soviet Union. These funds channeled funding into over 500 enterprises in 19 countries, leveraged an additional \$5 billion in private investment capital from outside the U.S. Government, provided substantial development capital where supply was limited, created or sustained over 260,000 jobs through investment and development activities, funded \$74 million in technical assistance to strengthen the private sector and is expected to recoup 137 percent of the original USAID funding.

Pakistan's economy has shown resilience in the face of many challenges since the 1960s. However, today the country stands at a crossroads. If Pakistan is to repress extremist voices and emerge as a more reliable partner in the 21st century, we must empower the private sector to create jobs and contribute towards a sustainable future. The creation of the Pakistan-American Enterprise Fund would help to achieve this positive outcome. I ask for your support on passage of this bill.

By Mr. CARDIN (for himself, Mrs. FEINSTEIN, and Mr. LIEBERMAN):
S. 3666. A bill to authorize certain Department of State personnel, who are responsible for examining and processing United States passport applications, to be able to access certain Federal, State, and other databases, for the purpose of verifying the identity of a passport applicant, to reduce the incidence of fraud, to require the authentication of identification documents submitted by passport applicants, and for other purposes; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, on May 5, 2009, over 14 months ago, I chaired a Terrorism Subcommittee hearing entitled the Passport Issuance Process: Closing the Door to Fraud. Today we are holding Part II of that hearing. During the hearing last year, we learned about a Government Accountability Office, GAO, undercover investigation that had been requested by Senators KYL and FEINSTEIN to test the effectiveness of the passport issuance process, and to determine whether malicious individuals such as terrorists, spies, or other criminals could use counterfeit documents to obtain a genuine U.S. passport. What we learned from GAO was that "terrorists or criminals could steal an American citizen's identity, use basic counterfeiting skills to create fraudulent documents for that identity, and obtain a genuine U.S. passport." But that 2009 GAO report was not the first time that problems with the passport issuance process were identified. In 2005 and 2007, GAO also brought these issues to light.

Vulnerabilities in the passport issuance process are very serious be-

cause the U.S. passport is the gold standard for identification. A U.S. passport can be used for many purposes in this country, and it gives an individual the ability to travel internationally, which is an important tool for someone who wants to do us harm, including terrorists, spies, and other criminals. So the integrity and security of the passport issuance process is extremely important because it can have a profound impact on the national security of the United States.

A new GAO undercover investigation that I requested, along with Senators KYL, FEINSTEIN, LIEBERMAN and COLLINS, has revealed that while some improvements have been made by the State Department, the passport issuance process is still susceptible to fraud.

As a result, today I am introducing, along with Senators FEINSTEIN and LIEBERMAN, the Passport Identity Verification Act. This legislation is a common-sense solution that will give the State Department the legal authorities that it needs to access information contained in Federal, State, and other databases that can be used to verify the identity of every passport applicant, and to detect passport fraud, without extending the time that the State Department takes to approve passports. The legislation also requires the State Department to promulgate regulations, procedures, and policies to limit access to this information, and to ensure that personnel involved in the passport issuance process only access this information for authorized purposes. These are very important privacy and security protections in this legislation.

The legislation also requires the Secretary of State to conduct a formal study examining whether biometric information and technology can be used to enhance the ability to verify the identity of a passport applicant and to detect passport fraud.

I understand that the American people can become concerned when their travel plans, whether for leisure or business, are linked to their ability to obtain a passport in a timely fashion. But we have got to get this right, and it is not simply a question of process, techniques, and training. We need to make sure that the agencies that are responsible for processing passport application documents are concerned about national security as well as customer service, and we need to make sure they have the legal authorities, the resources, and the technology they need to verify the identity of a passport applicant and to detect passport fraud.

We simply cannot issue U.S. passports in this country on the basis of fraudulent documents. There is too much at stake. We have the technology and the information to prevent such issuance. The Passport Identity

Verification Act will dramatically improve the State Department's ability to detect passport fraud.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Passport Identity Verification Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) A United States passport is an official government document issued by the Department of State, which can be obtained by United States nationals.

(2) A valid United States passport has many uses, including—

(A) certifying an individual's identity and verifying that a person is a United States national;

(B) allowing the passport holder to travel to foreign countries with an internationally recognized travel document;

(C) facilitating international travel;

(D) obtaining further identification documents; and

(E) setting up bank accounts.

(3) A United States national may obtain a United States passport for the first time by applying in person to a passport acceptance facility with 2 passport photographs, proof of United States nationality, and a valid form of photo identification, such as a driver's license. Passport acceptance facilities are located throughout the United States.

(4) Because United States passports issued under a false identity enable individuals to conceal their movements and activities, passport fraud could facilitate—

(A) acts of terrorism;

(B) espionage; and

(C) other crimes, such as illegal immigration, money laundering, drug trafficking, tax evasion, and alien smuggling.

(5) Since malicious individuals may seek to exploit potential vulnerabilities in the passport issuance process, it is important that personnel who are involved in the granting, refusal, revocation, or adjudication of United States passport applications have access to certain information contained in Federal, State, and other databases for the purpose of—

(A) verifying the identity of a passport applicant; or

(B) detecting passport fraud.

(6) In its final report, the National Commission on Terrorist Attacks Upon the United States (commonly known as the "9/11 Commission") concluded that funding and completing a "biometric entry-exit screening system" for travelers to and from the United States is essential to our national security.

(7) The use of biometrics and technology for foreign nationals who are visiting the country helps to make travel simple, easy, and convenient for legitimate visitors and dramatically improves the ability to detect the activities of those who wish to do harm or violate United States laws.

SEC. 3. ACCESS TO FEDERAL, STATE, AND OTHER DATABASES.

(a) **POWERS AND DUTIES OF THE SECRETARY OF STATE.**—Section 104 of the Immigration

and Nationality Act (8 U.S.C. 1104) is amended by adding at the end the following:

"(f) **LAW ENFORCEMENT ACTIVITIES.**—Notwithstanding any other provision of law, the powers, duties, and functions conferred upon Department of State personnel relating to the granting, refusal, revocation, or adjudication of passports shall be considered law enforcement activities that involve the administration of criminal justice (as defined in section 20.3 of title 28, Code of Federal Regulations) when such personnel seek to—

"(1) verify the identity of a passport applicant; or

"(2) detect passport fraud."

(b) **DATA EXCHANGE.**—Section 105 of such Act (8 U.S.C. 1105) is amended—

(1) in subsection (b), by adding at the end the following:

"(5) The Attorney General and the Director of the Federal Bureau of Investigation, after consultation with the Secretary of State, shall promptly implement a system, consistent with applicable security and training protocols and requirements, that will enable Department of State personnel designated by the Secretary of State, or by the designee of the Secretary, who are responsible for the granting, refusal, revocation, or adjudication of United States passports, to have real-time access to the criminal history information contained in the National Crime Information Center's Interstate Identification Index (NCIC-III), including the corresponding automated criminal history records, Wanted Person Files, and other files maintained by the National Crime Information Center, for the purpose of verifying the identity of the United States passport applicant, or detecting passport fraud.

"(6) The Secretary of State, or the designee of the Secretary, shall designate Department of State personnel who, in accordance with this Act shall be authorized to have real-time access to the information contained in the files described in paragraph (5), without any fee or charge, to enable named-based and other searches to be conducted for the purpose of verifying the identity of a passport applicant or detecting passport fraud."

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following:

"(c) **DATA SHARING.**—Notwithstanding any other provision of law, the powers, duties, and functions conferred upon Department of State personnel relating to the granting, refusal, revocation, or adjudication of passports shall be considered law enforcement activities that involve the administration of criminal justice (as defined in section 20.3 of title 28, Code of Federal Regulations) when such personnel seek to verify the identity of a passport applicant, or seek to detect passport fraud by accessing or using information contained in databases maintained by any Federal, State, tribal, territory, or local government department or agency, or private entity or organization, that contains—

"(1) criminal history information or records;

"(2) driver's license information or records;

"(3) marriage, birth, or death information or records;

"(4) naturalization and immigration records; or

"(5) other information or records that can verify the identity of the passport applicant or can detect passport fraud."; and

(4) by adding at the end the following:

"(f) **DATA SHARING REGULATIONS, PROCEDURES, AND POLICIES.**—Not later than 120

days after the date of the enactment of this subsection, the Secretary of State shall promulgate final regulations, procedures, and policies to govern the access by Department of State personnel to the information contained in databases described in subsection (c). Such regulations, procedures, and policies shall—

"(1) specify which Department of State personnel have a need to know and will be given access to the databases or the information contained in the databases described in subsection (c);

"(2) require Department of State personnel who will be given access to the databases or the information contained in the databases described in subsection (c) to successfully complete all ongoing training and certification requirements for such access;

"(3) require Department of State personnel to access such databases or the information contained in such databases—

"(A) to verify the identity of each passport applicant; and

"(B) to detect whether the applicant has committed or is committing passport fraud;

"(4) ensure that such databases, or the information contained in such databases, are only accessed for the purpose of verifying the identity of each passport applicant or detecting passport fraud, and prohibit access for any other purpose;

"(5) ensure that the Department of State personnel accessing such databases or the information contained in such databases—

"(A) do not violate the security, confidentiality, and privacy of such databases or the information contained in such databases; and

"(B) successfully complete all ongoing training and certification requirements for such access;

"(6) establish audit procedures and policies to verify that such databases or the information contained in such databases are only being accessed for the purposes set forth in the Passport Identity Verification Act;

"(7) require prompt reporting to appropriate Department of State officials after each instance of—

"(A) unauthorized access to such databases or the information contained in such databases; or

"(B) access to such databases or the information contained in such databases for unauthorized purposes; and

"(8) require the appropriate Department of State personnel to conduct a regular review of—

"(A) the audit and reporting procedures and policies to determine whether such procedures and policies are working properly; and

"(B) the ongoing training and certification requirements to determine whether there has been compliance with such requirements."

SEC. 4. CONSULTATION AND REPORT.

(a) **CONSULTATION.**—

(1) **IN GENERAL.**—The Secretary of State, in consultation with the Secretary of Homeland Security, the Attorney General, and the United States Postmaster General, shall conduct an analysis to determine—

(A) if persons applying for or renewing a United States passport should provide biometric information, including photographs that meet standards that enhance the ability of facial recognition technology to verify the identity of the passport applicant and user, and to detect passport fraud; and

(B) if technology should be employed to verify the authenticity of drivers' license and other identity documents that are presented to passport acceptance facilities.

(2) FACTORS.—In conducting the analysis under paragraph (1), the Secretary shall consider all relevant factors, including—

(A) how the biometric information and technology would be used and stored;

(B) the costs and benefits to be gained; and

(C) the effect on the individual's privacy and the economy.

(b) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of State shall submit a report to the congressional committees set forth in paragraph (2) that contains the results of the analysis carried out under subsection (a), including a recommendation with respect to the use of biometric information and technology to verify the identity of a passport applicant and user, and to detect passport fraud.

(2) CONGRESSIONAL COMMITTEES.—The congressional committees set forth in this paragraph are—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on the Judiciary of the House of Representatives;

(E) the Committee on Foreign Affairs of the House of Representatives;

(F) the Committee on Homeland Security of the House of Representatives; and

(G) the Committee on Oversight and Government Reform of the House of Representatives.

By Mr. KERRY (for himself, Mrs. LINCOLN, and Mr. FRANKEN):

S. 3667. A bill to amend part A of title IV of the Social Security Act to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, our Nation has suffered through the worst recession since the 1930s. As the economy begins to recover, the availability of affordable and safe child care is a necessary component of enabling parents to find and maintain employment to support their family.

The recession has caused States across the country to scale back funding for child care. The waiting lists for subsidized child care in some States are beginning to rise and a few states have stopped or are planning to stop providing child care assistance to families who are not receiving Temporary Assistance to Needy Families, TANF, altogether. Restrictions of the availability of child care assistance make it harder for parents to afford child care and force some parents to leave their jobs and turn to welfare programs for support. That is wrong and we can do better.

Child care consumes a large portion of family budgets, and can range from \$4,560 to \$15,895 annually for full-time care depending on where the family lives, the type of care, and the age of the child. Child care prices are higher than other household expenses and

typically exceed the average amount families spend on food. In 39 States and the District of Columbia, the average annual price for child care for an infant in a child care center was higher than a year's tuition at many 4-year public colleges.

Without assistance, low-income families can find it impossible to secure child care. For example, in 2005, the median monthly income of families receiving child care assistance was just \$15,396 a year. Nearly half of, 49 percent, of families receiving child care assistance live below the poverty line and 86 percent of these families were single parent households.

The Deficit Reduction Act of 2005 increased mandatory child care funding by \$1 billion over 5 years, fiscal years 2006 to 2010. Without legislative action this funding will expire on September 30, 2010.

The President's fiscal year 2011 budget calls for mandatory child care to be reauthorized and provided an \$800 million increase above the past 5 years. This increase is necessary because only about one in six children eligible for Federal child care assistance receives help.

Today I am introducing the Children First Act to address the growing unmet need for affordable and safe child care. I am pleased Senator LINCOLN is an original cosponsors of this important legislation.

The Children First Act would help states meet the significant demand for child care assistance by increasing funding for mandatory child care by \$800 million annually for fiscal year 2011 through 2015. This legislation would also annually index mandatory child care funding to inflation beginning in fiscal year 2012. This increased funding would allow approximately 117,500 more children to have access to safe and affordable child care.

The Children First Act would exclude child care from the definition of TANF assistance so that unemployed families who receive child care assistance will not have it count towards the 5-year time limit for Federal TANF assistance. The legislation would also ensure that the minimum child care health and safety standards required for providers receiving Child Care Development Block Grant, CCDBG, funding also apply to providers who receive funding through TANF. In Massachusetts, all licensed providers are required to the same health and safety standards regardless of subsidy type received.

This legislation would increase the availability of child care for parents who are required to work. States are currently prohibited from withholding or reducing assistance to a single parent with children under 6 who does not meet work requirements for reasons related to the unavailability or unsuitability of appropriate, affordable

child care arrangements. The Children First Act would prevent States from withholding to reducing child care assistance to parents of a child with children under age 13.

Enactment of this legislation is incredibly important for my home State of Massachusetts which currently has approximately 18,000 children on a waitlist for child care subsidies. Approximately half of the parents with at least one preschool age child in the household have been on the waitlist for 13 months or more.

The high cost of child care is the most significant issue facing families currently on the waitlist in Massachusetts. Massachusetts families pay more on average than families in any other state for most types of child care; the average price of full time care in center based settings is: \$15,895 for an infant and \$11,678 for a preschooler. This means a single parent at the State median income in Massachusetts, \$26,680, would have to spend nearly 44 percent of their income to pay for the average full day pre-kindergarten program.

I would like to thank a number of organizations who have been integral to the development of the Children First Act and who have endorsed it today, including the American Federation of State, County, and Municipal Employees, AFSCME, the Children's Defense Fund, CLASP, the First Focus Campaign for Children, the National Women's Law Center, the Service Employees International Union, SEIU, and the YMCA of the USA.

These reforms would significantly increase access to stable and affordable child care to low-income families and would make our nation's children more prepared for school and success later in life. I look forward to working with my colleagues in the Senate to pass this legislation.

By Mr. HARKIN (for himself, Mr. BAYH, and Mr. BOND):

S. 3668. A bill to require the Secretary of Health and Human Services to establish a demonstration program to award grants to, and enter into contracts with, medical-legal partnerships to assist patients and their families to navigate health-related programs and activities; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I join Senator BAYH and Senator BOND to introduce the Medical-Legal Partnership for Health Act. This legislation builds upon the great work that medical-legal partnerships are doing every day, all across the United States.

Medical-legal partnerships bring legal aid services into medical settings, such as hospitals and community health centers, to provide patients with legal help to address conditions that lead to poor health, lengthy hospital stays, and repeated emergency room visits. Imagine, for example, that

your child develops chronic ear infections. You repeatedly bring your sick child to the local emergency room, struggling each time to pay the high costs of medical care and prescription antibiotics. Imagine further that you are the head of a low-income family, you don't have health insurance or the money to pay for the ER visits, and the hospital or community bears the brunt of the costs.

Medical-legal partnerships can help break this expensive and avoidable cycle. If the emergency room doctor is trained in screening for families who could benefit from legal intervention, the doctor may learn, for example, that the family's landlord refuses to turn on the heat in their apartment building. The frigid temperatures in their home have made their child more susceptible to illness, which explains the chronic ear infections. By referring the patient to the hospital's medical-legal partnership program, the family receives legal aid to go after the slumlord and require the heat to be turned on, and the children's ear infections stop. As a consequence, the family is healthier, their home is warm, and both they and the hospital save on health costs. All of this is possible because of a low-cost, common-sense intervention.

The first medical-legal partnership was started in Boston in 1993, and since then, 85 more have sprung up in 38 States. These centers can serve multiple hospitals and clinics within a community. Currently, medical-legal partnerships support more than 200 hospitals, clinics, and health centers. They help vulnerable patients resolve social conditions that lead to poor health outcomes, such as getting a landlord to change air filters to help minimize asthma and allergies, assisting victims of domestic violence with preventing future abuse, and helping terminally ill patients make custodial arrangements for their dependent children.

In many cases, patients aren't even aware that their health challenges are caused by their living environment, or that their problem can be addressed through the legal system.

After graduating from law school, I served as a Legal Services attorney in Iowa. I learned first-hand how crucial this assistance is to struggling families and individuals who have no place else to turn when they are taken advantage of or abused. I know the invaluable legal help provided to battered women trying to leave abusive relationships while fearing for their safety and the safety of their children. I know that, without access to the legal system, the poor are often powerless against the injustices they suffer.

I am very proud to say that my home State of Iowa has a particularly successful partnership. The Iowa Legal Aid Health and Law Project harnesses the talents of Iowa physicians and at-

torneys to improve the lives of vulnerable Iowans. Many times these situations involve substandard housing, discrimination, elder abuse, or problems accessing disability, Social Security, health, or veteran's benefits. By partnering with 17 hospitals and health centers across my State, the Iowa Legal Aid Health and Law Project is able to extend services from Sioux City to Dubuque, and from Council Bluffs to Fort Dodge. Last year, the program served 880 Iowans, and 94 percent of their cases had a positive outcome. The Iowa Legal Aid Health and Law Project does a remarkable job. They are just one example of the great work going on across the country.

You may be surprised to learn that when it comes to medical-legal partnerships, a little money can go a long way. Iowa's program was started with a Federal investment of less than \$300,000. The program prevents hospital admissions and emergency room visits that cost hospitals and patients many thousands of dollars in health care costs and insurance premiums. A modest investment in these community programs can help people achieve healthier, safer lives and prevent future hospitalizations and health care costs. That sounds like common sense to me. And that's why, today, I am proud to introduce the Medical-Legal Partnership for Health Act along with Senators Bayh and Bond: to give health care providers and lawyers across the country the opportunity to start such programs.

The Act creates a Federal demonstration program to help create, strengthen, and evaluate medical-legal partnerships. Overall, this legislation will support 60 MLP sites in community health centers, the Veterans Administration, hospitals, and other health care settings.

In the spirit of compromise and bipartisanship, we have taken contentious issues off the table. For example, the bill excludes Federal money from being used toward class action law suits, medical malpractice cases, representation of undocumented individuals, and abortion or abortion-counseling services.

In addition to having bipartisan support, medical-legal partnerships have been praised by prominent organizations representing physicians and attorneys. They have received endorsement from the American Medical Association, the American Bar Association, the American Academy of Pediatrics, the American Hospital Association, and the Accreditation Council of Graduate Medical Education, to name just a few.

Through this community-based, common-sense investment in addressing the social effects of poverty, we will be able to help so many of our most at-risk citizens to avoid illness and hospitalization.

I extend my sincere thanks to Senator BAYH and Senator BOND for their hard work and commitment to this bill. And I urge our colleagues to join us in supporting this investment in medical-legal partnerships.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medical-Legal Partnership for Health Act".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Numerous studies and reports, including the annual National Healthcare Disparities Report and Unequal Treatment, the 2002 Institute of Medicine Report, document the extensiveness to which vulnerable populations suffer from health disparities across the country.

(2) These studies have found that, on average, racial and ethnic minorities and low-income populations are disproportionately afflicted with chronic and acute conditions such as asthma, cancer, diabetes, and hypertension and suffer worse health outcomes, worse health status, and higher mortality rates.

(3) Several recent studies also show that health and healthcare quality are a function of not only access to healthcare, but also the social determinants of health, including the environment, the physical structure of communities, socio-economic status, nutrition, educational attainment, employment, race, ethnicity, geography, and language preference, that directly and indirectly affect the health, healthcare, and wellness of individuals and communities.

(4) Formally integrating medical and legal professionals in the health setting can more effectively address the health needs of vulnerable populations and ultimately reduce health disparities.

(5) All over the United States, healthcare providers who take care of low-income individuals and families are partnering with legal professionals to assist them in providing better quality of healthcare.

(6) Medical-legal partnerships integrate lawyers in a health setting to help patients navigate the complex government, legal, and service systems in addressing social determinants of health, such as income supports for food insecure families and mold removal from the home of asthmatics.

(b) PURPOSES.—The purposes of this Act are to—

(1) support and advance opportunity for medical-legal partnerships to be more fully integrated in healthcare settings nationwide;

(2) to improve the quality of care for vulnerable populations by reducing health disparities among health disparities populations and addressing the social determinants of health; and

(3) identify and develop cost-effective strategies that will improve patient outcomes and realize savings for healthcare systems.

SEC. 3. MEDICAL-LEGAL PARTNERSHIPS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a nationwide demonstration project consisting of—

(1) awarding grants to, and entering into contracts with, medical-legal partnerships to assist patients and their families to navigate programs and activities; and

(2) evaluating the effectiveness of such partnerships.

(b) **TECHNICAL ASSISTANCE.**—The Secretary may, directly or through grants or contracts, provide technical assistance to grantees under subsection (a)(1) to support the establishment and sustainability of medical-legal partnerships. Not to exceed 5 percent of the amount appropriated to carry out this section in a fiscal year may be used for purposes of this subsection.

(c) **FUNDING.**—

(1) **USE OF FUNDS.**—Amounts received as a grant or pursuant to a contract under this section shall be used to assist patients and their families to navigate health-related programs and activities for purposes of achieving one or more of the following goals:

(A) Enhancing access to healthcare services.

(B) Improving health outcomes for low-income individuals, as defined in subsection (g).

(C) Reducing health disparities among health disparities populations.

(D) Enhancing wellness and prevention of chronic conditions and other health problems.

(E) Reducing cost of care to the healthcare system.

(F) Addressing the social determinants of health.

(G) Addressing situational contributing factors.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary, but not to exceed \$10,000,000, for each of the fiscal years 2011 through 2015.

(3) **MATCHING REQUIREMENT.**—For each fiscal year, the Secretary may not award a grant or contract under this section to a entity unless the entity agrees to make available non-Federal contributions (which may include in-kind contributions) toward the costs of a grant or contract awarded under this section in an amount that is not less than \$1 for each \$10 of Federal funds provided under the grant or contract.

(4) **ALLOCATION.**—Of the amounts appropriated pursuant to paragraph (2) for a fiscal year, the Secretary may obligate not more than 5 percent for the administrative expenses of the Secretary in carrying out this section.

(d) **ELIGIBLE ENTITIES.**—To be eligible to receive a grant or contract under this section, an entity shall—

(1) be an organization experienced in bridging the medical and legal professions on behalf of vulnerable populations nationally; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including information demonstrating that the applicant has experience in bridging the medical and legal professions or a strategy or plan for cultivating and building medical-legal partnerships.

(e) **PROHIBITIONS.**—No funds under this section may be used—

(1) for any medical malpractice action or proceeding;

(2) to provide any support to an alien who is not—

(A) a qualified alien (as defined in section 431 of the Immigration and Nationality Act);

(B) a nonimmigrant under the Immigration and Nationality Act; or

(C) an alien who is paroled into the United States under section 212(d)(5) of such Act for less than one year;

(3) to provide legal assistance with respect to any proceeding or litigation which seeks to procure an abortion or to compel any individual or institution to perform an abortion, or assist in the performance of an abortion; or

(4) to initiate or participate in a class action lawsuit.

(f) **REPORTS.**—

(1) **FINAL REPORT BY SECRETARY.**—Not later than 6 months after the date of the completion of the demonstration program under this section, the Secretary shall conduct a study of the results of the program and submit to the Congress a report on such results that includes the following:

(A) An evaluation of the program outcomes, including—

(i) a description of the extent to which medical-legal partnerships funded through this section achieved the goals described in subsection (b);

(ii) quantitative and qualitative analysis of baseline and benchmark measures; and

(iii) aggregate information about the individuals served and program activities.

(B) Recommendations on whether the programs funded under this section could be used to improve patient outcomes in other public health areas.

(2) **INTERIM REPORTS BY SECRETARY.**—The Secretary may provide interim reports to the Congress on the demonstration program under this section at such intervals as the Secretary determines to be appropriate.

(3) **REPORTS BY GRANTEEES.**—The Secretary may require each recipient of a grant under this section to submit interim and final reports on the programs carried out by such recipient with such grant.

(g) **DEFINITIONS.**—In this section:

(1) The term “health disparities populations” has the meaning given such term in section 485E(d) of the Public Health Service Act.

(2) The term “low-income individuals” refers to the population of individuals and families who earn up to 200 percent of the Federal poverty level.

(3) The term “medical-legal partnership” means an entity—

(A) that is a partnership between—

(i) a community health center, public hospital, children’s hospital, or other provider of health care services to a significant number of low-income beneficiaries; and

(ii) one or more legal professionals; and

(B) whose primary mission is to assist patients and their families navigate health-related programs, activities, and services through the provision of relevant civil legal assistance on-site in the healthcare setting involved, in conjunction with regular training for healthcare staff and providers regarding the connections between legal interventions, social determinants, and health of low-income individuals.

(4) The term “Secretary” means the Secretary of Health and Human Services.

By Mr. LEAHY (for himself and Mr. FRANKEN):

S. 3669. A bill to increase criminal penalties for certain knowing violations relating to food that is misbranded or adulterated; to the Committee on Health, Education, Labor, and Pensions.

Mr. LEAHY. Mr. President, today, I am pleased to introduce the Food Safe-

ty Enforcement Act, legislation that will hold criminals who poison our food supply accountable for their crimes. This common sense bill increases the sentences that prosecutors can seek for people who knowingly violate our food safety laws. If it is passed, those who knowingly contaminate our food supply and endanger Americans could receive up to 10 years in jail.

Last year, a mother from Vermont, Gabrielle Meunier, testified before the Senate Agriculture Committee about her 7-year-old son, Christopher, who became severely ill and was hospitalized for 6 days after he developed salmonella poisoning from peanut crackers. Thankfully, Christopher recovered, and Mrs. Meunier was able to share her story, which highlighted for the Committee and for the Senate improvements that are needed in our food safety system. No parent should have to go through what Mrs. Meunier experienced. The American people should be confident that the food they buy for their families is safe.

Current statutes do not provide sufficient criminal sanctions for those who knowingly violate our food safety laws. The fines and recalls that usually result from criminal violations under current law fall short in protecting the public from harmful products. Too often, those who are willing to endanger our children in pursuit of profits view such fines or recalls as just the cost of doing business. In order to protect the public and effectively deter this unacceptable conduct, we need to make sure that those who knowingly poison the food supply will go to jail.

After hearing Mrs. Meunier’s account, I called on the Department of Justice to conduct a criminal investigation into the outbreak of salmonella that made Christopher and many others so sick. The outbreak was traced to the Peanut Corporation of America. The president of that company, Stewart Parnell, came before Congress and invoked his right against self-incrimination, refusing to answer questions about his role in distributing contaminated peanut products. These products have been linked to the deaths of nine people and have sickened more than 600 others. It appears that Parnell knew that peanut products from his company had tested positive for deadly salmonella, but rather than immediately disposing of the products, he sought ways to sell them anyway. The evidence suggests that he knowingly put profit above the public’s safety.

The bill I introduce today would increase sentences for people who put profits above safety by knowingly contaminating the food supply. It makes such offenses felony violations and significantly increases the chances that those who commit them will face jail time, rather than a slap on the wrist, for their criminal conduct.

I hope Senators of both parties will act quickly to pass this bill. On behalf of Mrs. Meunier and her son, Christopher, as well as many like them across the country, we must repair our broken food safety system. The Justice Department must be given the tools it needs to investigate, prosecute, and truly deter crime involving food safety. This bill will be an important step toward making our food supply safer.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Food Safety Enforcement Act of 2010”.

SEC. 2. CRIMINAL PENALTIES.

Section 303(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(a)) is amended—

(1) in paragraph (1), by striking “Any” and inserting “Except as provided in paragraph (2) or (3), any”;

(2) in paragraph (2), by striking “Notwithstanding the provisions of paragraph (1) of this section, if” and inserting “If”; and

(3) by adding at the end the following:

“(3) Any person who knowingly violates subsection (a), (b), (c), (k), or (v) of section 301 with respect to any food that is misbranded or adulterated shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.”.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 3670. A bill to establish standards limiting the amounts of arsenic and lead contained in glass beads used in pavement markings; to the Committee on Environment and Public Works.

Mr. SPECTER. Mr. President, I seek recognition to introduce the Safe Highway Markings Act of 2010, a bill that would establish minimum standards limiting the amounts of arsenic and lead contained in glass beads for reflective pavement markings. This bill will help protect surface and ground water from contamination and protect the health and safety of highway workers.

Each year, approximately 500 million pounds of glass beads are applied to create reflective markings on roads in the United States. The source materials for the manufacturing of these glass beads can vary widely. While most engineered glass beads use environmentally-friendly materials such as recycled flat glass, some of the glass beads contain arsenic, lead and other heavy metals. As the glass degrades from the pounding of traffic, snow plows, trucks and weather, toxic materials can leach out of the glass and mix into the ground and surface water. In addition, workers who apply the glass beads with high concentrations of heavy metals are at risk for exposure.

In response to environmental and health issues, several states have adopted regulations that require the use of environmentally-friendly, non-toxic glass materials. In particular, California, Iowa, Maine, New Jersey, Vermont, Washington and Wyoming have established procurement standards for the quality of glass beads used in highways markings in their States. Several other States are currently reviewing proposals. Additionally, the European Union, China, Australia, and several Canadian provinces have also set standards limiting heavy metal concentration.

It makes no sense to continue this piecemeal approach; it is time for a national standard. This legislation establishes a minimum standard for engineered glass beads used in reflective markings. The legislation ensures that States receiving Federal funds adhere to the Environmental Protection Agency's methods and standards for engineered glass beads, specifically that the beads may contain no more than 200 parts per million of arsenic.

Similar legislation has been introduced in the House and I look forward to advancing this important legislation in the Senate. As such, I urge my colleagues to support this bill that will help safeguard the lives of highway workers and help keep public roads free of high levels of arsenic and lead.

By Mr. ROCKEFELLER (for himself and Mr. GOODWIN):

S. 3671. A bill to improve compliance with mine and occupational safety and health law, empower workers to raise safety concerns, prevent future mine and other workplace tragedies, establish rights of families of victims of workplace accidents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, today I am proud to introduce with my colleague Senator GOODWIN the Robert C. Byrd Mine and Workplace Safety and Health Act of 2010. This legislation is a first step to making sure that every miner in West Virginia can go to work each and every day without fearing for their safety. It also serves as a tribute to all miners who have lost their lives, and also to my dear friend and colleague, the late Senator Byrd, who devoted his career to improving the working condition of West Virginia's miners and worked diligently with me to develop this bill.

It has been several months since the Upper Big Branch mine disaster, but for many of us, it feels like only yesterday that we were anxiously waiting to hear news about the missing miners. Shortly after that horrible accident I came to this floor and said that “No words are adequate to describe the grief.” I know that for the families of those 29 miners that remains the case.

Even as the investigation into the Upper Big Branch mine continues to

move forward, we owe it to the victims' families and to the miners that still get up and go to work every day, to find real solutions to keep our miners safe.

The legislation Senator GOODWIN and I are introducing today has been a team effort—particularly with my colleague and friend Congressman NICK RAHALL, who has introduced similar legislation in the U.S. House of Representatives. I would like to acknowledge Senators HARKIN and MURRAY for their effort and their commitment to addressing mine and workplace safety.

It gives teeth to existing whistleblower protections so that miners can come forward to report safety concerns. Miners should not fear for their jobs—their livelihoods—simply because they are trying to keep themselves and their coworkers safe. We have a responsibility to give them every protection necessary. Our bill gives miners up to 180 days to file a whistleblower retaliation complaint, it allows punitive damages and criminal penalties for retaliating against a whistleblower, and it makes sure that miners do not lose pay if their mines are shut down for safety reasons. It also allows miners to give private interviews with MSHA and exclude the operator or union representative from the room. I know that the industry and unions do not like this, but it is important for miners to be allowed to speak freely without intimidation or influence from anyone.

Our legislation also gives MSHA additional tools to keep miners safe, including the ability to order additional safety training at mines where it is needed, expanded authority to seek injunctions to stop dangerous practices, and the ability to subpoena documents and testimony outside of the public hearing context. But this bill also takes a hard look at MSHA to make sure they are doing their job by creating an independent panel to investigate MSHA's role in serious accidents and it requires MSHA to conduct inspections during all hours and shifts so that every miner has the same level of protection.

Importantly, this bill also fixes the broken “pattern of violations” process—which was meant to give MSHA authority to crack down on mines that repeatedly violate our laws, but has never been effectively implemented. Rather than the punitive process that exists under current law, our legislation focuses on rehabilitating unsafe mines so that miners can go to work confident that they will safely return home to their families at the end of the shift. Mines will have to implement safety plans, will be subject to additional inspections, and will be required to show substantial improvement in their safety records before being removed from pattern status.

Our bill contains additional protections that will apply to workers across

all industries under the jurisdiction of the Occupational Safety and Health Administration. These include expanded whistleblower protections for employees, the explicit right to refuse to perform unsafe work, greater rights for victims and their families to participate in the investigation process, updated civil and criminal penalties, and the requirement that hazardous conditions be abated immediately so that litigation does not delay safety. Deadly accidents occur in mines and throughout every industry. Everyone deserves to be safe on the job, and these provisions will go a long way toward achieving that goal.

But our bill also has additional provisions that are not included in the House version. It requires an evaluation of whether MSHA has the experts it needs to effectively enforce our laws. It requires the Government Accountability Office to conduct an independent evaluation of MSHA's new "pattern of violations" criteria to make sure it is effective in preventing repeated violations at our most unsafe mines. It promotes greater coordination between the Department of Justice and Department of Labor in investigating criminal violations of our mine safety laws. It requires MSHA to improve its online database so that the public can more easily find out the full safety records of operators not just individual mines, and compare the safety records of various mines and operators. It requires MSHA to routinely develop long-term safety goals and strategic plans to meet those goals. These provisions will improve transparency, increase accountability, and set us on a path toward safety.

We can never change what happened at the Upper Big Branch mine, but we can change the way we do business going forward. Americans deserve the peace of mind that comes from safe working conditions. Following the Upper Big Branch tragedy, this Senate chose to honor the fallen miners with a resolution—a gesture that Senator Byrd and I very much appreciated. I hope that my colleagues will work with Senator GOODWIN and I to pass meaningful mine safety legislation in their honor as well.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 601—TO AUTHORIZE TESTIMONY OF SENATE EMPLOYEES IN A GRAND JURY PROCEEDING IN THE DISTRICT OF COLUMBIA

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 601

Whereas, in a proceeding before a grand jury of the United States District Court for

the District of Columbia testimony has been sought from employees of the office of Senator John Ensign;

Whereas, by the privileges of the Senate of the United States and Rule XI of the standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate; Now, therefore be it

Resolved, That current or former employees of Senator John Ensign's office are authorized to testify in the grand jury proceeding or any related proceeding, except concerning matters for which a privilege should be asserted.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4562. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4557 submitted by Mr. MENENDEZ and intended to be proposed to the amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table.

SA 4563. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4564. Mr. REED submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4565. Mr. REED submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4566. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4567. Mr. REID (for Mrs. MURRAY (for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER)) proposed an amendment to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

SA 4568. Mr. REID proposed an amendment to amendment SA 4567 proposed by Mr. REID (for Mrs. MURRAY (for herself, Mr. HARKIN,

Mr. REID, and Mr. SCHUMER)) to the bill H.R. 1586, supra.

SA 4569. Mr. REID proposed an amendment to the bill H.R. 1586, supra.

SA 4570. Mr. REID proposed an amendment to amendment SA 4569 proposed by Mr. REID to the bill H.R. 1586, supra.

SA 4571. Mr. REID proposed an amendment to amendment SA 4570 proposed by Mr. REID to the amendment SA 4569 proposed by Mr. REID to the bill H.R. 1586, supra.

SA 4572. Mr. MCCAIN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 5875, making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4562. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4557 submitted by Mr. MENENDEZ and intended to be proposed to the amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, strike line 3 and all that follows through page 2, line 2, and insert the following:

(v) Nonowner-occupied commercial real estate loans.

(vi)(I) Loans secured by real estate—

(aa) that are made to finance—

(AA) land development that is preparatory to erecting new structures, including improving land, laying sewers, and laying water pipes; or

(BB) the on-site construction of industrial, commercial, residential, or farm buildings;

(bb) that is vacant land, except land known to be used or usable for agricultural purposes, such as crop and livestock production;

(cc) the proceeds of which are to be used to acquire and improve developed or undeveloped property; or

(dd) that are made under title I of the National Housing Act (12 U.S.C. 1702 et seq.).

(II) Subclause (I) shall only apply to loans that are extended to small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) in the construction industry, as such term is defined by the Secretary in consultation with the Administrator of the Small Business Administration.

(III) For purposes of this clause, the term "construction" includes the construction of new structures, additions or alterations to existing structures, and the demolition of existing structures to make way for new structures.

(B) LIMITATION.—Notwithstanding subparagraph (A), a loan shall constitute small business lending only if it is made to a small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)).

SA 4563. Mrs. HUTCHISON submitted an amendment intended to be proposed

to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B, add the following:
PART _____—TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

SEC. 4 _____. TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM.

(a) FUNDING.—The matter under the heading “TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM” of title III of division C of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 619) is amended, in the matter preceding the first proviso—

(1) by striking “\$47,000,000,000” and inserting “\$56,000,000,000”; and

(2) by striking “\$18,500,000,000” and inserting “\$27,500,000,000”.

(b) USE OF STIMULUS FUNDS TO OFFSET SPENDING.—

(1) IN GENERAL.—The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115) (other than under title X of division A of that Act) is rescinded, on a pro rata basis, by an aggregate amount that equals the amounts necessary to offset any net increase in spending or foregone revenues resulting from this section and the amendments made by this section.

(2) REPORT.—The Director of the Office of Management and Budget shall submit to each congressional committee the amounts rescinded under paragraph (1) that are within the jurisdiction of the committee.

SA 4564. Mr. REED submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 130 of the amendment, after line 25, insert the following:

SEC. 1705. COMMUNITY DEVELOPMENT FUNDS.

Chapter 11 of title I of the Supplemental Appropriations Act, 2010, is amended by striking the heading “Community Development Fund” and all the matter that follows through the ninth proviso under such heading and inserting the following:

“COMMUNITY DEVELOPMENT FUND

“For an additional amount for the ‘Community Development Fund’, for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in

areas affected by flooding for which the President declared a major disaster between March 29, 2010, and May 7, 2010, which included Individual Assistance for an entire State or not fewer than 45 counties within a State under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, \$100,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): *Provided*, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: *Provided further*, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State or subdivision thereof under the Community Development Fund: *Provided further*, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That the Secretary shall obligate to a State or subdivision thereof not less than 50 percent of the funding provided under this heading within 90 days after the enactment of this Act: *Provided further*, That not more than 50 percent of the funding provided under this heading shall be allocated to any State (including units of general local government).”.

SA 4565. Mr. REED submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax

incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IV, add the following:

SEC. 41 _____. ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS.

In chapter 2 of title I of the Act entitled “An Act making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes”, strike the matter under the heading “ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS” under the heading “ECONOMIC DEVELOPMENT ADMINISTRATION” under the heading “DEPARTMENT OF COMMERCE” and insert the following:

“Pursuant to section 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3233), for an additional amount for “Economic Development Assistance Programs”, for necessary expenses relating to disaster relief, long-term recovery, and restoration of infrastructure in areas affected by flooding for which the President declared a major disaster during the period beginning on March 29, 2010, and ending on May 7, 2010, which included individual assistance for an entire State or not fewer than 45 counties within a State under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), \$49,000,000, to remain available until expended: *Provided*, That not more than 50 percent of the amount provided under this heading shall be allocated to any State.”.

SA 4566. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 633. SURVIVOR BENEFIT PLAN ANNUITIES FOR SPECIAL NEEDS TRUSTS ESTABLISHED FOR THE BENEFIT OF DEPENDENT CHILDREN INCAPABLE OF SELF-SUPPORT.

(a) SPECIAL NEEDS TRUST AS ELIGIBLE BENEFICIARY.—

(1) IN GENERAL.—Subsection (a) of section 1450 of title 10, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

“(4) SPECIAL NEEDS TRUSTS FOR SOLE BENEFIT OF CERTAIN DEPENDENT CHILDREN.—Notwithstanding subsection (i), a supplemental or special needs trust established under subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4)) for the sole benefit of a dependent child considered disabled under section 1614(a)(3) of that Act (42 U.S.C. 1382c(a)(3)) who is incapable of self-support because of mental or physical incapacity.”.

(2) CONFORMING AMENDMENT.—Subsection (i) of such section is amended by inserting “(a)(4) or” after “subsection”.

(b) REGULATIONS.—Section 1455(d) of such title is amended—

(1) in the subsection caption, by striking “AND FIDUCIARIES” and inserting “, FIDUCIARIES, AND SPECIAL NEEDS TRUSTS”;

(2) in paragraph (1)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(C) a dependent child incapable of self-support because of mental or physical incapacity for whom a supplemental or special needs trust has been established under subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4)).”;

(3) in paragraph (2)—

(A) by redesignating subparagraphs (C) through (H) as subparagraphs (D) through (I), respectively;

(B) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) In the case of an annuitant referred to in paragraph (1)(C), payment of the annuity to the supplemental or special needs trust established for the annuitant.”;

(C) in subparagraph (D), as redesignated by subparagraph (A) of this paragraph, by striking “subparagraphs (D) and (E)” and inserting “subparagraphs (E) and (F)”; and

(D) in subparagraph (H), as so redesignated—

(i) by inserting “or (1)(C)” after “paragraph (1)(B)” in the matter preceding clause (i);

(ii) in clause (i), by striking “and” at the end;

(iii) in clause (ii), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following new clause:

“(iii) procedures for determining when annuity payments to a supplemental or special needs trust shall end based on the death or marriage of the dependent child for which the trust was established.”; and

(4) in paragraph (3), by striking “OR FIDUCIARY” in the paragraph caption and inserting “, FIDUCIARY, OR TRUST”.

SA 4567. Mr. REID (for Mrs. MURRAY (for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER)) proposed an amendment to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the “_____ Act of _____”.

TITLE I

EDUCATION JOBS FUND

EDUCATION JOBS FUNDS

SEC. 101. There are authorized to be appropriated and there are appropriated out of any money in the Treasury not otherwise obligated for necessary expenses for an Education Jobs Fund, \$10,000,000,000: *Provided*, That the amount under this heading shall be administered under the terms and conditions of sections 14001 through 14013 and title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) except as follows:

(1) ALLOCATION OF FUNDS.—

(A) Funds appropriated under this heading shall be available only for allocation by the

Secretary of Education (in this heading referred to as the Secretary) in accordance with subsections (a), (b), (d), (e), and (f) of section 14001 of division A of Public Law 111-5 and subparagraph (B) of this paragraph, except that the amount reserved under such subsection (b) shall not exceed \$1,000,000 and such subsection (f) shall be applied by substituting one year for two years.

(B) Prior to allocating funds to States under section 14001(d) of division A of Public Law 111-5, the Secretary shall allocate 0.5 percent to the Secretary of the Interior for schools operated or funded by the Bureau of Indian Affairs on the basis of the schools' respective needs for activities consistent with this heading under such terms and conditions as the Secretary of the Interior may determine.

(2) RESERVATION.—A State that receives an allocation of funds appropriated under this heading may reserve not more than 2 percent for the administrative costs of carrying out its responsibilities with respect to those funds.

(3) AWARDS TO LOCAL EDUCATIONAL AGENCIES.—

(A) Except as specified in paragraph (2), an allocation of funds to a State shall be used only for awards to local educational agencies for the support of elementary and secondary education in accordance with paragraph (5) for the 2010–2011 school year (or, in the case of reallocations made under section 14001(f) of division A of Public Law 111-5, for the 2010–2011 or the 2011–2012 school year).

(B) Funds used to support elementary and secondary education shall be distributed through a State's primary elementary and secondary funding formulae or based on local educational agencies' relative shares of funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the most recent fiscal year for which data are available.

(C) Subsections (a) and (b) of section 14002 of division A of Public Law 111-5 shall not apply to funds appropriated under this heading.

(4) COMPLIANCE WITH EDUCATION REFORM ASSURANCES.—For purposes of awarding funds appropriated under this heading, any State that has an approved application for Phase II of the State Fiscal Stabilization Fund that was submitted in accordance with the application notice published in the Federal Register on November 17, 2009 (74 Fed. Reg. 59142) shall be deemed to be in compliance with subsection (b) and paragraphs (2) through (5) of subsection (d) of section 14005 of division A of Public Law 111-5.

(5) REQUIREMENT TO USE FUNDS TO RETAIN OR CREATE EDUCATION JOBS.—Notwithstanding section 14003(a) of division A of Public Law 111-5, funds awarded to local educational agencies under paragraph (3)—

(A) may be used only for compensation and benefits and other expenses, such as support services, necessary to retain existing employees, to recall or rehire former employees, and to hire new employees, in order to provide early childhood, elementary, or secondary educational and related services; and

(B) may not be used for general administrative expenses or for other support services expenditures as those terms were defined by the National Center for Education Statistics in its Common Core of Data as of the date of enactment of this Act.

(6) PROHIBITION ON USE OF FUNDS FOR RAINY-DAY FUNDS OR DEBT RETIREMENT.—A State that receives an allocation may not use such funds, directly or indirectly, to—

(A) establish, restore, or supplement a rainy-day fund;

(B) supplant State funds in a manner that has the effect of establishing, restoring, or supplementing a rainy-day fund;

(C) reduce or retire debt obligations incurred by the State; or

(D) supplant State funds in a manner that has the effect of reducing or retiring debt obligations incurred by the State.

(7) DEADLINE FOR AWARD.—The Secretary shall award funds appropriated under this heading not later than 45 days after the date of the enactment of this Act to States that have submitted applications meeting the requirements applicable to funds under this heading. The Secretary shall not require information in applications beyond what is necessary to determine compliance with applicable provisions of law.

(8) ALTERNATE DISTRIBUTION OF FUNDS.—If, within 30 days after the date of the enactment of this Act, a Governor has not submitted an approvable application, the Secretary shall provide for funds allocated to that State to be distributed to another entity or other entities in the State (notwithstanding section 14001(e) of division A of Public Law 111-5) for support of elementary and secondary education, under such terms and conditions as the Secretary may establish, provided that all terms and conditions that apply to funds appropriated under this heading shall apply to such funds distributed to such entity or entities. No distribution shall be made to a State under this paragraph, however, unless the Secretary has determined (on the basis of such information as may be available) that the requirements of clauses (i), (ii), or (iii) of paragraph 10(A) are likely to be met, notwithstanding the lack of an application from the Governor of that State.

(9) LOCAL EDUCATIONAL AGENCY APPLICATION.—Section 442 of the General Education Provisions Act shall not apply to a local educational agency that has previously submitted an application to the State under title XIV of division A of Public Law 111-5. The assurances provided under that application shall continue to apply to funds awarded under this heading.

(10) MAINTENANCE OF EFFORT.—

(A) Except as provided in paragraph (8), the Secretary shall not allocate funds to a State under paragraph (1) unless the Governor of the State provides an assurance to the Secretary that—

(i) for State fiscal year 2011, the State will maintain State support for elementary and secondary education (in the aggregate or on the basis of expenditures per pupil) and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at not less than the level of such support for each of the two categories, respectively, for State fiscal year 2009;

(ii) for State fiscal year 2011, the State will maintain State support for elementary and secondary education and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for each of the two categories, respectively, for State fiscal year 2010; or

(iii) in the case of a State in which State tax collections for calendar year 2009 were less than State tax collections for calendar year 2006, for State fiscal year 2011 the State will maintain State support for elementary and secondary education (in the aggregate) and for public institutions of higher education (not including support for capital

projects or for research and development or tuition and fees paid by students)—

(I) at not less than the level of such support for each of the two categories, respectively, for State fiscal year 2006; or

(II) at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for each of the two categories, respectively, for State fiscal year 2006.

(B) Section 14005(d)(1) and subsections (a) through (c) of section 14012 of division A of Public Law 111-5 shall not apply to funds appropriated under this heading.

(1) **ADDITIONAL REQUIREMENTS FOR THE STATE OF TEXAS.**—The following requirements shall apply to the State of Texas:

(A) Notwithstanding paragraph (3)(B), funds used to support elementary and secondary education shall be distributed based on local educational agencies' relative shares of funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the most recent fiscal year which data are available. Funds distributed pursuant to this paragraph shall be used to supplement and not supplant State formula funding that is distributed on a similar basis to part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(B) The Secretary shall not allocate funds to the State of Texas under paragraph (1) unless the Governor of the State provides an assurance to the Secretary that the State will for fiscal years 2011, 2012, and 2013 maintain State support for elementary and secondary education at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for such purpose for fiscal year 2011 prior to the enactment of this Act.

(C) Notwithstanding paragraph (8), no distribution shall be made to the State of Texas or local education agencies therein unless the Governor of Texas makes an assurance to the Secretary that the requirements in paragraphs (11)(A) and (11)(B) will be met, notwithstanding the lack of an application from the Governor of Texas.

TITLE II—STATE FISCAL RELIEF AND OTHER PROVISIONS; REVENUE OFFSETS

Subtitle A—State Fiscal Relief and Other Provisions

EXTENSION OF ARRA INCREASE IN FMAP

SEC. 201.

Section 5001 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(1) in subsection (a)(3), by striking “first calendar quarter” and inserting “first 3 calendar quarters”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(B) by adding at the end the following:

“(3) **PHASE-DOWN OF GENERAL INCREASE.**—

“(A) **SECOND QUARTER OF FISCAL YEAR 2011.**—For each State, for the second quarter of fiscal year 2011, the FMAP percentage increase for the State under paragraph (1) or (2) (as applicable) shall be 3.2 percentage points.

“(B) **THIRD QUARTER OF FISCAL YEAR 2011.**—For each State, for the third quarter of fiscal year 2011, the FMAP percentage increase for the State under paragraph (1) or (2) (as applicable) shall be 1.2 percentage points.”;

(3) in subsection (c)—

(A) in paragraph (2)(B), by striking “July 1, 2010” and inserting “January 1, 2011”;

(B) in paragraph (3)(B)(i), by striking “July 1, 2010” and inserting “January 1, 2011” each place it appears; and

(C) in paragraph (4)(C)(ii), by striking “the 3-consecutive-month period beginning with January 2010” and inserting “any 3-consecutive-month period that begins after December 2009 and ends before January 2011”;

(4) in subsection (e), by adding at the end the following:

“Notwithstanding paragraph (5), effective for payments made on or after January 1, 2010, the increases in the FMAP for a State under this section shall apply to payments under title XIX of such Act that are attributable to expenditures for medical assistance provided to nonpregnant childless adults made eligible under a State plan under such title (including under any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) who would have been eligible for child health assistance or other health benefits under eligibility standards in effect as of December 31, 2009, of a waiver of the State child health plan under the title XXI of such Act.”;

(5) in subsection (g)—

(A) in paragraph (1), by striking “September 30, 2011” and inserting “March 31, 2012”;

(B) in paragraph (2), by inserting “of such Act” after “1923”; and

(C) by adding at the end the following:

“(3) **CERTIFICATION BY CHIEF EXECUTIVE OFFICER.**—No additional Federal funds shall be paid to a State as a result of this section with respect to a calendar quarter occurring during the period beginning on January 1, 2011, and ending on June 30, 2011, unless, not later than 45 days after the date of enactment of this paragraph, the chief executive officer of the State certifies that the State will request and use such additional Federal funds.”; and

(6) in subsection (h)(3), by striking “December 31, 2010” and inserting “June 30, 2011”.

TREATMENT OF CERTAIN DRUGS FOR COMPUTATION OF MEDICAID AMP

SEC. 202.

Effective as if included in the enactment of Public Law 111-148, section 1927(k)(1)(B)(i)(IV) of the Social Security Act (42 U.S.C. 1396r-8(k)(1)(B)(i)(IV)), as amended by section 2503(a)(2)(B) of Public Law 111-148 and section 1101(c)(2) of Public Law 111-152, is amended by adding at the end the following: “, unless the drug is an inhalation, infusion, instilled, implanted, or injectable drug that is not generally dispensed through a retail community pharmacy; and”.

SUNSET OF TEMPORARY INCREASE IN BENEFITS UNDER THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

SEC. 203.

Section 101(a) of title I of division A of Public Law 111-5 (123 Stat. 120), as amended by section 4262 of this Act, is amended by striking paragraph (2) and inserting the following:

“(2) **TERMINATION.**—The authority provided by this subsection shall terminate after March 31, 2015.”.

Subtitle B—Revenue Offsets

RULES TO PREVENT SPLITTING FOREIGN TAX CREDITS FROM THE INCOME TO WHICH THEY RELATE

SEC. 211.

(a) **IN GENERAL.**—Subpart A of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 909. **SUSPENSION OF TAXES AND CREDITS UNTIL RELATED INCOME TAKEN INTO ACCOUNT.**

“(a) **IN GENERAL.**—If there is a foreign tax credit splitting event with respect to a for-

ign income tax paid or accrued by the taxpayer, such tax shall not be taken into account for purposes of this title before the taxable year in which the related income is taken into account under this chapter by the taxpayer.

“(b) **SPECIAL RULES WITH RESPECT TO SECTION 902 CORPORATIONS.**—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by a section 902 corporation, such tax shall not be taken into account—

“(1) for purposes of section 902 or 960, or

“(2) for purposes of determining earnings and profits under section 964(a), before the taxable year in which the related income is taken into account under this chapter by such section 902 corporation or a domestic corporation which meets the ownership requirements of subsection (a) or (b) of section 902 with respect to such section 902 corporation.

“(c) **SPECIAL RULES.**—For purposes of this section—

“(1) **APPLICATION TO PARTNERSHIPS, ETC.**—In the case of a partnership, subsections (a) and (b) shall be applied at the partner level. Except as otherwise provided by the Secretary, a rule similar to the rule of the preceding sentence shall apply in the case of any S corporation or trust.

“(2) **TREATMENT OF FOREIGN TAXES AFTER SUSPENSION.**—In the case of any foreign income tax not taken into account by reason of subsection (a) or (b), except as otherwise provided by the Secretary, such tax shall be so taken into account in the taxable year referred to in such subsection (other than for purposes of section 986(a)) as a foreign income tax paid or accrued in such taxable year.

“(d) **DEFINITIONS.**—For purposes of this section—

“(1) **FOREIGN TAX CREDIT SPLITTING EVENT.**—There is a foreign tax credit splitting event with respect to a foreign income tax if the related income is (or will be) taken into account under this chapter by a covered person.

“(2) **FOREIGN INCOME TAX.**—The term ‘foreign income tax’ means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

“(3) **RELATED INCOME.**—The term ‘related income’ means, with respect to any portion of any foreign income tax, the income (or, as appropriate, earnings and profits) to which such portion of foreign income tax relates.

“(4) **COVERED PERSON.**—The term ‘covered person’ means, with respect to any person who pays or accrues a foreign income tax (hereafter in this paragraph referred to as the ‘payor’)—

“(A) any entity in which the payor holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value),

“(B) any person which holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value) in the payor,

“(C) any person which bears a relationship to the payor described in section 267(b) or 707(b), and

“(D) any other person specified by the Secretary for purposes of this paragraph.

“(5) **SECTION 902 CORPORATION.**—The term ‘section 902 corporation’ means any foreign corporation with respect to which one or more domestic corporations meets the ownership requirements of subsection (a) or (b) of section 902.

“(e) **REGULATIONS.**—The Secretary may issue such regulations or other guidance as

is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provides—

“(1) appropriate exceptions from the provisions of this section, and

“(2) for the proper application of this section with respect to hybrid instruments.”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 909. Suspension of taxes and credits until related income taken into account.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) foreign income taxes (as defined in section 909(d) of the Internal Revenue Code of 1986, as added by this section) paid or accrued in taxable years beginning after December 31, 2010; and

(2) foreign income taxes (as so defined) paid or accrued by a section 902 corporation (as so defined) in taxable years beginning on or before such date (and not deemed paid under section 902(a) or 960 of such Code on or before such date), but only for purposes of applying sections 902 and 960 with respect to periods after such date.

Section 909(b)(2) of the Internal Revenue Code of 1986, as added by this section, shall not apply to foreign income taxes described in paragraph (2).

DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS

SEC. 212.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

“(m) DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.—

“(1) IN GENERAL.—In the case of a covered asset acquisition, the disqualified portion of any foreign income tax determined with respect to the income or gain attributable to the relevant foreign assets—

“(A) shall not be taken into account in determining the credit allowed under subsection (a), and

“(B) in the case of a foreign income tax paid by a section 902 corporation (as defined in section 909(d)(5)), shall not be taken into account for purposes of section 902 or 960.

“(2) COVERED ASSET ACQUISITION.—For purposes of this section, the term ‘covered asset acquisition’ means—

“(A) a qualified stock purchase (as defined in section 338(d)(3)) to which section 338(a) applies,

“(B) any transaction which—

“(i) is treated as an acquisition of assets for purposes of this chapter, and

“(ii) is treated as the acquisition of stock of a corporation (or is disregarded) for purposes of the foreign income taxes of the relevant jurisdiction,

“(C) any acquisition of an interest in a partnership which has an election in effect under section 754, and

“(D) to the extent provided by the Secretary, any other similar transaction.

“(3) DISQUALIFIED PORTION.—For purposes of this section—

“(A) IN GENERAL.—The term ‘disqualified portion’ means, with respect to any covered asset acquisition, for any taxable year, the ratio (expressed as a percentage) of—

“(i) the aggregate basis differences (but not below zero) allocable to such taxable year under subparagraph (B) with respect to all relevant foreign assets, divided by

“(ii) the income on which the foreign income tax referred to in paragraph (1) is determined (or, if the taxpayer fails to substantiate such income to the satisfaction of the Secretary, such income shall be determined by dividing the amount of such foreign income tax by the highest marginal tax rate applicable to such income in the relevant jurisdiction).

“(B) ALLOCATION OF BASIS DIFFERENCE.—For purposes of subparagraph (A)(i)—

“(i) IN GENERAL.—The basis difference with respect to any relevant foreign asset shall be allocated to taxable years using the applicable cost recovery method under this chapter.

“(ii) SPECIAL RULE FOR DISPOSITION OF ASSETS.—Except as otherwise provided by the Secretary, in the case of the disposition of any relevant foreign asset—

“(I) the basis difference allocated to the taxable year which includes the date of such disposition shall be the excess of the basis difference with respect to such asset over the aggregate basis difference with respect to such asset which has been allocated under clause (i) to all prior taxable years, and

“(II) no basis difference with respect to such asset shall be allocated under clause (i) to any taxable year thereafter.

“(C) BASIS DIFFERENCE.—

“(i) IN GENERAL.—The term ‘basis difference’ means, with respect to any relevant foreign asset, the excess of—

“(I) the adjusted basis of such asset immediately after the covered asset acquisition, over

“(II) the adjusted basis of such asset immediately before the covered asset acquisition.

“(ii) BUILT-IN LOSS ASSETS.—In the case of a relevant foreign asset with respect to which the amount described in clause (i)(II) exceeds the amount described in clause (i)(I), such excess shall be taken into account under this subsection as a basis difference of a negative amount.

“(iii) SPECIAL RULE FOR SECTION 338 ELECTIONS.—In the case of a covered asset acquisition described in paragraph (2)(A), the covered asset acquisition shall be treated for purposes of this subparagraph as occurring at the close of the acquisition date (as defined in section 338(h)(2)).

“(4) RELEVANT FOREIGN ASSETS.—For purposes of this section, the term ‘relevant foreign asset’ means, with respect to any covered asset acquisition, any asset (including any goodwill, going concern value, or other intangible) with respect to such acquisition if income, deduction, gain, or loss attributable to such asset is taken into account in determining the foreign income tax referred to in paragraph (1).

“(5) FOREIGN INCOME TAX.—For purposes of this section, the term ‘foreign income tax’ means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

“(6) TAXES ALLOWED AS A DEDUCTION, ETC.—Sections 275 and 78 shall not apply to any tax which is not allowable as a credit under subsection (a) by reason of this subsection.

“(7) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including to exempt from the application of this subsection certain covered asset acquisitions, and relevant foreign assets with respect to which the basis difference is de minimis.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to covered asset acquisitions (as defined in section 901(m)(2) of the Internal Revenue Code of 1986, as added by this section) after December 31, 2010.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any covered asset acquisition (as so defined) with respect to which the transferor and the transferee are not related if such acquisition is—

(A) made pursuant to a written agreement which was binding on January 1, 2011, and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before May 20, 2010, or

(C) described on or before January 1, 2011, in a public announcement or in a filing with the Securities and Exchange Commission.

(3) RELATED PERSONS.—For purposes of this subsection, a person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b) of the Internal Revenue Code of 1986.

SEPARATE APPLICATION OF FOREIGN TAX CREDIT LIMITATION, ETC., TO ITEMS RESOURCED UNDER TREATIES

SEC. 213.

(a) IN GENERAL.—Subsection (d) of section 904 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

“(6) SEPARATE APPLICATION TO ITEMS RESOURCED UNDER TREATIES.—

“(A) IN GENERAL.—If—

“(i) without regard to any treaty obligation of the United States, any item of income would be treated as derived from sources within the United States,

“(ii) under a treaty obligation of the United States, such item would be treated as arising from sources outside the United States, and

“(iii) the taxpayer chooses the benefits of such treaty obligation,

subsections (a), (b), and (c) of this section and sections 902, 907, and 960 shall be applied separately with respect to each such item.

“(B) COORDINATION WITH OTHER PROVISIONS.—This paragraph shall not apply to any item of income to which subsection (h)(10) or section 865(h) applies.

“(C) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance which provides that related items of income may be aggregated for purposes of this paragraph.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

LIMITATION ON THE AMOUNT OF FOREIGN TAXES DEEMED PAID WITH RESPECT TO SECTION 956 INCLUSIONS

SEC. 214.

(a) IN GENERAL.—Section 960 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(c) LIMITATION WITH RESPECT TO SECTION 956 INCLUSIONS.—

“(1) IN GENERAL.—If there is included under section 951(a)(1)(B) in the gross income of a domestic corporation any amount attributable to the earnings and profits of a foreign corporation which is a member of a qualified group (as defined in section 902(b))

with respect to the domestic corporation, the amount of any foreign income taxes deemed to have been paid during the taxable year by such domestic corporation under section 902 by reason of subsection (a) with respect to such inclusion in gross income shall not exceed the amount of the foreign income taxes which would have been deemed to have been paid during the taxable year by such domestic corporation if cash in an amount equal to the amount of such inclusion in gross income were distributed as a series of distributions (determined without regard to any foreign taxes which would be imposed on an actual distribution) through the chain of ownership which begins with such foreign corporation and ends with such domestic corporation.

“(2) **AUTHORITY TO PREVENT ABUSE.**—The Secretary shall issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which prevent the inappropriate use of the foreign corporation’s foreign income taxes not deemed paid by reason of paragraph (1).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to acquisitions of United States property (as defined in section 956(c) of the Internal Revenue Code of 1986) after December 31, 2010.

SPECIAL RULE WITH RESPECT TO CERTAIN REDEMPTIONS BY FOREIGN SUBSIDIARIES
SEC. 215.

(a) **IN GENERAL.**—Paragraph (5) of section 304(b) of the Internal Revenue Code of 1986 is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

“(B) **SPECIAL RULE IN CASE OF FOREIGN ACQUIRING CORPORATION.**—In the case of any acquisition to which subsection (a) applies in which the acquiring corporation is a foreign corporation, no earnings and profits shall be taken into account under paragraph (2)(A) (and subparagraph (A) shall not apply) if more than 50 percent of the dividends arising from such acquisition (determined without regard to this subparagraph) would neither—
“(i) be subject to tax under this chapter for the taxable year in which the dividends arise, nor
“(ii) be includible in the earnings and profits of a controlled foreign corporation (as defined in section 957 and without regard to section 953(c)).”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to acquisitions after the date of the enactment of this Act.

MODIFICATION OF AFFILIATION RULES FOR PURPOSES OF RULES ALLOCATING INTEREST EXPENSE
SEC. 216.

(a) **IN GENERAL.**—Subparagraph (A) of section 864(e)(5) of the Internal Revenue Code of 1986 is amended by adding at the end the following: “Notwithstanding the preceding sentence, a foreign corporation shall be treated as a member of the affiliated group if—

“(i) more than 50 percent of the gross income of such foreign corporation for the taxable year is effectively connected with the conduct of a trade or business within the United States, and

“(ii) at least 80 percent of either the vote or value of all outstanding stock of such foreign corporation is owned directly or indirectly by members of the affiliated group (determined with regard to this sentence).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable

years beginning after the date of the enactment of this Act.

TERMINATION OF SPECIAL RULES FOR INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS
SEC. 217.

(a) **IN GENERAL.**—Paragraph (1) of section 861(a) of the Internal Revenue Code of 1986 is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) **GRANDFATHER RULE WITH RESPECT TO WITHHOLDING ON INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.**—

(1) **IN GENERAL.**—Subparagraph (B) of section 871(i)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

“(B) The active foreign business percentage of—

“(i) any dividend paid by an existing 80/20 company, and

“(ii) any interest paid by an existing 80/20 company.”.

(2) **DEFINITIONS AND SPECIAL RULES.**—Section 871 of such Code is amended by redesignating subsections (l) and (m) as subsections (m) and (n), respectively, and by inserting after subsection (k) the following new subsection:

“(1) **RULES RELATING TO EXISTING 80/20 COMPANIES.**—For purposes of this subsection and subsection (i)(2)(B)—

“(1) **EXISTING 80/20 COMPANY.**—

“(A) **IN GENERAL.**—The term ‘existing 80/20 company’ means any corporation if—

“(i) such corporation met the 80-percent foreign business requirements of section 861(c)(1) (as in effect before the date of the enactment of this subsection) for such corporation’s last taxable year beginning before January 1, 2011,

“(ii) such corporation meets the 80-percent foreign business requirements of subparagraph (B) with respect to each taxable year after the taxable year referred to in clause (i), and

“(iii) there has not been an addition of a substantial line of business with respect to such corporation after the date of the enactment of this subsection.

“(B) **FOREIGN BUSINESS REQUIREMENTS.**—

“(i) **IN GENERAL.**—Except as provided in clause (iv), a corporation meets the 80-percent foreign business requirements of this subparagraph if it is shown to the satisfaction of the Secretary that at least 80 percent of the gross income from all sources of such corporation for the testing period is active foreign business income.

“(ii) **ACTIVE FOREIGN BUSINESS INCOME.**—For purposes of clause (i), the term ‘active foreign business income’ means gross income which—

“(I) is derived from sources outside the United States (as determined under this subchapter), and

“(II) is attributable to the active conduct of a trade or business in a foreign country or possession of the United States.

“(iii) **TESTING PERIOD.**—For purposes of this subsection, the term ‘testing period’ means the 3-year period ending with the close of the taxable year of the corporation preceding the payment (or such part of such period as may be applicable). If the corporation has no gross income for such 3-year period (or part thereof), the testing period shall be the taxable year in which the payment is made.

“(iv) **TRANSITION RULE.**—In the case of a taxable year for which the testing period includes 1 or more taxable years beginning before January 1, 2011—

“(I) a corporation meets the 80-percent foreign business requirements of this subparagraph if and only if the weighted average of—

“(aa) the percentage of the corporation’s gross income from all sources that is active foreign business income (as defined in subparagraph (B) of section 861(c)(1) (as in effect before the date of the enactment of this subsection)) for the portion of the testing period that includes taxable years beginning before January 1, 2011, and

“(bb) the percentage of the corporation’s gross income from all sources that is active foreign business income (as defined in clause (ii) of this subparagraph) for the portion of the testing period, if any, that includes taxable years beginning on or after January 1, 2011,

is at least 80 percent, and

“(II) the active foreign business percentage for such taxable year shall equal the weighted average percentage determined under subclause (I).

“(2) **ACTIVE FOREIGN BUSINESS PERCENTAGE.**—Except as provided in paragraph (1)(B)(iv), the term ‘active foreign business percentage’ means, with respect to any existing 80/20 company, the percentage which—

“(A) the active foreign business income of such company for the testing period, is of

“(B) the gross income of such company for the testing period from all sources.

“(3) **AGGREGATION RULES.**—For purposes of applying paragraph (1) (other than subparagraphs (A)(i) and (B)(iv) thereof) and paragraph (2)—

“(A) **IN GENERAL.**—The corporation referred to in paragraph (1)(A) and all of such corporation’s subsidiaries shall be treated as one corporation.

“(B) **SUBSIDIARIES.**—For purposes of subparagraph (A), the term ‘subsidiary’ means any corporation in which the corporation referred to in subparagraph (A) owns (directly or indirectly) stock meeting the requirements of section 1504(a)(2) (determined by substituting ‘50 percent’ for ‘80 percent’ each place it appears and without regard to section 1504(b)(3)).

“(4) **REGULATIONS.**—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provide for the proper application of the aggregation rules described in paragraph (3).”.

(c) **CONFORMING AMENDMENTS.**—

(1) Section 861 of the Internal Revenue Code of 1986 is amended by striking subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) Paragraph (9) of section 904(h) of such Code is amended to read as follows:

“(9) **TREATMENT OF CERTAIN DOMESTIC CORPORATIONS.**—In the case of any dividend treated as not from sources within the United States under section 861(a)(2)(A), the corporation paying such dividend shall be treated for purposes of this subsection as a United States-owned foreign corporation.”.

(3) Subsection (c) of section 2104 of such Code is amended in the last sentence by striking “or to a debt obligation of a domestic corporation” and all that follows and inserting a period.

(d) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) **GRANDFATHER RULE FOR OUTSTANDING DEBT OBLIGATIONS.**—

(A) IN GENERAL.—The amendments made by this section shall not apply to payments of interest on obligations issued before the date of the enactment of this Act.

(B) EXCEPTION FOR RELATED PARTY DEBT.—Subparagraph (A) shall not apply to any interest which is payable to a related person (determined under rules similar to the rules of section 954(d)(3)).

(C) SIGNIFICANT MODIFICATIONS TREATED AS NEW ISSUES.—For purposes of subparagraph (A), a significant modification of the terms of any obligation (including any extension of the term of such obligation) shall be treated as a new issue.

LIMITATION ON EXTENSION OF STATUTE OF LIMITATIONS FOR FAILURE TO NOTIFY SECRETARY OF CERTAIN FOREIGN TRANSFERS

SEC. 218.

(a) IN GENERAL.—Paragraph (8) of section 6501(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking “In the case of any information” and inserting the following:

“(A) IN GENERAL.—In the case of any information”; and

(2) by adding at the end the following:

“(B) APPLICATION TO FAILURES DUE TO REASONABLE CAUSE.—If the failure to furnish the information referred to in subparagraph (A) is due to reasonable cause and not willful neglect, subparagraph (A) shall apply only to the item or items related to such failure.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 513 of the Hiring Incentives to Restore Employment Act.

TITLE III RESCISSIONS

SEC. 301. There is rescinded from accounts under the heading “Department of Agriculture—Rural Development”, \$122,000,000, to be derived from the unobligated balances of funds that were provided for such accounts in prior appropriation Acts (other than Public Law 111-5) and that were designated by the Congress in such Acts as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 302. Of the funds made available for “Department of Agriculture—Rural Utilities Service—Distance Learning, Telemedicine, and Broadband Program” in title I of division A of Public Law 111-5 (123 Stat. 118), \$300,000,000 are rescinded.

SEC. 303. There is rescinded from accounts under the heading “Department of Agriculture—Food and Nutrition Service—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)”, \$361,825,000, to be derived from unobligated balances available from amounts placed in reserve in title I of division A of Public Law 111-5 (123 Stat. 115).

SEC. 304. Of the funds made available for “Department of Commerce—National Telecommunications and Information Administration—Broadband Technology Opportunities Program” in title II of division A of Public Law 111-5, \$302,000,000 are rescinded.

SEC. 305. (a) Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are rescinded from the following accounts in the specified amounts:

“Shipbuilding and Conversion, Navy, 2006/2010”, \$107,000,000;

“Aircraft Procurement, Army, 2008/2010”, \$21,000,000;

“Procurement of Weapons and Tracked Combat Vehicles, Army, 2008/2010”, \$21,000,000;

“Procurement of Ammunition, Army, 2008/2010”, \$17,000,000;

“Other Procurement, Army, 2008/2010”, \$75,000,000;

“Weapons Procurement, Navy, 2008/2010”, \$26,000,000;

“Other Procurement, Navy, 2008/2010”, \$42,000,000;

“Procurement, Marine Corps, 2008/2010”, \$13,000,000;

“Aircraft Procurement, Air Force, 2008/2010”, \$102,000,000;

“Missile Procurement, Air Force, 2008/2010”, \$28,000,000;

“Procurement of Ammunition, Air Force, 2008/2010”, \$7,000,000;

“Other Procurement, Air Force, 2008/2010”, \$130,000,000;

“Procurement, Defense-Wide, 2008/2010”, \$33,000,000;

“Research, Development, Test and Evaluation, Army, 2009/2010”, \$76,000,000;

“Research, Development, Test and Evaluation, Navy, 2009/2010”, \$131,000,000;

“Research, Development, Test and Evaluation, Air Force, 2009/2010”, \$164,000,000;

“Research, Development, Test and Evaluation, Defense-Wide, 2009/2010”, \$137,000,000;

“Operation, Test and Evaluation, Defense, 2009/2010”, \$1,000,000;

“Operation and Maintenance, Army, 2010”, \$154,000,000;

“Operation and Maintenance, Navy, 2010”, \$155,000,000;

“Operation and Maintenance, Marine Corps, 2010”, \$25,000,000;

“Operation and Maintenance, Air Force, 2010”, \$155,000,000;

“Operation and Maintenance, Defense-Wide, 2010”, \$126,000,000;

“Operation and Maintenance, Army Reserve, 2010”, \$12,000,000;

“Operation and Maintenance, Navy Reserve, 2010”, \$6,000,000;

“Operation and Maintenance, Marine Corps Reserve, 2010”, \$1,000,000;

“Operation and Maintenance, Air Force Reserve, 2010”, \$14,000,000;

“Operation and Maintenance, Army National Guard, 2010”, \$28,000,000; and

“Operation and Maintenance, Air National Guard, 2010”, \$27,000,000.

(b) Section 3002 shall not apply to amounts in this section.

SEC. 306. (a) Of the funds appropriated in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), the following funds are rescinded from the following accounts in the specified amounts:

“Operation and Maintenance, Army, 2009/2010”, \$113,500,000;

“Operation and Maintenance, Navy, 2009/2010”, \$34,000,000;

“Operation and Maintenance, Marine Corps, 2009/2010”, \$7,000,000;

“Operation and Maintenance, Air Force, 2009/2010”, \$61,000,000;

“Operation and Maintenance, Army Reserve, 2009/2010”, \$3,500,000;

“Operation and Maintenance, Navy Reserve, 2009/2010”, \$8,000,000;

“Operation and Maintenance, Marine Corps Reserve, 2009/2010”, \$1,000,000;

“Operation and Maintenance, Air Force Reserve, 2009/2010”, \$2,000,000;

“Operation and Maintenance, Army National Guard, 2009/2010”, \$1,000,000;

“Operation and Maintenance, Air National Guard, 2009/2010”, \$2,500,000; and

“Defense Health Program, 2009/2010”, \$27,000,000.

(b) Of the funds appropriated in the Supplemental Appropriations Act, 2008 (Public Law 110-252), the following funds are rescinded from the following account in the specified amount:

“Procurement, Marine Corps, 2009/2011”, \$122,000,000.

SEC. 307. (a) Of the funds appropriated for “Procurement of Weapons and Tracked Combat Vehicles, Army” in title III of division A of Public Law 111-5, \$116,000,000 are rescinded.

(b) Of the funds appropriated for “Other Procurement, Army” in title III of division C of Public Law 110-329, \$87,000,000 are rescinded.

(c) Section 3002 shall not apply to amounts in this section.

SEC. 308. (a) There are rescinded the following amounts from the specified accounts:

(1) \$20,000,000, to be derived from unobligated balances of funds made available in prior appropriations Acts under the heading “Department of Energy—Nuclear Energy”.

(b) Section 3002 shall not apply to amounts in this section.

SEC. 309. Of the unobligated balances of funds provided under the heading “Nuclear Regulatory Commission” in prior appropriations Acts, \$18,000,000 is permanently rescinded: *Provided*, That section 3002 shall not apply to the amount in this section.

SEC. 310. Of the funds made available for “Department of Energy—Title 17—Innovative Technology Loan Guarantee Program” in title III of division A of Public Law 111-5, \$1,500,000,000 are rescinded.

SEC. 311. There are permanently rescinded from “General Services Administration—Real Property Activities—Federal Building Fund”, \$75,000,000 from Rental of Space and \$25,000,000 from Building Operations, to be derived from unobligated balances that were provided in previous appropriations Acts: *Provided*, That section 3002 shall not apply to the amount in this section.

SEC. 312. Of the funds made available for “Bureau of Indian Affairs—Indian Guaranteed Loan Program Account” in title VII of division A of Public Law 111-5, \$6,820,000 are rescinded.

SEC. 313. Of the funds made available for “Environmental Protection Agency—Hazardous Substance Superfund” in title VII of division A of Public Law 111-5, \$2,600,000 are rescinded.

SEC. 314. Of the funds made available for “Environmental Protection Agency—Leaking Underground Storage Tank Trust Fund Program” in title VII of division A of Public Law 111-5, \$9,200,000 are rescinded.

SEC. 315. Of the funds made available for transfer in title VII of division A of Public Law 111-5, “Environmental Protection Agency—Environmental Programs and Management”, \$10,000,000 are rescinded.

SEC. 316. Of the funds made available for “National Park Service—Construction” in chapter 7 of division B of Public Law 108-324, \$4,800,000 are rescinded.

SEC. 317. Of the funds made available for “National Park Service—Construction” in chapter 5 of title II of Public Law 109-234, \$6,400,000 are rescinded.

SEC. 318. Of the funds made available for “Fish and Wildlife Service—Construction” in chapter 6 of title I of division B of Public Law 110-329, \$3,000,000 are rescinded.

SEC. 319. The unobligated balance of funds appropriated in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1995 (Public Law 103-333; 108 Stat. 2574) under the heading “Public Health and Social Services Emergency Fund” is rescinded.

SEC. 320. Of the funds appropriated for the Commissioner of Social Security under section 2201(e)(2)(B) in title II of division B of Public Law 111-5, \$47,000,000 are rescinded.

SEC. 321. Of the funds appropriated in part VI of subtitle I of title II of division B of Public Law 111-5, \$110,000,000 are rescinded, to be derived only from the amount provided under section 1899K(b) of such title.

SEC. 322. Of the funds appropriated for "Department of Education—Education for the Disadvantaged" in division D of Public Law 111-117, \$50,000,000 are rescinded, to be derived only from the amount provided for a comprehensive literacy development and education program under section 1502 of the Elementary and Secondary Education Act of 1965: *Provided*, That section 3002 of this Act shall not apply to this amount.

SEC. 323. Of the funds appropriated for "Department of Education—Student Aid Administration" in division D of Public Law 111-117, \$82,000,000 are rescinded: *Provided*, That section 3002 of this Act shall not apply to this amount.

SEC. 324. Of the funds appropriated for "Department of Education—Innovation and Improvement" in division D of Public Law 111-117, \$10,700,000 are rescinded, to be derived only from the amount provided to carry out subpart 8 of part D of title V of the Elementary and Secondary Education Act of 1965: *Provided*, That section 3002 of this Act shall not apply to this amount.

SEC. 325. Of the unobligated balances available under "Department of Defense, Military Construction, Army" from prior appropriations Acts, \$340,000,000 is rescinded: *Provided*, That no funds may be rescinded from amounts that were designated by the Congress as an emergency requirement or as appropriations for overseas deployments and other activities pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That section 3002 shall not apply to the amount in this section.

SEC. 326. Of the unobligated balances available under "Department of Defense, Military Construction, Navy and Marine Corps" from prior appropriations Acts, \$110,000,000 is rescinded: *Provided*, That no funds may be rescinded from amounts that were designated by the Congress as an emergency requirement or as appropriations for overseas deployments and other activities pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That section 3002 shall not apply to the amount in this section.

SEC. 327. Of the unobligated balances available under "Department of Defense, Military Construction, Air Force" from prior appropriations Acts, \$50,000,000 is rescinded: *Provided*, That no funds may be rescinded from amounts that were designated by the Congress as an emergency requirement or as appropriations for overseas deployments and other activities pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That section 3002 shall not apply to the amount in this section.

SEC. 328. Of the funds made available for the General Operating Expenses account of the Department of Veterans Affairs in section 2201(e)(4)(A)(ii) of division B of Public Law 111-5 (123 Stat. 454; 26 U.S.C. 6428 note), \$6,100,000 are rescinded.

SEC. 329. Of the amount appropriated or otherwise made available by title X of division A of Public Law 111-5, the American Recovery and Reinvestment Act of 2009, under the heading "Departmental Administration, Information Technology Systems" \$5,000,000 is hereby rescinded.

SEC. 330. (a) MILLENNIUM CHALLENGE CORPORATION.—Of the unobligated balances available under the heading "Millennium Challenge Corporation" in title III of division H of Public Law 111-8 and under such heading in prior Acts making appropriations for the Department of State, foreign operations, and related programs, \$50,000,000 are rescinded.

(b) CIVILIAN STABILIZATION INITIATIVE.—

(1) DEPARTMENT OF STATE.—Of the unobligated balances available under the heading "Department of State—Administration of Foreign Affairs—Civilian Stabilization Initiative" in prior Acts making appropriations for the Department of State, foreign operations, and related programs, \$40,000,000 are rescinded.

(2) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—Of the unobligated balances available under the heading "United States Agency for International Development—Funds Appropriated to the President—Civilian Stabilization Initiative" in prior Acts making appropriations for the Department of State, foreign operations, and related programs, \$30,000,000 are rescinded.

(c) Section 3002 shall not apply to the amounts in this section.

SEC. 331. There are rescinded the following amounts from the specified accounts:

(1) "Department of Transportation—Federal Aviation Administration—Facilities and Equipment", \$2,182,544, to be derived from unobligated balances made available under this heading in Public Law 108-324.

(2) "Department of Transportation—Federal Aviation Administration—Facilities and Equipment", \$5,705,750, to be derived from unobligated balances made available under this heading in Public Law 109-148.

SEC. 332. Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, \$2,200,000,000 are permanently rescinded: *Provided*, That such rescission shall be distributed among the States in the same proportion as the funds subject to such rescission were apportioned to the States for fiscal year 2009: *Provided further*, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109-59; and the first sentence of section 133(d)(3)(A) of such title: *Provided further*, That notwithstanding section 1132 of Public Law 110-140, in administering the rescission required under this heading, the Secretary of Transportation shall allow each State to determine the amount of the required rescission to be drawn from the programs to which the rescission applies.

TITLE IV

BUDGETARY PROVISIONS

BUDGETARY PROVISIONS

SEC. 401. (a) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled Budgetary Effects of PAYGO Legislation for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

(b) EXCLUSION FROM PAYGO.—

(1) Savings in this Act that would be subject to inclusion in the Statutory Pay-As-

You-Go scorecards are providing an offset to increased discretionary spending. As such, they should not be available on the scorecards maintained by the Office of Management and Budget to provide offsets for future legislation.

(2) The Director of the Office of Management and Budget shall not include any net savings resulting from the changes in direct spending or revenues contained in this Act on the scorecards required to be maintained by OMB under the Statutory Pay-As-You-Go Act of 2010.

SA 4568. Mr. REID proposed an amendment to amendment SA 4567 proposed by Mr. REID (for Mrs. MURRAY (for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER)) to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end of the amendment, insert the following:

The provisions of this Act shall become effective 5 days after enactment.

SA 4569. Mr. REID proposed an amendment to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end insert the following:

The Appropriations Committee is requested to study the impact of any delay in providing funding to educators across the country.

SA 4570. Mr. REID proposed an amendment to amendment SA 4569 proposed by Mr. REID to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end, insert the following: "and include any data on the impact on local school districts".

SA 4571. Mr. REID proposed an amendment to amendment SA 4570 proposed by Mr. REID to the amendment SA 4569 proposed by Mr. REID to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end, insert the following: "and the impact on local community".

SA 4572. Mr. McCAIN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 5875, making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$356,900,000, to remain available until September 30, 2012, of which \$78,000,000 shall be for costs to maintain U.S. Customs and Border Protection Officer staffing on the Southwest Border of the United States, \$58,000,000 shall be for hiring additional U.S. Customs and Border Protection Officers for deployment at ports of entry on the Southwest Border of the United States, \$208,400,000 shall be for hiring additional Border Patrol agents for deployment to the Southwest Border of the United States, \$2,500,000 shall be for forward operating bases on the Southwest Border of the United States, and \$10,000,000 shall be to support integrity and background investigation programs.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For an additional amount for "Border Security Fencing, Infrastructure, and Technology," \$14,000,000, to remain available until September 30, 2012, for costs of designing, building, and deploying tactical communications for support of enforcement activities on the Southwest Border of the United States.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement", \$32,000,000, to remain available until September 30, 2012, for costs of acquisition and deployment of unmanned aircraft systems.

CONSTRUCTION AND FACILITIES MANAGEMENT

For an additional amount for "Construction and Facilities Management", \$9,000,000, to remain available until September 30, 2012, for costs to construct up to three forward operating bases for use by the Border Patrol to carry out enforcement activities on the Southwest Border of the United States.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$30,000,000 to remain available until September 30, 2012, for law enforcement activities targeted at reducing the threat of violence along the Southwest Border of the United States.

FEDERAL EMERGENCY MANAGEMENT AGENCY STATE AND LOCAL PROGRAMS

For an additional amount for "State and Local Programs", \$50,000,000, to remain available until September 30, 2011, for Operation Stonegarden.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$8,100,000, to remain available until September 30, 2011, for costs to provide basic training for new U.S. Customs and Border Protection Officers and Border Patrol agents.

GENERAL PROVISIONS (INCLUDING RESCISSIONS)

SEC. 101.

For an additional amount for the Department of Justice for necessary expenses for increased law enforcement activities related to Southwest border enforcement, \$201,000,000, to remain available until September 30, 2012: *Provided*, That funds shall be distributed to the following accounts and in the following specified amounts—

- (1) "Administrative Review and Appeals", \$2,118,000;
- (2) "Detention Trustee", \$7,000,000;
- (3) "Legal Activities, Salaries and Expenses, General Legal Activities", \$3,862,000;
- (4) "Legal Activities, Salaries and Expenses, United States Attorneys", \$9,198,000;
- (5) "United States Marshals Service, Salaries and Expenses", \$29,651,000;
- (6) "United States Marshals Service, Construction", \$8,000,000;
- (7) "Interagency Law Enforcement, Interagency Crime and Drug Enforcement", \$21,000,000;
- (8) "Federal Bureau of Investigation, Salaries and Expenses", \$25,262,000;
- (9) "Drug Enforcement Administration, Salaries and Expenses", \$35,805,000;
- (10) "Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses", \$39,104,000; and
- (11) "Federal Prison System, Salaries and Expenses", \$20,000,000.

SEC. 102.

From unobligated balances made available to U.S. Customs and Border Protection "Border Security Fencing, Infrastructure, and Technology", \$100,000,000 are rescinded.

SEC. 103.

Notwithstanding any other provision of law, from available funds, the Department of Defense shall pay, in fiscal years 2010 and 2011, the full costs associated with the deployment of the National Guard along the Southwest Border of the United States.

SEC. 104. USE OF STIMULUS FUNDS TO OFFSET COSTS OF BORDER SECURITY.

(a) IN GENERAL.—The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded on a pro rata basis so that the aggregate amount of such rescissions is equal to the net reduction in revenues to the Treasury resulting from amounts appropriated under this Act, after factoring in the rescission under section 102.

(b) REPORT.—The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

This Act may be cited as the "Emergency Border Security Supplemental Appropriations Act, 2010".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

Armed Services be authorized to meet during the session of the Senate on July 29, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 29, 2010, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 29, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on July 29, 2010 in the President's Room.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "The State of the American Child: The Impact of Federal Policies on Children" on July 29, 2010. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet, during the session of the Senate, on July 29, 2010, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet, during the session of the Senate, on July 29, 2010, at 10 a.m. in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Terrorism and Homeland Security, be authorized to meet, during the session of the Senate, on July 29, 2010, at 2:30 p.m., in room SD-226 of the Dirksen

Senate Office Building, to conduct a hearing entitled "The Passport Issuance Process: Closing the Door to Fraud, Part II."

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON CONTRACTING
OVERSIGHT

Mr. REID. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 29, 2010, at 10 a.m. to conduct a hearing entitled, "Mismanagement of Contracts at Arlington National Cemetery."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 29, 2010, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT
MANAGEMENT, THE FEDERAL WORKFORCE,
AND THE DISTRICT OF COLUMBIA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on July 29, 2010, at 2:30 p.m. to conduct a hearing entitled "Closing the Language Gap: Improving the Federal Government's Foreign Language Capabilities."

The PRESIDING OFFICER. Without objection, it is so ordered.

SAVING KIDS FROM DANGEROUS
DRUGS ACT OF 2010

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 477, S. 258.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 258) to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Saving Kids From Dangerous Drugs Act of 2010".

SEC. 2. OFFENSES INVOLVING CONTROLLED SUBSTANCES MARKETED TO MINORS.

Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following:

"(h) OFFENSES INVOLVING CONTROLLED SUBSTANCES MARKETED TO MINORS.—

"(1) UNLAWFUL ACTS.—Except as authorized under this title, including paragraph (3), it shall be unlawful for any person at least 18 years of age to knowingly or intentionally manufacture or create, with intent to manufacture, create, distribute, or dispense, a controlled substance listed in schedule I or II that is—

"(A) combined with a candy product;

"(B) marketed or packaged to appear similar to a candy product; and

"(C) modified by flavoring or coloring the controlled substance with the intent to distribute, dispense, or sell the controlled substance to a person under 18 years of age.

"(2) PENALTIES.—Except as provided in section 418, 419, or 420, any person who violates paragraph (1) of this subsection shall be subject to—

"(A) 2 times the maximum punishment and at least 2 times any term of supervised release authorized by subsection (b) of this section for a first offense involving the same controlled substance and schedule; and

"(B) 3 times the maximum punishment and at least 3 times any term of supervised release authorized by subsection (b) of this section for a second or subsequent offense involving the same controlled substance and schedule.

"(3) EXCEPTIONS.—Paragraph (1) shall not apply to any controlled substance that—

"(A) has been approved by the Secretary under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), if the contents, marketing, and packaging of the controlled substance have not been altered from the form approved by the Secretary; or

"(B) has been altered at the direction of a practitioner who is acting for a legitimate medical purpose in the usual course of professional practice."

SEC. 3. SENTENCING GUIDELINES.

Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and policy statements to ensure that the guidelines provide an appropriate additional penalty increase of up to 3 offense levels above the sentence otherwise applicable in Part D of the Guidelines Manual if the defendant was convicted of a violation of section 401(h) of the Controlled Substances Act, as added by section 2 of this Act.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the committee-reported substitute be agreed to, the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statement related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 258), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP ACT OF 2009

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 486, H.R. 1454.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1454) to provide for the issuance of a Multinational Species Conservation Fund Semipostal Stamp.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Multinational Species Conservation Funds Semipostal Stamp Act of 2010".

SEC. 2. MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP.

(a) IN GENERAL.—In order to afford a convenient way for members of the public to contribute to funding for the operations supported by the Multinational Species Conservation Funds, the United States Postal Service shall issue a semipostal stamp (hereinafter in this Act referred to as the "Multinational Species Conservation Funds Semipostal Stamp") in accordance with succeeding provisions of this section.

(b) COST AND USE.—

(1) IN GENERAL.—The Multinational Species Conservation Funds Semipostal Stamp shall be offered at a cost equal to the cost of mailing a letter weighing 1 ounce or less at the nonautomation single-piece first-ounce letter rate, in effect at the time of purchase, plus a differential of not less than 15 percent.

(2) VOLUNTARY USE.—The use of any semipostal issued under this section shall be voluntary on the part of postal patrons.

(3) SPECIAL RATE.—The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.

(c) OTHER TERMS AND CONDITIONS.—The issuance and sale of the Multinational Species Conservation Funds Semipostal Stamp shall be governed by the provisions of section 416 of title 39, United States Code, and regulations issued under such section, subject to subsection (b) and the following:

(1) DISPOSITION OF PROCEEDS.—

(A) IN GENERAL.—All amounts becoming available from the sale of the Multinational Species Conservation Funds Semipostal Stamp (as determined under section 416(d) of such title 39) shall be transferred to the United States Fish and Wildlife Service, for the purpose described in subsection (a), through payments which shall be made at least twice a year, with the proceeds to be divided equally among the African Elephant Conservation Fund, the Asian Elephant Conservation Fund, the Great Ape Conservation Fund, the Marine Turtle Conservation Fund, the Rhinoceros and Tiger Conservation Fund, and other international wildlife conservation funds authorized by the Congress after the date of the enactment of this Act and administered by the Service as part of the Multinational Species Conservation Fund.

(B) PROCEEDS NOT TO BE OFFSET.—In accordance with section 416(d)(4) of such title 39, amounts becoming available from the sale of the Multinational Species Conservation Funds Semipostal Stamp (as so determined) shall not be taken into account in any decision relating to the level of appropriations or other Federal funding to be furnished in any year to—

(i) the United States Fish and Wildlife Service; or

(ii) any of the funds identified in subparagraph (A).

(2) *DURATION.*—The *Multinational Species Conservation Funds Semipostal Stamp* shall be made available to the public for a period of at least 2 years, beginning no later than 12 months after the date of the enactment of this Act.

(3) *LIMITATION.*—The *Multinational Species Conservation Funds Semipostal Stamp* shall not be subject to, or taken into account for purposes of applying, any limitation under section 416(e)(1)(C) of such title 39.

(4) *RESTRICTION ON USE OF FUNDS.*—Amounts transferred under paragraph (1) shall not be used to fund or support the *Wildlife Without Borders Program* or to supplement funds made available for the *Neotropical Migratory Bird Conservation Fund*.

(d) *DEFINITION.*—For purposes of this Act, the term “semipostal stamp” refers to a stamp described in section 416(a)(1) of title 39, *United States Code*.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table, without any intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (H.R. 1454), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

UNITED STATES PATENT AND TRADEMARK OFFICES SUPPLEMENTAL APPROPRIATIONS ACT, 2010

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5874, received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5874) making supplemental appropriations for the United States Patent and Trademark Office for the fiscal year ending September 30, 2010, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. MIKULSKI. Mr. President, I support H.R. 5874, the U.S. Patent and Trademark Office Supplemental Appropriations Act of 2010. This bill gives the Patent and Trademark Office additional funding to tackle the patent backlog, helping innovative businesses protect new ideas faster.

The Patent and Trademark Office is the central hub of an innovation friendly Government. It protects intellectual property in the United States and encourages invention, innovation, and investment. New patents boost America's competitiveness, increase productivity, bring new products and services to market, support entre-

preneurs and small businesses, and, most importantly, help to create new jobs.

As chairwoman of the Commerce, Justice, Science Appropriations Subcommittee that funds the Patent and Trademark Office, I have been critical of this agency's performance. The Patent and Trademark Office has struggled for years to reduce patent pendency and tackle the overall patent backlog. I have heard from inventors and businesses about how long it takes the Patent and Trademark Office to protect their ideas.

I have also heard from Patent employees about their unrealistic job performance standards which have led to high turnover of patent examiners. Numerous reviews conducted by the Government Accountability Office showed that for every two examiners hired one leaves the agency.

But the good news is that Patent and Trademark Office has new direction, and within the past year, the agency has made some very positive changes. Thanks to Director Kappos, employee management has been reformed, meaning more patent examiners are staying and working. The Patent and Trademark Office has also created a better strategy for approving patents quicker and reducing the patent backlog. We are finally seeing the Patent and Trademark Office make strides in the right direction, and I want to support this momentum.

This year, the Patent and Trademark Office will collect \$129 million more fees than originally expected. These extra funds mean that Patent and Trademark Office has the potential to further reduce the backlog even faster. H.R. 5874 allows the Patent and Trademark Office to spend this additional revenue. This amendment is fully offset by rescinding unused funds from the 2010 census.

This bill has the same goals as an amendment I offered this week to H.R. 5297, the small business bill, because improving patent protection is critical to helping innovative small businesses grow. This bill also mirrors the President's request he sent Congress on July 12, 2010, asking for these exact funds for the Patent and Trademark Office, offset by the rescission from the Census.

I urge my colleagues to support H.R. 5874, the U.S. Patent and Trademark Office Supplemental Appropriations Act of 2010. The Patent and Trademark Office needs to get back on track, and funding within this bill ensures the Patent and Trademark Office has the resources it needs to process applications in a reasonable time and keep critical examiners on board to continue issuing patents. By supporting this bill, we can give American businesses and inventors a helping hand to stay innovative.

Mr. LEAHY. Mr. President, I am pleased that the Senate has acted

quickly and in a bipartisan way to ensure that fees collected by United States Patent and Trademark Office, USPTO, are not diverted for other purposes this fiscal year.

The Director of the USPTO has done a remarkable job in his short tenure dealing with a massive backlog of patent applications and a serious budget shortfall. The action that Congress has taken today will at least provide short term financial help to the agency by ensuring that the USPTO is not penalized for having done more work this fiscal year than it had anticipated.

More needs to be done to modernize and improve our patent system, which is a crucial component of our economic recovery. Bipartisan patent reform legislation is ready for Senate action. This bill will provide the legal structure we need to allow our inventors to flourish. It will improve our economy and create jobs without adding a penny to the deficit.

While I strongly support the action the Senate has taken today, we cannot fix our overburdened and outdated patent system simply through additional appropriations. Congress must act on meaningful patent reform legislation this year.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5874) was ordered to a third reading, was read the third time, and passed.

POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 592, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 592) designating the week of September 13–19, 2010, as “Polycystic Kidney Disease Awareness Week,” and supporting the goals and ideals of Polycystic Kidney Disease Awareness Week to raise awareness and understanding of polycystic kidney disease and the impact the disease has on patients now and for future generations until it can be cured.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid

upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 592) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 592

Whereas polycystic kidney disease (known as "PKD") is one of the most prevalent life-threatening genetic diseases in the world, affecting an estimated 600,000 people in the United States, including newborn babies, children, and adults, regardless of sex, age, race, geography, income, or ethnicity;

Whereas polycystic kidney disease comes in 2 forms, autosomal dominant, which affects 1 in 500 people worldwide, and autosomal recessive, a rare form that affects 1 in 20,000 live births and frequently leads to early death;

Whereas polycystic kidney disease causes multiple cysts to form on both kidneys, leading to an increase in kidney size and weight;

Whereas the cysts caused by polycystic kidney disease can be as small as the head of a pin or as large as a grapefruit;

Whereas polycystic kidney disease is a systemic disease that damages the kidneys and the cardiovascular, endocrine, hepatic, and gastrointestinal systems;

Whereas patients with polycystic kidney disease often experience no symptoms during the early stages of the disease, and many patients do not realize they have PKD until the disease affects other organs;

Whereas the symptoms of polycystic kidney disease can include high blood pressure, chronic pain in the back, sides or abdomen, blood in the urine, urinary tract infections, heart disease, and kidney stones;

Whereas polycystic kidney disease is the leading genetic cause of kidney failure in the United States;

Whereas more than half of patients suffering from polycystic kidney disease will reach kidney failure, requiring dialysis or a kidney transplant to survive, thus placing an extra strain on dialysis and kidney transplantation resources;

Whereas polycystic kidney disease has no treatment or cure;

Whereas polycystic kidney disease instills in patients the fear of an unknown future with a life-threatening genetic disease, and of possible genetic discrimination;

Whereas polycystic kidney disease is an example of how collaboration, technological innovation, scientific momentum, and public-private partnerships can—

(1) generate therapeutic interventions that directly benefit the people suffering from polycystic kidney disease;

(2) save billions of Federal dollars paid by Medicare, Medicaid, and other programs for dialysis, kidney transplants, immunosuppressant drugs, and related therapies; and

(3) open several thousand spots on the kidney transplant waiting list;

Whereas improvements in diagnostic technology and the expansion of scientific knowledge about polycystic kidney disease have led to—

(1) the discovery of the 3 primary genes that cause polycystic kidney disease and the 3 primary protein products of the genes; and

(2) the understanding of cell structures and signaling pathways that cause cyst growth,

which has produced multiple polycystic kidney disease clinical drug trials; and

Whereas thousands of volunteers throughout the United States are dedicated to expanding essential research, fostering public awareness and understanding, educating patients and their families about polycystic kidney disease to improve treatment and care, providing appropriate moral support, and encouraging people to become organ donors: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 13–19, 2010, as "Polycystic Kidney Disease Awareness Week";

(2) supports the goals and ideals of a national week to raise public awareness and understanding of polycystic kidney disease;

(3) recognizes the need for additional research into a treatment and a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups to—

(A) support Polycystic Kidney Disease Awareness Week through appropriate ceremonies and activities;

(B) promote public awareness of polycystic kidney disease; and

(C) foster understanding of the impact of the disease on patients and their families.

AUTHORIZING TESTIMONY OF SENATE EMPLOYEES

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 601, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 601) to authorize testimony of Senate employees in a grand jury proceeding in the District of Columbia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution would authorize employees in the office of Senator JOHN ENSIGN to respond to subpoenas or requests for testimony by a Federal grand jury convened in the District of Columbia to investigate matters relating to Senator ENSIGN. The Senator would like to cooperate with this request. This resolution would authorize the Senator's staff to testify in these or related proceedings, except where a privilege should be asserted.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 601) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 601

Whereas, in a proceeding before a grand jury of the United States District Court for

the District of Columbia testimony has been sought from employees of the office of Senator John Ensign;

Whereas, by the privileges of the Senate of the United States and Rule XI of the standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate, now, therefore be it

Resolved, That current or former employees of Senator John Ensign's office are authorized to testify in the grand jury proceeding or any related proceeding, except concerning matters for which a privilege should be asserted.

ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 308, the adjournment resolution, received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 308) providing for conditional adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 308) was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 1000, the nomination of RADM Sandra L. Stosz to serve as Director of the Coast Guard Reserve; that the nomination be confirmed and the motion to reconsider be made and laid upon the table; that upon confirmation, the President be immediately notified of the Senate's action, any statements relating to the nomination be printed in the RECORD, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

COAST GUARD

The following named officer for appointment to serve as the Director of the Coast Guard Reserve pursuant to Title 14, U.S.C., section 53 in the grade indicated:

To be rear admiral lower half

Rear Adm. (lh) Sandra L. Stosz

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR FRIDAY, JULY 30, 2010

Ms. LANDRIEU. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Friday, July 30; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be

deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. LANDRIEU. Mr. President, there will be no rollcall votes during Friday's session of the Senate. Senators should expect the next vote between 5:30 and 5:45 p.m. on Monday, August 2.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Ms. LANDRIEU. If there is no further business to come before the Senate, I

ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:58 p.m., adjourned until Friday, July 30, 2010, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate, Thursday, July 29, 2010:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO SERVE AS THE DIRECTOR OF THE COAST GUARD RESERVE PURSUANT TO TITLE 14, U.S.C., SECTION 53 IN THE GRADE INDICATED:

To be rear admiral lower half

REAR ADM. (LH) SANDRA L. STOSZ

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—Thursday, July 29, 2010

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. LORETTA SANCHEZ of California).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 29, 2010.

I hereby appoint the Honorable LORETTA SANCHEZ to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Reverend Bruce R. Scott, Pentecostals of South Lake, Merrillville, Indiana, offered the following prayer:

Loving Lord, Creator of everything, thank You for allowing us to come into Your presence. It is written in Your Word, if we would acknowledge You in all our ways, You will direct our steps. Thank You for the House of Representatives. I ask You to direct their steps today. Grant to them wisdom and understanding. Let them make right decisions based on biblical principles.

Lord, just as You paid a price for our salvation on Calvary, there is a price being paid today for this great Nation and our freedom. I ask You to be with our military personnel all over this world. Protect those in harm's way. Be with the family members at home; strengthen and encourage every spouse and child as they wait for the return of their loved one.

Bless our President and all the Members of Congress with wisdom and protection today. Surround our Nation with Your presence.

This I ask in the name above every name, in Jesus' name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND BRUCE R. SCOTT

The SPEAKER pro tempore. Without objection, the gentleman from Indiana, Congressman VISCLOSKY, is recognized for 1 minute.

There was no objection.

Mr. VISCLOSKY. It is my honor to welcome to the Chamber Reverend Randy Scott, who led us in the opening prayer.

Reverend Scott has dedicated his life to the service of his community and fellow citizens in northwest Indiana. Before joining the church, Randy spent 37 years of his life as a member of the International Brotherhood of Boilermakers, Local 374, in Hammond, Indiana.

After his retirement, Reverend Scott was touched by the Holy Spirit and realized that his life was destined for a higher purpose. He put his life in the hands of the Lord, who directed him to become a shepherd of His flock. Twenty-four years ago, Reverend Scott began ministering with the United Pentecostal Church International. Reverend Scott became the assistant pastor at the Pentecostals of South Lake Church in Merrillville, Indiana, where he has effectively ministered to the congregation for the past 20 years, enriching all those who pass through the doors. Reverend Scott has also dedicated himself to the Merrillville Clergy Association, where he has served as president for the past 3 years.

Reverend Scott is joined here today with his wife, Connie, and his daughter, Lydia.

It is my honor to welcome a man who encompasses so many of the wonderful qualities and experiences of the people of northwest Indiana, and I would like to personally thank Reverend Scott for offering this morning's prayer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain up to 10 further requests for 1-minute speeches on each side of the aisle.

ONE-YEAR ANNIVERSARY OF AMERICAN HIKERS BEING DETAINED IN IRAN

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. This week marks the 1-year anniversary of three American hikers being detained in Iran. Joshua Fattal, Shane Bauer, and Sarah Shourd were visiting a mountainous region in northern Iraq and innocently strayed across the unmarked frontier into Iran. The Iranian Government locked them up, accusing them of espionage—a baseless accusation.

Last fall, Senator ARLEN SPECTER and I championed a resolution calling on Iran to release the hikers. I have met with all three mothers and stayed in touch with Josh's mother, Laura, who lives in Montgomery County, Pennsylvania. This Saturday the families of the hikers will gather at the Liberty Bell in Philadelphia to hold vigil for Josh, Shane, and Sarah.

I am deeply taken by the steadfast determination and spirit of the families as they advocate for their children's health, safety, and release. The hikers have been detained far too long, and Iran should demonstrate compassion and release them back to their families here in the United States.

I ask my colleagues to join me in acknowledging and sympathizing with these three young Americans and their families and calling on the Government of Iran to release them now.

HONORING CESAR ALVAREZ, RECIPIENT OF THE NATIONAL SCOPUS AWARD

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I rise today to honor Cesar Alvarez, a world-class lawyer and a pillar of our south Florida community.

This fall, the American Friends of The Hebrew University is bestowing upon Cesar its highest honor, the National Scopus Award. Named for the mountain upon which the university is built, the Scopus Award honors those who are true humanitarians.

Cesar has always shown impeccable leadership in both his professional and charitable endeavors, and his reputation for excellence is widely known. Through his law firm and so many charitable organizations, Cesar has had

a significant and positive impact upon south Florida. For many years, Cesar has worked to forge alliances between our local Jewish and Cuban American communities. So it's particularly befitting that these two communities have come together to honor him.

Cesar, congratulations on this most recent of many recognitions. Your hard work and leadership are truly worth honoring and emulating.

WATER SUPPLY CHALLENGES IN THE SAN JOAQUIN VALLEY

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Madam Speaker, as we return to our districts with the August recess, I want to call attention to the ongoing water supply challenges facing the San Joaquin Valley that I represent.

This year, we pushed the administration to use all the flexibility and power within the law to increase pumping to move water to our valley. We pushed to find additional water supplies that were not previously available at contract rates, and we were able to increase the water allocation for farmers in our valley significantly. We also pushed to bring critical water infrastructure projects, like the Intertie that we will have groundbreaking next month.

Our efforts have produced more than four times the amount of water we received last year, but our fight for water, for valley jobs, and for our economy is far from over. Unemployment is still unacceptable. This administration and Congress must continue to step up its support for the San Joaquin Valley, as farmers and farm communities need a sustainable water supply to grow the country's fresh fruits and vegetables, our Nation's food supply.

That is why it is more important than ever in the next water year for Federal and State agency leaders to use every tool in their water toolbox to ensure that water flows. That means we must work together with our local water agencies.

□ 1010

WHAT HAVE WE LEARNED IN 2065 YEARS?

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, everybody outside of Washington, DC, understands government spending is out of control.

For those inside the Beltway who don't get it, the Congressional Budget Office put out a report that explains it loud and clear. The report says, "Deficits will cause debt to rise to unsupportable levels."

That's right, unsupportable levels. Every family struggling right now that tries to make ends meet understands that you can't spend more than you make.

In 55 B.C. the Roman statesman and philosopher Cicero supposedly warned Rome before it crashed and burned: "The budget should be balanced, the Treasury should be refilled, public debt should be reduced, and the arrogance of officialdom should be tempered and controlled, and the assistance to foreign lands should be curtailed, lest Rome become bankrupt. People must again learn to work, instead of living on public assistance."

So what have we learned in 2065 years since Cicero first said these words? Apparently government-gone-wild big spenders haven't learned a thing.

And that's just the way it is.

9/11 HEALTH AND COMPENSATION

(Mr. ISRAEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISRAEL. Madam Speaker, today we consider the 9/11 Health and Compensation Act.

In my district, John Sferazo is counting on us to pass this bill. John was at Ground Zero clearing rubble and removing debris. Today his breathing is labored and his health is precarious.

There are tens of thousands of John Sferazos in this country: 13,000 who are ill; 53,000 whose health is being monitored; 71,000 who were exposed to poisonous toxins. This bill ensures a network of health care providers and monitoring.

Now some are saying, let's wait, let's debate more let's slow down. When the towers fell, John Sferazo did not say let's wait, let's debate, let's slow down. The responders put aside their lives and health for us, and we should put aside our politics for them.

We are bringing this bill to the floor under the same expedited consideration that we use to name post offices. Certainly John Sferazo and tens of thousands of 9/11 responders are worth at least as much expeditious consideration as we use to name post offices.

MEDIA SHOULD GIVE FACTS ON IMMIGRATION LAW

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, yesterday a Federal judge sided with the Obama administration against Arizona's immigration enforcement law.

The ruling will be seen by Arizonans and the vast majority of Americans who support the law as just another example of this administration's failure

to deal with illegal immigration and border security.

Like the administration, the national media has shown a clear bias against the Arizona law. Network evening news coverage has been slanted against the Arizona law by a margin of 10-1, according to an analysis by the Media Research Center. Only one in six stories mentioned public opinion polls showing that Americans support the law.

The national media should give Americans the facts about Arizona's immigration enforcement law, not provide cover for the administration's failure to secure the border.

9/11 HEALTH AND COMPENSATION

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Madam Speaker, I rise in strong support for the 9/11 Health and Compensation Act, which we will be considering later this morning. Consideration of this legislation is long overdue. Thousands of brave Americans are suffering from debilitating illnesses after being exposed to harmful toxins released by the debris of the World Trade Center.

The bill before us provides necessary medical monitoring and treatment to World Trade Center first responders, and those who worked or lived in downtown Manhattan on September 11. It also reopens the 9/11 Victim Compensation Fund to compensate those affected.

This legislation will help thousands of New Yorkers, courageous firefighters, police officers, EMTs and clean-up workers, as well as the thousands of selfless individuals who rushed from every State to lend a hand in the rescue recovery and cleanup efforts at Ground Zero.

Many of them are my constituents, like John Feal, who founded the FealGoodFoundation, which has achieved so much since September 11 to raise awareness and help those who answered the Nation's call upon learning of the attacks on lower Manhattan.

It is imperative that we affirm our commitment to first responders and survivors by ensuring they have access to treatment and care. We should pass this bill as a solemn measure of our indebtedness and to honor these most deserving patriots who sacrificed their health and safety for their fellow Americans.

I urge my colleagues to support this critical legislation.

MEDMAL ACT OF 2010

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Madam Speaker, last month, along with fellow physician

Congressman PHIL GINGREY of Georgia, I introduced the MedMal Act of 2010, legislation aimed at enacting a meaningful medical liability reform.

Unlike ObamaCare, this legislation will increase access and lower health care costs for patients, physicians and our government by reducing needless costs incurred because of defensive medicine. Furthermore, this reform will strengthen the doctor-patient relationship by encouraging collaboration between parties when a medical incident occurs.

Repealing ObamaCare and replacing it with patient-centered reforms continues to be our primary goal, a goal that our constituents sent us here to achieve.

Thus we remain committed to passing comprehensive medical liability reform as part of the solution. With a savings of at least \$200 billion annually in defensive medicine costs, there is no reason not to act immediately.

WHAT MEDICINE SHOULD DO WHEN IT CAN'T SAVE YOU

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, the current article of the New Yorker magazine has a thoughtful article from Atul Gawande, "What medicine should do when it can't save your life." It focuses on those critical areas of end of life. It deals with fascinating studies that show people who deal, who are in hospice care, rather than the most aggressive medical interventions, actually, in many cases, live as long or in some cases even longer.

But, more important, Madam Speaker, is the notion of control for these patients. The people who have substantive discussions with their doctor about end-of-life preferences were more likely to die at peace and in control of their situation and to spare their families anguish.

This is exactly why I have introduced Personalize Your Care Act, H.R. 5795, to make sure that patients' wishes are observed, that the government helps promote that conversation, and that we allow people to live their lives the way they want to.

KEEP AVONDALE SHIPYARD OPEN

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute.)

Mr. ALEXANDER. Madam Speaker, Northrop Grumman recently announced that they would consolidate and close Avondale Shipyard by 2013. In the midst of economic downturn, the gulf oil spill, the drilling moratorium, layoffs from the NASA shuttle program, the decision to close Avondale will very well have a devastating effect on the State of Louisiana.

We must find a solution to help those 5,000 employees that would be affected. Article I, section 9 of the Constitution states that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another."

If Avondale were making cruise ships, then this wouldn't be a Federal jurisdiction. However, as Northrop Grumman Shipbuilding has built over 70 percent of the Navy's fleet, I believe this is the time to exercise some intervention into this consolidation process. We must assist the State in finding alternative issues for Avondale Shipyard in Louisiana.

STAND UP TO WALL STREET

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Madam Speaker, today, 40 of my colleagues are joining me to call on the Wall Street banks that are continuing to totally disrespect the American taxpayer to do the right thing.

In a report issued last week, compensation master Kenneth Feinberg identified 17 banks which paid out questionable bonuses, questionable in the sense that it was multimillion dollar payments for no good valuable work. These are banks that did this after accepting taxpayer assistance. To make matters worse, six of those 17 firms have yet to pay back the taxpayer money that was the lifeline to keep them going.

When the American public threw the lifeline, it was not for those banks and the benefit of the bankers. It was to stabilize the financial system and revive Main Street.

Why is it that when it comes to compensation on Wall Street, too much is never enough? Today, my colleagues are calling on these banks to put paying back the taxpayer ahead of paying off their executives.

□ 1020

OPPOSE THE CLEAR ACT

(Mr. HASTINGS of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS of Washington. Madam Speaker, instead of directly addressing the gulf oil spill tragedy, Congress is voting this week on legislation, the CLEAR Act, that is stuffed full of unrelated items, legislation that will kill American jobs and raise energy prices.

Simply put, Democrats are using the oil spill as an excuse to raise taxes and increase spending. The bill imposes a new \$22 billion energy tax and has over \$30 billion of new unrelated mandatory

spending. What the Democrats are doing, Madam Speaker, is rushing ahead of the facts and writing laws before investigations into the spill are finished.

Reforms are needed to make American offshore drilling the safest in the world, but that doesn't require tax increases or billions of dollars of unrelated spending and inflicting greater economic pain and lost jobs on Americans.

I urge my colleagues to oppose the CLEAR Act.

HAMOT MEDICAL CENTER

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Madam Speaker, I rise today to applaud the exemplary health care institution in my district, Hamot Medical Center in Erie, Pennsylvania.

For more than 125 years, western Pennsylvanians have taken advantage of the excellent quality of care at Hamot Medical Center. This week, Hamot Medical Center is being recognized yet again for their high standards of quality and excellent patient care. U.S. News & World Report announced that Hamot Medical Center has been ranked among the top medical facilities in the Nation in the specialty of pulmonary medicine, which treats diseases of the lungs and respiratory tract. U.S. News & World Report's Best Hospitals 2010-11 includes rankings of 152 medical centers nationwide on tough standards of care and the number of patients served, among other factors.

I want to congratulate Hamot Medical Center for its commitment to its patients and to our community. Hamot is truly an asset to my district.

FEAR IS IN THE AIR FOR DEMOCRATS

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Thomas Jefferson said, "When the people fear their government, there is tyranny; when the government fears the people, there is liberty." Make no mistake about it, there is fear in the air.

Now elitists in Washington, DC, would have us believe that the rising voice of the American people is based on fear, but it is becoming evident that the real fear is coming from Democratic elitists here in Washington who realize that the people will not be silenced.

Yesterday we learned of a new effort by Democrats in Washington to attack American citizens who speak their mind and peaceably assemble as "extremists" or "radicals." Demeaning

Tea Party citizens or other Americans for simply saying no to runaway spending, takeovers, and bailouts is beneath the dignity of a great political party and it smacks of desperation. The voices of the American people—whether the left or the right or the middle—should never be muted or demeaned by the leaders who serve them. And when we see baseless smears of good Americans whose only offense is the exercise of their First Amendment rights of free speech and free assembly, we should see the fear for what it is—the fear of losing an election.

MOURNING THE LOSS OF FORMER NBA STAR LORENZEN WRIGHT

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Madam Speaker, yesterday in Memphis, Tennessee, a tragedy was discovered that has affected our city and its professional sports world, a great basketball player and Memphian, Lorenzen Wright, was found murdered.

Lorenzen Wright was a 14-year NBA star who played 5 years with the Memphis Grizzlies, and before that, 2 years with the University of Memphis, taking our team to the Great Eight in Kansas City, and before that, in high school at Booker T. Washington.

Lorenzen Wright was a family man. He was loved in Memphis, he was an outstanding citizen who cared about young people, he loved his children, and the city grieves for him today.

It is a great loss to our city and to the basketball world. I miss Lorenzen Wright as a friend. I appreciate all he did for my city.

DEMOCRATS NEED MORE OF YOUR TAX DOLLARS

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, \$6.1 trillion, that's how much money the Federal Government has spent in just the first 18 months of the Obama Presidency. Washington is spending \$7 million every minute of every hour of every day. There is only one way to feed that kind of destructive habit: Washington needs more of your tax dollars.

And that's exactly what Democrats here on Capitol Hill and in the White House are talking about, the largest tax increase in American history. And it's no surprise when this Democrat-controlled Congress is on the verge of a second straight year of creating a record annual deficit.

Instead of working with Republicans to make the hard choices to cut spending, Democrats are going to keep right on with out-of-control spending, and

they will send the American people the bill. At a time when American families are struggling and when nearly 15 million people are looking for work, Washington Democrats are poised to hit every single taxpayer with a tax increase to pay for their reckless spending.

Madam Speaker, House Republicans will fight those tax increases and will work to stop Democrats' out-of-control spending.

FORT EDWARD FIRE

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of New York. Madam Speaker, there are times when words fall abysmally short to describe the horrors that punctuate our lives. A few weeks ago, our community was shaken by the devastating loss of six children in a house fire. As a father of three, a loss of this magnitude is beyond my comprehension.

Fort Edward has come together to remember and mourn the loss of these young lives. After the fire, a makeshift memorial grew up on the sidewalk in front of their home with a sea of flowers, toys, teddy bears, candles, and cards. Our community has grieved the loss of these children and come together in prayer and silence to offer support to their family and friends.

It is always a tragedy when children are taken before they've had a chance to grow, and it leaves us wondering, why did this happen? Hope was 12, Paige was 8, Lewis was 7, Mackenzie was 6, Emilie was 3, and Abbigayle was just 1 years old. Our hearts go out to their parents, and today I rise to remember the six children who lost their lives on that tragic night. Our entire community grieves their loss and keeps the memory of their lives close to our heart.

MISSED OPPORTUNITIES AND MISPLACED PRIORITIES

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Madam Speaker, I want to say just a few words about missed opportunities and misplaced priorities.

This is typically appropriation season, but this is only our second appropriation bill—and maybe final appropriation bill that we do all year. We typically have an open rule where any Member can bring any amendment to the floor as long as it is germane to strike spending and save money for the taxpayers, yet this year the Rules Committee only saw fit to allow 22 percent of the amendments offered to go onto the floor today.

Typically, any Member can offer any amendment they would like to as long

as it saves money. But instead of saving money this year, we decided to spend time doing things like H.R. 1460, recognizing the important role of pollinators, or supporting the goals and ideals of Railroad Retirement Day, or congratulating the Saratoga race course. These are suspension bills that take 10 minutes to debate on the floor; that's the same amount of time that we give for amendments. And so instead of doing amendments to save money, we're actually honoring racehorses and things like that.

TAX EXTENDERS BILL

(Mr. NEAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL. Madam Speaker, in December, and again in May, this House passed legislation to extend a set of expiring tax provisions providing billions of dollars in tax relief to millions of American families. That tax bill passed the House and has been stymied in the other body, where only two Republican Senators have stood up to their party's filibuster against these tax cuts. The \$250 deduction for teachers is an important incentive for people who educate our children and buy classroom supplies out of their own pockets, but it has expired. Let me tell you who's suffering in the meantime: 124,000 teachers in Georgia cannot deduct \$31 million in classroom supplies for our children; 26,000 teachers in Nevada cannot deduct \$6.6 million in expenses; 113,000 teachers in North Carolina cannot deduct \$28 million of classroom costs; and 314,000 teachers in Texas cannot deduct \$81 million in expenses to educate our children. More than 3.5 million elementary and secondary teachers cannot deduct more than \$908 million they will spend this year out of pocket.

A better educated child means a better job down the road. This tax deduction benefiting our Nation's teachers has been forgotten and cast aside by the Senate Republicans. I urge my colleagues on the other side of the aisle to contact their Senators and tell them that the Tax Extenders bill means jobs.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the amendment of the House to the bill (S. 1749) "An Act to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners."

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 5850, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Mr. ARCURI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1569 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1569

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5850) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 171, line 17. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendments printed in part A of the report of the Committee on Rules accompanying this resolution; and (2) not to exceed four of the amendments printed in part B of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After disposition of the amendments specified in the first section of the resolution, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not en-

tertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

POINT OF ORDER

Mr. FLAKE. Madam Speaker, I raise a point of order against H. Res. 1569 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes the violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden under the rule, and the gentleman from Arizona and the gentleman from New York each will control 10 minutes of debate on the question of consideration. After that debate, the Chair will put the question of consideration as the statutory means of disposing of the point of order.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Speaker, I raise this point of order today not to debate a point of unfunded mandates, although there are probably some in the legislation. It is simply the only opportunity that members of the minority have to stand up and talk about this process. We are only given a minimal amount of time on the rule, itself, and, on the bill, just an hour of debate and then amendment debate. Unfortunately, although we have had an open process in terms of amendments on appropriation bills for as long as any of us can remember—for decades and decades—for the last couple of years, we have had structured rules come to the floor where members of the minority and the majority aren't allowed to offer the amendments that they would like.

Traditionally, Members could offer any amendment as long as it was germane and as long as it struck spending from the legislation and it was legislated on an appropriation bill. Yet this year and last year, for the first time, Members can't bring amendments to the floor. They have to submit them to the Rules Committee. Then the Rules Committee decides which ones they want to allow on the floor and which ones they don't or they will decide, Oh, you've offered 12 amendments, but you can only offer four. This limits the ability of the minority, in particular, to actually stand up and try to save money in the legislation.

We have to remember that every bill we consider this year, every appropriation bill—and unfortunately, probably, we are only going to consider two until after the election. Of the ones we consider, 42 cents of every dollar we spend we are borrowing. We are borrowing 42

cents of every dollar we are spending for whatever we spend it on.

Now, I think it is perfectly right and proper to ask: Is this right to spend, for example, money on, well, in this case, 461 earmarks in this piece of legislation alone? Some of them are for bike paths and street beautification. These are all good things, but they have no Federal nexus. They shouldn't be paid for by the Federal taxpayer. Yet, when we try to bring these amendments to the floor to debate them, only a few are allowed. Why is that?

I would ask if the gentleman representing the Rules Committee can explain why this is happening, why in the world we are so hard-pressed for time now, apparently, that we can only consider a couple of amendments, 22 percent of those that were offered.

I reserve the balance of my time.

Mr. ARCURI. I yield myself such time as I may consume.

Madam Speaker, it is clear that this point of order has nothing to do with unfunded mandates. Technically, this point of order is about whether or not to consider this rule and, ultimately, the underlying bill. In reality, it is about preventing the bill from moving forward without any opportunity for debate and without any opportunity for an up-or-down vote on the legislation, itself. It is about slamming the door on the legislative process.

I think that is wrong, and I hope my colleagues will vote "yes" so that we can consider this important legislation on its merits and not stop it on a procedural motion. Let's stop wasting time on parliamentary roadblocks and get to the debate on this legislation, itself. It is a very important piece of legislation that has critical funding pieces in there for transportation and for housing. Those who oppose the bill can vote against it on final passage, but we must consider this rule, and we must pass the bill today.

I reserve the balance of my time.

Mr. FLAKE. I thank the gentleman.

Madam Speaker, slamming the door on the legislative process. My taking 10 minutes to talk about this rule is slamming the door on the legislative process.

How is that?

What I am here to talk about is how the door has been slammed on the legislative process. The inability of Members to come and offer amendments to appropriation bills to try and save money is what is slamming the door on the legislative process. It has nothing to do with somebody's standing up and claiming time to speak against the rule.

So that is just baffling to me and to anybody out there, listening, when they learn that I offered 11 amendments. There were 461 earmarks which were costing nearly \$330 million. I should note, this year, Republicans have taken a moratorium. So, of those

461 earmarks, only six were sponsored by Republican Members—six out of 431. I commend my Republican colleagues for the position that has been taken this year.

Let me just read a list of the ones that I will be challenging today:

I was allowed to choose four out of the 11 I submitted. Now, I could have submitted a lot more and could have tried to have been dilatory about this, but I said, I'll offer just as many as I would if that were the number that I could actually offer coming to the floor. But I was only allowed four.

□ 1040

I should mention many of my Republican colleagues who offered earmark amendments were not given any, not any. Some of them had a great case to make here. They would have asked, for example, why it is that certain Members requested, say, \$4 million for an earmark and got more than that, actually, given to them.

Why is it, if you take the position that some Members take, that, hey, I know my district better than anybody else, better than those faceless bureaucrats we always hear about in the bureaucracy, so I need \$4 million for this bike path or whatever, and you get \$5 million, how is that? That's a good question to ask. It would have been nice to get the answer for that, but we won't be able to because those Members were denied the ability to come down and offer their amendments.

I'll be offering amendments to strike funding, for example, for the Blackstone River Bikeway in Rhode Island. It might be a good bikeway. They might need it there. But I can tell you, the Federal Government doesn't need to pay for it. The Federal taxpayer doesn't need to pay for it, especially when we're spending 42 cents of every dollar—we're borrowing, I'm sorry, 42 cents for every dollar we spend.

I would challenge any Member who will vote against my amendment to strike funding from the Blackstone River Bikeway in Rhode Island to go home and say, with a straight face to their constituents, yes, I think it's proper that we borrow 42 cents from either the Chinese or from your kids or grandkids because we can't pay for it now, for the Federal Government to pay for a bikeway in Rhode Island.

Or for downtown Tacoma streetscapes, a downtown Tacoma streetscape improvement project in Washington. Why in the world should, in this case, a powerful member of the Appropriations Committee be able to get an earmark to pay for downtown Tacoma streetscapes?

Again, we're borrowing 42 cents for every dollar we spend there. Go home to your constituents, I dare you, and say, yes, I voted to uphold, to keep that earmark in there. It was so important that we got the downtown Tacoma

streetscape project that we're borrowing 42 cents from your kids and grandkids to pay for, just so I can go home to my constituents and say, hey, I bring home the bacon.

Or the restoration and improvements to the historic Darwin Martin House Home and Complex. Now, it might be good. Why is the taxpayer paying, through the Federal Government, and borrowing 42 cents on every dollar to do that?

Or the construction of a children's playground. It might be a good playground, the children might need it somewhere, but it's not the Federal Government's responsibility. And go home to your constituents, I dare you today, anybody who votes to strike my amendment or votes my amendment down to strike that funding, go home and explain why in the world we need construction of a children's playground and borrow, those kids who are going to be playing on it, borrow their money because we can't pay for it now. But it's so important for us to go home and say I brought home the bacon that we're going to approve that earmark.

Let me tell you another reason why we can't reform this process very easily. This chart will show you the appropriations process this year. And it looks, people have said, like a PAC-MAN chart. But the red there is the percentage of earmark dollars that are associated with powerful Members of Congress. Those are either appropriators, or those who chair committees, or those who are in leadership positions. That makes up about 13 percent of the body.

In this bill today, and this is one of the lower ones, 42 percent of the earmark dollars are going to just 13 percent of the Members of this body.

Now, for those who say, hey, we're here to earmark because we know our constituents better. We know our district better than those faceless bureaucrats, apparently you only know your district if you're a powerful Member or you're a member of the Appropriations Committee. That seems to be the determiner of whether or not you know your district. And I just don't think that's right.

I said earlier in a 1-minute something, and I was wrong and I want to confess that. I said that it takes 10 minutes to debate a suspension bill. And in that same 10 minutes of debating a suspension bill we could debate an amendment, an amendment takes 10 minutes.

I was wrong. It takes 40 minutes; 40 minutes are allotted to debate suspension bills. So we could actually debate four amendments for the time that it takes to debate one suspension bill.

And let me remind those who are watching what a suspension bill is. It's a bill that doesn't go through the regular process. It's brought to the floor because it's typically noncontroversial.

This year we've done a lot of suspension bills. We have recognized the important role of pollinators, as I mentioned, H.R. 1460.

We spent 40 minutes supporting the goals and ideals of Railroad Retirement Day.

We spent 40 minutes supporting the goals of National Dairy Month. Those might be good things, but we don't need to spend 40 minutes debating on the floor the goals and ideals of National Dairy Day, or supporting the goals and ideals of American Craft Beer week, or congratulating the Chicago Blackhawks, spending 40 minutes there, when every 40 minutes you spend apparently is 10 minutes, or 10 times 4, that we don't do amendments here on appropriation bills.

So the notion that we're running out of time, somehow, and we don't have time to do appropriation bills, typically, the months of June and July are reserved mostly to do appropriation bills. This is only the second appropriations bill we've done. We've done the last one yesterday. We're going to start and finish this one today.

In years past, we've taken sometimes 3 or 4 days to do one appropriation bill. That's perhaps as it should be because this is important. We're spending a lot of money here. That's what Congress does. But we ought to take care, and we ought to allow Members who have amendments to try to save the taxpayer money to actually offer them.

Madam Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members that remarks should be directed to the Chair and not to the television audience.

Mr. ARCURI. Madam Speaker, it's clear that this point of order has nothing to do with unfunded mandates. My friend from Arizona talks about the inability to make any amendments, and yet he talked about four amendments that he would be offering today. So, clearly, he will have an opportunity to make his points.

Again, I would just say that this point of order has nothing whatsoever to do with unfunded mandates. And I want to urge my colleagues to vote "yes" on the motion to consider so that we can debate and pass this important piece of legislation today.

I yield back the balance of my time. The SPEAKER pro tempore. The point of order will be disposed of by the question of consideration.

The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman

from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1569.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 1569 provides a structured rule for consideration of H.R. 5850, the Transportation, Housing and Urban Development and Related Agencies Appropriation Act of 2011. The rule provides 1 hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule waives all points of order against provisions in the bill for failure to comply with clause 2 of rule XXI. The rule makes in order the amendments printed in part A of the report of the Committee on Rules accompanying this resolution, not to exceed four amendments printed in part B of the report of the Committee on Rules if offered by Representative FLAKE of Arizona or his designee.

All points of order against the amendments except for clause 9 and 10 of rule XXI are waived. The rule provides that for those amendments reported from the Committee of the Whole, the question of their adoption shall be put to the House en gros and without division of the question.

The rule provides one motion to recommit with or without instructions.

□ 1050

The rule provides that after disposition of amendments, the chair and ranking minority member of the Committee on Appropriations each may offer one pro forma amendment to the bill for purpose of debate, which shall be controlled by the proponent. The Chair may entertain a motion that the committee rise only if offered by the chair of the Committee on Appropriations or his designee. Finally, the rule provides the Chair may not entertain a motion to strike out the enacting words of the bill.

Madam Speaker, I rise as a member of the Rules Committee and also as a member of the Transportation and Infrastructure Committee in strong support of H.R. 5850, the fiscal year 2011 Transportation-HUD Appropriations Act, because housing and transportation are two areas that must be priorities, especially in tough economic

times such as we are in, because we get the double return on our investment. As we have seen with the recovery bill, investment in infrastructure not only generates economic recovery by putting people back to work, but those construction jobs strengthen our transportation system and improve our housing stock. They make our roads safer, our bridges safer for our families and our friends and our constituents to travel on.

The Transportation-HUD appropriations bill continues this investment and our commitment to using all the tools available to continue the economic recovery that has taken hold. It is also important to note that the legislation continues these important programs, but in a fiscally responsible way. Overall, the bill spends \$500 million less than was appropriated during the current fiscal year. The amount provided overall is \$1.3 billion below the President's request.

I commend the committee for its work in crafting a bill that spends less overall and still manages to increase the funds available for key programs that are at the heart of our Nation's economic recovery. The committee has done so by scaling back spending on other programs, which is never popular or easy, but is the right thing to do.

Included in H.R. 5850 is \$45.2 billion to improve and repair our Nation's aging highway infrastructure. The bill includes more than \$11.3 billion for the Federal Transit Administration, which will support bus and rail projects, and an estimated 20,000 additional jobs for transit workers nationwide. This not only provides more transportation options to Americans during tough economic times, it also decreases traffic congestion, reduces our dependence on foreign oil and greenhouse gas emissions, and makes our roads safer for commuters.

This bill adds another \$1.4 billion to continue developing and building a national system of high speed rail. High speed rail moves more people at a lower cost, at a faster speed, and with less impact on our environment than road transportation. We have developed the most advanced highway and aviation systems in the world over the last 60 years, but in comparison to the rail systems in other nations such as Germany, France, and even China, we have clearly fallen behind. This bill continues our commitment to correcting that situation and developing a robust national intercity rail network.

Related to the Department of Housing and Urban Development, H.R. 5850 makes critical investments to help communities continue to address the fallout from the housing and foreclosure crisis that we see nationwide. The bill provides communities with the tools they need to build, purchase, or rent affordable housing. It provides rental assistance to low-income fami-

lies, homeless veterans, and other at-risk groups, and supplies funding for repairs and renovation of affordable housing across America.

The bill provides \$4 billion for the Community Development Block Grant program, which sends funding directly to local governments for projects that address housing, social services, and other economic challenges in their communities.

Madam Speaker, this is just a sample of the important programs and initiatives that the Transportation-HUD Appropriations Act will fund in fiscal year 2011. I urge my colleagues to support the rule and the underlying bill.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would like to thank my friend, the gentleman from New York (Mr. ARCURI), for the time, and I yield myself such time as I may consume.

I would like to take a minute first to thank Cesar Gonzalez. He is my rules associate, general counsel, legislative director. This is the last rule we are going to be working on together. Congressman MARIO DIAZ-BALART, who is aware of Cesar's talent, has made what I consider a very wise decision in hiring Cesar as his chief of staff. So we are not going to be working on rules together, but we will always be friends. And I am deeply grateful for his friendship and for the extraordinary assistance that he has given to me and our office and our constituents during all of the time that he has honored us by working with us. So Cesar, thank you.

Madam Speaker, yesterday the majority brought to this floor the first fiscal year 2011 appropriations bill. I know it's almost August, but that's the case. The first appropriations bill was brought to the floor yesterday by the majority. And they brought it forth under a restrictive process that blocks Members on both sides of the aisle from introducing amendments. And today the majority continues that process, that unfortunate process, with yet another restrictive rule, this time on the second appropriations bill that they are bringing to the floor, the Transportation and Housing and Urban Development appropriations bill. And they bring it forth with a rule that allows 24 of the 108 amendments that were submitted to be debated. That's 22 percent of the amendments submitted.

As you know, Madam Speaker, that used to not be the case. Always throughout the history of the Republic, appropriations bills have been brought forth under open rules. And you know, Madam Speaker, we have been here for some years now, sometimes the process of debate on appropriations bills got unruly and long and frustrating. But that's the way democracy's supposed to work.

So the way that for centuries we've worked out that process, Congress has

worked out that process, is that, you know, the chairman and the ranking member of the appropriations subcommittee on the floor, after a while, after days, they come together with a unanimous consent agreement and they limit debate. The Congress, we limit debate by unanimous consent. That's the way it's worked out. You know, you don't close the process at the beginning—at least we didn't before. Starting last year, this majority decided to, however. And that's unfortunate.

Now, under the traditional process that was followed since the beginning of the Republic, no one from the majority leadership or the Rules Committee got to pick and choose what amendments the House could debate on appropriations bills as long as they were germane. In other words, as long as they were connected, the issue was connected to the bill at hand.

Now, that's what an open rule is, an open process. And as I say, it's been the tradition of the Congress of the United States to debate appropriations bills under an open process, under open rules. I outline what an open rule is because it's been so long since the House has considered an open rule. And I am sorry for our new Members, because they have never experienced an open rule. But that's why I outlined what an open rule process is.

The last time we saw one on an appropriations bill was July 31, 2007, almost exactly 3 years ago to the day. Even on that bill the majority then came back and closed the process. But at least they initially came to the floor with an open rule 3 years ago on an appropriations bill.

For a nonappropriations bill, February 8, 2007, the month after they took the majority. That was their last open rule, the last open rule that this majority permitted to the Membership in this Congress. You know, that's sad. But especially it's unnecessary. But there is extraordinary power in the majority, obviously, and our friends on the majority side are showing us every day. They exercise that power. You know, it's a record that no one should be proud of, but it is the legacy of this majority.

□ 1100

Now, what is the reason for the majority to use such a restrictive process? Last year they told us that it was to curb the consideration of amendments in order to move the process forward in a timely manner because they wanted to avoid an omnibus appropriations bill, but they didn't. We still had an omnibus appropriations bill and it was 2 weeks before Christmas.

As I said last year, as I said yesterday, as I say now, this process is unjust and it's unnecessary. It was a mistake last year. It was a mistake yesterday. It's a mistake today. It's a colossal

mistake that the majority will come to regret.

I reserve the balance of my time.

Mr. ARCURI. Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in allowing me to speak on this rule.

Madam Speaker, embedded here in this legislation for Transportation-HUD is the Livable Communities Initiative, a visionary, popular, and important program of the administration. In fact, however, it began in the last Congress where the subcommittee of Transportation and HUD, under the leadership of Chairman OLVER, promoted these initiatives. It was also part of a partnership with Mr. OBERSTAR, the chair of the Transportation and Infrastructure Committee, who has long championed these efforts to have the Federal Government be a better partner working with communities on critical areas of transportation and housing.

This bill has built on this approach. It has taken critical elements that strengthen community, revitalize the economy, and help protect the planet.

I must, however, speak against a couple of ill-advised attacks on the livable communities program of the administration. In particular, there is an amendment by my friend and colleague from Oregon (Mr. DEFazio) that would strip out of transportation elements of livability. The irony is that the reauthorization that Mr. DEFazio is working on—which we all hope will happen sooner rather than later—actually will promote a number of these approaches. And the money that he would strip out would actually have gone to help get a head start on the important program that actually will be a part of the legislation that I am confident will be produced by his subcommittee and, ultimately, by the Transportation and Infrastructure Committee.

These are not areas that are insignificant. There is great public support. For example, the TIGER grants received 40 times more requests than the administration had money for. And I must point out that this is not taking any money away from the transportation trust fund because, if it's not authorized, it comes from the general fund.

Equally sad, and I think misguided, is an amendment offered by my colleagues PETERS, ADLER, HIMES, and WELCH that would strike or reduce funding for a number of critical programs where the committee has adjusted it even above what the administration requested. These are programs for high-speed rail, infrastructure investment grants, HOPE VI, Brownfield redevelopment, railroad safety technology, Veterans Affairs-supported housing. I mean, I could go on. Time doesn't permit.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ARCURI. I yield the gentleman an additional minute.

Mr. BLUMENAUER. These are precisely the types of programs that we should be concentrating on because they stretch dollars, because they help promote the activities back on the ground in our districts, and, in fact, they are supported by the people who sent us here in the first place. I would strongly recommend that my colleagues look carefully at these provisions.

What Chairman OLVER and his subcommittee have done is to rebalance efforts that were offered by the administration. In some cases, they were reduced; in some cases, they were increased. But there is a package here that will make a difference for every community, rural and urban, from coast to coast, making the Federal Government a better partner, promoting the livability of our communities where every family is safer, healthier, and more economically secure.

While I will support the rule, I strongly urge, if these two amendments are offered, that they be rejected.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it's my pleasure to yield 3 minutes to my friend from Georgia, my classmate—it's amazing how the years have passed—JOHN LINDER.

Mr. LINDER. Madam Speaker, I rise in opposition to the motion to order the previous question. I oppose it so that the minority might have the opportunity to offer legislation that has been endorsed by the American people through the YouCut program, legislation that is strongly supported by Members on both sides of the aisle. That legislation is H.R. 5885, a bill introduced to terminate the advance earned income tax credit, saving American taxpayers more than \$1 billion over the next decade.

An August 10, 2007, report by the GAO revealed significant noncompliance and fraud with the advance EITC. The GAO found that 20 percent of the recipients did not have a valid Social Security number, almost 40 percent of the recipients did not file a tax return, and 80 percent of the recipients failed to comply with at least one program requirement. And yet, despite evidence of significant fraud, abuse, and general non-compliance, GAO found that only 3 percent of the EITC-eligible individuals used the advance option.

Given the low level of utilization and the high error rates among those who do use it, several members of the majority party have proposed to terminate the advance EITC option. President Obama has promised to repeal it in both of his annual budgets. Earlier this week, Senator REID included repeal as an offset in the small business

bill on the Senate floor. And last week, four of our Democrat colleagues here in the House introduced deficit reduction legislation that included the very same language on repealing the advance EITC that is the subject of my legislation.

Republicans agree with our Democrat colleagues that the advance EITC is a waste of taxpayer money and should be terminated. I ask my colleagues to defeat the previous question so that we may consider this legislation on the floor today.

Mr. ARCURI. I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it's my pleasure to yield 4 minutes to the great leader from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Speaker, I rise in opposition to this ill-advised rule. Number one, we have a rule that is allowing us to somehow consider an appropriations bill before we even have a budget. There is no budget, Madam Speaker. My friends on the other side of the aisle, the Democrats, don't even want a speed bump as they drive down the road to national bankruptcy.

We're supposed to have a budget before we have appropriations bills. And, in fact, I think the Democratic chairman of the Budget Committee said it best when he said, If you can't budget, you can't govern. Well, according to the House Budget Committee, clearly the Democrats cannot govern.

This year will mark the first time in history that the House has failed to even consider, much less pass, a budget, and yet we have a rule allowing us to spend yet more of the people's money.

It also marks the second year in a row where the Democrats have chosen to bring these bills under closed rules. I, myself, had six different amendments. And when we're spending the people's money, the people's representatives ought to be heard. None of my six amendments will be heard, Madam Speaker, because the Rules Committee decided they would have a closed rule and they didn't want to hear from my amendments.

□ 1110

So had I had an opportunity, Madam Speaker, I believe that the American people need to continue to focus on this practice of earmarking. The Republicans have taken an earmark moratorium. We said, you know what, the process is broken. Now, not every earmark is bad, Madam Speaker, but the process is broken, and yet the Democrats continue to bring them.

And had I had an opportunity, I would have brought an amendment saying, you know what, maybe we should strike the earmark that the Budget Committee chairman, Chair-

man SPRATT, has for a neighborhood community center in York County, South Carolina. I have no doubt that good things can be done with that money, Madam Speaker, but does the chairman of the Budget Committee and does this body really believe it's worth borrowing 41 cents on the dollar, mainly from the Chinese, and sending the bill to our children and grandchildren? I hope not. But this body will not be able to work its will.

I would have introduced an amendment to strike the earmark of the gentlelady from Ohio, Representative KILROY, who thought it was worth borrowing 41 cents on the dollar, mainly from the Chinese, and to bill to our children and grandchildren, to put in the Columbus Bicentennial Bikeways-West Side Improvement in Columbus, Ohio.

Madam Speaker, at some point the American people want to know: does their President, does their Congress, what part of broke don't they understand? Earmark after earmark after earmark, and I could go through the list that I tried to offer, but unfortunately can't offer under this closed rule, and funny, it seems to give the impression that the earmarks are being allowed for the senior Members of the Democratic leadership and those who have very challenging races come November. I have no doubt it is a coincidence but here it is; yet, no amendments can be offered.

When the gentleman from New York said he's bringing a rule that will allow us to debate a fiscally responsible bill, he failed to note it is 38.1 percent above the 2008 level. I mean, this is part of the spending spree that is bankrupting America. He conveniently only looks on a one-term basis; yet, the American people have to pay on a multiyear basis.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 1 additional minute.

Mr. HENSARLING. You would think, Madam Speaker, after this President and this Congress increased what we call non-defense discretionary spending, which is really garden variety government, not the entitlement programs, not the Pentagon, has increased 84 percent in just 2 years, at what point do you say enough is enough? And that's why Republicans every week are bringing forth another proposal under the YouCut program to say, let's start saving some money.

So as you heard from the gentleman from Georgia, this week is the advanced earned income tax credit, frankly brought by a Democrat who now apparently has decided to abandon his own child and make it an orphan. But this is a program that could save taxpayers \$1.1 billion.

We need to vote down the rule, vote down the previous question. Allow us

today to make one small saving, again at least one small speed bump on the road to national bankruptcy brought courtesy of our friends on the other side of the aisle.

Reject the rule.

Mr. ARCURI. Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding.

I want to thank the Rules Committee and Chairwoman SLAUGHTER for making my amendment in order, which was referenced by my good friend and colleague from Oregon (Mr. BLUMENAUER) earlier.

We need a new transportation policy for this country. We need a 21st century transportation policy. We're living under the Bush-era priorities and policies and inadequate funding. We have a system with 150,000 bridges that are weight-limited or functionally obsolete. We have transit systems across the country that have an \$80 billion backlog just to be in a state of good repair, let alone building out new transit options for Americans. People are dying because of that capital backlog. They're dying right here in the Nation's capital where they're running obsolete, crummy, old rail cars that aren't safe.

We have a transportation crisis, and I've written a bill, along with Chairman OBERSTAR, that will address more robustly than a provision stuck in here by the Appropriations Committee the issues of livability and planning in a coordinated way for a better transportation future, more options for people who live in congested metropolitan areas. But tell you what, if you take and create that with, say, \$200 million—and my colleague was wrong; it is \$200 million that comes out of the trust fund. That means it's \$200 million that we don't have to help deal with those 150,000 bridges that need to be repaired or replaced. That's a lot of money, and it would be kind of like putting a great, new, shiny coat of paint on an old jalopy that's riddled with rust and burning oil by the quart every time you drive it. That's what will happen if you create this office of livability.

This administration, who has not seen fit to even send down one iota of policy for a transportation bill that was due last October—and they keep saying, oh, we're getting to it, we'll get you some ideas soon, we're working on it, it's a very high priority, the President is a really big infrastructure guy: well, where's the dough? Where's the policy? Nothing.

Now, they do want to cherry-pick. They want this office of livability and then they can tout that through the next election and we'll never get a transportation bill. We can't let them cherry-pick. If they want to come down and talk about the comprehensive approach I've taken in my bill for livability, congestion management, new

transit options, 21st century policy of transportation that takes into account livability, quality of life, economic development, congestion, reducing fuels, waste and all those things, let's have that conversation. But guess what, we're going to have to invest a little bit more money to do it.

This administration is petrified. It's like all the options I've sent them, tax the oil industry, tax oil speculators, a whole bunch of things, they won't even begin the discussion, and if my colleague leads a successful fight against this amendment today, we will never have that discussion during the term of this President, never.

So I've got to urge in the strongest words possible to my colleagues.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ARCURI. I yield the gentleman an additional minute.

Mr. DEFAZIO. If you care about a new 21st century transportation policy, if you care about the fact that the United States of America is falling behind because of the state of disrepair of our system, the delays for our businesses and industry, the lack of competitiveness because of that system, if we look at what our competitors are doing to build out new systems and efficient systems, if you care about those things, you will vote for my amendment. Strip the \$200 million from an unauthorized program. Remember, this is an appropriations bill. You're not supposed to create new programs or authorize things. All we say is, it's subject to authorization. That is why I'm happy to look at the \$200 million or even more for an office of livability in an authorizing bill.

Let's have a meaningful discussion. Let's get it done. Don't let the administration cherry-pick and end-run us.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is my privilege to yield 2 minutes to the gentleman from Virginia (Mr. CANTOR), the Republican whip.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I rise in opposition to this bill and ask that finally we in this House turn towards the matter of such concern to the American people, and that is, the growth, incredible growth, in size of Washington and its government.

With 1.5 million votes cast, Madam Speaker, the YouCut movement continues to give Americans a vehicle to help put a stop to Washington's never-ending shopping spree. House Republicans have already offered more than \$120 billion in commonsense budget cuts. Yet, week in and week out, our colleagues on the other side of the aisle have voted against the will of the people and blocked these commonsense spending reductions.

Madam Speaker, maybe today is the day when that changes. This week's leading vote-getter is a proposal spon-

sored by Congressman JOHN LINDER of Georgia. It would save the taxpayers \$1.1 billion by eliminating the advanced earned income tax credit, a program plagued by waste, fraud and abuse.

The idea was first put forward by our friends on the other side of the aisle, Madam Speaker, and for many of us in the minority, it was heartening to see our colleague in the Democratic Caucus embracing the commonsense spending cuts that this Congress so persistently refused.

□ 1120

Addressing our staggering national debt is not a partisan calling. It is a national imperative because our country stands at a crossroads.

Madam Speaker, I urge all of my colleagues on both sides of the aisle to vote to bring this week's YouCut proposal to the floor.

Mr. ARCURI. Madam Speaker, may I inquire as to the amount of time remaining.

The SPEAKER pro tempore. The gentleman from New York has 16 minutes remaining, and the gentleman from Florida has 15½ minutes remaining.

Mr. ARCURI. Madam Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Madam Speaker, the previous speaker had a cute poster showing Uncle Sam talking about cuts, and we know that we have a long-term deficit issue to deal with.

But I think it's appropriate to look at the numbers, and the simple numbers are things that we ought to be able to agree on in a bipartisan basis. The numbers show that this year's bill that we will pass today spends \$500 million, \$500 million less than last year's bill. I want to repeat that, \$500 million cut compared to last year's bill.

We are aware of the situation, and we are reducing this expenditure by \$500 million. That's the math. It should be bipartisan math, and there is no question about it no matter what kinds of pictures you want to bring out on your posters.

But I also want to point out this bill does some things that are smart, looking to our future.

Number one, it makes an investment in trying to move to cleaner aviation fuels so that we can reduce carbon pollution from our air aviation industry to invest in biofuels. We just flew the first algae-based biofuel Green Hornet, an Air Force F-18, at supersonic speeds. We think we can replace a significant number of fossil fuels with green fuels. This makes an investment.

Second, this bill makes an investment in moving to the electrification of our transportation system. Americans, for the first time, are now going to be able to buy American-made cars that run on electric engines. We need a place to plug them in. This bill helps to move having plug-in stations.

We are starting that effort on the I-5 corridor up in the State of Washington and Oregon. This bill will extend those efforts to work with local communities so Americans will have a choice to buy American-made electric-powered propulsion systems, plug them in with American made plug-in stations. This is a vision for the future.

We are starting with cuts to this bill and moving with targeted investment to move to the next generation of vehicles. It's a good plan for America.

Mr. LINCOLN DIAZ-BALART of Florida. It's my privilege, Madam Speaker, to yield 2 minutes to my good friend from California (Mr. HERGER).

Mr. HERGER. Madam Speaker, I urge the House to defeat the previous question on the rule so we can vote to end the advanced Earned Income Tax Credit. This year, the Federal Government is running a \$1.5 trillion deficit with 43 cents of every dollar we are spending being borrowed money.

The American people want us to get spending under control and the Republican YouCut initiative enables the American people to actually vote on specific spending cuts. This week YouCut participants have asked Congress to consider eliminating the advanced EITC. A Government Accountability Office report found that the advanced EITC is unpopular with eligible taxpayers and disproportionately subject to fraud, with 20 percent of the claimants lacking even a valid Social Security number.

Repealing the advance option would not affect low-income workers' eligibility for the EITC, but it would save taxpayers—not the \$500 million that is less than the last budget, as my friend Washington just stated, but double that, more than double that, \$1.1 billion by cutting down on fraud and abuse.

Madam Speaker, this is a bipartisan measure. In fact, President Obama included it in his budget for this year. By taking up this commonsense proposal, we can cut more than a billion dollars' worth of fraud out of the Federal budget.

Let's take this opportunity to show the American people that Congress is finally serious about tackling the deficit. Vote "no" on the previous question.

Mr. ARCURI. I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is my pleasure to yield 2 minutes to the great leader from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Madam Speaker, the American people are very concerned about out-of-control Washington spending, and they are demanding action.

Over the last several months, the Republican Conference has engaged the American people in this effort through our YouCut program, and we have offered literally tens of billions of dollars

in cuts, and all of those cuts have been rejected by the Democrat majority.

Today we are going to offer another cut, and this one is so rife with abuse that it has even been identified by a Democrat working group as a commonsense cut that will help to reduce the deficit.

The Democrat leadership has not offered an opportunity to make this cut, but the Republican Conference will. Here is a chance for many of our Democrat friends to stand up and put their votes where their rhetoric has been.

Today they are either going to hide behind their leadership on procedural grounds and oppose this commonsense cut that many of them have publicly supported, or they are going to stand with the American people and join us in beginning the process of bringing this deficit under control.

The proof is in the vote. No hiding, no excuses, no more rhetoric. We are calling their bluff.

Vote "no" on the previous question and let's start cutting this out-of-control Federal deficit and Federal spending.

Mr. ARCURI. I continue to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is a privilege to yield 2 minutes to my friend from the Rules Committee, the leader from North Carolina, Dr. FOXX.

Ms. FOXX. I thank my colleague from Florida for yielding time.

Madam Speaker, I sat in the Rules Committee yesterday and heard from our colleagues on both sides of the aisle about this bill.

I was really struck by something, Madam Speaker. I was struck by the fact that many of our colleagues across the aisle have obviously been on the road to Damascus lately because all of a sudden, after running up the largest deficit in the history of this country, as my colleagues before me have said, we are borrowing 43 cents for every dollar we spend, we have a \$1.5 trillion deficit. After helping to do that, suddenly we see Democrat amendments to cut spending.

Obviously, some people on the other side of the aisle are paying attention to what most of the American people are saying. In fact, 95 percent of the people in my district think that spending is the biggest problem facing this country.

There were 31 Democrat amendments offered, 12 of them cut spending. Five of those amendments to cut spending were made in order.

Again, Madam Speaker, I think this is a very cynical, very cynical ploy, one of many practiced by colleagues across the aisle to make it look like they are doing something that they aren't, which is to pay attention to cutting spending.

We need to vote down this rule. We need to vote "no" on the previous ques-

tion, and we need to bring back serious issues where we are cutting spending and listening to the American people.

Mr. ARCURI. I continue to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 5 minutes to my dear friend from California, the ranking member, Mr. DREIER.

Mr. DREIER. I thank my good friend from Miami for his typical, spectacular job.

I have to say, as I stand here I am thinking about the fact that there are probably not going to be too many more opportunities for him to be here as we look towards the waning weeks of this Congress. I want to say that it's been a wonderful privilege for me to serve with him.

□ 1130

He has done such an important job, and of course is best known for being a champion in the struggle for freedom and democracy and opportunity for people, especially in this hemisphere. I just thought about that when I stood up, so I would like to say that as I begin my remarks.

It's also rather sad, Madam Speaker, that my friend has to preside over a rule which has this institution moving in the direction of more restrictions, more control, less liberty, and less opportunity. That is exactly what we've seen happen in the past year, especially when it comes to the appropriations process.

By tradition, appropriations have been sacrosanct when it comes to the amendment process. We have had people who have had amendments that I would vigorously disagree with, and we always, always allowed for an open amendment process, with only one or two exceptions, and that was usually done when there was a bipartisan consensus to have some kind of structure to an appropriations debate. But now it has tragically, with what took place last year and what is taking place now, become the norm for us to shut down the opportunity for the American people—the American people—to be heard through their elected representatives, denying both Democrats and Republicans alike the opportunity to participate.

I note that there are some new members of the Rules Committee, lots of new Members of this institution, and Madam Speaker, I don't know exactly what the numbers are, but there are people who have never once witnessed the United States House of Representatives, the People's House, engaging in an open rule debate. Now, why is it so important for us to pursue openness on this? Because, as my friend from Grandfather Community, North Carolina (Ms. FOXX) just said, the priority of her constituents—and I believe most Americans, certainly the people whom I represent in California—is the need

for us to reduce the size and scope and reach of government so that we can create jobs and create individual initiative and responsibility. And we are denying Democrats and Republicans alike the chance to offer these amendments through the open amendment process.

For example, two of my very distinguished, hardworking colleagues who have been in the forefront in the quest to reduce spending, my California colleague, Mr. CAMPBELL, and our Texas colleague, Mr. HENSARLING, both were denied an opportunity to offer amendments. Now if we had had an open amendment process, they would be able to offer their amendments that would bring about reductions in spending so that we can get our economy back on track and exercise the kind of fiscal restraint which is essential if we are going to succeed.

So Madam Speaker, that is why we are going to encourage—my colleague will in just a moment—defeat of the previous question so that we can bring about a proposal that will allow us to cut spending under our YouCut program, the proposal that Mr. LINDER has brought forward. And we also want to defeat this rule.

I was just reminded by one of our staff members that this may be the last appropriations bill that we consider. Guess what number it is of the 12? It's the second appropriations bill. And yet the Appropriations Committee has not even engaged in markups that were promised. We have gone well beyond the deadline. As we all know, for the first time since the 1974 Budget and Impoundment Control Act was implemented, we have not had a budget resolution here in the House of Representatives.

So being promised the most open Congress in history is something that has clearly been thrown out the window, Madam Speaker. I hope very much that we will be able to defeat the previous question so we can have a chance to vote to cut spending, and then defeat this rule and come down with a process that will allow Democrats and Republicans to carry the voice of the American people to the floor of this institution.

Mr. ARCURI. Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend from New York once again for his courtesy. I think this has been a good debate.

Madam Speaker, on Tuesday of this week, the Congressional Budget Office released a report titled "Federal Debt and the Risk of a Fiscal Crisis." The report sounded an alarm on the Federal Government's out-of-control debt and the consequences if we fail to address the debt. It said, "Growing budget deficits will cause debt to rise to unsupportable levels." And we are seeing in other countries in the world that

this is not a theoretical problem. I mean, this is a very serious, practical problem that can devastate countries and truly hurt people. And so we have to realize that as a Nation we have to change course. I know that is going to require bipartisanship, and I hope that we see it soon, but we're not seeing it yet, and it's very worrisome. On the contrary, the path we are on is, as the Congressional Budget Office has said, not supportable.

So one way to help reign in Federal spending—and of course none of this is going to be pleasant, but it's necessary, and I know that action that's required is approaching because it is necessary—but one way is to cut spending that is not absolutely necessary, that can be considered wasteful.

Over the last week, participants in Minority Whip CANTOR's YouCut initiative voted on programs for us to bring to this floor for cutting. To date, participants in that program have voted to cut \$120 billion in spending. This week, the participants in that program voted to cut the Advanced Earned Income Tax Credit program. That program allows eligible taxpayers to receive a portion of their earned income tax throughout the year in their paychecks. There was a recent audit of the program that found that 80 percent of the recipients did not comply with at least one program requirement, another 20 percent had invalid Social Security numbers and thus may not have been eligible for the credit, and 40 percent failed to file the annual tax return required to reconcile the credit. Suffice it to say that, as a result, the program is susceptible to waste and abuse, and cutting it would save more than \$1 billion.

So I will be asking Members to vote "no" on the previous question so that we can have a vote on that issue, on cutting the Advanced Earned Income Tax Credit program. I would like to remind the membership that a "no" vote on the previous question will not preclude consideration of the underlying legislation before us today, the Transportation, Housing and Urban Development appropriations bill.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield back the balance of my time.

Mr. ARCURI. Madam Speaker, I would like to say thank you to the gentleman from Florida for his handling of this rule. It is always a pleasure to participate in a debate on a rule on the floor with you, Mr. DIAZ-BALART.

Madam Speaker, we heard a lot today. And I think it was very inter-

esting to listen to the debate go back and forth, and certainly from my colleagues on the other side of the aisle who talked a great deal about spending. Clearly, spending is one of the most important issues that we are dealing with here in Congress.

In particular, my friend and colleague from the Rules Committee, Ms. FOXX, talked about the fact that it is—I think she said—"the most important issue that faces Congress."

□ 1140

I would say that it clearly is one of the most important issues that faces Congress, but when you talk to people, when you talk to Americans, they think that the most significant issue that we in Congress need to deal with is the economy—it is jobs; it is putting people back to work, and equally important, it is making sure that the people who do have jobs continue to have jobs.

I think this bill really is indicative of what the Democrats are trying to do. We recognize the fact that it is necessary to begin to make cuts. That is why this bill has cut \$500 million from the amount that we spent last year. On the other hand, when you listen to economists, they are very clear in saying that we have to be careful in how quickly and how drastically we make cuts because we are starting to see the economy turn around. If we make draconian cuts and if we make cuts too quickly, it will stand to jeopardize the recovery that is beginning to take hold, that is beginning to take foot.

So I think this bill takes exactly the right approach in terms of beginning to cut but not doing it in such a drastic way that we will affect or detrimentally hurt the recovery that is beginning to take effect. The Transportation-HUD Appropriations Act funds some of the most important initiatives that pay for everything from roads, bridges, and railroads to housing for veterans and low-income families.

In my opening remarks, I discussed the critical investments that this bill makes in our transportation system. The bill also invests in housing programs for vulnerable populations, including retirees, people with disabilities, veterans, and even children.

The funding is even more essential during these very tough economic times. The bill includes funding to address the problem of homelessness among our veterans. All too often, men and women who sacrifice the most for our freedoms are hit the hardest in tough economic times. We owe our veterans the utmost respect and gratitude for their service, and we must honor the commitment made to them. They should not have to return home to be confronted by the possibility of poverty or homelessness.

To address this, H.R. 5850 includes funding for an additional 10,000 vouch-

ers through the Veterans Affairs Supportive Housing Program, administered by HUD, in conjunction with the Veterans Administration.

H.R. 5850 includes another \$825 million to rehabilitate and to build new housing for low-income seniors. Currently, there are 10 eligible seniors on waiting lists for each unit of available housing. In America, it is unacceptable that our Greatest Generation is faced with this shortage. HUD's section 202 program is the largest housing program specifically dedicated to serving the elderly, with over 268,000 units for seniors.

Madam Speaker, housing and transportation are two areas that absolutely must be priorities and that are essential during a recovery. The funding that H.R. 5850 provides for these programs will ensure that our economy continues to rebound and that out-of-work Americans are able to find jobs and to afford housing.

Again, I want to stress that the committee has produced a bill that makes critical investments, which I have highlighted, and that it manages to do so while, at the same time, spending \$500 million less overall on these agencies during the current fiscal year. During these tough economic times, American families have been forced to cut back and tighten their belts. We need to ensure that the Federal Government and agencies are following their example and doing so well. H.R. 5850 holds the Federal Government to that standard.

I urge my colleagues, Democratic and Republican, to support it. I urge my colleagues to vote "yes" on the previous question and on the rule.

Mr. BROUN of Georgia. Madam Speaker, I rise today in opposition to this rule.

By limiting debate and preventing many fiscally responsible amendments, the House of Representatives has missed a real opportunity to rein in federal spending.

I submitted nine very simple, common sense amendments to this legislation that were dismissed by this leadership.

Is the majority leadership so afraid of making their Members vote against such common sense measures as cutting this bill by a half-percent that they wouldn't even allow for consideration?

At a time when the American people are crying out to Congress for fiscal restraint, crying out that we tighten our purse strings, how can we in good conscience rule a simple half penny on the dollar cut out of order?

I also submitted an amendment that would have not allowed any money from this bill to be spent on art work that will be displayed in Dulles Metro Stations.

Providing art work for currently non-existent metro stations clearly should not be a Federal priority.

But alas, this amendment was also ruled out of order.

If we can not spend more than 1 hour debating an appropriations bill that allocates billions of dollars, nor have the opportunity to

amend and cut some of that spending, then I would suggest that our priorities on what deserves time on this very floor are severely misplaced.

Throughout this bill we can see countless examples of spending taxpayers' hard earned money on programs that, very simply, should not be receiving one cent.

These restrictive rules are doing nothing but stopping legitimate debate on numerous programs and earmarks that most of us know should not be included.

And the people who are experiencing the greatest disservice are the American People; our constituents.

This is not the way that this distinguished body should be conducting the affairs of the Republic.

I urge my colleagues to vote "no" on this rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1569 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution add the following new section:

SEC. 4. Immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5885) to amend the Internal Revenue Code of 1986 to terminate the advance payment of the earned income tax credit. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 5885.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote

against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. ARCURI. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 5893, INVESTING IN AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

Mr. HASTINGS of Florida. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1568 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1568

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5893) to amend the Internal Revenue Code of 1986 to create jobs through increased investment in infrastructure, to eliminate loopholes which encourage companies to move operations offshore, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 2. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the calendar day of August 1, 2010.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the distinguished gentleman from North Carolina (Ms. FOXX). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Madam Speaker, this resolution provides a closed rule for the consideration of H.R. 5893, the Investing in American Jobs and Closing Tax Loopholes Act of 2010.

The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI and against the bill, itself.

The rule provides that the previous question shall be considered as ordered, without intervening motion, except 1 hour of debate for the Ways and Means Committee and one motion to recommit with or without instructions. The rule also provides same-day authority for a resolution reported from the Rules Committee through Sunday, August 1, 2010.

Madam Speaker, H.R. 5893, the Investing in American Jobs and Closing Tax Loopholes Act of 2010, creates and protects American jobs through increased investment in infrastructure and by closing tax loopholes that enable companies to move their operations offshore. This is another piece of legislation to add to the long list of bills that Democrats have passed this Congress to spur opportunities to support American jobs, American manufacturing, and American families. Democrats are helping Americans dig out of the worst recession in decades. We are making steady, albeit slow—too slow for me—gains in our economy. The struggle is not over, but we are on the right path.

Madam Speaker, this legislation funds the highly successful Build America Bonds program, the Recovery Zone Bonds, the Emergency State Jobs Assistance program, and it closes unfair tax loopholes that allow corporations to send American jobs overseas. This bill provides critical funding for infrastructure investment that will create jobs here in the United States and will put money in the pockets of people who badly need it.

□ 1150

And yet, still, the Republicans are against it.

Madam Speaker, it seems every other day around here we have to drag our Republican colleagues kicking and screaming to the House floor to try to help hardworking Americans, and they continue to say “no.”

Every other day we have to try to persuade our friends on the other side of the aisle that it's not crazy for the American Government to invest in the American economy to benefit the American people.

Every other day we have to reemphasize the same old arguments from the Republicans about spending and deficits and taxes and the bad old government stifling our economic recovery.

I'll remind this body that the Republicans were against the largest stimulus in history, which was not large enough for me and some of us in this body. But they were against this stimulus, an effort that demonstrably has saved American jobs.

And I'll remind this body that 95 percent of the Republicans in this House have signed a pledge to protect tax breaks for companies that ship American jobs overseas.

And I'll remind this body that Republicans have consistently voted against job creation and economic development measures that directly benefit, directly benefit hardworking Americans trying to secure enough income to feed their families and keep their homes.

Every single time Democrats try to pass essential legislation in this body, and the other body, Republicans complain about the numbers. If it's spending on investments in our economy, Republicans complain the numbers are too high. But if it's spending on tax cuts for the extremely 1 percent wealthiest of Americans, the Republicans complain the numbers are too low.

Well, here's a number and a letter we should be mindful of: \$2.2 trillion, and the letter D: D is the grade given to America's infrastructure by the American Society of Engineers in 2009.

And \$2.2 trillion is the amount the American Society of Engineers estimates the United States needs to spend over the next 5 years to repair our crumbling infrastructure.

Madam Speaker, in recent years we've seen levees fail, bridges collapse. As a matter of fact, we saw a levee fail last week in Iowa. Bridges collapsed. I asked one of our colleagues yesterday that appeared before the Rules Committee, how did he feel when the bridge collapsed in Minnesota. He referenced it as a national tragedy, as all of us do and did.

But when I came to this Congress in 1992, there were 14,000 bridges that were in disrepair in the United States of America. And I dare say that we have not even come close and, likely, there are many more. And what I said to him was, I wanted his daughter, who I know, to travel on a safe bridge, and I wanted my children and all the children of all Americans, when they cross a bridge, to know that that bridge is safe.

Millions of tons of hazardous waste have wrecked fragile ecosystems, and billions of gallons of wastewater have poured from burst pipes into our rivers and streams, and we saw that happen this week in America.

Beyond the disasters is the steadily rising gridlock on our highways, roads, airports and rails, the constant erosion of our water systems. Right here in the metropolitan Washington area people are on boil water advisories and limited uses, including for showers.

Declining park land in urban areas and maintenance backlogs in our schools amounting to hundreds of billions of dollars.

Budget cuts are not going to repair bridges, replace water treatment facilities or maintain classrooms. State and local governments desperately need Federal funding to engage American small businesses and put people to work.

This legislation provides billions of dollars in infrastructure bonds and

other supports so communities can hire the necessary workers to make sure that, while we are arguing about process here, whether or not it's a closed rule or an open rule, arguing process in the Rules Committee, more dams don't fail. That's what we want to make sure that does not happen.

Dollars that go to infrastructure projects get returned to the economy at higher rates. Infrastructure spending is impactful, essential, and worthwhile, pumping in cash that goes right to the American worker.

The funding in this legislation is paid for. It does not add to the deficit. It is revenue neutral, and there is no wasteful spending in here.

What Republicans argue is wasteful, I say, is essential to preventing millions of Americans from falling into destitution. For every one job opening in our great country, there are five applicants. Unemployment remains unbearably high, and all economists indicate that it is going to remain that way for some time to come.

I dare say that what America needs to understand, and what my colleagues here on both sides of the aisle continue to say, is that it happened on this President's watch, or it happened on that President's watch. The real truth is the economy in this country transitioned, as well as globally, over about a 45-year period of time. I'll get to that one day, so as how there's a better understanding than all of this finger-pointing about who caused this deficit.

And I certainly hope we have a debate about how much the war in Iraq and Afghanistan cost. I can tell you now it's about \$1 trillion. And guess what our deficit is? Just a little more than \$1 trillion.

Madam Speaker, it's far past time to pass this legislation. I urge my colleagues to vote favorably on this rule and on the final passage of this legislation.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank my colleague from Florida for yielding time, and I appreciate very much and accept his comments, in particular about how we are concerned personally for each other's children and each other's family. I believe that is absolutely true. And I appreciate the comments that the gentleman made yesterday in Rules in that respect, and also here.

Madam Speaker, Merriam-Webster's dictionary defines outrageous as “going beyond all standards of what is right or decent,” “deficient in propriety or good taste.”

The outrageous rule before us today represents a sickening embarrassment for this institution that the American people have charged with the responsibility to provide effective solutions to their real problems.

Unfortunately, the ruling liberal Democrat majority has taken this opportunity to devise a cynical plot to ram through this misguided, partisan legislation which has had no committee consideration, no CBO cost estimate, and was sprung on the minority party only 90 minutes before its consideration in the Rules Committee yesterday. Despite these atrocities, the ruling liberal Democrats couldn't bring themselves to allow for any amendments, choosing instead to present us with this closed rule containing same-day "martial-law" authority through Sunday.

Although we've grown accustomed to this type of process under the reign of the current liberal Democrat majority, their arrogance and contempt for institutional integrity never ceases to shock and amaze us.

This is a far cry from 2006 when then-minority leader NANCY PELOSI promised regular order for legislation in her "New Direction for America."

At that time she pledged that bills should be developed following full hearings and open subcommittee and committee mark ups with appropriate referrals to other committees.

Members should have at least 24 hours to examine a bill prior to consideration at the subcommittee level. Bills should generally come to the floor under a procedure that allows open, full and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute.

□ 1200

The third point she made, "Members should have at least 24 hours to examine bill and conference report text prior to floor consideration. Rules governing floor debate must be reported before 10 p.m. for a bill to be considered the following day."

"Should," I guess, is the operative word here, Madam Speaker. Speaker PELOSI could say she didn't promise, she just said "should." How times have changed. With hypocrisy like this, it's no wonder the American people are shaking their heads watching the shenanigans of this most leftist, liberal, elitist, arrogant, and out of touch Democrat regime in the history of our great Nation.

The liberals will undoubtedly excuse their shameful actions today by blaming George Bush, as they always do, and relate their actions to certain instances under Republican congressional leadership, but it makes no sense to criticize in one breath and emulate in another what they identify as the sins of the past.

My friend across the aisle talked about tax cuts and how Republicans love tax cuts but don't want investments. I want to point out to my colleague that in the 2001 tax cuts which were passed, there were many Demo-

crats who voted for those tax cuts, both on the House and Senate side. The same thing with the 2003 tax cuts. Democrats supported those. And we were very grateful for that. In the final consideration of the Iraq war authorization, many Democrats supported that also. So we do have revisionist history, Mr. Speaker. And I would like to insert into the RECORD the record of the votes on those various items.

Let's be clear about what this bill does, Mr. Speaker. We are spending more of taxpayers' money on plans that will kill private-sector jobs. We know we have the largest deficit in history, and we need to stop this spending. Let me say to you again, there are four parts to this bill. Let me mention what they are in terms the American people can understand.

Number one, it provides for up to \$5 billion for the Welfare Emergency Fund, doubling a new welfare program that Democrats created in the 2009 stimulus. The bill has \$31.8 billion in revenue increases that will hurt an already weakened economy and could threaten our international competitiveness. The bill spends \$25.6 billion on State infrastructure programs while abandoning small businesses, and will not create the private-sector jobs that we need. Also, we know that this bill wouldn't be needed at all if the stimulus that our friends tout so much had not been the huge failure that it has been and had actually worked.

Mr. Speaker, I urge my colleagues to reject this rule and reject this bill so we can begin to restore a semblance of sanity in this noble institution.

INITIAL CONSIDERATION OF 2001 TAX CUTS H.R. 1836, 107TH CONGRESS

ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT (EGTRRA)—P.L. 107-16, (16 MAY 2001)

Question: On Passage: Yea-and-Nay.

Bill title: Economic Growth and Tax Relief Reconciliation Act.

	Yeas	Nays	Pres	NV
Republican	216	.....	.....	4
Democratic	13	196	.....	1
Independent	1	.....	.....	.....
Totals	230	197	.....	5

13 House Democratic Representatives voting aye: Abercrombie, Bishop, Clement, Condit, Cramer, Gordon, Hall (TX), John, Lucas (KY), Maloney (CT), McIntyre, Shows, and Traficant.

Senate Vote Counts: Yeas 62, Nays 38

12 Senators voting yea: Baucus (D-MT), Breaux (D-LA), Carnahan (D-MO), Cleland (D-GA), Feinstein (D-CA), Johnson (D-SD), Kohl (D-WI), Landrieu (D-LA), Lincoln (D-AR), Miller (D-GA), Nelson (D-NE), Torricelli (D-NJ).

FINAL CONSIDERATION OF 2001 TAX CUTS—H.R. 1836 (26 MAY 2001)

Question: On Agreeing to the Conference Report.

Bill Title: Economic Growth and Tax Relief Reconciliation Act.

	Yeas	Nays	Pres	NV
Republican	211	.....	.....	10
Democratic	28	153	.....	29
Independent	1	1	.....	.....
Totals	240	154	.....	39

28 House Democratic Representatives voting aye: Abercrombie, Barcia, Berkley, Capps, Carson (OK), Clement, Condit, Cramer, Dooley, Gordon, Hall (TX), Hooley, Israel, John, Larsen (WA), Lucas (KY), Matheson, McCarthy (NY), Moore, Peterson (MN), Roemer, Ross, Sandlin, Schiff, Shows, Tauscher, Traficant, and Turner.

Senate Vote Counts: Yeas 58, Nays 33, Present 2, Not Voting 7

11 Democratic Senators voting aye: Breaux (D-LA), Carnahan (D-MO), Cleland (D-GA), Feinstein (D-CA), Johnson (D-SD), Kohl (D-WI), Landrieu (D-LA), Lincoln (D-AR), Miller (D-GA), Nelson (D-NE), and Torricelli (D-NJ).

INITIAL CONSIDERATION OF 2003 TAX CUTS—H.R. 2, 108TH CONGRESS

JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003 (JGTRRA)—P.L. 108-27 (9 MAY 2003)

Question: On Passage: Recorded vote.

Bill Title: Jobs and Growth Reconciliation Tax Act.

	Ayes	Noes	Pres	NV
Republican	218	3	.....	8
Democratic	4	199	.....	2
Independent .....	.....	1	.....	.....
Totals	222	203	.....	10

4 House Democrats voting aye: Alexander, Cramer, Hall, and Lucas (KY).

Senate Vote Counts: Yeas 51, Nays 49

3 Democratic Senators voting yea: Bayh (D-IN), Miller (D-GA), and Nelson (D-NE).

FINAL CONSIDERATION OF 2003 TAX CUTS—H.R. 2, (23 MAY 2003)

Question: On Agreeing to the Conference Report: Yea-and-Nay.

Bill title: Jobs and Growth Reconciliation Tax Act.

	Yeas	Nays	Pres	NV
Republican	224	1	.....	4
Democratic	7	198	.....	.....
Independent .....	.....	1	.....	.....
Totals	231	200	.....	4

7 House Democrats voting aye: Alexander, Cramer, Hall, Lucas (KY), Marshall, Matheson, and Scott (GA).

Senate Vote Counts: Yeas 50, Nays 50

Vice President Voted Yea.

2 Senate Democrats voting yea: Miller (D-GA), Nelson (D-NE).

FINAL CONSIDERATION OF IRAQ WAR AUTHORIZATION—H.J. RES. 114, 107TH CONGRESS

AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002—P.L. 107-243 (10 OCT 2002)

According to CRS report RL31715: "In October 2002, Congress authorized the President to use the armed forces of the United States to defend U.S. national security against the threat posed by Iraq and to enforce all relevant U.N. resolutions regarding Iraq."

Question: On Passage: Yea-and-Nay.

Bill title: To Authorize the Use of United States Armed Forces Against Iraq.

	Yeas	Nays	Pres	NV
Republican	215	6	.....	2
Democratic	81	126	.....	1
Independent .....	.....	1	.....	.....
Totals	296	133	.....	3

81 House Democrats voting aye: Ackerman, Andrews, Barcia, Bentsen, Berkley, Berman, Berry, Bishop, Blagojevich, Borski, Boswell, Boucher, Boyd, Carson (OK), Clement, Cramer, Crowley, Davis (FL), Deutsch, Dicks, Dooley, Edwards, Engel, Etheridge, Ford, Frost, Gephardt, Gordon, Green (TX), Hall (TX), Harman, Hill, Hoeffel, Holden, Hoyer, Israel, Jefferson, John, Kanjorski, Kennedy (RI), Kind (WI), Lampson, Lantos, Lowey, Lucas (KY), Luther, Lynch, Maloney (NY), Markey, Mascara, Matheson, McCarthy (NY), McIntyre, McNulty, Meehan, Moore, Murtha, Pascarelli, Peterson (MN), Phelps, Pomeroy, Roemer, Ross, Rothman, Sandlin, Schiff, Sherman, Shows, Skelton, Smith (WA), Spratt, Stenholm, Tanner, Tauscher, Taylor (MS), Thurman, Turner, Waxman, Weiner, Wexler, and Wynn.

Senate Vote Counts: YEAS 77, NAYS 23

Baucus (D-MT), Bayh (D-IN), Biden (D-DE), Breaux (D-LA), Cantwell (D-WA), Carnahan (D-MO), Carper (D-DE), Cleland (D-GA), Clinton (D-NY), Daschle (D-SD), Dodd (D-CT), Dorgan (D-ND), Edwards (D-NC), Feinstein (D-CA), Harkin (D-IA), Hollings (D-SC), Johnson (D-SD), Kerry (D-MA), Kohl (D-WI), Landrieu (D-LA), Lieberman (D-CT), Lincoln (D-AR), Miller (D-GA), Nelson (D-FL), Nelson (D-NE), Reid (D-NV), Rockefeller (D-WV), Schumer (D-NY), and Torricelli (D-NJ).

FINAL CONSIDERATION OF AFGHANISTAN, ET AL. WAR—AUTHORIZATION S.J. RES. 23, 107TH CONGRESS

AUTHORIZATION FOR USE OF MILITARY FORCE—P.L. 107-40

CRS Summary: Authorization for Use of Military Force—Authorizes the President to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations, or persons.

States that this Act is intended to constitute specific statutory authorization within the meaning of the War Powers Resolution.

Passed House without Objection 9/14/2001.

Senate Vote Counts: Yeas 98, Nays 0, Not voting 2 (Craig-ID; Helms-NC).

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 4 minutes to my good friend from Houston, Texas, the distinguished gentlelady SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I was listening to the gentleman from Florida, and I want to thank him for framing the discussion as he has done, and really speaking to our colleagues and the American people. I was trying to discern what my colleague was saying, good friend from the other side of the aisle. And I would only say that the only people that are shaking their heads are those who are trying to pay

their mortgages, who are trying to make sure that their incoming freshman or upper classman has the tuition that they need to finish school.

Americans are asking us to stop the chatter about procedures and begin to do the work that they need to rebuild this Nation. That's the business of this Democratic leadership, of which I am proud to associate with.

My friends talk about the story of the Recovery Act, and they are absolutely right. We've been so busy with our elbow to the grindstone that we haven't been able to tell the story of the many, many jobs created by the Recovery Act. But watch us in the month of August, when we go home and shine the light on the many, many jobs. In the 18th Congressional District, over \$800 million, 97 projects, job-creating, bridge-making programs to help those in that district.

So today we take another leap of faith. And I hope that we can get an understanding about what this bill does. The bill closes the loopholes, something Americans are very clear about, that are given to corporations to take jobs overseas. If they can do their business here, they need to do it. But in the meantime, what do we give you? First of all, we all know that the government cannot use all the dollars that are issued. When you give money to State and local governments, what do they do? They contract with small businesses in that community who then either keep the employees they have or they expand and need to hire.

And let me give you an example. Build America Bonds is part of this legislation, an exciting way to invest in America. More than \$106 billion of infrastructure investments nationwide will come about because of this. It will not be government workers that will be nailing and cementing and designing, it will be local businesses that will be part of this exciting opportunity. Recovery Zone Bonds that will provide \$10 billion in Recovery Zone Economic Development Bonds and \$15 billion in Recovery Zone Facility Bonds, all having to bring in small businesses.

In my own community of Houston, we are looking at ways to improve our water and sewer. Most communities have aging water systems and sewer systems. There has usually been a cap on how much money a State can spend on water and sewage. We are lifting those caps so that bonds can be issued so that the burden does not fall right away on the taxpayer. These are what we are trying to do to infuse capital not in the pockets of the government, but in the pockets of our businesses that will in turn reinvest in the community and in the government by way of the general churning of the economy. Building, expanding, improving the quality of life that is necessary.

Those who are in need of TANF would be helped. Those who are in need

of the expansion of business will be helped. And then what I think is enormously important, we will be investing in real American jobs because we will extend the Emergency Fund for Job Creation and Assistance. These programs provide for short-term, one-time aid for needy families, and subsidized employment programs help these families put money back into the economy.

So I would argue that we can chatter about procedure, and that's a good talk for inside this august body.

The SPEAKER pro tempore (Mr. PAS-TOR of Arizona). The time of the gentlewoman has expired.

Mr. HASTINGS of Florida. I yield the gentlelady 1 additional minute.

Ms. JACKSON LEE of Texas. But I can tell you that if anybody is scratching their head at the kitchen table as to how I am going to make next month's payment or tomorrow's payment, if anyone is confused, they're not confused about a procedure that is going to allow this bill to move forward to give them help and not a hand out. They are going to be ready to take advantage of these constructive, financial, and fiscally sound, paid-for vehicles which they can utilize to rebuild their local communities, both rural and urban. That's what America is all about. That's what this debate will be about today.

And in conclusion, I would say adding to a grand and great Transportation-HUD bill, one of the greatest ones that will provide for massive mobility and housing in this Nation, that's what Americans are looking for, for us to stand up and be counted and move this Nation forward. I thank the gentleman for the time. I ask that you vote for the rule and this bill.

Ms. FOXX. Mr. Speaker, I now yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), the ranking member of the Rules Committee.

□ 1210

Mr. DREIER. I want to begin by expressing my appreciation to my very good friend and Rules Committee colleague, the gentlewoman from Grandfather Community, North Carolina, for doing her typical spectacular job and appropriately describing this as an outrageous rule. She's right on target. I'd really say "pathetic" when I look at both process and substance, because it is absolutely pathetic. Somebody said to me, well, you can say "outrageous," I can say "pathetic," and we can call the whole thing off.

We'd be a lot better off, Mr. Speaker, if we did, in fact, not consider this rule the way we're doing it. Because while my friend from Houston just said the American people understand the need to get assistance—not a handout but assistance—so that we can get the economy moving, we can get that. But they also want us to do it with the

kind of openness and fairness and transparency that we were promised in this great document, A New Direction for America. We've gotten anything but that.

The reason that the substance is pathetic, along with the process itself, is that is not going to do anything to create jobs. This is designed—and while it wasn't directly said, I certainly inferred it from the testimony that we had in the Rules Committee last night. Well, everybody should have a chance to vote on job creation before we adjourn in August. So that's why this rush.

Well, it's done clearly in the most inappropriate way when it comes to the deliberative nature. There was basically no consultation whatever with the ranking member on the committee. When I asked the chairman on the Ways and Means Committee whether or not there had been any consultation seeking a bipartisan approach, he said that he hoped this would have bipartisan support at the end of the day. When I asked, the only response that I was given was that he had a discussion with the chairman of the Senate Finance Committee, our friend Mr. BAUCUS, but no consultation whatsoever.

The bill was introduced at 3:30 yesterday afternoon, and the Rules Committee met 90 minutes later to bring up this measure. Gosh. As I recall, looking at the rules, we should have at least had a 24-hour layover. I would say to my friend from Ft. Lauderdale, what is the rush here? We now know that we're going to be in session on Friday. We know that the Senate is scheduled to meet next week. Is there any reason for us not to have had this bill introduced, allow it to lay over for 24 hours, allow Democrats and Republicans alike to look at it so that we could decide what it consists of, and then have a Rules Committee meeting? I don't know why we didn't do that.

I'm happy to yield to my friend if he would like to respond as to why it wasn't introduced with a 24-hour period to allow us to have it lay over.

I yield to the gentleman.

Mr. HASTINGS of Florida. I believe that the distinguished chair of the Ways and Means Committee answered my good friend from California yesterday with regard to the immediacy.

Among the things that he said to you was we had waited for the United States Senate, which, if you recall, much of what is in this provision, and he said to you there is nothing new in here that we haven't voted on before.

Mr. DREIER. Mr. Speaker, if I might reclaim my time, and I do so to simply say we've heard that tired old argument, that we've voted on these items before. We've never had it as a package like this.

Mr. HASTINGS of Florida. Will the gentleman yield?

Mr. DREIER. I'm happy to yield to my friend.

Mr. HASTINGS of Florida. Pointedly, did we not vote on the measures in this particular provision?

Mr. DREIER. Reclaiming my time, Mr. Speaker, I would say the answer is no, we have not voted on this package of items. And let me address this by saying that I don't believe that the litany of items included in this bill which we're just starting to look at have, in fact, had an opportunity for consideration.

There was somebody who took a glance at it yesterday afternoon who said to me, This is not what we need to be doing to create jobs. What we need to be doing is focusing on reducing the capital gains rate and the dividend tax right now, tax rate. That would do more to stimulate job creation and economic growth than anything that we've got in this piecemeal package that has been put together.

And the transparency, as far as I'm concerned, is based on the following: It's simply a desire to say we've tried to do something to create jobs.

Well, Mr. Speaker, I can understand why my colleagues on the other side of the aisle have wanted to do that. We've come forward repeatedly with proposals to do just that. And we have tried the policy of dramatically increasing spending in the size and scope and reach of government, and guess what? We were promised that the unemployment rate wouldn't exceed 8 percent if we passed the stimulus bill. We all know that it's at 9½ percent nationwide.

I see my friend Ms. CHU here from California. We have a 12.3 percent unemployment rate. In Los Angeles County, it's higher than that. And in the area that I represent to the east, it's 14.4 percent in parts of San Bernardino County. We have an unemployment rate that is far in excess of what we were promised if we passed the stimulus bill. We have tried that, Mr. Speaker.

Let's now focus on job creation and economic growth with a responsible package, not this pathetic piecemeal approach which is outrageous. And to do it without any kind of consultation whatsoever with the minority is beyond the pale.

So I urge my colleagues to vote "no" on this measure. Let's do what the American people want. Let's have an open debate and let's put into place pro-growth economic policies which have been proven to be successful under President John F. Kennedy, a great Democrat, and under President Ronald Reagan, a great Republican President.

Mr. HASTINGS of Florida. Mr. Speaker, I'm very pleased at this time to yield 2 minutes to the distinguished gentlewoman from California (Ms. CHU).

Ms. CHU. Mr. Speaker, I want to speak to the importance of passing the

Investing in American Jobs and Closing Tax Loopholes Act, the importance of passing this bill now.

This bill creates jobs, rebuilds infrastructure, and promotes investments that gets our economy going again.

And I want to take a moment to talk about one specific aspect of this bill, the extension of the Emergency Fund for Job Creation and Assistance.

In Los Angeles County, the area I represent, one out of every eight residents is unemployed. In one area of my district, East L.A., the unemployment rate is 16.75 percent. This is unacceptable.

A while back, L.A. County instituted an innovative program to get people back to work. It uses TANF funds from the stimulus to place unemployed workers in positions for up to a year. And it created over 11,000 jobs in L.A. County and almost 250,000 across the country.

In Palmdale, California, this program helped Jody, a single mother of two, find work at a local coffeehouse. There, Jody so impressed her new boss that he plans to permanently hire her and three others from the program.

But this proven job creation program expires in September. The clock is ticking. If we don't act, those 250,000 tales of success become horror stories. Today's bill will keep those Americans working.

I urge all of my colleagues to support the Investing in American Jobs and Closing Tax Loopholes Act.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, you know, every time our colleagues come here and talk about the horrible unemployment in their districts, they condemn themselves. They condemn their own policies and the policies of their President because they promised, when President Obama came to office and pushed through the stimulus package, that unemployment would never go above 8 percent. It's been a failure. Everything they've done has been a failure, Mr. Speaker. But they keep trying.

Again, I want to say Einstein said the definition of insanity is doing the same thing over and over and over again and expecting a different result. That's what our colleagues across the aisle keep doing, the same thing over and over again and expecting different results.

This bill is not going to create private sector jobs. It is only going to put us deeper in debt and cause us to lose more jobs.

My colleague from Texas also mentioned the loopholes, that this bill is going to close loopholes. Well, that is convenient language for our colleagues across the aisle. It's doublespeak. And language means something.

When our colleagues across the aisle talk about a loophole, they're saying this is something that gives us an excuse to raise taxes. The loopholes that

they talk about are legal entities in our tax structure that probably most of them voted for.

□ 1220

But when it's convenient for them, they call it a loophole, and let me say also that my colleague from California was absolutely right. The staff from the Ways and Means Committee says this bill is definitely not the same as bills we've seen before. There are items in here that have not been in any other legislation in this session.

Mr. Speaker, if we look at the rule before us, we might wonder what mystical legislation would prompt the ruling liberal Democrat regime to resort to such authoritarian tactics being proposed by this rule. Unfortunately, the answer isn't anything American job seekers want to hear but, rather, a rehash of the tired, old, failed destructive policies of this regime who are apparently scared to death that the American people are seeing through their partisan schemes.

While this bill does contain some Federal taxpayer funds to bailout States for infrastructure, they are coupled with tax increases that will be added to the unconscionable liberal tax policy that will bleed the American economy of desperately needed private sector jobs.

Not only does the bill write a blank check by authorizing such sums as necessary—and let me point out to the American people, “such sums” means a blank check. It means they can spend as much as they want to. Here we have the largest deficit in our history, and yet, they're writing another blank check to bureaucrats. But one of the most telling provisions in the bill simply assigns a more politically palatable title to an expensive Federal welfare fund. Indeed, title II, section 201(a)(1) of the bill changes the name of the Emergency Contingency Fund for State Temporary Assistance for Needy Family Programs to the Emergency Fund for Job Creation and Assistance. And again, for those not versed in Washington double-speak, State Temporary Assistance For Needy Families Programs is Washington double-speak for welfare money. This was a welfare bill, part of it was, and it continues to be one, no matter the title.

Apparently our liberal friends on the other side of the aisle are so motivated to create another permanent Federal welfare benefit they simply cannot tolerate the word “temporary” being in the title of their beloved welfare fund. The new title also highlights the misnomer of suggesting that increasing unemployment benefits will increase employment or, as Speaker PELOSI recently put it, growing unemployment benefits “creates jobs faster than almost any other initiative you can name.”

Renowned economist Arthur Laffer wrote in the July 8, 2010, Wall Street

Journal that: “The Democratic argument also ignores the impact of unemployment benefits on employer costs. Employers don't usually hire people to assuage their consciences. They hire people to make after-tax profits. And if workers require more pay because of higher unemployment benefits, employers will hire fewer employees.”

Mr. Speaker, this bill is going to redistribute wealth. That is what our colleagues across the aisle are so good at doing. And again, as Mr. Laffer pointed out, “The government doesn't create resources.” There's always a zero sum game. There's no stimulus given from unemployment benefits.

“To see these effects clearly, imagine a two person economy in which one of the two people is paid for being unemployed. From whom do you think the unemployment benefits are taken? The other person obviously. While the one person who is unemployed may ‘buy’ more as a result of unemployment benefits, the other person from whom the unemployment benefits are taken will ‘buy’ less. There is no stimulus for the economy.”

If unending expansion of Federal welfare benefits is the liberal plan for creating private sector jobs, I'm frightened to imagine what success looks like to them. It's my hope that this Election Day, or ideally before, that the ruling liberal Democrats learn the lesson that, “When you're in a hole, stop digging.”

Mr. Speaker, at this time I'd like to say The Washington Times had it right on March 3, 2010. Every bill that comes before the House these days is called a jobs bill. The title was, “Lawmakers cry ‘jobs’ to push through bills.” That's what we see happening over and over and over and over again by our colleagues. Again, they can't stand to say that they're increasing welfare in this country. They're trying to say this is creating jobs. It's not going to create jobs, Mr. Speaker.

We can start today, though, by rejecting this rule, rejecting the underlying bill and doing something about real jobs.

Mr. Speaker, I would like to insert The Washington Times article into the RECORD.

[From The Washington Times, Mar. 3, 2010]
LAWMAKERS CRY “JOBS” TO PUSH THROUGH
BILLS

(By Stephen Dinan)

It was a modest measure to designate several thousand beachfront acres of St. Croix as a National Historic Site, but in the hands of a skilled congressman such as Rep. Nick J. Rahall II, it became yet another jobs bill.

Likewise the Travel Promotion Act, which would create a nonprofit group to push U.S. tourism, has been billed as a job-producing machine by Senate Majority Leader Harry Reid, Nevada Democrat.

It doesn't stop there—backers last week unveiled a bipartisan bill to create a visa category for entrepreneurs, predicting it “will create jobs in America.”

From immigration to clean energy to expanding the social safety net, there's no better way to grease the skids for new government programs in Washington nowadays than to declare them job-producing bills, then watch supporters line up and potential opposition crumble.

When Mr. Reid dubbed as a jobs bill a simple \$15 billion measure to offer payroll tax breaks and continued highway construction funding, it helped head off a potential Republican filibuster. Likewise, the Trade Promotion Act, which would tout the U.S. as an international tourist destination, sailed through the Senate after it was tagged with the almighty jobs-bill moniker.

Given an unemployment rate hovering near 10 percent, the focus on jobs is not surprising.

House and Senate lawmakers raised the jobs issue on the chamber floors at least 154 times over the past week, and the jobs issue is more popular in Congress now than it has been in nearly two decades—since the 1991–92 recession.

President Obama joined the jobs chorus Tuesday, touting a \$6 billion plan to offer up to \$3,000 rebates for energy-efficiency home upgrades as “a common-sense approach that will help jump-start job creation.”

Mr. Obama, who used the word “jobs” 11 times in his 17-minute speech in Savannah, Ga., said the issue is dominating his time right now.

“When it comes to domestic policy, I have no more important a job as president than seeing to it that every American who wants to work and is able to work can find a job—and a job that pays a living wage,” he said.

On Monday, Republicans fought back the ever-broadening definition of what creates jobs. They told Democrats to quit trumpeting a \$104 billion bill on the Senate floor as a job creator and argued that it merely continues existing tax breaks and spending that are extended every year.

“The bill before us creates no new jobs, and I challenge my Democratic friends to show us how doing what we always do and what was done last year—extending the R&D tax credit, extending COBRA insurance, extending unemployment benefits—creates jobs,” said Sen. Jon Kyl, Arizona Republican.

Sen. Max Baucus, Montana Democrat, said saving jobs is just as important as creating them. If Congress allows tax cuts to expire, he said, jobs definitely would be lost.

“If the provisions we are seeking merely to extend were not passed, it would be a job destroyer,” Mr. Baucus said.

Members of both sides of the aisle are joining the chorus.

Sen. John Thune, South Dakota Republican, offered an amendment to the \$104 billion extenders bill that would redirect unspent money from last year's \$862 billion stimulus bill to let small businesses write off more investments and give them a capital-gains tax cut.

“True job creation doesn't happen when the government adds jobs; it grows when small businesses are given the incentives to thrive,” he said.

Meanwhile, the top Democrat and top Republican on the Senate Foreign Relations Committee are sponsoring the immigration bill to increase visas for entrepreneurs.

It's sometimes tough to see how the jobs math adds up.

The administration has estimated that the \$862 billion stimulus act would create up to 3.5 million jobs, which would seem like a bad deal if a \$15 billion highway funding extension could create 1 million jobs alone, as Mr. Reid has said on the Senate floor.

Mr. Reid also has said a health care overhaul "would create 400,000 jobs a year," and that his travel promotion bill "will create tens of thousands of jobs in the service industry."

"It is a jobs bill, and that is an understatement," he said.

Among the other job creators being touted, the beachfront historic site in the U.S. Virgin Islands stands out.

Democrats, arguing for the bill in January, said designating the site and spending the \$40 million or more to acquire the land will transform it into a popular tourist destination.

"It will create jobs and help ease unemployment on the island," said Mr. Rahall, the West Virginia Democrat who shepherded the bill through the House.

Dubious Republicans pointed out that the cost of a ticket from the U.S. to the island and the travel time make it unlikely that the new historic site would be a major economic draw.

"Let's quit spending like crazy. Let's sell off some of our assets, pay down our debt and let America find jobs again," said Rep. Louie Gohmert, Texas Republican.

Mr. Speaker, I want to go back to my comment about welfare because I think the American people thought that welfare was done away with many years ago in this country, but that simply isn't the case.

A document that was prepared by the Heritage Foundation and released September 16, 2009, provides a valuable perspective on the current state of welfare spending, and I'm going to be quoting from that document for several moments.

"Welfare spending has grown enormously since President Lyndon B. Johnson launched the War on Poverty. Welfare spending was 13 times greater in FY 2008, after adjusting for inflation, than it was when the War on Poverty started in 1964. Means-tested welfare spending was 1.2 percent of the gross domestic product, the GDP, when President Johnson began the War on Poverty. In 2008, it reached 5 percent of GDP. . . .

"Since the beginning of the War on Poverty, taxpayers have given \$15.9 trillion (in inflation-adjusted 2008 dollars) to means-tested welfare. In comparison, the cost of all other wars in U.S. history was \$6.4 trillion (in inflation-adjusted 2008 dollars)."

My colleague across the aisle wants to blame our deficit on the war, and yet, we're spending much, much more on welfare than we are spending on war, and we have done that since the sixties.

"In his first two years in office, President Barack Obama will increase annual Federal welfare spending by one-third, from \$522 billion to \$697 billion. The combined 2-year increase will equal almost \$263 billion. . . . After adjusting for inflation, this increase is two-and-a-half times greater than any previous increase in Federal welfare spending in U.S. history. As a share of the economy, annual Federal welfare spending will rise by roughly 1.2 percent of GDP."

Americans are already frightened to death of our deficit. Now they're going to see why a large part of that deficit is here.

"While campaigning for the Presidency, Obama lamented that 'the war in Iraq is costing each household about \$100 per month.'" Let me say that again. "The war in Iraq is costing each household about \$100 per month," President Obama said.

□ 1230

Applying the same standard to means-tested welfare spending means that welfare will cost each household \$560 per month in 2009 and \$638 per month in 2010."

Go on and make all your comparisons you want to about how much is being spent on the war. Keeping this Nation safe is the role of the Federal Government.

"Most of Obama's increases in welfare spending are permanent expansions of the welfare state, not temporary increases in response to the current recession. According to the long-term spending plans set forth in Obama's FY 2010 budget, combined Federal and State spending will not drop significantly after the recession ends. In fact, by 2014, welfare spending is likely to equal \$1 trillion per year."

According to President Obama's budget projections, Federal and State welfare spending will total \$10.3 trillion over the next 10 years, FY 2009 to FY 2018. This spending will equal \$250,000 for each person currently living in poverty in the U.S., or \$1 million for a family of four.

"Over the next decade, Federal spending will equal \$7.5 trillion, while State spending will reach \$2.8 trillion. These figures do not include any of the increases in health care expenditure currently being debated in Congress." This was written in 2009 before the health care bill was passed.

"In the years ahead, average annual welfare spending will be roughly twice the spending levels under President Bill Clinton after adjusting for total inflation. Total means-tested spending is likely to average 6 percent of GDP for the next decade."

I am ending my quote of the Heritage article.

Mr. Speaker, the American people are frightened to death. That's what I hear every weekend when I go home, frightened to death about the direction of this country. They can identify the fact that we are spending too much. It's helpful to show them where some of that money is going and to balance out the misinformation our colleagues are giving out across the aisle about this issue.

Mr. Speaker, this rule and this bill need to be rejected. I could go on and on about the jobs situation. We know full well that our colleagues like to brag about how many jobs that they have created.

I am only going to show a couple of posters because we talk about this a lot, but I think it's very, very important to do it. I would like to show the job increases and jobs lost across the Presidencies of President Bush and President Obama.

If we look at this, we will see that from the time President Bush came in, there was a drop in job growth right after 9/11, but then there was a 46-month steady increase of jobs up to 8.1 million. If you look at President Obama's administration, there has been a loss of over 3 million jobs.

Now, I know our friends can count this lots of different ways. Another way that Scott Hennessey has said we should do it is to look at the average unemployment rate during a President's time in office. This clearly shows that under President Obama our average unemployment rate has been 9.5 percent, under President Bush, 5.3 percent. I think that tells the tale. So they can talk about creating jobs; they can talk about all their wonderful policies.

All their wonderful policies have created this hole that we are in. They should stop digging, Mr. Speaker, instead of continuing to dig.

The evidence is here, Mr. Speaker. The liberal Democrat agenda has failed. They need to go back to the drawing board and come back to the American people with real solutions to the real problems of the American people.

This isn't time to dither and blame the Republican minority for the disappointing collapse of governance we have seen since the liberal regime seized control of Congress in 2007, or blame President Bush for everything bad that they have done.

Mr. Speaker, I will point out again that this bill is a welfare emergency fund expansion. H.R. 5893 will add \$5 billion to the welfare emergency fund, doubling this fund the Democrats created in their 2009 stimulus bill, again, an example of the fact that the stimulus has failed miserably.

The Democrats' welfare emergency fund expansion would especially benefit States that have increased welfare case loads and spending on welfare most. The new welfare money will be paid to States in FY 2011, a third fiscal year since this welfare emergency fund started.

Democrats are trying to re-brand this welfare emergency fund to seem to be all about jobs. It's not.

After calling it the emergency contingency fund for State Temporary Assistance for Needy Family Programs for the last 2 years, Democrats now propose to rename this program the Emergency Fund for Job Creation and Assistance, but only 25 percent of the \$4 billion in welfare emergency funds has been spent on jobs.

I urge a "no" vote on the bill, Mr. Speaker, and on the rule.

I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, would you be kind enough to tell me how much time I have remaining.

The SPEAKER pro tempore. The gentleman has 14 minutes remaining.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Mr. Speaker, you know, Paul Krugman wrote an article in The New York Times sometime back, and he is the Nobel Prize winning economist. On July 20 he talked about "Tax Cut Truthiness."

Without reading the entire article, he cites to Erick Erickson and says, "But I think we have part of the key to how

Republicans can believe that returning to the Bush agenda is exactly what we need: they've invented themselves an alternate history in which wonderful things happened under Bush, and earlier booms have been sent down the memory hole."

Now, I have had the good fortune of being here in the minority and in the majority. I served 8 years under President Bush in the minority. I also served 8 years during the Clinton administration.

My late mom had a statement about all of us as politicians. She used to say, if you are going to say that George H.W. Bush did it, then you have to say that Jimmy Carter did it and then

somebody else will say that Reagan did it. She said why don't you all just admit it that George Washington did it and get it over with so as how you don't have to keep pointing fingers at each other.

My distinguished colleague from North Carolina just certainly misspoke and didn't mean to when she said that this particular measure isn't scored.

Mr. Speaker, I submit for the RECORD the Preliminary CBO Estimate of Changes in Revenue and Direct Spending of the Investing in America Jobs and Closing Tax Loopholes Act of 2010. I might add that it points out that it is revenue neutral, as I said previously.

**Preliminary CBO Estimate of Changes in Revenues and Direct Spending of
the Investing in American Jobs and Closing Tax Loopholes Act of 2010**

Version: F:\VHLC\072810\072810.211.xml; July 28, 2010 (1:55 p.m.)

(Millions of dollars, by fiscal year)																	July 28, 2010
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-2014	2010-2015	2010-2019	2010-2020		
CHANGES IN REVENUES																	
TOTAL CHANGES IN REVENUES ^a	0	993	2,460	3,100	3,121	5,137	1,518	3,302	3,262	3,243	3,218	9,672	14,809	26,128	29,346		
CHANGES IN DIRECT SPENDING																	
Title I -- Infrastructure Incentives																	
Budget Authority	0	554	2,090	2,871	2,871	2,871	2,871	2,871	2,871	2,871	2,871	8,385	11,256	22,738	25,609		
Estimated Outlays	0	554	2,090	2,871	2,871	2,871	2,871	2,871	2,871	2,871	2,871	8,385	11,256	22,738	25,609		
Title II -- Other Jobs Programs																	
Budget Authority	0	3,546	-39	-9	-1	0	0	0	0	0	0	3,498	3,498	3,498	3,498		
Estimated Outlays	0	2,634	670	160	17	10	7	0	0	0	0	3,480	3,490	3,497	3,497		
TOTAL CHANGES IN DIRECT SPENDING																	
Budget Authority	0	4,100	2,051	2,862	2,870	2,871	2,871	2,871	2,871	2,871	2,871	11,883	14,754	26,236	29,107		
Estimated Outlays	0	3,188	2,760	3,031	2,888	2,881	2,878	2,871	2,871	2,871	2,871	11,865	14,746	26,235	29,106		
NET INCREASE OR DECREASE (-) IN DEFICITS FROM REVENUES AND DIRECT SPENDING																	
NET CHANGES IN DEFICITS ^{b, c}	0	2,195	300	-69	-233	-2,256	1,360	-431	-391	-372	-347	2,193	-63	107	-240		

Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation.

Notes:

Components may not sum to totals because of rounding.

a. Negative numbers denote a decrease in federal revenues; positive numbers denote an increase in revenues.

b. Positive numbers denote an increase in the budget deficit; negative numbers denote a decrease in the deficit.

c. All effects are on-budget.

I am so glad that my colleague and I come from virtually all the same kinds of backgrounds, if you read her biography and you read my own. We also have been advantaged in this society by taking advantage of the opportunities that were presented to us.

But where we parted company somewhere along the line, well she didn't want, evidently, to give opportunity to those who have no opportunity. I have been taught all of my life to do everything I can for the least of these in society. Now, I heard her, and I agree that the role of government identified in the United States Constitution clearly points out that national security is the role, and a primary role, of the Congress.

But promoting the general welfare is also a role of Congress. When I see, as I do, at the pantry in Fort Lauderdale, them not having the funds to carry forward, when I see the food bank on Oakland Park, that's less than nine blocks from the office where I am privileged to serve the people of the State of Florida, when I see it robbed by thieves so that they can't help the needy, I know that out there somewhere are people that are hurting, and they are hurting that people need our help.

□ 1240

And they need our help whether it's from the Federal Government or the State government or the local government, they need our help. And to suggest by any stretch of the imagination that it is wrong for us to help those who are in need is anathema to my background. And that isn't because I am a liberal Democrat; that is because I am an American citizen who believes in America and who believes in all of its people, whether they are rich or whether they are poor.

Now, I don't believe at all that this YouCut project that my friends have created allows that States do anything less than be incentivized by using the temporary assistance for needy families. No less an authority than the former chairman of the National Republican Party, Haley Barbour, who is now a member of the National Governors Association—and I might add, support for this temporary assistance program is expected to and sought to be brought onboard by the National Governors Association; they support it, the National Conference of State Legislatures, they support it, and the National Association of Counties have all urged Congress to continue the TANF as a way to create jobs and assist families. Listen to what Haley—who I happen to know and I happen to think is a distinguished American and an outstanding Governor of Mississippi—listen to what Haley said on February 17. He said, I hope the program will be extended so more jobs could be created. Now that's a conservative for you.

Now my colleague on the other side, I have been very anxious and very con-

cerned that evidently people in this body do not understand how much Iraq cost this country. I did not vote for us to go to Iraq, and I am glad I didn't. I did not vote for the supplemental that we passed 2 days ago, and I am glad I didn't because it didn't include things that should have been included. I might add that I can't make Afghanistan make sense when I see the number of young Americans that are being killed in that particular theater. But I do know this: Joseph Stiglitz, who is a economics Nobel Laureate, claimed the Iraq war will cost the United States more than \$3 trillion, and he said the final tally is likely to climb much higher than that. There are others who believe that the conflicts in Iraq and Afghanistan have cost Americans a staggering \$1 trillion to date, second only, in inflation-adjusted dollars, to the \$4 trillion price tag for World War II. It cost us \$1.1 million per man and woman in uniform in Afghanistan. Now somebody make it make sense to me that it's all right for us to continue down that path while it's not all right for us to have temporary assistance for needy families.

Mr. Speaker, the legislation before us today is another tool that State and local governments can use to invest in infrastructure development and put much-needed cash and jobs into the economy. I am well aware that Republicans object to the expeditious nature of this legislation. However, the provisions in this legislation have already been debated and considered on numerous other occasions, and we do need to act quickly.

When we sent it, Mr. Speaker, to the United States Senate, these are the things that were included. My colleague began her remarks today by saying that it's outrageous. I find it interesting that she cited as one of the definitions of outrageous, "exceeding the limits of what is normal or tolerable." It also describes outrageous as "whatever is so flagrantly bad that one's sense of decency or one's power to suffer or tolerate is violated."

Now, I fall into that second category and believe that small business lending is not outrageous. That was what was sent to the Senate that Republicans said no about. I believe that infrastructure investments are not outrageous. Much of that that was sent to the Senate was what Republicans said no about.

Business tax relief; I certainly don't believe that that is outrageous, and that's what was stripped out in the United States Senate by Republicans and was not voted on by Republicans in this particular body.

Individual tax cuts. TANF jobs and emergency funding that we now have some of. Veterans concurrent receipt, I don't think that's outrageous. The National Housing Trust Fund, I don't think in a time of downturn in this

economy, with one out of every five Americans facing foreclosure or in foreclosure, I certainly don't think that that is outrageous. I don't think it's outrageous to hold harmless the provisions for low-income families in this country. They stripped out, by saying no, oil disaster response.

National Flood Insurance, something that has been around that has helped a lot of us all over America, they stripped that out. I don't think that it's outrageous that it was in there.

Mine safety—and we've seen what happened in West Virginia—I don't think taking that out was the right thing to do; I certainly don't think it was outrageous to leave it in there.

Federally declared disaster areas, where floods and drought and other matters have gone on. Agriculture disaster relief was taken out of this measure, and I'm here to believe that it was outrageous? Other expiring disaster relief programs were as well.

Now some of the things that are in there, some of the things that are in it that I don't think are outrageous: It extends the Build America Bonds program that everybody in this institution knows has been successful for State and local government. It makes additional allocation of recovery zone bonds to ensure that each local municipality receives the minimum allocation or equal to at least its share of national employment in December of 2009. I certainly don't think that's outrageous.

And I might add my colleague Mr. DREIER also referred, as did Dr. FOXX, to the outrageousness. I don't think it is outrageous to exclude bonds financing facilities that furnish water and sewage from State volume caps estimated to cost \$371 million over 10 years.

Is it outrageous to eliminate the cost imposed on State and local governments by the alternative minimum tax, estimated to cost \$224 million over 10 years? Is it outrageous to have new market tax credits? Is it outrageous to have emergency job fund creation and assistance, scheduled to expire on September 30, to extend that through 2011?

I don't think it's outrageous to suspend the recognition of foreign tax credits. And even though it is a legal entity in our law, as my colleague has said, I don't think it's outrageous that we close tax loopholes that allow American corporations to take American jobs abroad and cause this economy to continue to be exacerbated.

I don't think it's outrageous for us to offset the cost of this bill. However, the provisions in this legislation, as I indicated, have already been debated and considered on numerous other occasions. In fact, we have already pared down this legislation from the larger measure that I just talked about that the House already passed because the Senate could not get enough votes

from the Republicans for passage in their body.

Now, America can continue to put up with these people that drove us in the ditch and give them the keys if they want to and expect that if we return to that era, that we are going to have prosperity. I don't think so. I saw what happened. I believe Americans saw what happened.

The programs that we are considering are designed especially to assist the American people in times of economic hardship, just like the one our Nation is currently facing. We need to act to help Americans, not find evermore excuses not to help. Republicans have been consistently saying "no" on every jobs package and economic development legislation that we have put forward in this House of Representatives.

Mr. Speaker, Republicans in this Chamber are against everything coming their way from the Democratic side of the aisle. They want to block any job creation legislation in order to make Democrats look bad for the upcoming election, but they are doing so at the expense of the American people.

□ 1250

This legislation will help. This legislation does not add one nickel to the deficit and does not contain wasteful spending. Democrats are hard at work on an agenda to improve our economy, to create jobs, and to ensure that all Americans—all Americans—will be able to take advantage of opportunities and to have an opportunity to have opportunity as our economy recovers.

I hope that my colleagues on the Republican side of the aisle will unite with us to help Americans in these most difficult economic times.

Mr. Speaker, I am prepared to urge a "yes" vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR AN ADJOURNMENT OF THE SENATE

Mr. HASTINGS of Florida. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON RES. 307

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the Senate recesses or adjourns on any day from Thursday, August 5, 2010, through Saturday, August 14, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, September 13, 2010, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Majority Leader of the Senate or his designee, after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the Senate recesses or adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the Senate shall again stand recessed or adjourned pursuant to the first section of this concurrent resolution.

The SPEAKER pro tempore. The concurrent resolution is not debatable.

The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR AN ADJOURNMENT OF THE HOUSE

Mr. HASTINGS of Florida. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 308

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on any legislative day from Thursday, July 29, 2010, through Tuesday, August 3, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 14, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Speaker or her designee, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble at such place and time as she may designate if, in her opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the House adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

The SPEAKER pro tempore. The concurrent resolution is not debatable.

The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting House Concurrent Resolution 308 will be followed by 5-minute votes on:

Ordering the previous question on House Resolution 1569;

Adopting House Resolution 1569, if ordered;

Adopting House Resolution 1568; and Suspending the rules with regard to H.R. 3040.

The vote was taken by electronic device, and there were—yeas 231, nays 189, not voting 12, as follows:

[Roll No. 483]

YEAS—231

Ackerman	Eshoo	Lummis
Baca	Etheridge	Maloney
Baird	Farr	Markey (MA)
Baldwin	Fattah	Marshall
Barrow	Filner	Matheson
Bartlett	Flake	Matsui
Becerra	Frank (MA)	McCarthy (NY)
Berkley	Fudge	McCollum
Berman	Garamendi	McDermott
Berry	Gohmert	McGovern
Bishop (GA)	Gonzalez	McIntyre
Blumenauer	Gordon (TN)	McMahon
Boren	Grayson	Meek (FL)
Boswell	Green, Al	Meeks (NY)
Boucher	Green, Gene	Melancon
Boyd	Grijalva	Miller (NC)
Brady (PA)	Gutierrez	Miller, George
Braley (IA)	Hall (NY)	Mollohan
Brown, Corrine	Halvorson	Moore (KS)
Butterfield	Hare	Moore (WI)
Capps	Harman	Moran (VA)
Capuano	Hastings (FL)	Murphy (CT)
Cardoza	Heinrich	Nadler (NY)
Carnahan	Higgins	Napolitano
Carson (IN)	Hill	Neal (MA)
Castor (FL)	Himes	Oberstar
Chaffetz	Hinchev	Obey
Chandler	Hinojosa	Olson
Childers	Hirono	Olver
Chu	Hodes	Ortiz
Clarke	Holden	Owens
Clay	Holt	Pallone
Cleaver	Honda	Pascarell
Clyburn	Hoyer	Pastor (AZ)
Coffman (CO)	Inslee	Paul
Cohen	Israel	Payne
Conyers	Jackson (IL)	Perlmutter
Cooper	Jackson Lee	Peterson
Costa	(TX)	Pingree (ME)
Costello	Johnson (GA)	Polis (CO)
Courtney	Johnson (IL)	Pomeroy
Critz	Johnson, E. B.	Posey
Crowley	Jones	Price (NC)
Cuellar	Kagen	Quigley
Cummings	Kanjorski	Rahall
Dahlkemper	Kaptur	Reyes
Davis (AL)	Kennedy	Richardson
Davis (CA)	Kildee	Rodriguez
Davis (IL)	Kilpatrick (MI)	Ross
Davis (TN)	Kind	Rothman (NJ)
DeFazio	Kirkpatrick (AZ)	Roybal-Allard
DeGette	Kissell	Ruppersberger
Delahunt	Kucinich	Rush
DeLauro	Langevin	Ryan (OH)
Deutch	Larsen (WA)	Salazar
Dicks	Larson (CT)	Sánchez, Linda
Dingell	Lee (CA)	T.
Doggett	Levin	Sanchez, Loretta
Doyle	Lewis (GA)	Sarbanes
Driehaus	Lipinski	Schakowsky
Edwards (MD)	Loeb sack	Schiff
Edwards (TX)	Loftgren, Zoe	Schrader
Ehlers	Lowey	Schwartz
Ellison	Luetkemeyer	Scott (GA)
Engel	Luján	Scott (VA)

Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark

NAYS—189

Aderholt
Adler (NJ)
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Bean
Biggart
Billbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Coble
Cole
Conaway
Connolly (VA)
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Ellsworth
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foster

NOT VOTING—12

Akin
Andrews
Buyer
Hoekstra

□ 1323

Messrs. ARCURI and SESTAK changed their vote from “yea” to “nay.”

Messrs. JOHNSON of Illinois, BARTLETT of Maryland, INSLEE, GOHMERT, and Mrs. LUMMIS changed their vote from “nay” to “yea.”

Visclosky
Walz
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

Miller (MI)
Miller, Gary
Minnick
Mitchell
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Putnam
Radanovich
Rangel
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Sestak
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

Tiahrt
Wamp
Watson
Young (FL)

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5850, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore (Ms. LORETTA SANCHEZ of California). The unfinished business is the vote on ordering the previous question on House Resolution 1569, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 236, nays 179, not voting 17, as follows:

[Roll No. 484]

YEAS—236

Ackerman
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt

DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Fattah
Filner
Foster
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy

Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes

Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner

NAYS—179

Aderholt
Adler (NJ)
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggart
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foss

NOT VOTING—17

Akin
Andrews
Billbray
Buyer
Farr
Garamendi

Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). All Members have 1 minute to vote.

□ 1332

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. FOXX. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 231, noes 185, not voting 16, as follows:

[Roll No. 485]

AYES—231

Ackerman	Edwards (MD)	Lowey
Adler (NJ)	Edwards (TX)	Lujan
Altmire	Ellison	Maffei
Arcuri	Engel	Maloney
Baca	Eshoo	Markey (CO)
Baird	Etheridge	Markey (MA)
Baldwin	Fattah	Marshall
Barrow	Filner	Matsui
Bean	Frank (MA)	McCarthy (NY)
Becerra	Fudge	McCollum
Berkley	Garamendi	McDermott
Berman	Gonzalez	McGovern
Berry	Gordon (TN)	McIntyre
Bishop (GA)	Grayson	McMahon
Bishop (NY)	Green, Al	McNerney
Blumenauer	Green, Gene	Meek (FL)
Bocchieri	Grijalva	Meeks (NY)
Boren	Gutierrez	Melancon
Boswell	Hall (NY)	Michaud
Boucher	Halvorson	Miller (NC)
Boyd	Hare	Miller, George
Brady (PA)	Harman	Mollohan
Braley (IA)	Hastings (FL)	Moore (KS)
Brown, Corrine	Heinrich	Moore (WI)
Butterfield	Higgins	Moran (VA)
Capps	Himes	Murphy (CT)
Capuano	Hinchev	Murphy, Patrick
Cardoza	Hinojosa	Nadler (NY)
Carnahan	Hirono	Napolitano
Carney	Hodes	Neal (MA)
Carson (IN)	Holden	Oberstar
Castor (FL)	Holt	Obey
Chandler	Honda	Olver
Chu	Hoyer	Ortiz
Clarke	Inslee	Owens
Clay	Israel	Pallone
Cleaver	Jackson (IL)	Pascarell
Clyburn	Jackson Lee	Pastor (AZ)
Cohen	(TX)	Payne
Connolly (VA)	Johnson (GA)	Perlmutter
Conyers	Johnson, E. B.	Perriello
Cooper	Kagen	Peters
Costa	Kanjorski	Peterson
Costello	Kaptur	Pingree (ME)
Courtney	Kennedy	Polis (CO)
Critz	Kildee	Pomeroy
Cuellar	Kilpatrick (MI)	Price (NC)
Cummings	Kilroy	Rahall
Dahlkemper	Kind	Rangel
Davis (AL)	Kirkpatrick (AZ)	Reyes
Davis (CA)	Kissell	Richardson
Davis (IL)	Klein (FL)	Rodriguez
Davis (TN)	Kosmas	Rothman (NJ)
DeFazio	Kucinich	Roybal-Allard
DeGette	Langevin	Ruppersberger
Delahunt	Larsen (WA)	Rush
DeLauro	Larson (CT)	Ryan (OH)
Deutch	Lee (CA)	Salazar
Dicks	Levin	Sanchez, Linda
Dingell	Lewis (GA)	T.
Doggett	Lipinski	Sanchez, Loretta
Doyle	Loeb sack	Sarbanes
Driehaus	Lofgren, Zoe	

Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)

Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns

Tsongas
Van Hollen
Velazquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watt
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—185

Aderholt
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
E.
Djou
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster

Akin
Andrews
Crowley
Farr
Franks (AZ)
Hoekstra

NOT VOTING—16

Lynch
Moran (KS)
Nunes
Poe (TX)
Shadegg
Tiahrt

Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

Wamp
Watson
Waxman
Young (FL)

□ 1339

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5893, INVESTING IN AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 1568, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 233, nays 182, not voting 17, as follows:

[Roll No. 486]

YEAS—233

Ackerman	Doggett	Lee (CA)
Adler (NJ)	Donnelly (IN)	Levin
Altmire	Doyle	Lewis (GA)
Arcuri	Driehaus	Lipinski
Baca	Edwards (MD)	Loeb sack
Baird	Edwards (TX)	Lofgren, Zoe
Baldwin	Ellison	Lowey
Barrow	Engel	Lujan
Bean	Eshoo	Maffei
Becerra	Etheridge	Maloney
Berkley	Farr	Markey (CO)
Berman	Fattah	Markey (MA)
Berry	Filner	Marshall
Bishop (GA)	Foster	Matsui
Bishop (NY)	Frank (MA)	McCarthy (NY)
Blumenauer	Fudge	McCollum
Bocchieri	Garamendi	McDermott
Boren	Gonzalez	McGovern
Boswell	Gordon (TN)	McIntyre
Boucher	Grayson	McMahon
Boyd	Green, Al	McNerney
Brady (PA)	Green, Gene	Meek (FL)
Braley (IA)	Grijalva	Melancon
Brown, Corrine	Gutierrez	Michaud
Butterfield	Hall (NY)	Miller (NC)
Capps	Halvorson	Miller, George
Capuano	Hare	Mollohan
Cardoza	Harman	Moore (KS)
Carnahan	Hastings (FL)	Moore (WI)
Carney	Heinrich	Moran (VA)
Carson (IN)	Himes	Murphy (CT)
Castor (FL)	Hinchev	Murphy, Patrick
Chandler	Hinojosa	Nadler (NY)
Chu	Hirono	Napolitano
Clarke	Hodes	Neal (MA)
Cleaver	Holden	Oberstar
Clyburn	Holt	Obey
Cohen	Honda	Olver
Connolly (VA)	Hoyer	Ortiz
Conyers	Inslee	Owens
Cooper	Jackson (IL)	Pallone
Costa	Jackson Lee	Pascarell
Costello	(TX)	Pastor (AZ)
Courtney	Johnson (GA)	Payne
Critz	Johnson, E. B.	Perlmutter
Cuellar	Kagen	Perriello
Cummings	Kanjorski	Peters
Dahlkemper	Kaptur	Peterson
Davis (AL)	Kennedy	Pingree (ME)
Davis (CA)	Kildee	Polis (CO)
Davis (IL)	Kilpatrick (MI)	Pomeroy
Davis (TN)	Kilroy	Price (NC)
DeFazio	Kind	Quigley
DeGette	Kirkpatrick (AZ)	Rahall
Delahunt	Kissell	Rangel
DeLauro	Klein (FL)	Reyes
Deutch	Kosmas	Richardson
Dicks	Kucinich	Rodriguez
Dingell	Langevin	Ross
	Larsen (WA)	Rothman (NJ)
	Larson (CT)	Roybal-Allard

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes to vote.

Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter

NAYS—182

Aderholt
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxy

NOT VOTING—17

Akin
Andrews
Higgins
Hoekstra
Israel
Lynch

Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney

Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Watt
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

Wamp
Waters
Watson
Waxman
Young (FL)

□ 1347

So the resolution was agreed to.
The result of the vote was announced
as above recorded.
A motion to reconsider was laid on
the table.

SENIOR FINANCIAL
EMPOWERMENT ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3040) to prevent mail, telemarketing, and Internet fraud targeting seniors in the United States, to promote efforts to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud have on seniors, to educate the public, seniors, their families, and their caregivers about how to identify and combat fraudulent activity, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 335, nays 81, not voting 16, as follows:

[Roll No. 487]

YEAS—335

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bocchieri
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Butterfield
Calvert
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney

Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driebaus

Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel
E.
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McCotter
McCottum
McDermott
McGovern

NAYS—81

Baird
Barrett (SC)
Bartlett
Barton (TX)
Bean
Bishop (UT)
Blackburn
Boehner
Bono Mack
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Camp
Campbell
Cantor
Carter
Chaffetz
Coble
Coffman (CO)
Conaway
Duncan
Flake
Fleming

Foxy
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Graves (GA)
Hastings (WA)
Hensarling
Herger
Hunter
Inglis
Issa
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn
Latta
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McKeon

Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watt
Weiner
Welch
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth

Miller (FL)
Miller (MI)
Miller, Gary
Myrick
Nunes
Olson
Paul
Pence
Petri
Price (GA)
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Simpson
Stearns
Thompson (PA)
Thornberry

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

Tiberi	Walden	Wilson (SC)
Upton	Westmoreland	Young (AK)

NOT VOTING—16

Akin	Lynch	Wamp
Andrews	Moran (KS)	Watson
Frank (MA)	Schock	Waxman
Hoekstra	Shadegg	Young (FL)
Linder	Shuster	
Loeb	Tiahrt	

□ 1354

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. AKIN. Madam Speaker, on July 29, 2010, I was absent from the House and missed rollcall votes 483, 484, 485, 486 and 487. Had I been present, I would have voted "no" on rollcall 483, "no" on rollcall 484, "no" on rollcall 485, "no" on rollcall 486 and "yes" on rollcall 487.

GENERAL LEAVE

Mr. OLVER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on H.R. 5850.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore. Pursuant to House Resolution 1569 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5850.

□ 1355

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5850) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, with Mr. SNYDER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Massachusetts (Mr. OLVER) and the gentleman from Iowa (Mr. LATHAM) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, it is my privilege and pleasure to present the fiscal year 2011 Transportation, Housing and Urban Development, and Related Agencies appropriations bill to the House.

I want to thank all of the subcommittee members for their input and help with writing this bill. In particular, I would like to recognize my ranking member, TOM LATHAM, for his valuable insights during the 13 hearings the subcommittee held covering the budgets and the challenges facing transportation and housing. We do not always agree, but I greatly appreciate his partnership, and his input has made the bill better.

I also want to recognize the hard work of our staff, specifically on the minority side, Dena Baron—who I notice is soon to multiply—Matt McCardle and Doug Bobbitt, and on the majority side, Kate Hallahan, David Napoliello, Laura Hogshea, Sylvia Garcia, Patrick Hatch, Eve Goldsher, Kristin Palmer, and Blair Anderson. My ranking member and I are lucky to have such a dedicated staff who work amicably and respectfully together. They have spent many late nights putting this bill together, and we would not be here today without their hard work.

The committee-reported bill provides \$67.4 billion in discretionary resources, a decrease of \$500 million below the FY 2010 enacted level and more than \$1.3 billion below the President's request. Within an allocation that is 2 percent below the President's request, we have still been able to develop a bill that creates jobs through investments in infrastructure and supports families that have been hit the hardest by the foreclosure crisis. These targeted increases are possible because the bill makes a number of significant reductions from the budget request by not funding \$4.8 billion in new, unauthorized initiatives that were proposed by the administration, including the National Infrastructure Bank, the Choice Neighborhoods program, and a major program to transform how our 3,200 public housing authorities function.

□ 1400

Specifically within transportation, investments are targeted to areas that will create skilled jobs immediately and build the infrastructure that underpins future economic growth. The fact remains that our transportation network has great investment needs with aging highways, bridges, and transit systems, and an air traffic control system in desperate need of modernization. It is my belief that we can no longer defer investments in our transportation systems, which provide the foundation for our Nation's economy.

Specifically, the bill provides: \$45.2 billion for the Federal Highway Administration, which is an increase of \$3.9 billion above the President's request,

that will allow States to complete additional infrastructure projects, spur the economy, and create approximately 142,000 new jobs.

It provides \$11.3 billion for public transportation programs, an increase in total budgetary resources of \$508 million above the President's request, in order to help address the nearly \$80 billion maintenance backlog needed to meet a state of good repair on the Nation's fixed guideway and bus systems.

It provides a total of \$3.2 billion for Amtrak, the High-Speed Intercity Passenger Rail program, and investments in Positive Train Control. This includes a \$127.5 million increase for the first year of Amtrak's fleet plan that will support the development of a domestic manufacturing base for locomotives and railcars, and it provides \$1.16 billion for NextGen, to modernize our outdated air traffic control system, which will reduce operational costs and allow airlines to utilize our airspace more efficiently.

Within housing, we were able to use a portion of the savings, which I mentioned above, to fill holes where the President eliminated or deeply cut vital programs, including:

Restoring funding to construct housing units for the elderly and disabled to their fiscal 2010 levels;

Restoring \$75 million for 10,000 new VASH housing vouchers, which continues Congress' commitment to homeless veterans;

Providing \$200 million for HOPE VI to rehabilitate the most severely distressed public housing communities in the Nation; and

Restoring \$455 million to the Public Housing Capital Fund to help Public Housing Authorities make critical repairs and improvements to public housing units. Every dollar invested in this program returns over \$2 to the local economies and to the construction industry.

This bill also recognizes that, as the foreclosure crisis continues and with experts estimating that a record 1 million households will lose homes in 2010, access to supportive services is critical.

To that extent, the bill continues the National Reinvestment Corporation's Foreclosure Mitigation Counseling program, because homeowners who receive such counseling through this program are 60 percent more likely to avoid foreclosure than those who do not use such aid. It provides \$2.2 billion for homeless assistance grants to shelter families forced from their homes, and it takes a strong step forward in our commitment to reducing chronic homelessness.

Overall, HUD programs are maintained at levels that will ensure affordable housing opportunities are available as families recover from the economic downturn.

More broadly, this bill recognizes that the current paradigm in which affordable housing is connected to

unaffordable commutes is unsustainable for families' budgets. As such, the bill provides \$677 million to coordinate transportation and infrastructure investments with the availability of housing and community services in order to decrease transportation costs, improve access to jobs and services, promote healthy communities, and enhance community connectivity.

Finally, I expect many Members to come before this body today to talk about reducing spending and the moral

imperative of not leaving a deficit for future generations. Let me remind everyone that the investments in this bill address another looming deficit, specifically our transportation and housing infrastructure deficit.

The Department of Transportation's most recent Conditions and Performance Report indicates there is an annual investment gap of \$26.9 billion to maintain our current system of highways and bridges and an annual gap of \$95.9 billion to improve the system.

Every dollar deferred today will catch up to the next generation in the form of falling bridges, broken roads, deteriorating housing, and an economy choked by congestion.

In conclusion, we worked hard to balance many competing needs to produce a bill that reflects the bipartisan needs of transportation and housing and that puts Americans back to work. I am pleased with the product, and I urge Members to support it.

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2011 (H.R. 5850)
 (Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF TRANSPORTATION					
Office of the Secretary					
Salaries and expenses.....	102,686	117,000	111,615	+8,929	-5,385
Immediate Office of the Secretary.....	(2,631)	(2,667)	(2,667)	(+36)	---
Immediate Office of the Deputy Secretary.....	(986)	(1,000)	(1,000)	(+14)	---
Office of the General Counsel.....	(20,359)	(19,711)	(19,711)	(-648)	---
Office of the Under Secretary of Transportation for Policy.....	(11,100)	(13,568)	(12,015)	(+915)	(-1,553)
Office of the Assistant Secretary for Budget and Programs.....	(10,559)	(20,022)	(19,522)	(+8,963)	(-500)
Office of the Assistant Secretary for Governmental Affairs.....	(2,504)	(2,530)	(2,530)	(+26)	---
Office of the Assistant Secretary for Administration.....	(25,520)	(25,695)	(25,695)	(+175)	---
Office of Public Affairs.....	(2,055)	(2,240)	(2,240)	(+185)	---
Office of the Executive Secretariat.....	(1,658)	(1,683)	(1,683)	(+25)	---
Office of Small and Disadvantaged Business Utilization.....	(1,499)	(1,513)	(1,513)	(+14)	---
Office of Intelligence, Security, and Emergency Response.....	(10,600)	(10,999)	(10,999)	(+399)	---
Office of the Chief Information Officer.....	(13,215)	(22,995)	(19,663)	(+6,448)	(-3,332)
Acquisition workforce capacity and capabilities....	---	7,623	7,623	+7,623	---
Subtotal.....	102,686	124,623	119,238	+16,552	-5,385
National infrastructure development.....	600,000	---	400,000	-200,000	+400,000
Livable communities initiative.....	---	20,000	20,000	+20,000	---
Financial management capital.....	5,000	21,000	18,500	+13,500	-2,500
Office of Civil Rights.....	9,667	9,767	9,767	+100	---
Cyber security initiatives.....	---	30,000	28,188	+28,188	-1,812
Transportation planning, research, and development....	16,168	9,819	9,819	-6,349	---
Maritime study.....	2,000	---	---	-2,000	---
Working capital fund.....	(147,596)	---	(148,096)	(+500)	(+148,096)
Minority business resource center program.....	923	913	913	-10	---
(Limitation on guaranteed loans).....	(18,367)	---	(18,367)	---	(+18,367)
Minority business outreach.....	3,074	3,395	3,395	+321	---
Payments to air carriers (Airport & Airway Trust Fund)	150,000	132,000	146,000	-4,000	+14,000
Total, Office of the Secretary.....	889,518	351,517	755,820	-133,698	+404,303
National Infrastructure Innovation and Finance Fund					
National infrastructure innovation and finance fund program account.....	---	4,000,000	---	---	-4,000,000
Federal Aviation Administration					
Operations.....	9,350,028	9,793,000	9,793,000	+442,972	---
Air traffic organization.....	(7,299,299)	---	(7,630,628)	(+331,329)	(+7,630,628)
Aviation safety.....	(1,234,065)	---	(1,304,486)	(+70,421)	(+1,304,486)
Commercial space transportation.....	(15,237)	---	(16,747)	(+1,510)	(+16,747)
Financial services.....	(113,681)	---	(114,784)	(+1,103)	(+114,784)
Human resource management.....	(100,428)	---	(103,297)	(+2,869)	(+103,297)
Region and center operations.....	(341,977)	---	(361,354)	(+19,377)	(+361,354)
Staff offices.....	(196,063)	---	(208,994)	(+12,931)	(+208,994)
Information services.....	(49,278)	---	(53,360)	(+4,082)	(+53,360)
Facilities & equipment (Airport & Airway Trust Fund)...	2,936,203	2,970,000	3,000,000	+63,797	+30,000
Research, engineering, and development (Airport & Airway Trust Fund.....	190,500	190,000	198,000	+7,500	+8,000

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2011 (H.R. 5850)
 (Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
Grants-in-aid for airports (Airport and Airway Trust Fund)					
(Liquidation of contract authorization).....	(3,000,000)	(3,550,000)	(3,550,000)	(+550,000)	---
(Limitation on obligations).....	(3,515,000)	(3,515,000)	(3,515,000)	---	---
Administration.....	(93,422)	(100,208)	(99,708)	(+6,286)	(-500)
Airport Cooperative Research Program.....	(15,000)	(15,000)	(15,000)	---	---
Airport technology research.....	(22,472)	(27,217)	(27,417)	(+4,945)	(+200)
Small community air service development program...	(6,000)	---	---	(-6,000)	---
Rescission of contract authority (BY AIP).....	-394,000	---	---	+394,000	---
Subtotal.....	(3,121,000)	(3,515,000)	(3,515,000)	(+394,000)	---
Total, Federal Aviation Administration.....					
Appropriations.....	12,082,731	12,953,000	12,991,000	+908,269	+38,000
Rescissions of contract authority.....	(12,476,731)	(12,953,000)	(12,991,000)	(+514,269)	(+38,000)
(Limitations on obligations).....	(-394,000)	---	---	(+394,000)	---
(Limitations on obligations).....	(3,515,000)	(3,515,000)	(3,515,000)	---	---
Total budgetary resources.....	(15,597,731)	(16,468,000)	(16,506,000)	(+908,269)	(+38,000)
Federal Highway Administration					
Limitation on administrative expenses.....	(413,533)	(420,843)	(428,843)	(+15,310)	(+8,000)
Federal-aid highways (Highway Trust Fund):					
(Liquidation of contract authorization).....	(41,846,000)	(42,102,000)	(45,956,700)	(+4,110,700)	(+3,854,700)
(Limitation on obligations).....	(41,107,000)	(41,362,775)	(45,217,700)	(+4,110,700)	(+3,854,925)
(Exempt contract authority).....	(739,000)	(739,000)	(739,000)	---	---
Surface transportation projects.....	292,829	---	---	-292,829	---
Rescission of contract authority (Highway Trust Fund)...	---	-263,131	---	---	+263,131
Administration (rescission of contract authority).....	---	---	-1,863	-1,863	-1,863
Highway related safety grants (rescission).....	---	---	-4	-4	-4
Miscellaneous appropriations and miscellaneous highway trust funds (rescission).....	---	---	-33,906	-33,906	-33,906
Additional highway investment.....	650,000	---	---	-650,000	---
Total, Federal Highway Administration.....	942,829	-263,131	-35,773	-978,602	+227,358
Appropriations.....	(942,829)	---	---	(-942,829)	---
Rescissions of contract authority.....	---	(-263,131)	(-1,863)	(-1,863)	(+261,268)
Rescissions.....	---	---	(-33,910)	(-33,910)	(-33,910)
(Limitations on obligations).....	(41,107,000)	(41,362,775)	(45,217,700)	(+4,110,700)	(+3,854,925)
(Exempt contract authority).....	(739,000)	(739,000)	(739,000)	---	---
Total budgetary resources.....	(42,049,829)	(41,099,644)	(45,181,927)	(+3,132,098)	(+4,082,283)
Federal Motor Carrier Safety Administration					
Motor carrier safety operations and programs (Highway Trust Fund)					
(Liquidation of contract authorization).....	(239,828)	(259,878)	(259,878)	(+20,050)	---
(Limitation on obligations).....	(239,828)	(259,878)	(259,878)	(+20,050)	---
Motor carrier safety grants (Highway Trust Fund)					
(Liquidation of contract authorization).....	(310,070)	(310,070)	(310,070)	---	---
(Limitation on obligations).....	(310,070)	(310,070)	(310,070)	---	---
Motor carrier safety grants (HTF) (rescission of contract authority).....					
Motor carrier safety (HTF) (rescission of contract authority).....	-1,611	---	---	+1,611	---
National motor carrier safety program (HTF) (rescission of contract authority).....	-6,416	---	-7,330	-914	-7,330
(rescission of contract authority).....	-3,233	---	-15,076	-11,843	-15,076
Total, Federal Motor Carrier Safety Administration.....	-11,260	---	-22,406	-11,146	-22,406
(Limitations on obligations).....	(549,898)	(569,948)	(569,948)	(+20,050)	---
Total budgetary resources.....	(538,638)	(569,948)	(547,542)	(+8,904)	(-22,406)

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2011 (H.R. 5850)
 (Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Highway Traffic Safety Administration					
Operations and research (general fund).....	140,427	132,837	148,127	+7,700	+15,290
Operations and research (Highway Trust Fund)					
(Liquidation of contract authorization).....	(105,500)	(117,376)	(110,073)	(+4,573)	(-7,303)
(Limitation on obligations).....	(105,500)	(117,376)	(110,073)	(+4,573)	(-7,303)
Subtotal.....	(245,927)	(250,213)	(258,200)	(+12,273)	(+7,987)
National driver register (Highway Trust Fund)					
(Liquidation of contract authorization).....	(4,000)	(4,170)	(4,170)	(+170)	---
(Limitation on obligations).....	(4,000)	(4,170)	(4,170)	(+170)	---
National driver register modernization.....	3,350	2,530	2,530	-820	---
Highway traffic safety grants (Highway Trust Fund)					
(Liquidation of contract authorization).....	(619,500)	(620,697)	(626,328)	(+6,828)	(+5,631)
(Limitation on obligations).....	(619,500)	(620,697)	(626,328)	(+6,828)	(+5,631)
Highway safety programs (23 USC 402).....	(235,000)	(235,000)	(235,000)	---	---
Occupant protection incentive grants (23 USC 405)	(25,000)	(25,000)	(25,000)	---	---
Safety belt performance grants (23 USC 406).....	(124,500)	(124,500)	(124,500)	---	---
(Distracted driving prevention grants).....	---	(50,000)	(50,000)	(+50,000)	---
State traffic safety information system					
improvement grants (23 USC 408).....	(34,500)	(34,500)	(34,500)	---	---
Alcohol-impaired driving countermeasures					
grants (23 USC 410).....	(139,000)	(139,000)	(139,000)	---	---
Grant administration.....	(18,500)	(19,697)	(25,328)	(+6,828)	(+5,631)
High visibility enforcement.....	(29,000)	(29,000)	(29,000)	---	---
Child safety and booster seat grants.....	(7,000)	(7,000)	(7,000)	---	---
Motorcyclist safety.....	(7,000)	(7,000)	(7,000)	---	---
Operations and research (rescission of contract					
authority) (S Sec 142).....	-2,299	---	---	+2,299	---
Highway traffic safety grants (rescission of					
contract authority) (H Sec 142) (S Sec 144).....	-14,004	---	-7,907	+6,097	-7,907
Total, National Highway Traffic Safety Admin....	127,474	135,367	142,750	+15,276	+7,383
Appropriations.....	(143,777)	(135,367)	(150,657)	(+6,880)	(+15,290)
Rescissions of contract authority.....	(-16,303)	---	(-7,907)	(+8,396)	(-7,907)
(Limitations on obligations).....	(729,000)	(742,243)	(740,571)	(+11,571)	(-1,672)
Total budgetary resources.....	(856,474)	(877,610)	(883,321)	(+26,847)	(+5,711)
Federal Railroad Administration					
Federal railroad operations.....	---	153,846	---	---	-153,846
Offsetting fee collections.....	---	-25,000	---	---	+25,000
Direct appropriation.....	---	128,846	---	---	-128,846
Safety and operations.....	172,270	---	203,348	+31,078	+203,348
Railroad research and development.....	37,613	40,000	40,000	+2,387	---
Rail line relocation and improvement program.....	34,532	---	---	-34,532	---
Railroad safety technology.....	50,000	---	75,000	+25,000	+75,000
Railroad safety.....	---	49,502	---	---	-49,502
Capital assistance for high speed rail corridors and					
intercity passenger rail service.....	2,500,000	1,000,000	1,400,000	-1,100,000	+400,000
National Railroad Passenger Corporation:					
Operating grants to the National Railroad					
Passenger Corporation.....	563,000	563,000	563,000	---	---
Office of Inspector General.....	---	22,000	---	---	-22,000
Capital and debt service grants to the National					
Railroad Passenger Corporation.....	1,001,625	1,052,000	1,203,500	+201,875	+151,500
Total, Federal Railroad Administration.....	4,359,040	2,855,348	3,484,848	-874,192	+629,500

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2011 (H.R. 5850)
 (Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Transit Administration					
Administrative expenses.....	98,911	113,559	130,698	+31,787	+17,139
(Rail transit safety oversight program).....	---	---	(24,139)	(+24,139)	(+24,139)
Technical assistance and workforce development.....	---	28,647	---	---	-28,647
Formula and Bus Grants (Hwy Trust Fund, Mass Transit Account (Liquidation of contract authorization).....	(9,400,000)	---	(9,200,000)	(-200,000)	(+9,200,000)
(Limitation on obligations).....	(8,343,171)	---	(8,961,348)	(+618,177)	(+8,961,348)
Transit Formula Grants (Hwy Trust Fund, Mass Transit Account (Liquidation of contract authorization).....	---	(9,200,000)	---	---	(-9,200,000)
(Limitation on obligations).....	---	(8,271,700)	---	---	(-8,271,700)
Greenhouse gas and energy reduction (Limitation on obligations).....	---	(52,743)	---	---	(-52,743)
Livable communities (Limitation on obligations).....	---	(306,905)	---	---	(-306,905)
Rail transit safety oversight program.....	---	24,139	---	---	-24,139
Research and University Research Centers.....	65,670	29,729	65,376	-294	+35,647
Capital investment grants.....	2,000,000	1,822,112	2,000,000	---	+177,888
Energy efficiency and greenhouse gas reduction grants. Washington Metropolitan Area Transit Authority capital and preventive maintenance.....	75,000	---	---	-75,000	---
	150,000	150,000	150,000	---	---
Total, Federal Transit Administration.....	2,389,581	2,168,186	2,346,074	-43,507	+177,888
(Limitations on obligations).....	(8,343,171)	(8,631,348)	(8,961,348)	(+618,177)	(+330,000)
Total budgetary resources.....	(10,732,752)	(10,799,534)	(11,307,422)	(+574,670)	(+507,888)
Saint Lawrence Seaway Development Corporation					
Operations and maintenance (Harbor Maintenance Trust Fund).....	32,324	32,150	33,868	+1,544	+1,718
Maritime Administration					
Maritime security program.....	174,000	174,000	174,000	---	---
Operations and training.....	149,750	164,353	169,353	+19,603	+5,000
Ship disposal.....	15,000	10,000	10,000	-5,000	---
Assistance to small shipyards.....	15,000	---	---	-15,000	---
Maritime Guaranteed Loan (Title XI) Program Account: Administrative expenses.....	4,000	3,688	3,688	-312	---
Guaranteed loans subsidy.....	5,000	---	---	-5,000	---
Subtotal.....	9,000	3,688	3,688	-5,312	---
Total, Maritime Administration.....	362,750	352,041	357,041	-5,709	+5,000
Pipeline and Hazardous Materials Safety Administration					
Administrative expenses:					
General Fund.....	20,493	21,744	21,744	+1,251	---
Pipeline Safety Fund.....	639	639	639	---	---
Pipeline Safety information grants to communities.	(1,000)	(1,000)	(1,000)	---	---
Subtotal.....	21,132	22,383	22,383	+1,251	---
Hazardous materials safety.....	37,994	40,434	40,434	+2,440	---
Pipeline safety:					
Pipeline Safety Fund.....	86,334	92,206	92,206	+5,872	---
Oil Spill Liability Trust Fund.....	18,905	18,905	18,905	---	---
Subtotal.....	105,239	111,111	111,111	+5,872	---

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2011 (H.R. 5850)
 (Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
Emergency preparedness grants:					
Limitation on emergency preparedness fund.....	(28,318)	(28,318)	(28,318)	---	---
(Emergency preparedness fund).....	(188)	(188)	(188)	---	---
Total, Pipeline and Hazardous Materials Safety Administration.....	192,683	202,246	202,246	+9,563	---
Research and Innovative Technology Administration					
Research and development.....	13,007	17,200	18,900	+5,893	+1,700
Office of Inspector General					
Salaries and expenses.....	75,114	79,772	86,406	+11,292	+6,634
Surface Transportation Board					
Salaries and expenses.....	29,066	25,988	31,249	+2,183	+5,261
Offsetting collections.....	-1,250	-1,250	-1,250	---	---
Total, Surface Transportation Board.....	27,816	24,738	29,999	+2,183	+5,261
Total, title I, Department of Transportation....	21,455,289	22,880,116	20,362,455	-1,092,834	-2,517,661
Appropriations.....	(21,876,852)	(23,143,247)	(20,428,541)	(-1,448,311)	(-2,714,706)
Rescissions.....	---	---	(-33,910)	(-33,910)	(-33,910)
Rescission of contract authority.....	(-421,563)	(-263,131)	(-32,176)	(+389,387)	(+230,955)
(Limitations on obligations).....	(54,244,069)	(54,821,314)	(59,004,567)	(+4,760,498)	(+4,183,253)
(Exempt contract authority).....	(739,000)	(739,000)	(739,000)	---	---
(Limitations).....	(28,318)	(28,318)	(28,318)	---	---
Total budgetary resources.....	(75,699,358)	(77,701,430)	(79,367,022)	(+3,667,664)	(+1,665,592)
TITLE II - DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Management and Administration					
Executive direction.....	26,855	30,265	30,265	+3,410	---
Administration, operations and management.....	537,011	538,552	538,552	+1,541	---
Acquisition workforce capacity and capabilities...	---	2,071	2,071	+2,071	---
Subtotal.....	537,011	540,623	540,623	+3,612	---
Personnel compensation and benefits:					
Public and Indian Housing.....	197,074	197,282	197,282	+208	---
Community Planning and Development.....	98,989	105,768	105,768	+6,779	---
Housing.....	374,887	395,917	395,917	+21,030	---
Office of the Government National Mortgage Association.....	11,095	10,902	10,902	-193	---
Policy Development and Research.....	21,138	23,588	23,588	+2,450	---
Fair Housing and Equal Opportunity.....	71,800	67,964	67,964	-3,836	---
Office of Healthy Homes and Lead Hazard Control...	7,151	6,762	6,762	-389	---
Subtotal.....	782,134	808,183	808,183	+26,049	---
Total, Management and Administration.....	1,346,000	1,379,071	1,379,071	+33,071	---

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2011 (H.R. 5850)
 (Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
Public and Indian Housing					
Tenant-based rental assistance:					
Renewals.....	16,339,200	17,310,000	17,080,000	+740,800	-230,000
Tenant protection vouchers.....	120,000	125,000	125,000	+5,000	---
Administrative fees.....	1,575,000	1,791,000	1,791,000	+216,000	---
Family self-sufficiency coordinators.....	60,000	60,000	60,000	---	---
Incremental family unification vouchers.....	15,000	---	---	-15,000	---
Veterans affairs supportive housing.....	75,000	---	75,000	---	+75,000
Sec. 811 Mainstream voucher renewals.....	---	113,663	113,663	+113,663	---
Disaster housing assistance program.....	---	66,000	66,000	+66,000	---
Homeless vouchers demonstration program.....	---	85,000	85,000	+85,000	---
Transformation initiative (transfer out).....	---	(-195,507)	(-100,000)	(-100,000)	(+95,507)
Subtotal (available this fiscal year).....	18,184,200	19,550,663	19,395,663	+1,211,463	-155,000
Advance appropriations.....	4,000,000	4,000,000	4,000,000	---	---
Less appropriations from prior year advances.....	-4,000,000	-4,000,000	-4,000,000	---	---
Total, Tenant-based rental assistance appropriated in this bill.....	18,184,200	19,550,663	19,395,663	+1,211,463	-155,000
Transforming rental assistance demonstration program..	---	350,000	---	---	-350,000
Public Housing Capital Fund.....	2,500,000	2,044,200	2,500,000	---	+455,800
Transformation initiative (transfer out).....	---	(-20,442)	---	---	(+20,442)
Public Housing Operating Fund.....	4,775,000	4,829,000	4,829,000	+54,000	---
Transformation initiative (transfer out).....	---	(-48,290)	(-48,290)	(-48,290)	---
Revitalization of severely distressed public housing..	200,000	---	200,000	---	+200,000
(Choice neighborhoods).....	(65,000)	---	---	(-65,000)	---
Choice neighborhoods.....	---	250,000	---	---	-250,000
Transformation initiative (transfer out).....	---	(-2,500)	---	---	(+2,500)
Native American housing block grants.....	700,000	580,000	700,000	---	+120,000
Transformation initiative (transfer out).....	---	(-5,800)	---	---	(+5,800)
Native Hawaiian housing block grant.....	13,000	10,000	10,000	-3,000	---
Transformation initiative (transfer out).....	---	(-100)	(-100)	(-100)	---
Indian housing loan guarantee fund program account....	7,000	9,000	9,000	+2,000	---
(Limitation on guaranteed loans).....	(919,000)	(994,000)	(994,000)	(+75,000)	---
Transformation initiative (transfer out).....	---	(-8)	(-8)	(-8)	---
Native Hawaiian loan guarantee fund program account....	1,044	---	1,044	---	+1,044
(Limitation on guaranteed loans).....	(41,504)	---	(41,504)	---	(+41,504)
Total, Public and Indian Housing.....	26,380,244	27,622,863	27,644,707	+1,264,463	+21,844
Community Planning and Development					
Housing opportunities for persons with AIDS.....	335,000	340,000	350,000	+15,000	+10,000
Transformation initiative (transfer out).....	---	(-3,400)	(-3,500)	(-3,500)	(-100)
Community development fund.....	4,450,000	4,380,100	4,352,100	-97,900	-28,000
Transformation initiative (transfer out).....	---	(-43,801)	(-43,521)	(-43,521)	(+280)
Community development loan guarantees (Section 108):					
(Limitation on guaranteed loans).....	(275,000)	(500,000)	(427,000)	(+152,000)	(-73,000)
Credit subsidy.....	6,000	---	10,000	+4,000	+10,000
Brownfields redevelopment.....	17,500	---	17,500	---	+17,500
HOME investment partnerships program.....	1,825,000	1,650,000	1,825,000	---	+175,000
Transformation initiative (transfer out).....	---	(-16,500)	---	---	(+16,500)
Self-help and assisted homeownership opportunity program.....	82,000	---	82,000	---	+82,000
Capacity building.....	---	60,000	---	---	-60,000
Transformation initiative (transfer out).....	---	(-600)	---	---	(+600)
Homeless assistance grants.....	1,865,000	2,055,000	2,200,000	+335,000	+145,000
Transformation initiative (transfer out).....	---	(-20,550)	---	---	(+20,550)
Total, Community Planning and Development.....	8,580,500	8,485,100	8,836,600	+256,100	+351,500

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2011 (H.R. 5850)
 (Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
Housing Programs					
Project-based rental assistance:					
Renewals.....	8,325,853	9,054,000	9,061,000	+735,147	+7,000
Contract administrators.....	232,000	322,000	315,000	+83,000	-7,000
Subtotal (available this fiscal year).....	8,557,853	9,376,000	9,376,000	+818,147	---
Transformation initiative (transfer out).....	---	(-89,760)	---	---	(+89,760)
Advance appropriations.....	393,672	400,000	400,000	+6,328	---
Less appropriations from prior year advances.....	-400,000	-393,672	-393,672	+6,328	---
Total, Project-based rental assistance appropriated in this bill.....	8,551,525	9,382,328	9,382,328	+830,803	---
Housing for the elderly.....	825,000	273,700	825,000	---	+551,300
Transformation initiative (transfer out).....	---	(-2,737)	---	---	(+2,737)
Housing for persons with disabilities.....	300,000	90,037	300,000	---	+209,963
Transformation initiative (transfer out).....	---	(-900)	---	---	(+900)
Housing counseling assistance.....	87,500	88,000	88,000	+500	---
Transformation initiative (transfer out).....	---	(-880)	(-880)	(-880)	---
Energy Innovation Fund.....	50,000	---	---	-50,000	---
Rental housing assistance.....	40,000	40,600	40,600	+600	---
Transformation initiative (transfer out).....	---	(-406)	(-406)	(-406)	---
Rent supplement (rescission).....	-72,036	-40,600	-40,600	+31,436	---
Manufactured housing fees trust fund.....	16,000	14,000	14,000	-2,000	---
Offsetting collections.....	-7,000	-7,000	-7,000	---	---
Transformation initiative (transfer out).....	---	(-70)	(-70)	(-70)	---
Subtotal.....	9,000	7,000	7,000	-2,000	---
Total, Housing Programs.....	9,790,989	9,841,065	10,602,328	+811,339	+761,263
Appropriations.....	(9,870,025)	(9,888,665)	(10,649,928)	(+779,903)	(+761,263)
Rescissions.....	(-72,036)	(-40,600)	(-40,600)	(+31,436)	---
Offsetting collections.....	(-7,000)	(-7,000)	(-7,000)	---	---
Federal Housing Administration					
FHA - Mutual mortgage insurance program account:					
(Limitation on guaranteed loans).....	(400,000,000)	(400,000,000)	(400,000,000)	---	---
(Limitation on direct loans).....	(50,000)	(50,000)	(50,000)	---	---
Offsetting receipts.....	---	-960,000	-960,000	-960,000	---
Proposed additional offsetting receipts (Sec. 211).....	---	-902,000	-902,000	-902,000	---
Positive credit subsidy (HECM).....	---	250,000	150,000	+150,000	-100,000
Administrative contract expenses.....	181,400	207,000	207,000	+25,600	---
Additional contract expenses.....	14,000	4,000	4,000	-10,000	---
Transformation initiative (transfer out).....	---	(-1,355)	(-1,355)	(-1,355)	---
Working capital fund (transfer out).....	(-70,794)	(-71,500)	(-71,500)	(-706)	---
Consumer education and outreach.....	7,500	---	---	-7,500	---
FHA - General and special risk program account:					
(Limitation on guaranteed loans).....	(15,000,000)	(20,000,000)	(20,000,000)	(+5,000,000)	---
(Limitation on direct loans).....	(20,000)	(20,000)	(20,000)	---	---
Offsetting receipts.....	-140,000	-315,000	-315,000	-175,000	---
Credit subsidy.....	8,600	---	---	-8,600	---
Right of first refusal.....	5,000	5,000	5,000	---	---
Total, Federal Housing Administration.....	76,500	-1,711,000	-1,811,000	-1,887,500	-100,000
Government National Mortgage Association (GNMA)					
Guarantees of mortgage-backed securities loan guarantee program account:					
(Limitation on guaranteed loans).....	(500,000,000)	(500,000,000)	(500,000,000)	---	---
Offsetting receipts.....	-720,000	-720,000	-720,000	---	---
Total, Gov't National Mortgage Association....	-720,000	-720,000	-720,000	---	---

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2011 (H.R. 5850)
 (Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
Policy Development and Research					
Research and technology.....	48,000	87,000	50,000	+2,000	-37,000
Fair Housing and Equal Opportunity					
Fair housing activities.....	72,000	61,100	72,000	---	+10,900
Transformation initiative (transfer out).....	---	(-611)	---	---	(+611)
Office of Lead Hazard Control and Healthy Homes					
Lead hazard reduction.....	140,000	140,000	140,000	---	---
Transformation initiative (transfer out).....	---	(-1,400)	(-1,400)	(-1,400)	---
Management and Administration					
Working capital fund.....	200,000	243,500	243,500	+43,500	---
(By transfer).....	(70,794)	(71,500)	(71,500)	(+706)	---
Office of Inspector General.....	125,000	122,000	122,000	-3,000	---
Transformation initiative.....	20,000	20,000	20,000	---	---
(By transfer).....	---	(455,617)	(199,530)	(+199,530)	(-256,087)
Total, Management and Administration.....	345,000	385,500	385,500	+40,500	---
(Grand total, Management and Administration)...	(1,691,000)	(1,764,571)	(1,764,571)	(+73,571)	---
Total, title II, Department of Housing and Urban Development					
Urban Development.....	46,059,233	45,570,699	46,579,206	+519,973	+1,008,507
Appropriations.....	(42,604,597)	(44,115,299)	(45,123,806)	(+2,519,209)	(+1,008,507)
Rescissions.....	(-72,036)	(-40,600)	(-40,600)	(+31,436)	---
Advance appropriations.....	(4,393,672)	(4,400,000)	(4,400,000)	(+6,328)	---
Offsetting receipts.....	(-860,000)	(-2,897,000)	(-2,897,000)	(-2,037,000)	---
Offsetting collections.....	(-7,000)	(-7,000)	(-7,000)	---	---
(By transfer).....	(70,794)	(527,117)	(271,030)	(+200,236)	(-256,087)
(Transfer out).....	(-70,794)	(-527,117)	(-271,030)	(-200,236)	(+256,087)
(Limitation on direct loans).....	(70,000)	(70,000)	(70,000)	---	---
(Limitation on guaranteed loans).....	(916,235,504)	(921,494,000)	(921,462,504)	(+5,227,000)	(-31,496)
TITLE III - OTHER INDEPENDENT AGENCIES					
Access Board.....	7,300	7,300	7,300	---	---
Federal Maritime Commission.....	24,135	25,498	25,300	+1,165	-198
National Transportation Safety Board salaries and expenses.....	98,050	100,400	104,232	+6,182	+3,832
Amtrak Office of Inspector General.....	19,000	---	22,000	+3,000	+22,000
Neighborhood Reinvestment Corporation.....	233,000	250,000	285,000	+52,000	+35,000
United States Interagency Council on Homelessness.....	2,450	2,680	2,680	+230	---
Total, title III, Other Independent Agencies....	383,935	385,878	446,512	+62,577	+60,634
Grand total (net)					
Appropriations.....	67,898,457	68,836,693	67,388,173	-510,284	-1,448,520
Rescissions.....	(64,865,384)	(67,644,424)	(65,998,859)	(+1,133,475)	(-1,645,565)
Rescissions of contract authority.....	(-72,036)	(-40,600)	(-74,510)	(-2,474)	(-33,910)
Advance appropriations.....	(-421,563)	(-263,131)	(-32,176)	(+389,387)	(+230,955)
Negative subsidy receipts.....	(4,393,672)	(4,400,000)	(4,400,000)	(+6,328)	---
Offsetting collections.....	(-860,000)	(-2,897,000)	(-2,897,000)	(-2,037,000)	---
(Limitation on obligations).....	(-7,000)	(-7,000)	(-7,000)	---	---
(By transfer).....	(54,244,069)	(54,821,314)	(59,004,567)	(+4,760,498)	(+4,183,253)
(Transfer out).....	(70,794)	(527,117)	(271,030)	(+200,236)	(-256,087)
(Transfer out).....	(-70,794)	(-527,117)	(-271,030)	(-200,236)	(+256,087)
Total, budgetary resources.....	(122,142,526)	(123,658,007)	(126,392,740)	(+4,250,214)	(+2,734,733)
Discretionary total.....	(67,900,000)	(68,737,520)	(67,400,000)	(-500,000)	(-1,337,520)

I reserve the balance of my time.

Mr. LATHAM. I yield myself such time as I may consume.

Mr. Chairman, I am going to be very brief as Mr. OLVER has told us an awful lot about H.R. 5850, the fiscal year 2011 Transportation and Housing, or THUD, bill.

I just want to say, on a personal level, thank you to Chairman OLVER for his ability to work together on this bill. He has been a true gentleman and very, very cooperative. He has reached out and has really made this a pleasure to go through the entire hearing process this year.

I also want to thank the staff for all of their hard work. Mr. OLVER has already named the staff members, but I also want to make sure that they know how much we appreciate all of their hard work.

I really believe, this year, that we did have an opportunity to adhere to a normal appropriations process. We have a closed or a modified open rule here today, and it hasn't always been easy throughout the whole process. We did have a very entertaining and, I think, a very productive hearing season, and I appreciate all of the efforts to bring some of the housing and transportation concerns to light, especially when the chairman and I don't always agree on the best solutions to tackle these complicated issues of spending, housing, and transportation.

The result of those hearings is the bill before us, totaling \$67.4 billion, which is a mere \$500 million below the fiscal year 2010 levels. Before we celebrate this reduction, we need to remember that the fiscal year 2010 bill was a whopping 23 percent over the year before. I want to say that again. The bill last year was 23 percent higher than the year before that. So, really, the \$500 million reduction in this bill is a drop in the bucket of where we need to go to bring us back to some sanity and a reasonable state.

While Mr. OLVER is a most accommodating chairman, I do have some disagreements with some of the funding decisions he has made in the bill before us. I know the administration has come to Chairman OLVER and has complained that he didn't fund each and every new idea in the bill—and I commend him for that. However, in light of the drastic deficit situation that is facing this country, I would prefer a little more critique and restraint on some of the new, untested, and expensive programs before proposing funding at or above the President's request.

Livability? Sustainability? Have we defined these concepts? Obviously not, since this bill gives the Department of Transportation \$4 million to figure out how to measure livability.

Should we be asking the American taxpayers to give us \$4 million for the Department of Transportation to go and figure out what they want to do in

your local communities when families are trying to keep their homes and invest in their businesses? I would say no.

Another example, really, is high-speed rail. The President got \$8 billion in the stimulus bill for high-speed rail back in 2009, and only a very small fraction of that \$8 billion has gone out the door as the Federal Railroad Administration is still working with recipients of those funds to nail down a grant agreement. The only industry that has been stimulated by the high-speed rail funds are the planners and the lobbyists. Yet this bill gives another \$400 million on top of the President's request of \$1 billion and on top of the whopping \$2.5 billion they got in fiscal year 2010.

So if this bill becomes law, the taxpayers will have given—or more appropriately, borrowed—almost \$12 billion for high-speed rail, and we still don't have one single operating high-speed rail line on the horizon.

Is this a horrible bill? No, it's not. Does it spend too much? Certainly, it does.

I would encourage Members to give careful consideration to the few amendments that are made in order today. There are some very thoughtful amendments that would reduce the cost of this bill, which would still fund the core programs under THUD at a respectable level.

In closing, I want to thank Chairman OBEY, Chairman OLVER, Ranking Member LEWIS, and all of the members of the subcommittee for getting this bill to the House floor. Again, I would like to thank the staff, both the committee staff and personal office staff, for all of their hard work in putting together this legislative package.

I reserve the balance of my time.

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Mr. OLVER. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the chairman of the full committee.

Mr. OBEY. I thank the gentleman for the time.

Mr. Chairman, I would describe this bill as a fiscally responsible jobs bill. It is below the President's request by \$1.3 billion, and below last year by one-half billion dollars.

Last year, the Recovery Act demonstrated that investments in transportation and housing both support decent paying jobs, while providing critical infrastructure investments.

Let me review some of the facts: To help the economy save jobs, we put over \$60 billion in the Recovery Act for transportation and housing programs. With the exception of two new programs that were created in that bill, nearly all of the money, 98 percent, has been obligated. It has started over 14,000 transportation construction projects supporting an average of 41,000

direct jobs each quarter. It has rehabilitated or developed more than 188,000 units of low-income housing, and served over 357,000 low-income individuals through housing for the homeless.

But the economic downturn was far worse than was predicted. There are still many families reeling from the housing crisis. In fact, approximately 6 million homes have been foreclosed upon in the past 3 years, and our roads, bridges and mass transit systems are in desperate need of additional investment.

The Department of Transportation states that there is a yearly investment gap of \$27 billion just to maintain our current highways and bridges. And the state of our transit system isn't much better.

This bill increases the amount that can be spent on highways and transit by a modest \$4.5 billion over fiscal 2010, and over the President's request, even as we come in under last year and under the President's request overall. According to DOT's job model estimates, this increase will support more than 150,000 transportation jobs.

In addition, vulnerable populations affected by the economic downturn, such as the homeless, the elderly and the disabled, are also supported in this bill through programs such as funding for section 8 housing vouchers. We have \$113 million for foreclosure mitigation counseling. The bill also includes \$75 million for 10,000 additional vouchers for homeless veterans, support for the homeless, with \$2.2 billion allocated for housing and services, and a new demonstration linking HUD and HHS funding to better support these families and individuals.

Low-income individuals have disproportionately been affected by this economic crisis. We need to focus instead on the right kind of affordable housing for seniors, the disabled and the homeless. That's what this bill does, and I urge support of it.

Mr. LATHAM. I yield such time as he may consume to the gentleman from California (Mr. LEWIS), the ranking member.

Mr. LEWIS of California. I very much appreciate my colleague yielding.

Mr. Chairman, I would like to start my remarks by paying tribute to one of the great staff members we have around here. Dena Baron wants us to get through quickly, for she's just about ready to give delivery to her second child. And for those who are curious about all of that, Dena is planning to deliver us a baby girl.

I very much want to express, Mr. Chairman, my appreciation and thanks to Chairman OLVER and Ranking Member LATHAM for their efforts in producing this legislation. While they may not agree on the overall spending level for this bill, they have worked together in a bipartisan fashion. While they have real policy differences, Chairman

OLVER and Mr. LATHAM know that it's in the best interest of the House and the American public to get this bill done.

Yesterday's passage of the MILCON-VA bill marked the second latest date in the last 15 years that the House passed its first regular appropriations bill. The only other year in recent history with a more dismal record was 2 years ago when MILCON-VA was the first—and only—appropriations bill brought to the floor—on August 1.

Astonishing that we are now 2 months away from beginning the new fiscal year, and only a day away from the 6-week August congressional recess, and we are only now considering the second of 12 annual spending bills.

So far this year, 11 of the 12 funding bills have been marked up in subcommittee. And yet, only two of the 12 bills have been considered by the full Appropriations Committee. Those two bills, the bill we passed yesterday and the bill we're considering today, are likely to be the only bills passed by the House this year.

The full Appropriations Committee was scheduled to mark up the Agriculture and Homeland Security bills 2 days ago. As members of the committee began to enter the room for those markups at 3 p.m., the session was abruptly postponed, and as of this moment, there's been no explanation.

Let me state the obvious as clearly as I can. This year's appropriations process has been a complete and utter failure. Members of both sides of the aisle have voiced frustration for months about the committee's inability to get its work done. Traditionally, June and July are the months we're debating and passing our spending bills. Not this year, Mr. Chairman. Not this year.

As Mr. WOLF pointed out last night, this has become the "Suspension Congress." This year, the Appropriations Committee—once known as the "Workhorse Committee"—has done virtually nothing. The House itself has done very little in the way of substantive work, instead debating frivolous bills on the suspension calendar. Week after week, the majority leader has given away Friday legislative sessions because the Democrat majority refuses to move appropriations bills, and because there was no other legislative work to keep Members in town.

It's also worth noting, Mr. Chairman, that on the very rare occasion when our appropriations bills are brought to the floor, they are brought up under a closed rule to stifle debate on issues that the Democratic majority would prefer to ignore until after the election.

All Members, whether they're Republicans or Democrats, have a legitimate right to offer and debate amendments under the longstanding traditional open rule process governing appropri-

tions bills. This includes those amendments that would strike what Members believe to be excessive levels of spending.

Had Republicans been afforded the opportunity to offer amendments under open rules, there's little doubt that much of our effort would be geared towards reducing spending. It was just last week that Democratic members of the Appropriations Committee rejected a Republican amendment in full committee that would have pared back overall discretionary spending this year by \$31 billion from Chairman OBEY's generous allocation, and \$39 billion from the President's request.

In addition, Republicans have offered amendments in committee this year to reduce spending by over \$70 billion. Each and every amendment to reduce the rate of growth of spending has been defeated on a party-line vote. Unfortunately, my Democratic colleagues have not offered a single vote in support of those cuts.

According to the OMB Mid-Session Budget Review, the annual budget deficit is projected to reach a record of \$1.47 trillion this year. As a percentage of the economy, it's the largest deficit since World War II. With the Federal Government now borrowing 41 cents on every dollar it spends, and with spending continuing at record levels, it appears that there's little relief in sight.

Indeed, the Obama Administration is conceding that these large deficits are here to stay. According to the President's own numbers, the national debt, which was at \$5.8 trillion at the end of 2008, will soar to \$18.5 trillion by the end of this decade.

□ 1420

These future deficits are driven almost entirely by rising levels of government spending. I know there's a tendency among some of my friends to blame President Bush for everything, but the fact is that President Obama's budget would push inflation-adjusted Federal spending over \$36,000 per household by the year 2020. This is \$12,000 above the level per-household that existed under President Bush. Even President Obama's enormous \$3 trillion tax increase proposal won't stop this spending from pushing the national debt to even more dangerous levels.

With the mid-session budget review, the Obama White House has now confirmed what committee Republicans have been saying all year: That the Democrat majority's agenda of runaway spending, surging taxes, and soaring budget deficits is leading to historic deficits and record levels of debt. The only way out of this deficit and debt nightmare is to curb Uncle Sam's appetite for spending. We simply must do something about the rising tide of red ink before we're overcome by it. I ask my colleagues on the other side of

the aisle how many more shocking budget projections we need before you join us in saying enough is enough?

With that, Mr. Chairman, I urge a "no" vote on final passage.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), a very valued member of the Appropriations subcommittee.

Ms. KILPATRICK of Michigan. Thank you, Mr. OLVER, our outstanding chairman who has brought us this far.

I want to thank Kate Hallahan and the rest of the staff for working to bring this bill to the floor with us. It's a very complicated bill, but it is the bill in the Federal Government that will put America back to work rebuilding our crumbling infrastructure, providing jobs across America, doing the things that are necessary so we take care of Americans who have lost their jobs, helping the institutions of higher learning so they train, and be able to keep their tuitions lower, so that our children can build a better America as we go forward.

This is a good bill. It's a bill that's been worked for the betterment of America. It's an artistic compilation of ideas and investments that will make America strong again as we move into the 21st century.

Chairman OLVER and Ms. Hallahan and the staff and the rest us should be commended. We wish we had more. This bill is \$1 billion less than what the President gave us because we recognize that our Nation is in crisis. So we had to work with what we had and have some outstanding programs put together in an artistic way that America is invested in again, that our crumbling roads and bridges can be fixed, and that we might put people back to work, help our institutions of higher education, and build a better America.

There are several things I want to highlight in the bill just briefly. Most of you know that our veteran population, who have given their lives to this country, many have returned home. They have returned home unemployed. Many are homeless. There have been studies all over America now from various institutions how homeless veterans must have housing, jobs. This Congress has passed the best veterans bill in several decades. And we are getting to that so that our veterans, who dedicate their lives for our safety, can have those opportunities.

We provide in our Transportation-HUD bill resources for veterans who are now homeless. It's a great opportunity for us to show to our veterans that the Federal Government they worked so hard to secure is in their corner. Let's not accept any amendments that would reduce that.

The CHAIR. The time of the gentlewoman has expired.

Mr. OLVER. I yield the gentlelady 1 additional minute.

Ms. KILPATRICK of Michigan. Thank you, Mr. Chairman.

Also we have a program that's called reinvesting into our infrastructure, re-investing TIGER grants. TIGER is acronym that allows us to invest money. There were over \$50 billion worth of investments asked for. Our bill has only under \$2 billion. So in TIGER I, many communities were not able to partake. These TIGER grants go right from the Federal Government to communities to help rebuild all kinds of programs that are related to transportation and HUD, putting people back to work. They are very competitive. Let's not accept any amendment that would make it more hard, more difficult for communities to compete with one another for these limited dollars.

TIGER grants, veterans homeless assistance, and other things within this budget, roads, bridges, train dollars, this is a good bill. I commend Ms. Hallahan as well as our chairman. The other side has been working with us pretty good as well. Yes, we have to fix the deficit, but you don't do it on the least of these.

Mr. Chairman, I hope that we will pass this bill and move it onto the Senate, a good bill, beginning to put America back to work.

Mr. Chair, I rise today to support the FY2011 Transportation-Housing and Urban Development Appropriations Bill, H.R. 5850. The FY2011 Transportation-Housing and Urban Development bill before us today addresses a number of housing and transportation challenges.

There is such a broad consensus affirming the great needs for transportation infrastructure investments and for affordable housing throughout the country.

The total budgetary resources include \$67.4 billion in discretionary appropriations for the departments and agencies, which is \$1.3 billion less than requested by the administration, and \$500 million below the FY 2010 appropriations.

This bill seeks to address the need to invest in transportation infrastructure that will create jobs and ensure that our roads, rails, ports and airports are safe. This bill also seeks to address the need for affordable housing through investments in basic program management tools that will improve HUD's ability to operate efficiently as an organization.

Priorities in the bill are focused on investing in the nation's infrastructure to support jobs; supporting vulnerable populations in a difficult economic climate; ensuring safe transportation; building healthy communities with environmentally sustainable solutions; and ensuring responsible management and oversight of government investments.

Overall, the bill balances the housing and transportation needs of the country within current fiscal constraints. Investments are targeted to critical housing and infrastructure needs that will keep this economy moving forward.

The THUD Committee and staff have worked hard to bring a THUD bill that will balance the needs for housing and transportation

programs with the call to cut wasteful spending.

Mr. Chair, this is a good bill and I ask all of my colleagues to support the bill.

Mr. LATHAM. I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding.

Well, it's truly remarkable to come to the floor on what may be the second to last day of a long summer session and only be considering the second out of the 12 appropriations bills that Congress historically has spent the entire summer considering. As the distinguished ranking member of the committee said moments ago, this is only the second. We did the first of 12 yesterday.

And as we come to the floor today to speak about the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, Mr. Chairman, I can't even tell you that this bill is over the budget because not only have we spent the entire summer not appropriating the Federal budget, as Congress is obligated to do, but the Democrat majority didn't even pass a budget. Didn't even try to pass a budget. I mean it really is extraordinary. You can't say this bill exceeds the budget because the majority didn't even pass a budget.

Now, I heard the distinguished chairman of the full committee, who has my respect, the gentleman from Wisconsin, refer to this bill as fiscally responsible. I respect the gentleman. I believe, maybe grading on the curve that he is grading on, maybe it is. But the American people deserve to know the truth about this bill. It is a fact this bill does spend less than—1 percent less than last year's bill. But what they're kind of leaving out of the fine print is last year's bill was a 23 percent increase from the previous year. That didn't even include the \$62 billion in related funding that was included in the so-called stimulus bill that's only stimulated more deficits and more debt. I mean it really is incredible.

And this bill, as has been mentioned by other colleagues in this debate, this bill is an earmark factory, with 459 earmarks in this bill, less than one-tenth of 1 percent of which are related to Republican Members of Congress. In fact, the House Republicans made a decision to refrain from submitting earmarks altogether because we believe the American people are tired of borrowing and spending as usual in Washington, D.C. They're tired of an earmarking culture and a favor factory here in Washington, D.C.

The truth is, as I look at this extraordinary piece of legislation and I think of a \$1.47 trillion deficit this year, this massive spending bill just seems to be emblematic of the fact that this majority just doesn't get it. They don't understand that the Amer-

ican people are bone weary of deficits and debt and spending as usual. And they long for leadership in Washington, D.C., that's willing to play it straight, make the hard choices.

The CHAIR. The time of the gentleman has expired.

Mr. PENCE. And this fall they will have the opportunity to elect a majority that will do just that.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Members are advised to heed the gavel.

Mr. OLIVER. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ISRAEL), who is a member of the full committee.

□ 1430

Mr. ISRAEL. I thank the distinguished gentleman from Massachusetts for recognizing me.

Mr. Chair, I've listened to the points from the other side, and Mr. Chair, my friend from Indiana said the American people are tired of borrowing and spending. Yeah, they are tired of it. They had 8 years of it on the other side. The other side, when they took control, we had a \$5.6 trillion surplus. They squandered that and left us \$10 trillion in debt. So I think lectures need to be fact-based and not faith-based.

This bill addresses two of the great challenges we have in the United States. We have an aging, deficient infrastructure, and we have millions of people who still need jobs. And this bill addresses both.

Infrastructure: 153,000 bridges in the United States have been rated functionally obsolete or deficient; 162,000 miles of Federal highway have been rated unacceptable. Traffic delays are costing America's small businesses and the American people \$78 billion every year. Just in New York City, aviation delays cost our local economy \$1.8 billion.

The American Society of Civil Engineers does an annual report card on infrastructure and routinely gives grades of C, D, and F to transportation systems, broadband, and our ports.

Meanwhile, Mr. Chair, in China, they're going to build 97 new airports over the next 12 years; in Spain, they're going to make a \$150 billion investment in high-speed rail; in India, 276 port projects, \$12 billion investment to double port capacity.

This bill stops the surrender of infrastructure investments to China and to Spain and to India. This bill makes us more competitive in a global economy. This bill creates jobs. Every billion dollars that we invest in infrastructure creates 47,500 jobs and returns \$6 billion to our economy.

Mr. Chair, Americans have always done best when we build America—the Erie Canal, the Transcontinental Railroad, the Federal Interstate Highway System.

The CHAIR. The time of the gentleman has expired.

Mr. OLVER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. ISRAEL. We always do best when we are building with our hands, when we are standing and growing with this economy, putting people to work, manufacturing for a better economy. And this bill turns away 8 years of neglect on infrastructure and starts to rebuild America again and create jobs in the process.

This is a jobs bill. Vote “no” on this bill and you are killing jobs and surrendering to China and Spain and other countries. Vote “yes” and you are creating jobs, investing in this infrastructure, and strengthening America again.

Mr. LATHAM. I yield myself 1 minute.

I just want to tell the gentleman—and I don’t want to get into a partisan fight here, but there was not one person on the other side of the aisle who voted to double infrastructure spending in the stimulus bill, spend half as much money overall, and by the President’s own top economic adviser, would have created twice as many jobs as what did the stimulus bill that was actually passed and signed into law.

Our motion to recommit was to double the funding for infrastructure, if anybody’s forgotten that. That was exactly what it was so that we could have actually created jobs here in the United States. The gentleman apparently forgets that he voted against that.

I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman’s courtesy, and I commend the subcommittee on its work to refine the administration’s proposal, reduce it a billion dollars, but nonetheless deal with the challenges that face the American people.

And Mr. OLVER is right, as is my friend from New York, in talking about how we’re losing an infrastructure challenge globally, which is apparent to anybody who travels overseas. This is an important piece of legislation that struggles to help make the Federal Government a better partner in rebuilding and renewing America.

I have great respect for my good friend from Iowa, but I must respectfully disagree. The programs dealing with livability are, in fact, refined and tested. That’s why there was such an outpouring of support for things like the TIGER grants. They are popular, and they are already making a difference, as we see, around the country.

As for high-speed rail . . . give me a break. Yes, the administration did move forward with \$8 billion for high-speed rail, which takes a little time to work through the process, but China is going to spend more in the next couple

of months than we will in the next 3 years, illustrating how we are losing that effort.

Livable communities were actually developed by this subcommittee in the last Congress. The administration took the work that you Mr. Chairman developed, they refined it, they expanded it, and I think it’s to your credit for what you have done.

I am saddened by an ill-advised amendment by my friend and colleague, Mr. DEFAZIO from Oregon, targeting transportation livability programs that, in fact, if they were allowed to move forward, would give us a head start on what I think the Transportation and Infrastructure Committee wants to happen with their reauthorization. They know that’s important. This would allow a head start on communities large and small, rural and urban, to be able to get ahead of the curve and make those programs work better.

Even more ill-advised, I think, is an amendment from PETERS, ALDER, and HIMES to cut some of the guts this effort from TIGER grants, high-speed rail, Brownfields, HOPE VI, housing for veterans. These are programs that, in community after community, people have acknowledged are important. These have economic vitality. They give communities tools. They leverage far more than the Federal investment.

I would suggest that rather than targeting products of a thoughtful rebalancing that came out of this committee, our goal instead should be to support the committee in its efforts refining the administration’s proposal, help rebuild and renew America with infrastructure that is failing and out of date and losing competitiveness. We should reauthorize the Surface Transportation Act.

The CHAIR. The time of the gentleman has expired.

Mr. OLVER. I yield an additional minute to the gentleman.

Mr. BLUMENAUER. This is the home stretch.

We have had examples, for the last 14 years that I’ve been in Congress, where communities are struggling to figure out how to put the pieces together. I commend the committee for its work to try and give the tools the communities need to stretch Federal dollars, to be able to encourage private sector investments, to build on models of proven success, the cutting edge of architecture, of construction, of energy conservation, water. These are areas that America desperately needs. I think it would be shortsighted to cut back on this fine work.

I will guarantee you over the course of the next decade that Congresses and future administrations are going to build on the foundation that you’ve established. I hope that this Congress does its part by moving this forward and supporting the subcommittee’s important work.

Mr. LATHAM. I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Chair, the American people are asking this Congress and this President what part of “broke” don’t you understand. Already we have seen, on June 30, the third largest one-day increase in the national debt in our history: \$166 billion larger than the entire annual deficit of 2007. Already this year the deficit has crossed the trillion dollar mark for only the second time in American history. Of course, the first time, as we know, was last year.

We are looking at the largest national debt in our Nation’s history. As a percentage of our economy, it rivals that of World War II, and it’s only due to get worse.

□ 1440

And yet since the Democratic majority has come in, President Obama has been elected, this body has gone on a spending spree, today borrowing 41 cents on the dollar, mainly from the Chinese, to send the bill to our children and our grandchildren. At one time Mr. HOYER of Maryland, now the House majority leader, said to run deficits was akin to “fiscal child abuse,” and now all we seemingly hear from the other side is the refrain, “Que sera sera.”

So today we have an appropriations bill, one, Mr. Chairman, that’s coming to this floor without a budget. First time in the history of the House the House hasn’t even attempted to pass a budget. Well, Mr. Chairman, I guess the only reason you want a budget is because you want a limit on spending. If you don’t want to limit your spending, you don’t need a budget. So we have no budget. We’re going directly to the appropriations bill, and in this case, the THUD bill is 39 percent larger than it was in fiscal 2008, the year before the Democrats went on their spending spree. You know, Mr. Chairman, again, how much of this spending meets the test of borrowing 41 cents on the dollar, mainly from the Chinese, sending the bill to our children and our grandchildren?

I have the pleasure of serving on the President’s Fiscal Responsibility Commission. It is chaired by the gentleman from North Carolina Erskine Bowles, former chief of staff to President Clinton. He likens the national debt, quote, this debt is like a cancer that’s truly going to destroy the country from within, and yet, Mr. Chairman, our Democratic majority brings to the floor a bill spending 38 percent more than just a few years ago.

Recently, it was reported in The Hill that our chairman of the Joint Chiefs of Staff said, The Nation’s debt is the biggest threat to U.S. national security. Yet the Democratic majority brings a bill to this floor spending 38

percent more on THUD than just 3 years ago.

The CHAIR. The time of the gentleman has expired.

Mr. LATHAM. I yield the gentleman 1 additional minute.

Mr. HENSARLING. The director of the Congressional Budget Office, Doug Elmendorf, Democratic appointee, has said, quote, U.S. fiscal policy is unsustainable, unsustainable to an extent that it can't be solved through minor changes. Yet the Democratic majority brings a bill spending 38 percent more since when they came into office.

Economist Robert Samuelson has said that this spending could, quote, trigger an economic and political death boggle. Yet, the Democratic majority brings a bill spending 38 percent more from when they took over.

You know, Mr. Chairman, Americans have seen what is going on in Greece. They've seen the riots in the street. Greece is having to sell sovereign territory. Their debt in relation to their economy is about 112 percent. Ours is at 90 percent.

We are truly at a tipping point which is why the American people are saying: what part of broke don't you understand? No Nation can borrow, spend or bail out its way to economic prosperity. This bill needs to be rejected.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Ms. BEAN) for the purposes of a colloquy.

Ms. BEAN. Thank you, Mr. Chairman, for yielding and for your thoughtful leadership and stewardship on our Nation's transportation resources and your commitment to strengthening America's competitiveness.

I strongly support the renewed focus and investment in our Nation's critical rail infrastructure. Yet I continue to have grave concerns about the impacts of freight rail traffic on communities whose road infrastructure was not designed to accommodate increased levels of rail traffic.

In communities in my district in Illinois, those concerns include blocked crossings that cause traffic bottlenecks; safety threats due to decreased mobility of emergency responders; safety issues due to increased car volumes and speeds; noise and air pollution; and interference with proposed commuter rail expansions.

The recent acquisition of the EJ&E by Canadian National promises to significantly increase daily rail traffic. This would necessitate construction of over a dozen grade separations, like underpasses and overpasses, to ensure adequate safety and traffic flow. With each construction project estimated at costs of tens of millions of dollars, the impact of this federally approved rail transaction rises to the level of regional and national significance. Municipalities like Barrington and others

along the EJ&E need DOT funding to help their communities continue to function which is why we need a multiyear surface transportation reauthorization moving forward to address such needs nationwide.

While funding for grade separation construction will come from the FHA in this bill, the FRA and STB must continue to work together to align transportation and safety priorities. State and local governments cannot be expected to bear the burden of accommodating regionally and nationally significant freight movement. It's in everyone's interest that Federal agencies partner with communities to ensure the impacts of such freight are mitigated to a reasonable and practicable extent.

I would like to point out that crossing hazard reduction efforts should not be limited to high-speed rail corridors. The vast majority of our rail network continues to be comprised of non-high-speed rail, regardless of maximum potential train speed.

The CHAIR. The time of the gentleman has expired.

Mr. OLVER. I yield the gentlewoman an additional 2 minutes.

Ms. BEAN. I yield to the chairman.

Mr. OLVER. Mr. Chairman, I am glad to work with the gentlewoman from Illinois on grade separation issues which impact our transportation networks and communities across the country, all over the country. The problem you describe is exactly the type of project that should be addressed in the TIGER grant program, which works to address transportation issues of regional and national significance and particularly ones which are intermodal in nature.

Ms. BEAN. I agree with the chairman, and I thank you for giving me the opportunity to speak on these important issues. I look forward to working with you further on it.

Mr. LATHAM. I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. MOORE) for the purposes of a colloquy.

Ms. MOORE of Wisconsin. I thank you, distinguished Chairman OLVER.

I rise to bring to your attention a critical infrastructure need in the Fourth Congressional District of Wisconsin. The Hoan Bridge, a vital thoroughfare in my community, connects downtown Milwaukee to the near southside southern suburbs, on to the airport and beyond to the interstate, but it's rapidly deteriorating. Chunks of concrete have been falling off the bridge, and of course, that has created a significant safety hazard.

My constituents really rely on the Hoan Bridge, and it accommodates about 43,000 vehicles per day. I trust, Representative OLVER, that you will agree that ensuring the bridge's structural integrity and the safety of my constituents is of urgent importance.

I yield to the chairman.

Mr. OLVER. I thank the gentlewoman from Wisconsin for raising this issue, and I've come to realize and I appreciate how important this bridge is to you and your constituents.

The committee, which looks at many critical infrastructure issues like this one across the country, stands ready to work with you on this project in the future.

Ms. MOORE of Wisconsin. I thank you, Representative OLVER. I look forward to working with you as well to ensure the viability of this important bridge, the Hoan Bridge.

Ms. ROYBAL-ALLARD. Mr. Chair. I am pleased to rise in support of H.R. 5850, the Fiscal Year 2011 Transportation Housing and Urban Development Appropriations Bill.

As a member of the Subcommittee, I would like to thank Chairman JOHN OLVER and Ranking Member TOM LATHAM for their hard work on this bill. At a time when so many are struggling to keep roofs over their heads and to stay employed, I believe this bill makes wise investments in our nation's housing and transportation infrastructure needs.

For example, the FY11 THUD Appropriations bill will allow HUD to renew all project-based Section 8 rental contracts for a full 12 months. This will help ensure that the nearly 1.3 million low-income families that currently reside in project-based Section 8 housing will not lose their homes.

The Committee has also recognized the unique housing needs of some of our most vulnerable Americans, restoring and increasing funding for the Section 811 and Section 202 programs for the elderly and the disabled. The bill provides \$85 million in vouchers to get homeless veterans off the streets and it increases funding for Homeless Assistance Block Grants, which provide permanent and transitional housing for homeless families and individuals.

In addition to these important housing programs, the bill makes important investments necessary to maintain and expand our nation's transportation infrastructure which is critical to our continuing economic recovery efforts. At a time when high unemployment persists, focusing on investments in our transportation infrastructure is an essential job-stimulator.

I want to also specifically highlight two rail issues that I requested the committee to address in the bill: positive train control and environmental and quality of life concerns along proposed high speed rail routes.

First, the bill includes funding for positive train control (PTC) to help prevent railroad collisions. In 2008 the community of Chatsworth in Los Angeles County suffered a tragic head-on train collision between a commuter train and freight train. Tragically eleven lives were lost and dozens more were injured. That awful accident, as well as the deadly 2009 WMATA collision here in our nation's capital, could have been prevented had this train control technology already been operating in both of these rail systems. The funding in the bill will help with the development of technologies to override human error or mechanical failure and automatically prevent collisions such as the Chatsworth crash.

The second rail issue concerns our commitment to protect the residents along new high speed rail routes. In the rush to build a national high speed rail system in our country, I believe it absolutely essential that we ensure careful and thoughtful decisions particularly as they regard impacts on residential communities. Accordingly, the committee report includes important language to ensure that the concerns of poor and minority communities are taken into account in routing these projects.

Building a high speed rail route along existing transportation corridors in communities like Los Angeles may minimize the negative impact to many communities. However, the damage done decades ago to many poor and minority neighborhoods along those corridors by rail and interstate system construction may be exacerbated by construction of the high speed rail system. These communities continue to suffer from the environmental and health impacts long after their neighborhoods were dissected by past construction.

The report directs the Federal Railroad Administration (FRA) to carefully consider the effects of using existing or new transportation corridors in its analysis of proposed routes. The report also directs the FRA to identify appropriate mitigation measures particularly to offset any negative effects identified in regards to minority populations and low-income populations.

Mr. Chair, I am happy to support passage of this important bill. The funding included in this legislation is critical to building and maintaining our transportation infrastructure, creating jobs, and protecting the housing needs of America's most vulnerable populations. I urge my colleagues to support this bill.

Mr. OBERSTAR. Mr. Chair, I rise in strong support of the amendment offered by the gentleman from Oregon, Mr. DEFAZIO, which makes \$200 million in livable community grants provided by this Act contingent on an authorization by Congress.

While I support the vast majority of the bill before us today, and I thank the gentleman from Massachusetts, Mr. OLVER, for providing substantial and much-needed investment in our Federal transportation programs, I do have concerns with the impact aspects of this Act will have on surface transportation programs.

Unfortunately, certain aspects of H.R. 5850 would enable the Administration to continue to avoid engaging with Congress to enact comprehensive surface transportation authorization legislation.

H.R. 5850 includes some good initiatives in the areas of livable communities, distracted driving, and funding for transit operating expenses. These initiatives, however, should be considered in the context of a comprehensive surface transportation authorization bill.

For the past three years, the Committee on Transportation and Infrastructure, led by Mr. DEFAZIO, has conducted a thorough review of the needs of the nation's surface transportation network. Throughout this process, it has become clear that there is a broad consensus on the need to fundamentally transform highway, highway safety, and public transportation programs to meet the needs of the 21st century surface transportation network. But changes to these programs must be consid-

ered as part of a holistic rewrite of the entire surface transportation program, not piecemeal in an annual appropriations bill.

I understand that the Administration has requested the Livable Communities Initiative be included in the fiscal year 2011 budget for the Department of Transportation. What I do not understand is why Congress should agree to this request, thereby allowing the Administration to obtain the policy changes it desires without ever having to do the hard work that will be required to enact the next surface transportation authorization bill.

In effect, H.R. 5850 would let the Administration "eat its dessert first" and then leave the table without ever getting to the meat and potatoes of what needs to be done to fix our nation's transportation systems.

Therefore, this amendment would prohibit the use of FHWA's formula funds under the fiscal year 2011 THUD Act from being used to carry out FHWA's livable communities initiative until legislation is enacted to authorize such a program.

Our objection is not to providing grant funding for livable communities, but rather to the attempt to provide this funding prior to Congressional authorization.

I am hopeful that the Administration will soon engage in a serious effort to enact surface transportation authorization legislation. Enactment of such legislation will be critical to moving forward on new initiatives such as those proposed by H.R. 5850 to develop the surface transportation system to meet the needs of the 21st century.

I urge my colleagues to join me in supporting Mr. DEFAZIO's amendment.

Mr. GENE GREEN of Texas. Mr. Chair, I rise today in support of H.R. 5850—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2011. In particular, I am supportive of the Appropriations Subcommittee on Transportation, Housing and Urban Development's inclusion of federal funding for the Metropolitan Transit Authority of Harris County for four projects in the City of Houston as well as funding much needed improvements to the Lynchburg Ferry Landings in our area.

The Subcommittee's inclusion of \$150 million for the North and Southeast corridor light rail projects will be tremendously helpful for the Houston area. These projects involve a combined 11.8 miles of light rail transit, and will benefit the city by increasing citizen mobility, improving the city's air quality, and promoting economic development and job creation. The funding will be used for the final design and construction of these two corridors, which are part of an overall system of inter-related projects that make up the Advanced Transit Program and Metro Solutions Plan. The success of these light rail projects will facilitate Houston's economic recovery and help the city further develop and improve its infrastructure.

Additionally, H.R. 5850 includes \$700,000 for the North and South Lynchburg Ferry Landings in Harris County, Precinct Two. These landings haven't been refurbished or updated in years and these funds will provide better connectivity between the historical and recreational sites to increase the number of visitors and provide an economic stimulus for Ship Channel communities.

I would like to thank the Subcommittee on Transportation, Housing and Urban Development for recognizing the importance of this assistance to the Houston area and including them in this bill.

Mr. NADLER of New York. Mr. Chair, I rise in support of the Fiscal Year 2011 Transportation-HUD Appropriations Act. As we all know, this is a very tight budget year, but Chairman OLVER and the other Members of the Committee are to be commended for providing increased funding for critical transportation and housing programs.

Many of my colleagues joined me in requesting increases for Section 8 and the Housing Opportunities for Persons with AIDS program—also known as HOPWA. I am pleased that this bill increases funding for Section 8 programs by approximately \$2 billion. The bill includes \$9.4 billion for project based rental assistance, and \$19.4 billion for tenant-based rental assistance, which should be enough to renew all existing vouchers covering more than 2 million families. The bill also has \$350 million for HOPWA, which is \$15 million more than last year and \$10 million over the President's request. I thank the Chairman for his efforts to secure these badly needed resources.

Many Members also joined me in requesting an increase for federal transit programs so that we can maintain our public transportation systems in a state of good repair and accommodate increased ridership. I would like to thank the Chairman for including \$11.3 billion for federal transit programs, which is an increase of over \$500 million from last year. The bill includes increased funding for transit capital programs as well as \$250 million for operating assistance. While I believe the operating assistance provision could be better, this is a step in the right direction.

I commend Chairman OLVER for his leadership and I thank him for his continued support for these critical transportation and housing resources. I look forward to working with him and the rest of my colleagues to preserve and increase these funding levels as this bill moves through Congress.

Mr. VAN HOLLEN. Mr. Chair, I rise in strong support of the Department of Transportation and Housing and Urban Development Appropriations Act for FY2011. This is a jobs bill and it is an economic development bill. It is about rebuilding our infrastructure and revitalizing our communities.

The transportation construction industry has been hard hit with this recession, as states tighten their belts and delay major projects. While we need a long-term surface transportation reauthorization, today's legislation makes vital investments to put people to work rebuilding communities. It includes \$45.2 billion for roads and highways, and \$11.3 billion for public transportation to bring our infrastructure back to a state of good repair and give Americans transportation options. It invests in Amtrak and high-speed rail to move people around the country. These programs create jobs in our communities.

Today's bill also invests in programs like the Public Housing Capital Fund and the Community Development Block Grant, which allow communities to make vital improvements to public housing and spur business expansion

and job creation. The bill includes funding for foreclosure mitigation and rental assistance to stabilize neighborhoods by keeping people in their homes. And it supports housing for vulnerable populations, including homeless veterans, the elderly, and persons with disabilities.

Finally, this bill contains a vital investment for my constituents and the entire D.C. metropolitan region—\$150 million for the Washington Metropolitan Area Transit Authority (WMATA). This funding, authorized by the Passenger Rail Investment and Improvement Act, is part of a 10-year plan to help WMATA make needed safety improvements and address its capital maintenance backlog. I thank Chairman OLVER and the Committee for its continued support of WMATA, which serves so many federal employees and tourists in the District of Columbia.

Mr. Chair, the Transportation and Housing and Urban Development Appropriations Act is a jobs bill. It puts Americans to work to repair aging infrastructure, create new transportation options, and revitalize communities. I urge my colleagues to join me to support these vital investments.

Ms. BORDALLO. Mr. Chair, I rise in strong support of H.R. 5850 the Transportation, Housing and Urban Development, and Related Agencies Appropriation Act for Fiscal Year 2011. The bill provides critical funding to our infrastructure across the United States and in the territories. In particular, the bill funds \$400 million in a third round of TIGER grants for investment in significant "National Infrastructure Investments." I appreciate the Committee's continued support of this effort and would continue to urge the U.S. Department of Transportation to obligate these funds towards truly innovative projects. I would also urge the Department of Transportation to more adequately fund port infrastructure projects with TIGER funds.

I also greatly appreciate the Committee's continued commitment to funding the NextGen modernization program at the Federal Aviation Administration. In particular, I appreciate the Committee's increase of \$10.1 million for the Ground-Based Augmentation System (GBAS). GBAS, also known as Local Area Augmentation-System (LAAS), is a critical component of the NextGen framework. GBAS provides very precise terminal arrival, approach and landing operations for aircraft that have available GPS systems. GBAS conforms to requirements identified in the FAA NextGen Implementation Plan, the National Airspace System (NAS) Enterprise Architecture and the Roadmap for Performance Based Navigation. In short, this system can reduce and improve landing approaches by our nation's airlines. This will reduce cost to consumers and reliance on fuel. Of particular importance to Guam is the portability of the GBAS system. In the event of a significant natural disaster, the system can be disassembled and reassembled in a relatively short time. This is important for Guam because during a typhoon the system can restore precision approach to the airport more quickly than a traditional instrument landing system (ILS) and thus allowing restoration of relief services faster than traditionally possible.

I have worked with the FAA to deploy a system to Guam as a measure of prudence and

in an effort to improve the system's capabilities. The additional funds provided by the Committee will provide the FAA with the resources needed to begin the process of identifying additional locations for GBAS which I believe must include Guam. Again, I want to thank Chairman OLVER for his leadership and support of this effort. I want to thank Ranking Member LATHAM and Congressman LATOURETTE for their support of this effort as well.

Ms. JACKSON LEE of Texas. Mr. Chair, I rise in support of H.R. 5850, the "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act of 2011." This bill includes important funding and necessary investments in our transportation, housing and other critical aspects of this country's infrastructure. This bill also provides assistance to the most vulnerable Americans, including the homeless, disabled, low-income and elderly. Additionally, this bill provides support for our veterans who serve this nation so valiantly and who have earned a right to adequate housing.

Mr. Chair, this bill includes funding for critical transportation projects that will improve mobility and stimulate economic activity in communities across the country. What I am particularly proud of is the funding for two light rail lines in Houston, Texas—the North and Southeast lines. These projects have successfully gone through the Federal Transit Administration's New Starts review process, and I am looking forward to passage of this bill and funding of these projects. As the fourth largest city in the country, we are anxiously awaiting construction of an integrated rail network that will create jobs, provide mobility and spur economic development. Funding for these projects will be a significant step towards achieving our goals.

This bill also invests in National Infrastructure to Support Jobs. It includes funding for:

Highway infrastructure

There is \$45.2 billion in the bill to improve and repair our nation's aging highway infrastructure. It is estimated that this increased investment will support more than 142,000 additional jobs across all sectors of the economy, according to the job model developed by the Department of Transportation (DOT). According to the DOT's 2008 Conditions and Performance Report, an average annual investment of \$105.6 billion from all levels of government is needed just to sustain the current conditions of our highways and bridges, and \$174.6 billion is needed to improve our current system. In addition, the report of the National Surface Transportation Policy and Revenue Study Commission issued in December 2007 recommended investing \$225 billion annually over the next 50 years to maintain, upgrade, and expand our transportation networks.

Public Transportation Investments

There is also \$11.3 billion to support bus and rail projects, including capital expenditures. The increase from last year will support an estimated 20,000 additional jobs for transit workers around the country. The Federal Transit Administration estimates that our nation's public transportation system has a state-of-good-repair backlog of nearly \$78 billion.

Public Housing Capital Fund

Additionally, the bill includes \$2.5 billion to help Public Housing Authorities make critical repairs and improvements to public housing units and improve living conditions for residents, including green and sustainable rehabilitation. Every dollar invested in the Capital Fund produces \$2.12 in economic return for local economies.

HOPE VI

The bill also includes \$200 million for grants to rehabilitate distressed public housing neighborhoods by transforming them into sustainable mixed-income communities. This transformation will help create jobs in the hard-hit construction industry and will revitalize distressed neighborhoods.

Community Development Block Grant (CDBG)

In addition, the bill provides for \$4.35 billion to spur local construction and development. The CDBG program works to ensure decent affordable housing, to provide services to the most vulnerable in our communities, and to create jobs through the expansion and retention of businesses. CDBG helps local governments tackle serious challenges facing their communities and makes a difference in the lives of millions of people across the nation.

Passenger Rail Grant Program

Also included in the bill is \$1.4 billion to expand and improve intercity passenger rail and develop a robust national high speed rail system, which will create jobs and reinvigorate our manufacturing base. Additionally, this investment will help reduce our dependence on fossil fuels and decrease congestion between cities across the country by providing a transportation alternative for congested highways and air space.

Amtrak

There is \$1.77 billion in the bill to make capital investments, including improvements to Amtrak's fleet and upgrades to Amtrak stations to ensure they are accessible for the disabled. This increase above FY 2010 will save or create an additional 1,130 jobs.

VULNERABLE POPULATIONS

This bill includes vital support for vulnerable populations who need our help in a difficult economic environment. Included are the following:

Foreclosure Mitigation and Housing Counseling Funds

The bill includes \$113 million to support foreclosure counseling for families through NeighborWorks America and \$88 million for the Department of Housing and Urban Development's housing counseling assistance program to provide help for low and moderate income families before they purchase a home.

Veterans Affairs Supportive Housing Vouchers

I am very pleased to know that we are taking care of our veterans by including \$75 million for housing vouchers for homeless veterans, coordinated with supportive services from the VA Medical Centers. This funding will support 10,000 new vouchers and supports the effort to end veteran homelessness.

Housing and Services for Homeless Persons Demonstration

This bill also includes \$85 million for a new demonstration coordinated between HUD and HHS to couple housing vouchers and mainstream health services for 10,000 homeless persons and individuals. Homeless individuals need both housing and services to build self-sufficiency, and integrating the programs of HUD and HHS in a seamless manner for these families and individuals will provide comprehensive support for long-term housing stability.

Public Housing Operating Fund

Also included is \$4.849 billion to support public housing units' maintenance and energy costs. The public housing inventory consists of more than 1.1 million units of housing to support low-income persons, whose average income level is \$13,346.

Section 8 Tenant Based Rental Assistance

This bill also includes \$19.4 billion to renew all vouchers currently in use and allow more than 2 million low income families to stay in their homes. Included in this total is \$113 million to renew housing vouchers for persons with disabilities and \$60 million to support the Family Self-Sufficiency program, which helps families increase income and move out of assisted housing.

Section 8 Project-Based Rental Assistance

Additionally, this bill includes \$9.4 billion to support the 1.3 million units of housing assisted. The average annual income of a resident of this form of housing is \$11,217, and more than 57 percent are either elderly or disabled.

Housing for the Elderly

Funding in the amount of \$825 million is included in the bill to support affordable housing for the elderly by constructing approximately 3,200 new units and keeping over 50,000 elderly Americans in their homes.

Housing for the Disabled

The bill also includes \$300 million to support affordable housing for the disabled by constructing approximately 1,400 new units and keeping over 13,000 Americans with disabilities in their homes.

Indian Housing

A very important measure in this bill includes \$700 million to support and construct affordable housing for American Indians. These funds will assist over 540 tribes, provide rental assistance to over 57,000 families, and add approximately 8,000 housing units to the over 26,000 housing units constructed and 54,000 housing units rehabilitated by this program since 1998.

Housing for Persons with AIDS (HOPWA)

Additionally, the bill includes \$350 million to prevent homelessness among persons with AIDS. Up to 70 percent of all people living with HIV or AIDS report a lifetime experience of homelessness or housing instability and the HIV/AIDS death rate is seven to nine times higher for homeless adults than for the general population. This funding will provide housing assistance for over 60,000 households nationwide.

Homeless Assistance Grants

The bill also provides \$2.2 billion for permanent and transitional housing for homeless families and individuals. It is important to note that this is the first year of implementation of the HEARTH Act, which will support both the prevention of, and rapid resolution of, homelessness in America.

Reverse Mortgages

Also included is \$150 million to support elderly homeowners and assist them in keeping their homes rather than forcing them to move to expensive assisted living facilities. This funding level is important because it will keep the program running in 2011 at expected volume levels.

ENSURING SAFE TRANSPORTATION

Aviation Safety Programs

The bill provides \$1.3 billion for the Federal Aviation Administration's, FAA, safety enforcement efforts including \$17 million to hire 122 additional safety inspectors to assist with NextGen development and the oversight of foreign repair stations. This additional funding will help meet the safety goals established in the FAA's Administrator's Call to Action in the aftermath of the tragic Colgan air crash.

Highway Safety Programs

Also included in the bill is \$891.2 million for the programs of the National Highway Traffic Safety Administration to make America's roads safer by encouraging safety belt use, preventing drinking and driving, improving child safety, enhancing motorcyclist safety, and other initiatives.

Railroad Safety Technology Program

There is also \$75 million to provide grants to help deploy positive train control, PTC, systems, which perform a critical safety function on rail lines with mixed freight and passenger traffic. These funds will help train operators with the estimated \$5.5 billion necessary for initial PTC system acquisition and implementation, which is required on all lines that jointly operate passenger and freight traffic by December 15, 2015.

Mr. CHAIR, this bill includes crucial support for our transportation, housing and infrastructure that will create jobs for Americans all across this country. It also includes vital support for veterans and vulnerable populations such as the elderly, low-income, and homeless who need a lifeline in the midst of this economic storm. I urge my colleagues to support this bill.

Mr. LATHAM. I yield back the balance of my time.

Mr. OLVER. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill is considered for amendment under the 5-minute rule, and the bill shall be considered as read through page 171, line 17.

The text of that portion of the bill is as follows:

H.R. 5850

Be it enacted by the Senate and House of Representatives of the United States of America in

Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$11,615,000, of which not to exceed \$2,667,000 shall be available for the immediate Office of the Secretary; not to exceed \$1,000,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$19,711,000 shall be available for the Office of the General Counsel; not to exceed \$12,015,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$11,899,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,530,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$25,695,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,240,000 shall be available for the Office of Public Affairs; not to exceed \$1,683,000 shall be available for the Office of the Executive Secretariat; not to exceed \$1,513,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$10,999,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed \$19,663,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed \$60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107-71, there may be credited to this appropriation up to \$2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

LIVABLE COMMUNITIES

For necessary expenses for livable communities initiatives, including coordinating livability and sustainability work within the Department of Transportation and with the Environmental Protection Agency and the Department of Housing and Urban Development; developing performance standards and metrics; building analytical capacity; and providing grants and direct technical assistance to State, local, and non-profit organizations, \$20,000,000, to remain available until September 30, 2013: *Provided*, That any grants and technical assistance made available under this heading shall be for improved performance measurement capabilities, enhanced ability to perform alternatives analysis, and training and workshops for personnel.

NATIONAL INFRASTRUCTURE INVESTMENT

For capital investments in transportation infrastructure, \$400,000,000, to remain available through September 30, 2013: *Provided*, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: *Provided further*, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: *Provided further*, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: *Provided further*, That a grant funded under this heading shall be not less than \$5,000,000 and not greater than \$75,000,000: *Provided further*, That not more than 12.5 percent of the funds made available under this heading may be awarded to projects in a single State: *Provided further*, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: *Provided further*, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: *Provided further*, That not less than \$100,000,000 of the funds provided under this heading shall be for projects located in rural areas: *Provided further*, That for projects located in rural areas, the minimum grant size shall be \$1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: *Provided further*, That of the amount made available under this heading, the Secretary may use an amount not to exceed \$60,000,000 for the purpose of paying the subsidy and administrative costs of projects eligible for federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: *Provided further*, That the Secretary may use up to ten percent of the funds provided under this heading to fund the costs of equipping aircraft with communications, surveillance, navigation and other avionics to conduct a demonstration of NextGen air traffic control capabilities through grants or other authorities available under section 106(l)(6) of title 49, United States Code: *Provided further*, That of the amount made available under this heading, the Secretary may use an amount not to exceed \$20,000,000 for the planning, preparation or design of projects eligible for funding under this heading: *Provided further*, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided further*, That the Secretary shall publish criteria on which to base the competition for any grants awarded under this heading no sooner than 60 days after enactment of this Act, require applications for funding provided under this heading to be submitted no sooner than 120 days after the publication of such criteria, and announce all projects selected to be funded from funds provided under this head-

ing no sooner than September 15, 2011: *Provided further*, That the Secretary may retain up to \$16,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, the Federal Aviation Administration, and the Federal Maritime Administration, to fund the award and oversight of grants made under this heading.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, \$18,500,000, to remain available until expended.

CYBER SECURITY INITIATIVES

For necessary one-time expenses for cyber security initiatives, including improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of federal cyber security initiatives and information infrastructure enhancements, implementation of enhanced security controls on network devices, and enhancement of cyber security workforce training tools, \$28,188,000, to remain available until expended.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$9,767,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$9,819,000.

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed \$148,096,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, \$329,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, \$584,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, \$3,395,000, to remain available until Sep-

tember 30, 2012: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)
(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, \$146,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That, if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

SEC. 103. The Secretary or his designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

SEC. 104. (a) Prior to awarding any grants under the National Infrastructure Investments program, the Secretary of Transportation shall post on the Department of Transportation website any request or application for funding received by the Department for projects from the program. Such post shall include a copy of any such request or application and all project data and supplemental materials provided by the entity seeking such grant.

(b) No later than 5 days after the announcing of grant awards, the Secretary shall post on the Department of Transportation website a complete description and accounting of what criteria, both qualitative and quantitative, was used in the selection of the grants under the program.

(c) The Office of Inspector General of the Department of Transportation shall audit and review 10 percent of grant recipients under the National Infrastructure Investments program to ensure that funds issued under such program are used appropriately and within the scope of the grant awarded.

FEDERAL AVIATION ADMINISTRATION
OPERATIONS(AIRPORT AND AIRWAY TRUST FUND)
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research

activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108-176, \$9,793,000,000, of which \$3,900,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed \$7,630,628,000 shall be available for air traffic organization activities; not to exceed \$1,304,486,000 shall be available for aviation safety activities; not to exceed \$16,747,000 shall be available for commercial space transportation activities; not to exceed \$114,784,000 shall be available for financial services activities; not to exceed \$103,297,000 shall be available for human resources program activities; not to exceed \$361,354,000 shall be available for region and center operations and regional coordination activities; not to exceed \$208,994,000 shall be available for staff offices; and not to exceed \$53,360,000 shall be available for information services: *Provided*, That the Secretary utilize not less than \$17,000,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: *Provided further*, That none of the funds provided for increases to the staffs of the aviation flight standards and aircraft certification offices shall be used for other purposes: *Provided further*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108-176: *Provided further*, That the amount herein appropriated shall be reduced by \$100,000 for each day after March 31 that such report has not been submitted to the Congress: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: *Provided further*, That the amount herein appropriated shall be reduced by \$100,000 per day for each day after March 31 that such report has not been submitted to Congress: *Provided further*, That funds may be used to enter into a grant agreement with a non-profit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifi-

cally authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation as offsetting collections funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, including funds from fees authorized under Chapter 453 of title 49, United States Code, other than those authorized by section 45301(a)(1) of that title, which shall be available for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than \$9,500,000 shall be for the contract tower cost-sharing program: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, \$3,000,000,000, of which \$2,508,000,000 shall remain available until September 30, 2013, and of which \$492,000,000 shall remain available until September 30, 2011: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of National Airspace Systems: *Provided further*, That upon initial submission to the Congress of the fiscal year 2012 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2012 through 2016, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$198,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2013: *Provided*, That there may be credited to this

appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (LIMITATION ON OBLIGATIONS) (AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$3,550,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,515,000,000 in fiscal year 2011, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than \$99,622,000 shall be obligated for administration, not less than \$15,000,000 shall be available for the airport cooperative research program, not less than \$27,217,000 shall be for Airport Technology Research.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2011.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: *Provided*, That during fiscal year 2011, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

SEC. 115. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a non-revenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 116. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 117. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

FEDERAL HIGHWAY ADMINISTRATION
LIMITATION ON ADMINISTRATIVE EXPENSES
(INCLUDING TRANSFER OF FUNDS)

Not to exceed \$428,843,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation: *Provided*, That of the funds made available under this heading, not less than \$8,000,000 shall be for renovations and upgrades to the fiscal management information system, except that such funds may not be obligated for such purpose until the Secretary of Transportation submits to the House and Senate Committees on Appropriations a plan that identifies the full cost of the upgrades needed and a timeline for completion. In addition, not to exceed \$3,300,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$45,217,700,000 for Federal-aid highways and highway safety construction programs for fiscal year 2011: *Provided*, That within the \$45,217,700,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than \$429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2011: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made

available for obligation: *Provided further*, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, \$45,956,700,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL
HIGHWAY ADMINISTRATION
(INCLUDING RESCISSIONS)

SEC. 120. (a) For fiscal year 2011, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe,

Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute \$2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than \$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to \$639,000,000 for each of fiscal years 2005 through 2011; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A

Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) **REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.**—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) **APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.**—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) **REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) **RATIO.**—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) **AVAILABILITY.**—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) **SPECIAL LIMITATION CHARACTERISTICS.**—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) **HIGH PRIORITY PROJECT FLEXIBILITY.**—

(1) **IN GENERAL.**—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) **RESTORATION.**—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 122. Not less than 15 days prior to waiving, under his statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided*, That the Secretary shall provide an annual report to the Appropriations Committees of the Congress on any waivers granted under the Buy America requirements.

SEC. 123. (a) **IN GENERAL.**—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) **EXCEPTIONS.**—

(1) **NUMBER OF TOLL LANES.**—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of non-toll lanes as were in existence prior to that date.

(2) **HIGH-OCCUPANCY VEHICLE LANES.**—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a non-toll lane for purposes of determining whether a highway will have fewer non-toll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

SEC. 124. Notwithstanding any other provision of law, whenever an apportionment is made of the sums authorized to be appropriated for the Surface Transportation Program, the Congestion Mitigation and Air Quality Improvement Program, the National Highway System Program, the Interstate

Maintenance Program, and the Highway Bridge Program, the Secretary of Transportation shall deduct a sum in such amount not to exceed a total of \$200,000,000 of all sums so authorized: *Provided*, That of the amount so deducted in accordance with this section shall be made available for the Federal Highway Administration Livable Communities Program: *Provided further*, That the Federal share payable on account of any program, project, or activity carried out with funds made available under this section shall be determined in accordance with 23 U.S.C. 120: *Provided further*, That the Administrator of the Federal Highway Administration may retain up to one percent of the funds provided under this section for administrative expenses: *Provided further*, That the sum deducted in accordance with this section shall remain available until expended: *Provided further*, That all funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways programs set forth in this Act or any other Act: *Provided further*, That the obligation limitation made available for the programs, projects, and activities for which funds are made available under this section shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years: *Provided further*, That in apportioning funds for fiscal year 2011 for the equity bonus program under Section 105 of title 23, United States Code, the Secretary shall make any calculations required to be made under that section as if this provision had not been enacted.

SEC. 125. (a) In the explanatory statement referenced in section 186 of title I of division A of Public Law 111-117 (123 Stat. 3070), the item relating to “Chalk Bluff Road, Clay County, AR” in the table of projects under the heading “Delta Region Transportation Development Program” is deemed to be amended by striking “Chalk Bluff Road, Clay County, AR” and inserting “Cabot North Interchange, AR”.

(b) In the explanatory statement referenced in section 186 of title I of division A of Public Law 111-117 (123 Stat. 3070), the item relating to “I-480/Tiedeman Road Interchange Modification, OH” in the table of projects under the heading “Interstate Maintenance Discretionary” is deemed to be amended by striking “I-480/Tiedeman Road Interchange Modification, OH” and inserting “Construction and upgrades at four grade crossings in Olmsted Falls, OH”.

(c) Funds made available for “Construction of the I-278 Environmental Shield, Queens, NY” under the heading “Surface transportation priorities” in title I of division A of Public Law 111-117 (123 Stat. 3044) shall be made available for “Reconstruction and reconfiguration of the northbound off-ramp from Interstate 95 to Bartow/Baychester Avenue, Bronx, NY”.

(d) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111-8 (123 Stat. 947), the item relating to “Newton County Rails to Trails By-Pass Tunnel, GA” in the table of projects under the heading “Transportation, Community, and System Preservation Program” is deemed to be amended by striking “Newton County Rails to Trails By-Pass Tunnel, GA” and inserting “Newton County Eastside High School to County Library Trail, GA”.

SEC. 126. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended—

(a) in item number 1366, by striking the project description and inserting “Road and bridge improvements and storm water mitigation in the Town of Southamptton”; and

(b) in item number 2252 by striking the project description and inserting “Operational safety studies, final design and/or construction of intersection operational and safety improvements for USH 53 between Rice Lake and Superior, Wisconsin”.

SEC. 127. The table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 257) is amended—

(a) in item number 414 by striking the project description and inserting “Engineering, design and construction of the North Street, Pittsfield, streetscaping project”; and

(b) in item number 815 by striking the project description and inserting “Highway 10 relocation, City of Wadena”.

SEC. 128. Of the unobligated balances made available under Public Law 101-516, Public Law 102-143, Public Law 103-331, and Public Law 106-346, \$33,905,809 are rescinded: *Provided*, That in administering the rescission required under this section, the Secretary of Transportation shall first consider: (1) projects where the designated purpose has been completed and the remaining funds are no longer needed to meet that purpose; and (2) projects with more than 90 percent of the appropriated amount remaining available for obligation.

SEC. 129. Of the amounts made available for “Highway Related Safety Grants” by section 402 of title 23, United States Code, and administered by the Federal Highway Administration, \$3,651 in unobligated balances are rescinded.

SEC. 130. Of the amounts made available under section 104(a) of title 23, United States Code, \$1,863,000 are permanently rescinded.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109-59, \$259,878,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided*, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of \$259,878,000, for “Motor Carrier Safety Operations and Programs” of which \$8,586,000, to remain available for obligation until September 30, 2013, is for the research and technology program and \$1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109-59: *Provided further*, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer.

MOTOR CARRIER SAFETY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106,

31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109-59, \$310,070,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$310,070,000, for “Motor Carrier Safety Grants”; of which \$215,070,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; \$30,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; \$32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; \$5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; \$25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109-59; and \$3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109-59: *Provided further*, That of the funds made available for the motor carrier safety assistance program, \$35,000,000 shall be available for audits of new entrant motor carriers.

MOTOR CARRIER SAFETY (HIGHWAY TRUST FUND) (RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, \$7,330,000 in unobligated balances are permanently rescinded.

NATIONAL MOTOR CARRIER SAFETY PROGRAM (HIGHWAY TRUST FUND) (RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, \$15,076,000 in unobligated balances are permanently rescinded.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 135. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107-87 and section 6901 of Public Law 110-28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109-59 and chapter 301 and part C of subtitle VI of title 49, United States Code, \$148,127,000, of which \$10,000,000 shall remain available through September 30, 2012: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH (LIQUIDATION OF CONTRACT AUTHORIZATION) (LIMITATION ON OBLIGATIONS) (HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, \$110,073,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2011, are in excess of \$110,073,000 for programs authorized under 23 U.S.C. 403: *Provided further*, That within the \$110,073,000 obligation limitation for operations and research, \$10,000,000 shall remain available until September 30, 2012 and shall be in addition to the amount of any limitation imposed on obligations for future years.

NATIONAL DRIVER REGISTER (LIQUIDATION OF CONTRACT AUTHORIZATION) (LIMITATION ON OBLIGATIONS) (HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, \$4,170,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2011, are in excess of \$4,170,000 for the National Driver Register authorized under such chapter.

NATIONAL DRIVER REGISTER MODERNIZATION

For an additional amount for the “National Driver Register” as authorized by chapter 303 of title 49, United States Code, \$2,530,000, to remain available through September 30, 2012: *Provided*, That the funding made available under this heading shall be used to continue the modernization of the National Driver Register.

HIGHWAY TRAFFIC SAFETY GRANTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (LIMITATION ON OBLIGATIONS) (HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109-59, to remain available until expended, \$626,328,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2011, are in excess of \$626,328,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109-59, of which \$235,000,000 shall be for “Highway Safety Programs” under 23 U.S.C. 402; \$25,000,000 shall be for “Occupant Protection Incentive Grants” under 23 U.S.C. 405; \$124,500,000 shall be for “Safety Belt Performance Grants” under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2012 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years, of which up to \$50,000,000 may be made available by the Secretary as grants to States that enact and enforce laws to prevent distracted driving; \$34,500,000 shall be for “State Traffic Safety

Information System Improvements" under 23 U.S.C. 408; \$139,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Incentive Grant Program" under 23 U.S.C. 410; \$25,328,000 shall be for "Administrative Expenses" under section 2001(a)(11) of Public Law 109-59; \$29,000,000 shall be for "High Visibility Enforcement Program" under section 2009 of Public Law 109-59; \$7,000,000 shall be for "Motorcyclist Safety" under section 2010 of Public Law 109-59; and \$7,000,000 shall be for "Child Safety and Child Booster Seat Safety Incentive Grants" under section 2011 of Public Law 109-59: *Provided further*, That of the funds made available for grants to States that enact and enforce laws to prevent distracted driving, up to \$5,000,000 may be available for the development, production, and use of broadcast and print media advertising for distracted driving prevention: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed \$500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States: *Provided further*, That not to exceed \$750,000 of the funds made available for the "High Visibility Enforcement Program" shall be available for the evaluation required under section 2009(f) of Public Law 109-59.

ADMINISTRATIVE PROVISIONS—NATIONAL
HIGHWAY TRAFFIC SAFETY ADMINISTRATION
(INCLUDING RESCISSION)

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional \$130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. Of the amounts made available under the heading "Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, \$7,907,000 in unobligated balances are permanently rescinded.

FEDERAL RAILROAD ADMINISTRATION
SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$203,348,000, of which \$5,492,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$40,000,000, to remain available until expended.

RAILROAD SAFETY TECHNOLOGY PROGRAM

For necessary expenses of carrying out section 20158 of title 49, United States Code, \$75,000,000, to remain available until expended: *Provided*, That to be eligible for assistance under this heading, an entity need not have developed plans required under subsection 20156(e)(2) of title 49, United States Code, and section 20157 of such title.

RAILROAD REHABILITATION AND IMPROVEMENT
FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2011.

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL
CORRIDORS AND INTERCITY PASSENGER RAIL
SERVICE

To enable the Secretary of Transportation to make grants for high-speed rail projects as authorized under section 26106 of title 49, United States Code, capital investment grants to support intercity passenger rail service as authorized under section 24406 of title 49, United States Code, and congestion grants as authorized under section 24105 of title 49, United States Code, and to enter into cooperative agreements for these purposes as authorized, \$1,400,000,000, to remain available until expended: *Provided*, That up to \$50,000,000 of funds provided under this paragraph are available to the Administrator of the Federal Railroad Administration to fund the award and oversight by the Administrator of grants and cooperative agreements for intercity and high-speed rail: *Provided further*, That up to \$30,000,000 of the funds provided under this paragraph are available to the Administrator for the purposes of conducting research and demonstrating technologies supporting the development of high-speed rail in the United States, including the demonstration of next-generation rolling stock fleet technology and the implementation of the Rail Cooperative Research Program authorized by section 24910 of title 49, United States Code: *Provided further*, That up to \$50,000,000 of the funds provided under this paragraph may be used for planning activities that lead directly to the development of a passenger rail corridor investment plan consistent with the requirements established by the Administrator or a state rail plan consistent with chapter 227 of title 49, United States Code: *Provided further*, That the Secretary may retain a portion of the funds made available for planning activities under the previous proviso to facilitate the preparation of a service development plan and related environmental impact statement for high-speed corridors located in multiple States: *Provided further*, That the Secretary shall issue interim guidance to applicants covering application procedures and administer the grants provided under this heading pursuant to that guidance until final regulations are issued: *Provided further*, That not less than 85 percent of the funds provided under this heading shall be for cooperative agreements that lead to the development of entire segments or phases of intercity or high-speed rail corridors: *Provided further*, That at least 30 days prior to issuing a letter of intent or cooperative agreement pursuant to Section 24402(f) of title 49, United States Code, for a major corridor development program, the Secretary shall provide to the House and Senate Committees on Appropriations written notification consisting of a business and public investment

case for the proposed corridor program which shall include: a comprehensive analysis of the monetary and non-monetary costs and benefits of the corridor development program; an assessment of ridership, passenger travel time reductions, congestion relief benefits, environmental benefits, economic benefits, and other public benefits; operating financial forecasts for the program; a full capital cost estimation for the entire project, including the amount, source and security of non-Federal funds to complete the project; a summary of the grants management plan and an evaluation of the grantee's ability to sustain the project: *Provided further*, That the Federal share payable of the costs for which a grant or cooperative agreements is made under this heading shall not exceed 80 percent: *Provided further*, That in addition to the provisions of title 49, United States Code, that apply to each of the individual programs funded under this heading, subsections 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this heading: *Provided further*, That a project need not be in a State rail plan developed under Chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: *Provided further*, That recipients of grants under this paragraph shall conduct all procurement transactions using such grant funds in a manner that provides full and open competition, as determined by the Secretary, in compliance with existing labor agreements.

OPERATING GRANTS TO THE NATIONAL
RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432), \$563,000,000, to remain available until expended: *Provided*, That each grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That concurrent with the President's budget request for fiscal year 2012, the Corporation shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2012 in similar format and substance to those submitted by executive agencies of the Federal Government.

CAPITAL AND DEBT SERVICE GRANTS TO THE
NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c) and 219(b) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432), \$1,203,500,000 to remain available until expended, of which not to exceed \$305,000,000 shall be for debt service obligations as authorized by section 102 of such Act: *Provided*, That after an initial distribution of up to \$200,000,000 which shall be used by the Corporation as a working capital account, all remaining funds shall be provided to the Corporation only on a reimbursable basis: *Provided further*, That the Secretary may retain up to one-half of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110-432: *Provided further*, That the Secretary

shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital project justifying the Federal support to the Secretary's satisfaction: *Provided further*, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2010 business plan: *Provided further*, That in addition to the project management oversight funds authorized under section 101(d) of division B of Public Law 110-432, the Secretary may retain up to an additional one-half of one percent of the funds provided under this heading to fund expenses associated with implementing section 212 of division B of Public Law 110-432, including the amendments made by section 212 to section 24905 of title 49, United States Code, and other mandates of Division B of Public Law 110-432.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word "services" shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 151. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$106,559,000: *Provided*, That for an additional amount to carry out public transportation fixed guideway safety oversight activities, \$24,139,000, if legislation authorizing such activities is enacted into law prior to September 30, 2011: *Provided further*, That of the funds available under this heading, not to exceed \$2,200,000 shall be available for travel: *Provided further*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That upon submission to the Congress of the fiscal year 2012 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2012.

FORMULA AND BUS GRANTS (LIQUIDATION OF CONTRACT AUTHORITY) (LIMITATION ON OBLIGATIONS) (HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, \$9,200,000,000 to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, shall not exceed total obligations of \$8,961,348,000 in fiscal year 2011: *Provided further*, That of the amounts made available under this heading, \$250,000,000 shall be available for the Secretary of Transportation to make grants for the operating costs of equipment and facilities for use in public transportation, if legislation authorizing such activities is enacted into law prior to September 30, 2011: *Provided further*, That eligible recipients under the previous proviso shall include States and designated recipients that receive funding under sections 5307 and 5311 of title 49, United States Code.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312-5315, 5322, and 5506, \$65,376,000, to remain available until expended: *Provided*, That \$10,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, \$4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and \$7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: *Provided further*, That \$44,076,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out section 5309 of title 49, United States Code, \$2,000,000,000, to remain available until expended.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110-432, \$150,000,000, to remain available until expended: *Provided*, That the Secretary shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: *Provided further*, That prior to approving such grants, the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under "Federal Transit Administra-

tion, Capital Investment Grants" and for bus and bus facilities under "Federal Transit Administration, Formula and Bus Grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2013, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2010, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading "Federal Transit Administration, Capital investment grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. Notwithstanding any other provision of law, unobligated funds or recoveries under section 5309 of title 49, United States Code, that are available to the Secretary of Transportation for reallocation shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the Saint Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, \$33,868,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$174,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$169,353,000, of which \$11,240,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which \$30,900,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and of which \$63,120,000 shall be available for operations at the United States Merchant Marine Academy, and of which \$6,000,000 shall be available until expended for the Secretary's reimbursement of overcharged midshipmen fees: *Provided*, That the Secretary, through such structure and administration as the Secretary establishes, shall reimburse current

and former midshipmen of United States Merchant Marine Academy in such amounts as the Secretary determines, in his sole discretion, to be appropriate to address claims regarding the overcharging of midshipman fees, pertaining first to academic years 2003/2004 through 2008/2009, and then pertaining to earlier academic years to the extent that the Secretary determines to be appropriate and subject to the amounts specifically appropriated herein for such reimbursements: *Provided further*, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation or the Assistant Secretary for Budget and Programs: *Provided further*, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United States Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of Maritime Administration shall hold all allotments made by the Secretary of Transportation or the Assistant Secretary for Budget and Programs under the previous proviso: *Provided further*, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Superintendent and the Maritime Administration, completes a plan detailing by program or activity and by object class how such funding will be expended at the Academy, and this plan is submitted to the House and Senate Committees on Appropriations.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, \$10,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)

For necessary administrative expenses of the maritime guaranteed loan program, \$3,688,000 shall be paid to the appropriation for "Operations and Training", Maritime Administration.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION OPERATIONAL EXPENSES (PIPELINE SAFETY FUND) (INCLUDING TRANSFER OF FUNDS)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, \$22,383,000, of which \$639,000 shall be derived from the Pipeline Safety Fund: *Provided*, That \$1,000,000 shall be transferred to "Pipeline Safety" in order to fund "Pipeline Safety Information Grants to Communities" as authorized under section 60130 of title 49, United States Code.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, \$40,434,000, of which \$1,707,000 shall remain available until September 30, 2013: *Provided*, That up to \$800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY (PIPELINE SAFETY FUND) (OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$111,111,000, of which \$18,905,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2013; and of which \$92,206,000 shall be derived from the Pipeline Safety Fund, of which \$51,206,000 shall remain available until September 30, 2013: *Provided*, That not less than \$1,053,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS (EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), \$188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2012: *Provided*, That not more than \$28,318,000 shall be made available for obligation in fiscal year 2011 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)-(c): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, \$18,900,000, of which \$11,765,000 shall remain available until September 30, 2013: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$86,406,000, of which \$285,000 shall be derived from the Highway Trust Fund (other than the Mass Transit Account) for costs associated with the annual audits of the Highway Trust Fund financial statements in accordance with section 104(i) of title 23, United States Code, and section 3521 of title 31, United States Code: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the du-

ties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading may be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$31,249,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2011, to result in a final appropriation from the general fund estimated at no more than \$29,999,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Research and University Research Centers" account, and to the Federal

Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Funds provided or limited in this Act under the appropriate accounts within the Federal Highway Administration, the Federal Railroad Administration and the Federal Transit Administration shall be for the eligible programs, projects and activities in the corresponding amounts identified in the committee report accompanying this Act for "Ferry Boats and Ferry Terminal Facilities", "Federal Lands", "Interstate Maintenance Discretionary", "Transportation, Community and System Preservation Program", "Delta Region Transportation Development Program", "Rail Line Relocation and Improvement Program", "Rail-highway crossing hazard eliminations", "Capital Investment Grants", "Alternatives analysis", and "Bus and bus facilities".

SEC. 187. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 188. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any grant from the Federal Railroad Administration; or (4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation.

SEC. 189. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 190. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper

payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify to the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107-300.

SEC. 191. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: *Provided*, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 192. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 193. Notwithstanding section 3324 of Title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109-59: *Provided*, that the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high quality performance under the contract.

SEC. 194. For an additional amount for the "Salaries and Expenses" account, \$7,622,655, to increase the Department's acquisition workforce capacity and capabilities: *Provided*, That such funds may be transferred by the Secretary to any other account in the Department to carry out the purposes provided herein: *Provided further*, That such transfer authority is in addition to any other transfer authority provided in this Act: *Provided further*, That such funds shall be available only to supplement and not to supplant existing acquisition workforce activities: *Provided further*, That such funds shall be available for training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.): *Provided further*, That such funds shall be available for information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management.

This title may be cited as the "Department of Transportation Appropriations Act, 2011".

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

EXECUTIVE DIRECTION

For necessary salaries and expenses for Executive Direction, \$30,265,000, of which not to exceed \$7,674,000 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed \$1,706,000 shall be available for the Office of Hearings and Appeals; not to exceed \$719,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$999,000 shall be available for the immediate Office of the Chief Financial Officer; not to exceed \$1,503,000 shall be available for the immediate Office of the General Counsel; not to exceed \$2,709,000 shall be available to the Office of the Assistant Secretary for Congressional and Intergovernmental Relations; not to exceed \$4,861,000 shall be available for the Office of the Assistant Secretary for Public Affairs; not to exceed \$2,163,000 shall be available to the Office of the Assistant Secretary for Public and Indian Housing; not to exceed \$1,755,000 shall be available to the Office of the Assistant Secretary for Community Planning and Development; not to exceed \$3,565,000 shall be available to the Office of the Assistant Secretary for Housing, Federal Housing Commissioner; not to exceed \$1,117,000 shall be available to the Office of the Assistant Secretary for Policy Development and Research; not to exceed \$945,000 shall be available to the Office of the Assistant Secretary for Fair Housing and Equal Opportunity; and not to exceed \$549,000 shall be available to the Office of the Chief Operating Officer: *Provided*, That the Secretary of the Department of Housing and Urban Development is authorized to transfer funds appropriated for any office funded under this heading to any other office funded under this heading following the written notification to the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for prior approval to the House and Senate Committees on Appropriations: *Provided further*, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide all signed reports required by Congress electronically: *Provided further*, That not to exceed \$25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine: *Provided Further*, That the Secretary shall notify the Committees on Appropriations one month before any of the funds made available under this heading may be used for international travel.

ADMINISTRATION, OPERATIONS AND MANAGEMENT

For necessary salaries and expenses for administration, operations and management for the Department of Housing and Urban Development, \$538,552,000, of which not to exceed \$65,049,000 shall be available for the personnel compensation and benefits of the Office of the Chief Human Capital Officer; not to exceed \$9,122,000 shall be available for the personnel compensation and benefits of the Office of Departmental Operations and Coordination; not to exceed \$49,090,000 shall be

available for the personnel compensation and benefits of the Office of Field Policy and Management; not to exceed \$13,861,000 shall be available for the personnel compensation and benefits of the Office of the Chief Procurement Officer; not to exceed \$33,831,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the Chief Financial Officer; not to exceed \$86,482,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the General Counsel; not to exceed \$3,115,000 shall be available for the personnel compensation and benefits of the Office of Departmental Equal Employment Opportunity; not to exceed \$1,316,000 shall be available for the personnel compensation and benefits for the Center for Faith-Based and Community Initiatives; not to exceed \$2,887,000 shall be available for the personnel compensation and benefits for the Office of Sustainability; not to exceed \$4,445,000 shall be available for the personnel compensation and benefits for the Office of Strategic Planning and Management; not to exceed \$4,875,000 shall be available for the personnel compensation and benefits for the Office of the Chief Disaster and Emergency Management Officer; and not to exceed \$264,479,000 shall be available for non-personnel expenses of the Department of Housing and Urban Development: *Provided*, That, funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: *Provided further*, That the Secretary of Housing and Urban Development is authorized to transfer funds appropriated for any office included in Administration, Operations and Management to any other office included in Administration, Operations and Management only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 10 percent by all such transfers. *Provided Further*, That the Secretary shall notify the Committees on Appropriations one month before any of the funds made available under this heading may be used for international travel.

PERSONNEL COMPENSATION AND BENEFITS
PUBLIC AND INDIAN HOUSING

For necessary personnel compensation and benefits expenses of the Office of Public and Indian Housing, \$197,282,000.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary personnel compensation and benefits expenses of the Office of Community Planning and Development mission area, \$105,768,000.

HOUSING

For necessary personnel compensation and benefits expenses of the Office of Housing, \$395,917,000.

OFFICE OF THE GOVERNMENT NATIONAL
MORTGAGE ASSOCIATION

For necessary personnel compensation and benefits expenses of the Office of the Government National Mortgage Association,

\$10,902,000, to be derived from the GNMA guarantees of mortgage backed securities guaranteed loan receipt account.

POLICY DEVELOPMENT AND RESEARCH

For necessary personnel compensation and benefits expenses of the Office of Policy Development and Research, \$23,588,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary personnel compensation and benefits expenses of the Office of Fair Housing and Equal Opportunity, \$67,964,000.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD
CONTROL

For necessary personnel compensation and benefits expenses of the Office of Healthy Homes and Lead Hazard Control, \$6,762,000.

PUBLIC AND INDIAN HOUSING
TENANT-BASED RENTAL ASSISTANCE
(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, \$15,395,663,000, to remain available until expended, shall be available on October 1, 2010 (in addition to the \$4,000,000,000 previously appropriated under this heading that will become available on October 1, 2010), and \$4,000,000,000, to remain available until expended, shall be available on October 1, 2011: *Provided*, That of the amounts made available under this heading are provided as follows:

(1) \$17,080,000,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose vouchers initially funded in fiscal years 2009 and 2010 (such as Family Unification, Veterans Affairs Supportive Housing Vouchers and Non-elderly Disabled Vouchers): *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2011 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for calendar year 2010 and by applying the most recent 12 months of the Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection, and HOPE VI vouchers: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the Moving to Work demonstration, which are instead governed by the terms and conditions of their MTW agreements: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph, pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the following provisos, the entire amount specified under this paragraph shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: *Provided further*, That the

Secretary may extend the 60-day notification period with prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further*, That up to \$150,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act; (3) for any increase in the costs associated with deposits to family self-sufficiency program escrow accounts; (4) for onetime adjustments of renewal funding for Public Housing Agencies in receivership with approved fungibility plans for calendar year 2009 as authorized in Section 11003 of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329); or (5) to adjust allocations for public housing agencies to prevent termination of assistance to families receiving assistance under the disaster voucher program, as authorized by Public Law 109-148 under the heading "Tenant-Based Rental Assistance": *Provided further*, That the Secretary shall allocate amounts under the previous proviso based on need as determined by the Secretary: *Provided further*, That of the amounts made available under this paragraph, up to \$100,000,000 may be transferred to and merged with the appropriation for "Transformation Initiative";

(2) \$125,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106-569, as amended, or under the authority as provided under this Act: *Provided*, That the Secretary shall provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds;

(3) \$1,851,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to \$50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster

related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: *Provided*, That no less than \$1,741,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2011 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, for fiscal year 2010 and prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities: *Provided further*, That \$60,000,000 shall be available for family self-sufficiency coordinators under section 23 of the Act: *Provided further*, That amounts provided for family self-sufficiency coordinators shall be obligated to the public housing agencies not later than 60 days after enactment of this Act;

(4) \$113,663,183 for renewal of tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) entered into prior to fiscal year 2007;

(5) \$75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over;

(6) Up to \$66,000,000 for incremental tenant-based assistance for eligible families assisted under the Disaster Housing Assistance Program for Hurricanes Ike and Gustav: *Provided*, That these vouchers will not be re-issued when families leave the program;

(7) \$85,000,000 for incremental voucher assistance under section 8(o) of the United States Housing Act of 1937, including related administrative expenses, for two competitive demonstration programs to address the needs of families and individuals who are homeless or at risk of homelessness, as defined by the Secretary of Housing and Urban Development, to be administered by the Department of Housing and Urban Development in conjunction with the Department of Health and Human Services and the Department of Education: *Provided*, That one demonstration program shall make funding available to public housing agencies that: (1) partner with eligible state or local entities responsible for distributing Temporary Assistance for Needy Families (TANF) and other health and human services as designated by the Secretary of the Department of Health and Human Services, and (2) partner with school homelessness liaisons funded through the Department of Education's Education for Homeless Children and Youths program: *Provided further*, That the other demonstration program shall make funding available to public housing agencies that partner with eligible state Medicaid agencies and state behavioral health entities as designated by the Secretary of the Department of Health and Human Services to provide housing in conjunction with Medicaid case management, substance abuse treatment, and mental health services: *Provided further*, That the Secretary of Housing and Urban Development shall make the funding specified in this subsection available through such allocation procedures as the Secretary determines to be appropriate, notwithstanding section 213 of the Housing and Community Development Act of 1974 (42 U.S.C. 1439) and section 204 (competition provision) of this title, to entities with demonstrated experience and that meet such other requirements as determined by the Secretary: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to this subsection no later than 10 days before the effective date of such waiver: *Provided further*, That assistance made available under this subsection shall continue to remain available for these purposes upon turn-over.

HOUSING CERTIFICATE FUND

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing" and the heading "Project-Based Rental Assistance", for fiscal year 2011 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract

administrators, notwithstanding the purposes for which such funds were appropriated: *Provided*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled: *Provided further*, That amounts heretofore recaptured, or recaptured during the current fiscal year, from project-based Section 8 contracts from source years fiscal year 1975 through fiscal year 1987 are hereby rescinded, and an amount of additional new budget authority, equivalent to the amount rescinded is hereby appropriated, to remain available until expended, for the purposes set forth under this heading, in addition to amounts otherwise available.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the "Act") \$2,500,000,000, to remain available until September 30, 2014: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2011 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That up to \$15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): *Provided further*, That of the total amount provided under this heading, not to exceed \$20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2011: *Provided further*, That of the total amount provided under this heading, \$50,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z-6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That a Notice of Funding Availability for the funds provided in the previous proviso shall be issued not later than 60 days after enactment of this Act: *Provided further*, That of the total amount provided under this heading up to \$8,820,000 is to support the costs of administrative and judicial receiverships: *Provided further*, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2011 to public housing agencies that are designated high performers.

PUBLIC HOUSING OPERATING FUND

For 2011 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), \$4,829,000,000.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement

housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), \$200,000,000, to remain available until September 30, 2012, of which the Secretary of Housing and Urban Development may use up to \$5,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein: *Provided further*, That a Notice of Funding Availability for the funds provided under this heading shall be issued not later than 60 days after enactment of this Act.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), \$700,000,000, to remain available until expended: *Provided*, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act: *Provided further*, That of the amounts made available under this heading, \$3,500,000 shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and \$4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to \$300,000 for related travel: *Provided further*, That of the amount provided under this heading, \$2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$20,000,000.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), \$10,000,000, to remain available until expended: *Provided*, That of this amount, \$300,000 shall be for training and technical assistance activities, including up to \$100,000 for related travel by Hawaii-based HUD employees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), \$9,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to \$994,000,000: *Provided further*, That up to \$750,000 shall be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), \$1,044,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$41,504,255.

COMMUNITY PLANNING AND DEVELOPMENT HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), \$350,000,000, to remain available until September 30, 2012, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2013: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, \$4,352,100,000, to remain available until September 30, 2013, unless otherwise specified: *Provided*, That of the total amount provided, \$3,997,755,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act: *Provided further*, That \$65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to \$3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, \$77,145,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the explanatory statement accompanying this Act: *Provided*, That none of the funds provided under this paragraph may be used for program operations: *Provided further*, That, for fiscal years 2008, 2009 and 2010, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, \$12,200,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: *Provided*, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

The referenced statement of managers under the heading "Community Planning and Development" in title II in division I of Public Law 111-8 is deemed to be amended by striking "City of Wilson, NC, for demolition of dilapidated structures from downtown Wilson to further downtown redevelopment" and inserting "City of Wilson, NC, for the renovation of blighted structures to enhance downtown development".

The referenced statement of managers under the heading "Community Planning and Development" in title II in division I of Public Law 111-8 is deemed to be amended by striking "Catskill Visitor Interpretative Center, Shandaken, NY, for construction of a visitor's center" and inserting "New York State Department of Environmental Conservation, NY, for planning and design of the Catskill Visitor Interpretative Center".

The referenced statement of managers under the heading "Community Planning and Development" in title II in division I of Public Law 111-8 is deemed to be amended by striking "Charles County Department of Human Services, Maryland, Port Tobacco, MD, for acquisition and rehabilitation of the former Changing Point South facility as a homeless shelter and transitional housing" and inserting "Charles County Department of Human Services, Port Tobacco, MD, for acquisition and rehabilitation of a facility".

Of the amounts made available under this heading, \$150,000,000 shall be made available for a Sustainable Communities Initiative to improve regional planning efforts that integrate housing and transportation decisions, and increase the capacity to improve land use and zoning: *Provided*, That grants under such Initiative may only be made to metropolitan planning organizations (MPOs), rural planning organizations, States or other units of general local government, and housing- and transportation-related nonprofit organizations: *Provided further*, That \$100,000,000 shall be for Regional Integrated Planning Grants to support the linking of transportation and land use planning: *Provided further*, That not less than \$25,000,000 of the funding made available for Regional Integrated Planning Grants shall be awarded to metropolitan areas of less than 500,000: *Provided further*, That \$40,000,000 shall be for

Community Challenge Planning Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities: *Provided further*, That before funding is made available for Regional Integrated Planning Grants or Community Challenge Planning Grants, the Secretary, in coordination with the Secretary of Transportation, shall submit a plan to the House and Senate Committees on Appropriations, the Senate Committee on Banking and Urban Affairs, and the House Committee on Financial Services establishing grant criteria as well as performance measures by which the success of grantees will be measured: *Provided further*, That the Secretary will consult with the Secretary of Transportation in evaluating grant proposals: *Provided further*, That up to \$10,000,000 shall be for a joint Department of Housing and Urban Development and Department of Transportation research effort that shall include a rigorous evaluation of the Regional Integrated Planning Grants and Community Challenge Planning Grants programs, as well as to provide funding for a clearinghouse and capacity building efforts: *Provided further*, That of the amounts made available under this heading, \$25,000,000 shall be made available for the Rural Innovation Fund for grants to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to address the problems of concentrated rural housing distress and community poverty: *Provided further*, That of the funding made available under the previous proviso, at least \$5,000,000 shall be made available to promote economic development and entrepreneurship for federally recognized Indian Tribes, through activities including the capitalization of revolving loan programs and business planning and development, funding is also made available for technical assistance to increase capacity through training and outreach activities: *Provided further*, That of the amounts made available under this heading, \$25,000,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307).

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

For the cost of guaranteed loans, \$10,000,000, to remain available until September 30, 2012, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$427,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, \$17,500,000, to remain available until September 30, 2012: *Provided*, That no funds made available under this heading may be used to establish loan loss reserves for the section 108 Community Development Loan Guarantee program: *Provided further*, That a Notice of Funding Availability shall be issued not later than 90 days after enactment of this Act.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, \$1,825,000,000, to remain available until September 30, 2013: *Provided*, That, funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, \$82,000,000, to remain available until September 30, 2012: *Provided*, That of the total amount provided under this heading, \$27,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*, That \$50,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than \$5,000,000 may be made available for rural capacity building activities: *Provided further*, That \$5,000,000 shall be made available for capacity building activities as authorized in sections 6301 through 6305 of Public Law 110-246: *Provided further*, That a Notice of Funding Availability shall be issued not later than 60 days after enactment of this Act.

HOMELESS ASSISTANCE GRANTS

For the emergency solutions grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the continuum of care program as authorized under subtitle C of title IV of such Act; and the rural housing stability assistance program as authorized under subtitle D of title IV of such Act, \$2,200,000,000, of which \$2,195,000,000 shall remain available until September 30, 2013, and of which \$5,000,000 shall remain available until expended for project-based rental assistance rehabilitation with 10-year grant terms and any rental assistance amounts that are recaptured under such continuum of care program shall remain available until expended: *Provided*, That up to \$200,000,000 of the funds appropriated under this heading shall be available for such emergency solutions grants program: *Provided further*, That no less than \$1,989,000,000 of the funds appropriated under this heading shall be available for such continuum of care and rural housing stability assistance programs: *Provided further*, That up to \$6,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: *Provided further*, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That the Secretary shall renew on an annual

basis expiring contracts or amendments to contracts funded under the continuum of care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for continuum of care renewals in fiscal year 2011.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided for, \$8,982,328,000, to remain available until expended, shall be available on October 1, 2010 (in addition to the \$393,672,000 previously appropriated under this heading that will become available October 1, 2010), and \$400,000,000, to remain available until expended, shall be available on October 1, 2011: *Provided*, That the amounts made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph: *Provided further*, That of the total amounts provided under this heading, not to exceed \$315,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: *Provided further*, That the Secretary of Housing and Urban Development may also use such amounts in the previous proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z-1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z-1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86-372; 73 Stat.

667): *Provided further*, That amounts recaptured under this heading, the heading “Annual Contributions for Assisted Housing”, or the heading “Housing Certificate Fund” may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, \$825,000,000, to remain available until September 30, 2014, of which up to \$491,300,000 shall be for capital advance and project-based rental assistance awards: *Provided*, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: *Provided further*, That of the amount provided under this heading, up to \$90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to \$40,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for substantial and emergency capital repairs as determined by the Secretary: *Provided further*, That of the amount made available under this heading, \$20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, \$300,000,000, of which up to \$209,900,000 shall be for capital advances and project-based rental assistance contracts, to remain available until Sep-

tember 30, 2014: *Provided*, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: *Provided further*, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, \$88,000,000, including up to \$2,500,000 for administrative contract services, to remain available until September 30, 2012: *Provided*, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, \$40,600,000, to remain available until expended.

RENT SUPPLEMENT

(RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715z–1) \$40,600,000 are rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PAYMENT TO MANUFACTURED HOUSING FEES

TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to \$14,000,000, to remain available until expended, of which \$7,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2011 so as to result in a final fiscal year 2011 appropriation from the general fund estimated at not more than \$7,000,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2011 appropriation: *Provided further*, That for the dispute resolution and installa-

tion programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed \$400,000,000,000, to remain available until September 30, 2012: *Provided*, That for the cost of new guaranteed loans, as authorized by section 255 of the National Housing Act (12 U.S.C. 1715z–20), \$150,000,000: *Provided further*, That during fiscal year 2011, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$50,000,000: *Provided further*, That the foregoing amount in the previous proviso shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses of the Federal Housing Administration, \$207,000,000, to remain available until September 30, 2012, of which up to \$71,500,000 may be transferred to the Working Capital Fund: *Provided further*, That to the extent guaranteed loan commitments exceed \$200,000,000,000 on or before April 1, 2011, an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

During fiscal year 2011, commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed \$20,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(1), 238, and 519(a) of the National Housing Act, shall not exceed \$20,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$500,000,000,000, to remain available until September 30, 2012.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies

relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$50,000,000, to remain available until September 30, 2012.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$72,000,000, to remain available until September 30, 2012, of which \$42,500,000 shall be to carry out activities pursuant to such section 561: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, \$140,000,000, to remain available until September 30, 2012, of which not less than \$40,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed: *Provided further*, That a Notice of Funding Availability shall be issued not later than 60 days after enactment of this Act.

MANAGEMENT AND ADMINISTRATION

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the maintenance of infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, \$243,500,000, to remain available until September 30, 2012: *Pro-*

vided, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated: *Provided further*, That up to \$15,000,000 may be transferred to this account from all other accounts in this title (except for the Office of the Inspector General account) that make funds available for salaries and expenses.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$122,000,000: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

TRANSFORMATION INITIATIVE

For necessary expenses for combating mortgage fraud, \$20,000,000, to remain available until expended.

In addition, of the amounts made available in this Act under each of the following headings under this title, the Secretary may transfer to, and merge with, this account up to 1 percent from each such account, and such transferred amounts shall be available until September 30, 2014, for (1) research, evaluation, and program metrics; (2) program demonstrations; (3) technical assistance and capacity building; and (4) information technology: "Tenant-Based Rental Assistance", "Public Housing Operating Fund", "Indian Housing Loan Guarantee Fund Program Account", "Native Hawaiian Housing Block Grants", "Housing Opportunities for Persons With AIDS", "Community Development Fund", "Housing Counseling Assistance", "Payment to Manufactured Housing Fees Trust Fund", "Mutual Mortgage Insurance Program Account", "Lead Hazard Reduction", and "Rental Housing Assistance": *Provided*, That of the amounts made available under this paragraph, not less than \$130,000,000 shall be available for information technology modernization, including development and deployment of a Next Generation of Voucher Management System and development and deployment of modernized Federal Housing Administration systems: *Provided further*, That not more than 25 percent of the funds made available for information technology modernization may be obligated until the Secretary submits to the Committees on Appropriations a plan for expenditure that (1) identifies for each modernization project (a) the functional and performance capabilities to be delivered and the mission benefits to be realized, (b) the estimated lifecycle cost, and (c) key milestones to be met; (2) demonstrates that each modernization project is (a) compliant with the department's enterprise architecture, (b) being managed in accordance with applicable lifecycle management policies and guidance, (c) subject to the department's capital planning and investment control requirements, and (d) supported by an adequately staffed project office; and (3) has been reviewed by the Government Accountability Office: *Provided further*, That of the amounts made available under this paragraph, not less than \$40,000,000 shall be available for technical assistance and capacity building: *Provided further*, That technical assistance activities shall include, technical assistance for HUD programs, including HOME, Community Development Block Grant, homeless programs, HOPWA, HOPE VI, Public Housing, the

Housing Choice Voucher Program, Fair Housing Initiative Program, Housing Counseling, Healthy Homes, Sustainable Communities, Energy Innovation Fund and other technical assistance as determined by the Secretary: *Provided further*, That of the amounts made available for research, evaluation and program metrics and program demonstrations, the Secretary shall include an assessment of the effectiveness of HUD funded service coordinators: *Provided further*, That the Secretary shall submit a plan to the House and Senate Committees on Appropriations for approval detailing how the funding provided under this heading will be allocated to each of the categories identified under this heading and for what projects or activities funding will be used: *Provided further*, That following the initial approval of this plan, the Secretary may amend the plan with the approval of the House and Senate Committees on Appropriations.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2011 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2011 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2011 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2011 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2011, in

proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2011 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter "metropolitan division") of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2011 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a 3-year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Develop-

ment which are subject to the Government Corporation Control Act, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2011 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 209. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2011 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter "metropolitan division"), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2011 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2011 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible

grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 210. The President's formal budget request for fiscal year 2012, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 211. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of Public Housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 212. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2011 and 2012, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) The number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary.

(8) If the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) Any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section.

(10) The Secretary determines that Federal liability with regard to this project will not be increased.

(c) For purposes of this section—

(1) the terms “low-income” and “very low-income” shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term “multifamily housing project” means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term “project-based assistance” means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act; and

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term “receiving project or projects” means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term “transferring project” means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term “Secretary” means the Secretary of Housing and Urban Development.

SEC. 213. The funds made available for Native Alaskans under the heading “Native American Housing Block Grants” in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 214. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 215. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 216. (a) Section 255(g) of the National Housing Act (12 U.S.C. 1715z–20) is amended by striking the first sentence.

SEC. 217. Notwithstanding any other provision of law, in fiscal year 2010, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”) and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain

in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 218. During fiscal year 2011, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

SEC. 219. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD’s use of all sole source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole source contract.

SEC. 220. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 221. (a) The amounts provided under the subheading “Program Account” under the heading “Community Development Loan Guarantees” may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974 in fiscal year 2011 and subsequent years: *Provided*, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SEC. 222. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking “fiscal year” and all that follows through the period at the end and inserting “fiscal year 2011.”; and

(2) in subsection (o), by striking “September” and all that follows through the period at the end and inserting “September 30, 2011.”

SEC. 223. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in

connection with the operating fund rule: *Provided*, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 224. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Provided*, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 225. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, there is a trained allotment holder shall be designated for each HUD subaccount under the headings "Executive Direction" and heading "Administration, Operations, and Management" as well as each account receiving appropriations for "personnel compensation and benefits" within the Department of Housing and Urban Development.

SEC. 226. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 227. (a) APPROVAL OF PREPAYMENT OF DEBT.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), for which the Secretary's consent to prepayment is required, the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any project-based rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other project-based rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) or any successor project-based rental assistance program, except as provided by subsection (a)(2)(B); and

(2) the prepayment may involve refinancing of the loan if such refinancing results—

(A) in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan; or

(B) in the case of a project that is assisted with a loan under such section 202 carrying an interest rate of 6 percent or lower, a transaction under which—

(i) the project owner shall address the physical needs of the project;

(ii) the prepayment plan for the transaction, including the refinancing, shall meet a cost benefit analysis, as established by the Secretary, that the benefit of the transaction outweighs the cost of the transaction including any increases in rent charged to unassisted tenants;

(iii) the overall cost for providing rental assistance under section 8 for the project (if any) is not increased, except, upon approval by the Secretary to—

(I) mark-up-to-market contracts pursuant to section 524(a)(3) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by nonprofit organizations; or

(II) mark-up-to-budget contracts pursuant to section 524(a)(4) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by eligible owners (as such term is defined in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k)));

(iv) the project owner may charge tenants rent sufficient to meet debt service payments and operating cost requirements, as approved by the Secretary, if project-based rental assistance is not available or is insufficient for the debt service and operating cost of the project after refinancing. Such approval by the Secretary—

(I) shall be the basis for the owner to agree to terminate the project-based rental assistance contract that is insufficient for the debt service and operating cost of the project after refinancing; and

(II) shall be an eligibility event for the project for purposes of section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t));

(v) units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) shall, upon termination of the occupancy of such tenants, become eligible for project-based assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) without regard to the percentage limitations provided in such section; and

(vi) there shall be a use agreement of 20 years from the date of the maturity date of the original 202 loan for all units, including units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

SEC. 228. No property identified by the Secretary of Housing and Urban Development as surplus Federal property for use to assist the homeless shall be made available to any homeless group unless the group is a member in good standing under any of HUD's homeless assistance programs or is in good standing with any other program which receives funds from any other Federal or State agency or entity: *Provided*, That an exception may be made for an entity not involved with Federal homeless programs to use surplus Federal property for the homeless only after the Secretary or another responsible Federal agency has fully and comprehensively reviewed all relevant finances of the entity, the track record of the entity in assisting the homeless, the ability of the entity to manage the property, including all costs, the ability of the entity to administer homeless programs in a manner that is effective to

meet the needs of the homeless population that is expected to use the property and any other related issues that demonstrate a commitment to assist the homeless: *Provided further*, That the Secretary shall not require the entity to have cash in hand in order to demonstrate financial ability but may rely on the entity's prior demonstrated fundraising ability or commitments for in-kind donations of goods and services: *Provided further*, That the Secretary shall make all such information and its decision regarding the award of the surplus property available to the committees of jurisdiction, including a full justification of the appropriateness of the use of the property to assist the homeless as well as the appropriateness of the group seeking to obtain the property to use such property to assist the homeless: *Provided further*, That, this section shall apply to properties in fiscal years 2010 and 2011 made available as surplus Federal property for use to assist the homeless.

SEC. 229. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent of funds appropriated for any account under this title under the heading "Personnel Compensation and Benefits" to any other account under this title under the heading "Personnel Compensation and Benefits" only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: *Provided*, That, no appropriation for any such account shall be increased or decreased by more than 10 percent by all such transfers.

SEC. 230. Notwithstanding any other provision of law, in determining the market value of any multifamily real property or multifamily loan for any noncompetitive sale to a State or local government, the Secretary shall in fiscal year 2011 consider, but not be limited to, industry standard appraisal practices, including the cost of repairs needed to bring the property into such condition as to satisfy minimum State and local code standards and the cost of maintaining the affordability restrictions imposed by the Secretary on the multifamily real property or multifamily loan.

SEC. 231. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a "program of the Department of Housing and Urban Development" under section 904 of the McKinney Act for the purpose of income verifications and matching.

SEC. 232. Section 203(c)(2)(B) of the National Housing Act (12 U.S.C. 1709(c)(2)(B)) is amended to read as follows: "(B) In addition to the premium under subparagraph (A), the Secretary may establish and collect annual premium payments in an amount not exceeding 1.50 percent of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments). The Secretary, by publication of a notice in the Federal Register, may establish or change the amount of the premium under subparagraph (A) or the annual premium, and the period of the mortgage term for which an annual premium amount shall apply."

SEC. 233. For an additional amount for the "Administration, Operations and Management" account, \$2,070,635, to increase the Department's acquisition workforce capacity and capabilities: *Provided*, That such funds may be transferred by the Secretary to any other account in the Department to carry out the purposes provided herein: *Provided*

further, That such transfer authority is in addition to any other transfer authority provided in this Act: *Provided further*, That such funds shall be available only to supplement and not to supplant existing acquisition workforce activities: *Provided further*, That such funds shall be available for training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.): *Provided further*, That such funds shall be available for information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management.

SEC. 234. The paragraphs under the heading "Flexible Subsidy Fund" in Public Law 108-447 and in Public Law 109-115 are repealed.

SEC. 235. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2011, if the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) for any size residence for any area is less than such dollar amount limitation that was in effect for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 620), notwithstanding any other provision of law or of this joint resolution, the maximum dollar amount limitation on the principal obligation of a mortgage for such size residence for such area for purposes of such section 203(b)(2) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C. 1715z-20(g))) to be such dollar amount limitation in effect for such size residence for such area for 2008.

(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law or of this joint resolution, if the Secretary of Housing and Urban Development determines, for any geographic area that is smaller than an area for which dollar amount limitations on the principal obligation of a mortgage are determined under section 203(b)(2) of the National Housing Act, that a higher such maximum dollar amount limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Secretary may, for mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2010, increase the maximum dollar amount limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section), but in no case to an amount that exceeds the amount specified in section 202(a)(2) of the Economic Stimulus Act of 2008.

SEC. 236. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages originated during fiscal year 2011, if the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation determined under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1754(a)(2)) respectively, for any size residence for any area is less than such maximum original principal obligation limitation that was in effect for such size residence for such area for 2008 pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 619), notwithstanding any other provision of

law or of this joint resolution, the limitation on the maximum original principal obligation of a mortgage for such Association and Corporation for such size residence for such area shall be such maximum limitation in effect for such size residence for such area for 2008.

(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law or of this joint resolution, if the Director of the Federal Housing Finance Agency determines, for any geographic area that is smaller than an area for which limitations on the maximum original principal obligation of a mortgage are determined for the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, that a higher such maximum original principal obligation limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Director may, for mortgages originated during calendar year 2010, increase the maximum original principal obligation limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section) for such Association and Corporation, but in no case to an amount that exceeds the amount specified in the matter following the comma in section 201(a)(1)(B) of the Economic Stimulus Act of 2008.

SEC. 237. Notwithstanding any other provision of this joint resolution, for mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2011, the second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)) shall be considered to require that in no case may the benefits of insurance under such section 255 exceed 150 percent of the maximum dollar amount in effect under the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

SEC. 238. None of the funds in this Act shall be available for salaries and expenses of more than 75 political and Presidential appointees in the Department of Housing and Urban Development: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Housing and Urban Development.

This title may be cited as the "Department of Housing and Urban Development Appropriations Act, 2011".

TITLE III—RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$7,300,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901-5902, \$25,300,000: *Provided*, That not to exceed \$2,000 shall be available for official reception and representation expenses.

NATIONAL RAILROAD PASSENGER CORPORATION OFFICE OF INSPECTOR GENERAL SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, \$22,000,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within Amtrak: *Provided further*, That concurrent with the President's budget request for fiscal year 2012, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2012 in similar format and substance to those submitted by executive agencies of the Federal Government.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902) \$104,232,000, of which not to exceed \$2,000 may be used for official reception and representation expenses: *Provided*, That the amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), \$137,000,000, of which \$5,000,000 shall be for a multi-family rental housing program: *Provided*, That in addition, \$35,000,000 shall be made available until expended for capital grants to rehabilitate or finance the rehabilitation of affordable housing units, including necessary administrative expenses: *Provided further*, That in addition, \$113,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation ("NRC"), shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined

by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to \$3,000,000 may be

made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 5 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall continue to report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, \$2,680,000.

Section 209 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11319) is amended by striking the date specified in such section and inserting "October 1, 2012".

TITLE IV GENERAL PROVISIONS—THIS ACT

SEC. 401. Such sums as may be necessary for fiscal year 2010 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or re-

stricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2011 from appropriations made available for salaries and expenses for fiscal year 2011 in this Act, shall remain available through September 30, 2012, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 30, 2010. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity

Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended in contravention of sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

SEC. 414. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301-10.122 and 301-10.123 of title 41, Code of Federal Regulations.

SEC. 415. None of the funds made available in this Act may be used to purchase a light bulb for an office building unless the light bulb has, to the extent practicable, an Energy Star or Federal Energy Management Program designation.

SEC. 416. None of the funds made available under this Act or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

SEC. 417. None of the funds provided in this Act for any program, project, or activity that is considered to be a congressional earmark for purposes of clause 9 of rule XXI of the Rules of the House of Representatives of the 111th Congress may be awarded to a for-profit entity.

SEC. 418. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 419. (a) None of the funds appropriated or otherwise made available by this Act may be obligated by any covered executive agency in contravention of the certification requirement of section 6(b) of the Iran Sanctions Act of 1996, as included in the revisions to the Federal Acquisition Regulation pursuant to such section.

The CHAIR. No amendment shall be in order except the amendments printed in part A of House Report 111-578, and not to exceed four of the amendments printed in part B of that report if offered by the gentleman from Arizona (Mr. FLAKE) or his designee. Each such amendment may be offered only in the order printed in the report, may be offered by a Member designated in the report, shall be considered read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question.

After disposition of the amendments specified in the first section of House Resolution 1569, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

□ 1450

AMENDMENT NO. 1 OFFERED BY MR. BOEHNER

The CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 111-578.

Mr. BOEHNER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds provided in this Act may be used for doctoral dissertation research grants on housing and urban development issues.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for "Department of Housing and Urban Development—Policy Development and Research—Research and Technology" is hereby reduced by \$300,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Ohio (Mr. BOEHNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I would say to my colleagues that it is no surprise to anyone in this Chamber or to the American people that spending in Washington is out of control. Last year we had a budget deficit of some \$1.5 trillion. This year we have a budget deficit estimated to be at \$1.4 trillion.

The American people are screaming at the top of their lungs "stop." Yet here we are moving the appropriation bills that I don't think have been thoroughly scrubbed.

I have made it pretty clear to my colleagues that one of the things that we have to do, if we are going to get spending under control, is go through every line item in the Federal budget and ask this question: Is this spending so important that we're willing to ask our kids and grandkids to pay for it? Because this year 43 cents of every dollar the Federal Government spends we have to borrow, and it is going to be our kids and grandkids that are going to get to pay the bill.

Mr. Chairman, under this amendment it addresses a program that doles out approximately \$300,000 to fund 12 doctoral dissertations on housing policy. Now, this isn't funding their tuition; it's funding the dissertation itself.

I don't know why our kids and grandkids should be asked to pay some \$300,000 to help fund research on housing policy when the Department has 10,000 employees who are charged with developing housing policies.

This may be well intended, some may have a great purpose for it. But as I go through this bill—

Mr. OLVER. Will the gentleman yield?

Mr. BOEHNER. I'm happy to yield to the gentleman.

Mr. OLVER. I understand that the distinguished minority leader has this amendment which will terminate the doctoral dissertation research program at HUD. Even though I believe strongly in the value of good research and what such good research can play in improving the effectiveness of government programs over time, I'm willing to accept the gentleman's amendment in the spirit of comity.

Mr. BOEHNER. I would be happy to accept.

I yield back the balance of my time. The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. BOEHNER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BOEHNER

The CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 111-578.

Mr. BOEHNER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ The aggregate amount otherwise made available by title II, and the amount required to be made available under the third proviso under the heading "Management and Administration—Transformation Initiative", are each hereby reduced in the amount of \$40,000,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Ohio (Mr. BOEHNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I won't go through the spending problems that we have and the debt problems we have, but in going through this bill and asking the question—every line item in the budget—is this spending so important that we are willing to ask our kids and grandkids to pay for it?

I bring my colleagues' attention to a program called the Transformation Initiative that is designed to train communities that receive HUD funds on how to use the money.

Now, let me get this straight. We're going to spend \$40 million, money that we don't have, to train communities on how they can spend our money.

I would think that if we are going to send money to a community that we would know what the money is for, that the community would know what it's for, and that spending \$40 million to train them on how to spend our money is a giant waste of time.

I urge my colleagues to support the elimination of the Transformation Initiative and save our kids and grandkids \$40 million.

I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment offered by the distinguished minority leader.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. The bill before us includes \$40 million for HUD to provide technical assistance to nonprofit organizations, cities, States on how to use HUD funding efficiently and effectively.

The amendment removes every penny, every penny, of this technical assistance funding from HUD. It is a meat axe amendment.

Cutting funding for technical assistance does nothing but make the programs less effective, which I doubt is the gentleman's intent. In fact, technical assistance is the only way that communities can increase their capacity and improve program delivery to their vulnerable populations who need assistance.

Technical assistance funding allows HUD to train communities' own staff on the issues that most affect their particular population. For example, technical assistance funds are used to enhance and inform responses to the

foreclosure crisis when HUD provides funding for foreclosure counseling and renovating vacant homes.

These funds are responsive to need. They address broader social and economic imperatives, such as the recent increase in the homeless population, which has been brought on by the longest and deepest recession since the Second World War.

To deny communities technical assistance is to render the HUD programs less effective than they can and should be, and that, very simply, slows down the recovery.

I urge a "no" vote on the gentleman's amendment.

I reserve the balance of my time.

Mr. BOEHNER. I yield myself the balance of my time.

I think the gentleman from Massachusetts makes my point for me. Why would we be sending money to communities that don't have a plan to use it, that may not use it effectively?

I would think before the decision is made to grant the funds to the community that they would have demonstrated a need, they would have demonstrated a capacity to use it effectively before the grant was made. To provide \$40 million for metrics, research, demonstrations, innovation, technical assistance, and capacity building, why wouldn't all of these things be in place before the grant was made?

In consideration for the future of my kids and maybe someday my grandkids, I think this is spending that can be eliminated from this bill.

I urge my colleagues to support the amendment.

I yield back the balance of my time.

Mr. OLVER. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. BOEHNER).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. BOEHNER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

The point of no quorum is considered withdrawn.

The Chair understands that amendment No. 3 will not be offered.

AMENDMENT NO. 4 OFFERED BY MR. BOEHNER

The CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 111-578.

Mr. BOEHNER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 13, after the first dollar amount, insert "(reduced by \$1,600,000)".

Page 2, line 20, after the dollar amount, insert "(reduced by \$1,600,000)".

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Ohio (Mr. BOEHNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, we all know that we have a spending problem. We all know that it has to start somewhere. Some may suggest that these amendments I am bringing up are not going to solve the problem.

But I will suggest that we have got to start this process somewhere. We have got to find ways to eliminate wasteful spending that we all know exists.

□ 1500

This amendment addresses the creation of 11 bureaucratic positions and six full-time equivalents for a budget office at the Department of Transportation. Now I want to make sure I understand this; \$1.6 million to hire a bunch of bureaucrats to monitor the spending of agencies that already have their own budget offices. This is the kind of redundant spending that we just don't need to have.

Mr. OLVER. Will the gentleman yield?

Mr. BOEHNER. I would be happy to yield.

Mr. OLVER. The amendment by the distinguished minority leader would cut the DOT budget office to below last year's funding level. Even though I believe that these funds are needed at the department and that we have added much new work to the load in the Department of Transportation through the recovery legislation, with some misgiving, I will, again, in an effort at comity and bipartisanship, accept the amendment.

Mr. BOEHNER. I gratefully accept.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. BOEHNER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. KAPTUR

The CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 111-578.

Ms. KAPTUR. Mr. Chairman, I have an amendment at the desk, please.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 77, line 4, after the dollar amount, insert "(reduced by \$21,000,000)".

Page 78, line 8, after the dollar amount, insert "(reduced by \$21,000,000)".

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available in this Act under the heading "Department of Housing and Urban Development—Management and Administration—Executive Direction" may be used by the Secretary of Housing and Urban Development for travel expenses.

The CHAIR. Pursuant to House Resolution 1569, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I offer this amendment on behalf of myself and other Members, including Mr. DENNIS CARDOZA of California and Mr. JIM COSTA of California, as a way to awaken HUD from its cavalier slumber. Essentially what we do is we take away HUD's travel budget. The idea is that we want HUD to be aggressive in doing mortgage workouts, not traveling all around the world at taxpayer expense.

Our Nation must aggressively confront the continuing hemorrhage of mortgage foreclosures and dead real estate markets across this country. We have not hit bottom in that market yet as the crisis spreads from toxic subprime mortgages to solid mortgages held by the middle class. But where is HUD? Housing workouts are impossible without them.

We know that Wall Street committed the perfect crime, executing the largest transfer of wealth from Main Street to Wall Street by washing out our middle class—over 7.5 million families are scheduled to lose their homes—and then putting their bills, any losses that the Big Six had up there on Wall Street, right back on our taxpayers, and then being reimbursed by our taxpayers 100 cents on the dollar. Wall Street's six megabanks, and we all know the names—Bank of America, JPMorgan Chase, Wells Fargo, Citigroup, Goldman Sachs, HSBC—control two-thirds of the wealth in our country now, including mortgages twisted up in the moral hazard of securitization. Wall Street continues to be rewarded as we stand here today and our citizens are disgorged from their homes.

Rather than let HUD staff use our public dollars to travel to places like Rio de Janeiro, when people in our country are working so hard to try to work out these mortgages and the banks aren't answering the telephones, let HUD use all of its power and authority to bring the worst offenders and their buddies to focus their staff on doing mortgage workouts in places like Toledo, Ohio, Cleveland, Boise, Idaho, Las Vegas, Sacramento. We ought to be doing mortgage workouts, not taking what look like vacations to Rio de Janeiro.

So I think our amendment is very straightforward. It basically sends a strong volley over to HUD. It asks them to do their job, to be aggressive, and to really help us, as the American people, to resolve this tremendous housing foreclosure crisis that is eating away at communities from coast to coast and spreading as we stand here today.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim time in opposition to this amendment, but I don't plan to oppose it.

The CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. OLVER. Because I recognize that while this amendment has been signed by eight or 10 Members, that there are a good many other Members who could have signed the amendment who have districts where anywhere from 20 to 30, and sometimes even higher, percentages of all the housing in those districts have either gone through foreclosure and actually foreclosed, or are in foreclosure processes, or in a third case—maybe it's a fourth case—are under water in the sense that the value of their home is less, by sometimes substantial amounts, than the remaining mortgage principle.

I understand that this amendment is designed to draw attention to the national foreclosure crisis, which is still raging in too many communities, and which began more than 3 years ago—actually, probably the seeds were sown for the foreclosure crisis earlier in the decade, and some would say all the way back into the 1980s, much more than a decade ago.

I agree that more needs to be done to help families who are struggling with foreclosure. I would hope that the Department of Treasury, which has been spearheading the administration's efforts thus far, would increase collaboration with the Department of Housing and Urban Development and the FDIC and the newly-created Foreclosure Task Force, which the gentlewoman and the other Members who are signers are members of.

I believe the Secretary of HUD is the right person to be helping us through this crisis. So I will be happy to work with the gentlewoman and the other members of the task force in order to ensure that the hardest hit areas of the country receiving funding through what are the remaining sources of potential funding: Number one, the third round of the Neighborhood Stabilization Program that was funded within the financial services reform law signed just last week, and also the remainder of funds that are to be brought back from the Neighborhood Stabilization Program, which was first passed in 2008 in the HERA bill, which clearly gave out more money than they were able to effectively expend when that was given out later in 2008.

□ 1510

In the end, this amendment cuts all travel, which would eliminate critical oversight and the monitoring of housing programs for low-income Americans. I know that is not the intent of the gentlewoman or of the other signers of the amendment. I am willing to accept the gentlewoman's amendment

as offered at this time. Going forward, I will work with the gentlewoman and with the signers of the amendment to ensure that housing for low-income individuals is not jeopardized down the road.

I reserve the balance of my time.

Ms. KAPTUR. I thank the chairman very much for his very helpful offer.

I would inquire of the Chair how much time I have remaining.

The CHAIR. The gentlewoman from Ohio has 2½ minutes remaining.

Ms. KAPTUR. Mr. Chairman, I want to state for the RECORD that Congressman DENNIS CARDOZA, the main author of this amendment, will be speaking as well as Congressman JERRY MCNERNEY of California and Congressman JIM COSTA of California.

I yield the remaining 2½ minutes to the gentleman from California (Mr. CARDOZA) to use and then to share with our other two colleagues.

The CHAIR. The gentlewoman from Ohio must control the time.

Ms. KAPTUR. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. I would like to thank Ms. KAPTUR for calling up my amendment. It beat us a little bit in our anticipation of its coming forward.

Mr. Chairman, I will tell you simply that the HUD programs have not worked for the central valley of California. The foreclosure programs by HUD have not worked for the United States people. Many of us in Congress warned the administration that they wouldn't work, and they continued to pursue them in any case, and they have simply failed the job.

Thirty percent of the housing units in my district have been foreclosed on. It is unconscionable that we could not have done more to step in and assist the people of my district, of the people of California, of Ohio, of Florida, and of Nevada. I think that the Secretary should give his full attention to this problem. Last March, he took a trip to Rio de Janeiro, Brazil. He took a whole delegation on an international housing study conference. I think he should have stayed right here in the United States and focused on the problems of the millions of Americans who are losing their homes.

So, Mr. Chairman, I think it is time for HUD to stay at home and to do their jobs. If it requires us to eliminate their travel funds in order to get their attention to focus on the housing crisis, so be it.

The CHAIR. The time of the gentleman has expired.

Ms. KAPTUR. Mr. Chairman, Congressman COSTA has offered his 30 additional seconds to Congressman CARDOZA.

The CHAIR. The gentlewoman from Ohio must control the time.

Ms. KAPTUR. Mr. Chairman, I yield an additional 30 seconds to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. I won't take all of that time, Mr. Chairman.

I will just ask my colleagues on both sides of the aisle to join me in sending a strong message to the Department of Housing and Urban Development that the foreclosure programs they have put in place have not worked for America. They need to get the message sooner rather than later because people are losing their homes every single day while they dawdle.

Mr. OLVER. Mr. Chairman, may I inquire of the time I have remaining?

The CHAIR. The gentleman from Massachusetts has 1 minute remaining.

Mr. OLVER. I yield my remaining 1 minute to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. I rise today in strong support of the amendment under consideration, and I would like to recognize Mr. CARDOZA for his work on this issue.

Mr. Chairman, we both represent parts of the San Joaquin Valley, with Mr. COSTA, which unfortunately has experienced some of the highest foreclosure rates in the Nation. It is long past time for this administration to develop effective measures to alleviate this crisis. Their efforts to date have fallen far short, and I hear from too many people who are in desperate need of help and who continue to suffer from unfair banking practices.

This amendment is meant to deliver a clear message to Secretary Donovan and to senior HUD officials: Get to work and find real solutions.

The administration knows that families are on the verge of losing their homes and that businesses' and workers' economic futures depend on the recovery of the housing market.

The CHAIR. The gentleman from Massachusetts has 15 seconds remaining.

Mr. OLVER. Mr. Chairman, I yield 15 seconds to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I rise today to support the amendment by Mr. CARDOZA.

The administration needs to reset its housing policy. It is not working. Foreclosure rates are above and beyond the call in the San Joaquin Valley. We need to do a better job.

I rise today to support the amendment offered by my friend Representative CARDOZA, to strip travel funding from the Department of Housing and Urban Development.

This amendment is in response to the ongoing nationwide foreclosure crisis, which has been extremely devastating to my district in California. This administration's efforts have not worked in the San Joaquin Valley, where many families continue to lose their homes.

This amendment forces HUD to cease their travel, while they properly address this nationwide crisis.

The CHAIR. The gentlewoman from Ohio has 45 seconds remaining.

Ms. KAPTUR. I thank the gentleman for yielding me the remaining time.

Mr. Chairman, I just want to thank Congressman CARDOZA, who really has lived this mortgage foreclosure hell with the people of his region. I also thank Congressman MCNERNEY, Congressman COSTA, and all of these Members from California who have stood up here today to try to put the brake on over there at HUD and say, "Hey, wait a minute. Pay attention to what is happening across California," and I must say across Ohio, Pennsylvania, Nevada, Idaho—all of these States where the middle class is being washed out and where our money and our equity from our homes is being transferred to Wall Street, which now controls two-thirds—six banks—of the wealth of this country.

Something is fundamentally wrong. HUD has to stand up and do its job. We offer our amendment in all good faith, and we just say to Secretary Geithner over at Treasury: Wait until the Treasury bill comes on the floor. There is more to come.

I want to thank the chairman of the Transportation, Housing and Urban Development Subcommittee for his graciousness and willingness to work with us as we stand up for Americans who are facing foreclosure.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

PARLIAMENTARY INQUIRIES

Mr. LATOURETTE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIR. The gentleman may state his parliamentary inquiry.

Mr. LATOURETTE. Mr. Chairman, on page 56 of the bill currently under consideration, at the bottom, beginning with the last partial word on line 19 and then proceeding through lines 1 through 4 on page 57, it constitutes legislation and authorizing on an appropriations bill in that it creates a new program, basically a grants program to the Secretary of Transportation. It sets a dollar amount of \$250 million, and it further has a limitation clause in terms of the time when that would become effective.

I am aware that the rule waives all points of order against this legislation for violations of rule XXI, paragraph 2(a). I would assert in my parliamentary inquiry that this, in fact, is a violation of the House rules that the Rules Committee has waived. I am aware of that.

Yet it is my understanding that the precedents of the House indicate that, when a legislative provision is inserted into an appropriations bill and that piece of authorizing language is permitted to go—offending the House rules either by the fact that nobody from the authorizing committee gets up and makes a point of order against the provision that violates the rules or if the Rules Committee, as they have

done in this case, issues a blanket waiver, waiving all violation of that particular section of the House rules—that it then ripens, and only at that moment in time does it ripen, which is when the rule is adopted or when the provision is read and a member of the authorizing committee doesn't stand up and exercise his or her committee's jurisdiction. It then ripens for there to be a perfecting amendment.

I am further aware that the rule by which this bill came to the floor also only makes in order 24 amendments, not the historic open rule under an appropriations bill.

So my question to the Chair is: At what moment in time would it be appropriate to offer a perfecting amendment to the language that I have just indicated, which is on pages 56 and 57, in light of the fact that this matter only ripened when the rule was passed?

Just by way of making an observation before the Chair gives its answer, if you think about the operation of this rule, there are no perfecting amendments available to authorizing language in a bill until such time as the House has permitted the offense.

□ 1520

The House didn't permit the offense, that is, the waiver of its rules, until the Rules Committee was successful in achieving the passage of this rule.

So my parliamentary inquiry is, when would a Member who might be interested in modifying or perfecting this offending language, in violation of the House rules, have the opportunity to do that?

The CHAIR. Any amendment not specified in the report of the Committee on Rules would be precluded.

Mr. LATOURETTE. If I may ask a further parliamentary inquiry.

The CHAIR. The gentleman is recognized for further inquiry.

Mr. LATOURETTE. Just so I am clear on the Chair's ruling, and that is that when the Rules Committee passes a rule waiving the rules of the House and protecting language that is clearly in violation of House rule XXI (2)(a), if the Rules Committee further compounds that by announcing a rule that only a certain subset of amendments are going to be made in order, that no Member, not just majority Members, or the chairman, no Member of this House has the opportunity to do anything about that offending language. Am I correct in that?

The CHAIR. House Resolution 1569 waives points of order against provisions of the bill for failure to comply with clause 2 of rule XXI and specifies the amendments that may be offered.

Mr. LATOURETTE. Further parliamentary inquiry. That was a long sentence. I think the answer to my question was yes.

The CHAIR. The gentleman is correct that neither a point of order nor an

amendment is available for that purpose.

AMENDMENT NO. 6 OFFERED BY MR. ARCURI

The CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 111-578.

Mr. ARCURI. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 80, line 6, after the dollar amount, insert “(reduced by \$2,978,450)”.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from New York (Mr. ARCURI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ARCURI. Mr. Chairman, I rise in support of my amendment to H.R. 5850, the Transportation, Housing and Urban Development Appropriations Act, which would reduce funding for HUD's Office of Policy Development and Research by nearly \$3 million, which is 2.5 percent below the amount currently appropriated in fiscal year 2010.

The Office of Policy Development and Research performs policy analysis, research, surveys, studies and evaluations on housing—

Mr. OLVER. Will the gentleman yield?

Mr. ARCURI. I yield to the gentleman.

Mr. OLVER. I understand that this amendment will reduce funding for policy development and research staff at HUD by \$2,978,450. Even though, as I've said earlier in comments to the distinguished minority leader, that I believe strongly in the role of research, I will, with some misgiving, accept the gentleman's amendment.

Mr. ARCURI. I reserve the balance of my time.

Mr. LATHAM. Mr. Chairman, I would like to claim the time in opposition.

The CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. While I am not in opposition to the gentleman's amendment, I would like to yield such time as he may consume to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. On this particular amendment, Mr. ARCURI, I congratulate you as a thoughtful member of the Transportation and Infrastructure Committee for coming up with a beautiful amendment that's apparently going to be adopted by both sides.

Now that I've talked about the amendment, I want to talk about the parliamentary inquiry that I asked a few minutes ago, and discuss what's at stake here, and ask the distinguished chairman of the subcommittee to reconsider what I consider to be a sad decision.

We spend a lot of time talking about jobs in this place. Some people say they're creating jobs; others say

they're not. A lot of people are wandering around saying, where are the jobs.

But at the end of the day, what is immutable, or what is irrefutable, and I believe it's included in the Committee's report on this bill, is that all across the country, in 84 percent of the transit authorities in this Nation, because of the way that the current formula is structured, transit companies around the country have plenty of money to buy buses. They don't have any money to hire or retain people to drive them.

And the last total that I saw since this situation began is that 10,000 people, 10,000 Americans who work for transit companies and drive buses in this country, and rail cars and everything else, are currently out of work.

Now, the transit authorities of this country have come to our attention, and I assume they've visited all Members on the Hill that have transit authorities and they have said, you know what? Just for this year, if we could take some of that capital improvement money that we have sitting around, it's stupid for us to buy a new bus because we don't have enough people to drive the buses that we currently have. And so, if we could just take the cost of fuel and move it from the operations side over to the capital side, we could bring back the people that we have laid off.

So it boggles the mind. And when I offered this in the subcommittee, the chairman shot it down. When I offered it in the full committee, the chairman had a substitute amendment that causes the offending language to rule XXI(2)(a) that's contained on pages 56 and 57.

And let me just tell you why anybody that cares about a transit worker in this country should be upset by this substitute language.

First of all, it's \$250 million. It doesn't help every transit authority in the country. It makes it a grant program. So Secretary Ray LaHood can choose, pick and choose, which transit authorities across the country he would choose to participate in this grant program.

But worse than that is the restrictive language that indicates that it only goes into effect if the highway bill comes into play on or before September 30 of 2011.

Now, Mr. Chairman, I spent 12 years on the Transportation and Infrastructure Committee, and I know how the highway bill works. I participated in writing two of those highway bills.

The President of the United States, through his Secretary, has indicated they don't even want to talk about the reauthorization until March of 2011. Now, even if JIM OBERSTAR, who is a skilled chairman and has the able assistance of people like Mr. ARCURI, is able to work a miracle and put on this floor the reauthorization, and the Sen-

ate ever gets their act together enough to pass such a thing and have it signed by the President of the United States, you are looking now at October, November, December, January, February, and March.

Why don't we care enough to put down the partisan nonsense and simply say we care about the 10,000 transit workers in this country who are out of work.

It doesn't spend any more money. It has all the incentives of the green fuel initiatives that, actually, the champion of this thing is Mr. CARNAHAN of Missouri, has a bill with a lot of cosponsors on it. Why we wouldn't do that and, instead, hide behind rule XXI (2)(a), hide behind the rule that's been produced by the Rules Committee. Why don't you let these people come back to the work?

The majority and the President of the United States, with the signing of this bill, could claim credit for creating or saving 10,000 jobs with the stroke of a pen. I don't know why we do it.

Mr. LATHAM. I yield back the balance of my time.

Mr. ARCURI. Mr. Chairman, I would just like to point out that the language that the gentleman from Ohio is referring to was not the language of our amendment, the amendment that I have offered.

I would like to thank the chairman for accepting my amendment. And the only point that I would like to make is that, clearly, the Office of Policy and Development does a very good job, and we want to continue to work. But we felt that our cut was something that would be helpful.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ARCURI).

The amendment was agreed to.

□ 1530

AMENDMENT NO. 7 OFFERED BY MR.

PERLMUTTER

The CHAIR. It is now in order to consider amendment No. 7 printed in part A of House Report 111-578.

Mr. PERLMUTTER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 44, line 21, after the dollar amount, insert “(reduced by \$50,000,000)”.

Page 44, line 25, after the dollar amount, insert “(reduced by \$50,000,000)”.

Page 45, line 6, after the dollar amount, insert “(reduced by \$50,000,000)”.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Colorado (Mr. PERLMUTTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. PERLMUTTER. Mr. Chair, I first want to commend Chairman OLVER and

Ranking Member LATHAM and the other members of the subcommittee for putting forth a good bill which makes wise investments in our Nation's transportation systems, our housing industry, and our urban development, investments which will go a long way toward helping America return to a prosperous future.

But today I offer an amendment which saves the American people \$50 million by cutting a Federal grant program which few States, if any, will participate in this year. It's a small step toward deficit reduction, but it is a wise step. I want to say at the onset I support every man, woman, and child using seatbelts. They save lives and reduce health care costs.

Most States have done the right thing and passed laws which make it a traffic violation to not wear a seatbelt. This means if a law enforcement officer sees someone in a car not wearing a seatbelt, they can pull that person over just for that offense. The Safety Belt Performance Grant program this year will spend up to \$124.5 million as incentives for States to pass such laws. Thirty-seven States and territories already have those laws. They've already received their one-time payments under the program. But for the remaining States, the incentive program generally does not seem to be attractive or workable.

Rightly or wrongly, most States which don't have these primary seatbelt laws don't seem to want to pass these new laws. So why, after 5 years, do we continue to fully fund a program under which only a couple of States might get money? My amendment cuts this program by \$50 million, leaving about \$75 million. So if a few States do pass new enhanced seatbelt laws, NHTSA will provide them the grants as intended. But my amendment cuts the excess, which almost certainly won't be spent this year.

I appreciate the hard work of the subcommittee, and urge my colleagues to adopt this amendment.

I reserve the balance of my time.

Mr. OLVER. I claim time in opposition, though I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. OLVER. I appreciate the work the gentleman has done, and I accept the amendment.

I yield back the balance of my time.
Mr. PERLMUTTER. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. PERLMUTTER).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. LATHAM

The CHAIR. It is now in order to consider amendment No. 8 printed in part A of House Report 111-578.

Mr. LATHAM. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. The amounts otherwise provided in this Act for the following accounts and activities are hereby reduced by the following amounts:

(1) "Department of Transportation—Office of the Secretary—National Infrastructure Investment", \$400,000,000.

(2) "Department of Transportation—Federal Railroad Administration—Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service", \$400,000,000.

(3) "Department of Transportation—Federal Transit Administration—Administrative Expenses", the amount specified in the first proviso for safety oversight activities, \$24,139,000.

(4) "Department of Transportation—Federal Transit Administration—Capital Investment Grants", \$177,888,000.

(5) "Department of Housing and Urban Development—Public and Indian Housing—Public Housing Capital Fund", the aggregate amount, \$455,800,000.

(6) "Department of Housing and Urban Development—Public and Indian Housing—Native American Housing Block Grants", the aggregate amount, \$120,000,000.

(7) "Department of Housing and Urban Development—Community Planning and Development—Brownfields Redevelopment", \$17,500,000.

(8) "Department of Housing and Urban Development—Community Planning and Development—HOME Investment Partnerships Program", \$175,000,000.

(9) "Related Agencies—Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation", the amount specified in the first proviso for capital grants to rehabilitate or finance the rehabilitation of affordable housing units, \$35,000,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Iowa (Mr. LATHAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, I would hope that since we've done very well in accepting these amendments this would be one that the chairman would accept also. I know how supportive he is of this. But I really would hope that we could find some consensus and common ground on cutting spending in this House.

My amendment would reduce or eliminate funding for programs—President Obama, again, this is what President Obama has said and has signaled—that have adequate funding, or there is funding in this bill that's duplicative of other Federal programs. And again, we are just going to what the President asked for, or cutting programs that were not requested, and certainly are not even authorized.

This amendment would save the taxpayer \$1.8 billion, without going under the President's budget on any of the

accounts targeted for the reduction. The reduction of \$1.8 billion would make this bill simply just 3.4 percent lower than the fiscal year 2010 level. And you remember that bill was 23 percent higher than the year before that. And it would send an important message, I think, to the American people that Congress can take care of the Nation's housing and transportation needs without further jeopardizing our Nation's fiscal health.

I would hope that my colleagues would join me in cutting this mere three cents on the dollar out of this bill, with an attempt to put this bill back on the path towards fiscal responsibility.

I reserve the balance of my time.

Mr. OLVER. I rise in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. This amendment would cut \$1.8 billion in areas that include important increases above the President's budget. And let me simply remind people that our budget, as brought forward, is \$1.3 billion below the President's request. This amendment proposes to remove another \$1.8 billion. It is the legislative branch's clearly stated constitutional responsibility to appropriate the proper allocation of resources. And that responsibility must not be ceded to the executive branch.

This amendment would result in cuts to a number of programs that are critical to creating jobs, increasing transportation safety, and restoring support to programs serving vulnerable Americans across the country. It removes \$400 million from the TIGER grant program, where for the \$1.5 billion Recovery Act TIGER grant program, the requests coming from all of the 50 States were almost \$57 billion, showing how much this kind of infrastructure was needed. This funding would have a positive impact on the economy, create thousands of jobs, and occur over a several-year period, thereby serving as a slow release remedy to keep the recovery going as it ought to do.

The amendment also cuts \$400 million from the high-speed rail program, which is designed to continue building a high-speed passenger rail network. This again would create jobs and help reinvigorate our manufacturing base. That again, for moneys for appropriations in the Recovery Act, received 259 applications totaling \$56 billion for the \$8 billion it was provided in the Recovery Act. And the additional moneys are needed to keep investments, not that we put investments in in these places and don't actually produce something, that those continue so that you can complete jobs that will allow more high-speed rail programs in this country, as others have already spoken of.

The amendment would cut \$178 million from the FTA's capital investment

funds, the New Starts and Small Starts program, cut that back to the 2010 level. It would cut \$24 million from FTA's safety activities, if those are authorized. And I need to point out that while the funds are only available to the FTA if the authorizing legislation is enacted, the need for additional transit safety oversight is immense. We have had several accidents on several of our major transit systems. And DOT needs the ability to hire safety personnel to provide oversight.

The amendment would cut \$456 million from the Public Housing Capital Fund. Again, that supports renovation and construction of public housing units, where there is a backlog of \$25 billion in needs that have been identified in that program.

It would cut \$175 million from the HOME Investment Partnerships Program to restore funding to the 2010 level. The HOME is the largest Federal block grant to State and local governments designed exclusively to create affordable for low-income households.

□ 1540

It is a homeownership program for low-income households. We can't afford to cut these programs, and I urge my colleagues to vote "no" on this amendment. All of these are job-creating investments in our infrastructure and provide critical construction jobs in an industry that has been decimated.

While they are not all fast release, they are long-term remedies, as I suggested, for the longest recession since World War II.

The CHAIR. The time of the gentleman has expired.

Mr. LATHAM. I yield myself such time as I may consume.

I appreciate the gentleman's concern for spending. I just wanted to see if we could just step back for a second.

We're going to have a \$1.47 trillion deficit this year. Forty-three cents on every dollar that we're spending is borrowed money, and our kids, our grandchildren are going to have to pay for it—or our great-great-grandchildren, the way we're going—and it simply is not sustainable.

This is an extraordinarily modest amendment, and the gentleman says this is critical funding, absolutely necessary, that we have to fund these things. Maybe you should tell your President, the President of your own party, that he should have asked for these things. These are not my reductions. This is what the President says is needed for these programs, the high-speed rail. There's a billion dollars in this bill—would be after the cut. He's got \$1.4.

We're taking \$400 million out of it. The President asked for a billion dollars. He's had \$12 billion, in total, with \$8 billion in the stimulus package, \$2.5 billion last year, another billion dollars this year. And the money hasn't

been spent yet, hasn't even been allotted or a contract signed. There is no need for this spending here to have current contracts go on. It just goes beyond rationale, as far as I'm concerned.

When we are digging ourselves in a financial hole like we are and we continue to keep digging, why don't we say, Stop, let's cut some spending.

This is a very modest cut that the President didn't request, and several of these programs are not even authorized or requested by the President. I mean, I guess it's great if we just go ahead as the Appropriations Committee, say, the heck, we don't need to have authorization for anything. Actually, this whole bill, there's very little that actually is authorized in this bill.

Does anybody go home and listen anymore? Listen to your constituents and hear what they're saying. Can we afford this kind of spending? No, we cannot. If we'll listen and do what the people are telling us to, and that's to modestly reduce spending, cut spending. And if we can't do it here on this very small amendment on this huge bill, we're never going to save our fiscal future for our kids and our grandchildren.

Mr. OBERSTAR. Mr. Chair, I rise in strong opposition to the amendment offered by the gentleman from Iowa (Mr. LATHAM) which lowers or eliminates funding for many important transportation grants provided by this Act.

The amendment would lower the amount provided for transit Capital Investment Grants, known as New Starts, which fund much needed rail and bus rapid transit systems.

New Start grants create public transportation systems that transform our communities by improving the mobility of a region, reducing congestion on the roadways, decreasing our dependence on oil, and increasing accessibility to work, schools, hospitals, and home.

If Americans rode public transit at the rate of 10 percent of daily travel, the U.S. would reduce its dependence on imported oil by more than 40 percent—equivalent to all the oil we import from the Persian Gulf. This funding for new transit systems should be increased, rather than decreased, and I oppose this amendment.

Moreover the amendment would eliminate \$400 million from the high-speed and intercity passenger rail investment program.

The Passenger Rail Investment and Improvement Act of 2008 (PRIIA) (Public Law 110-432, Division B) created two new Federal-State matching grant programs to provide capital assistance to States and Amtrak for development of high-speed and intercity passenger rail. PRIIA also created a congestion grant program, which authorized \$325 million over four years for grants to States for eliminating chokepoints on the freight rail network to help reduce congestion and facilitate rider-ship growth on intercity passenger rail.

The American Recovery and Reinvestment Act of 2009 (Recovery Act) (Public Law 111-1) built upon the three programs created by Congress in the 2008 law, and provided \$9.3 billion in capital grants for investment in high-speed and intercity passenger rail. The De-

partment of Transportation is now in its second round of soliciting grant proposals. For the first round of grants, the Federal Railroad Administration (FRA) received 259 grant applications from 37 States and the District of Columbia requesting nearly \$57 billion in funding—far exceeding the initial \$8 billion available under the Recovery Act.

In total, 79 applications from 31 States were selected for funding. In fact, the gentleman's (Mr. LATHAM) home State of Iowa received funding from FRA to conduct Alternatives Analysis and an Environmental Assessment, and to finalize a service development plan for passenger rail service from Chicago, Illinois to Omaha, Nebraska.

In addition, Amtrak is using its Recovery Act grants to invest in much needed Americans with Disabilities Act improvements to make stations in Preston, Ft. Madison, Mt. Pleasant, Osceola, Burlington, and Ottumwa, Iowa, accessible to persons with disabilities.

I urge Members to oppose this amendment.

Mr. HIMES. Mr. Chair, I rise today to support the Latham Amendment to the Transportation, Housing & Urban Development Appropriations bill. I support this amendment in lieu of the very similar amendment I sponsored to cut unnecessary and duplicative programs in an effort to save taxpayer dollars.

As the economy begins its recovery, it is critical that we begin to get our fiscal house in order. Our nation's deficit grows larger every day; our national debt now tops \$13 trillion.

Earlier this year, I stood before you and called for serious and smart reductions in spending.

I committed to opposing any spending that would not lead to at least a one percent total cut in the budget, excluding entitlements such as Medicare, veterans' pensions, and Social Security. According to last year's budget numbers, a cut of this size would save approximately \$12 billion in just one year.

Going above and beyond that promise, and frustrated with the current approach to deficit spending, I joined three of my house colleagues in introducing 4 bills, each highlighting specific programmatic cuts that together would save \$70 billion over the next ten years.

While small, across the board, percentage cuts on spending bills as many of my colleagues in the House support is one way to begin to reduce our overall spending, I believe that now is the time to bring specific ideas to the table. This prospect is not easy, and must be done carefully and thoughtfully.

To that end, I joined with a group of colleagues similarly committed to cutting spending and drafted an amendment that would have put in place a number of these types of cuts. However, it became clear that my amendment did not have the support it needed to pass. The Majority party was unwilling to make the tough choices to cut spending, and the Minority party refused to support an amendment offered by the opposite party.

The intent of the Latham Amendment mirrors the intent Peters Amendment. The cuts in this amendment are also in the spirit of the recommendations set forth by the Administration. In his budget proposal, the President worked with the Secretaries of each federal agency to determine which programs work and which programs don't work. They worked

to determine which programs need more funding to reach their intended goal, and which programs must be reorganized and even in some cases terminated because they are ineffective or duplicative.

We must listen to our cabinet secretaries, those with the most acute knowledge of the inner workings of their agencies, and fund their programmatic needs while cutting funding for programs that they deem either ineffective or complete in achieving their intended purpose.

Cutting budgets is never easy. Vulnerable people who need assistance depend on our help. Forward-thinking investment is critical to long-term prosperity. Of particular importance to me are housing programs—programs that I have dedicated a significant portion of my career to improving and creating. I support these programs in principle and am committed to ensuring their functions remain fulfilled. However, in these situations where duplicate, inefficient, and nonexistent programs are still receiving funding, we must take action and make cuts, both to protect taxpayer dollars and to protect the populations these programs are intended to serve. I am also acutely aware of the struggles of those in the transportation industry, especially in Connecticut, where the unemployment rate continues to grow. I intend to continue to look for ways to spur job creation while bringing down our federal deficit.

The federal budgeting process should reflect an effort to make cuts where alternative programs—public or private—could work better; make investments in areas, like education and infrastructure, that will fuel future prosperity; and change programs where efficiencies can be achieved.

The amendment I supported today maintains those priorities while helping put our country on a path toward fiscal sustainability.

Mr. LATHAM. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. LATHAM).

The question was taken; and the Chair announced that the yeas appeared to have it.

Mr. LATHAM. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. DEFAZIO

The CHAIR. It is now in order to consider amendment No. 9 printed in part A of House Report 111-578.

Mr. DEFAZIO. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Insert at the end of the bill (before the short title) the following:

SEC. 420. None of the funds appropriated or otherwise made available under this Act may be used to implement section 124 except as authorized by law after the date of enactment of this Act.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Oregon

(Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. I yield myself such time as I may consume.

We need a 21st century transportation policy for America. We need to move beyond the constipated transportation policies of the Bush era that are allowed and have allowed our system to deteriorate: 150,000 bridges on the Federal system in need of substantial replacement or repair; transit systems with an \$80 billion backlog for equipment. They're running obsolete railcars right here in the Nation's Capital that are killing people. They should have been retired years ago. They need to be replaced. We have frustrated commuters wasting hundreds of thousands of hours and billions of gallons of fuel caught in congestion; businesses and industries crying out they need help for just-in-time delivery and their trucks are delayed and detoured.

On October 1, we were supposed to do a 6-year bill to direct the investment in the system and enhance the investment. And that bill would have included a major new program for metropolitan mobility and access and had an office of livability. But the Obama administration stopped the bill, and they've refused to come to the table and discuss how we can move forward and make these needed investments.

But now the Secretary would like a little cherry, which would be like an office of livability, not defined, and he'd like \$200 million, at his discretion, whatever he defines livability as, to give grants to whomever he wishes under whatever criteria he might, in the future, propose.

Now, this would be, given the state of disrepair of our system and the deterioration of our system, a lot like buying a brand new tire and rim to put on a junk car that's up on blocks. It's not going to get anybody anywhere. It's not going to meaningfully address the problems of the system. We need a comprehensive approach.

I reserve the balance of my time.

Mr. OLVER. I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I yield 1 minute to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentleman very much and for claiming time in opposition while I'm supporting the amendment.

I rise in support of the DeFazio amendment for two reasons:

First, with the stresses on the Highway Trust Fund and the dependence of our States on the moneys from that fund, we're violating our fiduciary responsibilities by granting authority to take \$200 million, much-needed dollars, out of the trust fund for a program

that has yet to be defined legislatively or otherwise.

Second, as noted in the minority views of the report accompanying this bill, the concept of livable communities is just that. It's a concept. I've never seen the definition of a livable community. There's nothing defined of what a "livable community" is.

The initiatives that would be funded under this concept with the \$200 million involve activities that are rightly part of the jurisdictions of State and local governments and metropolitan planning commissions.

And again, I would rise in strong support of this amendment.

Mr. WU. Mr. Chair, I rise in strong support of my friend and colleague, PETER DEFAZIO's amendment.

In answer to the ranking member's inquiry, I just want to say that the definition of a livable community is Portland, Oregon.

I support livability, and from the beautiful and livable State of Oregon, I know what it means for communities to adopt livability standards into their transportation planning. It means more stable economies, integrated transportation systems, and walkable streets. It means jobs.

We are now 10 months past the expiration of the past highway bill, and the administration has yet to provide Congress with an authorization proposal or even to submit its long-promised authorization principles.

All they offer are extension after extension.

By doing this they are ignoring high-wage, middle-class, private-sector jobs generated by transportation and livability projects and engaging in legislative "end arounds" to spend scarce taxpayer dollars with no congressional or other needed oversight.

Mr. OLVER. Mr. Chairman, I yield back the balance of my time.

Mr. DEFAZIO. Mr. Chairman, it's my understanding that the chairman is going to accept the amendment.

Mr. OLVER. That is correct.

Mr. DEFAZIO. Given that, Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. CULBERSON

The CHAIR. It is now in order to consider amendment No. 10 printed in part A of House Report 111-578.

Mr. CULBERSON. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ Appropriations made in this Act are hereby reduced in the amount of \$12,400,000,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Texas (Mr. CULBERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CULBERSON. The Congressional Budget Office just released a report this week which shows we are on the brink of an unprecedented debt crisis in this Nation which could, in and of itself, trigger a new financial crisis because, if the credit markets become concerned that we, as a Nation, may be overstretched and unable to repay in full the unprecedented national debt that's out there owned by the public, owned by sovereign wealth funds, the credit markets will turn on us very quickly as they did in Greece, as they did in Argentina and in others nations.

Moody's has even warned because of the excessive spending by this President and by this Congress, Moody's has estimated we might, as a Nation, lose our AAA bond rating by 2018, perhaps as early as 2013. Constitutional conservatives such as myself have been working hard to find ways to save money, to bring the spending levels under control to avoid crushing our children under the load of debt, the deficits. The burden that these levels of debt and deficit will impose on our kids will undoubtedly result in massive tax increases, dramatic cuts in social programs. And every chance we get, Mr. Chairman, on every bill, we want to try to do what we can to save money.

□ 1550

And so my amendment today would cut the total spending level in this bill by 18 percent. Remember that this legislation, the transportation appropriations bill, received a 23 percent increase in fiscal year 2010; that the stimulus bill—which I voted against as all borrowed money—the stimulus bill puts \$62 billion into transportation. Of that \$62 billion, there's still \$10 billion unspent. I understand, Mr. Chairman, that the gentleman from Texas (Mr. NEUGEBAUER) has got an amendment later to take that \$10 billion of unspent transportation money from the stimulus bill and return that to the taxpayers to reduce the deficit.

My amendment is offered today to cut \$12 billion out of this transportation bill. I would prefer to send it back to subcommittee, Mr. Chairman, and let Chairman OLVER and my distinguished ranking member have a chance to decide where to cut it; but this is an 18 percent across-the-board cut, an important step moving back towards a balanced budget.

A constitutional conservative majority if elected to this Congress in November will, beginning in January, get this Nation back on track to a balanced budget by imposing strict spending discipline everywhere we can. This amendment is designed to begin that process. The current level of debt out there today owned by the public, by sovereign wealth funds, exceeds \$13 trillion. It's unprecedented, it's dangerous, and it's unacceptable to burden our children with this level of debt.

And since our transportation programs just got a \$62 billion increase in the stimulus, since our transportation programs just got a 23 percent increase in fiscal year 2010, surely we can cut \$12 billion out of this bill and save our kids and prevent our children and grandchildren from paying that off. Because every dollar we spend here today is borrowed money. One hundred percent of the money brought into the Treasury in revenue goes right out the door for Social Security, Medicare, Medicaid and interest on the national debt. This is borrowed money, Mr. Chairman. I would move passage of the amendment.

I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Thank you, Mr. Chairman.

I rise in strong opposition to the amendment. Actually this is about the worst kind of amendment that you can have, because it provides no indication of priorities whatsoever. It just cuts everything in the whole government an equal percentage amount and gives no priority indication whatsoever.

Let me tell you what this amendment ends up doing. In the Department of Housing and Urban Development, this amendment would mean a reduction of more than \$3 billion for section 8 tenant based vouchers. Simply, that means that about 450,000 of this country's lowest income citizens would no longer be able to afford their monthly rent.

In addition, the project based section 8 program would see about a \$1.7 billion reduction in it, resulting in hundreds of thousands of Americans there unable to afford a roof over their head. Homelessness would be increased dramatically and more Americans would require assistance through HUD's homeless program. Unfortunately, the homeless program would itself be receiving a massive cut of nearly \$400 million, making service at the current levels quite impossible, at the same time that we would be creating more homeless people.

In the Department of Transportation, this amendment would eliminate more than \$3 billion worth of funding from the Federal Aviation Administration. That would just about assure a part-time air traffic control system which would put us in severe safety jeopardy. Add to that the more than \$2 billion which would be cut from the Federal Transit Administration, eliminating some of the best transportation options that are available to millions of Americans, and everyone here can begin to truly see the repercussions of this amendment.

Fiscal prudence simply cannot mean turning hundreds and hundreds of thousands of people out of their homes,

eliminating almost a quarter of a million jobs, and creating real transportation safety concerns.

This bill is wisely balanced to meet the needs of citizens within current fiscal constraints. In fact, Mr. Chairman, I am asking you a question if I may: Is this amendment—since I am supposed to address all comments through the Chair—is this amendment deliberately designed to prolong the great recession and send America back into a double dip recession or a great depression? Because that's what happened. In the Great Depression, we went into a double dip recession, or a depression, and ended up with that depression lasting at least twice as long as it otherwise would have.

I reserve the balance of my time.

Mr. CULBERSON. Mr. Chairman, listening to the way the Democrats approach this issue and every issue on spending, I am reminded of Winston Churchill's comment that trying to tax and spend yourself into prosperity is like a man trying to raise himself up while standing in a bucket. It is illogical, it is disproven by history, that you can raise taxes and expect the economy to improve. It is illogical. It defies historical fact to say you're going to take money away from one group of people and spend it somewhere else and increase prosperity.

This amendment is a modest 18 percent cut in a bill that has seen a 23 percent increase in fiscal year '10 in programs that got \$62 billion additional funding through the stimulus, of which \$10 billion is still sitting there unspent. How much is enough? I am still waiting to meet the first Democrat that says, "That's enough money. Don't spend any more." I'm still waiting. I've not met him yet. There is never enough money. There is always some need out there that needs to be filled, but no better way to meet that need than to increase prosperity by letting average Americans keep more of their own hard-earned money to invest and spend and save as they wish, to let business owners hire people by giving them the certainty that their taxes aren't going to go up and they're not going to be torn apart by trial lawyers and they're not going to be buried by the cost of unions.

We need as a Nation to lift up the whole economy by spending less money in Washington. We need to cut taxes and cut spending. And if we can't cut 18 percent here in a bill that's got a 23 percent increase and got a 90 percent increase last year, where can we cut?

The CHAIR. The time of the gentleman has expired.

Mr. OLVER. Mr. Chairman, the gentleman has made some comments. He is entitled to his opinions, but he cannot create his own history.

He has said that history shows that you cannot raise taxes and have a growing economy. That is completely

belied by President Clinton's economic program in the early nineties when taxes were raised, with Republicans—the gentleman's party—claiming that that would destroy the economy. And yet the economy grew the fastest that it has done. We created 20 million jobs during the rest of the Clinton administration. That compares with the puny number of jobs, about one-quarter of that number, that were created during the time that Mr. Bush was in the White House the same number of years. With that, I just must point out that the gentleman is trying to re-create and create his own history.

We should defeat this amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CULBERSON).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. CULBERSON. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

□ 1600

AMENDMENT NO. 11 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The CHAIR. It is now in order to consider amendment No. 11 printed in part A of House Report 111-578.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 98, line 21, after the dollar amount, insert “(increased by \$10,000,000)”.

Page 103, line 20, after the dollar amount, insert “(increased by \$10,000,000)”.

Page 116, line 11, after the dollar amount, insert “(reduced by \$10,000,000)”.

The CHAIR. Pursuant to House Resolution 1569, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today to support additional funding for activities under section 107 of the Community Development Grant program at HUD. Specifically, I would like to ask for these funds to be diverted for community development grants for minority-serving institutions and Historically Black Colleges and Universities. This program assists minority-serving institutions to expand their role and effectiveness in addressing community development needs in their localities.

An increase of \$10 million for this program would double the budget now and allow for an additional 12 to 20 minority-serving institutions to meet ur-

gent community needs. I know these funds are particularly needed at many of our Nation's Historically Black Colleges and Universities. This is an important investment for these schools. It builds a strong relationship between school and community to promote social economic development initiatives. It will create jobs and help revitalize struggling neighborhoods.

Many of our urban HBCUs and other minority-serving institutions are located in areas that are blighted and struggling economically. This program creates a partnership between school and community, raising standards and expectations of the next generation. We want to create neighborhoods that are places people want to reside and feel a connection.

You often hear the phrase “university town” associated with other institutions. We want “university town” for these colleges as well, areas where the university is the center of economic and social life and people are proud to be part of it. We want neighborhoods where a college education is valued and seen as a common practice.

The program has made an immense impact at Benedict College in Columbia, South Carolina. Located less than 10 minutes from the University of South Carolina, Benedict College is an economically depressed neighborhood. With funding from this grant, Benedict College has created a partnership and has been able to build and renovate homes, construct a community recreational park, and build a business development center.

Similar success has been seen at Winston Salem State University in North Carolina where funds have been used for affordable housing development, small business development, and neighborhood cleanup.

This grant creates partnerships that enable students, faculty, and neighborhood organizations to work together to revitalize the economy, generate jobs, and rebuild healthy communities. Funding this program at an additional \$10 million would make an immense difference for these schools and communities.

I have used the reverse mortgage fund to offset this funding. This program is not without controversy. Many do not understand that proceeds received under a reverse mortgage may impact Medicaid eligibility. At a time when property values remain low, a reverse mortgage may not be the best route for many individuals. The value that one gets from a reverse mortgage is based on the current appraised value of the property. I have chosen this offset due to the current slump in the real estate market.

I thank the leadership for allowing this amendment to be considered, and I would ask humbly for your support.

I yield back the balance of my time.

Mr. OLVER. I rise to claim time in opposition, though I do not oppose the amendment.

The CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. OLVER. I yield 1 minute to the gentleman from Iowa (Mr. LATHAM) for comments.

Mr. LATHAM. I thank the chairman for yielding.

Actually, I do oppose this. I agree with the idea of putting more money into where you would like to have the money go. My concern is that this is taking money out of reverse mortgages for seniors, and while the President requested \$250 million in his budget, it is funded at \$150 million. This would take another 10 out of that. The problem is that if there is increased demand, if more seniors want to have reverse mortgages, then it simply cannot happen without the funding that's there.

So I would just oppose it, not because of the purpose where you would like to have the money go, but we're taking money away from seniors here who may, in fact, want to have a reverse mortgage on their home.

Mr. OLVER. Mr. Chairman, I would just say to my ranking member that I had exactly the same reaction to this and was all prepared to get very excited and oppose this one adamantly, but we were assured that a re-look at the HECM situation and the needs there indicated that it could yield this \$10 million offset.

Mr. LATHAM. Will the gentleman yield?

Mr. OLVER. I yield to the gentleman.

Mr. LATHAM. Well, when we start getting phone calls, I'll refer them to your office. I appreciate the gentleman's concern, and again, I think the purpose has merit, where the money is going, but I'm just concerned about the limitation here. Thank you.

Mr. OLVER. I thank the gentleman.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON of Texas).

The amendment was agreed to.

Mr. OLVER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SALAZAR) having assumed the chair, Mr. SNYDER, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5850) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. PRICE of Georgia. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

RESOLUTION

Pledging not to assemble on or between the dates of November 2, 2010 and January 3, 2011, except in the case of an unforeseen, sudden emergency requiring immediate action from Congress.

Whereas the 111th Congress has failed in its promise to be the most open Congress in history, but has instead lost the public's trust by engaging in unprecedented political procedures to advance a partisan agenda;

Whereas on January 18, 2006, House Minority Leader Nancy Pelosi stated in prepared remarks, "Democrats are leading the effort to turn the most closed, corrupt Congress in history into the most open and honest Congress in history.";

Whereas on November 7, 2006, House Minority Leader Nancy Pelosi stated, "The American people voted to restore integrity and honesty in Washington, D.C., and the Democrats intend to lead the most honest, most open, and most ethical Congress in history.";

Whereas on November 16, 2006, incoming House Speaker Nancy Pelosi stated, "This leadership team will create the most honest, most open, and most ethical Congress in history.";

Whereas on December 6, 2006, incoming House Speaker Nancy Pelosi stated, "We promised the American people that we would have the most honest and open Government and we will.";

Whereas incoming Majority Whip Clyburn stated on December 8, 2006 that, "Democrats will exercise better leadership in the new Congress and work to raise the standard of ethics in this body";

Whereas Speaker Pelosi spoke of individual Member's ethics on January 31, 2007 when she stated, "These strong [ethics] rules are significant steps toward honest leadership; enforcing these rules is critical to ensuring every Member of Congress lives up to the highest ethical standard";

Whereas on January 5, 2010, while at a press conference during the health care debate, Speaker Pelosi stated, "There has never been a more open process for any legislation";

Whereas this statement was reiterated by the Speaker while at a press conference on February 26, 2010, when a reporter prefaced a question about Rangel by noting that Speaker Pelosi had promised to run the "most ethical and honest Congress in history" she interrupted him to say: "And we are.";

Whereas more bills were considered under closed rules, 64 total, in the 110th Congress under Democrat control, than in the previous Congress, 49, under Republican control;

Whereas fewer bills were considered under open rules, 10 total, in the 110th Congress

under Democrat control, than in the previous Congress, 22, under Republican control;

Whereas zero bills have been considered so far in the 111th Congress under an open rule;

Whereas 26 bills have been considered so far in the 111th Congress under a closed rule, under Democrat control;

Whereas this Congress is the highest spending Congress in United States history;

Whereas this Congress has presided over the two highest budget deficits in United States history at a time when the public debt is higher than at any other time in history;

Whereas this Congress began its mortgage of the Nation's future with a "stimulus" package costing \$1.1 trillion that failed to lower unemployment, spur economic growth, or actually address the needs of struggling American business and families;

Whereas this Congress continued its free-flowing spending with an increase of \$72.4 billion in nonemergency discretionary spending in fiscal year 2009 to reach a total spending level of \$1.01 trillion for the first time in United States history;

Whereas this Congress approved a budget resolution in 2009 that proposed the six largest nominal deficits in American history and included tax increases of \$423 billion during a period of sustained high unemployment;

Whereas this Congress disregarded the needs and opinions of everyday Americans by passing a national energy tax bill that would increase costs on nearly every aspect of American lives by up to \$3,000 per year, eliminate millions of jobs, reduce workers' income, and devastate economic growth;

Whereas this Congress disregarded the needs and opinions of everyday Americans by passing a massive Government takeover of health care that will force millions of Americans from their health insurance plans, increase premiums and costs for individuals and employers, raise taxes by \$569.2 billion, and fund abortions—at a cost of \$2.64 trillion over the first ten years of full implementation;

Whereas this Congress nationalized the student loan industry with a potential cost of 30,000 private sector jobs and \$50.1 billion over ten years;

Whereas this Congress passed the DISCLOSE Act in violation of the first amendment, hindering citizens associations' and corporations' free speech while leaving all unions exempt from many of the new requirements, in order to try and influence the outcome of 2010 elections;

Whereas in spite of House Budget Committee Chairman's 2006 statement that "if you can't budget, you can't govern", the Democrat leadership has failed to introduce a budget resolution in 2010 as mandated by law, but instead self-executed a "deeming resolution" that increases nonemergency discretionary spending in fiscal year 2011 by \$30 billion to \$1.121 trillion, setting another new record for the highest level in United States history;

Whereas this Congress has failed Main Street through passage of a financial system takeover that fails to end the moral hazard of too-big-to-fail, does not address the Fannie Mae and Freddie Mac behemoths, and creates numerous new boards, councils, and positions with unconstitutionally broad authorities that will interfere with the creation of wealth and jobs;

Whereas this Congress has wasted taxpayer funds on an unnecessary and unconstitutional auto industry bailout, a "cash for clunkers" program, a home remediation program ("cash for caulkers"), and countless

other pork barrel projects while allowing the public debt to reach its highest level in United States history;

Whereas Democrats have recently insinuated that significant legislative matters would deliberately not be addressed during the 111th Congress until after the midterm elections in November 2010;

Whereas the New York Times reported on June 19, 2010 that, "For all the focus on the historic federal rescue of the banking industry, it is the government's decision to seize Fannie Mae and Freddie Mac in September 2008 that is likely to cost taxpayers the most money. . . . Republicans want to sever ties with Fannie and Freddie once the crisis abates. The Obama administration and Congressional Democrats have insisted on postponing the argument until after the midterm elections.";

Whereas the Washington Times reported on June 22, 2010 that House Majority Leader Steny Hoyer stated, "a budget, which sets out binding one-year targets and a multiyear plan, is useless this year because Congress has shunted key questions about deficits to the independent debt commission created by President Obama, which is due to report back at the end of this year.";

Whereas the Hill reported on June 24, 2010 that Senator Tom Harkin, a Democrat from Iowa, suggested that Democrats "might attempt to move 'card-check' legislation this year, perhaps during a lame-duck session. . . . 'A lot of things can happen in a lame-duck session, too,' he said in reference to EFCA.";

Whereas the New York Times published an article on June 28, 2010 titled "Lame-Duck Session Emerges as Possibility for Climate Bill Conference" that declares "many expect the final energy or climate bill to be worked out during the lame-duck session between the November election and the start of the new Congress in January.";

Whereas the Hill reported on July 1, 2010 that "Democratic leaders are likely to punt the task of renewing Bush-era tax cuts until after the election. Voters in November's midterms will thus be left without a clear idea of their future tax rates when they go to the polls.";

Whereas the Wall Street Journal reported on July 13, 2010 that, "there have been signs in recent weeks that party leaders are planning an ambitious, lame-duck session to muscle through bills in December they don't want to defend before November. Retiring or defeated members of Congress would then be able to vote for sweeping legislation without any fear of voter retaliation.";

Whereas the Hill reported on July 27, 2010 that Senate Majority Leader Harry Reid said, at the recent Netroots Nation conference of liberal bloggers, in reference to Democrats' unfinished priorities, "We're going to have to have a lame duck session, so we're not giving up.";

Whereas the Hill reported in the same piece on July 27, 2010 that the lame duck session will include priorities such as "comprehensive immigration reform, climate change legislation and a whole host of other issues";

Whereas the Declaration of Independence notes that governments "[derive] their just powers from the consent of the governed";

Whereas the American people have expressed their loss of confidence through self-organized and self-funded taxpayer marches on Washington, at countless "tea party" events, at town halls and speeches, and with numerous letters, emails, and phone calls to their elected representatives;

Whereas a reconvening of Congress between the regularly scheduled Federal election in November and the start of the next session of Congress is known as a “lame-duck session of Congress”;

Whereas the Democrat majority has all-but-announced plans to use any “lame-duck Congress” to advance currently unattainable, partisan policies that are widely unpopular with the American people or that further increase the national debt against the will of most Americans;

Whereas any such action would be a repudiation of the American people’s expressed will and would not comport with the Democrats’ public statements promising transparency and accountability; and

Whereas under the leadership of Speaker Pelosi and the Democrat majority, and largely due to the current trends of Government expansion and freedom retrenchment, the American people have lost confidence with their elected officials, and that faith must be restored: Now, therefore be it

Resolved, That the House of Representatives—

(1) reaffirms the principle expressed in the Declaration of Independence that governments “[derive] their just powers from the consent of the governed”;

(2) recognizes the fundamental importance of trust existing between the American people and their elected officials;

(3) confirms that adhering to the will of the people is imperative to upholding public trust;

(4) states that the American people deserve to know where their current elected officials stand on key legislative issues before Election Day;

(5) states that delaying controversial, unpopular votes until after the election gives false impressions to voters and deliberately hides the true intentions of the majority, while denying voters the ability to make fully informed choices on Election Day; and

(6) pledges not to assemble on or between the dates of November 2, 2010 and January 3, 2011, except in the case of an unforeseen, sudden emergency requiring immediate action from Congress.

□ 1620

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader, as a question of the privileges of the House, has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Georgia will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO ACTIONS OF CERTAIN PERSONS TO UNDERMINE SOVEREIGNTY OF LEBANON OR ITS DEMOCRATIC PROCESSES AND INSTITUTIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-136)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency declared with respect to the actions of certain persons to undermine the sovereignty of Lebanon or its democratic processes and institutions is to continue in effect beyond August 1, 2010.

While there have been some recent positive developments in the Syrian-Lebanese relationship, continuing arms transfers to Hizballah that include increasingly sophisticated weapons systems serve to undermine Lebanese sovereignty, contribute to political and economic instability in the region, and continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared on August 1, 2007, to deal with that threat and the related measures adopted on that date to respond to the emergency.

BARACK OBAMA.

THE WHITE HOUSE, JULY 29, 2010.

INVESTING IN AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

Mr. LEVIN. Mr. Speaker, pursuant to House Resolution 1568, I call up the bill (H.R. 5893) to amend the Internal Revenue Code of 1986 to create jobs through increased investment in infrastructure, to eliminate loopholes which encourage companies to move operations offshore, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1568, the bill is considered read.

The text of the bill is as follows:

H.R. 5893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Investing in American Jobs and Closing Tax Loopholes Act of 2010”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—INFRASTRUCTURE INCENTIVES

Sec. 101. Extension of Build America Bonds.

Sec. 102. Exempt-facility bonds for sewage and water supply facilities.

Sec. 103. Extension of exemption from alternative minimum tax treatment for certain tax-exempt bonds.

Sec. 104. Extension and additional allocations of recovery zone bond authority.

Sec. 105. Allowance of new markets tax credit against alternative minimum tax.

Sec. 106. Extension of tax-exempt eligibility for loans guaranteed by Federal home loan banks.

Sec. 107. Extension of temporary small issuer rules for allocation of tax-exempt interest expense by financial institutions.

TITLE II—EMERGENCY FUND FOR JOB CREATION AND ASSISTANCE

Sec. 201. Extension of the Emergency Fund for Job Creation and Assistance.

TITLE III—FOREIGN PROVISIONS

Sec. 301. Rules to prevent splitting foreign tax credits from the income to which they relate.

Sec. 302. Denial of foreign tax credit with respect to foreign income not subject to United States taxation by reason of covered asset acquisitions.

Sec. 303. Separate application of foreign tax credit limitation, etc., to items resourced under treaties.

Sec. 304. Limitation on the amount of foreign taxes deemed paid with respect to section 956 inclusions.

Sec. 305. Special rule with respect to certain redemptions by foreign subsidiaries.

Sec. 306. Modification of affiliation rules for purposes of rules allocating interest expense.

Sec. 307. Termination of special rules for interest and dividends received from persons meeting the 80-percent foreign business requirements.

Sec. 308. Source rules for income on guarantees.

Sec. 309. Limitation on extension of statute of limitations for failure to notify Secretary of certain foreign transfers.

TITLE IV—BUDGETARY PROVISIONS

Sec. 401. Paygo compliance.

Sec. 402. Time for payment of corporate estimated taxes.

TITLE I—INFRASTRUCTURE INCENTIVES

SEC. 101. EXTENSION OF BUILD AMERICA BONDS.

(a) IN GENERAL.—Subparagraph (B) of section 54AA(d)(1) is amended by striking “January 1, 2011” and inserting “January 1, 2013”.

(b) EXTENSION OF PAYMENTS TO ISSUERS.—

(1) IN GENERAL.—Section 6431 is amended—
(A) by striking “January 1, 2011” in subsection (a) and inserting “January 1, 2013”; and

(B) by striking “January 1, 2011” in subsection (f)(1)(B) and inserting “a particular date”.

(2) CONFORMING AMENDMENTS.—Subsection (g) of section 54AA is amended—

(A) by striking “January 1, 2011” and inserting “January 1, 2013”; and

(B) by striking “QUALIFIED BONDS ISSUED BEFORE 2011” in the heading and inserting “CERTAIN QUALIFIED BONDS”.

(c) REDUCTION IN PERCENTAGE OF PAYMENTS TO ISSUERS.—Subsection (b) of section 6431 is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”;

(2) by striking “35 percent” and inserting “the applicable percentage”; and

(3) by adding at the end the following new paragraph:

“(2) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term ‘applicable percentage’ means the percentage determined in accordance with the following table:

“In the case of a qualified bond issued during calendar year:	The applicable percentage is:
2009 or 2010	35 percent
2011	32 percent
2012	30 percent.”.

(d) CURRENT REFUNDINGS PERMITTED.—Subsection (g) of section 54AA is amended by adding at the end the following new paragraph:

“(3) TREATMENT OF CURRENT REFUNDING BONDS.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘qualified bond’ includes any bond (or series of bonds) issued to refund a qualified bond if—

“(i) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

“(ii) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

“(iii) the refunded bond is redeemed not later than 90 days after the date of the issuance of the refunding bond.

“(B) APPLICABLE PERCENTAGE.—In the case of a refunding bond referred to in subparagraph (A), the applicable percentage with respect to such bond under section 6431(b) shall be the lowest percentage specified in paragraph (2) of such section.

“(C) DETERMINATION OF AVERAGE MATURITY.—For purposes of subparagraph (A)(i), average maturity shall be determined in accordance with section 147(b)(2)(A).”.

(e) CLARIFICATION RELATED TO LEVEES AND FLOOD CONTROL PROJECTS.—Subparagraph (A) of section 54AA(g)(2) is amended by inserting “(including capital expenditures for levees and other flood control projects)” after “capital expenditures”.

SEC. 102. EXEMPT-FACILITY BONDS FOR SEWAGE AND WATER SUPPLY FACILITIES.

(a) BONDS FOR WATER AND SEWAGE FACILITIES EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY BONDS.—

(1) IN GENERAL.—Paragraph (3) of section 146(g) is amended by inserting “(4), (5),” after “(2).”.

(2) CONFORMING AMENDMENT.—Paragraphs (2) and (3)(B) of section 146(k) are both amended by striking “(4), (5), (6),” and inserting “(6)”.

(b) TAX-EXEMPT ISSUANCE BY INDIAN TRIBAL GOVERNMENTS.—

(1) IN GENERAL.—Subsection (c) of section 7871 is amended by adding at the end the following new paragraph:

“(4) EXCEPTION FOR BONDS FOR WATER AND SEWAGE FACILITIES.—Paragraph (2) shall not apply to an exempt facility bond 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of which are to be used to provide facilities described in paragraph (4) or (5) of section 142(a).”.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 7871(c) is amended by striking “paragraph (3)” and inserting “paragraphs (3) and (4)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 103. EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS.

(a) IN GENERAL.—Clause (vi) of section 57(a)(5)(C) is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2012”; and

(2) by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(b) ADJUSTED CURRENT EARNINGS.—Clause (iv) of section 56(g)(4)(B) is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2012”; and

(2) by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

SEC. 104. EXTENSION AND ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY.

(a) EXTENSION OF RECOVERY ZONE BOND AUTHORITY.—Section 1400U-2(b)(1) and section 1400U-3(b)(1)(B) are each amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY BASED ON UNEMPLOYMENT.—Section 1400U-1 is amended by adding at the end the following new subsection:

“(c) ALLOCATION OF 2010 RECOVERY ZONE BOND LIMITATIONS BASED ON UNEMPLOYMENT.—

“(1) IN GENERAL.—The Secretary shall allocate the 2010 national recovery zone economic development bond limitation and the 2010 national recovery zone facility bond limitation among the States in the proportion that each such State’s 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

“(2) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under paragraph (1) for each State to the extent necessary to ensure that no State (prior to any reduction under paragraph (3)) receives less than 0.9 percent of the 2010 national recovery zone economic development bond limitation and 0.9 percent of the 2010 national recovery zone facility bond limitation.

“(3) ALLOCATIONS BY STATES.—

“(A) IN GENERAL.—Each State with respect to which an allocation is made under paragraph (1) shall reallocate such allocation among the counties and large municipalities (as defined in subsection (a)(3)(B)) in such State in the proportion that each such county’s or municipality’s 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all the counties and large municipalities (as so defined) in such State.

“(B) 2010 ALLOCATION REDUCED BY AMOUNT OF PREVIOUS ALLOCATION.—Each State shall reduce (but not below zero)—

“(i) the amount of the 2010 national recovery zone economic development bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone economic development bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof), and

“(ii) the amount of the 2010 national recovery zone facility bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone facility bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof).

“(C) WAIVER OF SUBALLOCATIONS.—A county or municipality may waive any portion of an allocation made under this paragraph. A county or municipality shall be treated as having waived any portion of an allocation made under this paragraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.

“(D) SPECIAL RULE FOR A MUNICIPALITY IN A COUNTY.—In the case of any large municipality any portion of which is in a county, such portion shall be treated as part of such municipality and not part of such county.

“(4) 2009 UNEMPLOYMENT NUMBER.—For purposes of this subsection, the term ‘2009 unemployment number’ means, with respect to any State, county or municipality, the number of individuals in such State, county, or municipality who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

“(5) 2010 NATIONAL LIMITATIONS.—

“(A) RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.—The 2010 national recovery zone economic development bond limitation is \$10,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U-2 in the same manner as an allocation of national recovery zone economic development bond limitation.

“(B) RECOVERY ZONE FACILITY BONDS.—The 2010 national recovery zone facility bond limitation is \$15,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U-3 in the same manner as an allocation of national recovery zone facility bond limitation.”.

(c) AUTHORITY OF STATE TO WAIVE CERTAIN 2009 ALLOCATIONS.—Subparagraph (A) of section 1400U-1(a)(3) is amended by adding at the end the following: “A county or municipality shall be treated as having waived any portion of an allocation made under this subparagraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.”.

SEC. 105. ALLOWANCE OF NEW MARKETS TAX CREDIT AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4) is amended by redesignating clauses (v) through (ix) as clauses (vi) through (x), respectively, and by inserting after clause (iv) the following new clause:

“(v) the credit determined under section 45D, but only with respect to credits determined with respect to qualified equity investments (as defined in section 45D(b)) initially made before January 1, 2012.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined with respect to qualified equity investments (as defined in section 45D(b) of the Internal Revenue Code of 1986) initially made after March 15, 2010.

SEC. 106. EXTENSION OF TAX-EXEMPT ELIGIBILITY FOR LOANS GUARANTEED BY FEDERAL HOME LOAN BANKS.

Clause (iv) of section 149(b)(3)(A) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

SEC. 107. EXTENSION OF TEMPORARY SMALL ISSUER RULES FOR ALLOCATION OF TAX-EXEMPT INTEREST EXPENSE BY FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Clauses (i), (ii), and (iii) of section 265(b)(3)(G) are each amended by striking “or 2010” and inserting “, 2010, or 2011”.

(b) CONFORMING AMENDMENT.—Subparagraph (G) of section 265(b)(3) is amended by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

TITLE II—EMERGENCY FUND FOR JOB CREATION AND ASSISTANCE**SEC. 201. EXTENSION OF THE EMERGENCY FUND FOR JOB CREATION AND ASSISTANCE.**

(a) IN GENERAL.—Section 403(c) of the Social Security Act (42 U.S.C. 603(c)) is amended—

(1) in paragraph (1), by striking “Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs” and inserting “Emergency Fund for Job Creation and Assistance”;

(2) in paragraph (2)(A), by inserting “, and for fiscal year 2011, such sums as may be necessary to carry out this subsection” before “for payment”;

(3) by striking paragraph (2)(B) and inserting the following:

“(B) AVAILABILITY AND USE OF FUNDS.—

“(i) FISCAL YEARS 2009 AND 2010.—The amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2009 shall remain available through fiscal year 2010 and shall be used to make grants to States in each of fiscal years 2009 and 2010 in accordance with paragraph (3), except that the amounts shall remain available through fiscal year 2011 to make grants and payments to States in accordance with paragraph (3)(C) to cover expenditures to subsidize employment positions held by individuals placed in the positions before fiscal year 2011.

“(ii) FISCAL YEAR 2011.—Subject to clause (iii), the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011 shall remain available through fiscal year 2012 and shall be used to make grants to States based on expenditures in fiscal year 2011 for benefits and services provided in fiscal year 2011 in accordance with the requirements of paragraph (3).

“(iii) RESERVATION OF FUNDS.—Of the amounts appropriated to the Emergency

Fund under subparagraph (A) for fiscal year 2011, \$500,000 shall be placed in reserve for use in fiscal year 2012, and shall be used to award grants for any expenditures described in this subsection incurred by States after September 30, 2011.”.

(4) in paragraph (2)(C), by striking “2010” and inserting “2012”;

(5) in paragraph (3)—

(A) in clause (i) of each of subparagraphs (A), (B), and (C), by striking “year 2009 or 2010” and inserting “years 2009 through 2011”; and

(B) in subparagraph (C), by adding at the end the following:

“(iv) LIMITATION ON EXPENDITURES FOR SUBSIDIZED EMPLOYMENT.—An expenditure for subsidized employment shall be taken into account under clause (ii) only if the expenditure is used to subsidize employment for—

“(I) a member of a needy family (without regard to whether the family is receiving assistance under the State program funded under this part); or

“(II) an individual who has exhausted (or, within 60 days, will exhaust) all rights to receive unemployment compensation under Federal and State law, and who is a member of a needy family.”;

(6) by striking paragraph (5) and inserting the following:

“(5) LIMITATIONS ON PAYMENTS.—

“(A) FISCAL YEARS 2009 AND 2010.—The total amount payable to a single State under subsection (b) and this subsection for fiscal years 2009 and 2010 combined shall not exceed 50 percent of the annual State family assistance grant.

“(B) FISCAL YEAR 2011.—The total amount payable to a single State under subsection (b) and this subsection for fiscal year 2011 shall not exceed 30 percent of the annual State family assistance grant.”; and

(7) in paragraph (6), by inserting “or for expenditures described in paragraph (3)(C)(iv)” before the period.

(b) CONFORMING AMENDMENTS.—Section 2101 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) in subsection (a)(2)—

(A) by striking “2010” and inserting “2011”; and

(B) by striking all that follows “repealed” and inserting a period; and

(2) in subsection (d)(1), by striking “2010” and inserting “2011”.

(c) PROGRAM GUIDANCE.—The Secretary of Health and Human Services shall issue program guidance, without regard to the requirements of section 553 of title 5, United States Code, which ensures that the funds provided under the amendments made by this section to a jurisdiction for subsidized employment do not support any subsidized employment position the annual salary of which is greater than, at State option—

(1) 200 percent of the poverty line (within the meaning of section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section 673(2)) for a family of 4; or

(2) the median wage in the jurisdiction.

TITLE III—FOREIGN PROVISIONS**SEC. 301. RULES TO PREVENT SPLITTING FOREIGN TAX CREDITS FROM THE INCOME TO WHICH THEY RELATE.**

(a) IN GENERAL.—Subpart A of part III of subchapter N of chapter 1 is amended by adding at the end the following new section:

“SEC. 909. SUSPENSION OF TAXES AND CREDITS UNTIL RELATED INCOME TAKEN INTO ACCOUNT.

“(a) IN GENERAL.—If there is a foreign tax credit splitting event with respect to a for-

ign income tax paid or accrued by the taxpayer, such tax shall not be taken into account for purposes of this title before the taxable year in which the related income is taken into account under this chapter by the taxpayer.

“(b) SPECIAL RULES WITH RESPECT TO SECTION 902 CORPORATIONS.—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by a section 902 corporation, such tax shall not be taken into account—

“(1) for purposes of section 902 or 960, or

“(2) for purposes of determining earnings and profits under section 964(a),

before the taxable year in which the related income is taken into account under this chapter by such section 902 corporation or a domestic corporation which meets the ownership requirements of subsection (a) or (b) of section 902 with respect to such section 902 corporation.

“(c) SPECIAL RULES.—For purposes of this section—

“(1) APPLICATION TO PARTNERSHIPS, ETC.—In the case of a partnership, subsections (a) and (b) shall be applied at the partner level. Except as otherwise provided by the Secretary, a rule similar to the rule of the preceding sentence shall apply in the case of any S corporation or trust.

“(2) TREATMENT OF FOREIGN TAXES AFTER SUSPENSION.—In the case of any foreign income tax not taken into account by reason of subsection (a) or (b), except as otherwise provided by the Secretary, such tax shall be so taken into account in the taxable year referred to in such subsection (other than for purposes of section 986(a)) as a foreign income tax paid or accrued in such taxable year.

“(d) DEFINITIONS.—For purposes of this section—

“(1) FOREIGN TAX CREDIT SPLITTING EVENT.—There is a foreign tax credit splitting event with respect to a foreign income tax if the related income is (or will be) taken into account under this chapter by a covered person.

“(2) FOREIGN INCOME TAX.—The term ‘foreign income tax’ means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

“(3) RELATED INCOME.—The term ‘related income’ means, with respect to any portion of any foreign income tax, the income (or, as appropriate, earnings and profits) to which such portion of foreign income tax relates.

“(4) COVERED PERSON.—The term ‘covered person’ means, with respect to any person who pays or accrues a foreign income tax (hereafter in this paragraph referred to as the ‘payor’)—

“(A) any entity in which the payor holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value),

“(B) any person which holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value) in the payor,

“(C) any person which bears a relationship to the payor described in section 267(b) or 707(b), and

“(D) any other person specified by the Secretary for purposes of this paragraph.

“(5) SECTION 902 CORPORATION.—The term ‘section 902 corporation’ means any foreign corporation with respect to which one or more domestic corporations meets the ownership requirements of subsection (a) or (b) of section 902.

“(e) REGULATIONS.—The Secretary may issue such regulations or other guidance as

is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provides—

“(1) appropriate exceptions from the provisions of this section, and

“(2) for the proper application of this section with respect to hybrid instruments.”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter N of chapter 1 is amended by adding at the end the following new item:

“Sec. 909. Suspension of taxes and credits until related income taken into account.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) foreign income taxes (as defined in section 909(d) of the Internal Revenue Code of 1986, as added by this section) paid or accrued after December 31, 2010; and

(2) foreign income taxes (as so defined) paid or accrued by a section 902 corporation (as so defined) on or before such date (and not deemed paid under section 902(a) or 960 of such Code on or before such date), but only for purposes of applying sections 902 and 960 with respect to periods after such date.

Section 909(b)(2) of the Internal Revenue Code of 1986, as added by this section, shall not apply to foreign income taxes described in paragraph (2).

SEC. 302. DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.

(a) IN GENERAL.—Section 901 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

“(m) DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.—

“(1) IN GENERAL.—In the case of a covered asset acquisition, the disqualified portion of any foreign income tax determined with respect to the income or gain attributable to the relevant foreign assets—

“(A) shall not be taken into account in determining the credit allowed under subsection (a), and

“(B) in the case of a foreign income tax paid by a section 902 corporation (as defined in section 909(d)(5)), shall not be taken into account for purposes of section 902 or 960.

“(2) COVERED ASSET ACQUISITION.—For purposes of this section, the term ‘covered asset acquisition’ means—

“(A) a qualified stock purchase (as defined in section 338(d)(3)) to which section 338(a) applies,

“(B) any transaction which—

“(i) is treated as an acquisition of assets for purposes of this chapter, and

“(ii) is treated as the acquisition of stock of a corporation (or is disregarded) for purposes of the foreign income taxes of the relevant jurisdiction,

“(C) any acquisition of an interest in a partnership which has an election in effect under section 754, and

“(D) to the extent provided by the Secretary, any other similar transaction.

“(3) DISQUALIFIED PORTION.—For purposes of this section—

“(A) IN GENERAL.—The term ‘disqualified portion’ means, with respect to any covered asset acquisition, for any taxable year, the ratio (expressed as a percentage) of—

“(i) the aggregate basis differences (but not below zero) allocable to such taxable year under subparagraph (B) with respect to all relevant foreign assets, divided by

“(ii) the income on which the foreign income tax referred to in paragraph (1) is determined (or, if the taxpayer fails to substantiate such income to the satisfaction of the Secretary, such income shall be determined by dividing the amount of such foreign income tax by the highest marginal tax rate applicable to such income in the relevant jurisdiction).

“(B) ALLOCATION OF BASIS DIFFERENCE.—For purposes of subparagraph (A)(i)—

“(i) IN GENERAL.—The basis difference with respect to any relevant foreign asset shall be allocated to taxable years using the applicable cost recovery method under this chapter.

“(ii) SPECIAL RULE FOR DISPOSITION OF ASSETS.—Except as otherwise provided by the Secretary, in the case of the disposition of any relevant foreign asset—

“(I) the basis difference allocated to the taxable year which includes the date of such disposition shall be the excess of the basis difference with respect to such asset over the aggregate basis difference with respect to such asset which has been allocated under clause (i) to all prior taxable years, and

“(II) no basis difference with respect to such asset shall be allocated under clause (i) to any taxable year thereafter.

“(C) BASIS DIFFERENCE.—

“(i) IN GENERAL.—The term ‘basis difference’ means, with respect to any relevant foreign asset, the excess of—

“(I) the adjusted basis of such asset immediately after the covered asset acquisition, over

“(II) the adjusted basis of such asset immediately before the covered asset acquisition.

“(ii) BUILT-IN LOSS ASSETS.—In the case of a relevant foreign asset with respect to which the amount described in clause (i)(II) exceeds the amount described in clause (i)(I), such excess shall be taken into account under this subsection as a basis difference of a negative amount.

“(iii) SPECIAL RULE FOR SECTION 338 ELECTIONS.—In the case of a covered asset acquisition described in paragraph (2)(A), the covered asset acquisition shall be treated for purposes of this subparagraph as occurring at the close of the acquisition date (as defined in section 338(h)(2)).

“(4) RELEVANT FOREIGN ASSETS.—For purposes of this section, the term ‘relevant foreign asset’ means, with respect to any covered asset acquisition, any asset (including any goodwill, going concern value, or other intangible) with respect to such acquisition if income, deduction, gain, or loss attributable to such asset is taken into account in determining the foreign income tax referred to in paragraph (1).

“(5) FOREIGN INCOME TAX.—For purposes of this section, the term ‘foreign income tax’ means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

“(6) TAXES ALLOWED AS A DEDUCTION, ETC.—Sections 275 and 78 shall not apply to any tax which is not allowable as a credit under subsection (a) by reason of this subsection.

“(7) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including to exempt from the application of this subsection certain covered asset acquisitions, and relevant foreign assets with respect to which the basis difference is de minimis.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to covered asset acqui-

sitions (as defined in section 901(m)(2) of the Internal Revenue Code of 1986, as added by this section) after December 31, 2010.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any covered asset acquisition (as so defined) with respect to which the transferor and the transferee are not related if such acquisition is—

(A) made pursuant to a written agreement which was binding on May 20, 2010, and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(3) RELATED PERSONS.—For purposes of this subsection, a person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b) of the Internal Revenue Code of 1986.

SEC. 303. SEPARATE APPLICATION OF FOREIGN TAX CREDIT LIMITATION, ETC., TO ITEMS RESOURCED UNDER TREATIES.

(a) IN GENERAL.—Subsection (d) of section 904 is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

“(6) SEPARATE APPLICATION TO ITEMS RESOURCED UNDER TREATIES.—

“(A) IN GENERAL.—If—

“(i) without regard to any treaty obligation of the United States, any item of income would be treated as derived from sources within the United States,

“(ii) under a treaty obligation of the United States, such item would be treated as arising from sources outside the United States, and

“(iii) the taxpayer chooses the benefits of such treaty obligation,

subsections (a), (b), and (c) of this section and sections 902, 907, and 960 shall be applied separately with respect to each such item.

“(B) COORDINATION WITH OTHER PROVISIONS.—This paragraph shall not apply to any item of income to which subsection (h)(10) or section 865(h) applies.

“(C) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance which provides that related items of income may be aggregated for purposes of this paragraph.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 304. LIMITATION ON THE AMOUNT OF FOREIGN TAXES DEEMED PAID WITH RESPECT TO SECTION 956 INCLUSIONS.

(a) IN GENERAL.—Section 960 is amended by adding at the end the following new subsection:

“(c) LIMITATION WITH RESPECT TO SECTION 956 INCLUSIONS.—

“(1) IN GENERAL.—If there is included under section 951(a)(1)(B) in the gross income of a domestic corporation any amount attributable to the earnings and profits of a foreign corporation which is a member of a qualified group (as defined in section 902(b)) with respect to the domestic corporation, the amount of any foreign income taxes deemed to have been paid during the taxable year by such domestic corporation under section 902 by reason of subsection (a) with respect to such inclusion in gross income shall not exceed the amount of the foreign income taxes which would have been deemed to have

been paid during the taxable year by such domestic corporation if cash in an amount equal to the amount of such inclusion in gross income were distributed as a series of distributions (determined without regard to any foreign taxes which would be imposed on an actual distribution) through the chain of ownership which begins with such foreign corporation and ends with such domestic corporation.

“(2) **AUTHORITY TO PREVENT ABUSE.**—The Secretary shall issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which prevent the inappropriate use of the foreign corporation's foreign income taxes not deemed paid by reason of paragraph (1).”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to acquisitions of United States property (as defined in section 956(c) of the Internal Revenue Code of 1986) after December 31, 2010.

SEC. 305. SPECIAL RULE WITH RESPECT TO CERTAIN REDEMPTIONS BY FOREIGN SUBSIDIARIES.

(a) **IN GENERAL.**—Paragraph (5) of section 304(b) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

“(B) **SPECIAL RULE IN CASE OF FOREIGN ACQUIRING CORPORATION.**—In the case of any acquisition to which subsection (a) applies in which the acquiring corporation is a foreign corporation, no earnings and profits shall be taken into account under paragraph (2)(A) (and subparagraph (A) shall not apply) if more than 50 percent of the dividends arising from such acquisition (determined without regard to this subparagraph) would neither—

“(i) be subject to tax under this chapter for the taxable year in which the dividends arise, nor

“(ii) be includible in the earnings and profits of a controlled foreign corporation (as defined in section 957 and without regard to section 953(c)).”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to acquisitions after December 31, 2010.

SEC. 306. MODIFICATION OF AFFILIATION RULES FOR PURPOSES OF RULES ALLOWING INTEREST EXPENSE.

(a) **IN GENERAL.**—Subparagraph (A) of section 864(e)(5) is amended by adding at the end the following: “Notwithstanding the preceding sentence, a foreign corporation shall be treated as a member of the affiliated group if—

“(i) more than 50 percent of the gross income of such foreign corporation for the taxable year is effectively connected with the conduct of a trade or business within the United States, and

“(ii) at least 80 percent of either the vote or value of all outstanding stock of such foreign corporation is owned directly or indirectly by members of the affiliated group (determined with regard to this sentence).”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 307. TERMINATION OF SPECIAL RULES FOR INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.

(a) **IN GENERAL.**—Paragraph (1) of section 861(a) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) **GRANDFATHER RULE WITH RESPECT TO WITHHOLDING ON INTEREST AND DIVIDENDS RE-**

CEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.—

(1) **IN GENERAL.**—Subparagraph (B) of section 871(i)(2) is amended to read as follows:

“(B) The active foreign business percentage of—

“(i) any dividend paid by an existing 80/20 company, and

“(ii) any interest paid by an existing 80/20 company.”

(2) **DEFINITIONS AND SPECIAL RULES.**—Section 871 is amended by redesignating subsections (l) and (m) as subsections (m) and (n), respectively, and by inserting after subsection (k) the following new subsection:

“(1) **RULES RELATING TO EXISTING 80/20 COMPANIES.**—For purposes of this subsection and subsection (i)(2)(B)—

“(1) **EXISTING 80/20 COMPANY.**—

“(A) **IN GENERAL.**—The term ‘existing 80/20 company’ means any corporation if—

“(i) such corporation met the 80-percent foreign business requirements of section 861(c)(1) (as in effect before the date of the enactment of this subsection) for such corporation's last taxable year beginning before January 1, 2011,

“(ii) such corporation meets the 80-percent foreign business requirements of subparagraph (B) with respect to each taxable year after the taxable year referred to in clause (i), and

“(iii) there has not been an addition of a substantial line of business with respect to such corporation after the date of the enactment of this subsection.

“(B) **FOREIGN BUSINESS REQUIREMENTS.**—

“(i) **IN GENERAL.**—Except as provided in clause (iv), a corporation meets the 80-percent foreign business requirements of this subparagraph if it is shown to the satisfaction of the Secretary that at least 80 percent of the gross income from all sources of such corporation for the testing period is active foreign business income.

“(ii) **ACTIVE FOREIGN BUSINESS INCOME.**—For purposes of clause (i), the term ‘active foreign business income’ means gross income which—

“(I) is derived from sources outside the United States (as determined under this subchapter), and

“(II) is attributable to the active conduct of a trade or business in a foreign country or possession of the United States.

“(iii) **TESTING PERIOD.**—For purposes of this subsection, the term ‘testing period’ means the 3-year period ending with the close of the taxable year of the corporation preceding the payment (or such part of such period as may be applicable). If the corporation has no gross income for such 3-year period (or part thereof), the testing period shall be the taxable year in which the payment is made.

“(iv) **TRANSITION RULE.**—In the case of a taxable year for which the testing period includes 1 or more taxable years beginning before January 1, 2011—

“(I) a corporation meets the 80-percent foreign business requirements of this subparagraph if and only if the weighted average of—

“(aa) the percentage of the corporation's gross income from all sources that is active foreign business income (as defined in subparagraph (B) of section 861(c)(1) (as in effect before the date of the enactment of this subsection)) for the portion of the testing period that includes taxable years beginning before January 1, 2011, and

“(bb) the percentage of the corporation's gross income from all sources that is active foreign business income (as defined in clause

(ii) of this subparagraph) for the portion of the testing period, if any, that includes taxable years beginning on or after January 1, 2011,

is at least 80 percent, and

“(II) the active foreign business percentage for such taxable year shall equal the weighted average percentage determined under subclause (I).

“(2) **ACTIVE FOREIGN BUSINESS PERCENTAGE.**—Except as provided in paragraph (1)(B)(iv), the term ‘active foreign business percentage’ means, with respect to any existing 80/20 company, the percentage which—

“(A) the active foreign business income of such company for the testing period, is of

“(B) the gross income of such company for the testing period from all sources.

“(3) **AGGREGATION RULES.**—For purposes of applying paragraph (1) (other than subparagraphs (A)(i) and (B)(iv) thereof) and paragraph (2)—

“(A) **IN GENERAL.**—The corporation referred to in paragraph (1)(A) and all of such corporation's subsidiaries shall be treated as one corporation.

“(B) **SUBSIDIARIES.**—For purposes of subparagraph (A), the term ‘subsidiary’ means any corporation in which the corporation referred to in subparagraph (A) owns (directly or indirectly) stock meeting the requirements of section 1504(a)(2) (determined by substituting ‘50 percent’ for ‘80 percent’ each place it appears and without regard to section 1504(b)(3)).

“(4) **REGULATIONS.**—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provide for the proper application of the aggregation rules described in paragraph (3).”

(C) CONFORMING AMENDMENTS.—

(1) Section 861 is amended by striking subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) Paragraph (9) of section 904(h) is amended to read as follows:

“(9) **TREATMENT OF CERTAIN DOMESTIC CORPORATIONS.**—In the case of any dividend treated as not from sources within the United States under section 861(a)(2)(A), the corporation paying such dividend shall be treated for purposes of this subsection as a United States-owned foreign corporation.”

(3) Subsection (c) of section 2104 is amended in the last sentence by striking “or to a debt obligation of a domestic corporation” and all that follows and inserting a period.

(d) EFFECTIVE DATE.—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) **GRANDFATHER RULE FOR OUTSTANDING DEBT OBLIGATIONS.**—

(A) **IN GENERAL.**—The amendments made by this section shall not apply to payments of interest on obligations issued before the date of the enactment of this Act.

(B) **EXCEPTION FOR RELATED PARTY DEBT.**—Subparagraph (A) shall not apply to any interest which is payable to a related person (determined under rules similar to the rules of section 954(d)(3)).

(C) **SIGNIFICANT MODIFICATIONS TREATED AS NEW ISSUES.**—For purposes of subparagraph (A), a significant modification of the terms of any obligation (including any extension of the term of such obligation) shall be treated as a new issue.

SEC. 308. SOURCE RULES FOR INCOME ON GUARANTEES.

(a) AMOUNTS SOURCED WITHIN THE UNITED STATES.—Subsection (a) of section 861 is amended by adding at the end the following new paragraph:

“(9) GUARANTEES.—Amounts received, directly or indirectly, from—

“(A) a noncorporate resident or domestic corporation for the provision of a guarantee of any indebtedness of such resident or corporation, or

“(B) any foreign person for the provision of a guarantee of any indebtedness of such person, if such amount is connected with income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States.”.

(b) AMOUNTS SOURCED WITHOUT THE UNITED STATES.—Subsection (a) of section 862 is amended by striking “and” at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting “; and”, and by adding at the end the following new paragraph:

“(9) amounts received, directly or indirectly, from a foreign person for the provision of a guarantee of indebtedness of such person other than amounts which are derived from sources within the United States as provided in section 861(a)(9).”.

(c) CONFORMING AMENDMENT.—Clause (ii) of section 864(c)(4)(B) is amended by striking “dividends or interest” and inserting “dividends, interest, or amounts received for the provision of guarantees of indebtedness”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees issued after the date of the enactment of this Act.

SEC. 309. LIMITATION ON EXTENSION OF STATUTE OF LIMITATIONS FOR FAILURE TO NOTIFY SECRETARY OF CERTAIN FOREIGN TRANSFERS.

(a) IN GENERAL.—Paragraph (8) of section 6501(c) is amended—

(1) by striking “In the case of any information” and inserting the following:

“(A) IN GENERAL.—In the case of any information”; and

(2) by adding at the end the following:

“(B) APPLICATION TO FAILURES DUE TO REASONABLE CAUSE.—If the failure to furnish the information referred to in subparagraph (A) is due to reasonable cause and not willful neglect, subparagraph (A) shall apply only to the item or items related to such failure.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 513 of the Hiring Incentives to Restore Employment Act.

TITLE IV—BUDGETARY PROVISIONS**SEC. 401. PAYGO COMPLIANCE.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 402. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 3 percentage points.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) and

the gentleman from Michigan (Mr. CAMP) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask that all Members have 5 legislative days to revise and extend their remarks and insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. Mr. Speaker, I yield myself 3 minutes.

This is a bill to stimulate jobs here, not over there, to create American jobs and close tax loopholes that encourage companies to ship overseas. There is no excuse to vote “no.”

It is noteworthy that we are on pace to gain more private-sector jobs in the first 8 months of 2010 than were added in the full 8 years of the Bush Presidency. There has been private-sector job growth every month of 2010, but there is still a lot of work to do. There are five unemployed workers for every new job opening.

This bill highlights infrastructure development and private-sector jobs. The Build America Bonds (BABs) are the cornerstone of this bill’s infrastructure investments.

When the recession hit, local governments could not get credit. BABs helped fill this demand by accessing corporate tax bonds and doing so very successfully. As of March 1, BABs have financed more than \$115 billion in local infrastructure programs, private-sector jobs.

Also, we provide for an emergency fund for job creation. By extending this program that soon expires for 1 year at a cost of \$3.5 billion, it will help States sustain low-income families and expand subsidized job programs that create jobs for the unemployed.

I want to emphasize, this program has led to the creation of 247,000 jobs, and that is why it has broad support. There is a letter from the National Governors Association, from the National Conference of State Legislatures, and the National Association of Counties. Kevin Hassett of the American Enterprise Institute has said, “It is hard to imagine how any sensible person could oppose it.”

And we pay for it; we pay for it through closing a loophole. We have a Foreign Tax Credit, the FTC, to help businesses avoid double taxation of foreign-sourced income. Some corporations have found ways to use that credit to offset other income while leaving their foreign-sourced profits overseas sometimes permanently. As a result—and I emphasize this—American taxpayers are effectively subsidizing these companies’ overseas operations.

These provisions have been before us before—no excuse that you haven’t

seen them before—and you knew this was coming. This is coming because of the urgency of job creation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. Mr. Speaker, I yield myself an additional 15 seconds.

It’s urgent. So this Invest in American Jobs Act of 2010 will create the jobs we need to keep moving America forward. To vote “no” is to vote America moving backwards.

Mr. Speaker, I and Ways and Means Committee Ranking Member CAMP have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of H.R. 5893, the “Investing in American Jobs and Closing Tax Loopholes Act of 2010”. This technical explanation provides information on the Committee’s understanding and legislative intent behind the legislation. It is available on the Joint Committee’s website at www.jct.gov and is listed under document number JCX–39–10.

Mr. Speaker, I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

It has been nearly 1½ years since the President signed the \$1 trillion stimulus bill into law, and now the majority has come up with a new “Make It in America” agenda, which begs the question, if the stimulus was such a success, why don’t we already make it in America?

The facts are that, after stimulus, the unemployment rate continues to hover near 10 percent, well above the 8 percent we were promised. Instead of creating or saving 3.7 million jobs, over 2.6 million private-sector jobs have been lost, including over 707,000 manufacturing jobs, and nearly 100,000 in my home State of Michigan. Overall, 47 out of 50 States have lost jobs.

Now we used to make it in America. And if Democrats would stop passing bills that spend more money on State and local governments and instead focus on small businesses, we might actually see the real sustained private-sector job creation Americans need.

□ 1630

In fact, I submit for the RECORD a letter here from the United States Chamber of Commerce, the world’s largest business federation, representing more than 3 million businesses. They oppose this bill. Let me just read you what that letter says, what real job creators think about this bill.

The Chamber says this bill “would impose draconian tax increases on American worldwide companies that would hinder job creation, decrease the competitiveness of American businesses, and deter economic growth.”

I want to repeat that.

This bill “would impose draconian tax increases on American worldwide companies that would hinder job creation, decrease the competitiveness of American businesses, and deter economic growth.”

That's right. This bill raises taxes on employers during a recession, making it tougher for Americans to find needed work. You cannot expect to increase jobs in this country when you are increasing taxes. It just doesn't work. That is exactly what the majority is proposing to do in this bill.

Now, this bill does closely resemble a bill the majority has already pushed through the House once before, H.R. 4849, the so-called Small Business and Infrastructure Jobs Tax Act of 2010. At the time, I said the bill was more about small governments than it was about small businesses since most of the bill was about getting aid to State and local governments instead of helping small businesses.

Like H.R. 4849, the vast majority of spending in the bill today—a whopping \$25.6 billion over 11 years—goes to State and local governments through various infrastructure incentives. These include a substantial increase in spending on the Build America Bonds program, a heavily subsidized spending program providing direct payments to State and local governments that issue these bonds.

Small governments are not small businesses, and they do not create the kind of private sector jobs we need. Unlike H.R. 4849, however, the Democrats didn't even bother to provide token tax relief for small business in this bill.

In case you need more evidence that this bill isn't about helping U.S. employers or about helping Americans find jobs, just look at the extra \$5 billion in welfare spending in this bill. It is so much money that the CBO, the nonpartisan Congressional Budget Office, says the States won't even be able to spend all of it. Democrats claim this spending is for jobs, but 75 percent of these welfare emergency funds that were already given to States have been spent on more welfare checks, not on jobs.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, July 28, 2010.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, opposes H.R. 5893, the "Investing in American Jobs and Closing Tax Loopholes Act of 2010," which would impose draconian tax increases on American worldwide companies that would hinder job creation, decrease the competitiveness of American businesses, and deter economic growth.

This legislation contains numerous changes to longstanding U.S. international tax law which are severely detrimental to American worldwide companies. For example:

Denial of foreign tax credit with respect to foreign income not subject to U.S. taxation by reason of covered asset acquisitions—This provision relates primarily to §338, which allows taxpayers the ability to characterize stock acquisitions as asset acquisitions for U.S. tax purposes. An acquisition can be con-

cluded as either a share acquisition or an asset acquisition. Acquisitions by American worldwide companies are good for the U.S. economy—they provide additional jobs and broaden the U.S. tax base. Section 338 recognizes the inherent challenges and obstacles to asset acquisitions and, in effect, levels the playing field, allowing taxpayers the ability to choose the tax implications of an acquisition, regardless of the willingness of a seller to agree to one form or the other of a particular deal. Moreover, §338 unquestionably serves to encourage acquisitions by American worldwide companies by minimizing the competitive advantage that certain foreign competitors enjoy due to the participation exemption systems in which most are headquartered. This legislation would significantly strip away the benefits of §338 and would likely serve to further impede any competitive advantages of American worldwide companies in their bids for foreign targets.

Limitation on the use of §956 for foreign tax credit planning (i.e., the "hopsotch" rule)—Section 956, a longstanding provision of the Code, allows companies to repatriate cash to the United States in a tax-efficient manner. Foreign business acquisitions generally result in a series of intermediate foreign holding companies which block the repatriation of earnings for a variety of reasons such as local statutory earnings deficits or other local restrictions on actual dividends. American worldwide companies have had the ability to overcome such obstacles through the use of §956. This provision was particularly beneficial during the recent economic downturn and ensuing credit crunch when it was necessary for American worldwide companies to repatriate significant funds in order to meet the financial needs of their U.S. businesses. The revenue raising estimate for this provision seems to assume that taxpayers would simply bear the additional cost of the provision. However, the Chamber believes that most taxpayers, given the choice, would choose simply to not repatriate the earnings. Therefore, the legislation's proposed change to §956 would significantly reduce the repatriation of foreign earnings that otherwise might have been repatriated to the United States. That is a poor option if Congress seeks to enact provisions which stimulate economic growth and drive job creation.

The Chamber strongly opposes H.R. 5893 because this legislation would make significant changes to U.S. international tax law which would stifle job creation and stunt economic growth. The Chamber may consider votes on, or in relation to, this issue in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President, Government Affairs.

I urge my colleagues to vote "no" on increasing taxes on American employers and on increasing taxes on American jobs and to vote "no" on this legislation.

I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I submit for the RECORD a letter of March 3, 2010, from the National Governors Association, signed by a Republican Governor and by a Democratic Governor on behalf of the entire association.

NATIONAL GOVERNORS ASSOCIATION,

March 3, 2010.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives,
Washington, DC.

Hon. JOHN BOEHNER,
Minority Leader, House of Representatives,
Washington, DC.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.

DEAR MADAM SPEAKER, MR. BOEHNER, SENATOR REID AND SENATOR MCCONNELL: On behalf of the nation's governors, we are writing to urge your support in extending the Temporary Assistance for Needy Families Emergency Contingency Fund (TANF ECF).

Enacted as part of the American Recovery and Reinvestment Act, the TANF ECF is a \$5 billion fund to help states provide greater support to children and families during the economic downturn. The fund reimburses states for 80% of their increased expenditures, and is set to expire on September 30th of this year.

As soon as the Department of Health and Human Services finalized its rules for drawing down the fund and ensuring transparency and accountability, states began utilizing the fund to help speed economic recovery through subsidized employment and training programs, and vital financial and supportive service offerings for needy families facing increased hardship. Currently, 23 states are drawing down the fund for subsidized jobs, with several more state applications pending approval. Many of these programs take time to develop and implement, and by allowing states more time to access these funds, Congress can help maximize the impact of the TANF ECF in providing crucial skill development and training to our workers.

We urge you to support extending the TANF ECF. This extension will allow us to capitalize on the resources made available in ARRA to best serve children and families, and help rebuild our nation's economy.

Sincerely,

GOVERNOR M. MICHAEL ROUNDS,
Chair, Health and Human Services Committee.

GOVERNOR CHESTER J. CULVER,
Vice Chair, Health and Human Services
Committee.

I yield 3 minutes to a Member who has been so invaluable in developing this legislation, the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I rise today in support of the Investing in American Jobs and Closing Tax Loopholes Act of 2010 because it does just that. It creates jobs and pays for them by creating a fairer playing field by closing down tax loopholes used by multinational corporations. We have taken aggressive action to do what is required of government—that is to work with the private sector and with State and local governments to repair an economy left in tatters by the previous administration.

The goal of this jobs bill is simple. It is to bring much needed support to American families who desperately need it.

Today's bill will extend job creation measures that we know will work, along with extending a number of highly successful bond programs, like Build America Bonds or Recovery Zone

Bonds. This bill also extends the Emergency Fund for Job Creation and Assistance program that has successfully created 240,000 jobs. Under this program, employers receive subsidies to pay all or a portion of a new worker's wages if they have an unemployed worker, a welfare recipient, or a low-income youth. Without an extension, this fund will end on September 30.

The Emergency Fund has been praised by Republican Governors, including Haley Barbour of Mississippi, the unlikely soul he is, who says it should be extended. The same praise and request for an extension has come from Republican legislators in States and local governments and from county leaders around the country. So you have to ask yourself why Republicans in the House are not supporting this job creation that Republicans outside of Washington are pleading for us to extend.

Are congressional Republicans hopelessly out of touch with the needs of ordinary Americans?

Well, maybe, but I fear the answer is that congressional Republicans want President Obama to fail at any cost, even if it means that struggling Americans have to suffer as a result.

We saw this same strategy play out over the last 2 months in the other body where Senate Republicans blocked an extension of unemployment benefits to workers who had lost their jobs through no fault of their own. Today, Republicans in this House are, once again, opposing an effort to provide jobs to those same unemployed workers.

Let's not forget that every job creation provision in this bill is fully, fully paid for by eliminating tax breaks for shipping jobs overseas. So the bogus talk we will hear about deficits and deficit creation is simply that. It is bogus.

No help. No jobs. No hope. That is what Republicans are offering the American people.

Mr. CAMP. I yield myself such time as I may consume.

Mr. Speaker, the liberal Center on Budget and Policy Priorities said that these welfare emergency fund jobs only last as long as the funding does. Frankly, nearly half of the "jobs" Democrats claim have been created are summer jobs, which are either over or are about to be. Let me just say that it is pretty well-known here that Governors of every political stripe are obviously looking to the Federal Government for cash, but the fact is we are broke.

At this time I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I rise in strong opposition to this bill. It has now been almost a year and a half since the stimulus became law, and the American people continue to ask: Where are the jobs?

The American people have made it very clear that they want Congress to move in a new direction and focus on creating stable, private sector jobs. Yet this majority continues to offer up more of the same.

The bill before us does nothing to help small businesses. It actually raises taxes on the worldwide American companies that have created millions of American jobs. Instead, virtually all of the money—some \$30 billion in total—is directed to State and local governments.

There are a few provisions in this bill that have merit and that might be worth considering in a different context, but the basic premise of this bill is that we are going to take another \$30 billion out of the private sector and use it to finance more government spending. That is not the path to economic recovery. It is the path to Greece.

The American people are tired of this same old tax-and-spend agenda. It is time for Members of this House to stand alongside the people we represent and say, "No more."

Let's vote down this bill and get to work on real private sector job creation.

Mr. LEVIN. I yield myself 15 seconds.

Mr. Speaker, the infrastructure goes to States and to local governments for private sector jobs—like the highway bill. Small business: You voted against the small business bill. Summer jobs: You voted against summer jobs. Now you say this created summer jobs. It is so hypocritical.

I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members to please direct their remarks to the Chair.

Mr. PASCRELL. I will make my comments directly to the Chair, Mr. Speaker.

We have short memories here. Ten years is a long time to remember, I will admit that, but it took the last administration in 2001 and in 2002—the first 2 years of that administration—to finally get us into the plus on private jobs.

□ 1640

You don't know what you're talking about. Mr. Speaker, we have selective memory here. This legislation is about private jobs.

They voted "no" on everything. They voted "no" on the stimulus. And yet the reports in the last 2 days indicate without that stimulus we would have been deep in, not only recession, but depression. Not our economists on this side of the aisle, our economists have concluded that.

There now have been six straight months of private sector job growth. I'm not making these numbers up. It's the truth.

Challenge them. I'll wait 10 seconds.

Now that I've waited 10 seconds, the data is clear. We all know that there is more work to be done. No one's saying that this is a perfect place for us all to be. That is why I strongly support the Invest in America Jobs Act. This bill will directly contribute to private-public partnerships that create American jobs.

Why don't you be for something? Come up with your own idea.

While this entire bill has seen many critical job creating provisions, I'm going to talk about just one part of the legislation, excluding water and sewer bonds from State volume caps.

This year the American Society of Civil Engineers gave the Nation's water and wastewater systems the worst grade of any infrastructure category. They gave it a D minus.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield 15 additional seconds to the gentleman.

Mr. PASCRELL. As a former mayor, Mr. Speaker, I understand that a strong water infrastructure is essential. Municipalities don't have the money. This portion of the legislation aims to repair our crumbling water infrastructure, while leveraging private capital to create jobs.

Every dollar invested in public water and sewer infrastructure adds \$8.97 to the national economy. It's currently estimated there will be \$2.5 trillion to \$4.8 trillion in water and waste systems.

Mr. CAMP. I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY), a distinguished member of the Ways and Means Committee.

Mr. BOUSTANY. Mr. Speaker, I thank the ranking member of the full committee for yielding time.

I rise in opposition to the bill. And while a few of the tax provisions in this bill may not be unobjectionable, let's be clear, this bill is a continuation of the same failed economic policy that has given us an atmosphere of uncertainty for families and American businesses with the unemployment rate still hovering around 10 percent.

The bill raises taxes \$31.8 billion over 11 years. Now, let's look at how it raises taxes. I just want to look at one of these tax increases here. What it does is it raises taxes in a weakened economy, but in a way that threatens American competitiveness. It threatens the competitiveness of U.S. businesses that are trying to compete overseas with foreign-owned companies. These are businesses that employ U.S. workers in the private sector. It's going to kill jobs.

This bill contains a series of international tax changes that could have far reaching consequences on the competitiveness of U.S. businesses trying to compete overseas. These provisions will kill jobs. It's very clear.

Now, if we're going to do this kind of tax policy, these kinds of changes should be done in a broader context as part of a comprehensive tax reform bill. That's the responsible way to do this.

And I know our Democratic colleagues on the Ways and Means Committee should understand that, that what we really need to be doing is a comprehensive approach to tax reform and not this piecemeal, ad hoc and mischievous tax reform in little bitty pieces and bits that basically are wrecking our Tax Code.

Now, I would submit that what we really need to do is get back to some basics here. We need to lower the corporate tax rate down to the average of what our major trade partners are looking at to really enhance U.S. competitiveness. That's going to help us create jobs and stop this assault on U.S. businesses that are trying to work within the constraints of the U.S. Tax Code.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 30 seconds.

Mr. BOUSTANY. These changes are actually hurting the competitiveness of U.S. businesses.

Again, we don't need to do this kind of ad hoc, harmful tax reform. We need a comprehensive approach. The responsible approach is what I think we probably all agree on, a comprehensive approach that's going to promote economic growth, promote American competitiveness and private sector job growth.

Mr. LEVIN. It is now my privilege to yield 2 valuable minutes to the gentleman from Oregon (Mr. BLUMENAUER), an active member of our committee.

Mr. BLUMENAUER. I appreciate the chairman's courtesy for these 2 valuable minutes, and I want to use them to focus on three basic points.

First and foremost, it is true that the administration advanced an economic recovery package that we had hoped would be able to hold the unemployment rate lower than it ultimately went. The Administration was guilty of, frankly, accommodating Republican wishes by pushing more in tax reductions that all the economists say do not create as many jobs as the infrastructure investment. And of course my Republican colleague conveniently ignored the fact that 95 percent of the American public got tax cuts last year, and they will get tax cuts again this year. Ignored.

Look at the Bush administration job record over 8 years. The Obama administration, in less than 2 years, has already created more jobs than the Bush administration in its entire 8 years.

We have before us today specific provisions that are going to make a difference in everybody's community. The

reference has been made to lifting the volume caps for water infrastructure, a program in every State in the Union that will create jobs and have a multiplier effect on an ongoing basis.

The adjustment in the new market tax credit that will allow it to be offset against the alternative minimum tax means that the leverage for the new market tax credit, a very valuable mechanism to help create jobs in low- and moderate-income neighborhoods, is going to be magnified.

Mr. Speaker, this is important business. There is nothing here in terms of the pay-fors that already hasn't passed the House. There was an important adjustment to give the business community more time to adjust so it is later in nature.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. BLUMENAUER. This is where we heard feedback, the chairman in the committee responded to make it easier for businesses to accommodate the change in the future, while still making the basic objectives.

I strongly urge our colleagues to listen to the local communities, to local government, to businesses that are involved with rebuilding and renewing America, and approve this legislation.

Mr. CAMP. I yield myself 15 seconds.

Look, 47 out of 50 States have lost jobs. If there was such great job creation because of the stimulus bill, why have we seen the unemployment rate continue to hover around 10 percent?

And, frankly, any minor reductions in it are because people have stopped looking for work.

I yield 3 minutes to the gentleman from Illinois (Mr. ROSKAM), a distinguished member of the Ways and Means Committee.

Mr. ROSKAM. I thank the gentleman for yielding.

Mr. Speaker, in his opening remarks, the chairman said that there was no excuse to vote "no" on this bill. Well, I want us to revisit that assertion because I think there might be. I think the excuse might be when the job creators themselves, Mr. Speaker, say that we need to be watchful and wary and oppose this.

When the job creators use words like, this will jeopardize the jobs of American manufacturing employees, we have an excuse to vote "no." Or when they say this will stifle our fragile economy, we have an excuse to vote "no" or that these tax increases are Draconian, or it will hinder job creation or decrease the competitiveness of American businesses, or deter economic growth, or harm our worldwide American economic competitiveness, all excuses to vote "no."

□ 1650

Mr. Speaker, the chairman of the committee said that we had seen these

ideas before and there is no reason to vote against them because we've seen them before. And that's true. We've seen them before. We've had hearing after hearing after hearing in the Ways and Means Committee on substantive sideshows, comparatively, that don't address the fundamental question of the difficulty of the American economy.

On Monday morning of this week, Mr. Speaker, I hosted a job fair in Addison, Illinois, and in 4 hours' period of time 2,000 of my constituents walked through those double doors looking for work. They are underserved by this Congress, they are underserved by a tax code that we are 7 months into that is completely ambiguous.

I have business leaders in my district, Mr. Speaker, who have said we're not going to put money into this economy, Congressman, because we don't know what the ground rules are. We don't know what the ground rules are that are in the tax code, we don't know what the ground rules are on all the health care rules that are going to be promulgated.

Mr. Speaker they say they don't know the ground rules on cap-and-trade, where the EPA is doing an end run around this Congress, and they certainly don't know the ground rules as it relates to a whole host of other issues that are pending before this Congress.

Uncertainty is as bad as bad news comes. And what we've got to do is make sure we're not throttling worldwide American companies. And this bill will have an adverse impact disproportionately on American companies, Mr. Speaker, American companies that are trying to compete in the worldwide marketplace.

There are plenty of excuses to vote "no." There are plenty of excuses to turn to certainty and not create an albatross on companies that we need to make sure thrive, and are dynamic, and create jobs in our economy. We should vote against this bill.

Mr. LEVIN. I yield 2 minutes to the distinguished member of our committee, Mr. DAVIS of Illinois.

Mr. DAVIS of Illinois. Mr. Speaker, in the Illinois that I come from there is no excuse to vote against this bill. Of critical importance to Chicago and Illinois is the extension of key safety net programs, including the TANF Emergency Fund. The TANF Emergency Fund has provided significant relief to Illinois, especially for creating jobs programs that benefit individuals and small businesses.

To date, Illinois has been approved for \$72.4 million in funds. With this Federal support, the State has launched its subsidized employment initiative called Put Illinois to Work, and is anticipating placing 22,000 low-income parents and young people in subsidized jobs. Passage of this bill will

guarantee this much-needed assistance to low-income working families through the end of the year. State and local government will receive assistance for infrastructure through Build America Bonds that will aid in subsidizing the rebuilding of schools, sewers, hospitals, and transit projects.

Since the passage of the Recovery Act, Illinois has received over \$7 million for these job creation efforts. In addition, critical transportation projects authorized will continue to move forward with the guarantee to sustain \$119 million in Federal construction projects. This bill is critical to Chicago, it's critical to Illinois, and it's critical to the Nation. I urge its passage.

Mr. CAMP. At this time I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for the time.

Mr. Speaker, it's interesting to listen to this debate. It's almost as if those on the other side haven't been home and haven't seen what's really occurring. The folks back home know that when you are talking about the effects of the stimulus package, it has created government jobs, but we have lost considerable jobs in the private sector. In fact, the overall employment numbers are down in terms of people even seeking jobs by more than a million. And that's progress?

If you really want to do something, get rid of this whole bill and instead pass a bill that gets rid of one of the most destructive things we have with respect to small business. That is section 9006 of the health care bill. It has nothing to do with health care. It has everything to do with adding tremendous new burdens of paperwork on businesses. It requires anybody involved in a business or trade, any time they purchase over \$600 from any entity or individual, cumulative over a year, they have to file a 1099. A 1099. Not because you have any obligation to pay payroll tax, but because somehow we think everybody cheats. Because somehow we want to have a paper trail for every purchase you make.

It is the universal snitch act. We don't trust fellow Americans. A government that doesn't trust its citizens is a government that the citizens will not trust. What we ought to do is just get rid of this bill and instead eliminate 170 words out of the 340,000 words in the so-called health care bill. Talk to your small business people. Ask them what they think would help them increase the opportunity to provide jobs. They will tell you this is number one on their list. We ought to bring it to the floor immediately, and we ought to get rid of this nonsense where we don't trust fellow citizens.

Just to give you one example, one person who actually deals in the sale of

gold coins said that he will have to file between 10,000 and 20,000 1099s next year.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 30 seconds.

Mr. DANIEL E. LUNGREN of California. Every single business person you will talk to will tell you how incredibly stupid this is, number one. And number two, it will create a disincentive for people to go to small businesses. Because if you want to diminish the number of 1099s you file, you won't go to your local restaurant, you won't go to your local hardware store, you will only go to the big chains. It is absolutely destructive.

If you want to really do something, get rid of this bill and instead support the repeal of that section of the health care bill that has nothing to do with health care, but has everything to do with damaging small business and jobs in this country.

Mr. LEVIN. It's now my pleasure to yield 3 minutes to another distinguished, indeed a very distinguished member of our committee, from the State of Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank the chairman for yielding.

You would think, listening to our colleagues on the Republican side of the aisle, that the great recession began after President Obama was sworn in, not recognizing the fact that the day President Bush lost office this country was losing jobs at the rate of 700,000 jobs a month. And in fact, during the entire 8 years of the Bush administration we ended up losing over 600,000 private-sector jobs.

We have been working very hard to dig ourselves out of that hole for a long period of time since then. The last 6 months we have seen private-sector job growth in consecutive months. Not as much as anybody would like to see, but positive growth. And it's interesting to listen to my colleagues, many of whom are showing up to ribbon-cutting ceremonies and groundbreaking ceremonies, taking credit for jobs that have been created by investments made that would never have happened if they had their way, if their votes had been the ones that carried the day.

Now, this legislation is an effort to change a perverse tax policy. We do two things in this legislation. Number one, we make important investments in the Build America Bonds program, an investment in infrastructure and jobs here at home. And we pay for it by cutting down, eliminating these perverse loopholes. Yes, there are lots of corporations out there that don't like this legislation. You know why? Because they will no longer be rewarded by American taxpayers for shipping American jobs overseas. Because that's what this bill does.

Right now our tax code penalizes American taxpayers and creates these

incentives for certain corporations to ship American jobs—not American goods, but ship American jobs—overseas. And I think most taxpayers would be outraged if they knew that in addition to paying their own taxes, they would be required to pay the taxes that U.S. multinationals owe to foreign countries for income those corporations generated overseas. That's what's going on.

Through a process called credit splitting, U.S. multinationals are able to use their foreign tax credits to reduce their tax liability here at home even though they may not have repatriated that income back to the United States. That's what this particular loophole does. You can talk about reforming our international tax code, and you are right, there are lots of complicated issues. But this issue is not complicated.

This issue is very simple. Do you want to reward American corporations who are shipping American jobs overseas? And those that are opposing these provisions understandably are benefiting from it, because right now American taxpayers are paying the tab for the taxes that those corporations are paying overseas.

□ 1700

That's not fair, and it creates an inducement to ship those jobs overseas. Let's stop this loophole and use those funds to invest in jobs here in America.

Mr. CAMP. I yield myself such time as I may consume.

I agree with my friend. It's not complicated. American employers say this bill will kill jobs. Look, the Democrats promised the stimulus would create millions of jobs. It hasn't. They promised it would create 3.7 million jobs. Well, that hasn't occurred.

Instead, since the stimulus, through June of 2010, the U.S. has lost 2.6 million more private sector jobs, leaving Americans to ask: Where are the jobs? Forty-seven out of 50 States have lost jobs. No wonder more Americans think Elvis is alive than believe the stimulus created jobs.

Democrats promised the stimulus would keep unemployment below 8 percent. It hasn't. Instead, unemployment has reached 10 percent and remains stuck near at that level today.

And in addition to that high official unemployment, over 3 million other Americans are simply dropped out of the labor force, what some call the missing unemployed. And the flood of deficit spending from Democrats' policies have driven the debt to an astonishing \$13 trillion. The debt is so huge, it is already hurting job creation.

Using the administration's own forecasts, the surge in debt caused by the stimulus and other Democrat policies has already destroyed 1 million jobs. Unemployment and debt have soared by a combined 60 percent since the

President took office. That's an Obama misery index that reflects current and future damage caused by Democrats' failed policies.

And while the job situation seems to have finally stopped getting worse, the trickle of private sector job creation in 2010 is so anemic that, at the current rate, it would take until 2017 to recover the jobs lost during this recession. That's longer than it took to recover jobs during the Depression in the 1930s. Others say it could take as long as until 2021 to get employment back to prerecession levels.

However, the Democrats' agenda has helped one industry—government. Managing all of that spending helped government jobs grow by 201,000 since the stimulus, helping to make Washington, D.C., and the area the Nation's strongest job market. Meanwhile, construction, loss of 853,000; manufacturing, loss of 707,000 jobs. Jobs across the U.S. have plummeted despite promises they would grow by 1.1 million.

I yield 3 minutes to the distinguished gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. The gentleman from Michigan is right. This bill is more proof of failed economic policies of Washington Democrats, and I think they've acknowledged and they've admitted that that massive \$860 billion stimulus bill has failed. It's failed the American public. It's failed 15 million American workers who are out of work, and about a third of them who've almost given up on ever finding a job.

And we were promised, when that huge stimulus bill was passed, that unemployment would go down—it went up—that we would have 7 million more jobs than we do today. They promised the jobs would come from Main Street from small businesses. It turns out, as Mr. CAMP said, all of the new jobs are in government. And government jobs only last as long as you're paying out of your pocketbook to keep them on that job.

That's why this recovery is one of the slowest in America's history because consumers, they're scared to spend because they see all of this debt in Washington and they wonder who's going to have to pay it all back, and they know it's them. Businesses aren't bringing back new workers, aren't hiring new ones because they're afraid of the types of proposals like this they see in Washington, D.C.

I remember the President standing at the White House saying, If you pass the stimulus bill, it will jump-start the economy and restore consumer confidence.

Well, the economy certainly isn't jump-started. And today, 90 percent of Americans believe this economy is in bad shape. Most of them think it's not going to get any better any time soon.

And from a jobs standpoint, this bill may actually destroy more jobs than it creates, and this is why:

America has one of the worst tax codes in the world. You know that if you've had to pay taxes. It's even worse when American companies try to sell our American goods and services around the world, when you try to compete around the world. We double tax our American businesses—we're one of the few countries that do that—so, oftentimes they lose out on contracts. They can't sell their products because of this horrible tax code.

What this bill does is ensure that they are double taxed. In the past, what we said is we'll try to help you, American business, by removing one of those layers of tax. This puts it back.

So, at a time when we need to sell more U.S. goods and services, create more American jobs, this bill actually does the opposite. It taxes our U.S. companies more when they try to sell and compete. That means our workers lose out. That means our workers lose their jobs. That means other foreign countries gain and America loses.

This bill is, again, one of the reasons this antijob, antibusiness, antigrowth Congress and White House are holding this economy back, keeping us from recovering, holding our hopes, I think, hostage to this "let's tax everyone" mentality.

I'm convinced Americans are genetically disposed to bouncing back from recessions.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 1 minute.

Mr. BRADY of Texas. This recovery is different. America's not bouncing back because government's in the way, because this Congress is the obstacle, this White House is the obstacle.

Stop passing tax increases. Stop standing in the way of our jobs, of our growth, of our prosperity. This bill kills more jobs than it creates. It doesn't deserve to go any farther.

I will vote "no" and urge Members to vote "no" as well.

Mr. LEVIN. Mr. Speaker, I now yield 1 minute to the very distinguished majority leader of the U.S. House of Representatives, STENY HOYER.

Mr. HOYER. Mr. Speaker, I'm amused sometimes when I stand on the floor and I hear my Republican colleagues debate the economy.

Frankly, the Bush administration, of course, did not happen, you understand. That 8 years really wasn't their economic program, and the dire consequences of that economic program are all Mr. Obama's fault. Hoover probably could have blamed it on Coolidge. Maybe Coolidge could have blamed it on Harding.

Now, we can throw these assumptions back and forth and generalities about this job-stopping Congress and President, but every time I get up and I start talking about the facts, the statistics, I rarely get somebody standing

up on your side of the aisle saying, No, that statistic is wrong.

Now, I've been here long enough, unfortunately for some of you, to remember where we've been, where we've come, and where we are. I was here in 1993 when we debated the economic program that was put on this floor by the Democratic Congress and President Clinton. And although I don't know—it was one of you who recently spoke or who has spoken on this floor—your leaders said if we adopted that program, it would destroy the economy, the deficit would explode, and unemployment would explode. And as you are today, you are 180 degrees wrong. Statistically, you cannot deny it.

Statistically, you cannot deny that during the 8 years under which we had the economic program in place, which you could not put aside—and I'll explain that we couldn't put it aside either in 2007 and 2008—that program created more jobs for American workers in the private sector than Mr. Reagan did, than Mr. Bush I did; and under Mr. Bush II, of course, we essentially lost jobs in the private sector.

□ 1710

Almost 21 million jobs were created under the Clinton economic program, which your side indicated would result in high unemployment and deep deficits. And with respect to deficits, Bill Clinton's economic program and the program put in place in 1993 led to the only 4 years of surplus that anybody in this Chamber or in the gallery has lived under. Four years of surplus. Bill Clinton is the only President in the lifetime of anybody in this Chamber who ended his term with a net surplus—\$62.9 billion. Now how does that compare with the economic program that was put in place in '01 and '03? Not rhetoric but statistically?

Well, as opposed to those 216,000 jobs per month created under the Clinton economic program put in place by the Democratic Congress of 1993, the economic program that you put in place created, not 216,000 jobs per month but 11,000 jobs per month. Now you need about 125,000 jobs to stay even in America; new people coming into the job market. And if you don't create those 125,000, then there aren't jobs for people coming into the market and you start having unemployment rise.

Clinton: 216,000 jobs per month. Now, ladies and gentlemen of the House, if I'm wrong on that statistic, I'm sure somebody will call my attention to it. They haven't in the past. And 11,000 under the economic program frankly that you put in place and is still in place from a tax standpoint. Tax rates are still where you set them and where you said it would explode the economy.

And you were worried about paying off the deficit too soon. Well, you took care of that. The national debt was about \$5.8 trillion when you took over.

It was about \$10.4 trillion when you left. You almost doubled the national debt. Bill Clinton, of course, didn't borrow any money from foreign governments during his last 4 years. We rolled the debt. It came up a little bit, no doubt about that; 37 percent as opposed to 87 percent under your economic program.

And I say to my friend who was worried about jobs, Your economic program hasn't changed yet. The tax rate is the same as you set it and you said if the tax rate was there, we would explode jobs. And then you say, "But business is doing really badly." \$1.8 trillion cash on hand in American business as we speak today; \$1.8 trillion, which I tell my friend is more than it's had in four decades. Cash on hand. Cash on hand. So that apparently business is doing pretty well, which is why the stock market has gone up 60 percent. Sixty percent, I tell my friends. Those of us who have a 401(k), since shortly after the passage of the Recovery Act, the Dow went up from 6500 to approximately 10-3 or 10-4 yesterday. I think it's about, close to 10-5 today. That is 4,000 points up.

Now, ladies and gentlemen, I rise in support of this bill. This bill has passed here before, I tell my friends, and we're going to have to pass it again. When it passed the first time, people were still not for taxing people who were sending jobs overseas. They still take that same position.

Yesterday saw the publication of a significant report on the Federal Government's response to the greatest economic crisis of our lifetime, totally contrary to the promises made when we adopted your economic program in 2001 and 2003, which I did not vote for. But you were in charge. You had the House, you had the Senate and you had the Presidency; and you put it in place. It led to the worst economy this country has seen in the lifetime of anybody who is not 90 years of age.

There was an article, as I said. It was written by Mark Zandi, a former economic adviser to the McCain Presidential campaign, and Alan Blinder, a former vice chair of the Federal Reserve. The report found, and I quote, that "the U.S. economy has made enormous progress since the dark days of the early 2009." Enormous progress, says Mark Zandi, adviser to JOHN MCCAIN.

It goes on to find in this article that the effects of the government response since the height of the crisis, quote, are huge and probably averted what could have been called Great Depression 2.0. Without the government's response, GDP in 2010 would be about 6½ percent lower. That's not me saying that. It's Mark Zandi saying that. And payroll employment—I know my friend from Texas wants to hear this figure. According to Mark Zandi, payroll employment if we hadn't passed that

bill—which I know my friend did not support—he was opposed to that—Mark Zandi says that payroll employment would be less by some 8½ million jobs.

My friend from Michigan says, Where are the jobs? Let me tell you, it's unfortunate. We misconstrued and made a bad estimate. We didn't think you could put the economy possibly as low as you put it. We didn't think it could possibly be that deep. But it was. Much deeper than even we thought. We knew it wasn't doing well. The American people knew in 2006 it wasn't doing well and they knew it wasn't doing well in 2008, so they changed horses to ride. But it was so deep that we have been working very hard to get it out and we are trying to get there.

This bill moves us forward. That article went on to say, "The stimulus has done what it was supposed to do: end the great recession and spur recovery." That is progress. But we understand that all Americans know it's not success. And success will not come until we create enough jobs that there is not unemployment in America above a figure, which is usual for the transition from job to job, which is somewhere in the neighborhood of 4½ percent.

This bears repeating. Democrats have fought to rebuild the economy and put middle class Americans back to work, in the face of efforts to grind our economic recovery to a halt.

Let me say something to my friends. They have been opposing Democratic plans to create jobs and grow the economy. Tragically, the Republican obstructionism's collateral damage has been those who remain out of a job. This legislation seeks to respond to that pain, that dislocation, that family fear that they won't be able to pay the next bill, the next mortgage payment, the next grocery bill. That's the case with the legislation we're debating today, which puts our common interests above corporate interests and which can continue our economic recovery.

The Investing in American Jobs and Closing Tax Loopholes Act ends tax breaks that encourage companies to outsource American jobs overseas. You ask Americans whether they think that's a good policy and I'd be surprised if you got any less than eight out of 10 who said, "Yeah, that makes sense to me." Those loopholes help ship jobs and investments overseas, and Democrats want to close them. This bill also extends the Build America bonds program which helps States and localities fund essential, job-creating infrastructure projects. So far, Build America bonds have been one of the most effective contributors to our recovery, supporting nearly 2 million jobs across the country.

This bill also helps States create or extend jobs programs that help low-income families find work. They are the most stressed out. They lost their jobs

first. They had the least to rely on when they lost that job.

And I want to point out that this bill supports all of those jobs without raising the deficit. I urge all of my colleagues to support this jobs bill. Will it solve the problem? It will not. But will it move us forward? It will. I congratulate Chairman LEVIN and the Ways and Means Committee for the work that they have been doing, and I urge my colleagues, take this additional step to help those folks in America who want to work, who have worked, who want to put food on their tables for them and their families.

Pass this bill and send it to the Senate. Let's keep fighting for jobs in America.

□ 1720

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds all Members to please address their remarks to the Chair.

Mr. CAMP. I yield myself such time as I may consume.

I appreciate the look-back. I think it's odd so many speakers today have begun all their remarks with a look-back and attempt to re-litigate history and are sort of picking selective parts of history. The fact is, when this budget was balanced there was a Republican Congress, yes, with a Democrat President. Maybe we ought to try that combination again.

But let me just say, the people back home are concerned about today. They're concerned about the problems today, not re-litigating what may have been or might have been. Back home in Michigan, unemployment is nearly 14 percent; nationwide, nearly 10 percent. The fact is now, today—not in the 1980s, not in the 1990s, not in the Bush administration—today we've lost 700,000 manufacturing jobs, and the fact is employers in America have said this bill will hurt jobs; this will not help us create private sector jobs. And we have group after group that has come forward and said this bill hurts jobs.

That's why I urge a "no" vote.

I reserve the balance of my time.

Mr. LEVIN. I yield 30 seconds to the majority leader.

Mr. HOYER. I thank the gentleman for yielding.

I would simply say to my friend—and he is my friend and I believe him to be a very positive Member of the Congress of the United States. I would say to him, I don't want to re-litigate. I do not want to repeat the mistakes of the past, and I believe, very frankly, my friend, that the economic policies that you want to pursue have not worked, and I don't want to pursue them again. It's not a question of re-litigation. It's a question of learning from the failures of the past that brought this economy so extraordinarily low. It is time to invest in the creation of jobs. I believe this bill does that.

Mr. LEVIN. I yield myself 30 seconds.

Build America Bonds, 62 issues as of 6/30/2010 totaling \$2 billion, creating all kinds of private sector jobs. We look backward to learn lessons. We also look forward, and the minority will do neither.

I now am privileged to yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL), a distinguished member of our committee.

Mr. NEAL. Thank you, Mr. Chairman.

To my friends on the other side, I do think it's instructive to have the discussion about Bill Clinton and George W. Bush. I think it's very helpful to America because we tried the Bush years, and the argument now is to return to the Bush years.

Now, let me point out in this legislation, that Mr. RANGEL and I worked to develop Build America Bonds. More than 800 cities and States have taken advantage of those bonds. In Massachusetts alone, we have issued \$1 billion worth of Build America Bonds, and we saved \$170 million in interest costs, which means that you can invest in education, health, and public safety.

Mr. FRANK and I worked to allow small banks to hold more municipal bonds by expanding the small issuer exception, thereby lowering the costs of these bonds.

Now, to show you the success of bipartisanship, in the development of this legislation, Mr. RYAN and I worked to exempt private activity bonds from AMT, a pretty good piece of initiative. With that, 38 airports around the country, including Cleveland, Milwaukee and Houston, have taken advantage of that opportunity. Thousands of jobs have been created nationwide when the country really needs it. These bonds are also used for student loans, and protection from alternative minimum tax means lower rates on borrowers. In Massachusetts alone, 26,000 students will benefit.

Now, Mr. TIBERI, a Republican, and I worked on the New Markets Tax Credit exemption from the alternative minimum tax. Since its inception, this program has generated over \$15 billion of private sector investment in some of the poorest communities in America. I want to say that there are Republican Members of Congress who have communities who have taken advantage of the New Markets Tax Credit initiative. We have freed up investment in struggling neighborhoods, Mr. Speaker. With Build America Bonds, we have offered tremendous opportunities for local projects.

Mr. CAMP. I reserve my time.

Mr. LEVIN. I now yield 3 minutes to the gentleman from Texas (Mr. DOGGETT), a most active member of our committee.

Mr. DOGGETT. I thank the gentleman.

After 12 years of Republican rule, our tax code is riddled with loopholes. The

small businesses on Main Street, the families that are struggling to get by with both spouses as wage earners, they all continue to shoulder a much heavier tax burden proportionately than the giant multinationals that operate around the world, that have operated here in Washington to lobby their way into one bit of special treatment after another. And many of these loopholes serve only to encourage multinationals to invest overseas instead of investing here at home to create American jobs. For some of them, their number one export is the export of American jobs instead of creating things here in America that we can then export to the world.

This particular bill promotes jobs in America in two ways. First, it recognizes that there is important work that needs to be done here in America, hard work that is worth doing. In Austin, Texas, Build America Bonds were used to build a police substation, to build a public safety training facility, public facilities that we need to protect our neighborhoods, built by private contractors, putting food on the table of private employees. This bill would encourage more of the same for America.

Second, this bill represents the next step in a long-standing effort that I've been a part of to crack down on multinational corporations that get Federal tax breaks only to ship their jobs offshore. It's long past time to stop letting these folks play games with our tax system that actually encourage the export of jobs. It's unfair to small businesses, it's unfair to families, those who are following the rules and paying their taxes in order to finance the tax breaks for those that dodge their fair share of responsibility for our national security, for our homeland security. And making these large corporations pay their fair share, stop the kind of dodges that aren't available to our small businesses, is pro-competition. This bill helps to level the playing field for small businesses across America.

I think you can assess this particular piece of legislation by its friends and by its foes. Those who build America, groups like the engineers, have endorsed this measure. Those who want to keep dodging their taxes and shifting jobs overseas, they're counting on Republicans to do the same thing they always do, and that is, assure special treatment for special folks.

It is the same kind of thinking that got us the Republican bank bailout. It's the same kind of thinking that's being used here today to defend loopholes that are indefensible when what we ought to be doing is focusing on creating American jobs.

Mr. LEVIN. I now yield 2 minutes to the gentleman from California (Mr. THOMPSON), another very vigorous member of our committee.

Mr. THOMPSON of California. Thank you, Mr. Chairman.

I came down to the floor to speak about this bill because it's incredibly important to jobs in America, jobs in my district, jobs across this country.

My good friend, the ranking member, Mr. CAMP—and I say “good friend” because we work together on a lot of things in a bipartisan manner and are able to accomplish a lot—mentioned that what's happening today is what's important to Americans, and what's happening today is important to this bill.

Right outside of my district, Sacramento International Airport was able to get \$480 million worth of bonding authority because of the AMT provision that's in this bill, and they were able to put that into that airport reconstruction/renovation that they're doing, a \$1.1 billion total job that created 1,200 jobs in that immediate area.

□ 1730

It gave us the type of infrastructure and public airport facility that will go on to create jobs today and tomorrow and on into the future. It's very, very important.

The Build America Bonds part of this bill is extremely important. There were two areas in my district that relied on this. It has created jobs, and it has improved the area.

The Napa County school system was able to use \$22 million worth of Build America Bonds to do important work in the schools, renovating the classrooms, expanding the campuses to be able to have a good spot for students to be able to learn, creating jobs today as they go forward.

UC Davis, University of California, Davis, in my district, they were able to use Build America Bonds to create \$48 million worth of expansion, renovation and deferred maintenance on that campus. They have done everything from deferred maintenance to the expansion of the physical sciences building, creating jobs and improving the campus and the infrastructure for many generations to take advantage of.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman 30 additional seconds.

Mr. THOMPSON of California. So today when this bill is up, say “yes” to American jobs, say “yes” to important American infrastructure and say “no” to the tax dodge that would preclude us from being able to put good jobs on the forefront today.

Mr. CAMP. I yield myself the balance of my time to close.

Mr. Speaker, the facts are clear: with unemployment stuck at nearly 10 percent and millions of jobs lost, the Democrats' trillion-dollar stimulus bill has failed.

So what is the majority's response? Raise taxes on American jobs and give more money to State and local government. That won't create the private sector jobs Americans need.

You don't have to take my word for it. Here is what some of the Nation's leading and largest employers say about this bill and the tax increases in it.

The National Association of Manufacturers says: "Manufacturers believe strongly that imposing \$11.5 billion in tax increases on these companies as proposed by H.R. 5893 will jeopardize the jobs of American manufacturing employees and stifle our fragile economy."

The PACE Coalition, which represents employers who provide over 60 million American jobs, says: "The \$12 billion in proposed international tax increases in H.R. 5893 would further disadvantage U.S. companies, harming their competitiveness."

"At a time when other countries are taking steps to attract business, this legislation sends exactly the opposite message, with the effect of discouraging business investment and job creation in the United States."

Mr. Speaker, I submit the NAM and PACE Coalition letters for the RECORD.

NATIONAL ASSOCIATION OF
MANUFACTURERS,
July 29, 2010.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVES: The National Association of Manufacturers (NAM), the nation's largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 states, urges you to oppose H.R. 5893, the Investing in American Jobs and Closing Tax Loopholes Act of 2010.

An estimated 22 million people in the United States—more than 19 percent of the private sector workforce and 53 percent of all manufacturing employees—are employed by companies with operations overseas. Manufacturers feel strongly that imposing \$11.5 billion in tax increases on these companies as proposed by H.R. 5893 will jeopardize the jobs of American manufacturing employees and stifle our fragile economy.

Many of the tax increases proposed in H.R. 5893, which are mischaracterized as closing tax loopholes, actually represent significant changes to the pro-growth tax policy supported by Congress and the Administration. For example, the proposed anticompetitive limitation on the use of Sec. 956 loans removes a greatly needed source of U.S. cash for worldwide American companies—a source that Treasury and the Internal Revenue Service (IRS) sought to facilitate in guidance issued as recently as last December. As we continue to work through one of the greatest credit crunches in U.S. history, taking away a source of cash for U.S. companies to grow, build and create jobs puts our fragile recovery at risk.

We are disappointed that many of the bill's proposed tax increases have not been adequately scrutinized during congressional hearings. In many cases, taxpayers have relied on these longstanding tax provisions in structuring their businesses. Changing the rules without fair and adequate hearings will cost in terms of jobs, investment and manufacturers' ability to compete overseas.

Manufacturers believe strongly that changes to our international tax laws should be considered in the broader context of tax reform that makes the United States more

competitive—not as "pay fors" for unrelated policy initiatives. Moreover, targeting some international tax law changes in advance of the tax reform debate would make the goal of pro-growth, pro-competitiveness reform that much more difficult, if not impossible, to achieve.

The NAM supports provisions in the legislation that would extend Build America Bonds and lift the state volume cap for private activity bonds for water and waste water infrastructure, but our support for these provisions is heavily outweighed by the significant costs imposed on manufacturers by the bill's tax increases. Manufacturers urge your opposition to the bill.

The NAM's Key Vote Advisory Committee has indicated that votes related to H.R. 5893, including votes on procedural motions, may be considered for designation as Key Manufacturing Votes in the 111th Congress.

Thank you for your consideration.

Sincerely,

JAY TIMMONS,
Executive Vice President.

PROMOTE AMERICA'S COMPETITIVE EDGE,
July 29, 2010.

DEAR MEMBER OF CONGRESS: The PACE Coalition—a broad-based organization dedicated to promoting and increasing the more than 63 million American jobs that depend on the international competitiveness of worldwide American companies—opposes inclusion of the proposed international tax increases in HR 5893, released on July 28, 2010, as "payfors" for expanded infrastructure incentives.

The members of PACE, including the undersigned trade associations, advocate that the United States should provide a level playing field for taxation of international operations of U.S. businesses. U.S. tax law already disadvantages worldwide American companies and their employees. U.S. companies face the second highest corporate tax rate among developed countries and an international tax system that impedes the ability of U.S. companies to expand into new markets and reinvest foreign earnings at home. The \$12 billion in proposed international tax increases in HR 5893 would further disadvantage U.S. companies—harming their competitiveness and reducing the earnings U.S. companies bring back from their foreign operations, thereby reducing reinvestment in U.S. plant and equipment, funding U.S. research, and expanding U.S. payrolls.

At a time when other countries are taking steps to attract business, this legislation sends exactly the opposite message, with the effect of discouraging business investment and job creation in the United States.

PACE urges policy makers to consider comprehensive tax reform designed to increase the competitiveness of U.S. companies both at home and abroad. Changes to our international tax system that fail to consider the competitive global marketplace will further disadvantage U.S. workers. When worldwide American companies become less competitive in their ability to serve foreign markets, demand for U.S. produced goods and services will decline.

PACE looks forward to working with Members of Congress to modernize our international tax system to improve the competitiveness of the U.S. economy and create jobs at home. If HR 5893 is not amended to remove the international tax increases, we respectfully request that you vote against this bill.

Sincerely,

BUSINESS ROUNDTABLE,

INFORMATION TECHNOLOGY
INDUSTRY COUNCIL,
NATIONAL ASSOCIATION OF
MANUFACTURERS,
NATIONAL FOREIGN TRADE
COUNCIL,
U.S. CHAMBER OF
COMMERCE.

As I noted earlier, the United States Chamber of Commerce says this bill imposes Draconian increases on American worldwide companies that would hinder job creation, decrease the competitiveness of American businesses, and deter economic growth.

I urge my colleagues to listen to these job providers and job creators, to reject these job-killing tax increases, and to vote "no" on this bill.

With that, I yield back the balance of my time.

Mr. LEVIN. I yield myself the balance of our time.

It's really so important to look at the facts. This bill does not basically create government jobs. That is a total myth, and you know it.

The infrastructure money goes to State and local communities like highway monies do. These orange barrels, orange and white in Michigan, Mr. CAMP, are put up by private contractors with Federal money.

So why demean the Build America Bonds provisions by calling it money to State and local governments when everybody knows it's for infrastructure that goes to private contractors and their employees?

You mention the number of construction workers out of work; that is very true. And then you vote against the legislation that will give them jobs.

You say where are the jobs? Then you come down here and vote against bills to create jobs.

It doesn't make any sense. Instead, we get the same political speech aimed at November 2, instead of aiming at creating jobs for the thousands and thousands of people who are unemployed in the United States of America.

I want to say something about the double taxation so people understand what this is really all about. We have a foreign tax credit, as there should be, at least in this structure. This is a credit that is supposed to relate to the income by American companies created overseas.

So what has been happening under this loophole is that the credit has been used, not in relationship to that income, but has been used relating to other income. So it isn't double taxation; it's an effort to avoid any taxation, and the rest of us pick up the bill.

Now, one company that has objected to this has dramatically increased their investment offshore and diminished their jobs in the United States and diminished their R&D. So they say close the loophole and we will pay more taxes, yes. What we are saying is

follow the rules, like small business does in this country, and like all of us individual taxpayers do in this country. You can come here and say closing a loophole increases taxes. By definition it does, because it says to people who are skipping paying taxes, pay your fair share.

So this is a two-fer, jobs in the U.S. and stopping the shipment of jobs overseas.

And if people come here and vote against this bill, they can expect to hear from constituents, that you have voted to help people and entities that ship jobs from this country elsewhere. We should vote resoundingly for this legislation.

Mr. LINDER. Mr. Speaker, some Democrats have said the welfare expansion in this bill is about jobs. It's not. It's about more welfare.

This bill would expand the welfare emergency fund Democrats created in last year's failed stimulus bill. That fund made available up to \$5 billion in new "welfare emergency funds" over fiscal years 2009 and 2010. The bill before us would make available another up to \$5 billion for just fiscal year 2011, which starts in October.

So they propose to double the welfare funds for this program, all in just one year.

That is so much new welfare money that CBO estimates States wouldn't be able to spend it all. Still, the \$3.5 billion CBO estimates States would spend next year would almost match the \$4 billion States have spent in the last two years.

No matter how you slice it, spending out of this welfare emergency fund would accelerate rapidly under this bill.

What would this money be spent on? The same things it is currently spent on—almost exclusively more and bigger welfare checks.

The nonpartisan Congressional Research Service has prepared a report on how the welfare emergency fund has been spent so far. As of July 22, 2010, only 25 percent had been spent on "subsidized employment," or the salaries of what are short-term positions.

And data from liberal advocates for these programs admit that nearly half of those positions have been summer youth jobs. Since summer is just about over, many of the jobs the other side talks about are nearly over, too.

And the other side's own rhetoric admits these jobs in general are as temporary as the Federal funding—which must be extended, they say, or else the "jobs" will end.

The fact is, despite the other side's newfound but empty "jobs" rhetoric, a full 75 percent of this money has been spent on basic assistance—that is, on welfare benefits.

But these are not just any welfare checks. States have had to be creative to spend this welfare emergency fund money.

Last summer New York State used its share of welfare emergency funds to provide one-time \$200 "back to school checks" to families already on welfare. Instead of spending the money on back to school supplies, many recipients used the money, as CBS News put it, to purchase "flat screen TVs, iPods and video gaming systems." Convenience stores in low-income areas "noted marked increases in beer, lotto and cigarette sales."

Perhaps our colleagues think that creates jobs.

I disagree.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of this bill to invest in American jobs and close tax loopholes.

This bill is about one thing, and one thing only: jobs. It extends initiatives that are making a difference creating jobs and rebuilding our communities, and it closes tax loopholes that are helping big businesses ship jobs overseas.

North Carolina is creating jobs and saving money using Build America Bonds to improve communities across the Second District. This bill will expand these bonds to put more people to work, on projects like expanding sewers in Youngsville, Fayetteville, and Pittsboro, building schools in Lee County and Franklin County, and expanding hospitals and roads where they are most needed. The bill also extends and expands job subsidies that are helping struggling workers and small businesses at the same time. The other side has repeatedly said that we must help private companies expand; this funding makes sure that businesses can grow and workers whose jobs are at risk can keep their skills up-to-date.

This bill is an important step in our effort to promote an American Manufacturing Jobs agenda that will close loopholes that help companies move jobs overseas, support American jobs at home, and enable U.S. companies to bring back "Made in the U.S.A."

I urge my colleagues to join me in support of this legislation.

Mr. LEVIN. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1568, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 5893 is postponed.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore. Pursuant to House Resolution 1569 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5850.

□ 1738

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5850) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year end-

ing September 30, 2011, and for other purposes, with Mr. SNYDER in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose earlier today, amendment No. 11 printed in part A of House Report 111-578 offered by the gentleman from Texas (Ms. EDDIE BERNICE JOHNSON) had been disposed of.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-578 on which further proceedings were postponed in the following order:

Amendment No. 2 printed in part A by Mr. BOEHNER of Ohio.

Amendment No. 8 printed in part A by Mr. LATHAM of Iowa.

Amendment No. 10 printed in part A by Mr. CULBERSON of Texas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. BOEHNER

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. BOEHNER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 217, not voting 15, as follows:

[Roll No. 488]

AYES—206

Aderholt	Calvert	Fleming
Adler (NJ)	Camp	Forbes
Alexander	Campbell	Fortenberry
Altmire	Cantor	Foster
Arcuri	Capito	Fox
Austria	Carter	Franks (AZ)
Bachmann	Cassidy	Frelinghuysen
Bachus	Castle	Galleghy
Barrett (SC)	Chaffetz	Garrett (NJ)
Bartlett	Chandler	Gerlach
Barton (TX)	Childers	Giffords
Bean	Coble	Gingrey (GA)
Biggart	Coffman (CO)	Gohmert
Bilbray	Cole	Goodlatte
Bilirakis	Conaway	Granger
Bishop (UT)	Connolly (VA)	Graves (GA)
Blackburn	Cooper	Graves (MO)
Blunt	Crenshaw	Guthrie
Boehner	Culberson	Hall (TX)
Bonner	Dahlkemper	Harper
Bono Mack	Davis (AL)	Hastings (WA)
Boozman	Davis (KY)	Heinrich
Boren	DeFazio	Heller
Boucher	Dent	Hensarling
Boustany	Diaz-Balart, L.	Herger
Brady (TX)	Diaz-Balart, M.	Herseth Sandlin
Bright	Djou	Himes
Brown (GA)	Donnelly (IN)	Hodes
Brown (SC)	Dreier	Hunter
Brown-Waite,	Duncan	Inglis
Ginny	Ellsworth	Issa
Buchanan	Emerson	Jenkins
Burgess	Fallin	Johnson (IL)
Burton (IN)	Flake	Johnson, Sam

Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Maffei
Manzullo
Marchant
Marshall
Matheson
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon

NOES—217

Ackerman
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Bordallo
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Buyer
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Castor (FL)
Christensen
Chu
Clarke
Clay
Cleaever
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)

McMorris
Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Paul
Paulsen
Pence
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)

Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Royce
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires

Akin
Andrews
Carson (IN)
Griffith
Hoekstra

Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns

NOT VOTING—15

Lynch
McCarthy (CA)
Moran (KS)
Radanovich
Shadegg

Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu

Tiahrt
Wamp
Watson
Yarmuth
Young (FL)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1808

Ms. MCCOLLUM, Mr. MELANCON, Ms. WOOLSEY, Mr. FILNER, Ms. KAPTUR, Ms. CASTOR of Florida, Mr. BACA, Ms. DELAURO, Messrs. KANJORSKI, BRADY of Pennsylvania, DINGELL, ACKERMAN, OBERSTAR, LIPINSKI, CLEAVER, WU, LUJAN, Mrs. HALVORSON, Messrs. CUELLAR, THOMPSON of Mississippi and CARNEY changed their vote from “aye” to “no.”

Messrs. FOSTER, YOUNG of Alaska, KISSELL, HIMES and SCHAUER changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. LATHAM

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. LATHAM) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 197, noes 225, not voting 16, as follows:

[Roll No. 489]

AYES—197

Aderholt
Adler (NJ)
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggart
Bilbray

Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)

Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao

Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hill
Himes
Hunter

Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris
Rodgers
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson

Paul
Paulsen
Pence
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Stearns
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOES—225

Ackerman
Altire
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Christensen
Chu
Clarke
Clay
Cleaever
Clyburn
Cohen

Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez

Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
Kirk
Kissell
Klein (FL)
Kosmas

Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Luján
Maffei
Maloney
Markey (CO)
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar

Obey
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutt er
Perriello
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz

Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu

NOT VOTING—16

Akin
Andrews
Griffith
Gutierrez
Hoekstra
Kilpatrick (MI)

Lynch
McCarthy (CA)
Moran (KS)
Radanovich
Young (FL)
Tiahrt

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1817

Mr. DELAHUNT changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. CULBERSON

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CULBERSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 252, not voting 17, as follows:

[Roll No. 490]

AYES—169

Aderholt
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)

Bartlett
Barton (TX)
Biggart
Bilbray
Bilirakis
Bishop (UT)
Blackburn

Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)

Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dunbar (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)

Heller
Hensarling
Herger
Herseth Sandlin
Hodes
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Murphy (NY)
Myrick
Neugebauer

Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Shoock
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOES—252

Ackerman
Adler (NJ)
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccheri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite,
Ginny
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver

Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi

Gerlach
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (NY)
Kirk
Kissell
Klein (FL)
Kosmas
Kratovil

Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Luján
Maffei
Maloney
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Norton

Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutt er
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)

Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Young (AK)

NOT VOTING—17

Akin
Andrews
Connolly (VA)
Griffith
Gutierrez
Hoekstra

Kilpatrick (MI)
Lynch
McCarthy (CA)
Moran (KS)
Radanovich
Young (FL)
Tiahrt
Wamp
Watson
Yarmuth
Young (FL)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in the vote.

□ 1826

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. AKIN. Mr. Chair, I was absent from the House and missed rollcall votes 488, 489, and 490.

Had I been present, I would have voted “yes” on rollcall 488, “yes” on rollcall 489, and “yes” on rollcall 490.

AMENDMENT NO. 12 OFFERED BY MR. GRAVES OF MISSOURI

The CHAIR. It is now in order to consider amendment No. 12 printed in part A of House Report 111-578.

Mr. GRAVES of Missouri. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used by the Department of Transportation or the Federal Aviation Administration to pursue, adopt, or enforce guidelines or regulations requiring a sponsor of a general aviation airport to terminate an existing residential through-the-fence agreement, or otherwise withhold funds from a

sponsor of a general aviation airport, solely because the sponsor enters into an agreement that grants a person that owns residential real property adjacent to the airport access to the airfield of the airport for non-commercial uses.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Missouri (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

□ 1830

Mr. GRAVES of Missouri. Mr. Chairman, I rise today in support of the Graves-Boswell amendment. I would like to thank the gentleman from Iowa for offering this amendment with me and for his support.

Our amendment prohibits the FAA from using funds in this act to terminate an existing residential through-the-fence agreement at public-use general aviation airports. It also prevents the FAA from withholding funds from the sponsor of a GA airport, solely because that sponsor enters into a residential through-the-fence agreement.

To kind of explain this, the sponsor can be the airport authority, it might be the community, it might be the municipality, it might be the county in many cases. What a residential through-the-fence agreement is is an agreement between the airport sponsor and a person who might own residential property adjacent to that airport. These agreements simply provide the property owner and their aircraft access to the airport.

It is very important to note that this amendment does not require a GA airport to enter into one of these residential agreements. If an airport or that airport authority—city, county, municipality—if they feel that such an agreement is not beneficial to the airport or they simply don't like the idea, then they don't have to enter into an agreement. It's always been that way. It's up to those communities. Those communities, the municipalities, counties, they own the airport. The Federal Government doesn't. What this amendment simply does is keep that option out there on the table.

Most recently the FAA began targeting public-use airports that have residential through-the-fence agreements. In some cases, the FAA has withheld annual Airport Improvement Program funds from GA airports solely because the airport has a residential through-the-fence agreement. Airport Improvement Program funds are those funds that are deposited into the general aviation trust fund from taxes on aviation fuel. That's where it comes from. They go to these airports to make improvements, to expand airports, whatever the case may be; but the FAA has withheld those funds simply because an airport has entered into one of these agreements.

Residential through-the-fence agreements can safely coexist with GA air-

ports. The FAA's policy banning all of these residential agreements remains, I think, misguided and unjustified. Rather than work through these on a case-by-case basis, the FAA finds it more convenient just to prohibit them altogether.

Our amendment will prohibit the FAA from enforcing this policy just in fiscal year 2011. What I am trying to do is hopefully give us some time so we can find a more permanent, long-term solution. This amendment does not prohibit the FAA from deeming an airport to be out of compliance. If an airport violates any of the criteria that are out there, they could still hold them accountable. They simply can't do it solely because the airport has entered into a residential through-the-fence agreement.

Again, Mr. Chairman, just to try to put it in basic terms, these airports belong to the cities and the counties. They don't belong to the Federal Government, and I think it's wrong that the Federal Government would withhold funds from them simply because they entered into one of these agreements. It should be up to the city; it should be up to the community or whoever the airport authority is and not up to the Federal Government.

I rise in support of the Graves-Boswell amendment. Again, I want to thank the gentleman from Iowa for helping out with this. He has been a strong general aviation advocate for many, many years and obviously very active in this issue.

I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim time in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I yield such time as he may consume to the distinguished chairman of the authorizing committee, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. The gentleman from Missouri, a strong advocate of general aviation, a great member of our committee, has expressed a very genuine concern and has introduced legislation; a bill that was introduced in March of this year, referred to our committee. We have asked for comments from the administration; that is, from DOT and FAA. Meanwhile, the FAA in January of this year initiated a process to address the issues created by the so-called "through-the-fence" agreements. They formed a policy review team to gather information, evaluate the concerns, decide what kind of action could be taken to address the concerns.

And what are these concerns? Well, I know the former president of the Airport Owners and Pilots Association, Phil Boyer, retired, I think, to Florida, to a place where he has an airplane literally in his garage. He can roll it out

onto a runway and fly wherever he needs to go. That's the kind of thing we're talking about here.

Under these agreements, people have total access to runways, taxiways, sensitive operational parts of the airport. But people and pets have ventured onto airport property. Homeowners have hunted. They've thrown parties. They have buried pets on airport grounds. These are the reports we got from the FAA. These agreements have hamstrung airports in planning for the future, planning for safety and improving safety. With airport land encumbered by such agreements, airports may not be free to make the necessary safety improvements they require.

I would propose to the gentleman that we allow the FAA to continue its policy review team, bring forth recommendations; I would schedule a hearing in the Aviation Subcommittee, with the concurrence of the gentleman from Illinois (Mr. COSTELLO), the chairman of the subcommittee; and the gentleman from Wisconsin (Mr. PETRI), schedule a hearing in committee, and air the issues.

The provisions that the gentleman, Mr. Chairman, has included in the bill he has introduced are very beneficial suggestions. They don't deal specifically with the issues that I just cited but those will be the subject of this review by the FAA. We'll give them a deadline of reporting to us in mid September, schedule a hearing and fashion a legislative proposal which we could then bring to the floor on suspension of the rules pending an agreement. But I think the gentleman's introduced bill is a much more thoughtful approach to the issue than just a bludgeoning of the FAA, cutting off and saying they can't take action.

The CHAIR. The gentleman from Missouri has 30 seconds.

Mr. GRAVES of Missouri. Thank you, Mr. Chairman.

I very much appreciate the chairman's willingness to work with me on this and to move forward. This is going to be a process that is going to take some time. We need to come up with some thoughtful consideration.

□ 1840

What I'm trying to do today with this amendment, though, is just prevent us from doing some irreparable damage to these airports and to these agreements in the meantime, just this year. It's just for this fiscal year, just to slow this process down and to address some of the FAA's concerns.

Mr. OLVER. I again yield such time as he may consume to the chairman of the authorizing committee, Mr. OBERSTAR.

Mr. OBERSTAR. I would just conclude that it's inappropriate for us to impose this penalty on the FAA through the appropriation process. A much more appropriate way would be to deal with it through our committee.

I commit to the gentleman that we will work through to hopefully a legislative solution. Certainly, the FAA's committed to do that, and I will talk to the Administrator of the FAA, tell him we expect to hold a hearing on this issue mid-September, that they will be prepared to report to us whatever findings they have from the policy review team at that point.

I am prepared to do that if the gentleman would consider withdrawing his amendment or at least not pressing it to a recorded vote. If the gentleman presses to a recorded vote, I'd be constrained to oppose it.

I yield to the gentleman from Missouri.

Mr. GRAVES of Missouri. Thank you, Mr. Chairman.

Mr. Chairman, I tell you what, I would rather not withdraw the amendment, but I would take just a voice vote. I would like to say if I can, I just appreciate the chairman's willingness to work with me on this, and I understand what he's saying, too, and I respect it. But thank you, Mr. Chairman, for yielding to me.

The CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. GRAVES).

The amendment was rejected.

AMENDMENT NO. 13 OFFERED BY MS. MOORE OF WISCONSIN

The CHAIR. It is now in order to consider amendment No. 13 printed in part A of House Report 111-578.

Ms. MOORE of Wisconsin. Mr. Chairman, I have an amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 18, after the dollar amount, insert "(reduced by \$250,000)".

Page 2, line 22, after the dollar amount, insert "(reduced by \$50,000)".

Page 2, line 24, after the dollar amount, insert "(reduced by \$175,000)".

Page 3, line 1, after the dollar amount, insert "(reduced by \$100,000)".

Page 3, line 4, after the dollar amount, insert "(increased by \$100,000)".

Page 9, line 22, after the dollar amount, insert "(increased by \$225,000)".

The CHAIR. Pursuant to House Resolution 1569, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE of Wisconsin. Mr. Chairman, indeed, this Transportation appropriations bill is a jobs creations bill, and I am totally in support of that.

My amendment here would modestly increase funding for the Department of Transportation's efforts to help small and disadvantaged businesses obtain transportation contracts. It would add funding beyond the \$14,000 increase requested by the President for the Office of Small and Disadvantaged Business Utilization within the Secretary's of-

fice, and to increase the capacity for the department to reach out to small and disadvantaged businesses.

When I talk about small and disadvantaged businesses, it's not just ethnic minority businesses. It's veteran-owned businesses. It's women-owned businesses. This is an issue that affects every district, both Democrat and Republican.

This amendment is about strengthening these small, but important, programs and the work that they do and sending a strong signal to small businesses and to the Secretary about the level of importance that we as a Congress place on creating opportunities for American businesses that are deserved.

With that, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim time in opposition, though I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. OLVER. I'm very sensitive to the issues that the gentlewoman has raised, and I think these are very modest changes and I'm quite willing to accept the amendment that she has proposed.

I yield back the balance of my time. Ms. MOORE of Wisconsin. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. NEUGEBAUER

The CHAIR. It is now in order to consider amendment No. 14 printed in part A of House Report 111-578.

Mr. NEUGEBAUER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. __. Appropriations made in this Act are hereby reduced in the amount of \$10,520,000,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. NEUGEBAUER. Mr. Chairman, earlier this week the House voted 393-24 to pass legislation that would cancel hundreds of millions of dollars in old earmarks that have been sitting unused, sometimes some of those for over 20 years.

The Surface Transportation Earmark Rescission, Savings, and Accountability Act rescinded \$713 million of Federal highway contract authority for 309 Member-designated projects for the

Surface Transportation Authorization Acts of 1987, 1991, 1998 and 2005.

After passage of this legislation, Members of Congress should be applauded for supporting these common-sense spending cuts. We said long-term economic growth and recovery can't happen unless we cut wasteful government spending and tackle our exploding deficit. We agreed that these earmarks were a wasteful use of the taxpayers' money.

The number of unused earmarks in these old transportation bills shows that Congress needs a better process of deciding how to spend the taxpayers' money. While many on the other side want to continue their practice of earmarking on their constituents' behalf, I cannot support this reckless spending. The bill before us today includes over 500 new earmarks that we cannot simply afford. More importantly, these earmarks are potentially causing even more government inefficiency.

While I supported the bill on Tuesday, we also need to be honest that it did not actually reduce any spending. These projects have been on hold for a long time, and this money was never going to be used and never was allocated. I agree that Congress should repeal spending that is not going to be used, but we didn't reduce the deficit \$700 million by taking out these old earmarks, even though we talked like that's what we were actually doing.

Today, we get to vote on an amendment that actually cuts unspent funds. My amendment says that we should take the unspent money from the stimulus package and return it to the taxpayers. Most of us agreed that we should take unspent money out of the old transportation earmarks in the vote earlier this week. Most of us should agree then that with this bill we should take and give back to the American taxpayer the stimulus money that has not been spent.

My amendment would reduce the FY 2011 spending bill by the same amount that's yet to be committed from the \$61.7 billion included in the 2009 economic stimulus bill for transportation and housing programs. According to the Appropriations Committee report, \$10.52 billion went to programs that have not been committed to yet, and much less, the money has not been spent or is not out the door.

If Americans go to recovery.gov and review the agency reports for the Department of Transportation or Housing and Urban Development, they will learn that we're once again double-dipping on the backs of their children and their grandchildren. Here are just a few examples of programs receiving more money in today's spending bill that has money left from the 2009 stimulus bill.

One of those is the bill that is before us today, \$2 billion for capital investment grants. While these grants may provide worthy investments in the infrastructure, there is still \$800 million

left from the stimulus that has not been spent.

Today's bill includes \$3.5 billion in grants for airports. However, there's more than \$1 billion left from the stimulus bill.

Grants to the Amtrak system that were slated to receive \$563 million already has almost \$1.3 billion ready to go out the door as we so often hear but actually not spent.

Moving on to housing, we still have \$2.2 billion in the Home Investment Partnership Program to spend from the stimulus, but today, we're poised to add another \$1.8 billion on top of the 2.2 that hasn't been spent.

□ 1850

Mr. Chairman, as we learned on Tuesday, we can raise up, rise above the partisan differences and put a stop to these projects that aren't working, won't be funded and aren't completed and ready to be taken off the books. Today we have an opportunity once again this time to vote to actually reduce spending and the deficit.

I recall the proponents arguing about this stimulus bill and how it's going to create new jobs for the American people. We were going to spend nearly a trillion dollars. We were going to create all these jobs. Unfortunately, unemployment was not going to go above 8 percent. Today 9.5 percent of the American people are out of work. We have lost 2.7 million jobs since this stimulus bill has passed.

Mr. Chairman, let's give the American people a break here. Let's give them their money back. This is money we don't have. We don't have a lot of money that's in this bill. For every dollar we are going to spend we are going to borrow 43 cents. We are going to charge it to our children and our grandchildren.

Quite honestly, it is not sustainable. Our national debt is \$13 trillion today. We are headed to \$20 trillion. We are headed to having debt almost equal to 90 percent of our total economy.

Mr. Chairman, let's give the American people a break. Let's give them their \$10 billion back. A lot of people say, well, it's just \$10 billion; but that's the problem around here. People don't take money seriously because it's not real money to them because we are charging it to our children and our grandchildren.

With that, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I rise to oppose the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I would oppose the amendment, both as the gentleman has described it and also as it is written. As the amendment is written and in our hands, it is a straight across-the-board amendment

of a couple of billion dollars difference from the one that was offered by Mr. CULBERSON earlier and has been defeated by roll call vote in the last round of roll calls.

As described by the gentleman, he is dealing with monies that are not yet expended in the Recovery Act.

And those monies in the Recovery Act are ones that are, in the Recovery Act, those are monies, some of which are under high-speed rail or TIGER Grants, those monies have not yet been fully obligated, but they were not expected ever to have expended out in this first couple of years of the Recovery Act's life.

They were expected to be expended within the next 2 or 3 years at our given time until the end of fiscal 2012 to be expended. Others are being expended and really going into jobs right now, day after day after day. Every day, more of the monies that spend out more rapidly get used and get counted as having been expended at the end of every month.

But the amendment that is in our hands is specifically merely a sum of money taken off the bottom line of the bill on all appropriated funds, which is all of the discretionary \$67 billion, and \$10 billion off \$67 billion would be about 16 or so, 15 or 16 percent of that appropriated money that the bill involved. But it has nothing to do with monies that are related to the ARRA.

Mr. NEUGEBAUER. Will the gentleman yield?

Mr. OLVER. I would be happy to yield to the gentleman.

Mr. NEUGEBAUER. Thank you.

In the particular category you are talking about, \$116 million is still available. You only spent \$6.9 million, yet you are asking for \$1.4 billion. We were told that this money was going to go out the door real quickly to create jobs for the American people, yet we have a lot of these categories that still have a substantial amount of money.

We are plussing up with new money when we haven't even spent the money we had before. And I think this sense of urgency must have gone away because these projects, the money has not been spent.

Mr. OLVER. Reclaiming my time, but the gentleman is not talking about the amendment that is before us. He is talking about a different issue, about money that has not been expended in ARRA funds or money that has not yet been expended in the 2010. I am not quite sure which it is.

But the amendment that is before us, at least as we have understood it, as we have it given to us, is an amendment that simply takes from the bottom line of the bill before us from the discretionary amount a total of \$10.5 billion, and I must oppose that proposal.

In closing, I just want to repeat again that our bill is already \$1.3 billion below the President's request that,

as I had said earlier today, and have said at least twice, that we have used the President's request. We have not funded, in the base bill that is here today, several items that have never been authorized and really require authorization that total \$4.8 billion.

The CHAIR. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. NEUGEBAUER. Mr. Chairman, on that I request a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. BRALEY OF IOWA

The CHAIR. It is now in order to consider amendment No. 15 printed in part A of House Report 111-578.

Mr. BRALEY of Iowa. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 77, line 4, after the dollar amount, insert "(reduced by \$20,000,000)".

Page 78, line 8, after the dollar amount, insert "(reduced by \$20,000,000)".

Page 98, line 21, after the dollar amount, insert "(increased by \$20,000,000)".

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Iowa (Mr. BRALEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. BRALEY of Iowa. Mr. Chairman, I rise today to support the amendment that I have offered to increase funds within the Community Development Block Grant by \$20 million to be used for disaster relief and recovery in the Midwest by reducing funding for the administration operations and management and nonpersonnel expenses in the bill.

This past weekend, heavy rains caused major flooding in parts of my district. Lake Delhi, which you see on this illustration, was a treasured summer retreat. It's gone. The 9-mile long lake disappeared after sudden flood waters breached its 92-year-old dam on Saturday morning. I was standing at the south end of the dam watching this happen at 1 o'clock in the afternoon.

Over a dozen other communities in my district are also experiencing major flooding this week.

This \$20 million increase to CDBG will be used to help aid flood relief and recovery in the Midwest. The eligibility requirements for CDBG clearly state that grant funds can be used for particularly urgent community development needs because existing conditions pose a serious and immediate threat to the public.

Due to the flooding, parts of my district are currently experiencing serious and immediate threats to the public. Piles of flood-polluted garbage are piling up and raising serious public health concerns.

You can see the damage that has been caused as the lake has drained. The stench of rotting fish permeates the air around Lake Delhi. Many of the homes are experiencing major flood damage while values are expected to plummet as the lake has disappeared.

The CDBG funds have been used in the past to aid in disaster relief and recovery. In 1997, they were used to aid communities in the upper Midwest affected by severe flooding.

In 2002, emergency CDBG funds were awarded to the State of New York for assistance for properties and businesses damaged by the terrorist attacks of 9/11. These emergency funds helped these businesses with economic revitalization.

□ 1900

I look forward to working with the Department of Housing and Urban Development, as well as the State of Iowa, to ensure that the CDBG funds are properly used to aid in flood recovery and relief. I urge everyone to support flood relief for the Midwest.

Mr. Chairman, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I rise to claim time in opposition to the gentleman's amendment, though I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. OLVER. Mr. Chairman, I yield 1 minute to the gentleman from Iowa.

Mr. LATHAM. I thank the chairman.

I certainly rise in support of the amendment. It is a disaster that happened, and like the gentleman from Iowa said, just to watch that dam collapse and all the damage that went through afterwards was devastating to so many folks. And so I think this is a good amendment, and I'm very proud to support it.

Mr. OLVER. I thank the gentleman for his comments and I agree with him totally. These kinds of disasters need to be taken care of as soon as can be possible after they occur.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. BRALEY).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. TURNER

The CHAIR. It is now in order to consider amendment No. 16 printed in part A of House Report 111-578.

Mr. TURNER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. 420. None of the funds made available in this Act may be used to establish, issue, implement, administer, or enforce any prohibition or restriction on the establishment or effectiveness of any occupancy preference for veterans in supportive housing for the elderly that (1) is provided assistance by the Department of Housing and Urban Development, and (2)(A) is or would be located on property of the Department of Veterans Affairs, or (B) is subject to an enhanced use lease with the Department of Veterans Affairs.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Ohio (Mr. TURNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. TURNER. I want to thank the Rules Committee for ruling my amendment in order and for providing this opportunity to assist low-income seniors and our Nation's veterans with obtaining safe and quality housing.

This amendment is a narrowly tailored, pro-veteran amendment which allows the VA to maintain its requirement of a veteran's preference on HUD-financed housing on VA campuses. Unfortunately, HUD has rules that don't allow for a veteran's preference for people who live in facilities built with HUD funds, even if they are built on VA property. My amendment simply says that no funds in this bill could go toward enforcing these rules against a facility that is built on a VA campus or is utilizing a VA-enhanced use lease.

Mr. OLVER. Will the gentleman yield?

Mr. TURNER. I yield to the gentleman from Massachusetts.

Mr. OLVER. We carried this amendment last year. We accepted this amendment last year, and I am perfectly happy to accept the amendment again this year if that is acceptable to the gentleman.

Mr. TURNER. I would greatly appreciate that. It certainly goes to help our veterans and our low-income seniors.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. TURNER).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MRS. KIRKPATRICK OF ARIZONA

The CHAIR. It is now in order to consider amendment No. 17 printed in part A of House Report 111-578.

Mrs. KIRKPATRICK of Arizona. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

The CHAIR. Pursuant to House Resolution 1569, the gentlewoman from Arizona (Mrs. KIRKPATRICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Arizona.

Mrs. KIRKPATRICK of Arizona. Mr. Chairman, I rise in support of my amendment to cut by 5 percent all of the discretionary spending in the Fiscal Year 2011 Transportation, Housing and Urban Development Appropriations Act. I offer this amendment because it is imperative that Washington finally take notice and start acting to combat this year's record budget deficit and fast-growing national debt, which at last count amounted to an astounding \$13.2 trillion.

Just 2 weeks ago, the coauthors of the nonpartisan Debt and Deficit Commission, former Republican Senator Alan Simpson and former Chief of Staff to President Bill Clinton, Erskine Bowles, said that if the government fails to take action, our debilitating Federal debt will destroy the country from within. Bowles further described the debt as a cancer on our Nation.

There are plenty of folks in my district and all across the country who are finding ways to raise families, run small businesses, and pay their bills despite having lost their jobs or taking deep pay cuts in this economic downturn. If the families in my district have been able to tighten their belts, then surely the Federal Government can do the same.

Congress should be leading by example when facing tough economic decisions. My proposed 5 percent congressional pay cut is just one way Members can show they are serious about tackling the looming fiscal crisis. That is why I have previously supported budget cuts to Federal programs and will continue to support such cuts as our economy recovers, and that is why I am offering this amendment.

I strongly support building our national infrastructure—roads and bridges, affordable housing, quality education, and expanding broadband—but our long-term fiscal health depends on Congress making hard choices today to protect our ability to provide critical infrastructure tomorrow.

This amendment makes a 5 percent cut to the programs funded in this bill, but ordinary families are seeing much bigger cuts to their income. I have to believe that if those families can continue to make ends meet in these tough times, the Transportation and Housing Departments can keep the important programs going with 95 cents out of each dollar.

We are here to represent the folks back home, the folks who understand

that the old ways of Washington no longer work for the American people. Please join me in supporting this cut.

Mr. Chairman, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment as presented by the gentlewoman from Arizona.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, this amendment provides a new wrinkle on what we have been dealing with earlier. Again, this is somewhat different from what the gentlewoman has expressed, but as written, it reads, "Each amount appropriated or otherwise made available by this act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent." Now, what that means is it's not just discretionary expenditure, but it also applies to the nondiscretionary part of this bill. It is not just on the \$67 billion of discretionary expenditure that is part of this underlying bill, but the whole \$126 billion, which covers all of the contractor authority for all of the small safety agencies that get money out of the Highway Trust Fund, and also applies to the moneys that go to the FTA that come out of the transit portion of the Highway Trust Fund. So that is the way that is written.

There is a provision at the end, the part that I read, "or otherwise made available by a provision of law," which leaves CBO unable to score this amendment at all, and they cannot tell us what it really is meant to do. It says it cannot be implemented in this form.

So I must oppose this amendment for all of those reasons, because it goes far beyond the discretionary expenditure. That is different. Each of the earlier large cut amendments have been ones that purported to take only from the discretionary expenditure, and this one covers all of what is involved in this legislation, both the discretionary and the contract authority supported parts of the legislation, plus apparently some other things.

Mrs. KIRKPATRICK of Arizona. Will the chairman yield?

Mr. OLVER. I will be glad to yield to the gentlewoman.

Mrs. KIRKPATRICK of Arizona. Chairman OLVER, the intent is to cut only discretionary spending by 5 percent. I will be happy to work with you to clarify that language.

Mr. OLVER. Well, we cannot change the language of the amendment at this point. I would be happy to work with the gentlewoman to find out exactly what was intended to be done here and try to work with you, but for the moment, I must oppose this amendment.

Mrs. KIRKPATRICK of Arizona. I agree to work with you.

Mr. OLVER. Mr. Chairman, I think enough has been said. It cannot be

amended. It cannot be implemented. It cannot even be scored to know how much is really involved in it.

□ 1910

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Arizona (Mrs. KIRKPATRICK).

The amendment was rejected.

AMENDMENT NO. 18 OFFERED BY MR. JORDAN OF OHIO

The CHAIR. It is now in order to consider amendment No. 18 printed in part A of House Report 111-578.

Mr. JORDAN of Ohio. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ Appropriations made in this Act are hereby reduced in the amount of \$18,579,000,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. Mr. Chairman, who would have thought we would have witnessed the things we have witnessed in this country over the last 2 years?

Who would have ever thought the President of the United States would fire the CEO of General Motors?

Who would have ever thought in this great country we would see the taxpayers bail out the financial industry and bail out the auto industry?

Who would have ever thought in this country we would have a pay czar—a pay czar—telling private American citizens how much money they can make?

Who would have ever thought in this country we would have a major policy change, done in a completely partisan fashion, when the health care bill passed and when the majority of Americans opposed it?

Who would have ever thought, as OMB pointed out this past week, that we would have a \$1.4 trillion deficit—the largest deficit in American history—and a \$13 trillion national debt? On the path we are on currently, by 2020, we will have a \$26 trillion deficit.

Who would have thought those things would take place?

I would argue, although the other side is going to say, "Oh, this is terrible. We can't reduce the spending level in this bill to the amount that the gentleman wants," this is a modest first step. This is a modest initial step towards providing some fiscal sanity to this town and to this Congress.

My amendment is real simple. It says this bill should go back and we should spend it at 2008 baseline levels. After

all, a lot of families are living on something less. A lot of families have had to live on what they were functioning on in 2008. A lot of small businesses are functioning on what they had to in 2008.

Why in the heck can't the Federal Government do the same thing?

This amendment takes us back to 2008 levels, which was before the bailouts, before the so-called "stimulus," before the out-of-control spending. Remember, since 2008, there has been a 38 percent increase in this bill. So this takes it back to a reasonable level, and I would argue this is a modest first step that the American people want us to take.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, the amendment is not a modest one by any means. It is a double ax taken to the legislation that is involved. It takes \$18 billion out of only the discretionary amount of funding that is provided in the underlying bill. As such, that is between 20 and 25 percent of the reduction in all of the discretionary accounts from the underlying bill.

Who would have ever thought that we would have gotten so deep in deregulation and had our major financial services regulating agencies so asleep at the switch that we would have ended up in a housing crisis, a foreclosure crisis, that has been raging to the point where there are 6 or 8 million foreclosed homes? It almost brought, not only the American financial system to its knees, but almost the whole world's financial system to its knees. It ended up with the Secretary of the Treasury, under the administration of the previous President, coming to Congress and asking for us—begging us, begging the Congress—to bail out the biggest banks in this country, the banks which caused the housing crisis by running a casino on Wall Street.

In that process, by that time, by the time they came to Congress to ask for that bailout, we were already four quarters into a recession in this country, a recession that raged throughout the whole of the year of 2008 and on into at least the first two quarters of 2009.

We have begun to come back out of that recession. We passed a stimulus bill within 1 month of the new President's being inaugurated, which, within another month, turned job losses to job gains—or at least to a reduction of job losses for a series of months. Now, in the last 6 months or so, there have been job gains. We have been out of the recession, but it is not a recovery that is happening very quickly.

Whoever would have thought that all of those things would have happened?

We have a series of economists who pointed out we had to do exactly those things—first, the bailout of the banks, which most of us in Congress, I think from both sides, voted for, and there were people on the other side of the aisle who voted for that legislation. Most of us expected that there would be some kind of evenhanded handling of the largest investment banks and also of those who had been bilked out of their money in the housing crisis and who had gone through foreclosures, but the foreclosure crisis has gone on and gone on and gone on much farther than it should have been allowed to go.

Whoever would have thought that all of those things would have happened in America?

We are now coming out of this recession. If an amendment were implemented, such as the one the gentleman from Ohio has proposed, it would send us right back into the recession. We cannot do this. Though, I wonder, as I think I may have asked you earlier, Mr. Chairman: Is this a deliberate effort to put us back into a double-dip recession that would be so similar to the Great Depression?

This was exactly what happened in 1937, which was 4 years after the inauguration of FDR. Four years later, we went back into a recession, which took another 4 years of experiencing a really very, very bad economy. We are coming out with the rather prudent actions that have been taken by Congress and by this administration, and we must continue on that path.

The CHAIR. The time of the gentleman has expired.

Mr. JORDAN of Ohio. Just a couple of quick responses to the chairman's comments.

Mr. Chairman, first of all, I voted against the bank bailout, the TARP bailout. If my memory serves me correctly, the gentleman voted for that proposal.

Second, the chairman's comments about how this is such a dramatic cut is a great example of how out of touch this town is with the American people. All this amendment does is say let's spend what we spent just 2 years ago, in 2008. Go talk to average Americans. They think that's probably something the Federal Government could do—spend what we were spending 2 years ago.

Also, remember that this bill is a 38 percent increase over 2008. That's on top of the transportation spending that was in the stimulus bill. So it's even bigger than 38 percent, this increase over 2008.

Finally, I would say this: If big government spending, if big government taxation, if big government regulation were going to get us out of this economic mess, well, heck, we'd have been out of it a long time ago because that's all this government has been doing for 2 years.

□ 1920

Mr. Chairman, I will just close with this. How bad does it have to get before we can begin to reduce some spending around here? Do we have to have a \$2 trillion deficit? Do we have to get to \$30 trillion in debt? I mean, how bad does it have to get before we can start to do those things that make sense and that will guarantee a prosperous future for our kids and our grandkids?

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. JORDAN of Ohio. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

It is the Chair's understanding that amendment No. 19 will not be offered.

AMENDMENT NO. 20 OFFERED BY MR. FLAKE

The CHAIR. It is now in order to consider amendment No. 20 printed in part A of House Report 111-578.

Mr. FLAKE. Mr. Chairman, I wish to offer the amendment on behalf of Congresswoman BACHMANN.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 53, line 3, after the dollar amount insert "(reduced by \$1,203,500,000)".

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would simply reduce funding for capital and debt service grants to the National Railroad Passenger Corporation for capital investments by \$1.2 million.

I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim time in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I yield such time as she may consume to the gentlewoman from Florida (Ms. CORRINE BROWN), who is the chairperson of the authorizing committee for rail.

Ms. CORRINE BROWN of Florida. I encourage my colleagues to oppose this terrible amendment.

Rail in America is experiencing a renaissance that we haven't seen in 50 years. All forms of passenger rail, including Amtrak, are seeing increased ridership numbers. In fact, in 2009 Amtrak welcomed aboard over 27 million passengers, the second largest annual total in Amtrak history. An average of more than 74,000 passengers ride more

than 300 Amtrak trains per day. And with gridlocked roadways and ever increasing prices in gas, ridership will only increase.

Amtrak provides a majority of all intercity passenger rail in the United States, with more States and localities across America turning to passenger rail to meet the transportation needs of their citizens.

Amtrak reduces congestion and improves our energy independence. One full passenger train can take 250 to 350 cars off the road. Passenger rail also consumes less energy than both automobiles and commercial airlines.

Moreover, Amtrak plays a vital role in emergency preparedness and recovery during Hurricane Katrina. In fact, Amtrak was the only entity that could get into New Orleans to evacuate victims and deliver food, water, and supplies.

Amtrak has made significant improvements in its system over the last several years, has steadily increased ridership numbers, plays a vital role in disaster recovery, and has an ambitious agenda for future growth.

Indeed, it was Congresswoman BACHMANN and her Republican colleagues that put this country in this terrible debt and financial situation that we're in right now by rubber-stamping the Bush tax cut for the rich year after year, what I call "reverse Robin Hood." We're robbing from the poor and working people to give tax breaks to the rich.

I encourage my colleagues to support your constituents, support Amtrak, and vote "no" on this terrible amendment.

I have a letter that I want to submit for the RECORD from the chairman of Amtrak, Joe Boardman.

And I just want to give one statement. The lack of capital funds would deny intercity passenger rail service to 29 million people in over 500 communities in 46 States.

And remember, folks, if it's FLAKE, it's "no."

NATIONAL RAILROAD
PASSENGER CORPORATION,
Washington, DC, July 29, 2010.

Hon. MEMBER OF CONGRESS,
Washington, DC.

DEAR REPRESENTATIVE: I am writing to advise you what the impact to Amtrak would be if Representative Bachmann's amendment to eliminate \$1.2 billion in capital funding is adopted during today's floor debate of the FY11 Transportation, Housing and Urban Development, and Related Agencies bill. If enacted, Amtrak would have no capital investment program for FY11. The lack of a capital funding program would deny intercity passenger rail service to 29 million people in over 500 communities in 46 states. Amtrak is on track to have the highest ridership year ever, carrying more people, more places than we did two years ago when the country was experiencing record high gas prices. This amendment would require us to furlough nearly all of our 20,000 employees who live in nearly every state in the Union. It would hamper the operation of key commuter rail

services in major metropolitan areas including much of the Northeast, Chicago, Seattle, and Northern and Southern California, and we would default on commercial loans which finance most of our equipment.

Just under two years ago, Congress recognized the importance of intercity passenger rail and approved a reauthorization of Amtrak in the Passenger Rail Investment and Improvement Act. Amtrak's appropriations request for FY11 is in line with this congressionally-approved authorization.

Investment in Amtrak's capital program creates jobs, provides energy efficient mobility, and allows us to keep America's passenger railroad safe and reliable.

Sincerely,

JOE BOARDMAN,

President and Chief Executive Officer.

Mr. FLAKE. Mr. Chairman, let me just say, I misspoke earlier; I left off three zeros. This amendment would save \$1.2 billion, not \$1.2 million. It's easy to mess that up these days, given all the zeros we're talking about.

The U.S. Department of Transportation calculates that the average Amtrak passenger receives a \$210 Federal subsidy for their ticket. Larger subsidies obviously go to underperforming routes and those traveling in first class or sleeper cars. In fact, the Federal Government says that it could actually save money by buying a plane ticket for every passenger on some of the worst performing routes, like that from Orlando to L.A., for example. This has been going on for a long, long time, and we're always told that Amtrak will be self-sufficient just around the corner, or that something else will happen; and it simply never does. It's kind of the transportation version of corn ethanol subsidies. So, I don't want to anger another group here.

But anyway, it just seems to never, never end; and we keep subsidizing on and on. It might be one thing if we were running a big surplus to do this. We're not: 42 or 41 cents on every dollar we spend this year will be borrowed from future generations, from the Chinese, from other bond holders. When we're spending, when we're borrowing 42 cents on every dollar, I think it behooves us to look for areas where we can save; and this is a modest area here, to cut some, just a small portion, of the subsidy that we currently provide.

I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I just want to express that this amendment for a program which is totally authorized, and we are not running above the authorization number on Amtrak by any means at all, but this is a killer amendment for Amtrak to remove all of their capital funds, as this amendment purports to do. So I oppose the amendment, and urge a "no" vote on the amendment.

Mr. OBERSTAR. Mr. Chair, I rise in strong opposition to this amendment. This amendment eliminates all of Amtrak's capital and debt service grants but the \$132 million that Amtrak receives from state and local agencies for capital improvements.

This amendment is nothing more than a rehash of the Bush Administration's numerous yet unsuccessful attempts to force Amtrak into bankruptcy.

Let's be clear: This is a shut-down amendment. A shut-down of Amtrak will strand millions of rail passengers, disrupt commuter operations, add to our already congested roads and airports, eliminate well over 20,000 jobs nationwide, and jeopardize local economies and businesses that depend on Amtrak's service.

The gentle lady from Minnesota (Mrs. BACHMANN) must know that without capital funding provided by the federal government, Amtrak won't be able to maintain its own rail network. Amtrak is then left with two choices: shut-down or jeopardize the safety of millions of Amtrak riders, passengers on the commuter railroads that operate along the Northeast Corridor, and the crewmembers of at least two freight railroads—Norfolk Southern and CSX, which rely upon Amtrak's infrastructure and dispatching services in the Corridor.

Amtrak won't be able to replace any ties; fix any track, tunnels, or bridges; make station improvements; overhaul equipment; or invest in much-needed safety and security improvements. Further, the railroad won't be able to make any of the capital improvements necessary to make the 481 Amtrak-served stations, platforms, parking facilities, and other structures accessible to persons with disabilities, as required under the Americans with Disabilities Act (ADA).

Funding for Amtrak's fleet plan would be decimated. The fleet, both locomotives and railcars, are the only means for Amtrak to provide service. If Amtrak's fleet can't be maintained, then Amtrak can't provide service—certainly not safe and reliable service.

Right now, the average age of Amtrak's passenger car fleet is 25. The mainstay of the Amtrak fleet are 412 "Amfleet I" passenger cars commonly used on the Northeast Corridor; these cars were built between 1974 and 1977 and are presently beyond their assumed 30-year commercial life cycle. Amtrak's Heritage Equipment railcars were built as far back as 1948. Baggage cars, used on long distance trains, were built between 1950 and 1961. Dining cars, also used on long distance trains, were built between 1948 and 1958. The locomotive fleet fares no better. Amtrak's locomotives average 21 years of age. Based on the 20-year commercial life cycle of a locomotive, replacement locomotives are already overdue.

Amtrak plans to overhaul its fleet and purchase new equipment over the next several years. Amtrak is already in discussions with General Electric to purchase new locomotives, and with other companies to purchase new rail cars and parts for maintenance for the existing fleet, which in turn will provide hundreds if not thousands of jobs for an entire industry (railway suppliers) that is rapidly declining in America. But without capital funding, that won't happen.

No funding for capital means no jobs.

According to the Association of American Railroads, if Amtrak shutdown, the freight rail industry would lose an estimated \$5.3 billion over the next six years at a time when the freight railroads are just starting to recover

from the economic crisis and bring people back to work.

I urge Members to oppose this amendment. Mr. OLVER. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

It is now in order to consider amendments printed in part B of House Report 111-578.

PART B AMENDMENT NO. 2 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk designated as No. 2, Part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading "Federal Highway Administration—Federal-Aid Highways (Limitation on Obligations)" shall be available for the Blackstone River Bikeway project in Rhode Island, and the aggregate amount otherwise provided under such heading is hereby reduced by \$1,000,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. This amendment would prohibit \$1 million from going to the Rhode Island Department of Transportation for the Blackstone River Bikeway, and it would reduce the overall cost of the bill by a commensurate amount.

This particular earmark would fund a project to construct a 3½ mile route or portion of a bikeway in North Smithfield, and Woonsocket, including the construction of sections that would connect a public library, a planned middle school complex, and several bridges.

Here we have a project that is described as a cyclist's paradise of mill villages and farming communities in Massachusetts and Rhode Island. According to the Web site of the project, the bikeway is being developed thanks largely to Federal transportation funding, and it's an effort among Rhode Island Department of Environmental Management to Massachusetts Department of Conservation and Recreation and on and on, some other entities as well.

□ 1930

Well, certainly Federal transportation funding is right. There is a lot of

it going here. And a lot of earmarks have gone this way as well. Over the past several years, this project has received several earmarks. In fact, Citizens Against Government Waste has in their waste Pig Book this project has received five earmarks in transportation appropriations bills worth nearly \$7 million since 2002, including, last year, same project received a \$475,000 earmark; in 2005, a \$500,000 earmark; 2004, a \$1.5 million earmark; 2003, a \$3 million earmark; 2002, a \$1.5 million earmark. Why are we doing this?

Here we are, as we just mentioned, running a deficit of about \$1.4 trillion this year. We have a national debt north of \$13 trillion. Forty-two cents of every dollar we spend this year will be borrowed. Yet we can't wean ourselves off these kind of earmarks.

Bike paths. I love biking. I will go home this weekend and bike. But why in the world should the taxpayers at the Federal level be on the hook for an earmark for a bike path in Rhode Island? Why did we just choose this one? That's part of the problem of this system of earmarking that we have.

I look at this chart. The contemporary practice of earmarking is very much a spoils system. And if we look at the bill that we are considering right now, THUD, this is actually one of the least egregious offenders. If you look at the red area, that's the percentage of earmark dollars that are claimed by members of the Appropriations Committee or members of leadership or chairmen of committees. They represent about 13 percent of this body, yet they claim, look at this, look at the red, some bills, in the ag appropriations bill 76 percent of all earmarks will go to these 13 percent of powerful members. In this bill, 42 percent.

That's the problem. How do we choose this bike path as opposed to one in Utah or one in Alaska or somewhere else? It's a spoils system that has to stop. And if we can't stop it this year, when we're running a deficit of \$1.4 trillion, when will we stop it?

I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I rise to oppose the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I urge a "no" vote.

I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, to hear the gentleman talk, you would think that this bill is being gobbled up by a huge number of earmarks, causing the deficit to explode. The gentleman used a chart. I've got a chart too. This bar represents the total spending in this bill, \$67 billion. This bar represents the portion of that bill represented by earmarks. Mr. Chairman, I have a tough time finding it. Oh, yeah, with this magnifying glass I can almost see the bar that represents the earmarks. Less

than one-half of 1 percent of this bill are represented by earmarks.

And you know what? The last time I looked, the Constitution gave the Congress the power of the purse. No Congress has ever changed any President's budget by more than 3 percent in all the time I have been here. And that 3 percent difference is the difference between having a President and having a king. And whether the President is Republican or Democratic, I want a President. I don't want a king.

So all I would suggest to the gentleman from Arizona is that he keep this in perspective. Keep it in perspective. Or as my old friend Archie the cockroach said once long ago, "Perspective is everything. Of what use is it for a queen bee to fall in love with a bull?"

Mr. FLAKE. I don't think we want to talk about bull. I don't know how it is in Wisconsin, but in Arizona, to have a bill that has more than 400 earmarks worth more than \$300 million is not an insignificant sum.

Now, you can have a chart that takes the overall amount that the bill spends and then make \$300 million look pretty small. But only in Washington will people say, yeah, that looks pretty small. Anywhere else in the country they're going to say that's a pretty big amount. And everybody knows how the game works here. Earmarks are, as has been said by many, the gateway drug to spending addiction. Once you start getting earmarks, you start approving bloated appropriations bills worth \$67 billion. And if you didn't have your earmark in there, you wouldn't be likely to keep increasing the amounts that we spend every year.

Now, some may point out, hey, we are down this year from last year, but we were up 28 percent last year from the year before. That is what has got us into this problem where we have a deficit of \$1.4 trillion and we are borrowing 42 cents on every dollar, and then we dismiss \$300 million as insignificant.

I mean you can use a magnifying glass and try to make it sound like it's small, but it's \$300 million. And people across the country are saying if we don't start here, where do we start? If we can't do this, will we ever reform the entitlement programs we have to reform?

Mr. OLVER. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. It seems like my colleagues, as the saying goes, know the cost of everything but the value of nothing. I think the gentleman is exactly right, entitlements. That's where the money is. We all know it. And yet my colleagues have not seen fit to increase research, biomedical research that could show enormous offsets in the cost of care for people with Alz-

heimer's, autism, Parkinson's, epilepsy. But that's just the costs. Think about the difference in people's lives that research in helping people live more functional lives, the cost in their quality of life that could make.

But are they talking about savings in those respects? No, they're just talking about dollars and cents that seem to fit on a piece of paper, but not in a difference in people's lives. Here they're talking about a couple million dollars on a bike path. They say that that is something we shouldn't care about. I'm the Congressman from that district. I know what dollars come back home. I know the value of this bike path. It helps get people to enjoy the quality of their life.

In case people don't understand, there is a public health epidemic. It's called diabetes. It's called lack of exercise. I think we actually ought to be encouraging people to be outdoors. It is a public health issue. We will be paying for this public health problem if people don't exercise. But this gentleman seems to dismiss the cost of a bike path. The point is that once again, cost of everything, value of nothing.

So we'll hear a bunch of these amendments come on down the pike. I just ask people to keep in mind this is coming up on the silly season, election time. People will sound like they care a lot about your bottom line. But the real issue is, do they really care about the other kinds of deficits? The deficits in education.

You can only make first grade once in your life, second grade once, third grade once. And if your kid's in the classroom with 35 kids that year because we decide to save money, guess what? Too bad for your kid. They have no dress rehearsal in their life. No dress rehearsal. So if we decide to save money this year, too bad for that kid because we all of a sudden got serious about our deficit.

Forget their deficit that they're going to live with for the rest of their life in terms of human potential because that wasn't on their balance sheet, ladies and gentlemen. That GNP never factored into their timetable, into their value system. That's not the GNP they were looking at. So let's start changing the way we value what our economy is and what it is that we value when we're looking at dollars and common sense.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

□ 1940

PART B AMENDMENT NO. 4 OFFERED BY MR.
FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 4, part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading "Federal Highway Administration—Federal-Aid Highways (Limitation on Obligations)" shall be available for the Downtown Tacoma Streetscapes Improvement Project in Washington, and the aggregate amount otherwise provided under such heading is hereby reduced by \$1,000,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Before I start on this amendment, let me address what was just said here.

We're told by challenging these earmarks, \$300 million in this bill, that we, those who want to save some money here, know the cost of everything and the value of nothing. I think we better translate that into Chinese. And the next time we try to auction our bonds and we have no takers and the Chinese won't buy this paper, say, "Hey, you know the cost of everything but the value of nothing." See where that gets us.

It does matter what kind of deficits we run and what kind of debt we have. It matters. It matters a lot. We may say that it doesn't around here or that we'll get serious about it later or that we can fund all of the bike paths we want this year or streetscapes or whatever we're doing because we'll get serious about it next year, but we never seem to do it.

I've been doing this for several years now, and I hear that all the time. "Yeah, we'll get to it later. This year we've got to do this," and we never seem to get to it.

So I would just challenge the cost of everything, the value of nothing, those sayings. Yeah, they're nice to hear, but when you're running a deficit of \$1.4 trillion, I think there's a little too much cost there, and I think people across the country would agree.

This amendment would prohibit a million dollars going to the downtown Tacoma streetscape improvements in Tacoma, Washington, and reduce spending in the bill by a commensurate amount. According to the sponsor's Web site, the recipient will be the City of Tacoma, and the funding would be used toward streetscape improvements along Pacific Avenue in downtown Tacoma.

The City of Tacoma, I believe, has received a similar earmark in 2010 for

\$800,000 to develop complete streets, including new bike paths, widening sidewalks, installing medians, street trees, and other amenities.

When do we stop here? Why do we choose this one and say the City of Tacoma deserves another earmark, this time to use for streetscapes. There are a lot of cities around the country that need streetscapes, a lot of them that are probably deserving. But why in the world did we choose this one?

Again, it goes back to the spoils system I talked about. Powerful Members on certain committees get the spoils, a huge, disproportionate percentage of it.

So you can talk all high and mighty about how Members know their districts better than those faceless bureaucrats, but apparently, unless you're a chairman of an important committee or you're on the right committee or you're in leadership, you don't know your district very well. So it's a spoils system that shouldn't be done. We ought to be saving money where we can.

And let me just remind Members here that people across the country, it's all well and good to say we couldn't take 1 percent or one-half of 1 percent from that bill because that's indiscriminate; it would cut out all programs. Here, we're talking about one specific project. And you're going to have to justify voting against amendments to remove funding for a streetscape in Tacoma, Washington, that was picked for who knows why.

So I would just caution those who want to support this kind of earmarking that people across the country are fed up with it, and they know when Members vote specifically on amendments to strike funding for these projects that they would rather fund a project like this than actually help pay down the deficit we have.

I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I rise to claim the time in opposition to this amendment.

The CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Today I rise in opposition to the amendment from the gentleman from Arizona. The Downtown Tacoma Streetscapes Improvement Project is a vital economic recovery tool for the City of Tacoma.

The Tacoma area has an unemployment rate of 9 percent. In addition, the largest downtown employer has recently announced their plans to move. In response, the community came together and created a revitalization plan to redevelop the downtown corridor.

The overall plan is estimated to create 500 new jobs and help transform the local economy. This plan has strong local support through partnerships with the Tacoma-Pierce County Economic Development Board, the Ta-

coma-Pierce County Chamber of Commerce, the Executive Council for a Greater Tacoma, and the State of Washington. The local business community and other stakeholders have come out in favor of the project.

The city is doing their part by investing approximately \$35 million in local funds to implement the downtown revitalization plan. Federal investments serve as an important catalyst to allow the leveraging of public and private dollars.

This specific funding will be used to develop complete streets, which will involve transitioning existing right-of-ways for multimobile use, including new bike paths, widening sidewalks, and installing medians along the city's main downtown corridor.

Mr. Chairman, this is an important economic development project in my district, and I strongly oppose the gentleman's amendment and ask that the Members vote against it.

I reserve the balance of my time.

Mr. FLAKE. Again, this bill has 461 earmarks, \$328 million in those earmarks. I wish we could challenge them all. We can't. We've only been allowed the opportunity to challenge four of them. So we will have a rollcall vote on four amendments to strike these earmarks. So Members will have to go from this body back to their districts this next month and say why they voted against an amendment to strike an earmark for downtown beautification in one city that was just picked by the Appropriations Committee and why in the world it's better to borrow 42 cents of every dollar we're spending here from our kids and our grandkids and our foreign debtors, why that is a good plan for economic development, why it wouldn't be better to actually pay down the debt to lessen this deficit a bit. That's what this is about.

So don't think we can hide behind, well, these were indiscriminate cuts. This is a specific cut to cut a certain earmark from the bill, in this case, that would cut a million dollars. It's not insignificant not to anyone outside of the Beltway. This is a specific amendment to strike a million dollars in spending for a streetscape for beautification in a certain city.

I think we ought to beautify the appropriations process a little bit by actually having fewer earmarks and saving a little money.

I yield back the balance of my time.

Mr. DICKS. I strongly oppose the gentleman's amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the

amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 10 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 10, part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading "Department of Housing and Urban Development—Community Planning and Development—Community Development Fund" shall be available for the Restoration and Improvements to the Historic Darwin Martin House Home and Complex project of the Martin House Restoration Corporation, New York, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for the Economic Development Initiative in the second paragraph under such heading) are each hereby reduced by \$1,000,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. This amendment would prohibit \$1 million from being used for a restoration and improvement project at the historic Darwin Martin House Home and complex and would reduce the overall cost of the bill by a commensurate amount.

According to the sponsors of the Web site, the entity that would receive the earmark is called the Martin House Restoration Corporation, whose purpose is to restore a structure designed by Frank Lloyd Wright at the turn of the 19th century. The MHRC's Web site says that it was formed in 1992 with a clear mandate. First part of this mandate: Raise the money to restore the complex to its 1907 grandeur.

There are a lot of historic buildings around the country, a lot of them, that need a lot of restoration. My own home needs a lot of it. A lot of people are losing their homes. Those homes need a lot of restoration. A lot of them are losing them because of the Federal Government's spending ways.

□ 1950

Yet here we are designating one project to receive a million dollars. Again, let me say it one more time. This is not as if every Member comes here and is designated a million dollars to take home and spend in their district on restoring homes. They aren't. The spoils system runs well here. If you're on the Appropriations Committee or you're in leadership, you get the spoils. That's why 42 percent of the earmarked dollars in this bill are going to just 13 percent of the Members of this body. In that sense, you can't justify it nor can you justify spending a

million dollars in this way when we're borrowing 42 cents of every dollar that we'll spend this year.

We have a deficit of \$1.47 trillion. We have a debt of \$13.2 trillion. How in the world can we continue to do this, to earmark money for projects like this, when we have that kind of deficit and we have that kind of debt?

I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim time in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, the way I see it, we're watching a let's pretend attack on the deficit tonight by singling out these items that cost about a million bucks.

If Members are concerned about the deficit, I would ask, why did they vote for two tax cuts, primarily aimed at rich people, that spent more than \$2 trillion? Why are they continuing to insist that we provide further tax cuts for people who make over \$250,000 a year, again paid for with borrowed money? Why did they vote to go into two wars on borrowed money that cost over a trillion dollars? That's where the real money is.

Mr. OLVER. I now yield 3 minutes to the gentlewoman from Rochester, New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I appreciate the gentleman's yielding.

Mr. Chairman, Buffalo, New York, is the third poorest city in the United States. No one in their right mind would ever accuse Buffalo of getting spoils. This complex is a very important economic development tool for us. This amendment would strike an important lifeline to a place of cultural and economic significance in a struggling region that has been hit hard by the recession.

This house was completed in 1905. I won't go into all that. I simply want to say that Mr. Martin was the patron of Frank Lloyd Wright. He kept him going in good times and bad. Mr. Wright did his best work on this complex. It has been allowed to degenerate over the years because of a lack of money. The community has raised almost all the money to restore this by themselves.

Now, let me tell you, Mr. FLAKE, we estimate that when this is finished, consultants tell us that 42,000 to 83,000 visitors a year would come to see that house. It would generate \$17 million in economic impact annually. For this million dollars, Mr. FLAKE, you probably would not get a better return on your money, and additionally the tax return would be significant.

Of this \$17 million, \$8.34 million will be the earnings and wages of 198 workers who would otherwise be jobless. This is not the time to be striking those jobs from these persons.

One of the reasons that we are anxious to get it finished is that in October 2011, there will be a national conference convening in Buffalo with Martin House at its center bringing in more than 2,000 people. It is our aim to try to make this magnificent structure and we invite you to come up. I know you would love it. We want to have it finished.

We believe that this will be a significant destination for everybody in America who loves the finest architect that America ever produced—Frank Lloyd Wright.

And, Mr. FLAKE, I do appreciate you. As you remember, it was my committee that put this in order. Thank you very much.

Mr. Chairman, I rise today in strong opposition to the Flake Amendment eliminating funding for restoration of the historic Darwin Martin House and complex in Buffalo, New York.

This amendment would strike an important lifeline to a place of cultural and economic significance in an already struggling region hit hard by the recession.

The Darwin Martin House and complex was completed in 1905 in the historic Parkside neighborhood of Buffalo and is a testament to the genius of famed American architect Frank Lloyd Wright.

The Buffalo community has rallied behind this historic landmark, spearheading an ambitious effort to complete its full restoration after years of neglect and disrepair, turning into source of jobs and tourism revenue.

Consultants predict visitation levels at 42,000 to 83,000 visitors per year, which would generate \$17 million in economic impact for the region annually.

Of this \$17 million, \$8.34 million will be the earnings and wages of 198 workers who would otherwise be jobless.

I hardly think now is the time to be striking jobs from hard working folks, during a period of economic hardship we have not seen since the Great Depression.

Additionally, The National Trust for Historic Preservation will be convening its October 2011 national conference in Buffalo, a city of architectural masterpieces, including Frank Lloyd Wright's Martin House Complex, a lynchpin of the region's architectural and cultural tourism sectors.

Over 2,000 practitioners and opinion makers from the fields of historic preservation, architecture and design will be coming to see the Martin House.

Richard Moe, former president of the National Trust, called the Martin House, "the most ambitious and well executed restoration effort in his 15 years at the helm of the Trust."

He went further to say he believed the Martin House holds the promise of becoming "the signature Frank Lloyd Wright site in America."

This is a national success story that will bring millions of visitors to the Buffalo Niagara region and will be an anchor for the burgeoning cultural tourism industry.

New York State will have "book-end" Wright sites with the Guggenheim Museum in NYC and the Martin House to the west, in the shadow of Niagara Falls and all its international tourism appeal.

Please join us in opposition to this amendment.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Members are reminded to direct their comments to the Chair and not to others in the second person.

Mr. FLAKE. Mr. Chairman, I continue to reserve.

Mr. OLVER. I now yield the remainder of my time to the gentleman from Buffalo, New York (Mr. HIGGINS).

The CHAIR. The gentleman is recognized for 2½ minutes.

Mr. HIGGINS. Thank you, Mr. Chairman.

Mr. Chairman, I rise today in strong opposition to the Flake amendment. The best way to reduce deficits is to create jobs.

The Darwin Martin House in Buffalo is one of Frank Lloyd Wright's singular architectural masterpieces and is currently undergoing an ambitious project to restore it from a period of neglect to its original grandeur.

The reason for its inclusion in the bill before us today is because restoration of the Martin House is important to the economic future of Buffalo and western New York. The Martin House currently attracts tourists from all over the world. This investment will help create 200 jobs and \$18 million in annual economic activity for a million-dollar investment.

Urban areas like Buffalo are leveraging our vast historical and architectural resources to create a new economy in cultural tourism. This project will play an important role in enhancing the economy and life quality of western New York.

Mr. Chairman, I strongly oppose this amendment, and I urge my colleagues on both sides of the aisle to support western New York and join me in opposition.

Mr. FLAKE. Mr. Chairman, I yield myself the balance of my time.

I do thank the gentlelady on the Rules Committee for making this amendment in order, at least a few of mine. I do appreciate that. But I am just baffled that the other side would continue to talk about—let's gain perspective here—we're just talking about a little money, and to basically belittle any attempt to save a million here or a million there. I just think that says we're out of touch completely with what the country is going through, to say, hey, we've got a \$1.4 trillion deficit this year, we've got a \$13.2 trillion debt that we're going to need to pay off, our kids and grandkids will be doing this forever, but we say, "Well, we can't start here because it's just too big. We really need to tackle those entitlements." Although I don't see a plan of anybody here on this side of the aisle who has presented this bill to actually tackle the entitlement programs. Some of us have presented something. This road map that the gentleman from Wisconsin, the col-

league of the gentleman who spoke before, has introduced is a great plan to actually address entitlement spending as well.

But we're here today to vote on four specific amendments to save specific money from specific projects; and that's what you'll have to go and answer to specific constituents about: whether you voted yes or no on amendments to strike a million dollars that could be saved from a project like this one, from an earmark like this one. I would venture to guess that your constituents and my constituents would want you to do that. And it will be tough to explain by saying, "This is just a little part of the budget. We can't save here. We're not addressing entitlement spending, so we're not going to address discretionary spending, either."

I would urge support of the amendment. And, remember, people are watching here. They're watching what we're doing. When you go home, you'll need to explain, if you vote against this amendment, why you didn't want to save the taxpayer a million dollars when we have a deficit of \$1.4 trillion and a debt of \$13.2 trillion.

I yield back the balance of my time.

Mr. OLVER. I urge a "no" vote on this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 11 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 11 in part B made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading "Department of Housing and Urban Development—Community Planning and Development—Community Development Fund" shall be available for the Construction of a Children's Playground project of the Municipality of Yauco, Puerto Rico, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for the Economic Development Initiative in the second paragraph under such heading) are each hereby reduced by \$150,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes,

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair.

This amendment would prohibit \$150,000 from being spent on the construction of a child's playground. Now I am the father of five children. I understand the importance of having a place for kids to play. Believe me, kids need to let loose and expend some energy somewhere. But Federal spending has been let loose, far too loose, so loose that we have this year a \$1.4 trillion deficit. We are borrowing 42 cents on every dollar that we spend.

□ 2000

When we are doing this, we can't just all of a sudden say we are going to build playgrounds anywhere as a model for economic development or anything else. We can't continue to spend money this way. This is one of the smaller earmarks. We have to start somewhere.

I would urge those of you who want to oppose this amendment to go home to your constituents and say, I wanted to put you \$150,000 more in debt because I thought it was important that we spend money; the Federal Government, mind you. Municipal governments, State governments, if they want to spend money on playgrounds that's great. But why is the Federal Government doing it here?

Why are we doing it when in May of 2010 the national debt hit \$13 trillion. It's now \$13.2. According to The Washington Post, that works out to be more than \$40,000 in debt for every U.S. resident; \$40,000 of debt for every U.S. resident.

Then we are saying, "Well, this is just small. We can't save this money; we can't go at the deficit this way. We have to deal with those entitlement programs." We certainly do, but we need to start somewhere. This is a great place to start.

I reserve the balance of my time.

Mr. OLVER. I claim time in opposition to this amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I yield such time as he may consume to Mr. PIERLUISI from Puerto Rico.

Mr. PIERLUISI. Thank you, Mr. Chairman.

I rise in strong opposition to this amendment. I requested \$150,000 to purchase equipment for a community and recreational park for low-income children in Yauco, Puerto Rico, a city in the southwestern part of the island. The park will be constructed so that it is compliant with the Americans with Disabilities Act.

This funding will supplement funding already provided for the project by the city of Yauco. This is one of the smallest earmarks in this bill. It is unquestionably an appropriate and viable use of Federal funds.

There currently is no recreational park in Yauco, which is home to approximately 50,000 residents, has a poverty rate of 56 percent and has an unemployment rate of over 17 percent. Furthermore, although there are over 75,000 children in Puerto Rico, I am advised that there is not a single recreational park in the entire southwestern region of Puerto Rico that is ADA compliant and thus meaningfully accessible to children with disabilities.

Earlier this week, Mr. Chairman, this House proudly commemorated the 20th anniversary of the ADA's passage. What better way is there to promote the goals of this landmark Federal law than to provide a reasonable amount of funding to help equip a recreational park that children with disabilities can enjoy side by side with their able-bodied friends.

The Department of Housing and Urban Development states that a core part of its mission is to build inclusive and sustainable communities free from discrimination, and HUD's EDI program regularly funds acquisition of equipment for public facilities like the recreational park in Yauco.

In closing, I would gently remind my friend from Arizona that a State with Puerto Rico's population would benefit from congressionally directed spending requests from six Representatives and two Senators. However, because Puerto Rico is a territory, I alone am responsible for protecting the interests of 4 million American citizens.

I urge my colleagues to oppose this amendment.

Mr. FLAKE. Again, you have got to have a Federal nexus somewhere. If you are spending taxpayers' money, it helps to say why in the world should the Federal Government be involved at all. I would submit that if you argue that the Federal Government should be paying for playgrounds around the country, where does it stop?

Where is there no Federal nexus? What is the Federal Government not responsible for? How in the world would our deficit stay at \$1.47 trillion this year if we say the Federal Government is in charge of all playground-building around the country?

I would remind my colleagues, when we vote on these amendments, these are specific amendments to save specific money on specific earmarks. And you can't get by with saying, well, that was indiscriminate cuts and it would have affected this program or that. We are talking about here on these four amendments saving money on street beautification. Where is the Federal nexus there?

On a bike path in Rhode Island, where is the Federal nexus? Why is the Federal Government doing that when we have a deficit of \$1.47 trillion and a debt of \$13.2 trillion? Why in the world, when every citizen of this country is in debt more than \$40,000, why in the

world are we saying we are going to pile more on you simply because we can't control ourselves here?

I would urge you again, you are going to have to go home and not say, well, I voted against an amendment that would have cut that program indiscriminately. This is specific amendments for specific programs, specific earmarks that the country knows the Federal Government should not be doing or that the Congress should not be directing money toward.

With that, I urge adoption of the amendment.

I yield back the balance of my time.

Mr. OLVER. I yield the gentleman from Puerto Rico 1 additional minute.

Mr. PIERLUISI. Mr. Chairman, I will be brief. Let me just say that there are 435 Members of this House; there are five Delegates representing the territories. Each and every one of these districts and the territories has its own peculiar needs, and the Members should be entitled to do something like what I am trying to do, help a town in Puerto Rico with the highest poverty rate in the region where kids do not even have a place to play, particularly meeting the needs and the requirements of the Americans with Disabilities Act.

There cannot be a more justified earmark than this one. The amount at stake is \$150,000.

So I urge my friend from Arizona to withdraw this amendment because, clearly, it has no merit.

I urge my colleagues to oppose it.

Mr. OLVER. May I inquire how much time remains.

The CHAIR. The gentleman from Massachusetts has 1½ minutes, and the time of the gentleman from Arizona has expired.

Mr. OLVER. Mr. Chairman, I am very interested in this conversation. The gentleman from Arizona, who is usually so rational about this whole effort that he puts forward, he is going to earn a reputation as a grinch for trying to take the one Member representing 4 million people in Puerto Rico, taking a program that would provide ADA compliance in a very small park in a community that's done for children and teens, and he wants to deny the representative for those 4 million people the opportunity to have a very small earmark.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

Mr. OLVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SCHRADER) having assumed the chair, Mr. SNYDER, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5850) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, had come to no resolution thereon.

□ 2010

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 847) to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 847

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “James Zadroga 9/11 Health and Compensation Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—WORLD TRADE CENTER HEALTH PROGRAM

Sec. 101. World Trade Center Health Program.

“TITLE XXXIII—WORLD TRADE CENTER HEALTH PROGRAM

“Subtitle A—Establishment of Program; Advisory Committee

“Sec. 3301. Establishment of World Trade Center Health Program.

“Sec. 3302. WTC Health Program Scientific/Technical Advisory Committee; WTC Health Program Steering Committees.

“Sec. 3303. Education and outreach.

“Sec. 3304. Uniform data collection and analysis.

“Sec. 3305. Clinical Centers of Excellence and Data Centers.

“Sec. 3306. Definitions.

“Subtitle B—Program of Monitoring, Initial Health Evaluations, and Treatment

“PART 1—WTC RESPONDERS

“Sec. 3311. Identification of WTC responders and provision of WTC-related monitoring services.

“Sec. 3312. Treatment of enrolled WTC responders for WTC-related health conditions.

“Sec. 3313. National arrangement for benefits for eligible individuals outside New York.

“PART 2—WTC SURVIVORS

“Sec. 3321. Identification and initial health evaluation of screening-eligible and certified-eligible WTC survivors.

“Sec. 3322. Followup monitoring and treatment of certified-eligible WTC survivors for WTC-related health conditions.

“Sec. 3323. Followup monitoring and treatment of other individuals with WTC-related health conditions.

“PART 3—PAYOR PROVISIONS

“Sec. 3331. Payment of claims.

“Sec. 3332. Administrative arrangement authority.

“Subtitle C—Research Into Conditions

“Sec. 3341. Research regarding certain health conditions related to September 11 terrorist attacks.

“Sec. 3342. World Trade Center Health Registry.

“Subtitle D—Funding

“Sec. 3351. World Trade Center Health Program Fund.

TITLE II—SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

Sec. 201. Definitions.

Sec. 202. Extended and expanded eligibility for compensation.

Sec. 203. Requirement to update regulations.

Sec. 204. Limited liability for certain claims.

Sec. 205. Funding; attorney fees.

TITLE III—LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS; TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

Sec. 301. Limitation on treaty benefits for certain deductible payments.

Sec. 302. Time for payment of corporate estimated taxes.

TITLE IV—BUDGETARY EFFECTS

Sec. 401. Compliance with Statutory Pay-As-You-Go Act of 2010.

TITLE I—WORLD TRADE CENTER HEALTH PROGRAM

SEC. 101. WORLD TRADE CENTER HEALTH PROGRAM.

The Public Health Service Act is amended by adding at the end the following new title:

“TITLE XXXIII—WORLD TRADE CENTER HEALTH PROGRAM

“Subtitle A—Establishment of Program; Advisory Committee

“SEC. 3301. ESTABLISHMENT OF WORLD TRADE CENTER HEALTH PROGRAM.

“(a) IN GENERAL.—There is hereby established within the Department of Health and Human Services a program to be known as the World Trade Center Health Program, which shall be administered by the WTC Program Administrator, to provide beginning on July 1, 2011—

“(1) medical monitoring and treatment benefits to eligible emergency responders

and recovery and cleanup workers (including those who are Federal employees) who responded to the September 11, 2001, terrorist attacks; and

“(2) initial health evaluation, monitoring, and treatment benefits to residents and other building occupants and area workers in New York City who were directly impacted and adversely affected by such attacks.

“(b) COMPONENTS OF PROGRAM.—The WTC Program includes the following components:

“(1) MEDICAL MONITORING FOR RESPONDERS.—Medical monitoring under section 3311, including clinical examinations and long-term health monitoring and analysis for enrolled WTC responders who were likely to have been exposed to airborne toxins that were released, or to other hazards, as a result of the September 11, 2001, terrorist attacks.

“(2) INITIAL HEALTH EVALUATION FOR SURVIVORS.—An initial health evaluation under section 3321, including an evaluation to determine eligibility for followup monitoring and treatment.

“(3) FOLLOWUP MONITORING AND TREATMENT FOR WTC-RELATED HEALTH CONDITIONS FOR RESPONDERS AND SURVIVORS.—Provision under sections 3312, 3322, and 3323 of followup monitoring and treatment and payment, subject to the provisions of subsection (d), for all medically necessary health and mental health care expenses of an individual with respect to a WTC-related health condition (including necessary prescription drugs).

“(4) OUTREACH.—Establishment under section 3303 of an education and outreach program to potentially eligible individuals concerning the benefits under this title.

“(5) CLINICAL DATA COLLECTION AND ANALYSIS.—Collection and analysis under section 3304 of health and mental health data relating to individuals receiving monitoring or treatment benefits in a uniform manner in collaboration with the collection of epidemiological data under section 3342.

“(6) RESEARCH ON HEALTH CONDITIONS.—Establishment under subtitle C of a research program on health conditions resulting from the September 11, 2001, terrorist attacks.

“(c) NO COST SHARING.—Monitoring and treatment benefits and initial health evaluation benefits are provided under subtitle B without any deductibles, copayments, or other cost sharing to an enrolled WTC responder or certified-eligible WTC survivor. Initial health evaluation benefits are provided under subtitle B without any deductibles, copayments, or other cost sharing to a screening-eligible WTC survivor.

“(d) PREVENTING FRAUD AND UNREASONABLE ADMINISTRATIVE COSTS.—

“(1) FRAUD.—The Inspector General of the Department of Health and Human Services shall develop and implement a program to review the WTC Program's health care expenditures to detect fraudulent or duplicate billing and payment for inappropriate services. This title is a Federal health care program (as defined in section 1128B(f) of the Social Security Act) and is a health plan (as defined in section 1128C(c) of such Act) for purposes of applying sections 1128 through 1128E of such Act.

“(2) UNREASONABLE ADMINISTRATIVE COSTS.—The Inspector General of the Department of Health and Human Services shall develop and implement a program to review the WTC Program for unreasonable administrative costs, including with respect to infrastructure, administration, and claims processing.

“(e) QUALITY ASSURANCE.—The WTC Program Administrator working with the Clinical Centers of Excellence shall develop and

implement a quality assurance program for the monitoring and treatment delivered by such Centers of Excellence and any other participating health care providers. Such program shall include—

“(1) adherence to monitoring and treatment protocols;

“(2) appropriate diagnostic and treatment referrals for participants;

“(3) prompt communication of test results to participants; and

“(4) such other elements as the Administrator specifies in consultation with the Clinical Centers of Excellence.

“(f) ANNUAL PROGRAM REPORT.—

“(1) IN GENERAL.—Not later than 6 months after the end of each fiscal year in which the WTC Program is in operation, the WTC Program Administrator shall submit an annual report to the Congress on the operations of this title for such fiscal year and for the entire period of operation of the program.

“(2) CONTENTS INCLUDED IN REPORT.—Each annual report under paragraph (1) shall include at least the following:

“(A) ELIGIBLE INDIVIDUALS.—Information for each clinical program described in paragraph (3)—

“(i) on the number of individuals who applied for certification under subtitle B and the number of such individuals who were so certified;

“(ii) of the individuals who were certified, on the number who received monitoring under the program and the number of such individuals who received medical treatment under the program;

“(iii) with respect to individuals so certified who received such treatment, on the WTC-related health conditions for which they were treated; and

“(iv) on the projected number of individuals who will be certified under subtitle B in the succeeding fiscal year and the succeeding 10-year period.

“(B) MONITORING, INITIAL HEALTH EVALUATION, AND TREATMENT COSTS.—For each clinical program so described—

“(i) information on the costs of monitoring and initial health evaluation and the costs of treatment and on the estimated costs of such monitoring, evaluation, and treatment in the succeeding fiscal year; and

“(ii) an estimate of the cost of medical treatment for WTC-related health conditions that have been paid for or reimbursed by workers' compensation, by public or private health plans, or by New York City under section 3331.

“(C) ADMINISTRATIVE COSTS.—Information on the cost of administering the program, including costs of program support, data collection and analysis, and research conducted under the program.

“(D) ADMINISTRATIVE EXPERIENCE.—Information on the administrative performance of the program, including—

“(i) the performance of the program in providing timely evaluation of and treatment to eligible individuals; and

“(ii) a list of the Clinical Centers of Excellence and other providers that are participating in the program.

“(E) SCIENTIFIC REPORTS.—A summary of the findings of any new scientific reports or studies on the health effects associated with exposure described in section 3306(1), including the findings of research conducted under section 3341(a).

“(F) ADVISORY COMMITTEE RECOMMENDATIONS.—A list of recommendations by the WTC Scientific/Technical Advisory Committee on additional WTC Program eligibility criteria and on additional WTC-related

health conditions and the action of the WTC Program Administrator concerning each such recommendation.

“(3) SEPARATE CLINICAL PROGRAMS DESCRIBED.—In paragraph (2), each of the following shall be treated as a separate clinical program of the WTC Program:

“(A) FIREFIGHTERS AND RELATED PERSONNEL.—The benefits provided for enrolled WTC responders described in section 3311(a)(2)(A).

“(B) OTHER WTC RESPONDERS.—The benefits provided for enrolled WTC responders not described in subparagraph (A).

“(C) WTC SURVIVORS.—The benefits provided for screening-eligible WTC survivors and certified-eligible WTC survivors in section 3321(a).

“(g) NOTIFICATION TO CONGRESS UPON REACHING 80 PERCENT OF ELIGIBILITY NUMERICAL LIMITS.—The Secretary shall promptly notify the Congress of each of the following:

“(1) When the number of enrollments of WTC responders subject to the limit established under section 3311(a)(4) has reached 80 percent of such limit.

“(2) When the number of certifications for certified-eligible WTC survivors subject to the limit established under section 3321(a)(3) has reached 80 percent of such limit.

“(h) CONSULTATION.—The WTC Program Administrator shall engage in ongoing outreach and consultation with relevant stakeholders, including the WTC Health Program Steering Committees and the Advisory Committee under section 3302, regarding the implementation and improvement of programs under this title.

“SEC. 3302. WTC HEALTH PROGRAM SCIENTIFIC/TECHNICAL ADVISORY COMMITTEE; WTC HEALTH PROGRAM STEERING COMMITTEES.

“(a) ADVISORY COMMITTEE.—

“(1) ESTABLISHMENT.—The WTC Program Administrator shall establish an advisory committee to be known as the WTC Health Program Scientific/Technical Advisory Committee (in this subsection referred to as the ‘Advisory Committee’) to review scientific and medical evidence and to make recommendations to the Administrator on additional WTC Program eligibility criteria and on additional WTC-related health conditions.

“(2) COMPOSITION.—The WTC Program Administrator shall appoint the members of the Advisory Committee and shall include at least—

“(A) 4 occupational physicians, at least 2 of whom have experience treating WTC rescue and recovery workers;

“(B) 1 physician with expertise in pulmonary medicine;

“(C) 2 environmental medicine or environmental health specialists;

“(D) 2 representatives of WTC responders;

“(E) 2 representatives of certified-eligible WTC survivors;

“(F) an industrial hygienist;

“(G) a toxicologist;

“(H) an epidemiologist; and

“(I) a mental health professional.

“(3) MEETINGS.—The Advisory Committee shall meet at such frequency as may be required to carry out its duties.

“(4) REPORTS.—The WTC Program Administrator shall provide for publication of recommendations of the Advisory Committee on the public Web site established for the WTC Program.

“(5) DURATION.—Notwithstanding any other provision of law, the Advisory Committee shall continue in operation during the period in which the WTC Program is in operation.

“(6) APPLICATION OF FACAA.—Except as otherwise specifically provided, the Advisory Committee shall be subject to the Federal Advisory Committee Act.

“(b) WTC HEALTH PROGRAM STEERING COMMITTEES.—

“(1) CONSULTATION.—The WTC Program Administrator shall consult with 2 steering committees (each in this section referred to as a ‘Steering Committee’) that are established as follows:

“(A) WTC RESPONDERS STEERING COMMITTEE.—One Steering Committee, to be known as the WTC Responders Steering Committee, for the purpose of receiving input from affected stakeholders and facilitating the coordination of monitoring and treatment programs for the enrolled WTC responders under part 1 of subtitle B.

“(B) WTC SURVIVORS STEERING COMMITTEE.—One Steering Committee, to be known as the WTC Survivors Steering Committee, for the purpose of receiving input from affected stakeholders and facilitating the coordination of initial health evaluations, monitoring, and treatment programs for screening-eligible and certified-eligible WTC survivors under part 2 of subtitle B.

“(2) MEMBERSHIP.—

“(A) WTC RESPONDERS STEERING COMMITTEE.—

“(i) REPRESENTATION.—The WTC Responders Steering Committee shall include—

“(I) representatives of the Centers of Excellence providing services to WTC responders;

“(II) representatives of labor organizations representing firefighters, police, other New York City employees, and recovery and cleanup workers who responded to the September 11, 2001, terrorist attacks; and

“(III) 3 representatives of New York City, 1 of whom will be selected by the police commissioner of New York City, 1 by the health commissioner of New York City, and 1 by the mayor of New York City.

“(ii) INITIAL MEMBERSHIP.—The WTC Responders Steering Committee shall initially be composed of members of the WTC Monitoring and Treatment Program Steering Committee (as in existence on the day before the date of the enactment of this title).

“(B) WTC SURVIVORS STEERING COMMITTEE.—

“(i) REPRESENTATION.—The WTC Survivors Steering Committee shall include representatives of—

“(I) the Centers of Excellence providing services to screening-eligible and certified-eligible WTC survivors;

“(II) the population of residents, students, and area and other workers affected by the September 11, 2001, terrorist attacks;

“(III) screening-eligible and certified-eligible survivors receiving initial health evaluations, monitoring, or treatment under part 2 of subtitle B and organizations advocating on their behalf; and

“(IV) New York City.

“(ii) INITIAL MEMBERSHIP.—The WTC Survivors Steering Committee shall initially be composed of members of the WTC Environmental Health Center Survivor Advisory Committee (as in existence on the day before the date of the enactment of this title).

“(C) ADDITIONAL APPOINTMENTS.—Each Steering Committee may recommend, if approved by a majority of voting members of the Committee, additional members to the Committee.

“(D) VACANCIES.—A vacancy in a Steering Committee shall be filled by an individual recommended by the Steering Committee.

“SEC. 3303. EDUCATION AND OUTREACH.

“The WTC Program Administrator shall institute a program that provides education and outreach on the existence and availability of services under the WTC Program. The outreach and education program—

“(1) shall include—

“(A) the establishment of a public Web site with information about the WTC Program;

“(B) meetings with potentially eligible populations;

“(C) development and dissemination of outreach materials informing people about the program; and

“(D) the establishment of phone information services; and

“(2) shall be conducted in a manner intended—

“(A) to reach all affected populations; and

“(B) to include materials for culturally and linguistically diverse populations.

“SEC. 3304. UNIFORM DATA COLLECTION AND ANALYSIS.

“(a) IN GENERAL.—The WTC Program Administrator shall provide for the uniform collection of data (and analysis of data and regular reports to the Administrator) on the prevalence of WTC-related health conditions and the identification of new WTC-related health conditions. Such data shall be collected for all individuals provided monitoring or treatment benefits under subtitle B and regardless of their place of residence or Clinical Center of Excellence through which the benefits are provided. The WTC Program Administrator shall provide, through the Data Centers or otherwise, for the integration of such data into the monitoring and treatment program activities under this title.

“(b) COORDINATING THROUGH CENTERS OF EXCELLENCE.—Each Clinical Center of Excellence shall collect data described in subsection (a) and report such data to the corresponding Data Center for analysis by such Data Center.

“(c) COLLABORATION WITH WTC HEALTH REGISTRY.—The WTC Program Administrator shall provide for collaboration between the Data Centers and the World Trade Center Health Registry described in section 3342.

“(d) PRIVACY.—The data collection and analysis under this section shall be conducted and maintained in a manner that protects the confidentiality of individually identifiable health information consistent with applicable statutes and regulations, including, as applicable, HIPAA privacy and security law (as defined in section 3009(a)(2)) and section 552a of title 5, United States Code.

“SEC. 3305. CLINICAL CENTERS OF EXCELLENCE AND DATA CENTERS.

“(a) IN GENERAL.—

“(1) CONTRACTS WITH CLINICAL CENTERS OF EXCELLENCE.—The WTC Program Administrator shall, subject to subsection (b)(1)(B), enter into contracts with Clinical Centers of Excellence (as defined in subsection (b)(1)(A))—

“(A) for the provision of monitoring and treatment benefits and initial health evaluation benefits under subtitle B;

“(B) for the provision of outreach activities to individuals eligible for such monitoring and treatment benefits, for initial health evaluation benefits, and for followup to individuals who are enrolled in the monitoring program;

“(C) for the provision of counseling for benefits under subtitle B, with respect to WTC-related health conditions, for individuals eligible for such benefits;

“(D) for the provision of counseling for benefits for WTC-related health conditions that may be available under workers’ compensation or other benefit programs for work-related injuries or illnesses, health insurance, disability insurance, or other insurance plans or through public or private social service agencies and assisting eligible individuals in applying for such benefits;

“(E) for the provision of translational and interpretive services for program participants who are not English language proficient; and

“(F) for the collection and reporting of data in accordance with section 3304.

“(2) CONTRACTS WITH DATA CENTERS.—

“(A) IN GENERAL.—The WTC Program Administrator shall enter into contracts with Data Centers (as defined in subsection (b)(2))—

“(i) for receiving, analyzing, and reporting to the WTC Program Administrator on data, in accordance with section 3304, that have been collected and reported to such Data Centers by the corresponding Clinical Centers of Excellence under subsection (b)(1)(B)(iii);

“(ii) for the development of monitoring, initial health evaluation, and treatment protocols, with respect to WTC-related health conditions;

“(iii) for coordinating the outreach activities conducted under paragraph (1)(B) by each corresponding Clinical Center of Excellence;

“(iv) for establishing criteria for the credentialing of medical providers participating in the nationwide network under section 3313;

“(v) for coordinating and administering the activities of the WTC Health Program Steering Committees established under section 3002(b); and

“(vi) for meeting periodically with the corresponding Clinical Centers of Excellence to obtain input on the analysis and reporting of data collected under clause (i) and on the development of monitoring, initial health evaluation, and treatment protocols under clause (ii).

“(B) MEDICAL PROVIDER SELECTION.—The medical providers under subparagraph (A)(iv) shall be selected by the WTC Program Administrator on the basis of their experience treating or diagnosing the health conditions included in the list of WTC-related health conditions.

“(C) CLINICAL DISCUSSIONS.—In carrying out subparagraph (A)(ii), a Data Center shall engage in clinical discussions across the WTC Program to guide treatment approaches for individuals with a WTC-related health condition.

“(D) TRANSPARENCY OF DATA.—A contract entered into under this subsection with a Data Center shall require the Data Center to make any data collected and reported to such Center under subsection (b)(1)(B)(iii) available to health researchers and others as provided in the CDC/ATSDR Policy on Releasing and Sharing Data.

“(3) AUTHORITY FOR CONTRACTS TO BE CLASS SPECIFIC.—A contract entered into under this subsection with a Clinical Center of Excellence or a Data Center may be with respect to one or more class of enrolled WTC responders, screening-eligible WTC survivors, or certified-eligible WTC survivors.

“(4) USE OF COOPERATIVE AGREEMENTS.—Any contract under this title between the WTC Program Administrator and a Data Center or a Clinical Center of Excellence may be in the form of a cooperative agreement.

“(b) CENTERS OF EXCELLENCE.—

“(1) CLINICAL CENTERS OF EXCELLENCE.—

“(A) DEFINITION.—For purposes of this title, the term ‘Clinical Center of Excellence’ means a Center that demonstrates to the satisfaction of the Administrator that the Center—

“(i) uses an integrated, centralized health care provider approach to create a comprehensive suite of health services under this title that are accessible to enrolled WTC responders, screening-eligible WTC survivors, or certified-eligible WTC survivors;

“(ii) has experience in caring for WTC responders and screening-eligible WTC survivors or includes health care providers who have been trained pursuant to section 3313(c);

“(iii) employs health care provider staff with expertise that includes, at a minimum, occupational medicine, environmental medicine, trauma-related psychiatry and psychology, and social services counseling; and

“(iv) meets such other requirements as specified by the Administrator.

“(B) CONTRACT REQUIREMENTS.—The WTC Program Administrator shall not enter into a contract with a Clinical Center of Excellence under subsection (a)(1) unless the Center agrees to do each of the following:

“(i) Establish a formal mechanism for consulting with and receiving input from representatives of eligible populations receiving monitoring and treatment benefits under subtitle B from such Center.

“(ii) Coordinate monitoring and treatment benefits under subtitle B with routine medical care provided for the treatment of conditions other than WTC-related health conditions.

“(iii) Collect and report to the corresponding Data Center data in accordance with section 3304(b).

“(iv) Have in place safeguards against fraud that are satisfactory to the Administrator, in consultation with the Inspector General of the Department of Health and Human Services.

“(v) Treat or refer for treatment all individuals who are enrolled WTC responders or certified-eligible WTC survivors with respect to such Center who present themselves for treatment of a WTC-related health condition.

“(vi) Have in place safeguards, consistent with section 3304(c), to ensure the confidentiality of an individual’s individually identifiable health information, including requiring that such information not be disclosed to the individual’s employer without the authorization of the individual.

“(vii) Use amounts paid under subsection (c)(1) only for costs incurred in carrying out the activities described in subsection (a), other than those described in subsection (a)(1)(A).

“(viii) Utilize health care providers with occupational and environmental medicine expertise to conduct physical and mental health assessments, in accordance with protocols developed under subsection (a)(2)(A)(ii).

“(ix) Communicate with WTC responders and screening-eligible and certified-eligible WTC survivors in appropriate languages and conduct outreach activities with relevant stakeholder worker or community associations.

“(x) Meet all the other applicable requirements of this title, including regulations implementing such requirements.

“(C) TRANSITION RULE TO ENSURE CONTINUITY OF CARE.—The WTC Program Administrator shall to the maximum extent fea-

sible ensure continuity of care in any period of transition from monitoring and treatment of an enrolled WTC responder or certified-eligible WTC survivor by a provider to a Clinical Center of Excellence or a health care provider participating in the nationwide network under section 3313.

“(2) DATA CENTERS.—For purposes of this title, the term ‘Data Center’ means a Center that the WTC Program Administrator determines has the capacity to carry out the responsibilities for a Data Center under subsection (a)(2).

“(3) CORRESPONDING CENTERS.—For purposes of this title, a Clinical Center of Excellence and a Data Center shall be treated as ‘corresponding’ to the extent that such Clinical Center and Data Center serve the same population group.

“(c) PAYMENT FOR INFRASTRUCTURE COSTS.—

“(1) IN GENERAL.—The WTC Program Administrator shall reimburse a Clinical Center of Excellence for the fixed infrastructure costs of such Center in carrying out the activities described in subtitle B at a rate negotiated by the Administrator and such Centers. Such negotiated rate shall be fair and appropriate and take into account the number of enrolled WTC responders receiving services from such Center under this title.

“(2) FIXED INFRASTRUCTURE COSTS.—For purposes of paragraph (1), the term ‘fixed infrastructure costs’ means, with respect to a Clinical Center of Excellence, the costs incurred by such Center that are not reimbursable by the WTC Program Administrator under section 3312(c).

“SEC. 3306. DEFINITIONS.

“In this title:

“(1) The term ‘aggravating’ means, with respect to a health condition, a health condition that existed on September 11, 2001, and that, as a result of exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the September 11, 2001, terrorist attacks, requires medical treatment that is (or will be) in addition to, more frequent than, or of longer duration than the medical treatment that would have been required for such condition in the absence of such exposure.

“(2) The term ‘certified-eligible WTC survivor’ has the meaning given such term in section 3321(a)(2).

“(3) The terms ‘Clinical Center of Excellence’ and ‘Data Center’ have the meanings given such terms in section 3305.

“(4) The term ‘enrolled WTC responder’ means a WTC responder enrolled under section 3311(a)(3).

“(5) The term ‘initial health evaluation’ includes, with respect to an individual, a medical and exposure history, a physical examination, and additional medical testing as needed to evaluate whether the individual has a WTC-related health condition and is eligible for treatment under the WTC Program.

“(6) The term ‘list of WTC-related health conditions’ means—

“(A) for WTC responders, the health conditions listed in section 3312(a)(3); and

“(B) for screening-eligible and certified-eligible WTC survivors, the health conditions listed in section 3322(b).

“(7) The term ‘New York City disaster area’ means the area within New York City that is—

“(A) the area of Manhattan that is south of Houston Street; and

“(B) any block in Brooklyn that is wholly or partially contained within a 1.5-mile radius of the former World Trade Center site.

“(8) The term ‘New York metropolitan area’ means an area, specified by the WTC Program Administrator, within which WTC responders and eligible WTC screening-eligible survivors who reside in such area are reasonably able to access monitoring and treatment benefits and initial health evaluation benefits under this title through a Clinical Center of Excellence described in subparagraphs (A), (B), or (C) of section 3305(b)(1).

“(9) The term ‘screening-eligible WTC survivor’ has the meaning given such term in section 3321(a)(1).

“(10) Any reference to ‘September 11, 2001’ shall be deemed a reference to the period on such date subsequent to the terrorist attacks at the World Trade Center, Shanksville, Pennsylvania, or the Pentagon, as applicable, on such date.

“(11) The term ‘September 11, 2001, terrorist attacks’ means the terrorist attacks that occurred on September 11, 2001, in New York City, in Shanksville, Pennsylvania, and at the Pentagon, and includes the aftermath of such attacks.

“(12) The term ‘WTC Health Program Steering Committee’ means such a Steering Committee established under section 3302(b).

“(13) The term ‘WTC Program’ means the World Trade Center Health Program established under section 3301(a).

“(14) The term ‘WTC Program Administrator’ means—

“(A) with respect to paragraphs (3) and (4) of section 3311(a) (relating to enrollment of WTC responders), section 3312(c) and the corresponding provisions of section 3322 (relating to payment for initial health evaluation, monitoring, and treatment), paragraphs (1)(C), (2)(B), and (3) of section 3321(a) (relating to determination or certification of screening-eligible or certified-eligible WTC responders), and part 3 of subtitle B (relating to payor provisions), an official in the Department of Health and Human Services, to be designated by the Secretary; and

“(B) with respect to any other provision of this title, the Director of the National Institute for Occupational Safety and Health, or a designee of such Director.

“(15) The term ‘WTC-related health condition’ is defined in section 3312(a).

“(16) The term ‘WTC responder’ is defined in section 3311(a).

“(17) The term ‘WTC Scientific/Technical Advisory Committee’ means such Committee established under section 3302(a).

“Subtitle B—Program of Monitoring, Initial Health Evaluations, and Treatment

“PART 1—WTC RESPONDERS

“SEC. 3311. IDENTIFICATION OF WTC RESPONDERS AND PROVISION OF WTC-RELATED MONITORING SERVICES.

“(a) WTC RESPONDER DEFINED.—

“(1) IN GENERAL.—For purposes of this title, the term ‘WTC responder’ means any of the following individuals, subject to paragraph (4):

“(A) CURRENTLY IDENTIFIED RESPONDER.—An individual who has been identified as eligible for monitoring under the arrangements as in effect on the date of the enactment of this title between the National Institute for Occupational Safety and Health and—

“(i) the consortium coordinated by Mt. Sinai Hospital in New York City that coordinates the monitoring and treatment for enrolled WTC responders other than with respect to those covered under the arrangement with the Fire Department of New York City; or

“(ii) the Fire Department of New York City.

“(B) RESPONDER WHO MEETS CURRENT ELIGIBILITY CRITERIA.—An individual who meets the current eligibility criteria described in paragraph (2).

“(C) RESPONDER WHO MEETS MODIFIED ELIGIBILITY CRITERIA.—An individual who—

“(i) performed rescue, recovery, demolition, debris cleanup, or other related services in the New York City disaster area in response to the September 11, 2001, terrorist attacks, regardless of whether such services were performed by a State or Federal employee or member of the National Guard or otherwise; and

“(ii) meets such eligibility criteria relating to exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks as the WTC Program Administrator, after consultation with the WTC Scientific/Technical Advisory Committee, determines appropriate.

The WTC Program Administrator shall not modify such eligibility criteria on or after the date that the number of enrollments of WTC responders has reached 80 percent of the limit described in paragraph (4) or on or after the date that the number of certifications for certified-eligible WTC survivors under section 3321(a)(2)(B) has reached 80 percent of the limit described in section 3321(a)(3).

“(2) CURRENT ELIGIBILITY CRITERIA.—The eligibility criteria described in this paragraph for an individual is that the individual is described in any of the following categories:

“(A) FIREFIGHTERS AND RELATED PERSONNEL.—The individual—

“(i) was a member of the Fire Department of New York City (whether fire or emergency personnel, active or retired) who participated at least one day in the rescue and recovery effort at any of the former World Trade Center sites (including Ground Zero, Staten Island Landfill, and the New York City Chief Medical Examiner’s Office) for any time during the period beginning on September 11, 2001, and ending on July 31, 2002; or

“(ii)(I) is a surviving immediate family member of an individual who was a member of the Fire Department of New York City (whether fire or emergency personnel, active or retired) and was killed at the World Trade site on September 11, 2001; and

“(II) received any treatment for a WTC-related health condition described in section 3312(a)(1)(A)(ii) (relating to mental health conditions) on or before September 1, 2008.

“(B) LAW ENFORCEMENT OFFICERS AND WTC RESCUE, RECOVERY, AND CLEANUP WORKERS.—The individual—

“(i) worked or volunteered onsite in rescue, recovery, debris cleanup, or related support services in lower Manhattan (south of Canal St.), the Staten Island Landfill, or the barge loading piers, for at least 4 hours during the period beginning on September 11, 2001, and ending on September 14, 2001, for at least 24 hours during the period beginning on September 11, 2001, and ending on September 30, 2001, or for at least 80 hours during the period beginning on September 11, 2001, and ending on July 31, 2002;

“(ii)(I) was a member of the Police Department of New York City (whether active or retired) or a member of the Port Authority Police of the Port Authority of New York and New Jersey (whether active or retired) who participated onsite in rescue, recovery, debris cleanup, or related services in lower Manhattan (south of Canal St.), including Ground Zero, the Staten Island Landfill, or

the barge loading piers, for at least 4 hours during the period beginning September 11, 2001, and ending on September 14, 2001;

“(II) participated onsite in rescue, recovery, debris cleanup, or related services in at Ground Zero, the Staten Island Landfill, or the barge loading piers, for at least one day during the period beginning on September 11, 2001, and ending on July 31, 2002;

“(III) participated onsite in rescue, recovery, debris cleanup, or related services in lower Manhattan (south of Canal St.) for at least 24 hours during the period beginning on September 11, 2001, and ending on September 30, 2001; or

“(IV) participated onsite in rescue, recovery, debris cleanup, or related services in lower Manhattan (south of Canal St.) for at least 80 hours during the period beginning on September 11, 2001, and ending on July 31, 2002;

“(iii) was an employee of the Office of the Chief Medical Examiner of New York City involved in the examination and handling of human remains from the World Trade Center attacks, or other morgue worker who performed similar post-September 11 functions for such Office staff, during the period beginning on September 11, 2001, and ending on July 31, 2002;

“(iv) was a worker in the Port Authority Trans-Hudson Corporation Tunnel for at least 24 hours during the period beginning on February 1, 2002, and ending on July 1, 2002; or

“(v) was a vehicle-maintenance worker who was exposed to debris from the former World Trade Center while retrieving, driving, cleaning, repairing, and maintaining vehicles contaminated by airborne toxins from the September 11, 2001, terrorist attacks during a duration and period described in subparagraph (A).

“(C) RESPONDERS TO THE SEPTEMBER 11 ATTACKS AT THE PENTAGON AND SHANKSVILLE, PENNSYLVANIA.—The individual—

“(i)(I) was a member of a fire or police department (whether fire or emergency personnel, active or retired), worked for a recovery or cleanup contractor, or was a volunteer; and performed rescue, recovery, demolition, debris cleanup, or other related services at the Pentagon site of the terrorist-related aircraft crash of September 11, 2001, during the period beginning on September 11, 2001, and ending on the date on which the cleanup of the site was concluded, as determined by the WTC Program Administrator; or

“(II) was a member of a fire or police department (whether fire or emergency personnel, active or retired), worked for a recovery or cleanup contractor, or was a volunteer; and performed rescue, recovery, demolition, debris cleanup, or other related services at the Shanksville, Pennsylvania, site of the terrorist-related aircraft crash of September 11, 2001, during the period beginning on September 11, 2001, and ending on the date on which the cleanup of the site was concluded, as determined by the WTC Program Administrator; and

“(ii) is determined by the WTC Program Administrator to be at an increased risk of developing a WTC-related health condition as a result of exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks, and meets such eligibility criteria related to such exposures, as the WTC Program Administrator determines are appropriate, after consultation with the WTC Scientific/Technical Advisory Committee.

“(3) ENROLLMENT PROCESS.—

“(A) IN GENERAL.—The WTC Program Administrator shall establish a process for enrolling WTC responders in the WTC Program. Under such process—

“(i) WTC responders described in paragraph (1)(A) shall be deemed to be enrolled in such Program;

“(ii) subject to clause (iii), the Administrator shall enroll in such program individuals who are determined to be WTC responders;

“(iii) the Administrator shall deny such enrollment to an individual if the Administrator determines that the numerical limitation in paragraph (4) on enrollment of WTC responders has been met;

“(iv) there shall be no fee charged to the applicant for making an application for such enrollment;

“(v) the Administrator shall make a determination on such an application not later than 60 days after the date of filing the application; and

“(vi) an individual who is denied enrollment in such Program shall have an opportunity to appeal such determination in a manner established under such process.

“(B) TIMING.—

“(i) CURRENTLY IDENTIFIED RESPONDERS.—In accordance with subparagraph (A)(i), the WTC Program Administrator shall enroll an individual described in paragraph (1)(A) in the WTC Program not later than July 1, 2011.

“(ii) OTHER RESPONDERS.—In accordance with subparagraph (A)(ii) and consistent with paragraph (4), the WTC Program Administrator shall enroll any other individual who is determined to be a WTC responder in the WTC Program at the time of such determination.

“(4) NUMERICAL LIMITATION ON ELIGIBLE WTC RESPONDERS.—

“(A) IN GENERAL.—The total number of individuals not described in paragraph (1)(A) or (2)(A)(ii) who may be enrolled under paragraph (3)(A)(ii) shall not exceed 25,000 at any time, of which no more than 2,500 may be individuals enrolled based on modified eligibility criteria established under paragraph (1)(C).

“(B) PROCESS.—In implementing subparagraph (A), the WTC Program Administrator shall—

“(i) limit the number of enrollments made under paragraph (3)—

“(I) in accordance with such subparagraph; and

“(II) to such number, as determined by the Administrator based on the best available information and subject to amounts available under section 3351, that will ensure sufficient funds will be available to provide treatment and monitoring benefits under this title, with respect to all individuals who are enrolled through the end of fiscal year 2020; and

“(ii) provide priority (subject to paragraph (3)(A)(i)) in such enrollments in the order in which individuals apply for enrollment under paragraph (3).

“(5) DISQUALIFICATION OF INDIVIDUALS ON TERRORIST WATCH LIST.—No individual who is on the terrorist watch list maintained by the Department of Homeland Security shall qualify as an eligible WTC responder. Before enrolling any individual as a WTC responder in the WTC Program under paragraph (3), the Administrator, in consultation with the Secretary of Homeland Security, shall determine whether the individual is on such list.

“(b) MONITORING BENEFITS.—

“(1) IN GENERAL.—In the case of an enrolled WTC responder (other than one described in subsection (a)(2)(A)(ii)), the WTC Program shall provide for monitoring benefits that in-

clude monitoring consistent with protocols approved by the WTC Program Administrator and including clinical examinations and long-term health monitoring and analysis. In the case of an enrolled WTC responder who is an active member of the Fire Department of New York City, the responder shall receive such benefits as part of the individual's periodic company medical exams.

“(2) PROVISION OF MONITORING BENEFITS.—The monitoring benefits under paragraph (1) shall be provided through the Clinical Center of Excellence for the type of individual involved or, in the case of an individual residing outside the New York metropolitan area, under an arrangement under section 3313.

“SEC. 3312. TREATMENT OF ENROLLED WTC RESPONDERS FOR WTC-RELATED HEALTH CONDITIONS.

“(a) WTC-RELATED HEALTH CONDITION DEFINED.—

“(1) IN GENERAL.—For purposes of this title, the term ‘WTC-related health condition’ means a condition that—

“(A)(i) is an illness or health condition for which exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the September 11, 2001, terrorist attacks, based on an examination by a medical professional with experience in treating or diagnosing the health conditions included in the applicable list of WTC-related health conditions, is substantially likely to be a significant factor in aggravating, contributing to, or causing the illness or health condition, as determined under paragraph (2); or

“(ii) is a mental health condition for which such attacks, based on an examination by a medical professional with experience in treating or diagnosing the health conditions included in the applicable list of WTC-related health conditions, is substantially likely to be a significant factor in aggravating, contributing to, or causing the condition, as determined under paragraph (2); and

“(B) is included in the applicable list of WTC-related health conditions or—

“(i) with respect to a WTC responder, is provided certification of coverage under subsection (b)(2)(B)(iii); or

“(ii) with respect to a screening-eligible WTC survivor or certified-eligible WTC survivor, is provided certification of coverage under subsection (b)(2)(B)(iii), as applied under section 3322(a).

In the case of a WTC responder described in section 3311(a)(2)(A)(ii) (relating to a surviving immediate family member of a firefighter), such term does not include an illness or health condition described in subparagraph (A)(i).

“(2) DETERMINATION.—The determination under paragraph (1) or subsection (b) of whether the September 11, 2001, terrorist attacks were substantially likely to be a significant factor in aggravating, contributing to, or causing an individual's illness or health condition shall be made based on an assessment of the following:

“(A) The individual's exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the terrorist attacks. Such exposure shall be—

“(i) evaluated and characterized through the use of a standardized, population-appropriate questionnaire approved by the Director of the National Institute for Occupational Safety and Health; and

“(ii) assessed and documented by a medical professional with experience in treating or diagnosing health conditions included on the list of WTC-related health conditions.

“(B) The type of symptoms and temporal sequence of symptoms. Such symptoms shall be—

“(i) assessed through the use of a standardized, population-appropriate medical questionnaire approved by the Director of the National Institute for Occupational Safety and Health and a medical examination; and

“(ii) diagnosed and documented by a medical professional described in subparagraph (A)(ii).

“(3) LIST OF HEALTH CONDITIONS FOR WTC RESPONDERS.—The list of health conditions for WTC responders consists of the following:

“(A) AERODIGESTIVE DISORDERS.—

“(i) Interstitial lung diseases.

“(ii) Chronic respiratory disorder—fumes/vapors.

“(iii) Asthma.

“(iv) Reactive airways dysfunction syndrome (RADS).

“(v) WTC-exacerbated chronic obstructive pulmonary disease (COPD).

“(vi) Chronic cough syndrome.

“(vii) Upper airway hyperreactivity.

“(viii) Chronic rhinosinusitis.

“(ix) Chronic nasopharyngitis.

“(x) Chronic laryngitis.

“(xi) Gastroesophageal reflux disorder (GERD).

“(xii) Sleep apnea exacerbated by or related to a condition described in a previous clause.

“(B) MENTAL HEALTH CONDITIONS.—

“(i) Posttraumatic stress disorder (PTSD).

“(ii) Major depressive disorder.

“(iii) Panic disorder.

“(iv) Generalized anxiety disorder.

“(v) Anxiety disorder (not otherwise specified).

“(vi) Depression (not otherwise specified).

“(vii) Acute stress disorder.

“(viii) Dysrhythmic disorder.

“(ix) Adjustment disorder.

“(x) Substance abuse.

“(C) MUSCULOSKELETAL DISORDERS FOR CERTAIN WTC RESPONDERS.—In the case of a WTC responder described in paragraph (4), a condition described in such paragraph.

“(D) ADDITIONAL CONDITIONS.—Any cancer (or type of cancer) or other condition added, pursuant to paragraph (5) or (6), to the list under this paragraph.

“(4) MUSCULOSKELETAL DISORDERS.—

“(A) IN GENERAL.—For purposes of this title, in the case of a WTC responder who received any treatment for a WTC-related musculoskeletal disorder on or before September 11, 2003, the list of health conditions in paragraph (3) shall include:

“(i) Low back pain.

“(ii) Carpal tunnel syndrome (CTS).

“(iii) Other musculoskeletal disorders.

“(B) DEFINITION.—The term ‘WTC-related musculoskeletal disorder’ means a chronic or recurrent disorder of the musculoskeletal system caused by heavy lifting or repetitive strain on the joints or musculoskeletal system occurring during rescue or recovery efforts in the New York City disaster area in the aftermath of the September 11, 2001, terrorist attacks.

“(5) CANCER.—

“(A) IN GENERAL.—The WTC Program Administrator shall periodically conduct a review of all available scientific and medical evidence, including findings and recommendations of Clinical Centers of Excellence, published in peer-reviewed journals to determine if, based on such evidence, cancer or a certain type of cancer should be added to the applicable list of WTC-related health conditions. The WTC Program Administrator

shall conduct the first review under this subparagraph not later than 180 days after the date of the enactment of this title.

“(B) PROPOSED REGULATIONS AND RULE-MAKING.—Based on the periodic reviews under subparagraph (A), if the WTC Program Administrator determines that cancer or a certain type of cancer should be added to such list of WTC-related health conditions, the WTC Program Administrator shall propose regulations, through rulemaking, to add cancer or the certain type of cancer to such list.

“(C) FINAL REGULATIONS.—Based on all the available evidence in the rulemaking record, the WTC Program Administrator shall make a final determination of whether cancer or a certain type of cancer should be added to such list of WTC-related health conditions. If such a determination is made to make such an addition, the WTC Program Administrator shall by regulation add cancer or the certain type of cancer to such list.

“(D) DETERMINATIONS NOT TO ADD CANCER OR CERTAIN TYPES OF CANCER.—In the case that the WTC Program Administrator determines under subparagraph (B) or (C) that cancer or a certain type of cancer should not be added to such list of WTC-related health conditions, the WTC Program Administrator shall publish an explanation for such determination in the Federal Register. Any such determination to not make such an addition shall not preclude the addition of cancer or the certain type of cancer to such list at a later date.

“(6) ADDITION OF HEALTH CONDITIONS TO LIST FOR WTC RESPONDERS.—

“(A) IN GENERAL.—Whenever the WTC Program Administrator determines that a proposed rule should be promulgated to add a health condition to the list of health conditions in paragraph (3), the Administrator may request a recommendation of the Advisory Committee or may publish such a proposed rule in the Federal Register in accordance with subparagraph (D).

“(B) ADMINISTRATOR'S OPTIONS AFTER RECEIPT OF PETITION.—In the case that the WTC Program Administrator receives a written petition by an interested party to add a health condition to the list of health conditions in paragraph (3), not later than 60 days after the date of receipt of such petition the Administrator shall—

“(i) request a recommendation of the Advisory Committee;

“(ii) publish a proposed rule in the Federal Register to add such health condition, in accordance with subparagraph (D);

“(iii) publish in the Federal Register the Administrator's determination not to publish such a proposed rule and the basis for such determination; or

“(iv) publish in the Federal Register a determination that insufficient evidence exists to take action under clauses (i) through (iii).

“(C) ACTION BY ADVISORY COMMITTEE.—In the case that the Administrator requests a recommendation of the Advisory Committee under this paragraph, with respect to adding a health condition to the list in paragraph (3), the Advisory Committee shall submit to the Administrator such recommendation not later than 60 days after the date of such request or by such date (not to exceed 180 days after such date of request) as specified by the Administrator. Not later than 60 days after the date of receipt of such recommendation, the Administrator shall, in accordance with subparagraph (D), publish in the Federal Register a proposed rule with respect to such recommendation or a determination not to propose such a proposed rule and the basis for such determination.

“(D) PUBLICATION.—The WTC Program Administrator shall, with respect to any proposed rule under this paragraph—

“(i) publish such proposed rule in accordance with section 553 of title 5, United States Code; and

“(ii) provide interested parties a period of 30 days after such publication to submit written comments on the proposed rule.

The WTC Program Administrator may extend the period described in clause (ii) upon a finding of good cause. In the case of such an extension, the Administrator shall publish such extension in the Federal Register.

“(E) INTERESTED PARTY DEFINED.—For purposes of this paragraph, the term ‘interested party’ includes a representative of any organization representing WTC responders, a nationally recognized medical association, a Clinical or Data Center, a State or political subdivision, or any other interested person.

“(b) COVERAGE OF TREATMENT FOR WTC-RELATED HEALTH CONDITIONS.—

“(1) DETERMINATION FOR ENROLLED WTC RESPONDERS BASED ON A WTC-RELATED HEALTH CONDITION.—

“(A) IN GENERAL.—If a physician at a Clinical Center of Excellence that is providing monitoring benefits under section 331 for an enrolled WTC responder makes a determination that the responder has a WTC-related health condition that is in the list in subsection (a)(3) and that exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 1, 2001, terrorist attacks is substantially likely to be a significant factor in aggravating, contributing to, or causing the condition—

“(i) the physician shall promptly transmit such determination to the WTC Program Administrator and provide the Administrator with the medical facts supporting such determination; and

“(ii) on and after the date of such transmittal and subject to subparagraph (B), the WTC Program shall provide for payment under subsection (c) for medically necessary treatment for such condition.

“(B) REVIEW; CERTIFICATION; APPEALS.—

“(i) REVIEW.—A Federal employee designated by the WTC Program Administrator shall review determinations made under subparagraph (A).

“(ii) CERTIFICATION.—The Administrator shall provide a certification of such condition based upon reviews conducted under clause (i). Such a certification shall be provided unless the Administrator determines that the responder's condition is not a WTC-related health condition in the list in subsection (a)(3) or that exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 1, 2001, terrorist attacks is not substantially likely to be a significant factor in aggravating, contributing to, or causing the condition.

“(iii) APPEAL PROCESS.—The Administrator shall establish, by rule, a process for the appeal of determinations under clause (ii).

“(2) DETERMINATION BASED ON MEDICALLY ASSOCIATED WTC-RELATED HEALTH CONDITIONS.—

“(A) IN GENERAL.—If a physician at a Clinical Center of Excellence determines pursuant to subsection (a) that the enrolled WTC responder has a health condition described in subsection (a)(1)(A) that is not in the list in subsection (a)(3) but which is medically associated with a WTC-related health condition—

“(i) the physician shall promptly transmit such determination to the WTC Program Administrator and provide the Administrator with the facts supporting such determination; and

“(ii) the Administrator shall make a determination under subparagraph (B) with respect to such physician's determination.

“(B) PROCEDURES FOR REVIEW, CERTIFICATION, AND APPEAL.—The WTC Program Administrator shall, by rule, establish procedures for the review and certification of physician determinations under subparagraph (A). Such rule shall provide for—

“(i) the timely review of such a determination by a physician panel with appropriate expertise for the condition and recommendations to the WTC Program Administrator;

“(ii) not later than 60 days after the date of the transmittal under subparagraph (A)(i), a determination by the WTC Program Administrator on whether or not the condition involved is described in subsection (a)(1)(A) and is medically associated with a WTC-related health condition;

“(iii) certification in accordance with paragraph (1)(B)(ii) of coverage of such condition if determined to be described in subsection (a)(1)(A) and medically associated with a WTC-related health condition; and

“(iv) a process for appeals of determinations relating to such conditions.

“(C) INCLUSION IN LIST OF HEALTH CONDITIONS.—If the WTC Program Administrator provides certification under subparagraph (B)(iii) for coverage of a condition, the Administrator may, pursuant to subsection (a)(6), add the condition to the list in subsection (a)(3).

“(D) CONDITIONS ALREADY DECLINED FOR INCLUSION IN LIST.—If the WTC Program Administrator publishes a determination under subsection (a)(6)(B) not to include a condition in the list in subsection (a)(3), the WTC Program Administrator shall not provide certification under subparagraph (B)(iii) for coverage of the condition. In the case of an individual who is certified under subparagraph (B)(iii) with respect to such condition before the date of the publication of such determination the previous sentence shall not apply.

“(3) REQUIREMENT OF MEDICAL NECESSITY.—

“(A) IN GENERAL.—In providing treatment for a WTC-related health condition, a physician or other provider shall provide treatment that is medically necessary and in accordance with medical treatment protocols established under subsection (d).

“(B) REGULATIONS RELATING TO MEDICAL NECESSITY.—For the purpose of this title, the WTC Program Administrator shall issue regulations specifying a standard for determining medical necessity with respect to health care services and prescription pharmaceuticals, a process for determining whether treatment furnished and pharmaceuticals prescribed under this title meet such standard (including any prior authorization requirement), and a process for appeal of a determination under subsection (c)(3).

“(4) SCOPE OF TREATMENT COVERED.—

“(A) IN GENERAL.—The scope of treatment covered under this subsection includes services of physicians and other health care providers, diagnostic and laboratory tests, prescription drugs, inpatient and outpatient hospital services, and other medically necessary treatment.

“(B) PHARMACEUTICAL COVERAGE.—With respect to ensuring coverage of medically necessary outpatient prescription drugs, such drugs shall be provided, under arrangements made by the WTC Program Administrator, directly through participating Clinical Centers of Excellence or through one or more outside vendors.

“(C) TRANSPORTATION EXPENSES FOR NATIONWIDE NETWORK.—The WTC Program Administrator may provide for necessary and reasonable transportation and expenses incident to the securing of medically necessary treatment through the nationwide network under section 3313 involving travel of more than 250 miles and for which payment is made under this section in the same manner in which individuals may be furnished necessary and reasonable transportation and expenses incident to services involving travel of more than 250 miles under regulations implementing section 3629(c) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of Public Law 106–398; 42 U.S.C. 7384t(c)).

“(5) PROVISION OF TREATMENT PENDING CERTIFICATION.—With respect to an enrolled WTC responder for whom a determination is made by an examining physician under paragraph (1) or (2), but for whom the WTC Program Administrator has not yet determined whether to certify the determination, the WTC Program Administrator may establish by rule a process through which the Administrator may approve the provision of medical treatment under this subsection (and payment under subsection (c)) with respect to such responder and such responder’s WTC-related health condition (under such terms and conditions as the Administrator may provide) until the Administrator makes a decision on whether to certify the determination.

“(c) PAYMENT FOR INITIAL HEALTH EVALUATION, MONITORING, AND TREATMENT OF WTC-RELATED HEALTH CONDITIONS.—

“(1) MEDICAL TREATMENT.—

“(A) USE OF FECA PAYMENT RATES.—Subject to subparagraphs (B) and (C), the WTC Program Administrator shall reimburse costs for medically necessary treatment under this title for WTC-related health conditions according to the payment rates that would apply to the provision of such treatment and services by the facility under the Federal Employees Compensation Act. For treatment not covered under the previous sentence or subparagraph (B), the WTC Program Administrator shall establish by regulation a reimbursement rate for such treatment.

“(B) PHARMACEUTICALS.—

“(i) IN GENERAL.—The WTC Program Administrator shall establish a program for paying for the medically necessary outpatient prescription pharmaceuticals prescribed under this title for WTC-related health conditions through one or more contracts with outside vendors.

“(ii) COMPETITIVE BIDDING.—Under such program the Administrator shall—

“(I) select one or more appropriate vendors through a Federal competitive bid process; and

“(II) select the lowest bidder (or bidders) meeting the requirements for providing pharmaceutical benefits for participants in the WTC Program.

“(iii) TREATMENT OF FDNY PARTICIPANTS.—Under such program the Administrator may enter into an agreement with a separate vendor to provide pharmaceutical benefits to enrolled WTC responders for whom the Clinical Center of Excellence is described in section 3305 if such an arrangement is deemed necessary and beneficial to the program by the WTC Program Administrator.

“(C) IMPROVING QUALITY AND EFFICIENCY THROUGH MODIFICATION OF PAYMENT AMOUNTS AND METHODOLOGIES.—The WTC Program Administrator may modify the amounts and methodologies for making payments for initial health evaluations, monitoring, or treat-

ment, if, taking into account utilization and quality data furnished by the Clinical Centers of Excellence under section 3305(b)(1)(B)(iii), the Administrator determines that a bundling, capitation, pay for performance, or other payment methodology would better ensure high quality and efficient delivery of initial health evaluations, monitoring, or treatment to an enrolled WTC responder, screening-eligible WTC survivor, or certified-eligible WTC survivor.

“(2) MONITORING AND INITIAL HEALTH EVALUATION.—The WTC Program Administrator shall reimburse the costs of monitoring and the costs of an initial health evaluation provided under this title at a rate set by the Administrator by regulation.

“(3) DETERMINATION OF MEDICAL NECESSITY.—

“(A) REVIEW OF MEDICAL NECESSITY AND PROTOCOLS.—As part of the process for reimbursement or payment under this subsection, the WTC Program Administrator shall provide for the review of claims for reimbursement or payment for the provision of medical treatment to determine if such treatment is medically necessary and in accordance with medical treatment protocols established under subsection (d).

“(B) WITHHOLDING OF PAYMENT FOR MEDICALLY UNNECESSARY TREATMENT.—The Administrator shall withhold such reimbursement or payment for treatment that the Administrator determines is not medically necessary or is not in accordance with such medical treatment protocols.

“(d) MEDICAL TREATMENT PROTOCOLS.—

“(1) DEVELOPMENT.—The Data Centers shall develop medical treatment protocols for the treatment of enrolled WTC responders and certified-eligible WTC survivors for health conditions included in the applicable list of WTC-related health conditions.

“(2) APPROVAL.—The medical treatment protocols developed under paragraph (1) shall be subject to approval by the WTC Program Administrator.

“SEC. 3313. NATIONAL ARRANGEMENT FOR BENEFITS FOR ELIGIBLE INDIVIDUALS OUTSIDE NEW YORK.

“(a) IN GENERAL.—In order to ensure reasonable access to benefits under this subtitle for individuals who are enrolled WTC responders, screening-eligible WTC survivors, or certified-eligible WTC survivors and who reside in any State, as defined in section 2(f), outside the New York metropolitan area, the WTC Program Administrator shall establish a nationwide network of health care providers to provide monitoring and treatment benefits and initial health evaluations near such individuals’ areas of residence in such States. Nothing in this subsection shall be construed as preventing such individuals from being provided such monitoring and treatment benefits or initial health evaluation through any Clinical Center of Excellence.

“(b) NETWORK REQUIREMENTS.—Any health care provider participating in the network under subsection (a) shall—

“(1) meet criteria for credentialing established by the Data Centers;

“(2) follow the monitoring, initial health evaluation, and treatment protocols developed under section 3305(a)(2)(A)(ii);

“(3) collect and report data in accordance with section 3304; and

“(4) meet such fraud, quality assurance, and other requirements as the WTC Program Administrator establishes, including sections 1128 through 1128E of the Social Security Act, as applied by section 3301(d).

“(c) TRAINING AND TECHNICAL ASSISTANCE.—The WTC Program Administrator may

provide, including through contract, for the provision of training and technical assistance to health care providers participating in the network under subsection (a).

“PART 2—WTC SURVIVORS

“SEC. 3321. IDENTIFICATION AND INITIAL HEALTH EVALUATION OF SCREENING-ELIGIBLE AND CERTIFIED-ELIGIBLE WTC SURVIVORS.

“(a) IDENTIFICATION OF SCREENING-ELIGIBLE WTC SURVIVORS AND CERTIFIED-ELIGIBLE WTC SURVIVORS.—

“(1) SCREENING-ELIGIBLE WTC SURVIVORS.—

“(A) DEFINITION.—In this title, the term ‘screening-eligible WTC survivor’ means, subject to subparagraph (C) and paragraph (3), an individual who is described in any of the following clauses:

“(i) CURRENTLY IDENTIFIED SURVIVOR.—An individual, including a WTC responder, who has been identified as eligible for medical treatment and monitoring by the WTC Environmental Health Center as of the date of enactment of this title.

“(ii) SURVIVOR WHO MEETS CURRENT ELIGIBILITY CRITERIA.—An individual who is not a WTC responder, for purposes of the initial health evaluation under subsection (b), claims symptoms of a WTC-related health condition and meets any of the current eligibility criteria described in subparagraph (B).

“(iii) SURVIVOR WHO MEETS MODIFIED ELIGIBILITY CRITERIA.—An individual who is not a WTC responder, for purposes of the initial health evaluation under subsection (b), claims symptoms of a WTC-related health condition and meets such eligibility criteria relating to exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks as the WTC Administrator determines, after consultation with the Data Centers described in section 3305 and the WTC Scientific/Technical Advisory Committee and WTC Health Program Steering Committees under section 3302.

The Administrator shall not modify such criteria under clause (iii) on or after the date that the number of certifications for certified-eligible WTC survivors under paragraph (2)(B) has reached 80 percent of the limit described in paragraph (3) or on or after the date that the number of enrollments of WTC responders has reached 80 percent of the limit described in section 3311(a)(4).

“(B) CURRENT ELIGIBILITY CRITERIA.—The eligibility criteria described in this subparagraph for an individual are that the individual is described in any of the following clauses:

“(i) A person who was present in the New York City disaster area in the dust or dust cloud on September 11, 2001.

“(ii) A person who worked, resided, or attended school, childcare, or adult daycare in the New York City disaster area for—

“(I) at least 4 days during the 4-month period beginning on September 11, 2001, and ending on January 10, 2002; or

“(II) at least 30 days during the period beginning on September 11, 2001, and ending on July 31, 2002.

“(iii) Any person who worked as a cleanup worker or performed maintenance work in the New York City disaster area during the 4-month period described in subparagraph (B)(i) and had extensive exposure to WTC dust as a result of such work.

“(iv) A person who was deemed eligible to receive a grant from the Lower Manhattan Development Corporation Residential Grant Program, who possessed a lease for a residence or purchased a residence in the New

York City disaster area, and who resided in such residence during the period beginning on September 11, 2001, and ending on May 31, 2003.

“(v) A person whose place of employment—
“(I) at any time during the period beginning on September 11, 2001, and ending on May 31, 2003, was in the New York City disaster area; and

“(II) was deemed eligible to receive a grant from the Lower Manhattan Development Corporation WTC Small Firms Attraction and Retention Act program or other government incentive program designed to revitalize the lower Manhattan economy after the September 11, 2001, terrorist attacks.

“(C) APPLICATION AND DETERMINATION PROCESS FOR SCREENING ELIGIBILITY.—

“(i) IN GENERAL.—The WTC Program Administrator in consultation with the Data Centers shall establish a process for individuals, other than individuals described in subparagraph (A)(i), to be determined to be screening-eligible WTC survivors. Under such process—

“(I) there shall be no fee charged to the applicant for making an application for such determination;

“(II) the Administrator shall make a determination on such an application not later than 60 days after the date of filing the application;

“(III) the Administrator shall make such a determination relating to an applicant's compliance with this title and shall not determine that an individual is not so eligible or deny written documentation under clause (ii) to such individual unless the Administrator determines that—

“(aa) based on the application submitted, the individual does not meet the eligibility criteria; or

“(bb) the numerical limitation on certifications of certified-eligible WTC survivors set forth in paragraph (3) has been met; and

“(IV) an individual who is determined not to be a screening-eligible WTC survivor shall have an opportunity to appeal such determination in a manner established under such process.

“(ii) WRITTEN DOCUMENTATION OF SCREENING-ELIGIBILITY.—

“(I) IN GENERAL.—In the case of an individual who is described in subparagraph (A)(i) or who is determined under clause (i) (consistent with paragraph (3)) to be a screening-eligible WTC survivor, the WTC Program Administrator shall provide an appropriate written documentation of such fact.

“(II) TIMING.—

“(aa) CURRENTLY IDENTIFIED SURVIVORS.—In the case of an individual who is described in subparagraph (A)(i), the WTC Program Administrator shall provide the written documentation under subclause (I) not later than July 1, 2011.

“(bb) OTHER MEMBERS.—In the case of another individual who is determined under clause (i) and consistent with paragraph (3) to be a screening-eligible WTC survivor, the WTC Program Administrator shall provide the written documentation under subclause (I) at the time of such determination.

“(2) CERTIFIED-ELIGIBLE WTC SURVIVORS.—

“(A) DEFINITION.—The term ‘certified-eligible WTC survivor’ means, subject to paragraph (3), a screening-eligible WTC survivor who the WTC Program Administrator certifies under subparagraph (B) to be eligible for followup monitoring and treatment under this part.

“(B) CERTIFICATION OF ELIGIBILITY FOR MONITORING AND TREATMENT.—

“(i) IN GENERAL.—The WTC Program Administrator shall establish a certification process under which the Administrator shall provide appropriate certification to screening-eligible WTC survivors who, pursuant to the initial health evaluation under subsection (b), are determined to be eligible for followup monitoring and treatment under this part.

“(ii) TIMING.—

“(I) CURRENTLY IDENTIFIED SURVIVORS.—In the case of an individual who is described in paragraph (1)(A)(i), the WTC Program Administrator shall provide the certification under clause (i) not later than July 1, 2011.

“(II) OTHER MEMBERS.—In the case of another individual who is determined under clause (i) to be eligible for followup monitoring and treatment, the WTC Program Administrator shall provide the certification under such clause at the time of such determination.

“(3) NUMERICAL LIMITATION ON CERTIFIED-ELIGIBLE WTC SURVIVORS.—

“(A) IN GENERAL.—The total number of individuals not described in paragraph (1)(A)(i) who may be certified as certified-eligible WTC survivors under paragraph (2)(B) shall not exceed 25,000 at any time.

“(B) PROCESS.—In implementing subparagraph (A), the WTC Program Administrator shall—

“(i) limit the number of certifications provided under paragraph (2)(B)—

“(I) in accordance with such subparagraph; and

“(II) to such number, as determined by the Administrator based on the best available information and subject to amounts made available under section 3351, that will ensure sufficient funds will be available to provide treatment and monitoring benefits under this title, with respect to all individuals receiving such certifications through the end of fiscal year 2020; and

“(ii) provide priority in such certifications in the order in which individuals apply for a determination under paragraph (2)(B).

“(4) DISQUALIFICATION OF INDIVIDUALS ON TERRORIST WATCH LIST.—No individual who is on the terrorist watch list maintained by the Department of Homeland Security shall qualify as a screening-eligible WTC survivor or a certified-eligible WTC survivor. Before determining any individual to be a screening-eligible WTC survivor under paragraph (1) or certifying any individual as a certified-eligible WTC survivor under paragraph (2), the Administrator, in consultation with the Secretary of Homeland Security, shall determine whether the individual is on such list.

“(b) INITIAL HEALTH EVALUATION To DETERMINE ELIGIBILITY FOR FOLLOWUP MONITORING OR TREATMENT.—

“(1) IN GENERAL.—In the case of a screening-eligible WTC survivor, the WTC Program shall provide for an initial health evaluation to determine if the survivor has a WTC-related health condition and is eligible for followup monitoring and treatment benefits under the WTC Program. Initial health evaluation protocols under section 3305(a)(2)(A)(ii) shall be subject to approval by the WTC Program Administrator.

“(2) INITIAL HEALTH EVALUATION PROVIDERS.—The initial health evaluation described in paragraph (1) shall be provided through a Clinical Center of Excellence with respect to the individual involved.

“(3) LIMITATION ON INITIAL HEALTH EVALUATION BENEFITS.—Benefits for an initial health evaluation under this part for a screening-eligible WTC survivor shall consist only of a single medical initial health evaluation con-

sistent with initial health evaluation protocols described in paragraph (1). Nothing in this paragraph shall be construed as preventing such an individual from seeking additional medical initial health evaluations at the expense of the individual.

“SEC. 3322. FOLLOWUP MONITORING AND TREATMENT OF CERTIFIED-ELIGIBLE WTC SURVIVORS FOR WTC-RELATED HEALTH CONDITIONS.

“(a) IN GENERAL.—Subject to subsection (b), the provisions of sections 3311 and 3312 shall apply to followup monitoring and treatment of WTC-related health conditions for certified-eligible WTC survivors in the same manner as such provisions apply to the monitoring and treatment of WTC-related health conditions for enrolled WTC responders.

“(b) LIST OF WTC-RELATED HEALTH CONDITIONS FOR SURVIVORS.—The list of health conditions for screening-eligible WTC survivors and certified-eligible WTC survivors consists of the following:

“(1) AERODIGESTIVE DISORDERS.—

“(A) Interstitial lung diseases.

“(B) Chronic respiratory disorder—fumes/vapors.

“(C) Asthma.

“(D) Reactive airways dysfunction syndrome (RADS).

“(E) WTC-exacerbated chronic obstructive pulmonary disease (COPD).

“(F) Chronic cough syndrome.

“(G) Upper airway hyperreactivity.

“(H) Chronic rhinosinusitis.

“(I) Chronic nasopharyngitis.

“(J) Chronic laryngitis.

“(K) Gastroesophageal reflux disorder (GERD).

“(L) Sleep apnea exacerbated by or related to a condition described in a previous clause.

“(2) MENTAL HEALTH CONDITIONS.—

“(A) Posttraumatic stress disorder (PTSD).

“(B) Major depressive disorder.

“(C) Panic disorder.

“(D) Generalized anxiety disorder.

“(E) Anxiety disorder (not otherwise specified).

“(F) Depression (not otherwise specified).

“(G) Acute stress disorder.

“(H) Dysthymic disorder.

“(I) Adjustment disorder.

“(J) Substance abuse.

“(3) ADDITIONAL CONDITIONS.—Any cancer (or type of cancer) or other condition added to the list in section 3312(a)(3) pursuant to paragraph (5) or (6) of section 3312(a), as such provisions are applied under subsection (a) with respect to certified-eligible WTC survivors.

“SEC. 3323. FOLLOWUP MONITORING AND TREATMENT OF OTHER INDIVIDUALS WITH WTC-RELATED HEALTH CONDITIONS.

“(a) IN GENERAL.—Subject to subsection (c), the provisions of section 3322 shall apply to the followup monitoring and treatment of WTC-related health conditions in the case of individuals described in subsection (b) in the same manner as such provisions apply to the followup monitoring and treatment of WTC-related health conditions for certified-eligible WTC survivors.

“(b) INDIVIDUALS DESCRIBED.—An individual described in this subsection is an individual who, regardless of location of residence—

“(1) is not an enrolled WTC responder or a certified-eligible WTC survivor; and

“(2) is diagnosed at a Clinical Center of Excellence with a WTC-related health condition for certified-eligible WTC survivors.

“(c) LIMITATION.—

“(1) IN GENERAL.—The WTC Program Administrator shall limit benefits for any fiscal

year under subsection (a) in a manner so that payments under this section for such fiscal year do not exceed the amount specified in paragraph (2) for such fiscal year.

“(2) LIMITATION.—The amount specified in this paragraph for—

“(A) the last calendar quarter of fiscal year 2011 is \$5,000,000;

“(B) fiscal year 2012 is \$20,000,000; or

“(C) a succeeding fiscal year is the amount specified in this paragraph for the previous fiscal year increased by the annual percentage increase in the medical care component of the consumer price index for all urban consumers.

“PART 3—PAYOR PROVISIONS

“SEC. 3331. PAYMENT OF CLAIMS.

“(a) IN GENERAL.—Except as provided in subsections (b) and (c), the cost of monitoring and treatment benefits and initial health evaluation benefits provided under parts 1 and 2 of this subtitle shall be paid for by the WTC Program from the World Trade Center Health Program Fund.

“(b) WORKERS’ COMPENSATION PAYMENT.—

“(1) IN GENERAL.—Subject to paragraph (2), payment for treatment under parts 1 and 2 of this subtitle of a WTC-related health condition of an individual that is work-related shall be reduced or recouped to the extent that the WTC Program Administrator determines that payment has been made, or can reasonably be expected to be made, under a workers’ compensation law or plan of the United States, a State, or a locality, or other work-related injury or illness benefit plan of the employer of such individual, for such treatment. The provisions of clauses (iii), (iv), (v), and (vi) of paragraph (2)(B) of section 1862(b) of the Social Security Act and paragraphs (3) and (4) of such section shall apply to the recoupment under this subsection of a payment to the WTC Program (with respect to a workers’ compensation law or plan, or other work-related injury or illness plan of the employer involved, and such individual) in the same manner as such provisions apply to the reimbursement of a payment under section 1862(b)(2) of such Act to the Secretary (with respect to such a law or plan and an individual entitled to benefits under title XVIII of such Act) except that any reference in such paragraph (4) to payment rates under title XVIII of the Social Security Act shall be deemed a reference to payment rates under this title.

“(2) EXCEPTION.—Paragraph (1) shall not apply for any quarter, with respect to any workers’ compensation law or plan, including line of duty compensation, to which New York City is obligated to make payments, if, in accordance with terms specified under the contract under subsection (d)(1)(A), New York City has made the full payment required under such contract for such quarter.

“(3) RULES OF CONSTRUCTION.—Nothing in this title shall be construed to affect, modify, or relieve any obligations under a worker’s compensation law or plan, other work-related injury or illness benefit plan of an employer, or any health insurance plan.

“(c) HEALTH INSURANCE COVERAGE.—

“(1) IN GENERAL.—In the case of an individual who has a WTC-related health condition that is not work-related and has health coverage for such condition through any public or private health plan (including health benefits under title XVIII, XIX, or XXI of the Social Security Act) the provisions of section 1862(b) of the Social Security Act shall apply to such a health plan and such individual in the same manner as they apply to group health plan and an individual entitled to benefits under title XVIII of such

Act pursuant to section 226(a) of such Act. Any costs for items and services covered under such plan that are not reimbursed by such health plan, due to the application of deductibles, copayments, coinsurance, other cost sharing, or otherwise, are reimbursable under this title to the extent that they are covered under the WTC Program. The program under this title shall not be treated as a legally liable party for purposes of applying section 1902(a)(25) of the Social Security Act.

“(2) RECOVERY BY INDIVIDUAL PROVIDERS.—Nothing in paragraph (1) shall be construed as requiring an entity providing monitoring and treatment under this title to seek reimbursement under a health plan with which the entity has no contract for reimbursement.

“(3) MAINTENANCE OF REQUIRED MINIMUM ESSENTIAL COVERAGE.—No payment may be made for monitoring and treatment under this title for an individual for a month (beginning with July 2014) if with respect to such month the individual—

“(A) is an applicable individual (as defined in subsection (d) of section 5000A of Internal Revenue Code of 1986) for whom the exemption under subsection (e) of such section does not apply; and

“(B) is not covered under minimum essential coverage, as required under subsection (a) of such section.

“(d) REQUIRED CONTRIBUTION BY NEW YORK CITY IN PROGRAM COSTS.—

“(1) CONTRACT REQUIREMENT.—

“(A) IN GENERAL.—No funds may be disbursed from the World Trade Center Health Program Fund under section 3351 unless New York City has entered into a contract with the WTC Program Administrator under which New York City agrees, in a form and manner specified by the Administrator, to pay the full contribution described in subparagraph (B) in accordance with this subsection on a timely basis, plus any interest owed pursuant to subparagraph (E)(i). Such contract shall specify the terms under which New York City shall be considered to have made the full payment required for a quarter for purposes of subsection (b)(2).

“(B) FULL CONTRIBUTION AMOUNT.—Under such contract, with respect to the last calendar quarter of fiscal year 2011 and each calendar quarter in fiscal years 2012 through 2018 the full contribution amount under this subparagraph shall be equal to 10 percent of the expenditures in carrying out this title for the respective quarter and with respect to calendar quarters in fiscal years 2019 and 2020, such full contribution amount shall be equal to ⅓ of the Federal expenditures in carrying out this title for the respective quarter.

“(C) SATISFACTION OF PAYMENT OBLIGATION.—The payment obligation under such contract may not be satisfied through any of the following:

“(i) An amount derived from Federal sources.

“(ii) An amount paid before the date of the enactment of this title.

“(iii) An amount paid to satisfy a judgment or as part of a settlement related to injuries or illnesses arising out of the September 11, 2001, terrorist attacks.

“(D) TIMING OF CONTRIBUTION.—The payment obligation under such contract for a calendar quarter in a fiscal year shall be paid not later than the last day of the second succeeding calendar quarter.

“(E) COMPLIANCE.—

“(i) INTEREST FOR LATE PAYMENT.—If New York City fails to pay to the WTC Program

Administrator pursuant to such contract the amount required for any calendar quarter by the day specified in subparagraph (D), interest shall accrue on the amount not so paid at the rate (determined by the Administrator) based on the average yield to maturity, plus 1 percentage point, on outstanding municipal bonds issued by New York City with a remaining maturity of at least 1 year.

“(ii) RECOVERY OF AMOUNTS OWED.—The amounts owed to the WTC Program Administrator under such contract shall be recoverable by the United States in an action in the same manner as payments made under title XVIII of the Social Security Act may be recoverable in an action brought under section 1862(b)(2)(B)(iii) of such Act.

“(F) DEPOSIT IN FUND.—The WTC Program Administrator shall deposit amounts paid under such contract into the World Trade Center Health Program Fund under section 3351.

“(2) PAYMENT OF NEW YORK CITY SHARE OF MONITORING AND TREATMENT COSTS.—With respect to each calendar quarter for which a contribution is required by New York City under the contract under paragraph (1), the WTC Program Administrator shall—

“(A) provide New York City with an estimate of such amount of the required contribution at the beginning of such quarter and with an updated estimate of such amount at the beginning of each of the subsequent 2 quarters;

“(B) bill such amount directly to New York City; and

“(C) certify periodically, for purposes of this subsection, whether or not New York City has paid the amount so billed.

Such amount shall initially be estimated by the WTC Program Administrator and shall be subject to adjustment and reconciliation based upon actual expenditures in carrying out this title.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as authorizing the WTC Administrator, with respect to a fiscal year, to reduce the numerical limitation under section 3311(a)(4) or 3321(a)(3) for such fiscal year if New York City fails to comply with paragraph (1) for a calendar quarter in such fiscal year.

“(e) WORK-RELATED DESCRIBED.—For the purposes of this section, a WTC-related health condition shall be treated as a condition that is work-related if—

“(1) the condition is diagnosed in an enrolled WTC responder, or in an individual who qualifies as a certified-eligible WTC survivor on the basis of being a rescue, recovery, or cleanup worker; or

“(2) with respect to the condition the individual has filed and had established a claim under a workers’ compensation law or plan of the United States or a State, or other work-related injury or illness benefit plan of the employer of such individual.

“SEC. 3332. ADMINISTRATIVE ARRANGEMENT AUTHORITY.

“The WTC Program Administrator may enter into arrangements with other government agencies, insurance companies, or other third-party administrators to provide for timely and accurate processing of claims under sections 3312, 3313, 3322, and 3323.

“Subtitle C—Research Into Conditions

“SEC. 3341. RESEARCH REGARDING CERTAIN HEALTH CONDITIONS RELATED TO SEPTEMBER 11 TERRORIST ATTACKS.

“(a) IN GENERAL.—With respect to individuals, including enrolled WTC responders and certified-eligible WTC survivors, receiving monitoring or treatment under subtitle B, the WTC Program Administrator shall conduct or support—

“(1) research on physical and mental health conditions that may be related to the September 11, 2001, terrorist attacks;

“(2) research on diagnosing WTC-related health conditions of such individuals, in the case of conditions for which there has been diagnostic uncertainty; and

“(3) research on treating WTC-related health conditions of such individuals, in the case of conditions for which there has been treatment uncertainty.

The Administrator may provide such support through continuation and expansion of research that was initiated before the date of the enactment of this title and through the World Trade Center Health Registry (referred to in section 3342), through a Clinical Center of Excellence, or through a Data Center.

“(b) TYPES OF RESEARCH.—The research under subsection (a)(1) shall include epidemiologic and other research studies on WTC-related health conditions or emerging conditions—

“(1) among enrolled WTC responders and certified-eligible WTC survivors under treatment; and

“(2) in sampled populations outside the New York City disaster area in Manhattan as far north as 14th Street and in Brooklyn, along with control populations, to identify potential for long-term adverse health effects in less exposed populations.

“(c) CONSULTATION.—The WTC Program Administrator shall carry out this section in consultation with the WTC Scientific/Technical Advisory Committee.

“(d) APPLICATION OF PRIVACY AND HUMAN SUBJECT PROTECTIONS.—The privacy and human subject protections applicable to research conducted under this section shall not be less than such protections applicable to research conducted or funded by the Department of Health and Human Services.

“SEC. 3342. WORLD TRADE CENTER HEALTH REGISTRY.

“For the purpose of ensuring ongoing data collection relating to victims of the September 11, 2001, terrorist attacks, the WTC Program Administrator shall ensure that a registry of such victims is maintained that is at least as comprehensive as the World Trade Center Health Registry maintained under the arrangements in effect as of April 20, 2009, with the New York City Department of Health and Mental Hygiene.

“Subtitle D—Funding

“SEC. 3351. WORLD TRADE CENTER HEALTH PROGRAM FUND.

“(a) ESTABLISHMENT OF FUND.—

“(1) IN GENERAL.—There is established a fund to be known as the World Trade Center Health Program Fund (referred to in this section as the ‘Fund’).

“(2) FUNDING.—Out of any money in the Treasury not otherwise appropriated, there shall be deposited into the Fund for each of fiscal years 2012 through 2020 (and the last calendar quarter of fiscal year 2011)—

“(A) the Federal share, consisting of an amount equal to the lesser of—

“(i) 90 percent of the expenditures in carrying out this title for the respective fiscal year (initially based on estimates, subject to subsequent reconciliation based on actual expenditures); or

“(ii)(I) \$71,000,000 for the last calendar quarter of fiscal year 2011, \$318,000,000 for fiscal year 2012, \$354,000,000 for fiscal year 2013, \$382,000,000 for fiscal year 2014, \$431,000,000 for fiscal year 2015, \$481,000,000 for fiscal year 2016, \$537,000,000 for fiscal year 2017, \$601,000,000 for fiscal year 2018, and \$173,000,000 for fiscal year 2019; and

“(II) subject to paragraph (4), an additional \$499,000,000 for fiscal year 2019 and \$743,000,000 for fiscal year 2020; plus

“(B) the New York City share, consisting of the amount contributed under the contract under section 3331(d).

“(3) CONTRACT REQUIREMENT.—

“(A) IN GENERAL.—No funds may be disbursed from the Fund unless New York City has entered into a contract with the WTC Program Administrator under section 3331(d)(1).

“(B) BREACH OF CONTRACT.—In the case of a failure to pay the amount so required under the contract—

“(i) the amount is recoverable under subparagraph (E)(ii) of such section;

“(ii) such failure shall not affect the disbursement of amounts from the Fund; and

“(iii) the Federal share described in paragraph (2)(A) shall not be increased by the amount so unpaid.

“(4) AGGREGATE LIMITATION ON FUNDING BEGINNING WITH FISCAL YEAR 2019.—Beginning with fiscal year 2019, in no case shall the share of Federal funds deposited into the Fund under paragraph (2) for such fiscal year and previous fiscal years and quarters exceed the sum of the amounts specified in paragraph (2)(A)(ii)(I).

“(b) MANDATORY FUNDS FOR MONITORING, INITIAL HEALTH EVALUATIONS, TREATMENT, AND CLAIMS PROCESSING.—

“(1) IN GENERAL.—The amounts deposited into the Fund under subsection (a)(2) shall be available, without further appropriation, consistent with paragraph (2) and subsection (c), to carry out subtitle B and sections 3302(a), 3303, 3304, 3305(a)(2), 3305(c), 3341, and 3342.

“(2) LIMITATION ON MANDATORY FUNDING.—This title does not establish any Federal obligation for payment of amounts in excess of the amounts available from the Fund for such purpose.

“(3) LIMITATION ON AUTHORIZATION FOR FURTHER APPROPRIATIONS.—This title does not establish any authorization for appropriation of amounts in excess of the amounts available from the Fund under paragraph (1).

“(c) LIMITS ON SPENDING FOR CERTAIN PURPOSES.—Of the amounts made available under subsection (b)(1), not more than each of the following amounts may be available for each of the following purposes:

“(1) SURVIVING IMMEDIATE FAMILY MEMBERS OF FIREFIGHTERS.—For the purposes of carrying out subtitle B with respect to WTC responders described in section 3311(a)(2)(A)(ii)—

“(A) for the last calendar quarter of fiscal year 2011, \$100,000;

“(B) for fiscal year 2012, \$400,000; and

“(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

“(2) WTC HEALTH PROGRAM SCIENTIFIC/TECHNICAL ADVISORY COMMITTEE.—For the purpose of carrying out section 3302(a)—

“(A) for the last calendar quarter of fiscal year 2011, \$25,000;

“(B) for fiscal year 2012, \$100,000; and

“(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

“(3) EDUCATION AND OUTREACH.—For the purpose of carrying out section 3303—

“(A) for the last calendar quarter of fiscal year 2011, \$500,000;

“(B) for fiscal year 2012, \$2,000,000; and

“(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

“(4) UNIFORM DATA COLLECTION.—For the purpose of carrying out section 3304 and for reimbursing Data Centers (as defined in section 3305(b)(2)) for the costs incurred by such Centers in carrying out activities under contracts entered into under section 3305(a)(2)—

“(A) for the last calendar quarter of fiscal year 2011, \$2,500,000;

“(B) for fiscal year 2012, \$10,000,000; and

“(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

“(5) RESEARCH REGARDING CERTAIN HEALTH CONDITIONS.—For the purpose of carrying out section 3341—

“(A) for the last calendar quarter of fiscal year 2011, \$3,750,000;

“(B) for fiscal year 2012, \$15,000,000; and

“(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

“(6) WORLD TRADE CENTER HEALTH REGISTRY.—For the purpose of carrying out section 3342—

“(A) for the last calendar quarter of fiscal year 2011, \$1,750,000;

“(B) for fiscal year 2012, \$7,000,000; and

“(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.”

TITLE II—SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

SEC. 201. DEFINITIONS.

Section 402 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in paragraph (6) by inserting “, or debris removal, including under the World Trade Center Health Program established under section 3001 of the Public Health Service Act, and payments made pursuant to the settlement of a civil action described in section 405(c)(3)(C)(iii)” after “September 11, 2001”;

(2) by inserting after paragraph (6) the following new paragraphs and redesignating subsequent paragraphs accordingly:

“(7) CONTRACTOR AND SUBCONTRACTOR.—The term ‘contractor and subcontractor’ means any contractor or subcontractor (at any tier of a subcontracting relationship), including any general contractor, construction manager, prime contractor, consultant, or any parent, subsidiary, associated or allied company, affiliated company, corporation, firm, organization, or joint venture thereof that

participated in debris removal at any 9/11 crash site. Such term shall not include any entity, including the Port Authority of New York and New Jersey, with a property interest in the World Trade Center, on September 11, 2001, whether fee simple, leasehold or easement, direct or indirect.

“(8) DEBRIS REMOVAL.—The term ‘debris removal’ means rescue and recovery efforts, removal of debris, cleanup, remediation, and response during the immediate aftermath of the terrorist-related aircraft crashes of September 11, 2001, with respect to a 9/11 crash site.”;

(3) by inserting after paragraph (10), as so redesignated, the following new paragraph and redesignating the subsequent paragraphs accordingly:

“(11) IMMEDIATE AFTERMATH.—The term ‘immediate aftermath’ means any period beginning with the terrorist-related aircraft crashes of September 11, 2001, and ending on August 30, 2002.”; and

(4) by adding at the end the following new paragraph:

“(14) 9/11 CRASH SITE.—The term ‘9/11 crash site’ means—

“(A) the World Trade Center site, Pentagon site, and Shanksville, Pennsylvania site;

“(B) the buildings or portions of buildings that were destroyed as a result of the terrorist-related aircraft crashes of September 11, 2001;

“(C) any area contiguous to a site of such crashes that the Special Master determines was sufficiently close to the site that there was a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or building collapses (including the immediate area in which the impact occurred, fire occurred, portions of buildings fell, or debris fell upon and injured individuals); and

“(D) any area related to, or along, routes of debris removal, such as barges and Fresh Kills.”.

SEC. 202. EXTENDED AND EXPANDED ELIGIBILITY FOR COMPENSATION.

(a) INFORMATION ON LOSSES RESULTING FROM DEBRIS REMOVAL INCLUDED IN CONTENTS OF CLAIM FORM.—Section 405(a)(2)(B) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in clause (i), by inserting “, or debris removal during the immediate aftermath” after “September 11, 2001”;

(2) in clause (ii), by inserting “or debris removal during the immediate aftermath” after “crashes”; and

(3) in clause (iii), by inserting “or debris removal during the immediate aftermath” after “crashes”.

(b) EXTENSION OF DEADLINE FOR CLAIMS UNDER SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001.—Section 405(a)(3) of such Act is amended to read as follows:

“(3) LIMITATION.—

“(A) IN GENERAL.—Except as provided by subparagraph (B), no claim may be filed under paragraph (1) after the date that is 2 years after the date on which regulations are promulgated under section 407(a).

“(B) EXCEPTION.—A claim may be filed under paragraph (1), in accordance with subsection (c)(3)(A)(i), by an individual (or by a personal representative on behalf of a deceased individual) during the period beginning on the date on which the regulations are updated under section 407(b) and ending on December 22, 2031.”.

(c) REQUIREMENTS FOR FILING CLAIMS DURING EXTENDED FILING PERIOD.—Section 405(c)(3) of such Act is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph:

“(A) REQUIREMENTS FOR FILING CLAIMS DURING EXTENDED FILING PERIOD.—

“(i) TIMING REQUIREMENTS FOR FILING CLAIMS.—An individual (or a personal representative on behalf of a deceased individual) may file a claim during the period described in subsection (a)(3)(B) as follows:

“(I) In the case that the Special Master determines the individual knew (or reasonably should have known) before the date specified in clause (iii) that the individual suffered a physical harm at a 9/11 crash site as a result of the terrorist-related aircraft crashes of September 11, 2001, or as a result of debris removal, and that the individual knew (or should have known) before such specified date that the individual was eligible to file a claim under this title, the individual may file a claim not later than the date that is 2 years after such specified date.

“(II) In the case that the Special Master determines the individual first knew (or reasonably should have known) on or after the date specified in clause (iii) that the individual suffered such a physical harm or that the individual first knew (or should have known) on or after such specified date that the individual was eligible to file a claim under this title, the individual may file a claim not later than the last day of the 2-year period beginning on the date the Special Master determines the individual first knew (or should have known) that the individual both suffered from such harm and was eligible to file a claim under this title.

“(ii) OTHER ELIGIBILITY REQUIREMENTS FOR FILING CLAIMS.—An individual may file a claim during the period described in subsection (a)(3)(B) only if—

“(I) the individual was treated by a medical professional for suffering from a physical harm described in clause (i)(I) within a reasonable time from the date of discovering such harm; and

“(II) the individual’s physical harm is verified by contemporaneous medical records created by or at the direction of the medical professional who provided the medical care.

“(iii) DATE SPECIFIED.—The date specified in this clause is the date on which the regulations are updated under section 407(a).”.

(d) CLARIFYING APPLICABILITY TO ALL 9/11 CRASH SITES.—Section 405(c)(2)(A)(i) of such Act is amended by striking “or the site of the aircraft crash at Shanksville, Pennsylvania” and inserting “the site of the aircraft crash at Shanksville, Pennsylvania, or any other 9/11 crash site”.

(e) INCLUSION OF PHYSICAL HARM RESULTING FROM DEBRIS REMOVAL.—Section 405(c) of such Act is amended in paragraph (2)(A)(ii), by inserting “or debris removal” after “air crash”.

(f) LIMITATIONS ON CIVIL ACTIONS.—

(1) APPLICATION TO DAMAGES RELATED TO DEBRIS REMOVAL.—Clause (i) of section 405(c)(3)(C) of such Act, as redesignated by subsection (c), is amended by inserting “, or for damages arising from or related to debris removal” after “September 11, 2001”.

(2) PENDING ACTIONS.—Clause (ii) of such section, as so redesignated, is amended to read as follows:

“(ii) PENDING ACTIONS.—In the case of an individual who is a party to a civil action described in clause (i), such individual may not submit a claim under this title—

“(I) during the period described in subsection (a)(3)(A) unless such individual with-

draws from such action by the date that is 90 days after the date on which regulations are promulgated under section 407(a); and

“(II) during the period described in subsection (a)(3)(B) unless such individual withdraws from such action by the date that is 90 days after the date on which the regulations are updated under section 407(b).”.

(3) SETTLED ACTIONS; AUTHORITY TO REINSTITUTE CERTAIN LAWSUITS.—Such section, as so redesignated, is further amended by adding at the end the following new clauses:

“(iii) SETTLED ACTIONS.—In the case of an individual who settled a civil action described in clause (i), such individual may not submit a claim under this title unless such action was commenced after December 22, 2003, and a release of all claims in such action was tendered prior to the date on which the James Zadroga 9/11 Health and Compensation Act of 2010 was enacted.

“(iv) AUTHORITY TO REINSTITUTE CERTAIN LAWSUITS.—In the case of a claimant who was a party to a civil action described in clause (i), who withdrew from such action pursuant to clause (ii), and who is subsequently determined to not be an eligible individual for purposes of this subsection, such claimant may reinstitute such action without prejudice during the 90-day period beginning after the date of such ineligibility determination.”.

SEC. 203. REQUIREMENT TO UPDATE REGULATIONS.

Section 407 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) by striking “Not later than” and inserting “(a) IN GENERAL.—Not later than”; and

(2) by adding at the end the following new subsection:

“(b) UPDATED REGULATIONS.—Not later than 90 days after the date of the enactment of the James Zadroga 9/11 Health and Compensation Act of 2010, the Special Master shall update the regulations promulgated under subsection (a) to the extent necessary to comply with the provisions of title II of such Act.”.

SEC. 204. LIMITED LIABILITY FOR CERTAIN CLAIMS.

Section 408(a) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended by adding at the end the following new paragraphs:

“(4) LIABILITY FOR CERTAIN CLAIMS.—Notwithstanding any other provision of law, liability for all claims and actions (including claims or actions that have been previously resolved, that are currently pending, and that may be filed through December 22, 2031) for compensatory damages, contribution or indemnity, or any other form or type of relief, arising from or related to debris removal, against the City of New York, any entity (including the Port Authority of New York and New Jersey) with a property interest in the World Trade Center on September 11, 2001 (whether fee simple, leasehold or easement, or direct or indirect) and any contractors and subcontractors, shall not be in an amount that exceeds the sum of the following, as may be applicable:

“(A) The amount of funds of the WTC Captive Insurance Company, including the cumulative interest.

“(B) The amount of all available insurance identified in schedule 2 of the WTC Captive Insurance Company insurance policy.

“(C) As it relates to the limitation of liability of the City of New York, the amount that is the greater of the City of New York’s insurance coverage or \$350,000,000. In determining the amount of the City’s insurance

coverage for purposes of the previous sentence, any amount described in clauses (i) and (ii) shall not be included.

“(D) As it relates to the limitation of liability of any entity, including the Port Authority of New York and New Jersey, with a property interest in the World Trade Center on September 11, 2001 (whether fee simple, leasehold or easement, or direct or indirect), the amount of all available liability insurance coverage maintained by any such entity.

“(E) As it relates to the limitation of liability of any individual contractor or subcontractor, the amount of all available liability insurance coverage maintained by such contractor or subcontractor on September 11, 2001.

“(5) PRIORITY OF CLAIMS PAYMENTS.—Payments to plaintiffs who obtain a settlement or judgment with respect to a claim or action to which paragraph (4)(A) applies, shall be paid solely from the following funds in the following order, as may be applicable:

“(A) The funds described in clause (i) or (ii) of paragraph (4)(A).

“(B) If there are no funds available as described in clause (i) or (ii) of paragraph (4)(A), the funds described in clause (iii) of such paragraph.

“(C) If there are no funds available as described in clause (i), (ii), or (iii) of paragraph (4)(A), the funds described in clause (iv) of such paragraph.

“(D) If there are no funds available as described in clause (i), (ii), (iii), or (iv) of paragraph (4)(A), the funds described in clause (v) of such paragraph.

“(6) DECLARATORY JUDGMENT ACTIONS AND DIRECT ACTION.—Any party to a claim or action to which paragraph (4)(A) applies may, with respect to such claim or action, either file an action for a declaratory judgment for insurance coverage or bring a direct action against the insurance company involved.”

SEC. 205. FUNDING; ATTORNEY FEES.

Section 406 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in subsection (a), by striking “Not later than” and inserting “Subject to the limitations under subsection (d), not later than”;

(2) in subsection (b)—

(A) by inserting “in the amounts provided under subsection (d)(1)” after “appropriations Acts”; and

(B) by inserting “subject to the limitations under subsection (d)” before the period; and

(3) by adding at the end the following new subsections:

“(d) LIMITATION.—

“(1) IN GENERAL.—The total amount of Federal funds paid for compensation under this title, with respect to claims filed on or after the date on which the regulations are updated under section 407(b), shall not exceed \$8,400,000,000. Of such amounts, \$4,200,000,000 shall be available to pay such claims during the 10-year period beginning on such date and \$4,200,000,000 shall be available to pay such claims after such period.

“(2) PRO-RATION AND PAYMENT OF REMAINING CLAIMS.—

“(A) IN GENERAL.—With respect to the one-year period beginning on the date on which the first payment is made under this title for claims filed pursuant to the regulations updated under section 407(b), the Special Master shall examine the total number of such claims paid during such period and the amounts of the payments made for such claims to project the total number and amount of claims expected to be paid under this title during the 10-year period described

in paragraph (1). If, based on such projection, the Special Master determines that there will be insufficient funds available under paragraph (1) to pay such claims during such 10-year period, beginning on the first day following such one-year period, the Special Master shall ratably reduce the amount of compensation due claimants under this title in a manner to ensure, to the extent possible, that—

“(i) all claimants who, before application of the limitation under the second sentence of paragraph (1), would have been determined to be entitled to a payment under this title during such 10-year period, receive a payment during such period; and

“(ii) the total amount of all such payments made during such 10-year period do not exceed the amount available under the second sentence of paragraph (1) to pay claims during such period.

“(B) PAYMENT OF REMAINDER OF CLAIM AMOUNTS.—In any case in which the amount of a claim is ratably reduced pursuant to subparagraph (A), on or after the first day after the 10-year period described in paragraph (1), the Special Master shall pay to the claimant the amount that is equal to the difference between—

“(i) the amount that the claimant would have been paid under this title during such period without regard to the limitation under the second sentence of paragraph (1) applicable to such period; and

“(ii) the amount the claimant was paid under this title during such period.

“(e) ATTORNEY FEES.—

“(1) IN GENERAL.—Notwithstanding any contract, and except as provided in paragraphs (2) and (3), the representative of an individual may not charge, for services rendered in connection with the claim of an individual under this title, more than 10 percent of an award made under this title on such claim.

“(2) LIMITATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of an individual who was charged a legal fee in connection with the settlement of a civil action described in section 405(c)(3)(C)(iii), the representative of the individual may not charge any amount for compensation for services rendered in connection with a claim filed under this title.

“(B) EXCEPTION.—If the legal fee charged in connection with the settlement of a civil action described in section 405(c)(3)(C)(iii) of an individual is less than 10 percent of the aggregate amount of compensation awarded to such individual through such settlement and the claim of the individual under this title, the representative of such individual may charge an amount for compensation for services rendered in connection with such claim under this title to the extent that such amount charged is not more than—

“(i) 10 percent of such aggregate amount, minus

“(ii) the total amount of all legal fees charged for services rendered in connection with such settlement.

“(3) EXCEPTION.—With respect to a claim made on behalf of an individual for whom a lawsuit was filed in the Southern District of New York prior to January 1, 2009, in the event that the representative believes in good faith that the fee limit set by paragraph (1) or (2) will not provide adequate compensation for services rendered in connection with such claim because of the substantial amount of legal work provided on behalf of the claimant (including work performed before the enactment of this legisla-

tion), application for greater compensation may be made to the Special Master. Upon such application, the Special Master may, in his or her discretion, award as reasonable compensation for services rendered an amount greater than that allowed for in paragraph (1). Such fee award will be final, binding, and non-appealable.”

TITLE III—LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS; TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

SEC. 301. LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.

(a) IN GENERAL.—Section 894 of the Internal Revenue Code of 1986 (relating to income affected by treaty) is amended by adding at the end the following new subsection:

“(d) LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.—

“(1) IN GENERAL.—In the case of any deductible related-party payment, any withholding tax imposed under chapter 3 (and any tax imposed under subpart A or B of this part) with respect to such payment may not be reduced under any treaty of the United States unless any such withholding tax would be reduced under a treaty of the United States if such payment were made directly to the foreign parent corporation.

“(2) DEDUCTIBLE RELATED-PARTY PAYMENT.—For purposes of this subsection, the term ‘deductible related-party payment’ means any payment made, directly or indirectly, by any person to any other person if the payment is allowable as a deduction under this chapter and both persons are members of the same foreign controlled group of entities.

“(3) FOREIGN CONTROLLED GROUP OF ENTITIES.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘foreign controlled group of entities’ means a controlled group of entities the common parent of which is a foreign corporation.

“(B) CONTROLLED GROUP OF ENTITIES.—The term ‘controlled group of entities’ means a controlled group of corporations as defined in section 1563(a)(1), except that—

“(i) ‘more than 50 percent’ shall be substituted for ‘at least 80 percent’ each place it appears therein, and

“(ii) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

“(4) FOREIGN PARENT CORPORATION.—For purposes of this subsection, the term ‘foreign parent corporation’ means, with respect to any deductible related-party payment, the common parent of the foreign controlled group of entities referred to in paragraph (3)(A).

“(5) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as are necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provide for—

“(A) the treatment of two or more persons as members of a foreign controlled group of entities if such persons would be the common parent of such group if treated as one corporation, and

“(B) the treatment of any member of a foreign controlled group of entities as the common parent of such group if such treatment

is appropriate taking into account the economic relationships among such entities.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 302. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 3 percentage points.

TITLE IV—BUDGETARY EFFECTS

SEC. 401. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. **PALLONE**) and the gentleman from Texas (Mr. **BARTON**) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. **PALLONE**. Mr. Speaker, I ask unanimous consent that Mr. **NADLER** of the Judiciary Committee and Mr. **CROWLEY** of the Ways and Means Committee each control 6½ minutes of my time.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GENERAL LEAVE

Mr. **PALLONE**. I also ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the **RECORD**.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. **PALLONE**. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010. This important legislation was reported by the Energy and Commerce Committee with bipartisan support on May 25 by a vote of 33–12. I would like to take a moment to thank the bill’s sponsors, Representatives **CAROLYN MALONEY** and **JERRY NADLER**, as well as my colleagues from New York on the committee, **ELIOT ENGEL** and **ANTHONY WEINER**, for their tireless work on behalf of this legislation.

Beyond the immediate loss of life on September 11, today thousands of people are suffering debilitating illnesses from its aftermath. H.R. 847 would establish the World Trade Center Health Program, a program to screen, monitor, and treat eligible responders and survivors who are suffering from World

Trade Center-related diseases, most commonly from the massive, toxic dust cloud that enveloped lower Manhattan. The bill also funds research to improve our understanding of the health effects of the exposures over time.

Federal spending for the World Trade Center Health Program is capped at \$3.2 billion and is fully paid for. The version before the House today is more than \$1 billion less expensive than that reported with bipartisan support from the Energy and Commerce Committee. Today is an important step towards ensuring that the appropriate resources are available to take care of those who risked their lives to save others on September 11.

I urge my colleagues to suspend the rules and pass the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. **BARTON** of Texas. Before I give my statement, I wish to yield 11 of the 20 minutes to the ranking member of the Judiciary Committee, Mr. **SMITH** of Texas, at the appropriate time.

The **SPEAKER** pro tempore. Without objection, the gentleman will control that time.

There was no objection.

Mr. **BARTON** of Texas. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, Republicans are not opposed to compensating the victims and the first responders of the World Trade Center attacks. We created a compensation fund within 11 days after the original attack back on September 11, 2001. The bill before us today, however, Mr. Speaker, creates a brand new entitlement program that could last an additional 21 years. It creates a special compensation system for hospitals in the New York City area at 140 percent of Medicare rates, provides special protections for trial lawyers, and creates a host of special programs and special protections. It also does not require any kind of a citizenship test, Mr. Speaker, to receive a benefit. It is, in fact, apparently a \$7.4 billion new entitlement program.

We know there are innocent victims in New York City that still need treatment, and we know that there are perhaps some participants who have fallen through the cracks who have not received exactly the treatment that they need, but this bill, quite frankly, is not the answer.

In the markup in the Energy and Commerce Committee, Republicans offered a number of amendments that would have provided treatment, would have monitored benefits, and would have authorized funding for the existing program at the level requested by the President of the United States, President Obama. That amendment was rejected.

H.R. 847 caps the number of people that can be enrolled in the program. As I said earlier, it doesn’t require those enrolled, however, to verify their citi-

zenship. We also offered an amendment to verify citizenship. That amendment was not agreed to.

We also offered an amendment to means-test benefits based on income and assets. I think the amendment was at \$1 million. That amendment was also rejected. So under this bill, somebody making millions of dollars is at least technically eligible for this program. I don’t think that is fair when we have a budget deficit of \$1.5 trillion.

We also offered an amendment in the Energy and Commerce Committee to pay for the program by using money that has not been spent out of an existing program. That amendment was also rejected as not being what the majority wanted.

As I said earlier, the bill before us would reimburse hospitals in New York at 140 percent of Medicare. We think that is not fair to the rest of the country to give a special rate above Medicare rates for this particular program.

The **SPEAKER** pro tempore. The time of the gentleman has expired.

Mr. **BARTON** of Texas. I yield myself an additional 30 seconds.

And finally, last but not least, in the amended bill that was sent to the Rules Committee yesterday, Mr. Speaker, they have changed the spending profile. Under the bill before us this evening, the program, while it is a guaranteed entitlement, funding would be cut by two-thirds in 2019 and eliminated altogether in 2020. That is simply a budget gimmick and is patently unfair to the people, if it were to pass and become law, that would be depending on the program.

For those reasons, Mr. Speaker, we would ask for a “no” vote on the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. **PALLONE**. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. **ENGEL**), one of the champions of this legislation.

Mr. **ENGEL**. I thank my friend from New Jersey for yielding to me.

Mr. Speaker, on September 11, 2001, I was never more proud to be a New Yorker. Many of my constituents rushed in to help, and within days of the attack over 40,000 responders from across the Nation descended upon Ground Zero to do anything possible to help with the rescue, recovery, and cleanup.

Sadly, many of my constituents were killed in the attacks on the World Trade Center. The people that rushed in to help their fellow human beings didn’t put themselves first, they selflessly helped others. And the question is, should we now penalize these people who risked their lives?

Within minutes of the planes hitting the World Trade Center, New York’s first responders mobilized to save those who were trapped or hurt. They thought the site was safe to work at and the air was safe to breathe. They

never questioned their own safety when they ran in to help others because they put others in need ahead of themselves. And you know what? The statements that were given about the air being safe to breathe were false. Many became sick, and the illnesses from exposure to the toxins have developed to become severe and debilitating, and for some, deadly. These heroes deserve more.

New York was attacked because it is a symbol of our country. New York was attacked because the terrorists wanted to make a statement. The responsibility to help these sick first responders is not just a New York problem, it's an American problem, and we all have a responsibility to help those people no matter where we may live.

And let me say this to our Republican colleagues, please don't vote down the bill because it is on the suspension calendar or for any other excuse you may give. Whatever excuse you may give for voting "no" on this bill, the bottom line is that a "no" vote is a vote to turn your back on the first responders.

Please vote "yes" on the bill.

□ 2020

Mr. BARTON of Texas. I yield 1½ minutes to the distinguished ranking member of the Health Subcommittee, the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, our committee can do great work when we work together. This is not one of our finest times—a new mandatory entitlement program at \$7.2 billion. There is \$130 million in the fund right now. The President asked for \$150 million. This is, on average, \$700 million a year. It is mandatory. We don't do this for our veterans, and we don't do this for our military. This is a mandatory program.

What this is is politics. What this is is enfranchising a whole bunch of New York City hospitals which will get paid 140 percent of Medicare rates when we are cutting hospital rates in the new health care law under part A. We can do this, and we can do this in a better manner than what we are doing here.

It is on the suspension calendar. Your leadership put it on the suspension calendar. Do you know why? Because they can't pass it under regular order. It is your leadership that put you in this position, not House Republicans, and I am embarrassed about this tonight.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members will be reminded to direct their remarks to the Chair, and not to others in the second person.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. So you are for the bill, but you won't vote for it. Nonsense.

Nine years ago, your country was attacked, and you're here quibbling about politics. You're here talking about permanent entitlements. Oh, how easy it is to come down here to this floor. I have seen it done time after time, Mr. Speaker—people proving how patriotic they are, determined to fight against the terrorists, to defend America, leave no soldier behind.

Well, where I come from, we are leaving soldiers behind. We have thousands of people, besides the ones who died, who are on the battlefield in our hospitals—who are dying every day, who are reaching out and gasping for the last breaths that they have.

You call that an entitlement.

I don't question your patriotism. I don't question your nationalism. I don't question your strategy or your tactics to take petty political advantage of this terrible situation. Sure, you're patriots. Sure, you have great oratory, but I have one question: Where is your decency?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members will kindly address their remarks to the Chair.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished ranking member of the Ways and Means Committee, the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Thank you for yielding.

Mr. Speaker, the tragic events of 9/11 will never be forgotten nor will we ever forget the heroic actions of the brave men and women who, without regard to their own well-being, rushed in to aid, rescue, and recover their fellow Americans. Theirs were acts of compassion and patriotism that would be repeated in the days and months that followed.

Today, many of those who were at and around the World Trade Center, the Pentagon, and Shanksville, Pennsylvania, in the aftermath of the terrorist attacks are still struggling physically and mentally.

While I have great sympathy for the intent of this legislation in providing assistance to those Americans, the legislation has been paired with a fundamentally flawed and job-destroying tax increase. Therefore, I will vote against it. To pay for this new health care entitlement, the majority has opted for a tax increase that has no chance of becoming law and with good reason. It taxes American jobs. It is in clear violation of our international obligations.

While the provision in question closely tracks legislation that has passed the House on a partisan basis, the Senate has repeatedly rejected it. Even the Obama administration has raised objections to the way this provision violates our carefully negotiated tax treaties. There is never a good time to raise taxes on employers and American workers, but given the continued weakness in the economy, now may be the

worst time. Data from the Department of Labor confirms that:

Forty-seven States have lost jobs since the Democrats' stimulus passed;

Over 2 million jobs have been eliminated; and

Unemployment remains unacceptably high—over 13 percent in my home State of Michigan.

Mr. Speaker, the tax hike in this legislation is unacceptable. The hardships suffered by our first responders do not change that basic fact. I urge my colleagues to, again, reject these tax hikes and to vote "no" on the legislation.

Mr. PALLONE. Mr. Speaker, may I inquire as to how much time remains on our side?

The SPEAKER pro tempore. The gentleman from New Jersey has 3½ minutes remaining. The gentleman from Texas has 3 minutes remaining.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the other champion of this bill, a member of our committee, the gentleman from New York (Mr. WEINER).

Mr. WEINER. I thank the chairman.

Mr. Speaker, I would say to my colleagues who are talking about the pay-for and the tax and the fine print that this is a relatively simple matter. This is a noncontroversial bill. If you believe that we owe a debt to the people who have served our country, this is your moment to repay it.

You know, you talk as if you're giving them some kind of a benefit. What benefit has occurred for the people who went down on September 11, who helped pull their friends and neighbors out of the rubble and who now bounce their grandkids on their knees with a stew of toxic dust in their lungs? What benefit has occurred for them?

You are repaying a debt on this day, a debt to these people who deserve it—and not just on September 11 when we all came together and said that we were never going to forget that day. We formed a fund like this one and said, You know what? If you died that day, you died a hero. Well, my colleagues, there are people who are dying at this moment. Are they any less the heroes? Are they less deserving?

Now, there was one word I did hear used which was appropriate—that we are creating an entitlement. That's right. These people are entitled. They are entitled to our care. They are entitled to our indebtedness. They are entitled to what we are doing in this bill. The difference with this entitlement and others is that there are no more people. In fact, there are fewer and fewer every single day because they are dying. They are dying because they were heroes on behalf of this country.

This is the moment for an up-or-down vote. If you put your card in and press the "no" button, you are against health care for 9/11 workers. If you push the green button, you are finally

doing 9 years later what has been long overdue. That is the plain and simple truth.

Don't be the party of "no" today.

Mr. BARTON of Texas. Mr. Speaker, I would like to inquire as to how much time will be remaining, which I will control, after Mr. STEARNS' 1 minute.

The SPEAKER pro tempore. The gentleman from Texas will have approximately 2 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to a member of the Energy and Commerce Committee, the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Let me say to my friends on this side of the aisle and to the people from New York City and from New York: Can anyone come down to this House floor and question this spending without being attacked on their character?

Mr. Speaker, there is no strategy or tactics we've developed here. We are just saying it's the CBO. The CBO has scored this at \$11 billion. They said it's a template for future types of programs. They used the word "entitlement." It creates another mandatory program. This is not the Republicans talking. This is the CBO. For you to come down here and question anybody who questions spending in this country of taxpayers' money and then to disparage our character is wrong.

It is ironic that the President has created a fiscal commission to look at debt spending and entitlements. Yet Congress is pushing ahead with yet another spending program. We can talk about this intelligently without your emotionalizing this issue. But Mr. Speaker, we don't need to create this entitlement. We should do a 5-year program with the standard reauthorization and appropriation process.

Why do you object to the standard appropriation process? It is a proper method for fiscal discipline. If we are to pay for this entitlement, it should also come by reducing the waste and fraud in this country. We are on your side. Show us how to eliminate waste and fraud, and we will pay for it through that.

□ 2030

Mr. PALLONE. Mr. Speaker, I yield the 2 minutes that I have remaining to the gentlewoman from New York (Mrs. MALONEY), the sponsor of the legislation who has worked so tirelessly like I've never seen on this legislation and is so proud to be here tonight for its passage.

Mrs. MALONEY. Thank you very much, Chairman PALLONE, and for your leadership.

This week the House approved billions in new funding for the war in Iraq and Afghanistan, but Congress has yet to fully address the impact of the event that caused the war in the first place, the 9/11 terrorist attack.

Today we will vote on a bill that provides guaranteed help for the survivors

of 9/11 and the brave first responders who rushed to Ground Zero to save the lives of others.

I thank Congressmen NADLER and KING, my colleagues in the New York delegation, Speaker PELOSI, Leader HOYER for their dedication to the heroes and heroines and the survivors of 9/11.

On 9/11, roughly 3,000 people lost their lives, but thousands and thousands lost their health because they rushed in to save others.

To date, the Federal Government has identified more than 20,000 individuals who have health problems as a direct result of the attacks.

Caring for those who are suffering is a national responsibility. Every single State, 428 of the 435 congressional districts have someone enrolled in the Federal World Trade Center Health Registry because they were near Ground Zero or worked at Ground Zero.

The 9/11 Health and Compensation Act meets our moral responsibility to help those who were there to help us. It seems inconceivable to me that we would choose to spend hundreds of billions of dollars on wars in foreign lands and not spend this modest amount right here at home to help the warriors, the first people who were there, those who were there for us on 9/11 in the place where it all began. They were there for us; we need to be there for them.

This is the veterans of the war of 9/11, those who saved the lives of others. And 9/11 was a great tragedy, but it was also a great rescue effort, one of the greatest in history.

So I urge my colleagues to support the heroes, the heroines, the warriors right here at home, the first in the line of fire at Ground Zero where it all began.

Mr. BARTON of Texas. Mr. Speaker, I yield a very long 45 seconds to the gentleman from Buffalo, New York (Mr. LEE).

Mr. LEE of New York. No one will ever forget 9/11, where we were that day. It's ingrained in our memories.

We saw thousands of men and women rush into buildings, not caring about their own safety, caring about others. We've also seen other people come in and clean up this debris knowing that they were exposed to chemicals and toxins.

I was a cosponsor of this bill and believed in this bill. The problem is, it's where Washington gets it wrong. The pay-for for this bill is in job-killing taxes.

There were opportunities to solve this problem in a bipartisan way. That was missed. And it's an unfortunate situation when we have people who are getting put in the way of politics have got in the way of trying to help people who were brave and honest and doing the right thing for New Yorkers. And it's a sad state of affairs. And, unfortu-

nately, I won't be able to support this bill.

Mr. NADLER of New York. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise today in support of the Zadroga 9/11 Compensation Act.

On September 11, 2001, Osama bin Laden orchestrated the deadliest terrorist attack in American history, killing almost 3,000 people and wounding thousands more. The attacks created an environmental nightmare as hundreds of tons of every contaminant known to man and woman came out onto the streets and canyons of Manhattan and Brooklyn. Into this toxic crowd ran firefighters and police and other first responders. First responders came from all 50 States to aid in the rescue and clean up in the subsequent days.

The Environmental Protection Administration, the EPA, despite ample evidence to the contrary, kept falsely proclaiming that the air was safe to breathe. It wasn't. The terrorists caused environmental catastrophe, but the Federal Government compounded the damage by telling people the environment was safe when it wasn't, and now thousands of people are sick and in need of special care.

We have a moral obligation to treat those who became ill, and that's what this bill is all about. For 8 years, Representative MALONEY and I, supported on a bipartisan basis by the New York delegation and others, have worked to bring this bill to the floor. Now it's finally time to pass it.

Time and again, as we moved the bill through the legislative process, we have adjusted it, reduced its size and scope, limited its cost and made concessions to broaden the coalition and lower the cost. We worked with our colleagues on the other side of the aisle to reopen the Victims Compensation Fund in a responsible way in order to protect contractors from liability so they would not find they sacrificed their businesses to serve their country. We even agreed to cap attorneys' fees.

I know some Members are concerned about the cost of providing this assistance. Let me emphasize, this bill is fiscally responsible and balances the needs of our 9/11 heroes with fiscal constraints. It is completely paid for. We have achieved this by closing a tax loophole which allows foreign companies to evade U.S. taxes.

Second, we have capped the funding level, capped the number of people who can participate, and capped the number of years the program can continue. Just within the past month we have brought the cost of the bill down an additional \$3 billion.

Now, let me appeal to my colleagues on the other side of the aisle. I understand that some of you may have a problem with the offset, even though it is not aimed at U.S. companies and is

simply designed to improve withholding of taxes that are legally due. I understand that.

But I have to ask you this: just consider for a moment what we are talking about. Balance that tax break against the needs of our 9/11 heroes, needs that are so great, so raw and so obvious, and let our moral obligation to the heroes of 9/11, our obligation, as Lincoln said, "to care for him who shall have borne the battle" prevail. Let us do the honorable thing and vote for this bill.

To me, the choice is simple. I will be voting for the firefighters, for the police, for the first responders, for the survivors of the attacks. I urge every Member of the House to do the same.

And I want to thank Congresswoman MALONEY, the New York delegation, the Speaker, the majority leader, the chairmen of the various committees, FRANK PALLONE, and all the organizations like the International Association of Fire Fighters, the National Association of Police Organizations for supporting this vital bill.

Do the right thing. Do the moral thing. Do the only moral thing. Vote for this bill.

Mr. BARTON of Texas. I yield 45 seconds to the gentleman from The Woodlands, Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I appreciate and admire the fierce tenacity of Chairwoman MALONEY as she fights for her constituents in New York, but I have a real problem with the way the bill is paid for.

Looking at Texas Task Force 1 standing at Ground Zero, going through that rubble and their heroism, themselves, they went there to save survivors, not to raise taxes. And that's what this bill does. It kills American jobs. It raises taxes on companies that invest in America, that build American plants, that hire American workers, buy American equipment, pay American taxes. It punishes those companies that create U.S. jobs \$7 billion.

Why would we use 9/11 as an excuse to harm American jobs? It makes no sense at all.

We can do better than this. We have to do better than this. This tax increase is absolutely inappropriate, and I urge its defeat.

Mr. NADLER of New York. I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, more than 70,000 Americans from every State descended upon Ground Zero to recover and rebuild after 9/11. They ran into burning buildings, they rescued trapped workers, they sorted through destruction.

And just as we provide medical care for our troops, we must care for the 13,000 who are now sick as a result of their heroic actions in a toxic environment. They disregarded their personal safety for our country. Surely this

Congress will not disregard their dire health needs to protect foreign tax shelters.

Nearly all of us represent a responder and almost 9 years later have a responsibility to do what is right. Vote for this bill.

Mr. BARTON of Texas. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 30 seconds.

Mr. BARTON of Texas. Mr. Speaker, Republicans support helping the first responders and the victims of the World Trade Center attack. We support it at the President's request. We support it as an authorized program. We support it at paying existing Medicare rates. And, finally, we support it without raising taxes on the rest of the American people. This bill doesn't do that, so we would urge a "no" vote on this bill, and then perhaps we can work together on a bipartisan basis to do something that everybody in this Chamber can support.

Please vote "no" on this bill, and then let's work together to do it the right way.

□ 2040

Mr. NADLER of New York. I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, this bill presents a sensitive issue with regard to compensation for those who are suffering ailments as a result of recovery and cleanup efforts at the World Trade Center site. No doubt there are many with legitimate claims as a result of their efforts at Ground Zero.

But this legislation, as written, creates a huge \$8.4 billion slush fund paid by taxpayers that is open to abuse, fraud, and waste. That's because the legislation creates an unjustifiable 21-year-long fund that leaves decisions on whether or not to pay claimants to the complete discretion of the special master. As Ken Feinberg, special master of the original 9/11 Fund, has stated, quote, "No latent claims need such an extended date."

The legislation also vastly extends the geographic scope of the fund to cover routes of debris removal. This will result in the potential for a huge number of additional claimants with tenuous connections between their medical problems and the cleanup efforts at Ground Zero. Additionally, the bill permits those who have settled their lawsuits to reopen their claims and seek additional taxpayer-funded compensation through the 9/11 Fund. This is contrary to both the terms of the original 9/11 Fund and to general legal principles regarding the finality of settlements.

The original 9/11 Fund was unprecedented in its expression of a Nation's compassion and generosity following the deaths of innocent people. It was

designed to settle the claims of those covered once and for all. It may be that the fund should be reopened to first responders whose injuries were not evident until after the expiration of the initial deadline. However, if we are going to reopen the fund, we should do so in a manner that is much narrower, with far less discretion for the special master than is provided for in H.R. 847.

It's hard to explain spending billions of additional taxpayer dollars when Special Master Ken Feinberg himself has emphatically stated that the \$1.5 billion in taxpayer money, charitable contributions, and insurance coverage currently available for distribution is, quote, "more than sufficient to pay all eligible claims, as well as lawyers' fees and costs."

Mr. Speaker, why do Democrats continue to overreach and consider the taxpayer to be their personal slush fund? I urge my colleagues to vote against this bill.

I reserve the balance of my time.

Mr. NADLER of New York. Mr. Speaker, I now have the distinct privilege of yielding 1 minute to the distinguished Speaker of the House.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding. And I thank him for giving us the opportunity to vote this evening on the James Zadroga 9/11 Health and Compensation Act. I thank you and Congresswoman MALONEY for your leadership on this issue, as well as the entire New York delegation.

Mr. Speaker, any time we enter a discussion of 9/11 we are entering sacred ground. It is a place where there should be no disagreement as to our obligation to those who helped dig out and try to help clean up and recover at the scene of 9/11 at Ground Zero.

When 9/11 occurred, I don't think there would have been any question in anyone's mind that responding to it in this particular way was an emergency. It was an emergency. If there were ever an emergency in our country, responding to 9/11 was one. And so the objection that our colleagues make about paying for this, maybe we shouldn't pay for it. But we are. It's an emergency. It should be under emergency spending and investment.

But in order to say if we don't want to add to the deficit we will pay for it, there is a pay-for in the legislation that is about eliminating opportunities for tax evaders to avoid taxation, using the benefit of that to help make the people who came to the rescue and help rebuild and recover whole.

On September 11, 2001, again we enter this sacred ground, America stood in shock at the tragedy that unfolded at Ground Zero. In the days that followed, we stood inspired by the thousands of firefighters, rescue workers, first responders, medical personnel, and construction workers who traveled to the scene of the attack to help New Yorkers clean up and recover. Many spent

days, weeks, or months doing the hard work our government asked them to do in the recovery effort.

Bound together by tragedy, their acts made them heroes. Their commitment reflected our unity as a people and a Nation. Their courage gave us hope that we would emerge from these dark days stronger and more resilient than ever. The whole country watched, the whole world watched, frustrated in our own inability to be at the scene and to be helpful, grateful to those who were so brave, so courageous to make that sacrifice, in a place that was uncertain in terms of its health aspects.

Today we must act to offer those who were so courageous the assistance they earned through their bravery and their sacrifice. Again I thank Congresswoman CAROLYN MALONEY, Congressman JERRY NADLER, and the entire New York delegation for their work to bring this legislation to the floor. The American people are looking to us to do the right thing for the men and women who answered the call of duty and continue to suffer from ill health effects on their service.

It is my understanding that the people affected by this live in 433 of the 435 congressional districts. Because people not only rushed in from New York and surrounding areas, they came and brought their expertise and their help from all over the country. And therefore, the consequences of their bravery are felt all over the country. And the impact on their health is an important part of the challenge that they face and that we owe them for.

This legislation fulfills our obligation to those Americans, helping those who jeopardized their health to rescue others secure necessary medical treatment, especially for the unique exposures suffered at Ground Zero, and ensuring survivors and victims' families can obtain compensation for their tragic losses through a reopened 9/11 Victim Compensation Fund.

My colleagues, you all remember that following 9/11 there was a compensation fund established for the families of those who lost their lives. Well, many of these people are losing their lives. They certainly have lost their health. And we owe them. This is not a time for any partisanship. This legislation is the least we can do to offer our gratitude and support to those heroes, those individuals who never asked for any recognition or accolades, who simply want the opportunity to live out their lives with health and happiness.

Americans will have a hard time understanding how any leader in Congress could oppose this critical assistance. Let's find a way to help these people, not let's look for ways not to. We must uphold our pledge to help every one of them. We must not desert them. We must join together as Democrats and Republicans to provide this critical assistance.

I urge all of my colleagues to vote "aye" on the James Zadroga 9/11 Health and Compensation Act. I thank our colleagues again in a bipartisan way in the New York delegation for giving us the opportunity to call attention once again to the bravery and courage of so many at that time. Words are totally inadequate. But by our deeds we can try to begin to express our gratitude. We owe them that.

□ 2050

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. KING), who is also the ranking member of the Homeland Security Committee.

Mr. KING of New York. I thank my friend from Texas for yielding.

Mr. Speaker, I rise as an original cosponsor and in support of H.R. 847. I have seen too many police officers, firefighters, and construction workers who responded to 9/11 who have pulverized glass in their lungs and toxins in their bloodstream and are dying one by one.

But what we are doing tonight is a cruel hoax and a charade. Everyone knows that this bill will not get the two-thirds majority required on the suspension calendar. Everyone also knows that this bill would pass with a clear majority if the Democrat leadership would allow it to come to the floor under the regular procedures of the House.

The reason H.R. 847 is not being brought up under regular order is because the majority party is petrified of having its members face a potential vote on illegal immigration. You can blame it on the Republicans—and I've been strongly critical on the Republican position on this issue—but the reality is you could pass this bill if you wanted to. You are in control. You have the power. You have the responsibility. This bill should be more important than a campaign talking point. You could have passed it at any time during the past 3½ years, but you want political cover. Thank God for our country that the first responders of 9/11 didn't look for cover before they did what they had to do and lived up to their oath.

As Mayor Bloomberg, the mayor of New York City, said just today about the procedure we are following tonight, "It's an outrage. A majority of people would vote for this bill but they know full well they will not get 66 percent. They know that. So this is a way to avoid having to make a tough decision. Our people who worked down at 9/11, whose health has fallen apart, did what America wanted them to do. This is an American problem and Congress should stand up. And I know it's a tough vote for some people. I don't have a lot of sympathy. They should bring this up and vote up or down on any amendments and vote up or down on the bill.

And go on the record. And that incidentally is what the leadership should force." That was Mayor Bloomberg this afternoon.

They say they want Republican support, yet they never consulted even one Republican before they made the corporate tax increase as the pay-for. They say they want Republican support before they pass this bill, but they never applied that standard when they rammed through the stimulus, health care, cap-and-trade, or financial regulatory reform. No, you only apply it to cops and firefighters and construction workers.

What a sad and pathetic double standard. These heroes deserve better than they are receiving here tonight.

No matter what happens on this vote, I will continue to do all I can to pass this bill as soon as possible in the future.

Let me say, I look forward to continue working with CAROLYN MALONEY, who has always been honest, open, and direct.

Mr. Speaker, this is a sad moment for this body.

Mr. NADLER of New York. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. WEINER).

Mr. WEINER. It takes great courage to wait until all Members have already spoken and then stand up and wrap your arms around procedure. We see it in the United States Senate every single day when Members say, We want amendments. We want debate. We want amendments, but we're still a "no." And then we stand up and say, Oh, if only we had a different process, we'd vote "yes."

You vote "yes" if you believe yes. You vote in favor of something if you believe it's the right thing. If you believe it's the wrong thing, you vote "no."

Mr. KING. Will the gentleman yield? Mr. WEINER. I will not yield.

The gentleman gets up and yells like he does to intimidate people into believing he's right. The gentleman is wrong. The gentleman is providing cover for his colleagues rather than doing the right thing.

It's Republicans wrapping their arms around Republicans rather than doing the right thing on behalf of the heroes. It is a shame; a shame.

If you believe this is a bad idea to provide health care, then vote "no." But don't give me the cowardly view that, Oh, if it was a different procedure.

I will not stand here and listen to my colleague say, Oh, if only I had a different procedure that allows us to stall, stall, stall and then vote "no." Instead of standing up and defending your colleagues and voting "no" on this humane bill, you should urge them to vote "yes," something the gentleman has not done.

Mr. SMITH of Texas. Mr. Speaker, two questions: One, I would like to know how much time the last speaker used; and I would like to know how much time remains on each side.

The SPEAKER pro tempore. The gentleman from New York consumed 1 minute.

The gentleman from Texas has 6 minutes. The gentleman from New York (Mr. NADLER) has 1½ minutes. The gentleman from New York (Mr. CROWLEY) has 6½ minutes.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), who happens to be the vice ranking member of the Judiciary Committee. And I hope the Speaker will use the same timepiece in judging Mr. GOODLATTE's time as he did in judging the gentleman from New York's time.

Mr. GOODLATTE. Mr. Speaker, everyone here is concerned about helping people who are suffering, including New York firefighters and policemen and emergency rescue workers and others affected by this, but I want to point out what Ken Feinberg, the special master of the September 11th Victim Compensation Fund said in an op-ed piece in *The Washington Post* entitled, "9/11 fund. Once was enough."

He said, "Despite its success, the fund has not set a precedent. Congress has not authorized similar compensation for the thousands of victims of Hurricane Katrina, for those injured by other natural disasters, or for the families of those killed in such tragedies. Nor has Congress exhibited such generosity toward U.S. soldiers wounded or the families of those killed in Iraq and Afghanistan."

"The same is true of victims of terrorist attacks that took place before September 11, 2001. The Navy personnel who died in the suicide attack on the USS *Cole* and the victims of the Oklahoma City bombing received no such public compensation. Even the victims of the first terrorist attack on the World Trade Center in 1993 were denied."

Feinberg said, "Bad things happen to good people every day; Congress does not come to their financial rescue with generous, tax-free checks. In our free society, based on notions of limited government and equal protection of the laws, we simply do not expect the government to step in whenever misfortune strikes."

When firefighters all across this country enter burning buildings, when rescue workers clean up toxic spills, people are injured, people are killed all the time. We do not have compensation funds for them. We have normal procedures, normal processes through which people receive assistance. Even the most recent compensation funds for the gulf oil spill and for the victims of the shooting at Virginia Tech were privately funded compensation funds. This is not the correct way to proceed.

And this fund, in particular, is bloated. It includes funding for more than 20 years, until 2031. It includes far more money than Ken Feinberg said was necessary.

I urge my colleagues to not support this approach to solving this problem.

□ 2100

Mr. NADLER of New York. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 1½ minutes.

Mr. NADLER of New York. Mr. Speaker, over 13,000 responders are sick and receiving treatment today. Nearly 53,000 are enrolled in medical monitoring; 71,000 are enrolled in the World Trade Center Health Registry.

We have created Centers of Excellence across the country as part of this program so that people who were at the World Trade Center and have gotten sick can go to someplace with the expertise and a diagnosis without coming to New York or New Jersey. All of this is dependent on its continuation on passing this bill.

Yes, we can do it through continued appropriations. We have had too many times where the hospitals had to send out notices to the people being treated that your treatment comes to an end June 30 because the appropriation hasn't come through. We cannot leave this to the vicissitudes of annual appropriations.

On the Victim Compensation Fund, this House, indeed this Congress, passed it almost unanimously a week or two after 9/11. Unfortunately, people who should have been compensated by that fund could not be because their sicknesses did not become evident till the fund closed. That's why Ken Feinberg, testifying before the Judiciary Committee, urged us to reopen the fund, which is one half of this bill.

This bill is necessary so that people in the future will know that you go and help people in a time of emergency. This is not a New York bill.

This was an attack on the United States and is a special moral urgency because many of the people wouldn't be sick today if the Federal Government, in the person of the EPA, had not lied, had not told them the air was safe to breathe when we knew perfectly well that it wasn't safe to breathe.

I remember telling people don't go back to school, don't go to work there. Don't go back to work in the Federal office building because the air was not safe to breathe. But the EPA was saying go to work. People went to work. They are sick. We owe them this bill. We owe them their health. We owe them treatment if we are going to get support in the future when we have another emergency.

I urge the passage of this bill.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I understand that we have 4 minutes left

on this side. I would like to inquire again how much time remains on the other side, including both of the gentlemen from New York, Mr. NADLER and Mr. CROWLEY.

The SPEAKER pro tempore. Mr. NADLER's time has expired. Mr. CROWLEY has 6½ minutes remaining.

Mr. SMITH of Texas. Mr. Speaker, I will reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, who has the right to close?

The SPEAKER pro tempore. The gentleman from New York.

Mr. CROWLEY. Thank you, Mr. Speaker.

With that, I will yield 1 minute to the gentleman from New York representing Staten Island, Mr. MCMAHON, one of the hardest hit areas in terms of victims of 9/11 as well as where much of the debris was brought to the landfill in Staten Island.

Mr. MCMAHON. Thank you, Mr. Chairman.

Mr. Speaker, I rise this evening to tell the human side of this story, to tell the story of Lieutenant Martin Fullam from my district. Five weeks or so ago I got on a train in New Jersey to come down to work and Martin was there with his wife. They were coming down because there was going to be a meeting and a hearing over on the Senate side, and they wanted to be there.

You see, Martin was a 30-year veteran of the New York City Fire Department, and right after 9/11 he went and he work on the pile; and like so many others, he became sick, one of the first to be diagnosed with World Trade Center disease. He had to have a lung replaced or otherwise he would have died.

And when I asked him what does he think about, as he kind of fought for his breath sitting in that train station, he said the only thing I think about is making sure that my medical bills are paid so my family doesn't have to worry about it. That's all we are asking.

So I say to you that if this is an entitlement, you should have your mouth washed out with soap because you lie, Mr. Speaker. And if I say to you that you think this is some sort of tax gimmick and you want to protect offshore corporations and because we want to close the loophole, then I say you should have your head examined because there is something wrong with you.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CROWLEY. I yield the gentleman 30 additional seconds.

Mr. MCMAHON. And if you say that you support this bill but because of process, because of procedure, you will not vote with us tonight, then I say to you, speak to your confessor, because your judgment day is coming. These people fought for us. They fought for America. It's time for you to stand up on that side and fight for them and

their families and give them peace of mind.

This is not an entitlement. It is paid for, and it is limited. And yet you hide behind this substitute.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members must address their remarks to the Chair and not to the colleagues in the second person.

Mr. McMAHON. Mr. Chairman, as I said, that's what you should do on that chair. You should understand what this is about, human lives. Stand up and be counted.

I urge my colleagues to vote tonight for the heroes of 9/11, all-Americans.

Mr. SMITH of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. DANIEL E. LUNGREN) who is the ranking member of the House Administration Committee and a senior member of the Judiciary Committee.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman.

Mr. Speaker, I am one of those who supported the section of the bill that we had in the Judiciary Committee and attempted to convince others on my side to support it, because I believe we ought to expand it to include those people who assisted and those people who found that they had health problems after the time originally envisioned.

But I don't have to go to my father confessor, as someone suggested, to say that I cannot support this bill.

I did not believe that it was going to have attached to it a job-killing provision which is going to hurt jobs in my district and throughout California.

I did not know we were going to have the open-ended type of program that was in title I.

I fully thought that we would come to the floor with a bill that was bipartisan in nature and that was, in fact, what I envisioned when I voted for it and spoke for it on the Judiciary Committee.

I am saddened, frankly, by having this bill presented the way it is today. I am not going to be here and complain about procedure. What I am going to do is complain about the result that's before us.

We can and we have done better in the past when we have been confronted with very difficult issues on a bipartisan basis, when the Republicans were in charge, when the Democrats were in charge in the past, and we have been able to come up with legislation that got the support of this House.

The unfortunate thing here is that this bill will not pass today; and yet we could have a bill that does, in fact, carry out all of the sentiments expressed on this floor today, but we are not going to have that chance, and I am saddened by that, not angered by that.

Mr. CROWLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. TONKO).

Mr. TONKO. I thank the gentleman.

I stand here this evening in strong support of H.R. 847. I want to commend my colleagues, Representatives MALONEY, NADLER, CROWLEY and the entire delegation from New York in a bipartisan way for working on this bill.

It is so essential. Just hours, days after the attack on America, 9/11, I was at the time serving in the New York State Assembly. The Speaker of the State Assembly and a delegation of representatives from the House traveled to that site to show support to the workers.

I can still recall the pain and the anguish that surrounded that site. I can still see the determination in the eyes of the workers. I can still understand the sense of character, the efforts made, the strength, the courage, the bravery, the resilience of those workers.

If, in fact, we believe 9/11 is an attack on America, then we as an American public need to respond to the workers who showed the strength and the bravery to aid us in that very, very dark moment.

So I stand in support of H.R. 847 and ask that everyone in this House show support to the workers. They deserve our respect, our resources, and let's support this measure.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, how much time do we have left?

The SPEAKER pro tempore. The gentleman from New York has 4 minutes remaining.

Mr. CROWLEY. I yield 1 minute to the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Mr. Speaker, I rise in support of the 9/11 Health and Compensation Act tonight. I am from Pennsylvania, northwest Pennsylvania, almost 450 miles away from New York City.

During my first months in office, in 2009, I met with a constituent named Laura DiPasqua, the director of emergency services for the American Red Cross in Erie.

□ 2110

Laura was a healthy 41-year-old woman when she spent 5 weeks working at Ground Zero in the months following 9/11. Now she has an incurable cancer and two tumors. She has had numerous cancerous lesions removed from her mouth and her airways. She has undergone facial rebuilding four times as a result and can barely walk down the street due to her breathing problems. Her two sons say that the mother they knew died at Ground Zero.

This bill is the right thing to do for Laura and all the first responders who came to the aid of their fellow Americans from across this country and are now suffering these horrible consequences.

I urge my colleagues to stand with these brave Americans and support this bill.

Mr. CROWLEY. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Thank you, Mr. Chairman.

My friends from both sides of the aisle, many people responded on 9/11, a lot of folks from New Jersey. They were put into a situation which they did not ask for, did not pray for. These brave people deserve to be responded to. If you forget them, if you put them aside, we will have done a bad, bad thing here in the Congress of the United States.

I ask you, I plead with you, please recognize—two studies from two major hospitals in New Jersey indicate how severe that situation is. These people need your help, whether they were contractors, workers, firemen, or policemen. I ask you to respond.

Mr. Speaker, I am so proud to be standing here to support our heroes from 9/11.

While the entire nation watched with sorrow for those we lost and tried to heal emotionally after that day—there were only a few brave souls who went back to that rubble day-after-day and endured the physical and mental strain of clearing the remains of the towers in lower Manhattan.

On that day, we gave those brave souls the "all clear" sign, but we now know that we were exposing those men and women to a poisonous dust that would stay with them for the rest of their lives.

Today—more than four and a half years after the death of NYPD Det. James Zadroga—I am here to say that we need to pass the James Zadroga 9/11 Health and Compensation Act right away because we are losing these brave souls as we speak.

We need this bill because it will finally provide comprehensive health care and compensation for thousands of our ailing 9/11 heroes—and it does so while being fully paid for by closing foreign tax shelters.

This isn't just a bill for New York and New Jersey—This is a bill for all Americans.

We know that people from all 50 States were in lower Manhattan on or after 9/11 and now are facing serious health concerns—there are 435 congressional districts and 431 of them are represented by the names of constituents on the World Trade Center Health Registry.

After 9/11, we all said we would be there for these brave first responders—but today if we vote against this bill we are asking those same brave individuals to come to Washington, year after year to fight for their health benefits—do we expect them to come here ten years from now?

By then, it may be too late for many of these men and women who responded to their Nation's call of duty.

I urge all my colleagues to support the James Zadroga 9/11 Health and Compensation Act.

Mr. CROWLEY. Mr. Speaker, I yield 30 seconds to my friend from Long Island, Mr. ISRAEL.

Mr. ISRAEL. I thank the gentleman.

Mr. Speaker, I spoke earlier today on this bill. I just want to make one final point.

The American people watching this debate are hearing finger pointing and blame laying, and you know what? All the finger pointing and all the blame laying isn't going to help a single 9/11 responder with his or her health care.

It is very simple: If you believe that these heroes deserve to be monitored for their medical conditions and deserve health care, vote "yes"; if you don't believe that, vote "no." But let's stop the partisan bickering and the posturing and get on to the business at hand, which is helping these people.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 2½ minutes.

Mr. SMITH of Texas. Mr. Speaker, this legislation represents an irresponsible overreach and does not contain the necessary protections to safeguard taxpayer dollars from abuse, waste, and fraud.

Ken Feinberg, the special master of the original 9/11 fund, has stated that if the fund is reenacted, it should be for a window of 5 years, not 21, and that it should be done with "the understanding that there would be no changes in the rules and regulations governing the original fund, and that the new law would simply be a one-line reaffirmation of the original 9/11 fund." Unfortunately, the majority did not listen to Mr. Feinberg's sound advice. Instead, we are considering a bill that creates a fund with an unnecessary 21-year-long duration that contains special protections for trial attorneys, extends greatly the original fund's eligibility and criteria, and does not include the procedural protections necessary to safeguard the fund from abuse, waste, and fraud.

Mr. Speaker, I am sorry to say I think this is another example of the Democrats' insatiable appetite for the taxpayers' hard-earned dollars.

I urge my colleagues to vote "no" on this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 2 minutes.

Mr. CROWLEY. Mr. Speaker, this evening I rise not only as a Member of Congress, not only as a native New Yorker, and not only as the son of a New York City police officer. Today, I also rise as the cousin of Battalion Chief John Moran and in strong support of the James Zadroga 9/11 Health and Compensation Act.

I want to thank my colleagues from New York, particularly CAROLYN MALONEY and JERRY NADLER, who have done their utmost to shepherd this bill through our side of the aisle.

My cousin, along with almost 3,000 others, died on September 11, 2001. His last known words to the driver of his truck with the New York City Fire Department—at John's request he was dropped off at 2 World Trade Center and he said, "Let me off here, I'm going to try to make a difference."

I rarely talk about the death of my cousin. The loss of him and other close friends who were killed that day is a personal matter. But today I need to share John's story because he and thousands of others who perished that day would want to know that the survivors of 9/11 will also never be forgotten.

I have joined in the efforts to pay tribute to all those who died for our Nation and all those who served our Nation after the attacks. Thousands of eloquent speeches have been delivered, medals of valor have been issued, but the ultimate tribute has yet to be provided to the survivors who served our Nation on that fateful day, and in the weeks and the months—and, yes, the years—that have followed. Almost 9 years after the September 11 attacks, those who dug through rubble, through plastics, through toxins, through human remains continue to await access to much-needed health services. And those who were told, go home, return to life as usual, as normal, are still waiting for that much-needed care. These are the very people who our government, our Federal Government, urged to go back to Ground Zero, back to Battery Park, back to the Financial Service District because the air was safe. And they did return to keep digging, keep searching, and keep working, but the government was wrong; the air wasn't safe, and now thousands are sick and dying.

Today we have a chance to finally fulfill the commitment to the 9/11 heroes. In the words of my cousin, my colleagues, today we have a chance "to make a difference." Vote for this bill.

This choice is simple: Either vote to protect foreign corporations who are avoiding U.S. taxes or vote to protect those who stood to protect our Nation on 9/11 and thereafter.

Mr. CONYERS. Mr. Speaker, I rise in support of H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010. This legislation will provide care for the thousands of 9/11 responders and others who are sick because of Ground Zero toxins.

Within hours of the collapse of the World Trade Center on September 11, 2001, fire fighters, police officers and EMTs, construction workers, and volunteers from every state in the Union labored together without regard for their own health or safety.

As they set about searching for survivors and then continued the task of clean up, they were told the air was safe to breathe.

Unfortunately, we know better today.

The cloud they worked in was a poisonous cocktail of thousands of tons of coarse and fine particulate matter, pulverized cement and

glass, asbestos, lead, and other toxic pollutants.

Now, almost nine years later, we are seeing the potentially deadly effects of those toxins. Thousands of responders and people from the community surrounding Ground Zero are currently sick and receiving treatment. Tens of thousands are undergoing medical monitoring, and many more are enrolled in the World Trade Center Health Registry.

H.R. 847 helps the World Trade Center responders and members of the community who were exposed to the toxins of Ground Zero by providing medical monitoring and treatment. I strongly support these provisions.

This legislation also provides compensation for those who suffered economic loss. It reopens the September 11 Victims Compensation Fund and provides liability protection to the World Trade Center contractors.

Without the Victims Compensation Fund, those who need and deserve compensation have no alternative to the current litigation system. So, it's no surprise that some 11,000 workers are suing the World Trade Center contractors and the City of New York because of their illnesses.

The contractors, now subject to suit and potential financial loss, came in to help our nation in our time of need. They were told by the government that their liability would be taken care of and we need to make good on that promise.

To that end, H.R. 847 provides liability protection to the World Trade Center contractors. As with the original Victims Compensation Fund, people can either participate in the Victims Compensation Fund or litigate, but they cannot do both.

The solution offered in H.R. 847 is neither easy nor inexpensive. We must, however, take care of the people who took care of us following 9/11. If we don't, not only will we have failed in our moral obligation to our nation's responders and volunteers, we risk the possibility that others will not answer the call when we need them in the future.

I wish to thank Speaker PELOSI, Mrs. MALONEY, Mr. NADLER, Chairman RANGEL, and Mr. PETER KING for their steadfast commitment to help.

I urge my colleagues to support this legislation.

Mr. ACKERMAN. Mr. Speaker, I rise today in the strongest possible support of the 9/11 Health and Compensation Act, H.R. 847.

Mr. Speaker, every September, we come to the floor of the House of Representatives to pay homage to the lives lost on the 11th of September in 2001, to recognize that each anniversary is a time of solemn commemoration, to extend condolences to the friends, families and loved ones of the innocent victims of the terrorists. Every September, we come here and reflect about that day in 2001 and to say none of us will ever forget what happened. And Mr. Speaker, those words are all well and good, those words are all spoken with sincerity and those words are all important. However, today this House has a chance to do something more, something different than just, "expressing the sense of the House," something tangible, something that will help the living victims of 9/11.

Mr. Speaker, when the towers were falling, there were men and women who rushed to

those towers to help when all human instinct would be to run away. Later, workers volunteered and were hired to work on the "pile" at Ground Zero at the World Trade Center. First responders, workers, visitors and residents at Ground Zero were exposed to a mixture of asbestos, dioxin, jet fuel and other toxins when they were told by the federal government that it was safe. Unfortunately, the previous Administration declared the site "safe," puttered around with piecemeal and short-term efforts, and either by incompetence or design, utterly failed to address the now-acknowledged and long-term effects of exposure to the "pile" at Ground Zero. Nine years of waiting for a comprehensive plan of action is long enough; Congress must act now to provide for the lasting care of the people who rushed to Ground Zero to help others, as well as the thousands who worked on the "pile" in the aftermath to rebuild the site, and have gotten sick from it. We owe the heroes of 9/11 the medical care and compensation they deserve. H.R. 847, the 9/11 Health and Compensation Act, would finally establish a permanent federal program to monitor and treat the first responders, workers, and residents who were exposed to the harmful contaminants caused by the terrorist attacks of 9/11.

Mr. Speaker, sadly, there are opponents to this bill. There are opponents to this bill that object to the cost. They say we can't afford it, that we can't afford to add another program with mandatory spending, that these 9/11 victims should come back to Congress every fiscal year for funding. Well, this bill is paid for with an offset. Then there are other opponents who object to the offset used to pay for the bill—an offset which has passed this House three separate times. Apparently, those opponents believe that foreign corporations making profits in the United States should be able to evade taxes. Then there are yet even other opponents to this bill who believe this isn't a national issue, that it's a local, New York City issue. To those opponents: 9/11 wasn't an attack on New York City; it was an attack upon the entire United States. The brave men and women in uniform who risk their lives every day in Afghanistan and elsewhere aren't defending just New York City, they're defending America.

Personally, I find it outrageous that we have to even offset the costs of this bill at all. For my entire time here in Congress, I have strongly supported emergency spending for all Americans who are victims of natural and man-made disasters. When there was emergency spending needed for the victims of floods and tornadoes in the Midwest, or hurricanes on the Gulf Coast, or forest fires out West, I supported that spending. In the future, it is likely we will consider emergency spending for some new disaster or attack, whether it will be helping our citizens affected by the oil spill or something else. I strongly believe the victims of 9/11 are owed the same consideration by the Members of this House.

Responders came to Ground Zero in the thousands from all around the country, from almost every Congressional District. Over 13,000 responders to Ground Zero are sick now and already are receiving medical treatment. Another 53,000 responders are currently being medically monitored and 71,000 individ-

uals are enrolled in the World Trade Center Registry, meaning there were exposed to toxins at some point. In the coming years, these numbers will only increase as symptoms and conditions related to exposure to Ground Zero begin to manifest themselves in the victims. This measure would monitor and provide treatment to responders to Ground Zero and build on the existing monitoring and treatment programs. There's also an economic component to this bill. Victims would be able to be compensated for their economic losses and contractors would receive liability protection. We must pass this bill not only because it's the right thing to do for those people who are sick, but for the next generation of responders who will have to think twice about volunteering and working at a site of a terrorist attack.

So, Mr. Speaker, I urge all my colleagues to support the 9/11 Health and Compensation Act so that all the victims of 9/11 will receive the medical care and help they need and deserve.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to speak in support of H.R. 847, the James Zadroga 9/11 Health and Compensation Act.

I would like to thank Congresswoman MALONEY from New York for introducing this important legislative measure.

According to a 2008 New York City Department of Health report, as much as three years after the 9/11 terrorist attacks, both psychological and new respiratory problems remain elevated among those persons enrolled in the World Trade Center Health Registry.

The news is even more disturbing when that figure is quantified as nearly 72,000 Americans that are currently registered.

Three percent of enrollees reported development of new asthma cases; 16 percent reported post-traumatic stress disorder (PTSD); and 8 percent had severe psychological distress.

And, among the whole population of registrants, minorities, persons of low-income, and women experienced higher rates of mental and physical problems.

H.R. 847 would amend Section 330 of the Public Health Service Act to provide: medical monitoring as well as treatment benefits to eligible emergency responders, as well as recovery and cleanup workers who responded to the World Trade Center terrorist attacks on September 11, 2001.

This bill would also provide the initial health evaluations, monitoring, and treatment benefits that residents and area workers who were directly impacted by the attacks need to address their concerns.

Going forward, we need to empirically study the psychological and physiological effects of 9/11 to better understand the new medical conditions that have emerged.

We owe it to those who selflessly risked their lives to save the lives of others.

Presently, the enrollment of the World Trade Center Registry includes 386 Texans who were affected and are still being affected by this tragedy.

Because the impacts of 9/11 far reach beyond Ground Zero, it is important that we in Congress work to provide for the care of those who still suffer.

I am confident that with the passage of this bill, they are one step closer to that goal.

I urge my colleagues to support Health and Compensation Act for the medical monitoring, treatment, and scientific research for those affected by 9/11.

Ms. ZOE LOFGREN of California. Mr. Speaker, H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010, ensures that we continue to care for and compensate the heroes and heroines of 9/11. These are the firefighters, police officers, rescue workers, and volunteers who risked their lives to help the country during one of its darkest periods. They deserve our help, and we are duty-bound to provide it to them.

I congratulate Mrs. MALONEY, Mr. NADLER, and Mr. KING of New York and the other members of the New York delegation for their long struggle to bring this bill to the floor. I also thank Speaker PELOSI for her strong commitment to helping the heroes and heroines of 9/11.

In the days after the terrorist attacks of 9/11, Congress came together and—in a truly bipartisan effort—conceived of a system through which the victims of those terrible attacks could obtain medical treatment and just compensation for any injuries that occurred as a result of those attacks. As we learned in various hearings and markups before the Judiciary Committee, that system was a stunning success.

The 9/11 Victims Compensation Fund, for example, quickly compensated those who were injured or lost close family members in the attacks. Just over \$7 billion was paid out in a 33-month period, with overhead costs of less than 3 percent, and with 97 percent of the families of deceased victims opting into the fund rather than pursuing tort relief in the courts. As Special Master Kenneth Feinberg stated in his written testimony before our committee earlier this year: "this was one of the most efficient, streamlined and cost effective programs in American history."

Despite its incredible success, however, the job is not quite done. There remain thousands of people who require the protection of the VCF, but who—by no fault of their own—were unable to take advantage of it when it was available. This includes first responders, workers, and volunteers from around the country who rallied to help locate survivors, recover the deceased, and clean up debris from the fallen towers. These are the people that the Nation and the world watched on television as they dropped everything in their own lives to rush to aid those who needed it the most.

They were told by their government that the air was safe to breathe. But many are now sick and suffering because of their exposure to the toxic dust that covered much of lower Manhattan.

People are sick and will continue to get sick because of their exposure to World Trade Center dust. We must resolve this problem, and that means passing H.R. 847.

The bill would provide medical monitoring and treatment to the continuing victims of the 9/11 attacks. It would also reopen the 9/11 Victims Compensation Fund to provide compensation to those victims.

One thing is clear: the status quo is unacceptable. Worker's compensation has failed. Medical programs aren't covering enough people. And the World Trade Center Captive Insurance Fund, created by Congress to resolve

claims such as those that remain outstanding, has instead used the money appropriated to contest each and every one of those claims. Six years and \$300 million in administrative and legal costs later, the Captive Insurance Fund has settled less than 10 claims.

I believe this bill, while perhaps not perfect, goes a long way to establishing a fair and just program to care for and compensate those who continue to bear the deep scars from 9/11. I urge my colleagues to support this bill, which is the result of a great deal of work on both sides of the aisle, and is the right thing to do for the first responders, workers, and volunteers who heard the call of duty and helped our country recover from 9/11.

Ms. SLAUGHTER. Mr. Speaker, I rise today in support of the men and women who risked their lives for the victims of 9/11.

In the aftermath of the collapse of the World Trade Center towers, thousands of courageous men and women from around the country devoted themselves tirelessly to the rescue efforts. In the course of their work, they were exposed to numerous toxins.

After giving so much of themselves, many of these firefighters, police officers, rescue workers, and innocent bystanders are currently suffering from serious respiratory, gastrointestinal, and mental health conditions. More than 70,000 individuals have enrolled in the World Trade Center Health Registry, signifying that they were exposed to the toxins. Over 13,000 responders and 4,500 survivors are sick and receiving treatment. Moreover, approximately 53,000 responders have entered into medical monitoring.

For this reason, I support H.R. 847, the 9/11 Health and Compensation Fund.

H.R. 847 would build on existing programs to provide long-term, comprehensive health care and compensation for those in need. By establishing the World Trade Center Health Program, this legislation would ensure that World Trade Center victims and survivors receive proper medical monitoring and treatment. It will also reopen the 9/11 Victims Compensation Fund, which would help cover economic losses.

The World Trade Center victims and responders have waited long enough. Thousands of Americans were exposed to toxins at Ground Zero, and they are sick and need treatment. It is time for action.

Mr. VAN HOLLEN. Mr. Speaker, as we approach the 9th anniversary of the September 11th, 2001 attacks, I rise in support of legislation that would help the thousands of first responders and survivors who were exposed to hazardous health conditions in the aftermath of the attacks.

Congress and the Federal Government have an obligation and a responsibility to care for and help the responders and survivors of the September 11th attacks. The 9/11 Health and Compensation Act would re-open the federal health and compensation program as well as provide medical monitoring and treatment services for 9/11 responders and community members who have suffered long-term physical and mental health problems due to the residual dust, toxins and chemicals from the attacks.

Mr. Speaker, this legislation is PAYGO compliant. Let us not forget the sacrifice and serv-

ice of those brave individuals who rushed to the scene as well as the survivors. We cannot turn our backs on them. I urge my colleagues to support this much-needed bill.

Mr. TOWNS. Mr. Speaker, I rise to speak on H.R. 847—The 9/11 Health and Compensation Act.

There have been few events in our history as traumatic as the attacks our nation suffered on September 11, 2001. The lives of millions of Americans were changed on that day. People in New York were devastated. Yet the incredible response by people all over this great country reminded us of the generous and caring people we Americans are.

Now many of those people who came from every state in the country need our help. They were willing to put their own health at risk to help their neighbors. We now have the opportunity to repay them for their courageous actions.

H.R. 847—the 9/11 Health and Compensation Act will do just that. It will provide critical health monitoring and treatment and compensate these angels of mercy for their economic sacrifices.

We are pleased that this bill is revenue neutral. But we could never place a monetary value on the bravery and service of these heroes. I urge my colleagues in the House to do right by these brave Americans. Passing this bill will be another noble act in our nation's proud heritage.

Mrs. MCCARTHY of New York. Mr. Speaker, I wholeheartedly support the James Zadroga 9/11 Health and Compensation Act and believe the House of Representatives should act urgently to pass this must needed piece of legislation.

The United States is engaged around the world in a conflict against violent extremists. The first casualties of that conflict were the police and firefighters who responded that day, the civilians that volunteered in the rescue and recovery efforts, the construction workers who began clearing the site, and the ordinary citizens who lived and worked in that area. It is important that we act to take care of those individuals who were harmed as a result of this attack on our nation. They suffered that day as Americans, and it is right that we, as Americans, ensure they receive the care they need and deserve.

These Americans, not only New Yorkers, but citizens of every state, continue to suffer from serious medical conditions as a result of the attacks and the dangerous air quality in the time that followed. It is imperative that this Congress act to protect those citizens who are suffering as a result of the terrorist attacks on our country.

I urge all of my colleagues to support this effort.

Mr. KING of Iowa. Mr. Speaker, we all agree that those who heroically responded to the 9/11 terrorist attacks should get the treatment, compensation, and liability protection they need. The American people are grateful to those the ground zero workers and the emergency responders that worked heroically, day and night, for months in rescue, recovery and cleanup efforts at the World Trade Center site. Unfortunately, the approach this bill takes to accomplish these goals is unreasonable and irresponsible.

During committee hearings on reenacting the 9/11 Fund, I expressed the view that if the fund is reenacted, it must be done in a manner that properly compensates the victims while at the same time protecting the taxpayers.

First, I asserted that if the Fund is reenacted it must provide adequate compensation to the victims without handing the keys to the U.S. Treasury to trial lawyers. Unfortunately, this bill does not contain these protections. Rather, the bill allows trial lawyers to request compensation from the fund for work that is not directly related to their clients' recovery from the fund.

Second, I stated that if the Fund is reenacted it must include provisions that will protect the U.S. taxpayers. However, instead of protecting the taxpayers, this bill abdicates Congress' legislative authority to the unreviewable and virtually unbounded discretion of the Special Master.

Third, I counseled that if the Fund is reenacted it should be for a reasonable, but limited, period of time. Once again the authors of this legislation did not listen to my advice; rather, they propose to keep the fund open for 21 years despite congressional testimony by Special Master Ken Feinberg that "no latent claims need such an extended date."

Finally, I suggested that if the fund is reenacted it should be paid for. Apparently, the bill's authors listened to me on this count, but unfortunately, rather than choosing a pay-for that protects U.S. taxpayers, they have chosen one that will actually cost American jobs.

We could be considering a reasonable consensus proposal to reenact the 9/11 Fund today. Instead, I have to urge my colleagues to oppose this legislation because not only does it fail to protect the taxpayers, but it also fails to ensure that those REAL victims that answered the call of duty on September 11, 2001, will actually get the care that they deserve. Unfortunately, we have brought a bill to the floor today that will cost American jobs and creates gimmicks to hide the bill's true cost.

The taxpayers and those who responded to the 9/11 attacks deserve better.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to express my support for H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2009, which amends the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001. The effects of H.R. 847 will be twofold: it will mandate funding to establish the World Trade Center Health Programs, and it will reopen the 9/11 Victim Compensation Fund. Both provisions are necessary to sufficiently care for the health and economic welfare of the Americans who were victims of the September 11 attacks and who responded in the aftermath of the attacks. This act guarantees America's heroes—who have sacrificed so much for our country—the medical and financial support they deserve.

As we approach the ninth anniversary of the September 11 attacks on the World Trade Center (WTC), it is especially important that Congress remember that there are survivors of and responders to the attacks who continue

to suffer today. These victims may experience a long-term negative impact on their health many years into the future. For the first seven years after September 11, the Bush administration failed to respond adequately to the medical emergency caused by dangerous airborne toxins at Ground Zero. Americans from every state and every walk of life have been affected by those toxins, and over 71,000 people have enrolled in the WTC Health Registry because of their condition. Toxin-related illnesses include respiratory, gastrointestinal, and mental-health disease. Additionally, these illnesses have caused financial loss for many survivors and responders, 11,000 of whom have sued the City of New York because they have no viable alternative for receiving compensation. H.R. 847 will deal thoroughly and effectively with each of these problems.

Title I of H.R. 847 provides mandatory funding for the establishment of the World Trade Center Health Programs. These programs will provide consistent and readily available medical treatment for the September 11 survivors and those who responded in the aftermath of the attacks, many of whom suffer egregiously from the airborne toxins present at Ground Zero. H.R. 847 will also strengthen the medical monitoring and treatment programs and other social services programs for survivors already in place at the Clinical Centers of Excellence in New York City. Title I goes on to establish a WTC National Responder Program, which will give eligible survivors and responders who live outside of the New York City metro area access to a nationwide network of healthcare providers associated with the 9/11 Health and Compensation Act. Additionally, Title I provides for research into health problems related to the September 11 attacks, so that legislators, doctors, survivors, and responders can be better informed about the nature of these conditions.

Title II of H.R. 847 will reopen the 9/11 Victim Compensation Fund (VCF), which closed in 2003, until 2031. The original deadline prevented survivors and responders who did not file a claim before the deadline, or who became ill after the deadline, to receive compensation for losses sustained as a result of the attacks. Reopening the fund will not change eligibility standards for compensation; rather, doing so will ensure that anyone eligible for compensation at any point receives the best care and support possible. The newly reopened VCF will also allow for the offsetting of over 11,000 lawsuits filed by survivors and responders suffering from the effects of WTC toxins.

Title III of the bill ensures that its \$7.7 billion cost is fully paid for by preventing a form of tax evasion called "treaty shopping." This makes the bill pay-as-you-go neutral, and thus amenable to Congress' goals of intelligent spending and fiscal responsibility.

The attacks on the World Trade Center irrevocably changed the lives of all Americans. As a result, we see the world from a markedly different perspective, and we have entered two expensive and bloody wars. The number of lives lost in Iraq and Afghanistan, added to the toll taken by the attacks themselves, is a devastating tragedy. But, with the passage of this bill, we can stop any more victims of the September 11 attacks from dying or continuing

to suffer. We must be able to look back on our legislative record and say that we assured justice to the heroes of 9/11, who stood on the front lines as America came under siege.

I urge my colleagues to support this important resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 847, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 255, nays 159, not voting 18, as follows:

[Roll No. 491]

YEAS—255

Ackerman	Edwards (TX)	Larsen (WA)
Adler (NJ)	Ellison	Larson (CT)
Altmire	Ellsworth	Lee (CA)
Andrews	Engel	Levin
Arcuri	Eshoo	Lewis (GA)
Baca	Etheridge	Lipinski
Baird	Farr	LoBiondo
Baldwin	Fattah	Loeback
Barrow	Filner	Lofgren, Zoe
Becerra	Foster	Lowey
Berkley	Frank (MA)	Lujan
Berman	Frelinghuysen	Lynch
Bishop (GA)	Fudge	Maffei
Bishop (NY)	Garamendi	Maloney
Blumenauer	Giffords	Markey (CO)
Boccieri	Gonzalez	Markey (MA)
Boren	Gordon (TN)	Marshall
Boswell	Grayson	Matheson
Boucher	Green, Al	Matsui
Boyd	Green, Gene	McCarthy (NY)
Brady (PA)	Gutierrez	McCollum
Braley (IA)	Hall (NY)	McDermott
Brown, Corrine	Halvorson	McGovern
Butterfield	Hare	McIntyre
Cao	Harman	McMahon
Capps	Hastings (FL)	McNerney
Capuano	Heinrich	Meek (FL)
Cardoza	Hereth Sandlin	Meeks (NY)
Carnahan	Higgins	Melancon
Carson (IN)	Hill	Michaud
Castor (FL)	Himes	Miller (MI)
Chandler	Hinchee	Miller (NC)
Childers	Hinojosa	Miller, George
Chu	Hirono	Minnick
Clarke	Hodes	Mitchell
Cleaver	Holden	Mollohan
Clyburn	Holt	Moore (KS)
Cohen	Honda	Moore (WI)
Connolly (VA)	Hoyer	Moran (VA)
Costa	Inslee	Murphy (CT)
Costello	Israel	Murphy (NY)
Courtney	Jackson (IL)	Murphy, Patrick
Critz	Jackson Lee	Murphy, Tim
Crowley	(TX)	Nadler (NY)
Cuellar	Johnson (GA)	Napolitano
Cummings	Johnson, E. B.	Neal (MA)
Dahlkemper	Jones	Nye
Davis (AL)	Kagen	Oberstar
Davis (CA)	Kanjorski	Obey
Davis (IL)	Kaptur	Olver
Davis (TN)	Kennedy	Ortiz
DeFazio	Kildee	Owens
DeGette	Kilroy	Pallone
DeLauro	Kind	Pascarella
Dent	King (NY)	Pastor (AZ)
Deutch	Kirk	Payne
Dicks	Kirkpatrick (AZ)	Perlmutter
Dingell	Kissell	Perriello
Doggett	Klein (FL)	Peters
Donnelly (IN)	Kosmas	Peterson
Doyle	Kratovil	Pingree (ME)
Driehaus	Kucinich	Polis (CO)
Edwards (MD)	Lance	Pomeroy
	Langevin	Price (NC)

Quigley	Scott (GA)	Thompson (CA)
Rahall	Scott (VA)	Thompson (MS)
Rangel	Serrano	Tierney
Reyes	Sestak	Titus
Richardson	Shea-Porter	Tonko
Rodriguez	Sherman	Towns
Ross	Shuler	Tsongas
Rothman (NJ)	Sires	Van Hollen
Roybal-Allard	Skelton	Velázquez
Ruppersberger	Slaughter	Visclosky
Rush	Smith (NJ)	Walz
Ryan (OH)	Smith (WA)	Wasserman
Salazar	Snyder	Schultz
Sánchez, Linda T.	Space	Waters
Sanchez, Loretta	Speler	Waxman
Sarbanes	Spratt	Weiner
Schakowsky	Stark	Welch
Schauer	Stupak	Wilson (OH)
Schiff	Sutton	Woolsey
Schrader	Tanner	Wu
Schwartz	Taylor	Yarmuth
	Teague	Young (AK)

NAYS—159

Aderholt	Fallin	Miller (FL)
Alexander	Flake	Miller, Gary
Austria	Fleming	Myrick
Bachmann	Forbes	Neugebauer
Bachus	Fortenberry	Nunes
Barrett (SC)	Fox	Olson
Bartlett	Franks (AZ)	Paul
Barton (TX)	Gallagher	Paulsen
Bean	Garrett (NJ)	Pence
Berry	Gerlach	Petri
Biggert	Gingrey (GA)	Pitts
Bilbray	Gohmert	Platts
Bilirakis	Goodlatte	Poe (TX)
Bishop (UT)	Granger	Posey
Blackburn	Graves (GA)	Price (GA)
Blunt	Graves (MO)	Putnam
Boehner	Hall (TX)	Rehberg
Bonner	Harper	Reichert
Bono Mack	Hastings (WA)	Roe (TN)
Boozman	Heller	Rogers (AL)
Boustany	Hensarling	Rogers (KY)
Brady (TX)	Herger	Rogers (MI)
Bright	Hunter	Rohrabacher
Brown (GA)	Inglis	Rooney
Brown (SC)	Issa	Ros-Lehtinen
Brown-Waite,	Jenkins	Roskam
Ginny	Johnson (IL)	Royce
Buchanan	Johnson, Sam	Ryan (WI)
Burgess	Jordan (OH)	Scalise
Burton (IN)	King (IA)	Schmidt
Buyer	Kingston	Schock
Calvert	Kline (MN)	Sensenbrenner
Camp	Lamborn	Sessions
Campbell	Latham	Shimkus
Cantor	LaTourette	Shuster
Capito	Latta	Simpson
Carter	Lee (NY)	Smith (NE)
Cassidy	Lewis (CA)	Smith (TX)
Castle	Linder	Stearns
Chaffetz	Lucas	Sullivan
Coble	Luetkemeyer	Terry
Coffman (CO)	Lummis	Thompson (PA)
Cole	Lungren, Daniel E.	Thornberry
Conaway	E.	Tiberi
Cooper	Mack	Turner
Crenshaw	Manzullo	Upton
Culberson	Marchant	Walden
Davis (KY)	McCaul	Westmoreland
Diaz-Balart, L.	McClintock	Whitfield
Diaz-Balart, M.	McCotter	Wilson (SC)
Djou	McHenry	Wittman
Dreier	McKeon	Wolf
Duncan	McMorris	
Ehlers	Rodgers	
Emerson	Mica	

NOT VOTING—18

Akin	Guthrie	Shadegg
Carney	Hoekstra	Tiahrt
Clay	Kilpatrick (MI)	Wamp
Conyers	McCarthy (CA)	Watson
Griffith	Moran (KS)	Watt
Grijalva	Radanovich	Young (FL)

□ 2146

Messrs. CAMP, BONNER, and MACK changed their vote from "yea" to "nay."

Messrs. BRALEY of Iowa and ALTMIRE, Ms. HIRONO, and Mr. BAIRD

changed their vote from “nay” to “yea.”

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore. Pursuant to House Resolution 1569 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5850.

□ 2146

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5850) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, with Mr. SNYDER in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole House rose earlier today, a request for a recorded vote on amendment No. 11 printed in part B of House Report 111–578 by the gentleman from Arizona (Mr. FLAKE) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111–578 on which further proceedings were postponed, in the following order:

Amendment No. 14 printed in part A by Mr. NEUGEBAUER of Texas.

Amendment No. 18 printed in part A by Mr. JORDAN of Ohio.

Amendment No. 20 printed in part A by Mr. FLAKE of Arizona.

Amendment No. 2 printed in part B by Mr. FLAKE of Arizona.

Amendment No. 4 printed in part B by Mr. FLAKE of Arizona.

Amendment No. 10 printed in part B by Mr. FLAKE of Arizona.

Amendment No. 11 printed in part B by Mr. FLAKE of Arizona.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

PART A AMENDMENT NO. 14 OFFERED BY MR. NEUGEBAUER

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 247, not voting 14, as follows:

[Roll No. 492]

AYES—177

Aderholt	Foxx	Mica
Alexander	Franks (AZ)	Miller (FL)
Austria	Frelinghuysen	Miller (MI)
Bachmann	Gallely	Miller, Gary
Bachus	Garrett (NJ)	Minnick
Barrett (SC)	Gerlach	Murphy, Tim
Bartlett	Giffords	Myrick
Barton (TX)	Gingrey (GA)	Neugebauer
Biggert	Gohmert	Nunes
Bilbray	Goodlatte	Olson
Bilirakis	Granger	Paul
Bishop (UT)	Graves (GA)	Paulsen
Blackburn	Graves (MO)	Pence
Blunt	Guthrie	Petri
Boehner	Hall (TX)	Pitts
Bonner	Harper	Platts
Bono Mack	Hastings (WA)	Poe (TX)
Boozman	Heller	Posey
Boustany	Hensarling	Price (GA)
Brady (TX)	Herger	Putnam
Bright	Herseth Sandlin	Rehberg
Broun (GA)	Hunter	Reichert
Brown (SC)	Inglis	Roe (TN)
Brown-Waite,	Issa	Rogers (AL)
Ginny	Jenkins	Rogers (KY)
Buchanan	Johnson (IL)	Rogers (MI)
Burgess	Johnson, Sam	Rohrabacher
Burton (IN)	Jones	Rooney
Buyer	Jordan (OH)	Ros-Lehtinen
Calvert	King (IA)	Roskam
Camp	King (NY)	Royce
Campbell	Kingston	Ryan (WI)
Cantor	Kirk	Scalise
Capito	Kirkpatrick (AZ)	Schmidt
Carter	Kline (MN)	Schock
Cassidy	Lamborn	Sensenbrenner
Chaffetz	Lance	Sessions
Childers	Latham	Shimkus
Coble	Latta	Shuster
Coffman (CO)	Lee (NY)	Simpson
Cole	Lewis (CA)	Smith (NE)
Conaway	Linder	Smith (NJ)
Cooper	LoBiondo	Smith (TX)
Crenshaw	Lucas	Stearns
Culberson	Luetkemeyer	Sullivan
Davis (KY)	Lummis	Taylor
Dent	Lungren, Daniel	Terry
Diaz-Balart, L.	E.	Thompson (PA)
Diaz-Balart, M.	Mack	Thornberry
Djou	Manzullo	Tiberi
Donnelly (IN)	Marchant	Tierney
Dreier	Marshall	Turner
Duncan	Matheson	Upton
Ehlers	McCaul	Walden
Emerson	McClintock	Westmoreland
Fallin	McCotter	Whitfield
Flake	McHenry	Wilson (SC)
Fleming	McKeon	Wittman
Forbes	McMorris	Wolf
Fortenberry	Rodgers	Young (AK)

NOES—247

Ackerman	Boucher	Cohen
Adler (NJ)	Boyd	Connolly (VA)
Altmire	Brady (PA)	Conyers
Andrews	Braley (IA)	Costa
Arcuri	Brown, Corrine	Costello
Baca	Butterfield	Courtney
Baird	Cao	Critz
Baldwin	Capps	Crowley
Barrow	Capuano	Cuellar
Bean	Cardoza	Cummings
Becerra	Carnahan	Dahlkemper
Berkley	Carson (IN)	Davis (AL)
Berman	Castle	Davis (CA)
Berry	Castor (FL)	Davis (IL)
Bishop (GA)	Chandler	DeFazio
Bishop (NY)	Christensen	DeGette
Blumenauer	Chu	Delahunt
Bocciari	Clarke	DeLauro
Bordallo	Clay	Deutch
Boren	Cleaver	Dicks
Boswell	Clyburn	Dingell

Doggett	Larson (CT)	Reyes
Doyle	LaTourette	Richardson
Driehaus	Lee (CA)	Rodriguez
Edwards (MD)	Levin	Ross
Edwards (TX)	Lewis (GA)	Rothman (NJ)
Ellison	Lipinski	Roybal-Allard
Ellsworth	Loebach	Ruppersberger
Engel	Loftgren, Zoe	Rush
Eshoo	Lowey	Ryan (OH)
Etheridge	Lujan	Sablan
Faleomavaega	Lynch	Salazar
Farr	Maffei	Sánchez, Linda
Fattah	Maloney	T.
Filner	Markey (CO)	Sanchez, Loretta
Foster	Markey (MA)	Sarbanes
Frank (MA)	Matsui	Schakowsky
Frank	McCarthy (NY)	Schauer
Garamendi	McCollum	Schiff
Gonzalez	McDermott	Schrader
Gordon (TN)	McGovern	Schwartz
Grayson	McIntyre	Scott (GA)
Green, Al	McMahon	Scott (VA)
Green, Gene	McNerney	Serrano
Grijalva	Meek (FL)	Sestak
Gutierrez	Meeks (NY)	Shea-Porter
Hall (NY)	Melancon	Sherman
Halvorson	Michaud	Shuler
Hare	Miller (NC)	Sires
Harman	Miller, George	Skelton
Hastings (FL)	Mitchell	Slaughter
Heinrich	Mollohan	Smith (WA)
Higgins	Moore (KS)	Snyder
Hill	Moore (WI)	Space
Himes	Moran (VA)	Speier
Hinchey	Murphy (CT)	Spratt
Hinojosa	Murphy (NY)	Stark
Hirono	Murphy, Patrick	Stupak
Hodes	Nadler (NY)	Sutton
Holden	Napolitano	Tanner
Holt	Neal (MA)	Teague
Honda	Norton	Thompson (CA)
Hoyer	Nye	Thompson (MS)
Inslee	Oberstar	Titus
Israel	Obey	Tonko
Jackson (IL)	Oliver	Towns
Jackson Lee	Ortiz	Tsongas
(TX)	Owens	Van Hollen
Johnson (GA)	Pallone	Velázquez
Johnson, E. B.	Pascarell	Visclosky
Kagen	Pastor (AZ)	Walz
Kanjorski	Payne	Wasserman
Kaptur	Perlmutter	Schultz
Kennedy	Perriello	Waters
Kildee	Peters	Watt
Kilroy	Peterson	Waxman
Kind	Pierluisi	Weiner
Kissell	Pingree (ME)	Welch
Klein (FL)	Polis (CO)	Wilson (OH)
Kosmas	Pomeroy	Woolsey
Kratovil	Price (NC)	Wu
Kucinich	Quigley	Yarmuth
Langevin	Rahall	
Larsen (WA)	Rangel	

NOT VOTING—14

Akin	Kilpatrick (MI)	Tiahrt
Carney	McCarthy (CA)	Wamp
Davis (TN)	Moran (KS)	Watson
Griffith	Radanovich	Young (FL)
Hoekstra	Shadegg	

ANNOUNCEMENT BY THE CHAIR

The Chair (during the vote). There are 2 minutes remaining in this vote.

□ 2204

Messrs. DONNELLY of Indiana and TIM MURPHY of Pennsylvania changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 18 OFFERED BY MR. JORDAN OF OHIO

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. JORDAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 159, noes 265, not voting 14, as follows:

[Roll No. 493]

AYES—159

Aderholt	Fortenberry	McMorris
Alexander	Fox	Rodgers
Austria	Franks (AZ)	Mica
Bachmann	Frelinghuysen	Miller (FL)
Bachus	Gallegly	Miller (MI)
Barrett (SC)	Garrett (NJ)	Miller, Gary
Bartlett	Giffords	Minnick
Barton (TX)	Gingrey (GA)	Myrick
Biggert	Gohmert	Neugebauer
Bilbray	Goodlatte	Nunes
Bilirakis	Graves (GA)	Nye
Bishop (UT)	Graves (MO)	Olson
Blackburn	Grayson	Paul
Blunt	Guthrie	Paulsen
Boehner	Hall (TX)	Pence
Bonner	Harper	Petri
Bono Mack	Hastings (WA)	Pitts
Boozman	Heller	Poe (TX)
Boustany	Hensarling	Posey
Brady (TX)	Herger	Price (GA)
Bright	Hodes	Putnam
Broun (GA)	Hunter	Rehberg
Brown (SC)	Inglis	Reichert
Brown-Waite,	Issa	Roe (TN)
Ginny	Jenkins	Rogers (AL)
Buchanan	Johnson (IL)	Rogers (KY)
Burgess	Johnson, Sam	Rogers (MI)
Burton (IN)	Jones	Rohrabacher
Buyer	Jordan (OH)	Rooney
Calvert	King (IA)	Ros-Lehtinen
Camp	King (NY)	Roskam
Campbell	Kingston	Royce
Cantor	Kirkpatrick (AZ)	Ryan (WI)
Capito	Kline (MN)	Scalise
Carter	Lamborn	Schmidt
Cassidy	Lance	Schock
Chaffetz	Latham	Sensenbrenner
Coble	Latta	Sessions
Coffman (CO)	Lee (NY)	Shimkus
Cole	Lewis (CA)	Shuster
Conaway	Linder	Simpson
Crenshaw	Lucas	Smith (NE)
Culberson	Luetkemeyer	Smith (TX)
Davis (KY)	Lummis	Stearns
Diaz-Balart, L.	Lungren, Daniel	Sullivan
Diaz-Balart, M.	E.	Terry
Dreier	Mack	Thompson (PA)
Duncan	Manzullo	Thornberry
Ehlers	Marchant	Tiberti
Emerson	McCaul	Upton
Fallin	McClintock	Walden
Flake	McCotter	Westmoreland
Fleming	McHenry	Whitfield
Forbes	McKeon	Wilson (SC)

NOES—265

Ackerman	Boswell	Clay
Adler (NJ)	Boucher	Cleaver
Altire	Boyd	Clyburn
Andrews	Brady (PA)	Cohen
Arcuri	Braley (IA)	Connolly (VA)
Baca	Brown, Corrine	Conyers
Baird	Butterfield	Cooper
Baldwin	Cao	Costa
Barrow	Capps	Costello
Bean	Capuano	Courtney
Becerra	Cardoza	Critz
Berkley	Carnahan	Crowley
Berman	Carson (IN)	Cuellar
Berry	Castle	Cummings
Bishop (GA)	Castor (FL)	Dahlkemper
Bishop (NY)	Chandler	Davis (AL)
Blumenauer	Childers	Davis (CA)
Boccieri	Christensen	Davis (IL)
Bordallo	Chu	Davis (TN)
Boren	Clarke	DeFazio

DeGette	Kucinich	Reyes
Delahunt	Langevin	Richardson
DeLauro	Larsen (WA)	Rodriguez
Dent	Larson (CT)	Ross
Deutch	LaTourette	Rothman (NJ)
Dicks	Lee (CA)	Roybal-Allard
Dingell	Levin	Ruppersberger
Djou	Lewis (GA)	Rush
Doggett	Lipinski	Ryan (OH)
Donnelly (IN)	LoBiondo	Sablan
Doyle	Loeb	Salazar
Driehaus	Lofgren, Zoe	Sánchez, Linda
Edwards (MD)	Lowey	T.
Edwards (TX)	Luján	Sanchez, Loretta
Ellison	Lynch	Sarbanes
Ellsworth	Maffei	Schakowsky
Engel	Maloney	Schauer
Eshoo	Markey (CO)	Schiff
Etheridge	Markey (MA)	Schrader
Faleomavaega	Marshall	Schwartz
Farr	Matheson	Scott (GA)
Fattah	Matsui	Scott (VA)
Finer	McCarthy (NY)	Serrano
Foster	McCollum	Sestak
Frank (MA)	McDermott	Shea-Porter
Fudge	McGovern	Sherman
Garamendi	McIntyre	Shuler
Gerlach	McMahon	Sires
Gonzalez	McNerney	Skelton
Gordon (TN)	Meek (FL)	Slaughter
Green, Al	Meeks (NY)	Smith (NJ)
Green, Gene	Melancon	Smith (WA)
Grijalva	Michaud	Snyder
Gutierrez	Miller (NC)	Space
Hall (NY)	Miller, George	Speier
Halvorson	Mitchell	Spratt
Hare	Mollohan	Stark
Harman	Moore (KS)	Stupak
Hastings (FL)	Moore (WI)	Sutton
Heinrich	Moran (VA)	Tanner
Herse	Murphy (CT)	Teague
Higgins	Murphy (NY)	Thompson (CA)
Hill	Murphy, Patrick	Thompson (MS)
Himes	Murphy, Tim	Tierney
Hinche	Nadler (NY)	Titus
Hinojosa	Napolitano	Tonko
Hirono	Neal (MA)	Towns
Holden	Norton	Tsongas
Holt	Oberstar	Turner
Honda	Obey	Van Hollen
Hoyer	Oliver	Velazquez
Inlee	Ortiz	Visclosky
Israel	Owens	Walz
Jackson (IL)	Pallone	Wasserman
Jackson Lee	Pascarell	Schultz
(TX)	Pastor (AZ)	Waters
Johnson (GA)	Payne	Watt
Johnson, E. B.	Perlmutter	Waxman
Kagen	Perriello	Weiner
Kanjorski	Peters	Welch
Kaptur	Peterson	Wilson (OH)
Kennedy	Pierluisi	Wittman
Kildee	Pingree (ME)	Wolf
Kilroy	Platts	Woolsey
Kind	Polis (CO)	Yarmuth
Kirk	Pomeroy	Young (AK)
Kissell	Price (NC)	Wu
Klein (FL)	Quigley	Young (AK)
Kosmas	Rahall	
Kratovil	Rangel	

NOT VOTING—14

Akin	Kilpatrick (MI)	Tiahrt
Carney	McCarthy (CA)	Wamp
Granger	Moran (KS)	Watson
Griffith	Radanovich	Young (FL)
Hoekstra	Shadegg	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining on this vote.

□ 2211

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 20 OFFERED BY MR.

FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 129, noes 293, not voting 16, as follows:

[Roll No. 494]

AYES—129

Alexander	Flake	Mica
Austria	Fleming	Miller (FL)
Bachmann	Fox	Miller, Gary
Barrett (SC)	Franks (AZ)	Minnick
Bartlett	Gallegly	Myrick
Barton (TX)	Gohmert	Neugebauer
Biggart	Granger	Nunes
Bilbray	Graves (GA)	Nye
Bishop (UT)	Graves (MO)	Olson
Blackburn	Guthrie	Paul
Blunt	Harper	Paulsen
Boehner	Hastings (WA)	Pence
Bonner	Heller	Petri
Bono Mack	Hensarling	Pitts
Boozman	Herger	Poe (TX)
Boustany	Hodes	Posey
Brady (TX)	Hunter	Price (GA)
Bright	Inglis	Reichert
Broun (GA)	Issa	Roe (TN)
Brown (SC)	Jenkins	Rogers (AL)
Brown-Waite,	Johnson, Sam	Rogers (KY)
Ginny	Jones	Rogers (MI)
Buchanan	Jordan (OH)	Rohrabacher
Burgess	King (IA)	Rooney
Burton (IN)	Kingston	Ros-Lehtinen
Buyer	Kirkpatrick (AZ)	Roskam
Calvert	Kline (MN)	Royce
Camp	Lamborn	Ryan (WI)
Campbell	Latta	Scalise
Capito	Lewis (CA)	Schmidt
Carter	Linder	Scott (GA)
Cassidy	Lucas	Sensenbrenner
Chaffetz	Luetkemeyer	Sessions
Coble	Lummis	Shimkus
Coffman (CO)	Lungren, Daniel	Smith (NE)
Cole	E.	Smith (TX)
Conaway	Mack	Stearns
Culberson	Marchant	Sullivan
Davis (KY)	McCaul	Terry
Djou	McClintock	Thompson (PA)
Dreier	McHenry	Thornberry
Duncan	McKeon	Westmoreland
Emerson	McMorris	Whitfield
Fallin	Rodgers	Wilson (SC)

NOES—293

Ackerman	Brown, Corrine	Cuellar
Aderholt	Butterfield	Cummings
Adler (NJ)	Cantor	Dahlkemper
Altire	Cao	Davis (AL)
Andrews	Capps	Davis (CA)
Arcuri	Capuano	Davis (IL)
Baca	Carnahan	Davis (TN)
Bachus	Carson (IN)	DeFazio
Baird	Castle	DeGette
Baldwin	Castor (FL)	Delahunt
Barrow	Chandler	DeLauro
Bean	Childers	Dent
Becerra	Christensen	Deutch
Berkley	Chu	Diaz-Balart, L.
Berman	Clarke	Diaz-Balart, M.
Berry	Clay	Dicks
Bilirakis	Cleaver	Dingell
Bishop (GA)	Clyburn	Doggett
Bishop (NY)	Cohen	Donnelly (IN)
Blumenauer	Connolly (VA)	Doyle
Boccieri	Conyers	Driehaus
Bordallo	Cooper	Edwards (MD)
Boren	Costa	Edwards (TX)
Boswell	Costello	Ehlers
Boucher	Courtney	Ellison
Boyd	Crenshaw	Ellsworth
Brady (PA)	Critz	Engel
Braley (IA)	Crowley	Eshoo

Etheridge	Lewis (GA)	Ross
Faleomavaega	Lipinski	Rothman (NJ)
Farr	LoBiondo	Roybal-Allard
Fattah	Loeb	Ruppersberger
Filner	Lofgren, Zoe	Rush
Forbes	Lowe	Ryan (OH)
Fortenberry	Lujan	Sablan
Foster	Lynch	Salazar
Frank (MA)	Maffei	Sánchez, Linda
Frelinghuysen	Maloney	T.
Fudge	Manzullo	Sanchez, Loretta
Garamendi	Markey (CO)	Sarbanes
Garrett (NJ)	Markey (MA)	Schakowsky
Gerlach	Marshall	Schauer
Giffords	Matheson	Schiff
Gonzalez	Matsui	Schock
Goodlatte	McCarthy (NY)	Schrader
Gordon (TN)	McCollum	Schwartz
Grayson	McCotter	Scott (VA)
Green, Al	McDermott	Serrano
Green, Gene	McGovern	Sestak
Grijalva	McIntyre	Shea-Porter
Gutierrez	McMahon	Sherman
Hall (NY)	McNerney	Shuler
Halvorson	Meek (FL)	Shuster
Hare	Meeks (NY)	Simpson
Harman	Melancon	Sires
Hastings (FL)	Michaud	Skelton
Heinrich	Miller (MI)	Slaughter
Herseth Sandlin	Miller (NC)	Smith (NJ)
Higgins	Miller, George	Smith (WA)
Hill	Mitchell	Snyder
Himes	Mollohan	Space
Hinche	Moore (KS)	Speier
Hinojosa	Moore (WI)	Spratt
Hirono	Moran (VA)	Stark
Holden	Murphy (CT)	Stupak
Holt	Murphy (NY)	Sutton
Honda	Murphy, Patrick	Tanner
Hoyer	Murphy, Tim	Taylor
Inslee	Nadler (NY)	Teague
Israel	Napolitano	Thompson (CA)
Jackson (IL)	Neal (MA)	Thompson (MS)
Jackson Lee	Norton	Tiberi
(TX)	Oberstar	Tierney
Johnson (GA)	Obey	Titus
Johnson (IL)	Oliver	Tonko
Johnson, E. B.	Ortiz	Towns
Kagen	Owens	Tsongas
Kanjorski	Pallone	Turner
Kaptur	Pascarell	Upton
Kennedy	Pastor (AZ)	Van Hollen
Kildee	Payne	Velázquez
Kilroy	Perlmutter	Visclosky
Kind	Perriello	Walden
King (NY)	Peters	Walz
Kirk	Peterson	Wasserman
Kissell	Pierluisi	Schultz
Klein (FL)	Pingree (ME)	Waters
Kosmas	Platts	Watt
Kratovil	Polis (CO)	Waxman
Kucinich	Pomeroy	Weiner
Lance	Price (NC)	Welch
Langevin	Putnam	Wilson (OH)
Larsen (WA)	Quigley	Wittman
Larson (CT)	Rahall	Wolf
Latham	Rangel	Woolsey
LaTourette	Rehberg	Wu
Lee (CA)	Reyes	Yarmuth
Lee (NY)	Richardson	Young (AK)
Levin	Rodriguez	

NOT VOTING—16

Akin	Hoekstra	Tiahrt
Cardoza	Kilpatrick (MI)	Wamp
Carney	McCarthy (CA)	Watson
Gingrey (GA)	Moran (KS)	Young (FL)
Griffith	Radanovich	
Hall (TX)	Shadegg	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining on the vote.

□ 2217

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 2 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gen-

tleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 163, noes 260, not voting 15 as follows:

[Roll No. 495]

AYES—163

Alexander	Franks (AZ)	Miller, Gary
Austria	Gallegly	Minnick
Bachmann	Garrett (NJ)	Mitchell
Barrett (SC)	Gerlach	Myrick
Bartlett	Giffords	Neugebauer
Barton (TX)	Gingrey (GA)	Nunes
Bean	Gohmert	Nye
Biggett	Goodlatte	Olson
Bilbray	Graves (GA)	Paul
Bilirakis	Graves (MO)	Paulsen
Bishop (UT)	Guthrie	Pence
Blackburn	Hall (TX)	Peters
Blunt	Halvorson	Petri
Boehner	Harper	Pitts
Bono Mack	Hastings (WA)	Platts
Boozman	Heller	Poe (TX)
Boustany	Hensarling	Posey
Brady (TX)	Herger	Price (GA)
Bright	Hodes	Putnam
Brown (GA)	Hunter	Rehberg
Brown (SC)	Inglis	Reichert
Brown-Waite,	Issa	Roe (TN)
Ginny	Jenkins	Rogers (KY)
Buchanan	Johnson (IL)	Rogers (MI)
Burgess	Johnson, Sam	Rohrabacher
Burton (IN)	Jordan (OH)	Rooney
Buyer	Kind	Ros-Lehtinen
Calvert	King (IA)	Roskam
Camp	King (NY)	Royce
Campbell	Kingston	Ryan (WI)
Cantor	Kirk	Scalise
Cao	Kline (MN)	Schauer
Capito	Lamborn	Schmidt
Cassidy	Lance	Schock
Latta	Lee (NY)	Sensenbrenner
Lee (NY)	Linder	Sessions
LoBiondo	LoBiondo	Shimkus
Lucas	Lucas	Shuster
Luetkemeyer	Luetkemeyer	Smith (NE)
Lummis	Lummis	Smith (NJ)
Lungren, Daniel	E.	Smith (TX)
Mack	Mack	Stearns
Manzullo	Manzullo	Sullivan
Marchant	Marchant	Terry
McCaul	McCaul	Thornberry
McClintock	McClintock	Tiberi
McCotter	McCotter	Turner
McHenry	McHenry	Upton
McKeon	McKeon	Walden
McMorris	McMorris	Westmoreland
Rodgers	Rodgers	Whitfield
Mica	Mica	Wilson (SC)
Miller (FL)	Miller (FL)	Wittman
Miller (MI)	Miller (MI)	Wolf

NOES—260

Ackerman	Berman	Braley (IA)
Aderholt	Berry	Brown, Corrine
Adler (NJ)	Bishop (GA)	Butterfield
Altman	Bishop (NY)	Capps
Andrews	Blumenauer	Capuano
Arcturi	Bocchieri	Cardoza
Baca	Bonner	Carnahan
Bachus	Bordallo	Carson (IN)
Baird	Boren	Carter
Baldwin	Boswell	Castor (FL)
Barrow	Boucher	Chandler
Becerra	Boyd	Childers
Berkley	Brady (PA)	Christensen

Chu	Jackson Lee	Peterson
Clarke	(TX)	Pierluisi
Clay	Johnson (GA)	Pingree (ME)
Cleaver	Johnson, E. B.	Polis (CO)
Clyburn	Jones	Pomeroy
Cohen	Kagen	Price (NC)
Connolly (VA)	Kanjorski	Quigley
Conyers	Kaptur	Rahall
Costa	Kennedy	Rangel
Costello	Kildee	Reyes
Courtney	Kilroy	Rodriguez
Critz	Kirkpatrick (AZ)	Rogers (AL)
Crowley	Kissell	Ross
Cuellar	Klein (FL)	Rothman (NJ)
Cummings	Kosmas	Roybal-Allard
Dahlkemper	Kratovil	Ruppersberger
Davis (AL)	Kucinich	Rush
Davis (CA)	Langevin	Ryan (OH)
Davis (IL)	Larsen (WA)	Sablan
Davis (TN)	Larson (CT)	Salazar
DeFazio	Latham	Sánchez, Linda
DeGette	LaTourette	T.
Delahunt	Lee (CA)	Sanchez, Loretta
DeLauro	Levin	Sarbanes
Deutch	Lewis (CA)	Schakowsky
Diaz-Balart, L.	Lewis (GA)	Schiff
Dicks	Lipinski	Schrader
Dingell	Loeb	Schwartz
Doggett	Lofgren, Zoe	Scott (GA)
Donnelly (IN)	Lowe	Scott (VA)
Doyle	Lujan	Serrano
Driehaus	Lynch	Sestak
Edwards (MD)	Maffei	Shea-Porter
Edwards (TX)	Maloney	Sherman
Ehlers	Markey (CO)	Shuler
Ellison	Markey (MA)	Simpson
Ellsworth	Marshall	Skelton
Engel	Matheson	Slaughter
Eshoo	Matsui	Smith (WA)
Etheridge	McCarthy (NY)	Snyder
Faleomavaega	McCollum	Space
Farr	McDermott	Speier
Fattah	McGovern	Spratt
Filner	McIntyre	Stark
Foster	McMahon	Stupak
Frank (MA)	McNerney	Sutton
Frelinghuysen	Meek (FL)	Tanner
Fudge	Meeks (NY)	Taylor
Garamendi	Melancon	Teague
Gonzalez	Michaud	Thompson (CA)
Gordon (TN)	Miller (NC)	Thompson (MS)
Granger	Miller, George	Thompson (PA)
Grayson	Mollohan	Tierney
Green, Al	Moore (KS)	Titus
Green, Gene	Moore (WI)	Tonko
Grijalva	Moran (VA)	Towns
Hall (NY)	Murphy (CT)	Tsongas
Hare	Murphy (NY)	Van Hollen
Harman	Murphy, Patrick	Velázquez
Hastings (FL)	Murphy, Tim	Visclosky
Heinrich	Nadler (NY)	Walz
Herseth Sandlin	Napolitano	Wasserman
Higgins	Neal (MA)	Schultz
Hill	Norton	Watt
Himes	Oberstar	Waxman
Hinche	Obey	Weiner
Hinojosa	Oliver	Welch
Hirono	Ortiz	Wilson (OH)
Holden	Owens	Woolsey
Holt	Pallone	Wu
Hoyer	Pascarell	Yarmuth
Inslee	Pastor (AZ)	Young (AK)
Israel	Payne	
Jackson (IL)	Perlmutter	
	Perriello	

NOT VOTING—15

Akin	Kilpatrick (MI)	Shadegg
Carney	McCarthy (CA)	Tiahrt
Griffith	Moran (KS)	Wamp
Gutierrez	Radanovich	Watson
Hoekstra	Richardson	Young (FL)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in the vote.

□ 2224

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 4 OFFERED BY MR.
FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 157, noes 267, not voting 14, as follows:

[Roll No. 496]

AYES—157

Alexander	Franks (AZ)	Minnick
Austria	Gallegly	Mitchell
Bachmann	Garrett (NJ)	Myrick
Barrett (SC)	Gerlach	Neugebauer
Bartlett	Gingrey (GA)	Nunes
Barton (TX)	Gohmert	Olson
Bean	Goodlatte	Paul
Biggart	Granger	Paulsen
Billray	Graves (GA)	Pence
Bilirakis	Graves (MO)	Peters
Bishop (UT)	Guthrie	Petri
Blackburn	Hall (TX)	Pitts
Blunt	Harper	Platts
Boehner	Hastings (WA)	Poe (TX)
Bono Mack	Heller	Posey
Boozman	Hensarling	Price (GA)
Boustany	Herger	Putnam
Brady (TX)	Hodes	Rehberg
Bright	Inglis	Reichert
Broun (GA)	Issa	Roe (TN)
Brown (SC)	Jenkins	Rogers (KY)
Brown-Waite,	Johnson (IL)	Rogers (MI)
Ginny	Johnson, Sam	Rohrabacher
Buchanan	Jordan (OH)	Rooney
Burgess	Kind	Ros-Lehtinen
Burton (IN)	King (IA)	Roskam
Buyer	King (NY)	Royce
Camp	Kirk	Ryan (WI)
Campbell	Kline (MN)	Scalise
Cantor	Lamborn	Schauer
Capito	Latta	Schmidt
Carter	Lee (NY)	Schock
Cassidy	Linder	Sensenbrenner
Castle	LoBiondo	Sessions
Chaffetz	Lucas	Shimkus
Coble	Luetkemeyer	Shuster
Coffman (CO)	Lummis	Smith (NE)
Conaway	Lungren, Daniel	Smith (NJ)
Cooper	E.	Smith (TX)
Crenshaw	Davis (KY)	Stearns
Dent	Manzullo	Sullivan
Diaz-Balart, M.	Marchant	Terry
Djou	McCaul	Thornberry
Dreier	McClintock	Tiberi
Duncan	McCotter	Turner
Ehlers	McHenry	Upton
Emerson	McKeon	Walden
Fallin	McMorris	Westmoreland
Flake	Rodgers	Whitfield
Fleming	Mica	Wilson (SC)
Forbes	Miller (FL)	Wittman
Fortenberry	Miller (MI)	Wolf
Fox	Miller, Gary	

NOES—267

Ackerman	Baldwin	Bocieri
Aderholt	Barrow	Bonner
Adler (NJ)	Becerra	Bordallo
Altmire	Berkley	Boren
Andrews	Berman	Boswell
Arcuri	Berry	Boucher
Baca	Bishop (GA)	Boyd
Bachus	Bishop (NY)	Brady (PA)
Baird	Blumenauer	Braley (IA)

Brown, Corrine	Hinojosa	Pallone
Butterfield	Hirono	Pascarell
Calvert	Holden	Pastor (AZ)
Cao	Holt	Payne
Capps	Honda	Perlmutter
Capuano	Hoyer	Perriello
Cardoza	Hunter	Peterson
Carnahan	Inslee	Pierluisi
Carson (IN)	Israel	Pingree (ME)
Castor (FL)	Jackson (IL)	Polis (CO)
Chandler	Jackson Lee	Pomeroy
Childers	(TX)	Price (NC)
Christensen	Johnson (GA)	Quigley
Chu	Johnson, E. B.	Rahall
Clarke	Jones	Rangel
Clay	Kagen	Reyes
Cleaver	Kanjorski	Richardson
Clyburn	Kaptur	Rodriguez
Cohen	Kennedy	Rogers (AL)
Cole	Kildee	Ross
Connolly (VA)	Kilroy	Rothman (NJ)
Conyers	Kingston	Roybal-Allard
Costa	Kirkpatrick (AZ)	Ruppersberger
Costello	Kissell	Rush
Courtney	Klein (FL)	Ryan (OH)
Critz	Kosmas	Sablan
Crowley	Kratovil	Salazar
Cuellar	Kucinich	Sanchez, Linda
Culberson	Langevin	T.
Cummings	Larsen (WA)	Sanchez, Loretta
Dahlkemper	Larson (CT)	Sarbanes
Davis (AL)	Latham	Schakowsky
Davis (CA)	LaTourette	Schiff
Davis (IL)	Lee (CA)	Schrader
Davis (TN)	Levin	Schwartz
DeFazio	Lewis (CA)	Scott (GA)
DeGette	Lewis (GA)	Scott (VA)
Delahunt	Lipinski	Serrano
DeLauro	Loeb sack	Sestak
Deutch	Lofgren, Zoe	Shea-Porter
Diaz-Balart, L.	Lowe y	Sherman
Dicks	Lujan	Shuler
Dingell	Lynch	Simpson
Doggett	Maffei	Sires
Donnelly (IN)	Maloney	Skelton
Doyle	Markey (CO)	Slaughter
Driehaus	Markey (MA)	Smith (WA)
Edwards (MD)	Marshall	Snyder
Edwards (TX)	Matheson	Space
Ellison	Matsui	Speier
Ellsworth	McCarthy (NY)	Spratt
Engel	McCollum	Stark
Eshoo	McDermott	Stupak
Etheridge	McGovern	Sutton
Faleomavaega	McIntyre	Tanner
Farr	McMahon	Taylor
Fattah	McNerney	Teague
Finer	Meek (FL)	Thompson (CA)
Foster	Meeks (NY)	Thompson (MS)
Frank (MA)	Melancon	Thompson (PA)
Frelinghuysen	Michaud	Tierney
Fudge	Miller (NC)	Titus
Garamendi	Miller, George	Tonko
Giffords	Mollohan	Towns
Gonzalez	Moore (KS)	Tsongas
Gordon (TN)	Moore (WI)	Van Hollen
Grayson	Moran (VA)	Velázquez
Green, Al	Murphy (CT)	Visclosky
Green, Gene	Murphy (NY)	Walz
Grijalva	Murphy, Patrick	Wasserman
Hall (NY)	Murphy, Tim	Schultz
Halvorson	Nadler (NY)	Waters
Hare	Napolitano	Watt
Harman	Neal (MA)	Waxman
Hastings (FL)	Norton	Weiner
Heinrich	Nye	Welch
Herse th Sandlin	Oberstar	Wilson (OH)
Higgins	Obey	Woolsey
Hill	Oliver	Wu
Himes	Ortiz	Yarmuth
Hinche y	Owens	Young (AK)

NOT VOTING—14

Akin	Kipatrack (MI)	Tiahrt
Carney	McCarthy (CA)	Wamp
Griffith	Moran (KS)	Watson
Gutierrez	Radanovich	Young (FL)
Hoekstra	Shadegg	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in the vote.

□ 2230

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 10 OFFERED BY MR.
FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 258, not voting 15, as follows:

[Roll No. 497]

AYES—165

Alexander	Fox	Miller (FL)
Austria	Franks (AZ)	Miller (MI)
Bachmann	Gallegly	Miller, Gary
Barrett (SC)	Garrett (NJ)	Minnick
Bartlett	Gerlach	Mitchell
Barton (TX)	Giffords	Myrick
Bean	Gingrey (GA)	Neugebauer
Biggart	Gohmert	Nunes
Billray	Goodlatte	Nye
Bilirakis	Granger	Olson
Bishop (UT)	Graves (GA)	Paul
Blackburn	Graves (MO)	Paulsen
Blunt	Guthrie	Pence
Boehner	Hall (TX)	Peters
Bono Mack	Harper	Petri
Boozman	Hastings (WA)	Pitts
Boustany	Heller	Platts
Brady (TX)	Hensarling	Poe (TX)
Bright	Herger	Posey
Broun (GA)	Hodes	Price (GA)
Brown (SC)	Hunter	Putnam
Brown-Waite,	Inglis	Rehberg
Ginny	Issa	Reichert
Buchanan	Jenkins	Roe (TN)
Burgess	Johnson (IL)	Rogers (KY)
Burton (IN)	Johnson, Sam	Rogers (MI)
Buyer	Jordan (OH)	Rohrabacher
Calvert	Kind	Rooney
Camp	King (IA)	Ros-Lehtinen
Campbell	King (NY)	Roskam
Cantor	Kingston	Royce
Capito	Kirk	Ryan (WI)
Carter	Kline (MN)	Scalise
Cassidy	Lamborn	Schauer
Castle	Lance	Schmidt
Chaffetz	Latta	Schock
Coble	Linder	Sensenbrenner
Coffman (CO)	LoBiondo	Sessions
Cole	Lucas	Shimkus
Conaway	Luetkemeyer	Shuster
Cooper	Lummis	Smith (NE)
Crenshaw	Lungren, Daniel	Smith (NJ)
Davis (KY)	E.	Smith (TX)
Dent	Mack	Stearns
Diaz-Balart, M.	Manzullo	Sullivan
Djou	Marchant	Terry
Dreier	Marshall	Thornberry
Duncan	Matheson	Tiberi
Ehlers	McCaul	Turner
Emerson	McClintock	Upton
Fallin	McCotter	Walden
Flake	McHenry	Westmoreland
Fleming	McKeon	Whitfield
Forbes	McMorris	Wilson (SC)
Fortenberry	Rodgers	Wittman
Foster	Mica	Wolf

NOES—258

Ackerman	Arcuri	Baldwin
Adler (NJ)	Baca	Barrow
Altmire	Bachus	Becerra
Andrews	Baird	Berkley

Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Culberson
Cummins
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson

Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey

Olver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (AL)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—15

Aderholt
Akin
Carney
Griffith
Hoekstra

Kilpatrick (MI)
McCarthy (CA)
Moran (KS)
Radanovich
Shadegg

Tiahrt
Velazquez
Wamp
Watson
Young (FL)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Two minutes remain on the vote.

□ 2237

So the amendment was rejected.
The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 11 OFFERED BY MR.
FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 159, noes 264, not voting 15, as follows:

[Roll No. 498]

AYES—159

Alexander
Austria
Bachmann
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, M.
Djou
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)

Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Goodlatte
Granger
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hodes
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCauley
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)

Miller, Gary
Minnick
Mitchell
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Stearns
Sullivan
Terry
Thornberry
Tiberi
Titus
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOES—264

Ackerman
Aderholt
Adler (NJ)

Altmire
Andrews
Arcuri

Baca
Bachus
Baird

Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggart
Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Calvert
Cao
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gonzalez
Gordon (TN)
Grayson

Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kirk
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)

Norton
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (AL)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velazquez
Visclosky
Walz
Wasserman
Schultz
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—15

Akin
Carney
Gohmert
Griffith
Hoekstra

Kilpatrick (MI)
McCarthy (CA)
Moran (KS)
Radanovich
Shadegg

Tiahrt
Wamp
Waters
Watson
Young (FL)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining on the vote.

□ 2243

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the “Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2011”.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. BALDWIN) having assumed the chair, Mr. SNYDER, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5850) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, and, pursuant to House Resolution 1569, reported the bill back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 1569, the question on adoption of the amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 251, nays 167, not voting 14, as follows:

[Roll No. 499]

YEAS—251

Ackerman	Brown, Corrine	Cuellar
Altmire	Butterfield	Cummings
Andrews	Cao	Dahlkemper
Arcuri	Capps	Davis (AL)
Baca	Capuano	Davis (CA)
Baird	Cardoza	Davis (IL)
Baldwin	Carnahan	Davis (TN)
Barrow	Carson (IN)	DeFazio
Bean	Castor (FL)	DeGette
Becerra	Chandler	Delahunt
Berkley	Childers	DeLauro
Berman	Chu	Deutch
Berry	Clarke	Dicks
Bishop (GA)	Clay	Dingell
Bishop (NY)	Cleaver	Djou
Blumenauer	Clyburn	Doggett
Boccheri	Cohen	Donnelly (IN)
Boren	Connolly (VA)	Doyle
Boswell	Conyers	Driehaus
Boucher	Costa	Edwards (MD)
Boyd	Costello	Edwards (TX)
Brady (PA)	Courtney	Ellison
Braley (IA)	Critz	Ellsworth
Bright	Crowley	Engel

Eshoo	Lipinski	Ruppersberger
Etheridge	LoBiondo	Rush
Farr	Loeback	Ryan (OH)
Fattah	Lofgren, Zoe	Salazar
Filner	Lowe	Sánchez, Linda
Foster	Luján	T.
Frank (MA)	Lynch	Sanchez, Loretta
Fudge	Maffei	Sarbanes
Garamendi	Maloney	Schakowsky
Gerlach	Markey (CO)	Schauer
Gonzalez	Markey (MA)	Schiff
Gordon (TN)	Matsui	Schrader
Grayson	McCarthy (NY)	Schwartz
Green, Al	McCollum	Scott (GA)
Green, Gene	McDermott	Scott (VA)
Grijalva	McGovern	Serrano
Gutierrez	McIntyre	Sestak
Hall (NY)	McMahon	Shea-Porter
Halvorson	McNerney	Sherman
Hare	Meek (FL)	Shuler
Harman	Meeks (NY)	Sires
Hastings (FL)	Melancon	Skelton
Heinrich	Michaud	Slaughter
Higgins	Miller (NC)	Smith (NJ)
Hill	Miller, George	Smith (WA)
Himes	Mitchell	Snyder
Hinchee	Mollohan	Space
Hinojosa	Moore (KS)	Speier
Hirono	Moore (WI)	Spratt
Holden	Moran (VA)	Stark
Holt	Murphy (CT)	Stupak
Honda	Murphy, Patrick	Sutton
Hoyer	Murphy, Tim	Tanner
Inlee	Nadler (NY)	Teague
Israel	Napolitano	Thompson (CA)
Jackson (IL)	Neal (MA)	Thompson (MS)
Jackson Lee	Oberstar	Tierney
(TX)	Obey	Titus
Johnson (GA)	Oliver	Tonko
Johnson, E. B.	Ortiz	Towns
Kanjorski	Owens	Tsongas
Kaptur	Pallone	Van Hollen
Kennedy	Pascarell	Velázquez
Kildee	Pastor (AZ)	Visclosky
Kilroy	Payne	Walz
King (NY)	Perlmutter	Wasserman
Kingston	Perriello	Schultz
Kirk	Peterson	Waters
Kirkpatrick (AZ)	Pingree (ME)	Watt
Kissell	Polis (CO)	Waxman
Klein (FL)	Pomeroy	Weiner
Kosmas	Price (NC)	Welch
Kratovil	Quigley	Whitfield
Kucinich	Rahall	Wilson (OH)
Langevin	Rangel	Wittman
Larsen (WA)	Reyes	Wolf
Larson (CT)	Richardson	Woolsey
LaTourette	Rodriguez	Wu
Lee (CA)	Ross	Yarmuth
Levin	Rothman (NJ)	Young (AK)
Lewis (GA)	Roybal-Allard	

NAYS—167

Aderholt	Cantor	Gingrey (GA)
Adler (NJ)	Capito	Gohmert
Alexander	Carter	Goodlatte
Austria	Cassidy	Granger
Bachmann	Castle	Graves (GA)
Bachus	Chaffetz	Graves (MO)
Barrett (SC)	Coble	Guthrie
Bartlett	Coffman (CO)	Hall (TX)
Barton (TX)	Cole	Harper
Biggert	Conaway	Hastings (WA)
Blibray	Cooper	Heller
Bilirakis	Crenshaw	Hensarling
Bishop (UT)	Culberson	Herge
Blackburn	Davis (KY)	Hereth Sandlin
Blunt	Dent	Hodes
Boehner	Diaz-Balart, L.	Hunter
Bonner	Diaz-Balart, M.	Inglis
Bono Mack	Dreier	Issa
Boozman	Duncan	Jenkins
Boustany	Ehlers	Johnson (IL)
Brady (TX)	Emerson	Johnson, Sam
Brown (GA)	Fallin	Jones
Brown (SC)	Flake	Jordan (OH)
Brown-Waite,	Fleming	Kind
Ginny	Forbes	King (IA)
Buchanan	Fortenberry	Kline (MN)
Burgess	Fox	Lamborn
Burton (IN)	Franks (AZ)	Lance
Buyer	Frelinghuysen	Latham
Calvert	Gallegly	Latta
Camp	Garrett (NJ)	Lee (NY)
Campbell	Giffords	Lewis (CA)

Linder	Neugebauer	Royce
Lucas	Nunes	Ryan (WI)
Luettkemeyer	Nye	Scalise
Lummis	Olson	Schmidt
Lungren, Daniel	Paul	Schock
E.	Paulsen	Sensenbrenner
Mack	Pence	Sessions
Manzullo	Peters	Shimkus
Marchant	Petri	Shuster
Marshall	Pitts	Simpson
Matheson	Platts	Smith (NE)
McCaul	Poe (TX)	Smith (TX)
McClintock	Posey	Stearns
McCotter	Price (GA)	Sullivan
McHenry	Putnam	Taylor
McKeon	Rehberg	Terry
McMorris	Reichert	Thompson (PA)
Rodgers	Roe (TN)	Thornberry
Mica	Rogers (AL)	Tiberi
Miller (FL)	Rogers (KY)	Turner
Miller (MI)	Rogers (MI)	Upton
Miller, Gary	Rohrabacher	Walden
Minnick	Rooney	Westmoreland
Murphy (NY)	Ros-Lehtinen	Wilson (SC)
Myrick	Roskam	

NOT VOTING—14

Akin	Kilpatrick (MI)	Tiahrt
Carney	McCarthy (CA)	Wamp
Griffith	Moran (KS)	Watson
Hoekstra	Radanovich	Young (FL)
Kagen	Shadegg	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CONNOLLY of Virginia) (during the vote). There are 2 minutes remaining in this vote.

□ 2301

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, I was unable to attend to several votes today. Had I been present, I would have voted “nay” on the Latham Amendment; “nay” on the Culberson Amendment; “aye” on final passage of H.R. 847; “nay” on the Neugebauer Amendment; “nay” on the Jordan Amendment; “nay” on the Flake-Bachmann Amendment; “nay” on the Flake Amendment #2 (Part B); “nay” on the Flake Amendment #4 (Part B); “nay” on the Flake Amendment #10 (Part B); “nay” on the Flake Amendment #11 (Part B); “nay” on the Motion to Recommit H.R. 5850; and “aye” on Final Passage of H.R. 5850.

SUPPORTING OBSERVER STATUS FOR TAIWAN IN INTERNATIONAL CIVIL AVIATION ORGANIZATION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution (H. Con. Res. 266) expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from Nevada (Ms. BERKLEY) that the House suspend the rules and agree to the concurrent resolution.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

AIRLINE SAFETY AND FEDERAL AVIATION ADMINISTRATION EX- TENSION ACT OF 2010

Mr. COSTELLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5900) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend airport improvement program project grant authority and to improve airline safety, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5900

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airline Safety and Federal Aviation Administration Extension Act of 2010".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—AIRPORT AND AIRWAY EXTENSION

Sec. 101. Extension of taxes funding Airport and Airway Trust Fund.

Sec. 102. Extension of Airport and Airway Trust Fund expenditure authority.

Sec. 103. Extension of airport improvement program.

Sec. 104. Extension of expiring authorities.

Sec. 105. Federal Aviation Administration operations.

Sec. 106. Air navigation facilities and equipment.

Sec. 107. Research, engineering, and development.

TITLE II—AIRLINE SAFETY AND PILOT TRAINING IMPROVEMENT

Sec. 201. Definitions.

Sec. 202. Secretary of Transportation responses to safety recommendations.

Sec. 203. FAA pilot records database.

Sec. 204. FAA Task Force on Air Carrier Safety and Pilot Training.

Sec. 205. Aviation safety inspectors and operational research analysts.

Sec. 206. Flight crewmember mentoring, professional development, and leadership.

Sec. 207. Flight crewmember pairing and crew resource management techniques.

Sec. 208. Implementation of NTSB flight crewmember training recommendations.

Sec. 209. FAA rulemaking on training programs.

Sec. 210. Disclosure of air carriers operating flights for tickets sold for air transportation.

Sec. 211. Safety inspections of regional air carriers.

Sec. 212. Pilot fatigue.

Sec. 213. Voluntary safety programs.

Sec. 214. ASAP and FOQA implementation plan.

Sec. 215. Safety management systems.

Sec. 216. Flight crewmember screening and qualifications.

Sec. 217. Airline transport pilot certification.

TITLE I—AIRPORT AND AIRWAY EXTENSION

SEC. 101. EXTENSION OF TAXES FUNDING AIR- PORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "August 1, 2010" and inserting "September 30, 2010".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "August 1, 2010" and inserting "September 30, 2010".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "August 1, 2010" and inserting "September 30, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 2, 2010.

SEC. 102. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AU- THORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "August 2, 2010" and inserting "October 1, 2010"; and

(2) by inserting "or the Airline Safety and Federal Aviation Administration Extension Act of 2010" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking "August 2, 2010" and inserting "October 1, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 2, 2010.

SEC. 103. EXTENSION OF AIRPORT IMPROVE- MENT PROGRAM.

Section 47104(c) of title 49, United States Code, is amended by striking "August 1, 2010," and inserting "September 30, 2010,".

SEC. 104. EXTENSION OF EXPIRING AUTHORI- TIES.

(a) Section 40117(1)(7) of title 49, United States Code, is amended by striking "August 2, 2010," and inserting "October 1, 2010,".

(b) Section 44302(f)(1) of such title is amended—

(1) by striking "August 1, 2010," and inserting "September 30, 2010,"; and

(2) by striking "October 31, 2010," and inserting "December 31, 2010,".

(c) Section 44303(b) of such title is amended by striking "October 31, 2010," and inserting "December 31, 2010,".

(d) Section 47107(s)(3) of such title is amended by striking "August 2, 2010," and inserting "October 1, 2010,".

(e) Section 47115(j) of such title is amended by striking "fiscal years 2004 through 2009, and for the portion of fiscal year 2010 ending before August 2, 2010," and inserting "fiscal years 2004 through 2010,".

(f) Section 47141(f) of such title is amended by striking "August 1, 2010," and inserting "September 30, 2010,".

(g) Section 49108 of such title is amended by striking "August 1, 2010," and inserting "September 30, 2010,".

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking "fiscal year 2009, or in the portion of fiscal year 2010 ending before August 2, 2010," and inserting "fiscal year 2009 or 2010".

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking "October 1, 2009, and for the portion of fiscal year 2010 ending before August 2, 2010," and inserting "October 1, 2010,".

(j) The amendments made by this section shall take effect on August 2, 2010.

SEC. 105. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1)(F) of title 49, United States Code, is amended to read as follows:

"(F) \$9,350,028,000 for fiscal year 2010.".

SEC. 106. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a)(6) of title 49, United States Code, is amended to read as follows:

"(6) \$2,936,203,000 for fiscal year 2010.".

SEC. 107. RESEARCH, ENGINEERING, AND DEVEL- OPMENT.

Section 48102(a)(14) of title 49, United States Code, is amended to read as follows:

"(14) \$190,500,000 for fiscal year 2010.".

TITLE II—AIRLINE SAFETY AND PILOT TRAINING IMPROVEMENT

SEC. 201. DEFINITIONS.

(a) DEFINITIONS.—In this title, the following definitions apply:

(1) ADVANCED QUALIFICATION PROGRAM.—The term "advanced qualification program" means the program established by the Federal Aviation Administration in Advisory Circular 120-54A, dated June 23, 2006, including any subsequent revisions thereto.

(2) AIR CARRIER.—The term "air carrier" has the meaning given that term in section 40102 of title 49, United States Code.

(3) AVIATION SAFETY ACTION PROGRAM.—The term "aviation safety action program" means the program established by the Federal Aviation Administration in Advisory Circular 120-66B, dated November 15, 2002, including any subsequent revisions thereto.

(4) FLIGHT CREWMEMBER.—The term "flight crewmember" has the meaning given the term "flightcrew member" in part 1 of title 14, Code of Federal Regulations.

(5) FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM.—The term "flight operational quality assurance program" means the program established by the Federal Aviation Administration in Advisory Circular 120-82, dated April 12, 2004, including any subsequent revisions thereto.

(6) LINE OPERATIONS SAFETY AUDIT.—The term "line operations safety audit" means the procedure referenced by the Federal Aviation Administration in Advisory Circular 120-90, dated April 27, 2006, including any subsequent revisions thereto.

(7) PART 121 AIR CARRIER.—The term "part 121 air carrier" means an air carrier that

holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(8) PART 135 AIR CARRIER.—The term “part 135 air carrier” means an air carrier that holds a certificate issued under part 135 of title 14, Code of Federal Regulations.

SEC. 202. SECRETARY OF TRANSPORTATION RESPONSES TO SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—The first sentence of section 1135(a) is amended by inserting “to the Board” after “shall give”.

(b) AIR CARRIER SAFETY RECOMMENDATIONS.—Section 1135 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) ANNUAL REPORT ON AIR CARRIER SAFETY RECOMMENDATIONS.—

“(1) IN GENERAL.—The Secretary shall submit to Congress and the Board, on an annual basis, a report on the recommendations made by the Board to the Secretary regarding air carrier operations conducted under part 121 of title 14, Code of Federal Regulations.

“(2) RECOMMENDATIONS TO BE COVERED.—The report shall cover—

“(A) any recommendation for which the Secretary has developed, or intends to develop, procedures to adopt the recommendation or part of the recommendation, but has yet to complete the procedures; and

“(B) any recommendation for which the Secretary, in the preceding year, has issued a response under subsection (a)(2) or (a)(3) refusing to carry out all or part of the procedures to adopt the recommendation.

“(3) CONTENTS.—

“(A) PLANS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(A), the report shall contain—

“(i) a description of the recommendation;

“(ii) a description of the procedures planned for adopting the recommendation or part of the recommendation;

“(iii) the proposed date for completing the procedures; and

“(iv) if the Secretary has not met a deadline contained in a proposed timeline developed in connection with the recommendation under subsection (b), an explanation for not meeting the deadline.

“(B) REFUSALS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(B), the report shall contain—

“(i) a description of the recommendation; and

“(ii) a description of the reasons for the refusal to carry out all or part of the procedures to adopt the recommendation.”.

SEC. 203. FAA PILOT RECORDS DATABASE.

(a) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Section 44703(h) of title 49, United States Code, is amended by adding at the end the following:

“(16) APPLICABILITY.—This subsection shall cease to be effective on the date specified in regulations issued under subsection (i).”.

(b) ESTABLISHMENT OF FAA PILOT RECORDS DATABASE.—Section 44703 of such title is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following:

“(i) FAA PILOT RECORDS DATABASE.—

“(1) IN GENERAL.—Before allowing an individual to begin service as a pilot, an air carrier shall access and evaluate, in accordance with the requirements of this subsection, in-

formation pertaining to the individual from the pilot records database established under paragraph (2).

“(2) PILOT RECORDS DATABASE.—The Administrator shall establish an electronic database (in this subsection referred to as the ‘database’) containing the following records:

“(A) FAA RECORDS.—From the Administrator—

“(i) records that are maintained by the Administrator concerning current airman certificates, including airman medical certificates and associated type ratings and information on any limitations to those certificates and ratings;

“(ii) records that are maintained by the Administrator concerning any failed attempt of an individual to pass a practical test required to obtain a certificate or type rating under part 61 of title 14, Code of Federal Regulations; and

“(iii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

“(B) AIR CARRIER AND OTHER RECORDS.—From any air carrier or other person (except a branch of the Armed Forces, the National Guard, or a reserve component of the Armed Forces) that has employed an individual as a pilot of a civil or public aircraft, or from the trustee in bankruptcy for the air carrier or person—

“(i) records pertaining to the individual that are maintained by the air carrier (other than records relating to flight time, duty time, or rest time) or person, including records under regulations set forth in—

“(I) section 121.683 of title 14, Code of Federal Regulations;

“(II) section 121.111(a) of such title;

“(III) section 121.219(a) of such title;

“(IV) section 125.401 of such title; and

“(V) section 135.63(a)(4) of such title; and

“(ii) other records pertaining to the individual’s performance as a pilot that are maintained by the air carrier or person concerning—

“(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

“(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

“(III) any release from employment or resignation, termination, or disqualification with respect to employment.

“(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(8) of this title, from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

“(3) WRITTEN CONSENT; RELEASE FROM LIABILITY.—An air carrier—

“(A) shall obtain the written consent of an individual before accessing records pertaining to the individual under paragraph (1); and

“(B) may, notwithstanding any other provision of law or agreement to the contrary, require an individual with respect to whom the carrier is accessing records under paragraph (1) to execute a release from liability for any claim arising from accessing the records or the use of such records by the air carrier in accordance with this section (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

“(4) REPORTING.—

“(A) REPORTING BY ADMINISTRATOR.—The Administrator shall enter data described in paragraph (2)(A) into the database promptly to ensure that an individual’s records are current.

“(B) REPORTING BY AIR CARRIERS AND OTHER PERSONS.—

“(i) IN GENERAL.—Air carriers and other persons shall report data described in paragraphs (2)(B) and (2)(C) to the Administrator promptly for entry into the database.

“(ii) DATA TO BE REPORTED.—Air carriers and other persons shall report, at a minimum, under clause (i) the following data described in paragraph (2)(B):

“(I) Records that are generated by the air carrier or other person after the date of enactment of this paragraph.

“(II) Records that the air carrier or other person is maintaining, on such date of enactment, pursuant to subsection (h)(4).

“(5) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator—

“(A) shall maintain all records entered into the database under paragraph (2) pertaining to an individual until the date of receipt of notification that the individual is deceased; and

“(B) may remove the individual’s records from the database after that date.

“(6) RECEIPT OF CONSENT.—The Administrator shall not permit an air carrier to access records pertaining to an individual from the database under paragraph (1) without the air carrier first demonstrating to the satisfaction of the Administrator that the air carrier has obtained the written consent of the individual.

“(7) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS AND CORRECT INACCURACIES.—Notwithstanding any other provision of law or agreement, the Administrator, upon receipt of written request from an individual—

“(A) shall make available, not later than 30 days after the date of the request, to the individual for review all records referred to in paragraph (2) pertaining to the individual; and

“(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records.

“(8) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—

“(A) IN GENERAL.—The Administrator may establish a reasonable charge for the cost of processing a request under paragraph (1) or (7) and for the cost of furnishing copies of requested records under paragraph (7).

“(B) CREDITING APPROPRIATIONS.—Funds received by the Administrator pursuant to this paragraph shall—

“(i) be credited to the appropriation current when the amount is received;

“(ii) be merged with and available for the purposes of such appropriation; and

“(iii) remain available until expended.

“(9) PRIVACY PROTECTIONS.—

“(A) USE OF RECORDS.—An air carrier that accesses records pertaining to an individual under paragraph (1) may use the records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the individual and the confidentiality of the records accessed, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

“(B) DISCLOSURE OF INFORMATION.—

“(i) IN GENERAL.—Except as provided by clause (ii), information collected by the Administrator under paragraph (2) shall be exempt from the disclosure requirements of section 552 of title 5.

“(ii) EXCEPTIONS.—Clause (i) shall not apply to—

“(I) deidentified, summarized information to explain the need for changes in policies and regulations;

“(II) information to correct a condition that compromises safety;

“(III) information to carry out a criminal investigation or prosecution;

“(IV) information to comply with section 44905, regarding information about threats to civil aviation; and

“(V) such information as the Administrator determines necessary, if withholding the information would not be consistent with the safety responsibilities of the Federal Aviation Administration.

“(10) PERIODIC REVIEW.—Not later than 18 months after the date of enactment of this paragraph, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

“(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be included in the database under paragraph (2); or

“(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

“(11) REGULATIONS FOR PROTECTION AND SECURITY OF RECORDS.—The Administrator shall prescribe such regulations as may be necessary—

“(A) to protect and secure—

“(i) the personal privacy of any individual whose records are accessed under paragraph (1); and

“(ii) the confidentiality of those records; and

“(B) to preclude the further dissemination of records received under paragraph (1) by the person who accessed the records.

“(12) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier may allow an individual to begin service as a pilot, without first obtaining information described in paragraph (2)(B) from the database pertaining to the individual, if—

“(A) the air carrier has made a documented good faith attempt to access the information from the database; and

“(B) the air carrier has received written notice from the Administrator that the information is not contained in the database because the individual was employed by an air carrier or other person that no longer exists or by a foreign government or other entity that has not provided the information to the database.

“(13) LIMITATIONS ON ELECTRONIC ACCESS TO RECORDS.—

“(A) ACCESS BY INDIVIDUALS DESIGNATED BY AIR CARRIERS.—For the purpose of increasing timely and efficient access to records described in paragraph (2), the Administrator may allow, under terms established by the Administrator, an individual designated by an air carrier to have electronic access to the database.

“(B) TERMS.—The terms established by the Administrator under subparagraph (A) for allowing a designated individual to have electronic access to the database shall limit such access to instances in which information in the database is required by the designated

individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that—

“(i) the designated individual has received the written consent of the pilot applicant to access the information; and

“(ii) information obtained using such access will not be used for any purpose other than making the hiring decision.

“(14) AUTHORIZED EXPENDITURES.—Of amounts appropriated under section 106(k)(1), a total of \$6,000,000 for fiscal years 2010 through 2013 may be used to carry out this subsection.

“(15) REGULATIONS.—

“(A) IN GENERAL.—The Administrator shall issue regulations to carry out this subsection.

“(B) EFFECTIVE DATE.—The regulations shall specify the date on which the requirements of this subsection take effect and the date on which the requirements of subsection (h) cease to be effective.

“(C) EXCEPTIONS.—Notwithstanding subparagraph (B)—

“(i) the Administrator shall begin to establish the database under paragraph (2) not later than 90 days after the date of enactment of this paragraph;

“(ii) the Administrator shall maintain records in accordance with paragraph (5) beginning on the date of enactment of this paragraph; and

“(iii) air carriers and other persons shall maintain records to be reported to the database under paragraph (4)(B) in the period beginning on such date of enactment and ending on the date that is 5 years after the requirements of subsection (h) cease to be effective pursuant to subparagraph (B).

“(16) SPECIAL RULE.—During the one-year period beginning on the date on which the requirements of this section become effective pursuant to paragraph (15)(B), paragraph (7)(A) shall be applied by substituting ‘45 days’ for ‘30 days’.”

(c) CONFORMING AMENDMENTS.—

(1) LIMITATION ON LIABILITY; PREEMPTION OF STATE LAW.—Section 44703(j) (as redesignated by subsection (b)(1) of this section) is amended—

(A) in the subsection heading by striking “LIMITATION” and inserting “LIMITATIONS”;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking “paragraph (2)” and inserting “subsection (h)(2) or (i)(3)”;

(ii) in subparagraph (A) by inserting “or accessing the records of that individual under subsection (i)(1)” before the semicolon; and

(iii) in the matter following subparagraph (D) by striking “subsection (h)” and inserting “subsection (h) or (i)”;

(C) in paragraph (2) by striking “subsection (h)” and inserting “subsection (h) or (i)”;

(D) in paragraph (3), in the matter preceding subparagraph (A), by inserting “or who furnished information to the database established under subsection (i)(2)” after “subsection (h)(1)”;

(E) by adding at the end the following:

“(4) PROHIBITION ON ACTIONS AND PROCEEDINGS AGAINST AIR CARRIERS.—

“(A) HIRING DECISIONS.—An air carrier may refuse to hire an individual as a pilot if the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute the release from liability requested under subsection (h)(2)(B) or (i)(3)(B).

“(B) ACTIONS AND PROCEEDINGS.—No action or proceeding may be brought against an air carrier by or on behalf of an individual who has applied for or is seeking a position as a pilot with the air carrier if the air carrier refused to hire the individual after the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute a release from liability requested under subsection (h)(2)(B) or (i)(3)(B).”

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Section 44703(k) (as redesignated by subsection (b)(1) of this section) is amended by striking “subsection (h)” and inserting “subsection (h) or (i)”.

SEC. 204. FAA TASK FORCE ON AIR CARRIER SAFETY AND PILOT TRAINING.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the FAA Task Force on Air Carrier Safety and Pilot Training (in this section referred to as the “Task Force”).

(b) COMPOSITION.—The Task Force shall consist of members appointed by the Administrator and shall include air carrier representatives, labor union representatives, and aviation safety experts with knowledge of foreign and domestic regulatory requirements for flight crewmember education and training.

(c) DUTIES.—The duties of the Task Force shall include, at a minimum, evaluating best practices in the air carrier industry and providing recommendations in the following areas:

(1) Air carrier management responsibilities for flight crewmember education and support.

(2) Flight crewmember professional standards.

(3) Flight crewmember training standards and performance.

(4) Mentoring and information sharing between air carriers.

(d) REPORT.—Not later than one year after the date of enactment of this Act, and before the last day of each one-year period thereafter until termination of the Task Force, the Task Force shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing—

(1) the progress of the Task Force in identifying best practices in the air carrier industry;

(2) the progress of air carriers and labor unions in implementing the best practices identified by the Task Force;

(3) recommendations of the Task Force, if any, for legislative or regulatory actions;

(4) the progress of air carriers and labor unions in implementing training-related, nonregulatory actions recommended by the Administrator; and

(5) the progress of air carriers in developing specific programs to share safety data and ensure implementation of the most effective safety practices.

(e) TERMINATION.—The Task Force shall terminate on September 30, 2012.

(f) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

SEC. 205. AVIATION SAFETY INSPECTORS AND OPERATIONAL RESEARCH ANALYSTS.

(a) REVIEW BY DOT INSPECTOR GENERAL.—Not later than 9 months after the date of enactment of this Act, the Inspector General of

the Department of Transportation shall conduct a review of the aviation safety inspectors and operational research analysts of the Federal Aviation Administration assigned to part 121 air carriers and submit to the Administrator of the Federal Aviation Administration a report on the results of the review.

(b) **PURPOSES.**—The purpose of the review shall be, at a minimum—

(1) to review the level of the Administration's oversight of each part 121 air carrier;

(2) to make recommendations to ensure that each part 121 air carrier is receiving an equivalent level of oversight;

(3) to assess the number and level of experience of aviation safety inspectors assigned to each part 121 air carrier;

(4) to evaluate how the Administration is making assignments of aviation safety inspectors to each part 121 air carrier;

(5) to review various safety inspector oversight programs, including the geographic inspector program;

(6) to evaluate the adequacy of the number of operational research analysts assigned to each part 121 air carrier;

(7) to evaluate the surveillance responsibilities of aviation safety inspectors, including en route inspections;

(8) to evaluate whether inspectors are able to effectively use data sources, such as the Safety Performance Analysis System and the Air Transportation Oversight System, to assist in targeting oversight of each part 121 air carrier;

(9) to assess the feasibility of establishment by the Administration of a comprehensive repository of information that encompasses multiple Administration data sources and allows access by aviation safety inspectors and operational research analysts to assist in the oversight of each part 121 air carrier; and

(10) to conduct such other analyses as the Inspector General considers relevant to the review.

SEC. 206. FLIGHT CREWMEMBER MENTORING, PROFESSIONAL DEVELOPMENT, AND LEADERSHIP.

(a) **AVIATION RULEMAKING COMMITTEE.**—

(1) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall convene an aviation rulemaking committee to develop procedures for each part 121 air carrier to take the following actions:

(A) Establish flight crewmember mentoring programs under which the air carrier will pair highly experienced flight crewmembers who will serve as mentor pilots and be paired with newly employed flight crewmembers. Mentor pilots should be provided, at a minimum, specific instruction on techniques for instilling and reinforcing the highest standards of technical performance, airmanship, and professionalism in newly employed flight crewmembers.

(B) Establish flight crewmember professional development committees made up of air carrier management and labor union or professional association representatives to develop, administer, and oversee formal mentoring programs of the carrier to assist flight crewmembers to reach their maximum potential as safe, seasoned, and proficient flight crewmembers.

(C) Establish or modify training programs to accommodate substantially different levels and types of flight experience by newly employed flight crewmembers.

(D) Establish or modify training programs for second-in-command flight crewmembers attempting to qualify as pilot-in-command flight crewmembers for the first time in a

specific aircraft type and ensure that such programs include leadership and command training.

(E) Ensure that recurrent training for pilots in command includes leadership and command training.

(F) Such other actions as the aviation rulemaking committee determines appropriate to enhance flight crewmember professional development.

(2) **COMPLIANCE WITH STERILE COCKPIT RULE.**—Leadership and command training described in paragraphs (1)(D) and (1)(E) shall include instruction on compliance with flight crewmember duties under part 121.542 of title 14, Code of Federal Regulations.

(3) **STREAMLINED PROGRAM REVIEW.**—

(A) **IN GENERAL.**—As part of the rulemaking required by subsection (b), the Administrator shall establish a streamlined review process for part 121 air carriers that have in effect, as of the date of enactment of this Act, the programs described in paragraph (1).

(B) **EXPEDITED APPROVALS.**—Under the streamlined review process, the Administrator shall—

(i) review the programs of such part 121 air carriers to determine whether the programs meet the requirements set forth in the final rule referred to in subsection (b)(2); and

(ii) expedite the approval of the programs that the Administrator determines meet such requirements.

(b) **RULEMAKING.**—The Administrator shall issue—

(1) not later than one year after the date of enactment of this Act, a notice of proposed rulemaking based on the recommendations of the aviation rulemaking committee convened under subsection (a); and

(2) not later than 36 months after such date of enactment, a final rule based on such recommendations.

SEC. 207. FLIGHT CREWMEMBER PAIRING AND CREW RESOURCE MANAGEMENT TECHNIQUES.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall conduct a study on aviation industry best practices with regard to flight crewmember pairing, crew resource management techniques, and pilot commuting.

(b) **REPORT.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 208. IMPLEMENTATION OF NTSB FLIGHT CREWMEMBER TRAINING RECOMMENDATIONS.

(a) **RULEMAKING PROCEEDINGS.**—

(1) **STALL AND UPSET RECOGNITION AND RECOVERY TRAINING.**—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to provide flight crewmembers with ground training and flight training or flight simulator training—

(A) to recognize and avoid a stall of an aircraft or, if not avoided, to recover from the stall; and

(B) to recognize and avoid an upset of an aircraft or, if not avoided, to execute such techniques as available data indicate are appropriate to recover from the upset in a given make, model, and series of aircraft.

(2) **REMEDIAL TRAINING PROGRAMS.**—The Administrator shall conduct a rulemaking proceeding to require part 121 air carriers to establish remedial training programs for flight

crewmembers who have demonstrated performance deficiencies or experienced failures in the training environment.

(3) **DEADLINES.**—The Administrator shall—

(A) not later than one year after the date of enactment of this Act, issue a notice of proposed rulemaking under each of paragraphs (1) and (2); and

(B) not later than 36 months after the date of enactment of this Act, issue a final rule for the rulemaking under each of paragraphs (1) and (2).

(b) **STICK PUSHER TRAINING AND WEATHER EVENT TRAINING.**—

(1) **MULTIDISCIPLINARY PANEL.**—Not later than 120 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary panel of specialists in aircraft operations, flight crewmember training, human factors, and aviation safety to study and submit to the Administrator a report on methods to increase the familiarity of flight crewmembers with, and improve the response of flight crewmembers to, stick pusher systems, icing conditions, and microburst and windshear weather events.

(2) **REPORT TO CONGRESS AND NTSB.**—Not later than one year after the date on which the Administrator convenes the panel, the Administrator shall—

(A) submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the National Transportation Safety Board a report based on the findings of the panel; and

(B) with respect to stick pusher systems, initiate appropriate actions to implement the recommendations of the panel.

(c) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **FLIGHT TRAINING AND FLIGHT SIMULATOR.**—The terms “flight training” and “flight simulator” have the meanings given those terms in part 61.1 of title 14, Code of Federal Regulations (or any successor regulation).

(2) **STALL.**—The term “stall” means an aerodynamic loss of lift caused by exceeding the critical angle of attack.

(3) **STICK PUSHER.**—The term “stick pusher” means a device that, at or near a stall, applies a nose down pitch force to an aircraft's control columns to attempt to decrease the aircraft's angle of attack.

(4) **UPSET.**—The term “upset” means an unusual aircraft attitude.

SEC. 209. FAA RULEMAKING ON TRAINING PROGRAMS.

(a) **COMPLETION OF RULEMAKING ON TRAINING PROGRAMS.**—Not later than 14 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a final rule with respect to the notice of proposed rulemaking published in the Federal Register on January 12, 2009 (74 Fed. Reg. 1280; relating to training programs for flight crewmembers and aircraft dispatchers).

(b) **EXPERT PANEL TO REVIEW PART 121 AND PART 135 TRAINING HOURS.**—

(1) **ESTABLISHMENT.**—Not later than 60 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary expert panel comprised of, at a minimum, air carrier representatives, training facility representatives, instructional design experts, aircraft manufacturers, safety organization representatives, and labor union representatives.

(2) **ASSESSMENT AND RECOMMENDATIONS.**—The panel shall assess and make recommendations concerning—

(A) the best methods and optimal time needed for flight crewmembers of part 121 air carriers and flight crewmembers of part 135 air carriers to master aircraft systems, maneuvers, procedures, takeoffs and landings, and crew coordination;

(B) initial and recurrent testing requirements for pilots, including the rigor and consistency of testing programs such as check rides;

(C) the optimal length of time between training events for such flight crewmembers, including recurrent training events;

(D) the best methods reliably to evaluate mastery by such flight crewmembers of aircraft systems, maneuvers, procedures, takeoffs and landings, and crew coordination;

(E) classroom instruction requirements governing curriculum content and hours of instruction;

(F) the best methods to allow specific academic training courses to be credited toward the total flight hours required to receive an airline transport pilot certificate; and

(G) crew leadership training.

(3) **BEST PRACTICES.**—In making recommendations under subsection (b)(2), the panel shall consider, if appropriate, best practices in the aviation industry with respect to training protocols, methods, and procedures.

(4) **REPORT.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the National Transportation Safety Board a report based on the findings of the panel.

SEC. 210. DISCLOSURE OF AIR CARRIERS OPERATING FLIGHTS FOR TICKETS SOLD FOR AIR TRANSPORTATION.

Section 41712 of title 49, United States Code, is amended by adding at the end the following:

“(c) **DISCLOSURE REQUIREMENT FOR SELLERS OF TICKETS FOR FLIGHTS.**—

“(1) **IN GENERAL.**—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or other person offering to sell tickets for air transportation on a flight of an air carrier to fail to disclose, whether verbally in oral communication or in writing in written or electronic communication, prior to the purchase of a ticket—

“(A) the name of the air carrier providing the air transportation; and

“(B) if the flight has more than one flight segment, the name of each air carrier providing the air transportation for each such flight segment.

“(2) **INTERNET OFFERS.**—In the case of an offer to sell tickets described in paragraph (1) on an Internet Web site, disclosure of the information required by paragraph (1) shall be provided on the first display of the Web site following a search of a requested itinerary in a format that is easily visible to a viewer.”.

SEC. 211. SAFETY INSPECTIONS OF REGIONAL AIR CARRIERS.

The Administrator of the Federal Aviation Administration shall perform, not less frequently than once each year, random, onsite inspections of air carriers that provide air transportation pursuant to a contract with a part 121 air carrier to ensure that such air carriers are complying with all applicable safety standards of the Administration.

SEC. 212. PILOT FATIGUE.

(a) **FLIGHT AND DUTY TIME REGULATIONS.**—

(1) **IN GENERAL.**—In accordance with paragraph (3), the Administrator of the Federal

Aviation Administration shall issue regulations, based on the best available scientific information, to specify limitations on the hours of flight and duty time allowed for pilots to address problems relating to pilot fatigue.

(2) **MATTERS TO BE ADDRESSED.**—In conducting the rulemaking proceeding under this subsection, the Administrator shall consider and review the following:

(A) Time of day of flights in a duty period.

(B) Number of takeoff and landings in a duty period.

(C) Number of time zones crossed in a duty period.

(D) The impact of functioning in multiple time zones or on different daily schedules.

(E) Research conducted on fatigue, sleep, and circadian rhythms.

(F) Sleep and rest requirements recommended by the National Transportation Safety Board and the National Aeronautics and Space Administration.

(G) International standards regarding flight schedules and duty periods.

(H) Alternative procedures to facilitate alertness in the cockpit.

(I) Scheduling and attendance policies and practices, including sick leave.

(J) The effects of commuting, the means of commuting, and the length of the commute.

(K) Medical screening and treatment.

(L) Rest environments.

(M) Any other matters the Administrator considers appropriate.

(3) **RULEMAKING.**—The Administrator shall issue—

(A) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under paragraph (1); and

(B) not later than one year after the date of enactment of this Act, a final rule under paragraph (1).

(b) **FATIGUE RISK MANAGEMENT PLAN.**—

(1) **SUBMISSION OF FATIGUE RISK MANAGEMENT PLAN BY PART 121 AIR CARRIERS.**—Not later than 90 days after the date of enactment of this Act, each part 121 air carrier shall submit to the Administrator for review and acceptance a fatigue risk management plan for the carrier's pilots.

(2) **CONTENTS OF PLAN.**—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

(A) Current flight time and duty period limitations.

(B) A rest scheme consistent with such limitations that enables the management of pilot fatigue, including annual training to increase awareness of—

(i) fatigue;

(ii) the effects of fatigue on pilots; and

(iii) fatigue countermeasures.

(C) Development and use of a methodology that continually assesses the effectiveness of the program, including the ability of the program—

(i) to improve alertness; and

(ii) to mitigate performance errors.

(3) **REVIEW.**—Not later than 12 months after the date of enactment of this Act, the Administrator shall review and accept or reject the fatigue risk management plans submitted under this subsection. If the Administrator rejects a plan, the Administrator shall provide suggested modifications for resubmission of the plan.

(4) **PLAN UPDATES.**—

(A) **IN GENERAL.**—A part 121 air carrier shall update its fatigue risk management plan under paragraph (1) every 2 years and submit the update to the Administrator for review and acceptance.

(B) **REVIEW.**—Not later than 12 months after the date of submission of a plan update under subparagraph (A), the Administrator shall review and accept or reject the update. If the Administrator rejects an update, the Administrator shall provide suggested modifications for resubmission of the update.

(5) **COMPLIANCE.**—A part 121 air carrier shall comply with the fatigue risk management plan of the air carrier that is accepted by the Administrator under this subsection.

(6) **CIVIL PENALTIES.**—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.

(c) **EFFECT OF COMMUTING ON FATIGUE.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Administrator shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the effects of commuting on pilot fatigue and report its findings to the Administrator.

(2) **STUDY.**—In conducting the study, the National Academy of Sciences shall consider—

(A) the prevalence of pilot commuting in the commercial air carrier industry, including the number and percentage of pilots who commute;

(B) information relating to commuting by pilots, including distances traveled, time zones crossed, time spent, and methods used;

(C) research on the impact of commuting on pilot fatigue, sleep, and circadian rhythms;

(D) commuting policies of commercial air carriers (including passenger and all-cargo air carriers), including pilot check-in requirements and sick leave and fatigue policies;

(E) postconference materials from the Federal Aviation Administration's June 2008 symposium titled “Aviation Fatigue Management Symposium: Partnerships for Solutions”;

(F) Federal Aviation Administration and international policies and guidance regarding commuting; and

(G) any other matters as the Administrator considers appropriate.

(3) **PRELIMINARY FINDINGS.**—Not later than 120 days after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator its preliminary findings under the study.

(4) **REPORT.**—Not later than 9 months after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit a report to the Administrator containing its findings under the study and any recommendations for regulatory or administrative actions by the Federal Aviation Administration concerning commuting by pilots.

(5) **RULEMAKING.**—Following receipt of the report of the National Academy of Sciences under paragraph (4), the Administrator shall—

(A) consider the findings and recommendations in the report; and

(B) update, as appropriate based on scientific data, regulations required by subsection (a) on flight and duty time.

SEC. 213. VOLUNTARY SAFETY PROGRAMS.

(a) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee

on Commerce, Science, and Transportation of the Senate a report on the aviation safety action program, the flight operational quality assurance program, the line operations safety audit, and the advanced qualification program.

(b) CONTENTS.—The report shall include—

(1) a list of—

(A) which air carriers are using one or more of the voluntary safety programs referred to in subsection (a); and

(B) the voluntary safety programs each air carrier is using;

(2) if an air carrier is not using one or more of the voluntary safety programs—

(A) a list of such programs the carrier is not using; and

(B) the reasons the carrier is not using each such program;

(3) if an air carrier is using one or more of the voluntary safety programs, an explanation of the benefits and challenges of using each such program;

(4) a detailed analysis of how the Administration is using data derived from each of the voluntary safety programs as safety analysis and accident or incident prevention tools and a detailed plan on how the Administration intends to expand data analysis of such programs;

(5) an explanation of—

(A) where the data derived from the voluntary safety programs is stored;

(B) how the data derived from such programs is protected and secured; and

(C) what data analysis processes air carriers are implementing to ensure the effective use of the data derived from such programs;

(6) a description of the extent to which aviation safety inspectors are able to review data derived from the voluntary safety programs to enhance their oversight responsibilities;

(7) a description of how the Administration plans to incorporate operational trends identified under the voluntary safety programs into the air transport oversight system and other surveillance databases so that such system and databases are more effectively utilized;

(8) other plans to strengthen the voluntary safety programs, taking into account reviews of such programs by the Inspector General of the Department of Transportation; and

(9) such other matters as the Administrator determines are appropriate.

SEC. 214. ASAP AND FOQA IMPLEMENTATION PLAN.

(a) DEVELOPMENT AND IMPLEMENTATION PLAN.—The Administrator of the Federal Aviation Administration shall develop and implement a plan to facilitate the establishment of an aviation safety action program and a flight operational quality assurance program by all part 121 air carriers.

(b) MATTERS TO BE CONSIDERED.—In developing the plan under subsection (a), the Administrator shall consider—

(1) how the Administration can assist part 121 air carriers with smaller fleet sizes to derive a benefit from establishing a flight operational quality assurance program;

(2) how part 121 air carriers with established aviation safety action and flight operational quality assurance programs can quickly begin to report data into the aviation safety information analysis sharing database; and

(3) how part 121 air carriers and aviation safety inspectors can better utilize data from such database as accident and incident prevention tools.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a copy of the plan developed under subsection (a) and an explanation of how the Administration will implement the plan.

(d) DEADLINE FOR BEGINNING IMPLEMENTATION OF PLAN.—Not later than one year after the date of enactment of this Act, the Administrator shall begin implementation of the plan developed under subsection (a).

SEC. 215. SAFETY MANAGEMENT SYSTEMS.

(a) RULEMAKING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require all part 121 air carriers to implement a safety management system.

(b) MATTERS TO CONSIDER.—In conducting the rulemaking under subsection (a), the Administrator shall consider, at a minimum, including each of the following as a part of the safety management system:

(1) An aviation safety action program.

(2) A flight operational quality assurance program.

(3) A line operations safety audit.

(4) An advanced qualification program.

(c) DEADLINES.—The Administrator shall issue—

(1) not later than 90 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after the date of enactment of this Act, a final rule under subsection (a).

(d) SAFETY MANAGEMENT SYSTEM DEFINED.—In this section, the term “safety management system” means the program established by the Federal Aviation Administration in Advisory Circular 120-92, dated June 22, 2006, including any subsequent revisions thereto.

SEC. 216. FLIGHT CREWMEMBER SCREENING AND QUALIFICATIONS.

(a) REQUIREMENTS.—

(1) RULEMAKING PROCEEDING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to develop and implement means and methods for ensuring that flight crewmembers have proper qualifications and experience.

(2) MINIMUM REQUIREMENTS.—

(A) PROSPECTIVE FLIGHT CREWMEMBERS.—Rules issued under paragraph (1) shall ensure that prospective flight crewmembers undergo comprehensive preemployment screening, including an assessment of the skills, aptitudes, airmanship, and suitability of each applicant for a position as a flight crewmember in terms of functioning effectively in the air carrier's operational environment.

(B) ALL FLIGHT CREWMEMBERS.—Rules issued under paragraph (1) shall ensure that, after the date that is 3 years after the date of enactment of this Act, all flight crewmembers—

(i) have obtained an airline transport pilot certificate under part 61 of title 14, Code of Federal Regulations; and

(ii) have appropriate multi-engine aircraft flight experience, as determined by the Administrator.

(b) DEADLINES.—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

(c) DEFAULT.—The requirement that each flight crewmember for a part 121 air carrier hold an airline transport pilot certificate under part 61 of title 14, Code of Federal Regulations, shall begin to apply on the date that is 3 years after the date of enactment of this Act even if the Administrator fails to meet a deadline established under this section.

SEC. 217. AIRLINE TRANSPORT PILOT CERTIFICATION.

(a) RULEMAKING PROCEEDING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to amend part 61 of title 14, Code of Federal Regulations, to modify requirements for the issuance of an airline transport pilot certificate.

(b) MINIMUM REQUIREMENTS.—To be qualified to receive an airline transport pilot certificate pursuant to subsection (a), an individual shall—

(1) have sufficient flight hours, as determined by the Administrator, to enable a pilot to function effectively in an air carrier operational environment; and

(2) have received flight training, academic training, or operational experience that will prepare a pilot, at a minimum, to—

(A) function effectively in a multipilot environment;

(B) function effectively in adverse weather conditions, including icing conditions;

(C) function effectively during high altitude operations;

(D) adhere to the highest professional standards; and

(E) function effectively in an air carrier operational environment.

(c) FLIGHT HOURS.—

(1) NUMBERS OF FLIGHT HOURS.—The total flight hours required by the Administrator under subsection (b)(1) shall be at least 1,500 flight hours.

(2) FLIGHT HOURS IN DIFFICULT OPERATIONAL CONDITIONS.—The total flight hours required by the Administrator under subsection (b)(1) shall include sufficient flight hours, as determined by the Administrator, in difficult operational conditions that may be encountered by an air carrier to enable a pilot to operate safely in such conditions.

(d) CREDIT TOWARD FLIGHT HOURS.—The Administrator may allow specific academic training courses, beyond those required under subsection (b)(2), to be credited toward the total flight hours required under subsection (c). The Administrator may allow such credit based on a determination by the Administrator that allowing a pilot to take specific academic training courses will enhance safety more than requiring the pilot to fully comply with the flight hours requirement.

(e) RECOMMENDATIONS OF EXPERT PANEL.—In conducting the rulemaking proceeding under this section, the Administrator shall review and consider the assessment and recommendations of the expert panel to review part 121 and part 135 training hours established by section 209(b) of this Act.

(f) DEADLINE.—Not later than 36 months after the date of enactment of this Act, the Administrator shall issue a final rule under subsection (a).

The SPEAKER pro tempore (Ms. TITUS). Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. COSTELLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 5900.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COSTELLO. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise in support of H.R. 5900, the Airline Safety and Federal Aviation Administration Extension Act of 2010.

I want to thank Chairman OBERSTAR and Ranking Member MICA and the ranking member of the subcommittee, Mr. PETRI, for their leadership in bringing this bill to the floor.

For the past few months we have been working in a bipartisan manner with the other body to produce a comprehensive Federal Aviation Administration reauthorization bill before it expires on August 1.

We have reached consensus on a majority of the items from both bills and only a few issues remain, which I believe can be worked out. However, the leaders in the other body said that they could not reach agreement with their Members and therefore we have an impasse. It is unfortunate that we have reached this point after coming so close to working through both bills. Therefore, we have decided to go forward with the bill before us tonight.

H.R. 5900 will provide a 2-month extension of the FAA reauthorization bill through the end of the fiscal year, September 30, 2010, and includes the airline safety and pilot training provisions that we have been able to negotiate with the Senate. In October, the House passed H.R. 3371, the Airline Safety and Pilot Training Improvement Act of 2009, as a stand-alone bill by an overwhelming majority.

Unfortunately, once again, the other body has not acted on this legislation either. Therefore, we are including the safety provisions that we have been able to negotiate with the Senate on the FAA extension.

The bill before us tonight contains the strongest aviation safety legislation in decades. It was introduced after many hearings, roundtable discussions, and with the input from the families of those who perished in the Colgan accident in Buffalo, the pilot groups, airlines, the National Safety Transportation Board, the Department of Transportation's Inspector General, and many Members of Congress.

Throughout 2009, the Aviation Subcommittee held many hearings and roundtables on safety issues and talked about a number of issues concerning the Colgan accident, which culminated in this legislation.

Regional airlines have been involved in the last seven fatal U.S. airline accidents, and pilot performance has been implicated in four of those accidents. This legislation strengthens pilot training requirements and qualifications by increasing the minimum number of flight hours required to be hired as an airline pilot by requiring the Airline Transport Pilot certificate, which is currently only mandatory for an airline captain. The ATP requires a minimum of 1,500 flight hours and additional aeronautical knowledge, crew resource management training, and greater flight proficiency testing.

In addition, the bill also strengthens the ATP qualitative minimum requirements, such as flying in adverse weather conditions, including icing, and requires the FAA to create and maintain an electronic pilot records database. The database will allow an airline to quickly access an applicant's comprehensive record for hiring purposes only.

Finally, H.R. 5900 requires all Internet Web sites that will sell airline tickets to show on the first page of their display the name of the air carrier operating each flight segment of a proposed itinerary. Passing this safety reform legislation now is the right thing to do.

We can no longer delay enacting the strongest safety bill in decades as we work on a final agreement on the greater FAA bill. The Colgan families, many of them who are with us here this evening, have been a powerful driving force behind this legislation, and I thank each of them for their persistence.

For the last 17 months, they have come to Washington, DC over 30 times at their own expense to push for the safety bill and safety improvements. Madam Speaker, it is time for the House and Senate to pass these important safety provisions and get them to the President to be signed into law.

Passing this bill tonight should not distract from our efforts to finish the FAA bill. There are many important provisions in the reauthorization bill, and I am committed to passing a comprehensive FAA reauthorization bill so that we can provide stability to the FAA and our Nation's aviation system by passing a multiyear reauthorization.

With—Madam Speaker, with that I urge my colleagues to support the legislation.

I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I yield such time as he may consume to the senior Republican on the full committee, my colleague, JOHN MICA from Florida.

Mr. MICA. I thank the gentleman for yielding.

First, Mr. PETRI, I want to personally thank you as our ranking member; Mr. COSTELLO, the chair of the Aviation

Subcommittee; Mr. OBERSTAR, my partner on the full committee.

□ 2310

The hour is late, both for passage of this extension of our Federal Aviation Administration authorization, and the hour is late for passage of a Federal aviation airline safety bill, commuter safety legislation that we should have passed months and months ago.

First I have to address the airline safety provisions that have been rolled into this extension. I must apologize to those families who have waited so long, those families who experienced personal tragedy beyond what any of us could imagine, the loss of loved ones, the loss of life, and from that tragedy, they went forward and tried to change our Federal laws and our airline safety.

The United States of America is fortunate because we have probably the safest aviation system in the world. Large commercial aircraft, since November of 2001, we have not lost a single aircraft; every day it's a miracle, given all the human elements and possibilities of an accident. However, in our service on the committee, we can't just be concerned about safety with large aircraft. Millions of Americans who fly every day and every week cross the land on commuter aircraft. The fatalities in commuter aircraft travel, as we have seen, have been too many, and we have not acted.

When we had the crash in February of 2009, again, from that tragedy families came forward and Members of Congress began the work of trying to craft legislation that would ensure a level of safety for those traveling on commuter airlines, an equal level of safety that everyone else enjoys in other classes of aircraft. I am sad that, again, it took so long, and now we're doing it on the extension, but it should have been done and now it will be done. Without their help, we wouldn't be here even tonight.

I also came tonight to stay a few minutes to thank one of our newer representatives. Imagine being elected to Congress and just a few weeks later, a few neighborhoods away, having a horrible aviation tragedy in your congressional district. That is what Representative CHRIS LEE experienced just a week after taking office. He also turned a tragedy into a personal commitment to pass the legislation which will pass tonight. So I am grateful for his action, and for the men and women and loved ones who, again, turned a tragedy into something that will hopefully prevent tragedies and the heartbreak that they have had to suffer.

I am disappointed that we are not passing an FAA bill. I had the honor to chair the Aviation Subcommittee back in 2001 through some very difficult times. Our previous authorization bill expired. On May 15, we introduced legislation, in 2003. We had it on the President's desk, signed, by December 12,

2003, the same year. That bill that I wrote then was only a 4-year authorization, it expired September of 2007. And here we are, the end of July, and we have not passed a reauthorization for 3 years. All of Federal policy dealing with all the aviation issues has not passed. All the projects we must authorize have not passed. All of the eligibility for Federal assistance to our aviation system has not passed. And we have picked out of this legislation tonight that airline commuter safety bill. It is sort of a sad state of affairs.

But again, I pledge to work with folks. We need to pass the rest of the legislation to ensure safety, to ensure that the United States maintains its position in the world not only for airline safety, but technology, and maintains leadership in that important role, provides a pathway for the future, jobs for the future, and safety for the future.

So again, I thank those that have made part of what we wanted possible tonight.

Mr. COSTELLO. Madam Speaker, I yield myself 15 seconds just to clarify a point in the RECORD.

Madam Speaker, the gentleman from Florida, the ranking member of the full committee, is correct. But for the record, it wasn't that we didn't pass the bill. This House of Representatives passed a bill in 2007, passed it again in 2009, and we have been attempting to get the other body to work with us to pass a bill out that can be agreed upon.

Madam Speaker, I am pleased to yield 4 minutes to the gentlelady from New York (Ms. SLAUGHTER), who has been so very helpful to us in crafting this legislation. She has worked with us very closely.

Ms. SLAUGHTER. Mr. COSTELLO, I thank you so much for your kindness in yielding. I thank you even more for your kindness and your persistence, yours and Mr. OBERSTAR's, in bringing us to this moment this evening.

I want to thank Mr. MICA and my neighbor, Mr. PETRI, for their caring and work that they have done as well.

My heart is pretty full tonight because I have watched the families over these 1½ years, watched them with pain etched on their faces that will never go away. We talked a little while ago in my office about the ceremonies of life, who would give you away at the wedding, you miss your father at Christmas time, your mother, your child.

One of the saddest things in the world that happened here today, and I want to call attention to it, was the Eckert family, Karen and Susan, sisters of Beverly, who died in that plane crash. Beverly's husband had died at the World Trade Center. She was somebody we knew very well. She was here a lot, and we got to know her. And then her sisters took up this banner to make sure that this would not happen to other people.

They have learned to live with their tragedy, but what they have been doing all this time is working for us. They have made sure that none of the rest of us will endure this kind of tragedy. I know how grateful I am for them, but everybody in America owes them a debt of gratitude.

On that awful evening in February, with the runway in sight of that airplane, we lost 50 people and we learned that the skies are not as safe as we once thought. Since then, we have learned that regional airline pilots don't require the same training as major carriers with whom they share the skies.

No airline should have ever sent into Buffalo, New York in February two pilots that didn't have the foggiest idea how to fly through ice. We also found out that they were extraordinarily exhausted. They were paid so little that they had to fly to Newark to get their plane and they couldn't even afford a hotel room. One of them slept on the floor of a FedEx plane that night to get to Newark. Others were sleeping in chairs at the post.

□ 2320

How terrible is this that these are the people who are exhausted, underpaid, undertrained, and many of them with great failures on their records that nobody ever knows about? How tragic for these families that those were the people in charge of the plane that night.

Now, every person on that plane was extraordinarily precious. We love and we miss every one of them. Also, the family who lived in the house where the plane fell, they lost their father. I will tell you that on that plane was one of the world's greatest anthropologists. On that plane was one of the world's greatest musicians. Everybody on that plane had particular talents and gifts and families that they loved. It should never have happened to them. That's why getting to this night is so important to all of us and to all of them—but we know now that crash could have been prevented.

So there are the people I thanked before. In addition is our Transportation Secretary, Mr. LaHood, to whom I want to say we really can't thank you enough.

We all know that progress has been slower than we would have liked, but Mr. COSTELLO is absolutely right. We seem to pass bills over here in a great flurry, working as hard as we can, and then they fall into that black recess on the other side of the Capitol. Today, though, we know we are at the finish line, and with the lessons that we have learned from Flight 3407, we have another opportunity to try to get this right. We must not rest until we get this right.

All of us want to say again to the families who are here, who have been

with us, who have exhibited extraordinary patience, who have come at their own expense, who have suffered, that to get to know them and their children has been astonishing. What they have learned from their loss was to turn that into a gain for all of us. Thank you very much for all of the work that you have done. We appreciate it.

I join them to say that I hope no family will ever be confronted with the disaster that this was that could have been avoided.

Mr. PETRI. Madam Speaker, I yield such time as he may consume to the gentleman from New York, CHRIS LEE.

Mr. LEE of New York. Madam Speaker, this has been a long time in coming. We are here today due to a group of individuals, many of whom are here tonight up in the gallery. It is truly amazing. They are the ones who decided to turn their personal tragedies into a mission to overhaul the way our airlines operate in this country and the way the pilots are trained.

It was February 12, 2009, a day, I think, everyone will always remember who is from western New York. Continental Connection Flight 3407 crashed into a home in Clarence Center, New York. This tragedy claimed the lives of 50 people, including a friend of mine, an expectant mother, many of whom who were constituents in my district, and, as I'd mentioned, a number of whom I'd known personally.

Since the night of the tragedy, I am proud to say that I have made many new friends as I see and peer up into the gallery this evening. The faces of these family members have not only become familiar to me but to many of the people who sit here on the floor tonight.

As a result of their never-ending commitment to ensuring a tragedy like this will never, ever happen again, they have taken their grief and have turned this tragedy into a significant push for meaningful aviation safety reforms that are before us today and which will be a part of the future of the FAA extension. From requiring all pilots to have at least 1,500 flight hours of experience to addressing issues with pilot fatigue and training, these reforms will ensure that no air carrier will ever cut corners. When this law takes effect, each and every person who boards a commercial aircraft in this country will know that there is an experienced, well-trained and prepared pilot in every cockpit. It should never have to have been otherwise.

With no doubt, we are here today because of the hard work of these families and also because of the dedication of many of my colleagues: my good friend, Congressman BRIAN HIGGINS; Congresswoman SLAUGHTER; Ranking Members MICA and PETRI; and of course, Chairmen OBERSTAR and COSTELLO, who took this forward. This has

been very near and dear to me, and I appreciate your efforts and what you have done. This has been a long haul. Again, it is truly appreciated. To the staffs of all who have worked tirelessly over the last 17 months, I think they also deserve credit in addition to the families, for all of this, at the end of the day, is going to mean meaningful aviation safety that will benefit all Americans.

It has been nearly 17 months since the crash, and we are finally at a point where 1.8 million Americans each and every day who board a craft—and more than 400,000 of whom are on regional carriers—will be assured one level of aviation safety.

Lastly, our actions today truly validate the families' efforts in coming out to honor their loved ones. I just want to name a few. Kevin Kuwik, Karen Eckert, Susan Bourque, Scott Maurer, John Kausner, and many other family members—way too many to offer here—all have played an incredible role in getting done what we've gotten done tonight.

There were days I didn't think we'd get there, but it gives you hope when you see how both sides have come together to really push through this legislation. They have really turned the tears of sadness into tears of joy. So I am very pleased to be here. These men and women have worked so hard to get to this point. It makes me proud to be a western New Yorker. I really don't think anybody else—any group of families—could have done what this group has done tonight.

With that, I am just pleased that all Americans will benefit from the hard work that these families have done for this country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Remarks in debate may not call attention to occupants in the gallery.

Mr. COSTELLO. Madam Speaker, might I inquire as to how much time we have remaining on both sides?

The SPEAKER pro tempore. The gentleman from Illinois has 11¼ minutes remaining. The gentleman from Wisconsin has 9 minutes remaining.

Mr. COSTELLO. Madam Speaker, at this time, I yield 2 minutes to my friend, the gentleman who testified before the subcommittee, who met with us many times to help put this legislation together, the gentleman from New York (Mr. HIGGINS).

Mr. HIGGINS. Thank you, Mr. Chairman.

Madam Speaker, I am pleased to join my colleagues in support of this legislation tonight.

I also want to thank Chairman JIM OBERSTAR, whose commitment to safety across the various modes of transportation is unchallenged.

I want to thank Chairman COSTELLO, Ranking Members MICA and PETRI for their leadership.

I want to thank my western New York colleagues, CHRIS LEE and LOUISE SLAUGHTER, for joining me and all of us in this effort.

I want to thank Representatives JERRY NADLER, TIM BISHOP, MIKE ARCURI, and MIKE MCMAHON. All are from New York, and all of them serve on the Transportation Committee.

As has been mentioned tonight, we are really here for one reason—that is a group that has become known as the “families of 3407.” It is an incredible and courageous group of people. To them, we extend our appreciation, our respect, and our admiration. We know all too well the passage of time will never fully heal the tragedy of their deep personal losses nor will these flight safety provisions, which will be approved at this late hour.

We are here tonight because of these families, families who persevered, who carried themselves over the past 18 months in a most dignified manner. Befitting the cause that they dedicated themselves to and for the people they loved, they became friends with one another. They worked through Congress with both perseverance and persistence but also with patience, and they were guided in their work by the light that still shines from those they loved and lost.

With that, Madam Speaker, I urge my colleagues to support this legislation.

Mr. PETRI. Madam Speaker, I yield myself such time as I may consume.

In May 2009, the House passed H.R. 915, the FAA Reauthorization Act of 2009. Four months ago, the Senate passed its own FAA reauthorization bill, which the House took up, amended, passed, and sent back to the Senate.

□ 2330

Since that time, staff from both Chambers have been in informal discussions to reconcile the two versions of the bill and bring a negotiated FAA reauthorization to the floor.

While these discussions have led to tentative agreements on nearly all of the provisions, a few controversial issues have stalled progress on a final agreement. Therefore, with the FAA's authorities set to expire on Sunday, we, again, find it necessary to extend those authorities.

Like the 14 earlier extensions, H.R. 5900 would extend the taxes, programs and funding of the FAA, this time through September 30, 2010. This bill will ensure that our National Airspace System continues to operate, and that the FAA continues to fund important airport projects while Congress completes action on a final reauthorization bill.

I remain very disappointed that a few issues in the reauthorization package are holding up final agreement and delaying important safety improvements.

That's why I support the inclusion of the bipartisan and bicameral airline safety and pilot training provisions in this clean FAA extension bill.

The airline safety and pilot training provisions are in response to the terrible loss of life resulting from the crash of Colgan Flight 3407 in February of 2009.

Among other improvements, these provisions strengthen pilot screening and training standards, increase flight hour minimums, and require the FAA to conduct a comprehensive study on pilot fatigue.

The FAA is also directed to create a consolidated database of pilot records, and all air carriers will be required to access this database and pre-screen pilot candidates before making hiring decisions.

The families of Continental Flight 3407 must be recognized for their tireless efforts to see this legislation pass. I'm very grateful for their work and their dedication over the past 17 months since that terrible crash.

I want to thank Representative CHRIS LEE, Representative LOUISE SLAUGHTER, and Representative BRIAN HIGGINS for their work in getting these safety provisions enacted.

And I'd also like to thank Chairman OBERSTAR and Ranking Member MICA, as well as my chairman, JERRY COSTELLO.

The airline safety and pilot training provisions were drafted in an open, bipartisan fashion. And we all agree that adding these safety provisions to this extension is the right thing to do, both in memory of those who lost their lives on Flight 3407, and in honor of their families and friends who have dedicated themselves to seeing that the aviation safety improvements are made the law of the land.

Finally, I want to recognize Ryan Boyce and his hard work and service on the Aviation Subcommittee. Ryan is headed off to law school, and I want to wish him all the best.

I'd urge my colleagues to support H.R. 5900.

I yield back the balance of my time.

Mr. COSTELLO. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. BOCCIERI), a valued member of our Subcommittee on Aviation, who is a pilot. His expertise and experience was invaluable in putting this legislation together.

Mr. BOCCIERI. Madam Speaker, Chairman COSTELLO, Chairman OBERSTAR, and Ranking Members PETRI and MICA, we thank you for your leadership on this important issue, and including this legislation in this moving bill through the House of Representatives.

There's an adage that we often say in aviation, that you train like you fly, and you fly as you train. And aviators know that the practice that we do prepares us for situations where we find ourselves in compromised circumstances. And we know that the

training that we do prepares us for those emergencies.

But you could take the most experienced air crew, with thousands of hours, hundreds of thousands of hours, put them in an air frame, and if they're not trained in the safety equipment of that aircraft, they will not know how to recover.

And while this accident in February was completely tragic, I'm sad to say that it was completely avoidable if we would have only taken the leadership as we are doing today.

When I reviewed the NTSB's reports, and I found that those pilots were not trained in the safety equipment on their aircraft, I was aghast. I was aghast that the Q400 check pilots that were interviewed, their demonstration or instruction of the aircraft pusher system is not part of the training syllabus for initial or recurrent training on the Q400. These pilots and this airline were cutting corners, and now we're paying the price for this. And those families who died are experiencing the grief and tragedy that was completely avoidable.

Madam Speaker, in the 1970s the NTSB had been telling the FAA to include stall recovery upset training as a part of curriculum for new pilots. Since the 1970s.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COSTELLO. Madam Speaker, I yield an additional minute to the gentleman.

Mr. BOCCIERI. In 1994 they warned that stall recognition and the recovery techniques are to be included as stick shaker and stick pusher during training. But yet this airline did not include it.

In section 208 of this bill, we will change that, and we will make sure that pilots are having simulator training, and that they're going to recognize and avoid stalls of aircrafts and recover from stalls as part of their simulator training.

For over 30 years we've been telling the FAA to do this, to make this a part of their curriculum; and nothing has happened. Now Congress has acted to ensure that this tragedy will be avoidable in the future.

I thank the chairman and this committee for its leadership, and for the families, for their unrelenting push to make sure that we hold, not only those who are training pilots, but those who are operating our equipment and flying our loved ones around this continent and others to be as safe as they can. We owe it to them, and this Congress is going to act today on this.

I thank you for your leadership.

Mr. COSTELLO. Madam Speaker, I yield 6 minutes to the gentleman from Minnesota (Mr. OBERSTAR), the distinguished chairman of the full committee, who is recognized as one who knows more about aviation and trans-

portation than anyone in this Congress.

Mr. OBERSTAR. Thank you, Mr. Chairman, for yielding the time.

But more than that, thank you for persistent, vigorous and insightful and creative leadership you've given to the entire reauthorization of FAA, but especially to this particular safety issue. You've given your heart, your soul, your time, your energy; and we're now at a point of making an extraordinary difference in the history of aviation safety.

Our Constitution has a unique provision, unlike that in any other constitution I'm aware of. It prescribes the right of the citizens to petition their government for redress of grievances.

The families of the victims of the Colgan Continental express flight that crashed February 12 of last year have exercised that right with vigor, with persistence, with highmindedness. They know, as the families of all the victims of transportation tragedies, that they can't bring back the lives of those they loved, but they can do something to make sure it won't happen again to others.

I've seen the tears in their eyes that reflect the pain in their hearts. I've experienced their determination never to give up.

I've also stood at the site of the grim tragedy of the Mesaba Airlines commuter crash, only 6 miles from my home in Chisholm, Minnesota; the flight path toward the Chisholm Hibbing Airport in December 1993, where 19 people lost their lives because that aircraft didn't have a ground proximity warning system.

□ 2340

It wasn't required for commuter airlines, because there was a mismatch between pilot and copilot, because there was an inadequacy of training on the one hand and a mismatch of personalities and of skills and of abilities to manage aircraft under unusual circumstances.

I vowed to the families we would make a difference, Congress would act. And we were able to require the regional airlines to have ground proximity warning systems, regardless of the cost to the airlines. That's their problem. They can figure that out. And vowed to move to have more equitable management in the flight deck of matching of pilots and first officers. That was not as successful. Didn't have enough time before, frankly, we lost the majority.

But I also stood with my colleagues on the Pan Am 103 Commission in Lockerbie, Scotland, at the abyss, this trench that was carved in the Earth where that 747 exploded that killed 271 people. And we vowed to each other and to the families of Pan Am 103 to make a difference, to make the airways safer. Our report of 64 recommenda-

tions we took in this committee, which I chaired at the time, the Aviation Subcommittee, which Mr. COSTELLO now chairs, 63 of the 64 recommendations, translated them into legislative language in the House and in the Senate, and moved a bill through the House to make aviation safer. We didn't get everything we asked for. We got 98 percent of it.

There was much more yet to be done, and more happened after the tragedy of September 11, 2001. It should not require loss of life and tragedy and pain in the hearts, pain in the lives of people to make these changes for aviation safety and security.

The opening paragraphs of the FAA Act of 1958 says, "Safety shall be maintained at the highest possible level." Not the level the airlines can afford. Not the level the airlines want. Not the level that the airline executives choose to provide. The highest possible level. That is where we go with this legislation.

This bill passed the House last year. We sent a separate safety bill over to the other body when they didn't act. We have cajoled and wheedled and tried and pushed and moved, but holds, and hot holds, and threats of filibuster, and failure to break filibuster, and failure to agree in the other body have held up the entire FAA authorization bill.

The Senate bill had no provision comparable to this safety provision in their bill. The families of the victims, exercising their right to petition the government, broke the logjam, broke the indifference and the resistance in the other body. We are on the verge of a citizen triumph in safety.

Let us all work earnestly to ensure this bill passes the other body, goes to the President, is signed into law, and that never again citizens have to petition to make things right for safety.

Madam Speaker, I rise in strong support of H.R. 5900, the "Airline Safety and Federal Aviation Administration Extension Act of 2010".

This bill ensures that aviation programs, taxes, and Airport and Airway Trust Fund expenditure authority will continue without interruption pending completion of long-term Federal Aviation Administration (FAA) reauthorization legislation. Because the long-term bill will not be completed before the current authority for aviation programs expires at the end of this week, H.R. 5900 is needed to extend aviation programs, taxes, and expenditure authority for an additional two months, through September 30, 2010.

The most recent long-term FAA reauthorization act, the Vision 100—Century of Aviation Reauthorization Act (P.L. 108–176), expired on September 30, 2007. Although the House passed an FAA reauthorization bill during the 110th Congress, and again last year, the Senate failed to act until March of this year. The FAA has, therefore, been operating under a series of short-term extension acts, the most recent of which expires on August 1, 2010.

Since passage of the Senate bill in March, we have been working diligently to resolve the

differences between the House and Senate bills. To be frank, I had hoped that the House would pass a negotiated, comprehensive, multi-year FAA reauthorization bill this week. We are close to a final package with the Senate, with very few issues left on the table. As it stands now, the negotiated bill would provide the aviation sector with the stability of a multi-year authorization, safety reforms, record-high capital investment levels, several provisions that would accelerate the Next Generation Air Transportation System effort, and a passenger bill of rights.

Unfortunately, the FAA reauthorization bill is hung up in the Senate, primarily over a provision that would significantly increase the number of long-distance flights at Washington National Airport. The Senate provision was included in neither the House-passed nor Senate-passed FAA bills, and it is strongly opposed by Members of Congress and Senators who represent the Washington, D.C. metropolitan region because, they argue, it would create a burden for Washington National Airport by creating congestion at terminals and siphoning passengers away from Washington Dulles International Airport. I also have concerns that the provision, as written, would unduly benefit dominant incumbent carrier, US Airways.

Madam Speaker, on the night of February 12, 2009, a Colgan Air flight operating as Continental Connection Flight 3407 crashed in Buffalo, New York, killing 50 people. The National Transportation Safety Board (NTSB) investigation that followed rocked the airline industry, stunned the American public, and identified the need to closely examine the regulations governing pilot training and rest requirements, with a particular focus on regional airlines.

In response to this tragedy, the Subcommittee on Aviation held a series of hearings, receiving testimony from the FAA, the NTSB, the Department of Transportation Inspector General, pilots' unions, airline representatives, and the representatives of the Colgan 3407 Families.

With regard to the Colgan 3407 Families, they have been a driving force behind aviation safety reform legislation. In the last 17 months they have come to Washington, D.C., more than 30 times to push for legislation. They have served the American public well. It is time to let them go home now, to know that they have made a difference, to put closure on this tragedy and to pick up the pieces of their lives. Moreover, safety is our highest priority. Therefore, this extension act includes the airline safety and pilot training provisions that we have been able to negotiate with the Senate. These safety provisions will dramatically upgrade the training and experience necessary to be an airline pilot. Key features of this legislation include:

Requiring all airline pilots to hold an Airline Transport Pilot certificate, which requires a minimum of 1,500 flight hours; the current requirement is 250 flight hours.

Directing the FAA to update and implement new flight and duty time rules for pilots within one year, to more adequately address the results of scientific research in the field of fatigue.

Requiring FAA to ensure that pilots are trained on how to recover from stalls and up-

sets and that airlines provide remedial training to pilots who need it.

Establishing a pilot records database to provide airlines with fast, electronic access to a pilot's comprehensive record.

Some have argued that these safety provisions are one of the strongest selling points of a comprehensive FAA reauthorization package, and that by moving these provisions separately we may put the larger bill in jeopardy. We believe that moving these safety reforms right now, as part of an extension act, is simply the right thing to do. Moreover, we see no reason why Congress cannot return in September and work through the very few remaining issues in a larger FAA bill. We view these safety provisions as just a preview of a very strong comprehensive aviation package that this Congress will deliver for the American public in a matter of weeks.

I thank Chairman LEVIN of the Committee on Ways and Means for his assistance in ensuring the continued operation of aviation and highway programs. I also thank my Committee colleagues—Ranking Member MICA, Subcommittee on Aviation Chairman COSTELLO, and Ranking Member PETRI—for working with me on this critical legislation.

I strongly urge my colleagues to join me in supporting H.R. 5900.

Mr. POMEROY. Madam Speaker, I rise today to express my concerns with certain provisions of H.R. 5900, the Airline Safety and FAA Extension Act.

While I strongly support the goals of the airline safety portions of the bill, I continue to have concerns regarding the practical effect of the provision requiring a minimum of 1,500 hours of training for an airline transport pilot certificate. As we work to improve the safety of airline service it is important that new training requirements have their desired effect of improving safety while avoiding any unintended consequences that may decrease the number of skilled pilots.

Specifically it is my concern that students looking to get their pilots license could be forced by financial considerations to attend pilot training programs with an emphasis of meeting the flight hour requirements inexpensively by flying straight and level courses without mastering important safety skills.

I support provisions that specify that certain academic training courses can be credited towards the total number of flight hours required by this Act. I believe that this language should be further improved through the normal legislative process to ensure that high-quality outcome orientated training programs are given more credit towards this requirement than other programs.

While I will be voting in favor of this legislation in order to ensure that funding for Federal Aviation Administration, FAA programs that support aviation operations in North Dakota do not lapse, I believe it is important that new safety requirements are appropriately constructed to recognize the tremendous benefits that our nation's accredited flight schools provide.

Mr. HOLT. Madam Speaker, I rise today in support of H.R. 5900, the Airline Safety and Federal Aviation Administration Extension Act.

Today we have the opportunity to make good on the promise we made to the Families

of Flight 3407 when we passed the Airline Safety and Pilot Training Improvement Act in October of last year. Our promise that Congress would act to correct the lack of oversight and safety standards that contributed to the crash of Continental Flight 3407 in Buffalo, NY in February of 2009, taking the lives of 50 people.

Three residents of New Jersey's 12th Congressional district were on this flight; Lorin Maurer, Ron Gonzales and Coleman Mellett. I have spoken with and heard from their families and friends, and my thoughts and prayers go out to them as they cope with the loss of these outstanding individuals. Lorin was a rising star at Princeton University whose positive attitude and volunteerism served as a shining example for the community. Ron was a tireless advocate for his community and he worked hard to save children who were in crisis due to domestic violence, drugs, gangs, and other social ills. And Coleman was a talented musician. Their passing was a huge loss to our community. I have been vigilant in working to ensure that we address the serious safety concerns that led to the crash.

A series of National Transportation Safety Board (NTSB) hearings exposed the disturbing fact that the crash of Flight 3407 was preventable. The pilots had received inadequate training on how to recover from a stall and how to proceed in icing conditions. Severe pilot fatigue also was identified as the cause of the crash. The NTSB found that regional carriers are held to lower safety standards than national carriers despite regional airlines' accounting for one-half of all scheduled flights in the United States. As a result, five of the last seven fatal commercial plane crashes involved regional carriers.

As more Americans rely on commuter airlines for air service, the Federal Aviation Administration (FAA) must take aggressive action to ensure that there is no difference in the level of safety provided by different air carriers. The NTSB hearings also made clear that the FAA has failed to issue regulations based on previous NTSB recommendations to establish uniform standards for training and performance. We owe it to the families and friends of the victims of the Flight 3407 to take action to prevent such tragedies in the future.

Last year I joined my colleagues from Upstate New York, CHRISTOPHER LEE and BRIAN HIGGINS in introducing the One Level of Safety Act. Our legislation would require regional carriers to meet the same training and safety standards of national carriers.

Additionally, it would require the FAA to implement the unfulfilled NTSB recommendations that were found to be responsible for this crash. I would like to thank Chairman COSTELLO for including these important provisions in the Airline Safety & Federal Aviation Administration Extension Act, and I urge my colleagues to support it.

Mr. COSTELLO. Madam Speaker, as I have said earlier, this is the strongest aviation safety bill that we are about to pass in decades. I urge my colleagues to support this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and pass the bill, H.R. 5900.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

MODIFYING DATE THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND APPLICABLE STATES MAY REQUIRE PERMITS

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (S. 3372) to modify the date on which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

Section 2(a) of Public Law 110-299 (33 U.S.C. 1342 note) is amended by striking “during the 2-year period beginning on the date of enactment of this Act” and inserting “during the period beginning on the date of the enactment of this Act and ending on December 18, 2013”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from New Jersey (Mr. LOBIONDO) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise in support of S. 3372. This piece of legislation has been approved twice

by this Chamber. Just last week, H.R. 5301, proposed by my colleague, the gentleman from New Jersey (Mr. LOBIONDO) passed easily on the floor of this Chamber.

Both S. 3372 and H.R. 5301 are mere extensions of an already existing moratorium. This extension is necessary because the Environmental Protection Agency has determined that discharges from vessels under 79 feet in length are not benign. But the agency needs additional time to expand coverage of its permitting program for these smaller vessels, and the EPA needs additional time to set appropriate Clean Water Act requirements to protect the Nation's waters from these type of discharges.

So I urge my colleagues to join me and support S. 3372.

I reserve the balance of my time.

Mr. LOBIONDO. Madam Speaker, I yield myself such time as I may consume.

I urge all Members to support this very important measure. I want to particularly thank Mr. OBERSTAR, Mr. MICA, and GENE TAYLOR for their work on this measure. Again, I urge everyone to support the legislation.

Madam Speaker, I rise today in strong support of S. 3372. Effective 2 days from now, commercial fishermen, charter boat operators and owners of other commercial vessels less than 79 feet will have to apply for and receive individual permits from the EPA to discharge from their vessels such things as deck wash, bilge water, and the condensation from air conditioning units. Vessels that operate without these permits could be subject to citizen lawsuits and daily fines that exceed \$32,000 per violation. To make matters worse, the EPA has informed Congress that they do not have the resources to process the hundreds of thousands of permits that would be required.

This bill simply extends the current moratorium a few more years to ensure the EPA has time to analyze the results of the study they conducted on incidental discharges, review public comments, and develop proper permitting regulations.

Although I am very pleased the House will be sending this bill to the President today, I still look forward to working with Chairman OBERSTAR on a broader bill to establish a fair and effective regime to regulate incidental discharges, as well as ballast water. As the Chairman knows, the current situation where we have 2 Federal agencies plus 28 different states enforcing 30 different standards on ballast water is crippling our maritime industry. I know the Chairman is committed to working through those issues and I hope we will have a bill on the floor soon.

Finally, I want to thank Chairman OBERSTAR for his leadership in moving this bill forward today, as well as Ranking Member MICA for his strong support and assistance. I also want to thank Senators MURKOWSKI and BOXER for their tremendous efforts. Finally, I want to thank the staff on both sides for their outstanding work.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield such

time as he may consume to the chairman of the full committee, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I want to compliment the gentlewoman on her splendid work on this legislation and her leadership of the subcommittee, the gentleman from New Jersey for his consistent and persistent advocacy. And if we pass this bill tonight, it will go directly to the President.

Madam Speaker, I rise in strong support of S. 3372, a bill that extends a provision prohibiting the Environmental Protection Agency (EPA) and States from requiring permits under Section 402 of the Clean Water Act for certain discharges that are incidental to the normal operation of commercial vessels less than 79 feet in length and all fishing vessels. This Chamber has now twice passed the language contained in S. 3372.

I thank the gentleman from New Jersey (Mr. LOBIONDO) for his continued work on this issue. As I have said many times to my colleague, we will get this legislation signed into law.

This legislation extends a narrowly tailored provision enacted by Congress in 2008 to establish a moratorium on permit requirements under the Clean Water Act for certain discharges from fishing vessels and those commercial vessels less than 79 feet in length. This legislation ensures that EPA has sufficient time to consider the implications of discharges incidental to the normal operation of a vessel, while preserving the goals of the Clean Water Act to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.

When the moratorium was established two years ago, EPA was directed to conduct a study on discharges incidental to the normal operation of a vessel. The purpose of this study was to provide the Agency and Congress with additional information on the nature, types, volumes, and composition of vessel discharges, and the potential impact of these discharges on human health, welfare, and the environment.

EPA completed this study earlier this year and determined that discharges from these smaller vessels are not benign. Appropriately, EPA plans on bringing these vessels within the scope of the National Pollutant Discharge Elimination System (NPDES) program. Currently, however, EPA does not have the framework in place or the resources to expand NPDES coverage to these smaller vessels.

S. 3372 extends the current moratorium to December 18, 2013. This extension will allow EPA time to implement the appropriate Clean Water Act mechanisms for controlling, minimizing, and properly addressing these types of vessel discharges. It will also allow the Agency to plan for the inclusion of these smaller vessels when the Agency renews its Vessel General Permits program.

The language contained in S. 3372 was included in H.R. 3619, the “Coast Guard Authorization Act of 2010”, which passed the House on November 2, 2009. In addition, last week, the House passed H.R. 5301, introduced by the gentleman from New Jersey (Mr. LOBIONDO), which included this provision.

I strongly urge my colleagues to join me in support of S. 3372.

Ms. EDDIE BERNICE JOHNSON of Texas. I urge support for the bill. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, S. 3372.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 2350

REAL ESTATE JOBS AND INVESTMENT ACT OF 2010

Mr. CROWLEY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5901) to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investment in United States real property interests, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5901

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Real Estate Jobs and Investment Act of 2010”.

SEC. 2. EXCEPTION FROM FIRPTA FOR CERTAIN STOCK OF REAL ESTATE INVESTMENT TRUSTS.

(a) IN GENERAL.—Paragraph (3) of section 897(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking all that precedes “If any class” and inserting the following:

“(3) EXCEPTIONS FOR CERTAIN STOCK DISPOSITIONS.—

“(A) EXCEPTION FOR STOCK REGULARLY TRADED ON ESTABLISHED SECURITIES MARKETS.—”

(2) by adding at the end of subparagraph (A) (as added by paragraph (1)) the following: “In the case of any class of stock of a real estate investment trust, the preceding sentence shall be applied by substituting ‘10 percent’ for ‘5 percent’.”, and

(3) by adding at the end the following new subparagraph:

“(B) EXCEPTION FOR CERTAIN STOCK IN REAL ESTATE INVESTMENT TRUSTS.—

“(i) IN GENERAL.—Stock of a real estate investment trust held by a qualified shareholder shall not be treated as a United States real property interest except to the extent that an investor in the qualified shareholder holds (directly or indirectly through the qualified shareholder) more than 10 percent of the stock of such real estate investment trust.

“(ii) QUALIFIED SHAREHOLDER.—For purposes of this subparagraph, the term ‘qualified shareholder’ means a shareholder—

“(I) which would be eligible for a reduced rate of withholding under any income tax treaty of the United States with respect to ordinary dividends paid by the real estate investment trust even if such shareholder

holds more than 10 percent of the stock of such real estate investment trust, and

“(II) whose principal class of interests is listed and regularly traded on one or more recognized stock exchanges (as defined in the relevant income tax treaty referred to in subclause (I)).”

(b) DISTRIBUTIONS OF REAL ESTATE INVESTMENT TRUSTS.—Paragraph (1) of section 897(h) of such Code is amended—

(1) by inserting “(10 percent in the case of stock of a real estate investment trust)” after “5 percent of such class of stock”, and

(2) by inserting “, and any distribution to a qualified shareholder (as defined in subsection (c)(3)(B)(ii)) shall not be treated as gain recognized from the sale or exchange of a United States real property interest to the extent that the stock of the real estate investment trust held by such qualified shareholder is not treated as a United States real property interest under subsection (c)(3)(B)” before the period at the end.

(c) CONFORMING AMENDMENT.—Subparagraph (C) of section 897(c)(6) of such Code is amended by striking “more than 5 percent” and inserting “more than a particular percentage”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to dispositions made after the date of the enactment of this Act.

(2) DISTRIBUTIONS OF REAL ESTATE INVESTMENT TRUSTS.—The amendments made by subsection (b) shall apply to distributions made after the date of the enactment of this Act.

SEC. 3. APPLICATION OF CONTINUOUS LEVY TO TAX LIABILITIES OF CERTAIN FEDERAL CONTRACTORS.

(a) IN GENERAL.—Subsection (f) of section 6330 of the Internal Revenue Code of 1986 is amended by striking “or” at the end of paragraph (2), by inserting “or” at the end of paragraph (3), and by inserting after paragraph (3) the following new paragraph:

“(4) the Secretary has served a Federal contractor levy.”

(b) FEDERAL CONTRACTOR LEVY.—Subsection (h) of section 6330 of such Code is amended—

(1) by striking all that precedes “any levy in connection with the collection” and inserting the following:

“(h) DEFINITIONS RELATED TO EXCEPTIONS.—For purposes of subsection (f)—

“(1) DISQUALIFIED EMPLOYMENT TAX LEVY.—A disqualified employment tax levy is”; and

(2) by adding at the end the following new paragraph:

“(2) FEDERAL CONTRACTOR LEVY.—A Federal contractor levy is any levy if the person whose property is subject to the levy (or any predecessor of such person) is a Federal contractor.”

(c) CONFORMING AMENDMENT.—The heading of subsection (f) of section 6330 of such Code is amended by striking “JEOPARDY AND STATE REFUND COLLECTION” and inserting “EXCEPTIONS”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to levies issued after December 31, 2010.

SEC. 4. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. CROWLEY) and the gentleman from Texas (Mr. BRADY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. CROWLEY. Madam Speaker, I yield myself 4 minutes.

I am pleased to introduce this bill, the Real Estate Jobs and Investment Act. This bill will help address the growing problems in the U.S. commercial real estate market by attracting new capital through alleviating punitive taxes that discourage investment in the United States real estate markets.

Currently, almost \$170 billion in commercial U.S. real estate is underwater, with many of these mortgages needing to be refinanced within the next 2 to 3 years. Without a new infusion of capital, a collapse in the commercial real estate market could lead to yet another economic downturn. That is a risk that our country can simply not afford right now.

Under current U.S. tax law, foreign investors generally do not pay capital gains taxes when they sell stock in a U.S. corporation, such as a Microsoft or Google, unless that U.S. corporation is a real estate investment trust, also known as a REIT, which is like a mutual fund for real estate.

Because Federal tax law imposes certain punitive taxes on foreign investment in U.S. real estate, foreign investors are not putting their money into the U.S. commercial real estate sector. The Real Estate Jobs and Investment Act takes direct aim at this problem by doubling the amount of foreign capital that can be invested in a publicly traded real estate investment trust.

The bill is fully PAYGO compliant, so it won't increase our debt or our deficit by even a single penny.

I also want my colleagues to know that this bill will not disadvantage U.S. taxpayers over foreign taxpayers. That's because foreign investment in U.S. real property will continue to be taxed in the same manner as domestic investment. Under current tax law, only foreign investors in U.S. real estate are penalized with a special tax. This bill relieves part of the tax on real estate, a tax that does not exist when a foreigner invests in any other U.S. asset class such as stocks.

Further, this bill will not open the door to another Dubai Ports situation or to greater control of U.S. real estate by countries who do not have our best interests at heart.

This bill only increases from 5 percent to 10 percent the amount a foreign investor can place in a real estate investment trust. This is not ownership control by any means.

Any foreign investor owning more than 10 percent in one of these real estate investment vehicles will still be

forced to pay the punitive tax and will have to register with the Securities and Exchange Commission.

This bill aims to correct the current tax law which discourages foreign investment in U.S. real estate and bring new investment into commercial real estate.

The bill has been endorsed by a number of organizations, including the Real Estate Roundtable, Organization for International Investment, National Association for Real Estate Investment Trusts, the International Council of Shopping Centers, the Building Owners and Managers Association, the National Association of Real Estate Investment Managers, the Association of Foreign Investors in Real Estate, the National Multi Housing Council, and the National Apartment Association.

I believe this is a commonsense reform at a time when new investments are needed in our U.S. economy. The more we can do to address the problems in commercial real estate before they boil over, the better.

I reserve the balance of my time.

Mr. BRADY of Texas. I yield myself such time as I may consume.

Madam Speaker, we're all aware of the ongoing turbulence in the credit markets that has made it very difficult for owners of real estate, including commercial real estate, to obtain financing for new projects or to refinance existing ones. Transaction volumes have fallen, asset values have fallen, and rents have fallen. Our real estate markets are desperate for infusion of new capital.

One significant source of capital investment for these projects is foreign investors. It's important for Congress to periodically review the restrictions that the U.S. Tax Code imposes on foreign investment to ensure that these restrictions do not unnecessarily discourage this investment, especially during times like this.

Earlier this year, the gentleman from Ohio (Mr. TIBERI) worked with the gentleman from New York (Mr. CROWLEY) to introduce H.R. 4539, legislation that would modify some of the tax rules in this area collectively known as FIRPTA, the Foreign Investment in Real Property Tax Act. Today's legislation based on their earlier bill would remove an unnecessary barrier to foreign investment in the U.S. real estate market, providing increased liquidity that is sorely needed.

Under current law, foreign portfolio investors who own less than 5 percent of U.S. publicly traded companies are exempted from the more stringent tax regime under FIRPTA. This bill would simply raise that 5 percent threshold for this FIRPTA exception to 10 percent for investments in publicly traded real estate investment trusts, or REITs. This modification would encourage investment of additional capital into our real estate markets at a

time when the credit markets need it most.

Let me say just a word about the offset the majority has chosen for this bill, the tightening of the IRS levy rules for Federal contractors identified as owing taxes. This provision is based on a similar proposal that was included in the President's fiscal year 2011 budget request, and it was subsequently included in H.R. 4849, the small business and infrastructure spending bill introduced by Chairman LEVIN, which passed the House on a mostly party-line vote on March 24 of this year.

The bill we're considering today was introduced just last night, and for the very first time, the real estate proposal that Mr. TIBERI had been working on with the gentleman from New York has been paired up with this particular offset. Since the bill with this new offset was introduced last night, we've conducted considerable due diligence on this provision, including discussion with representatives of numerous associations representing potentially affected taxpayers.

While none of these associations have offered any expressions of support for this offset, we are, at this time, unaware of any group that intends to actively oppose this bill because of this provision. Should H.R. 5901 pass the House, I'll certainly continue to discuss this new provision with potentially affected groups to ensure it does not place any undue burden on taxpayers.

That being said, the crisis in the credit markets is a serious concern we all share, and this bill will help our struggling real estate markets get the capital they need.

I yield back the balance of my time.

Mr. CROWLEY. Mr. Speaker, in closing, I want to thank the gentleman for his comments and remarks and also recognize we may very well have to come back to do additional work to help this industry because this is a national crisis. It's not just in New York. It's not just in Texas or Boston or L.A. or Chicago. It's really all over the country, and I think this is a small part right now to help infuse some foreign investment and cash into the system to put people back to work, to get construction workers back on the job, and to get people building out offices, office spacing, and really bringing in more capital to lift up this industry.

GENERAL LEAVE

Mr. CROWLEY. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5901.

The SPEAKER pro tempore (Mr. LUJÁN). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the Real Estate Jobs and Invest-

ment Act (H.R. 5901), and I commend Congressman CROWLEY and the Ways and Means committee staff for the hard work that went into crafting this bill.

Even as we work hard to address the current foreclosure crisis in the residential housing market, a growing chorus of economists is warning that the commercial real estate market could very well be the next shoe to fall. In order to get in front of that looming crisis, and the additional burden on our recovery it would represent, Congress should consider any and all responsible steps we can take now to head off that outcome.

This legislation is that kind of step. By increasing from 5 percent to 10 percent the amount of foreign capital that can be invested in a publicly traded REIT before the Foreign Investment in Real Property Tax Act, FIRPTA, filing and withholding requirements kick in, we can attract more foreign investment to our commercial real estate market at a time when that investment is needed most—and we can do it in a way that doesn't disadvantage U.S. taxpayers or cede ownership control of U.S. real estate to foreign interests.

Mr. Speaker, this is forward-looking legislation. It's fully paid for. I urge a "yes" vote.

Mr. CROWLEY. I yield back the balance of my time.

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The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and pass the bill, H.R. 5901.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CROWLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ASSISTANCE, QUALITY, AND AFFORDABILITY ACT OF 2010

Mr. MARKEY of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5320) to amend the Safe Drinking Water Act to increase assistance for States, water systems, and disadvantaged communities; to encourage good financial and environmental management of water systems; to strengthen the Environmental Protection Agency's ability to enforce the requirements of the Act; to reduce lead in drinking water; to strengthen the endocrine disruptor screening program; and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) **SHORT TITLE.**—This Act may be cited as the “Assistance, Quality, and Affordability Act of 2010”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents; references.
 - Sec. 2. Technical assistance for small public water systems.
 - Sec. 3. Prevailing wages.
 - Sec. 4. Use of funds.
 - Sec. 5. Requirements for use of American materials.
 - Sec. 6. Data on variances, exemptions, and persistent violations.
 - Sec. 7. Assistance for restructuring.
 - Sec. 8. Priority and weight of applications.
 - Sec. 9. Disadvantaged communities.
 - Sec. 10. Administration of State loan funds.
 - Sec. 11. State revolving loan funds for American Samoa, Northern Mariana Islands, Guam, and the Virgin Islands.
 - Sec. 12. Authorization of appropriations.
 - Sec. 13. Negotiation of contracts.
 - Sec. 14. Affordability of new standards.
 - Sec. 15. Focus on lifecycle costs.
 - Sec. 16. Enforcement.
 - Sec. 17. Reducing lead in drinking water.
 - Sec. 18. Endocrine disruptor screening program.
 - Sec. 19. Presence of pharmaceuticals and personal care products in sources of drinking water.
 - Sec. 20. Electronic reporting of compliance monitoring data to the Administrator.
 - Sec. 21. Budgetary effects.
- (c) **REFERENCES.**—Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

SEC. 2. TECHNICAL ASSISTANCE FOR SMALL PUBLIC WATER SYSTEMS.

Subsection (e) of section 1442 (42 U.S.C. 300j-1(e)) is amended to read as follows:

“(e) TECHNICAL ASSISTANCE.—

“(1) **IN GENERAL.**—The Administrator, directly or through grants or cooperative agreements with nonprofit organizations, may provide technical assistance to small public water systems to enable such systems to achieve and maintain compliance with applicable national primary drinking water regulations.

“(2) **TYPES OF ASSISTANCE.**—Technical assistance under paragraph (1) may include on-site technical assistance and compliance assistance; circuit-rider and multi-State regional technical assistance programs; training; assistance with implementing source water protection programs; assistance with increasing water or energy efficiency; assistance with designing, installing, or operating sustainable energy infrastructure to produce or capture sustainable energy on site or through water transport; assistance with developing technical, financial, and managerial capacity; assistance with long-term infrastructure planning; assistance with applying for funds from a State loan fund under section 1452; and assistance with implementation of monitoring plans, rules, regulations, and water security enhancements.

“(3) **PRIORITY.**—In providing assistance under this subsection, the Administrator shall give priority to assistance that will promote compliance with national primary drinking water standards, public health pro-

tection, and long-term sustainability of small public water systems. In awarding grants and cooperative assistance under paragraph (1) to nonprofit organizations, the Administrator shall (subject to the preceding sentence) give greater weight to nonprofit organizations that, as determined by the Administrator, are most qualified and most effective and that, as determined by the Administrator using information where available, are providing the types of technical assistance that are preferred by small public water systems.

“(4) **COMPETITIVE PROCEDURES.**—It is the presumption of Congress that any award of assistance under this subsection will be awarded using competitive procedures based on merit. If assistance is awarded under this subsection using procedures other than competitive procedures, the Administrator shall submit to the Congress, within 90 days of the award decision, a report explaining why competitive procedures were not used.

“(5) FUNDING.—

“(A) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$20,000,000 for each of fiscal years 2011 through 2015.

“(B) **PROHIBITION ON EARMARKS.**—No funds made available under this subsection may be used to carry out a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or congressional district, other than through a statutory or administrative formula-driven or competitive award process.

“(C) **LOBBYING EXPENSES.**—No portion of any State loan fund established under section 1452 and no portion of any funds made available under this subsection may be used for lobbying expenses.

“(D) **INDIAN TRIBES.**—Of the total amount made available under this section for each fiscal year, 3 percent shall be used for technical assistance to public water systems owned or operated by Indian Tribes.”.

SEC. 3. PREVAILING WAGES.

Subsection (e) of section 1450 (42 U.S.C. 300j-9) is amended to read as follows:

“(e) LABOR STANDARDS.—

“(1) **IN GENERAL.**—The Administrator shall take such action as the Administrator determines to be necessary to ensure that each laborer and mechanic employed by a contractor or subcontractor in connection with a construction project financed, in whole or in part, by a grant, loan, loan guarantee, re-financing, or any other form of financial assistance provided under this title (including assistance provided by a State loan fund established under section 1452) is paid wages at a rate of not less than the wages prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

“(2) **AUTHORITY OF SECRETARY OF LABOR.**—With respect to the labor standards specified in this subsection, the Secretary of Labor shall have the authority and functions established in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.”.

SEC. 4. USE OF FUNDS.

Section 1452(a)(2) (42 U.S.C. 300j-12(a)(2)) is amended—

(1) by striking “Except as otherwise” and inserting the following:

“(A) **IN GENERAL.**—Except as otherwise”;

(2) by striking “, or as a source of reserve and security for leveraged loans, the proceeds of which are deposited in a State loan fund established under paragraph (1),”;

(3) by striking “Financial assistance under this section” and inserting the following:

“(B) **PERMISSIBLE EXPENDITURES.**—Financial assistance under this section”;

(4) by striking “The funds may also be used” and inserting the following:

“(D) **CERTAIN LOANS.**—Financial assistance under this section may also be used”;

(5) by striking “The funds shall not be used” and inserting the following:

“(E) **LIMITATION.**—Financial assistance under this section shall not be used”;

(6) by striking “Of the amount credited” and inserting the following:

“(F) **SET-ASIDE.**—Of the amount credited”;

(7) in subparagraph (B) (as designated by paragraph (3)) by striking “(not)” and inserting “(including expenditures for planning, design, siting, and associated preconstruction activities, for replacing or rehabilitating aging treatment, storage, or distribution facilities of public water systems, or for producing or capturing sustainable energy on site or through the transportation of water through the public water system, but not”;

(8) by inserting after such subparagraph (B) the following:

“(C) **SALE OF BONDS.**—If a State issues revenue or general obligation bonds to provide all or part of the State contribution required by subsection (e), and the proceeds of the sale of such bonds will be deposited into the State loan fund—

“(i) financial assistance made available under this section may be used by the State as security for payment of the principal and interest on such bonds; and

“(ii) interest earnings of the State loan fund may be used by the State as revenue for payment of the principal and interest on such bonds.

Except as provided in this subparagraph, neither financial assistance made available under this section nor interest earnings of a State loan fund may be used by a State as security for or as revenue for the payment of the principal or interest on any bond, including any tax exempt or tax credit bond issued by a State or any political subdivision thereof.”.

SEC. 5. REQUIREMENTS FOR USE OF AMERICAN MATERIALS.

Section 1452(a) (42 U.S.C. 300j-12(a)) is amended by adding at the end the following new paragraph:

“(4) **REQUIREMENTS FOR USE OF AMERICAN MATERIALS.—**

“(A) **IN GENERAL.**—Notwithstanding any other provision of law, none of the funds made available by a State loan fund as authorized under this section may be used for a project for the construction, alteration, maintenance, or repair of a public water system unless the steel, iron, and manufactured goods used in such project are produced in the United States.

“(B) **EXCEPTIONS.**—Subparagraph (A) shall not apply in any case in which the Administrator (in consultation with the Governor of the State) finds that—

“(i) applying subparagraph (A) would be inconsistent with the public interest;

“(ii) steel, iron, and manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

“(iii) inclusion of steel, iron, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

“(C) PUBLIC NOTIFICATION AND WRITTEN JUSTIFICATION FOR WAIVER.—If the Administrator determines that it is necessary to waive the application of subparagraph (A) based on a finding under subparagraph (B), the Administrator shall—

“(i) not less than 15 days prior to waiving application of subparagraph (A), provide public notice and the opportunity to comment on the Administrator’s intent to issue such waiver; and

“(ii) upon issuing such waiver, publish in the Federal Register a detailed written justification as to why the provision is being waived.

“(D) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This paragraph shall be applied in a manner consistent with United States obligations under international agreements.”

SEC. 6. DATA ON VARIANCES, EXEMPTIONS, AND PERSISTENT VIOLATIONS.

Section 1452(b)(2) (42 U.S.C. 300j–12(b)(2)) is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(D) a list of all water systems within the State that have in effect an exemption or variance for any national primary drinking water regulation or that are in persistent violation of the requirements for any maximum contaminant level or treatment technique under a national primary drinking water regulation, including identification of—

“(i) the national primary drinking water regulation in question for each such exemption, variance, or violation; and

“(ii) the date on which the exemption or variance came into effect or the violation began.”

SEC. 7. ASSISTANCE FOR RESTRUCTURING.

(a) DEFINITION.—Section 1401 (42 U.S.C. 300f) is amended by adding at the end the following:

“(17) RESTRUCTURING.—The term ‘restructuring’ means changes in operations (including ownership, management, cooperative partnerships, joint purchasing arrangements, consolidation, and alternative water supply).”

(b) RESTRUCTURING.—Clause (ii) of section 1452(a)(3)(B) (42 U.S.C. 300j–12(a)(3)(B)) is amended by striking “changes in operations (including ownership, management, accounting, rates, maintenance, consolidation, alternative water supply, or other procedures)” and inserting “restructuring”.

SEC. 8. PRIORITY AND WEIGHT OF APPLICATIONS.

(a) PRIORITY.—Section 1452(b)(3) (42 U.S.C. 300j–12(b)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii), by striking “and” at the end;

(B) in clause (iii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iv) improve the ability of systems to protect human health and comply with the requirements of this title affordably in the future.”

(2) by redesignating subparagraph (B) as subparagraph (D);

(3) by inserting after subparagraph (A) the following:

“(B) AFFORDABILITY OF NEW STANDARDS.—For any year in which enforcement begins

for a new national primary drinking water standard, each State that has entered into a capitalization agreement pursuant to this section shall evaluate whether capital improvements required to meet the standard are affordable for disadvantaged communities in the State. If the State finds that such capital improvements do not meet affordability criteria for disadvantaged communities in the State, the State’s intended use plan shall provide that priority for the use of funds for such year be given to public water systems affected by the standard and serving disadvantaged communities.

“(C) WEIGHT GIVEN TO APPLICATIONS.—After determining priority under subparagraphs (A) and (B), an intended use plan shall provide that the State will give greater weight to an application for assistance if the application contains—

“(i) a description of measures undertaken by the system to improve the management and financial stability of the system, which may include—

“(I) an inventory of assets, including a description of the condition of the assets;

“(II) a schedule for replacement of assets;

“(III) an audit of water losses;

“(IV) a financing plan that factors in all lifecycle costs indicating sources of revenue from ratepayers, grants, bonds, other loans, and other sources to meet the costs; and

“(V) a review of options for restructuring;

“(ii) a demonstration of consistency with State, regional, and municipal watershed plans;

“(iii) a water conservation plan consistent with guidelines developed for such plans by the Administrator under section 1455(a); and

“(iv) a description of measures undertaken by the system to improve the efficiency of the system or reduce the system’s environmental impact, which may include—

“(I) water efficiency or conservation, including the rehabilitation or replacement of existing leaking pipes;

“(II) use of reclaimed water;

“(III) actions to increase energy efficiency;

“(IV) actions to generate or capture sustainable energy on site or through the transportation of water through the system;

“(V) actions to protect source water;

“(VI) actions to mitigate or prevent corrosion, including design, selection of materials, selection of coating, and cathodic protection; and

“(VII) actions to reduce disinfection by-products.”; and

(4) in subparagraph (D) (as redesignated by paragraph (2)) by striking “periodically” and inserting “at least biennially”.

(b) GUIDANCE.—Section 1452 (42 U.S.C. 300j–12) is amended—

(1) by redesignating subsection (r) as subsection (s); and

(2) by inserting after subsection (q) the following:

“(r) SMALL SYSTEM GUIDANCE.—The Administrator may provide guidance and, as appropriate, tools, methodologies, or computer software, to assist small systems in undertaking measures to improve the management, financial stability, and efficiency of the system or reduce the system’s environmental impact.”

SEC. 9. DISADVANTAGED COMMUNITIES.

(a) ASSISTANCE TO INCREASE COMPLIANCE.—Section 1452(b)(3) (42 U.S.C. 300j–12(b)(3)), as amended, is further amended by adding at the end the following:

“(E) ASSISTANCE TO INCREASE COMPLIANCE.—A State’s intended use plan shall provide that, of the funds received by the State through a capitalization grant under this

section for a fiscal year, the State will, to the extent that there are sufficient eligible project applications, reserve not less than 6 percent to be spent on assistance under subsection (d) to public water systems included in the State’s most recent list under paragraph (2)(D).”

(b) ASSISTANCE FOR DISADVANTAGED COMMUNITIES.—Section 1452(d) (42 U.S.C. 300j–12(d)) is amended—

(1) in paragraph (1), by adding at the end the following: “Such additional subsidization shall directly and primarily benefit the disadvantaged community.”; and

(2) in paragraph (3), by inserting “, or portion of a service area,” after “service area”.

(c) AFFORDABILITY CRITERIA.—Section 1452(d)(3) is amended by adding at the end: “Each State that has entered into a capitalization agreement pursuant to this section shall, in establishing affordability criteria, consider, solicit public comment on, and include as appropriate—

“(A) the methods or criteria that the State will use to identify disadvantaged communities;

“(B) a description of the institutional, regulatory, financial, tax, or legal factors at the Federal, State, or local level that affect identified affordability criteria; and

“(C) a description of how the State will use the authorities and resources under this subsection to assist communities meeting the identified criteria.”

SEC. 10. ADMINISTRATION OF STATE LOAN FUNDS.

Section 1452(g) (42 U.S.C. 300j–12(g)) is amended—

(1) in paragraph (2)—

(A) in the first sentence, by striking “up to 4 percent of the funds allotted to the State under this section” and inserting “, for each fiscal year, an amount that does not exceed the sum of the amount of any fees collected by the State for use in covering reasonable costs of administration of programs under this section, regardless of the source, and an amount equal to the greatest of \$400,000, ½ of one percent of the current valuation of the State loan fund, or 6 percent of all grant awards to the State loan fund under this section for the fiscal year.”;

(B) by striking “1419,” and all that follows through “1993,” and inserting “1419.”; and

(C) in the matter following subparagraph (D), by striking “2 percent” and inserting “4 percent”; and

(2) by adding at the end the following:

“(5) TRANSFER OF FUNDS.—

“(A) IN GENERAL.—The Governor of a State may—

“(i) reserve for any fiscal year not more than the lesser of—

“(I) 33 percent of a capitalization grant made under this section; or

“(II) 33 percent of a capitalization grant made under section 601 of the Federal Water Pollution Control Act; and

“(ii) add the funds so reserved to any funds provided to the State under this section or section 601 of the Federal Water Pollution Control Act.

“(B) STATE MATCHING FUNDS.—Funds reserved under this paragraph shall not be considered for purposes of calculating the amount of a State contribution required by subsection (e) of this section or section 602(b) of the Federal Water Pollution Control Act.”

SEC. 11. STATE REVOLVING LOAN FUNDS FOR AMERICAN SAMOA, NORTHERN MARIANA ISLANDS, GUAM, AND THE VIRGIN ISLANDS.

Section 1452(j) (42 U.S.C. 300j-12(j)) is amended by striking “0.33 percent” and inserting “1 percent”.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

Subsection (m) of section 1452 (42 U.S.C. 300j-12) is amended to read as follows:

“(m) AUTHORIZATION OF APPROPRIATIONS.—“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

“(A) \$1,400,000,000 for fiscal year 2011;

“(B) \$1,600,000,000 for fiscal year 2012; and

“(C) \$1,800,000,000 for fiscal year 2013.

“(2) AVAILABILITY.—Amounts made available pursuant to this subsection shall remain available until expended.

“(3) RESERVATION FOR NEEDS SURVEYS.—Of the amount made available under paragraph (1) to carry out this section for a fiscal year, the Administrator may reserve not more than \$1,000,000 per year to pay the costs of conducting needs surveys under subsection (h).”.

SEC. 13. NEGOTIATION OF CONTRACTS.

Section 1452 (42 U.S.C. 300j-12), as amended, is further amended by adding at the end the following:

“(t) NEGOTIATION OF CONTRACTS.—For community water systems serving communities with populations of more than 10,000 individuals, a contract to be carried out using funds made available through a capitalization grant under this section for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural or related services shall be negotiated in the same manner as—

“(1) a contract for architectural and engineering services is negotiated under chapter 11 of title 40, United States Code; or

“(2) a contract subject to an equivalent State or local qualifications-based requirement (as determined by the Governor of the State).”.

SEC. 14. AFFORDABILITY OF NEW STANDARDS.

(a) TREATMENT TECHNOLOGIES FOR SMALL PUBLIC WATER SYSTEMS.—Clause (ii) of section 1412(b)(4)(E) (42 U.S.C. 300g-1(b)(4)(E)) is amended by adding at the end the following: “If no technology, treatment technique, or other means is included in a list under this subparagraph for a category of small public water systems, the Administrator shall periodically review the list and supplement it when new technology becomes available.”.

(b) ASSISTANCE FOR DISADVANTAGED COMMUNITIES.—

(1) IN GENERAL.—Subparagraph (E) of section 1452(a)(1) (42 U.S.C. 300j-12(a)(1)) is amended—

(A) by striking “except that the Administrator may reserve” and inserting “except that—

“(i) in any year in which enforcement of a new national primary drinking water standard begins, the Administrator may use the remaining amount to make grants to States whose public water systems are disproportionately affected by the new standard for the provision of assistance under subsection (d) to such public water systems;

“(ii) the Administrator may reserve”; and

(B) by striking “and none of the funds reallocated” and inserting “; and

“(iii) none of the funds reallocated”.

(2) ELIMINATION OF CERTAIN PROVISIONS.—

(A) Section 1412(b) (42 U.S.C. 300g-1(b)) is amended by striking paragraph (15).

(B) Section 1415 (42 U.S.C. 300g-4) is amended by striking subsection (e).

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 1414(c)(1) (42 U.S.C. 300g-3(c)(1)(B)) is amended by striking “(a)(2), or (e)” and inserting “or (a)(2)”.

SEC. 15. FOCUS ON LIFECYCLE COSTS.

Section 1412(b)(4) (42 U.S.C. 300g-1(b)(4)) is amended—

(1) in subparagraph (D), by striking “taking cost into consideration” and inserting “taking lifecycle costs, including maintenance, replacement, and avoided costs, into consideration”; and

(2) in the matter preceding subclause (I) in subparagraph (E)(ii), by inserting “taking lifecycle costs, including maintenance, replacement, and avoided costs, into consideration,” after “as determined by the Administrator in consultation with the States.”.

SEC. 16. ENFORCEMENT.

(a) ADVICE AND TECHNICAL ASSISTANCE.—Section 1414 (42 U.S.C. 300g-3) is amended—

(1) in the matter following clause (ii) in subsection (a)(1)(A), by striking “and provide such advice and technical assistance to such State and public water system as may be appropriate to bring the system into compliance with the requirement by the earliest feasible time”; and

(2) in subsection (a)(1), by adding at the end the following:

“(C) At any time after providing notice of a violation to a State and public water system under subparagraph (A), the Administrator may provide such advice and technical assistance to such State and public water system as may be appropriate to bring the system into compliance with the requirement by the earliest feasible time. In deciding whether the provision of advice or technical assistance is appropriate, the Administrator may consider the potential for the violation to result in serious adverse effects to human health, whether the violation has occurred continuously or frequently, and the effectiveness of past technical assistance efforts.”.

(b) ADDITIONAL INSPECTIONS.—

(1) IN GENERAL.—Section 1414 (42 U.S.C. 300g-3) is amended—

(A) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(B) by inserting after subsection (c) the following:

“(d) ADDITIONAL INSPECTIONS FOLLOWING VIOLATIONS.—

“(1) IN GENERAL.—The Administrator shall, by regulation, and after consultation with the States, prescribe the number, frequency, and type of additional inspections to follow any violation requiring notice under subsection (c). Regulations under this subsection shall—

“(A) take into account—

“(i) differences between violations that are intermittent or infrequent and violations that are continuous or frequent;

“(ii) the seriousness of any potential adverse health effects that may be involved; and

“(iii) the number and severity of past violations by the public water system; and

“(B) specify procedures for inspections following a violation by a public water system that has the potential to have serious adverse effects on human health as a result of short-term exposure.

“(2) STATE PRIMARY ENFORCEMENT RESPONSIBILITY.—Nothing in this subsection shall be construed or applied to modify the requirements of section 1413.”.

(2) CONFORMING AMENDMENTS.—

(A) Subsections (a)(1)(B), (a)(2)(A), and (b) of section 1414 (42 U.S.C. 300g-3) are amended

by striking “subsection (g)” each place it appears and inserting “subsection (h)”.

(B) Section 1448(a) is amended by striking “1414(g)(3)(B)” and inserting “1414(h)(3)(B)”.

SEC. 17. REDUCING LEAD IN DRINKING WATER.

(a) IN GENERAL.—Section 1417 (42 U.S.C. 300g-6) is amended—

(1) by adding at the end of subsection (a) the following:

“(4) EXEMPTIONS.—The prohibitions in paragraphs (1) and (3) shall not apply to—

“(A) pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or

“(B) toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.”; and

(2) by amending subsection (d) to read as follows:

“(d) DEFINITION OF LEAD FREE.—

“(1) IN GENERAL.—For the purposes of this section, the term ‘lead free’ means—

“(A) not containing more than 0.2 percent lead when used with respect to solder and flux; and

“(B) not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures.

“(2) CALCULATION.—The weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula: For each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with paragraph (1)(B). For lead content of materials that are provided as a range, the maximum content of the range shall be used.”.

(b) EFFECTIVE DATE.—The provisions of subsections (a)(4) and (d) of section 1417 of the Safe Drinking Water Act, as added by this section, apply beginning on the day that is 36 months after the date of the enactment of this Act.

SEC. 18. ENDOCRINE DISRUPTOR SCREENING PROGRAM.

Section 1457 (42 U.S.C. 300j-17) is amended to read as follows:

“ENDOCRINE DISRUPTOR SCREENING PROGRAM

“SEC. 1457. (a) TESTING OF SUBSTANCES.—

“(1) IN GENERAL.—In carrying out the screening program under section 408(p) of the Federal Food, Drug, and Cosmetic Act, the Administrator shall provide for the testing of substances described in paragraph (2) in addition to the substances described in section 408(p)(3) of such Act.

“(2) COVERED SUBSTANCES.—A substance is subject to testing pursuant to paragraph (1) if—

“(A) the substance may be found in sources of drinking water; and

“(B) the Administrator determines that a substantial population may be exposed to such substance.

“(3) SUBSTANCES ALREADY SUBJECT TO TESTING.—Notwithstanding paragraph (2), a substance is not subject to testing pursuant to paragraph (1) if—

“(A) the substance is already subject to evaluation determined by the Administrator to be equivalent to testing pursuant to paragraph (1); or

“(B) the Administrator has already determined the effect of the substance on the endocrine system.

“(4) SUBSTANCES DERIVED FROM DEGRADATION OR METABOLISM OF ANOTHER SUBSTANCE.—If a substance subject to testing pursuant to paragraph (1) (in this paragraph referred to as the ‘covered substance’) is derived from the degradation or metabolism of another substance, or is used in or generated by the manufacture of another substance, the Administrator shall provide for such testing of the covered substance by the importer or manufacturer of the other substance.

“(b) IDENTIFICATION AND TESTING OF ENDOCRINE DISRUPTING SUBSTANCES THAT MAY BE IN DRINKING WATER.—

“(1) IDENTIFICATION.—Not later than 1 year after the date of the enactment of the Assistance, Quality, and Affordability Act of 2010, after opportunity for comment, the Administrator shall publish—

“(A) a list of no fewer than 100 substances for testing pursuant to subsection (a)(1) (in accordance with the schedule specified in paragraph (3)); and

“(B) a plan for the identification of additional substances for testing pursuant to subsection (a)(1), and a schedule for issuing test orders for all such additional substances by not later than 10 years after the date of the enactment of the Assistance, Quality, and Affordability Act of 2010, with the goal of testing, at a minimum and consistent with subsection (a), all substances that have been placed on the Drinking Water Preliminary Contaminant Candidate List published pursuant to section 1412(b)(1)(B)(i).

In publishing the plan and schedule required by subparagraph (B), the Administrator shall obtain advice and direction from the Science Advisory Board.

“(2) PRIORITIZATION; CONSIDERATIONS.—In selecting substances for listing under paragraph (1)(A) or identification pursuant to the plan under paragraph (1)(B), the Administrator—

“(A) shall prioritize the selection of substances that pose the greatest public health concern, using the best available science and taking into consideration (among other factors of public health concern) the effect of such substances on subgroups that comprise a meaningful portion of the general population (such as infants, children, pregnant women, the elderly, individuals with a history of serious illness, and other subpopulations) that are identifiable as being at greater risk of adverse health effects due to exposure to substances in drinking water; and

“(B) shall take into consideration—

“(i) available information on the extent of potential public exposures to the substances through drinking water; and

“(ii) the Drinking Water Preliminary Contaminant Candidate List published pursuant to section 1412(b)(1)(B)(i).

“(3) SCHEDULE.—After publication of the list under paragraph (1)(A), the Administrator shall issue test orders for—

“(A) at least 25 substances on the list by the end of each year during the 4-year period following the date of the enactment of the Assistance, Quality, and Affordability Act of 2010; and

“(B) all substances on the list by the end of such 4-year period.

“(c) TESTING PROTOCOL PROCESS.—

“(1) IN GENERAL.—Not later than 2 years after the date of the enactment of the Assistance, Quality, and Affordability Act of 2010, the Administrator shall, after opportunity for comment, and after obtaining advice and direction from the Science Advisory Board, publish guidance on developing and updating protocols for testing of possible endocrine disruptors that may be found in sources of drinking water. The guidance shall specify—

“(A) the manner in which the Administrator will evaluate and, where necessary, revise such protocols;

“(B) the manner in which the Administrator will determine when testing of substances will be required; and

“(C) the procedures by which other scientifically relevant information can be used in lieu of some or all of the information that otherwise would be collected pursuant to testing under section 408(p) of the Federal Food, Drug, and Cosmetic Act.

“(2) MINIMUM CONTENTS.—The procedures specified pursuant to paragraph (1)(C) shall ensure that the Administrator may use information that is prepared or provided by any person (including a registrant, manufacturer, or importer of a substance for which testing is required, and any other entity) and shall apply equally with respect to any such person.

“(3) AMENDMENTS.—The Administrator may, after opportunity for comment, and after obtaining advice and direction from the Science Advisory Board, amend any guidance published pursuant to this subsection.

“(d) REVISION OF TESTING PROTOCOLS.—Not later than 2 years after the date of the enactment of the Assistance, Quality, and Affordability Act of 2010, the Administrator shall, after opportunity for comment, determine whether sufficient scientific information has been developed to warrant updating the screening protocols developed under section 408(p) of the Federal Food, Drug, and Cosmetic Act for substances that may be found in sources of drinking water. Not later than 5 years after the date of the enactment of the Assistance, Quality, and Affordability Act of 2010 and every 3 years thereafter, the Administrator shall determine, consistent with the guidance published under subsection (c), whether to revise screening protocols under such section for substances that may be found in sources of drinking water based on significant improvements in the sensitivity, accuracy, reliability, reproducibility, or efficiency of such protocols, or a reduction in the number of animals required to conduct such protocols. Whenever the Administrator revises such a protocol, the Administrator shall also determine, after obtaining advice and direction from the Science Advisory Board, whether any substance that has already been subjected to testing should be tested using the revised protocol.

“(e) VALID SCIENTIFIC DATA.—Any testing protocols pursuant to this section shall be designed to produce scientific results that are based on—

“(1) verifiable measurements with sufficiently small error rates;

“(2) well-controlled measurements whose interpretation is not confounded by extraneous influences; and

“(3) results that are repeatable by independent scientists.

“(f) RESULTS OF TESTING.—

“(1) PUBLICATION OF DATA EVALUATION RECORDS.—Not later than 6 months after re-

ceipt of testing results for a substance that may be found in sources of drinking water, the Administrator shall prepare and, consistent with subsection (g), publish data evaluation records for such results in a publicly searchable database.

“(2) ADMINISTRATIVE ACTION.—Not later than 6 months after receipt of test results that determine the endocrine-related effects caused by a substance that may be found in sources of drinking water, the Administrator shall—

“(A) determine whether to take action related to the substance pursuant to the agency’s statutory authority; and

“(B) consistent with subsection (g), publish such determination in a publicly searchable database.

Nothing in this section shall be construed to affect the Administrator’s authority to take action under other provisions of law.

“(3) STRUCTURED EVALUATION FRAMEWORK.—To assess the overall weight of the evidence and relevance to human health of results of testing for substances that may be found in sources of drinking water, the Administrator shall develop and use a structured evaluative framework consisting of science-based criteria, consistent with the protection of public health, for systematically evaluating endocrine mode of action and for determining data relevance, quality, and reliability.

“(g) PUBLIC DATABASE.—Beginning not later than 180 days after the date of the enactment of the Assistance, Quality, and Affordability Act of 2010 and consistent with section 552 of title 5, United States Code, the Administrator shall publish, in electronic format, a publicly searchable database that contains information regarding the testing program. Not later than 30 days after the date on which the information becomes available, the Administrator shall ensure that, at a minimum, the database—

“(1) identifies the substances selected for testing under the program; and

“(2) includes the documents and information pertaining to the status of testing activities for each such substance, including test orders, deadlines for submission, the Environmental Protection Agency’s data evaluation records, any scientific information on which the Administrator based actions under subsection (f), the Administrator’s determination under subsection (f) on whether action will be taken under other statutory authority, and the summary of chemical test results.

“(h) PETITION FOR INCLUSION OF A SUBSTANCE IN THE PROGRAM.—

“(1) IN GENERAL.—Any person may submit a petition to the Administrator to add a substance to the list under subsection (b)(1)(A) or identify a substance pursuant to the plan under subsection (b)(1)(B).

“(2) SPECIFICATION OF FACTS.—Any petition under paragraph (1) shall specify the facts that are claimed to establish that an action described in paragraph (1) is warranted.

“(3) ADMINISTRATIVE ACTION.—Not later than 90 days after the filing of a petition described under paragraph (1), the Administrator shall determine whether the petition has established that an action described in paragraph (1) is warranted and shall grant or deny the petition. If the Administrator grants such petition, the Administrator shall promptly add the substance to the list under subsection (b)(1)(A) or identify the substance pursuant to the plan under subsection (b)(1)(B), as applicable. If the Administrator denies the petition, the Administrator shall publish the reasons for such denial in the Federal Register.

“(i) COORDINATION WITH OTHER FEDERAL AGENCIES.—After the Administrator—

“(1) requires testing of a substance that may be found in sources of drinking water, or

“(2) based in whole or in part on the results of testing of such a substance, takes action related to the substance pursuant to the agency’s statutory authority, the Administrator shall give notice of such testing or action to Federal agencies which are authorized by other provisions of law to regulate the substance or products, materials, medications, processes, or practices that use the substance.

“(j) REPORTING REQUIREMENT.—Not later than 1 year after the date of the enactment of the Assistance, Quality, and Affordability Act of 2010 and every 3 years thereafter, the Administrator shall provide a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate that describes—

“(1) progress made in identifying and testing potential endocrine disruptors as well as plans for future activities;

“(2) any change in screening or testing methodology and evaluation or criteria for evaluating scientifically relevant information;

“(3) actions taken to ensure communication and sharing of scientific information with other Federal agencies and the public; and

“(4) any deviations from the plan or schedule published under subsection (b)(1)(B) as well as the reasons therefor.

“(k) TESTING CONSORTIA, COMPENSATION, AND COMPLIANCE.—

“(1) IN GENERAL.—Any person required by the Administrator to conduct testing of an endocrine disruptor that may be found in sources of drinking water may—

“(A) submit, on its own, data in response to an order for such testing; and

“(B) form (on a voluntary basis) a consortium in order to satisfy the requirements of one or more orders for such testing.

“(2) RELIANCE ON CONSORTIUM SUBMISSIONS.—Each member of a consortium described in paragraph (1)(B) shall have full rights to rely on all submissions of the consortium to satisfy the requirements of any order for testing, but continues to be individually subject to such requirements.

“(3) SHARING OF COSTS.—

“(A) IN GENERAL.—Each member of a consortium described in paragraph (1)(B) shall share the applicable costs according to appropriate arrangements established by the consortium members.

“(B) BINDING OFFER.—Whenever, to satisfy the requirements of one or more orders for testing, any person offers to form or join a consortium described in paragraph (1)(B), or offers compensation to a person that has already submitted data to the Administrator satisfying an order for testing, such offer shall constitute a binding offer to share an appropriate portion of the applicable costs.

“(C) APPLICABLE COSTS.—In this subsection, the term ‘applicable costs’ includes the costs—

“(i) incurred to generate and report information to comply with an order for testing; or

“(ii) associated with the organization and administration of the consortium.

“(4) DISPUTE RESOLUTION.—

“(A) IN GENERAL.—In the event of any dispute about an appropriate share or a fair method of determining an appropriate share of applicable costs of the testing require-

ments in a test order, any person involved in the dispute may initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint an arbitrator from the roster of arbitrators maintained by such Service or a hearing with a regional office of the American Arbitration Association. A copy of the request shall be sent to each person from whom the requesting party seeks compensation or who seeks compensation from that party.

“(B) NO REVIEW OF FINDINGS AND DETERMINATION.—The findings and determination of the arbitrator in a dispute initiated pursuant to subparagraph (A) shall be final and conclusive, and no official or court of the United States shall have power or jurisdiction to review any such findings and determination, except in the case of fraud, misrepresentation, or other misconduct by one of the parties to the arbitration or by the arbitrator.

“(C) PAYMENT OF FEE AND EXPENSES.—The parties to arbitration initiated pursuant to subparagraph (A) shall share equally in the payment of the fee and expenses of the arbitrator.

“(5) ENFORCEMENT.—If the Administrator determines that any person seeking to comply with an order for testing by relying on a submission made by a consortium or an original data submitter has failed to make an offer in accordance with paragraph (3)(B), to participate in an arbitration proceeding under paragraph (4), or to comply with the terms of an agreement or arbitration decision concerning sharing of applicable costs under paragraph (3), that person is deemed to have failed to comply with an order under subparagraph (A) of section 408(p)(5) of the Federal Food, Drug, and Cosmetic Act for purposes of subparagraphs (B) and (C) of such section.

“(1) DEFINITIONS.—In this section:

“(1) The term ‘endocrine disruptor’ means an exogenous agent or mixture of agents that interferes or alters the synthesis, secretion, transport, metabolism, binding action, or elimination of hormones that are present in the body and are responsible for homeostasis, growth, neurological signaling, reproduction and developmental process, or any other effect that the Administrator has designated as an ‘endocrine effect’ pursuant to section 408(p)(1) of the Federal Food, Drug, and Cosmetic Act.

“(2) The term ‘testing’ means the testing of a substance pursuant to the screening program under section 408(p) of the Federal Food, Drug, and Cosmetic Act, including a test of a substance that is intended to identify substances that have the potential to interact with the endocrine system or that is intended to determine the endocrine-related effects caused by such substance and obtain information about effects at various doses.

“(m) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated \$5,000,000 for each of fiscal years 2011 through 2015.”

SEC. 19. PRESENCE OF PHARMACEUTICALS AND PERSONAL CARE PRODUCTS IN SOURCES OF DRINKING WATER.

Subsection (a) of section 1442 (42 U.S.C. 300j-1) is amended by adding at the end the following:

“(11) PRESENCE OF PHARMACEUTICALS AND PERSONAL CARE PRODUCTS IN SOURCES OF DRINKING WATER.—

“(A) STUDY.—The Administrator shall carry out a study on the presence of pharmaceuticals and personal care products in sources of drinking water, which shall—

“(i) identify pharmaceuticals and personal care products that have been detected in

sources of drinking water and the levels at which such pharmaceuticals and personal care products have been detected;

“(ii) identify the sources of pharmaceuticals and personal care products in sources of drinking water, including point sources and nonpoint sources of pharmaceuticals and personal care products;

“(iii) identify the effects of such products on humans, the environment, and the safety of drinking water; and

“(iv) identify methods to control, limit, treat, or prevent the presence of such products.

“(B) CONSULTATION.—The Administrator shall conduct the study described in subparagraph (A) in consultation with the Secretary of Health and Human Services (acting through the Commissioner of Food and Drugs), the Director of the United States Geological Survey, the heads of other appropriate Federal agencies (including the National Institute of Environmental Health Sciences), and other interested stakeholders (including manufacturers of pharmaceuticals and personal care products and consumer groups and advocates).

“(C) REPORT.—Not later than 2 years after the date of the enactment of this paragraph, the Administrator shall submit to the Congress a report on the results of the study carried out under this paragraph.

“(D) DEFINITIONS.—In this paragraph:

“(i) The term ‘personal care product’ has the meaning given the term ‘cosmetic’ in section 201 of the Federal Food, Drug, and Cosmetic Act.

“(ii) The term ‘pharmaceutical’ has the meaning given the term ‘drug’ in section 201 of the Federal Food, Drug, and Cosmetic Act.”

SEC. 20. ELECTRONIC REPORTING OF COMPLIANCE MONITORING DATA TO THE ADMINISTRATOR.

(a) REQUIREMENT.—Section 1414 (42 U.S.C. 300g-3), as amended, is further amended by adding at the end the following:

“(k) ELECTRONIC REPORTING OF COMPLIANCE MONITORING DATA TO THE ADMINISTRATOR.—The Administrator shall by rule establish requirements for—

“(1) electronic submission by public water systems of all compliance monitoring data—

“(A) to the Administrator; or

“(B) with respect to public water systems in a State which has primary enforcement responsibility under section 1413, to such State; and

“(2) electronic submission to the Administrator by each State which has primary enforcement responsibility under section 1413 of all compliance monitoring data submitted to such State by public water systems pursuant to paragraph (1)(B).”

(b) FINAL RULE.—Not later than 12 months after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency shall issue a final rule to carry out section 1414(k) of the Safe Drinking Water Act, as added by subsection (a).

SEC. 21. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. MARKEY) and the

gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. MARKEY of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

When people, Mr. Speaker, turn on their bathroom or kitchen faucets, they often take for granted that an abundant supply of clean water flows freely from their taps. It is only when the water stops flowing due to a catastrophic failure that attention is given to the complexities of providing clean, safe drinking water.

In early May, when a breach of a 7-year-old pipe caused a water supply emergency that affected over 2 million residents of Boston, Massachusetts, and its surrounding areas, including a large portion of my district, our attention was drawn to this issue.

Although the incident in Massachusetts could not have been anticipated because the pipe that broke was so new, each time something like this occurs, public attention immediately turns to the need for increased Federal funding for infrastructure projects that ensure a safe drinking water supply for years to come.

Now, in the Energy and Commerce Committee, working under Chairman WAXMAN's leadership and partnering with BETTY SUTTON, with JOE BARTON, with FRED UPTON and all of the very distinguished members of our committee who care so deeply about safe drinking water, we reported out a piece of legislation by a 45-1 vote.

Our bill does reauthorize the Safe Drinking Water Act State Revolving Fund for the first time since its creation in 1996 and will ensure that the public water systems deliver safe, affordable drinking water to the American people while creating jobs, prioritizing financially sound investment in our water structure.

I urge the Members of this House to support this legislation.

When people turn on their bathroom or kitchen faucets they often take for granted that an abundant supply of clean water flows freely from their taps. It is only when the water stops flowing due to a catastrophic failure that attention is given to the complexities of providing clean, safe drinking water.

Examples of these types of catastrophic failures occur frequently all across the United States. In fact, earlier this month, just outside of Washington, DC, residents of Rockville, Maryland, were faced with water restrictions

when twice in one week a massive 52-year-old water main broke sending water spewing into the sky and creating a river out of the local streets.

Another incident occurred in early May, when a breach in a 7-year-old pipe caused a water supply emergency that affected over 2 million residents of Boston, Massachusetts, and its surrounding areas, including a large portion of my district.

A boil-water advisory lasted for several days. People swarmed the grocery stores to stock up on bottled water. Restaurants and diners had to close because they had no water to serve or wash dishes with. And people had to get through Monday without their morning cup of coffee. In the Boston papers, the entire incident became known as the Aqua-pocalypse.

Although this incident in Massachusetts could not have been anticipated because the pipe that broke was so new, each time something like this occurs, public attention immediately turns to the need for increased federal funding for infrastructure projects that ensure a safe drinking water supply for years to come.

The reality is that the country's drinking water infrastructure is rapidly aging. EPA estimates that over the next 20 years, water systems will need to invest nearly \$335 billion on infrastructure improvements to ensure safe water to our Nation. Water systems simply can't afford to do this on their own, and people who are already struggling to pay their water bills can't absorb these costs either.

The Assistance, Quality, and Affordability Act was introduced by the Gentleman from California (Mr. WAXMAN), the Chairman of the Energy and Commerce Committee and me earlier this year. It was reported out of the Energy and Commerce Committee by a strong bipartisan vote of 45-1. Our bill will reauthorize the Safe Drinking Water Act State Revolving Fund for the first time since its creation in 1996. It will ensure that public water systems deliver safe, affordable drinking water to the American people, while creating jobs and prioritizing financially sound investment in our water infrastructure.

As a result of a truly cooperative and bipartisan effort, this bill has strong support from affected stakeholders across the board—including rural and metropolitan water systems, state drinking water administrators, civil engineers, labor unions, water technology research and environmental groups.

This bill will make a number of changes to the Safe Drinking Water Act State Revolving Fund to invest in the future and longevity of our Nation's water system.

This bill increases water project funding from \$1.4 billion in 2011 to \$1.8 billion in 2015. This will mean that more drinking water projects can be completed, and that more jobs are created for people who need them. A December 2008 report from the U.S. Conference of Mayors estimated that every million dollars of drinking water and wastewater infrastructure investment directly creates 8.7 jobs. Over the next 5 years, our legislation would therefore lead to more than 65,000 new jobs.

We have also included a new emphasis on cutting-edge projects to allow funding priority to be granted for projects that will make drink-

ing water safe and affordable for years to come. We will also encourage projects that increase water and energy efficiency, and projects that anticipate future problems and propose repairs before a crisis occurs.

We've ensured that we are directing resources to those who need it most, so that water systems serving communities that can't afford to pay for the upgrades necessary to comply with Safe Drinking Water Act standards are given what they need to do so.

We've also included a change in drinking water enforcement requirements that will ensure that systems that have violated drinking water standards in the past are inspected to ensure they stay compliant. I would like to thank Congressman BOBBY RUSH for his work in this area, following a truly horrific case in the village of Crestwood, Illinois, in which people were literally and knowingly poisoned by the water they were drinking for decades.

We have included in this bill a study for the presence of pharmaceuticals and other personal care products that may be found in sources of drinking water. So we can better understand how to manage this type of water contamination in the future.

Finally, this bill also includes language to strengthen EPA's endocrine disruptor screening program. Endocrine disrupting chemicals are the equivalent of computer viruses. Over time, they can severely disrupt the body's operating system. In fact, since the industrialized era, there has been a constant rise in the incidence of chronic diseases such as cancer, obesity and diabetes.

Scientific evidence increasingly indicates a relationship between these medical conditions and increased exposure to a wide array of chemical substances that are used in modern society. It is vital that EPA have a more robust and transparent program that screens drinking water contaminants to identify the chemicals that pose such concerns.

I reserve the balance of my time.

Mr. BARTON of Texas. I yield myself as much time as I may consume.

I rise in support of the reauthorization of H.R. 5320, the Assistance, Quality, and Affordability Act of 2010.

This is a bipartisan piece of legislation, which has been worked on, as Chairman MARKEY just indicated, on a bipartisan basis, both at the subcommittee and the full committee. It would reauthorize the Safe Water Drinking Act for the first time since 1996.

It includes some new information, requires some scientific studies, but says that those studies actually have to be based on best science.

It has an authorization level of a little over \$4.8 billion. This is an increase of the existing authorization, but it is a compromise from the introduced draft which I believe was about \$15 billion over 5 years.

So this is Congress at its finest. It did pass 45-1. I hope it passes the House unanimously. With that, I urge adoption of the bill.

Mr. Speaker, I rise in support of H.R. 5320, the Assistance, Quality, and Affordability Act of 2010.

Although H.R. 5320 is not perfect, it is, however, a good compromise that will ensure drinking water is safe.

The introduced bill authorized the Safe Drinking Water Act's Revolving Loan Fund at \$14.7 billion over 5 years. This amount is nearly the entire amount appropriated by the Federal government for the program for the past 14 years combined.

After discussion, we agreed on \$4.8 billion over three years.

H.R. 5320 also contains provisions dealing with substances in drinking water that might disrupt the human endocrine system. And H.R. 5320 now requires that best available science be used and that studies comport with requirements of valid science. They must have verifiable measurements with small error rates, and be both well-controlled and repeatable by independent scientists.

Mr. Speaker, I think the drinking water revolving loan fund is a real success in meeting the public health needs of 272 million public water system customers without imposing unfunded mandates on States.

The program has helped finance more than 6,600 drinking water projects throughout the country, using federal funds to supplement and leverage investment from other sources.

I support how this bill makes rural areas a priority in obtaining technical assistance for compliance with the requirements of the Safe Drinking Water Act. And I also support efforts to aid disadvantaged communities that have trouble meeting the requirements of the Act.

I remain concerned, however, about the expensive prevailing wage requirements in this bill and what they mean for federal and State governments.

But on balance, this bill is a solid step forward for safe drinking water. It spends much less than its Senate version and puts real science in the driver's seat at EPA.

I urge an "aye" vote.

I reserve the balance of my time.

Mr. MARKEY of Massachusetts. I yield as much time as she may consume to the gentlelady from Ohio (Ms. SUTTON) who worked very, very hard on this legislation and her fingerprints are all over it.

Ms. SUTTON. I thank the gentleman for the time, and I want to commend Chairman MARKEY for his amazing leadership on this very important piece of bipartisan legislation and thank Chairman WAXMAN for all the work that he put forward and for working with me on two important amendments during the committee. I appreciate that effort and that willingness to make this bill just every bit as good as it has been presented to be.

The first amendment that we worked on ensures that when applications for assistance include a plan to mitigate or prevent corrosion, that that application will receive greater weight. Now, why is that important? It's important because corrosion is a serious issue that doesn't receive enough attention until, sadly, it's too late, after a bridge collapses or water or sewer system ruptures.

But by addressing corrosion at the onset of a project, we will extend the

life of critical infrastructure, thereby reducing maintenance costs, increasing public safety, and saving taxpayers money.

Now, according to a study to the Federal Highway Administration, the cost of corrosion to drinking water and sewer systems alone support \$36 billion a year. So, clearly, anyone interested in efficient cost-effective, deficit-busting government needs to join in the fight to prevent and mitigate the costs of corrosion.

Secondly, and very importantly, this bill also includes a Buy America amendment that will ensure that when U.S. taxpayer dollars are used to build our water and sewer systems, that American-made steel and iron and manufactured goods will be used to do it.

The American people clearly expect that when their taxpayer dollars are used to invest in our Nation's infrastructure, that those tax dollars will be used to create jobs right here at home.

And with this Buy America amendment, we will ensure just that. We will effectively help bolster U.S. manufacturing and good-paying manufacturing jobs for the people I am so honored to represent in northeast Ohio and for those around the country.

Manufacturing jobs have a multiplier effect. Each manufacturing job can generate at least four other jobs in the private sector, and that's why I am very excited about the Make It in America strategy that Democrats are pursuing to strengthen U.S. manufacturing, and this Buy America amendment is a critical component of that Make It in America strategy.

As we invest in our Nation's infrastructure, American taxpayers expect that those tax dollars will be used to create jobs at home, and with this amendment in this bill we are making sure that will happen.

Getting Americans back to work is the highest priority; and with this bill we will not only be providing for safe, stronger, water systems. We are maximizing its job creation impact and doing so in a cost-effective way as we work to prevent the costly effects of corrosion.

Mr. Chairman, I want to thank you again for your work on this excellent bill.

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Mr. BARTON of Texas. Mr. Speaker, I think the longer we talk, the less enthusiasm we have on this side for this bill, but we're still for it.

I want to yield 1 very quick minute to the distinguished Congressman from the Woodlands, Texas, Mr. KEVIN BRADY.

Mr. BRADY of Texas. Mr. Speaker, I appreciate the leadership of Chairman MARKEY and Ranking Member BARTON on this issue.

I rise as the ranking member of the Trade Subcommittee on Ways and

Means, not on the underlying bill, but on specific provisions.

Specifically, I am troubled to see that this bill includes the controversial "Buy American" provisions that closely mirror the failed stimulus bill. It makes no sense to repeat provisions that have delayed deployment of stimulus funding, led to unnecessary cost inflation, confused local officials, and impeded the creation of American jobs, clogging, not priming, U.S. economic recovery. These provisions have also created serious concerns under our international obligations and invited our trading partners to adopt their own "buy local" laws, hurting our ability to sell abroad and harming U.S. jobs. In this global environment, it is not simply enough to buy American; we have to sell American throughout the world for American jobs and American workers.

It's unfortunate we are repeating these mistakes. As this bill moves forward, I will continue to object and seek to strip these provisions out of the bill.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a letter from the Associated General Contractors, which we will put in the RECORD, saying that they support the bill, but they hope certain changes are made in conference with the Senate.

And for those of us that have to be up, since my mother is watching, we want to say, Hi, mom. I support the bill and urge a "yes" vote.

THE ASSOCIATED
GENERAL CONTRACTORS OF AMERICA,
Arlington, VA, July 29, 2010.

Re Key vote alert, H.R. 5320, "The Assistance, Quality, and Affordability Act of 2010".

Hon. JOE BARTON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BARTON: On behalf of the Associated General Contractors of America, and our 33,000 member companies, I am writing you today to support H.R. 5320, the Assistance, Quality, and Affordability Act (AQUA) of 2010." AGC reserves the right to designate this bill and as a Key Vote, which will be used in a report card to its membership as an indicator of your support for issues of significance to the construction industry. This legislation authorizes \$4.8 billion over three years for the EPA Drinking Water State Revolving Fund (SRF) which will help ensure consistency, giving communities the ability to leverage federal funds and plan capital investments. H.R. 5320 represents a smart investment in the nation's outdated drinking water infrastructure that will help put Americans back to work.

America's aging infrastructure is in need of replacement and rehabilitation. According to the Environmental Protection Agency's most recent Drinking Water Needs Survey, \$334.8 billion is needed to close the investment gap over the next 20 years. Unfortunately, our nation's water infrastructure needs have grown while federal funding for clean and safe drinking water has steadily declined. The American Recovery and Reinvestment Act did provide significant resources for enhancing our water infrastructure; however, the years of steadily declining

federal investment continues to push costs on local governments and rate payers. Furthermore, according to the American Society of Civil Engineers (ASCE) an average of six billion gallons of potable water is lost per day in the U.S. due to leaking pipes. Last year alone, American communities suffered more than 240,000 water main breaks and billions of gallons of overflowing combined sewer systems, causing contamination, property damage, disruptions in the water supply, and massive traffic jams.

However, AGC maintains serious objection to the inclusion of “Buy American” provisions similar to those in the Recovery Act that require that the iron, steel, and manufactured goods used in projects funded by the bill be made in the U.S. These requirements artificially constrict the supply chain, particularly with projects in the water and wastewater field as many of the products are unavailable domestically as evidenced by the nonavailability waivers that EPA has had to grant during the course of the Recovery Act. AGC further believes that measures like this that lock many of our trading partners out of projects opens U.S. manufacturers up to retaliatory measures abroad, restricting their ability to profit from contracts in other countries. This market is not fully equipped to handle requirements like these, and many of the provisions that simplify these requirements at the federal level, like the trade agreement exemptions, are a complicated morass at the state and local level. For these reasons, AGC opposes this provision of the bill and hopes it will be removed by amendment or in conference.

By investing in our nation's critical water infrastructure, H.R. 5320 will build a foundation for future economic growth while generating the construction, manufacturing, and engineering jobs that are needed today.

Sincerely,

PERRY L. FOWLER,
Director, Municipal &
Utilities Construction Division.

Mr. Speaker, I yield back the balance of my time.

Mr. MARKEY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to say that if Mr. BARTON's mother is up right now, she's up too late and she's watching C-

SPAN; both of those things are probably not good for her. So we hope Mom is asleep at this time, as are most Members of Congress at this point, with the exception of the ones who are speaking on the floor of the House.

This bill does increase funding from \$1.4 billion to \$1.8 billion between now and 2015. We ensure that there is more directed, laser-like focusing of where these resources go to get the maximum benefit.

The bill includes my language to strengthen EPA's Endocrine Disruptor Screening Program. Endocrine-disrupting chemicals are the equivalent of computer viruses; over time they can severely disrupt the body's operating system. In fact, since the industrialized era, there has been a constant rise in the incidence of chronic diseases such as cancer, obesity, and diabetes, and the clues to what is causing that could very well be in the water which we drink. And so we really strengthen the program at EPA so that we find out what is in the drinking water, especially for children in our country, as their bodies are being formed.

I would like to insert into the RECORD a revised cost estimate of the reported legislation done by the Congressional Budget Office, which corrects an earlier estimate that was inaccurate.

Again, I thank Ms. SUTTON for her work, especially the work on the “Buy American” parts of the legislation. I want to thank all of my colleagues, especially Mr. BARTON, for his work, and the bipartisan work of all of the members of the committee who worked so hard on this legislation.

I would also like to thank the staff who have worked diligently on the details of this bill: Drs. Michal Freedhoff and Avenel Joseph of my staff; Jackie Cohen, Tracy Sheppard, Greg Dotson, Peter Ketcham-Colwill, Kristen Amerling and Phil Barnett of the En-

ergy and Commerce Committee staff. And in the minority, Jerri Couri, David Cavicke, Katie Wheelbarger, Michael Beckerman, Amanda Mertens-Campbell and Garrett Golding.

I commend this legislation to all of the Members and I urge an “aye” vote.

H.R. 5320—Assistance, Quality, and Affordability Act of 2010

Summary: H.R. 5320 would authorize the appropriation of nearly \$5 billion for the Environmental Protection Agency (EPA) to provide grants to states and nonprofit organizations to support a wide range of water quality projects and programs over the 2011–2015 period. This legislation also would authorize the appropriation of \$5 million annually over the next five years to support EPA's Endocrine Disruptor Screening program. CBO estimates that implementing this legislation would cost about \$3.5 billion over the next five years, assuming appropriation of the authorized amounts. Remaining amounts would be spent after 2015.

The staff of the Joint Committee on Taxation (JCT) estimates that enacting the bill would increase the use of tax-exempt bonds by states, thus reducing revenues by \$35 million over the next 10 years. Pay-as-you-go procedures apply because enacting the legislation would affect revenues.

H.R. 5320 would impose intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the aggregate cost of the intergovernmental mandates would fall below the annual threshold established in UMRA (\$70 million in 2010, adjusted annually for inflation). Based on information from industry sources, CBO estimates that the aggregate cost of private-sector mandates would probably exceed the annual threshold established in UMRA for the private sector (\$141 million in 2010, adjusted annually for inflation).

Estimated cost to the Federal Government: For this estimate, CBO assumes that the bill will be enacted near the beginning of fiscal year 2011, that the full amounts authorized will be appropriated for each year, and that outlays will follow the historical patterns of spending for existing programs. Components of the estimated costs are described below.

TABLE 1—ESTIMATED BUDGETARY EFFECTS OF H.R. 5320

By Fiscal year, in millions of dollars												
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
CHANGES IN SPENDING SUBJECT TO APPROPRIATION												
Authorization Level	1,425	1,625	1,825	25	25	0	0	0	0	0	4,925	4,925
Estimated Outlays	66	392	867	1,209	1,057	627	277	120	61	33	3,591	4,709
CHANGES IN REVENUES												
Estimated Revenues ^{1 2}	*	*	*	–1	–2	–4	–6	–7	–7	–7	–3	–35

Note: Components may not sum to totals because of rounding.

* = revenue loss of less than \$500,000.

¹ Estimate provided by the Joint Committee on Taxation.

² Negative numbers indicate a reduction in revenues and an increase in the deficit.

BASIS OF ESTIMATE:

Revenues

JCT expects that some of the funds authorized in H.R. 5320 would be used by states to leverage additional funds by issuing tax-exempt bonds. JCT estimates that issuing addi-

tional tax-exempt bonds would reduce federal revenues by about \$35 million over the 2011–2020 period.¹

Spending subject to appropriation

This legislation would authorize appropriations totaling nearly \$5 billion over the next

five years for EPA's water infrastructure and grant programs and to support EPA's Endocrine Disruptor Screening program. Amounts authorized to be appropriated for individual programs are shown in Table 2.

¹ JCT estimates that federal revenues would be reduced by \$1 million over the 2010–2014 period and by \$28 million over the 2010–2019 period.

TABLE 2—AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR EPA PROGRAMS UNDER H.R. 5320

	By fiscal year, in millions of dollars					
	2011	2012	2013	2014	2015	2011–2015
Safe Drinking Water SRF Grants	1,400	1,600	1,800	0	0	4,800
Grants for Small Public Water Systems	20	20	20	20	20	100
Endocrine Disruptor Screening Program	5	5	5	5	5	25
Total Authorization Level	1,425	1,625	1,825	25	25	4,925

Note: SRF = state revolving fund; EPA = Environmental Protection Agency.

The bill would authorize the appropriation of \$4.8 billion over the 2011–2015 period for EPA to provide capitalization grants for the State Revolving Fund program for safe drinking water. In 2010, this program received an appropriation of about \$1.4 billion. (In addition, the American Recovery and Reinvestment Act of 2009 provided \$2 billion for this program.) States use such grants along with their own funds to make low-interest loans to communities to build or improve drinking water facilities. Indian tribes also

use such grants to fund projects that would improve the quality of drinking water. This bill would make several revisions to those grant programs, including expanding the types of projects eligible for assistance and changing the formulas used to allocate grant money among the states and tribes.

This bill also would authorize the appropriation of about \$100 million over the 2011–2015 period for EPA to make grants to small public water systems to address the cost of complying with drinking water regulations

and \$5 million annually over the same period to support EPA's Endocrine Disruptor Screening program, which tests for certain substances in drinking water.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget reporting and enforcement procedures for legislation affecting direct spending or revenues. The changes in revenues that are subject to those pay-as-you-go procedures are shown in the following table.

CBO ESTIMATE OF PAY-AS-YOU GO EFFECTS FOR H.R. 5320 AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON ENERGY AND COMMERCE ON MAY 26, 2010

	By fiscal year, in millions of dollars												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	0	0	0	0	1	2	4	6	7	7	7	3	35

Intergovernmental and private-sector impact: H.R. 5320 would impose intergovernmental and private-sector mandates as defined in UMRA. CBO estimates that the aggregate cost of the intergovernmental mandates would fall below the annual threshold established in UMRA (\$70 million in 2010, adjusted annually for inflation). Based on information from industry sources, CBO estimates that the aggregate cost of private-sector mandates would probably exceed the annual threshold established in UMRA for the private sector (\$141 million in 2010, adjusted annually for inflation).

MANDATES

Lead-Free Plumbing. The bill would modify the definition of "lead free" under the Safe Drinking Water Act to reduce the amount of lead allowed in plumbing products. The new definition would apply to pipes, fittings, or fixtures used to provide drinking water that are sold after the bill's enactment. Plumbing products used and sold in the United States would have to meet the new standard within three years of enactment.

The cost of the mandate would be the additional costs to manufacturers, importers, or users associated with producing or acquiring compliant products. Based on information from industry sources, CBO expects that some manufacturers would already be in compliance with the new standard because of existing standards in some states. However, information from those sources suggests that the incremental cost of manufacturing or importing such products would total hundreds of millions of dollars to the private sector in at least some of the first five years the mandate is in effect. Some of those costs could be passed through to end users, including public entities. While the additional costs to state, local, and tribal entities could be significant, CBO estimates that those costs would total less than the annual threshold established in UMRA for intergovernmental mandates.

Reporting Requirements. The bill would require public water systems (including both public and private entities) to submit moni-

toring data electronically. CBO estimates that the cost to submit such information electronically would be minimal.

OTHER IMPACTS

The bill would provide capitalization grants to states to make loans to public water systems for infrastructure improvements relating to drinking water. Any costs to those entities related to the capitalization grants would result from complying with conditions of assistance.

Previous CBO estimate: On June 11, 2010, CBO transmitted a cost estimate for H.R. 5320, the Assistance, Quality, and Affordability Act of 2010, as ordered reported by the House Committee on Energy and Commerce on May 26, 2010. That cost estimate included an incorrect estimate of the loss in revenue from implementing the legislation. JCT has corrected that error; the revenue loss is now estimated to be \$35 million over the next 10 years. This estimate reflects that correction and supersedes the earlier cost estimate.

Estimate prepared by: Federal spending: Susanne S. Mehlman; Federal revenues: Mark Booth; Impact on state, local, and tribal governments: Ryan Miller; Impact on the private sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

Mr. WAXMAN. Mr. Speaker, I rise in support of H.R. 5320, the Assistance, Quality, and Affordability Act of 2010—the AQUA Act. This legislation will reauthorize and increase funding for the drinking water state revolving fund under the Safe Drinking Water Act.

The drinking water SRF helps fund infrastructure improvements to increase compliance with drinking water standards, protect public health, and assist the public water systems most in need. This important program has not been reauthorized since it was originally enacted in 1996. The AQUA Act would reauthorize it and increase authorization levels from \$1 billion to \$1.8 billion in 2013.

Our Nation's water systems serve over 272 million people, and, according to EPA, are fac-

ing infrastructure bills with the potential to climb to over \$330 billion over the next 17 years as our existing infrastructure ages. Currently, we are not investing enough to maintain the infrastructure we have, let alone improve and upgrade it. Reauthorizing the drinking water state revolving fund is a critically important step in addressing this priority.

This bipartisan legislation will also amend the drinking water act to improve the technical assistance programs for small systems, encourage good financial and environmental management of water systems, strengthen EPA enforcement authority, reduce lead in drinking water, study the presence of pharmaceuticals and personal care products in sources of drinking water, and strengthen the endocrine disruptor screening program.

The AQUA Act has strong support from stakeholders across the board: rural and metropolitan water systems, state drinking water administrators, civil engineers, labor unions, water technology researchers, and environmental groups. These groups have been brought together by the urgency of needed investment in our water infrastructure, and a focus on projects that make long-term sense.

I would like to thank several members of the Energy and Commerce Committee who have contributed to this legislation: the ranking member Mr. BARTON, the Subcommittee Chair Mr. MARKEY, Mr. RUSH, Ms. ESHOO, Ms. BALDWIN, and Mr. MELANCON. I would also like to thank members of the Committee staff, both majority and minority, for their hard work on this legislation: Jacqueline Cohen, Tracy Sheppard, Greg Dotson, Michal Freedhoff, Jerry Couri, and Amanda Mertens Campbell.

I urge my colleagues to support this important bipartisan measure.

Mr. MORAN of Virginia. Mr. Speaker, I'm pleased to support the Assistance, Quality, and Affordability Act of 2010 (H.R. 5320), and am a cosponsor of the provisions which were

drawn from Endocrine Disruptor Screening Enhancement Act of 2010. These provisions address an issue of immense importance, endocrine disrupting chemicals and their impact on public health.

There are alarming studies that show rates of diseases unheard of generations before.

Asthma rates have nearly tripled in the past three decades.

One of every six American children has a development disorder (ADHD, dyslexia, mental retardation).

One in every 150 American children is now diagnosed with autism. For boys, one in 59.

Cancer, after accidents, is the leading cause of death among children in the United States.

Primary brain cancer increased by nearly 40 percent and leukemia increased by over 60 percent among children 14 years and younger in the last 30 years.

Childhood obesity has quadrupled in the past 10 years.

Type 2 diabetes has increased drastically.

There is an increase in sexual abnormalities, particularly in newborn boys.

Forty-one percent of Americans will be diagnosed with cancer at some point in their lives, and about 21 percent will die from cancer. It is believed that much of this is environmentally induced.

An analysis of the umbilical cords of a test group of newborns found over 200 chemicals in the blood—chemicals to which the mother had transmitted to the fetus.

We're seeing it in wildlife. In parts of the Potomac, 100 percent of the male small mouth bass are intersex—they are carrying undeveloped ovaries.

These alarming trends in public health are believed to be the result of chemicals in the environment that disrupt our endocrine system. Small amounts of these chemicals, it has been shown, can have a huge impact on our health and ultimately health care costs.

Close to 14 years ago, Congress enacted legislation requiring the U.S. Environmental Protection Agency to establish an Endocrine Disruptor Screening Program. To date that endeavor has focused on pesticides, and the agency has been hamstrung by its use of old science and interference by the chemical industry.

This bill will facilitate the study and regulation of endocrine disrupting chemicals. It will require EPA to focus on the 100 chemicals of most concern, to which people are exposed through drinking water. It empowers the agency to consider a range of scientific sources for information on toxicity, and to act quickly in regulating these substances.

I fully support this measure and the endocrine-related provisions in this bill. I look forward to continuing to work with my colleagues Chairmen ED MARKEY and HENRY WAXMAN to bolster research efforts and broaden the scope of the federal regulatory agencies to remove harmful chemicals from the environment. This bill is a good start, but more needs to be done. It would be unconscionable to allow this pervasive, severe threat to American health to continue unabated.

Ms. ESHOO. Mr. Speaker, I rise today in support of the Assistance, Quality and Affordability, AQUA, Act. I'm pleased that this important drinking water legislation includes my legislation the "Get the Lead Out" Act.

Get the Lead Out will help protect against the lead exposure acquired through our plumbing systems and faucets. The bill updates the lead content standard in the Safe Drinking Water Act, SDWA, from 8 percent to .25 percent and represents a progressive and major effort that will eliminate the threat to all of us from lead in our faucets and fixtures.

Today, lead remains one of the most persistent threats to our public health and the EPA has concluded that between 15 and 20 percent of the lead in children's blood comes from their drinking water systems. From the last decade of medical research, it is increasingly clear that there is no safe level of lead in the human bloodstream and this is particularly true for children.

California recognized this threat and in 2006 enacted the toughest lead content standard for drinking water faucets, fittings, and plumbing systems anywhere in the world. The states of Vermont and Maryland have followed California's lead and are now implementing identical laws.

Get the Lead Out mirrors California's legislation and will provide for a consistent and effective national standard. By updating the SDWA we will ensure that no one will be exposed to a serious health threat which can easily be avoided.

Get the Lead Out has garnered the support of state health officials, numerous children's health organizations, prominent national environmental organizations, local governments, scientific associations, and national drinking water associations. Of particular note, the Plumbing Manufacturers Institute, the association that represents all major faucet companies and other manufacturers of drinking water plumbing fittings, also supports the legislation.

I thank Chairmen WAXMAN and MARKEY for their leadership on promoting safe drinking water and I urge my colleagues to vote for AQUA and the Get the Lead Out provision included in this critical bill.

Mr. RUSH. Mr. Speaker, I would also like to thank Chairman WAXMAN and Chairman MARKEY, and their capable staffs, for working with my office over the past year to amend the Safe Drinking Water Act to avoid a repeat of the outrageous abuse of the public trust that left many of my constituents in Crestwood, IL, without clean drinking water for over 20 years.

In 1986, the Illinois Environmental Protection Agency (EPA) was alerted that Village of Crestwood officials were piping in contaminated drinking water to its citizens.

Despite warnings from the state agency to end this illegal practice, incredibly, it took another 20 years, and a personal investigation from a courageous and determined private citizen, my constituent, Tricia Krause, before the state finally went back out to inspect the water supply and found that contaminated water was still being used. Twenty years!!!

Mr. Speaker, my amendment to H.R. 5320, which was adopted unanimously in committee, will compel the U.S. EPA to issue a final rule, within 12 months, requiring public water systems and states agencies to submit all compliance monitoring data electronically.

This will allow the U.S. EPA to update their systems to gather accurate and timely data collection so they are able to act more quickly and effectively against violations, especially when the public's health is in jeopardy.

This bill will also require U.S. EPA to categorize any violations of federal drinking standards and determine what types of follow-up inspections are needed, as well as the frequency of inspections the state will need to carry out, depending on the risk to public health.

By enacting this bill, as Representatives of the people, we will be able to better ensure that all citizens have access to clean, safe drinking water, and that the outrageous acts that resulted in the toxic contamination of Crestwood drinking water are never repeated.

I urge all of my colleagues to support this bill.

Mr. MARKEY of Massachusetts. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. MARKEY) that the House suspend the rules and pass the bill, H.R. 5320, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING 50TH ANNIVERSARY OF STUDENT NONVIOLENT COORDINATING COMMITTEE AND THE NATIONAL SIT-IN MOVEMENT

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1566) recognizing the 50th anniversary of the Student Nonviolent Coordinating Committee (SNCC) and the pioneering of college students whose determination and nonviolent resistance led to the desegregation of lunch counters and places of public accommodation over a 5-year period.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1566

Whereas, on February 1, 1960, 4 students, Joseph McNeil, Ezell Blair, Franklin McCain, and David Richmond, attending North Carolina Agricultural and Technical College in Greensboro, North Carolina, walked into Woolworth's department store to purchase school supplies and then sat down at the store's lunch counter for coffee;

Whereas they were refused service at the lunch counter and stayed seated at the counter until the store closed;

Whereas when they were forced to leave the store, they still had not been served;

Whereas these same students recruited other students from Bennett College for Women and Dudley High School, and after a few days of sit-ins, protestors filled almost all 66 places at Greensboro's Woolworth's lunch counter, attracting the attention of local reporters;

Whereas the actions of these 4 North Carolina A&T students sparked a national sit-in movement;

Whereas by the end of February 1960, there were nonviolent sit-ins in more than 30 communities in 7 States;

Whereas sit-ins spread to Charlotte, Winston-Salem, Durham, Raleigh, Fayetteville, and other cities in North Carolina;

Whereas on February 9, students at Smith University in Charlotte, North Carolina, instituted numerous sit-ins with Friendship Junior College students in Rock Hill, South Carolina;

Whereas most Charlotte lunch counters and restaurants eventually integrated their businesses;

Whereas North and South Carolina students protested segregation in Rock Hill, South Carolina, to push integration and racial equality within local businesses;

Whereas on February 11 and 12, sit-ins spread to Hampton, Virginia, and Rock Hill, South Carolina, respectively;

Whereas on February 25, 40 students tried to sit-in at the Kress store in downtown Orangeburg, South Carolina;

Whereas Kress's lunch counter was closed and the stools were removed to prevent Blacks from promoting nonviolent resistance by sitting at a "white-only" facility;

Whereas, on March 15, 1960, almost 1,000 students from South Carolina State and Claflin College began a peaceful march downtown to protest segregation and support sit-ins, and were attacked with clubs, tear-gas, and high-pressure fire hoses;

Whereas almost 400 of the peaceful marchers were forced into a police stockade, it was the largest Freedom Movement mass arrest at that time;

Whereas, on February 13, 1960, African-American students in Nashville, Tennessee, began a desegregation sit-in campaign called the Nashville Student Movement;

Whereas racist violence escalated with harassment and beatings and many nonviolent protesters were arrested, overflowing the jails;

Whereas 81 of the students were convicted of "disorderly conduct" and refused to pay the fine and chose instead to serve their time in jail;

Whereas, on April 19, 1960 the home Alexander Looby, the attorney representing most students in the Nashville Student Movement, was destroyed by a terrorist bomb;

Whereas the bomb on Looby's home led to a nonviolent march to the Nashville City Hall where student activist Diane Nash confronted Mayor Ben West, forcing him to admit segregation was morally wrong;

Whereas the Nashville sit-in movement led to it being the first major city to begin desegregation of its public facilities on May 10, 1960;

Whereas, on February 22, 1960, the Civic Interest Group in Baltimore, Maryland, initiated sit-ins and pickets of department stores, ice cream parlors, and movie theaters;

Whereas Baltimore restaurants agreed to integrate after a short period of time;

Whereas Baltimore's Civic Interest Group continued its nonviolent resistance campaign over the next several years to initiate integration of all Baltimore businesses;

Whereas Atlanta University Center (AUC) students began sit-ins on March 15, 1960, after forming the Committee on Appeal for Human Rights that facilitated training sessions and workshops on the tactics of nonviolent resistance;

Whereas Atlanta students focused on support of Atlanta's African-American community to initiate boycott of all segregated stores;

Whereas by September of 1961, many Atlanta store owners desegregated their lunch counters based on the Atlanta students' commitment to integration;

Whereas, on March 16, 1960, students in Savannah, Georgia, demanded the integration of public facilities and the hiring of African-American clerks and managers within stores;

Whereas Savannah students won their integration demands by boycotting White-owned downtown stores;

Whereas sit-ins in Memphis were launched on March 19, 1960, by students from LeMoyne College and Owen Junior College;

Whereas Memphis students organized sit-ins at the main public library and local department stores;

Whereas protests in Memphis continued throughout the summer of 1960 and resulted in the integration of the local bus lines and the City's parks;

Whereas, on March 28, 1960, students from Baton Rouge and New Orleans Southern and Xavier University, respectively, began nonviolent resistant sit-ins;

Whereas Louisiana student activists were arrested for sit-ins, expelled from school and barred from all public colleges and universities within Louisiana;

Whereas their peers called for a boycott of all classes until the expelled students were reinstated;

Whereas the Louisiana boycotts continued for years and reached its height with the Freedom March in September 1963;

Whereas the civil rights movement principle of peaceful protests spread throughout the South, and the Nation was captivated by the images of young people marching, praying, singing, demonstrating, and in many cases, being met with violence;

Whereas by July 1960, Woolworth and Kress Stores agreed to serve all "properly dressed and well behaved people" regardless of race;

Whereas on from April 15-17, 1960, with an \$800 grant, 126 delegates from 58 student sit-in centers and from 12 different States, from the North and the South gathered at Shaw University in Raleigh, North Carolina, and formed the Student Nonviolent Coordinating Committee (SNCC) which led to the national sit-in effort, and helped lead the "Freedom Rides" in 1961 and the historic March on Washington in 1963;

Whereas SNCC was advised by Ella Baker, who was a former member of the Southern Christian Leadership Conference and worked as a field secretary and director of branches for the National Association of the Advancement of Colored People (NAACP);

Whereas Ella Baker listened to the students and she encouraged their nonviolent efforts as a quiet leader of a grass-roots effort;

Whereas SNCC learned from great planners like Jim Forman and A. Philip Randolph, and were inspired by Jim Lawson and Dr. Martin Luther King, Jr., and developed an unique, agile, determined, and organized approach to nonviolent action, that ultimately forced the desegregation of the South;

Whereas by the end of April 1960, a sit-in had occurred in every southern State;

Whereas by August 1961, one and a half years after the inception of the sit-ins, the movement had attracted over 70,000 participants and generated over 3,000 arrests;

Whereas in addition to its goal of desegregating places of public accommodation, SNCC engaged in a voter registration program in some of the most segregated areas of the country;

Whereas SNCC's voter registration program culminated in 1964 with the Mississippi Summer Project, sponsored by the Council of Federated Organizations (SNCC, Congress of Racial Equality (CORE) and Southern Christian Leadership Conference (SCLC)), during

which hundreds of volunteers, Black and White, from the North and South, coordinated and participated in voter registration projects and the formation of Freedom Schools;

Whereas SNCC organized Freedom Schools which endeavored to eradicate fear and to educate African-Americans about their right to vote and participate in the democratic process;

Whereas in 1964, SNCC helped organize the Mississippi Freedom Democratic Party (MFDP), which challenged the legitimacy and seating of Mississippi's officially recognized Democratic Party;

Whereas the national party decision-makers promised expansion of gender and racially based restrictions;

Whereas in 1972 racially and gender based restrictions were formalized into the McGovern Rules, which outlawed explicitly racist local party affiliates;

Whereas SNCC facilitated the organization and implementation of the nonviolent protests against segregation;

Whereas SNCC worked with the NAACP to push the passage of the Civil Rights Act of 1964; and

Whereas the enthusiasm of the students and the support they garnered for their pacifism in the face of hatred, led to the beginning of integration within the United States and the enactment of the Voting Rights Act of 1965: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 50th anniversary of the founding of the Student Nonviolent Coordinating Committee (SNCC);

(2) recognizes and commemorate the significance and importance of SNCC and its role in organizing the national sit-in movement and the role that they played in the desegregation of United States society and for creating the political climate necessary to pass legislation to expand civil rights and voting rights for all people in the United States;

(3) encourages the people of the United States to recognize and celebrate the legal victories of the national sit-in movement that sought to eradicate segregation in United States society; and

(4) aspires to work with the same courage, determination, dignity, and commitment exemplified by those pioneering students who dared to challenge a segregated society by addressing modern-day inequalities and injustice.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Virginia (Mr. FORBES) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and add extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. Mr. Speaker, I yield myself such time as I may consume.

This year marks the 50th anniversary of the Student Nonviolent Coordinating Committee, better known as

SNCC, one of the organizations that served as the very foundation of the civil rights movement, the movement that brought America closer to its purpose, its established goals in the Declaration of Independence, which we had been striving to achieve and are still striving to achieve, as a place where there is equal opportunity for all people.

It was the Student Nonviolent Coordinating Committee that was responsible for conceptualizing and implementing the sit-in movement. College students came together in the name of justice and equality to desegregate lunch counters and other public places through nonviolent demonstrations.

I recently read a copy of the *Smithsonian* magazine in which there was an article about the sit-in movement. There was an interview with Joseph McNeil, one of the four students from North Carolina A&T who participated in the sit-ins at Woolworth's department store in 1960. While studying engineering physics at North Carolina A&T, Mr. McNeil would take the bus from New York to North Carolina and personally experience the shift in his status as he went from north to south. As an African American, he saw the differences in America traveling those distances, differences that should not have been allowed.

He is quoted in the article saying, "In Philadelphia, I could eat anywhere in the bus station. By Maryland, that had changed." And in the Greyhound depot in Richmond, Virginia, McNeil couldn't buy a hot dog at a food counter reserved for whites. He further explained, "I was still the same person, but I was treated differently. To face this kind of experience and not challenge it meant we were part of the problem."

Well, the problem was America, and America needed changing. SNCC was one of the groups that came forth to change America and see that Thomas Jefferson's words weren't just words on paper as they were established in 1776 in the Declaration of Independence, but the practice of America, and that all men were created equal and had those inalienable rights.

In honor of those students' heroic efforts, I would like to make three observations regarding their actions and their implications.

First, these sit-ins and other forms of nonviolent protests changed the climate and character of our country forever. As a direct result of SNCC sit-ins, protests, and boycotts, cities around the country, the South in particular, began to integrate their businesses in 1960, and thereafter, paving the way for the entire country to do so.

SNCC's work was not limited to integration of places of public accommodation. SNCC worked with the NAACP to achieve the passage of the Civil Rights Act of 1964, which outlawed segregation

not only at places of public accommodation, but also in schools, in hiring, and in voting registration. Shortly thereafter, in the wake of these achievements, Congress passed the Voting Rights Act of 1965.

Second, despite SNCC's plethora of victories, their work was not easy, uncontroversial, or even safe. Those dedicated students faced clubs, tear gas, and high-pressure fire hoses at peaceful marches. Many faced harassment and beatings from racial dissenters, and many were arrested and even jailed despite their nonviolence. Some lost their lives.

□ 0020

These challenges posed by opposition did not stop SNCC. They continued to march, sit in, boycott, and to raise awareness for equal treatment and opportunities regardless of race—all shown on television—raising America's consciousness in seeing that morality was the future of this country.

For example, in Louisiana, student protesters were expelled from schools and were barred from the State's public colleges and universities. After the State barred these students from receiving the education they deserved, their peers boycotted classes for years.

The sit-in movement spanned across many States, including my State of Tennessee. The Nashville sit-in movement led to its being the first major city to begin the desegregation of its public facilities on May 10 of 1960. In Memphis, students from Le Moyne College and Owen Junior College also organized sit-ins at the main public library and local department stores.

Lastly, as I reflect on these important changes of the students that the Student Nonviolent Coordinating Committee brought about in our country to bring it closer to the democratic ideals on which it was founded, I cannot help but be reminded of how far our country still has to go to achieve the goals that were set out in the Declaration of Independence.

Glaring inequality still exists in education, housing, health, marriage, and other civil rights. America still has a distance to go.

It is critical that we look to the accomplishments of the SNCC as an inspiration to work harder for civil rights that have not yet been met and not as a pacifier to convince ourselves that we truly live up to the name "free country."

With that said, in celebration of the 50th anniversary of the Student Nonviolent Coordinating Committee and the sit-in movement that it sparked, which really sparked the justice movement in our Nation, I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. FORBES. I yield myself such time as I may consume.

Mr. Speaker, I support House Resolution 1566. This resolution recognizes

and commemorates the 50th anniversary of the Student Nonviolent Coordinating Committee, which is also known as SNCC, and the national sit-in movement in the 1960s.

The SNCC was a key contributor to the civil rights movement in the 1960s. The nonviolent aims of the SNCC helped bring about desegregation, civil rights, and voting rights for all Americans.

The SNCC formed under the leadership of Ella Baker at Shaw University in Raleigh, North Carolina, in April 1960. A conference was held for students to share experiences and to coordinate activities with regard to racial equality. As sit-ins occurred throughout the South, the SNCC grew into a large organization. By August of 1961, the movement had attracted more than 70,000 participants.

The SNCC's nonviolent sit-ins, boycotts, and protests helped bring about the desegregation of places of public accommodation. The SNCC was also one of the leaders of the Freedom Rides in 1961 and of the historic March on Washington for Jobs and Freedom in 1963. SNCC Freedom Riders put themselves at great risk by traveling in racially integrated groups throughout the South. More than 400 people took part in these Freedom Rides throughout the spring and summer of 1961.

Robert Parris Moses helped transform the SNCC from a student protest group to a community-based political organization for the rural poor. He led a voter registration project in Mississippi in 1961 that became a springboard for similar SNCC activities from 1962 to 1966.

The SNCC's voter registration efforts culminated in 1964 with the Mississippi Summer Project, which was sponsored by the SNCC, by the Congress of Racial Equality, and by the Southern Christian Leadership Conference. Hundreds of black and white volunteers from the North and South participated in voter registration projects.

The SNCC also organized Freedom Schools for the purpose of eradicating fear and educating African Americans about their right to vote and to participate in the democratic process.

Finally, the SNCC worked with the NAACP to bring about the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

It is clear that the nonviolent sit-ins of the students who began the SNCC in 1960 inspired others later to take historic steps toward the building of racial equality in America, so I urge my colleagues to join me in supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3534, CONSOLIDATED LAND, ENERGY, AND AQUATIC RESOURCES ACT OF 2010; AND PROVIDING FOR CONSIDERATION OF H.R. 5851, OFFSHORE OIL AND GAS WORKER WHISTLEBLOWER PROTECTION ACT OF 2010

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111-582) on the resolution (H. Res. 1574) providing for consideration of the bill (H.R. 3534) to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes; and providing for consideration of the bill (H.R. 5851) to provide whistleblower protections to certain workers in the offshore oil and gas industry, which was referred to the House Calendar and ordered to be printed.

RECOGNIZING 50TH ANNIVERSARY OF STUDENT NONVIOLENT COORDINATING COMMITTEE AND THE NATIONAL SIT-IN MOVEMENT—Continued

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee.

Mr. COHEN. Mr. Speaker, I yield such time as he may consume to the gentleman who is the hero of the civil rights movement, a person who personally experienced the times of which we are speaking, who is, I believe, one of the founders of SNCC and a gentleman with whom we are privileged to serve and to know in America, who helped make America the country it is today and who is helping to move it forward to be the country that it needs to be, the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. I want to thank my colleague, my brother, and my friend, Mr. COHEN, for introducing this resolution with me. I want to thank the gentleman from Virginia, along with Chairman CONYERS and members of the Judiciary Committee, for bringing this resolution to the floor tonight.

Mr. Speaker, it is fitting and appropriate that we pause to recognize the 50th anniversary of the founding of the Student Nonviolent Coordinating Committee, better known as SNCC. It grew out of the sit-in movement and the efforts of hundreds and thousands of young people who were standing up by sitting in.

These young people put their bodies, their hearts, and their spirits on the line to end racial discrimination and

segregation in public accommodations. We were working to liberate the soul of a nation. It was the young people—black and white, Jewish and Christian, from the North and the South—coming together as a circle of trust and a band of brothers and sisters to change America forever.

As a young student in the Nashville Student Movement, people like Jim Lawson taught us the philosophy and the discipline of nonviolent resistance. He taught us the way of love. While we trained and learned and prepared to sit in, the Greensboro sit-ins happened. That was the spark that ignited the courage and the passion of students around the Nation.

On the day of the first Nashville sit-in, 124 of us gathered at the First Baptist Church, and we walked through downtown Nashville, two by two, quiet and solemn, well-dressed and well-mannered. My group went to Woolworth's. We sat at the counter, and we were told that we wouldn't be served. The lunch counter was closed early, and they turned out the lights, but we sat there all day, quietly—some of us reading, some of us doing our homework. We sat in again and again that week. It was the first time that I was arrested for civil disobedience. No sooner would one group be arrested than another group would take our place at the lunch counters.

Some of us were beaten, and the images of violence were broadcast around the Nation. Soon, the jails were full. The process of desegregation had begun. For months, all around the country, students sat in and stood in. The sit-ins spread around the South like wildfire. We marched; we sang; we prayed. Along the way, many were beaten, jailed, and some even died in the struggle.

During that time, 126 student delegates from 58 sit-in centers and 12 different States came to the campus of Shaw University in Raleigh, North Carolina. That was the first meeting of what would become known as the Student Nonviolent Coordinating Committee, better known as SNCC.

SNCC did the hard, nitty-gritty work of organizing and mobilizing people in the heart of the Deep South to attempt to register to vote. From the sit-ins to the Freedom Rides, from Freedom Summer voter registration drives to the March on Washington, SNCC was there.

By 1963, at 23 years old, I had been arrested 24 times. I had been on the Freedom Rides. That year, I also became the chairman of SNCC.

SNCC was made up of people like Bob Moses and Bob Zerner, Julian Bond and Charles Sherrod, Bernard Lafayette and Diane Nash, Ruby Doris Smith and Fannie Lou Hamer, Howard Zinn and Ella Baker.

These young people, the students, carried the movement into the heart of

the Deep South, and America is a better place because of them and the work of the Student Nonviolent Coordinating Committee. We hope that they will inspire the next generation to continue to build the beloved community. It is a society based on simple justice that values the dignity and the worth of every human being.

I ask and urge all of my colleagues to join us in commemorating the 50th anniversary of the founding of SNCC and the sit-in movement.

Mr. Speaker, I would like to thank my staff for working on this resolution, especially my legislative director, Michaelleen Crowell.

□ 0030

Mr. FORBES. Mr. Speaker, I have had occasion before to listen to Congressman LEWIS address this topic. Each time I enjoy doing that, and appreciate it wouldn't be appropriate for me to follow words after his, and so I will continue to reserve the balance of my time.

Mr. COHEN. I yield 2 minutes to the gentlewoman from Houston, Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Thank you very much to the manager of this bill, and thank you for allowing me to rise to salute our colleague, Congressman JOHN LEWIS, and the list of honorees that he listed just a few minutes ago, part of the founding foundation of SNCC.

So many of us associated ourselves as we looked to this group of young people who were willing to leave the comfort of classrooms around America, college classrooms, and begin to stand alongside of those who might have been considered elders in the movement.

You know, there are many discussions about whether an entity or a group is a movement. We've heard that of late over the last couple of few years. But those of us who know the civil rights movement and know about SNCC, know about the SCLC, we really understand what a movement was and what it is.

Fifty years is appropriate to commemorate a group that sacrificed themselves in the name of peace and nonviolence. Remember now, they were young people, energized, active, dedicated young people, full of energy, and certainly tempted by the violence that was around them. But because of leaders like JOHN LEWIS, their president, they were able to truly create a movement. They provided the legs and the genius of the sit-in movement as they went around the places of the South.

You know, when you're young, you can sit for a long time. You have the tenacity to be able to withstand the back-bending sitting that it requires. You are able to draw upon your strength to not eat while you're sitting at the counter because they were denying you that right.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. COHEN. I yield the gentlewoman as much time as she needs.

Ms. JACKSON LEE of Texas. And so there was a special role, and I thank the gentleman for the Student Nonviolent Coordinating Committee, and they have a very special place in history.

I'm very grateful that this great leader and hero who is amongst us today, JOHN LEWIS of Georgia, was able to come to the floor, with the help of his great staff, to give us the opportunity to commemorate those who many may not know, but to realize that they truly were part of a movement. They had a cause, a belief, a passion, a determination and a commitment to the freedom of all people.

Thank you to the Student Nonviolent Coordinating Committee, and thank you, JOHN LEWIS.

Mr. FORBES. Mr. Speaker, I continue to reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I just want to reflect on why we're here. Mr. LEWIS and I brought this resolution because it's the 50th anniversary of SNCC.

There were other civil rights organizations as well, the NAACP, there was the Southern Christian Leadership Conference, there was CORE, and there was SNCC. SNCC came about at a time when this country was ripe for change and helped really light the fire that ignited a Nation to see the injustices and bring about the change that came about in the sixties.

When you think about what's happened in 50 years, that we're here on the floor of the House of Representatives, Mr. Speaker, honoring the founding of SNCC, an organization when it was founded and it was exercising its purposes, it was sneered and jeered and disdained by most people in America because they were upsetting America. They were bringing about change that people didn't understand and people resisted. And there were a lot of people that thought that the people involved in these organizations should be jailed, they were un-American, they were Communists, they were Socialists. That same rhetoric that you sometimes hear today you heard 50 years ago about these organizations that helped make America the more perfect Union it is, and to bring about the liberties that we really should enjoy, that Jefferson wrote about, but that were words on paper, not in practice.

The people that were involved with SNCC and these civil rights organizations should be considered heroes and are heroes because they made America. They made America what it should be, the land of opportunity and justice and equality and liberty, and giving all people rights, which we didn't have.

We had Jim Crow laws that were enforced by this Nation's laws, that

Brown v. Board of Education changed. But before that, we had separate but equal, Plessy v. Ferguson, and it took the work of Thurgood Marshall and others to overturn that in the courts, and later to overturn it in these Halls of this Congress in 1965 and 1964, civil rights laws, civil rights laws that, unfortunately, caused the Democrats to lose their majorities and to lose their hold on the South because they did what was right for this country, and what that flag stands for and what this Nation stands for.

So we're here today to honor the people and the organizations that at one time were sneered and disdained. But now we understand they were right. And sometimes you have to look back at history to understand who the heroes are and the direction this country goes in and where it should be.

And so I respect Mr. LEWIS. He was in the front line. He mentioned being arrested 24 times. He was beaten; he was hit. He was in the face of injustice in the picture of law and order, and stood up to it with a moral law that was higher than the law of the State of Alabama, and he made that law change.

And so it's fitting, appropriate, and proper that we honor those heroes and the anniversary of that organization and that this United States Congress pass this resolution.

I reserve the balance of my time.

Mr. FORBES. Mr. Speaker, sometimes we have resolutions commending certain events and certain organizations where a few words can actually offer more respect than more. In this case, I think it's the life of Congressman LEWIS that really puts this resolution into perspective for all of us. And once again, we just thank him for his service, thanks to this resolution. We urge our colleagues to support it.

I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H. Res. 1566, which commemorates the Fiftieth Anniversary of the Student Nonviolent Coordinating Committee (SNCC) and the National Sit-In Movement. I want to give a special thank you to my fellow Georgian and the Dean of the Georgia delegation, Representative JOHN LEWIS for introducing this bill and for his own personal courage in participating in the Civil Rights Movement. Congressman LEWIS is an American hero whose bravery has improved the quality of life for millions now and in the future.

The sit-in movement was started by the extraordinary bravery of four young men in Greensboro, North Carolina. In February of 1960, these brave men started a movement that grew to more than 30 communities in seven different states in only one month's time. Even more impressive is how one and a half years after the inception of the sit-ins, the movement had attracted over 70,000 participants and a sit-in had occurred in every Southern state. The sit-in movement was truly a grassroots movement that showed the power of the cause and of the method. By choosing non-violent action, the sit-in move-

ment was able to win hearts and minds across the country and led to the integration of restaurants, bus lines and public facilities all over the nation.

The Student Nonviolent Coordinating Committee is another extraordinary and influential group that played a major role in the civil rights movement. Founded in April, 1960, in Raleigh, North Carolina, the SNUG grew into a large organization that operated across the south. The group was inspired by the Greensboro sit-ins and began with an \$800 grant from the Southern Christian Leadership Conference (SCLC), founded in my home State of Georgia, for a conference where student activists could share experiences and coordinate activities. The conference was a success and was attended by 126 students in 12 states. Julian Bond and Representative JOHN LEWIS, both from my home State of Georgia, were among the attendees at the April 1960 conference. Congressman JOHN LEWIS went on to be the 3rd Chairman of the SNCC.

The SNCC grew to prominence, and put themselves at great personal risk, by organizing "freedom rides" across the deep south. At least 436 people took part in these Freedom Rides during the spring and summer of 1961. The SNCC grew into an organization of organizers dedicated to building community-based political organizations of the rural poor. After the Freedom Rides, the SNCC worked primarily on voter registration, along with local protests about segregated public facilities. As a final, monumental step, the group took the leading role in the 1963 March on Washington where more than 200,000 people marched peacefully to the Lincoln Memorial to demand equal justice for all citizens under the law. The next year, this group merged with Congress on Racial Equality and the National Advancement of Colored People with the primary goal of creating a desegregated political climate necessary to pass legislation to expand civil rights and voting rights for all citizens. I agree with Julian Bond when he said that "a final SNCC legacy is the destruction of the psychological shackles which had kept black southerners in physical and mental peonage; SNCC helped break those chains forever. It demonstrated that ordinary women and men, young and old, could perform extraordinary tasks."

The civil rights movement changed the fabric of America. The movement led to the passage of The Civil Rights Act of 1964 and the Voting Rights Act of 1965, which put an end to legal discrimination and segregation in this country. That battle for full equality is not yet over, however. As we move forward, we must remember the past and the resounding success of the Student Nonviolent Coordinating Committee and the National Sit-In Movement.

As a member of the Congressional Black Caucus, I am honored to address the House of Representatives on the fiftieth anniversary of the Student Nonviolent Coordinating Committee and the National Sit-In Movement. I walk in the footsteps of JOHN LEWIS and Julian Bond, great civil rights leaders from Georgia, whose heroism and bravery improved the lives of all Americans. Fifty years later, we all owe a debt of gratitude to the civil rights movement and I urge my colleagues to support this resolution.

Mr. COHEN. Mr. Speaker, I want to thank my staff, Ms. Reisha Phills, who worked with me on this resolution with Mr. LEWIS, and I yield back the balance of my time and ask that we pass this resolution here tonight.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 1566.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. COHEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 0040

FRANCIS MARION NATIONAL FOREST LAND CONVEYANCE

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5414) to provide for the conveyance of a small parcel of National Forest System land in the Francis Marion National Forest in South Carolina, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE, FRANCIS MARION NATIONAL FOREST, SOUTH CAROLINA.

(a) CONVEYANCE REQUIRED.—Upon the tender of consideration from the First Baptist Church of Bonneau, 108 West Church Street, Bonneau, South Carolina (in this section referred to as the “Bonneau Baptist Church”), the Secretary of Agriculture shall sell and quitclaim to Bonneau Baptist Church all right, title, and interest of the United States in and to a parcel of National Forest System land in the Francis Marion National Forest consisting of up to approximately 3 acres, as generally depicted on a map titled, “First Baptist Church of Bonneau Cemetery Tract” and dated May 6, 2010. The conveyance shall be subject to valid existing rights and the other provisions of this section.

(b) CONSIDERATION.—

(1) CASH CONSIDERATION.—As consideration for the conveyance under subsection (a), Bonneau Baptist Church shall pay to the Secretary cash consideration in an amount equal to the market value of the land.

(2) MARKET VALUE.—The market value of the land conveyed under subsection (a) shall be determined by an appraisal approved by the Secretary based on appraisal instructions prescribed by the Secretary for a separate lot unconnected with a larger parcel, unencumbered by any permit or restrictive covenant (other than the restriction required by subsection (f)), and otherwise in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions.

(3) DEPOSIT AND USE OF PROCEEDS.—The consideration received by the Secretary under this subsection shall be deposited into the account in the Treasury established by Public Law 90-171 (commonly known as the Sisk Act; 16 U.S.C. 484a). The monies so deposited shall be available to the Secretary, until expended and without further appropriation, for the acquisition of lands and interests in land in the Francis Marion National Forest in South Carolina.

(c) SURVEY.—The land to be conveyed under subsection (a) shall be surveyed, and such survey and resulting land description shall be subject to approval by the Secretary.

(d) COSTS.—The Secretary shall require the Bonneau Baptist Church to pay all reasonable costs associated with the conveyance under subsection (a), including—

- (1) appraisal;
- (2) survey;
- (3) closing costs, including deed recordation; and
- (4) any administrative and environmental analyses required by law or regulation.

(e) TREATMENT OF EXISTING SPECIAL USE AUTHORIZATION.—Upon completion of the conveyance under subsection (a), the Special Use Authorization provided to Bonneau Baptist Church for use of the conveyed lands shall be deemed to be terminated.

(f) RESTRICTION ON USE OF CONVEYED LAND.—The deed of conveyance for the land conveyed under subsection (a) shall restrict the use of the conveyed land to cemetery purposes. Structures may not be erected on the conveyed land, other than for monumentation or cemetery maintenance facilities.

(g) COMPLIANCE WITH FEDERAL LAWS AND REGULATIONS.—The conveyance of the land under subsection (a) is subject to compliance with existing laws and regulations.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2. STATUTORY PAY-AS-YOU-GO LANGUAGE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5414 provides for the conveyance of a small parcel of National Forest System land in the Francis Marion National Forest in South Carolina, and for other purposes.

H.R. 5414 authorizes the sale of land in the Francis Marion National Forest. The proceeds of the sale will be placed in the general account for the purchase of other suitable land within the Francis Marion National Forest when it becomes available. This legislation is sponsored by Representative BROWN of South Carolina, and supported by the Forest Service.

Since 1946, the Bonneau Baptist Church has operated 3 acres of the Francis Marion National Forest under a special use permit. The church has requested to expand the permit area and to purchase the land at fair market value to accommodate the growing needs of the cemetery they maintain on this property.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5414. This simple legislation allows the Forest Service to sell a 3-acre parcel of land in the Francis Marion National Forest to the Bonneau Baptist Church in Bonneau, South Carolina. The church needs this land to expand their cemetery, which is within the boundary of the National Forest, and cannot expand without this sale.

The church has agreed to pay for the costs of the transaction. The Forest Service is going to use the funds generated by the sale of this tract to purchase other land for the forest in the future. The gentleman from South Carolina (Mr. BROWN) has worked with the Forest Service, the church, and the community to ensure that this transaction is acceptable to everyone concerned. And most importantly, Mr. Speaker, this bill will not result in any expense to the taxpayers.

I hope and urge that my colleagues will join me in support of this legislation.

Mr. BROWN of South Carolina. Mr. Speaker, I rise today to speak on a noncontroversial piece of legislation that I introduced that would assist many of my constituents in South Carolina's First Congressional District.

My legislation would simply facilitate the conveyance of no more than three acres of land from the Francis Marion National Forest in South Carolina.

The land would be acquired by constituents and families associated with the First Baptist Church in Bonneau, South Carolina. This land is needed in order to facilitate a one-time expansion of their cemetery which has currently reached its capacity.

This legislation would eventually allow these families to be buried together alongside other family members. It would also provide the forest service with desperately needed funds that

they would be able to put to good use during these very tough budgetary times.

Mr. Speaker, I ask my colleagues to support this noncontroversial piece of legislation.

Mr. THOMPSON of Pennsylvania. I yield back the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 5414, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SKI AREA RECREATIONAL OPPORTUNITY ENHANCEMENT ACT OF 2010

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2476) to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ski Area Recreational Opportunity Enhancement Act of 2010".

SEC. 2. PURPOSE.

The purpose of this Act is to amend the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b)—

(1) to enable snow-sports (in addition to nordic and alpine skiing) to be permitted on National Forest System land, subject to ski area permits issued by the Secretary of Agriculture under section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b); and

(2) to clarify the authority of the Secretary to permit appropriate additional seasonal or year-round recreational activities and facilities on National Forest System land, subject to ski area permits issued by the Secretary under section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b).

SEC. 3. SKI AREA PERMITS.

Section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b) is amended—

(1) in subsection (a), by striking "nordic and alpine ski areas and facilities" and inserting "ski areas and associated facilities";

(2) in subsection (b), in the matter preceding paragraph (1), by striking "nordic and alpine skiing operations and purposes" and inserting "skiing and other snow-sports and such other seasonal or year-round recreational activities associated with mountain resorts as the Secretary may authorize pursuant to subsection (c)";

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(4) by inserting after subsection (b) the following:

"(c) OTHER RECREATIONAL USES.—

"(1) AUTHORITY OF SECRETARY.—Subject to paragraphs (2) and (3), the Secretary may authorize the holder of a ski area permit issued pursuant to subsection (b) to provide on National Forest System land subject to the ski area permit such other seasonal or year-round natural resource-based recreational activities and associated facilities or improvements (in addition to skiing and other snow-sports) as the Secretary determines to be appropriate.

"(2) REQUIREMENTS.—Any activity, facility, or improvement authorized by the Secretary under paragraph (1) shall—

"(A) encourage outdoor recreation and enjoyment of nature;

"(B) to the extent practicable, harmonize with the natural environment of the National Forest System land on which the activity, facility, or improvement is located;

"(C) to the extent practicable, be located within the portions of the ski permit area that are developed to support skiing and other snow sports;

"(D) be consistent with the applicable forest management plan and all other applicable laws; and

"(E) be subject to such terms and conditions as the Secretary determines to be appropriate.

"(3) NO CHANGE IN PURPOSE.—

"(A) PURPOSE TEST.—The Secretary may not authorize an activity, facility, or improvement under paragraph (1) if the Secretary determines that the authorization of the activity, facility, or improvement would result in the primary recreational purpose of the National Forest System land subject to the ski area permit to be a purpose other than skiing or any other snow-sport.

"(B) REVENUE TEST.—To ensure that National Forest System lands subject to a ski area permit continue to be used predominantly for skiing and other snow sports, the Secretary may authorize an activity, facility, or improvement under paragraph (1) only to the extent that the majority of the revenue of the ski area is generated by the sale of lift tickets and fees for ski and other snow-sport rentals, skiing and other snow-sport instruction, ski trail passes for the use of trails maintained by the permit holder, and ancillary facilities related to the operation and support of skiing and other snow-sport activities.

"(4) BOUNDARY CHANGES.—When determining the boundary of a ski area permit under subsection (b)(3), the Secretary shall not consider the need for activities other than skiing and other snow-sports.

"(5) EFFECT ON EXISTING AUTHORIZED ACTIVITIES AND FACILITIES.—Nothing in this subsection affects any activity or facility authorized by a ski area permit in effect on the date of enactment of this subsection during the term of the permit."; and

(5) in subsection (d) (as redesignated by paragraph (3))—

(A) by striking "Within one year after the date of enactment of this Act, the" and inserting "Not later than 18 months after the

date of enactment of the Ski Area Recreational Opportunity Enhancement Act of 2010, the"; and

(B) by striking "within 3 years of the date of enactment of this Act".

SEC. 4. EFFECT.

Nothing in this Act (including the amendments made by this Act) affects—

(1) any authority of the Secretary of Agriculture (including the authority of the Secretary with respect to recreational activities or infrastructure located on National Forest System land) under any Federal law (including regulations) other than the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b); and

(2) any duty of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 5. STATUTORY PAY-AS-YOU-GO LANGUAGE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 2476.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2476 amends the National Forest Ski Area Permit Act of 1986 to update the use of ski permits to include other snow sports in addition to Nordic and alpine skiing, and to provide guidelines and clarification to the Secretary regarding other year-round recreational activities on Forest Service lands. This bill is sponsored by Representative DEGETTE, and has 16 cosponsors, and the Forest Service supports this legislation.

The original statute was enacted in 1986, before new sports like snowboarding grew into popularity. Additionally, many ski areas operate year-round activities like summertime mountain biking on the slopes. This bill will not alter any forest management plan or the need for strict environmental compliance on Federal lands.

I encourage my colleagues to support this legislation.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2476, the Ski Area Recreational Opportunity Enhancement Act. This bipartisan bill provides the Secretary of Agriculture the authority to allow additional activities on National Forest land governed by a ski permit. A vendor who holds a ski area permit will be able to offer snow sports other than alpine and Nordic skiing in these permitted areas.

The legislation also clarifies the Secretary's authority to expand the number of activities allowed in these skiing areas during summer months when they are not being utilized for their primary purpose.

Mr. Speaker, these are great ways to encourage Americans to explore our National Forest systems and to appreciate the beauty of our National Forests, all while being physically active. The bill ensures that these activities are regulated in such a manner that does not alter the character of the forest.

Mr. Speaker, I hope my colleagues will join me in supporting this bill.

I yield back the balance of my time. Mr. SCOTT of Georgia. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Speaker, I rise today as a cosponsor of H.R. 2476.

Mr. Speaker, I hope that you have had the chance to visit some of the terrific winter recreation and summer recreation areas in Colorado's Second Congressional District, in places that are known across the United States and across the world, like Vail, Beaver Creek, Copper Mountain, Arapahoe Basin, Keystone, Breckenridge, Winter Park.

People know us for our skiing. Our alpine and Nordic skiing is among the best in the world. And yet there are many more opportunities to be both good stewards of our mountain resources and provide additional recreational opportunities for you, Mr. Speaker, our colleagues and friends from across the country, and across the world.

With those recreational opportunities that we give for people to enjoy our mountains with summer activities like mountain biking, activities on the mountain, activities in our rivers, with those opportunities, Mr. Speaker, we create jobs, jobs for people who reside in Eagle and Summit Counties, and Grand County in my district, and other areas across the country.

We have the opportunity with National Forest System land that we use for skiing to provide additional opportunities for seasonal and year-round recreational opportunities, providing enjoyment and fun for families across the United States, and promoting jobs in my district and others like it, and the communities that serve these areas.

By increasing the extent to which the National Forest Service land is

managed to allow for outdoor recreational activities, we can provide more opportunities for people to interact with nature, to gain an appreciation of our ecosystem and natural heritage.

With this bill, we clarify the authority of the Secretary of Agriculture to permit appropriate seasonal or year-round recreational activities. This all continues to be subject to permits that are granted through a process that takes into account impact on the lands themselves.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of Georgia. I yield the gentleman an additional 30 seconds.

Mr. POLIS. Mr. Speaker, with the passage of this bill we can do an even better job in Vail, Beaver Creek, and in our mountain communities in showing you a good time, Mr. Speaker. And in showing you a good time, Mr. Speaker, we're going to create jobs for the good residents of Colorado's Second Congressional District.

I urge support of H.R. 2476.

Mr. SCOTT of Georgia. I would just like to give an amen to the distinguished gentleman from Colorado for which he speaks. As one who has traveled out to Colorado myself and visited around Vail and around Golden, Colorado, what he speaks is so truthful. And the enjoyment, the recreation, and the significant amount of jobs that are created as a result of what's embodied in this legislation. I commend you for your very strong remarks on it.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 2476, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 0050

SUPPORTING GOSPEL MUSIC HERITAGE MONTH

Ms. CHU. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 90) expressing support for designation of September 2010 as "Gospel Music Heritage Month" and honoring gospel music for its valuable and longstanding contributions to the culture of the United States.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. Res. 90

Whereas gospel music is a beloved art form unique to the United States, spanning decades, generations, and races;

Whereas gospel music is one of the cornerstones of the musical tradition of the United States and has grown beyond its roots to achieve pop-culture and historical relevance;

Whereas gospel music has spread beyond its geographic origins to touch audiences around the world;

Whereas the history of gospel music can be traced to multiple and diverse influences and foundations, including African-American spirituals that blended diverse elements from African music and melodic influences from Irish folk songs and hymns, and gospel music ultimately borrowed from uniquely American musical styles including ragtime, jazz, and blues;

Whereas that tradition of diversity remains today, as the influence of gospel music can be found infused in all forms of secular music, including rock and roll, country, soul, rhythm and blues, and countless other styles;

Whereas the legacy of gospel music includes some of the most memorable voices and musical pioneers in the history of the United States, such as Thomas Dorsey, Mahalia Jackson, James Vaughan, Roberta Martin, Virgil Stamps, Diana Washington, Stamps Quartet, The Highway QCs, The Statesmen, The Soul Stirrers, Point of Grace, Smokie Norful, Terry Woods, James Cleveland, Billy Ray Hearn, Rex Humbard, Joe Ligon and The Mighty Clouds of Joy, Kirk Franklin, V. Michael McKay, Theola Booker, Yolanda Adams, Edwin and Walter Hawkins, Sandi Patty, The Winans, Kathy Taylor, and Brenda Waters, Carl Preacher, Shirley Joiner of B, C & S;

Whereas many of the biggest names in music emerged from the gospel music tradition or have recorded gospel music, including Sam Cooke, Al Green, Elvis Presley, Marvin Gaye, Aretha Franklin, Whitney Houston, Little Richard, Ray Charles, Buddy Holly, Alan Jackson, Dolly Parton, Mariah Carey, Bob Dylan, and Randy Travis;

Whereas, regardless of their musical styles, those artists and so many more have turned to gospel music as the source and inspiration for their music, which has blurred the boundaries between secular and gospel music;

Whereas, beyond its contribution to the musical tradition of the United States, gospel music has provided a cultural and musical backdrop across all of mainstream media, from hit television series to major Hollywood motion pictures, including "American Idol", "Heroes", "Dancing with the Stars", "O Brother, Where Art Thou?", "Sister Act", "The Preacher's Wife", "Evan Almighty", and more;

Whereas gospel music has a huge audience around the country and around the world, a testament to the universal appeal of a historical American art form that both inspires and entertains across racial, ethnic, religious, and geographic boundaries; and

Whereas September 2010 would be an appropriate month to designate as "Gospel Music Heritage Month": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress supports the designation of "Gospel Music Heritage Month" which would recognize the contributions to the culture of the United States derived from the rich heritage of gospel music and gospel music artists.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am pleased to present H.J. Res. 90 for consideration.

This resolution expresses support for Gospel Music Heritage Month celebrated in September and honors gospel music for its valuable and longstanding contributions to the culture of the United States. H.J. Res. 90 was introduced by our colleague Representative SHEILA JACKSON LEE of Texas on June 17, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on July 15, 2010. It enjoys the bipartisan support of 65 cosponsors.

Mr. Speaker, gospel music has been enjoyed by generation after generation of Americans and by music lovers from around the world. As with many of our country's artistic and cultural traditions, it reflects our diverse ancestry, borrowing from such sources as African music, African American spirituals, Irish folk songs and hymns as well as ragtime, jazz, and blues. The blending of these styles with Christian hymns and gospel verse has led to a musical tradition at the heart of our culture.

Throughout its history, gospel music has stood as a prominent form of Christian worship. Congregations across the country continue to sing gospel music during their regular services. Gospel music has also influenced many forms of secular music with rock, country, soul, rhythm and blues, with many other styles drawing from its distinct sound.

Mr. Speaker, gospel music is a truly American art and H.J. Resolution 90 will recognize its profound contribution to our culture.

I urge my colleagues to join me in supporting it.

I reserve the balance of my time.

Mr. CAO. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Joint Resolution 90, expressing support for the designation of September 2010 as Gospel Music Heritage Month and honoring gospel music for its valuable and longstanding contributions to the culture of the United States.

I would like to commend the gentlewoman from Texas (Ms. JACKSON LEE) for introducing this legislation and bringing it to the floor this evening—well, rather, this morning.

This is the third year in a row that this body has considered a resolution supporting Gospel Music Heritage Month and honoring gospel music. Beginning in June 2008, Members of this body have worked together in a bipartisan fashion to recognize what gospel music means to our country. I commend my colleagues for their work in honoring the cultural contributions that gospel music has and continues to make to America and the world.

Over the years, gospel music has been influenced by a multitude of unique and diverse musical styles and genres including elements of European music and African American spirituals as well. These spirituals brought together and blended elements of African music and were coupled with melodic influences from Irish folk songs and hymns.

Over the last century, gospel music has also merged aspects and features from uniquely American music styles such as ragtime, jazz, and blues.

Today, gospel music has progressed into more of a contemporary era as it has obtained pop culture status but at the same time has been able to stay true to its roots, traditions, and history. Artists like Aretha Franklin, Ray Charles, Marvin Gaye, Bob Dylan, and Mariah Carey have either emerged from or recorded gospel music. These artists and many others have sought inspiration from gospel music and through their work have blurred the line between secular and gospel music.

The area of Louisiana that I represent includes New Orleans, the birthplace of jazz. Gospel music, much like jazz, reflects the richness of talents, culture, and crosses all barriers. It provides a positive force for informing and reuniting our communities, and it serves as a spoken, yet often unwritten, record of our shared experiences.

From Louis Armstrong to Irma Thomas to Marva Wright, the maven of song who passed away early this year, New Orleans is rich with music that has shaped our Nation's rich heritage and inspired lives across the world. America's cultural story is heavily influenced by the celebration and struggle of African Americans through their musical expression, especially gospel music. African American musicians, singers, and composers have contributed immensely to our Nation's history.

For decades, the voices of the civil rights movement's social activism and cultural awareness have been heard through the gospel music we recognize and celebrate today.

Mr. Speaker, gospel music has gone from a little-known American music genre to be known all around the world as an art form that has the ability to inspire and entertain millions of people. No matter the race, ethnicity, religion, or location, gospel music has become and will continue to be cherished and enjoyed by many.

Mr. Speaker, I urge all Members to join me in supporting H.J. Res. 90.

I reserve the balance of my time.

Ms. CHU. I now recognize Representative SHEILA JACKSON LEE, the author of this resolution, for such time as she may consume.

Ms. JACKSON LEE of Texas. Thank you to the manager of this legislation, Congresswoman CHU, for her very kind and astute words and to Mr. CAO for his words in recognizing that gospel music is part of Americana.

And that's why I stand today to be able to reflect the history of America and to be able to say that it is important that we preserve our history, cherish uniqueness of American history and American history in music.

□ 0100

Today I rise in support of H.J. Res. 90, expressing support for the designation of September 2010 as Gospel Music Heritage Month and honoring gospel music for its valuable and long-standing contributions to the culture of the United States.

It was in my own hometown of Houston, listening to the wide range of gospel artists from many different disciplines, that the idea came to seek an opportunity for all of America, no matter from where they may have come, from what walk of life, what religion, what ethnicity, what background to really celebrate this very special part of American history.

As you may know, gospel music is an American art form that has spanned hundreds of years and across several generations. It has touched millions of lives around the world while demonstrating its profound ability to transcend secular music and many other forms of music.

As you can note, you can see that when we play or sing gospel music in a very diverse form, people are happy. They are joyful. They are having a wonderful time.

By surpassing culturally constructed boundaries, gospel music has emerged as a musical thread uniting the fabric of America. Gospel music is when we are sad. Gospel music is when we are joyous. Gospel music is when we need comforting.

Whether you are rich or poor, young or old, and even Democrats and Republicans alike have been uniquely interlinked by gospel's undeniable influence to American culture. For this reason it is important that we recognize and celebrate the vital role that gospel music has played in shaping music history. If you talk to many of our military personnel on battlefields, you will note that many will hum a gospel song or a hymn that began with the origin of gospel music.

While gospel music has become a multibillion-dollar industry, gospel music's historic roots have originated in the humble and soulful melodies of

African American spirituals, as well as in the far ranges of Appalachia and other places around the Nation. Its sound contains diverse elements from African music, melodic influences from Irish folk songs, hymns and ultimately borrows from other uniquely American musical styles, including ragtime, jazz and blues. The legacy of gospel music can be heard in the voices of pioneers in American history like Thomas Dorsey, Mahalia Jackson, James Vaughan, Roberta Martin and many, many more.

The influence of gospel music can be found infused in all forms of secular music, including rock and roll, country, soul, R&B and countless other styles. Gospel music laid down the foundation for legendary recording artists such as Elvis Presley. I heard many say that Elvis's best words and music were the gospel songs that he sang, and I believe that someone reminded me that Elvis Presley won a Grammy because of a gospel song that he sang. Marvin Gaye, Aretha Franklin, Buddy Holly, Whitney Houston, Ray Charles, Dolly Parton, Mariah Carey, Bob Dylan, and Randy Travis.

While there are many elements, situations and issues that divide our Nation, gospel music has found a unique way to highlight our similarities and influence the cultural makeup of our society. Instead of emphasizing our differences, gospel music has found a way to cater to the fundamental elements that unite people around the world, focusing on the soul of an individual rather than the mind.

If you look at these pictures, you can see how people are inspired and seemingly caught up in the emotion and the feeling of the song.

With that, it is important that we do not take this art form for granted. In fact, this evening I was speaking to Kurt Carr, and it may be important that as we celebrate Gospel Music Heritage Month we find a way to translate this musical art to our children. We must make sure that the heritage of gospel music is recognized, honored, and celebrated. As I said, it is part of Americana. It is part of American history. It is a song which pioneers took west with them and others found comfort in their times of stress.

Over the years, songs like "Amazing Grace," which was written by John Newton, a young boy who left school at the age of 11 and began a life as a pirate seaman. Eventually he engaged in slavery capturing people from west Africa and selling them to slave markets around the world. But some would say by the grace of God fear was put into his heart when he was caught in a violent and fierce storm upon the sea, and lo and behold, he designed, wrote, felt and offered to the world the song, "Amazing Grace," which offered to us that one could be saved when you felt lost and blind.

And so it is important that as we reflect on how wonderful it is to live in

this great country, how many attributes we have, we have brought to this Congress the opportunity to commemorate and designate September as Gospel Music Heritage Month.

There are some icons that I want to mention in this statement tonight.

Dr. Bobby Jones, who founded and is the director and anchor and presenter of "Dr. Bobby Jones Gospel," a program that has been on cable TV for 30 years, I did not say 10, I did not say 20, this is the longest-running cable TV program in the Nation, not longest gospel TV program, the longest gospel program of 30 years. And so I thank you, Dr. Jones, for providing for aspiring artists and the many gospel singers that have had their opportunity to be on your program.

Singers like Kurt Carr, V. Michael McKay and Don Jackson, who was the founder of the Stellar Awards, which is the great honorable program that honors all gospel singers. Certainly V. Michael McKay, as I indicated, just wrote a book of hymns that has a gospel touch; to Jazzy Jordan, who manages a number of artists and to many of those whose names have been listed in this legislation, names like the Mighty Clouds of Joy, Kirk Franklin, Theola Booker, Yolanda Adams, Edwin and Walter Hawkins—and certainly we mourn the passing of brother Walter Hawkins—Sandi Patty, the Winans, Kathy Taylor, Brenda Waters, Carl Preacher—the late Carl Preacher—Shirley Joiner of B, C & S. All of these may not still be with us today, but we recognize their value.

What about those who started with a grounding in gospel music like Sam Cooke, Al Green, Marvin Gaye, Aretha Franklin, Whitney Houston, Alan Jackson and many, many others.

So I hope that as we celebrate, we will find the opportunity to be able to have a gospel music heritage event in every location around America. Again, no matter what your background, you can celebrate gospel music.

This bill has generated bipartisan support with 65 cosponsors, and I urge the rest of my colleagues to join us in honoring and celebrating this historic musical art form and pass H.J. Res. 90 today so that we can establish September as Gospel Music Heritage Month in the United States of America.

Mr. Speaker, I rise today to support my bill H.J. Res. 90, "Expressing Support for the Designation of September 2010 as 'Gospel Music Heritage Month' and Honoring Gospel Music for its Valuable and Longstanding Contributions to the Culture of the United States."

As you may know, gospel music is an American art form that has spanned hundreds of years and across several generations. It has touched millions of lives around the world while demonstrating its profound ability to transcend secular musical genres. By surpassing culturally constructed boundaries, gospel music has emerged as the musical thread

uniting the fabric of America. Rich, poor, young, old, and even Democrats and Republicans alike have been uniquely interlinked by gospel music's undeniable influence and contribution to American culture. For this reason, it is important that we recognize and celebrate the vital role that gospel music has played in shaping music history.

While gospel music has become a multibillion-dollar industry, gospel music's historic roots have originated in the humble and soulful melodies of African American spirituals. Its sound contains diverse elements from African music, melodic influences from Irish folk songs and hymns, and ultimately borrowed from other uniquely American musical styles including ragtime, jazz, and blues. The legacy of gospel music can be heard in the voices of pioneers in American history, such as Thomas Dorsey, Mahalia Jackson, James Vaughan, Roberta Martin, and many more.

The influence of gospel music can be found infused in all forms of secular music including rock & roll, country, soul, R&B, and countless other styles. Gospel music laid down the musical foundation for legendary recording artists such as Elvis Presley, Marvin Gaye, Aretha Franklin, Buddy Holly, Whitney Houston, Ray Charles, Dolly Parton, Mariah Carey, Bob Dylan, and Randy Travis.

While there are many elements, situations, and issues that divide our Nation, gospel music has found a unique way to highlight our similarities and influence the cultural make of our society. Instead of emphasizing our differences, gospel music has found a way to cater to the fundamental elements that unite people around the world, focusing on the soul of an individual rather than the mind. With that, it is important that we do not take this art form for granted. We must make sure that the heritage of gospel music is recognized, honored and celebrated.

Over the years, songs like "Amazing Grace," which was written by John Newton, a young boy who left school at the age of eleven and began a life as a pirate seaman. Eventually he engaged in slavery, capturing people from West Africa and selling them to slave markets around the world. But by the grace of God, fear was put into his heart when he was caught in a violent and fierce storm upon the sea. Newton was so afraid of a shipwreck that he began to read "The Imitation of Christ" by Thomas à Kempis. Calling himself a wretch who was lost and blind, John Newton recognized that God had used this book to lead him to a dramatic change in his way of life and this episode led him to write one of the most amazing songs throughout history.

My bill will designate the month of September as "Gospel Music Heritage Month," honoring gospel music for its valuable longstanding contributions to American culture. This bill has generated bipartisan support with 65 cosponsors. I urge the rest of my colleagues to join me in honoring and celebrating this historic musical art form, and to pass H.J. Res. 90 today.

Mr. CAO. Mr. Speaker, again, I urge all Members to support the passage of H.J. Res 90, and I yield back the balance of my time.

Ms. CHU. Mr. Speaker, I again urge my colleagues to join me in supporting

Gospel Music Heritage Month, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the joint resolution, H.J. Res. 90.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

CONGRATULATING UNITED STATES MEN'S SOCCER TEAM

Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1527) congratulating the United States Men's National Soccer Team for its inspiring performance in the 2010 FIFA World Cup.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1527

Whereas the United States Men's National Soccer Team made the Nation proud and impressed fans around the world with steadfast play and an impressive performance in the 2010 FIFA World Cup;

Whereas the team won its group in the FIFA World Cup for the first time since 1930; Whereas Nacogdoches, Texas, native Clint Dempsey scored a goal against England in the opening match to ensure a tie;

Whereas Landon Donovan of Redlands, California, and Michael Bradley of Manhattan Beach, California, each scored goals against Slovenia to tie the match and put the United States in position to advance to the second round with a win over Algeria;

Whereas the team advanced to the Round-of-16 with a 1-0 victory over Algeria, the first FIFA World Cup victory for the United States in 8 years and its fifth shutout in FIFA World Cup play;

Whereas Landon Donovan clinched the victory over Algeria with the second of his three goals in the 2010 FIFA World Cup in dramatic fashion in the first minute of added time following 90 minutes of exhausting play by both sides;

Whereas Landon Donovan now holds the all-time United States records for FIFA World Cup career appearances at 12 and FIFA World Cup career goals at 5;

Whereas the United States demonstrated that it can compete with the elite soccer programs in the world; and

Whereas the team's achievement reflects the growth in popularity of soccer in the United States and the importance of athletic participation for building character and confidence in the Nation's youth: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the United States Men's National Soccer Team for its historic performance in the 2010 FIFA World Cup;

(2) recognizes the United States Men's National Soccer Team head coach Bob Bradley of Manhattan Beach, CA, the team's coaching, training, and administrative personnel, and each of the players for their tenacious play and dedication to excellence, including

Tim Howard of North Brunswick, New Jersey, Jonathan Spector of Arlington Heights, Illinois, Carlos Bocanegra of Alta Loma, California, Michael Bradley of Manhattan Beach, California, Oguchi Onyewu of Olney, Maryland, Steve Cherundolo of San Diego, California, DaMarcus Beasley of Ft. Wayne, Indiana, Clint Dempsey of Nacogdoches, Texas, Herculez Gomez of Las Vegas, Nevada, Landon Donovan of Redlands, California, Stuart Holden of Houston, Texas, Jonathan Bornstein of Los Alamitos, California, Ricardo Clark of Jonesboro, Georgia, Edson Buddle of New Rochelle, New York, Jay DeMerit of Green Bay, Wisconsin, José Torres of Longview, Texas, Jozy Altidore of Boca Raton, Florida, Brad Guzan of Homer Glen, Illinois, Maurice Edu of Fontana, California, Robbie Findley, of Phoenix, Arizona, Clarence Goodson of Alexandria, Virginia, Benny Feilhaber of Irvine, California, and Marcus Hahnemann of Seattle, Washington; and

(3) commends the United States Soccer Federation, the United States Soccer Foundation, and coaches and parents of young soccer players around the country for their role in the success of soccer in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. Mr. Speaker, I urge my colleagues to support this resolution.

On behalf of the Committee on Oversight and Government Reform, I present H. Res. 1527 for consideration. This measure congratulates the United States Men's National Soccer Team for its inspiring performance in the 2010 FIFA World Cup.

Mr. Speaker, with this resolution, we express our great pride in our Nation's performance in this year's FIFA World Cup. Its stunning win over Algeria on June 23 marked the first time that the U.S. won first place in its group since 1930. Cheers erupted all over the country as forward Landon Donovan scored the winning goal in the 91st minute of play, in what may have been the most dramatic moment in the history of the team.

The U.S. team also played well in its matches against England and Slovenia, with goals scored by Clint Dempsey, Landon Donovan, and Michael Bradley, ensuring the team would have the chance to advance to the second round of the Cup. The team, comprised of excellent players from around the country, demonstrated that the U.S. can compete at elite levels with the top teams of the world, and it is fitting that we should congratulate them on their historic performance today.

H. Res. 1527 was introduced by our colleague, Representative LOUIE GOHMERT of Texas, on July 15, 2010. It was referred to the Committee on Oversight and Government Re-

form, which ordered it reported favorably by unanimous consent on July 28, 2010. It enjoys the bipartisan support of 50 cosponsors.

I reserve the balance of my time.

Mr. CAO. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 1527, Congratulating the United States Men's National Soccer Team for its inspiring performance in the 2010 FIFA World Cup.

Mr. Speaker, it is with great honor that I stand before this body to commend the U.S. Men's National Soccer Team on their truly amazing performance in this year's FIFA World Cup.

I would also like to commend my distinguished colleague from Texas, Mr. GOHMERT, for introducing this resolution that recognizes the men who represented our Nation on soccer's grandest stage. And I thank the gentleman from Texas for allowing me to be a cosponsor on his resolution.

Mr. Speaker, our men's soccer team competed admirably and played their way to a 1, 1 and 2 record, earning them a chance to play in the elite 'Round-of-16'. While all of the players on our national soccer team deserve praise for their performance, one player in particular earned the right to receive special recognition for his efforts.

Landon Donovan's performance not only helped his team to advance deep into the World Cup but his performance as an individual earned him a place in U.S. soccer history. Mr. Donovan now holds the U.S. World Cup record for most matches played, 12, most goals scored, 5 and the most consecutive games with a goal, 3.

Mr. Donovan's goal in the 91st minute of the match against Algeria, allowed the U.S. to win "Group C" and gave the team its first World Cup Group first place finish since 1930. The win over Algeria was also the U.S.'s first victory since the 2002 World Cup and gave our team its fifth shutout in FIFA World Cup play.

Mr. Speaker, the U.S. Men's National Soccer Team proved that the U.S. can compete at the international level with the most elite teams in the world. I am truly proud of the team's players, coaches, training personnel and administrative staff who all worked and competed tirelessly to be the best they could be, and represent our great country to the rest of the world.

Mr. Speaker, I ask all members to join me in strong support of H. Res. 1527.

Mr. Speaker, I yield the gentleman from Texas (Mr. GOHMERT) as much time as he may consume.

Mr. GOHMERT. Mr. Speaker, I do thank my friend from California and my friend from Louisiana.

I urge my colleagues to support this resolution for the wonderful, outstanding job the United States Men's National Soccer Team did in representing this country.

Mr. Speaker, I rise in support of House Resolution 1527 to congratulate the United States Men's National Soccer Team for its valiant performance in the 2010 FIFA World Cup.

In a country where baseball is said to be the National pastime and the NFL draws the largest TV viewership, this year's World Cup team showed Americans how exciting the game of

Soccer can be. As our United States team seemed to overcome insurmountable obstacles, the American spirit showed through time and time again. When all seemed lost against Algeria, and the prospects of even moving out of group play seemed dim, Landon Donovan scored a goal that will be on highlight reels for years to come. That goal ensured that the team would win its group in the FIFA World Cup for the first time since 1930.

I was a judge for many years, and part of my job was to discern right from wrong, and I can unequivocally say many of the calls that went against the US team were dubious at best. But did our players quit? No, just the opposite. In circumstances that would cause many teams to hang their heads, quit and look for someone to blame, they showed their resolve to represent America well and show the rest of the world the values that we as Americans stand for. Despite two goals being wiped off the scoreboard, our players rose to the challenge, took the game into their own hands and displayed their indomitable spirit.

It was in these times of perseverance and fortitude that I couldn't help but be proud as an American and proud to be represented by the fine players on our team. When these guys put on their red, white and blue jerseys they represented more than themselves, more than their team, they represent a nation. A nation that prides itself on the things that our founders spelled out in our Declaration of Independence and our Constitution. Though we did not achieve the ultimate goal of winning the World Cup, our team handled themselves with class. We owe a debt of gratitude to each and every one of them for their hard work in preparation for this tournament and for also representing us as a nation so very well.

I would also like to recognize my constituents and members of the United States Men's National Soccer team, Clint Dempsey of Nacogdoches and Francisco Jose Torres of Longview, on their performances in the World Cup.

Clint Dempsey began kicking a soccer ball around in the Texas town of Nacogdoches with his family and neighborhood children. He attended Furman University in South Carolina and was a star player—starting 61 out of 62 games and scoring 17 goals. After college, Clint joined the Boston based-New England Revolution, an American Major League Soccer club. He was named the MLS Rookie of the Year for 2004 after having a spectacular first season playing 24 of 30 games and scoring 7 goals. He led the Revs to three Major League Soccer Cup playoffs in 2005, 2006 and 2007. At the 2006 World Cup in Germany, he won the Honda Player of the Year for 2006, the highest individual honor in USA soccer, for being the only American player to score in the tournament. He has also been awarded the 2007 U.S. Soccer Athlete of the Year and the FIFA Confederations Cup Bronze Ball in 2009 for his performance during the Confederations

Cup Final against Brazil. On June 12, 2010, Clint Dempsey scored a goal in an intense opening match against England to insure a 1–1 tie during the World Cup in South Africa. Clint or “Duece,” as many of his teammates know him, is known for his toughness, dribbling abilities, and versatility on the field.

Jose Francisco Torres grew up in Longview and attended Longview High School. He joined Pachuca, a Mexican football team that competes in the Mexican Primera Division, where he won a championship in 2007 and appeared in all three matches at the 2008 FIFA Club World Cup. He was also a member of the United States team in the 2008 Beijing Summer Olympics. During the 2010 World Cup, the young, quick midfielder appeared during the Slovenia v. U.S. game. He is a star on the rise of whom East Texas is extremely proud as are all Americans. We wish both men the best of luck in their future endeavors. They are local as well as national heroes and role models to many aspiring young soccer players.

Although our U.S. team didn't prevail in our final game, the teamwork and passion inspired millions of Americans and speaks volumes about soccer in the United States. We offer our thanks and congratulations the United States Men's National Soccer Team, and know that all members of Congress will likely be supporting this resolution.

Mr. CAO. Mr. Speaker, I yield back the balance of my time.

Ms. CHU. Mr. Speaker, again, I would like to urge my colleagues to join me in congratulating the U.S. Men's National Soccer Team for their inspiring World Cup performance.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 1527.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KILPATRICK of Michigan (at the request of Mr. HOYER) for today after 6 p.m. and the balance of the week.

Mr. SHADEGG (at the request of Mr. BOEHNER) for today and the balance of the week on account of family reasons.

Mr. POE of Texas (at the request of Mr. BOEHNER) for today from 1 until 2

p.m. on account of other congressional business.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2765. An act to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services.

H.R. 4380. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes.

H.R. 5610. An act to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 1749. An act to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

S. 1789. An act to restore fairness to Federal cocaine sentencing.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on July 29, 2010 she presented to the President of the United States, for his approval, the following bills.

H.R. 5610. To provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers.

H.R. 2765. To amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services.

H.R. 4899. Making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

ADJOURNMENT

Ms. CHU. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 10 minutes a.m.), the House adjourned until today, Friday, July 30, 2010, at 9 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-Authorized Official Travel during the first and second quarters of 2010 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, STACEE BAKO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 5 AND JULY 10, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Stacee Bako	7/06	7/07	Germany		98.46						98.46
	7/07	7/09	Afghanistan		10.00						10.00
	7/09	7/10	Germany		98.46						98.46
Committee total					206.92						206.92

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

STACEE BAKO, July 22, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SPAIN AND PORTUGAL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 2 AND JUNE 6, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Shelley Berkley	6/2	6/3	Portugal		261.54		(³)				261.54
	6/3	6/6	Spain		1,215.58		(³)				1,215.58
Sarah Blocher	6/2	6/3	Portugal		261.54		(³)				243.89
	6/3	6/6	Spain		391.51		(³)				391.54
Hon. Vern Buchanan	6/2	6/3	Portugal		261.54		(³)				261.54
	6/3	6/6	Spain		1,215.58		(³)				1,215.58
Hon. Jim Costa	6/2	6/3	Portugal		261.54		(³)				261.54
	6/3	6/6	Spain		1,179.00		(³)				1,179.00
Hon. Lincoln Diaz-Balart	6/2	6/3	Portugal		261.54		(³)				261.54
	6/3	6/6	Spain		1,215.58		(³)				1,215.58
Hon. Mario Diaz-Balart	6/2	6/3	Portugal		261.54		(³)				261.54
	6/3	6/6	Spain		1,215.58		(³)				1,215.58
Hon. Phil Gingery	6/2	6/3	Portugal		261.54		(³)				261.54
	6/3	6/6	Spain		1,215.58		(³)				1,215.58
Samantha Goldstein	6/2	6/3	Portugal		261.54		(³)				261.54
	6/3	6/6	Spain		929.00		(³)				929.00
Hon. Bart Gordon	6/2	6/3	Portugal		261.54		(³)				261.54
	6/3	6/6	Spain		979.00		(³)				979.00
Riley Moore	6/2	6/3	Portugal		261.54		(³)				261.54
	6/3	6/6	Spain		1,179.00		(³)				1,179.00
Edmund Rice	6/2	6/3	Portugal		261.54		(³)				261.54
	6/3	6/6	Spain		1,179.00		(³)				1,179.00
Hon. Cliff Stearns	6/2	6/3	Portugal		261.54		(³)				261.54
	6/3	6/6	Spain		1,215.58		(³)				1,215.58
Brent Woolfork	6/2	6/3	Portugal		261.54		(³)				261.54
	6/3	6/6	Spain		1,179.00		(³)				1,179.00
Committee total					17,691.36		(³)				17,691.36

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. SHELLEY BERKLY, July 19, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. <input type="checkbox"/>											

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN M. SPRATT, JR., Chairman, July 16, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. <input type="checkbox"/>											

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. HENRY A. WAXMAN, Chairman, July 15, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. <input type="checkbox"/>											

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. LOUISE MCINTOSH SLAUGHTER, Chairman, July 20, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. <input type="checkbox"/>											

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ZOE LOFGREN, Chairman, July 21, 2010.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 847, THE JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010, AS AMENDED

	By fiscal year, in millions of dollars—													
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020	
	Net Increase or Decrease (–) in the Deficit													
Statutory Pay-As-You-Go Impact	0	–173	233	1,733	147	–2,060	1,619	–180	–153	–434	–732	–120	0	

H.R. 847 would provide compensation and health care benefits to certain individuals who worked or lived near the sites of the September 11, 2001, terrorist attacks. The bill would also change tax provision that in some cases allow a U.S. subsidiary of a foreign corporation to avoid U.S. withholding tax on payments related to a subsidiary in a country that has a tax treaty with the United States and the legislation would shift about \$1.8 billion in revenues from 2016 to 2015 by temporarily changing the required amounts of quarterly estimated tax payments of large corporations to offset those costs.

Note: Components may not sum to totals because of rounding.

Sources: Congressional Budget Office and Joint Committee on Taxation.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 2476, the Ski Area Recreational Opportunity Enhancement Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 2476, THE SKI AREA RECREATIONAL OPPORTUNITY ENHANCEMENT ACT OF 2010, AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON AGRICULTURE ON JUNE 30, 2010, WITH AN AMENDMENT PROVIDED BY THE HOUSE COMMITTEE ON AGRICULTURE ON JULY 29, 2010

	By fiscal year, in millions of dollars—													
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020	
Net Increase or Decrease (–) in the Deficit														
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0	

H.R. 2476 would clarify the authority of the Forest Service to allow ski concessioners to offer additional recreational services on public lands. Clarifying that authority could facilitate the agency's collection of offsetting receipts from ski concessioners. Any additional offsetting receipts generated from ski concessioners, which CBO estimates would not be significant, would be deposited in the U.S. Treasury.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5320, the Assistance, Quality, and Affordability Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5320, THE ASSISTANCE, QUALITY, AND AFFORDABILITY ACT OF 2010, AS REPORTED BY THE HOUSE COMMITTEE ON ENERGY AND COMMERCE ON MAY 26, 2010, WITH AN AMENDMENT PROVIDED BY THE HOUSE COMMITTEE ON THE BUDGET ON JULY 23, 2010

	By fiscal year, in millions of dollars—													
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020	
Net Decrease (–) in the Deficit														
Statutory Pay-As-You-Go Impact	0	0	0	0	– 10	– 18	– 26	– 32	– 35	– 36	– 36	– 29	– 194	

Note: This legislation would authorize the appropriation of additional funds for the State Revolving Fund (SRF) for the drinking water program, which is administered by the Environmental Protection Agency. Enacting this legislation also would restrict how states could leverage the SRF funds through the issuance of additional general obligation bonds or the use of earnings on the SRF for the payment of principal and interest on general obligation bonds. The Joint Committee on Taxation estimates that such restrictions would result in a net increase in revenue. Enacting this legislation would not affect direct spending.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5414, To provide for the conveyance of a small parcel of National Forest System land in the Francis Marion National Forest in South Carolina, and for other purposes, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5414, A BILL TO PROVIDE FOR THE CONVEYANCE OF A SMALL PARCEL OF NATIONAL FOREST SYSTEM LAND IN THE FRANCIS MARION NATIONAL FOREST IN SOUTH CAROLINA, AND FOR OTHER PURPOSES, AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON AGRICULTURE ON JUNE 30, 2010, WITH AN AMENDMENT PROVIDED BY THE HOUSE COMMITTEE ON AGRICULTURE ON JULY 29, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	Net Increase or Decrease (–) in the Deficit												
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: H.R. 5414 would authorize the Secretary of Agriculture to sell 3 acres of land in the Francis Marion National Forest near Bonneau, South Carolina, to the First Baptist Church of Bonneau. Proceeds from the sale would be available to the Forest Service, without further appropriation, to acquire other lands within the Francis Marion National Forest. CBO estimates that implementing the legislation would increase offsetting receipts and associated direct spending by less than \$50,000 in 2011.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5901, To amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investment in United States real property interests, and for other purposes, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5901, THE REAL ESTATE JOBS AND INVESTMENT ACT OF 2010, AS INTRODUCED ON JULY 28, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	Net Increase or Decrease (–) in the Deficit												
Statutory Pay-As-You-Go Impact	4	–48	–34	–29	–23	–15	–6	4	15	27	42	–143	–61

Note: Components may not sum to totals because of rounding.

Source: Congressional Budget Office and the Joint Committee on Taxation.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8632. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-008, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8633. A letter from the Secretary, Department of Commerce, transmitting the semi-annual report on the activities of the Inspector General for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

8634. A letter from the Inspector General, Department of Commerce, transmitting the semiannual report on the activities of the Office of the Inspector General summarizing key audits, evaluations, and investigations, for the period October 1, 2009, through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

8635. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole, Flathead Sole, and "Other Flatfish" by Vessels Participating in the Amendment 80 Limited Access Fishery in Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XW74) received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8636. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries (RIN: 0648-XW54) received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8637. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod for American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XW75) received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8638. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Bethlehem Steel Corporation facility in Lackawana, New York to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

8639. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the St. Louis Airport Storage Site in St. Louis, Missouri to be added to the Special Exposure Cohort Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

8640. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Event; 2010 International Cup Regatta, Pasquotank River, Elizabeth City, NC [Docket No.: USCG-2010-0363] (RIN: 1625-AA08) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8641. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Marquette 4th of July Fireworks, Marquette Harbor, Lake Superior, Marquette, MI [Docket No.: USCG-2010-0512] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8642. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Parade of Ships, Seattle SeaFair Fleet Week, Pier 66, Elliott Bay, WA [Docket No.: USCG-2010-0525] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8643. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; 2010 Muskegon Summer Celebration Air Show, Muskegon Lake, Muskegon, MI [Docket No.: USCG-2010-0506] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8644. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July Firework Display in Captain of the Port, Puget Sound AOR [Docket No.: USCG-2010-0476] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8645. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Milwaukee Air and Water Show, Lake Michigan, Milwaukee, WI [Docket No.: USCG-2010-0225] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8646. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fourth of July Fireworks Event, Cape Charles City Harbor, Cape Charles, VA [Docket No.: USCG-2010-0477] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8647. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; McNary-John Day Transmission Line Project, Columbia River, Hermiston, OR [Docket No.: USCG-2010-0504] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8648. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Escorted U.S. Navy Submarines in Sector Seattle Captain of the Port Zone [Docket No.: USCG-2009-1057] (RIN: 1625-AA87) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8649. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Maggie Fischer Memorial Great South Bay Cross Bay Swim, Great South Bay, NY [Docket No.: USCG-2009-0302] (RIN: 1625-AA08) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8650. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wicomico Community Fireworks, Great Wicomico River, Mila, VA [Docket No.: USCG-2010-0023] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8651. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments [Docket No.: USCG-2010-0351] (RIN: 1625-ZA25) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5226. A bill to require the Secretary of Veterans Affairs and the Appalachian Regional Commission to carry out a program of outreach for veterans who reside in Appalachia, and for other purposes (Rept. 111-580, Pt. 1). Ordered to be printed.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 5626. A bill to protect public health and safety and the environment by requiring the use of safe well control technologies and practices for the drilling of high-risk oil and gas wells in the United States, and for other purposes; with an amendment (Rept. 111-581, Pt. 1). Ordered to be printed.

[Filed on July 30 (legislative day of July 29), 2010]

Ms. PINGREE of Maine: Committee on Rules. House Resolution 1574. Resolution providing for consideration of the bill (H.R. 3534) to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes; and providing for consideration of the bill (H.R. 5851) to provide whistleblower protections to certain workers in the offshore oil and gas industry (Rept. 111-582).

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on the Judiciary discharged

from further consideration. H.R. 5663 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Omitted from the Record of July 28, 2010]

Mr. RAHALL: Committee on Natural Resources. H.R. 3534. A bill to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes; with an amendment; Rept. 111-575, Pt. 1; referred to the Committee on Agriculture for a period ending not later than July 28, 2010, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(a), rule X.

[Submitted July 29, 2010]

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 5663. A bill to improve compliance with mine and occupational safety and health laws, empower workers to raise safety concerns, prevent future mine and other workplace tragedies, establish rights of families of victims of workplace accidents, and for other purposes; with an amendment; Rept. 111-579, Pt. 1; referred to the Committee on Judiciary for a period ending not later than July 29, 2010, consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WU (for himself and Mr. REHBURG):

H.R. 5917. A bill to require the Secretary of the Army to conduct levee system evaluations and certifications on receipt of requests from non-Federal interests; to the Committee on Financial Services.

By Mr. HODES:

H.R. 5918. A bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for biomass heating property and repeal the passive activity limitation exception for working interests in oil and gas property; to the Committee on Ways and Means.

By Mr. CHAFFETZ:

H.R. 5919. A bill to grant the Postmaster General the authority to implement up to 12 non-mail delivery days each fiscal year for the United States Postal Service; to the Committee on Oversight and Government Reform.

By Ms. SPEIER:

H.R. 5920. A bill to prohibit the manufacture, sale, or distribution in commerce of children's products containing excessive cadmium, chromium, barium, or antimony, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCNERNEY:

H.R. 5921. A bill to amend title 10, United States Code, to provide for the payment of an additional death gratuity on behalf of a member of the Armed Forces killed in action in an amount equal to all Social Security taxes paid by the member before and during the military service of the member and taxes paid on self-employment income, to be derived from the Federal Old-Age and Survivors Insurance Trust Fund; to the Committee on Armed Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Nebraska (for himself and Mr. MCCLINTOCK):

H.R. 5922. A bill to expand small-scale hydropower; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAULSEN (for himself, Mr. CANTOR, Mr. SESSIONS, Mr. AKIN, Mr. BURTON of Indiana, Mr. PRICE of Georgia, Mr. PAUL, and Mr. CASSIDY):

H.R. 5923. A bill to amend the Patient Protection and Affordable Care Act to repeal certain limitations on tax health care benefits; to the Committee on Ways and Means.

By Mr. ISSA (for himself, Mr. BACHUS, Mr. BURTON of Indiana, Mr. MICA, Mr. DUNCAN, Mr. TURNER, Mr. MCHENRY, Mr. BILBRAY, Mr. JORDAN of Ohio, Mr. FORTENBERRY, Mr. CHAFFETZ, Mr. SCHOCK, Mr. LUETKEMEYER, Mr. SHUSTER, and Mr. JONES):

H.R. 5924. A bill to repeal section 929I of the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Financial Services.

By Ms. SHEA-PORTER:

H.R. 5925. A bill to authorize the Attorney General to make grants to States, units of local government, Indian tribes, and other entities for prescription drug disposal units and for prescription drug abuse education; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY of Massachusetts (for himself, Mr. SMITH of New Jersey, Mr. KLEIN of Florida, and Mr. GARAMENDI):

H.R. 5926. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and other dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease by increasing detection, diagnosis, care, and planning; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRITZ:

H.R. 5927. A bill to limit the amount which may be provided for allowances and expenses of any office of the House of Representatives or Senate to 95% of the amount provided for the office for fiscal year 2010, and to limit

the pay of Members of Congress to 95% of the amount provided for fiscal year 2010; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALZ (for himself, Mr. KING of New York, Mr. DONNELLY of Indiana, and Mr. HEINRICH):

H.R. 5928. A bill to amend title 38, United States Code, to improve the efficiency of processing certain claims for disability compensation by veterans; to the Committee on Veterans' Affairs.

By Mr. POLIS:

H.R. 5929. A bill to provide grants to State educational agencies and institutions of higher education to strengthen elementary and secondary computer science education, and for other purposes; to the Committee on Education and Labor.

By Mr. TOWNS:

H.R. 5930. A bill to amend title 49, United States Code, to impose limitations on airline practices concerning the expiration of tickets for air transportation, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. MATSUI (for herself, Mr. INSLEE, and Ms. GIFFORDS):

H.R. 5931. A bill to amend the American Recovery and Reinvestment Act of 2009 and the Internal Revenue Code of 1986 to provide incentives for the development of solar energy; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself, Mr. SMITH of Texas, Mr. CONYERS, and Mr. GOODLATTE):

H.R. 5932. A bill to establish the Organized Retail Theft Investigation and Prosecution Unit in the Department of Justice, and for other purposes; to the Committee on the Judiciary.

By Mr. MINNICK (for himself, Mr. FILNER, Ms. MARKEY of Colorado, Mr. PERRIELLO, Mr. CHILDERS, Mr. MURPHY of New York, Mr. LOEBSACK, Ms. NORTON, Mr. KISSELL, Mr. CARNEY, Ms. GINNY BROWN-WAITE of Florida, Mr. BARTLETT, Mr. COURTNEY, Mr. HALL of New York, Mr. COSTA, Mr. LATHAM, Mr. WILSON of Ohio, Mr. KRATOVIL, and Mr. ELLSWORTH):

H.R. 5933. A bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SCHIFF:

H.R. 5934. A bill to declare the sense of Congress that the public safety exception to the constitutional requirement for what are commonly called Miranda warnings allows for unwarned interrogation of terrorism suspects, and to amend section 3501 of title 18, United States Code, to assure the admissibility of certain confessions made by terrorism suspects, and for other purposes; to the Committee on the Judiciary.

By Mr. MICHAUD:

H.R. 5935. A bill making supplemental appropriations for investments in transportation infrastructure, and for other purposes; to the Committee on Appropriations.

By Mr. REICHERT (for himself and Mr. MINNICK):

H.R. 5936. A bill to repeal limitations imposed by the Patient Protection and Affordable Care Act on health-related tax benefits under the Internal Revenue Code of 1986 and to treat high deductible health plans as qualified health plans under such Act; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLEMING:

H.R. 5937. A bill to provide Government headstones and markers at private cemeteries for certain veterans; to the Committee on Veterans' Affairs.

By Mr. CROWLEY:

H.R. 5938. A bill to amend part A of title IV of the Social Security Act to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. LIPINSKI, Mr. ADERHOLT, Mr. AKIN, Mr. ALEXANDER, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BACHUS, Mr. BARRETT of South Carolina, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOEHNER, Mr. BONNER, Mr. BOOZMAN, Mr. BOREN, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BRIGHT, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUYER, Mr. CAMP, Mr. CAMPBELL, Mr. CANTOR, Mr. CAO, Mr. CARTER, Mr. CASSIDY, Mr. CHILDERS, Mr. COBLE, Mr. COFFMAN of Colorado, Mr. COLE, Mr. CONAWAY, Mr. COSTELLO, Mr. CRENSHAW, Mr. CRITZ, Mr. CULBERSON, Mrs. DAHLKEMPER, Mr. DAVIS of Kentucky, Mr. DAVIS of Tennessee, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DONNELLY of Indiana, Mr. DUNCAN, Mr. EHLERS, Mr. ELLSWORTH, Mrs. EMERSON, Ms. FALLIN, Mr. FLEMING, Mr. FORBES, Mr. FORTENBERRY, Ms. FOX, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. GOODLATTE, Ms. GRANGER, Mr. GRAVES of Missouri, Mr. GRIFFITH, Mr. GUTHRIE, Mr. HALL of Texas, Mr. HARPER, Mr. HENSARLING, Mr. HERGER, Mr. HOEKSTRA, Mr. HUNTER, Mr. INGLIS, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. JOHNSON of Illinois, Mr. JONES, Mr. JORDAN of Ohio, Mr. KANJORSKI, Mr. KING of New York, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LATOURETTE, Mr. LATTI, Mr. LINDER, Mr. LUTKEMEYER, Mrs. LUMMIS, Mr. DANIEL E. LUNGREN of California, Mr. MANZULLO, Mr. MARCHANT, Mr. MARSHALL, Mr. MCCARTHY of California, Mr. MCCAUL, Mr. MCCLINTOCK, Mr. MCCOTTER, Mr. MCHENRY, Mr. MCINTYRE, Mr. MCKEON, Mrs. MCMORRIS RODGERS, Mr. MICA, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. MORAN of Kansas, Mr. TIM MURPHY of Pennsylvania, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. OBERSTAR, Mr.

OLSON, Mr. ORTIZ, Mr. PAULSEN, Mr. PENCE, Mr. PETERSON, Mr. PITTS, Mr. PLATTS, Mr. POE of Texas, Mr. POSEY, Mr. PRICE of Georgia, Mr. RADANOVICH, Mr. RAHALL, Mr. ROE of Tennessee, Mr. ROGERS of Alabama, Mr. ROGERS of Michigan, Mr. ROGERS of Kentucky, Mr. ROSKAM, Mr. ROSLEHTINEN, Mr. RYAN of Wisconsin, Mr. SCALISE, Mrs. SCHMIDT, Mr. SCHOCK, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mr. SHIMKUS, Mr. SHUSTER, Mr. SMITH of Nebraska, Mr. SMITH of Texas, Mr. STEARNS, Mr. SULLIVAN, Mr. TAYLOR, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. THORNBERRY, Mr. TIAHRT, Mr. TIBERI, Mr. TURNER, Mr. UPTON, Mr. WAMP, Mr. WESTMORELAND, Mr. WHITFIELD, Mr. WILSON of South Carolina, Mr. WITTMAN, and Mr. WOLF):

H.R. 5939. A bill to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ADERHOLT:

H.R. 5940. A bill to remove preferential trade treatment for certain textile articles; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 5941. A bill to reduce fraud and abusive practices in the origination of residential mortgages by establishing a clearinghouse of mortgage application information; to the Committee on Financial Services.

By Mr. BACA (for himself, Mr. CLAY, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Mr. GRAYSON, and Ms. RICHARDSON):

H.R. 5942. A bill to create a charter for Federal Financial Services and Credit Companies; to the Committee on Financial Services.

By Ms. BERKLEY (for herself, Mr. NUNES, and Mr. CROWLEY):

H.R. 5943. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the portion of any equity investment used to buy down debt on commercial real property; to the Committee on Ways and Means.

By Mr. BISHOP of New York (for himself, Mr. LATOURETTE, Mr. CRITZ, and Mr. FILNER):

H.R. 5944. A bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to railroad Hours of Service employees; to the Committee on Education and Labor.

By Mr. BONNER:

H.R. 5945. A bill to amend the Gulf of Mexico Energy Security Act of 2006 to increase the amount of Gulf of Mexico oil and gas lease revenue shared with Gulf States; to the Committee on Natural Resources.

By Mr. BOSWELL:

H.R. 5946. A bill to establish a competitive pilot program that utilizes community, innovation, and technology to improve physical fitness education and curriculum in elementary schools and secondary schools; to the Committee on Education and Labor.

By Mr. BOUCHER (for himself and Mr. STEARNS):

H.R. 5947. A bill to amend the Communications Act of 1934 to provide for voluntary incentive auction revenue sharing, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CAMPBELL (for himself, Mr. JONES, Mr. GARRETT of New Jersey, and Mr. HENSARLING):

H.R. 5948. A bill to repeal section 929I of the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Financial Services.

By Mr. CAPUANO:

H.R. 5949. A bill to establish a grant program in the Department of Transportation to improve the traffic safety of teen drivers; to the Committee on Transportation and Infrastructure.

By Mr. COURTNEY:

H.R. 5950. A bill to amend title XVIII of the Social Security Act to count a period of observation status in a hospital exceeding 24 hours toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRITZ:

H.R. 5951. A bill to extend Corridor N of the Appalachian development highway system from its current northern terminus at Corridor M, near Ebensburg, Pennsylvania, to Corridor T, near Salamanca, New York, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Illinois:

H.R. 5952. A bill to amend the Internal Revenue Code of 1986 to allow a credit for installation of composite, recyclable power line poles; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 5953. A bill to direct the Secretary of Veterans Affairs to display in each facility of the Department of Veterans Affairs a Women Veterans Bill of Rights; to the Committee on Veterans' Affairs.

By Ms. GIFFORDS (for herself, Mr. DJOU, Mr. TANNER, Mr. SCHRADER, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. COOPER, Mr. MOORE of Kansas, Ms. LORETTA SANCHEZ of California, Mr. NYE, Mr. MURPHY of New York, Mr. BOYD, Mr. BOREN, Mr. HOLDEN, Mr. ALTMIRE, Mr. BOSWELL, Mr. CARNEY, Mr. CHILDERS, Mr. MINNICK, Mr. ROSS, Mr. MICHAUD, Mr. CUELLAR, Mr. POMEROY, Mr. HILL, Ms. HERSETH SANDLIN, Mr. SHULER, Mr. WILSON of Ohio, Ms. MARKEY of Colorado, Mr. KRATOVIL, Mr. DAVIS of Tennessee, Mr. GORDON of Tennessee, Mr. MATHESON, Mr. ADLER of New Jersey, Mr. LARSEN of Washington, Mr. QUIGLEY, and Mr. KIND):

H.R. 5954. A bill to increase the long-term fiscal accountability of direct spending legislation; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES of Missouri:

H.R. 5955. A bill to limit the amount of funds which may be made available to Government agencies if Federal taxes are raised, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. HINCHEY (for himself, Ms. EDWARDS of Maryland, Mr. GRIJALVA, Ms. KILPATRICK of Michigan, Mrs. LOWEY, Mr. MCGOVERN, Ms. NORTON, and Ms. RICHARDSON):

H.R. 5956. A bill to amend the Internal Revenue Code of 1986 to increase the additional

standard deduction for individuals age 65 and older; to the Committee on Ways and Means.

By Mr. JOHNSON of Illinois:

H.R. 5957. A bill to require that any local currencies used to provide per diems to Members and employees of Congress for official foreign travel for a fiscal year be obtained by Congress and paid for using funds appropriated for salaries and expenses of Congress for the fiscal year, to enhance the disclosure of information on official foreign travel of Members, officers, and employees of the House of Representatives, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KINGSTON (for himself and Mr. TAYLOR):

H.R. 5958. A bill to direct the Secretary of Defense to allow members of the Armed Forces serving on active duty who are at least 18 years old and less than 21 years old to purchase and consume beer and wine at certain locations on military installations; to the Committee on Armed Services.

By Mr. LATTA (for himself, Mr. BARTLETT, Mr. LAMBORN, and Mr. FRANKS of Arizona):

H.R. 5959. A bill to amend the Internal Revenue Code of 1986 to repeal the withholding of income taxes; to the Committee on Ways and Means.

By Mr. LEE of New York (for himself, Mr. HIGGINS, and Mr. MARCHANT):

H.R. 5960. A bill to direct the payment of passport fees to the Department of State; to the Committee on Foreign Affairs.

By Mr. MAFFEI (for himself, Mr. MURPHY of Connecticut, Mr. BRALEY of Iowa, Mr. KENNEDY, Mr. LANGEVIN, Mr. GRIJALVA, and Ms. SUTTON):

H.R. 5961. A bill to require the Secretary of Health and Human Services to establish a demonstration project to award grants to, and enter into contracts with, medical-legal partnerships to assist patients and their families to navigate health-related programs and activities; to the Committee on Energy and Commerce.

By Mr. MAFFEI:

H.R. 5962. A bill to amend the Internal Revenue Code of 1986 to reduce the maximum corporate income tax rate and to offset the revenue cost by repealing certain corporate tax benefits; to the Committee on Ways and Means.

By Mrs. MCCARTHY of New York:

H.R. 5963. A bill to direct the Secretary of Education to carry out a grant program to fund pilot projects to explore how the camp experience promotes physical activity and healthy lifestyles among children and youth, reduces summer learning loss, and promotes academic achievement; to the Committee on Education and Labor.

By Mrs. MCMORRIS RODGERS:

H.R. 5964. A bill to better inform consumers regarding costs associated with compliance for protecting endangered and threatened species under the Endangered Species Act of 1973; to the Committee on Natural Resources.

By Mr. MOLLOHAN:

H.R. 5965. A bill to designate certain Federal land within the Monongahela National Forest as a component of the National Wilderness Preservation System, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently

determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. REYES):

H.R. 5966. A bill to enhance the cybersecurity of the United States, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER of New York (for him-

self, Ms. EDWARDS of Maryland, Ms. CHU, Ms. LEE of California, Mr. PAL-LONE, Ms. WASSERMAN SCHULTZ, Mr. CONNOLLY of Virginia, Ms. LINDA T. SANCHEZ of California, Mr. ACKERMAN, Ms. ZOE LOFGREN of California, Mr. FILNER, Mr. GRIJALVA, Mr. STARK, Ms. MOORE of Wisconsin, Mr. HARE, Ms. HARMAN, Mr. FARR, Mr. ROTHMAN of New Jersey, Mrs. MALONEY, Mr. SERRANO, Mr. SIRES, Mr. HOLT, Ms. WOOLSEY, Mr. SHERMAN, Mrs. NAPOLITANO, Ms. KILROY, Mr. HONDA, Mr. RAHALI, Mr. CAPUANO, Mrs. CAPPs, Mr. GARAMENDI, Mr. THOMPSON of California, Mr. GEORGE MILLER of California, Mr. HASTINGS of Florida, Mr. ANDREWS, Ms. SUTTON, Mr. WEINER, Ms. CLARKE, Mr. PASCRELL, Ms. VELÁZQUEZ, Mr. DOYLE, Mr. BERMAN, Ms. LORETTA SANCHEZ of California, Mr. BISHOP of New York, Mr. BACA, Mr. SCHIFF, Mr. TOWNS, Mr. PAYNE, Mr. ELLISON, Ms. MATSUI, Mr. BLUMENAUER, Mr. ENGEL, Mr. HALL of New York, Mr. MEEKS of New York, Mr. FRANK of Massachusetts, Mr. LIPINSKI, Mr. ISRAEL, and Ms. SPEIER):

H.R. 5967. A bill to amend title 49, United States Code, to provide certain port authorities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. NORTON:

H.R. 5968. A bill to establish the charter for the government of the District of Columbia; to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 5969. A bill to fight criminal gangs; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Financial Services, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 5970. A bill to repeal the amendments made by section 929I of the Dodd-Frank Wall Street Reform and Consumer Protection Act relating to the confidentiality of materials submitted to the Securities and Exchange Commission; to the Committee on Financial Services.

By Mr. PAYNE (for himself, Mr. RUSH, Mr. CONYERS, Mr. MEEKS of New York, Mr. RANGEL, Mr. DAVIS of Illinois, Mrs. CHRISTENSEN, Ms. WATERS, Mr. TOWNS, Mr. WATT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, Mr. THOMPSON of

Mississippi, Ms. JACKSON LEE of Texas, Mr. CUMMINGS, Mr. SCOTT of Virginia, Mr. CLAY, Ms. CLARKE, Mr. CARSON of Indiana, Mr. ELLISON, Mr. SCOTT of Georgia, Ms. EDWARDS of Maryland, Mr. AL GREEN of Texas, Mr. BUTTERFIELD, Ms. MOORE of Wisconsin, Mr. CLEAVER, Mr. JOHNSON of Georgia, Mr. FALEOMAVAEGA, Ms. WOOLSEY, and Ms. WATSON):

H.R. 5971. A bill to facilitate lasting peace, rule of law, democracy, and economic recovery in Zimbabwe; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI (for himself, Ms. BEAN, and Mrs. BLACKBURN):

H.R. 5972. A bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to disclose certain return information related to identity theft, and for other purposes; to the Committee on Ways and Means.

By Mr. POE of Texas (for himself, Mr. OLSON, Mr. BRIGHT, Mr. PAUL, Mr. SCALISE, Mr. BONNER, Mr. BARTON of Texas, and Mr. CAO):

H.R. 5973. A bill to amend the Outer Continental Shelf Lands Act and the Gulf of Mexico Energy Security Act of 2006 to increase the percentage of revenues from new offshore leases that will be shared with coastal States to 50 percent; to the Committee on Natural Resources.

By Mr. SALAZAR (for himself, Mr. LUJÁN, Ms. MARKEY of Colorado, Mr. POLIS, Mr. COFFMAN of Colorado, and Mr. PERLMUTTER):

H.R. 5974. A bill to direct the Secretary of Education to pay to Fort Lewis College in the State of Colorado an amount equal to the tuition charges for Indian students who are not residents of the State of Colorado; to the Committee on Education and Labor.

By Mr. SHERMAN (for himself and Mr. MANZULLO):

H.R. 5975. A bill to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SIREs (for himself, Ms. RICHARDSON, Mr. COHEN, and Mr. SMITH of Washington):

H.R. 5976. A bill to improve the efficiency, operation, and security of the national transportation system to move freight by leveraging investments and promoting partnerships that advance interstate and foreign commerce, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TONKO (for himself, Mr. INSLEE, Ms. BERKLEY, and Mr. PAUL):

H.R. 5977. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for producing electricity from wasted heat; to the Committee on Ways and Means.

By Ms. TSONGAS (for herself, Ms. CLARKE, Ms. RICHARDSON, Mr. SIMPSON, Mr. KAGEN, Mr. CONNOLLY of Virginia, Mr. LANCE, Mr. COURTNEY, Mr. KILDEE, and Mr. COFFMAN of Colorado):

H.R. 5978. A bill to amend the Internal Revenue Code of 1986 to allow loans from certain retirement plans for the payment of certain small business expenses; to the Committee on Ways and Means.

By Mr. UPTON (for himself, Mr. BACHUS, Mr. WHITFIELD, Mrs. MYRICK, Mr.

TIM MURPHY of Pennsylvania, Mr. TERRY, Mrs. BIGGERT, and Mr. LATTA):

H.R. 5979. A bill to amend the Atomic Energy Act of 1954 to establish a United States Nuclear Fuel Management Corporation, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOLF (for himself, Mr. ROGERS of Kentucky, Mr. WITTMAN, Mrs. MILLER of Michigan, and Mr. LIPINSKI):

H.R. 5980. A bill to amend federal law to encourage the repatriation of jobs to the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Ways and Means, Financial Services, Transportation and Infrastructure, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H. Con. Res. 307. Concurrent resolution providing for a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. HASTINGS of Florida:

H. Con. Res. 308. Concurrent resolution providing for a conditional adjournment of the House of Representatives; considered and agreed to.

By Mr. RUSH:

H. Con. Res. 309. Concurrent resolution expressing the sense of Congress regarding the need for a \$500 million recovery fund focusing exclusively on travel and tourism to be administered by the Gulf Coast Claims Facility in the wake of the BP oil spill; to the Committee on Energy and Commerce.

By Mr. MCKEON (for himself, Mr. CONAWAY, Mr. FRANKS of Arizona, Mr. LOBIONDO, Mr. FORBES, Mr. KLINE of Minnesota, Mr. COFFMAN of Colorado, Mr. WITTMAN, Mr. BOEHNER, Mr. CANTOR, Mr. SMITH of Texas, Ms. ROSLEHTINEN, Mr. MCCOTTER, Mr. CARTER, Mr. WILSON of South Carolina, Mr. SHUSTER, Mr. AKIN, Mr. TURNER, Mr. ROGERS of Alabama, Mr. HUNTER, Mr. BARTLETT, Mr. PRICE of Georgia, Mr. KING of New York, Mr. PENCE, Mr. LEWIS of California, Mr. BLUNT, Mr. PLATTS, Mr. ROONEY, Mr. MCCARTHY of California, Mr. YOUNG of Florida, Mr. MILLER of Florida, Mr. LAMBORN, and Mr. DJOU):

H. Con. Res. 310. Concurrent resolution honoring the service and sacrifice of members of the United States Armed Forces who are serving in, or have served in, Operation Iraqi Freedom; to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HODES (for himself, Mrs. CAPITO, Mr. PITTS, Mr. SCHRADER, and Mr. DANIEL E. LUNGREN of California):

H. Res. 1570. A resolution supporting the preservation of internet entrepreneurs and small businesses; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Mr. LINCOLN DIAZ-BALART of Florida,

Mr. MEEK of Florida, Mr. KLEIN of Florida, Ms. WASSERMAN SCHULTZ, Ms. CORRINE BROWN of Florida, Mr. CRENSHAW, Mr. MARIO DIAZ-BALART of Florida, Mr. PUTNAM, Mr. ROONEY, Mr. MICA, Ms. KOSMAS, Mr. POSEY, Ms. GINNY BROWN-WAITE of Florida, Ms. CASTOR of Florida, Mr. HASTINGS of Florida, Mr. BUCHANAN, Mr. BILIRAKIS, Mr. GRAYSON, Mr. YOUNG of Florida, Mr. MILLER of Florida, Mr. DEUTCH, Mr. MACK, Mr. STEARNS, and Mr. BOYD):

H. Res. 1571. A resolution acknowledging and congratulating Miami Dade College on the occasion of its 50th anniversary of service to the students and residents of the State of Florida; to the Committee on Education and Labor.

By Mr. SMITH of New Jersey (for himself, Mr. CAO, and Mr. WOLF):

H. Res. 1572. A resolution condemning and deploring the violence, threats, fines, and harassment faced by the villagers of Con Dau, Da Nang, for seeking to protect their land, the historic cemetery, and other parish properties, and to receive an equitable resolution of their property dispute, and for other purposes; to the Committee on Foreign Affairs.

By Mr. POLIS (for himself and Mr. LAMBORN):

H. Res. 1573. A resolution to amend the Rules of the House of Representatives to prohibit bills and joint resolutions from containing more than one subject; to the Committee on Rules.

By Ms. GINNY BROWN-WAITE of Florida:

H. Res. 1575. A resolution expressing support for designation of the third week of October as Male Breast Cancer Awareness Week; to the Committee on Oversight and Government Reform.

By Mr. BURTON of Indiana (for himself, Mr. TURNER, Mrs. MCMORRIS RODGERS, Mr. FALEOMAVAEGA, Mr. CONYERS, Mr. BUYER, Mr. KENNEDY, Mr. REICHERT, Mr. HILL, and Mr. PENCE):

H. Res. 1576. A resolution expressing the sense of the House of Representatives that a National Day of Recognition for Parents of Special Needs Children should be established; to the Committee on Education and Labor.

By Mr. CAO (for himself, Mr. BOUTSTANY, Mr. SCALISE, Mr. CASSIDY, Mr. MELANCON, Mr. FLEMING, and Mr. ALEXANDER):

H. Res. 1577. A resolution observing the fifth anniversary of the date on which Hurricane Katrina devastated the Gulf Coast, saluting the dedication of volunteers who offered assistance in support of those affected by the storm, recognizing the progress of efforts to rebuild the affected Gulf Coast region, commending the persistence of the people of the States of Louisiana, Mississippi, Alabama, and Florida, and reaffirming Congress' commitment to restore and renew; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Florida (for himself, Mr. COOPER, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Ms. KILPATRICK of Michigan, Mrs. BLACKBURN, Mr. CLAY, and Ms. MOORE of Wisconsin):

H. Res. 1578. A resolution supporting the goals and ideals of Jubilee Day; to the Committee on Education and Labor.

By Mr. PETERS:

H. Res. 1579. A resolution establishing an earmark moratorium for fiscal year 2011; to the Committee on Rules.

By Mr. ROE of Tennessee:

H. Res. 1580. A resolution raising the awareness of the need to secure prescription medications and expressing support for designation of September 10 as National Lock Your Meds Day; to the Committee on Oversight and Government Reform.

By Mr. ROONEY:

H. Res. 1581. A resolution honoring eight marines from the 3rd Battalion 1st Marines who fought in Haditha, Iraq on November 19, 2005; to the Committee on Armed Services.

By Ms. SLAUGHTER (for herself, Mr. PLATTS, Mrs. MALONEY, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. COHEN, Ms. HIRONO, Mr. HOLT, Mr. WU, Mr. HODES, Ms. WOOLSEY, Mr. TONKO, Mr. TOWNS, Mr. SABLON, Mr. QUIGLEY, Mr. RYAN of Ohio, Mr. PASCRELL, Mr. WELCH, Mr. PETERSON, and Mr. ROTHMAN of New Jersey):

H. Res. 1582. A resolution honoring and saluting Americans for the Arts on its 50th anniversary; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 85: Mr. GARY G. MILLER of California.
H. R. 197: Mr. RYAN of Ohio.
H.R. 208: Mr. SIRES.
H.R. 235: Ms. NORTON.
H.R. 240: Mr. GARY G. MILLER of California and Mr. AUSTRIA.
H.R. 442: Mr. McKEON, Mr. RYAN of Wisconsin, and Mr. WILSON of Ohio.
H.R. 532: Mr. GARY G. MILLER of California.
H.R. 571: Mrs. KIRKPATRICK of Arizona and Mr. McKEON.
H.R. 649: Mr. GARY G. MILLER of California.
H.R. 678: Mr. BACHUS, and Mr. ALEXANDER.
H.R. 745: Mr. POSEY.
H.R. 782: Mr. GARY G. MILLER of California.
H.R. 930: Mr. HINCHEY.
H.R. 1074: Mr. RYAN of Wisconsin and Mr. SENSENBRENNER.
H.R. 1103: Mr. MICA, Mr. POSEY, and Mr. COBLE.
H.R. 1124: Ms. NORTON.
H.R. 1176: Mr. ROYCE.
H.R. 1549: Ms. NORTON.
H.R. 1551: Mr. DEUTCH.
H.R. 1570: Ms. KOSMAS.
H.R. 1645: Mr. LOEBSACK.
H.R. 1670: Mr. WALZ.
H.R. 1751: Ms. PINGREE of Maine and Mr. THOMPSON of California.
H.R. 1829: Mr. FILNER.
H.R. 1868: Mr. SCALISE.
H.R. 1960: Mr. GARY G. MILLER of California.
H.R. 2000: Ms. MOORE of Wisconsin, Mr. DINGELL, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 2026: Mr. DANIEL E. LUNGREN of California.
H.R. 2054: Mr. MARKEY of Massachusetts.
H.R. 2296: Mr. LANCE and Mr. RYAN of Ohio.
H.R. 2366: Mr. FRANK of Massachusetts.
H.R. 2367: Mr. HOLT.
H.R. 2378: Mr. SESTAK.
H.R. 2381: Mr. THOMPSON of Mississippi, Ms. CORRINE BROWN of Florida, Mr. PIERLUISI, and Mr. BLUMENAUER.
H.R. 2483: Mr. MEEKS of New York.
H.R. 2492: Ms. MOORE of Wisconsin.
H.R. 2608: Mr. MANZULLO.
H.R. 2672: Mr. BOREN.
H.R. 2766: Ms. PINGREE of Maine and Mr. VAN HOLLEN.

H.R. 3047: Mr. FILNER.
H.R. 3129: Mr. GARY G. MILLER of California.
H.R. 3140: Mr. GARY G. MILLER of California.
H.R. 3173: Mr. OWENS.
H.R. 3301: Mr. DAVIS of Tennessee, Mr. DAVIS of Kentucky, and Mr. BOSWELL.
H.R. 3308: Mr. BROUN of Georgia.
H.R. 3355: Mr. ROGERS of Alabama and Mr. DAVIS of Alabama.
H.R. 3464: Mr. AUSTRIA, Mr. SCHRADER, Mr. HELLER, Mr. CAMP, Mr. GORDON of Tennessee, Mr. PIERLUISI, Mr. ROGERS of Alabama, and Mr. BARRETT of South Carolina.
H.R. 3486: Mr. GENE GREEN of Texas.
H.R. 3652: Ms. SCHWARTZ, Mr. KUCINICH, Mr. MILLER of North Carolina, Mr. WALZ, Mr. HODES, and Mr. SESTAK.
H.R. 3697: Mrs. CHRISTENSEN.
H.R. 3699: Mrs. MALONEY.
H.R. 3716: Mr. GONZALEZ and Mr. DINGELL.
H.R. 3729: Mr. JONES.
H.R. 3752: Mr. HELLER.
H.R. 3758: Mr. AUSTRIA.
H.R. 3856: Mr. WALZ.
H.R. 3936: Mr. COHEN.
H.R. 3974: Mr. COSTA.
H.R. 4014: Ms. MATSUI.
H.R. 4070: Mr. MILLER of Florida.
H.R. 4107: Mr. GARY G. MILLER of California.
H.R. 4116: Mr. McNERNEY, Mr. TOWNS, Ms. WOOLSEY, and Mr. FALCONAVALGA.
H.R. 4129: Mr. COSTELLO.
H.R. 4155: Mr. DEUTCH.
H.R. 4199: Mr. WALZ.
H.R. 4262: Mr. GARY G. MILLER of California.
H.R. 4269: Mr. HODES.
H.R. 4270: Mr. GARY G. MILLER of California and Mr. BACHUS.
H.R. 4278: Mr. ROSKAM.
H.R. 4322: Mr. DUNCAN.
H.R. 4427: Mr. DAVIS of Kentucky.
H.R. 4530: Mr. MARKEY of Massachusetts.
H.R. 4544: Mr. KILDEE.
H.R. 4594: Mr. HEINRICH and Ms. SCHWARTZ.
H.R. 4645: Mr. OLVER.
H.R. 4650: Ms. ESHOO and Ms. SUTTON.
H.R. 4676: Mr. HASTINGS of Florida.
H.R. 4677: Mr. ELLSWORTH.
H.R. 4690: Mr. JOHNSON of Georgia, Ms. SHEA-PORTER, and Mr. KILDEE.
H.R. 4693: Mr. DAVIS of Kentucky.
H.R. 4746: Mrs. MYRICK and Mr. STEARNS.
H.R. 4785: Mr. WELCH.
H.R. 4787: Ms. MATSUI, and Mr. HEINRICH.
H.R. 4806: Mr. HINCHEY.
H.R. 4856: Mrs. DAHLKEMPER.
H.R. 4866: Mrs. LUMMIS.
H.R. 4879: Mr. HINCHEY, Mr. POLIS, Mr. MAFFEI, Ms. NORTON, and Ms. CHU.
H.R. 4944: Mr. GARY G. MILLER of California.
H.R. 4952: Ms. GINNY BROWN-WAITE of Florida, Mr. CARTER, and Mr. INGLIS.
H.R. 4972: Mr. FRELINGHUYSEN.
H.R. 4985: Mr. ALEXANDER and Mr. DANIEL E. LUNGREN of California.
H.R. 4986: Mr. LATHAM.
H.R. 4993: Mr. LANCE.
H.R. 4999: Mr. CONAWAY.
H.R. 5015: Ms. SUTTON.
H.R. 5034: Mrs. HALVORSON.
H.R. 5058: Ms. SCHWARTZ, Mr. LUETKEMEYER, Mrs. MALONEY, Mr. TONKO, and Mr. COHEN.
H.R. 5081: Mrs. MCCARTHY of New York, and Mr. DANIEL E. LUNGREN of California.
H.R. 5095: Mr. GARY G. MILLER of California, and Mr. REICHERT.
H.R. 5112: Mr. SESSIONS.
H.R. 5117: Mr. DICKS, Mr. McDERMOTT, Mr. CARSON of Indiana, Mr. HINCHEY, Mr. HOLT, Ms. BALDWIN, and Ms. EDWARDS of Maryland.

H.R. 5129: Mr. HOLT.
H.R. 5141: Mr. CASTLE, Mr. CANTOR, Mr. YOUNG of Alaska, Mr. ADERHOLT, Mr. ROONEY, Mr. BILIRAKIS, Mr. HERGER, Mr. NYE, Mr. WAMP, Mrs. BIGGERT, Mr. DUNCAN, Mr. MINNICK, Mr. JOHNSON of Illinois, and Mrs. EMERSON.
H.R. 5162: Mr. GRIFFITH, Mr. LINDER, Mr. McCOTTER, Mr. RYAN of Wisconsin, Mr. CONAWAY, Mr. McCAUL, Mr. ROE of Tennessee, Mr. BRIGHT, Mr. BACA, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HUNTER, Mr. NEUGEBAUER, Mr. WAMP, Mr. TIBERI, Mr. RYAN of Ohio, and Mr. COSTELLO.
H.R. 5191: Mrs. MALONEY.
H.R. 5207: Mr. JONES.
H.R. 5216: Mr. GARY G. MILLER of California.
H.R. 5218: Mr. PAYNE.
H.R. 5234: Mr. WALZ, Mr. LIPINSKI, and Mr. LOEBSACK.
H.R. 5237: Mrs. MYRICK.
H.R. 5244: Mr. LUETKEMEYER and Mr. DAVIS of Alabama.
H.R. 5260: Mr. ETHERIDGE.
H.R. 5295: Mr. BILIRAKIS.
H.R. 5323: Mr. SCALISE.
H.R. 5348: Mr. HELLER and Mr. ROSKAM.
H.R. 5358: Mr. PUTNAM.
H.R. 5369: Mr. PAULSEN and Mr. MCINTYRE.
H.R. 5424: Mr. GARY G. MILLER of California.
H.R. 5426: Mr. PETRI.
H.R. 5434: Mr. MICHAUD.
H.R. 5441: Mr. JOHNSON of Georgia.
H.R. 5458: Mr. PALLONE.
H.R. 5461: Mr. HEINRICH.
H.R. 5470: Mr. HODES.
H.R. 5504: Mr. SHERMAN and Mr. CRITZ.
H.R. 5543: Mr. KISSELL, Ms. CORRINE BROWN of Florida, Mr. HALL of New York, Mr. WALZ, and Mr. OBERSTAR.
H.R. 5577: Ms. PINGREE of Maine.
H.R. 5578: Ms. PINGREE of Maine.
H.R. 5579: Ms. PINGREE of Maine.
H.R. 5582: Mr. FLAKE.
H.R. 5600: Mr. EHLERS, Mr. SNYDER, Mr. PLATTS, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 5625: Ms. MCCOLLUM, Mr. KLINE of Minnesota, and Mr. BOCCIERI.
H.R. 5643: Ms. PINGREE of Maine and Ms. SPEIER.
H.R. 5645: Mr. SMITH of Texas and Mr. McKEON.
H.R. 5652: Mr. BRADY of Pennsylvania and Mr. PRICE of North Carolina.
H.R. 5663: Ms. HARMAN, Mr. SHERMAN, Mr. VISLOSKY, Mr. LANGEVIN, and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 5677: Ms. ROS-LEHTINEN.
H.R. 5679: Mr. KISSELL and Mr. GARY G. MILLER of California.
H.R. 5718: Mr. ISRAEL and Mrs. MALONEY.
H.R. 5729: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 5746: Mr. HALL of New York, Mr. SIRES, Mr. ARCURI, Mr. GENE GREEN of Texas, Mr. ISRAEL, Mr. KLEIN of Florida, Mr. MCMAHON, Mr. LOEBSACK, Mr. RAHALL, Ms. RICHARDSON, Mr. SALAZAR, Mr. COURTNEY, Ms. SHEA-PORTER, Mr. TONKO, Ms. SCHWARTZ, Ms. LORETTA SANCHEZ of California, Ms. ZOE LOFGREN of California, Mr. HOLDEN, Mr. VISLOSKY, Ms. WOOLSEY, Mr. YOUNG of Alaska, Ms. ROYBAL-ALLARD, Mr. SCHIFF, Mr. CHANDLER, Mr. WALZ, Mr. FRANK of Massachusetts, Mrs. LOWEY, Mr. BRALEY of Iowa, and Mr. FILNER.
H.R. 5769: Mr. SPACE and Mr. KRATOVIL.
H.R. 5771: Mr. HOLT.
H.R. 5772: Mr. PENCE.
H.R. 5778: Mr. WITTMAN.
H.R. 5790: Mr. MELANCON.

H.R. 5809: Mr. BLUMENAUER.
H.R. 5828: Mr. RAHALL and Ms. MARKEY of Colorado.

H.R. 5842: Mr. BRADY of Texas, Mr. KLINE of Minnesota, and Mr. SCALISE.

H.R. 5848: Mrs. CHRISTENSEN, Ms. NORTON, and Mr. HEINRICH.

H.R. 5851: Mr. SHERMAN and Ms. HIRONO.

H.R. 5852: Mr. OWENS.

H.R. 5853: Mr. CHAFFETZ, Mr. PAUL, and Mr. ALEXANDER.

H.R. 5855: Mr. GENE GREEN of Texas and Ms. JACKSON-LEE of Texas.

H.R. 5858: Ms. SUTTON.

H.R. 5870: Mr. KRATOVIL.

H.R. 5882: Mr. PENCE, Ms. JENKINS, and Mr. GARY G. MILLER of California.

H.R. 5897: Mr. MICHAUD.

H.R. 5905: Ms. MARKEY of Colorado, Ms. KILROY, Ms. CORRINE BROWN of Florida, Mr. WELCH, Mrs. CHRISTENSEN, Mr. COHEN, Mr. LARSEN of Washington, and Mr. HOLT.

H.R. 5907: Ms. ESHOO.

H. Con. Res. 245: Mr. MCGOVERN.

H. Con. Res. 259: Mr. GARAMENDI, Mr. CONNOLLY of Virginia, and Mr. CROWLEY.

H. Res. 173: Mr. QUIGLEY.

H. Res. 527: Mr. THOMPSON of Mississippi, Mr. MEEKS of New York, Mr. ROSS, Mr. GALLEGLY, Ms. BERKLEY, Mr. MORAN of Virginia, Mr. FALEOMAVAEGA, Mr. CHILDERS, Mr. SIRES, Mr. LARSON of Connecticut, Mr. HILL, and Mr. KLEIN of Florida.

H. Res. 528: Mr. THOMPSON of Mississippi, Mr. MEEKS of New York, Mr. ROSS, Mr. GALLEGLY, Ms. BERKLEY, Mr. MORAN of Virginia, Mr. FALEOMAVAEGA, Mr. CHILDERS, Mr. SIRES, Mr. LARSON of Connecticut, and Mr. HILL.

H. Res. 949: Mr. GARY G. MILLER of California.

H. Res. 1067: Mr. THOMPSON of California.

H. Res. 1129: Mr. HARPER.

H. Res. 1179: Mr. BUTTERFIELD.

H. Res. 1217: Mrs. MCCARTHY of New York, Mr. SERRANO, Mr. DONNELLY of Indiana, Mr. BISHOP of New York, Mr. LEE of New York, Mr. BOCCIERI, Mr. WEINER, and Mr. CROWLEY.

H. Res. 1267: Mr. FARR.

H. Res. 1314: Mr. GEORGE MILLER of California.

H. Res. 1355: Mr. HONDA and Mr. WU.

H. Res. 1402: Mr. CARNAHAN.

H. Res. 1431: Mr. HOLT, Mr. LEWIS of California, Mr. CUMMINGS, Mr. MAFFEI, Mr. KISSELL, Mrs. CHRISTENSEN, Mr. ROTHMAN of New Jersey, Mr. HIGGINS, Mr. ALTMIRE, Mr. CAPUANO, Mr. DAVIS of Illinois, and Mr. HINCHEY.

H. Res. 1433: Mr. HOLT, Mr. MILLER of North Carolina, Mr. STARK, Mr. MCCOTTER, Mr. YOUNG of Alaska, Mr. MURPHY of Connecticut, Mr. WOLF, and Mr. COHEN.

H. Res. 1442: Mr. THOMPSON of Pennsylvania, Mr. ROGERS of Kentucky, and Mrs. MYRICK.

H. Res. 1444: Mr. LYNCH.

H. Res. 1449: Mrs. DAVIS of California and Ms. MATSUI.

H. Res. 1476: Mr. VAN HOLLEN, Mr. BLUMENAUER, Mr. GENE GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCDERMOTT, Mr. MOORE of Kansas, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. RYAN of Ohio.

H. Res. 1479: Mr. FRELINGHUYSEN and Mr. BUYER.

H. Res. 1497: Mrs. McMORRIS RODGERS, Mr. MARCHANT, Mr. BLUNT, Mr. CONAWAY, Mr. MCCLINTOCK, and Mr. WESTMORELAND.

H. Res. 1507: Mr. TIERNEY, Mr. SCHOCK, and Mr. FRANK of Massachusetts.

H. Res. 1518: Mr. DOGGETT, Mr. NADLER of New York, and Mr. WU.

H. Res. 1524: Mr. GRIJALVA.

H. Res. 1527: Mr. REICHERT.

H. Res. 1528: Mr. STARK.

H. Res. 1529: Mr. HOLT and Mr. OWENS.

H. Res. 1534: Mr. ELLSWORTH.

H. Res. 1551: Mr. PAYNE.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Rahall, or a designee, to H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources Act of 2010, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. WAXMAN

The provisions that warranted a referral to the Committee on Energy and Commerce, in H.R. 4785, the Rural Energy Savings Program Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of Rule XXI.

EXTENSIONS OF REMARKS

HONORING RUSSELL VOUGHT

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. PENCE. Madam Speaker, I rise to pay tribute to Russell Vought, currently the policy director for the House Republican Conference, who will leave the House after more than twelve years of service. Losing such a committed conservative and long-serving congressional staff member is a bittersweet moment for many House Republican Members, staff, and the conservative cause here on Capitol Hill.

It is written in the Good Book, "Do your best to present yourself to God as one approved, a workman who does not need to be ashamed and who correctly handles the word of truth." Russell Vought embodies these words.

A native of Trumbull, Connecticut, Russell Thurlow Vought is the youngest of seven children and a die-hard Yankees fan. The son of an electrician and a schoolteacher, he graduated from Wheaton College in Illinois in 1998 with a bachelor's degree in history and political science. He came to Capitol Hill soon thereafter.

Mr. Vought began his career in public policy in the United States Senate. He first worked under retiring Senator Dan Coats of Indiana and soon moved to the staff of Senator Phil Gramm of Texas. During that time, he completed a Doctor of Jurisprudence degree at George Washington University Law School.

Mr. Vought later joined the staff of Representative JEB HENSARLING of Texas, where he was instrumental in helping craft the Family Budget Protection Act, a comprehensive piece of legislation to reform the federal budget process and limit government spending.

I became acquainted with Mr. Vought when I was privileged to serve as the chairman of the Republican Study Committee during the 109th Congress. He was the policy director and later served as the executive director of that conservative caucus.

After being elected Republican Conference Chairman last year, I asked Mr. Vought to join the Conference staff at the start of the 111th Congress. As Policy Director, he has superbly led the Conference policy team, which serves as the main hub of legislative information for Republican Members and their staff. His expertise in areas such as the federal budget, appropriations, entitlements and legislative procedure have been invaluable in promoting conservative solutions to the issues that face our nation.

As Members of Congress, we are constantly reminded of the important role played by reliable, like-minded staff members like Russell Vought. While we are sorry to lose one of the strongest advocates for the principles that guide us, Mr. Vought's infectious passion for

the principles of life, liberty and limited government will long outlive his tenure here on Capitol Hill. On behalf of the House Republican Conference, I wish him continued success as he begins a new chapter in his professional life.

TRIBUTE TO AMYRA FAISAL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Amyra Faisal of Ames, Iowa on the occasion of being named the 2010 Iowa Shrine Bowl Queen.

Amyra enjoys makeup, animals, hula-hooping and figure skating. Despite being an active eight year old, Amyra has a degenerative bone condition called osteogenesis imperfecta, which results in brittle bones. She has been treated by the Shriners Hospital in Montreal, Canada since she was born. Amyra is able live an active life due to the donations of the Za-Ga-Zig Shrine in Altoona, Iowa. The Za-Ga-Zig Shrine pays for around 80 percent of the costs related to travelling and staying near the Montreal hospital. Since Amyra is a longtime Shriner patient, she was chosen to be the 2010 Iowa Shrine Bowl Queen. By being the Shrine Bowl queen, she will be participating in the parade and will be recognized at the football game. I have been informed that Amyra has already been practicing her parade wave and has picked out a white dress to wear.

I congratulate Amyra on being named the 2010 Iowa Shrine Bowl queen. I am honored to represent Amyra and her family in Congress and wish her the best in the future.

TRIBUTE TO GERALD WILLIAM BEARD

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. GARY G. MILLER of California. Madam Speaker, I rise today to pay tribute to Mr. Gerald William Beard, a small business pioneer who helped shape the history and economy of San Bernardino County, California.

In 1973, San Bernardino County wasn't much more than tumbleweeds, sleepy farm towns and seemingly endless, desolate highways that connected Los Angeles to the rest of the country. To the causal observer at the time, much of this vast track of arid land could be considered inhospitable and worthless.

But Mr. Beard saw something different when he arrived. He understood the economic po-

tential San Bernardino County had to offer as the gateway to Southern California and the Pacific Ocean. He knew this inexpensive land—nestled along the snow covered caps of the San Bernardino Mountains—was a great opportunity for countless families to realize the American dream of homeownership.

So in 1973, Mr. Beard founded Gerald W. Beard Realty, Incorporated and with it pinned his own hopes and dreams on changing this forgotten, barren land into the economic powerhouse and success it is today.

Because of Mr. Beard's hard work and true American entrepreneurial spirit, thousands of homeowners and business owners have benefited. And this once mostly desert land has given way to a vibrant community and a place millions call home.

As Mr. Beard enters the sunset of his life with his loving wife, Cherrell, at his side and reflects on his enormous accomplishments, his legacy continues with his children, Bradley, Scott G., Scott C., Kimberly and Michael, and the countless people he has helped.

Madam Speaker, I ask that we all stand to recognize the service, passion and dedication of a great American—Gerald William Beard—and wish him many more years of health and happiness.

NO ENFORCEMENT MEANS LOWER WAGES, HIGHER UNEMPLOYMENT

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. SMITH of Texas. Madam Speaker, Arizona's pleadings in support of their immigration enforcement law include an important declaration by Harvard Economics Professor George Borjas.

In his analysis of interstate wage trends from 1960 through 2006, Borjas found: "that the presence of unauthorized aliens in the Arizona workforce reduced the earnings of low-skilled authorized workers in Arizona by 4.7 percent."

Borjas says, "The overall wage depression for all Arizona workers is approximately \$1.4 billion."

"The evidence further indicates that the presence of unauthorized aliens in the Arizona workforce reduced the employment rate of Arizona's low-skilled authorized workers by 1.6 percent . . ."

This reinforces what we already know: the Obama administration's failure to secure the border and enforce our immigration laws means citizens and legal immigrants face higher unemployment and lower wages.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO DAVID WILLIAMSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize David Williamson of Ogden, Iowa and his work with Project AWARE (A Watershed Awareness River Expedition), which is a volunteer river clean-up project organized by the Iowa Department of Natural Resources.

David utilizes metals collected from local rivers to create sculptures and other artwork to promote Project AWARE. He travels to the Iowa State Fair every summer and creates a metal sculpture to help increase the awareness and the importance of cleaning and maintaining Iowa's rivers.

I know that my colleagues in the United States Congress join me in commending David Williamson for his dedicated work with Project AWARE. I consider it an honor to represent David in Congress and I wish him continued success in supporting Project AWARE through his artwork.

IN RECOGNITION OF CELIA G.
KUPERSMITH

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Celia Kupersmith, who is resigning after 11 years of service as General Manager of the Golden Gate Bridge, Highway, and Transportation District in Northern California.

A native Texan, Celia Kupersmith attended Southwest Texas State University where she earned her Bachelor of Arts Degree in Geography and Planning, followed by a Master's Degree in Urban Planning at Texas A&M University. Prior to joining the Bridge District in 1999, Ms. Kupersmith served as Executive Director of the Regional Transportation Commission in Reno, Nevada.

As General Manager, Celia Kupersmith has led an organization that comprises the landmark Golden Gate Bridge and two public transit systems, including a network of almost 200 buses and five ferries serving the North Bay Area and San Francisco County. Under her direction, approximately 825 employees serve more than 50 million Bridge and transit customers, as well as six million tourists each year.

During her tenure, Ms. Kupersmith moved the Bridge District forward in many ways, including leading efforts to seismically retrofit the Bridge, now two-thirds complete; enhance overall security of the Bridge; transform Golden Gate Ferry services into an expeditious 30 minute crossing; lead the introduction of new technology including FasTrak and TransLink; and improve internal business operations and long-term financial stability.

Celia Kupersmith has also been active in various professional organizations including serving as Chair of the American Public

Transportation Association and on various committees of the International Bridge, Tunnel, and Turnpike Association. She has been a member of the Mineta Transportation Institute's Board of Directors, the Transit Cooperative Research Project Selection Committee, and the National Transportation Institute's Advisory Board.

Ms. Kupersmith leaves the Bridge District to pursue a new career as Deputy Chief Executive Officer of Sound Transit in the Seattle, Washington area where she will oversee the construction and operation of commuter and light rail systems, as well as a regional commuter bus service.

Madam Speaker, it is appropriate at this time that we honor Celia Kupersmith for her extraordinary contributions to the Golden Gate Bridge, Highway, and Transportation District. I thank Ms. Kupersmith for her service and join her colleagues in wishing her continued success in her new career.

IN SUPPORT OF THE NATIONAL
MANUFACTURING STRATEGY
ACT OF 2010 (H.R. 4692), THE
CLEAN ENERGY TECHNOLOGY
MANUFACTURING AND EXPORT
ASSISTANCE ACT (H.R. 5156), THE
END THE TRADE DEFICIT ACT
(H.R. 1875), AND H. RES. 1558

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. VAN HOLLEN. Madam Speaker, I rise in support of today's manufacturing legislation and strongly endorse the "Make It In America" agenda it represents. Given the erosion of our manufacturing base in an increasingly global economy, a deliberate and comprehensive "Make It In America" strategy is long overdue.

In that regard, the National Manufacturing Strategy Act of 2010 (H.R. 4692) will kick start this effort by directing the President to establish a Manufacturing Strategy Task Force charged with thoroughly analyzing the nation's manufacturing sector and developing a comprehensive national manufacturing action plan by February 28, 2011—and every four years thereafter. Standardizing this process will help drive economic growth, increase employment and promote American exports.

As Co-Chair of the House Renewable Energy and Energy Efficiency Caucus, I am especially pleased to support the Clean Energy Technology Manufacturing and Export Assistance Act (H.R. 5156). This legislation directs the Department of Commerce's International Trade Administration to develop a National Clean Energy Technology Export Strategy aimed at increasing exports in our clean energy sector while promoting policies that reduce production costs and encourage innovation in the clean energy sector here at home. We can and must be a world leader in the 21st century clean energy revolution.

Finally, I urge a "yes" vote on today's End The Trade Deficit Act (H.R. 1875), which will establish an Emergency Trade Deficit Commission to examine the causes and potential solutions for reducing our current trade imbal-

ance. Since growing trade deficits both reflect and exacerbate the erosion of our manufacturing base, this initiative—along with Mr. CARDOZA's resolution encouraging America's fruit, vegetable and commodity producers to display the American flag on the labels of products grown in the United States—are an important part of the Make It In America agenda.

TRIBUTE TO KEVIN GEIS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Kevin Geis of Ames, Iowa, who is currently in the process of riding his bike to Wyoming to raise money for charity.

Kevin usually rides his bicycle as an escape from work and to stay in shape but is now utilizing cycling as a philanthropic tool. Kevin has embarked on a 1,200 mile journey from Iowa to Wyoming to raise money for the Matthew 25 House located in Ames, Iowa. The Matthew 25 House is a faith-based halfway house for former prison inmates. Kevin began his adventure on July 23, 2010 and plans on arriving at his final destination of Wheatland, Wyoming on August 3, 2010.

I commend Kevin for putting forth a tremendous effort for the Matthew 25 House. Kevin should be admired for literally going a great distance for a cause he believes in and supports. Kevin is an inspiration to all for doing such a selfless act to help, not only the Matthew 25 House but also the community as a whole. I am honored to represent Kevin and his family in the United States Congress, and I wish him the best of luck in this ride and in his future endeavors.

HONORING THE LIFE AND SERVICE
OF EMILIO "MIM" DADDARIO**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Ms. DeLAURO. Madam Speaker, I rise today to pay tribute to Emilio "Mim" Daddario, a Connecticut statesman and member of this body who passed away earlier this month, and to honor his exemplary career of service to our nation.

A graduate of Wesleyan University and the University of Connecticut School of Law, Mim enlisted in the Army during World War II and was sent to Italy as part of the Office of Strategic Services, a precursor to the CIA. For his courageous service in that theater, which included capturing Benito Mussolini's Chief of Staff in 1945, he was awarded the Legion of Merit, the Bronze Star Medal, and the Italian Medaglia d'Argento.

After terms as mayor of Middletown, Connecticut, and as a judge on the Middletown Municipal Court, he once again heard the call of service overseas. During the Korean War, he defended our nation as a member of the National Guard in Korea and Japan.

In 1958, Mim Daddario was elected to Congress from the First District, and he served in these halls ably for six terms. As a member of the House Science Committee, he was a forceful advocate for enhancing our technological capacity and harnessing American innovation.

Mim chaired the subcommittees on science R&D and patents, and he helped to plan the Apollo missions that took our nation to the moon. After his congressional service and a gubernatorial run, Mim continued his commitment to promoting technology and innovation, as director of the Office of Technology Assessment and president of the American Association for the Advancement of Science.

As we mourn his loss today, we can take solace that Mim has rejoined Bernice, his wife of 66 years, who passed in 2007. And we know that his legacy of service lives on—in America's continued commitment to the scientific inquiry and space exploration that he held dear, and in the love and service of his sons Anthony, Stephen, and Richard, his sister Laura, and his seven grandchildren. I offer condolences to the Daddario family on their loss, as I thank them for Mim's lifelong commitment to our community.

PERSONAL EXPLANATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. CROWLEY. Madam Speaker, on July 28th, 2010, I was absent for three Rollcall votes because I was attending a wake in New York. If I had been here, I would have voted: no on rollcall vote 480, no on rollcall vote 481, and yes on rollcall vote 482.

HONORING STEVE LAMANTIA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. CUELLAR. Madam Speaker, I rise today to honor the accomplishments of Mr. Steve LaMantia, the award recipient for the 2010 Laredo Business Person of the Year. Mr. LaMantia is currently Vice-President and general manager of L&F Distributors in Laredo.

Mr. LaMantia has contributed to the community of south Texas as a savvy businessman and plays an active role in many nonprofit organizations to benefit students and education. He is recognized as the Laredo Business Person of the Year at the Distinguished Business Awards Ceremony hosted by the Laredo Chamber of Commerce. Annually, the Laredo Chamber of Commerce awards and commemorates an individual that upholds characteristics of strong work ethic, integrity, a substantiated history as an established business, growth in number of employees, and philanthropy. Mr. LaMantia's business and presence of community-orientated projects have impacted the development and growth of Laredo and south Texas.

Along with a profitable and successful business of L&F Distributors, he serves on several boards and civic organizations, such as Chairman of the Board of Laredo Medical Center, former President of the Washington's Birthday Celebration, Wholesale Beer Distributors of Texas, Mr. South Texas Selection Committee, Border Olympics, and Cola Blanca, to name a few. He has volunteered his time at Saint Augustine High School, Boys and Girls Club, and coached the Gateway Girls Softball organization.

His contributions to the area have impacted students and the education community greatly. In 1991, he formed a partnership with the Hispanic Scholarship Fund, which raised over \$5 million and awarded over 2,600 scholarships to students in south Texas over an eleven-year period. In 2003, LaMantia also helped to establish a nonprofit organization, South Texas Academic Rising Scholars (STARS), which provides scholarships to students to attend the college of their choice. STARS has raised over \$9 million and have awarded scholarships to 4,100 students from south Texas. He has also been an extremely active member of the Laredo Chamber of Commerce Cola Blanca Big Buck Contest. Mr. LaMantia also dedicates his time with his wife of 27 years, Linda and his five daughters.

Madam Speaker, I am honored to have had this time to recognize Mr. Steve LaMantia, the 2010 Laredo Business Person of the Year. He has truly impacted the business community and dedicated his time for many nonprofit organizations in south Texas and Laredo.

HONORING THE LIFE OF ELMER LEON DAGENAIS OF ESCANABA, MICHIGAN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. STUPAK. Madam Speaker, I rise to recognize the life and achievements of Elmer Leon Dagenais of Escanaba, Michigan. Elmer was beloved by his large family, countless friends and was an Escanaba legend. He was an entrepreneur, philanthropist and an active member of the community throughout his 93 years.

Born on January 30, 1917, just blocks from where his store Elmer's County Market currently stands, Elmer was the son of John and Alexina (Benoit) Dagenais. Elmer started working for his father as a young boy, running moonshine and working at the family gas station in Brimley. When Elmer was 17 he joined the Civilian Conservation Corps (CCC), leading to his involvement in a peace time army program with the goal of protecting the nation's natural resources. Elmer attributed his lifelong belief in hard work and respect for others to his time in the CCC.

After taking on several jobs outside the Upper Peninsula, including a year working for General Motors, Elmer returned to Escanaba and opened a grocery store. The store, still operating today, is now 100,000 square feet and is one of the largest stores in the Upper Peninsula of Michigan.

As a young boy Elmer attended St. Anne's School and later transferred to public school, dropping out at the seventh grade to help support his family. Last year, his family and Escanaba High School came together to present Elmer with an honorary high school diploma and, at age 92, he walked alongside his great-grandson as a graduating member of the class of 2009.

Elmer was a member of St. Anne and St. Thomas Catholic Church, the Elks, the Eagles, Knights of Columbus and the Lions Club. In addition to Elmer's County Market, Elmer's many successful business ventures included Elmer's Diner, Mel & Elmer's and Elmer's Restaurant. Over the years, Elmer was named Citizen of the Year by Escanaba Elks Lodge 354, received a Lifetime Achievement Award, the Good News Award and a Business of the Year award. From 1957 on, Elmer also purchased livestock at the U.P. State Fair from 4-H youth and sponsored local sports teams including baseball, bowling and hockey.

Elmer was not one for sitting idly by, whether at work or at home. He took special pride in keeping his lawn green and well maintained atop his John Deere tractor, was an avid bowler and a devoted Green Bay Packers Fan.

Elmer was a good friend of mine and my family and our prayers go out to his family. His spirit and enthusiasm were contagious and his commitment to his family and community was inspiring.

Madam Speaker, Elmer was a lifelong Yooper who knew the value of a hard day's work, the significance of a hand shake and the difference a smile and a helping hand can make in a person's life. A family man first and foremost, Elmer was a loving husband and proud father and grandfather, who devoted his life to improving the lives of those around him. Therefore Madam Speaker, I ask that you, and all of my colleagues in the U.S. House of Representatives, join me in honoring the life and accomplishments of Elmer Leon Dagenais.

TRIBUTE TO LYLE MARTIN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Lyle Martin of Huxley, Iowa on the occasion of his retirement as the owner of Blumsters on Main in Huxley.

Lyle had been making handcrafted furniture as a hobby until he bought a building on Main Street in Huxley. Lyle bought the Blumster Flower Shop, and he decided to combine it with his furniture-making endeavor, which is now a fixture in Huxley. Over the years, Blumsters on Main expanded and now sells a variety of items including children's books, women's jewelry, and Iowa wine. Lyle would like to see the store continue to operate after his retirement. He has enjoyed meeting and talking with his customers about the store and labels it a great experience.

I know that my colleagues in the United States Congress join me in recognizing Lyle Martin's service to the town of Huxley, and I

wish him much happiness and health during his retirement.

HONORING PATHFINDER VILLAGE

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. ARCURI. Madam Speaker, it is with great pleasure that I rise today in honor of Pathfinder Village, an independent residential community located in my congressional district that has greatly enhanced the lives of individuals with Down syndrome.

On this date, 30 years ago, Pathfinder Village opened its doors, consisting of 7 houses and 1 school, with the purpose of providing a full and productive life for individuals with Down syndrome. This purpose was inspired by the dream and life's work of Pathfinder Village's founder, Marian Mullet.

From its humble beginnings on a 23-acre cornfield, Pathfinder Village has become a vibrant community of 19 buildings located on 187 acres. Today, Pathfinder Village serves as the home of 87 residents, who, because of Pathfinder Village, have the resources and opportunity to achieve their absolute potential and pursue their dreams.

Due to the hard work and dedication of its staff, Pathfinder Village has been tremendously successful in fulfilling the purpose and promise of its founding.

Madam Speaker, I call on my colleagues to join me in recognizing Pathfinder Village and its staff for its 30 years of service to our community, and for inspiring countless numbers of individuals with Down syndrome by staying true to its motto "... that each life may find meaning."

HONORING LAURA ALLEN

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. SALAZAR. Madam Speaker, I rise today to honor Laura Allen, a dedicated and invaluable member of my office for the past two years. While working in my office, Laura has proven herself to be a wonderful colleague and a thoughtful, dedicated staff member. I could not be more grateful for or appreciative of her hard work.

While in my office, Laura served as a primary liaison between my congressional office and the residents of the 3rd District of Colorado. She was responsible for effectively communicating my positions to my constituents, while conveying their opinions to myself and my staff. For almost two years, she has been the reliable, considerate and friendly "face" of my office, greeting visitors, managing interns, facilitating meetings and handling stressful situations with ease and poise.

Laura was also responsible for legislative work concerning drug policy, specifically methamphetamines. While handling this portfolio, she conducted legislative research, com-

posed and introduced legislation, and participated in regular conference calls with a coalition of stakeholders. Her work was diligent and thoughtful.

In addition to her professional responsibilities, Laura was a pleasure to work with. Her positive attitude and sense of humor will serve her well into the future.

Laura Allen will always have a special place in my heart. My entire staff joins me in wishing her the best of luck as she begins her studies at the University of Pittsburgh School of Law, and with all her future endeavors.

TRIBUTE TO NICK LACINA

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Nick Lacina of Marshalltown, Iowa, who will be serving as the honorary chair of the American Cancer Society's Relay for Life of Marshall County, Iowa, which will take place on Saturday, July 31 until Sunday, August 1, 2010.

Nick is currently undergoing three years of treatment for leukemia. Nick continues to pursue his dreams by studying to become a civil engineer at Iowa State University. It is expected that Nick will make a full recovery once the treatments are complete. He has shown great strength throughout the period of his treatment.

I know that my colleagues in the United States Congress join me in recognizing Nick Lacina and all of the volunteers and supporters of the American Cancer Society's Relay for Life of Marshall County, Iowa. I consider it an honor to represent Nick in Congress and wish him a healthy recovery.

PERSONAL EXPLANATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. AKIN. Madam Speaker, on July 28, 2010, I was absent from the House and missed rollcall votes 480, 481, and 482.

Had I been present, I would have voted yes on rollcall 480, yes on rollcall 481, and yes on rollcall 482.

RECOGNIZING THE BAY DEFENSE ALLIANCE

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. BOYD. Madam Speaker, I rise today to recognize the accomplishments of the Bay Defense Alliance of Bay County, Florida, whose members have selflessly dedicated both time and service on behalf of the citizens of North Florida in support of the United States Armed

Forces. More specifically, the Bay Defense Alliance has been critical throughout the years in protecting the futures of both the Naval Support Activity—Panama City and Tyndall Air Force Base both located in the Congressional District that I represent.

The accomplishments of the Bay Defense Alliance can be seen in countless projects throughout our region. They have been responsible for having more than \$4.5 million in grants awarded to our local bases; they have improved community awareness of defense and training issues; and they have facilitated direct interaction between members of the community and senior military service leaders. The accomplishments of the Bay Defense Alliance have helped ensure that the military facilities in North Florida remain a cornerstone of the local communities for many years to come. The most recent triumph has been the addition of a squadron of F-22s to Tyndall Air Force Base. Without their constant dedication, vigilance and support, the Air Force surely would not have looked so favorably on our region.

Madam Speaker, when anyone needs an example of true patriotism, they need look no further than to this organization of Floridians who achieved remarkable success while in humble service to their fellow citizens. On behalf of the Congress, I applaud the accomplishments of the Bay Defense Alliance and thank its members for their continued support for the United States Armed Forces and the citizens of North Florida.

RECOGNIZING MR. DENNY FLYNN'S INDUCTION INTO THE PRORODEO HALL OF FAME

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. BOOZMAN. Madam Speaker, I recognize the accomplishments of Mr. Denny Flynn, a rodeo legend from Charleston, Arkansas who was recently inducted into the ProRodeo Hall of Fame in Colorado Springs, Colorado, for lifetime achievement.

Flynn, a three-time National Finals Rodeo bull riding champion, began his professional career in 1974 after getting his start riding horses and bulls when he was a teenager.

He qualified for the National Finals Rodeo 10 times and set a record for most bull riding average titles won at the NFR.

Hall of Fame inductees are selected by a committee of former contestants, Professional Rodeo Cowboys association officials and rodeo experts. His induction is undoubtedly an added honor to his professional career.

I congratulate Mr. Flynn for his induction and wish him continued success.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Ms. WOOLSEY. Madam Speaker, on July 28, 2010, I was unavoidably detained and was

unable to record my vote for rollcall No. 476. Had I been present I would have voted: rollcall No. 476: "yes"—Providing for consideration of H.R. 5822, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes and providing for consideration of motions to suspend the rules.

PERSONAL EXPLANATION

HON. STEVE KAGEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. KAGEN. Madam Speaker, due to an illness in my family I was not able to be present for votes on July 13th through July 15th.

Had I been present for rollcall 434 on motion to suspend the rules and pass, as amended, I would have voted in favor of H.R. 4514 Colonel Charles Young Home Study Act.

Had I been present for rollcall 435 on motion to suspend the rules and pass, as amended, I would have voted in favor of H.R. 4438 San Antonio Missions National Historical Park Boundary Expansion Act of 2010.

Had I been present for rollcall 436 on motion to suspend the rules and pass, I would have voted in favor of H.R. 4773 Fort Pulaski National Monument Lease Authorization Act.

Had I been present for rollcall 438 on agreeing to the resolution, I would have voted in favor of providing for consideration of the bill (H.R. 1722) to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes.

Had I been present for rollcall 439 on the motion to suspend the rules and pass, as amended, I would have voted in favor of amending the Hydrographic Services Improvement Act of 1998 to authorize funds to acquire hydrographic data and provide hydrographic services specific to the Arctic for safe navigation, delineating the United States extend continental shelf, and the monitoring and description of coastal changes.

Had I been present for rollcall 441 on passage, I would have voted in favor of H.R. 1722 Telework Improvements Act.

Had I been present for rollcall 442 on motion to suspend the rules and pass, I would have voted in favor of S. 1508 Improper Payments Elimination and Recovery Act.

Had I been present for rollcall 443 on agreeing to the resolution, I would have voted in favor of providing for consideration of H.R. 5114 Flood Insurance Reform Priorities Act.

Had I been present for rollcall 444 on agreeing to the amendment, I would have voted in favor of H.R. 5114 Murphy of New York Amendment No. 11.

Had I been present for rollcall 447 on passage, I would have voted in favor of H.R. 1722 the Telework Improvements Act.

HONORING THE CENTENNIAL OF THE DEDICATION OF THE PILGRIM MONUMENT IN PROVINCETOWN, MASSACHUSETTS

HON. BILL DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. DELAHUNT. Madam Speaker, I rise today to ask my colleagues to join me in commemorating the centennial of the dedication of the Pilgrim Monument in Provincetown, Massachusetts.

One hundred years ago, on the fifth of August, 1910, United States President William H. Taft and Eben Draper, then-Governor of Massachusetts, joined scores of visitors as they congregated around the base of the 252-foot tower in celebration of the newly constructed memorial honoring the 102 brave passengers of the Mayflower and its historic journey.

It was there on the tip of Cape Cod in 1620, among harsh gusts of a November wind, that forty-one men drafted the first democratic covenant of the New World—the Mayflower Compact. It was their dreams of self-governance that instilled in us the strongest of our political and ethical morals; and it was their perseverance that would soon bring them to establish Plymouth Plantation.

Today, one hundred years later, the steady climb up a winding staircase will lead you to a panoramic vista with strained glimpses of a Boston sky-line far in the distance. Although the immediate view beneath High Pole Hill has been much altered in the century since, the fog rolling across Cape Cod bay, the tranquil waters momentarily broken by the distant breach of a humpback whale, and the sting of the salt breeze, are reminiscent of our Pilgrims' experiences of this wonderful new land.

Elevated on High Pole Hill, this granite tower is emblematic of much more than the sacrifices of the Mayflower passengers and the values they brought to the new land. The Monument is a memorial to the story of each American—for we are a unique country of immigrants, carrying with us our own passion for freedom, self determination and justice.

Since the first inception in 1892, the dramatic significance of the Cape Cod Pilgrim Memorial Association and the Monument they were dedicated to build was well-understood. President Theodore Roosevelt insisted on participating in the ceremonies associated with the laying the cornerstone of the Monument's foundation in an elaborate Masonic ceremony. The President sailed into Provincetown Harbor on his presidential yacht—named the Mayflower—and spoke of the significance of the First Landing to all Americans.

And now, nearly four hundred years after their cross-seas journey led them to the shores of Provincetown, we gather once again in celebration of the passengers of the Mayflower and the Monument constructed one century ago in their honor.

A TRIBUTE TO ANNETTE YOUNG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Annette Young for her service to the Brooklyn community.

Annette Young received degree from the New York State School of Industrial and Labor Relations at Cornell University and earned her Bachelor's Degree at the College of New Rochelle.

She worked in business as an Executive Assistant to the Vice President of International Banking of JP Morgan Chase.

Annette is a long time member of the Democratic Party and has worked on numerous campaigns. She has received recognition from the Vanguard Political Club, Brooklyn CORE, and the Brooklyn Chapter of the National Organization for Women. Additionally, she was presented the Unity Music and Arts Award for Outstanding Professional Achievement as an actress by the Unity Democratic Club.

She has contributed countless hours of community service work throughout the borough of Brooklyn. She has been a leader in block associations for many years, and is involved in numerous local civic associations. Additionally, she currently enjoys working as a jewelry maker.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Annette Young.

INTRODUCTION OF H.R.—, THE "VOLUNTARY INCENTIVE AUCTIONS ACT OF 2010"

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. BOUCHER. Madam Speaker, I rise today on the occasion of the introduction of the "Voluntary Incentive Auctions Act of 2010." This measure will give the Federal Communications Commission the authority to implement a crucial aspect of the National Broadband Plan. It will help ensure that new spectrum can be made available for commercial wireless services by permitting the Commission to conduct incentive-based spectrum auctions in which a spectrum holder voluntarily relinquishes its spectrum in return for a portion of the auction proceeds.

Wireless communications services are rapidly growing. Each year, millions of users graduate from basic cell phones to smart phones that employ a range of data services. Those services require far greater bandwidth than traditional cell phones. And the data services offered through smart phones are becoming ever more sophisticated, often employing full motion video.

The combination of greater smart phone use and far more elaborate applications is placing unprecedented demands on our limited wireless spectrum availability. To meet these

growing demands, the National Broadband Plan calls for making 500 MHz of spectrum newly available for broadband use within the next 10 years.

That is a worthy goal, though attaining it may not be easy. The National Broadband Plan identifies some potential spectrum candidates, including spectrum in the Wireless Communications Service (WCS) band, the Advanced Wireless Services (AWS) bands and the Mobile Satellite Spectrum (MSS).

The National Broadband Plan also suggests that the Federal Communications Commission initiate a rulemaking to reallocate 120 MHz of spectrum currently in the hands of television stations from television broadcast to wireless broadband use. The Plan suggests that the Commission, among other things:

Update its rules on television service areas and distance separations to ensure the most efficient allocation of channels to broadcasters, including packing broadcast channels more tightly together.

Increase the efficiency of spectrum use in the television broadcast bands, including by setting a deadline for low-power stations to transition to digital and addressing poor VHF-reception issues.

Establish a licensing framework that would allow two or more stations to share a single 6 MHz broadcast channel.

Determine rules for auctioning broadcast spectrum reclaimed through repacking and voluntary channel sharing or channel surrender, including a way for stations to receive a share of the proceeds for spectrum they contribute to the auction.

The National Broadband Plan's recommendation concerning incentive-based auctions, with broadcasters sharing in the proceeds from the auction of spectrum they voluntarily return to the Federal Communications Commission, requires legislation. Today, my colleague CLIFF STEARNS, Ranking Member of the Subcommittee on Communications, Technology, and the Internet, and I are introducing the requisite legislative measure.

Our goal is to ensure that any incentive auctions the Federal Communications Commission conducts are truly voluntary. Only in instances in which television broadcasters or other spectrum holders willingly enter into agreements with the FCC for the surrender of their spectrum in return for a portion of the auction revenues would the transaction be deemed to be voluntary. And "truly voluntary" means neither directly nor constructively involuntary. For example, an effort by the FCC to impose a spectrum fee that would make some licensees financially unable to keep their spectrum would make the spectrum surrender constructively involuntary and would be impermissible under the terms of our legislation.

The Voluntary Incentive Auctions Act takes the right approach to incentive-based spectrum auctions. The right approach is for the FCC to work with television broadcasters and other licensees to identify the spectrum they now hold that on a purely consensual basis could be repurposed for commercial wireless use. Licensees who surrender spectrum would receive compensation in exchange for a voluntary spectrum transfer. I do not support, nor would the Voluntary Incentive Auctions Act of 2010 permit, any action by the FCC requiring

broadcast stations or others to give up spectrum involuntarily.

The right approach is the one specified in this legislation—enter into conversations with broadcasters and others about surrendering a portion of their spectrum on a voluntary basis, determine rules for incentive-based auctions that are truly voluntary and conduct the auctions in accordance with the agreement.

It is also important that the Commission treat broadcasters that are required to relocate due to repacking fairly. Broadcasters just over one year ago completed the highly successful transition to digital television. That transition freed up substantial amounts of spectrum in the 700 MHz band for commercial wireless use.

To complete the digital television transition successfully, many broadcasters made significant investments in new equipment, including antennas and other items that are tailored to their current channel assignments. Therefore, broadcasters that are required to relocate as part of a repacking plan deserve fair compensation for the costs of that relocation. It is also important that the Commission ensure that broadcasters that relocate due to repacking do not lose over-the-air viewers as a result of that move.

Madam Speaker, again, I am pleased to join with my colleague Mr. STEARNS in offering this important measure to make available more spectrum for innovative wireless broadband services while assuring fair treatment for existing spectrum holders that facilitate that process by voluntarily returning some or all of their spectrum.

A TRIBUTE TO THE FIRST UNITED METHODIST CHURCH OF BURBANK

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. SCHIFF. Madam Speaker, I rise today to recognize the 125th anniversary of the First United Methodist Church of Burbank, California.

In 1883, when Burbank was a rural area with a population of a few scattered families, the community needed a place for worship, so a Sunday School was organized in the Providencia School House. One year later, on September 14, 1884, a church, located at Empire Avenue and Lincoln Street, was dedicated. After four years of use, the church was sold to a congregation member and a new church was erected in 1888, one year after the establishment of the City of Burbank. The church was established as the Providencia Church, and eventually merged with the First Methodist Episcopal Church, taking the latter's name. In 1919, construction began on a new church at Olive Avenue and Third Street, which was completed and dedicated in October of 1922.

After World War II, the church membership grew to 1,000 parishioners, signaling the need for a new church building. In 1944, a building fund campaign began and property was purchased on Glenoaks Boulevard. In 1949, another fundraising campaign was launched to

construct a new church on the Glenoaks property, and one year later, construction began on the new church, which became known as the First Methodist Church of Burbank. On May 25, 1952, the first official services were held in the First Methodist Church of Burbank and Consecration Sunday was held on September 14 later that year. The full construction plan was realized in 1956 with the completion of the Education Building. In 1968, when the Methodist Church and the Evangelical United Brethren Church merged, and the entire denomination changed its name, First Methodist Church of Burbank became known as the First United Methodist Church of Burbank.

First United Methodist Church of Burbank offers a wide variety of programs and ministries to the Burbank community. The church hosts multiple Girl Scout troops, Boy Scout Troop #209, Cub Scout Pack #225, and offers opportunities for youth that include the Partners with the Parents Program and the Youth in Performing Arts Ministry. Other programs include the We Care Committee, which supports members of the congregation when they need assistance with meals, transportation and other services, as well as active chapters of the United Methodist Women and United Methodist Men organizations. In addition, members of the congregation volunteer on a regular basis at Burbank Temporary Aid Center and actively support our military by periodically sending care packages of personal items, telephone cards, books and other items to our troops overseas.

I consider it a great privilege to recognize First United Methodist Church of Burbank and I invite all Members to join me in congratulating the congregation for 125 years of service to the community.

ON THE INTRODUCTION OF THE BRING JOBS BACK TO AMERICA ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. WOLF. Madam Speaker, I am introducing today the Bring Jobs Back to America Act, which would start the process of bringing real jobs back to America that have gone overseas during the last two decades.

My legislation will build on language I included earlier this year in the fiscal year 2011 Commerce-Justice-Science appropriations bill directing the Commerce Department to launch a job repatriation initiative to bring those jobs back home.

I believe that a strong manufacturing and technology development base is critical to job creation and the economic competitiveness of the United States.

Something has happened in our country. We're making fewer and fewer things. Today, everything seems to be labeled: "Made in China."

If you have ever taken the train from Washington, DC, to New York and looked out the window, you can see our empty factories. You pass through my old neighborhood in Philadelphia.

GE's switchgear factory used to be one block from my home. Now there's nothing there but an empty, littered field.

You pass through Trenton, New Jersey, and can see the famous bridge sign that reads: "Trenton Makes, the World Takes." Trenton doesn't make anything anymore.

Last year, General Electric CEO Jeffrey Immelt noted that in recent years in the United States, "Real engineering was traded for financial engineering." Immelt called on the U.S. to grow manufacturing jobs to comprise at least 20 percent of American jobs—nearly double the current level.

In this era of intense global competition, we must work aggressively to bring jobs that have gone overseas back home to the U.S. to immediately start growing the percentage of these jobs, as Immelt called for.

It's not enough to talk about creating jobs. We have to take immediate steps to create jobs.

I have been, and remain, a staunch supporter of free trade. Free trade has yielded benefits to the American people and our economy.

However, we have been far too slow in responding to our international economic competitors in this era of global markets and competition.

The irony is that as much as American firms have offshored manufacturing and development jobs, they remain reliant on America for support. And with American unemployment hovering around 10 percent, it's time for some of these American firms to come home.

When an American plant manager in Mexico is kidnapped, the firm doesn't call the Mexican Federal Police, they call the FBI.

When the Chinese steal an American firm's intellectual property, the firm calls the U.S. Commerce Department.

It's time to bring some of these jobs home because America can be competitive in this global economy and it's the right thing to do. My legislation will start this process.

Overall, I believe that my bill helps to refocus the United States to be more proactive and a smarter competitor in the global economy—both in the short term and long term.

Specifically, this bill requires the Secretary of Commerce to set targets for job repatriation and creates multi-agency "Repatriation Task Forces" to identify American companies manufacturing abroad and work with states to bring jobs back to the U.S.

The goal is to bring back real jobs from overseas to the United States—jobs that are already created and an American could immediately fill.

This bill would require the Commerce Department to survey all American firms with significant manufacturing facilities in foreign countries, allowing the Repatriation Task Forces to proactively identify all firms interested in working with state and local governments to facilitate a mutually beneficial repatriation of jobs.

The bill would also comprehensively align federal resources in support of repatriation efforts. It allows state and local governments to use a variety of federal funding—at no net cost—to support job repatriation initiatives by state and local governments.

For example, my bill aligns Economic Development Agency (EDA) and National Institute

of Standards & Technology (NIST) grants to allow state and local governments to use this funding for repatriation.

It would also direct the Secretary of Commerce and the IRS to quickly study and report on the merits of a new federal tax incentive to encourage repatriation.

In addition to repatriating jobs today, we must redouble our efforts to foster emerging technologies to create our manufacturing base of tomorrow.

For too long, the U.S. has failed to strategically monitor emerging opportunities and threats in our competitive global economy. We are starting to see the ramifications of this failure in the rise of China as an economic power.

My bill would reconstitute President Reagan's "Project Socrates" as an independent "American Economic Security Commission" to identify and monitor emerging technologies and global economic threats.

Project Socrates was initiated during the Reagan Administration to address America's competitiveness challenge and determine the source of the nation's declining competitiveness and develop programs to address the source of the problem.

Our Commission—composed of 12 business leaders and economists appointed by the majority and minority leaders—will similarly take a comprehensive and unbiased look at all of our global economic competitors—both strengths and weaknesses—and help inform the Congress on how to bolster American economic security.

This will ensure that we have an independent mechanism to monitor new opportunities and threats to ensure that America can capitalize on revolutionary technologies and create new jobs in the U.S.

The bill also provides stronger protections for American intellectual property and helps to expedite the patent process for cutting-edge new technologies developed by universities.

The faster we can secure our innovations and move them to market, the more jobs we can create in this country.

We can no longer afford to ride the coattails of yesterday's innovations; we have to identify and support the emerging technologies of tomorrow that will create American jobs.

The Chinese, Indians and other international competitors are actively monitoring new technologies and trends to support their firms. To date, we have not.

Are Americans willing to continue to sit idly by and allow the Chinese to dominate new industries at our expense?

Norm Augustine, the former chairman and CEO of Lockheed Martin, best captured the situation we now find ourselves in when he said:

In the technology-driven economy in which we live, Americans have come to accept leadership as the natural and enduring state of affairs. But leadership is highly perishable. It must be constantly re-earned.

In the 16th century the citizens of Spain no doubt thought they would remain the world leader. In the 17th century it was France. In the 19th century, Great Britain. And in the 20th century it was the United States.

Unless we do things dramatically different, including strengthening our investments in research and education, the 21st century will belong to China and India.

Author Richard McGregor wrote in his new book, *The Party*, that the Chinese government, "still runs on Soviet hardware." It uses the full resources of the state to advance the interests of Chinese firms.

The Chinese are spying on us. They are launching millions of cyber attacks against American companies and the federal government every day.

The Chinese are funding the genocide in Darfur. They have Catholic bishops in jail, Protestant pastors in jail, and they have plundered Tibet.

If the U.S. is to be truly competitive in the global economy, we must be vigilant and proactive—in a manner that is consistent with our national interest and international treaties.

Madam Speaker, I urge swift passage of this legislation to help bring jobs back to the United States today and to lay the groundwork for tomorrow's manufacturing and technology base. We cannot afford to wait. Our international competitors aren't.

KEEPING A LONG-TERM FOCUS ON THE OIL SPILL RESPONSE AND RECOVERY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. YOUNG of Florida. Madam Speaker, 101 days have passed, and the devastating impact of the BP Deepwater Horizon catastrophe continues to grow daily. As we continue to consider specific legislation in the House to address the problems we have identified that led to this unmitigated disaster, I rise today to express my concern over the environmental impact on the Gulf of Mexico and express my support for all the impacted residents, who deserve better from the federal government.

Our immediate focus is not only on ensuring that the flow of oil from the Deepwater Horizon spill continues to be stopped, but also on addressing the future environmental and economic effects of the spill. The House has already unanimously passed legislation to fund oil pollution research and we must continue to support the important work in this area being done throughout the United States. One of the centers for this research is in St. Petersburg, which I have the privilege to represent. The College of Marine Science at the University of South Florida has become an international center for the study of our nation's and our world's waters and of our coastal lands. Together with the Florida Institute of Oceanography, also in St. Petersburg, which is drawing together all the state of Florida's marine research expertise, and a variety of other local, state and federal organizations, our community has provided key information to our nation's decision makers about the movement of the oil, the impact it is having on our environment and the development of long-term strategies to clean it up. Even with all of this work in St. Petersburg and throughout our state, the long-term effects of the oil spill itself, as well as those of the response and clean-up efforts, are still unclear and continued monitoring of the Gulf will ensure that we are prepared to

quickly respond to the future consequences of this spill.

Further, we must draw on our knowledge and experience to ensure that this disaster is never repeated. In representing the Tampa Bay area, which has been at the center of some previous disasters, I have experience in responding to these crises. While serving as a Florida State Senator in 1970, the tanker Delian Apollon spilled more than 20,000 gallons of crude oil into Tampa Bay. In response, I introduced and the legislature quickly passed my landmark legislation to set in place emergency response plans for oil spills in the waterways surrounding Florida. The oil and shipping industry challenged my legislation, which was called our nation's toughest oil spill response law, all the way to the United States Supreme Court, where it was upheld in a unanimous decision.

When the oil industry proposed drilling off the Gulf coast of Florida, I offered an amendment to a 1983 supplemental appropriations bill to create the first buffer zone to protect Florida's west coast from offshore oil drilling. Because my amendment was carried on an appropriations bill, I had to negotiate with my colleagues to protect it year after year, sometimes fighting off challenges from my own party and leadership. We finally were able to negotiate more permanent protection against drilling in 2006 when we wrote into law a buffer zone that extends 234 miles off the coast of the Pinellas County beaches I represent.

In an effort to respond to the lessons learned from this year's disaster, I introduced the SAFEGUARDS Act earlier this month, which provides some commonsense solutions to prevent and respond to future disastrous oil spills. Drafted following a series of meetings and regular phone calls with the on-the-ground incident commanders, local research teams and community emergency response personnel, it is my hope that the solutions put forth in this measure will be included in the wider legislative response that we consider later this year to ensure that we impose rigorous safety standards on any off-shore platforms, while also establishing a fully thought out plan to respond to future disasters. We can and must do better. We cannot allow any more waivers of safety standards or response plans, and the SAFEGUARDS Act ensures that.

Our work on oil spill response legislation is just the beginning, and we have much more work to do in the coming weeks, months and years. The future environmental health and economic viability of the Gulf of Mexico depends on us, and we must do all we can to respond to the largest spill in United States history. We owe the American people and the entire Gulf Coast a comprehensive response that addresses both the causes and effects of this spill. Madam Speaker, I urge my colleagues to work together to ensure the complete recovery of the Gulf of Mexico, while also addressing the systematic breakdowns which led to the BP Deepwater Horizon catastrophe.

INTRODUCTION OF RESOLUTION HONORING AND SALUTING AMERICANS FOR THE ARTS ON ITS 50TH ANNIVERSARY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Ms. SLAUGHTER. Madam Speaker, I rise today to honor the 50th anniversary of Americans for the Arts. As the leading nonprofit organization for advancing the arts and arts education in the United States, Americans for the Arts continues to be dedicated to representing and serving local communities and creating opportunities for participation and enjoyment of all forms of the arts.

Founded in 1960 in Winston-Salem, North Carolina, the original mission of Americans for the Arts was and continues to be to enhance support for the nonprofit arts. In 1965 Americans for the Arts played a key role in the establishment of the National Endowment for the Arts. A half century later Americans for the Arts continues to foster the arts at the local, state, and national level.

Under the remarkable stewardship of Robert Lynch for the last 25 years, Americans for the Arts has provided leadership and training to local public and nonprofit agencies through a national network of Arts and Business Councils, Business Committees for the Arts, local and state arts agencies, state arts advocacy organizations, and community-based cultural organizations across the country serving 5,000 local arts agencies and their communities.

Research by Americans for the Arts measured the economic impact of the arts, which showed that approximately 100,000 nonprofit cultural organizations generate \$166.2 billion in economic activity every year supporting 5.7 million jobs. In my congressional district alone, there are over 1,200 arts-related businesses employing nearly 16,000 people.

In addition to fostering arts jobs in our local communities, Americans for the Arts has worked to promote the importance of Arts Education in our public schools. Young people who regularly participate in arts programming are more likely to have better attendance records, be involved in their school government, excel in their academics, and develop the creative and innovative skills necessary to compete in the 21st century global workforce.

Through national events like Arts Advocacy Day, Americans for the Arts brings national attention to the importance of arts throughout our nation. The arts define our culture and instill unique character in the communities across our nation. Art transcends barriers of language, time, and generation, translating cultural differences, breathing life into history, and bridging experiences across cultures. They accomplish the seemingly impossible task of both revealing our differences across the globe, while managing to illuminate all that connects us.

I thank Americans for the Arts for their fine achievements over the past 50 years. I know that the next 50 will be filled with even more accomplishments, and that we will continue to enjoy the richness that the arts provide to each of our lives.

HONORING BRIAN MORTON AS THE RECIPIENT OF THIS YEAR'S ANGELS IN ADOPTION AWARD FOR OREGON'S SECOND CONGRESSIONAL DISTRICT

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. WALDEN. Madam Speaker and colleagues, you may be familiar with the Angels in Adoption program that provides Members of Congress an opportunity to recognize individuals, couples or organizations that have made and extraordinary contribution on behalf of children in need of adoption and foster care. This year I am proud to select Brian Morton as the recipient of this year's Angels in Adoption Award for Oregon's Second Congressional District.

Madam Speaker, the people of southern Oregon hold a deep appreciation for Brian Morton. As a well-known and respected news anchor at Medford's ABC television affiliate, KDRV, Brian has developed a special program dedicated to raising awareness about the community need to find adoptive and foster families.

During the monthly feature, "Wednesday's Child," Brian and KDRV produce personalized segments on children who are eligible for adoption. Normally, potential adoptive families have little more than one photo and a minimal amount of text description on children available for adoption. But in "Wednesday's Child," the children are featured in poignant everyday activities where their stories are shared in a sensitive and heartfelt manner.

Madam Speaker, the response to "Wednesday's Child" has been so overwhelmingly positive that potential families from all over the United States have sought to adopt the featured children. In some cases, relatives, who were previously unknown, were able to get in contact with the children.

Because of Brian's dedication, adoptive children throughout southern Oregon now have a better possibility of finding loving families and a brighter future. Yet Brian's dedication to the cause of adoptive children does not wane when the cameras are turned off. With his wife, Laurie, they have remained involved in the community at large. Brian has served on the board of directors at CASA, the Court Appointed Special Advocates of Jackson County.

The work of Brian, Laurie, and Angels in Adoption helps raise public awareness about the need for adoptive and foster families. Every child deserves an opportunity to have a loving and supportive family, and Brian and Laurie are making sure that occurs one family at a time. For that, Madam Speaker, they deserve our deep appreciation.

It is an honor to have the privilege to recognize Brian Morton before the United States House of Representatives. I salute Brian for his selfless deeds and great acts of charity, and believe that all Americans can learn from his benevolence and commitment to adoption.

TRIBUTE TO THE BOY SCOUTS
FROM TEXAS' 1ST DISTRICT AT-
TENDING THE JAMBOREE

HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. GOHMERT. Madam Speaker, this is in tribute to and in honor of the Boy Scouts of America Troops 1524 and 1525 along with other Scouts and Scout leaders, located in my District in East Texas. This week they are participating in the National Scout Jamboree at Fort A.P. Hill in Virginia. This year's Jamboree carries on a long tradition, where just steps from the Capitol Building, the first ever Jamboree was held on the National Mall in 1937. Over the years, the Jamboree has become the pinnacle of all Scouting camps.

Every 4 years or so, Troops descend from all over America to celebrate the tenets they all hold dear and to develop even further the life lessons Scouting is so effective in teaching. The entire process has traditionally done an outstanding job in molding boys into outstanding young men, while building character and instilling notions of personal responsibility, all of which have helped make America the envy of civilized nations.

This year's Jamboree also holds special significance because 2010 marks the 100 year anniversary of Scouting in America. Over this period they have grown into a premier youth organization and had very positive effects on millions of young males.

Individual Boy Scouts throughout Scouting's 100 year history have gone on to do great things and serve our country in manners that have brought great honor and credit to the United States. More than 50 percent of all NASA Astronauts were Boy Scouts. More than 30 percent of graduates from the Military, Air Force and Naval Academies were involved in Scouting in their youth and five of our Presidents were once Boy Scouts. Even within Congress, 199 of our current Members once participated in Scouting, with 22 achieving the rank of Eagle Scout. America is truly a better nation because of Scouting.

As an Eagle Scout and Member of Congress, I can truly say that the wisdom and leadership I gained in Boy Scouts still benefit me every day. All those who take up the mantle of effective Scouting can be identified by the traits named in the Scout Law as "trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent." If America is going to continue to be great then, in the paraphrased words of Alex de Tocqueville, America must continue to be good. The Scouting doctrines clearly assist in making America "good."

If we continue to see the young people in America living a morally sound life following the tenets supported by 100 years of Boy Scouting while dedicated to family values and country, then surely God will continue to bless America as He has during the last 100 years. To that end, the words from the Scout's Oath are as meaningful today as they were throughout Scouting's rich history:

On my honor, I will do my best
To do my duty to God and my country;

To obey the Scout Law;
To help other people at all times;
To keep myself physically strong, mentally awake and morally straight.

Participating in this, the historic Boy Scout Jamboree of the United States during the 100th Anniversary of the Boy Scouts, are the following Boy Scouts from the 1st Congressional District of Texas: Thomas Alberts, Brian Allen, Beathan Andersen, William Arnold, Alex Baker, Peter Ball, Rusty Bell, Zachariah Brown, Nate Cargile, Christopher Carlin, Hartley Coker, Paul Cook, Robert Cooper, Brian Cousineau, Carter Crump, Charlie Cullen, Myles Elbel, Michael Fedell, Michael Fedun, Joshua Fields, Chris Finlay, Danny Fisher, Garrett Froats, Bryan Gilliland, Jacob Gage, Kyle Gage, Wyatt Gay, David Gean, Thomas Gunn, Rielly Hassell, Clint Hearn, Stratton Hibbs, Kaleb Hively, Trent Hood, Jacob Houck, Luke Hughes, Brian Humphreys, Andrew Kazlow, Kerrigan Keele, Nicholas Kottwitz, Francis Gene Lewis, Trevor Ligon, Garrett Manning, Noah Morrill, Koehler Munoz, Payton Myers, Kacee Newman, Taylor O'Bryant, Richard Olds, James Olson, James Pike, Lyle Potter, Tyler Reed, Blake Richey, John Hunter Sattler, Jack Schaeffer, Brady Schuh, Colbert Sheard, Jeremiah Slaughter, Spencer Smith, Brandon Spears, James Tyler Stricklin, Connor Tate, Travis Tate, John Timaeus, Andrew Walker, Jeffrey Dylan Watson, Elliot West, John West, Robert Westmoreland, Mason Wheeler, Zach Ziegelgrube.

In addition, these Scouts of which their U.S. Representative LOUIE GOHMERT is immensely proud, as should be the Nation itself, the following outstanding leaders have participated to lead these wonderful young men to the fulfillment of this scouting dream are the following: Paul Dunaway, Rory Hassell, Stephen Head, Jeffrey Jones, Matt Lindsey, Chris Peurifoy, Lyle Potter, Jim Reed, Greg Tate, Clinton Willbanks, Geoffrey Willbanks.

The foregoing Boy Scouts and leaders have, by their demonstrated excellence and zeal, not only expanded their horizons and abilities, but they have also made it possible to create a better world in which to live for all those who follow hence. Accordingly, their names and participation are hereby memorialized in the CONGRESSIONAL RECORD of the United States of America to bear witness of their valiant participation to all those who may draw near. May God bless every one of these fine individuals just as He has so richly blessed these United States of America to this time.

A TRIBUTE TO BEATRICE
WILKINSON-WELTERS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Beatrice Wilkinson-Welters for her appointment as Ambassador to Trinidad and Tobago and for her outstanding contributions to the welfare of residents of Brooklyn.

Beatrice Wilkinson-Welters has distinguished herself through many years of service

to her nation and community as the Founder and Chairman of the AnBryce Foundation and the Vincent Wilkinson Foundation, whose focus on underserved youth and young adults provide multiple settings for their personal and scholastic development.

She earned her undergraduate degree from Manhattanville College and her graduate degree from John Jay College of Criminal Justice. She also received an Honorary Doctorate from Livingstone College in Salisbury, North Carolina.

Beatrice Wilkinson-Welters has provided vision and leadership through her service as a trustee or board member for the Kennedy Center Board of Trustees, the National Symphony Orchestra, the Library of Congress, the Brookings Institution, the Washington Jesuit Academy, and the Maret School.

Despite her demanding career and many contributions to society, Beatrice Wilkinson-Welters has been a devoted wife to her husband, Anthony and a loving mother to their two sons Bryant and Andrew.

Beatrice Wilkinson-Welters was confirmed by the United States Senate as Ambassador to Trinidad-Tobago on March 10, 2010 and sworn in by President Barack Obama on April 27, 2010.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Beatrice Wilkinson-Welters.

CELEBRATION OF THE COLUMBUS
RECREATION AND PARKS DE-
PARTMENT ON ITS CENTENNIAL

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Ms. KILROY. Madam Speaker, I rise today to celebrate the 100th anniversary of the Columbus Recreation and Parks Department. Through its 100 years of serving our community, the Department has enriched the lives of central Ohioans by offering social and educational programming, activities, and events for all ages to enjoy.

On July 15, 1910, Columbus mayor George S. Marshall signed into law legislation establishing the Columbus Department of Recreation, which encompassed the city's six established park locations. As part of the City Beautiful Movement, the Department of Recreation became crucial in Columbus' development as an aesthetically-pleasing city filled with green spaces and public parks. With the Department's hard work, residents began to enjoy beautiful scenery, community centers, trails, pools, golf courses, and programming designed with central Ohioans of all ages in mind. In 1972 the Department of Recreation merged with the Division of Forestry and Parks to become the Columbus Recreation and Parks Department we have today, and has grown from its original six parks to 215 established parks, greenways and green spaces that span over 10,000 acres across Franklin County.

The Columbus Recreation and Parks Department offers a wide variety of classes, events, and programs to connect residents of

all neighborhoods involved in the community. Locations such as the Cultural Arts Center offer art classes for painting, ceramics, and sculpting. Entire theatrical seasons are played out at various centers such as the Davis Youth Performing Arts Center. Central Ohio seniors can enjoy aerobics classes, along with senior golf, softball, and basketball leagues.

From April through December of this year, the Columbus Recreation and Parks Department will be celebrating its centennial anniversary with events every month. At the Jazz and Rib Fest in the Arena District, the Department commemorated its July 15th birthday with a "Best Ribs" contest and they have held their 100th hole celebration at Raymond Golf Course.

For 100 years, the Columbus Recreation and Parks Department has played a vital role in the growth of Columbus and Ohio's 15th Congressional District, as well as the enhancement of the quality of life of those who call central Ohio home. I am proud to recognize and honor the Columbus Recreation and Parks Department as they celebrate 100 years of history and achievement.

HONORING REPRESENTATIVE
ROGER WENDT FOR HIS WORK
ON THE IOWA SAFE SCHOOLS
ACT

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. BOSWELL. Madam Speaker, I rise to commend State Representative Roger Wendt, former Chair of the Iowa House Education Committee for his work protecting Iowa's lesbian, gay, bisexual, and transgender (LGBT) students from bullying and harassment in schools and communities. All students need a safe, supportive environment in which to learn, regardless of gender or sexual orientation. There is extensive evidence that LGBT students are disproportionately targets for harassment and discrimination in schools. The climate of fear experienced by LGBT students frequently results in increased absenteeism, decreased academic performance and increased risk of suicide and other high-risk behaviors.

On September 1, 2010, Iowa Safe Schools will recognize Alicia Claypool, State Representative Roger Wendt, and State Senator Mike Connolly for all their work protecting Iowa's LGBT students and all other students from bullying and harassment. This date will mark the 3rd year anniversary of the Iowa Safe Schools Law going into effect. This legislation protects Iowa's 500,000 students from bullying and harassment in our schools on the basis of 17 categories which include sexual orientation and gender identity.

Representative Wendt led the fight in the Iowa House for this critical piece of legislation. His years-long efforts resulted in its bi-partisan passage in February 2007. Iowa educators, administrators, and other policy makers hold Representative Wendt in high esteem for his tireless commitment to improving the lives of Iowa youth. Parents, community leaders, and

students have been well-served by this advocate for equality, and I am proud to honor him.

RECOGNIZING THE ACCOMPLISHMENTS OF GEORGE B. VASHON

HON. DANIEL B. MAFFEI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. MAFFEI. Madam Speaker, I rise today to recognize George B. Vashon, a distinguished 19th century figure in American history and the notable event that occurred recently to help remedy a past injustice. This gifted writer, orator, educator, abolitionist and lawyer, who was a leader in Syracuse's anti-slavery efforts for a period of time, was posthumously admitted to the Pennsylvania bar this spring after twice being denied because of his race. His life work helped improve the lives of countless African Americans, while his individual career achievements clearly proved the merits of his being granted this distinction 163 years later.

George B. Vashon was born and raised in Pennsylvania and moved to New York, where he resided in Syracuse for some years. In his early years, he was exposed to many leading figures in the abolitionist movement through his father John B. Vashon's role as a leader of Pittsburgh's black community. One of the Vashons' close associates was New York philanthropist Gerrit Smith, a financier and activist of the anti-slavery movement. For a short period of time, he also represented central New York in the House of Representatives. William Lloyd Garrison and Frederick Douglass were also among the central figures in the abolitionist crusade who worked closely with John and George Vashon throughout their lives.

With George B. Vashon's gifted scholarly abilities—he was fluent in several languages as a teenager and went on to become the first African American to graduate from Oberlin College—he chose to study law and pursue a legal career after college. Under the tutelage of Judge Walter Forward, who would later become Secretary of the U.S. Treasury, Vashon sought to practice law in his home state of Pennsylvania and applied for admission in 1847. His application was denied because of his "negro descent." He was so distraught at this denial that he left Pennsylvania to live and teach in Haiti for a few years, but not before he applied for and passed the New York bar and became the first black lawyer in the state.

Upon his return to the U.S., George B. Vashon moved to New York, where he opened a legal practice at the corner of Water and Warren streets in downtown Syracuse. Because of its proximity to Ohio and Canada, Syracuse had become a growing hotbed of activity along the Underground Railroad and Vashon was a central player at this time. With passage of the Fugitive Slave Act of 1850, Vashon's legal services were needed to assist runaway slaves gain their freedom. With the support of his friend Gerrit Smith, Vashon later went on to become the first black man to run for Attorney General in New York on the Liberty Party ticket. He also contributed to Frederick Douglass' newspaper, The North Star,

and became one of the first black college professors in this country when he served on the faculty of New York Central College in McGrawville, New York. Years later, George would help found Howard University, where he would be the university's first black professor. He was later admitted to the bar of the U.S. Supreme Court.

In an effort to remedy the discrimination he faced when he initially pursued a legal career in Pennsylvania, two of Vashon's descendants petitioned the Supreme Court of Western Pennsylvania. Nolan Atkinson, Vashon's great-grandson, and Paul Thornell, Vashon's great-great-grandson were successful. On May 4, 2010, the Court righted a wrong in the history books. In doing so, they issued the following order: "In acknowledgement of Mr. Vashon's credentials and achievements, this Court hereby admits George B. Vashon to the practice of law in the Courts of this Commonwealth posthumously."

I am pleased to commend this important acknowledgement of this notable figure in American history. Syracuse is privileged to claim George B. Vashon as a key figure in our city's proud history of antislavery activism.

SALUTING THE 2010 TECH TITANS
FINALISTS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise to congratulate the finalists for the 2010 Tech Titans Awards presented by Metroplex Technology Business Council, the largest technology trade association in Texas. At the 10th annual Tech Titans gala this August, the 2010 winners will be announced in categories designed to showcase the most cutting-edge technologies and the brightest talent emerging from the North Texas region. The event will also reveal the rankings of the 2010 Titan Fast Tech, which lists the fastest-growing DFW technology companies based on percentage of revenue growth over the last year and the last 5 years.

Founded in 1994, the Metroplex Technology Business Council, MTBC, is a non-profit organization composed of approximately 300 members that include technology businesses and providers from across the DFW Metroplex. The MTBC produces numerous events, including the Management in High-Tech Luncheon Series, the Technical Luncheon Series, Tech Week in Austin and the Tech Titans and Fast Tech Awards.

The MTBC is a shining example of the face of the future for Texas. Make no mistake, the MTBC is making great things happen for the Lone Star State—and the world.

In addition to the MTBC, supporters of the Tech Titans Awards and Fast Tech event include PricewaterhouseCoopers, TechAmerica, Deloitte, Dallas Business Journal, BKD, LLP, Time Warner Cable Business Class, GSCS Inc., Farstar Inc., and AVMG.

Congratulations to all finalists. Thank you for your hard work and commitment to excellence. I salute you.

The 2010 Tech Titans Finalists' names and categories follow:

Corporate CEO Award: Valerie Freeman, BravoTECH, Dallas, TX; Suri Gurvenda, Optimal Solutions Integration, Inc., Irving, TX; Dale Sohn, Samsung Telecommunications America, Richardson, TX; Charlie Vogt, Genband, Plano, TX.

Emerging Company CEO Award: Andres Ruza, Link America, Inc., Rowlett, TX; Devender Aerrabolu, American Unit, Frisco, TX; Bettina Bennett, WhichBox Media, LLC, Dallas, TX; Shama Kabani, The Marketing Zen Group, Carrollton, TX.

Corporate Horizon Award: D4D Technologies, Richardson, TX; Entrust, Dallas, TX; Fujitsu Network Communications, Inc., Richardson, TX; Genband, Plano, TX.

Emerging Company Horizon Award: GlobeRanger Corporation, Richardson, TX; HealthPoints, Inc., Dallas, TX; MicroTransponder, Inc., Dallas, TX; Revere Security, Dallas, TX.

Technology Innovator Award: Drs. Caddedu, Scott, Fernandez, & Bergs, UT Southwestern Medical Center, Arlington, TX; Yves Chabal, University of Texas at Dallas, Richardson, TX; Will Rosellini, MicroTransponder, Inc., Dallas, TX; Steve Wallach, Convey Computer, Richardson, TX.

Technology Advocate Award: Matt Blanton, StarTech Early Ventures, Richardson, TX; Gabriella Draney, Tech Wildcatters, Dallas, TX; Robert Scott, Scott & Scott, Dallas, TX; North Texas RCIC, Dallas, TX.

Technology Adopter Award: City of Richardson Animal Shelter, Richardson, TX; Dallas Cowboys Football Club, Irving, TX; The Heart Hospital at Baylor Plano, Plano, TX; Top Golf, Dallas, TX.

Community Hero Award: Wanda Gass, Texas Instruments, Dallas, TX; Suri Gurvendra, Optimal Solutions Integration, Inc., Irving, TX; Lin O'Neill, Futures Consulting, Dallas, TX; Nina Vaca-Humrichouse, Pinnacle Technical Resources, Inc., Dallas, TX.

Tech Titan of the Future—University Level: Caruth Institute for Engineering Education, Southern Methodist University, Dallas, TX; Geo Jeffrey NanoExplorers Program, University of Texas at Dallas, Richardson, TX; UT Dallas Innovation Opportunity Camp, University of Texas at Dallas, Richardson, TX; UNT Summer Robocamp for Girls, University of North Texas, Denton, TX.

Tech Titan of the Future—High School Level: Joanne Blast, Lake Highlands High School, Richardson ISD; Kevin Cieszkowski, Richardson Berkner STEM Academy, Richardson ISD; Aaron Hampshire, Parish Episcopal School, Addison, TX; Alisa Salvans, Richardson High School, Richardson ISD.

INTRODUCTION OF THE DISTRICT OF COLUMBIA FULL SELF-GOVERNMENT ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Ms. NORTON. Madam Speaker, I rise today to introduce the District of Columbia Full Self-

Government Act. The bill would grant the District of Columbia almost complete home rule. It would mark the most significant advancement in the District's local autonomy since Congress first created the District government's structure and operating rules in the Home Rule Act of 1973. The bill would eliminate almost all of the requirements and limitations imposed on the District by Congress in the Home Rule Act, so that the District could structure its operations and provide services in any manner that it chooses. Aside from a statehood or voting rights bill, no bill would do more to grant the federal taxpaying citizens of the District of Columbia their equal citizenship rights.

Under the bill, the District's government would be able to operate similarly to how most state and local governments operate. For example, the District, like every state, would be able to set its own fiscal year. Under the Home Rule Act, the District's general government fiscal year must begin in October, while its fiscal year for schools must begin in July. In contrast, almost every state and local government's fiscal year for all operations begins in July, enabling these jurisdictions to better plan and coordinate their operations and services.

In addition, the District would no longer have to come to Congress before it could make changes to its operations. For example, the District's major change in school governance structure that eliminated the school board and placed responsibility for schools in the mayor was held up for weeks because it had to be enacted by Congress, which caused serious problems for the opening of schools. Recently, I had to introduce a bill to reduce the waiting period for holding special elections to fill vacancies on the D.C. City Council from 114 days to 70 days. Previously, Ward 4 and Ward 7 were left without representation because the council could not reduce the period to fill vacancies.

The bill would accomplish what I have been fighting for since I entered Congress: legislative and budget autonomy for the District. The bill, like my stand-alone budget and legislative autonomy bills, would eliminate the requirement that the city's laws layover in Congress for 30 or 60 days before they take effect, and would eliminate the requirement that the city's local budget be affirmatively approved by Congress before it takes effect.

The bill would not only remove Congress from the District's legislative process, it would free the District to operate and provide services as it sees fit. The bill would eliminate all of the budget, financial management, audit and borrowing requirements imposed on the city by the Home Rule Act, and would permit the city to set the powers, organization, and procedures of the Office of the Mayor and the city council. It is important to note that the bill would have no effect on existing contractual or other financial obligations incurred by the District, on any elected or appointed District official or other District employee, or on any pending legal actions or proceedings.

Even with this bill, however, there would be two important limitations on the District's autonomy. First, Congress would retain its ultimate legislative authority over the District under the U.S. Constitution. The only way to

completely eliminate congressional authority would be to amend the Constitution or to make the District a state. Second, like the Home Rule Act, the bill specifically precludes the city council from legislating over certain matters, such as height limitations on buildings.

INTRODUCTION OF THE HEALTH OUTCOMES, PLANNING AND EDUCATION ACT (HOPE) FOR ALZHEIMER'S

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. MARKEY of Massachusetts. Madam Speaker, I rise today to introduce the Health Outcomes, Planning and Education (HOPE) for Alzheimer's Act. I would like to thank my colleague and fellow co-chair of the bipartisan Alzheimer's Task Force, Mr. CHRIS SMITH of New Jersey, for partnering with me on this important legislation.

An estimated 5.3 million Americans have Alzheimer's disease, and 1 in 10 individuals has a family member with the disease. Unless science finds a way to prevent or cure it, nearly 16 million Americans will have Alzheimer's disease by the year 2050.

The HOPE Act aims to increase detection and diagnosis of Alzheimer's disease and other dementias and provide access, information, and support for newly diagnosed patients and their families. The bill would provide for Medicare coverage of comprehensive Alzheimer's disease and other dementia diagnoses and services in order to improve care and outcomes for Americans living with the disease.

At present, most people with Alzheimer's disease and other dementias have not been diagnosed. This only contributes to the difficulty surrounding this disease. Data from a recent study in the Journal of General Internal Medicine conducted from 2002 to 2003 show that only 19 percent of people age 65 with dementia had a diagnosis of the condition in their primary care medical record. In addition, ethnic and racial populations at higher risk for Alzheimer's are less likely than whites to have a diagnosis of the condition.

Delays in diagnosis have various negative consequences for patients and their families. One such serious consequence is that if individuals do not receive treatments early, when available medications are more likely to be effective, then families have less opportunity to make legal, financial and care plans while the person living with Alzheimer's or dementia is still capable.

While America works towards investing more in research for Alzheimer's to move towards a cure for this devastating disease, we must also help the many affected families to plan for the care of the patients. This bipartisan legislation is a good step in ensuring these important steps are taken.

The Alzheimer's Association has endorsed our legislation, which will increase the likelihood that Alzheimer's will be diagnosed sooner and help individuals plan for the required

care associated with Alzheimer's. I look forward to continuing to work with my colleagues on this important issue throughout the legislative process.

**HONORING ALICIA CLAYPOOL FOR
HER WORK ON THE IOWA SAFE
SCHOOLS ACT**

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. BOSWELL. Madam Speaker, I rise to commend Alicia Claypool, Chair of the Iowa Civil Rights Commission on her work protecting Iowa's lesbian, gay, bisexual, and transgender (LGBT) students from bullying and harassment in schools and communities. All students need a safe, supportive environment in which to learn, regardless of gender or sexual orientation. There is extensive evidence that LGBT students are disproportionately targets for harassment and discrimination in schools. The climate of fear experienced by LGBT students frequently results in increased absenteeism, decreased academic performance and increased risk of suicide and other high-risk behaviors.

On September 1, 2010, Iowa Safe Schools will recognize Alicia, State Representative Roger Wendt, and State Senator Mike Connolly for all their work protecting Iowa's LGBT students and all other students from bullying and harassment. This date will mark the 3rd year anniversary of the Iowa Safe Schools Law going into effect. This legislation protects Iowa's 500,000 students from bullying and harassment in our schools on the basis of 17 categories which include sexual orientation and gender identity.

Without the efforts of Alicia, this law would not have passed, and Iowa Safe Schools, an organization committed to protecting Iowa's students would not exist. Iowans can never thank Alicia enough for all her efforts in creating and fighting for those without a voice.

**RECOGNIZING VIRGINIA COMMON-
WEALTH UNIVERSITY (VCU) FOR
ITS VICTORY IN THE COLLEGE
BASKETBALL INVITATIONAL
(CBI)**

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. CANTOR. Madam Speaker, I am proud to recognize Virginia Commonwealth University (VCU) for its victory in the College Basketball Invitational (CBI) Championship on March 31, 2010.

VCU is located in Richmond, Virginia and is one of the premier institutions of higher education in the Commonwealth of Virginia. The University fosters an enrollment 32,436 total students, including 21,149 undergraduates. VCU maintains a Division I athletic program offering 14 varsity sports which includes a men's basketball team that rosters 12 talented

young men from around the world. In March of 2010, VCU junior Larry Sanders was named Colonial Athletic Association (CAA) Defensive Player of the year and earned first team ALL-CAA honors while teammate Joey Rodriguez earned second team ALL-CAA honors.

On March 31, 2010, the VCU basketball team rallied from a 9 point deficit at halftime to defeat Saint Louis University for the second straight game by a score of 71 to 65 in the best of three championship series, capturing the CBI championship. The VCU basketball team won the CBI championship under the guidance of their first year coach, Shaka Smart. During the final game, Junior Brandon Rozell scored a game high 27 points and his teammate Joey Rodriguez scored 13 points on his way to capturing Tournament MVP honors. The VCU basketball team finished their season with 27 wins, the second most wins in school history.

VCU President Michael Rao and Athletic Director Norwood Teague have done an exemplary job of supporting this successful athletic program and the gifted student-athletes of the Rams basketball team. The VCU athletes and coaching staff have earned the pride and respect of the VCU students, faculty, alumni, all Rams fans and the Commonwealth of Virginia.

Madam Speaker, please join me in congratulating the Rams for their successful 2010 basketball season and their achievement as CBI champions.

**A TRIBUTE TO THE CENTRAL
KENTUCKY NEWS JOURNAL**

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. GUTHRIE. Madam Speaker, I rise today to honor a great news source in the Commonwealth of Kentucky—the Central Kentucky News-Journal. This year, the Central Kentucky News-Journal will celebrate its 100th anniversary.

After a series of changes in ownership, Mrs. T. W. Buchanan became the editor-manager of the journal and it was launched as the Central Kentucky News-Journal in January of 1910. The newspaper now, one hundred years later, is in circulation twice a week, providing unparalleled coverage for the citizens of Taylor County.

As a community paper, the Central Kentucky News Journal plays an important role bringing readers news and articles that directly affect their readers. Campbellsville and the Commonwealth of Kentucky are fortunate to have such an outstanding newspaper with a proven history of providing exceptional news coverage.

I am proud to represent the employees at the Central Kentucky News-Journal and thank them for the countless contributions they have made.

Madam Speaker, I ask my colleagues to join me in honoring the Central Kentucky News-Journal and congratulating them on 100 amazing years.

**HONORING LINDER'S 100TH
ANNIVERSARY CELEBRATION**

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Ms. McCOLLUM. Madam Speaker, it is an honor to recognize the 100th Anniversary of Linder's Garden Center in Saint Paul, Minnesota. Linder's is a family-owned greenhouse that began as a small business selling fresh produce to local restaurants, and has grown into a Garden Center selling more than 25 million plants each year.

In 1910, a Swiss immigrant with humble beginnings named Albert Linder brought his horse drawn wagon filled with celery stalks and other fresh vegetables to local markets and restaurants. Linder soon found success as a result of his hard work and dedication to plants. At its peak, this burgeoning small business operated six greenhouses for celery seedlings.

By the 1940's, Linder had stopped using horse drawn wagons because trucks enabled him to expand his business to customers located farther away. Facing strong competition and celery blight, Linder was eventually forced to change the model of his business. He decided to move away from celery seedling and focused on cut flowers and bedded plants. This change proved profitable for Linder's and allowed Linder to remain successful even during difficult economic times.

Modern day Linder's continues to focus on flowers and plants, but has expanded to include green houses, and a garden center which hosts educational classes that allow budding urban gardeners to learn more about plant care. In 1970, the third generation of the Linder family took over the business. Robert, Dave and Lillian Linder have successfully continued their grandfather's business and continue to make our community beautiful.

Madam Speaker, please join me in rising to honor Linder's 100th Anniversary. I am honored to submit this statement recognizing this resilient and successful Saint Paul family-owned business. They are truly an example of the American dream being fulfilled. Their hard work and dedication have made them a successful Minnesota business.

**OUR UNCONSCIONABLE NATIONAL
DEBT**

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,247,793,649,102.86.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,609,367,902,809.06 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

CELEBRATING 100 YEARS OF
SCOUTING**HON. KENNY MARCHANT**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. MARCHANT. Madam Speaker, it gives me great pleasure to rise today to recognize the centennial anniversary of the Boy Scouts of America. Over the last one hundred years, the Boy Scouts of America has remained devoted to its mission of dedicated service through developing social and moral skills in young men throughout the United States. This organization has produced some of our Nation's best and brightest leaders as a result of a simple creed that was embedded in them as young adults.

In 1909, William Boyce was a lost American in the fog on the streets of London. He encountered a young boy, now known as the "Unknown Scout," who voluntarily assisted him on his way. When Boyce offered compensation for the boy's good deed, the boy declined and stated that he was doing his "Good Turn" as a Scout. On February 8, 1910, Boyce brought the idea of Scouting to the United States and formed the Boy Scouts of America. Since its founding, the organization has been committed to preparing young people to make ethical and moral choices over their lifetimes by instilling in them the values of the Scout Oath and Law.

Through one hundred years of service, Boy Scouts of America remains dedicated to building the character of servant leaders within our communities. Boy Scouts of America has worked with over one hundred and ten million young adults, two million of which have gone on to become Eagle Scouts. I also applaud the work of the Scouting leaders who are devoted to the mission of mentoring young adults through countless hours of service projects, Pinewood Derby races, and other activities in order to build America's leaders of tomorrow.

On behalf of the 24th District of Texas, I would like to say "thank you" and "congratulations" to the Boy Scouts of America for the tremendous work it has accomplished over the course of one hundred years. By impacting and developing the lives of youth, the Boy Scouts of America has contributed to the development of a responsible and productive America.

CONGRATULATING THE PARTICIPANTS OF THE HOUSE FELLOWS PROGRAM

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. LARSON of Connecticut. Madam Speaker, I rise today to congratulate the participants of the House Fellows Program. The House Fellows Program, run by the Office of the House Historian, is a unique opportunity for a select group of secondary education American history and government teachers to

experience firsthand the inner-workings of Congress. These educators have demonstrated excellence in the classroom, are dedicated to educating our nation's youth and are truly deserving of our recognition.

One of the goals of the House Fellows Program is to develop curriculum on the history and practice of the House for use in schools. During the program, fellows prepare a brief lesson plan on a Congressional topic of their choosing, which is then shared with the other fellows. These plans will become part of a larger teaching resource database on the House. During the school year following their participation in the House Fellows Program, each Fellow is responsible for presenting his or her experience and lesson plans to at least one in-service institute for teachers of history and government.

The House Fellows Program began in 2006, and since then 75 teachers from across the country have participated in this innovative program.

An additional 45 teachers will be taking part in this summer's program. With plans to select a teacher from every Congressional district over the next several years, the House Fellows Program will impact thousands of high school teachers and their students and will energize thousands of students to become informed and active citizens.

As a former U.S. history teacher, I believe strongly in the importance of civic education. We must continue our efforts to get our youth involved in the political process in districts across the country. Educating teachers about the "People's House" is one of the best ways to do that. I congratulate the following educators who are participating in the third session of this summer's 2010 House Fellows Program: Ms. Cindy Tatum (TANNER, TN-08), Ms. Betsi Foster (TANNER, TN-08), Mr. John Tenney (DELAURO, CT-03), Ms. Carol Gale (LARSON, CT-01), Mr. Robert Nave (MURPHY, CT-05), Mr. Stephen Miller (VAN HOLLEN, MD-08), Ms. Cristy Lenski (LINDER, GA-07), Ms. Judy Walton (EHLERS, MI-03), Mr. William Reinhart (MCKEON, CA-25), Mr. Herrick Smith (MICA, FL-07), Ms. Shannon Gerlach (ROYCE, CA-40), Ms. Darla Faden (SMITH, NE-03), Ms. Gayla Reimer (MILLER, FL-01), Mr. Kris Vass (GOODLATTE, VA-06) and Mr. Tom Beard (GRAYSON, FL-08).

Madam Speaker, I urge all of my colleagues to join me in thanking the Office of the Historian for sponsoring this program. Thanks to Dr. Robert Remini and Dr. Fred Beuttler for their outstanding leadership, and Dr. Thomas Rushford, Mr. Anthony Wallis and Mr. Benjamin Hayes for providing the crucial staff support.

Thank you also to the Office of the Historian interns: Ms. Jacqueline Burns, Mr. Michael Karlik, Ms. Madeleine Rosenberg and Ms. Debbie Kobrin.

INTRODUCTION OF LEGISLATION
TO ENCOURAGE THE DEVELOPMENT
AND USE OF ENVIRONMENTALLY-SAFE
COMPOSITE UTILITY POLES**HON. DANNY K. DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. DAVIS of Illinois. Madam Speaker, today I am introducing legislation to encourage the domestic development, adoption and deployment of recyclable and environmentally-safe composite utility poles for use in the distribution and transmission of electricity. As Congress works to invest in our nation's electricity infrastructure to deliver critical new sources of energy to our cities and towns, it is time we also modernize the electricity delivery infrastructure so that it is more reliable, environmentally-safe, and cost-efficient than the current, century-old model. Our 21st Century electricity infrastructure must meet the changing demands of a diverse society, survive unforeseen natural disasters, and help deliver technology to improve our lives. Composite utility poles meet these demands.

Composite products are made from a variety of components such as glass, resins and fiber reinforcements that, when combined, produce stronger and lighter materials. Composites are integrated into products surrounding us every day, including swimming pools, cars, airplanes, wind turbines, and power plant cooling towers. Composite manufacturing in the United States is a fast growing, \$70-billion industry that employs approximately 550,000 Americans. My legislation will help spread this innovative technology to our nationwide network of approximately 130 million aging wooden utility poles. In the process, we also will create high quality, long-term manufacturing jobs here at home.

Composite utility poles last longer and are considerably lighter than wood, concrete and steel. They do not require treatment with harmful chemicals to prevent decay; as a result, they can be used in environmentally-sensitive areas, such as deserts, marshlands, national parks, forests and monument areas. Composite poles withstand severe weather conditions, including extreme temperature changes and fierce winds. They also are impervious to corrosion and require little maintenance, key issues for places like Chicago that must use salt often during winter to address icy road conditions and lose many steel and wooden poles due to the associated corrosiveness of the salt. In urban areas, composite poles can internally house WiFi and other wireless infrastructure and help clean up streetscapes by replacing unstable and unsightly chemically-treated poles with fewer composite poles. Composite pole life expectancy ranges from two to three times as long as traditional wood poles.

My bill takes two steps to promote the development and use of these utility poles. First, it amends the advanced manufacturing credit to allow the Treasury Department and the Energy Department to consider allocating a credit to the advancement of composite technology for our nation's energy infrastructure. Second,

it provides a 30% tax credit to purchasers of composite poles that contain 15% recyclable or bio-content material, are recyclable at the end of their life, and are used for electricity distribution and transmission. This credit is intended as a catalyst to expedite the adoption and deployment of composite utility poles, helping taxpayers invest in this new infrastructure. As such, this credit would expire after five years.

In closing, I urge my colleagues to join me in co-sponsoring this legislation to ensure that green energy is transported by green infrastructure.

RECOGNIZING THE 50TH ANNIVERSARY OF THE CREATION OF THE NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. CHANDLER. Madam Speaker, I rise today to recognize the 50th anniversary of the National Association of State Boating Law Administrators, NASBLA, a Lexington, Kentucky based nonprofit organization.

Recreational boating is one of our Nation's most popular pastimes, with an estimated 78 million recreational boaters in the United States and nearly 13 million recreational vessels registered. In my State of Kentucky alone, there are nearly 200,000 registered boats and hundreds of thousands of Kentuckians who enjoy this great recreational activity.

In 1958, Congress passed the Federal Boating Act, which authorized the states to take over specific boating safety functions. This, in turn, led to the creation of the National Association of State Boating Law Administrators, NASBLA, in 1960. NASBLA is a national, nonprofit association of state officials responsible for the development and implementation of state boating programs.

NASBLA's mission is to strengthen the ability of state and territorial boating authorities to reduce death, injury and property damage associated with recreational boating and ensure a safe, secure, and enjoyable boating environment. NASBLA addresses its mission by fostering partnerships among and between the states, the Coast Guard and others, crafting model boating laws, maintaining national education and training standards, providing members with critical knowledge and skills, assisting in the homeland security challenges on our waterways, and advocating for the needs of the state boating programs before Congress and federal agencies.

The number of recreational boating fatalities has declined by more than half since 1970, thanks in part to the increased use of life jackets, cooperative boating safety education, enforcement efforts between the Coast Guard and state governments, and safer vessels and equipment manufactured in accordance with Coast Guard standards. Continued emphasis on accident prevention can reduce recreational boating fatalities still further, and in particular, deaths by drowning which remain

the leading cause of recreational boating fatalities.

Madam Speaker, please join me in congratulating and recognizing the accomplishments of this Kentucky nonprofit, which in its 50 years, has significantly contributed to the safety of this popular pastime for all Americans.

COLONEL JEFFREY A. "TANK" KOCH RETIRES AFTER 22 YEARS SERVICE WITH THE UNITED STATES AIR FORCE

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. McKEON. Madam Speaker, I rise today to recognize and pay tribute to COL Jeff "Tank" Koch on the occasion of his retirement from the United States Air Force.

I have had the pleasure of working with Colonel Koch on a number of occasions during his tenure here in the House, and have greatly appreciated his professionalism, knowledge, and dedication, which I know has benefited me personally, as well as numerous other members, and countless staff.

So it goes without saying that Colonel Koch's professional achievements are numerous, but I know would be the first to state that none of them would have been possible without the love and support of his wife and family. Throughout Colonel Koch's service to our country, his wife, Tracey, has been his mainstay and a selfless partner. Her balance and calm has seen their family through multiple moves to military bases within the U.S. and overseas. Together with their children, Caleb and Abby, the Koch family has endured the challenges and sacrifice of family separation and relocations. Each member of the Koch family has made a significant contribution to the U.S. Air Force and our great Nation.

Colonel Koch has led an enviable career. After receiving his commission through the Reserve Officers Training Corps at Troy State University in 1987, Colonel Koch proceeded to numerous distinguished assignments. With his new pilot wings and assignment to the A-10 Thunderbolt fighter jet, Colonel Koch served in the 92nd Tactical Fighter Squadron at RAF Bentwaters, UK flying 37 operational combat missions over Northern Iraq in direct support of Operation PROVIDE COMFORT. With help from the 92nd's armed reconnaissance and close air support missions, thousands of starving Kurdish refugees received life-sustaining food and supplies.

After this, Colonel Koch served as an instructor pilot at the U.S. Air Force Academy, returned to the A-10 to fly missions in Korea, and instructed at the same Euro-NATO Joint Jet Pilot Training program he completed earlier in his career. Colonel Koch also served as flight commander in the 358th Fighter Squadron, executive officer for two commanders of the 12th Air Force, and Chief of Offensive Operations at the AFSOUTH Combined Air and Space Operations Center. He also served as a Presidential Advance Team Agent—and a Capitol Hill Fellow for Congressman Jim Gib-

bons of Nevada. This successful arc continued with a stint in the Air Force's Programs Directorate as the Chief of the Joint Strike Fighter Programming office and command of the 557th Flying Training Squadron. These successful milestones were recognized with assignment to one of DoD's most challenging senior developmental education opportunities, the Industrial College of the Armed Forces. Following ICAF, Colonel Koch received a follow-on assignment back to the Pentagon as a Senior Readiness Analyst for the Deputy Under Secretary of Defense for Readiness.

Perhaps the most challenging assignment was his final one as Chief of the Air Force House Legislative Liaison Office. This seasoned aviator and Command Pilot with more than 3,000 flight hours in five different aircraft has been a trusted and articulate voice for the Air Force on Capitol Hill.

Colonel Koch has excelled throughout his distinguished career and I am honored to pay tribute to this Airman. Madam Speaker, on behalf of Congress and the United States of America, I thank COL Jeff Koch, his wife Tracey and their children, Caleb and Abbey, for their service to our country. I wish them Godspeed, and continued happiness as they start a new chapter in their lives.

A TRIBUTE TO THE INDEPENDENT LIVING SERVICES FOR THE KENTUCKY OFFICE FOR THE BLIND

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. GUTHRIE. Madam Speaker, I rise today to honor the Independent Living Services for the Kentucky Office for the Blind.

Independent Living Services is a rehabilitation program administered by the Kentucky Office for the Blind and provides a broad range of services. They value self-determination and encourage individuals to learn skills that will allow them to achieve their desired level of independence.

In September of this year, the Independent Living Services will celebrate 30 years of dedication to helping individuals throughout the commonwealth with vision impairments achieve their maximum level of independence.

Through the effective leadership of the Office for the Blind and the dedication of Independent Living Counselors, thousands of Kentuckians have realized their goal of greater independence in their homes, communities and workplaces.

Madam Speaker, I ask my colleagues to join me in honoring the 30th anniversary of the Independent Living Services and thank the individuals who have committed so much of themselves to help ensure all Kentuckians are given the resources they need to succeed.

NAZARETH DER TAVITIAN: A
GENOCIDE SURVIVOR STORY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. SCHIFF. Madam Speaker, I rise today to memorialize and record a courageous story of survival of the Armenian Genocide. The Armenian Genocide, perpetrated by the Ottoman Empire from 1915 to 1923, resulted in the death of 1.5 million Armenian men, women, and children. As the U.S. Ambassador to the Ottoman Empire Henry Morgenthau documented at the time, it was a campaign of "race extermination."

The campaign to annihilate the Armenian people failed, as illustrated by the proud Armenian nation and prosperous diaspora. It is difficult if not impossible to find an Armenian family not touched by the genocide, and while there are some survivors still with us, it is imperative that we record their stories. Through the Armenian Genocide Congressional Record Project, I hope to document the harrowing stories of the survivors in an effort to preserve their accounts and to help educate the Members of Congress now and in the future of the necessity of recognizing the Armenian Genocide.

This is one of those stories:

(By Sarkis DerTavitian)

My grandfather Nazareth Der Tavitian was born in Malatya, Turkey. His family consisted of his wife, three sons and two daughters. The eldest child, my aunt was born in 1900. My father followed as the eldest son; he was born in 1903. Next in line was the youngest of the daughters and she was born in 1907, followed by my uncle Kevork in 1910. The youngest son, Hampartsoum was born in 1913.

My grandfather was a successful merchant in Malatya, Turkey. His wealth included large tobacco and opium fields, as well as the export of various goods such as leather, and dried fruits to Europe and America. He often traveled to Aleppo and Istanbul in order to conduct his business. At the brink of WWI in 1914, a Turkish friend of my grandfather informed him that the situation was not looking good for Turkish-Armenians, he advised that he, along with his eldest son—my father make a temporary move to Istanbul, in hopes that the move would keep them safe until the situation had calmed within the provinces. My grandfather, uncomfortable with the idea of leaving the rest of the family during precarious times, conveyed these worries to a dear friend, who at the time was the military general of Malatya. The general assured him that as long as he remained in his position, no Turkish citizen or official could bring harm to him or his family. As the war progressed and the Young Turks solidified their power they ordered the replacement of all leading generals in the provinces, including Malatya—the aim being to break the power of the provisional leaders. My grandfather's dear friend was soon replaced. The alteration of leadership happened abruptly, therefore the opportunity to migrate was infeasible to all those who resided in Malatya.

As soon as my grandfather's friend was replaced as the military general of Malatya, my grandfather was arrested and taken into custody. He had been imprisoned for two

weeks when the chief of police gave him an ultimatum—abandon your religion or go under the sword. My grandfather refused to renounce his religion therefore he was murdered instantly. (This story was conveyed to my father by those who were jailed with my grandfather, they had converted in order to save their lives).

Having been one of the more successful residents of Malatya, my grandfather had an apprentice whom he regarded both as a friend and apprentice. It was his way of giving back to the community, which until the Genocide had offered him and his family the utmost comfort and good. This friend was aware of the wealth that was kept in my grandfather's home. He came to see if assistance was needed, as he was not a Turkish-Armenian, but rather a Turk by heritage. To his surprise he found that my grandfather had already been taken into custody, and my grandmother was in hiding in the basement of the family home, she had escaped the mandatory deportation of Malatya. He assured them that he would be back once he can figure out how he could best be of service. Comforted by his statement, the family continued to stay in hiding as they eagerly awaited his return.

Unfortunately, the loyalty of my grandfather's apprentice was not to be trusted. Upon leaving my father's family home, he went to the local police and informed them that my grandmother, along with the children were in hiding and had escaped the mandatory deportation. He provided the local police with the proper address and location, as well as the background information pertaining to my family.

My grandmother had taken precautions and had told my father along with the eldest of the daughters where the family fortune was hidden. Having heard and seen the horrific experience of mass murder and deportation my grandmother was well aware that her family would not stay intact. In the likely chance that she would be taken into arrest, she had hoped that the large amount of family savings would either help the children sustain themselves or buy their safety.

Soon thereafter, my grandmother was taken into exile. My father recalls her carrying a child as the police forced her out of the home; leaving the remaining children orphaned. My grandmother was never to be heard from again. The fate of my grandmother and her infant remains unknown. That was the last they saw or heard of their mother. The children were not sent into exile. They continued to hide in the basement of the family home.

After my grandmother was taken away my grandfather's apprentice rushed to the house. Seeing the children, distraught, alone and in tears he assured them that he would find their mother and return her to safety. He left only to return in a couple of days. We concluded that the two-day absence would assure that no other family member was present to care for the children. Upon his return, he lied to the children and told them that he was able to find their mother that she was well, but in need of their help. He told the children that their mother asked that they gather the hidden family wealth, in order to bail her out of jail. Their father's apprentice would take care of the procedure. The eldest child my aunt, obliged in trust and showed my grandfather's apprentice where the wealth was hidden. The family wealth amounted to two barrels of 20,000 gold coins. The average yearly salary in Malatya at the time of the Armenian Genocide was two gold coins—the salary of 10,000 Turkish

workers. As the children eagerly awaited their mother's return, my grandfather's apprentice enjoyed the sudden lavishness of wealth. Out of immense guilt, my aunt, the eldest child of Nazareth DerTavitian became severely ill. She died at the age of 15.

A year after the murder of my grandfather and grandmother, the Turkish police came to the family home and took my father, his two brothers and his sister into government headquarters. They demanded that they convert to Islam or their fate would resemble that of their parents. My father, now being the eldest spoke for the entire family. He decided that the safety of his brothers and sister was of the utmost importance. They all converted to Islam and circumcised in accordance to Muslim tradition. They now held new identities, a new religion and new names. My father Kevork became Bakeer. They continued to live in Malatya in hopes of regaining the ownership of their father's land. They thought that that hopeful day had come when Mustafa Kemal Atatürk ratified a law in which whoever held the certificate to the land on which they resided could claim ownership of that land. My father was able to find the necessary certificates to the family home and took them to the provincial government of Malatya. To my father's devastation they would not allow him to have ownership of his land, because he himself was not Nazareth DerTavitian. By statute, the lands could not be claimed by the living children of the deceased. Under this new law my father along with his siblings was left homeless. They would either live on the streets of Malatya or leave Turkey and start a new life in Aleppo, a safe haven for Armenian refugees. Their obstacles were many. In addition to having limited amount of resources, a law of conversion hindered the arduous road ahead. Converted persons were not allowed to leave Turkey; therefore they had to risk their physical safety by escaping out of the country. The family was separated in order to secure a safe departure. Riding on mules they individually reached Aleppo, around 1924. They were reunited in the refugee camps of Aleppo.

In 1959, when I was barely 16 years old, the sister of a dear friend of my father's came to visit her brother from Malatya. I, along with my parents went to welcome her. There, I overheard her recall to my father that his father's three story home was still standing and had been converted into an orphanage. The elaborate Damascene hand woven wooden front door, which was the mark of the DerTavitian household, was still standing.

This story, which I just relayed to you, is but one story in the devastating events of the Armenian genocide. The price of which we continue to pay. My father passed 34 years ago. He led an incredibly difficult life. The events of 1915 continued to haunt him. He was unable to surrender the thoughts, emotions and images that followed him throughout his life. I believe that if my father was alive today, his one desire would be to assure that no other peoples or nation suffer under the same fate that he had seen and experienced. I hope that this testimony will play a small, yet significant part of our most basic human quest, that of human rights.

I thank you for taking on this endeavor. Through your actions, you assure that your character is great. For you not only honor and love justice, but rather, work towards its fulfillment.

HONORING 100 YEARS OF
SCOUTING

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. AKIN. Madam Speaker, this year marks the 100th anniversary of the Boy Scouts of America. As Scouts from across America gather this week for their 2010 National Scout Jamboree, I rise to congratulate them on their long-standing success, and thank the Scouts for all the work they have done over the years to build our young men into upstanding and trustworthy citizens.

Over the past century, the Boy Scouts of America has become one of the brightest and far-reaching youth-development organizations in our Nation with over four million youth members in its age-related divisions. Indeed, the Boy Scouts of America has become part of our national heritage. Since its founding in 1910, more than 110 million Americans have been members of the Boy Scouts of America.

Committed to teaching traditional values of trustworthiness, good citizenship, and outdoors skills through a wide range of challenging, participation-based activities and educational programs, the BSA's goal is to train youth in responsible citizenship, character development, and self-reliance. President Gerald Ford, a former Boy Scout himself once said, "I can say without hesitation, because of Scouting principles, I know I was a better athlete, I was a better naval officer, I was a better Congressman, and I was a better prepared President."

Part of the reason the Boy Scouts are so successful is because they live by a law and an oath that bind them to the quest for morality and brotherhood. Indeed, the Boy Scout Law is one we can all live by, "A Scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent."

Today we can all say for certain that the Boy Scouts of America have made our country stronger, braver, and more optimistic, as many of its politicians, astronauts, businessmen and other hard-working citizens grew up in the organization—including my own sons.

It is a sincere pleasure to stand with the Boy Scouts today, and recite an Oath which for 100 years has marked our Nation:

"On my honor, I will do my best
To do my duty to God and my country;
To obey the Scout Law;
To help other people at all times;
To keep myself physically strong, mentally awake and morally straight."
Congratulations, Gentlemen!

LORENA GONZALEZ HONORED AS
2010 LABOR LEADER OF THE YEAR!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. FILNER. Madam Speaker, I rise today to recognize a very hard worker and devout labor leader in southern California.

Lorena Gonzalez will be honored as the 2010 Labor Leader of the Year at the 28th Annual John S. Lyons Memorial Banquet in San Diego on September 11, 2010.

In January of 2008, Lorena Gonzalez became the secretary-treasurer and CEO for the San Diego and Imperial Counties Labor Council, AFL-CIO. The Labor Council is a coalition of 129 local unions that represent more than 192,000 working families in the region. Upon her election, Lorena became the first woman and first person of color to serve as head of the Labor Council since the organization's inception in 1902.

The daughter of an immigrant farm worker and a nurse, Lorena learned the value of hard work and determination at an early age. After graduating from Vista High School in North San Diego County, she earned a bachelor's degree from Stanford University, a Master's degree from Georgetown University and a law degree from UCLA.

Prior to coming to the Labor Council, Lorena worked as the Senior Advisor to the office of the Lieutenant Governor of California. She served as a consultant to the Commission on Economic Development, and was the Lt. Governor's principal advisor on policy issues dealing with labor, the environment, energy, and infrastructure.

A member of the International Brotherhood of Teamsters Local 36, Lorena worked as the Labor Council's Political Director before being elected Secretary-Treasurer. She currently serves on the Board of Directors for the California League of Conservation Voters San Diego, the Center for Policy Initiatives, the Environmental Health Coalition, and the United Way of San Diego. Lorena also serves on the Executive Council of the state California Labor Federation as a Vice President and on the AFL-CIO Central Labor Council/California Federation's Advisory Board.

Nonetheless, Lorena's most cherished title is that of mother. She lives in Pacific Beach with her two children—Tierra and Antonio.

HONORING DR. RICHARD BURNEY
ON HIS RETIREMENT FROM THE
UNIVERSITY OF MICHIGAN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. DINGELL. Madam Speaker, I rise today to honor Dr. Richard Burney, who will be retiring from the University of Michigan after 25 years of distinguished teaching. Dr. Burney has provided exemplary service to the citizens of the State of Michigan through his tireless dedication both to treating acutely injured patients and to training physicians in trauma care through the direction of Advanced Trauma Life Support, ATLS, education at the University of Michigan.

Dr. Burney's service to the citizens of the State of Michigan in the development of emergency and trauma care has spanned the past three decades. Since May 1982, Richard has provided ATLS in the State of Michigan and has directed over 133 ATLS courses instructing thousands of Michigan physicians in the

principles and practice of caring for the acutely injured patient. Richard's efforts earned him recognition from the American College of Surgeons, ACS, as State and Regional ATLS faculty in 1988.

As a member and subsequent chairman of the Michigan ACS Committee on Trauma between 1988 and 1994, Dr. Burney provided leadership in shaping improved quality and access to care initiatives for acutely injured patients in the State of Michigan. During his tenure on the National ACS Committee on Trauma between 1994 and 2004, Dr. Burney participated in the development of the National Trauma Data Bank, which created the largest repository of data on the injured patient and enabled objective comparative research in Trauma.

Dr. Burney has authored 95 articles and book chapters regarding the care of the injured patient and has served on the Editorial Boards of the Journal of Trauma and The Annals of Emergency Medicine for 14 years each. Between 1985 and 2009, Dr. Burney served as chief of the Division of Emergency Services, medical director of the Survival Flight team, and executive committee of the Transportation Research Institute at the University of Michigan.

With accidental injury remaining the cause of the largest number of years of productive life lost in the United States, Dr. Burney's remarkable contribution to the expert treatment of acutely injured patients has saved countless lives. As a preeminent physician and professor, Dr. Burney has shared his knowledge selflessly and has worked to advance a crucial medical field. Please join me in celebrating Dr. Burney's achievements and in recognizing his legacy of excellence, which will continue to touch patients and students of medicine alike for years to come.

HONORING LONNIE BRAXTON, STUART ENGLISH, AND CHRISTOPHER DUNCAN

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. COURTNEY. Madam Speaker, I rise today to honor three incredible athletes from eastern Connecticut. Lonnie Braxton III of New London, Stuart English of Madison, and Christopher Duncan of Groton all competed in the 2010 Special Olympics National Games in Lincoln, Nebraska earlier this month. These three tennis players, along with every other member of Connecticut's team, made our State proud by bringing tough competition to their opponents and exemplifying sportsmanship.

I want to congratulate Lonnie in particular for winning the gold medal in the singles competition. He went undefeated in the division and gave an incredible performance over the course of the games. Lonnie's victory is the product of hard work and a great deal of training in Connecticut. All of this training happened as Lonnie continued with his classes and work at Puffins restaurant in Groton. I have had the pleasure of eating at Puffins and Lonnie is very hard-working and pleasant for

all the customers. What a great role model for us all.

Stuart and Christopher also took home medals playing tennis for Connecticut—winning bronze and silver in singles, respectively. The Connecticut tennis team gave an excellent performance and I am particularly proud of the strong eastern Connecticut contingent on that team.

Having attended ceremonies and events of Special Olympics Connecticut, I am familiar with the good work they do. These competitions are, above anything else, about the athletes who participate in them. We should be grateful for the unique opportunity they provide and the overwhelmingly positive impact that the competitions have on the lives of the athletes. I ask my colleagues to join me in congratulating Lonnie, Stuart, Christopher, and every member of the Connecticut tennis team for their hard work and victory at the National Special Olympics.

RECOGNIZING THE PROGRESS AND
INSPIRATION OF NASA

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. GRAYSON. Madam Speaker, I rise today to honor the incredible innovations and inspiring achievements of NASA on the 52nd anniversary of their founding. As the world's space pioneers, NASA has pushed the boundaries of the possible, contributing significant scientific discovery along the way.

NASA was established when President Eisenhower signed the National Aeronautics and Space Act 52 years ago today. Soon after, NASA sent the first U.S. astronaut into space through Project Mercury—Alan B. Shepard, Jr., and shortly thereafter, John Glenn became the first U.S. Astronaut to orbit the earth. NASA built upon this success with Project Gemini, collecting information on weightlessness, space docking, reentry, and executing spacewalks. Finally, in 1969, Project Apollo fulfilled President Kennedy's bold ambition to send a man to the moon before the end of the decade. We all watched as Neil Armstrong took mankind's first steps on the moon and affirmed America's place as the technological leaders of the modern world.

In words that were as poetic as the occasion was meaningful, Armstrong said, "That's one small step for a man, one giant leap for mankind." Buzz Aldrin quickly joined Armstrong on the moon as Michael Collins continued to circle overhead. I was 11 years old that day. I joined people everywhere in watching and celebrating this tremendous collective accomplishment. I remember it clearly. My family was on vacation, but I had persuaded my parents to let me stay in the hotel room alone all day to watch the television, so I could see these giant men take those giant steps. Their mission was a landmark moment for America, for the world, and for all time. Americans are still inspired by these men and their mission to travel over 250,000 miles of dead space to reach our closest celestial neighbor. I remember thinking then that humankind as a species

is capable of true greatness. While wolves howl at the moon, humans visit it.

NASA has conducted many more space flights since that historic day, and it constantly strives to contribute to humanity's knowledge of the universe and ourselves. It inspired a generation to pursue careers in science and engineering, and to believe in the power of American society. Alone in that hotel room, watching TV, I certainly felt a lasting sense of meaning—a connection to those three brave astronauts. Those astronauts represented, in that moment, America's destiny. A destiny shared by the thousands of men and women who worked to make it happen.

NASA's efforts continue today, but their legacy is already assured. From inspiring children to dream to inventing the water filter, NASA has shaped American society in ways we can hardly begin to count. In this, the most competitive, technology-oriented century man has ever known, we are lucky to have an institution like NASA. An institution that will continue to spur us to achieve what was once thought impossible.

Central Florida is proud of NASA and all that it has done. As a member of the Science and Technology Committee, I have great respect and admiration for NASA's contributions to space exploration. NASA has been, and continues to be, a positive and productive force for the advancement of our Nation's interests. I look forward to watching as they continue to carry us into the future.

BEN HUESO HONORED WITH 2010
COMMUNITY SERVICE AWARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. FILNER. Madam Speaker, I rise today to honor a very dedicated public servant on the San Diego City Council. City Council President Ben Hueso considers quality of life issues such as job creation, neighborhood livability and protecting the environment his top priorities this year. Since his 2006 election to the San Diego City Council, Hueso has advocated for District Eight constituents and the city as whole as a Councilmember, developing an open, consensus-building management style. As Council President, he schedules items for consideration by the Council, chairs Council meetings, and selects committee chairs and committee vice-chairs for approval by a Council majority.

In addition to serving as Council President, Hueso chairs the Rules, Open Government and Intergovernmental Relations Committee, serves on SANDAG's Borders Committee, and as First Alternate for SANDAG's Executive Committee. He is San Diego County's representative for the League of California Cities and sits on the Otay Valley Regional Park Policy Committee. Hueso recently completed his service as a Commissioner on the California Coastal Commission, where he helped protect California's coastal resources.

Prior to becoming a Councilmember, Hueso successfully owned and operated a small business in Logan Heights. His strong community

advocacy includes service as a member of the Policy Chief's Advisory Committee, founding the central Commercial District Revitalization Corporation, belonging to the Inner City Business Associations and serving as a board member for the Sherman Heights Community Center.

Hueso holds a bachelor's of arts degree from the University of California, Los Angeles; he also completed postgraduate work in Community and Economic Development at San Diego State University. He and his wife, Laura, live in Logan Heights with their four young sons.

I am happy to join in honoring San Diego City Councilman Ben Hueso with the Community Service Award presented to him at the 28th Annual John S. Lyons Memorial Banquet in San Diego on September 11, 2010.

THE NATIONAL DAY OF RECOGNITION FOR PARENTS OF SPECIAL
NEEDS CHILDREN RESOLUTION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. BURTON of Indiana. Madam Speaker, I rise today to introduce a resolution in support of a national day of recognition for parents of special needs children. I am honored to have had the opportunity to work with my good friend Representative TURNER from Ohio in sponsoring this resolution. I encourage all of my colleagues to support it.

Children with special health care needs are defined as those children who have a chronic physical, developmental, behavioral, or emotional condition that requires special health-related services of a type or amount to go above and beyond what is generally required for children. The Department of Health and Human Services' most recent National Survey of Children with Special Health Care Needs estimates that 14 percent of children between the ages of 0 and 17 in the United States are diagnosed as having special health care needs.

As many in this Chamber already know, I am active in promoting autism awareness and advocating for more research; my only grandson is autistic and I have taken it upon myself to learn about autism and the challenges families face living with autism. Parents serve a critical role in the development of special needs children and in preparing them to succeed in school and life. All too often, children with special needs require specialized services that go well beyond those required by children generally. I believe the time has come to recognize the selfless dedication, compassion, and sacrifice of these parents.

The resolution is simple. It calls for recognition of the importance of honoring the Nation's parents of special needs children; that a National Day of Recognition for Parents of Special Needs Children should be established to honor such parents; and urges the President to issue a proclamation calling on the people of the United States to observe such a day with appropriate ceremonies, programs, and activities.

Again, I would like to encourage all of my colleagues to co-sponsor this critically important resolution.

SOCIAL SECURITY TURNS 75

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. GEORGE MILLER of California. Madam Speaker, in just a few weeks, we will celebrate the 75th anniversary of the enactment of the Social Security Act.

Americans have benefitted greatly from this extraordinary program over the past 75 years. In fact, almost half of today's elderly would live in poverty without it. It is the most successful domestic program in our nation's history.

There can be no better time to renew our commitment to defend this program, to reinvigorate it and to do everything we can to ensure that Social Security is funded, solvent, and available for generations to come.

From its very inception, Social Security was a promise of economic security and stability for older Americans after a lifetime of hard work. Over the years, that promise has been strengthened to protect Americans in case of severe disability and the death of a breadwinner as well. Year after year, Social Security continues to deliver on that promise. For three-quarters of a century, through 13 recessions, Americans have been able to depend on benefits that arrive on time and in full.

More than 50 million Americans rely on Social Security now. Six in 10 seniors rely on Social Security for more than half of their income. And more than 6 million children—nearly one in 10—receive part of their family income from Social Security.

For 75 years, we have stood by the program that we created: strengthening it in the 1950s and '60s, and preserving its solvency in the '70s and '80s. Now, as we all know, the retirement of the Baby Boom generation will create new and real challenges for Social Security. And we need to respond to those challenges with innovative solutions that guarantee the system's long-term strength for generations to come.

But make no mistake, opponents of Social Security have not given up their effort to undermine this great program. Republicans in Congress continue to deliberately exaggerate the system's problems in an attempt to scare the public into supporting the radical idea of privatizing Social Security.

The Senior Republican on the House Budget Committee, for example, unveiled his Party's plan to eliminate Medicare and privatize and cut Social Security, rehashing the failed policies that President George Bush tried to carry out but was stopped, thanks to Democratic opposition in Congress.

According to the Washington Post, "Some GOP lawmakers also have endorsed [Rep. PAUL] RYAN's alternative budget plan, which would wipe out deficits in part by privatizing social security and replacing traditional Medicare benefits with an insurance voucher for people age 55 and older."

Their strategy poses a risk to all Americans, and experts concur that privatizing Social Security will not solve the challenges facing the system.

The recent economic meltdown on Wall Street reinforces the folly of trying to tie the

Social Security Trust Fund to the ups and downs of a volatile stock market. When the market crashed in 2008, investors lost 30 percent or more of their savings. Social Security recipients didn't lose a nickel in benefits. Had previous efforts to privatize Social Security succeeded, seniors would have lost trillions more in the recent stock market meltdown and economic recession. The American people deserve the income security they have earned.

In the wake of the current economic crisis, Social Security is more important than ever. Social Security was created at a time when the American economy had crumbled and was struggling to recover. Pensions were almost non-existent, and a majority of seniors were unable to support themselves after retirement. Thanks to Social Security, millions of seniors today can live their lives with dignity and independence instead of poverty and despair.

In December of this year, the President's Bipartisan Commission on Fiscal Responsibility will release recommendations on meaningful ways to improve America's long-term fiscal outlook, including the future of Social Security. I look forward to reading the report and reviewing their recommendations to ensure that Social Security is strengthened, not weakened.

As we approach August 14, the date of the 75th anniversary of Social Security, we can all be grateful for the creation of this program and we can all rededicate ourselves to ensuring its continued success. I remain committed to preserving Social Security's guaranteed, lifelong, inflation-protected insurance benefits for retirees, disabled workers and their families, and the survivors of deceased workers for generations to come.

CONGRATULATING SAVAGE PRECISION FABRICATION, INC. FOR 2010 UNITED STATES SMALL BUSINESS ADMINISTRATION SUBCONTRACTOR OF THE YEAR

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. SAM JOHNSON of Texas. Madam Speaker, it is my pleasure to recognize Savage Precision Fabrication, Inc. of Wylie, Texas.

Founded by W.T. and JoAnn Gardner in 1975, and still run by the couple today, Savage Precision has been named the 2010 Subcontractor of the Year by the United States Small Business Administration, SBA. This is the fourth time that the company has earned a prestigious designation from the SBA.

As a top-notch manufacturer of precision-machined and sheet metal components, Savage serves a number of major aerospace and defense contractors, as well as high-tech corporations. In fact, the company proudly supplies F-35 Joint Strike Fighter parts to Lockheed-Martin, playing a crucial support role for our Armed Forces.

Service to country has always been a priority at Savage Precision. The company's founder and CEO, W.T. Gardner, is a United States Army veteran. He and JoAnn grew their

company through their belief in the American principles of honesty, loyalty, and hard work. From the moment they opened the doors of Savage Precision, the couple's company motto was, "If it doesn't work, you don't have to pay me." That's fair, that's right, and that's true commitment to excellence.

As the company continues to excel, I am honored to congratulate the Gardners and the many outstanding employees of Savage Precision Fabrication, Inc. The award-winning title you've received from the Small Business Administration this year is hard-earned and well-deserved.

God bless you, and I salute you.

MEMBER-DESIGNATED TRANSPORTATION AND INFRASTRUCTURE PROJECTS DATABASE INITIATIVE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. OBERSTAR. Madam Speaker, I rise today to announce a new initiative to promote transparency and accountability with regard to Member-designated projects within the jurisdiction of the Committee on Transportation and Infrastructure: a searchable database of all Member-designated projects included in Committee on Transportation and Infrastructure bills.

On the first day of the new Democratic majority of the 110th Congress, under the leadership of Speaker NANCY PELOSI, the House of Representatives adopted Rules to institute specific requirements with regard to Member-designated projects: congressional earmarks, limited tax benefits, and limited tariff benefits. See clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives of the 111th Congress. For each Member-designated project, a Member of Congress must certify that neither the Member nor his or her spouse has a financial interest in the project. See clause 17 of rule XXIII. In addition, each committee report on a bill must identify any congressional earmarks included in the bill. These transparency and accountability requirements also apply to manager's amendments and Conference Reports. As Chairman of the Committee on Transportation and Infrastructure, I have vigorously enforced these rules.

In addition, in the interests of full disclosure, transparency, and accountability, the Committee on Transportation and Infrastructure, at my direction, requires Members of Congress to comply with all of the requirements of clause 9 of rule XXI and clause 17 of rule XXIII, even if the earmark rules do not apply, if the Member of Congress requests that the Committee take legislative action targeted to a specific State, locality, or Congressional district. For instance, the Committee requires Members to certify requests for corrections to descriptions of previously designated projects, such as corrections to high-priority projects that were included in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users—Technical Corrections Act

of 2008 (P.L. 110-244), even though the corrections do not involve any new funding. See Committee Print 110-175. The Committee also requires Members to certify requests for General Services Administration, GSA, Capital Investment and Leasing Program Resolutions, GSA Public Building Project Survey Resolutions, and U.S. Army Corps of Engineers Survey Resolutions, even though congressional earmark rules do not apply to these Committee actions.

In the 111th Congress, we have built upon these efforts. Member-designated projects can play an important role in certain programs, such as the Federal-aid highway program. They provide constituents with a chance to weigh in directly with their elected officials on their community priorities, and allow Members an opportunity to advocate for surface transportation and mobility improvements that may be overlooked by a State Department of Transportation. Yet, it is also necessary to use a commonsense approach to dealing with projects that are complete or no longer viable. Earlier this week, on July 27, 2010, the House passed, by a vote of 394-23, H.R. 5730, the "Surface Transportation Earmark Rescission, Savings, and Accountability Act", introduced by the gentlewoman from Colorado, Ms. MARKEY, to clear the books of projects that will not go forward and save taxpayer money. The bill eliminates a total of \$713 million in unobligated funding for 309 Member-designated projects contained in four previous surface transportation acts enacted over the past two decades. Similarly, during consideration of H.R. 4715, the "Clean Estuaries Act of 2010", in the House in April of this year, I offered an amendment, which the House adopted, to strike the statutory earmarks included in the National Estuary Program under current law.

In addition, the Committee has adopted a series of Member-designated project reform principles to further promote transparency and accountability. The Committee requires Members of Congress to:

Provide specific information on the type, location, total cost, percentage of total cost of the project, that the request would finance, and benefits of the project;

Provide at least one letter of support for the project from state or local government agencies; certify that neither the Member nor his or her spouse has any financial interest in a project requested; and

Post requests for projects on the Member's website.

Today, the Committee on Transportation and Infrastructure takes another step in its continuing effort to provide unparalleled transparency and accountability of Member-designated projects. We launch a searchable database of all Member-designated projects included in Committee on Transportation and Infrastructure bills in the 110th and 111th Congresses.

The Member-designated projects database, located on the Committee on Transportation and Infrastructure website, includes the ability to search Member-designated projects by Member of Congress, State, Congressional district, bill, bill title, and amount. Each Member-designated project includes an electronic copy of the individual "no financial interest" certification of the Member of Congress and,

beginning with H.R. 5892, the "Water Resources Development Act of 2010", a copy of a letter from the state or local government expressing support for the project. Finally, the Committee makes copies of all Member-designated project requests available in the Committee office.

As Chairman, I am deeply committed to transparency and accountability in all of the activities of the Committee on Transportation and Infrastructure. I look forward to working with public interest groups to endeavor to find even more ways to shine a light on the actions of our Committee.

HUGH HAZELWOOD RECOGNIZED AS 2010 FELLOWSHIP HONOREE!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. FILNER. Madam Speaker, I rise today to recognize Hugh Hazelwood, the Vice President of New Business Development for LIBERTY Dental Plan located in Irvine, California. Together with his wife, Marsha, they strive to provide quality union negotiated benefits to union members throughout California and Nevada.

Liberty Dental Plan is currently 700,000 members strong and employs union members to take care of their brothers and sisters concerns and needs.

Hugh started his working career at a very young age in the family business in Albuquerque, New Mexico. Hugh learned early on that success is equated to giving back to worthwhile charities and the community and dedication to his employer.

Hugh's past volunteer endeavors have included The Association for the Research of Childhood Cancer, The Leukemia Society, and various food banks. He currently serves as a Vice President on the Board of Directors for Guide Dogs of America.

Marsha and Hugh were married on Valentine's Day in 1998, and enjoy working together. Liberty Dental Plan allows them the time and resources to give back to the community.

For his many years of dedicated service to the organized labor movement and to our community, I am pleased in joining others to honor Hugh Hazelwood as the Fellowship Honoree at the 28th Annual John S. Lyons Memorial Banquet in San Diego on September 11, 2010.

CONGRATULATIONS TO AMERICAN LEGION LEON OGIER POST NO. 2

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. SKELTON. Madam Speaker, it has come to my attention that on August 7, 2010, the American Legion Leon Ogier Post No. 2 will celebrate the 100th anniversary of the construction of Memorial Hall, a place the post

has called home since 1922. This sturdy building befits an organization that has provided unwavering service to the Nevada community for more than 8 decades.

Completed in 1910, Memorial Hall was originally constructed by the citizens of Vernon County to be the home of Company G of the Fifth Regular Missouri National Guard, the company that ably fought in the Spanish-American War. Twelve years later, the building was deeded to the American Legion Leon Ogier Post No. 2 and was renamed Memorial Hall.

It is fitting that a structure which has stood the test of time bears the name Memorial Hall. This building and the American Legion post housed within are enduring testaments to the men and women who lost their lives in defense of our country and to those who have returned from battle to once again serve our communities. While our Nation's veterans may stop wearing the uniform of the Armed Forces, these brave men and women never stop serving. And, it's comforting to know that the American Legion is dedicated to providing support and stability to these veterans.

The Leon Ogier Post No. 2 has become a fixture of the Nevada community. From the annual kids Christmas program, a tradition that dates back to 1922, to the meal delivery program during the holidays, this post has set a high standard of service. The fabric of the community is strong due in no small part to the Leon Ogier Post No. 2.

Madam Speaker, on the occasion of the 100th anniversary of the construction of Memorial Hall, let us all take a moment to thank our veterans and the organizations that support them. As we celebrate this important milestone, I trust my fellow members of the House will join me in wishing the American Legion Leon Ogier Post No. 2 the very best in the next 100 years.

CHINA'S UTTER DISREGARD FOR BASIC HUMAN RIGHTS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. WOLF. Madam Speaker, I submit an AFP article detailing a tragic story which illustrates the Chinese government's callousness and utter disregard for basic human rights.

AFP reports that China repatriated an 81-year old former South Korean prisoner of war who fled North Korea literally decades after first being captured.

China regularly repatriates North Korean refugees, in violation of their international obligations oftentimes sending these individuals back to certain punishment and possible death. The Chinese government simply doesn't care.

CHINA SENDS S. KOREAN POW BACK TO N.
KOREA

SEOUL.—China has repatriated an 81-year-old former South Korean prisoner of war who had fled North Korea decades after being captured, a newspaper report and an activist said Tuesday.

Dong-A Ilbo quoted an unidentified government official as saying the man surnamed

Jung was sent back despite intensive diplomatic efforts by Seoul to bring him to the South.

A foreign ministry spokeswoman said she had no information.

"The government made tremendous diplomatic efforts but he was eventually sent back to the North," the source was quoted as saying.

South Korea had contacted Chinese diplomatic authorities more than 50 times since Jung's arrest, the daily said.

Choi Sung-Yong, an activist who campaigns for the return of South Korean abductees, said Jung was forcibly returned to the North in September last year, about a month after being arrested in China where he was hiding.

He said Jung was arrested eight days after he fled the North with the help of South Korean activists.

China repatriates escapees from North Korea as illegal immigrants even though they can face harsh punishment back home.

By Seoul's official account 494 South Koreans, mostly fishermen, were seized in the Cold War decades following the war. Seoul also says more than 500 prisoners of war were never sent home after the Korean War armistice was signed on July 27, 1953.

North Korea denies holding any south-erners against their will, even though some have managed to escape from the hunger-stricken country.

INTRODUCTION OF THE IMPROVING ACCESS TO MEDICARE COVERAGE ACT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. COURTNEY. Madam Speaker, today on the eve of Medicare's 45th anniversary, I rise to recognize the tireless work and fierce vigilance of an organization that has prioritized the care needs of Medicare beneficiaries, the Center for Medicare Advocacy, as well as bring to light a coverage issue that the agency has been worked on for years: lengthy hospital observation stays.

Earlier this summer, I had discussions with leaders of the Center for Medicare Advocacy about lengthy hospital observation stays which has inhibited care for Medicare beneficiaries. Excessive time on hospital observation status has been shown to create two potential problems for Medicare beneficiaries. First, prescription drugs administered in the hospital during an observation stay are not included in the inpatient deductible cap, which can easily become unaffordable for patients and their families if the medications are not included in the beneficiary's Part D formulary. Secondly, time spent on observation status in a hospital is not counted towards the three-day inpatient hospital stay required for the beneficiary to receive skilled nursing care. Both potential consequences create financial and care burdens for Medicare beneficiaries.

Earlier in the month, I met with the Renshaw family from my district that had been negatively affected by a lengthy hospital observation status. After falling and breaking his hip, Mr. Renshaw, an elderly Medicare beneficiary, was taken to a local hospital treatment

where he was subsequently put on observation status. He remained in the hospital for four days. After he was released, Mr. Renshaw required skilled nursing care for his rehabilitation. However, because Mr. Renshaw was placed on observation status instead of admitted officially as an inpatient, his time in the hospital did not count towards the Medicare three-day hospital stay required for skilled nursing care. His family was forced to write a check for nearly \$10,000 in order to get him the care that he needed because Medicare would not cover this benefit.

In response to the Center for Medicare Advocacy's vigilance on this issue and the experiences shared with me by the Renshaw family, I am introducing the Improving Access to Medicare Coverage Act. My legislation will fix this unfair component of Medicare law that arbitrarily differentiates between patients on inpatient versus observation status with obtaining necessary skilled care. The Improving Access to Medicare Coverage Act will count a beneficiary's time on observation towards the three-day hospital stay requirement for skilled nursing care. And while my legislation does not address the challenges associated with unaffordable out-of-pocket prescription drug and other costs associated with lengthy hospital observation stays, I look forward to working with the Center for Medicare Advocacy on finding a long-term solution to this urgent problem.

HONORING KATHLEEN SCHUERMANN

HON. STEVE DRIEHAUS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. DRIEHAUS. Madam Speaker, today I want to recognize the 100th birthday of someone who is not only a constituent of mine, but a woman very dear to my heart, my great aunt, Kathleen Schuermann.

Our family will soon gather to mark this occasion, and there's so much to celebrate. Over the past century, Aunt Kathleen has been a public servant in the State Liquor Department and Hamilton County Juvenile Sheriff's Department. She has been a ballet teacher to a generation of young dancers in Cincinnati. She has been a proud supporter of the Ancient Order of Hibernians, and a faithful parishioner at Holy Cross-Immaculata. She has been the loving mother of seven children, grandmother of 21, and great-grandmother of 36.

Though she was born ten years before women in America had the right to vote, Aunt Kathleen has her whole life embraced and extolled the importance of civic involvement. Whether working the polls or attending presidential inaugurations, advocating to save Cincinnati's streetcars or offering her own brand of political advice, Kathleen remains an example of the sort of concerned and active citizenship we too seldom see. As a public servant, I draw inspiration from her undimmed interest in governance and community.

We can be certain in coming weeks to see Aunt Kathleen at the Immaculata church fes-

tival or making the rounds at the Delhi Senior Center. And so, on her 100th birthday, we not only reflect on her life's journey thus far, but we look forward to the days ahead.

Happy birthday, Aunt Kathleen.

THE 170TH ANNIVERSARY OF ST. JOHN'S A.M.E. CHURCH

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. SCOTT of Virginia. Madam Speaker, I rise today to congratulate a storied institution of faith in the Third Congressional District. This year, Saint John's African Methodist Episcopal (A.M.E.) Church is celebrating its 170th anniversary, and I would like to highlight some moments from the history of the church and its contribution to our community.

St. John's was organized in 1840 within the old Cumberland Street Methodist Episcopal Church in Norfolk. The land where the church now stands was purchased for just \$450 in 1848. The church disconnected from the Methodist Episcopal Church in 1863 and was formally received into the African Methodist Episcopal Church in 1864. Elder John M. Brown was the Church's first pastor.

The church grew rapidly. Additional land to erect a parsonage was bought in 1865, and the church was enlarged twice between 1868 and 1888. In 1888, the present church building on Bute Street was erected. St. John's exterior has stood nearly unchanged since then.

St. John's flourished in Norfolk during the turn of the century. The church was the first African-American congregation in Norfolk to install a pipe organ. The parsonage was completed, and in 1908 St. John's had reached such a level of prominence as to host the General Conference of the entire African Methodist Episcopal Church.

St. John's continued to grow in the early twentieth century. Its membership grew to over 1000, and two new churches grew from it. This rapid growth helped the church burn its mortgage after just 46 years in 1915. Along with its internal growth, St. John's was also active in the community. The church established the first African-American Boy Scout Troop in Norfolk in 1930 and the first African-American Girl Scout Troop in 1935.

The growth of St. John's in the second half of the century mirrored our country's growth. The church building underwent a massive renovation in 1956. The church's growth helped it to pay off the mortgage of the parsonage, install air conditioning, and buy buses, pianos, organs and robes for new choirs.

Over the last 25 years, St. John's has continued to both grow and stay relevant in the community. The church has started many new ministries to address the needs of both its members and its Downtown Norfolk neighborhood. An education building conceived earlier was finally built, and the church created a Social Service Outreach Program, the Hope Outreach Ministry, and the Medical and Wellness Ministry. In 1986, St. John's A.M.E. was registered as a Virginia Historic Landmark. St. John's has taken care to develop programs for

the next generation of its members, recently revitalizing its Children's Choir, and establishing both a Nursery and Young Adult Choir.

St. John's has had numerous pastors over its history, and many members have left St. John's to enter the priesthood and to preside over congregations of their own. In addition to First Pastor Rev. Brown, a selected list of pastors includes: Rev. W.D. Cook; Rev. J.R. Johnson; Rev. Walter L. Hildebrand; Rev. A.R. Powell; Rev. Walter C. Davis; Rev. L.W. Knight, Sr.; Rev. Larry S. Hinton; and the current pastor, Rev. John D. Burton.

As St. John's gathers to celebrate this historic milestone, the church can truly remember its past, celebrate its present, and focus on the future knowing in the words of Rev. Burton that "Everything is going to be alright!" I would like to congratulate Rev. Burton and all of the members of Saint John's African Methodist Episcopal Church on the occasion of their 170th anniversary.

TRIBUTE TO NELLE HARPER LEE
AND THE 50TH ANNIVERSARY OF
HER PULITZER PRIZE WINNING
NOVEL "TO KILL A MOCKING-
BIRD"

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. ADERHOLT. Madam Speaker, July 2010 marks the 50th Anniversary of Nelle Harper Lee's novel "To Kill a Mockingbird."

First published on July 11, 1960, "To Kill a Mockingbird" has since sold over 30 million copies and has been published in over 40 languages.

During the past 50 years the world has seen many changes but one thing still remains constant—"To Kill a Mockingbird", the novel that inspired children and adults in 1961 is still inspiring a new generation of children and adults today. Few novels have such timeless and universal appeal.

"To Kill a Mockingbird" has received numerous awards including the Pulitzer Prize in 1960 and the film adaptation received three Academy Awards and three Golden Globe Awards in 1962.

The Mockingbird Players, an amateur theater group, perform the dramatization of "To Kill a Mockingbird" every April and May in Monroeville, Alabama, Lee's hometown. The players have performed at both home and abroad including performances in Chicago, Washington, D.C., the United Kingdom and Israel.

One of the novels best known quotes is, "Lawyers, I suppose, were children once." This quote and her character, Atticus Finch, have inspired lawyers for the past 50 years, including myself.

For those who have read "To Kill a Mockingbird" you may remember Scout's first grade teacher was Miss Caroline Fisher. On Scout's first day at school, Miss Caroline Fisher introduced herself proudly saying, "I am Caroline Fisher. I am from North Alabama, from Winston County." Being born and raised in Winston County, which is a small rural county in

North Alabama. I remember being surprised to see my home county mentioned as I first read the book as a law student at Samford University's Cumberland School of Law. From that day forward "To Kill a Mockingbird" has been a favorite of mine, not only because my home county was mentioned but most importantly because the message the book articulates.

Nelle, as she is affectionately known by her friends, was awarded the Presidential Medal of Freedom on November 5, 2007 by President George W. Bush.

Besides "To Kill a Mockingbird," Lee also penned "Christmas to Me" and "When Children Discover America" for McCall's Magazine in the 1960s.

Miss Lee is a national treasure and I am proud to cosponsor and vote for Mr. BONNER's resolution, H. Res. 1525, honoring the 50th anniversary of "To Kill a Mockingbird."

THE BOY SCOUTS OF AMERICA

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. REICHERT. Madam Speaker, I rise today in recognition of the 2010 National Scout Jamboree that concluded at Fort A.P. Hill, near Fredericksburg. Thousands upon thousands of Boy Scouts, Troop masters, and other staff and family descended on the greater DC area to join together and celebrate the 100th Anniversary of the Boy Scouts of America.

Madam Speaker, the Boy Scouts of America make positive contributions in every community around the United States. Boy Scouts volunteer many hours to improve their communities, enhance the environment, and help those in need. In their dedication to service to others, Scouts never shy away from a challenge.

I trust the Jamboree that just concluded was a successful and joyous one, Madam Speaker. The Boy Scouts of America, as an organization, has a lot to be proud of and celebrate. Every former and current Scout should be proud of their contributions to humanity and their community. The Jamboree encouraged participants to "Be Prepared" as they anticipate the challenges of life and continue to act as leaders at home and school. Ultimately, Madam Speaker, the Jamboree "Inspire[d]" every participant to return to their home, troop, chartered organization, and community telling the story of the freedom that is ours and the greatness of the United States of America."

I want to offer my heartfelt congratulations to the Boy Scouts of America on their very special 100-year milestone. Madam Speaker, the Boy Scouts of America prepare our young men for lives of leadership and selflessness. I applaud the organization for its longevity and commitment to service.

HONORING THE SWISHER FAMILY,
ARKANSAS FAMILY OF THE YEAR

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. BOOZMAN. Madam Speaker, I would like to recognize the Swisher family, who have been named Arkansas Family of the Year by the state Knights of Columbus council.

Brian and Gail Swisher have persevered and sacrificed to allow their son Michael the opportunity to accomplish his dreams and goals, specifically gaining Eagle Scout status, despite his cerebral palsy, which he was diagnosed with at birth. The Swisher family truly deserves recognition for being the Knights of Columbus Family of the Year because of their resiliency and passion in teaching their son that no matter what physical condition he is in, he can still accomplish whatever he tries at, even though he has been confined to a wheelchair since he was a little boy.

Michael Swisher is an inspiration to all of us with his determination to overcome his ailment and complete the tasks necessary to become an Eagle Scout. Michael Swisher and the entire Swisher family are an inspiration and a heartfelt story that should be commemorated throughout the nation for their passion, commitment and desire. They truly are deserving of the recognition Arkansas Family of the Year.

COMMENDING BILL DAVIS FROM
TIFTON, GEORGIA

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. KINGSTON. Madam Speaker, today I rise to commend Bill Davis from Tifton, Georgia.

For 20 years, Bill Davis owned a Sonny's barbeque franchise in Tifton, Georgia. After his 22-year license for the franchise expired in 2007, Mr. Davis met with corporate officials to discuss a new condition of their agreement. The company asked Davis to initiate the selling of beer, wine, and liquor drinks in the restaurant in order to fully comply with corporate standards. Davis refused, claiming that his restaurant was family-oriented and suggesting that the initiation of alcoholic sales could detract from the family environment. It was the first of a philosophical divergence. More would come.

On October 18, 2008, an individual from the corporate office visited the establishment. There, he found the employees wearing white T-shirts with an American flag logo and the words "I Pledge . . . I Pray" written on them. He also noticed a Jesus souvenir sitting behind the counter. The patrons and staff of the restaurant were accustomed to the display, claiming that it allowed them to exhibit their patriotism and religious affiliation. The corporate employee, however, was less than pleased, perceiving the actions as a breach of the conditions and the typical practice of the

franchise owners. An extension on license agreement was signed, and both parties agreed to extend through November 30, 2009.

This past October, Davis received a letter stating that his franchise agreement would end on December 31.

Rather than altering the atmosphere of his establishment to conform to the politically correct request of the corporation, Davis decided to "stand up for God" and continue the demonstration of his beliefs, despite the attempts of the company to silence them, so he parted ways with Sonny's. True to his word, he stuck with his convictions, and the display of American patriotism and religious faith are still a part of the restaurant's atmosphere today.

While the basic restaurant has changed, Mr. Davis is no longer a franchise owner, but a sole proprietor. The restaurant is now called "The Smokehouse Restaurant." Davis affirms that, aside from the name change, everything at the establishment will remain in place. I commend Bill Davis for "standing up for God," and I also support Sonny's right to set the rules for their franchise. They have a contractual right to set the rules, but sometimes, as businesses grow and become prosperous, they have to play it safe, conforming to political correctness and avoiding anything that could potentially raise an eyebrow. Thus, the straightjacket of public opinion and the murky center of legal conformity play an increasing role in decision-making. Some corporations, such as Graco, Domino's, and Chick-fil-A, have stood tall and should be commended.

The decision to run family friendly and patriotic operations is what makes America thrive. It seems as if Davis' decision to stick to these values will likely pay off, as many local patrons have insisted that they will continue to dine at the restaurant on a regular basis.

HONORING RUDY AND EVA LEON
AND LONNIE AND MARILYN KILGORE

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. GRIJALVA. Madam Speaker, I rise today to recognize the unyielding commitment of two families to caring for and improving the lives of foster care children in Arizona.

Rudy and Eva Leon have been licensed foster care parents for 45 years and were recently honored by former Governor Janet Napolitano for being the longest serving foster parents in the state of Arizona. They have spent the past 17 years serving the children of Devereux Arizona. The Leons have selflessly provided over 200 children with a safe and loving home environment.

Lonnie and Marilyn Kilgore began their service assisting foster care children in the Juvenile Court Foster Care Program of Arizona. Since that time, they have been licensed with Devereux for the past 16 years, during which they have cared for 47 children.

Foster care parents such as the Leons and the Kilgores recognize that all children deserve a home that will shelter them from the trauma and stress of their young lives. These

families have made it their mission to provide these children with the opportunity to move on from their often difficult pasts and benefit from caring and supportive guardians. This foundation truly creates the groundwork for a meaningful, enriching life.

Organizations like Devereux have proven enormously successful at changing the lives of some of our state's most at-risk youth, helping them find stable homes and setting thousands of children on the right path in the face of tremendous difficulty.

I would like once more to thank Rudy and Eva Leon and Lonnie and Marilyn Kilgore for their hard work, deep commitment and determined sacrifice to the children of Arizona. Their long-standing dedication to the future of children and impact on their communities are an example of selfless dedication to us all.

HONORING CARL MESCHER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. SHIMKUS. Madam Speaker, I rise today to honor Carl Mescher of Metropolis, Illinois. Mr. Mescher will turn 90 on August 12, 2010. A reception to celebrate his birthday is being held in Metropolis on August 8, 2010.

Mr. Mescher grew up on the family farm, where he still raises cattle and crops. He served in the United States Navy from June 1940 to July 1946, where he achieved the rank of Chief Petty Officer. He was assigned to the USS *Pennsylvania*, which was in Pearl Harbor on December 7, 1941. Mr. Mescher manned the telephone connected directly to the bridge during the attack.

On December 20, 1941, the USS *Pennsylvania* was sent to San Francisco for repairs of damage caused during the attack with Mr. Mescher on board. He then served as an observation plane radioman-gunner and participated in missions to retake the islands. He was awarded the Air Medal for courageous action in the Pacific theater at Makin, Kwajalein, and Eniwetok Atoll.

I am honored to thank Mr. Mescher for his service to our nation. May God bless him with continued health and happiness.

HONORING THE LIFE OF LORENZEN WRIGHT

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. COHEN. Madam Speaker, I rise today to honor the life of Memphian and NBA star Lorenzen Wright. Mr. Wright was born in Memphis, Tennessee and attended the historic Booker T. Washington High School. After graduating, he attended the University of Memphis where he helped lead the team to the "Sweet Sixteen" in the 1995 NCAA tournament. While there, he was selected Third Team All-American by the Associated Press and earned the nickname "The Howl" be-

cause of his tendency to yell after exciting plays.

In 1996, after playing two seasons for the Memphis Tigers, Mr. Wright entered the NBA draft and was selected 7th overall by the Los Angeles Clippers. After three seasons with the Clippers, he played for the Atlanta Hawks for two years before returning home to play for the newly relocated Memphis Grizzlies in 2001.

For Lorenzen Wright, playing for his hometown team at the professional level gave him a chance to play alongside some of the best athletes for the city he loved. During his tenure with the Grizzlies, he became an emotional leader of the team, bringing passion and dedication to each and every game. Friend and former NBA star Penny Hardaway recalled the fans' love for Lorenzen and how "he attacked the game every single night." After five seasons with the Memphis Grizzlies, he was traded back to the Atlanta Hawks and has since played for the Sacramento Kings and most recently the Cleveland Cavaliers until his retirement in 2009.

Off the basketball court, Lorenzen Wright was a devoted family man and a loyal friend. He is survived by six children, Lorenzen Jr., Loren, twins Lamar and Shamar, Lawson and Sofia, his parents Herb Wright and Deborah Marion and a host of family and friends. Lorenzen Wright's passing is a great loss to our city and the basketball world. I will miss him as a friend and appreciate all he did for Memphis.

HONORING DON EUCARIO BERMUDEZ

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, this month Colombia celebrates 200 years as a sovereign nation. As we congratulate our democratic ally and friend on its bicentennial, it is fitting that we also honor some of Colombia's finest, and among them, is Eucario Bermudez.

This distinguished journalist got his start as a broadcaster, radio host and General Director of Radio Caracol Colombia. While in Colombia, he also produced and directed various TV programs, earning him the "Premio Ondas de España" a prestigious award for journalism given by Spain. In 1981, he moved to Miami, expanding the radio station to the United States. He established Radio Klaridad, which later became Radio Calidad and is now a days the very popular Radio Caracol in South Florida. He has since been director of the station, which together with its sister station Radio Caracol Colombia, broadcasts news in both the United States and Colombia.

Don Eucario also oversees community relations for Radio Caracol, leads the news department, and continues to broadcast daily on his show "The Voice of the Community," as well as the noon news cast. He does so with true professionalism, honesty and a commitment to reporting the truth, always maintaining a fair and balanced approach.

What stands out most about Don Eucario is his activism and service to the community. He has been president of the Colombian American Chamber of Commerce, founded the Association of Colombian News Outlets and Journalists in the United States, the Colombian American Association, known as CASA, and the first ever Colombian Political Action Committee, COLPAC. He has published several works about the economy, small businesses, entrepreneurship and immigration, and has been recognized by various local governments and the Florida State Legislature for his service to the development of the Colombian American community in South Florida as well as his contributions in the field of journalism.

Although he has called South Florida home for nearly three decades, Don Eucario is still as passionate about his native Colombia as he is about the United States and works to ensure that the Colombian American community has a voice and that its needs are represented. Above all, he is committed to promoting democracy and speaking out for those who cannot express themselves as freely as he can.

I ask that you join me in thanking and honoring Eucario Bermudez, a fine journalist and friend, for his service to the community and his commitment to always speaking the truth.

HONORING THE FRANK L. MITCHELL POST 3335 OF THE VETERANS OF FOREIGN WARS

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. MICHAUD. Madam Speaker, I rise today to honor the Frank L. Mitchell Post 3335 of the Veterans of Foreign Wars as they celebrate their 75th anniversary.

The mission of Veterans of Foreign Wars is to honor the dead by helping the living, and the Frank L. Mitchell Post 3335 in Jay, Maine, has spent the past 75 years meeting this goal. Post members have honored their fallen comrades in the community and have strived to ensure that all veterans receive the benefits they deserve. The Post honors those who remain Prisoners of War or Missing in Action and ensures that the community never forgets the sacrifices of these service members and their families.

Post 3335 helps improve the civic engagement of its community by sponsoring the local Patriot's Pen competition. This essay writing competition is designed to foster patriotism by giving students in grades six, seven and eight the opportunity to write essays expressing their views on democracy. Additionally, their homecoming celebrations continue to provide Jay with occasions to come together as a community.

The people of Jay know firsthand the important role Post 3335 has played in the life of their town. Through their countless hours of volunteer work and remarkable commitment to our veterans, the members of Post 3336 have been a shining light to some of our nation's most deserving citizens.

Madam Speaker, please join me in congratulating the members of the Frank L. Mitchell Post 3335 as they celebrate their 75th anniversary and thanking them for their tremendous contributions to the Jay community and to the State of Maine.

HONORING MR. FABIO ANDRADE

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, this week Colombia celebrates 200 years as a sovereign nation. As we congratulate our democratic ally and friend on its Bicentennial, it is fitting that we also honor some of Colombia's finest, and among them, is Fabio Andrade.

Fabio is one of South Florida's most dedicated, selfless and tireless community activists. He leads the Colombian American community with conviction and commitment. He is a leading voice in urging the passage of a Free Trade Agreement between the United States and Colombia and is an advocate of strengthening the partnership between the two countries. Fabio understands that as the hemisphere's leading democracies, Colombia and the United States are positioned to make an impact through trade, the creation of jobs and a steadfast commitment to spreading democracy throughout Latin America.

Fabio is committed to ensuring that the needs of our diverse community are met, the voice of South Florida is heard throughout the various levels of government and that Hispanics have opportunity for growth and success. He has set forth to empower individuals, strengthen families, create networks, and bring within reach opportunities for others.

For more than 20 years, Fabio has been instrumental in the creation of work training centers across South Florida, providing support for small businesses and assisting new business owners. As a founder and the CEO of The Americas Community Center, a non-profit organization, he has created a network of support and guidance for immigrants and minorities as they enter the workforce. Fabio himself was able to achieve his success through hard work and dedication, and it is those values which he strives to instill in others.

Fabio's work and his love of service embody the true spirit of prosperity and freedom. He is committed to defending our nation's principles, while at the same time working to ensure that his native Colombia remains the strongest democracy in Latin America.

I ask that you join me in honoring and thanking my good friend Fabio Andrade, a true leader who loves and values freedom and works so that others may enjoy it.

IOWA SAFE SCHOOLS LAW THREE YEAR ANNIVERSARY

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. BRALEY of Iowa. Madam Speaker, I rise today to celebrate the three year anniversary of the Iowa Safe Schools law. As an Iowan, I'm proud to say that my home state has a strong Safe Schools law which protects all students against prejudice. Iowa is the 10th state to pass such a law which was the extension of the Civil Rights law which protects LGBT school staff members from discrimination.

I also rise today to recognize my friend, former State Senator Mike Connelly. Senator Connelly has been a trusted advocate for policies related to education and youth in Iowa during his 30 years working as a legislator. Senator Connelly played an integral role in the passing of the Safe Schools law serving as the floor manager in the Iowa Senate for the passing of the bill. It was Senator Connelly who successfully challenged those who were initially opposed to the Safe Schools Law. His support helped persuade many Senators to switch their final vote from "no" to "yes."

I'm pleased to be celebrating the three year anniversary of the Iowa Safe Schools law. This law will protect students against discrimination for generations to come.

HONORING THE MILITARY SERVICE OF SERGEANT GLENN LATRONICO

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. LIPINSKI. Madam Speaker, I rise today to honor Sergeant Glenn Latronico of Oak Lawn, Illinois, who is returning home after a fifth tour of duty in the Middle East as an Army Ranger.

U.S. military forces currently rely on the sacrifice and dedication of volunteer soldiers. The freedom every one of us enjoys today depends on the choice made by hundreds of thousands of men and women to risk their own lives for the sake of others through military service.

But even among our dedicated soldiers, the service of certain individuals can rise far above and beyond the call of duty. Sergeant Latronico began his service six years ago with basic training at the age of 18, and proceeded to undergo additional rigorous requirements to become an Army Ranger. After basic training, Army Rangers must take part in Advanced Individual Training and obtain a Military Occupational Specialty; complete Airborne Training; and attend the Ranger Assessment and Selection Program. Not every soldier chooses or is able to fulfill these additional requirements. Sergeant Latronico's completion of this training alone places him among the elite in our military forces.

With his training completed, Sergeant Latronico took part in five tours of duty—two

in Iraq and three in Afghanistan. His steadfast service in the face of difficult conditions on the ground in these two countries exemplifies dedication, discipline, and unwavering resolve. I am proud to welcome such a committed soldier back home to my district. I ask you to join me in honoring his sacrifice, a reminder of the very best that our young servicemen and women can offer our great country.

HONORING FLYING TIGERS

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. KINGSTON. Madam Speaker, celebrating the 69th anniversary of the first combat action of the American Volunteer Group, AVG, and to recognize the contribution of the AVG and the 23rd Fighter Group "Flying Tigers" to America's victory in World War II.

Whereas the American Volunteer Group was formed by Lieutenant General Claire Chennault for the defense of China;

Whereas the American Volunteer Group was affectionately known as the Flying Tigers; Whereas the American Volunteer Group Flying Tigers saw their first combat over Yunnan Province in China on December 20th, 1941 shooting down nine enemy bombers;

Whereas the American Volunteer Group Flying Tigers faced a numerically superior enemy force, long logistics supply lines and poor infrastructure and despite those challenges ultimately destroyed 299 enemy aircraft and 153 probably destroyed, losing only 12 aircraft in combat;

Whereas the American Volunteer Group Flying Tigers were disbanded and the 23rd Fighter Group Flying Tigers were activated in their stead on July 4th, 1942;

Whereas the 23rd Fighter Group while facing similar challenges in the Chinese theater, nonetheless destroyed 621 enemy aircraft finishing as the third highest scoring Army Air Force's Fighter Group of World War II;

Whereas the current day 23rd Fighter Group and 23rd Wing continues the proud combat tradition of the American Volunteer Group seeing combat action in Vietnam, Desert Storm, Operation Allied Force, Operation Enduring Freedom and Operation Iraqi Freedom;

Resolved, that the United States Congress congratulates the Flying Tigers of the American Volunteer Group and the 23rd Fighter Group for their contribution to our nation's defense and celebrates the 69th anniversary of the first combat action by the Flying Tigers.

HONORING ARMY STAFF SERGEANT ERIC BYRON SHAW

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. MICHAUD. Madam Speaker, I rise today to recognize the accomplishments of Army Staff Sergeant Eric Byron Shaw of Exeter, ME who was killed while serving his country in Afghanistan.

Eric was well-loved by his community, family, and friends. He is remembered for his dedication to serving his nation, his generous spirit, and his devotion to his family. On June 23rd, Sergeant Shaw was killed in action on his third tour of duty in support of Operation Enduring Freedom. This loss is particularly painful as Shaw leaves behind a young family.

Known for his good nature, Shaw was a 1999 graduate of Dexter High School. After high school, he enrolled in the University of Southern Maine where he was a member of the Sigma Nu fraternity. As a history major with a minor in education, Shaw planned to pursue a career teaching history. His close friends remember him as a caring person willing to do volunteer work and participate in community activities.

Staff Sergeant Shaw was on his third tour of duty with the 327th Infantry, First Brigade Combat Team from Fort Campbell, Kentucky. During his service, he received many awards including the Army Commendation Medal with one Oak Leaf Cluster, the Iraq Campaign Medal, and the National Defense Service Ribbon. Sergeant Shaw will be receiving three awards posthumously, the Bronze Star, the Purple Heart and the NATO Medal.

In Maine, our communities are known for coming together during a crisis, and I know that everyone in the state stands together to support Eric's mother, wife and three children, although they do not live in the state. Eric is mourned by all as a true American hero and a defender of the freedom we all hold dear.

Madam Speaker, please join me in honoring the memory of Staff Sergeant Eric Byron Shaw for his patriotism and devotion to his community and his country.

RECOGNIZING THE WORK AND SERVICE OF ANA SOTORRIO

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to recognize Ana Sotorrio for her years of service to the residents of Miami-Dade County, as she retires this month.

During the last three decades, Ana has demonstrated extreme professionalism, loyalty and commitment to her work. She has proven to be an exceptional leader with the ability to work in a team, develop and maintain working relationships at the local, state, and federal levels and ensure that the goals and priorities of Miami-Dade County are met.

Ana joined the County Manager's office in 1974 and later moved on to Miami-Dade Aviation, where she has served with six Aviation Directors and has been instrumental in the growth and expansion of Miami International Airport.

For 22 years, Ana has been critical to the ongoing operation of the Miami-Dade Aviation Department. Through her leadership in developing the government and regulatory agenda she was successful in securing funding for vital projects at Miami International Airport, including \$100 million for a runway project, \$74

million for the federally mandated explosive detection systems, and approval of the ongoing \$6.3 billion Capital Improvement Program.

Ana is not just a leader at the Airport, but also an activist in the community, serving on numerous boards and associations including the Florida Airports Council, of which she recently served as President, the Greater Miami Chamber of Commerce, the Jay Malina International Trade Consortium and Leadership Miami.

Ana's work and dedication have directly impacted her colleagues, the residents of Miami-Dade County and the thousands who travel through South Florida each day, as well as those involved in the aviation community across the nation. She has been a steadfast leader with qualities that many, including myself, admire. She will be missed at the County, the Airport and even in Washington, DC, but I know that the positive impact left behind through her work will be felt for years.

I ask that you join me in recognizing Ana Sotorrio for her service, her activism and her commitment to working towards improving Miami-Dade County and the lives of others. I wish Ana the best in her future endeavors and on behalf of our community, I thank her for her years of service.

HONORING RICHARD "DICK" WILSON, SR.

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. BURTON of Indiana. Madam Speaker, I rise tonight to honor the life of Richard "Dick" Wilson, Sr., who recently lost his 21-month battle with brain cancer at the age of 78. Dick is survived by his wife Phyllis JoAn; two sons, Rick (and his wife Leslie), Indianapolis, Indiana—my long-time staffer and former District Director—Steve (and his wife Michelle), Overland Park, Kansas; a daughter, Patricia Geyling (and her husband Rolf), Santa Barbara, California; 12 grandchildren and four great-grandchildren.

Study after study has proven beyond a shadow of a doubt that fathers play an important role in teaching their children life lessons and preparing them to succeed in life. Although I did not know Dick Wilson, Sr. very well, I do know his son Rick extremely well. For a little over 15 years Rick Wilson served the people of Indiana's Fifth Congressional District with grace and skill; first as director of my mobile office and later as my District Director. And if the measure of a father is the quality of the children that he raises, then based upon what I know about his son Rick, Dick Wilson, Sr. was undoubtedly an exceptional man.

Richard "Dick" Wilson was born December 29, 1931, in Schenectady, NY. He graduated from Mount Pleasant High School in 1950 and attended the University of Kansas on a cross country and track scholarship. Dick was a member of the 1953 NCAA championship cross-country team—Kansas' only cross-country team to ever win a national championship—and part of the four-mile relay team that

broke the American record that same year. In 2008 he was inducted into the KU Athletics Hall of Fame.

After graduating from the University of Kansas, Dick Wilson served in the U.S. Army and U.S. Army Reserves from 1956 to 1968, achieving the rank of captain.

On July 15, 1956, he married Phyllis JoAn Fink. He and his wife raised three children, moving from Schenectady, NY, to Palatine, IL, and then to Indianapolis before settling in Lawrence in 1992.

Dick began his career in commercial underwriting in 1957; eventually serving with the Travelers Insurance Company for 35 years before he retired in 1992 in Lawrence.

In addition to working hard all of his life and raising a family, Dick Wilson was also a competitive Masters runner for more than 30 years; and was nationally ranked in the top 10 of his age group every year from 1985 to 2005—a remarkable 20 year streak. In fact, in 2003 Dick was ranked No. 2 in the nation and No. 4 in the World in his age group.

Twenty-one months ago though, Dick began the race for his life when he was diagnosed with cancer; a race he would ultimately lose. However, no matter the odds, Dick never gave up living life. Last year, after doctors removed 95 percent of a brain tumor, Dick ran in the Head for the Cure 5K—a race to support the Chris Anthony Tumor Research Fund at the M.D. Anderson Cancer Center in Houston. The race honors the late Chris Anthony, who died at the age of 37 from a brain tumor. When interviewed by the *Kansan*—the University of Kansas' Daily newspaper—about what running in the Chris Anthony meant to him, Dick said: "Maybe someday there will be a cure, and if there is, it can hopefully help my children and help my grandchildren."

Shakespeare once wrote: "All the world's a stage, and all the men and women merely players. They have their exits and entrances, and one man in his time plays many parts. . . ." Dick Wilson played his parts and played them well. May flights of angels sing him to his eternal rest.

Madam Speaker, I ask my colleagues to join me in sending condolences and best wishes to the Wilson Family in their time of need. God bless you.

INTRODUCTION OF RESOLUTION SUPPORTING THE GOALS AND IDEALS OF JUBILEE DAY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution supporting the goals and ideals of Jubilee Day, which is celebrated on October 6 of every year by the Fisk University community.

Just after the end of the Civil War, the Fisk School was founded in Nashville, Tennessee as an educational institute that would be open to all, regardless of race or age. However, just five years after its founding, the school faced dire economic struggles.

In an effort to save the University from closing, a group of students formed a choral group, the Fisk Jubilee Singers, with the goal of raising money to fund the institution. They took all of the funds in the university's treasury for travel expenses, hoping that the enormous risk would pay off.

Despite a few initial struggles, the Jubilee Singers eventually came to tour throughout the United States and Europe and raised enough funds to not only preserve the university but also to pay for the construction of Jubilee Hall, the first permanent structure built for the education of African-American students in the South.

The singers came to perform for such notable figures as William Lloyd Garrison, Wendell Phillips, Ulysses S. Grant, William Gladstone, Mark Twain, Johann Strauss, and Queen Victoria, and introduced the world to the spirituals of enslaved Africans as a musical genre.

Since its founding in 1866, Fisk has educated countless intellectual, artistic, and civic leaders, and has played a pivotal role in the advancement of education for African-American students. None of its accomplishments would have been possible without the talents and sacrifices of that first group of nine students.

To honor the hard work, perseverance, and accomplishments of the original Jubilee Singers and the continued success of the generations of Jubilee Singers who followed and continue to tour today, Fisk University celebrates Jubilee Day on October 6 of every year.

This year in particular, members of the Fisk community in Washington, DC, will come together for an event at the Capitol to celebrate Jubilee Day along with the Fisk community in Nashville.

Madam Speaker, as a proud alumnus of Fisk, I urge my colleagues to join me in this year's celebration of Jubilee Day by cosponsoring this resolution, and I urge its immediate consideration.